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SENATE—*Monday, June 15, 1970*

The Senate met at 12 noon and was called to order by the Honorable WILLIAM B. SPONG, JR., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of all power and might, the maker and ruler of men and nations, we thank Thee once more for all the hallowed memories and sacred sentiments which cluster about the flag.

O Lord, make the flag a sign of service and sacrifice, of justice and brotherhood, and of peace and good will to all people. Bless this Nation and make it a blessing to all mankind. Give us zeal to correct what is wrong, power to assert what is right, and wisdom to discern one from the other. In this hour of history unite our broken, separated, contentious people around this ensign of brotherhood and freedom. May the flag float in majestic silence, in times of stress and tranquillity, in war and in peace, in prosperity and adversity as a symbol of hope and peace for men everywhere. And may the Nation so represented ever remain a nation whose God is the Lord. In the name of the Great Redeemer. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 15, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on June 12, 1970, the President had approved and signed the act (S. 3339) to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD.

REPORT ON THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. SPONG) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith the annual report on the international educational and cultural exchange program conducted during the Fiscal Year 1969 under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256, the Fulbright-Hays Act).

This program, in Fiscal Year 1969, exchanged more than 6,500 teachers, scholars, students and distinguished leaders between the United States and 132 countries and territories. More than 2,000 of these were leaders, potential leaders and professionals from other lands who came to observe and study the United States, its people and institutions. Cumulatively, from 1949 through 1969, 132,380 United States and foreign grantees have been exchanged under this State Department program.

This exchange has directly contributed to the achievement of our foreign policy objectives. Observing and working with colleagues here on mutual problems, our visitors have established personal and institutional relationships which persist through the years. They have realized what they have in common with us, as well as our differences. Together with American grantees studying and teaching abroad, they have contributed greatly to the store of knowledge and understanding of our respective cultures, penetrating below the surface news and impressions of the mass media.

This report for the Fiscal Year 1969 educational and cultural exchange program is largely devoted to an aspect of the program too often overlooked—that is, the extraordinary extent to which it receives the cooperation and assistance, including financial assistance, from United States private groups, private individuals, private educational institutions and business corporations. This private cooperation not only indicates the high level of citizen interest in exchange but gives the program its essential character and effectiveness.

Perhaps in no other way have the Amercian people made so direct a contribution to our foreign policy objectives for the 1970s which I defined in my February 18 message to Congress.

I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *June 15, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executve session, the Acting President pro tempore (Mr. SPONG) laid before the Senate a message from the President of the United States submitting the nomination of George Beall, of Maryland, to be U.S. attorney for the district of Maryland, which was referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 12, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m., tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, after the disposition of the Journal, the distinguished senior Senator from Oregon (Mr. HATFIELD) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Oregon on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations in the Department of Health, Education, and Welfare, and the Department of the Treasury, only.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the executive calendar will be stated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The bill clerk proceeded to read sundry nominations in the Department of Health, Education, and Welfare.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc.

Mr. MANSFIELD. Mr. President, may I say, it is with extreme regret that I note that Under Secretary of State Elliot L. Richardson will be leaving his department.

It is with anticipation, though, that I look forward to his becoming the Secretary of Health, Education, and Welfare.

I regret his leaving the Department of State, because he has been a sound administrator. He has been effective and efficient as the strong right arm of Secretary of State William Rogers.

I express the hope that someone as competent and as effective will replace Mr. Richardson in that most important of all departments, the department which, incidentally, gets by on the very lowest budget of all.

Mr. JAVITS. Mr. President, I join the Senator from Montana in respect of Secretary Richardson, for whom I have great admiration and who has been drafted to a new post.

I join the majority leader in the expectation that someone at least of equal caliber will be appointed to succeed him.

Mr. AIKEN. Mr. President, I join the majority leader in expressing gratification that Elliot Richardson is to take over the very important job in Government of Secretary of Health, Education, and Welfare.

I express regret that he is leaving the State Department, and extend to Mr. Richardson both my congratulations and my sympathy.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF THE TREASURY

The bill clerk read the nomination of Samuel R. Pierce, Jr., of New York, to be General Counsel for the Department of the Treasury.

Mr. JAVITS. Mr. President, Samuel R. Pierce, Jr., is a very distinguished New York lawyer, who formerly served as a justice of the supreme court of New York State.

I have known Mr. Pierce literally since he went to law school, and have great admiration for him.

The State of New York should be congratulated on having produced such a valuable lawyer and I am very much pleased and gratified that he is being confirmed by the Senate for this high post in which I feel he will serve the Nation magnificently.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 928 and 929 only.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

TOURS OF DUTY IN HOSTILE FIRE AREAS

The bill (S. 3948) to amend sec. 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703(b) of title 10, United States Code, is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–927), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of this bill is to amend section 703(b) of title 10, United States Code, to extend until June 30, 1972, the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

BACKGROUND

This is a Department of Defense legislative recommendation, and urgent action is recommended by the Department since the existing temporary authority will expire on June 30, 1970.

Briefly, enactment of this legislation is necessary to enable the Department to continue its very successful program of persuading military personnel in Vietnam to voluntarily extend their tours of duty or reenlist in that area.

Since 1965 the normal tour of duty in Vietnam for military personnel has been 12 months. From the standpoint of stability and continuity, the 12-month tour is less than ideal. Nonetheless, we continue to believe that any involuntary increase in the tour length would be inequitable and would affect morale adversely. The tour length policy has been reviewed several times, and it remains our firm conviction that retention of the 12-month tour is essential to combat efficiency, health, and morale, and that, except for the most senior officers, any extension should be entirely voluntary.

Section 703(b) of title 10, United States Code, now provides for individuals committing their service for at least 6 additional months in a hostile fire area a net period of 30 days' leave, not chargeable to any other leave account, at a location selected by the individual with transportation at Government expense. Were it not for this legislation, any leave, including traveltime, granted under such a program would be chargeable to the individual's leave account. Additionally, transportation could be furnished only on a space-available basis.

The law was first enacted in 1966, by the 89th Congress, to be effective only in the case of members who extended their required tours of duty on or before June 30, 1968. In 1968 the 90th Congress amended the law to extend the terminal date 2 additional years. As it now stands, the law will expire June 30, 1970.

The acceptability of this legislation may be illustrated by the number of individuals assigned to Vietnam who have participated. For the period November 2, 1966, through

March 31, 1970, 5,303 officers and 162,883 enlisted personnel, an overall total of 168,186, had taken the special 30-day leave gained by voluntarily extending their Vietnam tour at least 6 months. For the past 2 years the number has averaged slightly more than 13,500 per quarter. These data continue to confirm the original belief that a number of dedicated individuals would volunteer to serve longer than the required period of service in Vietnam if the period could be broken into reasonable segments.

The cumulative effect of the longer in-country service of those who extend their tours of duty has some impact on the requirement for replacements and hence, results in some savings to offset the transportation costs. The relative value of continuing the authority, however, is not in monetary savings that might be achieved, but rather in effectiveness attained through the continuity of service in Vietnam of area-oriented, trained, experienced, motivated personnel.

FISCAL ASPECTS

Enactment of this proposal would not result in any increase in budgetary requirements for the Department of Defense.

Mr. KENNEDY subsequently said: Mr. President, I ask unanimous consent that the action of the Senate earlier today in passing S. 3948 be rescinded, and that the bill be restored to the calendar.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO

The bill (S. 1732) to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Craters of the Moon National Monument, which comprise about forty thousand seven hundred and eighty-five acres and which are depicted on a map entitled "Recommended Wilderness, Craters of the Moon National Monument, Idaho," numbered NM–CRA–9011 and dated August 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Sec. 2. (a) The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented and the applicable provisions of the Wilderness Act.

(b) Only those commercial services may be authorized and performed within the wilderness area designated by this Act as are necessary for activities which are proper for realizing the recreational or other wilderness purpose thereof. There shall be no permanent road therein and, except as necessary to meet minimum management requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment, or other form of mechanical transport, no structure or installation, and no landing of aircraft within the area designated as wilderness by this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–928), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 1732 is to designate 40,785 acres of the Craters of the Moon National Monument in Idaho as part of the national wilderness preservation system, pursuant to provisions of the Wilderness Act (Public Law 88–577).

BACKGROUND

Craters of the Moon National Monument was established in 1924 by proclamation No. 5694. It is located in Butte and Blaine Counties, Idaho, on the northern edge of the Snake River Lava Plain. It contains 53,545 acres, all federally owned. The monument is located principally in an area of public domain lands.

The national monument is noted for its volcanic geology and the stark and awesome character of the cinder cone studded lava plain. The Great Rift, a complex fracture zone running diagonally in a northwest-southeast direction across the monument, contains numerous lava flows, but is particularly dramatized by a series of cinder cones. The contrast between the rough bleak lava flows and the smooth gentle contours of the cones rising above them forms the character of the landscape.

Vegetation is sparse. The lava flows, destroying all plant life in their paths, present an inhospitable environment to plants on their barren surface. The succession of plant and animal communities that develop under these conditions demonstrate interesting aspects of ecological succession on volcanized areas.

Only rarely has a sizable island of vegetation escaped the devastation of lava and volcanic ash. Carey Kipuka, in the southwest corner of the monument and within the proposed wilderness, is such an island of comparatively undisturbed grassland. Preserved in relative isolation, it is of great scientific value in studies to determine the extent to which volcanic action has modified adjacent ecological conditions.

THE WILDERNESS PROPOSAL

Craters of the Moon National Monument contains a roadless area of 42,609 contiguous acres and was therefore subject to the review provisions of the Wilderness Act. Review was completed in 1966, and following a public hearing, the Interior Department recommended in 1968 to the President that a 40-785-acre roadless area be designated as wilderness. This recommendation was also made to the Congress. S. 1732 would establish as wilderness the area recommended earlier by the Executive communication of April 1, 1968.

The total acreage within the monument that is recommended for designation as wilderness is essentially the same as that initially proposed at the time of the public hearing. Additional study by the National Park Service and an analysis of the views received on the preliminary wilderness proposal resulted in a number of relatively minor adjustments. The recommended wilderness comprising approximately three-fourths of the land of the monument, is the result of careful studies. The area contains approximately half of the Great Rift, the major portions of the principal lava flows, the Carey Kipuka, Crescent, Coyote, and Fissure Buttes, and innumerable cones, craters, caves, and other phenomena characteristic of volcanic action.

No trails or structures exist in the area recommended for wilderness.

THE NEED

About 200,000 visitors now come to the monument each year. Facilities for them include a visitor center, a campground and picnic area, a motor nature trail, foot trails, and interpretive devices. The present campground will eventually be converted to a picnic area and a new campground will be built at the base of the Pioneer Mountains, outside of the primary geologic area. The present motor nature trail is to be extended as a one-way loop around Big Cinder Butte to permit better visitor access, and inter-costs contemplated by the enactment of the monument.

COST

There would be no increases in budgetary cost contemplated by the enactment of S. 1732.

QUESTION: WHAT WAS THE MOST SUCCESSFUL THIRD PARTY IN U.S. HISTORY? ANSWER: THE GOP—A THIRD PARTY MAY BE A REAL FORCE IN 1972

Mr. YOUNG of Ohio. Mr. President, opposition to this Nation's immoral undeclared war in Indochina is now widespread in this country. It was not always so. That it is so today is due in part to the conviction of a few U.S. Senators who refused to remain silent during the years from 1964, denouncing their own President and party leaders for sending hundreds of thousands of American combat ground forces to fight in Vietnam and involving our Nation in a civil war in the far away asiatic country, of no importance to the defense of the United States.

On March 1, 1966, there were only five Senators who voted to repeal the Gulf of Tonkin resolution concerning which President Johnson claimed authority to wage a major war in Southeast Asia without sanction of Congress. Those five were Senators Fulbright, Morse, Gruening, McCarthy, and myself. Those familiar with the political history of the United States will speak with admiration in years to come of the brave campaign waged by the senior Senator from Minnesota (Mr. McCarthy) who announced his candidacy for the Democratic nomination for President challenging President Lyndon Johnson, assailing the leaders of his party and the President of our Nation who was then regarded as a certain nominee for reelection.

Sensing the changing currents within the country, especially the growing disaffection of the young, he challenged the formidable power of an incumbent President of his own party. His was a lonely road of opposition against incredible odds, but he moved within the political system and he made it work. In so doing he forced Americans to reexamine not only the war but also the potential of their political systems. The net result of his campaign came when President Johnson to the surprise of many political leaders of both parties unexpectedly announced that he would not be a candi-

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date for reelection and would not accept a nomination.

The New York Times Magazine of June 7 contains an article written by our colleague the distinguished senior Senator from Minnesota (Mr. McCarthy) in which he analyzes the history of the third parties in our country and the possibilities of emergence of one or more in 1972.

Mr. President, this article written by our colleague is an interesting and provocative study of challenges which face the traditional two-party system of our Nation. I ask unanimous consent that this article which I believe will be of interest not only to our colleagues but to people generally be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Question: What Was the Most Successful Third Party in U.S. History? Answer: The GOP—A Third Party May Be a Real Force in 1972

(By Eugene J. McCarthy)

Washington.—It is not unlikely or unreasonable to believe that there will be a liberal third-party movement by 1972. Dissatisfaction with the two major parties is widespread. This dissatisfaction is not regional or sectional. It is not restricted to one economic or cultural group, but is based upon frustration and disappointment which has a historical base.

In the case of the Republican party it began in 1964 when many liberal or moderate Republicans, including Governor Rockefeller felt that their position was in no way recognized or represented in the party's choice of Senator Goldwater and refused to support his candidacy. The nomination of Richard Nixon in 1968 did not wholly allay their doubts about their party. This concern has been stirred by the increasingly evident Southern strategy of the Nixon Administration.

Many Democrats experienced similar frustration in 1968, when candidates and proposals of antiwater Democrats were rejected in Chicago, and delegates supporting those candidates and advocating change in policy were beaten and abused in the convention hall, in the Hilton Hotel, and on the streets in the city of Chicago.

One of the slogans of the Goldwater campaign of 1964 was "A choice not an echo." One of the cynical observations on the 1968 campaign was "Not a choice but two echoes." Reflecting this unhappiness over the lack of choice, many persons urged Governor Rockefeller to run. In some 25 states an effort was made to place my name on the ballot.

There are serious obstacles to a third-party movement in the United States.

Party loyalty is still a real force in United States politics. The older voters get the more they have voted for one party and the greater is their commitment to that party.

The campaign of George Wallace should have pleased older voters more than younger ones, since older people are more likely to be segregationists, to insist mechanically on "victory" in Vietnam, and to oppose demonstrations. Yet, despite the supposed affinity of older voters for Wallace's issues, Wallace attracted fewer voters among older people in 1968 than from among younger people. According to a University of Michigan study published in The American Political Science Review in December, 1969, among voters under age 30 outside the South, 13 per cent voted for Wallace. This percentage declined steadily with age until it reached 3 per cent for those over 70.

Even though George Wallace did not seem to have a special appeal for the young, he was able to draw larger portions of young voters than of older voters from the two major parties.

In addition to loyalty and commitment, there is a traditional argument for the two-party system. Throughout most of our history, political action has been centered in two major parties. The working of the two-party system has been a matter of some pride to us. We have been quick to assert that a two-party system makes democracy work, whereas a multiparty system, such as that in operation in some European countries and in most of the Latin-American countries, is not conducive to good democratic government.

The idea of the two-party democracy has been accepted, as Elihu Root observed, as the mark of political maturity and responsibility to the point where a challenge to such a system is looked upon as almost heretical. It may be a mark of maturity; on the other hand, the two-party system is showing signs of weakness.

Party loyalty is declining. More and more persons, when asked to give their party designation, are calling themselves independents. Many others, who still call themselves either Democrats or Republicans, do not have the kind of loyalty that once marked party membership.

A recent Harris poll of the general population showed that 19 per cent of American voters called themselves independents in February, 1970, as opposed to 17 per cent in November, 1968. While the numbers of independents have increased by only two percentage points in a year and a half, a breakdown of the poll does provide some indication of the possible constituency of a third party. From 1968 to 1970, independent sentiment in the East grew by nine percentage points—from 15 to 24 per cent. In the cities the increase has been eight points—from 16 per cent in 1968 to 24 per cent today.

Among low-income voters, independent strength has grown by five points—from 16 per cent to 21 per cent, although this increase tends to be offset somewhat by the drop in independent sentiment and a gain by the Republicans among those with not more than an eighth-grade education. Independent identification among those of high-school education has grown by five points—from 18 to 23 per cent; among Catholic voters it has grown by six points, and among Jewish voters by five points. These are, in my judgment, significant increases in the course of only a year and a half.

The electorate is growing younger. Nearly 48 per cent of the population has not yet reached the age of 26. Under the present voting-age limits, voters in this age group constitute 13 per cent of the electorate. If the voting age is lowered to 18 on a nationwide basis, voters under the age of 26 will constitute 20 per cent of the electorate.

In December, 1969, a Gallup poll among college students showed that 52 per cent considered themselves to be independents; in a similar poll in 1966, only 39 per cent indicated that they were independents. The younger voters who now consider themselves to be independents could substantially increase the constituency of a third party.

The theoretical argument for the two-party system is also subject to challenge. A two-party system may be a device that makes immature democracy work, but it is less necessary in a mature democracy; that is, one with more democratic procedures and a better informed and more responsible electorate. The two-party system can be defended only if the parties themselves are responsive to the needs of the country and if they give the people a choice and a voice on major issues affecting the country.

In fact, a coalition might result in better government. For example, had the choice of a President been thrown into the House of Representatives in 1968, the House could well have made as good a choice as that made by the less than a majority of voters who elected Richard Nixon. A formal and identifiable coalition in the House and Senate might work better than the floating coalitions which now mark the Congress.

The theoretical argument aside, the fact is that the two-party tradition is not as strong in the United States as it has been made out to be. It has been challenged regularly since the beginning of the American republic. In the election of 1796, for example, there were 13 candidates for the Presidency. Five were Federalists, three Democratic-Republicans, one Anti-Federalist, three Independent-Federalists, and one Independent.

Most of the political contests during the early decades of our national existence were among factions within the Democratic-Republican party. It was Andrew Jackson and his policies in the eighteen-thirties that stirred up criticism and brought about the showing of party opposition in what became the Whig coalition and set the stage for the splinter-party movements that followed.

After 1840, there were splinter parties in almost every election. Most are remembered for lost causes like free silver, greenbacks, the single tax, and the like. Some are credited with developing important policy positions on such things as monopolies, regulation of the railroads, and price supports for agriculture. In addition to their indirect influence, splinter parties have had more obvious and measurable success.

In 1848, Zachary Taylor, a Whig, won over Cass, a Democrat, while Van Buren, running on the Free-Soil ticket, drew 10.14 per cent of the vote. Thirteen Free-Soilers were elected to the House of Representatives, and two of their party were sent to the Senate. In the House, where neither the Whigs nor the Democrats held an absolute majority, the Free-Soilers held the balance of power in the next Congress.

By 1856, the Free-Soil movement has disintegrated and a new third-party—the Republican party—had been born. In that year, Buchanan, a Democrat with 45.3 per cent of the vote, defeated Frémont, a Republican who received 33 per cent, and also Fillmore, who ran as the American candidate and received 21.57 per cent of the vote.

The main issue of the Republicans was that of keeping slavery out of the territory then being opened for settlement. The Republican party also included all-out abolitionists, Free Soilers, Independent Democrats, Conscience Whigs, Know-Nothings, Barnburners, and Prohibitionists. But more important than the issues was the cultural cohesiveness of the party. The Republican party was then made up principally of "Yankees" in New England and in the states in the northern half of the United States to the west, the population of which at that time was made up principally of those who had moved from the New England states.

In 1860, within 10 years after it was founded, the Republican party, with only 39.8 per cent of the national popular vote, was able to win enough electoral votes to elect Lincoln as President of the United States. This was quick success for the new party, which went on to dominate the politics of the Midwestern states until well into the 20th century.

Not all third-party or splinter-party movements were as successful as was the Republican party. Between 1864 and 1936, the splinter-party vote, however, was a significant negative influence in Presidential elections. In those years Western states on the average cast 5 per cent of their votes for agrarian parties. During these years, nearly all the Western and many Midwestern states were delicately balanced between the two major parties that only three states—Republican Kansas and Democratic Arizona and

New Mexico—cast cumulative majorities for either major party. As these states switched from side to side, they generally switched together and helped choose many Presidents.

Third parties have also been successful in electing members of Congress. Since 1855, third parties have been represented in the Senate 85 times and in the House of Representatives 314 times. The high points of third-party representation were in the late eignteen-fifties and the early eighteen-sixties, when the American party, as a third party, in one Congress had 43 members of the House of Representatives. This was at a time when the total membership of the House was only 234. In the eighteen-nineties, the Populists had at one time 40 members of the House of Representatives and held from six to seven Senate seats.

The high point for third-party representation in the 20th century was in 1937 and 1938, when the House of Representatives had 13 members who were neither Republicans nor Democrats, and four Senators—a mixture of Progressives and Farmer-Laborites.

The record of third parties in Presidential politics in the 20th century is one of mixed success. The campaign of Teddy Roosevelt in 1912 was outside the usual context of a third-party movement; that is, it was not a real third-party effort. It was not regional. It was not based upon ideological differences within the Republican party, nor was it carried on as an educational program but simply sought victory for Theodore Roosevelt. Wilson was elected in 1912 with 41.8 per cent of the popular vote. But Theodore Roosevelt received 27.4 per cent of the national vote, which was a higher percentage than the regular Republican candidate received in that same year. He was credited or blamed for the outcome of that election.

Since the end of World War II, the only splinter parties that have been able to win electoral votes have been based in the South. In 1948, Senator Strom Thurmond's Dixiecrat party received 2.4 per cent of the vote and 39 electoral votes. In the same year, Henry Wallace, as the candidate of the Progressive party, also won 2.4 per cent of the vote but did not win any electoral votes. George Wallace, running in 1968 as an Independent, carried five Southern states, drew 13.4 per cent of the national popular vote, and gained 46 electoral votes. Wallace was strong enough to keep both Nixon and Humphrey from winning clear majorities in 25 states.

The third-party movement in New York, the Liberal party, is unique and indicates very little as to the national bearing of third parties. Its most recent credit was the election under its name of Mayor John Lindsay after he had been defeated in the Republican party primary. The national significance of this victory is not yet clear.

The strength of a third-party movement in 1972 will not depend very much on study of the history of third-party efforts in the 19th century or in the 20th century, or on reflections on the strength and weaknesses of a two-party system. It will depend principally upon these three things:

First, the issues or issue. If there is an issue in 1972 comparable to that of the war in 1968, and if neither the Democratic nor Republican party takes a clear position, it is almost certain that a third party of some strength and substance will emerge. The recent extension of the war into Cambodia without even vague treaty authority and the emergence of a Nixon theory of destroying sanctuaries and support-positions make it less likely that the Nixon Administration will have removed this issue by 1972. The hesitation and contradictions within the Democratic party at this time do not indicate that that party's position will be significantly changed from what it was in 1968.

Even without the emergence of a clear issue or position on issues, growing dissatisfaction with party processes themselves, with current political procedure and institutions could be expressed in a move to establish a new party which would provide for more open and more effective participation by those who are affected by political decision. It appears now that the Democratic party is not likely to do much about the reforms recommended at the convention and also by the McGovern Commission on Party Structure and Delegate Selection. The Republican party is not even talking about procedural reform.

The third is the unpredictable and uncertain factor of the personalities of those who may lead a movement.

These reasons taken altogether—dissatisfaction with the major parties, growth of the independent attitude in politics, a younger electorate, concern over party procedures, the measureable and evident success of the Wallace movement and of liberal or independent candidates in city elections, rejection of old ideas about the virtue of a two-party system—make a third party not only possible, but potentially a real force in determining the outcome of the election in 1972.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. Spong):

H.R. 2012. An act to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson;

H.R. 9854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairier project, Idaho, and for other purposes;

H.R. 12860. An act to establish the Ford's Theatre National Site, and for other purposes; and

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. Spong) laid before the Senate the following letters, which were referred as indicated:

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Improved Guidance Needed For Relocating Railroad Facilities at Water Resources Projects, Corps of Engineers (Civil Functions), Department of the Army, dated June 12, 1970 (with an accompanying report); to the Committee on Government Operations.

Report on Equipment Titled in Nonprofit Educational Institutions and Other Nonprofit Organizations

A letter from the General Manager, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report on equipment titled in nonprofit educational institutions and other nonprofit organizations, for the calendar year 1969 (with an accompanying report); to the Committee on Government Operations.

Report of the Librarian of Congress

A letter from the Librarian of Congress, Washington, D.C., transmitting, pursuant to law, a report on the Library of Congress, including the Copyright Office, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the **ACTING PRESIDENT** pro tempore (Mr. Spong):

A concurrent resolution of the General Assembly of the State of Iowa; to the Committee on Foreign Relations:

"House Concurrent Resolution 135

"Whereas, approximately 1,350 American servicemen, including four Iowans who are known to be prisoners in North Vietnam; and

"Whereas, twenty to thirty Iowans who are reported missing and may be held as prisoners in North Vietnam; and

"Whereas, the government of North Vietnam has refused to release the names of all the prisoners it holds; and

"Whereas, some of these American prisoners have been held captive for as long as five years; and

"Whereas, the government of North Vietnam acceded to the Geneva Convention on June 28, 1957, the government of South Vietnam acceded to the Convention on November 14, 1953, and the government of the United States acceded to the Convention on August 2, 1955; and

"Whereas, the government of the United States and the government of South Vietnam have continuously honored the requirements of the Geneva Convention; and

Whereas, no pretense of compliance has been advanced by the government of North Vietnam or the National Liberation Front despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

"Whereas, the provisions of the Geneva Convention require that every prisoner of war be enabled to write to his family; that every prisoner remain in communication with his family and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner; that every prisoner has the right to receive mail and packages; that minimum humane standards of detention, hygiene, diet, recreation, and employment be complied with; that the detaining power accept a neutral party to the conflict or a respected international organization, such as the International Committee of the Red Cross, as a protecting power for the prisoners; that seriously injured or ill prisoners be repatri-

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ated as soon as they are able to travel; and that the detaining power provide the names of the prisoners it holds to families as well as to the protecting power, or the Red Cross, to pass on to their country of origin; now therefore,

"Be it resolved by the House, the Senate concurring, That the General Assembly of the State of Iowa urges the General Assembly of the United Nations to intercede on behalf of the American servicemen being held as prisoners of war by North Vietnam and the National Liberation Front by insuring that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, are complied with by North Vietnam and the National Liberation Front.

"Be it further resolved, That copies of this Resolution be transmitted to the Secretary General of the United Nations, to each of the 124 delegates to the United Nations representing the 124 member nations, the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and to each member of the Congress from the State of Iowa.

"We, William H. Harbor, Speaker of the House of Iowa, and Roger W. Jepsen, President of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Sixty-third General Assembly, Second Session.

"WILLIAM H. HARBOR,
"Speaker of the House.
"President of the Senate."
"ROGER W. JEPSEN,

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolution memorializing the Congress of the United States not to enact legislation removing statutory authority for the existence of the Selected Reserve of the Coast Guard

"*Whereas,* The President of the United States, in his Budget message to the Congress for fiscal year 1971, has requested funds sufficient only to phase out the Selected Reserve of the Coast Guard; and

"*Whereas,* The President has forwarded legislation to the Congress of the United States which would, if enacted, specifically remove statutory authority for the existence of the Selected Reserve of the Coast Guard; and

"*Whereas,* The Coast Guard Reserve has, since its establishment during World War II, contributed greatly to the defense effort of the nation, particularly in its military preparedness for the protection of its ports; therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States not to enact legislation that would remove the statutory authority for the existence of the Selected Reserve of the Coast Guard; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from this Commonwealth.

"House of Representatives, adopted, May 27, 1970.

"WALLACE C. MILLS,
"Clerk.

"Attest:

"JOHN F. X. DAVOREN,
"Secretary of the Commonwealth."

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE:

S. 3961. A bill to make permanent the authority of the Commodity Credit Corporation to transfer dairy products to military and veterans hospitals, and to make permanent the dairy farmer indemnity payment program; to the Committee on Agriculture and Forestry.

(The remarks of Mr. DOLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. METCALF:

S. 3962. A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes; to the Committee on Commerce.

S. 3963. A bill to eliminate the 50-percent fraud penalty against an innocent spouse and to relieve an innocent spouse of the tax liability for stolen or embezzled funds; to the Committee on Finance.

By Mr. JAVITS (for himself and Mr. DOLE):

S. 3964. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Relations.

(The remarks of Mr. JAVITS when he introduced the bill and the remarks of Mr. DOLE and Mr. SPONG appear later in the RECORD under the appropriate heading.)

By Mr. GORE:

S. 3965. A bill to provide for the establishment of a National Consumers Advisory Board, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CASE:

S. 3966. A bill to prohibit the use of certain park and recreational lands for public work projects unless such land so utilized are replaced by lands of a like kind; to the Committee on Interior and Insular Affairs.

By Mr. BAKER (for himself, Mr. ALLEN, Mr. COOK, Mr. EASTLAND, Mr. GORE, Mr. SPARKMAN, and Mr. STENNIS):

S. 3967. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; to the Committee on Public Works.

(The remarks of Mr. BAKER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. AIKEN:

S.J. Res. 212. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

S. 3961—INTRODUCTION OF A BILL TO MAKE PERMANENT CERTAIN DAIRY PROGRAMS

Mr. DOLE. Mr. President, the dairy industry of the United States is faced with the expiration of important legislation very shortly. Section 202 of the Agricultural Act of 1949 provides for dairy products to be transferred from the Commodity Credit Corporation to military and veterans' hospitals. The authority for this program expires December 31, 1970. It is important that this authority be continued to insure the fullest utilization of this commodity in these hospitals.

Another pressing need for the dairy industry, however, is the continuance of the program providing indemnity payments to dairy farmers when the milk from their herds is contaminated by pesticide residue. This provides for a payment to the dairy farmer until the accidental contamination is eliminated from the milk. These payments amounted to $300,000 in 1969, and the Department of Agriculture estimates the cost for 1970 to be $200,000. The amount paid for this indemnity is testimony to the improvement the dairy farmers are making in the care and handling of pesticides, so as not to contaminate their production. The payments are specified to be no more than a producer would have received if he had produced and marketed a quantity of milk equal to his normal marketings.

With the considerable investment that each dairy farmer has in his equipment and herd and his dependence upon this daily production, this protection from some unforeseen contamination is certainly a valuable and reassuring law that should be continued.

Mr. President, I introduce, for appropriate reference, a bill that would make both the veterans' and military hospital milk program and the dairy indemnity payment programs permanent by repealing the expiration sections of each law.

The ACTING PRESIDENT pro tempore (Mr. SPONG). The bill will be received and appropriately referred.

The bill (S. 3961) to make permanent the authority of the Commodity Credit Corporation to transfer dairy products to military and veterans' hospitals, and to make permanent the dairy farmer indemnity payment program, introduced by Mr. DOLE, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 3964—INTRODUCTION OF A BILL TO ESTABLISH RULES RESPECTING MILITARY HOSTILITIES IN THE ABSENCE OF A DECLARATION OF WAR

Mr. JAVITS. Mr. President, the attention of the Senate has been focused on measures which would invoke the appropriations powers of the Congress to limit the exercise of discretionary authority by the President as Commander in Chief with respect to the ongoing hostilities in Indochina. But, the broader issue before the Senate and the Nation is the reassertion of the war powers of the Congress expressly reserved to it in article I, section 8 of the Constitution, as follows:

> To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years
>
> Provide for the common defense
>
> To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water
>
> To provide and maintain a navy

> To make rules for the government and regulation of the land and naval forces
>
> To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions
>
> To provide for organizing, arming and disciplining the militia and for governing such part of them as may be employed in the service of the United States.
>
> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof

Once war is declared, the war powers of the Nation are shared by the Congress with the President. The Constitution gives the policy powers to the Congress and the executive powers to the President as Commander in Chief. But, in the mid-20th century the Congress has tended to default on the exercise of its policy powers in the warmaking field. At the same time during the last several decades, the energetic and imaginative exercise of the Commander in Chief's executive authority has created the illusion of a shift of the war powers from the Congress to the President. Legally the constitutional powers of the Congress and the President have not been, and cannot be, shifted in such fashion. Yet, an undeniable imbalance in the exercise of the respective war powers of the Congress and the President relating to war does presently exist in practice.

What needs urgently to be defined is how the Congress is to exercise its policymaking powers with respect to war which are explicitly reserved to it in the Constitution in consonance with the President's executive or command authority as Commander in Chief. The Constitution defines the executive capacity of the President to "take care that the laws be faithfully executed." The President certainly enjoys certain discretionary authority; but it is the discretionary authority of an executive. He does not have discretionary authority with respect to warmaking in a policy sense. This is a power granted to the Congress under the system of checks and balances in the Constitution.

In my judgment, the way for the Congress to proceed is to exercise its own countervailing policymaking powers related to the question of declaring war. Only when the question becomes one of limiting the President's exercise of his powers as Commander in Chief—as now in Vietnam and Cambodia—should the Congress act through its appropriations powers.

The nub of the issue before the Senate concerns the power of the President to initiate military hostilities by the Armed Forces of the United States in the absence of a declaration of war by Congress. This issue has been forced upon us by the Vietnam war and, more immediately, by the President's action in Cambodia.

The erosion, nearly to the point of atrophy, of the power of Congress to declare war was caused by a lack of ingenuity and imagination by the Congress in adapting the exercise of its declaration-of-war power to evolving historical circumstances.

History has demonstrated that there are situations in which military hostilities must be initiated by the Armed Forces in the absence of a declaration of war. Such cases arise in circumstances which require combat actions but which are not sufficiently serious—or in which contemporary conditions are undesirable—to enact a declaration of war. Moreover, it has long been recognized that there are circumstances in which there is not sufficient time—or room for movement—for a congressional declaration of war before military hostilities must be undertaken.

In the earliest days of the Republic, the United States became involved in military hostilities short of declared war—that is, the naval war against France in 1798–1800 and President Jefferson's actions against the Barbary Pirates beginning in 1801. In the Eliza case arising out the undeclared naval war with France, the Supreme Court noted:

> Hostilities may subsist between two nations, more confined in its nature and extent; being limited as to places, persons and things.

Throughout the 19th and early 20th centuries a body of precedents developed concerning limited hostilities in the absence of a congressional declaration of war. These were developed on an ad hoc basis, evolving essentially out of the case-by-case exercise of the discretionary executive authority of the President as Commander in Chief.

The Congress has done little or nothing to adapt its declaration-of-war power, or its other constitutionally specified war powers, to meet the circumstances which evolved from historical experience. However, our Presidents have shown great vigor and ingenuity in adapting and expanding the Commander in Chief powers to deal with undeclared war hostilities. The process of the abdication of congressional power and unilateral expansion of Presidential power in warmaking has now reached dangerous limits which could undermine the generally effective system of checks and balances underpinning our whole constitutional system of government.

It has reached the point where any effort simply to check the expansion of Presidential power is regarded by some defenders of the Presidency as an encroachment on the Office of the President. Many advocates of Presidential prerogative in the field of war and foreign policy seem at times to be arguing that the President's powers as Commander in Chief are what the President alone defines them to be.

What is most needed, is new legislation originating in the Congress which will codify the rules and procedures to be followed in circumstances where military hostilities may be initiated by the Commander in Chief in the absence of a congressional declaration of war.

I am introducing a bill today to accomplish this.

The constitutional duty and prerogative of the Congress to pass such a bill is inherent in its specified war powers in article 1, section 8, including the power to declare war, and is explicit in the constitutional powers of Congress cited above.

The National Security Act of 1947 is a recent and comprehensive exercise of the constitutional responsibility of Congress "to provide for the common defense" and "to make rules for the Government and regulation of the land and naval forces." It is policy legislation analogous to the legislation I have introduced. In the purposes clause of that act the following statement appears:

> In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security.

In addition to the comprehensive exercise of its policymaking war powers embodied in the National Security Act, there have been other instances of the congressional exercise of its war powers, other than by declaration of war. I wish to cite two such instances which—as with the National Security Act—have not been challenged, to my knowledge:

First. The Neutrality Act of 1935—Senate Joint Resolution 173, August 31, 1935:

> Providing for the prohibition of the export of arms, ammunition and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war.

Second. The Selective Service Act of 1940, which placed restrictions on the deployment of U.S. forces. Specifically, it stated:

> (e) Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States including the Philippine Islands.

In summary, Congress has the authority, and the precedents, for asserting its powers to declare war—which must include the power to undeclare it—as specified in article I, section 8 of the Constitution. These powers of Congress are policymaking powers as to war; they are to be executed by the President as Commander in Chief. Historical circumstances are now such that the Congress must act to define its own powers under the Constitution.

Because the Congress has not, heretofore, established rules for the initiation or continuance of military hostilities by the Armed Forces in the absence of a declaration of war, it has fallen upon the Commander in Chief to exercise his Executive discretion on an ad hoc, case-by-case basis. This in its cumulative effect over the years, has led now to great confusion and dissension within the Nation, and has given rise to an anomalous and doubtful legal and constitutional situation in the eyes of millions of Americans.

I urge the Senate to correct this situation by enacting the legislation I have introduced today. It makes full provision for the initiation of military hostilities in the absence of declared war in the four categories which have evolved from historic practice. It gives full scope to the discretionary authority of the President in his executive capacity as Commander in Chief. But finally, and most important, this bill asserts congressional responsibility related to declaring war as enjoined by the Constitution and as expected and demanded by the Nation.

I introduce a bill, which requires signature by the President, to make rules respecting military hostilities in the absence of a declaration of war, and ask that it be appropriately referred; and I ask unanimous consent that it be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. SPONG). The bill will be received and appropriately referred; and without objection, the bill will be printed in the RECORD.

The bill (S. 3964) to make rules respecting military hostilities in the absence of a declaration of war, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That use of the Armed Forces of the United States in military hostilities in the absence of a declaration of war be governed by the following rules, to be executed by the President as Commander in Chief:

(a) The Armed Forces of the United States, under the President as Commander in Chief, may act—

(1) To repulse a sudden attack against the United States, its territories and possessions;

(2) To repulse an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

(3) To protect the lives and property, as may be required, of United States nationals abroad;

(4) To comply with a national commitment resulting exclusively from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment, where immediate military hostilities by the Armed Forces of the United States are required.

(b) The initiation of military hostilities under circumstances described in paragraph (a), in the absence of a declaration of war, shall be reported promptly to the Congress by the President as Commander in Chief, together with a full account of the circumstances under which such military hostilities were initiated.

(c) Such military hostilities, in the absence of a declaration of war, may not be sustained beyond thirty days from the day they were initiated, unless affirmative legislative action is taken by the Congress to sustain such actions beyond thirty days.

(d) Authorization to sustain military hostilities in the absence of a declaration of war, as specified in paragraph (a) of this section may be terminated prior to the thirty day period specified in paragraph (c) of this section by joint resolution of Congress.

SEC. 2. (a) Any bill or resolution, authorizing continuance of military hostilities under paragraph (c) (section 1) of this Act, or of termination under paragraph (d) (section 1) shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays; and any such bill or resolution referred to a committee after having passed one House of Congress shall be considered reported from such committee within one day after it is referred to such committee, unless the Members of the House referring it to committee shall otherwise determine by yeas and nays.

(b) Any bill or resolution reported pursuant to subsection (a) of section 2 shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 3. This Act shall not apply to military hostilities already undertaken before the effective date of this Act.

Mr. JAVITS. Mr. President, under this measure, Congress would specify the four classic cases in which the President, for a limited period of time—and these are cases sanctioned by historical experience and by international practice—may use the Armed Forces of the United States in military hostilities in the absence of a declaration of war. They are as follows:

First. To repulse a sudden attack against the United States, its territories and possessions;

Second. To repulse an attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory;

Third. To protect the lives and property, as may be required, of U.S. nationals abroad;

Fourth. To comply with a national commitment affirmatively undertaken by Congress and the President.

Under my bill, even the 30-day period may be shortened by joint resolution of Congress.

Also, the bill contains provisions enabling action to take place in Congress within 30 days, and avoiding the danger of extended debate or filibuster characteristic of what we quite often do in the Senate.

The bill provides that such military hostilities, in the absence of a declaration of war, may not be sustained beyond 30 days from the day they were initiated, "unless affirmative legislative action is taken by the Congress to sustain such actions beyond 30 days."

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOLE. I applaud the Senator from New York for his efforts to clarify an area which, in my opinion, has been largely responsible for the lengthy debate on the Church-Cooper resolution. The debate has indicated, if anything, that here is an area that needs clarification.

I have commented on the historical precedents as has the Senator from New York this morning. It appears to me that there are areas where the President has clear authority, and other areas where the role of Congress is clearly indicated; but there is this clear middle area to which the Senator from New York has addressed himself today, which needs the attention of Congress. I would hope that the efforts of the Senator from New York will be welcomed by other Senators, by the other body, and by the executive branch.

Mr. JAVITS. Mr. President, I am grateful to my colleague. I read word for word what I considered to be a most impressive speech—though I disagreed with the Senator's conclusion on the Church-Cooper amendment—which he made on this subject on June 9, and in which he analyzed the precedents in an admirable way. The tremendous job of research and the very fair judgments the Senator from Kansas made were most helpful for me to consult in the final preparation of this bill.

For example, the Senator himself called the area in question "this most nebulous and ill-defined of all areas of the law," in reference to this particular situation. One of my assistants remarked that his speech might have been my own introductory speech for this bill.

I have intentionally omitted any reference in my bill to hostilities in Vietnam or Cambodia, for the following reasons: First, I did not wish in any way to short-circuit or divert attention from the resolutions which various of my colleagues have offered, including Church-Cooper, McGovern-Hatfield-Goodell, and my own and that of Senator MATHIAS to terminate the Gulf of Tonkin resolution.

Second, I have felt that this Vietnam-Cambodian war, under President Nixon, occupies what we lawyers call a sui generis legal position. It is a matter which is going to be determined on its own, without really establishing a precedent.

This is a situation in which we gave an authority similar to the one called for in my bill, if hostilities are to be continued beyond 30 days, in the Gulf of Tonkin resolution in 1964.

I agree with the Senator from Kansas that the idea that you have to have a declaration of war is out of date, and it brings into action too many aspects of other treaties, international law, and so forth, for the health of our country. War is not going to be fought that way. Moreover in some case there probably will not be enough time to do it that way.

When President Nixon came into office, he found an ongoing situation. If we expect him to liquidate that situation—and he says he is—then he has full executive capacity as Commander in Chief to do so.

I do believe that there should be a given point by which this should be accomplished—perhaps the Senator from Kansas and others do not agree. But, that is a question which will be determined in its own terms on the issue of the Vietnam war.

If we enact the legislation as proposed, it need not be the precedent for we will have a clear code and procedure for the future. Those of us who are on the Church-Cooper side and the McGovern-Hatfield-Goodell side argue that the only way we can deal with the President's power as Commander in Chief in respect of the ongoing Vietnam war is through the appropriations power. Everybody agrees—we agree; I agree, certainly—that this is an undesirable method, because you always could be up against the hard rock of denying support to the troops in the field by order of the Nation if you do it through an appropriations cutoff.

The PRESIDING OFFICER (Mr. MANSFIELD). The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. This is a real problem, and we are trying to deal with it. All the more reason for legislation of this character, as the capstone of the edifice we are seeking now to erect, which will house the warmaking powers of the President and Congress and make them consistent.

I would like to advance the view that, to me, one of the most desirable things that could result from our debates on the Vietnam war is a joint sharing by Congress and the President of the responsibility for its termination. Once we get out of Vietnam, events there may be of a character as to make us want to have a shared responsibility, rather than the President or we alone—although we hope and pray that will not happen—in terms of the national feeling of the people of the United States.

I am grateful to my colleague for his intercession, and I pay my tribute to the comprehensive analysis he made on June 9.

Mr. President, I wish to note the relevance of my bill to the various security treaties and mutual defense treaties, including the NATO Treaty, of the United States. Invariably, these treaties become operative and can be implemented by the use of armed force, according to "the constitutional process of the United States." I think that is practically an exact quotation.

By my bill, we will have settled the division of those constitutional processes. That is an internal matter. In my judgement, it has no negative relation to, or effect upon, the obligations undertaken by the United States to use military force in given situations subject to "constitutional processes." We would be defending the constitutional processes which are specified.

I am very hopeful that there will be an opportunity for hearings on this question before the Committee on Foreign Relations very shortly. The committee, about 10 days ago, adopted a resolution providing that the committee initiate an inquiry into the division of constitutional authority between Congress and the President respecting the military operations amounting to an exercise of the power to make war. Under that resolution, I feel that we have the full authority and will now move into the hearing stage of this matter.

Mr. President, I conclude as follows: It has been said, quite properly, that those who would not profit by experience are sentenced to relieve it. If there is one thing we should have been taught by the dissension we have endured and the division of our country and the terrible turmoil, division, and danger to our constitutional republic, it is the essentiality that Congress effectively exercise its warmaking power. It cannot avoid further the responsibility, as it has for 3 decades. Under my bill, the President and Congress would have to face it, and at the end of 30 days there would be no authority for the Commander in Chief to persist unless Congress acted de novo to sustain what he had initiated under one of the four categories specified.

I hope very much that scholars, some of whom I have already consulted, may apply their minds to this problem. This is a solution, perhaps not the solution. I hope very much that it will provoke thought and ultimate action on the part of Congress and the President.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SPONG. First, Mr. President, I ask unanimous consent that the time of the Senator from New York be extended for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. I commend the Senator from New York for the introduction of this measure. I have not had the opportunity to examine the specifics of the proposed legislation, but I agree, particularly in view of the debate that has taken place in the last few weeks, that this is a subject to which Congress should address itself. I look forward to the hearings. I hope they will take place at an early date.

In the course of debate on the Cooper-Church amendment, I believe the distinguished Senator from North Carolina (Mr. ERVIN) has referred to law review articles on this subject which have been written in the past few years. The Senator from New York has consulted scholars. I hope the committee and those who will consider proposed legislation of this nature will have the benefit of the thoughts which have already been spelled out in two very distinguished articles of which I know, one in 81 Harvard Law Review—1968—and another in 55 Virginia Law Review.

Again I commend the Senator for the introduction of this measure.

Mr. JAVITS. I thank my colleague. I can assure him that every bit of research which can be done will be done and that every pertinent opinion will be advanced to Congress. I have circulated this document to deans of law schools, and I have opinions from some. I will welcome the participation of other Members, either in cosponsoring this bill, or in other ways, in order to bring this matter to a crystallized position. Certainly, it has now been demonstrated that there is no more urgent issue before us, in terms of dividing our country.

I think, too, that this would be a very healthy thing for the young people who are so deeply concerned about the American constitutional process. This is an effort to deal with that process in a creative way. I must pay my tribute to the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Vermont (Mr. AIKEN), and the other members of our committee who thought enough of the need for getting into this matter to determine that we would hold hearings quite soon about it.

I am very grateful to my colleague.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOLE. Because of the overriding importance of the subject matter contained in the bill introduced by the Senator from New York, and because of the urgency of some measure, or at least additional discussion, I would be pleased to join as a cosponsor of the bill.

I believe that every Member of the Senate shares the same objective—that is, to determine some way to more clearly define the President's powers vis-a-vis the powers of Congress. To me, the bill offered by the Senator from New York provides a vehicle, and it could be most helpful not only to Congress but also to the executive branch and, as the Senator from New York has said, to many others in America who have grave doubts and grave concerns and grave questions.

If it is satisfactory, I would be pleased to join the Senator as a cosponsor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. The Senator flatters me greatly.

Mr. President, I ask unanimous consent that at the next printing of the bill the name of the Senator from Kansas be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I also extend to any other Member an invitation to cosponsor. Very often I seek cosponsors. I did not in this case because, in the first instance, I wanted to be able to explain it and stand behind my explanations to the fullest extent. I thought it would be much less complicated that way, so that if Senators felt, because of the way I had explained it and after looking carefully at the thesis, that they wished to join as cosponsors, I would be very much pleased to have them. There always is the understanding that it would be cricket if cosponsors or others offered susequently any perfections or modifications they felt they desired to.

I hope very much that we are really embarking upon a highly creative effort.

S. 3965—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL CONSUMERS' ADVISORY BOARD

INFLATION DISASTER OR EFFECTIVE ACTION

Mr. GORE. Mr. President, when the British Army under Cornwallis marched out to surrender at Yorktown, thus ending for all practical purposes the War of the American Revolution, the band played "The World Turned Upside Down." Truly, in that time of testing, whether one were British or American, Tory or Patriot, French or Indian, the world must have seemed topsy-turvy.

Today, the Nixon administration is busily engaged in turning our economic world upside down, threatening to destroy it. The Government itself, having

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gained a pinnacle of utter confusion, either for want of understanding or for want of will to act, is busying itself in economic carnage.

Corrective action is imperative; action must be taken, and soon.

We are now in the grip of a most persistent inflation. The cost of living is at an historic high and continues upward. Consumer prices, as measured by the Department of Labor's index, have risen by about one-third since 1960. But the alarming aspect of this phenomenon is that, whereas during the first 8 years of the 1960's the price index went up by relatively small amounts each year—about 2 points on the average—that same index is now surging upward at the rate of some 8 points annually. From April 1969 to April 1970, the index went from 126.4 to 134.0. A glance at the wholesale price index shows the same frightening pattern.

Is it any wonder, then, that protests are heard from all segments of our society? Is it any wonder that millions of responsible salaried and wage-earning employees join in demanding increased incomes? The elderly and retired—all those on fixed incomes—have already been boa-constricted almost beyond the point of protest. The fears and frustrations of those requiring added income will hardly be allayed by experts' admonitions that increased wages add to inflationary pressures and are thus self-defeating.

Some have come to feel that a little inflation might be a good thing. At least, we have been willing to pay the price of a little inflation if it bought an expanding economy, full employment, a proper distribution of the fruits of our national production through appropriate wages and salaries, profits, interest income, and the like.

But what do we have under the present Nixonomic formula? We must pay the horrendous price of a runaway inflation. But even this is not buying a full employment economy, or a proper distribution of goods and services. In the upside down Nixonomic world, unemployment, prices, interest rates go up and up while profits, production, and real spendable income go down and down.

More than 4 million of our people are out of jobs, vainly looking for work. This is 5 percent of the labor force—and the situation is growing worse. Yet, Mr. President, President Nixon but alternately wrings and sits on his hands.

Factory production is falling monthly, and is now some 3 points below last year's level. We are losing $45 billion per year in production of goods and services badly needed for housing and health, for cleaning up our environment.

Yet, Mr. President, the disciplines of laissez-faire government do nothing but talk about rounding another corner. The only visible signs of increased activity are in the money markets. Here the fruits of the hands-off policy is disaster. Interest rates are already so high they are stagnating all credit-based economic operations except for some big businesses having ready access to such funds as are available. Our credit-based economy cannot stand this very much longer without suffering a collapse.

The only agency in our entire Nation equipped to act in this emergency to put things to rights is the Federal Government, but the head of our Government, President Nixon, has adopted policies essentially passive and negative. The only activist element in his policies is directed toward efforts to deepen the recession in which we now, unhappily, find ourselves. President Nixon, taking the advice of out-of-date theorists, has diagnosed our malady as calling for malnutrition to make the economy become robust. It is like prescribing a principle of 19th century medicine to go with 19th century Republican economics—fasten the leeches of high interest rates to the economic body, and when the economy has thus been bled white economic health will somehow, and most miraculously, be restored. This medical procedure was abandoned long ago, but this typifies the antidated economics with which we are plagued.

Mr. President, today and for the succeeding 3 days this week I shall address the Senate on various aspects of our sick economy and the sorry job the Nixon administration has done and the urgent need for action.

Today I shall emphasize inflation, its effects, causes, and cures. Today I shall advance one specific proposal to do something about inflation—something which would reinforce presidential leadership, assuming that this essential leadership will eventually materialize, and something which can partially make up for that presidential leadership we are not now getting, the moral suasion which is not being used, the prestige of the Presidency which ought to be, which is not being, placed on the line.

I have spoken many times on the state of our economy. And I have tried to take a balanced view. I have disagreed with some specific actions—or inactions—when the White House was occupied by a Democrat as when a Republican happened to be there.

I do not in any way seek to minimize the difficulties inherited by President Nixon. But, Mr. President, inheritance of problems is no excuse for inaction. The world turns, and action to correct imbalances must be taken daily. President Nixon has not acted to correct those problems he inherited—he has only created more problems. Indeed, inaction creates doubt when confidence is badly needed.

The Government of the United States must have definite economic objectives. I think these can fairly be stated.

First, a rate of economic growth sufficient to meet the requirements of national security and to provide full employment for our people.

Second, the maximum practicable degree of price stabilization and overall inflation control.

Third, efficient and equitable distribution of goods, income, and wealth.

These goals can be achieved, but not without careful planning and determined action. Some out-of-date politicians still prate against planned economy. We must plan and act for the achievement, for the achievement not of just one, but of all these goals. Too much emphasis on one will unbalance, rather than balance, the economy; will tend to defeat, rather than achieve, the necessary goals.

Control of inflation is one of our necessary goals—but only one. It requires immediate attention and action, but not that which will obscure the others and tend to defeat them or create more imbalance and hardship.

During the sometimes dreary days of the Eisenhower administration, some seemed obsessed with the idea that if we could but contain inflation, through tight money and higher interest rates for the most part, all other economic objectives would automatically fall into place. We saw that this did not work. We suffered repeated recessions and economic growth was retarded. Little progress was made—in fact, I think there was retrogression—in improving equitable distribution of income and wealth. Senators will recall the reliance placed on tight money and high interest rates in those days.

President Nixon has served up the slightly warmed leftovers from those George Humphrey recipes that were far outdated even in the 1950's.

Proper fiscal policies is one proper means of fighting inflation. But there is no effort in this direction. After a brief propaganda barrage, it is now being freely admitted that we face large and persistent budget deficits.

A big increase in the national debt ceiling has been requested. There is little hope of doing better in this area until the freebooting expedition into Indochina, formerly referred to as the war in Vietnam, is terminated.

Inflation can be fought by proper monetary policies. There have been times when we have suffered from excess demand, and a too rapid rate of growth in the money supply served to worsen inflation and to validate price increases, but this is not the situation today. There is no excess demand. Indeed, industry is operating far below optimum capacity. Yet our Government still acts as if we were in an economy of shortages of goods and excess of money and credit. How upside-down a national administration can become.

Inflation can be countered by standards or regulations on wages and prices, either voluntary or mandatory, and by commodity allocations or credit. But nothing has been done in this regard.

I wonder, Mr. President, how long it is going to take our Government to realize that we are in a wartime economic condition, albeit a small war, but one that has been prolonged and expanded into the longest war in our history.

The Congress has understood this situation pretty well, I think, and has reacted to it pretty well—as well as Congress is likely to react to any complex condition when it is not only without Presidential leadership and guidance, but even faced with Presidential hostility. The Congress has voted the President the authority to impose a broad range of credit controls. The President has ignored this. I shall have more to say about this aspect of economic problem-solving later in the week.

Without going into a complicated economic analysis of our current condition,

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it seems clear to me—and most experts now seem to agree—that we are in a cost-push type of inflation. Clearly, there is no excess demand. There is demand, all right, for housing, for public facilities, for clean air and water, for more of the amenities of life. But these demands are not now pressing hard against our capacity to meet them—in some instances simply because we refuse to act, continuing to ignore the problems, in others for want of money or credit. Be that as it may, the traditional demand-pull inflationary conditions do not exist and are not likely to exist for some time.

But we do, very definitely, have a serious cost-push inflation. With rising costs and falling production, industry leaders want to keep up their profits and, if possible, push them to higher and higher levels. This means pushing up prices for goods. And, in defiance of the rules of what we often call a free enterprise economy, this can be done in many sectors of our economy. In all too many economic sectors, conditions of monopoly or oligopoly—big threes and big fours—operate to allow price fixing and quality skimping. Competitive pricing, the traditional regulator of a free enterprise system, does not function. Rather, we find cooperative pricing.

Wages will not lag behind. Industrywide, nationwide bargaining by strong unions places a constantly rising floor under wage rates for all types of employment. Purchasing power will not be allowed to lag. Wages, under today's conditions, will continue to rise.

And the cost of services is a leader, not a lagger, in this self-defeating scramble.

The push upward must be slowed and halted on all fronts simultaneously. Only Government action can do this.

Now, Mr. President, having allowed our economy to get in this situation, Government must join with other responsible elements—indeed, must take the lead—in getting us out.

Fiscal restraints are not in prospect. Monetary restraints have been and are being applied, but alone they have and are exacerbating an already bad condition. It is time, then, to admit frankly that pricing actions in industry and in labor are not subject to the ordinary restraints traditionally brought to bear in a free enterprise economy by fiscal and monetary policies.

Hand wringing and partisan namecalling will not serve our purposes. Neither will criticizing Congress for not acting on recommendations that have not been submitted.

Our situation may not yet be so desperate that our people would support direct and positive controls over a long period of time, particularly when there is no clear and present sense of emergency, or even a manifestation of interest in equality of sacrifice for a war effort.

Parenthetically, I might say that I have not shrunk from advocating full controls when that seemed appropriate, and they could now become appropriate if vigorous action is not taken through milder mechanisms. In 1940, as World War II was clearly approaching and the country was gearing up for it, mobilizing industry and manpower, I sponsored the original Baruch plan. But Congress and the President procrastinated, and controls were not finally adopted until about 2 years later, by which time some 25 percent of the purchasing power of the dollar had been already eroded.

Now, given current public and official attitudes, what I have in mind today is something of a half-way house toward regulation. What I shall propose in a few minutes is machinery for mobilizing public opinion and for bringing public pressure to bear in an effort to stabilize prices. This will require effective presidential leadership. This has been the missing factor along with misguided policies.

What I shall propose might not be necessary if we had proper presidential leadership. But, I might also add, what I shall propose will be an invaluable asset to any President who does want to use the powers of his office in the exercise of responsible leadership to bring about price stabilization. I have been reading about a Presidential message on our economic plight for weeks. Perhaps there is room for hope that a reassessment and action will yet come.

I am convinced that American corporate leadership and the leaders of our great unions are responsible men and women, and that they will, and do, respond affirmatively to public demand for restraints in pricing and in the setting of wages. It has become fashionable at the White House to decry the "jawboning" efforts of recent past presidents, but such derisive comments are but poor excuses for the failure to use the moral and political influence of the office of President.

Dr. Arthur F. Burns, appointed as head of the Federal Reserve System by President Nixon, and Secretary George Romney, and others, have recently come around to urging the adoption of some kind of voluntary wage and price controls. Business leaders, labor leaders, economic authorities, and just plain people cry out for leadership.

Voluntary controls, presidential "jawboning," public pressure, do have some effect, particularly in the short run. Every President ought to involve himself in this process—a most important part of the process of governing, of the practical exercise of leadership. What I shall now propose will help the President to do this. Should the President persist in his refusal to recognize, and to take action in pursuit of, the public interest, my proposal will at least partially fill this vacuum in leadership.

Mr. President, I send to the desk a bill that provides for the establishment of a National Consumers Advisory Board, together with regional boards. These boards are not strictly governmental organizations, but quasi-governmental in nature. These boards would serve two functions: First, they would be factfinding groups, gathering information on prices, profits, and wages in order that the public might know exactly what is going on. Facts, once gathered, would be broadly disseminated to assist in public opinion formulation. Second, these boards would be able to give effective voice to public opinion with respect to prices and wages. Being quasi-governmental in nature, partisan politics would be kept out of the work of these boards. They would be heard and heeded by management and labor.

These boards should be composed of representatives of the press, big and small business, labor organizations, academic institutions, religious groups, welfare and service organizations, and the like. The boards would be permanently organized, with a staff and secretariat paid out of Government funds, but the boards themselves would not be subject to control by the President or anyone else in the executive branch. The national Board, however, would report to the President on a regular basis.

Local or regional problems could best be handled by the regional board. But when a national problem arises, such as price setting for an important industry—the annually announced prices for new automobiles, for example—the National Board should swing into action, gather pertinent information, alert the public to unnecessary or exorbitant price increases, and bring the pressure of organized public opinion to bear on the industry.

When industrywide labor contracts are to be negotiated, the Board should be in a position to represent the public interest by, again, getting together all pertinent data and bringing pressure to bear on the union leaders concerned, and on the corporate leaders, in order that the public interest may be served.

Local or regional problems could best be considered by the regional boards. And the National Board should always be in touch with the regional boards on anticipated local effects and sentiment. A major function of all these boards would be, of course, to disseminate their views and findings to the public in order to mobilize public support for reasonable pricing and wage policies.

Since the activities of the national board would cut across many departmental lines, it should report directly to the President. Upon its recommendations, the President would, hopefully, use his influence to persuade those threatening to exceed reasonable limits in their policies or demands to fall into line. The President could well use findings of the board to buttress an appeal for restraint. The formal and institutionalized support of an alerted and informed public would, I believe, do much to promote the success of efforts of the President to hold down inflation to manageable proportions.

And if the President does not show an inclination to take action, as is today unfortunately the case, the work of these boards would be even more important. Their work in the public interest would have to be substituted for the leadership the President ought to be, but is not, giving.

Of course, public opinion not backed up by the power—or the likelihood—of positive action might be ignored. But there are action tools available. There are the antitrust laws. There are Government funds to be dispensed or withheld,

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contracts to be let, purchases to be negotiated. The Government is by no means helpless. It is more often the will which is lacking.

But I do feel very strongly that this additional tool, these boards provided by my bill, could maximize the influence of public opinion, regularize and institutionalize it for the protection of the public in pricing and in wage setting.

If something like this will work—and I think it will—we may avoid the necessity, or make less frequent the need, for more direct or mandatory governmental action. What I propose is a half-way house between price and wage fixing by the Federal Government, and allowing industry leaders a continuing free hand in pushing inflation to even more dangerous levels.

This compromise will not please the devotees of the free market as visualized by Adam Smith. But, as a matter of fact, such a market does not now exist, and perhaps has never existed. We have long had a mixed economy. Government regulation of tariffs, transportation, and utility rates, minimum wage laws and farm price supports, for instance, already interfere with a so-called free market economy. So do nongovernmental actions such as arbitrary price-fixing by industry leaders.

Indeed, there has never been a time in the entire history of the Western world when the so-called free market actually operated as visualized by neo-Adam Smiths. There have always been public restraints operating through governmental as well as through non-governmental agencies of society on prices and pricing policies, and I am constantly amazed at the large numbers of economists who do not seem to understand this.

But my proposal stops far short of any authoritarian approach which would substitute governmental decisions for the decisions of others in all aspects of our economic life. This is surely not wanted by most Americans.

Other countries sharing our general political and social philosophy have tried out procedures somewhat similar to what I am now suggesting, and they have often worked well. We are a pragmatic people, and I think we can work this thing out. I do not think we must choose between runaway inflation, on the one hand, and strict government controls, on the other. But if we do not come up with some way to safeguard the public interest and curb private self-interest, we may soon be forced to choose between two alternative extremes, neither of which we truly want.

I hope serious consideration will be given by Congress to inflation control, for it appears we will get little leadership from the White House. Our economy is not now serving the public at maximum efficiency, and this should be corrected.

On tomorrow, Mr. President, I shall again address the Senate on our economic problems, with particular emphasis on tax policy.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. Spong). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3965) to provide for the establishment of a National Consumers Advisory Board, and for other purposes, introduced by Mr. Gore, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Consumers Advisory Board Act."

DECLARATION OF POLICY

Sec. 2. The Congress declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means to insure that consumers are charged fair and equitable prices for goods and services. To this end, the public should be informed as fully as possible of the factors, including wages, materials costs, management fees, cost of capital, and profits which contribute to the price structure so that the weight of public opinion may be mobilized and focused on actions of management and labor which threaten to promote price or wage inequities.

ESTABLISHMENT OF BOARDS

Sec. 3. There is hereby established a National Consumers Advisory Board (hereinafter referred to as the "National Board"), and a Regional Consumers Advisory Board (hereinafter referred to as a "regional board") for each of the regions referred to in section 8.

FUNCTION OF BOARDS

Sec. 4. Whenever there occurs or threatens to occur, in any industry engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, a general adjustment in the price of any product or service or a general adjustment of wage rates (or a labor dispute with respect to any such adjustment of rates), and such adjustment of prices or wages materially affects the entire industry or a substantial part thereof, the National Board (or, in the case of any such adjustment or dispute the effects of which are confined principally to one of the regions referred to in section 8, the regional board for that region) shall hold hearings, make and publish reports, and take other appropriate action to collect and disseminate such information and data concerning the adjustment or dispute as may be necessary to provide a sound basis for informed public opinion with respect thereto.

MEMBERSHIP OF BOARDS

Sec. 5. (a) The National Board and each regional board shall consist of at least twenty-five but not more than thirty members, to be appointed by the President. The membership of each such board shall include representatives of the press, big and small business, labor, education, religious groups, welfare and service organizations, and other major segments of the economy, and shall be so selected as to give equitable representation to the various geographic areas within the area served by such board. Members of any such board shall be appointed for terms of six years except that, of the members first appointed, the terms of approximately one-third shall expire at the end of two years and the terms of approximately one-third shall expire at the end of four years, and a member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the remainder of such term.

(b) The National Board and each regional board shall select a chairman and a vice chairman from among its members.

(c) Fifteen members of the National Board or of any regional board shall constitute a quorum of such board, but a lesser number may conduct hearings.

(d) Service of an individual as a member of the National Board or of a regional board shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

COMPENSATION AND EXPENSES OF MEMBERS

Sec. 6. (a) Each member of the National Board and each member of a regional board will receive $100 per diem when engaged in the performance of duties as such member.

(b) All such members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF BOARDS

Sec. 7. (a) The National Board and each regional board may employ and fix the compensation of such employees as it deems necessary to enable it to perform its functions.

(b) The National Board and each regional board is authorized, without regard to the civil service laws and the Classification Act of 1949, to procure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946, but at rates not to exceed $50 per diem for individuals.

(c) The National Board and each regional board is authorized to negotiate and enter into contracts with private organizations to carry out such studies and to prepare such reports as such board deems necessary to enable it to carry out its functions.

DEFINITION OF REGIONS

Sec. 8. There shall be a regional board for each of the six major geographic areas of the United States, the boundaries of which shall be specifically defined by the National Board but which shall consist in general of the northeast, southeast, north central, south central, northwest, and southwest areas of the United States.

HEADQUARTERS OF BOARDS

Sec. 9. The headquarters of the National Board shall be in the District of Columbia. The headquarters of a regional board shall be at such place within the area served by it as it shall determine.

POWERS OF BOARDS

Sec. 10. (a) The National Board and each regional board is authorized, for the purpose of carrying out its functions—

(1) to hold such hearings and to sit and act at such times and places within the area served by it as it deems necessary;

(2) to secure directly from any department or agency of the Government any information, suggestions, estimates, or other data in the possession of such department or agency (other than information or data the release of which, in the opinion of the head of such department or agency, is inconsistent with the national interest or security); and

(3) to procure such office space, supplies and equipment, printing and binding, and to incur such other administrative expenses as may be necessary.

(b) Each such board shall meet at least once each calendar quarter, and at such other times as may be necessary upon call of its chairman, or upon request of at least one-third of its members.

ANNUAL REPORTS

Sec. 11. The National Board and each regional board shall submit to the President from time to time such interim reports of its activities as may be desirable and, as of

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the end of each calendar year, a full and complete report of its activities during such calendar year.

APPROPRIATIONS

SEC. 12. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

S. 3967—INTRODUCTION OF BILL TO AMEND THE TENNESSEE VALLEY ACT OF 1933, AS AMENDED

Mr. BAKER. Mr. President, on behalf of myself, and the Senator from Alabama (Mr. ALLEN), the Senator from Kentucky (Mr. COOK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS), I introduce, for appropriate reference, a bill to amend the Tennessee Valley Act of 1933, as amended.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred.

The bill (S. 3967) to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority, introduced by Mr. BAKER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. BAKER. Mr. President, as every Member of this Senate knows, the Tennessee Valley Authority has been responsible for promoting extraordinary economic growth in the eight-State region that it serves. Created in 1933 in the depths of the great depression, TVA has served as the principal catalyst for growth and progress in an area that had little hope at that time. One of the principal reasons for this success has been the broad mandate given by the Congress to TVA. Although there were many who bitterly challenged the authority given to TVA by the Congress in 1933, it is entirely clear in retrospect that nothing short of this mandate would have been sufficient to deal with problems of such magnitude.

In 1959 the essential autonomy of TVA was strengthened by the Congress when the agency was given self-financing or borrowing authority for its power program. Because TVA is specifically charged with the responsibility of anticipating and meeting the rapidly growing power needs of the eight-State region, this self-financing authority granted by the Congress in 1959 gave the agency the kind of flexibility that is essential for it to fulfill its statutory responsibilities. Because of the very great leadtime required in constructing power-generating facilities that will be needed years later to meet the anticipated need, self-financing has proved to be far more efficient and flexible than the previous condition of annual appropriations by the Congress. The self-financing provision has also been a great benefit to the taxpayer, because section 15d of the act provides that TVA shall make an annual payment out of power revenues into the Treasury. These payments include two amounts, one a repayment of the principal amount of the original appropriated investment in the power facilities of TVA, which as of June 30, 1969, totaled $110,000,000, and a return on the unpaid principal, which as of the same date totaled $390,597,000. This represents a total payment into the general fund of more than $500,000,000 since fiscal 1961.

The purpose of the amendment that I introduce today is to increase the authorized ceiling on TVA borrowings from $1.75 billion to $5 billion. There is some disagreement about whether an increase of this magnitude is necessary. Based on the information that I have studied, I believe that the $5 billion figure is wholly justified. But I am sure that the committee to which this legislation is referred will make a careful and independent judgment of the facts.

The financing of the power facilities already under construction or authorized for construction will exhaust the presently authorized $1.75 billion of borrowings TVA is permitted to have outstanding. The total generating capacity of the system will then approach 30 million kilowatts.

Growth in electric loads in the Nation have been requiring a doubling of capacity each 10 years. The load growth of the farms, homes, institutions, businesses and industries in the TVA region has been exceeding that in the Nation. The load growth in the TVA region is expected to require at least a doubling of capacity in the coming 10 years. Thus, in this decade 30 million kilowatts of additional capacity will need to be started or authorized.

Depending upon the future rate of inflation, revenues available for reinvestment, and other factors, it is now expected that this 30 million kilowatts of additional capacity will require total additional borrowings of $5 billion—based on a cost of $170 per kilowatt of generating capacity—to $8 billion—based on $250 per kilowatt. The $3.25 billion of proposed additional borrowing authority is therefore expected to be sufficient for the next 4 to 6 years.

Mr. President, there is increasing concern throughout the Nation about the possibility of brownouts and even blackouts in some areas this summer. Such concern exists in the Tennessee Valley area. Because the Congress exercises absolute control over the capacity of the Tennessee Valley Authority to meet the needs of the region, it seems to me that the Congress must bear any responsibility for inadequate power in the region in the years ahead, if TVA is not permitted to borrow funds sufficient to the needs of the region. Because of the leadtime required in planning a construction program, the time factor is quite important. I hope that both Houses of the Congress will act expeditiously on this necessary legislation.

ADDITIONAL COSPONSORS OF BILLS

S. 3786

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of S. 3786, to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

S. 3941

Mr. HANSEN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER), I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings.

The ACTING PRESIDENT pro tempore (Mr. SPONG). Without objection, it is so ordered.

Mr. HANSEN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER), I ask unanimous consent that, at the next printing, the name of the Senator from Hawaii (Mr. INOUYE) be added as a cosponsor of Senate bill 3941, supra.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

SENATE RESOLUTION 418—SUBMISSION OF A RESOLUTION RELATING TO BAILOUT GRANTS AND LOANS BY THE GOVERNMENT TO MAJOR INDUSTRIES

Mr. PROXMIRE. Mr. President, last Wednesday it was announced that the administration plans to have the Pentagon, under the authority of the Defense Production Act of 1950, guarantee loans of as much as $200 million to the Penn Central Railroad Co. in an attempt to rescue that company from the consequences of its financial mismanagement. This action, coming as it does on the heels of a similar proposal for bailing out the Lockheed Corp., raises fundamental questions of public policy which need to be fully and frankly faced. Is it the responsibility of the Federal Government to bail out every company which encounters a financial crisis? Obviously it is not. Where then do we draw the line between the favored and the neglected? A second fundamental question is: If there are occasions on which it truly is in the public interest for the Government to lend assistance to a private firm, what form should this assistance take? Are we going to make the Defense Department the vehicle for every action, no matter how peripheral the contribution of the firm to our national defense? Does the Defense Department not already have burdens enough without saddling it with the additional major task of attempting to preserve our industrial structure?

The American economy is, of course, going through an extremely difficult period. We are, to put it bluntly, in a recession—a recession accompanied by continued inflation. Mismanaged companies which could squeeze by in a period of full prosperity find life much more difficult in the present situation. The unfortunate truth is that we are going to see other major companies facing financial crises before the year is out. We need to address heads on the question of appro-

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priate public policy to deal with these situations. Surely we can find a better public policy than selective bailout for favored firms. Why should the taxpayer be called upon to underwrite the bad business judgment of some of our industrial magnates? Even more fundamentally, what will a policy of bailout do to the market discipline which is the great strength of our economy's private sector?

It is true that the difficulties our private sector faces today are to some extent the result of faulty government policies of the past. Our defense procurement policies have permitted firms to become dependent on generous government contracts and to ignore competitiveness in commercial markets as the fundamental basis of survival. This is the problem with Lockheed. A major cause of Lockheed's financial difficulties is its failure to produce a marketable commercial aircraft.

Our Federal policy on corporate mergers has also been faulty. The merger of the Pennsylvania Railroad and the New York Central in 1968 was approved because it was hoped to put these railroads on a more secure financial footing. Obviously it has not turned out that way. We need to go back and examine what went wrong, but this does not mean that we need to underwrite failure. It does not mean that we need to saddle the Defense Department with responsibility for preserving private business. And it does not mean that we have to rely on the outmoded emergency legislation of 1950 to meet the problems of 1970.

At the same time that our procurement policies and our antitrust policies have created problems for the private sector, our overall economic policy has been badly deficient. Despite the mounting evidence that an economic slowdown would not by itself, provide the cure for inflation, the slowdown was allowed to continue, to become a recession. Supplementary policies which might have prevented this situation—price and incomes policy; policies to correct the structural defects in our economy; policies to mitigate the distress caused by unemployment—have been inadequate or nonexistent. The best assistance we can give to corporations in trouble is to correct our general economic policy; to strengthen our efforts to achieve full employment and price stability.

I submit today a Senate resolution calling for Congress to impose strict limits for bailout grants and loans to major businesses. Henceforth in my view Congress should not provide for grants, loans, or guaranteed loans to bail out private firms from the consequences of their decisions or financial mistakes, until systematic procedures have been established, outside the Defense Department, by which such requests can be examined.

My resolution rises out of the recent request by Lockheed Aircraft for $641 million in Defense Department grants and the Penn Central Co.'s request for a $200 million guaranteed loan.

The procedures under which bailout grants, loans, and guaranteed loans are made are now highly informal, lacking in objective standards, and without systematic or evenhanded rules and regulations.

The recent request by Lockheed and the understanding reached by the Defense Department and Penn Central Co., illustrate the weaknesses in existing procedures. I believe that the bailout of firms from the consequences of their private decisions or financial mistakes should not be made until Congress has:

First, defined the public purposes to be served;

Second, outlined the specific circumstances when such actions are justified;

Third, established the criteria by which the requests can be judged;

Fourth, erected machinery outside the Department of Defense through which such requests can be processed; and

Fifth, provided a specific time limit for full and public concurrence by Congress before action can be put into effect.

I want to stress that I believe this resolution is necessary because the recent requests have the effect of establishing precedents for future action which are not in the best interests of the taxpayers or the economy of the United States. The individual American taxpayer receives no direct profits, benefits, dividends or rewards from the successes of American industry, but is now asked to pay directly for the mistakes or failures of private management through huge bailout grants, loans, and loan guarantees.

Except in rare instances the problems of business loans liquidity, and financial arrangements for American business properly belong to the private sector to solve. Even when some overriding public interest requires action, jurisdiction should not rest with the military departments. In the interests of preserving political democracy and subordinating the military to civilian control, such issues should be under the jurisdiction of those agencies which deal primarily with financial matters.

It is imperative that we reform present practices and establish safeguards for the American public.

In the case of the Penn Central Co. guarantee, the company has recently involved itself in real estate ventures. Some $35 million is involved in the Great Southcoast Corp., a realty subsidiary. The Associated Press quoted one of its directors as saying:

> There were places where we could have gotten 300 percent on our investment if we had modernized facilities.

How can we justify putting hundreds of millions of dollars, under the guise of helping defense, into a company that is deliberately diversifying into industries not related to defense? In that situation, the Government is going into competition with its own taxpayers.

Yet the Penn Central loan guarantee was apparently agreed to without the proper or formal consideration given to such questions. My resolution calls upon the Congress to establish evenhanded procedures before such actions are taken in the future.

The ACTING PRESIDENT pro tempore (Mr. SPONG). The resolution will be received and appropriately referred.

The resolution (S. Res. 418), which reads as follows, was referred to the Committee on Banking and Currency:

S. RES. 418

Resolution relating to the provision of grants, loans, and guaranteed loans to private institutions for the purpose of relieving them from their financial problems

Whereas the United States is proud of its tradition of competitive business institutions and its free enterprise system; and

Whereas the freedom of the system makes it possible for investors and managers to receive great monetary benefits, profits, and rewards; and

Whereas the prospects of failure, bankruptcy, and receivership place a proper restraining influence on bad judgment and inefficiency and act as an effective discipline for husbanding and preserving the capital of investors; and

Whereas a number of major American business firms have sought from the United States Government either direct grants, for which the U.S. Government has no contractual obligation, or guaranteed loans under provisions of the laws only tangentially relevant to the immediate problems of the firms; and

Whereas these practices have the effect of establishing precedents for future action which are not in the best interests of the taxpayers and the economy of the United States; and

Whereas the Defense Production Act was established for the primary purpose of stimulating the establishment or expansion of industry for the production of vitally needed products to meet the specific needs of defense procurement programs; and

Whereas the intent of the Defense Production Act was not to establish a bail-out procedure to rescue firms from the consequences of their own ineptitude; and

Whereas the Defense Production Act was not intended to apply to firms who have no direct relationship to defense production, or whose relationship to defense production is only marginal or secondary, or whose relationship can be defined primarily only in the general sense that in any national emergency the productive and transportation facilities of the United States are related to the national defense; and

Whereas except in rare instances or very special circumstances the problems of business loans, liquidity, and financial arrangements for American business properly belong to the private sector of the economy to solve; and

Whereas even in those rare instances where some overriding public interest, such as the prevention of financial panic, requires that Government action be considered, such questions should be under the jurisdiction of those institutions or agencies of the Government which deal primarily with financial matters rather than the military or other departments whose powers over these matters should be limited and restricted, among other reasons, on the traditional grounds that it is necessary to preserve political democracy and subordinate the military to civilian control; and

Whereas the individual taxpayer receives no direct profits, benefits, dividends, or rewards from the successes of American industry, but is asked to pay directly for the mistakes or failures of private management through grants, loans, or loan guarantees; and

Whereas the procedures under which bailout grants, loans, or guaranteed loans are made are highly informal, lacking in objective standards, and without systematic or even-handed rules and regulations; and

Whereas the recent request by Lockheed Aircraft Corporation for $641 million and the understanding reached by the Defense Department and the Penn-Central Company for the Government to guarantee a $200 mil-

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lion loan under the authority of the Defense Production Act illustrate and epitomize many of the objections and weaknesses in existing procedures and practices as outlined above:

Now, therefore, be it resolved, That it is hereby declared to be the sense of the Senate that henceforth the Federal Government shall not provide grants, loans, or guaranteed loans for the purpose of bailing-out private firms from the consequences of their decisions or financial mistakes until Congress has 1) defined the public purposes to be served by such action, 2) outlined the specific circumstances in which emergency loans or grants to private businesses are justified, 3) established the criteria by which they are to be evaluated and judged, 4) erected the machinery outside the Defense Department through which such requests can be systematically processed, and 5) provide a specific and limited period of time during which there must be full and public concurrence by the Congress before the action can be put into effect.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970

AMENDMENT NO. 699

Mr. JAVITS. Mr. President, on June 2, 1970, I submitted with 15 cosponsors an amendment to H.R. 17399, the supplemental appropriations bill, to provide a total of $100 million for the Neighborhood Youth Corps summer job program for this summer.

On June 8, 1970, the Appropriations Committee recommended a supplemental for that program in the amount of $50 million. The report indicated that $35 million would be used to provide jobs and that $15 million would be used for recreational programs.

Since it was not clear as to the extent to which the $15 million would provide jobs, I submitted, on June 11, amendment No. 693, under which the $50 million amount recommended by the committee would be increased to $115 million.

In light of suggestions that the proposed amendment could be subject to question under subparagraph 1 of rule XVI, I filed also on that day, a notice of motion to suspend subparagraph 1 of that rule in respect to the proposed amendment.

Mr. President, it remains unclear at this moment as to the number of jobs that might be funded under the $15 million portion of the committee recommendation.

Accordingly, I submit today an additional amendment to increase the supplemental appropriation from $50 million to $100 million, which amendment I shall introduce in the event that information is provided indicating that $15 million designated for recreational programs will also provide a sufficient number of job opportunities. In the event that it appears that a sufficient number of jobs will not be provided out of the recreational funds, then I intend to introduce amendment No. 693, which would increase the amount of the supplemental for summer jobs from $50 million to $115 million.

I submit also a notice of motion to suspend paragraph 1 of rule XVI as to the amendment which I have submitted today:

NOTICE OF MOTION TO SUSPEND RULES

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend Paragraph 1 of Rule XVI, for the purpose of proposing to the bill (H.R. 17399) an Act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, the following amendment, viz, on page 12, line 8, strike out "$50,000,000" and insert in lieu thereof "$100,000,000".

The ACTING PRESIDENT pro tempore (Mr. SPONG). The amendment will be received and printed, and will lie on the table.

(For amendment referred to, see the foregoing notice.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 656

Mr. HANSEN. Mr. President, on behalf of the Senator from New Jersey (Mr. CASE), I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of the amendment (No. 656) to add $28,050,000 to H.R. 16916, making appropriations for the Office of Education for construction of facilities at 4-year institutions of higher education.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATIONS

Mr. HANSEN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operations, reflecting changes over the last 4 days, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

JUNE 15, 1970

Total operations	Number	4-day change
Individual weapons	17,721	+1,620
Crew-served weapons	2,330	+61
Bunkers/structures destroyed	9,868	+510
Machinegun rounds	3,984,210	+40,563
Rifle rounds	9,303,263	+684,060
Total small arms ammunition (Machinegun and rifle rounds)	13,287,473	+724,623
Grenades	52,955	+4,175
Mines	5,226	+76
Miscellaneous explosive (pounds) (includes satchel charges)	81,000	+4,400
Anti-aircraft rounds	166,153	+6,337
Mortar rounds	62,481	+2,239
Large rocket rounds	1,934	+3
Smaller rocket rounds	38,998	+1,429
Recoilless rifle rounds	27,395	+784
Rice (pounds)	12,908,000	+450,000
Man months	283,976	+9,900
Vehicles	396	+8
Boats	90	(1)
Generators	36	(1)
Radios	238	+52
Medical supplies (pounds)	42,330	[2] −8,470
Enemy KIA	10,021	+310
POW's (includes detainees)	2,187	+83

[1] Unchanged

[2] Field adjustment

NOW, WHILE IT COUNTS

Mr. HANSEN. Mr. President, it is easy to do our duty by the dead, for they make no demands upon us. We bury them, pray over them, and erect monuments to them. If they are lost with their lives yet unlived, in some foreign land or in a ship buried forever in the sea, we can assuage our consciences for sending them there by giving honor to their memory and making provision for their surviving dependents.

But there is another group to whom we owe even more, for they are not dead but alive, and yet not alive. We sent them in our service, and now they are prisoners. They call to us across thousands of miles of ocean. I refer, of course, to our servicemen held prisoners by North Vietnam.

It is not so easy to do right by these men, but it is our duty to do so.

It is not so easy to carry our sworn obligations to these men, but we have said we would stand by them, and it is our duty to stand by them.

The debt we owe them cannot be assuaged by a promise that, when and if they return, we shall think about taking care of them.

They are not being treated in a civilized way. They have been and are being mistreated daily. They know the full meaning of the word "barbarism," for they suffer under it. They need help now, when it will count far more than it ever can later on.

Mr. President, we Members of the Senate on this side of the aisle have determined never to cease bringing up this matter before this body. We intend to keep it at the forefront of our national conscience until a satisfactory resolution to this situation is achieved.

STUDENT UNREST—A RESOLUTION ADOPTED BY THE MONTGOMERY COUNTY, ALA., BOARD OF EDUCATION

Mr. SPARKMAN. Mr. President, I was pleased to see that the President has named a Commission, headed by former Governor Scranton of Pennsylvania, to study the conditions on the campuses of this country and to make recommendations regarding these problems. This is a matter which has been of great concern to me. I do not believe that a campus burdened with violence is a place conducive to the educational process for which parents are paying, in many cases sacrificing as they pay for tuition and other expenses to keep young people in college.

In this connection, the Montgomery County, Ala., Board of Education recently adopted a pertinent resolution which I wish to place in the RECORD. This resolution calls for the creation of a commission similar to that just named by the President.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution adopted by the Montgomery County, Ala., Board of Education.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, widespread disruption of the orderly educational processes on the campuses of our colleges and universities is of great concern to us; and,

Whereas, certain student activities, by a minority group on campus, contributes to

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this disruption and threatens the educational future of the majority of the young people as well as the peace and tranquility of our State and Nation; and

Whereas, we believe the President of the United States and the Congress are also concerned about the present conditions existing on our college and university campuses.

Now, therefore, be it resolved by the Board of Education of Montgomery County, Alabama, as follows:

1. That the education of the young people of America is most vital to the future of this Nation.

2. That the activities of a minority group on our college and university campuses, whose purposes are to disrupt the education of the majority of students, to cause campus unrest and to bring about riots and destruction of public property must be stopped.

3. That a White House Conference with responsible student representatives, college and university officials, and administration and Congressional leaders participating would be most helpful in finding the solution to these problems which we face today and we urge the calling of such a White House Conference.

4. That the Secretary of the Board of Education of Montgomery County, Alabama is directed to send a copy of this Resolution to the President of the United States and the Congressional Delegation from the State of Alabama.

THE DELINQUENTS

Mr. SPARKMAN. Mr. President, the Birmingham News of June 9, 1970, published an interesting editorial entitled, "The Delinquents." The editorial deals with matters that the distinguished Senator from Delaware (Mr. WILLIAMS) has brought out on the floor of the Senate from time to time in connection with tax delinquencies in the various sections of the United States. It is a very fine editorial regarding that subject matter and also regarding the Senator from Delaware.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DELINQUENTS

It simply won't seem the same when the new Congress convenes next year and the periodic reports on the nation's public purse—and how it is abused—no longer arrive from Senator John J. Williams (R-Del.).

Sen. Williams and his Democratic counterpart, the late Sen. Harry F. Byrd, of Virginia, have been the foremost congressional watchdogs of federal spending during the era of the mammoth budgets—and as often—the considerable deficits.

The Delaware Senator has acted more often in the areas where abuse or needless waste of the taxpayers' money has been discovered.

He has just made his 16th annual report on federal tax delinquencies available for public perusal, a result of his consistent position that the taxpayer has every right to know the identity of individuals and corporations who do not pay their taxes as they should and whose tax accounts in some cases are marked off as uncollectible.

Internal Revenue Service has been most cooperative in making this information available to Sen. Williams, its efforts entailing a considerable job of classifying and listing tax deliquencies as well as the names of the larger ones.

Sen. Williams reports that 1969 delinquencies showed a 27 per cent increase over the previous year, standing on last Dec. 31 at $2,018,789,000, just about the amount it would take to balance the next federal budget. And sizeable enough to cause the average taxpayer to grind his teeth in frustration.

On a localized note, the Birmingham IRS office reported that income tax delinquencies last year rose 50 per cent above 1968, to a total of $6,489,000. Even worse was the 48 per cent increase in delinquent employment taxes to almost $5½ million last year. The national increase was 60 per cent. This is money employers have withheld from their employes' pay checks and have comingled with company funds.

For most citizens who pay their taxes and for the great majority of businesses that handled their employment tax accounts in proper fashion the reports of laggard taxpayers have been galling.

The senator, however, has performed outstanding service to the American people in exposing shoddy practices inside government and the disturbing amount of unpaid taxes, some of which will be written off as uncollectible.

The people's right to know will continue to be served if someone steps forward next January to fill Sen. Williams' role with equal dedication.

HOUSING LEGISLATION

Mr. SPARKMAN. Mr. President, last week President Nixon made reference to the very bad situation in connection with housing throughout the country. Of course, many of us have called attention to that situation over the months. In the early part of this year I introduced four different bills, and in March the Committee on Banking and Currency approved those bills along with a bill that the Chairman of the Home Loan Bank Board had proposed, and one to which President Nixon had given his blessing. An amendment was added to that particular measure by the Senator from Wisconsin (Mr. PROXMIRE).

We presented all of those bills as one bill. We combined them and presented a blanket bill in the latter part of March. Immediately after the Easter holidays, as soon as we could get to them, we took up that package bill in the Senate. We modified the Proxmire amendment, worked out by agreement among the agencies concerned and the members of our committee, and we passed that bill by a vote of 72 to 0 on a rollcall vote. All of that comprises what the President terms "emergency legislation." We regarded it as emergency legislation and we passed it.

I think the bills are good. I introduced them with the feeling that they would be good for the housing industry and the would-be home buyers in this country. I certainly feel they will do a great deal.

I cannot vouch for these figures but it has been estimated by some authorities that the full impact of this complete measure on home mortgages and home mortgage credit over the next 3 years would amount to $20 billion. There is no appropriation involved in the measure except for the $250 million that the Home Loan Bank Board proposed and the President endorsed for stimulating the movement of mortgages in those savings and loan associations that need that stimulation to help take care of the differential in interest in what they have to pay for money and what they are able to get on their mortgages, particularly mortgages in their portfolios which have a very low rate of interest. I think this measure will do a great deal of good.

It was distressed a good many savings and loan associations, and I think this could do a great deal about it.

I was pleased to be the author of those bills. I was pleased to be the sponsor of the bill that was suggested by the administration. I was pleased when our committee acted. And I was particularly pleased when the Senate took it up and, after a full and fair discussion, passed it on a rollcall vote of 72 to 0.

I just want to make clear that our committee, which had jurisdiction of that legislation, did not drag its feet, and that the Senate, with the full cooperation of the leadership on both sides of the aisle, did not drag its feet in passing that legislation, which we considered to be urgent and emergency legislation.

I hope when consideration is given to the sometimes loosely used term "Congress dragging its feet," notice may be taken of what action the Senate has taken to respond to the need for legislation to help the sick housing industry of this country.

ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTRUCTIVE ACTIVITY ON FLAG DAY BY BOYS AND GIRLS OF JUNIOR, W. VA., DURING WATER SYSTEM COMMEMORATION

Mr. RANDOLPH. Mr. President, on yesterday, Flag Day, it was my privilege, once again, to visit my State of West Virginia, and to visit with scores of boys and girls at a meeting in Junior, a small community near my home town of Elkins.

I report to the Senate that I was most encouraged by the participation of these young people in a commemoration which was a zeroing in, once again, on the importance of water—in this instance, the near completion of a system which will bring hot and cold running water to 198 families, which families at the present time are being served inadequately by wells and springs.

Mr. President, I ask unanimous consent to include, at this point in my remarks, a copy of the program of the activities and the proclamation of the town of Junior and a message of Kenton Lambert, in part for the afternoon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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THE TOWN OF JUNIOR, COMMEMORATION OF MUNICIPAL WATER SYSTEM AND FLAG DAY

PROGRAM

Master of Ceremonies: Curtis T. Lambert, Chairman, FHA State Advisory Committee.

Invocation: Rev. Lawrence Abrogast, Evangelist.

Pledge of Allegiance: Junior Boy Scout Troop No. 85, Scoutmaster, Robert Skidmore.

Welcome: Mayor Bobby Channell.

"This Is My Country" and "America The Beautiful": Junior Friendship 7 4–H Club, Leader, Mrs. Gerald Ware.

Recognitions and Introductions.

American Legion Bagpipe Band: Howard Marstiller, Director.

Reading—"Day for Decision": Rev. Arthur Mace, United Methodist Church, Belington.

Introduction of Guest Speakers: J. Kenton Lambert, State Director, Farmers Home Administration.

The Honorable Harley O. Staggers, Congressman, 2nd District.

The Honorable Jennings Randolph, United States Senator.

Presentation of Award: J. Kenton Lambert.

Interment of Unsafe Water Sign.

Benediction: Rev. Denzil Moore, United Methodist Church, Parsons.

Covered Dish Dinner by the Citizens of the Town of Junior.

PROGRESS FOR THE TOWN OF JUNIOR

Financing: Farmers Home Administration: Loan, $157,420; grant, $80,000.

TOWN OFFICIALS

Mayor, Bobby Channell.

Recorder, Mrs. Barbara Peck.

Treasurer, Howard Moore.

Councilmen: George Markley, Robert Skidmore, Ralph Mace, Carl Vest.

Engineer, Robert Watson.

Attorney, John Brown.

Contractors: Bailey Barnes, Inc. Orin Hathaway.

FARMERS HOME ADMINISTRATION STAFF

Okey Gallien, Jr., County Supervisor.

Maryann Byrne, County Office Clerk.

John Mullin, District Supervisor.

We express our sincere appreciation and thanks to all the persons and organizations who have helped to make this commemorative day a success.—Mayor Bobby Channell

PROCLAMATION OF THE TOWN OF JUNIOR

Whereas: Flag Day, June 14, is observed nationally by presidential proclamation and is celebrated by display of the flag on public buildings, by patriotic programs, and recitation of The Pledge to the Flag, and

Whereas: it is the duty of every American to pay special homage to the Stars and Stripes on this commemorative day, holding it to be the highest symbol of Liberty, and

Whereas: the citizens of the Town of Junior have fought for and successfully defended the Flag, safeguarding national sovereignty so as to preserve living under the peace and tranquility of American democracy,

Now therefore, I, Bobby Channell, Mayor of the Town of Junior, do hereby proclaim June 14 as Flag Day in Junior; and I invite every family to proudly display the flag and to take part in the town's gala and solemn celebration, scheduled at 2:00 p.m. at the Junior Elementary School to dedicate the new municipal water system and to honor Flag Day.

In Testimony Whereof: I have hereunto set my hand and caused the Seal of the Town of Junior to be affixed. Done at Junior this 5th day of June in the Year of our Lord One Thousand Nine Hundred Seventy.—Bobby Channel, Mayor.

MESSAGE FROM J. KENTON LAMBERT, STATE DIRECTOR, FARMERS HOME ADMINISTRATION

This is a time of thrilling progress in West Virginia, rural communities are moving to meet the challenge of a richer, fuller tomorrow. The Town of Junior is truly a leader in taking action to provide its citizens attractive living conditions. We proudly salute the Town of Junior for the exemplary leadership and resulting achievements.

Mr. RANDOLPH. This successful effort of cooperation in the community, as exemplified by these youth, was in such evidence yesterday that I believe it appropriate, as we read, see, and hear so much about the difficulties of other young people, report the truly magnificent attitudes of the young people of Junior.

Placed into a casket with a velvet lining, was a metal sign 2 by 3 feet, announcing through the years that the municipal water system was unsafe. The State board of health sign had previously been displayed at the road entrances to the town of Junior. The burial had a definite purpose. We were burying a blight on the community for its lack of pure water.

These young people participated. They helped to organize, and they marched proudly in our parade. They worked diligently, with their fathers and mothers, to demonstrate in a rather dramatic way that the commitment of these boys and girls was important to the enhancement of their environment. The mayor, and all of us, welcomed these youths. They were not told by older people to stand on the sidelines. They were very much a part of a stimulating and significant event which occurred yesterday in this community of 500 persons. I believe it is encouraging.

It is also proper, at times, for a Senator to stand in this Chamber and report to his colleagues when he comes back from his State after having visited a rural community, of the very considerable contribution and cooperation of the young men and women of working with their parents in constructive steps to strengthen our economy and provide for the health and well-being of our citizens.

Yes, yesterday was Flag Day, but I saw it as a day with a special meaning. The flag takes on an added meaning. It is more than a symbol. It comes alive through that which I witnessed yesterday.

TELEVISION INTERVIEW WITH SENATOR MILLER OF IOWA ON VIETNAM

Mr. HRUSKA. Mr. President, in a recent television interview, the distinguished Senator from Iowa (Mr. MILLER) discussed at some length some of the major questions concerning U.S. involvement in Vietnam.

The Senator from Iowa has placed these matters in excellent perspective, and I ask unanimous consent that the transcript of the interview of June 9, 1970, be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TELEVISION INTERVIEW WITH SENATOR MILLER

INTERVIEWER. For the past few weeks in the United States Senate there has been a very searching discussion on South Vietnam and the things which surround that war. In order to give our listeners some insight into the problems which we face, we've asked a Senator from Iowa, Jack Miller, a man who, I think you'll agree, is quite knowledgeable. He's been a reserve officer in the Air Force for some 32 years. He served in the Burma-India-China area during the war for about 4 years. So he has an idea of what he's talking about. And, not too long ago, I think it was in '68, he made his last visit to South Vietnam. He made one prior to that in '66. At that time he was a member of the Preparedness Investigating Subcommittee and also a member of the Armed Services Committee. Currently, he is a member of two very powerful committees which mean a lot to Iowa: the Committee on Finance and the Committee on Agriculture. But, Senator Miller, I'd like to ask you very point blank, how is the war going in South Vietnam?

Senator MILLER. Well, like every member of Congress, I wish this miserable war could be over tomorrow. And it could be if the North Vietnamese would be willing to enter into a cease fire and engage in meaningful negotiations for a settlement of the war. We may hope and pray for this, but until that day happens I think the main problem is to move as rapidly as we can to enable the South Vietnamese to take over the defense of their own country. Now, in this perspective, I must say that we're certainly moving in the right direction. For five years around here, I saw this war get bigger and worse with 550,000 of our men serving in Vietnam, and the cost of the war rising to $30 billion a year. Today, we have 115,000 fewer of our ground combat troops over there compared to a year ago, and another 150,000 are scheduled out by next spring. That's going to mean about 90 percent of our ground combat troops out. These changes wouldn't be possible were it not for the fact that President Nixon's Vietnamization program was moving ahead and moving ahead faster than I think most people had expected.

INTERVIEWER. Well, now, Senator, as you have indicated, some people say they don't think the Vietnamization program is working too well, but facts and figures as you relate them seem to prove otherwise. But I wonder about the casualties that we've been facing in South Vietnam. Do you have anything on that?

Senator MILLER. Well, of course, I know a lot of people are saying a lot of things about Vietnamization, most of it on the basis of lack of knowledge. I might add one more thing that's a favorable indicator and that is the President in his last television report to the nation pointed out that we'd have another 50,000 of our ground troops out by this coming October. Now, of course, as I say, we're moving in the right direction as far as the number of people over there are concerned. I might say, in that connection, there's an excellent article in the June 15 issue of U.S. News & World Report on this very subject, pointing out the steady decline in the number of Communist attacks and also a steady increase in the percentage of the population of South Vietnam that is under Allied control—90 percent is the percentage now. But you mention the casualties, and, of course, like everyone else I don't like any casualties, but that isn't the choice. The choice seems to be: Are we going to have more casualties or fewer casualties? Now, here again, I think we're certainly moving in the right direction. I have a report showing the list of casualties by week, not only for this year but for last year and for two years ago. I can tell you this: That in each and every week for 1970 the casualties are less than they were a year ago for the same week with one exception and that's only the matter of a very small number. Actually, it's about one half the number of casualties each week this year compared to a year ago. And you go back two years ago and it's about a

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third of what there were in the comparable week of two years ago. And so, the number of casualties is going down, thank goodness, and that's headed in the right direction, I think.

INTERVIEWER. Well, Senator, as the casualties drop—we're speaking now, I presume, of casualties of our own men, rather than the South Vietnamese. Is that correct?

Senator MILLER. That's right. I might say in connection with that that the number of South Vietnamese casualties, of course, is going up. This is a part of Vietnamization—for the South Vietnamese to take over more of the ground fighting and for us to take over less, to relinquish it. That's why we have 115,000 fewer ground combat troops there today than we had a year ago. That's why another 150,000 are coming out. Now, it's true the trend of the Communist attacks is going down and that's favorable. But nevertheless, they haven't gone down enough to avoid having the casualties to our South Vietnamese allies go up as ours are going down.

INTERVIEWER. You feel, then, that they are really taking over the brunt, so to speak, of the attacks, even though they are being reduced, attacks made by the Vietcong and the North Vietnamese?

Senator MILLER. Well, there's no question about it. The casualties to the South Vietnamese troops this year are about three times the number of American casualties in each week. Now, you go back a year ago and they would be roughly about the same. You go back two years ago and the American casualties are about twice the number of South Vietnamese casualties. So, the trend is up for South Vietnamese casualties. The trend is down for U.S. casualties, which fits with this Vietnamization program.

INTERVIEWER. Of course, along with that—and of course this is a minor item really from the standpoint of our own country and our own people—is the question of the cost of the war. We'd rather have the cost low and the casualties low, I'm sure. But how about the cost of the war?

Senator MILLER. Well, here again, the trend is in the right direction. As I said earlier, this war got up to a $30 billion-a-year cost. That was in fiscal 1968. Now the cost dropped from $30 billion, or thereabouts, in fiscal year 1968 to $24 billion in fiscal year 1969. It'll be down to around $17 billion for the current fiscal year 1970, which ends at the end of this month. And the estimate for fiscal 1971 is that it'll be down to around $13 billion. Of course, that's a lot of money, but I would sure rather see $13 billion a year for the war in Vietnam than $30 billion, and the important thing to emphasize, I think, is that we're moving in the right direction. If we weren't moving in the right direction, I'd certainly be very critical. May I mention one thing? In connection with those casualties, I said the casualties each week this year are substantially lower than a year ago and in most cases about half. I want you to know that I have the casualty reports since the Cambodian sanctuary operation and even with the casualties that we've suffered in Cambodia, our total casualties for Cambodia and South Vietnam by week this year—and that started about the first of May—are less by quite a bit than they were in the corresponding week a year ago. So, even with the Cambodian operation thrown in, what I've said holds true.

INTERVIEWER. Senator, we have some people who seem to think that this is an illegal war, that only the Congress has the right to make a declaration of war. How do you feel about that?

Senator MILLER. Well, there are two answers, I think. One of them is, and, of course, you know it follows, when somebody says it's an illegal war that you ought to be out of there tomorrow. I want to mention this point: That, even if the President of the United States said "every man is going to be out of Vietnam as quickly as possible," that it wouldn't be until the end of this year that it would be humanly possible to do this. That's a pretty substantial country. You've got people—Americans—scattered all over, bases all over in the jungles, and the best estimate I've heard is that from the logistics standpoint—and I know something about logistics—it would be humanly impossible to get them all out before the end of the year. So, even if we said "it's an illegal war, let's get them all out tomorrow," we couldn't do it. But on this matter of an illegal war, I hope you would understand that if I thought that we were engaged in an illegal war, I'd be up there on the Senate floor, and I would have been up there a long time ago, condemning the whole thing. But, back in the fall of 1965, I think this problem was pretty well gone into, and most of us around here, I thought, felt it had been pretty well settled. There are two key committees of the American Bar Association which contain the cream of international lawyers in this country. Those two committees are the Committee on International Law and the Committee on World Peace through Law. Now, not every international lawyer in the United States is on those two committees, but I assure you the best ones are. Now, back in 1965, those two committees went into great depth on the war, and they unanimously concluded that we were legally in South Vietnam under the SEATO treaty and under the Charter of the United Nations. I just don't know of any authority that can match that. I know that there are some who may not go along with the American Bar Association on every matter, but here this was a unanimous decision. There wasn't a single dissent. And, to me, that's the best authority I can offer on that point.

INTERVIEWER. Well, Senator, of course, we do have experts—we have people who think they're experts and others who really are. I think you're very well qualified from a legal standpoint to speak on that subject, but we do have a certain number of college professors and people who are in respected positions who come up with different viewpoints. How do you justify that and how does the average listener justify in his own mind as to who is right and who is wrong?

Senator MILLER. Well, I think you have to make up your mind where you're going to place your confidence. I've said to a great many of my friends—and I have dear friends who disagree on some aspects of this—that if they can find me better authority I'll accept it. But the better authority to my knowledge just doesn't exist. Now I was a college law professor at one time, I wrote some law review articles, and I differed with certain court decisions and things like that, and I understand that there are some scholars who may go into this thing and arrive at some different conclusions.

However, I must repeat, here you have the cream of the international lawyers of the United States on these two committees, and they unanimously came to the conclusion that they did. Now, I think what causes a lot of the difficulty here is that there are a number of people who say, "Well, yes, they found that we were legally there under the SEATO Treaty, but the SEATO Treaty was bad." Well, I'm not going to say whether it was bad or good because I wasn't here in the United States Senate back in, I think it was, 1955 when every member of the Senate except one voted to ratify the SEATO Treaty. Senators Fulbright, Mansfield—a lot of these others who are very critical about the war—were there and they voted for the SEATO Treaty; and it's under the SEATO Treaty that the commitment was made under which we have been operating. I don't know whether I would have voted for it or not if I'd been here back in 1955, but I wasn't.

Now, here you have another aspect of this—the legal aspect. Some people saying, "well, the Constitution says that the Congress shall declare war." Well, what about that? Well, if I thought that we were operating illegally because Congress had not declared the war, I assure you I would have been up there on my feet a long time ago fighting this whole thing. But the Constitution doesn't say that Congress shall formally declare war. What counts is that Congress express its will. And Congress did so on two different occasions.

The first one was the so-called Gulf of Tonkin resolution back in August of 1964. I was up here and we were debating it. And during the course of the debate, Senator John Cooper of Kentucky asked this question: "Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?"

And he asked the question of Senator Fulbright, who was managing the resolution, as is proper since he was Chairman of the Foreign Relations Committee. Senator Fulbright replied, "That is the way I would interpret it." Now, don't tell me that the Congress didn't know what was going on. And out of the 535 members of the Senate and the House down here on Capitol Hill, there were only five who voted "no". So, is there any question about the will of the Congress after this colloquy with Senator Fulbright?

And then, I might say, if that isn't enough, seven months later President Johnson sent over a message to Congress, accompanied by an appropriation request specifically for the war in Vietnam. He accompanied this appropriation with a statement that the leaders in Hanoi and Peking had been making noises indicating that they didn't think that the people or the Congress supported the war in Vietnam.

He said I want the Congress, I hope the Congress will approve this appropriations bill which is solely for the war in Vietnam so it will demonstrate to the leaders of Hanoi and Peking that the Congress and the President are joined together in a determination to preserve the independence of South Vietnam and to prevent Communist aggression from defeating that. Well, here again of the Congress, 535 members, there were seven who voted "no". Is there any question about the will of Congress in this connection? I think it's quite clear that as far as the Constitution is concerned, the Congress has made a de facto declaration of war and has indicated its will.

INTERVIEWER. Senator Miller, I think most people who heard your discussion of that matter will agree that we are legally at war. Both the Congress, the President and all of the people are aware of that fact, and I don't think it's debatable from now on. So let's look at it from another standpoint. Many Senators may disagree with you as to what we should do or what we should not do. I'm sure all feel, however, that we should come to a peace as soon as is practical and possible without losing too many lives. So, my question has to be: What can we do along that line to accomplish a peaceful settlement of the matter with honor, which everybody says we must have? How do we do that?

Senator MILLER. Well, first of all, let me throw out this observation: I wish I could agree that everyone is agreed that we're going to get out of this war on an honorable basis, but I'm afraid that I can't say that. I have run into people who say: "we don't care whether it's honorable or dishonorable; we don't care that many thousands of Americans have given their lives for a purpose over here; let's get them out tomorrow." Now this is not an honorable basis. It's a dishonorable basis. We have pending in the Senate a so-called "End the War" amendment, an amendment 609 authored by Senator McGovern and several others.

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Now, this is calculated to—I mean it has written into it—that all U.S. troops will be out of South Vietnam by July 1, 1971, roughly a year from now.

I surely don't question the good intentions about this resolution, but I must say that it almost amounts to a peace at any price proposition. It's saying: "We don't care what the circumstances are, whether it's going to cost more American lives because those that have been remaining behind have not been adequately protected; we don't care whether it's going to undercut the whole Vietnamization effort; we don't care, just so they're out by July 1." And I must say that I take a dim view of that approach. I don't question the intentions, but to me it just doesn't make sense, and the best thinking of the people I've talked to, those who have had the experience over there, agree. You can always find, I know, you can always find in any army of three or four hundred thousand men—you're always going to find a certain number of dissenters. But I've been over there; I've talked to some of these people. And, you know, I've talked to them in the hospitals, and there's nothing like talking to some of the American boys in the hospitals, especially those who are in the intensive care ward and may not make it. And to come along and undo what they've paid a sacrifice for, to me, is unthinkable.

Now, at the same time, however, that doesn't mean that we should commit ourselves to being over there for five or ten or twenty years, for ever more. I think that our commitment, and I'm quite sure that the President feels this way, has been on the premise that the South Vietnamese will help themselves as rapidly as possible. There are some people who say: "Oh, the South Vietnamese don't care about what's going on over there." Well, the South Vietnamese have lost 110,000 of their army people in this war; that would be roughly equivalent to a million and a half Americans, on a percentage of population basis.

I would venture to say that if a million and a half American boys had been killed in a war that the people of the United States could not be said to have cared. The South Vietnamese care very greatly. That's why 110,000 have been killed already, not to mention the horrible problems of many of the civilians and refugees. But I don't think there's any intention to say: "Well, fellows, if you want to drag your feet and take four or five years to have Vietnamization work, don't worry, Uncle Sam will be there to take care of you." There's no intention like that at all. And the whole progress of Vietnamization, which has only been going on a little over a year, indicates that the South Vietnamese don't intend to have it happen that way, and, of course, we don't either. As I say, by next spring, with another 150,000 of our ground forces out, that'll mean 90 percent of our ground combat troops out of there. And that, of course, is where most of our casualties have come from. We've had some casualties, of course, in the air operations and some of the logistics operations, but the great bulk of them have come from the ground combat troops. Now, when you get 90 percent of those out of there, I suggest to you that our casualties will be way, way down. I hope they're gone. But certinly they'll be way down. The next thing is: What do you do when you get Vietnamization of the ground forces accomplished? You have to get Vietnamization of the air forces accomplished. That's going to take more time.

It takes time to train South Vietnamese to maintain sophisticated aircraft. They have a number of very fine pilots, but it takes more for an air force than to have somebody who can fly a plane; you have to maintain it. There are complicated mechanical instructions, engineering instructions, and the South Vietnamese language cannot absorb the translation of these technical publications, so we have to teach the South Vietnamese English and then familiarize them with these maintenance manuals. And that's going to take another year to a year and a half.

It seems to me that under this "End the War" amendment, to just pull them all out of there, right at the time ground force Vietnamization is about through, could undercut the whole thing that we've been working for. What is needed is flexibility for the President, regardless of who's President, so that as Vietnamization is completed in the ground forces, then the Vietnamization of the air forces can be accomplished on a phased basis and on an orderly basis.

Of course, in the meantime, I think everyone would like to see this war end as quickly as possible, and I get back to my original proposition: It could end tomorrow if the North Vietnamese were willing to enter into a cease fire and into meaningful negotiations for a negotiated settlement. There are many knowledgeable people who know more about this than I, because they've been over there and lived over there, who think that as Vietnamization increases, goes forward, as the American casualties go down, the North Vietnamese will be increasingly interested in meaningful negotiations.

Now, the trouble with the "End the War" amendment is that if you put a fixed deadline of July 1, 1971, and all American troops are going to be out, you kill off the possibilities of negotiation. There's no incentive whatsoever for the North Vietnamese to negotiate. Now I, for one—and I think most of us—want to preserve the possibility, whether it's a 5 percent chance, a 10 percent chance or a 50–50 chance, of ending this war on a negotiated settlement. And that's one of the major defects in this so-called "End the War" amendment.

I might add further that there is some possibility it might pass the Senate. I don't think there's been any nose counting, but it's possible it might pass the Senate. But around Capitol Hill, your knowledgeable people will tell you that it doesn't have a chance of passing the House of Representatives. And so I think there's a great amount of debate, going on, a lot of public agitation going on, over what in my judgment is a most unfortunate amendment—well-intentioned, but not practical—and I regret it very much. I'd like to see us move ahead into some other possible areas where you could have some bipartisan support. Another thing that bothers me about amendment 609 is that it has received some very unfortunate partisan political coloration. This particularly happened when the National Democratic Party Chairman, Larry O'Brien, came out and declared that he was very much for it and intimated that President Nixon wasn't doing a good job as Commander-in-Chief. To me, something like this ought to be about as far out of the partisan political arena as you could get anything. I've always operated on that basis, and I think it's very unfortunate that you've got partisan politics being played with this amendment.

INTERVIEWER. There's no doubt, is there, Senator, that things of this sort are very harmful to carrying out our foreign policy as laid down by the President and by the State Department? Doesn't it put us in a very non-strategic position from the standpoint of China, North Vietnam and these other people? Don't they say, "Well, the people aren't behind him. If we stick it out long enough that we won't have to lose too many men. They'll just get out and give it to us." That must be the impression, isn't it?

Senator MILLER. That's the strategy that I understand the North Vietnamese are striving for. They feel that, as American casualties go on and on and on, that they can win the war in Washington, just like they won the war against France in Paris. Now, I must say that if we were not going in the right direction—if our casualties were going on at about the same level as they did a year or two ago, if the cost of the war was still up around $30 billion, if we still had 550,000 men over there—I think that the North Vietnamese would have a pretty good strategy. But it isn't working out that way. The number of our casualties is about a third of what it was two years ago, about a half of what it was last year. And they're going down. And, of course, as Vietnamization goes ahead and you bring another 50,000 of our troops out by October and 90 percent of our ground combat troops out by next spring, I think that their strategy is going to go out the window. And that's why many people think that as Vietnamization gets nearer and nearer its final result, the North Vietnamese will be more interested in peaceful—in a negotiated settlement.

INTERVIEWER. I'm sorry we can't continue, Senator. It's been a very interesting discussion, very illuminating. I hope our listeners got a great deal out of it. This program has come to you from the nation's capital. Our guest was Senator Jack Miller of Iowa.

ADDITIONAL STATEMENTS OF SENATORS

UNITED STATES AND JAPAN ON BRINK OF CATASTROPHE IN TEXTILES

Mr. JAVITS. Mr. President, a crucial decision will be made later this week which will help to shape our foreign economic policy in the 1970's. An administration witness is scheduled to testify before the House Committee on Ways and Means later this week to outline the status of the United States-Japanese textile negotiations and to give the administration's position on the Mills bill which calls for the establishment of comprehensive quotas on all textile, apparel, and shoe imports.

Selig Harrison, of the Washington Post, has reported from Tokyo that Japan's Trade Minister, Kiichi Miyazawa, warned that Japan and the United States are on the brink of "catastrophe" in their relations. It seems that the United States-Japanese impasse over textiles which has periodically made the financial pages only of the U.S. press has consistently been front-page news in Japan. Mr. Miyazawa has also stated:

> This has touched upon some deep nerves in my country, something in the national sentiment of the Japanese people. If this were a dispute between Japan and Indonesia it would be different. It is between one very strong country and another that has now become fairly strong, so factors of psychology and pride are involved.

It would not be farfetched to suggest that the serious anti-American riots now taking place in Japan over the proposed extension of the Japan-United States security treaty may be drawing support from the continuing textile dispute.

Mr. President, the picture fortunately is not totally black, and the door for a mutually acceptable compromise agreement still appears to remain slightly ajar. Minister Miyazawa also stated that Japan would make a last ditch compro-

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mise offer to the United States this week. In characterizing this forthcoming offer, Minister Miyazawa has stated:

> We want to show our goodwill by making this offer even though we know that it may disappoint Mr. Stans and is anathema to our own industry. We want to make it clear that we did offer this much to save the situation even though we believe that the United States has no reasonable justification for asking this of us.

It would be in the interests of all industrialized nations if the new, forthcoming Japanese offer is reasonable enough to become the basis of serious negotiations. Until this reasonable offer is forthcoming, the ball rests squarely with Japan. However, it is worth noting that, to date, all compromise proposals—be they made by American business statesmen like Donald Kendall, by U.S. congressional leaders, or by interested Europeans—have not been given the weight they deserve.

Mr. President, the seriousness of this matter cannot be overestimated. The Nixon administration is now facing its moment of truth in the trade field. The wrong decision could result in retaliation, alienation of the U.S. key trading partners, and even a worsening of the grave economic problems we face at home. It is worth recalling that imports are an easy scapegoat during a time of economic downturn, and that if imports are made such a scapegoat the downturn can be worsened.

I ask unanimous consent that Selig Harrison's article, published in the Washington Post of Sunday, June 14, and an earlier Washington Post editorial on this subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 14, 1970]

UNITED STATES, JAPAN ON BRINK OF "CATASTROPHE" ON TEXTILES

(By Selig S. Harrison)

TOKYO, June 13.—Japan and the United States are on the brink of a "catastrophe" in their relations recalling the economic strife of the pre-World War Two period, trade minister Kiichi Miyazawa warned yesterday.

In an impassioned appeal for rejection of pending congressional import quota legislation aimed primarily at Tokyo, Miyazawa said in an interview that "it is not out of place" to compare the current year-long deadlock in trade negotiations between Japan and the United States to "strikingly similar" struggles over textile imports in the thirties.

"I was in the United States as a college boy in 1939," he observed. "I knew what was in the air then in both of our countries and I did not like it. I do not like what is in the air now. Of course, we are a different Japan now with different ideas, and the relations between our two countries have become something very special. But even good friends can never, never afford to take each other for granted.

LAST DITCH OFFER

Miyazawa indicated that Japan would make a last-ditch compromise offer to the United States early next week on the eve of a scheduled June 18 appearance by Commerce Secretary Maurice Stans before the House Ways and Means Committee. It is understood that the plan will offer one-year textile export curbs by Japan, pending a multilateral agreement within the framework of the General Agreement on Tariffs and Trade (GATT), but will not include a provision sought by the United States for automatic continuance of bilateral restraints in the event that multilateral talks fail.

Japanese industry leaders are adamant in their refusal to consider a commitment beyond one year, Miyazawa explained, and pointed to the failure of the United States to live up to the 1962 cotton agreement concluded by the Kennedy administration as proof that Washington will seek to extend any bilateral import curbs on manmade fibers indefinitely. When Japan agreed to voluntary curbs on cotton textiles under the 1962 pact, the United States pledged that "since these measures are intended to deal with the special problem of cotton textiles, they are not to be considered as lending themselves to application in other fields."

NO STAND ANNOUNCED

The Nixon administration has not yet formally announced its stand on a textile and footwear quota bill sponsored by Ways and Means Committee chairman Wilbur Mills. Mr. Nixon reportedly told a delegation of textile industry and congressional leaders at the White House on Monday that the outlook for a negotiated settlement with Japan and other major textile exporting countries was "not bright."

Enactment of the Mills Bill would be "the beginning of the end of the entire international trading system we have built in GATT," Miyazawa said, provoking a "chain reaction" of quota moves by electronic and auto manufacturers in the United States and demands for retaliation in both Europe and Japan.

"This has touched upon some deep nerves in my country, something in the national sentiment of the Japanese people. If this were a dispute between Japan and Indonesia it would be different. It is between one very strong country and another that has now become fairly strong, so factors of psychology and pride are involved."

U.S. IMAGE INVOLVED

Whatever the outcome, he added, "I am afraid that the image of the United States will be lowered in the eyes of the Japanese people because it is not felt that you are making just and reasonable demands. It also is inevitable that passage of the Mills bill would lead my critics in Japan to question why we should carry out our plans for liberation of trade and investment if the United States feels that it can act in another spirit."

Miyazawa, 51, is the leading soft-liner in the Japanese government on trade and investment issues. He has failed to find a compromise formula tolerable in the eyes of recalcitrant textile industry leaders during two months of intensive negotiations here, but has argued in cabinet councils that the Japanese government should make its planned offer anyway to avoid the impression of intransigence. If Washington shows a conciliatory response, he contends, Prime Minister Sato will then be in a stronger position to make the industry swallow a compromise, and if Washington stands pat, nothing will have been lost.

Miyazawa is the only member of the Sato cabinet who speaks fluent English and received this correspondent without an interpreter present.

"We want to show our goodwill by making this offer even though we know that it may disappoint Mr. Stans and is anathema to our own industry," he stated. "We want to make it clear that we did offer this much to save the situation even though we believe that the United States has no reasonable justification for asking this of us."

Stressing two more major areas of "serious misunderstanding" apparent in discussions with the United States since Secretary Stans paid his first visit to Tokyo in May, 1969, Miyazawa said that imports of manmade fibers from Japan represented only 1 per cent of total consumption in the United States during 1969, and that it is "obviously an overstatement to say that this causes injury or even the threat of injury to your textile industry."

An even more basic misunderstanding, he continued, lies in the American belief that the Japanese government can compel textile makers here to go along with its desires, since "we have no legal instruments enabling us to force our will on them. We have to get them to agree, to acquiesce. If the United States understands these two points, then it will be clear that our offer is in a spirit of goodwill and good faith."

A BRITISH PROPOSAL

When foreign secretary Michael Stewart visited Japan in April, Miyazawa disclosed, Stewart proposed that Japan and Britain cosponsor a meeting of major exporting countries on the textile problem. But Japan declined both this offer and another from the European Economic Community because "we didn't want to gang up against the United States. We consciously avoided this to show our good faith. We argued that agreement in substance between Japan and the United States should precede multilateral moves."

Rejection of the British move was in the spirit of an assurance given by Prime Minister Sato in his talks with President Nixon last November that Japan would "do its utmost" to work out a bilateral settlement with the United States reflecting the "intimate" relations between the two countries, Miyazawa said.

The newspaper Asahi Shimbun said yesterday that the Japanese compromise offer was cabled to ambassador Takeso Shimodda for presentation to the United States following a meeting Thursday between Sato, Miyazawa and foreign minister Kiichi Aichi.

LIMIT TO GOODWILL DEMONSTRATION

Miyazawa avoided the use of the word "final" to describe the expected offer. But he said that "there is a limit beyond which we cannot commit ourselves, a limit to what we can do as a maximum show of goodwill. That is not threatening anybody. It is a simple statement of what we can do and not do. It would be a diplomatic lie to promise something to the United States that we could not hope to get our industry to accept."

It is understood that government leaders envisage export curbs during the one-year bilateral restraint period permitting an increase over 1969 Japanese export levels to the U.S. fixed on the basis of the average annual growth in U.S. consumption of manmade fibers during an agreed-on recent period. One widely-mentioned plan would base this average on the past three to five years.

In addition to the term of possible curbs and the export levels permissible, Japan and the United States are also at odds over whether the proposed curbs should be applied on a blanket basis or only on specified items. The government plan would reportedly exclude items not produced in the United States on the argument that imports in these areas do not inflict damage to the domestic industry under GATT criteria.

"The gap between us at the moment is great," Miyazawa concluded, "but there is still a little time in which we can act to avoid catastrophe." When critics in the textile industry and the ruling Liberal Democratic party "talk to me about humiliation, I remind them of the record of relations between our two countries and of how much we owe the United States. I ask them which is more humiliating, to owe something or to give something?"

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[From the Washington (D.C.) Post, April 12, 1970]

A Weathervane Choice on Trade

For more than a year Mr. Nixon has wavered between sectional and special-interest demands for trade protection, and the broader national interest in freer trade. Now—in the textile dispute with Japan—he is at his administration's first moment of truth on this critical issue. If he caves in to his political creditors in Southern textile states, he will be beckoning a protectionist wave that will probably sweep far beyond textiles and that also will probably doom his own trade bill. A major trade war is regarded by experts as a real possibility. If, on the other hand, he takes advantage of the moderate option open to him, his administration stands a good chance of riding out the rough trade storms ahead.

In the campaign Mr. Nixon promised Strom Thurmond to limit imports of man-made and woolen textiles from Japan, and upon election he dispatched his Commerce Secretary to Tokyo (and other East Asian points) to make his promise good. But Japan, its government more nationalistic and its legislature more textile-minded than at any time since the war, dug in its heels. The mood grew intolerably bitter on both sides and progress seemed completely balked until Donald Kendall of the liberal Emergency Committee on American Trade proposed a compromise. The Japanese government, albeit reluctantly, accepted the Kendall plan as a basis for continuing talks. The American government, however, so far has not accepted this plan. Senator Javits is manfully struggling to put the administration's own best foot forward for it, but the industry-oriented Commerce Department is holding the other foot back.

The plain requirement is, as Mr. Javits states, presidential intercession. Everybody interested in world trade is watching the White House intently to see how it handles this weathervane case. Protectionists in Congress are poised to exploit a sign of weakness. Over-all relations with Japan, the country the United States hopes to make its main Asian partner, are to a large extent in the balance. The Kendall plan—a freeze on imports for a year while a presidential commission makes a case-by-case determination of import injury—offers a reasonable way out. It remains only for Mr. Nixon to decide whether the nation's stake in expanding international trade is of higher value than a political debt.

THE FUTURE OF DULLES INTERNATIONAL AIRPORT

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the Record an interesting article entitled "Stretch Jet Key at Dulles," written by William N. Curry, and published in the Washington Post of June 11, 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

Stretch Jet Key at Dulles

(By William N. Curry)

At 1:23 on a recent Sunday afternoon, a four-engine Pan American jet rolled down the runways at Dulles International Airport, pointed its nose at the hazy sky and became airborne, on its way to Guatemala City.

Then there was one jetliner left at the $110-million Dulles International—an O. Roy Chalk Trans-Caribbean jet from Puerto Rico. A woman who had put a dime in the coin-op binoculars on the observation deck called out to a friend, "Come here, Polly, all you can see's a bunch of trucks."

In the sky, an Eastern Air Lines DC-9 was making practice runs on a deserted Dulles runway and a few gnat-sized private planes seemed to be playing touch-and-go on the concrete strips.

A man with a home movie camera wandered around the observation deck looking for something to photograph.

That day, like all but one other, there was no spectacular skyjacking drama to give the airport a few hours of attention.

To be sure, Dulles International, sequestered in rural farmland on the western edge of Fairfax County, does have its peak traffic hours. But its empty, cavernous terminal, its nonjamming auto traffic, its unmanned ticket counters, its time-killing skycaps and its deserted restaurant contrast sharply with Washington National Airport on a Sunday afternoon.

There, plane after plane is lined up by the terminal in some phase of loading or unloading, people thread their way through the crowded terminals, cars dent their way around the traffic circle, long queues protrude from ticket counters and waitresses scurry in the airport restaurant.

In the year ending June 30, 1969, Washington National handled 10,051,906 passengers while Dulles accommodated 2,006,274. That year many of the concession stands at Dulles made a profit for the first time. The airport opened in November, 1962.

During 1969, there were 225,609 takeoffs and landings by air carriers at National, 61,535 at Dulles.

Dulles is getting busier. In 1965, 863,435 passengers passed through its gates. But the same year, National was processing 6,544,081 and Baltimore's Friendship more than 1.6 million.

And by 1980, it is estimated, Dulles will have a 29 per cent share of the Washington area airport business while National and Friendship each has 36 per cent. Now Dulles has only 13 per cent of the passengers.

To sum up, of all the airline passengers who arrived at or departed from National, Dulles and Baltimore Friendship, two-thirds did so at National.

It is this disproportionate activity (and the jet noise and fumes that go with it) that has prompted civic groups, planning commissions and some congressmen to urge the Federal Aviation Administration (FAA) to order that many fights be transfered from National to Dulles.

But so far they have not made much headway. And a recent decision by FAA administrator John H. Shaffer to finally allow stretched jets (longer fuselages, more passenger seats) into National may complicate things.

An FAA staff study obtained by Sen. William B. Spong (D-Va.) asserts, "Under present circumstances, the critical point in the growth of Dulles will occur when restrictions at National force the transfer of significant service, particularly to Chicago, from National to Dulles.

"In our judgment that day is not far off now. But the decision to admit the stretch jet to National (setting the precedent for even larger air buses) will postpone that day indefinitely."

In other words, the FAA prediction last November that by 1980 Dulles would handle 11.38 million passengers is in doubt. And the growth of National's passenger load would exceed the 1980 projection of 16.4 million a year.

The use of a stretch jet enables an airline to carry more passengers at roughly the same cost as flying a regular jet. Thus, it was forecast that when an airline found it could make more money by flying a stretch jet out of Dulles than by using a regular jet at National, many flights would be switched to Dulles.

So the FAA study concluded that allowing stretch jets at National would mean "indefinite postponement of the day when a major air carrier would be motivated to transfer significant service" out of National.

"The hard, cold facts are that the stretch Boeing 727 cannot be employed profitably at National without substantially altering the prospects for growth of Dulles and Friendship," the study said.

At 1:43 on a recent Sunday afternoon, a United Air Lines Boeing 727 from Kansas City touched its wheels to the runways, coasted almost to a stop and then rolled to a boarding gate. Now there were two planes again at Dulles International Airport.

CONVERSION OF GARBAGE TO OIL

Mr. METCALF. Mr. President, we as a Nation are blessed with an abundance of many low-cost materials of short-duration utilization. As a result, we are facing an increasingly overabundant supply of municipal waste. This urban refuse is not only a major environmental problem, but the associated costs of disposal are high, and the apparent waste of potentially reusable minerals are appalling. Scientists and engineers in the Bureau of Mines, as reported in the June 1970 issue of Industrial Research, appear to be making significant progress in their efforts to assist in the solution of this mounting waste problem.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Lest We Forget—Converting Garbage to Oil

Pittsburgh.—Interior Department scientists, who late last year started experimentally producing oil from garbage and waste paper, have significantly improved and reduced the cost of the process.

A ton of wet urban refuse—minus bottles and cans—now can be converted into a little more than one barrel of crude oil by treating it at 1,500 psi with carbon monoxide and steam at 250 C. Earlier conversions required 5,000 psi, 370 C, and higher concentrations of carbon monoxide, all of which greatly increased process cost.

Last year's experiments, conducted by research chemists at the Pittsburgh Coal Research Center of the Bureau of Mines, yielded a benzene-soluble oil as the final product. Latest tests have produced a thicker, acetone-soluble oil. This change is attributed to the use of lower pressures, temperatures, and CO concentrations.

The recent tests also have confirmed earlier results that oil converted from garbage is low in sulfur—about 0.1%. Low-sulfur fuels are particularly valuable for reducing sulfur dioxide pollution. Nitrogen content is relatively high (2 to 3%), however, and will have to be reduced before the oil would be suitable for refining into gasoline.

The experimental conversion process also works on wood by-products and sewage sludge. Oil yields in this case have about the same nitrogen content as the oil from garbage, but the sulfur is slightly higher, about 0.5 or 0.6%.

WHO CAN AFFORD THE SST?

Mr. PROXMIRE. Mr. President, a column published recently in the Chicago Sun Times puts the SST program in just the proper perspective. The column points out that the U.S. airlines are already overcommitted on the new jumbo jets, and that some of the orders may have to be canceled. It is clear that un-

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less the airline industry can pull out of the financial tailspin it has been experiencing lately, it will not come close to being able to put up the money for the new SST's when they come along.

The column also describes a tape-recorded statement that the Department of Transportation prepared for dissemination by phone. Anyone calling a special number would hear a message justifying the SST in terms of the number of jobs that could be saved. As the Chicago Sun Times notes, "saved from what?" Needless to say, Dial-an-SST does not have an answer for this.

Mr. President, I ask unanimous consent that the column entitled "Who can afford the SST?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO CAN AFFORD THE SST?

(By William Hines)

WASHINGTON.—By the barest of margins late last month, the Albatross (as the supersonic transport airplane, or SST, is sometimes called) survived a test in Congress, perhaps to fly on some remote day.

But the outcome of the vote in the House on May 27 should provide food for thought, and give the Albatross' sponsors occasion to wonder whether this eminently non-essential project can survive another attack by its growing body of opponents.

Sitting as committee of the whole to consider items in the Department of Transportation budget, the House defeated a motion to strike $290 million allocated for the SST. The vote was too close for SST proponents' comfort: 176–162; a switch by only eight lukewarm Congressmen would have killed the program.

It was obvious that the SST's sponsors were running scared even before the vote. Now that they have sampled the sentiment of Congress, the plane's lobbyists can be relied on to intensify their propaganda campaign in an effort to defeat a similar maneuver when the transportation budget reaches the Senate.

The lobbying has been spearheaded by the Transportation Department in response to the well-known fact that a mother tiger has not 1-10th of the ferocity of a bureaucrat whose empire is threatened. Late last month the department put out an official statement answering criticism of the SST project with the rather sweeping assertion that "none has any substantial basis in fact."

That was only part of it. Undersecretary of Transportation James M. Beggs signed a letter to the New York Times alleging "some rather serious inaccuracies" in an editorial (adverse, of course) about the SST. The department, following up its contention that all criticism of the Albatross is "specious," launched a propaganda counterattack playing on popular concern over the shakiness of the economy.

In a tape-recorded statement nearly two minutes long, which could be heard by dialing a well-publicized number in Washington, a dulcet-voiced girl said:

"If the SST prototype program is successful, it has been estimated that the jobs of more than 50,000 production workers and another 200,000 jobs in allied services will be saved."

Saved from what? She did not say.

But perhaps all the maneuvering pro and con in Washington will have less effect on the SST's fate than what is going on in the aviation industry today—eight years, by the most confident estimate, before the first SSTs will be hauling revenue passengers. This is the unhappy profit-and-loss position of the airline industry, which is head over heels in debt for a new generation of airplanes and probably won't be ready for another vast capital outlay in the 1970s.

The Air Transport Association spokesman for the U.S. airlines warned on May 25 that some orders for the new jumbo jets may have to be cancelled. ATA's annual compilation of "facts and figures" shows that the 12 major U.S. carriers are committed for $6.6 billion worth of new equipment in the next three years, the bulk being for Boeing 747s at $22 million each and Lockheed L–1011 and Douglas DC–10 trijets at $15–18 million each.

The airlines say they must have a fare increase over and above the 10.19 per cent they received in two hikes last year. This may be self-defeating because historically the carriers have found that the way to fill airplane seats is to sell them more cheaply.

The financial position of the airlines may render the Albatross as dead as the dodo by the time it becomes necessary to start hiring those 250,000 workers whose jobs will supposedly be "saved" by this gigantic technological WPA. If this can be conveyed to Congress before final action on the transportation budget, perhaps it will be possible to give this tired bird a decent burial.

THE 30TH ANNIVERSARY OF LOSS OF FREEDOM BY BALTIC COUNTRIES

Mr. ALLOTT. Mr. President, 30 years ago today, the armies of the Soviet Union invaded and occupied Lithuania, Latvia, and Estonia.

The brave people of the Baltic States must not be forgotten by those of us fortunate enough to retain our freedom in this dangerous century. In fact, we should all learn a lesson from their current plight.

It is very easy to lose freedom. It is terribly hard to win it back. It is much easier to preserve despotism than liberty, especially when despotism is backed by the tanks and bayonets of the Red army. This is the army that is enforcing despotism throughout Eastern Europe today, and which would be enforcing despotism in every town and hamlet of Europe today were it not for the vigorous opposition of the United States.

We must hope that the dark despotism that exists wherever the power of the Soviet Union extends will not endure forever. And we must join with all friends of the Baltic peoples in calling on world public opinion to censure the Soviet Union for its continuing criminal occupation of these countries.

A SALUTE TO JULIAN ROSS

Mr. BIBLE. Mr. President, our Government's policy of fostering the economic health of the Nation's 5½ million small business firms would indeed be a mock effort without support from those individuals in Government and industry who are strongly committed to this policy. It is a well-known fact that many people regard our national small business policy as a political gesture not to be taken seriously. But Congress established a small business policy for our Government, for sound economic and social reasons, and we must rely on cognizant Government officials to implement the policy.

I invite the attention of Senators to one individual who, as a public servant, has had the task of getting the job done for the small business program in one of our defense agencies.

The gentleman of whom I speak is Julian F. Ross, who is retiring from Government service as Small Business Adviser for the Defense Supply Agency. Mr. Ross has been in Government service since 1942; for the last 25 years he has worked in the Government purchasing system, serving between the years 1945 and 1962 as Assistant to the Chief of Procurement, Army Office of Quartermaster General; Staff Director of the Armed Services Textile and Apparel Procurement Agency Directorate; and Acting Director of Business Services and Chief of Small Business, General Services Administration. He has served as Small Business Adviser for the Defense Supply Agency since 1962.

Few people recognize the responsibilities that our Government employees involved in purchasing activities are asked to bear. These people are entrusted with and authorized to spend billions of taxpayers' dollars and are accountable for buying the best for the Government at the lowest price. Mr. Ross not only had to be concerned with protecting the interest of the Government and the taxpayer; he was also charged with looking after the interests of small Government contractors.

I should say that is quite a job for a man to perform adequately. But I would not be talking about Julian Ross today had he merely performed his job "adequately." He brought tenacity and imagination to bear against all of the complexities and frustrations of his job of promoting small business contracting, and his record of performance testifies to the success of his efforts.

I know that many Senators are aware of the fine record of small business contract awards that is held by the Defense Supply Agency. I know that many are aware of the courteous and effective manner in which the DSA small business office responds to congressional inquiries. Many of us have had cases involving small firms under contract to DSA which needed to cut through the maze of bureaucratic redtape, which needed someone to listen sympathetically, which needed help beyond that provided by arbitrary procurement rules; which needed all this to be able to get the contract work done on time so that no one would lose—neither the contractor nor the Government.

As chairman of the Small Business Committee, I have seen Mr. Ross' office give that extra bit of help many times for our committee, its members, and to Members of the Senate as a whole. And not begrudgingly, just because it was expected, but because there was a job to be done—the job of sometimes running interference for small contractors, sometimes guiding, sometimes counseling, and always, always, doing a selling job to buying officials that small firms can do the job if given the opportunities.

Mr. President, I wish Julian Ross a fulfilling retirement, and I thank him for a job well done in service to his country. I know that his example as a man who was not afraid to commit himself strongly to his job will influence all who worked with him for many years to come.

MILWAUKEE JOURNAL SUPPORTS THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I am proud to say that the Milwaukee Journal is among the growing number of newspapers urging Senate ratification of the Genocide Convention. In an editorial, dated June 5, the paper notes that—

> A great nation that is a party to more than 4,000 treaties still perversely spurns one that merely renounces the unthinkable.

The paper goes on to say:

> A nation that refuses to take the pledge against such an inhuman crime among nations can only appear to want the weapon in its arsenal.

Mr. President, the Journal editorial should serve to remind all of us in the Senate that our failure to ratify the convention can only hurt the Nation's credibility at a time when confidence in the Nation's principles is most important.

I ask unanimous consent that portions of the Journal editorial entitled "Do We Support Genocide?" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Do We Support Genocide?

A great nation that is party to more than 4,000 treaties still perversely spurns one that merely renounces the unthinkable. After 21 years, the continued U.S. nonacceptance of the UN Genocide Convention not only shames this nation but insults the 75 sister nations that have long subscribed to it. The US looks silly and suspect.

Last year President Nixon revived the issue by properly resubmitting the treaty to the Senate and urging ratification. Sen. Proxmire of Wisconsin has been taking the floor to remind the Senate of its ratification duty every single day it is in session. New hearings by a foreign relations subcommittee have raised hope.

From the outset in 1949 the American Bar Association has maintained the principal blockade with twisted and outdated legalisms, despite all the secretaries of state and attorneys general who have repeatedly discredited all objections and fears. All ABA sections having cognizance of the subject matter, along with the current ABA president, have recently sought to reverse its embarrassing position. That hopefulness was dashed in February by a 130 to 126 adverse vote of the ABA House of Delegates.

Genocide is a systematic national policy of exterminating a whole ethnic, racial or religious group. The United States itself led the UN to call unanimously for its formal outlawry, when the genocidal horrors of German Nazism were being freshly exposed. A nation that refuses to take the pledge against such an inhuman crime among nations can only appear to want the weapon in its arsenal. Our small company outside the pale includes, for instance, racist South Africa.

This country is making itself look as if it were really afraid that it might be accused of genocide, with no successful defense. The continued refusal to ratify almost confesses that.

THE 30TH ANNIVERSARY OF LOSS OF FREEDOM BY BALTIC COUNTRIES

Mr. HRUSKA. Mr. President, my dedicated colleague from Nebraska (Mr. Curtis) was unavoidably detained in the State today following several weekend appearances there, but he has not forgotten a very important item which he had placed on his agenda for today in the Senate.

The item is important not for its pleasance but rather for its tragedy in the history of man, and for the courage it takes to remind the world of its past errors in order that those mistakes are not made again by men who are free or in whose hands the freedom of themselves and others rests.

Senator Curtis has asked me to bring to the Senate the remarks which he had prepared for delivery here today on the occasion of the 30th anniversary of the invasion and enslavement of the Baltic countries—Lithuania, Latvia, and Estonia—by the Soviet Union.

I present my colleague's message with my full endorsement, Mr. President, as a solemn reminder of the high price of freedom once it is lost, and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Curtis, 30th Anniversary of Loss of Freedom by Baltic Countries

Mr. President, some national anniversaries are in reality tragedies, but they must be marked and remembered if we believe in freedom and self-determination.

June 15, 1970 is such an anniversary. It is now thirty years since the Soviet Union invaded, occupied and demolished the three independent Baltic countries, Lithuania, Latvia, and Estonia.

On June 15, 1940, as part of their cynical deal with the Nazis, the Russian Communist armies marched into the Baltic nations.

Thereafter, the world had the first demonstration of what is still a favorite Soviet political charade: "Elections" were held under the benign influence of Russian troops, guns and tanks. The people of Lithuania, Latvia and Estonia were then informed they had voted to surrender their independence in favor of life in the Soviet anthill.

The Russian Communist leaders put the lie almost immediately to their own propaganda.

If the Baltic peoples had so easily and eagerly consented to submerge themselves in the Soviet Empire, why did their new rulers feel it necessary to drag hundreds of thousands of Balts off in cattle cars and dump them into the Arctic and Siberia?

Why has this brutal policy continued until today?

Why, since June 15, 1940, have Lithuania, Latvia and Estonia literally lost more than one fourth of their entire population?

Because the Baltic peoples never consented to this fraudulent union, and have continued to resist in one way or another ever since.

Nor has the Government of the United States ever recognized the seizure and forced "annexation" of Lithuania, Latvia and Estonia.

To our credit, we maintain diplomatic relations with the former free governments of the Baltic peoples.

All Presidents, since June 15, 1940, from Franklin D. Roosevelt to Richard M. Nixon, have firmly held to the nonrecognition of the illegal occupation of the Baltic States by the Soviet Union.

Just as noteworthy, Congress has adopted House Concurrent Resolution 416 calling for freedom for Lithuania, Latvia and Estonia.

This is our declaration that we will not forget these brave peoples and that we will continue to urge our President to direct the attention of world opinion at the United Nations and other international forums to the denial of the right of self-determination for the Baltic peoples.

Mr. President, it is a fact that the United Nations has increased to over 120 nations, with the greatest increase in small membership occuring during the last decade.

Without exception all of these new nations were former commonwealths or colonies controlled at one time by Governments of Western Europe.

There are few vestiges remaining of what was once labelled Western Colonialism.

But colonialism is not a thing of the past.

The Soviet collosus stands astride a great empire. Millions of people have been made subject to the new imperialism. Moscow has become the capital of 20th century colonialism.

It is tragic and ironic that as former colonies in Africa and Asia emerge into nationhood, and take their place in the United Nations, other ancient and honorable people, such as those of Lithuania, Latvia and Estonia remain imprisoned in the Soviet Empire.

It would seem to me, that these new nations, so proud of their hard-won independence, and so outspokenly anti-colonial in their outlook, should lead the fight to expose and penalize Soviet colonialism.

Across half the globe, the Soviet empire sprawls—enslaving not just the Baltic nations, but peoples of East and Central Asia, of Asia Minor, of the Balkans, of East Central Europe.

Let us resolve to keep this record of repression and colonialism, of enslavement and actual genocide, before the free Governments of all the world, and before the United Nations.

Lithuania, Latvia and Estonia have kept alive their culture, their identity and their love of freedom despite implacable attempts to submerge them.

It is our duty to take their message which comes from behind the Iron Curtain, to amplify it and broadcast it all over the free world.

These unwilling Soviet colonies must know we support them, that we abhor the deeds of their foreign masters, and that we will never cease to protest the tyranny of Soviet colonialism.

RESIGNATION OF DR. JAMES E. ALLEN AS U.S. COMMISSIONER OF EDUCATION

Mr. ALLEN. Mr. President, on May 5, 1969, when the nomination of Dr. James E. Allen, Jr., to be U.S. Commissioner of Education and Assistant Secretary of the Department of Health, Education, and Welfare was before the U.S. Senate for confirmation I spoke in opposition to his nomination and later voted against the confirmation of his nomination.

I ask unanimous consent that the entire text of my speech of May 5, 1969, published in the Congressional Record, volume 115, part 9, page 11410, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, the same arguments and reasoning which I ad-

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vanced at that time in opposition to his nomination are pertinent today in the aftermath of Dr. Allen's forced resignation from his position as U.S. Commissioner of Education and Assistant Secretary of the Department of Health, Education, and Welfare.

It is to be hoped that Dr. Allen's successor will be more interested in educating children rather than in busing children. It is to be hoped also that he will work toward seeing that our schools are returned to local control and that the freedom of choice concept and concept of neighborhood schools are implemented by his Department.

EXHIBIT 1

REMARKS BY SENATOR JAMES B. ALLEN, REGARDING DR. JAMES E. ALLEN, ON SENATE FLOOR

Mr. ALLEN. Mr. President, I speak in opposition to the confirmation of the nominations of Dr. James E. Allen, Jr., to be U.S. Commissioner of Education and Assistant Secretary of Health, Education, and Welfare.

Although our names are quite similar, since mine is James B. Allen and his is James E. Allen, we are not related. I am sure he would hasten also to assure the Senate of the same thing.

We come from different areas of the country, he from West Virginia by way of New York, and I from Alabama, so it is not surprising that our ways of life and our outlooks and viewpoints are different.

The office of U.S. Commissioner of Education and the office of Assistant Secretary of Health, Education, and Welfare are important positions, important to the people of Alabama and of the Nation. The holder of this office will help to formulate and put into practice the Nixon administration's policies concerning our schools.

A man who has the views that Dr. Allen has is not the man to whom should be entrusted the welfare of the schoolchildren of the Nation. In my judgment, his goals are social goals more than educational goals. He is more interested in conducting social experiments with schoolchildren than in seeing them get quality education. He would lower the levels of education to the lowest common denominator rather than to raise levels.

More than any other person, Dr. Allen is responsible for the concept of busing students from one section of a town or county to another for the purpose of achieving racial balance in a given school system.

He has been nicknamed "Mr. Busing"—and with adequate reason. The busing of students to achieve a racial balance is completely contrary to the principle of freedom of choice for students. It is forced integration instead of the absence of discrimination, which court rulings require.

Just recently the New York Legislature passed a bill providing that no State funds shall be used to bus students for the purpose of achieving a racial balance. So Dr. Allen's policies have been repudiated by the very State which he has been serving and where he put into practice his busing ideas.

We do not need to have Dr. Allen continuing the policy of forced integration of our schools through the busing of students, through court orders, through the withholding of Federal financial support from our schoolchildren. Are we not having enough troubles with our educational institutions already because of riots, rebellions, and lack of adequate funds? I believe we are.

I know that our State government and school systems in Alabama want to make available a quality education to every boy and girl in Alabama. Without Federal intrusion and a takeover of our schools, that is just what will be done in Alabama.

Earlier in this session of Congress, I placed in the Congressional Record an editorial published in the Dothan, Ala., Eagle. The editorial quoted in full an article published in Human Events, from which I shall read, specifically incorporating these words and phrases as my own. The article is entitled:

"MR. BUSING" COMES TO WASHINGTON

"Republican politicos were intensely unhappy last week with the naming of the controversial Dr. James E. Allen—a zealous school integrationist—to two powerful positions in the Department of Health, Education, and Welfare. The startling selection of New York state's commissioner of education who will assume both the jobs of assistant secretary of HEW and U.S. Commissioner of Education in the Nixon Administration, is considered a stunning setback by GOP strategists who realize the party must move southward to forge a permanent Republican majority. Yet the strange choice of Allen—made by Nixon's supposedly good friend Robert Finch—promises to wreak havoc with that plan.

" 'If anything can regalvanize the Wallace movement,' noted one Southern Republican last week, 'it is the appointment of such persons as Allen.' But Allen's policies—if implemented on a national level—are bound to trigger an adverse reaction to the Nixon Administration not only in the South but in almost all other sections of the country as well.

"The czar of New York's primary and secondary education system for 14 years, Allen has become the champion in inflexible and irresponsible integrationist policies, policies which Nixon repeatedly—and vigorously—opposed during the campaign. He is, in fact, "Mr. Busing" himself. Moreover, in New York's decentralization struggle, Allen allied himself with the racial militants, both black and white.

"What Allen will probably choose to accomplish in his new post can be gauged from his New York performance in the past six years. On June 14, 1963, he issued a directive to every school district in New York demanding the elimination of 'racially imbalanced' school which he defined as 'one having 50 percent or more Negroes enrolled.' Since this incredible edict, Allen has been disrupting the state's local system by energetically trying to end de facto segregation, closing down perfectly good schools if they are "racially imbalanced" and "instituting a massive busing program . . ."

I interpolate that in the State of Alabama, we have had more than $15 million worth of schools closed—perfectly good schools, some brand new—in order to implement a program of this sort.

"Upon being formally nominated to his new position last week, Allen did nothing to suggest a softening of his previous positions. He even went so far as to stress that he was "fundamentally" in agreement with the past Commissioner of Education, Harold Howe II, whose plans to achieve compulsory racial and economic integration in the nation's schools included massive busing, educational parks and the virtual elimination of neighborhood schools.

"Allen's love for Howe was not exactly a surprise, however. Indeed, Allen's chief aide in implementing his own compulsory integrationist policies was one Theron Johnson, who became a special assistant to Howe in 1966. Also an advocate of busing and educational parks, Johnson plans to stay in his $25,000-a-year job to serve Allen once again.

"Yet Allen's attitude on integration is not all that is disturbing. In the late 1950s, Allen put pressure on the city board of education to help eliminate an investigation into Communist teachers headed by assistant corporation counsel Saul Moskoff. Allen, further, is considered almost as responsible as John Lindsay for permitting racial militants to take over the schools in the Ocean Hill-Brownsville area.

"The Allen selection, then, bodes ill for the Nixon Administration. Unless Allen can be hamstrung, HEW will be a far more activist department than Nixon—or its new secretary Robert Finch—had led many to believe."

Then, as shown in the Congressional Record of April 23, 1969, this matter received attention in the House of Representatives, when Representatives JAMES M. COLLINS of Texas stated:

"There is pressure to bus children from 6 to 13 miles away from home. If an elementary schoolchild is 10 miles away from home, he cannot go home if he gets sick during the day. A girl cannot stay after school to rehearse school plays; a teenager cannot take part in athletic events; a weak student cannot have special tutoring in weak subjects because all would miss the bus. Parents' attendance at PTA meetings would be difficult in the evenings. The long bus ride would immeasurably lengthen the day for the student. In addition to that the cost of busing could become astronomical.

"Mr. Chairman, many statistics show the unpopularity of this subject of busing. Nation School magazine, May 1968,, reported a poll that showed that 74 percent of the Nation's school superintendents did not support busing as a desegregation measure. This same survey showed that the members of the school boards, by 88 percent, would not personally support a busing program. And, this is interesting: in Today's Education, March 1969, an NEA research division survey showed that 78 percent of the teachers oppose busing students from one district to another."

Everyone is against busing, but yet busing continues.

I read next an excerpt from an editorial published in the New York Daily News on March 28, 1969, entitled "Let's Drop Forced Busing."

"After a hot debate, the Assembly day before yesterday passed by a 104-41 vote the bill to end compulsory busing of school children in the interest of integration.

"Any school district whose citizens wanted such busing could go ahead and have it, under this proposed law.

"But State Education Commissioner James E. Allen Jr.'s notion that black children should be shipped into white majority schools and vice versa by order of Doc Allen would be junked.

"The Allen idea sounds good at first hearing—mix the races early in life, get 'em to know one another, and so on.

"It hasn't worked out that way in practice, and we doubt that it ever will or can. Let's drop it, via State Senate passage and signature by Gov. Rockefeller of the no-compulsory-busing bill, and soon."

That is the reaction of at least some of the press in the State of New York.

Mr. President, the schools of Alabama are institutions near and dear to the hearts of our people, ranking just behind our churches. We resent very much the prospect of having a man with the political views, the political philosophy, and the sociological thinking of Dr. James E. Allen, Jr., confirmed as U.S. Commissioner of education and Assistant Secretary of the Department of Health, Education, and Welfare, and put in charge of enforcing the educational policies of this Nation. As the junior Senator from Alabama, speaking for the people of Alabama, I strongly oppose the confirmation of Dr. Allen for this position.

THE IMPOSSIBLE DREAM—ESSAY BY KAREN BAKER

Mr. HARRIS. Mr. President, each year, rural electric cooperatives in Oklahoma conduct an essay contest among high

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school juniors to determine who will be selected to partcipate in the annual Washington Youth Tour. This youth tour is conducted by rural electric cooperatves in Oklahoma, which each year give some 60 high school juniors an opportunity to come to Washington and view their Government firsthand. These young people write some excellent essays, and this year the Oklahoma congressional delegation, as hosts at a breakfast for the Washington Youth Tour participants, were fortunate to hear the essay of Miss Karen Baker, entitled "The Impossible Dream." This particular piece of work is an excellent example of the capabilities of today's young people. I ask unanimous consent that it be printed in the RECORD so that others may have an opportunity to read it.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

The Impossible Dream

"To dream the impossible dream
To fight the unbeatable foe
To bear with unbearable sorrow
To run where the brave dare not go
To right the unrightable wrong
To be better far than you are
To try when your arms are too weary
To reach the unreachable star."

This quote is part of a song from the Broadway show, "Man of La Mancha," a play about a man who strives to reach his dream in spite of seemingly insurmountable odds. It can also be applied to another dream, for, many years ago, farmers too had a vision—a home with artificial light, air-conditioning, entertainment, a dishwashing machine, a clothes washing and drying machine, hot running water, a cooking stove, and many other conveniences provided by electrical power. This was their dream home, and to some it seemed an impossibility. Although it was only a dream, it seemed feasible to many people. Because of those people that dream became a plan, and from that plan came action, and the dream came true.

This action began with legislation in 1935 that created the Rural Electrification Administration, through which loans were made available to groups that were interested in providing electricity for rural homes. This offered a better way of living to many thousands, and those people accepted that offer. They also accepted the challenge that accompanied it, because of the dream which they were determined to prove was *not* impossible.

Even with government assistance, provided by the Rural Electrification Administration and the Rural Electrification Act passed in 1936, the responsibility of carrying out the project lay mainly in the hands of those it affected most—the rural citizens.

People unacquainted with country living simply did not realize the need for making electrical power available to rural areas. So it was necessary for people living in those areas to join together and organize their own non-profit corporations if they were to make their dream become a reality.

They formed member-owned Rural Electric Cooperatives, which are owned by the people who use the cooperative's services. These members operate their REC democratically, each member having one vote, regardless of the amount of his services or investments. These member-owners elect a board of directors who in turn employ a manager and staff of workers to carry on the cooperative's activities.

For a time, even as groups the rural citizens sometimes met with financial difficulties. Earlier government aid proved to be inadequate, so the Pace Act was passed in 1944. This act, which provided for 2% loans and a thirty-five-year payout period, in exchange for complete area coverage, was the type of assistance the farmers needed to bring their unreachable star a little closer.

Although for some time funds had been less-than-adequate in these organizations, determination had never been lacking. The people who believed in this dream also believed in their ability to make that dream come true. They were willing to make sacrifices and to devote their time, money and effort to a cause which they were determined would not fail.

They did *not* fail. Thirty-five years ago, only ten percent of America's farms had electricity, while today ninety-seven percent of those homes have electrical services. Oklahoma's cooperatives alone serve almost two hundred thousand customers and the average monthly kilowatt-hour consumption is now almost 800 per member. Despite all these advancements, one figure continues to drop as RECs serve larger areas and more people. Average rates per kilowatt-hour have fallen from 4¢ in 1946 to 2.06¢ today. This amazing decrease in the cost of electricity can be attributed to the REC's policy of returning profits to its consumers in the forms of refunds and low rates for cooperative services.

In these ways, REC's have given the rural citizens their dream homes with completely modern conveniences in the country, the ideal atmosphere for *really* living. Now anyone who can afford a home in town can have the same type of home in a place where there is *room* to enjoy life while RECs provide *time* to enjoy life.

New electrical inventions have given the rural citizen more leisure hours. What was once every-day drudgery requiring hours of work can now be handled in minutes by machinery which is electrically operated. A farmer and his wife can now have any time- and labor-saving device that is available to the urban couple. And thanks to Rural Electric Cooperatives, after-dark activities are no longer limited to those which can be done by candle or lamp light. The same color television sets, radios, and stereos that can be seen in homes in town are now visible in rural homes as well.

Because of Rural Electric Cooperatives, disadvantages are no longer a part of country living. Only in the advantages can we see the differences between urban and rural life. Rural citizens have enough space to truly thrive as human beings. They have been given the opportunity to appreciate the part of God's world that they love, and to live there with the knowledge that their love for the freedom and space of the country cannot be marred by lack of any convenience or necessity.

Finally, rural citizens have reached their unreachable star, their impossible dream. They had a quest—to reach that star, no matter how hopeless that quest seemed or how far away that star appeared. With a great deal of effort, determination, and perseverance, the rural citizens have realized their dream, and thousands of people have learned that country living is *really* living—if you're lucky enough to be living in REC country.

A DEDICATED PUBLIC SERVANT

Mr. DOLE. Mr. President, an article written by Bill Moore and published in the Kansas City Star of June 10 gave me a great deal of pride because it featured a Kansas product, Mr. C. I. Moyer, who is now serving in the role of regional director of the Small Business Administration in Kansas City.

The Kansans who know "Cy" Moyer are proud of the excellent record he has made in this important agency, and the personal interest he has taken in improving the lot of many, many small businessmen in our State.

As the article points out, "Cy's" performance as a high-ranking official in SBA has gained for him the deserved respect of leaders of both major political parties because he has placed the interests of the public above that of partisan considerations.

I ask unanimous consent that the article entitled "Small Businessman an Old Farm Boy" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Small Businessman an Old Farm Boy

(By Bill Moore)

One of the things C. I. Moyer likes about his job is that his regular paid staff is augmented by about 200 gung-ho volunteers who stand by, ready to spring into action at a moment's notice and pull off a piece of work for his agency.

Moyer is regional director of the Small Business Administration; offices high up in the old Federal Office building at 911 Walnut street, with what would be a wonderful view from his window except that it looks straight into the back side of the big new Commerce Tower.

Mr. Moyer is a most friendly fellow and I have known him or at least known of him since his old political days out in Kansas and if I knew how to spell it I would set down his first name as it is known to all his friends. They pronounce his name as "sigh," which is, of course, a contraction of the initials, "C" and "I", but whether you would write it Ci, Si, Sy, Sight, or something else has never been determined.

As the federal government's Small Business man in Missouri, Kansas, Iowa and Nebraska, Mr. Moyer deals in money and is a man who is known to all the bankers and lenders, and a man to be consulted.

But money is a shadowy topic to me. All I know about money is that I have got a steady paycheck twice a month for a great many years and that the "deducts" keep getting larger. I am lost in talk of high finance.

I would rather say that almost 40 years ago I worked on a small newspaper in North Central Kansas and that there was a wheat farmer who dropped in once in a while to talk to the boss about politics. He wore blue denim overalls, blue denim shirt, and had a manner as though he was on the waw up. I figured he was. His name was Frank Carlson.

And I think it was about that time I began to hear about another young fellow, not a whole lot older than me, who was believed to be on the way up and already making quite a figure in Republican politics. His name was Moyer.

C. I. or CI if you prefer, originated on a farm between Severance and Highland, Kans., and at an early age took to serving on township boards and such. In those days, if my memory serves, a chief function of a township board was to see to it that the dirt roads were kept graded. I did a little grading myself in those days. It was a dusty job but not too demanding.

I suppose he must have been a Republican precinct committeeman. Anyhow with a law degree from the University of Kansas behind him and a farm and a record of community service as a power base, he got elected to the Kansas Legislature in 1938. Then he got elected to the Kansas Senate in 1940, served four years and made friends with everyone.

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He was Ed Arn's campaign manager when Ed was elected governor in 1950 and again in 1950 and again in 1952. And in 1952, Ci Moyer was one of the big men in Kansas close to Gen. Dwight Eisenhower. And as state Republican chairman when Ike took over as President, Ci Moyer was indeed on very solid ground.

He was appointed regional director of the SBA in October, 1953. He maintained his home in Kansas (still lives in Fairway) but the step across the state line, for business purposes, was not a hard one. Ci always had a lot of friends on the Missouri side.

Ci Moyer rode out the Democratic years and now that we again have a Republican administration his situation couldn't look better.

The Small Business Administration has changed its complexion somewhat since Moyer took over the Kansas City office nearly 17 years ago. For one thing (and this probably was inevitable) the volume of loans which it has a finger in is more than 10 times that of 1953.

On the other hand the SBA has been getting out of the direct loan business. It is virtually out right now, Moyer says. What it does is tell the guy to go to the bank and borrow the money and the SBA will assure the bank that it will be safe enough just in case—just in the possible case—the guy won't be able to pay off as expeditiously as he hoped.

Of course, the loan client is checked out by the SBA before he is directed to the bank. The SBA tries to make certain that he's a reasonable sort of a risk.

The SBA does a lot of counseling with small business men these days; much more than it used to. If the small business man is having trouble the SBA tries to show him how he can maybe work himself out of it.

And finally those volunteers: They're members of the Service Corps of Retired Executives (SCORE, since the government is eternally searching for acronyms), and they are at the ready when it comes to giving management assistance to small business men in trouble. There's about 100 of these SCORE members in Iowa alone.

They serve pretty much for free, although it's said they are reimbursed for actual out-of-pocket expense.

Ci Moyer's grandfather homesteaded a tract of 80 acres which today is a part of the present 320-acre farm. On weekends you'll find our SBA man up there on the Doniphan County farm poking around among his cattle and looking down the corn rows.

MORE THAN 200 DAYS WITH NO ACTION IN THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, it has now been 204 days since I first wrote to the Department of Justice requesting an investigation of the Air Force's intimidation and firing of Mr. A. Ernest Fitzgerald. No action whatsoever has been taken.

There is no question that a crime has been committed. Title 18, section 1505, makes it a crime to "influence, intimidate, or impede" a witness who is appearing before a congressional committee. Section 1505 also makes it a crime to injure a witness who has appeared and testified. This is just what happened to Ernest Fitzgerald, the Air Force's cost-efficiency expert, before, during, and after testifying to the Joint Economic Committee about the huge cost overruns on the C–5A transport plane. He was threatened; he was intimidated; and he was fired.

Last Monday, the Assistant Attorney General in charge of the Justice Department's Criminal Division, Mr. Will Wilson, appeared before the Committee on Banking and Currency. Mr. Wilson told us the Justice Department plans no action until the Civil Service Commission completes its civil proceedings involving Mr. Fitzgerald.

Mr. President, this is obviously a very lame excuse. A few pointed questions quickly expose just how weak this alibi is. For example, suppose the Commission were to decide that Fitzgerald should be reinstated. What would the Department's decision then be on prosecuting? Or suppose the Commission finds that Fitzgerald is not entitled to reinstatement. What then? How would this affect the Department's decision? The point is that reinstatement does not expunge the crime, any more than a bank robber can expunge his crime by returning his loot, and therefore the Commission proceedings for reinstatement are totally irrelevant to any criminal prosecution undertaken by the Justice Department.

I put such questions to Mr. Wilson last Monday, and in each instance he refused to respond. In most cases, he failed even to offer any reason for his refusal to respond. "I refuse to answer that question" was a frequent refrain.

Mr. President, is this a throwback to the days of the Army-McCarthy hearings? Is the Justice Department taking the fifth amendment over the Fitzgerald case?

Mr. President, I ask unanimous consent that the questions I asked Mr. Wilson last Monday be printed in the RECORD.

There being no objection, the questions were ordered to be printed in the RECORD, as follows:

1. Mr. Wilson, I have a few questions relating to the Air Force's intimidation and firing of Mr. A. Ernest Fitzgerald, and our correspondence over possible criminal prosecutions resulting from this. In your letters, you indicate that until the proceedings now underway before the Civil Service Commission are complete, the Justice Department will take no action in this case.

Just how are the Commission's proceedings relevant?

What does the civil case before the Commission have to do with the decision to prosecute under the criminal code?

What *exactly* does your decision hinge upon? What factors affect it?

2. Suppose the Civil Service Commission decides that Fitzgerald *should* be reinstated. What would your decision then be on prosecuting?

Or suppose the Commission finds that Fitzgerald is *not* entitled to reinstatement. What then? How would this affect your decision?

3. Let me direct your attention to the first part of code section 1505—the part which makes it a crime to "influence, intimidate, or impede" a witness who appears before a Congressional committee. I see nothing in this subsection which would require the government to show that the work of the subcommittee was "obstructed" before proceeding under this first subsection. Yet your letter of Feb. 18 states that this *is* a precondition. Can you explain this please?

Also, I'm particularly at a loss to understand how the Civil Service Commission action for reinstatement bears on whether there was an effort to "influence, intimidate, or impede" a Congressional witness. Can you also explain this for us?

4. The original efforts by the Air Force to "influence, intimidate, or impede" Mr. Fitzgerald occurred in the fall of 1968—when Fitzgerald was warned that there would be "blood on the floor" if he testified; when Fitzgerald's tenure was revoked 12 days after he testified; and when a memo was circulated detailing 3 ways in which Fitzgerald could be fired 2 months after he testified.

Did the Justice Department investigate possible violations of section 1505 *then*? Why not?

Why, more than a year and a half after these incidents took place, have you told us that Justice Department action is still "believed inappropriate"? When would be "appropriate"?

You have told us that the Civil Service Commission proceeding prevents you from taking action now. But couldn't you have taken action *before* the Commission proceedings were begun?

5. Suppose the Civil Service Commission case is appealed from the hearing examiner to the full Commission. Does the Justice Department plan to await the outcome of that appeal before proceeding?

Or suppose the case is then appealed to the U.S. District Court—will the Department continue to stand idly by?

Can you give us a *specific* estimate *when* the decision will be made?

6. Your letter of Feb. 18 also stated that "certain individuals who may have material information regarding the Fitzgerald matter did not, to our knowledge, testify before the Subcommittee. These include Mr. John A. Lang, Jr., and Mr. Thomas H. Nielsen."

Why is *this* relevant? What does whether "certain individuals" testified at a hearing of the Economy in Government Subcommittee have to do with your decision to prosecute or not?

Has the Department of Justice questioned Mr. Lang and Mr. Nielsen?

7. Your letter of Feb. 18 also notes that to establish a violation of the second part of section 1505 (relating to "injury" of the witness), the government would have to show that Mr. Fitzgerald's firing was "on account of" his testifying before Congress.

In your opinion, what kinds of facts would suffice to establish this link? What would you be looking for?

Don't you think the fact that Fitzgerald was warned there would be "blood on the floor" if he testified, coupled with the fact that his tenure was stripped just a few days after he testified, coupled with the fact that 2 months later a memo was circulated at the highest echelons of the Air Force detailing 3 ways in which he could be fired is sufficient to warrant at least the convening of a Grand Jury to look into this case? What more would you need to have sufficient grounds for an indictment in this case?

8. An earlier letter from you referred to an Air Force investigation of Mr. Fitzgerald's dismissal.

Is the Air Force investigation now complete? Have you been furnished with a copy of it?

Can you please furnish this Committee with a copy of the Air Force investigation and any accompanying reports.

WHAT ELSE IS HAPPENING AT THE UNIVERSITY OF CALIFORNIA

Mr. CRANSTON. Mr. President, since the 1964 eruption of the free-speech movement at the Berkeley campus, the University of California has suffered from an image problem. Its unprecedented growth and its academic achieve-

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ments have been overshadowed by the magnitude of campus disturbances. The public's once-enthusiastic support has diminished with each new outbreak of violence, and many have predicted the demise of the university as public reaction to student unrest is demonstrated by voting down vital bond issues and withholding tax dollars.

Furthermore, the rash of mass demonstrations and riots in this decade has worked to discredit the vast majority of students who do not engage in violence, who do not destroy public property, who value their education, and who seek reforms constructively through legitimate channels.

I would like to call to the attention of my colleagues a speech delivered by Charles J. Hitch, president of the University of California, before the Commonwealth Club of San Francisco on May 29, 1970. President Hitch addresses himself to the university's "image" problem by pointing out all the laudatory accomplishments of the university and its students in the years since the free-speech movement first hit the national headlines.

Mr. President, I ask unanimous consent that the text of the address by President Charles J. Hitch, entitled "What Else Is Happening at the University of California," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT ELSE IS HAPPENING AT THE UNIVERSITY OF CALIFORNIA

Members of the Commonwealth Club: It is a privilege and a pleasure for me to be at this distinguished forum. Frankly, I have been on the listening end of quite a few remarks about the University these past few weeks, and it's rather a relief to be on the speaking end for a brief time. It's also a welcome opportunity, and one for which I am most grateful, to say some things that I believe are important and need saying about the University of California.

Like many other institutions of higher education, the University of California has experienced an appreciable amount of student unrest in recent years. This fact has created at least two difficult tasks for university administrators. The first is to deal as effectively and fairly as possible with the unrest itself. The second is to cope with problems arising from the institutional image that the unrest tends to create.

The University's image is in many ways as crucial as its reality. The essential support of the legislature and the general public is based in large part on the image they have of the institution. For some years the image was an outstanding academic institution with a fine football team. Then, for awhile, the image was an outstanding academic institution with a miserable football team—but the public charitably overlooked the poor football and continued its support. Today, the image has come to focus so sharply on student unrest that the other part of the picture—the outstanding academic institution— is almost lost to view. And the consequences in terms of public support and thus continued well-being are all too predictable.

In his contribution to our new volume of centennial essays entitled *There Was Light*, Daniel Koshland, Jr., comments:

The critics of the University always seem like the blind man with the elephant—they grab one part of its enormously complex structure and believe that is the whole.

Well, my job today is to bring you the rest of the elephant—no partisan political symbolism intended. In short, I want to try to bring image and reality closer together by telling you what *else* is happening at the University of California.

First, some broad indices. I've selected the five-year period from the academic year 1964–65 when the Free Speech Movement erupted, to 1968–69, the most recent year for which we have final figures. You may recall that the gloomier observers of the FSM scene predicted it would lead to the demise, or at least the serious decline, of the University. Certainly those first tumultuous events had their impacts on the University, for good and ill, but demise or decline was not among them.

In the fall of 1964, University enrollment stood at 71,000 students. Five years later, it reached 99,000, an increase of 28,000 students. During that five-year period the University launched three entirely new general campuses—San Diego, Irvine, and Santa Cruz—whose combined enrollments by the fall of 1968 reached more than 10,000 students. And, in response to the state's critical health care needs, the University established three new medical schools: at Davis, Irvine, and San Diego. I do not know of another university of comparable stature anywhere that has matched this record of growth. While I am not automatically equating great growth with progress, the absence of University growth would be the denial of a university education for thousands of our sons and daughters and grandchildren.

Despite predictions of a mass faculty exodus, the total instructional staff grew from 6,700 in 1964–65 to 9,100 in 1968–69, a staggering record of recruitment and retention in a period of sharp competition. Of course we can't claim the entire credit for holding our faculty—some credit is due the negative effects of the growing evidence that other major institutions no longer offered attractive sanctuaries from social turmoil. I have often thought about the few faculty members who did leave Berkeley because of the student unrest here, and how they must have felt the past year or so their new institutions: Harvard, Columbia, Cornell . . .

During five years of the most concentrated student unrest and protest in our history, educational accomplishment at the University of California has forged steadily ahead—as witness the granting of a total of 93,330 degrees on our campuses over that period. Private gifts and endowments have risen steadily.

What about measures of quality? Admittedly, the quality of an academic institution is more difficult to gauge. But there are enough different kinds of measures to suggest the level of quality of the University over the past five years. In 1966, for example, the American Council on Education announced the results of its two-year study of graduate work in 106 major American universities. The study found the Berkeley campus to be "the best balanced distinguished university in the country." I would be very surprised if its ranks is significantly different now. A further indication of Berkely's graduate strength is the number of doctoral candidates this campus continues to attract from around the world. A 1968 study by the National Academy of Sciences showed Berkeley to be the nation's leading producer of academic doctoral degrees.

The University of California faculty now includes the largest group of Nobel Prize winners in the world—a total of 14. Eleven of the Nobel Laureates are at Berkeley.

The University of California now holds first place in number of faculty invited to membership in the prestigious National Academy of Sciences, and is second only to Harvard in faculty membership in the American Academy of Arts and Sciences, one of the nation's oldest and most distinguished learned societies.

Direct measures of undergraduate quality are harder to come by and I am well aware of the criticism that we slight undergraduates. But I find it impressive that year after year more National Merit Scholars choose to enroll at the University of California than at any other institution in the United States.

I hope these broad indices will begin to give you some sense of what else has been happening at the University over the last few years. At the risk of boring you—the reality is never as dramatic as the image—let me mention a few more illustrations.

Last year during the regrettable People's Park controversy some persons criticized the University for lack of concern about open space. In that same year the University added its twelfth reserve area to our Natural Land and Water Reserves System, a program created by The Regents to preserve diverse types of terrain and forms of life throughout California for teaching and research before they are overrun by the state's explosive population growth.

The University is occasionally charged with not being relevant. I might mention just one of our more relevant programs, Project Clean Air. This is a massive applied research program which we hope will involve scientists on all our campuses in a concerted attack on California's air pollution crisis.

While some of our students and faculty are concentrating on the planet Earth and its problems, others at Lick Observatory have been focussing on the moon. They succeeded in bouncing back a laser beam from a reflector left by the Apollo 11 astronauts, thus gaining greater accuracy in measuring the moon's distance—a great aid to geophysics and lunar physics.

Contrary to some popular opinion, our scientific faculty also focuses on classroom work. From many such examples I might mention Professor Joseph Mayer of our San Diego campus, who last fall received the American Chemical Society award as Outstanding Teacher of Chemistry. Or Professor Sydney Rittenberg of our Los Angeles campus, to whom the American Society of Microbiology presented its 1969 award for outstanding teaching of microbiology to undergraduate students and for encouraging them to subsequent achievement.

And the art of teaching evidently interests our students as well. This spring, University of California students once again led the entire nation in the number of Woodrow Wilson fellowships awarded to outstanding seniors who plan to become college teachers.

Students are often criticized these days for not working within the system for a better world. Well, they do. You may have heard of the University of California's record as the nation's outstanding producer of Peace Corps members. But perhaps you didn't know about the Santa Barbara students—I mean the 3,000 who have donated a total of 160,000 hours to such community service projects as tutoring, providing hot breakfasts for pupils from poor families, taking youngsters on camping trips, helping an Indian tribe build a water system, and working with handicapped and mentally disturbed children. Perhaps it hasn't come to wide public attention that Riverside student government leaders donated their entire stipends for official duties this year to help finance student-sponsored community service programs. Or that the Davis campus students called Davis Amigos again this year gave up their spring vacations—this time to help build a health clinic and a storehouse at a migrant labor camp in Yolo County. Or that Berkeley students have helped raise funds to provide scholarship assistance to more than 1,100 low-income and minority students under our

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Educational Opportunity Program since 1966.

These are the kind of students and faculty and programs the people of California are supporting with their tax dollars. These are the kinds of people and programs that will suffer if those tax dollars are curtailed or bond issues disapproved because of public reaction to student unrest.

And now, having described some of what else is happening in order to provide perspective, let me turn to the specific subject of student unrest. I want to share some of the facts and impressions that have come out of our experiences to date and tell you about the measures we are taking to maintain the effective operation of the University.

First, what is broadly called student protest usually does take place on or near a University campus but often involves many other persons besides University students. Sometimes students are in a small minority—only one-third of the persons arrested in the People's Park controversy last year were students. Yet the event is rather uniformly attributed to the University community. I suppose as a practical matter there is little we can do about this except to keep reiterating the facts.

Next, I want to comment briefly about the special case of violence, which is actually and fortunately a quite limited aspect of student protest. There is a very small group—most of them so-called street people rather than students—who seem from the available evidence to pursue violence for the sheer sake of violence. They are a group that seem frighteningly alienated from society. This alienation is a subject for sober concern, but it is only peripherally a part of my subject today. Another very small group has become sadly evident in recent months—rock-throwing juveniles who seem to be playing a kind of "for-real cops and robbers." Some of the children who have been apprehended on campus are only fourteen years old—a few, only thirteen. Unfortunately, these children have made some incidents substantially worse—their rocks are quite as capable as anyone else's of cracking windows and even bones. Finally, there are some students and non-students—and again the number is small—who have used violence either as a deliberate tactic to gain a specific end or whose momentary frustration at the failure of other tactics may lead to violence during emotional demonstrations.

We have three general recourses against the commission of violence. One is civil law enforcement—and a number of persons, including students, have paid civil penalties including jail sentences. Another recourse, if the violent individual is a student, is University discipline. And we have severely disciplined some students—I want to return to the discipline question a little later. Finally, there is the recourse of strong community disapproval (I mean the University community)—and this, surprisingly, much more effective than you might think. During mass meetings of students and faculty at Berkeley the past several weeks, the audience has decisively shouted its disapproval of speakers who proposed violent action to oppose the government's Cambodian operation. And I think the realization that the vast majority of student protesters would strenuously oppose such attempts has been a major factor in the relatively violence-free form of student protest during these tense recent weeks at Berkeley. Now I want to turn from the special case of violence to the main body of student protest. Up to a month ago student protesters have been a minority of college and university students. But they have often included some of our brightest and most highly motivated young people—what *Fortune* Magazine has called our forerunners. These student protesters have felt deeply about specific issues which they believe involve injustice or other social ills, and particularly about Vietnam and about racial inequality and poverty at home. Most of these students do *not* propose tearing down the democratic system but rather making it work as ideally as it should. But their idealism coupled with their impatience and dedication have not always made life easy on campus. I very much appreciated a little story I came across the other day, about the professor at the London School of Economics who was heard to remark to a colleague during a protest there, "You'd never believe that a group could be so dedicated and saintly and such a terrible nuisance."

While the main body of student protesters has pressed its causes in non-violent ways, the tactics have sometimes been disruptive and in violation of University regulations.

Our response to student protest has varied with the circumstances. In some cases we have found that the students had a legitimate cause for complaint about University matters, and we have sought to be responsive to these complaints. More often the protest activity has been on campus but the target has been an off-campus issue. In all cases we have insisted that on-campus dissent be expressed within the bounds of civil and University regulations. When violations have occurred on campus, we have imposed discipline as fairly as we knew how to do so, and as firmly or flexibly as the circumstances appeared to warrant. I honestly don't know what else we could have done or can do now about student unrest.

Our disciplinary measures range from warning and censure through dismissal from the University, and I am sorry to say we have found it necessary to resort to the most drastic penalty of dismissal in some 65 cases over the last two years alone, with a number of other possible dismissal cases still in proceedings. Dismissal means that the student is barred indefinitely from the University. In addition, many students have been suspended for definite periods ranging from two weeks to a year, and many more placed on interim suspension and probation, which are very effective penalties.

Our disciplinary measures are intended to remind the student of his obligations to respect the law and to assure that the educational functions of the University may go forward—I hope my earlier account of University achievements will indicate that this goal has been met. I am surprised and disturbed by the vehemence and vindictiveness of some of the proposals I have received for handling student discipline. We have sought to handle our disciplinary cases with firmness and fairness, remembering always that these violators are not some foreign enemy but our own sons and daughters and the generation that will soon succeed us in assuming the obligations of our society.

I might mention a special difficulty we encounter in maintaining discipline, and that is a kind of double standard that exists today about respect for the law. The public is quick to demand stringent punishment for campus violations. Yet unlawful acts seem to be tolerated and go unpunished in many other arenas of our national life—from illegal strikes of postal workers and air controllers to Indian occupations of Alcatraz to violations of court injunctions by southern governors and California teamsters. I am not arguing that all these actions should be dealt with harshly—merely that the same degree of patience and restraint used in other instances might with equally good reason be extended on occasion to our campuses. For, as columnist Vermont Royster commented ruefully the other day in the *Wall Street Journal*:

> . . . while we are drawing up our indictments of the younger generation, we ought to berate them most for following the parental example.

Now I want to take up very briefly the situation on our campuses today, which is different from past student protest in several very important respects. First, it involves what is no longer a minority but a clear majority of the academic community—engineers as well as humanities students, athletes as well as student government officers, sorority and fraternity members and many other student groups that have not until now been activists. The Cambodian operation and the shock of Kent State and Jackson State have galvanized a broad cross-section of the campus population.

A second marked difference is that this broad cross-section is more moderate in its tactics, and determined to prevent violence—although whether they can be totally successful in such a volatile atmosphere depends on day-to-day developments both locally and nationally.

Thirdly, the tactics have taken a major change in direction—from picket lines and other demonstrations to a massive attempt at community and political action. The moderate students have been saying all along that the system can be made to work and to respond—now they are out to prove it. And whether or not we agree with their particular points of view, I think it is essential that we respect and encourage this approach. For example, students in a number of different fields at Berkeley and Stanford and other institutions have been trying to set up discussion meetings with their counterparts in business and the professions. "We're not trying to get signatures on petitions or that kind of thing," one of the students told me the other day. "Just a chance to tell people in offices and plants how we feel about the issues—a kind of 'free speech on the lunch hour'." If you are offered an opportunity to meet with students, I hope you will accept. For you need to know their views—and, equally important, they need to know yours.

At the University of California, as at most universities, we are trying to be generous and flexible about student academic work and grades this quarter. On an earlier occasion, in April of 1906, the University granted grades for the term on the basis of work completed to date and permitted students to leave to help with a community crisis—the San Francisco earthquake. The events of the past four weeks have amounted to a kind of societal earthquake on American campuses, and I believe fully justify some flexibility, although not the free ride of 1906.

At the same time we are insisting that faculty and staff members fulfill their contractual obligations to the University and to the students. We must not and will not permit the University to be used as an instrument of partisan political action. We know that some formal class structures have been altered. In some cases these alternatives are defensible and desirable. In other cases I am sure they are not. The Chancellors and I are in firm agreement that reported abuses must be promptly investigated and violations appropriately dealt with.

I happened to speak the other day to a Berkeley graduate who is currently a graduate engineering student at Stanford. He said he was taking an Incomplete, for this term but was learning much of value through his political action work. I said, "Yes, but about engineering?" And he replied, "A civil engineer has to learn to work with people. And I've learned more about working with people these past two weeks than I might have learned in years of professional training." I think no one close to the scene can doubt that this has been for most students a time of intense learning about their community, their nation, its institutions, and the obligations of citizenship.

I think too that no one close to the scene could help being impressed, as I am, with the vast majority of our university students today—their sincerity, their devotion to the values of justice and equality and peace, their commitment to work within a demo-

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cratic framework they deeply believe in to correct its shortcomings. They may sometimes act more rashly, more stridently, more impatiently than is comfortable for the rest of society. They may and do make mistakes—as we also have done. But this is a generation that cares—and cares very deeply—about the future of its nation, its world, and its fellow men.

This, then, is what is happening at the University of California—the headline events and the steady day-by-day "what else" that make up the reality of the institution. It is as honest a picture as I know how to portray. And I hope most profoundly that Californians who have an opportunity to see the reality as well as the image will feel renewed pride in their state University of California.

THE ROCKY COURSE OF CRIME CONTROL—ADDRESS BY SENATOR PERCY

Mr. COOK. Mr. President, my good friend the senior Senator from Illinois (Mr. PERCY) recently delivered a speech to the National Council on Crime and Delinquency in Chicago. His subject was law and order—more specifically, law and order with justice.

As a member of the Judiciary Committee, I have had an opportunity to study some of the matters Senator PERCY raises in his remarks such as preventive detention and the allowance of no-knock warrants. I agree with the conclusions of the distinguished Senator that such measures are repressive, an overreaction to the crime wave of the 1960's, and inconsistent with many of the basic freedoms guaranteed by our Bill of Rights.

I commend Senator PERCY for both the insight and the courage which he has displayed on the occasion of this speech and at many other times during his tenure in the Senate.

Mr. President, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE ROCKY COURSE OF CRIME CONTROL

During the 1960's, the United States yielded ground in its battle with the criminal elements in our society. The statistics tell the story all too clearly: Serious crime increased seven times as rapidly as the population; the annual number of felonies committed in the U.S. actually doubled. By 1968, burglary was up 104 per cent over the 1960 figures; robberies grew by 144 per cent.

As a result of this proliferation of crime, our country is bordering on a state of national paranoia—bolting and double-bolting our doors; arming ourselves to the teeth against the uninvited, unwelcome intruder; insuring our lives, our homes, our furniture, our cars against the activities of those who may lay claim to possessions not rightfully theirs; scheduling our lives primarily in terms of what will afford us the utmost security.

We demand parking places close to our destinations. We avoid travelling unaccompanied. We take office work home rather than staying late at the office. Even though many movie and theater productions have earlier starting times, we attend them less frequently.

At nearly every point in our lives, we have had to compromise in order to ward off the threat of attacks by outlaws. This is a serious illness, one which saps the national vigor. It is a situation reminiscent of the Old West, where everyone carried his weapon on his hip, and the local "gunslinger" was the dominant figure in each frontier town. It is a throwback to the chaos of the past, inviting all the horrors of vigilante justice, at the expense of fundamental liberties and civilized procedures of justice.

The people of this country are afraid, deeply unnerved by the restraints which have been placed upon them. And there is an extremely unfortunate facet to this sort of fear—one of its principal effects is to deprive us of our concern for others.

When an individual is afraid, he worries about only one thing—himself, number one. The poor, the oppressed, those whose lives have been torn by war, the imprisoned, the neglected and lonely—all of these are to be tended to later, if at all. Even justice itself takes a back seat. When fear takes over, one is prepared to use any means necessary to to protect himself. Finally this brute force becomes master.

Because of the fear gripping this country, a great danger exists that attempts will be made to use the processes of criminal justice to advance the frantic hysteria for self-survival. If this were to be done, we would be pushing our systems of justice beyond the limits of their capabilities.

The best the law can do is set general standards and provide moral leadership for the nation. As John Dewey once said, "The law simply formalizes the mores of a people. If the mores and the law do not coincide, then the law is unenforceable."

In certain areas of the law, you cannot place an affirmative burden on people requiring them to do good works. You cannot, for example, require by law that a person volunteer to assist another in distress. All you can require is that if a person assumes this responsibility, he must abide by certain minimum standards of conduct—those of the "reasonably prudent volunteer." Basically, this is the type of standard the law can and must provide, and its direction is essentially moral.

If the law does not say that its goal is justice, each of us will pursue what we conceive to be justice, driven by our fear. If the law does not seek a certain morality, nothing else will provide that leadership for the people. And to provide moral leadership, the law cannot be immoral.

I am profoundly troubled by concepts such as preventive detention and no-knock laws. They are a response only to the frantic cry for self-protection and survival, and do not raise or react to the question of ultimate morality.

There is an excellent example, the District of Columbia Crime Bill. It was conceived as a fairly non-controversial court reorganization bill, which promised to bring some much needed changes to the D.C. court system. But the House added some other provisions after the bill had passed the Senate. These provide for: preventive detention, "no-knock" entries, the assessment of attorney's fees against a successful plaintiff who sues a policeman for false arrest, appeals by prosecuting attorneys of points of law during the course of a trial and, if the judge were to permit the appeal, the postponement of the trial or the declaring of a mistrial, the shifting of the burden of proof from the authorities to a juvenile to demonstrate that he is capable of rehabilitation and therefore should not be tried as an adult.

Beyond the rather technical legal problems that these concepts raise, it is clear that they have a common thrust—repression. If they become law, they may well destroy many of the principles essential to justice and a free society.

The "no-knock" provision alone deviates sharply from the long-established principle that a man's home is his castle. It authorizes conduct by the state not dissimilar to that of a common burglar at least as viewed by the home occupant.

Public willingness to waive fundamental rights in order to enhance individual comfort is not an isolated phenomenon. Many of us were shocked to read recently of the results of a poll conducted by CBS News, in which 1,136 typical Americans were interviewed on the Bill of Rights, as applied to current situations. Here are the disturbing findings of the CBS poll:

Five of the 10 Amendments, half of the basic guarantees of freedoms, were rejected by those interviewed.

76 per cent favored outlawing protest against the government even where there was no danger of violence.

58 per cent said the police should be allowed to hold people in jail before they gather evidence.

58 per cent voted against the double jeopardy standard, saying that if a man were found innocent of a crime, but new evidence were subsequently uncovered, he should be tried again for the same crime.

These are not legal debating points. I am talking about basic constitutional freedoms, rights that from the birth of this nation the people have prized and cherished, indeed shed blood to protect. But now, because of a great national fear, many Americans seem willing to sacrifice these rights. It is a frightening prospect.

I am not suggesting that the law is beyond revision. It is far from perfect. But I am insisting that in making changes in the criminal law we must first be aware that crime is the result of a thousand factors, converging on one person in one place at one point in time. We must understand the effects of fear on society, and seek as diligently and dispassionately as possible to find the real answers and the genuine moral imperatives. If we do not, we will abuse the power entrusted to us as a society and abrogate the rights of our fellow men.

A devotion to order in a democratic society is not the exclusive interest of advocates of backlash and reaction. But they seem to have so preempted the discussion that anyone speaking in defense of justice and individual rights appear to be condoning violence.

I can assure your that I yearn for law and order as deeply as anyone else in this country. I am unwilling, however, to sacrifice freedom and justice to reach this goal.

In our democracy, the function of law is to insure liberty. When the law fails, injustice results. When we permit the law to be nothing more than an expression of outrage or a reflection of hysteria, we infringe upon liberty and promote injustice.

Addressing several thousand young people on the steps of the U.S. Senate recently, I said:

"Violence is a form of self-indulgence, providing monetary release at the expense of the long-range aspirations we share. Violence: arson, damage to life and property—should be condemned and treated as the criminal acts they are, whether it be the wanton destruction of a scholar's life work or the death of innocent student by-standers. It can only lead to further polarization of this already battered but stil great nation, and destroy our opportunity to represent your views effectively."

All of us abhor violence and lawlessneses because they restrict our liberty and threaten our lives and security. But repressive laws have the same cumulative effect. We should reject them with the same intensity.

CONCLUSION OF MORNING BUSINESS

Mr. CHURCH. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

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AMENDMENT OF THE FOREIGN MILITARY SALES ACT OF 1970

Mr. CHURCH. Mr. President, I move that the Chair lay before the Senate the unfinished business.

The **ACTING PRESIDENT** pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to and the Senate resumed the consideration of the bill.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, the Senate has spent a good deal of time discussing the proposed Cooper-Church amendment to the Foreign Military Sales Act, to the detriment of a considerable amount of other pressing business. There is no doubt a body of opinion which would question the value of such lengthy debate on an issue which might well be moot by June 30 when the President has promised to have all American troops out of Cambodia.

Our concern with this proposal, of course, has some immediacy, but it also is directed to the proposition's serious long-range implications which may well bear heavily upon our international relations in years to come. In light of its long-range implications, passage of the proposed amendment would be a grave step and must be carefully analyzed to determine whether it really achieves any worthwhile objectives, or whether it perhaps does considerable damage to our pursuit of peace throughout the world.

It is my intention this afternoon to discuss the proposed amendment in the framework of five major points:

First. Passage of the amendment would be a serious mistake. The reasons should be apparent: It is folly to disclose our defense perimeters and endanger our forces by self-imposed and openly declared tactical limitations; our image and leadership role in the free world would be seriously compromised; our actions would constitute a grossly unfair reflection upon the first President in 10 years to reverse the trend of the war and make some tangible progress toward bringing it to an orderly and satisfactory conclusion.

Second. The second question to be discussed is why we are taking this action. Are we piqued because we were not consulted? Had we been consulted, it is likely that this body would not have approved; and, of course, had the action not been approved or had the Senate debated it at any length, the results indicate either event would have been a tragic mistake.

Third. The President has consistently had the support of the American people in his actions to end the war.

Fourth. What would happen if the President's critics seemingly had their way and our troops were pulled out peremptorily?

Fifth. The insidious and deplorable insinuation that supporters of the President's policy, and the President himself, are prowar, rather than antiwar.

To return now to my first point, passage of the proposed amendment would be a serious mistake because of the tactical straitjacket it would wrap around the President. One does not have to be a military expert to recognize the utter folly of outlining to one's opponent the perimeters of his defense and the limits to which he will respond.

In my opinion, such tactical limitations are the greatest disservice we can do to our valiant troops who are serving in Southeast Asia. Have we not seen the unhappy consequences of an announced limited response too often and for too long in Asia. I refer to the Korean war where we suffered countless casualties from air strikes emanating from sanctuaries which we were unable to attack. We could recall the same difficulties in Vietnam, where for years our troops faced the inability to pursue the enemy into neighboring countries and clean out their base of activities.

If President Nixon's action and intent in sending troops into Cambodia had been a part of our tactical pattern years ago, it is conceivable that our troops now would be out of Vietnam.

When President Eisenhower ended the fighting in Korea and exerted our might elsewhere in trouble spots around the world, he did not tell the opponents how far he would go. It is safe to say that at no time did he have any intention of using nuclear weapons, but he recognized that it would remove an element of his tactical and ultimate superiority if he announced the fact to the enemy, and he never did.

Unfortunately, this is precisely what is proposed in this amendment—the removal of some of the President's tactical weapons—the element of surprise and uncertainty. We are taking away or proposing to take away one of his most valuable tools, and we are thereby making his task much more difficult to accomplish.

The next danger in passage of the proposed amendment is the danger to our image and leadership role in the free world. The President of the United States, the symbol of the free world—and savior in the eyes of many countries would have his hands tied by this amendment.

The impact of that action surely would not be lost upon the peoples of the free world.

One day last week the junior Senator from Mississippi (Mr. STENNIS) commented on this aspect of the impact which the adoption of the pending amendment would bring about. The junior Senator from Mississippi has been here more than two decades. His very signal and outstanding service, particularly in the field of armed services, both legislatively and in the appropriation process, are well known. He has acquired a knowledgeability, expertise, authority, and authenticity in that field which should be highly regarded by all.

In commenting on the adoption of the Cooper-Church amendment, the junior Senator from Mississippi stated during the course of his remarks:

> But in the event the Senate should adopt it, I believe it would prove to be a mistake; that just that much would be an injurious precedent. The injury would start flowing to us immediately. It would start more quickly than on the battlefield—in the embassies and the chancelleries and with the heads of government all over the world, both friend and foe. It would be unprecedented that a responsible body such as Congress, when we are in this predicament, would try to restrict, by words and limitations, the authority, the judgment, and the discretion of the Commander in Chief.
>
> I think there would be great glee around the council tables of our enemies, our adversaries, and those who are not in sympathy with us and against us, and it would be a victory for them. I think we would immediately start taking a downward turn in any chance to get a settlement, a reasonable settlement of any kind, in this unfortunate war. I believe it would create doubt among our friends. But I am more concerned about the formidable strength and determination it would give to our adversaries, to keep up their plan to continue this war as long as they can, with as much cost to us as they can. Every day they are able to do that, it is a victory for them. They do not expect to annihilate us and to overrun our armies. They want to take a toll of a different kind.

Mr. President, it is said that it would be a precedent and that it would set a precedent. We can recall the words of Edward S. Corwin, in his book, "The President—Office and Power, 1787–1957," in which he made this statement:

> Actually, Congress has never adopted any legislation that would seriously cramp the style of a president attempting to break the resistance of an enemy or seeking to assure the safety of the national forces.

The late President Kennedy, you may recall, had some very positive ideas on our leadership role and how it should be discharged. On one occasion he said:

> The young idealists of the world who once quoted Jefferson and used our Constitution as a handbook of revolution are now turning elsewhere for leadership. We must recapture their hearts and their minds by projecting a true image of America abroad.

On another occasion he said:

> We must encourage, not hamper, the tidal waves of nationalism sweeping into Africa and Asia, so that each emerging nation knows that America, not Russia or China, is the home of the Declaration of Independence.

There are few of us who would disagree with those poignant remarks, but it seems apparent to me that our restriction or attempted restriction of the President's freedom to resolve the Vietnam situation in his way is scarcely conducive to the image we seek to project to the rest of the free world.

The leaders of the world—and especially of the new nations—have their eyes on us, and our disposition of the Vietnam situation cannot help but have a major bearing for years to come in the way in which our cooperation and assistance are assessed by these nations.

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Next let me say, Mr. President, that passage of this amendment would be an unfair reflection of a President who inherited this war, who has been doing an admirable job of making progress to bring it to a conclusion which will protect the objectives of the free world, and who is keeping every pledge he has made to the American people in the situation.

It has been repeated many times before, but in the heat of emotionalism, it still at times seems to be forgotten that President Nixon inherited this war. He stepped into a situation which for years had shown no signs of improving, and he began at once to make tangible progress. Whereas every action of the past two administrations had been to increase our troop strength and our commitments in Vietnam. He began to withdraw troops and began to take positive steps to achieve our original objective which was to secure the situation there and then place South Vietnam in command of its own destiny, to return the war and all that it means to its rightful owners, the South Vietnamese.

Whereas the two previous administrations increased our troop strength from a handful of advisers to an army of 543,482 men by April of 1969, President Nixon has successfully carried out in the past year a program of disengagement, on the strength and basis of orders which originated during the calendar year of 1968.

He reduced that number to 428,000 as of the first of this month, a cut of more than 115,000 men. He has pledged to withdraw another 150,000 by the spring of 1971, and the most recent declaration on his part, on the third of this month, embraced an acceleration of that withdrawal attempt.

He has throughout these actions kept the American people fully and candidly informed, and he has kept every pledge he has made to them in this regard. We have no precedent for thinking that he will fail now to keep his pledge to remove our troops from Cambodia. If there were any reason to think that he is not going to live up to his bargain, there might be justification for this amendment, but we have no such reason and we have no such justification.

It seems strange that this move to impede and obstruct the efforts of the President is being made at this time, when we are disengaging at a constant rate, and against this President, who is the first one to reverse the trend of the war since 1963.

Where were all these opponents when Presidents Kennedy and Johnson launched thousands and hundreds of thousands of Americans into the fray? Why was there no effort then to restrict their policymaking activities, and their tactical as well as strategic activities and decisions?

Congress, as a matter of fact, affirmatively authorized in August of 1964 the taking of "all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." This was by adoption of the Tonkin resolution, by a vote of 414 to 0 in the House and 88 to 2 in the Senate.

The language in that resolution, also included the following language:

> Consonant with the Constitution of the United States and with the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States, is therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member of protocol state in the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Each year since then the Congress has reaffirmed that resolution by processing and enacting into law the appropriation bills to fund the action in South Vietnam.

Recently, Roscoe Drummond, the very well known columnist, wrote in the Christian Science Monitor, under his column known as "Point of View," an article entitled "Must Congress Always Declare War?" The reason for it was to comment on the action by the Legislature of the State of Massachusetts, in which the question was raised as to the legality of the war in Vietnam. At one point, Mr. Drummond stated as follows:

> It has always seemed to me that the best way to get the right answer is to ask the right question.
>
> The Legislature of the state of Massachusetts is not asking the right question in the way it is seeking to test the legality of the war in Vietnam.
>
> The reason is that its action is based on two erroneous premises.
>
> One is that President Johnson did not take the issue of the Vietnam to Congress.
>
> He did.
>
> The other is that Congress never approved the President's use of American armed forces to help South Vietnam resist aggression.
>
> It did.
>
> So many people seem to forget—some conveniently because remembering undercuts their arguments—that it was President Truman who failed to take the Korean war to Congress, not Johnson who failed to take the Vietnam war to Congress.

He goes on to say that the Southeast Asia resolution, known as the Tonkin Gulf resolution, was passed in the House by a unanimous vote of 414 to nothing and in the Senate by a vote of 88 to 2. He refers to the text of the resolution, and then says:

> President Johnson and President Nixon have acted at all times within the terms of this resolution.
>
> Quite apart from the fact that in our federal system the national government alone possesses war-making powers, it seems to me that again the Massachusetts Legislature is not asking the right question, and at the very least not the exact question which may have to be answered.
>
> Because many are unaware how precisely and fully Congress approved the U.S. combat role in Vietnam, let me quote the exact wording of the Southeast Asia resolution:

Mr. Drummond then proceeds:

> And why did Congress authorize these actions by the president? It gave its reasons in its resolution in which it said that "The United States regards as vital to the national interest and world peace the maintenance of international peace and security in Southeast Asia.
>
> From all this there can be no doubt that Congress acted to approve the American combat role in Vietnam. It approved it explicitly, completely, and almost unanimously.
>
> The only unanswered question raised implicitly by the Massachusetts Legislature, but not spelled out, is this:
>
> Is it unconstitutional for Congress to approve the president's use of American combat forces without tying that approval to a formal declaration of war?
>
> My judgment is that the constitution experts would say that Congress does indeed possess this discretion.

My second point, Mr. President, is to ask why we take this action? Are we piqued because the President did not seek our advise before he made his Cambodian decision? A study of the conflict in Vietnam and its predecessor conflict in Korea would find dozens of examples of Presidential prerogative wherein much larger decisions in terms of impact were summarily made by Commanders in Chief with no more consultation than there was on this occasion. At those times in past years, have we responded by attempting to limit the tactical options of our Commander in Chief?

Further, had we been consulted before the President's action, would the Congress have approved our expedition against Cambodian sanctuaries? It seems to me most unlikely that we would have, and in the light of the results even the most consistent critics of the President would have to concede this would have been a mistake.

The second possibility is that if congressional approval were forthcoming, it would have been only after a long debate and a long delay which would have deprived the action in Cambodia of the elements of surprise and speed, which were so necessary to its success.

The President clearly laid out his reasons for his decision to capture and destroy the bases and their supplies, across the Cambodian border. Basically, it will be recalled, his reasons were these:

First. To protect allied forces now in Vietnam and those who will remain after our next withdrawal of troops.

Second. To assure continued progress in our Vietnamization program and the pace of withdrawals.

Third. To increase our chances of ending our involvement sooner.

Fourth. To impress upon the enemy that they cannot repeatedly ignore our warnings and escalate their attacks in Indochina as they have in Laos, Cambodia and Vietnam.

Fifth. Finally to forestall miscalculations in Southeast Asia and elsewhere around the world which could lead to dangerous confrontations in the future.

Our basic policy in Vietnam is unchanged. Our goal is to end American involvement by withdrawing Americans as quickly as possible, and to end the war as soon as possible.

Vietnamization, the training of Vietnamese to defend themselves and to enable them to take charge of the war, which is rightfully and properly theirs, is moving forward ahead of schedule.

Why was the President's action in invading Cambodian territory necessary? In the 10 days after his April 20 speech in which he announced additional troop

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withdrawals, the Vietcong moved out of their Cambodian sanctuaries and threatened to form one long belt of military power along the South Vietnam border. Such action would have posed an unacceptable threat to American and allied forces in Vietnam, particularly those remaining when more troops are withdrawn.

The political situation also had changed. When Sihanouk was in power, we refrained from attacking the base areas because of Cambodian neutrality. With Sihanouk gone and the North Vietnamese thrusting out of the previous sanctuary boundaries, we faced the prospect of Cambodia becoming one large base area for attacks along the 600 miles of Cambodia-South Vietnam frontier.

The President's goal was to destroy or remove the enemy logistics system, facilities, supplies, and equipment.

As of today, here is the box score:

Enemy killed	10, 021
Detainees	2, 187
Individual weapons captured	17, 721
Crew-served weapons captured	2, 330
Rice (tons)	6, 454
Rice (man-months)	283, 976
Rocket rounds captured	40, 932
Mortar rounds captured	62, 481
Small-arms ammunition captured	13, 287, 473

That means 13 million fewer bullets, Mr. President, to fire at our U.S. troops. Continuing the statistics, also captured were:

Land mines captured	5, 226
Bunkers destroyed	9, 868
Vehicles destroyed or captured	396

Of course, all of us know that these stores, these structures, and this equipment were very hard to come by, and difficult to locate at the sites where they were found and either destroyed or removed. The difficulty arises because of the long distances involved in transporting them from their original sources, which, in the main, have been Red China and the Soviet Union.

These gains have been made at the expense of relatively light United States and Vietnam casualties. In return we have made it impossible for the enemy to use the Cambodian sanctuaries effectively for many months. The rainy season will delay any reconstruction or reinstallation, and all equipment and materials must be brought down from North Vietnam—a long and difficult task. This period of delay gives the United States and South Vietnam vital additional time to prepare the South Vietnamese to handle their own defense.

Our troops are already being rapidly withdrawn from what must surely be one of the most successful missions undertaken by free world forces in the entire Vietnam conflict. More withdrawals were announced yesterday, leaving only 12,000 men still in Cambodia.

Besides the tactical and strategic advantage which the mission has provided, we must not forget the message which our action has delivered to the entire world—that the United States will not play the role of a helpless giant.

My third point, Mr. President, is that President Nixon has consistently had the support of the American people in his Vietnamization program. In the early days after the President's announcement we witnessed an amazing display of emotionalism on this issue. But even during that period, the Gallup poll showed that an increasing majority of the American public approved the way President Nixon was doing his job.

As the flush of emotions subsided, the tone of my mail began to change—and I understand that has been pretty much the pattern in the offices of other Senators. I would like to cite here a most interesting letter from a University of Nebraska student who displays the maturity of judgment which is overcoming the emotional outburst of the early days—that is, the days following the announcement of the invasion of the Cambodian territory. This young lady wrote as follows:

> Last week I wrote you a hastily conceived letter opposing Cambodian invasion and the Vietnamese War in general. Since that time I have been doing some harder thinking as well as watching and listening to President Nixon more closely. Maybe he is doing the right thing. His plan of action in Cambodia does seem to be justified, and at the moment it seems to be working. At least it should be given time to prove itself. I am guilty of judging too quickly, and many others are sharing this guilt I am afraid.
>
> Also in my letter of last week I specifically asked: What is wrong with an admitted defeat (in the war) and is it better than our country should suffer civil war? It seems that whether they are valid questions or not, they are representing only one side of the issue. I should have also asked whether the United States can afford to adopt an isolationist policy. Can the world ever be entirely peaceful, without any war? Can the United States afford to allow communism to spread unchecked? The United States may not be entirely right or humane in its foreign policy but who can say what is right or humane? Should we concentrate on "now" situations or possibly contribute to the freedom and rights of future generations?

By way of a final paragraph, this young lady wrote:

> I don't know the answer to all of these questions and I don't know if there is an answer to all of them. I do know that for the present the United States seems to be in better shape than many agitators would like it to be. Freedom of speech and the right to dissent are perhaps stronger than they ever have been. I am grateful for this freedom and I hope no minority group manages to cut down rights to free speech through irresponsible acts. Also, compared to many places in the world, Latin America in particular, our current rate of inflation is almost negligible. The United States, in spite of many faults, is still the best nation in the world to be alive in today.
>
> Again, and I sincerely mean it, thank you for listening.

That, Mr. President, was the letter of Miss Jizba, of Omaha, Nebr.

It might be noted parenthetically at this point that a student at the University of Nebraska, shortly after a campus demonstration attended by some 2,300 students, informed me that a vote was taken as to whether or not a student strike should be held; 1,300 said no and 1,000 said yes, so the issue was defeated. But the student who discussed the matter with me asked this question:

> Senator, has it ever occurred to people that there are over 20,000 students on the Lincoln campus of this University and that 18,000 of them were not at the demonstration?

They were either in their study halls, the lecture halls, the libraries, or elsewhere, doing what they set out to do when they went to the university—namely, to acquire an education.

Of course, the point has been made here many, many times that there is a total of some 7 million students in our colleges and universities, so that the proportion which has participated in the violent demonstrations, the undesirable demonstrations, and protests has been very, very small, indeed.

Mr. President, in my opinion the young lady who wrote to me said very eloquently what we ought to be hearing more of in this Chamber, rather than spending our time in an unhappy and damaging effort to tie the hands of the President in the conduct of the war in such a fashion as to bring about its honorable and effective termination.

My fourth point is to ask, suppose President Nixon were to do exactly what a large share of his critics apparently would wish—and that is to withdraw all American troops right away, what might happen?

It is not difficult to draw a fairly accurate pattern of what would happen. We have seen the Communists operate in too many nations to have any serious doubt as to the consequences of such action.

I would like to repeat a point made so well by the Senator from Utah (Mr. BENNETT) on May 20, when he discussed this matter in this Chamber with such commendable eloquence that it deserves this added reference. He quoted a statement by the Red Chinese Minister of Defense in September of 1965, which announced that Mao expected to use "wars of liberation" to expand communism to Latin America, Africa, and Asia.

He then quoted a statement by General Giap, the Commander in Chief of the North Vietnamese forces. This statement said, among other things:

> South Vietnam is the model of the national-liberation movement of our time. If the special warfare that the United States imperialists are testing in South Vietnam is overcome, then it can be defeated anywhere in the world.

At that point, the Senator from Utah listed 19 countries which have been taken over by the Communists in this fashion, or are currently under Communist siege. If we allow Vietnam to suffer a similar fate after our years of intensified efforts there, we can easily see what is in store for the other small nations which are under siege and still others which are on the Communist schedule of world domination.

It seems inevitable that under such circumstances we would see increased emphasis upon terrorist tactics, because terror is an essential ingredient in nearly all Vietcong programs. In fact, current intelligence estimates are predicting an increase in terrorist tactics such as those that produced the atrocities which occupied the front pages a few days ago.

Douglas Pike, a veteran Foreign Service officer now serving with the U.S. Information Agency in Japan, has done a lengthy study on Vietcong terrorist tac-

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tics. He cites the city of Hue as an example of Communist dependence upon terror as a cold, preconceived military tactic. It is a part of their policy, their official policy. He wrote as follows:

> The city of Hue is one of the saddest cities of our earth, not simply because of what happened there in February, 1968, unthinkable as it was. It is a silent rebuke to all of us, inheritors of 40 centuries of civilization, who in our century have allowed collectivist politics—abstractions all—to corrupt us into the worst of the modern sins, indifference to inhumanity. What happened in Hue should give pause to every remaining civilized person on this planet. It should be inscribed, so as not to be forgotten, along with the record of other terrible visitations of man's inhumanity to man which stud the history of the human race. Hue is another demonstration of what man can bring himself to do when he fixes no limits on political action and pursues uncautiously the dream of social perfectibility.

Mr. Pike, in his dissertation, then wrote that 12,000 Communists invaded the city on January 30, 1968, and they stayed there 26 days before they were driven out by military action. In the wake of this Tet offensive, 5,800 Hue civilians were dead or missing. It is now known that most of them are dead. The bodies of most of them have been found in the past 20 months, in single and mass graves throughout the province.

Let me summarize one other passage from his report:

The first discovery of Communist victims came in a schoolyard on February 26; eventually 170 bodies were recovered. In the next few months, 18 additional gravesites were found, the largest of which contained more than 200 victims. In all, almost 1,200 bodies were found in hastily dug, poorly concealed graves. At least half of these bodies showed clear evidence of atrocity killings; hands wired behind their backs, rags stuffed in their mouths, bodies contorted but without wounds—indicating burial alive. The other nearly 600 bore wound marks but there was no way of determining whether they died by firing squad or incidental to the battle. Among these victims were three West German doctors, a medical technician who was the wife of one of the doctors, and two French Catholic priests, one of whom was buried alive.

We all know this is the type of fate which awaits uncounted thousands of Vietnamese if our departure from that beleaguered land finds them unprepared to protect themselves. I know that this is something President Nixon has thought about. It is something all thoughtful citizens have thought about and we here in this body should consider it also.

The last point I would mention today is to deplore some of the interpretations which the press drew from the vote last week on the proposed amendment by the Senator from West Virginia (Mr. BYRD). I happened to be traveling the day following the vote, and I was greatly disturbed to see the headline writers describing the vote as a victory for antiwar Senators. I saw one quotation which described the episode as a glorious day for antiwar Senators. One of the wire press services began its story on the vote in this way:

> Anti-war forces seeking to curb future United States action in Cambodia have won a crucial vote on Thursday on the Senate.

Then it went on to describe what happened.

Even allowing some artistic license to headline writers and their colleagues who report the news, use of such connotations as antiwar and prowar to identify Members of this body is not only misleading but also deplorable.

To all those who would apply such terms to our considerations, I say: if there is a prowar Senator in this body, let us name him. I have yet to see one in 15 years of service in this Chamber.

It can safely be said that all of us want to terminate the war in Vietnam. The only question is, How shall it be done? What is the best way to do it?

We know that there are many Members of this body who believe that adoption of the Cooper-Church amendment will harm and delay termination of the war rather than accelerate it. There are others who hold to the contrary belief, but there can be no doubt that each and every one is desirous of terminating the war as soon as possible on terms which will be acceptable and honorable.

I might add that there is no one more antiwar than President Nixon. We should recall that he served in the hostilities 25 years ago in the South Pacific and by reason of that experience, and also by reason of his frequent visits to that part of the world, he knows the territory much better than most of us in this body know it.

There is no Member of this body or anyone else anywhere who is working one fraction as diligently and tirelessly as the President is to end this war. And he will get the job done, if we only provide him with proper and helpful support. That is the opinion of the bulk of the American people. They are supporting him. We should do so also.

If he were to follow the wishes of a certain segment of public opinion, and certain Members of this body, and remove all of our troops as fast as ships and planes could bring them home—if he did that, and the Communists moved in on the unprepared South Vietnamese with some of the same tactics to which I have just alluded, would these omniscient critics step up to share the blame for that result? I fear that they would not. On the contrary, I believe that they would then embark upon a severe denunciation of the result of those circumstances which would be brought about.

President Nixon has said he does not intend to become the first American President to lose a war. With the free world under siege as it is from Communist pressure everywhere, and with the tremendous investment in time, money and—most important—American lives, which we have in Vietnam, we can ill afford to cripple the ability of the President who is getting the job done that we went over there to do.

President Kennedy said in November 1963—just a week before his tragic death—that:

> Our object in Vietnam was to bring Americans home, permit the South Vietnamese to maintain themselves as a free and independent country, and permit democratic forces within the country to operate.

More than half a million men were poured into Vietnam after that statement, and too many of them died and were maimed. The American people spoke their wishes in 1968. President Nixon has responded. He is getting our boys home. He is protecting our position in the world. He is protecting the other small nations who look to us for leadership and assistance in achieving democratic self-determination.

In closing, Mr. President, I should like to emphasize my belief that we should strengthen the powers of the President at this time and not take action which would serve to erode those powers.

I find myself in agreement with the language written by the distinguished junior Senator from Arkansas (Mr. FULBRIGHT), who wrote in the 1961 Cornell Law Quarterly that:

> The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead . . . it is my contention that for the existing requirements of American foreign policy we have hobbled the President by too niggardly a grant of power.

The Senator, whom we all recognize as one of our foremost experts on foreign policy, and certainly one of our most outspoken Members in this body, then concluded:

> As Commander-in-Chief of the armed forces, the President has full responsibility, which cannot be shared, for military decisions in a world in which the difference between safety and cataclysm can be a matter of hours or even minutes. The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy.

At an earlier time, 10 years before that—in the great debate in 1951 as it was known—he said on the wisdom of sending troops to Europe:

> One important issue has been quite clearly defined. That issue is whether the President should seek the advice of Congress on the question of sending troops to Europe now or whether his discretion should be subject to the consent of Congress.

He then went on to say that:

> The President does not agree that his decision in this matter must be subject to the approval of Congress. Personally, I agree with the position of the President . . . the Congress has the right and power to raise the Armed Forces but the President has the responsibility for the command of those forces. If in the exercise of his best judgment, the defense of this country requires the sending of troops to Europe, he has the power and the duty to do so.

He concluded by saying:

> It would be dangerous for our future welfare to change the underlying principle simply because a strong minority of even a majority of the Congress may lack confidence in the wisdom of the Executive in some particular instance such as the present one.

There is a view of this whole subject expressed over a period of two decades.

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Mr. President, we must remember that we should put this action in proper perspective. We ought to consider that we are a nation approaching 200 years as a republic and that the present Vietnam situation is not something that can be lifted out of context and put on a basis apart from the position and the constant traditional interpretation of our Constitution and of our national fashion in applying it.

In my opinion, Senators, the paper and advice given in that paper was good advice. It is advice that we would be well disposed to follow in our current considerations.

Mr. President, I yield the floor.

Mr. GOLDWATER. Mr. President, I thank my friend, the distinguished Senator from Nebraska, for having made another notable contribution to the discussion which has been going on for some time.

Mr. ALLOTT. Mr. President, I compliment the distinguished Senator from Nebraska.

It is too bad that the minds of the people who were speaking in that manner have changed and that those people have not retained their original thinking. It would have been a wonderful thing for the Senate.

The Senator from Nebraska has given a very brilliant speech here in support of the position that those now present on the floor have taken.

I compliment him on his speech.

Mr. President, one of the most gratifying aspects of the current debate on the President's role as Commander in Chief is the participation of learned and reflective citizens from every section of the Nation.

As we continue to explore this complex matter with proper thoroughness, I continue to receive numerous letters and memoranda from distinguished scholars. They are anxious to voice their support for the President's position in this current debate on the question of who is best able to set military tactics, and who is charged by the Constitution with the responsibility for setting those tactics.

Today I would like to share with Senators three more letters from concerned scholars.

The first letter comes from Prof. S. M. Brownell.

Professor Brownell is a member of the staff of the Institute of Social Science at Yale University. He is also a former U.S. Commissioner of Education.

Professor Brownell, like the President, is anxious to see an honorable disengagement in South Vietnam. But he does not think that objective can be achieved by reducing the President's traditional latitude in deciding on military tactics. Professor Brownell says this:

> In my judgment the President, as Commander-in-Chief of the Armed Forces must be free to direct use of the Armed Forces, within established policies, to the best interests of the nation as he views the total national interest. In emergencies this may mean action prior to Congressional determination of policy, e.g., if the United States were attacked, action might be required before Congress could be convened to declare a state of war existed. During a military operation, as now existing under the Tonkin resolution, the Commander-in-Chief must have the power and resources to deploy armed forces in what appears to him to be in the best interests of the nation. Citizens, and their representatives in the Congress, may appropriately voice their doubts about any given operation or series of operations, but always with the recognition (1) that they cannot have access to the full facts which are available to the Commander-in-Chief and (2) that in a war situation full disclosure of plans in advance serves to strengthen the enemy and weaken the chances of success of our national defense forces.
>
> My own reaction to the situation in Southeast Asia is one of relief that the President has committed the United States to terminate its involvement in the fighting at the earliest date consistent with fulfillment of our obligation to help South Vietnam as a nation develop a government of its choosing and that he has committed us to systematic withdrawal of troops which will pull all United States troops out of Cambodia by June 30, and bring at least 150,000 home by May 30, 1971. This gives South Vietnam time to establish their government under the Vietnamization program which the United States has been pursuing. I wish the North Vietnamese would negotiate but recognize that since the United States has informed the world we do not intend to subdue North Vietnam by all-out war they may well conclude that they have more to gain by fighting until the United States forces leave Indo-China than by negotiating.

Mr. President, a second letter I want to call to the attention of the Senate comes from Prof. Walter F. Berns.

Professor Berns is a distinguished student of constitutional law, and has just completed a term as Charles Evans Huges professor of government and jurisprudence at Colgate University.

Professor Berns can see no validity in the charge that the President is guilty of some sort of Executive usurpation. He says this:

> In what, precisely, does this "executive usurpation" consist? The troops being there (and Mr. Nixon did not put them there), can it honestly be argued that the Commander-in-Chief has no authority under the Constitution to decide how and where they will be used? Can it honestly be argued that Congress is in a better position to decide as to their disposition? Can it honestly be argued that Congress is better able than the President to control the course of events in Southeast Asia and to make the appropriate response to what Hanoi does (and surely Hanoi will be able to affect the course of these events)? The answers to these questions used to be clear to most academicians, and I think you could perform a constitutional service by showing that arguments parading as constitutional arguments are really the political arguments of angry men, men willing once again to sacrifice the principle they used to defend in order to reap what they consider would be a political advantage, or to achieve a particular political result, and to do so without regard to the long-range consequences in the country. This country cannot survive, I think, if the President is to be denied the principal voice in foreign affairs and the tactical flexibility that every President has needed and, especially in the Twentieth Century, occasionally exercised.

Mr. President, a third letter of interest is from Dr. Raymond English.

Dr. English is a former chairman of the department of political science at Kenyon College. He is currently director of the social science program of the Educational Research Council of America.

Dr. English does not think there is serious question about the right of the President to exercise discretionary power as commander in chief. He says this:

> The President has long had the discretionary power to move and engage American armed forces to protect American lives and interests. President Polk precipitated the Mexican War by ordering maneuvers at the border; President Lincoln forced the seceding South into overt rebellion by ordering supplies to Fort Sumter. A book published in 1945 listed 149 episodes in which American Presidents moved or engaged American forces outside the United States to protect American rights of person and property. Such police actions are within constitutional and international law (See *The Constitution of the United States of America: Analysis and Interpretation*, prepared by the Legislative Reference Service, Library of Congress, Edward S. Corwin, Editor. U.S. Government Printing Office, Washington, 1953, page 488.)

Dr. English is very concerned about the possible reemergence of dangerous isolationists feeling in the United States. He says this:

> The withdrawal of the United States into isolation or irresponsibility will not, alas, mean world-wide peace or even peace for the United States. Failure to keep our commitments and power in balance will mean sooner or later that the world power balance will tilt heavily against the United States. When that happens, it can be redressed only by extreme and drastic action, that is, by resort to all-out as opposed to limited war.
>
> This prediction is not mere gloom-and-doom intuition. Three times in the twentieth century have the great powers of the "free world" drifted into weakness, isolation and internal anarchy. The first time was between 1900 and 1914. In 1911, for example, Lincoln Steffens guessed that Great Britain was on the verge of internal revolution. France was torn by Anarcho-Syndicalism. Britain refused to make firm commitments against possible German aggression. In 1914 came World War I.
>
> The second crisis of self-confidence in the western democracies came in the 1930's. Marxism-Lenninism and pacifism were favorite doctrines among the intelligentsia of Britain, France and the United States. One act of aggression after another passed unchecked: In Manchuria, Ethiopia, China, the Rhineland, Austria, the Sudetenland. The United States passed successive Neutrality Acts. In the fall of 1938, President Roosevelt more or less compelled Chamberlain and Daladier to capitulate to the Nazi conquest of Czechoslovakia. Von Ribbentrop informed Hitler that the western democracies were rotten and incapable of resistance to attack. In September 1939, came World War II; in December 1941, Pearl Harbor.

Dr. English warns that "the third crisis of self-confidence is now upon us, and he notes that the "parallels with previous episodes that preceded world wars are disquietly obvious."

In this regard, Dr. English is afraid that the world will draw unfortunate conclusions from the passage of any measure that restricts the President's traditional latitude as Commander in Chief. He says this about the Cooper-Church amendment:

> I see it, as much of the world will see it, as a symptom of the decline of the spirit of patient firmness which has marked American foreign and defense policies since 1948. The passage of the amendment will, I believe, be regarded as an indication that the United States is abandoning its firm but flexible policy of responding to aggressions that shake and destroy the precarious balance of power in the world. When the President's discretion as Commander-in-Chief—that is,

his right to move and employ our armed forces in defense of American interests—is limited by Congress, notice is served on the world that the next act of aggression that damages United States power and prestige will probably proceed with impunity. And the next, and the next, until the situation becomes intolerably threatening, and the only effective response is an unlimited one.

Mr. President, so that all Senators may reflect on the thinking of these scholars, I ask unanimous consent that these three letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Yale University,
Institute of Social Science,
New Haven, Conn., May 28, 1970.

Senator Gordon Allott,
New Senate Office Building,
Washington, D.C.

Dear Senator Allott: A note from Professor David Rowe, Chairman of the National Council of Scholars, indicates your desire to hear from members of NCS their views on the President's powers as Commander-in-Chief of the Armed Forces and the course of events in Southeast Asia. These I am pleased to provide for what they are worth. I claim no special competence in these areas. My views are thus ones of a concerned citizen with some experience as a public administrator at local, state and federal levels who believes in the United States system of selecting citizen representatives to direct our government, supporting them while they are in office, and replacing them through election if we find they are not serving what we think are the best interests of those they represent. I believe, too, in providing full opportunity for those with ideas concerning what should be done to register their ideas privately and publicly, but not in ways which interfere with the rights of others or in defiance of laws.

In my judgment the President, as Commander-in-Chief of the Armed Forces must be free to direct use of the Armed Forces, within established policies, to the best interests of the nation as he views the total national interest. In emergencies this may mean action prior to Congressional determination of policy, e.g., if the United States were attacked, action might be required before Congress could be convened to declare a state of war existed. During a military operation, as now existing under the Tonkin resolution, the Commander-in-Chief must have the power and resources to deploy armed forces in what appears to him to be in the best interests of the nation. Citizens, and their representatives in the Congress, may appropriately voice their doubts about any given operation or series of operations, but always with the recognition (1) that they cannot have access to the full facts which are available to the Commander-in-Chief and (2) that in a war situation full disclosure of plans in advance serves to strengthen the enemy and weaken the chances of success of our national defense forces.

My own reaction to the situation in Southeast Asia is one of relief that the President has committed the United States to terminate its involvement in the fighting at the earliest date consistent with fulfillment of our obligation to help South Vietnam as a nation develop a government of its choosing and that he has committed us to systematic withdrawal of troops which will pull all United States troops out of Cambodia by June 30, and bring at least 150,000 home by May 30, 1971. This gives the South Vietnamese time to establish their government under the Vietnamization program which the United States has been pursuing. I wish the North Vietnamese would negotiate but recognize that since the United States has informed the world we do not intend to subdue North Vietnam by all-out war they may well conclude that they have more to gain by fighting until the United States forces leave Indo-China than by negotiating.

I am impatient to have our participation in the war in Southeast Asia terminate. I recognize, however, that decisions on what is done today will greatly influence relations with other nations in the future. I am thus willing to accept the need for the Cambodian foray, and for stretching our participation in the Vietnam war beyond May, 1971 providing there is continued and accelerated withdrawal of United States armed forces. And during that time I think it imperative that the Commander-in-Chief have full freedom and support to deploy United States forces where in his judgment they will best serve national interests.

It is a pleasure to renew my contacts with you. I still recall with pleasure our associations during my term as United States Commissioner of Education.

Sincerely,

S. M. Brownell.

Colgate University,
Hamilton, N.Y., May 20, 1970.

Hon. Senator Gordon Allott,
Senate Office Building,
Washington, D.C.

Dear Senator Allott: Nothing surprises me any more. Being a college professor, I have seen at first hand how thin is the veneer of principle espoused by my academic colleagues, and how easily they consent to notions they themselves would have regarded as outrageous only a short time ago. At Cornell a year ago some of the University's foremost authorities on constitutionalism and the rule of law, when confronted by the raised clenched fists of angry students, voted eagerly to abolish not only the law and the entire University judicial system, but also the faculty's right to make law and to devise a system, and then sought to justify this pusillanimity on the ground that it was popular.

The same thing is going on today with respect to the constitutional authority of the President as Commander-in-Chief. Men who made their careers defending presidential authority at the time of the so-called Bricker Amendment and during the Korean War—for example the President's authority to seize the nation's steel companies not only without Congressional authority but in the face of a clear congressional statement that he lacked the authority—now speak of "executive usurpation" and advise the kind of political action they used to denounce. What they really mean is that they do not like this President and the decision he made in Cambodia.

In what, precisely, does this "executive usurpation" consist? The troops being there (and Mr. Nixon did not put them there), can it honestly be argued that the Commander-in-Chief has no authority under the Constitution to decide how and where they will be used? Can it honestly be argued that Congress is in a better position to decide as to their disposition? Can it honestly be argued that Congress is better able than the President to control the course of events in Southeast Asia and to make the appropriate response to what Hanoi does (and surely Hanoi will be able to affect the course of these events)? The answers to these questions used to be clear to most academicians, and I think you could perform a constitutional service by showing that arguments parading as constitutional arguments are really the political arguments of angry men, men willing once again to sacrifice the principle they used to defend in order to reap what they consider would be a political advantage, or to achieve a particular political result, and to do so without regard to the long-range consequences in the country. This country cannot survive, I think, if the President is to be denied the principal voice in foreign affairs and the tactical flexibility that every President has needed and, especially in the Twentieth Century, occasionally exercised.

It is perhaps necessary for me to add that, being a University Professor, I am in a position to know how serious the situation is in this country and how necessary to the health of the country is the end of our involvement in Vietnam.

Sincerely yours,

Walter F. Berns,
Charles Evans Hughes Professor of Government and Jurisprudence.

Shaker Heights, Ohio,
May 26, 1970.

Hon. Gordon Allott,
Senate Office Building,
Washington, D.C.

Dear Senator Allott: I wish to associate myself with those who oppose the Cooper-Church Amendment to limit the choices and discretion inherent in the powers of the Commander-in-Chief.

May I make it clear at the outset that I do not impugn the motives, aims or intentions of those who support the amendment? I simply question their judgment. Is the amendment really likely to achieve the objectives of an early withdrawal of American forces from Vietnam, of a reasonable and just settlement in Southeast Asia, and of avoiding a major conflict between the super powers?

There are two issues: the constitutional and the political. Constitutionally, the power to raise and support armed forces is granted to Congress, and the power to command those forces is granted the President. This division of power is intended to prevent the abuse of executive power by a President inclined to use a standing army to impose a military dictatorship, while at the same time it ensures maximum military efficiency by imposing clear unity and hierarchy of command. The latter are essential in any military organization, where speed and secrecy and clarity of decision may make the difference between victory and defeat. It has been said that one mediocre general is better than a committee of a dozen military geniuses. One might add that, in military campaigns, one run-of-the-mill President is more useful than 100 brilliant Senators.

The President has long had the discretionary power to move and engage American armed forces to protect American lives and interests. President Polk precipitated the Mexican War by ordering maneuvers at the border; President Lincoln forced the seceding South into overt rebellion by ordering supplies to Fort Sumter. A book published in 1945 listed 149 episodes in which American Presidents moved or engaged American forces outside the United States to protect American rights of person and property. Such police actions are within constitutional and international law. (See The Constitution of the United States of America: Analysis and Interpretation, prepared by the Legislative Reference Service, Library of Congress, Edward S. Corwin, Editor, U.S. Government Printing Office, Washington, 1953, page 488.

Whether Congress can use its power to raise and supply (and to refuse to raise and supply) armed forces in order to impair the President's discretionary power as Commander-in-Chief seems doubtful. Such actions by Congress would probably place the United States at a grave disadvantage in international affairs. They would enhance the already great handicap suffered by any free society in its relations with dictatorial or totalitarian states. That handicap has been painfully obvious throughout the long involvement in Vietnam.

> But the constitutionality of the amendment is not the central issue. The key issue is political. By this I mean that the decisive consideration ought to be the effect of the amendment on the power, prestige, influence and security of the United States in the world. It seems that the amendment would damage the nation's international influence, and that such damage would in turn bring us closer to the world war that Mao Tse-tung has recently threatened.
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> Let me insert a parenthetical comment at this point. Our military operations in Vietnam have in general been marked by a shocking absence of imagination and strategic skill. We have fought the Vietcong and the North Vietnamese on their own terms. We have left the initiative consistently in their hands. We waited for years for a MacArthur touch—something like the Inchon landing in Korea—or a brilliant move exploiting the crack troops of South Vietnam in a combined operation against Haiphong. But we waited in vain. The Cambodian pincers operation may have been precisely the sudden move to throw the hostile forces off-balance that we have waited for; yet, ironically, it has proved the signal for greater symptoms of division and demoralization in the nation than before.
>
> This comment is not really parenthetical; it brings us up against the big political issue: can a great democracy pursue persistently, coolly, and patiently an effective foreign and defense policy based on firm but limited response to aggression by potential enemies or their puppets? More than 2000 years ago Plato denied that democracies could be rational and consistent in policy. In the 1950's, in the face of McCarthyism and in the light of the lessons of the 1930's, men like Lippmann, Kennan and Acheson bore testimony in different ways to the extreme difficulty of maintaining consistency, firmness and limited response in democratic foreign and defense policies. The policies of the totalitarian states have been and are founded in part on the assumption that free societies sooner or later grow impatient and weary in the face of "protracted conflict". Until recently, it seemed as if that expectation would be proved unfounded in the case of the United States, but the domestic clamor and upheaval of anti-war protest suggest that Mao and Ho Chi Minh were correct, after all. The Cooper-Church Amendment will be seen as one more proof that free, democratic governments cannot play the game of power politics coolly.
>
> The withdrawal of the United States into isolation or irresponsibility will not, alas, mean world-wide peace or even peace for the United States. Failure to keep our commitments and power in balance will mean sooner or later that the world power balance will tilt heavily against the United States. When that happens, it can be redressed only by extreme and drastic action, that is, by resort to all-out as opposed to limited war.
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> This prediction is not mere gloom-and-doom intuition. Three times in the twentieth century have the great powers of the "free world" drifted into weakness, isolation and internal anarchy. The first time was between 1900 and 1914. In 1911, for example, Lincoln Steffens guessed that Great Britain was on the verge of internal revolution. France was torn by Anarcho-Syndicalism. Britain refused to make firm commitments against possible German aggression. In 1914 came World War I.
>
> The second crisis of self-confidence in the western democracies came in the 1930's. Marxism-Leninism and pacifism were favorite doctrines among the intelligentsia of Britain, France and the United States. One act of aggression after another passed unchecked: in Manchuria, Ethiopia, China, the Rhineland, Austria, the Sudetenland. The United States passed excessive Neutrality Acts. In the fall of 1938, President Roosevelt more or less compelled Chamberlain and Daladier to capitulate to the Nazi conquest of Czechoslovakia. Von Ribbentrop informed Hitler that the western democracies were rotten and incapable of resistance to attack. In September 1939, came World War II; in December 1941, Pearl Harbor.
>
> The third crisis of self-confidence is now upon us. Once again doctrines of Marxism-Leninism-Maoism and of anarchy are rife among the young intelligentsia. Once again a weary, sentimental pacifism and isolationism begins to pervade large sections of American society. Once again, a sizable number of members of Congress, sensing the mood of many vocal dissenters, press for withdrawal from foreign commitments. The parallels with previous episodes that preceded world wars are disquietingly obvious.
>
> I therefore see the Cooper-Church Amendment not as a matter of cutting the President down to size, nor as an internal squabble over Senatorial *versus* Presidential control over foreign policy, nor as a melodramatic struggle over "usurpation" of power. I do not even see it as a fascinating comment on the problems of a period of undeclared wars, indirect aggressions, and grey areas in which traditional rules of international law (belligerency, neutrality, sanctions and so forth) are irrelevant. I see it, as much of the world will see it, as a symptom of the decline of the spirit of patient firmness which has marked American foreign and defense policies since 1948. The passage of the amendment will, I believe, be regarded as an indication that the United States is abandoning its firm but flexible policy of responding to aggressions that shake and destroy the precarious balance of power in the world. When the President's discretion as Commander-in-Chief—that is, his right to move and employ our armed forces in defense of American interests—is limited by Congress, notice is served on the world that the next act of aggression that damages United States power and prestige will probably proceed with impunity. And the next, and the next, until the situation becomes intolerably threatening, and the only effective response is an unlimited one.
>
> Yours sincerely,
>
> RAYMOND ENGLISH.

Mr. GOLDWATER. Mr. President, when this current debate first started, I was somewhat apprehensive. I knew that it would be prolonged. But I did not think that there would be too much good come of it. However, as time has moved on—and I assume there will be much more time devoted to this—I have seen some benefits accruing from it already.

In doing research and in trying to do research in this particular field in the Library of Congress and in my own library and in other places, I find that during the history of our Republic very little attention has been paid to the constitutional edicts versus Congress and the President and concern in the general area of warmaking and policymaking in connection with war.

I think the very fact that it has made people study this issue has awakened Americans to the fact that our Constitution is very, very strong. In both instances it has done good. And I hope that in the coming weeks of debate on this matter, each Senator will continue to do as has been done in the past on both sides of the question and exercise as much study as can be exercised in this very, very important field.

It is a surprising thing, Mr. President. I find a great many lawyers who have never been acquainted with the parts of the Constitution to which we have been referring. I find very few citizens who have read their Constitution and some who have not read it in many, many years.

I think this is going to have good results, because it will make people read the Constitution and will make them think about it. And, as I will suggest, people may come to the conclusion that some changes might be in order.

I start my formal remarks this afternoon by doing something that I do not usually do. I want to read an editorial from the Washington Evening Star of Friday, June 12, 1970.

The title is "Cooper-Church in Perspective."

The editorial reads:

> The defeat of the Byrd amendment has been greeted as a major victory by opponents of the operation in Cambodia. But the cries of jubilation from those who believe the war is being wound down too slowly are, to put it mildly, premature.
>
> The hard fact is that the passage of the Byrd amendment would not have prolonged the war and that the defeat of the measure does not bring peace closer. Passage of the Cooper-Church amendment itself, which the Byrd amendment sought to soften, would not change the course of the war. For the legislative facts of life demand that a measure must be passed by both houses and signed by the President before it becomes law—and neither the House of Representatives nor Mr. Nixon has demonstrated much enthusiasm for Cooper-Church as it now stands.
>
> There are three practical alternatives as to the future of the amendment. The Senate may vote it down and end the matter there. The Senate may pass the amendment in essentially its present form, in which case the House will almost certainly refuse to accept it and the future of the Military Sales bill, to which Cooper-Church is attached, will hang in the balance. Or the Senate may, by amending the measure, arrive at a compromise that the administration can live with and that will still express the widespread dissatisfaction of Congress.
>
> The last alternative is the most likely. The measure has already received a thin layer of sugar coating with the adoption of the Mansfield amendment, which states that the Cooper-Church measure "shall not be deemed to impugn the constitutional power of the President as commander in chief." Further correction is needed—particularly in an area of a Cooper-Church provision which has received little public notice, but which would prevent U.S. advisers from operating in Cambodia, would bar tactical air support for Cambodia, and would end financial aid to any outside forces operating in support of the Cambodian army. That section, which in effect repeals the Nixon doctrine as it might apply to Cambodia, must be scrapped.
>
> But the main thrust of the amendment, which is designed to hold President Nixon to his announced plan for withdrawal from Cambodia, should be subject to compromise. Despite the clouds of emotionalism that have engulfed the debate in the Senate, there is, in truth, no unbridgeable ideological chasm between the two sides. There is no one in favor of widening the war and continuing American military involvement indefinitely in Southeast Asia. There is no sizable congressional faction that seriously believes that peace can be instantly legislated. There are, indeed, few in either house who believe that the President has acted unconstitutionally, and who fail to recognize that the constitutional authority to declare war has been operationally amended by the diplomatic realities of the nuclear age.
>
> So, despite all the noise about constitu-

> tional prerogatives, that is not the essential issue of the present debate. What is involved is a justified pique on the part of the legislators over the lack of consultation before major moves are undertaken. It was a process that began in earnest under President Johnson and that has been continued by the Nixon administration. A course of action is established—the introduction of combat troops, the bombing of the North, the entry into Cambodia—and then Congress is told about it and asked to support it financially.
>
> What Congress is demanding is prior consultation on what it considers to be major foreign policy decisions. It is a demand that the administration should heed in the interests of maintaining a working partnership between the executive and legislative branches.

Mr. President, as I have said, that editorial was published in the Washington Evening Star last Friday. I found it extremely interesting because it very fairly and cautiously stated what we are talking about on the floor of the Senate.

But there is one alternative to the Cooper-Church amendment that the Washington Star editorial writer did not think about. He probably thought about it but did not feel it was necessary to include it, and that is the proposal I have made on the floor of the Senate time and again—and I believe in this very sincerely—that if it is the feeling of this body, and if it is the feeling of the American people that Congress does not have sufficient power in the making of war, or that the President possesses too much power under the Constitution, then let us correct the condition by a constitutional amendment.

Let Congress vote on it, and let the people of the United States vote on it. If there is sufficient backing for an amendment that will define more clearly the powers of Congress in the military-foreign policy making field, or more clearly limit the powers of the President in war, then we will be approaching the problem in the proper way.

I might inject at this point because some persons have criticized my position on this subject because I earlier took a position on the 18-year-old vote—which I would much prefer to see come about by constitutional amendment—which I am convinced could be done legislatively and within the confines of the Constitution because of Supreme Court decisions that have been made in that general area which I feel and others feel gives us the right to legislate instead of going through the constitutional amendment process.

I know of no record that has been made, and I know of no legislative history, or constitutional history, or court history that would provide the same vehicle for the Congress to act on these constitutional powers by legislation. That is why I feel so strongly, if it is needed, and I think there is a growing number of American people who feel some adjustment should be made in both the case of Congress or in the case of the President.

Mr. President, for the record I would like to read what we are talking about. Article I, under section 8 of the Constitution states:

> The Congress shall have power:
>
> To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;
>
> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
>
> To provide and maintain a Navy;
>
> To make Rules for the Government and Regulation of the land and naval Forces.

Mr. President, I might say parenthetically, and not facetiously at all, that at some time I think we should include the Air Force in that provision so he will be constitutionally proper when he uses tactical or strategic air.

I continue to read from section 8 of article I of the Constitution:

> To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
>
> To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Mr. President, I have read that section into the RECORD because the more we can let the American people know what the Constitution states and what we are arguing about, the better job we will be doing. To me there is absolutely nothing in those words that gives Congress the right to determine strategy or tactics or even force size. In other words, there is nothing I can see in this language other than the rather vague words "to declare war," which I will discuss in just a moment that would give this body, Congress, the right to intervene in the Southeast Asian war, as the Cooper-Church amendment is now trying to do.

So the record may be straight, I will read from article II, section 2, about the powers of the President. We will discuss that also in just a moment. That section reads:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States;

Mr. President, the term "militia"—a term we do not use today—means the National Guard and also the Reserve forces, because the Governor, as we know, can call out the National Guard to protect citizens of his State, enforce laws, protect property, and so forth. But also the National Guard and the Reserves can be called out by the President for Federal duty. Of course, when they are so called they become members of the regular military regardless of the branch with which they are concerned.

So far as the present law stands I do not think there is any sound reason for challenging the legality of President Nixon's action in Cambodia or Vietnam. To my mind, the President was acting lawfully and constitutionally in sending troops into Cambodia.

It is rather surprising to me to have read last week an ad that appeared in Washington newspapers signed by hundreds of lawyers with the suggestion that the President acted illegally. I am not a lawyer but I have known many lawyers. I have yet to find one who says the President acted illegally. He is the Commander in Chief and, as we will see, the Commander in Chief has vast powers.

For one thing, as I read the Gulf of Tonkin resolution—which was a joint resolution signed by the President—I believe it authorizes the President to take any action he considers necessary to repel Communist aggression and protect the interests of the United States in Southeast Asia.

The Gulf of Tonkin resolution might not be a formal declaration of war, but it certainly puts this body on record as authorizing any military measures the President might deem necessary.

This situation is parallel to the historical incident which many liberals have cited approvingly as representing proof that President John Adams did not engage in an "undeclared war" with France.

They have claimed that President Adams' actions did not involve independent executive action. They point to a series of legislative acts which "amounted to a declaration of imperfect or limited war."

The critics use two early Supreme Court rulings to support their claim that Congress need not resort to a general declaration of war, but may authorize a partial war. These cases are *Bas* v. *Tingey*, 4 U.S. 37 (1800) and *Talbot* v. *Seeman*, 5 U.S. 1 (1801).

Very well. If the President's critics admit that Congress does not need to enact a formal declaration of war in order to authorize a state of limited war, then why do they not admit that they themselves have authorized the President to act in Indochina through the Gulf of Tonkin resolution?

The Congress was asked for, and the Congress agreed to, the granting of powers equivalent to those that might be contained in a formal declaration of war, except that the grant of authority was limited in place to Southeast Asia

Mr. President, the Tonkin resolution is not by any means the only ground upon which the President may claim to have acted under the Constitution.

The President's powers are also derived from those provisions of the Constitution which make him the Commander in Chief of the Army and the Navy—and I will add the Air Force—of the United States, which vest in him all the executive powers of a sovereign nation, which gave him special responsibilities in the field of foreign affairs and which impose upon him the duty to take care that the laws be faithfully executed.

Leaving my text for a moment, I might try to draw a parallel with the situations we found ourselves in in World War II, where we had a declaration of war against Germany and a declaration of war against Japan. In both instances the war was fought on a great many foreign grounds. For example, we did not have to get permission, nor did we have to execute a separate declaration of war, to go into North Africa to help the be-

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leaguered British. We did not have to have a separate declaration of war to go into Italy or into southern France or into Normandy. We did not have to have a separate declaration of war to go into Guadalcanal, Iwo Jima, or the many other islands representing ownership by other countries in the Pacific.

What I think we sometimes overlook is that we were fighting a common enemy. In the case of Europe, it was Germany. In the Pacific, it was Japan. We were fighting a common enemy. The declaration of war was against that enemy.

While we do not have a declaration of war in the instance of South Vietnam, in my opinion the Gulf of Tonkin resolution actually goes a little further than a declaration of war in recognizing that we are fighting a common enemy. So, on the same ground that President Roosevelt had the authority and strength to send our troops wherever the Supreme Commander thought they should go, I think the President in this case has the right to send troops into any country where the common enemy exists, be that Cambodia, or Laos, or, in the event of entry into Thailand, even that country.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am glad to yield.

Mr. MILLER. I have been listening with great interest to the comments of my colleague from Arizona about the constitutional power to declare war. As he well pointed out, the Tonkin Gulf Resolution contains the elements of a declaration of war.

I would make this observation and ask him for his comment on it. There is nothing in the Constitution that requires a formal declaration of war. What counts is that Congress express its will. Congress can express its will by a formal declaration of war. Congress can express its will in a de facto declaration of war.

I well remember when the Tonkin Gulf resolution was being debated, the Senator from Kentucky (Mr. COOPER) asked the manager of the resolution, who was the junior Senator from Arkansas (Mr. FULBRIGHT)—and his language was about like this; it is recorded in the CONGRESSIONAL RECORD—"And do I understand that the authority that we are granting under this resolution is such as could lead to a war?" The Senator from Arkansas responded, "That is the way I interpret it."

Is there any question about the will of the Congress with that action on the Tonkin Gulf resolution? It seems to me that that expresses the will of the Congress very well, and thoroughly satisfies the constitutional requirement—reenforced further by the fact that only five of the 535 Members of Congress voted against it.

Does not the Senator agree with me that that would constitute a de facto declaration of war, satisfied by the requirements of the Constitution?

Mr. GOLDWATER. I do not think there is any question in the world that the Gulf of Tonkin resolution is, in effect, a declaration of war. As the Senator commented, there are three words in the Constitution provided—"to declare war." There is no formal form for a declaration of war. There is not even a historic precedent for the type of language that should be used. Always, in the five cases where we have declared war, we have acted upon the insistence of the President. Even though we have the power to declare war, I doubt seriously that the Congress would ever assemble and make such a declaration, or resolution, or whatever it might be, unless the Commander in Chief asked for it.

As I mentioned earlier—and I have read the other declarations of war—except for the language of reprimand that is usually contained, I think the Gulf of Tonkin resolution goes further than anything I have read in the five cases of declaration that we have had.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. GOLDWATER. Certainly.

Mr. MILLER. Mr. President, if the declaration of war requirement should, somehow or other—and it is inconceivable to me how it could be—should be interpreted as not meeting the constitutional requirement that the Congress express its will on this subject, I suggest that there could not be any possible question over what Congress did 7 months later.

The Senator from Arizona will remember that 7 months after the Gulf of Tonkin resolution, the President sent over to Congress an appropriation request specifically and solely for the war in Vietnam. He accompanied that request with a message to Congress in which he stated that there had been a lot of Communist propaganda emanating from Hanoi and Peking to the effect that Congress and the people of the United States did not support the war in Vietnam.

The President suggested that here would be a very good opportunity to put the lie to the Communist propaganda by having Congress act on this appropriation specifically and solely for the war in Vietnam, and he expressed the hope that the approval of the appropriation would be by an overwhelming majority of Congress.

Seven of the 535 Members of Congress voted "No." How anyone could suggest that that is not a reflection of the will of Congress sufficient to satisfy the declaration of war powers in the Constitution is beyond me. I ask my colleague from Arizona if he also does not think that that reflects the will of Congress sufficiently to satisfy the constitutional requirement.

Mr. GOLDWATER. I certainly think so, Mr. President. In fact, I get back to the three words "to declare war." Those words do not mean what the general public believes them to mean—in other words, that we have to have a declaration of war by Congress before we can enter war. As I shall point out later, we have had five declarations of war: the War of 1812, the Spanish-American War, World Wars I and II—in the latter case two declarations, one against Germany and one against Japan.

Mr. MILLER. The Senator means formal declarations.

Mr. GOLDWATER. Well, formal, resolved, or whatever. But the other 132 wars we have been in were undeclared, and this is something the American people do not realize. I do not think many Members of this body realize that of the 137 or 138 military engagements we have been in, only five of them have been declared.

In answer to the Senator's suggestion—I think it was his suggestion; I may be trying to read something into his remarks, but if I am, he can correct me—when he related the request of the President for separate funds for the maintenance of the war in Southeast Asia, in my opinion, that would be the constitutional way to approach what the Cooper-Church amendment is trying to get at—namely, to express a dissatisfaction with the war. We could do it in a concrete way by refusing to appropriate money for the military for the purchase of new equipment. We could be specific in it, and say that it cannot go here and go there. This, in my opinion, would be a better legislative way to get at them. It would also be a very dangerous way, because our military budgets have been reduced more than any other budgets since World War II, and to reduce them any farther would, I think, endanger the security of this country.

The Senator is absolutely correct, getting back to his idea that this body had backed this war up until this surge in this country—and I have been talking about this for the last 10 years—of isolationism that now permeates the country. Were it not for that, we probably would not have this discussion going on.

Some people think that "isolationist" is a sort of dirty word. I do not. I think people are entitled to feel that this country can isolate itself and stand alone in the world, a fortress America once again. I personally do not think it will work, but I think what we are seeing reflected in the letters we get from home, and the speeches we hear in the Senate pro Cooper-Church, is really an expression of a desire to disengage this country from all of its treaties and obligations and once again become a fortress America, a walled America, and let some other country take over the leadership.

Mr. MILLER. Will the Senator yield further?

Mr. GOLDWATER. I yield.

Mr. MILLER. Mr. President, the main thing I want to bring out is that, as a Member of the Senate, I fully recognize that Congress is empowered under the Constitution to declare war. As a Member of the Senate, I want to be on record as stating that Congress has satisfied that requirement, not by a formal declaration of war, but by a de facto declaration of war, on at least two occasions.

What the Constitution requires is that Congress manifest its will; and, with the legislative history of the colloquy between the Senator from Kentucky and the Senator from Arkansas during the Gulf of Tonkin debate, with the special appropriation for the war in Vietnam, and with the overwhelming, almost unanimous vote by both Houses of Congress in favor of those measures, I do not know how anyone could suggest that the will of Congress has not been made clear,

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and that the constitutional requirement has not been met.

I agree with the Senator from Arizona that if Congress wishes to manifest its displeasure, it certainly has the constitutional authority to say to the President of the United States, "Well, Mr. President, you have asked us for $70 billion for national defense; we are only going to appropriate $50 billion." We have that authority. I am not saying it is a good idea. The Senator from Arizona well pointed up the fact that we have concern over meeting our national security requirements. But if Congress wants to vote $50 billion, we can do it, and that is perfectly legal under the Constitution.

But for Congress to come along and undertake to play Commander in Chief, and say, "We want the troops to go here, we want them to stay there, we want airplanes to be flown under certain conditions, we want certain types of bombs to be used," I suggest takes Congress away out of its water, and that it has no constitutional authority to do that whatsoever.

I think this is what we are getting into in connection with some of the thoughts that are being expressed over the Cooper-Church resolution. The Commander in Chief has the authority, inherently as Commander in Chief, to take appropriate action to protect the rights of our troops whom he has sent over to another country to fight a war. That is what the Cambodian sanctuary operation is all about.

The other day, by a vote of 91 to 0, we adopted the Mansfield amendment, which says that the Cooper-Church resolution, whatever it says, shall not be interpreted to impugn the powers of the President as Commander in Chief. In a colloquy with the Senator from Idaho, who was managing the resolution at the time, I brought out from him—and he was quite frank and fair about it—that the proponents of Cooper-Church have no intention whatsoever, under this amendment, to criticize the President for his action in the Cambodian sanctuary operation; and of course they could not, because he was taking the action as Commander in Chief.

I must say at this stage, with the Cooper-Church amendment here and with the Mansfield amendment having been adopted, I do not know what we have been doing for the last 5 weeks except having a lot of wind emanate from the Senate, making a lot of copy for the reporters to write about, and unduly delaying legislative programs this country needs very badly.

I thank the Senator for yielding.

Mr. GOLDWATER. Mr. President, I thank my good friend from Iowa for asking me to yield, because I think he has brought up some very pertinent and important points.

Before I proceed, I comment once again that what the attempt actually is here is to amend the Constitution; and I think it is better, if we want to do that, to try to do it through the proper channels; namely, by the passing of an amendment by Congress and the submission of it to the people, and having the necessary two-thirds of the States vote on it and return it, so that the amendment can be made.

The language contained in the Mansfield amendment, while it was practically ignored by the experts of the media, was to me the biggest point made, because they recognized by that language that the Constitution is very strong in this field.

I wish to get on to that point now.

COMMANDER IN CHIEF

The President's function as Commander in Chief is spelled out very clearly in article II, section 2 of the Constitution.

Edgar E. Robinson, in "Powers of the President in Foreign Affairs," claims:

> It is then evident that the President's powers as Commander-in-Chief of the Armed Forces are of greater significance than all the other powers prescribed in the Constitution.

In their capacity as Commander in Chief, past Presidents of the United States have, in the absence of declarations of war, committed American military forces to armed action in 138 instances.

On the other hand, the United States has engaged in only five wars under a formal declaration of war: the War of 1812; the Mexican War, 1846; the Spanish-American War; World War I; and World War II.

While many of the undeclared military actions involve the protection of American property or American citizens in foreign lands, a great many of them have involved the general defense of the United States or the protection of some national security interest.

These incidents range from the war against the Barbary Pirates, in Jefferson's time, to an attack by a force of sailors and marines who were ordered by President Wilson to capture Vera Cruz in Mexico in order to avenge an insult to the flag. They range from American participation in 1900, in an international expedition to put down the Boxer Uprising in China, to the action by President Kennedy in 1962 when he put us on a collision course with another superpower by imposing an immediate naval quarantine of Cuban waters. Confronted with a buildup of Soviet missile bases in Cuba, he could not wait for congressional approval of his action to prevent delivery of additional Russian missiles. As a result this Nation was thrust into a confrontation infinitely more serious than Vietnam or Cambodia.

In fact, President Franklin Roosevelt viewed the Presidential power as Commander in Chief to be so great that in July of 1941 he notified Congress that he had sent thousands of American troops to be in Iceland. This was done contrary to an express geographical limitation on the use of U.S. troops abroad that Congress had enacted only a year before. Both the Reserves Act of 1940 and the Selective Service Act of 1940 provided that persons called under this authority could not be employed outside the Western Hemisphere.

Yet, President Roosevelt, as other Presidents had done before him and as others have done since, used his great power as Commander in Chief to ignore the provisions of the Reserves Act and the Selective Service Act passed just a year prior.

Former President Taft, who was also a Chief Justice on the Supreme Court Bench, stated the law broadly when he wrote in the Yale Law Journal in 1916:

> It is clear that Congress may not usurp the functions of the Executive . . . by forbidding or directing the movements of the Army and Navy.

EXECUTIVE POWER

There is a wide range of powers that have been granted to the President under the first sentence of article II of the Constitution, which reads:

> The Executive Power shall be vested in a President of the United States of America.

The opening sentence of article II was cited by Alexander Hamilton, who first argued that the President's role in international matters is a dynamic and positive one. In a series of articles in Gazette of the United States, Hamilton argued that the Constitution vested in the President all the executive powers of a sovereign nation.

This interpretation is supported by the late Prof. Edward Corwin, who writes in "The President: Office and Powers," that—

> The powers of the national government in the diplomatic sphere . . . is an *inherent* power, *one which owes its existence to the fact that the American People* are a sovereign entity at international law.

Corwin mentions that this theory was adopted by the U.S. Supreme Court in 1936 in the case of *United States* v. *Curtiss-Wright Export Corporation,* 209 U.S. 304 (1936).

Hamilton also writes in the Gazette that the President possesses the power to judge for the United States "What rights the law of nature and nations gives." In fact, Hamilton goes so far as to contend that the Executive has the right "to determine the condition of the Nation, though it may, in its consequences, affect the exercise of the power of the Legislature to declare war" and that "the Executive, in the exercise of its constitutional powers, may establish an antecedent state of things."

President Taft announced the same idea in 1916, during his lectures at Columbia. He said bluntly that—

> Under the Constitution, only Congress has the power to declare war, but with the Army and the Navy the President can take action such as to involve the country in war and to leave Congress no option but to declare or to recognize its existence.

Mr. President, I would like to have the attention of the Senator from Iowa before I go on with the next chapter of this discussion.

I have here a copy of the declaration of war made in 1941. It is very interesting, because the Senator from Iowa suggested in our colloquy earlier that there is no formal declaration, no form, that we follow. This is what this Nation said in that declaration of war:

> *Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That the state of war between the United States and the Government of Germany which has thus

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> been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Germany; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

That was approved on December 11, 1941.

Now I will read the Gulf of Tonkin resolution, so that we will have the two together in the RECORD, and people can see what we are talking about. The section we referred to reads:

> The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations, and in accordance wih its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed forces, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

The Gulf of Tonkin resolution was that. It was a resolution. The declaration of war in 1941, to which I alluded, was a declaration, also, I might say, in the form of a resolution; but while the language is different, the essence is there. In the Gulf of Tonkin resolution, it says, "including use of Armed Forces" and "to take all necessary steps."

I might remind the Senator from Iowa that the man who engineered this resolution, who urged its passage, and who as recently as a few years ago said that the President did not have enough power, is one of the chief supporters of the Cooper-Church amendment and other amendments which in my opinion will run contrary by 180 degrees to his stand at that time. That is the distinguished Senator from Arkansas (Mr. FULBRIGHT).

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MILLER. Mr. President, there is only one thing I might add to what the Senator from Arizona has just set forth with respect to the Gulf of Tonkin resolution.

The Senator from Arizona, as an old Senate hand, knows very well the importance of legislative history in interpreting the will of the legislative body. Does he not agree that when the Senator from Kentucky (Mr. COOPER) addressed a question to the manager of the resolution, the junior Senator from Arkansas, and asked, "Do I understand that the language in this resolution the Senate is now considering extends sufficient authority to the President as to lead to a war?" and the Senator from Arkansas answered, "That is the way I would interpret it," does not the Senator agree that the intention of Congress means that, in effect, a declaration of war is manifest?

Mr. GOLDWATER. I was not here at the time. The Senator might remember I was engaged in a little campaign of my own called the cliffhanger of 1964. I might say that I know something about the Gulf of Tonkin resolution because President Johnson got in touch with me, prior to asking for this, and related all the circumstances that caused him to ask for it, and he asked for my support. I said that I would certainly give my support to it. I would have voted for it, had I been in this body at that time.

But I cannot understand how anyone now can say that he did not really understand the language, because if we need any tougher language than telling the President to use armed forces or to use any means at his disposal, I do not know how much tougher one can get it.

I believe that everyone voting in this body at that time certainly must have understood the implication—I will not say everyone because, as I understand it, there were two, was it?

Mr. MILLER. Two in the Senate and three in the House, five out of 535 who voted "no."

Mr. GOLDWATER. I am sure that they voted "no" because they saw in it a possibility of war, but under the circumstances, I can conclude nothing else could have happened but war.

Mr. MILLER. I think it well to point out and to repeat quite often what went on in the Senate Chamber. As the Senator pointed out, he was in a campaign and was not present, but most of the rest of us were here. The CONGRESSIONAL RECORD is printed for all to read and see. While it might be a little embarrassing for certain Members of the Senate to be referred to those portions of the CONGRESSIONAL RECORD which set forth the debate right here on the Senate floor, with people in the galleries and everyone knowing what was going on, the fact remains that the answer of the manager of the bill to the question of the Senator from Kentucky was that that was exactly the way he would interpret it, that the Gulf of Tonkin resolution provided sufficient authority which could lead to a war.

Is there any other way to interpret the will and intention of Congress? There is not any. It is right there. Anyone who studies law understands that debate on the floor of the Senate constitutes part of the legislative history, for the purpose of showing the intention of Congress. The Constitution, as the Senator from Arizona has pointed out, does not say it has to be a formal declaration all dressed up in ribbons and all of that. What counts is that the intention of Congress be expressed.

I was here, and so were most of the rest of my colleagues, including those supporting the Cooper-Church resolution. It is OK for them to do that, just so they understand that the record is clear, there is nothing unconstitutional about what the President has been doing, and certainly not since the Gulf of Tonkin resolution plus the special appropriations request to which I earlier referred.

Mr. GOLDWATER. I might point out, too, that even if this body at some later date repealed the Gulf of Tonkin resolution, the President can continue the war. We can declare war down here every 15 minutes, but only the President can go to war. I do not care how many resolutions we pass, if we do not use the money approach, use our power to cut off funds, we are not successfully going to say to a President, "You have to do this or you have to do that." Once he has committed himself, any leader worth his salt, while he would certainly understand that Congress might be opposed to him, although not a large majority, would feel there was no constitutional right or necessity to end the war.

FOREIGN RELATIONS POWERS

Now, Mr. President, looking again at some of the powers, let us discuss those in the field of foreign relations.

The Supreme Court has called the President the "sole organ of a nation."

Speaking of the power of the President to conduct foreign relations, the Court said, in the Curtiss-Wright case:

> It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary, and exclusive power of the President as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress.

This principle had been first laid down by none other than John Marshall, the great architect of constitutional interpretation. On March 7, 1800, while he was still a Member of the House of Representatives, Marshall said:

> The President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.

The broad nature of the President's authority to conduct foreign relations is demonstrated by his exercise of several important diplomatic powers. In his famous work on the Presidency, Professor Corwin describes these powers as including the power to receive ambassadors and other public ministers, "Presidential monopolization of the right to communicate with foreign governments," the Presidential prerogative to recognize new governments without consulting Congress, the power to negotiate treaties, and the power to enter into executive agreements with other governments.

These powers were given due recognition by Corwin when he said:

> From the viewpoint of the present moment it is not extravagant to say that *immensely the most important single factor in the determination of American foreign policy has been Presidential guidance of it.*

In consulting the intent of the Founding Fathers, it is pertinent to look at a report by the first Senate Standing Committee on Foreign Relations. This report finds that—

> The President is the Constitutional representative of the United States with regard to foreign nations . . . The nature of transactions with foreign nations, moreover, requires caution and unity of design, and their success frequently depends on secrecy and dispatch.

These words are unquestionably founded upon the statement by John Jay, the first Chief Justice of the Supreme Court, who observed in the Federalist that the President possesses great inherent strengths in the direction of

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foreign affairs. These are the unity of the office, its capacity for secrecy and speed, and its superior sources of information.

In 1967, Under Secretary of State Nicholas Katzenbach restated the meaning of these words in modern terms when he said:

> Today, these considerations require that the President fill the preeminent role:
>
> He alone has the support of the administrative machinery required to deal with the sheer volume of our foreign affairs problems.
>
> He alone is the focus of diplomatic communications, intelligence sources, and other information that are tools for the conduct of foreign affairs.
>
> He alone can act, when necessary, with the speed and decisiveness required to protect our national security.

Mr. President, that was not only said or written by anyone connected with what could be called a constructive position on the Constitution, or a conservative position, if there be such in the field of foreign affairs, that was written by Mr. Nicholas Katzenbach, a brilliant man. I think he made a brilliant observation when he wrote that Jay's understanding brought it up to maintain it and extend on it somewhat.

PRESIDENTIAL DUTY TO EXECUTE THE LAWS

Mr. President, let us now look at another duty. I refer to the Presidential duty to execute the laws. This is a duty that very, very few Americans are acquainted with.

Section 3, of article II of the Constitution places upon the President, and the President alone, the duty to "take care that the laws be faithfully executed."

Now, as we all know, the laws of the land include international law as well as domestic law. The significance of this fact is explained by looking at the words of Alexander Hamilton. Writing in the Gazette of the United States, Hamilton said:

> The President is the Constitutional executor of the laws. Our treaties, and the laws of nations, form a part of the law of the land. He, who is to execute the laws, must first judge for himself of their meaning.

In other words, it is up to the President to interpret the international obligations of the United States, and up to the President alone. I might say that in the formulation of treaties the Senate does advise and consent. I think that historically it can be shown that the Presidents have placed great confidence in the advice and consent of the Senate. And I must say that all of this particular view that I have just expressed has received judicial support. Witness the following quotation by Professor Corwin:

> Thanks to the same capacity to base action directly on his own reading of international law—a capacity which the Court recognized in terms in the *Neagle* Case—the President has been able to gather to himself powers with respect to warmaking which ill accord with the specific delegation in the Constitution of the war-declaring power to Congress.

Corwin also expresses this doctrine in the following clear terms:

> The President may also make himself the direct administrator of the international rights and duties of the United States, or of what are adjudged by him to be such, without awaiting action either by the treaty-making power or by Congress, or by the courts.

Although relevant judicial holdings are sparse, what little case law exists upholds the doctrine of Presidential prerogative to determine when and where American interests should be defended by force.

The Neagle case is one precedent. Another arose out of the action in 1854, by the commander of the U.S.S. *Cyane*, who nearly leveled the city of Greytown, Nicaragua, in retaliation against a revolutionary government that had refused to make reparation for an attack on U.S. citizens. Mr. Justice Nelson of the Supreme Court, who was sitting as a district judge, held that—

> The question whether it was the duty of the President to interpose for the protection of the citizens of Greytown . . . was a public political question . . . which belonged to the Executive to determine; and his decision is final and conclusive . . . *Durand* v. *Hollins*, 4 Blatch 451, 455 (1860).

Mr. President, the subject I have addressed myself to on the floor today, particularly with the distinguished Senator from Arkansas (Mr. FULBRIGHT), concerns what they intend to do and what suggestions will come from the Foreign Relations Committee relevant to the large number of treaties that we have advised and consented favorably on in the Senate and that the Persident has signed.

I mentioned in particular the 17 treaties we have with NATO countries. Those treaties do not just say, "We may come to your aid." They pledge war if those countries are in trouble.

Mr. President, before we go about limiting, or even suggesting the limiting of the Presidential powers under the Constitution, I think that if we feel we have prerogative in the Senate we should say what we propose to do about these treaties which are binding. We also have 40 or 41 other treaties sprinkled around the world that go back to some extent, and some not so far. Some are hard to understand.

But, I would hope that in the not too far distant future the Foreign Relations Committee of the U.S. Senate will discuss the matter publicly so that the American people will know just what we are pledged to do in this world.

I do not think it makes a lot of sense to try to build a fence around the Presidential powers as Commander in Chief while we still have obligations that we have honorably and honestly entered into with other countries, if we say to the President, "You cannot use those powers without coming down here and consulting with us."

If we find that a country has called upon us to live up to the words of our commitment, we may say, "No, Mr. President. We do not think you should do that."

Mr. President, if the powers are interpreted to that extent, what do we become in the eyes of the world?

I know that many Americans say, "We do not care what the rest of the world thinks about the United States."

I think that is very naive. I think it borders on foolishness to talk in that manner.

If the other nations of the world do not have faith and confidence in the United States, we will cease to become the No. 1 power in the world.

There will be a No. 1 power, because there never can be a vacuum where power has to be. And we will be confronted with a world led probably by Russia or, in the worst case, Red China.

I hope that the Senate Foreign Relations Committee will explore this whole field and use television, as they have used it in the case of economic kings who have come here and said that the war is wrong. I hope that they will use it to educate the American people as to just what we are in for with the treaties we have which have been suggested by Presidents and passed on by the Senate and are a part of the law of the land that the President is charged with fulfilling.

DOCTRINE OF POLITICAL QUESTIONS

Mr. President, we now get into the doctrine of political questions. While both sides in this debate have quoted cases to support their claims, there simply is not any Supreme Court decision squarely on point. In most instances, the language pointed to is not even necessary to deciding the case. It is purely dictum.

The basic question to be answered is whether the President may, without any prior restriction by Congress, and in the absence of any formal declaration of war by Congress, use force outside the United States for purposes more intangible than the direct and immediate protection of American citizens or property.

There is no court case that squarely fits these circumstances. The courts have dropped this one like a hot potato. They have unanimously followed the principle of "political questions," first formulated by Chief Justice Marshall. Under this doctrine, the Federal judiciary will refrain from deciding certain fundamental questions on the ground that they are more political than legal.

Thus it is that legal objections to the Vietnam conflict have uniformly been denied a hearing by the Supreme Court. In one important test, *Mora* v. *McNamara*, 389 U.S. 934 (1967) the Supreme Court refused to grant review to a case involving draftees ordered to be sent to Vietnam who claimed that our military action there was unconstitutional.

And so it has been throughout our history. In the present situation I doubt that the Court will ever answer the question whether or not the President may order men to participate in the Vietnam conflict when no war was formally declared by Congress. I doubt if we shall ever learn whether the Court believes the SEATO Treaty or the Gulf of Tonkin resolution amounts to the same thing as a limited declaration of war.

This is why I say that on balance we must look to the past to see that Presidents have ordered American forces to take part in military activities abroad many times when there was no prior authorization by Congress, and we must look to the future to see whether passage of the Cooper-Church amendment would create such an undesirable precedent

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that it would hobble the President in his ability to defend America's vital security.

Mr. President, I repeat again, I certainly can understand the interest and the desires of the framers of this amendment. I can understand the deep concern of the American people who support that amendment, and I also understand the concern of people who oppose it. In fact, I think if we spent more time trying to understand we would be better off. But in this particular case I feel, as I have said many times, instead of our trying to enact something on the floor of the Senate or the House of Representatives that will have a direct bearing on the Constitution and which, in itself, may very well be unconstitutional, that it would be wiser if we prepared an amendment to the Constitution covering powers of Congress and the powers of the President then let the American people vote on these things. I think it is too important to be decided by a piece of legislation, particularly an amendment to a bill.

Here we have a major military activity already underway. It was started under past Presidents and inherited by the current President. If we attempt to bind his hands in being able to protect American troops while the conflict is still going on, we will unquestionably, at some point in the future, put him in the position of facing a terrible dilemma.

He will either have to allow the lives of American men to be placed in extreme danger from an enemy who can enjoy a free hand at building up his forces and supplies in a congressionally defined sanctuary, or he will have to relegate the congressional directive to the wasteheap and take whatever action is needed to defend our troops, thereby creating one of the gravest constitutional crises in American history.

This leads back to my original premise. If some Senators believe the constitutional mandate to Congress to include strategic and tactical decisions, during an ongoing military action, we should approach the matter with a constitutional amendment so that we do not establish a state of confusion with turmoil within our Nation about the actual powers of the President.

Unless we act in this way, I think we would be guilty of destroying the confidence of our own people in the President's power to defend his country.

We also would be responsible for destroying the confidence of our friends around the world if they believe the President can be made so weak that he cannot even protect the lives of American servicemen in the field. If we go in for this kind of meddling in the affairs of the Commander in Chief we will be doing nothing less than telling the world that the Congress of the United States has no faith in the foreign policy or military strategy of its President.

I might recognize at this point, Mr. President, that it is certainly the right of Congress to express by resolution a dissatisfaction with the foreign relations of this country; but I must remind Senators that the President was elected by the people and not Congress. He was elected to a large extent because the people were unhappy with the foreign policy of the previous President and it was, in part, his pledge to take steps in Vietnam, which he has done, which gained him the Presidency. I do not want to do anything to give the people around the world the idea that we are trying to upset the President's power.

In summary, I do not intend to support either of these resolutions. I intend to vote against them because I feel that a vote in favor of them would be a vote for American isolation, a vote to make this country an ingrown, third-rate power, and a vote for dishonoring an American commitment.

I do not care how they butter up this measure. They could include in it mother love, wide roads, sunshine, rain in the deserts of Arizona, and everything we love, but I am not going to vote for it because I think we are tampering with the Constitution. If we feel it should be amended I certainly would be the first one to say yes, and I might even support amendments to the Constitution in this field so that the American people could have the right to vote on it.

Mr. President, I have spoken at some length. In closing I ask unanimous consent to have printed in the RECORD an article which was published in the Chicago Sun Times Special entitled "Must Congress Act to Make War Legal?" I do not have the date of the article, but in it two academic experts disagree over the legal and political issues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUST CONGRESS ACT TO MAKE WAR LEGAL?—TWO ACADEMIC EXPERTS DISAGREE OVER LEGAL AND POLITICAL ISSUES

President Nixon's April 30 decision to order U.S. troops into Cambodia not only stirred up a new wave of dissent on Vietnam, it revived an almost forgotten issue:

Is an armed conflict, such as the war in Indochina, unconstitutional or illegal because Congress has never declared war?

The relevant words from the Constitution are as simple as the problem is complex: "Congress shall have the power to declare war . . ."

In this encounter, conducted by Chicago Sun-Times reporter Thomas J. Moore, two University of Chicago professors debate the legality of the Indochina war.

Philip B. Kurland, a professor of law and expert on the Constitution, argues that the war is unconstitutional. Morton A. Kaplan, professor of political science and a specialist in international relations, takes the opposite view.

Here is the encounter.

Sun-Times: Congress has never declared war in the Vietnam conflict. Do you believe this makes that war illegal or unconstitutional?

Kurland: I have been saying for years that it is unconstitutional. But the foreign affairs power is totally undefined in the Constitution, and the war power requires more explanation and interpretation than a simple reading of a few words from the Constitution.

Kaplan: I contend that what we have in Vietnam is not a war in the constitutional sense. I would argue that some of the consequences of a state of war do not flow from the state of events in Vietnam.

There are a number of precedents for this—for example, (Franklin D.) Roosevelt's orders to the fleet before the second world war to sink German submarines. From a domestic law standpoint this did not constitute a state of war. (President Harry S.) Truman's war in Korea is another example. In both cases there was no declaration of war.

Kurland: The essential problem, it seems to me, is not whether there is a technical definition of war, but in essence whether the military powers of the United States are being used against the enemy. When that stage arises, that's what the founders had in mind in determining that a war had to be declared by Congress.

Kaplan: But situations change and become more complex with time. The commerce clause and the fifth amendment have been reinterpreted as conditions would arise. I would argue this is not against the spirit of the founding fathers.

It is, in any event, in conformity with the development of a living Constitution. It also shows great wisdom in the kind of age in which we live.

Sun-Times: The United States has been in armed conflicts before without a formal declaration of war. Don't these incidents stand as precedents for the situation in Vietnam?

Kurland: I would not mean to controvert the proposition that many Presidents in the past have engaged in what I would consider unconstitutional wars.

I do not think this practice legalizes it. Because a large number of murders have occurred does not mean that mufder has suddenly become legal.

A President involving the country in an unconstitutional war is a transgression of a fundamental division of powers that was intended to protect the people of the United States from this kind of warlike activity, whether you want to call it war or not.

Kaplan: I think that either Truman or (Lyndon B.) Johnson could have gotten declarations of war—and this would have had consequences for civil liberties in the United States. Also, this would have been unfortunate for the conduct of foreign and military policy.

Kurland: I could agree that a declaration of war would have been unfortunate, but I am not equally certain either one could have gotten such a declaration.

John F. Kennedy—and I take this war back to him—or Johnson or Nixon would have had a great deal of difficulty. I think it is anything but clear that Congress was prepared to declare war.

Kaplan: I agree with you on Kennedy and Nixon, but I think Johnson, during a certain period, could have gotten a declaration of war. But that would have involved distinct liabilities both internationally and domestically.

Moreover, declarations of war, in a large number of circumstances, are exceptionally dangerous in the nuclear age.

One great danger would be the type of actions the President might be pushed into if the electorate were presented with that would have been much more difficult to avoid kind of declaration. I think it would have been much more difficult to avoid attacks on Hanoi, just as during the Korean War it a land war with China.

A declaration of war is dangerous at least partly because of the inability of the American public to understand such a thing as a limited war fought for limited objectives.

Kurland: I too have difficulties with that. But I share with you the feeling of great danger that's involved in the atomic age in the exercise of war power.

That is why I would hedge it to a far greater degree than leaving it to the discretion of the man in the White House.

Sun-Times: Mr. Kaplan, other than the reaction of the American public to a declaration, do you believe there are other dangers involved?

Kaplan: I would hate to see a situation in which we were forced into the alternative of no use of force, or the use of force under a declaration of war. In the present age these are very limiting alternatives.

The extent to which the presidential finger on the trigger is required is perhaps shown by the extent to which Kennedy kept personal control over what particular ships did during the Cuban missile crisis, or even over particular tanks during certain periods of the Berlin crisis.

It would be enormously dangerous if (a) we were forced into a situation where we had to go to a declaration of war to permit these kinds of acts, and (b) we were forced into a situation where we could not use useful fictions.

For instance, the use of the term "volunteers" bv the Chinese during the Korean War, I think, was an extremely useful fiction that permitted limitations on military activities that were desirable to both sides.

Kurland: What was the use of the fiction? We used it at the outset in Vietnam, that we were calling our troops "advisers." We are using it in Laos with exactly the same title. The Russians have used it all over the place wherever they have sent their troops since World War II.

Whom does it fool? What is the fiction?

Kaplan: Certainly statesmen around the world must think these fictions are useful, even though they obviously fool no one.

Kurland: I think they do fool somebody, and the people they fool are those members of the American public who were told by Mr. Kennedy that in Vietnam all we have in effect, is a training team, when in fact we have the beginning of a build-up of armed forces.

Sun-Times: Mr. Kurland, would you comment on Mr. Kaplan's earlier point that a declaration of war might be too dangerous in the nuclear age?

Kurland: I take it the essential difference between us is that he thinks we should not use a declaration of war because that requires that we go to 100 percent enterprise. My suggestion is that the requirement for a declaration of war might reduce this to a zero percent enterprise.

I think that Congress ought to reassert its authority.

Sun-Times: Mr. Kaplan, if a formal declaration could be avoided, would you like to see Congress play a larger role in formulating foreign policy?

Kaplan: I would say that the foreign policy in which Congress plays a major role will be one that's even more incoherent and dangerous than the one we face. I think that foreign and military policy in Vietnam has been sufficiently incoherent without making it more incoherent.

Kurland: Putting foreign relations power back in the legislature from which it has been taken would not result in an efficient foreign policy. It would not result in what you would call a coherent foreign policy.

My difficulty, of course, is that as an amature reading American foreign policy, I have difficulty finding rationality or coherency in it even now.

In any case the price of efficiency is the price of protection against inadvertent warfare.

Kaplan: I am not going to defend the coherence or rationality of foreign policy even under executive control. I think the deficiencies are great, but by no means equal.

The situation would, in my opinion, be gravely worsened and complicated by a senatorial role.

Kurland: I would like to add another point. The essential trouble in all three branches of government and most of the press and individuals in this country is that they tend to look at the problem in personal terms, not institutional terms.

I don't believe that a President's powers are expanded when you have a Kennedy in office, because you like Kennedy, and are contracted when you have a Nixon, because you don't like Nixon. I think this is the wrong way to find lasting answers to these extraordinarily difficult issues.

Kaplan: I agree, but I happen to believe it is important that the executive branch has a great deal of freedom in the conduct of foreign policy. And that means freedom even when I consider an action to be wrong or don't like the individuals who run the show.

ADDRESS BY SENATOR JORDAN OF IDAHO AT REPUBLICAN STATE CONVENTION AT BURLEY, IDAHO

Mr. HANSEN. Mr. President, the junior Senator from Idaho (Mr. JORDAN) spoke before the Republican State Convention assembled at Burley, Idaho, on Friday, June 12, 1970. As is his custom, the Senator was most perceptive in his observations, and I feel confident Senators would consider it a privilege and an opportunity worthy of the time to read what he said.

Therefore, I ask unanimous consent that his speech may be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR JORDAN AT REPUBLICAN STATE CONVENTION

We live in troubled times. Not since the Civil War has our nation been so divided. Each day seems to bring a new crisis. It may be in Israel or Peru or Cambodia. Or it may be right here at home.

In the brief time allotted to me I shall discuss only two specific problems, Vietnam and inflation.

One is foreign, the other domestic. Yet the two are closely related as I shall attempt to prove.

These two were chosen after careful study. But they are by no means the only problems we face. I think it might be fairly stated that most of our problems are interrelated. Whether it is unrest on the campuses, racial tensions, high interest rates, high prices, rising unemployment, falling stock market—all have a common denominator. That common denominator is Vietnam and inflation, or more precisely, the relationship between the two.

Vietnam and Cambodia are presently foremost in the news. Yet in the long range, I do not consider our involvement in Southeast Asia as dangerous to our nation as developments elsewhere. I am thinking about the Mediterranean area. There is increasing evidence that the Middle East is more likely to be the next area of confrontation.

During the Easter recess we attended the spring conference of the Interparliamentary Union at Monaco. Forty four nations were represented, including Russia and other nations behind the iron curtain. I think it is important that the U.S. be represented at such a conference because I am convinced that lasting peace will never result from shooting wars, but it just might come from contacts of people to people with a free and open discussion of mutual problems. Peace is more likely from a communication of ideas than an exchange of missiles.

While there we received briefings on the situation in the Middle East. Frankly, it is not good.

After the six day war in 1967, during which Israel destroyed Egypt's fighting potential, Russia set about, not only to replace the planes and tanks and munitions that were destroyed, but to replace them many times over.

Egypt and her allies are now much stronger than they were before the war. Russian anti-aircraft batteries have been installed in Egypt and Russian pilots are flying Russian Migs on patrol.

After Easter dinner on board the U.S. Carrier Forrestal off the southern coast of France, we were briefed on the rapidly increasing strength of Russian naval presence in the Mediterranean.

The overall impression I have from that trip is that Russia is planning for offensive as well as defensive action in that area.

But Vietnam is like a bad dream that won't go away. It requires our immediate attention.

Before Cambodia, a fair degree of public consensus seemed to exist about Vietnam policy. Large numbers of Americans approved the Administration policy of withdrawal of forces from Vietnam, which would give the South Vietnamese a fair chance to carry the burden after we left, but which would not make Americans responsible for the outcome.

Most Americans seemed reasonably satisfied with the prospect. No target date existed for completing our withdrawal but 115,000 troops had already been withdrawn with the promise of an additional 150,000 in another year. Thus it was assumed that complete withdrawal could be achieved in the same orderly fashion. Public attention had started to shift away from the war to matters of grave domestic concern—inflation, environment, problems of the cities, unemployment, etc.

Reactions to the Cambodian operation undermined this consensus. Vocal opinion polarized between pleas that we accept defeat and get it over with, or that we set our sights on all out victory. I shall not take time here to discuss either because I do not consider them to be realistic options. Neither, in my opinion, offers a basis for restoring the previous consensus and without consensus there can be no effective Vietnam policy.

The problem is how to restore that lost consensus. Revived again, in loud and angry tones, are all the questions about our original involvement and doubts about the credibility of our disengagement.

Viewed strictly as a tactical military maneuver the probability is that the Cambodian "surgical operation" has sufficiently upset the North Vietnamese Vietcong setup so that it cannot retaliate in any meaningful way for several months after the monsoon season is over.

Left unanswered at this moment is what is our long range Vietnam policy. The American purpose ought to be to return its focus to Vietnam. Such was President Nixon's intention on May 8 when he declared that all U.S. forces would be out of Cambodia before June 30. He said:

"I would expect the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support will come out with them."

If the Cambodian operation is as success and we escape long range Cambodian involvement, the framework will have been set for a return to the original consensus for disengagement in an orderly manner.

The key to present unease in the Nation is less doubt about when we will have Cambodia than where we are headed over the long term in Vietnam. Only the President can remove this uncertainty. It will be difficult for him to do this without speaking to an issue on which ambiguity has hitherto seemed feasible and even desirable.

What should be the U.S. role in Vietnam after planned withdrawals are completed in early 1971 which would reduce pre-Nixon forces in Vietnam by about 50 percent. Two alternatives emerge and the choice between them hinges largely on how we see our long term purpose:

1. One view is that we shall not permit either Russia or China to become the dominant power in Asia. If this is our purpose we should make sure, beyond any doubt and by whatever U.S. effort is required, that a non-communist South Vietnam survives for the foreseeable future—in much the same

way as we are committed by our presence in Western Europe, to insure that communism does not take over that area. This means that our forces might be in Vietnam for a long time. We have been in Europe since World War II.

It is hard to see a national consensus being built around the proposition that we should maintain a substantial military presence in Vietnam for years to come. Personally, I cannot endorse this concept.

2. An alternative view is that our purpose should be to give the South Vietnamese time and opportunity to take over from the United States, while recognizing that the ultimate responsibility is theirs. Under this view, it should be possible to continue to reduce our military presence steadily and to set a date—say late 1972—by which time our obligation would have been discharged and U.S. withdrawals could be completed.

This schedule could be stretched out if the other side tried to take advantage of our withdrawals by stepped up attacks on U.S. forces; or it could be compressed if the other side agreed to mutual de-escalation before we withdraw.

Total withdrawal should not be made without complete release of all American prisoners of war now held by the enemy. This point should be made crystal clear.

I choose the latter course because I believe that this course has the best chance to provide a durable peace. In effect it would be restoring and implementing what I understand the Nixon doctrine to be.

Let us not forget: President Nixon is the President who has been reducing forces in Southeast Asia, not building them up.

It is this President who has decided it is time to turn the war back to its rightful owners—the Vietnamese. And he has done more than undertake the program for Vietnamization.

At the Paris talks we have offered the complete pullout of all our forces within one year, if the enemy would agree to do likewise.

We have offered to negotiate all issues with only one condition—that the future of South Vietnam be determined by the people of South Vietnam. President Thieu with our endorsement, has proposed internationally supervised elections. These elections would be open to all political parties and groups—including the National Liberation Front.

The enemy has used the Paris peace talks only as a forum for propaganda.

In support of the Nixon doctrine there are many advantages.

With a definite withdrawal schedule established, it will be possible to reorder spending priorities of our national budget and to provide a definite timetable for achieving some of the domestic goals which are presently either unattended or simmering on the back burner.

A national commitment for disengagement by a time certainly would go a long way to restore America's confidence in America's traditional objectives. Those objectives are better and equal opportunity in education and employment for all our people, better health, better housing, better environment, and a sound dollar that will encourage thrift both nationally and personally.

When I speak of traditional objectives I do not limit these to solely what government can do. I speak rather of those national and traditional objectives which are the combined goals of both the public and the private sectors as well as the hopes and aspirations of each of us as human beings and Americans.

As long as the U.S. commitment in Vietnam is open-ended we cannot proceed with definite programs to achieve these objectives.

Let us now consider the problem of inflation.

First, what are the causes of inflation? Here is the record of the 1960's in capsule form:

Total collection for the 10-year period are one trillion thirteen billion dollars.

Expenditures for the 10-year period:

For defense, six hundred twenty two billion dollars or nearly two thirds of the total;

For economic and social domestic programs (which include Natural Resources Commerce and Transportation, Community Development and Housing, Education and Manpower Training, and Health) the sum of one hundred ninety billion dollars, or about 19% of the total;

For all other (including Interest on the national debt, Veterans Benefits, Foreign Aid, the total cost of administering all three branches of Government, Legislative, Executive and Judicial), the sum of two hundred fifty two billion dollars or about 25% of the total.

Total expenditures for the ten year period, 1960 to 1969 inclusive, is one trillion one hundred seventy billion dollars.

During this ten year period expenditures exceeded collections by fifty seven billion dollars. This deficit fueled the fires of inflation.

Second, who pays for increased spending by the Federal government?

The taxpayer, of course. Between 1960 and 1970 federal tax collections had nearly doubled, from $74 billion in 1960 to $145 billion, with the greatest increase (125%) in individual income taxes.

The following table illustrates this point:

COLLECTIONS

[In millions of dollars]

	1960	1970 estimate
Individual income tax	40,791	92,200
Corporation income tax	22,494	37,000
Excise taxes	11,676	15,940
Total	73,961	145,140

Third, who pays for inflation?

1. Consumers—that means everyone.

The consumer price index has risen from 103.1 in 1960 ('57–'59=100) to 131.3 in Dec. 1969, but 21.4 of this was during 1966–1970, the Vietnam War years.

Inflation hits hardest those who can least afford it—all who are on marginal fixed incomes, and especially the elderly, the blind, the physically disabled, whose meager incomes must largely be spent for the necessities of life.

2. Workers.

Non-agricultural workers have gained almost 50% in average gross hourly earnings up from $2.09 to $3.11, but the real gain is not 50% but 13% because of inflation and this was all achieved in the first five years of the decade. The worker has been on a treadmill during the Vietnam war years.

3. Investors.

Investors pay for inflation, too. Millions of thrifty Americans have watched their life insurance and their pension funds reduced substantially by inflation. Common stock prices are down 30% to 35% from the high. Bonds and other fixed income securities have depreciated in value as interest rates have increased to historic highs.

Borrowers of all kinds have been compelled to pay more, and credit has been less available, curtailed over the past five years by restrictive monetary policy applied by the Federal Reserve System.

4. Home buyers and Housing Industry.

High interest rates and unavailability of credit has particularly hurt the housing Industry.

Yields on FHA new home mortgages rose from 5.46% in 1965 to 8.4% in December 1969.

New housing starts had dropped to an annual rate of 1¼ million in December which is less than half the annual rate necessary to achieve the national homebuilding goal of 26,000,000 family units for the decade of the 1970's.

The housing problem is one of the most acute national problems not met because of the vast call on Federal resources by Defense.

Fourth, is it sound economic analysis to blame high defense spending for inflation?

I think it is.

It is not accidental that throughout history wars have been marked and followed by acute inflation.

French currency collapsed after years of supporting Napoleon's armies.

Most allied nations' currencies except ours suffered devaluations after World War I. (Our involvement in that war was short and we became a major creditor nation.)

U.S. currency declined about half in purchasing power through World War II and the Korean war, though the erosion was masked by wage and price controls, materials allocations and selective credit controls.

In the recent Vietnam war period none of these devices has been used to reduce the pressure of defense and war spending on the civilian economy.

The impact of expanded defense spending on the civilian economy affects some sectors more than others. When the build-up began in 1965–66 it pressed against a civilian economy going full blast, with high utilization of plant, equipment, professional and technical personnel and work force.

The "Guns and Butter" concept as enunciated by President Johnson in his 1966 State of the Union message was a fallacy. It was the priorities for non-defensive spending that had to suffer. Moreover, the effects of that philosophy set in motion the forces of inflation from which we have not yet recovered. The momentum of inflation is still with us.

A major part of military purchases involves goods for which no market exists and there is no benchmark for setting prices, hence the Pentagon sets prices on the basis of "cost analysis." This is a very complex procedure.

Vast cost overruns are permitted. Testimony before the Joint Economic Committee on which I serve disclosed as much as $10 billion of questionable charges to the government for a one year period on defense procurement contracts alone.

Two classic examples are:

120 C5A intercontinental jet transports at $5.2 billion instead of the original estimate of $3.1 billion.

The original calculated cost of the F–111 program was $4.9 billion. By 1968 the cost of 1700 planes would have been $14.6 billion. Both of these programs are still in controversy.

To summarize in one sentence:

The depletion of our resources by excessive and wasteful military spending is a central element of inflation.

Fifth, cures for inflation.

A. Short range.

1. Fiscal and monetary policy continue essential. The President and the Federal Reserve System must maintain their courageous but not always popular stand for reduced spending and restrictive, though flexible monetary policy. To avoid a worse recession, the supply of money has recently been increased by the Federal Reserve.

The fight against waste must be continued with increasing dedication. This must be at all levels and in every department and agency of government.

2. The Administration should discard forthwith the "unified" budget concept and return to the more realistic and better understood "receipts and expenditures" concept.

Because the unified budget includes credit balances in the trust funds such as Social Security, Highway, and Railroad Retirement, a budget may be said to be in balance when it is actually $7 to $8 billion in the red.

3. In lieu of wage and price controls the Administration should adopt a "national incomes" policy. All that is involved here is to require the Council of Economic Advisors to issue monthly reports on the implications of important price decisions and wage agreements, thus bringing immediately to public attention two of the factors by which inflation is measured. Public disclosure should induce a voluntary restraint on both prices and wages.

Chairman Arthur Burns of the Federal Reserve Board has recommended this approach. He is supported by all Republican members of the Joint Economic Committee.

B. Long range.

1. Missile development and nuclear deterrent.

At present the U.S. and the U.S.S.R. appear to have achieved a level of approximate nuclear parity. If either alters this delicate strategic balance of terror, the consequences are unimaginable.

The Strategic Arms Limitation Talks (SALT) are of immense importance to both sides. If they fail, and each goes into a new phase of offensive and defensive missile development, the costs to each are likewise impossible to estimate.

What security could be achieved?

Then as now the Americans and Soviets could destroy each other's civilization. Surely, another round of the missile race must be avoided by both powers. The economic future of both countries depends on the success of the SALT talks.

2. Conventional War.

President Nixon has announced a new and wise foreign policy which in essence is: Let Asians take care of Asian problems.

But can he succeed in the orderly and complete withdrawal from Vietnam and avoid further involvement in Cambodia, Laos and other countries history.

I believe he can. Meanwhile our nation pays the price—the most devastating and costly in men and money and morale of any war in our nation's history.

So, if inflation is to be halted the military spending must be brought under control.

Only then can we turn our attention more directly to the job of reestablishing our national priorities for the good of mankind rather than for his destruction.

I conclude by reporting what I said at the start:

"We live in troubled times. Our nation is divided." We need to be brought together again. We must get back on course by reasserting our national objectives and redeploying our resources to meet those objectives.

Confidence in America can be restored but not until Vietnam is behind us. The President has said there will be no more Vietnams. He is working hard to end this war. We should get behind him. A solid American consensus in support of our Commander-in-chief would convince Hanoi that prompt negotiation is the best course. We must all work for an orderly and complete disengagement on the mainland of Asia.

The fortunes of Republican candidates in 1970 and 1972 may rise or fall on how well our Administration meets the challenge of today's problems.

Mr. GOLDWATER. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. HANSEN. Mr. President, for several weeks now the Senate has been debating an amendment proposed by Senators Church and Cooper to terminate U.S. involvement in Cambodia.

A growing number of Senators, believing in the importance of a consistent universal U.S. position toward communism; feeling that America's credibility will be judged by other nations on the basis of what we do rather than what we say; holding that we can best limit war by demonstrating our support for principles to which we subscribe, are becoming increasingly disturbed by the inconsistency of actions which would result from policies recommended by some for Southeast Asia and the Middle East.

In order better to understand our misgivings I ask unanimous consent that an article from today's National Observer be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Doves on Asia Turn to Hawks on Middle East

(By Wesley Pruden, Jr.)

An ugly name-calling match may be brewing over whether the United States should step further into the widening war in the Middle East.

Some of the leaders of the peace movement (Asian style) are taking up the fight for Israel, declaring that only a deeper, more costly American involvement can ensure the survival of the Jewish nation.

Senators who are pushing hardest to curb the President's power and authority to conduct the war in Indochina are pressing the President toward what could be a confrontation with the Russians in behalf of Israel.

Others here in Washington, seeking to avoid such a confrontation, argue that even the sale of more military hardware to the Israelis would be a step closer to involving America in another war.

WILLIAMS AND JAVITS

Last week, when the Senate debated a resolution that would force the President to end the Vietnam War by the end of this year, sparks flew when Sen. John J. Williams of Delaware, a Republican, wanted to strike the part of the resolution that exhorts the President to make arms available to Israel as needed. Sen. Jacob K. Javits of New York, also a Republican, wanted to keep the exhortation.

What could make the argument turn ugly is the fact that many of the Middle East hawks are Vietnam doves—and many Vietnam hawks are dovish about getting further involved in Israel's behalf.

Many young people in the radical left, to whom war protest has become a way of life, feel no particular tie to Israel or its survival. It's not at all certain how they would react to the United States getting out of a war in Asia only to get involved in another one in the Middle East.

Suggests one young congressman: "If that happens, we'll all yearn for the good old days when the kids were content with burning down colleges."

So far, there's no overt hostility toward Israel. Many Vietnam hawks, notably including Barry Goldwater of Arizona and John Tower of Texas, two Senate Republicans who have consistently supported a hard line in Asia, want a firm U.S. presence in the Middle East. Others, who are wary of a further Middle East involvement, nevertheless wish Israel no harm.

MISCHIEF POTENTIAL BIG

But the mischief potential is a big one in a nation already sundered by bitterness over the war, and many of the Israeli hawks are campaigning from a defensive posture, anticipating a storm of argument.

Dovish Sen. George McGovern of South Dakota, who tried to win the Democratic President nomination in 1968, took the occasion of a national convention of the American Jewish Congress to disclose a letter to the President that he and six other peace (Asian style) senators had written urging increased U.S. aid to Israel.

A few days later, the American Jewish Congress ran the letter in a large fund-raising advertisement in the New York Times under the headline: "There are fundamental differences between the situation in Indochina and the situation in Israel."

The headline had, in fact, been lifted from the letter, in which Senator McGovern had been joined by Alan Cranston of California, Thomas F. Eagleton of Missouri, Philip A. Hart of Michigan, Harold E. Hughes of Iowa, and Stephen M. Young of Ohio, all Democrats, and Sen. Charles E. Goodell of New York, a Republican.

"We who are among those who believe that our country must disengage from the Indochina war are concerned that the Soviet Union may be misinterpreting the spirited national debate in America over that war as a sign that our nation will not take effective steps to protect our vital national interests in the Middle East.

VITAL NATIONAL INTERESTS

"We are joining in this statement to make plain our deep conviction that our vital national interests are, indeed, involved in preserving the balance of power in the Middle East pending a final settlement of the Arab-Israeli dispute.

"There are fundamental differences between the situation in Indochina and the situation in Israel.

"The government of Israel is a democracy. This is not true of the regimes our armed forces are supporting in Southeast Asia. Israel asks only that we sell her the military equipment she needs to defend her freedom.

"South Vietnam, Cambodia, and Laos ask that we give them—not sell them—the military equipment to defend their own forms of repression against other forms of repression. Worse yet, they ask that we spill American blood and spend American lives in their behalf. Israel makes no such demand on us.

"But now we see the open use of Soviet pilots and Soviet troops in Egypt—an unprecedented assertion of Soviet power which threatens not only Israel but world peace. In providing Israel weapons to retain the balance of power in the Middle East, we would be fulfilling the doctrine which you announced at Guam, and your subsequent call for 'a more responsible participation by our foreign friends in their own defense.'

"COMBINATION OF MISINTERPRETATIONS"

"The new Soviet intervention in the Middle East may well stem from a combination of Soviet misinterpretations, not only of the national debate over the Indochina war, but of the Administration's decision to withhold the sale of the jets Israel has requested.

"So we urge that you make available to Israel the aircraft she needs. We also urge that you take whatever steps are appropriate

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to demonstrate both our willingness to work for peace in the Middle East and the firmness of our support for Israel and for those moderate Arab governments also threatened by the Soviet expansion. . . ."

Significantly, though all are antiwar, not a single signer of the letter is a Jew. And, a few days ago when a group of 73 senators signed a similar letter to the President urging him to sell 25 Phantom supersonic jet fighter-bombers and 100 Skyhawk fighter-bombers to Israel, one of the Jewish sponsors of the letter, Democratic Sen. Abraham A. Ribicoff of Connecticut, took pains to point out that many of the signers lived in states "where the Jewish constituency is quite small."

J. William Fulbright of Arkansas, who is perhaps the No. 1 Senate foe of the Vietnam War, did not sign, but neither did any of his colleagues on the Senate Foreign Relations Committee. Nor did Mike Mansfield of Montana, the Democratic leader in the Senate, who is often critical of the U.S. role in Asia.

Most of the 27 senators who ignored the letter were conservatives from mostly rural states who have either supported the Vietnam War or who have not consistently opposed the U.S. role in Southeast Asia. One of the exceptions is Eugene J. McCarthy of Minnesota, who sought the Presidency in 1968 to end the Vietnam War; another is Mark Hatfield of Oregon, who was elected on an antiwar platform.

THE ROAD TO PEACE?

Opposition to a larger American stake in the Israeli-Arab war is clearly organizing.

Last week, a new national group called the Middle East Affairs Council ran an open letter of its own, published in a large advertisement in the Washington Post, arguing that jets for Israel was not a road to peace but the route to another Vietnam.

Some of the arguments are reminiscent of the arguments used against American attacks on North Vietnam: Relentless Israel bombardment has toughened Egyptian resolve to resist; Egyptian installation of ground-to-air missiles is a defensive reaction; giving Israel additional offensive weapons—such as the Phantoms—could be interpreted by the Egyptians to mean that the United States considers Egyptian defense of its territory unacceptable, which would drive the Arabs further from the Americans.

Last Friday Senator Williams of Delaware offered two proposals that critics said impeded arms delivery to Israel. Both were defeated after debate in which Senator Williams drew parallels with last week's voting on Cambodia and said: "These are sophisticated weapons in most instances, and when they are sold under this authority the President can send his advisers to these countries to advise them on how these arms are to be used. The next step is sending in a few troops to protect these advisers. And then more troops will be sent in to protect those troops. The next thing we know we are involved in a war."

There is, in fact, considerable argument within the State Department over whether the United States might not be contributing to the deterioration in the Middle East by selling the Phantoms to Tel Aviv.

The "Arabist faction" within the State Department argues that Israeli "deep penetration raids" into Egypt are what started the latest round of escalation—that more Phantoms would only invite more Russians. The best strategy for now, they argue, is to hold off and allow the presence of Russian advisers to evoke anti-Russian sentiment among the fiercely nationalistic Egyptians, much as a large American presence has created problems for the United States in Asia.

ESTIMATING RUSSIAN ROLES

They argue further that so far the Russian pilots in Egypt have been circumspect and restrained. By one official U.S. reckoning, the Russian pilots are limited to three roles.

They fly (1) routine check-out missions, to become familiar with the geography and climate conditions; (2) training missions with Egyptian student pilots, and (3) simulated intercept missions, trying to anticipate maneuvers against Israeli pilots.

There is a fourth category. These are actual intercept missions, and U.S. sources say Russian pilots flew three or four of these between April 23 and May 15. These missions can be tracked because the Russians change their radio frequencies when switching from training to combat missions.

In each of them, however, the pilots were held within the eastern branch of the Nile after it divides at Cairo to form the boundaries of the Nile delta.

GOAL REASSESSED, SAY ISRAELIS

These restrictions might not be permanent. Last week in Tel Aviv, Israeli government sources said privately that Russia's goals in the Middle East had been reassessed: "We are no longer convinced that all the Russians want is to maintain a state of controlled tension in the area." Prime Minister Golda Meir was even plainer in a speech to the nation. She said: "The Soviet Union in pursuit of its scheme to dominate the Middle East does not care if Israel goes up in flames."

In the United States, no less than in Tel Aviv, friends of Israel take small comfort in restrictions on Russian pilots. But others here, who may or may not be friends of Israel, will be difficult to persuade that another war anywhere is in American interests. The political brawl that lurks beneath the surface of the debate, which is just beginning, could be a mighty one.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPECT FOR THE OFFICE OF PRESIDENT

Mr. BAKER. Mr. President, last Thursday during remarks that I made on the Senate floor, I suggested that in many ways the Presidency of the United States resembles a constitutional monarchy. The President of the United States serves many of the symbolic functions of a monarch, and his ability to lead the people is greatly enhanced by his capacity to earn "investiture" by the people. If the people, who are sovereign, withhold royalty from any President, his capacity to lead is diminished; once they grant this royalty, they will follow him anywhere.

I have just read a press release containing excerpts from a commencement address delivered at Milton College on June 7 by our distinguished colleague from Wisconsin (Mr. Proxmire). I am most impresed by the point that is made by Senator Proxmire, which is that even those who disagree with certain policies of any President should nonetheless show respectful attention to the Office and the person of the President. I have personally been disturbed in recent weeks by the occasionally vicious and personal tone of some attacks against the incumbent President. And I am thus particularly encouraged that a man so widely respected as Senator Proxmire, and a man whose differences with this President on important matters of domestic and foreign policy are well known, should speak out so responsibily, reasonably, and maturely in support of the Office and person of the Presidency. I ask unanimous consent, Mr. President, that the press release containing excerpts of remarks by Senator Proxmire at Milton College on June 7 be printed at this point in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Press Release

Senator William Proxmire (D.-Wis.) Sunday called on students to show respectful attention to both the office and the person of the President of the United States.

Proxmire was the principal speaker at the commencement exercises at Milton College in Milton, Wisconsin.

The Wisconsin Senator said, "The President of the United States not only occupies the most powerful office on earth. He must also make the most agonizing and painful decisions.

"This is particularly true in wartime. It is especially true when the war is unpopular. And we have never fought a less popular war than this one.

"As free citizens we have every right, in fact, we have a duty to speak out when we disagree with the President. The fact that students and many others have done this all over America in recent weeks in protest against Cambodia, is a wholesome sign that democracy is thriving.

"But that criticism has not been confined—as it should have been—to a difference over the President's decision. The President has been personally attacked. His motives and character have been assaulted cruelly and unfairly.

"In my view, Mr. Nixon made a tragic mistake in Cambodia. He was wrong. But the President is a decent and intelligent man. He is doing his honest best to end the Vietnam war as swiftly as he can.

"It is a fact that he has been responsible for the peace-directed reversal of the war escalation policy of the previous Administration. The number of troops has been steadily drawn down since he took office.

"He has promised that another 150,000 troops are coming out within the next year. There is every reason to expect he will keep that promise.

"He has enunciated a great policy for peace in the Nixon Doctrine at Guam. This will permit us to reduce our overall military force by one million now. It will help end the draft. It will help keep us out of future wars.

"I think the President has made some serious blunders in handling our economy. I haven't been reluctant in saying so.

"But we should never forget that as Americans we have an invaluable legacy in the Presidency of the United States. When we mindlessly demean and personally attack the President of the United States we enfeeble an institution that holds this country of ours together—that gives us the prime driving force we have as a nation in achieving peace in the world.

"If peace is to be earned in this dangerous nuclear world, a President of the United States must lead the way. Congress cannot do it. The Courts cannot do it. Not even the people—with the best will in the world—can do it.

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"Only the President—and a President who has the respectful attention of virtually all of the American people can do it.

"This should not paralyze protest. It should not inhibit criticism. But it should persuade us to credit the President for the good he is doing and make our criticism aimed at those Presidential policies with which we disagree—never at the President, his character or his motives."

JOE FISER AND "PROJECT THANK YOU"

Mr. BAKER. Mr. President, throughout the history of this great country it has been individuals through their own initiative, integrity, and love of God, country and fellow man, who have come up with just the right action to put difficult situations in the right prospective.

While it is the demonstrators who burn and destroy who get the maximum coverage in the news media, there are those who are quietly promoting patriotism and support for our forces serving in foreign lands. They go, without fanfare, about the business of displaying loyalty to this country and what she is trying to do in a difficult world.

Such an individual is a constituent of mine, who, in my judgment, is going beyond the call of duty to promote harmony among all citizens and to encourage support for our country and her undertakings. That individual is Joe Fiser of Springfield, Tenn. I a confident that what Mr. Fiser is doing in Springfield is being done in hundreds of communities around the country and I believe they deserve all the recognition we can muster. And while I am not advocating that his way is the way that every single American should show his appreciation for this great land, I do say that his way makes me proud that he is a fellow Tennessean.

Joe Fiser is a rural mail carrier who just a little more than a year ago opened a restaurant in Springfield. Until recently he was content to give away American flags and to talk for Americans. Then through a 16-hour broadcast over Radio Station WLAC in Nashville, Tenn., he became interested in "Project Thank You." In this regard WLAC Radio should be commended for its participation in this project.

"Project Thank You" is an undertaking of the Christian Reformed Laymen's League of Grand Rapids, Mich. The membership of this league volunteers its time and efforts in working with radio stations to produce marathon broadcasts in support of the project. Money raised in these broadcasts is used by members of the Christians Reformed Laymen's League to purchase the eight most needed items for troops in the field.

While Joe Fiser has been in the restaurant business only a short time, he wanted to do something to help "Project Thank You." To show his support for our troops he pledged 1 day's receipts to the project. The day he set aside for this contribution there were cash sales of $706.41 and donations of $309.90, so that he raised a total of $1,016.31, enough for the purchase of about 1,500 "Thank You" packets. It was the largest single donation ever made to the project.

But that is just one of Joe Fiser's activities.

Prior to that effort he had given away about 60 American flags in drawings. He contributed two flagpoles to churches for use in front of the buildings. He gave another flagpole to a mother whose son was killed while he was piloting a jet. He has given away more than 3,000 American flag lapel pins.

Inside his restaurant is a 6-foot-wide reproduction of "The Star-Spangled Banner," on which three spotlights are focused 24 hours a day.

What Joe Fiser is doing was brought to my attention by his neighbors and officials of radio WLAC. I know that my colleagues will want to join me in congratulating Mr. Fiser, extend to him our warmest thanks for a job well done, and to encourage him to continue in his efforts.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Oregon (Mr. HATFIELD) tomorrow, the Senator from New York (Mr. JAVITS) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 16, 1970, at 11 a.m.

NOMINATION

Executive nomination received by the Senate June 15, 1970:

U.S. ATTORNEY

George Beall, of Maryland, to be United States Attorney for the District of Maryland for the term of four years vice Stephen M. Sachs, resigning.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1970:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Elliot L. Richardson, of Massachusetts, to be Secretary of Health, Education, and Welfare.

Edward F. Zigler, of Connecticut, to be Chief of the Children's Bureau, Department of Health, Education, and Welfare.

DEPARTMENT OF THE TREASURY

Samuel R. Pierce, Jr., of New York, to be General Counsel for the Department of the Treasury.

HOUSE OF REPRESENTATIVES—*Monday, June 15, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lift ye up a banner upon the high mountain, that men may go into the gates of the nobles.—Isaiah 13: 2.

Oh God of Truth and Love, we come to Thee this day as we unfurl the starry banner of our life as a nation and celebrate its birth. Floating high in the air may it ever speak to men of liberty and justice, of peace and good will. Wherever it goes, whenever it is seen, may it bring hope to the oppressed, freedom to those in bondage, and light to all who sit in darkness.

Under this banner and by Thy grace may we keep moving forward toward the goal of a free world at peace, with liberty and justice for all. To the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 11, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following date the President approved and signed bills and a joint resolution of the House of the following titles:

On June 12, 1970:

H.R. 4813. An act to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes;

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress;

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard; and

H.J. Res. 1069. Joint resolution extending for 4 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2012. An act to amend the Act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson;

H.R. 9854. An act to authorize the Secre-

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tary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes; and

H.R. 12860. An act to establish the Ford's Theatre National Historical Site, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12858) entitled "An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCGOVERN, Mr. METCALF, Mr. GRAVEL, Mr. FANNIN, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 710. An act to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness with certain national forests in the State of Arizona; and

S. 3889. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

RECESS

The SPEAKER. Pursuant to the order of the House of April 29, 1970, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

Accordingly (at 12 o'clock and 4 minutes p.m.) the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States flag, the Speaker of the House of Representatives presiding:

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 15, 1970

The United States Naval Air Training Command Band and Choir entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, the Joint Chiefs of Staff and the Commandant of the Coast Guard, entered the door to the right of the Speaker and took the positions assigned to them.

The Naval Air Training Command Choir, directed by Lieutenant James E. Lois, USNR, presented *America the Beautiful.*

The Doorkeeper (Honorable William M. Miller) announced *The Flag of the United States.*

[Applause, the Members rising.]

The Naval Air Training Command Band, directed by Mr. Art Symington, played *The Stars and Stripes Forever.*

The Flag was carried into the Chamber by Colorbearer and a Guard from each of the branches of the Armed Forces: Sergeant Michael R. Siedler, USA, NCO in Charge; Corporal Dennis Sweigart, USMC; SA James Branchick, USN; SA Michael Mathis, Coast Guard; Sergeant John McCandless, USAF.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The SPEAKER. The Chair recognizes the distinguished gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, the distinguished gentleman from Missouri (Mr. HALL) will now lead the Members and our guests in the *Pledge of Allegiance to the Flag.*

The Honorable DURWARD HALL led the Members and guests in the *Pledge of Allegiance to the Flag.*

Mr. BROOKS. Mr. Speaker, at this time I want to express my appreciation to the other members of your Flag Day Committee, the Honorable BILL NICHOLS, of Alabama; the Honorable DURWARD HALL, of Missouri; and the Honorable RICHARD ROUDEBUSH, of Indiana for their hard work and dedicated efforts.

The Naval Air Training Command Pageant of Flags, from Pensacola, Florida, will now be presented with narration by Lieutenant J. W. Dickson.

The Naval Air Training Command Pageant of Flags was presented, with narration by Lieutenant J. W. Dickson, as follows:

Drum roll.

NARRATOR. The year 1495. Flying the Portuguese flag, Amerigo Vespucci, following the trail blazed by Columbus, proclaimed the discovery of a new world, European mapmakers gave the new continents Vespucci's name—"Amerigo" or America.

Music. Portuguese hymn.

FLAG BEARER. Step off on music.

Drum roll.

NARRATOR. In 1513, Juan Ponce de Leon, under the Castillian colors, landed in Florida and claimed that land for Ferdinand V of Spain.

Music: Royal March of Spain.

Drum roll.

NARRATOR. In 1534, the French made their move. Flying the ancient fleur-de-lis banner, sturdy Jacques Cartier of France sailed into the Gulf of St. Lawrence and claimed half a continent for Francis I.

Music: French Patriotic Song.

FLAG BEARER. Step off and take position on stage with French flag.

Drum roll.

NARRATOR. In the next century Spain and France solidified and strengthened their claims in the new world as English settlers raised their flag over colonies founded at Jamestown in 1607.

Music: Grenadiers.

FLAG BEARER. Step off on music and take position on stage with British flag.

Drum roll.

NARRATOR. In 1609, Henry Hudson sailed into what is now New York Harbor with the red, white and blue banner of the Netherlands flying from the mainmast.

Music: Mien Neerlandish Bloed.

FLAG BEARER. Step off on music and take position on stage with Dutch flag.

Drum roll.

NARRATOR. In 1628, Peter Minuit organized the New Sweden Company and ten years later, founded a Swedish settlement on the Delaware River within the present limits of Wilmington, Delaware. Minuit's historic banner, a gold cross on a blue shield, still remains the national colors of Sweden.

Music: Our Swedish Feeling.

FLAG BEARER. Step off on music and take place on stage with the colors of Sweden.

Music: (Up and out) (lower flags, (6), pause).

Music: Stars and Stripes.

NARRATOR. From the day we became a nation, back in 1776, the American flag, as a part of our American tradition, has been a symbol of everything great in our country and ever citizen should know its history.

The flags of many nations form a part of our own flag story, but of all of them, the British ensign (cue for British flag bearer to step forward) was to play the most important role in the early evolution of our national flag. A flag of honor, truth, and virtue, the design of the Union Jack was then based on the red cross of St. George on a white field, and the white cross of St. Andrew on a blue field. From this, to our present flag of 50 stars and 13 stripes of red and white, the flags that have represented the United States of America throughout our history have all played an important part in the tradition, the honor and prestige which are America's today.

Drum roll.

NARRATOR. The date 1775.

Music: "Girl I Left Behind Me."

NARRATOR. In 1775, the Bunker Hill flag was one of the first to include the pine tree emblem. It was carried by the American colonial troops who opposed the British regulars at the battle of Bunker Hill, June 17, 1775. (Pine tree flag bearer steps off.) Later, a white flag, with a green pine tree and the inscription "An Appeal to Heaven" became familiar on the seas as the Navy ensign, of cruisers commissioned by George Washington.

Drum roll.

NARRATOR. The date 1776.

Music. "Yankee Doodle Dandy."

Uniform. Step off on music and take position on stage.

NARRATOR. As the day of America's revolution drew near, there appeared flags of defiance, flags of cause and purpose, (cue for Rattlesnake flag bearer to step off) of determination and appeal . . . for instance, our Rattlesnake flag. A flag of defiance. "Don't tread on me" it proclaimed to the world, making plain that young America would fight for its freedom. At this time, General Washington adopted our Grand Union flag. This flag, bearing 13 stripes of our 13 states, also bore the British Union Jack to show the origin of our land. The day, July the 4th 1776: on this day, and under this flag, a group of American patriots led by Thomas Jefferson, presented not only to an infant Nation, but to the world, a Declaration of Independence that to this day is known as one of the great compositions of history.

Music. Stars and Stripes.

COLOR BEARER. 13 star flag step off on music.

NARRATOR. June the 14th 1777. The birthday of our modern flag. On this day, we broke tradition with our British forebears and abandoned the crosses of St. George and St. Andrew. Now, a new flag, the stars and stripes, was presented to the young Nation, and to its proud citizens. To many of those who saw this flag for the first time, it was just a beautiful combination of red, of white, and of blue; but to George Washington, and to those patriots who had brought our country through its fight for freedom, it meant much more . . . for . . . the thirteen stripes of red and white were to represent the 13 colonies which were the genesis of our nation's struggle in the cause of liberty. First stripes of red, it indicates honor and valor and certainly the blood that had been spilled in order to gain the victory. The stripes of white were a symbol of purity and purpose. As to the field of blue . . . a heavenly panorama, with the 13 stars, to show a new constellation in the nations of the world, and an appeal to Almighty God to guide and protect the United States of America.

This is why June the 14th 1777, the birth date of our Stars and Stripes is a treasured American heritage. About the time General Washington sent his flag aloft, America's first fleet rode at anchor in the Delaware.

XUM

(John Paul Jones enter) as Commodore Esek Hopkins came aboard the flagship "Alfred", an ambitious unknown named John Paul Jones hoisted this "flag of America" to the roar of guns and the cheers of spectators. Later, on the Bon Homme Richard, Captain Jones awarded a rich heritage to our great navy which was to follow, by his immortal words in the heat of battle, "I have not yet begun to fight".

Music: Up and cut, Stars and Stripes.

Drum roll.

NARRATOR. The year 1812.

Music: Columbia the Gem of the Ocean.

Uniform. Step off on music.

NARRATOR. In 1812, "Freedom of the Seas" was our cry for equality among nations. Then it was, "through the rockets red glare, the bombs bursting in air" . . . that an American patriot stood, inspired by pride in his native land. (Cue, flag bearer step off) as this country's flag . . . now bearing 15 stripes and 15 stars, was hoisted swiftly to the top of the mast by the brave defenders of Fort McHenry, Francis Scott Key, wrote the inspiring words of our national anthem.

Drum roll.

NARRATOR. The year, 1846.

Music: The Flag of our Union.

Uniform. Step off on music.

NARRATOR. During the war with Mexico, (flag bearer steps off) in defense of American ideals and principles, still another American flag was unfurled. After almost a quarter of a century, in which our flag bore 15 stars and 15 stripes, the leaders of our nation came to realize that there would soon be many more states, so they decreed by law that henceforth, the flag would have only 13 stripes of red and white, and that a star would be added for each new state. And so it was, in the Mexican war that our banner bore 26 stars and 13 stripes.

Music: up and out

Drum roll.

Music: Battle Hymn of the Republic.

Uniform. Confederate and Union enter from opposite sides.

NARRATOR. In 1861, a shadow crossed our nation, and the smoke of battle disclosed another flag. (Enter Confederate and Union flags) the unity of our country was at stake . . . American fought American . . . brother against brother, but in the end, (enter Abraham Lincoln) a tall, lean, God-respecting man, named Abraham Lincoln, reunited our nation under the Stars and Stripes . . . a stronger United States of America . . . destined in Lincoln's words not to perish from this earth.

Music: Battle Hymn of the Republic, up and out.

Drum roll.

NARRATOR. The year, 1898.

Music: Battle Cry of Freedom.

Uniform. Step off on music.

NARRATOR. This was an era when westward progress was on the march. A great movement of freedom-loving pioneers (color bearer step off) answered the call of the west. New States came rapidly on the scene and more stars were added to the field of blue 'n our colors. In the Spanish-American war, a handful of dedicated Americans, in defense of the Monroe Doctrine, unfurled an American flag now bearing 45 stars.

Music: Up and out.

Drum roll.

NARRATOR. The year, 1917.

Music: Over There.

Uniform. Step off on music.

NARRATOR. For the first time, America was recognized as a world power . . . and for the first time in a war that encompassed the world the new red, white and blue . . . bearing 48 stars . . . (color bearer step off) was carried on the battlefields of the Old World by the defenders of freedom, liberty and justice.

Music: Taps.

NARRATOR. "To a soldier, there is one moment above all others during which the flag assumes supreme meaning. It is when the last volley is stilled and the flag is gently removed and carried to where the mourners stand. A man has given his best to his country . . . and she, in turn, gives back her best acknowledgement . . . her colors."

Music: Taps, up and out.

Drum roll.

NARRATOR. Sunday, December 7, 1941.

Music: Guadalcanal March.

Uniform. Step off on music.

NARRATOR. (Color bearer step off) . . . a day of infamy . . . a day that will live in the hearts of Americans for generations to come . . . a day when millions of our citizens rallied round the flag . . . to renew their vows of loyalty. They proclaimed, as the patriots of 1776 proclaimed . . . Woe be to the man who seeks to destroy our freedom.

Music: Up and out.

Drum roll.

NARRATOR. The year, 1970.

Music: God Bless America.

Uniform. Astronaut steps off on music.

NARRATOR. The pioneers of today are much the same as our forefathers, who through their patriotism, courage and love of country founded and developed this great Nation. Our new pioneers under freedom have succeeded in achieving unthought of goals in outer space, and will continue, under our democratic way of life, to explore the unknown. In recent years, two territories have won their right to statehood. July 4, 1959, the forty-ninth star, for Alaska, made obsolete the flag of forty-eight stars, flown since 1912. For the first time in history, the Union was extended to a State outside our continental boundaries. (Color bearer steps off) July 4, 1960, Hawaii added the fiftieth star. This addition created the twenty-seventh national flag in our history.

(Pause.)

The ideals that the flag stands for, were fostered by the experiences of a great people. Everything it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history, representing the experiences of men and women, the experiences of those who live under the flag.

July 4, 1960, Hawaii added the fiftieth star. This addition created the twenty-seventh national flag in our history. The flag is the embodiment, not of sentiment, but of history, representing the experiences of men and women, the experiences of those who live under the flag. (Pause.) (Fanfare.) The day . . . today . . . the hour, now.

Music: America the Beautiful.

Uniform: George Washington step off, take position in center of stage.

Narrator: As Americans today, we are living in grave and troubled times. But, this is nothing new. We have lived in troubled times before. Perhaps, in the course of the past history, may be the answer to our problems today. So, let us turn back the pages of history for the moment to a cold day at Valley Forge, when our young nation faced a moment of severe trial. A group of patriots approached General George Washington, told him the situation was desperate; and that a strong British attack was expected at any time. They asked him, "What can be done in order to save our Nation and our Cause?" with tears in his eyes, not tears of fear or failure but rather tears of pride, pride for his fellow man and admiration for a struggling Nation George Washington gave his military patriots a simple command. "Put none but Americans on guard tonight."

What General Washington meant was simply this . . . that the salvation of our cause required true men, men willing to stand firm in the face of great odds, men who love this flag and liberty and freedom more than life, men willing to prove it. His words are just as true now as they were in 1776.

Music: Up and out.

Drum roll. Start soft and build through pledge . . .

Draw swords.

Narrator: "May the God we trust as a Nation throw the light of his peace and grace on a flag with its stripes untarnished and with every star in place."

Music: Grand Old Flag.

The Naval Air Training Command Pageant of Flags retired from the Chamber.

[Applause.]

Mr. BROOKS. The Naval Air Training Command Choir, directed by Lieutenant James E. Lois, will now sing, *This Is My Country*.

The Naval Air Training Command Choir, directed by Lieutenant James E. Lois, sang *This Is My Country*.

[Applause.]

Mr. BROOKS. Mr. Speaker, Flag Day 1970, is a day for all Americans to rededicate their energies to the construction of a society in which the democratic values of liberty and freedom may take root and flourish for the benefit of generations to come. It is a day to reaffirm our commitment to the principles we share as a united people. It is a day to reflect upon the meaning of citizenship in a democratic society. And, it is a day to remember and honor the sacrifices that have been made to protect our heritage of equality and justice for all men.

Dedicated to the enhancement of man's more noble aspirations, our democratic political system places the individual first. His needs, his goals, and his growth as a rational being are the paramount concerns of national life.

Our democracy also places a heavy burden on the shoulders of its citizens:

It requires an enlightened and understanding citizenry—dedicated to the ideals and principles which form the basis of our development as a civilization.

It requires a determination on the part of all men to participate fully in every aspect of national life.

And, it requires, above all, that everyone recognize and accept the fundamental dignity of all other men.

The framers of our Constitution recognized this essential point, and they created a government designed to enlarge the role of the individual in our society. They created a government to meet the needs of a free people. And, through an intricate set of checks and balances, they created a limited government—limited to protecting the rights of every man against the efforts of those who would curtail those rights.

As a symbol of the majesty and strength of a great nation and a great people, our flag embodies the American spirit and its commitment to the rights of man.

As this flag unfurls each day throughout our land, may it serve as a striking reminder that we are the proud heirs and trustees of an honored tradition of democracy and freedom.

May it remind us of the courage and determination of the dedicated and resourceful men who sacrificed their lives to defend and strengthen this Nation.

And, may it remind us that all Americans must be willing to assume the burden of responsible citizenship in working to build a society on the foundation of justice and self-government.

May our flag offer hope, opportunity, and promise to all who value freedom as a way of life. Let it inspire all Americans to be noble of spirit, lofty of purpose, wise in decision and humane in action. Let it fill our hearts with love of country—and let it inspire in us a desire to serve and a desire to protect and defend our liberties and the free institutions of this great Nation.

[Applause.]

Mr. BROOKS. Members and guests will please rise to join with the Naval Air Training Command Choir, accompanied by the Band, in singing *The National Anthem.* Will everyone please remain standing while the Colors are retired from the Chamber?

The Members and guests rose and sang *The National Anthem,* accompanied by the Naval Air Training Command Band and Choir.

The Colors were retired from the Chamber, the Naval Air Training Command Band playing *The National Emblem March.*

The Naval Air Training Command Band and Choir retired from the Chamber.

The honored guests retired from the Chamber.

At 12 o'clock and 47 minutes p.m., the proceedings in honor of the United States Flag were concluded.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 35 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FLAG DAY

Mr. BROOKS. Mr. Speaker, as chairman of your Flag Day Committee, I want to express my deepest appreciation and that of my colleagues here in the House of Representatives and on the committee to the young men who performed here today. The Naval Air Training Command Flag Pageant, Choir and Band presented a most stirring tribute to our flag. These young men, all of whom are, or soon will be, marine and naval aviators, are true examples of our Nation's young people.

We are most grateful to them for appearing today. We know that the brilliance of their performance reflects the many hours of hard work that they have dedicated to the presentation. These hours are in addition to their already busy and arduous training schedule.

While the program they presented was inspirational, the greatest inspiration was that which we feel when we consider that these young men are the future of our country.

The list of officers and men who took part in the program today are as follows:

LIST OF PARTICIPANTS

Lt. James Lois, Lt. W. W. Diekson, Lt. J. B. Hogan, Mr. A. L. Symington, Mr. W. D. Barrineau.

Ens. E. M. Bigers, Ens. J. E. Moln, Ens. G. E. Herman, Ens. J. D. Beard, Ens. R. V. Assen, Ens. N. C. Miller, Ens. C. R. Harrison, Ens. R. E. Messersmith, Ens. N. W. Hanna.

Mr. R. O. Woodring, Mr. L. P. Turner, Mr. C. W. Pittman, Mr. D. W. Jones, Mr. E. P. Puryer, Mr. A. A. James III, Mr. R. B. Dent, Mr. C. E. Radune, Mr. R. F. Royce, Jr., Mr. P. D. Zicko, Mr. J. S. Atkinson, Jr., Mr. D. S. Akel, Mr. J. A. Masog, Mr. C. L. Blazer, Jr., Mr. R. B. Kolts, Mr. D. A. Brown, Mr. C. E. Parker, Mr. J. M. Simpson, Mr. R. W. Frame, Mr. A. D. Burns, Mr. W. R. Richardson, Mr. E. D. Cooper, Mr. R. Lewis, Mr. E. H. Kelio.

Lt. (jg) R. L. Rogers, Ens. J. R. Grunzke, Ens. W. J. Robbitale.

Mr. J. P. McAlister, Mr. E. C. Burr, Mr. A. M. Thomas, Mr. J. W. Higgens, Mr. G. E. Nitez, Mr. J. A. McPherson, Mr. M. Olived, Mr. E. S. Smith, Mr. J. S. Bond, Mr. R. G. Intevalde, Mr. D. R. Jones, Mr. J. McGuire, Mr. C. G. Wall.

Mr. M. M. McLarity, Mr. J. M. McBee, Mr. R. B. Jordan, Mr. C A Wardlow, Mr C. A. Giagolich, Mr. K. J. Rogge, Mr. M. J. McLean, Mr. R. C. Melano, Mr. C. A. Heard, Mr. R. G. Martin, Mr. A. M. Wing, Mr. J. J. Somer, Mr. B. C. Davis, Mr. R. P. Gibson, Mr. G. M. Cockerham, Mr. J. R. Taylor, Mr. G. P. Soustead, Mr. R. E. Nevers, Jr., Mr. W. E. Jawson, Mr. F. X. Kramer, Jr.

Ens. J. P. Wolff, Ens. S. J. Atlas, Ens. D. D. Siedschlag, Ens. D. A. Lotter, Lt. J. B. Glenn, AOC R. L. Fry, Ens. T. S. Scott, Ens. D. J. Soshuk, 2nd Lt. D. A. Rummery, AOC C. M. Nolte, Ens. L. E. Nann, Ens. W. R. Patteson, Ens. R. J. Adkins, AOC J. E. Wallin, 2nd Lt. D. T. Jefferson.

Ens. D. C. Alexander, Ens. T. E. Anschuty, Ens. D. L. Siddle, Lt. (Jg) J. F. Frkyenberg, Lt. (Jg) J. M. Stevens, Ens. R. M. Seraphin, NAOC W. J. Overend, Ens. E. L. Renner, Ens. I. R. Farlow, Ens. J. R. Stablein, AOC R. J. Edington, Lt. (Jg) P. T. Clausen, AOC E. S. Heald, Ens. D. C. Walklet, NAOC J. D. Price, Ens. L. F. Plummer, Lt. (Jg) D. R. Hay, Lt. (Jg) J. E. Kirby, NAOC G. B. Lancaster.

FLAG DAY CEREMONIES

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, I am sure every Member of the House thoroughly enjoyed and was inspired, as I was, with the ceremonies that took place shortly after we convened in honor of our flag. It was a moving occasion in every aspect.

I should like to express to the Members of the committee who were in charge of these ceremonies my appreciation for the impressive presentation we have just witnessed. It was obvious to all of us that they gave close attention to every detail in order that we might obtain a full appreciation of the history of the Stars and Stripes. No other performance that I have ever witnessed was so perfect in every detail and so impressive.

I wish the people of the United States themselves could have witnessed these ceremonies. As meaningful as our flag is to all, to witness these ceremonies could make it even more meaningful. They would have a better understanding of the "blood, sweat, and tears" and sacrifices that have been made that our Stars and Stripes should today fly so gloriously. Our flag is a symbol of peace and freedom. It is symbolic of the fact that while we love peace and will forever work tirelessly for peace, and make sacrifices for it, we love freedom even more. Countless men have died that they and others might be free.

The question immediately came to my mind as to why such an occasion as this has not been nationally televised. I raised this specific point with one of the members of the committee in charge of these ceremonies. He informed me that the television networks were invited to participate and given full and ample notice of the ceremonies. Apparently they decided against it. My question is: Why?

In my humble opinion the public interest would be better served if the people could be given opportunity to witness such a ceremony as this. It may be that the news is largely based on conflict and confrontations between groups and with established authorities. This is not, however, a true picture of America which today is being disseminated throughout the world. If our television people would but recognize that a true picture of America is a picture of one people, although with differences of opinion they stand united in their determination that our flag shall always symbolize freedom.

Mr. ALBERT. Mr. Speaker, I desire to associate myself with the remarks of the distinguished gentleman from Illinois. This has been the finest Flag Day ceremony we have ever had in the House during my years here.

Mr. GERALD R. FORD. Mr. Speaker, we have set aside this day as a special time for honoring our flag, although we do revere that symbol of our Nation and its greatness every day of the year. Today I would speak of what the flag means to me.

The flag speaks to me of much more than the kind of patriotism that is roused by the ruffle of drums and the blare of bugles. It speaks to me of the long, glorious history of our country—of the incredibly courageous men and women who crossed the storm-swept Atlantic Ocean in tiny ships more than three centuries ago and braved threats of shipwreck, mutiny, starvation, disease and death at the hands of hostile Indians to establish the mighest Nation the world has known—a nation that grew from sea to shining sea with the winning of the West and the slow healing that followed a Civil War which threatened to tear it completely asunder—a nation that today must fulfill its destiny as leader of the free world despite the desperate desire of its people simply to live in peace.

Whenever we look at our flag we feel a sense of the great history that has been ours.

George Washington described the symbolism in the flag. He said:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes

> shall go down in posterity representing liberty.

Liberty. There are some Americans today who flee from the defense of it. And there are those who scoff at patriotism, as though it were an emotion to be ashamed of.

I feel pity for those Americans who have no deep love for their country. I place myself on the side of John Hancock, who signed the Declaration of Independence with a magnificent flourish and called patriotism "this noble affection which impels us to sacrifice everything dear, even life itself, to our country."

I do not believe patriotism is dead in America. It is not always evident, but the love that most of our people feel for our country is there nevertheless.

How glorious is the Nation that sets forth our flag! What a great banner it is—standing as it does for the deep moral values, the divine principles, and the rugged determination that has made us a free and democratic people.

I know nearly all Americans join with us in tribute to the Flag as an emblem of the freedoms we cherish and share with us the love we feel for our great country. With God's help, it will ever be thus.

Mr. ROGERS of Florida. Mr. Speaker, this year again we have set aside a special day to honor our flag as the symbol of the many attributes our Nation possesses. During a time of war in Southeast Asia and increased political conflict between people at home, we are prone sometimes to forget our Nation's achievements during its history. On Flag Day we should take the time to reflect on the struggles, achievements, and goals of our Nation, as represented by our flag.

Henry Ward Beecher once said:

> A thoughtful mind when it sees a nation's flag, sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth. The American flag has been a symbol of Liberty and men rejoiced in it.

Perhaps it is now fitting to mention some of the highlights of the interesting history of our flag. The first flags of our colonial forefathers were symbolic of their struggles with the wilderness of a new land. As we drew near to the day of our declared independence from England, our flag became the symbol of our struggle for separation and autonomy from our mother country. On June 14, 1777, the Continental Congress passed a resolution that established the flag of our Nation. At first, there were a number of flag designs, all incorporating stars and stripes. George Washington was reputed to have described the flag flown by the Continental Congress as follows:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down in posterity representing liberty.

Today our flag is the symbol of a multitude of diverse ideas and beliefs held by millions of people in our Nation.

Keep in mind these words spoken on Flag Day, 1917, by President Woodrow Wilson:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours.

Mr. ICHORD. Mr. Speaker, today, the House celebrates Flag Day, the 193d anniversary of the adoption of the Stars and Stripes as the flag of the United States of America with the color scheme of the red, white and blue.

Oddly enough, many of us today are as concerned as were our Nation's founders on that first Flag Day in 1777—will this flag of ours survive?

In these troublous times, we must admit there are danger signs on the horizon.

At home and abroad the American flag is under attack as the symbol of the last great fortress for freedom's cause in an increasingly hostile world where tyranny is again on the march. The threat to our flag by external enemies is not new. The attempts to desecrate it by some who call themselves Americans here at home is very new indeed. Even in the Civil War the American flag was loved by both North and South as the banner of a nation both sides, if anything, loved too well—not too little.

Today, however, there are those among our radicals who find the flag of the Communist Vietcong preferable to our own even though under the enemy's banner the forces of despotism kill and maim American servicemen.

The popular spokesmen of the American campus radicals of the left actually employ American flags to carry out their on-stage obscenities.

It appears to be part of the ritual of violence among the leftist extremists to pull down, tear up or burn the Stars and Stripes whenever and wherever they have the opportunity.

There are laws enough to prevent desecration of the flag or punish those who perpetrate indignities upon our flag but seldom do I hear that such statutes are enforced.

So we stand here today, Mr. Speaker, paying homage to a flag that has been poorly defended in recent years except by our fighting men overseas and by those much-too-silent Americans who are in the overwhelming majority but whose only display of feeling is limited to flying the flag from a front window on national holidays.

It is time we rededicated ourselves to the defense of our Nation's flag and take the steps necessary to providing that symbol of America's finest ideals with the protection it so dearly deserves.

I would close my remarks on this day of congressional observance of Flag Day, 1970, by recalling the words of President Woodrow Wilson in an address on June 14, 1915. Mr. Wilson said:

> The things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under that flag.

Mr. WYMAN. Mr. Speaker, those of my vintage remember vividly the dark days just before the Battle of Britain when Hitler's Nazis were on their march of unprovoked aggression. Nation after nation had fallen, France being the last. Was Britain to be next? And after Britain, America?

Somehow we managed to rally enough commitment, sufficient common dedication, to stem the Nazi tide—with God's help. Those of us who passed through that period of World War II with its 26 million dead, were profoundly grateful for the respite granted civilization by their sacrifice.

The Sunday New York Times has reprinted its lead editorial, this Flag Day, of 30 years ago. It is an interesting and nostalgically compelling account of the synthesis of America and the raison d'etre of patriotism. Yet editorially the Times then undoes much of the constructive helpfulness of its message by suggesting that being for AGNEW is being against students—not so—and referring once more to the new left against forces of repression—sic AGNEW. What does it avail the Times to engage in such editorial encouragement of further polarization?

The new left's SDS advocates violence. SDS's Weathermen faction both urges and practices violence. The declared objectives of the violence-prone, action-oriented factions within the new left is violent revolution in the United States. For what they do not say. To change to what alternative form of government they do not know. Many do not appear to care just as long as they "burn, burn, burn" or "wreck the establishment" whatever that means.

American society has had enough of this violence stuff. Vice President AGNEW speaks for most Americans when he deplores it, urges that it be stopped and warns that those who deliberately commit violence are bound to invoke violence in response to preserve an orderly society.

What are Americans supposed to do, confronted by such violence—lie down and play dead while their homes are burned, their businesses bombed, their children's education shut down, and their national economy disrupted? Of course not. To suggest that public expression of objection and resistance to arbitrary force to achieve a state of anarchy in this country is to further polarize leading to more violence is ridiculous. The American public has had it up to here with the violence kick, whether from students, or teachers or anyone else. If it is kept up, it is bound to involve peril for the violent, and little sympathy will be shown or deserved.

Unfortunately, most of this need never have happened had we minded a sound house these past two decades. But we have not. A combination of material interests, unwillingness to confront incipient unpleasantness, and indifference to danger signals flying from academic towers has resulted in the chickens coming home to roost. No people can give the Timothy Learys free reign, or apathetically accept a judiciary that refuses to

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control obscenity, or turn the other cheek to the presence of teachers who have encouraged hatred in young people for parents, or their marketplace, or their flag, or remain indifferent to the problems of the local school boards or the trustees of their universities—and expect that all will be peaches and cream. It is not, and now we must face it a lot further down the road to violence and hatred than we needed to be at this juncture in history. America is not all that bad. It does not deserve SDS and its ilk, nor can it longer afford to remain indifferent to the hatemongers and the inciters to riot in its midst.

But it is not too late either. Let us progress with restrained firmness in a common resolve to cut out the nonsense and get down to the mighty important business of making America that better Nation the kids are for—or as close to it as we can come without ruining the free enterprise system in the process. And let us do it without the drugs, without the violence, without the crime, and always with eternal respect for our American flag that stands for freedom with justice for all.

[From the New York Times, June 14, 1970]

Our Flag Is Still There

(NOTE.—Thirty years ago today the conquering armies of the most powerful military dictatorship the world had ever known were sweeping through Western Europe under the hooked cross and blood-red banner of Nazi Germany. The flags of Norway, Denmark and the low countries had already been struck. On this very day in 1940 the swastika was for the first time unfurled atop the Eiffel Tower. The Battle of Britain was about to begin.

(The American people were watching apprehensively, with every passing day of Nazi triumph, increasingly conscious of what our own democracy and our own flag meant to us. It was in this spirit and this atmosphere that Robert L. Duffus of the editorial board of The New York Times wrote the small classic reprinted below, which first appeared on this page on Flag Day, 1940.)

WHAT'S A FLAG?

What's a flag? What's the love of country for which it stands? Maybe it begins with love of the land itself. It is the fog rolling with the tide at Eastport, or through the Golden Gate and among the towers of San Francisco. It is the sun coming up behind the White Mountains, over the Green, throwing a shining glory on Lake Champlain and above the Adirondacks. It is the storied Mississippi rolling swift and muddy past St. Louis, rolling past Cairo, pouring down past the levees of New Orleans. It is lazy noontide in the pines of Carolina, it is a sea of wheat rippling in Western Kansas, it is the San Francisco peaks far north across the glowing nakedness of Arizona, it is the Grand Canyon and a little stream coming down out of a New England ridge, in which are trout.

It is men at work. It is the storm-tossed fishermen coming into Gloucester and Provincetown and Astoria. It is the farmer riding his great machine in the dust of harvest, the dairyman going to the barn before sunrise, the lineman mending the broken wire, the miner drilling for the blast. It is the servants of fire in the murky splendor of Pittsburgh, between the Allegheny and the Monongahela, the trucks rumbling through the night, the locomotive engineer bringing the train in on time, the pilot in the clouds, the riveter running along the beam a hundred feet in the air. It is the clerk in the office, the housewife doing the dishes and sending the children off to school. It is the teacher, doctor and parson tending and helping, body and soul, for small reward.

It is small things remembered, the little corners of the land, the houses, the people that each one loves. We love our country because there was a little tree on a hill, and grass thereon, and a sweet valley below; because the hurdy-gurdy man came along on a sunny morning in a city street; because a beach or a farm or a lane or a house that might not seem much to others were once, for each of us, made magic. It is voices that are remembered only, no longer heard. It is parents, friends, the lazy chat of street and store and office, and the ease of mind that makes life tranquil. It is summer and winter, rain and sun and storm. These are flesh of our flesh, bone of our bone, blood of our blood, a lasting part of what we are, each of us and all of us together.

It is stories told. It is the Pilgrims dying in their first dreadful winter. It is the Minuteman standing his ground at Concord Bridge, and dying there. It is the Army in rags, sick, freezing, starving at Valley Forge. It is the wagons and the men on foot going westward over Cumberland Gap, floating down the great rivers, rolling over the great plains. It is the settler hacking fiercely at the primeval forest on his new, his own lands. It is Thoreau at Walden Pond, Lincoln at Cooper Union, and Lee riding home from Appomattox. It is corruption and disgrace, answered always by men who would not let the flag lie in the dust, who have stood up in every generation to fight for the old ideals and the old rights, at risk of ruin or of life itself.

It is a great multitude of people on pilgrimage, common and ordinary people, charged with the usual human failings, yet filled with such a hope as never caught the imaginations and the hearts of any nation on earth before. The hope of liberty. The hope of justice. The hope of a land in which a man can stand straight, without fear, without rancor.

The land and the people and the flag—the land a continent, the people of every race, the flag a symbol of what humanity may aspire to when the wars are over and the barriers are down; to these each generation must be dedicated and consecrated anew, to defend with life itself, if need be, but, above all, in friendliness, in hope, in courage, to live for.

(This was the meaning of the flag thirty years ago; this is the meaning of the flag today. But it is a measure of the bitter divisions of the era in which we live that the symbolism of that flag should have become distorted and degraded by the partisan extremists of both New Left and Old Right. The flag must not be captured either by the repressive legions of the right who employ it daily to prove they are for Agnew and against the students; nor must its meaning be destroyed by the frustrated demagogue of the left who find a cheap and easy outlet by reviling it and dragging it in the dust. The flag is a symbol of the unity of America. We must not allow it to be perverted by the forces of disunity, whether the Birchers or Weathermen, that today are abroad in this land.)

Mr. ROTH. Mr. Speaker, because our flag symbolizes all that is dear to us, we Americans are unique in the honor and respect which we deliver our national standard. The flag is a handsome, stirring symbol of our American ideal of liberty and all those who have sacrificed their lives in our quest for liberty. For that reason, we honor the flag today.

But, while some of us honor the flag because it is a symbol, others desecrate it for the same reason. They spit upon it, step upon it, and set fire to it. Frankly, I must admit that nothing arouses in me such rage and revulsion as the sight of our flag being desecrated. Such actions are incomprehensible to me, because the dissenters seek to symbolically destroy the very thing which should give them hope: the American political system. The flag itself is the perfect demonstration of America's ability to accommodate dissent and differing ideas and mold them into a single, viable entity. But while we can accommodate and tolerate dissent, we can neither accommodate nor tolerate desecration.

I would hope that all of us—both within the Congress and without—honor the flag for what it can be as well as for what it is and was. If all of us speak with reason and not contempt and with an aim to solving problems, not creating them, we can insure justice and tranquillity in our Nation. If, however, we fail to tolerate, if we fail to accommodate, I fear we will destroy ourselves and all else for which our flag stands.

Mr. ANDERSON of Illinois. Mr. Speaker, today we once again set aside this time to honor our flag on the anniversary of its adoption in 1777. We meet once again to reaffirm that our flag does still wave "o'er the land of the free and the home of the brave." We meet once again to reaffirm our allegiance to the flag and rededicate ourselves to the proposition for which it stands—"one nation, under God, indivisible, with liberty and justice for all."

Throughout our history our flag has withstood threats from its foes, both foreign and domestic. Today it faces a grave threat from within—a threat posed by extremists on the left and right, the forces of anarchy and repression, of destruction and stagnation. Our flag is caught in a savage cross-fire between what John Gardner has called its "unloving critics" and its "uncritical lovers."

Mr. Speaker, it seems to me that both of these extreme forces are wittingly or unwittingly contributing to a dangerous polarization which threatens to destroy our democratic institutions and the concepts of liberty and justice for all.

Therefore, let us seize upon the occasion of this Flag Day ceremony to reject the appeals of both our flag's "unloving critics" and its "uncritical lovers." Let us take this opportunity to call for a new spirit of national unity—a spirit which recognizes that the survival of our Flag and Nation depends upon our willingness to treat them with both loving and critical care.

The New York Times, in an editorial yesterday, summed it all up this way:

> The flag is a symbol of the unity of America. We must not allow it to be perverted by the forces of disunity . . . that today are abroad in this land.

Mr. BARING. Mr. Speaker, I wish to join with all Americans today as the citizens of the United States fly the flag in grateful honor of the life of freedom that this country has given every American and in honor of all Americans who have fought and died for the flag, the symbol of freedom and America.

It is the flag of America which has stood for two centuries as the unifying

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element of our society. The American flag and its meaning remain as the strong force which pulls this country together every day and during times of alien pressure against America.

While the Old Glory stands tall and lofty on homes, buildings and on American shrines and monuments, the flag is continuously put to test by some anti-American nations and their peoples and, sadly enough, by some citizens of this land of ours who misguidedly forget their heritage and the symbolic meaning of the American flag which has accomplished so much for America and her people to this date. And, that feat of accomplishment will continue to grow and grow as the American flag withstands all attacks, from within and without.

Mr. Speaker, Flag Day is every day in America and the millions of Americans in this country who honor the flag and hold it in deep respect, are by far the majority and are the truly dedicated citizens who will keep Old Glory at the mainmast at home and at American installations abroad.

I also wish to take a moment to enter my remarks regarding the extremely impressive Flag Day ceremonies held today in the House of Representatives.

Each succeeding era of America and her flag from the very beginning to today, June 1970, was so aptly portrayed by the ceremony of flags, bands and the uniformed honor guards.

This was an American ceremony which I wish all Americans could have witnessed today.

Mr. CHAPPELL. Mr. Speaker, June 14 was Flag Day in America and this week is being celebrated as Flag Week. Let all Americans at this time realize that the flag is the very symbol of the freedoms we enjoy.

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In recent years, the flag has all too often been made the target of criticism and even debased by those who wish to destroy our freedoms or who are so depraved they give vent to their emotional tirades through defiling the flag.

Too many have stood by complacently for too many years while flags were burned; too few raised their voices above a whisper when flags were used as hammocks on the stage; too few have felt the necessity for restraint against those who tear our flag to shreads and trample it in the dirt; because of this apathy the unruly and unpatriotic mob has grown more daring and defiant.

It is time we replace complacency with action, whispers with voices, meekness with firmness. Only until these wicked weaklings realize that most of us in America honor, love, and intend to protect and respect our flag, will they stop their disrespectful attacks on it.

Celebration of Flag Day goes back to the very beginnings of our history as a nation. The Continental Congress, in 1777, meeting in Philadelphia, adopted our flag as our national emblem, and in 1895, we adopted a special day for its observance.

Flag Day should be a happy day, a day of thanksgiving and prayer. Nowhere else in all the world do we have so great a country—one that offers its people so much. Let us use Flag Week to recount our blessings by paying a very special tribute to "Old Glory."

Mr. SIKES. Mr. Speaker, I am very happy that the House of Representatives has been privileged to enjoy the pleasure of witnessing the Naval Air Basic Training Command Pageant of Flags from Pensacola. The program was arranged by the Honorable JACK BROOKS, chairman of the Flag Day Committee. In this he was ably assisted by the gentleman from Alabama (Mr. NICHOLS), the gentleman from Missouri (Mr. HALL), and the gentleman from Indiana (Mr. ROUDEBUSH), who are also committee members. They have provided a most fitting tribute to the flag and each of them is entitled to the appreciation of the membership of the House.

I consider this unique patriotic exhibition one of the finest and most inspiring examples of pageantry that I have ever seen. The Flag Pageant, in its 7 years of existence, has performed before audiences throughout the Nation, rekindling the type of patriotism and national pride with which our country was founded. It has received the George Washington Honor Medal at Valley Forge for its programs. The members of the pageant are future Navy, Marine, and Coast Guard aviators and flight officers who are in training at Pensacola. They were accompanied by the 50-piece Naval Air Basic Training Command Band. In addition to the Pageant of Flags, the Naval Air Training Command Choir also appeared on the Flag Day program. This choir has delighted millions on radio and TV on the Nation's top shows and it, too, is composed of young men who are currently flight students in the Naval Basic Training Command.

Today's Flag Day program in the House is, I am confident, one of the outstanding programs we have been privileged to witness in these historic halls. I am confident that each of us has been thrilled beyond measure by what we have seen and heard and that we will carry with us a stronger measure of devotion to the American flag and all that it symbolizes. Elsewhere in the RECORD will appear a complete listing of the names of those who participated in the program.

Mr. LANDGREBE. Mr. Speaker, what is the cost of Old Glory? Is it a dollar or $10 or even a hundred dollars? To be sure, these varying amounts of money would buy a varying quantity of stars and stripes, large or small. But what is the real cost of Old Glory? The cost is blood. The cost is broken spirit and torn flesh. The cost is a mother's tears for a son dead in the service of his country.

The cost is all of these. The cost is Iwo Jima. The cost is Chateau Thierry. The cost is Bull Run, Gettysburg, the Wilderness, and Appomattox. All over the world, the flag is flying where American boys have given their lives and are buried. That is the cost of the flag—the loss of their lives by our men and the anguished grief of their survivors.

And what is the price of our flag? For what would we sell it? The price is our honor. The price is a one-transaction sale; if we sell it, we are, as one great people, no more.

The price is peace at any price. The price is peace without honor. The price is this great Republic giving in to a lot of ranting pacifists and goon hippies demanding peace at a price we dare pay only at our peril. The price is a country without a past, without any pride. The price is an America which is so longer the land of the free and the home of the brave. That is the price.

Match it with the cost. Are we to pull down the glory of Old Glory out of cowardice and give in to our enemies, abroad and at home?

No. Let Old Glory—that vibrant national symbol—let it forever fly, free and brave, as our people have always been, and, with God's mercy and guidance, will always be.

Mr. HOGAN. Mr. Speaker, as I rise to commemorate Flag Day and with my colleagues to honor the emblem of our Nation, I do so mindful of the times in which we live. The recent vision of the American flag being desecrated by contemptuous vandals has, I am sure, distressed and disgusted a majority of Americans.

I thank God that precedent to these episodes is a history and tradition of honor and glory which belies such acts and sustains the faith of those living and dead who defended the principles for which our flag stands.

On this occasion, I would like to offer thanks to those Americans serving in Vietnam and around the world, as well as those at home who have endured the hostilities, the criticism, and the doubt of these times. By their steadfastness and devotion they honor their country and their flag.

The times ahead will be troublesome as we search for the road to peace and stability at home and abroad. We must do so mindful, not only of our obligations, but also of our destiny as a nation and as a people.

Daniel Webster speaking in 1824 called our Nation the greatest republic of the earth, and he said, "we cannot obscure ourselves, if we would; a part we must take, honorable or dishonorable, in all that is done in the civilized world." And John F. Kennedy in his inaugural address said:

> Let every nation know that we shall pay any price, bear any burden, meet any hardship . . . to assure the survival and the success of liberty.

The flag we honor today is the symbol to all of mankind of a nation which has dedicated itself to seeking for its people liberty, equality, and justice. We may not have obtained them to the degree that all would hope, but so long as we try, we may still hope to succeed.

It would be wrong of me to hold forth an image of America free from folly, grief, and trouble. Mixed with the blessings and the abundance of our land, with the progress and prosperity of our people, are also the tragedy and despair of war, poverty, and the well-being of all of our citizens, young and old. Stephen Vincent Benét seemed to strike to the heart of our destiny as a nation with these words from his poem "Nightmare at Noon":

"Oh yes, I know the faults on the other side,
The lyncher's rope, the bought justice, the wasted land,
The scale on the leaf, the bores in the corn,
The finks with their clubs, the gray sky of relief,
All the long shame of our hearts and the long disunion."

He concluded:

"I am merely remarking—as a country, we try.
As a country, I think we try."

We no longer live in a time when it is fashionable among some to demonstrate our patriotism. I suspect, nevertheless, that millions of Americans still feel a thrill go through them with the playing of the national anthem and the presentation of the flag. I do. It is perhaps a tribute to the confidence that each of us has in our country and in ourselves that we need no outward expression of the emotion we feel. Perhaps. But I, for one, often long for a more innocent time when a man like Henry Holcomb Bennett could, without embarrassment, write:

"Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high.
Hats off!
The flag is passing by!"

Mr. ANDERSON of California. Mr. Speaker, in the course of our lifetime, we detect many signs and symbols. The Star of David represents the history and faith of the Jewish people. To a Christian, the Holy Cross is a symbol of his faith. We realize the ideal of justice in the balanced scales. We light a candle to symbolize hope, and shake a hand to greet a friend. We experience, in the course of a lifetime, literally thousands of outward, visible signs which signify something invisible. Most signs have a cultural significance that excite a heartfelt response and objectify an inner feeling.

Patriotism is such a feeling. Since it is a personal emotion we are somewhat embarrassed to discuss it as we are other private thoughts. We, therefore, have the symbol of the flag through which we express our degree of love for country.

Soldiers salute "Old Glory"; citizens proudly display it; the Nation drapes its star-spangled badge over the remains of those who died for it. There are rules on how to display it, and respectful chords that accompany its hoisting and lowering. How we revere the Stars and Stripes reflects our attitude to our country.

To most Americans, no other manmade object gives the patriotic thrill and excitement as the flag of their country. Today, we are witnessing the brilliant pagentry of the posting of the colors and hear speeches honoring our Nation's flag. While we are mindful today of some who malign and overtly disrespect the great symbol of our Nation, we recall that the same flag is the symbol of Flanders Field, Bataan, Iwo Jima, and Normandy Beach.

Under the Stars and Stripes, a nation has been born, suffered its adolescence, and matured to become the "last best hope" of humanity. While we continue to seek an improvement of conditions in many needy areas of public concern, the flag reminds us of the successes of the past and gives us the hope that our problems can and will be overcome.

What makes us love our flag, our country? Surely, other men of other nations love and admire their own flag as much. What is it about America and Americanism that elicits patriotism?

It is the idea of it. The encompassing idea of America is unique and superior to any other idea of nationality.

Thomas Jefferson and our founding fathers expressed it better than I:

> We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of happiness.

Through the symbol of the flag, we honor today the idea of America. As we view "Old Glory," we are mindful of its meaning for the past, and are hopeful for the furtherance of this idea of America for the future.

Mr. PRICE of Texas. Mr. Speaker, yesterday, June 14, was Flag Day. It marked the day in the year 1777 that the Stars and Stripes was adopted as our national banner. Today, special patriotic observances will be held throughout the country. Individuals of different races, creeds, colors, and ages will join in paying tribute to the United States as it is symbolized by our national flag.

The love and regard that the American people have for our Nation is symbolized by the pledge of allegiance to the flag. All Americans should pause while saying this sacred pledge today, and consider what each of the phrases means.

In my mind, the pledge of allegiance means many things:

I pledge allegiance—I promise loyalty to my country; because, since we live in a nation whose protection and privileges we enjoy, it is basic that we recognize the benefits we receive by being true to our Government and its ideals, and respecting and obeying its laws.

To the flag—our flag is our national symbol. It bears our national colors. It represents the proud spirit of America whether it is being flown over the U.S. Capitol, the sands of Iwo Jima, the paddies of Vietnam, or the roofs of our Nation's schools.

Of the United States of America—the "American's Creed" sums up the spirit of this country by stating:

> I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed.

And to the Republic for which it stands—We are a democracy within a republican form of government. Each American's voice can be heard through the ballot box. Each American can participate in the process of self-government.

One nation—We are a union established on the principles of freedom, equality, and justice. To preserve these ideals, American patriots have, for generations, sacrificed their lives and fortunes.

Under God, indivisible—Having respect for a supreme being is at the heart of what America means. As Americans, we are free to worship God in any way we choose. This recognition of our universal dependence upon God, combined with our freedom of worship, is the wellspring of our Nation's strength.

With liberty—Liberty exists for each citizen. The law enforces certain rules that protect the basic rights of individuals to life, liberty, and property. It sees that the will of the majority is carried out when that will does not violate the rights of any citizen. For this reason, liberty under law does not mean that everyone is free to do as he or she pleases, it means that freedom is qualified by responsibility, and that rights have reciprocal obligations.

And justice for all—Our system of government rests on two mighty pillars, the Declaration of Independence and the Constitution of the United States of America. This Nation was conceived with the bold words of the Declaration of Independence, the spirit of which is found in these words:

> We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, Liberty, and the pursuit of Happiness.

The union from which our country was formed was created by the Constitution of the United States, whose opening words are among the most important in the entire document:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution of the United States of America.

These two passages are brief, and their words are simple. Yet they are of deep and lasting significance. In them is to be found the fundamental expression of the American heritage, a deep and abiding faith in individualism, in freedom, and in equality.

Mr. Speaker, I hope that whenever Americans repeat this sacred pledge, they will think about the meaning of the words they are saying. If they do, I am sure they will be, as I am, eternally thankful for being an American.

Since the dawn of our independence, our national flag has been a vivid witness to great moments in America's history. It has also grown up, in a sense, as has the Nation. Initially, the flag with the original number of stars and stripes symbolized the formation of the Union, and its expansion from 13 uncertain, divided colonies, to a nation of global power and significance. With the addition of each new star, the flag has reflected the growing strength and dynamism of our great Nation.

Today, while the seeds of discord and dissent are being so visibly sowed across the land, I believe Americans should take time out from their daily activities, and reflect on the greatness of our country. Today, while revering our national flag, let us also revere the Union for which it stands, and dedicate ourselves anew to principles on which our Nation rests.

FLAG DAY

The SPEAKER. The Chair, speaking not only for himself but all Members of the House, desires to express our sincere thanks to the distinguished gentleman from Texas (Mr. Brooks), the chairman, and to the other members of the Special Committee on Flag Day who arranged, conducted, and carried on the impassioned and most beautiful and inspiring Flag Day services presented in the House today.

The Chair also desires to express the sincere thanks of the Members of the House to those branches of the military services who today participated in the Flag Day ceremonies.

GENERAL LEAVE

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the Record on Flag Day in general and the ceremonies in this House in particular.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE TO STUDY FIRSTHAND THE RECENT DEVELOPMENTS IN SOUTHEAST ASIA

The SPEAKER. Pursuant to the provisions of House Resolution 796, 91st Congress, the Chair appoints as members of the Select Committee To Study Firsthand the Recent Developments in Southeast Asia the following Members of the House.

Mr. Montgomery, from Mississippi, chairman, Mr. Smith from Iowa; Mr. Hawkins, from California; Mr. Anderson from Tennessee; Mr. Hamilton from Indiana; Mr. Mollohan, from West Virginia; Mr. Adair, from Indiana; Mr. Robison, from New York; Mr. Keith, from Massachusetts; Mr. Clancy, from Ohio; Mr. Watson, from South Carolina; and Mr. Hansen from Idaho.

CONFERENCE REPORT ON H.R. 16516, NASA AUTHORIZATION, 1971

Mr. MILLER of California submitted the following conference report and statement on the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities and research and program management, and for other purposes:

Conference Report (H. Rept. No. 91–1189)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $994,500,000;

(2) Space flight operations, $565,200,000;

(3) Advance missions, $1,500,000;

(4) Physics and astronomy, $116,000,000;

(5) Lunar and planetary exploration, $144,900,000;

(6) Bioscience, $12,900,000;

(7) Space applications, $167,000,000;

(8) Launch vehicle procurement, $124,900,000;

(9) Space vehicle systems, $30,000,000;

(10) Electronics systems, $23,900,000;

(11) Human factor systems, $18,300,000;

(12) Basic research, $18,000,000;

(13) Space power and electric propulsion systems, $30,900,000;

(14) Nuclear rockets, $38,000,000;

(15) Chemical propulsion, $20,300,000;

(16) Aeronautical vehicles, $87,100,000;

(17) Tracking and data acquisition, $295,200,000;

(18) Technology utilization, $4,500,000;

(b) For "Construction of facilities", including land acquisitions, as follows:

(1) Ames Research Center, Moffett Field, California, $1,525,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $1,928,000;

(3) Jet Propulsion Laboratory, Pasadena, California, $1,950,000;

(4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $575,000;

(5) Manned Spacecraft Center, Houston, Texas, $900,000;

(6) Marshall Space Flight Center, Huntsville, Alabama, $525,000;

(7) Nuclear Rocket Development Station, Nevada, $3,500,000;

(8) Various locations, $18,575,000;

(9) Facility planning and design not otherwise provided for, $5,000,000.

(c) For "Research and program management," $683,300,000, of which not to exceed $506,108,000 shall be available for personnel and related costs.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

(i) No funds appropriated pursuant to this section in excess of $500,000 shall be used for the payment of services, per diem, travel, and other expenses of experts and consultants.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7) and (8) of subsection 1(b) may in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (9) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering development, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Comimttee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof, including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs, except that a transfer in the manner prescribed by this section of funds not to exceed 1 per centum of such amounts authorized may be made whenever the Administrator determines that such transfer is necessary for the safety of any mission.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. Section 6 of the NASA Authorization Act, 1970 (83 Stat. 196), is amended to read as follows:

"SEC. 6. (a) As used in this section—

"(1) The term 'former employee' means any former officer or employee of the National Aeronautics and Space Administration, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the National Aeronautics and Space Administration was equal to or greater than the minimum salary rate at such time for positions in grade GS–13.

"(2) The term 'aerospace contractor' means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system under a contract directly with the National Aeronautics and Space Administration.

"(3) The term 'services and materials' means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

"(4) The term 'aerospace system' includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

"(5) The term 'contracts awarded' means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than $10,000 each.

"(6) The term 'fiscal year' means a year beginning on 1 July and ending on 30 June of the next succeeding year.

"(b) Under regulations to be prescribed by the Administrator:

"(1) Any former employee who during any fiscal year,

"(A) was employed by or served as a consultant or otherwise to an aerospace contractor for any period of time,

"(B) represented any aerospace contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the National Aeronautics and Space Administration by such contractor, or

"(C) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration,

shall file with the Administrator in such form and manner as the Administrator may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

"(1) His name and address.

"(2) The name and address of the aerospace contractor by whom he was employed or whom he served as a consultant or otherwise.

"(3) The title of the position held by him with the aerospace contractor.

"(4) A brief description of his duties and the work performed by him for the aerospace contractor.

"(5) His gross salary rate while employed by the National Aeronautics and Space Administration.

"(6) A brief description of his duties and the work performed by him while employed by the National Aeronautics and Space Administration during the three-year period immediately preceding his termination of employment.

"(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment, as an employee, consultant or otherwise, with the aerospace contractor began, and if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

"(8) Such other pertinent information as the Administrator may require.

"(2) Any employee of the National Aeronautics and Space Administration, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to an aerospace contractor in any fiscal year, and whose salary rate in the National Aeronautics and Space Administration is equal to or greater than the minimum salary rate for positions in grade GS–13 shall file with the Administrator, in such form and manner and at such times as the Administrator may prescribe, a report containing the following information:

"(A) His name and address.

"(B) The title of his position with the National Aeronautics and Space Administration.

"(C) A brief description of his duties with the National Aeronautics and Space Administration.

"(D) The name and address of the aerospace contractor by whom he was employed

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or whom he served as a consultant or otherwise.

"(E) The title of his position with such aerospace contractor.

"(F) A brief description of his duties and the work performed by him for the aerospace contractor.

"(G) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the National Aeronautics and Space Administration began thereafter.

"(H) Such other pertinent information as the Administrator may require.

"(c)(1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded by the National Aeronautics and Space Administration to such contractor during such year was less than $10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded to such contractor by the National Aeronautics and Space Administration during such year was less than $10,000,000.

"(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any fiscal year on account of employment with the National Aeronautics and Space Administration if such employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such fiscal year.

"(3) No former employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than $15,000 per year; and no employee of the National Aeronautics and Space Administration, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than $15,000 per year.

"(d) The Administrator shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b)(1) and (b)(2) of this section. The Administrator shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the aerospace contractor for whom they worked or for whom they performed services.

"(e) Any former employee of the National Aeronautics and Space Administration whose employment with or services for an aerospace contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the National Aeronautics and Space Administration terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(2) of this section for such year if he would otherwise be required to file under such subsection.

"(f) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b)(1) and (b)(2) of this section and such file shall be open for public inspection at all times during the regular workday.

"(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

"(h) No person shall be required to file a report pursuant to this section for any year prior to the fiscal year 1971.

"Sec. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971".

And the Senate agree to the same.

George P. Miller,
Olin E. Teague,
Joseph E. Karth,
Ken Hechler,
James G. Fulton,
Charles A. Mosher,
Alphonzo Bell,
Managers on the Part of the House.

Clinton P. Anderson,
John C. Stennis,
Howard W. Cannon,
Margaret Chase Smith,
Carl T. Curtis,
Managers on the Part of the Senate.

Statement

The Managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16516) to authorize appropriations for fiscal year 1971 to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The amendment of the Senate struck all after the enacting clause in the House bill and substituted new language. The Committee of Conference agreed to accept the Senate amendment with certain amendments and stipulations proposed by the Managers on the part of the House.

For fiscal year 1971 the National Aeronautics and Space Administration requested authorization in the amount of $3,333,000,000. The House approved authorization in the amount of $3,600,875,000. The Senate approved $3,315,950,000.

As a result of the conference, the total amount to be authorized was adjusted to $3,410,878,000. To this sum the Managers on the part of the House agreed. The amount agreed to by the Committee of Conference is $189,997,000 less than passed by the House for authorization, and $94,928,000 more than passed by the Senate.

Prior to the conference, the House had passed the Independent Offices and Department of Housing and Urban Development Appropriations Act which would provide $3,197,000,000 in appropriations for the National Aeronautics and Space Administration in fiscal year 1971. The amount passed by the House for appropriations, still subject to Senate action, is $213,878,000 less than agreed to by the Committee of Conference for authorization.

The disagreeing votes of the two Houses on H.R. 16516 were resolved in conference as follows:

(1) For *Research and Development*, the National Aeronautics and Space Administration requested $2,606,100,000. The House passed version of H.R. 16516 included research and development programs totalling $2,873,200,000. The Senate approved $2,606,100,000, the amount of the Administration's request. The conferees agreed to research and development programs totalling $2,693,100,000 to be authorized. Adjustments to the Senate amendment were made in conference as follows:

(a) NASA requested a total of $956,500,000 for the Apollo Program. The House increased this by $130,500,000 noting the need to provide funds for augmented scientific payloads for lunar exploration missions and improvements for the Saturn V vehicle and maintenance of Saturn V vendor capability.

The Senate approved the amount requested by NASA, $956,500,000. The Senate receded and agreed to an addition of $38 million for the Apollo Program bringing the authorized total to $994,500,000. The increase of $38 million will provide for additional scientific payloads for lunar exploration flights.

(b) NASA requested a total of $515,200,000 for the Space Flight Operations Program. The House increased this amount by $139,500,000 noting the need for increasing the scientific return from the long duration Skylab flights in 1972–1973 and the need to assess and more intensively examine the technology associated with the space shuttle/station program. The Senate approved the amount requested by NASA, $515,200,000. The Senate receded and agreed to an increase of $50,000,000 in Space Flight Operations bringing the authorization total to $565,200,000. These funds will provide for additional emphasis on the development of scientific payloads for the Skylab Program scheduled to fly in 1972–1973.

(c) NASA requested a total of $2,500,000 for the Advanced Missions Program. The House decreased this amount by $1,500,000 noting the fact that NASA has sufficient unobligated FY 1970 funds to support advanced mission planning for a portion of FY 1971. The Senate approved the amount requested by NASA, $2,500,000. The Senate receded and agreed to a reduction of $1,000,000 in the Advanced Missions Program bringing the authorized total to $1,500,000. Based on the latest information furnished by NASA as to obligation of their advanced mission funds, an authorization of $1,500,000 will provide sufficient funding to support advanced missions analyses in FY 1971.

(d) NASA requested $116,000,000 for the Physics and Astronomy Program. The House reduced that amount by $5,600,000, the reduction to be applied to Explorer satellites. This action was designed to make available an additional $5,600,000 for the ATS–F and G project without increasing the total budget for the Office of Space Science and Applications. This necessitated deferral of certain Explorer satellites. The Senate approved the amount requested by NASA for Physics and Astronomy, $116,000,000. The House receded and accepted the Senate amendment.

(e) NASA requested $167,000,000 for Space Applications, of which $31,100,000 was designated for the ATS–F and G project. The House increased this amount by $5,600,000, in order to re-establish the original launch schedule of this important project, which had been delayed by six-to-twelve months during consideration of the FY 1971 NASA budget within the Administration. The Senate approved the amount requested by NASA, $167,000,000. The House receded and accepted the Senate amendment in view of the fact that the passage of time precluded the possibility of reestablishing the original launch schedule of ATS–F and G.

(f) The House added $1,500,000 to the NASA request of $22,400,000 for Electronics Systems to perform needed research on safety of flight items. The Senate approved the Administration request. Of the amount added by the House $800,000 was for Wake Turbulence detection at airports, $300,000 for Clear Air Turbulence detection and $400,000 for Pilot Warning Indicator development. The

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Senate receded and accepted this House increase resulting in a total authorization of $23,900,000 for Electronics Systems.

(g) The House added $400,000 to the NASA request of $17,900,000 for Human Factor Systems. The Senate approved the Administration request. The Senate receded and accepted the House increase. The amount added by the House is to be used for the study of aircrew workload and stress problems. A better understanding of the factors involved in these problems will result in increased flight safety. The authorization for Human Factor Systems is therefore $18,300,000.

(h) The House added $400,000 to the budget request of $17,600,000 for Basic Research. The Senate approved the Administration request. The Senate receded and accepted the House increase. This additional amount is to be used for materials research to alleviate noise and pollution from combustion products. The authorization for Basic Research is therefore $18,000,000.

(i) The House reduced the Tracking and Data Acquisition request of $298,000,000 by $4,200,000. The Senate approved the Administration's request. The compromise agreed to by the Committee of Conference resulted in a net reduction of $2,800,000, resulting in a total authorization of $295,200,000 for this item.

(j) The House added $500,000 to the Technology Utilization request of $4,000,000. The Senate approved the requested amount. The Senate receded and agreed to the House figure. This additional amount is to be used to expedite the flow of NASA technology to aid in the solution of urban and environmental problems. The total authorization, therefore, for Technology Utilization is $4,500,000.

(2) For Construction of Facilities the National Aeronautics and Space Administration requested $34,600,000. The House passed authorization totaled $33,975,000 and the Senate passed bill included $32,550,000 for Construction of Facilities. Projects in disagreement were resolved as follows:

(a) A line item of $2,050,000 was included in the Administration budget for the construction of an experimental Earth Resources Technology Laboratory at Goddard. The House approved it; the Senate rejected it. Meantime, NASA's plan for the facility was changed, to provide for modification of the 3d floor of the existing Data Interpretation Laboratory at Goddard (Building 23) and the addition of a 4th floor, at an estimated cost of $1,928,000. Accordingly, the conferees agreed to authorize the revised plan at the reduced cost estimate for the experimental research laboratory, with an understanding that early attention will be given by NASA and other executive agencies to future operational facilities that will be required for beneficial utilization of earth resources satellites.

It is clear that several federal agencies will have a need for the kind of information that will be provided by earth resources satellites. In fact, NASA is designing the data collection and return systems of the Earth Resource Technology Satellites (ERTS) so as to maximize their usefulness for the prospective user agencies. It is equally clear, however, that insufficient attention has been given to the organizational aspects of an operational system which are compounded by the very nature of the multiple interests that would be served. In addition, there are international ramifications to an operating ERTS system that have not been adequately considered.

The conferees agreed, therefore, that the Executive Branch and particularly NASA and the Office of Management and Budget should give prompt and careful study to the problem of how an operational earth resources survey satellite system would be structured both in terms of the many federal agency interests that will be involved and in terms of its international aspects. However, in view of the current developmental status of the NASA experimental project, operational facilities for an earth resources survey system should not be built until such time that the benefits of continuing satellite surveys can be assessed and a determination made that an operational earth resources satellite system should be built.

(b) For "Various Locations" the National Aeronautics and Space Administration requested $18,575,000. Included in this request was a program involving 38 major modification and rehabilitation projects at NASA field installations amounting to $14.0 million.

The House reduced this request by $625,000, denying authorizations for two projects: Rehabilitate Utility Systems, Michoud Assembly Facility, $250,000; Rehabilitate High Pressure Gas Facility, Mississippi Test Facility, $375,000. The House action was based on the fact that the two installations will revert to standby status in mid FY 1971 and, accordingly, extensive rehabilitation should not be performed until a firm long-term need for these stations is identified.

The Senate approved the request for the two projects in question with the proviso that the work at the Mississippi Test Facility be cancelled if subsequent information makes it clear that the project will not be required to support future programs.

The Managers on the part of the House receded to the Senate position on the amount to be authorized, recognizing that the annual request for NASA-wide facilities modification and rehabilitation work is composed of candidate projects selected from a large backlog of deferred maintenance work. Further, if a long-term need for the work at the installations concerned does not materialize, the Administrator of NASA has the option under established procedures to substitute more urgently required projects. Annual reporting by NASA on the use of funds authorized for these purposes is required by the House.

(c) Consequently, the amount to be authorized for Construction of Facilities is $34,478,000.

(3) For *Research and Program Management* the National Aeronautics and Space Administration requested $692,300,000. The House increased this amount by $1.4 million recommending authorization in the amount of $693,700,000 and in the accompanying legislative report stipulated that the increase was intended specifically for research fellowships, additional summer jobs and graduate and undergraduate scholarships in the field of aeronautics.

The Senate amendment contained no provision for additional authorization for aeronautical trainees. However, the conferees agreed that there is an urgent need for encouraging younger personnel, trained in the Aeronautical Sciences, to accept research positions in NASA. Thereby, the quality of personnel and the national reservoir of basic scientific data needed to keep the country and the industry foremost in this field will be enhanced. Testimony taken by the Committee on Science and Astronautics has revealed the declining numbers of engineering graduates in Aeronautics and the increasing average age of personnel in NASA performing needed aeronautical research. To correct this trend, the conferees were in agreement that NASA should initiate such a program and that this action should be taken within the total authorized amount.

The Senate reduced the authorization request for Research and Program Management by $15,000,000 recommending that $677,300,000 be authorized for these purposes. The reduction by the Senate was made specifically in the area of personnel and related costs. The Senate amendment added new language to Section 1(c) prescribing a ceiling of $500,108,000 for personnel and related costs.

In conference, a compromise was reached and a total authorization of $683,300,000 for Research and Program Management was agreed to. The House conferees receded to the Senate insistence that restrictive language be included in Section 1(c) concerning personnel and related costs. However, the Senate receded on the ceiling to be prescribed and the conferees agreed to a limit of $506,108,000.

Thus, the amount to be authorized for Research and Program Management is $683,300,000 which is $10,400,000 less than approved by the House and $6,000,000 more than approved by the Senate.

(4) *Legislative Amendments:* In addition to specific programs and projects in conference, three general legislative amendments were in disagreement. Differences between the House and Senate versions were resolved as follows:

(a) The Senate amendment to H.R. 16516 contained a new provision [subsection 1(i)] which places a ceiling of $500,000 on funds appropriated pursuant to Section 1 which may be used for the payment of services, per diem, travel and other expenses of experts and consultants. The House bill contained no such provision.

Information available to the Managers on the part of the House indicates that funds used for consultant salaries, travel and other expenses by NASA for the first ten months of fiscal year 1970 are estimated at $753,000. The cost accounting system at the NASA headquarters was not sufficiently responsive to determine the exact cost experience in this area. The House conferees agreed that some legislative controls are necessary for this type of expense and accepted the Senate provision subject to further evaluation for fiscal year 1972.

(b) The Senate amendment included additional language in the fund transfer authority contained in Section 4 of the House bill. The Senate provision [subsection 4(b)], was in the nature of conforming language, which would prohibit the transfer of funds appropriated pursuant to this Act to the Research and Program Management appropriation for the purpose of exceeding the authorized ceiling placed on personnel and related costs imposed by Section 1(c). The House bill contained no such provision.

The Managers on the part of the House disagreed with the Senate conferees on the basis that the proposed language was entirely too restrictive, removed all flexibility, and failed to take into account the impact of reduction-in-force procedure on test and evaluation activities, mission operations and particularly mission safety.

Therefore, substitute language was agreed to by the conferees which will permit the transfer of up to one per centum of the amounts authorized to the personnel account whenever the Administrator determines that such a transfer is necessary for the safety of any mission. Due notification and the normal 30 day waiting period as prescribed in the annual Act would prevail.

(c) The Senate amendment included a new provision, Section 7, substantively the same as Section 6 of the National Aeronautics and Space Administration Authorization Act, 1970 (83 Stat. 196). This latter section was amended to perfect the wording which provides for the disclosure of the names, titles, and work descriptions of personnel who are former employees of the National Aeronautics and Space Administration involved in procurement or other contractual effort and who now work for companies under contract with the agency with more than $10 million in annual business. The same provision also applies to present employees of the agency who have worked for aerospace contractors. The House bill contained no such provision.

The Managers on the part of the House, recognizing that the language is identical, except for minor perfecting modifications to Section 6 of the National Aeronautics and

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Space Administration Authorization Act, 1970, agreed to the Senate provision.

GEORGE P. MILLER,
OLIN E. TEAGUE,
JOSEPH KARTH,
KEN HECHLER,
JAMES G. FULTON,
CHARLES A. MOSHER,
ALPHONZO BELL,
Managers on the Part of the House.

CONFERENCE REPORT ON H.R. 17138, SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN, FIREMEN, AND TEACHERS

Mr. DOWDY submitted the following conference report and statement on the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1955 to increase salaries, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1190)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. This title and title II of this Act may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1970".

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823) is amended to read as follows:

"SEC. 101. The annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a) Fire private. Police private.	$8,500	$8,755	$9,180	$9,605	$10,285	$10,965	$11,390	$11,815	$12,240
Subclass (b) Private assigned as: Technician. Plainclothesman. Station clerk. Motorcycle officer. Horse mounted officer.	9,095	9,350	9,775	10,200	10,880	11,560	11,985	12,410	12,835
Class 2:									
Subclass (a) Fire inspector.	9,775	10,340	10,905	11,470			12,035	12,600	13,165
Subclass (b) Fire inspector assigned as technician.	10,370	10,935	11,500	12,065			12,630	13,195	13,760
Class 3 Assistant marine engineer. Assistant pilot. Detective.	10,625	11,155	11,685	12,215			12,745	13,275	13,805
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	11,475	12,050	12,625	13,200			13,775	14,350	14,925
Subclass (b) Detective sergeant.	11,900	12,495	13,090	13,685			14,280	14,875	15,470
Subclass (c) Police sergeant assigned as: Motorcycle officer. Horse mounted officer.	12,070	12,645	13,220	13,795			14,370	14,945	15,520
Class 5 Fire lieutenant. Police lieutenant.	13,300	13,965	14,630	15,295			15,960	16,625	
Class 6 Marine engineer. Pilot.	14,550	15,280	16,010	16,740			17,470	18,200	
Class 7 Captain.	15,800	16,590	17,380	18,170			18,960	19,750	
Class 8 Battalion fire chief. Police inspector.	18,500	19,425	20,350	21,275			22,200	23,125	
Class 9 Deputy fire chief. Deputy chief of police.	21,500	22,575	23,650	24,725			25,800	26,875	
Class 10 Assistant chief of police. Assistant fire chief. Commanding officer of the Executive Protective Service. Commanding officer of the U.S. Park Police.	23,800	25,780	27,760	29,750					
Class 11 Fire chief. Chief of police."	28,500	29,925	31,350	32,775					

SEC. 103. The rates of basic compensation of officers and members to whom the amendments made by section 102 of this title apply shall be adjusted as follows: Each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a salary class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding scheduled service or longevity step in effect on and after the effective date of this title, except that:

(1) Each officer or member who immediately prior to the effective date of this title was assigned as technician I or plainclothesman in subclass (b) of salary class 1 or as technician II, station clerk, or motorcycle officer in subclass (c) of salary class 1 shall, on the effective date of this title, be assigned as and receive basic compensation as technician, plainclothesman, station clerk or motorcycle officer in subclass (b) of salary class 1 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(2) Each officer or member who immediately prior to the effective date of this title was serving as a fire inspector assigned as technician I or technician II in subclass (b) or (c) of salary class 2 shall, on the effective date of this title, be placed and receive basic compensation as fire inspector assigned as technician in subclass (b) of salary class 2 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(3) Each officer or member who immediately prior to the effective date of this title was serving in service step 1, 2, 3, or 4 of subclass (b) of salary class 9 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 10 at the service step corresponding to that service step in which he was serving immediately prior to the effective date of this title.

Each officer or member who immediately prior to the effective date of this title was serving in longevity step A or B of subclass (b) of salary class 9 shall, on the effective date of this title, be placed in and receive basic compensation in service step 4 of salary class 10.

(4) The Fire Chief and Chief of Police who immediately prior to the effective date of this title were serving in salary class 10 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 11 and each shall be placed at the respective service step in which he was serving immediately prior to the effective date of this title.

(5) Each officer or member of the Metropolitan Police force and United States Park Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional $595 per annum, except that if a police private is classed as technician in subclass (b) of salary class 1 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 solely on account of his duties as dog handler, such police private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 104. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code sec. 4-829(c)) is amended by deleting ", (b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 105. The first sentence of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-830) is amended to read as follows: "Any officer or member who is promoted or transferred to a higher salary class or subclass of a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class or subclass which exceeds his existing rate of compensation by not less than one step increase of the next higher step of the salary class or subclass from which he is promoted or transferred."

SEC. 106. Paragraph (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832(a)) is amended to read as follows:

"(3) In the case of the officers or members serving in salary classes other than salary class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 107. (a) Each officer and member in active service on the effective date of this title to whom section 103 of this title and the amendment made by section 102 of this title apply, who is receiving basic compensation at one of the scheduled service or longevity steps of a salary class or subclass other than subclass (a) or (b) of salary class 1, and whose latest promotion has been subsequent to January 5, 1963, and prior to the effective date of this title shall (1) be placed in the service or longevity step of his salary class or subclass which provides a salary not less than the amount he would have received as a result of sections 102, 103, and 105 of this title had such promotion occurred on or after the effective date of this title, and (2) receive the appropriate scheduled rate of basic compensation for such step in the salary class or subclass in which he is serving.

(b) The rate of basic compensation received b, any officer or member under the provisions of section 103 of this title and the amendment made by section 102 of this title shall not be reduced by reason of the enactment of this section.

(c) Any officer or member who receives additional compensation as a result of the enactment of this section shall be credited with any active service he has rendered in the service or longevity step in which he was serving immediately prior to the effective date of this title for subsequent advancement purposes under the provisions of section 303 or section 401, as the case may be, of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-829, sec. 4-832).

(d) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of section 12 of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

SEC. 108. All retired officers and members of the Metropolitan Police force who at any time prior to October 1, 1956, held the rank of Assistant Superintendent shall be held and considered for the purpose of computing retirement benefits payable on and after the effective date of this title to have retired in the rank of Assistant Chief.

SEC. 109. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which began on or after July 1, 1969, and ending on the date of enactment of this title for services rendered during such period, and (2) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after July 1, 1969, and ending on the date of enactment of this title by an officer or member who dies during such period.

(b) For the purpose of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 110. (a) Paragraph 3 of section 102 of the Act of November 13, 1966 (D.C. Code, sec. 4-823d-1(3)), is amended by inserting after "5" the following ", 6, or".

(b) The amendment made by this section shall be effective only with respect to pay periods beginning on or after the effective date of this title.

SEC. 111. For the purpose of determining the amount of insurance for which an individual is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the date of enactment of this title.

SEC. 112. This title and the amendments made by this title shall take effect on the first day of the first pay period beginning on or after July 1, 1969.

TITLE II—MISCELLANEOUS PROVISIONS RELATING TO CERTAIN POLICE MATTERS

SEC. 201. (a) The uniform of officers and members of the United States Park Police force, the Executive Protective Service, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the Executive Protective Service, the Capitol Police Board in the case of the Capitol Police, and the Commissioner of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(c) This section shall take effect one hundred and eighty days after the date of enactment of this title.

SEC. 202. All laws of the United States in force on the date of enactment of this title in which reference is made to the White House Police force are amended by substituting "Executive Protective Service" for each such reference.

SEC. 203. The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside", approved July 25, 1956 (D.C. Code, sec. 4-132a) is amended—

(A) by inserting immediately after "(a)" the following: "except as otherwise provided in subsection (b) of this section,";

(B) by striking out ", except as otherwise provided in subsection (b) of this section," in the second sentence;

(C) by striking out "twelve" and inserting in lieu thereof "twenty-five" and

(D) by amending subsection (b) to read as follows:

"(b) For the purpose of this Act, the Chief of Police of the Metropolitan Police force and the Fire Chief of the Fire Department of the District of Columbia, as the case may be, may in individual cases waive the requirement that an officer or member reside within the Washington, District of Columbia, metropolitan district."

TITLE III—SALARY INCREASE FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 301. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1970".

SEC. 302. The District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31-1501 et seq.) is amended as follows:

(1) Section 1 (D.C. Code, sec. 31-1501) is amended by striking the salary schedules contained therein and inserting in lieu thereof the following:

"Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 1:									
Superintendent of schools	$38,500								
Class 2:									
Group A, Deputy superintendent	31,000								
Group B, Associate superintendent	29,000								

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"Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 3:									
Assistant superintendent	$22, 190	$22, 720	$23, 250	$23, 780	$24, 310	$24, 840	$25, 370	$25, 900	$26, 430
Class 4	19, 480	19, 940	20, 400	20, 860	21, 320	21, 780	22, 240	22, 700	23, 160
Director, curriculum.									
Director, staff development.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	17, 600	18, 040	18, 480	18, 920	19, 360	19, 800	20, 240	20, 680	21, 120
Group B, master's degree	18, 380	18, 820	19, 260	19, 700	20, 140	20, 580	21, 020	21, 460	21, 900
Group C, master's degree plus 30 credit hours	18, 770	19, 210	19, 650	20, 090	20, 530	20, 970	21, 410	21, 850	22, 290
Group D, doctor's degree	19, 160	19, 600	20, 040	20, 480	20, 920	21, 360	21, 800	22, 240	22, 680
Chief examiner.									
Executive assistants to associate superintendents.									
Director of food services.									
Director, industrial and adult education.									
Executive assistant to deputy superintendent.									
Class 6:									
Group B, master's degree	17, 860	18, 285	18, 710	19, 135	19, 560	19, 985	20, 410	20, 835	21, 260
Level IV, principal	17, 860	18, 285	18, 710	19, 135	19, 560	19, 985	20, 410	20, 835	21, 260
Level III, principal	17, 345	17, 770	18, 195	18, 620	19, 045	19, 470	19, 895	20, 320	20, 745
Level II, principal	16, 830	17, 255	17, 680	18, 105	18, 530	18, 955	19, 380	19, 805	20, 230
Level I, principal	16, 315	16, 740	17, 165	17, 590	18, 015	18, 440	18, 865	19, 290	19, 715
Group C, master's degree plus 30 credit hours	18, 250	18, 675	19, 100	19, 525	19, 950	20, 375	20, 800	21, 225	21, 650
Level IV, principal	18, 250	18, 675	19, 100	19, 525	19, 950	20, 375	20, 800	21, 225	21, 650
Level III, principal	17, 735	18, 160	18, 585	19, 010	19, 435	19, 860	20, 285	20, 710	21, 135
Level II, principal	17, 220	17, 645	18, 070	18, 495	18, 920	19, 345	19, 770	20, 195	20, 620
Level I, principal	16, 705	17, 130	17, 555	17, 980	18, 405	18, 830	19, 255	19, 680	20, 105
Group D, doctor's degree	18, 640	19, 065	19, 490	19, 915	20, 340	20, 765	21, 190	21, 615	22, 040
Level IV, principal	18, 640	19, 065	19, 490	19, 915	20, 340	20, 765	21, 190	21, 615	22, 040
Level III, principal	18, 125	18, 550	18, 975	19, 400	19, 825	20, 250	20, 675	21, 100	21, 525
Level II, principal	17, 610	18, 035	18, 460	18, 885	19, 310	19, 735	20, 160	20, 585	21, 010
Level I, principal	17, 095	17, 520	17, 945	18, 370	18, 795	19, 220	19, 645	20, 070	20, 495
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent of pupil personnel services.									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans' high school.									
Class 7:									
Group B, master's degree	16, 205	16, 595	16, 985	17, 375	17, 765	18, 155	18, 545	18, 935	19, 325
Group C, master's degree plus 30 credit hours	16, 595	16, 985	17, 375	17, 765	18, 155	18, 545	18, 935	19, 325	19, 715
Group D, doctor's degree	16, 985	17, 375	17, 765	18, 155	18, 545	18, 935	19, 325	19, 715	20, 105
Supervising director, elementary education (supervision and instruction).									
Supervising director, audio-visual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree	14, 800	15, 175	15, 550	15, 925	16, 300	16, 675	17, 050	17, 425	17, 800
Group C, master's degree plus 30 credit hours	15, 190	15, 565	15, 940	16, 315	16, 690	17, 065	17, 440	17, 815	18, 190
Group D, doctor's degree	15, 580	15, 955	16, 330	16, 705	17, 080	17, 455	17, 830	18, 205	18, 580
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	13, 880	14, 240	14, 600	14, 960	15, 320	15, 680	16, 040	16, 400	16, 760
Group B, master's degree	14, 660	15, 020	15, 380	15, 740	16, 100	16, 460	16, 820	17, 180	17, 540
Group C, master's degree plus 30 credit hours	15, 050	15, 410	15, 770	16, 130	16, 490	16, 850	17, 210	17, 570	17, 930
Group D, doctor's degree	15, 440	15, 800	16, 160	16, 520	16, 880	17, 240	17, 600	17, 960	18, 320
Assistant director, food services.									
Class 10:									
Group B, master's degree	14, 095	14, 445	14, 795	15, 145	15, 495	15, 845	16, 195	16, 545	16, 895
Group C, master's degree plus 30 credit hours	14, 485	14, 835	15, 185	15, 535	15, 885	16, 235	16, 585	16, 935	17, 285
Group D, doctor's degree	14, 875	15, 225	15, 575	15, 925	16, 275	16, 625	16, 975	17, 325	17, 675
Assistant director, audio visual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									
Class 11:									
Group B, master's degree	13, 670	14, 005	14, 340	14, 675	15, 010	15, 345	15, 680	16, 015	16, 350
Group C, master's degree plus 30 credit hours	14, 060	14, 395	14, 730	15, 065	15, 400	15, 735	16, 070	16, 405	16, 740
Group D, doctor's degree	14, 450	14, 785	15, 120	15, 455	15, 790	16, 125	16, 460	16, 795	17, 130
Assistant director, practical nursing.									

"Salary class and group	Service step 1	2	3	4	5	6	7	8	9
Class 12:									
Group B, master's degree	$13,200	$13,525	$13,850	$14,175	$14,500	$14,825	$15,150	$15,475	$15,800
Group C, master's degree plus 30 credit hours	13,590	13,915	14,240	14,565	14,890	15,215	15,540	15,865	16,190
Group D, doctor's degree	13,980	14,305	14,630	14,955	15,280	15,605	15,930	16,255	16,580
Chief attendance officer.									
Clinical psychologist.									
Class 13:									
Group B, master's degree	12,080	12,456	12,850	13,235	13,620	14,005	14,390	14,775	15,160
Group C, master's degree plus 30 credit hours	12,470	12,855	13,240	13,625	14,010	14,395	14,780	15,165	15,550
Group D, doctor's degree	12,860	13,245	13,630	14,015	14,400	14,785	15,170	15,555	15,940
Psychiatric social worker.									

"Salary class and group	Service step 1	2	3	4	5	6	7
Class 14:							
Group A, bachelor's degree	$9,250	$9,660	$10,070	$10,480	$10,890	$11,300	$11,710
Group B, master's degree	10,030	10,440	10,850	11,260	11,670	12,080	12,490
Group C, master's degree plus 30 credit hours	10,420	10,830	11,240	11,650	12,060	12,470	12,880
Group D, doctor's degree	10,810	11,220	11,630	12,040	12,450	12,860	13,270
Coordinator of practical nursing.							
Census supervisor.							
Class 15:							
Group A, bachelor's degree	7,800	8,115	8,430	8,745	9,060	9,375	9,760
Group A-1, bachelor's degree plus 15 credit hours	8,190	8,505	8,820	9,135	9,450	9,765	10,150
Groub B, master's degree	8,580	8,965	9,350	9,735	10,120	10,505	10,990
Group C, master's degree plus 30 credit hours	8,970	9,355	9,740	10,125	10,510	10,895	11,380
Group D, master's degree plus 60 credit hours or doctor's degree	9,360	9,745	10,130	10,515	10,900	11,285	11,770
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspectors.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Research assistant.							
School social worker.							
Speech correctionist.							
School psychologist.							

"Salary class and group	Service step 8	9	10	11	12	13	Longevity step Y
Class 14:							
Group A, bachelor's degree	$12,120	$12,530	$12,940	$13,350	$13,760	$14,170	
Group B, master's degree	12,900	13,310	13,720	14,130	14,540	14,950	
Group C, master's degree plus 30 credit hours	13,290	13,700	14,110	14,520	14,930	15,340	
Group D, doctor's degree	13,680	14,090	14,500	14,910	15,320	15,730	
Coordinator of practical nursing.							
Census supervisor.							
Class 15:							
Group A, bachelor's degree	10,145	10,530	10,915	11,300	11,685	12,070	$13,000
Group A-1, bachelor's degree plus 15 credit hours	10,535	10,920	11,305	11,690	12,075	12,460	13,800
Group B, master's degree	11,475	11,960	12,445	12,930	13,415	13,900	15,200
Group C, master's degree plus 30 credit hours	11,865	12,350	12,835	13,320	13,805	14,290	15,600
Group D, master's degree plus 60 credit hours or doctor's degree	12,255	12,740	13,225	13,710	14,195	14,680	16,100
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspectors.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Research assistant.							
School social worker.							
Speech correctionist.							
School psychologist."							

(2) Section 2(c)(2) (D.C. Code, sec. 31-1511(c)(2)) is amended to read as follows:

"(2) The terms 'plus fifteen credit hours' and 'plus thirty credit hours' mean the equivalent of not less than fifteen graduate semester hours beyond the bachelor's degree or thirty graduate semester hours beyond the master's degree as the case may be in academic, vocational, or professional courses, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the fifteen or thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 3 (D.C. Code, sec. 31-1512) is amended by—

(A) striking out "For" and inserting in lieu thereof "(a) Except as provided in subsection (b), for";

(B) inserting immediately after "position" each time it appears "or salary class"; and

(C) by inserting at the end thereof the following new subsection:

"(b) The Board of Education may place in a permanent status any fully qualified employee in salary class 15 having three or more years of satisfactory service, including service in an educational system or institution of recognized standing outside the District of Columbia, as determined by the Board, at any time beginning one year after the commencement of the probationary period of such employee. Any employee appointed to permanent status under this subsection shall be considered an employee of the Board on permanent tenure."

(4) Section 4 (D.C. Code, sec. 31-1521) is amended to read as follows:

"SEC. 4. Any employee of the Board of Education in group A of salary class 15 who possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10 (a) and (b) to group A-1 of salary class 15."

(5) Section 5 (D.C. Code, sec. 31-1522) is amended by adding at the end thereof the following new subsection:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level, he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower salary class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level until such time as his rate of basic compensation is no longer in excess of the maximum rate provided in such lower salary class or level. This subsection shall not apply if such reduction to a lower salary class or level is (1) for personal cause, (2) at the request of such teacher or school officer, (3) as a condition of a previous temporary promotion to a higher grade, or (4) because of a reduction in force brought about by lack of funds or curtailment of work."

(6) Section 6(a)(1) (D.C. Code, sec. 31-1531(a)(1)) is amended to read as follows:

"(1) On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee in salary class 15 who is on service step 13 and has completed 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is in longevity step X on such effective date shall be assigned to longevity step Y. In determining years of creditable service in salary classes 3 through 15 for placement on service steps, credit shall be given for previous service in accordance with the provisions of this Act governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this Act in accordance with the provisions of this section."

(7) Section 6(b) (D.C. Code, sec. 31-1531 (b)) is amended by striking out the third sentence and inserting in lieu thereof the following: "On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee who has not reached the highest service step for his group, or, if his salary class has no group, the highest service step for such salary class, shall advance one such service step until he reaches the highest service step for such group or salary class. However, the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement following any school year in which the employee fails to receive a performance rating of 'satisfactory' from his superior officer."

(8) Subsections (a) and (b) of section 10 (D.C. Code, sec. 31-1535 (a) and (b)), respectively, are amended to read as follows:

"(a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each promotion to group A-1, group B, group C, or group D within a salary class shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree or on the completion of fifteen credit hours beyond the bachelor's degree, as the case may be,

whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1 of this Act who is promoted to group A-1, group B, group C, or group D of such salary class shall be placed in the same numerical service step in his new group which he would have occupied in the group from which he was promoted."

(9) Section 13(a) (D.C. Code, sec. 31-1542 (a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education programs, and Americanization schools. The pay for teachers, officers, and other education employees in the summer school programs, adult education school programs, and veterans' summer high school centers shall be as follows:

"Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$6.86	$7.61	$8.42
Psychiatric social worker	8.02	8.92	9.86
Clinical psychologist	8.35	9.29	10.28
Assistant principal, elementary and secondary schools	9.69	10.77	11.92
Supervising director	10.02	11.15	12.33
Principal, elementary and secondary schools	10.69	11.89	13.15
Veterans' summer school centers:			
Teacher	6.86	7.61	8.42
Adult education schools:			
Teacher	7.54	8.38	9.27
Assistant principal	10.66	11.85	13.11
Principal	11.76	13.07	14.46."

(10)(A) Section 13(d)(1) (D.C. Code, sec. 31-1542(d)(1)) is amended by—

(1) striking out "a classroom teacher" and inserting in lieu thereof "any employee";

(2) striking out "teaching load assigned for a regular day school teacher at his particular school level" and inserting in lieu thereof "work assignment";

(3) striking out "a teacher" and inserting in lieu thereof "such employee"; and

(4) striking out "$750" and inserting in lieu thereof "$1,000".

(B) Section 13(d)(2) (D.C. Code, sec. 31-1542(d)(2)) is amended by—

(1) striking out "classroom teachers" and inserting in lieu thereof "employees";

(2) striking out "monthly";

(3) inserting after "extra duty activity" the following: "in the same manner as regular pay"; and

(4) striking out "a classroom teacher" and inserting in lieu thereof "such an employee".

(11) Section 14 (D.C. Code, sec. 31-1543) is amended to read as follows:

"SEC. 14. On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in twenty or twenty-four semimonthly installments, at the discretion of such employee (and under such rules and regulations as the Board of Education may prescribe), in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section."

SEC. 303. The increase provided in this title for the position of Superintendent of Schools under salary class 1 of the salary schedule shall be effective only with respect to individuals employed in that position on or after the date of the enactment of this title.

SEC. 304. (a) The third paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of the Act of May 26, 1908, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes" (D.C. Code, sec. 31-609) is amended by striking out ": *Provided*, That the salaries of other teachers shall begin when they enter upon their duties." and inserting in lieu thereof ". However, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, whose services commence with the opening of school and who shall perform their duties, shall begin on the first day of September and shall be paid in twenty semi-monthly installments, except that employees in salary class 15 may, under such rules and regulations as the Board of Education may prescribe, make an election to be paid in twenty-four semimonthly installments. The first payment shall be made on the first day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those dates as practicable. The salaries of other employees in salary class 15 shall begin when they enter upon their duties."

(b) The fourth paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act of May 26, 1908 (D.C. Code, sec. 31-630), is amended to read as follows:

"Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are established: Compensations of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act amendments of 1970 shall be paid in twenty semimonthly installments, except that employees in salary class 15 may, under such rules and regulations as the Board of Education may prescribe, make an election to be paid in twenty-four semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an installment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the 31st day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of such month, both days inclusive; and any person entering such service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry. For one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited."

SEC. 305. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this title who, as of June 29, 1970, is in the service of the Board of Education, (2) to any employee covered in this title who retired during the period beginning on the first day of the first pay period which began on or after September 1, 1969, and ending on the date of enactment of this title, for services rendered during such period, and (3) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first

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pay period which began on or after September 1, 1969, and ending on the date of enactment of this Act, by any such employee who dies during such period.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

SEC. 306. The provisions of this title shall take effect on the first day of the first pay period which begins on or after September 1, 1969.

TITLE IV—MISCELLANEOUS REVENUE PROVISIONS

SEC. 401. Section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1567(a)) is amended to read as follows:

"SEC. 3. IMPOSITION OF TAX.—In the case of a taxable year beginning after December 31, 1969, there is hereby imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	2% of the taxable income.
Over $1,000 but not over $2,000	$20, plus 3% of excess over $1,000.
Over $2,000 but not over $3,000	$50, plus 4% of excess over $2,000.
Over $3,000 but not over $5,000	$90, plus 5% of excess over $3,000.
Over $5,000 but not over $8,000	$190, plus 6% of excess over $5,000.
Over $8,000 but not over $12,000	$370, plus 7% of excess over $8,000.
Over $12,000 but not over $17,000	$650, plus 8% of excess over $12,000.
Over $17,000 but not over $25,000	$1,050, plus 9% of excess over $17,000.
Over $25,000	$1,770, plus 10% of excess over $25,000."

SEC. 402. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, up to $8,000,000 for use in defraying the cost of the pay increases provided for by this Act for the period commencing July 1, 1969, and ending December 31, 1969. Such sum authorized to be appropriated pursuant to this section shall be in addition to any other sums authorized under any other law, and in addition to the increase in revenue raised as a result of the amendment to section 3 of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1567(a)) made by section 401 of this Act.

TITLE V—PAY RATE FOR THE COMMANDING GENERAL OF THE MILITIA OF THE DISTRICT OF COLUMBIA

SEC. 501. (a) Section 7 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia, and for other purposes", approved March 1, 1889 (D.C. Code, sec. 39-201), is amended (1) by inserting "(a)" immediately after "SEC. 7.", and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), any person serving as the commanding general of the militia of the District of Columbia shall be considered to be an employee of the Department of Defense, and of the United States, within the meaning of section 2105 of title 5, United States Code.

"(c) Any officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the militia of the District of Columbia shall, while so detailed, be entitled to receive only the pay and allowances to which he is entitled as an officer of the Armed Forces."

(b) The paragraph under the center heading "NATIONAL GUARD" in the first section of the District of Columbia Appropriation Act, 1961 (74 Stat. 25), is amended by striking out "at not to exceed $13,300 per annum".

(c) The amendment made by this section shall take effect on the first day of the first pay period beginning on or after the date of enactment of this title.

And the Senate agree to the same.

JOHN L. MCMILLAN,
THOMAS G. ABERNETHY,
JOHN DOWDY,
DON FUQUA,
EARLE CABELL,
ANCHER NELSEN,
JOEL T. BROYHILL,
WILLIAM H. HARSHA,
LAWRENCE J. HOGAN,
Managers on the Part of the House.

JOSEPH D. TYDINGS,
ALAN BIBLE,
W. B. SPONG,
WINSTON PROUTY,
CHARLIE GOODELL,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below expect for minor technical and clarifying changes made necessary by reason of the conference agreement.

POLICE AND FIREMEN'S SALARY SCHEDULE

The House bill provided for an overall average salary increase of 13 percent. The conference substitute contains the House schedule, except that it increases the pay for service steps 2, 3, and 4 in Class 10.

RETIRED ASSISTANT SUPERINTENDENTS

The House passed bill provided that certain retired Assistant Superintendents shall be held and considered for the purpose of computing their retirement benefits (payable on and after the effective date of the Act) to have retired in the rank of Assistant Chief. The Senate amendment contained no comparable provision.

It is the intention of the House provision that, for the purpose of computing such retirement benefits, such Assistant Superintendents shall be held and considered to have retired after the effective date of this Act.

EFFECTIVE DATE OF POLICE AND FIREMEN'S SALARY INCREASE

The House bill provided that the salary increase for police and firemen was to be effective January 1, 1970. The Senate amendment provided that such salary increase was to be effective July 1, 1969. The conference substitute adopts the Senate provision.

POLICE TRIAL BOARD

The House bill provided that the trial board would be the exclusive body to receive, hear, and determine complaints against officers and members of the Metropolitan Police force. No comparable provision was contained in the Senate amendment, and none is contained in the conference substitute.

SUPERINTENDENT'S PAY

The House bill provided a salary of $35,000 for the Superintendent of Schools. The Senate amendment provided for a salary of $38,500. The conference substitute adopts the Senate provision.

EFFECTIVE DATE OF TEACHERS' SALARY INCREASE

The House bill provided that the salary increase for teachers was to be effective January 1, 1970. The Senate amendment provided that such increase was to be effective September 1, 1969. The conference substitute adopts the Senate provision.

EXTRA-DUTY PAY FOR EMPLOYEES OF THE BOARD OF EDUCATION

The Senate amendment provided that the District of Columbia Commissioner would determine the rate of extra-duty pay, and that any employee in salary class 15 would be eligible for such extra-duty pay. There was no comparable provision in the House bill. The conference substitute provides that the determination of the rate of extra-duty pay shall remain in the Board of Education as under existing law, that all employees in salary class 15 shall be entitled to extra-duty pay (existing law permits extra-duty pay only for teachers), and that the maximum rate of extra-duty pay shall be $1,000.

ADMINISTRATIVE LEAVE FOR TEACHERS

The House bill provided that the 3 days of administrative leave permitted employees would be available only for purposes authorized by the Board of Education. No comparable provision was contained in the Senate amendment, and none is contained in the conference substitute.

EMPLOYEE-MANAGEMENT RELATIONS

The House bill required the Board of Education to formulate certain policies, procedures, rules, and regulations relating to employee-management relations between the board and its employees. No comparable provision was contained in the Senate amendment, and none is contained in the conference substitute.

TAX ON THE SALE OF ALCOHOLIC BEVERAGES

The House bill amended the District of Columbia Sales Tax Act to reduce the sales tax on those alcoholic beverages sold for consumption off the premises from 5 percent to 4 percent. No comparable provision was contained in the Senate amendment, and none is contained in the conference substitute.

FEDERAL PAYMENT

The Senate amendment contained provisions for Federal payments or contributions to the District of Columbia totaling $21,546,000. No comparable provision was contained in the House bill.

It was the conclusion of the managers on the part of the House that the predicted additional revenues to the District from the increases in individual income taxes provided in H.R. 17138 will be sufficient to finance the salary increases and other costs to the District of the bill as passed by the House. However, in view of the added cost to the District taxpayers resulting from the increase in their income taxes, your conferees agreed to authorize a one-time Federal payment, not to exceed $8,000,000 to meet the added costs resulting from the conference action which made the substitute bill further retroactive to July 1, 1969, for police and firemen, and to September 1, 1969, for teachers. This would enable the Appropriations Committees, should they find the additional revenues from the income tax increases insufficient to finance this legislation, to appropriate such amount as may be necessary up to $8,000,000 to cover the costs of the legislation.

COMMANDING GENERAL OF THE MILITIA OF THE DISTRICT OF COLUMBIA

The House bill provided that the Commanding General would be paid at a rate equal to the minimum rate of basic pay for GS–15. No comparable provision was contained in the Senate amendment. The conference substitute provides that the Commanding General shall be considered to be an employee within the Federal competitive service.

John L. McMillan,
Thomas G. Abernethy,
John Dowdy,
Don Fuqua,
Earle Cabell,
Ancher Nelsen,
Joel T. Broyhill,
William H. Harsha,
Lawrence J. Hogan,
Managers on the Part of the House.

PERSONAL EXPLANATION

Mr. PREYER of North Carolina. Mr. Speaker, on June 8 I was absent in order to attend my son's graduation exercise in college. Had I been present, I would have voted in favor of the various votes to authorize the select committee to study recent developments in Southeast Asia.

ANNUAL REPORT ON THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith the annual report on the international educational and cultural exchange program conducted during the Fiscal Year 1969 under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256, the Fulbright-Hays Act).

This program, in Fiscal Year 1969, exchanged more than 6,500 teachers, scholars, students and distinguished leaders between the United States and 132 countries and territories. More than 2,000 of these were leaders, potential leaders and professionals from other lands who came to observe and study the United States, its people and institutions. Cumulatively, from 1949 through 1969, 132,380 United States and foreign grantees have been exchanged under this State Department program.

This exchange has directly contributed to the achievement of our foreign policy objectives. Observing and working with colleagues here on mutual problems, our visitors have established personal and institutional relationships which persist through the years. They have realized what they have in common with us, as well as our differences. Together with American grantees studying and teaching abroad, they have contributed greatly to the store of knowledge and understanding of our respective cultures, penetrating below the surface news and impressions of the mass media.

This report for the Fiscal Year 1969 educational and cultural exchange program is largely devoted to an aspect of the program too often overlooked—that is, the extraordinary extent to which it receives the cooperation and assistance, including financial assistance, from United States private groups, private individuals, private educational institutions and business corporations. This private cooperation not only indicates the high level of citizen interest in exchange but gives the program its essential character and effectiveness.

Perhaps in no other way have the American people made so direct a contribution to our foreign policy objectives for the 1970's which I defined in my February 18 message to Congress.

I commend this report to the thoughtful attention of the Congress.

Richard Nixon.

The White House, *June 15, 1970.*

CONSENT CALENDAR

The **SPEAKER**. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

GOLD AND SILVER ARTICLES—CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

TO COMMEMORATE OPENING OF CHEROKEE STRIP TO HOMESTEADING

The Clerk called the bill (H.R. 15012) to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 15012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of commemorating the opening of the Cherokee Strip to homesteading, and the historic use of the Chisholm Trail, cattle trails of the old southwest, and other such arteries of commerce which contributed to the expansion of our Nation; and to preserve for the benefit of the American people outstanding examples of the natural prairie scene which existed during this period of expansion and growth, the Secretary of the Interior shall cause the National Park Service to study, investigate, and formulate recommendations on the feasibility and desirability of establishing as a part of the national park system, an area, on lands in the States of Kansas and Oklahoma, associated with the aforesaid events and representative of the terrain and natural environment existing during such times.

Sec. 2. As a part of such study, other interested Federal agencies, and State and local bodies and officials shall be consulted, and the study shall be coordinated with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region.

Sec. 3. The Secretary shall submit to the President, within one year after the date of this Act, a report of the findings and recommendations of the National Park Service, as approved by him. The report of the Secretary shall contain, but not be limited to, findings with respect to the scenic, scientific, historic, and natural values of the land resources involved, including specifically, recommendations as to scenic, and historic site preservation or marking.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

With the following committee amendments:

Page 2, lines 1 and 2, strike out "cause the National Park Service to".

Page 2, line 13, strike out "President," and insert "President and to the Congress of the United States,"

Page 2, lines 22 through 24, strike out all of section 4 and insert in lieu thereof the following:

Sec. 4. There are authorized to be appropriated not to exceed $30,000 to carry out the provisions of this Act.

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 15012, which is sponsored by my friend from Kansas (Mr. Skubitz), has one objective: to authorize the Secretary of the Interior to commence a study to determine what national recognition would be suitable and desirable for the area known as the Cherokee Strip.

The historic significance of the events which occurred in this part of Kansas and Oklahoma is indisputable. History buffs will recall that this area is rich in Indian history, but it also represents an important phase in western history. Many of the cattle trails of the Old Southwest crossed the Strip and it was here that homesteading had some of its most dramatic moments.

I want to make it absolutely clear, Mr. Speaker, that this legislation authorizes only a study. If the study reveals that it would be desirable to establish some type of unit of the National Park system in this area, then the matter will come before the Congress again. At that time, we will have the benefit of the informa-

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tion developed by the study in making our recommendations.

The committee recommends that the bill be amended to allow the Secretary some measure of flexibility in selecting the agency which is to make this study. While the committee recognizes that the Bureau of Outdoor Recreation is to conduct studies on some of the old cattle trails of the Southwest, we do not feel that the study of those portions of those trails crossing the Cherokee Strip will interfere with the broader studies which it is making. It may well be that some shorter segments of these historic trails could be recognized, while recognition of their entire length would not be feasible. In any event, we expect these studies to be coordinated to avoid unnecessary duplication.

Another amendment approved by the committee merely directs the Secretary to transmit his report to the Congress, as well as to the President. This will assure the prompt availability of the information to the Congress.

The other committee amendment deletes the open-ended authorization in the bill and inserts an authorization limited to the amount estimated to be needed for this purpose—$30,000.

Mr. Speaker, very briefly, that summarizes the provisions of H.R. 15012. I believe that the Members will find the bill in good form and I urge its approval by the House.

Mr. SKUBITZ. Mr. Speaker, I am pleased to take this opportunity to say a few words about this bill, H.R. 15012, which I introduced.

The purpose of this bill is to authorize the study of the feasibility and desirability of establishing a unit of the National Park system in this to commemorate the opening of the Cherokee Strip to homesteading, the recognition of historic trails in the old Southwest, and a restoration of some outstanding examples of the natural prairie landscape.

It is estimated that this study will cost approximately $30,000.

The Cherokee Strip—located in Oklahoma—adjacent to Kansas—was land given to the Cherokee tribe as a hunting corridor.

It is an area about the size of the States of Delaware, Connecticut, and Rhode Island combined.

In September 1893, thousands of homesteaders, land grabbers, and what have you, gathered on the southern border of Kansas, waiting for the shot that would open this area to homesteading.

It was not the first opening, but it was the largest in our Nation's history.

First. As many as 50,000 people gathered in Arkansas City.

Second. Over 115,00 certificates were issued to homesteaders.

It was rich in history—it tells the story of the—

First. Conflict between cattlemen who needed grassland for grazing and the farmer who sought to till the soil.

Second. It is the story of the cattle movement from Texas, through Oklahoma, into Kansas, where the railroads were being built linking the East to the West.

This bill provides for the study of this strip area, which should have been done decades ago.

I urge the passage of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DESIGNATION OF SPECIAL POLICEMEN AT THE GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 14452) to provide for the designation of special policemen at the Government Printing Office, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 14452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 44, United States Code be amended by adding section 317, as follows:

"§ 317. Special policemen

"The Public Printer or his delegate may designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied *by* or under the control of the Government Printing Office. Under regulations to be prescribed by the Public Printer, employees designated as special policemen are authorized to bear and use arms in the performance of their duties; make arrest for violations of laws of the United States, the several States, and the District of Columbia; and enforce the regulations of the Public Printer, including the removal from Government Printing Office premises of individuals who violate such regulations. The jurisdiction of special policemen in premises occupied or under the control of the Government Printing Office and adjacent areas shall be concurrent with the jurisdiction of the respective law enforcement agencies where the premises are located."

With the following committee amendments:

On page 1, strike out lines 3 and 4 and insert in lieu thereof: "That chapter 3 of title 44, United States Code, is amended by adding at the end thereof the following new section:".

On page 2, line 1, insert "by" immediately after "occupied".

On page 2, line 10, insert "by" immediately after "occupied".

On page 2, immediately below line 14, insert the following:

(b) The table of sections of chapter 3 of title 44, United States Code, is amended by adding at the end thereof—"317. Special policemen.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING COMPENSATORY TIME OFF FOR CERTAIN EMPLOYEES OF GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 14453) to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone sponsoring this bill a question or two.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FALLS OF THE OHIO INTERSTATE PARK COMPACT

The Clerk called the bill (H.R. 13971) granting the consent of Congress to the Falls of the Ohio Interstate Park Compact.

There being no objection, the Clerk read the bill as follows:

H.R. 13971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Falls of the Ohio Interstate Park Compact in substantially the following form:

"SECTION 1. The State of Indiana and the Commonwealth of Kentucky agree to create, develop and operate an interstate park to be known as Falls of the Ohio Interstate Park, which shall be located along the Ohio River at the Falls of the Ohio and on adjacent areas in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky. Said park shall be of such area and of such character as may be determined by the commission created by this compact.

"SEC. 2. There is hereby created the Falls of the Ohio Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Indiana and Kentucky. The commission shall consist of three (3) commissioners from each of the two (2) states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be apponted by the governor. Vacanies shall be filled by the governor for the unexpired term. The term of one of the first commissioners appointed shall be for two (2) years, the term of another for three (3) years, and the term of the third for four (4) years. Their successors shall be appointed for terms of four (4) years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employee of the state, a political subdivision or the United States government may be appointed a commissioner under this act.

"SEC. 3. The commission created herein shall be a joint corporate instrumentality of both the State of Indiana and the Commonwealth of Kentucky for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable bylaws, rules and regulations. The commission shall have the authority to acquire by gift, purchase, or otherwise, real estate and other property, and to dispose of such real estate and other property. Each state agrees that it will exercise the right of eminent domain to acquire property located within each state required by the commission to effectuate the purposes of this compact.

"Sec. 4. The commission shall select from among its members a chairman and a vice-chairman, and may select from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and incident to the performance of their duties. They shall take the oath of office required of officers of their respective states.

"Sec. 5. Each state agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representative of the two (2) states as may be duly constituted for that purpose. The commission shall submit annually and at other times as required such reports as may be required by the laws of each state or by the governor thereof.

"Sec. 6. The cost of acquiring land and other property required in the development and operation of the Falls of the Ohio Interstate Park and constructing, maintaining, and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

"Sec. 7. All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance, and operation of the park or for other park purposes.

"The commission shall not pledge the credit of either state except by and with the authority of the general assembly thereof.

"Sec. 8. This compact may be amended from time to time by the concurrent action of the two (2) states parties hereto.

"The compact approved herein shall become effective upon ratification and approval of the compact by the general assembly of the state of Indiana and upon approval of this compact by the Congress of the United States."

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendment:

On page 5, strike out lines 24 and 25 and insert in lieu thereof:

"Sec. 2. The consent herein granted does not constitute consent in advance for amendments to the compact made pursuant to Section 8 thereof or for the conferral of additional powers upon the Falls of the Ohio Interstate Park Commission pursuant to Section 2 of the compact.

"Sec. 3. Notwithstanding the last sentence of Section 2 of the compact, this Act does not grant consent for the appointment to the Commission of an officer or employee of the United States whose service as a member of the Commission is prohibited by Federal law or regulation.

"Sec. 4. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Falls of the Ohio Interstate Park Commission in its operation under the compact as is deemed appropriate by Congress or such committee.

"Sec. 5. The right to alter, amend or repeal this Act is expressly reserved."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CREATING UNIFORM POLICY FOR ADMINISTRATION OF TRAINING AT THE SERVICE ACADEMIES

The Clerk called the bill (H.R. 2499) to amend title 10, United States Code, with respect to the Academies of the military departments.

There being no objection, the Clerk read the bill as follows:

H.R. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 403 of title 10, United States Code, is amended as follows:

(1) Section 4335(a) is amended by adding the following new sentence at the end thereof:

"The Dean shall be appointed to serve for a period of four years and may be reappointed by the Secretary of the Army to serve additional four year periods."

(2) The following new section is added at the end thereof:

"§ 4356. Professional Training Advisory Board

"(a) There is a Professional Training Advisory Board at the Academy. The Board consists of not more than six career officers who are members of the faculty and are appointed by the Secretary of the Army.

"(b) The Board shall, on a continuing basis, evaluate and monitor the professional military training at the Academy. For each fiscal year beginning with the fiscal year ending June 30, 1969, the Board shall submit a written report of the results of its review and its recommendations through the Superintendent to the Secretary and the Congress."

(3) The following item is added to the analysis at the end thereof:

"4356. Professional Training Advisory Board."

Sec. 2. Chapter 603 of title 10, United States Code, is amended as follows:

(1) The following new section is added after section 6952:

"§ 6952a. Academic Dean

"(a) The Academic Dean shall be appointed by the Secretary of the Navy to serve for a period of four years and may be reappointed to serve for additional four year periods. The Academic Dean, if a regular military officer, shall be appointed from among those officers who have served as heads of departments of instruction at the Naval Academy.

"(b) The Academic Dean shall perform such duties as the Superintendent may prescribe, with the approval of the Secretary. The Academic Dean, if a regular military officer, has the grade of rear admiral of the lower half or brigadier general while serving as such, or, if a civilian, is entitled to such compensation for his services as the Secretary shall prescribe, but not more than the rate of compensation provided for grade GS-18 of the general schedule as provided in section 5104 of title 5."

(2) The following new section is added after section 6968:

"§ 6968a. Professional Training Advisory Board

"(a) There is a Professional Training Advisory Board at the Academy. The Board consists of not more than six career officers who are members of the faculty and are appointed by the Secretary of the Navy.

"(b) The Board shall, on a continuing basis, evaluate and monitor the professional military training at the Academy. For each fiscal year beginning with the fiscal year ending June 30, 1969, the Board shall submit a written report of the results of its review and its recommendations through the Superintendent to the Secretary and the Congress."

(3) The following new items are added to the analysis after sections 6952 and 6968, respectively:

"6852a. Academic Dean.

"6968a. Professional Training Advisory Board."

Sec. 3. Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9335 is amended to read as follows:

"(a) The Dean of the faculty shall be appointed as an additional permanent professor from the permanent professors who have served as heads of departments of instruction at the Academy. The Dean shall be appointed to serve for a period of four years and may be reappointed by the Secretary of the Air Force to serve additional four year periods.

(b) The Dean shall perform such duties as the Superintendent shall prescribe, with the approval of the Secretary. The Dean has the grade of brigadier general while serving as such, with the benefits authorized for regular brigadier generals of the Air Force, except that his retirement age is that of a permanent professor of the Academy."

(2) The following new section is added at the end thereof:

"§ 9356. Professional Training Advisory Board

"(a) There is a Professional Training Advisory Board at the Academy. The Board consists of not more than six career officers who are members of the faculty and are appointed by the Secretary of the Air Force.

"(b) The Board shall, on a continuing basis, evaluate and monitor the professional military training at the Academy. For each fiscal year beginning with the fiscal year ending June 30, 1969, the Board shall submit a written report of the results of its review and its recommendations through the Superintendent to the Secretary and the Congress."

(3) The following new item is added to the analysis at the end thereof:

"9356. Professional Training Advisory Board."

With the following committee amendment:

Strike all after the enacting clause, and insert in lieu thereof the following:

That title 10, United States Code, is amended as follows:

(1) Section 4335(a) is amended by adding the following new sentence at the end: "The Dean shall be appointed to serve for a period

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of 4 years and may be reappointed by the Secretary of the Army to serve additional 4-year periods."

(2) Chapter 603 is amended—

(A) by adding the following new section after section 6952:

§ 6952a. Academic Dean

"(a) The Academic Dean shall be appointed by the Secretary of the Navy to serve for a period of 4 years and may be reappointed to serve for additional 4-year periods. The Academic Dean, if a regular military officer, shall be appointed from among those officers who have served as heads of departments of instruction at the Naval Academy.

"(b) The Academic Dean shall perform such duties as the Superintendent may prescribe, with the approval of the Secretary. The Academic Dean, if a regular military officer, has the grade of rear admiral of the lower half or bragadier general while serving as such, or, if a civilian, is entitled to such compensation for his services as the Secretary shall prescribe, but not more than the rate of compensation provided for grade GS-18 of the general schedule as provided in section 5104 of title 5."; and

(B) by adding the following new item to the analysis:

"6952a. Academic Dean."

(3) Section 9335 is amended—

(A) by adding the following new sentence at the end of subsection (a): "The Dean shall be appointed to serve for a period of four years and may be reappointed by the Secretary of the Air Force to serve additional four-year periods."; and

(B) by inserting the following new sentence at the beginning of subsection (b): "The Dean shall perform such duties as the Superintendent shall prescribe with the approval of the Secretary."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING RELIEF TO CERTAIN FORMER OFFICERS OF THE SUPPLY CORPS AND CIVIL ENGINEER CORPS OF THE NAVY

The Clerk called the bill (H.R. 8663) to amend the Act of September 20, 1968 (Public Law 90-502), to provide relief to certain former officers of the Supply Corps and Civil Engineer Corps of the Navy.

There being no objection, the Clerk read the bill as follows:

H.R. 8663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 6388 of title 10, United States Code, is amended by adding the following after the last sentence: "The provisions of this subsection are effective as of August 7, 1947.".

SEC. 2. Notwithstanding any other provision of law, a former officer of the Navy in the Supply Corps and Civil Engineer Corps who was not selected for promotion and was discharged prior to September 20, 1968, is entitled to be credited with his total commissioned service in determining the amount of his severance pay and to submit a claim prior to September 20, 1973, for any diminution thereof through a failure to be credited for prior service as an officer in the line.

With the following committee amendments:

On page 1, line 9, delete the words "was not selected for promotion and ", and substitute therefor the words "is considered to have twice failed of selection for promotion to either the grade of lieutenant commander or the grade of lieutenant and who".

On page 2, line 3, after the word "claim" insert the words "for payment".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING AUTHORITY TO GRANT SPECIAL 30-DAY LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES WHO VOLUNTARILY EXTEND THEIR TOURS OF DUTY IN HOSTILE FIRE AREAS

The Clerk called the bill (H.R. 16298) to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

There being no objection, the Clerk read the bill as follows:

H.R. 16298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703(b) of title 10, United States Code, is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEALING OBSOLETE SECTIONS OF TITLE 10, UNITED STATES CODE, AND SECTION 208 OF TITLE 37, UNITED STATES CODE

The Clerk called the bill (H.R. 15112) to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code.

There being no objection, the Clerk read the bill as follows:

H.R. 15112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 4539, 4623, 5981, 6159, and 6406 of title 10, United States Code, are hereby repealed, and (b) section 208 of title 37, United States Code, is hereby repealed.

SEC. 2. A. The analysis of chapter 433 of title 10, United States Code, is amended by striking out the following:

"4539. Horses and mules."

B. The analysis of chapter 439 of title 10, United States Code, is amended by striking out the following:

"4623. Tobacco: enlisted members of Army."

C. The analysis of chapter 553 of title 10, United States Code, is amended by striking out the following:

"5981. Squadrons: detail of officers on active duty to command."

D. The analysis of chapter 561 of title 10, United States Code, is amended by striking out the following:

"6159. Half rating to disabled naval enlisted personnel serving twenty years."

E. The analysis of chapter 573 of title 10, United States Code, is amended by striking out the following:

"6406. Regular Navy and Regular Marine Corps; officers: furlough; furlough pay."

F. The analysis of chapter 3 of title 37, United States Code, is amended by striking out the following:

"208. Furlough pay: officers of Regular Navy or Regular Marine Corps."

With the following committee amendment:

On page 2, following the existing language of section 2 of the bill, add a new section to read as follows:

"SEC. 3. Notwithstanding the first section of this act, a person who is entitled to a pension under section 6159 of title 10, United States Code, on the day before the date of enactment of this act shall continue to be entitled to that pension on and after that date of enactment."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAY AND ALLOWANCES FOR ENLISTED MEMBERS OF A UNIFORMED SERVICE WHO ACCEPT APPOINTMENTS AS OFFICERS

The Clerk called the bill (H.R. 16732) to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status.

There being no objection, the Clerk read the bill, as follows:

H.R. 16732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 17 of title 37, United States Code, is amended—

(1) by adding the following new section:

"§ 907. Enlisted members appointed as officers; pay and allowances stabilized.

"An enlisted member who accepts a permanent or temporary appointment as an officer in a regular or reserve component of a uniformed service shall, following his appointment, be paid the greater of—

"(1) the pay and allowances to which, immediately prior to his appointment, he was entitled as an enlisted member, including—

"(A) proficiency pay to which he would be entitled had he not been appointed as an officer; and

"(B) clothing allowance, except when such member is eligible for payment of a uniform allowance as provided in section 415 of this title; or

"(2) the pay and allowances to which he thereafter becomes entitled as an officer.

However, proficiency pay, incentive pay for hazardous duty , special pay for diving duty, and sea and foreign duty pay may be used in calculating the amount of his former pay and allowances only for so long as the member continues to perform the duty and would be eligible to receive payment had he remained in his former status"; and

(2) by adding the following new item to the analysis:

"907. Enlisted members appointed as officers: pay and allowances stabilized

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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PROVIDING A MORE EQUITABLE STANDARD FOR AWARDING GOLD STAR LAPEL BUTTON

The Clerk called the bill (H.R. 10772) to amend title 10 of the United States Code to provide a more equitable standard for awarding the gold star lapel button.

There being no objection, the Clerk read the bill as follows:

H.R. 10772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1126 of title 10, United States Code, is amended to read as follows:

"(a) A lapel button, to be known as the gold star lapel button, shall be designed, as approved by the Secretary of Defense, to identify widows, parents, and next of kin of members of the armed forces of the United States—

"(1) who lost or lose their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States has been, or may be, engaged; or

"(2) who lost or lose their lives after June 30, 1958, while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING U.S. FLAGS BE PRESENTED TO PARENTS OF DECEASED SERVICEMEN

The Clerk called the bill (H.R. 13195) to amend title 10 of the United States Code to require that U.S. flags be presented to parents of deceased servicemen.

There being no objection, the Clerk read the bill as follows:

H.R. 13195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1482(a) of title 10, United States Code, is amended by striking out "and" at the end of paragraph (9), by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(11) if the person to be presented a flag under paragraph (10) is other than a parent of the decedent, presentation of a flag of appropriate size, but smaller than the flag presented under paragraph (10), to the parents or parent; for the purposes of this paragraph, the term 'parent' includes a natural parent, a stepparent, a parent by adoption or a person who for a period no less than one year before the death of the decedent stood in loco parentis to him, and preference under this paragraph shall be given to the persons who bore a parental relationship at the time of, or most nearly before, the death of the decedent."

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That section 1482(a) of title 10, United States Code, is amended by striking out 'and' at the end of clause (9), by striking out the period at the end of clause (10) and inserting in lieu thereof ', and ', and by adding at the end thereof the following new clause:

"(11) presentation of a flag of equal size to the flag presented under clause (10) to the parents or parent, if the person to be presented a flag under clause (10) is other than the parent of the decedent; for the purposes of this clause, the term 'parent' includes a natural parent, a stepparent, a parent by adoption or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to him, and preference under this clause shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to amend title 10 of the United States Code to provide that United States flags may be presented to parents of deceased servicemen."

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF CERTAIN EXPENSES INCIDENT TO DEATH OF MEMBERS OF THE ARMED FORCES WHERE NO REMAINS ARE RECOVERED

The Clerk called the bill (H.R. 11876) to amend section 1482 of title 10 of the United States Code to provide for the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered.

There being no objection, the Clerk read the bill as follows:

H.R. 11876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1482 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) In any case in which there are no remains of a person covered by section 1481 of this title and the Secretary concerned makes a finding of death with respect to such person, the Secretary may pay the necessary expenses of the services listed in paragraphs (2), (7), and (10) of subsection (a) for the purposes of a memorial service at a location specified by the person who would have been designated under subsection (c) to direct disposition of the remains if there had been any remains."

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That section 1482 of title 10, United States Code, is amended by adding the following new subsection:

"(e) When the remains of a decedent covered by section 1481 of this title, whose death occurs after January 1, 1961, are determined to be nonrecoverable, the person who would have been designated under subsection (c) to direct disposition of the remains if they had been recovered may be—

"(1) presented with a flag of the United States; however, if the person designated by subsection C is other than a parent of the deceased member, a flag of equal size may also be presented to the parents, and

"(2) reimbursed by the Secretary concerned for the necessary expenses of a memorial service.

However, the amount of the reimbursement shall be determined in the manner prescribed in subsection (b) for an interment, but may not be larger than that authorized when the United States provides the grave site. A claim for reimbursement under this subsection may be allowed only if it is presented within two years after the effective date of this subsection, or the date of death, whichever is later."

The committee amendment was agreed to.

(Mr. ZWACH asked and was given permission to extend his remarks at this point in the Record.)

Mr. ZWACH. Mr. Speaker, we are today considering legislation to provide payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered.

I introduced this legislation, H.R 11876, in June of last year. Constituents of mine had a young son who was planning, after his service in the Navy, to study for the ministry. But fate ordained otherwise. While standing watch alone in the early hours of a spring morning as his ship steamed through the calm Pacific, he disappeared. When his absence was noted, the ship was able to retrack in its own wake, but no trace of the young man was ever found.

His parents held a complete memorial service. Later, they were as surprised as I was to learn that even though this son gave his life in the service of his country, there was no provision to reimburse his family for the costs of the memorial services.

The Department of the Army has said that the failure to authorize the reimbursement of the small costs of memorial services is an oversight which warrants correction. This bill would provide for reimbursement of memorial services from January 1, 1961. From that date to the present, there have been only 630 cases where remains have not been recovered. In normal times, the number would be minimal. The Bureau of the Budget has advised that there is no objection to this legislation.

Mr. Speaker, we now have the opportunity to correct this situation, and I urge that all Members join in supporting this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the armed forces in which no remains are recovered."

A motion to reconsider was laid on the table.

EXTENDING CIVIL DEFENSE EMERGENCY AUTHORITIES

The Clerk called the bill (H.R. 16731) to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

There being no objection, the Clerk read the bill as follows:

H.R. 16731

Be it enacted by the Senate and House of Representatives of the United States of

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America in Congress assembled, That section 307 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2297), is further amended by striking out the date "June 30, 1970" and inserting in lieu thereof the date "June 30, 1974".

(Mr. LENNON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LENNON. Mr. Speaker, the purpose of H.R. 16731 is to provide for the continuation of the President's current standby authority to deal with the effects of an enemy attack upon the Nation.

Under section 307 of the Federal Civil Defense Act of 1950, as amended, these emergency powers would terminate on June 30, 1970. Each 4 years since 1950 the Congress has extended the President's power for another 4-year period.

Briefly stated, the power which the President has under this law is to direct that any Federal department provide personnel, materials, and facilities to the Director of Civil Defense, for the aid of the States, to build emergency shelters, arrange for clearing debris and wreckage, repair utilities, hospitals, transportation facilities, and all other activities of this general nature which would be necessary in the event of an imminent or actual attack on this country.

I will point out that the committee report includes all of title III of the Federal Civil Defense Act of 1950, as amended, and all the powers of the President during a civil defense emergency situation are set out in detail in the law itself.

Mr. Speaker, the Armed Services Committee acted favorably upon this bill and unanimously recommended that it be favorably reported. I, therefore, strongly urge that the House take favorable action on H.R. 16731.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN LANDS HELD IN TRUST FOR WASHOE TRIBE OF INDIANS, ALPINE COUNTY, CALIF.

The Clerk called the bill (H.R. 4587) to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.

There being no objection, the Clerk read the bill as follows:

H.R. 4587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the following described public domain land located in Alpine County, California, are hereby declared to be held by the United States in trust for the Washoe Tribe of Nevada and California:

Township 12 north, range 19 east, Mount Diablo meridian, California, section 36, lots 5, 6, that portion of lot 7 lying in the northwest quarter southwest quarter, and lot 9, containing 101.23 acres, more or less.

With the following committee amendments:

Page 1, strike out all of lines 8 through 11 and insert in lieu thereof "Southeast quarter southeast quarter of section 20 and the northeast quarter northeast quarter of section 29, all in Township 11 North, Range 20 East, Mount Diablo base and meridian. Alpine County, Calif., containing 80 acres."

Page 1, following line 11, insert a new section 2 as follows:

"SEC. 2. The amount expended by the United States to acquire the land granted by this Act, as determined by the Secretary of the Interior, shall be deducted from any appropriation that is made to satisfy a judgment by the Indian Claims Commission in Docket No. 288 in which the Washoe Tribe of Nevada and California is entitled to share, and the amount deducted shall be deposited in the miscellaneous receipts of the Treasury."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 759) to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the following described public domain land located in Alpine County, California, are hereby declared to be held by the United States in trust for the Washoe Tribe of Nevada and California:

Township 11 north, range 20 east, Mount Diablo meridian, California, section 20, southeast quarter southeast quarter and section 29, northeast quarter northeast quarter, containing 80 acres, more or less.

SEC. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 759 and insert in lieu thereof the provisions of H.R. 4587 as passed.

The amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 4587 is to convey to the Washoe Tribe of Nevada and California a trust title to 80 acres of public domain.

The Washoe Tribe consists of approximately 1,200 members located in four communities in Nevada and California. One of them is the Woodfords Community in California. This community consists of about 250 Indian members of the tribe. About 10 families are "squatting" on four public domain allotments to individual Indians that are held in trust for multiple heirs of the original allottee. About 20 families are living by invitation on one allotment that is owned by an Indian in fee simple. About 20 families are living on public lands. There is no tribal land at Woodfords.

The 80 acres of public domain that will be conveyed to the tribe by this bill are located 4 miles east and 1 mile north of the Woodfords Community, and are needed by the tribe as a land base on which to construct a housing project with financial assistance from the Department of Housing and Urban Development. In order to qualify under the U.S. Housing Act, a project must have a limited property tax exemption and be located within the area of a local housing authority. The Washoe Tribe has a tribal housing authority for its other communities, and when a trust title to the 80 acres of Woodsford Community is granted the jurisdiction of the tribal housing authority can be extended to include that land.

These Indians have lived in Alpine County for generations and are reluctant to move. Their living conditions are deplorable. They have inadequate housing, contaminated water, and inadequate waste disposal facilities.

The proposed housing development is expected to meet HUD standards and to comply with county code requirements.

The land is now in a tax-exempt status, and the county board of supervisors has endorsed the proposed legislation. The California Legislature has by Senate Joint Resolution No. 16 memorialized the United States to enact legislation of this kind. There is no objection to the bill as amended.

Enactment of the bill will require no appropriation of Federal funds, and the cost to the United States for acquiring the land conveyed will be recouped from the judgment in Indian Claims Commission Docket No. 288.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4587) was laid on the table.

DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

The Clerk called the bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 14984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians, and the Medawakanton and Wahpakoota Tribes of Sioux Indians in Indian Claims Commission dockets numbered

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142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

SEC. 2. The direct descendants of Medawakanton and Wahpakoota Tribes now residing in organized groups at Flandreau, South Dakota, known as Flandreau Santee Sioux Tribe, Niobrara, Nebraska, known as the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, Morton, Minnesota, known as Lower Sioux Community, Welch, Minnesota, known as Prairie Island Indian Community. The above named tribes and communities shall prepare rolls of their members with available records and rolls at the local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. The Secretary of the Interior shall prepare (a) a roll of persons of Sisseton and Wahpeton Mississippi Sioux Indian blood born on or prior to and living on the date of this Act whose name or the name of a lineal ancestor appears on the official approved current rolls of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Upper Sioux Indian Community of Minnesota, of the Sisseton and Wahpeton Band of Sioux Indians, and (b) a roll of persons of Sisseton and Wahpeton Mississippi Sioux Indian blood born on or prior to and living on the date of this Act whose name or the name of a lineal ancestor appears on the 1909 Annuity Payroll of members of the Assiniboine and Sioux Tribes of Fort Peck, Montana. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota, in the manner and within the time limits prescribed by the Secretary for that purpose. The Secretary's determination on all applications for enrollment shall be final. No person shall be eligible to be enrolled under this section who is not a citizen of the United States.

SEC. 4. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purpose of this Act.

SEC. 5. After deducting the amounts authorized in section 1 of this Act, from funds derived from the judgment awarded in Indian Claims Commission dockets numbered 360, 361, 362, 363, and one-half of the amount remaining from docket numbered 359, the balance, plus accrued interest, shall be apportioned on the basis of the roll prepared pursuant to section 2 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community in Minnesota, and the Prairie Island Indian Community in Minnesota, shall be placed on deposit in the United States Treasury to the credit of the respective tribes and 60 per centum of such funds shall be distributed per capita to those tribal members listed on the rolls prepared pursuant to section 2 of this Act, the remainder may be advanced, deposited, expended, invested, or reinvested for any purposes designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided, however,* That none of the funds may be paid per capita to any person other than persons whose names appear on the roll prepared pursuant to section 2 of this Act. The shares of enrollees who are not members of the tribal groups named in this section shall be paid to them in accordance with the terms of this Act, provided they are not on rolls of other tribes not directly concerned.

SEC. 6. After deducting the amounts authorized in section 1 of this Act, from funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and one half of the amount remaining from docket numbered 359, the balance, plus accrued interest, shall be apportioned on the basis of the roll prepared pursuant to section 3 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Devils Lake Sioux Tribe, Fort Totten, North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, and the Upper Sioux Indian Community in Minnesota, shall be placed on deposit in the United States Treasury to the credit of the respective tribes and 70 per centum of such funds shall be distributed per capita to those tribal members listed on the rolls prepared pursuant to section 3 of this Act. The remainder may be advanced, deposited, expended, invested, or reinvested for any purposes designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided, however,* That none of these funds may be paid per capita to any person other than persons whose names appear on the roll prepared pursuant to section 3 of this Act. In the case of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, the Fort Peck Sisseton Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes.

SEC. 7. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons, upon the recommendation of the governing bodies of the tribes named in sections 5 and 6 of this Act.

SEC. 8. Any part of such funds that may be distributed under the provisions of this Act shall not be subject to Federal or State income tax and shall not be subject to any lien, debt, or attorney fees except delinquent debts owed by the tribes to the United States or owed by individual Indians to the tribes, or the United States.

SEC. 9. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

With the following committee amendment:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians, and the Medawakanton and Wahpakoota Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

"SEC. 2. (a) The Flandreau Santee Sioux Tribe at Flandreau, South Dakota, the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community at Morton, Minnesota, the Prairie Island Indian Community at Welch, Minnesota, and the Shakopee Medwakanton Sioux Community of Minnesota shall prepare rolls of their members who are lineal descendants of the Medwakanton and Wahpakoota Tribes, and who were born on or prior to and are living on the date of this Act, using available records and rolls at the local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

"(b). The Secretary of the Interior shall prepare a roll of the lineal descendants of the Medawakantan and Wahpakoota Tribes who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

"SEC. 3. (a) The Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Upper Sioux Indian Community of Minnesota shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe and who were born on or prior to and are living on the date of this Act, using available records and rolls at the local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

"(b). The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, including the 1909 Annuity Payroll of members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

"SEC. 4. No person shall be eligible to be enrolled under sections 2 or 3 who is not a citizen of the United States.

"SEC. 5. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purpose of this Act.

"SEC. 6. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission dockets numbered 360, 361, 362, 363, and one-half of the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 2 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe, the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Medawakauton Sioux Community, and who reside on their respective reservations, shall be placed on deposit in the United States Treasury to the credit of the respective groups. Sixty per centum of such funds shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Pro-*

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vided, That none of the funds may be paid per capita to any person whose name does not appear on the roll prepared pursuant to subsection 2(a) of this Act. The shares of non-resident members of such groups and the shares of enrollees who are not members of such groups shall be paid to them in accordance with the terms of this Act.

"SEC. 7. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 3 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, the Upper Sioux Indian Community of Minnesota, and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, and who reside on their respective reservations, shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided,* That none of the funds may be paid per capita to any person whose name does not appear on the roll prepared pursuant to section 3(a) of this Act; and in the case of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes. The shares of non-resident members of such groups and the shares of enrollees who are not members of such groups shall be paid to them in accordance with the terms of this Act.

"SEC. 8. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons, after considering the recommendations of the governing bodies of the groups involved.

"SEC. 9. The funds distributed under the provisions of this Act shall not be subject to Federal or State income tax.

"SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 14984 is to authorize the distribution and use of seven Indian Claims Commission judgments in favor of the Mississippi Sioux Indians. The judgments in favor of the Sisseton-Wahpeton Bands of the Mississippi Sioux totaled $5,874,039.50. The judgments in favor of the Medawakanton-Wahpakoota Bands totaled $6,375,960.50.

The money to pay the judgments has been appropriated, but it cannot be used until authorizing legislation is enacted.

The judgments were in favor of aboriginal bands that do not exist today, and there is no modern tribal entity that can be said to be the successor of the aboriginal bands. The bill, therefore, provides that the money will be distributed on the basis of rolls to be prepared or approved by the Secretary of the Interior containing the names of the living descendants of the aboriginal bands.

It is estimated that about one-half of the descendants of the Sisseton-Wahpeton Bands are residing on the Devils Lake Reservation, N. Dak., the Sisseton Reservation, S. Dak., the Fort Peck Reservation, Mont., and the Upper Sioux Community, Minn. The rest of the descendants are scattered.

It is estimated that about one-sixth of the descendants of the Medawakanton-Wahpakoota Bands are residing on the Flandreau Reservation, S. Dak., the Santee Reservation, Nebr., the Lower Sioux Community, Minn., the Prairie Island Community, Minn., and the Shakopee Community, Minn. The remaining descendants are scattered.

After the descendancy rolls have been prepared, the bill requires the unexpended balances of the judgments, plus accrued interest, to be apportioned equally among the persons whose names appear on the rolls. Enrolled descendants of the Sisseton-Wahpeton Bands who are members of the Devils Lake, Sisseton-Wahpeton, Upper Sioux, and Fort Peck tribes and who are residing on their respective reservations will receive 70 percent of the amount apportioned to them per capita, and the remaining 30 percent will be paid to their respective tribes to be used for tribal programs. Enrollees who are not residing on the reservations named will receive 100 percent of the amount apportioned to them per capita. Any part of the 30 percent paid to the tribes for tribal purposes, however, may also be distributed per capita if the tribes wish to do so and the Secretary of the Interior approves.

The bill provides for the same distribution to enrolled descendants of the Medawakanton-Wahpakoota Bands, except that the percentages are 60 to 40 percent rather than 70 to 30 percent, and the tribal groups involved are the Flandreau Santee Sioux, S. Dak., the Santee Sioux, Nebr., the Lower Sioux, Minn., the Prairie Island Community, Minn., and the Shakopee Community, Minn.

The funds paid to the nine modern tribes or groups may be used for any purpose that is authorized by the tribe and approved by the Secretary of the Interior. Although restrictive language has not been included in the bill, the committee has requested the Secretary of the Interior to consider carefully the feasibility and desirability of programing the use of some of these funds for educational purposes. The educational needs of the Indians should have a high priority when program plans are made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEAL OF ACT OF AUGUST 25, 1959, RESPECTING FINAL DISPOSITION OF THE AFFAIRS OF THE CHOCTAW TRIBE

The Clerk called the bill (H.R. 15866) to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe.

There being no objection, the Clerk read the bill as follows:

H.R. 15866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 25, 1959 (73 Stat. 420), as amended, is repealed.

SEC. 2. Repeal of the Act of August 25, 1959, shall not be construed to abrogate, impair, annul, or otherwise affect any right or interest which may have vested under the provisions of said Act nor shall repeal affect any legal action pending on the date of enactment of this Act.

With the following committee amendment:

Page 1, following line 4, add a new section 2 as follows:

"SEC. 2. Repeal of the Act of August 25, 1959, shall not be construed to abrogate, impair, annul or otherwise affect any right or interest which may have vested under the provisions of said Act nor shall repeal affect any legal action pending on the date of enactment of this Act."

The committee amendment was agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 15866 is to repeal a 1959 statute which directed the Secretary of the Interior to complete the action authorized by a 1906 statute entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes."

The 1959 statute directed the Secretary to complete this action by disposing of the few remaining tribal assets; and by conveying to a tribal corporation organized under State law any tribal assets which the tribe wants to retain. A per capita distribution of any tribal funds was already authorized by the 1906 act.

The 1959 statute did not affect the trust status of lands allotted to individual members of the tribe, but it did provide for a termination of all special relationships between the United States and the tribe as a governmental entity.

Numerous problems arose in carrying out the provisions of the 1959 statute, which directed that the statute should be fully executed within 3 years or as soon thereafter as practicable. This time requirement was extended by Congress three times to the present date of August 25, 1970.

The problems encountered revolved principally around clearing land titles and finding able and willing buyers for the tribal lands. In addition some Federal programs initiated during recent years require continued Federal recognition of the tribal entity in order for the tribe to participate. Finally, there has been a change of sentiment within the tribe and within the Department of the Interior regarding the wisdom of terminating all special relationships between the Federal Government and the tribe.

Enactment of the bill is justified, the committee believes, on the grounds that, first, it has been difficult to clear title to tribal lands and dispose of them, second, there is no need to proceed with the process rapidly, third, dissolution of the tribal government at this time is not necessary for the accomplishment of any current Federal policy, fourth, retention of the tribal government is desired by the Indians and will facilitate participation in some Federal programs, fifth, if the 1959 statute were not repealed it would need to be amended in some particulars, and sixth, repeal of the 1959 statute will contribute to the economic betterment of the tribe and its members.

The committee wishes to emphasize that it will not regard the enactment of this bill, before the termination of the Choctaw tribal government is an accomplished fact, as any precedent for reestablishing a tribal government that has already been terminated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PREPARATION OF ROLL OF PERSONS WHOSE LINEAL ANCESTORS WERE MEMBERS OF THE CONFEDERATED TRIBES OF WEAS, PIANKASHAWS, PEORIAS, AND KASKASKIAS, AND DISPOSITION OF FUNDS APPROPRIATED

The Clerk called the bill (S. 885) to authorize the preparation of a roll of persons whose lineal ancestors were members of the confederated tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission dockets numbered 314, amended, 314–E and 65, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

S. 885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements: (1) they were born on or prior to and were living on the date of this Act; (2) their names or the name of a lineal ancestor from whom they claim eligibility appears on (a) the final roll of the Peoria Tribe of Indians of Oklahoma, pursuant to the Act of August 2, 1956 (70 Stat. 937), or (b) the January 1, 1937, census of the Peoria Tribe, or (c) the 1920 census of the Peoria Tribe, or (d) the Indian or Citizen Class lists pursuant to the Treaty of February 23, 1867 (15 Stat. 520), or (e) the Schedule of Persons or Families composing the United Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, annexed to the Treaty of May 30, 1854.

(b) Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose by the Secretary of the Interior. The determination of the Secretary regarding the eligibility of an applicant shall be final.

Sec. 2. After the deduction of attorneys' fees and expenses and the administrative costs involved in the preparation of the roll and the distribution of the individual shares, the remaining funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Acts of May 13, 1966 (80 Stat. 141, 150), and June 19, 1968 (82 Stat. 239), in satisfaction of judgments that were obtained by the Peoria Tribe on behalf of the Wea Nation in Indian Claims Commission dockets numbered 314, amended, and 314–E, respectively, and the funds to the credit of the Peoria Tribe of Oklahoma on behalf of the Wea, Piankashaw, Peoria, and Kaskaskia Nations that were appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), in satisfaction of a judgment in docket numbered 65, shall be disposed of in the following manner: The Secretary shall pay $3,000 of such funds to the Peoria Tribe of Oklahoma for improvement and maintenance of the Peoria Indian Cemetery located approximately ten miles northeast of Miami, Oklahoma, and shall distribute the balance of such funds in equal shares to those persons whose names appear on the roll prepared pursuant to section 1 of this Act.

Sec. 3. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a share payable to a living enrollee directly to such enrollee and the Secretary shall distribute a per capita share of a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A share payable to a person under twenyty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such person.

Sec. 4. Funds that may hereafter be deposited in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea, Kaskaskia, Piankashaw, or Peoria Nation, to pay any judgment arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 99, 289, 313, 314–A, B, C, and D, and 338 and the interest accrued thereon, after payment of attorneys' fees and expenses and all costs incident to bringing the roll current as provided in this section and distributing the shares, shall be distributed on a per capita basis in accordance with section 3 of this Act to persons whose names appear on the roll prepared under section 1, after the roll has been brought current to the date the funds are appropriated by adding names of persons to the roll who were born after the date of this Act, but on or prior to and living on the date the funds are appropriated, and by deleting names of enrollees who died between the effective date of this Act and the date the funds are appropriated.

Sec. 5. The funds distributed under the provisions of this Act shall not be subject to the Federal or State income taxes.

Sec. 6. All claims for per capita shares, whether by a living enrollee or by the heirs or legatees of a deceased enrollee, shall be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, not later than three years from the date of approval of this Act. Thereafter, all claims and the right to file the same shall be forever barred and the unclaimed shares, along with unexpended tribal and judgment funds appropriated for tribal roll preparation and distribution, shall revert to the Peoria Tribe.

Sec. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

With the following committee amendments:

Page 3, line 11, strike out "funds." and insert "funds in equal shares to those persons whose names appear on the roll prepared pursuant to section 1 of this Act."

Page 3, line 23, strike out "persons." and insert "person."

Page 4, following line 20, insert a new section 6 as follows, and renumber the succeeding section "Section 7.":

"Sec. 6. All claims for per capita shares, whether by a living enrollee or by the heirs or legatees of a deceased enrollee, shall be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, not later than three years from the date of approval of this Act. Thereafter, all claims and the right to file the same shall be forever barred and the unclaimed shares, along with unexpended tribal and judgment funds appropriated for tribal roll preparation and distribution, shall revert to the Peoria Tribe."

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, the purpose of S. 885 is to provide for a per capita distribution of three judgments by the Indian Claims Commission totaling $2,049,273 that have been recovered on behalf of Indian groups that were merged under an 1854 treaty and called the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias. The distribution will be on the basis of a roll to be prepared by the Secretary of the Interior showing the descendants of the 1854 group. Before making the distribution, $3,000 will be paid to the Peoria Tribe for the maintenance of a tribal cemetery.

The bill also provides for a per capita distribution, on the basis of an updated roll, of any judgments that may be recovered by this same group in seven claims cases that are still pending.

Appropriations to pay the three judgments have been made, but the money may not be used until authorizing legislation is enacted. This bill will provide that authorization.

There is no present-day tribe that is the full and complete successor of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, and the Peoria Tribe of Oklahoma is one over which Federal supervision has been terminated. The judgment funds should therefore be distributed equally among the lineal descendants of Confederated Tribes who are now living, and the bill so provides. When the other pending claims cases of these Indians are completed, any judgments rendered will be distributed in the same manner, but on the basis of an updated descendancy roll.

Any per capita share that is not claimed within 3 years from the date the bill is enacted, and any unused funds that were reserved for the preparation of the roll, will escheat to the Peoria Tribe.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER EXTENDING PERIOD OF RESTRICTIONS ON LANDS OF QUAPAW INDIANS, OKLAHOMA

The Clerk called the bill (S. 887) to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes.

There being no objection, the Clerk read the bill as follows:

S. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

> existing restrictions, tax exemptions, and limitations affecting lands of Quapaw Indians in Oklahoma that were extended to March 3, 1971, by the Act of July 27, 1939 (53 Stat. 1127), are hereby extended for a further period of twenty-five years from the date on which such restrictions, tax exemptions, and limitations would otherwise expire.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the purpose of S. 887 is to extend for 25 years the existing restrictions, tax exemptions, and limitations on Quapaw Indian lands in Oklahoma. These restrictions will expire on March 3, 1971, unless extended by statute.

At the present time there are 79 allotments, comprising almost 12,500 acres, held wholly or partially in a restricted fee status. The Quapaw Indians have lead and zinc leases, but no oil and gas leases. More than 6,500 acres are under permit. Several small towns are located on Quapaw lands, and many of these permits cover town lots. The Bureau of Indian Affairs has had problems collecting rents and expresses a doubt that the residents would pay rent to the Indian owners if the lands become unrestricted. The Indians would probably lose control of the land.

The Department of the Interior advised the committee that there is a definite need to continue supervision and administration of the mineral leases and the town lots. Although the Department recommended substitute language which would have extended the period of restrictions for an indefinite time, the bill as enacted by the Senate retains the 25-year provision. The committee concurs in that action. The Congress, rather than the Secretary of the Interior, should decide whether an extension beyond 25 years is needed.

No additional Federal expenditure will result from the enactment of this bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND USE IN MILWAUKEE COUNTY, WIS.

The Clerk called the bill (H.R. 16496) to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs.

There being no objection, the Clerk read the bill, as follows:

H.R. 16496

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any provision of the Act entitled, "An Act to authorize the Administrator of Veterans' Affairs to convey certain lands and to lease certain other lands to Milwaukee County, Wisconsin", approved September 1, 1949 (63 Stat. 683), or the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin", approved August 27, 1954 (68 Stat. 866)—
>
> (1) Milwaukee County, Wisconsin, is authorized to lease all or any part of the land conveyed to it pursuant to such Acts subject to the following conditions—
>
> (A) such land or part thereof may be leased by Milwaukee County only to a nonprofit corporation, which corporation shall construct and equip on such land structures, facilities, and other permanent improvements useful for either public recreational purposes, general civic purposes, or both such purposes; and
>
> (B) after completion of the improvements specified in subparagraph (A) above, such lands or parts thereof shall be leased back to Milwaukee County.
>
> (2) No action or use of any kind made with respect to the lands leased pursuant to paragraph (1) above, whether made by Milwaukee County or the nonprofit corporation concerned, shall be deemed to be grounds for the reversion to the United States of the title to the lands conveyed to Milwaukee County pursuant to such Acts.
>
> SEC. 2. The Administrator of Veterans' Affairs shall issue such written instruments as may be necessary to bring the conveyances made to Milwaukee County, Wisconsin, on January 11, 1950, and April 19, 1955, pursuant to the Acts referred to in the first section of this Act, into conformity with such first section.

With the following committee amendment:

> On page 2, line 13, strike out down to and including the comma on line 16 and insert in lieu thereof the following: "(2) Neither the leasing of the lands pursuant to paragraph (1) above nor the use thereof for public recreational or general civic purposes".

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, this bill proposes that Milwaukee County, Wis., be authorized to lease to a nonprofit corporation for improvement for recreational or civic purposes land previously conveyed to the county. After such improvement the land would be leased back to the county. No use or action would be grounds for reversion of title to the United States.

The Veterans' Administration hospital and center at Wood, Wis., was established in 1867 as a national home for disabled volunteer soldiers. Subsequently, by an Executive order in 1930, this home and other agencies were consolidated and transferred to the Veterans' Administration. As presently operating, a center exists comprising 1,080 hospital beds, 132 nursing beds, 1,150 domiciliary beds, and 100 restoration beds.

Under Public Law 81–281 the Veterans' Administration conveyed to the county of Milwaukee two parcels of land containing approximately 101.5 acres and then leased, September 1, 1949, to the county a third parcel of approximately 18.5 acres, the latter to be for a 20-year period. Public Law 83–669 authorized the conveyance by the Veterans' Administration of 28 acres to be used for highway, recreational, and other purposes. Both of these laws provided for the reversion of the land to the United States in the event there was any alienation or attempt to alienate a portion of the land.

The committee has been advised by the corporation counsel that—

> Milwaukee County is the owner and operator of a stadium constructed on approximately 130 acres of land conveyed to the county by the United States Government. The stadium is used for the playing of professional baseball and football games and occasionally for other public gatherings.
>
> The county board is the governing body of the county and presently has under consideration a proposal by a non-stock, nonprofit corporation called "the Greater Milwaukee Pladium, Inc." to build an indoor sports arena on the stadium grounds. The cost of constructing the arena is estimated to be in the area of $24,000,000.00 and is to be financed by the sale of bonds issued by the corporation. The financing arrangement contemplates a lease by the county of the land to the corporation for a period of 28 years and then a lease-back to the county for a similar period of years under a guaranteed annual rental of approximately $1,760,000.00. The annual rental would be sufficient to amortize the bonds over the term of the lease. Title to the arena would vest in the county on the termination of the lease. While the bonds would be secured by a mortgage on the sports arena as well as the leasehold interest in the land, the primary security for the bonds would be the guaranteed annual rental to be paid by the county.

The Veterans' Administration favors this proposal provided that it is enacted as reported by the committee which provides that neither the leasing of the lands nor the use thereof for recreation or general civic purposes shall be deemed grounds for the reversion of entitlement to the United States.

There would be no additional cost as a result of the enactment of this proposal.

Mr. DAVIS of Wisconsin. Mr. Speaker, a few explanatory remarks relating to H.R. 16496, of which I am one of the cosponsors, along with my colleagues who represent parts of Milwaukee County, Mr. ZABLOCKI and Mr. REUSS.

A new sports arena has long been the dream of the sports-minded people of Milwaukee County. This bill, if enacted, will permit the county to lease a tract of land to a nonprofit corporation known as Greater Milwaukee Pladium, Inc., that corporation to construct the sports arena thereon and then re-lease the entire property back to Milwaukee County for operation.

The tract in question is a portion of a larger tract, on which the Milwaukee County Stadium now stands, conveyed to Milwaukee County in two separate parcels in 1930 and in 1949. The conveyance for both parcels provided for the reversion of the land to the United States in the event there was any alienation or attempt to alienate any portion of the land conveyed.

The question has been raised as to whether the above-cited leasing arrangement might be construed as an alienation so as to effect reversion of title to the United States.

As the bill has been amended after consideration by the Veterans' Administration and the House Veterans' Affairs Committee, it would simply make it clear that the above leasing arrangement would not be considered as grounds for such reversion.

Mr. Speaker, this is purely a technical corrective measure and it involves no additional cost.

I trust the bill will be unanimously passed. I want to take this occasion to thank Chairman TEAGUE and the mem-

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bers of the Committee on Veterans' Affairs for their prompt and favorable consideration.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT BEDFORD, MASS., FOR EDITH NOURSE ROGERS

The Clerk called the bill (H.R. 17352) to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital.

There being no objection, the Clerk read the bill as follows:

H.R. 17352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital at Bedford, Massachusetts, shall hereafter be known and designated as the Edith Nourse Rogers Memorial Veterans' Hospital. Any reference to such hospital in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Edith Nourse Rogers Memorial Veterans' Hospital.

Mr. TEAGUE of Texas. Mr. Speaker, Congresswoman Edith Nourse Rogers was elected to the 69th Congress to fill the vacancy caused by the death of her husband, John Jacob Rogers, and was reelected to the 70th and succeeding Congresses and was serving at the time of her death on September 10, 1960, a period of over 35 years.

Mrs. Rogers' first activity in the field of disabled veterans was when she served with the American Red Cross in the care of disabled soldiers in the First World War in 1917. Thereafter, President Harding appointed her a special representative in 1922; President Coolidge continued her appointment in 1923.

She served on the Committee on Veterans' Affairs, or its predecessor committee, the Committee on World War Veterans' legislation, from the time of her election to Congress until her death and was chairman of the Committee on Veterans' Affairs in the 80th and 83d Congresses.

While Mrs. Rogers was interested in all of the affairs of veterans, she is mainly identified in the public mind with her special concern for paraplegics as evidenced by the two laws in which she was keenly interested; namely, housing for paraplegic veterans, and the so-called automobiles for amputees.

No hospital during her service received more attention from her than the one at Bedford, Mass., though she was keenly interested in the entire medical program. It seems indeed appropriate to the committee that the hospital at Bedford be named in her honor.

While it is not the general practice of the Veterans' Administration to name its hospitals for individuals, there are exceptions. The first hospital named was for Royal C. Johnson, the first chairman of the Committee on World War Veterans Legislation, and by Public Law 79–93 the VA hospital at Sioux Falls, S. Dak., was designated as the Royal C. Johnson Veteran Hospital. By Public Law 79–189 the hospital at Montrose, N.Y., was designated as the President Franklin Delano Roosevelt VA Hospital.

There would be no additional expense to the Treasury as a result of the enactment of this legislation.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I warmly applaud the proposal to rename the Veterans' Administration's Bedford Hospital to honor a distinguished and very gracious woman, the late Congresswoman Edith Nourse Rogers. I urge its passage. The name of Mrs. Rogers is well known to many of the men and women who served in World War I and World War II, for the American veteran has had few greater champions of his cause.

The list of her contributions to the cause of veterans everywhere is unlimited. She played a major role in drafting the GI Bill of Rights for veterans of World War II. She also introduced the bill which created the Women's Army Corps, the WAC. She made many military and veterans' hospital inspection trips overseas during World War I—when she was a $1-a-year inspector of veterans hospitals—and also during the recent World War. In Congress, Mrs. Rogers was ranking minority member of the Veterans' Affairs Committee for many years and its chairman during the 80th and 83d Congresses. She ably represented the Fifth Congressional District of Massachusetts for 35 years.

I also applaud my distinguished colleague from Massachusetts (Mr. MORSE), who succeeded Mrs. Rogers, for his sponsorship of this bill which is an entirely fitting tribute to a great lady.

The Bedford VA Hospital is a neuropsychiatric hospital, which has some 936 operating beds. It is an old hospital, and I have no doubt that Mrs. Rogers gave it considerable attention and concern since it was located in her district.

Congresswoman Rogers, of Lowell, Mass., developed her interest in veterans' needs when she served overseas for the American Red Cross. She was later a personal representative of three Presidents, Harding, Coolidge, and Hoover as a hospital inspector. She also worked at one time at the Walter Reed Army Hospital here in Washington. Her lifetime of personal experience and active concern made her an authority on veterans' affairs.

As a member myself of the Veterans' Affairs Committee, I know of the legacy of her concern which inspires us today in our work.

To rename the Bedford VA Hospital after Congresswoman Edith Nourse Rogers is an appropriate memorial to her good works. I am sure she would have felt great pride at this recognition. I again urge the passage of this bill to honor her name.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAMING OF VETERANS' ADMINISTRATION CENTER AT BONHAM, TEX., FOR SAM RAYBURN

The Clerk called the bill (H.R. 17613) to provide for the designation of the Veterans' Administration facility at Bonham, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RYAN. Mr. Speaker, reserving the right to object—and I do not intend to object—I should like simply to take this opportunity to commend the chairman of the Veterans' Committee, the gentleman from Texas (Mr. TEAGUE) for having brought this bill to the floor to designate the Veterans' Administration center at Bonham, Tex., in honor of our late beloved Speaker Sam Rayburn.

I think it is highly appropriate that this action be taken. Indeed, I have expressed my support for it in the past. I think we do our former Speaker honor, and we honor the veterans by doing so.

Mr. Speaker, also I was glad to support the passage of the previous bill H.R. 17352, naming the Veterans' Administration hospital at Bedford, Mass., for the late Edith Nourse Rogers.

Both of these bills have been presented as separate pieces of legislation. They are not controversial. For many years I have urged the Veterans' Committee to bring them to the floor, independent of other legislation, to which, as the Veterans' Committee well knows, I am adamantly opposed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 17613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration center at Bonham, Texas, shall hereafter be known and designated as the Sam Rayburn Memorial Veterans Center. Any reference to such center in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Sam Rayburn Memorial Veterans Center.

Mr. TEAGUE of Texas. Mr. Speaker, this bill would name the Veterans' Administration center hospital and domiciliary at Bonham, Tex., for the late Sam Rayburn, who served as Speaker of the House of Representatives longer than any other Member of the House in the history of the United States.

Prior to Mr. Rayburn's election as Speaker on September 16, 1940, Mr. Rayburn had served as majority leader in the 75th and 76th Congresses and he served as minority leader in the 80th and 83d Congresses.

During his long period of service which began on March 4, 1913, until his death on November 16, 1961, Speaker Rayburn had always shown a keen interest in the affairs and general welfare of the veterans of this Nation. The hospital and domiciliary at Bonham had a special place in his heart and it is indeed appropriate that this installation be named in honor of this great American.

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While it is not the general practice of the Veterans' Administration to name its hospitals for individuals, there are exceptions. The first hospital named was for Royal C. Johnson, the first chairman of the Committee on World War Veterans Legislation, and by Public Law 79-93 the VA hospital at Sioux Falls, S. Dak., was designated as the Royal C. Johnson Veteran Hospital. By Public Law 79-189 the hospital at Montrose, N.Y., was designated as the President Franklin Delano Roosevelt VA Hospital.

There would be no additional expense to the Treasury as a result of the enactment of this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

ACQUISITION OF PROPERTY FOR INDEPENDENCE NATIONAL HISTORICAL PARK

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15608) to amend the Act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park, as amended.

The Clerk read as follows:

H.R. 15608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of the Act entitled, "An Act to provide for the establishment of the Independence National Historical Park, and for other purposes", approved June 28, 1948 (62 Stat. 1061), as amended (16 U.S.C. 407r), is further amended by striking out "$7,950,000" and inserting in lieu thereof "$11,200,000."

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. Does the gentleman from Iowa seek to have the gentleman from North Carolina yield?

Mr. GROSS. Mr. Speaker, I was simply going to ask someone to give this bill a slight explanation at least.

The SPEAKER. The gentleman from North Carolina is recognized for 20 minutes.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation now before the House deals with the Independence National Historical Park in Philadelphia. It is the same legislation which the House considered and approved during the 90th Congress, but which failed to become law because the other body did not act.

All the bill proposes to do is to raise the authorized ceiling on appropriations for the park so that the National Park Service can request the funds to acquire the last nonhistoric structures within the heart of the historical area. It calls for an increase from $7,950,000 to $11,200,000—a total of $3,250,000. If the properties involved are acquired, the Park Service expects to spend approximately $58,000 to have the buildings demolished and to landscape the property so that it will be compatible with the historic setting.

Mr. Speaker, the park which we are talking about is no ordinary area—it is the Independence National Historical Park. The heart of the park is a 3-block area comprising Independence Hall, where the Declaration of Independence was first read publicly on July 8, 1776; Carpenter's Hall, where the first Continental Congress met; Congress Hall, where the Federal Congress met; and many other historic or restored structures.

It also includes, within its boundaries, the property and buildings which housed the central offices of the Reliance Insurance Co. The company has since moved its main offices elsewhere because it had no room to expand and it has no objection to the acquisition of its property by the Government. In fact, it gave the Park Service an option to buy the property in 1967. In good faith, the company has renewed that option several times in order to allow a reasonable opportunity for the necessary authorization to be approved. Now, it is pressed to consummate the transaction or remodel the buildings so that it can get a reasonable return on its investment.

The option which the National Park Service is presently holding expires on June 20, this year. While the company is not willing to renew it indefinitely, the members of the committee were told that the company would again renew the option if it appeared reasonably certain that the Congress would take favorable action on the proposal. I am confident that approval of this legislation today will result in an extension of the option until the needed funds can be approved.

Mr. Speaker, the legislation affords the Government a reasonable opportunity to acquire a property which should be purchased in order to protect the historic setting of the area. This is one of those areas where the historic values are so important that we should not allow this opportunity to purchase the incompatible nonhistoric structures to pass—especially when it is obvious that the purchase at some later date could cost substantially more.

The property involved consists of three buildings—one of which is a 16-story office building constructed in the 1920's. If they are acquired they should be promptly removed from the scene so that their demolition will not interfere with the celebration of the bicentennial of the American Independence which is expected to draw millions of visitors to the historic area.

Mr. Speaker, the committee reviewed this legislation just as it would a new proposal. We remain convinced of its merits now, just as we were in the 90th Congress when we recommended the bill which the House approved. The bill which we recommend today is substantively identical with the bill which the other body has approved. I recommend approval of the legislation by the Members of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to my good friend from Iowa.

Mr. GROSS. I thank my friend from Colorado for yielding.

Do I understand this started out to cost $4,435,000 or somewhere in that neighborhood?

Mr. ASPINALL. This authorization calls for an additional $3,250,000. Of that amount, of course, we expect to spend $580,000 and have the buildings demolished.

Mr. GROSS. I am speaking of earlier legislation on this subject.

Mr. ASPINALL. As I remember it—and I would have to go back to the record on this, because I was not looking for this question—as I recollect, the requests in the first authorizations were considerably more than what we have in the present legislation.

Mr. GROSS. Considerably more or less?

Mr. ASPINALL. More.

Mr. GROSS. That is why I am asking this question. I cannot figure out from the report whether the original request was $4 million, $7 million, or what.

Mr. ASPINALL. I think my friend is mixed up with the previous authorizations that we had in order to obtain other property in order to establish this historical park. This legislation places this authorization on top of the others, and that is the reason why the various figures of $8,950,000 and $11,200,000. We amended the bill to get the money for this particular purpose, and we raised the original authorization.

Mr. GROSS. I see. Then, this does not cover all of the property that has been acquired to take care of this park?

Mr. ASPINALL. No; my colleague is correct. I do not know how many millions of dollars it is, but it is a good-sized sum.

Mr. GROSS. But a good many millions of dollars have been spent in addition to this to acquire the properties. Is that correct?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. I see.

Mr. TAYLOR. Will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from North Carolina.

Mr. TAYLOR. I might state that the 1948 act which established this park authorized $4,435,000 to be spent. The monetary figures have been increased on two occasions, once in 1952 and again in 1958. It is now $7,950,000. This legislation will increase it by the sum of $3,250,000, to a total of $11,200,000. I might point out that the property we are acquiring is inside the original boundaries of the park. It is the last remaining structure in the park to be acquired.

Mr. GROSS. If the gentleman will yield further, may I ask the gentleman from North Carolina, has the city of Philadelphia made any contribution by

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way of contributing property or funds to this project?

Mr. ASPINALL. If the gentleman will permit me, the city of Philadelphia and those residing there have contributed a great deal.

I will yield to my good friend from Pennsylvania (Mr. SAYLOR) to answer that question.

Mr. SAYLOR. I will be happy to tell my good friend from Iowa that the city of Philadelphia and the State of Pennsylvania have matched dollar for dollar all of the money that has been spent both for acquisition of property and for development.

Mr. GROSS. That is more than most places. I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 15608.

The purpose of this legislation is to amend the act of June 28, 1948, as amended, by increasing the amount authorized to be appropriated for the acquisition of property for the Independence National Historical Park, from $7,950,000 to $11,200,000. The increase of $3,250,000 will provide the sum necessary to permit the acquisition of the last remaining nonhistoric structures within the boundaries of the Independence National Historical Park.

The properties involved in the proposed acquisition are owned by the Reliance Insurance Co. The properties are located in the central area of the park and constitute a severe intrusion on the historic values and scenic qualities of the park.

In 1967, the United States obtained an 18-month option to purchase these properties from the Reliance Insurance Co. for the sum of $3,250,000. The option has been renewed to the financial detriment of the owners and is based upon a 1966 appraisal. Involved in the proposed acquisition are a 16-story office building and two smaller adjacent structures.

If this legislation is passed and the properties acquired, the National Park Service plans to demolish the buildings and landscape the areas to be compatible with the surrounding historical park. The National Park Service anticipates that the demolition and landscaping of the area can be completed in sufficient time to permit the planning of events and activities within the central unit of the Independence National Historical Park to commemorate the 200th anniversay of the Declaration of Independence and the bicentennial of the American Revolution.

In 1948 Congress authorized Independence National Historical Park for the purpose of preserving for the benefit of the American people certain historical structures and properties of outstanding national significance associated with the American Revolution, the founding and growth of these United States. In 1976 this Nation will commemorate the 200th aniversary of the historical events which occurred at Independence National Historical Park. The passage of this legislation is in keeping with the original intent of Congress in establishing Independence National Historical Park.

Mr. Speaker, I urge the rules be suspended and H.R. 15608 be passed.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to my good friend from Iowa.

Mr. KYL. In further response to the gentleman from Iowa, regarding contributions made by the city of Philadelphia and the State of Pennsylvania, the city of Philadelphia has had removed from its tax rolls some of the most valuable property that otherwise would be taxed.

I want to thank the gentleman from Iowa for taking the time to discuss this matter. The proposal is again brought to the floor of the House by the gentleman from Colorado with complete honesty, and I would not want to have anyone think there is some specious operation involved. So I thank him very much.

Mr. SAYLOR. I want to say to the Members of the House that as near as I can determine this is the only park in the United States where you have had the Federal Government and the State government and the city government cooperate. We have had other parks where States have acquired parks and given them to the Federal Government. But this a a metropolitan area right in the heart of the city of Philadelphia.

The property being acquired at the present time was within the original boundary of the city.

Mr. Speaker, I might as a Member of the House state that insofar as I am personally concerned there is still one building that should be acquired for the rounding out of Independence National Historical Park and that is the building of the New Amsterdam Casualty Co.

Mr. Speaker, I would sincerely hope that the Park Service would cooperate with our committee, the city of Philadelphia and the State of Pennsylvania in seeing to it that very shortly they will recommend the acquisition of that property.

Mr. Speaker, I urge that the rules be suspended and that this bill be enacted.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the legislation now before the House.

It is not a complex bill. If enacted it will authorize the appropriation of the funds necessary to acquire the last remaining nonhistoric property within the boundaries of the Independence National Historical Park.

The property to be acquired is a 16-story steel and concrete-frame office building and two associated smaller buildings. As office buildings go, I am told, this building is not unsuitable for continued use, but it is within the authorized boundaries of one of our most sacred national historical parks—the Independence National Historical Park in Philadelphia—and it is incompatible with the historic seting.

Mr. Speaker, it is important that the Government proceed with this acquisition promptly for at least two reasons:

First, we will soon be celebrating the bicentennial of American independence. At that time, visits to this nationally significant area are expected to expand tremendously. Visitations at this area are already substantial. We were advised that in 1969, the recorded visitation rate was almost 2½ million. It is anticipated that the visitation rate will double in 1976.

Second, we should act on this legislation promptly so that the Government can be assured of acquiring this property at a reasonable price. In April of 1967, the owner of this property—Reliance Insurance Co.—offered to sell the property involved to the National Park Service at its appraised value—$3,200,000. Since that time properties in Philadelphia as elsewhere have continued to increase in value, but the company has extended the option which it gave to the Government several times. Naturally, the company cannot extend its option indefinitely. It has now reached the conclusion that if the Government is not going to acquire it, then it should proceed to remodel it so that it can rent it to desirable tenants on long-term leases. This would, of course, drive the purchase price up if the Government decided to acquire it later. So we now have the choice of first, purchasing it at a known price; second, deferring purchase and probably paying substantially more later; or third, not purchasing it at all. But action now—one way or the other—is imperative, because the current option expires on June 20, 1970. The members of the committee have been assured that if favorable action is taken on the legislation, then the company will agree to an extension of the option for a reasonable period of time so that the necessary funds can be approved.

The objective of the national historical park is to create an unforgettable atmosphere of the past at a place which, perhaps more than any other, determined the course of this country. Here, the Continental Congress met and established the framework which founded our system of government and developed the principles which have guided this country for nearly two centuries. Here the Declaration of Independence was prepared and signed, so that this is the birthplace of our Nation. Here the Bill of Rights was added to the Constitution.

If this legislation is approved and funds are made available, I am convinced that the Park Service will move promptly to consummate this transaction. Then it will demolish the buildings and landscape the lands in such a way as to add to—rather than detract from—this national historical site.

Mr. Speaker, I urge the Members of the House to approve this legislation.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 15608, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of an identical Senate bill

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(S. 2940) to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of the Act entitled "An Act to provide for the establishment of the Independence National Historical Park, and for other purposes", approved June 28, 1948 (62 Stat. 1061, as amended; 16 U.S.C. 407r), is further amended by striking out "$7,950,000" and inserting in lieu thereof "$11,200,000".

The Senate bill was ordered to be read a third time, was read the third time and and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15608) was laid on the table.

TO REIMBURSE THE UTE TRIBE FOR TRIBAL FUNDS USED TO CONSTRUCT THE UINTAH INDIAN IRRIGATION PROJECT, UTAH

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 16416) to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purpose, as amended.

The Clerk read as follows:

H.R. 16416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah for tribal funds that have been used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah, computed and adjusted as follows:

(a) With respect to construction charges, the tribal funds originally involved amounted to $920,112.74. From that sum there shall be deducted the amount of $275,864.25, which represents a reimbursement of tribal construction funds under a judgment of the United States Court of Claims for the portion of the construction costs chargeable against non-Indian lands. From the balance so calculated, there shall be deducted an amount equal to the construction charges against irrigable land (determined according to the approved designation of 1964) which were collected from the proceeds of sales of land and deposited in the tribal accounts. From the balance so calculated there shall be deducted $1,250, which represents the tribal funds usd to purchase the following described lands, title to which was taken in the name of the United States and which hereafter shall be held by the United States in trust for the tribe:

west half southwest quarter southeast quarter southeast quarter section 18, township 1 south, range 1 east, containing 5 acres;

south half southeast quarter northeast quarter northeast quarter section 36, township 1 south, range 4 west, containing 5 acres;

northeast quarter northeast quarter southwest quarter section 32, township 1 north, range 1 west, containing 10 acres; and

southwest quarter southwest quarter southwest quarter southwest quarter section 12, township 1 south, range 4 west, containing 2.5 acres, all in Uintah special base and meridian, Utah.

The balance so calculated shall be increased by adding interest on the amounts that comprise the $920,112.74 from the end of the year in which each amount was originally used for the project to January 28, 1958, the date of the Court of Claims judgment, and interest from January 28, 1958, to the date of this Act on $920,112.74 adjusted by the deductions provided for in the foregoing provisions of this subsection.

(b) With respect to operation and maintenance charges, the tribal funds originally involved amounted to $529,828.20. From that sum there shall be deducted the amount of $158,856.17, which represents a reimbursement of tribal operation and maintenance funds under a judgment of the United States Court of Claims for the portion of the operation and maintenance costs chargeable against non-Indian lands. From the balance so calculated, there shall be deducted an amount equal to the operation and maintenance charges against irrigable land (determined according to the approved designation of 1964) which were collected from the proceeds of sales of land and other sources and deposited in the tribal accounts. The balance so calculated shall be increased by adding interest on the amounts that comprise the $529,828.20 from the end of the year in which each amount was originally used for the project to January 28, 1958, the date of the Court of Claims judgment, and interest on the amounts that comprise the balance calculated pursuant to the first three sentences of this subsection, from January 28, 1958, or the end of the year in which each amount was used for the project to the date of this Act.

SEC. 2. The Secretary of the Interior is authorized to reimburse Indians and former members of the Ute Indian Tribe of the Uintah and Ouray Reservation terminated by the Act of August 27, 1954 (68 Stat. 868) who sold project lands that were nonirrigable (determined according to the approved designation of 1964) for the construction, operation, and maintenance charges which were collected from the proceeds of such sales.

SEC. 3. Twenty-seven and one hundred and sixty-two one-thousandths per centum (27.162 per centum) of the sum determined to be due the tribe under section 1 hereof shall be paid by the Secretary of the Interior, notwithstanding any other provision of law, to the persons whose names appear on the roll of mixed-blood members that was prepared pursuant to section 8 of the Act of August 27, 1954, or to their heirs or legatees, under such rules as the Secretary may prescribe. All claims for payment by mixed-bloods shall be filed not later than three years from the date of this Act. Thereafter, all claims and the right to file the same shall be forever barred and the unclaimed shares shall revert to the Ute Indian Tribe of the Uintah and Ouray Reservation.

SEC. 4. No part of any of the funds appropriated in accordance with the provisions of this Act shall be subject to attorneys' fees.

SEC. 5. Reimbursement of the Ute Indian Tribe, its members, or its former members, as provided in this Act shall be regarded as a gratuity, shall not be regarded as the settlement of a claim against the United States, shall not be recognized as the basis for any claim against the United States, and shall not prejudice any litigation now pending.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HALEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 16416. Under early Indian policy, when irrigation projects were constructed on Indian reservations, tribal funds were used to finance the construction, at least in part. This was done notwithstanding the fact that the irrigation project would not benefit all members of the tribe, and the members benefited would not be benefited equally.

Congress later recognized the inequity of this system and changed the policy. Under the changed policy, Federal funds were used to construct the Indian irrigation projects, and the costs were then assessed against the specific lands benefited. In this way the individual Indian who was benefited had to pay, and tribal funds which belonged to all members were not used. This policy is still in effect today.

In the case of three of the larger Indian irrigation projects, Congress has already reimbursed the tribes for the use of their tribal funds. This was in 1914. This Ute Tribe, however, has not been reimbursed, and this is the reason for this bill. In other words, enactment of this bill will do for the Ute Tribe the same thing Congress has already done for the Blackfeet, Flathead, and Fort Peck Tribes.

The amount of money involved is $773,560 in principal, and approximately $2,645,640 in interest. The interest is figured at 4 percent simple interest from the date the tribal money was expended. If the tribal money had not been used for the irrigation project it would have drawn interest at 4 percent in the U.S. Treasury. Since the United States had the use of the tribe's money, it is only fair that the tribe be reimbursed for the interest the tribe lost.

I believe the bill is fully justified, and I urge its enactment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 16416 is to reimburse Ute Indian Tribe in Utah for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project.

The project was started in 1906 with tribal funds appropriated by Congress. The tribe was to be reimbursed, first with the proceeds from the sale of land within the former reservation, and second by assessments made against the water users.

As construction of the project proceeded during succeeding years, both tribal and Federal funds were used, and some Federal expenditures were reimbursed from tribal funds—principally proceeds from the sale of ceded lands.

In 1914 Congress changed the policy for Indian irrigation projects so that

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the cost would not be borne by the tribe as a whole, but would be assessed against the water users. In accordance with this change in policy, a 1916 statute—30 Stat. 141—reimbursed three tribes—Blackfeet, Flathead, and Fort Peck—for tribal funds that had been used to construct and operate their projects. In effect, the tribal expenditures were converted into Federal expenditures, and the United States was expected to recover its costs from the individual water users instead of from the tribe.

This change in policy was recognized and applied by the Comptroller General in an opinion dated February 27, 1926, with respect to a fourth tribe—Wind River, Wyo. The Comptroller General refused to allow the Federal expenditures to be reimbursed from tribal funds.

The Utes, which are the subject of the pending bill, will be the fifth tribe to be reimbursed. The Department of the Interior reports that there probably are other Indian tribes that should be reimbursed, but that it would take considerable time and effort to assemble the information.

Mr. Speaker, in all candor I should indicate that I would have been happier if the Department had given us more information about these other tribes, but the information just was not available. Nevertheless, the merits of this bill are clear, and there is no reason, in my opinion, to defer action on the bill merely because some other tribes may be entitled to similar relief.

In addition to reimbursement of the principal sum, the bill provides for payment to the tribe of interest on its money at 4 percent from the date of expenditure to the date the bill is enacted. There is one precedent for this payment of interest—the Flathead Tribe, Act of May 25, 1948; 62 Stat. 269, 272—and payment is also justified by the fact that the tribal funds used by the Government were in a 4-percent interest bearing account, and the tribe would have received interest on the funds if they had not been used for the irrigation project.

Again, Mr. Speaker, I would be less than candid if I did not indicate that this provision may be subject to some question. The interest amounts to $2,645,640, based on tribal expenditures that totaled $1,449,940. The interest is therefore 176 percent of the principal. Part of these tribal expenditures have already been repaid to the tribe, and only $773,560 of the principal remain to be repaid under this bill. All of the interest, however, remains to be paid.

I believe the interest should be paid, for the reasons I have already stated. Nevertheless, if this provision of the bill should become the subject of a conference with the other body, I for one will re-examine that matter with an open mind.

The committee amended the bill to provide that the reimbursement of the tribe shall be regarded as a gratuity, shall not be regarded as the settlement of a claim against the United States, and shall not be recognized as the basis for any claim against the United States. The committee regards the original use of tribal funds to meet the costs of an irrigation project to irrigate Indian lands as a proper and lawful use. A decision now to reimburse the tribe is a policy decision reflecting the choice between permissible alternatives, and is based on considerations of equity. It should not be regarded as the settlement of a claim or as the basis for a claim. Moreover, the bill provides that none of the money paid under the bill will be subject to attorney fees.

The committee also amended the bill to require a portion of the funds paid to reimburse the tribe to be paid to the mixed-blood former members who withdrew from the tribe pursuant to the act of August 24, 1954. Under the act the mixed-bloods were entitled to a share of the tribal assets, and the Ute Distribution Corp. was organized to handle the distribution of the mixed-blood share. Of the 4,900 shares of stock issued by the corporation, 2,165 now are owned by non-Indians, however, and the mixed-blood share of the funds paid under the bill should be paid to the mixed-bloods individually, rather than to the Ute Distribution Corp. for the benefit of its present stockholders.

Enactment of the bill will require an appropriation of $3,539,792, plus interest accruing since January 1, 1970, to reimburse the tribe. Of this amount, $773,560—representing principal without interest—will be a reimbursable charge against the Indian land. An additional appropriation will be needed to reimburse individual Indians who sold nonirrigable land for irrigation charges that were improperly assessed and collected from the sales prices. The amount has not been determined, but it will be something less than $218,000.

I recommend that the bill be passed.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 16416, as reported by the Committee on Interior and Insular Affairs.

The purpose of this bill is to reimburse, with interest, the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project in the State of Utah. The cost of the Federal Government to reimburse the Ute Tribe is approximately $3,539,792.

The Uintah Indian irrigation project was authorized by the act of June 21, 1906 for construction by the Federal Government. The project was designed to irrigate 87,591 acres of allotted lands and construction was completed around 1912. During construction both tribal and federally appropriated funds were expended for the construction, operation, and maintenance of the project. Tribal funds were also used to reimburse the Federal Government for Federal expenditures in the construction, operation, and maintenance of this project.

Provisions to reimburse the Ute Tribe provided that the tribe was to be reimbursed from the proceeds of the sale of lands within the former reservation, and by assessments made against the water users.

Congress in 1914 changed the policy with regard to Indian irrigation projects by requiring the Secretary of the Interior to apportion the costs of any irrigation project constructed for Indians and reimbursable out of tribal funds to be in accordance with the benefits received by each individual Indian.

On the basis of the act of August 1, 1914 (38 Stat. 582, 583), the Ute Tribe is seeking the authorization and appropriation of Federal funds to reimburse the tribe for the tribal funds used in the construction, operation, and maintenance of the project.

Since this change is policy which requires reimbursement to be made by the owners of the land benefited by the project rather than the tribe, Congress has approved the reimbursement of three other tribes for tribal funds used to construct and operate their projects. They are the Blackfeet, the Flathead, and the Fort Peck Tribes of Montana.

Mr. Speaker, I urge that the rules be suspended and this bill be passed.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the distinguished gentleman from Colorado.

Mr. ASPINALL. I believe my colleague would join me in advising Members of the House that we have cancelled many items of operation and maintenance expense on Indian projects. These come before us every year, and the committee assumes such responsibility. The only change in this instance is that some of these charges have been or have not been cancelled and the interest is requested on particular O & M charge accounts. That is the only difference between this and the other projects which we have had brought to us every year. It is because of this that the gentleman from Pennsylvania and I have some reservations.

We promise our colleagues that we will take a look at this matter if this goes to a conference committee, because what is involved in the future is what bothers me more than what is involved in this small bill.

Mr. SAYLOR. That is correct. If the bill before the House was designed to repay the construction cost, cost of O & M and to repay interest on construction, I would not have any objection to this at all, because this would follow the established pattern. We have done this before. But when we are asked to repay the interest on the O & M charges, this is something we have never done, and I think it raises a very serious question. Despite that fact, I ask that the rules be suspended and that the bill be passed.

Mr. HALEY. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The question is on the motion of the gentleman from Florida that the House suspend the rules and pass the bill, H.R. 16416, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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INCREASED AUTOMOBILE ALLOWANCE FOR CERTAIN SERVICE-CONNECTED DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 370) to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty, as amended.

The Clerk read as follows:

H.R. 370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1901, 1902, and 1903 of title 38, United States Code, are each amended by striking out "$1,600" each place it appears and inserting in lieu thereof "$2,500".

SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1906. Assistance for certain persons on active duty

"The Administrator, under such regulations as he may prescribe, shall make the benefits provided for under this chapter available to any person who, on or after the effective date of this section, is (1) on full-time active duty in the Armed Forces (not including active duty for training), and (2) suffering from any disability described in paragraph (1), (2), or (3) of section 1901(a) of this title if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or *air* service during any period of war or service specified in section 1901 of this title."

(b) Section 1904 of such title is amended by striking out "No veteran" and inserting in lieu thereof "No veteran or person eligible under section 1906 of this title".

(c) The table of sections at the beginning of chapter 39 of such title is amended by inserting at the end thereof the following:

"1906. Assistance for certain persons on active duty."

The **SPEAKER** pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, this bill seeks to increase the maximum amount of money allowed for monetary assistance toward the purchase of an automobile or other conveyance by a veteran who is service connected in such a way as to have lost, or lost the use of, one or both hands, or one or both feet. Or who is blind to a prescribed degree, as the result of disability incurred in or aggravated by active military, naval, or air service during World War II or the Korean conflict. It would also increase the amount provided for those veterans who incurred the requisite disability as the result of service after January 31, 1955, and who incurred the injury or contracted the disease in line of duty as the direct result of the performance of military duty.

The measure will also extend this benefit to any person who suffers the required disability and who is still on active duty in one of the branches of the Armed Forces.

The grant was established in Public Law 79–663 approved August 8, 1946. The original provisions in it were more limited but are now as described above.

In view of the drastic increase in the cost of living which has occurred since the original enactment, it seems entirely appropriate to the committee that a new level of benefits should be set at $2,500.

It is estimated that the cost of the bill would be $562,500 the first year affecting approximately 625 cases, and would decrease until on the fifth year it would be estimated at $472,500 affecting 525 cases. Insofar as the provision which makes individuals on active duty eligible for this benefit the Department of Defense believes that there will be as many as 150 in this category which would add an additional cost of $375,000.

Mr. Speaker, because of typographical mistakes which were made in printing the Ramseyer I am including as a part of my remarks the text of a corrected Ramseyer section on this bill:

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHAPTER 39—AUTOMOBILES FOR DISABLED VETERANS

Sec.
1901. Veterans eligible for assistance.
1902. Limitation on types of assistance furnished and veterans otherwise entitled.
1903. Limitation on amounts paid by United States.
1904. Prohibition against duplication of benefits.
1905. Applications.
1906. Assistance for certain persons on active duty.

§ 1901. Veterans eligible for assistance

(a) The Administrator, under such regulations as he may prescribe, shall provide or assist in providing an automobile or other conveyance by paying not to exceed [$1,600] *$2,500* on the purchase price, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran who is entitled to compensation under chapter 11 of this title for any of the following due to disability incurred in or aggravated by active military, naval, or air service during World War II or the Korean conflict:

(1) Loss or permanent loss of use of one or both feet;

(2) Loss or permanent loss of use of one or both hands;

(3) Permanent impairment of vision of both eyes of the following status: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

(b) The benefits of this chapter shall also be made available to each veteran who is suffering from any disability described in subsection (a), if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

(c) For the purposes of this section, the term "World War II" includes, in the case of any veteran, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

§ 1902. Limitation on types of assistance furnished and veterans otherwise entitled

No payment shall be made under this chapter for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority; however, a veteran who cannot qualify to operate a vehicle shall nevertheless be entitled to the payment of not to exceed [$1,600] *$2,500* on the purchase price of an automobile or other conveyance, as provided in section 1901 of this title, to be operated for him by another person, but only if such veteran meets the other eligibility requirements of this chapter.

§ 1903. Limitation on amounts paid by United States

The furnishing of such automobile or other conveyance, or the assisting therein, shall be accomplished by the Administrator paying the total purchase price, if not in excess of [$1,600] *$2,500,* or the amount of [$1,600] *$2,500,* if the total purchase price is in excess of [$1,600] *$2,500,* to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran.

§ 1904. Prohibition against duplication of benefits

No [veteran] *No veteran or person eligible under section 1906 of this title* shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter.

§ 1905. Applications

The benefits of this chapter shall be made available to any veteran who meets the eligibility requirements of this chapter and who makes application for such benefits in accordance with regulations prescribed by the Administrator.

§ 1906. Assistance for certain persons on active duty

The Administrator, under such regulations as he may prescribe, shall make the benefits provided for under this chapter available to any person who, on or after the effective date of this section, is (1) on full-time active duty in the Armed Forces (not including active duty for training), and (2) suffering from any disability described in paragraph (1), (2), or (3) of section 1901(a) of this title if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during any period of war or service specified in section 1901 of this title.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 370. This bill will increase the automobile allowance for certain seriously disabled service-connected veterans from its present $1,600 to $2,500.

Under existing law, Mr. Speaker, veterans of World War II or the Korean conflict who have suffered the service-connected amputation or loss of use of one or more extremities or blindness in both eyes are entitled to $1,600 toward the purchase of an automobile. Veterans of service after January 31, 1955, are

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entitled if the disability was incurred as a direct result of the performance of military duty.

This benefit was first made available in 1946 under Public Law 79–663 to veterans of World War II who had suffered the service-connected loss or loss of use of one or more legs. The legislation has been amended several times to make veterans of later conflicts eligible and to grant entitlement to veterans with other serious disabilities. The only provision that has remained unchanged, Mr. Speaker, is the amount of the grant, $1,600.

I can well remember that $1,600 would buy a medium price range automobile with the special attachments required by amputees. Today, $1,600 will not buy the most reasonably priced compact. By increasing the amount to $2,500, we will at least be putting the veteran back in the ball park in his efforts to purchase an automobile.

Additionally, Mr. Speaker, the bill will extend this benefit to active duty servicemen who meet the criteria for entitlement. I believe this legislation is long overdue, and urge that it be passed.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 370, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SERVICE-CONNECTED COMPENSATION INCREASE FOR VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17958) to amend title 38 of the United States Code to provide increases in the rates of disability compensation, to liberalize certain criteria for determining the eligibility of widows for benefits under such title, and for other purposes.

The Clerk read as follows:

H.R. 17958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$46";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$70";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$96";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$560" and "$784", respectively;

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$560";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$616";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$700";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$784";

(16) by striking out "$300" in subsection (r) and inserting in lieu thereof "$336"; and

(17) by striking out "$450" in subsection (s) and inserting in lieu thereof "$504".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

Sec. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$25" in subparagraph (A) and inserting in lieu thereof "$28";

(2) by striking out "$43" in subparagraph (B) and inserting in lieu thereof "$48";

(3) by striking out "$55" in subparagraph (C) and inserting in lieu thereof "$61";

(4) by striking out "$68" and "$13" in subparagraph (D) and inserting in lieu thereof "$75" and "$14", respectively;

(5) by striking out "$17" in subparagraph (E) and inserting in lieu thereof "$19";

(6) by striking out "$30" in subparagraph (F) and inserting in lieu thereof "$33";

(7) by striking out "$43" and "13" in subparagraph (G) and inserting in lieu thereof "$48" and "$14", respectively;

(8) by striking out "$21" in subparagraph (H) and inserting in lieu thereof "$23"; and

(9) by striking out "$40" in subparagraph (I) and inserting in lieu thereof "$44".

Sec. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war for not less than six months by the Imperial Japanese Government or the German Government during World War II, by the Government of North Korea during the Korean conflict, or by the Government of North Korea, the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949.

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government, or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949), the disease of—

"(1) Avitaminosis,
Beriberi (including beriberi heart disease),
Chronic dysentery,
Helminthiasis,
Malnutrition (including optic atrophy associated with malnutrition),
Pellagra, or
Any other nutritional deficiency, which became manifest to a degree of 10 per centum or more after such service; or

"(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service."

(b) The catchline of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities"

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"312. Presumptions relating to certain diseases."

and inserting in lieu thereof the following:

"312. Presumptions relating to certain diseases and disabilities."

Sec. 4. Subsection (d) of section 103 of title 38, United States Code, is amended by inserting "(1) immediately after "(d)" and by adding at the end thereof the following:

"(2) The remarriage of the widow of a veteran shall not bar the furnishing of benefits to her as the widow of the veteran if the remarriage has been terminated by death or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by the widow or collusion.

"(3) If a widow ceases living with another man and holding herself out openly to the public as his wife, the bar to granting her benefits as the widow of the veteran shall not apply."

Sec. 5. (a) If a widow terminates a relationship or conduct which resulted in imposition of a prior restriction on payment of benefits, in the nature of inference or presumption of remarriage, or relating to open and notorious adulterous cohabitation or similar conduct, she shall not be denied any benefits by the Veterans' Administration, other than insurance, solely because of such prior relationship or conduct.

(b) The effective date of an award of benefits resulting from enactment of subsection (a) of this section shall not be earlier than the date of receipt of application therefor, filed after termination of the particular relationship or conduct and after December 31, 1970.

Sec. 6. Subsection (b) of section 3104 of title 38, United States Code, is amended by striking out "paragraph (2)" in paragraph (1) thereof and inserting in lieu thereof "paragraphs (2) and (3)", and by adding at the end thereof the following new paragraph:

"(3) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid to any person by reason of the death of more than one person to whom he or she was married; however the person may elect one or more times to receive benefits by reason of the death of any one spouse."

Sec. 7. Section 3010 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

"(l) The effective date of an award of benefits to a widow based upon termination of a remarriage by death or divorce shall be the date of death or the date the judicial decree or divorce becomes final, if an application therefor is received within one year from such termination.

"(m) The effective date of an award of benefits to a widow based upon termination of actions described in subsection 103(d)(3) of this title shall not be earlier than the date of receipt of application therefor filed after termination of such actions and after December 31, 1970."

Sec. 8. (a) Subsection 211(a) of title 38, United States Code, is amended to read as follows:

"(a) On and after October 17, 1940, except as provided in sections 775, 784, and as to matters arising under chapter 37 of this title,

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the decisions of the Administrator on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans and their dependents or survivors shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise."

(b) Chapter 53 of title 38, United States Code, is amended by adding at the end the following:

"§ 3111. Prohibition of certain benefit payments

"There shall be no payment of dependency and indemnity compensation, death compensation, or death pension which, because of a widow's relationship with another man before enactment of Public Law 87-674, would not have been payable by the Veterans' Administration under the standard for determining remarriage applied by that agency before said enactment."

(c) The analysis of such chapter 53 is amended by adding at the end the following:

"3111. Prohibition of certain benefit payments."

SEC. 9. The Secretary of the Treasury is authorized and directed to redeem at par the United States Treasury bonds numbered 32870L, 68196F, and 68197H in the aggregate face amount of $25,000, maturing June 15, 1983, if such bonds are presented to the Secretary of the Treasury for redemption by the United States Spanish War Veterans within one year after the date of the enactment of this Act.

SEC. 10. The first two sections of this Act take effect July 1, 1970. Sections 4, 5, 6, and 7 take effect January 1, 1971.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the bill as reported provides for an average increase in the service-connected rates of compensation available to veterans who have such disabilities of approximately 10 percent effective July 1, 1970.

The committee has adhered to the policy which was adopted in 1952 when it reported legislation which was enacted as Public Law 82-356, which provides for increases in relation to the amount of disability. In other words, in the bill, section 1, as reported, those veterans rated 10, 20, 30, and 40 percent will receive increases of 8 percent to approximate the cost-of-living increase which has occurred since the last compensation increase was voted in the form of Public Law 90-493 effective January 1, 1969. Veterans rated 50 percent through 90 percent are given an increase of 11 percent, and for the totally disabled, and above total, the increase is 12 percent.

Section 2 of the bill provides increases in the rates of additional compensation for veterans who have dependents and who are rated at least 50 percent or more disabled. This provision was added in the 80th Congress. The increase in this case is approximately 8 percent for the veteran rated 100 percent disabled. These rates were last increased in 1965.

A history of wartime service-connected increases follows:

HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION INCREASES

Sec. 314, title 38, subpar.—	Percent	July 1, 1933	Plus percent increase equals—	Jan. 19, 1934	Plus percent increase equals—	Public Law 312, 78th Cong., June 1, 1944	Public Law 182, 79th Cong., Oct. 1, 1945	Plus percent increase equals—	Public Law 662, 79th Cong., Sept. 1, 1946	Plus percent increase equals—	Public Law 339, 81st Cong., Dec. 1, 1949	Plus percent increase equals—	Public Law 356, 82d Cong., July 1, 1952	Plus percent increase equals—	Public Law 427, 82d Cong., Aug. 1, 1952	Plus percent increase equals—
(a)	10	$9	11.1	$10	15	$11.50		20	$13.80	8.7	$15	5	$15.75			7.9
(b)	20	18	11.1	20	15	23.00		20	27.60	8.7	30	5	31.50			4.8
(c)	30	27	11.1	30	15	34.50		20	41.40	8.7	45	5	47.25			5.8
(d)	40	36	11.1	40	15	46.00		20	55.20	8.7	60	5	62.00			4.8
(e)	50	45	11.1	50	15	57.50		20	69.00 60.00	8.7	75	15	86.25			5.5
(f)	60	54	11.1	60	15	69.00		20	82.80	8.7	90	15	103.50			5.3
(g)	70	63	11.1	70	15	80.50		20	96.60	8.7	105	15	120.75			5.2
(h)	80	72	11.1	80	15	92.00		20	110.40	8.7	120	15	138.00			5.0
(i)	90	81	11.1	90	15	103.50		20	124.20	8.7	135	15	155.25			5.0
(j)	100	90	11.1	100	15	115.00		20	138.00	8.7	150	15	172.50			4.9
Subpar (s) (housebound cases—Public Law 86-663, effective Sept. 1, 1960																
(l)		150			33.3		$200	20	240.00					10.8	$266	4.9
(m)		175			34.3		235	20	282.00					11.0	313	5.1
(n)		200			32.5		265	20	318.00					11.0	353	5.1
(o)		250			20.0		300	20	360.00					11.1	400	5.0
(p)							300	20	360.00					11.1	400	5.0
Subpar (r) "A and A" nonhospitalization, Public Law 85-782, effective Oct. 1, 1958																
(k)		25			40.0		35	20	42.00					11.9	47	
(q)															67	

Sec. 314, title 38, subpar.—	Public Law 695, 83d Cong., Oct. 1, 1954	Plus percent increase equals—	Public Law 85-168, Oct. 1, 1957	Plus percent increase equals—	Public Law 87-645, Oct. 1, 1962	Plus percent increase equals—	Public Law 89-311, Oct. 31, 1965	Plus percent increase equals—	Public Law 90-493, Jan. 1, 1969	Plus percent increase equals—	H.R. 17958, 91st Congress	Percent increase from Jan. 19, 1934, to Jan. 1969	Percent increase from June 1, 1944, to Jan. 1969	Percent increase from Oct. 1, 1954, to Jan. 1969	Percent increase from Oct. 1, 1954, to H.R. 17958
(a)	$17	11.8	$19	5.3	$20	5.0	$21	9.5	$23	8.7	$25	130.0	100.0	35.3	47.1
(b)	33	9.1	36	5.6	38	5.3	40	7.5	43	7.0	46	115.0	87.0	30.3	39.4
(c)	50	10.0	55	5.5	58	3.4	60	8.3	65	7.7	70	116.7	88.4	30.0	40.0
(d)	66	10.6	73	5.5	77	6.6	82	8.5	89	7.9	96	122.5	93.5	34.8	45.5
(e)	91	9.9	100	7.0	107	5.6	113	8.0	122	10.7	135	144.0	112.2	34.1	48.4
(f)	109	10.1	120	6.7	128	6.3	136	8.1	147	10.7	163	145.0	113.0	34.9	48.6
(g)	127	10.2	140	6.4	149	7.4	161	8.1	174	10.9	193	148.6	116.1	37.0	52.6
(h)	145	10.3	160	6.3	170	9.4	186	8.1	201	10.4	223	151.3	118.5	38.6	53.8
(i)	163	9.8	179	6.7	191	9.4	209	8.1	226	10.6	250	151.1	118.5	38.7	53.4
(j)	181	24.3	225	11.1	250	20.0	300	33.3	400	12.5	450	300.0	247.8	121.0	148.6
Subpar (s) (housebound cases) Public Law 86-663, effective Sept. 1, 1960			265	9.4	290	20.7	350	28.8	450	12.0	504				
(l)	279	10.8	309	10.0	340	17.6	400	25.3	500	12.0	560	233.3	233.3	79.2	100.7
(m)	329	9.1	359	8.6	390	15.4	450	22.2	550	12.0	616	214.3	214.3	67.2	87.2
(n)	371	8.1	401	9.7	440	19.3	525	18.2	625	12.0	700	212.5	212.5	68.5	88.7
(o)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	108.0	108.0	66.7	86.7
(p)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784			66.7	86.7
Subpar (r) "A and A" nonhospitalization, Public Law 85-782, effective Oct. 1, 1958			150	33.3	200	25.0	250	20.0	300	12.0	336				
(k)												88.0	88.0	0	0
(q)														0	0

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All of the rates of service-connected compensation have been increased with the exceptions of the statutory award rate of $47 a month, which is in addition to the basic rates of compensation, and the $67-a-month rate for arrested tuberculosis. The exact percentage increase for each degree of disability, the number of cases affected, and cost are shown in the following table:

	Degree of disability (percent)	Cases	Cost
$25	10	816, 226	$19, 589, 424
$46	20	320, 096	11, 523, 456
$70	30	275, 964	16, 265, 700
$96	40	168, 245	13, 992, 180
$135	50	106, 220	16, 293, 120
$163	60	102, 920	18, 228, 960
$193	70	60, 666	13, 597, 608
$223	80	32, 042	8, 334, 288
$250	90	10, 640	3, 021, 120
$450	100	94, 825	55, 441, 800
Subtotal			176, 287, 656
$560	(L)	7, 439	$5, 244, 192
$616	(M)	5, 299	4, 113, 660
$700	(N)	1, 259	1, 113, 200
$784	(O)		
$784	(P)		
$336	(R)	8, 035	11, 190, 240
$504	(S)	6, 870	4, 346, 160
Subtotal			26, 007, 552
Total basic rates			202, 295, 208
Additional for dependents			14, 506, 000
Grand total			216, 801, 208

Section 3 of the bill contains a special provision related to former prisoners of war. Because of the conditions of their captivity and the kinds of long-range arm that may have been caused, it is sometimes difficult for a former prisoner of war to establish, some time after the completion of his military service, that a disability or the aggravation of a previous disability is related to his military service.

The provision of the committee bill concerns former prisoners of war who were in that category for 6 months or more who suffered from dietary deficiencies, forced labor, or inhumane treatment. The bill considers any veteran who was a prisoner of war of Japan or Germany during World War II. North Korea during the Korean conflict and thereafter, or North Vietnam or the Vietcong during the Vietnam era, to have suffered from dietary deficiencies, forced labor, or inhumane treatment.

The table which follows shows cost of living increases in relation to compensation.

Sec. 314, title 38, subpar.—	Percent	Public Law 695, 83d Cong., effective Dec. 1954	Public Law 90-493, effective Jan. 1969	Percent increase cost of living, 1954-69	Percent increase compensation, 1954-69
(a)	10	$17	$23	32. 4	35. 3
(b)	20	33	43	32. 4	30. 3
(c)	30	50	65	32. 4	30. 0
(d)	40	66	89	32. 4	34. 8
(e)	50	91	122	32. 4	34. 1
(f)	60	109	147	32. 4	34. 9
(g)	70	127	174	32. 4	37. 0
(h)	80	145	201	32. 4	38. 6
(i)	90	163	226	32. 4	38. 7
(j)	100	181	400	32. 4	121. 0
Subpar. (s) (housebound cases) Public Law 86-663, effective Sept. 1, 1960			$450		
(l)		$279	500	32. 4	79. 2
(m)		329	550	32. 4	67. 2
(n)		371	625	32. 4	68. 5
(o)		420	700	32. 4	66. 7
(p)		420	700	32. 4	66. 7
Subpar. (r) "A and A" nonhospitalization, Public Law 85-782, effective Oct. 1, 1958			300		
(k)				32. 4	

Under the bill, the following diseases would be presumed to be service connected if suffered by a former prisoner of war who meets the criteria discussed above:

Avitaminosis, beriberi—including beriberi heart disease, chronic dysentery, helminthiasis, malnutrition—including optic atrophy associated with malnutrition, pellagra, and any other nutritional deficiency.

Under present law, a psychosis which became manifest within 1 year of a veteran's separation from military service is presumed to be service connected. The period is 2 years for admission to a VA hospital as a service-connected patient. The bill extends this period of presumption of service connection from 1 to 2 years in the case of former prisoners of war who suffered from dietary deficiencies, forced labor, or inhumane treatment.

The next four sections—sections 4 through 7—of this bill amend the existing remarriage requirements now contained in Veterans' Administration law. The amendments would be effective January 1, 1971. Generally speaking, these VA requirements bar the payment of compensation, pension, and education benefits upon remarriage and are considerably more restrictive than those found in some other federally administered programs such as social security and civil service retirement. This is shown by the table which follows:

EFFECT OF REMARRIAGE OF WIDOWS ON BENEFITS UNDER CERTAIN FEDERAL PROGRAMS

Federal program	Effect of remarriage	Effect of termination of remarriage
Veterans' Administration benefits	Terminates monthly payments permanently—unless remarriage is void, or has been annulled by a court with basic authority to render annulment decrees.	None.
Social security	1. Remarriage under age 60 terminates payments.	1. Payments resumed at age 60 or older.
	2. Remarriage at age 60 or over, payments continue at reduced rate (reduced from 81½ percent of the primary insurance amount to 50 percent of such amount).	2. Full payments restored.
Civil service retirement	1. Remarriage under age 60 terminates payments.	1. Payments restored at any age.
	2. Remarriage at age 60 or over: none (i.e. full benefits continue).	2. None.
Railroad retirement	Terminates monthly payments permanently.	None.
Federal employees compensation	Terminates monthly payments permanently—Lump-sum settlement equal to 24 monthly payments.	None.

The basic change of these four sections is to permit a widow, who has remarried, to revert to her earlier eligibility when her second marriage is ended by death or divorce. The cost of such sections of the bill is $8,538,000 the first year rising to $9,206,000 the 5th year. These sections were included in H.R. 372 which passed the House on October 6, 1969, and is pending before the Senate Committee on Finance.

Section 8 stems from H.R. 17564, 91st Congress. It relates to the longstanding statutory provisions excluding from judicial review determinations with respect to benefits of a noncontractual nature provided for veterans and their dependents and survivors.

The background of this immunity from review and the events that have transpired in recent years which gave rise to this amendment are discussed in detail in the Veterans' Administration report on H.R. 17564, dated June 1970, which is set forth below. The following is a brief summary of this material.

For many years before 1958, based on statutory provisions similar to that now appearing as 38 United States Code 211 (a), the Federal courts held that decisions of officials responsible for administering laws providing noncontractual benefits to veterans and their dependents and survivors were not subject to judicial review. The current provision (38 U.S.C. 211(a)) provides, in part:

> The decisions of the administrator on any question of law or fact concerning a claim for benefits or payments under any law administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power to review any such decision.

This language would seem to be perfectly clear in expressing the congressional intent that any and all decisions of the Administrator on questions of entitlement to veterans' benefits—except for certain contractual benefits which were specifically excluded from the application of this provision—were to be final and not subject to judicial review.

Nevertheless, beginning in 1958, the U.S. Court of Appeals for the District of Columbia Circuit held that the term "claim" employed in the quoted statute—and in Public Law 886, 76th Congress, an earlier, substantially identical provision—related only to an original "claim" or application for benefits initiated by a veteran or other prospective beneficiary and did not encompass any action that might be taken once the original application was adjudicated and benefits granted. Hence, the court concluded that a decision of forfeiture of benefits previously granted because the veteran was found to have rendered assistance to an enemy during time of war—*Wellman* v. *Whittier, Administrator,* 259 F. 2d 163; *Thompson* v. *Gleason, Administrator,* 317 F. 2d 901—or a termination of benefits because the beneficiary had failed to return reports required to establish continued eligibility for the payments—*Tracy* v. *Gleason, Administrator,* 379 F. 2d 469—were not immune from judicial review.

Complicating this matter was the declaration by the mentioned circuit court in the Tracy decision, that its other decisions on finality—including Sinlao against United States and Whittier, administrator, 271 F. 2d 846—were overruled to the extent they were in conflict. Sinlao involved the termination of death benefits awarded to a Philippine widow of a World War II serviceman, under the Veterans' Administration's rule of presumed remarriage. Because experience had shown that many widows apparently successfully concealed the record of their ceremonial marriage in order to continue to receive benefits, the Veterans' Administration employed an administrative rule that there is an inference or presumption of a widow's remarriage, placing on her the burden of proving her continued eligibility to receive benefits, when there is proof of:

First. A cohabitation by the widow with a man as man and wife; and

Second. A "holding out" by the two persons to the general community in which they reside that they are husband and wife—which generally is embraced in the requisite cohabitation; and

Third. A general reputation in such community that they are married to each other.

In 1959, the Appellate Court, in dictum in the Sinlao case, had questioned the Veterans' Administration's rule on remarriage stating that it could not be reconciled with congressional intent. Thereafter, the Veterans' Administration advised this committee of the court's statements and urged the Congress to amend a then pending bill to confirm the agency's application of the presumption of remarriage rule. As a result, this committee—and, in due course, the Congress, in Public Law 87-674—amended the definition of "widow" in title 38, United States Code, to provide an even more restrictive statutory provision with respect to future cases—that is, after September 19, 1962, the date of enactment—excluding any woman who, since the death of the veteran, lived with another man and held herself out openly to the public to be the wife of such other man. As to earlier cases, this committee, and the Senate committee, endorsed the application by the Veterans' Administration of its presumption of remarriage rule, and stated that the agency was expected to continue to apply that rule to relationships prior tc the 1962 law.

Since the decision in the Tracy case—and as the result of that decision and the Wellman and Thompson decisions—suits in constantly increasing numbers have been filed in the U.S. District Court for the District of Columbia by plaintiffs seeking a resumption of terminated benefits. A small number of these involve a large variety of matters—a 1930's termination of a widow's pension payments under a statute then extant, because of her open and notorious adulterous cohabitation; invalid marriage to a veteran; severance of a veteran's service connection for disability compensation; reduction of such compensation because of lessened disability, et cetera.

However, the great majority of these suits have been brought by Philippine widows of World War II servicemen seeking restoration of death compensation or pension benefits terminated after the Administrator raised a presumption of their remarriage on the basis of evidence gathered through field examination. Notwithstanding the 1962 endorsement by the Congress of the Veterans' Administration's administrative presumption of remarriage rule, most of these suits have resulted in judgments adverse to the Government.

It seems to this committee that it is quite clear that the Congress, in enacting the exemption from judicial review in Public Law 866, 76th Congress, intended that exemption to be all inclusive and did not intend the fairly tortured construction adopted by the courts of appeals in the Wellman, Thompson, and Tracy holdings. It is obvious that if the Congress had intended to authorize judicial review, it would not have adopted a form so inherently unfair as to deny review of any original claim for benefits; providing no time limitation or conditions governing such suits against the United States and its officials; and, contrary to all past practice in the veterans' benefits field—see 38 U.S.C. 748 (g) and 3404(c)—establishing no limitation on attorney fees.

In view of the foregoing, this committee has included in H.R. 17958, new subsection 8(a), which restates the provisions of subsection 211(a) of title 38, United States Code, to eliminate the word "claim" from that subsection. The restated subsection will provide that except for certain contractual benefits, the decisions of the Administrator on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans and their dependents or survivors shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise. The provision is specifically made effective October 17, 1940, the date of enactment of Public Law 866, 76th Congress. The committee believes that this approach to solving the problem is preferable to that employed in H.R. 17564, that is, adding a definition of the word "claim" to title 38, United States Code. The restated section 211(a) will make it perfectly clear that the Congress intends to exclude from judicial review all determinations with respect to noncontractual benefits provided for veterans and their dependents and survivors.

The committee has also added subsection 8(b) to H.R. 17958. This language, which stems from H.R. 7624, 91st Congress, will expressly ratify the application of the Veterans' Administration administrative presumption of remarriage rule with respect to all pre-1962 cases. This action is deemed necessary because the judiciary has ignored the Congress' endorsement, in 1962, of that administrative practice.

As noted above, a large percentage of the suits filed to date have involved the presumption of remarriage rule. A study of the first 32 judgments adverse to the Administrator of Veterans' Affairs has shown that accrued and estimated future payments in those cases alone will total in excess of $1.4 million. It is therefore apparent that the enactment of these provisions will result in substantial savings to the Government.

Section 9 authorizes the Secretary of the Treasury to redeem three bonds held by the United Spanish War Veterans in the total amount of $25,000 which mature June 15, 1983, these bonds purchased in 1954 for $25,000 would, if sold on the open market today, result in the loss of several thousand dollars to the holder of the securities. Admittedly it was a mistake for the organization to purchase these bonds. Equity would seem to dictate that this provision be enacted since the average age of the United Spanish War Veterans is 89 and that 13 years from now very few, if any, would be living to utilize the proceeds of these bonds. This section was included as section 10 of H.R. 372 which passed the House on October 6, 1969, and is pending before the Senate Committee on Finance.

The Veterans' Administration favors the enactment of sections 4 through 8. The Treasury is opposed to the proposal in section 9:

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Summary of costs

Sec. 1	$202,295,208
Sec. 2	14,506,000
Sec. 3	(1)
Secs. 4 through 7	8,538,000
Sec. 8	(2)
Sec. 9	(3)
Total	225,339,208

[1] No estimate.

[2] Unestimated savings; possibly $50,000,000 to $75,000,000.

[3] No cost.

Mr. Speaker, the compensation bill which we are considering today was designed by the subcommittee on compensation and pension following the conclusion of 3 days of hearings on May 26, 27, and June 3. In my judgment this subcommittee has acted in a responsible fashion and has maintained the liberal stance which the committee and the Congress has always held toward service-connected veterans. To all the members of the subcommittee my special word of thanks for a job well done, and I am sure that my appreciation will be echoed by all the service-connected veterans of this country. Members of the subcommittee are the gentleman from South Carolina (Mr. DORN), the gentleman from Texas (Mr. ROBERTS), the gentleman from Mississippi (Mr. MONTGOMERY), the gentleman from Indiana (Mr. ADAIR), the gentleman from Pennsylvania (Mr. SAYLOR), and the gentleman from Virginia (Mr. SCOTT).

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this is the provision of the bill, dealing with the widow who remarries, which gives me some concern. What happens if she is durable and remarries three or four times and loses husband after husband by death or divorce? Does she go back for benefits the third and fourth and fifth time?

Mr. TEAGUE of Texas. Yes. This bill has been considered by our committee, and our committee has become convinced it is wise to permit the widow to go back on the rolls. It will probably save more money than it costs. The VA does not agree, but most of my committee does.

Mr. GROSS. It is predicated on either death or divorce. Is that correct?

Mr. TEAGUE of Texas. Correct.

Mr. GROSS. If a woman divorces her husband and, regardless of whether the next husband is a veteran or not, she remarries and loses that husband, then does the first husband have to start paying alimony all over again? That is not in this bill, but it seems to me it is on the same order as the provision we are discussing.

Mr. TEAGUE of Texas. I cannot answer that question, but this bill puts the widow of the serviceman in the same category as in the case of social security or employees' compensation, and we have passed this bill once before.

Mr. GROSS. But what happened to it? Did the other body refuse to concur?

Mr. TEAGUE of Texas. The other body did not pass it.

Mr. GROSS. This provision apparently will be costly, I may say to the gentleman. According to the gentleman's figures the first year cost would be close to $10 million.

Mr. TEAGUE of Texas. The VA estimates the first year costs at about $8 million. I do not necessarily agree with that cost, and I do not think they can prove it in any way. There is no way they can know how many women will remarry, but many times when the women remarry, they come off the pension rolls.

Mr. GROSS. Being predicated upon death is one thing, but being predicated upon divorce is quite another. It seems to me this provision lends itself to husband shopping.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, of course they have to have earned this. The first husband had to have died, so the women have earned their right already to be considered veterans' widows. The minute the woman remarries she goes off the roll, under the present law, and permanently. What happens is a matter of, I suppose, morality. In some cases the man just lives at the house, and the couple does not get married, because they cannot afford the loss of the pension. In this case if the woman remarries and it turns out to be a failure, through death of otherwise, she just reverts to her status, already earned, as widow of the first man. So we are not adding new people to the rolls but just adding someone who has been already on the rolls.

Mr. GROSS. I guess we are going down the road as fast as we can to socialization.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 17958. The bill will increase the monthly payments for veterans who are in receipt of compensation for service-connected disabilities. The Congress has never been reluctant to increase the payments for this deserving group. Today's cost of living affects them, especially the seriously disabled, in the same manner as it affects any segment of our population. The bill authorizes the greatest percentage increase for the more seriously disabled veteran while providing a cost of living adjustment for all others.

The bill also increases the dependency allowances of those who are rated at 50 percent or more; liberalizes the law with respect to disabilities resulting from dietary deficiencies suffered by former prisoners of war; permits remarried widows to receive death benefits upon the termination of their subsequent marriage and clarifies congressional intent with respect to judicial review of Veterans' Administration decisions.

I want to congratulate the members of the Subcommittee on Compensation and Pension for their efforts on behalf of the Nation's disabled veterans as represented in this legislation. I urge that the bill be passed.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 17958. The principal thrust of this bill is to increase the rates of compensation for service-connected disabilities. The bill provides a minimum increase in compensation rates of approximately 8 percent. This increase would be applied to ratings in the 10- to 40-percent bracket. More disabling conditions would receive an 11-percent increase, while the totally disabled veteran would receive a 12-percent increase.

The cost of living since the last compensation bill became effective has increased approximately 8 percent. The minimum increase authorized by the bill is commensurate with the increased cost of living.

Additionally, the bill will increase the allowances for dependents paid to veterans who are at least 50 percent disabled. The increased allowance in the case of a totally disabled veteran is 8 percent, again approximating the increased cost of living.

The bill also contains special provisions relating to disabilities incurred by former prisoners of war. I am sure most Members have experienced some frustration in attempting to obtain service connection of disabilities incurred by former prisoners of war. You know the disabilities are the result of inhumane treatment and malnutrition; yet, because they did not surface until several years after military service, then service connection is denied.

I happen to believe that any disease entity or psychiatric condition suffered by a prisoner of war of the Japanese in World War II, the North Koreans, the North Vietnamese, or the Vietcong should be service connected, irrespective of the length of time that has elapsed since the serviceman's incarceration. Unfortunately, this bill does not go that far.

The bill authorizes a presumption of service conection, in the case of those held as prisoners of wars for at least 6 months, if they incur diseases associated with nutritional deficiencies. It also permits the payment of compensation in such cases for psychoses which become manifest to a 10-percent degree within 2 years after service.

Should this bill become law, Mr. Speaker, I would invite the attention of Veterans' Administration rating board personnel to the language of the committee report at the bottom of page 7:

> The Committee is highly sympathetic with the problems of former prisoners of war and wishes to stress its desire that the Veterans' Administration administer this provision of law, a well as all existing laws and regulations on the subject, in the most liberal fashion possible.

The bill also contains provisions that revise the conditions under which certain widows may be entitled to Veterans' Administration benefits. Under existing law, upon the remarriage of a veteran's widow, her benefits are terminated permanently. Both social security and civil service retirement laws permit widows to receive benefits under certain conditions upon the termination of their subsequent marriage. This bill proposes to make veterans' widows eligible for veterans' bene-

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fits upon the termination of their remarriage.

Another section of this bill, Mr. Speaker, will revise the provisions of law that prohibit judicial review of veterans' claims, thus making clear the congressional intent that all decisions of the Veterans' Administration with respect to noncontractual benefits, are to be exempt from judicial review. At the outset, Mr. Speaker, let me make it crystal clear that I believe there is considerable merit in the proposition of court review of certain decisions of the Veterans' Administration, and I have for many years supported legislation to provide judicial review. I do not want judicial review, however, through the back door—that is, through an involved interpretation by the court of a simple provision of law. As a result, the law prohibiting judicial review is almost meaningless in certain types of Veterans' Administration decisions on individual cases.

The law—38 U.S.C. 211(a)—states:

> The decision of the Administrator on *any question of law or fact* concerning a claim for *benefits or payments* under any law administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power to review *any* such decision.

Despite the clarity of this provision of law, the U.S. Court of Appeals for the District of Columbia Circuit held that the word "claim" related only to an original application for benefits by a veteran and did not include any reopened claim or subsequent action that might be taken after adjudication of the initial claim is completed.

If we are to have judicial review, Mr. Speaker, I hope it will result from the mature deliberations of 435 Members of the House of Representatives and the 100 Members of the other body, rather than from the erroneous interpretations of a small panel of jurists. The bill before the House makes clear the longstanding intent of Congress that all decisions of the Administrator involving nocontractual benefits should be exempt from judicial review.

I urge that the bill be passed.

Mr. ADAIR. Mr. Speaker, as a cosponsor of this measure to grant an increase in the rates of compensation for service-connected disabilities and as a member of the Subcommittee on Compensation and Pension, I am pleased to voice my support of H.R. 17958.

The Congress has always demonstrated a compassionate interest in the needs of the service-connected disabled and their dependents. In fact, these Americans who gave so much of themselves in the interests of our national security have always merited the highest priority consideration, and we have never been reluctant to respond with alacrity to their needs. That need exists today. The cost of living has increased substantially since the last time the Congress increased the rates of compensation for service-connected disability. Almost every segment of the population has received some increase in their income within the last year. We cannot do less for the Nation's war disabled veteran.

H.R. 17958 will increase in varying amounts the monthly rates of compensation payable to these veterans. Those who are rated as 10- to 40-percent disabled will receive an 8-percent increase in monthly payments. Payments to the 50- to 90-percent group will be increased approximately 11 percent, while the totally disabled veteran will receive a 12-percent boost in payments.

Since the more seriously disabled veteran is in most cases entirely dependent upon his compensation payments for living expenses, the committee has attempted to recognize this fact in the percentage increases authorized by the bill. At the same time, we have assured that every disabled veteran, irrespective of the degree of disability, receives an increase that is commensurate with the increased cost of living.

The bill also provides for increases in dependency allowances for those who are 50 percent or more disabled. Equally important, the bill provides more liberal criteria for determining service connection and eligibility for compensation payments for former prisoners of war.

Remarried widows of veterans, under the terms of the bill, can qualify for monthly benefit payments upon the termination of the subsequent marriage. Existing law requires the Veterans' Administration to terminate payments to a veteran's widow upon her remarriage. Even though the second marriage does not survive, the widow has forfeited her right to benefits based upon the death of her veteran husband. Other Federal benefit programs are less stringent in their criteria for remarried widows.

These are the major provisions of the bill, Mr. Speaker. The bill has merit. It is for the disabled veteran. I urge that it be passed.

Mr. AYRES. Mr. Speaker, I rise in support of H.R. 17958. This bill, if enacted into law, will authorize a badly needed increase in the rates of compensation for service-connected disabilities. As a member of the Committee on Veterans' Affairs and a cosponsor of this legislation, I am pleased that it has been reported so promptly for your consideration today.

Within the past year, almost everyone in the Nation receiving payments from the Federal Government has received an increase in such payments in recognition of the increased cost of living. The men who have defended our Nation in time of war, and received disabilities therefrom, have not been so fortunate. I have been deluged with correspondence, not only from my own constituents, but from disabled veterans throughout the Nation from coast to coast and beyond. The commander of the Disabled American Veterans, Department of Hawaii, Mr. Ah Kee Leong has been particularly persuasive in setting forth the great need for compensation increases on behalf of the members of his organization.

This bill provides not only a cost-of-living increase for all veterans with service connected disabilities but it also will increase the dependency allowances paid to the most seriously disabled veterans. I shall vote for this legislation and urge my colleagues as well to support this bill.

Mr. DORN. Mr. Speaker, as chairman of the Subcommittee on Compensation and Pension which reported H.R. 17958 after holding hearings and making a careful study of the subject, I rise in support of this bill and urge its favorable consideration by my colleagues.

There are several very important provisions in this bill. Foremost among these is a cost-of-living increase in the compensation rates payable to the disabled veterans who are suffering from disabilities which were incurred as a result of their military service. There is certainly no group of recipients of Federal benefits more deserving of our consideration than those who will be aided by the increased and new benefits proposed by H.R. 17958.

The veterans' organizations in testifying before our subcommittee strongly urged that the proposed increase in compensation rates should be made effective July 1, 1970, rather than January 1, 1971, as was proposed in the bill recently passed by the other body. It was called to our attention that, in the passage of legislation to provide a cost-of-living increase to other groups, such as Federal employees and military personnel, the Congress did not require them to wait until January 1, 1971, to receive such benefits. Therefore, to do so for disabled veterans would be unjust. The committee concurred and, therefore, provided in this bill that the increased rates should become effective July 1, 1970.

Mr. Speaker, I wish to express my appreciation to my colleagues, Messrs. RAY ROBERTS, G. V. "SONNY" MONTGOMERY, E. ROSS ADAIR, JOHN P. SAYLOR, and WILLIAM LLOYD SCOTT, for their serving as members of the Subcommittee on Compensation and Pension.

Mr. RANDALL. Mr. Speaker, all of us should be pleased that the chairman of our Committee on Veterans' Affairs has called up a bill which provides for service-connected compensation increase for veterans. I rise in support of H.R. 17958.

My own regret is that this measure is being considered under suspension of the rules. Because of this parliamentary situation, there will be no opportunity to offer liberalizing amendments.

There should be a more greater across-the-board increase in benefits paid to those with service-connected limitations. The reason I make this statement without any apology is that since we last increased the date of compensation for service-connected disabled veterans, there has been two increases in benefits to social security recipients and railroad retirement annuitants. The 1970 increase alone for social security recipients was 15 percent across the board. Surely the men who defended this country's freedom should be accorded as much in increases as these other categories of compensation.

As a real and substantial reason why I am not completely happy with the content of this bill is that the last increase in disability compensation benefits was away back in 1965. When all is said and done, the new rates of compensation pro-

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vided today does bring the person back to the level that prevailed 5 years ago, when we take into account all the cost of living increases since 1965.

No one can deny the necessity for economy in Government. All of us hope and look forward to a possible reduction in Federal spending, but I submit without any apology that veterans care should not be the first place to commence Federal economy.

Even though I have complained that some of the provisions of this bill are deficient, I would be moved to support this measure if for no other reason because of the section dealing with former prisoners of war. We should recall that these veterans who were in enemy hands for 6 months or longer in World War II, the Korean engagement, and the Vietnam war, if they have suffered from dietary insufficiencies, inhuman treatments, and other abuses will now be recognized as having a service-connected condition for the purpose of receiving disability benefits should the effects of such imprisonment become manifest within 2 years following such experiences. Such diseases as beriberi, pellagra, malnutrition, and chronic dysentery will now be presumed to be service connected, as to those former prisoners of war who were held prisoner for 6 months or more.

Then also H.R. 17958 contains a long needed change in the effect of remarriage of those widows who were receiving compensation, pension, and education benefits. At present, of course, payments are terminated permanently upon remarriage and under present law, the subsequent termination of this remarriage has no effect to restore these benefits. Even under social security these payments are resumed at age 65 or older and under the civil service retirement, payments are restored at any age upon the termination of the second marriage. All of us are glad that this bill will permit a widow who has remarried and thus forfeited payments under present laws to revert to her former status upon termination of her later marriage by death or divorce.

In my opinion our committee has been very practical and certainly most realistic to provide by this bill the right for United Spanish War Veterans to cash certain bonds purchased in 1954 rather than have to hold these until their maturity in 1983. It is simply an application of some commonsense for this provision to be enacted in to law because the average of of these Spanish War veterans is now 89 and 13 years from now in 1983, very few, if any, will be alive to enjoy the benefits of the proceeds of these bonds.

Mr. Speaker, when I began these comments I said I was glad to see this measure reported for action by the House. Then I went on to add and to emphasize that I was not satisfied with the amount of the increase, particularly in light of the ravages of inflation since the last increase away back in 1965. However I am convinced that the committee has brought out the best measure they believe can be passed and then signed into law. On April 27, 1970, the other body passed S. 3348. It was less generous than our bill today. Our measure will be substituted and sent back to the other body. Goodness knows our increase in benefits is little enough but let us hope that the Senate will quickly agree to the House version, and that it may be signed into law in order for these benefits to be rushed into effect.

The **SPEAKER** pro tempore (Mr. PRICE of Illinois). The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 17958.

The question was taken.

Mr. **AYRES**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 313, nays 0, answered "present" 1, not voting 115, as follows:

[Roll No. 168]

YEAS—313

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Crane
Culver
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Feighan
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McCloskey
McCulloch
McDade
McFall
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
Sandman
Satterfield
Saylor
Scherle
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—0

ANSWERED "PRESENT"—1

Michel

NOT VOTING—115

Addabbo
Andrews, N. Dak.
Ashley
Berry
Bevill
Biaggi
Blackburn
Blatnik
Brademas
Brasco
Brock
Brown, Mich.
Burton, Utah
Bush
Cabell
Carey
Cederberg
Chisholm
Collier
Conyers
Corman
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
Dellenback
Dent
Diggs
Dingell
Dulski
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Fallon
Farbstein
Fascell
Findley
Fish
Fraser
Gallagher
Gaydos
Gilbert
Goldwater
Green, Pa.
Hagan
Halpern
Hamilton
Hammerschmidt
Harrington
Harvey
Hastings
Hathaway
Hays
Hébert
Horton
Hunt
Ichord
Jacobs
Kirwan
Kyros
Landrum
Long, La.
McCarthy
McClory
McClure
McDonald, Mich.
McEwen
McMillan
Madden
Mathias
Melcher
Meskill
Minshall
Morton
Murphy, N.Y.
Nedzi
Nichols
Nix
O'Neal, Ga.
Ottinger
Passman
Pelly
Podell
Powell
Rarick
Reid, N.Y.
Reifel
Rivers
Roe
Rooney, N.Y.
Roudebush
Ruppe
Ruth
St Germain
Schadeberg
Scheuer
Schneebeli
Schwengel
Steed
Steiger, Ariz.
Stratton
Taft
Thompson, Ga.
Tunney
Watkins
Watson
Weicker
Williams
Wilson, Charles H.
Wolff
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Watson.
Mr. Addabbo with Mr. Weicker.
Mr. Daniels of New Jersey with Mr. Hunt.
Mr. Rooney of New York with Mr. Fish.
Mr. Melcher with Mr. Collier.
Mr. Brasco with Mr. Halpern.
Mr. Ichord with Mr. Schwengel.

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Mr. Carey with Mr. McEwen.
Mr. Passman with Mr. Berry.
Mr. Dent with Mr. Williams.
Mr. Dulski with Mr. Reid of New York.
Mr. Fallon with Mr. Morton.
Mr. Gallagher with Mr. Taft.
Mr. Gilbert with Mr. Hastings.
Mr. Hays with Mr. Cederberg.
Mr. Murphy of New York with Mr. Horton.
Mr. Nichols with Mr. Cowger.
Mr. Podell with Mr. Brock.
Mr. Rivers with Mr. Watkins.
Mr. Roe with Mr. McClory.
Mr. Stratton with Mr. Finley.
Mr. Wolff with Mr. Minshall.
Mr. Yatron with Mr. Pelly.
Mr. Biaggi with Mr. Esch.
Mr. Farbstein with Mr. Dellenback.
Mr. Fraser with Mrs. Chisholm.
Mr. Scheuer with Mr. Diggs.
Mr. Conyers with Mr. McCarthy.
Mr. Blatnik with Mr. Schadeberg.
Mr. Ashley with Mr. Ashbrook.
Mr. Kirwan with Mr. Powell.
Mr. Nix with Mr. Ottinger.
Mr. Cabell with Mr. Bush.
Mr. Daddario with Mr. Meskill.
Mr. Bevill with Mr. Edwards of Alabama.
Mr. Dingell with Mr. Harvey.
Mr. Brademas with Mr. Roudebush.
Mr. Corman with Mr. Goldwater.
Mr. Davis of Georgia with Mr. Blackburn.
Mr. Green of Pennsylvania with Mr. Schneebeli.
Mr. Madden with Mr. Burton of Utah.
Mr. Charles H. Wilson with Mr. Cunningham.
Mr. Eckhardt with Mr. Thompson of Georgia.
Mr. Fascell with Mr. Cramer.
Mr. Gaydos with Mr. Steiger of Arizona.
Mr. Hathaway with Mr. Erlenborn.
Mr. St Germain with Mr. Reifel.
Mr. Steed with Mr. Hammerschmidt.
Mr. Kyros with Mr. Brown of Michigan.
Mr. O'Neal of Georgia with Mr. Ruth.
Mr. Nedzi with Mr. McDonald of Michigan.
Mr. Tunney with Mr. Mathias.
Mr. Hamilton with Mr. Ruppe.
Mr. Rarick with Mr. McClure.
Mr. Landrum with Mr. Harrington.
Mr. McMillan with Mr. Long of Louisiana.
Mr. Hagan with Mr. Jacobs.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (S. 3348) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, and for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$48";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$72";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$99";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$550" and "$750", respectively;

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$550";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$600";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$675";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$750"; and

(16) by striking out "$450" in subsection (s) and inserting in lieu thereof "$500".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$25" in subparagraph (A) and inserting in lieu thereof "$28";

(2) by striking out "$43" in subparagraph (B) and inserting in lieu thereof "$48";

(3) by striking out "$55" in subparagraph (C) and inserting in lieu thereof "$61";

(4) by striking out "$68" and "$13" in subparagraph (D) and inserting in lieu thereof "$75" and "$14", respectively;

(5) by striking out "$17" in subparagraph (E) and inserting in lieu thereof "$19";

(6) by striking out "$30" in subparagraph (F) and inserting in lieu thereof "$33";

(7) by striking out "$43" and "$13" in subparagraph (G) and inserting in lieu thereof "$48" and "$14", respectively;

(8) by striking out "$21" in subparagraph (H) and inserting in lieu thereof "$23"; and

(9) by striking out "$40" in subparagraph (I) and inserting in lieu thereof "$44".

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war by the Imperial Japanese Government during World War II, by the Government of North Korea during the Korean conflict, or the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Convention of July 27, 1929.

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Convention of July 27, 1929), the disease of—

"(1) Avitaminosis,
Beriberi (including beriberi heart disease),
Chronic dysentery,
Helminthous disease,
Malnutrition (including optic atrophy associated with malnutrition),
Pellagra, or
Any other nutritional deficiency,

which became manifest to a degree of 10 per centum or more after such service; or

"(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service."

(b) The catchline of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities"

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"312. Presumptions relating to certain diseases."

and inserting in lieu thereof the following:

"312. Presumptions relating to certain diseases and disabilities."

SEC. 4. The first two sections of this Act shall become effective January 1, 1971.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: Strike all after the enacting clause of S. 3348 and insert in lieu thereof the provisions of H.R. 17958, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17958) was laid on the table.

INCREASING SERVICEMEN'S GROUP LIFE INSURANCE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

Page 3, line 21, of the House engrossed amendments, strike out "istration." and insert "istration." ".

Page 3, of the House engrossed amendments, strike out all after line 21 over to and including line 13 on page 5.

Page 19, of the House engrossed amendments, strike out all after line 19 over to and including line 16 on page 20 and insert:

"SEC. 13. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting '(1)' immediately after 'unless', and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: 'or (2) the total amount paid to the widow, children, or parents of such veteran under any such policy is equal to or exceeds the face value of the policy and such amount paid

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when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.'.

"(b) The last sentence of section 417(a) of such title is amended by striking out 'preceding sentence' and inserting in lieu thereof 'first sentence'.

"(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act."

Mr. TEAGUE of Texas. Mr. Speaker, in considering this bill S. 1479, which has as its primary purpose the increasing of the amount of insurance for men on active duty from $10,000 to $15,000, the House adopted a complete substitute for the Senate bill with certain liberalizations.

The Senate has now accepted 99 percent of the House amendments but has changed in two instances the provisions of the bill as passed by the House, one of which is to provide a slightly altered definition of certain terms—widow, widower, child, and parent—and a provision making certain widows eligible for dependency and indemnity compensation in some instances where the husband had maintained a national service life insurance policy for a limited time on a premium-free basis.

Mr. Speaker, for obvious reasons I would have preferred the House language, but because of other matters in this program which are urgent I am moving to concur in the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the veterans' bills considered today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION OF AND APPOINTMENT OF CONFEREE

The SPEAKER laid before the House the following communication:

JUNE 15, 1970.

Hon. JOHN MCCORMACK,
The Speaker of the House of Representatives, The Capitol, Washington, D.C.

DEAR MR. SPEAKER: This letter is written to notify you that I am resigning as a Conferee on H.R. 14685, the International Travel Act.

Thanking you in advance for removing my name from the above, I am,

Respectfully yours,
GLENN CUNNINGHAM,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Massachusets, Mr. HASTINGS KEITH, as a conferee to replace the gentleman from Nebraska, Mr. CUNNINGHAM.

The Clerk will notify the Senate of the action of the House.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT UNTIL MIDNIGHT WEDNESDAY

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Wednesday to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

YOUTH CONSERVATION CORPS ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1063 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1063

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15361) to establish a pilot program designated as the Youth Conservation Corps, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 15361, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 1076, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15361 as passed by the House.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1063 provides an open rule with 1 hour of general debate for consideration of House Resolution 15361, the Youth Conservation Corps Act. The resolution also provides that, after passage of the House bill, the Committee on Education and Labor shall be discharged from further consideration of S. 1076 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

The purpose of H.R. 15361 is to establish the Youth Conservation Corps which would be a 3-year pilot program employing roughly 3,000 young people ages 14 to 18 each year during the summer on public lands.

There are 4.8 million acres of national forest land needing replanting. Each year, more than 14 billion board feet of public timber are lost to fire, insects, and disease. Recreational use of the public lands is skyrocketing. National park visitations are expected to double between 1968 and the early 1970's and could increase 10 times by the year 2000. Trails, campsites, roads, picnic grounds, watersheds, fish stocking—all must be increased and maintained.

In June of last year, unemployment among youths ages 14 to 18 was 16.4 percent and neglect of a budgetary nature frustrates Federal land management. In Olympic National Park are 600 miles of trails that the staff has never been able to open completely or maintain.

The bill authorizes an appropriation of $3.5 million annually for 3 years following enactment of the legislation.

Mr. Speaker, I urge the adoption of House Resolution 1063.

Mr. COLMER. Mr. Speaker, will the gentleman yield to me?

Mr. SISK. I will be glad to yield to the distinguished chairman of the Committee on Rules.

Mr. COLMER. Mr. Speaker, if I may have the attention of the House, I would just like to make a brief statement and then ask a couple of questions.

Mr. Speaker, the brief observation is that I am very much in accord with the objectives of this bill; namely, conservation both of the natural resources and of the youth of this country. But, Mr. Speaker, this bill is not all gold, although it may glitter. The objective is worthy, but with all of the trouble in the land among our youth, to select a group of youngsters from the tender age of 14 to 19 from all sections of the country and to concentrate them in these camps of both races and, more important still, of both sexes is going to pose a very serious situation. I do not want to raise any question of race here. Even if I did, I would have too much discretion to do so, because I know where the votes would be. But I am saying—and I hope that those who are not listening will at least read the bill so that they will know what they are doing—to select young girls of 14 years of age up to 19 years of age and send them in to this type of a camp under the conditions that exist in the country today I think would be most unwise.

Mr. Speaker, your Committee on Rules was very much disturbed about this bill. It was held up there for a number of weeks, if not months. It killed the bill on one occasion and then reported it again on a motion to reconsider by a still divided vote.

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I think it is a grave mistake to take young people and particularly young girls of 14 years of age and concentrate them in these camps, regardless of the objective. I feel it is a grave mistake when you consider the fact that you have opposite sexes—I assume that there will be separate dormitories or barracks for them; I certainly hope so—but there is nothing in the bill here that would indicate that to be the fact.

So, Mr. Speaker, as one who opposed the bill in committee, I wanted to raise my voice against it here on the floor of the House.

Now, if the chief author of the bill, the gentleman from Washington (Mr. MEEDS), or some of the cosponsors would care to answer the question as to whether they would be willing to accept an amendment when we get into the Committee of the Whole or either omit the young girls entirely from this thing and make it a male proposition, I would be inclined to go along with it. However, I still think that the age of 14 years is too young. Let me impress if I can upon my friend, Mr. MEEDS, that this is not the old CCC camp operation in any manner. This is an entirely new project with a worthy objective, I agree, but a mistake to administer it in this way.

If the gentleman cares to comment on that I hope my friend from California will yield to him, or if he wants to comment upon it during general debate. I hope he will do so.

Mr. SISK. Mr. Speaker, if I can just make a brief comment and then I certainly shall be glad to yield to the distinguished gentleman from Washington (Mr. MEEDS) to make a further comment, it is my understanding that certain amendments will be offered to this legislation. I, personally, am committed to support such amendments, because as I stated a moment ago in my appraisal and estimation this bill is a conservation measure. It is not necessarily that way as it is now written. I would oppose the bill as it is presently written. I expect to support amendments to the bill which will make of it a conservation measure not only for the people involved but also for the benefit of our national resources.

With reference to the further comment, we are taking out of the bill—at least I would hope if the amendments are adopted—certain agencies that some of us may have some concern about. If amendments are adopted, as I hope they will be, this program will be administered by the Department of the Interior and the Department of Agriculture.

Again, with reference to the ages and the matter of sexes I feel certain—and, now, I am going on the basis of some experimental programs that we now have going in California to some extent I might say on which this program has been patterned where we have no problem with the mixing of the sexes—of girls or boys—and we have not had any problem with reference to the youth. That is why, as I say, basically, the manner in which the program is being operated as a form of a local program in California at the present time is very closely akin to the old Civilian Conservation Corps program of many years ago to which I am sure my distinguished chairman, the gentleman from Mississippi (Mr. COLMER), was referring.

I agree with the gentleman from Mississippi that I want to see some amendments to this bill. It is my understanding that the authors have agreed to accept some amendments and I expect to support them. In fact, I would hope that once we amend this bill in the proper form that my good and able friend, the chairman of the Committee on Rules, gentleman from Mississippi, will be in a position to support it. I think that the authors of the bill are for generally the same thing.

Mr. COLMER. Mr. Speaker, if the gentleman will yield further to me before he yields to the gentleman from Washington, I think the gentleman from California, my friend (Mr. SISK), is most forthright on most occasions but I am afraid a little evasive on this one.

Mr. SISK. I had no intention to be, I would say to the gentleman.

Mr. COLMER. The gentleman failed to reply to me on the question I raised on concentrating these children of tender age of both sexes in the same camp.

Mr. SISK. If the gentleman will allow me just a comment, of course, my answer to that aspect was my confidence in the Department of the Interior and the Department of Agriculture, based on their past record.

Now, this, as I said in the beginning, is not in my opinion and must not be a so-called manpower training program, or anything of that kind. To the extent that prohibitions could be written into the bill I certainly personally would have no objection to them, but I think this might be a matter for the authors of the bill to consider.

At this time, Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from Washington (Mr. MEEDS), to make comments in connection with this problem.

Mr. MEEDS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman correctly states the situation with regard to the amendment that he has discussed. However, I have heard of no amendment which would either strike the young ladies from this bill, or would place impediments upon the administering agencies to require them to be in separate camps.

They may well do this—I do not know. But I think one of the great problems we could run into in this legislation is attempting to define very strictly the way this program should be operated. We have properly left some discretion with the departments because this is a pilot program, and we expect them to try different types of programs so that we can get the kind of program eventually that this Nation should adopt; and utilize for conservation of our great natural resources.

I would just point out to the able gentleman from Mississippi (Mr. COLMER) that not only are young men from ages 14 to 18 in this Nation in turmoil and unrest, and not only are they energetic and desirous of working with our natural resources, but the young ladies in this age group are also willing and determined and aggressive for work in outdoor projects.

We have in the State of Washington a private program which is run by the Olympic National Park and the Seattle School Districts, which is proceeding with the program in which there are young ladies involved in conservation work, and they are doing a very fine job. They are working. They are contributing to our ecology, and to the betterment of our conservation projects daily in the summer in Olympic National Park. They have had no accidents, they are out doing a good, hard day's work, and they enjoy it. They as a matter of fact recount it as one of the most valuable experiences they have had.

So I would hope this House would not take upon itself to make conditions as to the type of programs which should be tried within the context of this pilot program. If we find out that it does not work then I would assure the gentleman from Mississippi that I would be the first one to be opposed to it, but I do not think we should prejudge it.

The SPEAKER. The time of the gentleman has expired.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, I would like to ask the gentleman from Washington (Mr. MEEDS) a question, if I may.

I believe the gentleman from Washington made a remark in his comments a short time ago that there would be various kinds of programs within a 90-day limit. It is difficult for me to comprehend how you could have various pilot programs in a 90-day limit, which is only 3 months, by the time you would hire your supervisory personnel—and who they would be, I do not know.

I think the most astonishing thing about this entire bill is that nobody wants to administer it.

I have three letters—one from the Department of Labor—they do not want it. One from the Department of Agriculture—they do not want it. One from the Department of the Interior—and they do not want it.

Furthermore, this is an unbudgeted item. I think when you are talking about 14- to 18-year-olds, we are in a situation here where we are going to have nothing more than a glorified baby-sitting project. I think at this time this program is being well implemented under an existing program in the Department of Labor through the Park Service. I would certainly hope that this House would take another look at this bill that involves $3.5 million, and vote it down.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman.

Mr. MEEDS. I hope the gentleman will correct the record. He said $3.5 billion. He should have said $3.5 million.

Mr. SCHERLE. That is what I said.

Mr. MEEDS. That is a little different.

Mr. SCHERLE. I said $3.5 million.

Mr MEEDS. I will just try to respond to one of the issues at this time that the gentleman raised when he said we would not have time to try different programs within this pilot program.

First of all, let me point out to the gentleman that this envisions a 3-year bill—three summer trials, and I think a number of different programs could be tried during that time. Also, different kinds of programs could take place at different locations in the country. This is a national program and we certainly would not be tied to any one set kind of program all over the United States.

As a matter of fact, I hope they try different ones.

Mr. LATTA. Mr. Speaker, the purpose of the bill is to authorize a Youth Conservation Corps to employ young people, during the summer, on the public lands.

The program is authorized for 3 years. It expects to employ about 3,000 young people each summer, ranging in age from 14 to 18. They will do conservation work in the national forests, on replanting projects, and in parks, on maintenance of trails, campsites and picnic grounds.

Employment will be for a period of up to 90 days in the summer. Income factors will not be weighed in choosing corpsmen for the program. The program will be under the direction of a newly created Inter-Agency Committee composed of representatives of the Departments of Interior, Agriculture, and Labor. Authorizations are for $3,500,000 annually for 3 years. At the time this bill was before the Rules Committee it was decided that this program could be improved by limiting its scope to the Interior and Agriculture Departments. The chairman of Labor and Education Committee (Mr. Perkins), and the bill's chief sponsor (Mr. Meeds), both agreed to accept such an amendment. I am prepared to offer such an amendment under the 5-minute rule.

Minority views are filed by five members. They oppose enactment because:

First, the project will be another "category" grant program, not coordinated with other manpower and training programs;

Second, it would teach no skills to the enrollees, who would be employed for no more than 90 days each summer; and

Third, it does not provide preference for those who need assistance most—the poor.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Speaker, I take this time during the consideration of the rule to ask a question because there seems to be a conflict in the bill itself and the report.

Referring to page 3, section 3(b)(2) the bill reads as follows:

> (2) determine the rates of pay, hours, and other conditions of employment in the Corps: *Provided*, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

Referring to the committee report on page 5 in the section-by-section analysis of the bill, in analyzing section 3(b)(2) the report says:

> (2) Determine the rates of pay, hours and other conditions of employment. Corps members are not deemed Federal employees for purposes of the Federal Tort Claims Act.

That provision seems to me to be a direct conflict. I would like somebody to explain what has happened here. The bill is not at all consistent with the explanatory analysis section by section.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Kentucky.

Mr. PERKINS. The provision to which the gentleman refers has been carried in similar legislation since the days of the committee's original consideration of legislation to establish a conservation corps.

Mr. WAGGONNER. Does the gentleman mean it has been in conflict all this time and that I have just now caught it?

Mr. PERKINS. No, there is no conflict in the bill.

Mr. WAGGONNER. Read the language. It states:

> They shall not be deemed to be Federal employees other than for purposes of Chapter 171 of Title 28, United States Code, and Chapter 81, of Title 5, United States Code.

And the explanation states:

> Corps members are not deemed Federal employees for the purpose of the Federal Tort Claims Act.

But the bill itself states they will not be considered Federal employees except for the purposes of the Tort Claims Act.

Mr. PERKINS. I shall apologize to the gentleman and say there is a discrepancy. The report is in error, not the bill.

Mr. WAGGONNER. I thank the gentleman. I yield back to the balance of my time.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Hanna).

Mr. HANNA. I thank the gentleman for yielding.

Mr. Speaker, I personally introduced a conservation corps bill that was sent to the committee along the lines of this bill except that it did speak primarily to young men. It was directed in terms of an age span a little higher than this bill, and it was particularly directed toward forest conservation and forest management. However, I am in full sympathy with the desires of the committee to go on a pilot program and to determine at this point in time what it is that we really need. I can understand their being concerned about high school students and the desire to bring productive employment as early as possible to those who may not be completing high school work. I note that this is going to be only a summer program, and I am rather disappointed in that, because I would like to have seen a program that would be extended over the entire year. But again, we did learn when we went into the massive programs projected by the last administration that it is best to try pilot programs first and find out what you are doing.

I think the best thing this report provides is shown on page 4 beginning at line 16, where it states:

> The Inter-Agency Committee must also prepare a report describing how best to initiate a State-local-Federal cost-sharing program for a Youth Conservation Corps that would work on State and municipal lands.

It is my view that what this Federal Government should start to do more in earnest is to work out programs by which States can take over more responsibility for some of these domestic programs, so we can have diversification in order to meet the needs of the States. We should encourage the States to make commitments of its own resources in this kind of program so important to the total Nation.

I hope that this part of the bill will get significant attention and will take on real meaning, because I think if we will do that, and we can get the State governments where they are giving assistance, with the guidance of the Federal Government, sharing the responsibility with the Federal Government, we are going to have some programs that will begin to answer some of the problems across the Nation.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Texas.

Mr. WHITE. Would it not be wise if we would allow the age limit for employable persons in the summertime in private industry to go down to 14? I favor this particular bill, but it seems to me that private industry throughout the United States could also help to take young people off the streets if they were able to employ them at that age.

Mr. HANNA. In the State of California conditions have been brought to my attention showing that we do need to have some meshing of our employment policies. The real problems exist in the cities, and we do know that it would be better if young high school dropouts had some kind of employment. I agree with the gentleman.

Mr. SISK. Mr. Speaker, I yield 4 minutes to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Speaker I had not intended to speak on this bill at this time, but several questions have been raised.

A question has been raised about the age at 14. I think I agree with the response to the last question. I think in terms of the entire Nation there ought to be a review and a study of the child labor laws we have, and I think there ought to be a review and a study of the compulsory education laws we have. I think we are doing a great disservice to the young people of this country to say they must remain in school although, while they are physically there, intellectually and in every other way they have dropped out, and yet to say at the same time they cannot work.

We have an age gap where the young people ought to be employed and doing constructive things. So certainly I would defend the 14-year age in this bill.

A question has been raised about

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making girls eligible for this program. I believe the suggestion was made we ought to eliminate the girls and have it just for young men. If Members will pardon me my own bias on the basis of sex, would the Members be willing to eliminate all the boys and say it is a program just for girls?

I can cite 101 instances where there is discrimination against girls and women and many cases where they are not eligible for programs. Not too long ago—and I believe, still, the highest unemployment rate in the Nation was for girls between the ages of 16 and 21, and in too many instances the only thing they have to do is to wander around the streets.

The question has also been raised about the advisability of letting boys and girls be in the same program. May I suggest that boys and girls are together on the streets without any supervision at all. The boys and girls are together in the alleys without any supervision at all. And I cannot see if we structure a program—and where there is even some supervision, though not maybe what all of us would desire—that we would not be making an improvement over the present circumstances. So it would seem to me that if we are going to have a program like this, we ought to have it for girls as well as for boys.

The question has also been raised in terms of the kinds of programs and who is going to administer them. I, too, am interested, and I want to talk to my colleague and friend, the gentleman from Iowa about the letters to which he referred a moment ago from the various departments, and that does concern me, but may I point to a program which has been run in my school district in Portland, Oreg. It is one of the finest programs we have had and one of the reasons, I suggest to my friend from Washington, that I was greatly interested in this bill, which the gentleman originally sponsored.

The city of Portland has a program for every sixth-grade youngster. Every sixth-grade youngster, boy or girl, goes out for 1 week to live in the woods. They learn about wildlife, the need to combat pollution, and to work on conservation. It is one of the best innovative programs I have seen. I do not know of any bad reports that have come from that. It seems to me this kind of program has so many things to recommend it.

If we have a program that is for up to 90 days, I would suggest the departments can carry on different kinds of pilot projects and then report back to us on which ones work and which ones do not work. I think we can learn a great deal from it, and I think we can help these youngsters at this particular age, from 14 years on up, to spend their time in a constructive way rather than in a haphazard way with nothing to do but roam the streets.

So, Mr. Speaker, I give my support to this legislation.

Mr. COLMER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, let me just say to my very able and lovable friend, the gentlewoman from Oregon, that I did not start out to discriminate among the sexes. That is a very bad word any time it is used. As a matter of fact, I would call the attention of the gentlewoman to the fact that I was one of the coauthors of the amendment to the civil rights bill we had, which put women and put sex into that bill. So I certainly cannot be charged here with being discriminatory.

But what I was merely asking for was a division, and I dislike very much to find myself in disagreement with my good friend of the opposite sex.

As a matter of fact, I know that I cannot win when I get into that situation.

I might say, for the benefit of the gentlewoman or anybody else, since she has been talking I got a lecture from another one of the gentler sex here who has not spoken on this subject.

All I wanted was not discrimination but segregation on the basis of sex.

Mrs. GREEN of Oregon. I am really delighted to know of the views of my good friend the very distinguished chairman of the Rules Committee, because there are a couple of little old bills in my committee. We were going to have hearings tomorrow, with various women appearing as witnesses in opposition to discrimination against women, as now exists.

However, we were asked to cancel those hearings. We do intend to continue those, and I do hope to have that bill with those provisions, covering discrimination based on sex before the Rules Committee some time this year. I am delighted to know in advance that the chairman of the committee fully intends to support that.

The SPEAKER. The time of the gentlewoman from Oregon has expired.

Mr. SISK. Mr. Speaker, I yield the gentlewoman 1 additional minute.

Mrs. GREEN of Oregon. Mr. Speaker, I talked with the chief sponsor of the bill, the gentleman from Washington, a moment ago. It seems to me, if it is not now clear in the language, one of the amendments which might well be offered to this bill would be an amendment to make it possible for such a great organization as the Girl Scouts of America or the Boy Scouts of America to have a program. The department could contract with them to run it. I believe those two organizations probably have done as much for the young people of this country as any other organizations.

Mr. BOGGS. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am delighted to yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. I should like to congratulate the gentlewoman for the very fine statement she has made. I intended to point out that the bill has the support of the Boy Scouts of America and the Girl Scouts of America. Is that not correct?

Mrs. GREEN of Oregon. I would think it would have the support of both of them. I would think specifically they ought to be able to run some of the programs because of the very fine records they have made over many, many years.

Mr. BOGGS. The gentlewoman also has made a very fine record in this whole field, and I congratulate her.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. COLMER. Mr. Speaker, will the gentlewoman yield again, briefly?

Mrs. GREEN of Oregon. I yield to the gentleman from Mississippi.

Mr. COLMER. Bearing in mind again that I know I cannot win, is it not a fact that the Boy Scouts and the Girl Scouts have segregated camps where they send these young people? That is the point.

Mrs. GREEN of Oregon. Yes, this is true and I approve, but I just suggest, also, that we believe in the experimental programs, such as the one run by the Portland schools, which is not segregated, this bill might allow this. They do have, of course, separate living facilities for them. It is a highly successful program.

I am suggesting there could be some programs run by the Girl Scouts, some programs run by the Boy Scouts, and some programs run by school systems where they would have both boys and girls, as well as other programs run by the Government agency.

Mr. SISK. Mr. Speaker, I urge the adoption of the resolution, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15361) to establish a pilot program designated as the Youth Conservation Corps, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15361, with Mr. PREYER of North Carolina in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes and the gentleman from Iowa (Mr. SCHERLE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of H.R. 15361, a bill to establish a pilot program designated as the Youth Conservation Corps, because I believe in the purposes the bill will serve.

We are reminded time and again of the accelerating pace at which American citizens are migrating to urban centers.

The importance of the great natural resources of our Nation—its forests, its

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lakes, its streams, its soil, its minerals—are lost to a generation which is losing touch with the outdoors.

These resources not only have played a prominent role in the growth and development of our Nation but also continue to provide our Nation with the highest level of productivity and prosperity that any nation has heretofore enjoyed.

The legislation we bring to the floor today authorizes only a pilot program involving summer employment for young people on our public lands, and in our national forests and parks.

The summer program will furnish approximately 3,000 enrollees with 90 days of work, of conservation study, and of a new opportunity for a new generation of young Americans to become acquainted with the beauty of our land, to understand the tremendous conservation needs and to learn of the importance of our natural resources.

There are other immediate and direct benefits to be gained by the enactment of this legislation.

There is the tremendous backlog of conservation work which awaits the attention of enrollees.

There are available in our national parks, forests and public lands, camp facilities which can accommodate 5,683 enrollees.

There are now higher numbers of idle and unemployed youth whose education and future contribution to society could be greatly enhanced by participating in a summer conservation program.

I want to commend my distinguished colleague from New Jersey, Chairman DANIELS, for the diligent work in his subcommittee in initiating action on this legislation.

I also want to extend my congratulations and commendations to our distinguished colleague from the State of Washington (Mr. MEEDS) for his authorship of the bill.

Mr. Chairman, the Youth Conservation Corps Act, H.R. 15361, would establish a Youth Conservation Corps Interagency Committee composed of representatives of the Departments of Interior, Agriculture and Labor. It would be the responsibility of the Interagency Committee to administer a 3-year pilot program to enlist young men and women in a Youth Conservation Corps for the purpose of providing them gainful employment, generating understanding and developing, preserving and maintaining the lands and waters of the United States.

Eligibility for participation in the Corps will be open to youth of all social, economic and racial classifications. Enlistment in the Corps cannot exceed 90 days.

For carrying out the program there is authorized to be appropriated $3,500,000 a year for the 3 years of the life of the pilot program. The bill contains a statement of policy and purpose setting forth clearly the objectives sought by the legislation. Inherent in this policy is the concept that the gainful employment of American youth from all segments of society in a healthy, outdoor atmosphere can be found in our national park system, the national forest system, the national wildlife refuge system and other public land and water areas creates an appropriate understanding and appreciation of the Nation's natural environment and heritage and will have lasting national benefits to future conservation and natural resources preservation.

I urge adoption of the bill.

Mr. SCHERLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, no one actually could be against this type of bill, particularly because of its content and solely because of its content.

However, we are now contemplating in this honorable body a project which is unbudgeted, which will cost the taxpayers of this country $3.5 million for what could aptly be labeled as a "Kiddy Corps."

What in the world can we do with a young boy or a young girl 14 years of age out in the forests, out in the various areas that are contemplated under this program, other than to set up supervisory personnel who will do nothing more than baby sit.

Now, I do not think the people of this country, the taxpayers of this Nation, should be asked to do that.

The National Park Service has a program where each summer they take 18-year-olds, mind you, 18-year-olds and hire them to go out into the various parks and to our various other natural resources in the country, to cut down timber, build trails and to work in watershed projects and everything else.

Why do they choose 18-year-olds? Because an 18-year-old is usually healthy enough and big enough to do the job. The National Park Service has been in this business for a long time. They know what they are doing. But can you imagine what you could do with a great group of people—14-year-old boys and girls, perhaps 500 or 1,000 miles away from home? It is just impossible to comprehend.

When we use the term "employment" we are talking about someone who is qualified to do a day's work.

Now, I have two sons of my own. I know what they are capable of doing. I know what the differences are between the ages of 14 and 18 based upon my own experience.

This program, furthermore, is not budgeted. There was nothing in the budget whatsoever for it.

Here we are talking about inflation, here we are talking about fiscal irresponsibility, here we are talking about getting value received for each dollar spent. How in the world can you do this under this program which will continue for 3 years as a pilot program at a cost of $3.5 million?

Someone was trying to compare this with the CCC. Well, it depends on how old you are as to whether or not you can remember the CCC. This is not the same type of a program at all. The CCC was set up at a time of depression to help our young men further their interests and give them some type of employment. They were all young men and none of them were 14 years of age. As a member of the Committee on Education and Labor, as far as the Job Corps is concerned, I can tell you what the habits of a 14-year-old are, and I can tell you what it means to throw them into different age groups. It is not healthy. It is just that simple. And to take these young people, young boys and young girls, thousands of miles away from their homes and expose them through these programs when they are still basically infantiles I believe is not right, and cannot be at all justified.

Furthermore, let us consider the cost; $1,600 for 90 days. That is pretty expensive, is it not, $1,600 for 90 days? Some figures have been used of $1,200 for 90 days, $400 a month. What are you going to get out of it? Furthermore, in 90 days do you think you can walk into a camp on June 1st and set it up, and then do you think you can close down that camp on the last day of August? It is going to take a great deal of preliminary work before you can get to June 1st. Some one has to be there to open it up and to close it down. Also who is going to take employment in these programs as supervisors for 3 months?

This is a good bill, ladies and gentlemen, but it is not for us here in the Congress; this is a bill, for those who are interested in it, that should be operated on the local level, on a State level, but not here in Washington—not at the Federal level.

We talk about gainful employment. Our esteemed chairman mentioned this before. How in the world can you derive gainful employment out of what will be asked these young people in the forests of our Nation? They will not be there very long, they cannot be exposed to a great deal as far as employment is concerned, and at 14 years of age many hopefully will go back to school in the fall of the year. So I do not think at this time that this House should consider this type of a bill, and I certainly agree in many of the aspects expressed by the fine and distinguished chairman of the Committee on Rules.

Furthermore, the Department of Agriculture does not need this type of a bill. They have got enough to do. The Department of the Interior already has their program, they do not need this type of a bill. And the Department of Labor—and I understand an amendment will be offered to exempt them from this—and really that is where the program belongs, if you are talking about labor then it belongs in the Department of Labor, and not with the Department of Interior or the Department of Agriculture—least of all not with them.

Also what are you going to ask these Departments when you set up a 90-day course, 3 months in the summer months, what are administrative costs going to be? Has anyone looked into that?

In addition to that, when these youngsters arrive at these camps they have to be fed.

The CHAIRMAN. The gentleman from Iowa has consumed 5 minutes.

Mr. SCHERLE. Mr. Chairman, I yield myself 2 additional minutes.

We talk about food and clothing, and subsistence. How long will it take to provide the necessary type of clothing? Are

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they going to wear uniforms, or are they going to bring their clothing with them from home?

Ladies and gentlemen, when they talk about a pilot program they are talking about a real pilot program, because nothing up until this date has been started, nor has it been considered.

I would ask that if the proponents of this legislation are really sincere in their efforts that they contact the National Park Service, the Department of the Interior, and ask them to go along with some type of a program from the State legislatures in their own individual States, to set up some kind of legislation that would permit this on a State level. But I do not think the taxpayers of this country at this time should be asked to finance this type of a baby-sitting project, not simply because it is a pilot project, but simply because it will not and cannot work.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague, the gentleman from Iowa.

Mr. MAYNE. As I understand the report and the bill, this is going to be for children of all social and economic backgrounds. Does that mean that the taxpayers are going to have to pay for sending children of very wealthy people or upper middle class people to these camps with no part of the expense being paid by well-to-do parents?

Mr. SCHERLE. My colleague has brought up a very pertinent part of this bill and one that is perhaps the guts of the whole thing—yes, your assumption is correct.

Mr. MAYNE. How much more expensive is that going to make the bill than it would be if it were to be limited to needy youngsters?

Mr. SCHERLE. Let me give you an example.

The Neighborhood Youth Corps at the present time can take a youngster, and has taken youngsters, for less than $500 a year and have equipped themselves to do much more than can be offered under this program. This program here at a minimum will exceed $1,200 and this is according to figures of the Department of Labor and I think also by the proponents of the bill.

If this bill were to serve its purpose, I will say in answer to my good friend, the gentleman from Iowa (Mr. MAYNE), then it should be directed toward disadvantaged youngsters and not to those of our affluent society who can well afford to provide means of recreation—and that is what this will be—it will not be a work program as much as it will be a baby sitting and recreation program.

Mr. MAYNE. I thank the gentleman.

Mr. SCHERLE. Mr. Chairman, I reserve the balance of my time.

Mr. PERKINS. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, first let me congratulate most warmly the sponsor of the bill now before the House. Our distinguished colleague from Washington (Mr. MEEDS) has offered a bill which provides a very modest yet basic investment in America's future. I consider it an investment we cannot afford not to make. I am one of those who knew firsthand of the work of the old Civilian Conservation Corps in the early 1930's. I saw the great benefits which it provided in conservation—conservation of human values and human resources as well as of natural resources. The lessons which came from the Civilian Conservation Corps were extremely important at a time when our Nation badly needed direction, courage, and goals. Two camps were established very early in the program in my home county in Florida in what was then the Choctawhatchee National Forest. From those camps emerged some of the strong young leaders of that area in the years which followed.

Many years have elapsed and great strides have been made in many areas, yet many of the same problems which plagued us then still exist, and some are even more aggravated now than they were then. We are much more conscious of the environment now than we were in the early 1930's and if for no other reason, the Corps members will contribute most helpfully to the huge backlog of conservation work on public lands and recreation areas. As a part of their total summer activities, they will build and maintain camp and picnic areas, build hiking trails, plant trees, et cetera. The advantage of these activities should be very obvious.

But there are even more important advantages. For instance, the program would provide young people an opportunity for a productive, wholesome summer. There probably is no greater need for young people today than that they be gainfully occupied. Too many of them, whether affluent or disadvantaged, have nothing to do but hang around street corners and seek new thrills for release from boredom or frustration.

One of the most important advantages that I see is that the Corps' conservation work-education program will inject into the minds and spirits of tomorrow's citizens a sound and meaningful environmental ethic. Some of us know that nothing teaches the necessity of wise conservation better than practicing it. Youths would be trained, shown, and then actually participate in implementation of current principles and methods of conservation. In the process, they would absorb a deeper appreciation of the necessity of wisely managing our natural environment. An environmental ethic—what a meaningful thing for this generation to pass to the next.

There is another advantage which certainly cannot be overlooked in the area of troubled relationships between youngsters of different social, economic, and ethnic backgrounds. The Youth Conservation Corps can help to bridge the gap between them. Under the organized supervision of experienced educators and conservationists, young people would learn to get along together, to communicate, to gain new lasting understandings. A human and outdoor living environment provides a unique resource of easing some of today's social problems. At summer's end, the youths would return to their homes with new friendships, new insights, and perhaps in some future time, new and workable answers to old and destructive problems.

Existing Federal youth programs are not similar to that proposed in H.R. 15361. Youth programs which provide job opportunities aim at increasing youth employability and otherwise relieving the conditions of poverty. These are very worthwhile goals, but are not the prime purposes of the Corps.

Two programs most similar to the Corps are Neighborhood Youth Corps and Job Corps. Both include only disadvantaged, out-of-work and usually out-of-school youth. The Youth Conservation Corps includes youth from all economic backgrounds and would primarily include in-school youth.

The Neighborhood Youth Corps is not a residential program nor does it aim at providing youth the opportunity to understand and appreciate the Nation's natural environment. Furthermore, Department of Labor policy has not encouraged such involvement. In 1969, around 364,000 youth were enrolled in New York City; about 600 were involved in conservation agency work. Most New York City slots have been programed to large urban areas.

The Job Corps civilian conservation centers program is a residential living program where youth, as a part of their training, conduct conservation work on Federal lands. This program, however, has and is being modified. Of the original 88 federally operated centers, 30 are currently operating. Conservation work is being deemphasized. The recent USDL redirection of Job Corps states:

> It is necessary to . . . deemphasize the work program to the maximum extent possible.

In addition, the President's Manpower Training Act of 1969 (proposed), would further modify conservation activities in Job Corps.

I think it is clear that the proposed program does not overlap existing Federal programs and certainly there are none which, in my opinion, can be more effective for the objectives which are set forth. The Youth Conservation Corps is not primarily a manpower training program. It is not intended as such.

Yet, opponents have stated:

> It would establish another categorial manpower program and that it does not provide the manpower services necessary for skill development.

The bill may not provide all manpower services necessary for skill development. This bill clearly states:

> Employment of American youth in public lands creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage.

Employment, as envisioned in this bill, is a meaningful way to involve, acquaint, and commit youth to wise management of our natural environment. While the youth learn, they are productively contributing to the improvement and maintenance of natural resources on public lands and are being properly compensated. In addition, they would gain some work experience.

There are areas in the bill which

should be improved, but this I believe can be accomplished during debate.

Again this is a modest program but one which is patterned on a most successful earlier program. The objectives are sound; the thinking back of the program is good. It can contribute significantly to America. It is worth all the cost and all the effort. I support it strongly.

Mr. SCHERLE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I had an opportunity to sit in on the committee hearings, and I can state that the bill was very ably presented. I wish everyone could have had the opportunity of hearing about the real challenge youngsters would have if they could go to the mountains of Washington or Oregon. I have never been there myself, but when we heard about these great mountains and what the outdoors would do for the youth, one could visualize everything that could be done through this particular bill.

But while we analyze it, I would like to call your attention to two or three things. First, at most, all we are talking about are 3,000 youngsters. In other words, we are talking about a plan to take care of 3,000 youngsters, although we have millions and millions of teenagers who would like to participate. This bill applies only to 3,000. So we really are not going to be able to accomplish much.

Ask yourselves this question: How would they find 10 boys or girls from Corpus Christi? How would they select another 25 out of Little Rock, or another 30 from Waterloo, Iowa, and so on down the line? How do you pick 3,000?

The other point is in relation to the length of the program. It is only a 90-day program, the hardest program in the world to administer.

This gets back to one of the two big problems we have in connection with it. We are creating a new bureaucracy. We are creating a new commission. If this thing was really needed, if we needed a program of this type, it could be handled through the National Park Service.

The one thing we do not need in Washington today is more and more bureaus. We need more and more consolidation and savings of administrative costs. The other thing we need to evaluate is what do we accomplish in America if we go to Atlanta, Ga., and pick up 10 youngsters and take them up to the State of Oregon and let them spend 90 days in this camp? What do we accomplish? All we do is stir up unrest among the other 3,000 youngsters who do not get to go. When we help the 10, we are stirring up dissatisfaction among the others.

The program of the CCC was brought into this. Many of us are strong believers in what the CCC accomplished. We ought to compare it in its true light. It was a program for men. It could also have been a program for ladies. But it was a long-term program in which they brought the people in for a sufficient length of time so they could accomplish something.

The dollar amount in this bill does not seem to be a great amount in terms of our large budget, but it is a matter of principle and intent. All of us should evaluate very carefully whether this is the right way to be expanding our Government economy.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Washington, the author of the bill.

(Mrs. MINK (at the request of Mr. MEEDS) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 15361, the Youth Conservation Corps bill, of which I am a cosponsor. This legislation would establish a pilot program designated as the Youth Conservation Corps over the next 3 years for young people, ages 14 through 18, to work in conservation on Federal lands.

This bill has been approved by our House Committee on Education and Labor as part of the growing national concern with preservation and protection of our environment. Its intent is to establish a means to channel the dedication and enthusiasm of our young people for this meritorious cause into activities that will have a direct beneficial impact on our environment.

There is a great need for such services by our young people because of the tremendous increase in the public use of our wildlife refuges, parks, and national forests for recreation and other purposes. This extensive use increases soil and water conservation problems on these properties, and there are many such areas which could greatly benefit by the type of activities evisioned by this legislation.

In addition to the benefits gained by the public through the availability of improved recreational areas, the Youth Conservation Corps members themselves would benefit through wholesome, healthy outdoor activity on behalf of a worthy cause. This will increase the role and relevance of nature and the environment in their lives, an appreciation which is in their personal interest as well as the national interest.

The program would help meet the need for summer jobs for our youth. Unemployment for May was 5 percent for the Nation as a whole, but 14.3 percent for young people, an increase of 2 percent over last year. This legislation would provide timely help in a critical need.

Since no other existing programs are directed to the same ends, the Youth Conservation Corps would fill a measurable gap in our efforts to improve the environment. Federal agencies such as the Department of Agriculture and Department of the Interior with related programs have expressed an interest in cooperating with the proposed Corps in ways which would reap the greatest return for the modest investment to be made.

We proposed to invest $3.5 million a year for 3 years in this pilot program to test the best means of implementing our objectives. At the conclusion of this period we will be in a better position to determine the future status and funding levels of such activities.

Young people of both sexes and all income levels would be encouraged to participate. We would take advantage, also, of experiences gained by the Job Corps and other programs available to youth so as to provide the most constructive and productive approaches possible.

There are many pressing goals in our society, but this program is one of the few that can produce benefits in many of the most critical areas. We would implement vital ecological work on our Federal lands at the same time that we attacked unemployment and alienation among young people.

Because of the great promise offered by this legislation, I urge my colleagues to support the Youth Conservation Corps bill.

Mr. MEEDS. Mr. Chairman, I was shocked and saddened by the catch phrases which were used by my friend, the gentleman from Iowa, when he termed this a "kiddie corps" and a "babysitting venture." I think this shows a calloused disregard for the aspirations and the ability of the youth of this Nation. I certainly wish the gentleman could go with me to some of the programs I have seen operating, programs such as this. I am sure he would no longer feel they were babysitting or kiddie corps operations.

The young people are doing meaningful things in our national lands. They are creating trails and campsites and the types of things which we need very much today. I am sure they would not like to be considered as members of a kiddie corps.

Mr. Chairman, this legislation is, indeed, patterned after the old CCC concept, a concept which enhanced the public lands of this Nation for years and enhanced a generation of Americans.

Despite the protestations of a minority on the committee, this is a bipartisan bill. Over 32 Members of this House of Representatives have sponsored this legislation. There were six Members from the side of the aisle of the gentleman from Iowa.

Mr. Chairman, this bill is supported by more organizations than I have seen support a piece of legislation in a long time. I want to take the time to read who is supporting this legislation. This bill has support of: the Sierra Club, the Western Forest Industries Association, the Boy Scouts of America, the Girl Scouts of America, the National Wildlife Federation, the National Association of Counties, the National Rifle Association, the National Association of Secondary School Principals, the Citizens Committee on Natural Resources, the Izaak Walton League, the National Association of Soil and Water Conservation Districts, the American Forestry Association, the National Recreation and Parks Association, the National Forest Products Association, and the National Audubon Society.

I would like also, Mr. Chairman, to point out that this is a pilot program. This is a pilot program in which we want to test different methods. One of the

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great complaints coming from the other side of the aisle during the years we debated the Job Corps was that we dashed headlong into it and did not know what we were doing when we started it. I will venture to say perhaps we did not, and we found out to chagrin we did not. We should have tried some pilot programs, but we did not do so. We are suggesting on this type of program to start with a pilot program and test the concept, so when we have the program, we will have a good one, and we will know how to handle it.

Mr. Chairman, I believe this is an excellent program.

No one program is going to solve all the ills of the United States, foreign and domestic, but this is a bill which directs itself toward two of the most glaring problems the United States has today, the conservation of our natural resources and the conservation of our young people. Indeed, it is a bill that puts these two things together.

Somebody said over here in debate a moment ago that children from wealthy families could attend. Of course they can, because they are going out there to do an honest day's work. We expect to get dollar value out of their work.

This is not a program which is going to solve all the ills, but it will direct itself to two of our problems.

People are trying to make of it a complicated program. This is not a complicated program. It is a program premised on the belief that there is a lot of therapy in a good, hard day's work. It is not some big social program in which we will rush in with a lot of sociologists and check everything out. We just happen to believe that a good, hard day's work provides a lot of therapy. That work is going to be done in the areas where it needs to be done.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MEEDS. Mr. Chairman, 5 million acres of national forest land in this country have been cut over and never reforested. Campsites, trails, picnic areas, and everything else must be built.

The use of our national parks will increase twofold from 1968 to 1975, and it will increase tenfold by the year 2000. What are we going to do?

Somebody pointed out that 600 miles of trails in the Olympic National Park alone have never been tended because we do not have people to do it.

Fourteen million board feet of softwood lumber is burned in this Nation or destroyed by insects and disease every year. One billion board feet more than we produce, than we make lumber out of, are destroyed by fire and insects. Why cannot young people be put into the forests, to reforest, to fight disease, to fight fires, to fight insects which are attacking these trees?

This work is to be done by those people who need the work. Someone said that this was not a poverty program, and we can bet it is not a poverty program. All the young people of ages 14 to 18 are disadvantages in the respect that they cannot find employment. Some 16.4 percent of our young people last year, and probably 18 percent this year, are unemployed. There are 1.6 million young people who want jobs and cannot find them.

This is not going to solve that problem, but it does direct itself toward a solution of the problem by placing those people who are the most disadvantaged in terms of finding jobs in a position where they can get jobs.

Mr. Chairman, the purpose of this bill is a good purpose. It is a purpose to blend conservation and development of our natural resources with our most important resource, the youth of this Nation.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Iowa.

Mr. MAYNE. I am sure the gentleman is aware of the fact that there are many hundreds of camps in this country available for people who can afford to send their children to them, which are performing a very useful function.

Mr. MEEDS. Yes, I am well aware of that, but may I go on and say they are not conserving our natural resources. They are not building trails and campsites or replanting trees and the things such as I am talking about here.

Mr. SCHERLE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Chairman, this is a bill, which I am sponsoring along with several other members of the congressional delegations from the Pacific Northwest States. The bill and proposed program, however, have interest over a much wider area than just our part of the country. I think perhaps the best way to describe the legislation is to say that we are all aware of the pressing problems our society faces today: backlog of ecological work on Federal lands, unemployment, and alienation of some of our young people. Now I am not going to claim that the Youth Conservation Corps is a complete panacea for these problems, but I do believe that the program would attack these problems, and it should do this even in a limited way, as a quite effective way.

The Corps would be directly involved in conservation and improving the environment. It would have the responsibility of enhancing public lands by making campground improvements, building trails, planting trees and constructing soil erosion works. The YCC would cut substantially into a very heavy backlog of much needed work on our public lands that has too long gone undone. In this respect it could be fairly stated that the Youth Conservation Corps would be in some ways similar to the Civilian Conservation Corps, known as CCC, of many years ago. But, there are some very profound differences. For one thing, the Youth Conservation Corps, as it is envisioned in the bill, would consist of youth of both sexes, ages 14 through 18. The Corps would be open to youth of all social, economic, and racial classifications, and service as a member of the Corps would be limited to not more than 90 days during any single year.

Now the idea of a Youth Conservation Corps is not new, as I said. As a matter of fact, the concept has been discussed, off and on, for many years. I, myself, have introduced legislation about setting up a Youth Corps on two previous occasions since coming to Congress. But right now, in 1970, there seems to be a series of justifications for the program that are particularly compelling. Among these are the fact there is an urgent need for conservation work; the fact that the Youth Conservation Corps would be expected to provide experience of great educational value, directly to the enrollees and ultimately to the Nation; and finally, that the proposed program would help meet the need for summer jobs for youth. Of course there are other considerations such as the low cost of the program as compared with its benefits. If this is approved and enacted into law, it will be a "pilot program" however. Through such a pilot program a determination can be made as to how extensive a program of this sort would be desirable for the Nation. I have always thought that one of the major reasons for the initial problems we had with the Job Corps, was that there was not at first a pilot program to provide trial-and-error experience.

It seems to me that the Youth Conservation Corps would provide constructive "relevant" experience for restless youth who complain that they cannot find such experience in traditional school curricula. And at this time of great national concern over the quality of environment, the Youth Conservation Corps offers opportunities to contribute to the needs of a modern society.

I urge full support of this measure.

Mr. Chairman, I am supporting this bill. I have supported this concept in previous Congresses, and I am deeply gratified that this time we have the spelled out form of the project which I think has long been needed in this country. A great many of the remarks that I intended to make have been made by previous speakers. I think there have been some legitimate questions raised that need answering, particularly that of the gentleman from Iowa (Mr. MAYNE). I would like to give the gentleman, the original sponsor of the bill, an opportunity to respond further on this question of what I think is the strength of the bill. I do not believe we should make this a bill just to help those who are in deprived circumstances or in low economic circumstances, because in that way we would lose the impact of the program.

I wonder if the gentleman would like me to yield to him so that he may further respond to the question of the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Would the gentlewoman yield so that I can phrase the question more precisely?

Mrs. MAY. I yield to the gentleman for the purpose of asking the question.

Mr. MAYNE. I would like to ask the distinguished gentleman from Washington why it is that with such a stringency of Federal funds available at the present time the taxpayers of this country should be asked to pay for a summer camp for the children of affluent people. Do not these parents have some respon-

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sibility themselves to see to it that their children are not on the streets doing these horrendous things which some speakers have talked about? Is there not a very ample opportunity at least for the children of the well-to-do? Now, I am not opposed to having needy children put in these camps and given this opportunity, but I am very much at a loss to see why the taxpayers of the country should be sending affluent children to summer camps in beautiful mountain areas of the country.

Mrs. MAY. I am limited as to time, and that is a question, I believe. Would the gentleman please respond?

Mr. MEEDS. If the gentlewoman will yield, I will be happy to respond.

First of all, I would like to point out, as I said earlier, that this is not a program where we are just attempting to provide jobs for people. I am trying to conserve our natural resources, our trees, our forests, and all of the other things that have to be done on our public lands. I think this is a responsibility of the Federal Government. We are going to ask the young people to go into the national forests and the public lands and work on them, and we are going to pay them. They will get what they deserve. Whether they are poverty stricken or are the youngsters of wealthy people does not make any difference. If they are performing a service, they should be paid for it.

Mrs. MAY. I would agree with my colleague from the State of Washington that the real strength of the bill, since its emphasis is on a contribution and in a very urgent area where contributions require a great deal of work and where there is a backlog of work in enhancing our public lands—I would agree that this job is so big that there should not be discrimination against a young person who wants to study and make a contribution and learn more about it on the basis of the facts. I do not believe that they should be discriminated against because their parents have money.

I would also comment, as I said before, that this is a pilot program. Perhaps the matter of contribution of money by those whose young people are working in this area could be taken up in some way, but I would say that it would be a great mistake to confine this bill only to those young people who would have to be found at a poverty level. Probably I would end up by saying that a great many of the young people—and I feel it would be too bad if this happened—would be those who were motivated to work and contribute. However, I think it would be an artificial barrier to say that those young people who want to make a contribution in this very important field would be kept from doing so by virtue of their parents' wealth.

Mr. PERKINS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, it seems to me there is a need for this type of program, which is contemplated in this legislation, the conservation of our natural resources in our country.

It seems to me there is also a need for wage earning experience among many of the youth of our country. I think those two things are very important things in this legislation.

One reason why I am on my feet at this moment is that earlier during the debate someone said something about the difficulty of choosing among the people who would be participants in this pilot program; and that there might be some problem along that line. I previously thought that would be so when some 20 years ago I started appointing pages in the House of Representatives. I wondered how I could choose between the hundreds of thousands of young people in my district as to whom should be appointed and that this would give rise to a lot of difficulty. As a matter of fact, I found it did not. As a matter of fact, I found that these young people carried back to others the message and value of their work experience here at the Nation's Capital; and this was a wonderful experience for everyone concerned. Perhaps this bill's effect could become, as with pages here, a real honor for those chosen. So much the better.

Mr. SCHERLE. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Chairman, to understand this bill, I think that we must understand it is a very modest program and that it has very modest goals. It has a relatively modest cost. I do not believe that anyone can truthfully look at this bill and know what is proposed to be accomplished if it is enacted and what is contained in it and then suggest that this is a federally financed summer camp program for children. It certainly is not. The needs have been very carefully spelled out, such as the millions of acres in this country of Federal timberland capable of growing timber which are not growing timber because they are not being reforested, the needs of maintaining the trails in our country, the needs of maintaining the firefighting potential so necessary, and stream clearance which is of the utmost importance in our country to mention only a few.

Mr. Chairman, I would like to concentrate if I may upon a few of the arguments that have been used against this bill. I have read the minority views very carefully. I notice, Mr. Chairman, that they are subscribed to by a minority of the minority. I am sorry to find myself in opposition to them. However, it seems to me that the opposition would love this bill to death. They say, of course, that it is not limited to the disadvantaged. Therefore, it is no good. Second, they say it is for too short a period of time and that you cannot get anything going in that length of time. Finally, that during the period of time provided for there could be no useful work experience gained.

Mr. Chairman, I would like to examine each of these items very briefly.

I think the fact that this bill is not limited to the disadvantaged is one of the real strengths of this program. We have had program after program after program in this country designed specifically for the disadvantaged. I have had mail from people in my district saying, what are you doing for my son, what are you doing for my daughter?

The organizations which the minority suggest that this program competes with are all designed for the disadvantaged. There is no program designed for a person in the middle class or for a child of the wealthy. I might remind everyone in this Chamber that children of the wealthy, children of the middle class, use drugs; they become delinquents, they indeed kill themselves, and this despite the affluence into which they are born.

Mr. Chairman, if we are ever going to start picking up the pieces in this country and start working together, this modest effort would be a good starting point, the sharing of the work experience, the sharing of the outdoors experience, and the mingling of all socioeconomic classes.

Mr. Chairman, it is a very, very good, if modest, starting place.

I think it is about time that we started giving some thought to all of our youth, regardless of their socioeconomic backgrounds.

In regard to the 90-day period, this is not a Job Corps program, this is a program to improve our outdoors environment, to permit our young to know the woods, and the outdoors. Much can be done in a 90-day period. It is an entire summer.

I do not buy the argument that it is not useful work experience. Even if I agreed with that statement I would point out that this is not job training. It is an introduction to the great outdoors for our young people, with them performing many useful and much-needed jobs in the course of it.

Our friends in opposition say two things. They say that what is needed is a coordinated and all-inclusive program for youth as a part of a comprehensive manpower program——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCHERLE. Mr. Chairman, I yield 1 additional minute to the gentleman from Oregon.

Mr. WYATT. Furthermore, Mr. Chairman, they say that the objectives can be achieved through other methods without these methods being described. I do not believe that we need or that we want any huge, new, structured bureaucracy as suggested here. I think we need to provide a simple, inexpensive program, free of all the usual bureaucratic trappings, to make a real try to see if taking a given number of young people and introducing them to simple outdoor living and jobs is helpful in making useful citizens of them while at the same time improving our environment.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, one of the rewards of being chairman of the Interior Subcommittee of Appropriations is working with our youth.

A very dramatic work-learn program has been started on our Indian reservations. We did not go through the Committee on Education and Labor, and I today am rather grateful for it. The Bu-

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reau of Indian Affairs and my subcommittee members all have become very encouraged by the results, and we are gradually extending these programs.

Perhaps the most successful of these programs is on the Makah Reservation in the congressional district represented by the gentleman from Washington (Mr. MEEDS). At Neah Bay, in the State of Washington, the Indian youths themselves administer the program. They clean up, fix, and paint their own reservation houses and facilities, and the results are outstanding. I have here for any Member to see a copy of the report on the Makah's program. Each of you should glance at it before voting on H.R. 15361. It came into being because we realized that many young people need pocket money to attend school, and they also need the opportunity to participate in the development and in the growth of their own Indian reservations. The results are shown by their enthusiasm and by the success of their programs.

The bill before the Committee today in my estimation sets out to do for all American young people what already is being done on our various Indian reservations.

The Youth Conservation Corps, as provided for in this bill, gives 3,000 young people a chance to work in conservation on our Federal lands. Across those 754 million acres there is plenty of work, and I am sure that the $3.5 million annual appropriation authorized under this bill will be returned manifold. And if you could sit and listen to the hearings of our committee and the testimony there presented as to the number of trails developed, the areas of forest lands that have been saved by our young people working on them, you would be convinced. Not only will there be improvements on the land, but the young people involved have an investment of labor in their land.

Young people become involved, have an investment of labor in their land, and come to love in a special way this land of ours.

This bill provides a 3-year pilot program. If the Youth Conservation Corps is successful, and judging from the experience with the Makah Indians, it will be successful, the Congress can then expand and develop the program for the benefits of our public lands and for the benefit of young people.

After months of studying the budget as well as the administration of our public lands, I am sure these 3,000 new workers and $3½ million in the additional budget can be used most economically and most prudently.

I am happy to be a sponsor of the legislation and intend to vote for it as well as urge all of you to vote for it.

Young people need our help. The Nation needs our young people and their services to our land. Together we have the important partnership which is America.

Mr. ADAMS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I am pleased to yield to the gentleman.

Mr. ADAMS. Mr. Chairman, I would like to associate myself with the gentlewoman's remarks and say I appreciate very much what she has just said and would join her wholeheartedly in her remarks.

Mrs. HANSEN of Washington. I thank the distinguished gentleman from Washington.

I might say to those who say that this is not a program for the rich or the poor that neither is the draft a program for the rich and the poor. Neither is any other American program. This is a program for every young American. Let us hope that we keep America that way for every young person—a program to grow, live, survive and help our country to build itself.

Mr. JOHNSON of California. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I am happy to yield to the distinguished gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I thank the gentlewoman from Washington for yielding, and I rise in support of the bill H.R. 15361.

Mr. Chairman, the objectives of the Youth Conservation Corps Act are twofold: First, to develop and maintain our public land resources; and second, to provide a practical education for our young people through training and experience.

More and more people each year are enjoying our national parks and forests, and, of course, the heaviest use occurs during the summer months. There is a great need for extra temporary help at this time to supplement the excellent job done by the U.S. Forest Service. The greater summer use means that there is more work to be done to maintain trails and clean up campsites as well as such long-range projects as revegetation, erosion control, and wildlife habitat improvement.

The Youth Conservation Corps Act would be a 3-year pilot program employing approximately 3,000 young people ages 14 to 18 for 3 months. It would enroll youth of all social, economic, and racial backgrounds—offering them an opportunity to work together, to shoulder the responsibility of wage earning and to aid in the conservation of our natural resources.

They would learn the physical skills of using tools and the personal skills of working effectively and constructively on jobs they could be proud of—jobs that would represent a meaningful contribution to their country.

There is concern that this program would be a duplication of Federal programs already established—in particular the Neighborhood Youth Corps, community action programs, and the Job Corps. The Youth Conservation Corps would share with programs that might be considered comparable to the aim of employment for youth, but it would be unique in that it would provide those jobs solely in forest conservation. Also, it is aimed not only at those ordinarily thought of as disadvantaged; it would bring together young people of various backgrounds that they might have the added benefit of learning from each other.

The need of our youth for the kind of training and experience the Youth Conservation Corps would offer and the need of our country for the benefits of such a program are clear. The Youth Conservation Corps would represent a wise investment in our public lands and in our young citizens.

Mr. SCHERLE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, the purpose as I understand it of this bill certainly cannot be argued—to teach young people, 14 to 18 or regardless of age, we may finally agree to, to work. The other purpose I understand is to improve and develop our public lands as a better place to enjoy our environment.

I do wonder, however, if this is really the best way to accomplish either one of those two purposes?

I can recall back a few months ago we had the so-called National Timber Supply Act which was intended also to improve our national forests. However, that particular bill would not have cost the taxpayers anything but merely would have provided that as timber was cut on our national forests, and not extending this cutting of national forest virgin timber wilderness areas, but provided that the money from harvested forests would go into a trust fund to build roads and improve our national forests.

But I notice that three of the favoring groups of those who want this bill, the Izaak Walton League, the Sierra Club, and the National Audubon Society all violently opposed that particular bill. It also is of interest that a majority of the authors of this legislation opposed the National Timber Supply Act.

I wonder why we accomplish or want to accomplish something now by digging into the taxpayers pockets when we had an opportunity just a few months ago to do the same job by setting up a trust fund of profits from timber sales and now are going to get it from the general treasury?

I wonder if one of the authors of the bill who opposed the Timber Supply Act or the chairman of the committee might be able to answer why we are asking the poor, overburdened, hard working taxpayer to do the same job now.

Since no one responds in answer to that question, I assume they would rather spend the taxpayers' money than to spend the profits from the national forest that now go into the general treasury.

Mr. SCHERLE. Mr. Chairman, I yield 2 minutes to my good friend the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, it may be that I should not get into this debate because I do not pose as an expert in the areas that are generally proposed to be covered by the legislation. But I do have some questions that bother me, because I do know something about what can be expected, of children in some of these age groups, just from a personal knowledge.

I wonder, since you suggest here that this is not for the purpose of being a summer camp for the disadvantaged or a particular group of children, and it is really designed to improve our outdoors and the environment, whether we really have paid much attention to what a

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young person of 14 or 15 years of age is capable of doing in this area, and the desirability in some respects of taking a 14-year-old and putting him in with 17- and 18-year-olds in terms of living together. If my experience means anything, it does mean that there is quite a little difference between a young boy 14 years of age and a young man who is 17 or 18. I would think, frankly, the proposal here would have much more meaning if it were the 16-, 17-, 18- and 19-year-old level that you were talking about.

Is there anything that the proponent or the author of the legislation can say to give us some confidence that there is some real meaning rather than dangers in having this program encompass the 14- and 15-year-old young person? For example, you cite the case of a witness before the committee, Mr. Louis Clapper, who tells about the experience of his son, 18. I can agree to that. I think we can all understand the meaningfulness and the contribution that can be made doing a day's work by an 18-year-old or by a 17-year-old. It begins to be more questionable when the 16-year-old is involved. But I think it is much more questionable when you think it is realistic to expect 14-year-old or 15-year-old boys doing a day's work, 8 hours, for 5 days a week.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I am happy to yield to the gentleman from Washington.

Mr. MEEDS. I will not take much of the gentleman's time.

Mr. BYRNES of Wisconsin. I am seeking information on the program.

Mr. MEEDS. There are programs operating today, similar to the proposed program, in which they do have 14-, 15-, 16-, 17-, and 18-year-old children participating.

Mr. BYRNES of Wisconsin. What I am asking particularly about are those in the 14- and 15-year age group. Would they have to do a days work, or even 5 hours for 5 days a week?

Mr. MEEDS. No, they do not. That is correct. But, for example, they can plant trees. They can do a lot of things. Someone will propose an amendment. I do not want my judgment to be the judgment of the House. Let us vote it up or down and determine if the age should be 16, 17, or 18——

Mr. BYRNES of Wisconsin. I thought maybe I could get some assistance from the author of the legislation as to the reason for including those 14 and 15 years of age.

Mr. MEEDS. Yes. We studied the programs.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, pilot programs can be good. And this program can be good. It will be just as good or bad as its administration.

We have in my congressional district a pilot program underway for the first time, begun just a week ago today. This pilot program makes use of the physical facilities of one of our Air Force installations. Youngsters who participate in this pilot program are sent there by mutual agreement by the juvenile courts.

A private sponsor, unknown to the public, pays the entire cost of feeding and clothing these youngsters while they are there, and pays for their incidentals. They draw no salary as is proposed here.

The military has approved this pilot project there. They provide the facilities and the personnel who direct these youngsters for the few weeks they are there. The program was begun a week ago today. Just last Saturday morning I talked at length with the base commander at Barksdale Air Force Base, Col. Marvin Anding. Colonel Anding told me I would not believe the change for the better that had come over those yougsters in just 1 week.

They are not there to train to be members of the military. They are there to be indoctrinated in the American way of life and to work while they are there and to take exercise and to make a contribution for their upkeep.

This pilot program which is proposed here, which will create this Youth Conservation Corps, can be good. I do not believe anybody can argue with its purposes, so, therefore, we should limit our consideration to the policies proposed by the bill. I want to take a moment or two to talk about those policies to see if we can get more perspective as to what we intend, and I would like to have answers from the chairman of the committee or from any other member of the committee who wants to provide me with these answers. It is my understanding from reading the bill that this bill is not intended to be a fun summer camp, but it is intended to be by and large a work program.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, that is correct. There is wide latitude given to the Departments of Interior and Agriculture to motivate the youngsters with needed conservation work.

Mr. WAGGONNER. It is my further understanding that, because this is not final legislation but is legislation which provides for a pilot program, in coping with the problems of selecting just 3,000 youngsters for this pilot program there will be some leeway or latitude given to the committee who will lay down the guidelines, but it is basically intended that they give consideration to the country as a whole and to the youth of every strata. Is that correct?

Mr. PERKINS. That is correct, because every State in the Union has national forests administered by the Department of Agriculture, and we have the National Parks administered by the Department of Interior throughout the country.

Mr. WAGGONNER. I asked that question, and I am pleased with the gentleman's answer, because we in Louisiana have these facilities too.

At first blush it would appear to me some criticism could be directed toward the fact that those who are without need are accorded the same treatment that those with need are accorded, but on second glance it seems to me this is entirely wise, because when we review the problems of our youth today, it is quickly evident that the lack of understanding and problems of our youth are not limited to the indigent alone. So I am glad we are giving this opportunity to all our youth regardless of their strata of life, to give them an opportunity to understand some of these resources and make their contribution to their future. It is not intended, is it, that we would utilize the $3.5 million to be made available on an annual basis to provide facilities, to build initially new facilities? Is that correct?

Mr. PERKINS. Only for personnel, because for this pilot program we have adequate facilities now available to us through the Department of Agriculture and the Department of the Interior.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. SCHERLE. Mr. Chairman I yield my colleague, the gentleman from Louisiana, 1 additional minute.

Mr. WAGGONNER. I have one other question. We are providing a pilot program for 3,000 youngsters which authorizes the appropriation of $3.5 million a year. Is it intended that this $3.5 million pay the total cost of the operation of the program, for such things as whatever salaries are involved, let us say, and whatever transportation is involved, and whatever food and clothing are provided, and whatever medical care is required, for example?

Mr. PERKINS. The gentleman is absolutely correct.

Mr. WAGGONNER. If my arithmetic is correct, the cost of this program in its entirety will be about $1,166 per youngster per year.

Mr. PERKINS. That is correct.

Mr. WAGGONNER. This does not seem exorbitant to me. I believe we will reap many times that benefit in the years to come. I support the legislation because it is at least worth a try.

Mr. SCHERLE. Mr. Chairman, I yield 2 minutes to my colleague the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. PERKINS. Mr. Chairman, I yield the distinguished gentleman from Pennsylvania 1 minute of my time.

Mr. SAYLOR. I thank the gentleman.

Mr. Chairman, I rise in support of this legislation. I do so for several reasons.

First, as our distinguished colleague from Louisiana has pointed out, this is a program which is available to all the youth of America. The problems of youth are not confined to those who are underprivileged. The fact of the matter is a lot of the problems we are having in this country come from the youth of this country who are overprivileged.

It might be a very good idea to let some of our young people know that there is such a thing as hard work, that there is such a thing as the opportunity to make a daily contribution for a period of 3 months in the summer to bettering one's own physical condition and to bettering some sections of the country and to giving a contribution to one's country.

One of the important things we should recognize is that this is not a military operation. This is an operation that will be conducted probably in some of the

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areas that have been closed by the OEO, where we have facilities and where we have operated camps similar to the CCC camps. This is the kind of proposition that should be made available.

Someone has come to me and said that we should not have this program, because it might be a duplication. No program that I know of is going to be duplicated by this program.

The other day we passed a program for living history in the parks, to allow the Park Service to use certain youths for work in our national parks. The important thing is that those young people are going to contribute their time and their energy. The only thing we provided for in that bill was to provide some transportation and some medical expense, if there were any.

Very frankly, we must realize there are vast areas of this country which are in Federal ownership, which need looking into, which need to have trails built in them. This is where these young people will work. This is where they can contribute the most. This is where they can make a contribution which will be lasting.

I doubt if there is any Member of this body who has not been in a national forest or in a State forest or in an area that still has some of the benefits of the CCC camps which were built and operated in the middle 1930's. This proved to be one of the best things the Government has ever done, and I am sure that these will follow the same pattern.

I urge that with an amendment increasing the age to 16 that this bill will pass.

Mr. SCHERLE. Mr. Chairman, I yield myself such time as I may use.

I believe some confusion has reigned in the House, in trying to compare those programs with the Civilian Conservation Corps. That is quite erroneous. That was not a child's program; that was a man's program. I am sure if the facts could be developed, they would not allow them to participate at the tender age of 14 years, and particularly boys and girls.

In the program at that time there was the same considered evaluation, that eligibility had to be the same as working for WPA. This was an unemployment program, a poverty program.

I cannot help but believe that we are going to end up funding nothing more than a huge recreation program, particularly when we bring in all the socioeconomic groups in the country.

Mr. BLATNIK. Mr. Chairman, I strongly support the Youth Conservation Corps Act of 1970. I believe this proposal to be a challenging and constructive effort to direct the energies of American youth into productive channels—the preservation of our national resources.

I can see the wonderful results of enacting this bill by looking at my own district. In the Boundary Waters Canoe Area, there are at present only 1,630 campsites—not nearly enough for the 8-percent rise in visitors to the park each summer. If just seventy young people work in the BWCA, the number of available campsites could increase to 3,175 over 5 years. And those campsites now in use could be improved.

A second reason for passing this bill is the strong demand for employment we hear this summer from our Nation's youth. They need work. They need money for their education. They need the experience of producing tangible results through their own efforts. They need to be occupied for the summer. And we need them.

I support this legislation because since 1959 I have strongly advocated programs to provide work experience for young people and in the 81st and succeeding Congresses I authored legislation to create a streamlined junior version of the CCC. Three times, we succeeded in getting this legislation reported out of the Education and Labor Committee, but each time it was deadlocked in the Rules Committee.

Finally, in 1964, President Johnson included the YCC proposals in his antipoverty program as the Job Corps and Neighborhood Youth Corps, respectively, and both proved to be successful.

So, Mr. Speaker, I urge the passage of this new proposal, for the benefit of our national parks, forests, and recreation areas, and for the education and experience which our youth so desperately need. This program of work for young people is a healthy sign of constructive action in one area, youth, that certainly demands action.

Mr. TIERNAN. Mr. Chairman, I strongly support H.R. 15361 which establishes a 3-year pilot program employing about 3,000 youths between the ages of 14 and 18 during the summer on public lands.

Back in 1964, 1965, and 1966, I introduced similar legislation when I was a Senator in the Rhode Island General Assembly. My bill was designed to establish a Youth Conservation Corps to develop Rhode Island's natural resources.

I am gratified that the Education and Labor Committee of the House has seen fit to act favorably on this legislation. This bill is particularly worthwhile for it will have the twofold effect of helping some of our youths and also protecting our natural resources. This bill acts to complement our many other employment programs in the United States. All of these bills are designed to benefit the labor force and thus the whole economy.

I hope my colleagues will support this bill.

Mr. PRICE of Illinois. Mr. Chairman, I am pleased to have this opportunity to express my support for the establishment of the 3-year pilot program designated as the Youth Conservation Corps. The benefit from this modest annual investment of $3.5 million in our Nation's youth and in our conservation efforts will far exceed the actual cost.

It is my belief that the merit of such a program by far outweighs the expense. The benefits that will be derived are many and varied. They differ from those benefits derived from either the Job Corps civilian conservation centers or the Neighborhood Youth Corps program. For example, whereas the Job Corps is restricted to 14- to 21-year-old disadvantaged male youths, the proposed program includes all youths between 14 and 18. A further difference is that the emphasis of the Youth Conservation Corps will be on conservation of land and resources rather than on education and training.

With the ever-increasing pressures on our lands, forests, and parks, there is an urgent need to intensify efforts directed toward preservation. Such a program as this can be an immense aid. The participants will have the responsibility of both improving and maintaining our resources. There can be, for example, increased reforestation and watershed construction.

In addition to the value of the program to our conservation efforts, there will be manifold benefits for the enrollees. First of all, of course, they will have the opportunity for meaningful work, since they will be helping to preserve a vital part of our Nation.

Also, their participation will be highly educational. They will develop an appreciation and understanding of conservation. The inclusion of participants of both sexes, from ages 14 to 18, regardless of race or economic background, gives rise to a unique opportunity for developing cooperation and tolerance, two traits much needed today.

Our experience with the Civilian Conservation Corps in the 1930's demonstrated the effectiveness of young people in conservation efforts. Youths, at even the age of 14, are quite capable of giving worthwhile contributions in this area. Their ability to help has been proven in times of emergency, such as flooding or tornado destruction.

The benefits that will be derived from the passage of this bill is necessary to the future well-being of our Nation. We must continue in our efforts both to preserve our national resources and to better educate our youth for the problems of tomorrow. By adopting this bill, I believe that we will be taking important steps toward accomplishing both.

Mr. RYAN. Mr. Chairman, the Youth Conservation Corps created by H.R. 15361 is an attractive and worthwhile concept. The Corps seeks to benefit both youth and conservation, and I intend to vote for it. Certainly, both of these subjects have been primary concerns of mine.

However, in supporting this bill, I am mindful that it is not an entirely satisfactory piece of legislation. I hope that the record made today by the debate on H.R. 15361 will serve to make it clear where some of the potential problems lie, in order that the program may thereby be benefited.

My first concern is the failure of the bill to provide adequate protection for the youths who would participate in the Youth Conservation Corps. Specifically, I should like to see language added to section 3(b) of H.R. 15361 making clear that, when the Youth Conservation Corps Interagency Committee determines the rates of pay, hours, and other conditions of employment in the Corps, it precludes the assignment of Corps members to forest firefighting.

My concern in this regard stems from past history. For a number of years, the youths assigned to Job Corps Civilian Conservation Centers, which are operated by the Departments of Agriculture and Interior pursuant to interagency

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agreements with the Department of Labor—and, prior to the delegation of Job Corps to the Labor Department on July 1, 1969, with the Office of Economic Opportunity—were used for fighting forest fires.

These youths were sent into dangerous situations, for which they often had insufficient training. They received no pay for their efforts, even though the professional firefighters alongside of whom they worked were being paid the high wages which such dangerous and strenuous work warrants. There was always some question as to whether these youths were "volunteers" or whether they were "encouraged" to go out and fight these fires, either by their supervisors or by their own enthusiasm for excitement.

However they got to the fireline, the fact remained that they were engaged in dangerous work. This danger was made very clear in August of 1968, when seven Los Angeles County juvenile probationers assigned to similar work were killed fighting a brush fire in the San Gabriel mountains. These youths were not in Job Corps, nor where they under the direction of Job Corps. But their tragedy heightened the concern about Job Corps' utilization of Corpsmen for firefighting.

In light of this concern, the headquarters personnel of Job Corps undertook to reexamine their policy. They did so despite the views of the Departments of the Interior and Agriculture, which saw this firefighting as helpful and worthwhile.

While the Department of Labor's child labor regulations did not preclude the use of youths as firefighters, the arguments were strong for discontinuing the practice. One argument was based on the Los Angeles tragedy. Another was based on the fact that several States as well as Puerto Rico set 18 as the minimum age for employment of minors in jobs either injurious to health, or involving logging-type operations—Indiana, Kentucky, Michigan, North Carolina, Tennessee, and Utah. The Maryland provision by implication precludes actual firefighting by minors under the age of 18. And in Wisconsin, minors under 18 are precluded from working as firemen, volunteer or otherwise, except in emergencies.

A third factor entered into Job Corps' considerations when a bill was introduced in the 1969 California State Legislature session which amended the California Welfare and Institutions Code so as to limit the use of youths under the age of 18 for fire suppression work. The bill allowed wards in the State under age 18 to be assigned to fire suppression work only if: First, the parent or guardian of the youth had given permission for such labor; second, the youth had received training equivalent in number of training hours to that received by persons in apprenticeship for firefighters; and, third, all other available manpower had been used.

In light of all these factors, Job Corps has recently adopted a new regulation concerning the use of Corps members in forest-fire fighting. Section 712 of the Civilian Conservation Center Administrative Manual now provides that only volunteers may be assigned to this work. Moreover, no volunteer under the age of 18 will be accepted. In addition youths who do participate in firefighting must be graduates of a fire suppression training course, and they must be paid at the rates received by professional firefighters.

None of these protections embodied either in the California bill or Job Corps' regulation are contained in H.R. 15361. And, in light of the Department of the Interior's and the Department of Agriculture's resistance to the Job Corps regulation, it is doubtful that such a regulation will be adopted for the Youth Conservation Corps, which is to be run by an interagency committee, two-thirds of the members of which will be representatives of these two agencies.

So, one problem with H.R. 15361 is that it leaves open the door to sending untrained boys and girls into dangerous forest fire situations.

A second problem concerns the troika administration contemplated. To carry out the purposes of H.R. 15361, a Youth Conservation Corps Interagency Committee is to be established, composed of representatives of the Departments of Labor, Agriculture, and the Interior.

As I said earlier, the Departments of Agriculture and the Interior operate Job Corps Civilian Conservation Centers. And many of the problems these centers have experienced stem from the bureaucratic tangle of a multiagency effort. I would hope that this tangle is avoided with regard to the Youth Conservation Corps.

A third problem with the Youth Conservation Corps concerns transportation costs. I am aware that section 3(b)(3) of H.R. 15361 contains language specifically directed at limiting these costs:

> That to minimize transportation costs, Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

I am also aware that the Legislative Reference Service report prepared on H.R. 15361 at the request of the Committee on Education and Labor states this restrictive language would prevent long-distance transportation, which was supposedly conducted by the Job Corps which it describes as follows:

> One of the causes of disillusionment with the Job Corps has been the busing of youngsters across the country from Florida to Oregon and Oregon to Florida.

And the report goes on to maintain that "such unnecessary expense would be prohibited" by the language of H.R. 15361.

First, there are no Job Corps centers in Florida. There was one, briefly, in St. Petersburg, and this was a small center limited to women. Second, the history of Job Corps transportation has never involved major transportation except from the Southeast to other areas, this being because most enrollees come from that region, which has very few Job Corps centers.

Finally, I would note that this argument is misleading in pointing to the restrictive language in regard to transportation and claiming that this is a distinction from Job Corps' authorizing legislation. In fact, section 106(d) of title I of the Economic Opportunity Act, which authorizes Job Corps, contains similar language. And the history of Job Corps is a history of high transportation costs.

But most importantly, I would note that if this language in H.R. 15316 is read so as to encourage or force the operating agencies of the program to limit transportation expenses, the entire eastern seaboard, with its teeming ghettos, will suffer, since there are few closeby areas to which youths from this part of the country can be sent.

Thus, I would very much hope that the restrictive language concerning transportation not be read so stringently as to penalize the youths who reside east of the Mississippi. They deserve, perhaps even more than many of the youngsters who already live in relatively open areas, a chance to receive the benefits which the Youth Conservation Corps can provide.

My final concerns regarding H.R. 15361 center around the concepts it opens up. I would very much hope that the intelligent awareness of both the needs of our youth and the needs of our environment which this bill represents are picked up and vastly expanded.

I would note, for example, the terrible problem of unemployment afflicting the teenagers of the country. In April of this year, the unemployment rate among black teenagers stood at 32.7 percent. They desperately need help—they need jobs and they need skill training.

Thus, while H.R. 15361 addresses one of the disadvantages which so many of our youth experience, it should also serve as a wedge to foster greater awareness of the as yet unmet needs which remain. For example, the Neighborhood Youth Corps summer program desperately needs additional funding. As I said on the floor this past May 25:

> The disadvantaged youth who are eligible for Neighborhood Youth Corps urgently need the opportunity to participate in it. They have been consistently rejected from the mainstream of our society and our economy, and to deny them even the bare minimum opportunity which this program offers is simply unjustifiable.

For lack of funding, Neighborhood Youth Corps cannot accept the 227,000 youths in its summer program who need the money and the experience. For this reason, I urged on May 25 that an additional $100 million be provided for the program this summer. And to that end I have introduced H.R. 18068.

Not only is Neighborhood Youth Corps starving for funds, Job Corps is, as well. And Job Corps certainly is a program which meets the conservation function proposed by H.R. 15361, as well as providing skill training and remedial education. I would point to section 106(e) of the Economic Opportunity Act, which specifically states:

> Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers . . . or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas.

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The youth of our country need help. The Youth Conservation Corps may be one answer, but certainly Job Corps and Neighborhood Youth Corps are also answers. And they should receive the funds which they need, so that they may help youngsters desperately seeking a chance to help themselves.

Finally, I find very worthwhile the aim of serving the needs of conservation, as the Youth Conservation Corps proposes to do. But, the ecology of our cities is in dire straits, and here, too, youth can participate. Provide money for them to build vest pocket parks. Provide money for youths to work on rehabilitating old buildings. Provide money to maintain city parks. Provide money to clean up shorelines. Provide money to build neighborhood pools. In every one of these endeavors, youth can participate. And, what is more, they will have the benefit of being able to use and enjoy the fruits of their own work, done in their own neighborhoods and cities.

In sum, the Youth Conservation Corps is a step. It is a pilot program, and we shall see how it works out. There are pitfalls; hopefully they will be avoided. But, in addition, there are many steps yet to be taken. And they must be taken quickly. Our children are impatient, and rightly so.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 15361, the Youth Conservation Corps Act. This measure provides the opportunity for an imaginative experiment in tackling the conservation and environmental problems of Federal lands through the use of dedicated young people between the ages of 14 and 18.

This legislation authorizes the expenditure of $3.5 million a year for a 3-year demonstration program on Federal lands. The young people who participate in the program would improve publicly owned lands by planting trees, making campground improvements, building trails and constructing soil erosion works.

In addition to the much needed work in the environmental field and the involvement of young people in the project, this bill would relieve some of the pressure from higher unemployment for young people. Some experts have predicted unemployment among young people at a rate of between 17 and 20 percent this summer, an alarming statistic at best.

I support H.R. 15361 as a meaningful pilot program which can benefit our Nation in several areas while we work for a conservation policy which will benefit future generations of Americans.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

SECTION 1. The Congress finds that the gainful employment of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

YOUTH CONSERVATION CORPS

SEC. 2. (a) To carry out the purposes of this Act, there is hereby established a Youth Conservation Corps Interagency Committee composed of representatives of the Departments of the Interior, Agriculture, and Labor who shall administer a three-year pilot program designated as the Youth Conservation Corps (hereinafter referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions who have attained age fourteen but have not attained age nineteen, and whom the Youth Conservation Corps Interagency Committee may employ, without regard for civil service or classification laws, rules, or regulations, for the purposes of providing gainful employment, generating understanding, and developing, preserving, or maintaining lands and waters of the United States.

(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

YOUTH CONSERVATION CORPS INTERAGENCY COMMITTEE

SEC. 3. (a) The Youth Conservation Corps Interagency Committee shall be composed of six persons. The Secretaries of the Departments of the Interior, Agriculture, and Labor shall each designate two persons to serve on the Youth Conservation Corps Interagency Committee, with one, at least, of the two designees being an employee of the respective department. Each member of the Interagency Committee shall serve at the pleasure of the Secretary appointing him. The Secretaries of the Interior, Agriculture, and Labor, in consultation, shall name the Chairman of the Interagency Committee.

(b) The Youth Conservation Corps Interagency Committee shall:

(1) designate the public lands upon which members of the Corps can be effectively utilized in conservation work, and coordinate Corps efforts with those holding jurisdiction over the respective public lands;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps: *Provided*, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

(3) arrange for transportation, lodging, subsistence, other services and equipment for the needs of members of the Corps in fulfilling their duties: *Provided*, That whenever economically feasible, existing but unoccupied Federal facilities (including abandoned military installations) shall be utilized for the purpose of the Corps, *And provided further*, That to minimize transportation costs, Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

(5) give employment preference for temporary supervisory personnel to primary, secondary, and university teachers and administrators and university students pursuing studies in the education and natural resource disciplines;

(6) prepare a report, indicating the most efficient method for initiating a cost-sharing youth conservation program with State natural resources, conservation, or outdoor recreation agencies, which report shall be submitted to the President not later than one year following enactment of this Act for transmittal to the Congress for review and appropriate action.

(c) The provision of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to temporary program support staff.

INTERAGENCY COMMITTEE REPORTS

SEC. 4. Upon completion of each year's pilot program, the Interagency Committee shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's pilot program. The President shall transmit the report to the Congress for review and appropriate action.

AUTHORIZATION OF FUNDS

SEC. 5. For three years following enactment of this Act, there are hereby authorized to be appropriated amounts not to exceed $3,500,000 annually to be made available to the Youth Conservation Corps Interagency Committee to carry out the purposes of this Act.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 2, line 16, strike the word "fourteen" and insert in lieu thereof the word "sixteen".

Mr. QUIE. Mr. Chairman, judging from the comments I have heard this afternoon, I think there is some merit to this legislation if these young people will actually do some work and if they are involved in conservation work so that it will be of benefit to other people as well as themselves. However, it is hard for me to believe that any of you who have children 14 years of age would want them to go to live in a camp with some 18-year-olds. Now, there is a lot of difference between children 14 and 18 years of age and a lot of difference between children who have been close to their homes and those who have been roaming the streets for a long time. For that reason I think it would be better to change the minimum age from 14 to 16. It is quite acceptable that 16-, 17-, and 18-year-olds be put together. If we are only talking about 3,000 of them, then let us find out if this program works with the 16-, 17-, and 18-year-olds before we start taking care, as one of my colleagues said, of them at the tender age of 14 or 15.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the chairman of the committee.

Mr. PERKINS. Let me say to my distinguished colleague from Minnesota that personally I well understand his argument and for that reason there is no objection to his amendment. Person-

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ally I accept the amendment. I think it would be a good point to make if 16 years of age, particularly in view of the small number of enrollees the funding authorizations permit.

Mr. QUIE. I thank the gentleman.

I may also remind my colleagues of what the gentleman from Iowa (Mr. SCHERLE) said in referring to the CCC camps. Young men, not 14-year-olds, were in CCC. There would not have been the results from the CCC camps if they depended on 14- or 15-year-olds. In fact, I certainly would never have wanted my children in those camps when they were 14 years old, judging from the things that I know went on there. To permit 14-year-olds to go in there I think would have been completely wrong. No matter what you do there will always be some difficulty, but with proper supervision I believe we can handle those who are in the age group of 16 to 18 years old. Therefore, I hope that all of my colleagues will support the amendment I have offered.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. The thing that intrigues me is how this committee voted out the bill with an age of 14 and now it is marching half way down the hill to age 16. How did this bill ever get out of the committee with the 14-year age limit?

Mr. QUIE. I will answer the gentleman from Iowa. I did not like the idea myself and I voted against the bill in the committee, but sometimes I am outvoted there and some of my other colleagues are, too. That is what happened in this case. Evidently a majority of the committee wanted it at the age of 14 through 18 and evidently the chairman of the committee feels the same way I do.

Mr. GROSS. I have heard most of the debate this afternoon and I have heard nearly everyone give unqualified support for it at age 14 to 19. I did not hear anyone oppose it, much less the chairman of the committee. The gentleman from Pennsylvania and all of the rest of them said that this was a good bill, and I did not suppose you would come in here and march half way down the hill, in the way that you have, on the matter of age.

Mr. QUIE. I would say to my colleague from Iowa that sometimes items are classed as good, better, or best, and it would be better, I believe, if you change the age from 14 to 16.

Mr. GROSS. Well, they capitulate easily in the Labor and Education Committee.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to my colleague from Minnesota.

Mr. ZWACH. I thank the gentleman for yielding and wish to associate myself with the remarks which have been made by my colleague from Minnesota. It is my opinion that with the adoption of the amendment which the gentleman has offered we will have a lot of good potential in this legislation and I believe it should be passed.

Mr. QUIE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Page 3, on line 25, after the word "arrange," insert the following: "directly or by contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for five years."

Mrs. GREEN of Oregon. Mr. Chairman, it was my understanding when the bill was pending in the committee that it would be possible for a public school district or a private organization such as the national Boy Scouts and the national Girl Scouts as well as other organizations to conduct a program which might run for any period of time up to 90 days—it might be for 2 weeks or a month or a longer period of time.

I explained a few moments ago the very successful program which is run by the Portland school district and the gentleman from Louisiana has told me of the very highly successful program that is run in his State.

It seems to me we should make the language abundantly clear—and the main handler of the bill has told me that he does not think it does at this time—that we do intend to make it possible to contract with the school district or such an organization which has been in existence for 5 years so that fly-by-night organizations would not be involved and in this way these organizations could carry out programs which do meet the main objectives of the program.

Mr. MEEDS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. Yes, I am delighted to yield to the gentleman from Washington.

Mr. MEEDS. The gentlewoman is exactly correct. We did discuss this, as a matter of fact, before the bill was perfected. The gentlewoman from Oregon was going to offer an amendment to this effect in the committee but, unfortunately, she was involved in other matters which were pending before the committee and the bill came out and she did not have an opportunity to offer this amendment in the committee. So, the gentlewoman is absolutely correct. We had discussed this.

Mr. PERKINS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the chairman of the committee.

Mr. PERKINS. Let me compliment the gentlewoman for offering the amendment. In fact, I feel she has made a contribution and I, certainly, on the part of the committee, want to accept the amendment.

Mrs. GREEN of Oregon. I thank both of the distinguished gentlemen.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I, too, compliment the gentlewoman from Oregon for offering this amendment. This is what I had in mind in the very beginning when we were talking about the various organizations that are affected by this bill. The one we overlooked, the distinguished gentlewoman has now included and that is the taxpayers of this country.

I thank the gentlewoman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The amendment was agreed to.

AMENDMEND OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA: On page 2, strike out lines 8 through 22, and insert the following:

"SEC. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture a three-year pilot program designated as the Youth Conservation Corps (hereinafter referred to as the 'Corps'). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age fourteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States under the jurisdiction of the appropriate Secretary."

On page 3, strike out lines 1 through 14, and insert in lieu thereof the following:

"SECRETARIAL DUTIES

"SEC. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

Page 4, line 23, strike out "(c)" and insert "(b)".

Page 5, line 3, strike out "Interagency Committee" and insert in lieu thereof "Secretarial".

Page 5, line 5, strike out "Interagency Committee" and insert in lieu thereof "Secretary of the Interior and Secretary of Agriculture".

Page 5, line 16, strike out "Youth Conservation Corps Interagency Committee" and insert in lieu thereof "Secretary of the Interior and the Secretary of Agriculture".

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman from Ohio yield?

Mr. LATTA. I will be happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, if I understand the amendment offered by the gentleman from Ohio, it is to strike the Interagency Committee, and to lodge the carrying out of the programs in the Department of the Interior and the Department of Agriculture and to delete the Department of Labor; am I correct?

Mr. LATTA. That is correct. The amendment does carry out the agreement that was reached before the Committee on Rules to make the program strictly a conservation program, and not a manpower training program. That is the reason for deleting the Department of Labor.

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I would hasten to point out, Mr. Chairman, that the committee has already adopted an amendment dealing with the age limits, and I will offer an amendment to make the age limits in my amendment correspond to this amendment.

Mr. PERKINS. If the gentleman will yield further, let me state that in the original Civilian Conservation Corps the Department of Labor was not involved, except at one time in the recruiting. And inasmuch as we are including today the Department of Agriculture and the Department of the Interior to administer the program and giving them the latitude that they need to come up with the best pilot program possible, I would accept the amendment offered by the gentleman from Ohio, subject to the correction of the age, which amendment he will offer in a moment.

Mr. LATTA. The gentleman is correct.

AMENDMENT OFFERED BY MR. LATTA TO HIS AMENDMENT

Mr. LATTA. Mr. Chairman, I offer an amendment to my amendment.

The Clerk read as follows:

Amendment offered by Mr. Latta to his amendment: Section 2, line 7, strike out "fourteen" and insert "sixteen".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Latta) to his amendment.

The amendment to the amendment was agreed to.

Mr. PERKINS. Do I understand the correction to be 16 through 18?

Mr. LATTA. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Latta), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Quie: On page 4, strike paragraph (5), lines 11 through 15, and redesignate paragraph (6) as paragraph (5).

The CHAIRMAN. The gentleman from Minnesota (Mr. Quie) is recognized.

Mr. QUIE. Mr. Chairman, the reason why I propose to strike this is not to prohibit the teachers, the administrators and the university students who have the capability to seek temporary supervisory jobs but rather if a person who had substantial capabilities of working in conservation work, for instance, somebody who might have been previously employed by the U.S. Forest Service and wanted to spend the summer in work but was not in a school system could have an equal chance for that type of work.

I would expect the Forest Service and the Park Service to look on those teachers as the ones who are available at that time who had some competence in this work. But I do not believe we ought to give preference to them as though this bill were something to protect their right to hold jobs. I think they ought to be considered with every other type of person who had the capability.

The most important part, it seems to me, is the Forest Service and the Park Service determine the capability of a person to be a supervisor.

I know that in some cases in the Western States a number of teachers spend their summers working out in the forest lands. In other parts of the country, since the way this bill is drafted, you could eventually include any kind of public land—that same capability does not exist with the teaching profession and does not necessarily exist with the students from institutions of higher education.

As was indicated before, this hopefully is not going to be a recreation program.

I would prefer we just leave it to the Secretary of the Interior and the Secretary of Agriculture to make the determination of which personnel could handle this job most effectively.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman.

Mrs. GREEN of Oregon. I would just want to ask if you would agree that the situation has changed considerably in terms of surplus teachers and that now we do have a decided surplus of teachers and if we leave in the words that they shall be given preference, we are liable to end up with all employees in all of the camps exclusively teachers and it would be much better to have a cross section—people who are experts in conservation, ecology, forestry, wildlife management, and so forth.

Mr. QUIE. I would say, I believe the gentlewoman is abolutely correct. But I stated I had no objection to teachers—I just want to make certain that others have an equal chance with teachers to get a job.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield further, I rise in support of this amendment because it does seem to me highly desirable not to have supervisors—exclusively teachers. But certainly I would hope that many teachers who have had a lifetime of preparation and make a profession of working with young people would be a part of it.

Mr. QUIE. I thank the gentlewoman.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take the 5 minutes because I think the issue is pretty well decided. But I must oppose this.

First of all, because I feel that the people who are given the preference in education—an employment opportunity—are indeed the best people to deal with these young people who will be involved.

Second, I wish the gentleman had not gone quite so far with his amendment. I think maybe I could have been able to support it then. I definitely think university students pursuing studies in education and national resources disciplines ought to be given some preference.

I think this entire program affords us a very wonderful opportunity to begin some environment studies. I speak of the types of studies where young people who are involved in resource management will begin to get ideas for education in the ecology. Today we have very few programs in ecology, ecological education, and I think we need not only programs but we are going to need people to teach and to run these programs. I think the program we have before us today furnishes an excellent laboratory for these young men and women to get the ideas which will later become the curriculums and the programs which will turn out to be hopefully environmental education types of curriculums. Therefore, I oppose the amendment.

I would not be nearly as opposed, however, if purpose were given to students studying in the natural resource field.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Minnesota.

Mr. QUIE. I would say to the gentleman that the Forest Service and the Park Service have summer hiring programs for 18-year-olds and above, college students, and the ones who have this capability could be utilized for this type of program as well as working on the trails. There is nothing to prevent the Forest Service and the Park Service from hiring students who are studying in the fields of ecology and environment. But the program could easily go further, if they were utilized in that way, rather than as you proposed.

Mr. MEEDS. Would the gentleman agree with me, so we can establish some legislative history here, that it is extremely important that people involved in the studies of the natural resources, the natural resource disciplines and ecological students would be very excellent people, assuming that their other qualifications were also good, that they would be excellent people to be involved in this program because of what I said earlier, in developing ecological studies?

Mr. QUIE. I think the gentleman is correct. It would be very worthwhile during their college years if they had an opportunity to work with other supervisory personnel in this type of program. But I do not think they should be primarily teachers, for, if there is a large number of them, nobody else would be hired.

Mr. MEEDS. I thank the gentleman. I still oppose the amendment.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SCHERLE. Mr. Chairman, my colleague from Washington keeps referring to this Youth Conservation Corps as a training program. I hesitate to list this program as such. In my humble opinion, I think it would be better termed recreation program than a training program. However, along the same lines, as far as supervisory personnel is concerned, I think the gentleman from Washington would be wise to accept this amendment, because I can predict here and now that there will be difficulty in finding capable supervisory personnel who will take this job for 90 days during the summer months.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Washington.

Mr. MEEDS. I hate to disagree with the gentleman, but we have this type of

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program going in Washington State right now, in the Olympic National Park, not only a program which takes in 250 young people, but one for which we have 3,000 applications. There are a number of teachers and advisers, and they always have many, many more applications for those jobs than they can possibly accept.

Mr. SCHERLE. Mr. Chairman, if I may continue, I point out once again the cost estimates that appear on page 20 of the hearings. The center staff salaries of a 200-man center are estimated at $406. Do you really believe you are going to get capable staff personnel to travel to some remote area and be employed in a supervisory capacity for less than $100 a week? I seriously doubt that it is possible. You cannot hire them for that amount of money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

Mrs. GREEN of Oregon. Mr. Chairman, I seek recognition to direct a question to the chairman of the full committee or to the gentleman from Washington, the primary author of the bill, as to how they would define or explain gainful employment. The term appears on line 4, page 1, and on line 20, page 2.

I specifically would refer to a pilot program. I may say my enthusiastic support of this bill is based on the fact that I would hope we could have several different types of pilot projects. It would seem to me—and I would say this in preface so the chairman would know what I was directing my question to—that if we had one pilot project that had 18-year-old boys for 90 days, they might well be paid $2 an hour or whatever the people decided was required. On the other hand, if a school system decides they want to rotate during the summer and take out three different groups of people for a month, or, as the gentleman from Louisiana suggested, the program in his State which operates to take them out for 3 or 4 weeks, and they decide they do not want to give any particular salary, there might be this leeway in terms of the actual money received.

Would the chairman of the committee interpret it to mean, on page 3, when we are giving authority to determine the rates of pay and hours and other conditions of employment, coupled with the arrangement for transportation and lodging and subsistence, that in one pilot project they might not pay anything in reference to real wages, and that certainly in another pilot project they might well establish a wage of $2 an hour?

Mr. PERKINS. Let me say to the distinguished gentlewoman, taking the first part of her question first, that we use the words "gainful employment" of American youths, and "gainful employment" for the purpose of providing gainful employment, and so on, as just one of the purposes of this legislation. It is a conservation bill. We do not mean that giving youngsters remunerative employment is either the sole or most important purpose. We intend this to be a conservation bill and to give the two departments wide latitude in administering the bill and in reaching appropriate rates of compensation. I think if we remove the words "gainful employment" we would make it impossible to effectively carry out the program. Enrollees should be paid for the conservation work they perform, but this rate, consistent with the demonstration characteristics of the bill could vary from project to project, although the wisdom of such might be questioned.

Mrs. GREEN of Oregon. Then as I understand the chairman, he is saying that gainful employment does not require a dollar remuneration for every person who is engaged in this program?

Mr. PERKINS. "Gainful employment" may not be on a dollar-per-hour basis. It may be on some other basis, taking into account the type of work, the quality of work that the youngsters are engaged in, but we intended youths to have opportunities for gainful employment in the area of conservation in the programs offered.

Mrs. GREEN of Oregon. So if I understand the gentleman, I fully applaud the goal of my colleague, the gentleman from Washington (Mr. MEEDS), and I certainly want the emphasis on this legislation to be on conservation, and that no programs would be involved in this or would be undertaken that were otherwise. That was the primary goal—conservation.

Mr. PERKINS. That is correct. This is our goal here.

Mrs. GREEN of Oregon. But do I understand the chairman to say, then, that gainful employment does not necessarily require a dollar remuneration for students who are involved?

Mr. PERKINS. That is correct. Under that authority of the bill, pay of enrollees is not required, but I do not see any enrollee not being compensated under any demonstration project I can now visualize.

Mrs. GREEN of Oregon. It does not require that?

Mr. PERKINS. It would not absolutely require a dollar remuneration.

Mrs. GREEN of Oregon. So a Girl Scout organization or a school system could have a rotating program and the emphasis would still be on conservation or cleaning up the forest or building parks, but no pay would be required?

Mr. PERKINS. No pay is absolutely required, but I do not believe that it is contemplated that enrollees will serve without dollar remuneration.

Mrs. GREEN of Oregon. And they would not have to be paid a salary?

Mr. PERKINS. That is correct.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may have the attention of my Chairman, when we talk about "gainful employment" as is stated in the hearings on page 20, the estimate is that boys and girls will be paid $80 a month.

If it is based on the figure stated by the gentlewoman from Oregon, it would be $2 an hour.

Mr. PERKINS. Let me say to my distinguished colleague that we set out general purposes in the legislation, giving the Department of the Interior and the Department of Agriculture wide latitude, and purposely so, to develop pilot programs. We do not intend to restrict the Departments, to make sure that they pay everyone the same. They may pay less for certain types of conservation work. They may have different programs requiring different compensation.

Mr. SCHERLE. If they are going to pay them $20 a week, of course that is $80 a month, under what has been stipulated here, and if they are going to pay them on the basis of $2 an hour, that means that simply all they will work, as gainful employment for pay, is 2 hours a day.

Mr. PERKINS. Let me say that this is an estimate. There is no doubt in my mind that there will be variances from the estimate.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

I should like to ask the chairman of the committee a question. If the bill passes, will these new-found employees be working on Federal or State lands, or both?

Mr. PERKINS. We provide in the bill that they shall be working on Federal lands, but we further provide that a study shall be made with a report back to the Congress as to how we shall work it out with the States on a State-Federal basis, where we have State parks. All the funds here will go on Federal lands.

Mr. GROSS. I believe the gentlewoman from Oregon spoke of rotating. Do I correctly understand she suggests these youths be rotated or that the programs be rotated? To what would the rotation apply?

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I have in mind a program that will be run by a school district, where they would decide they would take out a group of youngsters between the ages of 16 and 18 or 19, whatever the final age limit is, and that they might have this group out for 30 days at a camp, and then bring those youngsters back and take out another group for the next 30 days. It would not be babysitting or recreation or fun programs. Indeed they would learn about conservation and they would have an opportunity to be out in the national forests. They would do work in terms of cleaning up the parks, and so forth.

Mr. GROSS. Would not transportation eat up the money very rapidly? This is not intended to benefit the west coast exclusively, is it? Would not transportation costs of rotating on that basis eat up the funds very quickly?

Mrs. GREEN of Oregon. If my friend would yield further, on page 4 I was glad to note that they correct one of the great deficiencies of the Job Corps program, because the gentleman from Washington made certain that to minimize the transportation costs the Corps members shall be employed on conservation projects as near to their places of residence as is feasible. If we are going to have only 3,000 youngsters under this pilot program

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we are not going to be transporting children across the country, as we have done in previous programs.

Mr. GROSS. Well, then, the gentlewoman does recognize that there are a lot of empty beer cans to be picked up in this eastern part of the country, too, in various public places.

Mrs. GREEN of Oregon. Any person who had full vision or even partial vision would agree with the gentleman from Iowa.

Mr. GROSS. I thank the gentlewoman. I see here the start of still another costly program to further socialize this country.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On Page 3, line 24, after the semicolon, insert the following:

"*Provided further*, no Corps members shall participate in firefighting activities."

Mr. RYAN. Mr. Chairman, this amendment would prohibit the assignment of members of the proposed Youth Conservation Corps to firefighting. Forest fires represent a tremendous peril to life, and I do not believe that boys and girls, 14 to 18 years of age or 16 to 18 years of age, for that matter, as the amendment would have it, should be exposed to this peril. The language I am offering would protect them from that danger.

I should like to call the attention of my colleagues to the fact that a very serious accident involving the deaths of seven teenagers took place in Los Angeles County in August 1968. Teenage probationers under the juvenile delinquency program in California had been assigned to fighting brush fires. Let me read from the Los Angeles Times of August 25, 1968:

> A scoring blast of fire swept through a funnel-like canyon Saturday and killed seven teenage firefighters and an adult foreman as they battled a huge brush fire in the San Gabriel Mountains.

Mr. Chairman, I simply offer this amendment in order to try to prevent a similar tragedy occurring with respect to the young people under this program.

Thereafter, Los Angeles County prohibited the use of juvenile probationers to fight forest fires, and a bill was introduced in the California Legislature providing that youngsters under the age of 18 could not participate in fire suppression work unless specific conditions were met:

First, that the parent or guardian of the youth give permission for such labor; Second, that the youth receive training equivalent in number of training hours to that received by persons in apprenticeship for firefighting; and third, that all other available manpower is being or has been used.

If the committee desires to offer these conditions as an amendment to my amendment, it would be acceptable to me. Of course, I am sure that it is not necessary to point out that my amendment would not prevent Corps members from taking whatever action is necessary for self protection in an emergency.

It may be argued that under this bill the problem is taken care of because the interagency committee has the power to determine conditions of employment, but I might point out that the Department of Agriculture and the Department of the Interior are both responsible for operating Job Corps Civilian Conservation Centers, and both departments used members of the Job Corps for forest firefighting. This continued until a regulation was adopted by the Job Corps last year which banned this practice.

This regulation in section 712 of the Civilian Conservation Center Administrative Manual, provides that no youth under the age of 18 can participate in firefighting. Moreover, the Job Corps regulation provides that for youths 18 years of age and older to participate, they must be graduates of a fire suppression training course; they must be volunteers; and they must be paid at standard firefighters' rates.

None of these protections exist in the pending bill, and in view if the reluctance of the Department of the Interior and the Department of Agriculture to accept the regulation that was adopted by the Job Corps, it is doubtful that similar regulations would be issued to protect youngsters under this program.

I urge support of this amendment in order to protect prospective Youth Conservation Corps members who otherwise might be assigned to firefighting duty and run the risk of a tragic accident. At the very least, the committee should consider language similar to that which was introduced in the California State Legislature.

Mr. PERKINS, Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

I would hate to see the day come in this country when we would enroll youngsters in a conservation program and then prohibit them from fighting fires.

One of the things that made the CCC boys earn the lasting gratitude of the Nation was their work in fighting forest fires. Insofar as I am concerned this should be one of the functions of the new corps. Youngsters 16, 17, or 18 years of age need to know more about protecting our forests.

If we undertake to tie the hands of these youngsters so that they could not even defend themselves, I think this Congress would be derelict in its responsibility.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Washington.

Mr. MEEDS. Would the gentleman agree with me that under the proposed amendment if members of this new Conservation Corps were in their own camp and a forest fire broke out, they would be prevented from protecting their own camp from that fire?

Mr. PERKINS. I certainly agree with the distinguished author of the bill.

There are certain fundamental things we want to teach children in this country.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. SCHERLE. I rise in opposition to the amendment. I think it is probably more dangerous to send them to college today than it would be for them to fight forest fires in the forests.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I want to say to my colleagues that it will be a sad day when a man goes out in the woods and cannot build a fire trail that is a part of fire fighting or the repairing and taking care of it. I would hate to see the fact that if a dormitory caught fire, they would have to stand there and see it burn. I think the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENTS OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The Clerk read as follows:

Amendments offered by Mrs. GREEN of Oregon: On page 1, line 4, strike out "gainful." Page 2, line 20, strike out "gainful."

Mrs. GREEN of Oregon. Mr. Chairman, I have consulted with some of my colleagues and since the chairman of the full committee has already said that in his judgment the legislation would allow the school districts or Girl Scout organizations or Boy Scout organizations to have programs where there would be no dollar remuneration per hour but that the subsistence and transportation, et cetera, would be the benefits which they would receive, it seems to me would be better in terms of establishing the legislative history to strike out the word "gainful" in both places so that it would be clearly established that the intent of the House was to allow a pilot program where they would receive remuneration—the enrollees involved—at so many dollars an hour, but that they might have another pilot project which might be of a shorter duration with the emphasis still solely on conservation and ecology and yet not pay them an hourly wage. This is the purpose of the amendments and I think requires no further explanation. I would hope that the amendments would be adopted.

Mr. MEEDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with the striking of these two words in these very delicate places, the gentlewoman from Oregon has just turned this from a conservation employment program into an education, bird-watching program.

I think that the intent of this legislation, clearly from the outset, was to provide gainful employment in the preservation and conservation of our natural resources and that the primary intent was not to provide educational experiences for young people. We gave some ground on the bill earlier, but if we give more ground on this, we will find ourselves right out the window with the original intent and purpose of this bill. However, I thought that the gentlewoman from Oregon supported it when we came in here, but we are going to end up with a program far different than the kind of civilian conservation program which we came in here originally to pass through this body. I would hope the amendment would be defeated.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Then I must assume that the gentleman from Washington is in disagreement with the gentleman from Kentucky on what gainful employment means.

Mr. MEEDS. Your assumption is correct.

Mrs. GREEN of Oregon. All right. This, Mr. Chiarman, if my colleague will yield further, is perhaps the reason that the House should exercise its will and decide whether this indeed is a program where every single person must be paid, even though the National Girl Scouts Organization or the public school system of Portland plans 3 or 4 weeks programs with the entire conservation purpose of the bill exclusively in mind; namely, that the emphasis must be on conservation and ecology. I do not want this referred to as just an education program. I want it to be a work program.

However, if my colleagues recall the year-round Job Corps program, with its conservation campus, was sold on the basis of being patterned after CCC. I have never understood this bill to be another program to be run by the Federal Government and serving the same purpose as the Job Corps conservation camps. CCC programs were year-round programs or 2-year programs with education as a major part of them.

The bill says "up to 90 days." The House just agreed that school districts and established organizations might well have contracts for 4-week projects, for example.

I believe, for many young people, 4 weeks would provide a very valuable experience and I do not believe the Federal Government in all instances must pay every enrollee under all circumstances. They do provide transportation, subsistence, and so forth.

In some cases wages would and should be paid for a 3-month full-time enrollment for 18-year-olds. For 16-year-olds for 1 month—wages may or may not be desirable. Flexibility for pilot pograms is essential.

Mr. MEEDS. Mr. Chairman, will the gentlewoman yield back my time?

Mrs. GREEN of Oregon. I will, Mr. Chairman, and I thank you for yielding.

Mr. MEEDS. I would just like to say that I do not agree with the gentlewoman from Oregon about this. It is my feeling that if we keep going and talking about the Camp Fire Girls and the Girl Scouts pretty soon we are going to have a program entirely different than what we came in here to pass, and that was to provide a program for young men and women from the ages of 16 to 19 of gainful employment in the conservation of our natural resources during the summer period, and not some program for the Girl Scouts or a school system—although I think some of these can be worked in.

But I would hope we would continue to use the words "gainful employment" so we can continue the effect of this program.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendments offered by the gentlewoman from Oregon (Mrs. GREEN), because she has done nothing more with her amendments than explicitly state what the chairman said the bill contains. And I would urge the Members of the House to vote affirmatively.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Oregon (Mrs. GREEN). I certainly regret that we have developed a misunderstanding. It is my judgment that the language in the bill will permit the Department of Agriculture and the Department of the Interior to develop a different scale of pay for various conservation projects. I do not visualize that any circumstance will justify a pilot project for which enrollees will not receive a wage, a salary, or some form of dollar remuneration for the conservation work they perform. Conservation work is valuable to the Nation, and one lesson youth should learn from the program is that this Nation recognizes its value. Not to pay youngsters for conservation work would negate this concept.

To strike from the bill the concept of gainful employment departs 180 degrees from the direction the author of the bill and the committee took in bringing the bill to the floor. It makes a mockery of our efforts to pattern it from the valuable experience of the CCC program. We want young people to be doing something that enriches the Nation's natural resources. That is in itself a gainful experience. But when we strike the word "gainful" from employment we are just tearing down the concept of great value we assign to protecting the natural resources that we intended to be developed in this pilot program.

So, Mr. Chairman, I would ask the Members in this Chamber to oppose this amendment, because it will destroy the bill.

Mr. QUIE. Mr. Chairman, I move to strike out the last word.

I am glad the gentlewoman from Oregon offered this amendment because I thought that the meaning of the word "gainful" got awfully confused here for a while.

However, I find that I cannot agree with the amendment because if this program is going to work, you have to permit the young people to earn some money in return for the good work that they do.

I think the organizations that want to develop volunteer effort to clean up the debris in the park lands and to plant some trees in the local park lands, ought to be encouraged to do so. But we should not call upon the Forest Service or the Park Service to become engaged in this type of activity themselves.

I think what this ought to be, now that we have the 16-, 17-, and 18-year-olds, is an opportunity for young people who want to get employment for the summer time to be able to do it in conservation work out in the forest which will be for the betterment of the rest of our citizenry and that it should be gainful employment is an important part of it.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Let me give you an example. If a school district has a program where they take youngsters out for a month for the exact purposes which the bill has, that is, for conservation purposes; is the gentleman saying that it would be better to require that every youngster be paid so much an hour rather than the funds might be used to take a larger number of youngsters out over a period of time and do the same work?

Would my colleague also agree that by striking out the word "gainful," it does not prohibit the agency that is running it from paying any of the people that they want to pay? They can by leaving the word "employment" in those pilot programs where they want to pay the enrollees so much per hour, they certainly are entitled to do it under the language, even if the amendment were adopted.

But it would allow a little more flexibility so that if there were a program run by a school district, they would not be required in that particular instance and that particular pilot project to reimburse them—beyond providing transportation, housing, and subsistence.

Mr. QUIE. I would say to the gentlewoman that the Forest Service or the Park Service would be about the same way as you and I are if a young college student works for us in the summertime and we do not pay anything for their remuneration.

The more you pay them, the more they are encouraged and you know you only have control over that student if you pay him yourself. That is why I believe we should only ask the Forest Service and the Park Service to be engaged in conservation.

I think if a local school has a program where young people and students go out for 30 days, I think that is great. But I think they ought to work that program themselves and they ought to hire those teachers where they have that program in the summertime themselves.

We have the summer program here of conceivably 3,000 young people who are going to be engaged in it and I think it ought to be more akin to what we had on the old Civilian Conservation Corps. It ought to approximate or be more akin to the kind of work that the 18-, 19-, and 20- and 21-year-olds are doing more in college right now for the Forest Service and the Park Service, to look at this and help conservation and to reduce that age somewhat as they are engaged in those two services at the present time.

XUM

Mrs. GREEN of Oregon. Does the gentleman want all the programs to be 90-day programs?

Mr. QUIE. I would prefer them to be 90 days, but I am not going to say it has to be that. I think it would work better if they hired students where they spend 90 days in the summertime operating that way and we allow the Forest Service and the Park Service to develop the rates of pay. If they can secure them at a lower rate than the minimum wage, I think that is up to them.

Mr. ROYBAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I seldom take the floor to speak on a piece of legislation before the House but I think it is most important that I do so today.

It was my understanding that this legislation was going to be patterned after the Civilian Conservation Corps of the early 1930's.

With this amendment before us it will no longer be patterned after that most excellent organization. I envisioned this as a pilot project that perhaps eventually can become a civilian conservation corps. When that happens, then the legislation passed today, if we pass it without the amendment, will go down in the history of this country as perhaps the best piece of domestic legislation passed by this Congress.

I say that because the legislation passed that made possible the Civilian Conservation Corps is, in my opinion, the best piece of legislation that has ever been passed by the Congress of the United States affecting the domestic situation of our great country.

I say that, my colleagues, because I went to a CCC camp. I can assure you that had I not that opportunity, I would not be a Member of Congress today. I can also assure you that hundreds of men who went to CCC's would not be today the respected citizens of their communities had they also not had the opportunity of going to the Civilian Conservation Camp.

Yes, I remember getting up at 6 o'clock in the morning and going out into the forests to fight forest to build roads, and bridges, plant trees and on occasions fight forest fires. We did the things that were necessary to reforest the land, in our beloved State of California, but others were doing the same thing throughout the country. I remember going to the Civilian Conservation Camp not because I was poor or not because I came from the slums of East Los Angeles, but because the CCC camps were dedicated to the preservation of the forests and the conservation of the land, and this gave us purpose and pride.

It was the pride that I had in being a member of the Civilian Conservation camp that perhaps made it possible for me to acquire a feeling of belonging and of service to my fellow men, a feeling that I still possess as a Member of this Congress. It was the type of leadership, discipline, and organization that was engendered in me that made it possible for me to save from my $30-a-month pay the money that was necessary to go on to an institution of higher learning.

These are the things that the CCC camps did for me and has done for hundreds of men who are now respected citizens of the United States of America. This is what I believe can happen if we pass the legislation as it was written, for I can envision a program that will become the CCC of this decade.

The one very troublesome aspect of this legislation is that the program provides for only 3,000 young people. I wish it were 3 million. I wish we could take 3 million youngsters from an atmosphere of idleness and put them into the busy atmosphere of the Civilian Conservation Corps. In that way, we would be able to get them out of the trouble that can come in an atmosphere of idleness, that can only lead to the destruction of the human spirit, ending eventually in the correction institutions of our land.

I believe that this is a most important piece of legislation and that it must be enacted by this House without the amendment that is before us at this time.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Oregon.

The amendments were rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PREYER of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15361) to establish a pilot program designated as the Youth Conservation Corps, and for other purposes, pursuant to House Resolution 1063, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 256, nays 54, not voting 119, as follows:

[Roll No. 169]

YEAS—256

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Bennett
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bray
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrnes, Wis.
Caffery
Carter
Casey
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Conte
Corbett
Coughlin
Culver
Daniel, Va.
de la Garza
Dennis
Derwinski
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Evans, Colo.
Feighan
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kuykendall
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McCloskey
McClure
McCulloch
McDade
McFall
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Matsunaga
May
Meeds
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reuss
Rhodes
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
Sandman
Satterfield
Saylor
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stanton
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waggonner
Waldie
Wampler
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wright
Wyatt
Wydler
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—54

Andrews, Ala.
Arends
Ashbrook
Belcher
Betts
Bow
Brinkley
Buchanan
Burke, Fla.
Burleson, Tex.
Camp
Clancy
Clawson, Del
Collins
Colmer
Crane
Davis, Wis.
Denney
Devine
Dickinson
Eshleman
Fisher
Flynt
Foreman
Frey
Goodling
Griffin
Gross
Haley
Hall
Hull
Kleppe
Kyl
Landgrebe
Lukens
Mann
Martin
Mayne
Michel
Mize
Price, Tex.
Quillen
Reid, Ill.
Scherle
Scott
Skubitz
Smith, N.Y.
Steiger, Wis.
Teague, Tex.
Vigorito
Whalley
Winn
Wold
Wylie

NOT VOTING—119

Addabbo
Ashley
Baring
Barrett
Berry
Bevill
Biaggi
Blackburn
Brademas
Brasco
Brock
Broomfield
Brown, Calif.
Burton, Utah
Bush

XUM

Byrne, Pa.
Cabell
Carey
Cederberg
Chisholm
Conable
Conyers
Corman
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Dawson
Delaney
Dellenback
Dent
Diggs
Dingell
Dowdy
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Fish
Ford, Gerald R.
Gaydos
Gilbert
Goldwater
Green, Pa.
Hagan
Halpern
Hamilton
Hammerschmidt
Harrington
Harvey
Hastings
Hathaway
Hays
Hébert
Horton
Hunt
Hutchinson
Jacobs
King
Kirwan
Kyros
Landrum
Long, La.
McCarthy
McClory
McDonald, Mich.
McEwen
McMillan
Madden
Mathias
Melcher
Meskill
Minshall
Mollohan
Murphy, N.Y.
Nedzi
Nix
O'Neal, Ga.
Ottinger
Passman
Pelly
Podell
Pollock
Powell
Rarick
Reid, N.Y.
Reifel
Riegle
Rivers
Roe
Rooney, N.Y.
Roudebush
Ruppe
Ruth
St Germain
Schadeberg
Scheuer
Schneebeli
Schwengel
Steed
Steiger, Ariz.
Stratton
Taft
Thompson, Ga.
Tunney
Watkins
Watson
Weicker
Whitten
Wilson, Charles H.
Wolff
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Watson.
Mr. Addabbo with Mr. Weicker.
Mr. Daniels of New Jersey with Mr. Hunt.
Mr. Rooney of New York with Mr. Fish.
Mr. Melcher with Mr. Broomfield.
Mr. Brasco with Mr. Halpern.
Mr. Baring with Mr. Schadeberg.
Mr. Carey with Mr. McEwen.
Mr. Passman with Mr. Berry.
Mr. Dent with Mr. Pollock.
Mr. Barrett with Mr. Reid of New York.
Mr. Fallon with Mr. Gerald R. Ford.
Mr. Evins of Tennessee with Mr. Taft.
Mr. Gilbert with Mr. Hastings.
Mr. Hays with Mr. Cederberg.
Mr. Murphy of New York with Mr. Horton.
Mr. Mollohan with Mr. Cowger.
Mr. Podell with Mr. Brock.
Mr. Rivers with Mr. Watkins.
Mr. Roe with Mr. McClory.
Mr. Stratton with Mr. Findley.
Mr. Wolff with Mr. Minshall.
Mr. Yates with Mr. Dawson.
Mr. Biaggi with Mr. Esch.
Mr. Farbstein with Mr. Dellenback.
Mr. Scheuer with Mr. Diggs.
Mr. Conyers with Mr. McCarthy.
Mr. Ashley with Mr. Powell.
Mr. Kirwan with Mrs. Chisholm.
Mr. Nix with Mr. Ottinger.
Mr. Cabell with Mr. Bush.
Mr. Daddario with Mr. Meskill.
Mr. Bevill with Mr. Schwengel.
Mr. Dingell with Mr. Harvey.
Mr. Brademas with Mr. Roudebush.
Mr. Corman with Mr. Goldwater.
Mr. Davis of Georgia with Mr. Hutchinson.
Mr. Green of Pennsylvania with Mr. Blackburn.
Mr. Madden with Mr. Schneebeli.
Mr. Charles H. Wilson with Mr. Burton of Utah.
Mr. Eckhardt with Mr. Cunningham.
Mr. Fascell with Mr. Thompson of Georgia.
Mr. Gaydos with Mr. Steiger of Arizona.
Mr. Hathaway with Mr. Erlenborn.
Mr. St Germain with Mr. Reifel.
Mr. Steed with Mr. Hammerschmidt.
Mr. Kyros with Mr. Brown of Michigan.
Mr. O'Neal of Georgia with Mr. Roth.
Mr. Nedzi with Mr. McDonald of Michigan.
Mr. Tunney with Mr. Mathias.
Mr. Hamilton with Mr. Ruppe.
Mr. Rarick with Mr. Pelly.
Mr. Landrum with Mr. Edwards of Alabama.
Mr. McMillan with Mr. Long of Louisiana.
Mr. Hagan with Mr. Jacobs.
Mr. Byrne of Pennsylvania with Mr. King.
Mr. Dowdy with Mr. Cramer.
Mr. Riegle with Mr. Conable.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. ALBERT). Pursuant to the provisions of House Resolution 1063, the Committee on Education and Labor is discharged from the further consideration of the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike out all after the enacting clause of S. 1076 and insert in lieu thereof the provisions contained in H.R. 15361, as passed, as follows:

"POLICY AND PURPOSE

"SECTION 1. The Congress finds that the gainful employment of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

"SEC. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture a three-year pilot program designated as the Youth Conservation Corps (hereinafter referred to as the 'Corps'). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age sixteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States under the jurisdiction of the appropriate Secretary.

"(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

"SECRETARIAL DUTIES

"SEC. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

"(1) designate the public lands upon which members of the Corps can be effectively utilized in conservation work, and coordinate Corps efforts with those holding jurisdiction over the respective public lands;

"(2) determine the rates of pay, hours, and other conditions of employment in the Corps: *Provided*, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

"(3) arrange directly or by contract with any public agency or organization or any private non profit agency or organization which has been in existence for five years for transportation, lodging, subsistence, other services and equipment for the needs of members of the Corps in fulfilling their duties: *Provided*, That whenever economically feasible, existing but unoccupied Federal facilities (including abandoned military installations) shall be utilized for the purposes of the Corps, *And provided further*, That to minimize transportation costs, Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

"(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

"(5) Prepare a report, indicating the most efficient method for initiating a cost-sharing youth conservation program with State natural resource, conservation, or outdoor recreation agencies, which report shall be submitted to the President not later than one year following enactment of this Act for transmittal to the Congress for review and appropriate action.

"(b) The provision of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the corps, to temporary supervisory personnel, or to temporary program support staff.

"SECRETARIAL REPORTS

"SEC. 4. Upon completion of each year's pilot program, the Secretary of the Interior and the Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's pilot program. The President shall transmit the report to the Congress for review and appropriate action.

"AUTHORIZATION OF FUNDS

"SEC. 5. For three years following enactment of this Act, there are hereby authorized to be appropriated amounts not to exceed $3,500,000 annually to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 15361) was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE PRESIDENT'S NONEXISTENT HOUSING MESSAGE

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

XUM

Mr. PATMAN. Mr. Speaker, Saturday, a White House spokesman admitted the President of the United States "goofed" when he attacked the Congress on the so-called Emergency Home Financing Act.

I regret that the President, himself, has not seen fit to personally admit his errors of fact uttered in a Friday afternoon press conference.

At that time, the President said:

> Ladies and gentlemen, on Feb. 2, I sent to the Congress a message asking for enactment of the Emergency Home Finance Act of 1970. You will note that I described this as the "Emergency" Home Finance Act of 1970.
>
> Four months have passed and the Congress has yet failed to act.
>
> In presenting Secretary Romney to you today, I should point out that he recommended to me four months ago that this legislation be sent to the Congress. It is time to act. Secretary Romney has talked to me on several occasions since Feb. 2, urging action.

The truth is, of course, that the President was talking about a nonexistent Presidential message. He even purported to quote from this nonexistent message.

The only thing that happened on housing on February 2 was the opening of hearings in the House Banking and Currency Committee. And this session was called the "Emergency Home Financing Hearings" and they were launched because the President and the administration had failed to come up with anything—not one item—to deal with the crisis in home financing. The hearings were designed to overcome the administration's massive apathy about housing.

Those of us on the Banking and Currency Committee would have been delighted if we had had a Presidential message of support for home financing on February 2. But we had no message of any kind and if the administration was talking about an "Emergency Home Financing Act" it kept this fact a deep secret.

Yet the President on Friday afternoon had the temerity to stand up before the Nation's press, the television cameras and the radio microphones and say:

> I sent to the Congress on Feb. 2 a message asking for enactment of the Emergency Home Finance Act of 1970.

Unfortunately, the major news programs that night—on the Columbia Broadcasting System, the National Broadcasting Co. and the American Broadcasting Co.—carried film clips and tapes from that press conference. In each news segment the President was talking about his February 2 message—the nonexistent message—and repeatedly he claimed that "4 months have passed" since the message. On and on the claims went and I am sure before the night was over, millions of American people were convinced that the Congress was delaying on something that the President had sent it in February.

The next day, many of the major newspapers around the Nation accepted the President's statement at face value. Front page stories were printed claiming the Congress had delayed 4 months on a nonexistent message.

On Sunday, the Washington Evening Star, in a story under the byline of Shirley Elder, printed the real facts—the fact that no such Presidential message existed. The Washington Evening Star took the trouble to ask the White House for a copy of the message which the President touted so long and so loud Friday afternoon.

The White House obviously could not produce a nonexistent message and as the Evening Star reports, "somebody goofed."

Mr. Speaker, I am thankful that we have a Washington Evening Star. I place in the RECORD a copy of the article by Shirley Elder:

"Somebody Goofed" On Housing Draft

(By Shirely Elder)

President Nixon is in the awkward position of having denounced the Democratic-controlled Congress for failing to act on an administration housing proposal that never existed.

On Friday, Nixon, with HUD Secretary George Romney at his side, told reporters at the White House:

"'Ladies and gentlemen, on Feb. 2, I sent to the Congress a message asking for enactment of the Emergency Home Finance Act of 1970. You will note that I described this as the 'Emerigency' Home Finance Act of 1970.

"Four months have passed and the Congress has yet failed to act . . .

"In presenting Secretary Romney to you today, I should point out that he recommended to me four four months ago that this legislation be sent to the Congress . . . It is time to act. Secretary Romney has talked to me on several occasions since Feb. 2, urging action."

As one White House aide reluctantly conceded yesterday, "somebody goofed."

There was no White House message to Congress on Feb. 2, urging enactment of an emergency housing bill. There was a budget message. It touched briefly on housing, pointing to a need for 600,000 new units. It said nothing about specific legislation.

The House Banking and Currency Committee did begin hearings Feb. 2 on legislation designed to boost the housing industry but no administration position was offered. A spokesman for the committee said Romney, head of the Housing and Urban Development Department, was invited to present a White House view, but was unable to attend a session until Feb. 24.

At that time, Romney still could offer no definite legislative plan. Romney spoke convincingly of the need for housing and the problems, mostly because of the high cost of money.

The housing secretary told the committee that "legislation is being prepared" to provide government support of the mortgage market and to strengthen lending institutions. He did not say when the legislation would be ready.

On March 5, the first administration proposal, for a $250 million subsidy to savings and loans associatons from the Federal Home Loan Bank Board, was introduced in the House by Banking Committee Chairman Wright Patman of Texas and the committee's top Republican, Rep. William Widnall of New Jersey. The idea originally had been outlined by Bank Board Chairman Preston Martin.

On March 6, Senate Housing Subcommittee Chairman John Sparkman of Alabama cosponsored with Sen. Wallace F. Bennett, R-Utah, a similar bill—aimed at reducing interest rates—and hearings began in the Senate.

Although the housing situation generally was referred to as critical and the necessary action considered an emergency, nothing was formally called the "Emergency Home Finance Act of 1970" until the Senate committee polished up a final version of the bill April 7 in what was described as a bipartisan effort.

On April 16, the Senate passed the bill 72 to 0. In its final form, the measure would make up to $10 billion available for the sagging housing market. Included was a plan by Sen. William Proxmire, D-Wis., to help middle-income families buy homes.

In addition to the $250 million interest rate subsidy on home mortgages, the Senate bill also would reallocate about $2 billion of unused funds from the Government National Mortgage Association to support FHA and VA loans.

On April 28, for the first time, a HUD official let it be known that the administration was in favor of the Senate bill.

PATMAN IS CHIDED

In a letter to Patman, HUD Undersecretary Richard C. Van Dusen urged swift House action. On the same day, Widnall introduced his own bill, identical to the Senate version, and chided Patman for delaying a vote.

On April 29, Rep. William A. Barrett, D.-Pa., chairman of the housing subcommittee, noted the Senate bill had only two sections dealing immediately with the mortgage crisis—the $250 million subsidy and the Proxmire plan for 7 percent mortgages to middle-income home-buyers.

On May 26, the House committee approved its own bill. There are some differences from the Senate version—an additional $1.5 billion for GNMA, for instance, instead of a reallocation of funds. A Patman plan to set up a National Development Bank with $4 billion for low and moderate income housing, was rejected by the committee.

Patman will ask Rules Committee clearance Tuesday for the bill and it is tentatively scheduled for floor debate on Thursday.

NO SIGN OF MESSAGE

As of yesterday, a committee spokesman said there has been no sign of a presidential housing message or a White House bill. Patman has made no secret of his irritation at what he feels are administration delays.

"Four months have passed," Nixon said Friday, "and Congress has yet failed to act. A bill has passed the Senate. It is now tied up in the House Rules Committee. We are hopeful that next week the House Rules Committee will act and that the House itself will act."

When first asked what happened, Gerald L. Warren, an assistant White House press secretary, said: "If the President did say that, he misspoke himself. . . . That sometimes happens."

On reflection, Warren said he thought Romney must have made the statement, not Nixon, but he referred inquiries to another press aide, Bruce Whelihan.

Whelihan noted that the budget, sent to Congress Feb. 2, did mention housing. He then said something about the Justice Department sending a bill to Congress "a few days after Feb. 2." But when asked what the Justice Department had to do with it, Whelihan said he'd check around and call back later.

Later, Whelihan acknowledged that no housing legislation had been submitted to Congress but he said Romney's testimony was supposed to accomplish the same thing. Romney, he said, was "translating the President's budget message . . . the point of view that the situation is an emergency."

The firmness of the President's statement, Whelihan said, can only be traced to some sort of communications breakdown between HUD and Nixon's office.

Mr. Speaker, the White House press aides are quite cynical about the whole episode. They casually remark that "somebody goofed" and they probably are running around congratulating themselves on having fooled the Washington press corps with the Friday afternoon press conference.

The problems of the press and the White House are not my immediate concern, but I am disturbed when a major issue like home financing is so casually treated at the highest levels of Government. The White House statement is either a purposeful effort to mislead or it is an indication of how little knowledge the administration has about what is going on concerning housing legislation.

Throughout the hearings called by the House Banking and Currency Committee in February, we attempted to excite the administration's interest in home financing legislation, something that would put a new source of funds into the country's most depressed industry.

It was not until the closing hours of this month-long hearing that we were able to have administration witnesses before us, and when they appeared they were far short of specifics. There was no mention of any Emergency Home Finance Act of 1970.

There was, however, a great deal of frenzied—and at times emotional—testimony against various home financing proposals before the committee. The word had obviously been passed to block any Democratic-sponsored legislation until the administration could find out what it was doing.

The administration's negative position killed the effectiveness of the February hearings, and in March and April, the Senate put together a package which it then called the "Emergency Home Finance Act of 1970." This package, which I understand was sponsored by various members of the Senate Banking and Currency Committee, passed the Senate on April 16. This was not the administration's bill; it was a bill put together in the Senate. At this point, the administration did start supporting the Senate bill, which was called the Emergency Home Finance Act of 1970. It was not the administration's Emergency Home Finance Act of 1970 which simply does not exist.

On April 28, I received a communication from the Under Secretary of the Department of Housing and Urban Development urging action on the Senate bill. Many members of the Banking and Currency Committee did not feel that the Senate bill went far enough in providing a new source of funds for housing. Many of us felt that it was critical that a major new source of funds be included in any legislation bearing the title, "Emergency Home Finance Act of 1970."

We revised the Senate bill and introduced a new bill, H.R. 17495, which included a $4-billion National Development for Bank for low- and moderate-income loans and a greatly expanded funding for Ginnie Mae special assistance programs. A National Development Bank, by tapping pension funds and foundations, would have provided funds for at least 200,000 new low- and modertate-income housing units around the Nation and would have established a permanent source of financing for this type of housing.

The bill drafted by the Democrats in the committee also included provisions which would have allowed the Federal Reserve to authorize the commercial banks to use a portion of their cash reserves to invest in housing mortgages. This, too, would be an important new source of funds. The committee moved rapidly to a markup session on the legislation beginning on May 12. The administration immediately sent up a new and even more frenzied opposition to the housing proposals contained in the legislation..

Operating through Robert Mayo, who was then in great favor at the Budget Bureau, the administration attacked the proposals to establish a National Development Bank—the major source of new funds in the bill. The Republicans also attacked the new funds for Ginnie Mae and fought bitterly against the use of the commercial banks' cash reserves for housing.

The Republican opposition delayed the markup session and they finally succeeded in knocking out title V, the National Development Bank. We will, of course, attempt to restore this section when the bill reaches the floor.

Despite the Republican opposition to these new features, the committee moved forward with the bill and completed work on the markup on May 26. We suspended the rules of the committee so that the report on the bill could be filed with the House on Saturday, May 28. On June 1, I wrote the chairman of the Rules Committee asking for a hearing on the legislation.

We will be heard on this legislation tomorrow, Tuesday, and it is my understanding that the leadership plans to bring the bill up later in the week if a rule is granted.

Mr. Speaker, the administration has been outlandish on this home financing legislation. It has been dragging its feet on anything that has represented a meaningful source of new funds for housing. It has become enthusiastic only when there has been a subsidy involved for the lenders. A subsidy for the lender seems to strike an important nerve within the administration.

Perhaps the subsidy to the lenders will be of some help in the housing crisis but I would like some assurance that the home buyer will benefit directly from this governmental outlay.

In all of its various press releases, the administration centers most of its attention on a $250 million subsidy to the savings and loan industry. This was originally proposed by Preston Martin, Chairman of the Federal Home Loan Bank Board.

The administration has made some outrageous claims about what this legislation would do for housing. As a result, I wrote the Chairman of the Federal Home Loan Bank Board, Mr. Martin, on June 4, asking for a report on his proposal and particularly for any details that would substantiate the administration's claims concerning the construction of low- and moderate-income housing.

Mr. Speaker, that was on June 4, and I have yet to receive a reply from Mr. Martin. Mr. Martin is a member of the administration which is claiming that it is doing everything to get early consideration of home financing legislation. Yet, Mr. Martin continues to withhold this information which I told him was needed for the floor consideration of the home financing bill. Perhaps President Nixon can hold a press conference to chide his own Home Loan Bank Board Chairman.

I place in the RECORD a copy of the letter that I sent to Chairman Martin on June 4:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 4, 1970.

HON. PRESTON MARTIN,
Chairman, Federal Home Loan Bank Board,
Washington, D.C.

DEAR MR. CHAIRMAN: As you know, H.R. 17495 was reported by the Committee on Banking and Currency and the Committee has applied for a hearing before the Rules Committee.

Concerning that portion of the bill which, if enacted, would authorize the appropriation of $250 million to the Home Loan Bank Board to subsidize savings and loan associations, to—using your words—"lower the interest charged by such banks on member borrowers," I would like to have your answers to several questions concerning this associate program before the bill is brought up on the House Floor.

I have had the opportunity to read your testimony before the Independent Offices Subcommittee of the Committee on Appropriations of the United States Senate, but I find nothing in this testimony which provides any detail as to how this program would operate. The following questions are addressed to this specific point:

1. How will you assure that the subsidy given to an individual savings and loan association will be used exclusively to maintain within that association previous borrowings from the Home Loan Bank System?

2. What procedure will you use to assure that the subsidy will be used to facilitate the home mortgage financing of low- and moderate-income families?

3. What regulations and follow-up do you propose to issue which will assure that the subsidy will, in fact, in whole or in part be passed on to the borrower of funds, rather than to be kept by the savings and loan as an institution?

In meeting the desires of the House Banking and Currency Committee, as stated in its report, that "The committee expects the Federal Home Loan Bank Board to report semiannually to the Congress on its actions taken under this title, and on the income of families assisted with advances subsidized with these funds," I will appreciate having your immediate reply to this letter.

Sincerely,

WRIGHT PATMAN,
Chairman.

Mr. Speaker, what we have in an administration which thinks it can build houses and mold public opinion through gimmicks.

Mr. Speaker, I hope that the President will review the transcript of his Friday news conference and that he will hold another news conference to set the record straight. I am sure that he has received bad advice and perhaps all of the shuffling in the Cabinet is partially responsible. The Washington Star quotes an administration source as saying that there is "some sort of communications breakdown between HUD and Nixon's office."

XUM

In the public interest, I hope that this communications breakdown is repaired so that we do not have more misleading press conferences. Mr. Speaker, I place in the RECORD a copy of a transcript of the President's news conference remarks which my office obtained from the White House Saturday morning. I also place in the RECORD a copy of a statement which I issued in reply to his charges:

STATEMENT OF PRESIDENT RICHARD NIXON, FRIDAY, JUNE 12, 1970

Ladies and gentlemen: On Feb. 2 I sent to the Congress a Message asking for enactment of the Emergency Home Finance Act of 1970. You will note that I described this as the "Emergency Home Finance Act of 1970."

Four months have pasesd and the Congress has yet failed to act. A bill has passed the Senate. It now is tied up in the House Rules Committee. We are hopeful that next week the House Rules Committee will act and that the House itself well may act.

In presenting Sec. Romney to you today, I should point out that he recommended to me four months ago that this legislation be sent to the Congress. He then said that there was an emergency insofar as housing finance was concerned.

For four months on this emergency legislation there has been no action and now we have what I would describe as a crisis insofar as financing for housing needed by hundreds of thousands of people across the country.

It is time to act, even at this late date. Sec Rom has talked to me on several occasions since Feb 2, urging action. He will be glad to answer your questions with regard to the provisions of the legislation; what we hope it will accomplish, even at this late date.

We hope that the Emergency Act of four months ago now will become legislation within the next two weeks or so, as it well might.

STATEMENT OF WRIGHT PATMAN, CHAIRMAN, HOUSE BANKING AND CURRENCY COMMITTEE, JUNE 12, 1970

President Nixon has blocked—not just delayed—legislation which would put new sources of funds into homebuilding.

Repeatedly, President Nixon and his onetime Budget Director, Robert Mayo, and Secretary of Housing and Urban Development George Romney have opposed any plan which would put a meaningful source of funds into housing. Instead, they have insisted on various gimmicks to provide subsidies, not to homebuyers, but to lenders.

The Administration's latest efforts have been centered in an all out opposition to a proposal to establish a National Development Bank to provide home loans for low and moderate income families. They have opposed efforts to require pension funds and foundations to make additional investments in housing mortgages.

The Administration's all out opposition, delivered while the Committee was marking up the Emergency Home Finance Bill, defeated the Development Bank proposal and eliminated the major source of new funds in the bill.

The Administration also opposed Democratic proposals for an additional $1.5 billion in special assistance housing funds. The Democrats passed this provision over the Administration's opposition. The Administration also opposed a proposal which would allow the Federal Reserve to authorize the investment of commercial banks' cash reserves in housing. This provision also prevailed over Republican opposition.

Despite the negative attitude of the Nixon Administration, an attempt will be made on the Floor of the House of Representatives to restore the National Development Bank so that there may be a new source of funds to finance housing at reasonable interest rates for low and moderate income families.

It is regrettable that the President of the United States, who is backing hundreds of millions of dollars of loans to a $7 billion railroad corporation, is unwilling to back a program for additional housing loans for needy families.

There has been no delay in the Emergency Home Finance Act with the exception of that created by constant negative reactions from the Administration. The Banking & Currency Committee completed action on the Emergency Home Finance Act on May 26 and unanimously suspended the Committee's rules to allow an early report of the legislation. The report was filed on Saturday, May 28, and on Monday morning, June 1, a hearing was requested before the Rules Committee. We are now scheduled to go before the Rules Committee on Tuesday (June 16) and it is my understanding that the leadership will bring the Bill to the Floor sometime next week.

THE HOUSING BILL

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I regret that the distinguished chairman of the Committee on Banking and Currency would not yield to me following his observations and comments concerning the statements of the President of the United States.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Let me say that there has been a bill which was reported by the Committee on Banking and Currency which has languished without action by the distinguished chairman of the Committee on Banking and Currency. It has been reported by the gentleman's committee for a number of weeks and I regret that it has not been pushed before the Committee on Rules by the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will be glad to yield, even though the gentleman would not yield to me at the time I respectfully asked him to do so.

Mr. PATMAN. My time has expired.

Mr. GERALD R. FORD. I yield to the gentleman from Texas.

Mr. PATMAN. I appreciate the interest of the great minority leader. I have been pushing the bill. The only thing we lack is a rule, which we have been trying to get all this time. We immediately applied for a rule; and, as the gentleman knows, we cannot consider the bill until we get a rule.

Mr. GERALD R. FORD. The only trouble with the gentleman's argument is that he was not up there demanding action be taken by the Rules Committee. He submitted a pro forma request and did nothing to push any harder than the usual request, despite the emergency situation.

Mr. PATMAN. The gentleman is mistaken. I conferred with the chairman.

PRESIDENT'S ATTACK ON HOUSE UNWARRANTED

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, President Nixon's attack on the House of Representatives is obviously a politically motivated effort to camouflage his administration's dismal record in housing. In January 1969, housing starts stood at a 1.9 million annual level. They have since plummeted to 1.1 million. Congress last year provided the President with $2 billion to support the mortgage market. He has failed to utilize that authority. The Congress also granted the President authority to reallocate credit from nonessential uses to housing. President Nixon, upon signing this legislation, announced that he would never use it. He continues to disdain its use.

The House Democratic leadership has almost daily been importuned by spokesmen for the administration demanding speedy enactment of the postal reform legislation. This legislation has as its objective the extrication of the administration from a crisis situation of its own making. We have done everything within our power to assure expeditious action on the postal reform bill. The Committee on Rules has acted promptly to clear the bill for the floor and it is programed for next Tuesday. In light of its efforts to cooperate with the President, the House of Representatives is ill-served by the President's intemperate and unwarranted allegations.

THIRTIETH ANNIVERSARY OF THE AGGRESSION AGAINST THE BALTIC STATES

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today, June 15, marks the 30th anniversary of the Soviet aggression against the Baltic States. In June 1940, the Army of the Soviet Union invaded the Baltic States of Estonia, Latvia, and Lithuania, and ever since, the history of that region has been scarred by that tragic experience.

The Soviets were bent on the systematic destruction of these three states and demanded their complete subservience. In order to insure the success of their objectives, the Soviets ordered massive deportations and executions which resulted in the deaths of thousands upon thousands of innocent people.

In a few short months, the death toll exceeded 100,000, and yet, the Soviet effort to bend the will of the Baltic people to communism did not slacken. Inhabitants of entire villages—including men, women, and even little children—were rounded up, herded together under miserably overcrowded and unsanitary conditions, and shipped on trains east to Siberia. Many died in slave labor camps and others were scattered throughout various parts of the Soviet Union with the brutal intention of obliterating their national identity.

XUM

Because the unfortunate plight of the Baltic States had long been a source of deep concern to me, one of my first acts upon becoming a Member of Congress in 1965 was to introduce a resolution in behalf of the Baltic people. The case for passage of such a resolution, calling upon the President of the United States to direct the attention of world opinion to denial of the rights of self-determination for Estonia, Latvia, and Lithuania, was clear. On June 21, 1965, the resolution passed the House of Representatives, and subsequently, on October 22, 1966, it passed the U.S. Senate.

It is appropriate today, on the 30th anniversary of the invasion of the Baltic States, to recall to my colleagues the contents of that resolution which passed the House unanimously. The resolution follows:

H. CON. RES. 416

> Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and
>
> Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and
>
> Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and
>
> Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and
>
> Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and
>
> Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That the House of Representatives of the United States urge the President of the United States—
>
> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

It is imperative that we who are free strive to encourage the spirit of liberty in those states still held captive by the Soviets. The people of Estonia, Latvia, and Lithuania have not renounced their hopes for freedom and independence. Their will to struggle and fight for the liberty they cherish so highly continues as strong as ever. It remains the responsibility of those of us in the free world to champion the righteous cause of independence for the Baltic nations.

Today, let us honor the memory of those unfortunate victims of Soviet brutality, and let us rededicate ourselves to the still unresolved cause of the Baltic States. Only by continuing to stress and support the case for Baltic freedom in every available forum can we hope to finally make Baltic freedom a reality.

LOWERING THE VOTING AGE BY STATUTE

(Mr. MIZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIZE. Mr. Speaker, soon the House will consider the profoundly complicated, constitutional question of lowering the voting age to 18 years by Federal statute.

This action, recommended by the Senate as an amendment to the important Voting Rights Act, suggests that the States no longer have an interest in determining the age of franchise for their citizens.

Constitutionally, I am convinced, the Congress can lower the voting age by statute only upon the rather conclusive showing that there is no "state interest" of any modern significance involved in the question.

KATZENBACH AGAINST MORGAN REJECTED AS AUTHORITY

I say this because I have concluded that the rationale of Katzenbach against Morgan cannot apply to voting age qualifications established by a State. When a State sets the minimum age for voting at, let us say 19 years, it establishes no rule of law which—though apparently within the tolerance of the 14th amendment—permits invidious discrimination in its application and thus is intolerable under the equal protection clause.

Voting age qualifications are determined without regard to race, creed, language ability, or other constitutionally infirm restrictions upon the exercise of the franchise. Thus, to my mind, a voting age set by State statute or State constitutional provision cannot be a denial of equal protection within that State as the term is commonly understood, and judicially interpreted.

The Senate action usurps traditional State power to set voting age limits, a State power unchallenged since 1789 under our Federal Constitution. In fact, my research indicates that while hundreds of constitutional amendments have been introduced in Congress to lower the voting age over the past decade, no single Senator or Congressman has had the temerity before to suggest in bill form that it could be done by Federal statute.

ONLY 1 HOUR TO CONSIDER AND ACT

The Senate has suddenly adopted, on the floor in amendment form, a course of action that has been universally regarded as unconstitutional for 182 years.

Now the House must act. I understand we will have 1 hour to consider this profound question, going to the very core of our Federal structure. We must decide without the benefit of hearings, without the benefit of appropriate investigation, without the advice of first-rate constitutional authorities across the country.

We have the informal opinion of the dean of the Yale Law School that the Senate action almost surely is unconstitutional. Others, I have read and heard, have suggested the Supreme Court may well view the decision of Congress as controlling—even over the mandate of article I, section 2, and other less direct provisions of the Constitution.

I think it improper to prognosticate upon whether the Court, as it is presently constituted, would reject or accept the Federal voting age statute if enacted.

It is the unavoidable responsibility of Congressmen, as well as of Supreme Court Justices, to read and study and interpret the Constitution. We have no carte blanche privilege to pass legislation that is clearly unconstitutional so long as the Court sits and rules either with us or against us; we have an affirmative duty to seek out constitutional authority permitting Federal action upon each and every issue before this body.

IS STATE INTEREST INVOLVED?

If Katzenbach against Morgan cannot provide constitutional authority for a Federal voting age statute—as I believe it cannot—then the remaining consideration is the question of "State interest."

Do the States retain any justifiable or demonstrable or substantial interest in establishing the qualifications for voting in elections? Do they have a legitimate local interest in the question, or is it simply an anachronism from 18th-century America that is better forgotten or ignored in a modern, living constitution for a forward looking, vigorous Nation?

It would seem that the litmus test of state interest would be State action. Are the qualifications for voting debated in State legislatures? Are the pros and cons of the question actively considered by Governors and legislative councils and the people themselves in referendum? Is the issue alive and well at the State level—or has it stagnated from disinterest and disregard?

State interest in questions traditionally left to the States can best be ascertained by study of how those questions are dealt with locally—whether they are considered on the merits, or the victim of disuse and decay in a changing society.

The material I will insert for the benefit of all Members at the close of these remarks illuminates the depth at which the qualifications for voting are actually considered by the States, the traditional and constitutional repository of this power.

I think it almost unnecessary to say that no overriding nationwide interest, requiring a balancing and rejection of traditional State interests, is involved here.

It is of no constitutional significance to a voter in California that one may vote at 18 years in Georgia. It is of no constitutional significance to an 18-year-old in Georgia that his contemporary in California must wait for 3 years to exercise the franchise.

The equal protection clause of the 14th amendment applies to intrastate questions of discrimination, not interstate questions. It is as simple as that, and the unfortunate action of the other body has forced the House to face up to this rather well established principle of constitutional law.

XUM

CONSTITUTIONAL AMENDMENT APPROPRIATE NOW

Mr. Speaker, we come to the question of lowering the voting age by constitutional amendment. Gallup polls since the middle 1950's have indicated that the great majority of the people favor lowering the voting age by constitutional amendment.

I think it fair to say that a majority of the Congress favors lowering the voting age. I think it fair to say that a majority of my constituents in Kansas favor lowering the voting age.

I therefore announce that I will support a constitutional amendment which would lower the voting age to 19 years throughout the country. This would require the acquiescence of three-fourths of the State legislatures under our Constitution.

If such a constitutional amendment is approved by the Congress, I will work for its early ratification to the best of my ability.

I consider 19 years the appropriate age for voting. When one has attained the age of 19, he usually has been out of high school for about 1 year. He has begun his career, either in college or the Armed Forces, or in the labor force. He often has married and settled down; most likely, he has paid Federal income taxes for the first time. He has changed his pattern of life, left the family circle, and thought about establishing his own family.

I honestly and sincerely believe that the 3.8 million 18-year-olds in America, most of whom are in their last year of high school, could benefit from an additional year of experience in life before exercising the highest duty of the citizen in a representative democracy.

I think it is in the national interest to extend the voting privilege to those 19 years of age, and older, but I feel the age limit should be set no lower at the present time.

THE CONSTITUTION MUST BE RESPECTED

Just as electors are expected to respect their constitution, so also are Congressmen. It would be an easy thing for some, perhaps, to ignore the mandate of their constitution and extend the franchise to those over 18 by Federal statute. But I cannot support such an action, for I feel that the precepts of our Constitution are our best defense against arbitrary government.

The proponents of this action seek commendable ends by means that do violence to the Constitution, and thus the issue before Congress will not be 18-year-old voting at all. The merits of the question will not be a major factor in resolving the issue.

The Congress, first and foremost, must decide the question of constitutionality before it even considers the appropriateness of 18-year-old voting.

Mr. Speaker, under leave to extend my remarks at this point in the RECORD, I insert material prepared by the Legislative Reference Service of the Library of Congress on recent State action on the question of lowering the voting age.

I hope all Members will carefully consider this material before making their decision on the Senate amendment to lower the voting age to 18 by Federal statute. Almost all Members will see that their constituents have been working with the issue at the State level for a long, long time.

That is where the issue belongs, absent a constitutional amendment ratified by three-fourths of the States.

The material follows:

PART I: STATE ACTION SINCE 1960 TO LOWER THE VOTING AGE

ALABAMA

In 1961, H. B. 124 was introduced in the Alabama House of Representatives to reduce the voting age to 18. It died in committee. In 1963, S. B. 58 and H. B. 745 were introduced to reduce the voting age to 18 but no further action was taken on either measure. The same fate resulted for S. B. 240, the 18-year-old vote amendment introduced in the 1965 legislative session.

The Senate on July 27, 1967 passed 22 to 10 S. B. 24, which would have lowered the voting age to 20. Passage came on a motion to reconsider after S. B. 24 had initially failed (19–9) to receive the necessary votes. S. B. 24 died in House Committee.

ALASKA

No bills introduced in 1965 to lower the voting age. It is at present 19 and has been since Alaska entered the Union in 1959. In 1969 the legislature passed an amendment to lower the age to 18. It goes to the voters for action in 1970.

ARIZONA

In 1962, H. C. R. 8, to reduce the voting age to 18, received a favorable vote in the House on March 6, but was subsequently returned to committee. In 1964, H. C. R. 27, lowering the voting age to 18, was introduced without any subsequent action thereon. H. C. R. 7, introduced in 1965, would have lowered the voting age to 18, but no further action occurred on it. There was no action in 1966 on H. C. R. 12, or H. B. 253, both of which proposed lowering the voting age to 18. Four proposals were introduced in 1967 to lower the voting age to 18—H. B. 204, H. B. 214, H. C. R. 6, and H. C. R. 7—but all died in committee.

In 1968 four voting age bills were introduced, all to lower to 18 (S. B. 18, S. C. R. 1, H. B. 76, H. C. R. 5), and all died in committee.

CALIFORNIA

No resolutions or bills were introduced in the 1961 legislative session. During the 1963 session, Constitution Amendment proposal 24, introduced in the Assembly, would have lowered the voting age to 18. It died in committee.

No bills introduced in 1964 or 1966. In 1965, H. Res. 389, to appoint an interim committee to study the right to vote, including the voting age, died in committee, as did A. C. A. 14, a lower voting age amendment (no age shown). In 1967, three bills to lower were introduced, A. C. A. 36 (no age shown), A. C. A. 14 (19), and A. C. A. 64 (no age shown). All died in committee. In 1968, A. C. A. 17 and A. C. A. 24 (no age shown) also died in committee. S. C. A. 8, which appears to have been a voting age proposal, was defeated in the Senate. In 1969, the California Constitutional Commission recommended lowering the voting age to 19.

CONNECTICUT

In 1961, H. Res. 15, to lower the voting age to 18, was introduced in the House, without further action thereon. No action was taken during the 1963 session on H. Res. 25, an 18-year-old vote proposal. H. Res. 12, to lower (no age shown), died in committee in 1965. An additional proposal may have been introduced in 1967 but the journal is not clear in this regard. The Connecticut Constitutional Convention rejected an 18-year-old vote proposal in 1965. *Congressional Quarterly Weekly Report* for May 23, 1969, reports that the Connecticut legislature approved an 18-year-old vote proposal which will go on the ballot for voter approval in November 1970.

DELAWARE

The State legislature passed a 19-year-old vote amendment in 1969. If repassed by the legislature in 1970, or 1971, it will take effect as Delaware does not require electorate approval of amendments to the constitution.

FLORIDA

In the 1963 session no proposals to lower the voting age were introduced. S. J. R. 58, to lower to 18, was introduced in the Senate during the 1965 session without subsequent action. H. J. R. 675, an 18-year-old vote proposal introduced in the House during the 1965 session, was ordered from committee with recommendation that it not pass. No vote was taken on H. J. R. 675.

In 1966–67, H. J. R. 451 and H. J. R. 2426, to lower to 18, and H J. R. 168, to lower to 19, died in committee. The new constitution of Florida, voted in 1967, retained 21 as the voting age.

GEORGIA

The voting age in Georgia has been 18 since 1943. (See part two of this report.)

HAWAII

Legislative proposals to lower the voting age (it is now 20) have been introduced since at least the 1961 session, according to a pamphlet on proposed amendments to the Hawaiian Constitution. In 1967, the Hawaii Legislature approved the convening of a Constitutional Convention subject to voter approval at a referendum (the voters previously expressed approval of such a convention in the fall election of 1966). The calling of the convention was once more approved by the voters and it convened and worked from July until November, 1968. The issue of lowering the voting age was debated at the convention and a proposal to lower the age to 18 was put on the ballot in 1968.

The electorate, November 1968, specifically rejected that part of the new Constitution which would have lowered the age from 20 to 18. This was the only part of the proposed Constitution the voters rejected. The vote was 72,930 (yes), 80,660 (no).

In 1969, the legislature approved an 18-year-old vote amendment. The voters will pass judgment in 1970.

IDAHO

We have no record of any action in the Idaho legislature through the 1963 session.

ILLINOIS

During the 1961 session two proposals to lower the age to 19 were introduced in the Senate—S.J.R. 16 and S.J.R. 18—without further action thereon. During that session an 18-year-old vote proposal was introduced in the House—H.J.R. 4. It died in committee. H.J.R. 22, a 19-year-old vote resolution, was reported favorably from committee and voted on June 20, 1961, in the House. The vote was yea, 92, nay, 68, less than the two-thirds approval required by the Constitution.

In 1963 no proposals were introduced relative to lowering the voting age. In the 1965 session an 18-year-old vote resolution was introduced in the House (H.J.R. 32) and a 19-year-old vote resolution in the Senate (S.J.R. 23). Both died in committee.

In 1967, H.J.R. 5 and H.J.R. 39, to lower to 19, died in committee.

INDIANA

The *Congressional Quarterly Weekly Report* for April 7, 1967, states that the 1967 session of the Indiana Legislature adjourned without taking action on proposals to lower the voting age. No other information could be found on the fate of such proposals in the Indiana Legislature.

IOWA

S.J.R. 13, an 18-year-old vote proposal introduced in the 1961 session, died in committee, H.J.R. 3, also proposing to lower the vote to 18, received an indefinite postponement. There is no record of any proposals being introduced in the 1963 session.

According to the April 7, 1967 *Congressional Quarterly Weekly Report,* the Iowa House, by a vote of 38–80, rejected during the 1967 session a proposal to lower the voting age (no age figure given in the report).

KANSAS

During the 1961 session, an 18-year-old vote resolution (S.C.R. 4) died in committee. A similar proposal introduced in the 1963 session (S.C.R. 15) also died in committee. There is no record of any proposal being introduced during the 1965 session.

S.C.R. 8 to lower to 18, died in committee in 1967. In 1968, S.C.R. 36, to lower to 19, died in committee while H.C.R. 1065, to lower to 18, was unfavorably reported.

KENTUCKY

The voting age has been 18 in Kentucky since 1955 (see part two of this report).

LOUISIANA

In 1968, the House defeated, 64 to 28 (6 short of the necessary 70), a bill to lower the age to 20. As originally introduced the measure would have lowered the age to 18, it was amended to age 20. (*The Times-Picayune,* July 5, 1968).

MAINE

In March 1963, as reported in the *National Civic Review,* the Maine Constitutional Commission recommended lowering the voting age to 20; the Legislature did not act on this recommendation.

During the 1963 session, H.P. 431 (L.D. 636), a proposal to permit those 18 years old to vote if they passed an examination in U.S. history, government, and economy, was reported from committee with recommendation that it not pass. The report was a divided one but the House sustained the majority recommendation, as did the Senate.

During the 1965 session, H.P. 433 (L.D. 562), to lower the voting age to 18, was reported with recommendation that it not pass. The House accepted this report. It also upheld do-not-pass recommendations for H.P. 376 (L.D. 478), a 20-year-old voting amendment, and for H.P. 255 (L.D. 325), a 19-year-old voting amendment.

In the Senate in 1965 S.P. 153 (L.D. 394), a proposal to lower the voting age to 20 (originally 18, but amended to 20), was passed 27–3 on May 20. In the House, S.P. 153, was defeated (yeas 83, nays, 62) when it failed to obtain a required two-thirds approval on May 19.

In a 1966 session, no proposals to lower the voting age were introduced.

In 1969, the legislature passed a 20-year-old amendment. The voters will render their verdict in 1970.

MARYLAND

In the 1963 session, S. B. 78 and H. B. 133 were introduced to lower the voting age to 18. They died in committee. So did S. B. 184, and 18-year-old vote resolution introduced in the 1964 session. In 1965, H. B. 232, a proposal to submit an 18-year-old vote amendment to referendum, died in committee. S. B. 48, to lower to 18, introduced in the 1965 session, was unfavorably reported from committee. That report was sustained in the Senate by a vote of 23–6.

The Constitution submitted in 1968 for the approval of Maryland voters included a provision for voting by persons 19 and older. It was defeated by the voters 283,050 to 366,575.

In 1967, H. B. 164, to lower to 18, died in Committee. In 1969, a 19-year-old amendment was defeated in the House 73–61, after receiving initial approval 93–36. The Senate had earlier given its approval to 19-year-old voting 30–8 (March 6, 1969).

MASSACHUSETTS

A special report of the Legislative Research Council, prepared in 1968 under directive of S. No. 934 (1967), found that between 1943 and 1967, 91 measures to lower the voting age were introduced in the Massachusetts legislature: 86 to lower to 18, 3 to 19, and 2 to age 20.

"In some instances, the committee on Constitutional Law reported the bills favorably and one bill, Senate, No. 19 of 1955, was ordered to a third reading by the joint legislative convention. However, none of the bills were passed, and there did not appear to be any formidable support for these proposals prior to 1967."

In 1967, the General Court, in joint convention, approved House, No. 2537, reducing the voting age to 19. That approval was confirmed again by the General Court in 1969. It will be submitted to the voters in 1970. If the voters approve, the age will be lowered to 19, effective 1972.

(See above, the table of State action on voting age proposals for a recapitulation of the voting age bills introduced in Massachusetts.)

MICHIGAN

In 1964, S. Res. 88, to create a special committee of five Senators to study the issue of a lower voting age and its ramifications, was adopted in the Senate. The House adopted a similar proposal that year, H. Res. 110.

In 1965, the Senate adopted S. Res. 166, which continued the five-member committee to study the issue of a lower voting age. In 1966, however, the Senate did not act on S. Res. 319, a resolution to appoint an interim committee to study the legal ramifications of a lower voting age.

In the 1966 elections, tne Michigan voters defeated a referendum to lower the voting age to 18 by a vote of 1,267,872 to 703,076.

MINNESOTA

In the 1965 legislative session, three 18-year-old vote proposals were introduced but died in committee. They were S.F. No. 792, H.F. No. 271, and H.F. 1397.

In 1967, five voting age proposals, S.F. 36 (18), S.F. 47 (18), S.F. 571 (19), S.F. 900 (18), and H.F. 56 (18), died in committee.

In 1969, the legislature approved an amendment lowering the age to 19. This proposal will be on the ballot November 1970.

MISSISSIPPI

Legislative Journals for Mississippi indicate that no proposals to lower the voting age were introduced in the 1961, 1962, or 1966 sessions. These were the only Journals available.

MISSOURI

In 1961, H.J.R. 5 (H.J.R. 10), to lower the voting age to 18, passed the House on February 28 by a vote of 84–52. It died in the Senate.

In 1965, H.J.R. 10, to lower the voting age to 18, was defeated in the House on March 10 by a vote of 54–104.

MONTANA

There is no record of action in the Legislature during the 1961 session.

The Senate approved a 19-year-old vote proposal in 1967 but it died in the House.

In 1969 approval was given to a 19-year-old amendment. The House approved the measure 84–17 and the Senate 46–7. It will be submitted to the voters in 1970.

NEBRASKA

The Journals for 1960, 1961, 1963, 1965, and 1966 indicate that no proposals to lower the voting age were introduced in the unicameral Nebraska Legislature.

The *Congressional Quarterly Weekly Report* for April 7, 1967, reported that the 1967 session of the Legislature approved a 19-year-old-voting age amendment which was submitted to the voters in a 1968 referendum. In 1968 the proposal to lower the voting age to 19 was defeated 246,672 to 255,051.

The legislature in 1969 approved a 20-year-old vote amendment. This proposal will be submitted to the voters in 1970.

NEVADA

No voting age resolutions were introduced in the 1961 or the 1963–64 sessions. In the 1965 sessions, S.J.R. 3, to lower the voting age to 18 (as recommended by Governor Grant Sawyer), was reported from committee without recommendation. It passed the Senate on March 31, 1965, by a vote of 11–6 (in Nevada a proposed amendment must receive approval in two consecutive legislatures and then be submitted to the voters). In the House, a floor amendment to change the age from 18 to 19 was defeated. The resolution was also defeated by a 12–17 vote.

Scholastic Teacher, May 2, 1969, reports that the Nevada legislature approved an 18-year-old voting age amendment. It must re-approve in 1971 to place the question on the 1972 ballot.

NEW HAMPSHIRE

No voting age resolutions were introduced in either the 1961 or 1963 sessions. In the 1965 session, C.R. 3, to lower the voting age to 18, was defeated in the House June 21, 1965.

In 1967, H.C.R. 13, to lower to 18, was killed by the House on recommendation of the committee.

NEW JERSEY

No voting age resolutions were introduced in the 1960, the 1962, the 1963, or the 1965 sessions. In 1961, A.C.R. 40 would have lowered the age to 20. It died in committee. In 1964, S.C.R. 7 proposed a referendum on lowering the voting age to 19. It died in committee.

In 1966, A. C. R. 9 (or 4), a 19-year-old amendment, died in the Senate (which probably means it passed the House).

In 1966, the legislature approved an 18-year-old amendment. The vote in the Senate was 30–0. We have no record of the vote in the Assembly. The voters rejected the proposal decisively in November 1969.

NEW MEXICO

Scholastic Teacher, May 2, 1969, reported that the New Mexico legislature was considering voting age proposals with a good probability of action before adjournment. However, no [illegible] action was taken.

NEW YORK

No action was taken on the following resolutions to lower the voting age to 18 introduced in the 1960 session of the legislature; (in the Assembly) 90, 1398, 2509, 3257; (in the Senate) 987, 1968. Also introduced in 1960 was a 19-year-old vote resolution (169 in the Assembly) on which no action was taken.

No action was taken on the following 18-year-old vote resolutions introduced in the 1961 session: (in the Assembly) 17, 362, 734, 1450, 1662, 1688, 1928, 2380, 2627, 4510; (in the Senate) 147; 1119. Nor was any action taken on a 19-year-old vote resolution (271) and a 20-year-old vote resolution (2402) introduced in the Assembly.

No action was taken in the 1962 session on the following 18-year-old vote resolutions: (in the Assembly) 158, 724, 1078, 1121, 1290, 1530, 1533, 2142, 2185, 2810, 3297; (in the Senate) 302, 819. Nor was action taken on a 19-year-old vote resolution (401 in the Assembly).

In 1963 no action was taken on the following 18-year-old vote resolutions introduced in the Assembly: 110, 217, 452, 664, 1956, 1970, 2063, 2116.

XUM

No action was taken on the following 18-year-old vote resolutions introduced in the 1964 session: (in the Assembly) 69, 265, 480, 882, 1326, 1646, 2759, 2831, 3058, 3261; (in the Senate) 531.

No action was taken on the following 18-year-old vote resolutions introduced in the Assembly in the 1965 session: 81, 414, 474, 1296, 1552, 1663, 2595, 3069.

The *National Civic Review* noted in its May 1966 issue that in February 1966 the Assembly approved a measure to lower the voting age to 18. The Senate Majority Leader announced, however, that the Senate would take no action on the resolution in view of the Constitutional Convention to be held in 1967.

The issue of lowering the voting age was considered during the 1967 Constitutional Convention. On July 17, the Convention delegates defeated a proposed voting age of 19 by a 165–8 vote, and a proposed voting age of 20 by a voice vote. They then voted 102–76 to maintain the voting age at 21. On July 18, the delegates gave initial approval to a provision in the Constitution stipulating 21 as the voting age but authorizing the legislature to lower that to as low as 18. Once the age was lowered, it could not then be increased. The vote of approval was 95–83. On September 7, 1967, the delegates gave final approval to this provision by a 139–30 vote after defeating an attempt to lower the voting age to 20 (97–60) and defeating an attempt to eliminate the Legislature's power to lower the voting age (92–67).

The voters of New York, however, rejected the proposed Constitution at the November 1967 election by a 3–1 margin.

The *New York Times* indicates that 18-year-old voting age amendments were killed by both House and Senate committees in 1969.

NORTH CAROLINA

There were no voting age proposals introduced in the 1961 session of the legislature. In 1963 S. B. 57 and H. B. 107, to lower the voting age to 18, were introduced. H. B. 107 was reported unfavorably; no vote was taken on the report. S. B. 57 died in committee. No proposals were introduced in the 1965 session.

NORTH DAKOTA

The April 7, 1967 *Congressional Quarterly Weekly Report* notes that the Legislature approved a 19-year-old voting age amendment, which went to the voters in a September 1968 referendum. It was rejected, narrowly, 59,034 to 61,813.

OHIO

No action was taken during 1961 on proposals to lower the voting age to 18 (S. J. R. 9, H. J. R. 6) or a proposal to lower to 19 (H. J. R. 17). S. J. R. 23, an 18-year-old vote resolution introduced in the 1963 session died in committee. The Ohio legislature passed a 19-year-old vote amendment in 1969, which was rejected in November of that year by the voters, 1,274,334 against to 1,226,592 for.

OKLAHOMA

No proposals were introduced in the 1963 session to lower the voting age.

In 1965, S.J.R. 24, to lower to 19(?), was reported by committee but died on the calendar. In 1967, S.J.R. 12, to lower to 19, passed the Senate 35–7, March 7, 1967, but died in the House Committee. S.J.R. 10, to lower to 19 for members of the armed forces or veterans, died in committee.

OREGON

The April 1962 *National Civic Review* reported that the Oregon Constitutional Revision Commission, on February 23, 1962, recommended retaining the 21-year-old voting age.

No voting age proposals were introduced in the 1963 session. In 1965, H.J.R. 43 would have lowered the voting age to 18. It died in committee.

The Oregon Senate rejected an amendment to lower the voting age (presumably to 18) in 1967. As reported in the April 7, 1967 *Congressional Quarterly Weekly Report,* the vote was 12–17.

The legislature passed a 19-year-old vote amendment in 1968. It goes to the voters in November, 1970.

PENNSYLVANIA

In the 1963 session, S.B. 809 and H.B. 337, to lower the voting age to 18, died in committee. The same fate awaited S.B. 6, and S.B. 11, 18-year-old vote resolutions introduced in 1964.

H.B. 72, an 18-year-old vote proposal introduced in the 1965 session, was approved by the House, 149–55, on January 4, 1966. The Senate failed to take action on H.B. 72. S.B. 27 and S.B. 157, to lower to 18, were introduced in the Senate in 1965 but died in committee.

It was noted in the CONGRESSIONAL RECORD, volume 115, part 6, page 7894, that the Pennsylvania House had passed a 19-year-old vote bill and, earlier, that the Senate had passed an 18-year-old vote bill. The differing measures died in conference.

RHODE ISLAND

A Constitutional Convention was held over a three-year period (1965–67) in Rhode Island. Newspaper reports do not indicate whether serious consideration was given to lowering the voting age. More than 200 proposals were submitted for consideration at the convening of the Convention and it is possible that a lower voting age was among them. The final document as approved in September 1967 did not contain any provision pertaining to a lower voting age. (Note: Due to negative prospects for adoption of the new charter, it was not submitted, as planned, to the voters in the 1967 fall elections. Plans now call for reconvening the Convention to make certain alterations in the document. There is no indication that any consideration might be given to debating a lower voting age.)

SOUTH DAKOTA

No voting age proposals were introduced during the 1961, 1963, and 1964 sessions.

TENNESSEE

No voting age proposals were introduced in either the 1961 or 1963 sessions.

In 1967–68, S. J. R. 13, a voting age amendment, died in committee. In November 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18.

TEXAS

No voting age proposals were introduced during the 1961 or 1962 sessions. In 1963, H. J. R. 12, to lower the voting age to 18, was amended on the House floor to change the age limit to 19 but defeated ultimately by a vote of 92–51. A vote of 100 is required in order for an amendment to pass the House.

UTAH

No voting age proposals were introduced in either the 1961 or 1963 sessions.

VERMONT

There is no record of any voting age proposals being introduced through 1966.

In 1967, H. 370, a bill to provide that any attempt to lower the voting age to 18 in 1968 must be preceded by notification at town meetings, died in committee.

VIRGINIA

During the 1966 session, S. J. R. 33 and H. J. R. 4, to lower the voting age to 18, died in committee. In 1968, S. J. R. 7, to permit voting by those 18 and older serving in the armed forces, and S. J. R. 45, to lower to 18, died in Senate committee. H. J. R. 59, to lower to 18, died in the House committee. In 1969, the Virginia legislature, after giving thought to permitting an 18-year-old amendment on the ballot, decided not to submit the question to the voters.

WASHINGTON

In 1961, S.J.R. 29, an 18-year-old vote resolution, was introduced but died in committee. The same fate occurred to S.J.R. 3 and H.J.R. 2, 18-year-old vote resolutions introduced in the 1963 session.

In 1965, H.J.R. 10, to lower to 19, was favorably reported from committee but did not come to a vote. H.J.R. 22, to lower to 19, died in committee. In 1967, H.J.R. 14 and H.J.R. 26, to lower to 18, died in committee. S.J.R. 15, to lower to 18, with floor amendment to make 18 the age of majority, was defeated 25–20, March 6, 1967.

WEST VIRGINIA

H.R. 83, an 18-year-old resolution introduced in the 1963 session, died in committee.

WISCONSIN

During the 1963 session, 435, A, an 18-year-old vote referendum proposal, was approved by the Assembly, April 17, 1963, by a 54–38 vote. The Senate refused to concur in the Assembly's action. The Senate postponed action on 116, S that same year. It proposed to revise the statutes to lower the voting age to 18.

WYOMING

Scholastic Teacher, May 2, 1969, reports that the Wyoming legislature passed a 19-year-old vote proposal. It will be submitted to the voters in 1970 and, if approved, become effective in 1972. The *National Civic Review,* April 1969 (p. 165) reports that the Wyoming Senate amended this 19-year-old proposal to deny the ballot to any male with long hair. This provision, however, was not retained.

PART II: STATE ACTION TO LOWER THE VOTING AGE, 1943–60

(NOTE.—This L.R.S. Report was reprinted in an Appendix to hearings held in 1961 on the nomination and election of the President and Vice President and on qualifications for voting. The full citation to the document is given below.

(U.S. Cong., Senate Comte. on the Judiciary. Subcomte. on Constitutional Amendments Nomination & Election of President and Vice President and qualifications for voting Appendix to hearings . . . pt. 4. Washington, U.S. Govt. Print. Off., 1961. p. 859-866.

(The following is a study prepared by Walter Kravitz, Government and General Research Division, Legislative Reference Service, Library of Congress, dated March 28, 1961.)

INTRODUCTION

Since the introduction in the 78th Congress, 1st session, of House Joint Resolution 39, calling for a constitutional amendment to extend the right to vote to citizens 18 years of age or older, at least 47 State governments have dealt with the matter of lowering the voting age in one way or another. This report presents a State-by-State survey of such action, followed by a summary of the most important of these.

The information has been compiled from a variety of sources. A completely thorough and exhaustive study would require examination of every State journal of the period under consideration. Few of these are available to us, and it would take many months to check those that are. We have, nevertheless, spot-checked some State journals when provided with specific leads from other sources.

Undoubtedly, we have caught only a fraction of the instances in which bills were introduced only to die in committee. But we have included, we believe, every major State action in this field, especially every instance in which the matter was put to a referendum.

Except for West Virginia, specific age qualifications for voting are embodied by all States in their constitutions; any change, therefore, requires, a constitutional amendment.[1] Wherever pertinent, the method of amendment is explained below.

ALABAMA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

ALASKA

The State entered the Union in 1959 under a constitution approved by a 2 to 1 majority of the voters on April 24, 1956. All citizens 19 years of age and older are entitled to vote.

ARIZONA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

ARKANSAS

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. In the same year, the lower house approved the resolution 84–68, but the senate voted it down, 37 to 15. We have no word of any action since 1943.

CALIFORNIA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

CONNECTICUT

Proposals to lower the voting age to 18 were introduced in the legislature in 1955 and 1957. In both years the responsible house committee rejected the measures.

DELAWARE

In 1949 a bill to lower the voting age, H.B. 103, died in committee. In 1951 another house bill was similarly handled, while a senate measure, S.B. 187 was favorably reported but not acted upon. In 1953 a proposal to amend the constitution by lowering the voting age to 18 was passed by the lower house 30–1; the senate did not act. An identical measure, S.B. 31, was passed by the senate by a vote of 16 to 1 in 1955 and receiver a 21 to 12 majority in the house, but the latter was less than the required constitutional majority and the bill failed.

FLORIDA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was defeated. In 1951, five resolutions to the same effect were introduced. One, H.J.R. 71, received the required three-fifths constitutional majority of the house, by a vote of 77 to 13, on April 18. On April 25 the measure failed in the Senate 9–29. In 1953, three bills were introduced; none gained committee approval. S.J.R. 204, in the legislature of 1955, passed the constitutional test in the senate on April 26 by a vote of 26 to 10, and on the following day a reconsideration motion was defeated, 13–24. In the house the measure was approved by the committee and put on the calendar, but never came to a vote. Measures to lower the voting age introduced in 1957 and 1959 were either pigeon-holed or reported unfavorably.

GEORGIA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was passed by the senate on February 11, and by the house on March 3. The electorate ratified the amendment on August 3, 1943, by a majority of better than 2 to 1: yes, 42,284; no, 19,682.

HAWAII

The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20.

IDAHO

Measures to lower the voting age were introduced in both houses in 1951, and were defeated. In 1959 a proposal to amend the constitution so as to lower the voting age to 19 received the necessary vote of two-thirds of all members of each of the two houses, voting separately. A referendum was accordingly held at the next general election, that of November 1960. The measure was defeated: yes, 113,594; no, 155,548.

ILLINOIS

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Similar resolutions were pigeon-holed in both houses in 1945, 1947, 1949, 1951, and 1953. In 1955 and 1957 resolutions were brought to the floor of the house, but both were defeated.

INDIANA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Constitutional amendments must secure majorities in each house in two successive legislatures, plus a vote by the electorate, in order to succeed. A proposal to lower the voting age was passed by the legislature in 1945, but apparently failed in the next legislature. In 1953, a proposed amendment to give the vote to those 19 years of age and older was passed by both houses, but it was rejected by the 1955 legislature.

IOWA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. Similar resolutions were pigeonholed in 1949, 1953, 1957, and 1959.

KANSAS

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee, as did similar measures in 1945, 1947, and 1949. In 1951, another resolution received the vote of a majority in one house, 69–50, but failed to get the required two-thirds vote. In the 1953, 1955, 1957, and 1959 legislatures other resolutions were introduced; none went beyond a second reading.

KENTUCKY

An amendment to lower the voting age was introduced in the legislature in 1946 but was never reported out of committee. In 1948, 1950, and 1952, similar proposals were released by the committees only to die or be defeated on the floor. In 1954 the legislature approved, by the required three-fifths of the members elected to each house, a proposal to submit to the voters a constitutional amendment to lower the voting age to 18. The referendum took place on November 9, 1955, and the amendment passed, by a 2 to 1 margin.

LOUISIANA

A proposal to lower the voting age was introduced in the legislature as H. 3 in 1946. It was favorably reported from committee but, on June 21, failed in a floor vote, 32–39. Of three similar measures introduced in the same session, two died in committee and the other was buried in the calendar. In 1948, a proposal to amend the constitution to lower the voting age to 18, H. 101, was reported favorably on June 3, and received a majority vote of the house, 48–39, on June 7. The State constitution, however, requires a constitutional two-thirds vote for amendment, so the measure failed. In 1950 H. 739, and in 1952 S. 27, both proposing a lowering of the voting age to 18, died either in committee or on the calendar.

MAINE

Proposals for a constitutional amendment to lower the voting age to 18 were introduced to the legislature in 1943, 1945, 1947, 1951, and 1953. No action was taken on any of them. In 1957, a similar measure was unfavorably reported by the committee and the house upheld the report, 77–34, on April 26.

MARYLAND

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar proposal died in the house of delegates in 1953. In the following year, 1954, the same measure managed to reach the senate floor, where it was defeated by a vote of 14–14. Th State's constitution requires a favorable three-fifths vote of all members of each house to place a proposal on the ballot. In 1957 another attempt to lower the voting age was smothered in committee, despite the support of Governor McKeldin. In 1959 the proposal was reintroduced and, on March 6, was approved by the senate judicial proceedings committee. Three days later, in a test vote, the senate gave the bill a 16–11 majority, but on March 11 it reversed itself and defeated the measure, 15–14. A similar proposal was denied clearance, during the same year, by the house judiciary committee.

MASSACHUSETTS

A constitutional amendment was introduced in the general court in 1943 to lower the voting age to 18. It died in committee. Similar proposals were reported favorably but did not come to a floor vote in 1951, failed in committee in 1952, and were again reported favorably but did not come to the floor in 1953.

In his annual message of January 6, 1954, Gov. Christian Herter endorsed the move to amend the constitution to extend the vote to 18-year-olds. In the same year the proposal reached the floor of the senate, but was defeated. In 1955, a similar measure was taken as far as the joint session of the general court, only to fail. In 1956 the State's Governor again recommended lowering the voting age and the matter was again taken as far as a joint session, where it was defeated. In 1958 there was a favorable committee report, but no further action. In 1959 the joint session of the general court again rejected the proposal.

MICHIGAN

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was defeated. In 1953 four measures were introduced; all died in committee. In 1954, H. J. R. "B," a proposal to lower the voting age to 19, was reported favorably. On the floor the resolution received a 54–38 majority, but failed for lack of the required constitutional two-thirds. Measures introduced in 1955, 1957, and 1959 all died in committee.

MINNESOTA

Constitutional amendments to lower the voting age to 18 were introduced in the legislature in 1943, 1947, and 1949. They were all either defeated or pigeon-holed in committee. In 1953, a similar measure was put to a vote in the house, on March 3. The vote was 63 to 62 in favor, but the measure was nevertheless lost because it did not receive a majority vote of the total house membership. In the same year, a similar senate proposal died in committee.

MISSISSIPPI

In 1953 one senate and two house proposals to amend the constitution so as to lower the voting age died in committee. One house resolution was reported, but was not brought up for a vote. On March 4, 1954, the senate rejected a measure designed to lower the voting age to 18.

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[1] West Virginia's constitution bars minors, the word being defined by statute.

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MISSOURI

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. We have no record of any action since 1943.

MONTANA

In 1951, S. 96, a proposal to lower the voting age, was defeated in the senate by a vote of 22 to 26. In 1957, H.B. 41, which proposed lowering the voting age to 18, passed the house 72 to 19, but was rejected by the senate.

NEBRASKA

Two proposals were introduced in the legislature in 1943 to amend the constitution so as to lower the voting age to 18, L.B. 345 and L.B. 382. Both were lost by postponement. In 1945, a similar measure, L.B. 129, was postponed by a vote of 28 to 10. In 1953, L.B. 201, another proposal, failed to get on the general file. In the 1957 session, L.B. 27, to lower the voting age to 18, died in committee.

NEVADA

A joint resolution was introduced in the assembly in 1953 to lower the voting age. It passed that body by a vote of 25 to 18. In the senate the proposal died in committee.

NEW HAMPSHIRE

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar proposal, S. 6, was defeated in the Senate in 1951.

NEW JERSEY

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died on the calendar. In 1953, a similar measure, Con. Res. 6 died in committee. In his annual message to the legislature in 1955, Governor Meyner urged that the voting age be lowered to 18. We have no record of any legislative action.

NEW YORK

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It was favorably reported and approved by the assembly, 77–59, but the senate failed to vote on the measure. In 1953 a similar proposal, S. 453, was defeated in the senate. The New York Times, on January 21, 1954, reported that Governor Dewey, at a news conference, expressed doubt about the advisability of lowering the voting age. In 1957, Governor Harriman urged the legislature to lower the voting age to 18. A proposal to lower it to 19 was introduced in the legislature but received no action. Governor Harriman repeated his recommendation in his 1958 annual message, without result.

NORTH CAROLINA

The senate defeated a bill to lower the voting age by a vote of 15 to 30 in 1951. We have no record of any other legislative action.

NORTH DAKOTA

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. In 1953 a similar proposal was defeated.

OHIO

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. The Congressional Digest, in its March 1954 issue, page 72, state that "several measures have been defeated on the floor during the past 19 years." In 1958, two proposals to lower the voting age to 18 died in committee, one in each house. In 1959, according to the New York Times, June 12, 1959, the house passed a resolution to lower the voting age to 18, and sent the measure to the senate. Apparently the latter body never acted on the proposal.

OKLAHOMA

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died in committee. The 1951 session of the legislature passed H.J.R. 9, to amend the constitution to lower the voting age to 18, by the necessary constitutional majorities, and the proposal was put to a referendum in November 1952. It was overwhemingly defeated: no, 639,224; yes, 233,-094. No proposals to lower the voting age have been submitted in the legislature since 1952.

OREGON

A constitutional amendment to lower the voting age to 18 was introduced in the legislature as H.J.R. 1 in 1943. It died in committee. A similar measure, H.J.R. 7, suffered the same fate in 1953. In 1955, a senate-initiated resolution, S.J.R. 1, passed the senate on March 24 by a vote of 21 to 9, but the measure died in the house committee. Two resolutions in 1957 and one in 1959, all designed to lower the voting age to 18 or 19, were pigeonholed in committee.

PENNSYLVANIA

A constitutional amendment to lower the voting age to 18 was introduced in the legislature in 1943. It died in committee. According to the *Congressional Digest* of March 1954, page 72, two bills to lower the voting age, S. 1 and H. 8, died in 1953, "as have other earlier measures since 1943." On May 24, 1957, the house of representatives approved, by a vote of 159 to 1, a measure to reduce the voting age to 18. The senate had previously passed the bill unanimously. Under the State's constitution, passage by the next legislature was required before the matter could be put to a referendum. Apparently the 1959 legislature did not take the necessary affirmative action.

RHODE ISLAND

A measure to lower the voting age was defeated in the legislature in 1953. We have no record of any other action.

SOUTH CAROLINA

In 1953 the legislature rejected a proposal to lower the voting age. In his 1954 annual message to the legislature, Governor Byrnes recommended that the State constitution be amended to give 18-year-olds the vote. We have no record of any other legislative action.

SOUTH DAKOTA

This State is unique in having twice rejected by referendum proposals to lower the voting age to 18. A measure passed by the legislature in 1951 was submitted to the voters in 1952. It lost by 685 votes: no, 128,916; yes, 128,231. The legislature rejected a similar amendment in 1954, but in 1957 it again chose to put the question to the electorate. On November 5, 1958, the proposal was decisively defeated: no, 137,942; yes, 71,033.

TENNESSEE

In 1957 the legislature acted favorably upon a resolution to submit to the people a proposed amendment to the constitution to lower the voting age to 18. The State's amending process requires that two successive legislatures approve a measure before submission to a referendum. In 1959, instead of reapproving the 1957 proposal, the legislature called a constitutional convention to consider, as one of its four topics, the lowering of the voting age to 18. The convention met in Nashville on July 21. On July 30 the convention vote, 60–33, to leave the constitutional age provision unchanged. It also voted, 58–35, against reducing the minimum to 18, and rejected two proposals to reduce the vote age to 20.

TEXAS

A constitutional amendment was introduced in the legislature in 1943 to lower the voting age to 18. It died in committee. A similar bill was similarly treated in 1945. In 1949 H. J. R. 6 was favorably reported by the committee, but was then recommitted by the house. We have no record of any other legislative action.

UTAH

In 1943 and 1953 constitutional amendments were introduced in the legislature to lower the voting age to 18. All died in committee. In 1955, a similar resolution, H. J. R. 3, was passed by the house, 40–18, but was rejected by the senate committee. In 1959, another proposal, S. J. R. 6, was similarly disposed of by the senate committee.

VIRGINIA

Proposals to amend the constitution so as to lower the voting age to 18 were introduced in the legislatures in 1954, 1956, and 1958. All died in committee.

WASHINGTON

Two proposals to amend the constitution so as to lower the voting age to 18 were introduced in the legislature in 1943—H. J. R. 9 and S. J. R. 6. Both died in committee. In 1945, as H. J. R. 2, the proposal was favorably reported and, on February 23, received a majority vote, 49 to 48, in the House. Since this fell far short of the required constitutional two-thirds vote, the measure was lost. Similar measures died in committee in the legislative sessions of 1947, 1949, and 1953. In 1955, another proposal to lower the minimum to 18, H. J. R. 3, was recommended by the committee and passed the house with the required constitutional vote, 71 to 28, on February 15. In the senate the measure was pigeonholed in committee and a motion to discharge the committee and put the resolution on the calendar lost 28 to 18, on March 8. In 1957, three resolutions were introduced: H. J. R. 3, and S. J. R. 3 to lower the minimum of 18 and S. J. R. 27 to lower it to 19. H. J. R. 3 was twice reported favorably by the committee but the proposal was never brought to the floor. In the 1959 session each house received a resolution and in each the resolutions died in committee.

WEST VIRGINIA

Constitutional amendments to lower the voting age to 18 were introduced in the legislature in 1943, 1945, 1951, and 1953. In the first three sessions the measures died in committee. In 1951, on March 6, an attempt to discharge the committee in the House failed, 40 to 48. In 1953 the House committee reported favorably, but no further action was taken. We have no record of legislative action after 1953.

WISCONSIN

A constitutional amendment to lower the voting age to 18, was introduced in the legislature in 1943. It was adopted by the assembly as J. R. 30 by a vote of 55 to 29, but failed to gain clearance from the Senate committee. In 1945, a similar resolution was rejected by the assembly committee. In 1947, under the designation Jt. Res. 18, A, the proposal to lower the voting age passed through an intricate maze of parliamentary maneuvers ending in a 48–44 vote to pass. The majority not being a constitutional one, the measure failed. In 1951 an 18-year-old voting age proposal was rejected by a Senate committee, and in 1953 an assembly measure to lower the limit to 19 was unfavorably reported.

WYOMING

In 1951, Gov. Frank A. Barrett asked the legislature to lower the minimum voting age to 18. A measure was introduced and defeated. We have no record of any other legislative action.

Summary

Table I lists the five States in which the question of lowering the voting age has been

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put to the electorate. In two, Georgia and Kentucky, the question was approved. In three, Idaho, Oklahoma, and South Dakota, it was defeated.

Table II lists the 14 States in which, in addition to those in Table I, at least one house of the legislature has approved a proposal to lower the voting age by the required constitutional majority.

TABLE I.—REFERENDA RESULTS

State	Age	Year	Result
Georgia	18	1943	Adopted.
Idaho	19	1960	Defeated.
Kentucky	18	1955	Adopted.
Oklahoma	18	1952	Defeated.
South Dakota	18	1952	Do.
Do	18	1958	Do.

TABLE II.—STATES IN WHICH AT LEAST A SINGLE HOUSE OF THE LEGISLATURE HAS VOTED AFFIRMATIVELY

State	Age	Year	Action
Arkansas	18	1943	Passed in house, defeated in senate.
Delaware	18	1953	Passed in house.
	18	1955	Passed in senate; lacked constitutional majority in house.
Florida	18	1951	Passed in house; defeated in senate.
	18	1955	Passed in senate.
Indiana	18	1945	Passed both houses; failed in next legislature.
	19	1953	Passed both houses; failed in next legislature.
Montana	18	1957	Passed in house; defeated in senate.
Nevada	18	1953	Passed in house.
New York	18	1943	Passed in assembly.
Ohio	18	1959	Passed in house.
Oregon	18	1955	Passed in senate.
Pennsylvania	18	1957	Passed both houses; failed in next legislature.
Tennessee	18	1957	Passed both houses; failed in constitutional convention.
Utah	18	1955	Passed in house.
Washington	18	1955	Passed in house.
Wisconsin	18	1943	Passed in assembly.

NEW COMMISSIONER OF EDUCATION SHOULD BE VOCATIONAL EDUCATOR

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, today I call upon the new Secretary of HEW and President Nixon to consider appointing a vocational educator as new U.S. Commissioner of Education.

It occurs to me that much of the disturbance in our high schools today is the result of the disenchantment by young people in the curriculum that they get in the schools and that much of the unrest in our colleges can be traced to the failure of the high school programs.

Our Nation will reach a trillion-dollar gross national product before this year is over, and then in the next 9 years we will reach a $2-trillion GNP.

With the enormous manpower needs of America coupled with the disenchantment of many of our youngsters in their present school programs, it occurs to me that the appointment of a vocational educator as U.S. Commissioner of Education can make a significant move toward bringing together the needs of basic education—teaching youngsters the verbal skills and teaching them how to read and write and do their arithmetic—and at the same time give them occupational orientation by preparing them for the world of work.

Until we adopt a national goal to give every American youngster graduating from high school a marketable skill upon graduation, we will continue to see generation after generation of young people walking around aimlessly and hopelessly looking toward the future.

One of the great tragedies of our time is the thousands upon thousands of these men and women who graduate from high school in this country, who, when they go into the world of work, are totally unprepared for gainful employment. For that reason I hope that the President will name a vocational educator as the new U.S. Commissioner of Education.

I would not presume to tell the President who to select but may I call attention to Dr. Rupert Evans, who until recently was dean of the school of education at the University of Illinois at Champaign. Dr. Evans is a basic educator, but is also one of the most highly respected scholars among vacational educators. He is a member of the National Advisory Council on Vocational Education. I believe he would be an excellent choice for U.S. Commissioner of Education.

ELIGIBILITY STANDARDS FOR RECEIPT OF THE GOLD STAR INSIGNIA

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, I am pleased with this opportunity to speak in behalf of my bill, H.R. 10772. The purpose of the bill is to reestablish the eligibility standards for receipt of the Gold Star insignia which prevailed prior to the enactment of Public Law 89–534.

Before this time, it was the practice to award the pin to the next of kin of any serviceman who died in the line of duty. A narrow criterion prevailed after 1966, and the award was made only in cases where the serviceman's death occurred in Southeast Asia, because he was assumed to be involved in "military operations involving conflict with an opposing force."

My interest in proposing a change in the legislation to allow the earlier standards to also prevail developed out of correspondence I had with Mrs. Alice Hopseker, who was the department president, Department of New York, American Gold Star Mothers, and with the commander of the Onondaga County, N.Y., Veterans Council, Mr. Robert Srogi. Both Mrs. Hopseker and Mr. Srogi had been the recipients of a sufficient number of inquiries about the unavailability of the pin to ask for my help. I want to commend these two citizens for their interest and their perseverance in attempting to aid others who called on them for help.

I feel that the issue here is a simple one. I believe that the Gold Star insignia should be a symbol of the Nation's remembrance to the families of decreased servicemen, who died in the line of duty, and I do not believe that there should be any criterion but this.

RIGHT TO REFRAIN RECOGNIZED AS VITAL ISSUE IN POSTAL REFORM BILL

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, an increasing number of newspapers and other publications throughout the United States have come to recognize compulsory unionism as a vital part of the pending postal reform bill. They include the St. Louis Globe-Democrat, the Lynchburg, Va., News, the Williamsport, Pa., Grit, the Dallas Morning News, the New York Daily News, the Philadelphia Bulletin, as well as the current issue of U.S. News & World Report.

I am herewith inserting for the RECORD copies of editorials or comments from all of these publications:

[From the St. Louis Globe-Democrat June 6, 1970]

NO POSTAL UNION SHOP

In its eagerness to get postal workers back on the job, the Nixon Administration made an error which Congress probably will have to correct.

It reportedly agreed to a provision in the postal reform bill that would allow unions to press for a union shop. The Post Office wouldn't have to grant such a demand, but if it came to arbitration, there could be a ruling in favor of compulsory unionism.

Even though the proposed new postal corporation would have a certain independent status it undoubtedly will require heavy federal subsidies and its employes will still be, for all practical purposes, federal employes.

This then would set a dangerous precedent and make it a virtual certainty that all federal employes could ultimately be compelled to join a union to hold their jobs.

It has been official government policy for years that no federal employe shall be compelled to join a union.

There is no justification for changing the policy despite heavy union pressure. Congress must protect federal employes' right to join or not to join a union by eliminating this provision.

[From the Lynchburg (Va.) News, June 6, 1970]

POSTAL REFORM BILL ENCOURAGES COMPULSORY UNIONISM

We don't have filibusters any more. We have "extended debate."

The Nixon Administration, trying to stave off a final disposition of the Cooper-Church Amendment that would cut off any funds to our allies as well as to our own troops for fighting in Cambodia after June 30, has been quite happy to see everybody oratory-happy in the long, hot Senate afternoons. If the U.S. can make a great success of it in Cambodia before withdrawing our ground forces at the end of the month, the dove Senators will look both churlish and foolish if they reward the victory of tying the President's hands in Southeast Asia for the future. A Cooper-Church success in depriving the Commander-in-Chief of the right to use money to protect the country would boomerang at the polls if any disaster befell U.S. forces as they are being extricated from Southeast Asia.

However, if the Administration has welcomed "extended debate" on Cambodia, it isn't going to like the same sort of "stretch-it-out" talk that is promised when the postal reform bill comes to the Senate floor. As the postal reform bill is now constituted, it would permit post office employee unions to bargain collectively with the Federal government, or any public postal authority, for a compulsory union shop. Postmaster General Winton Blount has made a deal with AFL–CIO President George Meany on the union shop issue in order to get labor support for the rest of her reform package. The deal is the more egregious because two Presidents, John F. Kennedy and Richard M. Nixon himself, have issued executive orders in the past proclaiming that federal employees should have the right to join or to refrain from joining unions as they see fit.

The White House would like to see the postal reform bill go through without calling the attention of the nation to the fact that Nixon is sanctioning a bug-out on his own words and those of Jack Kennedy. But the White House isn't going to have its way.

At least twenty Senators are up in arms over the attempt to saddle the country with compulsory unionism for federal workers. Senator Fannin of Arizona, who is running for re-election, heads the opposition to the Blount sellout, and the crunch will come when his colleagues are forced to vote on his amendment, which would knock the compulsory feature out of the postal reform legislation. Before the vote comes, Senator Tower of Texas, Senator Baker of Tennessee, Senators Hruska and Curtis of Nebraska, Senator Holland of Florida and Senator Hugh Scott of Pennsylvania will all have had their say in support the right of postal employees voluntarily to decline union membership. They will be joined by other Senators; after all, there are nineteen Right-to-Work states that have their own laws against union compulsion. And some of the Senators are prepared to talk well into the summer even though "extended debate" thereby become a filibuster.

On the House side of Capitol Hill there has been a bitter exchange between Democrat David Henderson of North Carolina, who is Number Two man on the House Committee for the Post Office and Civil Service, and Democrat Morris Udall of Arizona, the Number Four man. Udall has broadcast a letter accusing the National Right-to-Work Committee of inspiring a mail campaign against the Blount plan. Henderson, in a counter-letter, has said that Udall is deliberately trying to confuse the issue. But whoever or whatever has inspired the mail campaign, it has resulted in more recent mail than anything besides the Cambodia issue. And the letters have been ninety per cent against Winton Blount. The country is apparently ready for a filibuster, too.

The instincts of the opposition to Blount are good. If the AFL–CIO could have six or seven million public employees, plus their dues, delivered into their hands by compulsion, it would turn our whole governmental bureaucracy over to one pressure group. Why go to the bother of organizing a Labor Party if you can get your way from Republican Winton Blount and Republican Richard Nixon?

[From the Williamsport (Pa.) Grit, May 24, 1970]

Public Stake in Union Power Push

Little wonder an aroused public has been bombarding congress with messages opposing the compulsory unionization of postal workers. There are serious implications in this move, including a further extension of union influences over government harmful to the public interest.

The postal legislation now being considered in Washington is linked with the crippling postal strike of some weeks ago. The walkouts across the nation resulted from failure to grant long-overdue wage increases to post office workers. With postal services in knots, the administration finally moved to correct the inequity, but promises reportedly made to achieve a settlement have yet to be ratified, including a package of post office reforms which provides for compulsory unionization of postal employees.

If this provision is enacted by congress the protection of 750,000 postal workers against forced unionism would be removed. Further, if this protection is breached for postal employees it could lead to forced unionization of all federal workers, who are now shielded by presidential order against compulsory unionism.

And this would not be all. In states such as Pennsylvania that do not have so-called right-to-work laws banning forced unionism, strong efforts are being made to unionize public employees on state and local government levels. These efforts would gain tremendous news support from a union breakthrough in postal legislation. In time, compulsory unionism would be a way of life for public employees on all levels of government everywhere.

And at what price? The public would be even more at the mercy of union leaders. Governmental services could suffer through strikes. Union bosses would also get a multi-million-dollar windfall in the form of dues from government employees, paid by the public in taxes, that could be used to defeat candidates for public offices not to their liking.

Such power over public employees, elected officials, or legislative and other public bodies is intolerable in a free society. Congress must not invite and encourage it by rubber-stamping compulsory unionization for postal workers.

[From the Dallas Morning News, May 28, 1970]

Right to Work Menaced

Texas Rep. Graham Purcell says he'll fight to delete the compulsory unionism provision of the post office reorganization bill—and he's right to do so. Compulsory unionism is not justified in any free society—much less the government.

The administration supports the provision as perhaps the price that must be paid for getting the bill through at all, but to do that is to abandon the freedom-of-choice policy that Kennedy and Johnson upheld, and which Nixon originally supported.

Joining a union ought not to be the price of federal employment, which is what the organization of the postal workers will come down to. The provision is not for a closed shop—meaning you have to join the union first—but for a union shop, which means you can come in as nonunion but must join as the price for keeping your job.

The bill may jeopardize states with right-to-work laws, like Texas.

If Texas applied its right-to-work law to postal employes, unionized workers would be likely to charge "unequal protection of the laws" in federal court, arguing that a federal law ought to apply with equal force to all postal workers and that nonunion members weaken bargaining.

It's hard to believe that the courts would allow state laws in effect to amend a federal statute. A defeat of right to work on the postal worker issue would harm right to work everywhere, most severely in areas of federal employment. If the postal workers get union shops, it's a safe bet that other civil servants will, too.

[From the New York Daily News, June 8, 1970]

The Postal Reform Bill

The postal reform bill will surface on the floor of the House this week after percolating through the congressional machinery for more than a year. Let's hope there will be no such lengthy delays in according its final approval.

Postmaster General Winton Blount believes that the bill as now written preserves all the essentials sought by the Nixon administration when it set out to divorce postal operations from politics and shift them to a public corporation.

The Post Office then would be run as a business—which it is—instead of serving as a plaything for political hacks.

Operating on the old basis, mail handling costs zoomed, efficiency plummeted and morale among postal employes sagged to the point where service was crippled by wildcat walkouts a few weeks back.

The system desperately needs new men, new equipment and new ideas to scour away the rust deposited during years in indifference and neglect. The administration's plan, we feel, would do just that.

One note of caution, however: Some labor bosses want to use the postal reform measure to break down the barriers that prevent unions from fastening the union shop yoke on federal employes. They must be thwarted.

As matters now stand, government workers are free to join—or not join—unions according to their own desires. That right of free choice must be preserved.

[From the Philadelphia (Pa.) Bulletin, May 29, 1970]

Postal Reform

As if repenting for past misdeeds, a U.S. Senate Committee proposes severing all ties between Congress and the agency it has consistently mismanaged—the Post Office.

The Senate Post Office Committee's version of postal reform—an independent rate-setting commission—is even bolder than the Nixon Administration's.

Where the Administration would tolerate a veto of new rates within 60 days of an announcement, the committee would eliminate the veto altogether.

This leaves the Senate in conflict, for the moment at least, with the House Post Office and Civil Service Committee, which set a rate veto deadline of 90 days in legislation reported to the floor last month.

After generations of ruinous political meddling in Post Office affairs, the Senate version deserves the most careful consideration.

The success of the Post Office as an efficient, solvent institution rises or falls on this single question of veto over postal rates.

To retain the veto, as the House proposes, is to further encourage just what reform is supposed to prevent:

Congressional interference in pay rates, promotions and the dispensing of postmasterships.

It would also sacrifice much of the momentum which reform achieved at such terrible cost last March, in the postal strike.

There is, of course, no limiting the power of Congress to intervene in what the Senate committee calls "extraordinary situations"—an obvious "flouting" or disregard of the public interest. However, Congress would exert continuing and quite proper influence on the five-member agency charged with the rate-setting.

The members would be subject to Senate approval.

One other provision, however, in both Senate and House versions, promises confusion and the most virulent kind of politics.

It would permit postal unions to negotiate with the postmaster-general for a union shop in states without right-to-work laws.

Negotiation failing, either side could put the question to binding arbitration.

This hardly squares with Mr. Nixon's declaration less than a year ago that no federal employee should be forced to join a union to keep his job.

Both House and Senate bills need careful revision as they reach the floor—and Congress steels itself to cutting the ties which has bound it to the Post Office for so many disastrous years.

[From U.S. News & World Report, June 22, 1970]

"UNION SHOP" COMING FOR GOVERNMENT WORKERS?

A bitter fight is shaping up over the role, and power, of unions in the Federal Government. A postal-reform bill has raised fears that all federal workers might have to join a union some day.

Opponents of the "union shop" began a congressional battle in mid-June to block extension of compulsory unionism to employees of the Government.

The immediate question is whether legislation to reform the Post Office should allow unions to negotiate with postal authorities over a contract clause requiring employes to join the bargaining agent and pay dues in order to retain their jobs.

An open door? Foes of the clause contended that the door also is being opened to a "union shop" for labor organizations in other parts of the Federal Government. An executive order now says that federal employees have a right to join unions or refrain from joining.

Supporters of the postal legislation argued that its labor section would only apply to Post Office employes the union-security rules in effect for industrial workers under the Taft-Hartley Act.

Under the Taft-Hartley Act, unions and employers can agree to a "union shop" contract forcing all employes to become union members after being hired.

However, that Act also provides that where a State has enacted a law barring the "union shop" the State law will override the federal statute. Nineteen States have these "right to work" laws.

The current debate over compulsory unionism broke out first in the House, but Senators were preparing for an extended argument later.

In the House, the formal fight began on June 9 in a hearing before the Rules Committee, as it prepared to send the Post Office reform measure to the floor for full debate.

Basic provisions of the bill were in line with Nixon Administration proposals for converting the Post Office Department into an independent establishment within the executive branch.

Also included in the measure were labor provisions based on an agreement signed by George Meany, AFL–CIO president, and Postmaster General Winton M. Blount. That April 2 pact—with seven postal unions—came after "wildcat" strikes of postal workers in several cities.

It was agreed then, and the House Committee bill would write it into law, that postal workers could select union bargaining agents through machinery of the National Labor Relations Board.

Also, a postal union could bargain with the proposed new postal service on wages, working conditions—and a "union shop."

Compulsory arbitration. Another clause sets forth that, if negotiations deadlocked, the unsettled issues would be decided by a board of arbitrators. The board's terms would be binding on both sides.

The measure would bar strikes by postal employes, just as walkouts of federal employes now are outlawed.

In attacking the reform measure's labor section, opponents contend that the issue of compulsory unionism could end up before an arbitration board, which might order a "union shop."

Or, officials of the postal service might agree to compulsory unionism.

On June 4, Postmaster Blount stated that it is "utter nonsense" for opponents to claim "that the Administration advocates and the postal reorganization bill proposes that there be a union shop in the postal service."

Mr. Blount said that the Taft-Hartley Act compels employers to negotiate over this issue, and this same rule would be applied to the service.

But, the Postmaster General added, there would be no requirement that the service agreed to the "union shop." He said the "right to work" laws in 19 States would bar such a provision for workers in those areas. Mr. Blount further explained:

"The Administration has never agreed that there should be a union shop for the Post Office Department, nor does it now."

The reform bill contains an exception for members of religious groups which do not believe in joining unions. A postal worker in such a case would be allowed to pay the U.S. Treasurer an amount equal to union dues—in the event a "union shop" is installed.

If compulsory unionism does come to the postal service, other employes not now in unions would be compelled to join the union holding bargaining rights for their unit.

One of the foes of the "union shop" proposal—Representative David N. Henderson (Dem.), of North Carolina—pointed out that orders of the Kennedy, Johnson and Nixon Administrations barred compulsory unionism for federal employees.

Mr. Henderson said he would seek to amend the Committee's bill to continue this protection in the new service.

"Pay dues to work." During arguments before the Rules Committee, Representative B. F. Sisk (Dem.), of California, contended that the Committee's plan would, "for the first time in history," create a postal system under which "a man must pay dues to work for his Government."

Defending the bill, the chairman of the Post Office Committee—Thaddeus J. Dulski (Dem.), of New York—said that nearly all postal workers now belong to the 11 unions in the Department.

Mr. Dulski said any "union shop" that was negotiated would not apply in the "right to work" States. However, Rules Committee Chairman William M. Colmer (Dem.), of Mississippi, said the Supreme Court might hold that the federal law overrode the State statutes.

On the same day the Rules Committee hearings opened, Labor Secretary George P. Shultz was asked for his opinion on the "union shop" proposal. He was speaking at the National Press Club in Washington.

Secretary Shultz declined to comment about the postal legislation, but did say that "as far as the federal civil service is concerned, it seemed to me to be a mistake to say that in order to work for your Government, you have to join any particular organization, whether it's a union or any other organization."

Even before the Senate scheduled its debate on the postal measure, Senator Paul J. Fannin (Rep.), of Arizona, launched an all-out attack on the bill. He indicated that he and other Senators plan extended speeches about the compulsory-unionism feature.

Mr. Fannin said that members of Congress are receiving many complaints from voters about this provision.

WIRETAPPING, FEAR OF VIOLATIONS OF CIVIL LIBERTIES, AND S. 30—THE ORGANIZED CRIME CONTROL ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, the first official report covering an entire year—1969—of Federal and State operation under the electronic surveillance law, enacted as title III of the 1968 Safe Streets Act, recently was published by the Administrative Office of the U.S. Courts. The report should lay to rest the spurious claims, earnestly advanced when the electronic surveillance measure was pending in the Congress in 1968 and now raised against the District of Columbia crime bill, that court-supervised electronic surveillance would be ineffective, would unduly invade individual privacy, and would violate constitutional rights. Indeed, the report establishes in great detail that wiretaps and bugs can be conducted under strict judicial supervision in such a fashion to be extremely productive of admissible evidence and yet have an impact on individual privacy.

An article in the current issue of the Reader's Digest—June 1970, page 81—draws upon that report and adds case histories of some exemplary surveillances, including the historic heroin investigations in Washington, D.C., last summer. In that investigation, the magazine article and the official report reveal, the use of court-supervised electronic surveillance was crucial in breaking a large narcotics ring and securing the arrests of two Mafia members, a major local heroin wholesaler, a corrupt District of Columbia policeman, and more than a score of other criminals. Only through the use of wiretaps was it possible to reach higher into the criminal organization than the local operators, and therefore to conduct the first major heroin raid in years in the District. Further, those excellent results were obtained with a minimum of invasion of privacy, since nearly 5,600 of the almost 5,900 conversations overheard during the wiretaps were incriminating.

I insert the Reader's Digest article at this point:

THE LEGAL WEAPON THE MAFIA FEARS MOST

(By George Denison)

One June morning in 1969 two men dressed in gaudy resort attire strolled into the Miami International Airport terminal and casually slipped into public phone booths in the midst of a crowded concourse. As they talked for hours on the pay phones, an FBI agent concealed in a large packing crate filmed them, and other FBI men recorded their conversations. While the agents listened, the men, well-known big-time gamblers Martin Sklaroff and his father Jesse, gave out odds on major-league baseball games and a heavyweight fight to bookmakers in ten major cities across the country.

A month earlier, confidential informants had alerted the FBI that the Sklaroffs were operating a nationwide bookmaking network. Agents following them discovered that they spent several hours each day brazenly conducting their business in their busy air terminal. An attorney with the Justice Department's Organized Crime Task Force in Miami promptly asked for and got Attorney General John Mitchell's approval of an application to tap the phones the Sklaroffs were using.

On June 17, U.S. District Judge W. O. Mehrtens issued an order permitting the FBI to listen to the Sklaroffs' telephone conversations for a seven-day period in order to prove that they were in fact relaying gambling information. Agents then attached the wiretaps, overhearing some 200 calls during a six-day stretch.

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Government lawyers took the wiretap evidence—indicating the existence of a million-dollar business involving thousands of bookmakers and gamblers—to U.S. Commissioners in Miami and other cities, and obtained search warrants. On July 3, FBI agents searched the Sklaroffs at the airport telephones, seizing their records and notes. At the same time, equally effective raids were conducted in seven other cities.[1]

The efficient detective work that exposed this gambling syndicate was made possible by a potent new law-enforcement tool: legal wiretapping and bugging. Authorized by Congress in June 1968, this weapon is now being put to increasing use by federal and local police officials against the forces of organized crime. "We are finding that electronic surveillance gets results," reports Sen. John McClellan (D., Ark.), whose Senate Criminal Law Subcommittee supervises the new statute. "We simply cannot combat organized crime effectively without it."

OF BUGS AND HOODS

Widespread fear of official snooping, at times justified, has made the use of wiretaps (interceptions of telephone conversations) and bugs (hidden microphones) an emotionally charged issue for more than 40 years. Since 1928, the Supreme Court has labored to determine whether electronic surveillance violates the Fourth Amendment's ban on "unreasonable searches and seizures." By the early 1960s, Court decisions had spelled out these rules: federal officers could tap phones, but could *not* us as evidence in court any information so gained (on the other hand, state and local law-enforcement officers could); they were prohibited from bugging if a physical trespass of the suspect's property took place.

A few states, notably New York, had already adopted court-supervised systems of electronic surveillance and moved against the Mafia. Says New York County District Attorney Frank S. Hogan: "It permitted us to undertake major investigations of organized crime. Without it, my office could not have convicted such top figures in the underworld as Charles 'Lucky' Luciano, Louis 'Lepke' Buchalter, Joseph 'Socks' Lanza, John 'Dio' Dioguardi and Frank Carbo."

In addition, New York's experience showed that wiretapping, in part because of the expense and the great number of police it requires, was used in a limited number of situations. For example, between 1950 and 1959 the New York County District Attorney's office handled more than 343,000 criminal matters; yet wiretaps were installed in only 219 investigations. This is in an area including nearly two million people and 2.4 million telephones—hardly the indiscriminate use that many civil libertarians feared.

USES AND ABUSES

Unfortunately, federal use of electronic eavesdropping techniques has not always been as circumspect, providing ammunition for the opponents of all electronic surveillance. Just within the past year, transcripts of the recorded conversations of alleged Mafia leaders Simone DeCavalcante, Angelo De Carlo and others were made public in federal court. Chilling details of mob activities in New Jersey ranging from loan-sharking to murder filled the nation's newspapers. The disclosures served to educate the public—yet the hard fact remains that the FBI obtained these and other tapes through illegal bugging during the early 1960s.

Such corner-cutting practices were stopped by President Lyndon Johnson in 1965 when he issued an executive order barring all federal eavesdropping except in national security cases. In 1967 the U.S. Supreme Court, concerned with the specter of government agents invading the privacy of law-abiding citizens, held that New York's wiretap law was unconstitutional. But, in so doing, it laid out guidelines for statutes that would avoid unreasonable searches in the future. A year later Congress, carefully adopting the safeguards suggested by the Supreme Court, launched a frontal attack on organized crime; it authorized official wiretapping as part of the Crime Control Act of 1968.

BATTLE IS JOINED

Under the new statute, a federal judge (or a local judge in states that enact their own law following the pattern set by Congress) may authorize a wiretap or bug for a strictly limited period of up to 30 days—but *only* when "normal investigative procedures have been tried and failed" and when the probability exists that evidence of a serious crime will be uncovered. Although the law is only two years old, official electronic surveillance is proving itself to be a valuable law-enforcement weapon. The latest figures reported to Congress show that 263 arrests have already resulted from the first 174 wiretaps under state statutes, while the 30 federal wiretaps and three bugs have led to 137 arrests.

To see the law in action, consider these major current cases:

Detectives assigned to the Bronx (New York) County District Attorney's office had been working for months to discover who was behind an elaborate counterfeit-check-cashing scheme which had bilked the First National City Bank of $118,000. Then, in August 1968, a new series of fraudulent accounts totaling $318,600 was uncovered. By duplicating stolen corporation checks and then depositing them in banks in the name of a fictitious business, a criminal ring was preparing to make a major haul. One Carmine Apuzzo, a man known to the police, was identified as the individual who had opened the fake accounts. He was put under around-the-clock surveillance.

Apuzzo, in turn, led detectives to the other conspirators, headed by Carmine La Via and Warren King, a pair of ex-convicts. Since Bronx District Attorney Burton Roberts lacked sufficient evidence to try the identified members of the ring, he sought a wiretap order from a New York Supreme Court judge on November 21. As Roberts explained in the application: "In order to apprehend the masterminds of this operation and those persons peripherally dealing with the subjects of this investigation, eavesdropping is an indispensable tool."

The judge approved the request for a 20-day period, and detectives tapped the telephones at King's house and La Via's apartment. Two-man teams listened to each phone conversation while others covered all movements of the suspects. Finally the break came. On December 11, 1968, King was overheard arranging to pick up a packet of stolen securities.

With this solid evidence in hand, a judge issued a search warrant, and a battery of Bronx detectives followed and arrested La Via and King, who held stolen credit cards and $75,000 in stolen stocks and bonds. Faced with this, the two men also confessed to the bank frauds. King, La Via, Apuzzo and four lesser accomplices pleaded guilty and were convicted.

In Washington, D.C., undercover agents of the Federal Bureau of Narcotics, aided by informants, began making "buys" of heroin as part of a systematic drive to locate large-scale wholesalers of illegal dope. One informant bought large quantities of high-quality heroin from one Lawrence "Slippery" Jackson on eight different occasions during the summer of 1969.

To find the wholesaler supplying him with narcotics, an order to tap several phones used by Jackson was obtained from Federal Judge William B. Jones on July 9. Within days, agents listening in a nearby apartment building overhead Jackson saying that he had paid $130,000 to the "Italians." Using a dial recorder, agents traced the calls of one of Jackson's accomplices to a New York restaurant where Carmine Paladino, identified as a member of the Mafia in 1963 Senate hearings, made his headquarters. Soon afterward, Paladino was spotted meeting with Jackson outside a downtown Washington hotel.

In early August, Washington Metropolitan Police officer Carl W. Brooks, already suspected of being part of the ring, phoned to warn Jackson that the "Feds" were after him. Then Paladino called from New York to tell Jackson that he was coming to Washington again on August 18 and bringing his "niece" (a code word for cocaine). U.S. Attorney Thomas Flannery drew up arrest warrants, and Paladino and Jackson were seized as they met at a shopping center. Another suspect, Mafia member Enrico Tantillo, was captured in a Washington apartment, where agents found half a kilogram of cocaine.

In all, seven members of this ring were indicted in December and now await trial for violating federal narcotics laws. This dramatic action moved Senator McClellan to speak out: "When one series of wiretaps can bring to book two members of La Cosa Nostra, a major wholesaler, a crooked policeman and an assorted group of other criminals, never again should anyone doubt that wiretapping is necessary to break the back of organized crime's exploitation of our people."

Reinforcements Required. These opening shots in the war on organized crime show that electronic surveillance, with proper safeguards, can be effectively used by our police. So far, however, only 13 states have adopted the necessary wiretap-authorization laws.[2] A combination of apathy, concern over invasion of privacy and outright Mafia influence has held up progress elsewhere. In Illinois, for example, federal authorities have amassed evidence showing that the Chicago Cosa Nostra threw money and manpower into a major lobbying and bribery effort to block wiretrap legislation in 1965. Illinois is still without such a law.

Clearly, more must be done, now:

The 37 legislatures that have not yet enacted court-supervised electronic-surveillance programs following the constitutional guidelines set out in the federal law must move promptly to do so. States such as Illinois, California, Pennsylvania and Ohio, which were among those listed as centers of mob activity by the President's Crime Commission, have a particularly urgent need for such laws. Nevertheless, in only 4 of the 37—California, Michigan, Ohio, Louisiana—is there a good possibility that a wiretap law will be passed this year. You can help by writing your legislators, urging their support for this vital legislation.

Federal use of wiretaps and bugs against organized crime should be vastly increased. President Johnson flatly refused to implement the 1968 law, and even now, because of a lack of trained manpower, the Nixon Administration is severely limiting its use. A Justice Department source reveals that fewer than 20 investigations involving electronic eavesdropping on organized criminals have been authorized.

More are needed. "Conventional law-enforcement tools are not enough, by themselves, to turn the tide against the entrenched forces of organized crime," says

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[1] The Sklaroffs and other suspects are now under indictment for violation of federal gambling laws.

[2] Arizona, Colorado, Florida, Georgia, Kansas, Massachusetts, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South Dakota, Wisconsin.

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G. Robert Blakey, a former Notre Dame law professor currently serving as chief counsel to the Senate Criminal Law Subcommittee. "If we can't use bugs and wiretaps to get the Mafia, then we can't get them at all."

FALLS OF THE OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I rise to urge my colleagues to approve H.R. 13971, to enable the States of Indiana and Kentucky to proceed with the development of the Falls of the Ohio Interstate Park. This bill will preserve a scientific, historical and recreational wonderland on a series of islands in the Ohio River and along the shores of Clarksville-New Albany-Jeffersonville, Ind., and Louisville, Ky.

On September 24, 1969, our colleagues Bill Cowger and Gene Snyder, representing districts bordering the Ohio, and Roger Zion, representing the southwestern Indiana district bordering the Ohio, joined me in introducing H.R. 13971. On October 22, 1969, our Senate colleagues John Sherman Cooper and Marlow Cook from Kentucky and Vance Hartke of Indiana joined Birch Bayh in introducing an identical bill, S. 3060, in the Senate.

The Bureau of the Budget informs me ratification of this interstate compact will promote the administration's program emphasizing the development of State and interstate parks.

The Federal Government will incur no cost by ratifying this interstate park compact.

This bill will enable Indiana and Kentucky to develop as a park an area that has invaluable resources, among them these:

GEOLOGICAL

As a geological area, the Falls of the Ohio has received the top priority rating given for preservation purposes. The fossil corals at the falls form the world's largest such display exposed for observation purposes. Though no collecting is allowed in this top priority preservation area, the fossil corals are presently inadequately guarded being at the mercy of anyone with a hammer and a wish to take home a few souvenirs. Fine specimens of fossils from the falls are deposited in museums, universities, and private collections throughout the world. Approximately 900 nominal species of fossil corals have been based on specimens from the falls area.

ORNITHOLOGICAL

The migratory birds that pause and nest on the islands at the falls are an unmatched display of birdlife so far inland. Yet within the past 6 years poachers with guns have killed many of the birds and have driven off others. James Audubon made more than 200 sketches of birds in the falls area. In recent years, 75 species of birds have been recorded at the Falls of the Ohio.

ARCHEOLOGICAL

The archeological sites at the falls are among the best in the entire country. They cover 4,000 years during which settlements were made, captured, and rebuilt. Yet the scooping up of highway fill material from borrow pits there and the dumping of trash proceeds incessantly.

HISTORICAL

It was at the falls, on Corn Island, that George Rogers Clark arrived in 1778 and trained his fewer than 200 ill-equipped troops for his heroic conquest of the vast Northwest. The families his men left behind founded Louisville, and Clark himself founded Clarksville across the river by 1784 as the first American settlement in the new territory. Clark moved there later, to a point of land overlooking the falls he loved so well.

Just below Sand Island was a crossing of the ancient buffalo trace, used by vast herds of bison and, earlier, by mastodons on their way to the salt licks of Kentucky. The pioneer route famous as the Wilderness Road followed in general the old buffalo trace from Cumberland Gap in southeastern Kentucky to its end at the Falls of the Ohio.

The Ohio River also supplied abundant muscles at the falls so that Indians of the archaic cultural stage settled there about 4,000 years ago. Later, the woodland Indians lived in the area. The Mississippian culture arose with the advent of pottery and agriculture and continued in the vicinity until the white man arrived.

RECREATIONAL

The Falls of the Ohio Interstate Park would include an estimated 1,000 acres of land and water, the largest recreational open space left in the heart of the Louisville metropolitan area. Picnic, boating, swimming, and fishing facilities will be developed by the Falls Area Preservation Committee and the Falls of the Ohio Interstate Park Commission. Camping, hiking, and wading possibilities abound. On the Indiana side of the falls area a museum and amphitheater are expected to be constructed. An outdoor drama covering the life of George Rogers Clark, whose life was closely related to the Falls of the Ohio, could utilize the amphitheater.

The Corps of Army Engineers foresaw the scenic possibilities of the falls area, and provided a base for a two-lane drive on one section of levee extending nearly 1½ miles. Hopefully, the two-lane drive will be constructed as part of the overall park program.

Dr. Donald J. Munich, Jeffersonville dentist, and graduate geologist, has been working for at least half a dozen years as chairman of the Falls Area Preservation Committee exploring all possibilities for preserving the falls area and protecting its many assets. Due to his efforts, as well as the efforts of many other interested citizens living in Indiana and Kentucky, the two legislatures have created the Falls of the Ohio Interstate Park Commission to develop and operate the park.

Under our Constitution we must grant our consent to the agreement of Indiana and Kentucky before commissioners can be appointed, funds appropriated, and development of the park begun. If we delay in granting our consent until the 92d Congress, the 1971 Indiana Legislature may well put over appropriation of funds to develop the park until it again convenes in 1973. In this day of environmental emphasis, development of the last remaining recreational area in the heart of the Louisville metropolitan area cannot wait until 1973.

I have long believed southeastern Indiana has a great recreational potential that must be developed. The Congress can assist in that development by granting its consent to the Falls of the Ohio Interstate Park compact.

CUBA! PANAMA! WHY OMIT FROM THE NIXON DOCTRINE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, in my long continued studies of Latin America and U.S. policies relating thereto, I read the February 18 declaration by President Nixon on "U.S. Foreign Policy for the 1970's" with more than perfunctory interest, and noted its failure to mention the two gravest problems of the Americas—Cuba and the Panama Canal.

In previous addresses by me, in and out of the Congress, I have dealt at considerable length with these two subjects and expressed some very definite views, as will be shown by examining my volume of addresses on isthmian canal policy questions—House Document No. 474, 89th Congress—and other addresses subsequently made. In them, I have described the Caribbean as our "fourth front" in the current struggle over world power, Cuba as a Soviet beachhead dominating the Atlantic approaches to the canal and serving as an operating base for the subversive infiltration of Western Hemisphere countries, and the Panama Canal as the "key target" for Soviet conquest of the Caribbean. Moreover, Cuba is now the principal source for the "export of terror" in the United States.

As to such hostile activities, it should be stated that all the terrorism and bombing recently prevalent in our country have a common origin in the often stated long-range Soviet policy for the eventual destruction of the United States as the only effective obstacle to Communist world domination. As we may expect these nefarious practices to increase in volume and gravity, they must be dealt with adequately and summarily.

President Nixon's action in retaining in the Department of State as his advisers on Latin American affairs those who were responsible for the suicidal policies of preceding administrations, has caused much wonder and concern on the part of an ever-growing body of American citizens. The question now being asked in various parts of the Nation is: "Why has he not cleaned out the State Department as he promised to do in his campaign?" As to this task, there are qualified officials in our Government who could identify the individuals concerned with irrefutable and objective documentation.

Mr. Speaker, with rare exceptions, the mass news media of the United States,

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in the reporting and evaluation of the problem to the south of us, has utterly failed, and by this failure has rendered a gross disservice to the security of our country and the Western Hemisphere.

Fortunately, the Nation does have some astute, courageous and well-informed editors and publicists with the combination of ability and vision to see what is transpiring and to give adequate expression of their views. Two recent examples of such writings are an article by Harold Lord Varney, president of the Committee on Pan American Policy of New York, and an editorial in the March 23, 1970, issue of the Chicago Tribune.

In the article, which was issued as a pamphlet for special distribution among leaders of the Nation, Mr. Varney stresses the omission of Cuba and Panama in the Nixon doctrine, portrays Castro as the Soviet's "stand-in" in Cuba, and shows how little Panama has humiliated the United States. In the editorial, its author stresses the way that Cuba is being used as a training ground for the export of guerrilla warfare revolutionaries to all parts of the Western Hemisphere, including the United States. In fact, most of the confusion and strife in the world today is the result of Communist strategy and tactics. We certainly cannot afford to let its force strike at Panama, which country's history shows it to be a land of endemic bloody revolution and chronic political instability.

These two countries have pursued through the Eisenhower, Kennedy, and Johnson administrations, and are now pursuing with the Nixon administration, policies that have been serving Soviet power in the Western Hemisphere and that have been, and still are, absolutely destructive of the best interests and independence of both of these Caribbean countries.

The Nixon administration, like the others just mentioned, has altogether ignored the most dangerous questions that have thus arisen and with equal failure has sought to sweep these crucial matters "under the rug." The perils involved are entirely too great for such concealment. President Nixon, no less than his near predecessors, is failing in forthrightness and courage in adequately dealing with these problems of the most difficult and vital character:

> For what shall it profit a man, if he gain the whole world, and lose his own soul? (St. Mark 8:36).

This profound Biblical text applies with compulsive force in the present situation with respect to both Cuba and Panama. What does it profit to liberate nations in the Far East and yet, by inaction, to permit Soviet takeovers in Cuba and Panama? The policies now obtaining under the supervision of a continued unrealistic and timid State Department will, if allowed to continue, drive us lock, stock and barrel, from the isthmus, with the loss of the Panama Canal and its indispensable protective frame of the Canal Zone into the ravening maws of Soviet power. Here I would stress again what I have stated many times previously, that the only guarantee for the independence of Panama is the presence of the United States in its control of the zone territory and canal.

Mr. Speaker, in regard to this vital angle of the isthmian problem, I would urge prompt action on the pending Canal Zone sovereignty resolutions, which, starting on October 27, 1969, the birthday of Theodore Roosevelt, have been sponsored by more than 100 Members of the House and were referred to the Committee on Foreign Affairs.

Because of the timeliness and pertinence of the indicated article and editorial, I quote both as parts of my remarks and commend them for reading by all Members of the Congress and others concerned with the security of the United States and the Western Hemisphere, especially those engaged in the formulation or implementation of our Latin American policies.

The article follows:

Cuba, Panama—Why Are They Left Out of the Nixon Doctrine?

(By Harold Lord Varney)

Statesmen of the over-cautious school have long depended upon a sort of ostrich policy to purchase time. Such statesmen, faced by a situation of unusual risk or difficulty, simply pretend that the situation doesn't exist. Sometimes this ploy works, but not often.

Richard M. Nixon has now been President for a relatively short time, but already he is giving indications that he intends to try the ostrich act. He is embarking upon an elaborate Latin American program which pretends that a Cuba and a Panama crisis do not exist.

On Feb. 18th, President Nixon proudly unwrapped a 40,000-word declaration entitled, "U.S. Foreign Policy for the 1970s". Already, it is being hailed as the "Nixon Doctrine". It contains a lengthy section on the Western Hemisphere. But perused, even with Mr. Buckley's "jeweler's eye", the reader will find not a single mention of the nightmarish and overhanging threat of either Cuba or Panama.

Even to the most unsophisticated, an attempt to reconstruct U.S. hemisphereic policy, which overlooks Cuba and Panama, would seem as futile as Henry L. Mencken's classic example of the man who rakes leaves in a hurricane.

In Mr. Nixon's case, the omission is particularly heart-breaking because millions of Americans voted for him in 1968 in the confident belief that he would move speedily to clean up these two poisonous situations. His past utterances had led them to this belief. Obviously, they were mistaken.

Why are Cuba and Panama important?

History will record that our failure in these two nations was the greatest Latin American disaster of the 8-year Kennedy-Johnson era. Each represented profound humiliations to the American people that no self-respecting American could find tolerable. They were threats to American safety. The Johnson administration passed them on to Mr. Nixon—unsolved and unexpunged. A peculiar obligation binds Mr. Nixon to clean up the Cuba pigsty, because he was elected in 1968 on a Republican platform which pledged the party to policies based upon the Monroe Doctrine.

But his silence speaks louder than words.

It would be easy, although profitless, to excuse Mr. Nixon on the ground that he has been badly briefed. It is a notorious fact that the President has turned over much of his foreign policy planning to a think-tank headed by Professor Henry A. Kissinger. Mr. Kissinger, a former functionary of the Council on Foreign Relations, and ghost-writer for Nelson Rockefeller, is a strange bird to be hatched in a Republican administration. But there he is—Mr. Nixon's McGeorge Bundy.

Professor Kissinger, and not President Nixon wrote the declaration. It isn't the style of the Nixon who unmasked Alger Hiss. The whole labored document reeks of the stench of academic midnight oil, burned by Professor Kissinger's bright young men. It is a confusing grabbag of all the pedantic ideas on foreign policy, now floating around in the books and theses of the prevailingly popular Ph.Ds.

When the President greeted the several hundred press correspondents who gathered in the East Room of the White House for a briefing on the declaration, he unintentionally revealed its source by his throw-away line.

"I do say that I commend the report to your reading", he said. "It is worth reading. I have read it myself."

But now that he has released this Nixon-Kissinger Doctrine, he is stuck with it. Unless he speedily supplements it with a positive declaration of U.S. policy in both Cuba and Panama, it must be assumed that he intends simply to prolong the toothless Johnson-Kennedy line. We will continue to temporize.

Had President Nixon perpetrated this surprising oversight at any other time, the effects, while serious, might not have been dangerous. Today, this evidence of Mr. Nixon's indifference, and procrastination will be an open invitation for all of American's ill-wishers in the hemisphere. The statement could not have been worse timed.

For while we dallied, the anti-gringoists in the hemisphere have been unceasingly active. At the very moment that Mr. Nixon released his declaration, Chile's Foreign Minister Gabriel Valdes was circulating among all the Latin American nations the proposal that they should give diplomatic recognition to Castro's regime in Cuba. The Government-owned LA NACION, in Santiago, was urging that Chile take the lead-off steps to such recognition. Of course, such a move, on the part of South American nations would be a direct repudiation of the "quarantine" policy against Castro which the U.S. persuaded the O.A.S. to adopt in 1964. It would be the shaking off of U.S. leadership in the hemisphere (which is obligatory to us under the Monroe Doctrine).

The Chilean move was not a unilateral one. It was preceded by an attempted reinstatement of Castro's Cuba as a member of the O.A.S. as the recent Caracas meeting of the Inter-American Economic and Social Council. Cuba was expelled from the O.A.S. in 1962. This action would delouse him.

The sponsor of the Caracas gambit was President Eric Williams of Trinidad-Tobago, a life-long Socialist and critic of the U.S. It was supported, not only by Chile, but also by Venezuela. Before Mr. Nixon's eyes, the structure of U.S. leadership against Communism is visibly crumbling in Latin America. His evasive position on Cuba and Panama in his current declaration is encouraging the debacle.

Let us briefly review the backgrounds of the present Cuba and Panama crises.

CASTRO—RUSSIA'S STAND-IN

Few Americans fully realize that there would not be a Castro problem in Cuba today were it not for the spinelessness of the policymakers in Washington. That Castro survives in Cuba, after 11 years of Cuba agony, is a shame which will haunt America for all the years to come.

What we have refused to face, all along, is the unpleasant fact that the Cuba problem is a problem, not primarily of Castro, but of Soviet Russia.

Castro himself is a pigmy. That he has endured for 11 years, despite the detestation

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of all except the lumpen proletariat of Cuba, is solely by grace of Russia. He has been the linchpin of Russia's Western Hemisphere strategy for the eventual Communization of the United States.

Like North Vietnam, in Asia, Castro's Cuba is the obedient pawn in the grand scheme of Moscow to encircle and enfeeble the United States. While Castro rules in Havanna, Russia commands a staging point in this hemisphere for her eventual struggle with the U.S. for world mastery. Because this is so important to the Russian world plan, Russia has been willing to pour out $2 billion during the last few years to prop up the rickety Castro establishment.

Only a catatonic leadership in Washington could ignore the brazen effrontery of Russia's presence in Cuba. Not even the appearance last year, for the first time in history, of a Russian fleet in Western Hemisphere waters, broke through the smug complacency of Washington. The flotilla, comprising eight ships—a guided missile cruiser, two guided missile destroyers, submarines, submarine tenders and oilers—was an open demonstration that Soviet Russia now regards itself as a Western Hemisphere power. It nullifies the Monroe Doctrine.

The size of the Russian military and naval establishment in Cuba is still largely a closed book to our Washington leaders, reminiscent of the Kennedy scorn of Senator Keating's revelation of the IBM bases in Cuba, in the early months of 1962. The testimony of anti-Castro Cuban refugees who have reached the U.S. since the 1962 confrontation, strengthens the suspicion that, thanks to Kennedy's surrender on the on-site inspection demand, the missiles were never removed. One refugee, the Cuban architect Lorenzo Medrano who, before his escape, had charge of the camouflaging of missile sites under Castro, has given convincing evidence that the missile equipment was housed underground, instead of being loaded onto Russian freighters for removal. Medrano, who was stationed at the San Julian missile base, had the task of laying out an elaborate disguise of landscape camouflage to conceal the continued bases from U.S. aerial detection.

But we do not need to depend upon the testimony of refugees to know that Russia still has missiles in Cuba. Pentagon intelligence discovered a year ago that three Soviet-built SAM ground-to-air missile launchers had been installed in Punta Gorda, in northeastern Cuba, and three more sites were under construction.

But even more dangerously, Russian submarines now roam at will over offshore U.S. Atlantic points, working with electronically equipped Cuban and Russian fishing trawlers. Their home base is Mariel, ten miles from Havana, with its submarine pens. U.S. Navy heads are closely watching the new Russian Y-Class submarines, each of which carries 16 missiles. When and if some of these subs are transferred to Cuban waters, they need not even use Cuban bases, but will be serviced at sea by Cuban-based tenders. The Y-Class submarine, like our Polaris, can be placed within firing range of any Atlantic American city.

The fearful souls in Washington, and in the "peace" organizations, who tremble over the possibility of offending Russia, are the pathetic sleep-walkers of today. Russia is already here, installed in bristling presence in Castro's Cuba. It will remain here, Monroe Doctrine or not, as long as we continue coexistence with Castro.

While Russia treats this island as its staging area for the eventual crisis with the U.S., Castro is busy at work with his Moscow-given assignment to erode Latin America through his Havana-based Latin America Solidarity Organization. While the new "Nixon Doctrine" contemplates the continuance of peaceful progress in the Americas, Castro's LASO trains and subsidizes fanatical-minded youths in each country to wreck it. The LASO is a brutally effective device to keep the pro-American populations in Latin America continuously off-balance.

But Castro's ace-card in his psychological offensive against the U.S. is the fathomless gullibility of the American "Liberal" himself. Castro's ability to recruit hundreds of American students to visit Cuba this year, and to provide unpaid labor for his sugar harvesting, reveals once more the existence of a sizable pro-Castro youth fifth column in the U.S. His attempt to turn the 3,000,000 Puerto Ricans against the U.S. through his sponsorship of the Puerto Rican independence movement, is a blow at another vulnerable American point. As a result of the clever identification of Castroism with the U.S. black and youth causes, it is probable that the whole McCarthy wing of the non-Communist Left would snap into line to back any serious move to end the present porous Cuba "quarantine". A recent polling of the 150,000 readers of the New Republic, a moderate "Liberal" magazine, showed that 86.3% favored the reestablishment of U.S. diplomatic relations with Castro. A more disquieting sign was the recent action of the World Council of Churches, at Canterbury, which voted a resolution, with only two "Noes", calling for the restoration of U.S. diplomatic relations with Cuba. In such disunity of the American people on the Cuba issue, Castro confidently hopes to avert a positive Washington stand.

All this public irresolution and confusion on Castro could be transformed into vigilance if President Nixon would speak out unmistakably on Cuba. He has not done so in his "Nixon Doctrine".

PANAMA—THE MIDGET THAT HAS HUMBLED WASHINGTON

America's Panama problem is simpler than Cuba, but its urgency is perhaps greater.

This tiny fly-speck on the Latin American map has actually defied and humiliated the United States, and has gotten away with it. The crisis in Panama has arisen because three successive predecessors of President Nixon have been too irresolute to say "No" to the ragtag Panama City mob. Because we have quibbled and temporized, the Panama jingoists have actually proposed to strip us of American-owned territory—the Canal Zone. We are in hot water now because President Johnson, in a weak moment, agreed to sign a new treaty with Panama which surrendered the Canal Zone.

The situation is not of Mr. Nixon's making. Indeed, while still in private life, the new President declared, on Jan. 16, 1964, that the U.S. should not "retreat one inch" in its refusal to surrender the Zone. But he is surrounded by Republican advisers, notably Robert B. Anderson and John N. Irwin, who helped President Johnson draft the infamous new Panama treaties which are still pending.

Two recent steps which his administration has taken indicate alarmingly that Mr. Nixon is not thinking in terms of a clean-up of the Panama mess.

First, he appointed, as the new U.S. Ambassador to Panama, Robert M. Sayre. Sayre, so far from being the strong man that is needed, was actually a member of the team which under Anderson and Irwin, drafted the give-away new treaties which Johnson accepted in 1967. His selection, over the advice of such Panama-wise legislators as Daniel J. Flood, is a frightening sign.

To weaken the U.S. case further, Assistant Secretary of State Charles A. Meyer declared on Jan. 27th that the pending Johnson treaties will serve as a "basis for the continuation of a process to seek permanent solutions to U.S.-Panama relations in reference to the Canal." Behind this discreet diplomatic language there is the unmistakable revelation to Panama that the Nixon administration is going to negotiate, not reject, the preposterous Panama demands. We are going to discuss the surrender of American soil, under duress.

We need not stress that the growing contempt for the United States which is now endemic in much of South America feeds upon such examples of Washington incapacity to defend its own. The image of a strong, resolute America, already tarnished by our feebleness in Cuba, and our retreat before the expropriations of Dictator Velasco in Peru, will suffer an irrecoverable blow if we back down before a Communist-recruited mob in Panama City. This is why Panama is so vital to the United States, even beyond the security importance of the Canal and its Zone.

That the Nixon-Kissinger declaration contains no mention of Panama, is a shocking sign of Washington gutlessness. President Nixon knows better.

That the Nixon Doctrine has not really thought through the actual Latin American problem is apparent in its stress upon equal partnership, rather than American leadership in the hemisphere. With Soviet Russia moving in, by stealthy steps, the need for confident U.S. leadership is the No. 1 imperative of the situation. Our obligation to protect the hemisphere under the Monroe Doctrine gives us this primacy. We cannot surrender it, to placate the jejune demands of the Fulbrights and the Churches, without abdictating our whole role in the hemisphere.

The future which the Nixon Doctrine proposes is not the future that the American people were led to believe they would achieve under a Republican administration. It is the future of a "Little" America—not a "Great" America. We cannot accept it.

[From the Chicago Tribune, Mar. 27, 1970]

WHAT ABOUT CUBA, MR. PRESIDENT?

As we said in an editorial Thursday, the alarming increase in urban terrorist bombing made it imperative for President Nixon to request new federal legislation providing severe penalties, including death, for this kind of murder. It is regrettable, however, that Mr. Nixon failed even to mention communist Cuba, where many if not most of the terrorist bombers are trained.

The Detroit News, in a copyrighted story Sunday, said it had been informed by a high Canadian government source that most of the 500 young Americans now in Cuba, ostensibly as cane cutters, are in fact learning revolutionary warfare in a camp 30 miles east of Havana. This source said the Canadian government obtained its information from friendly consulates in Havana.

In an open letter to President Nixon, the Citizens Committee for a Free Cuba asserts that hundreds of American youths are in Cuba, receiving guerrilla warfare training with revolutionaries from all parts of Latin America in 43 camps. Former Ambassador Spruille Braden is chairman and Paul Bethel, who was a foreign service officer in Havana before we severed diplomatic relations with the Castro regime, is executive director of this committee.

The committee notes that Verde Olivo, Castro's military journal, published a statement by Julie Nichaman, one of the alleged cane cutters, saying American youths in Cuba "have a new determination to bring back to our brothers and sisters a dedication to destroy the imperialist monster from within, just as the rest of the people of the world are destroying it from without." The statement was accompanied by a photograph of Miss Nichaman exhibiting rings that were said to have been made from American

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planes shot down in Viet Nam and given to her by her Viet Cong comrades.

Ralph Featherstone and William H. Payne, black terrorists who were killed in Maryland when a bomb they were transporting exploded accidentally, had been trained in Cuba. Payne liked to be called "Che," after the late guerrilla leader, Ernesto [Che] Guevara. Featherstone had a letter in his pocket from Cuba, signed Roberto and addressed to Companero Rolf [Comrade Ralph]. He also carried a crude letter addressed "To Amerika," saying: "Dynamite is my response to your justice. Guns and bullets are my answer to your killers and oppressors and victory is my sermon in your death."

Cathlyn Wilkerson and Kathy Boudin, fugitives from justice, who fled from a New York townhouse which had been converted into a bomb factory after an explosion in which three of their fellow terrorists were killed, had been to Cuba. Miss Boudin had been identified on the Havana radio as a member of the American Vinceremos brigade of "cane cutters." Three of the seven defendants in the recent Chicago riot-conspiracy trial had been to Cuba.

The Free Cuba committee reminds Mr. Nixon of his statement in the 1968 campaign that Castro's regime "must be made to understand that it cannot remain forever a sanctuary for the export of terror to other lands." Yet Castro is exporting terror to other lands, from Tierra del Fuego to the Canadian border. The ambassador and the military and naval attaches of the United States were killed by machine gun fire in Guatemala City in 1968. Our ambassador to Brazil and American diplomats in Guatemala and the Dominican Republic have been kidnaped and threatened with death to effect the release from prison of communist revolutionaries.

If the Nixon administration cannot stop the export of revolution to Latin America, it could at least stop the free movement of American revolutionaries to and from Cuba. Most of them travel thru Canada, which, like Britain and some of our other allies, carries on trade with Cuba, thus making a mockery of the Nixon administration's claim that it is "isolating the Cuban regime economically, politically; and psychologically."

AWARD OF MERIT CITATION TO HONORABLE JACOB H. GILBERT FROM NATIONAL COUNCIL OF SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS), is recognized for 10 minutes.

Mr. MILLS. Mr. Speaker, I have the privilege of calling the attention of the Members to a significant award which has just been received by one of our esteemed colleagues, the Honorable JACOB H. GILBERT, from the National Council of Senior Citizens. This award of merit was presented to him on June 12, 1970, in recognition of his dedicated efforts and work in behalf of our senior citizens. Inasmuch as Congressman GILBERT is a member of the Committee on Ways and Means, I have occasion to know at firsthand his effective work for social security benefit increases and other improvements in the Social Security Act. He is highly deserving of this very fine award, and at this point in the RECORD I include a copy of the award along with a copy of the very significant acceptance speech which Congressman GILBERT made, entitled "Meeting Basic Responsibilities."

The documents follow:

AWARD OF MERIT CITATION TO CONGRESSMAN JACOB H. GILBERT

Congressman Jacob H. Gilbert (D., N.Y.) helped win Medicare and has zealously worked for Social Security improvements, higher annuities for retired civil servants, more and better housing for the poor and disabled and other humanitarian legislation to make life better for the disadvantaged elderly.

He is chief sponsor of legislation—H.R. 14430—with 50 other cosponsors in the House of Representatives to raise Social Security benefits 35 per cent by 1972, boost the Social Security minimum to $120 a month, abolish the premium payment for Medicare doctor insurance and make a dozen other significant improvements in the Social Security and Medicare programs.

Congressman Gilbert has been a dedicated servant of the aged, infirm and handicapped throughout his 10 years as a member of the U.S. House of Representatives.

Both Presidents Kennedy and Johnson have publicly commended him for the concern he has shown for the elderly poor and low income members of minority groups.

In addition, he has been a leading supporter of clean air and clean water legislation and consumer protection.

This Award of Merit is presented Congressman Gilbert for his effective representation in Congress for the poor, infirm and elderly.

MEETING THE BASIC RESPONSIBILITIES

(By Representative JACOB H. GILBERT)

Ladies and Gentlemen, thank you very much for this award. Many of us in the Congress have been working many years on behalf of senior citizens and it is gratifying to know that we are finally approaching minimum standards of living for our aged.

As author and sponsor of the bill to provide a 50% increase in Social Security benefits over several years, we have seen my first step realized within the last year. Last year the House Ways and Means Committee and the Congress approved a 15% increase in benefits and this year the House has approved a 5% increase in benefits.

This is far from being enough, but it is progress. I feel as former Secretary of Health, Education and Welfare Wilbur Cohen does—that my 50% bill will be passed by Congress within the next few years.

Now, what we have done is to increase substantially the benefits for our retired workers. From 1960 up to the present, the cost of living has risen by an alarming 27.4%. In that time, the Congress—including the latest 5% increase—has voted increases of 40% in Social Security benefits. From 1940 up to the present, the cost of living has risen by 166% while the increase in benefits voted by Congress for the Social Security recipient totals 235%.

Even so, we have not done enough, yet. Today an average retired worker receives benefits of $97.30 a month. An aged couple receives $158.50 today compared with the $114.00 in 1960. We have increased benefits considerably, but people trying to survive in today's world on $158.50 a month will not live very well.

There is no excuse that our retired workers, people who have contributed so much to the advancement of these United States, cannot live out their golden years in decency and security. My bill is designed to see that they can. I call upon all of you—particularly the National Council of Senior Citizens who contributed so much work to see the benefits of the last year realized—to work with all the Members of Congress so that we can pass my bill and several other proposals which will make life bearable for our senior citizens.

I have several other bills I have introduced in the last session and I would like to speak briefly about those. One bill is the Senior Citizens Skills and Talent Utilization Act of 1970.

For years the Congress felt it had done its job when it increased the monthly Social Security check, or if it approved any Federal funds to assist senior citizen housing. It is my belief that we in the Federal Government not only have the obligation, but the responsibility, to do much more.

My bill is designed to take the senior citizen—the person who has given his life to bettering this Nation—and put him to work on a part-time basis today to help rebuild our cities, our neighborhoods, and help mold our youth. Under my bill, senior citizens would be paid to work in their neighborhoods, at playgrounds, at schools, in recreation centers, or in other areas where they have some basis or expertise. The purpose of the bill was to provide the senior citizens with additional money so they could live decently, while at the same time using those skills and abilities and the wisdom learned through hard-won lessons to help revitalize communities we live in.

I have another bill which I consider just as vitally important in another area. This is my bill to assist people who do not need to be hospitalized, but cannot necessarily help themselves at home. This bill would provide Federal funds to bring assistants into the home so that those senior citizens might enjoy the dignity of recuperating at home among comfortable and familiar settings. I am concerned about the people who can care for himself, but who may not be able to carry heavy loads, such as shopping bags. There is no reason why this person is not capable of remaining at home, with some minimal assistance.

Those are just a few of my proposals. They are all important, and I would think that in time Congress will pass them all. I think Congress will act faster if organizations such as yours continue intensive lobbying campaigns on behalf of the senior citizens. I assure you that my intention in the years that follow is to keep on working in behalf of the senior citizen. I know your value. I know what you have done for this Nation, and I know that if this Nation utilizes the senior citizen properly, he can make as deep an impression in his golden years as he did in earlier life. The Nation will be better for it.

I thank you.

REMARKS BY HON. JOHN W. McCORMACK TO GRADUATING STUDENTS OF THE JOHN W. McCORMACK MIDDLE SCHOOL

(Mr. McCORMACK, at the request of Mr. ALBERT, was granted permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. McCORMACK. Mr. Speaker, I include for the RECORD remarks made by telephone to the graduating students of the John W. McCormack Middle School on Friday, June 12, 1970.

REMARKS MADE BY TELEPHONE TO THE GRADUATING STUDENTS OF THE JOHN W. McCORMACK MIDDLE SCHOOL ON FRIDAY, JUNE 12, 1970

Assistant Principal John Callahan; reverend clergy; Principal Nicholas G. Bergin; School committeeman "Jim" Hennigan; Associate Superintendent Thomas Meagher; Assistant Superintendent Bernard Shulman; Members of the Faculty and Teaching Staff of the John W. McCormack Middle School; distinguished guests and your parents and loved one;—Ladies and Gentlemen and Friends:

While I must be in Washington today due to important official matters requiring my presence here, I am very happy, through the means of the telephone, to be present with you in spirit and voice, and to congratulate each one of you personally upon this memorable day in your lives. I am sharing with you the happiness of this important day, and offering to you a few of my thoughts and suggestions on this occasion.

This day as you all realize, marks a turning point in your life. I share with you your sense of achievement and I congratulate you for your perseverance and dedication. This day of victory belongs to each and every one of you. You have laid the foundation for a useful and satisfying life. Now it is incumbent upon you to build on this foundation not only to make this a better world for you as an individual but to improve the world for your fellow man.

This should be your goal—work toward it and happiness and satisfaction will follow.

I was extremely pleased to hear that all of this year's graduates of the John W. McCormack School have made the decision to attend high school. This is indeed a monumental decision, showing vision and determination on the part of each individual.

It shows vision since you have come to the realization that in today's highly competitive and complex world, education is no longer a luxury but a necessity. It indicates determination since each one of you has decided not to squander your life in petty pursuits but to make the sacrifices necessary to make this a better world.

As I have stated several times in the past, America's greatest natural resource is its youth. And, there is no better investment that America can make than in the education of its children and youth.

History shows that education has been a powerful influence upon lives of individuals and of nations; and instrument with which to help yourself, and a means to help others as well. But this is true, only if you utilize education properly. Education must not be an end in itself but rather, a means to a greater end—the preservation and improvement of the values which we all cherish. This responsibility upon you is immense for not only the future of America but the future of democracy itself rests entirely with you.

The years lying immediately ahead are crucial years. They will be years of physical and intellectual growth. The principles learned at home and in church will be put to a test. But, you will emerge from this myriad of confusion and frustration if you direct your energies, your talents, and your desires to what is best for yourself and best for your country.

During this period you must all prepare yourself for the journey of life; you must commit yourselves now to a course that will strengthen you for the trials and opportunities of life; you must strengthen your family ties while expanding your religious convictions. Do this and success will follow.

We look to you to redeem what is wrong in our national past and to build what will be great in our national future. Let it be said that your generation, with God's help, used its wisdom and generosity to turn America's dreams into reality, and its despair into hope. Use justice, generosity, and idealism to build an America which you will be proud to hand over to your children, and you children's children.

To the parents and guests of this historic third graduation; To Mr. Bergin and the faculty of the John W. McCormack school, I extend to you my hearty congratulations. I share with you the joy and pride that we all feel for this graduating class of fine young Americans. I am sure I speak for them in expressing their appreciation for the help, inspiration and encouragement that Mr. Bergin and members of the faculty have given to our most priceless heritage, our children.

Finally, let this be your wish;—That you may look back upon this graduation with the conviction that you have treated all persons with honesty and goodwill,—That you have put your heart into your work;—That you have done your best.

In conclusion, I extend again my congratulations to the principal and the faculty, and to all of the graduating students, and my very best wishes for your future happiness and success.

EMERGENCY HOME FINANCE ACT OF 1970

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I was surprised at President Nixon's statement last Friday that the Congress has failed to act on the administration's emergency home finance bill. The President stated that he recommended 4 months ago that this legislation be sent to Congress and reiterated a number of times that Congress was stalling on providing needed assistance for the depressed housing industry.

I know of no administration recommendation of February 2 that the President was speaking about. I saw no administration recommendation until Preston Martin, Chairman of the Federal Home Loan Bank Board, came before the banking and currency committee in late February with a brief description of a program to subsidize Federal Home Loan Bank advances to member savings and loan associations. As I recall when the Senate Banking and Currency Committee reported out S. 3865, which was nothing but a pulling together of various proposals that had been pending before the committee for some time, the administration at that time said that this was their emergency home finance proposal. The Democratic members of the Banking and Currency Committee have been actively trying to assist the mortgage credit market and the housing industry since the early part of this year with little assistance from the administration. Time and again our proposals for providing long-term assistance to the mortgage market have been opposed by the administration.

The Subcommittee on Housing, of which I am chairman, acted expeditiously in a 1-day executive session on May 7 approving for full committee action H.R. 17495. This bill, I believe, contains not only immediate assistance for mortgage lending institutions, but provides long-term programs of guaranteed funds for the mortgage credit market.

I am sorry to see the President again using such an important issue, providing housing for all our citizens, as a political whipping post. The blame, Mr. Speaker, is not on Democratic Members of Congress, but on the Republican administration which has not provided the leadership in ways and means of aiding the housing industry.

The Subcommittee on Housing last week completed 2 weeks of hearings on pending housing legislation. We heard from numerous witnesses in both the private and public sector who stated that the housing industry was not in a recession, but in an "acute depression." I certainly hope that the administration will cooperate with the Congress in aiding and assisting the prospective home-owning public to purchase and own homes.

WHEAT REFERENDUM—1970

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, Secretary of Agriculture Clifford Hardin, as required by law, will soon announce the date of the wheat referendum. Statute requires the referendum to be held before August 1.

Should Congress fail to pass legislation to replace the Food and Agriculture Act of 1965 in this session, the permanent statutes relating to agriculture will become fully operative, and the decision of the growers in the July wheat referendum will be final.

As I have stated on numerous occasions, both in Kansas and here in Washington, I would consider failure to enact a "Farm Program for the 1970's" a disaster of the first magnitude. Without new legislation, U.S. wheat farmers will lose about $1 billion or more in income if the wheat referendum is approved. They will lose about $1.5 billion or more if the wheat referendum is not approved.

There is every reason to believe that the wheat referendum would fail passage, for numerically the 15- to 30-acre wheat farmers in Ohio, Pennsylvania, and elsewhere outnumber the commercial wheat farmers of the Great Plains. These small, eastern wheat farmers have voted down a wheat referendum before; they probably would vote it down again.

The permanent statutes relating to agriculture were drafted for another time. Conditions under which wheat farmers struggle to survive have radically changed since the permanent legislation was put on the books. Should Congress irresponsibly permit our farm programs to revert to outdated solutions for current problems, a depression in American agriculture could result. We all know that a depression in agriculture has triggered other depressions, including the great depression of the 1930's, and we certainly cannot permit that to happen again.

Feed grains farmers will suffer almost as much as wheat farmers if no new legislation is passed this year. Under permanent law, feed grains producers would have the opportunity to take out loans at 50 to 90 percent of parity as the Secretary determines will not increase CCC stocks.

Since there are no provisions for diversion acreages and diversion payments under permanent law, the loan rate will be driven down quite rapidly. In a year or 2 under permanent law, the loan rate would be driven to the statutory minimum, or 50 percent of parity.

The millions of acres now in feed

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grains diversion would be utilized to produce surplus stocks of feed grains, and that surplus under the law would require the Secretary to reduce the loan price to discourage further production.

Mr. Speaker, clearly these conditions are intolerable. The Congress cannot permit the Food and Agriculture Act of 1965 to lapse without adequate replacement.

Representatives of the administration and members of the Agriculture Committee have been negotiating in good faith to develop a farm program for over a year and a half. Recent developments in committee have stalled progress in these negotiations. I urge all Members of Congress to face up to their duty to the American agribusiness community and to the national economy, and work diligently for meaningful legislation during the next few days and weeks.

Members of Congress and industry representatives must put aside unworkable plans and unattainable goals. Together, the Congress, the administration, and the agribusiness community must arrive at a compromise position that will meet budgetary requirements and the vital needs of the national economy. Together, we must work for a bill, not an issue.

I implore all Members of Congress who understand and have concern for our economy to work for progress in farm legislation.

ADDRESS BY ADMIRAL RICKOVER

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the Record and to include testimony given by Admiral Rickover before the subcommittee.)

Mrs. GREEN of Oregon. Mr. Speaker, last week, the Special Subcommittee on Education was most fortunate in hearing a long-term and most respected friend, Adm. H. G. Rickover, U.S. Navy. Admiral Rickover is a man of independent mind and large vision. His work in atomic submarines and ships has been of enormous value to our country. The pursuit of his specialty has also given him a practical point of view in regard to our educational system. The young men who operate those ships must be highly educated and trained.

Admiral Rickover has also had a lifetime of interest in all aspects of education. In pursuit of that interest he has studied, researched, and traveled extensively. In 1963 he published a book, "American Education: A National Failure," which described his conclusion that our educational system was greatly in need of reform.

In testimony offered before the Special Subcommittee on Education on June 10, Admiral Rickover observed that our country spent $65.8 billion on education last year, more than all the rest of the countries of the world. He noted that we are simply not getting results proportionate to our investment.

So much of what the admiral had to say seems to be of value to all of us that I insert his statement in the Record in its entirety:

Statement by Vice Admiral H. G. Rickover, USN, Before the Special Subcommittee on Education of the House Education and Labor Committee, on Wednesday, June 10, 1970

Let me say first off that I lay no claim to up-to-date expertise in the matters you have under consideration. It is years since I have had time in the evenings or on weekends to concern myself actively with American education. My interest has not lagged; I keep myself informed and my files replenished, but my regular work has expanded so greatly that I am left virtually without leisure. My last book—*American Education: A National Failure*—which was published in 1963 in effect marks for me the end of extensive research, writing and talking on the subject.

That I should be kept aware of the state of American education is however assured by the very nature of my work which depends on men with intelligence and technical expertise of a high caliber. For this reason, a large part of my time and that of my senior technical people goes into careful selection of personnel. Young people volunteering for the Naval Reactors Group of the nuclear Navy are tested in a series of personal interviews both for innate capacity and scholastic achievement. Several thousand college and Annapolis graduates have been seen by us over the last twenty years. For those accepted, I have set up schools training them for the exacting technical work of our organization. It was for not a few of them their first exposure to a truly rigorous course. What they learned in our schools shows clearly that they could have achieved far higher scholastic levels during their previous years of schooling had the educational system offered them the intellectual challenge we provide.

It was my dissatisfaction with this state of affairs that first drove me to investigate whether European school systems might be doing better by their able youth and so have something to teach us. We, after all, are newcomers in a field pioneered by Europe which has had a much longer tradition, both in free universal elementary schooling and in publicly supported higher education. For something over a decade, comparison of school systems, curricula, and examinations here and abroad was my principal extracurricular activity. In three books and numerous speeches, I described English, Dutch, Swiss, and Russian schools in some detail. On a number of occasions, I was given an opportunity to test the scholastic achievements of European graduates of lycee-type academic secondary schools—to observe the way they respond to the questions we ask our young interviewees in the Naval Reactors Group. Leaving entirely out of consideration their truly impressive command of foreign languages, which admittedly is quite essential to the "educated" European and perhaps less so to us, I found to my profound regret that at the end of *12 years* of schooling, the "academically able" products of European school systems compare very favorably indeed with ours at the end of *16 years*. In other words, they accomplish as much in ¾ of the time needed here, plus a competence in at least two foreign languages, far beyond anything normally found among American youth of equal ability—one of the reasons incidentally why we buy so much less real education per tax dollar than anyone else. Much of it pays for inefficiency rather than—as the educationists would have us believe—for better education for greater numbers.

Rich as we are, the amount of money that can be extracted from the taxpayer is not unlimited; I see no excuse for allowing continued inefficiency to keep costs needlessly high. Far more disturbing, however, is the loss of the best learning years of those of our young who have the desire and the capacity to prepare for the higher professions. They are the people whose services we so badly need and so often lack. Consider the chronic shortage of doctors—50,000, I believe, at the moment—and this despite the fact that we import large numbers of foreign-trained physicians!

This is bad enough. But how can we excuse the poor performance of the schools for those at the opposite end of the talent scale? My comparison studies also revealed that other school systems do far better than ours when it comes to imparting literacy and what the English call numeracy to children of below average ability. We are at present being urged to embark on a major national campaign to wipe out illiteracy by the end of the 1970's. That it still persists in this country is a disgrace not of American society but of the educational establishment. In my opinion, our schoolmen fail the least able of our children for basically the same reasons they do badly for the most able. These reasons, I submit, need to be examined before one can make a proper assessment of the part the Federal Government should take in subsidizing education.

To consider them all would take too much time. They can, however, be traced to certain basic assumptions about education that for something over half a century have dominated the educational establishment—assumptions that, in my opinion, are the root cause of low scholastic achievements at all levels of our school system. With your permission, I will present a summary of my views in this matter.

Of educational systems, as indeed of any large and complex enterprise, one can say categorically that *purpose, priorities, and personnel* are the prime factors determining efficiency. Critics of American education, myself included, have over the years expressed dissatisfaction with the competence of those staffing our educational establishment. I should like to leave this aside and concentrate on priorities and purpose.

The old adage that "no man can serve two masters" applies equally to men grouped in organizations; they cannot function effectively if they pursue contradictory purposes. It is the purpose for which an organization has been created that is or should be its "master." The single most important reason why American schools do not "educate" as well as they should is that they muddle along in a welter of ill-defined goals, without a clear order of preference based on importance, merit and urgency. This is the natural result of their confusion about the basic purpose of public school systems, indeed of formal schooling itself.

To clarify this purpose, one needs to go back to the beginning and ask *why we and all other advanced nations* are today maintaining at public expense vast establishments devoted to the education of our children. It might be argued that this leads into philosophical speculations and we are too pressed for time to bother about philosophy. I suggest on the contrary that the question is eminently practical and that no amount of money will bring about genuine improvement unless it is answered.

If we then ask why in *all* civilized nations education is considered as much a public responsibility as, say, the administration of justice or maintenance of domestic peace and tranquillity, or defense of the country against foreign aggressors, then the answer is—sheer necessity. Social progress raises educational requirements, and most families cannot meet these by their own efforts alone. Let me elaborate:

In primitive societies children are educated by untrained adults—parents, relatives, neighbors. In the language of American progressive education, they "learn by doing," by working alongside adults. Their classroom is the home, the workshop, the community.

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This casual ad hoc education suffices when, to succeed in life, one needs only modest competencies lying almost wholly in the sphere of physical prowess and manual skill; these a child can acquire by a sort of informal apprenticeship to the adults about him. But as society advances, the competencies people need shift from the physical and manual to the intellectual. New occupations arise which require more intensive, more theoretical training than can be obtained through apprenticeship alone. Rarely are parents themselves able to meet these higher educational requirements since they call for systematic study under expert instruction, in other words formal schooling.

Let me illustrate this by showing what happens to education when there is a shift from oral to written communication. The transition may be the result of contact with a literate civilization, but normally it occurs because a society's intellectual wealth has grown to proportions that can only be contained and preserved in written records. Whatever the cause, the impact of this cultural advance is far greater than that of the most spectacular modern technical innovations, for instance the change-over from human and animal to jet propelled transportation.

It is greater because anyone can step into a plane without further ado and travel wherever he likes, if he but has the money to buy a ticket. The shift from oral to written communication however necessitates acquisition of an intellectual skill—reading and writing—that the less able or the poorly taught have difficulty mastering. It is a skill moreover that parents cannot as a rule teach their children; few have the ability to do so and most lack the time. Even today and even in our own country, with all the marvels of technology around us, adults have to work all day to provide for their family's livelihood. Parental deficiency can only be made up by engaging the services of qualified teachers. But many parents of young children cannot pay the requisite fees.

The immediate result is to set children apart early in life. For a minority, parents can buy formal schooling; the majority must go without. The resultant inequality affects human beings more adversely than inequality of wealth. Except for certain backward areas of the world, those unable to read—and write and cipher—are today barred from their own heritage—a deprivation no one suffered when society was still at the stage where the wisdom of the past was transmitted by word of mouth. No lack of material possessions equals the deprivation caused by having an impoverished mind. It freezes a man in place. The literate, the well-educated move forward, leaving him ever farther behind. The vicious cycle closes: poverty bars the child from schooling; lack of schooling deprives him of the chance to acquire the competences he needs to function effectively in his society; incompetence condemns him to poverty, and so on. Only universal free and compulsory schooling to the point of literacy and numeracy can break the cycle.

Some of our rebellious young are talking wildly of compulsory schooling as the enslavement of the young by the old, and of the schools paid for by the hard-earned tax dollars of the adults as "prisons", many seem to have the odd notion that when life was simpler, the young were freer. Paradoxically, most preindustrial societies where life is indeed simpler are well aware that formal schooling is the concomitant of civilization, and that they must have it if they are ever to catch up with the advanced nations—as nearly all of them seem anxious to do. As for this irksome business of adults insisting on instructing their children, it goes on there to the disgust of the young, even as it does here.

Indeed, most so-called primitive societies might well look askance at our own failure to impress upon children the responsibilities of adulthood. Their view is that adulthood must be "earned"; the young must prove they have matured and are ready not merely to claim the rights but also to take on the duties of adult members of society. Far from escaping the "indignity" of examinations, our young would find that in these simpler societies they would often have to pass arduous tests before being initiated into the adult community. Life is too hard, too precarious; the community is too dependent on everyone contributing to its survival and prosperity, to give untrained young people adult rights before they are able to handle them responsibly. The specific skills the young must acquire vary a great deal in time and place, but the principle of adulthood as representing competence and responsibility is the same always and everywhere. At a given level of civilization, literacy and numeracy become the indispensable minimum everyone must have to be a self-sustaining, contributing member of his society. Hence, universal free schooling—a new idea in its time but one that has amply proved its value.

Nothing so becomes modern man as his willingness to shift the burden of paying for a child's formal schooling from those who put him into the world on to the community at large. Since time immemorial, parentage was held to impose the duty not only to feed, clothe, house one's children and take care of their health needs, but also to prepare them for life by training them for the tasks of adulthood. In Europe, where this idea first took hold, society rarely accepted the burden out of pure generosity. Some additional factor was needed to give the necessary impetus. The factor which first brought action was religious: bible reading was deemed so essential a part of Protestantism that universal literacy was indispensable in a Protestant country.

They have a saying in Europe that the Reformation was "the cradle of popular education." It is an historic fact that publicly financed school systems first made their appearance in Continental states whose princes followed Luther's urging to provide universal schooling; to do so, he argued, was their bounden duty as Protestant heads of state. Catholic princes soon followed the Protestants. If nothing else, the intense rivalry between Catholic and Protestant states would have made this imperative. The first public school system appeared in 1559, the first compulsory attendance law in 1607. A large area was on its way to universal literacy when Prussia made elementary education compulsory in 1717.

By the end of the 18th century, a new factor entered the picture. Standing armies replaced mercenary troops and factory workers took over from handicraftsmen. Literacy among workers and soldiers so enhanced the prosperity and power of nations that enlightened governments throughout the West began to consider free and universal elementary schooling well worth the money it cost the taxpayer. Much thought, and care, and talent eventually went into building up the European "common schools" which have long since been compulsory, with attendance virtually 100%. They are the intellectual "floor" so-to-speak, upon which all higher education rests, the minimum education acquired by everyone, the reason why for generations Europe has been universally literate, with only the severely retarded failing to master the three "R's."

Concentrating on a few subjects—the mother tongue, arithmetic, geometry, history, civics, nature study, some music and art, physical training and more recently also a foreign language—they impart a more impressive body of knowledge and skill than we commonly assume. We are misled by different nomenclatures and statistics which we do not factor in the longer school day, week and year in the European schools and their concentration on teaching the indispensable basics. This explains in large part why as much is learned in three years there as in four years here, so that their compulsory school period of 8–9 years corresponds to 11–12 years in our system. Of their common schools, a noted European educator remarked that they turn out—at age 14–15—"youngsters with a real comprehension of their destiny and environment, already equipped with a sense of freedom and a command of verbal expression and communication for which adolescents of other areas may well envy them."

The coming of democracy reinforced these other factors, two considerations being uppermost: first—and in our own country certainly strongest—the determination that every child ought to have an equal chance at developing his innate capacities; second—more strongly abroad than here—recognition that when government is the servant of electoral majorities, the very fate of the nation demands—as the saying goes—that every effort be made to "educate the sovereign."

Historically, socialization of the costs of higher education—that is, university and university preparatory—came later. It was the need for professionally qualified persons that led to public support—at first only partial, today complete—in a number of European countries and in Soviet Russia, but not as yet here. Technological advances always require more educated talent than the well-to-do alone can provide. Early in the 19th century, even the most hierarchic nations adopted the maxim of the "career open to talent" and began to subsidize higher education.

The nation that has the schools rules the world, said Bismarck. In his time, Germany had the world's best system of *public* education; free at the elementary level, inexpensive at higher levels. Many thousands of American college graduates matriculated in German universities to obtain the graduate professional education then unavailable in America. Not until late in the 19th century did the range of American education extend beyond bachelor degree level. For that matter, we also lagged behind Germany and other Continental states in establishing universal free and compulsory *elementary* schooling.

The Puritans had brought with them the European parish school, but we did not begin in earnest to establish state systems of common schooling until the mid-19th century. The last state law requiring attendance was passed in 1920, just two centuries after Prussia's 1717 act. As late as 1929, the compulsory school attendance period in one of our states was but three years! Popular legend notwithstanding, public education is neither a uniquely American nor a specifically democratic phenomenon. Like the schools themselves—all of them, from kindergarten to university—it was invented by Europe, not by the United States. And vexing as it is to have to admit this, not by parliamentary or democratic countries but by absolute monarchies.

I stress this because the standard argument of the educational establishment when confronted with higher achievement levels abroad has always been that we alone educate "all" our children, and the way we do it is in the American tradition and so intimately intertwined with our unique way of life that comparisons are irrelevant.

When I first became interested in education, the fashion was to counter every criticism with the flat assertion that we had "the best schools in the world"—an excellent public relations technique since it takes

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the wind out of the case the critics make. I spent a dozen years of such leisure time as I could find after a 70-hour work week to find out where we stood in comparison with countries at similar levels of civilization. Though I was chiefly interested in comparing achievements here and abroad among young people who have the ability and desire to pursue studies above the elementary level, I was struck at once by the fact that universal literacy has long been taken for granted abroad. Difficult as it was to come by hard facts, illiteracy statistics being generally fudged, I could readily see that illiteracy lingered on here. To call the inability to read simple phrases "functional" illiteracy may take the sting out of a word that has no place in a civilized country but a rose is a rose by any other name.

That we have several million adult illiterates and a quarter of our school children fall into the functionally illiterate category is now admitted by the educational establishment. I have yet to see one statement conceding that this sets us off from other civilized countries, that it may have something to do with the way we go about educating our children, and that—just conceivably—we might consider investigating how others do it successfully before we spend still more billions of tax dollars on costly experiments, research projects, gimmickry and the like; I gather that more than half the Federal educational subsidies go into things of this kind. The futility of most of these projects has been well documented in a careful study by Dr. Roger A. Freeman, Special Assistant to the President, which was inserted into the Congressional Record, April 24, 1969, by Representative John M. Ashbrook. Perhaps you would like to include it in your Committee report as well.

Elsewhere, the introduction of universal, free, compulsory elementary schooling automatically wiped out illiteracy. Our educationists have blown up the simple business of learning to read into an extraordinarily difficult and complex task, and thrown much of the blame for their own failure on parents and society. European and Japanese—and Russian—children learn to read and write even when they come from the poorest segments of the population—and poverty abroad is a good deal grimmer and more widespread than here. They learn the three "R's" even though there are no books in their homes and their hardworking parents have no time to read them bed-time stories or help with their arithmetic homework! They are carried through the elementary schools without costly "compensatory" pre-school programs reaching even farther back towards infancy.

It is nothing short of fantastic that currently the whole nation is being urged to join the campaign and help the schools win for every American child the "right to read" by 1980 or thereabouts—180 years after Iceland became wholly literate, 120 years after Germany and 60 years after Japan reached that goal! The schools, we are told, need the support of the media, the entertainment world, the sports world, the publishers, and business; there must be programs training students and mothers to serve as volunteer part-time teachers—I am quoting statements coming from the highest HEW echelons. And this despite the fact that last year we invested some 65 billion dollars in education—over 53 billion for public and over 12 billion for private and parochial education—of which some 38 billion goes to the elementary-secondary school sequence in the public and 4.5 billion in the private sector. This works out to $830 per child in the public and $770 in the private schools. In a report to the Joint Economic Committee of the Congress last October, Dr. Freeman brought out the astonishing fact that "with only six percent of the world's population, and between ¼ and ⅓ of developed resources, the people of the United States are now investing in education almost as much—and possibly as much—as *all of the other nations combined.*" I think he is justified in his conclusion that "nothing testifies more eloquently to the American faith in education than the priority which the people have granted it, in financial terms." So much for the current accusations by the schoolmen that illiteracy is a *failure,* not of the *educational* system but of the *society at large.*

The expression that every child must be given the "*right*" to read, reveals a basic flaw in the thinking of the educationists going back to the take-over of the school system by Dewey and the progressives, for whom education was a species of "*consumer good*" to be shared out equally, and who therefore thought it "*democratic*" to promote pupils *automatically* and grant them diplomas with high sounding names if they had merely sat in their classrooms the requisite number of years, never mind *what* they studied and *how much* they learned.

Progressive education was the first manifestation of the invasion of American life by the social sciences at the turn of the century. Before that, we had a school system somewhat less rigorous, less developed, but otherwise not unlike that of Europe. Before students could enter schools above the elementary level, they had to give proof of certain academic achievements. Even in my youth, high schools still taught basically the same subjects as the lower middle schools abroad, and colleges corresponded to the upper grades of the academic secondary schools ending with the European baccalaureat—won after 12 years instead of 16 years as with us. We never liked to "overwork" our children. But the progressive educationists introduced the concept of a "democratic" right to higher education and diplomas, not being content with equality of educational opportunity since this at once revealed the inequality of academic talent. As a result, we are the only advanced country where academic degrees have no fixed value but depend on the institution granting them. Worse still, in order to "hold" children in school beyond the elementary years, the progressives offered them a smorgasbord of easy courses and invited them to plan their own study program, proclaiming all the while in the name of democracy, that there is no hierarchy among subjects—homemaking being as valuable as history, driver training as mathematics, shop as foreign languages.

The freedom given children to plan their own course of study is part of the progressive belief that schools must be child-centered—a fantastic concept when you think it through. How can a child, born ignorant, know what it needs to learn? How can we leave him to his own devices and refuse him the loving guidance that trains and educates him for adulthood? By what tortured thinking have progressives come to believe that democracy in the classroom ought to turn the teacher from an instructor who imparts knowledge to the ignorant into a "resources" person who is merely a senior comrade in a group engaged in studying what the children have agreed would be fun to study? How could an intelligent man like Dewey declare that the school must, "in the first place, itself be a community of life in all which that implies", and that "the measure of worth" of schools "is the extent to which they are animated by a social spirit"? A school cannot do its job if it is to be made a replica of the community with children exercising their "democratic" rights to determine how it is to be run and by whom.

The whole point of formal schooling is that a series of difficult intellectual skills essential to modern life cannot be imparted by anyone but professionally qualified teachers. Dewey's insistence—carried even further by his disciples—that the child's interest must be the determining factor in planning curricula led to substitution throughout our educational system of know-how subjects for solid learning. It also led to the widespread tendency of the schools, instead of developing their intellectual capabilities, to instruct students in the minutiae of daily life—how to use cameras, telephones, and consumer credit, how to be popular and attract the opposite sex and the like—which are easily acquired elsewhere. The less able to tend to remain stuck in immediate experiences and unable to move forward to abstract concepts and ideas. Those with impoverished home backgrounds, in particular, are deprived of the tremendous intellectual heritage of Western civilization which no child can possibly discover entirely by himself; he must be exposed to this heritage, led to it. We get such grotesqueries as the following recommendation by a state education commission: As part of their work in history, it was suggested that high school students should be asked to "make studies of how the last war affected the dating pattern of our culture."

Equally pernicious has been the insistence of Dewey and the progressive educationists that each child should be taught only what will be "useful" to him. In a broad sense, all education must of course be "useful" to the student; otherwise, it would serve no purpose. If Dewey's idea were interpreted as meaning that the child should be taught to make the best use of his mind, this would in truth be the most "useful" education one could impart to him. In practice, the test of "usefulness" has been interpreted in a narrower sense. The teaching of a foreign language, for example, has been considered useful only if it was actually spoken in the community. As for literacy and numeracy, their "usefulness" seems not to have impressed progressive educationists.

William H. Kilpatrick, Dewey's chief disciple, has probably influenced educational ideas and practices more than anyone else. His biographer reports that Kilpatrick felt "it is the child and the children who should originate tasks and purposes. The best and richest learnings result only when self-propelled interests are being carried out . . . For that reason he wanted no curriculum set in advance, nor he did want teachers to 'sell' or foist subject matter on the child." He feared that if standards of academic achievement were set, "there is the ever-present and inherent danger that the child will be coerced, and coercion 'seldom builds desirable *habits*' ". Of arithmetic, he is quoted as saying: "I find a lot of people who don't use arithmetic; and I don't think that life would be any *richer* for them if they used it . . . They just don't need it"; of modern languages: "for the average student it [is] a great waste of time. In terms of rich, vital interests that might lead to individual growth, languages offer meager possibilities."

This was entirely in accord with the views of his mentor. Of literacy, Dewey once said: "What avail is it . . . to win ability to read and write if in the process the individual loses his own soul; loses his appreciation of things worth while, of the values to which these things are relative." No wonder, the principal of a junior high school some years ago publicly challenged the prime purpose of schools, which is to make our children literate, with the statement that, "we shall some day accept the thought that it is just as illogical to assume that every boy must be able to read as it is that each one must be able to play the violin, that it is no more reasonable to require that each girl shall spell well than it is that each one shall bake a good cherry pie."

These quotations from the founders of progressive education and their immediate successors illuminate how drastic is the deviation from the traditional purpose of formal schooling they brought about in our school system. Their philosophy still predominates in the educational establishment though public outrage seems to have convinced the schoolmen that literacy is indeed a goal that should be uppermost in designing the program of our elementary schools.

We have tried hundreds of experiments in the last fifty years and are planning many more for the future to discover new ways of improving the educational performance of our less able children. I have often thought we might consider adding one experiment that has the advantage of having proven itself—in contrast to the others which remain speculative. And that is to set up demonstration elementary schools deliberately patterned after some school abroad with approximately the same kind of pupil population, as measured by family status. It would be easy to do this with an inner city London school; more difficult but rewarding with an inner city Parisian school. For balance and to parallel the situation in Appalachia and other rural poverty pockets, a Swiss country school.

I would suggest that it be an entirely voluntary experiment, with no attention whatever being given to socio-political considerations. Calling such a school English, French or Swiss might help protect it against attacks from opposite schools of education, for everything done in them could be blamed on the respective foreign countries, thus insuring a measure of domestic tranquility while the experiment goes forward. Ten years would be a good test period, at the end of which it could be decided whether to continue or end the experiment. The cost would be minimal since it is no more—probably less—expensive to teach the basic elements of learning than to run a fun-and-games school or install complicated teaching machines and the like. The quality of learning has so little to do with the buildings in which it takes place that any ordinary schoolhouse would be suitable. We have plenty of competent elementary school teachers who would love to try their hand at a carefully structured, curriculum-centered program, fully approved by the parents. Children could always drop out and go into the regular schools if they disliked hard work. Foreign teachers could easily be obtained for it would be a most challenging task for them. We need have no false pride for we have given much in our turn to the people of Europe.

Everyone knows that the essence of freedom is choice. These schools would for the first time give parents and pupils a choice between schooling for intellectual growth and schooling for democratic living, life adjustment, and the like.

The moment seems propitious, since we are being urged to take part in a mammoth campaign to wipe out illiteracy, and that is assuredly one task European elementary schools know how to accomplish. Since the Federal Government currently spends vast sums—more than half its total education subsidies—on experiments designed to upgrade the educational achievements of our less able children, surely a tiny fraction could be spared for a handful of such demonstration schools!

Fourteen years ago, I suggested similar demonstration schools patterned after the European lycee which is university preparatory, ending in the European baccalaureat. There are several types of these lycees, stressing the classical languages, or modern languages, or mathematics and science, but all providing a good liberal education at college level. Most of them are free or very inexpensive and all are day schools. They are to be found in one form or another in virtually every town over 10–15,000. A lower middle school is found in smaller communities from which the transition can be made to the lycee—around age 15–16—sometimes with the loss of a year or so. The whole sequence cuts 3–4 years from ours, this of itself making graduate and professional education available at lower cost. They are schools frankly patterned to the educational needs of the upper quarter or so of the ability range, and for this reason American educationists decry them as "aristocratic" or "class" education. Since they run parallel to secondary schools for less academically gifted children, and transfers are possible, they provide a wide choice of well-structured sequential courses that, from the standpoint of intellectual growth are infinitely better than the American system of comprehensive schooling with options of academic subjects for the college-bound.

We copied the college from England at a time when—unlike the Continent—she had no public education, schooling being either very expensive and thus reserved to the rich, or based on charity and therefore often of very modest quality. The college was definitely for the rich. The pattern—as in the college-preparatory schools—was the boarding school, always far more expensive than a day school. England, moreover, did not follow the reforms of the Continent which in the 19th century transformed the medieval university—a combined undergraduate and graduate institution—into a purely graduate teaching and research institution, the undergraduate course leading to the B.A. being transferred to the academic secondary schools.

Now that we are developing community colleges that are often day schools, it would not be too difficult to set up a few experimental schools combining a strictly academic high school and college program into a single lycee type day school that would admit only students capable of meeting its rigorous standards. We already have Advanced Placement Programs eliminating part of the freshman or sophomore year. This could gradually be built up if it found acceptance. If such schools were supported by small federal subsidies to pay for a higher caliber of teachers—they would have to be college professors as they are abroad—we would again offer our young a choice, and allow those who wish to work as hard as students do elsewhere to get to the end of their professional education a few years earlier—as many surely would want to.

The opposition to these schools by the educational establishment is fierce, the very idea being rejected as "undemocratic", "class" "aristocratic"—a "dual" system unacceptable because it would allegedly raise an intellectual "elite". Australia is at least as "democratic" and "classless" as we are, yet the dual system is the pattern there. Switzerland cannot be called "aristocratic", but it follows the pattern. Democratization of education elsewhere means eliminating the factor of "ability to pay"; we alone—or rather educationdom here—insist that "ability to learn" must also be eliminated. So we hand out academic rewards like vaccination certificates and prevent our able young from moving through the long years of preparation for the higher professions at their own proper speed.

The progressive educationists who invented the comprehensive school at the turn of the century were convinced that in a democracy the schools must be primarily engines for social change in the direction of closer personal bonds between children from varied home backgrounds. To them, the most important quality needed by the electorate was a sense of brotherhood which they believed could be developed only by keeping all children in comprehensive schools until they branched off into different programs training them for their vocations or professions. This means twelve years spent doing what able youth abroad complete in eight; it means adding the expensive college, because what is learned abroad before 18 years of age must here be learned thereafter—six or so years crammed into four. Add to this the fact that we invest in higher education $3,000 per student in the public and $4,000 in the private sector—to which must be added the fees paid by students themselves—a vastly larger sum than lycees cost abroad, and their advantage seems obvious.

The idea of all children going to school together, getting acquainted with people of different backgrounds is attractive and persuasive to many men of good will. It is quite feasible in the first 4–6 years if elementary schools follow a well structured program. But it makes no sense thereafter because then the natural inequalities of intellectual endowment make themselves increasingly felt. The least able cannot follow the course, the average get along all right, the most able are bored. Separate them and all will learn more and be happier to boot. Keep them together for twelve long years and the result cannot be anything but poorer scholastic achievements for all, compared to what each group is capable of attaining if educated by itself.

Nature has made us the species with the greatest range in levels of innate capacity and *therefore* of attainable competencies. To disregard the imperatives of nature is futile, as we are just beginning to recognize in the sphere of environmental pollution. As Horace said: ". . . you may drive nature out with a fork, but she will always return (*naturam expellas furca, tamen usque recurret*). Children differ enormously in "educability", the term we apply to the capacity to learn and become competent, to profit from personal experience as well as from the experience of others transmitted through books and word of mouth. It is the one human capacity that *can* be measured with fair accuracy by intelligence tests, much as they are currently in disfavor. And it is the one which enables a child to profit most fully from formal schooling. One look at the normal IQ curve shows that there is a natural pattern that can be roughly stated as ¼ below, ¼ above, and ½ average. Whether tests are given or not, any rigorous course will show up the divisions. To set up separate school sequences for them is therefore not difficult. Europeans accept the need for separate secondary schooling and concentrate on making the separation fair and accurate, allowing as many chances for correction in placement at later dates as possible. We might at least consider trying their system in a few experimental schools, open to all who can qualify and, of course, paid for by the taxpayer.

I submit we can afford neither the illiteracy of our least able nor the needless stretchout in education of our most able young. Alongside the existing school system which seems to suit the average reasonably well, we ought to provide for those who are not average some alternate educational road that takes account of their own abilities and inclinations.

Our efforts to provide schooling that disregards the natural inequalities in educability found in any representative group of children vitiate the main purpose of formal education. This, as I said before, is to supplement the education a child normally receives at home with instruction by professionally qualified teachers. To try to run a school like a community goes counter to the realities of life in a civilized country. To reduce a teacher to the status of a "resources" person and let the children plan the curriculum misreads the whole point of formal schooling. Once the primary purpose of education is re-established, other school activities will find their proper place in the order of priorities, and the real business of educating the young can proceed at its proper pace.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CORMAN, for Monday, June 15, on account of official business.

Mr. WOLFF (at the request of Mr.

XUM

Albert), for today and tomorrow, on account of illness.

Mr. Kyros (at the request of Mr. Albert), for today, on account of official business.

Mr. Hathaway (at the request of Mr. Albert), for today, on account of official business.

Mr. Hagan (at the request of Mr. Stuckey), for today, on account of official business.

Mr. Charles H. Wilson (at the request of Mr. Sisk), for today, Monday, June 15, through Thursday, June 18, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Camp), to revise and extend their remarks and to include extraneous matter to:)

Mr. Poff, today, for 10 minutes.

Mr. Hogan, today, for 5 minutes.

Mrs. Heckler of Massachusetts, today, for 5 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

(The following Members (at the request of Mr. Daniel of Virginia), to revise and extend their remarks and to include extraneous matter to:)

Mr. Hamilton, today, for 10 minutes.

Mr. Flood, today, for 15 minutes.

Mr. Mills, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross and to include an article announcing that the U.S. flag again flies in Rhodesia.

Mr. Aspinall immediately prior to the passage of H.R. 15012 on the Consent Calendar today.

Mr. Skubitz (at the request of Mr. Saylor), immediately prior to the passage of H.R. 15012 on the Consent Calendar today.

(The following Members (at the request of Mr. Camp) and to include extraneous matter:)

Mr. Robison in three instances.

Mr. Meskill.

Mr. Morton.

Mr. Langen.

Mr. Ashbrook in two instances.

Mr. Chamberlain in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Sherle in three instances.

Mr. Smith of California in two instances.

Mr. Conte in two instances.

Mr. Buchanan.

Mr. Esch.

Mr. Morse.

Mr. Price of Texas in two instances.

Mr. Landgrebe in two instances.

Mr. Wyman in two instances.

Mr. Foreman in two instances.

Mr. Snyder in two instances.

Mr. Wold.

Mr. Hastings.

Mr. Bob Wilson in four instances.

Mr. Halpern in five instances.

Mr. Button in two instances.

Mr. Cunningham in three instances.

Mr. Lukens.

Mr. Collins in three instances.

Mr. Byrnes of Wisconsin.

Mr. Whalen.

Mr. Davis of Wisconsin.

Mr. Wydler.

Mr. Quillen in four instances.

Mr. Coughlin.

Mr. Dickinson.

Mr. Michel.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Baring in three instances.

Mr. Bolling.

Mr. Foley in three instances.

Mr. Mahon in two instances.

Mr. Roybal in eight instances.

Mr. Charles H. Wilson in four instances.

Mr. Howard in four instances.

Mr. Evins of Tennessee.

Mr. Moss.

Mr. Blatnik.

Mr. Powell.

Mr. Murphy of New York in two instances.

Mr. Friedel in two instances.

Mr. Slack in two instances.

Mr. Moorhead in two instances.

Mr. Reuss in six instances.

Mr. Gonzalez in two instances.

Mr. Dingell.

Mr. Patten in two instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Edwards of California in two instances.

Mr. Burlison of Missouri.

Mr. Cohelan in two instances.

Mr. Stubblefield in two instances.

Mr. Vanik in two instances.

Mr. Chappell in two instances.

Mr. Rodino in two instances.

Mr. Olsen.

Mr. Stuckey.

Mr. Burton of California.

Mr. Abbitt in two instances.

Mr. Anderson of California in two instances.

Mr. Van Deerlin in two instances.

Mr. Zablocki in three instances.

Mr. Tiernan.

Mr. Obey in six instances.

Mr. Wright in two instances.

Mr. Hanna.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 710. An act to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona; to the Committee on Interior and Insular Affairs.

S. 3889. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2012. An act to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson;

H.R. 9854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes;

H.R. 12860. An act to establish the Ford's Theater National Site, and for other purposes; and

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On June 11, 1970:

H.R. 11102. To amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes.

On June 12, 1970:

H.R. 4204. To amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 16, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2126. A letter from the Librarian of Congress, transmitting a report on the Library of Congress, including the Copyright Office, for the fiscal year ending June 30, 1969, together with the Quarterly Journal of the Library of Congress and a copy of the annual report of the Library of Congress Trust Fund Board; pursuant to law; to the Committee on House Administration.

2127. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of

California, and for other purposes; to the Committee on Interior and Insular Affairs.

2128. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a list of the nonprofit educational institutions and other organizations, in which title to equipment was vested by the Commission pursuant to section 2 of Public Law 85–934 for 1969, pursuant to section 3 of the act; to the Committee on Science and Astronautics.

Received From the Comptroller General

2129. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for savings by improved selection of air carriers for transporting military cargo, Department of Defense; to the Committee on Government Operations.

2130. A letter from the Comptroller General of the United States, transmitting a report demonstrating that improved guidance is needed for relocating railroad facilities at water resources projects being constructed by the Corps of Engineers (Civil Functions), Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 11157. A bill to amend title 18, United States Code, to prescribe the manner in which a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination and to define the scope of the immunity to be provided such witness with respect to information provided under an order; with amendments (Rept. No. 91–1188). Referred to the House Calendar.

Mr. MILLER of California: Committee of conference. Conference report on H.R. 16516 (Rept. No. 91–1189). Ordered to be printed.

Mr. McMILLAN: Committee of conference. Conference report on H.R. 17138 (Rept. No. 91–1190). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 11766. A bill to amend title II of the Marine Resources and Engineering Development Act of 1966 (Rept. No. 91–1191). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12943. A bill to amend section 3 of the act of November 2, 1966, to extend for 3 years the authority to make appropriations to carry out such act (Rept. No. 91–1192). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary, H.R. 279. A bill to exempt from the antitrust laws certain joint newspaper operating arrangements; with an amendment (Rept. No. 91–1193). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce.

S. 1933. An act to provide for Federal railroad safety, hazardous materials control and for other purposes; with an amendment (Rept. No. 91–1194). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 10634. A bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence; with amendments (Rept. No. 91–1195). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. BARING**:

H.R. 18059. A bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense; to the Committee on Armed Services.

By **Mr. WILLIAM D. FORD** (for himself, Mr. Burton of California, Mrs. Chisholm, Mr. Helstoski, Mrs. Mink, and Mr. Rosenthal):

H.R. 18060. A bill to amend title 39, United States Code to provide rates of pay for postal field service employees in certain areas and locations in accordance with private enterprise pay rates in these areas to assist in recruitment and retention of postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

By **Mr. GARMATZ** (by request) (for himself, Mr. Mailliard, Mr. Pelly, and Mr. Leggett):

H.R. 18061. A bill to facilitate the transportation of cargo by barges specifically designed for carriage aboard a vessel; to the Committee on Merchant Marine and Fisheries.

By **Mr. LANGEN**:

H.R. 18062. A bill to provide for certain minimum payments to States from receipts derived from national forests located with such States; to the Committee on Agriculture.

By **Mr. LUJAN**:

H.R. 18063. A bill to amend the Higher Education Act of 1965 with respect to the repayment period of insured student loans; to the Committee on Education and Labor.

H.R. 18064. A bill to amend the insured student loan provisions of the Higher Education Act of 1965 with respect to insurance of interests on defaulted loans in the hands of purchasers thereof; to the Committee on Education and Labor.

By **Mr. MAYNE**:

H.R. 18065. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By **Mr. RARICK**:

H.R. 18066. A bill to authorize the maintenance of Bayou Castine, La.; to the Committee on Public Works.

By **Mr. ROSENTHAL** (for himself, Mrs. Dwyer, Mr. Holifield, Mr. Erlenborn, Mr. Blatnik, Mr. Brown of Ohio, Mr. Jones of Alabama, and Mr. Findley):

H.R. 18067. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By **Mr. RYAN**:

H.R. 18068. A bill making an additional appropriation to carry out summer employment programs for youths under the Economic Opportunity Act of 1964 during the fiscal year ending June 30, 1970, and to be available until September 30, 1970; to the Committee on Appropriations.

By **Mr. ANNUNZIO** (for himself, Mr. Biaggi, Mr. Brasco, Mrs. Chisholm, Mr. Clay, Mr. Daniels of New Jersey, Mr. Gray, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Madden, Mr. Patten, Mr. Tiernan, Mr. Charles H. Wilson, and Mr. Rodino):

H.R. 18069. A bill to regulate rents in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By **Mr. FULTON** of Pennsylvania:

H.R. 18070. A bill to establish a pilot program designated as the Youth Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By **Mr. MAILLIARD**:

H.R. 18071. A bill to establish the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By **Mr. ANDERSON** of Illinois (for himself and Mr. Dulski):

H.J. Res. 1256. A joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By **Mr. MATSUNAGA**:

H.J. Res. 1257. Joint resolution to authorize the Foreign Claims Settlement Commission of the United States to settle certain claims of inhabitants of the Trust Territory of the Pacific Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, and for other purposes; to the Committee on Foreign Affairs.

By **Mr. MEEDS**:

H.J. Res. 1258. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War, and to establish a Micronesian Claims Commission; to the Committee on Foreign Affairs.

By **Mr. PATMAN**:

H.J. Res. 1259. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970; to the Committee on Banking and Currency.

By **Mr. FULTON** of Pennsylvania:

H. Con. Res. 660. Concurrent resolution expressing the sense of Congress with respect to the establishment of a suitable memorial in honor of Richard King Mellon; to the Committee on House Administration.

By **Mr. ROONEY** of Pennsylvania:

H. Res. 1081. A resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By **Mr. MAHON**:

H.R. 18072. A bill for the relief of Mr. and Mrs. Manuel Fernandez-Tavera and their children, Rafael, Eduardo, Manuela, and Anna Fernandez Vidal; to the Committee on the Judiciary.

By **Mr. DONOHUE**:

H. Res. 1082. A resolution to refer the bill (H.R. 17853) entitled "A bill for the relief of Carlo Bianchi & Co., Inc.," to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

403. By the SPEAKER: A memorial of the State of Illinois, relative to amending the Social Security Act regarding rehabilitation sites for the mentally ill; to the Committee on Ways and Means.

404. Also, a memorial of the Senate of the State of Illinois, relative to amending the Social Security Act to provide certain treatment for the mentally ill; to the Committee on Ways and Means.

405. Also, a memorial of the Senate of the State of Illinois, relative certain benefits for the mentally ill under the Social Security Act; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

508. By the SPEAKER: Petition of the Gushikawa City Assembly, Okinawa, Ryukyu Islands, relative to removal of poison-gas weapons from the Ryukyu Islands; to the Committee on Armed Services.

509. Also, petition of the Gushikawa City Assembly, Okinawa, Ryukyu Islands, relative to U.S. military personnel stationed on Okinawa; to the Committee on Armed Services.

510. Also, petition of the board of commissioners, Newport, Ky., relative to exempting the *Delta Queen* from the provisions of the safety-at-sea law; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

BREAKTHROUGH IN CANCER RESEARCH

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BOB WILSON. Mr. Speaker, one of the most remarkable scientists of our time, a man who may be on the verge of a breakthrough in cancer research, is 76-year-old Dr. Leonell Strong, who among his own peers is hailed as an unsung hero of medicine.

Six years ago, Dr. Strong retired after many years as a geneticist at the Yale School of Medicine and later as head of the animal experimental laboratory at Roswell Park Institute in New York State, the oldest cancer research lab in the world.

He came to La Jolla to join the Salk Institute for Biological Studies, had a falling out with Dr. Salk, and a couple of years ago became involved in a lawsuit in which Dr. Strong won damages.

He then established his own laboratory in Sorrento Valley under auspices of a nonprofit foundation, pouring all of his life savings into the lab in order to continue research with mice for which he has become world famous.

During a half century's research, Dr. Strong has become acknowledged as the world's foremost authority in the study of cancer through the use of inbred strains of mice. His colonies of mice have been the source of such animals used in labs throughout the world. His first major contribution to cancer research was development of a unique strain of mice in which tumors grew spontaneously, rather than being transplanted—mice in which cancer was conveyed from one generation to the next.

Now he has developed a liver extract which when applied to mice, has resulted in virtually 100 percent elimination of cancerous tumors in nine generations of mice. Clinical experiments with human beings at Roswell Park Institute may be the next step after scientists there isolate the active ingredient in the liver extract. The reason we are calling attention to Dr. Strong's work tonight is that it is on the verge of being shut down completely for lack of financial support at the very moment when this distinguished scientist may be on the threshold of an important discovery in the battle against cancer, right here in San Diego County.

Up to now, Dr. Strong has struggled to maintain his laboratory with modest Federal Government funding; his own life savings, now exhausted; and public contributions of more than $25,000 raised when his financial plight was publicized primarily in the San Diego Independent.

But the financial well is running dry, the Government has refused another grant, and he has just enough to keep going through June, after which he will have to phase out the lab in Sorrento Valley, kill the 13,000 mice, and close the book on a lifetime of dedicated research.

Desperate attempts are being made by San Diego friends of Dr. Strong to convince the National Institute of Health to continue its support of his lab for at least another 12 to 18 months—the time Dr. Strong, still mentally vigorous at 76, believes he needs for positive proof of immunity against cancer provided by the liver extract. But unless a miracle occurs, the Leonell Strong Laboratory appears doomed to shut down. It would be a sad culmination of a distinguished career during which—and few people know of this—Dr. Strong was nominated for a Noble Prize in Medicine, though he did not win the award.

The miracle has happened to keep alive the remarkable cancer research by Dr. Leonell Strong, the distinguished scientist whose laboratory in Sorrento Valley, near Del Mar, has been threatened repeatedly with shutdown.

During the last 2 nights on these commentaries, I have told of the world-renowned studies by Dr. Strong of malignant tumors in mice—studies that now may be reaching a breakthrough that could unlock some of the mysteries of cancer.

A liver extract which Dr. Strong has been injecting into some of the 13,000 mice at his laboratory has demonstrated the capability of inhibiting the growth of tumors from one generation to the next, to the point of complete elimination in the ninth generation.

The liver extract is now being evaluated in the world's oldest cancer research laboratory, the Roswell Park Institute in Buffalo, N.Y., for possible clinical use on human beings. Meanwhile, Dr. Strong must continue his experiments for the most complete scientific confirmation.

Although Dr. Strong's research has been supported in the past by the American Cancer Society and the National Institutes of Health, a cutback in availability of research funds has dried up these sources. He has exhausted his own life savings to keep his laboratory open. With financial aid no longer available, he faced a complete shutdown, and extermination of the thousands of specially inbred mice by the end of June. And now, the miracle.

Five minutes after I mentioned this last night, a Coronado woman called to offer $5,000—enough to keep the lab open through July, another full month. But Dr. Strong must maintain his laboratory for several more months, to insure the fullest exploration of what appears to be a significant attack on cancer. If you feel that you would like to help Dr. Strong in this endeavor, you may send whatever donation you can afford to Leonell C. Strong Research Foundation, 10457 Roselle Street, San Diego, 92121.

There have been many disappointments in the fight against cancer; this may be another one, but can we afford not to give it the fullest chance to succeed?

POSTAL REFORM

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. OLSEN. Mr. Speaker, I want to call to the attention of all my colleagues, especially in view of the business schedule for tomorrow, a commentary by Nicholas von Hoffman in today's issue, June 15, of the Washington Post. This article is one of the most cogent I have seen on the subject of postal reform and gives some of the background information as to how this so-called reform has been lobbied to the floor of this House. I hope every one of my colleagues will read it carefully before the House begins its consideration of the so-called postal reform bill.

The article follows:

POSTAL "REFORM"

(By Nicholas von Hoffman)

The pressure is rising to pass the Post Office Reform Bill. People support anything called reform, especially these days when action of any kind is beyond our enfeebled representatives.

One of the main arguments for this bill is that it will "take the Post Office Department out of politics." Politicians and politics being held in the high regard they are, any proposition to get rid of them always wins near unanimous assent.

Alas, experience teaches us that it is impossible to get politics out of anything, not merely because politicians are tenacious fellows and like to hang in there close to the boodle, but also because politics, realistically defined, is the business of deciding and carrying out policy, and you can't run anything without doing that. What this bill actually does is transfer some of Congress' power over the Post Office Department to a board of directors who're supposed to be nonpartisan and operate the mail in a businesslike and efficient manner.

This isn't a new idea in American life. We've been reorganizing things to get the politics out of them for a long time. That was the idea behind civil service, appointed school boards, urban renewal commissions and such internationally famous fiascos as the Port of New York Authority. Sometimes, commissions and authorities can introduce economies in the operation, but a new bureaucracy is establishd which is unamenable to the needs and desires of people we aptly call "the small man." Nothing has proved as unresponsive to the individual citizen as "nonpolitical," appointive commissions run by experts, distinguished citizens and representatives of the public.

Most reforms that set out to make things nonpolitical are actually engaged in transferring the political power from elected politicians to the nonelective, silent and secret politicians with much smaller constituencies, often referred to as lobbyists, bagmen, etc. In that light, let's see who put up the money to lobby and propagandize this reform through the Congress. Who was it that backed the Citizens' Committee for Postal Reform?

The Congressional Record, Volume 115, part 22, page 29322 tells us that the names of some of these citizens who contributed $5,000 apiece were: The Bank of America, Scott Paper Co., Standard Oil of New Jersey, Time, Inc., the Minneapolis Star and Tribune, Pan American World Airways, Montgomery Ward, J. C. Penney Co., Boys Town of the Desert, I. E. du Pont de Nemours & Co., Kimberly-Clarke Corp., Sears, Roebuck & Co., General Electric, American Express, Goodyear Tire & Rubber, Ford, and the Bechtel Corp. Weighing in for contributions of less than $5,000 were, among others, the following citizens: Litton Publications, Inc., the Conde Nast Publications, Cowles Communications, Inc., Newsweek, B. F. Goodrich, and Hon. C. Douglas Dillon.

Right-thinking readers will understand that the afore-mentioned citizens made this contribution out of unselfish zeal for reform. Cynics will remark that many of these citizens are publications and other institutions that use the mail at favored rates, that others sell the publications large amounts of paper, that others are contractors who might build the reformed and modernized post office buildings, that others might sell this new system automated equipment or mail trucks, or tires for the trucks.

There are other putative beneficiaries of reform. One of them is Mr. George Meany and his AFL–CIO. The deal Mr. Meany and his agent worked out with the administration is that in return for his embracing reform, only seven AFL–CIO unions would be recognized as bargaining agents for the Post Office employees. A reactionary, Republican administration not only traded away its cherished right-to-work principle but the right of the employees to choose their collective-bargaining representative through elections conducted by the National Labor Relations Board.

This, in labor-union parlance, comes close to being a yellow-dog contract. Mr. Meany, however, says it's historic, and he's certainly right.

Under the terms of this deal, the third largest union of Post Office employees will be excluded forever from the bargaining table. This is the 80,000-man National Postal Union, which isn't a member of the AFL–CIO. This independent union representing something like 10 per cent of all Post Office employees has its membership concentrated in the big cities. Twenty-six thousand of its members are in the Bronx and Manhattan, where they have already demonstrated what they can do to national postal service when they decide not to report for work.

And that's what they're going to decide if reform in its present design goes through. "Our members won't stand for it," says Phil Seligman, the executive vice-president of the Bronx-Manhattan local. "If this goes through, there'll never be labor peace. We're not going to stand by and be legislated out of existence."

It's been the big city postal workers, the men and women who live in the high cost-of-living areas who've been unhappiest about wages. They need collective bargaining representation the most.

Instead, the President and many members of Congress are turning them over to George Meany who, in lieu of getting them a living wage, can perhaps persuade them to join the hard hats and satisfy the frustration of their bellies by beating up long-haired young persons.

Under this version of reform, the predominantly black National Alliance of Postal Employees with 37,000 members (the fourth largest Post Office union) will also be denied the right to bargain collectively.

President Nixon has repeatedly said that he believes in local control, in pushing decision making out of Washington. He has done this in the South when white parents haven't wanted black children in their schools.

This principle, which he applied even at the expense of black children's rights, is now violated because it's convenient for the President to have Mr. Meany hailing him as the 30-day conqueror of Cambodia; because it's profitable for the corporate citizens.

But building a new and more remote super organization, reinforcing the rigid inertia of big labor, contradicting the need for structural change that the President himself has enunciated, is worse than inconsistent, it will increase wildcat strikes, augment the universal feeling of personal impotence and hasten the spread of black and student disruption into mill and factory.

IN SUPPORT OF MR. JUSTICE WILLIAM O. DOUGLAS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. KOCH. Mr. Speaker, I have received a copy of a letter sent to the distinguished Chairman of the House Judiciary Committee written by a close friend and distinguished professor of law at New York University School of Law, Norman Dorsen.

The letter very succinctly sets forth the reason why each of us in this House should oppose the impeachment of Mr. Justice William O. Douglas. I am setting forth the letter with the thought it would be of interest to our colleagues:

MAY 18, 1970.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, House of Representatives, Washington, D.C.

DEAR MR. CELLER: I write in regard to the pending impeachment resolution of Justice William O. Douglas. Apart from my interest as a citizen, I am professionally concerned in view of my long connection with the Supreme Court. I served as law clerk to Mr. Justice John Marshall Harlan in the October Term 1957, I have participated in numerous cases before the Court, and I have taught constitutional law at New York University School of Law for nine years.

In my judgment no information that has so far come to light warrants the impeachment of Justice Douglas. The charges that have been made by Mr. Ford and others seem patently insufficient to invoke the ultimate remedy against a sitting judge. For example, the relationship of Justice Douglas to the Parvin Foundation and the Center for Democratic Studies have not, as far as I am aware, been shown to involve any impropriety. Moreover, the widely quoted excerpt from Justice Douglas' recent book, *Points of Rebellion*, is not only ambiguous but plainly protected by the First Amendment.

Perhaps out of a recognition that the above charges do not constitute the "high crime and Misdemeanor" that the Constitution requires for impeachment, Mr. Wyman's resolution attempted—for the first time in our history, I believe—to base impeachment on the alleged fact that Justice Douglas has "failed to be of . . . good Behavior." If this constitutional standard is adopted, it will be a serious blow at the independence of the judiciary, fully apart from the effect on the matter pending before your committee. The net result would be, as Mr. Ford candidly told the House, that "an impeachment offense is whatever a majority of the House . . . considers it to be at a given moment in history." Such a rule would not only jeopardize judicial independence, but would be deeply ironic in view of the expressed concern for judicial precedent and the rule of law on the part of the sponsors of the impeachment resolution.

I urge you to oppose the impeachment of Justice Douglas.

Sincerely,

NORMAN DORSEN,
Professor of Law.

THE YEAR-ROUND SCHOOL CONCEPT

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SNYDER. Mr. Speaker, the Jefferson County, Ky., Board of Education has been doing some very interesting work on the year-around school concept.

For those interested in bold, new, and innovative ideas in elementary education, I am pleased to make available the recent comments of the Honorable Richard Van Hoose, superintendent of the Jefferson County Public Schools.

The remarks follow:

YEAR-AROUND SCHOOL AND THE JEFFERSON COUNTY BOARD OF EDUCATION

On May 25, 1970, the Jefferson County Board of Education made a landmark decision. In effect, they said "this is where we stand on the year-around school concept, and this is what we propose to do about it." This decision was announced to the nation and to the world through press reports, and reaction has been swift and widespread. Members of the Board of Education and staff have heard from students, teachers, superintendents, researchers, business men, college professors, school board members, and others. Inquiries have come in from 17 states, and the mail continues to bring requests for more information.

The Associated Press put the story on the wire and literally sent it around the world. Because of this we have received inquiries from London, England; Santa Barbara, California; Ann Arbor, Michigan; Hudson, New Hampshire; Gregory, Texas; Vienna, Virginia, and other far-away places too numerous to list. The "Today Show" carried our announcement as a news feature. Television stations in Philadelphia and Miami gave the story special treatment. Education writers from the *New York Times*, the *Christian Science Monitor*, and the Washington Scripps-Howard newspapers have been in touch with us. A newspaper in Orlando, Florida wrote a strong editorial endorsement of our Board's position.

No other action by the Jefferson County Board of Education in my twenty years as superintendent has created such a wave of interest. Why? The reason is obvious. School systems everywhere are becoming aware that the September-to-June calendar no longer meets the needs of this nation.

In the fall of 1968 the Board of Education authorized the superintendent and staff to make an in-depth study of the current thinking on year-round school. An ad hoc committee was established with representatives from all walks of life. Business leaders, state legislators, PTA leaders, ministers, labor leaders, and newspapermen were included, as were professional personnel from the County, City and Catholic school systems, from the University of Louisville, and from the State Department of Education.

As the staff and the committee reviewed the literature on this subject, listened to consultants, and visited systems where innovation of this kind is in progress, it became evident that isolating one plan for utilizing schools all year around was a difficult task. Each suggested schedule was reviewed in the light of five factors:

1. Potential for improving the curriculum.
2. Effect of the plan upon community life.
3. Potential for improving teacher status.
4. Improved building use.
5. Economy.

After more than a year of intensive study, the committee joined the staff in recommending the Continuing Four Quarter Plan as the one with the greatest potential. This plan provides for four seasonal quarters of 60 days of instruction each. Choice of attendance at any three quarters is up to the child, and no pupil would be required to attend more than three quarters a year.

A child who is mentally and physically capable of attending all four quarters for three years could accelerate if this seemed to be desirable. If enough students choose to attend the summer quarter to spread attendance evenly over the year, a saving of 25% will be possible in housing, saving millions of dollars in capital outlay.

It will be necessary to ask the 1972 Kentucky General Assembly to make some changes in school attendance law and in the way Minimum Foundation funds are distributed. Other legal changes may be necessary. With the best of luck in needed legal action and in finding a source of financial support to initiate this venture, the 1972-73 school year could be the year the Continuing Four Quarter Plan is adopted in Jefferson County Schools.

The following advantages would be obtained:

1. Flexibility in course offerings. Sixty to seventy percent of all subject matter can be handled in a non-sequential manner.

2. More entry and withdrawal dates each year. Illness or injury would not mean the loss of an entire school year.

3. Improved opportunity for temporary employment. The summer job rush would be more evenly distributed throughout the year.

4. Reduction of vandalism which now occurs when buildings are idle.

5. Opportunity for curriculum revision which would make courses and subject matter more relevant to the present.

6. Better utilization of professional personnel, and more flexibility in the use of teachers. Some might choose to teach a full year; others with family responsibilities might choose to teach one quarter only and thus keep up their skills.

7. Flexibility in choice of vacation periods.

8. Reduction in number of drop-outs because pupils would have wider choice of subjects and would not feel "locked in" to a course they disliked for a full year.

Perhaps the most exciting aspect of the entire proposal is the fact that every course offering will have to be rewritten. We do not plan to cut up what we now cover in one year into three quarters. Rather, we plan to turn each course out on the table as you would a bucket of nuts and bolts and examine the contents. We will discard everything that is not relevant and introduce new material. The 60 day period makes it possible to plan minicourses relating to current needs such as drug abuse, human relations, local government, and vocational experiences.

We have discussed with Dr. George Brodschi of the U. of L. International Center the possibility of summer courses that will begin and end in Jefferson County, with most of the course time spent in a foreign country. The most effective way to learn a foreign language is to visit the country where you must use the language. Geography and history are best learned at first hand.

The present economic picture emphasizes the timely decision which has been reached by our board of education. Rising construction costs, higher interest rates, and diminishing tax resources affect planning for the future in housing of all kinds, and particularly in school housing. The Jefferson County Board is interested in exploring ways to make better use of the facilities we have. The fact that more than 600 other school systems across the nation are also interested underlines the urgency of the problem.

Practical businessmen realize that school facilities are available throughout the year, fully equipped and ready for use. Most overhead costs are the same whether schools are open or closed during the summer. Fixed charges such as insurance and interest remain constant. A teaching staff is already employed, and many teachers would prefer a full year of employment. Finally, most children in metropolitan areas are without constructive direction during much of the summer.

Our community has become interested in the advantages offered by the Continuing Four Quarter Plan. There is a great deal of interest in implementing change in the present school calendar. We believe the time has come to establish a real beachhead for improved public education. We believe we can set up an effective continuing four-quarter schedule and make it work.

PATRIOTIC BASQUES PICK INDEPENDENCE DAY FOR FESTIVAL

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BARING. Mr. Speaker, an annual festival is again being planned in Nevada in honor of some of the heartiest pioneers who helped settle many parts of the United States.

This is the Basque Festival to be held July 4, 1970, in Elko, Nev. These are the fine folks who make up a large portion of Nevada residents. Basques also are located in many other active communities in America and they are known as vigorous, enterprising, rugged, outdoor individuals who are made of very stern stuff.

I cherish many Basque friends today and wish to pay them tribute by the insertion of the following editorial to their credit, reprinted from the Reno Evening Gazette of May 25, 1970, which tells of the continuous progress and achievement of these American citizens:

[From the Reno Evening Gazette, May 25, 1970]

A FESTIVAL OF NOTE

It was something over a century ago when the first Basque miners and shepherds began drifting into Nevada from California and the old country.

The migration of these enterprising people was one of the best things that could happen to a developing state.

The Basques had to learn to be resourceful to live in their homeland. It is a tortuous country high in the Pyrenees Mountains and along a strip of the coast between Spain and France, where it took good thinking and willing hands to survive.

Nevada fell heir to these attributes as pioneer Basques sought to nurse a livelihood from this state's harsh and reluctant wilderness.

Today, the tongue-twisting Basque names are associated with some of the biggest businesses and the most illustrious professions in the state, and they appear in unusual numbers.

The big livestock spreads around Elko, Winnemucca, Gardnerville, Lovelock, Eureka and Ely are operated by families of Basque origin, or were before the prosperous owners sold out.

Our governor, Paul Laxalt, is a second generation Basque. Quite a number of lawyers, teachers and doctors, some known as outstanding practitioners, answer to Basque names.

The nationality is prominent, too, in Nevada's casino business, as well as in scores of sundry small businesses scattered throughout the state.

These people have contributed so much to the state, that the University of Nevada has seen fit to institute a center for Basque Studies on the Reno-Stead campus.

A hearty, sociable and fun-loving folk, the Basques of Nevada will gather for a festival in Elko early in July. It's a national festival, and Basques from all around the country are expected to be there.

It's open to the public, too, of course, and that's a lucky thing. It's an event that Basque admirers and lovers of good food and frolic won't want to miss.

APPROPRIATIONS HEARINGS VOLUMES RELEASED

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MAHON. Mr. Speaker, the Committee on Appropriations in recent days has released the following committee hearings volumes:

Military construction bill, part 3, defense agencies and so forth, released Monday, June 8.

Labor-HEW, part 2, Food and Drug Administration and health items, released Friday, June 12.

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During the current week, the committee expects to release three additional volumes—two relating to the Public Works-AEC appropriation bill and one relating to the Labor-HEW appropriation bill.

When released, copies are available to Members and others at the committee room, H-218, Capitol Building, extension 2771.

LOUD MILITANTS GET THE ANSWER AT MSU

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. CHAMBERLAIN. Mr. Speaker, Reserve Officers Training Corps programs and facilities have been one of the main objects of protest and violence on college campuses across the Nation. The militants have left little doubt about what they want, but what has remained largely unknown are the views of the vast majority of other students. On May 15, Michigan State University conducted a campuswide referendum which showed that 85 percent of the students voting favored retention of their ROTC programs in some form. While this peaceful and orderly event did not attract front page headlines around the country, it clearly has broad significance for understanding the true feelings of all our students.

In a timely and plain-speaking editorial on June 12, 1970, the State Journal of Lansing discusses the meaning of this referendum and I commend it to the attention of my colleagues:

[From the State Journal, June 12, 1970]

LOUD MILITANTS GET THE ANSWER AT MSU

Now that the smoke and furor has simmered down a bit concerning the Reserve Officers Training Corps at Michigan State University, it's a good time for students, faculty and indeed all Michigan residents to take a good second look at events of the past few weeks.

Throughout the nation determined bands of militants this year and in past years has regularly started anti-ROTC crusades on the various campuses. MSU has been no exception.

During April such a group started the campaign at the East Lansing campus demanding that ROTC be abolished at MSU. On May 1, a mob of youths, estimated at about 200, and some of whom were not students at MSU, went on a rampage, causing extensive damage to Demonstration Hall, headquarters of ROTC on campus, as well as a number of other buildings. Several MSU police officers were injured trying to bring the roaming vandals under control.

On May 15 a campus-wide referendum was held to determine views of students, faculty and administrators and clerical staff at MSU on the ROTC question and some other issues.

The result of that referendum showed that 85 per cent of the more than 8,700 students who voted favored retention of the ROTC program at MSU in one form or another. The percentage of faculty, administrators and clerical workers (4,600) who voted favorably on ROTC was even higher.

The student vote was divided on the question of whether ROTC should be continued with academic credit and those opposed to academic credit had a slim majority.

Students were also divided on whether ROTC should have partial financing or no financing from the university. Those opposed to partial financing had a larger majority.

But the combined vote of students, faculty, administrators and clerical workers at the university showed that the total majority favored retention of ROTC with academic credit as it is now offered. The majority also indicated they did not favor partial financing by MSU.

After the referendum results were determined, MSU's Academic Council, the faculty governing body, passed a resolution supporting ROTC in its present status (with credit) and recommending full federal funding of the program which now costs MSU about $60,000 a year.

In short, the students, faculty, administration and other workers at MSU, through the traditional democratic process, gave their stamp of approval to the ROTC on campus in spite of the storming, irrational and sometimes violent intimidation of a militant few.

It should also be kept in mind that in a survey conducted a year ago at MSU, a majority of the students and faculty voted in favor of retaining ROTC with some modifications. And some changes have been made in curriculum during the past year. The ROTC program has been entirely voluntary at MSU since 1962.

Retention on campus—and particularly the continuance of credit courses—is important for the ROTC program which provides a large percentage of the officers for the U.S. armed forces. Since its beginning, the ROTC has provided an invaluable service to the nation in supplying the backbone for citizen-officer leadership of the armed forces.

A few firebrands have made it clear they are out to undermine this leadership with anti-ROTC activities and at a time when the leadership provided through the program is urgently needed.

They failed at MSU in spite of the noise and intimidation. The majority made its opinion known. It is good for all Michigan residents to know this and remember it.

The militants will be back again to continue to demonstrate their contempt for majority opinion, the democratic process or anyone who disagrees with them.

STATEMENT IN HONOR OF THE LATE HONORABLE CLIFFORD DAVIS

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. STUBBLEFIELD. Mr. Speaker, Clifford Davis was a great American and a loyal and effective representative of the interests of Memphis, Tenn., and of all the people who live and work in the Mississippi Valley. He was a poor boy born in the State of Mississippi who worked his way through college and eventually earned a law degree from Memphis State University. He practiced law in Memphis, becoming a municipal court judge and then vice mayor and public safety commissioner before he was elected to Congress in a special election in 1940. He ably served in the House of Representatives for 25 years. He was a member of the House Committee on Public Works and the Armed Services Committee. Especially in the former capacity, as chairman of the Subcommittee on Flood Control, he left his mark upon the laws of this country. He strengthened and amplified the TVA program and sponsored other legislation relating to the general welfare of people living throughout the Mississippi Valley; he shepherded through the House the Appalachian Regional Development Act during the early period of the Johnson administration.

Cliff Davis was a courageous man who carried on his body the scars of the gunfire that burst out in the gallery of this House back in 1954, when Puerto Rican anarchists attacked our Members. But this did not embitter Cliff Davis. The center aisle of this House was never a wall to this Member, and he crossed it and recrossed it time and again, doing favors for those with whom he served. His interest was, simply enough, the welfare of the American people which he had given his oath to uphold, and he always fought openly and lovingly for that.

I knew Cliff Davis well and grieve at his passing. He was my friend, both as a public servant and as man. My wife and I, together, I am sure, with all the Members of this House, would like to convey to Mrs. Davis and all those who loved Clifford Davis, our deep sense of loss and grief.

A WASHINGTON STAR EDITORIAL ON PRESIDENT NIXON

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. HOWARD. Mr. Speaker, the Washington Star supported President Nixon in the 1968 campaign and has approved of most of his actions since he was elected to office. It is for that reason that its lead editorial in yesterday's newspaper, which is entitled "Who Was Planning To Bring Us Together?" is all the more significant.

This editorial, which openly questions the methods the President is using—or even more importantly—not using, to unite the American people, should be read by everyone. It shows, not that the President is being repudiated by his own supporters, but that many of those supporters feel he is not taking the proper path toward "bringing us together."

I believe the mood in the Nation at this time is one of anticipation; anticipation of the President's response to the growing polarization of the population. The great majority of the people are not radicals of either the right or left, but continued ovations to the radical right will drive many moderates into the folds of a radical disfavored and growing segment.

The President must realize that the right to dissent must be one of our most cherished freedoms. Some have questioned his acceptance of this tenet. Now that his own supporters are publicly questioning or, at least, thinking aloud in doubtful tones about his actions, the President must begin to realize that the majority of the dissenters, like his supporters, do not wish to destroy this country, but rather to make it better.

The open questioning by the Star represents a significant development in the political history of the current administration.

The editorial follows:

Who Was Planning To Bring Us Together?

The country is moving rapidly into serious domestic danger, and President Nixon's response will determine the quality of our society for a very long time.

There cannot be much doubt as to the source of the threat. It is not the lunatic left, not the radical fringe of campus revolutionaries. Much as they would like to tear things apart, great as the damage they are doing us may be, the United States will not in our time succumb to their sort of revolution.

The trouble today may be coming from the left, but the danger is on the right. A nation like ours will allow itself to be frustrated just so far, and no further, by a dissident minority. There are signs that this limit is being fast approached. If the people on the left push too hard, they will certainly be put down. They know it—indeed, they expect and welcome the inevitable repression, because it is out of such reaction, and the accompanying loss of faith in the capacity of free men to govern themselves, that real revolutions grow.

The backlash, of course, is already underway. Club-swinging hard-hats, George Wallace's vote, literal and widespread hatred of college troublemakers revealed in the polls—these are outriders, the banners and trumpet blasts, of a powerful political force waiting to move. And the confrontation that is developing is not merely between the extreme right and the extreme left. The moderate center, on which every functioning society depends, is being forced to choose sides as the pressure mounts. Every excess on either side produces an escalated response on the other.

In short, the divisiveness of the country today is reaching intolerable levels. We are not too far from tearing ourselves apart, and it will take skillful, sensitive and effective leadership to prevent us from doing so.

What is the likelihood that the country will get that leadership from Mr. Nixon?

The performance of his administration up to now—we say it sadly—does not offer much encouragement. We supported Mr. Nixon in his election. In our view he is dealing rationally with most of the specific problems confronting him. He is trying to get us out of Vietnam as quickly as possible, without leaving behind a shambles; he is moving in a generally reasonable way to bring the economy under control; he is wisely concentrating on an effort to make effective a host of existing social programs, rather than plunging into new, blue-sky experiments. Many of his problems are intractable. He is dealing with them, we think, as well as could reasonably be expected of anyone occupying the office.

But the key goal that Mr. Nixon set himself when he took over the government in 1968 was to bring us together. The question today is not whether he has succeeded in doing that. Obviously he has not. The question is whether he has tried.

The record, so far, is a dismal one. The issue here is not the so-called Southern strategy. It is not the President's reported desire to govern on the basis of a moderate-majority consensus, avoiding entanglement with minorities. Such leanings are well within the ethical ballpark and are not inconsistent with his expressed determination to unify the nation. No—the issue, quite simply, is the extent to which this administration shows itself tempted, not to resist a polarization of public opinion, but instead to foster it, to seek political profit in the ugly mood of a frightened, conservative electorate. The administration has yielded to this temptation in a number of ways, and that fact is the blackest mark on its current report card and an evil omen for the future.

It is wrong for Mr. Nixon to have permitted his Vice President, in one demagogic outburst after another, to hammer dividing wedges ever deeper between the poor and the comfortable, the young and the old, the intellectuals and the yahoos, the disaffected and the true red-white-and-blue believers. True, the President himself has refrained from making such speeches, but that is not good enough. Spiro Agnew has taken over as the voice of the administration in this most sensitive area, and Mr. Nixon's silence is implied approval.

It is wrong for Mr. Nixon to entertain construction workers in the Oval Room shortly after construction workers have roughed up dissenting students—and to accept one of their symbolic hard hats for his own head. The President need not, of course, repudiate supporters of his position. What is he trying to tell us, however, when he singles out this particular type of support for publicized favors?

It is wrong for Mr. Nixon, at a time of growing unrest, to sound off against the "bums" on college campuses. Of course, there are bums in the colleges, and no doubt they account for much campus violence. But Mr. Nixon's rambling, extemporaneous outburst seemed to make bums out of college students in general.

These may seem trivial examples. Perhaps they are. But the sum of the indictment is that it is wrong for this administration, in the critical situation that is developing, to fish for votes in the troubled waters of what Stewart Alsop calls the "rancid right." And no one who has watched the Washington scene closely during the past year or so can doubt that some important elements of the administration have been doing precisely that.

The moral tone of American society is greatly influenced by the White House, above all by the style of the President himself. Mr. Nixon will bear heavy personal responsibility for the way the American people handle themselves in the next few years—for whether our society pulls itself together or tears apart at the seams. He must see to it that his administration stops catering to our darker political instincts; that it stops scratching the itches of frustration and impatience already inflaming those who agree with him, while it simultaneously reinforces the alienation of those who do not agree.

But Mr. Nixon must do more than that. A President must lead—and the greater the danger and difficulty of the times, the stronger must his leadership be. Mr. Nixon himself must speak out to re-establish an atmosphere of tolerance and mutual faith in the country. He must find a way to bring to his public appearances the intelligent concern that informs his private talk. He must appeal to the belief that most Americans retain, and all can develop, in the workability of our democratic system and its unique adaptability to peaceful change. He must prove to the dissenters that their voices are heard; that their ideals and conscientious yearnings are understood and are incorporated in the national aspiration for a better tomorrow. He must remind his not-so-silent majority friends that these outrageous people with their new, impractical ideas are their children and brothers; that the American system made them what they are. He must restore the confidence of all of us in our ability, together, to work our way through these hard times.

It will be difficult for Mr. Nixon to set himself this course. No doubt he is getting plenty of advice to the contrary, and the polls indicating his present popularity make such advice easy to follow. At the same time, there are a good many sound and thoughtful men around the President who are urging him to take the high road at the crossing just ahead. The signs are that a major debate on this entire strategic issue is taking place in the White House, and that Mr. Nixon understands the problem and recognizes its importance.

Who can say what his decision will be? His detractors, in the inner-ear of their imagination, think they hear echoes of something called the "old Nixon," and expect him in the crunch to "revert to type" and opt for shortterm political expediency.

We expect something else of the President. We hope and believe he will move, soon and forcefully, to a strategy of national unity which will secure for him a respected place in history. All of us—politicians, especially, perhaps—have episodes in our past, which, as we grow older and humbler, we want to live down. Mr. Nixon can have no further ambition than to be a good President. He must know that there is only one way a good President can answer the question that confronts him now.

ACCENTUATE THE POSITIVE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. FOREMAN. Mr. Speaker, if we were to listen to, and heed, some of the cynics of today's society, it would be easy to slip into a mood of pessimism and gloom. Quite the contrary, however, I believe there is just too much that is good about our people, and wonderful about our great country, to accept a tale of woe and pessimism. I refuse to accept the view that America is chronically sick and unsound.

I am confident that the American society has the vitality, the purpose, and the courage to resolve this time of troubles—and, out of adversity, forge a stronger nation, even more responsive to the needs and aspirations of people everywhere.

The thoughts expressed in the following graduation day speech by Eric A. Walker, president of Pennsylvania State University, are appropriate reflections for us today. I believe this is a good example of how to accentuate the positive.

The speech follows:

To the 1970 Graduates

Ladies and Gentlemen of the graduating class, no one has more pride in your accomplishment than the elder generation. But I am not going to tell that older generation how bright you are. Nor am I going to say we have made a mess of things and that you are the hope of mankind.

I would like to reverse the process. For if you will look over into the bleachers, I will re-introduce you to some of the most remarkable people ever to walk the earth, people you might want to thank on this graduation day—your parents and grandparents.

Let me tell you about them.

These—your parents and grandparents—are the people who within just five decades have by their work increased your life expectancy by approximately 50 percent and who, while cutting the working day by a third, have more than doubled per capita output.

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These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diptheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while tuberculosis is almost unheard of.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be really poor, what it is to be hungry and cold. And because of this, they determined it would not happen to you, that you would have a better life; you would have food to eat, milk to drink, vitamins to nourish you; a warm home, better schools and greater opportunities to succeed than they had.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

And because of them, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

They are the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over had the compassion to spend billions of dollars to help their former enemies rebuild their homelands.

It was representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning, and setting aside land for you and your children to enjoy for generations to come.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hate.

Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others.

But they—these older generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. If your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

It is my hope and I know the hope of these generations, that you find the answer to many of these problems that plague mankind.

But it won't be easy. And you won't do it by negative thoughts, nor by tearing down or belittling.

You may and can do it by hard work, humility, hope and faith in mankind.

Try it.

ENERGY—A KEY TO KNOWLEDGE

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. WOLD. Mr. Speaker, much has been made in the past few years of the point that man's knowledge of himself has progressed at a snail's pace in comparison to his knowledge of the physical universe.

As a result there has been a trend to downgrade technology and science. We have shifted away from investment in basic research at all levels. This policy is a shortsighted one based on bad reasoning and even worse arguments.

The study of man is the product of wealth and leisure. In times when man's total energy and time was devoted to the basics of survival he had no effective capacity for abstract thought. It was only when his productive capacity increased to the point where a surplus was possible that he could develop cities and care for philosophers.

If we do not heed the lesson of history we may very shortly find ourselves in a situation where all our time and energy is again devoted to simple survival—at least by the scale we use to measure necessities.

Energy consumption has been the key to the high productivity of Americans. It accounts for our abundant standard of living and ample amounts of leisure time.

Yet our commitment to supply the energy needs of the future is diminishing at the very time when it is needed most—when we need to further increase our productivity.

Our attention to the pollution of our environment is also threatening the Nation's capability to meet power needs. The pollution of our air, water, and land is a serious problem. It is a pressing problem.

But I contend that improving the quality of our environment and supplying adequate power to the Nation's consumers are not at odds. Science and technology offer us the tools and means to attack the problems of our environment while assuring us of continuing high standards of living.

In considering which energy resources should be used to furnish low-cost energy, we must not neglect national security. Yet that is what we are doing when we substitute foreign low sulfur residual fuel oil for domestic energy resources. We have plentiful domestic power resources. My district, the State of Wyoming, has more than enough coal and petroleum in the form of oil and oil shale to supply the Nation's energy needs for decades and even hundreds of years.

It must, however, be developed. It can only be developed through an expansion of research and development.

I think it is time we reorient our priorities and our values. I think we can have both a healthy environment and adequate supplies of low-cost energy.

But to do so will require a fundamental shift of many of our values. Shifting to new values will require enlightened leadership—a quality too often lacking among our leaders today.

One aspect of the problem I have outlined is very well defined in an editorial in the April 1970 issue of Coal Age. Written by Alfred E. Flowers, the publication's editor, the article gives a penetrating analysis of the problem and makes a compelling argument for expanding the level of research so we can more fully utilize the vast coal resources of the Nation. I believe it would be very educational for all who would read it.

Therefore, Mr. Speaker, I include the editorial in the RECORD at this point:

ENERGY PROBLEM

An unprecedented demand for low-cost energy is sweeping our country and satisfying that demand already is imposing great responsibility on our energy resources—coal, oil, gas and nuclear. Since coal reserves make up our Nation's primary energy source—at least twice the recoverable reserves of all other fuels combined—major research should now be under way to insure that our coal reserves are used most effectively, including their conversion into gaseous and liquid fuels.

The difficulty of meeting our energy needs in the years ahead is compounded by the growing concern about pollution. Every large metropolitan area has set standards limiting sulfur oxides emissions and most of them are being tightened. Very little of the coal mined east of the Mississippi River can meet the present standards and when the tighter regulations go into effect, virtually none of this coal will be suitable for power generation.

As a result of the stringent sulfur standards, utilities along the East Coast have accelerated their switch to gas and low-sulfur residual oil. Some 85% of the residual oil consumed along the East Coast comes from overseas and an increasing volume from the eastern hemisphere. Thus our highly industrialized Northeast is rapidly becoming dependent on the eastern hemisphere for energy—and at the risk of our national security. News resports emphasize the trouble that could erupt in that area.

The switch to other fuels does not solve the long-range energy problem, it only shifts it to other fuels. Domestic supplies of gas are limited and steps already have been taken to import large volumes of liquefied natural gas. Also, the supply of low-sulfur foreign oil can be cut off in a national emergency. Further, it is not good business to burn residual oil at 45¢ per million Btu when coal is available at 24 to 26¢ at many cities in the interior.

As a long-range solution to the energy problem, it would be logical to divert funds to the perfection of sulfur-removed processes now being tested or under development for power plants, and to the development of the magnetohydrodynamics method of generating electricity. Aside from offering the potential of more efficient generation, this method has great potential in pollution control and also requires a minimum of water. Development of the MHD method would add great flexibility in locating new generating stations.

Federal funds for research and development in the energy industry is greatly out of balance now. The level of research in coal utilization, for example, is far below that for nuclear power. A realignment of funds could contribute greatly to the development of new technology that would insure the most effective use of our vast coal resources and at the same time enhance our national security.

BALTIC STATES FREEDOM DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. HOWARD. Mr. Speaker, we are today, once again reminded of those who have been subjugated by the Soviet Union into positions of slavery. Today is Baltic

Nations Freedom Day, the 30th anniversary of the deportation of thousands of citizens of Estonia, Latvia, and Lithuania, by the Soviets in an effort to destroy these three independent nations, which had so briefly tasted the joys of true freedom.

These efforts to destroy the sense of nationality, of cultural and ethnic unity of these nations continues to this day. Under the circumstances, I believe it is appropriate that we be reminded to these struggles, and renew our efforts and hopes that these three small nations will once again have the freedom they so richly deserve, and so earnestly desire.

I am inserting, in an effort to bring this to the attention of my colleagues, House Concurrent Resolution 416, which was passed without dissenting vote in both the House and Senate during the 89th Congress. I believe it is appropriate today to reaffirm our belief in the goals of this legislation. The text follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urged the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest: RALPH R. ROBERTS,
Clerk.

PRESIDENT NIXON NAMES A STUDENT TO THE NATIONAL COMMISSION ON POPULATION GROWTH AND AMERICA'S FUTURE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ANDERSON of Illinois. Mr. Speaker on June 4, President Nixon announced the membership of the Commission on Population Growth and America's Future. I believe that this Commission can and will be one of the most significant in our history. For the first time we have given a Government agency responsibility for providing the information necessary to develop a much needed national growth policy.

Because of the importance of this Commission, I am particularly pleased that the President has appointed an outstanding college student to the Commission. Certainly, youth should be represented in a body whose study and recommendations are likely to have a far-reaching impact on American life in coming decades.

As chairman of the House Republican Conference, I take patricular pride in the appointment of Stephen L. Salyer of Cincinnati, a sophomore at Davidson College, to the Commission. Steve Salyer served with distinction last summer as an intern with the House Republican Conference and the House Republican Research Committee, chaired by the gentleman from Ohio (Mr. TAFT). Those of us who worked with him are confident that he will be a productive and thoughtful Commission member.

Clearly, President Nixon recognizes the contribution our youth can make to important policymaking bodies and I commend him for the excellent selections he has made to the Commission on Population Growth and America's Future.

HEROIC POLICE OFFICER

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. LANDGREBE. Mr. Speaker, I wish to draw the attention of my colleagues in the Congress to an heroic deed of a police officer in my hometown of Valparaiso, Ind.

Last month, Officer Richard A. Hanaway, 25, suffered injuries, but saved several bystanders from possible injury when he drove his squad car between a truck that was out of control and a group of people.

The officer had been pursuing a truck that was driven by an escapee from the Indiana Reformatory.

This brave action on the part of this young officer is to be commended and saluted, and I wish to congratulate him on his courage as an officer and his concern for the safety of the people in his community.

At this point in the RECORD, I insert a newspaper article that appeared in the Vidette-Messenger of May 18, 1970, describing the event:

POLICEMAN INJURED AS HE HALTS ESCAPEE

A Valparaiso police officer, injured Saturday in a collision, is credited with saving several by-standers from possible injury when he drove his squad car between an erratically driven truck and a group of people.

Officer Richard A. Hanaway, 25, of 1904 Chicago, suffered chest and arm injuries and was in fair condition today at Porter Memorial hospital.

Driver of the truck was Paul Miller, 21, North Judson, an escapee from the Chain of Lakes Youth Camp at Albion, who was being pursued by state police when the collision occurred in the parking lot of Miller's Mart, East Lincolnway.

The truck driver before striking the squad car collided with a car driven by Robert O'Dell, 23, Dyer, and struck three guard rails.

O'Dell, his passenger, Patricia A. Connell, 19, Lankenau Hall, and Miller were all treated at PMH for minor injuries and released, police said.

Miller escaped from the youth camp about 3:30 p.m. Saturday and stole a 1969 truck at Albion, state police said.

Sgt Richard Block observed Miller driving left of center on U.S. 421, south of Westville and attempted to halt the vehicle.

Miller did not stop and turned west at the LaPorte-Porter county line on CR 800S and traveled to Ind. 2 in Porter county. He ran one roadblock on Ind. 2 and hit the O'Dell vehicle head-on, went through the guard posts into Miller's parking lot and hit the squad car.

Officer Hanaway, on patrol in the area observed the speeding truck traveling on Ind. 2. He pulled the squad car into the parking lot, observed several by-standers and realizing the truck was out of control, headed for the group of people. The officer drove the squad car between the truck and the crowd.

Chief Lee E. Miller said the officer's action saved someone from possible death by the careening truck.

The escapee was serving a sentence at the camp for second degree burglary in North Judson, police said.

The escapee will probably be returned to the camp, according to reports. He was being held in Porter County jail this morning.

Damages were set at $3,450, police said.

THE ALTERNATIVE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SCHERLE. Mr. Speaker, amid the bedlam of student protest raised against the brutality and insensitivity of the establishment, especially law-enforcement officials, it is refreshing to hear a quiet voice of dissent from the dissenters. A student who represents a different point of view wrote the following letter to the Daily Iowan, newspaper of the University of Iowa, to register his protest against the common misunderstanding of police actions and the popular distrust of the police themselves.

The letter follows:

THE ALTERNATIVE

A new wave of hatred against law enforcement officials has arisen in the past few weeks. The death of the four Kent students was indeed tragic. But has anyone stopped to consider what might have happened if the police had not fired?

Let us remember that a large crowd was advancing upon a small group of guardsmen and throwing rocks, bricks and other lethal weapons. There are unconfirmed reports of sniper fire; medical evidence indicates that at least one of the four was slain by other than a military rifle; and confiscated weapons indicated that a sizeable number of persons in the crowd may have been armed. If the guardsmen had not kept the crowd away by firing when they did, is it not possible that there could have been a bloodbath in which hundreds of students and/or guardsmen were killed or injured?

If we want more humane law enforcement,

one thing is clear: the way to bring it about is not to abuse the police. Without a doubt, the recent anti-police demonstrations and epithets are a major reason for the resentment many policemen feel for demonstrators.

In a perfect society it might be possible to eliminate the police forces; but ours is far from perfect because human nature is far from perfect. Only an anarchist would deny that some form of police force is necessary.

Crime is a threat to everyone, not just to policemen. It is just as much a violation of one's rights to be murdered by a criminal as to be wrongfully slain by a policeman. As we see our crime rate rising so rapidly—crime rose 131 per cent in the last decade while the population rose only 13 per cent—it is obvious that to abolish our police forces would only invite chaos.

Rather than reacting blindly with slogans like "kill the pigs," we might take a sympathetic look at the policeman and his problems, and then ask ourselves how we can improve the quality of law enforcement.

His pay: an Iowa City policeman starts at $6,672 per year and can expect to advance to $7,368 per year by the time he is ready to retire.

Job requirements: he is on call 24 hours a day; his working conditions are whatever the weather conditions and wherever he is needed; one principal hazard of the job is the fact that one out of every eight policemen is violently assaulted each year. But he is required to be fresh and alert, cool and calm, no matter how many nights he has been awake.

He's expected to know the law and not violate anyone's rights, to know how to handle individuals and groups, to apply first aid, to handle a firearm, help children, engage in self-defense, direct traffic and a host of other things. He must be able to talk tough to the criminal and be civil around a civil person; and he often has little way of knowing what kind of person he is dealing with. He is, in short, expected to be a lawyer, doctor, psychologist, sociologist, marksman, outdoorsman, public relations man and law enforcement official all in one.

In addition, he must accept the fact that he's not going to be too popular among certain people. Whether or not he personally has committed any wrongs, he must endure an incredible amount of abuse. He must keep cool amid taunts of "pig," "fascist" and "murderer," to name only a few printable epithets, not to mention the sullen glare of the ordinary citizen who is stopped for speeding.

And his training for all this responsibility: four weeks at the Iowa Law Enforcement Academy.

If we could require all police officers to have a Ph.D. in sociology, law psychology or some related field (or better yet, open a Department of Police Science at the University), the quality of law enforcement officers would undoubtedly improve. But consider for a moment: how many of us, upon graduation from college, would take a job that makes such demands, imposes such risks and pays no more than a common laborer's wages? To attract Ph. D.'s to the police profession, we'd have to give them a starting salary of around $20,000 a year.

If we are really concerned about improving the quality of law enforcement and are not merely using the Kent incident to inflame passions against President Nixon, we might stop throwing rocks and instead try the following steps:

1. Try to genuininely understand the policeman, appreciate his role in society, and understand his limitations.

2. Work for higher pay for police officers, so the police profession can attract more competent personnel.

3. Work for expansion of the Iowa Law Enforcement Academy and the creation of departments of police science at the universities.

4. Work for the active recruitment of blacks and other minority groups in the police force, especially to serve in their own neighborhoods.

5. Work for better police-community relations programs, so that policemen and other community residents will better understand and appreciate each other's problems.

Liberals and law-and-order types alike have good reason to support these programs. For they should eliminate many real and imagined grievances against the police, and they should produce more efficient law enforcement as well.

Before I conclude, I'd like to present a few awards to some of the star performers of the past few weeks:

The Adolph Hitler Award for Peace goes to all those neo-Nazi types who blocked streets, broke windows, looted stores, threw bricks at car drivers, ravaged Old Capitol, vandalized ROTC students' cars and waged a campaign of terror on this campus to deny the majority their right to learn in an orderly university. All those who participated—leaders, followers and dupes alike—may share this award, but special recognition goes to those who wore "nonviolence" buttons.

The Howard Bowen Award for Moral Courage goes to President Willard Boyd for cancelling Governor's Day and letting students opt out of school. One can readily appreciate his desire to avoid violence, and one can understand why he took the easy way out. But in the long run he did not prevent violence; he only postponed it and encouraged it. For each time the radicals were permitted to stop activities and get away with it—the Pershing Rifles drill meet, the awards ceremony, Governor's Day, etc.—they became emboldened. President Boyd's message to the radicals is tragically loud and clear: "If you don't like something, the best way to influence me is to break the law and threaten to burn down the town." And you can bet the radicals heard it! The result, I fear, will be much more violence next time.

What if the ROTC students had taken to the streets to protest the cancellation? We might have had Governor's Day after all! We can all be thankful that the gentlemen of ROTC are too civilized to stoop to such antics.

And the Foxcraft Swinker Award for Journalistic Integrity goes to whatever DI staffer put the half-page, bold-type statement in the Wednesday, May 6, DI that "In memory of: The Kent State Dead, The Cambodian War Dead, The Vietnam War Dead, The American Dead . . . The University of Iowa is closed today." The fact is, the University was not closed that day and most classes were held as usual; but some students were undoubtedly misled into thinking that President Boyd had cancelled classes.

Where do The Daily Iowan personnel, a group of non-elected students, think they get the authory to close the University?

Maybe Jerry Sies told them they could.

John Allen Eidsmee.

A BILL TO ALTER THE REVENUE-SHARING FORMULA OF NATIONAL FOREST RECEIPTS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. LANGEN. Mr. Speaker, I have today introduced legislation which would change the revenue-sharing formula of receipts derived from the sale and use of the natural resources on national forest lands. Under the present law, the Forest Service pays 25 percent of all such receipts to the State to be spent on schools and roads in the counties where the forests are situated.

These payments are intended to compensate the counties for the loss of tax revenue resulting from the Federal ownership of these forest lands. Unfortunately, the size of the payment to a county is dependent upon the amount of commercial activity the Forest Service decides to undertake in a particular forest. If the Service decides to cut down on timber sales in a forest for any number of reasons, the local county suffers an unexpected revenue loss.

My bill, therefore, would protect counties against this revenue loss by guaranteeing them a payment of $0.25 per acre, limited to one-third of the State receipts, if the Service decides to reduce timber sales in a particular forest within the State.

ADDRESS DELIVERED BY CONGRESSMAN DAVID PRYOR OF ARKANSAS AT THE CONGRESSIONAL PAGE GRADUATION CEREMONY JUNE 8, 1970

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SLACK. Mr. Speaker, 1 week ago tonight on Monday, June 8, the 26 members of the Capitol Page School class of 1970 received their diplomas in the Ways and Means Committee Chamber. The ceremony took place with the traditional dignity which has always marked that event. I had the pleasure to be present and the honor to sponsor one of the graduating seniors. Because of his having served as a House page some years ago, the boys invited Congressman David Pryor of Arkansas to be their commencement speaker. I am submitting Congressman Pryor's remarks to the graduates because I feel that they were inspiring to them and to their families and friends who came from across the country to be present that night. I am also including the names of these fine young men who as our pages have served us in the Congress so well:

William R. Anderson, Eric Louis Anscheutz, Raul Cleofas Blanco, Danny R. Day, James Phillip DiMeglio, Gerard F. Gerhring, Frank Stephen Gordon, Michael Gorss, Robert C. Henry, Ralph Everett Hood, Kim Joel Hughes, Kenneth Randall Jackson, and William David Kiser.

Forrest Wayne Lacy, Edward Joseph Leonard, Stephen Frank Lowndes, Dennis Michael Miller, Lowell Vincent Muse, Daniel F. O'Reilly, Sammy I. Paradice, Dennis John Phillips, Russell William Royal, Philip Leonard Tannenbaum, Clifford H. Tutelian, Karl Kuldrian Warner, and Walter Robert Weiss.

ADDRESS DELIVERED BY CONGRESSMAN DAVID PRYOR, OF ARKANSAS, AT THE CONGRESSIONAL PAGE GRADUATION CEREMONY, JUNE 8, 1970

You do me a great and undeserved honor tonight by inviting me to speak during your graduation exercises. I want you to know that I am very grateful. I must admit that I thought of a thousand things which I might say this evening, but each time I sat down to compose my thoughts, I was reminded of the fourth-grade girl I recently read about who was assigned to write a short essay on the life of Socrates. It consisted of two lines: "Socrates went about giving people advice—they killed him." Now, claiming neither great wisdom nor yearning for an early demise, I shall be sparing in advice to you tonight.

You have been a part of America's most unique school and also a working part of the world's most unique form of government.

Already, whether you believe it, or like it, you are also a part of "THE SYSTEM" which in some quarters today is a somewhat sinister word. You know its strengths, and let's be honest—you also know some of its weaknesses.

You know, for example, that the allegations now being heaped upon it that it is "too slow" to respond are in some instances too true. You know that sometimes it is sluggish, cumbersome, and prone to error. You and I both know that it is not perfect, but that it is a mere reflection of the human character and the human condition. And most importantly, I hope you know that it will and must be YOU and YOUR generation who care enough to make it better, rediscover and redefine its purposes, reestablish its goals and chart its future course.

We commonly refer to an event such as this as "commencement" or a beginning. Also, I hope we could think of this evening as a Dedication . . . a dedication by you and me, by all of us, to the basic concept that man IS capable of governing himself and that we somehow will find the wisdom to pass this concept of self-government on to future generations.

For, today, that concept is being challenged. We see its fibre tested. We see its survival doubted. We see some of its nobility tarnished. We seem, at least momentarily, to have "lost our way."

Yes, it is our greatest time of testing. But I am confident that you will be a participant in the great cause of meeting that test.

Crises is not new to us. This nation was conceived in crises. For 180 years, we as a people, as a nation, have never been removed from the throes of crises. Famine, pestilence, disease, war, civil strife, depression. But, somehow, the deep and strong foundations have resisted its adversaries. The anvil has outlasted the hammers and our basic premises remain intact.

It has not been an easy road. It has not been a road for the fainthearted or the quibbler; and tomorrow promises to be no easier.

As Robert Frost has said, we do have "promises to keep" and miles to go before we sleep.

I remember vividly some of those long afternoons 19 years ago, when I too sat on the page bench looking over the Speaker's chair to see chiseled in stone for the first time those words of Webster:

"Let us see whether we in our own generation may not perform something worthy to be remembered."

Yes, a very noble part of America is personified in this room tonight. It is the excitement of youth anticipating a challenge, hoping, but yet just a little nervous about being called into battle . . . the desire to create, produce and to construct.

You and I know that it is simple enough to "flail away" at all the accumulated evils of mankind. It is easy enough to raise false hopes or false fears—both sins of equal magnitude. It is something else to work to correct those evils.

But when we look back at the decade of the 60's, we see it as a time when we found the problems, accentuated our differences, drew the battle lines—

Race against race.
Poor against rich.
Urban against rural.
Section against section.
And finally American against American.

We all talked. No one listened. We became polarized. I sometimes agree with Pogo: "We have just met the enemy and they is us."

Yes, we became our own worst enemy. We accentuated the negative. We became too busy stereotyping each other and we sometimes forgot: the odious act of Lamar does not represent the South; the unspeakable violence and destruction of Newark is not the North; Oswald was not Dallas; Kent is not the National Guard.

We consumed ourselves with each other's wrongs—we forgot each other's rights. We exploited fears—a seed of suspicion planted in just the right place, just the right time, just the right way. Codewords became battlecrys. Man against man—neighbor against neighbor. The sinew torn, the purpose dissipated, the dreams shattered. Yes, we somehow lost in the hysteria the admonition of John F. Kennedy: "Let us not emphasize our differences, but our common interests."

And if we continue down the same path, we will defeat our strengths. We will fragment our purpose. We will scuttle our dreams.

It will be you in this room tonight who will make us come together, reason together and walk together. It will be you in this room who are saying and will continue saying "let's try, before it is too late." It will be you who will answer Webster by saying, "We did indeed, in our generation, perform something worthy to be remembered" and chisel it deeply and surely in the stones of history. More love than hate; more wisdom than wrath. No two societies in America cannot exist. There cannot be a North and a South, a rural and an urban, a black and a white. There cannot be a super-rich and a super-poor, a well and a sick, a full and a hungry.

America is one. That is its purpose. That must be its promise. America must not be a memory; America must be a hope.

There is a long and uncertain road ahead. We must walk it together, step by step, mile by mile.

Not only do we honor you tonight and thank you, but, most importantly, in you we place our hope and faith.

AEC COMMISSIONER RAMEY DISCUSSES FUTURE OF NUCLEAR POWER

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Commissioner James T. Ramey of the U.S. Atomic Energy Commission recently delivered a most informative address entitled "Public Understanding of Nuclear Power: Current Needs and the Shape of Things to Come."

The speech was made before a meeting held by the Atomic Industrial Forum in Los Angeles, Calif., and because of the interest of my colleagues and the American people in this most important subject, I place the address by Commissioner Ramey in the RECORD herewith:

PUBLIC UNDERSTANDING OF NUCLEAR POWER: CURRENT NEEDS AND THE SHAPE OF THINGS TO COME

(By Commissioner James T. Ramey)

INTRODUCTION

Mr. Chairman, distinguished guests and fellow members of the nuclear community. It is always a pleasure to talk to the Atomic Industrial Forum, even if it is on public relations.

Looking at the surroundings here, I can understand that a plain old public relations man would have a hard time affording to come here. I am impressed that some of you have done so regardless; and I am also pleased that there are some engineering and other types of vice presidents and presidents around.

Tonight I will try to develop a few thoughts about how we should approach the matter of communicating with the public on nuclear power. As you may know, I have had a bit of experience in this regard, particularly in the last year or so. If one were logical in this field (and this is difficult since it is an area so full of emotion), we could consider the different possible approaches in terms of two or three categories:

(1) The first is what I describe as the public relations approach. This involves mounting a "hard-sell" public relations program which is designed to make the best of the situation—regardless of how inadequate that situation might be. In other words, one says to the PR man: "This is a sorry old lily. Gild it the best way you can." (Judging from your reaction, I gather some of you are familiar with this approach.) Obviously this method of doing business has its problems, and I'll have more to say about it later.

(2) Now our second option I refer to as the quality assurance approach. This means that the utility does a good job of planning, design, construction, and operation in accordance with the high standards of quality which nuclear plants require, having faith that the public understanding end of things will take care of itself. I must say that I have some sympathy with this approach. But since some of you seem to be turning a bit pale, let me hasten to add that I do not think this approach is entirely adequate.

(3) And that leads us to the third possibility which is a sort of combination of the first two—it blends a thorough job of the quality assurance approach with a first-rate job of responsible public information.

I will have a little more to say on these points later.

AEC positive role in public information

Before I get to my logical analysis of these approaches let me mention a bit of what AEC has been up to for the last year. As most of you know, the Commission has, since last spring, been engaged in a concerted effort to improve public understanding of our programs, with great emphasis on civilian nuclear power.

In connection with this effort we have done a number of things. The Commissioners have begun speaking out to a greater extent on the great demands for electric power, and we have pointed to the advantages which nuclear power offers.[1-8] In addition, we have emphasized that nuclear power can, in fact, contribute to environmental improvement since nuclear power avoids smoke pollution, and we have made the point that we regard ourselves as strong supporters of a clean environment.

And we have been doing more than just making speeches. We assigned overall responsibility for environmental matters to our Assistant General Manager, Howard Brown, and then established an organization within the Commission to provide a central point of contact on environmental affairs. Joe DiNunno, whom many of you have met,

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Footnotes at end of article.

is the new Special Assistant to the General Manager for Environmental Affairs. Joe, working with Howard, is strengthening all the Commission's efforts in this area. He is improving coordination among them and pointing up areas where additional measures will be beneficial. And, of course, John Harris, Ed Stokely, Joe Fouchard and their associates have been doing a first-rate job in providing public information assistance.

The environmental effort draws heavily on the talents of just about every one of our many technical divisions and laboratories. So I can assure you that a great deal of effort is going into the Commission's activities in behalf of nuclear power, and these efforts will continue. It might be of interest to you that the Commission has in recent years been spending about $70 million a year on environmental research, and has requested about this same amount for fiscal year 1971.

The public relations approach

Now in regard to the public relations approach, let me emphasize that any approach with the press and the public is not easy. For example one of my first attempts at the good fight was a foray with selected members of the press sponsored by Connecticut Yankee and Westinghouse at Haddam Neck, Connecticut, last May. My speech[6] was entitled "Nuclear Power—Facts Instead of Fiction," and I sort of candidly pointed out to the press a few of their errors. I received a few good stories and a few not so good, but one headline sticks out in mind: "AEC Official Raps Press."

My further education with the press occurred during the beginning of the Joint Committee's environmental hearings[7] last November. A rather prominent story in The Washington Post by its main science reporter indicated that Chairman Nassikas of the Federal Power Commission "in effect challenged the concept of complete federal control over nuclear power." The article inferred that Chairman Nassikas was talking about AEC's controversy with Minnesota over regulations of radioactive effluents. Here is what Chairman Nassikas had to say the next day with regard to the Post story:

"Whatever I may have stated yesterday in reply to questions or in my prepared testimony, I am certain that no inference reasonably could be derived that I would in any way suggest taking away from the Atomic Energy Commission its established powers over the areas of radiological effects in relation to safety and health."

The Post dutifully buried the correction in the last paragraph of a not-so-prominent story the following day.

That same day I testified at the environmental hearings, and in response to a question I described the nature of the opposition "stirrer-uppers" to nuclear power. After my testimony I stopped and chatted with a reporter for The New York Times, and we talked at greater length about the current wave of antagonism toward nuclear power and other aspects of the atomic energy program. He seemed genuinely interested, and I gave him a forthright rundown on the situation as I saw it, including evidences of "coal dust" here and there. What happened? The next day the Times had a small headline which read: "AEC Official Sees Plot to Destroy Atomic Energy."

There are far too many instances of this sort of inaccurate or sensational reporting in the news media—so many, in fact, that I am beginning to think that Vice President Agnew may be right! At any rate, perhaps we may have been a little too self-righteous even though we were providing the facts as we saw them. Certainly what was interpreted as a hard sell approach by the utility in purchasing full page ads to provide accurate information on the Calvert Cliffs, Maryland, nuclear project may have backfired.

In all honesty, I must say, however, that we get very fair treatment from most of the science writers who understand our programs and have enough background to realize what the problems are and what we are trying to do.

Problems "within the family"

Certainly it is apparent that we have our problems with the press—magazines, newspapers, television networks and the like. But you would think we wouldn't have these problems with the nuclear "trade press," people who follow us on a day-to-day basis. And I am talking now about Nucleonics Week, Nuclear Industry, INFO and Nuclear News.

I must report, with some sadness, that there are problems with these publications, too. I think, really, there are two reasons: first, there is something innate in the journalist to seek out and emphasize points of controversy, and I think I can understand that though I don't like it. Second, I believe that a real effort is made by these trade publications—and some of it may even be subconscious—to show that they are completely independent of the AEC.

In any event, these two elements result in some distorted reporting that hasn't helped the program and certainly hasn't helped in understanding our environmental efforts and confrontations. For example, in my opinion, the original reports on the Vermont confrontation were more pessimistic as to the results of that AEC effort than the situation warranted. The person whom Nucleonics Week quoted as saying the confrontation was a "disaster" for the nuclear side, epitomized for me the somewhat myopic public relations approach to public information.

I am not going to go into any further detail on specific instances, but I would hope that we could look for better public understanding on the part of all these journals at least in their environmental reporting.

QUALITY ASSURANCE APPROACH

Now let me discuss for a few minutes the second approach I mentioned—the do-it-right or quality assurance approach.

Now I am encouraged by the growing recognition of the need for quality assurance. I sense that various exhortations[8-10] by me, Milt Shaw and others and the issuance of the Commission's revised regulations[11] in this area have had a lot to do with this. But given the problems we face, there is need for even more emphasis; there continues to be need for better understanding that quality assurance is essential to safety and reliability, and that the costs are small when compared to those that result from an inadequate program. I hope you will carry this message back to your top associates.

Management know-how

Utility management—both at top and middle levels—must be knowledgeable in nuclear technology. The unique characteristics of nuclear power, associated safety considerations, and the need for reliable power generation make it imperative that management have the knowledge and the competence to meet its responsibilities—in plant siting, procurement, engineering, construction, operation, and environmental effects. The need for at least a working knowledge in these areas does not stop at the intermediate and lower levels of the organization.

Staff competence

The utility must also acquire the trained engineers to meet its needs. They must have the understanding, ability, and experience, not only to handle design and construction, but also operating and maintenance problems. I discussed in detail the problems of developing such staff competence in the October 28, 1968 issue of Electrical World.[12]

Quality assurance

We all know that the utility has the basic responsibility for assuring the safe siting, design, construction, and operation of a nuclear power plant. Consequently, the utilities must themselves take the necessary measures to ensure that their suppliers and constructors carry out adequate site selection and quality assurance programs in the design and construction of the plant. Experience all but guarantees that deficiencies will occur unless effective quality assurance is applied throughout all phases from inception to operation in service.

Because such deficiencies in the past have been identified sufficiently early to take corrective action, they have not resulted in safety problems. But many have been costly—often very costly in time and money. It seems scarcely necessary to remind this audience that it may cost $1 million for every month of delay in placing a 1000 MWe nuclear plant in service and up to $4 million for every month of down-time after that.

We must also recognize that public understanding and acceptance of nuclear power will be very strongly affected by the manner in which the large commitments to nuclear power plants are met. The public understands—and well understands—both a record of success and accomplishment and a record of failure, and it is not inclined to be tolerant of attempts to explain the latter. Where nuclear plants come into operation on schedule and within costs, and deliver electric power safely and reliably, such accomplishments will help convey a powerful nuclear power message to the public. Conversely, delays, cost overruns, and lack of reliability carry an even louder message.

SOME CURRENT PROBLEMS

Now let's talk about some of the current problems confronting the atomic energy community. Howard Brown will discuss in detail on Wednesday morning the AEC's efforts and observations on the great environmental confrontation that has been going on, so I won't try to go into that in any detail. However, I do have just a few comments on some recent points that have been emphasized—especially matters which were covered in our multiple confrontations during the JCAE hearings.[13] I might add that these Joint Committee hearings, under the leadership of Chairman Chet Holifield and Craig Hosmer, should do much to put environmental hazards of power plants—nuclear and fossil—in proper perspective.

In my Argonne speech last July, I made the point that our critics really should be approching matters more from the standards-making viewpoint, rather than challenging specific issues in particular cases.[14] I didn't realize how fast this recommendation would be taken up by Messrs. Gofman, Tamplin, and others! But I do believe it is the proper approach to consider the adequacy of standards themselves rather than debate individual cases. But Gofman, Tamplin, and their allies are doing it both ways and are violating one of the cardinal principles of scientific endeavor by not subjecting their conclusions to the normal review by their scientific peers. Instead they are trying their case in the press and other public forums. We used to call such characters "Opera Stars."

I do believe we are making some progress with the scientific community by dint of considerable effort. A good example is the testimony of Dr. Abrahamson of the University of Minnesota and Dr. Radford of Johns Hopkins during Part Two of the Joint Committee hearings. They indicated they had learned a great deal since the earlier Vermont and Minnesota discussions. Incidentally, they each made the point that had the AEC and the utilities and reactor suppliers made available scientific data on radioactive effluents to them and to their

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Footnotes at end of article.

colleagues earlier—and this particularly applies to information on tritium—then much of the travail might have been avoided.

Dr. Abrahamson, in his testimony, discussed the history of the tritium argument in Minnesota, and added and I quote:

"If we then had available the information on tritium which is contained in Phase One of the hearing reports, much of this would have been clarified at the time."

I can assure you that the Commission during the intervening period has tried to make its bio-medical data available on a more expeditious basis to the people in the Regulatory program and in licensing hearings and to the scientific community generally.

I think the Minnesota and Joint Committee discussions on AEC's dual promotional and regulatory responsibilities also served to show their advantages as well as that there are a number of other agencies carrying on dual functions. I emphasized that at the staff level the functions are separate under the overall Commission umbrella, and that the two staffs even operate from separate locations.[15]

The overall management problem as I explained is to be sure that there is sufficient interaction so that research and development data can be oriented to meet regulatory needs, and that regulatory needs can be made known to the R&D people. We do have a coordinating mechanism for bringing these people together at the top level through a steering committee. But there is no opportunity at this technical level for the development people to get involved in any particular power reactor licensing application.

I think we are making some progress on other issues, including bringing to the attention of the people the problem of increasing requirements for electric power. This point was emphasized in testimony by Dr. Lee DuBridge, the President's Science Adviser, and John Nassikas, Chairman of FPC, as well as in speeches by the AEC Commissioners, but the true impact of the "energy crisis" has yet to be impressed upon the public. Maybe we will have to endure some more brownouts and blackouts before this point is understood. I hope not.

Although we have made some progress with the scientific community, we have made less with our non-scientific antagonists—the "ragtag" stirrer-uppers such as Larry Bogart and others who use high school debating techniques which are sometimes surprisingly effective. They seem most vulnerable when asked what alternatives they might suggest to meet the increased needs for electric power. Some like Bogart at the Senate appropriations hearings last fall talk about some far-out alternatives, such as MHD or harnessing the Gulf Stream, or using solar energy, or even tidal power.[16] One finds also a certain softness by them in relation to coal and fossil sources, and some obtuseness as to the air pollution problems of these competitive sources. I believe the ridiculous position of these fellows could be made more evident.

To an increasing extent, I think we are going to see student involvement in environmental matters. For example, I understand a meeting has been scheduled for early April in the Midwest—under sponsorship of the ANS and an affiliated student group—for a discussion of the environmental implications of nuclear power. Students from five Midwestern States have been invited. This will be a good opportunity to get across some points in advance of the nationwide "teach-in" that will be held later in April at many universities.

THE NEED FOR GREATER PLANNING AND COORDINATION IN SITE SELECTION

There is no doubt that many utilities in this country will be having greater difficulty with respect to finding suitable sites for their generating facilities. For some time, I have been convinced that we need some new or improved planning and coordinating mechanisms for the siting of power plants. As many of you know, the federal Interagency Power Plant Siting Group, of which I am a member, has been working in this area.[17] We should be issuing another report soon.

One of the things that has come out loud and clear in our confrontations, and one of the recurring statements our Interagency Group has heard, is that the utilities should inform the public well in advance of construction of its plans for power plant sites. As most of you know, the utilities traditionally have not done this, in part because of their concern over possible speculation and increases in land values. It is encouraging to note that utilities are increasingly accepting the idea of advance notice of their plans to the public. Northern States Power, for example, just came out with an announcement in this regard.

I still believe that the best planning mechanism that can be provided in the near future are the regional power supply councils established voluntarily in cooperation with the Federal Power Commission. These councils should be expanded and upgraded to include consideration on environmental matters and consultations with conservation and other groups concerned with such environmental matters. They should also provide for public members on the councils and be open to representatives of the small and publicly owned utilities.[18]

For the longer term, we will probably need some additional legislation to establish a proper framework for a coordinated planning effort.

Within the framework of the AEC's regulatory program, the desirability of early consideration of proposed nuclear plant sites has been recognized. Applicants for construction permits can request the Commission to consider the suitability of a proposed site separately from, and prior to, other questions relating to the project.[19] Last year the Internal Study Group designated by the AEC to examine the licensing program recommended several alternative means to make earlier regulatory decisions on applications.[20] As one alternative, the Study Group recommended that regulatory determinations on the matter of site suitability be made earlier than at present.

As a planning mechanism, the early site hearing or hearings have great merit in that all basic environmental problems could be worked out and decisions reached before the utility expends any significant amounts on construction. Furthermore, the public could be heard and site related matters, including impact on the environment, could be dealt with before construction began, thus eliminating a present source of alleged public aggravation with AEC regulatory procedures.[21]

THE SHAPE OF THINGS TO COME

Now let's take a look at the future. For those of you who have felt that the last year has been a turbulent one, let me predict that things are going to get tougher before they get better. And, of course, they are going to get tougher for fossil plants as well, as exemplified by the recent Southern California experience where oil and even gas-fired power plants have been turned down.

There is no doubt that the '70s are destined to be the decade of the environment. The President, in his State of the Union message, has called for the most comprehensive program in the environmental field in the nation's history. Passage of the National Environmental Policy Act of 1969, spearheaded by Senator Henry Jackson, was another indication of growing concern and activity. Under this law the three-man Council on Environmental Quality was established. This Council is headed by Russell Train, former Under Secretary of Interior, who has been quoted as saying his group plans an early review of the AEC's licensing process. Earlier, the President had established a Cabinet-level Environmental Quality Council, with himself as Chairman and the Vice President and six Cabinet officers as members.

I think we can look forward to a continuing barrage of executive orders and legislative proposals, many of which will directly affect those of you in the audience. You can expect these from all levels of government. In fact, the President's special Environmental Message will go to the Congress tomorrow.

These proposals undoubtedly in time will significantly influence the way energy and environmental matters are treated in this country. For example, the Jackson bill can be interpreted to require the AEC to go beyond radiation effects and to look at all environmental effects in the licensing of nuclear power plants. The Muskie bill (S. 7) providing for state certification as to water quality standards on thermal effects as a condition of AEC construction permits and Corps of Engineer fossil plant permits will undoubtedly be enacted.

Then, too, we can expect to continue to hear talk of setting up a single federal agency to handle all energy development and perhaps environmental matters. As many of you may know, the Administration already has a committee, chaired by Mr. Ashe of Litton Industries, looking at how the government is organized to carry out its functions.

There will, of course, be further consideration in the years ahead as to whether the dual function of the AEC will be continued, or whether in the next 10 years or so there will be some further separation of the AEC's regulatory responsibility.

I think we must come to grips with what I refer to as the Minnesota problem—the question of state versus federal jurisdiction in the control of radioactive effluents. The public interest will not be served by a conflict between the various concerned governmental groups. We should be working in cooperation, not at odds, with each other.

We will have to do a lot of thinking and studying on matters beyond radiation safety and effluent control. I would not be surprised if we did not even find ourselves drawing up criteria which would relate to the esthetics of nuclear power plants.

As you can see, I am afraid we are headed for a rather turbulent period. What does this mean, then, in terms of public relations and understanding? Obviously, we are going to have to do much better in communicating with the public.[22] We will have to show through our words, and more importantly by our actions, that we indeed are performing a useful function in a responsible way with the public interest foremost in our minds.

When I think of all the really great advances which are being made as a result of the peaceful uses of atomic energy—which do not get comparable publicity to our alleged hazards—I could almost cry or cry out! It is indeed ironical that the great surge to nuclear power was in part because it was free of air pollution and was the first industry to be safely regulated from its inception.

I have faith that in due course the public will come to understand this. But it will require effort. I believe that conferences such as this sponsored by the Forum and its participants should be of great help in this effort. Programs such as the GE regional seminars and Westinghouse's environment school should also help. I look forward to finding out more about industry effort during this conference.

CONCLUSION

In closing, let me emphasize two points.

First, when we think of the three options

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available to us in dealing with the public, we need to concentrate on a strong quality assurance approach supported by a first-rate public relations effort.

The second point I want to stress is this: Utility management must have adequate planning and it must take into account at every stage the importance of public opinion and conduct its affairs accordingly. This means, in practice, that lawyers and engineers and board chairmen all will have to function as public information people. Now I am not suggesting we can do without the PR "pros", but you pros need more help from upstairs than you have been getting.

I will even compress the theme of my remarks into a single sentence: Quality assurance must extend into every area of your operation, including your public information program.

We are not at all downcast about the outlook for nuclear power. Quite to the contrary. Nuclear power is a fact of life and I am convinced the public will reach a point in time that they will not only embrace nuclear power—they will clamor for it. So through this interim period we must retain our patience and our good humor—and do the best possible job in planning and building plants properly, running them right, and helping the public understand this new source of energy! Thank you very much.

FOOTNOTES

[1] "The Environment—and What To Do About It," remarks by Dr. Glenn T. Seaborg, Chairman, USAEC, at a meeting of the National Academy of Sciences—National Research Council Solid State Sciences Panel, Argonne, Illinois, May 5, 1969. (AEC Press Release S–14–69).

[2] "Nuclear Power: Benefits and Risks," remarks by Commissioner James T. Ramey at a Conference on Nuclear Power and the Public, University of Minnesota, Minneapolis, Minnesota, October 11, 1969.

[3] "Meeting the Energy Gap," remarks by Commissioner Theos J. Thompson, USAEC, at the Dedication of Nine Mile Point Nuclear Station, Oswego, New York, October 9, 196[illegible]. (AEC Press Release S–32–69).

[4] "Role of Nuclear Power in the Northwest," remarks by Commissioner Clarence E. Larsen, USAEC, at the Convention of the Inland Empire Waterways Association, Richland, Washington, October 13, 1969. (AEC Press Release S–33–69).

[5] Remarks by Wilfrid E. Johnson, Commissioner, USAEC, at the Dedication of the Southwest Experimental Fast Oxide Reactor, Fayetteville, Arkansas, May 7, 1969. (AEC Press Release S–17–69).

[6] "Nuclear Power—Facts Instead of Fiction," remarks by Commissioner James T. Ramey at a briefing for news media at Connecticut Yankee Nuclear Power Plant, Haddam Neck, Connecticut, June 2, 1969. (AEC Press Release S–19–69).

[7] "Environmental Effects of Producing Electric Power," Hearings before the Joint Committee on Atomic Energy, Congress of United States, Part I, October 28, 29, 30, 31 and November 4, 5, 6, 7, 1969.

[8] "Quality Assurance—An Essential for Safe and Economic Nuclear Power," remarks by Commissioner James T. Ramey before the American Power Conference, Chicago, Illinois, April 23, 1968. (AEC Press Release S-21–68).

[9] "Providing for Public Safety in the Nuclear Industry—The Engineering Approach," remarks by Commissioner James T. Ramey before the National Academy of Engineering, Washington, D.C., May 1, 1969. (AEC Press Release S–16–69).

[10] "AEC Views on Quality Assurance in The Civilian Reactor Program," remarks by Milton Shaw, Director, Division of Reactor Development & Technology, USAEC, 1966 Winter Meeting of the American Nuclear Society, Pittsburgh, Pennsylvania, November 2, 1966.

[11] "AEC Provides Additional Guidance on Quality Assurance for Nuclear Plants," AEC Public Announcement M–94, April 17, 1969.

[12] "Will Utility Management Have Needed Nucelar Know-How?," article by Commissioner James T. Ramey, ELECTRICAL WORLD, October 28, 1968.

[13] See Reference 7 above. Also Part II of these JCAE Hearings, January 27, 28, 29, 30, 1970 and February 24, 25, 26, 1970.

[14] "Radiation Protection—Past, Present and Future," remarks by Commissioner James T. Ramey at the Conference on "Universities, National Laboratories, and Man's Environment" Chicago, Illinois, July 28, 1969. (AEC Press Release S–25–69).

[15] See Reference 7 above, pages 111–116, 136–139.

[16] Testimony of Larry Bogart, Allendale, N.J., before the Subcommittee on Public Works of the U.S. Senate Committee on Appropriations, October 15, 1969.

[17] "Considerations Affecting Steam Power Plant Site Selection," A Report by the President's Office of Science and Technology, January 1969.

[18] "Planning for Environmental Protection in the Siting of Nucelar and Fossil Powered Plants," remarks by Commissioner James T. Ramey before the Federal Bar Association, Atomic Energy Law Committee Seminar on Possible New Issues in AEC Licensing Proceedings: Antitrust and Environmental Effects, Washington, D.C., October 15, 1969.

[19] 10 CFR Part 2, Appendix A, I(e).

[20] "Report to the Atomic Energy Commission on the Reactor Licensing Program," by the Internal Study Group, June 1969. (AEC Press Release M–149).

[21] See Reference 18 above.

[22] "Licensing and Environmental Considerations in Atomic Power Development: A Checklist," remarks by Commissioner James T. Ramey at the Atomic Industrial Forum Workshop on Power Reactor Licensing at Glen Cove, New York, June 30, 1969.

IN COMMEMORATION AND MEMORY OF THE 30TH ANNIVERSARY OF THE INVASION OF THE BALTIC STATES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. VANIK. Mr. Speaker, 30 years ago today the Baltic Republics of Lithuania, Latvia, and Estonia were invaded and occupied by the forces of the Soviet Union. For three decades these three small but freedom-loving nations have been torn by the advancing and retreating foreign armies of fascism and communism, they have been subject to armies of occupation and repression, to deportations and mass murders.

As representatives of one of the world's oldest and largest democracies, our hearts go out to these Baltic peoples who desire so deeply the independence and freedom which is the inalienable right of men everywhere.

On this sad anniversary, let us remind ourselves again—as we must remind ourselves each day, really—how precious is the freedom and liberty of man. Let us remind ourselves again that throughout the world men are held in bondage, in political and mental slavery to oppressive governments.

Let us also remember this day that the human spirit can never be totally fettered. Man's soul is in love with freedom and will always pursue it.

Therefore, it is our duty in America, where the first great revolution for human rights began, to always act in such a way that our example will be a beacon to mankind everywhere. Through the light we hold up high, through the policies we pursue, oppressed men everywhere may take new hope and the life of the world can move toward a new day of liberty and justice.

LETTER TO THE EDITOR

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BURLISON of Missouri. Mr. Speaker, the Agriculture Committee is presently in the process of trying to write an acceptable farm bill to bring to the floor. Much inaccurate and misleading material is being disseminated in the media with respect to the farm problem and the farmers who are aided by the Government program.

A prominent constituent of mine, J. R. Hutchison, Jr., has responded to a recent article of the Wall Street Journal. For the edification of my colleagues, I include in the RECORD his letter to the editor in response to that article, and also the article which prompted Mr. Hutchison's response:

LETTER TO THE EDITOR

CARUTHERSVILLE, MO.,
June 9, 1970.

DEAR SIR: Certainly W. R. Poage, Chairman of the House Agriculture Committee, is one of the most informed persons in the United States on agriculture. Certainly he is a friend of agriculture and certainly a patriot of his country. Nevertheless, his "irritation" regarding the agriculture committee's vote may not be as completely founded in "realism" as you suggest.

Our current agricultural bill, our present administration's attitude and the majority vote of Congress, particularly of the House of Representatives, will to a large degree be based on politics rather than economics. Most congressmen do not understand agriculture is the largest industry of the United States and that when you economically handcuff it you will eventually pull out the pillars of support for the entire economy. While one politician may be trying to tie in a political-welfare program into the economic structure of agricultural legislation another demagogic politician is knowledgeably handcuffing economic opportunities of increased technological advancements by endeavoring to limit agriculturists in the amount of government support as though they were recipients of welfare.

Most nonagriculturists, such as yourself, and most urbanites have no understanding of the agriculture program and could care less including some surprising members of Congress. I would, however, expect the Editor of the Wall Street Journal to be so well versed in the economics of our country as to advise by editorial the separation of politics and of welfare payments from the economics of agricultural legislation.

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Certainly agriculture needs governmental assistance to become more efficient, to sustain confidence in its future markets for the purpose of procuring more efficient equipment, etc. It is not unlike any other industry affected by foreign trade in the United States. I suggest you enumerate an industry connected with foreign trade in any way that is not subsidized by direct, indirect subsidies, of these or quota limitations. I am confident you will not suggest negating your proposed standards.

By their many number agriculturists are unable to control their supply and need government regulations. This governmental police action and resultant subsidies are for the benefit not only of agriculturists but for *everyone*. Agricultural subsidies are more consumer subsidies than any subsidy I know of in any industry.

Sincerely yours,

J. R. HUTCHISON, Jr.

[From the Wall Street Journal, June 8, 1970]

REALISM ON THE FARMS

W. R. Poage, chairman of the House Agriculture Committee, is no foe of expensive farm programs; quite the contrary. He is, however, much more realistic than some of his colleagues. For close to a year Mr. Poage's Committee has been working with the Administration to shape a new farm program. The result, unfortunately, has been the development of a plan little different from the one already in existence.

To Mr. Poage's irritation, the committee voted the other day to go even farther in the wrong direction, making the program still more costly. In a statement the chairman voiced his objection:

"This action leaves us with absolutely all of nothing, whereas the unamended bill would certainly have given us a good part of something. I don't think it is fair to agriculture to present a bill to the floor simply to have it destroyed and agriculture discredited."

Mr. Poage evidently realizes, as some of his colleagues do not, that much of the public including many farmers, has become disenchanted with programs that do relatively little for needy farm operators and a great deal for well-to-do farmers, most of whom need no help.

The system just goes on and on, tightening regimentation of agriculture and increasing Federal outlays. As Mr. Poage knows, the public's unhappiness has seeped through to many members of Congress, who sooner or later are sure to rebel against plans that merely call for more of the same.

So Mr. Poage's pique surely is understandable. It's high time for a great deal more realism on the farms.

FREEDOM FOR THE BALTIC STATES

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SMITH of California. Mr. Speaker, today marks the 30th anniversary of Communist enslavement of the Baltic countries of Lithuania, Latvia, and Estonia.

America believes in freedom and self-determination. For the millions of oppressed peoples in these countries there can be no rejoicing—no taking for granted of the fundamental human rights which we—in America—are privileged to share under our democratic system of government.

It is urged that the United States renew its efforts toward the restoration of freedom and independence of these courageous people who pin their hopes on us and the entire free world that they may, once again, live in peace in their homeland.

Let the United States take the lead in heeding the pleas of those whose rights have been denied by Communist domination. Let us maintain our greatness as a nation by standing for freedom in the affairs of all nations.

CONGRESSMAN CHARLES H. WILSON URGES HIS COLLEAGUES TO SUPPORT MEANINGFUL POSTAL REFORM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, tomorrow, the House of Representatives will begin consideration of legislation of significant historic import. The legislation I am referring to is H.R. 17070, the bill to improve and modernize the postal service. Indeed, the measure will reorganize the Post Office Department into a completely new postal service.

I strongly support this legislation and hope that the Members of Congress, in their wisdom, will adopt this bill.

The House Post Office and Civil Service Committee, of which I am proud to be a member, has labored long and diligently to produce a postal organization bill. We have labored under great pressures and I believe that we have forged a workable solution to the postal crisis. The chairman of our committee, the Honorable THADDEUS J. DULSKI, should be commended for his tireless efforts on behalf of the citizens of our country who have demanded postal reform. Chairman DULSKI introduced H.R. 4 on January 3, 1969, and commenced hearings on this legislation on April 22, 1969. After 36 days of hearings, 33 executive sessions, 1,516 pages of testimony, reports, analyses, and four complete rewrites, we have finally arrived at a point where a majority of our committee is able to support a bill which, if adopted, will culminate in the meaningful and effective improvement of the postal service.

As you all know, during this long period of thoughtful deliberation, our postal employees grew impatient. Who could fault their sentiment? Their impatience stemmed from years of shoddy treatment by their Government. Finally, on March 18, 1970, they had had enough and they chose to withhold their labor from the postal service so that they might highlight their grievances before the American public. As a consequence of the work stoppage, the administration and the leaders of the seven exclusive postal unions formed an agreement which included a 6-percent pay raise retroactive to January 1, 1970, to be adopted by Congress immediately, and a postal reform package which included an additional 8-percent pay raise.

The postal workers' strikes and negotiated agreement are milestones in American labor history. They spotlight a new resolution on the part of public employees not to continue as victims of the Government's "benign neglect." They mark a new attitude of recognition and negotiation in the public sector.

Mr. Speaker, the history of this problem is plain and tragic. Postal workers and the American public have suffered. The Government has not treated the postal worker fairly and for generations has taken its postal employees for granted. It is the Government's duty to move swiftly to give the postal workers the overdue wages they so plainly deserve.

Consequently, ever since I have been in Congress, I have been a consistent supporter of postal pay increases and have supported postal reform. My efforts in this Congress were no exception. I cosponsored and supported H.R. 13000 in committee and on the floor of the House—and this legislation would have been passed if the whole issue had not been snarled in the interminable battle over postal reform.

While I continue to find postal reform laudable, the Nixon administration should not have insisted on its adoption at the expense of the wage increases it owes to its postal workers. As you know, the administration finally agreed to support, under pressure, the paltry 6-percent raise which the Congress passed.

I believe this raise was an insult to postal workers because it amounted to only $375 per year on the average.

I particularly support three elements of H.R. 17070 which must be retained if postal reform legislation is to have any meaning at all. These are:

First, the 8-percent pay raise retroactive to April 18, 1970;

Second, the reduction in the time it takes the postal worker to reach the top step of his labor grade to 8 years rather than 21 years—commonly referred to as compression; and

Third, the establishment of an area wage system for postal employees.

As I stated earlier, the administration grudgingly agreed to support a pay raise earlier this year—and then only a 6-percent raise. This raise was not enough. And every Member of this House knows it. H.R. 17070 includes an additional 8-percent pay raise retroactive to April 18, and again the administration is objecting. This raise, along with the earlier 6-percent raise, is long overdue.

The only argument that has been presented against the retroactive 8-percent raise is a very curious one. It goes something like this: The postal workers do not really want a retroactive pay raise. After all, the seven exclusive postal unions and the administration agreed back on April 16 that the pay raise would not be effective until the day the proposed legislation was enacted and the postal workers desperately want to keep the agreement between their union leaders and the administration even if it means that needed money is being taken out of their pockets.

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Mr. Speaker, I find this hard to believe. As sure as I am standing here, I believe that postal workers want and should have their retroactive raise so that in a small way the postal workers can be compensated for the length of time they have been patiently waiting for justice. I reiterate, especially in light of today's galloping inflation, more than 6 percent annually, this raise is still not enough. I would also like to remind the House once again that, along with the retroactive pay raise, H.R. 17070 reduces the time a postal employee must wait to receive top of grade pay for his job. It thus goes a long way toward alleviating a crucial grievance of the postal workers.

Under present law, a postal worker has to wait 21 years before he can receive the top level in his grade. This means that a postal carrier goes to work at a wage of $6,548 and after 21 years of service can only expect to make a maximum of $8,946. This is outrageous. It never has been justified with a straight face and certainly can no longer be condoned.

At the conclusion of this statement I have presented comparative statistics showing length of time required by police patrolmen and firefighters to reach top of grade, plus a comparison between the "Moderate Standard of Living Budget" prepared by the Bureau of Labor Statistics and the top salary of the PFS–5 letter carrier.

Just a brief look at these tables reveals the shocking lack of regard shown our postal employees. Comparisons made in 24 major cities show that police patrolmen reach the top of their grade in 3.6 years on the average; firefighters reach their maximum in 3.5 years on the average—a far cry from the 21 years our postal workers must wait to achieve their maximum.

The other side of the coin is, as I have already stated, the low-salary level. The Bureau of Labor Statistics estimated that a moderate standard of living for a family of four in Washington, D.C., required an income of $10,937—based on prices as they existed back in the first quarter of 1969. Today that amount is at least $11,800 and is increasing day by day, thanks to Nixonomics. The top PFS salary, after 21 years, is under $9,000.

I have felt strongly about this matter for a long time. In fact, I tried to add a "compression" amendment to the 6-percent pay bill which passed earlier this year, but, unfortunately, it was not accepted. I am certainly pleased that it is part of the legislation that is before the House now.

Finally, after our postal employees receive their justly due retroactive pay and no longer have to wait an unreasonable time to arrive at the top level of their grade, I believe their pay must also reflect the cost of living in the area in which they work. I, therefore, during the committee's deliberation on H.R. 17070, suggested an amendment to establish a wage area system. An amendment to this effect was adopted.

As of now, every postal employee of the same grade and seniority receives the same pay whatever the living costs may be in the area in which he works. Private industry long has recognized the need for industrial wage differentials. It just is not equitable for a letter carrier to attempt to exist on the same pay in New York City, with its high cost of living, as a postman in an area in which the cost of living is considerably lower. Even among major metropolitan areas, as shown by the moderate budget estimates I have already referred to, living costs vary by almost $2,000—and if smaller cities were included the range would be still greater.

It should be pointed out that this is not an attempt to discriminate against any particular region of our country. I feel an area wage is fair to all. The post office workers' interests would be served and so would the interests of the citizens of our country. As these statistics show, this area wage concept will benefit the postal worker in Atlanta, Ga., or Dallas, Tex., or Los Angeles, Calif., or Chicago, Ill., or New York, N.Y., on an equal basis.

Mr. Speaker, this legislation offers a great deal more than the solutions to just the three issues I have discussed today, but I believe that these are most immediately important to the postal worker. However, I want to make it clear that I generally support H.R. 17070 as it was reported out of the House Post Office and Civil Service Committee and hope that it will be enacted into law. Make no mistake about it, it is not a perfect bill. There is no such animal. We still have a long way to go but I feel that this bill is a significant step in the right direction. I therefore request the support of my colleagues for H.R. 17070 as now written.

I include the following tabulation:

CHART 1—MAXIMUM SALARIES IN 1969 AND YEARS OF PROGRESSION TO REACH MAXIMUM FOR LETTER CARRIERS AND FOR POLICE PATROLMEN IN MAJOR CITIES

City	Previous maximum salary	Most recent increase	Current maximum salary	Years of progression to maximum
Indianapolis	$7,000	$300	$7,300	[1] 2
Atlanta	7,046	610	7,656	[1] 5
Houston [2 3]	6,762	1,416	8,178	[1] 3
Boston [2]	7,305	1,105	8,320	3
Pittsburgh [2]	7,400	1,300	8,700	3
Cincinnati	8,080	727	8,807	[1] 3
Milwaukee	8,700	500	9,200	4
Washington, D.C	8,400	880	9,280	[1] 7
Cleveland	8,934	492	9,426	[1] 2
San Diego	9,432	468	9,900	3
Detroit [2]	8,335	1,965	10,300	[1] 2
Chicago [2]	9,000	1,500	10,500	3½
PFS–5 letter carrier [4]	8,520	426	8,946	21
San Francisco	$9,564	$972	$10,536	3
New York [2]	9,384	1,041	10,425	[1] 3
Los Angeles	9,564	540	10,104	[1] 3
Seattle	8,400	1,200	9,600	2½
Minneapolis	8,088	1,200	9,288	[1] 5
Buffalo [2]	7,285	1,940	9,225	[1] 4
Baltimore [2]	8,640	444	9,084	5
Denver	7,752	1,008	8,760	[1] 4
Philadelphia [2]	7,429	900	8,329	2
St. Louis [3]	7,670	611	8,281	[1] 5
Kansas City, Mo. [3]	7,392	756	8,148	5
Dallas	6,888	588	7,476	[1] 3

[1] Longevity increases are granted beyond the maximum salary.

[2] Cities for which higher maximum salaries have already been announced.

[3] Current maximum salary has been in effect for more than 1 year.

[4] Salaries shown for PFS–5 letter carriers are present maximum salary.

Source: Salary surveys of Fraternal Order of Police (1968 and 1969); International City Managers' Association; and civil service or police departments of each of the cities.

CHART 2.—MAXIMUM SALARIES IN 1969 AND YEARS OF PROGRESSION TO REACH MAXIMUM FOR LETTER CARRIERS AND FOR FIREFIGHTERS IN MAJOR CITIES

City	Previous maximum salary	Most recent increase	Current maximum salary	Years of progression to maximum
Kansas City, Mo	$7,044	$348	$7,392	3
Atlanta	7,046	610	7,656	[1] 5
St. Louis	7,593	635	8,228	5
Denver	7,752	1,008	8,760	[1] 4
Boston	7,670	1,146	8,816	3
Baltimore [2]	8,640	444	9,084	5
Buffalo [2]	7,285	1,940	9,225	[1] 4
Minneapolis	8,088	1,200	9,288	[1] 5
Cleveland	8,864	562	9,426	[1] 2
Seattle	8,400	1,200	9,600	2½
New York [2]	9,348	1,041	10,425	[1] 3
San Francisco	9,564	972	10,536	3
PFS–5 letter carriers [3]	8,520	426	8,946	21
Chicago [2]	$9,000	$1,500	$10,500	3½
Detroit [2]	8,335	1,965	10,300	[1] 4
Los Angeles [2]	9,564	540	10,104	3
San Diego	9,204	456	9,660	3
Washington, D.C	8,400	880	9,280	[1] 7
Pittsburgh	7,400	1,800	9,200	3
Milwaukee	8,510	400	8,910	4
Cincinnati	8,080	727	8,807	[1] 3
Philadelphia [2]	7,429	900	8,329	2
Houston [2]	6,762	1,416	8,178	[1] 3
Dallas	6,888	588	7,476	[1] 3
Indianapolis	6,600	100	6,700	[1] 2

[1] Longevity increases are granted beyond the maximum salary.

[2] Cities for which higher maximum salaries have already been announced.

[3] Salaries shown for PFS–5 letter carriers are present maximum salary.

Source: Salary surveys of the International Association of Fire Fighters (1968 and 1969) International City Managers' Association; and the civil service or fire departments of each of the cities.

CHART 3—FAMILY BUDGET COSTS FOR A MODERATE STANDARD OF LIVING IN MAJOR METROPOLITAN AREAS IN 1969, AND MAXIMUM ANNUAL SALARY OF LETTER CARRIERS

PFS-5 carrier after 21 years:	
Present	$8,946
Budget costs in major metropolitan areas:	
Houston, Tex	9,235
Dallas, Tex	9,305
Atlanta, Ga	9,327
Baltimore, Md	9,716
Pittsburgh, Pa	9,728
Cincinnati, Ohio, Kentucky, Indiana	9,918
Kansas City, Mo., Kans	9,940
Detroit, Mich	10,036
St. Louis, Mo., Illinois	10,122
Denver, Colo	10,124
Philadelphia, Pa., New Jersey	10,214
San Diego, Calif	10,221
Indianapolis, Ind	10,294
U.S. average, all metropolitan areas	10,306
Minneapolis-St. Paul, Minn	10,386
Washington, D.C	10,397
Chicago, Ill., northwestern Indiana	10,430
Los Angeles, Long Beach, Calif	10,457
Cleveland, Ohio	10,466
Milwaukee, Wis	10,546
Seattle, Everett, Wash	10,576
Buffalo, N.Y	10,599
Boston, Mass	10,945
San Francisco, Oakland, Calif	11,008
New York, northeastern New Jersey	11,174

Source: "3 Standards of Living for an Urban Family of 4 Persons, Spring 1967," U.S. Bureau of Labor Statistics, Updated to 1st quarter of 1969.

FOCUS ON THE BALTIC COUNTRIES ESTONIA-LATVIA-LITHUANIA

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. FRIEDEL. Mr. Speaker, over the years this historic Chamber has been the scene where our distinguished colleagues speak on vital topics. We have been stirred by eloquent words when they pointed with pride to some accomplishment or viewed with alarm some problems.

Today, I wish to speak about a tragic event that took place 30 years ago. I do so for several good reasons. First and foremost, because we all feel a kinship with our fellow human beings and commiserate with those who have been hurt, injured, unjustly deprived of their God-given freedom or been murdered.

The event I recall today is the sad 30th anniversary when the people of Lithuania, Latvia, and Estonia—all Baltic nations lost their freedom and independence. The hordes of Soviets invaded those countries during June 1940, and enslaved their populations and started a vicious process of deportation, extermination, and annihilation. These genocidal operations continued unabated with the result that one-fourth of the entire population of these once proud and independent nations are now lost.

If ever there were people that deserved the tributes of mankind, it is the men and women of Lithuania, Latvia, and Estonia who have, and are, waging an intensive fight for their freedom. We should not forget them.

The United States has absolutely refused to recognize the unlawful seizure and forced "incorporation" of these nations by the Communists into the Union of Soviet Socialist Republics.

On June 21, 1963, House Concurrent Resolution 416 was adopted. It urged the President of the United States to direct world opinion to the denial of the rights of self-determination for the Baltic States and urged restoration of their rights.

Inasmuch as today marks the 30th year of the brutal invasion by the U.S.S.R. of these three once great and independent nations, I invite the attention of my colleagues in the Congress to the words of the House concurrent resolution I referred to which has never been implemented and urge the President to comply with the wishes of the Congress without further delay.

The resolution reads as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed by the House of Representatives June 21, 1965.

Attest: RALPH R. ROBERTS, *Clerk.*

AMERICANS FOR CONGRESSIONAL
ACTION TO FREE THE BALTIC STATES,
Los Angeles, June 5, 1970.

HON. SAMUEL N. FRIEDEL,
House Office Building,
Washington, D.C.

MY DEAR REPRESENTATIVE: The Baltic peoples have been suffering in the Soviet captivity for 30 years. Lithuania, Latvia and Estonia lost their freedom and independence when the Soviets invaded and occupied these three peace-loving countries on June 15, 1940.

In a little more than one week the U.S. Congress will mark this sad anniversary. I kindly ask you to take part in this sorrowful commemoration in the House. Enclosed you will find a copy of a two-page essay prepared by us on the question of the Baltic States. This will serve you as a good source for your remarks.

Enclosed you will also find a copy of H. Con. Res. 416, unanimously adopted by the House and the Senate, which calls for freedom for Lithuania, Latvia and Estonia. In your remarks please urge the U.S. President to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations.

Would you be kind enough to insert H. Con. Res. 416 in the Congressional Record, to bring it to the attention of your colleagues in the House.

As you know, you are a member of the Honorary Committee of this nationwide organization. Needless to say, we are grateful to you for all the aid and assistance given to us in this crusade to free the Baltic States.

Thank you.

With kindest personal wishes and regards,
Sincerely,

LEONARD VALIUKAS,
President, Executive Committee.

NEGOTIATING WITH COMMUNISTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. WYMAN. Mr. Speaker, we always seem to come out on the short end when it comes to negotiating with Communists to end conflicts they started. The concessions—meaningful ones that is—always seem to come from us, starting right off with where the meetings are held.

As the following interesting editorial appearing a while back in the Manchester, N.H., Union-Leader indicates, Mr. George Naum, a former official U.S. photographer who covered the Korean peace negotiations reports that the site of Kaesong—inside enemy territory—caused us to proceed there with white flags flying. This was the wrong way to start out. And as Mr. Naum so well points out, Helsinki is not much better for SALT, another location chosen by the Communists.

Whether at Paris or Helsinki, negotiations ought to be required to develop some meaningful concessions from the enemy within a designated time limit, or the delay can only operate prejudicially to the United States. It is unlikely that concessions will be made unless it is to the enemy's advantage to make them, which means he must be facing serious losses if hostilities continue. To date this has not been the situation, and in the presently prevailing atmosphere in the United States, including such developments as the grossly distorted "Amendment To End the War" proposed by certain U.S. Senators, there is bound to be even less inducement to negotiate. After all, why should the Communists make concessions if the United States is going to withdraw under fire anyway?

The editorial follows:

WHITE FLAGS OF SURRENDER

I recently got to thinking about what former Ambassador Taylor had to say about conceding a point to the Communists and about the meeting in Helsinki, a location picked out by the Communists.

XUM

I had the opportunity of covering the initial meeting of the Korean peace talks (July 10, 1951). Now, at that time, the UN forces (mostly us) had stopped cold the much heralded spring offensive by nearly 500,000 Chinese "volunteers" and North Koreans. The Communists needed a "time out" and needed it badly. They were on the ropes. General Ridgeway was running them northward so fast they would have been pushed back to the Yalu River in a short time.

Peace feelers were sent out by the enemy through diplomatic channels.

They needed that breather!

Our military people had suggested the meeting take place on board a Danish (neutral) ship in Wanson Harbor (enemy territory). This would have permitted the military action to continue—something like a football game being played with the talks being held on the sidelines.

Well, this wasn't acceptable to the enemy. Imagine!

The State Department finally agreed to the enemy's proposal to meet in Kaesong. Score one point for the Communists!

The convoy we traveled in was held up for better light so the Communist movie cameramen could get better pictures of all vehicles flying white flags (Surrender!). Score another point for the enemy!

The whole world knows what happened after that. At least, people should remember.

The talks dragged on until, finally, an agreement was reached two years later (July 27, 1953). I think it just about killed the chief UN negotiator, Admiral C. Turner Joy.

Now we have the Paris peace talks. Months dragged by trying to agree on the size and shape of the table!

You know, people should realize by now that these North Koreans, Chinese and Viet Cong are sharper than any riverboat gambler. One can come away from the "table" minus shirt, pants, shoes, socks and drawers—and that's exactly the way they plan it.

The American people, I think, are generally placing too much faith in these talks. Past performance indicates that we are going to come away from that table with less than we sat down with.

WE HAVE SHOUTED DOWN OUR SENSE OF BALANCE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, the disorder and violence that marred many of our campuses this past spring has been a cause of alarm and concern among all of us. Yesterday, the Washington Post carried an article by Prof. Alexander Bickel of Yale which struck on a point of extremely critical importance in regard to this matter. He suggests the responsibility for the rising disorder and increasingly violent expressions of dissent on many of our campuses rests with the "incivility and even violence of rhetoric and action that academics and other intellectuals have domesticated into their universe of discourse." One needs to feed young, inexperienced, imaginative minds, he argues, with only so much loose talk of the "obsolescence and rottenness of our society and institutions," engage in only so much vilification and slandering of our leaders, and toss out only so many suggestions that tragic but aberrant events like those of Kent State and Jackson, Miss., represent an incipient state of repression or fascism and rampages, trashings, rioting, and bombings are likely to be the result.

If Professor Bickel is correct, then more harsh and repressive laws, more menacing rhetoric from Government officials, and more interventions of police and National Guard forces on the campuses will not restore peace and order to our universities. In fact, they will have the opposite effect by providing symbolic reinforcement and confirmation of already exaggerated fears and suspicions. Rather, the responsibility for restoring order, sanity, and civility to the universities rests with the academic community itself.

This means first of all, that it must develop and strictly enforce its own internal mechanisms of discipline and order; society will not long forbear an institution which allows itself to be used as a staging area for violent attacks on the very hand that feeds it. But more important it must clean up and restore a semblance of reason, balance, and perspective to its own discourse and rhetoric. For it is angry, exaggerated, hyper-passionate words and habits of mind which breed deeds of violence and destructive nihilism.

We who are charged with making the laws of the land have the responsibility to exhibit an extra measure of forbearance and patience where political expediency might suggest otherwise; but if the university community cannot summon the courage, will, and commonsense to set its own internal affairs in order, then the repression which many of its members so foolishly imagine may well be the bitter harvest of its own indulgence and irresponsibility. At this point in the RECORD I would like to include the full text of the article to which I have referred:

WE'VE SHOUTED DOWN OUR SENSE OF BALANCE

(By Alexander M. Bickel)

Among academics and other intellectuals, let alone "poets, yeggs and thirsties," it is not merely fashionable, it is required to speak apocalyptically of the country in crisis.

There is a crisis and it went from bad to worse this spring. But it is not only, it is not even chiefly, the crisis that fashion requires us to shake our heads about. The war has got to stop, the march into Cambodia is a gruesome error, the cities are a mess, our rivers and our air smell awful and the blacks will not and ought not stand for being forgotten again.

But there is another crisis that will incapacitate us from dealing with the ones I have just mentioned. It is not the crisis of allegiance on the part of downtrodden blacks and not the tinderbox of conflict between them and the lower-class whites who confront them, but the crisis of the abandonment of reason, of standards, of measure, the loss of balance and judgment by intellectuals and their audiences.

The symptoms of this crisis are the incivility and even violence of rhetoric and action that academics and other intellectuals have domesticated into their universe of discourse, and the interdiction of objective discussion of certain problems that they have increasingly tolerated.

I write from the vantage point of a university—Yale—that has by and large kept its head. Violence and disruption are not a regular feature of our lives. No Nobel Prizewinner has been forcibly denied access to his laboratory, as was Dr. Isador Rabi at Columbia recently. There has been only one significant seizure of a building, and that last fall and very brief. Students were more or less on strike for a few weeks this spring, but many parts of the university continued normally in session just the same, and all parts were open. No students will receive credit for work that has not been evaluated.

Since the move into Cambodia, numerous students have put all they have of dedication, energy and talent—and they have breathtaking much—into political action. They have organized a lobbying effort and executed it soberly and with high intelligence. They have committed themselves to the nitty-gritty work of campaigning this summer and fall. And at the law school, they have labored day and night over legal memoranda dealing with the constitutional division of war-making power between President and Congress.

Yet here is what happened at Yale in the weeks immediately before. Some blacks, members of the Panther Party, including Bobby Seale, the party's chairman, are under arrest in New Haven, charged with murder. The trial has not yet begun. Preliminary motions are being heard and decided. So much of the evidence as has emerged in the course of these preliminary hearings indicates that a brutal murder has indeed been committed.

While the accused are of course to be presumed innocent, the state has made out enough of a case against them to obtain an indictment, and to convince a judge to hold all but one of them without bail, as in a capital case he may. Two of the accused have pleaded guilty to second-degree murder. Proceedings thus far have raised some legal issues—most cases do—but there has been no showing of gross or plain violation of anyone's rights.

There was one minor disturbance in the courtroom, and the presiding judge summarily imposed six-months contempt sentences on two members of the Black Panther Party who were in court as spectators and on whom the disturbance centered. This was, in the view of many impartial observers, a grave overreaction. Within a few days, the judge corrected himself and commuted the sentences. Everything else has gone along regularly, peaceably and with decorum.

A CALL TO VIOLENCE

Nonetheless, The Movement, and amorphous collection of radicals, SDS, Yippies, whathaveyou, pressing an alliance with the Black Panthers which the latter accept apparently only on occasion, mounted an agitation to stop the trial and free the accused. The call went out to come to New Haven for a May Day demonstration.

Many of the groups or grouplets from whom the call issued or to whom it went took it as a call to bring Yale to its knees by violence: Come to New Haven and see it burn. Very few if any of Yale's students and faculty accepted the call to violence.

For a dominant portion of the student body, however, the issue was not the violence that was offered the city and the university by thousands of people about to descend on them. The issue was the trial as an instance of repression. The crisis was not the open threat of fire, death and destruction to a university and a city. The crisis was a trial for murder, even though there's no doubt a crime has been committed, no basis whatever at this stage for the surmise that the trial will be unfair, and no possibility other than the trial of dealing with an occurrence—the murder—which would be monstrous to ignore.

Over this trumped-up crisis of the trial hundreds upon hundreds of students whipped themselves to a pitch of hysteria, finally voting to strike. Interestingly enough, the passions raged in the college and in some measure in the graduate school. The law school—training still tells a little—was virtually untouched. On April 23, the faculty of Yale College met, and having heard the president of the university express his skepticism that black revolutionaries can get a fair trial anywhere in the United States, voted to countenance the strike. I was at the meeting and so voted, and did not really feel ashamed until I walked out through the crowd of students who we had known were out there, whom we had heard, and who now cheered us.

We did not call off school. Most faculty and many students continued to attend class, and there was little attempt to bring pressure on them. Nothing we could have done would have likely dispelled the hysteria of a large mass of undergraduates, and many things we might have done would have heightened it. The difference between recognizing the situation, as we could not but do, and countenancing it, as we did, can be seen as minor. To countenance the condition that prevailed among our students might spare the university the kind of experience that Harvard had last spring and that come to other places.

"TRUTH . . . IS IRRELEVANT"

We were spared. But there is cause to be ashamed. We did not return a rational answer to our students, because we were too alone and it was too late. If we had said what is true, that the trial was no crisis, that it was inconceivable not to let it proceed, and that there is no reason to equate the police in Chicago with the courts in New Haven and with the state and federal courts that sit to correct the errors of courts in New Haven; and if we had added that the university would continue to function, its members being held to no more than their normal duties (which do not include constant attendance at class) and no less—if we had said all that we would have been denounced as rigid, unresponsive, authoritarian; we would have risked riots and destruction, and been saddled with responsibility for possible police overreaction.

That is what it has come to. Truth and the function of the university are irrelevant and dangerous. They are pitfalls. I have to be grateful, and I am grateful, that we avoided these pitfalls, and that we had steady and shrewd leadership which saved us whole.

But we should realize where we have arrived, and try to know how and why. I suggest we have listened and talked ourselves into the situation we are in. We have listened—quietly, even solemnly, as if it were rational—to incredibly loose talk about the obsolescence and rottenness of our society and all our institutions, and have come to parrot it in order to propitiate a sizable number of young people.

It all started with the war, which does represent a malfunction of the system, because a democracy must not wage wars with the assent merely of a simple majority. Large and intense minorities have, and of right should have a veto against war, and there is no higher national interest than the speedy liquidation of a war that has been so vetoed. Lyndon Johnson never understood that, and Mr. Nixon's understanding of it has been revealed as imperfect. Hence the insufferable war continues, and leads quite naturally and reasonably to talk of systemic crisis.

But it is not reasonable to extend a systemic indictment to the entire structure of government, to the electoral process itself, to the administration of justice, to every debatable action that a new national administration thinks it has a mandate to take, and to every type of institution, including universities.

A LOSS OF PROPORTION

Everything can be improved, even radically improved, and change is the law of life. But not everything can be improved instantly, and not all change is good. And destructive nihilism is evil no matter how motivated. These things it is now unfashionable for intellectuals and their audiences to say and hear (What is fashionable is the apocalypse and filthy and violent rhetoric.)

We listen to the rhetoric as if it were the statement of a position of one side of an issue, and we respond by disagreeing perhaps, but by accepting the premise of apocalyptic crisis. The reward we hope for is not too much violence.

In New Haven there were three small fires, obviously set, in the law school, and a bombing in Ingalls Rink. But the peace was kept, by speakers who advised the crowd that the time was not ripe for violence, yet. The university is full of slogans painted and stenciled all over it. These stenciled and spoken slogans and threats are called dissent. But they are in truth vandalism, a kind of aggression almost physical, in content most often a series of curses which do not pretend any attempt at persuasion.

No principle of a free society requires public, let alone private, institutions to allow this sort of verbal violence to take place on their walls or orally within their precincts. Yet we observe it and listen to it respectfully, and thus legitimate it. Nothing is unspeakable, and hence nothing is really undoable. The university, we hear it said and assented to, is thoroughly unworthy, and so is the entire legal order. Therefore the university and the society may not use force to protect themselves against violence, let alone the threat of it, but force may justly be used against them.

EQUATION OF VIOLENCE

There has been an appalling use of deadly force at Kent State, in Augusta, Ga. and in Jackson, Miss., which we must punish as criminal and which we must bend every effort to prevent in the future.

The President was rightly criticized for reacting to the Kent State killings by saying in effect that violence will breed violence. To have said only that was not enough and is not the whole truth. But what the President did say was nevertheless true. It is probable statable in the form of an equation that so many rampages, so many bricks and bottles thrown and even so many epithets hurled will eventually, in one or another corner of the country, produce so many innocent victims. It is probably also statable in the form of an equation that so much talk of the rottenness and sickness of men and institutions, solemnly countenanced by so many apparently rational people, will produce so many rampages and bottles and rocks, and so much incendiary counter-rhetoric like the Vice President's, as well as some counter-rampages.

No sane person can condone riots by construction workers or by police, and certainly not killings. But a price is inevitably going to be paid for destroying the order of society. If the streets belong to the people, they are going to belong to all the people, not just young radicals. If all we say about Kent State is that it is an instance of brutal repression for which the Vice President and the Attorney General and an isolated and insensitive President are responsible, we are not telling the truth, and by not doing so we will help bring on more Kent States.

What, in the title of one of Lenin's pamphlets, is to be done? We must restore conditions in which slogans and mass emotions do not drown out and drive out reasoned analysis; in which passionate assertion is not automatically seen as highminded and presumptively right, while dispassionate judgment is denounced as insensitive and presumptively immoral.

The young are right about the war in Indochina, because the majoritarian political process alone does not legitimate a war. The President must stop it, and Congress must make him stop it. The young are right too about a great deal of racism, and about the debasement of values by commercialism. But many of the young are wrong about repression. The society is free and open, if flawed and gravely troubled. What repression there is is imposed, as often as not, by the young in the universities, where their pressure for ideological orthodoxy and a kind of emotional solidarity threaten to achieve what Joe McCarthy never did.

Our domestic problems can be solved or alleviated only through the democratic political process, which is slow, and out of which no one gets all he wants. The political process is not only slow, it is prone to error, and it carries a high frustration factor. But revolution would produce only something less responsive to claims of social justice and infinitely more coercive and oppressive.

All this many of the young may not believe, but it is not disproved by epithets and demonstrations. Of course, the objective situation in the United States, as the Marxists would say, and as the true Marxists probably do say, is such that violent repression is much more likely than violent revolution. But if we are to have neither we must have order—order under law, which means freedom to question the law and test it and freedom to seek a higher justice than the law may embody; but which means also freedom from coercion and violence, physical or verbal.

The place to begin restoring order in speech and action is the university. No single university can do it, and virtually all have slid so far into disorder that they must in fairness give notice of intention to return to earlier ways before acting to do so.

The heads of leading universities should convene publicly and reassert standards of civility of speech and conduct. Instead of commiserating with each other under various pious auspices about a supposed crisis of irrelevance in higher education, they should announce their intention to institute a reform which is the precondition of all other reforms: the use of disciplinary power to keep discourse and action within the bounds of order. No more vandalism; no more assultive, vicious speech; no more incitement to violent action; no more bullying, simulated or actual.

If the reassertion of this minimum of authority should bring strife and violence in the short term, as it may, it will be less strife and less violence than is otherwise in store for us.

BALTIC STATES

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MESKILL. Mr. Speaker, this week marks the infamous anniversary of the Soviet invasion and occupation of the Baltic States of Estonia, Latvia, and Lithuania. At this time it is fitting for the 91st Congress to reaffirm our dedication to the principles expressed in House Concurrent Resolution 416, call-

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ing for the freedom of these three enslaved states. I urge the President to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. These peoples must be freed from Soviet domination so that they may shape their own destinies once again.

In June 1940, the Soviets presented Lithuania with an ultimatum in which they charged that the three Baltic States had transformed the Baltic Entente into a military alliance directed against the Soviets and demanded the formation of a friendly government. The ultimatum was followed by invasion, and by June 15, 1940, the Soviets fully occupied Lithuania.

Shortly after the annexation of the Baltic States, the Soviets perpetrated one of history's great frauds and held "elections" under Red army guns followed by the incorporation of these nations as constituent republics in the Soviet Union. A year later, thousands of Baltic citizens were deported to various parts of the Soviet Union, mainly Siberia. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. Supplementing the deportation, the Soviets pursued a policy of colonization of the three Baltic States with persons of Russian stock. This served as a method of changing the ethnic composition of the area and replacing the cost of labor and resulted in the creation of economically dependent industrial melting pots in the Baltic States. The Soviets have not succeeded, however, in weakening the ethnic and cultural identity of the Balts, nor have they been able to change the priority of loyalties from native to Russian.

Despite the captivity in which they live and despite the hardships which they have endured, the Baltic peoples remain dedicated to the cause of the restoration of their self-determination. Armed guerrilla warfare has been replaced by passive resistance. Thirty years of Soviet domination has not crushed the spirit of these dauntless people. They deserve not only our admiration but our wholehearted support of their efforts to free their homeland.

COMMENCEMENT ADDRESS OF U.S. DISTRICT JUDGE JOHN W. OLIVER

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BOLLING. Mr. Speaker, I find in the recent commencement address of U.S. District Judge John W. Oliver, for the western district of Missouri, interesting historical references as well as wise counsel that deserves attention beyond the graduating seniors who heard it. The address, delivered to the graduating class of Central High School at Cape Girardeau, Mo., follows:

ADDRESS BY JOHN W. OLIVER

I am grateful to the Senior Class for the honor of having been chosen as your Commencement speaker. This is your graduation day and your commencement address. I should tell you, however, that I view you as a group of my fellow Americans who feel and share the concerns of the day; indeed, as fellow citizens who, either already, or may in the very near predictable future, entertain real doubts and even fears about man's ability to cope with the problems which, like it or not, we are all forced to face.

If this were a graduating class from a law school, my task of communication would not be as difficult as I consider it to be today. My confidence in being able to communicate with law students would rest upon the fact that I know they would have had a concentrated exposure to the tradition of the common law and its accumulated wisdom based on the literally centuries of Anglo-American experience with the difficulties which complicate the most sincere efforts to administer equal justice for all persons.

But this is not a class graduating from law school. And times have changed since I graduated. The year 1930 was a time of relative calm. In those days a commencement speaker could tell a joke or two, throw in some onward and upward talk, and bid the graduates on their merry way. If this graduating class is anything like the high school class with which our youngest son graduated earlier this week, you will agree that the times call for something more than that sort of a speech.

As my time to speak approached, I found it extremely difficult to decide what should be said and how I should try to say it. I sense that a great many people in this country are deeply troubled and that young people are more troubled than most because they are having their first experience with what older people recognize as a rather constant condition of our national life. This is not to say that we have seen times exactly like this before. It is to say that at different times in our past we have experienced some things not totally dissimilar from what we see today.

Our eldest son knows much more than I do about how young people feel and what and how they think. Although he is once again a student, he has had the experience of teaching high school students. I therefore sought his help. He suggested, and I follow his suggestion because I love him dearly and respect him highly, that this graduating class be asked, as Robert Cross, the President of Swarthmore College from which John graduated, recently asked other high school graduates, to exercise their imaginations and to think what one might see if he were sitting on a reasonably distant star looking at the United States. Robert Cross said that:

"He'd see a country that was wracked by violence and distress . . . A country where young people were being conscripted into a military service by a process which they had very little to say about . . . A country in which gross injustices in race relations prevailed, especially between white and black, but also between other ethnic groups . . . A country experiencing an incredibly rapid growth in population, so vast that no one could tell what the end result would be. He might see . . . great concentrations of population in the cities [which] posed problems to which no one had satisfactory answers, and he might be dismayed by the complacency of those who did not live in the cities about what was going on . . . He would be struck, I think, by the immense uncertainties of young people about their personal identity, their relationships with each other, particularly their relationships with members of the opposite sex. Such an observer might despair and might say such a world was . . . not a civilized place at all."

But Robert Cross added:

"Yet a person who is looking from that star today and seeing those phenomena would, my scientist friends tell me, be seeing, not the world of 1969, but the world of 1864."

Our eldest suggested that "once the burning questions of today have been put into an historical perspective by no means all has been said." Interestingly, and in order to drive home the necessity for historical perspective, he suggested that this class attention be called to the 18th chapter of Ezekiel in which the House of Israel was challenged by the Lord for attempting to use the proverb "The fathers have eaten sour grapes, and the children's teeth are set on edge."

Ezekiel had the Lord's word that "ye shall not have occasion any more to use this proverb" because, as was the message throughout the chapter, father and son were to be equally and independently judged as to whether either father or son "hath oppressed none, hath spoiled none by violence, hath given his bread to the hungry, and hath covered the naked with a garment . . . and hath executed true judgment between man and man." And Ezekiel said that because "every one . . . would be judged . . . according to his ways" all who made up the House of Israel "must turn yourselves from all your transgressions . . . make you a new heart and a new spirit . . . wherefore turn yourselves, and live."

I do not think that this Nation needs a new heart and a new spirit. I think we desperately need to use the ones we have always had. I also think we need to recognize that most of our troubles and concerns spring from the very strength of her heart, which produces a spirit, while it is never quite realized, nevertheless, will not be denied.

Can anyone reasonably doubt that the heart and spirit of this country is best expressed in the Declaration of Independence? Lincoln, as he so frequently did, spoke for all of us when, as he said on February 22, 1861, while on his way to Washington to assume the Presidency, that "I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. . . . [The] great principle or idea . . . that kept this Confederacy so long together . . . was . . . that sentiment . . . which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lifted from the shoulders of all men." And when Lincoln spoke at Gettysburg, the bedrock upon which he based his case was that this Nation, conceived in Liberty, was "dedicated to the proposition that all men are created equal."

It is one thing to agree upon the statement of a principle. It is quite another to agree upon the application of that principle to a particular state of facts. Even agreement that an apparently acceptable principle should be applied to a particular state of facts produced disagreement in regard to how such an application should be made and the speed with which it should be applied.

There are all kinds of examples which come immediately to mind. The Sixth Amendment to the Constitution provides, among other things, that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . . and to have the Assistance of Counsel for his defense." That principle was agreed upon when we first began our experiment with representative government. But the Supreme Court of the United States was not called upon to decide whether one convicted in a State court without any counsel at all was deprived of a federally protected constitutional right until 1963.

When the Court predictably decided that the Constitution meant exactly what it said, and that one who was convicted without any counsel was entitled to a new trial, a considerable howl went up throughout the land because it must be recognized that we have always had among us a substantial number of very noisy people who really have never accepted the very heart of American democracy.

Those howls died down because, generally speaking, the people of the United States have learned, sometimes the hard way, to respect the Supreme Court of the United States. They recognize that, in a very high percentage of the time, history has been on the side of the Court regardless of how temporarily painful its decisions might have been at the time. Once the principle is accepted that all persons accused in a criminal prosecution, the rich and the poor alike, are going to have the assistance of counsel in their defense, sharp disagreement then arises as to how this is going to be accomplished. Should the State have a Public Defenders office? Should the problem be handled in each individual court? Or should the cities establish and pay for their own programs? Those, and many more questions, must be decided. And what is at the heart of how Americans decide questions?

From the time every student (and ex-student) in this room began to participate in the making of group decisions you were taught, primarily by example, that the only rational and peaceful way to decide who was going to be president of your home room, for example, was to have an election. He who received a majority of the votes was declared the choice. Those disappointed in the result came to understand that there would be another year and that your view of whom should have been elected might prevail the next time out. And, most important, you learned to wait until the next election.

There is every evidence that the American people have learned that lesson well because, except in one instance, the election of 1860, we have peaceably accepted the results of our national elections. In 1960 John Kennedy defeated Richard Nixon by an eyelash. And in 1968 Richard Nixon defeated Hubert Humphrey in an equally close election. No rational person dreamed of attempting to say that the people of the United States had not spoken.

You learned before you started high school the theory of representative government and how persons are elected to represent the people residing in their particular areas. That system contemplated that if a representative elected by the people did not cast his vote in accordance with the views of a majority of the people whom he represents that those people will elect someone else to replace him. It was that principle that Lincoln was talking about when he argued for patience in his First Inaugural address by saying in 1861 that "while the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short span of four years."

Our arguments and difficulties as a self-governing people arise not so much from an inability to agree on how broad principles should be stated but rather they arise from how those principles are to be applied to particular problems which substantial numbers of people believe is the business of America to do something about. If we depart very far from firm and patient reliance upon the fundamental principle of majority rule then we wander into areas which, in my judgment, are quite dangerous.

There can be no reasonable doubt that both John Adams and Thomas Jefferson were deeply committed to the basic truths which they declared were self evident, that all men are created equal, that all men are endowed with certain unalienable rights, among which are life, liberty, and the pursuit of happiness. Those two men labored side by side through the Revolution. They later were completely agreed on the broad principles stated in the Constitution and its Bill of Rights. There simply can be no reasonable doubt that these two men were in solid agreement in regard to how the broad general principles of our government should be stated.

But it is difficult to think of any two men who occupied the Presidency who held more radically different views in regard to the particular means by which justice was to be established, how domestic tranquility was to be preserved, how we should provide for the common defense, how the general welfare should be promoted, and how the blessings of liberty should be secured for themselves and their posterity. It was, of course, for those broad purposes and objectives stated in the Preamble to the Constitution that We, the People, ordained and established our present form of representative government.

When it got down to the implementation of the broad principles stated in the Constitution, both men were undoubtedly shocked by many things the other said and did. Imagine, for example, what Mr. Jefferson thought when he learned that John Adams had suggested that President Washington should be called *"His Highness,* the President of the United States." And what do you suppose Mr. Adams thought when he read that Thomas Jefferson had written a preface to Tom Paine's *Rights of Man.* It was simply inevitable that the political philosophies of these two men in regard to the means and priorities of governmental action would eventually clash. That is exactly what happened. Jefferson eventually resigned from his post as Secretary of State in Washington's Cabinet, and returned to Monticello. Adams was not at all sorry to see him leave. Indeed, the depth of his emotional feeling was so strong, he wrote his wife that "I am not sorry for it on the whole. . . . His mind is now poisoned with passion, prejudice, and factions."

The two men, however, were thrown back together when John Adams was elected to succeed Washington as President and Jefferson was elected Adams' Vice-President. Any apparent respect for or tolerance of the other's viewpoint became totally ruptured during Adams' Presidency. The conflict over how the agreed objectives of government were to be implemented and carried out led to the inevitable and necessary development of political parties. It was also inevitable that Adams would become the leader of the Federalists and Jefferson the leader of the opposing party which eventually acquired the name Democratic. Adams and his party favored one kind of legislation to accomplish the broad objectives stated in the Constitution, while Jefferson and his party favored another. The intensity with which each held their respective views cannot be overstated. Adams and Jefferson, during the time each was President, undoubtedly looked upon the other as truly a dangerous menace and that the ideas each represented were a threat to the very life of the Republic.

Under these circumstances of extremes and fundamental disagreement what happens next? In France, at about the same period of time, the notion that tocsins should be sounded, barricades should be mounted, and that the people should take to the streets was accepted and acted upon as an appropriate means to attain the declared French ideals of liberty, equality and fraternity. All that noise and violence, of course, produced first, the Reign of Terror; and second, a dictatorship of the Right.

Our American experience was fundamentally different. We borrowed heavily from the English experience and from our own Colonial experience with self-government to the end that we developed a patience and a confidence in the basic soundness of the principle of majority rule. But our experience of a hundred years ago establishes that the basic principle of representative government completely breaks down unless the climate in which it is expected to operate is such that certain prerequisites are permitted to exist. The underlying assumption upon which our system is based is that people are to be permitted to speak their minds and others are to listen.

Our system is based upon the assumption that one's view is subject to change and that no person, regardless of his position, is infallible. The spirit of the process is well illustrated by Benjamin Franklin's plea to the members of the Constitutional Convention in 1789 when he urged his colleagues to approve that document. He confessed that there were several parts of the Constitution which he did not presently approve but he stated that he had found from experience that he had frequently changed his opinion on many important subjects. Typically, he lightened his argument with recalling "a certain French lady, who, in dispute with her sister, said, 'I don't know how it happens, Sister, that I meet with nobody but myself, that is always in the right.'" He asked every member of the Convention not to be like that lady but he hoped they would join with him and "doubt a little of his own infallibility," to the end that the Constitution be approved.

When the prerequisites of our system of self government are present it is possible to change the course of any administration by ballots rather than bullets. This means, of course, that concerned people of different viewpoints take to the streets for purposes other than mounting barricades. It also means that they pound the pavements for purposes other than mere demonstrations. It means that people seek and find candidates who reflect their point of view. It means that like minded people seek out their neighbors, seeking their votes. In short, it means that one participates in the democratic process rather than mouth meaningless slogans about "participatory democracy."

Participation in such a process by young or by old involves hard, intelligent, and sometimes frustrating work. To say that such work is not worth the candle is arrogantly to deny our heritage as a free people. To say that people today feel so strongly and adamantly about their particular positions that they are not amenable to any possible change or reconciliation is no more than still another denial of our heritage.

Thomas Jefferson and John Adams and the many, many people who agreed with each were at least as far apart politically as any persons or groups which could be named today. John Adams and most of the high ranking leaders of the Federalist party left Washington and refused to return even for Jefferson's inauguration in 1800.

But the climate of that time was becoming comparable to the time in which we live. Hawks and Doves of that day were then fighting each other throughout the land. The country was divided as it had never been before, and the War of 1812 was just around the corner.

It was under those circumstances that John Adams, on New Year's Day, 1812, wrote Thomas Jefferson a letter. Adams suggested he believed that they should attempt to explain themselves to each other. Both men obviously felt and recognized that something had gone wrong somewhere. They therefore commenced what, to me, is one of the most beautiful correspondence in all American history. From 1812 to 1826 they found they were able to speak, to listen, and to explain themselves to each other. Adams was eventually able to write Jefferson that "I admire your Navigation and should like to sail with you either in your Bark, or my own along side of yours; Hope with her gay ensign displayed at the prow; Fear with her Hobgoblins behind the Stern." And this expression was from a man who had earlier said that "I am sometimes Cassandra enough to dream that another Hamilton, another Burr might rend this mighty Fabric in twain."

You are familiar with how the corre-

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spondence came to an end. Legend has it that the Liberty Bell received its famous crack on July 4, 1826. It is a matter of history that Jefferson died early in the morning of that Fourth of July and that John Adams died late the same afternoon. Adams' last words were reported to have been: "Thomas Jefferson survives."

There can be no doubt that the heart and the spirit of the Declaration for which Jefferson was primarily responsible still survives. Those who deny that fact of our political life do so at their peril. Jefferson was probably dead when the message he wrote for the Fiftieth Anniversary of the Declaration of Independence was read at the celebration in Philadelphia on July 4, 1826. He expressed the hope that the Declaration would "be to the world . . . the signal for arousing men to burst the chains which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government."

Our entire national experience establishes that all governmental proposals and actions are somehow instinctively measured against the consistent challenge and the hopes of the Declaration. Our history also establishes that the only viable way that disagreement about whether a proposal or a course of action squares with the heart and spirit of America is to put the propositions before the people in order that they may cast their votes for representatives who will reflect the articulated majority of the governed. But this not uncomplicated process simply will not work unless concerned people of all ages become active participants in that process and unless all of us are willing to doubt our own infallibility at least to the extent that all persons shall be guaranteed their right to speak and their right to be heard. And all of us, of all ages and in all walks of life, must learn to listen.

But it is very hard for anyone to doubt his own infallibility if he cannot hear what reasonable people have to say. We simply cannot listen to each other when voices get as shrill and strident as many of the voices we hear today. And it is even more difficult to listen when persons, both young and old, undertake by provocative violence to establish confrontations which are calculated to produce even more violence. Those tactics are designedly in the exact pattern of the tocsin sounders who urged the French people to take to the streets two hundred years ago.

Verbal encouragement to violence or to counter-violence, in my judgment, increases the chances that we may never be able to explain ourselves to each other. But I think what probably disturbs me the most is the apparent approval of violence and counter-violence, the illusion of which is created by the silence of many people. The silence of the young is sometimes rationalized by their apparent acceptance of the notion that everyone is entitled to do their own thing. The silence of the young, and much more important, their failure to take appropriate action, means that many other people may erroneously be led to believe that the young have accepted as their leaders the anarchists who are in their age group.

There are similar risks incident to the silence of all groups in our society, other than the young. Silence on their part may give the impression that they believe something which may well be exactly the opposite of their actual views. Can anyone doubt, for example, that many, if not most, of us were surprised when both young and old began to say out loud what they had long been silently thinking in regard to this country's involvement in Asia?

I hope the disagreements that trouble our country today are confined in the main to arguments about how our declared principles are being realized and executed, rather than about the validity of those principles which represent the heart and spirit of our country. But I fear for our condition unless all of us begin to recognize that if the process of explanation of ourselves to each other is not given top priority and that if we do not learn to listen to each other, we are in deep trouble.

Let us therefore cast away our transgressions against the always old and always new heart and spirit of our country so that we not only turn ourselves and live, but that in due time we shall come closer to the promise of the American dream that the weight shall be lifted from the shoulders of all mankind.

COMMISSIONER ALLEN'S RESIGNATION REGRETTED

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BUTTON. Mr. Speaker, the departure from the U.S. Office of Education of its distinguished Commissioner is a source of regret to many Americans, especially to those—the teachers and their pupils—whose interests he had sought so earnestly to serve and whose cause now is blighted by the untimely, unseemly, and ill-advised action of his departing superior in the Department, Secretary Finch.

Commissioner Allen was my constituent in the 29th district of New York before he resigned his position as commissioner of education in New York State to come to Washington at this administration's request. I have known him well for nearly two decades, and have shared the respect and admiration which his associates, other educators, and millions of residents of New York have given him in response to his faithful and effective service.

Many others, as I suggested, also deplore Commissioner Allen's unfortunate departure from the Office of Education.

At this time, I wish to bring to my colleagues' attention the views of some of those who have commented on this unhappy development. These include an editorial, "Political Victim," from the Albany Knickerbocker News; an editorial, "A Blow to Education," from the New York Times; a third editorial, "HEW: Commissioner Allen as a Case Study," from the Washington Post; and a recent column by Carl Rowan which appeared in the Albany Times-Union before Dr. Allen's enforced resignation:

POLITICAL VICTIM

"He wasn't a good administrator," says the Nixon Administration in explanation of the firing of Dr. James E. Allen, Jr. as the U.S. Commissioner of Education.

Maybe so, although his tenure as New York State Commissioner of Education for 14 years would seem to belie that statement.

Perhaps the fundamental and true reason for the firing of Dr. Allen was that he was his own man—a compassionate man, a courageous man, a man who followed his conscience in preference to following a political banner. Thus, he spoke out against the involvement in Cambodia. He continued to press for integration in schools, even though it be brought about by busing.

It must be noted that Dr. Allen's administrative difficulties resulted in substantial measure from his inability to recruit aids. He complained, on one occasion, that prospective aids could not meet White House approval for political reasons.

It most certainly is the President's prerogative to have men about him who can work with him. But that does not mean they must be subservient to him in a slave-and-master role. Dr. Allen would be no man's slave.

And so James E. Allen, Jr. has become a victim, a victim of—among other things—Administrative double-talk. Oh, no, the Administration would not ask for his resignation for his Cambodia stand. Oh, yes, it liked men of independence among its officials. Most certainly it expected him to remain.

Then the cruelty. That Administration fired him.

A BLOW TO EDUCATION

The abrupt dismissal of Dr. James E. Allen Jr. from the key post of United States Commissioner of Education is a reflection not on his leadership capacity but on disorderly governing procedures of this Administration.

Leaked insinuations that Dr. Allen, like his immediate superior ex-Secretary Finch, had been a poor administrator are part of those by now routine attempts to justify high-level firings. Such charges would be more convincing in Dr. Allen's case had he been given an opportunity to administer much of anything. The fact is that "the inordinate influence of partisan political considerations"—to use Dr. Allen's own words—has persistently prevented him for more than one year from making key appointments without which the huge and unwieldy departmental apparatus simply cannot be made to function.

It was a mark of a loyal official that, trying to live with such demeaning frustrations, Dr. Allen repeatedly brushed aside suggestions that he protest interference by the President's political watchdogs.

But Dr. Allen's silently borne limitations were more than procedural. His long-standing commitment to school integration was repeatedly ignored, as his policies were undermined by the Southern strategists in the Justice Department and the President's entourage. Despite Dr. Allen's refusal to take his case to the public, it had become an open secret that Mr. Nixon prepared his controversial school desegregation statement without either the advice or the consent of his chief education official.

The President is, of course, entitled to seek counsel from those who reflect his own outlook. But when he chose his commissioner to preside over the Administration's education policies, Dr. Allen's views were an open book. His liberal and integrationist convictions had made him a nationally recognized force for progress, far in advance of the majority of the nation's public school officials. The integrity that marked his long career made it unlikely he would let himself be used as mere window-dressing.

The breaking point appears to have come with Dr. Allen's characteristically straightforward criticism of the President's Cambodian adventure and the war in Vietnam in general. Considering the depth of the academic community's anti-war feelings, especially among the nation's youth, to have expected the Federal spokesman for education to equivocate on this issue would have been to ask him to lose all self-respect, as well as the respect of his constituency.

The fact that acquiescence in politics and priorities which cut deeply into the support of education was apparently a requirement for continued tenure will not make it easier to find a man of strong sense of purpose to take Dr. Allen's place.

HEW: Commissioner Allen as a Case Study

In its way the Department of Health, Education and Welfare is like the Pentagon or New York City, easy to run (if you don't mind its running itself) but exceedingly hard to govern. Because the so-called "new" agency was never new at all, but rather, from the beginning, a collection of well-established bureaucratic fiefdoms and baronies, each with its special connections among the lobbies and on the Hill, no talent for civil administration short of Henry II's has seemed able to bring it lasting order or organization. To this built-in problem was added another in the early and mid-sixties with the passage of innovative legislation—for schools, civil rights, health care, and so on—which HEW was to administer and which put the department and its top officials smack in the middle of any number of political controversies. So it was never easy to make the department work in an effective way. But the Nixon administration, over the past year and a half, has made it all but impossible to do so, and the case of the missing Education Commissioner—James E. Allen Jr.—goes a certain way to explaining why.

To be sure, there are "Washington reasons" that can be invoked for the unceremonious dumping of this distinguished educator from New York. Even under the Nixon Doctrine (by which we mean the President's self-described policy of not "censoring" the views of Vice President Agnew or Mr. Hickel or any of the other cross-speakers in his administration—see press conference of May 8), you could say that Commissioner Allen was bound to give some offense by failing to conceal his dissent from administration policy on Cambodia. And there is no question that Mr. Nixon had every right to dismiss a man who served at his pleasure and who, while doing so, was under some obligation to follow the official line. But these are minor matters in relation to what Commissioner Allen's saga was all about from the beginning, and the same may be said of the explanations for his dismissal that have been emanating from higher up in the past day, explanations that are not only trivial but in some respects grotesque.

To argue, for instance, as Mr. Ziegler has, that the President was profoundly disappointed in Commissioner Allen's failure to get the "right to read" program off the ground is to assume a great national forgetting of the fact that Commissioner Allen thought this one up himself and floated it first as a trial balloon, managed—once he had done so—to get a warm presidential endorsement, and then saw the whole thing slighted in the budget and left to the realm of fancy rhetoric. The other argument, that Commissioner Allen was a poor administrator, will hardly do either. It is as if the administration had complained after the fact that Leon Panetta was a poor enforcer of the desegregation guidelines: The White House consistently refused to grant political clearance to would-be appointees to Commissioner Allen's staff with the result that the Office of Education was severely undermanned; it visited any number of humiliations upon him—from closing him out of its deliberations on an education message to publicly stating that his testimony on the Hill did not represent the administration view; and, having thus thoroughly demonstrated to his subordinates at HEW that Commissioner Allen counted for little, the administration wonders why he was unable to run his jurisdiction better.

All this is anything but untypical of the state of affairs at HEW, and it bears directly on the meaning that can be read into the shift of command there, which will see Under Secretary of State Elliot Richardson take over as Secretary of HEW while Robert Finch goes on to become a White House counselor. *Theoretically* the case could be made that everyone involved, plus government itself, will profit from the change Mr. Richardson, after all, is a man of impressive talents, known not just for his quick mind and broad social sympathies, but also—and perhaps more importantly in this case—for his capacity to deal with and master the problems of bureaucratic sprawl. Moreover, he and HEW could be expected to have an experienced friend in court in the person of Mr. Finch. But Mr. Allen's fate is yet another development that puts all this in the realm of speculation, raising further questions about Mr. Finch's strength and commitments as an advocate and about the capacity of any administrator—never mind how good—to do a good job under hopeless circumstances.

James E. Allen: A Comfort in Washington

(By Carl T. Rowan)

Washington.—Much has been written about Leon Panetta and other government officials who have resigned or been fired because of their opposition to "Southern strategy" educational policies.

In the center of many a dramatic conflict over racial policies has been James E. Allen, Jr., the commissioner of education.

This noted educator has seen the Nixon administration ignore him, sneak around him and do a hundred things that run counter to his beliefs. But he hangs in there, fighting to get American educators to do what he believes is best for the nation—and all its children.

In his recent speech on school desegregation, President Nixon almost completely ignored warnings from Allen, the top education official in government, that "the elimination . . . of racial segregation in education is . . . the most important educational challenge of our time."

Two weeks before Mr. Nixon's March 24 speech, Allen sent the President a memorandum and a proposed message from Allen imploring the American educator to "do everything he can to achieve educational integration."

Certain of the President's more segregationist advisors were angered. Allen's proposed message was scuttled, and the President proceeded to issue that unfortunate statement in which he opposed government-imposed (de jure) segregation but proposed to coexist with "de facto" segregation that supposedly just sort of arises out of segregated housing patterns.

"Segregation in our schools simply makes a mockery of the concept of equal educational opportunity," Allen's memorandum said. "There is . . . no sophistry or evasion whereby the principle of equality of educational opportunity can be made to accommodate the continuing existence of segregated schools in a democratic society—no matter how difficult the problems involved in eliminating them may be."

Allen took his gagging like a good, faithful servant—but one who was determined that American educators would hear from him, rather than someone like a G. Harrold Carswell, who might get his job if he walked out.

Well, last week Allen finally got a slightly revised version of his suppressed appeal to educators into the public arena. He put it into the record of hearings before a Senate appropriations subcommittee.

Allen, who was New York State commissioner of education before Nixon brought him into the Administration amidst glowing praise and promises, wanted to say that "continued segregation can only weaken the fabric of our society. All our children must live in a multi-racial world and the school is a natural place in which to introduce them to that world."

Allen wanted to implore educators to "help the public to understand . . . the harmful educational effects of segregation on all our people."

"It is the educator," he said, "who must see to it that debates about means such as busing, neighborhood schools, district boundaries, etc., are not allowed to obscure the ends being sought."

Allen's statement said: "I shall continue to emphasize the educational value of integration, and the educational deprivation of segregation regardless of cause."

Who knows how long James Allen can survive in Washington? He may be trudging in the footsteps of Panetta moments after this column is read in the White House. Or Allen may not wait to be fired.

But it is a comfort to note that while he does not run, he does not buckle under. In the name of decency, justice, better education—for all children—he perseveres.

And in a sadly glorious way he reminds you and me that they also serve who only stay and fight.

HOW A SENATOR DELIVERS—OR IS THE PENTAGON FOR REAL?

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. VAN DEERLIN. Mr. Speaker, along with my fellow Californians of both political parties, I cheered a recent announcement that North American Aviation had been awarded a Government contract to start work on the B–1 bomber.

I accepted at face value the explanation Pentagon officials offered in support of the award—that the Southern California firm made the strongest presentation, and that contract award would help keep together the Nation's most efficient team of aerospace designers, engineers, and assemblers.

Imagine my surprise, Mr. Speaker, upon learning—from the Governor of California, no less—that we owe this multibillion-dollar contract to the persuasive power of Senator George Murphy.

I have for years labored under the apparent delusion that merit was the overriding consideration in making these awards, involving as they do such enormous amounts of the taxpayers' money.

So that our colleagues may share my new sense of enlightenment, I place at this point in the Record Governor Reagan's press release of June 5 setting matters straight:

Governor Reagan's Press Release

The award of the B–1 contract to a California firm was hailed today by Governor Ronald Reagan as a "strong example of what men like Senator George Murphy can mean to our state.

"Senator Murphy worked vigorously to point out to the Administration that California's aerospace industry is the most talented in the United States and would be the logical choice for developing and manufacturing this new aircraft.

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"He held long discussions with top officials in Washington to secure this award. As a member of the Senate Armed Services Committee, Senator Murphy's value to California is again demonstrated by the award of this contract to our state.

"I am, of course, extremely pleased that California has been selected.

"The 43,000 new jobs this important contract will bring our people will provide a strong shot in the arm to California's economy.

"Working with Senator Murphy, members of the national Republican administration, and the Department of Defense, we have long stressed that California's aerospace industry merited strong consideration in these deliberations which led to the award of the B-1 contract.

"California has led the way in aerospace and military technology for many years. Today's decision bears out the deserving recognition our aerospace industry has received by our nation's leaders in Washington.

"But even more important, the decision demonstrates the value of the close working relationship between our state administration, Senator Murphy and the national administration."

INCREASING NUMBER OF BALD EAGLE DEATHS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. DINGELL. Mr. Speaker, the Department of the Interior issued a news release under date of June 5, 1970, reporting on findings that the pesticide dieldrins is causing an increasing number of Bald Eagle deaths.

So that my colleagues may be aware of this disturbing report, I include the text of the Department of the Interior news release at this point in the RECORD:

DIELDRIN PESTICIDE CAUSING INCREASING NUMBER OF BALD EAGLE DEATHS

Commissioner Charles H. Meacham of the Interior Department's Fish and Wildlife Service reported today that scientists at Patuxent Wildlife Research Center in Laurel, Md., have detected pesticide poisoning from dieldrin in growing numbers of bald eagles found dead in the United States.

Dieldrin is a persistent pesticide like DDT, but considerably more toxic. Residue analyses are performed at the Patuxent Center, operated by Interior's Bureau of Sport Fisheries and Wildlife, for all bald eagles found dead in the United States by cooperators.

The national bird is declining in numbers in most parts of the country except Alaska, where about 7,000 bald eagles remain.

Commissioner Meacham said that in 1968, the last year for which research results have been completed, 7 of 26 bald eagles examined had high levels of dieldrin in the brain. Two of these birds also were diseased, but dieldrin was the only apparent cause of death in the remaining five. The dieldrin victims came from Florida, Wisconsin, Maryland, Missouri, and South Carolina.

Of the 22 bald eagles found dead in 1967, one from Minnesota had a lethal dosage—9.5 parts per million. Of 21 found dead in 1966, none had lethal levels of dieldrin.

Commissioner Meacham said research at Patuxent indicates that dieldrin is hazardous to eagles when residues in the brain approach about 4 parts per million.

Other birds also are affected by this pesticide. Patuxent reports that an osprey recently found dead in Connecticut had 8 parts per million dieldrin in the brain.

CHEMICAL MANUFACTURER OPPOSES ELIMINATION OF ASP

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. RODINO. Mr. Speaker, Dr. Ernest May, president of Otto B. May, Inc., Newark, N.J., recently testified before the Ways and Means Committee regarding his opposition to the elimination of the American selling price system of valuation. His testimony is of great importance to the people of my congressional district and to the entire State of New Jersey and I would like to bring it to the attention of my colleagues:

The material follows:

STATEMENT IN OPPOSITION TO THE ELIMINATION OF THE AMERICAN SELLING PRICE METHOD OF VALUATION ON BENZENOID CHEMICALS

(By Ernest M. May)

I am Ernest M. May, President of Otto B. May, Inc., a dyestuff manufacturing concern founded by my father. Our plant is in Newark, New Jersey, where we have been active in business and community affairs since 1920.

I was technical adviser for the dye industry to the Office of Special Representative for Trade Negotiations and provided that office with a complete analysis of the dye industry here and abroad, including projections of production and import-export trends.

Our principal product is vat dyes for cotton. It is an extremely labor-intensive family of dyes, the fastest available for cotton textile fabrics.

Although small, our company has been innovative in product development and production methods. We pride ourselves on the quality of service we provide our customers, the Blue Book of the textile industry. We have, for example, designed, built and placed in operation the world's only travelling technical service laboratory to solve problems at customers' plants.

We are here to oppose the Separate Package proposal because it would have a tremendously adverse impact on our company, innovative and enterprising though we are, and because there is no equitable or workable substitute for American Selling Price valuation.

For the products that we manufacture, the Separate Package actually provides for an average additional reduction of 47.3 per cent beyond the 50 per cent duty cuts agreed to in the Kennedy Round.

Our basis for this statement is simple.

We have received written quotations from manufacturers abroad for our line of products.

We first calculated in cents-per-pound the duty that would be applicable under American Selling Price after the full 50 per cent Kennedy Round cut is operative.

Then, using the bonafide price quotations which we obtained from abroad, we calculated the duty in cents-per-pound that would be applicable if the Separate Package were implemented.

The duties calculated for American Selling Price and Separate Package were averaged out for the dyes that comprise one-half of our product line (55.7 per cent to be exact). The average additional reduction, as a result of the Separate Package, worked out to 47.3 per cent.

The remaining one-half of our manufactured product line is made up of specialty items that are not presently manufactured abroad. But they could be, and we believe that if they were, the same discouraging statistics would apply.

If the Separate Package is enacted, our company would be critically affected. We would be forced to substitute imported products in semi-finished stages for our own manufactured products, causing us to discontinue some of our present manufacturing operations. Based on current estimates, we would discontinue about one-half of our present manufacturing operations. This curtailment would mean the elimination of jobs, primarily among hourly-rated workers.

At our Newark plant, we employ 218 people. Our average annual pay in 1969 was $8,711 per employee.

Of our work force, 77 per cent is black, and of this number 36 per cent is part of our salaried, supervisory work force. Thanks to on-the-job training received in our plant, these people have advanced to responsible positions in manufacturing, production control and supervision.

The nation, the state of New Jersey, and the city of Newark in particular, cannot afford the loss of these jobs by these men.

We do not think it is fair, moreover, to call upon us to accept a duty cut of nearly 50 per cent on top of a 50 per cent cut which has already been achieved under the Kennedy Round.

The volume of imports is increasing in our field and will continue to increase until the last of the duty cuts becomes effective in 1972. At this point, competitors abroad will merely have to decide which of our products they want to replace, and knock them off one by one, as their production capacity is increased.

Imports and foreign controlled manufacture already account for 50 per cent of dye consumption in the United States.

Isn't this enough? It is more than enough! What this country needs today is not a "Second" giveaway package but a second look at its foreign trade policy and the determination to bring it in line with the realities of international competition in the world marketplace.

THE 30 YEARS OF SUFFERING BY THE BALTIC STATES

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. TIERNAN. Mr. Speaker, today marks the sad anniversary of 30 years of suffering by the Baltic States of Latvia, Lithuania, and Estonia under Soviet captivity. The people of these states have been denied all of their basic human rights of self-determination and the right to freely choose their political states. The Baltic people have been dominated, subjugated, and exploited by the Soviets and forcibly deprived of their God-given rights to life, liberty, and the pursuit of happiness.

I believe that all of the Members of Congress and all freedom-loving peoples support the Baltic States of Latvia, Lithuania, and Estonia in their drive for self-determination rights. Today I am

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urging the President of the United States to implement House Concurrent Resolution 416 which was unanimously adopted by the Congress in 1966.

I hope all of us will bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic people.

THIS IS MY COUNTRY

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, at a time when youthful dissenters are monopolizing the newspaper headlines, it is a pleasure to read the words of a young man who appreciates the many benefits of our form of government.

A young constituent of mine, Peter Bierstecker of Combined Locks, Wis., wrote the winning essay in the 1970 Americanism essay contest sponsored by the American Legion Auxiliary of the State of Wisconsin. Peter is a ninth-grade student at J. R. Gerritts Junior High School of Kimberly, Wis.

It is with great pride that I include his winning essay:

THIS IS MY COUNTRY

I do not have the answers to the Vietnam War, air and stream pollution, population explosion, or the equal rights movement. I only know how I feel about living in the United States of America.

As a pre-schooler I accepted without question all the wonderful things around me. I took for granted the comfort and safety of my home, and the joys out-doors. Then I learned to read and started to study history. The word "regulation" kept popping up. My government had protected the animals in the woods, the fish in the water, and the birds in the sky. It set aside parks to preserve their natural beauty. Through laws they tried to maintain peace and safety for us all whether we were at home or away, on the road, in the air, or on the water. It was at this point that I began to think of my government as a sort of guardian angel—a figure who was always present to guard and protect my rights and freedoms.

Today, I realize that all the wonderful things I have around me are gifts, and that a great price has been paid for these gifts. The cost list is long—Lexington, Valley Forge, Fort Sumter, Gettysburg, Marne, Argonne Forest, Salerno, Normandy, Okinawa, Old Baldy, Pork Chop Hill, Heartbreak Ridge, Korea and Vietnam. Yes, my ancestors left their blood at these places along with their hopes and desires for the future. I hope they all know that their dreams have come true.

Because of them I am being offered all the stepping stones that lead to a promising future. I walk into a library and know that anything and everything I want to read and learn about is available for the asking. I walk into school and know that our education system has been geared to giving me the best. I go camping in the summer time at State and Federal Parks that offer beautiful camp sites; guided nature hikes; and clear lakes for swimming, boating, and fishing. I have written to many departments of our government, and have always received all the help I've asked for. It seems that the government has "left no stone unturned" in its attempt to give me every chance for success and happiness.

I like to think, to dream, and to plan. In what other country could you think, dream, and plan a future like you can in this country? The world has literally been placed at my feet. I will be free to work, eat, sleep, speak, pray, and live as I desire. I can choose my field of work and get the necessary education to accomplish my goal. If my parents cannot financially cover the cost of my education, the government will again be there with a helping hand in the form of loans and grants. It's almost like a dream—a beautiful dream.

The United States of America is my Country. Thank God.

AUTHORIZING U.S. FLAGS FOR PRESENTATION TO PARENTS OF DECEASED SERVICEMEN

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. HASTINGS. Mr. Speaker, my bill authorizing the presentation of the U.S. flag to parents of deceased servicemen comes before the House today, and I would earnestly urge its quick adoption.

Some time ago I faced the sad task, as have we all, of arranging for the presentation of a U.S. flag to the wife of a serviceman from my district who had been killed in the fighting in Vietnam.

I also desired to make a similar presentation to the parents, but found that no provisions existed in the law permitting such. The current regulation states that the U.S. flag shall be presented to the surviving spouse or next-of-kin only. My bill would amend the rule so that a second flag may be provided for the parents or persons who have served in a parental capacity. I think that this is only fitting since the flag has an equally precious meaning to the parents as well as to the widow.

There can be no real understanding by others of the deep grief which engulfs a family when the grim word comes that a loved one has died in the service of his country. The presentation of the flag can serve in some small way to speak for the rest of us in the Nation, letting the parents as well as the widow, know that we share in their sorrow and join in their prayers.

There are many others here, I know, who join me in these feelings. Sixty Members of Congress have cosponsored the bill or have proposed similar pieces of legislation. The measure has the unanimous endorsement of the House Committee on Armed Services. It is strongly recommended by the Department of Defense, and there is no opposition to its passage by the Bureau of the Budget.

It is appropriate that this proposal come before the House on the day after Flag Day, a time when all join in paying honor to the stars and stripes as a symbol of the freedom we enjoy in this Nation. The flag is also a symbol of the sacrifices made by our sons and daughters in preserving that freedom. Adoption of this bill today will be another way of showing our deep gratitude for their sacrifices.

IS HARVARD AWAKENING?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MICHEL. Mr. Speaker, there has been a good deal of discussion in recent weeks of a plan which I believe originated at Princeton University that would permit classes to be suspended for 2 weeks next fall so that students might campaign for "antiwar" candidates before the election.

While Princeton and a few other schools are adopting this program, it is interesting to see that Harvard University is not going along and the faculty, by an overwhelming vote, has rejected the whole idea.

An editorial appearing in the Sunday, June 14, 1970, edition of the Chicago Tribune discusses the Harvard decision and I ask that it be placed in the RECORD at this point.

IS HARVARD AWAKENING?

Harvard University, which has done so much to make dissent fashionable, may now be realizing that dissent can be carried too far. On Monday, by an overwhelming vote, the faculty rejected a proposal to suspend classes for two weeks next fall so that students [and no doubt faculty members, too] might campaign for anti-war candidates before the election.

The faculty approved a motion declaring that the university's function is learning and scholarship, not politics, and that political decisions "must be individual, not institutional." It said that when a faculty or a university "accommodates its work or reshapes its goals to political purposes, however worthy, its function will be jeopardized, its quality eroded, and its existence ultimately brought into question."

The faculty was not even in a mood for compromise. It rejected a resolution providing that while classes should be held as usual, students who departed for the campaign should not be penalized for the work they missed.

The faculty which has now condemned the intrusion of politics into academic affairs is the same faculty, curiously enough, which only last year voted for purely political reasons to deprive R.O.T.C of its academic standing.

It had begun to look as if Harvard, the most prestigious university in the country, were becoming a sort of Berkeley East where the venerable motto of "Veritas" [Truth] was being battered about by transitory and emotional winds. Harvard has given a certain academic respectability to student strikes and riots, faculty participation and encouragement, and administrative submission.

Steven Kelman, a Harvard senior [just graduated], described in his book, "Push Comes to Shove," how Harvard has been polarized by a handful of agitators. Later, visiting Northwestern University for The Tribune, he found once again that the instigators of violence were a small group—and that almost every one of them came from the east or west coasts. Harvard and the University of California at Berkeley have become models of disruption to be emulated by dissenters all over the country.

In the light of all this, it is encouraging that Harvard seems to be reversing the trend; that while Princeton and other universities are bending to the demand for time off for electioneering, or giving academic credit to students who have done little to deserve it,

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Harvard seems to be moving back onto the academic reservation.

Nor is it wholly irrelevant to note that Vice President Agnew has chosen as his chief speech writer J. C. Helms, 29 years old, who attended Harvard as an undergraduate and has just received a Harvard graduate degree in philosophy. Mr. Helms attracted attention last summer when, testifying before a Senate subcommittee, he delivered what one senator called "a ringing indictment of the Harvard administration" for capitulating to violence.

Fads come and go quickly, fortunately, and if Harvard shows that it is no longer willing to play along with the present fad of mixing politics and education, it will redeem its worthy reputation and serve as a good example for weaker university administrations elsewhere.

TWENTY-SIX YEARS OF OBSTACLES

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SIKES. Mr. Speaker, I was very pleased to note an article which appeared in the Evening Star recently lauding the exemplary voting record of our distinguished colleague, the Honorable CHARLES E. BENNETT. I want to bring this article to the particular attention of my colleagues for I am certain there are none among us who have not admired the full extent of Congressman BENNETT's able and dedicated efforts on behalf of his Florida constituents and our country. He is a longtime, serious, and devoted public servant, and those whom he represents in the Congress are indeed fortunate.

I submit the article for reprinting in the RECORD:

BENNETT'S VOTE RECORD: 20 YEARS OF OBSTACLES

(By Dillon Graham)

Rep. Charles E. Bennett overcame broken limbs, grounded planes, snowstorms and stalled elevators to capture the longest consecutive voting record in congressional history.

The Florida Democrat has cast 2,467 consecutive roll call votes in a series that started June 5, 1951. He broke former Rep. Paul Brown's record of 16 years, seven months and 27 days.

What was Bennett's closest squeak?

He thinks it was the time he started driving from his Falls Church, Va., home in a snowstorm at 7 a.m. and skidded into a ditch. He walked to a bus stop but the bus took three hours for a normal 45 minute run.

HE WALKED ALL THE WAY

'That left me more than a dozen blocks from the Capitol with no buses or cabs in sight. I walked all the way, falling twice.

"I walked up those long snow-covered steps on the West Front of the Capitol and into the House where a roll call was in process and almost ended. A few minutes more and I would have been too late," he said.

His record is all the more remarkable because he has to wear a long brace on his right leg and walk with a cane. He contracted polio while a guerrilla fighter in the Philippines during World War II.

He has kept his record going despite breaking one leg four times and both arms. In 1968, when he had a broken leg, he went to the House in a wheelchair to vote.

Once he was in an elevator in the Capitol with other congressmen when it stalled during a roll call. They opened the top of the cage and pushed him through it so he could reach the chamber.

When his daughter, Lucinda, was born seven years ago, Bennett took his wife to the hospital in early morning and waited with her until mid-afternoon.

"The doctor told me it would be late that night before the baby would be born so I decided to drive to the Capitol and see what was doing. I walked in in the midst of an unexpected roll call. Even if they had alerted me at the hospital when a vote was called I would have been too far away to have arrived in time," he said.

SPENDING WEEKEND AT HOME

Bennett recalls the Sunday night he was spending a weekend in his Jacksonville home when he learned that flights to Washington had been cancelled because of snow.

"The train for Washington had already left. But I knew that another train from South Florida passed through a town not too far from Jacksonville. So I raced to that community, flagged the train and bought my ticket on board," he said.

Once he broke a leg and his doctor would not allow him to leave the hospital when a vote was expected because the cast had not hardened.

"I telephoned the floor manager of the bill, told him how anxious I was to keep my voting record intact and asked him to delay the vote until the next day. This required unanimous consent of the House but the floor manager asked for and received it.

"I was on hand to vote the next day," he said.

DAY OF MOURNING IN BALTICS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. PATTEN. Mr. Speaker, yesterday was a day of mourning in the Baltic States of Europe for it brought to mind that night in 1941 when 60,000 men, women, and children were arrested, dragged from their homes, herded into cattle cars and shipped like freight to the most forbidding regions of the Soviet Union. This was the first mass deportation, followed by others in 1945 and 1949, in which over half a million Baltic people eventually perished.

These wonderful people had lived in peace for 22 years under the peace treaty of 1920 and the League of Nations. They had built their hospitals and schools, and their individual economies on a basis of peace and freedom. The Soviet Union, however, did not honor this peace, and these tiny nations were overrun. For almost 30 years now the Russions have been trying to wipe out any trace of the Baltic States, but they can never erase the memories of freedom that still dwell in the hearts of the Baltic people everywhere. Many Latvians, Estonians, and Lithuanians who fled their homelands during the last 30 years have settled in my congressional district. It is through them that I have come to know how precious is the freedom we as a Nation take so for granted.

Mr. Speaker, I ask my colleagues to look upon June 14 not as a day of mourning, but as a day of dedication to freedom, a day on which we all rededicate ourselves to the cause of peace everywhere.

THE ART OF RED BARN CAMPAIGNING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ROBISON. Mr. Speaker, for some years now, those of us from the southern tier of New York State have had the pleasure of reading the caustic wit and wisdom of the "Bard of Binghamton," Tom Cawley. Mr. Cawley's column regularly appears in the Binghamton Evening Press; and his field of vision has extended to a wide variety of matters. He is undoubtedly the principal authority on local lore and history, he is an expert on the species "man," and his observations on the gyrations of people both famous and infamous have made him widely read and widely appreciated.

Last week, the New York Times printed a column by Tow Cawley which first appeared in the Evening Press. The column reveals the keen eye which has made him a great reporter; and it reveals also the sharp, but warm humor which has made him such an outstanding person. I insert the full column, which takes a humorous look at downstate campaigners adjusting to the upstate constituency, because I know it is bound to be enjoyed by many of my colleagues.

[From the New York Times, June 6, 1970]

TOPICS: THE ART OF RED BARN CAMPAIGNING

(By Tom Cawley)

BINGHAMTON, N.Y.—In the 1966 campaign for Governor, Frank O'Connor of New York City stepped out of an airplane at Binghamton, ready to read a statement carefully prepared for the occasion. It was a lyrical tribute to Broome County, queen of dairyland.

A local political reporter glanced through the text swiftly and muttered to a city boy from the New York Times who had accompanied O'Connor on his upstate grope, "There haven't been any cows around here since Mrs. O'Leary ruined their image." The word got back to the Democratic nominee. His advisers suppressed the statement immediately and Mr. O'Connor ad libbed something or other.

His confusion was no less than that of Averell Harriman, who is at home in New Delhi, Paris and Sun Valley, but, like most politicians from the big city, awash in disorientation upstate. During a campaign, on the eve of Election Day, Mr. Harriman made a brief appearance at the door of his airplane at Binghamton and murmured how delighted he was to find himself once again in Elmira.

It is a political axiom to all residents of the vast upstate spaces that all candidates for public office live in Manhattan, the Bronx, Brooklyn or Long Island. Every four years, with their regalia clanking, their press aides whispering hoarsely, "No, not Binningtin, it's Bing-ham-ton!," their outriders alert for Indian raiding parties, the candidates venture north of Riverdale to distribute trinkets to the natives.

HORSES AND HIGHWAYS

They strive wistfully to identify with the picture their speech writers paint. They are briefed on new-mown hay. The children in the big centralized school districts of the sprawling suburbs around the industrial centers occasionally do get to see new-mown hay in a TV educational film given over to the quaint old practice of farming, featuring posed hayseeds.

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They are filed in on red-painted barns. There are so few operable barns that a horse's neigh scares the drag racers off the four-lane highways that crisscross upstate. They are given the picture of bewhiskered old Yorkers whose conversation consists of "Yup." The only beards to be found upstate are on the 45-odd huge State University campuses that gradually are pushing the Adirondack Mountains back into Canada, and where conversation has graduated beyond one clean syllable.

The Red Barn Syndrome is the fault of the New York City political reporters. At least once during every statewide campaign, every New York writer is required to write one misty, Iroquois-smoke-tinted mood piece about the new red paint on the barns along Broome County roads, or lose his franchise.

The fact is that public safety experts have tabooed red as a color for roadside objects because at night the human eye has great difficulty detecting anything painted red. This is known as Perkinje's Shift, the discovery of Dr. J. E. Perkinje (1787-1869). It is because of Perkinje's Shift that upstate fire trucks are being painted yellow, but that's another story.

IN THE STICKS

The New York politicians try so strenuously to relate to the sticks that they overdo it. The late Senator Robert F. Kennedy (who delighted in saying, "I'm off to Johnson City" to the confusion of his advisers, who thought the only Johnson City was along the Pedernales River) took upstate to his bosom.

In a rush of affection, he got thirteen of its counties, gleaming with industrial plants and bursting with affluence, declared as part of Appalachia. This still has the boards of directors in the country clubs of Broome County fidgeting as they hoist their bonded whisky and toast the ways of downstate campaigners.

COMMEMORATING CAPTIVITY OF BALTIC STATES

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ZABLOCKI. Mr. Speaker, today is indeed a sad day in the history of freedom and independence.

It was on this day 30 years ago that the peace-loving peoples of the Baltic States were forced under the domination of Soviet rule. We commemorate this tragic anniversary as an unfortunate example of man's occasional inhumanity to his fellow man in the hope that the people of Lithuania, Latvia, and Estonia will once again enjoy the freedom they once knew.

The Baltic States have sought peace throughout their history. But geography placed them in a vulnerable position: That of small states resting in the shadow of a giant nation, Russia.

Russian Communism did not reach Lithuania, Latvia, and Estonia through legal or democratic processes although the Kremlin likes to claim that the Balts voted for inclusion into the Soviet realm.

This incorporation brought with it a brutal occupation, costing these people nearly one-quarter of their population and endangering the survival of Baltic culture and traditions.

The United States has refused to recognize this seizure and subjugation of Lithuania, Latvia, and Estonia by the Soviet Union. Further, the memory of this tragedy should encourage action insuring against yet another.

It is with this in mind that we must work to build a world in which small nations can retain their individuality and where self-determination can mean more than mere words.

In observing this anniversary, we extend our expression of concern to people of Lithuanian, Latvian, and Estonian descent in our land and about the globe, assuring them we have not forgotten.

THE ADMINISTRATION MUST GIVE MORE EFFORT TO THE FUTURE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. HANNA. Mr. Speaker, last week I warned this House that the administration's "fire bridgade" technique on the economy would push them from crisis to crisis. The newest crisis is "illiquidity." Corporations, governments, and individuals are finding it increasingly difficult to have and hold on hand sufficient money to service their cash flow requirements. Pressure predictably will now mount for the Federal Reserve to increase the money supply above 4 percent. This will give us no end of agonizing, for industrial output for May fell by 0.8 percent, the largest decline in 10 months of steadily reduced production. Since production is the indicator for new wealth and new wealth is the supporter of new money, you do not have to be a graduate economist to see that this situation is not a comfortable one.

I predict, however, that the money supply will be increased. This will be accepted domestically but will increase the already perceived rumblings from international quarters about the soundness of the dollar. We can anticipate a new play by the "gold group" to replay the whole scenario on the drive for gold reserves and an accompanying pressure on the dollar. Fighting the gold group is like battling crabgrass—any letup or any opportunities are quickly exploited and gains are immediately threatened. In short, then, attention to the internal crisis of illiquidity will rekindle the dual external crises of gold flow and attacks on the American dollar.

On another front, the truly effective weapon against inflation is increasingly evident—unemployment. The latest figures show another marked increase. Five percent will soon be giving way to a prediction of 6 percent as the deterioration effects in the economy take hold. Although the Wall Street Journal had an article on today's front page explaining why the present figures were not all that bad, the full story is more complex and less favorable. Many persons in the work force are becoming underemployed. That is to say, engineers, draftsmen, production specialists, and even scientists are taking jobs far beneath their capabilities and far below the salary level they had been receiving. The purchasing power in several areas of the country, such as Michigan and southern California, will be lowered more significantly than the present unemployment figures would indicate. This will be followed by unemployment in other segments once the effects of this reduction in spendable income in these specific areas begins to reach out. It is a grave error to cover these facts with the national figures, because their specific serious nature will eventually affect the national picture.

I predict that the administration will immediately pick up attention to and express concern for legislation aimed at alleviating the pangs of unemployment. The Youth Conservation Corps is a likely candidate for this crisis attention. It will not, nor do I expect other like measures, to bring effective solution to our basic problems.

As I have said before, the real answer is in developing new thrusts for the use of our industrial complex and its technological and scientific skills. A directed flow of both manpower resources and capital resources to a dynamic new assault on transportation; an innovative and carefully executed plan for water reclamation and pollution control; a sensible and well-financed effort in rehabilitation of old cities and location and induced building of new cities; and an organized program for long-range ocean research and ocean resource expansion.

Without a new set of goals and programs sensibly funded to attain such goals, we will not be creating acceptable wealth in consort with the new values and standards which really give people the confidence they now lack in both our economy and in our money.

The administration must give more effort to the future and less to firefighting. They need to stop fiddling and start composing. Our people need the new themes to march by and they are getting the ricky-ticky tunes of the past played more for diversion than for direction.

CAPTIVE NATIONS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. CONTE. Mr. Speaker, on June 15, 1940—30 years ago today—Lithuania, Latvia, and Estonia were invaded and occupied.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians, and Estonians have suffered for centuries from the "accident of geography." From the west they were invaded by the Teutonic Knights and from the east by the Russians.

Since the beginning of Soviet occupation, the Balts have waged an intensive fight for freedom. The U.S. Government has refused to recognize the "incorporation" of Lithuania, Latvia, and Estonia into the Soviet Union. We maintain diplomatic relations with the former free Governments of the Baltic States. Since June 1940, all the Presidents of this country have stated our nonrecognition policy.

In 1966, the Congress adopted House Concurrent Resolution 416 which calls for freedom for Lithuania, Latvia, and Estonia. I would like to conclude my remarks with a copy of that resolution. I hope my colleagues and the American people will read it closely on this 30th anniversary of occupation:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation continues a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

DDT: A DECISION FROM THE MADISON HEARING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. OBEY. Mr. Speaker, in December 1968, extensive hearings by the Wisconsin Department of Natural Resources were initiated on the subject of DDT. Those hearings, held in Madison, were to determine whether DDT should be classified as a water pollutant and, therefore, subject to regulation under the State Water Quality Act.

Those hearings went on for many weeks and resulting testimony filled thousands of pages. This was the first assault on the merits and demerits of this chemical, and many persons have anxiously been awaiting the results of that hearing for some time.

A ruling on this case has been made, Mr. Speaker, and it is most gratifying for those who have been pleading the case against DDT for many years.

After reviewing the thousands of pages of hearing testimony, the hearing examiner for the State Department of Natural Resources has reported the following regarding DDT:

> Its ingestion and dosage therefore cannot be controlled . . . and minute amounts of the chemical, while not producing observable clinical effects, do have biochemical, pharmacological and neurophysiological effects of public health significance.

In short, Mr. Speaker, he has ruled after much consideration that DDT is harmful to humans as well as to fish and wildlife. As a result, the examiner has ruled that this chemical and one or more of its related chemicals is an environmental pollutant under State law.

This decision is one of the most significant to date regarding pesticides and the environment. Most significant is the fact that it is a decision based not on emotion, but on facts. It is a welcome decision and will certainly be considered when States other than Wisconsin establish water quality standards.

A newspaper article announcing the decision appears below:

DDT RULED DANGEROUS FOR HUMANS

MADISON, WIS.—The hearing examiner in Wisconsin's famed DDT inquiry has ruled that DDT is harmful to humans and subject to regulation under the state water quality act.

Maurice Van Susteren said in a 29 page ruling mailed out last week that it was not possible to set tolerance levels for DDT because it had the characteristic of being accumulated and stored in the human body and the food chain of aquatic life and some animals.

He added:

"Its ingestion and dosage therefore cannot be controlled . . . and minute amounts of the chemical, while not producing observable clinical effects, do have biochemical, pharmacological and neurophysiological effects of public health significance."

HURTS FISH, BIRDS

In addition, he said, DDT at chronic low levels was harmful to fish by reducing their resistance to stress and it interfered with the reproductive processes of fish eating birds.

Because of this Van Susteren said, DDT and one or more of its related chemicals was an environmental pollutant under the law.

The hearing was held on a petition of the Citizens Natural Resources Association and Wisconsin Izaak Walton League for a declaratory ruling on whether DDT could be banned as pollutant.

The hearing began Dec. 2, 1968, and lasted several weeks. Testimony filled 2,811 pages of transcript and the exhibits filled another 1,690 pages.

SALE, USE NOW BANNED

The Industry Task Force for DDT of the National Agricultural Chemicals Association defended the chemical. Victor J. Yannacone, Jr., Patchogue, N.Y., acted as "prosecutor" for the Environmental Defense Fund that opposed DDT.

Since the hearing, the Wisconsin Legislature banned the sale or use of DDT in Wisconsin. However, the petitioners were anxious to get Van Susteren's ruling as precedent for use in other states.

EDF and Sen. Gaylord Nelson (D-Wis.) have been seeking a national ban.

The defenders of DDT can appeal the ruling to Natural Resources Secretary L. P. Voight and then to Dane County Circuit Court under administrative review.

BENEFITS NOT AN ISSUE

Van Susteren quoted liberally from the voluminous testimony in his ruling.

He noted the great economic benefits from DDT in agriculture and pest control and added: "Without doubt, DDT has provided enormous economic benefits, but economic benefits are not an issue or part of any issue in this case."

He said in his opinion:

"Clinically observable toxic effects of DDT in humans are obtained only with extremely large dosages by sudden extreme exposure. . . . Clinically observable effects are evident injury, illness, loss of body function which directly inconveniences a person at work and at play. Toxicity, as the word is ordinarily expressed, is related to dosage, which in turn is related to storage.

FOUND EVERYWHERE

"DDT is ubiquitous. It is found in the atmosphere, soil, water and in food in what might be considered minute amounts. The chemical property of being soluble in lipid or fat tissue results in storage primarily in the body fat and nervous systems in all organisms in all levels of food chains. It is therefore impossible to establish levels, tolerances or concentrations at which DDT is toxic or harmful to human, animal and aquatic life

ISRAELIS FEAR WAR OF ATTRITION AS SOLDIER DEATHS MOUNT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BOB WILSON. Mr. Speaker, amid mounting Russian-inspired agitation and violence, Israel has been trying valiantly to maintain its independence and equilibrium in the troubled Middle East. In this small beleaguered country, each terrorist bombing and death is a very personal thing. The casualty may well be a relative or the child next door. Ray McHugh of the Copley News Service has captured a part of the spirit of Israel in the following June 4 feature story from

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the San Diego Union and I am pleased to share it with my House colleagues:

ISRAELIS FEAR WAR OF ATTRITION AS SOLDIER DEATHS MOUNT

(By Ray McHugh)

JERUSALEM.—The little procession of soldiers, led by a rabbi, walked at slow cadence through the Jersualem street and busy crowds grew silent.

Men bared their heads and twisted their hats awkwardly in their fingers. Women bowed their heads. A few sobbed and the words of ancient Hebrew prayers hung in the warm afternoon air.

War is a strangely personal thing in this little country.

Each victim of Egyptian artillery along the Suez Canal or El Fatah mines along the Jordanian, Syrian and Lebanese borders is literally "the boy next door."

Evening newscasts lead off with the names and addresses of any soldiers killed that day.

"To delay even a few minutes would provoke thousands of telephone calls from anxious mothers, said a radio newsman.

This family concept may have an important bearing on Israel's policies in this period of diplomatic impasse and rising casualties.

"We are not prepared, physically or emotionally, for a long drawn-out war of attrition, said a university professor. "We lost 30 to 35 men killed in May. We cannot afford such losses. We will have to take some kind of action."

Israel has less than 3 million people—only 2.5 million Jews—and they are knitted together by adversity. Those of middle age and older remember the horrors of World War II in Europe, the persecutions and ostracism of hostile Arab lands like Yemen, Morocco, Iraq, or the struggle in Palestine, first to build homes, then to claim independence from the British mandate and encircling Moslem nations.

Younger adults are veterans of the 1956 and 1967 wars and the years of privation that have turned Israel, despite its conflicts, into a garden spot in the largely arid Middle East.

Some are prone to dismiss the development of Israel as a product of the financial backing by American and Western European Jews Bitter Arabs will charge that the Israelis "stole" the rich soil of Palestine and drove off Arabs whose roots here were 5,000 years old. Some say the Israelis inherited and improved an already well-organized British administration.

In each point there is a seed of truth, but even put together they do not explain or diminish the accomplishments of Israel.

Now faced with direct Soviet participation on the side of Egypt, many commentators say Israel is living in its "darkest hour." Foreign Minister Abba Eban refuses to use such dramatic terms.

"I do not deal in comparisons," he said. "Suffice it to say that the situation is more dangerous than it was a month ago."

The average Israeli in the street, however, does not always share the quiet confidence of the urbane minister.

"It is a tragic comedy," said a Romanian-born taxi driver who fled Bucharest and the Russians more than 20 years ago and who now has a 21-year-old son serving on the Suez front.

"It is as if the Russians were pursuing us, determined to destroy us."

Oddly enough, the three prime ministers who have led Israel since it declared its independence in 1948 were all born in Russia. David Ben-Gurion and the late Levi Eshkol fled the pogroms of the czars and came to Palestine before World War I. Golda Meir was taken to America as a girl of 5 and raised in Milwaukee where she became a schoolteacher before emigrating to Palestine in the 1920s.

She still tells the story of an older sister, marked by experiences in Russia, who ran screaming from a Milwaukee parade when she saw mounted policemen who she thought were "Cossacks."

Eshkol, in an interview before his death in 1969, told this writer about spending weeks locked in his home in what was Lithuania as the czar's police searched for Jews.

In another interview, Ben-Gurion spoke almost wistfully of the 3 million Jews still living in the Soviet Union and of the contribution they could make to his little country.

None of this is lost on the Israelis.

Doubt and disappointment have tempered the excitement that followed the six-day war of 1967. The peace they thought they had won has slowly slipped like sand through their fingers. But hope lives almost fiercely in these people.

"Give peace a chance to breathe," pleads Eban.

RESOLUTION SUPPORTING SAFETY AND HEALTH STANDARDS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MOORHEAD. Mr. Speaker, the dignity and importance of the American workingman has been attested to time and time again by this Congress.

Currently, the House Education and Labor Committee is considering legislation which I, and a number of others, have introduced, the Occupational Safety and Health Act of 1969.

This legislation would establish safety and health standards for all American workers in all industries and work areas.

The commissioners of Allegheny County, where my city of Pittsburgh is located, have issued a resolution urging passage of this bill.

As Commissioners Staisey, Foerster, and Hunt say of workingmen, these safety standards represent their just due. In other words, we owe this legislation to the working American.

I would like to introduce this resolution into the RECORD and urge my colleagues to vote for the establishment of national safety and health standards:

RESOLUTION OF ALLEGHENY COUNTY BOARD OF COMMISSIONERS

Whereas, this nation owes its undisputed position as the greatest and most powerful civilization the world has ever seen to the limitless skills and driving energies of its work force; and

Whereas, the daily toil of this work force of men and women has generated the great bounty of peace and prosperity as well as the military might needed to defend our freedoms; and

Whereas, safe and healthful working conditions for this work force is a fundamental necessity if our national growth is to continue and our resources are to be utilized fully; and

Whereas, legislation on a national scale is the logical means to ensure such safe and healthful conditions in order to prevent a hodgepodge of state and local laws which could bring chaos without federal law to provide meaningful standards; and

Whereas, legislation to ensure the required federal standards for health and safety for our workers has been introduced into the U.S. House of Representatives by the Honorable William S. Moorhead, of the 14th District of Pennsylvania, and the Honorable Joseph Gaydos, of the 20th District of Pennsylvania.

Now, therefore, be it resolved that this Board of Commissioners of Allegheny County commend these Representatives and make known our total support of such legislation; and

Be it further resolved that this Board strongly urge the Congress of the United States to enact into law without delay a measure which will provide our working people the safeguards which are no more than their just due.

Resolved and enacted this 7th day of May, 1970.

LEONARD STAISEY,
THOMAS J. FOERSTER,
WILLIAM HUNT,
Board of County Commissioners.

Attest:

THOMAS B. CARPENTER,
Chief Clerk.

BALTIC PEOPLES LOST THEIR FREEDOM 30 YEARS AGO

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. CUNNINGHAM. Mr. Speaker, this week marks the 30th anniversary of the loss of independence by the Baltic States of Estonia, Latvia, and Lithuania and their absorption into the Soviet Union.

Estonia and Latvia were independent nations until the 13th century and Lithuania remained independent until 1386, when it established a union with Poland that lasted until the Russian partition of Poland in 1795. During World War I, patriots in the three nations took advantage of the weakening of the czarist regime in Russia and declared themselves independent nations.

Attempts by the Russian Red army to destroy the new states proved futile and the countries entered into peace treaties with the Soviet Union guaranteeing the independence and sovereignty of Estonia, Latvia, and Lithuania "voluntarily and forever." The Baltic States were admitted to membership in the League of Nations in 1921.

During World War II, however, the Soviets charged these three countries with forming a military alliance against Russia and demanded the establishment of friendly governments. This ultimatum was followed by invasion of Lithuania 30 years ago today—June 15, 1940—and Estonia and Latvia 2 days later.

Mr. Speaker, the United States never has recognized the incorporation of the Baltic area into the Soviet Union. House Concurrent Resolution 416, passed on June 21, 1965, in this body and on October 22, 1966, by the Senate, urged the President to direct the attention of the United Nations to the fact that the Soviet Union has violated the United Nations Charter by occupying Estonia, Latvia, and Lithuania.

On this 30th anniversary of the conquest of the Baltic nations, let us remember that people of Estonian, Latvian, and Lithuanian ancestry through-

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out the world look forward to the day when they can return to their homelands in freedom.

Mr. Speaker, I am indeed proud to be a member of the Honorary Committee of Americans for Congressional Action to Free the Baltic States. I call to my colleagues' attention the following material prepared by this organization and House Concurrent Resolution 416:

Red Terror in Lithuania, Latvia, and Estonia

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all of the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

Recently the U.S. Congress has made a right direction by adopting *H. Con. Res. 416* that calls for freedom for Lithuania, Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

MEMORIAL DAY SPEECH BY CHAPLAIN MAJ. LAWRENCE B. GRAHAM

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ABBITT. Mr. Speaker, Memorial Day is always a time of reflection and soul searching which causes each of us not only to reaffirm our opposition to conflict among nations but also to pay homage to those who have given their lives in defense of freedom.

Many fine addresses were made on Saturday, May 30, and I had the privilege of attending one at City Point National Cemetery in Hopewell, Va., at which Chaplain Maj. Lawrence B. Graham, of Fort Lee, was the speaker. I do not believe that I have heard a more challenging address than the one made by Chaplain Graham on that occasion. I was so much impressed with it that I have asked him for permission to insert it in the Congressional Record so that it can be read by not only other Members of Congress but by the public at large.

I take pleasure in inserting this speech in the Record and commend it to the reading of the Members of the House.

The speech follows:

Memorial Day Speech by Chaplain Maj. Lawrence B. Graham

Each year at this time we, individually and collectively, honor those men of combat who in the common defense have made the supreme sacrifice—a sacrifice which cannot be bought by all the resources known to man—a sacrifice that transcends the greatness of all that is great—a sacrifice so unique that scientists over the centuries are still trying to understand it: The sacrifice of life itself.

To most of us, this commemoration is traditionally depicted by scenes of the quiet cemetery up on the hill outside of town. It is hopefully a bright sunny day with a gentle breeze tufting the grass blades and bending the shade trees ever so slightly. The off-white tombstones stand in proportioned lines, looking somewhat like military forces in battle

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array. Here and there gravesites are watched over by small American flags. There are speeches and remembrance ceremonies conducted in big and little places on this day. There is the music and the lonely sound of "taps." Then everyone goes home.

This traditional scene, however, is far removed from the way most of these men died. For these men, and for those who were fortunate to live through it, war was a special province in which the Gods of chance rose to full stature. They came to know that uncertainty and confusion were inseparable from combat. That every action produced an enemy counteraction. That every action produced thousands of interlocking actions which created millions of smaller frictions, accidents and chances. They knew the unknown as the first-born son of combat and uncertainty as its other self.

Yet they were not lacking in the resolve and determination necessary to withstand these pressures. On the contrary, they manifested an aura of confidence which is hard to put into words. It was confidence in their ability to fight, and fight well. It was confidence in the importance of themselves as individuals—as men. It was confidence in themselves as a group—a mutual dependence and respect of buddies in an outfit. And it was the firm belief that their country stood behind them and backed them up in what they had to do.

This is not to say that they did not experience fear, for they most certainly did. They knew it intimately. They knew the violent pounding of the heart; the sinking, sickening feeling in the pit of the stomach; the cold sweat; the shaking of the hands and trembling of the body—much as does the athlete before the starting gun. And yet, with the bitter dryness of fear in their mouth, they went forward against enemy fire—sometimes not just once but many times. Their world shrank to the immediacies of staying alive and destroying the enemy.

These men did not voice tender expressions of idealism, for on the field of battle, actions spoke louder than words.

Then why, we may ask, did these men, as individuals, give so much of themselves?

Were they truly aware of what they were doing? Could they conceive of the enormity of the sacrifice their nation called upon them to make? The boy fresh from the farm or the factory—did he know what his country was asking? The youth from the ghetto street—was he switched off when he entered the darkness of the pit? The young father who had known the fullness of life so briefly—could he imagine that an implacable destiny might forbid him to see his family forever?

Those cynics who deride patriotism and faith tell us no. They seek to convince us that these men went blindly and fought blindly while they cursed the impersonal fate which led them inexorably through the darkness of combat.

I have never believed this; I never shall. No American worthy of the name can accept this cynical counsel of despair. We know that when men have been long in battle and have thought deeply about their situation, there comes at last the awareness of ultimate responsibility—that one man must go ahead so that a nation may live.

Today it is sometimes unfashionable to speak of patriotism and idealism, to fly the flag, to proclaim in depth what America stands for and what our freedoms cost us. Nevertheless, we believe in the meaning of all these, and it was this deep belief that motivated those we honor today.

I do not mean to say that all our men could precisely articulate what they felt. But make no mistake! They all knew what they were fighting for and why. They knew their own lives might well be the price of victory. They sensed this with a sensitivity which surpassed mere understanding. Our national ideals inspired them, and the power of the national spirit moved them to great deeds of valor.

Thus it is fitting on this day that we recall clearly the exclusive brotherhood of these honored heroes and what they died for.

It is also fitting on this day to ask why America has had to fight wars. A great American, General of the Army Omar Bradley, had one answer. Listen to his words spoken on another Memorial Day, in 1948, at Longmeadow, Massachusetts:

"This lad we buried today is partly the victim of your folly. He is the victim of your folly and the folly of all the peace-loving peoples who turned their backs on the ills of the world. For at the very time those aggressors, at whose hands he met his death, conspired against the peace of the world, we blinded ourselves to their threats and by our shameful inaction countenanced their starting attack.

"Secure in distant and peaceful towns like these, clinging to comforts, refusing risks, seeking safety in refuge and refuge in words, we recanted power and conscience to side with those who sought peace at any price. Too late we discovered the price was too high; and to keep our freedom we paid in the bodies of our young sons.

"If the United States ever again stoops to expedients to avoid the difficult decisions that come with leadership, the heavy burdens that come with defense, we shall once more run the dangers of all half-way measures and waste our strength and conscience as a weather vane rather than a force.

"If we cringe from the necessity of meeting issues boldly with principle, resolution, and strength, then we shall simply hurdle along from crisis to crisis, improvising with expedients, seeking inoffensive solutions, drugging the nation with an illusion of security which under those conditions cannot exist. If we are to scamper from crisis to crisis, fixing principles and policies to the change of each day, we shall place ourselves supinely and helplessly at the mercy of any aggressor who might play on our public opinion and decimate our forces at will.

"To live bravely by convictions from which the free peoples of this world can take heart, the American people must put their faith in stable, long range policies—political, economic, and military—programs that will not be heated and cooled with the brightening and waning of tension.

"The United States has matured to world leadership; it is time we steered by the stars, not by the light of each passing ship.

"On this Memorial Day . . . we pay homage . . . to all . . . fallen comrades . . . to the strong, the weak; the leaders, the led; the brave, the fearful; to all who perished where only God could witness their charity to their fellow man.

"Proudly—but reverently, sadly—we honor them. We pray they will ever rest in peace."

These perspective observations by General Bradley are just as true and timely today as they were over twenty years ago.

True and timely also is the meaning of the words in the West Point motto, "duty, honor, country," these high ideals are as inspiring to true Americans today as they were in an earlier, less sophisticated time when our forefathers struggled to create a way of life new to the world. A life in which "freedom" was paramount. The world scoffed at this impossible dream. Yet imperfect though we may be, it grows toward fulfillment. On the road, we have found many times that the choices were few—fight or forget it, but each success brings us a step closer to a full realization of what began nearly 200 years ago.

Today our genius and resources have put a man on the moon, created equipment of almost unbelievable sophistication and provided well-being beyond most of the world's belief. Today it is well to remember that dedication to simple challenges of "duty, honor, country" can inspire men to deeds beyond their normal strength and courage. This is the spirit which protects the dream, and this is the dream for which men will face fire.

So as we prepare to leave this ground where sleep the brave, remember that the price of freedom will never be cheap. Our presence here emphasizes that the purchase price is often life itself.

However, if we raise our children with the high ideals, dedication and determination of those patriots who have gone before us, we cannot fail.

If we firmly demonstrate to all who threaten freedom that we *will* pay the price, we increase the probability that the lives of Americans in the future will not be lost as they have been in the past.

If the world's aggressors are given pause by our steadfast refusal to compromise on freedom, these heroes we honor today may sleep peacefully, knowing they have not died in vain.

UNIONS AGAINST THE WAR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. EDWARDS of California. Mr. Speaker, recent headlines about prowar demonstrations by hard-fisted, hard-hatted union members may lead some to believe this hawkish disposition is characteristic of union members everywhere. To counteract that impression, I would like to enter in the RECORD two recent articles, one from the San Francisco Chronicle and one from the New York Times, which give the other side of the picture. In a full-page advertisement in the Chronicle, several hundred northern California union leaders renounced the war and the invasion of Cambodia in no uncertain terms. "We've had it!" declared the May 18 advertisement, which contained the names of leaders of some unions which were previously among the stanchest supporters of the war. The advertisement is a welcome fissure in the facade of prowar union sentiment and suggests that facade may be more fragile than the administration would like to believe. The articles follow:

[From the San Francisco Chronicle, May 19, 1970]

PEACE AD BY BAY UNION OFFICIALS

A cross-section of Bay Area union leaders, including some of the most conservative, spoke out strongly yesterday against American military involvement in Southeast Asia.

"We want out of Cambodia—now! We want out of Vietnam—now! We've had it!" they declared in a full-page newspaper advertisement signed by 336 leaders.

The signers ranged in political outlook from President Harry Bridges of the International Longshoremen's and Warehousemen's Union, which long has opposed the Vietnam war, to such men as Secretary Dan Del Carlo of the local building trades council of the AFL–CIO, which has been one of the staunchest supporters nationally of the war.

Other signers included leaders from the International Typographical Union, Newspaper Guild, Auto Workers, Electrical Workers, Social Workers, Carpenters, Teamsters, Teachers, Painters, Watchmakers, Communication Workers, Iron Workers, Laborers,

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Lithographers, Office Employees, Bartenders, Hospital Workers, Boilermakers, Laundry Workers, Clothing Workers, City Employees, Machinists, Broadcasters, Cemetery Workers, Bottle Blowers, Oil Workers, Cooks, Retail Clerks, Service Employees, Culinary Workers, Barbers, Butchers, hodcarriers and piledrivers.

Among the most prominent AFL–CIO signers were Harry Bigarani, secretary of the Painters District Council here; Thomas Rotell, head of the Metal Trades Council here; Secretary Art Carter of the Contra Costa County Labor Council; Secretary Richard Groulx of the Alameda County Council and Secretary Charles Weir of the Marin County Council.

Among the Teamsters leaders were Joseph Diviny, the union's first vice president nationally and head of its joint council in the Bay Area, and Director Einar Mohn of the union's Western Conference.

The signers accused President Nixon of violating the Constitution by expanding the war into Cambodia, said the American troops being killed there "are our sons," and charged there is no reason to believe Mr. Nixon's promise to withdraw U.S. men from Cambodia by June 30.

(By Wallace Turner)

San Francisco, May 19.—The shattering of labor union support in this area for President Nixon's Indochina policies was signaled yesterday in full-page advertisements in both The San Francisco Chronicle and The Examiner.

The names of 451 labor union officers were signed to the advertisement. It was captioned: "We've had it!"

The text said that "working people and their families, are deeply disturbed at your explanation of the war into Cambodia," adding that Mr. Nixon had "further divided this country" by his move.

Addressing itself to the President, the ad said:

"You have created a credibility gap of incredible proportions. The economy of our country is steadily being eroded, your promises to stabilize the economy and control inflation have become meaningless."

A SHIFT IN POLICY

While the sentiments expressed in the advertisement are not new, the signatures to such a document of the names of many leaders of conservative unions constitutes a departure from national labor policy. Behind President George Meany, most of the oldline unions in the American Federation of Labor and Congress of Industrial Organizations have consistently supported Mr. Nixon's war policies.

But the signatures to the antiwar advertisement include those of the ironworkers, carpenters, boilermakers, painters, communications workers, lithographers and butchers unions.

More predictably, there are also signatures of officers of the more liberal unions, such as the auto workers, longshoremen, led by Harry Bridges; the American Federation of Teachers, and the farm workers.

Some of the signatures that stand out are of Einar O. Mohn, head of the Western Conference of Teamsters; Joseph Diviny, first vice president of the International Brotherhood of Teamsters; Richard Groulx, executive secretary of the Alameda County Labor Council in Oakland; and Larry Vail, secretary of the State Retail Clerks Union.

WAR I CRITIC SIGNS

One note from the long past was the signature of Warren K. Billings, listed as a member of the executive board of Watchmakers Local Union 101.

Mr. Billings was convicted with Tom Mooney of bombing the Preparedness Day parade here in 1917. He learned watchmaking during the long years he spent in Folsom Prison.

The advertisement was prepared by liberal union members whose previous antiwar attitudes were intensified after four students were killed by National Guardsmen at Kent State University in Ohio.

C. & O. HISTORICAL PARK AT LAST?

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MORTON. Mr. Speaker, the editorial "C. & O. Historical Park at Last?" appearing recently in the Washington Post, expresses clearly my view concerning the development of the C. & O. Canal and its banks. The time has long since passed when we should take a firm position in the spending of park moneys so that they can, to the highest degree possible, serve the needs of urban peoples.

I commend the editorial to my colleagues, but more than this, I urge their full support and that of the administration to expand and develop the C. & O. Canal National Historical Park.

C. & O. Historical Park at Last?

Secretary Hickel's endorsement of the bill to convert the Chesapeake and Ohio Canal into a national historical park is a bow to the art of the possible. The secretary has indicated on various occasions that he has a great interest in cleaning up the Potomac River and dedication of its shores to scenic and recreational use. No doubt the temptation was strong to ask Congress for funds to buy all the land that will be needed in the future for a major park along the Potomac. But the secretary was well aware of the opposition to such a project at this time and of the apathy in Congress. He has sensibly chosen to take a step at a time, and the logical first step is the enactment of the C. & O. Canal bill.

Washington is fortunate in having this thread-like park which stretches from Georgetown to Cumberland. It is an open door to green space, to woods and streams, to the habitat of birds and deer, to pleasant skies and a seemingly interminable winding trail—the towpath. In an era when we are increasingly concerned about our natural environment, it links the ghetto, the business district and the suburbs to the best wilderness that can be found in these parts. Most of what it has to offer is relief from hot streets and urban congestion, but the scenery at Great Falls and the region of the Paw Paw Tunnel bring it well within the national park category.

What is now proposed is that this National Monument be given the additional space and facilities needed to make it useful and enjoyable on a large scale. The 185-mile ribbon of land, including the old canal, now constitutes only 5,250 acres. The Mathias-Gude-Beall bill, now approved by the administration, with amendments, would expand the park to more than 20,000 acres, including 12,156 acres now in private ownership. The additional space is urgently required for picnicking, camping, parking, hiking and protection of scenic and recreational values. If this park can be brought to a high state of usefulness for an estimated outlay of $19,472,605 for land acquisition and $47 million for development, it will be a bargain of great significance to the community.

Enactment of the C. & O. Canal park bill at this session of Congress would be in line with the current emphasis on the expansion of recreational areas near the big cities. In the past Megalopolis has been denied its share of federal funds for open space and rejuvenative environment. The C. & O. Canal may well become an important demonstration of what can be done with scenic resources close to central population areas. We hope that Congress will not miss the opportunity.

ADMIRE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. DICKINSON. Mr. Speaker, I wish to call attention to a most unique international scientific, educational and fun event. It is ADMIRE, an international paper airplane contest. ADMIRE is an acronym for: Airplane derby means interest, research, enjoyment. The competition calls for people of all ages throughout the free world to make and enter paper airplanes for the international fly-offs in Columbus, Ohio.

ADMIRE is sponsored by the Columbus, Ohio, Dispatch and the Center of Science and Industry of the Franklin County, Ohio, Historical Society, with the full cooperation of Lockbourne Air Force Base, Ohio, Navy recruiting, educational, and scientific groups.

The contest is a distinct step in man's giant leap into the realm of higher science and in the study of aeronautics. ADMIRE is wholesome recreation and will bring families together in a spirit of fun and unity.

Focusing attention on flight is a valuable contribution because the aerodynamics of paper airplanes are much the same as aerodynamics for jet-powered crafts.

Interest in the contest has been spurred by a galaxy of outstanding prizes including an 8-day Florida vacation for a family of five to be won by a youth younger than 18. Other prizes include optics, scientific instruments, electronics, athletic equipment, and home accessories.

There are no fees or gimmicks involved.

Mr. Speaker, the response stretches from Ethiopia to Japan and many areas in between. Significantly, a friendly approach was made by many Governors. Gov. Claude Kirk, of Florida, entered an alligator with wings, complete with the seal of Florida and a map of the State. Gov. Marvin Mandel, of Maryland, issued a public statement to all Marylanders to enter airplanes for screening by his office. The best will be entered as Maryland's official entry. Outstanding crafts were entered by Gov. Lester Maddox, of Georgia, and Gov. Winthrop Rockefeller, of Arkansas. Gov. Linwood Holton, of Virginia, consulted the Commonwealth's aviation division, as ADMIRE rules permit, to design an airplane calculated to sweep top honors. Several other Governors have indicated that their State airplanes will be in the contest shortly.

The Vatican Secretary of State advised

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that Pope Paul prays for ADMIRE's success and heavenly favors.

The Honorable Walter J. Hickel, Secretary of the Interior, used the ADMIRE contest as a means of conveying an ecological message to the people of the United States. His entry is made entirely of "reconstituted" garbage; his letter was on reconstituted paper; the shipping box is to be recycled, as is the plane which is named "The Environmentalist." Newspapers all over the United States reported Secretary Hickel's message about improving the ecology—another indication of how something as inconspicuous as a paper airplane can be used to emphasize a vital theme.

Mr. Speaker, as a member of the Armed Services Committee of the House of Representatives, I am delighted with the interest and participation of men and women in uniform. The Navy Nurse Corps entered an airplane shaped like a hypodermic needle and used the entry as an incentive in Navy nurse recruiting.

The U.S.S. *Columbus*, a guided missile cruiser at sea, entered a skillfully designed airfoil airplane. When the all-paper airplane arrived in Columbus, Ohio, the city for which U.S.S. *Columbus* was named, the air boss of ADMIRE located Mrs. Edward Meyers who christened and launched U.S.S. *Columbus* back in April 1944. Mrs. Meyers volunteered to fly the U.S.S. *Columbus* entry in the ADMIRE contest for the men of her ship. A story in the Columbus Dispatch reported that Mrs. Meyers had been selected as "Mother of the Year" in 1944 and chosen to sponsor U.S.S. *Columbus* because she had lost two sons in the World War II Army service. Again, a patriotic message, badly needed in these times, evolved from something as remote as a paper airplane contest.

Lockbourne Air Force Base, Ohio, is holding an open house on June 21 anticipating an overflow crowd of 200,000 enthusiastic spectators. Many will fly paper airplanes as the first phase of the ADMIRE contest and as a prelude to a demonstration by the Air Force Thunderbirds. Air Force equipment will be on display but even more important, so will the men and women of the Air Force and other military and naval services.

Mr. Speaker, I would like to offer my congratulations to Col. Richard J. Downs, commander of the 317th Tactical Airlift Wing at Lockbourne, and to his capable public information officer, Capt. William H. Johnson, Jr., who is incidentally one of my constituents. Both men have worked long and hard on the planning of this tremendous air show and the day's related events. My reports indicate that their work will pay off with an even greater success than expected.

I think it is commendatory that the Columbus Dispatch, commonly referred to as "Ohio's Greatest Home Newspaper," has arranged to use the ADMIRE paper airplane program as a bridge to bring citizens into closer and harmonious contact with the dedicated men and women who provide our country's defenses. It is salutary that Americans in uniform are being presented to the public in a very human way, as individuals with the same fine characteristics possessed by the overwhelming majority of American citizens. I hope my colleagues on both sides of the aisle will enter ADMIRE.

I am inserting contest rules and other specifics for your information at this time.

ADMIRE—AIRPLANE DERBY MEANS INTEREST, RESEARCH, ENJOYMENT . . .

Who: Everybody. Young and old. Central Ohio residents or people from other states or countries. Civilians and service people at home or abroad. Heads of foreign nations and people with aspirations.

What: A Paper Airplane Derby. Every airplane must be constructed solely of paper, glue, or tape. No metal. No plastic. No wood.

When: Take-off to Lockbourne Air Force Base, Sunday, June 21, for a mammoth Open House during the hours of noon to 5:00 p.m. Children may participate in using the Kiddie Jump Tower, a simulated parachute jump of 100 feet. See a huge KC135 Tanker craft refuel a B52 Bomber in the air. Climb aboard every type of aircraft used by the Tactical Air Command. Experience the thrill of free-fall parachute jumping. Meet and see the world's greatest precision pilots, the renowned Thunderbirds, as they fly paper airplanes and then put on a thrill-a-second airborne demonstration with their brand-new F4E Phantom Jets. Be a guest of Colonel Richard J. Downs, USAF, and all of the men and women under his command at Lockbourne. You'll be in the mood to launch your own paper aircraft when the Derby starts the next day, June 22.

Where: With the Jet-Assisted-Take-Off from the Lockbourne Air Force Base Open House, actual flying for young people starts Monday, June 22, at the Center of Science and Industry, 280 East Broad Street, Columbus, Ohio, USA. Children should enter the proper age group. Accompanying parents may also fly.

Adult Fly-Offs will be held in the Neil House Ballroom commencing Monday evening, June 29. Children with parents may fly. Jumbo aircraft (more than two feet long) will fly at the Naval Reserve Training Center, 85 North Yearling Road, Columbus, Ohio, Sunday, July 12, commencing at 1:00 p.m. Paper airplanes longer than 20 feet will not be eligible.

Why: Advance science. Contribute to man's knowledge of flight. Discover undiscovered aeronautical geniuses. Guide the engineers who labor over the drawing boards. Help in mankind's leap into higher science. Prepare yourself for the time when families will have their own airplanes for picnics and travel to the office. Re-live history with classic airplane models of yesteryear. Unite the family in a Fun Break . . . when it is most needed.

How: Attend a scheduled Fly-Off bringing your paper airplane. If you are the head of a foreign nation, live abroad or in a section of the United States which makes it inconvenient to attend a Fly-Off, ship your paper airplane to Professor COSI; see page 4 for details. If you wish to attend a Fly-Off as a participant do not ship your airplane; bring it with you to the Fly-Off.

OTHER INFORMATION

No airplane will be returned. After display at the Center of Science and Industry, airplanes will be used for research and study by scientists. Crafts may later be turned over to the Department of Aeronautical and Astronautical Engineering of the Ohio State University, the U.S. Air Force, or the Smithsonian Institution. Consideration will be given to applications from other recognized educational and scientific centers.

Caution: Any aircraft employing advanced aerodynamic principles which should be classified in the interests of international security, should be clearly marked "Top Secret." Logistical advice on the movement of the paper aircraft from abroad or from remote parts of the United States, may be obtained from the Honorable Victor Bodish, Postmaster, Columbus, Ohio or from Professor COSI.

Test pilots will fly airplanes for contestants unable to appear at a Fly Off. Lt. Commander Pat Gallagher, USN, (Naval Plant Rep's Office, North American Rockwell Corp.) is Chief Test Pilot. Another Chief Test Pilot is Sister Suzanne, O.P. President. Ohio Dominican College. Other outstanding Test Pilots or Sky Pilots will fly the avalanche of foreign entries.

If you are in the Mid-Ohio Area, or can arrange a visit, bring your airplane. So we can look for you, why not drop a card of intentions to Air Boss, Public Service Department, The Columbus (Ohio) Dispatch?

SPONSORS

This contest is jointly sponsored by: Columbus Dispatch (Ohio's Greatest Home Newspaper); Center of Science and Industry (of the Franklin County Historical Society); with the cooperation of: Lockbourne Air Force Base; Department of Aviation, The Ohio State University; Department of Aerospace Studies, Air Force R.O.T.C. and The Angel Flight of The Ohio State University; Educators; Airlines; Scientists; Judges; many distinguished people and organizations.

See details in this brochure for further instructions, eligibility and technical advice on the construction of paper airplanes for ADMIRE.

VOLARE AD GAUDIUM

Who flies harder, faster, longer and higher than the U.S. Air Force? The answer is easy . . . nobody.

That's why Lockbourne Air Force Base is calling your attention to "ADMIRE," the International Paper Airplane Contest. We urge each U.S. Air Force installation to send an entry and help prove that "we fly harder."

Officers and airmen are encouraged to submit individual paper planes in the competition, in addition to an entry from each installation. Name your plane. Decorate it.

To insure considerate and careful handling of your craft, send each entry to Captain Bill Johnson, USAF, Information Officer, Lockbourne AFB, Ohio 43217. Your immediate action would be appreciated. Help us prove that the USAF is "TOP DOG" in the air . . . regardless of the type of aircraft.

We'll provide Ace Test Pilots to fly your craft publicly.

GROUP ENTRIES

A group may participate with one entry if certified by an executive officer as authentic. A member of the group may fly the craft or it may be entered in the "foreign" category for flying by a Test Pilot. Groups offering an entry might be: civic clubs, PTAs, patriotic organizations, book clubs, garden clubs, Boy Scouts, Girl Scouts, Camp Fire Girls, individual school classes, the school as a whole, fraternities, sororities, dance clubs.

A corporation, partnership or sole proprietor may enter his business establishment. Sections and departments of the establishment may enter a craft.

Individual states may enter. So may foreign nations or political divisions thereof. In the instance of a foreign country, certification by the President, King, or Dictator is recommended, although the Minister for Foreign Affairs may sign for the Executive Head.

Efforts to improve the ecology suggest that paper items slated for disposal might be used for aircraft construction. Doctors may construct aircraft from old prescription blanks, unpaid bills or outdated medical literature.

Lawyers might use wills, deeds and subpoenas. Educators in their creativity, and

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reach for academic freedom, might make airplanes using examination papers, attendance registers or pages from books made obsolete in the "knowledge explosion."

Engineers are encouraged to make airplanes from drawings and blue prints of unpatented inventions. Airline employees may use timetables and route information. Bankers are reminded that "money flies" and consideration should be given to constructing paper airplanes from "long green" with the $5.00 denomination being preferred. Bear in mind federal regulations protecting money from mutilation. Foreign currency is acceptable.

JUMBO AIRPLANE

Jumbos, the airplanes of the future, have their place in ADMIRE and will be flown at the Naval Reserve Training Center, 85 North Yearling Road, on July 12, from 1:00 p.m. until 5:00 p.m.

Airplanes eligible are those more than two feet from nose to tail but not exceeding 20 feet. Construction must be entirely of paper, glue and tape. No wood, metal or plastics. No age groups. Everyone enjoys equal terms.

Each craft will be judged as to distance . . . Duration . . . Originality of Design. One flight per craft. One entry per person.

A separate category of aerobatics is open to all including those who participated in the open contest. An additional airplane must be used.

Air Marshal: Captain James Blazek, USN, Director, Navy Recruiting, 4th Area, 85 Marconi, Columbus, Ohio 469-7410

PRESIDENTIAL SCHOLAR

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MORSE. Mr. Speaker, in 1964, the presidential scholars program was established to identify and honor the most outstanding young men and women high school graduates in the country. Clearly, to be chosen as a presidential scholar is the highest possible honor for an American high school graduate.

Two presidential scholars are chosen from each State, the District of Columbia, and Puerto Rico, and an additional 15 are chosen at large. This year, I had the great pleasure of meeting and talking with Miss Jeanne T. Black, of Lexington, Mass., who was selected, through the most rigorous of procedures, as one of two young scholars from Massachusetts to be so honored.

Of the nearly 3 million students who graduate from high school each year, only 119 are chosen as presidential scholars. They represent the highest standards of intellectual excellence as well as leadership capabilities and personal achievement. Jeanne Black fulfilled all these requirements of excellence. Throughout her career at Lexington High School, Jeanne was an outstanding student, becoming valedictorian of her class and participating actively in positions of responsibility in school-related programs.

I was most impressed with Jeanne's intellect, her poise, and her genuine interest, and concern in pursuing the best possible education so that she can make a real contribution to the community. I know that she will continue her exemplary record of achievement at Pembroke College in the fall and I am convinced that as long as our educational system can continue to produce students of Jeanne Black's quality and determination, our Nation's future will be that much more secure.

PLANES TO ISRAEL

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. FOLEY. Mr. Speaker, under the leave afforded by Representative LESTER WOLFF of New York, I wish to take this opportunity to announce my association and agreement with all my colleagues who signed and sent the letter of June 10, 1970, to the President.

I am in firm agreement with the sentiment to hasten the immediate sale of supersonic jet planes to Israel which is so essential to the preservation of the precarious balance of peace in the Middle East. I feel it my responsibility to denounce the continual flow of sophisticated offensive arms from the Soviet Union to Arab nations, and to strive persistently for the preservation of the last stronghold of democracy in the Middle East.

The sale of additional jet planes to Israel can no longer be postponed or overlooked, when one realizes the fact that the Soviet-Arab aircraft strength is four times the strength of that of Israel. The United States must react affirmatively to the widespread influx of Soviet aircraft, missiles, tanks, boats, guns, and supporting military equipment to the United Arab Republic and her neighbors. The restraint on American sales of jet planes to Israel has failed in its intent of encouraging a deceleration of the Russian military commitment to the Arab nations. Inaction has resulted only in the growing dominance of Russia in the Middle East. The Soviets have shown no evidence of objectively seeking peace, and have openly displayed their reluctance to consider any arms limitations in the Arab-Israeli conflict. The increased involvement of Russian pilots, technicians, and advisers in Egypt has only aggravated the tension steadily mounting since the 1967 conflict.

It is my hope that ultimately all of the nations of the Middle East will be able to achieve peace and stability through a face-to-face confrontation across the bargaining table in direct negotiations. Although I am optimistic that many Arabs are ready to embrace a lasting and genuine peace with their Israeli neighbors and are presently channeling their efforts toward this goal, I feel that the unwarranted major building of the arms race by the Soviet Union constitutes a real danger to the Arab-Israeli cooperation.

I strongly believe that the maintenance of a secure and effective Israeli defense is vital to our national interest and fundamental to the establishment of permanent world peace, in the face of the menacing presence of Soviet arms and personnel. With the Soviet buildup of Arab military power, the probability of war and the risk to Israel's survival is great, unless the United States takes positive action to assure a degree of balance of power. It is my conviction that the United States should continue to furnish adequate military equipment and aircraft to the Israelis to provide Israel with a deterrent force capable of preventing future aggression.

A LESSON FOR REVOLUTIONARIES

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. WRIGHT. Mr. Speaker, many of today's self-styled revolutionaries live in a superficial, shallow "now" world, arrogantly dismissing as irrelevant anything that happened before 8 o'clock this morning.

It is a shame that they hold history in such contempt, because it could teach them a lot. One notable example was cited in the June 13, 1970, morning edition of the Fort Worth Star-Telegram.

In an editorial, the Star-Telegram reminded us of what happened to the late Alexander F. Kerensky, a leader of the 1917 effort to reform the czarist government of Russia, who died last week. Himself earnest and idealistic, Mr. Kerensky was forced to watch helplessly as more militant radicals seized control of the movement he helped set in motion. The result was the totalitarian regime which remains in power to this day. One can but ponder how vastly different the history of our times might have been had Alexander Kerensky and the forces of reason and moderation prevailed.

To share this perceptive editorial with my colleagues, I include it in the RECORD at this point:

KERENSKY'S EXAMPLE WARNING TO REBELS

Many of those on college and university campuses who cry out for revolution in this country dismiss history as having no meaning. What has happened in the past, they say, is irrelevant. Only what is happening today is worthy of notice—and most of that they want radically changed or instantly destroyed.

Though it is a current happening, the death of Alexander F. Kerensky in New York Thursday may not gain the attention of these campus revolutionaries, but it should. His moment of power and glory—a brief one—was more than half a century ago, but his whole career is a reminder that revolutions, once launched, seem always to get out of hand and go to ruthless excesses far beyond anything the authors intended.

Kerensky himself was a product of the campus movement for social betterment, a genuine opponent of czarist absolutism but more a champion of reform than of actual revolution. In the anarchy that followed a two-headed uprising in Russia in early 1917, he became for a brief moment in history the supreme ruler of all Russia.

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This lasted 3½ months. Kerensky was too moderate, and he made the mistake of believing that other revolutionaries shared his attitudes. One of his mistakes was bringing back from exile or releasing from prison such hard-bitten revolutionary figures as Leon Trotsky, Nikolai Lenin and Josef Stalin. They took over from him in the bloody revolution of November 1917, still celebrated as the triumph of communism in Russia, and began the totalitarian regime that has continued to this day.

Kerensky was a brilliant orator, as eloquent as any who now sway student audiences with their demands for instant change and—the more radical of them—with their cries for overthrow of the system. He was idealistic in the same way that the young today are idealistic, and he was battling against far more patent evils. In the convulsive upheaval he helped to start, he learned that those who initiate revolutions seldom are able to shape the results.

The death of the exiled Kerensky at 89 makes his fate, and the fate of his ideals, contemporary enough that the campus advocates of revolution ought to take heed. They might profit especially from some of the writings of Kerensky about what has befallen his country since the revolution he helped to create, even if they read no more than the title of a book he wrote in 1934. It is called "The Crucifixion of Liberty."

REVOLUTION 1970

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. QUILLEN. Mr. Speaker, a very gifted and talented writer and speaker and a close friend of mine, Mr. Bill Freehoff of Kingsport, Tenn., recently spoke to members of the Delphian Club at their meeting in Kingsport on a very important subject to me and millions of other Americans.

Mr. Freehoff spoke on "Revolution 1970" and it is certainly apparent that his remarks were most well-timed in today's society, especially when violent revolution is sweeping across this country in almost uncontrollable surges.

Mr. Freehoff speaks of the radicals, the left wingers, and the Communists who are seeking to destroy our Nation. How true are his assertions.

So the readers of the RECORD may enjoy his speech, I submit the text as follows:

REVOLUTION 1970

(By Bill Freehoff)

This is the centennial of the birth of Nikolai Lenin, Lenin who said . . . "The suppression of the bourgeois state by the proletarian state is impossible without a violent revolution."

Lenin also said the purpose of the revolution is not to seize control of the state, but to destroy the state.

Well, let's see how the Revolution is coming along in America, the last bastion against the communist seizure of the world itself and if the world, next the moon and—who knows—the universe itself!

Revolution? Yes, Revolution. You see TV, hear the radio, and read the papers.

There is violence—almost incredible violence in the streets of our cities, on the campuses of our colleges.

Bombs are tossed into buildings.

The First Lady of the Land dare not visit a historic place in Virginia. The President Himself hesitates to speak in certain places.

And the radicals—who take credit for sending Lyndon Johnson into retirement—now openly boast they will do the same to his successor.

Mark this well, it was not Johnson the man nor Nixon the man the radicals dislike. It is the office of President they seek to destroy and with it, the Republic itself.

For the President alone is the spokesman for the nation. The President symbolizes our national unity as a people.

The President is not the only target of the Left, of course. Those anywhere who dare to speak out, who challenge the dogmas of communism are marked for extinction sooner or later including, I do not doubt, your speaker.

They destroyed Senator Joe McCarthy, they brought pressure on President Truman to sack Douglas MacArthur because MacArthur dared to try and win a war against communism.

They have discredited Senator Dodd. They keep up a constant attack on J. Edgar Hoover and they have never forgiven Richard Nixon for insisting that the investigation of Alger Hiss continue in the face of tremendous pressure to drop it all.

They have succeeded in getting the Bible out of the schools and the communists in.

They have mounted an unceasing and unrelenting attack upon the Christian Faith aided—ironically—by a goodly number of the so-called Men of God.

And here it is appropriate to recall the words of the Prophet Jeremiah who said—"An appalling thing, an outrage, has appeared in this land—prophets prophesy lies and priests go hand in hand with them and my people love to have it so. . . ."

We are told that the ancient and immutable Law given by God Almighty Himself to Moses on Mount Sinai no longer applied to Modern Man.

Today there ARE no absolutes. Do that which you think is good.

Adultery, homo-sexuality, fornication—the crimes of which the Apostle Paul speaks against with such venom are now commonplace and the laws against them are gradually being repealed.

The Left tells us that while it is morally wrong to take the life of a degenerate on death row, it is permissible to murder an innocent babe in the mother's womb simply if that mother does not want to bear that child at that time.

Gross immorality floods the news-stands and fills the screens of the movie houses and the picture that was chosen the best of all is devoted to the very vilest kind of people using language that is even yet, illegal on the streets of our city.

In my youth, a broad minded person was one who was willing to look at all sides of an issue.

Today, you are broad minded if you laugh at a filthy joke.

Revolution, 1970?

Look around. The symbols are here—the clenched fist—supposedly the symbol of "black power"—is actually the traditional communist salute, as distinctive as the raised hand of Hitler's nazis.

"We Shall Overcome," the battle hymn of the Civil Rights Movement, was re-written by a communist folk singer from the old spiritual, "We Shall Overcome Some Day" and was used, in the Spanish, by the communist under Castro when—as a minority—they seized power in Cuba.

The slogan—"All power to the people" used by today's radical youth is but an up-dated version of Lenin's slogan of half a century ago—"All power to the Soviets."

The so-called "peace Symbol" used even as a pectoral cross by the new Bishop of New York is actually the ancient symbol of the anti-Christ.

Revolution, 1970?

The purpose of the Radical Left is not simply to "protest" grievances, real or imaginary.

The purpose of the Left is to destroy this republic and all that it has ever stood for.

"Burn, baby, burn" is the slogan of the New Left.

Prior to every major civil disorder since the Berkeley riots in September of 1964 the major radical leaders have made trips to communist countries:

Jerry Rubin—the same Jerry Rubin who told the kids at Kent State to kill their parents BEFORE the Guard was ordered in—Jerry Rubin went to Cuba before Berkeley in 1964 and 1965.

Tom Hayden went to Hanoi before the Newark riots of 1967.

David Dellinger went to Czechoslovakia before the march on the Pentagon in 1967.

Mark Rudd went to Cuba before the Columbia University take-over and riots in 1968.

Coincidence? What do you think?

That phase of the Revolution that is most on our minds these days is the Revolution on campus.

Professor Ernest Blanco, who fled Castro Cuba, was in Havana when the communists seized that city's once great university.

But the communist influence there, he tells us, began back in the 1920's among the respectable socialists.

Blanco saw the clenched fists on campus and heard them shout "We shall Overcome."

Here are the 8 steps the communists took to seize power at the University of Havana in February 1959:

1. The administration and faculty—the so-called "Establishment" were discredited by revolutionary students and propaganda in the leftist press.

2. Patriotic professors were accused of incompetence or charged with collaborating with Batista who was, after all, the legitimate head of state.

3. Pro-communist newspapers attacked the University as corrupt, turning public opinion against it.

4. Students demanded absolute control of policy and curricula, the hiring and firing of professors—and were backed up in these demands by Marxists on the faculty itself.

5. The administration yielded to student demands. Purge tribunals were established to punish the anti-communist students and professors.

6. Kangaroo courts, operating under Castro's influence, got rid of the so-called "reactionaries".

7. The student government organization was taken over by communists. Goon squads terrorized anti-communist students. Faculty members who were still around and who were not communists were threatened. Finally, total communist control was established.

8. Incompetent but communist professors were named to key faculty positions, the curricula was restructured along communist lines and academic freedom was destroyed.

After Professor Blanco came to this country, he got a job at Tufts, one of those prestige colleges in the East.

He began making speeches, however, off-campus about what had happened in Cuba and he was dropped from the faculty at Tufts. Do you recall hearing or reading where the American Association of Professors or the Civil Liberties Union or Professor Schlesinger ever made any demands that he be rehired? Do you recall hearing of any demonstrations at Tufts because Blanco was fired?

You bet your life you didn't!

But . . . when admitted communist Angela Davis was about to be fired from the faculty at UCLA—That was a different story wasn't it?

Professor Blanco has warned us. If it could happen in Cuba, it could happen here and—he points out—the Cuban communist students did not even have LSD or marijuana to use as weapons in their take-over!

So much for the universities—which are already alienated from the mainstream of American life.

What now of the remnants of the old Civil Rights Movement, a movement which from the first was penetrated by communists?

There are the Black Panthers—defended at Yale, defended at the nation's largest Protestant seminary in New York, wined and dined by Leonard Bernstein.

There is "Snick" and Stokely Carmichael and James Foreman and Marxist demand on the churches to pay up or else because the ancestors of some of the blacks sold some of their ancestors into slavery to New England ship captains.

Remember this when you hear about slavery—where there was a buyer, there had to be a seller and the sellers were the black Establishment of the 17th Century Africa—the powerful chiefs.

Then there is the Republic of New Africa with HQ in Detroit and with consulates in 8 major American cities.

The stated objective of the RNA is to establish a Negro Republic in the Black Belt of the South, in an area that would include a part of Tennessee.

There is the Nations of Islam with HQ in Chicago and which teaches dogma, the hatred of the white race and denies any allegiance to the United States. The Nations of Islam, which the FBI says is the largest black militant group in the country.

There is the Revolutionary Action Movement—the RAM—oriented toward Red China and which is training agents in Cuba in guerrilla warfare.

So much then for the Radical Blacks.

What of the Radical whites—the so-called New Left which brags it is further to the left than the Communist Party itself?

There is the SDS—the Students for a Democratic Society with at least 250 chapters and 40,000 members and which is reaching into high schools. J. Edgar Hoover calls the SDS—in his words—"a communist anarchist group. . . ."

Then there is the Young Socialist Alliance, claiming 10,000 members which says it is Trotskyite-Marxist and whose objective is the seizure of the control of student bodies.

One of the newest of the groups is the Young Workers Liberation League, set up in February of this year in Chicago by communist youth groups and which claims a membership of 800 including college and high school students.

One of the officials of this group is Mike Zagarelli who spoke at Vanderbilt in May of 1967.

I would go on but my time is running out.

My time, and yours and maybe our republic's time is running out.

We are, I suggest, in the middle of a Revolution, a revolution for real and upon the outcome of this revolution even more than the Revolution of 1776 rests the future—not alone of the United States—but of Western Civilization itself.

The Barbarians are no longer at the gates. They are in our very midst.

Now what are we going to do about it?

I have presented the challenge. The response I leave to you.

As we say at my place of business . . . Think about it!

COMMEMORATION OF THE BALTIC STATES' LOSS OF FREEDOM

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BUCHANAN. Mr. Speaker, it is always with a mixture of sadness and hope that those of us who are privileged to live in this great and free Nation commemorate events whereby others have lost their freedom and independence. Today I wish to join with other colleagues in the Congress in observing the anniversary of such a loss of freedom by the people of the Baltic States of Lithuania, Latvia, and Estonia. The Baltic peoples lost their freedom and independence 30 years ago when the Soviet Union invaded and occupied these three peace-loving countries on June 15, 1940.

This invasion and occupation was followed by incorporation of these nations as constituent republics in the Soviet Union. A year later, within a few days centering around June 14, 1941, thousands of Estonian, Latvian, and Lithuanian citizens were deported to various parts of the Soviet Union, mainly Siberia.

After a long history of fighting for their freedom and intermittent domination by other nations, patriots in the three Baltic States seized the opportunity presented by the conflict between Germany and Russia during the First World War to reassert national independence. Lithuania officially declared its independence on February 16, 1918; Estonia on February 24, 1918, and Latvia on November 18, 1918. The Russian Red Army attempted to destroy the new states and invaded them, occupying most of Latvia and Estonia and approximately four-fifths of Lithuania in 1919. The small armies of the three states succeeded, however, in clearing the Baltic lands by the end of 1919.

The next year, in 1920, the three Baltic States entered into peace treaties with Soviet Russia. In these treaties the independence and sovereignty of Lithuania, Latvia, and Estonia was recognized by the Russian Soviet Federated Socialist Republic. The latter, in these treaties, renounced all sovereign rights over the people and territory of the Baltic States. Between the two World Wars, the three Baltic States enjoyed two decades of national independence accompanied by domestic progress and international cooperation. As already indicated, however, this situation was abruptly and tragically changed by the Soviet invasion of June 1940.

This was the beginning of an even more tragic and brutal occupation, which has resulted in the loss by these three nations of more than a fourth of their entire population since June 15, 1940. Since the very beginning of this occupation, however, the Baltic peoples have waged an intensive fight for freedom—first through armed resistance and then by passive means.

The United States extended full recognition to Estonia, Latvia, and Lithuania in 1922 and has never recognized the incorporation of the Baltic States into the Soviet Union. Since June of 1940 all the Presidents of the United States have restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Soviets.

I would like to express my strong support for the brave peoples of the Baltic States in their struggle for freedom, and in this I know I am joined by millions of Americans and freedom-loving people everywhere. The repression to which these brave people are subject is a very deep source of concern to us all. The U.S. Congress gave formal expression to this concern in 1966 with the passage of House Concurrent Resolution 416, which reaffirms the support of the U.S. Government for the aspiration of the Baltic peoples of Estonia, Latvia, and Lithuania for self-determination and national independence. In this resolution, the Congress urges the President to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

This resolution follows herewith:

H. CON RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS.
Clerk.

It is my profound hope that through our expressions of support these proud peoples of the Baltic States will be encouraged in their struggle and that freedom and independence for them will become a reality.

VETERAN'S BENEFITS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. PRICE of Texas. Mr. Speaker, today Flag Day ceremonies are being held across the land. I believe it is most appropriate for the House to consider legislation to provide service-connected compensation increases for veterans, for it is only through the sacrifices of those

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valiant men and their fallen comrades at arms that our Nation has been secured and our freedoms preserved.

To put matters squarely in perspective, there is no known way to adequately compensate a veteran who has suffered irreperable physical or psychological injuries while in service to our country. This notwithstanding, however, society has tried to compensate our veterans in such amounts so as to enable them to live with the dignity they have so costly earned and so justly deserve.

The last increase in service-connected veterans' compensation rates occurred in the 90th Congress. Since that time, however, the ravages of inflation have greatly eroded that increase. As a result, our Nation's veterans stand in sore need of legislative assistance.

Earlier in this Congress I introduced two bills relating to this general area. One would increase the rates of compensation for veterans with service-connected disabilities; the other would increase payments for veterans and widows who receive non-service-connected pensions. The latter would also increase payments for dependent parents receiving dependency and indemnity compensation.

The House Veterans' Committee has held hearings on these and other veterans' benefits proposals. The committee has now requested the House to confine its attention at this time to increasing rates of disability compensation for service-connected disabilities and loosening certain criteria for determining the eligibility of widows' benefits.

I implore my colleagues to approve these proposals. The increases which vary from a low of 8 percent to a high of 12 percent, depending on the extent of an individual's impairment, will certainly go a long way toward restoring the economic security of those veterans possessing service-connected disabilities. Standards for determining widows' benefits should have been changed years ago to bring the standards more into line with the case law and present day realities; for at present, they reflect neither the law nor reality.

I also implore my colleagues not to turn their heads away from the problems of our Nation's veterans once this legislation is passed. Increasing veterans' benefits is an important matter, but it in no way cures major veterans' problems such as inadequate medical care and rehabilitation. These are areas in which grave and unconscionable problems exist. These are problems that must be rectified by appropriate legislation if we, as a society, truly expect to discharge our obligations to our disabled veterans of military service.

TRIUMPH OVER CANCER—A CRUCIAL CRUSADE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MURPHY of New York. Mr. Speaker, I have recently introduced a resolution declaring it to be the sense of the Congress that cancer research be made a national crusade and that all the necessary resources of the Nation be marshaled to find the cure and prevention of this dreaded disease. I urge that a supreme effort be made in the course of the next 6 years so that in 1976 we might commemorate the 200th anniversary of independence of this Nation with the demise of cancer.

There has been a good deal of discussion in this Congress and throughout the country, on the need for reordering our national priorities. I am one of those who believe that this needs to be done. The Nation has several problems which have come to the point of crisis. Some need immediate action and a massive national effort to prevent disaster. Others, given constructive programs and dedicated effort over a long period of years, approach a point of breakthrough and need a massive effort to bring them to a triumphant conclusion.

This, Mr. Speaker, is the position in which cancer is to be found today. It has been with us from time immemorial, but until 25 years ago, almost no progress had been made against it. Now we find that although the death rate from cancer is as high as ever, some forms of the disease at long last have begun to yield to the scientific skill of the medical men who have devoted their lives to the problem.

Twenty-five years ago when a patient was discovered to have cancer, there was one chance in five that he would be alive 5 years after treatment began. Today, when a patient is diagnosed and the treatment is begun, there are two chances in five that he will live for more than 5 years. This is progress, but it is not enough progress for a nation such as ours against a disease such as cancer. There is no reason why this Nation, with its medical minds and medical resources, backed up by Federal funds in a total national effort, cannot solve the mystery of cancer, not only to cure every patient who gets the disease, but to prevent the disease as well and bring to an end its great cost in money, suffering and loss of life.

The prospects of an early breakthrough in cancer are very real. There are imminent innovations due in the fields of surgery and radiotherapy. Even more promising is the field of chemotherapy where a great fund of knowledge in the treatment of advanced, disseminated cancers has been developed. In leukemia, enormous progress has been made in the last 20 years. It was about 20 years ago that chemicals were used successfully in a patient for the first time to bring about a complete but temporary remission. Today, it is possible to gain complete though temporary remissions in more than 90 percent of the cases in one form of leukemia. What has been learned in the treatment of cancer cells in leukemia is now being used against solid cancers, those of the lung and the thoracic cavity, and it is clear that this chemical approach is on the verge of dramatic results.

Another field of cancer in which there is great hope for the immediate future is in viruses which we know cause cancer in animals and have some evidence that they do in man. This year we are stepping up the research program in viruses but we are tardy and inadequate and need to do more here as we do in the other fields of cancer. We should have a vaccine by now and be able to prevent this kind of cancer as we do smallpox, measles, and poliomyelitis.

There are no limits to what we can do as a nation if we have sufficient dedication and dispose our talents and resources to a given goal. In World War II we developed the atom bomb and we did it with an incredible concentration of management, money, and brains.

In more recent times we sent a man to the moon and our approach in the space program was very much like the Manhattan project. I ask now that we do the same thing in cancer and I assure you that if we do, we shall find the same success as we did in the A-bomb and the moonshot and we shall have the gratitude not just of our own Nation but of all mankind.

The resolution referred to follows:

H. RES. 999

Whereas cancer takes the lives of more than three hundred thousand Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

Whereas more than one million Americans are currently under treatment for this dread disease; and

Whereas it is clearly in the interests of mankind that this disease be cured and controlled; and

Whereas prominent medical authorities have indicated that cancer can be cured and controlled if the necessary funds are made available; and

Whereas current appropriations are inadequate to accomplish this task; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade: It is hereby

Resolved, That it is the sense of the House of Representatives that no less than $650,000,000 be appropriated annually over the next ten fiscal years for the national cancer research program; and be it further

Resolved, That no less than $250,000,000 of this appropriation be utilized to construct five new cancer research institutes in the United States during the first two years of the new appropriations.

GUIDELINES FOR THE $150 MILLION SCHOOL ASSISTANCE APPROPRIATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. PUCINSKI. Mr. Speaker, on May 21, President Nixon sent Congress a message on school desegregation in which he requested an immediate appropriation of $150 million and passage of his desegregation bill which authorizes another $1.3 billion. Last week my subcommittee began hearings on Mr. Nixon's Emergency School Aid Act of 1970.

At the same time, the Senate Appropriations Committee reported a supplemental appropriations bill containing the

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$150 million. The Senate will consider this appropriation within a few weeks.

During my subcommittee's consideration of Mr. Nixon's bill, Secretary Finch provided us with HEW's draft guidelines for the expenditure of the $150 million. Since local school control is a major national issue, I would like to share this information with my colleagues.

I believe it should be of interest to all Members of Congress how the administration plans to distribute this money. It should also be of deep concern to all Members that these guidelines put the Federal Government more into the operation of local school districts than any other school bill enacted by Congress. These guidelines completely negate assurances by the Federal Government that Federal aid does not mean Federal control. I hope my colleagues will carefully read these guidelines before they approve this appropriation.

The guidelines follow:

Draft of Basic Policies for Administering the Emergency School Assistance Appropriation of $150 Million Now Under Preliminary Consideration by DHEW

I. Eligibility criteria:

1. Eligibility for sponsorship:

(a) Eligibility for sponsoring of project is limited to local education agencies (LEA's) which are implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968–69 or 1969–70.

(b) Public or private "community or civic organization," other than LEA's which are assisting a local school system in implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968–69 or 1969–70.

2. Eligibility for receipt of funds:

(a) The application must submit a project which is of sufficient comprehensiveness, size, and scope to offer reasonable assurance that it will succeed in meeting the problems incident to implementation of the applicant's desegregation plan.

(b) An application must provide assurance that Federal funds made available for any fiscal year will be used so as to supplement and increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of this authorization, and in no case as to supplant such funds from non-Federal sources.

(c) Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community and others at interest to participate in an organized way in the development, review and evaluation of the project.

(Note.—These draft criteria are being considered for purposes of administering the special $150 million appropriation requested and are subject to change. They have not yet been reviewed by all who might be able to contribute ideas and useful suggestions. They do not represent the same criteria, in whole or in part, that may be developed to implement the Emergency School Aid Act of 1970 or similar legislation now under consideration by the Congress.)

(d) In the case of sponsorship by public or private community or civic organizations other than an LEA, a project will be funded only when it is clearly in support of the LEA plan.

II. Funds may be used for activities that maintain and improve the quality of education during the desegregation process. Examples of such activities are the following:

1. Special educational personnel and student programs:

(a) Special personnel:

Temporary teachers—to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during the summer for principals.

(b) Student services:

Remedial programs—to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue their education.

Health and nutrition services—to provide specialized personnel and services for students having health and nutrition deficiencies.

Dropout prevention programs.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

(c) Educational personnel development:

Seminars on problems incident to desegregation—to provide training with skills experts in the area of human relations so as to minimize problems incident to desegregation.

Seminars on teacher interpersonal relationships—to facilitate positive interpersonal relations among educational personnel through training by skilled professionals in an intercultural understanding.

Utilization of university expertise through institutes and inservice programs to deal with such problems as:

Teaching bilingual children

Teaching children with speech and dialect deficiencies

Attitudes and problems of teachers, parents and students involved in the desegregation process

Upgrading basic skills and instructional methodologies of teachers in English, math, science, social sciences, language, arts, reading, etc.

(d) Curriculum development:

Utilization of expert consultants to shape and design new curricula approaches and to introduce curriculum innovations that would serve children with multi-ethnic backgrounds.

New and varied instructional materials.

Improved evaluation and assessment of student progress.

(e) Special demonstration projects:

Projects for introduction of innovative instructional methodologies which will improve the quality of education in the desegregated school:

Individualized instruction.

Master teachers.

Team teaching.

Non-graded programs.

Special projects involving community agencies and parents—to develop joint projects between special-interest and civic groups, parents and the schools which would promote understanding among citizens. Such projects could include sponsoring citywide and countywide art and music festivals, public meetings on relevant school problems (drug abuse, behavior. etc.).

Exemplary instructional practices—to operate pilot projects which would demonstrate exemplary instructional practices suitable for systemwide replication and for other school districts involved in the desegregation process.

(f) State and local planning and administration:

Expand technical assistance capabilities at the State education agency level—to provide additional personnel to assist the local education agency in planning for desegregation.

Temporary staff at the local level to handle administrative details and clerical duties—to provide additional temporary staff to deal with the logistics of changing from a dual to a unitary system. For example, rescheduling of students and teachers, redrawing transportation routes, supervision of necessary physical changes (moving equipment, building renovation, etc.).

Staff at the local level for planning and supervising the implementation of the desegregation plan.

2. Community participation programs:

(a) Public information activities:

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

(b) Community programs:

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e., PTA, Education Emphasis Week, etc.

3. Equipment and minor remodeling:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility.

POSTAL ACADEMY PROGRAM

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ROBISON. Mr. Speaker, I was glad to read in a recent release from the Post Office Department that its efforts to establish the postal academy program for disadvantaged youth was proceeding on schedule. Postmaster General Winton M. Blount has announced that 52 postal volunteers will begin training for their September assignments at an inactive Job Corps center. The Postmaster General should be commended not only

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for keeping this program on schedule, but also for his economical use of an inactive facility.

The text of the release follows for those of my colleagues who did not see it:

WASHINGTON, D.C.—Postmaster General Winton M. Blount today announced that an inactive job corps center in Mountainair, New Mexico, is being converted into a "multipurpose training facility" for the Post Office Department.

The site will become operational June 7 when 52 postal volunteers begin training for teaching and counseling positions in the Postal Academy Program for disadvantaged youths.

Last month, pilot academy programs began in five cities: Chicago, Detroit, San Francisco, Atlanta and Washington, D.C.

The aim of the academy program is to motivate, educate and train school dropouts, aged 16 to 21, as well as postal employees who have been unable to qualify for advancement within the Post Office Department.

The eight-week session beginning next week in Mountainair is designed to cultivate basic skills for understanding and expanding the limited backgrounds of potential academy trainees.

In September, the program candidates will staff additional academies scheduled to open in the five pilot cities, as well as Newark, New Jersey. The Department is considering further expansion of the academy concept beginning in January of next year.

In addition to training academy staff members, Mountainair will become another management training center for the postal service.

According to Mr. Blount, the new site is easily accessible to the western postal regions, and offers an abundance of utilization possibilities. He said the facility will soon become a vital link in the overall training operations of the postal system.

The Postal Inspection Service is studying the feasibility of maintaining a training center for all new inspectors at Mountainair. The facility is also a potential site for various postmaster and supervisor training sessions.

The Postmaster General expressed his thanks to the citizens and community leaders of Mountainair for their cooperation in helping bring the Post Office Department to their area.

The former job corps center opened in 1965 and remained operational until last summer. Since that time, the facility has been inactive.

AN ACCURATE PICTURE OF DIRECT MILITARY EXPENDITURES AS A PERCENTAGE OF ALL DIRECT GOVERNMENT EXPENDITURES FISCAL YEAR 1969

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. COUGHLIN. Mr. Speaker, I believe my colleagues would be interested in figures compiled at my request by the Legislative Reference Service which reflect an accurate percentage of our entire Government expenditures spent directly on military affairs.

We have often heard figures quoted as high as 60, 67, and 70 percent as representative of the military share of our yearly expenditures. These figures are misleading, I believe, because to compare Federal military expenditures only with total Federal expenditures ignores outlays by State and local governments, both of which are vital parts of the total nationwide Government spending effort.

The Federal Government bears primary responsibility for providing national defense, whereas State and local governments share major financial responsibility in such areas as education and welfare. Taking such State and local expenditures into account, a more accurate percentage of direct military expenditures to total Government expenditures is 29.4 percent—see below. While we may still debate whether this is an appropriate share of Government expenditures to devote to military purposes, we should at least work from an accurate base.

I have purposely avoided adding indirect military expenditures—such as interest on the national debt, Veterans' Administration costs, and so forth—to my calculations since they would only muddy the waters and take our eyes off an accurate percentage that we can analyze rationally in ordering our priorities.

The figures follow:

DIRECT MILITARY EXPENDITURES AS A PERCENTAGE OF ALL GOVERNMENT EXPENDITURES FOR FISCAL YEAR 1969

[Fiscal year 1969, in billions]

Total Federal expenditures [1]	$184.6
Total State and local government expenditures [2]	92.3
Total Federal, State, and local government expenditures	276.9
Total Federal military expenditures	$81.2
Total State and local military expenditures [3]	.1
Total Federal, State, and local military expenditures	81.3

$81.3 divided by $276.9 equals 29.4 percent.

[1] Bureau of the Budget. "Budget of the United States Government, FY ending 1971, p. 591.

[2] Department of Commerce, Bureau of the Census, "Economic Report of the President, February 1970, Table C–70, p. 259, preliminary figures for FY 1968. Yearly growth pattern of 10 percent added to preliminary FY 1968 figure of $102.4 billion, less estimated $20.3 billion in direct Federal payments to state and local governments, "Special Analyses, Budget of the United States Government, FY ending 1971, p. 226).

[3] Expenditures on National Guard. In FY 1969, according to the National Guard Association, Federal expenditures for all Guard units totaled $994.67 million. Based on yearly estimates by the NGA over the last 15 years, state and local governments spend from their own fiscal sources approximately 10 percent more than the federal figure (for certain operations, maintenance and personnel costs).

REPORT FROM WASHINGTON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ROYBAL. Mr. Speaker, I am happy to include in the CONGRESSIONAL RECORD the text of my 22d Report From Washington to the residents of California's 30th Congressional District, "Spring 1970," highlighting some of the major accomplishments and significant legislative issues considered during the early months of the 91st Congress, second session.

In addition to this series of regular reports, I have also sent out 16 special reports to cover topics and events in the Nation's Capital of particular interest to the citizens of our Metropolitan Los Angeles area.

The report follows:

CONGRESSMAN ED ROYBAL REPORTS FROM WASHINGTON

EDUCATION

One of the highlights of the 91st Congress is our success in asserting a leadership role in beginning the process of reordering our national priorities to focus more directly on the many urgent domestic challenges facing the United States today—such as the present education crisis.

Because of inadequate local tax revenues, plus failure of many of the state governments to bear a proportionate share of the financial burden of providing every child a quality education, school systems have come to rely increasingly on federal assistance to assure full educational opportunity for all our citizens—especially in larger urban areas like Los Angeles, where an inflationary cost spiral, plus an ever-increasing demand for more schools and teachers has placed an impossible strain on existing funding capacities.

I am proud to have taken part in this Congressional initiative, and to have voted for an education appropriation that would have meant more than $150 million in additional funds for the State of California, and would have benefited our financially hard-pressed Los Angeles Unified School District by some $15 million—a real help to the overburdened property taxpayers of our community.

I also voted to override the President's veto of this vital education bill, because I do not think that America's urgent domestic needs can be handled on a "business as usual" basis any longer.

CAMBODIA

I strongly opposed the President's recent unilateral decision to send American ground combat troops into neutralist Cambodia, thereby expanding the tragic Vietnamese conflict into what now appears to be fast becoming a full-fledged regional war engulfing the entire Indochinese peninsula.

Because of my concern, I sent the President the following telegram:

Such involvement runs counter to your expressed purpose of reducing our commitments in Southeast Asia. After five years of futility in Vietnam, what policy lures us to intervene in Cambodia? This decision will result in increased suffering and loss of life, and will also increase the tensions and divisions within our own country. . . . It is clear that the end-solution in Southeast Asia can only be one that is worked out by the Asians themselves, not an American settlement.

I subsequently introduced House Resolution 986: Resolved, that, in the absence of a declaration of war, it is the policy of the House of Representatives that fiscal year 1971 defense expenditures in South Vietnam should be limited to only that amount required to carry out the safe and orderly withdrawal of all American combat and support troops from South Vietnam by the end of fiscal year 1971 (June 30, 1971); and be it further Resolved, that no funds in the fiscal year 1971 defense budget are to be used to finance the operation of any American combat or support troops in Cambodia or Laos.

WILSHIRE CENTER

Joining with William Critchfield, President of the Wilshire Center Chamber of Commerce, in celebrating the Chamber's 50th anniversary during the annual Wilshire Center Day parade.

The Southern California Congressional Delegation also welcomed the officers, directors and committee chairmen from the Los Angeles Chamber during their Spring meeting in Washington to discuss topics of concern to all area residents, such as airport development, the California Water Plan, aid to education and mass transit assistance.

Chamber leaders emphasized the urgent need for all elements of the urban community to work closely together to help solve the growing social and economic problems that confront the United States, particularly in our major metropolitan population centers like Los Angeles.

MALABAR READING PROGRAM

One of the most successful education projects in America, funded through the federal Elementary and Secondary Education Act, is now being conducted at Los Angeles' Malabar Street Elementary School.

Demonstrating highly effective techniques for dramatically improving reading, arithmetic, vocabulary, and IQ scores of children, the Malabar Reading Program is listed by the U.S. Office of Education as being rated among the top 3 percent of the 1300 education programs selected as the best in the United States on the basis of an intensive 2-year nationwide survey.

I am delighted to have had the opportunity of playing an important role in the success of the Malabar project since the early 1960s, when the program was started as an experimental pilot project.

After helping secure initial federal funding from the Office of Education's Bureau of Research, I headed a 20-member bipartisan California Congressional Delegation which succeeded in obtaining federal operating support to continue the project—by getting education officials in Washington to reverse their original decision against continued funding.

This year, some 1400 children in pre-school through sixth grade at the Malabar School are participating in the program, which has raised the academic performance of the students significantly, including those children with limited English language ability.

Besides concentrating on developing reading and language skills, the Malabar project stressed individualized as well as self-instruction; curriculum change; extensive parent participation; emphasis on the child's own organizing abilities; promoting healthy self-concepts to encourage the student to view himself as a success in the school environment; plus a wide range of cultural and extra-curricular activities.

It is hoped that officials in other school systems will be able to use the Malabar program as a model to upgrade the level of achievement in their own schools.

JOB TRAINING

Trying my hand at carpentry at the federally-funded Youth Training & Employment Project, where several enrollees are shown assisting in construction of additional classrooms and office space. The majority of these youths are high school dropouts. But at YTEP, they receive counseling, remedial education in basic skills, and vocational training to prepare them for placement in productive jobs.

I was also happy to announce a $700,000 job training award from the U.S. Department of Labor to continue the 150-trainee "New Careers" project operated by the Mexican American Opportunity Foundation in East Los Angeles. This innovative program, offers skill training and work experience to low-income persons primarily in the social services field. Many enrollees have been hired in departments of the Los Angeles County Government, as well as the California Youth Authority, community service centers, local hospitals and school districts.

It is encouraging to see the success of the New Careerists, who have gained permanent employment in the agencies in which they have trained, and who are continuing to serve the needs of the community as capable and worthwhile employees.

VETERANS ASSISTANCE

Showing me a copy of the Los Angeles County proposal for a unique, new Veterans Assistance Center to be located in Los Angeles are (l to r): Bill Leone, Chief of the County's Special Services Division; Joe Pollard, County Supervisors' Legislative Consultant in Washington; Arnold Martinez, Field Representative for Supervisor Ernest Debs; and Carols Ruiz, with the newly created federal Cabinet Committee on Opportunities for the Spanish Speaking.

We succeeded in obtaining federal agency approval of the project, and secured pledges of cooperation and funding support from the Veterans Administration, the Departments of Labor, and Health, Education & Welfare, and the Office of Economic Opportunity.

When fully operating, the Los Angeles Veterans Assistance Center will be one of the first of its kind in the nation designed specifically to provide returning Vietnam servicemen with a new concept of personalized outreach services—to insure that all veterans, especially those recently separated, receive comprehensive educational, vocational, counseling, social services, and job training and placement assistance tailored to the individual needs of the veteran—to help him make a successful readjustment to civilian life, take full advantage of all government benefits available to him, and become a productive, self-supporting member of the community.

As a member of the House Veterans Affairs Committee, I was also happy to have been able to help secure enactment this year of Public Law 91–219, which provides an average overall increase of 35% in veterans education and training allowances.

WELFARE REFORM

I joined with a bipartisan majority of 243 to 155 in the House to approve a long-overdue effort to reform the nation's public assistance programs.

By recognizing that welfare is a national, not a purely local problem, the measure is a step in the direction of relieving state and local taxpayers of the major financial burden of supporting the country's fast-growing public assistance programs, while attempting to establish a national minimum floor for family assistance, combined with work incentive and job training features.

The bill is now being considered by the Senate, with final details remaining to be worked out.

But, in my opinion, national welfare reform is must legislation, if property taxpayers in metropolitan centers like Los Angeles are ever to be able to look forward to meaningful tax relief.

YOUNG SAINTS IN WASHINGTON

California's famous Young Saints musical group gave a benefit performance for servicemen at Walter Reed Army Hospital during their recent East Coast tour.

I was glad to work out details of this benefit, as well as help arrange for their appearance at the White House dinner honoring the Duke and Duchess of Windsor. It is a pleasure to encourage the development of youthful talent from our Los Angeles community.

LEGISLATIVE QUESTIONNAIRE

Again this year, I sent out a questionnaire soliciting the views of the residents of the 30th District on some of the major legislative issues of special interest to Los Angeles, the State of California, and the Nation.

Like the encouraging experience with my previous Congressional Polls, I was highly pleased at the overwhelming response to this opportunity to participate in the affairs of government by indicating your opinion on these vital issues.

The tabulated results will be made available in my next newsletter report from Washington.

CALIFORNIA'S EXPANDING ECONOMY

Dr. Robert Connor, Director of Product Research & Development, and Senior Chemist Art Sutton, demonstrate a new piece of laboratory equipment at the internationally-known, Los Angeles-based cosmetics firm of Max Factor & Co.

The firm, celebrating its 60th year in business and providing steady employment for more than 1500 people locally, won the top achievement award of the Los Angeles Area Chamber of Commerce for "significant contributions to Southern California's economic growth," thereby helping develop a more broadly based industry to assure the future prosperity of our entire State.

A highlight of my visit was talking with Davis Factor, Chairman of the Board, who, like myself, was reared in Boyle Heights. We discussed the history of that area, the prominent men it has produced, and the outstanding contribution that many of its residents, both past and present, have made in every field of endeavor.

ETHNIC STUDIES

As recent guest speaker for the Asian American Studies Class of Pasadena City College, I discussed with Harry Kawahara, course instructor, and students Agnes Suzuki and Jane Kawahara, details of my bill, H.R. 14910, the Ethnic Heritage Studies Act, which would assist in developing educational programs to provide elementary and high school students an opportunity to learn more about the unique cultural contributions of America's major ethnic groups in building our national heritage.

The bill would establish a number of Ethnic Heritage Studies Centers, each devoted to development of curriculum materials dealing with one ethnic group, or a regional group of ethnic cultures, as well as the training of teachers to utilize these curriculum packages as study units in their regular classes.

The studies would pertain to a particualr group's history, geography, society, literature, art, music, language, drama, economy, and general culture, and encourage a greater awareness and appreciation of the group's importance as a contributor to the rich diversity of our American way of life.

AT YOUR SERVICE

The members of my Congressional office staff in Washington, as well as those in our Los Angeles District Office, are anxious to help you in any way they can. Please continue to make full use of the many services available through our offices by contacting us whenever you feel we can be of personal assistance.

BRUNSWICK, GA., A GOOD PLACE TO LIVE AND WORK

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. STUCKEY. Mr. Speaker, we all take pride in progress in our country and as a Member of this Congress I take particular pride in growth and progress of those cities and counties located in the Eighth Congressional District of Georgia.

I would like to include at this point an article which appeared in the Generator, the employee publication of Babcock & Wilcox Power Generation Division in Brunswick, Ga.

This article points out that progress can be made and industry can grow without ruining the surrounding environment. People can work and rest and enjoy recreational activities in pleasant surroundings that arc at the same time productive.

The article follows:

BRUNSWICK, GA., A GOOD PLACE TO LIVE AND WORK

"I am convinced that God meant this land for people to rest in—not to work in." That's what Sidney Lanier, Georgia's great poet, wrote about Brunswick, Ga., nearly 100 years ago.

Today, Brunswick is not exactly a rest area. It has an estimated population of 25,500, and is the home of more than 70 manufacturing and processing companies. B&W's Power Generation division works is the third largest industrial plant in town, outranked only by Hercules Powder Company and Brunswick Pulp & Paper Corporation.

Because of the rapidly expanding market for its products in the South and Southwest, B&W in 1952 purchased outright from the Brunswick Port Authority a 110-acre former shipyard, with a two-bay fabricating shop, on the harbor side of the city.

Mean annual temperature in the area of 68.4 degrees permits both indoor and outdoor work year-round.

In addition to heavy industry, Brunswick boasts some of the largest shrimp and crab processing plants in the United States. More than 10 million pounds of shrimp are taken from Brunswick waters each year. Shrimp boats usually begin coming in with their catches around 3 P.M. each day, and visitors to the city gather along Bay Street in downtown Brunswick to watch them unload.

The first settlement in the area grew around Fort Frederica, which General James Oglethorpe established on St. Simons Island in 1736. At its peak, Frederica had a population of about 1,500 and the fort claimed the distinction of being "the largest, most regular, and perhaps most costly" British fortification in North America. It was General Oglethorpe's military headquarters for operations against the Spanish in Florida during the War of Jenkins' Ear (1739–48). Military operations in the Georgia-Florida area culminated in the Battle of Bloody Marsh on St. Simons Island where Oglethorpe's outnumbered troops defeated a Spanish invasion force on July 7, 1742. Never again was Spain a major threat to Georgia.

The Colonial Council of the Royal Province of Georgia, at a meeting in 1771, laid out the city of Brunswick and named the streets and parks. The city was named in honor of King George III of England, who was of the House of Hanover or Brunswick. Glynn County, of which Brunswick is the county seat, was named in honor of John Glynn, a member of Parliament who sympathized with the colonists in their struggle for independence.

Although Brunswick is a bustling hub of industry and commerce the adjacent Golden Isles of Georgia are ideal spots to rest. Also called "Sea Islands," this chain of lush, subtropical islands stretches from Savannah south to Brunswick. Best known of the group are Sea Island, St. Simons and Jekyll, all of which can be reached by bridge or causeway from Brunswick.

In the 1880's a group of millionaires, looking for a private winter resort away from it all, bought Jekyll Island and built homes there.

For more than 50 years it was their private playground. Then in 1942 a German submarine torpedoed a tanker near Jekyll Island. U.S. military leaders feared the Nazis might try to capture the island. The Jekyll Island Club was closed, and the Coast Guard moved in.

After the war the state of Georgia bought the island, built a bridge to the mainland and opened the island to the public as a year-round resort. Today, thousands of visitors enjoy golf, swimming, fishing, bicycling, miniature golf and tennis at the former millionaires' playground.

Between Brunswick and the Golden Isles are the fabled Marshes of Glynn immortalized by Sidney Lanier. Less than a mile from B&W's Brunswick works is Lanier's Oak, where the poet was inspired to some of his most famous poetry. At Glynco, United States Naval Air Station, six miles north of Brunswick, is the largest naval radar operators school in the world.

To travelers heading to Florida along U.S. 17, Brunswick may be just another city along the way. To the people in the B&W works on U.S. 17, Brunswick is a great place to work and rest.

POLICYHOLDERS SOUGHT ON INSURANCE DEBTS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MOORHEAD. Mr. Speaker, earlier this year I introduced legislation to create a Federal Insurance Guaranty Corporation.

This agency would protect insurance policyholders against insurance company insolvencies and certain other insurance company practices which escape the censure of State insurance officials.

The analogy between my FIGC concept and the FDIC cannot be drawn too strongly. The Federal Insurance Guaranty Corporation would function to protect insurance consumers in the same manner the Federal Deposit Insurance Corporation watches our banking practices.

The problem of insurance companies going under is ominous. It means people left without coverage, claims and claimants unsatisfied, and too often, innocent policyholders stuck with the bills of the failing companies.

The Senate Commerce Committee will shortly report out legislation dealing with this and other insurance problems.

Hearings have not been held in the House on my legislation.

I am sure all of my colleagues have received constituent complaints on insurance issues. Many of these problems would cease to exist if we could set some strong national guidelines for the insurance industry. The FIGC legislation will do this.

I would like to introduce an article from the June 1 Pittsburgh Press which explores one facet of the insurance company insolvency problem.

The article follows:

POLICYHOLDERS SOUGHT ON INSURANCE DEBTS

HARRISBURG, May 31.—The state Insurance Department is trying to collect more than $22 million from some 300,000 Pennsylvanians who are responsible for the debts of certain insurance companies which went bankrupt while they held policies with them.

The companies involved are of the "mutual" type, generally ones offering coverage at lesser costs than other companies, but who hold policyholders liable for any debts incurred.

The situation came into focus last week when the department notified 96,000 policyholders of the bankrupt Commonwealth Mutual Insurance Co. that it was initiating assessment action against the policyholders.

RASH OF COMPLAINTS

The notices brought a rash of complaints, leading the department to conclude that most of the policyholders had no idea of their responsibilities.

Altogether, the department has the task of collecting money from holders of 389,884 policies written by companies over the past two decades. Only about 300,000 persons are involved because some hold more than one policy.

In many cases, the task of finding policyholders is complicated by deaths, new addresses and phone numbers, and similar things. Often, cost of the dunning process is more than the debt sought.

ITEMS BACKLOGGED

The situation is the result of years of neglect in collecting such assessments. When former Insurance Commissioner David O. Maxwell took office in 1967, he ordered an immediate effort to clean up the records and collect all backlogged assessments.

The problem is compounded by the fact many of the policy holders are in low income groups who grabbed up the cheaper rates offered by the mutual companies, without closely reading the contracts.

TRIBUTE TO THE HONORABLE CLIFFORD DAVIS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SIKES. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to our esteemed friend and distinguished former colleague, the late Cilfford Davis, who passed away on June 8. He was one of those people who once met is always remembered. He had a talent for friendship. He had a talent for leadership and a unique talent for being a wonderfully warm human being. I have lost a friend and I shall miss Cliff Davis.

After a successful career in Memphis, Tenn., as a municipal court judge, vice mayor and commissioner of public safety, he was elected to the House of Representatives in 1940. This was the same year I was elected to the House and it was my privilege to enjoy his friendship throughout his service in Washington. He served with distinction through 1964, a period of 24 years. During his service here he accomplished many important objectives. He was chairman of the Subcommittee on Flood Control, chairman of the Select Subcommittee on Real Property Acquisition of the Committee on Public Works, and was appointed by the Speaker of the House to serve as chairman of the Special Committee To Investigate Campaign Expenditures for the House of Representatives for five consecutive terms.

XUM

Cliff's contribution to our country's development can also be seen in many fine projects built across this country by the Corps of Engineers. They have provided safety, insured progress, and improved recreation for millions of our citizens. It was Cliff Davis' vision and foresight and diligence and hard work that helped to make possible the magnificent flood control protection which now prevails throughout the Mississippi River system. His contributions can be seen in the Appalachia program, in its development, and in the help it has given and the hope it has created in the hearts of millions of our citizens in these poverty stricken areas.

Cliff and his wonderful wife, Carrie, were a very significant part of the community life of Washington and their own city of Memphis. Both contributed significantly to the strength of the Democratic Party. The work they did will live long in the memories of those who have known and loved them.

To Mrs. Davis, to Cliff's sons, Clifford, Jr., and Ray, and to his daughter, Mrs. George Chauncey, Mrs. Sikes and I extend our deepest sympathy.

NORTHERN KENTUCKY MARINE KILLED IN VIETNAM

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. SNYDER. Mr. Speaker, I rise today to pay tribute to L. Cpl. Thomas J. Berning, who was killed on a combat mission in Quang Nam Province, on Tuesday, June 2, 1970.

Tom was the 112th northern Kentucky fighting man to give his life for his country in Southeast Asia.

Though the Nation is experiencing dissent over America's commitment, Tom Berning answered the call to duty. He paid the supreme sacrifice for his country and for those of us whom he died defending.

Tom Berning died that others could live—and remain free. I know I speak for the people of the Fourth District of Kentucky—and for all Americans—when I convey my deep sense of sympathy to the Berning family.

The front page story reporting Tom's loss, which appeared in the June 4 Kentucky Post, by Howard Raver, follows:

Due Home in July—Corporal Dies in Vietnam

(By Howard Raver)

A 20-year-old Newport boy, Thomas J. Berning, has given his life in the Vietnam war.

Berning, a lance corporal in the Marines, was killed Tuesday on a combat mission in Quang Nam Province.

He was the son of Mr. and Mrs. Fred Berning of 123 W. 13th street, Newport.

The Bernings have learned only sketchy details of what happened. They were told Tom had suffered "penetrating head and chest injuries from explosives" on the mission.

"The Marine officers came to the house with the news Tuesday afternoon," the young victim's mother said. "Then a telegram came Wednesday morning from the Marine Corps."

Cpl. Berning had spent more than 10 months in Vietnam.

"Tom was supposed to come home July 30," Mrs. Berning said. "And he was always looking forward to it in his letters."

The family had received two letters from him Monday.

"He said he had been made a squad leader several weeks ago. Otherwise, he said there wasn't much to write about . . . it was the same old thing."

Cpl. Berning had enlisted in the Marines in February, 1969, and trained at Camp Pendleton, Cal.

A 1967 graduate of Newport Catholic High School, he was employed at the Frank Tea & Spice Co., Cincinnati, until his enlistment.

He is the 112th area casualty of Southeast Asia and the 29th Campbell Countian to die.

Army Pfc. Robert R. Berning, 20, of Highland Heights, was killed last week in Cambodia. The two are not related.

Besides his parents, Cpl. Berning leaves two sisters, Mrs. Larry (Mary) Rininger of Newport, and Miss Debbie Berning, at home; two brothers, John and Greg, at home, and maternal grandparents, Mr. and Mrs. Henry Sandfoss, Newport.

His father is employed at the Lord Baltimore Press Division of International Paper Co.

Radel Funeral Home, Newport, is in charge of arrangements.

AMERICAN LEGION RESOLUTION ON POW'S

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ZABLOCKI. Mr. Speaker, at its national executive committee meeting May 6 and 7, the American Legion passed a resolution on the subject of American servicemen who are prisoners of war in Asia.

The resolution condemns the brutal treatment of prisoners by the North Vietnamese and NLF, calls for an expression of public indignation by all Americans, and requests that the United Nations appoint an independent commission to investigate the status of prisoners.

For their positive action on behalf of our POW's, the American Legion is to be commended highly. As it has so many times in the past, that organization is acting in the best tradition of humanitarianism and patriotism.

I am sure that the efforts of the American Legion, coupled with the many other organizations which are seeking to enlist public interest and concern for our captured and missing servicemen, will be helpful in gaining some measure of relief for our men and their loved ones here at home.

Mr. Speaker, I believe the American Legion resolution deserves the attention of all Members of Congress and it is my privilege to place it in the Record at this point:

National Executive Committee Meeting of The American Legion Held May 6–7, 1970—Resolution No. 8

Committee: Foreign Relations.

Subject: American Servicemen—Prisoners of War.

Whereas, the government of North Vietnam was one of 126 signatories to the Geneva Convention of 1949 on the humane treatment of prisoners taken in armed conflict which, by its terms, specifically covered all such conflicts whether in declared wars or not; and

Whereas, This Convention covered, among other points, provisions guaranteeing:

1. The identification of prisoners held captive.
2. The release of prisoners seriously wounded or ill.
3. The allowance of a proper flow of letters and packages to and from prisoners.
4. The protection of prisoners from injury or abuse by the public.
5. The prohibition of the use of prisoners for propaganda purposes.
6. The provision of adequate food and shelter.
7. Access to prisoners and inspection of the conditions of their confinement by the International Red Cross, and

Whereas, The government of North Vietnam and its lackeys, the Viet Cong and Pathet Lao, have systematically violated each and every one of the above mentioned rules of civilized warfare, even refusing the universally accepted right of the International Red Cross to have access to such prisoners and to report on and work for their welfare; and

Whereas, It is now definitely established that prisoners have been humiliated, starved and grossly abused physically and mentally. Furthermore, the lack of identification and mail has resulted in great mental torture, not only to these prisoners, but to their dependents and loved ones in this country; and now, therefore, be it

Resolved, By the National Executive Committee of The American Legion, in regular meeting assembled at Indianapolis, Indiana, May 6–7, 1970, that The American Legion condemns the brutal treatment of prisoners by their Communist captors in Southeast Asia and demands that said Communist entities, governments, and juntas comply with requests for inspection by the International Red Cross and afford to all prisoners in their hands the rights guaranteed under the Geneva Convention; and be it further.

Resolved, That the American Legion, its Departments and Posts embark on a saturation campaign, including but not limited to rallies, petitions, letter writing and telegrams in order that the American Public may be fully informed about the status of these "Forgotten Americans" and to the end that public indignation be thunderously expressed not only to the Communist captors but throughout the civilized world that National Headquarters advise the Posts, through the Departments, of proper techniques for implementing such campaigns; and be it further

Resolved, that the President of the United States through our representation in the United Nations seek the appointment by that body of an independent commission to investigate the status of prisoners held by Communist entities in Southeast Asia; and be it finally

Resolved, That a copy of this resolution be forwarded to the President of the United States, to each member of the Congress of the United States and to each foreign embassy and consulate in this country.

THE BALTIC PEOPLES MARK A SAD ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. RODINO. Mr. Speaker, it is in a sombre mood that the Baltic peoples mark the anniversary of their Soviet occupation and the cessation of their independence as free peoples.

Those of us who are the custodians of a democratic way of life, who fortunately experience the precious essence of liberty, also have an awesome responsibility to those whose plight is less fortunate.

I salute the people of Latvia, Lithuania, and Estonia who, despite their oppressive occupation, continue to strive and support and sustain a free spirit.

I share their faith and trust that they once again will be blessed with the liberty which is the right of all mankind and that their hopes for their unique identities will come to fruition.

Mr. Speaker, I am proud to be associated with the cause of the Baltic peoples, for I share their goals and ideals.

The following resolution passed in 1965 expresses the sentiment of the U.S. Congress:

HOUSE CONFERENCE RESOLUTION 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Lativa, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

AMERICAN HUNGARIAN FEDERATION WARNS

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. LUKENS. Mr. Speaker, many have deplored and condemned the violence and illegal protest that has erupted across many of our college campuses. One patriotic group of Americans, the American Hungarian Federation, realizing the value of freedom and the right to disagree, perhaps more poignantly than many of today's students, warns that "utopian concern for social reform can and has been used as an effective smoke-screen for spreading communism."

Mr. Speaker, I share with my colleagues the full text of the Hungarian resolution:

RESOLUTION

Be it resolved that the American Hungarian Federation's Board of Directors meeting strongly condemns the present violent protests on the several campuses of the nation in regard to the President's limited intervention in Communist-invaded Cambodia for the purpose of protecting American armed forces in South Viet Nam.

The American Hungarian Federation considers such protests unpatriotic, seditious and potentially subversive and calls upon competent university, local, State and Federal officials and agencies to undertake a comprehensive investigation into these violent protests with particular emphasis on (a) sources of financing; (b) Communist ideological and organizational infiltration; (c) seditious and revolutionary intent of their leadership and to recommend legislative, executive and administrative actions needed to prevent and/or to control effectively any subversive, seditious and violent groups in the nation both on and off-campus.

The American Hungarian Federation condemns in strongest terms the continued coddling of the protest movement by various TV and radio networks giving unduly wide and generally sympathetic coverage to subversive and seditious groups and individuals attacking our political and social system and the Constitution.

It commends the attitude of the majority of college and graduate students for their non-participation in the violent protests and student strikes which a determined and subversive minority tries to foist upon some of the universities of the nation.

It calls upon the presidents of the universities of the nation not to permit interruption of the learning process for the sake of protest and to face up to the necessity of expelling rebellious and anarchistic students and non-tenure faculty despite the monetary inconveniences this may impose upon them. The American-Hungarian Federation suggests that expulsion and dismissal procedures be strengthened and rigorously enforced by university authorities. It deplores the decision taken by a score of universities, mostly in the northeast, to suspend classes until the fall.

In condemning violent protest and unpatriotic attitudes toward the President and the armed forces of the United States and the police of the various states and cities, the American Hungarian Federation recognizes the legitimate interest of student bodies and faculties in promoting social progress and academic reform and involvement into the political process. It emphasizes, however, that such goals are in reality defeated by violence, lowering the quality of education by "open admissions" and adoption of ideologies alien and hostile to the laws and Constitution of the United States and calls upon reform-minded youth to work within the established political processes and to respect the laws and ordinances of local, State and Federal governments.

The American Hungarian Federation warns that alleged or utopian concern for social reform can and has been used as an effective smoke-screen for spreading Communist propaganda whether of Russian or Chinese variety and calls upon the Congress of the United States to declare the Red Flag, the Viet Cong flag, the black flag of anarchism and the use of clenched fist greetings illegal and punishable as a Federal offense.

The American Hungarian Federation cautions both students and faculties and the agencies of the local, State and Federal governments that the tactics used by many of the "New Left" groups closely parallel Communist Party tactics and rhetoric used after World War II in Hungary and other East Central European countries. The American Hungarian Federation, therefore, calls for increased vigilance and exposure of these subversive tactics and the rhetoric by faculty, writers and government agencies as well.

RT. REV. ZOLTAN BEKY, D.D.,
Bishop emeritus, Chairman of the Board.
Dr. LOUIS FURY ARNOLD,
National Secretary.
Prof. Z. MICHAEL SZAZ, Ph. D.,
Secretary of International Relations.

NEW YORK, *May 16, 1970.*

U.S. FLAG FLIES AGAIN IN RHODESIA

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. GROSS. Mr. Speaker, it is entirely fitting that on this observance of Flag Day in the House of Representatives that we should learn that once again Old Glory has been raised in the Republic of Rhodesia.

It was a sad day in the affairs of the United States when President Lyndon Johnson joined in the boycott of Rhodesia and severed diplomatic relations with those friendly peoples, and no credit is to be extended to President Nixon for continuing the boycott.

But to know that the American-Southern Africa Council has again raised the U.S. flag in Rhodesia gives us hope that the misguided in this country may yet acknowledge the error of their ways.

Let Old Glory, as it flutters in the breeze in Salisbury, carry the message to Rhodesians that millions of Americans support them in severing their relations with Britain and in the establishment of their young Republic.

Following is an article from the Rhodesian Herald:

[From the Rhodesia Herald, May 29, 1970]

UNITED STATES FLAG FLIES AGAIN IN SALISBURY

An American flag which a month ago flew over the Capitol in Washington yesterday fluttered from a building in Manica Road, Salisbury, to mark the opening of the American-Southern Africa Council's Rhodesian office.

The Right-wing Washington-based Council has set up its Salisbury office to keep an "American presence" here after the closure of the U.S. Consulate and to signify friendship between the United States and Rhodesia.

A former Rhodesian Cabinet Minister, Lord Graham, was guest of honour at a party after the opening by an American lawyer, Dr. Richard van Buskirk, who has been in Rhodesia for the past month setting up the office.

At 6:45 p.m. Dr. van Buskirk telephoned the Council's American headquarters to announce the opening of the office.

Hanging from the walls of the office are four pictures of the Rhodesian Prime Minister, Mr. Ian Smith—including one of Mr. Smith and his Ministers signing Rhodesia's Declaration of Independence in 1965—and a copy of a letter to President Nixon signed by

77 U.S. Congressmen protesting at the closure of the U.S. Consulate.

COMMITTEE

In an interview Dr. van Buskirk said the office would be run by a voluntary five-man advisory committee of Rhodesians and would employ a full-time receptionist-secretary.

The full composition of the local committee has not yet been decided but one member is a Salisbury businessman, Mr. Roy Boden who has been connected with the American-Southern Africa Council for the past three years.

Dr. van Buskirk said the Council had budgeted for about $800 a month to run the office.

"But we will and can expand that budget if necessary," he said.

Dr. van Buskirk who leaves Rhodesia at the week-end, said his office had already dealt with a number of inquiries ranging from travel and admission to American universities, to copyright on American publications.

TELEPHONE SERVICE

"We also will run a 24-hour telephone service so that any American—or anyone else—who is in any sort of difficulty here will be able to get in touch with someone who will help him."

Pointing to the signatures of the American Congressmen, Dr. van Buskirk added: "People will be able to see that what our Government does is not necessarily what our people want—the American people are solidly with Rhodesia."

As an example of "dishonest thinking" by the American State Department, Dr. van Buskirk said the Department had recently advised two prospective tourists to Rhodesia that in view of the "unsettled conditions" in the country they should not come as the State Department could not guarantee their safety.

Arrangements for the Stars and Stripes now flying in Salisbury to fly over the Capitol were made by Lousiana Congressman Mr. John Rarick.

Asked if his Government disapproved of a U.S. flag being flown in Salisbury, Dr. van Buskirk said: "They do not approve of what we are doing but we still have a considerable amount of freedom."

RISKS GREATER BUT PROFITS FATTER

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. ROBISON. Mr. Speaker, I am placing in the RECORD the third in a series of articles concerning narcotics which appeared in the Christian Science Monitor. This latest installment describes that stage of the illicit heroin traffic in which morphine is converted to heroin, and the subsequent shipment of this refined drug to the United States.

I commend this article to my colleagues for their consideration:

[From the Christian Science Monitor, June 5, 1970]

MARSEILLE—HUB OF HEROIN INDUSTRY: RISKS GREATER BUT PROFITS FATTER

(By John Hughes)

(Heroin chemists are extracautious people—but they can afford to be in this dirty, multimillion-dollar racket of converting morphine to the killer drug. Marseille, France, is the world's center for these men who are part of a highly organized crime ring. Operated by Corsicans, it has been hardly scratched by police and narcotics agents' raids.)

MARSEILLES, FRANCE.—As chill night turned to dank dawn, the narcotics agents worked their way through the French woods.

To ensure total surprise, they had left their cars several miles away.

Now, through high-powered glasses, they had under observation the isolated villa which was their target.

Inside the house they could see three men working amid all the paraphernalia of a chemical laboratory: gas burners, glass flasks and tubes, suction pumps, scales, vials of chemicals.

The men wore white coats and rubber gloves. One thing more showed they were no ordinary chemists. Each of them wore a gas mask. It was to protect them from the fumes and effect of their product: heroin.

For their highly profitable, but illegal activity, the heroin chemists had chosen their site well. Only 30 miles from the big French seaport of Marseille, the village of Notre Dame des Anges is nevertheless off the beaten track. The villa the heroin chemists selected there was on a hill, reached by a country road along which only one or two cars traveled each day.

Even so, the heroin chemists were extracautious. Even now as the French and American agents positioned themselves, a rare car passed by. Immediately the chemists stopped work. One came outside to check. Reassured, they continued.

POLICE RAIDS CURBED

Carefully, the narcotics agents checked their time. (French law bars police raids on a man's home between 9 o'clock at night and 6 o'clock in the morning.) Then they rushed the villa.

The three chemists caught now are serving lengthy prison sentences. Their heroin was seized and is one batch which will never be pumped into the veins of American addicts.

This recent seizure is one of the brighter chapters in the story of the war against the international "junk," or narcotics, merchants. Another heroin laboratory was put out of business about the same time. In this case, the illegal chemists were more brazen. They were working from a three-story house in the surburbs of Marseille itself.

Hidden behind high walls, this was a house particularly difficult for surveillance. But narcotics agents caught the heroin manufacturers in the act there, too. These chemists also are serving long prison terms.

Successful though these operations were, they but scratched the surface of a highly organized crime ring which makes Marseille the center of the heroin-manufacturing industry. Eighty percent of the heroin used by addicts in the United States is produced in and around Marseille from morphine and opium which originate in Turkey.

Controlling the ring are Corsican criminals of cunning and ruthlessness. Says one crack American agent, grudgingly:

"I guess they have to be rated the most adept criminals in the world."

INFORMATION IS THE KEY

The Corsicans who mastermind this ugly traffic in Marseille are tight-knit. Information is the kept to successful antinarcotics operations, but from the Corsicans it is difficult to acquire. A non-Corsican has little hope of penetrating the organization.

For a Corsican to inform on his own gang members there is little inducement, but great peril. The money narcotics agents offer in return for information is insignificant compared with the money a gang member makes from trafficking. And when a Corsican is caught informing, gang retribution is instant and final.

In one of the raids mentioned earlier, one gang member had the misfortune to be absent from the heroin laboratory when narcotics agents smashed in. His body was found next day with six bullets in it. He had been murdered by his fellow gangsters because they suspected him of having tipped off the agents, and then evaded arrest. He was not, in fact, the informant.

When information is forthcoming from within the ring it is usually from a gang member jealous over a stolen woman, or disaffected over some other affront, and bent on personal revenge.

OPPORTUNITIES ABOUND

It is not difficult to see why Marseille has become the hub of the heroin-manufacturing industry. Even without the Corsican underworld community, it is a city renowned for its tough and bawdy waterfront dives where any criminal transaction is easily arranged.

It is a sprawling port, cluttered with miles of gray derricks and cranes, which afford unlimited opportunity for smuggling. Ocean-going ships of every kind, and from every country, load and unload here. In and out of the old harbor there are hundreds of motor cruisers, yachts, and fishing boats with a pattern of movement through coastal waters impossible to track.

Under cover of darkness it is easy to take delivery of a shipment of yellow morphine hidden abroad a ship just in from Turkey, or to stash a parcel of heroin aboard one bound for Mexico, Canada, or the United States. A gentle splash, as a waterproof bundle is dropped over a ship's side, or a thud as a package is thrown from a dark spot over the port fence, and the job is done.

Marseille also is an easy delivery point for smugglers who move shipments or narcotics overland from Turkey. It is linked to the road network which laces the French Riviera. A truck or car carrying hidden morphine merges easily with the traffic surging across southern France.

An old World War II resistance center, Marseille is full of hiding places, criss-crossed by drains and sewers. During the war, resistance fighters led allied agents through this underground network and whisked German prisoners and bodies away through it. Today these tunnels serve the junk merchants who use them to move narcotics and the materials necessary to process heroin.

For security, supplies are dispersed and brought together only for the actual conversion. Once delivered in Marseille, morphine is cached in one spot. The laboratory is somewhere else. Acetic anhydride acid, needed in substantial quantites to make heroin, is stored elsewhere. Finished heroin is quickly moved out to yet another hiding place.

Conversion of morphine into heroin is much more sophisticated than the rough-and-ready process by which opium is turned into morphine. The heroin process demands chemical skills and is dangerous.

The chemists risk addiction through fumes and powdered heroin particles in the air. This is why they wear masks. Beyond this, a slip can cause fatal explosion.

But if the risks are high, so are the profits.

The Corsicans who run the business find little difficulty in acquiring chemists, either from their own ranks, or hired from outside, to undertake the illicit operation.

To elude detection, the heroin merchants have developed many techniques. One clue to the existence of a heroin laboratory is the vast amount of electric power it uses, far more than would be normal in an ordinary household.

So the heroin chemists tap the main power lines, stealing their electricity from the city. They are careful to pass a normal amount of electricity through the meter in their premises. Police checking consumption thus find no unusual telltale usage.

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WATER WASTE WATCHED

Another giveaway is water waste from the heroin laboratories. The chemists cannot dump it into city sewers for fear police will detect, and trace, the large amount of acetic anhydride acid in it. For every kilo of heroin produced, the chemists must use two kilos of acid. Their usual disposal method is to run it off, via long hoses, onto waste ground or, in the case of a country villa, down the side of a hill or mountain.

Police also try to keep an eye on unusually large purchases of acetic anhydride. But the acid is bought for many legitimate purposes. It is used by fertilizer and plastic manufacturers. In the United States its sale is legal. Its purchase specifically for heroin manufacture is difficult to trace.

With money and organization and ruthlessness on their side, the Corsicans are formidable foes. In challenging them, the French police clearly face some genuine problems. But in the view of many, the French Government's efforts to eliminate the Marseille heroin business has till recently lacked application and serious effort.

The French narcotics bureau is understaffed and ill-equipped. For its whole operation in southern France it has relied on 11 agents with three cars between them. Some are deskbound. Manpower available for surveillance and detection of narcotics traffickers has thus been negligible. In the French capital itself there have been hardly a dozen narcotics agents at work.

Lately there have been indications that Paris is stirring on the narcotics problem.

In part this is due to unfavorable international publicity about France's role in heroin production. In part it is due to sudden French recognition that heroin addiction is not exclusively a foreign, and specifically American, problem. Last year two French teen-agers from middle-class families died on the Riviera from overdoses of heroin.

BUREAU BOLSTERED

With the resulting hullabaloo, and encouragement from Washington, the French have announced they will boost their antinarcotics effort. A new chief has taken over the narcotics bureau in Marseille. New agents are promised.

Throughout the country some 350 narcotics specialists are supposed to have been assigned. But these "specialists" are regular policemen who have been given short courses in narcotics work. If, in the course of their duties, they run across a narcotics case, they are better equipped to investigate it. They are not, however, narcotics experts in the true sense, devoting their full time to narcotics work.

The real question now is whether the French are prepared to devote more than lip service to the elimination of the narcotics traffic. At least six illicit heroin factories are believed to be still in operation in the vicinity of Marseille. Experts concede there could be double that number.

Though Marseille's Corsican underworld runs the heroin racket, Corsicans are not basically in the business of transporting narcotics to the United States. They prefer to produce and sell. Principal buyer is the American Mafia which also masterminds organized smuggling of narcotics into the United States.

UNITED STATES OFFICIAL COMMENTS

Says John T. Cusack, chief of the American antinarcotics network in Europe: "We're up against a hard-core, well-entrenched, affluent, powerful criminal element."

Based in Paris as European regional director of the United States Bureau of Narcotics and Dangerous Drugs, Mr. Cusack is widely credited with having masterminded the American role in persuading the Turkish Government to cut back on opium production.

Besides the Mafia, other buying rings have set up shop in southern France. They include Cubans, Puerto Ricans, and Negroes, and "independent" buyers who run their own transit routes. When the Corsicans arrange delivery of heroin in the United States, rather than France, the price is much higher.

Mafia narcotics-smuggling routes run via Canada and Mexico to the United States, and directly through American East Coast ports.

But there are many variations. Some air shipments are routed from France to the Netherlands or Switzerland, then to the Caribbean, and into the States through Florida. Sometimes narcotics couriers stop off in the Republic of Ireland. An Irish aircraft landing at Boston or New York tends to get more cursory examination than one coming in from France.

One heroin-smuggling ring used a Trans World Airlines route from West Germany to Kansas City, Mo. The couriers carried their narcotics in flight bags. Shortly before arrival in New York they hid their packages in the aircraft's toilet. Then they went through New York customs confidently.

DOMESTIC FLIGHT TAKEN

After clearing customs and reboarding the aircraft, they retrieved their heroin from the toilet. From Kansas City they took a domestic fight back to New York, delivering their wages with little risk.

Their method was discovered when the TWA flight developed engine trouble on one occasion in New York, and the company ordered a plane change. The couriers panicked, tried to get their heroin off the discarded aircraft, and were caught red-handed by custom agents.

Another smuggling route is from Europe over the pole to the American West Coast, then by domestic flight back to New York.

There are 390 ports of entry in the United States. Through them pass 220 million travelers each year. Clearly, the smugglers' chances of getting at least some of their merchandise through are good. The standard yardstick custom agents use is that they seize about one-tenth of the contraband funneling into their country.

To move heroin into the United States, the junk merchants use scores of couriers who carry packets taped to their legs, or concealed in special vests, bags, or false-bottomed suitcases. For the junk merchants it is a gamble, but one loaded with the odds in their favor. They can afford to lose a large number of couriers and still make vast profits out of the shipments that get through.

OPERATORS PAY NO TAXES

Those that are lost are written off to operating costs in a business in which the operators pay no taxes anyway. Arrest of a courier rarely imperils the big-time criminals behind the traffic. Most couriers are given only the skimpiest information of the operation they are involved in, and have little to pass on to custom and narcotics agents.

In one case, all eight couriers involved in a shipment of heroin were picked up by American narcotics agents. None could pinpoint the supplier or the addressee.

In another case a narcotics courier facing an Italian murder charge was desperate to cooperate with narcotics agents in a bid to prevent his arraignment in an Italian court. But he had no information of value. All he could reveal was that he had been given the narcotics to carry, in a room of Rome's Excelsior Hotel, by a man he had never seen before and whose name he did not know.

As couriers, the traffickers recruit seamen, airline crew members (one Alitalia steward had direct links to the Mafiosi of Brooklyn), respectable-looking business executives, and even diplomats. The latter are especially useful. Their luggage is usually scrutiny free when it goes through customs.

One courier ring smuggling heroin into New York via the West Coast from Hong Kong included three former Australian police officers. Even a former "playmate" from Playboy magazine is languishing in a Greek jail for carrying narcotics.

SURVEILLANCE PURSUED

While transporting heroin, couriers are often under surveillance by other members of the underworld network. If a courier is "busted" (arrested), the junk merchants are usually aware of it immediately. If the courier agrees to lead government agents to his contact, by the time they get there the trail is cold.

Aside from their own Sicilian dialect, Mafia junk merchants use a jargon almost incomprehensible to outsiders and eavesdropping narcotics agents.

Says one Mafia member to another, in a long-distance call from New York to Sicily: "I need a dozen white shirts. Tell Toto everything's taken care of on the mountain." Translated, that means: "Ship a dozen kilos of heroin. Tell our Corsican supplier in Marseille that I've deposited the cash for them in the usual numbered Swiss bank account."

The American Mafia lean heavily on blood ties in their native Sicily for logistical support in Europe. Thus some heroin shipments are backtracked from France to Italy, and then moved out to the United States.

Experts say actual production of heroin in Italy now is rare. For helping stop Italian production they give credit to former American Ambassador Clare Booth Luce. They also credit Italian authorities for cracking down on known Mafia members with sentences of "obligatory sojourn" in remote areas. Under this system, a suspect is removed from big-city contact and required to report daily at the police station in his area.

Even so, the Mafiosi are wily, and the movement of narcotics in and out of Italy continues.

HONEYMOON IN SICILY

In one case, an American of Sicilian origin carried a large heroin consignment for his family without ever knowing it. His father, a prominent New York Mafia member, sent him back to Sicily for his honeymoon. With the bridal couple went a handsome new American car.

After a few days a relative in Sicily insisted on removing the car to get it washed and serviced.

Overnight, Mafia members took the car apart and fitted it with secret compartments full of heroin. Unknowing, the son shipped his car back to the States, passing uneventfully through customs.

A little later, his father asked to borrow the car. The heroin was recovered by the American Mafia, the car returned, and the innocent son took up his business unaware that for the price of a honeymoon in Sicily, the Mafia had imported a massive shipment of heroin.

Other bulk shipments come by diverse routes. French and American agents broke one ring airfreighting heroin from Paris to New York hidden in electronic oscilloscopes. Some heroin travels southward to Spain from Marseille before being moved on to the United States. One big haul was made in a shipment of canned fish imported from Spain by a Whitestone, N.Y., dealer.

MAFIA "SCATTERS SHOT"

Earlier this year, American custom agents made the largest seizure of hashish in the history of the service at Boston's Logan Airport. Inspectors found 600 pounds of hashish in false bottoms of crates of musical instruments from India This was a spot check, without any advance information from agents abroad.

Although the Mafia scatter their shot with couriers on planes, cars are much favored for smuggling narcotics. Thousands of them are brought in and out of the United States

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each year. Though some are searched, the United States is wooing foreign tourists, and custom agents cannot tear every visitor's car apart.

The advantage to the Mafia is that a car can transport a much larger heroin shipment than can be concealed by a courier. One Volkswagen 1300 carried 54 kilos of heroin concealed in its door panels and in special compartments under its seats—in other words, a shipment about the size of a small man.

If agents seize an auto shipment, the loss to the Mafia is much greater than loss of a two or three-kilo packet strapped to a courier's leg But the Mafia can afford to lose several carloads and still make money on the one that gets through.

From one French Citroen, agents extracted 112 kilos of heroin. That was a major haul. But the same car had successfully carried heroin shipments for five previous years.

With bigger shipments, the risks are greater, but the profits are fatter. Such are the odds that keep the junk flowing out of Marseille.

REMARKS FROM A SERVICEMAN IN CAMBODIA

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, in these days when it seems as if so many efforts are being made to belittle and stigmatize the efforts of those who are keeping our country strong and free, it is heartening to receive a letter, submitted here for the Congressional Record, expressing that fiber on which generations of Americans have united as instruments for the right, with the courage and insight in the knowledge that freedom and peace cannot be attained by merely wishing for it.

The author of this letter, a Naval Academy graduate, is convinced that the Cambodian effort is the right step for stability, self-determination and peace, and significant in its implications for all areas of the world threatened by aggression. He believes, as history has shown us, that sometimes a man must stand with his neighbor to help his neighbor protect his home, lest he, at the end, stand alone in protecting his own home; a fundamental rule of self-protection applicable to nations as well as individuals.

The letter follows:

May 22, 1970.

Dear Mom and Dad: President Nixon certainly didn't waste any time pulling me out of Viet-nam. I'd barely gotten settled into the routine of patroling canals on Barrier Reef that I was sent with ten boats up the Mekong into Cambodia. We were a very small part of the Vietnamese contingent, but played a very interesting role in the operation. I've just returned from spending two weeks afloat off Neak Luong, the ferry landing, and have come to realize once again the sharp contrasts evident in this war.

The two most dominant impressions were left by the newsmen and the refugees. Actual encounters with the enemy were very light and we had secured the area rather easily. What astounded me was how the news media blew up our offensive.

What they termed a gross extension of the war was actually a very simple, long-overdue short cut to ending the conflict. Ideals were long ago violated by the VC/NVA as they fought their guerrilla war. Their strategy was merely what Mao Tse Tung advocated, "The people are the sea and revolutionaries are the fish that swim in the sea." Thus boundaries meant nothing to the enemy as they were free to choose supply routes and lines of communications. We were frustrated by an imaginary line dividing swampy rice paddies where no natural geographical, physical, cultural, lingual, or religious boundaries existed. Even with the Geneva Accords of 1954, Southeast Asia is still Southeast Asia, no nation is secure enough to call itself Laos, Cambodia, or Viet-nam.

Having previously operated in Viet-nam within easy morter range of Cambodia, I was obviously very happy to participate in the sweep to destroy the VC/NVA outposts, arms caches, and stagging areas. We will be withdrawing our forces soon, having accomplished a crucial blow to the enemies' morale and supplies which will enable the South Vietnamese to take over their part of the war much more easily and safely. Sitting Ducks only belong in carnivals. Even though some feel this conflict is a real side-show, I'm over here and I don't like being handicapped by idealistic fantasies.

Enough of the rationalities behind the offensive, what bugs me is how the students and many others have swallowed the news reports and exaggeration by the press. By hyperbolisms and capitalizing upon the misfortunes of others, they report their opinions and sell stories. I've been photographed landing marines, transporting refugees, and interviewed by CBS and NBC who called us warmongers. Their negative attitudes left me very cold. Perhaps the silent majority has something over the protesters, for as Abraham Lincoln wrote, "It is better to remain silent and be thought a fool than to open one's mouth and remove all doubt."

It all comes down to the point that wisdom must be acquired through experience. Formal education is a good start, but leaves one with too idealistic an approach to life. This education has to be nourished by experience to remove the overtones left by theory and to restore the proper perspective of common sense and the gross bare facts of life.

This brings me to the other harsh reality of this war, the innocent suffering of the civilians. I'll never forget the fear and hunger in the eyes of the children. Oh, the many things we take for granted! The very simple basic necessities of life took on the dimensions of being the most precious commodities on earth for these refugees.

We're not over here fighting for ideals, we're fighting for these people's lives. How wrong our initial commitment might have been, we can't leave these people alone to suffer at the hands of a nation where human life has no value. Once these people can defend themselves, I'll be more than happy to call my job completed.

Peace, pull out now, I'll pack up as soon as I can to return to my beautiful family and joys of living in America. However, I've got a job here and I can't advocate a hasty retreat. If this makes sense to you, why not pass along this inside view. If not, drop me a line and perhaps I'll defect. Peace

A 30-YEAR FIGHT FOR FREEDOM

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BUTTON. Mr. Speaker, today is the rather tragic 30th anniversary of the Russian occupation of the Baltic States of Lithuania, Latvia, and Estonia.

I join with many of my colleagues in this memorial observance, not to mark that event really, but to recognize a 30-year struggle for independence by the Baltic peoples.

Some 30,000 Lithuanian freedom fighters have died during constant skirmishes with the Russians that lasted until 1952. A long and valiant effort to regain their freedom was waged despite mass deportation of the Baltic peoples to Siberia.

These people have paid a heavy price for their refusal to submit to Russian-Communist domination. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population.

Resistance continues. It is no longer the armed warfare that ended in 1952, but it is a resistance borne by pride and love of country.

As Americans, we can understand their love of freedom. We salute their valiant resistance and join with them in observance of this tragic date.

The United States has refused to recognize the Soviet-controlled government of the Baltic States and maintains diplomatic relations with the former free governments of Lithuania, Latvia, and Estonia now exiled from their homeland.

These people have never given up hope of some day seeing their nations freed. The recognition given to this anniversary is part of their fight in a warfare of conscience. History has shown that where the memory survives, freedom always triumphs over repression of the state.

Freedom is alive in the minds and hearts of the Baltic people. We join in this observance today with the fervent hope that one day their homeland will be free as well.

DR. FRANK LOWE OF SAN DIEGO, CALIF.

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BOB WILSON. Mr. Speaker, my close personal friend and longtime San Diegan, Dr. Frank Lowe, has excellent credentials in the field of education and young people. Dr. Lowe has served for many years on the San Diego Board of Education and has been very active in the "Laurels for Leaders" program which honors outstanding high school students each year on Lincoln's Birthday. I know my House colleagues will find his observations on the background of youth unrest and dissent of particular interest:

TRAVAILS TRACED TO EARLIER ERA

Editor. This current orgy of protest, even the so-called "peaceful" kind, seems to be made up of those too excited and irresponsible to stop long enough to face facts and to debate differences. This only adds to the general frustration. To make themselves effectively heard, these youthful agitators must make themselves listen to reason and reality.

Actually, the total number involved in these disturbances, gravely serious though

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they be, is probably only a small fraction of that age group. Besides, the truth is that it is not their elders so much as it is these misguided youngsters themselves, who have lost contact, spurning the "due process of law" which is our priceless American heritage.

After all, however, these disturbers of our peace are not entirely to blame. They are victims of influences byond them. The disrespect of the campus today had its beginning in some classrooms a generation ago by a few over-sophisticated professors whose strange disrespect for patriotism unfortunately took root only too well.

But this was only the beginning. In the meantime, incessantly gnawing at our vitals has been communism. Matching this constant peril has been the sad breakdown in the unity of many families.

It is the home which is the God-given bridge between the generations. Also vital in our birth and growth and stability has been religion; but now even prayer seems to have been declared unlawful in our schools. And "permissiveness" has been allowed to corrode discipline and personal restrain.

No wonder that some of our youth are confused and baffled, and in their need seek more sincerity and moral strength and a better example from their elders.

Out of the ordeal of these days, may we all rededicate ourselves.

God mend our every flaw; confirm our soul in self-control, our liberty in law.

[From the San Diego Union, May 26, 1970]

Pertinent and Perceptive

That Washington Peace Demonstration the other day demonstrated also something else: we face an epidemic of hysteria, and it is impossible to join issues with mob psychology. For example, that mass of bewildered young people missed entirely a presidential news conference which they very much needed to hear.

At the Lincoln Memorial, the President, in person and at unwarranted risk, had a meeting with youth—but not a meeting of minds. Yet this grave national situation calls for intelligent, sympathetic understanding, based on two-way communication. All protest, therefore, should be not only peaceful but reasonable and realistic.

It is not their elders so much as it is the youth, or that fragment of our total youth involved, who have lost contact. They have deliberately turned their backs on those priceless values which have made our nation great and unique. In all this, however, these temporarily misguided youngsters are not themselves most to blame.

The chief guilt for this present dilemma lies elsewhere. They are the unfortunate product of forces at work long before their time. This lawless rebellion on the campus began a generation ago in a strange new teaching in the classroom.

The forebear of the angry protestor was then that overzealous debunker, the college teacher who considered it smart to deface our revered national heroes, to bypass the Oath of Allegiance, to refashion our history and to sneer at patriotism.

At the elbow of the bebunker was the ever-present and cunning Communist agent, then as now moving underground to weaken this Republic.

Worst of all has been the decline in family solidarity. Its God-given mission seems to be to bridge this dangerous age-gap in the place where it can best be prevented from starting: the home.

No wonder there is youthful confusion. And this is not all. Even the Supreme Court has taken a hand by its use of the word "establishment" as verb instead of noun, as undoubtedly intended by the Founding Fathers. Thus they raise the enigma of how prayer can be legal in the halls of Congress and out of place in the halls of learning.

Speaking of the word "establishment"—as a noun—it has suddenly become very popular as referring to those who have authority. It seems to invite dissent. By it, "We, the People" seem to be split into two camps. Much better, the time-honored "Government, of, by and for the People," which symbolizes the national unity.

Topping all this unintentional attack upon the morale of our precious young is their own version of the reason for their rebellion: disillusionment with the status quo, and the hypocrisy of grownups about them who fail to practice what they profess. It is a grave charge and, surely, many times a true indictment.

What a paradox! Through our preoccupation with science, our "mechanics" has soared to the moon; but through our neglect of our "humanics," we have sunk to the mob. What shall it profit a nation if it gain the world and lose its own soul?

Let's hope that through this horrible ordeal may come repentence and renewal to us all, and with them the realization that freedom is not freedom from personal responsibility, that liberty is never license but is always limited—and preserved—by justice.

THE 30TH ANNIVERSARY OF SLAVERY FOR BALTIC STATES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. PUCINSKI. Mr. Speaker, today marks the 30th anniversary of the forcible invasion and enslavement of the Baltic States of Latvia, Lithuania, and Estonia.

The Soviet terror which began on June 15, 1940 continues to this day. Since 1940 these three small nations have lost more than a fourth of their entire population.

Despite calculated terrorism and repression, the people of Latvia, Lithuania, and Estonia have waged a compelling struggle for their liberty. During the period between 1950 and 1952, 30,000 Lithuanian freedom fighters lost their lives in an organized resistence movement against the Soviet invaders. Even though armed guerrilla warfare stopped in 1952, Baltic resistance strengthened under the guise of "passive resistance."

Our Government here in the United States has consistently refused to recognize the legitimacy of the Soviet takeover of these small states and to this day we maintain diplomatic relations with the former free governments of the Baltic countries.

There can be no real freedom, anywhere in the world, until all men are free to determine their own destinies. Government by repression may win the initial skirmish through sheer force of arms. But the conscience of a great people will never be captivated or controlled through force. The Soviet Union knows this. The free world knows this. And the people of the Baltic States know it.

We in this great Congress pay tribute to the abiding strength of spirit which nurtures the people of the Baltic States in this dark year. We pledge ourselves to help bring their plight and torment to the forum of the free world where the Soviets may be judged and held accountable.

Mr. Speaker, I join with my colleagues in the House today in paying tribute to the gallant men and women of Lithuania, Latvia, and Estonia on this 30th anniversary of their enslavement.

Mr. Speaker, I include pertinent material as follows:

[From the Chicago Latvian Community Center]

Latvia

(By Viktors Viksnins, President)

ENDURE—1940–1970—HOW LONG?

The deadly comb ran back and forth, and back again, through Estonia, Latvia, and Lithuania. There were no doubts however where the right lay. The Baltic States should be sovereign independent peoples . . . Winston S. Churchill.

TO REMAIN FIRM UNDER

The evidence is overwhelming and conclusive that Estonia, Latvia and Lithuania were forcibly occupied and illegally annexed by the U.S.S.R. Any claims by the U.S.S.R. that the elections conducted in July, 1940 were free and voluntary or that the resolutions adopted by the resulting parliament petitioning for recognition as Soviet republics were legal are false and without foundation in fact." (Report of the Select committee to Investigate Communist Aggression and the Forced Incorporation of the Baltic States into the U.S.S.R. . . . (House of Representatives, 1954).

TO BEAR WITH PATIENCE—SOVIET OCCUPATION

In the spring of 1940, after the fall of France, Stalin, afraid of further German Conquests, decided that the time was ripe to throw off any pretense of defending the Baltic countries against foreign invasion. It was the hour for outright aggression. On June 14, Soviet Foreign Minister Molotov presented Lithuania with an ultimatum, demanding unopposed admission of unlimited Soviet armed forces and establishment of a new government "Friendly" to the Soviet Union. Next day the Red army invaded Lithuania by force. On June 16, similar demands were made of Latvia and Estonia, and both countries were occupied on June 17. The events which followed were identical in all three Baltic states. Although the entire procedure actually and legally violated the basic laws then existing in the Baltic countries, the Moscow Supreme Soviet hastily "admitted" Lithuania, Latvia, and Estonia into the Soviet Union on August 3–6, 1940.

TO SUFFER

The rape of the Baltic republics by the Kremlin was recognized by the Axis powers and a few neutrals. Most of the free western democracies, however, followed the lead of the United States, which, on July 23, 1940, issued a declaration by Sumner Welles, Under Secretary of State, declining recognition.

TO TOLERATE

Wherever the Soviet regime enters as invader or unwelcome guest, it inevitably introduces an "agrarian reform" as a stepping stone to ultimate collectivization.

TO PUT UP WITH

The first year of Soviet occupation will always be remembered in Latvia's history as a year of horror because of the constant Red terror and the first mass deportation, which was carried out by the Moscow regime shortly before the German invasion in June, 1941. Even before then, thousands of Latvian patriots, army officers and state officials, including President Ulmanis and members of his Cabinet, had been arrested and deported to Russia.

XUM

TO SUSTAIN

On June 14, however, 15,000 Latvian citizens . . . men, women, and children . . . were rounded up at night by the secret police and loaded into cattle trucks for deportation to slave labor in northeast Russia and Siberia. Altogether, 34,000 Latvians were arrested, deported or killed during that year of Soviet occupation. The same fate befell Estonians and Lithuanians.

TO CONTINUE

The rising crescendo of misery is voiced by writers and intellectuals who beg us to heed their words.

TO LAST

"All of us . . . must be faithful to our conviction that peace in Europe can never be complete until everywhere in Europe men can choose, in peace and freedom, how their countries shall be governed" . . . John F. Kennedy. The Chicago Latvian Community Center, is commemorating the anniversary of the Soviet occupation of the Latvian State, suffering under the Communist yoke of oppression. In honoring the memory of departed, and imprisoned patriots, we have designed a "Seal" to be displayed on all of the correspondence in use . . . as a reminder that people are still suffering under Communism.

Red Terror in Lithuania, Latvia and Estonia

(Enslavement of the Baltic States by the Soviets for thirty years)

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all of the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force.

The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

Recently the U.S. Congress has made a right step in the right direction by adopting *H. Con. Res. 416* that calls for freedom for Lithuania, Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in whole or in part, any place in the world, including the Soviet Union is surely intolerable.

THINGS NEVER SO BAD IN AMERICA? TAKE A LOOK AT HISTORY BOOKS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. WRIGHT. Mr. Speaker, it would be a tragic mistake to try to hide our heads like ostriches and pretend that our country does not face grave problems.

Yet, it also would be unwise to fail to see our present difficulties in historical perspective. For the plain truth is that crisis is no stranger to America.

We hear on every hand that America is a troubled land. Nightly in mournful dirge the newscasts catalogue our difficulties.

Tormented by the war in Vietnam, apprehensive about increasing crime, worried about racial violence, high prices and the plunging stock market, some Americans have approached the point of despair.

A few days ago, an old friend said in a voice that conveyed utter hopelessness, "Jim, things have never been as bad as they are now."

"America should hang its head in shame," he said. "Lawlessness and violence are at an all-time high; nobody respects the law; nobody supports the country. We just seem to be falling apart at the seams."

Another friend recently echoed the same theme. He shook his head sadly and somberly decried the loss of what he called "old-fashioned patriotism." He said there had never been a time when Americans had failed so miserably to uphold their country as they have in the Vietman war.

Historically, for whatever it is worth, both are mistaken.

From our vantage point of 1970, the War of 1812 in retrospect takes on a rosy glow of patriotism. It was, after all, the conflict that gave us our National Anthem and established the United States as one of the great powers of the world.

But the War of 1812 was not all that popular—in 1812.

The British not only captured Washington but literally burned both the Capitol and the White House. The President and other high Government officials fled for their lives.

Today, some young people have taken up the chant, "Hell no, we won't go." In the War of 1812 the Government formally called up the militia of 95,000 men and only 7,000 responded. Can you imagine calling up the National Guard today and having only one man out of every 12 show up for duty?

The Massachusetts Legislature, recently in the news for officially challenging the Vietnam war, did the same thing in the War of 1812. It even went so far as to pass a measure urging creation of a peace party and formally declaring, "Let there be no volunteers" for military service.

The Governors of Massachusetts, Rhode Island, and Connecticut flatly refused to call the State militia into Federal service. New England merchants refused to buy war bonds. Robert Smith, a former Secretary of State, issued a public statement condemning the war.

Or consider another conflict—the Mexican War, in 1846. Again we hear the echo of an anguished cry from—as you might guess—the Legislature of Massachusetts. By formal declaration that august body condemned the Mexican War as a war against free states, unconstitutional and unsupportable by honest men.

Henry Thoreau protested the Mexican War and went to jail for refusing to pay his taxes. After Thoreau's aunt paid his tax, Thoreau went back to his cabin at Walden Pond and wrote an essay on civil disobedience. Does any of this have a familiar ring?

In June of 1863, during the Civil War, Gen. Robert E. Lee was moving an army ominously northward toward Washington. It appeared to many of Lincoln's generals that the Confederates would capture the Capital. The city at that time was virtually unguarded by Union forces.

About the only military unit on hand to protect the city was the 27th Maine Infantry Regiment. Its members had been conscripted for 9 months, and their enlistments were about to expire. Incredible as it may seem to us today, these men merely shrugged their shoulders to Lee's threatening advance and began packing their things to return home. They would have gone, too, except for one thing.

In wild desperation, the Adjutant General of the Army agreed to award the Congressional Medal of Honor to every man who would agree to stay. Only by this incredible bribe were 312 officers and men induced to remain and defend the Capital of their country.

Less than a year before the end of that war, Lincoln was constantly bombarded by Senators criticizing his conduct of the operation, gloomily forecasting that victory was impossible, and demanding that Lincoln sue for peace.

During the Spanish-American War, certain Members of Congress loudly denounced our intervention, declaring that it was no concern of ours and that we were meddling in the affairs of another country.

And lest we forget, World Wars I and II were not unmarred by protest. One of the protest songs of World War I was sung to these lyrics.

> There would be no war today, if mothers all would say, I didn't raise my boy to be a soldier.

Many thoughtful Americans are troubled today by the wave of lawlessness which sweeps our land—and an apprehension that it may invite a violent backlash with attendant repressions of civil liberties. As serious as this concern may be, there have been times in our history when conditions were much worse.

The year was 1877. Dr. Joseph A. Dacus, on the editorial staff of the St. Louis Republican, reported it this way:

> The tendency to complete anarchy has become so manifest that the Government at Washington is beginning to look at it in the light of an insurrection of a most formidable character—more dangerous indeed than would be a revolt of State governments. . . . At a meeting of the Cabinet on the 25th, it was formally decided to treat the riotous demonstrations all over the country as an insurrection, and to suppress it.

The cause of this concern was a labor strike of the Baltimore & Ohio Railroad. On the 23d of July 1877, Gen. Frank Reeder of the Pennsylvania National Guard was sent with two regiments to the little railroad town of Reading, Pa. Without one word of warning and without orders, the nervous militiamen fired upon an assembled crowd in the very heart of the city, killing 13 people and severely wounding 27 others.

Lamentable though it is to confess, there have been dark moments in our history when human liberties truly were suppressed. Following World War I, Attorney General A. Mitchell Palmer, thirsting for the Presidency, sought personal fame and power by capitalizing on public uneasiness over the Bolsheviks and the Reds.

For 5 months, the Attorney General instituted lawless raids on homes and the headquarters of labor unions. On a single night in January 1920, his agents arrested more than 4,000 people in 33 cities claiming them to be Communists. The great majority of them were innocent. In Detroit alone, 300 Americans were arrested on false charges, held in jail for a week, denied food for 24 hours, only later to be freed as completely innocent.

While crime and the erosion or respect for law and order may be the subjects of increased attention today, the problem is not new. There have been times when it was much worse.

Consider the 1920's. Never has there been such wholesale contempt for law and such a fantastic breeding grounds for crime of all sorts.

In just 10 years, the Federal Government alone arrested more than half a million Americans. Of them 300,000 were convicted—mostly of crimes growing out of the prohibition period.

But not all criminals were convicted, even then. In one of the most notorious incidents in criminal annals—the St. Valentine's Day Massacre in Chicago—not a single person was ever punished. In 4 years there were 215 unsolved murders in that city.

We have known grief and anguish and frustration and fear, disappointment, dismay, disgust, and disillusionment. No doubt we will know them again.

This recital of dark days of America's past is not intended to minimize our present problem nor to exonerate our generation from the responsibility of solving the problems that confront us. Its purpose is to help us see ourselves in clearer perspective.

The 1970's, is launched in a sea of troubles, are pregnant with unprecedented possibilities. One gains the feeling that we are in the process of ending an epoch of history and beginning a new one.

Before us is a vast panorama of unfilled hopes and new dreams—a new age struggling to be born. The difficulties of the present, like those of our eventful past, can be surmounted if we but keep our perspective—and above all, keep faith in ourselves, in our system of society, and in our capacity to shape the future.

History, of course, should not be read selectively, nor distorted to prove an obscure point. It should be read as the continuing story of man's growing enlightenment, sometimes painfully slow but sometimes dramatic. And of his inevitable triumph, in succeeding ages and succeeding stages, over the problems of his society.

Seen in this perspective, our American civilization emerges in bold and thrilling colors. Imperfect though our society is, so are all others—and ours is demonstrably less imperfect that most. Man's virtue—and he does have some—lies in building not in destroying.

Our strength, as always, lies not in fear but in faith, not in despair but in hope, not in hate but in love.

AMERICANS OF MEXICAN DESCENT PETITION AGAINST INDOCHINA WAR

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. MOSS. Mr. Speaker, approximately 600 Americans of Mexican descent in my congressional district have sent a petition to me expressing their opposition to the war in Indochina.

The signers of the petition are parishioners of Iglesia de Nuestra Senora de Guadalupe, whose pastor is the Reverend Keith B. Kenny. Rev. Kenny is convinced that the opinion of his parishioners represent the views of most Mexican-Americans.

As a Congressman who is proud to represent a large population of Americans of Mexican descent, I am inserting the text of the petition because it definitely carries a message for all to read:

> We, the Council, the Priests, and the Parishioners of the Church of Our Lady of Guadalupe, the Catholic Mexican church of Sacramento, California, affirm that we are opposed to the invasion of Cambodia by the armed forces of the United States, that we are opposed to the assistance given by the United States to the South Vietnamese invasion of Laos, and that we are opposed to the continuance of the war in Vietnam. This war has already been too costly in human lives—the lives of our sons of Mexican descent and of so many of the young people of this nation and of so very many lives of the Vietnamese of both South and North. We demand this war be terminated in 1970 and we promise to work for and vote for only those candidates that oppose the war.

XUM

POSTAL WORKERS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. LOWENSTEIN. Mr. Speaker, we now find ourselves in the middle of the third month since the Nation's postal workers went out on strike. We are headed again into what by now must be considered about as predictable a crisis as a crisis can be. I do not believe there is anyone left who has studied the merits of this situation who does not know what we ought to do. Yet nothing happens. That is, nothing happens except that the postal employees continue sorting, carrying, and delivering the mail and the richest Nation in the world continues to fail to give them enough money to live decently, let alone to compensate them in a way that would be fair for the work they do or comparable to the pay they could get elsewhere for performing that same work.

Now—finally, at last—there are signs that we are moving to consider what to do about these injustices.

The delays since early April—not to mention the delays for years that preceded early April—have been inexplicable and inexcusable. Postal workers recognize this and understand who is to blame. If they must once again take their case to the people—as some groups in New York have decided to do by striking again if Congress does not keep its word soon—blame rests not with those who have kept the mail moving despite pauper's wages, but rather with those who have voiced, and then not fulfilled, an apparently endless chain of promises.

XUM

The public must understand that should the Nation find itself again in a mail crisis similar to the one of late March, they should point the finger of blame in the right direction, in the direction of the President whose concern for justice for postal workers seems somewhere near the bottom of a long list of neglected social and economic needs, and in the direction of those Senators and Representatives who seem determined to play politics with the livelihoods of dedicated public servants.

I want to repeat again what I have said many times before:

Surely it is clear how much it would help at this point for the Government to show some degree of good faith to the postal workers after so many years of broken promises and buck-passing. And before anyone says we should not now start to undo long-standing injustices because a strike constitutes blackmail, let us remember that the House adopted H.R. 13000 by an overwhelming vote last October—on its merits. The Senate passed a somewhat similar bill not long after that—on its merits. Is it not awkward to accuse someone of blackmail for asking what you have long since said is rightfully his? The blackmail, if "blackmail" is an issue, lies with those who would deny—who have denied—the postal workers their due in hope of extracting support for other legislative proposals—as if a man's right to fair wages in the Federal employ is dependent on how he, or rather someone else, resolves other issues.

BUY UNION GRAPES

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BURTON of California. Mr. Speaker, for far too long, those of us who are concerned about those who work in fields and on the farms of the Nation, urged all who shared the concern to join with us and boycott grapes.

"Boycott grapes" became the rallying cry for those who sought social justice and who still seek to extend to farmworkers the legal rights and protections enjoyed by those who work in other industry.

I am happy to be able to note a breakthrough in the long and arduous negotiation between the growers and the United Farm Workers organizing committee. Beginnings have been made and we need no longer simply boycott grapes.

We can now urge all concerned citizens to buy union grapes.

I am placing in the RECORD articles from Time magazine and the Los Angeles Times noting the first union contracts signed in the table grape industry and the role of Catholic Bishop's Committee in this major breakthrough. The articles follow:

[From Time magazine, Apr. 13, 1970]

CONTRACTS IN THE COACHELLA

Since 1965, Cesar Chavez has been leading *la huelga* (the strike) to unionize California's farm workers and win contracts from the state's powerful agricultural producers. He has concentrated on growers of table grapes, a product that requires intensive labor and is difficult to mechanize. Last week Chavez's United Farm Workers Organizing Committee finally dented the opposition. Three Coachella Valley table-grape producers agreed to contracts with UFWOC raising wages 10¢ an hour, to $1.75, and adding 22¢-an-hour worth of fringe benefits. Said Chavez: "This is a very important day."

Central to the union's limited victory was the nationwide boycott of table grapes that Chavez organized two years ago. That source of pressure, plus rising production costs and a bumper 1969 crop that lowered prices, has driven more than one-third of the 85 Coachella Valley table-grape growers out of business; 1,000 of the valley's 7,800 grape-producing acres have been abandoned. The three growers who reached agreement with Chavez last week have 1,100 acres of the remainder, harvest 1% of California's total table grape crop. One of the three, *Lionel Steinberg,* was guarded about his contract with the UFWOC, which includes a union-shop clause. "I have some concern that it may not be completely workable," he said, "but I am convinced that I will try and they will try." *Steinberg* added: "It is my hope that we have commenced a historic breakthrough."

Mixed Appetites. Though Chavez and a group of Coachella growers had negotiated inconclusively for a month last spring, this time there was an extra factor that made the renewed talks successful. In November, at the request of both growers and union supporters, a group of five Roman Catholic bishops, headed by the Most Rev. Joseph Donnelly of Hartford, Conn., intervened to appraise the issues. The prelates then took an active part in the discussions. That, said UFWOC Lawyer Jerome Cohen, "created an atmosphere for conciliation." The union has yet to reach agreement with other Coachella growers or with any producers in the San Joaquin Valley, the state's principal table-grape region, but Donnelly said that he and his fellow bishops were "confident that this breakthrough will serve as a pattern for others."

Until that happens, the strike will go on and the UFWOC will continue to push its boycott of all table grapes—except those bearing the union label of a stylized black eagle against a red background. Said William Kircher, national organization direcfor the A.F.L.-C.I.O.: "We are going to expect every fair-minded citizen to have an awfully good appetite for grapes with this kind of label, and an awfully bad appetite for the other kind."

[From the Los Angeles Times, Apr. 2, 1970]

TWO COACHELLA VALLEY TABLE GRAPE GROWERS SIGN UNION CONTRACTS—CATHOLIC BISHOPS COMMITTEE INSTRUMENTAL IN ACHIEVING FIRST "MAJOR BREAKTHROUGH" IN PROLONGED STRIKE-BOYCOTT

(By Harry Bernstein)

The substantial influence of the American hierarchy of the Catholic Church was instrumental Wednesday in bringing about what church leaders called a major breakthrough in the prolonged table grape strike-boycott.

It was the first time that the nation's church hierarchy has ever intervened so directly in a labor dispute, and Bishop Joseph F. Donnelly, of Hartford, Conn., and four bishops working with him are "confident that this breakthrough will serve as a pattern for others . . ."

The church leaders themselves took part in ceremonies Wednesday at the Catholic archdiocese offices here to witness the signing of a three-year contract between the AFL–CIO United Farm Workers' Organizing Committee and two major Coachella Valley growers.

PUT WEIGHT BEHIND CHAVEZ

Significance of the action was not just the impact of the two contracts alone, although the Charles Freedman and the David Freedman ranches produce about 400,000 boxes of grapes a year.

It was also that church leaders including Archbishop Timothy Manning, of Los Angeles, have now thrown their weight behind Cesar Chavez' UFWOC and its efforts to sign contracts with growers in California and other agricultural states in the nation.

Last November, the National Conference of Bishops, pressed both by supporters of the union and the growers, named a five-man Bishops' Committee on Farm Labor to simply look into the issues involved in the grape boycott.

The boycott, the most widespread and intensive ever called by any union, pushed the church leaders into further action, and in February they quietly began a series of meetings with men like Lionel Steinberg, who represented the two Freedman ranches, and representatives of about 40 other large and small growers in the San Joaquin and Coachella valleys.

Bishop Donnelly said the contract signed Wednesday will be "but the beginning of a chain of such contracts so that prosperity and peace can once more descend into our fields and our homes . . ."

The church leaders left no doubt about their admiration for Steinberg for breaking the ranks of other grape growers who have so far refused to recognize Chavez or his union.

But the church officials also gave unstinting praise to Chavez, who, they said, is "totally dedicated to justice and sound labor relations in agriculture."

Chaves and William Kircher, AFL–CIO director of organizing, said they are not calling off the boycott of other grape growers.

PUSH UNION LABEL

"We are going to use our worldwide boycott operations now to promote the sale of union-label grapes, which will be clearly marked on all boxes, and will press the boycott of nonunion grapes harder than ever," Kircher said.

The new contract provides for a pay hike of 6%, or 10 cents an hour, whichever is greater, in the first year of the contract, with a $1.75 hourly minimum wage, plus 25 cents a box; a 10-cent hourly contribution to a union health and welfare fund; a 2-cent hourly "economic development fund" to help jobless farm workers; a union shop clause so that all employes must join the union.

Other members of the bishops' committee included Bishop Hugh A. Conohoe, of Fresno; Bishop Walter W. Curtis, of Bridgeport, Conn., and Bishop Humberto S. Medeiros, of Brownsville, Tex.

MISSION POSSIBLE: THE MOSQUITO MAY SHORTLY SELF-DESTRUCT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. OBEY. Mr. Speaker, last week during the debate on the Agriculture Appropriations bill, I introduced an amendment in this House to increase by $1.5 million funds available for research in the nonchemical means of pest control, means which include the sterilization of insects, and the use of light, sound, and hormones for the destruction of insects and pests.

A short article which appeared in the New York Times on June 14, 1970, has reported that advances in this type of nonchemical research with regard to the yellow fever and malaria carrying mosquito may prove to be the undoing of this menacing pest.

It is another example, Mr. Speaker, of the usefulness of this kind of research and an indication of its eventual worth for the protection of the environment and the public health and welfare as well.

The article follows:

A MOSQUITO IS BRED TO CURB MOSQUITOS

SOUTH BEND, IND.—University of Notre Dame biologists say they have developed a new breed of mosquito that has a fatal flaw in its heredity. It could wipe out infestations of normal mosquitos, they say.

Dr. Karamjit S. Rai and Paul T. McDonald, a graduate student, say in the current issue of Science magazine that they have bred a variety of the Aedes aegypti mosquito in which the males leave 75 per cent of the female's eggs unfertilized.

Of the 25 per cent that hatch, about 80 per cent of the males inherit the same sterility factor their fathers had.

The Aedes agypti transmits yellow fever and malaria.

Mr. Rai said the new mosquito was superior to insects sterilized by radiation and then released to control pest populations.

The latter type is totally sterile and produces no offspring, he said. Also, he said, such mosquitos are weakened by the radiation while his new strain is strong and active.

SECRETARY OF COMMERCE MAKES COMMENCEMENT ADDRESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. BOB WILSON. Mr. Speaker, the Secretary of Commerce, Maurice Stans, spoke at the commencement ceremonies of the University of San Diego on May 29. His remarks were greeted with a standing ovation. Because of their timeliness, I insert them in the Extensions of Remarks at this point:

COMMENCEMENT ADDRESS

(By Hon. Maurice H. Stans)

Your Excellency, Bishop Maher, Monsignor Baer, members of the faculty, distinquished guests, ladies and gentlemen of the Class of 1970.

I am doubly honored to be here with you today.

I am honored, first, to convey the greetings and congratulations of President Nixon to the members of the Class of 1970. He asked me to extend his best wishes to each of you, and to commend this school as a whole for keeping its stability when most of those about you were losing theirs.

The President has a warm personal feeling for the University of San Diego. As Vice President of the United States he received an honorary degree here in 1959, and he told me before I left Washington that it is one of his proudest memories.

HONORARY DEGREE

I am also honored to receive a similar degree from this distinguished University. I will hold it in the highest regard and will be forever proud of my identification with this great University and with the Class of 1970.

My only regret is that the degree cannot confer upon me the youth that ought to go with it. I would readily trade my position and experience with any of you, considering the exciting future that is ahead.

BREVITY

Now I know all of you have been sitting in school for sixteen years or more—and I do not want to be the one to keep you sitting here much longer. One of the greatest men of our time, the late President Eisenhower once told me, "The only virtue that can be presented effectively in a commencement speech is brevity."

So I shall be brief. If you will agree to really listen for just about 15 minutes, I will agree to talk no longer than that.

In that time, you may be happy to know, I am not going to review the various crises and turmoil of these past four years. Rather than look back, I prefer to discuss with you where we were and where we are going, and to offer some suggestions for you to think over.

Of course, I do not intend to ignore the recent developments.

CLASS OF 1970

Across the country, the Class of 1970 represents the first four years of the age of college confrontation.

The voice of challenge has been heard with great impact on all of the institutions and establishments of the nation—political, social, educational and military. Your Class, and others like it, seeks to improve the quality and the direction of American life, and I respect you for the great concern this shows for our country. But there is a right way and a wrong way to proceed from here and I would like to point out the difference.

WHERE WE ARE

First is the question of where we are.

There are several answers.

Certainly we are in an age of dissent. We also face some of the greatest physical needs in our history. We are in a time of unprecedented material progress. And we are in a time of tremendous promise.

Dissent . . . need . . . progress . . . promise.

Let me look briefly at each of these conditions.

DISSENT

First, dissent itself is clearly a healthy condition in a free society. The country thrives on honest disagreement and constructive criticism.

But there are in the nation some who transform disagreement into demands, and criticism into confrontation. As they have become loud and destructive, they have damaged the confidence of one generation and the optimism of another.

Today we have all heard their strident voice of pessimism shouting across the land.

On the one hand we have heard a distinguished but disspirited public figure say the country is disintegrating. On the other we have heard the Jerry Rubins and the David Dellingers cry for the destruction of the whole system.

These apostles of violence insist that nothing is right with America, and everything is wrong. They lean on simplistic slogans and they violate the right of dissent with intolerance and disorder. They would move our political process out of the law, out of the legislatures, and into the streets. They would substitute violence for voting, and would replace institutions with anarchy.

They would sweep aside knowledge and order and decency. They would destroy in the name of liberalism, in the style of Hitler.

But those who loose riot and violence in our cities and our colleges do not say what kind of an America they would try to build in place of the one they abuse. They won't admit that they have nothing worth offering in place of the system we have today.

The pages of history are strewn with the wreckage of nations where such men have had their way.

The overwhelming majority of my generation knows these men represent a small minority of yours.

The age of dissent has taught us that violence is not necessary to achieve solutions. It cannot achieve them. Whether incited by radicals or practiced by over-zealous agents of authority, violence is counter-productive.

WITHIN THE SYSTEM

When we recognize our problems, we can repair them within the system. The genius of the American system is that it works, whether the problem is political, economic or social. No system ever devised anywhere has ever responded better to the needs or the wishes of more people than our democracy, and no system has ever been more productive than our competitive process.

Change may not always come as quickly as we wish—but we will become a collection of fools if we ever throw away our political and economic systems in a blind drive for instant perfection in human society.

Work within the system, build on what we have, and you can create the perfection which other generations have not achieved.

PHYSICAL NEED

The second condition of America is the physical need growing in parts of our society.

As a nation we have awakened to all the

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terrible problems of urban blight and social decay which exist now in many places.

We must become just as awake to the needs of the future.

By 1985 we will add as many new people to our country's population as we have today in all the 24 states west of the Mississippi River. Among those newcomers will be your own children.

Just 30 years from now, when you will still be younger than I am today, this nation will have to accommodate perhaps 100 million more people than it has at the present.

Eighty-five percent of them will be urban dwellers, perhaps living in solid cities hundreds of miles long, such as BosWash, from Boston to Washington—or ChiPitts, from Chicago to Pittsburgh—or SanSan, from San Francisco to San Diego—or JaMi, from Jacksonville to Miami.

If you want to talk about challenge, there it is. Pollution, education, taxation, transportation, welfare, housing—all the ingredients of living are wrapped up together.

These facts have the ominous potential of a time bomb. On the one hand we can build an anthill society, let the problems fester, and wait for the explosion of an unlivable existence.

But on the other, they offer unprecedented opportunity. The possibility of achievements in planning, in building, in creating a quality of life, are unlimited. No generation has ever had a chance to do so much in so short a time for so many.

MATERIAL PROGRESS

Our third condition is unprecented material progress.

Through our economic system, we have become the envy of mankind. It has given us everything we have, and it can give us abundance for all.

Moreover, in unprecedented ways, the economic resources of this system already have been brought to bear to produce an unbelievably productive America.

At a rate faster than our growth of population, we are achieving the spread of economic abundance, the growth of scientific knowledge, and elimination of the ghettos of ignorance and poverty.

For the first time in history, there is a productive partnership between government and our private economy to refurbish our cities.

For the first time since the abolition of slavery we are making a practical effort to open the doors of economic opportunity to all the minority peoples of our country.

For the first time in the history of any nation, vast problems of the environment have been identified, and we have made an unprecedented national commitment to eliminate the curse of pollution in all its forms.

Something called good corporate citizenship is becoming a dedication in almost every community in the country, and in many areas around the world where Americans do business.

This system is simply too good for all of us to let it be destroyed.

It is in harness to meet the needs of our people and the needs of our country, and it is a major reason for the tremendous promise which exists in America today.

Let me give you some simple statistical proof from official sources of what this system can do.

To buy a suit of clothes in Soviet Russia takes 183 hours of work. In France a comparable suit takes 75 hours; in Great Britain 40 hours; and in the United States only 24 hours of work is needed for the same item. Or if you prefer to judge by another standard, in the United States one worker on a farm now produces enough to feed 42 people. In France, one worker can feed only approximately 6. The figure is about 5 in Italy, and it is one farm worker for only one other person in China.

These are not boastful figures. They are simple illustrations that what we have works better than what anyone else has. They show that our way delivers more for mankind than that of any other country.

PROMISE

There are many reasons why I feel we are in a time of promise.

Looking at the future from your side of the generation gap, the imperfections of our time are very clear and the needs are very sharp. The veiwpoint from my side is enriched by the knowledge that the world does indeed get better, and this country will continue to do so.

Every generation has had its problems—but we have never had a generation entering the age of responsible citizenship as concerned as yours with the moral and physical condition of the country.

The future is unlimited so long as it is fueled with high principle and sincere concern. You have both.

In addition, we all have a common interest in the future of this country. Young and old alike, we share a love of our country, a commitment to improve it, and a dedication to achieve peace.

On the basis of what we have done, with all its problems, there is every reason to believe in the future. On the basis of the system we have, there is every reason for confidence.

SUGGESTIONS

So let me offer just these suggestions to help you seize the future with the optimism it deserves:

First, don't be discouraged by things as they are. An unbelievably better world is coming, which you will help to build, and it can hold the promise of realizing man's deepest aspirations.

Second, don't downgrade the United States or its institutions. Challenge the critics and yourself to improve them but do not let them be destroyed, because there are none better in the world.

Third, don't let others destroy our competitive system of industry and enterprise. It is superior, it is effective, it is fair and it offers just incentives to those who contribute most.

PURSUIT OF FREEDOM

In conclusion and in summary, let me put it all this way.

The price of freedom has always come high. It begins with eternal vigilance, and sometimes includes the risk of death.

It was achieved for America through heavy sacrifice in the past.

Twice in my lifetime it has been threatened from outside, and two generations of Americans have had to fight to preserve it.

Many times in this century it has been lost, in many places in the world.

Your generation, rich in the security of freedom won, has committed itself to the next goal, the perfection of individual liberty.

You demand universal justice. You plead for equality. You curse the darkness of intolerance and dishonesty. And you seek comfort and peace.

Men have sought these goals throughout history—but never with the advantage you have today. You are strong materially. You are secure in our system of law. You have a workable society.

You have set the highest challenges for yourself. Our society encourages you to seek your goals. But we also urge you not to do anything to kill the system which makes it possible. Do not be misled by the firebrands of your own generation who would destroy the future for you.

If there is one common denominator throughout the history of mankind, it is this: Extremists are always overwhelmed in time by the common sense of those who know there is no future in destruction.

The destroyers of today will not survive any more than the witch burners of colonial New England or the book burners of Hitler's Germany. The flag burners of 1970 will be held in history's contempt with the cross-burners of the Ku Klux Klan.

If you will deny the extremists—if you will have faith in yourself and in America's institutions—then in the days ahead you will get the greatest possible reward from the education you have now completed and from the great opportunities which await you.

And in playing your part, you can help to fulfill for your generation man's historic dream of a world of comfort and well-being at home and peace and understanding around the world!

Congratulations—and my very best wishes to each of you.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS—JUNE 8, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

U.S. HEALTH CARE SYSTEM—PART II

In my last newsletter, I discussed several of the stresses and strains on our health care system, particularly the spreading costs and the involvement of the Federal government in the system. While there may be growing dissatisfaction with health services in the United States, alternatives to the current system are not readily apparent.

The present medical care system is based on a fee-for-service arrangement. Although this is a fine arrangement for episodic care for patients with sporadic illnesses or complaints, it does not work as well for lifelong programs of prevention, diagnosis, treatment, and rehabilitation.

Fee-for-service medicine, and the health insurance policies that are patterned after it, mean that patients tend to avoid preventive care, with the result that they are later forced by serious illness into hospital treatment. This treatment, billed on an itemized basis, is also expensive because of higher wage demands by hospital workers, and the high cost of medical manpower, equipment and supplies. At the present rate of increase, a hospital room will cost $100 per day in five years.

Another result of the present system is that physicians favor urban areas, leaving rural areas, like Southeastern Indiana, with severe shortages of doctors. Doctors understandably prefer to practice medicine where they have access to sophisticated medical technology and research facilities. Moreover, as a result of wanting to avoid the cost of preventive care, patients gravitate toward the hospitals, which are usually in the cities. Because of the great pressures on doctors, especially the solo general practitioner, more doctors are specializing and practicing in groups, a pattern that can be established more easily in the populated center.

Critics contend, then, that the U.S. health care system is weighted toward the expensive treatment of the hospital, and that the U.S. is the best country in the world in which to have a serious illness, but not the best place for non-serious ailments.

In the growing debate over this country's health care system, increasing emphasis is being placed on *health* care rather than sick

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care—on the keeping of people well rather than making them well after illness has struck. Such a change, however, promises to be evolutionary rather than revolutionary.

Secretary Finch of the Department of Health, Education, and Welfare described the likely course of change this way: "I can see an increasing reliance on prepaid group medical practice where you pay a fixed sum for total medical care by a team of doctors and specialists."

The evolution could take the course of:

Group practice: Instead of an individual doctor operating his own practice, groups of doctors would pool their professional and techological resources to provide a wide range of health care, and at a lower overhead cost.

Preventive care: Medical assistants and technicans would be assigned more and more of the health testing duties, involving the chemical and electrical tests necessary for the doctor's examination and diagnosis. This would leave the doctors free to handle true sick care and to treat disorders that show up in periodic checkups, and could be handled on a community-wide basis.

Prepayment: Pass group practice savings on to patients through set, prepaid annual premiums which would eventually eliminate itemized billing for each treatment as well as third-party payment.

It is not surprising, then, that proposals are being made to revamp the present medical system. The plans vary widely in cost, coverage, financing, extent of government participation, and administration. The AMA has proposed a voluntary system, with private insurance companies acting as insurers and using tax credits for financing. The national health insurance proposal would be compulsory, with a combination of private insurance companies and the Federal government as insurees, and using payroll taxes and Federal revenues for financing. The costs vary from $15 billion to $60 billion.

The enactment of either of these plans, or any combination of them, without changes in the underlying system of delivery of health care, would only feed the problem of rising costs.

Whatever we do, we must focus on a health care system which utilizes and distributes medical manpower properly and efficiently, and which concentrates on keeping people healthy rather than on making them well.

HOUSE OF REPRESENTATIVES—*Tuesday, June 16, 1970*

The House met at 12 o'clock noon.

Rev. Lawrence V. Bradley, Jr., Curtis Baptist Church, Augusta, Ga., offered the following prayer:

Eternal God, our Heavenly Father: As this august body convenes this day, we pay homage to Thee, sovereign of all nations; and ask Thy divine benedictions.

Thy servants, here assembled, have been chosen to speak for the citizens of this great land—do Thou indue them with the spirit, the zeal, the courage, and the faith of our forefathers that their deliberations may strengthen the foundations of our beloved Republic in its domestic and international affairs.

Be Thou, our Father, with the President of these United States. Enable him with divine wisdom to meet the problems of our day that will result in the well-being of all mankind.

These blessings we ask in Jesus' name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1732. An act to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness.

WELCOME TO REV. LAWRENCE V. BRADLEY, JR.

(Mr. STEPHENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEPHENS. Mr. Speaker and ladies and gentlemen of the House, I want to call attention to the fact that our Chaplain for today is Dr. Lawrence Bradley of the Curtis Baptist Church in Augusta, Ga.

This church, founded in downtown Augusta in 1876, celebrated its 94th year of service in January of this year. It has the largest Baptist membership outside of Atlanta and is the third largest in Georgia. Dr. Bradley accepted the pastorate in 1960 and during the last 10 years has seen the membership almost double in size and its building programs and property values grow to nearly two and a half million dollars.

It is a pleasure for me to welcome him here from my district. Dr. Bradley, I hope you will enjoy being with us today. We welcome Mrs. Bradley, too.

CONFERENCE REPORT ON S. 743, TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet Division, Walla Walla project, Oregon-Washington, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1196)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the language inserted by the House amendment insert the following:

"SEC. 6 (a) There are hereby authorized to be appropriated to the United States Fish and Wildlife Service, for transfer to the Bureau of Reclamation, such sums as may be required to cover separable and joint construction costs of the Touchet Division, Walla-Walla project, allocable to the enhancement of anadromous fish as determined by cost allocation studies comparable to those set forth in House Document Numbered 155, Eighty-ninth Congress, second session.

"(b) There are authorized to be appropriated to the Bureau of Reclamation for construction of the works involved in the Touchet Division $22,774,000 (January 1969 prices), less the amounts authorized by subsection (a) of this section.

"(c) The total sums authorized to be appropriated by subsection (a) and subsection (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division: *Provided*, That funds appropriated pursuant to the authority contained in subsection (b) of this section shall be expended only if the amount thereof is increased in any given fiscal year by a proportionate amount appropriated pursuant to subsection (a) of this section."

And the House agree to the same.

Wayne N. Aspinall,
Harold T. Johnson,
Thomas S. Foley,
Craig Hosmer,
Laurence J. Burton,
Managers on the Part of the House.

Henry M. Jackson,
Frank Church,
Frank E. Moss,
Gordon Allott,
Len B. Jordan,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 743, to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, submit this statement in explanation of the actions recommended and adopted in the accompanying conference report.

House amendment No. 1 corrects a spelling error. The conferees agreed to the amendment.

House amendment No. 2 designated the Bureau of Sport Fisheries and Wildlife as the agency authorized to secure appropriations to cover the anadromous fish enhancement costs of the project. The conferees changed the designation from "Bureau of Sport Fisheries and Wildlife" to "United States Fish and Wildlife Service." They agreed that the policy objectives of the House language might be accomplished with less budgetary disruption to other fish and wildlife programs if the appropriations were to be requested by the broader administrative entity.

Wayne N. Aspinall,
Harold T. Johnson,
Thomas S. Foley,
Craig Hosmer,
L. J. Burton,
Managers on the Part of the House.

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CONFERENCE REPORT ON S. 2062, ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes:

Conference Report (H. Rept. No. 91–1197)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the language stricken by the House amendment insert the following:

"Sec. 3. Lessees of irrigable lands owned by States, political subdivisions, and agencies thereof which are held to be subject to the acreage limitation provisions of Federal reclamation law and for which recordable contracts to sell have not been made may receive project water for a period not to exceed twenty-five years from the date of approval of this Act subject to the same acreage limitation provisions of Federal reclamation law as private land owners."

And the House agree to the same.

Wayne N. Aspinall,
Harold T. Johnson,
Thomas S. Foley,
Craig Hosmer,
James A. McClure,
Managers on the Part of the House.

Henry M. Jackson,
Frank Church,
Frank E. Moss,
Gordon Allott,
Len B. Jordan,
Managers on the Part of the Senate.

Statement

The Managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill, S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, submit this statement in explanation of the actions recommended and adopted in the accompanying conference report.

House amendment No. 1 is applicable to those few projects where water can be delivered to excess lands if the water user pays interest on the portion of the irrigation investment that is attributed to the excess lands. The amendment would permit the delivery of water to State-owned excess lands without the payment of interest. The conferees agreed to the amendment.

House amendment No. 2 deleted a provision of the bill which authorized the Secretary of the Interior to deliver water to lessees of State-owned lands under the acreage limitation provisions that apply to privately owned lands. The House amendment reflected the view that water service to State-owned lands for lease to individual operators was not wholly in keeping with the basic purposes of the reclamation program. The amendment adopted by the Committee of Conference allows the lessees of not to exceed 160 acres of State-owned lands to receive water for a period of 25 years from the date the bill is approved by the President. This arrangement will lessen the impact of immediate forced divestiture on state programs dependent upon income from State lands and permit an orderly and deliberate program to be developed for disposal of State-owned lands to private owners. The House managers hope and believe that such divestiture programs will be developed and implemented.

Wayne N. Aspinall,
Harold T. Johnson,
Thomas S. Foley,
Craig Hosmer,
James A. McClure,
Managers on the Part of the House.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5554) to provide a special milk program for children, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$125,000,000" and insert "$120,000,000."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937 TO AUTHORIZE PRODUCTION RESEARCH UNDER MARKETING AGREEMENT AND ORDER PROGRAMS

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14810) to amend section 602(3) and section 608c(6) (I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 3 and 4, strike out "Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 674; 50 Stat. 249)," and insert "Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation (7 U.S.C. 601; 48 Stat. 31),".

Page 1, line 6, strike out "602(3)" and insert "2(3)".

Page 1, line 8, strike out all after "section" over to and including "(6) (I),"" in line 1 on page 2 and insert "8c(6) (I),"".

Page 2, line 3, strike out "608c(6)" and insert "8c(6)".

Page 2, line 9, strike out "provision" and insert "proviso."

Amend the title so as to read: "An Act to amend section 2(3) and section 8c(6) (I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARGARET M. McNELLIS

The Clerk called the bill (H.R. 8573) for the relief of Mrs. Margaret M. McNellis.

There being no objection, the Clerk read the bill as follows:

H.R. 8573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Margaret M. McNellis, of Waterbury, Connecticut, the sum of $10,900 certified to him by the Secretary of Health, Education, and Welfare as provided in section 3 of this Act in full settlement of all her claims against the United States arising out of misrepresentations made to her daughter by personnel of the United States Public Health Service concerning Mrs. McNellis' eligibility for medical care in civilian facilities under chapter 55 of title 10, United States Code, following an accident on September 24, 1966.

Sec. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

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Page 1, line 6, strike "of $10,000" and insert "certified to him by the Secretary of Health, Education, and Welfare as provided in Section 3 of this Act".

Page 2, after line 11, add the following:

"SEC. 3. Upon application made within six months of the effective date of the Act, the Secretary of Health, Education, and Welfare shall determine the amount representing the charges for services in the period from September 24, 1966 through April 1967 that would otherwise be payable under the Public Health Service program for civilian medical care had the said Mrs. Margaret M. McNellis been an eligible beneficiary under the provisions of chapter 55 of title 10, United States Code, and the Secretary of Health, Education, and Welfare shall certify the amount so determined to the Secretary of the Treasury for payment as provided in section 1 of this Act. The amount paid under the authority of this Act, shall not include any amounts paid or reimbursed through insurance by reason of the same hospitalization."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the reqeust of the gentleman from Tennessee?

There was no objection.

CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

The Clerk called the bill (H.R. 13676) for the relief of certain retired officers of the Army, Navy, and Air Force.

There being no objection, the Clerk read the bill as follows:

H.R. 13676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of funds not otherwise appropriated, to each individual named in section 2 of this Act the sum opposite his name. The sum stated is to constitute full satisfaction of each named individual's claim for unpaid retired pay accruing subsequent to his return to an inactive status on a retired list of an armed force after May 31, 1942, and before the settlement of a claim filed with the General Accounting Office under the Act of April 14, 1966, Public Law 89–395 (80 Stat. 120).

SEC. 2. The claimants under this Act and the amount due each are as follows:

Name of Claimant:	Amount
Major Charles F. Frizzel, United States Army (retired)	$5,805.67
Mrs. Grace D. Harrington, designated beneficiary and widow of Colonel James B. Harrington, United States Army (retired)	2,247.94
Major Oliver Holden, United States Army (retired)	6,304.93
Commander Frank G. Kutz, United States Navy (retired)	9,496.11
Commander Charles E. Lofgren, United States Navy (retired)	16,376.11

With the following committee amendments:

Page 2, following line 4; strike "Frizzel" and insert "Frizzell, Jr." and add the following section at the end of the bill:

"SEC. 3. No part of each amount appropriated in this act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 9497) for the relief of Mrs. Eleanor D. Morgan.

There being no objection, the Clerk read the bill as follows:

H.R. 9497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Eleanor D. Morgan, of 17 Orchard Street, Angola, New York, the sum of $14,000, in full settlement of her claims against the United States for the death benefits payable to her as the designated beneficiary of her husband (the late G. David Morgan, an alien employee of the Virgin Islands Corporation at the time of his death on March 29, 1964) under certificate of insurance erroneously issued to him under the Federal Employees' Group Life Insurance Act of 1954 due to administrative error and without knowledge on his part that he was ineligible for insurance coverage under such Act by reason of his status as a noncitizen employee of the United States whose post of duty was not in a State or the District of Columbia. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary not withstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon convicton thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, after "$14,000," insert "less the amounts of any insurance premiums previously refunded,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REVERSIONARY INTEREST OF UNITED STATES IN McNARY DAM TOWNSITE, UMATILLA COUNTY, OREG.

The Clerk called the bill (H.R. 13601) to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.

There being no objection, the Clerk read the bill as follows:

H.R. 13601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reversionary interest of the United States in that tract of land comprising 344.15 acres, more or less, known as the McNary Dam Townsite, lying in sections 10, 11, 14, and 15, township 5 north, range 28 east, Willamette meridian, Umatilla County, Oregon, heretofore conveyed by the United States to the Confederated Tribes of Umatilla Reservation in Oregon and reconveyed by the tribes to Robert and Marcia Schultz and William and Lynette Schultz under authority of the Act of August 28, 1957 (71 Stat. 468), is hereby released and conveyed to the owners of record.

With the following committee amendment:

Page 2, line 2, strike out "record," and insert in lieu thereof: "record, such release and conveyance to be effective upon the proof of payment of $50,800 to the Treasury of the United States."

The committee amendment was agreed to.

The bill was ordered to be engrosed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 170]

Addabbo
Berry
Blackburn
Brademas
Brock
Broomfield
Buchanan
Burton, Utah
Bush
Cabell
Carey
Celler
Chappell
Clark
Clay
Conyers
Corman
Cowger
Cramer
Daddario
Dawson
Dellenback
Diggs
Erlenborn

XUM

XUM

Esch
Farbstein
Findley
Flowers
Flynt
Frey
Gallagher
Gaydos
Gilbert
Goldwater
Gray
Green, Pa.
Gubser
Hagan
Halpern
Hamilton
Harrington
Hastings
Hébert
Jacobs
Kirwan
Landrum
Long, La.
McCarthy
McClory
McClure
McKneally
McMillan
Madden
Mathias
Meskill
Minshall
Murphy, N.Y.
Nedzi
O'Neal, Ga.
Ottinger
Passman
Pelly
Pike
Pollock
Powell
Rarick
Reid, N.Y.
Reifel
Rooney, N.Y.
Roudebush
Ruppe
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Smith, N.Y.
Springer
Stafford
Steed
Steiger, Ariz.
Stratton
Whitten
Wilson,
  Charles H.
Wolff
Wydler

The SPEAKER. On this rollcall 343 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1077 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1077

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 17966 as a substitute for the said committee amendment. At the conclusion of the consideration of H.R. 17070 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority, to the very able and distinguished gentleman from California (Mr. SMITH); pending which I yield myself such time as I may consume.

Mr. Speaker, this is a rule making in order the consideration of the bill, H.R. 17070, reported by the Committee on Post Office and Civil Service.

This is the highly controversial postal reform bill. This bill and the companion bill have been around for a long time. There is a great demand throughout the country for some reform of the postal service, and this is largely based upon the fact that the postal service has been running in the red to the tune of billions of dollars every year in spite of the continual increase of postal rates. The Department is still running in the red. On the other hand, the postal service, the service rendered by that Department, has been going down almost continuously. So there has been a great demand over the country, in the Congress, in the administration, and in the previous administration to do something about this situation.

I recall, and I am sure the House will also, that last year, or during the last administration, rather, the then Postmaster General requested that the Congress do something about reorganizing the Department, and recommended in general something in the nature of what your Post Office Committee has come up with. I should like to have the attention of the gentleman who may be more familiar with this subject than I am.

The Committee on Post Office and Civil Service has labored now for more than a year and has come up with this bill. Frankly, I do not know whether I can support the bill or not. I am supporting this rule because I am for the objective that is sought here—postal reform. I do not handle a rule that I do not favor. But I am making the reservation that unless certain amendments are adopted, I shall vote against the bill in the final analysis.

Mr. Speaker, there have been substantial differences, and understandably so, in the Committee on Post Office and Civil Service. They have had two or three tie votes down there when it looked like a bill was going to be reported; certainly it was one or more. So when your Committee on Rules heard the application for a rule to bring this bill to the floor, it also heard from certain members of that committee who desired to offer a substitute for the bill. Since there were certain provisions in the original bill—to be exact, 19 provisions—that would be subject to a point of order, the committee saw fit to waive points of order against the committee bill, and when it came to a question of the request to make in order the substitute bill sponsored by certain members of that committee, we found that it was necessary also to waive points of order against that substitute, because it was mostly the committee bill with minor exceptions.

Mr. Speaker, as one Member of this House who is interested in the objective of postal reform, I advocate the adoption of this rule, and I am not going to be too concerned about the continuous difference of opinion within that committee.

I repeat what I stated in the beginning, that this matter of postal reform has been kicked around here for two administrations. I am taking the same position that both of them took: That there ought to be some postal reform. I have a great deal of respect as well as considerable affection for the former Postmaster General, Mr. Larry O'Brien. He advocated this. I recall he sent a committee to see me to talk to me about it. They favored it, and I favored it, and I am favoring it today. I also have affection and the highest regard for the present Postmaster General, Mr. Blount.

Now I understand by the grapevine, and later by the recorded word, that this division in the committee has exercised itself again and certain members have now circulated the House membership asking that the rule be voted down. That is the privilege of the House. If the House sees fit to vote the rule down, or, prior to that, to vote down the previous question, that is the business of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. COLMER. Yes, I yield to my friend from Iowa—always.

Mr. GROSS. I thank the gentleman for yielding.

Of course the issue is not one of voting the rule down. The issue is one of voting down the previous question, so that the rule may be amended to provide for consideration of the bill by the committee without regard to the bill which was introduced in Congress only last Monday and never had the slightest consideration by the committee. That is the issue.

Mr. COLMER. I never like to find myself in disagreement with my friend from Iowa. I thought I said that. Maybe I did not amplify it as much as the gentleman did.

I said it was up to the House to vote down the rule or the previous question, and, of course, it follows that if we vote down the previous question, then we can amend the rule. Of course, we can also prolong the debate on this highly controversial matter for another week, because the Members are going to have, even as it is now set up, possibly a week's consideration.

Somewhere along the line we are going to have to meet this question, and the Committee on Rules saw fit to simplify the matter by making in order the substitute and waiving points of order.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I ask the gentleman to pardon me. I have several requests for time, but I would be forced to yield to the gentleman, and I hope he will make it very brief.

Mr. CUNNINGHAM. Mr. Speaker, first of all in my 14 years here, this is the first time I have ever heard the chairman of the Rules Committee say this is a very controversial bill, and he cannot support it. I think that is editorializing before we have ever gotten into the bill.

As I recall being in the Rules Committee, the Rules Committee had a hilarious time when they had the gentleman from New York (Mr. DULSKI) up there. I tell the Members, this is no hilarious time to be taking up this bill. We have a very serious situation on our hands, and we ought not to be laughing about it.

As far as the substitute is concerned, it is not a last-minute substitute. We tried this very maneuver in the Post Office Committee, and we lost by a vote of 13 to 13.

Mr. COLMER. I did not quite get the

import of all the gentleman's statement or question, if there was a question. However, I certainly do not regard this as a laughing matter. It is most serious and I hope the House will treat it as such.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, before starting on House Resolution 1077 I should like to make a brief mention about tomorrow in connection with House Resolution 914. I do not believe I have to speak out of order, because it is a resolution out of the Rules Committee.

It is programed first for tomorrow, Mr. Speaker. House Resolution 914 provides for agreeing to the Senate amendments to the voting rights bill.

The reason I make this statement is that we will have only 1 hour of debate, 30 minutes for the majority side and 30 minutes for the minority side. I already have requests for about 2 hours of time, and there is not any way to stretch 30 minutes into 2 hours of time.

Mr. Speaker, I want to make a suggestion, and very kindly so, that perhaps some of the Members could speak under the 1-minute rule tomorrow, and perhaps we could have some of those very gracious McCormack minutes, so that some of the Members could get their remarks in the Record that way, because there will not be sufficient time to yield 2 hours in 30 minutes.

On the rule before us today, House Resolution 1077, Mr. Speaker, as stated by the distinguished chairman of the Rules Committee, it provides for 4 hours of debate and it makes the committee substitute in order because it is an amendment in the nature of a substitute. It also makes in order H.R. 17966 as a substitute, and it waives points of order against both bills.

The reason there is a general waiver of points of order is that we were informed there were possibly as many as 19 different parts of H.R. 17070 involved on points of order—appropriation of funds, transfers, and other parts therein—so to attempt to work out all those 19 points in this instance would be a little difficult. We saw no reason why we should not waive all points of order on both the bills.

I am a little confused as to the letter which I have just received, signed by a number of distinguished members of the Committee on Post Office and Civil Service, having to do with voting down the previous question. As I understand the parliamentary situation, H.R. 17070 will be subject to amendment at any point throughout the bill, as will the other bill which we have made in order, H.R. 17966. Every Member will have an opportunity to work his will on every section of the bill.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Michigan. I have a lot of requests for time.

Mr. WILLIAM D. FORD. Do I correctly understand the gentleman to say that he believes, in supporting this rule, the effect of the rule would be that we could amend the committee bill at any point?

Mr. SMITH of California. That is right; as it comes up.

Mr. WILLIAM D. FORD. If the gentleman will pose that as a parliamentary inquiry, to the Parliamentarian, I believe he will discover that is not the case. If he has been misled into supporting this rule because he believed that to be the parliamentary situation perhaps the gentleman in the well would like to change his position now and join us in opposing this rule. That is not the parliamentary situation, and it is dishonest to suggest to the House it is.

PARLIAMENTARY INQUIRY

Mr. SMITH of California. Mr. Speaker, may I present a parliamentary inquiry at this time?

The SPEAKER pro tempore (Mr. Albert). The gentleman will state his parliamentary inquiry.

Mr. SMITH of California. In connection with H.R. 17070, which the Rules Committee has made in order as a committee substitute for the original committee bill, which was stricken out, and against which bill points of order are to be waived, and in addition in connection with H.R. 17966, which has been made in order as a substitute, waiving points of order, my understanding of the parliamentary situation is, if we do not get into the third degree where we are stopped, that when H.R. 17966 is offered as a substitute it will be open to amendment as we go through the bill.

The SPEAKER pro tempore (Mr. Albert). It will be open to amendment at any point.

Mr. SMITH of California. It is my understanding if we have an amendment pending on that bill, which is one amendment, we can also have an amendment pending on the original bill if it applies to the same section or same part of the bill. In other words, we are not precluded from amending H.R. 17070 until we completely take care of H.R. 17966 and the Committee rises and you vote on that. We can amend in the Committee of the Whole H.R. 17070.

The SPEAKER pro tempore. If the Chair correctly understands the gentleman, the answer to it is that the Udall substitute can be offered as an amendment to section 1. Other amendments can be offered to section 1 of the committee amendment, but no other amendments can be offered beyond section 1 to the committee amendment.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. SMITH of California. I yield for a parliamentary inquiry.

Mr. GERALD R. FORD. Is it not accurate to say, however, that if the Udall-Derwinski substitute, H.R. 17966, is defeated in the Committee of the Whole, then any other part of H.R. 17070 is open for amendment at any point?

The SPEAKER pro tempore. In that event, the Committee of the Whole would go back and read the committee amendment as an original bill, in which case each section would be open for amendment as it was read.

Mr. SMITH of California. May I say, if I have made a misstatement to the House on my understanding of the parliamentary procedure, then I am very sorry, but my understanding has been in situations like this that both of these bills in the nature of an amendment to a substitute could be perfected. That is my understanding of the situation, and I think you will have every opportunity for everybody to work their will to perfect the committee substitute and the other substitute in due time.

Mr. WILLIAM D. FORD. Will the gentleman yield for a parliamentary inquiry?

Mr. SMITH of California. I yield to the gentleman.

Mr. WILLIAM D. FORD. You see, it will not work that way because the instant that the first sentence is read, then Mr. Udall can ask for recognition and offer his substitute. The first section is nothing except that it recites we ought to do something about the Post Office Department. Then we will be privileged to amend that first section as frequently as we would like to, but we cannot do anything with the substantive parts of the committee bill or offer any amendment to it.

The only part of it that will be open to amendment once Mr. Udall offers his substitute is the perfunctory preamble to the amendment.

Mr. SMITH of California. The gentleman will agree with me that in due time you will have the opportunity appropriately to perfect H.R. 17070.

Mr. WILLIAM D. FORD. No, we will not, because once the Udall substitute has been perfected and we vote on it it is the end of the ball game.

Mr. SMITH of California. Not if it loses.

Mr. WILLIAM D. FORD. Well, that is right.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished gentleman from California yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. GERALD R. FORD. The procedure that is recommended by this rule is not extraordinary. It is the typical and the usual procedure. Oftentimes whether we get a rule or whether we do not get a rule, someone will offer a substitute as soon as the enacting clause has been read, and under the procedure that we follow time after time the Committee of the Whole works its will on that substitute and then the substitute as amended or not amended is voted up or down. Then, if it is voted down, the Committee of the Whole has a full opportunity to work its will on the committee bill as recommended and carry it forward under the rule.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. Mr. Speaker, how much time have I used? I think maybe I had better finish my statement first.

The SPEAKER pro tempore. The gentleman has consumed 8½ minutes.

Mr. SMITH of California. Maybe I had better finish my statement, and then I will yield for all of these inquiries in whatever time I have left, but I would like to cover the bill if I may. I studied the parliamentary situation and made inquiry. Apparently something has arisen to alter the situation. What it is I do not know. However, I certainly did not intend to mislead any Member. My explanation was my understanding of the situation.

Mr. Speaker, I would like to review these two bills as they appear to me.

Now, the first bill, as I understand it, H.R. 17070, is designed to convert the present Post Office Department into an independent agency within the executive branch of the Government.

Second, to provide a system of collective bargaining and binding arbitration with respect to labor-management relations.

Third, to increase by a further 8 percent the pay of postal workers retroactive to April 16, 1970.

Now, Mr. Speaker, our present postal system is not keeping pace with the Nation's needs. Mail volume continues to increase, and for various reasons employer-employee relations are not good, with the result that last year the Department experienced a personnel turnover of some 25 percent.

The Post Office Department has been operating at a substantial deficit on an annual basis. This year it is estimated to be $1,400,000,000.

Now, in March a postal workers' strike developed at a number of cities around the country.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 additional minutes.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 additional minutes.

Mr. SMITH of California. The unions after returning to work and representatives of the Department—the unions representing the employees, the AFL–CIO, reached an agreement on a program of postal reform to be recommended to the Congress. The first portion of this is already law, Public Law 91–231. It provided for the 6-percent pay increase for all Federal employees retroactive to last December 27.

The remainder of the agreement was in the form of proposed legislation and was submitted to Congress by President Nixon on April 16.

H.R. 17070 is the result of hearings held on that legislation and represents the work done by the Post Office and Civil Service Committee on this same legislation over the last year and a half.

Mr. Speaker, title I of the bill deals with the reform and reorganization of the Post Office Department. To replace the current departmental structure, the bill proposes to create an independent agency known as the U.S. Postal Service within the executive branch. Also abolished is the Cabinet-level position of the Postmaster General.

The new Postal Service is headed by an 11-member Commission with 9-year staggered terms provided for. Nine members will be appointed by the President with the consent of the Senate. These members will, in turn, select a 10th member and he will be designated as the Postmaster General. The 10 members will then designate an 11th member who will be the Deputy Postmaster General and these last two will have the responsibility of the day-to-day management and operation of this new Postal Service.

Employees of the Post Office Department are automatically transferred to and they become employees of the new Postal Service. Compensation, benefits, and so forth applicable prior to the transfer are carried over intact and will continue to apply until changed by the Service.

The Postal Service is authorized to borrow and issue obligations up to $10 billion for capital improvement expenditures. The net increase in any one year may not exceed $1.5 billion. The Treasury is authorized to purchase a total of up to $2 billion in Postal Service obligations. Obligations sold publicly would not be guaranteed by the full faith and credit of the United States unless the President later determines that such action would be in the public interest.

The bill requires the Postal Service to become self-sustaining—eliminating the postal deficit—by January 1, 1978. Rates on each class of mail are to meet costs, but existing rates remain in effect until they are changed.

Rate-setting procedures are provided in the bill which will remove the matter from direct congressional control, although a veto is retained. The Postal Service will have broad powers to manage, administer, and operate the system of mail delivery without coming to the Congress for authorization to proceed upon any course of action.

Title II of the bill provides for an 8-percent pay increase for all postal employees, retroactive to April 16, 1970. In this instance I believe the other bill which has been introduced makes it retroactive to May 16, a later date. According to the original agreement entered into between the Government and the unions it would as set forth in that agreement provide for an 8-percent pay increase for employees of the Post Office Department effective as of the date when this enabling legislation becomes law.

So there is a difference as to the time when the 8-percent increase will become effective. This provision violates part, as I mentioned, of the earlier agreement, and the other title provides for collective bargaining procedures, binding arbitration on matters on which no resolution can be negotiated.

The right to strike is not granted to postal employees. However, provisions are made in general bringing postal employees under the National Labor Relations Act for postal unions to negotiate for a union shop. If such agreements are reached all postal employees would either have to join a union or leave their job. The only exception would be that of an employee who is a member of a church whose established teachings would oppose a requirement of this type.

Finally, the bill provides for wage schedules under which employees will reach the maximum pay step in their grade after 8 years of satisfactory work, rather than the 21 years which is now required.

H.R. 17966 differs in some 11, 12, or 13 different provisions, and they have been set forth by the gentleman from Arizona (Mr. UDALL) in his views, and I will not go into them in detail.

The SPEAKER pro tempore. The gentleman from California has consumed 15 minutes.

Mr. SMITH of California. Mr. Speaker, I yield myself 4 additional minutes.

Mr. Speaker, in my opinion we need postal reform. I have supported postal reform for a long period of time. I think the employees are definitely entitled to an 8-percent salary increase, and I think this compression should be done by reducing it to 8 years.

Whether we should go as far as either of these bills contemplate presents quite a problem to me. For instance, just let me consider a couple of different sections. Let us take section 853, which appears on page 244 of the committee bill. This has to do with making agreements with public carriers for the transfer of mail. But in this particular instance in my opinion it could cause considerable damage to scheduled airlines.

For example, there are scheduled airlines, private airlines schedules that have to make certain routes, and they have to make those certain routes or trips as, for instance, from New York to California, three times a day—that is an example of one particular airline that I know.

If the Postmaster General can make a contract with a nonscheduled airline at a cheaper rate, and then cause that scheduled carrier to lose business, it is going to be difficult for them to keep their schedules going. One bill states that it can be turned down if it is not in the public interest, that is H.R. 17070. H.R. 17966 says it can be turned down if it is not compensatory to the contracting carrier. Witnesses, including the chairman of the Committee on Interstate and Foreign Commerce, testified against this section.

I would like to see section 853 stricken from both measures.

On compulsory unionism, that presents a very serious problem to me. I do not personally approve of compulsory unionism.

One bill on the rate increase, H.R. 17070, gives Congress, either House of the Congress, a right to veto on a majority vote within a certain number of days. The so-called Udall substitute makes that a two-thirds vote of either House within a certain period of time. Now, a two-thirds vote may go pretty far in a rate change.

Another has to do with negotiations on a national basis, and in the other bill it will permit negotiations on a local or area basis.

In any event, Mr. Speaker, I do hope that we can pass appropriate postal reform legislation, because it is long overdue. And I support the adoption of the rule.

Now, Mr. Speaker, I will be glad to

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yield to those gentlemen who wanted to be heard.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the gentleman mentioned at the conclusion of his remarks compulsory unionism.

Can the gentleman cite one section in the bill that provides for compulsory unionism?

Mr. SMITH of California. It is my conclusion, based upon the negotiations, that the negotiations will be done in one bill on a national basis, and they will be done in another bill on an area-wide basis, and if the unions are agreed to in either instance an individual in that particular area will have to join the union or lose his job.

Mr. CUNNINGHAM. There is nothing in this bill that has to do with compulsory unionism.

Mr. SMITH of California. That is my interpretation of the bill, and that is the way I read it. The gentleman may argue his way, but that is the way I view it.

Mr. CORBETT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. CORBETT. I simply want to say to the House the reason I am going to vote against the previous question is simply a timesaving device, along with some other good points—but we could go all through the business of amending the Udall substitute and then, if it is defeated, we have to go all through the business of amending the committee reported bill. It is because I think we should not have to go up and down the hill twice that I would like to see the rule.

I definitely want the rule. I join the gentleman from California in saying that I want the rule and I want postal reform, but I do not want it based on a bill which has never been before the committee.

Mr. SMITH of California. On the other hand, may I say to the gentleman that in printing H.R. 17966, all Members have had an opportunity to read what that proposal is, intact in one bill, without 19 or 20 amendments which you know will be offered on the floor.

Mr. CORBETT. But they are all going to be offered, in fact, in one way or shape or other and I am making the prediction right now that if the substitute is perfected and then defeated, we are going to have to go into the whole question again and have the Udall bill which will have to have the separate amendments.

Mr. SMITH of California. It will still save time in the long run.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. DERWINSKI. I would ask that at least one point be made clear for the record.

Repeated references have been made in the Committee on Rules and again here on the floor that the substitute has never been considered by the full committee. That is a total misstatement of fact.

Everything in the substitute was considered on numerous occasions by the full Committee on Post Office and Civil Service. I just want to make the record absolutely clear. I am sure no one will challenge me directly when I say that everything in the substitute was debated in the full Committee on Post Office and Civil Service.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. That is not correct, and I challenge that gentleman's statement. I will take the gentleman from Illinois around the corner when and if we have some time and show him provisions in the substitute that are not contained in the committee bill.

If the gentleman wants to take a look at it, I have it right here.

Mr. DERWINSKI. I will agree with the gentleman that the individual commas and sentences and individual words might not have appeared—but every issue—every issue involved in the substitute was thoroughly debated in committee. There is no new subject matter in the substitute.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, the Udall-Derwinski substitute bill was introduced only last Monday in the House of Representatives, and there was not a copy available until Tuesday of last week. I do not think the Members of the House are going to spend this afternoon reading and trying to digest a 160-page bill, nor should they be expected to. I suggest that borders on the ridiculous.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from California.

Mr. HANNA. I can see in the first paragraph of the resolution waiving all points of order—all points of order are waived against the bill, the committee amendments or the substitute.

Am I correct in noting that there are substantial differences in the points of order which could be raised against the substitute as compared to the points of order which could be raised if we were taking the committee bill?

Mr. SMITH of California. I think there are some differences, but basically many of them—most of them apply to the stamp, transfer of funds, appropriations, and so on which are in both bills, and I do not see any problem in waiving points of order.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California has consumed 22 minutes.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. DULSKI), chairman of the full Committee on Post Office and Civil Service.

Mr. DULSKI. Mr. Speaker, as I told the Committee on Rules when I requested a rule on H.R. 17070, I support the bill as it came from our committee. I asked that the bill, as reported, be considered as original text for the purpose of amendment.

The rule now pending goes beyond my request and makes another bill in order which could thwart the bill of my committee. For that reason, I oppose the extension of the rule to the second bill.

I believe we should revert to my original request for an open rule with 4 hours of general debate and waiving points of order.

Accordingly, I urge that the previous question be voted down so that the rule can be amended.

If the previous question is voted down, I shall offer the appropriate amendment to make consideration of our committee amendment to H.R. 17070 in order.

I am supported in this proposal by at least 15 other Members of the Post Office and Civil Service Committee, on both sides of the aisle, who have joined me in an open letter to the entire membership of the House.

Copies of the letter are available to all Members.

The letter is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND
CIVIL SERVICE,
Washington, D.C., June 16, 1970.

DEAR COLLEAGUE: The undersigned Members of the Post Office and Civil Service Committee strenuously object to the Rule proposed for debate of the Postal Reform Bill.

The permission granted by the Rule to introduce the Udall Substitute as an amendment and waiving points of order thereto is contrary to the desires of a majority of the Committee.

Our Committee worked eighteen months to produce the Committee Bill, H.R. 17070, and we believe it should be considered as the prime vehicle for debate.

We believe that orderly and responsible procedures would permit proceeding with the Committee Bill and permitting it to be amended in the usual course of debate.

We strongly urge a "No" vote on the previous question on the Rule.

Sincerely yours,

THADDEUS J. DULSKI, Chairman; ROBERT J. CORBETT, Ranking Minority Member, DAVID N. HENDERSON, ARNOLD OLSEN, DOMINICK V. DANIELS, ROBERT N. C. NIX, JAMES M. HANLEY, JEROME R. WALDIE, RICHARD C. WHITE, WILLIAM D. FORD, GRAHAM PURCELL, FRANK BRASCO, ROBERT TIERNAN, H. R. GROSS, WILLIAM I. SCOTT, JAMES A. MCCLURE, DONALD E. LUKENS, LAWRENCE J. HOGAN.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I would suggest a clarification. Would not the gentleman agree that it is not the entire committee that stands behind the bill as presented, that the various votes were 12 to 12, 13 to 13?

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. The chairman has not asserted that the 18 members of the committee who signed the letter that has been circulated here this morning agree on any specific amendment. In fact, the gentleman from Iowa (Mr. GROSS) and I could not be further apart on half the amendments that will be considered on the floor. But Mr. GROSS and I are in complete agreement, and 18 out of the 26 members of that committee are in complete agreement that the procedure that has been brought to this floor by the Rules Committee is not in keeping with the best interests of anybody who has an amendment to propose to this legislation, whether he is conservative, liberal, Democrat, or Republican. All we are trying to do, the 18 of us, is to guarantee that everyone has a fair shot and an individual vote on that particular part of the bill that he thinks is most important.

Mr. DULSKI. The gentleman is implying that there is something in the rule that would prevent amendments to the substitute, and that just is not so.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. Gerald R. Ford.)

Mr. GERALD R. FORD. Mr. Speaker, the rule provides that points of order should be waived for both H.R. 17070 and H.R. 17966. This is the only way in which both proposals can be considered on an equal basis. If the previous question is defeated an amendment to the rule will be offered which will change the ground rules. This amendment to the rule will make the committee bill in order with points of order waived. No equal concession will be granted to H.R. 17966.

I, therefore, urge an aye vote on the previous question.

As to H.R. 17070 and H.R. 17966, how do we differentiate, or how can we differentiate? They should be treated alike.

Mr. WILLIAM D. FORD. Can the gentleman cite to me a single precedent in this House for having a substitute by the minority members of the committee brought to the floor with points of order against that substitute waived in advance? Is there one single precedent for this action?

We are not asking for a special rule. All we are asking is that this rule be treated the same way as thousands of bills that have preceded it which have come to this floor.

Mr. GERALD R. FORD. Mr. Speaker, I refuse to yield further.

What the gentleman wants is a special rule for H.R. 17070, and he will not accord the same rule to the bill that was defeated in the committee by a 12-to-12 vote. That is not an overwhelming defeat for any legislation in any committee. I happen to think the two bills ought to have precisely the same consideration. I cannot understand exactly why the gentleman is opposed to that.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. Surely. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Speaker, there is not a Member of this House who has more affection than I have for the gentleman from Michigan, the distinguished minority leader. I asked for waiver of points of order only because of the many problems that would otherwise arise on this legislation. We feel that the position of the majority of the committee, as expressed in the reported bill, should have full consideration in floor debate. That is the only thing we are asking for.

The SPEAKER pro tempore (Mr. Albert). The time of the gentleman from Michigan has expired.

Mr. SMITH of California. I yield the gentleman 1 additional minute.

Mr. GERALD R. FORD. Mr. Speaker, I can recognize the requirement because of the complexity of the bill for waiving points of order on H.R. 17070, but I cannot for the life of me, on the basis of equity and fairness, understand why the gentleman objects to a substitute, which was defeated by a 12-to-12 vote in the committee, not having exactly the same consideration. I do not understand the gentleman's point of view.

PARLIAMENTARY INQUIRY

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume, and I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SMITH of California. Mr. Speaker, on H.R. 17966, the so-called Udall substitute, that is in my understanding one amendment in the nature of a substitute. If any part of that bill is not germane or subject to a point of order, would not the entire H.R. 17966 be subject to a point of order if points of order are not waived against it? That was my understanding of the situation.

The SPEAKER pro tempore. The gentleman has correctly stated the rule. Should points of order not be waived, then if any part of the amendment is not in order, the entire amendment is not in order.

Mr. SMITH of California. Mr. Speaker, I thank the Chair. That is one of the reasons why the House ought to know that if we do not waive points of order against the Udall bill, it goes out shortly after it is started to be read.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, as we get into the debate of this bill, I think there is something more than postal reform involved and that we have to keep it uppermost in our minds. It has been alluded to previously but let me emphasize that there is a provision in this bill for compulsory unionism. Naturally, the parties would go through the collective bargaining process, but the end result would be a union shop for the postal department. I do not think there is anybody in this Chamber so naive as to believe that a union shop would not result. This would mean that postal employees with 15 or 20 years' service, who object to joining a union on other than religious grounds, would be forced to join the union and pay tribute against his wishes or lose his job. I do not believe this would be treating these workers fairly. They have given too many years of their lives to be treated in this manner. How do they feel about it? To my knowledge, I have not had a single postal worker in my district contact me in support of this provision.

If the Post Office Department becomes a union shop and the labor leaders get the control they will have under such a provision, can anyone say that the unions representing other departments of this Government will not demand the same rights? Can any one imagine what would happen if the right of a union shop was granted to the Department of Defense? What would happen if we had a union shop in HEW and they walked off the job or had a sick-out about the time the checks were to go out to the millions of Americans who receive and depend upon them every month? I know the proponents of this section will hurriedly point out that the no-strike provision of the law will remain in effect. This is true but from a practical standpoint this now means nothing. In fact, one of the heads of a postal union has announced that we either pass this bill this week as they want it or his members will go on strike next week. So, let us be realistic. If the Post Office Department becomes a union shop and the other departments of Government get the same—and they will certainly be pressing for it—we could have strike after strike in very department of Government. What would happen to our Government? We would have utter choas and instead of being a strong Government, it would become a weakling overnight with a few labor leaders wielding more control over Government workers than the Government itself. Is this what you want? I certainly don't want to see this happen and I know you do not either.

We have had a strong form of government—of the people, by the people, and for the people—and we want to keep it that way. This question is far different from one in private industry and I would think that our union leaders would be content with keeping the union shop in the private sector where it belongs. Everyone knows that unions have no power without the strike weapon. We have seen how this weapon has weakened the governments of other nations. This cannot—it must not—happen here.

I know the union people would like to have this provision. However, they are loyal Americans interested in preserving our Government. I suggest that they give up this provision and to the possible effect it could have on this great Nation of ours.

Even though I am for postal reform and for the 8-percent pay increase for postal workers and related benefits, I will be forced to vote against the bill unless this compulsory union provision is stricken.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I commend the gentleman for his statement. He is absolutely right.

The surest way we can get this action is to amend the committee bill, not the substitute that would be made in order by the rule. We should have a separate vote when we go back in the House, to lock it into the legislation in the House of Representatives and hope the other body will follow our action.

I commend the gentleman.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. Olsen).

XUM

PARLIAMENTARY INQUIRY

Mr. OLSEN. Mr. Speaker, I should like to have attention while I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. OLSEN. The parliamentary inquiry is: If the Udall bill is passed by the Committee of the Whole and we go into the House and then the Udall bill is voted down in the House, is it correct that the only thing left we would have would be the original Blount bill, the original H.R. 17070?

The SPEAKER pro tempore. In response to the inquiry, the committee amendment in the nature of a substitute would immediately be under consideration. Of course, it would not be subject to amendment.

Mr. OLSEN. That is something I wanted to get straight, that the committee bill as amended would not be subject to amendment.

The SPEAKER pro tempore. The previous question having been ordered, it would not be subject to amendment.

Mr. OLSEN. So, Mr. Speaker, Members who have amendments to the committee bill, who want to amend H.R. 17070, should give attention to the fact that they will not have an opportunity to amend it if the Udall substitute is defeated in the House.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it not true that the statement made by the gentleman from Ohio (Mr. Latta) could not be dealt with in this House if the previous question is voted up?

Mr. OLSEN. The proposition of the gentleman from Ohio (Mr. Latta) could not be considered at all under that kind of circumstance. I am talking again if the Udall bill got beat in the House after coming out of the Committee of the Whole. Then this House would have no opportunity to perfect the committee bill.

The best situation is that we take up the Dulski committee bill and let the House work its will on that bill. Then Mr. Udall and Mr. Derwinski can come forth with their amendments, as they did in the committee. Let them come again before this House and the Committee of the Whole with their several amendments. The bill is open for amendment at any point. Everybody can work on the committee bill, as amended by the committee. That is what we would all work on. It would be subject to amendment by every Member.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Virginia.

Mr. SCOTT. I thank the gentleman for yielding.

I rise only to point out to the membership of the House that what the gentleman from Montana has just said about voting "nay" on the previous question is the opinion of a majority of our House Committee on Post Office and Civil Service on both sides of the aisle.

Mr. OLSEN. On both sides of the aisle.

Mr. SCOTT. And let the House or the Committee of the Whole work its will on the measure that has been adopted in the committee.

Mr. OLSEN. Yes.

Mr. SCOTT. I have considerable reservation about this bill, but I still believe it is the committee bill that we should use as a vehicle to consider for debate and amendment.

Mr. OLSEN. And we should vote down the previous question on the rule.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Sisk).

Mr. SISK. Mr. Speaker, I think we have evidence today that once in a while our Committee on Rules does make mistakes. At least in this humble Member's opinion we did in this case. But I think we are faced now with the issue, and, of course, my understanding is that an opportunity will be given to vote down the previous question and go back to the committee bill, which was this particular Member's position at the very beginning.

I have great respect for my good friend, the gentleman from Michigan (Mr. Gerald R. Ford), the minority leader, and I can understand his position in support of the administration's package. I suppose to that extent Mr. Udall and Mr. Derwinski also represent a different view.

Mr. Speaker, let me simply say that this whole matter has been somewhat controversial and there has been a good deal of trouble due to mistakes made by a variety of people. As has often been said, any time you talk you are prone to make a mistake, and maybe I am making a mistake right now being here in the well on this occasion, but I would briefly like to set the record straight in line with an implication that I heard was made in one of the local newspapers. I have apparently been listed as a member of the National Right To Work Committee. I call it the "National Right To Starve Committee." Anyway, there is some implication there that I am supporting their position, and I want to make the record amply clear, as I thought I had in the Committee on Rules, that I have long supported the repeal of section 14(b) of the Taft-Hartley Act. I happen to be proud to be from a State that does not have the so-called right to starve provisions. Therefore, I am not a supporter of the National Right To Work Committee. I would hope that the people who are carrying the ball for this committee might realize that this is not the way to win friends and influence people.

Mr. BRASCO. Mr. Speaker will the gentleman yield?

Mr. SISK. I will be glad to yield to the gentleman briefly.

Mr. BRASCO. What I wanted to say to the gentleman from Arizona (Mr. Udall) and the gentleman from Illinois (Mr. Derwinski), both of whom I have great respect for as peacemakers, is that after the great consternation they have caused on the floor of the House I would suggest that they withdraw their substitute and then we could proceed orderly on the bill that the House Post Office and Civil Service Committee voted out, giving them the full and complete opportunity to amend the bill, as any Member has the right to do.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Speaker, postal reform is an emotional issue, and I think you can see it here today. We fought it out in the Post Office and Civil Service Committee and we had a series of ties and other close votes. People feel very strongly on both sides of the aisle. But let me make clear what we are doing here today.

We should remember how we got in this situation? There was a strike and the President of the United States and seven unions representing close to 600,000 postal employees, over 85 percent of the postal employees, sat down and negotiated a complete postal reform package, including an 8-percent pay raise. The committee had the right to modify or to accept this, and the committee modified it and modified it rather drastically. The vote in the committee on my substitute was a 12 to 12 tie.

All we are proposing to do in the substitute bill, H.R. 17966, is to let the President of the United States and the Postmaster General and the AFL–CIO unions who negotiated this package have an up or down vote on their package. Ordinarily, I would have the right to offer this substitute without a special rule. I could get up and offer a substitute for the whole package. But our situation is complicated by points of order. So, in this rule we are saying to the President of the United States and to the unions, "You have a right to have your package voted on. If it is an outrageous package, it will be voted down and we can go back to the committee bill and work on that bill."

But let us be very clear. The clerks and letter carriers of this country—and I do not think anyone is here who has not talked to them—they ask for this rule; they wrote a letter to the Rules Committee and said, "Will you please give us a rule so our package can be voted on as a package, and not as a series of amendments with points of order being involved," and if this package is a bad package vote it down. If it is a good package, vote it up and a vote "no." A "no" vote on the previous question is a vote of "no" against the clerks and letter carriers of the United States, as well as against the President of the United States.

You are saying to them, you should not have the right to have your package considered as a package.

I regret that my colleagues on the committee feel that there is something outrageous about it. But I say again, I could offer this amendment without a rule if it were not for the problem of the points of order. The courtesy of waiving points of order in a complicated bill has been extended to the committee substitute.

XUM

Therefore, it only seems fair in this situation that we have the privilege of offering under the same conditions the package, the package that was agreed to in these negotiations by the President and the workers, and have it considered as a package.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. Yes, I yield to the gentleman.

Mr. OLSEN. But to no other substitute is there such a waiver given, but only to you and DERWINSKI?

Mr. UDALL. That is right.

Mr. OLSEN. It was only printed last Monday, and we saw it Tuesday in the Rules Committee.

Mr. UDALL. However, every principle contained in the substitute was voted on and debated in the committee time after time.

Mr. OLSEN. But there was not a vote on the entire package.

Mr. UDALL. Mr. Speaker, we are facing a deadline. We are threatened by a strike by the carriers if we do not pass the bill by Friday, and we are threatened by a strike if we do pass a bill. So let us get on with it and make some choices.

Mr. SMITH of California. Mr. Speaker, I yield the last minute on our side to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I should merely like to say that I supported this rule in the Rules Committee, and I have not heard anything here on the floor this afternoon that would change my mind and cause me to vote against the previous question. We felt that we were offering you this substitute as something that was clearly germane to the jurisdiction of the Post Office and Civil Service Committee. Moreover, as the gentleman from Arizona (Mr. UDALL) made abundantly clear, the substitute is simply the agreement that was reached on the 16th of April between the seven unions and the Postmaster General of the United States.

It might be stated again, in view of the remark which was made by the gentleman from North Carolina (Mr. HENDERSON) that any amendment he intended to offer to the committee bill can be offered to this substitute bill as well.

So, Mr. Speaker, those who want to vote in the Committee of the Whole on an amendment sometimes referred to as the compulsory unionism amendment, will have an opportunity to do so.

Therefore, Mr. Speaker, I think the rule ought to be supported, and that the previous question ought to be adopted.

Mr. COLMER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard an awful lot of debate on this rule. There is nothing unusual about this situation. It should not be necessary to restate it again, but I want to restate it again for the purpose of emphasis.

This is a liberal rule. It goes beyond the ordinary open rule and makes in order a substitute bill which has been the subject of controversy in the legislative committee.

Now, what is involved in it? The able and distinguished and lovable chairman of the Committee on Post Office and Civil Service says that if you adopt this rule making this amendment an order, the committee bill goes down the drain. It does not do any such thing.

As the gentleman from Arizona so well pointed out, and the gentleman from Michigan, the minority leader, so well pointed out, and as I have tried to point out in the beginning, this is simply an amendment to the bill in the nature of a substitute.

Now, quickly, when this amendment is offered as a substitute it is in order to offer any germane amendments.

Again, it would not have been necessary to make the bill as a substitute in order had it not been for the points of order that could have been raised against it which also could have been raised against the committee bill. So we gave one the same treatment as we gave the other.

Now, if you vote the rule down—and it will not have been the first time one has been voted down, and frankly I hope it will not be the last time we will vote one down, because this is the opportunity for the House to work its will I shall shed no tears—but I am trying to emphasize to you here that there is nothing out of the ordinary about this situation. It has been done hundreds of times here before. And, as I say, it would not have been necessary had it not been because of the points of order.

I urge the adoption of the rule.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and a division (demanded by Mr. COLMER) there were—ayes 69, noes 103.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 219, not voting 71, as follows:

[Roll No. 171]

YEAS—139

Abernethy
Adair
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Arends
Aspinall
Ayres
Belcher
Bell, Calif.
Betts
Bevill
Biester
Boland
Bolling
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burlison, Mo.
Button
Byrnes, Wis.
Camp
Cederberg
Chamberlain
Clausen, Don H.
Colmer
Conable
Conte
Coughlin
Cunningham
Davis, Wis.
Dennis
Derwinski
Donohue
Dowdy
Dwyer
Eckhardt
Edwards, Ala.
Esch
Evins, Tenn.
Fascell
Fish
Foley
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Gibbons
Green, Oreg.
Gude
Hammerschmidt
Hansen, Idaho
Harvey
Hathaway
Heckler, Mass.
Hicks
Horton
Hosmer
Howard
Hutchinson
Johnson, Pa.
Keith
King
Kleppe
Kuykendall
Langen
Lloyd
Lujan
McCloskey
McCulloch
McDade
McEwen
MacGregor
Mahon
Mailliard
Martin
Matsunaga
May
Mayne
Meeds
Michel
Mills
Mizell
Mollohan
Montgomery
Moorhead
Morse
Mosher
Myers
Nelsen
Obey
O'Neill, Mass.
Patten
Pepper
Pettis
Philbin
Pike
Pirnie
Poff
Pollock
Quie
Quillen
Railsback
Reid, Ill.
Rhodes
Riegle
Robison
Rogers, Colo.
Roth
Sandman
Sebelius
Shriver
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Stanton
Steiger, Wis.
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Udall
Vander Jagt
Watts
Whalen
Widnall
Wiggins
Wilson, Bob
Wold
Wyatt
Wylie
Wyman
Young
Zion
Zwach

NAYS—219

Abbitt
Adams
Albert
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Baring
Barrett
Bennett
Biaggi
Bingham
Blackburn
Blanton
Blatnik
Boggs
Brasco
Brinkley
Brooks
Brown, Calif.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Byrne, Pa.
Cabell
Caffery
Carter
Casey
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Corbett
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Denney
Dent
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Fallon
Feighan
Fisher
Flood
Flynt
Ford, William D.
Foreman
Fountain
Fraser
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Haley
Hall
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hogan
Holifield
Hull
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Long, Md.
Lowenstein
Lukens
McClure
McDonald, Mich.
McFall
Macdonald, Mass.
Mann
Marsh
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mize
Monagan
Morgan
Moss
Murphy, Ill.
Natcher
Nichols
Nix
O'Hara
O'Konski
Olsen
Patman
Perkins
Pickle
Poage
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Randall
Rees
Reid, N.Y.
Reuss
Rivers
Roberts
Rodino
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruth
Ryan
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Scott
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Staggers
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Whalley
White
Whitehurst
Williams
Winn
Wright
Yates
Zablocki

NOT VOTING—71

Addabbo
Beall, Md.
Berry
Brademas
Brock
Buchanan
Burton, Utah
Bush
Carey
Celler
Chappell
Clay
Conyers
Corman
Cowger
Cramer
Daddario
Dawson
Dellenback
Diggs
Erlenborn
Farbstein
Findley
Flowers
Frey
Gaydos
Gilbert
Gubser
Hagan
Halpern
Hamilton
Hastings
Hébert
Jacobs
Kirwan
Long, La.
McCarthy
McClory
McKneally
McMillan
Madden
Mathias
Meskill
Minshall
Morton

Murphy, N.Y.
Nedzi
O'Neal, Ga.
Ottinger
Passman
Pelly
Powell
Pryor, Ark.
Rarick
Reifel
Rooney, N.Y.
Roudebush
Ruppe
Scheuer
Schneebeli
Schwengel
Steed
Steiger, Ariz.
Stratton
Taft
Weicker
Whitten
Wilson, Charles H.
Wolff
Wydler
Yatron

So the previous question was not ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Morton for, with Mr. Passman against.
Mr. Gubser for, with Mr. Hébert against.
Mr. Erlenborn for, with Mr. Wydler against.
Mr. McKneally for, with Mr. Farbstein against.
Mr. Reifel for, with Mr. Rooney of New York against.
Mr. McClory for, with Mr. Gilbert against.
Mr. Steiger of Arizona for, with Mr. Murphy of New York, against.
Mr. Hastings for, with Mr. Cowger against.
Mr. Berry for, with Mr. Halpern against.

Until further notice:

Mr. Flowers with Mr. Brock.
Mr. O'Neal of Georgia with Mr. Buchanan.
Mr. Charles H. Wilson with Mr. Dellenback.
Mr. McMillan with Mr. Cramer.
Mr. Chappell with Mr. Frey.
Mr. Addabbo with Mr. Findley.
Mr. Steed with Mr. Pelly.
Mr. Stratton with Mr. Meskill.
Mr. Corman with Mr. Mathias.
Mr. Celler with Mr. Beall of Maryland.
Mr. Gaydos with Mr. Schneebeli.
Mr. Yatron with Mr. Ruppe.
Mr. Whitten with Mr. Burton of Utah.
Mr. Daddario with Mr. Bush.
Mr. Brademas with Mr. Weicker.
Mr. Madden with Mr. Taft.
Mr. Hamilton with Mr. Schwengel.
Mr. Wolff with Mr. Roudebush.
Mr. Pryor of Arkansas with Mr. Minshall.
Mr. Clay and Mr. McCarthy.
Mr. Hagan with Mr. Long of Louisiana.
Mr. Scheuer with Mr. Diggs.
Mr. Conyers with Mr. Kirwan.
Mr. Nedzi with Mr. Powell.
Mr. Carey with Mr. Rarick.
Mr. Jacobs with Mr. Ottinger.

Mr. PHILBIN and Mrs. HECKLER of Massachusetts changed their votes from "nay" to "yea."

Mr. HUNGATE changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dulski: On page 2, strike out the sentence beginning in line 6 down through the period in line 9, which reads as follows: "It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 17966 as a substitute for the said committee amendment."

The SPEAKER. The question is on the amendment offered by the gentleman from New York (Mr. Dulski).

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17070, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. Dulski) will be recognized for 2 hours and the gentleman from Pennsylvania (Mr. Corbett) will be recognized for 2 hours.

The Chair recognizes the gentleman from New York (Mr. Dulski).

Mr. DULSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I am happy to yield to my colleague.

Mr. ARENDS. Will the gentleman from New York tell us whether it is hoped to complete general debate on this bill this afternoon?

Mr. DULSKI. That is our intention.

Mr. Chairman, we are beginning to debate today—at long last—the matter of postal reform. The bill before us is H.R. 17070.

No subject has had more intensive and prolonged consideration by our Committee on Post Office and Civil Service than postal reorganization.

Before I proceed further in a discussion of the bill, I want to pay sincere tribute to the members of my committee for their patience and diligence for nearly 14 months of public hearings and executive sessions.

Since this subject cut across our pattern of subcommittees, it was considered from the beginning by the full committee. Needless to say, it is rare that a subject is so comprehensive that it starts out under the jurisdiction of the full committee.

Actually, the matter of postal reorganization has been uppermost in my mind, and in the minds of many of my colleagues, since I became chairman in January 1967.

THE CHICAGO BREAKDOWN

It was just 3 months earlier that the Post Office Department had gone through the worst crisis in postal service in our history with the breakdown in the operation of the Chicago Post Office.

Within a few weeks after I took office as chairman, the then Postmaster General, Lawrence F. O'Brien, recommended that his job be abolished and that the Post Office Department be converted into a Government corporation.

As a result of Mr. O'Brien's recommendation, President Johnson appointed a Presidential commission headed by Frederick R. Kappel, former head of the American Telephone & Telegraph Co., to study the postal service and report upon the desirability of a transfer to a Government corporation.

For 3 years there has been discussion and debate.

Even the bill that we bring before you today does not come with the unanimous support of our committee. It was ordered reported on a vote of 13 to 10. Nor does it have the support of the administration.

H.R. 4—REORGANIZATION PLAN

When the 91st Congress convened a year ago last January, I introduced H.R. 4—at that time the most comprehensive postal reform proposal ever put into legislative language in our history.

H.R. 4 provided for a reorganization of the Post Office Department, rather than conversion of the Department into another entity. I believe this approach was well founded—and it had considerable support, but not enough votes.

The executive branch, under both parties, has expressed its strong preference for the complete conversion of the postal service into an independent organization, whether it be a Government agency or a public corporation.

The bill before us today, H.R. 17070, proposes the creation of an independent establishment within the executive branch of the Government—but apart from the Cabinet. This establishment is to be known as the U.S. Postal Service.

MANAGEMENT NEEDS FLEXIBILITY

There is, and will continue to be, debate over what we should mean by postal reform. My own feeling is that the management responsible for operating the U.S. Postal Service—under whatever form—must have freedom of operation.

This is particularly necessary in the financing of postal operations at all levels. Further, management must have flexibility to make changes in its procedures, in order to deal with the volume of mail in the postal system today.

H.R. 17070 would give the new management of the Postal Service such authority and responsibility while yet permitting Congress to maintain the necessary oversight on this one public service which is closer to the people than any other.

The measure before us represents a compromise and, therefore, does not completely satisfy anyone. However, I am convinced that we must proceed with postal reform and the bill before us is a long step in the right direction.

RIGID POSITION OF DEPARTMENT

One of the greatest frustrations for me and for members of my committee in this Congress has been the rigid position of the Postmaster General as to the details of the new postal organization. His rigid position is in contrast, perhaps ironically, to the more fluid position of President Nixon and the White House staff.

In any legislative matter of this massive scope, it is essential that there be give and take. Our committee has thrashed this measure over time and again, and actually has reported two completely separate bills to the House.

On April 8, after months of tedious consideration of this subject, the committee reported H.R. 4, the measure which I originally introduced in January 1969. However, the bill was amended in the final executive session by a complete substitute.

I might explain here that while the measure was officially reported in April, the committee actually completed its action prior to the Easter recess and prior to the crippling work stoppage which occurred in March.

COULD HAVE AVOIDED STRIKE

In connection with that work stoppage in March. I would like to observe that there really was no necessity for the postal workers to be required to express their unhappiness with the progress of postal pay legislation in this fashion.

Last October the House approved H.R. 13000, which would have provided the postal workers a pay raise retroactive to October. The House acted in the face of a veto threat announced on the House floor by the minority leader. The bill died because of refusal in the other body to confer in any meaningful way.

It is little wonder that postal workers walked out from many of the Nation's major post offices in March.

In seeking settlement of the walkout, the administration agreed to sit down in unprecedented collective bargaining with the seven postal craft unions. Pointedly excluded from the negotiations were the two industrial unions.

FIRST PAY RAISE IS LAW

One result of the negotiations downtown was the President's recommendation, sent to the Congress on April 6, 1970, for an immediate retroactive 6 percent pay raise for all Federal employees—not just postal workers. This was enacted by Public Law 91–231.

Additionally, the administration at that time agreed to support another pay raise—of 8 percent—for postal workers, plus "compression" of time required for employees to reach their top salary steps. The 8-percent raise was to be effective upon enactment of a postal reform measure, the details of which were to be worked out within a few days.

This agreement was formalized on April 16, 1970. On that same day I introduced H.R. 17070, to implement the agreement, since I felt that it should be submitted to the House and to our committee for prompt consideration. The bill was cosponsored by Mr. CORBETT, Mr. UDALL, and Mr. DERWINSKI.

CALLED HEARINGS IMMEDIATELY

I called hearings immediately, during which the Postmaster General and the various labor organizations were heard in order to let them explain the measure which they jointly recommended.

Our committee then embarked upon a strenuous new schedule of executive sessions to analyze H.R. 17070 and amend it where necessary. The result of those executive sessions is the bill now before you.

If further proof is needed of the complexity of this matter, I would simply refer you to the extensive series of hearings which were held by the Committee on Rules last week in order simply to permit this bill to be brought to the floor today.

In requesting a rule, I asked for no special concessions except for the waiver of points of order on technical matters and the omission of the otherwise mandatory double printing of title 39 of the United States Code.

SUMMARY OF H.R. 17070

We now have before us a postal reform measure which is truly a committee bill, worked out in a responsible spirit of compromise by the Committee on Post Office and Civil Service.

The committee bill provides a sound legislative foundation, with appropriate guidelines, for a new, dynamic, and flexible postal system.

The bill gives well-balanced attention to the needs of both management and employees, and establishes modern practices which should be available to both in the interest of a better postal service.

The Post Office Department is replaced by a non-Cabinet independent Government agency—the U.S. Postal Service.

Policy control is vested in an 11-member "Commission on Postal Costs and Revenues," with functions similar to those of a board of directors. One of the members will be the Postmaster General, who will be the operating head of the Postal Service.

RESPONSIBLE FOR GIVING SERVICE

The new Postal Service is responsible for providing efficient and economical mail service, at reasonable rates, to all parts of the United States. In general, these are the requirements for service now imposed on the Post Office Department.

The bill continues existing law with respect to penalty and franked mail, Armed Forces mailing privileges, nonmailable matter, and prohibition of pandering advertisements in the mails.

The outmoded and generally unsatisfactory transportation provisions of existing law long have interfered with the fully effective use of present-day transportation facilities for movement of the mails.

The bill corrects this situation in one of its major improvements. The Postal Service is granted broader discretion than the Department now has—subject to reasonable guidelines—to contract for the transportation of mail by virtually all types of carriers by surface, air, and water.

FINANCE MOST CRITICIAL PROBLEM

When I introduced H.R. 4 on January 3, 1969, I cited finance as the most critical postal problem and said that we must provide updated business-type postal financing.

Our committee deliberations proved the accuracy of that statement. Accordingly, the bill provides a new system of financing under two key policy measures.

A true revolving fund is set up in the Treasury, available without fiscal year limitation, to carry out the purposes, functions, and powers of the new Postal Service.

All revenues, receipts, and money borrowed by the Service will be deposited in the fund and will be available for use.

FUNDS FOR MODERNIZATION

The Postal Service is given access to funds for modernization consistent with practices long proved effective in private enterprise. The Service is authorized to borrow money and to issue and sell such obligations as are necessary for its activities, subject to a maximum of $10 billion in total obligations outstanding at any one time.

Borrowings in any one fiscal year may not be increased by more than $1.5 billion for capital improvements or $500 million for operating expenses.

In response to criticism of the tremendous annual postal deficits, the administration proposed—and the bill requires—that the new Postal Service be generally self-supporting by January 1, 1978.

During the interim period, there will be a "public service" allowance of 10 percent of operating costs the first year, which will decline by 2 percent each year over the next 4 years.

PROCEDURE ON RATES

Postal rate changes will be recommended by the Postal Service, after hearings and other proceedings by a Postal Rate Board. Rate changes are subject to veto by a majority vote of either House within 90 days after they are submitted to the Congress.

At this point, I will turn to the important labor-management provisions.

Present postal employees will automatically transfer to the new Postal Service, with existing pay and benefits as minimums. Civil service retirement, compensation for work injuries, and veterans' preference will be continued. The employees will work under a "postal career service," outside the competitive civil service rules and regulations.

Salaries will be maintained on a local prevailing "area wage" basis, with minimum salary differentials for supervisors.

COLLECTIVE BARGAINING SET

Once the new Postal Service takes over, pay, fringe benefits, and conditions of employment will be fixed by collective bargaining between management and the recognized postal unions.

Bargaining units will be determined by the National Labor Relations Board.

The bill also includes an ironclad prohibition against political or other improper influence in appointments, promotions, and assignments of postal personnel.

Labor-management agreements in effect on date of enactment will continue to be recognized.

The Postal Service will be required to deduct regular initiation fees, dues, and assessments of recognized employee organizations when authorized by the individual employees.

LABOR-MANAGEMENT IN SUMMARY

In summary, the labor-management program is in line with practices in the private sector under the National Labor Relations Act except that there will be no right to strike.

Under section 14(b) of that act, of course, a "union shop" cannot be imposed in any State which has a "right-to-work" law.

Finally, in a most critical provision to implement the negotiated agreement, the bill grants postal employees an 8-percent pay raise retroactive to April 18, 1970.

XUM

Also, management and the recognized unions must establish, through collective bargaining, a plan for employees to advance to their top pay steps in 8 years, instead of the 21 years now required.

SUPPORT BILL AS REPORTED

Mr. Chairman, I support H.R. 17070 as reported from our committee. I make no apologies for the fact that it differs in some respects from the measure agreed upon by the negotiators downtown.

As chairman of the Post Office and Civil Service Committee and as a Member of the House I consider it is my job to legislate—that is, to write legislation. I do not feel that I was elected to be a rubberstamp for anyone.

I listen to all sides and I would be violating my trust if I did not. The Members of my committee have done likewise and I am proud of them. They have exercised their right and responsibility in making changes in this bill in various instances.

Although the bill carries my name, I did not close the door to changes in committee. I do not do so now. There is too much at stake here for the American people who want and deserve the best possible postal service.

MEANING OF POSTAL REFORM

I mentioned earlier that the subject of postal reform has been a prime topic of concern since I became committee chairman nearly 3½ years ago. I think it is important to realize that postal reform is a broad term—it means different things to different people.

To the average American it means mail service—efficient and prompt handling and delivery of letters and parcels as well as other services.

To the businessman, it means vital mail service in his everyday operations. To many businessmen, it is a major item of operation and expense.

To the mailers, it means their bread and butter—their method of getting their product to the customer.

To postal workers, it means their livelihood, their working conditions.

To postal management, it means the authority to operate the postal service efficiently and economically, with freedom of financing, choice of modes of transportation, opportunities for modernization and for variations in service to meet changing needs.

REFORM NECESSARY, OVERDUE

I believe that postal reorganization is not only necessary, but long overdue. No one regrets more than I do that our committee deliberations have stretched out so long. I do not think the delay was necessary. We could have done the job faster with a little better cooperation from the Postmaster General and his staff.

Mr. Chairman, the bill before us will accomplish postal reform. It is the proposal hammered out by our committee after many months of study and debate.

While my original approach was different, I feel no hesitancy in supporting the version now before the House.

I recognize the concern of some of my colleagues about certain details of the bill. I reserve the right to consider on the merits any amendments which are presented under the 5-minute rule.

At the risk of repetition, I say again, our postal service needs reorganization. I would not go so far as to predict a crisis, tomorrow, next month or next year. But we must provide the tools—financial and managerial—to effect the major reorganization the American public demands.

In this light, I urge support of H.R. 17070.

Mr. CUNNINGHAM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 172]

Addabbo
Alexander
Barrett
Beall, Md.
Bell, Calif.
Berry
Bolling
Brademas
Brock
Buchanan
Burton, Utah
Bush
Carey
Celler
Chappell
Clark
Clay
Conyers
Corman
Cowger
Cramer
Daddario
Dawson
Dellenback
Edwards, Calif.
Erlenborn
Evins, Tenn.
Farbstein
Findley
Flowers
Frey
Gaydos
Gilbert
Hagan
Halpern
Hamilton
Harsha
Hébert
Holifield
Horton
Jacobs
Kastenmeier
Kirwan
Long, La.
McCarthy
McClory
McEwen
McMillan
Macdonald, Mass.
Madden
Mailliard
Mathias
May
Meskill
Mikva
Miller, Calif.
Mink
Minshall
Morton
Murphy, N.Y.
Nedzi
Olsen
O'Neal, Ga.
Ottinger
Pelly
Pettis
Pollock
Powell
Pryor, Ark.
Rarick
Reifel
Rooney, N.Y.
Rosenthal
Roudebush
Ruppe
St Germain
Scheuer
Schneebeli
Schwengel
Shipley
Smith, Calif.
Springer
Steed
Steiger, Ariz.
Stokes
Stratton
Stuckey
Taft
Vander Jagt
Weicker
Whitten
Wilson, Charles H.
Wolff
Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17070, and finding itself without a quorum, he had directed the roll to be called, when 334 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of our committee, the distinguished gentleman from New York, has reviewed the main features of this bill very well. I want to take this occasion to compliment him on the very excellent job he did of steering this complex legislation through our committee despite some harassment and annoyances and what amounted to filibustering at times. He did an excellent job, and he deserves the commendation of the House.

In regard to my own feeling toward the bill, it is a very mixed reaction I have. Fundamentally, one main issue which has not been mentioned here is the fact that this postal reform bill sets forth in no uncertain language that the Post Office is a business and it ought to be self-sustaining by 1978.

There are many who have felt over the years, and who still feel, that the post office service is the finest service that our Government provides.

As we look down the road, if we are going to make the Post Office a self-sustaining business by 1978 two things seem inevitable: first, that rates will have to go up very high; second, that some services must be curtailed. This is not good.

We speak only of the deficit in the Post Office Department. We do not speak of deficits in all the other departments of Government, few if any of which do as much good for the citizens of our country.

Now, then, there is a hue and cry for postal reform. It is just possible that we are going to be passing a bill which primarily has a good title and may work great hardships in the future. So I believe if this bill is amended, I will tend to support every amendment which tends to keep our options open.

For example, I understand that the gentleman from Montana (Mr. OLSEN) is going to submit an amendment to keep the public service allowance at 10 percent rather than have it go down to zero in 1978. Obviously, when this Congress votes a preferential rate for any class of service, the Congress has voted it and it should be paid for out of the Treasury and not by the users of the mail. I submit the most obvious example of that. We come in here and, in our collective judgment, say we should have free mail for the blind. Why in the world should that be charged to the users of the mail any more than when we give preferential rates to the Crippled Children's Fund, to Boys Town, to church publications, and all the rest? I am going to support that amendment very vigorously.

Likewise, I am going to oppose very vigorously anything which is going to take away from this Congress the right to review rate increases. This bill which is presently before us provides that we follow the reorganization procedure, and if either House by a majority vote vetoes a rate recommendation, the veto stands.

So as we go through the amending procedure tomorrow, and the next day I am going to urge all of you to support those amendments which allow us to keep our options open. The Congress will be in session long after we are gone, and if things are wrong with this very far-reaching plan, then we can correct them with ease. However, we tend to write too much into the bill, which is a final decision, or at least is for the predictable future.

With that I am going to close as I began by saying that I have mixed feelings about this bill. I am going to support it, but with the passage of time, I will want to watch very closely to see how it is working, whether the experiment is detrimental to the welfare of the country and detrimental to our postal service or whether it is the good thing that people have promised it will be.

Again I say, as we go through the amending process tomorrow and Thursday, we should be very careful that we do not write into it things that tie our hands for the indefinite future.

Mr. DULSKI. Mr. Chairman, I yield 12 minutes to the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I rise in support of those basic objectives and the basic provisions of H.R. 17070.

I want to commend the chairman of our full committee (Mr. Dulski) for the outstanding leadership he afforded our committee through the many months of consideration of this complicated legislation. I commend him on his courageous leadership afforded us at times that have been the most difficult we have ever encountered in our full committee.

I am especially appreciative of the remarks made by the ranking minority member, the gentleman from Pennsylvania (Mr. Corbett) in his salute to our chairman and I commend the gentleman and the Members on his side of the aisle for the manner in which they have approached this most difficult problem.

Mr. Chairman, I take this opportunity to state my reservations about the provisions of section 222, the labor-management section.

The House Post Office and Civil Service Committee has labored long and hard over this issue of postal reform and we have considered several approaches. The approach of H.R. 17070 represents something of a compromise between the initial recommendation by this administration and the preceding administration for a public corporation operating under the Public Corporations Act, and the postal employees and their organizations who initially held out for retention of the Cabinet level Post Office Department with some internal reforms.

I am sure that everyone who sat through the long hours of hearings we held, recognizes the need for some changes in the postal service, which will take the Postmaster General out of the President's Cabinet, in order to guarantee continuity of management—with tenure based on performance and not politics; that would give management the authority to set postal rates upon the recommendation of a panel of expert rate commissioners with such rates subject to congressional vote; to give management greater flexibility in the labor-management field; and give management borrowing authority to raise capital to accomplish needed postal modernization and reforms.

Our chairman knows, the Postmaster General knows, and the leaders of the employee groups know that I have been intensely interested in this entire matter and have supported meaningful reform when the chips were down.

Many of them also know, however, that as chairman of the Subcommittee on Manpower Utilization and Civil Service, I have expressed misgivings about extending to Federal civil service employees all of the labor-management provisions of the National Labor Relations Act including the Taft-Hartley and Landrum-Griffin Acts.

While the bill specifically prohibits the employees from having the right to strike we do permit negotiations in areas where we have never had negotiations before, with binding arbitration as the final authority—not the postal officials or the Congress.

Particularly distressing to me is the fact that the bill, as it is now before us, would make it possible for the postal unions and the postal authority to negotiate agreement for a union shop, or the creation of a union shop could be brought into being by a decision of an arbitration board.

In either instance, it would result in a situation where a Federal civil service employee has to join and pay dues to a union or lose his job.

This is absolutely and completely contrary to the concept of freedom to choose which all Federal employees have historically enjoyed.

In Executive Order 10988, a landmark document issued by President Kennedy setting out basic policy for labor-management relations in the Federal service, the following statement appeared:

> Each employee . . . have the right, freely and without fear of penalty or reprisal to form, join, and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right.

That Executive order was continued in force and effect by President Johnson and replaced by Executive Order 11491 issued by President Nixon containing the same language.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to my friend, the gentleman from Texas.

Mr. POAGE. Just as a matter of record, does the gentleman understand that his amendment as now written would protect a man in his right not to pay dues to a labor organization if he did not want to?

Mr. HENDERSON. I am delighted that the gentleman asked the question because it is my understanding that the language of the Executive order has been interpreted that way, and by merely taking the language from the Executive order, no member would have to join or pay dues, initiation fees, or assessments.

The Postmaster General and others have suggested that right to work is not an issue in the postal reform bill. I have no wish to argue semantics and "right to work" is their phrase, not mine. I want to make it absolutely clear, however, so that no Member will possibly fail to understand it, that if we pass the bill reported by the committee, H.R. 17070, we will have created the mechanism whereby a union shop can come into existence under the existing laws, and the provisions of the Executive order which have the force of law.

At present there is no possibility whatever of the union shop in the Federal service coming into existence.

Others have suggested that since the postal authority under this bill would become a separate entity that postal employees will no longer be Federal employees, and that, therefore, you could justify an extension of most labor-management provisions, including compulsory unionization to the new situation. But let me make it clear that in this bill, H.R. 17070, no postal corporation is formed. There is no new legal entity outside of the executive branch covering the employees, and the postal authority would retain civil service status like all other Federal employees, in addition to the new provisions of the labor-management section of either of the bills.

Some of the most responsible public organizations in this country, who have been in the forefront of the fight for meangingful postal reform, support me completely in my position that there is no need or justification in the postal reform bill for compulsory unionism.

I refer to such organizations as the U.S. Chamber of Commerce, of which the Postmaster General is a past president; the American Association of General Contractors, of which I understand the Postmaster General is or has been a member; the National Association of Manufacturers, the American Farm Bureau Federation, and many others.

Mr. Chairman, many of the most highly respected newspaper editors and columnists in the Nation have recognized this unjustified and unnecessary provision in the bill, and have expressed their opinion that it will not serve the public interest.

I have included some of the editorials from the papers over the country in the Record in the past few days.

Finally, Mr. Chairman, let me say again that I recognize the need for postal reform and support the basic provisions of the bill under consideration and believe that this House in working its will will bring about meaningful reform, but I can see absolutely no justification for including compulsory unionism in the package.

I want to urge all Members to support the amendment that I will offer in the Committee of the Whole to guarantee all Federal employees their right to join or to refrain from joining such as they now have, and have always enjoyed.

Mr. Chairman, I yield back the balance of my time.

Mr. CORBETT. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. Gross) who is a member of the committee.

Mr. GROSS. Mr. Chairman, with nearly 22 years of service on the House Committee on Post Office and Civil Service, which is charged with the responsibility for legislation affecting the Post Office Department, I am fully aware that numerous problem areas do exist in the giant postal network, and that a degree of modernization and streamlining is necessary for this system to cope adequately with our present-day needs.

For the past few years I have introduced my own legislation which I felt would bring necessary improvements to the postal structure.

When our committee took up the thorny problem of postal reform the last year, I was greatly encouraged. I attended practically all of the hearings and almost all of the extensive executive sessions that continued over a period of many months.

I had hoped, therefore, at long last to be able to come here today and give enthusiastic support to the fruits of these long endeavors. Unfortunately, this is not the case. I cannot in good conscience support either the committee substitute or the proposed Udall-Derwinski substitute which can now be offered piecemeal to the Committee of the Whole.

It is my considered opinion that each

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of these substitutes propose cures for the problems of the postal service which go far beyond the real needs and, if enacted, could seriously alter the concept of the postal service as the American people desire it to be.

In our initial deliberations on this subject, the committee deliberately isolated the real problems in the Post Office Department and proposed specific and meaningful cures for each problem. We altered the organizational structure effectively, eliminated politics, provided management continuity and flexibility, modernized the archaic provisions of existing law dealing with transportation and labor and management relations, and set up a realistic system of financing.

However, it seemed that this logical step-by-step approach to problem solving was unacceptable downtown where the total reform theory was being pushed.

With Mr. Blount, the Postmaster General, he has demanded his version of postal reform, almost on an all or nothing basis—take it or leave it.

Consequently, as our distinguished chairman so aptly stated before the Committee on Rules, each time the committee seemed to be reaching a conclusion, another substitute embracing total reform was forced upon the committee.

By my count, we here today are dealing with the sixth or seventh of such substitutes. One sometimes wonders where the original went.

There is one so-called postal reform bill, H.R. 4, reported out of the Committee on Post Office and Civil Service on April 8 of this year that is still somewhere in orbit between the Committee on Post Office and Civil Service and the Committee on Rules.

Mr. CUNNINGHAM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Forty-nine Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 173]

Abbitt
Addabbo
Alexander
Ashley
Ayres
Barrett
Berry
Blackburn
Boland
Bolling
Brademas
Brock
Buchanan
Burton, Utah
Bush
Celler
Chamberlain
Chappell
Clark
Clay
Conyers
Corman
Cowger
Cramer
Daddario
Dawson
Dellenback
Dingell
Dwyer
Erlenborn
Evins, Tenn.
Fallon
Farbstein
Findley
Flowers
Frey
Gaydos
Gilbert
Gubser
Hagan
Halpern
Hamilton
Hanna
Hébert
Holifield
Ichord
Jacobs
Jarman
Keith
Kirwan
Landrum
Langen
Long, La.
McCarthy
McClory
McMillan
Madden
Mathias
May
Meskill
Minshall
Murphy, N.Y.
Nedzi
O'Neal, Ga.
Ottinger
Pelly
Pollock
Powell
Rarick
Rees
Reifel
Rooney, N.Y.
Roudebush
Ruppe
Scheuer
Schneebeli
Schwengel
Smith, Calif.
Springer
Steiger, Ariz.
Stokes
Stratton
Taft
Thompson, Ga.
Thompson, N.J.
Weicker
Whitten
Widnall
Wilson, Charles H.
Wolff
Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair Mr. PRICE of Illinois, Chairman of the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17070, and finding itself without a quorum, he had directed the roll to be called, when 338 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Iowa (Mr. GROSS) had 6 minutes remaining. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I oppose the so-called packages of total postal reform because I sincerely and earnestly believe that both of them are bad for the American people.

Any change, for the sake of making a drastic impact, can be exteremly dangerous national policy. There is simply no justification for us here to try to fool the American public into thinking that the creation of an "independent establishment" with almost unlimited powers will, in itself, result in increased efficiency, greater economies, and better postal service.

The American people want, and they need, better postal service and they will not get it under any such offering as the Blount-Meany-Udall-Derwinski version of so-called total postal reform.

I shall not attempt to enumerate in specific detail all of the reasons why I consider this legislation totally unacceptable. However, there are several important items that need emphasizing.

First of all, this legislation completely and effectively removes the operating head of the most vital of all Federal Government services from any possible control by the people or by the people's elected representatives.

The new Postmaster General, the absolute czar of the Postal Service, would be selected and serve at the pleasure of a politically oriented commission of nine persons. This Postal Service czar, commanding one of the biggest monopolies, would be unique in the annals of American Government. He would be accountable to no elected representative of the people—not to the President and not to the Congress.

I might add, incidentally, that this Commission will be an expensive one, because the salaries of members of the Commission are based on $10,000 a year plus $300 a day when in session, plus expenses. In other words, if this Commission is in session only 182 days in a year, at the rate of $300 a day, plus the $10,000 base, each member would be paid $64,600, plus expenses. That is a better salary scale than that provided the members of the U.S. Cabinet.

The postal service as a vital public service, will cease to exist. The only thing that can reasonably be expected after this legislation is enacted is that postal rates will go higher and higher and postal services will be less and less.

Already there is circulating downtown, in the higher echelons of the Post Office Department, a so-called 5-year plan to be put into effect as soon as this legislation is enacted. This plan, consisting of 12 or 13 "strategems"—and I would point out that Webster defines a "strategem" as a maneuver to deceive—would eliminate all Saturday delivery and window service, consolidate existing postal facilities, curtail mail delivery service to colleges and universities, curtail parcel post service, reduce clerical hours, discontinue air taxi service, discontinue airlift of first-class mail, and many other services as we now know them.

It is certainly evident that from any objective, professional, or philosophical point of view, the public service concept of the postal service which has been carefully developed by Congress over a period of many, many years, will be completely subverted by the enactment of the legislation now before us.

Probably the most publicized objectionable feature of this legislation is that which permits compulsory unionism for the first time in our history in the Federal Government. While I am opposed to compulsory unionism on any basis, it is certainly much more repugnant when applied to employment with the Federal Government.

Over the years, by law and by administrative and judicial action, all barriers—race, religion, age, sex, ideological beliefs, and so forth—have been removed between an American citizen and the privilege of working for his Government. But this bill paves the way for union membership as a rigid condition of Federal employment, and as Mr. George Meany, president of the AFL-CIO, testified before the committee, "This bill is only a beginning."

He indicated that he hoped to be back before the committee urging the enactment of similar legislation for all civilian workers in the Federal Government.

Mr. Chairman, as I indicated earlier, time simply does not permit me to recite in specific line-by-line detail the many defects in this legislation, such as removing all postal employees from the competitive civil service, removing residency requirements for postmasters, and, in fact, permitting complete abolishment of the position of postmaster, the open door for personal patronage and cronyism, and complete abdication of congressional controls.

If this legislation is enacted without amendment, you may have in Iowa or Texas or any other State, a postmaster from Philadelphia or New York, or from Alaska or Hawaii.

It would be my suggestion, Mr. Chairman, that we grant postal employees the pay raise to which they are entitled and that we return to the committee the so-called postal reform substitute. I, for one, so intend to vote.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ROSENTHAL. Mr. Chairman, I rise in support of H.R. 17070. This legis-

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lation is long overdue to correct the inequities under which our Nation's dedicated postal employees have labored for many years. In addition, the bill contains provisions which will streamline the operation of the post office and make it better equipped to handle the huge increase in mail volume that is expected to occur in ensuing years.

I am particularly pleased about the wage provisions in the measure. The 8-percent increase on top of the previous 6-percent salary hike gives the postal employee's a more realistic compensation with which to counter modern day inflationary pressures. The provisions for retroactive pay to April 1 and regional differentials will help to eliminate the special hardships that New York postal workers have experienced as a result of being exposed to virtually the highest cost of living in the Nation.

The concept of a quasi-governmental organization approved by the committee seems to give the postal service enough autonomy to operate more effectively, while assuring congressional review through the powers to set appropriations for the postal service and to veto rate changes.

I believe that bringing postal employees under the provisions of the Taft-Hartley Act is a healthy change. There is no reason why they should not have the same protection—and opportunities—as workers in private industry. There are sufficient safeguards against public employee strikes and enough flexibility in the provisions to refute the charge of compulsory unionism. No union shop can be instituted if a State has right-to-work laws, and the postal service is only under an obligation to bargain for a union shop, not agree to it.

In addition, I oppose any amendment which would eliminate smaller postal unions by granting recognition only to collective bargaining organizations on the basis of national election strength. Such a law would disband the National Postal Union and the National Alliance of Postal and Federal Employees, both of whose members have no desire to be absorbed by the larger ACL–CIO craft unions. Workers should have a right to choose whom they want to represent them in labor-management negotiations.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. STAFFORD. Mr. Chairman, it has just come to my attention that my name was attached to a full-page advertisement which was run in yesterday's Washington Evening Star by the National Right To Work Committee in connection with the postal reform bill which we are now considering.

I, frankly, have not determined how I shall vote on the particular section of this bill which was the subject of the advertisement. As I have told Vermont constituents repeatedly over the last several weeks, I will want to listen to the debate on the floor specifically about this matter before making a final determination as to how I shall vote.

But, whether I shall finally agree with the object of this advertisement or not, I strongly deplore the unauthorized use of my name in any advertisement of any nature, and I bitterly resent the action taken in this instance by the National Right To Work Committee.

Mr. MIZE. Mr. Chairman, there has been much controversy over the so-called right-to-work issue in connection with the pending postal reform legislation.

It is a tragedy that this issue had to arise, for this Nation needs few things more than meaningful postal reform.

Presidents of both political parties have strongly supported postal reform. Postmasters General have supported plans which would remove them from the Cabinet. Postal workers, by and large, have supported legislation which would modernize and improve their service to the people. Most Members of Congress have articulated positions in favor of removing the Post Office from politics, and putting it on a paying, professional basis where it belongs.

The legislation before the House today reflects a compromise negotiated for improvement of the postal service between representatives of the administration and representatives of the postal workers unions. It is an imaginative and forward looking bill; it incorporates many of the recommendations of the Kappel Commission and would go far in solving some of the most crippling problems associated with our 18th-century postal department in 20th-century America.

For the most part, this legislation deserves wholehearted support, and the Committee on Post Office and Civil Service is to be congratulated for its forthright action in bringing the legislative version of the negotiated compromise to the floor of the House.

RIGHT TO WORK FOR FEDERAL EMPLOYEES

If the legislation before the House is enacted, the Post Office Department will be henceforth called the U.S. Postal Service. Its organizational structure will look, for all the world, like that of a major corporation. The Service will have its "Board of Directors" acting under another name, it will have its "President and Chief Executive Officer," and its workers will have the power to collectively bargain for wage rates and fringe benefits.

But these workers, though they will hold positions with some appurtenances of jobs in the private sector, will remain Federal employees.

Their retirement benefits will be administered by the Civil Service. They will have no right, as public employees, to strike. The Veteran's Preference Act will still apply in selecting candidates for employment in the Service. Employees will be protected under the Federal Workman's Compensation Act, and they will have the right to transfer, upon enactment of the reform bill, to other branches of the Federal Government to the extent possible.

In fact, Mr. Chairman, the new U.S. Postal Service, under the legislation before us, will be "in the executive branch of the Government."

All these considerations have led me to conclude that employees of the U.S. Postal Service under this bill would be Federal employees just like their counterparts in State or DOD or the Veterans' Administration. Perhaps my conclusion is self-evident and without need of proof, but it becomes important when we consider certain relevant provisions of the postal reform bill.

The bill provides that the general labor law of the United States, that is the general labor law governing relations between management and labor in the private sector, will apply to the postal service—except that postal employees will be without the right to strike.

Thus, for the first time in history, Federal employees will have an opportunity to collectively bargain with management for a union or agency shop, at least in those States without so-called "right-to-work" laws.

Now, Mr. Chairman, I was one of the strongest supporters of "right to work" when that constitutional provision was adopted in my State by vote of the people. I believe "right to work" has been instrumental in the industrial development of Kansas and other areas where the union shop is prohibited by State law.

After careful reading of the committee report on postal reform, I am confident that the legislative history is sufficiently clear to protect U.S. Postal Service employees working in Kansas and the other 18 "right-to-work" States from compulsory unionism.

I am gratified, of course, that Kansas postal workers will be protected from compulsory unionism—but Mr. Chairman, that is not the point. This legislation has national implications, and thus, must be considered on a national basis.

PLATFORM AND EXECUTIVE ORDER

The Republican platform of 1968, upon which a Republican was successfully elected President, and upon which I ran for this office, stated:

> We pledge to protect Federal employees in the exercise of their right freely and without fear of penalty or reprisal to form, join, or assist any employee organization or to refrain from any such activities.

Further, President Nixon's Executive Order No. 11491 states in section 1(a):

> Each [Federal] Employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

These covenants with Federal employees, Mr. Chairman, are not particularly difficult to understand. They are commonly termed "right-to-work" provisions, for they guarantee an employee the right to continue to work without being forced to join any employee organization of any kind—particularly an organization which collects dues from its members.

Since the compromise for postal reform negotiated between the administration and postal unions permits employees of the service in 31 States to bargain collectively for the union shop—it is in plain violation of the President's platform and the President's Executive order.

Now, I personally do not think that the President should consider himself

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"bound" by any agreement worked out between the Postmaster General and the postal unions. He is the President of all the people, and in this particular instance, it is particularly relevant to point out that he is the President of those quarter million postal workers not now in unions.

Their interests must be protected in the future, just as they have been protected in the past by the Executive orders of President Kennedy and President Johnson.

Mr. Chairman, I hold it the duty of this House to approve the Henderson amendment guaranteeing "freedom of choice" for postal employees. I hold it the duty of the conferees to insist on "freedom of choice" or "right to work" for postal service employees in any future conference with the other body.

I urge all Members to support the Henderson amendment and approve it, then promptly pass the Postal Reform Act by an overwhelming margin. The Nation needs postal reform now—with the right to work guaranteed to all postal employees.

THE TIME FOR FEDERAL FREEDOM OF CHOICE IS NOW

Mr. Chairman, the events of the moment convince me—more than ever—that this session of Congress is an appropriate time to enact the Federal employees Freedom of Choice Act which I had the honor to cosponsor. This bill would guarantee "right to work" to all Federal employees, including postal employees, and would codify the Executive order that we have seen abrogated in the postal reform proposals of the administration and the unions.

Perhaps the only way that Federal employees can be kept free from compulsory unionism in non-right-to-work States is through enactment of this legislation. I urge the Committee on Post Office and Civil Service to consider the bill I have cosponsored, H.R. 2741, on its merits. Failing House action, I urge concerned Senators to append a Federal freedom of choice provision protecting all Federal employees on this legislation when it is considered in the other body.

Mr. HENDERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Nix).

Mr. NIX. Mr. Chairman, I rise in support of the committee amendment to H.R. 17070. It is a bill that will provide the best possible postal reform and, at the same time, be eminently fair to all postal employees.

I am well aware of the "agreement" negotiated by the Postmaster General and several of the unions. The committee amendment is a major improvement over that "negotiated" plan.

If that negotiated agreement were to become law, it would totally destroy two of the very finest employee unions—the National Postal Union and the National Alliance of Postal and Federal Employees. They are the so-called industrial unions.

It is to the eternal credit of the great Committee on Post Office and Civil Service that it rejected such an inequitable proposition.

Mr. Chairman, as indicated by the distinguished chairman of the committee, all employee unions—whether craft or industrial—will be on an equal footing, under our bill, in seeking recognition to represent various units of employees.

I urge my colleagues to support these provisions, which are in subchapter 2, beginning on page 187, and to vote down any amendments which would endanger the industrial unions I mentioned earlier.

Mr. Chairman, I urge the support of everyone in the House for this most worthwhile legislation.

Mr. CORBETT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. Derwinski), a member of the committee.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970.

There is no question but that the postal service in this country is far below what every American has a right to expect from the most technologically advanced nation on the globe. The delays and uncertainties of mail service make business difficult to transact and cause personal hardship and inconvenience. In fact, the remarkable thing is the service that is provided by the letter carriers in spite of the system, not because of it.

The many handicaps that prevent the Post Office from rendering efficient service arise from different sources: Some emanate from outmoded legislative, personnel, and budgetary policies that bear little relevance to the seventh decade of the 20th century. Others place unnecessary restrictions on the ability of the Post Office to procure transportation and other services at reasonable and competitive prices.

But perhaps most important of all to an efficient postal service is the morale of the men and women who operate and manage it and who are responsible for seeing that the mail actually gets in the right mailbox. Letter carriers and clerks, until the most recent 6-percent pay increase, earned annual salaries well below those of police and firemen in many major cities. In most urban areas, their wages are still below what is necessary to maintain a family without holding a second job. Equally, conditions in many post office buildings are less than adequate, with air conditioning lacking in the summer and heating unreliable in the winter.

The restructuring of the Post Office into the U.S. Postal Service, as proposed in this bill, freed of political pressures and eventually to become self-sustaining, is a most essential step and one which I heartily endorse. A businesslike financial policy, free from dependence on the congressional appropriations process, and a realistic ratemaking policy, again free from dependence on congressional action, will do much to make the service fiscally sound and operationally efficient.

H.R. 17070 recognizes, as well, the importance of modern relations between post office management and post office employees. Chief among these provisions is the 8-percent pay increase for all postal employees. I am especially pleased that the House bill makes this increase retroactive to the first pay period after April 16, 1970, as postal workers have already waited too long for action on this measure. This is essential.

In addition, the bill requires prompt commencement of collective bargaining on wages, hours, and working conditions and stipulates that any resulting agreement must provide a wage schedule under which postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. This will eliminate the reprehensible 20-year wait which some postal employees must now endure before they are entitled to maximum pay and the delay in promotions on merit.

Mr. Chairman, the committee bill is certainly not perfect and some provisions seem to me to be not entirely concerned with the public interest. For example, the committee bill provides that the benefits of free or reduced mail will continue only if and to the extent that the Congress appropriates the revenue forgone by the free or reduced rates. This will work a serious—if not fatal—hardship on many libraries and educational institutions which now enjoy low rates which are unzoned. The entire interlibrary network is based on these low rates. A library in Westchester County, for instance, now pays 7 cents postage to borrow a 2-pound book from another library in Boston. If it had to pay regular fourth class zoned parcel post, the charge would be 60 cents. It would seem that if the postage for books goes up, the funds will have to come from moneys earmarked for the purchase of books—and there is little enough of that already. I understand that the gentleman from New York (Mr. Button), offered an amendment in committee to deal with this situation. While it was defeated, I am hopeful that another attempt will be made on the floor.

In a larger sense, however, enactment of some postal reorganization legislation is essential without delay—in the public interest and in the interest of postal employees who have long waited for the benefits in this measure.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I associate myself with the remarks of the gentleman from Pennsylvania.

Mr. HOGAN. Mr. Chairman, I deplore the negotiated agreement between the Post Office Department and the craft unions to limit those unions eligible for designation as a collective bargaining unit to "national craft units, such as those previously recognized under Executive Order 10988."

Inasmuch as the Department and the craft unions are well aware of the fact that the memberships of the National Postal Union and the National Alliance of Postal and Federal Employees and several other independent postal unions do not follow craft lines, this can only be interpreted as an attempt to put these unions out of business. This would be the effect of such a provision.

I am pleased that the members of the committee have taken steps to insure that no existing postal employee union would be put out of business. I favor no one union over another, and I feel very strongly that the Federal Government should not be a party to any "deal" which will result in favored or exclusive treatment for any union over another, particularly to the extent of liquidating a union and denying its members the opportunity to belong to the union of their choice.

Mr. DERWINSKI. Mr. Chairman, if there are any other Members who would like to revise and extend at this point, they are welcome to do so. I suggest quite seriously though that they reconsider, especially all the comments of supporting the final version of the bill, since given the mood of the House indicated by the start we have this afternoon, it may well be we will not recognize the bill when we are finished. Then many of those who have said they will support it will be voting against it, and many who have said they will oppose it will be converted and will vote "yea." I think we have a real can of worms before us.

The facts of life are that we have before us postal reform legislation, although one would not know it from the direction the various issues are taking.

When we speak of postal reform, I believe we do so in recognition that there are things drastically wrong with the postal service, and unless we truly reform it, we will be merely spinning our wheels. We cannot have patchwork reform of the present postal department. It is too far shot for that. We had better have legitimate postal reform, or we will betray the public.

We could pass a bill and label it postal reform, but unless it is workable, it will not provide the service the general public needs.

Let us for a moment consider the problems involved in the Post Office Department.

First, the Post Office Department is underfunded because the Congress has not provided the Department with the financing it needs to bring about new facilities, automation, the up-to-date technology to move a great volume of mail. The reason why Congress will not give them proper funding is that it is not as glamorous to invest sums in the Post Office as it is to invest in programs sponsored by HEW, by HUD, by the Space Agency, by the Environmental Agency, or in other glamorous programs of the day, so the Post Office will continue to be shortchanged.

The second problem in the Post Office Department is that the morale of the employees is almost nonexistent, for two reasons. First, it is because, for reasons beyond my understanding, in some areas of the country the Post Office Department has been turned into a semi-social agency, and they have let the bars down on the qualifications of some of the personnel they are hiring, and as a result they have in too many instances inadequate personnel who cannot meet the obligations they face.

Second, there is not really an effective personnel promotion system in the present Department. Too many Post Office employees start and finish their careers in the very spot they commenced. As a result, there is not the incentive to work their way up the ladder. They have not an incentive to produce better.

When we add to this the fact that the basic structure of the Post Office is more attuned to the 19th century than to the 21st century, which we are rapidly approaching, and take a look at the archaic departmental structure, at the lack of incentive affecting employees, at the lack of financing by Congress, at the growing volume of mail, at a shifting population which makes it difficult for the Post Office to adjust to in terms of facilities, we see there is a monstrous problem.

If we are to reform, how should we do it? We thought we could do it with this legislation. Now, I am beginning to doubt it.

The first thing we obviously have to do is to solve the problem of employee morale. The bill has an 8-percent pay raise, which would temporarily solve the problem—temporarily. The only way we are really going to develop the type of spirit and morale postal employees should have, service mail users and customers could use, is to provide a vehicle for promotion, to take the dead hand of politics off the Post Office Department, to give the young clerk or carrier the vision of working his way up to the top. We can only do that by legitimate total postal reform, not patchwork.

Second, we must have a self-financed operation, since Congress will not provide the funds they need for the Post Office to be self-financing. Again, it has to be free from the dead hand of Congress on rates—rates often artificial because of the unique pressures brought to bear on the Post Office Committees of the House and Senate.

We have to give the administrators of the Post Office the management flexibility to use funds and to use personnel in a way to more effectively speed the mail.

If we could produce a reform bill that would provide financing, that would provide encouragement for employees, and would provide management flexibility, then we would be serving the country. If we do not provide that, if we paste a reform label on the bill, we will do nothing.

I do not know what the mood of the House will be tomorrow, but we will be offering some amendments to try to make this bill meet the real standards of postal reform.

One of the amendments will take the form of taking the supervisor organizations, which under the committee bill are in effect labor unions, and giving them a relationship to management that they should have. It is absolutely ludicrous to think of operating the Post Office Department when you have supervisors, with the professional heads of their organization here in Washington with a union mentality, rather than taking the part of management as they should be.

Another item they will have to straighten out is the date of the pay bill, because this involves a solemn agreement between the AFL-CIO—Mr. George Meany and other key officials—and the Postmaster General. So we will have to give credence to their agreement in some form in an amendment tomorrow.

In addition, we will have to provide amendments to make the rate structure meaningful to see that the Congress really takes its hands off the Department in terms of rates and politics.

If we do all of this, we may have postal reform.

I would like to suggest to the House, that indirectly we could perform a great service for the country if we passed a meaningful postal reform bill by Thursday. It is my understanding that the other body will agree to stop their rambling on foreign affairs long enough to pass their version of postal reform. Then we could go to conference and perhaps by the time we take our Fourth of July break we will have a postal reform bill that the President would accept.

I reemphasize that we have a chance here to demonstrate real legislative leadership in the House. Let us make this a legitimate postal reform bill and when tomorrow comes and we offer amendments we will give every one of you gentlemen a chance to rally around the flag of a meaningful, lasting, and overdue postal reform bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. GROSS. Who is this "we" that the gentleman is talking about who will be given these wonderful and glorious opportunities?

Mr. DERWINSKI. I was hoping that even the gentleman from Iowa would get "reform" religion by tomorrow.

Mr. GROSS. I thank the gentleman.

Mr. HENDERSON. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Chairman, back in April of 1967, I, like others on this committee, was elated by the pronouncement of the then Postmaster General, Larry O'Brien, who in public pronouncement suggested total reorganization of our Nation's postal system. As a member of this committee for the past 5 years or so it did not take too long to recognize the ills prevalent in this system. In my judgment, I could only observe that it has been traditionally treated as a stepchild of Government, that is this U.S. postal service. I have to charge the responsibility in major degree to the Congress for its failure to fund this agency. It is inconceivable to think, for instance, that a period of 25 years elapsed during which we did not construct one post office throughout this great Nation, from the 1930's through to the 1950's. Just imagine what would have happened to any business or industry in the private sector where regardless of the expanded volume of mail we were not providing any new facilities for that period of time.

As I observed it, there were only a few basics that needed to be treated to put this system on the right track.

Initially, it needed money. It needed the necessary capital investment to update the plant in order to take advantage

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of the scientific and technological knowhow that is available in this day and age. But we have been consistently reluctant to do that. Up until just a few short years ago we did not even have a research and development program in our Nation's postal system. Yet, here we are talking about the largest industry in the world, an industry that employs in excess of 780,000 people, the largest user of transportation in the world, a system that develops volume in excess of 200 million pieces of mail every work day of each week of the year, a volume of mail that is equaled only by all other nations in the world. In other words, put them all together and they do not quite produce the volume of mail that this Nation will produce on a day-to-day basis. Yet, we have not seen fit to make the necessary investment.

Mr. Chairman, we talk about appropriations for the alleviation of these conditions but it has consistently been like pulling teeth. And, there are other problems inherent in the system, such as the political sensitivity that has traditionally prevailed.

Beyond that, in my judgment much has been left to desire with respect to the cost ascertainment procedure of our Nation's postal system.

So, Mr. Chairman, I basically feel that, in order to get to the root of the problem, give it the necessary money for capital investment, rid it of any semblance of political activity or sensitivity and provide it with the objective ratemaking commission that it needs so badly.

These, I believe, are the three basics. And, if it were not for the dedication of our Nation's postal personnel, it would have fallen apart long ago, long ago.

So, Mr. Chairman, as we look back through these past 3 years and in particular the last year or so when the initial postal reform bill was introduced, which I cosponsored, I thought for the first time in the history of our Nation we were hopefully going to focus attention that would result in a total reorganization of this system.

Mr. Chairman, it has been described as the chief artery of our Nation's commerce. For anyone who doubts that description, I believe the recent work stoppage proved that point. Had that work stoppage prevailed for just a couple of more days, in all probability the activity on Wall Street would have had to come to a halt, banking institutions across the Nation would have been forced to close their doors and in the space of just a few days the stoppage of that system would have produced chaos, and just about totally closed down our Nation's commerce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

Mr. HANLEY. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, we are participating in a historic debate today. The bill pending before us will make unprecedented changes in one of the oldest departments of the Government. It will have an effect on the lives of every American.

H.R. 17070 is the result of more than a year of hard legislative work.

The public has been insufficiently aware of the complexity of postal reform. They see the issue as black or white—you are either for the President's most current proposal—or you are against postal reform.

Nothing could be further from the truth.

It has taken us over a year to hammer out a proposal in committee which could be presented to the House for action. Contrary to current myth, this did not occur because of the reluctance of Congress to give up political patronage in the Post Office Department. Frankly, almost all of us feel that this patronage was a headache which should have been eliminated long ago. As a reflection of this, one of the first decisions of our committee a year ago was to eliminate all vestiges of political patronage from the postal service. And we have stuck to this decision as we have walked through the labyrinth of postal reform proposals.

The length of our deliberations has been caused by the fact that fullfledged postal reform has significant implications for all segments of our national economy.

For example:

The bill will revamp many of our transportation laws, as related to the postal service.

It will have a significant impact on postal system funding capability.

It creates a new ratemaking structure which will affect the postage bills of every business and individual in the country.

It rewrites labor-management laws for almost 800,000 Federal employees.

It opens the way for new concepts in the Federal wage structure.

It could have a major influence on our construction industry.

These are only a few items—but each involves major issue areas which are complex in themselves. It is little wonder that we have painstakingly weighed every facet of postal reform before making a final decision.

I was one of the sponsors of H.R. 11750, which was the original postal corporation bill supported by the administration.

Also pending before the committee at that time was H.R. 4, sponsored by our esteemed chairman, THAD DULSKI.

As our postal reform hearings progressed, however, much evidence was presented which indicated that a corporation was not the final answer to true postal reform. On reflection, I felt, as did many of my colleagues, that H.R. 11750 did not contain enough safeguards to insure that the American public would receive quality postal service. We felt in this case there were certain areas where the public good should outweigh the drive to "break even" and that Congress had an obligation to protect the public.

To this end, I introduced a compromise proposal, H.R. 13124, which was somewhat similar to H.R. 4 and which would have achieved reform without establishing an independent corporation. While my bill was not finally accepted, important elements of it are contained in the measure pending before you today.

Fortunately for postal reform, the President and the Postmaster General eventually agreed with us that a corporation was not the best approach. Thus, in a series of substitutes beginning in December, the administration moved away from the corporation concept toward what we have here today and what I have long advocated—an independent agency within the Federal Government structure.

The approach embodied in H.R. 17070 as amended by our committee is basically sound. It creates an establishment which will be divorced from the day-to-day political pressures.

It gives the postal service great flexibility in the areas of management, finance, and transportation. It contains protections for all postal employees and establishes a new system of collective bargaining for rank-and-file postal employees.

Amendments adopted in committee considerably improved H.R. 17070 as it was originally introduced. We added a clause on area wages; something which I consider important to the future of the postal service.

We improved the labor-management relations sections to give the NLRB flexibility in determining proper bargaining units. We provided consultative rights for postal supervisors, and insured that no employee organization would be put out of business because of the passage of this legislation. We required that parcel post pay its own way in order to compete fairly with private industry.

Several other changes were made which, I am sure, will be discussed more fully by some of my colleagues. On the whole, while I disagreed with some, they helped to make H.R. 17070 a better bill.

Therefore, Mr. Chairman, I would like to urge passage of H.R. 17070.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I thank the distinguished gentleman from New York for yielding. I have great respect and regard for the acumen and sagacity of the gentleman from New York who is addressing the House, and I should not like to belittle in any sense the great work the committee has done.

However, on the point just mentioned, that of political patronage and postal sensitivity to which the gentleman earlier referred, I just wonder what is to be gained, really, by taking this responsibility away from the legislative branch and vesting it in a group appointed by the executive branch.

Are appointive politicians less prone to politics than elected officials, or are those who are in Washington better able to select postmasters and others who can please the people of our local areas than those who serve people directly in those areas?

Mr. HANLEY. Why, I would hope very much that through the provisions of this legislation the selecting committee that will dispose of this matter would be able to adhere completely to the merit system. It has always bothered me to observe that, for instance, a person moving into

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the employ of the Postal Department in all probability could never harbor the possibility of ever sitting in the executive chair of that particular post office, regardless of how dedicated the person he or she might be.

So I would hope very much that we could develop this program so that the merit system would pervail so that it would provide incentive for the individual to rise above and hopefully, like in the private sector, enjoy similar opportunities.

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield further, am I misinformed, or is it true, as I have been led to believe, that it is true that in selecting regional postal heads the present Postmaster General has failed to follow that dictum of promoting men through the ranks, but has selected instead men with no experience whatever in the postal service?

Mr. HANLEY. This could appear to contradict the intent of this legislation or the pronouncement of the President a year or so ago. This, as I understand it, is an interim measure which will terminate subsequent to the enactment of this law. And then hopefully a mechanism that will be fair and equitable will prevail.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HENDERSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. WRIGHT. Mr. Chairman, I thank my distinguished friend, the gentleman from New York, for yielding, and again I want to compliment the gentleman on the work he has done. I am somewhat negative on the whole program, and I am grateful to my friend for yielding to me.

Mr. HANLEY. I thank the gentleman from Texas for his observations.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman and my colleague from New York.

Mr. CAREY. Mr. Chairman, I thank the gentleman for yielding. I want to join in commending my colleague from the great State of New York on the very able job he has done in explaining the problems presented before the committee, and the solutions the committee is suggesting, and for his own very cogent contributions to the legislative problem we face.

I want to say that I join with the gentleman wholeheartedly in the suggestion that the beginning of postal reform should be getting the mail out of our care in terms of patronage, and getting it on our desks and into the homes of our constituents more expeditiously and in a businesslike manner.

Mr. Chairman, I join with the gentleman in suggesting that we do belong in the postal system except as sponsors of and recipients of mail. We do not pick the doctors for the medicare system according to congressional patronage. We do not pick the generals for the armed services. We do not select any of the Government operatives in other branches—why do we continue to move around in the postal system in a patronage way?

I want to suggest that the largest post office in the country is that which is located in Brooklyn, N.Y. It handles the largest volume of mail in the world on a profitable basis and we have not appointed a postmaster there for 20 years. He is a civil service or merit system qualified man. That is the way the system should proceed all around this country. I commend the gentleman for his reform attitude and for his reform posture in terms of making the postal system effective by getting Congress out of the works.

Mr. HANLEY. I am most grateful for the remarks of my colleague, the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Chairman, everyone is in favor of postal reform but that does not mean that all bills professing to accomplish that purpose are good bills. I joined in the minority views contained in the committee report and then added supplemental views beginning at page 67 of the report.

Our Committee on Post Office and Civil Service has been considering postal reform legislation for approximately a year and a half. We originally decided to mark up H.R. 4 which was introduced by the distinguished chairman of our full committee (Mr. Dulski). However, after several months of consideration by the full committee and the adoption of numerous amendments, a substitute proposal was sent to the Committee by the Administration and, without debate, this substitute was adopted. It never came before the House however because, as you know, there was a postal strike and the Post Office Department, representing the Government, and a group of union officials, representing a portion of the postal workers, negotiated a settlement of the strike. They agreed to jointly recommend a substitute proposal which is the measure now before us, with a number of amendments adopted by the committee.

You may remember that most of the leadership of organized labor was opposed to the original Postal Corporation or postal reform bill; however they changed their views when the carrot of a raise in pay was held before them. They have now received a 6-percent pay raise, as have other Government employees, and under the provisions of the bill now before us are guaranteed a minimum of an additional 8-percent raise in pay upon enactment of this legislation.

It certainly seems to me, Mr. Chairman, that there has been a little bribery on both sides in that the labor leaders, who now support this measure, have done so in return for a raise in pay and the administration, which originally opposed the pay raise for postal workers, has changed its mind in order to obtain labor support for its version of postal reform legislation. We might well ask the question as to who is representing the public in this matter and to suggest that any postal reform bill should stand on its own merits as should any adjustment in postal pay.

My primary objection to this bill is the lack of responsibility of the Postmaster General under the bill either to the President or to the Congress. This is foreign to what I believe to be the basic concept of our Government—that all public officials are ultimately responsible to the people of the country. Under this bill, a commission would appoint the Postmaster General and he would be responsible to that commission. For practical purposes, however, I submit that a commission would probably be appointed upon the recommendation of the Postmaster General and in effect he would only be responsible to himself.

Let us assume, Mr. Chairman, that Saturday delivery is discontinued, appointments are made based on "cronyism" or the Post Office Department is run as a family corporation. Congress would not be able to do anything about it other than to repeal the law we are now considering. It would seem reasonable not to pass such a law in the first place.

Having the Post Office Department pay its own way sounds good. But this is a service organization and it is my understanding that rural patrons at the present time pay only 30-percent of the cost of the service they receive. I do not know how the new Postal Service would deal with a problem such as this and frankly I feel that the Congress would be remiss in its duties if it gave almost unlimited authority to the Postmaster General.

My district has a large number of Government workers. Most of them are under the civil service laws but this measure would remove one-quarter of all Government employees throughout the country from the protection of civil service laws. Some of the proponents of the bill will dispute this, but I call your attention to the copy of the letter beginning on page 67 of the committee report from the Assistant Comptroller General of the United States in which he states that it is his belief that the intent of the bill is to remove postal employees from the competitive service. Your attention is also called to page 173 of the bill, which provides that—

> The Postal Service may appoint and promote such officers, attorney's agents and employees and vest them with such powers and duties as it considers necessary.

While it thereafter provides that there shall be a postal career service as a part of the civil service, it expressly provides that procedures for appointments and promotions shall be in accordance with procedures established by the Postal Service and even goes so far on page 174 to state that an employee shall be eligible to serve both as an employee of the Government and of the Postal Service at the same time.

I intend to offer an amendment at the proper time to provide that appointments and promotions shall be in accordance with the provision of title 5 of the United States Code governing appointments in the competitive civil service system. It seems unreasonable to me when the Federal Government has endeavored for

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half a century to develop a civil service system which is followed by many of our State and local governmental units, that it should now be scrapped in favor of a postal career service in which the rights of one-quarter of all Government workers would be determined by long-term employment contracts. In this connection, you may be interested in the excerpt from the testimony of the president of the AFL–CIO, Mr. George Meany, before our committee on April 23, 1970. Mr. Meany, in supporting the bill, stated that he would like to add this additional point:

> We, in the AFL–CIO, hope to be back before this committee in the very near future, urging adoption of a measure that will ensure genuine collective bargaining for all aspects of employment for all civilian workers of the Federal government. We think this bill is only a beginning. We are convinced that other Federal employees also must have the right to economic self-determination and to the democracy of the collective bargaining table.

This brings to my mind the specter of an impasse being reached between the Government and organized labor with regard to some labor-management matter on a nationwide scale. If the demands of organized labor were not met, would there be a general strike of all Government employees? I submit that the safe procedure is not to lay a foundation for such a possibility and to reject this bill.

Mr. Chairman, other provisions of the bill in the field of labor-management provide for collective bargaining agreements and that various Federal laws relating to labor-management shall apply to the Postal Service. You will hear much about compulsory unionism and I believe it is untenable for Government employees. During the hearings, the Postmaster General was asked a number of questions regarding this matter and I would like to share them with you when an amendment is offered to protect the right of Government employees to join or to refrain from joining a labor organization.

Mr. Chairman, after attending hearings and listening to testimony for a year and a half, I am convinced that this particular bill should not be enacted without substantial amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I thank the gentleman for yielding.

Is it one of the purposes of this bill to run the Post Office Department in a businesslike manner and terminate its character of public service?

Mr. SCOTT. I would say, after listening to the debate and to the testimony, it is the intention of the Postmaster General that it be operated in an efficient manner and that it pay its own way, subject to such reservations as the Congress should decide. The Congress can still allocate additional money and can pick up the tab for any class of mail that does not pay its own way. The bill does have a provision to reserve this, as I understand it.

Mr. KAZEN. How will this change the present situation, if it is not going to pay its own way? Do they not have to come to Congress now?

Mr. SCOTT. In all candor we did have a bill—and it was the measure introduced by the chairman of our committee. I felt it did provide for continuity in office by the Postmaster General, it provided for modernization of buildings and equipment, and it provided for employees to be appointed on a nonpolitical basis. Frankly, I think it was a good bill and I was supporting that bill. I think we have now turned postal reform into a monstrosity. I have many reservations about the measure before us.

Mr. KAZEN. The thing that worries me and many of my constituents is the fact that if this new organization is going to pay its own way, the only place it has of getting any money is through the rates for the mail, or paying for the service itself. Just how high will the rates have to go in order to yield enough money to take care of the services?

Mr. SCOTT. I might say to the gentleman that postal rates under the bill before the committee are subject to veto by the Congress, but the Postmaster General asked that they be subject to a veto by a two-thirds vote in either body. In all probability an amendment will be offered to restore the two-thirds provision, but I hope it will be rejected.

Mr. KAZEN. But this is the point. When they do come before the Congress for rejection, there is going to be no alternative. Suppose Congress does reject those higher rates because the people will not stand for that, when it is going to cost 50 cents to send a letter from New York to Washington, and if they are going to keep employing people and raising salaries, and Congress and nobody has anything to say about this, they will be coming to Washington, and the employees will be asking for such amounts.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I think the gentleman needs to distinguish between the reduced service and the free and reduced rate mail, which present quite different categories under this bill. I am not certain the distinction is very clear in the understanding of most Members of this body. The public service costs would be completely absorbed by the agency's operating, but the free or reduced rate mail would be covered by congressional appropriations.

I just made this point, because there is a great deal of confusion as to what the effects of ratemaking would be on the kinds of services which will be given by this agency in the future under this legislation. I do not think there is any possibility that this agency is going to go to the limits the gentleman from Texas indicates.

Mr. BUTTON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Mr. Chairman, I yield to the gentleman from New York.

Mr. BUTTON. Mr. Chairman, I commend the gentleman from Virginia, one of the outstanding members of our committee, for the scope of his remarks, which I think add a great deal to this debate.

Mr. Chairman, as a sponsor of H.R. 17071, in which I joined with our distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford), and the gentleman from Nebraska (Mr. Cunningham) in support of the concepts and the language of H.R. 17070, the bill now before us, I speak as a longtime advocate of true postal reform.

As a member of the Post Office and Civil Service Committee, I too have sat through the many months of hearings and of executive session. I would at this time like to pay particular tribute to the leadership of the committee's great chairman, the gentleman from New York (Mr. Dulski).

The chairman has provided the committee members with an unforgettable example of patient and forbearing, as well as goodhumored and evenhanded leadership of our committee under even the most taxing of circumstances. We are all in his debt for bringing together all the various and conflicting approaches to make possible the emergence of H.R. 17070 for the consideration of the House.

In most important ways, I consider this bill to be a true descendant of H.R. 4, which was Chairman Dulski's original legislative proposal, and which I supported in committee.

I am pleased to say that I supported the precepts of H.R. 4 at a time when the alternative was a bill, H.R. 11750, which incorporated the proposal for the Postal Corporation. This I rejected, Mr. Chairman, even though the advocates of the Postal Corporation were unremitting in their endeavors to influence my position to the contrary. The chairman of the Albany-Schenectady Citizens Committee for Postal Reform sought to change my vote, Mr. Chairman, through such means as the following letter to my constituents:

> Dear ———: Don't give up. The battle for *total* Postal Reform is not lost. Yet.
>
> You may have read in the newspapers that a tie vote in the House Post Office Committee killed the chances of getting H.R. 11750, the one bill providing meaningful postal reform, to the floor of the House.
>
> This is not true. It will take only *one additional vote* to substitute the true reform provisions of H.R. 11750 for those of H.R. 4, the substitute bill which only further complicates, rather than improves, the postal situation.
>
> President Nixon, Postmaster-General Blount, former President Johnson and his Postmaster-General, Larry O'Brien, are but a few of the host of top political leaders and business executives who are convinced we *must* have *total* Postal Reform to head off a complete breakdown of our postal system.
>
> Please call, write or telegraph your Congressman, Daniel E. Button, at 1513 Longworth Office Building, Washington, D.C. 20215, (202) 225–4861.
>
> Ask him to vote to make true postal reform possible by substituting the provisions of H.R. 11750 for those of H.R. 4.
>
> *His vote, alone, can do it!* And, your telephone call or letter could be just the extra urge needed to bring about Total Postal Reform.
>
> Please act now!

I am proud that I stood firm, Mr. Chairman, against those who would

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have caused us to capitulate to the numerous undesirable aspects of the postal corporation.

What I declared then to be necessary, Mr. Chairman, was compromise; and compromise proved to be the real answer. Compromise is what we have before us in H.R. 17070, and I believe it is the framework of a tenable and desirable postal reform act.

True, not all those who are interested in one or another particular aspect of reform, Mr. Chairman, are fully satisfied with the bill in its present form.

I myself intend to support certain amendments which will be presented—just as I surely am going to oppose others. I expect to speak on behalf, specifically, of an amendment which will assist libraries, educational institutions, and some other educational and charitable organizations in disseminating their materials. This is essentially the same amendment which I offered in committee, where it failed, in a tie vote.

To quote a letter received today by all members of the New York delegation from the State's commissioner of education, "adverse effects in the postal rates for libraries and educational institutions in New York State will cost at least $1 million annually. The effect of this could mean a reduction in the availability of services and materials at a very inopportune time."

This compromise bill, Mr. Chairman, deserves our support even in recognition that it still will undergo some efforts at perfecting it. Meaningful postal reform, the product of the creative energy and the applied good will of many, many people, is just across the threshold.

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Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, could I ask the gentleman whether the Hatch Act will still apply after this is enacted?

Mr. SCOTT. Perhaps the chairman of the full committee might be best able to answer that question.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from New York.

Mr. DULSKI. It does.

Mr. SCOTT. Mr. Chairman, I thank the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I yield 7 minutes to the gentleman from Texas (Mr. PURCELL), a member of our committee.

Mr. PURCELL. Mr. Chairman, I doubt that there is a single Member of Congress who has not had good reason to be upset with his postal service, similarly, there has not been one of us who has not received letters asking that something be done to cure a steadily worsening situation with respect to mail delivery.

The bill before us is an attempt to meet this crisis in nationwide difficulties in getting mail delivered. As written, it will provide many long overdue improvements in our postal system. The committee has labored long and hard in an attempt to gain some meaningful reform.

However, there is one fatal weakness in the bill, in my opinion. I am, of course, referring to the provision which departs from the terms of Executive Order 10988 which grants Federal employees, including postal workers, the right, freely and without fear of reprisal, to form, join, and assist a labor organization, or to refrain from such activity. To cure this ill, I support the amendment which the gentleman from North Carolina will offer to insure that these rights will be protected. Without this amendment, Mr. Chairman, H.R. 17070 will permit postal unions to negotiate with the Postmaster General for a union shop; should these negotiations fail, either side could put the question to binding arbitration.

This provision of the instant bill flies square in the face of the Executive orders of three different Presidents; it effectively destroys the postal worker's freedom to belong, or not to belong to a union as he sees fit.

There has been a great deal of discussion regarding the situation created by the bill, and its treatment of postal workers. It is quite one thing for a private corporation to negotiate a union shop contract binding its workers to union membership: Such contracts are forbidden in the right-to-work States, but the Taft-Hartley Act permits them elsewhere. It qualifies, if you will, the right to work for a private industry with a union contract. But the right of a U.S. citizen to work for his own Government approaches an absolute right. It is not, nor should it be conditioned upon the payment of union dues. If a man is otherwise qualified to carry the mail, it is simply none of the Federal Government's business whether he wishes to join, or not to join a labor union.

The Postmaster General has denied that this provision on the bill requires union shop. Mr. William Murchison of the Dallas Times-Herald, in a well reasoned article points out:

> He is right—but only in the sense that a motorist would be right if he said the law doesn't strictly require him to drive with his eyes open.

Mr. Chairman, I cannot impress enough the real issue at stake here. Freedom works two ways. There is such a thing as the freedom to do, and likewise, there is a freedom not to do. This amendment is a sincere effort to protect that second freedom. Without it, the bill will be no more than a cleverly designed trap.

Postal workers have already had their share of morale problems. The man who is forced by his Government to throw his hands in the air and live by the maxim "If you can't lick 'em, join 'em," will hardly feel gratitude for this sort of treatment. There are literally thousands of dedicated postal employees who would rather not join one of the recognized postal unions. For us to be in a position of sanctioning compulsory action to force these workers into a union would be highly inconsistent for a Government dedicated to protect the freedom of its people.

Mr. Chairman, I urge the favorable passage of this amendment and its assurance of genuine postal reform.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Texas.

Mr. ROBERTS. I thank the gentleman for yielding.

I wish to commend my colleague for his statement and to associate myself with his remarks.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I believe that as a distinguished member of the House Committee on Agriculture the gentleman in the well perhaps thought when he came to the Committee on Post Office and Civil Service he was getting on a committee which would have noncontroversial legislation, but this certainly has proven to be untrue. I want to commend the gentleman for the contributions he has made to the framing of this legislation as one of the junior members of our committee. Of course, I think most Members of the House know that we certainly agree on the argument he has made with regard to the right of Federal employees to join or not to join. I commend him for the assistance he is rendering in this regard.

Mr. PURCELL. I thank the gentleman for his statement.

Mr. GROSS. Mr. Chairman, I yield such time as he may require to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, the bill before us, H.R. 17070, represents a strong step in the right direction—a step out of the postal mess that has plagued the country for years and a step into a more modern and efficient system.

The subject of postal reform is one in which I have long been interested. I have been a member of the Treasury-Post Office Appropriations Subcommittee for 12 years now. In my work on that subcommittee, I have come to know the problems of the Post Office very well. And, believe me, they are very serious and very large problems.

I have maintained for many, many years that the problems of the Post Office transcend politics. Since this is the case—and I am convinced that it is—their solution depends upon taking the Post Office out of politics.

Therefore, I was pleased with Postmaster General Blount's recommendation to take the appointment of postmasters out of politics. This measure was long overdue. I had advocated it for many years. I fully support him on it.

I agree with General Blount that there is no reason in the world that we cannot have a postal system as good as our telephone system.

I introduced the administration's sweeping postal reform bill which called for the elimination of the Post Office Department and the establishment of a public corporation in its place. Now, after more than 1 year of hearings and over 1,500 printed pages, this body has a chance to end the postal crisis and bring the system into the 20th century.

I think certain figures that were no doubt raised in the hearings are worth repeating in order to drive home the seriousness of the problem.

For example, a 2.3 percent of a 2.5 billion piece increase in mail volume is projected for fiscal 1971. This would bring the total volume to 86.3 billion pieces.

These pieces will primarily be handled by people, not machines. In this age of automation, 80 percent of Post Office costs are for personnel.

I think one of the keys to solving postal problems is research and development. I worked hard to get the postal R. & D. program started, and I am glad to see that my efforts are paying off. Major achievements developed or first applied to postal operations by this program should produce net savings of 12,800 man-years annually by the end of fiscal 1971.

When we were debating the Federal pay raise bill on April 9, I talked about the need for wage comparability in the Post Office. The postal employee in rural America often ends up being the highest paid man in town. His counterpart in urban America ends up near the welfare level. That was not the first time I brought up this subject. I have, for many years, advocated adjusting postal salaries to the cost of living in a given area. I hope that someday this will be the case.

This brings me to the question of unionism under the new bill. I think my colleagues should be absolutely clear on the facts surrounding this issue.

The committee report clearly indicates that labor-management relations will be governed by the same laws that apply to the private sector. The major exception would be the ban on strikes.

In a letter to me dated May 26, General Blount indicated the same thing. He went on to say, as did the committee report, that the postal reform bill would defer to State law on the right-to-work issue. General Blount reaffirmed his position in a letter to me dated June 9. I would like to include this correspondence in the RECORD at the end of my remarks.

It seems clear to me that we do not have a problem of so-called "compulsory unionism." Rather, we have a setup that will be governed by the same labor laws now governing labor relations in private industry.

Finally, I think one of the big problems with the present post office setup, as well as H.R. 17070, is the cost of transportation. Simply stated, the Post Office cannot bargain for the cheapest rates because they are determined by either the CAB or the ICC. I propose to amend the bill, at the appropriate time, to remedy this problem. I urge my colleagues to support me, and my distinguished colleague from Oklahoma (Mr. STEED) in our amendment.

Mr. Chairman, I believe H.R. 17070, with my amendment, is a good bill and I hope this body will support it.

Mr. Chairman, I include a telegram from James H. Rademacher, president of National Association of Letter Carriers AFL–CIO, and other officers of AFL–CIO affiliates:

THE POSTMASTER GENERAL,
Washington, D.C., June 9, 1970.

HON. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SILVIO: The enactment of meaningful postal reform is jeopardized by an undue controversy over the right-to-work issue. Therefore, I feel it is my duty to restate the Administration's position on this issue as it relates to our postal reform efforts.

We are *not* advocating compulsory unionism. Since the first days of the Administration we have proposed that postal employees have the same right to negotiate with management as their counterparts in the private sector of the economy, but with strikes prohibited. Our efforts must not be considered a forum for the reform of the nation's labor laws.

Under Taft-Hartley, postal management would be prohibited from refusing to bargain over union security provisions covering the states that have not adopted a right-to work statute. Conversely, as the House Committee Report on H.R. 17070 (No. 91–1104, pages 15 and 16) makes absolutely clear, union security provisions could not be enforced in states that have adopted right-to-work laws prohibiting such povisions.

I assure you that we are concerned solely with postal reform, and consider the need for such reform critical.

Sincerely yours,

WINTON M. BLOUNT.

THE POSTMASTER GENERAL,
Washington, D.C., May 26, 1970.

HON. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SIR: During recent weeks, concern has been expressed over the issue of "compulsory unionism" for postal workers. Neither the Administration nor the Post Office Department has ever proposed that there be a union shop in the Postal Service. We have simply proposed, as one phase of a broad plan for dealing with the unique problems faced by the Post Office Department, that postal labor-management relations be governed generally by the same laws that apply to the private sector—including the Taft-Hartley and Landrum-Griffin Acts—with the major exception that strikes by postal employees would continue to be banned.

It is obviously not feasible to use the postal reorganization bill as a vehicle for reforming the Taft-Hartley Act. Accordingly, one consequence of putting the Postal Service under Taft-Hartley would be that postal management—like management in the private sector—might be required to bargain over union shop arrangements in states other than those having the right-to-work laws. (The obligation to *bargain* would of course, impose no obligation to *agree* to a union shop arrangement.)

In order to avert a misunderstanding of this aspect of the bill, I am enclosing a statement on this issue which I hope will assist you in responding to inquiries from your constituents.

We believe that the basic policy issues involved in the union shop question should only be considered in the context of an appraisal of the general labor law. The need for postal reorganization is too urgent, in my opinion, to await the outcome of any such appraisal.

Sincerely,

WINTON M. BLOUNT.

STATEMENT ON COMPULSORY UNIONISM

During the past several weeks, a question has been raised as to whether nationwide "compulsory unionism" would be sanctioned by H.R. 17070, the postal reorganization proposal that is being jointly sponsored by the Administration, the AFL–CIO, and the seven postal employee organizations holding national exclusive recognition.

By way of background, it should be noted that one of the premises underlying the postal reorganization bill is that the postal service, which is essentially a materials handling operation, resembles, in many respects, the services furnished by major public utilities, and the postal establishment can better carry out its responsibilities to the American people if it is given the authority to operate in a way similar to that in which well managed service enterprises operate in the private sector. This concept is reflected in each of the major portions of the proposed Postal Reorganization Act.

With respect to labor-management relations, we have recommended that the Postal Service and its employee organizations be subject generally not only to the Landrum-Griffin Act, but also to the National Labor Relations Act, as amended by the Taft-Hartley Act. With but few exceptions—the main one being that strikes by postal employees would continue to be against the law—labor-management relations in the Postal Service would be conducted under the same statutory ground rules that are applicable to large enterprises in the private sector.

By adopting the National Labor Relations Act, as amended, the proposed legislation would make it an unfair labor practice for the management of the Postal Service to refuse to engage in collective bargaining with recognized representatives of its rank and file employees over wages, hours, and, in general, other working conditions that are subject to collective bargaining in the private sector. To the extent that union security provisions are bargainable in private industry, therefore, they would be bargainable in the Postal Service. It is important to recognize, however, that a statutory duty to *bargain* over a union demand does not imply the existence of a statutory duty to *agree* to that demand.

Under the bill, labor-management relations in the new Postal Service would be governed for most purposes by the provisions now codified in Subchapter II of Chapter 7 of Title 29, United States Code, among which is included Section 14(b) of the National Labor Relations Act as added by the Taft-Hartley Act.

Subchapter II would explicitly make it an unfair labor practice for the reorganized Postal Service "to encourage or discourage membership in any labor organization," whether "by discrimination in regard to hire or tenure of employment or any term or condition of employment." 29 U.S.C. 158 (a)(3). If this provision stood alone, union shop contracts would not be bargainable anywhere. In this connection, however, two other provisions of Subchapter II must also be considered. The first is a proviso stating that nothing in the Subchapter bars an employer from making an agreement with a labor organization to require union membership as a condition of employment after the thirtieth day from the beginning of such employment (29 U.S., 158(a)(3)), and the second is the provision contained in section 14(b) which reads as follows:

"Nothing in this subchapter shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory where such execution or application is prohibited by State or Territorial law. 29 U.S.C. 164(b).

The effect of the quoted language is to cancel out—in those states or territories that have right-to-work laws—the proviso saying that an employer is not barred from making union shop agreements. Any such agreement entered into by the Postal Service would thus be inapplicable—as a matter of Federal law—in a state or territory having a right-to-work statute.

It has been suggested that a Federal law prohibiting Federal agencies from executing or applying union shop agreements in states having right-to-work laws would not be effective on "enclaves" over which the Federal Government exercises exclusive legislative jurisdiction. In the opinion of the Post Office Department's General Counsel, this suggestion is simply not correct.

The Post Office Department does, to be sure, have some facilities located on property that the United States purchased "by the consent" of the legislature of the state in question. (See Article I, Section 8, Clause 17 of the United States Constitution, which gives Congress the power "To exercise exclusive Legislation . . . over all Places purchased by the Consent of the Legislature of the State in which Same shall be, for the Erection of Forts, Magazines, Arsenals, Dockyards, and other needful Buildings . . .") The better part of the space presently occupied by the Department does *not* fall in this category, but this is a purely fortuitous circumstance that has nothing to do with the scope of the proposed legislation. Congress clearly has the power to enact a statute forbidding an executive agency of the Federal Government from making or applying a union shop agreement in any state or territory where such agreements are prohibited by state or territorial law, whether or not the agency's activities are conducted on Federal enclaves. As stated by the House Post Office and Civil Service Committee in its report on H.R. 17070, the postal reform legislation that the Committee voted to report out on May 19 of this year:

"From a constitutional standpoint, there is no reason whatsoever why the Congress, by duly enacted statute, may not 'give the right of way' to State right-to-work laws insofar as employees of a Federal instrumentality are concerned, *whether such employees work in an enclave over which the United States has exclusive legislative jurisdiction* or whether they work in an area over which the State government has jurisdiction. *This is precisely what H.R. 17070 does.*" House Report No. 91–1104, 91st Congress, 2d Session, May 19, 1970 at page 16. (Emphasis supplied.)

It might be added that the Federal Assimilated Crimes Act, codified at 18 U.S.C. 13, is a good example of another Federal statute that draws state law into the body of Federal law applicable on Federal enclaves.

The right-to-work statute of one state—Georgia—specifically excludes the United States from its definition of an "employer." Here again, however, the postal reorganization bill would put the Postal Service in the position of a private employer, for these purposes, and Georgia is unquestionably a state "in which . . . execution or application [of union shop contracts] is prohibited by State . . . law," [29 U.S.C. 164(b)]. It is clear that the bill would bar the reorganized Postal Service from enforcing a union shop agreement in Georgia.

This conclusion is supported by the opening paragraph of the section of the House Report dealing with the matter of union security, which declares flatly that the postal reform bill: ". . . would not permit the Postal Service to enter into or attempt to enforce a union shop agreement in *any* State having a law that prohibits the execution or application of agreements requiring membership in a labor organization as a condition of employment." House Report No. 91–1104, 91st Congress, 2d Session, at page 15. (Emphasis supplied.)

The need for a workable postal reorganization bill is acute. It would be unfortunate if Congressional consideration of this vital measure were beclouded by public misunderstanding of the labor-management provisions of the bill, and it is hoped that this statement may be of some assistance in that regard.

Washington, D.C.,
June 15, 1970.

Hon. Silvio O. Conte,
Washington, D.C.

After many months of discussion and debate the bill (H.R. 17070) providing for postal reform and an increase in wages of postal employees, has been scheduled in the House of Representatives. This bill originally presented to the House Committee on Post Office and Civil Service was worked out at the bargaining table by representatives of the Post Office Department and by the principal officers of the Postal Employee Organizations representing more than 600,000 postal workers.

Both management and labor made concessions during the bargaining sessions, but the final agreement, embodied in the original bill presented to the committee, had the blessing of all the employee organizations involved; of the Post Office Department; of AFL–CIO President George Meany and of the President of the United States. H.R. 17070 was introduced by the chairman, Rep. Thaddeus J. Dulski, jointly with three members of his committee, Rep. Robert J. Corbett, Rep. Morris K. Udall and Rep. Edward J. Derwinski.

During the subsequent discussions within the committee, some amendments were adopted by very close margins. Many of these were merely technical, perfecting, provisions. Others, however, were substantive in nature and, if left unchanged, would have a serious impact on the postal employees and on the postal service. We feel strongly that the Congress should have the opportunity of voting upon the original proposal which expresses the intention of the White House, the Post Office Department, the Postal Employee organizations, and the AFL–CIO.

Congressmen Udall and Derwinski will jointly offer a substitute proposal during the debate in the House which, if adopted, will restore the legislation closely to its original, approved form. We, the undersigned, respectfully and urgently request your support of the Udall-Derwinski substitute, H.R. 17966. We further strongly request your support of the legislation itself.

Sincerely and respectfully,

James H. Rademacher, president, National Association of Letter Carriers, AFL–CIO; Francis S. Filbey, president, United Federation of Postal Clerks, AFL–CIO; Monroe Crable, president, National Association of Post Office & General Services Maintenance, AFL–CIO; Lonnie L. Johnson, president, National Association of Post Office Map Handlers, Watchmen, Messengers and Group Leaders, AFL–CIO; Michael J. Cullen, president, National Association of Special Delivery Messengers, AFL–CIO; Chester Parrish, president, National Federation of Post Office Motor Vehicle Employees, AFL–CIO; Herbert F. Alfrey, president, National Rural Letter Carriers Association.

Mr. DULSKI. Mr. Chairman, I yield 7 minutes to the gentleman from Montana (Mr. Olsen).

Mr. OLSEN. Thank you, Mr. Chairman.

I support the Dulski committee bill for two reasons.

First, it has a very meritorious increase in the pay of postal employees. I think the whole country is in sympathy with that feature.

Second, I support the bill because it would provide for better financing of buildings and facilities. We have an annual problem in the Post Office Department of going to the Committee on Appropriations and getting inadequate appropriations. I think the expanded facilities of the Post Office Department should be financed like the telephone company or the power companies or the rural electric cooperatives. They finance out of revenues, yes; they also finance from debt or credit. They finance from credit. They build the facility out of credit and then they pay for the credit and for the service. I think this is fundamentally correct and we ought to do that in the Post Office Department.

I am going to have some amendments. My amendments are directed toward that touchy matter of rates. The Post Office Department would advise you and I think Mr. Udall will advise you, and so will Mr. Derwinski for them, that the Post Office Department has talked to the financial interests of this country on how to sell its $10 billion worth of bonds. The financial interests say, "You will not be able to sell those bonds unless you take the ratemaking authority away from the Congress. The ratemaking authority has to be somebody or some commission that will pay off the bonds, and then you will get a good rate on those bonds." They recommend that we in the Congress veto by a two-thirds vote a new rate made by a rate commission. I will have an amendment which would say that we can veto by a majority vote within 90 legislative days.

One of the points that I want to make is this: Both in the Udall amendment, which I am sure you all have heard of on this subject and in our own bill, the committee on rates or the commission or the board on rates would be inside of the Post Office Department.

Now, there is no monopoly in this world—well, there is in this world but not in this country—that fixes its own rates. Monopolies have to go to someone outside their house where the public is heard and there their rates are fixed.

So, Mr. Chairman, I will have an amendment to that subject. My amendment will be to the effect that if the President will appoint the commission, it will be independent of the Post Office Department and he will appoint not more than a bare majority from any political party. They will have hearings under the Administrative Procedures Act. Then they will send up their recommendations to the Congress. Thereafter, as we do on any reorganization bill, for instance, by a bare majority, either House of the Congress can defeat the proposal.

Mr. Chairman, I do not wish to keep the Members any longer but those are my remarks. I think everything else that can be said about the bill has been said. However, let me repeat once more and then I shall yield to the gentleman from Texas (Mr. Kazen), there are two big things involved here. One is the method of adjusting pay without coming to Congress, a method of getting a pay increase right now; and, No. 2 is financing facilities and building and expansion through a better method than we have at the present time.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. I am sure the gentleman in the well knows about most of the criticism that has been levied at the Post Office Department these days and that criticism comes about as the result of the transportation system.

Would the gentleman discuss the

transportation provision contained in this bill?

Mr. OLSEN. Yes, I shall be glad to do so.

Mr. KAZEN. Is there an improvement over what we have now?

Mr. OLSEN. If we had the gentleman from West Virginia (Mr. STAGGERS), chairman of the Committee on Banking and Currency here, before we go into a further discussion of it, it would be most helpful. However, here is what is contained in the bill. In the bill the Postmaster General has, I think, less authority over surface transportation under the bill—either bill—than he has presently, but under the Udall bill, the Udall substitute, and his possible amendment, there would be very much broader authority for the Postmaster General to hire and indeed almost own I think probably an airline system with which to move the mail. However, we will have a discussion of this matter under the 5-minute rule when we will have available on the floor of the House the chairman of the Committee on Banking and Currency, the gentleman from West Virginia (Mr. STAGGERS), and we will talk about the proposition of the Committee on Interstate and Foreign Commerce giving some direction to the airlines that they should be moving more mail while the Nation sleeps, plus the fact that they should move it at the same cheap rate of about 9 cents a ton-mile as they do for other people who put out publications.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, as I understand the provisions of this bill, though, any agreement to move the mail will be at the convenience of the carrier and not at the convenience of the Post Office Department. Is this correct insofar as the availability of space is concerned?

Mr. OLSEN. No; with respect to the airlines——

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. DULSKI. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. OLSEN. With respect to that the Postmaster General in either form which this bill takes, whether it be the Udall proposal or the committee proposal, would have authority to enter into a contract for the movement of mail. He would not necessarily have to do it with a franchised carrier.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Idaho (Mr. MCCLURE).

Mr. McCLURE. Mr. Chairman, I am not going to take very long. I know that a great deal has already been said concerning this bill, and the Members who are present do not really need further information concerning what is in the bill.

But let me simply state what I tried to say consistently through all of this: that the bill contains a great number of problems, a great many areas of conflict—the labor provision, the labor-management provision, the union recognition provision, the transportation provision that we have just been talking about, the ratemaking provision that the gentleman from Montana just made reference to; those are all troublesome matters.

The committee has labored for a year and a half trying to resolve these matters in the best possible manner and bring to the floor of this House a bill which can in time accomplish the kind of postal reform which this country is demanding and which we must have.

I have heard a great deal said in the last several days concerning the necessity of maintaining congressional control of the postal system as a matter of responsibility of this Congress, and yet I am reminded that the very problems that now confront the country by way of postal service are the results of congressional oversight—and I use that term perhaps with a double meaning because we have oversight over the Post Office Department and because of our oversights we have failed to make proper provisions for the Post Office Department. Therefore, I think it is important for us to recognize the limitations of the ability of the Congress and the willingness of the Congress to deal with those problems.

In speaking to a group the other day I made the analogy which has since been thrown back at me that when the Congress of the United States authorized the interstate highway system it was not contemplated that we build more highways by hiring more men to push more wheelbarrows, because that is a labor intensive operation which simply could not get the job done. And, ladies and gentlemen, that is exactly what we have been trying to do with the Post Office Department in recent years. We have tried to solve the problems of moving the billions of additional pieces of mail annually by hiring more people to do it in exactly the same way they have done it for 150 years. That was thrown back at me by some people saying, "Well, we have made some changes. For instance, we have adopted the ZIP code." I agreed that if we had not done something like that that we would have been inundated with mail long before this.

But yet that is similar to saying that we have got the same wheelbarrows to build the interstate highway system, but now we have equipped them with rubber tires.

We have made improvements, but they are not consistent with the magnitude of the problem, and we are confronted again with the problems of the Post Office, with the problem of financing the kind of structures and facilities and machines that are required to move the mountains of mail with which we are confronted in this country, and they simply are not being and will not be solved by a Congress that insists upon being the Board of Directors and involved in the day-to-day detail management of the Post Office system. It can be solved only by the willingness of the Congress to set policies and then delegate the authority for the day-to-day operations to the Post Office Department. I was one of those who opposed the opportunity that was presented earlier today to make the substitute in order. I have supported what was essentially the Udall-Derwinski substitute at every stage in the committee. And the committee has talked about this kind of substitute at several stages, and I have supported it every time because I think that the kind of postal reforms that were contained in that bill in some respects are better than what we have in the committee amendment that is before the body at this time.

But I do not believe that it is possible for this body to sit here and take up in detail the kind of discussion that has gone on within the committee over the last year and a half and make a rational decision concerning the very complex matters that are contained in this bill.

Therefore, I supported the action that was taken by the House earlier today in amending the rule confining the consideration on the floor to the committee amendment, which I believe is the way in which we will accomplish what the people of this country want and demand.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. ZWACH. I thank the gentleman for yielding. I hold the gentleman's opinion in very high regard.

But something bothers me very much. The ranking minority Member said that if this bill was enacted, rates must go up—and what disturbs me more—that services must be curtailed. I think the gentleman from Iowa made that statement that services would be curtailed.

Is it your opinion that the passage of this bill would further curtail postal service or would it be improved?

Mr. McCLURE. Let me respond to the gentleman in this way. If there are operations now costing more money than they ought to cost in relation to the value of the services, then that operation ought to be modified.

If there are operations which cost more than they generate by way of revenues, then they will be done by the operating authority created here under one of two ways—one being that direction that is contained in the bill to provide the same level of service throughout the United States as they are now receiving—or under the other one which requires the Congress of the United States to appropriate the funds necessary for free and reduced rate mail.

Mr. ZWACH. Mr. Chairman, now what disturbs me—I would presume that rural free delivery will never be a paying proposition. Is the implication here that we perhaps would have a curtailment in this area of service?

Mr. McCLURE. I would say to the gentleman, categorically—no. I do not anticipate that there will be a reduction in that kind of service because the bill provides the same level of service will be granted in those areas.

I think a statement made before the committee by the Postmaster General is very significant in this respect. He said:

> We could close all of the small post offices in the United States and save just a very few millions of dollars out of the $8 billion annual budget.

Or he could make a decision in a major center like New York City and save $50 million in one decision. The major expenditures are not in the rural areas, they are in the urban areas. The major savings will not come and cannot come in rural areas—they will be made in the

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urban areas where the mass of service is being provided.

Mr. ZWACH. I thank the gentleman.

Mr. McCLURE. I thank the gentleman.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. MYERS. Does that mean then that rural services will not be curtailed? Are you assuring them that by this bill they cannot be curtailed?

Mr. McCLURE. I will say to the gentleman that the level of service in the rural areas is not going to be curtailed, in my judgment, in the bill which is proposed here. There is specific assurance written into the bill guaranteeing that that will be so.

I cannot assure the gentleman, and I would not attempt to assure the gentleman, that there could be no change in the kind of service that is granted in any area of the United States because the management of the Corporation must indeed have that kind of flexibility. But I do not anticipate, and we have had the assurance of the Postmaster General, and we have written into the bill a provision that these rural services will not be decreased.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970. This legislation is a compromise and it is with that in mind that I reluctantly support H.R. 17070.

The original proposal sent to Congress by the administration failed to protect the rights of the Nation's postal workers but this final version of the bill, as reported by the House Post Office and Civil Service Committee corrects a good many defects in the original plan. Under the bill, a new U.S. Postal Service is created to replace the Post Office Department. The new service is to be governed by a Commission of 11 members serving rotating terms of 9 years. Nine of the members are to be appointed by the President with the other two to be appointed by the nine and to serve as Postmaster and Deputy Postmaster General.

The reform elements of the legislation are desirable, namely the elimination of political influence or control over the decisionmaking process in the service. Congress will retain authority to review postal rates but individual members will not appoint employees of the service, directly or indirectly. An annual report will be submitted by the Commission to Congress and the service will achieve a self-sustaining position by 1978.

It is my hope that some of the urgent subjects not satisfactorily covered in this bill will be resolved through negotiation. In this regard the bill does protect the right to organize and bargain collectively and perhaps this will at last provide the necessary vehicle for achieving long overdue health and retirement benefits, other fringe benefits and most importantly area wage differentials for employees of the new postal service.

I have fought for area wage differentials for a long period of time and it is my hope that this will be a reality in the not too distant future as a result of collective bargaining. The 8-percent wage increase for Post Office Department employees included in this bill is retroactive to April 16 and this is a major reason for my support of H.R. 17070. I would not want my reservations about other sections of the legislation to block passage of the pay raise, so long overdue.

Mr. DULSKI. Mr. Chairman, does the gentleman from Iowa have any more requests for time?

Mr. GROSS. Mr. Chairman, we have no further requests for time.

Mr. DULSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Postal Reorganization and Salary Adjustment Act of 1970".

Mr. DULSKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Albert) having assumed the chair, Mr. Price of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 17070, and include extraneous matter.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR MANAGERS ON THE PART OF THE HOUSE TO FILE CONFERENCE REPORTS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have permission until midnight to file 17 conference reports that have been agreed upon with the other body.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The conference reports are as follows:

Conference Report (H. Rept. No. 91–1198)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.
Howard W. Cannon,
Stephen M. Young,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15837, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15837, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of chemical grade manganese ore, type B, to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Conference Report (H. Rept. No. 91–1199)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.
HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15838, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15838, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of shellac to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States Government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91-1200)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.
HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16289, as passed by the House of Representatives provides for the disposal of material covered by this act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16289, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of natural Ceylon amorphous lump graphite to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors, and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91-1201)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12941) to authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.
HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12941) to authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 12941, as passed by the House of Representatives provided for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 12941, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of cadmium to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favor the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose

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of this material to the best interest of the United States government.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Conference Report (H. Rept. No. 91–1202)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Howard W. Cannon,
Stephen M. Young,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15835, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15835, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of magnesium to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Conference Report (H. Rept. 91–1203)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Howard W. Cannon,
Stephen M. Young,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16292, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16292, the conferees agreed to retain the original House language

During Committee consideration of the bill, representatives from government and industry testified that disposal of corundum to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Conference Report (H. Rept. No. 91–1204)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Howard W. Cannon,
Stephen M. Young,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15831, as passed by the House of Representatives, provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15831, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of bismuth to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

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It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91–1265)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16295, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16295, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of manganese ore, battery grade, to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91–1206)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers of the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15832, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15832, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of castor oil to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States Government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91–1207)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15833, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and delete the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15833, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of acid grade flourspar to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers,

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processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91-1208)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16297, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16297, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of molybdenum to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its methods of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. NO. 91-1209)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15998, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15998, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of Surinam-type bauxite to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. NO. 91-1210)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15839, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15839, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of tungsten to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are

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situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Conference Report (Rept. No. 91–1211)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Howard W. Cannon,
Stephen M. Young,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15836, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15836, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of chemical grade manganese ore, type A, to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Conference Report (Rept. No. 91–1212)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15021) to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2 and 3.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Howard W. Cannon,
Stephen M. Young,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15021) to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15021, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15021, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of cobalt to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Conference Report (H. Rept. No. 91–1213)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from the amendments numbered 1, 2, and 3.

Philip J. Philbin,
Charles E. Bennett,
Carleton J. King,
Managers on the Part of the House.

Howard W. Cannon,
Stephen M. Young,
Richard S. Schweiker,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16290, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16290, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of refractory grade chromite ore to the highest responsible bidder would be disruptive to the or-

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dinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. No. 71-1213)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.
HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16291, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16291, the conferees agreed to retain the original House language.

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During Committee consideration of the bill, representatives from government and industry testified that disposal of chrysotile asbestos to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT.
CARLETON J. KING,
Managers on the Part of the House.

LEGISLATIVE PROGRAM

Mr. VIGORITO. Mr. Speaker, at the request of the majority leader, I announce that on Thursday of this week it is planned to take up and to consider by unanimous consent the bills listed in the CONGRESSIONAL RECORD of June 11, 1970, page 19385, which were unanimously reported by the Committee on Ways and Means. The bills are as follows:

H.R. 2076, withholding of city income tax on Federal employees;

H.R. 4605, importation of contraceptive devices;

H.R. 6049, definition of metal bearing ores;

H.R. 9183, free entry of certain exported and reimported articles;

H.R. 10517, amending provisions of the Internal Revenue Code relating to distilled spirits;

H.R. 15979, interest on loans sold out of Agricultural Credit Insurance Fund;

H.R. 16506, tax treatment of cemetery corporations;

H.R. 16745, exemption from duty of repairs to shrimp vessels; and

H.R. 17473, extending period for filing claims for floor stock refunds of excise tax.

BRONX VA HOSPITAL

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, on June 12 I went with the House Veterans' Affairs Committee to the Bronx Veterans Administration Hospital. Some of the conditions we saw and others that were described in testimony were deplorable, attesting to the validity of many of the charges made in the recent Life Magazine article.

What was perhaps most distressing to me, Mr. Speaker, was to hear the Bronx Hospital Administrator, Dr. Abraham M. Kleinman, defending the conditions rather than seizing upon this opportunity to tell us that the government is simply not providing the VA hospitals with sufficient funds for adequate staff and proper facilities. While it probably is true that Dr. Kleinman and his staff are doing the best job possible "under the circumstances," what they should be doing is providing the best medical care that can be had anywhere and at any cost; and it is incumbent upon us to see to it that they have the funds to do so. No matter how divided we in this House may be on the issue of our military involvement in Vietnam, I know there isn't a Member of this body who does not believe that those men who have fought and been injured in Vietnam should receive the best care that modern medicine can provide.

But care in New York City's VA hospitals today is being compromised by staff shortages which are caused by both cutbacks in personnel and the low wages paid by the Government. These wages may be competitive with private wage scales in some parts of the country, but they most assuredly are not in New York City. For example, a nurse's aide receives only $4,600 annually in the VA hospital while city hospitals pay approximately $6,000 for the same work. And registered nurse's salaries similarly do not compete with the city's other municipal, private, and voluntary hospitals. Consequently, a total of 155 registered nurses at the Bronx VA Hospital care for 960 patients, while in Mount Sinai, a voluntary hospital in New York, there are 655 registered nurses for 1,150 patients. In fact, the nursing shortage at the Bronx VA hospital is so acute that between midnight and 8 a.m. a single registered nurse is responsible for three wards on three different floors having a total of 196 patients, 38 of whom are men with spinal cord injuries. Mr. Speaker, this is shameful. I am sure that many doctors would not commit their patients to a hospital so short of professional staff—and yet we place our injured veterans, many of whom are nearly helpless and require close attention, in such circumstances.

According to Chairman TEAGUE's committee, New York's VA hospitals are approximately 3,300 positions short of needed staff.

Perhaps even more disheartening than the staffing shortage, however, is the defeatist and negative attitude projected by some of the doctors treating the spinal cord injured patients. Most telling was the statement made by a young marine, Lt. Robert Muller, who is a paraplegic. He told us that the treating doctors, instead of encouraging patients to overcome their injuries, actually hinder them by telling them that their level of injury is so high and their case so hopeless that they should not even try to walk again with braces. Lieutenant Muller had been told this by his doctors and it was only after a great deal of persistence and insistence on his part that he was given braces. Today, Lieutenant Muller is learning to walk and climb stairs, and most touching was his statement that his ability to ambulate has given him "architectural freedom" in choosing a college to attend, whereas before his choice was to be limited to accommodate his lack of mobility. Mr. Speaker, not all of those who have been injured have Lieutenant Muller's extraordinary spirit, willpower and grit; they need, as most of us do to overcome adversity, encouragement, and not to be told that their case is hopeless and that they are doomed to lifetime immobility.

Lieutenant Muller also pointed out to our delegation that there is a shortage of staff available to assist men in their physical therapy. Indeed, we saw for ourselves the inadequacies of the physical therapy room which is very small and lacking many devices common to a well designed and outfitted therapy room. It was even missing as simple an item as a stairstep for those learning how to walk again.

Another fact which shocked me and I am sure will come as a surprise to our colleagues is that in the Bronx VA Hospital, rather than changing the linens every day, as in the case of so many other hospitals, the linens are changed only twice a week unless fecally soiled. Mr. Speaker, there are many Members here who have been in the hospital for minor surgical services, and we all know the importance, pschologically as well as physically, of fresh bed linen daily. How much more important is this small amenity, indeed necessity, to someone spending nearly his entire waking and sleeping day in bed because of a spinal injury. It is tragic to think of how we have spared our military machine nothing but provide our injured military men with so little.

Mr. Speaker, all of us in this House would give every dollar requested by the VA so as to provide, not simply adequate health care, but the very best of health care. Again, we ask young men to risk their lives and suffer injuries in war and then we fail to provide them with the very best of treatment for their injuries.

To the best of my knowledge, the Congress has never failed to appropriate the health care funds requested by the administration, but unfortunately, the administration has failed to request sufficient funds. This year the House added $25 million to the President's VA medical services budget request, and every day it is becoming more and more evident that this is far short of what is needed. The Senate is now considering adding $189 million to this appropriation bill. I hope that they are successful in doing so, and further that it will then be possible for the conference committee to accept this full increase made by the Senate.

Mr. Speaker, no other appropriation bill should have a higher priority for us than that which provides the best medical care for our injured young men who were sent to war to risk their lives and limbs.

SLAUGHTER BY VIETCONG

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, apologists for the North Vietnamese in recent months have attempted to spread propaganda that they are essentially decent people who, once they get control of South Vietnam, will practice a policy of forgiveness.

I believe, Mr. Speaker, that this kind of talk is aimed at paving the way for new attempts to get the United States to walk away from its commitments to the South Vietnamese.

It appears to have little basis in fact. Indeed, there are many indications that the North Vietnamese use terror and systematic murder as a matter of policy.

Bruce Biossat, writing in the Washington News of May 20, tells of some of the Communist atrocities. They hardly amount to a live and let live policy. Mr. Speaker, I insert Mr. Biossat's column in the Record:

SLAUGHTER BY VIETCONG

(By Bruce Biossat)

A South Vietnamese farmer tripped over a piece of wire sticking out of the sand, so the story goes, as he was walking in the dunes near the South China sea east of the city of Hue. Thus he opened another chapter of grisly details about the Red massacre of thousands of civilians during the fabled Tet offensive of winter, 1968.

Angry, the farmer tugged on the wire. Out came a bony hand and arm and, ultimately, the whole body of a buried civilian whose hands had been wired behind his back before he was killed. At this and other similar sites, known now as the Sand Dune Finds, were uncovered the bodies of 808 other Hue civilians slaughtered by the Viet Cong.

Those discoveries occurred between March and July in 1969. Two months later, another find—of 428 bodies—was made in the remote Da Mai creek area 10 miles south of Hue. And last November, in another desolate sector east of Hue near the fishing village of Luong Vien, some 300 additional bodies were dug up in the Phu Thu salt flats.

It is estimated the latter find may finally come to 1,000, since some 1,946 Hue civilians are still unaccounted for and the checking at Phu Thu is evidently extremely difficult.

The populace of Hue was not startled to learn of these 1969 finds. Post-Tet estimates placed the number of missing near 5,800. Nearly 1,000 are presumed dead from accidents related to the bitter battle in which U.S. and South Vietnamese forces retook the city. Right after the fighting ceased, 1,200 massacred civilians were found at 19 sites in and near the city itself.

The newest and most graphic account of the Red Hue massacres is provided in a work called "The Viet Cong Strategy of Terror," by Douglas Pike, United States Information Service officer presently stationed in Tokyo but a longtime resident of Vietnam, a recognized authority on the VC and author of two penetrating books on the subject.

What is the point of our dwelling on this grim business right now? The real points are two:

A good many Americans, some of them highly influential, are saying that if Hanoi's regulars and the VC were to triumph in South Vietnam, there would be no "bloodbath" visited upon the South Vietnamese.

But these are merely declarative assertions, inescapably lacking in supportive proofs. Those who speak thus, cannot read the future.

But we can read the past for signs. And Mr. Pike's overall judgments, already reported in dispatches from Saigon, are that the Red massacres in Hue were no random killings by panicky troops or guerillas but were systematic extermination of key civilian population elements.

The slaughter was highly selective, beginning with an actual black-list of administrative leaders, then embracing intellectuals (hated for their utter contempt of communism), a broad range of people called "social negatives"—Hanoi's jargon for people tied to the old order—and, finally, witnesses who could identify the many secret VC who surfaced at the time of Tet.

The second point, made by Mr. Pike but striking me with particular force, is how little the world—and self-styled humanitarian liberals in this country—have made of the horror at Hue. As Mr. Pike writes:

"There was no agnonized outcry. No demonstrations at North Vietnamese embassies around the world. (The late) Lord Russell did not send his 'war crimes tribunal' to Hue to take evidence and indict."

Unquestionably the gruesome finds at Hue rank with the worst Nazi atrocities of World War II. The people of Hue were numbed into deep sadness and near-silence for months.

Unlike the famed assassinations by VC to intimidate villagers, these murders meant to hide their killings. Helicopters had to destroy a canopy of tall tree to get access to the Dai Mai creek burial sites.

But now the "Humanitarians" know. Yet where are their voices? Is their quotient of outrage exhausted in assault upon America's role in Vietnam?

WHY YOU'VE GOT A LOT TO LIVE

(Mr. BELCHER asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. BELCHER. Mr. Speaker, under leave granted, I wish to insert in the Record the following essay, entitled, "Why You've Got a Lot To Live" by Betsy Mayo, Jenks, Okla. Betsy was Oklahoma's top winner in a patriotic essay-writing contest sponsored by the Pepsi-Cola Bottling Co. She won a $1,000 U.S. savings bond for herself and one for her school, plus a trip to Washington, D.C., to compete in the national contest sponsored by Pepsi-Cola. On Friday evening, June 19, Betsy, after competing with 200,000 young people from throughout the Nation, won the top honors—this was a $10,000 U.S. savings bond for herself and one for her school. I am indeed proud of Betsy Mayo of Jenks, Okla., who is a fine young American.

The essay follows:

WHY YOU'VE GOT A LOT TO LIVE

(By Betsy Mayo)

Hon. Dewey Bartlett,
Governor's Office,
State Capital Building,
Oklahoma City, Okla.

Dear Sir: I am a mediocre American.

When I was in the fourth grade, I learned that "mediocre" means ordinary, even commonplace, and I recognized myself immediately.

"Are we rich?" I asked my mother.

"No," she replied. "We're Middle-class Americans."

As I advanced in school, I declined in self-esteem. Not only am I mediocre, I continued

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to discover, but I am close to being a nonentity.

Men once tipped their hats to Grandfather because he claimed relationship to Abraham Lincoln. I failed to inherit this reward; Cousin Abe's kinfolk are prodigious.

When I was nine, I stood up in class and proudly announced: "I am one-sixteenth Cherokee Indian!" So were ten of my classmates.

I am truly mediocre, a mere dot among millions in the world's humanity-mass.

But I am also an American, which puts a different face on things. It means I am not consigned to mediocrity all my life because my background was not one of fame or fortune or because I lack charisma. I am free to participate in a world brimming with problems, but with a great deal of promise, too.

As a mediocre American, I represent this country's multiplicity, its very backbone, its visage before the world. Yet, with so many changes in the air and the constant drumbeat for improvement ever louder, this becomes a frightful responsibility, a temptation to fall back into the relative security of the pack.

But too many inherent reminders demand recognition. I cannot forget that because I am an American, my studies are not interrupted while I take my turn on some collective farm. My history books have not been re-written to disparage the past and exalt the present. I am not forced to join the underground in order to criticize the President of the United States.

I was born in an inspiring moment in history, preceded by a fabulous era of invention and technology; and I am alive now to take part in putting those efforts to work toward a better life for everyone.

I have a lot to live in today's world and a lot to give in tomorrow's. I may never create so much as a ripple on the broad sea of undercurrents of political corruption, campus morals, racial unrest, our foreign image, aid to the poor, concern for the sick and the elderly, employment opportunities, the upgrading of education and the many other whirlpools that seem to threaten to submerge us. But somewhere in tomorrow's scheme, a fitting job beckons and I hope to be ready, no matter how small the signal or the pond from which it comes.

God grant that I and many others of my generation may be able to rise above mediocrity and respond to the challenge.

Very truly yours,

BETSY MAYO.

USE OF PUBLIC SPACE BY LOBBY GROUPS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RHODES. Mr. Speaker, I have received the "Introduction" to a report issued by the Congressional Action Committee, Room 419 Vanderbilt Hall, 40 Washington Square South, New York, N.Y. As is stated in a paper attached to the "Introduction," the Congressional Action Committee says:

> We urge you to direct your efforts to supporting Congressional action to cut off further funds for Southeast Asia except for the purpose of withdrawing troops safely and systematically . . .
>
> Will you do all in your power to generate public support for a victorious roll call to end the war? Your letters, phone calls, petitions and personal visits to your Senators and Congressmen are urgently needed now and during the next crucial weeks.

Purportedly, this quote comes from a telegram received by the Congressional Action Committee from five Members of the other body. The "Introduction" purportedly is to a report which "contains articles and information on the war in Southeast Asia and the Congress of the United States. There is also a report on all Senators and Representatives to aid in your lobbying efforts. The reports are compiled from a feed-back of numerous groups which have been lobbying against the war in Washington." The "Introduction" then goes on to state that the report is made possible through the combined efforts of various groups, listing six of them. One of these groups is called Cornell University Lobby Group. The address of this group is given as 1741 Longworth Office Building, Washington, D.C. The phone number given for this group is 225–7169.

It seemed to me that the use, by a group frankly bent on lobbying the Congress, of space assigned to a Member of Congress, in a House Office Building, built by taxpayers' funds, was so curious that I investigated to see to whom this space was assigned. According to the House Public Buildings and Grounds Committee, 1741 Longworth is assigned to the Honorable BOB ECKHARDT of the State of Texas.

I also called the number given, 225–7169. A voice answered stating that I had reached Congressman ECKHARDT's office.

I am told by members of the Committee on Public Buildings and Grounds that space assigned to a Member may be used at the discretion of the Member, if not used illegally or for personal profit. I am not charging that Congressman ECKHARDT, if he made space available to a group frankly lobbying the Congress, has done anything illegal. I do not have the facts necessary to make this judgment. However, I do feel that the use of public space by any such group, without the proper payment of rent to the Government, is a misuse of public buildings, and of the money the taxpayers put up for their construction. Ethically, it seems to me that such use should not be tolerated by the House. It is my hope that the Committee on Public Buildings and Grounds will consider this matter with gravity, and will amend its regulations so that it becomes indelibly clear that public buildings are to be used for legitimate public purposes, not for groups lobbying the Congress for any cause.

The item follows:

INTRODUCTION

The following report contains articles and information on the war in Southeast Asia and the Congress of the United States. There is also a report on all Senators and Representatives to aid in your lobbying efforts. The reports are compiled from the feedback of numerous groups which have been lobbying against the war in Washington.

This report is made possible through the combined efforts of the following groups:

Bipartisan Congressional Clearing House, P.O. Box 8278, Washington, D.C. No. 638–2500.

Continuing Presence in Washington, 2115 "S" NW, Washington, D.C. No. 966–4158.

Cornell University Lobby Group, 1741 Longworth Office Bldg., Wash., D.C. No. 225–7169.

Law Students Against the War, 714 21st St. NW and 1220A Longworth Office Bldg., Wash., D.C. No. 676–7560.

Project Pursestrings, 1616 K St. NW, Wash., D.C. No. 265–6676.

Virginia Coalition, 2115 "S" St. NW, Wash., D.C. No. 232–0145.

Other specialized groups have been helping in this effort and their names and addresses can be obtained by calling the offices of the Congressional Action Committee.

The Congressional Action Committee at the NYU Law School has compiled and published this report for the use of all groups and individuals working to end the War.

When you meet with any senator, representative or his aide, please file a report with our office or one of the above listed groups. A sample report sheet follows.

For further information or copies of the report contact: Congressional Action Committee, Room 419, Vanderbilt Hall, 40 Washington Square South.

A GUIDE TO CONGRESSIONAL ACTION AGAINST THE WAR IN SOUTHEAST ASIA

(Telegram from Senators McGOVERN, HATFIELD, GOODELL, CRANSTON, and HUGHES)

MAY 27, 1970.

CONGRESSIONAL ACTION COMMITTEE,
Room 419 Vanderbilt Hall,
40 Washington Square South,
New York, N.Y.:

"We urge you to direct your efforts to supporting Congressional action to cut off further funds for Southeast Asia except for the purpose of withdrawing troops safely and systematically. . . .

"Will you do all in your power to generate public support for a victorious roll call to end the war? Your letters, phone calls, petition and *personal visits to your Senators and Congressmen* are urgently needed now and during the next *crucial weeks. . . .*"

USE OF OFFICE SPACE UNDER CONTROL OF REPRESENTATIVE ECKHARDT BY CERTAIN GROUPS

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, first, I want to thank the gentleman from Arizona (Mr. RHODES) for letting me know in advance that the statement was to be made which is, of course, a courtesy which is always recognized, and also for his moderate statement in this regard. I do think though since he has mentioned this point, it is incumbent upon me to explain exactly what my office was used for.

Mr. Ed Burton is an assistant professor of economics at Cornell University and a resident of Houston, Tex. He and a good number of other individuals, both students and faculty opposed to the Vietnam war, came to Washington and contacted a number of persons in Congress, which is of course their right.

During a period of time that embraced approximately 19 days this group was without a location. Therefore, they approached me and asked if they might simply use the annex office as a sort of gathering place.

Now, frankly, anyone who has ever come to my office from Houston or Harris County, or any other constituent or group which I think is expressing a legitimate position in a legitimate way, has always been told, quite freely, that they may use my office for headquarters. I

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think this is a courtesy that a Congressman owes to persons who come to his office and who are from among those from back home.

Mr. Speaker, as the gentleman from Arizona said, of course, there is nothing at all illegal about permitting people to peacefully express their viewpoints about governmental affairs. This is precisely what they were doing.

Frankly, I think one of the most commendable tendencies in our day has been the fact that faculty members and students are following the time-honored means of petitioning Government for redress. I want to encourage what was done in my annex office which was done with my knowledge. That office is just down the hall from my office. I use the annex office constantly.

The extension of this privilege is something I was glad to do and I am complimented that these Cornell people honored me by this request. I happen to know that there are some 500 Cornell alumni in Houston, Tex., and that there are 89 Texas students enrolled at Cornell. I have no apology whatsoever for affording this service to these members of the student body and faculty of Cornell.

SUBSTANTIAL AND PERMISSIVE SUPPORT OF A STATUTORY APPROACH TO LOWERING THE VOTING AGE

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RAILSBACK. Mr. Speaker, I am well aware that several Members have doubts as to the constitutionality of a statutory approach to lowering the voting age. I have in recent weeks tried to assure my colleagues that there is substantial and impressive expert opinion in support of a statutory approach. I will not repeat at this time the identities of those holding such views but I remind the Members of their existence. As a lawyer I am well aware that no one can speak with finality for the Supreme Court. I would remind my colleagues that this body has often passed legislation which had been attacked on the basis of constitutionality. A recent and excellent example is the District of Columbia crime bill. I supported that legislation and I did so notwithstanding the constitutional objections because it is the peculiar task of the Supreme Court to have the final word as to the constitutionality of legislation enacted by Congress. The Court exists for that purpose, among others. The provisions of the Organized Crime Control Act which is now undergoing hearings before the Judiciary Subcommittee on which I serve have been scathingly attacked on constitutional grounds. But I would suggest to my colleagues that in cases where there is bona fide and significant support for the constitutionality of legislation, then it is the duty of Congress to work its will on that legislation and leave it to the Court to make the final determination as to ultimate constitutionality.

Mr. Speaker, I take this opportunity to provide my colleagues with some thoughts concerning the Voting Rights Act, H.R. 4249, the amendment added by the Senate concerning the 18-year-old vote.

I testified before the Rules Committee in support of the requested rule and I hope my colleagues will support that rule and vote the previous question. It was also my privilege as a member of the Judiciary Committee to observe the introduction of H.R. 4249 and to participate in the lengthy hearings which comprise 458 pages of recorded testimony before that committee. I can assure my colleagues that the Judiciary Committee recommendation—House Report No. 91–397—was the result of an overwhelming vote of both the Republican and the Democratic committee members.

As you will recall, in December of last year, on the floor of the House, an administration substitute was offered which provided some improvements—including a nationwide uniform authorization for persons to vote in Presidential and Vice-Presidential elections if they have resided within a State since the first day of September preceding the November election; and including the expansion of the temporary ban on literacy tests to make it national rather than regional in scope and effect. However, many of us believed that the administration's substitute would represent a dilution of the effectiveness of the enforcement provisions of the original Voting Rights Act, and for that reason, opposed it. Among Judiciary Committee members, once again both the Republicans and Democrats overwhelmingly supported a simple extension—only eight committee members voting for the administration substitute and 25 voting against it. Nonetheless, the substitute passed by a narrow margin.

Now the Senate has passed a measure which I believe includes the best portions of the two choices which had been before the House. I believe the Senate-passed bill strengthens the Voting Rights Act on all counts by preserving the tough enforcement provisions which have been utilized in registering more than 800,000 black voters, and by incorporating a nationwide literacy test ban as well as uniform residency provisions. In addition, an amendment was adopted by a vote of 64 to 17 which has the effect of lowering the voting age in all States in all elections to 18 years of age. I believe that this is a good amendment and will serve these effective purposes: First, it gives our young people an opportunity to really participate in our system and undercuts those who would advocate overthrow of the existing system; second, it recognizes that our young people are better educated and equipped than ever before to exercise the voting franchise, and third it makes uniform the voting age level, which now ranges from 18 to 21 among the various States.

I strongly support the principle of granting the vote to those young people from the ages of 18 to 21. I testified earlier this year before a Senate subcommittee on the subject of the 18-year-old vote. At this point I quote from that testimony:

Mr. Chairman, in May of last year, a group of twenty-two Congressman, myself included, embarked upon a voluntary tour of college campuses. We organized into six regional groups and visited over fifty universities of all types and sizes. We met personally with many faculty, administrators, and with over a thousand students. We avoided advance publicity and sought no headlines. Our main purpose was to listen, not to lecture, and we came away with an insight into student outlooks which was not gathered second hand or under artificial circumstances, but first hand and under completely informal and natural conditions.

One important result of our visits was the preparation of a report which was submitted to President Nixon. This report, which has come to be known as the "Brock Report," contained several recommendations. I would like to refer to recommendation number four, entitled "Lower the voting age." Under that heading, I believe the following paragraph summarizes the feeling of many of us who would prefer to see less student riots and more student responsibility:

"The right to vote will give Young America the chance to become a responsible, participating part of our system. In essence they will have the chance to put their performance where their words are."

I am not sure just how and why the magic age of 21 was fixed as the age of majority. Professor Paul A. Freund has suggested that it began many centuries ago "because at that age a young man was deemed capable of bearing the heavy armor of a knight." I need not remind the Members of this Subcommittee that surveys have proven that about one-half of the servicemen killed by hostile action in Vietnam from 1961 to 1969 were too young to vote in most states. I would submit that we have demanded that our young men shoulder the heavy armor of a knight at ages far younger than that old hand-me-down magical age of 21, and at the same time we have hypocritically told these young human sacrifices of adult created wars that "we are sorry but we just can't trust you with the vote."

There is really very little that our laws and society do not already allow the 18 to 21-year-olds to do. In today's society the 18-year-old can marry, raise a family, divorce, work for a living, contribute to the tax revenues, and kill or be killed in military service. Often there is little difference between the father of age 21 and the father who is a teenager, except that the younger man can't vote for the policies or for the men who pass and approve the laws affecting him and his children.

Of the actual present day population of our country, approximately one-half is under the age of twenty-five. Similarly, approximately 40 percent is under the age of twenty. And these young people are better educated, physically superior, and longer living than any of their ancestors. In 1920, the average height of an 18-year-old boy was 69 inches and the average weight 126.6 pounds. In 1968, the average 18-year-old boy was 70.2 inches tall (over a full inch taller) and he weighed 144.8 pounds (nearly 20 pounds more).

In 1920, less than 30 percent of the high school age population was in high school, and only 17 percent of that age group actually was graduated. But today, more than 85 percent of Americans 14 through 17 are attending high school, and more than three-quarters of this group receive diplomas. Furthermore, in 1920, the number of high school graduates was 231,000, but in 1968 it was 2,008,000, or nearly ten times greater. Our youth of today, by virtue of the technological advances in television and other communications systems, by virtue of increased numbers and greater quality textbooks and study materials, by virtue of professionalized instructors and by virtue of more numerous and better quality educational institutions, are quite frankly and unquestionably better educated for their age than their parents or even their older brothers and sisters. Indeed, 18 to 21-year-olds already possess a better education than a great number of adults.

We do not like to confess that these young people have no effective voice in our national decision-making process. They are a non-enfranchised population. They are "outsiders" and cannot vote. In spite of their very best intentions and desire to make democracy work, the 18 to 21-year-old American does not have the privilege of participating in what we have taught him to be the most significant decision-making process—that of voting and governmental operation. Our own civil service regulations permit government employment of 18-year-olds, but our voting laws deny to these same 18-year-olds any voice in electing that government. Our laws tax these 18-year-olds, but our voting laws do not permit them representation in enacting that tax law. The Boston Tea Party was supposed to have been the spark that put that issue to rest in this country. The list of hard-to-explain hypocricies is lengthy and this Subcommittee has probably heard all or most of them already.

The thing that really motivates me to support this legislation is my deep and sincere conviction that the vast majority of our young people, particularly those on our college campuses, really do possess the desire and intelligence to not only vote responsibly, but to channel their actions in a democratic and socially acceptable manner to the great benefit of themselves and society. The commitment and the insight which our young people have demonstrated in such programs as the Peace Corps and Volunteers In Service To America (VISTA) is a good example.

The great message in the student unrest that we observe is not in its excesses, but in its mere existence. The student movement, not only in this country, but around the world, can signal a new age of partnership in progress, or it can be a struggle for responsibility demanded and denied. We hold the key. Responsibility is contagious. I foresee a partnership for progress. We can begin it by granting the 18-year-olds a voice and a vote.

As my testimony indicates, I feel deeply concerning this subject. There is overwhelming support for the granting of the voting franchise to those between the ages of 18 and 21. A poll taken by the Gallup organization shows that 58 percent of the American people favor lowering the voting age to 18 while only 38 percent oppose such action. At this point I include an article from the Washington Post on April 5, 1970, concerning the results of that poll:

[From the Washington Post, Apr. 5, 1970]

Gallup Poll: 18-Year-Old Vote Favored

(By George Gallup)

Princeton, N.J.—If the House of Representatives follows the lead of the Senate and approves of lowering the voting age to 18, it will be in accord with the wishes of the American people as recorded in surveys over the last 17 years.

Six adults in every ten in the latest survey (58 per cent) think persons 18, 19 and 20 years old should be permitted to vote.

A majority of persons 21 and older have expressed support for lowering the voting age since July, 1953, when 63 percent did so. Only 17 per cent voted in favor in 1939 when the first Gallup survey on this subject was conducted.

Many of those interviewed who favor lowering the voting age maintain that "if a person is old enough to fight, he's old enough to vote."

The Senate on March 12 approved, 64 to 17, legislation that would lower the voting age to 18 in all elections. The House will shortly consider this legislation.

Following is the question asked in the latest Gallup survey completed just last weekend. A total of 1350 persons 21 and older were interviewed in more than 300 localities across the nation, and asked this question.

Do you think that persons 18, 19 and 20 years old should be permitted to vote, or not?

Here are the latest results:	*Percent*
Should	58
Should not	38
No opinion	4

In all surveys on this issue older persons—who tend to be more affluent and more conservative than younger persons—are most opposed to lowering the voting age to 18.

According to the Youth Franchise Coalition, a nonprofit organization headed by Ian MacGowan, a total of 37 Governors support the lowering of the voting age. And a succession of Presidents, including President Nixon, has supported lowering the voting age. I think the question is fairly asked, with all that support, why has the voting age not been lowered?

I would remind my colleagues that the fine State of Georgia has had the 18-year-old vote since 1943. Governor Maddox and the Georgia Delegation in Congress can be appropriately proud of their leadership in this regard. The State of Kentucky has had the 18-year-old vote for 15 years. The States of Alaska and Hawaii permit the vote for 19 and 20 year olds respectively. The 18-year-old vote is not fatal. The States which have the lowered voting age have proven that it is workable.

And several foreign countries have lowered voting ages. Russia lowered the voting age to 18 in its 1936 constitution. Britain lowered the age to 18 last year. Bulgaria, Rumania and Hungary have the 18-year-old vote. An article in the New York Times of March 8, 1970 discusses the status of the lowered voting age in several foreign countries and I include it in my remarks at this point:

[From the New York Times, Mar. 8, 1970]

Trend in Many Nations Is Toward Vote for Youths

London, March 7.—Increasing numbers of young people around the world will soon be voting in national elections as a movement toward lowering the legal voting age steadily gathers momentum.

Britain, under the 1969 Family Reform Act, lowered the voting age from 21 to 18 on Jan. 1, and teen-agers will vote for the first time in a parliamentary special election next Thursday at Bridgewater in Somerset.

Several Commonwealth countries, including Canada, are debating whether to allow the British initiative. The United States also is considering a proposed constitutional amendment to lower the voting age from 21 to 18.

In many parts of the world, the movement toward younger voters is not new. Most Communist and Latin-American nations granted 18-year-olds the franchise many years ago.

The Soviet Union lowered the voting age to 18 in its 1936 Constitution. The same rules apply in Bulgaria, Rumania and Hungary.

SOCIALISTS APPARENTLY GAINED

Austria, adjoining the Communist nations of eastern Europe, lowered the voting age from 20 to 19 in 1968. Judging by returns in a general election March 1, the youth ballot helped increase the Socialist vote.

In Britain, Prime Minister Wilson hopes that the three million additional votes of people in the 18-to-21 age bracket will help get his Labor Government elected for another five years. But public opinion polls indicate that the new voters are as divided as their parents.

The election at Bridgewater, to fill a parliamentary vacancy, should provide an indication of how the teen-agers will vote in the next British general election, expected anytime between this spring and the end of Mr. Wilson's five-year term in May 1971.

It is estimated that 4,000 youngsters will be able to vote in the three-cornered contest at Bridgewater, where the Conservatives had a majority of 3,000 votes against Labor and Liberal candidates four years ago.

Britain's last major change in the franchise came in 1928 when the vote was given to women over the age of 21. At the time women won the vote in 1918, the minimum age was 30.

CAUTION BY ELDER VOTERS

A principal argument for suffrage for teenagers is that television, radio and other modern means of communication enable youth to comprehend the major issues of the day far better than their parents did at the same age.

Their vote and interest in politics would channel youthful energies in the ballot box instead of into street demonstrations, according to the politicians.

But the older generation fears that the teen-agers are too impetuous, that they might vote to overthrow the established order or elect a dangerous demagogue.

Many Latin-American nations now allow 18-year-old youths to vote as a result of recent changes in their constitutions.

Chileans over 18 will get the vote Nov. 4—after a general election in September. Colombia promises a change in April—after presidential elections.

In Mexico, the voting age is 18 for men and women, as it is in Ecuador, Uruguay, Venezuela, El Salvador, Guatemala and the Dominican Republic. Brazil permits 18-year-olds to vote if they are literate and can speak Portuguese, the national language.

The trend toward the younger voter transcends geographical and even ideological boundaries. Some Latin-American nations still cling to the 21-year-old principle while countries in other parts of the world strike a compromise at 20.

Sweden lowered the voting age last year to 20—the same age accepted by Japan and the Swiss national Government. But several cantons in Switzerland are seeking to lower the voting age in local elections to 19 or 18.

In Ceylon, the voting age was lowered from 21 to 18 a decade ago, New Zealand reduced the age to 20 last year.

South Africa has allowed 18-year-olds to vote since 1958; but in Black Africa, the general level so far has been 21.

I remind my colleagues that I am a sponsor of House Joint Resolution 865, which I introduced on August 5, 1969, and which would provide for lowering the age by constitutional amendment. Two-thirds of the Members of the Senate were cosponsors of a constitutional amendment introduced in the Senate. Yet these proposals have actually gone nowhere. And I must frankly state that it is my opinion that it would take several years before the lowered voting age would become a reality via the procedure of constitutional amendment. If it is not

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necessary to consume that inordinate amount of time, and if we are truly in favor of a lowered voting age, then why not take advantage of the opportunity which is now before this House and accomplish the same end result only through statutory procedure?

I am well aware that several of my colleagues have doubts as to the constitutionality of taking the statutory approach to accomplish the result of a lowered voting age. I have in recent weeks tried to give assurances to my colleagues that there is impressive expert opinion in support of a statutory approach. I will not repeat at this time these views but I do wish to remind the Members of such expert opinions. As a lawyer I am well aware that no one can speak with finality for the Supreme Court; however, it is significant to note that both practitioners and legal scholars of great stature have supported the effort to proceed via statute. The preeminent and prestigious Association of the Bar of the City of New York, by its committee on Federal legislation, has prepared recently a report on the constitutional issue and I received this report only yesterday. At this point I wish to call the report to the attention of my colleagues and I include the report in my remarks:

The Association of the Bar of the City of New York

STATUTORY REDUCTION OF THE VOTING AGE

(By the Committee on Federal Legislation)

In February 1970, this Association issued a report which considered the proposed extension of the Voting Rights Act of 1965 and the Administrations' alternative, urging that the trigger clause and prior clearance provisions of the Voting Rights Act be extended for an additional five-year period.[1] We opposed those provisions of the Administration's bill which would eliminate the requirement of prior clearance for voting law changes in jurisdictions with a history of discrimination and which would have the Attorney General send voting examiners throughout the nation, rather than concentrate them in jurisdictions which had been identified by the Act's trigger clause. We endorsed as desirable voter reforms the Administration bill's proposed nationwide ban on literacy tests and national residency standards for presidential elections.

In March 1970, the Senate adopted a substitute for the Administration bill which would: extend the Voting Rights Act of 1965 for an additional five-year period; prescribe national residency standards for voting in presidential elections; impose a nationwide suspension on literacy tests; and modify the trigger clause to apply to jurisdictions in which less than 50% of the voting age population were registered for or voted in the 1964 or 1968 presidential election. The bill also contained a provision which would reduce to eighteen the voting age for national, state and local elections. The Senate bill will be considered shortly by the House of Representatives under a rule whereby it must be approved or disapproved in its entirety.

This report is directed to the provision for reducing the voting age. This is one aspect of the present bill on which we had not commented in our prior report and it is an aspect that must be considered and resolved by members of the House when they vote on the bill in its entirety. We are of the unanimous opinion that the voting age may constitutionally be reduced by statute. We also believe that such a reduction is desirable.

We strongly urge approval of the entire Voting Rights Act in the form now before the House, for the reason stated in our previous report supplemented by the reasons stated below.

* * * * *

The issue of eighteen year old voting has had a long history in our country. Serious efforts to lower the voting age were made following the Civil War and during World War I, World War II and the Korean Crisis. These proposals, however, met with little legislative success.[2]

The arguments now being made on this issue are also not new. Having re-examined these arguments in the context of present-day America, we believe that there is no compelling reason for continuing the disfranchisement of eighteen year olds. A principle of our society in that government rests on the consent of the governed, as expressed through the medium of voting. Mass participation in voting is essential to represent the will of all the people, and the enfranchisement of most major groups is needed to order legitimate government in the eyes of each group. When we consider the increased educational level and political maturity of the nation's youth and the civil and military responsibilities which they are expected to assume at age eighteen, we can only conclude that they should also be afforded access to the ballot box.

We cannot close our eyes to the daily news reports which attest to the disaffection and frustration of today's youth and their desire to be involved in the political processes of our government. It is all the more important in these times of unrest in our country that this major segment of our population have the opportunity to express itself in the orderly and peaceful processes of elections for legislators and executives. We are not impressed with the arguments that the reduction of the voting age will weaken majority rule and have undesirable effects on our party system and governmental structure. In this regard, we are reminded of similar views which were expressed in the period before elimination of property restrictions on the right to vote and again before extension of the franchise to women and to black citizens. These reforms served to strengthen our system. We expect the same result if the franchise is extended to eighteen year olds.

* * * * *

Turning to the constitutional question, we find sufficient support for a statutory reduction of the voting age in Congress' authority to enact "appropriate legislation" to enforce the provisions of the Fourteenth Amendment. This authority, contained in Section 5 of the Fourteenth Amendment, has been broadly construed by the Supreme Court in recent decisions, most notably in *Katzenbach v. Morgan*, 384 U.S. 641 (1966). In that case, the Court upheld the constitutionality of Section 4(e) of the Voting Rights Act of 1965, whose principal effect was to prohibit New York State's English literacy requirement for voters. The Supreme Court's position was that Congress could forbid New York's English literacy test whether or not the test violated the Constitution. The Court reasoned that even though the test might not itself deny equal protection, its elimination could be viewed as a measure designed to protect New York's Puerto Rican community against discriminatory treatment by government.

The *Morgan* case indicates that in adopting appropriate legislation under the Fourteenth Amendment, Congress is authorized to intrude upon the reserved powers of the states even when its action tends only indirectly to insure compliance with the Fourteenth Amendment. The Court demonstrated its willingness to accede to the congressional judgment as to the necessity for any such imposition on state interests.

"It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . *It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.*"[3]

Given the Court's statements that Section 4(e) "may be viewed" as designed to secure equal protection and that it was satisfied merely with being able to "perceive a basis" upon which Congress might reach its conclusion, it is clear that Congress possesses far-reaching authority to adopt legislation based upon the Fourteenth Amendment. If a congressional enactment prohibits state action which is arguably discriminatory, the *Morgan* decision offers constitutional support for the congressional prohibition.

It is proper that Congress be given such broad discretion in enforcing the guarantees of the Fourteenth Amendment. It is particularly important that Congress, as the selected representatives of the people, be empowered to determine when state voting laws fall short of the standards of the equal protection clause.

We have no doubt that there is ample basis for a congressional determination that states unfairly discriminate against persons between eighteen and twenty-one when they deny those persons the right to vote. The fact that eighteen year olds assume so many of the responsibilities of older citizens (not the least of which is their obligation to serve in the armed services) offers sufficient justification for a congressional judgment that it is unreasonable to deprive them of the essential right to vote.

Futhermore, young people today are highly capable of making intelligent voting decisions. Today's youth have attained educational levels and political maturity and awareness not manifested by the eighteen year olds of earlier generations. For example, 79% of persons between eighteen and twenty-one today are high school graduates, while only 17% of persons in the same age bracket in 1920 had graduated from high school. While 47% of today's eighteen year olds attend college, only 18% were in college in 1920.[4] Statistics such as these support a congressional finding that voting age requirements established almost 200 years ago are now outmoded.

Although the position that Congress may reduce the voting age by statute has received the support of respected constitutional authorities,[5] other noted scholars contend that a lower voting age may be implemented solely by means of a constitutional amendment. Six Yale Law School professors recently challenged the constitutional basis for a statutory voting age reduction, questioning the breadth of the Supreme Court's decision in *Katzenbach* v. *Morgan* and pointing to the provisions of Section 2 of the Fourteenth Amendment.[6] They claimed that *Morgan* deals only with policing state restrictions on ethnic minorities and that it was inappropriate to extend its application to a measure affecting all young Americans. We do not agree that the *Morgan* decision must be limited in that fashion. The nation's youth constitute a group which may be the victim of unreasonable voting discrimination as much as females, black citizens of the southern states or Puerto Rican residents of New York State.

The six Yale professors also argued that Section 2 of the Fourteenth Amendment explicitly recognizes the age of twenty-one as a "presumptive bench mark" for grant of the right to vote and that it is difficult to construe that equal protection clause to permit Congress to modify that constitutional presumption. Section 2 provides:

Footnotes at end of article.

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"When the right to vote at any election for the choice of electors for President and Vice-President of the United States . . . is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

We cannot see how this provision precludes Congress from lowering the voting age to eighteen. Section 2 was designed to implement the grant of the franchise to blacks and its mention of the age of twenty-one was merely intended as a reference to those persons who, by the prevailing standards of the 1860's, would be eligible to vote but for the color of their skin. The fact that the voting age was twenty-one a century ago does not resolve the question whether the same age requirement constitutes unreasonable discrimination in the 1970's. As the Supreme Court has recognized, concepts of equal protection "do change."[7]

Some authorities have expressed concern over the uncertainty which could result if the voting age provisions of the bill were invalidated by the courts subsequent to its implementation. We believe that the voting age provisions effectively deal with this problem by adopting an effective date of January 1, 1971 for the age reduction and providing for expedited judicial proceedings.

* * * * *

The Supreme Court has made it clear in other areas that where the right to vote is denied, the burden lies with those withholding that right to demonstrate that the denial is necessary to protect a compelling state interest.[8] The issue here is analogous; it is a heavy burden to justify the denial of the franchise to ten million citizens aged eighteen to twenty-one who are by standards of education, exposure to media, bearing of the responsibilities of citizenship, concern for the national welfare and all other criteria of political maturity an integral part of our society. We do not believe that those who would deny young people the right to vote can sustain such a burden. These young citizens should be placed in the political mainstream at the earliest possible opportunity. For these reasons, we support the provision of the Senate bill which would reduce the voting age to eighteen.

CONCLUSION

The Voting Rights bill should be approved in its entirety, including the provision for lowering the minimum voting age to eighteen.

June 11, 1970.

Respectively submitted.

Committee on Federal Legislation, The Association of the Bar of the City of New York.

MEMBERS

Sheldon H. Elsen, *Chairman;* John F. Cannon, Harvey P. Dale, Nanette Dembitz (Hon.), Ambose Doskow, Michael S. Fawer, John D. Feerick, Peter M. Fishbein, Mahlon Frankhauser, Robert L. Friedman, Robert J. Geniesse, R. Kent Greenawalt, Conrad K. Harper, Thomas V. Heyman, David M. Levitan, Arthur Liman, Jerome Lipper, John Lowenthal, James H. Lundquist, Michael G. Marks, Edward A. Miller, Alan Palwick, William B. Pennell, Irving Younger (Hon.).

FOOTNOTES

[1] 25 Record of N.Y.C.B.A. 250 (1970).

[2] Georgia lowered the voting age to eighteen in 1943 and Kentucky did the same in 1955. Alaska entered the Union with a voting age of nineteen and Hawaii with an age of twenty.

[3] 384 U.S. at 653 (emphasis added).

[4] Testimony of Senator Edward M. Kennedy, Cong. Record, March 11, 1970, p. 6936–40.

[5] See, e.g., address of Paul A. Freund and statement of Archibald Cox, Cong. Record, March 11, 1970, p. 6934–36, Cox, *Foreword: Constitutional Adjudication and the Promotion of Human Rights,* 80 Harv. L. Rev. 91, 107 (1966).

[6] Letter to the Editor from Alexander M. Bickel, Charles L. Black, Jr., Robert H. Bork, John Hart Ely, Louis H. Pollak, Eugene V. Rostow, in The New York Times, April 5, 1970, p. 43.

[7] *Harper* v. *Virginia Board of Elections,* 383 U.S. 663, 669 (1966).

[8] See, e.g., *Kramer* v. *Union Free School District,* 395 U.S. 621 (1969); *McDonald* v. *Board of Election Comm'rs of Chicago,* 394 U.S. 802 (1969).

Some of my colleagues have told me of their feelings that we should not legislate in an atmosphere of constitutional doubt. I am constrained to remind them that we have often done so. A recent and excellent example is the District of Columbia crime bill, which has been subject to a great amount of criticism by constitutional scholars. I supported that legislation and I did so because it is the peculiar task of the Supreme Court to have the final word as to the constitutionality of legislation enacted by Congress. The Court exists for that purpose, among others. The provisions of the Organized Crime Control Act, which is now undergoing hearings before the Judiciary Subcommittee on which I serve, have been scathingly attacked on constitutional bases by constitutional experts. But, I would suggest to my colleagues that in cases where there is bona fide and significant support for the constitutionality of legislation, then it is the duty of Congress to work its will on that legislation and leave it to the Court to make the final determination as to the ultimate constitutionality. I submit that it is an insufficient reason for opposing legislation to merely take the position that there may be some doubt as to its ultimate constitutionality.

Finally, I would remind my colleagues that this legislation is drafted in a manner so as to actually invite an early determination of the very doubts which they express on the constitutionality of the measure. The amendment to the Voting Rights Act bill is drafted so as to direct the courts to expedite cases questioning the legality of the law. I included in my testimony before the Rules Committee a summary of the possibilities of a prompt judicial test of the 18-year-old voting provisions of the pending Senate-passed bill, and I include them at this point in my remarks:

Probability of a Prompt Judicial Test for the 18-Year-Old Vote

President Nixon's recent challenge of the legislation that would lower the voting age to 18 was based primarily on a fear that any legal contest to such a law might not be reached before 1972 and thus would jeopardize the proceedings of the Presidential elections to be held that year. However, from extensive legal research and a brief review of the provisions of this legislation, it is reasonable to conclude that a court case on the validity of an 18-year-old voting statute will be initiated and resolved before January 1, 1971, the date the legislation goes into effect.

Several possible approaches could be employed to achieve a test case. For all of these alternatives, the courts would be justified in ruling on the validity of the provisions if elements of an actual controversy were present. Thus, a test case could be started once the bill was signed into law.

In one approach a case arising between a state and the Attorney General, the Supreme Court would have original jurisdiction. The State could file a complaint with the Supreme Court requesting a declaratory judgment that the provision is unconstitutional and an injunction against its enforcement. South Carolina followed this procedure in 1965 when it questioned the validity of the Voting Rights Act through *South Carolina* v. *Katzenbach,* 383 V.S. 301 (1966). The basic problem was registration of voters under the Federal provisions. Obviously, the situation will present itself again when 18-year-olds try to register for local elections after the bill is passed.

Another alternative would have the Attorney General file a complaint against a specific State challenging the validity of the state law setting the voting age of 21. Section 303 of the Senate-passed version of the Voting Rights Act clearly gives the Justice Department this power, authorizing the Attorney General to begin proceedings involving States or political subdivisions. Indeed this procedure was successfully tried in *United States.* v. *Alabama,* 252 F. Supp. 95 (1966) to enforce the poll tax provision of the 1965 Voting Rights Act. Using this method, the action would initiate before a special three-judge Federal district court and be appealed directly to the Supreme Court for final deliberations.

A third possibility would arise if state officials filed suit against the Attorney General challenging the constitutionality of the voting age section of the statute. As in the preceding alternative, the decision of a special three-judge court would be appealed directly to the Supreme Court.

Finally an individual could file suit against State or local election officials if they denied him the right to register to vote. The individual could cooperate with the Attorney General which would test the constitutionality of the State law setting the voting age at 21. This was the method used in *Harper* v. *Virginia Board of Elections,* 383, U.S. 653 (1966), when a group of Virginia residents challenged the constitutionality of Virginia's poll tax.

The question of constitutionality should easily be decided by January 1, 1971. Even if the test case were initiated in the three-judge court procedure, there would be no greater delay than if proceedings originated directly in the Supreme Court. The case would be argued during the Supreme Courts summer recess and presented to the Court when it returns in October.

It is important to note that quick judicial decisions have been vital for social problems several times during the past five years, and in each case action was successfully completed in a short time period. One important example concerns the already mentioned *South Carolina* v. *Katzenbach.* Since this case tested the 1965 Voting Rights Act the necessity of an early decision was nearly exactly analogous to the present instance. Total proceedings on the bill took less than six months. In another instance, *Williams* v. *Rhodes,* 393 U.S. 23 (1968) George Wallaces American Independent Party attempted to gain a spot on the Ohio ballot for the 1968 Presidential election. The case took less than a month after Supreme Court review was sought. Just last fall *Alexander* v. *Holmes County Board of Education* 396 U.S. 19 (1966) sought immediate school integration. In this instance a decision was rendered in a little more than a month after the case was filed.

In short it is clear that ample precedents are available for a prompt test of the constitutionality of the statutory approach to

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the 18-year old vote. Little justification exists for employing the fear of disturbing the 1972 elections in order to continue to deny the franchise to 11 million young Americans qualified to vote. They have waited too long already, and to fail to act now would return the issue to a legislative route that has kept it bogged down in Congress for 26 years. Since the constitutionality should be left to the courts your vote will be counted as a true test of your sentiments on the issue.

In summary, I say to my colleagues that the Senate-passed Voting Rights Act package is good legislation. It combines the best of the two versions which were before the House earlier in this session and should come as no surprise to the Members. The 18-year-old vote amendment offered in the Senate was thoroughly debated by that body, including much discussion of the constitutionality issue. The Senate passage of the amendment was by the nearly 4 to 1 margin of 64 to 17. The Members of the House have been subjected in recent weeks to bombardment by other Members and by various groups with information and argument concerning the 18-year-old vote provisions. I doubt whether additional discussion would shed much light on the only question of any major proportions, namely the constitutionality of the statutory procedure. The Supreme Court is the only body which can settle that question, and the legislation provides for a speedy presentation of the question to the Court.

SUPREME COURT'S DRAFT RULING AN IMPOSSIBLE BURDEN

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, yesterday the U.S. Supreme Court handed down two decisions relating to this Nation's military draft system—Welch against United States and Mulloy against United States—which are right in principle but which may well impose an impossible burden on local draft boards.

The Welsh decision in particular, has opened a virtual Pandora's box that will force local draft boards to make near impossible judgments as to whose beliefs are "deeply held."

Dr. Curtis Tarr, the Director of the Selective Service System, was asked at his press conference this morning whether the Supreme Court's rulings would place an impossible burden on local boards and, I am told, his response was, "That may well be the case—I'm sure going to have a tremendous workload." Dr. Tarr also stated that he would not oppose legislation which would restore the previous interpretation of the standards for qualification as a conscientious objector and that this "would certainly make our job a lot easier."

A further complication of the recent rulings is the interpretation which the Selective Service System intends to give the rulings. Dr. Tarr stated that within a week he hoped to promulgate national standards for local boards to use in determining who qualifies as a conscientious objector under the new law. These standards, Dr. Tarr said, will require that:

First, a man's beliefs must, without question, be sincere;

Second, a man must be opposed to war in any form;

Third, a man's beliefs must be more than a personal moral code and must involve the thoughts of other wise men; and

Fourth, a man's beliefs must be the result of some kind of rigorous training.

Dr. Tarr was asked whether this last requirement would not work to the benefit of those young men who had gained a college education. I am told his response was that there "always has been an advantage to the intelligent man and I think neither you nor I would want to change that."

Mr. Speaker, the Court's rulings and Dr. Tarr's response make clear once again that what is needed is total reform of the military draft system. Last week I introduced a bill with bipartisan support which would replace the Selective Service Systems with a program that would enable a young man of 18 to make one of three decisions:

First. To volunteer for the military; or

Second. To volunteer for civilian service as an alternative; or

Third. To enter a draft lottery.

Our plan includes various balances, such as the length of time a young man would serve in a civilian capacity, to ensure an orderly flow of men into all three options. This would have two important results. First, it would make it possible for any young man to decide for himself whether or not he cared deeply enough about not serving in the military to commit himself to 3 or 4 years of service as a civilian. Second, it would provide much needed manpower for such jobs as hospital work, ghetto teaching, reforestation or police work.

Mr. Speaker, the chairman of the Armed Services Committee, Mr. RIVERS, has agreed to hold comprehensive hearings on the draft in the present Congress. The Court's decisions make it now more important than ever to enact meaningful draft reform.

I include at this point the full text of these two important Supreme Court decisions:

[Supreme Court of the United States, No. 76.—October term, 1969]

ELLIOTT ASHTON WELSH, II, PETITIONER, v. UNITED STATES

[June 15, 1970]

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

Mr. Justice Black announced the judgment of the Court and delivered an opinion in which Mr. Justice Douglas, Mr. Justice Brennan, and Mr. Justice Marshall join.

The petitioner, Elliott Ashton Welsh, II, was convicted by a United States district judge of refusing to submit to induction into the Armed Forces in violation of 50 U.S.C. App. § 462(a), and was on June 1, 1966, sentenced to imprisonment for three years. One of petitioner's defenses to the prosecution was that § 6(j) of the Universal Military Training and Service Act exempted him from combat and noncombat service because he was "by reason of religious training and belief . . . conscientiously opposed to participation in war in any form."[1] After finding that there was no religious basis for petitioner's conscientious objector claim, the Court of Appeals, Judge Hamley dissenting, affirmed the conviction. 404 F. 2d 1078 (1968). We granted certiorari chiefly to review the contention that Welsh's conviction should be set aside on the basis of this Court's decision in *United States* v. *Seeger*, 380 U.S. 163 (1965), 396 U.S. 816 (1969). For the reasons to be stated, and without passing upon the constitutional arguments which have been raised, we reverse the conviction because of its fundamental inconsistency with *United States* v. *Seeger, supra.*

The controlling facts in this case are strikingly similar to those in *Seeger*. Both Seeger and Welsh were brought up in religious homes and attended church in their childhood, but in neither case was this church one which taught its members not to engage in war at any time for any reason. Neither Seeger nor Welsh continued his childhood religious ties into his young manhood, and neither belonged to any religious group or adhered to the teachings of any organized religion during the period of his involvement with the Selective Service System. At the time of their registration for the draft, neither had yet come to accept pacifist principles. Their views on war developed only in subsequent years, but when their ideas did fully mature both made applicaton with their local draft boards for conscientious objector exemptions from military service under § 6(j) of the Universal Military Training and Service Act. That section then provided, in part:[2]

"Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

In filling out their exemption applications both Seeger and Welsh were unable to sign the statement which, as printed in the Selective Service form, stated "I am, by reason of my religious training and belief, conscientiously opposed to participation in war in any form." Seeger could sign only after striking the words "training and" and putting quotations marks around the word "religious." Welsh could sign only after striking the words "religious training and." On those same applications, neither could definitely affirm or deny that he believed in a "Supreme Being," both stating that they preferred to leave the question open.[3] But both Seeger and Welsh affirmed on those applications that they held deep conscientious scruples against taking part in wars where people were killed.

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[1] 62 Stat. 612. See also 50 U.S.C. App. § 456 (j). The entire provision as it read during the period relevant to this case is set out *infra*, at 2–3.

[2] 62 Stat. 612. An amendment to the Act in 1967, subsequent to the Court's decision in the *Seeger* case, deleted the reference to a "Supreme Being" but continued to provide that "religious training and belief" does not include "essentially political, sociological, or philosophical views, or a merely personal moral code." 81 Stat. 104, 50 U.S.C. App. § 456(j).

[3] In his original application in April 1964, Welsh stated that he did not believe in a Supreme Being, but in a letter to his local board in March 1965, he requested that his original answer be stricken and the question left open. App., at 29.

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Both strongly believed that killing in war was wrong, unethical, and immoral, and their consciences forbade them to take part in such an evil practice. Their objection to participating in war in any form could not be said to come from a "still, soft voice of conscience"; rather, for them that voice was so loud and insistent that both men preferred to go to jail rather than serve in the Armed Forces. There was never any question about the sincerity and depth of Seeger's convictions as a conscientious objector, and the same is true of Welsh. In this regard the Court of Appeals noted, "[t]he government concedes that (Welch's) beliefs are held with the strength of more traditional religious convictions." 404 F. 2d at 1081. But in both cases the Selective Service System concluded that the beliefs of these men were in some sense insufficiently "religious" to qualify them for conscientious objector exemptions under the terms of § 6(j). Seeger's conscientious objector claim was denied "solely because it was not based upon a 'belief in a relation to a Supreme Being' as required by § 6(j) of the Act." *United States* v. *Seeger,* 380 U.S. 163, 167 (1965), while Welsh was denied the exemption because his Appeal Board and the Department of Justice hearing officer "could find no religious basis for the registrant's belief, opinions, and convictions." App., at 52. Both Seeger and Welsh subsequently refused to submit to induction into the military and both were convicted of that offense.

In *Seeger* the Court was confronted, first, with the problem that § 6(j) defined "religious training and belief" in terms of a "belief in a relation to a Supreme Being . . . ," a definition which arguably gave a preference to those who believed in a conventional God as opposed to those who did not. Noting the "vast panoply of beliefs" prevalent in our country, the Court construed the congressional intent as being in "keeping with its long-established policy of not picking and choosing among religious beliefs," *id.,* at 175, and accordingly interpreted "the meaning of religious training and belief so as to embrace *all* religions . . . ." *Id.,* at 165. (Emphasis added.)

But, having decided that all religious conscientious objectors were entitled to the exemption, we faced the more serious problem of determining which beliefs were "religious" within the meaning of the statute. This question was particularly difficult in the case of Seeger himself. Seeger stated that his was a "belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed." 380 U.S., at 166. In a letter to his draft board, he wrote:

"My decision arises from what I believe to be considerations of validity from the standpoint of the welfare of humanity and the preservation of the democratic values which we in the United States are struggling to maintain. I have concluded that war, from the practical standpoint, is futile and self-defeating, and that from the more important moral standpoint, it is unethical." 326 F. 2d 846, 848 (1964).

On the basis of these and similar assertions, the Government argued that Seeger's conscientious objection to war was not "religious" but stemmed from "essentially political, sociological, or philosophical views or a merely personal moral code."

In resolving the question whether Seeger and the other registrants in that case qualified for the exemption, the Court stated that "(the) task is to decide whether the beliefs professed by a registrant are sincerely held and wether they are, *in his own scheme of things,* religious." 380 U.S., at 185. (Emphasis added.) The reference to the registrant's "own scheme of things" was intended to indicate that the central consideration in determining whether the registrant's beliefs are religious is whether these beliefs play the role of a religion and function as a religion in the registrant's life. The Court's principal statement of its test for determining whether a conscientious objector's beliefs are religious within the meaning of § 6(j) was as follows:

"The test might be stated in these words: A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition." 380 U.S., at 176.

The Court made it clear that these sincere and meaningful beliefs which prompt the registrant's objection to all wars need not be confined in either source or content to traditional or parochial concepts of religion. It held that § 6(j) "does not distinguish between externally and internally derived beliefs," *id.,* at 186, and also held that "intensely personal" convictions which some might find "incomprehensible" or "incorrect" come within the meaning of "religious belief" in the Act. *Id.,* at 184–185. What is necessary under *Seeger* for a registrant's conscientious objection to all war to be "religious" within the meaning of § 6(j) is that this opposition to war stem from the registrant's moral, ethical, or religious beliefs about what is right and wrong and that these beliefs be held with the strength of traditional religious convictions. Most of the great religions of today and of the past have embodied the idea of a Supreme Being or a Supreme Reality—a God—who communicates to man in some way a consciousness of what is right and should be done, of what is wrong and therefore should be shunned. If an individual deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual "a place parallel to that filled by . . . God" in traditionally religious persons. Because his beliefs function as a religion in his life, such an individual is as much entitled to a "religious" conscientious objector exemption under § 6(j) as is someone who derives his conscientious opposition to war from traditional religious convictions.

Applying this standard to Seeger himself, the Court noted the "compulsion to 'goodness'" which informed his total opposition to war, the undisputed sincerity with which he held his views, and the fact that Seeger had "decried the tremendous 'spiritual' price man must pay for his willingness to destroy human life." 380 U.S., at 186–187. The Court concluded:

"We think it clear that the belief's which prompted his objection occupy the same place in his life as the belief in a traditional deity holds in the lives of his friends, the Quakers." 380 U.S., at 187.

Accordingly, the Court found that Seeger should be granted conscientious objector status.

In the case before us the Government seeks to distinguish our holding in *Seeger* on basically two grounds, both of which were relied upon by the Court of Appeals in affirming Welsh's conviction. First, it is stressed that Welsh was far more insistent and explicit than Seeger in denying that his views were religious. For example, in filling out their conscientious objector applications, Seeger put quotation marks around the word "religious," but Welsh struck the word "religious" entirely and later characterized his beliefs as having been formed "by reading in the fields of history and sociology." App., at 22. The Court of Appeals found that Welsh had "denied that his objection to war was premised on religious belief" and concluded that "the Appeal Board was entitled to take him at his word." 404 F. 2d, at 1082. We think this attempt to distinguish *Seeger* fails for the reason that it places undue emphasis on the registrant's interpretation of his own beliefs. The Court's statement in *Seeger* that a registrant's characterization of his own belief as "religious" should carry great weight, 380 U.S., at 184, does not imply that his declaration that his views are nonreligious should be treated similarly. When a registrant states that his objections to war are "religious," that information is highly relevant to the question of the function his beliefs have in his life. But very few registrants are fully aware of the broad scope of the word "religious" as used in § 6(j), and accordingly a registrant's statement that his beliefs are nonreligious is a highly unreliable guide for those charged with administering the exemption. Welsh himself presents a case in point. Although he originally characterized his beliefs as nonreligious, he later upon reflection wrote a long and thoughtful letter to his Appeal Board in which he declared that his beliefs were "certainly religious in the ethical sense of that word." He explained:

"I believe I mentioned taking of life as not being, for me, a religious wrong. Again, I assumed Mr. Bradley (the Department of Justice hearing officer) was using the word 'religious' in the conventional sense, and, in order to be perfectly honest did not characterize my belief as 'religious.'" App., at 44–45.

The Government also seeks to distinguish *Seeger* on the ground that Welsh's views, unlike Seeger's, were "essentially political, sociological, or philosophical or a merely personal moral code." As previously noted, the Government made the same argument about Seeger, and not without reason, for Seeger's views had a substantial political dimension. *Supra,* at 4–5. In this case, Welsh's conscientious objection to war was undeniably based in part on his perception of world politics. In a letter to his local board, he wrote:

"I can only act according to what I am and what I see. And I see that the military complex wastes both human and material resources, that it fosters disregard for (what I consider a paramount concern) human needs and ends; I see that the means we employ to 'defend' our 'way of life' profoundly change that way of life. I see that in our failure to recognize the political, social, and economic realities of the world, we, *as a nation,* fail our responsibility *as a nation.*" App., at 30.

We certainly do not think that § 6(j)'s exclusion of those persons with "essentially political, sociological, or philosophical views or a merely personal moral code" should be read to exclude those who hold strong beliefs about our domestic and foreign affairs or even those whose conscientious objection to participation in all wars is founded to a substantial extent upon considerations of public policy The two groups of registrants which obviously do fall within these exclusions from the exemption are those whose beliefs are not deeply held and those whose objection to war does not rest at all upon moral, ethical, or religious principle but instead rests solely upon considerations of policy, pragmatism, or expediency. In applying § 6(j)'s exclusion of those whose views are "essentially political, etc.," it should be remembered that these exclusions are definitional and do not therefore restrict the category of persons who are conscientious objectors "by religious training and belief." Once the Selective Service System has taken the first step and determined under the standards set out here and in *Seeger* that the registrant is a "religious" conscientious objector, it follows that his views cannot be "essentially political, sociological or philosophical." Nor can they be a "merely personal moral code." See *United States* v. *Seeger,* 380 U.S., at 186.

Welsh stated that he "believe[d] the taking

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of life—anyone's life—to be morally wrong." App., at 44. In his original conscientious objector application he wrote the following:

"I believe that human life is valuable in and of itself; in its living; therefore I will not injure or kill another human being. This belief (and the corresponding 'duty' to abstain from violence toward another person) is not 'superior to those arising from any human relation.' On the contrary: *it is essential to every human relation*. I cannot, therefore, conscientiously comply with the Government's insistence that I assume duties which I feel are immoral and totally repugnant." App., at 10. Welsh elaborated his beliefs in later communications with Selective Service officials. On the basis of these beliefs and the conclusion of the Court of Appeals that he held them "with the strength of more traditional religious convictions,' 404 F. 2d, at 1081, we think Welsh was clearly entitled to a conscientious objector exemption. Section 6(j) requires no more. That section exempts from military service all those whose consciences, spurred by deeply held moral, ethical, or religious beliefs, would give them no rest or peace if they allowed themselves to become a part of an instrument of war.

The judgment is reversed.

Mr. Justice Blackmun took no part in the consideration or decision of this case.

[Supreme Court of the United States, No. 655.—October Term, 1969]

Joseph Thomas Mulloy, Petitioner, v. United States.

On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit.

[June 15, 1970]

Mr. Justice Stewart delivered the opinion of the Court.

Following a jury trial in the United States District Court for the Western District of Kentucky, the petitioner was convicted for refusing to submit to induction into the Armed Forces in violation of 50 U.S.C. App. 462(a). He was sentenced to five years' imprisonment and fined $10,000, and his conviction was affirmed by the Court of Appeals for the Sixth Circuit. 412 F. 2d 421. We granted certiorari, 396 U.S. 1036, to consider the petitioner's contention, raised both in the trial court and in the Court of Appeals, that the order to report was invalid because his local board had refused to reopen his I–A classification following his application for a I–O classification as a conscientious objector. The argument is that it was an abuse of discretion for the Board to reject his conscientious objector claim without reopening his classification, and by so doing to deprive him of his right to an administrative appeal.

I

On October 17, 1967, the petitioner, who was then 23 years old and classified I–A (available for military service), wrote to his local Selective Service Board that "after much, much thinking, seeking and questioning of my own religious upbringing and political experience I have concluded that I am a conscientious objector and am therefore opposed to war in any form." In response to this letter the clerk sent him the Special Form for Conscientious Objectors (SSS Form 150), which he promptly completed and returned.[1]

The petitioner stated in the form that he was conscientiously opposed by reason of his religious training and belief to participation in war in any form. He said that he believed in a Supreme Being and that this belief involved duties superior to those arising from any human relation; that his religious training had taught him that it was against God's law to kill, and that as a member of the armed services he would be obliged to kill or indirectly assist in killing. In response to the form's inquiry as to how, when and from what source he had received the training and acquired the belief upon which his conscientious objection was based, he gave a detailed answer, explaining that he had been born and raised a Catholic; that he had at one point in his life thought he would become a priest; that he had gone through a religious crisis in college and left the church, but had returned to it and been greatly influenced by the writings of Thomas Merton, who had preached nonviolence. He said that he had learned in the work he had been doing with an antipoverty organization in Appalachia of the need for love and understanding among people, and of the futility of violence. He concluded that his early training, coupled with his adult experience, particularly as a worker among the Appalachian poor, had brought him to his present position as a conscientious objector.

The petitioner also gave detailed and specific answers to other questions which the form asked, such as when and where he had given public expression to the views expressed as the basis for his conscientious objector claim, and what actions or behavior he thought most conspicuously demonstrated the consistency and depth of his religious convictions. Five people who were well acquainted with the petitioner wrote to the Board, attesting to the sincerity of his beliefs. One letter was from a Catholic priest, who wrote of the petitioner's honesty and integrity and said that he felt military service would do violence to the petitioner's conscience. Other letters from people who had worked with the petitioner spoke on his belief in nonviolence and confirmed the accuracy of the incidents which the petitioner had referred to in the form as manifestations of his beliefs. The petitioner's brother wrote that while he vehemently disagreed with the petitioner's unwillingness to bear arms for his country, he still felt that the petitioner was sincere in his beliefs.

In response to the petitioner's request to discuss his application with the Board, the clerk wrote that the Board had decided to grant him a personal appearance. This interview took place on November 9 and lasted about 10 or 15 minutes. It was attended by three of the four local board members. The resume of the interview prepared by the clerk stated that the petitoner "advised that he was claiming a C. O. classification because he had learned through experience and did not until later life realize the importance of believing as he did," and that he "felt that military service would interrupt his work and there would be no one else to take his place." The minute entry in the petitioner's file indicated that all members present felt the information in the form, and accompanying letters, together with what was learned at the interview, did not warrant a reopening of the petitioner's I–A classification. However, no formal vote on the petitioner's application was taken until January 11, 1968, at which time, the minute entry indicated, all four members were present and again it was noted that all "felt this information did not warrant reopening" of the I–A classification. After receiving notification of the Board's action, the petitioner wrote to the Board on January 21 seeking to appeal its failure to reclassify him I–O. He said that he considered the November interview to have been a reopening of his case. On January 23 the Board replied that the interview had been extended as a matter of courtesy, and that it had not at any time reopened the petitioner's classification. On the same day the petitioner was ordered to report for induction on February 23, 1968. The petitioner reported, but refused to submit to induction. This refusal resulted in the criminal charge that led to his conviction under 50 U.S.C. App. 462(a).

II

Under the Selective Service regulations a "local board may reopen and consider anew the classification of a registrant . . . [if presented with] facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification . . . ." 32 CFR § 1625.2.[2] Even if the local board denies the requested reclassification, there is a crucial difference between such board action and a simple refusal to reopen the classification at all. For once the local board reopens, it is required by the regulations to "consider the new information which it has received [and to] again classify the registrant in the same manner as if he had never been classified." 32 CFR § 1625.11. A classification following a reopening is thus in all respects a new and original one, and even if the registrant is placed in the same classification as before, "each such classification [following the reopening] shall be followed by the same right of appearance before the local board and . . . of appeal as in the case of an original classification." 32 CFR § 1625.13. Where, however, in the opinion of the Board, no new facts are presented or "such facts, if true, would not justify a change in such registrant's classification . . . ," 32 CFR § 1625.4, the Board need not reopen, and following such a refusal to reopen, the registrant has no right to a personal appearance or to an appeal. Thus, whether or not a reopening is granted is a matter of substance, for with a reopening comes the right to be heard personally and to appeal. While the petitioner here was given an interview as a matter of courtesy, the Board's refusal to reopen his classification denied him the opportunity for an administration appeal from the rejection of his conscientious objector claim. Therefore, if the refusal to reopen was improper, petitioner was wrongly deprived of an essential procedural right, and the order to report for induction was invalid.

III

Though the language of 32 CFR § 1625.2 is permissive, it does not follow that a Board may arbitrarily refuse to reopen a registrant's classification. While differing somewhat in their formulation of precisely just what showing must be made before a Board is required to reopen, the Courts of Appeals in virtually every Federal Circuit, have held that where the registrant has set out new facts which establish a prima facie case for a new classification, a Board must reopen to determine whether he is entitled to that classification.[3] Not to do so, these courts have held, is an abuse of discretion, and we agree.

Where a registrant makes nonfrivolous allegations of facts that have not been previously considered by his Board, and that, if true, would be sufficient under regulation or statute to warrant granting the requested reclassification, the Board must reopen the registrant's classification unless the truth of these new allegations is conclusively refuted by other reliable information in the registrant's file. See *United States* v. *Burlich*, 257 F. Supp. 906, 911. For in the absence of such refutation there can be no basis for the Board's refusal to reopen except an evaluative determination adverse to the registrant's claim on the merits. And it is just this sort of determination that cannot be made without affording the registrant a chance to be heard and an opportunity for an administrative appeal.

Because of the narrowly limited scope of judicial review available to a registrant,[4] the opportunity for full administrative review is indispensible to the fair operation of the Selective Service System.[5] Where a prima facie case for reclassification has been made, a Board cannot deprive the registrant of such review by simply refusing to reopen his file.[6] Yet here the Board did precisely that. For it is clear that the petitioner's SSS Form

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Footnotes at end of article.

150 and the accompanying letters constituted a prima facie showing that he met the statutory standard for classification as a conscientious objector (50 U.S.C. App. (Supp. IV) § 456 (j)), and the Government now virtually concedes as much.

The Government suggests, however, that the Board might have concluded that the prima facie claim had been undercut by the petitioner himself—by his statements at the courtesy interview or because his demeanor convinced the Board that he was not telling the truth. There is, however, but scant evidence in the record that the Board's action was based on any such grounds. And, in any event, it is on precisely such grounds as these that Board action cannot be predicated without a reopening of the registrant's classification, and a consequent opportunity for administrative appeal.

This is not to say that on all the facts presented to it the Board might not have been justified in refusing to grant the petitioner a I-O classification; it is to say that such refusal could properly occur only after his classification had first been reopened. The Board could not deprive the petitioner of the procedural protections attending reopening by making an evaluative determination of his claim while purportedly declining to reopen his classification.[7]

Since the petitioner presented a nonfrivolous, prima facie claim for a change in classification based on new factual allegations which were not conclusively refuted by other information in his file, it was an abuse of discretion for the Board not to reopen his classification, thus depriving him of his right to an administrative appeal. The order to report for induction was accordingly invalid, and his conviction for refusing to submit to induction must be reversed.

It is so ordered.

Mr. Justice Blackmun took no part in the consideration or decision of this case.

FOOTNOTES

[1] At this time there was no outstanding order to report for induction, though at least two orders to report had previously been sent and subsequently canceled for various reasons not relevant here. Prior to the petitioner's classification in I-A he had had a II-S student deferment and subsequently a II-A occupational deferment.

[2] If reclassification is sought *after* an order to report for induction has been mailed to the registrant, the regulations provide that the classification "shall not be reopened . . . unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant has no control." 32 CFR § 1625.2.

[3] *United States* v. *Gearey*, 379 F. 2d 915, n. 11 (C. A. 2d Cir. 1967), adopting the standard enunciated in *United States* v. *Burlich*, 257 F. Supp. 906, 911 (D. C. S. D. N. Y. 1966); *United States* v. *Turner*, 421 F. 2d 1251 (C. A. 3d Cir. 1970); *United States* v. *Grier*, 415 F. 2d 1098 (C. A. 4th Cir. 1969); *Robertson* v. *United States*, 404 F. 2d 1141 (C. A. 5th Cir. 1969), rev'd *en banc* on other grounds, 417 F. 2d 440; *Townsend* v. *Zimmerman*, 237 F. 2d 376 (C. A. 6th Cir. 1956); *United States* v. *Freeman*, 388 F. 2d 246 (C. A. 7th Cir. 1967); *Davis* v. *United States*, 410 F. 2d 89 (C. A. 8th Cir. 1969); *Miller* v. *United States*, 388 F. 2d 973 (C. A. 9th Cir. 1967); *Fore* v. *United States*, 395 F. 2d 548, 554 (C. A. 10th Cir. 1968).

[4] See, *e.g.*, *Clark* v. *Gabriel*, 393 U.S. 256.

[5] See, *e.g.*, *United States* v. *Freeman*, 388 F. 2d 246 *United States* v. *Turner*, 421 F. 2d 1251; *Olvera* v. *United States*, 223 F. 2d 880; see also *Simmons* v. *United States*, 348 U.S. 397.

[6] The scope of judicial review is, as a practical matter, particularly narrow where the registrant is claiming conscientious objector status.

"A sincere claimant for conscientious objector status cannot turn to the habeas corpus remedy (to challenge the legality of his classification) because his religious belief prevents him from accepting induction under any circumstances. As a result he is limited to seeking review in a criminal trial for refusal to submit. In this criminal proceeding, as in any proceeding reviewing a draft classification, his defense of invalid classification is tested by the 'basis in fact' formula. Under these circumstances conviction is almost inevitable, since the Board's refusal to grant the conscientious objector classification is based on an inference as to the sincerity of the registrant's belief and there will almost always be something in the record to support an inference of lack of sincerity." *United States* v. *Freeman*, 388 F. 2d 246, 249 (C. A. 7th Cir.).

[7] The Government argues that if the local board must reopen whenever a prima facie case for reclassification is stated by the registrant, he will be able to postpone his induction indefinitely and the administration of the Selective Service System will be undermined. But the board need not reopen where the claim is plainly incredible, or where, even if true, it would not warrant reclassification, or where the claim has already been passed on, or where the claim itself is conclusively refuted by other information in the applicant's file. Moreover, a registrant who makes false statements to his draft board is subject to severe criminal penalties, 50 U.S.C., App. § 462 (a).

THE CRIME CRISIS THAT EXISTS IN OUR COUNTRY

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, crime is one of the Nation's most urgent and critical domestic problems. We, in Congress, have an obligation to develop an effective national program for combating crime.

Deficiencies exist in our criminal justice system and the response of our society to the problem of crime is far from adequate. As I have stated on previous occasions, we must reorder our priorities and, in order to meet the pressing problems which confront us daily, give greater attention—both with legislation and appropriations—to the needs of those whom we are honored to represent.

During the 1960's, juvenile crime has had an alarming increase out of all proportion with the increase of overall crime. It is especially ironic that while arrests of juveniles for narcotics offenses have increased by over 800 percent during this past decade, Federal expenditures for the prevention and control of juvenile delinquency have actually decreased.

In addition to juvenile crime, we must act on many fronts. Legislation is needed in order to develop an adequate program for correction and rehabilitation. We need to eliminate the deficiencies in our laws controlling the dissemination of dangerous drugs. The crisis that exists in our State courts, which are hopelessly overloaded, must be alleviated. A satisfactory response for the elimination of organized crime must be produced.

In conjunction with these threats to our society, we must not lose sight of our freedoms as established in the Constitution. While repressing crime, we cannot tolerate a repression of freedom.

In addition, we must act to recognize the causes of crime. The President's Violence Commission, headed by Dr. Milton Eisenhower, has stated that crime in many respects is a reflection of the inadequacies of our society. In some cases the roots of crime may lie in poverty, inadequate education and housing, and unsatisfactory employment. However, in order for our society to succeed, we must never allow poverty to be used as an excuse or a shield for the perpetration of crime. Our criminal laws must be fair, just, reasonable, and uniformly enforced.

Thus far in the 91st Congress, the House of Representatives has acted upon several measures which are aimed at bolstering our fight against crime. In order to educate our youth on the effects drugs and narcotics have on the mind and the body, the House of Representatives passed the Drug Abuse Education Act, H.R. 14252, on October 31, 1969. This bill is a progressive step, but I feel that we can do much more to prevent drugs from falling into the hands of our youth. We need legislation that will eliminate, not only the source of illegal drugs, but the "pusher"—the individual who profits from the misery of others.

The House of Representatives passed H.R. 16196, the District of Columbia Court Reform and Criminal Procedure Act, aimed at curbing crime in our Nation's Capital. This measure is currently in a House-Senate conference to reach agreement among both bodies.

By far, the Federal agency which does the most to aid local jurisdictions with their local enforcement problems is the Law Enforcement Assistance Administration. This agency, created by the Omnibus Crime Control and Safe Streets Act of 1968, provides direct financial and technical assistance to our first line of defense—the State and local police agencies. Most of these funds are used for programs dealing with the control of civil disorder, the development of police training programs, and to train promising young police officers.

The House of Representatives, realizing the eficacy of the Law Enforcement Assistance Administration, has passed a bill appropriating $480 million for this program. This amount is $212 million more than in fiscal year 1970. Rhetoric and good intentions will not stop a burglar or a rapist; what we need today is an efficient and well-trained police force. These funds will be a progressive step toward providing the necessary training and technology on the State and local level.

In order to prevent unwanted and offensive smut from entering our homes, the House of Representatives has passed H.R. 15693. I have long felt that legislation of this type is needed in order to curb the unprecedented flow of pornography which descends daily upon America's young people from the greedy hands of the depraved smut peddlers. This is a stride forward, but we can do more to prevent the continued inroads upon our society made by the peddlers of filthy, pornographic, and obscene material.

The 91st Congress has deliberately pursued its duties. But let us not rest, let us move against street crime—let us decrease the rate of recidivism—for example, out of every 10 persons imprisoned for a serious crime, four will return to crime after their release—let us strike against organized crime syndicates; let us attack the illegal traffic of narcotics; let us bring the accused to a swift acquittal or conviction by modernizing our judicial process; finally, let each of us—in our own way, support our law enforcement officers and the judicial process under which we live, for if it dies, the American dream will cease to be a reality and will die with it.

TEXTILE INDUSTRY

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, partisan politics has no place in our effort to save the American textile industry from excessive unfair low-wage foreign imports. We should reject partisanship and unite on getting the job done. We are closer to success than ever before in the modern history of the Congress. Two hundred and fifty-one Members of the House, a clearcut majority, have introduced the bill, first introduced by our distinguished colleague, WILBUR MILLS. Fourteen members of his great committee, a majority, have joined their chairman in introducing this legislation which would preserve our textile, shoe, and apparel industries from a flood of unfair, low-wage, foreign textile products.

Mr. Speaker, this question has always been approached on a nonpartisan basis. President Eisenhower promoted a voluntary agreement with Japan in 1957. The Kennedy administration promoted the long-term cotton textile agreement. President Nixon assured the Nation that our textile industry was in a special category, and assured us of support and relief.

I believe, Mr. Speaker, that Secretary Stans has done everything humanly possible to work out a voluntary agreement with Japan. His efforts have been arbitrarily rejected by Japan and now we must proceed with legislation on a nonpartisan basis. Time is of the essence. While we negotiate and postpone a final decision, unemployment is rising in areas where we cannot afford unemployment, where unemployment could be disastrous—in the great cities where our garment workers are threatened; in Appalachia, where we are appropriating money to alleviate poverty and underemployment; among minority groups, where in the South the textile industry employs a much greater percentge of minorities than the national average. All are feeling the effects of low-wage foreign textile imports.

The question is not one of political affiliation or political credit but one of job opportunity, job security, and national defense.

BABE RUTH BASEBALL—A TRIBUTE TO THE GREAT "BABE" AND A RESOURCE TO ASSURE GOOD MORAL AND PHYSICAL TRAINING FOR YOUNG MEN

The SPEAKER pro tempore (Mr. OLSEN). Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, it was my privilege this morning to meet with Mrs. George Herman "Babe" Ruth, the widow of the greatest ballplayer in the 100-year history of baseball. Many of our colleagues had joined at a breakfast to kick off Babe Ruth Baseball Day on Capitol Hill.

This breakfast and the special order I have taken today are designed to spotlight an increasing problem across the country. It is obvious to me and I am sure you and other Members of this House will agree, that there is an urgent need for recreational facilities for our young people, particularly those in the inner city.

Mrs. Ruth, Baseball Commissioner Bowie Kuhn and Lefty Gomez, the famed New York Yankee pitcher and close friend of the Babe, came together with many others to draw attention today to this problem. I was proud to have taken part in the program.

It is important for us to look to the future of our young people. We should do all we can to help them.

Also taking part in the program were Mr. THOMPSON, my colleague from Trenton, N.J.; Senator CLIFF CASE, of New Jersey; and Senator PHIL HART, of Michigan.

Babe Ruth Baseball is an international program dedicated to the ideals of George Herman "Babe" Ruth, the greatest ballplayer of all time. This program, which involves more than 300,000 teenage boys, teaches respect for the traditions of sportsmanship and understanding of the teamwork and competitive spirit so they may grow into better citizens.

Babe Ruth had a great love and understanding of young people. His drive and determination which brought him out of a Baltimore orphanage into major league baseball should serve as an inspiration to all young people today, particularly those in the inner cities.

The most important aspect of Babe Ruth Day on the Hill today is to draw the attention of Congress and the entire country to the need for providing recreation facilities for our young people.

As the former president of the Rochester Red Wings in the International League and the former executive vice president of the International League, I saw firsthand how baseball builds character and strength in a man.

One of the best ways we can combat the increasing juvenile delinquency in our metropolitan areas is to place greater emphasis on giving youngsters a place to play. Babe Ruth Baseball has gone into the inner city and is making a sincere effort to develop teams and leagues to help these young people.

In my own 36th Congressional District a four-team Babe Ruth League has just been organized in Rochester and will open its first season July 5. Hundreds of youngsters in Monroe County, N.Y., are participating in this program.

Mr. McCORMACK. The Babe Ruth League brings together many volunteers, from inside baseball and, most important from the communities themselves.

I had the privilege this morning to meet with one of these volunteers, Mrs. Helen McDonnell who came all the way from North Quincy, Mass. to join Mrs. Ruth and the rest of us.

The success of this program can also be attributed to the tireless efforts of the league staff, particularly Richard W. Case, Babe Ruth Baseball president, and George Riemann, the league vice president and treasurer. I would also like to give credit to the league secretary, Jeanne B. Layton and Ronald Tellefsen, development director. They are to be commended for their efforts.

Babe Ruth, given a great opportunity by baseball, rose above his environment. It would be tragic if, for the lack of recreational facilities, we should prevent the rise of future Babe Ruths.

Mr. MURPHY of New York. Mr. Speaker, Babe Ruth worked his way up from a Baltimore orphanage to become the greatest baseball player of all time. Throughout his fabulous career, the Babe never lost his great love and understanding of young people. They, in turn, idolized him.

Today, the Congress of the United States focuses national attention on the fact that Babe Ruth Baseball is the world's largest regulation teenage baseball program and has as its ultimate goal developing better citizens through proper physical and mental conditioning. Most certainly, Babe Ruth Baseball in my 16th Congressional District has been a truly outstanding example of what tremendous good can be accomplished by a coordinated program in which amateur sports organizations take part in developing the best interests of the youth of our Nation.

This special order is more, however, than just a pat on the back for a job well done. It is, instead, a call from the bullpen for action—prompt action at the Federal level for an in-depth study of the problems facing American youth today. We must determine whether Federal legislation will be required to provide facilities adequate enough to take care of the recreational needs of the many millions of youngsters, most of them from urban areas, who are presently deprived of these opportunities.

The lack of such facilities would prevent the rise of future Babe Ruths.

We cannot permit this to happen. Babe Ruth Baseball is an international program dedicated to building the moral and physical fiber of young people. It teaches them respect for the traditions of sportsmanship and understanding of the teamwork and competitive spirit so they may grow into better citizens.

Let us not forget nor neglect the ideals of the great Babe Ruth to which this magnificent program was dedicated at

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its start in 1951. Let us help it grow—as the Babe grew—to greatness.

Mr. ROSTENKOWSKI. Mr. Speaker, I congratulate my colleagues, Frank Thompson of New Jersey, and Frank Horton of New York, for taking this special order today in order to pay tribute to Babe Ruth Baseball.

From its conception in 1961, this excellent organization has grown steadily so that today almost 250,000 young men benefit annually from its two-division baseball program. This is the world's largest regulation teenage baseball activity. In the city of Chicago, part of which I have the honor to represent, this program has helped thousands of young men to become responsible citizens by not only developing them physically, but also by instilling in them a sense of fairplay.

Mr. Speaker, at a time when many of our Nation's youth are the subject of vast criticism, I take pleasure in saluting this great organization and the fine young men who compose it. Hopefully, from among their numbers will emerge a future "King of Swat."

Mr. WHALLEY. Mr. Speaker, I am pleased to join with my colleagues today in recognizing Babe Ruth Baseball Day. This statement is in support of sand lot and little league baseball across the Nation.

This morning I had the privilege and pleasure to attend the Babe Ruth Baseball Day breakfast on Capitol Hill, sponsored by Congressmen Frank Thompson and Frank Horton. Mrs. Babe Ruth was present in behalf of the Babe Ruth Baseball program.

Babe Ruth Baseball is international, with more than 325,000 members dedicated to the program of building healthy minds in healthy bodies through sports. Baseball-playing facilities are necessary so that this program can make even greater strides.

Young men from ages 13 to 18 need sandlots and baseball diamonds to let off steam without becoming destructive. This international program tends to develop attitudes of good sportsmanship.

A quick solution to the lack of other more sophisticated recreation areas, is the sandlot. Give a young man a bat and a ball, he may break a few windows but he will never burn down the building.

Vernon "Lefty" Gomez, a close friend of Babe Ruth, was excellent as master of ceremonies, not only stressing the need for the Babe Ruth program but citing many baseball stories involving Babe Ruth.

Baseball Commissioner Bowie S. Kuhn expressed his support of the Babe Ruth Baseball program because of the great good it can do. President of Babe Ruth Baseball, Mr. Richard W. Case, spoke in behalf of the program.

Mr. Speaker, Babe Ruth was an inspiration to young men and I encourage the development of this baseball program.

Mr. BROWN of Ohio. Mr. Speaker, it pleases me to join my colleagues to honor Babe Ruth Baseball, which annually provides some 250,000 youngsters with an opportunity to participate in an organized baseball program.

The Babe Ruth Baseball takes over for boys 13 to 18, where the Little League program leaves off. Founded in 1951, the program has spread from the United States to Canada, Europe, Puerto Rico, Guam, Mexico, and Asia—the largest regulation teenage baseball activity in the world. Each year, through a tournament system, these teams compete for two world championships—the Babe Ruth World Series for the 13- to 15-year-old division and the Babe Ruth Tournament of Champions for teams made up of boys 16 to 18 years of age.

In addition to the large numbers of our youth who find a useful and meaningful outlet for their energies through Babe Ruth Baseball, the program also serves as a common ground of opportunity and understanding for their generation and members of the "older" generations to work together.

The thousands of men who serve as coaches and officials during the baseball season should also be commended for their devotion to helping steer the ideals of youth into constructive, competitive avenues. For many of them during their own youth, Babe Ruth was not only the greatest ballplayer in history, but a man who also served as an inspiration through his own high standards, love of others, and unselfishness. It is only fitting that the Babe be remembered not only as a legend for his accomplishments with a bat, but as the real person he was, through a living program dedicated to those ideals. Babe Ruth Baseball truly deserves our thanks and our support.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join the gentleman from New Jersey (Mr. Thompson) and other colleagues in paying tribute to the great work of the Babe Ruth Baseball program.

The legendary Babe Ruth loved young people—he was the idol and the example for youth throughout America in his day, and it is fitting and appropriate that this fine program should bear his name.

The Babe Ruth Baseball program is the world's largest teenage baseball program and the success of this program underlines the importance of recreation programs and facilities for our young people throughout the Nation.

This program is most effective in Tennessee and in the Fourth Congressional District which I am honored to represent. My home county of De Kalb is a member of district five of the Babe Ruth program in Tennessee, together with Warren, Smith, White, Putnam, Overton, and Fentress counties.

I want to commend and congratulate the leaders in this program in Tennessee and throughout the Nation for their contribution to wholesome recreation for our youth.

Mr. TUNNEY. Mr. Speaker, June 16 is the date for acknowledging the community's debt to organized baseball. I would like to join those who salute Babe Ruth Baseball for its efforts on behalf of American youth.

The United States has recently focused attention on physical education in addition to its concern for the traditional education of letters and science. Few programs combine the two as well as baseball, requiring strength and coordination as well as knowledge of the game. At the same time, baseball promotes discipline in training and in playing. Like any sport, baseball teaches the important lessons of sportsmanship, team effort, and devotion to a goal.

The value of Babe Ruth Baseball is not limited to its powerful effect on the individual. As a recreation opportunity, it provides a vital community service in offering outlets for the energy and spirit of America's young men. I would like to go on record as enthusiastically supporting the special order commending Babe Ruth Baseball for its positive contribution to our communities.

Californians are very active participants in this program. The following excerpts from a letter describes the efforts of Corona, Calif., to help the young participate in the community baseball program:

Corona, Calif.,
June 10, 1970.

Re June 16, Babe Ruth Baseball Special Order Day.

Representative John V. Tunney,
House of Representatives,
Washington, D.C.

Dear Sir: On behalf of the Corona Elks Babe Ruth Baseball League, we wish to urge you to participate in and fully support the Special Order Day for Babe Ruth Baseball on June 10, in your House of Congress.

Our league is composed of 10 teams in the junior division and four teams in the senior division, each team composed of 15 boys. This is the 11th year for Babe Ruth in our community.

One point we wish to make is all improvements made at Butterfield were on a donation basis, except for the grass seed and fertilizer which were paid for by the city. Most of the heavy equipment used, the new sprinkler system installed by the league, the decomposed granite and the crushed brick were all donated. Fencing and materials to construct a new back-stop had been donated. Cement, steel rods, the roof, appliances, and even ALL the slumpstone that would be needed for the concession stand had been donated. All of this done by the people of Corona. Many of the participants had no connection with Babe Ruth. They only wanted to help the boys and the league.

Baseball for kids is one of the best ways to 'fight delinquency; particularly, organized baseball such as Little League, Girls Softball and Babe Ruth League which is played during the summer months when the kids have so much free time. One way or another, these kids will have to be supported. Better they are supported by their own parents who are interested and willing to help than by the state—better that are supported on a ball diamond than in an institution for criminals or dope.

Hopefully, June 16th will be a beginning.

Sincerely,

Bette Rehder,
President Ladies Auxiliary, Corona Elk-Babe Ruth Baseball League.

Mr. CONTE. Mr. Speaker, nearly one-quarter of a million boys between the ages of 13 and 18 will be playing Babe Ruth Baseball this summer. All of us who have, at one time or another, participated in organized sports, know that these youngsters will be involved in this pursuit far beyond the couple of hours it takes to play each game. There will be many hours spent practicing and many, many hours spent just talking about upcoming games and replaying past ones. In a word, these boys are being provided

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with a well organized activity that will give them an important focal point for their leisure time. And they are learning the thrills of competition with their peers at the same time.

Being a product of the era when summer baseball games for teenagers depended upon whether you could get enough guys together for a pick-up game, my only regret about Babe Ruth Baseball is that is was not started earlier.

Competition, physical exercise, a good sportsmanship, and fair play—that is a diet designed to insure the development of a boy into a young man. It has been flourishing now for 19 years and it commands not only our attention today, but also our thanks.

For just as the future of this country belongs to the young, so too does the future strength and stability of this Nation depend upon the pains we take to assist the developing younger generation.

The people who have guided Babe Ruth Baseball care about our youth and our future, Mr. Speaker. They have done something about it and they have done it well.

The many fine young men who have participated in this program are in their debt, and so are Americans everywhere who have faith in the future.

Mr. MACDONALD of Massachusetts. Mr. Speaker, next year will mark the beginning of the third decade of Babe Ruth Baseball in this country. Since its inception in 1951, this fine program has made a tremendous contribution to the character and fitness of our young people. Baseball has been recognized as America's national sport, and Babe Ruth Baseball has become young America's national sport.

Babe Ruth Baseball now operates in all 50 States, and in Canada, Mexico, Puerto Rico, and Guam, as well as throughout Europe and Asia. I am proud to represent a State which has the fourth largest participation in the program, the Commonwealth of Massachusetts. In Massachusetts alone, over 8,000 teenagers participate in Babe Ruth Baseball. In my own congressional district, the cities of Malden, Medford, Everett, and Revere, and the town of Saugus all have Babe Ruth leagues.

I know from seeing these leagues in operation that Babe Ruth Baseball is accomplishing its stated goals of instilling in our young people a sense of sportsmanship and fair play while teaching them the fundamental skills of baseball. For many teenagers, Babe Ruth Baseball provides their only form of organized and supervised recreation. This is, perhaps, one of the program's finest accomplishments considered in the context of our concern over juvenile delinquency and the lack of responsibility exhibited by some young people.

Babe Ruth Baseball has received enthusiastic support from the local business community, from clergyman, from educators, from recreational supervisors, and from high school and college coaches. In the greater Boston area, the program has been given a big boost by the Boston Red Sox, and appropriately so, for the great Babe Ruth began his major league career in a Boston uniform as a pitcher for the Red Sox and, I might add, held at one time the record for consecutive scoreless innings pitched in a World Series.

The Babe always showed a great love and understanding for young people. His own example was that of an orphan who worked his way up to become the greatest ball player of all time. It is fitting that part of his legacy to the sport should be an outstanding baseball program for young men which has come to enroll a quarter of a million potential Babe Ruths annually.

I would like to take this opportunity to single out an aspect of the Babe Ruth program which is often overlooked—the ladies auxiliary. Through a series of special activities in the communities which I represent, the auxiliary has become a focal point for community support of the program.

I am extremely proud of this program, and I am privileged to participate in this tribute to its 20 years of accomplishments.

Mr. WATKINS. Mr. Speaker, I am more than happy to participate in this special order today honoring Babe Ruth Baseball, an international program which does so much for boys 13, 14, and 15 years of age. Since the program, dedicated to the ideals of one of the best known and greatest figures in baseball, started back in 1951, it has never deviated from its goal of developing better citizens through proper physical and mental conditioning. I feel sure that the Babe himself, if he could be back with us today, would be proud indeed of a program which is an inspiration to teenage boys.

It is with particular pride in my own congressional district, the Ninth of Pennsylvania, that I pay personal tribute to the Chester Valley Babe Ruth League, Chester County, Pa. The League was organized in 1956 and comprises eight teams each year with 15 to 18 boys per team. This all-star team won the district 5 championship last season and placed third in the State—quite a record.

While praising the Babe Ruth League for its accomplishments, we should not overlook those adults who have helped and encouraged the boys over the years. I want to take this opportunity to single out for particular commendation and praise Mr. and Mrs. Walter Scott, of West Chester, who have been with the Chester Valley Babe Ruth League since it started. Mr. Scott is now its President, while Mrs. Scott serves as Treasurer. They are devoted to the continuing success of the league and to the well-being of the boys. To this fine couple, and to many others who serve in a like capacity, I should like to express my appreciation for a job well done.

Mr. GOODLING. Mr. Speaker, Babe Ruth Baseball is international in nature and is strongly rooted in America's world of sports. It affords the youngsters of our country an opportunity to take an early and active part in that great American sport, organized baseball.

The benefits of this program are manifold, bringing to our youngsters a valuable recreational outlet and introducing them to the important concepts of organized competition and good sportsmanship.

Before the advent of Babe Ruth Baseball, youngsters between the age of 13 and 16 were given little opportunity to play organized baseball. Now they are no longer orphans of the organized baseball world, and an ever-increasing number of our youngsters are participating in this special baseball program.

The lives of 325,000 youngsters who are enrolled in this country in Babe Ruth Baseball are becoming richer because of this program, and America is, in the process, gaining the promise of some very sound and solid citizens for tomorrow.

I wish to take this opportunity of extending my compliments to Mrs. Babe Ruth for her keen interest in this program which was initiated in honor of her very famous husband. The "Big Swat," as he was known at the baseball plate, has, through Babe Ruth Baseball, hit another home run in the lives of the youths of this country and in the hearts of all Americans throughout the land.

I extend my sincere wishes for the continued success of this wonderful youth-oriented program, Babe Ruth Baseball.

Mr. TALCOTT. Mr. Speaker, I am pleased to join my colleagues in commending Babe Ruth Baseball.

I want to go much further to thank the officials, supporters, workers, and participants of Babe Ruth Baseball for their valuable and lasting contribution to the development of our youth both physically and as sportsmen.

Babe Ruth is not just baseball for 13-to-18-year-olds. Babe Ruth is competition, sportsmanship, teamwork, family participation, community involvement. It is recreation; it is youth development; it is preparation for citizenship. Baseball is only the vehicle for individual, family, community betterment.

Almost 250,000 young men are serviced annually by Babe Ruth's Baseball's two-division program, the largest regulation teenage baseball activity in the world. These young men develop their skills using standard-sized diamonds while playing under basic rules of organized baseball.

Babe Ruth Baseball operates in all 50 States, in Canada, Puerto Rico, Europe, Guam, Mexico, and Asia.

The history of Babe Ruth Baseball is one of steady growth, with many new leagues and teams registering each year enabling young men the world over to experience the thrills of organized competition in a program endorsed by Government leaders, clergymen, educators, recreation superintendents and high school and college coaches.

Promoting what is for the good of youth has been and continues to be the guiding principle of the Babe Ruth Baseball program. The teaching of baseball skills, as well as developing physical fitness and mental improvement are all inherent qualities of Babe Ruth play. Participants in the program are also taught basic ideals of good sportsmanship and fair play.

Babe Ruth Baseball is dedicated to

developing in its participants a genuine respect for accepted traditions of sportsmanship, firm moral foundations, and a thorough understanding of the democratic and competitive spirit, so that they may grow into better citizens of the world.

Babe Ruth Baseball provides a preventive force to juvenile delinquency through adult organized and supervised leagues which fill recreational voids for young men who are at a particularly impressionable stage of adolescent development.

Babe Ruth Baseball is popular in my congressional district. I commend those who give so unstintingly of their time, talents, and money to insure that Babe Ruth Baseball will continue to be such a worthwhile summertime recreational vehicle that provides an enjoyable family activity and citizenship development at one time. This baseball program for teenage men is a valuable asset for any community. The adult coaches, sponsors, contributors, and officials deserve the plaudits and support of the community.

Mr. BEALL of Maryland. Mr. Speaker, I am delighted to have the opportunity to join in honoring one of Maryland's favorite sons, the immortal Babe Ruth. For those who may not be completely familiar with the Babe's early life, he was born in the city of Baltimore and raised in very moderate circumstances. But of course, the fact that he did not have all the advantages that many of the rest of us have today did not prevent him from becoming one of this Nation's legends.

Today, in communities throughout the country, there are thousands of youngsters who play in baseball leagues named after Babe Ruth. And this is as it should be. Some of our fondest memories of this great hitter are directly related to his contacts with the youngsters of our Nation and the great rapport he had with them.

The single thing that stands out in my mind about Babe Ruth was the human quality of the man. He was a great athlete, a tremendous hitter, and for a while, an excellent pitcher. He will be remembered, however, not only for his physical accomplishments, but for his spirit and human qualities.

It is certainly fitting today, Mr. Speaker, that we think of the Babe and I am certain that had he lived to see our modern era, he would have been delighted to find so many young men playing his game in leagues which bear his name.

Mr. HARVEY. Mr. Speaker, for years baseball has been properly recognized as our Nation's pastime. I happen to believe it has long been a national asset, as well. I think baseball's greatest value is best eulogized by the Babe Ruth Baseball League, a program for teenage young men. It is a distinct pleasure for me to join in this special salute, for it has particular meaning to our Eighth Congressional District, and specifically the cities of Port Huron and Marysville.

These two communities, located in St. Clair County, have joined together to form the Port Huron-Marysville Babe Ruth League which earlier this month started its 16th season. At the close of these remarks, I am including a newspaper story reporting on the opening of the league for the 1970 season, as it appeared in the Port Huron Times Herald newspaper.

In addition, this is a banner year for the Port Huron-Marysville league as it will host the Ohio Valley Babe Ruth regional tournament August 8 to 15. We in the Eighth District are very proud that our league was so honored. Furthermore, we are confident it will be a well-run and successful tournament.

At the special breakfast program this morning, the greatness of the Babe Ruth League was best dramatized by the interest and attendance of such outstanding personages as Mrs. Babe Ruth, Baseball Commissioner Bowie Kuhn, Vernon "Lefty" Gomez, former New York Yankee great, and several outstanding Members of Congress. But such attendance is understandable when you realize that the Babe Ruth League is not confined simply to baseball skills—it is responsible, too, for teamwork, good sportsmanship and fair play. These are attributes not to be restricted just to baseball but beyond through all growth years.

The program not only is an active, current preventive force to juvenile delinquency, but it is contributing greatly to the future potential of these young men.

Babe Ruth Baseball has developed several major league baseball stars. But it truly has excelled in developing thousands and thousands of outstanding citizens of the world.

My hat is off to the Babe Ruth program and with a special doff to the Port Huron-Marysville Baseball League. In closing, I believe it is also quite proper to recognize the contribution of hundreds of adults who have given freely of their time and energy so that such a youth program might succeed. This adult guidance and assistance has led to the growth of the program which operates in all 50 States, Canada, Puerto Rico, Europe, Guam, Mexico and Asia, with nearly 300,000 boys competing. Their lone reward is the satisfaction of giving boys the chance to play a great game and to learn basic ideals of fair play and good sportsmanship.

The articles referred to follow:

Babe Ruth League Aims for Biggest Year Ever

The Port Huron-Marysville Babe Ruth League opens its 16th and hopefully biggest year at 12:30 p.m., Saturday at Memorial Major Softball Diamond.

The League hosts the Ohio Valley Regional Tournament this Aug. 8–15 and a great deal of work behind the scenes is under way for that tourney.

George Lang Volkswagen of Marysville has donated an electric scoreboard to the league.

George Lang will be on hand Saturday to make the official presentation.

The Port Huron-Marysville League will again have two, six-team divisions.

Defending City and Red Division champion Citizens Federal will be represented in the opening day ceremonies with a player giving the invocation and helping raise the Flag.

Mike Benedict of the Greater Port Huron-Marysville Chamber of Commerce will be on hand to throw out the first ball to mayor pro-tem Clayton L. Berdan.

The Red Division will represent the league in the Ohio Valley Regional as the host team under Citizens Federal Manager Bill Lewis.

Other teams in the division this year are Smith Funeral Home managed by Larry Schwartz, Ogden-Moffett managed by Bernie Brooks, Leath Funiture managed by Ray Leslie, Murray Zimmer managed by John F. Brown and Port Huron Paint managed by Len Cureton.

Defending White Division champ is Rotary under Jim Edington. Larry McDaid manages Coca-Cola, Dick Yorks Local 44, Cal Kaercher DAV No. 12, Carl Jones Breakfast Optimist and George Baldock Kiwanis.

League officers for the 1970 season are president John McCormick, vice-president Jack Vargo, secretary Don Wade, treasurer Harry Stroh, player agent Ron Donaghy, equipment manager Charles Thruchman and chief umpire Lennie Brooks.

Each team will see action opening day in a six-game slate.

In games at Memorial Major softball diamond, Citizens Federal meets Ogden-Morrett at 1 p.m. and Rotary plays Coca-Cola at 3 p.m. At Memorial No. 1, Port Huron Paint takes on Leath Furniture at 1 p.m. and Local 44 meets DAV No. 12 at 3 p.m.

Rounding out the schedule at Memorial No. 3, Murray Zimmer battles Smith Funeral Home and Breakfast Optimist tangles with Kiwanis.

Babe Ruth Officials Gather

Local, state and national Babe Ruth League officials gathered recently at Memorial Field to go over details of the Ohio Valley Regional tournament to be held in Port Huron Aug. 8-15. Left to right are James N. Watkins, State Babe Ruth director from Berkley; Jack Vargo, vice-president of the Port Huron-Marysville BR League; Larry A. Magers, Ohio Valley Regional director; Oliver M. "Scotty" Hanton, mayor of Port Huron and former state director; John McCormick, president of the Port Huron-Marysville league; Cal Kaercher, house co-ordinator of the regional, and Donald Wade, secretary of the Port Huron-Marysville league.

Mr. BOLAND. Mr. Speaker, I would like to join in paying tribute to Babe Ruth Baseball—an organization that allows roughly 250,000 teenagers throughout the United States to learn the values of sportsmanship and spirited competition for a common goal. From Mississippi to Massachusetts, from California to New York, youngsters between the ages of 13 and 18 take part in Babe Ruth Baseball Leagues. Organized in 1951 in a suburb of Trenton, N.J., the initial program proved such a striking success that Babe Ruth Baseball has grown at a truly staggering rate over the succeeding decades. The league now operates in all 50 States, Canada, Puerto Rico, Europe, Guam, Mexico, and Asia.

Babe Ruth Baseball has two divisions—one for boys between the ages of 13 to 15, another for boys between 16 and 18. These ages are the most critical in the formation of a youngster's adult personality. Hundreds of thousands of boys in these age groups benefit enormously from an experience that strengthens their character as well as their bodies. Even a cursory glance at today's newspaper headlines makes clear the alarming extent of youth problems: Drug abuse, runaways, attitudes of open contempt toward the traditional values of American life.

Babe Ruth Baseball answers a pressing need in contemporary American society, providing youngsters with a wholesome outlet for their physical energies and an opportunity to learn first hand the kind of spirited and cooperative teamwork that made the United States great.

Mr. BURKE of Massachusetts. Mr. Speaker, in today's world and in a time when dissent and malcontentment appear to be predominent characteristics of some of our young people it is indeed rewarding to realize that there are thousands of young people who are not a part of what seems to be a growing tide but who are quietly and effectively modeling their lives in the image of those who have helped to make this country great.

There exist today many organizations which are helping these young people and placing them on the roads which will lead them to diligence and inspiration to last all of their lives.

One of those organizations is the Babe Ruth Baseball League, a baseball program for teenage young men between the ages of 13 and 18.

My own State of Massachusetts has the fourth largest membership in this international program with over 8,200 teenagers participating. In the past 2 years over 1,300 teenagers have joined the ranks of Babe Ruth Baseball in Massachusetts because of the excellent support of the Boston Red Sox.

Mr. Speaker, I remember that as a youngster in Boston my friends and I had to organize our own team and find a place to play baseball. Equipment was an entirely different affair. We had to content ourselves with one bat, one ball and if we were lucky someone would show up with a glove. I still recall those sandlot games with pleasure and still remember our heroes of the day with great admiration.

How fortunate are the youngsters of today to have the assistance of organizations such as Babe Ruth Baseball. The guidance that is provided by the dedicated volunteers of the league is commendable indeed. They are a group of peple who have not given up on youth today, but who are taking an active part in shaping the future. They deserve our gratitude and support.

Mr. KYROS. Mr. Speaker, I would like to join my colleagues in observing the importance of Babe Ruth Baseball to this country.

In my State of Maine, there are over 1,000 boys taking part in Babe Ruth Baseball programs. As Mr. Harold Smith, the director of Maine Babe Ruth Baseball recently wrote to me:

> Training in sportsmanship and pride of achievement in a team effort is a contributing factor in moulding the future citizens of our State.

Without intending to place any of our other great sports in an unfavorable light, I think we would do well to recall the words of Babe Ruth himself, spoken the day this giant of a man made his farewell speech at Yankee Stadium. "This is the only real, American game," the Babe said. I think we can be grateful to the many organizers and directors of Babe Ruth Baseball for continuing this enthusiasm, and for enabling so many young men to participate in our national pastime.

Mr. MICHEL. Mr. Speaker, I welcome this opportunity to pay tribute to the memory of George Herman Ruth, the home run king, and say a few words in behalf of the Babe Ruth Baseball program. It is hard to realize that the "Babe" hit his 714th and last home run in 1935, which means that many of us have but the dimmest recollections of the "Sultan of Swat." Although Ruth's fame rests on his hitting prowess, his career as a slugger followed several seasons as a great left-handed pitcher.

The Babe gave baseball a needed lift after the Black Sox scandal had made a farce of the 1919 World Series and threatened to destroy the public's confidence in the game's integrity. By demanding the highest possible pay for his services as a great player and a powerful drawing card, he also was instrumental in raising the wages of all ball players.

I have a feeling that Babe Ruth would have made a great politician. An incident that occurred at least four decades ago will serve as my illustration. Ruth and his teammate, Lou Gehrig, had agreed to umpire a boys' game. The Babe joined the boys in taking batting practice. With a youngster of about 10 on the mound, he hit two tremendous fouls. You can imagine how surprised—and proud—the little boy was when the slugger missed the next pitch completely.

Babe Ruth's name has been a household word for over one-half a century, and I doubt if any special effort will be required to keep his memory clear. Be that as it may, I can think of no finer way to perpetuate his fame than the Babe Ruth baseball program.

I have, for a long time, had a feeling that more boys, and girls, too, ought to be participating in healthful, competitive sports outdoors whenever possible. Such activities would be a great preventive of juvenile delinquency and a powerful deterrent to crime. The more boys we had on baseball teams the fewer we would have joining criminal gangs. If hundreds of thousands of youngsters were pitching, hitting and fielding baseballs, adults could spend less time hand wringing and more time applauding as their children strove for athletic superiority.

Mr. Speaker, I hope that all levels of Government will encourage the setting aside of areas of recreation in all our centers of population. It has often been said that the Battle of Waterloo was won on the playing fields of Eton. Perhaps the battle against juvenile delinquency will also be won on athletic fields.

Mr. HATHAWAY. Mr. Speaker, today we participate in a special order recognizing Babe Ruth Baseball, an international sports program dedicated to help build the moral and physical fibre of young people. It is a fitting tribute to the great athlete for whom the program is named, to the many adults in all of our 50 States and in Asia, Canada, Europe, Guam, Mexico, and Puerto Rico who have devoted their time and energies to the success of the program, and to the hundreds of thousands of young men who have participated or are now taking part in the largest regulation teenage baseball activity in the world.

Maine's Babe Ruth Baseball program, currently involving more than 1,000 young men between the ages of 13 and 15, has been especially successful. I feel that the training that these young men receive—not merely in wielding a bat and glove, but, much more importantly, in the concepts of sportsmanship and team effort—cannot help but prove to be a very positive factor in the molding of future leaders and outstanding citizens.

At this time, Mr. Speaker, I would like to mention some of the men who are most responsible for the achievements of Babe Ruth Baseball in Maine—State Director Harold A. Smith of Portland; Assistant State Director Richard McGuire of East Winthrop; Secretary Treasurer Edwin C. Young, Jr., of Brunswick; and District Directors Robert Anderson, Jr., of Brunswick, Leo Kittrick of South Portland, and Robert Blouin of Springvale.

Mr. HANLEY. Mr. Speaker, I wish to join my colleagues today in paying tribute to the late great Babe Ruth, and to the inspiring baseball league which now bears his name.

Throughout the United States this summer, there will be thousands of young men participating in the game which the Babe loved and lived for. To the dedicated men and women who contribute so much to this program I offer my personal gratitude; and to the young men who are participating in the program, I offer a special commendation.

There is an old saying that "an idle mind is the devil's workshop." There are no idle minds on a baseball field. There are, however, sharp young minds bent on improving themselves.

I wholeheartedly support the recognition they are being paid today.

Mr. THOMPSON of New Jersey. Mr. Speaker, reams have been written over the years about the enthusiasm Americans of all ages have for the game of baseball. Literally thousands of boys and men participate as players on sandlots, on our school playing fields, and in countless recreation areas. The recent extension of the major leagues to Canada has made professional baseball truly an international sport. As professional baseball has grown in popularity, we have witnessed, too, a remarkable expansion of organized amateur baseball. This expansion is due in no small measure to the growth of the Babe Ruth Leagues throughout the United States.

The first Babe Ruth League was organized, I am proud to say, in Hamilton Township, N.J., a suburb of my home city of Trenton. When first organized in 1951 the league welcomed boys 13, 14 and 15 years of age. From this modest beginning, Babe Ruth Baseball has spread to all 50 States, Canada, Puerto Rico, Guam, Mexico, and to countries in Asia and Europe. In 1966 the program was expanded to include boys from 15 to 18 years of age. Today, nearly 300,000 boys participate. This tremendous activity is governed by an international board composed of volunteers who devote their time to providing general direction and guidance for the program. Tournament play provides healthy competition for players on a State, regional, and more recently even an international basis.

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I think it is fitting that the league took for its name that of Babe Ruth, a man immortalized as the greatest baseball player of all time. Virtually every boy knows the story of the Babe's rise from a Baltimore industrial school to the mighty New York Yankees. His exploits as a pitcher and outfielder fill the record books. Some of his feats may never be equaled. The Babe gave millions of baseball fans some unforgettable thrills over a playing career of more than 20 years. And to the end of his life he never lost his enthusiasm for the game of baseball or the youngsters who play it. In fact, he was probably happiest when surrounded by a group of kids clamoring for his autograph. Were the Babe alive today I am certain we would find him active in promoting the Babe Ruth League. I think it is marvelous that Mrs. Ruth has in effect pinch-hit for the Babe in this regard.

Mr. Speaker, wholesome recreation is essential for the development of well-rounded, heathy children. The Babe Ruth League provides that kind of recreation. I am pleased to salute the league, its sponsors and its players. May the league continue to grow and thrive.

Mr. DICKINSON. Mr. Speaker, it is a pleasure for me to join my colleagues today to pay tribute to Babe Ruth Baseball and to Babe Ruth, the greatest player known in the sport of baseball. The Babe's love and understanding of young people serves as an inspiring example for all of today's youth. It is only natural that there is an organization as fine as Babe Ruth Baseball as a living memorial to the man to which the program was dedicated in 1951.

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Mr. Speaker, in Montgomery, Ala., we are especially proud of our city's Babe Ruth Baseball program. It was back in 1953 when Babe Ruth Baseball was organized in Montgomery. Then, it consisted of one league with only four teams. Today, the local conference has grown to four leagues and boasts four competing teams.

Mr. Speaker, Montgomery's Babe Ruth Baseball is fortunate to have retained two of its original active founders: Allyn McKeen is the present commissioner and served as president of the league in 1953, and J. B. McCaslin is secretary-treasurer. Serving as presidents of the four leagues are: Bill Dent, Gray League; Wallace Young, Bellingrath League; Dallas Fulmer, Belser League; and George Sexton, Blue League. Babe Ruth Baseball is part of the program of the Montgomery City Parks and Recreation Department. The parks and recreation department and its athletic supervisor, Lynn Bozeman, are providing outstanding activities for the youth of Montgomery and the department could well serve as an example for other cities.

Thank you, Mr. Speaker.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it gives me great pleasure to join my colleagues in paying tribute to Babe Ruth, whose life was dedicated to the development of the energetic youth of America. We are fortunate that a program bearing his name has progressed successfully. Coming from an orphanage, he became the most idolized baseball player in history. The Babe's example is a legacy which still lifts our hearts. We remember him not only for his outstanding achievements on the field but also, and perhaps most importantly, as the friend of the kids from all walks of life.

Today, it is reassuring for all of us to recognize the tremendous success of Babe Ruth Baseball, in honor of the "Bambino." Its steady and unprecedented growth deserves everyone's attention. We, as the spokesmen for the people, wish to express our recognition of the need for and our commitment to a program which would provide facilities substantial enough to accommodate the recreational demands of millions of youngsters deprived these opportunities today, especially in our urban areas.

With Babe Ruth Baseball, as a model, perhaps similar programs and activities could be established which would foster the essential and healthy development of our youth. Originally, Babe Ruth Baseball only met the needs of 13-, 14-, and 15-year-olds. It was expanded in 1966, recognizing the necessity for additional programs, to provide another league for 16-, 17-, and 18-year-olds. While filling existing recreational voids, it has simultaneously provided valuable guidance and enhanced the development of leadership. It has gained widespread respect and support as we see reflected in the endorsement by professional baseball players, government leaders, clergymen, educators, recreational superintendents, and high school and college coaches. Although the program has filled some of the recreational voids which existed, this problem of insufficient facilities and activities still exists. As a tribute to Babe Ruth and to the league named in his honor, I am happy to join my colleagues in seeking channels which will provide our young with facilities and outlets for their valuable energy.

Mr. WYMAN. Mr. Speaker, Babe Ruth Baseball is active in New Hampshire, particularly in Manchester where the Tom Woodlock Babe Ruth Little League contributes immeasurably to the structuring of body and mind for young people in the Queen City of the Granite State. By participating under the rules of the game the young men who play in the Little League are learning good sportsmanship and mutual respect as well as the fact that there are some things that you cannot say and it does not matter how much you want to or the umpire will take you out of the game. It stands young men in good stead to develop these qualities and this understanding at an early age. It also teaches respect that carries over to respect for one's fellow man in adult life provided, that is, that one's fellow man earns that respect by the way he speaks and acts.

There can be no more a free ride for respect from others in this country than there should be for those who are able to work and yet refuse to work in the economic sense. If an individual persists in willfully breaking the rules of society, in persisting in tearing it down, in failing to contribute to the welfare of others or to the general public good in what he says and does at least during some portion of his daily life, he will not have the respect of his fellow man nor will he deserve it.

In this Nation, the name Babe Ruth has become a legendary example of how one man can overcome great odds and rise to the heights of athletic prowess by determination, ability and strength of character. The same general frame surrounds individual leaders to society today as it did in Babe Ruth's time.

In this land of opportunity, Pabe Ruth Baseball is a great program for teenage young men and I commend it as one of the answers to the problems facing American youth today. I say one because it will not attract the indolent, the nonathletic or the fags. Each individual in this most individualistic of all nations has his own "thing" and youth programs must extend beyond the athletic to include fields of art, literary achievement, and music to attract all segments of young people who wish to interest themselves in constructive achievement.

Thank the Lord that it is only a small minority that have succumbed to the false claims of the anarchists, the violent, and the drug addict. Even here we must continue to help and one of the best ways to help is by encouraging sympathetic understanding and character rebuilding through the cooperation of other young people who can "reach" those of their age.

Mr. FUQUA. Mr. Speaker, Babe Ruth Baseball is a program which deserves recognition. Thousands of youngsters who have participated and are engaged in the program today are building moral and physical strength.

This program is named for the greatest of all baseball players who had a great love and understanding of young people. I do not suppose any other athlete that ever lived was so loved by the people of this Nation.

And so it is a fitting tribute to him that this program for young boys teaches them respect for the traditions of sportsmanship and understanding of teamwork.

Babe Ruth was a remarkable man. He worked his way up from the obscurity of a Baltimore orphanage to the pinnacle of success, with his name a household word.

This says something about the need for more recreational facilities in this Nation today, particularly in our inner cities. If there are no facilities for recreation for these boys, then they will turn to mischief or worse. If facilities are provided for recreational activities, they are more likely to turn to more productive pursuits.

Babe Ruth climbed the ladder of success and others can follow, but we need to help them.

The Babe Ruth Baseball program is an outstanding one. It richly deserves the tributes being paid here today.

Mr. CLEVELAND. Mr. Speaker, I am happy today to be a part of this special order honoring Babe Ruth Baseball. Babe Ruth Baseball has been a continuing asset to our country and its teenage boys since its inception in 1951. Each year participation in Babe Ruth Baseball continues to grow. Today it is the largest participation baseball league of teenaged boys, with over 325,000 playing Babe Ruth Baseball throughout the world.

In the past 15 years, Babe Ruth Baseball has played an important role in the recreational program for boys in the State of New Hampshire. Mr. William A. Sweeney established this program in the city of Nashua in 1955; it has since grown into a large statewide organization. Since 1955, Babe Ruth Baseball has been of continuous benefit to New Hampshire and its young men. A personal example of this is a young man who is an intern in my office, George Tetler, who was a catcher for 3 years on the Red Legs in Nashua's Babe Ruth program. Another good example is the Manchester, N.H., baseball team that has won the New England regional championship on several occasions to qualify for the international championship, where they have made it to the finals twice. These two examples are strong evidence attesting to the diligence, excellence, and pride Babe Ruth Baseball instills in the young men of the Granite State. It is obvious that this program has helped to build the moral and physical fiber of its participants, and has given them respect for sportsmanship, teamwork, and the competitive spirit.

It is my hope that Babe Ruth Baseball can continue to flourish in New Hampshire and the United States. There is a need for more people to devote their time and energy to coaching, managing, and directing teams and for more and better facilities to aid in the continued success of Babe Ruth Baseball across this country and throughout the world. We must continue to promote this activity that helps build men physically, and more important, morally.

Mr. BUTTON. Mr. Speaker, at a time when a good deal of attention is focused on the communications gap between adults and youngsters, it is good to remind ourselves of the many more instances when there is no such gap.

Perhaps one of the most heartening illustrations of the close bond between generations is seen in the life of one of America's great folk heroes, Babe Ruth, and in the program named after him, Babe Ruth Baseball.

Ruth, who grew up in a Baltimore orphanage, became Mr. Baseball to generations of Americans. During his life, the Babe was devoted to children and, after his death, a program for youngsters from 13 to 15 years of age grew and took his name. Today Babe Ruth Baseball Leagues are international harbingers of good will, dedicated to kids, baseball, and sportsmanship.

Babe Ruth Leagues, which were set up for boys too old to participate in Little League plays, have been highly successful.

Participation is intense in my own area of New York State with 11 Babe Ruth Leagues active in Capitaland, of which my 29th District is the center. Close to a thousand youngsters in the 13 to 15 age category are involved—and equally important—so are their parents. In fact, there are plans to organize a senior Babe Ruth League in the area for youngsters from 15 to 18 years of age.

Games become great social events, where families gather and cheer their team. The competition is always intense but fair, one of the overriding concepts that is part of Babe Ruth Baseball. Babe Ruth Baseball cuts across all social and ethnic barriers to unite youngsters in the camaraderie of sport. Youngsters learn responsibility, the value of teamwork, and the moral code of sportsmanship.

Such an experience should be available for all children. Unfortunately, it is not. While the private sponsors and donors that make such league play possible have been extremely generous in most communities, the sorry fact is that many more facilities for youngsters are needed.

Shortages of recreation areas are especially acute in this Nation's inner cities, where conditions combine to make the life of youngsters a hard prospect. There the communications gap goes beyond generations, it is a gulf between life experiences.

Numerous commissions and study groups have reported on the recreation needs of this country. One need not belabor the point to say that a place to play is pretty important to the development of our children. What is needed is coordinated attention to the problems facing our youngsters today.

Certainly, no one believes that increased recreation facilities alone can answer the problems, but such facilities can do a great deal to alleviate many of them. We have the example of Babe Ruth to prove the point, where a boy raised an orphan overcame all handicaps to become a great man.

Babe Ruth Baseball is dedicated to this ideal. In the same spirit, we are urging others to join in a concerted effort to save our children.

Prompt action is needed at the Federal level to find ways of curing the problems.

Mrs. GREEN of Oregon. Mr. Speaker, it gives me great pleasure to join with my colleagues on both sides of the aisle today to give recognition and support to the famous and excellent Babe Ruth Baseball program which offers so much to so many American youth.

Babe Ruth Baseball is a program which gives an opportunity to youngsters to learn the valuable qualities of self-discipline, group cooperation, dedication to others and respect for fair play. The youngsters participating in this program give credence to those who prefer to talk about what is right about our young people today.

Babe Ruth himself is an example of a man who had a dream and did something about it. Anyone at the top of their profession, as this man was of his, must of necessity have qualities of courage, persistence and strength of purpose. It is certainly fitting to encourage young people to identify with the ideals which this man represented.

Therefore, it is with pleasure that I join with others here today in salute of a truly fine organization. May they long continue to offer the very valuable contribution that they give us.

Mr. HECHLER of West Virginia. Mr. Speaker, I am honored to join with my distinguished colleagues today in paying tribute to Babe Ruth Baseball. This morning, a number of friends assembled for breakfast at the invitation of our colleagues, Representatives FRANK THOMPSON, JR., and FRANK HORTON, to be regaled by the southpaw artistry of "Lefty" Gomez, one of Babe Ruth's best friends. It was heartwarming to welcome Mrs. Babe Ruth, who delivered remarks to the group, as well as Baseball Commissioner Bowie Kuhn.

In West Virginia, Babe Ruth Baseball reaches into more than 25 cities and towns, involving nearly 200 teams and nearly 3,000 boys between the ages of 13 and 18. Under the able leadership of State Director John Spangler, of Kenova, and his fine assistant, Paul Burkhammer, of Parkersburg, the West Virginia program has spread in popularity. The commissioner of the senior Babe Ruth program, Howard Marcum, of St. Albans and the district directors—Dr. Joseph Sheppe of Huntington, Bob Mosser of Parkersburg, Pete Romano of Clarksburg, and Jim Powers of St. Albans—Babe Ruth Baseball has grown and prospered, thanks to the dedicated efforts of these officials and many other West Virginians.

I recall vividly the way in which my hometown of Huntington cheered our Babe Ruth team onward as they won victory after victory, and eventually captured the 1960 Babe Ruth World Series. I will never forget the tremendous greeting which Huntingtonians gave to our hometown world series champions the day they returned to Huntington. It was a great victory, and you could sense the amount of pride which gripped Huntington for many months as a result of this world championship.

West Virginia has one of the lowest crime rates in the Nation, and this outstanding Babe Ruth Baseball program is an important factor. I am proud to join my colleagues in this salute to the Babe Ruth Baseball program which through our national pastime teaches our youngsters sportsmanship, discipline, hard work, and teamwork.

Mr. MORSE. Mr. Speaker, George Herman "Babe" Ruth was a legend in his own time and that legend continues to grow today. I am pleased to join in this special order with my colleagues, the gentleman from New York and the gentleman from New Jersey, to pay tribute to Babe Ruth Baseball.

This program is in its 19th year. It provides a healthy and constructive outlet for the energies and abilities of more than 300,000 young people in the 50 States, Puerto Rico, Guam, Canada, Mexico, and many other nations.

Babe Ruth loved children and in return they loved him. His drive and determination still serve as inspirations to many teenagers today. It is vital that this program be continued and that it receives strong support so that the energies of these young people can continue to be directed so productively.

It is also important that we in the Congress give serious consideration to

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strengthening programs designed to provide more recreational land and facilities, particularly for those young people in the inner cities.

Mr. Speaker, I commend my colleagues, the gentleman from New York (Mr. HORTON) and the gentleman from New Jersey (Mr. THOMPSON) for sponsoring this special order.

Mr. MILLER of Ohio. Mr. Speaker, I am happy to join my colleagues today in saluting Babe Ruth Baseball, one of the finest youth programs in our country. We in the 10th Congressional District are extremely proud that Zanesville, Ohio, will again be the site of the Ohio State Babe Ruth Tournament. Zanesville has demonstrated its hospitality and enthusiasm over the past four years in providing one of the most successful and exciting tournaments in the country.

Over the years, Babe Ruth Baseball has given the opportunity to thousands of boys to participate in America's greatest pastime. It offers a program that helps develop teamwork and instill individual confidence. The values and lessons learned through hard work and competition on the diamond are carried throughout their manhood years.

Particular attention should be given to the thousands of adults who give their time and effort as coaches and administrators. The dedicated and enthusiastic individuals are the key to the program's success and we all owe them a debt of gratitude for their fine civic attitude and community contribution.

To all associated with the Babe Ruth program I wish to express my congratulations and best wishes for many more years of success.

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GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject to the special order that I have taken today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO THE LATE GEORGE HERMAN "BABE" RUTH

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE), is recognized for 5 minutes.

Mr. KEE. Mr. Speaker, no finer tribute can be paid to any man than to recognize that in his lifetime he was able to contribute something lasting—something that will live forever in the hearts of man. And this man—George Herman Ruth, better known to all the world as Babe Ruth was such a man. No man in all history of baseball is more worthy of the program that has been set up in his name for the purpose of teaching baseball skills, as well as developing physical fitness and mental improvement to the teenage young men from the ages of 13 to 18.

Throughout his whole career in baseball Babe Ruth was linked with the youth. No one loved them more and no man ever had a greater following throughout the country than those thousands and thousands of young Americans who idolized him—watched his every move. And he never disappointed them. His sportsmanship, his team play, and his striving to do better were a part of his makeup. They were proud when he stepped up to bat.

That spritely step, that quick smile and that deep dedication and earnest feeling of zeal for his chosen profession could serve no better purpose than to animate us and animate the country to the need for increased recreational facilities, not only in highly populated areas, but throughout the entire Nation.

Many people talk about the problems of our youth and the need to provide adult leadership and friendship to the young, but few do more than talk. It is for this reason that I make these few remarks today to commend those who have seen the need and have done something about it.

PROPOSED ATOMIC DIVERSION REWARDS ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, in a speech delivered on May 25, 1970, before the 11th annual meeting of the Institute of Nuclear Materials Management in Gatlinburg, Tenn., concerning the safeguarding of special nuclear materials, I recommended that the International Atomic Energy Agency and major nations individually establish rewards for information leading to the arrest and conviction of anyone illegally diverting, holding, or using special nuclear material. A "no questions asked" bounty system also might be established for return of unaccounted for material to proper authorities.

I have asked the AEC to expedite legislation on this matter. I expect within the next few weeks to have a proposed Atomic Diversion Rewards Act for consideration by the Congress.

Full text of the May 25 speech follows:

REMARKS BY CONGRESSMAN CRAIG HOSMER BEFORE THE 11TH ANNUAL MEETING OF THE INSTITUTE OF NUCLEAR MATERIALS MANAGEMENT, GATLINBURG, TENN., MAY 25, 1970

Let us briefly trace the course of our U.S. national approach to special nuclear materials accountability.

In Manhattan District days and up to just sixteen years ago the materials were kept tightly in the possession of the Government. How much oralloy and how much plutonium are unaccounted for during this period is not for me to say. Actually, I don't know and I doubt if anyone else could come up with much more than an educated guess. But since the amount of these materials was relatively small during this period, I believe we can safely say that losses likewise were relatively small.

This initial period ended in 1954 with the extensive revision of the Atomic Energy Act. For the first time special nuclear material was made available legally to private persons for peaceful purposes. The Commission established procedures and criteria for the issuance of licenses to receive, use and transfer SNM. It proceeded on the general assumption that the financial responsibility of licensees for loss and damage, together with the severe criminal penalties written into the Act, would result in safeguards being initiated by licensees to protect their pocketbooks which, in the process, also would serve adequately to protect the material.

Two years later, in 1956, came the U.S. Atoms For Peace program with its authority for the export of SNM to cooperating nations under bilateral agreements giving the United States ample rights to implement safeguards inspections and control measures in the receiving country. This early American precedent continues in effect today not only in our current bilaterals, but also in almost identical terms in the International Atomic Energy Agency's statute on the subject. Undoubtedly it will carry through into the safeguards agreements non-nuclear powers will be making with IAEA in compliance with the Nonproliferation Treaty.

Although this is not the logical place for it, I am going to surface something at this point almost parenthetically. The matter itself is illogical and that is why there is no logical place for it. But it has influenced our thinking on safeguards. It is the notion that the U–235 problem is somehow different from the plutonium problem because U–235 accountability can somehow be assisted by suppression of enrichment technology. And, as a concomitant, that the plutonium problem has to be dealt with almost exclusively by the safeguards process, unassisted by such things as mandatory reactor operating practices which assure production of mostly dirty plutonium.

Frankly I don't think the clampdown on centrifuge enrichment techniques by the AEC in 1965, and still maintained today, has done a darn thing to inhibit proliferation or to make enriched uranium more easily accounted for. But it has done a lot to encourage other countries to get on with the centrifuge and in this context may, in the end, prove counterproductive. At this point in the nuclear materials accountability game I think we can safely say that the reason the plutonium problem is more difficult than the uranium problem is simply that there is going to be more of the former than of the latter—so much more that any other considerations of difference pale into insignificance.

In any event, the cumulative, worldwide production of plutonium in nuclear power reactors has been estimated to be approximately 125,000 kilograms by 1975 and almost three million kilograms by 1985. That is enough, someone has told me to make 15,000 or more fission bombs at the first date and hundreds of thousands by the second.

These kinds of estimates are nothing new and nothing secret. Because of the general public interest in their troublesome implications the U.S. arrived at another milestone in its domestic safeguards program in 1967. At that time the Commission took two significant steps in the interest of strengthening its ability to meet the growing need for practical and effective safeguards measures:

It established the Division of Nuclear Materials Safeguards under the wings of Harold Price, Director of Regulation, with the responsibility for administering the safeguards program with respect to Commission licensees, and

For the purpose of implementing safeguards with respect to license exempt contractor and AEC operated facilities, to conduct a more aggressive safeguards R&D program, and, as the center for developing both domestic and international safeguards policies, AEC established the Office of Safeguards and Materials Management under the able direction of Del Crowson.

Additionally, as it does in the case of almost every decision (other than as to the time of day) the AEC established an ad hoc advisory group on safeguards known as the Lumb Panel. The Panel sent its report to the AEC later in 1967 and, amongst other things, recommended:

Increasing statutory penalties for unauthorized diversion of SNM, which has been done: and, *establishing clearance requirements for persons having access to SNM*, which has not been done.

Establishing quantitative standards for normal losses in various nuclear processes, which thus far seems to have overtaxed the Commission's capabilities. At least, it hasn't got around yet to doing so.

In fact, the AEC rather shrouds the whole business of operating losses in a cloak of mystery at this point. A couple of weeks ago I asked for the number of kilograms of nuclear material missing on account of normal operating losses. The amount is fairly substantial, but I cannot give it to you because the AEC tells me the figure is classified.

The Lumb Panel also told the AEC it ought to lean harder on businesses handling special nuclear material to tighten up their internal management controls to minimize the risk of diversions. It is my understanding of the bureaucratic process that leaning on someone in the private sector really amounts to doing your thing and it becomes a matter of unrestrained joy. Thus I gather that this recommendation has been implemented zealously.

And well it should be. At your Seventh Annual Meeting in 1966, the then Executive Director of the Joint Committee on Atomic Energy, John Conway, told you of (*context*) Numec Corporation's unaccounted for rate of 6% on highly enriched uranium during fuel fabrication and scrap recovery processes under U.S. contracts. In excess of 100 kilograms of this precious material were unaccounted for by Numec over a period of years. I know of no subsequent case of this magnitude. (*context*)

Now, before some sensation hunting writer takes the foregoing out of *context* and tries to use it to hit the atom in this country, the government, the AEC and the JCAE over the head with it let me warn him to put it right back in context. I didn't say 100 kgs. disappeared, or was stolen, or was lost or is now in the hands of country X or the Mafia. I said that Numec's books and records failed to show uranium out of its plant *vice* uranium in by a discrepancy of 100 kgs. The complaint is not necessarily regarding *actually* disappearing enriched uranium. It is about bad process control and accountability practices which, over a period of years, got the record books drastically out of balance and cost Numec a lot of money. We know for certain that more uranium did not come out of Numec than went in—and we can say that less went out than went in.

And, until the AEC gets around to carrying out the Lumb Panel's injunction to define what normal losses are at various stages of the nuclear process, even properly kept books are not going to tell us as much as we ought to know. Numec's job was a difficult one. Maybe a 6% loss during the process it was carrying on should be regarded as normal. I doubt it. But we'll never know until AEC does establish those norms.

Undoubtedly accountability has improved since 1966 and I don't want to sound gloomy. However, lest the safeguards fraternity become complacent, let me cite to you three recent examples of what are euphemistically called "misroutings" during SNM shipments:

In March, 1969, a container of highly enriched UF–6 was scheduled to go from Portsmouth, Ohio, to Hematite, Missouri. It didn't get there. The AEC, the FBI, the airline, the police, and untold numbers of individuals searched in vain for the shipment which was dispatched on March 5th. Finally, on the fourteenth, it was located in Boston.

Also in March, 1969, highly enriched uranium was booked for departure from New York's Kennedy International Airport on the 11th for delivery to Frankfurt, Germany, on the afternoon of the 12th. The material did not arrive. Five days later, on March 17th, it finally turned up in London where it apparently had been offloaded in error.

Only last month a drum of waste containing a small amount of 70% enriched uranium was consigned for delivery from one firm to another in the same California city. It was, instead, carelessly sent to Tiajuana, Mexico. The report on this matter was imaginatively entitled "Inadvertent export of special nuclear materials."

In these three cases all indications point to slipshod, slapdash handling by shippers. Nobody, got hurt. No financial loss ensued. No material went unrecovered. But these happenings dramatically point up a need for more effective safeguards during SNM shipments. I am pleased to say that the AEC has responded with a considerable tightening up of its shipping regulations. The Commission and all other safeguards authorities, national and international, have a constant duty to improve their monitoring capabilities at any and all points where accidental or deliberate diversions might take place. It is important to remember that if some of the stuff can get lost through carelessness, an awful lot more of it could disappear if some people put their minds to stealing it for illicit profit.

Earlier this year the Attorney General of the United States cited the Kennedy Airport cargo handling apparatus as being under the control of organized crime. The same can be said of many other key transportation elements of this country too. When and if SNM ever becomes an article of illicit commerce, the transportation element of the nuclear fuel cycle will become most vulnerable to diversions. We'd better be cinching up in this area all along the way.

And, I should add, all around the world, too. It seems reasonable to assume that if discrepancies such as I have mentioned can occur in the USA, which has had more than a quarter-of-a-century's experience handling special nuclear materials, then there may be many more places here and there which need even more accountability and safeguards work done.

That is where, of course, the International Atomic Energy Agency comes into the picture. Even before the NPT spelled out specific additional safeguards duties for IAEA, the United States strongly urged that IAEA's safeguards role be enlarged. Other of the Lumb Panel's additional recommendations were to spotlight the *IAEA as the operator of a Universial Safeguards safeguards system* and to *establish international safeguards inspector training schools*. The AEC has, in fact, established such a school at the Argonne National Laboratory to which international attendance always is invited.

Actually, the IAEA inspections to which a number of US nuclear facilities are being voluntarily subjected are discretely used to forward training of international inspection personnel in the techniques of their trade. This is a bonus dividend on top of the stated purpose of these voluntary inspections, namely, to set to rest by our own show of confidence in IAEA's integrity the non-nuclear nations' claims that the inspectors will steal their trade secrets.

Former President Johnson submitted us to voluntary inspection in a declaration made December 2, 1967. Like ourselves, the U.K. also welcomes the IAEA to its non-military nuclear installations. Unfortunately, the Soviet Union has not yet seen fit to deal itself in this way as a follower of the spirit as well as the letter of the NPT. This is not doing any good for the cause of recruiting new signers to the Treaty, nor is it in any way facilitating the establishment of adequate inspection agreements between IAEA and those who have signed already.

Therefore, I take this opportunity to call on the Soviet Union to open up its non-military nuclear facilities to the IAEA in the best interests of making the NPT work. I'm not calling for a constant and complete IAEA inspection of nuclear powers. That would amount to a waste of manpower primarily hired to police, not the nuclear powers, but to assure that the non-nuclears don't acquire atomic weapons in violation of their Treaty pledges. But the Treaty will work a lot better if there exists an open invitation from the nuclear signatories for such inspections and if the Agency occasionally provides some of its inspectors a refresher course by making them.

And I'm not talking tokenism here in any sense of the word. Particularly in the sense tokenism currently is being practiced in this area by the USSR. It has developed some new safeguards hardware and techniques which it is trying out on one single reactor. IAEA observers—not inspectors—have been invited to take a look. They can take a look at the hardware and the techniques for inspection. But they cannot inspect—that is, they cannot take a look at where the SNM is going, which is their business. This kind of tokenism we can do without.

Before casting aside my role of uninvited, unpaid, unheeded and unwanted advisor to Brezhnev and Kosygin on safeguards policy I might as well field another suggestion. It has to do with the obligation of both the US and the USSR under the NPT to supply peaceful plowshare nuclear explosive services to non-nuclear signers. Unless this is to be no more than a hollow gesture it implies getting about the business of stocking the shelves of an International Plowshare Trading Mart with a standard line of peaceful nuclear explosive services.

It also implies that the USSR and the USA are going to have to sit down with IAEA and hammer out some pretty stringent safeguards procedures under which the services are to be rendered. This job shouldn't be done on some hurried, half-baked, ad hoc basis on the eve of the day the shot is scheduled. It should be done carefully, in advance.

Personally I think international Plowshare safeguards procedures ought to be thought out and developed with a combination of the worst possible countries and the worst possible conditions in mind. For example, assume they are being written for the case of Gamal Abdel Nasser applying to the USSR for Plowshare explosive services to clean sand and other foreign objects out of the Suez Canal. If we go about it this way, we'll get safeguards adequate for anything.

WHITHER THE IEAE?

Now I would like to examine the role of international and national safeguards systems in a somewhat broader context with the idea of approximating a real-world picture of what they ought to look like and what they ought to accomplish.

Aside from the possibility of diversion to military or other mischievous uses, there are several reasons why special nuclear materials have to be managed skillfully. One is economic. The stuff is valuable. Like gold, platinum, diamonds and rubies, there are dollar penalties for failure to keep track of it. Another reason is the possible danger to public health and safety if SNM, especially plutonium which is highly toxic as well as radioactively dangerous, is allowed to be spread around carelessly.

I should note here, as the builders of the SEFOR reactor found out when a discrepancy in plutonium content of their fuel elements turned up, that there are also quality control reasons for avoiding lackadaisical nuclear accountability which can bear on both economics and public safety.

The big reason, however, for public interest in both national and international SNM control organizations is a general concern that the material, some of it at least, could get in the wrong hands where its tremendous potential for evil can be ruthlessly exploited.

Except then for normal public health and safety functions, the principal task for which both national and international safeguards systems are created is to prevent theft. If we view these systems as established for that simple purpose, I think we can be more realistic about what they should be and about the degree of assurance with which we should expect them to guard against thefts actually occurring. There has been too much unrealism concerning these matters, particularly in the form of wishful thinking about how IAEA inspectors are going to prevent any and all diversions of special nuclear materials and proliferation of nuclear weapons.

Just two weeks ago tomorrow I had an interesting luncheon with Dr. Rudolph Rometsch, the IAEA's new Inspector-General from Switzerland. I found him to be a pragmatic man with a practical outlook on the difficulties of his office. I think he knows the IAEA inspectorate is never really going to be adequately funded. I think he knows he is going to have difficulty getting, training and holding honest, competent inspectors. And, I think he knows that devising and implementing adequate inspection procedures and techniques—which are backed up by the necessary quantity of first class instruments—is going to be a very difficult job.

I want to make it perfectly clear that the Inspector-General did not tell me the foregoing. I just think that as a practical man he shares my practical outlook on the way things are down at the Inspectorate. And, if this is anywhere near the mark, then IAEA safeguards are not going to amount to the impregnable guardians, the incorruptible watchdogs and the omnipotent protectors of SNM that the rhetoric at NPT signing ceremonies would lead some to think.

Like other police organizations, the Agency safeguards setup is going to do its job well. It will go about it using a combination of safeguards *modus operandi* including:

The "Chastity Belt" approach involving such things as seals on reactors and other SNM containers.

The "Slaughterhouse" approach where figuratively international inspectors wander around nuclear facilities stamping Good Housekeeping seals on SNM accountability practices. And,

The "Black Box" approach which incorporates tamper-proof nondestructive testing apparatus at strategic links in the nuclear fuel chain and elsewhere.

The IAEA Inspectorate already has learned to overcome the absolute barrier to inspection it ran into a couple of years ago when its team zeroed in on a Japanese power reactor site and struck out. All the reactor's books and records were kept in Japanese. So also read the labels on the reactor, the fuel rods and everything else in sight. Unfortunately nobody on the team from Vienna understood a word of the Japanese language.

Actually within a very short time I believe the IAEA will be doing everything that can be reasonably expected of it. But just like any other police force that doesn't mean it will be able to stop all crime. There is some finite possibility that some one or more NPT signers will cheat, get away with it, and obtain a surreptitious Nuclear Club membership card. There is a probability that one or more NPT signers will simply denounce the Treaty and go down the nuclear road openly. Then, of course, there are always the countries who refused to sign the Treaty in the first place, who have the capability to go nuclear, and might develop a determination to do so.

My point is not to deprecate the Treaty. It does place on nations signing it a considerable compulsion to produce on their peaceful promises. My point is simply that in the real world the odds are that the Nuclear Club membership rolls will see some additions despite anything Rometsch & Co. can do. It is sensible for us to be prepared for such a contingency and not fall into a fit of fear, frustration and foreboding if it happens.

Nor should we stigmatize the IAEA or a national inspection system as failures because we demand of them far more than they could reasonably be expected to produce. They can slow down proliferation. They can circumscribe it. The can diminish careless losses and illegal diversions of SNM by a large factor. But they cannot stop it entirely.

Actually, where I think the IAEA will do a tremendous job itself, and by its example and pressure encourage the national systems to do a better job, is in the non-national nuclear threat area. Many people, including myself, do not regard as very convincing the Dr. Goldfinger scenario where James Bond thwarts holding Miami hostage for a zillion dollar ransom under threat of blowing it up with a stolen H-bomb. Stealing a 1000 pound top secret bomb isn't exactly easy.

But when you think not in terms of stealing whole bombs, but of diverting very small amounts of SNM at a time and of the possibility of a profitable Black Market developing, you get on more credible ground. Black Markets already exist from all kinds of "hot" goods. They are quite flexible in taking on new product lines. If a SNM Black Market develops, the sales price to some country, individual or organization desperately wanting to make nuclear explosives has been estimated as high as $100,000 per kilogram.

A gram is 1/1000th of a kilogram and 1/1000th of $100,000 is $1,000. Liberating a half gram of plutonium at a time from the local fast breeder reactor fuel element factory might be so small an amount as to be relatively undetectable even by the best black boxes and the sharpest eyed inspectors. Kimberly has tried to stop employees from stealing its diamonds for almost a hundred years and hasn't entirely succeeded yet. Even if the stolen material must be sold through a fence at a knock-down price, some employees of the factory may see the risk-to-benefit ratio of this kind of extra-curricular activity as favorable.

There are a number of hostage scenarios kicking around to support the thesis of rather high prices if a special nuclear materials Black Market ever develops. I suppose you have heard most of them, but let me recall a few, without comment as to plausibility, just to refresh your memory:

The small threatened country scenario in which an A-bomb is the only thing that will save it and its patriotic leaders are determined to go for broke.

The Mafia scenario where the organization steals the SNM, kidnaps the scientists and forces them to build the bombs, and then:

(a) Threatens to blow up J. Paul Getty, the Aga Kahn and similar types unless they sign over their billions; or

(b) Threatens some cities or small countries on the same basis; or,

(c) Sells the bombs to dictators and leaves it to El Supremo or the Junta to do the blackmailing on their own.

The dedicated disarmers scenario where scientific minded rich "good guys" believe disarmament isn't going fast enough, so they steal the SNM and secretly build bombs in various world capitals. Then after setting off a demonstration bomb at a remote location to establish credibility, they threatened to blow up the capitals one by one unless the nations forthwith effectuate total and complete disarmament.

The crazy chemist scenario in which the psycho doesn't know how to build a bomb, but lays his hands on a bucket of plutonium and mixes it into an odorless, tasteless, invisible gaseous compound. For fun and/or profit he threatens to spread the stuff all over Manhattan some day.

So maybe you and I don't think much of these scenarios. But that doesn't mean that someday, somewhere, somehow, someone is not going to try to do some dastardly deed using purloined plutonium or unaccounted for uranium. To reduce both national and non-national threats of this kind I have two specific suggestions which are equally applicable to the international and the various national safeguards systems:

First, SNM safeguards organization and personnel should develop intimate ties with all existing police type organizations to the end that all of the latters' widespread apparatus and resources continuously and effectively will augment the safeguards systems.

Second, that the IAEA, and major nations individually, establish rewards for information leading to the arrest and conviction of anyone illegally diverting, holding or using SNM. A "no questions asked" bounty system also might be established for return of unaccounted for material to proper authorities.

I believe we should recognize that rewards for information and stolen items have been used by security and law enforcement officials since the beginning of mankind. Informants are the backbone of any security apparatus. I am thinking about developing legislation to implement this idea and I am sure it would attract many co-sponsors.

In closing let me say that there is always a delicate balance in this area of accounting for special nuclear materials between too much effort and too little effort. You—this audience—are the precision experts on where that balance rightly ought to be. I thank you for the excellence of your past work and look forward to your guidance in the future.

INTEROCEANIC CANAL PROBLEM: MEMORIAL TO THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, when first starting upon the serious study of the interoceanic canal problem more than 15 years ago, there were few of our citizens who had any essential understanding of this complicated subject. Now there are many in various parts of the Nation who have studied it in sufficient depth to form definite conclusions as to what the policy of our Government should be. For bringing about this result, all Members of the Congress who have contributed toward public enlightenment can take due credit for their respective parts in clarification of the issues involved and in defending the treaty based rights of the United States and the security of the Western Hemisphere as well as the best interests of Panama.

In these general connections, I would invite attention to the many scholarly statements by Senator STROM THURMOND concerning the several vital elements in the isthmian question, especially his quoting in the CONGRESSIONAL RECORDS of July 17, 21, and 27, 1967, of three secretly negotiated proposed Panama Canal treaties that were never signed. Also, I would invite attention to a volume of my own addresses on Isthmian Canal "Policy Questions," published as House Document No. 474, 89th Congress, and to subse-

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quent statements by me that supplement those in the volume.

The latest significant development as regards the interoceanic canal question is the formation of the Committee for Continued U.S. Control of the Panama Canal. Its membership is distinguished, knowledgeable, and realistic.

A recent memorial to the Congress prepared by the Committee summarizes in objective manner the major points in the canal problem with a suggested plan for legislative action. Let us save the Panama Canal and prevent our strategic position on the Isthmus from falling into Soviet hands by adopting the committee's recommended program.

Because of the inherent value and timeliness of the indicated memorial, I have distributed copies of it to all Members of the Congress, selected officials of the executive department, and many others, and urge its careful study by all concerned with Isthmian Canal policy questions.

The memorial follows:

Committee for Continued U.S. Control of the Panama Canal

Honorable Members of the Congress of the United States.

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express our views:

1. The construction by the United States of the Panama Canal (1904–1914) was one of the greatest works of man. Undertaken as a long-range commitment by the United States in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." Congressional Record, vol. 115, pt. 17, pp. 22846–49), the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tools that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

2. Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant from Panama (Hay-Bunau-Varilla Treaty of 1903), all privately owned land and property in the Zone were purchased from individual owners, and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22).

3. The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

4. In 1939, prior to the start of World War Two, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The current program for the enlargement of Gaillard Cut is scheduled to be completed in 1970 at an estimated cost of $81,257,097. These two projects together represent an expenditure of more than $157,000,000 toward the major modernization of the existing Panama Canal.

5. As the result of canal operations during the crucial period of World War Two, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception includes provisions for the

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92').

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, to permit uninterrupted operation of the Pacific locks during fog periods.

6. Competent, experienced engineers have officially reported that "all engineering considerations which are associated with the plan are favorable to it." Moreover, such solution:

(1) Enables the maximum utilization of all work so far accomplished.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable demands for damages that would be involved in a Canal Zone sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that would be caused by removing the fresh water barrier between the Oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

7. All of these facts are paramount considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty angles. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty.

8. In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1960 to cost $2,368,500,000, exclusive of indemnity to Panama, has long been a "hardy perennial," and according to former Governor of the Panama Canal, Jay J. Morrow, it seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite its engineering impracticability. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, or be wholly borne by the United States taxpayers.

9. Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion in 1967 of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This provision vests the power to dispose of territory and other property of the United States in the entire Congress (Senate and House) and not in the treaty-making power of our Government (President and Senate).

10. It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State have been, and are yet engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Canal Zone project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world shipping.

11. Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal, and

(2) The major modernization of the existing Panama Canal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States which aim at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

12. In the First Session of the 91st Congress identical bills were introduced in both House and Senate to provide for the major increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution.

13. Starting on October 27, 1969 (Theodore Roosevelt's birthday), more than 100 Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization.

14. The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. Clearly, the recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approaches to the Panama Canal, and as was accomplished in the case of the Suez Canal. The real issue as regards the Canal Zone and Canal sovereignty is not United States control *versus* Panamanian, but United States control *versus* Communist control. This is the subject that should be debated in the Congress, especially in the Senate.

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15. In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions; also similar action by the Senate.

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching capacity saturation.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, Calif. Formerly Chairman, President's Council of Economic Advisers.

Dr. John C. Briggs, Tampa, Fla., Chairman, Department of Zoology, University of South Florida.

William B. Collier, Santa Barbara, Calif., Business Executive with Background of Engineering and Naval Experience.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown University.

Dr. Donald M. Dozer, Santa Barbara, Calif., Historian, University of California, Authority on Latin America.

Cmdr. Carl H. Holm, Miami Beach, Fla., Business Executive, Naval Architect and Engineer.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Dean Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University, President, Panama Canal Society, Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif., Professor of Physics, University of California.

Howard A. Meyerhoff, Tulsa, Okla., Consulting Geologist. Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keeffe, Washington, D.C., Assistant Professor, George Mason College. Formerly Research Associate, The American Legion.

William E. Russell, New York, N.Y., Lawyer, Publisher and Business Eexcutive.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Ad. T. G. W. Settle, Washington, D.C., Formerly Commander, Amphibious Forces, Pacific.

Harold L. Varney, New York, N.Y., Editor, Authority on Latin American Policy Chairman, Committee on Pan American Policy.

B. Gen. Herbert D. Vogel, Washington, D.C., Consulting Engineer. Formerly Deputy Governor, Panama Canal Zone.

R. Ad. Charles J. Whiting, La Jolla, Calif., Attorney at Law.

THE 195TH ANNIVERSARY OF U.S. ARMY CORPS OF ENGINEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. FALLON) is recognized for 10 minutes.

Mr. FALLON. Mr. Speaker, today the U.S. Army Corps of Engineers celebrated its 195th anniversary, and I would like to take this opportunity to congratulate Lt. Gen. F. J. Clarke, the Chief of the Army Engineers, and each member of this fine organization for their dedication, resourcefulness, and accomplishments over the years.

To mark this historical event Secretary of the Army Stanley R. Resor will be the principal speaker at the Corps' new headquarters in the Forrestal Building. A further ceremony will be the presentation by General Clarke of length-of-service awards to 87 persons whose service total 1,800 years, a remarkable statistic which speaks well for the very high standards of employment management practices within the Corps of Engineers.

The beginnings of the Corps of Engineers and of the civil works program which it administers so capably go back to the early days of the Nation's history.

On June 16, 1775, the Continental Congress resolved:

> That there be one Chief Engineer at the Grand Army and that his pay be $60 per month. That two assistants be employed under him, and that the pay of each of them be $20 per month.

At the close of the Revolutionary War the Army Engineers were disbanded, although they continued to plan and construct public and defense works as individuals under contract. In 1794, Congress combined the two branches into a single Corps of Engineers with headquarters at West Point where the Military Academy was also established. From that "second birth" the Corps has developed progressively and continuously to its present status.

President Jefferson first established the policy of assigning to the Army Engineers various peacetime duties of a civil as well as military nature. He sent them into the western frontiers of the rapidly growing nation to survey and report on the requirements for roads, canals, bridges, and other civil works; they constructed many of those improvements.

In 1824, Congress established a Board of Internal Improvements, consisting of two Army engineers and one civilian engineer, to plan a national transportation system of roads, canals, and waterways. In 1824 also, Congress passed a forerunner of the River and Harbor Acts under which the Corps of Engineers has since developed and maintained the Nation's waterways for navigation and related purposes.

As the country grew, the Army's Engineers were assigned, in addition to a regular program of river and harbor improvements, a variety of other nonmilitary tasks. These included such assignments as exploration and mapping of the West, road and railroad location surveys, charting of the Great Lakes, and construction of monuments, buildings, and water supply system for the Nation's Capital.

Gradually such activities required the establishment of many field offices which had continuing responsibilities. This resulted in the formation in 1888 of a nationwide system of division offices each of which supervised several district offices where operation staffs were maintained for planning, designing, constructing, and operating river and harbor improvements.

The civil works program of the Corps was directed primarily to improvements for navigation until 1879 when the Mississippi River Commission was created with flood control as an added function. For many years flood control was only incidental to navigation but ultimately an extensive system of works for protection of the alluvial valley of the Mississippi from floods and stabilization of the river channel for navigation was provided.

In 1893, through establishment of the California Debris Commission, the Corps acquired responsibility for regulation of hydraulic mining in the Sacramento and San Joaquin Basins and for development of debris basins and other measures to prevent possible damage to navigation from such mining.

By the turn of the century a national consciousness of the need for conservation and proper use of water resources was developing. Comprehensive legislation for the protection and preservation of navigable waters was adopted in 1899 under which the Corps of Engineers administered a system of permits and regulations for bridges and structures in or over navigable waters and enforces the prohibition against discharge of nonliquid wastes into navigable waters. Oil pollution responsibilities were added in 1924.

In 1902, with the creation of the Board of Engineers for Rivers and Harbors in the Corps of Engineers, the groundwork was laid for improvement of the formulation and review of proposals for waterway developments.

In 1904, the Corps was called upon to construct the Panama Canal and in 1914 successfully completed this formidable task with its unprecedented earthmoving requirements.

In 1917, Federal activity on flood control on the Mississippi which had been carried on since 1879 only to the extent it could be related to navigation was acknowledged in its own right through specific legislation. At the same time the Corps was also authorized to undertake flood control work on the Sacramento River in California.

The first nationwide survey of the multiple use possibilities for development of the Nation's rivers was assigned to the Army in 1927. In the following decade, the Corps of Engineers prepared some 200 reports know as "308" reports outlining possible development for the purposes of navigation, flood control, irrigation, and hydroelectric power development. These studies have been generally acknowledged as having greatly facilitated the intensive multiple-purpose water planning and development of recent years.

Shore protection responsibilities were added to the Corps civil works program in 1930. In 1936, nationwide flood control activities, except those associated with land treatment measures by the Department of Agriculture, were made a function of the Corps of Engineers. The 1936, 1938, and 1944 Flood Control Acts also assigned the Corps responsibilities for considering and proposing multiple water uses including hydropower, water supply, recreation, and fish and wildlife. Subsequent legislation has expanded the opportunity and requirement for these purposes in the civil works program and has added functions as water quality control and flood plain information service.

As a result of the increase in both the number of purposes and size of the program, the Corps of Engineers civil works

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organization in 1940 had grown to 42,000 persons employed in 11 divisions and 48 districts with an annual budget of about $280 million. The existence of this engineering organization in the Army was an important consideration when responsibility for construction for the Air Corps was transferred from the Quartermaster General to the Chief of Engineers in 1940 and when all other Army construction was transferred to the Corps in 1941. The civil works organization was able to adapt quickly and, by June 1942, had military construction underway at the rate of $20 million per day. In the period 1940 to 1945 the Corps completed approximately $11 billion in construction of some 3,000 command installations, 300 major industrial projects, and numerous miscellaneous facilities.

During World War II the Corps was also entrusted with the management of the Manhattan project for development of the atomic bomb.

Since World War II, the Corps has been assigned, in addition to its continuing programs of military construction for the Army and Air Force, major functions in the intercontinental ballistics missile program, the national aeronautics and space programs, civil defense, and disaster recovery operations.

Meanwhile, the civil works program had grown from a curtailed World War II level of just over $100 million to over a billion dollars annually. The Corps program is the largest single Federal activity in this area, constituting more than one-third of all Federal civil public works exclusive of loan and grant programs such as that of the Bureau of Public Roads.

In summary, the civil works program has accumulated, since 1824 about 4,477 project authorizations with a total estimated Federal cost of $35.8 billion. Approximately $16.7 billion will be required to complete the active authorized improvements of more than 1,250 projects.

The Federal program for the improvement of rivers and harbors consists of three major parts: Coastal harbors and channels, Great Lakes harbors and channels, and the inland and intracoastal waterways. Each of these systems has more than justified construction and operating costs by savings in transportation costs.

Coastal harbors and channels accommodated 334 billion ton-miles of foreign and coastwise traffic in calendar year 1967. Harbors and channels of lesser depths also have been provided for commercial fishing, recreational boating, and harbors of refuge.

The vast water areas of the Great Lakes, joined by improved connecting channels, provide a low-cost transport artery that permits movement of material and products in huge quantities to advantageously located industrial areas. In calendar year 1968 waterborne commerce at Great Lakes harbors and channels totaled 108.4 billion ton-miles.

The Federal Government has improved in varying degree some 19,000 miles of inland and intracoastal waterways. Commerce on these waterways has surpassed 287 billion ton-miles annually. The authorized flood control program, including the Mississippi River and tributaries project, is estimated to cost $14 billion. Since 1936, the Corps has completed 675 specifically authorized projects, with an estimated cost of about $3.8 billion. Projects having an estimated cost of about $6.3 billion are under construction, and many of these have been advanced to the point where they are at least partially effective for flood control. The remainder of the active flood control program estimated to cost $3.9 billion, has not been started. Many multiple-purpose reservoir projects with power provide important flood control benefits. There are 917 Corps of Engineers projects of all categories now fully or partially effective for flood control and, during the limited period they have been in operation, they have prevented about $18 billion of flood damages.

About 5.5 million acre-feet of water supply storage space in reservoirs supplements the water supplies for over 2 million people in almost 100 cities, towns, and rural areas. This storage provides the main water source for many communities. A dependable supply in excess of 3.5 billion gallons per day is available from storage space now in operation. There will be about 2.5 million acre-feet of additional domestic and industrial water supply storage in 23 reservoirs under construction. More than 6 million acre-feet of storage is available for irrigation use from 20 reservoirs. There are almost 11 million kilowatts of installed hydroelectric capacity producing about 3.7 percent of the total generating capacity and 22 percent of the hydroelectric generating capacity throughout the Nation. Basic facilities have been provided which permitted recreational use amounting to 254 million visitations in 1968 as compared with 16 million only 18 years earlier. The reservoirs also provide substantial fish and wildlife benefit and improved water quality through low flow augmentation.

In an anniversary message addressed to the members of the U.S. Army Corps of Engineers, Gen. W. C. Westmoreland, Chief of Staff, U.S. Army said:

> The men and women of the United States Army join me in a salute to the members of the Corps of Engineers honoring its 195th anniversary. It is with distinct pleasure that we extend our congratulations and best wishes.
>
> As members of a proud and distinguished Corps, you can take justifiable pride in the dedicated service given our country for almost two centuries. During the past year, in keeping with this tradition, you have demonstrated unsurpassed professional skill and enthusiasm in accomplishing your manifold responsibilities to our Army and our Nation. Throughout the free world, and particularly in Vietnam, your achievements have earned the respect and appreciation of all who seek a lasting peace.
>
> Speaking for your fellow soldiers, I heartily commend your past performance, and express our confidence that you will meet the challenges of the future with continued success.

Mr. Speaker, as chairman of the Committee on Public Works, I am proud to note the contribution to the Nation which has resulted from the water resource development projects of the Corps of Engineers—projects which the committee has recommended and which the Congress has authorized. These projects have created vast opportunities for our fellow Americans to live safe from repetitive devastating floods, to utilize the most modern waterway transportation areas and many miles of shorelines for outdoor recreation, and to enjoy the economic advances which accompany water resources development.

Mr. Speaker, I am proud of my association with the good people, both military and civilian, who make up the Corps of Engineers. I wish for them many, many years of continued success.

JUSTICE DEPARTMENT NEGOTIATIONS UNDERMINE ADMINISTRATION CLASS ACTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY), is recognized for 30 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, 2 weeks ago today the Federal Trade Commission declared a crackdown on magazine subscription sales abuses that have victimized American consumers for three decades or more.

Briefly, the FTC declared its intent to issue formal complaints charging four prominent publishing houses and 10 of their subsidiaries with use of deceptive methods to sell long-term subscriptions and with use of harassment to collect contract payments from deceived subscribers. All of the firms named in the FTC action sell multiple, long-term magazine subscriptions on a budget payment plan known in the industry as "PDS—Pay During Service."

Each of the four parent organizations, which the FTC said it has "reason to believe" have committed violations of the law, has been afforded the opportunity to sign consent orders, thereby agreeing to "cease and desist" from engaging in a long list of deceptive and harassing practices.

Identified in the FTC action are the following firms:

> Cowles Communications, Inc., 488 Madison Ave., New York City; and five wholly owned subsidiaries—Civic Reading Club, Inc., Educational Book Club, Inc., Home Reader Service, Inc., Mutual Readers League, Inc., and Home Reference Library, Inc., all located at 111 Tenth St., Des Moines, Iowa.
>
> Perfect Film & Chemical Corp., 641 Lexington Ave., New York City, and its wholly owned subsidiary, Perfect Subscription Co., Independence Square, Philadelphia, and a wholly owned subsidiary of Perfect Subscription, Keystone Readers' Service, Inc., Seventh and Main Streets, Fort Worth, Tex.
>
> The Hearst Corp., 959 Eighth Ave., New York City, its wholly owned subsidiary, Periodical Publishers' Service Bureau, Inc., 310 N. Superior St., Sandusky, Ohio, and International Magazine Service of the Mid-Atlantic, Inc., 2518–2524 N. Charles St., Baltimore, a franchisee of Periodical Publishers.
>
> Time Incorporated, Time-Life Building, New York City, and its wholly owned subsidiary, Family Publications Service, Inc., 1212 Avenue of the Americas, New York City.

The FTC crackdown on the PDS division of the magazine industry was a firm beginning—but it was only a beginning. If magazine sales are to be cleaned up

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fully, other aspects of the industry's operations must receive official attention.

One of these is the method by which magazine sales agencies pressure reluctant subscribers to pay for unwanted magazines. It is common practice for these agencies to operate their own collection bureaus, subjecting subscribers who wish to cancel their subscriptions to months of collection harassment by mail and by telephone.

In February, after efforts to seek corrective action directly through Chesapeake & Potomac Telephone Co. of Maryland, I submitted subscriber complaints of telephone harassment by International Magazine Service of the Mid-Atlantic, based in Baltimore, to the Federal Communications Commission. IMS of the Mid-Atlantic has been temporarily enjoined from engaging in deceptive practices in New Jersey, is the target of legal action by the Bureau of Consumer Protection in Pennsylvania, and was named in the FTC action 2 weeks ago. It is a Hearst subsidiary.

IMS is not the only magazine agency that engages in telephone harassment of tardy customers. Most of the other agencies named in the FTC action subject their customers to similar pressures. IMS merely stands out as having one of the more forceful collection operations, sometimes calling employers, friends, and relatives to report that subscribers are delinquent in their accounts, threatening law suits, jail sentences, or even deportation if accounts are not paid.

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Since first reporting the IMS collection tactics, I have supplied the FCC of telephone harassment by other agencies as well. The FCC has initiated an investigation of the IMS operations, seeking to determine whether Chesapeake & Potomac Telephone Co. of Maryland has failed to enforce its own rules which forbid harassing telephone calls.

However, while that specific matter is still unresolved, the Federal Communications Commission has taken action to halt misuse of telephones by agencies engaged in high pressure collection of claimed debts.

The FCC served warning on all telephone companies that the consumer has a right "not to be harassed by telephone." By a unanimous 5 to zero vote, the FCC issued an order in which it declared the Commission has received information that interstate telephone service "is being increasingly used for collection of claimed debts in ways that are or may be in violation" of telephone company rules and Federal criminal laws.

The invasion of the American consumer's privacy by way of telephone circuits has become a national disgrace. The FCC's affirmation of the public's right not to be subjected to abuse via telephone service for which it pays a high premium is a commendable step in the right direction. I urge every telephone subscriber who receives harassing calls to report them in writing to his telephone company and to mail a copy of the complaint to the FCC, to insure this right is not compromised.

In sharp contrast to the FTC's firm stance on magazine sales abuses and the FCC's crackdown on telephone harassment for the collection of disputed debts is the foot shuffling taking place within the U.S. Department of Justice in regard to some of the more serious magazine sales abuses.

I refer to the Justice Department's interference with the orderly investigation by a Federal grand jury of possible postal fraud involving magazine sales subsidiaries of Cowles Communications.

This Federal grand jury was convened in Des Moines, Iowa, February 17, 1970. For 3 days it probed anxiously and perceptively into the selling methods and business operations of Cowles' subsidiaries, as described by a string of 10 witnesses.

Before the grand jury could resume its investigation in March, Cowles initiated a series of moves that disrupted the investigation. Within a period of several weeks, attorneys for the publishing house filed a succession of motions alleging improper investigative techniques by two U.S. postal inspectors. The third of these motions sought to have the grand jury investigation scrapped entirely.

Subsequently, a hearing in open court was scheduled for April 20 to take up the Cowles' motions. But in an unexpected 11th hour move, the U.S. attorney at Des Moines requested postponement. Surprised U.S. postal inspectors learned of the postponement when they read it in the newspapers.

I have since learned and verified that attorneys for Cowles are engaged in negotiations with the Justice Department to reach a compromise agreement. Based on information I have gleaned from a number of sources and circumstances, I have reason to believe Cowles may be willing to plead "guilty" or "nolo contendere" to postal fraud on behalf of its five subscription-selling subsidiaries provided the parent corporation—Cowles, itself—and its assets and key executives are protected from criminal proceedings.

Although such a settlement may seem satisfactory to the Justice Department, I am concerned it would be contrary to the public interest and, possibly, the national interest as well.

There is a very real possibility, for example, that the Internal Revenue Service will have an interest in the outcome of the proceedings begun in Des Moines. Therefore, I want to be absolutely certain this potential interest is fully safeguarded in any negotiations conducted within the Justice Department.

Further, if the investigative proceedings initiated by the U.S. Postal Inspection Service and continued by the Federal grand jury were successful in establishing evidence of postal fraud, it is likely that civil proceedings will subsequently be initiated by consumers, by agents of the subsidiaries, or advertisers who may have received substandard returns on their advertising dollars. Thus, it is important the public interests in these proceedings likewise be fully safeguarded.

There is one other immediately significant aspect of the negotiations between Justice and Cowles' attorneys. It is their potential to deactivate the trigger mechanism in class action legislation of the type advocated by President Nixon.

Consumer advocates and business groups currently are locked in controversy over two alternative approaches to consumer class action suits to counteract sales abuses. The Nixon administration's bill would allow class action suits only after the Federal Trade Commission or the Justice Department has initiated the trigger action. Under the stronger Eckhardt bill, of which I am a cosponsor, such Federal trigger action is not required.

Obviously, if the Justice Department proceeds with negotiation of a settlement of this very significant case in Des Moines it will have demonstrated clearly how the administration bill can be rendered a worthless instrument of consumer protection. In this sense, the administration bill would stand exposed as a hoax.

The grand jury investigation of Cowles' selling practices is directed at hundreds of millions of dollars worth of subscription contracts. It involves business practices carried out across the entire United States and beyond. The Justice Department's negotiations, if they result in any agreement which fails to safeguard fully the interests of the public and the Nation, must be regarded as improper.

The specter of the Justice Department busily engaged in settling out of court other major consumer cases in the future must be recognized now as fair warning to the Congress that the administration's class action bill is a hoax that we dare not substitute for the more effective measure now pending in the Committee on Interstate and Foreign Commerce.

It is appropriate that I point out my disclosure today of these negotiations does not come as a surprise to the Justice Department, nor does it in any way compromise the confidential nature of the Federal grand jury proceedings in Des Moines.

Under date of May 7, 1970, I wrote to the Attorney General and requested a briefing on the negotiations which are being conducted outside the realm of the grand jury investigation. I did not request nor expect any information about proceedings conducted in secrecy by the Federal grand jury. There is no need to ask that. Much of the information was developed in my own office and involves situations and practices with which I am intimately familiar. Thus, Justice's response was irrelevant.

Because of the Post Office Department's direct interest in the investigation, the Chief Postal Inspector also was supplied a copy of my letter to Justice. I think it is a fair observation to say the Postal Inspection Service is not entranced by the negotiations underway.

In addition, I alerted the office of the President's adviser on consumer affairs, Mrs. Virginia Knauer, last week. I believe that office, too, is fully cognizant of the harmful impact negotiations of this kind could have on the effectiveness of the administration's class action measure, should it become law. Mrs. Knauer, who was Pennsylvania's chief consumer protection officer before joining the President's staff, was herself engaged in the investigation of magazine sales practices in Pennsylvania and is keenly familiar with the abuses.

Thus, I feel I have been more than fair in attempting to protect the administration from itself in this instance. In addition to my own direct request for discussion with the Justice Department, I have been advised that two other requests for direct communication between Justice and my office were made by individuals within the executive branch. The total lack of response to these overtures leaves no recourse but to make this issue a matter of public record.

There are, Mr. Speaker, other aspects of my investigation of magazine sales methods which must be regarded as "unfinished business" at this time. I would like to make note of some of these at this time.

First, in addition to those "PDS" subscription sales agencies named in the Federal Trade Commission action 2 weeks ago, there are other PDS agencies which employ many of the same deceptive practices which have not been identified by the FTC. I urge the FTC to take simliar steps to stop selling and collection abuses by these other agencies. Among them are Neighborhood Periodical Club, a comparatively new organization, and Franklin Reader Service, the latter a Washington-based organization which sells subscription packages, coupled with a variety of bonus books and other items, having a total cost of about $450. Franklin Reader Service has a tendency to prey on young married servicemen and apparently concentrates some of its sales activities around military installations.

I also urge the FTC to move swiftly to attack the chief nemesis of the American householder—the roving magazine crew which sells magazine subscriptions for cash payments in amounts as high as the traffic will bear. Almost without exception, these traveling magazine sales crews represent themselves to be students "working their way through college" when they are not even enrolled in colleges, or individuals supposedly associated with prominent foundations, institutions, or Government programs, when in fact they are nothing more or less than magazine salesmen.

I have alerted the FTC to these and numerous other misrepresentations of agents selling magazines for: Local Reader Service, Leisure Reader Service, and Literary Reader Service, all based in Terre Haute, Ind., and having among their corporate officials one or more individuals who figure prominently in the management of PDS sales agencies owned by Cowles Communications, Inc.; Subscriptions Bureau, limited, which recently shifted its corporate base from Arlington to Fairfax County, Va.; Universal Readers Service, Terre Haute, Ind.; Interstate Publishers Service, Kansas City, Mo.; Publishers Continental Sales Corp., Michigan City, Ind., and others.

Because it is my understanding that the FTC considers these cash sales agencies under "active" investigation at the present time, I anticipate that they may soon confront the new brand of FTC "broom" that has a welcome quality to sweep clean.

In this regard, I commend Chairman Caspar Weinberger for the "consumer conscious" image he has given the Federal Trade Commission since assuming its chairmanship in January. I regret that he is leaving the Commission after so short a time but hope that his successor will bring to that post the same high qualities of leadership, management, and determination Chairman Weinberger possesses.

Still other aspects of magazine sales are deserving of attention. There is a vast collection of skeletons in the magazine industry's closets which have not yet been subjected to scrutiny.

There are, for example, very substantial indications that magazine sales for many years have been conducted in a discriminatory manner, in that various sales agencies reject as a matter of course any subscription orders they can identify as having been placed by Negroes.

The current trend among magazines to concentrate their circulation among high-income consumers is, of itself discriminatory because it represents a conscious effort to exclude or purge from circulation lists the low- and moderate-income families of the Nation, among them the majority of many minority groups. It is these same lower income families who might benefit most, for example, from the opportunity to buy several long-term magazine subscriptions through the budget payment plan offered by PDS agencies. Yet, automatic rejection of identifiable Negro orders is a practice common among the PDS agencies, as numerous dealers and corporate personnel have confirmed during my investigation of sales methods. Negro sales are commonly averted by declaring low-income sectors of urban communities, predominantly the black neighborhoods, off limits. The industry's justification for the discrimination is that persons from the lower income neighborhoods are "poor credit risks."

Another problem area is the failure of the Audit Bureau of Circulation, ABC as it is known to publishers of all kinds, to detect sales trickery and fraud in its audits of "paid circulation" of magazines, newspaper and other periodicals. Advertising rates for individual publications are based on circulation figures supposedly verified by ABC audits.

I think it is time to ask where ABC has been during the years of magazine sales trickery. What has ABC done, and what is it doing now, to insure advertisers they are receiving a fair return for their advertising dollars? If advertisers haven't started asking these questions, then there could be no more appropriate time than the present.

In conclusion, I want to make note of just one more aspect of the magazine scandal. The sales abuses uncovered by my investigation and cited by the FTC are not restricted to sales activities in the United States.

Many agencies which sell magazines in this country, also conduct sales in neigboring Canada, for example, as well as in American communities near U.S. military installations and elsewhere in many parts of the world. American encyclopedia sales companies have been on the "hot seat" in several Scandinavian countries for a number of years.

In this regard, I am pleased to announce that I have gathered information about magazine sales activities by several agencies operating in Canada and that this information now is in the hands of a member of the Canadian Parliament and several Provincial and national agencies engaged in protection of the Canadian consumer.

To supplement my remarks, I would like to call attention to the FCC order regarding telephone harassment which appears in today's Federal Register and to insert in the RECORD my exchange of correspondence with the Department of Justice:

MAY 7, 1970.

THE ATTORNEY GENERAL OF THE UNITED STATES, *Department of Justice, Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: A series of events, as well as information which has come to my attention, and a discussion my Administrative Assistant recently had with Mr. John C. Keeney, Director of the Fraud Section, Department of Justice Criminal Division, prompt this request for a full briefing on disposition of a Federal Grand Jury investigation of postal law violations involving five wholly-owned subscription sales agencies of Cowles Communications, Inc.

Having been instrumental in providing U.S. Postal Inspectors with information, evidence and witnesses to establish the corporate role in selling abuses which postal authorities believe constitute mail fraud, as evidenced by this Grand Jury Proceeding. I am keenly aware of the tremendous volume of evidence of very serious business practices at issue.

Thus, I feel I am justifiably concerned by reports that the Justice Department is negotiating some agreement with Cowles Communications, Inc., whereby the Grand Jury proceedings begun on February 17, 1970, will not run their intended full course, and/or that portions of the Cowles corporate complex will be protected from involvement in any further proceedings.

Information compiled in my own investigation indicates to me that there is substantial basis to seek indictments for wholesale and blatantly fraudulent business practices. . . . Literally dozens of individuals who have held a variety of jobs within the Cowles subscription sales organizations have volunteered evidence and testimony.

The volume of sales alone which must be considered suspect as the result of possibly unlawful acts totals several hundred million dollars at the very least. These sales, in turn, were reported as paid circulation of periodicals owned by Cowles and other publishers. Thus, advertising revenues based upon paid circulation figures possibly inflated by fraudulent acts may very well total hundreds of millions of dollars more. To carry this progression one step farther, the combined business activity represented by suspect subscription sales, and suspect advertising revenues, is directly reflected in the total financial condition of Cowles Communications, Inc., and its performance on the stock market.

In short, if the Justice Department were to negotiate any settlement of this matter which would allow Cowles Communications to enter "guilty" or any other pleadings on behalf of wholly-owned subsidiaries which are and were controlled by officials who serve also as corporate officials of the parent Cowles Communications, while in any way exonerating or rendering blameless the parent Cowles Communications, particularly in regard to financial liability, I believe such a move would be contrary to the public interest and the national interest.

Statements have been attributed to the U.S. Attorney in Des Moines that it is not his intention to "destroy an industry." Initially, it appeared his remark referred to the "magazine industry" and my Administrative Assistant assured Mr. Keeney of your staff that it is not now, nor has it ever been, my intention to destroy the magazine industry, nor for that matter any individual industry which engages in legitimate business practices. However, the Justice Department has no right whatsoever to protect any industry from government prosecution or private prosecution for unlawful acts if such protection places private interests above the public interests.

It seems likely that the settlement reportedly taking shape within the Justice Department, even though it may include pleadings of guilt to criminal acts, is not in the public interest if the Cowles Corporation is protected in any way from total liability in any civil proceedings that are likely to result.

Over the years, Cowles has frequently operated and discontinued not only franchise dealerships but entire sales subsidiaries. It already has announced plans to enter a new sales venture, Select Magazines, Inc., discontinuing five subsidiaries which, because their questionable business practices were detected, have outlived their usefulness, would be no great sacrifice if the parent organization, Cowles Communications, Inc., and its assets were rendered invulnerable by the Justice Department to private suits for damages.

Because of the tremendous public interest at stake here, I ask that I, as well as my Administrative and Legislative Assistants, be afforded a full and thorough briefing on the precise state of negotiations with Cowles, and the objectives which the Department of Justice seeks to obtain, and the minimum objectives the Department of Justice will accept in settlement.

I also request that I be advised why a hearing in open court on three motions filed by Cowles challenging investigative procedures of U.S. Postal inspectors scheduled for April 20th was postponed without informing the accused inspectors, and why these same inspectors are totally unaware of what is occurring in secret negotiations and maneuverings at this time, when the entire case hinges on the evidence and testimony their investigation is producing. Is it correct that the Grand Jury is scheduled to reconvene on May 19, 1970, and that it cannot resume its activity until or unless the pending motions are resolved, dismissed or withdrawn prior to that date?

I trust this matter will receive your prompt attention and response. The public interest in this matter requires that I take steps to have the possibility of a compromise settlement of this subject fully explored in Congressional Committee or publicly aired prior to its consummation, in the event I am not satisfied that the solution is in the public interest.

With kind personal regards, I am
Sincerely yours,
FRED B. ROONEY,
Member of Congress.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 11, 1970.

Hon. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: This acknowledges your communication of May 7, 1970. It has been referred for appropriate action and a reply may be expected in the near future.

If you have any questions regarding your communication before receipt of a formal reply, please contact Mr. Harry Kulick, of my office on code 187, extension 3128.

Sincerely,
L. M. PELLERZI,
Assistant Attorney General for Administration.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 22, 1970.

Hon. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in response to your letter of May 7, 1970, addressed to the Attorney General, wherein you request a briefing with respect to an investigation involving subscription sales agencies of Cowles Communications, Inc.

While we are most appreciative of your continuing interest in this investigation, I know you will understand that it would be inappropriate for this Department to brief you on a matter that is now pending before a grand jury.

Sincerely,
WILL WILSON,
Assistant Attorney General.

SUPPORT FOR MR. NIXON

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include an editorial.)

Mr. DEVINE. Mr. Speaker, recently one of the outstanding scholars of our time, Prof. Gottfried Haberler, the Galen L. Stone professor of international trade at Harvard University, voiced his support for President Nixon's actions in Vietnam and Cambodia.

Professor Haberler, in a letter to the editor of the Wall Street Journal, noted that misunderstandings of the President's move, or willful misinterpretations of it, polarize American society, encourage the enemy, and may well prolong the war.

Under unanimous consent I insert Professor Haberler's letter in the RECORD at this point.

SUPPORT FOR MR. NIXON

EDITOR, THE WALL STREET JOURNAL:

The war in Vietnam is a national disaster. The Eisenhower and Kennedy Administrations should not have started it and Johnson should not have escalated it, at least not piecemeal. If the war had to go on he should have immediately hit hard. For example, if seaborne supplies to the enemy through Haiphong and Cambodia had been halted, the war would probably have been finished some time ago. But all that cannot be changed any more. The problem now is to get out as fast as possible with a minimum of human and political loss. This is what the present Administration is trying to do, with some success. Troop strength has been substantially reduced and Vietnamization is apparently making good progress.

The foray into Cambodia is no real escalation. On the face of it, it makes excellent sense. There was after all an anti-Communist revolution and the sanctuaries 30 miles from Saigon are right before our noses. This offered a rare opportunity with very little military risk to greatly improve the military situation, to cut down losses and enhance the chances of an eventual disengagement. It would have been gross negligence to miss this unique opportunity. It nevertheless required great courage to act.

The internal reaction has been deplorable and threatens, by encouraging the enemy, to nullify the military benefits and to reduce the chances of an acceptable peace.

That militant students would seize the opportunity to intensify violence and disruptions was to be expected. That they were able to carry along many moderates is most unfortunate, though understandable. But the students' protest would have been less irrational and destructive without the hysterical and irresponsible reaction of many of their elders. The eagerness of many embattled university administrators and professors to make common cause with the student activists is a sorry spectacle. Sure, it deflects student pressure from the universities to Washington, but it also diverts the universities from their tasks and turns them into political battle wagons. Blaming the campus turmoil on "inflammatory" statements on the campus disruptures, their abettors and tolerators, by the President and Vice President is a transparent diversionary maneuver. Throwing fire bombs is evidently not inflammatory, but castigating the bomb throwers is!

That so many professors, journalists, other intellectuals and politicians completely misunderstand or willfully misinterpret the opportunities and limited nature of the Cambodian operation is a real tragedy. It polarizes American society, encourages the enemy, and may well prolong the war and lead to defeat. Victory does, of course, not mean—let it be repeated—military or political subjugation of Hanoi but merely withdrawal of U.S. forces without immediate surrender of South Vietnam to the Communists.

All Americans are sick and tired of the war, but there should be no blinking at the fact that many have acquired a strong vested interest in American defeat and humiliation, especially if the present Administration has to preside over the ordeal. To understand this, it is sufficient to imagine what a tolerate termination of the war would mean in terms of political prestige and elections. Many politicians would lose their elections, innumerable doubters, defeatists and Nixon-haters in the press (from the New York Times down) and elsewhere would stand revealed and embarrassed, and the many professor-politicians who have found shelter in the universities would find their chances of returning to the corridors of power in Washington drastically reduced.

To the ordinary citizens this will look as a small price to pay for extricating the country from its terrible predicament. But the power of intellectuals to convince themselves—and others of the truth and righteousness of a basically absurd and indefensible position should not be underrated.

GOTTFRIED HABERLER,
Galen L. Stone Professor of International Trade, Harvard University.
CAMBRIDGE.

THIS NATION CANNOT TOLERATE A RETARDED-MONKEY GAP

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, there are at this time seven primate research centers in the United States. These centers perform invaluable research in physiology, pharmacology, biochemistry, epidemiology, and other fields having direct relation to human health and life expectancy.

Last month there was something of a misunderstanding regarding the administration and land use of the primate research center at Davis, Calif., but I believe this has been cleared up to everyone's satisfaction. Under unanimous con-

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sent agreement, I include an editorial entitled "Monkey Business," from the Wall Street Journal of May 18, 1970, and a responding letter to the editorial from the center's director, Dr. Robert E. Stowell, in the RECORD at the conclusion of my remarks. These inserts will explain and resolve the misunderstanding.

We all know that primates make the best experimental subjects, for they are the most humanlike of animals. Not only do the biologists tell us the monkey is much like the man; I am sure this thought has crossed the minds of all of us at one time or another as we have listened to the expostulations of those who disagreed with us.

So there should be no doubt that primate research is important and relevant. One of the most promising projects deals with artificially induced mental retardation, which has taught us a great deal about some of the tragic conditions of metabolically induced mental retardation sometimes found in human children.

But now this vital program is threatened by a crippling cutback. The Bureau of the Budget has recommended that only $8.1 million be allocated to the primate research centers in 1971, as opposed to $10.5 million appropriated in 1970 and $12.5 million requested for 1971.

This cut of $2.4 million below the present level does not seem like much, compared to the defense appropriation figures we are accustomed to throwing around. For $2.4 million, we could prosecute the war in Vietnam for perhaps 1 hour. Or we could buy one Phantom fighter plane. Or we could buy one-half of one Spartan ABM interceptor. But this seemingly trival sum represents a crippling 25-percent reduction in the primate research centers' budgets.

Mr. Speaker, the world in which we live may not always be pleasant, but we must have the courage and the resolve to face bitter reality.

I have it on good authority that the Soviets are pushing ahead full speed on the retarded-monkey research. In addition, the yellow hordes of China are beginning a program while quite small at the moment, may some day well overtake ours.

Mr. Speaker, if these funds are not restored in committee or on the floor, I am terribly afraid that one morning we are going to wake up and find ourselves on the short end of a retarded-monkey gap. The article follows:

[From the Wall Street Journal, May 18, 1970]

MONKEY BUSINESS

The General Accounting Office spends its time looking into all sorts of Federal operations, and it's a good thing too.

In recent years, for example, the Department of Health, Education and Welfare has granted $64 million to seven schools to build and operate primate research centers. This sort of work can be highly useful, since studies of monkeys can have revelance to that other primate—man.

At the Davis campus of the University of California, says the GAO, $465,000 of Federal money was used to buy 300 acres of land. According to the Federal investigators, though, the school used only 11 acres for the center and devoted the rest to its own agricultural research.

Now, the agricultural studies may be useful, too, but they surely aren't what Washington had in mind. With the Federal budget skidding once again into a deficit, you can't help wondering how much more of this sort of monkey business there may be around.

MAY 22, 1970.

Mr. VERMONT ROYSTER,
Editor, Wall Street Journal,
New York, N.Y.

DEAR MR. ROYSTER: In your editorial in the May 18, 1970, issue, "Monkey Business," we believe that the *Wall Street Journal* has served to plant a serious misconception in the minds of its readers about the University of California, Davis and the National Center for Primate Biology.

The editorial remarked on a December 1969 Government Accounting Office report to the Congress about the National Primate Research Centers Program supported by the National Institutes of Health of the Department of Health, Education and Welfare.

In terms of the overall supervision of the Davis facility and six other primate research centers, the *first* findings of the report were that federal officials had "discharged their administrative responsibilities in a generally satisfactory manner."

The GAO audit of the primate research centers was conducted in 1966–67. Frankly, we are surprised, yea astonished, that information covering only a small portion of an otherwise favorable report should receive this kind of treatment in your pages, completely out of context.

Your editorial said that the University of California, Davis used 289 acres of the National Center's federally funded 300 acres for agricultural research. It implied some kind of hanky panky on the part of the University and the Center in regard to land use. This we categorically deny.

In truth, the National Center uses nearly 50 acres of the 300 for its own activities. The University of California, Davis, as agreed upon by the UCD administration, statewide UC officials, and the National Institutes of Health, has used since its purchase approximately 250 acres for cash agricultural crops with the net proceedings being turned over to the National Center to help fund human-health-related medical research.

Surely in these times of declining federal budgets for medical research the *Wall Street Journal* is in favor of a little free enterprise to keep the health sciences viable.

The reason that the National Center for Primate Biology is not using the entire 300 acres provided by the federal government, as specified in its original growth plan, is directly due to the current limited funds made available by Congress for research. The National Institutes of Health is simply not able to fund our research program fully. Naturally, in the current climate, the University of California, Davis, other universities, and private foundations are not able to fill the gap. The National Center presently has the largest colony of nonhuman primates available for medical research.

Because of our research programs, we have a requirement for a relatively large number of breeding primates. The animals are, in a large part, in portable outdoor cages. Because of sanitary and health considerations, it is necessary to move these cages periodically around the Center's land. Thus we need extra space.

Frankly, we also find it imperative to have a significant buffer zone between the National Center and the surrounding community. Not many of your readers, especially those close to the Center at Davis, would want to live next door to a primate center with its several thousand large, noisy monkeys.

We thought your readers would be interested in these facts back of your editorial implications.

Sincerely yours,
ROBERT E. STOWELL,
Director.

SCHOLARSHIP AND ACTIVISM AT THE UNIVERSITY OF CALIFORNIA

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, there is a popular misconception that there are "responsible" students who do nothing but keep their noses in their books, go to football games, and occasionally participate in a panty raid, and there are "irresponsible" students who spend all their time agitating and never crack a book.

While I am sure one could find a few individuals who would conform to these descriptions, they would be the exceptions rather than the rule.

As a recent speech by President Charles J. Hitch of the University of California points out, scholarship, political concern, and activism are complementary rather than antagonistic.

President Hitch points out that the University of California, which in recent years has become known as the Nation's most politically active university, remains a first-rate academic institution by any standard. It boasts more Nobel Prize winners and more National Merit scholars than any other educational institution in the world. It ranks first in the production of Ph. D.'s, of Woodrow Wilson fellows, and of Peace Corpsmen.

And at the same time President Hitch points out:

> Student protest involves what is no longer a minority but a clear majority of the academic community—engineers as well as humanities students, athletes as well as student government leaders, sorority and fraternity members and many other student groups that have not until now been activists.

And among these "new" activists, as well as the "old" activists, one will find more honor students than dropouts. So let there be no doubt that activism has become a way of life for the best and brightest of our young people—and I for one am confident that they, the universities, and the Nation will be the better for it.

Under unanimous consent agreement, I include the address, "What Else Is Happening at the University of California," given by President Charles J. Hitch at the Commonwealth Club in San Francisco on May 29, 1970, at this point in the RECORD:

PRESIDENT HITCH EXPLAINS: WHAT ELSE IS HAPPENING AT THE UNIVERSITY OF CALIFORNIA

It is a privilege and a pleasure for me to be at this distinguished forum. Frankly, I have been on the listening end of quite a few remarks about the University these past few weeks, and it's rather a relief to be on the speaking end for a brief time. It's also a welcome opportunity, and one for which I am most grateful, to say some things that I believe are important and need saying about the University of California.

Like many other institutions of higher education, the University of California has experienced an appreciable amount of student unrest in recent years. This fact has created at least two difficult tasks for university administrators. The first is to deal as effectively and fairly as possible with the unrest itself. The second is to cope with problems arising from the institutional image that the unrest tends to create.

The University's image is in many ways as crucial as its reality. The essential support of the legislature and the general public is based in large part on the image they have of the institution. For some years the image was an outstanding academic institution with a fine football team. Then, for awhile, the image was an outstanding academic institution with a miserable football team—but the public charitably overlooked the poor football and continued it's support. Today, the image has come to focus so sharply on student unrest that the other part of the picture—the outstanding academic institution—is almost lost to view. And the consequences in terms of public support and thus continued institutional well-being are all too predictable.

COMPLEX UNIVERSITY

In his contribution to our new volume of centennial essays entitled *There Was Light,* Daniel Koshland, Jr., comments:

"The critics of the University always seem like the blind man with the elephant—they can grab one part of its enormously complex structure and believe that is the whole."

Well, my job today is to bring you the rest of the elephant—no partisan political symbolism intended. In short, I want to try to bring image and reality closer together by telling you what *else* is happening at the University of California.

First, some broad indices. I've selected the five-year period from the academic year 1964–65 when the Free Speech Movement erupted, to 1968–69, the most recent year for which we have final figures. You may recall that the gloomier observers of the FSM scene predicted it would lead to the demise, or at least the serious decline, of the University. Certainly those first tumultuous events had their impacts on the University, for good and ill, but demise or decline was not among them.

RECORD GROWTH

In the fall of 1964, University enrollment stood at 71,000 students. Five years later, it reached 99,000, an increase of 28,000 students. During that five-year period the University launched three entirely new general campuses—San Diego, Irvine, and Santa Cruz—whose combined enrollments by the fall of 1968 reached more than 10,000 students. And in response to the state's critical health care needs, the University established three new medical schools: at Davis, Irvine, and San Diego. I do not know of another university of comparable stature anywhere that has matched this record of growth. While I am not automatically equating great growth with progress, the absence of University growth would be the denial of a university education for thousands of our sons and daughters and grandchildren.

Despite predictions of a mass faculty exodus, the total instructional staff grew from 6,700 in 1964–65 to 9,100 in 1968–69, a staggering record of recruitment and retention in a period of sharp competition. Of course we can't claim the entire credit for holding our faculty—some credit is due the negative effects of the growing evidence that other major institutions no longer offered attractive sanctuaries from social turmoil. I have often thought about the few faculty members who did leave Berkeley because of the student unrest here, and how they must have felt the past year or so at their new institutions: Harvard, Columbia, Cornell. . . .

MEASURES OF QUALITY

During five years of the most concentrated student unrest and protest in our history, educational accomplishment at the University of California has forged steadily ahead—as witness the granting of a total of 93,330 degrees on our campuses over that period. Private gifts and endowments have risen steadily.

What about measures of quality? Admittedly, the quality of an academic institution is more difficult to gauge. But there are enough different kinds of measures to suggest the level of quality of the University over the past five years. In 1966, for example, the American Council on Education announced the results of its two-year study of graduate work in 106 major American universities. The study found the Berkeley campus to be "the best balanced distinguished university in the country." I would be very surprised if its rank is significantly different now. A further indication of Berkeley's graduate strength is the number of doctoral candidates this campus continues to attract from around the world. A 1968 study by the National Academy of Sciences showed Berkeley to be the nation's leading producer of academic doctoral degrees.

The University of California faculty now includes the largest group of Nobel Prize winners in the world—a total of 14. Eleven of the Nobel Laureates are at Berkeley.

FACULTY AND STUDENTS

The University of California now holds first place in number of faculty invited to membership in the prestigious National Academy of Sciences, and is second only to Harvard in faculty membership in the American Academy of Arts and Sciences, one of the nation's oldest and most distinguished learned societies.

Direct measures of undergraduate quality are harder to come by and I am well aware of the criticism that we slight undergraduates. But I find it impressive that year after year more National Merit Scholars choose to enroll at the University of California than at any other institution in the United States.

RELEVANCY

I hope these broad indices will begin to give you some sense of what else has been happening at the University over the last few years. At the risk of boring you—the reality is never as dramatic as the image—let me mention a few more illustrations.

The University is occasionally charged with not being relevant. I might mention just one of our more relevant programs, Project Clean Air. This is a massive applied research program which will involve—if we get the funds—more than 200 University of California scientists on all our campuses in a concerted attack on California's air pollution cities.

While some of our students and faculty are concentrating on the planet Earth and its problems, others at Lick Observatory have been focusing on the moon. They succeeded in bouncing back a laser beam from a reflector left by the Apollo 11 astronauts, thus gaining greater accuracy in measuring the moon's distance—a great aid to geophysics and lunar physics.

GOOD TEACHING

Contrary to some popular opinion, our scientific faculty also focuses on classroom work. From many such examples I might mention Professor Joseph Mayer of our San Diego campus, who last fall received the American Chemical Society award as Outstanding Teacher of Chemistry. Or Professor Sydney Rittenberg of our Los Angeles campus, to whom the American Society of Microbiology presented its 1969 award for outstanding teaching of microbiology to undergraduate students and for encouraging them to subsequent achievement.

And the art of teaching evidently interests our students as well. This spring, University of California students once again led the entire nation in the number of Woodrow Wilson fellowships awarded to outstanding seniors who plan to become college teachers.

WORKING WITHIN

Students are often criticized these days for not working within the system for a better world. Well, they do. You may have heard of the University of California's record as the nation's outstanding producer of Peace Corps members. But perhaps you didn't know about the Santa Barbara students—I mean the 3,000 who have donated a total of 160,000 hours to such community service projects as tutoring, providing hot breakfasts for pupils from poor families, taking youngsters on camping trips, helping an Indian tribe build a water system, and working with handicapped and mentally disturbed children. Perhaps it hasn't come to wide public attention that Riverside student government leaders donated their entire stipends for official duties this year to help finance student-sponsored community service programs. Or that the Davis campus students called Davis Amigos again this year gave up their spring vacations—this time to help build a health clinic and a storehouse at a migrant labor camp in Yolo County. Or that Berkeley students have helped raise funds to provide scholarship assistance to more than 1,100 low-income and minority students under our Educational Opportunity Program since 1966.

STUDENT UNREST

These are the kinds of students and faculty and programs the people of California are supporting with their tax dollars. These are the kinds of people and programs that will suffer if those tax dollars are curtailed or bond issues disapproved because of public reaction to student unrest.

And now, having described some of what else is happening in order to provide perspective, let me turn to the specific subject of student unrest. I want to share some of the facts and impressions that have come out of our experiences to date and tell you about the measures we are taking to maintain the effective operation of the University.

NONSTUDENTS

First, what is broadly called student protest usually does take place on or near a University campus but often involves many other persons besides University students. Sometimes students are in a small minority—only one-third of the persons arrested in the People's Park controversy last year were students. Yet the event is rather uniformly attributed to the University community. I suppose as a practical matter there is little we can do about this except to keep reiterating the facts.

Next, I want to comment briefly about the special case of violence, which is actually and fortunately a quite limited aspect of student protest. There is a very small group—most of them so-called street people rather than students—who seem from the available evidence to pursue violence for the sheer sake of violence. They are a group that seem frighteningly alienated from society. This alienation is a subject for sober concern, but it is only peripherally a part of my subject today. Another very small group has become sadly evident in recent months—rock-throwing juveniles who seem to be playing a kind of "for-real cops and robbers." Some of the children who have been apprehended on campus are only fourteen years old—a few, only thirteen. Unfortunately, these children have made some incidents substantially worse—their rocks are quite as capable as anyone else's of cracking windows and even bones. Finally, there are some students and nonstudents—and again the number is small—who have used violence either as a deliberate tactic to gain a specific end or whose momentary frustration at the failure of other tactics may lead to violence during emotional demonstrations.

THREE RECOURSES

We have three general recourses against the commission of violence. One is civil law enforcement—and a number of persons, including students, have paid civil penalties including jail sentences. Another recourse, if the violent individual is a student, is University discipline. And we have severely disciplined some students—I want to return to the discipline question a little later. Finally, there is the recourse of strong community disapproval (I mean the University community)—and this is much more effective than you **might think. During mass meetings of** students and faculty at Berkeley the past several weeks, the audience has decisively shouted its disapproval of speakers who proposed violent action to oppose the government's Cambodian operation. And I think the realization that the vast majority of student protesters would strenuously oppose such attempts has been a major factor in the relatively violence-free form of student protest during these tense recent weeks at Berkeley.

CLEAR MAJORITY

Now I want to turn from the special case of violence to the main body of student protest. Up to a month ago student protesters have been a minority of college and university students. But they have often included some of our brightest and most highly motivated young people—what *Fortune* magazine has called our forerunners. These student protesters have felt deeply about specific issues which they believe involve injustice or other social ills, and particularly about Vietnam and about racial inequality and poverty at home. Most of these students do *not* propose tearing down the democratic system but rather making it work as ideally as it should. But their idealism coupled with their impatience and dedication have not always made life easy on campus. I very much appreciated a little story I came across the other day, about the professor at the London School of Economics who was heard to remark to a colleague during a protest there, "You'd never believe that a group could be so dedicated and saintly and such a terrible nuisance."

RESPONSE TO PROTEST

While the main body of student protesters has pressed its causes in nonviolent ways, the tactics have sometimes been disruptive and in violation of University regulations.

Our response to student protest has varied with the circumstances. In some cases we have found that the students had a legitimate cause for complaint about University matters, and we have sought to be responsive to these complaints. More often the protest activity has been on the campus but the target has been an off-campus issue. In all cases we have insisted that on-campus dissent be expressed within the bounds of civil and University regulations. When violations have occurred on campus, we have imposed discipline as fairly as we knew how to do so, and as firmly or flexibly as the circumstances appeared to warrant.

STUDENT DISCIPLINE

Our disciplinary measures range from warning and censure through dismissal from the University, and I am sorry to say we have found it necessary to resort to the most drastic penalty of dismissal in some 65 cases over the last two years alone, with a number of other possible dismissal cases still in proceedings. Dismissal means that the student is barred indefinitely from the University. In addition, many students have been suspended for definite periods ranging from two weeks to a year, and many more placed on interim suspension and probation, which are very effective penalties.

Our disciplinary measures are intended to remind the student of his obligations to respect the law and to assure that the educational functions of the University may go forward—I hope my earlier account of University achievements will indicate that this goal has been met. I am surprised and disturbed by the vehemence and vindictiveness of some of the proposals I have received for handling student discipline. We have sought to handle our disciplinary cases with firmness and fairness, following due process, remembering always that these violators are not some foreign enemy but our own sons and daughters and the generation that will soon succeed us in assuming the obligations of our society.

LAW'S DOUBLE STANDARD

I might mention a special difficulty we encounter in maintaining discipline, and that is a kind of double standard that exists today about respect for the law. The public is quick to demand stringent punishment for campus violations. Yet unlawful acts seems to be tolerated and go unpunished in many other arenas of our national life—from illegal strikes of postal workers to Indian occupations of Alcatraz to violations of court injunctions by southern governors and California teamsters. I am not arguing that all these actions should be dealt with harshly—merely that the same degree of patience and restraint used in other instances might with equally good reason be extended on occasion to our campuses. For, as columnist Vermont Royster commented ruefully the other day in the Wall Street Journal: ". . . while we are drawing up our indictments of the younger generation, we ought to berate them most for following the parental example."

SITUATION TODAY

Now I want to take up very briefly the situation on our campuses today, which is different from past student protest in several very important respects. First, it involves what is no longer a minority but a clear majority of the academic community—engineers as well as humanities students, athletes as well as student government officers, sorority and fraternity members and many other student groups that have not until now been activists. The Cambodian operation and the shock of Kent State and Jackson State have galvanized a broad cross-section of the campus population.

A second marked difference is that this broad cross-section is more moderate in its tactics, and determined to prevent violence—although whether they can be totally successful in such a volatile atmosphere depends on day-to-day developments both locally and nationally.

COMMUNITY ACTION

Thirdly, the tactics have taken a major change in direction—from picket lines and other demonstrations to a massive attempt at community and political action. The moderate students have been saying all along that the system can be made to work and to respond—now they are out to prove it. And whether or not we agree with their particular points of view, I think it is essential that we respect and encourage this approach. For example, students in a number of different fields at Berkeley and Stanford and other institutions have been trying to set up discussion meetings with their counterparts in business and the professions. "We're not trying to get signatures on petitions or that kind of thing," one of the students told me the other day. "Just a chance to tell people in offices and plants how we feel about the issues—a kind of 'free speech on the lunch hour'." If you are offered an opportunity to meet with students, I hope you will accept. For you need to know their views—and, equally important they need to know yours.

FLEXIBILITY

At the University of California, as at most universities, we are trying to be generous and flexible about student academic work and grades this quarter. On an earlier occasion, in April of 1906, following the San Francisco earthquake, the University granted grades for the term on the basis of work completed to date and permitted students to leave to help with a community crisis. The events of the past four weeks have amounted to a kind of societal earthquake on American campuses, and I believe fully justify some flexibility, although not the free ride of 1906.

CAREFUL CHECK

At the same time we are insisting that faculty and staff members fulfill their contractual obligations to the University and to the students. We must not and will not permit the University to be used as an instrument of partisan political action. We know that some formal class structures have been altered. In some cases these alternatives are defensible and desirable. In other cases I am sure they are not. The Chancellors and I are in firm agreement that reported abuses—and there are some—must be promptly investigated and violations appropriately dealt with.

I happened to speak the other day to a Berkeley graduate who is currently a graduate engineering student at Stanford. He said he was taking an Incomplete for this term but was learning much of value through his political action work. I said, "Yes, but about engineering?" And he replied, "A civil engineer has to learn to work with people. And I've learned more about working with people these past two weeks than I might have learned in years of professional training." I think no one close to the scene can doubt that this has been for most students a time of intense learning about their community, their nation, its institutions, and the obligations of citizenship.

STUDENTS' SINCERITY

I think too that no one close to the scene could help being impressed, as I am, with the vast majority of our university students today—their sincerity, their devotion to the values of justice and equality and peace, their commitment to work within a democratic framework they deeply believe in to correct its shortcomings. They may sometimes act more rashly, more stridently, more impatiently than is comfortable for the rest of society. They may and do make mistakes—as we also have done. But this is a generation that cares—and cares very deeply—about the future of its nation, its world, and its fellow men.

This, then, is what is happening at the University of California—the headline events and the steady day-by-day "what else" that make up the reality of the institution. It is as honest a picture as I know how to portray. And I hope most profoundly that Californians who have an opportunity to see the reality as well as the image will feel renewed pride in their state University of California.

MORTGAGE IDEA ATTACKED

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, it is highly unusual for members of the Federal Reserve Board to criticize directly the fiscal and monetary plans and actions of the executive branch. However, the announced plan of this administration to deal with the shortage of mortgage credit by accumulating budget surpluses to pay off the national debt is so remarkable that one highly respected member of the Board apparently could not refrain from commenting.

Gov. Sherman J. Maisel—the acknowledged housing expert of the Fed—likens the plan to pay off the national debt to "running after a mirage." Of course, he is right, and Members of Congress should be the first to recognize it.

Just a short time ago, administration officials were talking in terms of a "peace

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dividend," which would see billions of dollars made available for domestic needs as a result of the President's Vietnamization program. Then, even before the "dividend" came in danger of being declared, the President's counselor, Daniel P. Moynihan, said that it had "vanished" because of the additional appropriations needed for our existing programs. It is obvious that, as Governor Maisel states, "distant budget surpluses disappear into increased expenditures or tax reductions."

Mr. Speaker, it is obvious to many members of the Subcommittee on Housing that the administration has not considered carefully the existing and potential mortgage credit crisis facing the country. With demand for credit high in every sector, there is no assurance that our short- or long-term housing needs will be met. Twenty-six million housing units over 10 years will not be produced by a policy of "running after a mirage."

I include in the RECORD a news article containing Mr. Maisel's comments from the June 6, 1970, issue of the Washington Post:

> MORTGAGE IDEA ATTACKED
>
> (By Norman Kempster)
>
> A member of the Federal Reserve Board says the Nixon administration's plan to increase private funds available for home loans by starting to pay off the national debt is "like running after a mirage."
>
> Sherman J. Maisel says it would make far more sense for the Government to stimulate housing directly, either through increased subsidies or direct loans.
>
> The administration believes that if the Government begins to repay the $278.5 billion it owes to private lenders, the money would flow into other investments, including housing. With more money available for loans, interest rates would drop.
>
> The plan, advocated by Nixon's Council of Economic Advisers, would require the Government to collect in taxes more than it spends year after year. Backers of the proposal concede it requires bigger surpluses than the $1.3 billion projected for the fiscal year beginning July 1.
>
> Maisel, who was appointed to the Federal Reserve Board by former President Lyndon B. Johnson, questioned the economic basis for the administration plan.
>
> "Running a surplus is an indirect and inefficient method of doing what can be done more directly," he said in a speech.
>
> He said that if the administration hopes to achieve the national goal of building 2.6 million new homes a year, "housing would have to be given an actual rather than a rhetorical position in our national spending priorities."
>
> Administration economists believe the nation faces a shortage of private capital available for investment during the 1970s. They argue that if the Government ran large surpluses in its budget, the result would be to increase the total investment pool.
>
> Maisel commented: "I side with those who believe that such a policy is like running after a mirage, since there is a modification of Parkinson's law which states that distant budget surpluses disappear into increased expenditures or tax reductions.
>
> "The idea that housing should be supported primarily through a large surplus neglects the traditional and most important form of support by the Government, namely, inclusion in the budget," he said. "I see no logical reason why any item of high national priority should not have a place in the budget."
>
> Maisel noted that the Government already provides numerous direct and indirect subsidies for housing. If more money is needed for investment, he said, it should be provided.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest producer of margarine. In 1966 the United States produced 2,401,000 metric tons of margarine. This was over three times more than that produced by West Germany, the second-ranked nation.

"THE DILIGENT DESTROYERS" AND DICKEY-LINCOLN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, a very interesting and readable new book was recently brought to my attention concerning the agencies and activities which are permanently defacing our American landscape. It is "The Diligent Destroyers," by George Laycock. The author is a recognized naturalist who has written a number of other books and magazine articles on natural resources.

I recommend this book to my concerned colleagues because it pulls no punches in identifying "The Diligent Destroyers" who are ravaging our Nation's countryside and threatening the very well-being of every American now and in the future. This is not a highly charged, emotional plea of a Sunday morning do-gooder, but, rather, it is a thoroughly researched, closely reasoned, hard-hitting, recitation of the billions of dollars squandered, the recreational opportunities lost forever, and the Nation's wealth and natural resources destroyed. And in Mr. Laycock's words:

> The Army Corps of Engineers, as our major water agency, is examined at some length.

The Army Corps of Engineers is characterized in "The Diligent Destroyers" as an agency whose one guiding urgency and dominant interest is that of thinking big water. It is the big job, the spectacular structure, the multimillion-dollar project, that provides a real challenge to the Corps of Engineers.

Author Laycock has a special example in his book of how the Corps of Engineers—with apparent utter disregard for the destruction of irreplaceable natural beauty—can create a skirmish and a controversy where the scars of the controversy will not heal for years. This example is the Dickey-Lincoln project in northern Maine.

Mr. Speaker, the strength of George Laycock's presentation concerning Dickey-Lincoln can best be appreciated by my quoting directly from "The Diligent Destroyers." His thoughts could be paraphrased, but I feel it would be better to excerpt his writing directly.

Concerning Dickey-Lincoln and the Corps of Engineers, George Laycock said:

> This massive construction project, known as "Dickey-Lincoln," was conceived primarily as a multimillion dollar consolation prize. The story had its beginning in the spectacular tides of the Bay of Fundy which twice a day come surging inland, raising the water levels in the bay more than forty feet. What comes in, must go out, and the amount of water in each of these giant tides has been computed at more than 3600 billion cubic feet.
>
> That this source of potential power might be tapped for the generation of electricity is an idea that goes back at least a half a century. Over the years the possibility came up for congressional consideration. But eventually it was dismissed because of a combination of high cost and the fact that the coming and going of the tides was not coordinated with peak power.
>
> Next, attention turned to the more common practice of simply damming one more old-fashioned river, and constructing there an orthodox plant.

Laycock continues by asking the rhetorical question:

> Where could the Engineers build a dam in the Caine countryside?
>
> There was the St. John River some two hundred miles to the North and the proper place on it, said the Corps of Engineers, seemed to be in the vicinity of two small towns—Lincoln School and Dickey, Congress, and just about everyone else, was to hear more about Dickey-Lincoln in the months ahead than they really cared to hear, as Maine's two senators and assorted representatives lined up in support of the project and worked long and hard in its behalf.
>
> * * * * *
>
> As might be expected, New England power companies lined up early in determined, solid opposition to Dickey-Lincoln and its threat of government-produced kilowatts. But more was involved than a struggle between private and public power.

Naturalist Laycock goes on to identify a more basic issue. He points out:

> Conservationists and economists both offered arguments that could not be lightly dismissed. The Corps of Engineers had duly computed the price of the Dickey-Lincoln job, including the transmission lines to carry the power 340 miles south to the Boston area where there seemed some chance of marketing it. The estimated cost was $380 million. But this was figured at 1966 levels with no added computations to take into account the steadily rising costs of construction during the years it was in the works. Private power, meanwhile, claimed it could build facilities to supply the same amount of power at a cost of $75 million, and, not surprisingly, contended that there was no real need for the added power.
>
> The political leaders, and others favoring the project, said the opposition was the product of massive lobbying by private power companies. The charges and countercharges only served to fog the issue.

With this background, Laycock begins to zero in on the genuine significance of the project for future generations, as follows:

> But there was another aspect which, through the coming decades, might be even more significant to the Northeast than the cost of the kilowatt. This was the question of whether or not to flood out 100,000 acres of magnificent Maine wild country. In Oc-

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> tober, 1967, the Maine State Biologists Association added its voice. The Association's president, Dr. Robert M. Chute of the Department of Biology, at Bates College in Lewiston, explained that the biologists were not so much interested in the question of public versus private power as they were in the lack of good planning for Maine's future development. Stating that the proposed project might have made sense as a public works program in the 1930's. . . . Even more important, the biologists felt, was the question of whether to inundate one of the remaining rare areas which holds economic promise as an outdoor-recreation area.

Mr. Speaker, I could have told Dr. Chute from my own experience that he would be bitterly attacked for his defense of conservation. Laycock chronicled this development by continuing:

> Such pronouncements brought the usual accusations that the objecting biologists were serving the cause of private power interests. There were derogatory references in the letter columns of regional weekly newspapers about the "chickadee-loving conservationists." Dr. Chute commented further on why he thought Dickey-Lincoln would be a debasement of the Maine landscape. "The point the conservationists are trying to make," he wrote in a letter to the Portland *Press-Herald*, "is a serious, well-considered one. They believe the best conservation and development use for the Upper St. John region is to preserve a wild river; feeling this has greater recreation and resource value than an artificial lake of dubious quality. Only the shortsighted can fail to see how rapidly and truly wild areas of New England are vanishing."

George Laycock concludes his discussion of the Dickey-Lincoln project by identifying another one of the attributes of the Corps of Engineers—the attribute of patience. He says:

> Through it all the Corps leaned quietly on its shovel and waited patiently. With the project authorized, a major barrier has been cleared. The authorization carries no expiration date, and the possibility that the Corps will recommend to Congress deauthorization is slim indeed. More probably, as the Corps realizes, Congress will, in its own time, make available the funds for Dickey-Lincoln to smother the St. John Valley. Farewell to one more American river.

Mr. Speaker, these facts relative to Dickey-Lincoln have been brought out today because, as I understand it, the Committee on Appropriations is scheduled to consider the Public Works Appropriation bill for fiscal year 1971 in the next few days. Last year that committee refused to appropriate funds for the final preconstruction planning of Dickey-Lincoln despite the observation of Mr. Laycock that "Congress will, in its own time, make available the funds for Dickey-Lincoln."

I sincerely call upon each of our colleagues on the Appropriations Committee to reject again funds for the unnecessary and uneconomic Dickey-Lincoln project and be guided instead by the urgent need to protect the beautiful Maine woods and the natural state of the St. John River from "The Diligent Destroyers."

IMPACT ON MUNICIPAL BOND ISSUES OF GRANTING 18-YEAR-OLDS THE RIGHT TO VOTE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, I have been greatly concerned about the serious impact on municipal bond issues of approval through statutory action of the Congress of the provision granting 18-year-olds the right to vote in local, State, and Federal elections.

I am reliably informed by able and knowledgeable municipal bond attorneys that the salability of municipal bonds will be in jeopardy when 18-year-olds register and vote under this Federal legislation. The following memorandum points out it will take a minimum of 4 months and possibly as long as 10 months before the Supreme Court will pass judgment on the constitutionality of the right of Congress by statute to authorize 18-year-olds to vote in municipal and State elections. This means at least for most of 1971 all local and State bond issues for water pollution plants, school facilities, and other projects will not be salable or at the least their validity will be questioned.

I urge all Members to read the following memorandum from William H. Rehnquist, Assistant Attorney General:

EFFECT OF H.R. 4249 (VOTING RIGHTS ACT) ON LOCAL ELECTIONS

Section 302 of H.R. 4249 provides as follows: ". . . no citizen of the United States who is otherwise qualified to vote in *any State or political subdivision* in *any* primary or in *any* election shall be denied the right to vote in any such primary or in any election on account of age if such citizen is 18 years of age or older."

The quoted language clearly embraces not merely *federal* and *state* elections, but *municipal, school board,* and *bond* elections as well.

Section 305 of the bill provides that "the provisions of Title III shall take effect with respect to any primary or election held on or after January 1, 1971."

The purpose of placing a delayed effective date in the act was explained on the floor of the Senate by one of the bill's principal backers, Senator Cook, as follows:

"We have established, by an amendment to this amendment, a deadline of January 1, 1971, for the benefit of the class involved, the 18- 19- and 20-year old, and also for the benefit of the Courts, to give them time to make a determination so that no election in the United States, whether it be local or whether it be national, would in any way be put in jeopardy in relation to the eligibility of the voter. There need be no discussion, I would think, on the basis of opening up a Pandora's Box, when the legislative history shows it is based on giving the courts ample time to make a determination and come up with a decision on this particular subject." Congressional Record, Senate, March 11, 1970, S. 3991.

Unfortunately, while the delayed effective date of the Act undoubtedly assures sufficient time for a final decision of the Supreme Court of the United States prior to the first of the 1972 Presidential primaries (New Hampshire, in March, 1972), it allows completely insufficient time for the numerous municipal election regularly scheduled in the spring of 1971, and for any sort of determination prior to the holding of bond elections, which under statutes of many states may be held at such time during the year as the responsible public authority determines. Such elections, in the absence of doubt as to voter eligibility, could be expected to be scheduled within weeks after January 1, 1971; numerous municipal elections and the gubernatorial election of at least one state (Kentucky) are required by applicable statutes and ordinances to be held at various time during the spring of 1971. The question naturally arises, is there even a remote possibility of getting a final judicial decision as to the validity of this provision before such elections are held, in order to prevent the most serious sort of confusion as to who is eligible to vote, and indeed, as to the outcome of the election in the event that the votes of the newly enfranchised class are sequestered pending such a determination.

The two pertinent examples of the time in which it has taken the Supreme Court of the United States to decide a question such as that involved here are the cases of *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), and *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

Senator Cook in the debate in the Senate on this bill, referred to *South Carolina* v. *Katzenbach* as an example of the speed with which the Supreme Court of the United States could handle an important constitutional question. Congressional Record, Senate, March 11, 1970, S. 3491. In that case, South Carolina, on November 5, 1965, obtained leave to file an original bill in the Supreme Court of the United States, 382 U.S. 898, seeking a declaration that certain provisions of the Voting Rights Act of 1965 were unconstitutional, and seeking to enjoin their enforcement by the Attorney General. The Supreme Court prescribed an accelerated schedule of pleading and argument, because of South Carolina's request that it obtain a determination prior to holding its primary in June, 1966. As a result, the case was argued on January 17 and 18, 1966, and decided on March 7, 1966.

Unfortunately, the original jurisdiction of the Supreme Court is available only to states and not to local governments. The only specific enforcement provision of H.R. 4249 confers enforcement power on the Attorney General, and requires that an action brought by him be heard by a three-judge district court under the provisions of 28 U.S.C. 2284, with an appeal from the judgment of that court lying to the Supreme Court. Thus, while even the four-month delay between first pleading and decision in *South Carolina* v. *Katzenbach, supra,* would be bound to unsettle questions of eligibility and election results until May 1, 1971, in view of the statutory scheme for judicial review that timetable is probably too optimistic. A more reliable guide would be *Katzenbach* v. *Morgan, supra,* which was first heard by a three-judge district court and then decided by the Supreme Court of the United States (just as the statutory review provision in H.R. 4249 would provide).

Katzenbach v. *Morgan, supra,* appears to have been a model of expedited procedure. On August 6, 1965—the day on which the law was enacted—plaintiffs who challenged its constitutionality filed their complaint in the United States District Court for the District of Columbia (the only court under which the provisions of that Act could give them relief). Additional defendants were impleaded, the case was briefed and orally argued, and the Court handed down its decision on November 15, 1965. The lower federal court decided that the law was unconstitutional, and the United States sought review in the Supreme Court of the United States. On January 24, 1966, the Supreme Court agreed to hear the case; it was argued April 18, 1966, and decided on June 13, 1966—approximately ten months after the complaint had first been filed in the district court. A comparable time for deciding the constitutionality of H.R. 4249, assuming that all of the parties were as diligent as those in *Katzenbach* v. *Morgan,* would give a decision in October, 1971.

So far as unsettling effects are concerned, section 4(e) of the Voting Rights Act of 1965, which was involved in *Katzenbach* v. *Morgan,* dealt basically with the election laws of

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only one state—New York—and with a factual situation which existed only in a small part of that state. Exclusive jurisdiction to determine its validity was conferred on the district court for the District of Columbia, so that those affected by the law were at all times subject to the jurisdiction of a single court. By contrast, the Attorney General is presumably obligated to seek out any state or local election authority which contests the validity of H.R. 4249, and sue that authority in the federal judicial district where it is found. Until final decision by the Supreme Court of the United States, a maze of conflicting temporary and preliminary orders from these various courts would not be unusual. The consequences of this situation to all local, municipal, and bond elections held during the most of 1971, as well as to any state elections held during the first ten months of that year, can only be described as unknown and unpredictable. It would not be unreasonable to suppose that school district and local improvement authorities which require voter approval for capital improvements to be paid for by bond issues might completely postpone any such improvements during the period of hiatus.

Should the Attorney General or some local election official seek to test the validity of the Act as soon as it has passed, as was done in *Katzenbach* v. *Morgan, supra,* the case would probably be dismissed as premature because of the provision of section 305 of H.R. 4249 providing that the Act shall take effect only with respect to elections held on or after January 1, 1971. While this problem might be mitigated in part by changing section 305 providing that its provision should take effect as to registration to vote on January 1, 1971, but as to actual voting not until January 1, 1972, such a provision would of course require an amendment to the bill. The Supreme Court in *South Carolina* v. *Katzenbach, supra,* found a portion of the state's attack on the Voting Rights Act of 1965 as being premature, saying that "no person has yet been subject to, or even threatened with, the criminal sanctions which these sections of the act authorize." 383 U.S. at 317.

There is no doubt that the Senate sponsors of this portion of the bill intended to include all forms of elections—national, state, and local. There is likewise no doubt that they were aware of the "Pandora's Box" problem, and sought to solve it by giving the Act a delayed effective date. Unfortunately, the solution for the "Pandora's Box" problem appears to have been with only a view to biennial fall elections—with respect to which it is perfectly adequate—and not with a view to the numerous regularly scheduled state, municipal, and school board elections regularly scheduled during the first part of 1971, nor with respect to bond elections which are customarily held throughout the year on a date prescribed by the appropriate public authority. The result is that enormous confusion with respect to eligibility to vote in all of these latter kind of elections, and with respect to the outcome of some of them, is bound to be the result.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Gaydos (at the request of Mr. Albert), for the week of June 15, on account of illness.

Mr. Hagan (at the request of Mr. Brinkley), for today, on account of official business.

Mr. Corman, for Tuesday, June 16, on account of official business.

SPECIAL ORDER OF BUSINESS

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Kee, for 5 minutes, today.

Mr. Hosmer (at the request of Mr. McCloskey), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Vigorito), to revise and extend their remarks and to include extraneous matter to:)

Mr. Flood, today, for 30 minutes.

Mr. Fallon, today, for 10 minutes.

Mr. Rooney of Pennsylvania, today, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mize, immediately following the remarks of Mr. Gross during general debate in the Committee of the Whole today.

Mr. Olsen, to revise and extend his remarks made while speaking on the rule today.

(The following Members (at the request of Mr. McCloskey) and to include extraneous matter:)

Mr. Talcott.
Mr. Railsback.
Mr. Button in two instances.
Mr. Horton.
Mr. Robison in two instances.
Mr. Bray in three instances.
Mr. Broyhill of Virginia.
Mr. Hunt.
Mr. Kyl.
Mr. Rhodes.
Mr. Wold in two instances.
Mr. Coughlin.
Mr. Ashbrook.
Mr. Denney.
Mr. McCloskey.
Mr. Michel.
Mr. Scherle.
Mr. Riegle.
Mr. Latta.
Mr. Harvey.
Mr. Stanton.
Mr. Biester in two instances.
Mr. Quie.
Mr. Smith of California.

(The following Members (at the request of Mr. Vigorito) and to include extraneous matter:)

Mrs. Griffiths in two instances.
Mr. Howard.
Mr. Hébert.
Mr. Flood.
Mr. Addabbo in two instances.
Mr. Edwards of California in three instances.
Mr. Rarick in two instances.
Mr. Kyros in five instances.
Mr. Clay in six instances.
Mr. Clark in three instances.
Mr. Rodino in three instances.
Mr. Hathaway in five instances.
Mr. Macdonald of Massachusetts in two instances.
Mr. Rosenthal in five instances.
Mr. Charles H. Wilson.
Mr. Anderson of California.
Mr. Olsen in two instances.
Mr. Purcell in two instances.
Mr. Ryan in five instances.
Mr. Murphy of Illinois.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1732. An act to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 1479. An act to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; and

S. 2940. To amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 15, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 2012. To amend the Act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson;

H.R. 9854. To authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes.

H.R. 12860. To establish the Ford's Theatre National Historic Site, and for other purposes; and

H.R. 14300. To amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

ADJOURNMENT

Mr. VIGORITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 17, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2131. A letter from the Assistant Secretary

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of Defense, transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies and for expenses involving the production of lumber products, pursuant to section 10 U.S.C. 2665, during the first 9 months of fiscal year 1970; to the Committee on Appropriations.

2132. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967; to the Committee on the Judiciary.

2133. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to assure performance by railroads engaged in interstate commerce of transportation services necessary to the maintenance of a national transportation system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference. Conference report on S. 743 (Rept. No. 91-1196). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report on S. 2062 (Rept. No. 91-1197). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15837 (Rept. No. 91-1198). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15838 (Rept. No. 91-1199). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16289 (Rept. No. 91-1200). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 12941 (Rept. No. 91-1201). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15835 (Rept. No. 91-1202). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16292 (Rept. No. 91-1203). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15831 (Rept. No. 91-1204). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 16295 (Rept. No. 91-1205). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15832 (Rept. No. 91-1206). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15833 (Rept. No. 91-1207). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 16297 (Rept. No. 91-1208). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15998 (Rept. No. 91-1209). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15839 (Rept. No. 91-1210). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15836 (Rept. No. 91-1211). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15021 (Rept. No. 91-1212). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16290 (Rept. No. 91-1213). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16291 (Rept. 91-1214). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELANEY:

H.R. 18073. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

H.R. 18074. A bill to protect the public health and safety to provide new means for the control of the depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18075. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 18076. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 18077. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. GALLAGHER:

H.R. 18078. A bill to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEGGETT:

H.R. 18079. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920; to the Committee on Merchant Marine and Fisheries.

By Mr. McCULLOCH (for himself and Mr. Boggs):

H.R. 18080. A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 18081. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. O'KONSKI:

H.R. 18082. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 18083. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 18084. A bill to provide for the development of price-wage guideposts within the context of sound fiscal and monetary policies in order to promote maximum employment, production, and purchasing power, including reasonable price stability; to the Committee on Government Operations.

By Mr. McCULLOCH (for himself, Mr. MacGregor, Mr. Smith of New York, Mr. Sandman, Mr. Devine, Mr. Bow, Mr. Harsha, Mr. Betts, Mr. Latta, Mr. Clancy, Mr. Ashbrook, Mr. Miller of Ohio, Mr. Mosher, and Mr. Stanton):

H.R. 18085. A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 18086. A bill to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.; to the Committee on the District of Columbia.

By Mr. CONABLE:

H.J. Res. 1260. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.J. Res. 1261. Joint resolution to proclaim the second week in July as National Salesmen's Week; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H. Con. Res. 661. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. WIDNALL:

H. Res. 1083. Resolution providing for agreement to the Senate amendments to the House amendments to Senate Joint Resolution 158; to the Committee on Rules.

By Mr. CONTE (for himself and Mr. Clark):

H. Res. 1084. Resolution designating the evening of the 24th day of June 1970 as "John W. McCormack Night"; to the Committee on the Judiciary.

By Mr. CULVER:

H. Res. 1085. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. GALLAGHER (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Andrews of Alabama, Mr. Andrews of North Dakota, Mr. Baring, Mr. Barrett, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Brown of California, Mr. Buchanan, Mr. Burton of California, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Caffery, Mr. Chappell, Mrs. Chisholm, Mr. Don H. Clausen, Mr. Clay, Mr. Córdova, Mr. Daddario, Mr. Daniels of New Jersey, and Mr. Davis of Georgia):

H. Res. 1086. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Dingell, Mr. Donohue, Mr. Duncan, Mr. Edwards of California, Mr. Farbstein, Mr. Fraser, Mr. Friedel, Mr. Fulton of Tennessee, Mr. Fuqua, Mr. Gettys, Mr. Giaimo, Mr. Gray, Mrs. Green of Oregon, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mr. Hansen, of Idaho, Mr. Harvey, Mr. Hathaway, Mr. Hawkins, Mr. Helstoski, Mr. Hicks, Mr. Hogan, and Mr. Horton):

H. Res. 1087. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. Howard, Mr. Jacobs, Mr. Lowenstein, Mr. Lujan, Mr. Lukens, Mr. McCloskey, Mr. McKneally, Mr. Matsunaga, Mr. Melcher, Mr. Meskill, Mr. Mikva, Mr. Minish, Mr. Murphy of New York, Mr. Nix, Mr. O'Neill of Massachusetts, Mr. Ottinger, Mr. Pelly, Mr. Pepper, Mr. Philbin, Mr. Podell, Mr. Powell, Mr. Preyer of North Carolina, Mr.

PRICE of Illinois, and Mr. PRYOR of Arkansas):

H. Res. 1088. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. REES, Mr. ROE, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SANDMAN, Mr. STOKES, Mr. TUNNEY, Mr. CHARLES H. WILSON, Mr. WRIGHT, and Mr. YATES):

H. Res. 1089. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULVER:

H.R. 18087. A bill for the relief of Raymond W. Quillen; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 18088. A bill for the relief of Lee Pak Yee; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 18089. A bill for the relief of Thai David Moore and Thomas Allen Moore; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

406. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the feeding of needy schoolchildren, which was referred to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII,

511. The SPEAKER presented a petition of Beatrice Miller Montanye, Old Forge, N.Y., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, June 16, 1970*

The Senate met at 11 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of life and strength of our Pilgrim days, show us the way to rebuild our Nation in unity and strength, that we may be qualified to lead others in the universal quest for peace and brotherhood. When the way is dark, the next step uncertain, and courage falters, be to us our guide. Strengthen our institutions for today, renew our allegiance to "One Nation Under God," dispel our fear of the future, and with a wisdom which transcends our human frailties lead us to the promised day of Thy perfect kingdom, the law of which is love and the ruler of which is the eternal God and Father of us all, in whose name we pray. Amen.

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DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. KEITH as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, vice Mr. CUNNINGHAM, resigned.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes; and

S. 2940. An act to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. HOLLINGS):

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 1479. An act to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under Servicemen's Group Life Insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; and

S. 2940. To amend the Act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 15, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the Senator from Oregon (Mr. HATFIELD) is now recognized for not to exceed 1 hour.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield without losing his right to the floor or having any of his time taken away?

Mr. HATFIELD. I yield.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. YOUNG), during the course of the transaction of routine morning business, be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CARTHA D. DeLOACH

Mr. MANSFIELD. Mr. President, I note in the press that there is a possibility that Mr. Cartha D. DeLoach, one of the associate directors of the FBI, will be leaving the Bureau later this summer.

I rise at this time only to express my deep regret and distress that this outstanding member of the FBI, a man of great integrity, ability, and experience, is leaving that organization after being such a close part of it for nigh on to three decades.

I hope that there is a possibility he will remain, to be of continued assistance to the present Director, J. Edgar Hoover, because if he goes, speaking personally—and I think I can speak for the Senate—he will be, indeed, sorely missed.

SEARCH FOR PEACE IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, each day, we hear of the escalating violence and warfare in the Middle East. The precarious balance that many have relied on to control the hostilities no longer seems capable of deterring conflict and war.

Political conditions have dramatically deteriorated in recent days creating an even more intense polarization and a more insurmountable impasse between these divided peoples. The tragic plight of Jordan during these past few days only demonstrates the threats to the survival of the voices of reason and moderation in this troubled region.

At the beginning of this year, I took a 3-week trip to the Middle East in order to learn more fully the issues and problems confronting these peoples. Because of the critical escalation of tensions during these past days, I would now like to set forth my impressions and perspectives of this turbulent area of our world.

Any observations, however, cannot be accurate without examining them in the context of history. Consequently, I ask unanimous consent to have a compilation of the history of the Middle East printed in the RECORD at this point of my remarks.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

History of the Middle East

EARLY HISTORY OF PALESTINE

The original inhabitants of the area that was later to be called Palestine were the Canaanites and the Philistines; Semitic tribes probably from the Northeastern Arabian peninsula. These people, comprised of nomadic tribes, settled in the area in 3000 B.C. Some historians record that some 1200 years later Abraham, patriarch of the Hebrew people, led a small band of Jews into the area of Palestine, then called Canaan. When they saw that their small tribe could not contend with the tribes already warring for land in the area, Abraham's descendants led the people out of Canaan in 1600 B.C. into Egypt and settled peacefully in the Nile Delta for the next three hundred years. The Hebrew people remained unmolested by the Egyptians until the 13th Century B.C. when, with the ascendancy of Ramses II (1292 B.C.–1225 B.C.) to the throne in Egypt, a courvet (a system of forced labor) was imposed on all the able-bodied men of the lower classes, including the lower classed Hebrews. This system lasted until Ramses' death in 1225 B.C. This period in history is often called the Hebrew enslavement, although it must be remembered that every healthy man of the lower economic status in Egypt suffered the same fate. Biblical history tells us that Moses led the Hebrew people out of Egypt during the Great Exodus in the 12th century B.C. For some 40 to 100 years, the Hebrew tribes wandered in the Sinai desert until Joshua led the people across the Jordan river back into Canaan at the end of the 12th century B.C. The situation in Canaan had not changed much since Abraham had left the area in 1800 B.C. The tribes were still warring among themselves for land rights and grazing areas. In order to obtain their own piece of land, the Hebrews joined in the warfare and subjected the indigent tribes in portions of the land. The area of Canaan was governed for the next several hundred years by tribal organizations and rule of the Judges. Finally, however, in the 11th century B.C., a threat by the Philistines brought the tribes of Hebrews together and in 1030 B.C. they banded together as a Hebrew kingdom under Saul. Saul's son, David, succeeded him, and it was under David that the Philistines were finally defeated. David captured a Jebusite, a tribe of Canaan, stronghold at Jerusalem and established the first capitol of the Hebrew kingdom there.

Solomon succeeded David and was best noted for his establishment of the Temple at Jerusalem in which the Arc of the Covenant was placed. A hundred years after the establishment of the Hebrew Kingdom, in the year 930 B.C., the Jewish tribes began to fight among themselves and the kingdom was finally divided into two states, Judah and Israel. In 721 B.C., the northern state of Israel, composed of ten tribes, was defeated and its population dispersed by the Assyrians.

Then, as today, the Middle East was often in a state of turmoil with states rising and falling and boundaries constantly changing. Israel was under Jewish rule from the conquests of Joshua until the two remaining tribes of Judah were conquered by the Babylonians and the Jews were exiled in Mesopotamia in 586 B.C. Fifty years later the Jews were released from the Babylonian captivity and returned to rebuild their homeland, establishing at this time in 538 B. C. the second Temple at Jerusalem.

In 168 B.C., there was the revolt of the Maccabees against the Seleucids and then from 168 B.C.—63 B.C. an independent Hebrew state existed in Palestine. In 63 B.C., the Romans conquered the area and ruled until the Hebrew rebellion in 66 A.D. The second Temple was destroyed in 70 A.D. and the Hebrew revolt put down in 73 A.D. by the Romans.

Autonomous and independent governments controlled the Holy Land until the uprisings of Bar Kochba in 132 A.D. A temporary independence was won by the Jews by these uprisings, but Rome again defeated the Jews and restored Roman authority in 135 A.D. This final and forced relinquishment of Jewish sovereignty wrought great upheaval on Jewish life and the people spread throughout the world. But although the Romans were able to quickly destroy the Jewish state, the Jewish community lived on. Held together by their common body of customs, knowledge and beliefs, Jewish communities bound by their shared concept of their own history and destiny, refused assimilation in the nations to which they fled. They waited for a return to Palestine.

In 395 the land fell to the Byzantine empire, which held it under Christian rule until the coming of the Persians in the early years of the 7th century. The Persians were replaced by the Arabs and Islam in 639.

From 639 A.D. to 1071 A.D. Palestine was part of the Arab caliphate; between 1071 and 1561, Palestine was ruled by the Crusaders, the Seljuk Turks of Syria and Egypt, the Mongols and the Mamluks; and from 1517 until World War I the Ottoman Turks controlled Palestine and most of the Middle East.

Despite the historic claim the Jews lay to the land of Palestine, the Arabs constantly deny its validity. They point out that Palestine has been an Arab land since the 7th century. A large portion of the Arab inhabitants are the descendants of the Canaanites who lived in the country at the time of the Hebrew invasion in the 19th century B.C. and who remained there until the Jews left nearly 2000 years ago. The "continuous occupation" of Palestine by the Arabs is the argument advanced for support of their entitlement to the land. While the Jews have been going in and out of Palestine for some 3000 years, the Arabs assert the fact that they never left.

The Jewish claim to Palestine stems from a Biblical guarantee. God said to Abraham (Genesis XV:18): "I give this country to your posterity from the river of Egypt up to the great river Euphrates." This is the Jewish people's mandate from which their struggle for the land originates. The Arabs, too, have borrowed this argument and the opening article in the Arab section of *Les Temps Modernes* clarifies the "posterity" referred to in the Genesis passage to include the descendants of Ishmael, since he was the son of Abraham by his wife, Hagar, and the ancestor of all Arabs, Christians and Muslims. In today's material and secular world, much of this seems anachronistic, but then in many aspects this is, and continues to be, an anachronistic quarrel in which the Bible serves as guide.

THE RISE OF ZIONISM

In the late 19th century a wave of anti-semitism swept Europe and gave impetus to the longing for a return to the "homeland" of the Jewish people. A group composed of Jewish intellectuals met in Switzerland in 1897 and sought to promote the idea of a national homeland for the Jews. The leader of the group was Theodore Herzl, a Viennese Jew, who established the World Zionist Organization. The organization's goal was to create for the Jewish people a permanent homeland, preferably in Palestine, secured by public law.

Herzl did not deem it essential that the state be created in the Middle East, and urged the Zionists to accept a British offer to settle in Uganda. However, negotiations for the territory were not completed before Mr. Herzl died, and this proposal was rejected. Under new leadership, the goal of the Zionists became nothing less than Palestine. At the same time Arab nationalism, a wish to be free of the oppressive Turkish rule, began to develop at the turn of the century. These rival nationalisms of the Zionists and Arabs, were to conflict during the 20th century.

WORLD WAR I—"BROKEN PROMISES"

The First World War was a period of "broken promises" where both Arab and Zionist nationalists were deceived by the major powers. This did much to sow the seeds for the present impasse in the Middle East.

In the beginning years of the war, the Allies, unknown to the Arabs, concluded a series of secret treaties over the division of the Ottoman Empire, the most important of which was the Sykes-Picot Treaty of May 16, 1916, in which France and Britain divided the Middle East into their own spheres of influence. In 1917, however, the Bolsheviks published the secret treaties denouncing Russian concessions in these treaties and the Arabs were optimistic that with the statements made by Lloyd George and Bonar Law in 1917 and President Wilson's Fourteen Points, their territorial integrity would be upheld and the secret treaties denounced at the peace talks at Versailles.

During this time, the Zionists, anticipating that Britain would get Palestine after the war, presented a proposal to the British government requesting a separate unit within Palestine as a Jewish national home. On the basis of this report, and in order to gain the support of the Jewish people in the world after the war effort, Lord Balfour, the Prime Minister of Great Britain, issued the following statement on November 2, 1917:

"FOREIGN OFFICE,
November 2nd, 1917.

"DEAR LORD ROTHSCHILD: I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet:

"'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being

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clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.' "

"I shall be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

"Yours,

"Arthur James Balfour."

The direct origination of the doctrine is often attributed to Dr. Chaim Weizmann, one of the most important early members of the British Zionist Organization and later first president of the state of Israel. Dr. Weizmann had materially contributed to the British war effort by discovering a new method of producing acetone and was thus able to gain the attention of the British Government in pursuing his Zionist aspirations. It has also been suggested by some historians that President Wilson and American Jews were shown the Balfour Declaration and agreed to its substance before the letter was mailed. The two arguments advanced during the war years for the Zionist cause were that (1) favoring the Zionists might bring the Jews of Germany and other central powers to the side of the British and indirectly help in the allied war effort, and (2) Christian charity toward a persecuted people was a noble and deserving cause.

HUSSEIN-MCMAHON CORRESPONDENCE

The circumstances were strange for the issue of the Balfour Declaration. When World War I started, Turkey declared a "Holy War" against Britain and France and appealed in vain to the Arabs to assist them against the allies. During the years of 1915 and 1916 Sir Henry McMahon, British High Commissioner for Egypt, completed negotiations with Hussein, Sharif of Mecca, for the support of the Arabs in the Middle East theatre against the Turks and the Germans. As a result of the Hussein-McMahon letters, the Arabs agreed to assist the Allies in return for "recognition and support of the independence of the Arabs in all regions within the limits demanded." When the Balfour Declaration was mailed in the form of a private letter to the Anglo-Jewish leader, Baron Lionel Rothschild, the Arabs had already declared themselves on Britain's side in the war and were fighting side-by-side with the British, believing their cause to be freedom and independence from the Ottoman Empire.

The following letters delineate the agreements that were made during the Hussein-McMahon correspondence:

Great Britain Pledges To Support Arab Independence: The Hussein-McMahon Letters, 1915-1916, as Appears in "Documents on the Middle East" by the American Enterprise Institute for Public Policy Research: No. 1—Translation of a Letter from the Sherif of Mecca to Sir Henry McMahon, His Majesty's High Commissioner at Cairo

July 14, 1915.

To his Honour:

Whereas the whole Arab nation without any exception have decided in these last years to live, and to accomplish their freedom, and grasp the reins of their administration both in theory and practice; and whereas they have found and felt that it is to the interest of the Government of Great Britain to support them and aid them to the attainment of their firm and lawful intentions (which are based upon the maintenance of the honour and dignity of their life) without any ulterior motives whatsoever unconnected with this object;

And whereas it is to their (the Arabs') interest also to prefer the assistance of the Government of Great Britain in consideration of their geographical position and economic interests, and also of the attitude of the above-mentioned Government, which is known to both nations and therefore need not be emphasized;

For these reasons the Arab nations see fit to limit themselves, as time is short, to asking the Government of Great Britain, if it should think fit, for the approval, through her deputy or representative, of the following fundamental propositions, leaving out all things considered secondary in comparison with these, so that it may prepare all means necessary for attaining this noble purpose, until such time as it finds occasion for making the actual negotiations:—

Firstly—England to acknowledge the independence of the Arab countries, bounded on the north by Mersina and Adana up to the 37° of latitude, on which degree fall Birijik, Urfa, Mardin, Midiat, Jezirat (Ibn 'Umar), Amadia, up to the border of Persia; on the east by the borders of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina. England to approve of the proclamation of an Arab Khalifate of Islam.

Secondly.—The Arab Government of the Sherif to acknowledge that England shall have the preference in all economic enterprises in the Arab countries whenever conditions of enterprise are otherwise equal.

Thirdly.—For the security of this Arab independence and the certainty of such preference of economic enterprises, both high contracting parties to offer mutual assistance, to the best ability of their military and naval forces, to face any foreign Power which may attack either party. Peace not to be decided without agreement of both parties.

Fourthly.—If one of the parties enters upon an aggressive conflict, the other party to assume a neutral attitude, and in case of such party wishing the other to join forces, both to meet and discuss the conditions.

Fifthly.—England to acknowledge the abolition of foreign privileges in the Arab countries, and to assist the Government of the Sherif in an International Convention for confirming such abolition.

Sixthly.—Articles 3 and 4 of this treaty to remain in vigour for fifteen years, and, if either wishes it to be renewed, one year's notice before lapse of treaty to be given.

Consequently, and as the whole of the Arab nation have (praise be to God) agreed and united for the attainment, at all costs and finally, of this noble object, they beg the Government of Great Britain to answer them positively or negatively in a period of thirty days after receiving this intimation; and if this period should lapse before they receive an answer, they reserve to themselves complete freedom of action. Moreover, we (the Sherif's family) will consider ourselves free in word and deed from the bonds of our previous declaration which we made through Ali Effendi.

NO. 2—TRANSLATION OF A LETTER FROM SIR H. MCMAHON, HIS MAJESTY'S HIGH COMMISSIONER AT CAIRO, TO THE SHERIF OF MECCA

August 30, 1915.

To his Highness the Sherif Hussein.

(After compliments and salutations.)

We have the honour to thank you for your frank expressions of the sincerity of your feeling towards England. We rejoice, moreover, that your Highness and your people are of one opinion—that Arab interests are English interests and English Arab. To this intent we confirm to you the terms of Lord Kitchener's message, which reached you by the hand of Ali Effendi, and in which was stated clearly our desire for the independence of Arabia and its inhabitants, together with our approval of the Arab Khalifate when it should be proclaimed. We declare once more that His Majesty's Government would welcome the resumption of the Khalifate by an Arab of true race. With regard to the questions of limits and boundaries, it would appear to be premature to consume our time in discussing such details in the heat of war, and while, in many portions of them, the Turk is up to now in effective occupation; especially as we have learned, with surprise and regret, that some of the Arabs in those very parts, far from assisting us, are neglecting this their supreme opportunity and are lending their arms to the German and the Turk, to the new despoiler and the old oppressor.

Nevertheless, we are ready to send your Highness for the Holy Cities and the noble Arabs the charitable offerings of Egypt so soon as your Highness shall inform us how and where they should be delivered. We are, moreover, arranging for this your messenger to be admitted and helped on any journey he may make to ourselves.

Friendly reassurances. Salutations!

(Signed) A. H. McMahon.

No. 3 *Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo.*

September 9, 1915.

To his Excellency the Most Exalted, the Most Eminent—the British High Commissioner in Egypt; may God grant him Success.

With great cheerfulness and delight I received your letter dated the 19th Shawal, 1333 (the 30th August, 1915), and have given it great consideration and regard, in spite of the impression I received from its of ambiguity and its tone of coldness and hesitation with regard to our essential point.

It is necessary to make clear to your Excellency our sincerity towards the illustrious British Empire and our confession of preference for it in all cases and matters and under all forms and circumstances. The real interests of the followers of our religion necessitate this.

Nevertheless, your Excellency will pardon me and permit me to say clearly that the coolness and hesitation which you have displayed in the question of the limits and boundaries by saying that the discussion of these at present is of no use and is a loss of time, and that they are still in the hands of the Government which is ruling them, &c., might be taken to infer an estrangement or something of the sort.

As the limits and boundaries demanded are not those of one person whom we should satsify and with whom we should discuss them after the war is over, but our peoples have seen that the life of their new proposal is bound at least by these limits and their word is united on this.

Therefore, they have found it necessary first to discuss this point with the Power in whom they now have their confidence and trust as a final appeal, viz., the illustrious British Empire.

Their reason for this union and confidence is mutual interest, the necessity of regulating territorial divisions and the feelings of their inhabitants, so that they may know how to base their future and life, so not to meet her (England?) or any of her Allies in opposition to their resolution which would produce a contrary issue, which God forbid.

For the object is, honourable Minister, the truth which is established on a basis which guarantees the essential sources of life in future.

Yet within these limits they have not inincluded places inhabited by a foreign race. It is a vain show of words and titles.

May God have mercy on the Khalifate and comfort Moslems in it.

I am confident that your Excellency will

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not doubt that it is not I personally who am demanding of these limits which include only our race, but that they are all proposals of the people, who, in short, believe that they are necessary for economic life.

Is this not right, your Excellency the Minister?

In a word, your Excellency, we are firm in our sincerity and declaring our preference for loyalty towards you, whether you are satified with us, as has been said, or angry.

With reference to your remark in your letter above mentioned that some of our people are still doing their utmost in promoting the interests of Turkey, your goodness (lit. "perfectness") would not permit you to make this an excuse for the tone of coldness and hesitation with regard to our demands, demands which I cannot admit that you, as a man of sound opinion, will deny to be necessary for our existence; nay, they are the essential essence of our life, material and moral.

Up to the present moment I am myself with all my might carrying out in my country all things in conformity with the Islamic law, all things which tend to benefit the rest of the Kingdom, and I shall continue to do so until it pleases God to order otherwise.

In order to reassure your Excellency I can declare that the whole country, together with those who you say are submitting themselves to Turco-German orders, are all waiting the result of these negotiations, which are dependent only on your refusal or acceptance of the question of the limits and on your declaration of safeguarding their religion first and then the rest of rights from any harm or danger.

Whatever the illustrious Government of Great Britain finds conformable to its policy on this subject, communicate it to us and specify to us the course we should follow.

In all cases it is only God's will which shall be executed, and it is God who is the real factor in everything.

With regard to our demand for grain for the natives, and the moneys ("surras") known to the Wakfs' Ministry and all other articles sent here with pilgrims' caravans, high Excellency, my intention in this matter is to confirm your proclamations to the whole world, and especially to the Moslem world, that your antagonism is confined only to the party which has usurped the rights of the Khalifate in which are included the rights of all Moslems.

Moreover the said grain is from the special Wakfs and has nothing to do with politics.

If you think it should be, let the grain of the two years be transported in a special steamer to Jedda in an official manner, in the name of all the natives as usual, and the captain of the steamer or the special "Mamur" detailed as usual every year to hand it over on his arrival at the port will send to the Governor of Jedda asking for the Mamur of the grain at Jedda or a responsible official to take over the grain and give the necessary receipt signed by the said Mamur, that is the Mamur of the grain himself. He should make it a condition that he would (? not) accept any receipt but that signed by this Mamur.

Let the captain of the steamer or the "Mamur" (detailed with the grain) be instructed that if he finds anything contrary to this arrangement he should warn them that he will return home with the cargo. Thereupon the Mamur and the special committee detailed with him, which is known as the committee of the grain for the natives, will take over the grain in the proper form.

Please accept my best regards and salutations.

If you choose to send a reply to this, please send it with the bearer.

29th Shawal, 1333.

No. 4—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif of Mecca*

OCTOBER 24, 1915.

I have received your letter of the 29th Shawal, 1333, with much pleasure and your expressions of friendliness and sincerity have given me the greatest satisfaction.

I regret that you should have received from my last letter the impression that I regarded the question of the limits and boundaries with coldness and hesitation; such was not the case, but it appeared to me that the time had not yet come when that question could be discussed in a conclusive manner.

I have realised, however, from your last letter that you regard this question as one of vital and urgent importance. I have, therefore, lost no time in informing the Government of Great Britain of the contents of your letter, and it is with great pleasure that I communicate to you on their behalf the following statement, which I am confident you will receive with satisfaction:—

The two districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo cannot be said to be purely Arab, and should be excluded from the limits demanded.

With the above modification, and without prejudice to our existing treaties with Arab chiefs, we accept those limits.

As for those regions lying within those frontiers wherein Great Britain is free to act without detriment to the interests of her ally, France, I am empowered in the name of the Government of Great Britain to give the following assurances and make the following reply to your letter:—

(1) Subject to the above modifications, Great Britain is prepared to recognise and support the independence of the Arabs in all the regions within the limits demanded by the Sherif of Mecca.

(2) Great Britain will guarantee the Holy Places against all external aggression and will recognise their inviolability.

(3) When the situation admits, Great Britain will give to the Arabs her advice and will assist them to establish what may appear to be the most suitable form of government in those various territories.

(4) On the other hand, it is understood that the Arabs have decided to seek the advice and guidance of Great Britain only, and that such European advisers and officials as may be required for the formation of a sound form of administration will be British.

(5) With regard to the *vilayets* of Bagdad and Basra, the Arabs will recognise that the established position and interests of Great Britain necessitate special administrative arrangements in order to secure these territories from foreign aggression, to promote the welfare of the local populations and to safeguard our mutual economic interests.

I am convinced that this declaration will assure you beyond all possible doubt of the sympathy of Great Britain towards the aspirations of her friends the Arabs and will result in a firm and lasting alliance, the immediate results of which will be the expulsion of the Turks from the Arab countries and the freeing of the Arab peoples from the Turkish yoke, which for so many years has pressed heavily upon them.

I have confined myself in this letter to the more vital and important questions, and if there are any other matters dealt with in your letters which I have omitted to mention, we may discuss them at some convenient date in the future.

It was with very great relief and satisfaction that I heard of the safe arrival of the Holy Carpet and the accompanying offerings which, thanks to the clearness of your directions and the excellence of your arrangements, were landed without trouble or mishap in spite of the dangers and difficulties occasioned by the present sad war. May God soon bring a lasting peace and freedom to all peoples!

I am sending this letter by the hand of your trusted and excellent messenger, Sheikh Mohammed Ibn Arif Ibn Uraifan, and he will inform you of the various matters of interest, but of less vital importance, which I have not mentioned in this letter.

(Compliments.)

(Signed) A. HENRY MCMAHON.

No. 5—*Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo*

NOVEMBER 5, 1915.

(In the name of God, the Merciful, the Compassionate!)

To his Excellency the most exalted and eminent Minister who is endowed with the highest authority and soundness of opinion.

May God guide him to do His Will!

I received with great pleasure your honoured letter, dated the 15th Zil Hijja (the 24th October, 1915), to which I beg to answer as follows:—

1. In order to facilitate an agreement and to render a service to Islam, and at the same time to avoid all that may cause Islam troubles and hardships—seeing moreover that we have great consideration for the distinguished qualities and dispositions of the Government of Great Britain—we renounce our insistence on the inclusion of the *vilayets* of Mersina and Adana in the Arab Kingdom. But the two *vilayets* of Aleppo and Beirut and their sea coasts are purely Arab *vilayets*, and there is no difference between a Moslem and a Christian Arab: they are both descendants of one forefather.

We Moslems will follow the footsteps of the Faithful Omar ibn Khattab, and other Khalifs succeeding him, who ordained in the laws of the Moslem Faith that Moslems should treat the Christians as they treat themselves. He, Omar, declared with reference to Christians: "They will have the same privileges and submit to the same duties as ourselves." They will thus enjoy their civic rights in as much as it accords with the general interests of the whole nation.

2. As the Iraqi *vilayets* are parts of the pure Arab Kingdom, and were in fact the seat of its Government in the time of Ali ibn Abu Talib, and in the time of all the Khalifs who succeeded him; and as in them began the civilisation of the Arabs, and as their towns were the first towns built in Islam where the Arab power became so great; therefore they are greatly valued by all Arabs far and near, and their traditions cannot be forgotten by them. Consequently, we cannot satisfy the Arab nations or make them submit to give us such a title to nobility. But in order to render an accord easy, and taking into consideration the assurances mentioned in the fifth article of your letter to keep and guard our mutual interests in that country as they are one and the same, for all these reasons we might agree to leave under the British administration for a short time those districts now occupied by the British troops without the rights of either party being prejudiced thereby (especially those of the Arab nation; which interests are to it economic and vital), and against a suitable sum paid as compensation to the Arab Kingdom for the period of occupation, in order to meet the expenses which every new kingdom is bound to support; at the same time respecting your agreements with the Sheikhs of those districts, and especially those which are essential.

3. In your desire to hasten the movement we see not only advantages, but grounds of apprehension. The first of these grounds is the fear of the blame of the Moslems of the opposite party (as has already happened in the past), who would declare that we have

revolted against Islam and ruined its forces. The second is that, standing in the face of Turkey which is supported by all the forces of Germany, we do not know what Great Britain and her allies do if one of the *Entente* Powers were weakened and obliged to make peace. We fear that the Arab nation will then be left alone in the face of Turkey together with her allies, but we would not at all mind if we were to face the Turks alone. Therefore it is necessary to take these points into consideration in order to avoid a peace being concluded in which the parties concerned may decide the fate of our people as if we had taken part in the war without making good our claims to official consideration.

4. The Arab nation has a strong belief that after this war is over the Turks under German influence will direct their efforts to provoke the Arabs and violate their rights, both material and moral, to wipe out their nobility and honour and reduce them to utter submission as they are determined to ruin them entirely. The reasons for the slowness shown in our action have already been stated.

5. When the Arabs know the Government of Great Britain is their ally who will not leave them to themselves at the conclusion of peace in the face of Turkey and Germany, and that she will support and will effectively defend them, then to enter the war at once will, no doubt, be in conformity with the general interest of the Arabs.

6. Our letter dated the 29th Shauâl, 1333 (the 9th September, 1915), saves us the trouble of repeating our opinions as to articles 3 and 4 of your honoured last letter regarding administration, Government advisers and officials, especially as you have declared, exalted Minister, that you will not interfere with internal affairs.

7. The arrival of a clear and definite answer as soon as possible to the above proposals is expected. We have done our utmost in making concessions in order to come to an agreement satisfying both parties. We know that our lot in this war will be either a success, which will guarantee to the Arabs a life becoming their past history, or destruction in the attempt to attain their objects. Had it not been for the determination which I see in the Arabs for the attainment of their objects, I would have preferred to seclude myself on one of the heights of a mountain, but they, the Arabs, have insisted that I should guide the movement to this end.

May God keep you safe and victorious, as we devoutly hope and desire.

27th Zil Hijja, 1333.

No. 6—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif of Mecca*

DECEMBER 13, 1915.

To Sherif Hussein:

(After customary greetings and acknowledgement of previous letter.)

I am gratified to observe that you agree to the exclusion of the districts of Mersina and Adana from boundaries of the Arab territories.

I also note with great pleasure and satisfaction your assurances that the Arabs are determined to act in conformity with the precepts laid down by Omar Ibn Khattab and the early Khalifs, which secure the rights and privileges of all religions alike.

In stating that the Arabs are ready to recognise and respect all our treaties with Arab chiefs, it is, of course, understood that this will apply to all territories included in the Arab Kingdom, as the Government of Great Britain cannot repudiate engagements which already exist.

With regard to the *vilayets* of Aleppo and Beirut, the Government of Great Britain have fully understood and taken careful note of your observations, but as the interests of our ally, France, are involved in them both, the question will require careful consideration and a further communication on the subject will be addressed to you in due course.

The Government of Great Britain, as I have already informed you, are ready to give all guarantees of assistance and support within their power to the Arab Kingdom, but their interests demand, as you yourself have recognised, a friendly and stable administration in the *vilayet* of Bagdad, and the adequate safeguarding of these interests calls for a much fuller and more detailed consideration than the present situation and the urgency of these negotiations permit.

We fully appreciate your desire for caution, and have no wish to urge you to hasty action, which might jeopardize the eventual success of your projects, but, in the meantime, it is most essential that you should spare no effort to attach all the Arab peoples to our united cause and urge them to afford no assistance to our enemies.

It is on the success of these efforts and on the more active measures which the Arabs may hereafter take in support of our cause, when the time for action comes, that the permanence and strength of our agreement must depend.

Under these circumstances I am further directed by the Government of Great Britain to inform you that you may rest assured that Great Britain has no intention of concluding any peace in terms of which the freedom of the Arab peoples from German and Turkish domination does not form an essential condition.

As an earnest of our intentions, and in order to aid you in your efforts in our joint cause, I am sending you by your trustworthy messenger a sum of twenty thousand pounds.

(Customary ending.)

(Signed) H. MCMAHON.

NO. 7—*Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo*

JANUARY 1, 1916.

(In the name of God, the Merciful, the Compassionate!)

To his Excellency the eminent, energetic and magnanimous Minister.

We received from the bearer your letter, dated the 9th Safar (the 14th December, 1915), with great respect and honour, and I have understood its contents, which caused me the greatest pleasure and satisfaction, as it removed that which had made me uneasy.

Your honour will have realised, after the arrival of Mohammed (Faroki) Sherif and his interview with you, that all our procedure up to the present was of no personal inclination or the like, which would have been wholly unintelligible, but that everything was the result of the decisions and desires of our peoples, and that we are but transmitters and executants of such decisions and desires in the position they (our people) have pressed upon us.

These truths are, in my opinion, very important and deserve your honour's special attention and consideration.

With regard to what had been stated in your honoured communication concerning El Iraq as to the matter of compensation for the period of occupation, we, in order to strengthen the confidence of Great Britain in our attitude and in our words and actions, really and veritably, and in order to give her evidence of our certainty and assurance in trusting her glorious Government, leave the determination of the amount to the perception of her wisdom and justice.

As regards the northern parts and their coasts, we have already stated in our previous letter what were the utmost possible modifications, and all this was only done so to fulfill those aspirations whose attainment is desired by the will of the Blessed and Supreme God. It is this same feeling and desire which impelled us to avoid what may possibly injure the alliance of Great Britain and France and the agreement made between them during the present wars and calamities; yet we find it our duty that the eminent minister should be sure that, at the first opportunity after this war is finished, we shall ask you (what we avert our eyes from to-day) for what we now leave to France in Beirut and its coasts.

I do not find it necessary to draw your attention to the fact that our plan is of greater security to the interests and protection of the rights of Great Britain than it is to us, and will necessarily be so whatever may happen, so that Great Britain may finally see her friends in that contentment and advancement which she is endeavoring to establish for them now, especially as her Allies being neighbours to us will be the germ of difficulties and discussion with which there will be no peaceful conditions. In addition to which the citizens of Beirut will decidedly never accept such dismemberment, and they may oblige us to undertake new measures which may exercise Great Britain, certainly not less than her present troubles, because of our belief and certainty in the reciprocity and indeed the identity of our interests, which is the only cause that caused us never to care to negotiate with any other Power but you. Consequently, it is impossible to allow any derogation that gives France, or any other Power, a span of land in those regions.

I declare this, and I have a strong belief, which the living will inherit from the dead, in the declarations which you give in conclusion of your honoured letter. Therefore, the honourable and eminent Minister should believe and be sure, together with Great Britain, that we still remain firm to our resolution which Storrs learnt from us two years ago, for which we await the opportunity suitable to our situation, especially in view of that action the time of which has now come near and which destiny drives towards us with great haste and clearness, so that we and those who are of our opinion may have reasons for such action against any criticisms or responsibilities imposed upon us in future.

Your expression "we do not want to push you to any hasty action which might jeopardise the success of your aim" does not need any more explanation except what we may ask for, when necessary, such as arms, ammunition, etc.

I deem this sufficient, as I have occupied much of your Honour's time. I beg to offer you my great veneration and respect.

25the Safar, 1334.

NO. 8—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif at Mecca*

JANUARY 25, 1916.

(After customary greetings.)

We have received with great pleasure and satisfaction your letter of the 25th Safar (the 1st January) at the hands of your trusty messenger, who has also transmitted to us your verbal messages.

We fully realise and entirely appreciate the motives which guide you in this important question, and we know well that you are acting entirely in the interests of the Arab peoples and with no thought beyond their welfare.

We take note of your remarks concerning the *vilayet* of Baghdad, and will take the question into careful consideration when the enemy has been defeated and the time for peaceful settlement arrives.

As regards the northern parts, we note with satisfaction your desire to avoid anything which might possibly injure the alliance of Great Britain and France. It is, as you know, our fixed determination that nothing shall be permitted to interfere in the slightest degree with our united prosecution of this war to a victorious conclusion. Moreover, when the victory has been won, the friendship of Great Britain and France will become yet more firm and enduring, cemented by the blood of Englishmen and Frenchmen who have died side by side fighting for the cause of right and liberty.

In this great cause Arabia is now associated, and God grant that the result of our mutual efforts and co-operation will bind us in a lasting friendship to the mutual welfare and happiness of us all.

We are greatly pleased to hear of the action you are taking to win all the Arabs over to our joint cause, and to dissuade them from giving any assistance to our enemies, and we leave it to your discretion to seize the most favourable moment for further and more decided measures.

You will doubtless inform us by the bearer of this letter of any manner in which we can assist you and your requests will always receive our immediate consideration.

You will have heard how El Sayed Ahmed el Sherif el Senussi has been beguiled by evil advice into hostile action, and it will be a great grief to you to know that he has been so far forgetful of the interests of the Arabs as to throw in his lot with our enemies. Misfortune has now overtaken him, and we trust that this will show him his error and lead him to peace for the sake of his poor misguided followers.

We are sending this letter by the hand of your good messenger, who will also bring to you all our news.

With salaams.

(Signed) H. McMAHON.

No. 9—*Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo*

FEBRUARY 18, 1916.

(In the name of the Merciful, the Compassionate!)

To the most noble His Excellency the High Commissioner. May God protect him. (After compliments and respects.)

We received your Excellency's letter dated 25th Rabi El Awal, and its contents filled us with the utmost pleasure and satisfaction at the attainment of the required understanding and the intimacy desired. I ask God to make easy our purposes and prosper our endeavours. Your Excellency will understand the work that is being done, and the reasons for it from the following:—

Firstly.—We had informed your Excellency that we had sent one of our sons to Syria to command the operations deemed necessary there. We have received a detailed report from him stating that the tyrannies of the Government there have not left of the persons upon whom they could depend, whether of the different ranks of soldiers or of others, save only a few, and those of secondary importance; and that he is awaiting the arrival of the forces announced from different places, especially from the people of the country and the surrounding Arab regions as Aleppo and the south of Mosul, whose total is calculated at not less than 100,000 by their estimate; and he intends, if the majority of the forces mentioned are Arab, to begin the movement by them; and, if otherwise, that is, of the Turks or others, he will observe their advance to the Canal, and when they begin to fight, his movements upon them will be different to what they expect.

Secondly.—We purposed sending our eldest son to Medina with sufficient forces to strengthen his brother (who is) in Syria, and with every possibility of occupying the railway line, or carrying out such operations as circumstances may admit. This is the beginning of the principal movement, and we are satisfied in its beginning with what he had levied as guards to keep the interior of the country quiet; they are of the people of Hejaz only, for many reasons, which it would take too long to set forth; chiefly the difficulties in the way of providing their necessities with secrecy and speed (although this precaution was not necessary) and to make it easy to bring reinforcements when needed; this is the summary of what you wished to understand. In my opinion it is sufficient, and it is to be taken as a foundation and a standard as to our actions in the face of all changes and unforeseen events which the sequence of events may show. It remains for us to state what we need at present:

Firstly.—The amount of £50,000 in gold for the monthly pay of the troops levied, and other things the necessity of which needs no explanation. We beg you to send it with all possible haste.

Secondly.—20,000 sacks of rice, 15,000 sacks of flour, 3,000 sacks of barley, 150 sacks of coffee, 150 sacks of sugar, 5,000 rifles of the modern pattern and the necessary ammunition, and 100 boxes of the two sample cartridges (enclosed) and of Martini-Henry cartridges and "Aza," that is those of the rifles of the factory of St. Etienne in France, for the use of those two kinds of rifles of our tribes; it would not be amiss to send 500 boxes of both kinds.

Thirdly—We think it better that the place of deposit of all these things should be Port Sudan.

Fourthly.—As the above provisions and munitions are not needed until the beginning of the movement (of which we will inform you officially), they should remain at the above place, and when we need them we will inform the Governor there of the place to which they may be conveyed, and of the intermediaries who will carry orders for receiving them.

Fifthly.—The money required should be sent at once to the Governor of Port Sudan, and a confidential agent will be sent by us to receive it, either all at once, or in two instalments, according as he is able, and this (!) is the (secret) sign to be recognized for accepting the man.

Sixthly.—Our envoy who will receive the money will be sent to Port Sudan in three weeks' time, that is to say, he will be there on the 5th Jamad Awal (9th March) with a letter from us addressed to Al Khawaga Elias Effendi, saying that he (Elias) will pay him, in accordance with the letter, the rent of our properties, and the signature will be clear in our name, but we will instruct him to ask for the Governor of the place, whom you will apprise of this person's arrival. After perusal of the letter, the money should be given to him on condition that no discussion whatever is to be made with him of any question concerning us. We beg you most emphatically not to tell him anything, keeping this affair secret, and he should be treated apparently as if he were nothing out of the way.

Let it not be thought that our appointment of another man results from lack of confidence in the bearer; it is only to avoid waste of time, for we are appointing him to a task elsewhere. At the same time we beg you not to embark or send him in a steamer, or officially, the means already arranged being sufficient.

Seventhly.—Our representative, bearer of the present letter, has been definitely instructed to ensure the arrival of this, and I think that his mission this time is finished since the condition of things is known both in general and in detail, and there is no need for sending anyone else. In case of need for sending information, it will come from us; yet as our next representative will reach you after three weeks, you may prepare instructions for him to take back. Yet let him be treated simply in appearance.

Eighthly.—Let the British Government consider this military expenditure in accordance with the books which will be furnished it, explaining how the money has been spent.

To conclude, my best and numberless salutations beyond all increase.

14 *Rabi al Akhar*, 1334.

No. 10—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif of Mecca*

MARCH 10, 1916.

(After customary greetings.)

We have received your letter of the 14th Rabi el Akhar (the 18th February), duly delivered by your trusted messenger.

We are grateful to note the active measures which you propose to take. We consider them the most suitable in the existing circumstances, and they have the approval of His Majesty's Government. I am pleased to be able to inform you that His Majesty's Government have approved of meeting your requests, and that which you asked to be sent with all haste is being despatched with your messenger, who is also the bearer of this letter.

The remainder will be collected as quickly as possible and will be deposited at Port Sudan, where it will remain until we hear from you officially of the beginning of the movement and of the places to which they may be conveyed and the intermediaries who will carry out the orders for receiving them.

The necessary instructions, as set forth in your letter, have been issued to the Governor at Port Sudan, and he will arrange everything in accordance with your wishes.

Your representative who brought your last letter has been duly facilitated in his journey to Jeizan, and every assistance has been given him in his mission, which we trust will be crowned with good results.

We have arranged that, on completion, he will be brought to Port Sudan, whence he will proceed by the safest means to join you and report the results of his work.

We take the opportunity, in sending this letter, to explain to you a matter which might otherwise not have been clear to you, and which might have given rise to misunderstanding. There are various Turkish posts and small garrisons along the coasts of Arabia who are hostile to us, and who are said to be planning injury to our naval interests in the Red Sea. We may, therefore, find it necessary to take hostile measures against these posts and garrisons, but we have issued strict instructions that every care must be taken by our ships to differentiate between the hostile Turkish garrisons and the innocent Arab inhabitants, towards whom we entertain such friendly feelings.

We give you notice of this matter in case distorted and false reports may reach you of the reasons for any action which we may be obliged to take.

We have heard rumours that our mutual enemies are endeavouring to construct boats for the purpose of laying mines in the Red Sea, and of otherwise injuring our interests there, and we beg of you that you will give us early information should you receive any confirmaiton of such reports.

We have heard that Ibn Rashid has been selling large quantities of camels to the Turks, which are being sent up to Damascus.

We hope that you will be able to use influence with him in order that he may cease from this practice and, if he still persists, that you will be able to arrange for the Arabs who lie between him and Syria to seize the camels as they pass, a procedure which will be to our mutual advantage.

I am glad to be able to inform you that those misguided Arabs under Sayed Ahmed el Senussi, who have fallen victims to the wiles of Turkish and German intriguers, are now beginning to see the error of their ways, and are coming in to us in large numbers, asking for forgiveness and friendship.

We have severely defeated the forces which these intriguers had collected against us, and the eyes of the Arabs are now becoming open to the deceit which has been practiced upon them.

The capture of Erzerum, and the defeats sustained by the Turks in the Caucasus, are having a great effect in our favour, and are greatly helping the cause for which we are both working.

We ask God to prosper your endeavors and to further the work which you have taken in hand.

In conclusion, we beg you to accept our warmest salutations and expressions of friendship.

6 *Jamad Awwal*, 1334.

(Signed) A. H. McMahon.

Despite the strange nature of the letter to Baron Rothschild, there was no carelessness involved in the wording of the document. Mr. Lloyd George, himself, speaking in Wales in 1930, assured his listeners in curious terms that the Declaration "was prepared after much consideration, not merely of its policy, but of its actual wording." Whatever is to be found in the Balfour Declaration was put there deliberately. If the wording seemed ambiguous, it was an intentional ambiguity. It is interesting to note the reference to the "non-Jewish communities." At the time the Declaration was issued, the population in Palestine was about 91% Arab and 9% Jew. Purportedly the use of "home" rather than "state" was a type of safeguard clause inserted to protect and reassure earlier pledges made by Britain to the Arabs. Due to just such ambiguity found in both the Balfour Declaration and the Hussein-McMahon letters, the Jews and Arabs alike were left with the impression they were to receive the Palestine area as a part of a political state at the conclusion of World War I.

Britain's reasons for making such conflicting and ambiguous declarations are still only a matter of conjecture. The pronouncement came at a time when Allied support in the war effort was in its darkest period.

Palestine was a strategic area for Great Britain in terms of long-range imperialistic considerations. The London Agreements signed in 1915 and 1916 had divided the Ottoman Empire into spheres of influence to be claimed at the end of World War I. With both the Arabs and the Jews feeling that Palestine would eventually become their independent state, perhaps Great Britain felt that the Zionists and the Arabs would remain dependent on her for future political considerations in return for present favors rendered in the war effort.

Whatever the rationale, Arthur Koestler, British Journalist/Essayist and novelist, has described the British maneuver in this succinct fashion:

"In the Balfour Declaration, one nation solemnly promised to a second nation the country of a third. No second thoughts can diminish the originality of this procedure. The Arabs had been living there for centuries, and the country was no doubt theirs in the generally accepted sense of the word. It is true that the Arabs had vast under-populated territories at their disposal and the Jews had none; that the Arabs were a backward people, the Jews a forward people, and that the latter claimed to have received that country only 3000 years earlier from God himself, who had only temporarily withdrawn it from them."

Although there seems to be little reason to dwell longer on the topic of the Balfour Declaration, the circumstances surrounding its creation of a national Jewish home should be well noted. Aside from that more ancient doctrine as recorded in the Bible, the Balfour Declaration is publicly cited as the Zionist's title to Palestine. The conclusion of the First World War left the future of Palestine in question.

THE VERSAILLES PEACE CONFERENCE AND THE KING-CRANE COMMISSION

Due to the fact that nine-tenths of the Palestinian population was not Jewish and Palestine was the recognized Holy Land for the Jews, Christians and Muslims, the Versailles Peace Conference of 1919 opposed turning Palestine into a Jewish state.

The policy of the United States with regard to the Middle East at the Versailles Conference was one of support for self-determination, based on Wilson's 14 Points. In 1919 President Wilson sent two commissions: The King-Crane Commission to the Arab lands and the Harbord Commission to Armenia. The instruction of these commissions was to determine the wishes of the local people. Since this was the United States first direct political involvement in the Middle East, the findings and recommendations of the King-Crane Commission are a significant indication of the position this country enjoyed in the Arab world a half a century ago.

After lengthy interviews with a large number of Palestinian and Syrian people, the King-Crane Commission turned in the recommendation that the unity of Syria (meaning Syria, Lebanon and Palestine) be preserved and that if a mandate was necessary, the overwhelming preference of the population of these areas was for the United States to assume a single mandate over the entire area.

The report stated:

"They declared that their choice was due to knowledge of America's record; the unselfish aims with which she had come into the war; the faith in her felt by the multitudes of Syrians who had been in America; the spirit revealed in American educational institutions in Syria, especially the college in Beirut, with its well-known and constant encouragement of Syrian national sentiment; their belief that America had no territorial or colonial ambitions, and would willingly withdraw when the Syrian State was well established as her treatment of both Cuba and the Philippines seemed to illustrate; her genuinely democratic spirit; and her ample resources.

The Commission recommended that if the United States did not accept the mandate then it should be assigned to Great Britain. The Commission declared that it could not recommended that the mandate be given to France due to the fact that such a move might precipitate a war between France and Syria. The Commission also at this time expressed concern over the "Zionist aspirations in Palestine."

Unfortunately, President Wilson became inflicted with his fatal illness shortly after the issue of the Commission Report and more than likely never saw their recommendations. He did send over to Congress a proposal for an American mandate over Armenia, but this was defeated in the Senate by a vote of 52 to 23. As the United States returned to an isolationist policy after the death of Wilson, our nation forsook for a time, the possibility of establishing a real political or strategic role in the area.

POPULATION MOVEMENTS AND PARTITION PLANS IN THE MIDDLE EAST

Both the Arabs and the Jews were denied their dream of an independent state in Palestine at the conclusion of the war. The newly created League of Nations established a mandate system (tutelage for independence) for the countries in the Middle East. Great Britain was given mandatory responsibility for Palestine and Iraq. France was given mandates for Syria. (Lebanon was created out of Syria in 1920 by France.) Britain's intentions, however, were clear. In July of 1922, the Balfour Declaration was directly incorporated, almost verbatim, in the League of Nations' mandate. The Arabs who did not want the mandate and who had no say in its formulation have refused to recognize its validity. In order to quiet the Arabs' fear of Jewish domination, the Colonial Secretary, Winston Churchill, issued a statement of policy on July 1, 1922, that attempted to resolve the ambiguity of the Balfour Declaration by saying that the "national home" of the Jews was not meant to be a Jewish state. The statement also guaranteed the autonomy of the Jews and assured them of continued immigration within the confines of the time of Great Britain's acceptance of the the economic capabilities of Palestine. At mandate, the first census of the Palestine region showed a Jewish population of 84,000, and an Arab population of 650,000. This census was done on a confessional basis, so the number of Arabs was an arbitrary figure, deduced from the numbers of Christians and Muslims.

On September 21, 1922, the United States Congress approved the Balfour Declaration. That joint resolution of the Congress as printed in "Documents on the Middle East" published by the American Enterprise Institute for Public Policy Research is as follows:

"NO. 73, 67TH CONGRESS, SECOND SESSION, SEPTEMBER 21, 1922

"Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled.

"That the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected."

As the influx of Jewish immigrants into Palestine began to largely increase, soon after the First World War, riots erupted among the Arab population. The idea of partitioning the Palestinian area was first introduced by the British in 1936–37 in the Peel Commission Report. According to the Report, the principal causes of the Arab-inspired riots of 1920, 1921, 1929 and 1933 were the rise of Arab nationalism and the fear of Zionist designs for political control of Palestine. The report recommended dividing Palestine into two regions and separating the two peoples with the area around Bethlehem and Jerusalem with a corridor extending to Jaffa to remain under British mandate. The Peel Commission's recommendations were rejected by both the Arabs and the Jews. As the exodus from Germany, a result of Hitler's rise to power, brought a continued increase in the Jewish population of Palestine, friction intensified. Out of fear that they were going to become a minority in what had been an Arab state, the Arab Resistance started in 1937 and lasted until 1939.

In 1938, another attempt by the British was made to restudy the problem and find a solution to the growing friction between Arab and Zionist. The 1938 Woodhead Commission considered the proposal of removing the Arabs to either an Arab State or other Arab countries. The Report was not accepted unanimously by members of the Commission, nor was acceptance from the Palestinians any more favorable. As a result of the Arab reaction, the British were forced to restrict her immigration laws into Palestine. In 1939 a "White Paper" was issued by the British which restricted Jewish immigration into Palestine, reaffirmed the 1922 policy and set a date for independence in 1949. A conference was held in London with representatives of the Arabs and the Jews to test their acceptance of the 1939 White Paper. The Zionists rejected the idea of restricting immigration outright and rejected the White Paper in its entirety. Arab spokesmen were willing to use the White Paper proposals as a basis for discussion of a solution to the problem, although they did not feel the paper presented an acceptable solution in its original state.

In 1940, the British introduced the Land

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Transfer Regulations whereby no land could be sold to non-Arab Palestinians without approval of the British Government. Britain was trying to stop the sales to the Zionists that provided more settlement space for more immigrants coming from Europe in defiance of British policy. While the Arabs accepted the land transfer regulations, the Zionists did not, and further accused the British of trying to appease the Arabs at the expense of the Jewish settlement program. At a time when the Nazi regime of Germany was persecuting Jews and the need for additional land for immigrants was acute, the Zionists felt justified in rejecting the White Paper.

As World War II approached, the Allied Powers again turned to the Levantine states for support. In return they would receive independence which was eventually granted under the terms of the peace treaty. Egypt had been granted nominal independence in 1922, but maintained British presence until 1956; Iraq had been released from its mandate in 1932; Lebanon achieved her independence in 1943; syria in 1954; and Jordan in 1946.

The Palestine question reached international proportions during the course of the War and the years that followed. Pressures from the outside world were marked by strong pro-Zionist leanings in the United States. The Presidency, Congress, and the communications media were suspectible to Zionist pressure which focused on traditional American support for the minority and on the strong feelings of guilt which prevailed over our failure to alleviate the plight of the Jews in Europe during the ruthless Nazi purges. There is no denial that the suffering and terrible oppression experienced by the Jews under Nazi rule were one of the blackest pages ever to be written in the history of man. However, it must be said that following World War II there was no legal precedent for the international community to consent to the creation of a state without the agreement of the existing majority of the inhabitants in the area affected. It is oddly ironic that Allied forces did not have open immigration for the persecuted Jews. Public outrage and sympathy for the suffering of the Jews in Germany was matched by a refusal to assimilate these tragic people into their own nations. Yet from the immediate point after the War, until the Jews declared the state of Israel, in May of 1948, the sympathies of the world obscured the moral and legal obligations incumbant in partitioning Palestine.

After World War II, the Anglo-American Committee of Inquiry sought a solution to the Palestine question and to the problem of the displaced Jews of Europe. The Anglo-American Committee Report of April 30, 1946, rejected the idea of the partition of Palestine and suggested a state that should either be Arab or Jewish. Special protection, presumably under the auspices of the United Nations and various religious communities involved, would be given to the Holy Shrines and venerated places of Palestine to insure their open character. The Committee suggested a provincial arrangement for the division of the land in Palestine where each community would have control over the local affairs of their respective groups.

The findings of the Anglo-American Committee of Inquiry were accepted by the British, but rejected by the United States. Arabs believed that the provincial arrangements would lead to a partition of the area between the Jews and the Arabs; so they offered their alternative plan whereby a proportional representation system would guarantee the Jews at least $\frac{1}{3}$ of the seats in government with the United Nation's protection of the Holy Places. The Zionists countered with a plan of their own calling for Palestine to become a Jewish Commonwealth with open immigration, and with the Jewish Agency (formed after the Mandate of 1922 to act as the operational arm in Palestine of the World Zionist Organization) in charge of the Palestinian government. Neither of these alternatives proved to be acceptable.

With the Palestinian question further and further from settlement, with no agreement being reached between either the United States or Great Britain or between Arabs and Jews and with Zionist terrorist organizations in Palestine harassing the British over the latter's opposition to Jewish immigration, the British Government on February 18, 1947, turned the problem of Palestine over to the United Nations. According to British figures at this time the population of the two communities were 625,000 Jews and 1,262,000 Arabs. The United Nations had estimated the population of Palestine in 1946 based on the 1936 census and the known birth, death and immigration rates, to be 1,230,000 Arabs, 608,000 Jews and 35,000 others. In the period from 1920 to 1946, the British had recorded 376,000 legal Jewish immigrants to Palestine.

UNITED NATIONS AND THE PALESTINIAN QUESTION

The end of the Second World War signaled the entry of the United States into the afgairs of the Middle East. While some Jewish leaders opposed the creation of a separate Jewish state in Palestine, and others suggested a bi-national state; the Zionists were able to influence the U.S. government's policy even against the advice of U.S. diplomats and other governmental officials who were experts on the Middle East. The U.S. government in turn brought pressure to bear on its allies and member states at the U.N. and influenced the outcome of U.N. deliberations on the subject. In contrast, the Arabs had little voice in the U.S.

A U.N. Special Conciliation Commission on Palestine (UNSCOP) was created, but was unable to present a unanimous report. The majority report favored partition; a minority report suggested a single state with a federal structure. When the partition plan came before the General Assembly, it was uncertain whether it would pass. However, due to delay in voting as a result of a Thanksgiving recess, the U.S. and other influential governments and groups favoring creation of the State of Israel lobbied it into existence, thereby changing the decisive votes of three states who had previously opposed the majority plan. Although the General Assembly recommended partition, it had no enforcement power.

As the partition plan emerged, between November, 1947, and May, 1948, events in Palestine escalated. The fighting continued between the British and the underground Zionist movements and as the Arabs sought to organize their strength, they too were confronted by the Zionist extremist groups organized by Abraham Stern and Irgun Zvai Leumi. An endless cycle of retaliation and counter-retaliation resulted in anarchy. While the British were theoretically the mandatory power, they had in fact relinquished their responsibility.

CREATION OF ISRAEL

Meanwhile, disappointed by the failure of agreement between the Arabs and the Zionists, the U.S. Department of State submitted a plan for U.N. Trusteeship for Palestine to the United Nations General Assembly on April 20, 1948. The shift of U.S. policy from partition to trusteeship was unfavorably received by the Zionists who were prepared to proclaim the state of Israel. As British rule dissolved at midnight on May 14, 1948, Israel proclaimed itself an independent state. Approximately thirty minutes later, President Truman extended de facto recognition to the state. (Soviet Russia was the second nation to do so.) The hasty recognition came as a surprise to the U.S. Department of State officials who were debating the trusteeship concept at the United Nations General Assembly. It then became a matter for the United Nations to achieve an armistice to end the subsequent war between Israel and her Arab neighbors. Regardless of the merits of the case of the creation of Israel, in the Arab eyes the United States' action indentified America with what the Arabs considered a serious breach of commitments.

THE WAR OF 1948 AND ITS RESULTS

Shortly after Israel proclaimed its statehood, the regular Arab armies of Egypt, Syria, Jordan, Lebanon and Iraq attacked Israel. The causes for the attack were cumulative, but the immediate reasons given by the Arabs and Zionists conflicted. The Arabs claimed that before any soldiers from the regular Arab armies had entered Palestine from the neighboring Arab countries, the Zionists had already occupied some territories which had been earmarked for the Arabs under the U.N. recommendations of November, 1947. The Zionists, on the other hand, claimed that the Arabs attacked their newly formed nation without provocation.

By June 11, 1948, a truce was signed which was breached intermittently throughout the year. After the truce, the Zionists occupied much of the area of Palestine which had been allocated to the Arabs in the partition plan. Although Jerusalem was supposed to become an international territory, *corpus separatum*, as a result of the war it was divided. The Old City remained in Arab hands while the New City was in the hands of the Israelis.

Count Folke Bernadotte was selected as the U.N. truce mediator, but was assassinated in Israeli-held Jerusalem on September, 1948. By November the U.N. called upon all parties to agree to an armistice and separate agreements were drawn up between Israel and Egypt, Jordan, Syria and Lebanon by the following year (1949). In May, preceding the armistice, Israel was admitted to the United Nations.

Eventually the armistice lines became international frontiers. The 1948 hostilities had brought Israel some 2,493 square miles more than what the United Nations' Partition Plan had envisioned in 1947, which was a Jewish state of 5,500 square miles. It was also at this time that the Middle East began to experience the problems of large numbers of refugees. Following the 1948 war, some 500,000 Jews migrated from Yemen, Iraq, Egypt, Syria, Lebanon, Algeria, Libya, Morocco and Tunisia to Israel between 1949 and 1952. Many of these Jewish immigrants came from homes which were in now hostile Arab states. However, by far, the Palestinian Arabs were the group which suffered the greatest. The United Nations reported that approximately 750,000 Palestinian Arabs were left homeless by the 1948 conflict.

THE UNITED NATIONS RELIEF AND WORKS AGENCY

On the basis of a resolution adopted by the U.N. General Assembly on December 8, 1949 (302/IV/) the United Nations Relief and Works Agency (UNWRA) was established to provide for emergency shelter and food for these displaced people.

Prior to that time, the needs of the refugees had been met through the Disaster Relief Project (1948) and voluntary agencies like the International Red Cross and Red Crescent Societies, and the American Friends Service Committee, whose activities were coordinated by the United Nations Relief for Palestine Refugees (UNRPR, 1949–1950). UNRWA was not established to "solve" the refugee problem, much less the more general Palestine problem. As defined by the resolutions of the U.N. General Assembly, its functions were and are (1) to provide relief, medical care, and education for refugees, and (2) to assist them to become self-supporting. These services have been rendered efficiently and well at an average annual cost of

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some $40.00 per capita, or about 7 to 10 cents per capita per day.

Today UNRWA is the largest of the United Nations subsidiary agencies, with a staff of some 12,434, of whom 98% are Palestinian refugees. There are 108 international staff members. About 6,892 members of the staff are engaged in education and training and 2,998 in the health services. The Commissioner-General is an American, Dr. Laurence Michelmore, and Sir John Rennie (British) the Deputy Commissioner-General. The annual UNRWA budget, in recent years, has averaged some $37,000,000, with 44.5% going to relief services, 12.6% to health, and 42.9% to education and training. Due to the failure of contributions to match expenditures by 1966–67, there was a threatened deficit of more than $3,500,000, even before the conflict of June 1967 had added the increased burden of additional refugees and displaced persons who needed emergency international assistance.

Because a major portion of its work has been devoted to relief, with all the connotations involved in the term, the technical assistance aspects of UNRWA's activities often passed unnoticed, especially in the fields of public health and education and training. In 1950 there was a project to develop UNRWA into the United Nations center for Middle Eastern technical assistance. By 1969 there were more than 200,000 children in UNRWA's 466 schools, and some 57,000 refugee children in other schools, government and private. By 1969, UNRWA had assisted some 1,200 students to attend Middle Eastern universities, at an average cost of $500.00 per student per year, of whom more than 200 were graduated in medicine and a somewhat larger number in engineering and other skills needed in the Middle East. Better known were the eleven technical, vocational and teacher training centers, which, by 1969, had a capacity of some 4000 students and an annual output of some 3,000 with training as teachers, and as workers in the building, electrical, metal, and automotive fields as well as in business and office practice. By 1969 some 12,000 refugee young men and children had received various types of training and most of them had found suitable employment.

During the period since 1948 (to 1969) some $723,847,000 have been contributed to the relief and rehabilitation of the refugees, primarily through UNRWA, whose total income since 1950 was $695,767,000 (1969). Expenditures totaled $714,626,000 by the end of 1968. The contributions of several of the countries in the Middle East as well as the United States to UNRWA in the period of 1950–1969 is given below:

Israel, $2,435,160 (inconsistent; nothing given in 1965 and 1966).

Jordan, $2,195,174 (consistent between 1965 and 1969).

Lebanon, $828,516 (consistent between 1965–1969).

Syria, $2,700,909 (consistent between 1965–1969).

U.A.R., $5,475,576 (inconsistent; no money given in 1969).

United States, $455,618,069 (consistent between 1965–1969).

Mention should also be made, however, of the direct contributions made by some of these countries to the refugees (non-UNWRA funds given directly by the countries to the refugees for educational services, social welfare services, and miscellaneous and administrative costs.) For the year of 1969, these direct contributions to the refugees are as follows:

Israel	$2, 859, 139
Jordan	3, 451, 110
Lebanon	846, 875
Syria	2, 740, 905
United Arab Republic	3, 132, 922

Since June of 1967, Israel's direct contributions to UNWRA have been in the neighborhood of some $2,500,000 and those of the Arab Host Governments to which the Palestinians fled about $9,000,000 annually. Voluntary organizations have contributed in the neighborhood of some $50,000,000 over the years, although it is difficult to make precise estimates in their instance.

THE UNITED NATIONS RESOLUTION 194 (III)

Following the hostilities of 1948, the United Nations immediately recognized the gravity of the refugee situation. On December 11, 1948, the General Assembly passed Resolution 194 (III) establishing a Conciliation Commission for Palestine (which members comprised France, Turkey, and the United States) to assist the parties toward a general settlement, but, while it produced a general formula in September, 1951, it was not acceptable to either side. During the years that followed, the Conciliation Commission was able to only unfreeze some $10,000,000 in blocked Arab bank accounts in Israel. The Resolution itself stated:

Resolved that the refugees wishing *to return* to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that *compensation* should be paid for the property of those choosing not to return and for loss or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.

Instructs the Conciliation Commission to facilitate the repatriation, resettlement, and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriation organs and agencies of the United Nations.

This resolution has been reaffirmed annually since 1948 by the General Assembly.

In actuality very few Palestinians were repatriated by Israel and none received compensation for the lands and homes they lost during the war. As was mentioned previously some money was unfrozen, but this could hardly cover the losses suffered by the refugees of the war.

In December of 1949 the United Nation's General Assembly also voted to establish a permanent international authority for Jerusalem. However, the Israeli Prime Minister subsequently announced that Jerusalem would be the capital of Israel despite the U.N.'s actions. The United States and other western governments never recognized this act and have kept their embassies in Tel Aviv.

U.S. INVOLVEMENT IN THE MIDDLE EAST

America's first commitment to the Middle East came after World War II. Soviet moves in Iran and Turkey and her encouragement of the Communist rebellion in Greece convinced President Truman that a new Russian offensive was in the making. When Great Britain abdicated her role of financial aid to Greece, the principal task of containing Soviet expansion fell to the United States. On March 12, 1947, President Truman asked Congress for $400 million for economic and military aid to Greece and Turkey to strengthen those countries against Communist aggression. This resulted in the *Truman Doctrine* of March 12, 1947, enunciating our policy of containment. Then in 1950, on May 25th, a Tripartite Agreement (France, Great Britain and the United States) was announced which stated that France, Britain and the U.S. would not permit any armed aggression across the armistice lines in Palestine; and if it took place, appropriate action against the aggressor would be taken "both within and outside the U.N." They also committed themselves to strive to maintain a balance in the supply of arms to Israel and the Arab states.

The Korean War confirmed U.S. suspicions of the Soviet's policy and resulted in an effort for the first time to create general defense arrangements in the Middle East. In the early 1950's under the leadership of then Secretary of State, John Foster Dulles, the United States tried to draw the Arab states into a western alliance without considering the Palestine problem. According to a study of this time by Ralph Magnus, Department of Political Science at the University of California at Berkeley:

"In 1953 Dulles personally visited the Middle East. His analysis emphasized the basic purpose of strengthening the area against Soviet aggression. There was, however, a new initiative to be taken toward this goal. Dulles reported: (1) that a regional defense organization must spring from the desires of peoples and governments; (2) most of the Middle East was unwilling at this time to join in a Western sponsored defense organization; and (3) the states of the "northern tier" closer to Russia and more fearful of aggression would be willing to form a regional defense organization."

Dulles' report, of course, was the origin of the Baghdad Pact, later transformed into the Central Treaty Organization (CENTRO). The speech given by the Secretary of State upon his return from the Middle East is excerpted as follows from "Documents on the Middle East." *United States Interests in the Middle East* as edited by Ralph H. Magnus and published by the American Enterprise Institute for Public Policy Research:

Six Major Policy Issues

(Speech by Secretary of State Dulles (excerpts), June 1, 1953)

About 3 weeks ago, the Director for Mutual Security, Mr. Harold Stassen, and I and our associates set out, at President Eisenhower's request, on a trip to 12 countries which lie in between the Mediterranean in Europe and China in Asia. I shall give you our country-by-country impressions and then our general conclusions.

First, let me say that everywhere we were well received. This was encouraging, for several of the countries feel that the United States policies have, in recent years been harmful and even antagonistic to them. The Communists have vigorously exploited this feeling. They staged some hostile demonstrations. But these were inconsequential. The governments received us with warm hospitality, and as we drove through the streets, the people usually greeted us with friendly smiles and applause. The political leaders talked intimately with us, and we gained new friendships and new understanding which will stand us in good stead for the future. Also in each capital I spoke to all of the United States Foreign Service personnel. They are a fine body of men and women of whom we can be proud.

It is high time that the United States Government paid more attention to the Near East and South Asia, which, until our trip, no United States Secretary of State has ever visited. Our postwar attention has been primarily given to Western Europe. That area was and is very important, but not all-important.

It came as a surprising shock when the 450 million Chinese people, whom we had counted as friends, fell under Communist domination. There could be equally dangerous developments in the Near East and South Asia. The situation calls for urgent concern.

The area we visited contains about one-fourth of the world's population. It represents about one-half of the people of the world who are still free of Communist domination.

The Near East possesses great stategic importance as the bridge between Europe, Asia, and Africa. The present masters of the Kremlin, following the lead of past military conquerors, covet this position. In 1940 Soviet leaders specified, in secret negotiations with the Nazis, that Soviet "territorial aspirations center . . . in the direction of the Indian Ocean and . . . the Persian Gulf."

This area contains important resources vital to our welfare—oil, manganese, chrome, mica, and other minerals. About 60 percent of the proven oil reserves of the world are in the Near East.

Most important of all, the Near East is the source of three great religions—the Jewish, the Christian, and the Moslem—which have for centuries exerted an immense influence throughout the world. Surely we cannot ignore the fate of the peoples who have first perceived and then passed on to us the great spiritual truths from which our own society derives its inner strength.

Let me turn now to conclusions.

1. *Colonialism*. Most of the peoples of the Near East and South Asia are deeply concerned about political independence for themselves and others. They are suspicious of the colonial powers. The United States too is suspect because, it is reasoned, our NATO alliance with France and Britain requires us to try to preserve or restore the old colonial interests of our allies.

I am convinced that United States policy has become unnecessarily ambiguous in this matter. The leaders of the countries I visited fully recognize that it would be a disaster if there were any break between the United States and Great Britain and France. They don't want this to happen. However, without breaking from the framework of Western unity, we can pursue our traditional dedication to political liberty. In reality, the Western powers can gain, rather than lose, from an orderly development of self-government.

I emphasize, however, the word "orderly." Let none forget that the Kremlin uses extreme nationalism to bait the trap by which it seeks to capture the dependent peoples.

2. *Living Standards*. The peoples of the Near East and Asia demand better standards of living, and the day is past when their aspirations can be ignored. The task is one primarily for the government and the peoples themselves. In some cases they can use their available resources, such as oil revenues, to better advantage. There are, however, ways in which the United States can usefully help, not with masses of money but by contributing advanced technical knowledge about transport, communication, fertilization, and use of water for irrigation. Mr. Stassen and I feel that money wisely spent for this area under the mutual security program will give the American people a good return in terms of better understanding and cooperation.

3. *Arab Good Will*. The United States should seek to allay the deep resentment against it that has resulted from the creation of Israel. In the past we had good relations with the Arab peoples. American educational institutions had built up a feeling of good will, and also American businessmen had won a good reputation in this area. There was mutual confidence to mutual advantage.

Today the Arab peoples are afraid that the United States will back the new State of Israel in aggressive expansion. They are more fearful of Zionism than of communism, and they fear lest the United States become the backer of expansionist Zionism.

On the other hand, the Israelis fear that ultimately the Arabs may try to push them into the sea.

In an effort to calm these contradictory fears the United States joined with Britain and France in a Declaration of May 25, 1950 which stated that "the three Governments, should they find that any of these states (of the Near East) was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation." That Declaration when made did not reassure the Arabs. It must be made clear that the present U.S. administration stands fully behind that Declaration. We cannot afford to be distrusted by millions who could be sturdy friends of freedom. They must not further swell the ranks of Communist dictators.

The leaders in Israel themselves agreed with us that United States policies should be impartial so as to win not only the respect and regard of the Israeli but also of the Arab peoples. We shall seek such policies.

4. *Peace Between Israel and the Arab Nations*. There is need for peace in the Near East. Today there is an uneasy military armistice between Israel and the Arab States, while economic warfare is being conducted by the Arab States, in retaliation for alleged Israeli encroachments. The area is enfeebled by fear and by wasteful measures which are inspired by fear and hate.

Israel should become part of the Near East community and cease to look upon itself, or be looked upon by others, as alien to this community. This is possible. To achieve it will require concessions on the part of both sides. But the gains to both will far outweigh the concessions required to win those gains.

The parties concerned have the primary responsibility of bringing peace to the area. But the United States will not hesitate by every appropriate means to use its influence to promote a step-by-step reduction of tension in the area and the conclusion of ultimate peace.

5. *Middle East Defense Organization*. A Middle East Defense Organization is a future rather than an immediate policy. Many of the Arab League countries are so engrossed with their quarrels with Israel or with Great Britain or France that they pay little heed to the menace of Soviet communism. However, there is more concern where the Soviet Union is near. In general, the northern tier of nations shows awareness of the danger.

There is a vague desire to have a collective security system. But no such system can be imposed from without. It should be designed and grow from within out of a sense of common destiny and common danger.

While awaiting the formal creation of a security association, the United States can usefully help strengthen the interrelated defense of those countries which want strength, not as against each other or the West, but to resist the common threat to all free peoples.

6. *Friendly Understanding*. In conclusion, let me recall that the primary purpose of our trip was to show friendliness and to develop understanding. These peoples we visited are proud peoples who have a great tradition and, I believe, a great future. We in the United States are better off if we respect and honor them, and learn the thoughts and aspirations which move them. It profits nothing merely to be critical of others.

President Eisenhower's administration plans to make friendship—not faultfinding—the basis of its foreign policy. President Eisenhower brought with him from Europe an unprecedented measure of understanding and personal friendships. Before he was inaugurated, he went to Korea. Twice since inauguration, Mr. Stassen and I have been to Europe. Now we have been to the Near East and South Asia. Later this month, the President's brother, Dr. Milton Eisenhower, and Assistant Secretary of State Cabot will go to South America.

Thus your Government is establishing the worldwide relationships and gathering the information which will enable us better to serve you, the American people.

The Baghdad Pact was initiated by a bilateral treaty between Turkey and Iraq (February, 1955), which were later joined by Iran (October, 1955), Pakistan (September, 1955), and Britain (April, 1955). It should also be noted that the States of the northern tier had already accomplished defensive arrangements in 1954. In April of 1954, Turkey and Pakistan signed a mutual defense compact. Then, in September of 1954, Pakistan joined SEATO. Turkey was already a member nation of NATO.

The United States, the originator of the concept behind the Baghdad Pact, never formally joined the pact. The inclusion of Iraq and the attempted recruitment of Jordan, Syria and Lebanon and the obvious exclusion of Egypt had led some historians of the Middle East to consider the Pact a divisive force in the Arab world.*

On September 27, Egypt announced that she was accepting a $200 million arms aid offer by the Soviet Union and Czechoslovakia. This action was the first time that western nations lost a major initiative in the Middle East to the East. Shortly after this move, the United States offered to finance the building of the Aswan Dam project in Egypt on December 17, 1955.

From February to April, 1956, tensions increased along the Israeli-Egypt border. The United States sent additional destroyers into the Mediterranean. Egypt received Czech torpedo boats; Israel received British and French arms; and the United States sent arms to Saudi Arabia. The United Nations attempted to reduce tensions in the area but with little success, and military pacts were formed between Arab nations.

France, during this period, was antagonistic to Nasser over his intransigency on the Algerian question. In the spring and summer of 1956, France began selling arms and planes to Israel. The United States facilitated the financing of these sales to Israel.

During this time Nasser recognized Red China on May 16, 1956. And, meeting reaction with reaction, Dulles, possibly under Congressional pressure, canceled the United States' offer to assist in the building of the Aswan Dam. As Magnus stated: "The stage was set for Nasser's nationalization of the Suez Canal and the Suez War of 1956."

Objecting to Egyptian nationalization of the Suez Canal Company on July 26, 1956, and Egyptian aid to the Algerian rebels, France and Britain on October 31 joined Israel in attacking Egypt. The brief fighting resulted in Israel opening the Strait of Tiran (which Egypt had refused to let Israel use since 1948) along with the Suez Canal. With U.S. and Soviet pressure (coupled with the Soviet threat to use nuclear weapons on Paris and London unless France and Britain withdraw from the Canal Zone), the United Nations General Assembly adopted a resolution for an immediate cease-fire and called for withdrawal of Israeli forces from behind the Egypt-Israeli armistice line. By November 7, Britain and France agreed to a cease-fire and to withdraw their troops as soon as the newly formed United Nations Emergency Force (UNEF) could take over their positions. On November 8, Israel agreed to withdraw its troops as soon as "satisfactory arrangements" were made with UNEF. On November 15, advance units of UNEF arrived in the Suez Canal Zone with the permission of Egypt and were stationed on the U.A.R. side of the Canal. The U.S. supported the arrangements of the U.N. Secretary General, Dag Hammarskjold, to have a U.N. Emergency Force placed on the Egyptian side of the Suez Canal to guarantee rights of passage. The *aide memoire* regarding this arrangement indicated that the U.N. Force was in the U.A.R. with the consent of the host country and could be removed at the request of the U.A.R. Israel would not permit a similar U.N. presence on her soil.

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* For a full discussion of the Baghdad Pact, see John C. Campbell, *Defense of the Middle East*, 1960, Harper, New York, Chapter 5.

Dag Hammarskjold stated before the General Assembly in January, 1957, that:

"The United Nations cannot condone a change of the *status juris* resulting from military action contrary to the provisions of the Charter. The organization must, therefore, maintain that the *status juris* existing prior to such military action be re-established by a withdrawal of troops and by the relinquishment of nullification of rights asserted in territories covered by the military action and depending on it.

The 1956 hostilities brought the Middle East further from peace. Israel opened the Strait of Tiran and announced that any future Egyptian attempts to close the Strait of Tiran would be a casus belli (occasion for war). The hostilities between the Arabs and Jews deepened.

On January 5, 1957, President Eisenhower requested that Congress give him authority to provide American economic aid and armed support to any Middle East nation desiring protection against "overt armed aggression from any nation controlled by international Communism." A resolution expressing the Eisenhower Doctrine was approved by the Senate in March. The Doctrine was supported by Saudi Arabia and the Baghdad Pact members, but was repudiated by the Soviets, Syria, Egypt, and the Labor Party leaders in London.

THE PERIOD BETWEEN 1956 AND 1967

The period between 1956 and the June war of 1967 was one of unrest and constant turmoil between Israel and the Arab states. Among the Arab countries many internal upheavals were experienced especially in Lebanon, Syria, Iraq and Yemen. There were a number of incidents among the Arab nations and Israel with the primary infractions involving Israel and Syria.

The United States again played an important part in Middle Eastern affairs during the Lebanese Crisis of May, 1958. Rioting took place in Lebanon which was blamed on outside Arab agitators from Syria. On July 4th, a U.N. investigating team reported that there was no evidence of Syrian incursions in Lebanon and called the conflict a civil war. On July 15, 1958, one day following the revolution in Iraq, the Lebanese Government requested U.S. help and Marines were sent to assist the troubled area. On the same day British troops entered Jordan at the request of King Hussein.

The military coup which happened simultaneously in Iraq toppled the regime of King Faisal and the new Iraqi Government denounced the Baghdad Pact mentioned earlier. Shortly thereafter, the new government concluded a mutual defense pact with the U.A.R.

On February 25, 1965 Secretary of State Dean Rusk said that the United States' policy in the Middle East was to maintain a military balance between the Arab countries and Israel.

According to a Committee on Foreign Relations Committee Print #28–406 Israel requested the United Nations on May 9, 1966 to list all the incidents that had occurred since the establishment of the Mixed Armistice Commission in 1949. U Thant refused claiming that such a report would be too long and unusable. The Committee print states that over 100,000 incidents had been reported since 1949.

THE SIX DAY WAR

The events leading to the outbreak of hostilities in June of 1967 are still not fully known. The most authoritative article on the causes of the 1967 war appeared in the January 1968 issue of *Foreign Affairs*, written by Ambassador Charles Yost. In order to allow a better understanding of this period in the history of the Middle East, I request unanimous consent that Ambassador Yost's article be printed in its entirety at this point:

THE ARAB-ISRAELI WAR: HOW IT BEGAN

(By Charles W. Yost)

The recent Six Day War in the Middle East grew out of the sterile confrontation to which the peoples of the region had committed themselves over the past twenty years. Both parties had frequently proclaimed their intention to go to war under certain circumstances. It seems unlikely, however, that any of them plotted and planned war for 1967. It seems more likely that they blundered into it.

Both sides might on many occasions have moved to end their confrontation by compromise, but this neither side showed the slightest willingness to do. The Israelis, feeling themselves beleaguered by fifty million hostile neighbors, acutely conscious of the recent fate of six million Jews in Europe, believed any significant concession would merely whet insatiable Arab appetites and start Israel down the slippery slope to extinction. The Arabs, looking upon the establishment of Israel as the latest in a series of imperialist occupations of their homeland, of which the presence of a million Palestine refugees was a constant reminder, found it emotionally and politically impossible to accept Israel as a permanent fact of life or to forego harassing it and conspiring against it.

This common intolerance and mutual harassment had brought on war in 1956. It is pertinent to note that, in his "Dairy of the Sinai Campaign" published in 1966, General Dayan wrote that the three major objects of that campaign from the Israeli point of view were "freedom of shipping for Israeli vessels in the Gulf of Aqaba; an end to the Feydayen terrorism; and a neutralization of the threat of attack on Israel by the joint Egypt-Syria-Jordan military command." With slight variations, these were the issues that brought on war again eleven years later.

II

Through the latter part of 1966, so-called "El Fatah" incursions into Israel, sometimes carried out by Palestinian refugees, sometimes moving through Jordan or Lebanon, but for the most part mounted in Syria, grew in numbers and intensity. In October two particularly serious incidents in which several Israelis were killed caused Israel to appeal, as it often had before, to the U.N. Security Council. However, a relatively mild resolution proposed by six of its members, calling on Syria to take stronger measures to prevent such incidents, was, as on previous occasions, vetoed by the Soviet Union in the supposed interests of its Arab friends.

A new and more radical Syrian government had come to power by coup d'état earlier that year. It enthusiastically supported the claims and machinations of the so-called Palestine Liberation Army which mobilized and inflamed the refugees and carried out some of the raids. The Syrian Prime Minister declared in a press conference in October: "We are not sentinels over Israel's security and are not the leash that restrains the revolution of the displaced and persecuted Palestinian people." Early in November, moreover, a "defense agreement" was concluded between Syria and the United Arab Republic, involving a joint military command and other measures of "coördination and integration" between the two countries.

It had long been Israel's practice, whenever it judged that Arab raids had reached an intolerable level, to retaliate massively. It did so on November 13 against Es Samu in Jordan where, according to U.N. observers, eighteen Jordanian soldiers and civilians were killed and fifty-four wounded. The fact that moderate Jordan rather than extremist Syria was the target of retaliation seemed ill-judged to most of the world but was executed by Israel on grounds that there had recently been thirteen acts of sabotage committed on Israeli territory from Jordanian bases. Be that as it may, the consequences, in and out of the region, of this disproportionate and misplaced retaliation were considerable.

The U.N. Security Council, by a vote of fourteen to one abstention (New Zealand), censured Israel "for this large-scale military action in violation of the U.N. Charter and of the General Armistice Agreement between Israel and Jordan" and emphasized to Israel "that actions of military reprisal cannot be tolerated and that if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts."

Perhaps more important in its effect on subsequent events, the Jordanian Prime Minister in a press conference charged the U.A.R. and Syria, which had been denouncing King Hussein's government, with failing to bear their share of the confrontation against Israel. He accused the U.A.R. of failing to supply promised air cover and urged that Egyptian troops be withdrawn from Yemen and sent to Sinai on Israel's southern flank. The U.A.R. Commander-in-Chief of the Arab Command replied publicly with similar recriminations but the charges must have struck home to a régime so peculiarly sensitive to face and prestige.

From January to April 1967 the Syrian-Israeli frontier was agitated by an ascending series of clashes ranging from potshots at tractors plowing to exchanges of fire between tanks, artillery and aircraft. These clashes were primarily caused by the refusal of both sides, at different times, to permit the U.N. Mixed Armistice Commission even to mark the armistice line at disputed points and the insistence of both parties on farming and patrolling disputed areas.

On April 7, 1967, one of these clashes escalated into what in retrospect appears to have been the curtain-raiser to the six-day war. An exchange of fire between tanks gave rise to intervention first by Israeli and then by Syrian aircraft. This led by the end of the day to the appearance of Israeli planes over the outskirts of Damascus and to the shooting down of six Syrian planes.

The most serious aspect of this affair was that for the second time in six months Arab forces suffered a very bloody nose at the hands of Israel without the "unified Arab Command" in Cairo lifting a finger. President Nasser, who aspired to be leader of the Arab world and who had formally established a military apparatus at least for the containment of Israel, had sat quietly by while first his rival and then his ally had been conspicuously and roundly chastised. Neither the rival nor the ally hesitated publicly and privately to point out this dereliction. Nasser could of course reply, and perhaps did, that the El Fatah raids were excessive and untimely, that the Arabs must not be provoked into fighting before they were ready, and that the U.N. Emergency Force standing between his army and Israel blocked its coming to the rescue of his Arab allies. These excuses, however genuine and well-founded they may have been, were quite clearly wearing thin in the eyes of the Arabs after the April 7 affair. Those knowing President Nasser's temperament could hardly have felt any assurance that he would hold aloof a third time.

III

Yet the respite was brief. A month later, on May 11, the U.N. Secretary-General declared at a press luncheon: "I must say that, in the last few days, the El Fatah type of incidents have increased, unfortunately. Those incidents have occurred in the vicinity of the Lebanese and Syrian lines and are very deplorable, especially because, by their nature, they seem to indicate that the individuals who committed them have had more specialized training than has usually been evidenced in El Fatah incidents in the past. That type of activity is insidious, is contrary to the letter and spirit of the

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Armistic Agreements and menaces the peace of the area."

On the same day, May 11, Israeli Prime Minister Eshkol was saying in a public speech in Tel Aviv that his government regarded this wave of sabotage and infiltration gravely. "In view of the fourteen incidents of the past month alone," he said, "we may have to adopt measures no less drastic than those of April 7." In a radio interview two days later he declared: "Is is quite clear to the Israeli Government that the focal point of the terrorists is in Syria, but we have laid down the principle that we shall choose the time, the place and the means to counter the aggressor." Eshkol went on to say that he intended to make Israeli defense forces powerful enough to deter aggression, to repel it and to strike a decisive blow within enemy territory.

It would appear that a senior Israeli military officer also made a public comment on or about May 12, the exact text of which it has not been possible to find but which, whether or not correctly understood, significantly contributed to Arab apprehensions. President Nasser referred to it in a speech on May 23, saying, "On May 12 a very important statement was made. . . . The statement said that the Israeli commanders have announced they would carry out military operations against Syria in order to occupy Damascus and overthrow the Syrian Government."

These Israeli exercises in verbal escalation provoked far more serious repercussions than they were no doubt intended to do and, far from sobering the exuberant Syrians and their allies, raised probably genuine fears in Damascus, Cairo and Moscow to a level which brought about the fatal decisions and events of the following week. Indeed the Secretary-General, disturbed that his statement of May 11 on the El Fatah raids might stimulate Israeli military action, announced on May 13 that that statement "cannot be interpreted as condoning resort to force by any party."

On the same day the Syrian Foreign Ministry summoned ambassadors from countries which were members of the Security Council and told them that a plot against Syria was being concocted by "imperialist and Zionist quarters." The Ministry described "the prearranged aggressive role Israel is preparing to play within the framework of this plot" which, it declared, "began with the abortive April 7 aggression" and was revealed by "statements of Zionist Chief of Staff Rabin."

Another component in the accumulating mass of explosive elements was mentioned by President Nasser in the famous speech of June 9 in which he offered to resign. He declared at that time: "We all know how the crisis began in the first half of last May. There was a plan by the enemy to invade Syria, and the statements by his politicians and his military commanders declared that frankly. The evidence was ample. The sources of our Syrian brothers and our own reliable information were categorical on this. Even our friends in the Soviet Union told the parliamentary delegation which was visiting Moscow last month that there was a calculated intention."

There seems little doubt that the Soviets did transmit warnings along these lines to the Syrian and Egyptian governments. Eastern European sources have justified these warnings on the grounds that the Israeli Government itself advised Soviet representatives that, if the El Fatah raids continued, it would take drastic punitive action against Syria. This was of course no more than they were saying publicly, but the Israelis may have hoped that direct notice to the Soviets might induce them to persuade their Syrian friends to stop the raids.

Indeed there is evidence that Israeli officials were at this time disseminating their warnings rather widely. *The New York Times* correspondent, James Feron, in Tel Aviv reported on May 12: "Some Israeli leaders have decided that the use of force against Syria may be the only way to curtail increasing terrorism. Any such Israeli reaction to continued infiltration would be of considerable strength but of short duration and limited in area. This has become apparent in talks with highly qualified and informed Israelis who have spoken in recent days against a background of mounting border violence."

However, these private warnings, coupled with the provocative pronouncements by Eshkol and others, would seem to have backfired by convincing the Soviets, Syrians and Egyptians that a major retaliatory strike against Syria was fixed and imminent. In a speech to the United Nations on June 19 Premier Kosygin declared: "In those days, the Soviet Government, and I believe others too, began receiving information to the effect that the Israeli Government had timed for the end of May a swift strike at Syria in order to crush it and then carry the fighting over into the territory of United Arab Republic."

On the other hand, the Israelis state that on May 12 the Director General of the Israeli Foreign Minister, on May 19 the Foreign Minister and on May 29 the Prime Minister each invited Soviet Ambassador Chuvakhin, who had accused Israel of massing forces on the Syrian border, to visit the area and see for himself, but that in each case he refused to do so. Furthermore, in his report to the Security Council on May 19, Secretary-General Thant had referred to allegations about troop movements and concentrations on the Israeli side of the Syrian border but concluded: "Reports from UNTSO observers have confirmed the absence of troop concentrations and significant troop movement on both sides of the line." U.S. representatives in Israel at the time also saw no evidence of the alleged troop concentrations. Moreover, on May 15 the Israeli Government, observing that Egyptian forces were crossing the Suez Canal into Sinai in considerable strength, instructed its Representative at the U.N., Ambassador Rafael, to request the Secretary-General to assure Cairo on its behalf that it had no intention of initiating any military action. The Secretary-General immediately complied with the request.

Nevertheless, it should also be noted that in the May 19 report referred to above the Secretary-General remarked: "Intemperate and bellicose utterances . . . are unfortunately more or less routine on both sides of the lines in the Near East. In recent weeks, however, reports emanating from Israel have attributed to some high officials in that state statements so threatening as to be particularly inflammatory in the sense that they could only heighten emotions and thereby increase tensions on the other side of the lines." Press accounts of these statements also seemed so inflammatory to U.S. State Department officials that they expressed concern to Israeli authorities.

The situation in mid-May was therefore the following: The aggravation of the El Fatah raids originating in Syria would seem to have brought the Israeli Government to the decision, announced publicly in general terms by responsible officials and confided in more specific terms to journalists and perhaps to foreign diplomats including the Soviets, to retaliate sharply and substantially if the raids continued. There is no solid evidence, however, that they intended anything so massive as a drive on Damascus. Nevertheless, this prospect had in both Moscow and Cairo an impact which the Israelis probably did not fully anticipate or correctly assess.

The Soviets had particular reason for not wishing to see the Syrian Government humiliated, defeated and perhaps overthrown. The increasingly radical Syrian governments which had assumed power during the previous eighteen months, though they were far from being communist (the Communist Party was and still is banned), had come to rely more and more on Soviet military and economic aid, to permit increasing numbers of Soviet advisers to be stationed in the country, and all in all to offer the most promising field for Soviet penetration and influence to be found anywhere in the Middle East. The particular Soviet concern for Syria was dramatically shown at the end of the six-day war when the prospect that Israeli forces might then drive to Damascus caused the Soviets suddenly to join in a demand, which they had up to that point stubbornly opposed, that U.N. observers police the cease-fire. It may well have been that by mid-May they genuinely feared massive Israeli retaliation which might topple the Syrian Government and that they therefore spurred the Egyptians on to vigorous counteraction, the full repercussions of which they did not foresee. In fear of "losing" Syria they overreached themselves and urged the Arabs to take action which resulted in much more disastrous losses for their side.

Nasser, for his part, saddled with repsonsibility for the unified Arab Command which was supposed to protect all the Arab States from Israel, jealous of his already damaged position as would-be leader of the Arab world, having been ridiculed by his allies and rivals for his failure to stir at the time of the Es Samu and April 7 affairs, categorically assured by Syrians and Soviets that Israel was about to attack Syria, for which public statements by Israeli leaders seemed to give warrant, may well have felt that he could no longer stand aside without fatal loss to his prestige and authority.

Israeli public statements between May 11 and 13, therefore, regardless of how they may have been intended, may well have been the spark that ignited the long accumulating tinder. On May 14 the Egyptian Chief of Staff to Damascus and, according to the Syrian official spokesman, discussed with Syrian officials "important matters concerning joint defense against Israel." On May 16 the Cairo radio announced that the United Arab Republic had declared a state or emergency for its armed forces because of "the tense situation on the Syrian-Israeli armistice lines, Israel's large military concentrations, its threats and its open demands for an attack on Damascus." On that same day, according to the Cairo radio, Foreign Minister Riad received the Soviet, Syrian and Iraqi Ambassadors in separate audiences and Minister of War Badran received the Soviet Ambassador accompanied by his military attaché. The fourth act of the tragedy was about to begin.

IV

At 2200 hours local time that evening, May 16, General Rikhye, Commander of the U.N. Emergency Force in Sinai, was handed the following letter from General Fawzi, Chief of Staff of the Egyptain Armed Forces: "To your information, I gave my instructions to all U.A.R. Armed Forces to be ready for action against Israel the moment it might carry out an aggressive action against any Arab country. Due to these instructions our troops are already concentrated in Sinai on our eastern borders. For the sake of complete security of all U.N. troops which install O.P.s along our border, I request that you issue your orders to withdraw all these troops immediately. I have given my instructions to our Commander of the eastern zone concerning this subject. Inform back the fulfillment of this request."

Secretary-General Thant received General Rikhye's report at 1730 hours New York time that same evening and an hour and a quarter later (at 1845 hours) at his urgent request received the U.A.R. representative to the

U.N., Ambassador El Kony, to whom he presented the following views: (1) General Rikhye could not take orders from anyone but the Secretary-General; (2) if General Fawzi was asking for a temporary withdrawal of UNEF from the Line this was unacceptable because UNEF "cannot be asked to stand aside in order to enable the two sides to resume fighting"; (3) if General Fawzi was asking for a general withdrawal of UNEF from Gaza and Sinai the request should have been addressed by the U.A.R. Government to the Secretary-General; (4) the U.A.R. Government had the right "to withdraw the consent which it gave in 1956 for the stationing of UNEF on the territory of the U.A.R."; (5) if the U.A.R. Government addressed such a request to the Secretary-General he "would order the withdrawal of all UNEF troops from Gaza and Sinai, simultaneously informing the General Assembly of what he was doing and why"; (6) a U.A.R. request for a temporary withdrawal of UNEF from the Line would be considered by the Secretary-General "as tantamount to a request for the complete withdrawal of UNEF from Gaza and Sinai, since this would reduce UNEF to ineffectiveness."

Early the next morning, May 17, Egyptian troops began to move into and beyond some UNEF positions along the Armistice Line. At noon G.M.T. that day General Fawzi conveyed to General Rikhye a request that the Jugoslav detachments of UNEF (which occupied the main portion of the Sinai Armistice Line) be withdrawn within 24 hours, adding, however, that the UNEF Commander might take "24 hours or so" to withdraw the UNEF detachment from Sharm el Sheikh (which commands the Straits of Tiran but is far distant from the Armistice Line).

Space permits only the briefest summary of the events which followed in rapid succession. On the afternoon of May 17 in New York the Secretary-General consulted with representatives of countries providing contingents to UNEF (Brazil, Canada, Denmark, India, Jugoslavia, Norway and Sweden). According to his subsequent report to the General Assembly, two of them expressed serious doubts about complying with "a peremptory request" for withdrawal and suggested reference to the Assembly, whereas two others maintained the United Arab Republic had the right to request withdrawal at any time and that request would have to be respected regardless of what the Assembly might say. Later that afternoon the Secretary-General presented to the U.A.R. Representative an aide-memoire reiterating the points he had made the previous evening and concluding that, if Egyptian troop movements up to the Line were maintained, he would "have no choice but to order the withdrawal of UNEF from Gaza and Sinai as expeditiously as possible."

The next morning, May 18, Foreign Minister Riad informed representatives in Cairo of nations with troops in UNEF that "UNEF had terminated its tasks in the U.A.R. and in the Gaza Strip and must depart from the above territory forthwith." At noon New York time the Secretary-General received a formal request from the Egyptian Foreign Minister to the same effect. That afternoon he met with the UNEF Advisory Committee where he encountered the same divergence of views as at the meeting the previous day but where the members finally acquiesced in his belief that, in the absence of any proposal to convene the Assembly, he "had no alternative other than to comply with the U.A.R.'s demand." He did so that same evening by a message to Foreign Minister Riad and by instructions to the UNEF Commander.

The immediate reaction of Israel also deserves mention. On the morning of May 18 the Secretary-General received the Israeli representative who presented his Government's view "that the UNEF withdrawal should not be achieved by a unilateral U.A.R. request alone and asserting Israel's right to a voice in the matter." When, however, the Secretary-General raised the possibility of stationing UNEF on the Israeli side of the line, the Representative replied that this would be "entirely unacceptable to his Government," thus reaffirming the position in regard to UNEF which Israel had taken ever since the establishment of the Force in 1956.

The intent and rationale of the decisions taken in Cairo during those critical days in mid-May are still shrouded in obscurity, while those taken in response in New York are still bedeviled by controversy. What seems reasonably clear is that, as so often in the prelude to war, the control of events slipped from everyone's hands and limited decisions hastily taken had sweeping consequences no one desired.

No doubt the Egyptian Government decided sometime between May 13 and 16 that, in view of its assessment of the threat to Syria, it must move some of its armed forces up to the Sinai Armistice Line in order either to deter Israel or to come to Syria's assistance if deterrence failed. Reliable Arab sources maintain that: (1) the U.A.R. Government had as late as May 16 no intention to request the withdrawal of UNEF; (2) it desired merely the removal of several UNEF posts along the Sinai Line which would inhibit the contemplated redeployment of Egyptian forces; (3) it saw no incompatibility between this redeployment and the continuance of UNEF in its other positions *including* Sharm el Sheikh; (4) the implementation of the redeployment was left to the military leaders who failed to consult the civilian authorities, including the President, about either the scope of the redeployment they intended to carry out or the demand addressed to General Rikhye on May 16; (5) when the Secretary-General confronted the U.A.R. Government with the naked choice between reversing the redeployment, to which its military leaders had publicly committed it, and requesting the withdrawal of UNEF, if felt obliged to choose the latter; (6) furthermore, when it unexpectedly found its forces once more in possession of Sharm el Sheikh, it felt it could not fail to exercise, as it had from 1954 to 1956, its "belligerent right" to forbid the passage of Israeli vessels and "war material" through the Strait.

As to the decisions taken in New York, the U.N. authorities have maintained that: (1) the indicated redeployment of U.A.R. forces *was* incompatible with the continuance of UNEF since it deprived UNEF of its essential function as a buffer between Egyptian and Israeli forces; (2) UNEF had hitherto been able to function effectively only because of an informal U.A.R. agreement that its forces would be held 2000 meters back from the Armistice Line in Sinai (Israeli forces patrolled right up to the Line); (3) once confrontation between the two forces was reestablished, conflict between them was, in the existing state of tension, very probable and UNEF units scattered among them would be wholly unable to prevent it; (4) two of the troop-contributing states, India and Jugoslavia, had made clear their intention to withdraw their contingents whatever the Secretary-General decided and others were likely to follow suit, with the probable result that UNEF would disintegrate in a disordered and ignominious fashion; (5) the U.A.R. Government had the legal right both to move its troops where it wished in its own territory and to insist on the withdrawal of UNEF at any time, just as Israel had the right to refuse it admittance; (6) if the U.N. contested that right, peacekeeping would become "occupation" and other governments would not in the future admit U.N. peacekeeping forces to their territories; (7) a reference of the Egyptian request to the Security Council or the Assembly would merely have produced, as subsequent events proved, a prolonged debate during which UNEF would have either disintegrated or been helplessly involved in war.

No conclusive judgment can be pronounced on these two lines of argument. What does seem apparent is that both the U.A.R. and the U.N., like Israel a few days before, acted precipitately and with little resort to diplomacy. If the Egyptian account is accurate, temporization on the part of the U.N. might conceivably have led to some modification in U.A.R. military dispositions which had not been authorized by its own government. It seems very doubtful, however, that in the prevailing state of emotion dispositions once taken, even without full authorizaiton, could have been reversed. By May 17 the crisis had already acquired a momentum which seemed inexorably to sweep all parties toward and over the brink.

Nevertheless, we can hardly fail to note parenthetically the serious shortcomings of a peacekeeping procedure whereby, as in this case, a U.N. force can be ordered out of a critical area at the very moment when the danger of war, which it is stationed there to prevent, becomes most acute. The fault, however, lies not with the U.N. but with the great powers whose rivalries ever since 1945 have blocked the application of the enforcement procedures provided by Chapter VII of the Charter, under which a U.N. military force could be, for example, interposed between two prospective combatants regardless of the objections of either or both. In the absence of great-power willingness to permit the Security Council to apply compulsion of that type, the U.N. has been obliged for many years to rely on a much more fragile form of peacekeeping whereunder a U.N. force, whatever may have been the arrangements under which it entered the territory of a state, can in practice remain there only so long as its government consents. Such was the situation in Sinai before May 16.

V

To return to the concluding events of that month: President Nasser on May 22 announced his intention to reinstitute the blockade against Israel in the Strait of Tiran. This was the final fatal step. Whether, in whatever advance planning did take place, it was contemplated that Sharm el Sheikh would be reoccupied and the blockade reimposed, or whether the military exceeded their orders and one step led to another in dizzy and unpremeditated succession, is not certain. There can hardly have been any doubt at any time, however, about the grave risks involved in restoring the blockade. It seems probable that the Russians were consulted about the redeployment of Egyptian forces and perhaps the subsequent request for the withdrawal of UNEF. Reliable Soviet sources have claimed, however, that they were not informed in advance of the reimposition of the blockade, implying that they would have objected had they known.

In any case, the reaction in Israel and elsewhere was immediate. On May 23 Prime Minister Eshkol declared in parliament: "The Knesset knows that any interference with freedom of shipping in the Gulf and in the Straits constitutes a flagrant violation of international law. . . . It constitutes an act of aggression against Israel." On the same day President Johnson declared in Washington: "The United States considers the Gulf to be an international waterway and feels that a blockade of Israeli shipping is illegal and potentially disastrous to the cause of peace. The right of free, innocent passage of the international waterway is a vital interest of the international community."

Unavailing efforts were made to persuade President Nasser to revoke, suspend or moderate the blockade but, the action once taken, he did not feel politically free to reverse it, even had he so desired. Equally unavailing were efforts made to forestall a unilateral Israeli response by organizing a group of maritime powers to issue a declaration reaffirming the right of free passage through the Strait and presumably, if passage continued to be denied, to take effective multilateral action to reopen it. Very few maritime powers showed any interest in participating in a confrontation with Nasser and the Arab world, nor did members of the U.S. Congress who were consulted manifest any enthusiasm for risking another conflict in addition to Viet Nam. The exploratory dialogue between the U.S. and the U.A.R., however, continued up until the outbreak of war; as late as June 4 an agreement was announced that U.A.R. Vice President Mohieddin would visit Washington within the next few days and Vice President Humphrey would later return the visit.

In the meantime, however, the crisis had assumed proportions far beyond an argument over maritime rights. The advance of the Egyptian forces to the Armistice Line, the ouster of UNEF and the reimposition of the blockade were received with enormous enthusiasm throughout the Arab world. All the pent-up emotions which had been accumulating for twenty years, and which were continually refreshed by armed clashes, inflammatory propaganda and the presence of a million refugees, erupted in paeans of triumph from Baghdad to Marrakesh.

Nasser's prestige, which had been falling for some time, rebounded overnight. Expressions of solidarity poured in. Iraq, Algeria, Kuwait and Sudan promised troops. In a startling reversal of long-standing hostility, King Hussein of Jordan appeared in Cairo on May 30 and concluded a mutual defense pact with the U.A.R. which a few days later was extended to Iraq. The armed forces of Egypt, Jordan and Syria were more and more concentrated around Israel's frontiers and there seemed every likelihood they would soon be reinforced by other Arab states.

This Arab euphoria, moreover, led also to verbal exaltation which could not have been without its effect on Israel. For instance, the Syrian Chief of State, Dr. Al-Atasi, said in a speech on May 22: "Arab Palestinians who were expelled from their homeland now realize that armed struggle is the only way to regain their homeland. . . . The state of gangs [Israel] will not benefit by blaming others for inciting fedayeen activities. The cause of these activities is the aggressive Zionist existence itself. Let Israel know that the Palestinian fedayeen activities will continue until they liberate their homeland." In a speech addressed on June 1 to troops departing for the "frontlines" in Jordan, President Arif of Iraq declared: "It was treason and politics that brought about the creation of Israel. Brethren and sons, this is the day of the battle to revenge your martyred brethren who fell in 1948. It is the day to wash away the stigma. We shall, God willing, meet in Tel Aviv and Haifa."

Yet even at this late date, despite all these verbal pyrotechnics and concentrations of force, there does not seem to have been any intention in Cairo to initate a war. In reply to a question by British M. P. Christopher Mayhew interviewing Nasser on June 2, "And if they do not attack, will you let them alone?" the President said, "Yes, we will leave them alone. We have no intention of attacking Israel." Similar assurances were repeatedly given the United States by the highest Egyptian authorities.

There seems little reason to doubt them. Nasser had up to that point achieved a spectacular victory. Arab unity seemed closer to reality than it had ever been. Israel had suffered a serious setback in prestige, power and security. The mood in Cairo was an odd mixture of exaltation and fatalism, exaltation over what had been achieved, fatalism before the inescapable realization that Israel might prefer war to a political defeat of this magnitude. There was a clear understanding that Israel might attack at any time, no overweening confidence as to the outcome, but a determination to defend, whatever the costs, the intoxicating gains which had been won. Whether this determination might have been overcome by negotiation over a period of time, for example by the visits of the Vice Presidents between Cairo and Washington, cannot be known for certain. In view of the support which the Soviet Union was providing its Arab friends, this seems unlikely.

In any case the Israeli Government obviously decided that it could not wait. All the factors which had induced it to go to war in 1956—a multiplication of raids into its territory, a substantial build-up of Egyptian and other hostile forces on its borders, the blockade of the Strait—had reappeared in even more aggravated form. Efforts of the U.N. and the U.S. to relieve them by international action seemed unavailing. On May 30 Foreign Minister Eban said in a press conference in Jerusalem: "Less than two weeks ago a change took place in the security balance in this region. The two most spectacular signs of this change were the illegal attempt to blockade the international passageway at the Strait of Tiran and the Gulf of Aqaba and the abnormal buildup of Egyptian troops on the Israeli frontier. The Government and people of Israel intend to insure that these two changes are rescinded, and in the shortest possible time." Six days later Israel struck with this end in view; twelve days later it had achieved its objective, and much more beside.

VI

It is not difficult in retrospect to identify the ventures and responses on both sides which over preceding months and weeks, compounding the hatreds which had been allowed to fester for twenty years, led almost inevitably to war.

First were the El Fatah raids, organized from Syria, involving the "Palestine Liberation Army," subjecting peaceful Israeli villages to recurrent jeopardy and terror, building up through the months from October to May, unpunished and, because of the Soviet veto, even uncensured by the U.N. Security Council. Remembering the history of the previous twelve years it is difficult to see how any Arab or Soviet leader could have failed to realize that this murderous campaign would eventually bring forth a murderous response.

Second were the Israeli "massive retaliations" at Es Samu in November and in the air over Syria and Jordan in April, designed to punish and deter, but disproportionate in size, visibility and political impact, causing also the death of innocent people, condemned by the Security Council in the strongest terms in November, as similar disproportionate retaliations had been repeatedly condemned in the past. It is difficult to see how any Israeli leader could have failed to foresee that such repeated massive reprisals must eventually place the leader of the Arab coalition in a position where he would have to respond.

Third were the public and private statements of high Israeli authorities in mid-May which indicated the probability of even more drastic retaliation against Syria in the near future if the El Fatah raids continued. These statements, even though no doubt designed to deter the raids, almost certainly convinced the Syrian and U.A.R. Governments that such retaliation was definitely projected and may well have persuaded them and the Soviets that the Syrian régime itself was in jeopardy.

Fourth was the decision by the U.A.R. Government presumably encouraged by Soviets and Syrians, to move its armed forces up to the Sinai Armistice Line, thus reestablishing at a moment of acute tension the direct Egyptian-Israeli military confrontation which had been the major immediate cause of the 1956 war. This redeployment of Egyptian forces was under the circumstances critical whether or not it was originally intended to be accompanied by a demand that UNEF be withdrawn.

Fifth and finally was the decision of the U.A.R. Government, finding itself whether by intent or accident once more in command of the Strait of Tiran, to exercise its "belligerent rights" by reimposing the blockade, thus reproducing the third of the elements which had brought on the 1956 war. The likely consequences of this step were indeed foreseen but, in the climate of fear, passion and "national honor" which by then prevailed, were faced with fatalism and desperation.

It remains, however, the thesis of this article that no government plotted or intended to start a war in the Middle East in the spring of 1967. Syria mounted raids against Israel as it had been doing for years, but more intensively and effectively; Israel retaliated disproportionately as it often had before, but in more rapid succession and in a way that seemed to threaten the existence of the Arab government; Nasser felt his responsibilities and ambitions in the Arab world did not permit him again to stand aside in such a contingency and took hasty and ill-calculated measures which made major conflict, already probable, practically certain. All concerned overreacted outrageously. Yet there is no evidence—quite the contrary—that either Nasser or the Israeli Government or even the Syrian Government wanted and sought a major war at this juncture.

Of course the fault of all of them, and indeed of the great powers and the United Nations, lay not so much in their actions or omissions in May and June 1967 as in their failure, indeed their common blunt refusal, to face the facts of life in the Middle East during the twenty years before that date.

There will be no peace there, no security for its inhabitants or for the great powers involved there, until the Arabs recognize that Israel, however unjust its creation appears to them, is a fact of life, that it has as much right to exist as they have, that to threaten and harass it, to arouse among their people false hopes about its dissolution, is actually as much a threat to Arab as to Israeli security, that the two equally have more to gain than lose by peaceful coexistence. On the other hand, there will also be no peace in the Middle East until the Israelis recognize that the condition of their long-term survival as a nation is reconciliation with their much more numerous Arab neighbors, that survival cannot indefinitely be preserved by military force or territorial expansion, that displays of inflexibility and arrogance are not effective modes of international intercourse, and that in particular there will be no security for Israel until, whatever the political and financial cost, the million or more Palestine refugees have been compensated, resettled and restored to dignity.

THE AFTERMATH OF THE SIX DAY WAR

Approximately thirty-six hours after the fighting started, in June 1967, a cease-fire resolution was unanimously adopted by the Security Council containing the request for a cessation of hostilities. No reference was made to withdrawal to boundaries prior to the war, which has been a common element of U.N. resolutions in conflict situations.

According to a Senate Foreign Relations Committee Print of May 1969 the losses on both sides of the conflict amounted to the following: Israel lost 679 men as compared to the death of 15,000 Arabs. Aircraft losses compared 21 to 441; tanks, 61 to 670.

Whether it was the superior quality of the weapons or the dedication and competence of the military leaders that brought Israel her overwhelming victory is of little importance. Of more significance is the outcome of the conflict. Actually the dispute settled

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little, except to intensify the bitterness and tensions between the Arabs and the Israelis. The boundaries of Israel were even more in dispute with the West Bank of Jordan, the Gaza Strip, and the Sharm-al-Sheikh sector of the Sinai Peninsula added to Israeli territory. The war left Israel with the firm intention of holding all of the occupied territory as a bargaining device for treaties and guarantees that it believed would insure peace and security. The refugee problem was enhanced rather than subdued adding an additional 150,000 Palestinians to the refugee roles for the first time. And not only was there a failure to reopen the Strait of Tiran to international shipping but the Suez Canal remained blocked and shut down. In fact even arms shipments resumed in a matter of months. The Soviet Union was reported to have replaced over half of the Egyptian armament losses by September 1967, and in October the United States announced its decision to resume its arms shipments to Israel, Saudi Arabia and Lebanon.

Debate soon began over the conditions for the establishment of a formula for peace. The Israelis, supported by the United States, United Kingdom, and other Western Powers, wanted to guarantee their security through, among other things, a binding commitment by the Arabs to end their state of belligerency. The Arabs, supported by the Indians, many developing countries, and the Soviets, urged that withdrawal should be a prerequisite to the establishment of a lasting peace and the settlement of outstanding issues. This general lineup continued through the Security Council meetings and the emergency special session of the General Assembly which was held during the summer. At this session, a draft resolution submitted by the Latin American countries and containing many of the elements of the later November resolution was rejected by the Arab states. Other resolutions on special aspects of the crisis, such as the refugees and the status of Jerusalem, had been passed by the UN immediately following the June war, but were not implemented.

THE NOVEMBER 22D RESOLUTION

In November 1967 the Security Council met again, and the United Kingdom proposed a compromise resolution which coupled withdrawal with the achievement of a just and lasting peace, taking into consideration the position of all parties. The United States was one of the major architects of the resolution which embodied many of the same points President Johnson had enunciated in his speech of June 19, 1967. Specifically, the Security Council Resolution states that:

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 242 OF NOVEMBER 22, 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles of this resolution.

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Shortly after its formulation the governments of Jordan and the United Arab Republic accepted the resolution in toto as self-fulfilling; as a literal formula for peace; Syria rejected it entirely. The Arabs claimed that withdrawal should be total and the refugees should have the option of repatriation or compensation in accordance with past United Nations resolutions.

The Israelis, on the other hand, delayed acceptance of the resolution. Israeli acceptance included the stipulation that implementation should be by agreement, which to them meant direct talks between the parties. In addition, they stressed terminating the state of belligerency through a formal peace treaty contractually agreed upon through direct negotiations. Emphasis was placed on "secure and recognized boundaries". They stated that the status of Jerusalem was not negotiable and no indication was given regarding the right of the original inhabitants to return to occupied territory. Their position was generally supported by the Johnson Administration in spite of the advice of many United States Government experts in Middle East affairs who warned that an early settlement was desirable to avoid prolonged occupation which would incite the Arab states; endanger the prospects for a lasting settlement; and threaten the long-range securtly of Israel in the area as well.

Had the resolution been implemented immediately the tragedy of the past three years would have been avoided. However, the major powers agreed that the United Nations mediator should alone, "promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in the resolution;". While providing behind-the-scenes advice, the major powers nevertheless played a passive role for a year and a half as Ambassador Gunnar Jarring commuted from one Middle East capital to another in search of a breakthrough.

Meanwhile, events on the ground outpaced the progress of diplomacy.

While Arab governments continued to voice their acceptance of the November Resolution and a political solution, the Arab masses and intellectuals became incited over the continuing presence of Israel in occupied Arab territory, her annexation of Jerusalem; and the critical condition of the refugees, whose numbers had increased since the June War. The frustration was demonstrated by the increased growth of a "third force", the commando—or resistance movement—which has rejected the United Nations Resolution and a political solution. The continuing thrust of this movement is to de-Zionize Israel, to re-create a state where Jew, Muslim and Christian could live as equals as they had prior to 1947. Disillusioned by the failure of the United Nations and the Arab governments to achieve a political solution to their problem, the Palestinian commandos appeared in the forefront of the Arab world as a revolutionary, political and social movement in opposition to the status quo.

The existence of the commandos set a limit on the flexibility of the Arab governments who think they have compromised as much as they can without losing their power. The commandos present a challenging case that as Palestinians they are the core of the Middle East problem and should therefore be consulted on the solution.

Meanwhile, as the diplomatic impasse continued the resistance-retaliation cycle escalated and hung over the area like a threatening storm—with all parties to the conflict hardening their positions.

With the realization that time was running out, the Nixon administration accepts the proposal of the French to engage in four power talks to assist Ambassador Gunnar Jarring in delineating procedural and substantive areas of agreement vis à vis the November Resolution. The Arab States welcomed the involvement of the major powers in the hope that as "honest brokers" they could exert their influence to obtain a binding peace settlement. Moreover, it would provide a face-saving device and would be in keeping with the Arab tradition of third party mediation.

The Israelis objected to the Big Four meetings on the grounds that the intervention of the major powers would let the Arabs off the hook, would be a substitute for direct negotiations, and would tend to have results that favored the Arab States. They claimed that while the Soviets and the French were entirely pro-Arab, the United States and the United Kingdom were anxious to remain friends of both Arab and Israeli, and they would have no outspoken advocate for their own position.

In the past months military activities in the Middle East have escalated for a point short of full scale war. Meanwhile, acrimonious debate wages not only in the international arena, but in the domestic life of nations, where partisan groups increase the polarization of views. Americans must ask themselves what is in the interests of not only the United States, but world peace, and then support conciliatory steps through bilateral and mililateral channels that will bring this about. Such a peace must be based upon trust between the parties concerned, which is, in itself, the only guarantee for security for any nation and people.

As the current 24th session of the General Assembly progresses, renewed efforts are underway by the United Nations, the Big Four and through bilateral talks between the U.S. and U.S.S.R. But time has almost run out. (As U Thant stated in the introduction to his annual report: "What is now at stake is the future of the whole Middle East area and everyone in it. This somber fact alone should discourage any tendency towards either too much bargaining over substance or bickering over procedure. The issues, admittedly, are extremely vital to the parties. But given the alternative, can any issue be more vital than peace?")

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Mr. HATFIELD. Mr. President, culturally, historically, economically, and militarily the United States is deeply involved in the Middle East. In addition to our well-known religious roots in the area, American interests took a new step in the form of educational, philanthropic and missionary efforts as early as 1819. By the turn of the century there were nearly 300 privately funded and operated American schools in Lebanon, Syria, Palestine and Egypt. By the end of World War II, public funds were being spent to support such institutions as the American University of Beirut, 1866, Robert College, 1863, and the American University in Cairo, 1919.

With the Second World War, our economic interest also increased. Although the United States only imports 5 per cent of its oil from the Middle East, private investment and trade with the area have resulted in substantial income to American businessmen and a favorable balance of trade for the United States—over $656.2 million in 1969 alone.

For three decades, the Middle East and the Mediterranean region have been of great strategic importance to the United States. In 1947, the Truman Doctrine was enunciated, and in 1953 our country helped foster the Baghdad Pact, transformed in 1959 into CENTO, as a containment policy directed against the Soviet Union. Most important, however, has been our interest in the creation and the continued existence of Israel.

In my 1968 visit to Israel, I had the privilege of meeting with Abba Eban, Jerusalem's Mayor Teddy Kollek, and then Prime Minister Levi Eshkol. A year later, this last December, I was the first U.S. official to speak with Prime Minister Golda Meir after Secretary of State Rogers' statement of December 9, 1969, on U.S. policy in the Middle East. Mrs. Meir exuded the strength of character and independence for which she is well known and she told me that Israel is a land of miracles and has had to depend on miracles for its continued existence. Israel can only lose once in a military confrontation, the Prime Minister stressed; there is no second chance.

During my recent trip to Israel, I went to the Gesher Kibbutz. There, a short distance from the Israel-Jordan border, the inhabitants' homes and buildings are connected by trenches because of almost daily shelling. Every night of their lives, the children of this kibbutz have slept in underground shelters in fear of artillery fire. It is conditions like these on the Israel side of the border that are breeding hatred and bitterness in the lives of such people.

The economic burden of Israel's military posture has been staggering. This year she is spending approximately 25 percent of her gross national product on defense. This would be equivalent to the United States tripling its present defense budget. The price she is paying in loss of manpower, the losses to her economy, and the debilitating effects of maintaining a wartime psychology, is taking its toll.

On the other side of the Israel-Jordan border, I visited Baqa, one of six refugee camps outside Amman, Jordan. Between 35,000 and 40,000 refugees live in this one camp. These people eat and sleep in one-room tents which house 10 or 11 individuals. Many of the tents do not have floors, so the inhabitants live in dirt and mud. One can easily understand why these factors as such could be the breeding ground for hatred and animosity.

But these Palestinians assert that even a greater wrong has been perpetrated against them. They feel that they were immorally and illegally driven from their homes in Palestine by the Zionists in 1948; some of these Palestinians became refugees for a second time in 1967.

These various factors have formed the basis of the creation of the Fedayeen, the Palestinian guerrillas. It is through these commando groups that some refugees express their hostility and despair as well as their hope for the future. This animosity is being directed not only at Israel, but also at the United States, other great powers and even certain Arab governments.

It is my view that we in the United States tend to look at the Arab countries as a monolith, similar to the mistaken monolithic perspective we have had toward Communist countries. This is a false impression, for each of the Arab countries is unique.

In Jordan the refugees comprise over one-half of that nation's 2.2 million population. For the 4 years prior to the 6-day war in June 1967, Jordan was averaging a growth rate in the per capita gross national product of 8.8 percent per year. At that time the West Bank was producing 40 percent of the national income, contained about one-half of Jordan's industrial establishments, and one-quarter of her cultivable land. Jordan lost the West Bank in the 6-day war. Her economy was devastated. These events have contributed to a highly delicate balance within the country—a balance which now appears to be thoroughly eroded and shattered.

Lebanon, historically a close friend of the United States, also is plagued with grave internal tensions. Eighty-six percent of its people are literate. Fifty-one percent are Christian and 49 percent Moslem. The majority of the seats in their legislature are held by Christians, the President is Christian, and the Prime Minister is Moslem. Palestinians comprise more than 10 percent of the Lebanese population. In October 1969 battles between the government and the guerrillas took place, resulting in a compromise allowing the guerrillas freedom to operate in southern Lebanon. But this tense relationship continues to undermine the internal stability of the country.

In both Jordan and Lebanon there are deep divisions and conflicting loyalties; but the growing strength of sentiment for uncompromised Arab nationalism is clearly evident. Deep concern over the policies of the U.S. Government was expressed to me by people in both countries. This concern was based on a constantly repeated desire for friendly relations between these two countries—Lebanon and Jordan—and the United States. Leaders in both Lebanon and Jordan stressed that our country's seeming insensitivity to the problems faced by the Arab countries and the Palestinians is alienating them from the United States and undermining our traditional friendship.

A similar situation exists in Kuwait, one of the most unique nations in the world. Because of her oil resources, she has created a per capita income of more than $3,200 and has perhaps the most comprehensive program of social welfare in the world. There is no poverty to speak of, no taxes, a guaranteed annual income for all citizens, universal medical care and free education—including study abroad—for as long as one wishes and succeeds in one's studies.

Further, it is in Kuwait that I had an indication of the growing force throughout the Arab world: women. It is only recently that the women in Kuwait have removed the veil and have been granted semiequality with men. At Kuwait University they comprise almost one-half of the enrollment, but the interesting fact is that in certain areas they are excelling the men in their academic endeavors. The Arab woman has historically played a secondary role in society. But as she is unfettered from the old traditions, she is becoming a highly potent force, as is already proven by her dynamic role not only in Kuwait but in Lebanon, the United Arab Republic, and other Arab countries as well.

While I was in Kuwait, I talked with many officials, including the Amir, the Crown Prince, and the Minister of Foreign Affairs. As did officials in Lebanon and Jordan, they expressed their dismay and regret about the U.S. policy in the Middle East. They warned me that our cultural, economic, and diplomatic interests in the Arab world are in the most serious jeopardy, as our policy appears too often to be insensitive to their interests and grievances.

Israel, Jordan, Lebanon, and Kuwait are four of the many host countries for the Palestine refugees. Refugee camps are provided for by the United Nations Relief and Works Agency (UNRWA). In 1969 UNRWA's meager resources made available only 10 cents per day per refugee: 5 cents for food, 4 cents for education and technical training, and 1 cent for medical care and sanitation.

Palestinians are historically an agricultural people. Those few, approximately 30 percent of the total, who had technical skills when they were displaced in 1948 were easily absorbed into the surrounding countries at that time. Most of the displaced Palestinians—there are approximately 2½ million Palestinians in the world today—however, had no marketable skills and were consequently forced to stay in camps. Subsequently, during the past two decades, two generations of Palestinians have had little if any opportunity to learn the simple skills of their fathers and are now without any vocational abilities whatsoever. Only 2 percent of the refugees have been able to acquire marketable skills as a result of UNRWA projects. These conditions only intensify the radicalization that two decades of forced homelessness causes, and has formed the basis for the growth of the Palestinian refugees into a distinct political and military force in the Middle East.

One aspect of this question emerged during a conversation with former Prime Minister Levi Eshkol during my visit to Israel in 1968. He told me that the Jews have been a minority wherever they have lived throughout history and that they will not be a minority again. Non-Jews cannot be allowed to live in large numbers in Israel, he said, let alone participate in the government. Thus, Israel cannot allow the Palestinians to return and grant them a vote for fear that the Jews again would be forced into a minority status within their own country. Yet, it is the denial, in principle, of the right for Palestinians to return to their former homelands which remains as the central grievance in the conflict.

The Holy Land is the birthplace of three of the world's major religions: Christianity, Judaism, and Islam. As a consequence, there are deeply felt emotions about the area by millions of people around the world. The Jews have for almost 2,000 years searched for a homeland, and they feel that they have one now. And as we well remember, this has been a quest of suffering and tragedy which was climaxed by World War II. The questions of theocracy and secularism is one that has serious implications for the entire Middle East, not only for Israel and the Arab States, but for the status of Jerusalem as well.

Through my talks with Prime Minister Meir and moderate Arab leaders I remain firmly convinced that they are genuinely searching for and desire a lasting peace in that troubled part of the world. But voices of moderation are diminishing and polarization is increasing. If countries which have heretofore been mollifying influences in the area are further alienated, chances for peace in a rapidly escalating confrontation will be severely curtailed. For instance, the governments of Jordan and Lebanon are in imminent danger of overthrow which if accomplished would not only increase polarization but draw the world closer to a major conflict as well.

U.S. policy and aid has had a major influence on the events in the Middle East and must bear part of the responsibility for the current situation. Prior to 1967, we had exchange programs with six Arab countries—Iraq, Jordan, Lebanon, Saudi Arabia, Syria, and the United Arab Republic—with a total of 551 grants being given since 1949—92 to Israel during the same period. Since 1967 there have been no grants given to four of the six countries. There is further evidence of our inconsistency and inappropriate emphasis in aid policies to the countries in the Middle East. For fiscal 1967 our deliveries under our military assistance programs to Jordan and Lebanon were $11.9 million and $100,000, respectively. After the Six Day War this aid was reduced 80 percent in Jordan and remained the same in Lebanon. During the 14 years preceding the June 1967 war, the United States gave $500 million of AID to Jordan but these funds were drastically curtailed after the Six Day War when we completely terminated direct budget support. By contrast, as of December 1967, Israel had received since its formation approximately $1 billion in economic aid, about $1 billion in private purchases of Israel bonds and over $1 billion in private gifts from the United States. Although it might be pointed out that the United States has given to UNRWA over $455,000 since May of 1950, nearly 60 percent of its total income for the 20-year period, a better criteria is that of one's ability to give, the gross national product.

In viewing the problems faced by the Palestinian refugees and the priorities which our Nation has given them, particularly when one compares the United States with other Western countries, an interesting picture develops. For instance, in 1968 Canada contributed 0.16 percent of its gross national product to UNWRA; France, 0.01 percent; Sweden, 0.01 percent; the United Kingdom, 0.004 percent; the United States, 0.002 percent. The United States, in other words is fifth in proportionate contributions of the Western countries in trying to aid the refugees—refugees which we have been, in part, responsible for creating.

In the extensive debate and analysis given to the problems of the Middle East, we have focused most of our attention upon the political and diplomatic complexities which seem to defy any resolution. Yet, there is another dimension to the enduring tensions in the Middle East which transcends the political difficulties. This is the tragic and intensive human suffering in this area. We must never forget that no mere diplomatic settlement on paper will be of any validity unless it is coupled with some hope for an end to the plight of millions who suffer under the current conditions of deprivation in these areas. Political tensions cannot be reduced without also defusing the underlying bitterness and hostility felt by those who suffer. People must not only have hope that they will live under a government that insures this security and expresses this national identity; they must also have the hope that they and their children will have enough bread to eat, clothes to wear, and the opportunity to become a productive member of society.

It is these human needs—needs that can be met through voluntary and official forms of aid and assistance—which have been neglected as we have sought for a way out of successive diplomatic mazes.

We can and must begin by realizing that actions which better the welfare of the people in the Middle East are just as essential as efforts to solve the political differences if our goal is a lasting peace.

There are, I believe, numerous initiatives that can and should be taken by the parties directly and indirectly involved in the Middle East dilemma.

The decisions to recognize Israel, establish boundaries, solve the refugee problem, settle the status of Jerusalem and passage through international waters—the five key issues as I perceive them—will come as a result of numerous factors.

It is in the interest of all the parties concerned, including the Soviet Union, which now has great influence in the Middle East as well as access to the Mediterranean, to deescalate the arms race and decrease the trend toward military confrontation. The United States should do everything it can privately, and publicly, to seek Soviet agreement in arms limitation that will curtail the endless cycle of military escalation in the area. Any policy of arms sales to the countries there should be gauged with an eye to the territorial integrity of all of the countries involved.

We have justified past sales of arms to the region by attempting to maintain a delicate balance of forces in order to deter either side from provoking war. Yet, when we speak of "balance" what do we really mean? How is it to be formulated? Do we merely count the planes on one side and the antiaircraft guns on the other? Or must we also consider factors that cannot be easily programed into our computers? Should we not examine the level of national unity, the political cohesiveness, the devotion to purpose, and the willingness to sacrifice? Does not the depth of feeling and the sense of injustice felt on either side contribute to this calculation? But what I am suggesting is that a true balance of forces means far more than some approximate equality in military might.

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The depth of feelings that underlie the conflict makes any permanent peace sought through a balance of arms an impossibility. Even relative peace has remained illusive despite our past efforts to insure this kind of balance. We would be naive to assume that the path to a permanent peace and to true security for all nations in the area lies in our unquestioning supply of military arms to those who ask.

Concurrent with the deemphasis on military assistance should be an increasing stress on technical and educational assistance through multilateral efforts. This has perhaps been the area of greatest inconsistency in our foreign policy in general and is certainly evident in the Middle East. As I pointed out earlier, our policy toward the Middle Eastern nations has vacillated greatly, not at all consistent with the realities within those countries. Our foreign policy must be revitalized and reoriented if we are to regain credibility with the people of that troubled land.

Within this context the United States should increase its support of UNRWA which is currently facing an almost $4 million debt. We should also stimulate those private organizations already participating in development programs with the Palestinians as well and the development of new organizations and projects. The value of this type of approach is evidenced by Oregon State University's cooperative wheat project near Amman, Jordan. Jordanians and Oregonians together enthusiastically reported to me on my recent trip the progress made since the inception of the program. One hundred and sixty-three farmers working 1,675 acres of heretofore meagerly productive soil, with the help of know-how and technology, increased production in 1968 by 69 percent and in 1969 by 55 percent.

It is particularly with the refugees that success of peace initiatives rests. Israel, and the United States, must recognize and admit the basic injustice done to the Palestinians in 1948. This admission alone would be one of the greatest single steps that could be taken to defuse the present conflict. This in no way would threaten Israel's territorial integrity nor external security. Quite the contrary, it would most likely curtail the present trend of radicalization and polarization on both sides of her borders. The next step in this question of the Palestinians would then be to settle the problem of repatriation, compensation, and resettlement.

There are forces for moderation within most of the countries directly involved in the Middle East conflict. And it is these forces that must be nurtured before there is total polarization. Within Israel there have been signs of increasing flexibility. And when I was in the Middle East recently, I encountered similar potential among certain Arab leaders and intellectuals as well. A first step might be to permit, in keeping with the many United Nations resolutions, the refugees from 1967 to return to the west bank and occupied territories. This could be undertaken in cooperation with the United Nations and with United Nations supervision.

There is also the political reality of the Palestinians to be considered: They are a major party in the dispute and must be consulted in the solution. Whether contacts are public or private, direct or indirect, increased communication between the concerned parties is of great importance.

Neighboring countries of the Middle East are paying increasing attention to their Arab and Israeli neighbors, realizing that their futures are directly related. Spain, Italy, and Turkey, most notably, have displayed an intensified interest in the Middle East and have indicated that this interest will continue to expand.

The Middle East conflict, in summary, poses the greatest danger to our own security and to the hopes of us all for peace in the world. Presently, there is the imminent danger of the radicalization and overthrow of existing moderate Arab governments. No one stands to gain from this eventuality. Such a development would only intensify the political polarization and lead us closer to world war III.

The interests of the United States in the entire Middle East are clear and compelling. We have deep cultural and economic ties with all the countries there. We have nurtured historic friendships throughout the region. We have made specific commitments there, and our own security is involved. Yet, as the situation has evolved toward cataclysm, we have been nearly ignorant of this deterioration, totally obsessed with our futile involvement in the quagmire of Southeast Asia. Such negligence has, at least in part, fostered the vacuum that has encouraged increasing, bold Russian involvement throughout the Arab world.

Our interests in the Middle East, and the hope we have for making peace a possibility, demand that we embark on new initiatives, marked by heightened sensitivity to the roots of the conflict and bold vision of the role we can play in their resolution.

Any peace must begin by understanding the long evolution of events which has created the present hostility. Far too few of us have bothered to acquaint ourselves in depth with the history of these peoples and the factors that have caused such divisiveness and enmity. Such historical ignorance can easily condone diplomatic miscalculation.

We must squarely confront the third rising force in the Middle East, the Palestinian movement. The issue of Palestine must be understood and its meaning in the eyes of all the Arab world must be grasped. Our viewpoints must become sensitive to the injustice that the Palestinians feel so deeply, and our policies must be constructed to deal with this sense of injustice.

Further, as I have stated, peace in the Middle East will not be secured by totally relying on a supposed military balance. Arms given to the Middle East are eventually used there; a secure and enduring peace can never be won on the battlefields of these countries.

Finally true peace must even go beyond the resolution of diplomatic intransigence and include the alleviation of human deprivation. Peace is more than the absence of conflict; it is the fulfillment of human needs. It is "Shalom," which means wholeness and completeness. The promise of such fulfillment must become the hope for all, both Arab and Jew, if peace is to ever be their common destiny—and our own.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. AIKEN. I would just like to say that, in the true humanitarian spirit which characterizes the senior Senator from Oregon, the Senator has pointed out to us a condition which should have been corrected two decades ago. I recall, when I was a member of the American Mission to the United Nations 10 years ago, that this same subject was very vital at that time. I recall the country of Yugoslavia insisting that something be done about the refugees, and offered a resolution which would provide for the care of the refugees. I also recall the vigor with which Russia opposed that resolution, Yugoslavia standing on one side, Russia on the other.

I believe that the deficit which the Senator refers to in the United Nations Relief and Works Agency is due to the fact that certain countries have not paid their assessments, which they should have paid.

It is not to the credit of the United Nations, it is not to the credit of the United States, or to the world at large, that this refugee condition has been permitted to exist now for over 20 years.

I think the Senator from Oregon has really done a service, not only to the Palestinians but also to the rest of the world, in pointing out this sore spot, which so many would like to forget about at this time.

It was on November 22, 1967, that the United Nations Security Council passed another Middle East Peace resolution which stated that it was necessary to achieve a just settlement of the refugee problem. But nothing has been done. As a corrector of injustice, the United Nations has been a failure in this respect.

So I hope that what the Senator from Oregon has said will arouse public sentiment to the point where people will insist upon a correction of this very bad situation.

Mr. HATFIELD. I thank the Senator from Vermont, who is the ranking Republican member of the Senate Committee on Foreign Relations, and, of course, has been very much involved in matters of peace and war for many years. Also, I think it is interesting, and probably not coincidental, that he is the ranking Republican member of the Senate Committee on Agriculture and Forestry. I believe there is a direct relationship between the adequacy of food and the ability of people to feel and know security through the opportunity to supply the needs of their families. We have to start there if we are going to have peace. It cannot be imposed by military power or political fiat, but it has to be generated within the hearts and minds of people.

That is why I have felt so strongly that the leadership of the senior Senator from Vermont (Mr. AIKEN) on both the Agriculture and Forestry Committee and the Foreign Relations Committee bridges

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an important gap that I think so often is not made—that is the necessary relationship between people's needs and political policies.

Mr. AIKEN. Well, I say to the Senator from Oregon that I have done what I could, but it has not been enough. It needs more than my support to bring about a correction of this intolerable situation. They used to tell us, "Oh, those people would not work if they had a chance. They would not do anything for themselves if they had a chance." That is not true.

I hope the United Nations, or whatever effectiveness remains of it, will again make an effort, and I hope that the surrounding countries will make an effort, to do away with the shameful conditions.

Mr. HATFIELD. I would certainly agree that the United Nations has an important role. I also would say that, in establishing our own policies as one nation toward this important area of the world, and as a large and powerful nation, we must become more aware of the dimensions of the problems there which relate to the refugees. I think the Senator would agree that we must assume that role.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. HANSEN. Mr. President, the distinguished senior Senator from Oregon and I have not always agreed on matters of national policy. I think we do share a number of concerns, however; and I take this occasion to compliment him on bringing much additional light to a better understanding of the very complicated and involved situation that we find confronting us in the Middle East.

I said yesterday that in my opinion there was far greater likelihood of our becoming involved in a very significantly expanded war in the Middle East than there is in Southeast Asia at the present time. As I sat here listening to the very scholarly presentation by my good friend from Oregon, I could not help thinking how true that is, when one reflects upon just one fact that he called to our attention this morning.

The Senator from Oregon said:

> In Jordan the refugees comprise over one-half of that nation's 2.2 million population.

He went on to point out—I do not recall just how long the Senator said those refugees had been in that situation. Was it since 1948?

Mr. AIKEN. It is 1948.

Mr. HANSEN. That those people, who are just surviving, receive from UNRWA, according to the 1969 budget, only 10 cents per day per refugee—5 cents for food, 4 cents for education and technical training, and 1 cent for medical care and sanitation—certainly underlines a very real reason for the distress, and for the growing emergence of a spirit of defiance and rebellion against a condition that has existed for a long time, which I think the Senator speaks of as the Palestinian movement. Am I correct in that statement?

Mr. HATFIELD. Yes.

Mr. HANSEN. The Senator from Oregon has made a very scholarly presentation. Whether we agree with him as to Southeast Asia or whether we agree with him as to the Middle East I think is beside the point. I think all of us can be better informed, and I would hope might be able to make better judgments and better decisions as to what will best serve our purpose and the purpose of peace now, by understanding the situation in the Middle East more comprehensively, as I feel certain that now we will be able to do because of the efforts of our distinguished colleague from Oregon. I compliment him very sincerely on his speech.

Mr. HATFIELD. Mr. President, I am very grateful to the Senator from Wyoming. I should like to respond briefly on a point which I think is very important, that the Senator from Wyoming focused upon.

The Senator was correct when he said that over the number of years we have been associated as friends, as fellow Governors, and now as fellow Senators, there have been a number of occasions when we have found most hearty agreement, and have worked very closely together for a common purpose. And even where we have had our differences of viewpoint, we have still had commonality of purpose, perhaps differing more on tactic, technique, or procedure, than on the goal we have both sought to achieve.

I believe the most important thing we have to seek to create in this situation, both at home and in the Middle East, is a resistance to polarization. I have found the Senator from Wyoming, in his differences, to be at all times a gentleman. He has been able to disagree without being disagreeable. This is what I think is the epitome of the great pluralistic society that we have created here in America. We have not demanded uniformity, and we have not demanded conformity; we have shown that there is strength even in diversity.

Nevertheless, we have found, as to the present problem in the Middle East, the attitude that if you are not for Israel, then you have to be for the Arabs; or if you speak favorably of the Arabs, then you are against Israel. We are being judged by these parties, in some instances, not by how much we are for them, but by how much we hate the other side.

I fear this kind of polarization within our Nation, because it tends to reduce the possibility of solution, and inhibit the kind of frankness and honesty with which we must face these problems to find their ultimate solution. I, for one, feel that my credentials, as far as being a friend of Israel are concerned, are certainly in order. I have spoken at many Bonds for Israel programs. I consider myself an enthusiastic supporter of that example of democracy out in the Middle East, both of its people as individuals and of Israel as a State.

That does not mean that, by the same token, I must reject the possibility that there is Arab grievance, and that there are injustices that must be righted on both sides. That does not mean I cannot consider myself as a friend of the Arab countries also. I would hate to think America must become so locked into a polarized position that it completely and fully eliminates the possibility of a peacemaker role.

The United States has the power, the resources, the idealism—every one of the great ingredients to be a peacemaker. But if we are going to try to be a peacemaker there by standing purely on one side of the issue, with one group only, and say there is no cause and no justice on the other side of the argument, we totally eliminate that possible peacemaker role.

We have legal and political commitments to Israel. I, for one, would never stand aside to let Israel fall, no matter who her enemy might be. By the same token, I do not think we are doing Israel a favor, or really supporting Israel, by sustaining conditions which will create border areas of complete enmity, in place of forces in the Arab world, like King Hussein of Jordan or many elements in Lebanon, who would really attempt to seek solutions to these problems.

So I believe the best solution at the moment would be to help hold Hussein in power against the radical elements that seek to overthrow him. But we cannot do that merely by supporting this particular political figure. We can only do it successfully by solving the Palestinian issue, which is the basis of his political challenge today. It is a matter of eliminating the Palestinian problem that will strengthen Hussein, keep a friendly border between Jordan and Israel, and ultimately find a solution, as I see it.

Mr. HANSEN. Mr. President, I am reminded of some observations the Queen of England made a number of years ago, when Great Britain was subjected to some great forces that were tearing her apart. The Queen spoke very bluntly and candidly, as I recall. She said essentially that there was no point in further denying that there were some deep divisions in that country. She recognized that they were there. But she said that in her judgment, the time had come when it was well to recall that it might serve England and Great Britain well to recognize these dissensions and problems as problems that can arise between members of a family, and that perhaps the time had come when the healing that follows compassion and love could again be brought to bear, and that each person or party to the conflict might recognize the possibility of right in others.

I suggest that if there is one thing that reaches me in the speech just made by the distinguished Senator from Oregon this morning, it is that we must try to contribute our determination to a solution of the problems as we try to work for peace—though I think we likely never will achieve that happy millennium when we can look forward to war no more, and be assured that peace will permanently prevail. I believe Plato said that only the dead have seen the end of war, and I am afraid he is right. Nevertheless, I subscribe to Browning's observation that man's reach should exceed his grasp. With that thought in mind, it certainly becomes our duty and our responsibility to do all we can to lessen tensions, to recognize the possibility of right in others, and to see whether we can help minimize the problems of frustration and deprivation, from which we know strong pressures and strong forces always erupt to bring about further conflict.

Certainly, the Senator's remarks this morning are typical of him. I would say, also, that I have known him for a long time, and among his many virtues is the added virtue of being consistent. I have not always agreed with him, as he knows, but I will say that he has followed the same line this morning that we have heard him espouse ever since I first knew him, and for that I have great admiration for him.

Mr. HATFIELD. I am grateful to my colleague from Wyoming for his remarks.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 419—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE UTILIZATION OF AVAILABLE FUNDS TO MEET CERTAIN PAYROLL OBLIGATIONS PROVIDED FOR IN THE SECOND SUPPLEMENTAL APPROPRIATION ACT, 1970

Mr. ELLENDER. Mr. President, I am about to send a very simple resolution to the desk for immediate consideration. I have spoken with the minority leader and the majority leader, and they are willing that the resolution be considered now.

This resolution is offered to permit the utilization of other Senate appropriations to meet the June 1970 payroll obligation for the staffs of the investigations subcommittees. The current balance in this appropriation is $463,817, and the June payroll obligation is estimated at approximately $660,000, resulting in an insufficiency in funds available to meet the payroll by approximately $196,000.

This action is necessary if these employees are to be paid on time, since the funds to cover this appropriation deficiency are contained in the second supplemental bill presently on the Calendar and will not be available until this bill is finally enacted.

It should be clearly understood that this authority is limited to meeting the payroll obligation only and that, upon enactment of the second supplemental, the funds so utilized will be replaced immediately.

Mr. President, I should like to point out that we had a similar situation on June 28, 1968, as a precedent for this procedure.

I send the resolution to the desk and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 419) was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate may utilize any fiscal year 1970 appropriation available for the purpose of paying the compensation due employees for June, 1970 from the appropriation "Expenses of Inquiries and Investigations, fiscal year 1970", any sum so utilized to be replaced from funds appropriated for said appropriation in the Second Supplemental Appropriation Act, 1970.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following communication and letter, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR DEPARTMENT OF COMMERCE (S. DOC. NO. 91-91.)

A communication from the President of the United States, transmitting a proposed amendment to the budget, 1971, in the amount of $475,000, for the Department of Commerce (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED LEGISLATION TO CARRY INTO EFFECT A CERTAIN PROVISION OF THE CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967 (with accompanying papers); to the Committee on the Judiciary.

RESOLUTION OF HOUSE OF REPRESENTATIVES OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, I submit for the consideration of the Senate a resolution passed by the House of Representatives of the Commonwealth of Massachusetts memorializing the Congress of the United States not to enact legislation removing statutory authority for the existence of the selected reserve of the Coast Guard, and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The resolution will be received and appropriately referred, and will be printed in the RECORD.

The resolution was referred to the Committee on Commerce, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE SECRETARY,

Boston, June 9, 1970.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES NOT TO ENACT LEGISLATION REMOVING STATUTORY AUTHORITY FOR THE EXISTENCE OF THE SELECTED RESERVE OF THE COAST GUARD

Whereas, The President of the United States, in his Budget message to the Congress for fiscal year 1971, has requested funds sufficient only to phase out the Selected Reserve of the Coast Guard; and

Whereas, The President has forwarded legislation to the Congress of the United States which would, if enacted, specifically remove statutory authority for the existence of the Selected Reserve of the Coast Guard; and

Whereas, The Coast Guard Reserve has, since its establishment during World War II, contributed greatly to the defense effort of the nation, particularly in its military preparedness for the protection of its ports; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States not to enact legislation that would remove the statutory authority for the existence of the Selected Reserve of the Coast Guard; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from this Commonwealth.

House of Representatives, adopted, May 27, 1970.

WALLACE C. MILLS,
Clerk.

A true copy. Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

S. 3691. A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers (Rept. No. 91-930).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty (Rept. No. 91-931); and

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper (Rept. No. 91-932).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products (Rept. No. 91-933).

By Mr. TALMADGE from the Committee on Finance with amendments. H.R. 16739. An act to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines (Rept. No. 91-934).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

James D. Hodgson, of California, to be Secretary of Labor.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GORE:

S. 3968. A bill to require that information concerning losses in revenue from certain provisions of the Internal Revenue Code to be included in the annual budget message of the President; to the Committee on Finance.

S. 3969. A bill to name the bridge now under construction at Memphis, Tenn., a part of the Interstate System, linking Tennessee and Arkansas, in honor of a former Member of the House, Clifford Davis; to the Committee on Public Works.

(The remarks of Mr. Gore when he introduced S. 3968 appear later in the Record under the appropriate heading.)

By Mr. METCALF (for himself and Mr. Bellmon):

S. 3970. A bill to amend the Outer Continental Shelf Lands Act (Public Law 212, 83d Congress; 67 Stat. 462) with respect to the development and use of the natural resources in the seabed seaward of the 200 meter depth line; to the Committee on Interior and Insular Affairs.

By Mr. FONG:

S. 3971. A bill for the relief of Luana Gaja; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 3972. A bill to amend the Federal Aviation Act of 1958 to provide proper penalties in the event of aircraft piracy, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Pearson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. RANDOLPH (for himself, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Javits, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Stevens, and Mr. Williams of New Jersey):

S. 3973. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Randolph when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPONG (for himself, Mr. Tydings, Mr. Prouty, Mr. Bible, Mr. Goodell, Mr. Eagleton, Mr. Mathias, Mr. Yarborough, Mr. Williams of New Jersey, Mr. Montoya, Mr. Pell, Mr. Kennedy, Mr. Hart, and Mr. Dominick):

S. 3974. A bill to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCLELLAN (by request):

S. 3975. A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HRUSKA (for himself and Mr. Hart):

S. 3976. A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition; to the Committee on the Judiciary.

(The remarks of Mr. Hruska when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. INOUYE (by request):

S.J. Res. 213. Joint resolution to authorize a contribution to certain inhabitants of the Trust Territory of the Pacific Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof; to the Committee on Interior and Insular Affairs.

S. 3968—INTRODUCTION OF A BILL RELATING TO TRUE TAX REFORM

Mr. GORE. Mr. President, on yesterday I addressed the Senate on the state of our economy, with particular emphasis on the dangerous and hurtful inflation which now afflicts us. I set out some economic goals we must always have in mind, including proper distribution of income, production, and wealth among our citizenry. No economic system designed for a democracy can be judged successful if it does not insure equitable distribution of goods and services.

Tax policy certainly plays an important part in our scheme of distribution of the fruits of our economy. Rates, classification of income, exemptions, preferential treatment are factors to be considered.

Some would like a more activist tax policy, one which would be used positively to insure proper income levels. We will, I am sure, hear more in the near future about such mechanism as the negative income tax, for example.

Taxation-for-revenue-only is the orthodox approach. Even in this case, taxation must still occupy an important place in determining how much a given taxpayer receives, or rather can retain, from the economy for his own and his family's use. The tax burden is now so heavy that it directly impinges on the economic planning of all but the most poverty-stricken—and, most unfortunately, even on some of them.

A cornerstone of my efforts to obtain economic justice for all Americans throughout my service in the House of Representatives and in the Senate of the United States has been my fight to secure tax justice for all taxpayers. In this effort I have tried to accomplish two goals: one, to insure that low- and middle-income taxpayers get a reduction in the heavy tax burden they have been forced to bear; two, to insure that those with large income pay a fairer share of the tax burden by closing loopholes that are now, or have been, available only to the most favored members of our society.

July 1, 1970, will mark a historic stride forward on the road to achieving meaningful tax reduction for low- and middle-income taxpayers. On that day, my proposal to increase the personal exemption will begin to affect the pay checks of millions of Americans in the form of greater take-home pay. The principal significance stems not so much from the amount of tax reduction for the average individual as from the fact that tax reduction for the many, though small for each, was substituted for big reductions at the top, which had been proposed.

This occasion should be marked, therefore, by setting forth not just my satisfaction with what we have accomplished in the past in providing meaningful tax reform, but in projecting my future aspirations and goals to obtain a fairer tax system.

I present today a program for tax justice that contains three basic elements:

First. Further tax reduction for middle-income taxpayers.

Second. Further tax reform to insure that the wealthy bear a fairer share of the tax burden.

Third. Regular reporting of tax expenditures to insure that Congress retains control of spending for national priorities.

Some elements of this program are long range, but some steps can and should be taken immediately.

I. FURTHER TAX REDUCTION FOR MIDDLE INCOME TAXPAYERS

I have referred to the fact that pay checks received by the working people of this country after July 1 will reflect the increase in the personal exemption that I fought for and obtained in the Tax Reform Act passed by Congress last year. The $600 personal exemption that had been in effect for over 20 years was the most outdated and unfair provision in our tax laws. The personal exemption was designed to provide a basic amount of tax-free income for every family with which it could acquire the basic necessities of life—food, clothing, housing, and education. Over a 2½-year period, this personal exemption will now be increased to $750, the first installment taking effect, as I have said, on next July 1. It would be appropriate, it seems to me, to call this better-take-home-pay-day.

Coupled with other tax-reduction measures, including the low-income allowance, that I introduced in my package of tax relief for low- and middle-income taxpayers, and which has become law, the tax burden will be significantly reduced for low- and middle-income taxpayers. For example, a man with a wife and two children making $4,200 a year will have his taxes reduced from $170 to $28. That same man, making $5,000 a year, will have his taxes reduced from $290 to $140. For the $10,000 wage earner with a wife and two children, my tax reduction package will provide a cut in taxes from $1,114 to $905.

Mr. President, I ask unanimous consent to have printed at this point in the Record a tabulation which illustrates tax relief at various income levels provided by my package for a married couple with two children when the new law is fully effective.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

TAX BURDEN ON THE MARRIED COUPLE WITH 2 DEPENDENTS UNDER PRIOR LAW AND UNDER GORE AMENDMENT TO TAX REFORM ACT OF 1969 (ASSUMING NONBUSINESS DEDUCTIONS OF 10 PERCENT OF INCOME)

Adjusted gross income (wages and salaries)	Tax under prior law	Tax under Gore amendment
$3,000	0	0
$3,500	$70	0
$4,000	140	0
$4,200	170	$28
$5,000	290	140
$7,500	687	514
$10,000	1,114	905
$12,500	1,567	1,309
$15,000	2,062	1,820
$17,500	2,598	2,385
$20,000	3,160	3,010
$25,000	4,412	4,240

Mr. GORE. Mr. President, these tax reductions, welcome as they are, are not as great as I wanted to secure for the middle-income taxpayer. But it is useful to recall the overwhelming odds against which we battled to secure even this amount of tax relief for the workingman. As the tax-reform bill emerged from the House of Representatives last August, one-third of the tax relief in the bill went to the 10 percent of American taxpayers who earn more than $20,000 per year. The administration in September recommended that tax relief for middle-income taxpayers be reduced even below the level in the House-passed bill. Spokesmen for the Nixon administration came before the Senate Finance Committee and recommended that the tax relief in the House bill for middle-income taxpayers be reduced so that a 2-percent cut in corporate tax rates could be effected. Further, the administration strongly endorsed a proposal to place a 50-percent maximum rate of tax on the earned income of wealthiest taxpayers, who were already disproportionately favored under our tax laws.

When I proposed that an increase in the personal exemption be substituted for the tax relief provisions provided in the House bill and recommended by the administration, the forces of wealth and power quickly allied themselves against me. For my proposal cut back on the tax relief that the administration wanted to provide to the wealthy and the giant corporations. I succeeded in striking the special maximum rate for the wealthy and my proposal insured that 80 percent of the tax relief would go to persons making less than $15,000 per year. My proposal thus was anathema to the administration that was fighting to preserve undue favors for those with high income. Against my proposal were arrayed the White House, the Treasury, the privileged, and the vested interests of the large corporations.

Only the average taxpayer was with me. And he made his voice heard loud and clear to his elected representative in Congress. Together we won a great victory for the middle-income taxpayer and on July 1 this vocal majority, I am happy to say, will reap the fruits of that victory. We may have a celebration or two in Tennessee.

But we cannot rest on past laurels. It is still a fact that 80 percent of the Federal income taxes paid in the United States are paid by people making less than $15,000 a year: In the tax reform bill, we insured tax justice for those Americans living below the poverty level by insuring that in the future those working to lift themselves out of poverty would not have to pay Federal income taxes. Under my proposal, when fully effective, a family of four will not incur Federal income taxes until it reaches $4,000 per year in wages. This is a big step forward.

But the major issue is still before us; that is to insure greater tax equity for the middle-income taxpayer—the man who is working, raising, and educating his children, and paying off the mortgage on his home, the man making between $4,000 and $15,000 a year. It is here that the greatest need for tax equity exists. And tax equity for these middle-income Americans means tax reduction to relieve them from the disproportionately large share of the total tax burden they are now shouldering.

It is to this task that I renew my dedication today. The fairest, the most simple, and the most easily understood means of providing this tax relief is to increase the personal exemption to a level where it will more accurately reflect the cost of raising a family and of providing a decent home in today's world. By 1973 the personal exemption increase which I won will be fully effective at a level of $750 per person. While this is a marked improvement, $62.50 per month is still not enough to feed and clothe a child and provide it with a decent home. I will, therefore, renew my efforts to obtain an increase in the personal exemption to $1,250 per person by 1972. Hopefully, after that year we will have an administration in office which will be more sympathetic with the needs of the middle-income taxpayer than is the present administration. Hopefully, we will have an administration that will understand the terrible toll that inflation is exacting on the hard-earned dollar the average working man in this country labors to earn.

II. FURTHER TAX REFORM TO INSURE THAT ALL BEAR A FAIR SHARE OF THE TAX BURDEN

It was gratifying to one who has labored so many years to obtain substantial tax reform to see those efforts come to fruition in many respects in the Tax Reform Act of 1969. Among many changes, the percentage depletion allowance was cut back, albeit only to 22 percent, real estate shelters for syndicates of wealthy individuals were curtailed, and the activities of private foundations were brought under closer public control and scrutiny.

Yet the task of tax reform is truly a sisyphean endeavor—for each two strides toward the peak of tax equity, we slide back one. While several meaningful reforms were obtained in the Tax Reform Act, it is also true that new injustices and inequities were introduced—notably the provision for a maximum rate of tax on earned income for the wealthy and the new tax loopholes for railroads. In addition, many existing areas of inequity were not even touched.

One cannot be complacent about the accomplishments in the Tax Reform Act of 1969. For it is still true, for example, that the Federal Government is granting over $1.2 billion per year to the oil and gas industry in the form of percentage depletion allowances and intangible drilling expense deductions to obtain, at least theoretically, just $150 million of new oil reserves annually that would not have been discovered in any event. In other words, viewed in the most generous manner, the American taxpayer is paying $12,000 just to obtain $1,000 worth of new oil. In fact, there is no requirement that the "allowance" be used for exploration and most is not.

The bill did not remove the preferential treatment of income earned abroad. This preference is an inequity that favors investment and business activity of our citizens and corporations abroad at the expense of investment in industry and business at home. In the midst of the current problems besetting us with respect to trade imbalances, import competition and employment, these tax inequities become intolerable.

Under present U.S. tax law, U.S. corporations that create foreign subsidiaries to engage in manufacturing or other business abroad are accorded tax deferral—which sometimes becomes permanent—with respect to the income earned by their foreign subsidiaries. No one has ever been able to explain to my satisfaction why a company that chooses to conduct part of its business through a subsidiary in Italy, using Italian workers, should get a tax preference at the expense of its U.S. competitors who conduct their business wholly within the United States, employing American labor. Instances have come to light recently of companies organizing subsidaries in low labor cost countries to manufacture the identical items previously produced by those companies in the United States. These subsidiaries then import their products back into the United States to compete with products manufactured here. And the tax system is subsidizing this kind of unfair competition. Indeed, some of the companies that are urging import quotas most vigorously are the ones that are engaging in this very practice—taking care, however, to insure that their present interlocking international corporate structures will be protected by a "grandfather" clause in the proposed import quota legislation.

I have tried to end this tax subsidy which harms our balance of trade and which distorts our own economy. My bill, S. 2645, would put an end to this tax loophole by terminating the deferral of tax that is presently granted to those U.S. companies that conduct part of their business abroad and would end the discrimination which exists vis-a-vis their competitors who operate exclusively within the United States. This present loophole is unfair both to domestic U.S. corporations and to the workingman who is being deprived of job opportunities by this tax subsidy that encourages the creation of foreign plants that utilize foreign labor.

I shall, when the Senate Finance Committee takes up trade legislation presently being considered in the House Ways and Means Committee, try to end this tax loophole. I will again urge adoption of my proposal to terminate the present tax deferral.

There is another tax loophole which is damaging our balance of trade and balance-of-payment positions. Present law grants exemption to U.S. citizens living abroad from taxation on the first $20,000—$25,000 in some cases—of income these persons earn abroad. This compares to the inadequate $750 personal exemption that is accorded to the citizen living in the United States. Cases have come to my attention where U.S. citizens have gone abroad to set up business to make exports back into the United States. This damages the U.S. balance of trade. The U.S. taxpayer is forced to subsidize this effort through not only exemption of the first $20,000 of this citizen's income earned abroad but deferral of taxes on other foreign income until such income is brought home.

The Senate in its deliberations on the tax reform bill adopted an amendment I offered to cut back this unjustified tax exemption from $20,000 to $8,000. Unfortunately, it was deleted in conference committee. The business giants that are conducting business overseas, some of which is to the detriment of our own business and labor, mounted a massive pressure campaign against my proposal. This action was especially outrageous since it brought to light the fact that this subsidy, although intended for individuals, is in fact being availed of by the corporate giants for their own financial gain. They are paying their employees less than they otherwise would if this special tax exemption were not available. Hence, this tax loophole has been perverted by the giant corporations into a subsidy for their own foreign operations. In effect, the average American taxpayer is again subsidizing corporations to set up factories and plants abroad rather than to keep industry in the United States to employ U.S. wage earners.

This tax exemption is currently costing the U.S. taxpayer $25 million a year and 80 percent of this amount goes to high bracket taxpayers. Removal of this unjustified tax preference would be another step toward improving our trade situation, and I will bring up my proposal again in connection with the trade bill.

In light of these and other tax loopholes that are damaging domestic industry, I was especially disappointed to see the Treasury propose as a "solution" still another tax loophole during the House Ways and Means Committee's current trade hearings. Treasury officials propose to grant tax deferral—again, permanent in some cases—to domestic international sales corporations. This tax bonanza would bestow some $400 to $600 million in tax reduction to approximately 100 of our largest corporations with no assurance whatsoever that U.S. exports will in fact be increased. This current administration proposal is just another backdoor device to get a corporate rate reduction to a group of large corporations—a step which was rejected out of hand last year when the Treasury submitted its plan for a general corporate tax reduction.

I hope this measure will be rejected by the Ways and Means Committee so Congress can concentrate on the more constructive and equitable proposals that I have submitted and will renew.

The trade situation is a complex one. The tax laws are only one part. I have long been a supporter of the Cordell Hull principle of reciprocal trade. But reciprocal trade must be a two-way street. Some countries have not been cooperating in this effort and have erected artificial trade barriers to U.S. imports while continuing to take advantage of the less closed American market. I hope voluntary agreements can be reached with other countries, notably the Japanese, to limit imports which are damaging U.S. industries and U.S. workers. If these agreements cannot be reached on a voluntary basis, then Congress may be forced to act to protect our own industries. If this action becomes necessary, then it is imperative that we at the same time reform our tax laws to remove existing incentives to locate overseas those industries that should be producing in the United States with American labor.

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Preference provisions in our Federal income tax laws still provide over $50 billion per year in tax benefits to a highly privileged and select group of individual and corporate taxpayers in this country. The tax reform bill when fully in effect will recover some $6.6 billion of these revenues. But much more remains to be done. Only minimal steps were taken to deal with the highly privileged positions accorded capital gains, executive compensation schemes, gifts of appreciated property to charity, and the enormous benefits granted to corporations through the provisions for tax-free reorganizations.

I believe in the Cordell Hull principle of taxation according to ability to pay. I believe that a progressive income tax system is the fairest means yet devised to insure that our citizens pay taxes at a level commensurate with the benefits they derive from this great free enterprise system under which we operate. But the tax loopholes that still exist undermine this fundamental precept of tax justice. Too many of the most privileged members of our society do not pay taxes in accordance with their ability to pay. It is still possible, despite the reforms so laboriously won last year, for a taxpayer with over $200,000 of income to pay no taxes at all. It is still possible for a person making over $1 million a year to pay the same effective rate of tax as the wage earner with a wife and two children who makes $10,000 a year.

Mr. President, I am a realist. I know that tax legislation and tax reform involve compromise. But as these compromises in our tax laws pyramid over the years, the confidence of the average American workingman in the fairness of our tax system erodes a little bit with each deviation from tax equity, however small. If public confidence in the fairness of our tax system continues to be eroded through tax preference provisions—however praiseworthy may be the object to be obtained—then we may truly face a "taxpayers' revolt" and the great social needs of our country which will continue to require sizable revenues raised by the tax system will not be met.

My goal in the years ahead is to build on the reforms already achieved to insure to all citizens the fairest possible tax system.

When the Federal Government foregoes collection of taxes because of special provisions in the Internal Revenue Code, it makes a determination that these areas of activity are a matter of first priority for Federal funds. Areas of Federal responsibility that rely on direct appropriations come behind these tax expenditures as a matter of national priority, and funds are allocated to them from the moneys that are, in fact, collected through our tax system.

I have felt for some time that, in order for Congress to effectively carry out its responsibility to set our national priorities, it must consider expenditures made through the tax system just as carefully and just as frequently as it considers expenditures made through the regular appropriations process.

The difficulty is that financial assistance rendered through the tax system is not presented to Congress in connection with the President's budget message each year so that Congress can evaluate the priorities and the dollar amounts that are reflected in tax expenditures.

This situation was first highlighted in the 1968 Annual Report of the Secretary of the Treasury. In that report, tax expenditures were detailed in a manner that corresponded to regular budget categories, and it was revealed that $36.5 billion of Federal funds were spent in fiscal 1968 through the tax system in areas also covered by items funded through the normal appropriations process.

I was gratified to note that simliar information has now been submitted to the Subcommittee on Economics in Government of the Joint Economic Committee by the Honorable Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy.

I think it is most important that Members of Congress have this information before them and I am, therefore, including at the conclusion of my remarks the data submitted by Assistant Secretary Weidenbaum.

Table 7 compares expenditures through the tax system for fiscal years 1968 and 1969. At a time when budgetary pressures were most severe, expenditures through the tax system rose by almost $8 billion. Yet this increase in expenditures was not even reviewed by Congress and no determination was made as to whether these increased expenditures were allocated according to a congressional determination of our national priorities.

Table 8 contains some very illuminating information comparing expenditures that the Federal Government makes through the tax system with directly appropriated outlays. It should be noted that in fiscal 1969 tax expenditures for natural resources through the depletion allowance and the special treatment for intangible drilling and development expenses almost equal the total Federal expenditures through direct appropriations for preservation of our natural resources. In the area of community development and housing, tax expenditures were over twice the amounts that Congress directly appropriated for these programs. In no area, other than national defense and international affairs, were tax expenditures less than 10 percent of direct appropriations. Yet Congress made no review at all of these tax expenditures in connection with the exercise of its responsibility concerning the appropriation of funds in accordance with our national priorities.

I believe that expenditures or aids through the tax system should be reported annually by the President to the Congress and included in the budget message. Only in this way can Congress maintain a close check to insure that funds expended through the tax system are consistent with national priorities established through the normal appropriations process.

I applaud Assistant Secretary Weidenbaum for bringing this vital information before the Congress. I urge all Members of Congress to give careful attention to this data.

To enable Congress more adequately to perform its responsibilities to insure that available funds are directed to areas of highest priority, I am today introducing a bill which would require that the President submit detailed information with his annual budget message concerning the amounts that are expended through our tax system. I believe enactment of this measure will provide Congress with an important tool as it works each year to allocate available funds among the various areas of public concern which require assistance from Federal funds.

I ask unanimous consent to have excerpts from the statement of Assistant Secretary Weidenbaum printed in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the excerpts will be printed in the RECORD.

The bill (S. 3968) to require that information concerning losses in revenue from certain provisions of the Internal Revenue Code to be included in the annual budget message of the President, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

The excerpts, presented by Mr. GORE, are as follows:

TABLE 7.—SUMMARY OF ESTIMATED TAX AIDS

[Fiscal years. In millions of dollars]

Tax aids by budget function	Amount	
	1968	1969
National defense	500	550
International affairs and finance	370	410
Agriculture and rural development	930	1,000
Natural resources (e.g., depletion allowances)	1,605	1,765
Commerce and transportation (e.g., investment credit and surtax exemption)	7,775	9,200
Community development and housing (e.g., deduction of interest and taxes on residence)	3,950	4,800
Income security (e.g., personal deductions)	12,950	15,905
Health (e.g., deduction of medical expenses)	2,600	3,000
Education	720	800
Veterans' benefits and services	550	600
Aid to State and local government (e.g., deduction of State-local taxes)	4,600	6,150
Total	36,550	44,180

Source: App. B.

TABLE 8.—FEDERAL GOVERNMENT OUTLAYS AND RELATED ACTIVITIES

[Fiscal year 1969. In millions of dollars]

Function	Direct outlays	Selected tax aids	Government-assisted credit	Total
National defense	81,240	550	115	81,905
International affairs and finance	3,785	410	490	4,685
Space research and technology	4,247			4,247
Agriculture and rural development	6,221	1,000	2,308	9,529
Natural resources	2,129	1,765		3,894
Commerce and transportation	7,873	9,200	220	17,293
Community development and housing	1,961	4,800	8,656	15,417
Education and manpower	6,825	800	632	8,257
Health	11,696	3,000		14,696
Income security	37,399	15,905		53,304
Veterans benefits and services	7,640	600	1,558	9,798
Interest	15,791			15,791
General government	2,866			2,866
Assistance to State and local governments		6,150		6,150
Adjustments	−5,117		−2,244	−7,361
Total	184,556	44,180	11,735	240,472

APPENDIX B

EXPLANATION OF TAX AIDS

An important recent development in the effort to make the Federal Budget a more useful tool of economic policy has been an increasing awareness of the growing magnitude of fiscal benefits accruing to various categories of taxpayers. Over the years the Federal income tax structure has gradually accumulated a host of special deductions, credits, exclusions, exemptions and preferential rates designed to achieve various social and economic objectives. It has been recognized that these selective reductions in tax liabilities have the same fiscal impact on the budget surplus or deficit as direct increases in expenditures. In this context they have been termed "tax expenditures." A more appropriate term might be "tax aids."

In the broadest sense a tax aid can be defined as any identifiable reduction in tax liability by an individual or business compared to a tax base totally devoid of any deduction from income or distinction of treatment of different kinds of income. Such a definition of tax expenditures would include differences in tax liability because the individual was married or single, old or young, healthy or disabled, lived at home or abroad, was charitable or uncharitable, was a homeowner or renter, etc.

But to group together without distinction all deviations from a theoretically neutral tax system would be hopelessly cumbersome and reduce the usefulness of the tax expenditure concept as an added measure of the total fiscal impact of the Federal Budget. The more practical approach is to group by functional spending category those tax aids intended to encourage private action to resolve various social and economic problems or to give fiscal relief to those who might receive an inadequate share of current productive resources under a completely neutral tax system. In most cases these tax aids are clearly an alternative to an equivalent increase in Federal expenditures that would otherwise be required.

The first compilation of tax aids under this approach was published in the 1968 Annual Report of the Secretary of the Treasury. This compilation helped create public discussion and improved understanding of the program aspects of tax aids. It also helped to stimulate program analysis of tax aids, an approach which has received the endorsement of President Nixon. In his Tax Message to the Congress of April, 1969, the President stated:

> "Tax dollars the government deliberately waives should be viewed as a form of expenditure, and weighed against the priority of other expenditures. When the preference device provides more social benefit than government collections and spending, that 'incentive' should be expanded; when the preference is inefficient or subject to abuse, it should be ended."

In addition to its value as a catalyst for program analysis, the compilations focus on tax aids as important determinants of the size of budget deficits and surpluses. The overall magnitude of foregone revenues due to tax aids is substantial and, if the budget is not balanced, the deficit and surplus is only a small fraction of that magnitude. Year to year changes in tax aid magnitudes, either because of economic growth or through legislative actions, affect substantially the size of the budget deficit (or surplus) and the expansionary (or restrictive) course of the economy.

Table B presents an updating of data on estimated tax aids for the fiscal years 1968 and 1969 on the basis of the current functional breakdown of Federal expenditures. The present compilation is not intended to provide a full and complete accounting in a theoretical sense of all tax aids in the income tax aids—minimal in the sense of including only acceptable and practical choices. Certain tax provisions are omitted because their inclusion would require controversial or highly theoretical justifications. Others are omitted because the underlying data is difficult to compile and present in understandable form or because the amounts involved are not quantitatively significant. In short, the choice of the tax aids listed is largely governed by the criteria of public acceptability and practicality.[1]

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[1] For a detailed explanation of the tax aids in Table B, see *Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1968*. Washington, D.C., U.S. Government Printing Office, pp. 330–337.

APPENDIX TABLE B.—ESTIMATED TAX AIDS, FISCAL YEARS 1968 AND 1969

[In millions of dollars]

Tax aids by budget function	1968	1969
National defense: Exclusion of benefits and allowances to Armed Forces personnel	500	550
International affairs and finance:		
Exemption for certain income earned abroad by U.S. citizens	40	45
Western hemisphere trade corporations	50	55
Exclusion of gross-up on dividends of less-developed country corporations	50	55
Exclusion of controlled foreign subsidiaries	150	165
Exclusion of income earned in U.S. possessions	80	90
Total	370	410
Agriculture and rural development:		
Farming: Expensing and capital gain treatment	800	860
Timber: Capital gain treatment for certain income	130	140
Total	930	1,000
Natural resources:		
Expensing of exploration and development costs	300	330
Excess of percentage over cost depletion	1,300	1,430
Capital gains treatment of royalties on coal and iron ore	5	5
Total	1,605	1,765
Commerce and transportation:		
Investment credit	2,300	3,000
Excess depreciation on buildings (other than rental housing)	500	550
Dividend exclusion	225	260
Capital gains: Corporation (other than agriculture and natural resources)	500	525
Excess bad debt reserves of financial institutions	600	660
Exemption of credit unions	40	45
Deductability of interest on consumer credit	1,300	1,600
Expensing of research and development expenditures	500	550
$25,000 surtax exemption	1,800	2,000
Deferral of tax on shipping companies	10	10
Total	7,775	9,200
Community development and housing:		
Deductibility of interest on mortgages on owner-occupied homes	1,900	2,200
Deductibility of property taxes on owner-occupied homes	1,800	2,350
Excess depreciation on rental housing	250	250
Total	3,950	4,800
Income security:		
Disability insurance benefits		100
Provisions relating to aged, blind, and disabled: Combined cost for additional exemption for aged, retirement income credit, and exclusion of social security payments	2,300	2,700
Additional exemption for blind	10	10
Sick pay exclusion	85	95
Exclusion of unemployment insurance benefits	300	325
Exclusion of workmen's compensation benefits	150	180
Exclusion of public assistance benefits	50	50
Treatment of pension plans:		
Plans for employees	3,000	4,000
Plans for self-employed persons	60	135
Exclusion of other employee benefits:		
Premiums on group term life insurance	400	400
Deductibility of accident and death benefits	25	25
Privately financed supplementary unemployment benefits	25	15
Meals and lodging	150	165
Exclusion of interest on life insurance savings	900	1,000
Deductibility of charitable contributions (other than education)	2,200	3,000
Deductibility of child and dependent care expenses	25	25
Deductibility of casualty losses	70	80
Standard deduction	3,200	3,600
Total	15,550	18,905
Health:		
Deductibility of medical expenses	1,500	1,600
Exclusion of medical insurance premiums and medical care	1,100	1,400
Total	2,600	3,000
Education and manpower:		
Educational expense deduction		40
Additional personal exemption for students	500	500
Deductibility of contributions to educational institutions	170	200
Exclusion of scholarships and fellowships	50	60
Total	720	800
Veterans' benefits and services: Exclusion of certain benefits	550	600
Aid to State and local government:		
Exemption of interest on State and local debt	1,800	2,000
Deductibility of nonbusiness State and local taxes (other than on owner-occupied homes)	2,800	4,150
Total	4,600	6,150

S. 3972—INTRODUCTION OF A BILL TO INCREASE THE ABILITY TO DEAL WITH THE PROBLEM OF AIR PIRACY

Mr. PEARSON. Mr. President, I am introducing today a bill designed to increase our ability to deal with the problem of air piracy, better known as hijacking.

Unfortunately, the American public has not fully appreciated, in my opinion, the severity of this reoccurring phenomenon. It appears there is an atmosphere of levity about the problem. However, I would like to remind the public and the Members of this body that since 1961 there have been 85 attempted or successful hijackings. And, because it is a fact of life that certain people, because of mental imbalance, desperation, or other motives are tempted to hijack airplanes, there will undoubtedly be more. Next time, Mr. President, we may not be as lucky as we have been over the last decade; we may loose a 747 or a 727-200 with tremendous loss of life and property.

Following the most recent incident of this type which occurred at Dulles International Airport, and during which one pilot—a resident of my State—was wounded, I asked representatives from the airlines, airline pilots, and airport operators to meet with John Shaffer, the Administrator of FAA; Secor Browne, the Chairman of CAB; and representatives of the Justice and State Departments and me to discuss this problem. The interchange of ideas that occurred during our meeting was most helpful, in my opinion.

But the solutions to this problem are varied and numerous, as our discussion indicated and as experts in this area well know. There are international problems, involving our relations with Cuba and other sanctuaries. The Tokyo Convention, to which the United States is a signatory nation, was an attempt to work out an initial agreement among many nations on this point. As of yet, however, it has been of little practical benefit. No requirement exists which compels the return of a hijacker to the country where the crime is committed; no requirement exists which compels the nation where the hijacked aircraft lands to bring the defendant to trial. As President Nixon stated in a plea to the United Nations for high priority in this matter:

> This is an issue which transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air passenger, and the integrity of that structure of order on which a world community depends.

Toward that end, representatives of the nations who are members of the International Civil Aviation Organization are meeting in Montreal for 3 weeks beginning today on this very subject of hijacking, as well as sabotage.

Second, this is an aviation problem. Perhaps, as CAB Chairman Secor Browne has indicated, this is the No. 1 problem affecting the aviation industry. Indeed, he has publicly stated that there may be a need for bolder, stronger leadership within aviation management, reminiscent of the individuals who pioneered the early development of the industry. For my part, it requires no particular insight to imagine what the loss of one or possibly two aircraft within a short period of time would do to the passenger revenue of the airline business. Clearly, there are economic reasons—aside from the other considerations—why we must find an answer to hijacking.

But more important, Mr. President, we must solve the problem of air piracy because it involves lives. I would like to read a letter which I recently received from a constituent of mine. Her name is Mrs. Herbert W. Barnett and her husband is a pilot for TWA. She writes:

> Today, the headlines hit home. A TWA Captain has been shot because hijacking has not been put to an end.
>
> My husband is a TWA Flight Engineer. He looks forward to 27 more years in the cockpit—if he isn't killed or injured for life by a hijacker.
>
> We have a four-month old son. What future shall we hope for?
>
> We gave our all for our country when my husband flew a B-57 over Vietnam. When is the country going to back us up?
>
> What have you done, and what is going to be done to make airliners safe from hijacking? Please don't wait until an aircraft full of lives is wasted.
>
> Please act today on this. Thank you.
>
> Sincerely,
>
> MRS. H. W. BARNETT.

Mr. President, in 1961 the Congress enacted Public Law 87–197, entitled the Air Piracy Act, which was intended to provide adequate tools for the prosecution and, hopefully, the deterrence of air piracy. The bill I am introducing today would add two additional tools to better implement the intention of that act. First, 49 U.S.C. section 1472, subsection (i) would be amended so as to provide differential penalties. For example, there is a need for legislation to allow a lesser penalty to be imposed on a hijacker who, after taking over an airliner, surrenders his weapons and his control of the aircraft.

Under the present mandatory sentence, an air pirate has nothing to gain by abandoning his adventure once he begins. The proposed amendment would offer an inducement to any hijacker who, through persuasion by the crew or by law enforcement authorities, decides to abandon his dangerous escapade. Second, 49 U.S.C. section 1472 would be amended so as to provide a penalty of $5,000 or 5 years' imprisonment or both for carrying a concealed weapon aboard or in an attempt to board an aircraft. Presently, the act provides a penalty of only $1,000 fine or 1 year's imprisonment or both, which is in the category of a misdemeanor in some jurisdictions.

Not only would this amendment elevate the penalty so as to make the act a better deterrent, but it would also strengthen the authority of a law officer conducting a protective search.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks, and I urge that it be considered at the earliest possible date.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3972) to amend the Federal Aviation Act of 1958 to provide proper penalties in the event of aircraft piracy, and for other purposes, introduced by Mr. PEARSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. section 1472), is further amended as follows:

(1) Subsection (i) is amended by inserting immediately before "by death" in subparagraph (1)(A), and immediately before "by imprisonment" in subparagraph (1)(B), "except as provided for in paragraph (3)" and by inserting the following new paragraph:

"(3) Notwithstanding the penalties outlined in paragraph (1) of this subsection, in the event any person who commits or is in the process of committing aircraft piracy shall, upon being advised by a crew member of the aircraft of the penalties contained in paragraph (1) surrender himself and whatever weapons he may have to the crew member thus allowing the aircraft to land at either its original destination or a point under control of the United States of America, he shall not be subject to the penalties contained in paragraph (1) but in lieu thereof shall be imprisoned for not more than five years.

(2) Subsection (j) is amended by striking "Whoever" and inserting in lieu thereof, "Except as provided for in paragraph (3) of subsection (i) of this section, whoever"; and

(3) Subsection (h) and (1) are amended by striking "$1,000" and "one year" whenever appropriate and inserting in lieu thereof "$5,000" and "five years".

S. 3973—INTRODUCTION OF RADIATION HEALTH AND SAFETY ACT OF 1970

Mr. RANDOLPH. Mr. President, in recent years, major advances have been made in our ability to treat many diseases and infirmities and in upgrading the availability and quality of medical and paramedical health practices in the United States. It is generally understood, however, that further improvements are possible. One area for improvement is in the medical and dental usage of radiation for diagnostic purposes.

Standard-setting bodies such as the Federal Radiation Council, the National Committee on Radiation Protection, and the International Commission on Radiological Protection have warned that any exposure to radiation may carry some risk for the development of public health effects including leukemia and other malignancies as well as genetic effects. It is indicated that down to the lowest dosage levels the risk of inducing disease or disability increases with the dose accumulated by the individual. This implies that there is no wholly safe dose of radiation.

A prudent public health policy requires the basic assumption that there is a linear relationship between radiation exposure and the damage it produces in man. There is likewise no exposure so small—including that from natural background radiation—that the probability of damage is zero.

Diagnostic radiation exposure techniques are an essential and extremely valuable medical tool resulting in the saving of 100,000 or more lives per year.

Yet, it is generally recognized among public health officials that diagnostic medical and dental X-ray usage in the United States results in more radiation exposure than is necessary. A 1969 Public Health Service report on population exposures to ionizing radiation indicates that an individual in the United States receives approximately three times as much radiation from a diagnostic X-ray exposure as is necessary. Through the same examination an individual in the United States receives approximately twice the radiation exposure as in England. It is reported that this exposure could be reduced by one-tenth through proper training. By comparison, a person in the United States receives 50 times as much radiation exposure from medical X-rays as from the nuclear power industry.

Dr. Karl Morgan, internationally known scientist and founder of the American Health Physics Society, reports there is strong evidence that there are between 3,000 and 30,000 needless deaths per year in the United States as a consequence of genetic mutations and several forms of somatic damage from these same techniques.

More significant, however, is the contention that, according to Dr. Morgan, there are 63 ways by which medical diagnostic X-ray exposures could be reduced by a factor of 10. These include education, training, certification, motivation, and better equipment and techniques. Although significant benefits are derived from medical diagnostic X-rays, to allow overexposures to continue, reflects little credit on our society.

Considering the public health and safety implications of excessive human exposure to ionizing radiation, it seems unrealistic to allow the pursuit of professional excellence in radiation technology to remain voluntary.

I do not discount the efforts of the American Registry of Radiologic Technologists or the efforts of the States of New York, New Jersey, and California, but national guidelines must be provided for the training and licensure of radiologic technicians. Professional excellence in radiologic technology can only be served by State legislation if the ultimate impact on the profession is national in scope and substance. Consequently, national guidelines should be in my opinion, provided for the States.

Mr. President, on behalf of myself and Senators EAGLETON, GRAVEL, HART, JAVITS, MONDALE, MOSS, MUSKIE, STEVENS, and WILLIAMS of New Jersey, I introduce the Radiation Health and Safety Act of 1970 and ask that it be referred to the Committee on Labor and Public Welfare. I invite other cosponsors.

I also ask unanimous consent that the text of the bill, and a list of references on this subject, he printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill and list of references will be printed in the RECORD.

The bill (S. 3973) to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation, introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare and ordered to be printed in the RECORD as follows:

S. 3973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radiation Health and Safety Act of 1970."

SEC. 2. It is the purpose of this Act to—

(a) assure adequate training of radiologic technicians by providing for the establishment of criteria and minimum standards for accrediting schools for the training of radiologic technicians;

(b) provide for the establishment of criteria and minimum standards for the licensure of radiologic technicians; and

(c) provide for State adoption and administration of programs for the accreditation of education institutions training radiologic technicians and programs for the licensure of radiologic technicians, with authority for the Secretary to take necessary action in the absence of State action.

SEC. 3. Title III of the Public Health Service Act is amended by inserting after Part F, Subpart 3, Section 360F, the following:

"'SUBPART 4—RADIOLOGIC TECHNICIANS"

"DECLARATION OF PURPOSE"

SEC. 360G. The Congress finds and declares—

"(a) that, consistent with the recommendations of the Federal Radiation Council, the National Committee on Radiation Protection, and the International Commission on Radiological Protection, it is in the national interest and in the interest of public health and safety to minimize exposures of the public to ionizing radiation from all sources;

"(b) while the operation and use of radiologic equipment is essential in modern medicine, even the most advanced equipment will not adequately protect the health and safety of patients subjected to radiologic diagnosis or therapy and the health and safety of radiologic technicians operating radiologic equipment, including their progeny, unless these technicians are fully trained and qualified in the operation of such equipment so as to avoid unnecessary exposure to ionizing radiation;

"(c) that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic technicians and that any person who operates radiologic equipment should be required to demonstrate competence by training, experience, and examination; and

"(d) that the protection of the public health and safety from unnecessary exposure to ionizing radiation from all sources is the primary responsibility of State and local government, within minimum criteria and standards established by the Federal government."

"RECOMMENDED CRITERIA AND STANDARDS"

"SEC. 360H(a). The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1970, develop and issue to the States criteria and minimum standards for the accreditation of education institutions conducting programs for the training of radiologic technicians. Such criteria and standards shall be published in the Federal Register.

"(b) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1970, develop and issue to the States criteria and minimum standards for licensure of radiologic technicians, and such other advice and assistance as he deems necessary. Such criteria and minimum standards may distinguish between medical and dental radiologic technicians and technicians-in-training. Such criteria and standards shall be published in the Federal Register.

"(c) In establishing criteria and minimum standards under this section the Secretary shall consult with State health departments and appropriate professional organizations including, but not limited to, the American Society of Radiologic Technologists, the American Registry of Radiologic Technologists, the American Dental Association, the American Medical Association, the American College of Radiology, the American Association of Physicists in Medicine, and the Health Physics Society.

"(d) The Secretary shall give to the States such other advice and assistance as will encourage them to enact and enforce appropriate laws and standards. Such advice and assistance may include model laws and training curriculums, and training aids.

"(e) The Secretary shall, from time to time, revise the criteria and standards material issued by him pursuant to this section.

"STATE ACCREDITATION AND LICENSURE"

"SEC. 360I(a). The training and licensure of radiologic technicians who intend to operate any radiologic equipment in the application of ionizing radiation to humans in any State or States shall be subject to the provisions of this section.

"(b) Consistent with the policy declaration of this Subpart, State and local government shall be encouraged to minimize exposures of the public to ionizing radiation from all sources and shall not be displaced by Federal action except as otherwise provided under subsections (c) or (d).

"(c) After receiving any criteria and minimum standards issued pursuant to section 360H for the accreditation of educational institutions conducting programs for the training of radiologic technicians, the Governor of a State may file with the Secretary a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for accreditation of educational institutions conducting programs for the training of radiologic technologists issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for the accreditation of educational institutions for the training of radiologic technicians shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of the Subpart, such State standards shall be the standards applicable to such State.

"(d) After receiving any criteria and minimum standards issued pursuant to section 360H for the licensure of radiologic technicians or technicians-in-training, the Governor of a State may file a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for licensure of radiologic technicians and technicians-in-training issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for licensure of radiologic technicians shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of this Act, such State standards shall be the standards applicable to such State.

"(e) For the purpose of implementing licensure of radiologic technicians, the Secretary may certify appropriate Federal and State professional licensing organizations.

"(f) The Secretary shall annually review programs established pursuant to this subpart and shall suspend the effectiveness of any standards or regulations as to accreditation or as to licensure with respect to any State or certified professional licensing organization when he determines that administration of such State program is inconsistent with the purposes of this subpart or revised criteria and minimum standards issued pursuant to subsection 360H(e).

"PROHIBITED ACTS

"SEC. 360J(a). Upon the effective date of regulations and standards established pursuant to the subpart, it shall be unlawful for any institution to conduct a program for training of radiologic technicians unless accredited by the Secretary or a State program approved by the Secretary, or for any individual to operate any radiologic equipment in application of ionizing radiation to humans unless he is a licensed medical practitioner, a licensed dentist, a licensed dental-hygienist, holds a valid radiologic technician's license, or holds a valid technician-in-training license and is under the supervision of a licensed radiologic technician.

"(b) The district courts of the United States shall have jurisdiction, for cause shown, to retain violations of this section. The district courts of the United States shall also have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce the provisions of this section.

"(c) (1) Any violation of this subsection by the owner or operator of an educational institution, or an individual operating medical radiologic equipment shall be subject to a civil penalty of not more than $1,000. For the purposes of this section, any such violation shall be with respect to each act or omission made unlawful by this section.

(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

"(d) Actions under this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(e) Nothing in this subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law."

The list of references, presented by Mr. RANDOLPH, is as follows:

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Morgan, K. Z., "Risks from Diagnostic X-Rays," *Yale Scientific,* Vol. 43, No. 5 (1969).

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S. 3975—INTRODUCTION OF A BILL TO CARRY INTO EFFECT A PROVISION OF THE CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY, AS REVISED AT STOCKHOLM, SWEDEN, JULY 14, 1967

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, by request, a bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

I am introducing this bill at the request of the Department of Commerce. The provisions of this legislation do not necessarily reflect my personal views, but do warrant the active consideration of the Senate.

The bill amends sections 102(d) and 119 of title 35, United States Code. Section 119 presently provides for the award of a right of priority for applications filed in the United States on the basis of foreign applications for patents. A U.S. application, under the provisions of section 119, must be filed within 1 year of the date of filing of the foreign application in order to receive a right of priority, and the foreign application on which priority is based must have been filed in a country which itself accords a right of priority on the basis of earlier filed U.S. applications for patent.

The bill would provide for a right of priority on the basis of applications for inventors' certificates as well as patents, subject to the same requirements for such a right as now apply in the case of priority based on a foreign patent application. The recognition of priority rights on inventors' certificates in the foreign countries concerned is conditioned on the availability to applicants of the option of obtaining either patents or inventors' certificates in these foreign countries and on adherence to the Stockholm Revision of the Paris Convention.

The bill, by its amendment of section 102(d), would preclude the granting of U.S. patents on the basis of earlier inventors' certificates under the same conditions as foreign patents bar the obtaining of a patent in the United States.

The bill would come into effect, as to the granting of priority, on the date that the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm, July 14, 1967, comes into force with respect to the United States and would apply only to applications filed in the United States thereafter. The amendments at section 2 of the bill, concerned with the effect of an inventor's certificate in barring a U.S. patent, would come into effect 6 months after the date of taking effect in the United States of the Stockholm Revision of the Paris Convention.

I ask unanimous consent that the language of the bill appear at this point in the Record.

The PRESIDING OFFICER (Mr. Bellmon). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3975) to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967, introduced by Mr. McClellan, by request, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of title 35 of the United States Code, entitled "Patents", is amended by adding at the end thereof the following paragraph:

"Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing.

Sec. 2. Subsection 102(d) of title 35 of the United States Code is amended by adding ", or was the subject of an inventor's certificate," after "or caused to be patented" and by adding "for patent or inventor's certificate" after "on an application", so that the subsection reads: "the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate, filed more than twelve months before the filing of the application in the United States, or"

Sec. 3(a) Section 1 of this Act shall take effect on the date when the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, comes into force with respect to the United States and shall apply only to applications thereafter filed in the United States.

(b) The amendments to subsection 102(d) of title 35 of the United States Code, at section 2 of this Act, shall take effect six months from the date when the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, comes into force with respect to the United States and shall apply to applications thereafter filed in the United States.

ADDITIONAL COSPONSORS OF BILLS

S. 3737

Mr. BAKER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. Eagleton) be added as a cosponsor of S. 3737, to exempt from certain deep draft safety statutes passenger vessels operating solely on the inland rivers and waterways.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

S. 3745

Mr. COOPER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Hatfield) be added as a cosponsor of S. 3745, to amend existing Federal disaster assistance legislation, and for other purposes.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

S. 3774

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of Senators Brooke, Case, Eastland, Muskie, Pell, Tower, Thurmond, and Williams of New Jersey be added as cosponsors of S. 3774, to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

S. 3867

Mr. CHURCH. Mr. President, at the request of the Senator from Massachusetts (Mr. Kennedy), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

S. 3964

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. Pell) be added as a cosponsor of S. 3964, to make rules respecting military hostilities in the absence of a declaration of war.

The PRESIDING OFFICER (Mr. Allen). Without objection it is so ordered.

SENATE RESOLUTION 419—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE UTILIZATION OF AVAILABLE FUNDS TO MEET CERTAIN PAYROLL OBLIGATIONS PROVIDED FOR IN THE SECOND SUPPLEMENTAL APPROPRIATION ACT, 1970

Mr. ELLENDER submitted a resolution (S. Res. 419) to authorize the utilization of available funds to meet certain payroll obligations provided for in the Second Supplemental Appropriation Act,

1970, which was considered and agreed to.

(The remarks of Mr. ELLENDER when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 62

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of Senate Concurrent Resolution 62, to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 16, 1970, he presented to the President of the United States the following enrolled bills:

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 1479. An act to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; and

S. 2940. An act to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENT

AMENDMENT NO. 700

Mr. KENNEDY. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 3867) the Employment and Training Opportunities Act of 1970.

My amendment retains much of the language in the present version of title VI, the Indian manpower services portion of the act. The distinguished Senator from Wisconsin (Mr. NELSON), who authored this imaginative and forward-looking legislation, has introduced a measure which clearly steps over the line from rhetoric to commitment, from good intentions to action. For too long the Congress has been aware of the condition of Indians and Alaskan natives; Government has characteristically paid only lip service to fulfilling its pledge to support their development. Passage of the Employment and Training Opportunities Act will represent a significant Federal commitment to the long-term reduction of unemployment in the country; my amendment provides a vehicle for meeting a long overdue obligation to the most overstudied group of Americans.

The Indian's boredom and frustration with the "lo-the-poor-Indian" syndrome is roughly equatable with the non-Indian guilt for having done so little to support Indian remedies for their own problems. Indeed, the history of even well-intended efforts to "help the Indians" is distinguished by failure—precisely because those efforts tried to make the Indian over into someone he is not. Each time the Government offered help it attached, explicitly or implicitly, a simple but unconscionable condition—the condition that Indians give up their cultural identity. This, coupled with policies and practices which were calculated and implemented to destroy Indian identity and to expropriate Indian resources, attests poorly to the larger society and the Government it created in the name of cultural plurality.

But even where past Government practices have resulted in Indian feelings of guilt and inferiority about their own identity, American Indians have steadfastly refused to give up their identity as the price for economic security.

The poverty and lack of development in native American communities are the results of misplaced governmental priorities which call for expenditure of billions of dollars annually to support economic development and military security on behalf of nations outside its own borders, with no corresponding long-range commitments to its own native peoples.

Yet even our foreign aid to "neutral" nations is not contingent upon the abandonment of identity of the people of those nations. Indeed it is extended to prevent the encroachment of externally imposed governments and ways of life. Little wonder, then, that Indian songstress Buffy Sainte-Marie sings of "The genocide, basic to this country's birth" from colonialism, and of the "blue-white and starlit hypocrisy" of Federal policy. Small wonder then that Vine Deloria, Jr., a Standing Rock Sioux and author of "Custer Died for Your Sins," observes:

> When Indian people remember how weak and helpless the United States once was, how much it needed the good graces of the tribes for its very existence, how the tribes shepherded the ignorant colonists through drought and blizzard, kept them alive, helped them grow—they burn with resentment at the treatment they have since received from the United States government.
>
> It is as if a man had invited a helpless person to his home, fed and clothed him until he was strong and able to care for himself, only to have the person he had nursed wreak incredible havoc on the entire household. And all this destruction in the name of help. It is too much to bear.

Mr. President, no useful purpose would be served here by yet another long documentation and description of Indian poverty and deprivation. The hearings, field reports, and final report of the Special Subcommittee on Indian Education and the compilation of papers on economic development in native American communities prepared by the Joint Economic Committee contain extensive data and vivid descriptions of the living conditions of American Indians and Alaska natives. It should suffice to say that while Indians and Alaska natives represent about 1 percent of our population, they constitute roughly 10 percent of the Nation's unemployed.

Joblessness on some reservations runs as high as 80 percent—or 16 times as high as the currently unacceptable national average. Three-quarters of reservation Indian families have earned incomes of less than $3,000 per year. The conditions imposed by this destitution on the lives of these people serve to reinforce its perpetuation.

In his paper on the Navajos in the Joint Economic Committee compendium, Dr. David Aberle describes how both poor housing and lack of adequate roads and water systems tend to prevent men from taking training and jobs, even if they were available. The need for fuel and water requires that many Navajo men spend several hours a day gathering wood and carting water from wells—sometimes from as far as 4 miles away, and seldom less than a quarter of a mile away from their homes. Thus poverty and attendant living conditions can serve to prevent participation in reservation labor forces. Comparatively low-labor force participation rates for Indians are thoroughly documented in another part of the Joint Economic Committee compendium by Dr. Alan Sorkin, who as a member of the Brookings Institution staff visited numerous reservations in conducting his study of Indian unemployment.

Mr. President, this body had been content for too long with simply turning out descriptions of every last thread in the fabric of Indian poverty. Indians and Alaska natives are tired and angry with the repetitious descriptions of their deprivation. They are also tired and frustrated with the machinery of Government that has done little or nothing to change those conditions, much less to furnish the resources with which Indians could begin to change those conditions on their own behalf. Moreover, they are increasingly impatient with being described as "not knowing what they want" and as not having the capability to accomplish what they want if they did know—especially as they can show the countless and largely ignored articulate statements of their leaders and the long list of approved but unfunded projects which they have designed for their own development.

It is to Senator NELSON's great credit, Mr. President, that the major provisions of title VI of the Employment and Training Opportunities Act are based upon Indian articulation of their own needs. So also are the major features of the amendment I am introducing today.

Section 601(a) of the amendment to title VI acknowledges the fact of serious Indian unemployment and the need for comprehensive Indian manpower programs. It also, and most importantly, acknowledges the need for Indian determination and direction of the programs which affect their lives.

Section 601(b) is a declaration that in order to meet those recognized needs, the program can best be administered at the national level. In testifying on various manpower proposals before the Employment, Manpower and Poverty Subcommittee, Mr. Bruce Wilkie, executive director of the National Congress of American Indians, stated that while he was in sympathy with the need

to bring more order and clarity to the maze of available manpower programs:

> We (the NCAI) are concerned that if the States obtain complete control of funding of manpower training, Indian reservations in many states will not receive their fair share of available funds—There is even more reason to doubt the effectiveness of a State administered program in the case of Indian reservations where historically the needs of Indian poor have met with indifference, if not outright hostility by State officials.

And as former director of the community action program of the Makah Indian Reservation, Mr. Wilkie has first-hand knowledge of the problems to be encountered in the distribution of resources at the State level. His reservation is located on the tip of the Olympic Peninsula on Pudget Sound in the State of Washington, roughly 150 miles from Seattle. Half of that distance is covered by a treacherous two lane road with 180 switchbacks paved over washouts of glacial rubble, with dangerous rock overhangs. The Makahs, while making substantial efforts to improve the effectiveness of their fishing industry and other development projects, are seriously hampered by the lack of adequate land access to the nearest major market area. Thus the problem of reservation development and State relations extends beyond the borders of the reservation.

In Arizona, the development of increasing tourism for the Havasupis in the Grand Canyon is likewise hampered by the absence of a good road from the main highway to the rim of the canyon. A congressional staff member queried a former member of the State legislature in that State who was "interested in Indians" about why needed improvements were recognized but not met. The answer was to the effect that there were not enough votes in that remote area to justify the expenditure.

Mr. Wendell Chino, distinguished former president of the National Congress of American Indians and chairman of the Mescahero Apache Tribal Council, cites the lack of State cooperation as a major deterrent to development of his reservation in a statement prepared for the National Council of Indian opportunity. That observation is echoed several times over in the "Outreach Report" currently being prepared by that organization and based on field evaluations conducted by Indians. To these can be added the testimony of representatives from Sioux Tribes in North and South Dakota before the Manpower Subcommittee last March, and an evaluation of Indian manpower programs conducted by the Labor Department itself.

However, the need to administer Indian manpower programs at the national level extends beyond the need to insure an equitable distribution of training resources to programs responsive to special Indian needs. For one matter, there is the special nature of the trust relationship between the Federal Government and many Indian communities. This includes not only reservation communities, but includes, for example, Oklahoma, which has a large and impoverished Indian population and no reservations. For another matter, administration of Indian manpower programs at the national level is necessary to avoid conflicts which might arise in cases where tribes have legal suits pending against State governments for restoration of rights or property. Support for manpower development programs should not in any way be subjected to pressure for withdrawal because of adversary proceedings against State governments.

By the same token, Mr. President, nothing in the language of this title would preclude Indian groups from availing themselves of State services, if indeed those services were deemed relevant by Indians to their current manpower problems.

Section 601(b) of my amendment further declares that the programs and resources provided under the title shall not be limited to federally recognized tribes and bands. To do so would amount to exclusion of Alaskan natives, terminated tribes such as the Menomenees and Klamaths, tribes and bands in New York State and Maine, and other Indian groups whose needs are manifest.

Finally, section 601(b) declares that programs provided by this title shall be administered with a maximum of Indian determination and direction. A major failure of Indian policy in the past has been the construction of programs which are more in the name of Indians than in the interest of Indians. To initiate yet another program in that cast would be to invite a perpetuation of past failures with attendant waste of public resources. Those Senators who served with me on the Special Subcommittee on Indian Education agree that the single most important improvement to be gained in Indian education programs is a substantial increase in Indian direction and involvement in their development and operation. In the strong words of four minority members of the subcommittee:

> We stress realization over promise, especially as concerns what is the most important recommendation contributed by the Republican membership of the Subcommittee; namely, a means to achieve the guidance of Indians by themselves of the education of their own children.

The remaining sections of this title are designed to implement this commitment to maximizing Indian involvement in programs relating to Indian development. Section 602(a) provides that the Secretary of Labor shall create an Office of Indian Manpower Services in the Department of Labor. Section 602(b) directs the Secretary of Labor to appoint a director of that office who is of native American descent. In making this appointment, the Secretary of Labor should seek the advice of Indian members of the National Indian Manpower Advisory Committee established under section 604 of this title, as well as representatives of existing Indian organizations.

Section 603(a) is aimed at insuring adequate flexibility for programs funded under the provisions of this title. Especially in light of the serious economic development needs in native American communities, the design of appropriate Indian manpower programs should not be rigidly constrained by literal application of present guidelines and restraints. In carrying out both the spirit and intent of this title, it is of critical importance that the Office of Indian Manpower Services is free to work with Indian communities to arrive at programs which are consonant with the overall social economic objectives of those communities.

As a general matter, Indian manpower programs should seek to serve individual as well as community development and individual security as well as economic viability for the community. However, specific programs aimed at those goals may well vary from community to community. Too much of the limited resources for manpower programs has so far been used to train Indians for jobs they already know how to perform, or which are available only in places where Indians do not want to go. On-the-job training funds have been used more as subsidies to non-Indian enterprises than to promote Indian development. There have been cases where such non-Indian enterprises have located on reservations, in facilities constructed with tribal funds, only to pull up stakes and leave when the subsidy created in the name of training dried up.

The lack or slowness of development in Indian communities has until now served as an excuse to emphasize relocation of Indians to urban areas where many jobs already existed. And yet it is well known that many Indians have left their home communities reluctantly and would prefer to return if they could. Indians who want to avail themselves of training opportunities in the larger society should be free to do so. However, that choice should be based on the availability of such opportunities in their home communities as well.

Simply stated, Mr. President, relocation and training should not be used as a one-way street to propel Indians into the non-Indian mainstream, "out of our pocketbooks and off our consciencies." To the greatest extent possible off-reservation training should be consistent with the needs and opportunities implied by reservation development programs. To that end both tribal governments and the Office of Indian Manpower Services must work toward insuring the creation of employment opportunities which are consonant with economic and social development.

The fact that development has lagged in Indian communities should not be construed to reflect lack of interest or effort on the part of Indians. Alaska natives are working on the establishment of their own development corporation. Ways are being sought to establish a pan-Indian development bank. Efforts are being made to create an intertribal marketing organization which would increase the return to Indians on their unique craft skills.

At the tribal level, the Zuni Pueblo has constructed a thoroughly integrated 5-year development plan. Its articulation matches activities and their scheduling against the resources which will be required to carry it out. In Bethel, Alaska, natives have organized a fishing, processing, and marketing cooperative. This co-op is an excellent example of an effort which builds on a traditional native activity and by utilizing modern equipment and techniques increases the return to natives for their efforts. On the Lumnee Reservation in Washington, the tribe has embarked on the development of an aquatic farm that will produce a variety of marketable products. Tribal members provided all of the construction effort for the endeavor, and when it becomes fully operational it is expected to generate an average family income of $8,000 or more. In Minnesota, some Chippewa bands are seeking resources to expand the production of wild rice. And the Makah Tribe in Washington has established a fleet of modern fishing vessels—designed to their specifications—in order to take greater advantage of the productive salmon waters of Puget Sound.

These efforts, Mr. President, suggest a whole range of potential training activities including management and marketing skills, banking skills, and a host of others which not only will provide more adequate incomes but which are necessary for development efforts. Every group served by this title should be encouraged to think and plan imaginatively about the content of their training programs. They should not be burdened by the folklore that Indians can only work with their hands or will only work during certain times of the year. Resources provided by this measure might be used for training programs in various aspects of tribal government, in community services skills needed for health, education, legal or any other program which a group has deemed important to its comprehensive development. Where skills are present in some Indian communities, resources provided by this measure might be used by other groups to obtain training and technical assistance from Indians. For example, a program might be developed which would permit other reservations to avail themselves of the planning capabilities of the Zuni Pueblo.

XUM

Given the seasonal nature of economic activity in many communities, programs might be designed to provide members with multi-occupational capabilities. Reservations in particular are not subjected to the structural and organizational rigidities of the overall labor market. An intertribal group might wish to sponsor and operate a training facility such as the Northwest Indian Manpower Skills Center on the Flatland Reservation in Montana. This facility, which is presently idle, could become an exemplary training program staffed and administered by the participating tribes, with a curriculum designed to serve reservation employment needs, and with involvement of the participating tribes in all manpower functions from enrollee recruitment to graduate placement.

I have advanced these examples, Mr. President, to suggest the spirit of this title—not to impose specific tasks on Indians or their communities. In presenting this amendment I hope that Indians can gain more assurance that Congress is lifting the yoke of stereotyped attitudes toward them and intends to support their search for meaningful programs to meet their needs as they perceive them.

Section 603(b) of this title is of utmost importance to this program. Without providing for a binding assurance that funds would be available to carry out this program, Indians would have been left with what could be characterized as a shiney new vehicle without wheels or a motor. Without funds to implement and sustain training programs, Indians might well view this act as yet another token gesture, much sound signifying nothing. Development assistance to Indians has been praised in principle for a decade by Government officials and promised for almost as long by candidates for public office. The substance of this measure and the resources provided for in this section represent an important part of delivering on the commitment.

It should be realized that manpower programs in general are presently funded well below the level of need. In the case of Indians, the amount provided will also continue to be less than needed, especially in light of the extent of their economic disadvantage. My amendment, however, attempts to make their share of available funds commensurate with their share of the burden of unemployment in this country. It also attempts to assure them that they will share commensurately when a reordering of national priorities permits an increase in the allocation of resources to support human development programs.

Section 604 of this title is designed to give Indians an advisory as well as an administrative capacity in the design and operation of their manpower development programs. Moreover, the National Indian Manpower Advisory Committee could usefully serve the purpose of evaluating the effectiveness of programs in terms of standards developed by groups involved with those programs.

Section 605 directs that a special section of the manpower report of the President be devoted to a description of the programs carried out under this title. As the program begins there will be some unavoidable confusion, and mistakes will be made. This section of the manpower report should be openly frank about the problems encountered and the remedies required. Neither the program nor the report should be preoccupied with short-term successes designed merely for the image of program administrators rather than for the realities of Indian needs and program development.

Finally, there is the need to assure native Americans that this legislation in no way impairs their trust status with the United States. Agencies of the Government other than the Labor Deparment are not relieved of their responsibilities to Indians and Indian communities when this act becomes law. In the past, Indians have tended to view legislation enacted for their benefit as disguised efforts to terminate their trust relationship with the United States. This amendment—in word and intent—is an Indian development title, not a termination bill. It is a commitment to action, not to lip-service to the "Indian problem."

Mr. President, I ask unanimous consent that the amendment be printed in full in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 700) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 700

Proposed amendment to S. 3867: Strike present language of title VI and insert the following:

TITLE VI—INDIAN MANPOWER SERVICES STATEMENT OF FINDINGS AND PURPOSE

SEC. 601. (a) The Congress finds that (1) serious unemployment and economic disadvantage exits among members of Indian and Alaskan Native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life-styles.

(b) The Congress therefore declares that because of the special relationship between the Federal government and most of those to be served by the provisions of this title (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands and individuals and to other groups and individuals of native American descent such as, but not limited to, the Minomenees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the federal commitment to support growth and development as determined by representatives of the communities and groups served by this title.

ESTABLISHMENT OF OFFICE OF INDIAN MANPOWER SERVICES

SEC. 602 (a) There is hereby established in the Department of Labor an Office of Indian Manpower Services which, under the direction of the Secretary of Labor, shall have responsibility for administering the Indian Manpower Services Programs authorized by this title.

(b) The Secretary of Labor shall appoint a qualified person of native American ancestry as Director of the Office of Indian Manpower Services. The appointment of the Director and such staff as may be required shall be without regard to the provisions of title 5, United States Code, relating to the competitive service, but such appointees shall be entitled to the same rights, privileges, and benefits provided employees in such service.

ELIGIBLE ACTIVITIES AND APPROPRIATIONS

SEC. 603. (a) The programs and activities for which funds under this title may be expended shall include but not be limited to the programs and activities authorized under other titles of this Act, and such other programs and activities as the Secretary deems necessary to carry out the purposes of this title.

(b) To carry out the provisions of this title, not less than ten percent of all funds appropriated in each fiscal year under the provisions of this Act shall be expended for programs established pursuant to this title.

NATIONAL INDIAN MANPOWER ADVISORY COMMITTEE

SEC. 604. The Secretary of Labor shall appoint a National Indian Manpower Advisory Committee which shall consist of at least 5 but not more than 10 members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Committee membership, which shall designate its own chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment and manpower and to the carrying out of his duties under this title. Such Committee shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Committee shall be paid compensation at a rate not to exceed the daily equivalent for a GS-18 while engaged in the work of the National Indian Manpower Advisory Committee, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Director and staff of the Office of Indian Manpower Services shall provide the Committee with such services as may be necessary for the Committee to carry out its functions.

Sec. 605. A special section of the Manpower Report of the President shall be directed to describing the activities prescirbed under the provisions of this title.

Sec. 606. No provision of this Title shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 701

Mr. THURMOND proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

(The remarks of Mr. Thurmond when he proposed the amendment appear later in the Record under the appropriate heading.)

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970—AMENDMENTS

AMENDMENTS NOS. 702 THROUGH 704

CIVIL RIGHTS AMENDMENTS TO SECOND SUPPLEMENTAL APPROPRIATIONS BILL

Mr. MONDALE. Mr. President, I rise today to submit for myself, Mr. Case, Mr. Kennedy, Mr. Muskie, Mr. Javits, Mr. Bayh, Mr. Brooke, and others, three amendments to H.R. 17399, the second supplemental appropriations bill. These amendments are technical revisions of amendments 690, 691, and 692 which I submitted last week.

This bill, which was reported by the Appropriations Committee on June 8, contains the $150 million that the administration seeks under existing legislative authority to assist school desegregation this summer and throughout the 1970-71 school year. These funds represent the initial portion of the President's desegregation proposal. They would be added to the following programs: Part D of the Educations Professions Development Act, the Cooperative Research Act, title IV of the Civil Rights Act of 1964, sections 402 and 807 of the Elementary and Secondary Education Act, and title II of the Economic Opportunity Act. The administration will request additional funds under its proposed Emergency School Aid Act of 1970 following congressional action on the bill.

I strongly support the idea of making funds available to assist school districts throughout the Nation to attain quality integrated education. I am concerned, however, about reports that school districts which have "desegregated" in only the most token and misleading way might be eligible for these funds. I am concerned that these funds may be wasted in "desegregated schools" which:

Retain totally segregated classes,

Are still operating under ineffective freedom of choice plans,

Are transferring their facilities and equipment to private segregated academies,

Are in districts which have reduced the level of local and State financial aid for schools when they desegregate in order to ease the financial burden on parents whose children attend these segregated academies,

Have discriminatorily fired or demoted black faculty,

Or in other ways have abused and circumvented the goal of quality integrated education.

I am concerned, moreover, that these funds may be distributed in a fashion that denies equal opportunity to schools outside the 17 Southern and border States facing legal requirements to desegregate.

The Select Committee on Equal Educational Opportunity has received testimony from several individuals and organizations documenting the existence of this kind of token or paper compliance. We have heard, for example, about one school which is "desegregated" under a court order but retains segregated classrooms, staggered and segregated lunch periods, staggered and segregated bus routes, and separate bells so that black and white students change classes at different times. It is essential that schools such as this one which are making a mockery of the desegregation process do not receive funding under this appropriation.

I am extremely gratified that Secretary Finch, when he testified recently before a joint hearing of the Education Subcommittee and the Select Committee on Equal Educational Opportunity assured the Senate that "under no circumstances" will districts abusing the desegregation process through mere technical or cosmetic compliance receive funding. Therefore, we are introducing these amendments to the second supplemental to provide the Secretary with explicit authority to fulfill his commitment in several specific situations. I ask unanimous consent that copies of these amendments be printed at the end of my remarks.

Amendment No. 702 would prohibit assistance under this appropriation to school districts which have transferred property, services or equipment to nonpublic schools that practice discrimination on the basis of race, color or national origin. This amendment seeks to prevent Federal subsidies of private segregated academies in cases, such as those described in a report by the National Education Association, where a "public school, opened in 1947, was declared surplus by school officials in June 1969 and sold to an individual, using sealed bids, for $1,500 and team members learned that the purchaser, in turn, sold it to a private group for $10,"—where "former public school buses, also declared surplus and put up for bid, have been obtained and are now being used to transport the students to the school"—where "localities 'surplus' public school furniture has been sold to private schools," or where "some equipment purchased with title I funds disappeared from the public school in one county."

Amendment No. 703 would prohibit funds under this appropriation from being used to supplant funds which, in the absence of funds under this section, or in the absence of desegregation, would have been made available from non-Federal sources for the education of pupils in a recipient school district. It is designed to prohibit assistance under this appropriation to school districts which have substituted these funds for non-Federal funds, or have reduced local millage or State support for public schools during the desegregation process in order to ease the financial burden on parents whose children attend segregated academies.

Amendment No. 704 would assure that any school district desegregating under a legal requirement—wherever the school district is located or whether it is desegregating as the result of State or Federal law—would be eligible for assistance under this appropriation. The administration has testified that this appropriation would be restricted to school districts desegregating under title VI of the Civil Rights Act of 1964 or Federal court order in the 17 Southern and border States. We do not believe that school districts such as Pasadena, Calif.; Denver, Colo.; South Holland, Ill.; or Pontiac, Mich.; which are desegregating under a Federal court order, or Los Angeles, Calif., which is desegregating under a State court order, should be denied eligibility for assistance under this appropriation.

These amendments, coupled with the administration's commitments to prevent abuses, can help assure that funds under this appropriation are granted to districts which are making honest efforts to desegregate their schools under legal requirement, regardless of their location. They can help assure that the funds are distributed equitably among districts with legitimate needs. They can help prevent a Federal subsidy of paper compliance.

The leadership conference on civil rights supports these amendments as the minimum necessary to help assure that the $150 million appropriation is used properly. The National Education Association has also endorsed these amendments.

The PRESIDING OFFICER (Mr. Bellmon). The amendments will be received and printed, and will lie on the table; and without objection, the amendments will be printed in the Record.

The amendments are as follows:

AMENDMENT NO. 702

On page 15, line 2, insert before the period a colon and the following: "*Provided further,* That no part of the funds contained in this appropriation shall be used to assist a school district which, subsequent to the beginning of the 1969-1970 school year, has engaged in the gift, lease, or sale of real or personal property, or services, to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin."

AMENDMENT NO. 703

On page 15, line 2, insert before the period a colon and the following: "*Provided further,* That no part of the funds contained in this appropriation shall be used to supplant funding from non-Federal sources, which has been reduced as the result of desegregation or the availability of funding under this section."

AMENDMENT NO. 704

On page 15, line 2, insert before the period a colon and the following: "*Provided further,* That no part of the funds contained in this appropriation shall be made available to carry out any program or activity under any policy, procedure, or practice denying funds to any school district legally required to desegregate schools, on the basis of geography or the source of the legal requirement."

APPROPRIATIONS FOR EDUCATION

Mr. COTTON. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, the Senator from New Hampshire has called the Senate's attention several times to the most unfortunate situation—indeed, I would say the desperate situation—in which the Senate finds itself in regard to the appropriation bill for the support of education in this country. It is being held up at a time when it is most necessary and should be passed.

I do not want to go over the same ground; but last year, because the delay in getting our appropriation bills out, it was November before the school districts in this country could know what they were going to have in the way of Federal aid. We undertook to remedy that situation this year.

The House of Representatives and the Appropriations Committee of the House cooperated. They separated the HEW appropriation bill and took up separately the appropriations for education, leaving health and welfare to come later. They got it out of the House early.

Our Subcommittee on HEW, under the chairmanship of the Senator from Washington, moved expeditiously. We held hearings. We went over it thoroughly, but rapidly, and put in a great deal of time, running sometimes into the evening, to get this bill prepared, marked up, and before the full Appropriations Committee. The full Appropriations Committee, reported it to the Senate, and it has been on the calendar since the 15th of last month. It has not yet been considered.

I will say, frankly, that I have been disappointed that we meet on Mondays, for example, and we are all through at 2:30 or 3 o'clock, with nothing to do until the next day. I would like to see the Senate's feet put to the fire, and I would like to take this bill up some Saturday morning at 9 o'clock and keep working until we pass on it. If people find it inconvenient to be here on Saturday to argue about the Whitten amendments or something else, let them pay the penalty of being away.

I want to see—and others want to see—this bill acted upon. The schools are closing; most of them are closed; the commencements are taking place. The school boards, the school authorities, and the superintendents of supervisory districts all over the country have to start hiring teachers for next year.

I want to call the Senate's attention to some of the things being held up. They include elementary and secondary school appropriations, they include grants for urban and rural schools, for reading and instruction equipment, for dropout prevention and for bilingual education. They include impacted area funds, so vital to some districts; they include, as well, funds for education for the handicapped. It is vital to get teachers trained to deal with the handicapped. That is a real need in the care of the handicapped—to hire and train teachers who can deal with the deaf, and the blind, or the physically paralyzed. Then there is vocational education. And there are national defense education loans for students for higher education. All these things are being held up.

Every dollar we spend in fiscal 1971 will not be worth more than 66⅔ cents or 80 cents if we do not know ahead of time that it will be spent so that it can be spent wisely, intelligently, and considerately. It is just that vital, so far as the Senator from New Hampshire is concerned.

Mr. President, I have taken no part in the present prolonged debate. Some of my dearest friends are involved in it, so I would not call it a filibuster or use any harsh terms, but I have taken no part in this continued deliberation. I do not know where it comes from. If the White House wants the debate to go on interminably, no one from the White House has told me. I deal with members of the President's staff frequently. It has been a secret, so far as this Senator is concerned. I have served 16 years in this body and I would expect to know. I have not been able to learn from our chosen leaders on this side of the aisle who is behind this, whether it is a spontaneous effort or whether it is a calculated effort, I do not know and I do not care. But I do know one thing:

That is this: If there is anyone in the Senate who does not know how he will vote on the Church-Cooper amendment after all this deliberation, then I shall be greatly surprised. But if there is, he should engage the services of a psychiatrist.

I am not going to befoul my own nest and talk about the responsible people on this side of the aisle who, after all, should be and in a sense do represent the administration on the floor of the Senate. I regret that the leadership on the other side will let us go home early on Mondays, which means that we waste most of Monday and we waste all Saturdays.

I think that this bill could be taken up now. I am not interested in the debate as to whether the Republicans are to blame for not taking it up because of this prolonged debate, or whether the Democrats are to blame, because there have been many days without loss of time in which this bill could have been disposed of. But it is vital that it should be disposed of.

I am not going to say as much now as I would feel free to say after I have been frank with many of my own colleagues in the Republican Policy Committee, but I want to serve notice, Mr. President, that so far as the Senator from New Hampshire is concerned, he is dismayed, disgusted, and distressed that this vital bill should not be taken up when every school district and every schoolchild in this country is suffering because of it.

I do not care where the blame lies. The Senator from New Hampshire intends to have something more to say on this point—and it will be very much to the point—to find out, even if he has to invade the sacred precincts of the White House and stand, hat in hand, to find out what is behind the complete paralysis of the Senate.

I shall be equally frank in dealing with the majority leader, for whom I have the most profound respect and warm feelings of friendship. But, we have got to have time to take care of this bill. The needs of the country are suffering.

Let the chips fall where they may. The Senator from New Hampshire intends, first, to speak frankly to his colleagues, if he can get them in at this noon in the Republican Policy Committee, and then he intends to speak frankly on the floor of the Senate, and I do not care whom I may be opposing.

When one serves in this body for 16 years, as I have, trying to be cooperative, trying to be considerate, and not taking the time of the Senate in a lot of oratory; when I am fully aware of the situation and my correspondence and telephone tell me every day of the desperate need for action on the education appropriation bill, then I believe that I am justified in coming to the conclusion the time has come that I am either going to make myself a perpetual nuisance in this body from now on, or resign as a Senator.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New Hampshire yield to me?

Mr. COTTON. I yield with pleasure to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I can well understand the feelings of the distinguished senior Senator from New Hampshire and I appreciate what he has had to say. After all, I have known him for a long time in both the House and the Senate. As he knows, there is no Senator in this Chamber for whom I have greater admiration and respect than the Senator from New Hampshire. He does not have a low boiling point or a short fuse. He thinks and thinks and cogitates, and then he thinks some more and then, when he gets up on the floor of the Senate and makes a statement, it is a statement which I think not only his colleagues on the Republican side of the aisle should pay attention to, but his colleagues on the Democrat side as well.

XUM

So far as being a nuisance, in a sense, the distinguished Senator from New Hampshire has been a nuisance so far as the majority leader is concerned. I am getting a little bit tired of hearing about this education bill and the need for it; not that it is not true, but because we cannot dispose of the pending legislation which we have been discussing for almost a month now, and which we will stay on until it is completed if it takes from now until Doomsday or Christmas, whichever comes first.

The proposal has been made to set aside a period of 2, 3, or 4 hours to consider the education bill, as the distinguished Senator from New Hampshire recalls. With no luck, the same proposal has been made to consider the supplemental appropriation bill, which would mean only temporarily laying aside the pending bill.

But, I repeat, it will not be laid aside until it is disposed of one way or the other, no matter how long it takes—June 30, August 30. Whatever the date, that will be the date.

We do have a lot of business. When I discussed this first with the press yesterday, I was not joking when I said we could well be in session until Monday, January 3, 1971, with perhaps a 2-week recess for elections to take care of those of us who are not running this year. But when we look at the schedule, and when we consider the fact that we do have the supplemental appropriation bill and the education bill, there is nothing I would rather do than get the Senator from New Hampshire off my neck on this particular bill. I can tell the Senate that we have other appropriation bills and major items coming up. The postal pay reform proposal is one which, I understand, will cause a good deal of debate on the Senate floor. Then we have the repeal of the Gulf of Tonkin resolution, which should take some time to dispose of. It involves a most important issue. Then there is the military procurement bill to which certain amendments, which will take a great deal of time, will be attached.

So, all I can do is sympathize with the distinguished Senator from New Hampshire and give him no encouragement, but express the hope that if a time limitation could be reached we would take up the education bill. And if it would help any, I would be prepared to keep the Senate in until say 5 o'clock or 6 o'clock, with an hour off for supper, and then take up the education bill and the supplemental bills late into the evening, but only to lay aside the pending business temporarily, very temporarily, in an effort to accommodate the Senator from New Hampshire who has been most emphatic—for me, too emphatic—in trying to get action on the education bill.

Mr. COTTON. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I want to thank the distinguished majority leader for his kindness and consideration. I realize his position, and the only thing I am going to take exception to—and this is not said boastfully—is the implication of the majority leader that all I am going to succeed in getting is some sympathy.

I think I am going to get more than that before I get through with this project.

The people of this country are pretty vitally interested in education. The school boards, the boards of education, and the mothers and fathers of the pupils are pretty interested. And they are not interested in seeing money withheld and time wasted when it is so badly needed.

I know what will happen. Every Republican will say, "Get the distinguished Senator from Montana (Mr. MANSFIELD), the majority leader, to see if we cannot stop wasting time and fooling around every day—and Mondays all day."

The Democrats will lay claim to a Republican "filibuster," but I call it "a prolonged debate." They will say, "Who is running this debate and who is causing it?"

The Democrats will say it is the Republicans who are to blame and that they will probably hear about it in the next campaign. That is all right. That is good political practice, and it is all right on both sides. But the fact remains that here is one bill that the country needs and the country is suffering because it has not been acted upon.

I can find other means. Other Senators will begin to harp on this. And I think from time to time there will be unanimous-consent requests made in the Senate to which there can be objections. I have never been discourteous to any colleague in all my 16 years here or objected frivolously to any unanimous-consent request. But I think that there are parliamentary weapons available which can help us do something about this.

I say this because I am interested in this bill solely at the present time.

Until this moment when I am talking about the bill, I have not detained the Senate for 1 single minute through all of this prolonged discussion about Vietnam and Cambodia and whether we should order our troops out or whether they should move 13 miles this way or 21 miles that way.

I have not argued that at all. I have not contributed to this extensive debate. I do not intend to for several reasons.

The main reason is that I want to see the education bill taken care of. Somebody is responsible. Someone is responsible for the situation we find ourselves in in the Senate. As far as I am concerned, I think that the administration would have been far better off if the Senate had gone ahead and voted on the Church-Cooper amendment. Suppose the amendment were agreed to. The heavens would not fall. The amendment would go to the House. And the chances are it would be thrown out by the House in conference. If it were to remain in the bill, the bill would go to the President, and the chances are better than even that the President would veto it. But I think that this business of just blowing up the matter and magnifying it until it has become an issue far beyond its importance, is a waste of our time.

I am not criticizing any of my colleagues who feel it their duty to rise and fight and prolong this matter, but we are doing an injury here to every school district and to every school child in the United States as long as this is continued.

A plague on both Houses. I do not care whether the Democrats are to blame or the Republicans are to blame or whether this is a spontaneous upheaval by a group of zealous Senators on the floor or whether the measure has the tacit approval of the minority leadership or whether someone in the White House thinks it is all right. I could not care less.

It is time we finished this discussion. It is time that we vote and then get down to the business of the Senate. I do not want to spare anyone in this and I do not want to be in the position of blaming anyone particularly. I will say that the distinguished majority leader has been most kind in his remarks. He knows that I admire and respect him greatly.

I am getting tired of having this plant shut down at 2 o'clock on Mondays, having no Saturday sessions and having this matter drone along day after day while the education bill lies on the counter.

I will have more to say later. I hope that I will get some support from some of my brethren.

Mr. MANSFIELD. Mr. President, all I can say is "Amen" to what my distinguished friend, the Senator from New Hampshire, has said. I would like to get the bill out of the way as soon as possible and be able to continue with the rest of the President's program.

I assure my colleagues on the other side of the aisle that we will do our very best to get the administration bills to the floor as soon as possible. I want to cooperate and act upon the administration measures insofar as we can. But there are certain questions of the most transcendent importance which face the Senate and the Nation which we ought to face up to in this sacred sanctum and we ought to do so without the help of anyone on the outside.

THE 20TH YEAR OF BABE RUTH BASEBALL

Mr. CASE. Mr. President, for 20 years Babe Ruth Baseball has provided teenage boys with the opportunity to play baseball in an organized program designed to develop physical fitness, sportsmanship, and fair play.

Beginning in Hamilton Township, a suburb of New Jersey's capital city of Trenton, Babe Ruth Baseball has grown from a small sandlot club to the world's largest teenage baseball program with more than 325,000 participants.

Babe Ruth Baseball long ago expanded beyond New Jersey's borders. Today it has leagues in all 50 States as well as in Canada, Puerto Rico, Europe, Guam, Mexico, and Asia. Each year these leagues, supervised by volunteers from all walks of life, teach youngsters baseball skills and the basic traditions of sportsmanship and team cooperation. It is a tribute to the most beloved baseball hero of all time that so many young men are being helped by the organization that bears Babe Ruth's name.

XUM

But while thousands of boys enjoy the summer months in Babe Ruth League play around the country, many others, particularly in the cities, are left behind with nothing to do, simply because there is too little recreational space. This is especially true in New Jersey and other northeastern, highly urbanized States where the sandlot has given way to concrete and asphalt, auto congestion, locked schoolyards, and blighted urban renewal areas.

Because of my own concern over the rapid disappearance of open space and parkland, estimated by Federal officials to occur at the rate of 1 million acres a year, I have again introduced legislation to require that any park or recreational land taken for other than park or recreational use shall be replaced in kind.

I believe legislation to protect America's valuable open space is needed more than ever today and I am pleased that Babe Ruth Baseball has expressed its commitment to the goal of obtaining more recreational areas in cities and suburbs, not only for amateur baseball but for other youth activities and sports.

I congratulate Babe Ruth Baseball on 20 years of service to the young people of our Nation and I welcome its commitment to making it possible in the coming years for many more thousands of youngsters to participate in wholesome, organized programs of baseball and other forms of recreation.

BABE RUTH BASEBALL DAY

Mr. PACKWOOD. Mr. President, I appreciate the fine remarks made earlier today by the distinguished Senator from New Jersey regarding the Babe Ruth Baseball program. Since today is Babe Ruth Baseball Day on Capitol Hill, I felt it would be appropriate to enter in the RECORD a statement by Mr. Ward Walker, director of Babe Ruth Baseball in Oregon, concerning the fine program which has developed in my State. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> Babe Ruth Baseball began in Oregon in 1953 as part of the Portland Amateur Baseball Association Program for 13, 14 and 15 year old boys. The first year there were 8 teams in Portland. In 1970, there are 43 leagues in the state with 327 teams in major competition and 50 in minor programs. There are more than 5,000 young men between the ages of 13 and 15 playing baseball in our program.
>
> A good example of successful community involvement in Babe Ruth Baseball is the City of Baker, in Eastern Oregon. The weather in that area is not conducive to a spring high school program, but 10 years ago, some Baker citizens attended an organizational meeting in Pendleton where a league for Hermiston and Milton-Freewater was beginning. The Baker enthusiasts started their own 4 team league (now 6 teams) and they have built their own field. The towns people contributed dollars, equipment and hours of labor to build the field. The City of Grants Pass, in Southern Oregon, has, by community effort, built a similar field, involving no tax dollars and only volunteer effort.
>
> Most other cities in Oregon have made similar sacrifices to help provide a strong baseball program for their youth.
>
> The Babe Ruth Baseball Program seems to bring out the best in adults. It keeps many of us so darn busy there's no time left for trouble. The volunteer efforts have done much for community morale. We have doctors, lawyers, plumbers, electricians, carpenters, street cleaners, public officials, etc., all working together for the benefit of the kids. Later, this spirit of cooperation branches into other community activities.
>
> Babe Ruth Baseball is not the only baseball program contributing in this manner, but, in Oregon, the Babe Ruth Program has often preceded Little League in many areas.
>
> Oregon has done well in the national tournaments. In the last 15 years, Oregon's champion has represented its seven state region in the National Tournament 10 times. Portland teams have finished 2nd in the nation twice. Oregon hosted the Babe Ruth World Series in 1956 in Portland and in 1968 at Klamath Falls.
>
> Although many graduates have gone on to Major League success, such as Harmon Killebrew, of the Twins, Mickey Lolich of the Tigers, Rick Wise of the Phillies and Keith Lampard of the Astros, our real pride in our program is in the development of better citizens.
>
> If we added up all the people active in Babe Ruth Baseball during the last 15 years, we would exceed 100,000. Structurally, each league has a board of directors plus coaches and managers. All told, we have a tremendously enthusiastic community and state effort to put together a successful baseball program for the 13 to 15 year old ball players in Oregon.

AMERICAN PRISONERS OF WAR

Mr. PACKWOOD. Mr. President, we estimate that over 1,400 American men are still held prisoner by the North Vietnamese in conditions which violate not only the Geneva Conventions but also run contrary to the most elementary notions of human decency.

Our most sincere hope is that the North Vietnamese will join the rest of the civilized world and begin to offer at least the minimum civilities to their fellow man.

ORDER OF BUSINESS

The **PRESIDING OFFICER** (Mr. ALLEN). The Chair recognizes the Senator from New York pursuant to the previous order.

THE ECONOMIC SITUATION

Mr. JAVITS. Mr. President, I shall detain the Senate briefly. I wish to make some observations which hopefully will have some effect, because this is an effort to make some recommendations in respect to the economy of the country and the impending speech of the President on that subject. I hope very much that the President will not adopt the line offered to us by his director of public relations, Mr. Klein, when he spoke of the need for "orchestrated optimism" in all administration statements about the economy. In my view, concrete actions are needed and my suggestions toward the end of getting our economy moving again follow.

"Orchestrated optimism" in itself is not a bad policy since lack of confidence can materially affect an economy and a stock market. However, "orchestrated optimism" can be dangerous unless it is backed by the basic policy steps needed for getting our economy moving again in the context of diminishing inflation. I am not convinced that the necessary steps are being taken at a time when the state of our economy is anything but healthy. Inflationary pressures continue unabated, the rate of real economic growth is moving deeper into negative territory, unemployment has reached 5 percent of the labor force, the budget has become unbalanced, interest rates peak only to rise again to new heights, the screws on business profits are tightening, consumer confidence continues to lag, and the stock market struggles in the 700 range while the financial markets are in a deplorable state. Against this backdrop of discordant economic notes, "orchestrated optimism" runs the danger of being a public-relations gimmick serving to widen the already existing credibility gap that confronts the administration over its handling of the economy. Unless there is prompt action by the President, another generation of Americans could be growing up with the memory of another Republican administration unable to manage the economy. I do not mean to imply that the state of our economy is anything near as serious as it was in 1929. I agree with the London Economist when it observes:

> Present worry at present is not that the world faces the possibility of another 1929 but that it faces the probability of another 1953–60.

Hitherto, the sophistication of Mr. Nixon's team had led one to hope for economic policies from his administration. The hope is not dead, but it is clearly fading.

My great concern is that "fumbling economic policies" in the early 1970's are more dangerous to America than fumbling economic policies of the late 1950's. The social and moral fabric has been severely strained from many causes, most of which relate to the 7-year plague of Vietnam. The justified higher expectations of the disadvantaged living in our cities have made unemployment rates that were tolerable in the 1950's and early 1960's intolerable today.

As this Nation faces its most serious economic problems in more than a decade and its most serious social problems since the depression, the necessity for a prompt re-ordering of our national priorities becomes critically urgent. The key element which continues to mitigate against this Nation's and this administration's adoption of a new tack is the Indochina war and the administration's timetable for withdrawal. Until all our troops are on the way to be brought home the social fabric of our Nation will continue to be rendered and our Nation's economy will persist in its unhealthy state.

More and more business leaders are aware of the connection between Vietnam and the health of our Nation's economy and are saying it publicly. I have pointed to the remarks of John Connor of the Allied Chemical Co. and Louis Lundborg of the Bank of America which forcefully drew the connec-

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tion between economic and social sickness at home and the Vietnamese war.

In recent days two more highly respected business leaders have spoken. In a recent hearing before the Senate Foreign Relations Committee, Thomas Watson, the chairman of the board of IBM stated:

> The war in Vietnam is a major factor which has turned our healthy economy into an unhealthy one adding that as long as our involvement in Vietnam continues, it will be a major obstacle both to the short and long term health of the country.

At the same approximate time the president of Du Pont, Charles B. McCloy, stated that because of the war confidence in our economy as well as the social stability of the United States is being strained, that major domestic needs are not getting the attention they should have and that the inflationary trend is continuing. I hope that the fact that these votes have already sounded from so eminent a source will encourage other business leaders to make their point of view known without fear of possible sanctions.

Mr. Watson also observed that IBM offices throughout the world have been wracked by fires and bombings which he directly related to the strong feeling which exists in most countries of the world against our Indochina policies.

It is against the deplorable framework of the continuing U.S. involvement in Vietnam, that today's economic policies should be appraised. Symbolic of this, is the fact that the President's Economic Report which was transmitted to the Congress in February 1970 ran to 8½ pages—but only one paragraph mentioned Vietnam. The administration's economic "game plan" has gone awry and action is now required to get us through the difficult months ahead without a further severe weakening in the social fabric of a nation that would be caused by a deepening economic recession.

The following are possible areas susceptible to administration and congressional action toward the end of getting our economy moving in the context of reduced inflation:

AN "INCOMES POLICY"

The country is ripe for stronger action on the wage and price front. Businessmen, including presidents of two of the Nation's largest banks; labor; respected economists; and even several administration policymakers have proposed variants of voluntary and mandatory wage and price curbs. At least four different wage and price proposals are currently before the Congress.

Those who are urging action come from virtually all areas of the political spectrum. It is notable that the Republicans of the Joint Economic Committee, who themselves constitute a wide ideological spread, have jointly proposed a resolution, which, as ranking member, I have offered with them, which would enjoin the administration to publish the implications to the economy of important, specific wage and price decisions. That plan would attempt to mobilize and inform public opinion in the fight against inflation.

Indeed, the major controversy at the present time seems to be not whether to adopt a stronger wage and price policy, but which of the various alternatives offers the most promise.

Opposition to stronger wage and price policies appears to be based on the belief that any official assessment of wages and prices would amount to restoration of the guideposts which allegedly failed us in the sixties; also that a "successful" wage and price policy still would not reach the prices that really matter to the average citizen: for example, public transportation, restaurant meals, property taxes, etc. These points were carefully discussed in a letter recently sent to me by Dr. McCracken, Chairman of the Council of Economic Advisers.

Dr. McCracken's analysis deserves careful study, coming as it does from one of the President's closest economic advisers. I would like at this point to mention two aspects of the letter which most interests me.

First, Dr. McCracken mentions more than once that the guidepost approach backed by the sanction of public disapprobation probably did have some effect at first. He specifies that the effect may have been felt in a limited number of highly "visible" cases, such as steel, copper, aluminum, and automobiles. I, too, believe that stronger action with regard to wages and prices will have some effect at first; and I am unable to accept as a reason for doing nothing the fact that the guidepost approach was substantially weakened by the end of 3 or 4 years when it was used in the sixties. On the contrary, I believe that an income policy should be a temporary expedient, and a supplement to the monetary and fiscal policies which are also billed as temporary.

The resolution which I introduced in the Senate last week, with the support of the Joint Economic Committee Republicans, recognizes this fact by setting an expiration date of December 31, 1971, for the publication of information on wages and prices.

Second, the fact that our attempt at wage and price control in the sixties was directly effective in only a few highly visible industries leaves some important things unsaid. These cases where the guideposts were effective are in fact cases of strategically placed industries, with considerable amounts of market power. While the limits of any wage-price approach short of direct controls over every transaction are obvious, these limits should not be used as an excuse for inaction where action is clearly necessary. The excuse carries even less weight when experience shows that we can affect significantly the inflationary price behavior of strategically-placed industries over short periods of time.

I am aware that the President is actively examining developments in the business and economic communities, and in the Congress, and I look forward to his economic message for signs that he will heed the growing and genuine requests for further action against inflation. In my view, however, the issue faced by the President is not whether merely to exhort Americans to be patriotic in tempering wage and price actions; the issue is which of the specific proposals, or combinations of proposals, offers the best chance of reducing inflation in such a way that we can soon expect further easing of monetary and fiscal policy. In other words, the time is past for general appeals to the public; economists and public figures of widely differing persuasion have already passed this point. I believe also that the American people deserve no less than a firm and honest interest in individual price and wage decisions on the part of the Federal Government, so that we can finally rid ourselves of the legacy of the past administration's economic follies.

As consideration is given to the type of an "incomes policy" which should be adopted, it is important that productivity criteria be weighed. Productivity which is commonly defined as output per man-hour worked plays the key role in the price through its influence on labor costs. If an employee receives a 10-percent wage increase and continues to produce the same output per hour, each piece of this output will have been produced at a higher labor cost. The net effect is that the product will have to be merchandised at a higher price—thus contributing to the inflationary spiral—or the manufacturer will have to shave his profit margin to absorb the higher labor cost, thereby contributing to contraction and recession. Similarly, if a worker whose pay was increased 10 percent produced 10 percent more output, the inflationary effect of the pay increase will have been absorbed by the increase in productivity. Unfortunately there has been no increase in productivity lately to compensate for increased labor costs with the result that profit margins have been squeezed—and this is a key factor in today's business recession—at the same time that prices have been pushed higher. Lower business profits already have had their effect on investment decisions—that is, the decision to build our future competitive plant—and higher labor costs per unit of output have helped fuel the continuing inflation.

For example, the Wall Street Journal has reported:

> Output per man hour in the first quarter of this year stood at 134.5% of the 1957–59 average of 100. The latest level was not only slightly below the levels for the preceding and year-earlier levels, but considerably below the level reached as long ago as the final three months of 1968. The only previous period in which productivity declined over so long a span was in 1955–56, and then the decline was not as great.

Since wage-price guidelines are to be set in the context of declining productivity, considerable impetus is given to proposals such as those of former Treasury Under Secretary Roosa who are arguing for a 6-month wage-price freeze. If productivity is declining, any real wage increase gives a cost push to inflation as does, of course, any increase in prices. Since declining productivity does set one of the key parameters of the economy today, it must be given appropriate importance in the forthcoming Presidential decision as to the stronger

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action that needs to be taken on the wage-price front.

Over the longer run, the productivity of our economy is directly related to the investments industry makes to continually modernize industry. It can be argued that the U.S. competitive position relative to Japan for example has deteriorated since Japan proportionately has invested far more capital to modernize its industrial plant. Capital investment in the industrial plant is directly related to productivity and to an industry's—and the Nation's—competitive position. If we are to remain competitive in the decade ahead and build the industrial plant capable of sustaining a full economy, American industry will need appropriate investment incentives that have been lacking since the investment tax credit was repealed.

REVISED DEPRECIATION SCHEDULES

The ill-advised Tax Reform Act of 1969 which turned out to be a tax reduction bill in most areas, eliminated the investment tax credit. At the time of its elimination I received a commitment from the U.S. Department of the Treasury to forward the study and recommendations of the revised depreciation schedules to me by June 30. The wording of the Treasury commitment was to make available "a study of the various alternative proposals for depreciation reform and the estimated revenue effects thereof."

American business is now facing an increasingly serious profit squeeze as well as a serious liquidity crises. Declining business profits have fueled the stock market decline and have contributed directly to the shortfall in Government revenues which has caused the Government to move into deficit.

The May issue of the Department of Commerce publication "Survey of Current Business" quantifies the extent of the profits squeeze. According to the "Survey" in the first quarter of this year:

> Before-tax profits, as measured for national income purposes, fell to a seasonally adjusted annual rate of $79.25 billion, down $6 billion from the fourth quarter and nearly $11.5 billion below the peak reached in the summer of 1968.

The profit slide apparently is continuing in the second quarter.

Under these circumstances, the retention of the surcharge for corporations as has been proposed would help deepen the already existing business recession. On the other hand it would seem that revised depreciation schedules would help the profit margins of our corporations and correspondingly revenue flows to the Treasury could be favorably affected. Such increased revenue flows could more than compensate for the revenue loss that would accrue from the modernization of the depreciation schedules themselves. The key point is that the implementation of the revised depreciation schedules now could play an important role in getting this economy moving again. Regardless of the slight recovery of the stock market, business confidence remains weak and this is ample reason for phasing in revised depreciation schedules now. It would also not be wise to run an excessive full employment surplus when the economy is slumping and some economists are concerned that administration policy may be heading in that direction.

Reportedly, the revenue loss inherent in these revised depreciation schedules proposals could run from some $900 million to an upper range of some $21 billion.

It was estimated that the repeal of the investment tax credit would increase revenue flows to the U.S. Government by some $2.5 billion. However, since the investment plans of corporations have been revised downward substantially since Treasury initially made this estimate, the $2.5 billion figure is probably on the high side for the coming fiscal year.

Proposals that are receiving the most active consideration apparently are running in the range of a $3 to $5 billion revenue loss, and Treasury will supply these alternate proposals to me by the end of this month.

In my opinion, it would be a short-sighted view if the further unbalancing of the budget were the only criterion that will determine the implementation of these revised schedules. Then looking down the road and depending on business conditions, the tax on corporations could be periodically adjusted from the present 48-percent rate to compensate for the costs of such revised depreciation schedules as well as to help influence business investment decisions. Such an upward revision in corporate tax rates should not, however, be contemplated while the business recession continues.

UNEMPLOYMENT

Unemployment has now reached 5 percent of our labor force and more than 4 million Americans who are seeking jobs cannot find them. Since December of last year 1.3 million additional Americans joined the jobless rolls and the latest increase was almost entirely comprised of adult workers. Also increases in unemployment which have been concentrated in the durable goods sector are now spreading to the nondurable manufacturing sector.

In the month of May, white unemployment rose sharply and 4.6 percent of the total white labor force is now unemployed, which compares most unfavorably with the 4.2 percent April rate. The unemployment rate of married men—the backbone of our economy—is also up from 2.4 to 2.6 percent. Some 3.6 percent of the labor force is now covered by State unemployment insurance as compared with 3.1 percent in April. Among these dreary statistics which cover so much human displacement and suffering, the May jobless rate of our black citizens, fortunately, is down from the extremely high April level of 8.7 percent to 8 percent—still almost twice the national average.

In addition to the overall problem of growing unemployment, we face special problems in our cities this summer because of the unevenness of unemployment—for example, unemployment among black teenagers during the first quarter of this year was 32.7 percent; compared with 20.9 percent in the first quarter of last year.

The administration indicated its awareness of this special problem with its announcement last Saturday that it would submit budgetary request for $50 million in additional funds for the Neighborhood Youth Corps summer jobs program. However, even with a $50 million supplemental, there will be provided only 414,000 opportunities in this program—approximately one-fourth of the 1.7 million youths which the Department of Labor has indicated will be in the so-called target group for such programs this summer. The amount the administration has proposed also falls $50 million short of the $100 million the U.S. Conference of Mayors has stated could be put to effective use.

Accordingly, I shall continue my efforts to obtain a $100 million supplemental in line with the amendment I introduced with 15 of my colleagues on June 2. By acting to secure this larger appropriation now, constructive employment could be substituted for the destructive behavior which could result from the combination of a hot summer and idleness because of the lack of job opportunities.

Turning to the broader question of strengthening the Nation's unemployment programs at a time when unemployment has reached a critical point, we in the Senate's Labor and Public Welfare Committee are expediting the final markup of the administration's manpower bill. This bill would facilitate the use of manpower programs as an economic stabilizer by authorizing a 10-percent increase in the manpower appropriations when the national unemployment rate reaches 4.5 percent—seasonally adjusted—for 3 consecutive months.

After the Labor and Public Welfare Committee completes its consideration of this bill in the very near future, the rising unemployment rate makes it imperative that the Congress promptly consider this matter. As indicated, the trigger mechanism in the administration's proposed bill is 3 months of unemployment in excess of 4.5 percent. The release of next month's unemployment statistics will activate this trigger, which points up the urgency of prompt passage of the Manpower Training Act.

Because of the seriousness of the unemployment problem, I would like to see the administration's bill strengthened. Toward this end, on May 19 I introduced on behalf of myself, our distinguished Minority Leader (Mr. SCOTT) and Senators BROOKE, SCHWEIKER, and STEVENS, an amendment to this proposed new Manpower Training Act to provide a limited number of training and job opportunities in the public sector and to "trigger" additional funds for such training as well as public sector employment in the event that unemployment becomes especially severe. In my view an unemployment rate of more than 5 percent does constitute especially "severe unemployment."

The minority of the Joint Economic Committee placed the following recommendation on public sector jobs in their 1970 Economic Report and this recommendation was discussed by a full Republican caucus of the Senate as follows:

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> Among its contingency programs for rising unemployment, we believe the Federal Government should include measures to directly provide a limited number of public sector jobs. If unemployment becomes especially severe, the Federal Government should offer jobs in areas of high national priority for those displaced. We feel this would be an effective way to mitigate the hardships imposed by anti-inflationary stabilization policies. There should be a tight ceiling on the number of jobs so provided and the program should in no way guarantee long-term employment for a significant portion of the labor force during periods of high employment.

With the unemployment rate now over 5 percent, the time for academic discussions as to what does or does not constitute "acceptable" or "tolerable" unemployment is past, and the standards of the early 1960's are no longer good enough for the early 1970's. We must act now.

HOUSING AND THE ECONOMY

Housing has borne far more than its fair share of the burden of tight credit stemming from the current policy aimed at curbing inflation. Not only have interest rates increased the cost of money for housing to such a high rate as to price many consumers out of the market, but available funds also have dried up. There has been a flow of funds out of the savings banks, which have always been the prime sources of lending for the housing market. Today, in many cases, they do not have money to lend. This trend has abated somewhat in recent months, but the savings and loan and mutual savings banks are still not supplying nearly the capital needed for a healthy housing market.

Recently, the Senate passed S. 3685, the Emergency Home Finance Act of 1970 which seeks to channel more money into the housing market. Some $250 million was made available to the Federal Home Loan Bank Board to reduce the interest rates charged by Federal home loan banks to assist in the provision of housing for low- and middle-income families. The Federal National Mortgage Association was authorized to deal in conventional mortgages and a new Federal Home Loan Mortgage Corporation was created to provide another source of secondary financing for the housing market. The bill also authorized the Secretary of Housing and Urban Development to contract for and make assistance payments in the form of interest subsidies to benefit middle-income families. The subsidies would be paid to the Federal National Mortgage Corporation and those entities would then be able to pass on the benefits to the homeowner in the form of lower interest rates on mortgages. The House Banking Committee has eliminated the interest subsidy provision which is most undesirable, and I am hopeful that the Senate version will prevail. Even the Senate bill will not be enough to alleviate the serious housing shortage.

Many of the country's leading banks have agreed to make available an additional $2 billion in mortgage money, and it is an encouraging step—but it, too, is not enough.

The President has urged the large private pension funds to channel their funds into the housing market, and many have agreed to do so. That will be helpful—but it will still not be enough.

Interest rates may go down slightly, although that is not likely, but that does not offer much relief to most prospective homeowners and apartment dwellers since the rates are still enough to make the cost of a home or an apartment prohibitively high for many Americans who need housing very badly.

Part of the problem is that many people in the government just do not comprehend the staggering amounts of money and credit needed to supply adequate housing for all Americans—amounts in the tens of billions, much of it coming from the Federal Government. However, we can do no less since housing is the No. 1 need of most Americans, especially those who live in the despair and the slums of our core cities.

Only by making more money and credit available for the housing market at all levels will we make a meaningful impact on the severe housing shortage prevailing at this time.

ANTITRUST LAWS NEED REVISION

I also believe that it is time for us to reassess the impact of our antitrust laws and the manner in which they are being enforced. In this critical area Congress has simply abdicated its responsibility for setting basic antitrust policy to the courts and the Justice Department. These agencies, faced with great difficulties, in groping in the complex economic factors usually present in antitrust cases, have more and more come to rely on per se rules of illegality rather than the rule of reason.

What is needed is a fundamental reexamination by Congress of the role of antitrust in a modern economy. The basic principles applicable in 1890 to a basically laissez-faire economy, in which competition was expected to play the predominant regulatory role may well have a different application to a highly regulated, technologically sophisticated, and largely mutualized economy organized along different lines. Today, antitrust policy is only one of many forces that can be brought to bear to regulate and even structure our basic economic organizations. What was unreasonable in 1890 might well be necessary in 1970 to ensure adequate economic growth, protect the consumer, improve the U.S. competitive position, and provide for national security and do social justice.

One area in particular which cries out for such a reexamination is in foreign economic ventures by American-based concerns. We need to know whether our antitrust laws help or hinder our companies for competing with foreign companies not subject to the same restrictions.

I have for some years sponsored a bill to establish a national commission to study our antitrust laws. The report of such a commission would provide the basis upon which Congress could once again exercise its basic policy-making functions rather than continue to let this critically important area go by default to the Justice Department and the courts.

The foregoing explains my views on some of the major unfinished businesses of the administration. However, I believe that the Congress—which can be credited for a major role in prompting public debate on the wage-price issue—also has major unfinished business in correcting one of the sources of our present inflation: excessive Federal Government spending.

FEDERAL GOVERNMENT SPENDING CONTROLS

Federal Government spending control is probably one of the least successful concepts ever advanced by an economist or politician.

The record is strewn with the wrecks of proposals—and even legislation—which would place an absolute and effective limit on Government spending.

In the past 2 years, we have, through the Second Supplemental Appropriation Act spending ceiling provisions, attempted to control the rate of Government spending. I believe the attention which is now being paid to reducing Federal spending is taking a new and very optimistic turn, and I support the efforts of my colleagues of both parties—particularly Senators PROXMIRE and PERCY—for their fine and thorough initiatives in educating ourselves and the public on public spending programs.

Spending cuts, however, must take place in the context of plans for the proper level of overall spending. In this regard, while I believe the spending ceiling legislation now on the books to be a major step forward, I do not think it is the final or the best solution. Since it offers leeway for so-called uncontrollable spending, as well as for spending on new programs proposed by the Congress or the Executive, it is a ceiling merely on the rate of spending which has been estimated to take place in the annual budget document. As the experience of the present fiscal year has shown spending control which controls only this aspect of the budget does not control much at all. Uncontrollable spending for fiscal year 1970 is expected to increase $4.8 billion over the amounts planned in 1969, and while actions initiated by Congress outside the original estimation have increased spending for fiscal year 1970 by $3.4 billion.

To be sure, the pressure of the spending ceiling legislation also prompted budget cuts of $2.5 billion, and this illustrates where a good start has been made in controlling the Federal budget. Nevertheless, there is still no effective control on Congress to curb spending; there is no "appropriations ceiling" to supplement the spending ceiling.

I believe that at least three elements are involved in an effective "appropriations ceiling":

First, Congress needs to agree each year on the proper level of spending for that year.

Second, appropriations bills should carry a stipulation as to the amount which should be spent in each fiscal year.

Third, Congress should establish a mechanism whereby cost-cutting or revenue-raising bills will be given priority in the event that the level of spending for the current fiscal year—as reflected in the appropriations acts—appears to be running substantially ahead of the agreed-upon estimates.

Excessive Federal spending has contributed heavily to the inflation which now affects all of us rich and poor. Congress bears as much responsibility as the Executive for devising and implementing solutions for this problem. Certainly one of the major unsolved problems in the area of Federal spending is how to control it, and here the Congress is one of the major culprits. If the time has come for the President to act decisively in dampening wage and price increases, the time has also surely come for Congress to place effective controls on its own spending process.

Finally, I would like to call attention to the high, urgent priority which must be given to guaranteeing, with the same effectiveness as we do bank deposits, accounts with security dealers of all kinds, brokers in exchanges, unlisted dealers, and many others. It could really shake our economy to its bottom if more of these brokers than already have been are liquidated, and 33 broker-dealers have been liquidated since July 1968, with the enormous danger of loss to their customers. There are serious possible consequences if we defer further taking necessary action on the Federal level to institute an insurance program which would protect stock market investors in the same way that commercial and savings bank depositors are protected.

The exchange dealers have proposed a plan, and there is a plan before Congress proposed by the Senator from Maine (Mr. MUSKIE). Each of these plans requires legislation, because they require the establishment of a guarantee fund by the Federal Government, ranging somewhere between $1 billion and $3 billion. Personally, I prefer the higher figure, in order to give the greatest amount of insurance.

We have never lost money on this kind of arrangement. The premiums have always made up for the losses that have been suffered, or are likely to be suffered. But I cannot stress too much to Congress, as a Senator from a State which has the major security and financial centers of the country—New York City—the critical importance of passing, promptly, within the next 30 to 60 days, legislation which will clothe accounts with brokerage and security firms with a guarantee as effective as the guarantee now in effect on bank deposits.

I urge the President to make that a fundamental and primary consideration in his presentation to the country.

In closing, let me say that the long run state of the economy appears somewhat more promising than the immediate short term that will take us through the summer and into the fall. It is now clear that the Federal Reserve under the distinguished guidance of Dr. Arthur Burns has wisely loosened the money supply. However, the effects of the monetary repression that was the policy of his immediate predecessor still must work its painful way through the economy. There are also press reports that the Defense budget will undergo further cuts and that these funds will be redeployed to other badly needed Federal programs that would be more constructive and less inflationary.

It is also highly encouraging that more and more business leaders are aware of the connection between Vietnam and the health of our economy and are speaking out. This is certain to have an effect on this administration and hopefully will move the administration toward adoption of a definite timetable for the withdrawal of all American troops from Vietnam. Such a policy most certainly would protect American lives and would put pressure on the South Vietnamese Government to negotiate, as well as buttressing business and consumer confidence. Such a withdrawal schedule is the only long-term medicine that would restore our economy and social fabric to health.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER.** Pursuant to previous order, the Senate will now proceed to the transaction of routine morning business, with a 3-minute limitation on speeches.

BABE RUTH SHRINE ESTABLISHED IN BALTIMORE

Mr. MATHIAS. Mr. President, I am most happy to join the distinguished Senator from New Jersey (Mr. CASE) in honoring Babe Ruth baseball and its namesake, Babe Ruth.

It is fitting that an organization dedicated to providing amateur baseball for youths aged 13 to 18 should be named after Babe Ruth.

The Babe loved children. In 1926, when a child named Johnny Sylvester lay seriously weakened after an operation, the Babe, in response to a plea from the boy's doctor, visited Johnny in the hospital. He chatted, gave the youngster an autographed baseball and, as he was leaving for the stadium, promised to hit a home run that afternoon and dedicate it to Johnny. Incredibly, he did.

It was in response to a public plea to reform and "make himself worthy of the dirty-faced kids in the streets" who worshipped him that the Babe terminated his raucous behavior on the field and off.

Even in death, the Babe remembered his young fans. In his will he stipulated that 10 percent of the residue of his estate should be given to the Babe Ruth Foundation which the Babe described as "dedicated to the interests of the kids of America."

Although he gained fame as a New York Yankee, the Babe was a native of Baltimore. He learned the fundamentals of the game at St. Mary's Industrial School under the Xaverian Brothers and played his first professional baseball game for Jack Dunn's Baltimore Orioles, of the International League.

The Babe is as much alive in the hearts of Baltimoreans today as he was when he was belting a record 714 home runs out of American League ballparks during his 22-year career. St. Mary's Industrial School, now renamed after another famous Baltimorean, Cardinal Gibbons, is located at one of the city's busiest intersections and is pointed to proudly as Babe Ruth's school. The square in front of Memorial Stadium, home of the American League Champion Baltimore Orioles, is named Babe Ruth Plaza and you can get into a heated argument anywhere in the city by claiming that some ballplayer was greater than the Babe. To do so, is just short of committing blasphemy in the Babe's sportsminded home town.

Currently, the people of Baltimore are in the process of making the rowhouse in which the Babe was born into a living memorial to him. With the cooperation of Mayor Thomas D'Alesandro, the city government, and many private citizens, the Mayor's Restoration Committee of the Babe Ruth Memorial has renovated the house and opened it to the public. Thus far, the committee, using private donations, has succeeded in gathering many mementos of the Babe's playing career.

Additional efforts are being made to obtain from the Hall of Fame at Cooperstown, N.Y., additional memorabilia of the Babe's playing days. In fact, the committee has purchased and renovated houses on either side of the Babe's birthplace so the museum can be expanded. I extend an invitation to all youths involved in Bath Ruth baseball and their families as well as baseball fans everywhere to visit this shrine to the greatest baseball player of them all.

LACK OF EMPLOYMENT OPPORTUNITIES IN ALASKA

Mr. STEVENS. Mr. President, I should like to speak about the lack of employment opportunities in my State. The discovery of oil in my State of Alaska has led many people to assume that the economy of our great land is booming and that high-paying jobs are available just for the asking. I wish to dispel that rumor in the strongest possible terms.

Unemployment in Alaska continues to be the highest of any of the 50 States, reaching a low of 9.1 percent in the peak summer periods. When the rural residents, who sustain 80 percent or more unemployment in the winter, are considered, the average annual unemployment in Alaska is approximately 25 percent, a rate rivaled only by the worst periods of the great depression.

But, in addition to dispelling this rumor, I wish to bring to the attention of my colleagues a truly unfortunate development. Recently, an advertisement in a western paper spoke of laborers in Alaska being paid $600 per week and truck drivers $1,000 per week. It stated that for $2 further information could be obtained. I directed my assistant to send in the fee, and he received a list of the oil companies now operating in my State with the accompanying information:

> Oil field jobs on the Northern Slope furnish room and board to the men. Most North Slope work is 12 hours a day, 7 days a week—

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over 40 hours time and a half, double time Sundays and holidays. Union scale for laborer is $6.25 per hour; union scale for truck drivers is $7.25 per hour; and union scale for plumbers is $9.80 per hour.

Then there was the following note:

NOTE: This information does not guarantee you a job, however there are many jobs available in Alaska. Also, this information has nothing to do with the State Employment Office in Anchorage.

The following comment was also included with the information:

Don't go to Alaska broke—The cost of living is higher than in most States. Housing is short, but can be obtained. Some furnished housing is available. Transportation to Alaska by auto from Seattle to Anchorage is 2,484 miles long and takes approximately 8 days. Pickup truck is recommended for towing travel trailers.

Mr. President, many unemployed persons looking for work are being tempted by such literature to try their luck in Alaska. They are pulling up stakes and spending what remaining money they have to move themselves and their families thousands of miles only to learn that there is little chance of finding work. Some also find themselves financially unable to move back to the lower 48 and ultimately become dependent on the State for support.

All this tragedy is occurring because some promoter hoped to get $2 out of the deal.

I have asked the authorities to look into this problem and have been assured that investigations are proceeding. But I also feel that my colleagues should be aware of this situation so that they may carry this warning to their constituents should they inquire about employment opportunities in Alaska before moving there.

Mr. President, the statements made in this advertisement are absolutely false, and I am hopeful that the political authorities and the Department of Justice will see that the perpetrator of this fraud upon unemployed workers throughout the country is duly prosecuted.

LOYALTY IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. DOLE. Mr. President, since President Nixon's announcement that Robert Finch would leave the Department of Health, Education, and Welfare to join his staff as counselor, and Elliot Richardson would replace Mr. Finch, much has been written about the difficult problem of administering that department. I noted with interest one particular editorial in Business Week magazine which, to an outsider, appears to have identified one of Mr. Finch's major problems: the loyalty—or should I say disloyalty—of his employees. Unfortunately, many HEW employees refuse to recognize that we now have a Republican President who has his own ideas of programs and priorities. But as Business Week indicates, "Many HEW employees seem to feel that they owe allegiance to their particular programs rather than to the Department, the administration or the Government itself." There are the employees who have been frequently quoted by the media as "sources at HEW" when embarrassing leaks occurred. These are the employees who demanded that the Secretary meet to explain his policies and the reason he supports President Nixon's policies. These are the same employees who according to the New York Times last Saturday, reported that they would continue to organize at HEW to promote peaceful protest and advocate a 1-day strike later in the month.

Mr. President, I do not intend to discourage freedom of expression. But in any organization whether it be HEW, General Motors, or a Senator's office, the employees must be loyal to their "boss." Otherwise, they should not remain, nor can they be permitted to remain. We must not allow a group of self-appointed interpreters of the public interest to ignore the mandate of the voters.

My only hope is that Elliot Richardson quickly assumes control of the Department and makes the hard decisions necessary to implement the President's policies.

Mr. President, I ask unanimous consent that the editorial entitled "Getting HEW on the Tracks," published in Business Week of June 13, 1970, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GETTING HEW ON THE TRACKS

In Washington, the Health, Education & Welfare Dept. long has been known as a death trap for administrators. As the repository for some of the most sweeping programs launched during the Johnson Administration, HEW for years has been long on ideals, short on cash, and hopelessly tangled in red tape. A decade ago, it administered some 100 programs and a $16-billion spending budget. Today, the number of programs is up to 275, the spending figure approaches $60-billion, and the complexity of its problems almost defies rational analysis.

Obviously, retiring Secretary Robert Finch found the job acutely frustrating. And though he made a promising start toward rationalizing some of the HEW programs, it soon became clear that he could not lick the sprawling department into line and worry about his political future in California at the same time.

Now, with Finch moving over to join the White House staff, the task of straightening out HEW passes to Elliot Richardson, a veteran of the department in its early days under Eisenhower and a man who has earned respect as Under Secretary of State. Richardson, understandably, shows no great eagerness for the job, but having agreed to take it, he can be expected to tackle it with energy and insight.

He will need both in ample measure. HEW must not only grapple with such problems as campus turmoil, racial conflicts, and welfare reform; it also must deal with internal conflict and demoralization that has produced a near paralysis in some of its divisions.

Many HEW employees seem to feel that they owe allegiance to their particular programs rather than to the department, the Administration, or the government itself. This attitude generates a fierce defensiveness and makes resistance to any change a matter of high principle for the HEW staff.

Richardson's first job will be to whip the department into working shape, using a combination of tact and toughness. Then, he will have to push ahead with plans to rationalize HEW's various programs, centralizing those, such as welfare payments, that can be handled most efficiently through the federal apparatus, and decentralizing those, such as health services, where local requirements are paramount.

At the same time, the new Secretary should begin working with the President's Council on Executive Organization (the group headed by Roy Ash of Litton Industries) to determine whether or not HEW should be continued as a department in its present form. The Ash council's plan for White House organization—which becomes effective next month—enlarges the White House machinery for coordinating domestic programs. When that change is effective, HEW's elaborate administrative hierarchy may well prove superfluous. And in the long run, it is entirely possible that two or more Cabinet-level departments, working through the new White House Domestic Council, could handle HEW's programs more efficiently and with a good deal less hair-pulling.

In both long run and short run, Richardson will need the full support of President Nixon. More than any other individual, the HEW Secretary bears the burden of carrying out the President's campaign promise to master the administration of the social programs enacted in the 1960s. Unless the White House backs him, the HEW meat grinder can turn him, like some previous secretaries, into hamburger.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 6 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized for 6 minutes.

COMMUNIST MASSACRE IN SOUTH VIETNAM

Mr. DOLE. Mr. President, from the beginning, the "surrender in Vietnam now" movement, which characterizes some of the so-called antiwar groups which seek to undermine the President's efforts to obtain an honorable peace, have ignored the kind of enemy we are fighting.

They have ignored it, and in some cases sought to deny it, because to face up to the truth would mean they would have to confess that getting out of Vietnam is not the easy task they would like the American people to believe it is.

One of the perils of a precipitate withdrawal by American forces from South Vietnam would be to expose the South Vietnamese—especially those who have actively opposed communism—to the very real possibility of torture and death on a mammoth scale.

There have been efforts in recent months from several corners to minimize the possibility of this happening.

We are told in some cases there is no proof that it has happened or that it would happen. We have even been told that the slaughter at Hue in 1968 was merely the revenge of an army in retreat and did not reflect a part of North Vietnamese and Communist policy.

We have been told this even though there are Communist documents that make it clear that the massacre at Hue was deliberate and a part of the Communist policy.

In recent months, two studies have been done of Communist repression and terror tactics in South Vietnam.

One is called "The Vietcong Strategy of Terror" and is written by Douglas Pike, a former newspaperman who is a recognized authority on Vietnam.

Mr. Pike's monograph was prepared for the U.S. Information Agency and therefore is not available for distribution in the United States.

While Mr. Pike deals primarily with the Communist policies of terror, he also tells us that from captured documents and public pronouncements it is clear that they "are picking up the Vietnamization gauntlet thrown down by the Governments of Vietnam and the United States."

He says that the Communists have given themselves four tasks which are: First, to prove by demonstration that the Republic of Vietnam Armed Forces cannot successfully fight alone. Second, to prove that the Government of Vietnam in Saigon is a mere facade propped up by the Americans and will collapse when American disengagement reaches a certain point. Third, to destroy the various political, social, economic, and militia-type programs the GVN—Government of Vietnam—has underway in the country's 2,500 villages—collectively known as the Pacification program—thus destroying or minimizing any faith and trust villagers might have in the Saigon Government. Fourth, to increase American casualties so as to turn the disengagement into a rout.

Mr. President, if these are the Communist objectives, their feeling of frustration must have grown since Mr. Pike wrote those words early this year.

South Vietnamese forces are proving they can successfully fight alone. The Government of South Vietnam shows no signs of collapse. Pacification is succeeding.

And President Nixon's decision to clean out the North Vietnamese sanctuaries in Cambodia have dealt the enemy a major setback, such a setback in fact that there is little likelihood now of turning our disengagement into a rout.

As a matter of fact, Mr. President, this is where the North Vietnamese misjudge us completely.

There will be no American rout in Southeast Asia so long as Richard Nixon is President. I am convinced that all the forces of surrender in the United States will not be able to persuade or pressure this President into the precipitate withdrawal.

Mr. Pike makes it plain that the murders, massacres, and tortures practiced by the North Vietnamese and the Vietcong are not practices in passion but are a part of a "population control system resting in part on terror."

Mr. Pike also makes the point that there is a major difference in outrages perpetrated by our side and those perpetrated by the enemy:

> To the Communist terror has utility and is beneficial to his cause, while to the other side the identical act is self-defeating. This is . . . because . . . terror is integral in all the Communist tactics and programs and the Communists could not rid themselves of it if they wanted to.

Mr. President, what Mr. Pike calls terror is referred to as "repression" in a study by the Rand Corp., prepared for the advanced research projects agency. The study is called "Vietcong Repression and its Implications for the Future." It was prepared by Stephen T. Hosmer. Here is what he says about Communist repression in Vietnam:

> Organized and directed by the Viet Cong Security Service, repression is a vital part of the over-all Communist effort to achieve the "disintegration" of the government and to control and polarize the people of Vietnam through the systematic elimination, intimidation, and subversion of those supporting the defense against communism.

In other words, repression is indeed terror.

One of the points made by the apologists for the North Vietnamese is that the massacre at Hue was done in a fit of passion. The implication is that on this ground it ought to be excused and that it does not presage further killing of South Vietnamese. But the facts, unfortunately, do not bear this out.

Here is what Mr. Hosmer says about the 25-day interval when Communist forces controlled a large part of Hue:

> In the intervening 25 days, despite fierce allied counterattacks, Communist forces apparently had time and sufficient control to track down and eliminate hundreds of local government officials, administrative personnel, police, spies, political party members and other target groups. There can be little doubt that the repression of such persons was one of their foremost objectives; captured notes, taken during a party committee meeting in preparation for the Hue offensive, listed the puppet Administration as one of the primary targets of the attack. . . . Attacking main force units were assigned a major role in the capture and liquidation of tyrants.

Mr. President, where is the passion here? There is none. This is a deliberate strategy of terror and massacre. Those who write differently have either not bothered to study the facts or are deliberately lying.

It serves no real purpose to go further, because I believe the point is clear.

I am disturbed, however, that the New York Times, whose Columnist Tom Wicker doubted the President's warning of a bloodbath if Americans were to withdraw precipitately from South Vietnam, has not deigned to correct Mr. Wicker's distortions. The senior Senator from Colorado has accurately refuted Mr. Wicker's column, as does today's study by the Rand Corp.

Mr. President, I would like to call to the attention of the press and of my colleagues both "The Vietcong Strategy of Terror" and "Vietcong Repression and Its Implications for the Future." They may serve to set the record straight and they may explain, in part, why the President is not willing to allow the massacre of the South Vietnamese people.

QUALITATIVE ARMS LIMITATION

Mr. BROOKE. Mr. President, there has been a long and intense debate among professional students of arms control regarding the feasibility of "qualitative arms limitation." Some analysts and officials have argued that only quantitative arms restraint should be pursued since efforts to limit the characteristics or qualitative features of weapons systems are in their judgment not practicable. Some have contended that qualitative arms control would require governments to attempt reversing the irresistible momentum of science itself. They have alleged that one cannot prevent the attainment of knowledge, in the weapons field or in any other.

Over the years, however, a growing number of scientists and experts in arms control have come to see that there is a vital distinction between the acquisition of knowledge and the application of that knowledge to weaponry. They have perceived that there are extremely important opportunities for arms control to be effective in impeding application of scientific findings to specific military technology. This is the basis for a number of proposals over the years. The Nuclear Test Ban Treaty is an example. It serves not so much to diminish the progress of basic physics research as to preclude unlimited experimentation in search of more varied thermonuclear weapons.

Similarly, the proposal to suspend tests of multiple independently targetable reentry vehicles is grounded on the knowledge that perfecting such complex technology is subject to test controls. Within the broad spectrum of research and development, limitations of certain developmental activities promise to make important contributions to mutual security in the nuclear age. Attempts to curb destabilizing technological trends are fully compatible with the central tenets of science. They are in no way offensive to the thrust for knowledge. They are in principle a high exercise of human rationality to promote the security and well-being of mankind. If nations can agree to forgo dangerous technologies which threaten to complicate the problems of mutual security in the gravest manner, they will have passed a historic threshold on the way to an orderly world.

The concept of qualitative arms control could be shunted aside only at grave risk to the success of quantitative arms limitations. It is essential to understand that qualitative improvement in weapons could very easily undermine the stability of quantitative restrictions. MIRV technology is a preeminent example of this danger, for unless we practice restraint in future development of such systems, the qualitative evolution of strategic forces may produce vast increases in the quantitative effectiveness of any given force level.

This is especially true with respect to potential improvements in missile accuracy. Even very small warheads, if delivered precisely, can be more effective in destroying hardened missile silos and other strategic targets than relatively large warheads delivered with today's accuracies.

As Members of the Senate know, I believe it is of great importance for the United States and the Soviet Union to reach an understanding whereby they will mutually refrain from deploying MIRV weapons. However, even if such systems are deployed, there remain years of work and countless tests before such weapons would pose a serious challenge to strategic stability. Development of a hard target MIRV capability will require extraordinary improvements in missile accuracy and/or increases in missile yield. Because of this, we face both a challenge and an opportunity. Limitations over developmental activities with regard to MIRV will remain a viable and desirable objective for the strategic arms limitations talks.

President Nixon's indication some weeks ago that the United States has abandoned certain preliminary work on more advanced MIRV systems of higher accuracy was a welcome indication of the United States' sensitivity to the implications of such work. The President's clear commitment to exercise restraint in technological programs which might appear to jeopardize the survivability of other nations' strategic forces is a rare and enlightened act of leadership which preserves a maximum chance for SALT to reach a meaningful arrangement regarding this matter.

Mr. President, a striking illustration of the strength of scientific sentiment on the feasibility and wisdom of qualitative arms control is a major petition signed by over 400 members of the faculty of the Massachusetts Institute of Technology. Speaking as individuals, these distinguished members of the scientific community have called upon the President and the Congress—

> To discontinue the development of high accuracy MIRVs and to give the highest priority to negotiating international agreements which should include a permanent ban on the development and deployment of these and other destabilizing weapons.

Thus, we have more than half the faculty of MIT, perhaps the Nation's foremost scientific and technological university, offering their personal judgments that restraint in MIRV development is practicable and essential. So far as I know, this petition is virtually unprecedented as a measure of scientific consensus in support of a ban on MIRV testing and deployment.

As the petition states—

> The security of the United States is not automatically increased by the construction of every weapon that is technically feasible . . . on the contrary, some weapons, by destabilizing the strategic balance, can diminish the security of all.

In this brief but sensible formulation these members of the MIT community have set forth a balanced and needed perspective, a necessary criterion for guiding the destiny of a planet populated by technologically advanced, but politically underdeveloped nations. It is greatly in the interests of the American people that we learn to be more selective in the applications of our technological skills, particularly in the realm of military systems.

I was pleased to receive a distinguished delegation from MIT last week. Profs. Francis Low, Lee Grodzins, Leo Sartori, Philip Morrison, and George W. Rathjens presented this important petition. I believe it will be of interest to the Senate and the public as a notable contribution to our national debate on strategic arms issues.

I ask unanimous consent that my statement of last Thursday and the text of the petition be printed in the Record.

There being no objection, the statement and petition were ordered to be printed in the Record, as follows:

SENATOR BROOKE RECEIVES MASSACHUSETTS INSTITUTE OF TECHNOLOGY PETITION ON MIRV

It is an important event when more than one-half of a great scientific community, speaking as individuals, express concern over the potential danger of a technological threat. We witness such an event today.

Through a petition presented by this distinguished delegation, the majority of the faculty of the Massachusetts Institute of Technology today seek to alert the government of the United States to the hazards inherent in perfecting highly accurate MIRV systems. Not only would such precise weapons be unnecessary for the retaliatory doctrine which the United States has adopted, but by posing a threat to the forces of the Soviet Union, such MIRV technology would actually weaken our security by undermining the strategic stability on which it rests.

Today's petition is a welcome reinforcement of the United States' decision not to pursue development of certain destabilizing MIRV systems.

As you know, many of us have campaigned for a mutual Soviet and American moratorium on MIRV testing and deployment. The Senate's overwhelming approval of S. Res. 211 endorsed this objective and the Strategic Arms Limitation Talks now under way in Vienna have this issue under consideration. The most constructive outcome would clearly be a firm agreement that neither the Soviet Union nor the United States would continue testing or deploying MIRV type systems.

Yet, if some kind of MIRV deployment in fact occurs, it will be vital to insure that it contributes to the mutual deterrence which President Nixon has explicitly defined as United States policy. The relatively inaccurate MIRV systems which have been tested to date are quite sufficient for retaliatory use. To perfect a truly precise weapon capable of attacking hardened missile silos would take some years and numerous tests.

It is in the interest of both the United States and the Soviet Union to avoid such provocation. Both nations should demonstrate by the character of their development and deployment programs that they are not seeking such dangerous systems. For that reason, whatever the specific results of SALT negotiations on MIRV and other systems, the views of this large body of informed, technical professionals today deserve the attention of Washington and Moscow.

PETITION

The undersigned members of the faculty of MIT affirm their belief that the survival of our nation and of the entire world are gravely threatened by the continued expansion of the strategic arms race; that the security of the United States is not automatically increased by the construction of every weapon that is technically feasible; that on the contrary some weapons, by destabilizing the strategic balance, can diminish the security of all.

We are troubled by the imminent deployment of expensive new strategic weapons, both offensive and defensive, which are not necessary to ensure our nation's deterrent capability. Particularly disturbing is the prospect of the development of multiple independently-targeted missile warheads of such high accuracy that they threaten the destruction of a potential adversary's missiles. Such a weapon would give the appearance of striving for a first-strike capability. It thus would be dangerously destabilizing.

We call upon the President and the Congress of the United States to discontinue the development of high-accuracy MIRVs and to give the highest priority to negotiating international agreements which should include a permanent ban on the development and deployment of these and other destabilizing weapons.

Mr. BROOKE. Mr. President, I hope I may be permitted to add a final comment to the significance of this petition. One of the perplexing facts of our time is what we might call the paradox of progress. As science and technology have modified the environment in the service of man, they have created new problems and new challenges of their own.

Largely because progress has brought its own perils, public confidence in the name of science and their works has waned. It has often been rejected by an overt hostility to the products of modern science and to a suspicion that the men of the laboratory are, in a familiar stereotype, Dr. Strangeloves. Like all stereotypes, this one is a disservice to the scientific community and to the public at large.

It is true that scientific progress poses grave questions to public policy. René Dubos, the distinguished biologist, captured the bittersweet quality of science's impact on society in a bit of doggerel some years ago:

Science seeks out ingenious ways
To kill strong men and keep alive the weak
and ill;
That these a sickly progeny may breed,
Too poor to tax, too numerous to feed.

It is easy to be disheartened by such a gloomy prospect and to lose sight of the affirmative aspects of scientific progress. Yet a fair perspective must recognize that research and development themselves contain some of the most promising approaches to relieving the unwanted byproducts of their own evolution. It would be very serious indeed if the festering ill will between some citizens and the research community should lead to a breach in the productive relationship which has long existed between American scientists and the society in which they dwell. We need to take note of the manner in which the diverse energies of American research are seeking channels for service. One should observe, for example, that much of the drive to cleanse our environment has come from an awakened scientific community. One needs to remember that important contributions to the impending population problems, particularly knowledge and techniques for family planning, are the product of concerned scientists. And all Americans need to remember that by far the most informed critiques of the arms race, together with far-reaching concepts for arms control, have originated in the scientific fraternity.

The expression of 436 members of the Massachusetts Institute of Technology faculty is but the latest in an endless series of efforts by American men of science to steer the technology they spawn in the most constructive direction. I believe it is especially timely that they have spoken now, not only because of the unique phase in which the arms race finds itself, but because of the extraordinary tensions which have surrounded American universities and their relation to the public. Regaining our national composure and securing the blessings of a stable peace will require other such initiatives. I have every confidence that these and other scientists will work diligently to insure that modern technology promotes human welfare, succors human misery, and curbs human conflicts.

ADDITIONAL STATEMENTS OF SENATORS

NURSES IN COMBAT AREAS

Mrs. SMITH of Maine. Mr. President, for more years than we care to ponder we have noted the rising casualty figures of our servicemen in Vietnam. Today I wish to pay tribute to the nurses who also serve in the combat areas from the Demilitarized Zone to the Mekong Delta. The nurses of all the services are performing magnificently. Never in the history of warfare have the wounded received such professional care or been evacuated with such dispatch. The nursing services in Vietnamese hospitals have contributed greatly to the low percentage death rate among those injured in battle.

I ask Senators to join me in paying tribute to the many service women who are contributing significantly to our national security in the Armed Forces.

Mr. President, it is also a special and unique privilege for me to honor the achievements of two illustrious American women who have been recognized for their devotion to duty and outstanding service to the Nation. On June 11, Anna Mae Hays and Elizabeth Paschel Hoisington were both promoted to serve as brigadier generals in the U.S. Army.

General Hays, Chief of the Army Nurse Corps, and General Hoisington, Director of the Women's Army Corps, are the first women to attain the military rank of general officer in the history of this Nation. I am proud to pay special tribute to these women and to all women who serve under them.

I ask unanimous consent that brief records of accomplishment of the Army Nurse Corps and the Women's Army Corps be printed in the Record.

There being no objection, the records were ordered to be printed in the Record, as follows:

The U.S. Army Nurse Corps

The Army Nurse Corps, established in 1901, is the oldest military nurse corps in the United States and the first women's component of the U.S. Armed Forces. An all-officer Corps, its mission is to provide the best possible nursing care to the American soldier and his family.

The Army Nurse Corps had 403 members when the United States entered the war against Germany in 1917; however, within the subsequent 18 months, its strength increased to 21,480. Approximately 50 percent of this group served overseas. Several were honored by the United States of America and similarly by the foreign governments in countries where they served.

In 1939, when World War II began in Europe, the Corps strength totaled 625 officers. By early 1945, 57,000 nurses were on duty in 1,000 Army hospitals and medical installations across the face of the earth. In their round-the-clock vigil, nursing services were also provided during the evacuation of patients on planes, trains, and ships. They met these challenges with indomitable courage and calm efficiency—16 lost their lives as a result of enemy action and 66 were interned as prisoners of the Japanese following the fall of Corregidor. Approximately 1,400 were decorated for bravery under fire and meritorious service.

With indifference to hardship, 57 Army nurses became the first U.S. women to enter Korea immediately following the outbreak of the hostilities in July 1950. Over 5,400 Army nurses served their Nation during this period. They endured the rigors of conflict and earned the coveted title of "Front Line Soldiers" who battled a war against disease up and down and across that strife-torn peninsula. Hundreds were decorated for their exceptional performance of duty.

Again in the Republic of Vietnam, Army nurses answered the call to provide care to the combat soldier. Since 1962, over 5000 have given unparalleled nursing care to our forces in that country. These services have contributed to the fact that only 2.4 percent of the American wounded have died of battle injuries—the lowest percentage in military history. In addition, Army nurses have served as ambassadors of good will to the Vietnamese people. Many have been wounded and seven have died in the service of their country—one as the direct result of hostile fire. Hundreds have been decorated for bravery and distinguished service. Today, approximately 700 Army nurses serve in all types of US Army hospitals in Vietnam from the DMZ to the Delta.

Blessed with a proud heritage, almost 5,000 Army nurses, both men and women, are assigned to hospitals in the United States and twelve countries of the free world. They enjoy an enviable role as they give of themselves in service to their fellow men. The "Spirit of Nursing" monument, unveiled at Arlington National Cemetery in 1938, is a fitting tribute to military nurses who lost their lives for the cause of mankind and peace in the world.

Women's Army Corps

In response to a bill introduced by the Honorable Edith Nourse Rogers of Massachusetts, a Women's Army Auxiliary Corps (WAAC) was established on 14 May 1942 to assist in alleviating the Army's manpower shortage of World War II. As an auxiliary, the Corps had no military status. In January 1943, Mrs. Rogers introduced bills in both houses of Congress to make the Corps a part of the Army and to change the name to Women's Army Corps (WAC). President Franklin Delano Roosevelt signed this bill into law on 1 January 1943.

Six months before military status was achieved, the first WAC contingent arrived at Allied Forces Headquarters in Algiers, North Africa. By the end of 1943, WAC personnel were serving on duty in England, India, Italy and Egypt. Thereafter the women went wherever they were needed in the United States, New Caledonia, Australia, Casablanca, Manila, Chungking, France, and Germany.

With the cessation of hostilities, it appeared that the Women's Army Corps might be discontinued. Then, in September 1946, the Chief of Staff requested legislation to make the Women's Army Corps a permanent part of the Army. On 12 June 1948, the President signed into law the Women's Armed Services Integration Act. WAC officers and enlisted personnel were permitted for the first time to be appointed or enlisted in the Regular Army.

With the beginning of the Korean conflict, women were again needed in greater numbers than in peacetime. American women again responded to the call for service and the Women's Army Corps doubled its peacetime size as women assumed duties in Japan and Okinawa in support of the Eighth U.S. Army.

The first WAC officer was assigned in Vietnam in 1962. At present, over 160 WAC officers, warrant officers, and enlisted women are filling administrative positions in Saigon and in Long Binh.

Prior to 1967, the highest rank which could be held by a female officer was that of Colonel or Captain. Then, on November 8, 1967, The President signed into law, PL 90–130 which removed grade restrictions previously placed on women officers of the Armed Services.

Today there are over 12,000 women serving in the Women's Army Corps. Approximately 10% are stationed in oversea areas.

HEALTH MANPOWER CRISIS—ADDRESS BY DR. GEORGE W. THORN

Mr. KENNEDY. Mr. President, one of the most serious aspects of the current health crisis in America is the increasing shortage of qualified health manpower available to meet the growing demand of our people for more adequate health services.

Recently, in his presidential address to the Association of American Physicians, Dr. George W. Thorn dealt with many of the most critical aspects of this problem. In his address, Dr. Thorn, who is professor of medicine at Harvard Medical School and physician in chief at Peter Bent Brigham Hospital in Boston, analyzes the health manpower problem in detail, and proposes a number of constructive and far-reaching solutions.

In particular, he proposes a plan for developing small medical schools in 50 or 60 medium-sized cities in the United States. Today, these cities do not have medical schools. By emphasizing teaching rather than research, it would be possible to minimize the construction and operating costs of such new schools.

In addition, as Dr. Thorn makes clear, it is likely that many of the medical students recruited from these communities would remain in medical practice in these areas, and would use the new medical centers as the focus of their practice.

Mr. President, I believe that Dr. Thorn's address will be of interest to all of us concerned with the quality of health care in America. I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

82d Meeting Association of American Physicians—Presidential Address, May 5, 1970

(By George W. Thorn, M.D., Hersey Professor of the Theory and Practice of Physic, Samuel A. Levine Professor of Medicine, Harvard Medical School; Physician-In-Chief, Peter Bent Brigham Hospital, Boston, Mass.)

To serve as President of the Association of American Physicians is at once an honor of particular distinction and a responsibility of great moment. The membership of this Association is unique in the national representation and reputation which is enjoyed among part-time as well as full time teachers of internal medicine. It may be stated with certainty that this professional group more than any other influences the pattern of medical education and hence the form and quality of medical practice which this country will receive.

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Although it is true that departments of internal medicine have always occupied a strategic position in undergraduate medical education, recent changes in medical curricula leading to a substantial reduction in the time allotted for instruction in the basic sciences have placed added responsibilities on these particular departments. Thus, in addition to teaching clinical medicine, they must now assume greater responsibility for critical areas of biochemistry, physiology and microbiology. At the other end of the spectrum, there is an acute need for departments to train physicians for leadership roles in the development of programs for improved delivery of medical care and to provide undergraduate as well as graduate medical experience in the new opportunities for medical practice.

If our nation is to enjoy a high level of medical care and if care of this quality is to become a reality for all, then a bold, far-reaching educational program must be initiated immediately. Such a program must, of necessity, include a great increase in the rate at which we train physicians, para-medical personnel as well as administrators and technologists who can apply sound business principles and advanced technology to the delivery of medical care. In addition, a high priority on substantial funds must be assured by federal, state and community agencies.

In the time permitted, I shall address myself only to the magnitude and peculiarities of the predicted shortage of physicians, realizing that a satisfactory resolution of the problems existing in the remaining categories is essential if a successful over-all national health program is to be developed for this country. Because I believe that these issues are so pressing and will require the full support of this Association in the days ahead, I have also invited representatives of two medical schools to present briefly their concept of some of the opportunities and problems which face departments of medicine as they become involved in regional or neighborhood health programs.

What is a reasonable estimate of the physician requirement for this country in the decade ahead?

It is predicted that the population of the United States in 1980 will exceed 242 million, an increase of over 36 million during this decade. It is also estimated that in 1980 the number of individuals over 65 years of age will total 23 million. Obviously, this latter group represents a population with a relatively high medical-care requirement.

In estimating the over-all physician need, one must also be concerned with the fact that substantial sectors of our population today are receiving woefully inadequate medical care and that a considerable increase in the number of physicians and health personnel will be required to meet even the minimum health needs of these large groups.

It is probable that advances in our understanding of disabilities caused by chronic degenerative diseases such as diabetes mellitus, heart disease and musculo-skeletal disorders will alert many individuals to the desirability of continued medical supervision. Since these particular disorders are so prevalent and of such prolonged duration, medical manpower needs will be further extended. In this same vein, the professional requirement needed to effect even the most modest impact on patients exhibiting psychological and emotional disorders is almost limitless, being defined in practical terms by the availability of physicians and the economic resources of the country.

The added physician hours which will be utilized in carrying out advances in cardiac surgery vascular reconstruction, prosthetic replacements and transplantations are impossible to estimate but that they will sequester a substantial section of highly trained medical manpower seems, inevitable. Whereas the treatment of infections should should require less physician time per patient, complications arising from antibiotic and pharmaco—therapy in general will undoubtedly increase. At present, drug reactions constitute a substantial proportion of patients requiring hospitalization. It is also predictable that the incidence of alcoholism and other forms of addiction will attain a high level during this decade, and the demands on the profession and on institutional facilities for these groups are particularly great.

I come now to a provocative consideration, namely, can one expect that the practicing physician whose work week at present probably averages at least 60 hours will continue to perform at this rate in the face of concomitant social changes—or should we be more realistic and estimate an average of 40 to 50 hours per week by the year 1980? Such a reduction, one must admit, is a distinct possibility. Group practices provide for 24-hour, 7-day coverage but appreciably reduce the total hours which each physician contributes. House staff members expect more time off, as we all know, and family vacations and extended holidays are becoming an integral part of the professional man's way of life. A reasonable reduction in hours per week—as projected for the future—could easily increase by 10–20 per cent the number of physicians required to carry the same patient load! Has this fact been seriously considered by those responsible for the financing of medical schools and the projected plans for medical education?

With medical science advancing at its present rapid rate, it is conservative also to predict that a majority of practicing physicians will find it necessary or perhaps be required to spend the equivalent of at least 4 weeks per year in postgraduate education—this could decrease available physician services by another 5–10 percent!

One must now comment on the fact that at this moment approximately one-third of the internship and resident positions in hospitals in the United States are being filled by non-nationals—many of these physicians derive from countries which can ill afford the loss of such highly trained professional personnel. Surely, one cannot count on this source of medical manpower to the same extent in the decade ahead.

Considering all of these points, one can estimate conservatively that a minimum of 20,000 medical graduates annually, as compared to our present level of less than 10,000, might be required by the year 1980 if we are to be capable of providing even the most modest of national health care systems. In addition, there will be needed a tremendous increase in the number of trained paramedical personnel and a substantial improvement in the efficiency with which our health services are administered.

RECRUITMENT OF MEDICAL STUDENTS

In contrast to many specialized fields of education, well qualified candidates for entrance to medical schools are abundant! Having experienced a decade in which the number of applicants had plateaued, the past two years have seen a substantial increase in the number of qualified applicants, and there is every evidence that this ground swell will continue as a consequence of an earlier great increase in college admissions. Despite the 3 to 4 years of undergraduate medical school training at relatively high cost and the subsequent anticipated period of two or more years of hospital experience, over 25,000 well qualified students applied for approximately 10,000 places in the entering class of 1970.

What are the possibilities for accepting more undergraduate medical students?

1. Increasing enrollment of present medical schools. Government funds are and have been provided to stimulate acceptance of more students. In many schools much of the potential increase has already taken place. At most, one might consider a 25–50 per cent further increase as an over-all limit or the acceptance of a total of approximately 2,500–5,000 more students per year in 1980 by schools now in existence.

2. New medical schools are being planned and built. By the year 1980, a maximum of 20 schools will have been completed with a potential enrollment of 1–2,000 additional students but only a small proportion of this number will have been graduated by the year 1980. However, a significant proportion of this increase could be offset were the foreign medical schools, which now train approximately 300 U.S. students per year, to limit their acceptance.

3. "Round the year" teaching could be extended to additional schools as a means of increasing the availability of opportunities within existing facilities.

4. Pressure on medical school basic science departments could be relieved in some instances by greater utilization of conveniently based university science departments.

All four of these suggestions imply primarily quantitative changes and while they would, if implemented, reduce appreciably the gap between "production" and "need", they would leave to a considerable extent the unresolved problem of eccentric distribution of physicians and the need for more regional medical facilities of high caliber. If these latter problems are also to be resolved, then members of our association, representing a very important group of leaders in academic medicine, must be willing to explore and support new programs which may, in many instances, challenge existing concepts. We must keep foremost in mind the fact that despite the effort which is being made in the directions I have indicated, there will remain at the end of this decade large segments of our population with inadequate medical care, regional programs without effective medical resources and a very heavy concentration of physicians in and around our university hospital centers.

How can the rate of medical graduates be substantially increased and financed; and concomitantly how can the distribution of well trained physicians and the regional deployment of medical manpower and health facilities be improved simultaneously?

It seems apparent that increasing the concentration of medical students in our large centers is not a very effective method for improving the distribution of physicians since graduates of these centers tend to remain in or around these institutions, and the "so-called" ripple effect has been shown to be minimal. Is it reasonable to believe that the development of small medical schools in moderate-sized cities would attract students from local areas who might then practice medicine in that or close-by communities? Could such small medical school-hospital complexes serve as the centers for regional medical programs, thereby upgrading the level of medical care for the area—and at the same time provide an important local facility for training paramedical personnel and for continuing postgraduate medical education? Would small medical school-hospital complexes of this type be feasible—in what numbers could they be developed—at what cost?

I will begin with the assumption that most cities with a population in the range of 150,000–200,000 will have at least one community hospital of reasonable size and good quality and that the community has or will have an educational institution of higher learning. In a table appended to this address, I have identified 50 or 60 such communities in which at present there is no medical school. The community hospital could remain as a primary carecenter within the medical school complex and could continue to serve as a lower cost type of hospital facility responsive to the needs of the community and its practicing physicians. New construction would include a small univer-

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sity-type hospital for a full time staff and a small science building equipped for undergraduate medical teaching. On the basis of a medical class in the range of 50–60 students, it should be possible to standardize architectural plans for such units, thus effecting a significant reduction in construction cost.

A core curriculum for undergraduate instruction could be developed and with the aid of new technics in communication, one could reduce appreciably the over-all faculty requirement without sacrificing significantly the quality of medical education. Furthermore, the present reduction in Federal funds for medical research and training programs will make available at this time for faculty positions a relatively large pool of scientists and clinicians with excellent post-graduate training. These new community hospital-schools would offer a unique opportunity for basic scientists to accept responsibility for development and supervision of hospital clinical laboratories. This in turn could result in a signficant upgrading of the laboratory services available to the community as well as an improvement in the relevance of basic science teaching to medical student education. Such a supportive relationship between basic science departments and hospital might also provide an additional source of financial support for the basic science departments which, in all probability, will be faced with limited budgets in the decade ahead.

Community medical school-hospital centers would also provide facilities for continuing post-graduate medical education as well as serving the regional needs for training health personnel, and centers of this type would be ideal for the development of the "team approach" to community health. By recruiting medical students regionally and by providing a continuing and realistic experience in primary medical care within the undergraduate curriculum, one could reasonably anticipate that the number of physicians interested in practicing community medicine might be substantially increased.

The establishment of 40 or 50 such units within our country during this present decade would provide one type of experimental program which could return rich dividends, and of course this type of program should be supported by civic communities as well as by state and federal funds. To be successful however, such an enterprise would require the wholehearted understanding and support of academic medicine as well as that of organized medicine and those agencies which presently are concerned with the delivery of medical care.

What of the large university medical center?

At present, university teaching hospitals that have initiated regional or neighborhood programs have usually done so by developing moderate-sized ambulatory care units in geographical locations adjacent to or near the medical schoolteaching hospital complex. It is readily apparent, however, that though this effort is to be commended, a regional ambulatory center which, of necessity, refers "in-patients" directly to a university-type hospital is both economically and professionally unsound. There should be lower-cost hospitalization available to those patients whose illnesses do not require the expertise and the highly specialized facilities of the university teaching hospital. Thus, I would propose that one consider another departure—namely, that the medical school-university teaching hospital develop within its complex a modest-sized community-type hospital—to be organized under a separate Board of Governors, such Board to include representatives from the community at large as well as from the university and teaching hospital governing boards. In this instance the university-teaching hospital would be large and would include research facilities whereas the associated community-type hospital or primary care unit would be relatively smaller.

The community-type hospital unit might in some instances serve advantageously as the over-all ambulatory and emergency facility for the total complex, caring for those patients whose needs could be easily met and referring the more serious, complicated or difficult cases to the appropriate specialized area within the university hospital. The interface between the community-hospital unit with its over-all ambulatory and emergency facility and the university hospital might offer a unique location for departmental professional offices and specialized or referral-type clinics.

The inclusion of a primary-care hospital unit within the university hospital complex would not only provide an effective teaching base for undergraduate medical students and house staff but could bring the community as well as the practicing physicians into closer working relationships with the staff of the university hospital and its many educational opportunities.

Thus one could visualize that the large scientific center with its associated community-type hospital could exploit the knowledge and imagination of the entire university community in developing comprehensive health systems. The associated community-type hospital and its surrounding neighborhood health stations would provide excellent opportunities for teaching, training and experimentation. By contrast, the small medical school-community hospital unit would serve as the regional center for health programs and, by recruitment of medical students from near-by communities, might increase significantly the number of physicians who would discover that practice in smaller communities can be very rewarding professionally as well as being economically and socially advantageous for one's family.

In summary, I would urge that the combined intelligence of this distinguished association direct a significant proportion of its energy in the immediate future toward resolving the problems of medical manpower shortage, the need for improving the efficiency of our health system and the manner in which medical school-hospital complexes can best provide leadership in the search for improved patterns of medical care.

TABLE—POTENTIAL SITES OF NEW MEDICAL SCHOOLS

1. *Alabama:* Mobile and Montgomery.
2. *Arizona:* Phoenix.
3. *California:* Berkeley, Fresno, Glendale, Long Beach, Oakland, Pasadena, Sacramento, San Jose, Santa Anna, and Torrance.
4. *Connecticut:* Bridgeport and Waterbury.
5. *Delaware:* Wilmington.
6. *Florida:* Jacksonville and St. Petersburg.
7. *Georgia:* Columbus and Savannah.
8. *Illinois:* Peoria and Rockford.
9. *Indiana:* Evansville, Fort Wayne, Gary, Hammond, South Bend.
10. *Iowa:* Des Moines.
11. *Kansas:* Topeka and Wichita.
12. *Louisiana:* Baton Rouge and Shreveport.
13. *Massachusetts:* Springfield.
14. *Michigan:* Flint and Grand Rapids.
15. *Minnesota:* St. Paul.
16. *Missouri:* Kansas City.
17. *Nebraska:* Lincoln.
18. *New Jersey:* Paterson.
19. *New York:* Yonkers.
20. *North Carolina:* Charlotte.
21. *Ohio:* Akron, Dayton, and Youngstown.
22. *Oklahoma:* Tulsa.
23. *Pennsylvania:* Erie.
24. *Tennessee:* Knoxville.
25. *Texas:* Amarillo, Austin, Corpus Christi, El Paso, Fort Worth, and Lubbock.
26. *Virginia:* Norfolk.
27. *Washington:* Spokane and Tacoma.
28. *Alaska:* Anchorage.
29. *Idaho:* Boise.
30. *Maine:* Portland.
31. *Montana:* Billlings.
32. *Nevada:* Reno.
33. *South Dakota:* Sioux Falls (Rapid City).
34. *Wyoming:* Cheyenne.

RISING INFLATION IN THE MIDST OF RECESSION

Mr. SYMINGTON. Mr. President, many people in my State are concerned about the report Sunday by the Labor Department that unemployment in our Nation has climbed by 1.3 million persons to a total of 4.1 million since the start of the year.

This raises our national jobless rate from 3.5 to 5 percent of the labor force; and in some localities we understand it is much higher.

Tomorrow the President will deliver his long-awaited report on the national economy. It is my earnest hope that he will announce a specific plan to reverse this downward slide and halt the rising unemployment that is creating tragedy for so many of our people.

This increasing rate of job loss, combined with the continuing upward spiral of inflation, brings a double hardship to the country.

Only yesterday, a member of the President's Council of Economic Advisers conceded that unemployment is running above the rate that the administration predicted last February.

Missouri has been hard hit by this rise in unemployment, with a 65-percent increase in the number of people who have been thrown out of work during the past year. Strikes have accounted for part of this rise, but the majority of layoffs are the direct result of a slowdown in our economy. And the specter of future layoffs now haunts many breadwinners now employed, along with the difficulty for young people to obtain jobs.

Missouri ranks second in the Nation in automobile assembly, therefore the drop in production of motor vehicles, along with that of other transportation equipment, is a significant cause of job loss in the State; as also is the heavy reduction in the production of airplanes, commercial planes as well as military planes.

It is time for all of us to take a clear look at the economic facts of life, and consider hard-headed measures designed to bring an end to our current unique economic predicament—rising inflation in the midst of recession.

POSTAL REFORM PROPOSALS AND THE UNION SHOP

Mr. PEARSON. Mr. President, both Houses of Congress will shortly be considering pending postal reform proposals, either H.R. 17070 or S. 3842. Speaking broadly, both bills will accomplish several needed reforms which I basically support. Both bills would: First, convert the Post Office Department into an independent establishment in the executive branch of the Government, freed from direct political pressures and endowed with the means of building a truly superior mail service; and second, increase the pay of postal

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employees by 8 percent over and above the Government-wide increase of 6 percent, and shorten the time required to reach the top pay step for most postal jobs.

The U.S. Post Office Department is a vast establishment which employs over 750,000 people. It delivers over 80 billion pieces by mail annually, and it operates over 30,000 post offices throughout the United States, the territories, and possessions. But, despite the size and importance of this operation—essentially a business enterprise—those responsible for its management do not have the authority that the managers of any enterprise must have over prices, wages, location of facilities, transportation, and procurement activities and personnel policy. President Nixon recently said that the postal service "is failing the mail user in terms of service, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment." The President continued, "It is time for a change"—and I heartily agree.

However, both bills contain sections which would bring postal workers under the provisions of the National Labor Relations Act. Thus the postal service would be subject to the jurisdiction and orders of the National Labor Relations Board as in the case of private employers.

The bills would continue to apply the present ban on strikes by Government employees. But they would not continue to apply the existing ban on union shop agreements. The present rule provides that each Government employee shall have the right not to join or assist a labor union. In other words, union shop is banned for any Government workers, and this has been emphasized by an Executive order signed by President Kennedy and backed up by President Johnson, and an additional Executive order signed by President Nixon as late as October 1969.

A typical union shop agreement requires employees, as a condition of employment, to become and remain members of the union during the life of the agreement by paying union dues and initiation fees. The ban on union shop agreements between Government agencies and labor unions is most recently stated in President Nixon's Executive Order 11491. It provides that no agreement by a Government agency "shall require an employee to become or to remain a member of a labor organization, or to pay money to the organization except pursuant to a voluntary, written authorization by a member for the payment of dues through payroll deductions." The order also provides:

> Each employee of the executive branch of the Federal Government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

To change this time-honored procedure of allowing Government workers voluntarily to join a union, or to refrain from joining a union, is not in the best interests of the country as a whole, the Government service, and, specifically, the best interests of the postal workers themselves. It would be a drastic departure from the law applicable to Government agencies.

Never before in our history has an individual been faced with the requirement of having to join a labor organization if he wished to work for the Federal Government. In my opinion, once this practice of union shop is established in the postal service, the consequences of this policy throughout the Federal Government service ought to be apparent to all.

This has been no "undercover" agreement worked out by the Post Office Department and the AFL–CIO. Everything has taken place in the open for all to see, and George Meany has been extremely candid about what he feels the effect of the union shop in the postal service would have on Government-wide service. He said, in testimony recently before the House Post Office and Civil Service Committee:

> We in the AFL–CIO hope to be back before this committee in the very near future, urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers of the Federal Government. We think this bill is only a beginning.
>
> As we see it the Congress is today paving the way for a new day in Federal employer-employee relationship.

In a public statement issued following negotiations in which the AFL–CIO agreed to support the House bill, H.R. 17070, Mr. Meany said:

> We in the AFL–CIO quite candidly see these negotiations as setting the stage for the future. We believe that collective bargaining can be—and should be—extended to all workers in the Federal Government.

Mr. President, I am proud of the many letters I have received in the past 2 months from the postal workers of Kansas themselves. They all urge that they be given the much needed 8 percent pay increase; as long as their status under the civil service is protected, they all urge the institution of postal reform to make the postal service more responsive to the needs of the country. But all of them who have mentioned the union shop—and at least 95 percent of them have—are opposed to this aspect of the pending legislation.

The postal workers of Kansas wholeheartedly oppose the idea of putting collective bargaining and the union shop in any postal pay and reform legislation. They want to retain the present freedom they have to join, or not to join, a labor union. They want to retain the freedom they have always enjoyed in this respect, and I am greatly impressed by this desire because they are the ones most directly involved.

Mr. President, I intend to do all in my power as a U.S. Senator to honor this desire of these postal workers not to be brought under those sections of the National Labor Relations Act which call for collective bargaining and the union shop. I shall vote favorably on any amendments which will delete these sections from the pending postal reform legislation.

IF HUMPHREY HAD NOT BEEN DEFEATED

Mr. MUSKIE. Mr. President, there have been many post mortems on the 1968 presidential election.

None, however, have been more pointed or more succinct than an editorial written by one of the most able and thoughtful editors in New England, Ed DeCourcy, and published recently in the Argus Champion of Newport, N.H.

I ask unanimous consent that Ed DeCourcy's "The Spectator" column be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Argus Champion, Newport, N.H., May 21, 1970]

THE SPECTATOR: IF HUMPHREY HAD NOT BEEN DEFEATED

(By Edward DeCourcy)

Eighteen months have passed since our last Presidential election, and many of us have forgotten how close it was, and how it seemed on that election night, for a while at least, that Hubert Humphrey might even be our President.

If we can stretch our memories to recall that 1968 campaign, maybe we can realize how lucky we are that Humphrey was not elected.

Remember inflation? Why, if Humphrey had not been defeated, inflation would be worse today than it was in 1968, and everybody remembers how bad that was. Prices would be higher right across the board. Interest rates on mortgages would have skyrocketed to nine or 10 percent.

If Humphrey hadn't been defeated, the bottom would have dropped out of the stock market, and stock prices now would be at their lowest point in seven years.

If Humphrey had not been defeated, we'd have many more people out of work and unemployment would be getting worse, and all the time his Cabinet officers and advisers would be telling us this was only temporary and things would be rosy by the end of the year.

We really are fortunate that Humphrey wasn't elected.

If he hadn't been defeated, the unrest on the college campuses would be getting worse. Students would be rioting, and sometimes even burning buildings, and officials would have to be calling out the National Guard.

If Humphrey hadn't been defeated, some students might even be getting shot.

It's a good thing Humphrey wasn't elected. Remember all the talk about peace, but everybody knew all the time that he was a war monger and was married to the Johnson Vietnam policy. If he hadn't been defeated, we'd still have thousands of men fighting in Vietnam and the casualties would be as bad as ever.

If Humphrey hadn't been defeated, we'd be bombing North Vietnam again, and we'd be invading Cambodia, only we wouldn't call it invasion.

If Humphrey hadn't been defeated, crime would be increasing, and the efficiency of the postal service decreasing.

If Humphrey hadn't been defeated, there would be no respect for law and order, Post Office employees and teachers would be going on illegal strikes. Even airport traffic controllers would be striking.

If Humphrey hadn't been defeated, racial tension would be tearing us apart, and the whole cause of integration would be slowed down.

Why, if Humphrey hadn't been defeated, even the American Indians would be on the rampage, taking over places like Alcatraz

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and threatening even up in Old Town. We would be stockpiling nerve gas, or threatening to ship it on railroad tracks right through cities.

If Hubert Humphrey hadn't been defeated, almost every river in the country would be polluted and the city dwellers, wherever they are, would be choking for a breath of fresh air.

If Humphrey hadn't been defeated, Newport would be having its federal aid to education cut, and the Small Watershed project on the Sugar River would be delayed and the Soil Conservation engineering staff would be cut back.

Its really a good thing Humphrey was defeated. Otherwise we'd all be shouting at each other, and nobody would be listening, and our voices wouldn't be lowered, and young people wouldn't be talking to government, and government wouldn't be talking to young people.

So you never can be sure on election night, just how lucky we are.

LONG-TERM EFFECTS OF CERTAIN DRUGS

Mr. McINTYRE. Mr. President, the Washington Post of June 8 contains a comprehensive article by Mr. Morton Mintz which discloses the results of a major study of tolbutamide, the leading oral antidiabetes drug sold by Upjohn under the trade name Orinase. Other antidiabetics were included, also. According to the study, long-term use of this drug, prescribed extensively for diabetic patients for over 10 years, has been found to increase sharply the chances of an early death.

The lengthy study which began in 1959 has raised serious questions not only about tolbutamide but also about the long-term effects of many other drugs used to treat other chronic diseases. According to Dr. Frederick Wolff, professor of medicine at George Washington School of Medicine, there has been little encouragement or sponsorship of studies "to ascertain the long-term effects" of such drugs, as well as the effects of medicines, such as tranquilizers and oral contraceptives, used widely by the public over long periods of time.

The lesson here is that there is an urgent need for more and carefully controlled studies of drugs and the effects of their sustained use on patients. The consequences of neglecting this research are far too grave and the implications for millions of persons currently taking various drugs on a long-term basis far too disturbing to delay such studies any longer.

I ask unanimous consent that the article by Mr. Mintz be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 8, 1970]

Discovery of Diabetes Drug's Perils Stirs Doubts Over Short-Term Tests

(By Morton Mintz)

At 2:17 p.m. on May 20, Dow Jones News Service tickers informed thousands of investment brokers and newspapers that a major study of Orinase, the leading oral antidiabetes drug, is "likely to prove unfavorable to the Upjohn Co."

The brief dispatch—the first disclosure of a story with vast medical implications—went on to give a concise summary of the study results. These indicated that long-term use of the drug sharply increased the probability of premature death.

Twenty minutes later, Dow Jones transmitted a statement from the Upjohn firm, which obviously had been braced for a development of this sort. The same day, the company started a mass mailing to the medical profession of a "Dear Doctor" letter which discouraged physicians from precipitately halting use of Orinase.

The Orinase episode was but the latest in a long series in which the financial community got reports of literally vital medical research ahead of scientists, who need an opportunity to scrutinize and challenge the data, and doctors who then find themselves beset by troubled patients.

On the New York Stock Exchange, Upjohn closed at 36, down $1, on the day of the Dow Jones story. The following day the stock dropped—in a generally declining market—another $1.50.

Orinase, which had 54 percent of the oral antidiabetic market, is Upjohn's leading prescription product. Sales in 1969 were about $50 million. In addition, the company grossed about $7 million last year from Tolinase, a chemically related oral antidiabetes tablet.

By coincidence, the gross from tolinase alone was equal to the total cost of the decades-long government-sponsored study.

Aside from Upjohn, the study was also of obvious concern to an estimated 1.5 million persons in the United States, plus large numbers in other countries, who take Orinase or one of the other oral antidiabetes drugs, and to practicing physicians and medical scientists throughout the world.

But the study also had hidden implications for additional millions who take various drugs to treat other chronic diseases.

And, finally, the study raised major questions about the standards for, and sponsorship of, drug testing.

Diabetes is, by definition, high levels of sugar in the blood. But it is the complications of diabetes that are most dreaded. In diabetic adults, vascular diseases—heart attacks, strokes, kidney disorders, blindness—occur 2½ times as often as in adults with normal blood sugar levels.

Even though proof continues to be lacking, the prevailing medical reasoning has been that if blood sugar is controlled, the onset and progression of the complications of diabetes is also limited.

Until the early 1950s blood sugar could be controlled only by special diets or use of insulin, which "burns" sugar but must be injected.

Then, the West German firm of Farbwerke Hoechst, A.G., began to sell a chemical named tolbutamide that made it possible for a diabetic to control blood sugar merely by swallowing a couple of tablets a day. In June, 1957, Upjohn as a licensee of the German producer, began to sell tolbutamide under the trade name Orinase.

Planning for the federal study began two years later. Taking elaborate precautions against possible bias, scientific investigators from a dozen universities set out to determine if long-term use of insulin or a synthetic chemical would confirm or rebut the conventional wisdom:

That there is a cause-effect relation between high blood sugar and vascular diseases, and that high blood sugar is not—as a few suspect—a more or less incidental symptom of some underlying but elusive defect in bodily processes, such as an inability to metabolize fats properly.

The results stunned the investigators. An example was the distribution of the 61 deaths from vascular causes that occurred over the eight-year testing.

The 823 patients were randomly assigned to four patient groups, each of almost identical size.

The smallest number of deaths, 10, occurred among the patients on a placebo, or fake drug. Among the patients on an unvarying dose of insulin, 13 died. Another group of patients received insulin injections in doses varied to maintain "normal" blood sugar levels. Twelve of these patients died. But of the tolbutamide patients, 26 died.

The duration of the study, well beyond the standard periods for drug testing, was of critical importance.

The data showed that the impressive relative safety of tolbutamide continued for three years. But then in the fourth year of use, for reasons that are unknown, it started to drop sharply.

The average participant in the study was 53. He (or she) had been initially diagnosed to have had diabetes no more than a year before entering the study.

The prognosis for surviving at least five years had to be good.

During a preliminary one-month observation period, doctors watched the participant closely. They wanted to be sure that dangerous reactions would not occur on a diet that would achieve and maintain normal body weight without medication.

Next, the subject was assigned—at random—to one of the four patient groups. Then, and at three-month intervals thereafter, he was given a large battery of tests. Depending upon which group he entered, he remained on a placebo, insulin (in constant or varying dose) or tolbutamide for at least 4½ years. The average participation was seven years.

The National Institute of Arthritis and Metabolic Diseases financed the study with grants of $700,000 a year. Upjohn donated the necessary supplies of Orinase.

As the study progressed, the investigators reported their results to the institute, the company and the Food and Drug Administration.

In 1968, the trend toward higher mortality rates in the tolbutamide patients started to become evident.

Although the tolbutamide had been heavily prescribed for well over a decade, the unquestioned lowering of blood sugar remained controversial. And there was another significant and disturbing point: The university investigators were discovering that after two or three years of sustained use, the efficacy of tolbutamide in lowering blood sugar declines steadily.

Meanwhile, the NIH arm and the Upjohn Co. were supporting another important study in Detroit.

The oral antidiabetes drugs stimulate the pancreas to release insulin into the bloodstream, where it "burns" sugar.

But do the drugs increase the ability of the pancreas to manufacture insulin, as was almost universally assumed? Or do the chemicals deplete the pancreas' supply of insulin and perhaps eventually cause a loss in the gland's capacity to produce insulin?

At Detroit's Sinai Hospital, Dr. Piero P. Foa, chairman of the department of research, and Joseph Dunbar, an assistant, addressed themselves to these questions through animal experiments.

In February, 1969, Dr. Foa was ready to present his findings to an international diabetes congress in Umea, Sweden.

He had injected tolbutamide into the peritoneal cavity of hamsters. He also had mixed into the food given rats a chemical variant, glybueride, which Hoechst sells in Europe.

Then the hamsters and rats, along with untreated control animals, were killed. Their pancreatic glands were put in test tubes and studied.

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Dr. Foa found that the pancreas of an animal that had received a drug—whether by injection or in the diet—produced *less* insulin than the pancreas of an animal that received no drugs. The larger the amount of drug administered, the lower the production of insulin.

Dr. Foa carefully pointed out that it was not known if the animal data could be extrapolated to humans. And, he noted, in animals in which use of the drugs was discontinued after a few weeks, the abnormalities disappeared.

Nonetheless, the results led Dr. Foa to question the wisdom of using the oral drugs to prevent or delay diabetes in persons predisposed to the disease.

Over the next several months, the university scientists conducting the long-term study of Orinase were finding mounting evidence of higher death rates among tolbutamide patients.

In the summer of 1969 they decided to take the approximately 200 tolbutamide patients off the drug. (In order to enter the study, the patients had had to be able to get along without medication anyway.)

But the situation created an obvious ethical dilemma: was it justifiable to stop use of tolbutamide in the test patients while keeping the medical profession and public in the dark?

In the end, the decision was made to present the study at the annual meeting of the American Diabetes Association in St. Louis on June 13–14. By this time, Dr. Miller said, it was calculated that practicing physicians would be able to get copies of the report and thus be able to deal knowledgeably with patients' questions.

In separate phone interviews, Dr. Max Miller, professor of medicine at Case Western Reserve University and the study's director, and Dr. G. Donald Whedon, director of the sponsoring national institute, said the decision to delay disclosure was correct for several reasons.

The data were still largely unprocessed. They had yet to be analyzed by independent medical statisticians. New data were still coming in. A report had to be drafted and circulated among the investigators at the universities. Their comments and criticisms had to be dealt with. All of these things take time.

Dr. Miller says the time was worth taking, and he has wide support in the scientific community.

The study was of potentially shattering impact to large numbers of patients and physicians. It had to be presented in the accepted scientific manner—at a meeting where recognized specialists could challenge and test it—lest, it was felt, its cedibility be needlessly imperiled.

But the plans for orderly presentation at the meeting evaporated on May 20 when the Dow Jones account came over the wires. It apparently was based on an abstract in the printed program of the Diabetes Association meeting.

With this development, the Washington Post published the next morning, May 21, a story of its own, based on a copy of the draft report. The newspaper had obtained the report with the understanding that it would not publish a story until the association meeting—unless someone else were to disclose the study results prematurely.

On May 22, the FDA, after a long, previously planned meeting of outside consultants on oral anti-diabetes drugs, announced that it had accepted the results of the university study.

The agency said it was requiring manufacturers to relabel the products to reflect the study and to sponsor new investigations into the "ultimate usefulness of oral antidiabetic agents."

Pending the outcome of the new investigations, the FDA said, it advised that none of the sulfonylurea products be prescribed for patients without visible symptoms of diabetes. In addition, the agency recommended, patients who can control their condition with diet alone, or who are dependent on insulin, should not take the drug.

"Diabetic patients currently taking tolbutamide or other chemically related sulfonylurea agents who are under adequate medical supervision should continue on their current regimen until advised by their physicians," the FDA said.

"In instances where these oral agents are deemed necessary by the physician, their dosage should be tailored to the individual patient's needs as recommended in the labeling."

The FDA had taken action, but that did not close the scientific argument. The university group's report is still on the program for next weekend's meeting in St. Louis.

Along with it, studies Upjohn regards as favorable to tolbutamide will be presented by Dr. Harry Keen of Britain and Dr. Juhana Passikivi of the Karolinska Institute in Sweden.

The company, in press releases and the "Dear Doctor" letter, has urged that, in the interim, judgments be withheld. The FDA, however, has said that "other recent studies"—a thinly veiled reference "do not alter the validity of the conclusions" of the university group's report.

Upjohn said that Dr. Keen, in a study in London's Guy's Hospital, "obeserved fewer cardiovascular events in patients treated with tolbutamide than in those without medication."

A problem with this arises in part from the phrase "fewer cardiovascular events." This combines, say, cramp with a heart attack, as if each had comparable importance. In contrast, the university group's study counts persons—those who died and those who lived (data on non-fatal events have not yet been released).

Only about one-fourth as many patients (248) were in the British studies. They were "borderline" diabetics with lower blood-sugar levels than those in the university group's study. Further, the methods of data analysis were fundamentally different.

Dr. Passikivi's patients in Sweden were very much different than the university group's—persons who had survived one heart attack, and who, as well, had impaired glucose tolerance but not overt diabetes.

In the first 18 months of treatment, Upjohn said, only half as many deaths occurred in the Swedish patients on tolbutamide as in patients on no medication. "Over longer periods of treatment, no difference in death rates was observed in the two groups," the company said.

Actually the Swedish results are not wholly inconsistent with the U.S. university group's. In the initial period of both studies, there was no suggestion that tolbutamide did harm. But the long-term equality in deaths between the treated and untreated groups in Sweden contains an implicit recognition that in the later years of the study tolbutamide patients died at higher rates.

The lengthy study of the antidiabetic drug also has implications for other chronic diseases, for the accepted standards of drug testing and for sponsorship of drug testing.

By the usual standards, tolbutamides was well tested.

As seen by Dr. Whedon, director of the national institute, a primary lesson of the study for other drugs is that "we've got to have more carefully controlled studies," which must last—as very few do—"more than three years."

Dr. Frederick Wolff, professor of medicine at George Washington University, said that "little work has up to date been encouraged or sponsored to ascertain the long-term effects" of a whole range of drugs used over long periods.

Dr. Wolff noted that medicines "have to be given indefinitely for high blood pressure, for edema, for certain joint conditions, and for mental disorders."

"In addition," he said, "wide selections of the public have gotten used to taking tranquilizers for nervousness, weight-reducing pills for incurable over-eating, various forms of contraceptive pills during the fertile life of the female, pain killers for the numerous aches and pains . . ."

But if the university group's study demonstrates the need for more long-term studies of medicine under impartial auspices, the federal government is not recognizing it. Instead, it is cutting funds for such research.

One inevitable result is to force research scientists to turn to where the money is—the drug companies.

INSUFFICIENT FUNDS ARE ROADBLOCK TO ADEQUATE CARE FOR VETERANS

Mr. YARBOROUGH. Mr. President, speedy evacuation by helicopter and improved delivery of health care in the field have enhanced the prospects of our men surviving an injury sustained on the battlefields of Indochina. Unfortunately, the quality of care which the Veterans' Administration hospitals are able to provide these survivors once they are returned to the United States is often a demoralizing, undeserved disgrace.

The House has recently passed an appropriation bill which increases the funds for the Veterans' Administration by $122 million for fiscal year 1971. This increment is insufficient, and can only be considered to be a halfway measure in the struggle to assure adequate health care for our veterans. The continual increases in the costs of providing medical care would consume a significant portion of these additional funds, resulting in continued shortages in personnel, and thus frustrating the ostensible purpose of the increased appropriation. An article in the June 7, 1970, edition of the New York Times points out that the staff-to-patient ratio in VA general hospitals is presently 1.55 to 1, whereas, the ratio in community hospitals is 2.7 to 1. In the specialized facilities devoted to the care and rehabilitation of the paralyzed veteran, the ratio is an even less satisfactory 1.1 to 1, compared to a 3-to-1 ratio in community rehabilitation centers. It seems particularly unfortunate that these severely disabled veterans who are unable to care for themselves are forced to exist under such hopeless conditions of neglect. It is our responsibility to see that the situation is alleviated.

The Senate Veterans' Affairs Subcommittee, under the distinguished chairmanship of the gentleman from California (Mr. CRANSTON) has studied conditions in VA hospitals over the past 6 months. This subcommittee has recommended that the appropriation for the Veterans' Administration for 1971 be increased by $189 million. Approximately $174 million of this additional money is to be earmarked for VA's medical programs. As chairman of the Labor and Public Welfare Committee, I fully support this request.

Mr. President, due to my deep concern for the problems existing in this area, I ask unanimous consent that the article entitled "More Money for VA," written by Howard A. Rusk, M.D., and published in the New York Times of June 7, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE MONEY FOR VA—7.5 PERCENT VOTED BY HOUSE FOR 1971 IS INSUFFICIENT FOR NEEDS OF HOSPITALS

(By Howard A. Rusk, M.D.)

To attempt to rectify the deteriorating and in some places tragic conditions in Veterans Administration hospitals, the House has just passed an appropriation for the V.A. for the fiscal year 1971 of about $122-million more than has been, or will be, appropriated for the fiscal year 1970.

This 7.5 per cent appropriation increase barely covers enormously inflated costs of providing medical care.

It certainly provides no substantial margin for making some very necessary improvements in the V.A. system. To do that would probably require at least another $130-million.

This would buy about 5,000 more medical care personnel for V.A. hospitals and clinics (probably about as many more as could be recruited and hired in one year) to make a significant improvement in the very low V.A. general hospitals staff-to-patient ratio. That ratio is about 1.55 to 1 as compared with 2.7 to 1 for the average community hospital.

EQUIPMENT BACKLOG

It would also enable the V.A. to wipe out an enormous $35-million vitally needed equipment backlog that has accumulated over the last several years. These additional funds would also prevent raiding medical care funds to meet obligations already made to residents and interns to work in V.A. hospitals as well as pay the trainees stipends comparable to those in community hospitals.

Also such an increase would permit bringing the staff ratio in the 10 intensive care spinal cord injury centers up to a level where they could provide good quality rehabilitation and other supportive services. These V.A. units are staffed at a disturbingly low ratio of between 1.1 and 1.2 for each paralyzed veteran.

This compares unfavorably with a number of top-flight civilian rehabilitation centers in which the ratio is 3 to 1. Such a ratio is absolutely necessary to provide really comprehensive services to these severely disabled patients.

The $130-million additional would also permit significant new training programs so badly needed by the allied health service personnel, nurse technicians, rehabilitation technicians and bio-medical instrumentation technicians.

UNUSED BEDS

This training would permit the conversion of 1,000 more unused or under utilized hospital beds to definitive care use. Lack of personnel is the roadblock.

It is also very important that the V.A. be provided with additional medical research funds to undertake developmental research directly applicable to patient care.

Lack of funds for such development has been a serious flaw in the V.A. research program. It was emphasized in the recent testimony of former Assistant Secretary for Health and Scientific Affairs, Philip Lee, before Senator Alan Cranston's subcommittee that substantial opportunities existed for the V.A. to carry on research and development activities in the field of health facilities and health services delivery.

In this research development budget, additional funds should be included for an attempt to find ways to provide special training for hospital staffs in the particularly specific psychological problems and sensitivities of severely disabled institutionalized patients.

Their need for the most sympathetic and compassionate care possible is obvious. "Tender loving care" is fundamental, especially in meeting their total needs.

MANDATORY PAY RAISE

The most critical problem right now is the fact that the V.A. will need in the next fiscal year approximately $60-million to pay medical care personnel the 6% mandatory pay raise recently voted into law.

No funds for this purpose have been requested by the Administration, and it is vital that the V.A. not be forced to absorb any of these salary increases within whatever funds are finally appropriated for medical care.

Otherwise, the major purpose of the increase—more staff—will be substantially reduced.

The debate in Congress will tell the tale in the next few weeks. There are certainly more compassionate economics that can be made rather than short-changing wounded veterans in the vital services necessary not only to save lives but to preserve their dignity and self-respect.

CRIME—THE CANCER AFFECTING ALL AMERICAN SOCIETY

Mr. MOSS. Mr. President, I can understand that all Americans want an instant solution to our frightening problem of crime—I do, too—but it is a problem of enormous complexity.

Crime is, first of all, a law enforcement problem involving our local police, our courts, and our custodial and correctional programs and institutions—the whole sweep of our machinery for apprehending, for bringing to trial, and for adjudging sentence and then for rehabilitating criminals.

The Federal Government can help States and localities enforce the law by making Federal funds available to improve the efficiency of law enforcement personnel through training, improved equipment, and advanced methods of detection. The Federal Government has begun to do this through the Law Enforcement Assistance Act. Under this act, Utah has received $1,796,000 to improve enforcement and correctional programs and to better train personnel. Our State can expect some $2 million more in fiscal 1971.

A part of this problem is the fact that our crime wave has simply engulfed the court system.

For one thing, we have not expanded our court facilities rapidly enough—we have too few judges, prosecutors, and penal institutions of the right kind to provide speedy justice and evenhanded rehabilitation.

Relying on arrangements that have served well for almost 200 years, we have failed to make the necessary adjustments to accommodate more people in a time of rapid change.

The bar is partly to blame for our deficiencies. For example, we permit trial continuances almost for the asking. Attempting to extend full justice to every American, perhaps some courts have lost sight of the difference between questions of guilt and innocence and those of procedure. Many appeals are taken on questions involving the conduct of police officials—questions often germane neither to the guilt or innocence of the accused nor the correct application of the law. If a suspect has committed a crime, he should not be aquitted simply because a complaint has some minor procedural flaw. The rights of every citizen must be protected; but the capability of society speedily to punish criminals must also be protected.

All of us—the bar, the law enforcement community, our civic leaders, and legislative bodies—must strive to redefine this issue for our time.

The frightening, crime-related problem of drug abuse, especially among our youth, must also be faced. Here, too, we walk on new ground, struggling to deal with the effect on individuals and on society of the burgeoning use of unfamiliar substances and with its concomitant and rapidly expanding social and law enforcement problems.

Striving to provide lawmakers and administrators with reliable information on which to base decisions concerning marijuana, I introduced a bill to establish a commission to study this dismaying problem. My bill was made a part of the drug abuse bill which the Senate passed recently.

Much more remains to be done. And the Federal Government must fulfill its role in the field of crime detection, adjudication and rehabilitation of offenders, but I stress again, that crime control is basically a local problem for cities, counties, and States. The fundamental criminal law is set forth in our 50 State codes. The sheriffs, constables, city police and State police must enforce the criminal law through our State courts and our penal detention and rehabilitation processes must function to reclaim offenders and protect society.

No issue today is more important.

THESE WHO SUFFER

Mr. KENNEDY. Mr. President, we forget at times that besides the number of soldiers and civilians who are killed and wounded in the Vietnam war, there are other sufferers—the refugees of that war.

The homes of thousands upon thousands of Vietnamese civilians, and now Cambodian civilians, have had their homes destroyed, their lives forever disrupted, and their lands turned into battlefields.

An essay by a former International Voluntary Services worker who served in Vietnam poignantly speaks of the sufferers of the war.

I ask unanimous consent that the article entitled "Personal Experiences in Vietnam—A Civilian Perspective," written by Chris Jenkins, from the Handbook on Vietnam, compiled by students at the University of California at Berkeley, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PERSONAL EXPERIENCES IN VIETNAM—A CIVILIAN PERSPECTIVE

I went to Vietnam in 1966 as a volunteer worker with International Voluntary Services, a Washington, D.C.-based private peace-corps sort of organization. I went to Vietnam to learn about the war there and to listen to what the Vietnamese had to say. I came back to this country in 1968 in sadness at having to leave a country and a people I had learned greatly from, in frustration over my inability to help the Vietnamese people, and in shame and anger over the death and destruction that I witnessed committed by my fellow countrymen against the people and the land of Vietnam.

I want to tell you about the Vietnamese—

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not about the Vietnamese that you have heard from already, those in the government who speak through the press or those you may have met on your periodic visits to Vietnam, but about the peasants, the refugees, the students—those Vietnamese who suffer the most from the war but have no voice or no right to speak.

The first Vietnamese I knew were refugees in the coastal city of Tuy Hoa. There were two refugee camps there, Niuh Tiuh and Anltoa. The people living in them were women, children and old men. The young men, I was told, were in the army, some drafted into the NLF, others drafted into the Saigon army. The camps were built on the beaches as there was no other free land that was considered within the pacification perimeter by the government. The beaches were hot and families were crowded into long tin shacks without windows. The government had dug a well but the water was saline. Refugees were given five cents a day to buy food, but, they complained, these allowances stopped usually after just a few weeks in the camps. The spirit among the people in the camps was very low. They had lost everything they owned, everything that kept their life together and gave it meaning. They had lost the land, the means of their livelihood; they had lost their ancestral altars and ancestral graves, the focus of their religious and spiritual life. One might say they had lost their freedom.

Some found work as construction workers with American companies building the U.S. Air Force Base outside of Tuy Hoa. Some women found work as maids or laundry women in G.I. barracks. Others sold stolen PX items on the black market. Young girls sold their bodies to support their parents. Kids became shoe-shine boys or pick pockets. These degrading professions were all that was left to a family broken by the war and struggling to keep alive.

A brave few refused this humiliation and crept back to their burned village and shell-scarred rice paddies. In what was now a free-fire zone they harvested their rice and planted again, often daring to work only at night to avoid detection by the ever-present eye of planes overhead.

And, I was told, there were those who refused the pacification and aid of the Americans and Saigon government and chose to fight—with the NLF.

Those of you who have been to Vietnam have at least been to Saigon and seen the slums, the urchins in the streets, the squatter's tin shacks that stretch over vast areas on the city's outskirts. These people are refugees too. But they are not officially recognized by the Ministry of Refugees. They have fled the war zone of their own volition and receive even less official attention, therefore, than those refugees in government refugee camps. Without water or electricity and living in extremely crowded conditions, these refugees too, wait for the time when they can return to their ancestral homelands.

For over a year I worked in the central highlands near Dalat. This region is inhabited by the ethnically distinct mountain people or montaguards. The war has made refugees of these people as well. Once engaged in nomadic slash-and-burn agriculture, these people have been forced to move their villages near to towns and roads where they can be controlled and "protected" by the Saigon government. No longer nomadic, the Montagnards are faced with coping with the problems of reworking the same exhausted land year after year. They can no longer hunt freely in the forest for the meat that completes their diet.

I worked for a while in one of these relocated Montagnard villages. I worked with Vietnamese students to build a new health center. Before this village had existed even a year, it was burned to the ground by American napalm. The village had been visited by the enemy, I was told, when I asked the province officials why the village was destroyed. For the health center I helped build I would not mourn. But for the one-hundred six villagers who died I could only wonder at what cost the Vietnamese were to be forced to be free.

I taught English at the University of Dalat where I made my closest friends among the students. The students were mostly from wealthy Saigon families and enjoyed many privileges including student draft deferment. Perhaps because of this leisure and affluence, the students had time to reflect on their nation and what was happening to it. They were angry at the dominating role the Americans played. They were ashamed and frustrated at the ineffectivenes of the Saigon army and the corruption of the Saigon government. They would not join an army, they said, to fight and die for leaders like Thieu and Ky. They attempted to satisfy their social concern by going into the city and surrounding villages to build schools and roads and to dig wells. But they became discouraged when their efforts were destroyed by war or bureaucratic corruption.

Some students worked actively for a middle way between Saigon and the NLF. They demonstrated and published newspapers calling for support of the Buddhist Third Force. Many of these students ended up in jail where they were tortured or banished to the prison on Devil's Island.

With the possibility of war dissent thus withdrawn, with the position of peace or neutrality unacceptable to Saigon, the most determined students saw no choice but to join the NLF. The NLF was the only honorable and patriotic option. Many students expressed to me their secret desire to join the NLF. Minh, one of the Dalat student leaders, admired the program of the NLF and admired their courage. "But," he said to me, "I cannot bring myself to leaving my family and my girlfriend. And I do not know if I could be strong enough to live on just rice and salt and live in the jungle. The life of an NLF soldier is very hard."

Following the Tet offensive of 1968, many of these students were drafted into the Saigon army. But their hatred of Thieu and Ky and the Americans remain. Today, in the spring of 1970, the schools and universities of South Vietnam have been closed by the government as the students once again fled into the streets to protest government repression.

Typical of the feelings expressed to me by the Vietnamese was that expressed by an old schoolteacher whose family sheltered me during the Tet offensive in Hue. I lived together with his family for over three weeks under the artillery, bombs and napalm of the allied forces. We had many long occasions to talk about Vietnam and the war. He told me that if I returned to America I must thank the Americans for their concern over Vietnam. "Tell them," he said, "that we are grateful that they came to help us. We sincerely feel that Americans had good intentions here and wanted to help us in the problems of building our country. But now we know that the only way America can help us is by leaving our country. Let us work out our own problems. America has brought us no peace but the peace of the cemetery." Indeed, I felt, if only the President and the generals and the Ambassador and the American people could be with me here now, amid the smells of gunfire, smoke, and burned flesh, they could not continue this war one more day.

I managed to escape from Hue. Many others did not. I bring with me my experiences, and the words of my Vietnamese friends who, though unheard, voiced again and again their desire for the war to end, for their right to live, to live in peace. To them the choice is not one of ideology, it is one of survival.

Only America can stop this war. If only in the name of our own humanity let us listen to the Vietnamese people and understand their single desire to live in peace.

FREEDOM FOR THE BALTIC STATES

Mr. BROOKE. Mr. President, I note with sorrow that today marks the 13th anniversary of the Soviet invasion of the Baltic nations of Lithuania, Latvia, and Estonia.

The brave people of these troubled states have too often in world history been the innocent victims of the destructive battles of the more powerful nations of the world.

I pray that the day will not be far away when the people of these nations, and all other oppressed peoples of the world, will be able to enjoy the refreshing fruits of freedom and independence as expressed in House Concurrent Resolution 416, which was agreed to by Congress in 1966.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD as a further mark of the resolve of Congress and, indeed, all voices of liberty throughout the world, that the peoples of the Baltic States will once again be able to walk proudly in a country and with a government of their own choosing.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development;

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

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SALUTE TO BABE RUTH BASEBALL

Mr. RIBICOFF. Mr. President, I am pleased to join this salute to Babe Ruth Baseball.

In this era of push-button complacency, the need for physical fitness of all Americans—not only our young people—has been widely discussed. The Federal Government, particularly since President Kennedy's administration, has begun to upgrade our efforts in this regard. But we are wise to honor organizations and activities such as Babe Ruth Baseball which were promoting physical fitness long before jogging and other such activities became fashionable fads. Last year alone, more than 18,000 boys 13 to 18 years old participated in Babe Ruth Baseball. Even more are expected to play this summer.

Besides developing physical skills, this program provides young men invaluable training in teamwork and cooperation. We need to support the values of sportsmanship and fair play under established rules if we are to combat the blind hate and irrationality that are beginning to appear across our country.

I salute Babe Ruth Baseball in its worthy activities and hope that it will involve even more youngsters in the years ahead.

170TH BIRTHDAY OF PORTSMOUTH, N.H., NAVAL SHIPYARD

Mr. McINTYRE. Mr. President, on June 12, the U.S. Naval Shipyard in Portsmouth, N.H., celebrated its 170th birthday. No one can question the long and distinguished history of this installation and of the men who have worked in it. This shipyard, with its magnificent record of achievement, is now being threatened with shutdown. The men who work there and the officers who manage it are well aware of this threat to its existence and their livelihood. What we must be aware of is the important role this yard has played in our history and of the important role it can continue to play.

I ask unanimous consent that two items from the Portsmouth Periscope of June 12, 1970, one a message from the shipyard commander and the other a history of the yard, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

A Message From the Shipyard Commander

Today we celebrate our 170th Birthday as a United States Naval Shipyard. Throughout this long history, our Shipyard has built and supported a great variety of Navy ships and has, as the Shipyard motto indicates, been transformed from a shipyard skilled in sail-making and servicing smooth bore cannon to one which has the capability today of constructing and servicing some of our Navy's most complex ships—nuclear powered attack and Polaris or Poseidon missile firing submarines. A major milestone in the transformation occurred when Portsmouth became the first Government Shipyard to build submarines. This marked the beginning of an era in which the Shipyard earned a reputation for technical leadership in design and engineering and fine craftsmanship in producing submarines for the Fleet. The Shipyard has pioneered many significant design improvements which have contributed so much towards the U.S. Navy's underseas force; second to none in the world today.

But past glories never ensure future greatness, and we are now faced with the gravest challenge of all; the question of our continued existence. This challenge has been met before when Congress, in 1876, appointed a Board to consider the possibility of closing the Yard. This Board recommended that the Yard not be closed, and one of its main reasons was as follows: "There is a large population in and around Portsmouth, N. H. and Kittery, Maine, who have passed their lives in shipbuilding, and the naval mechanics in that vicinty are esteemed among the best in our country . . ."

Today, as then, the people working here are the Yard's greatest asset. The best of machines and equipment are of no avail unless willing hands and thoughtful heads are there to use them.

To meet the present challenge successfully, we must continue to demonstrate, as before, that we are leaders in submarine construction and engineering. So, with pride in the past and with confidence in the future, let's meet that challenge.

D. H. Kern,
Captain, U.S. Navy,
Commander of the Shipyard.

"From Sails to Atoms" Symbolizes Portsmouth Naval Shipyard's 170 Years of Service to Fleet

Portsmouth Naval Shipyard, a leading designer and builder of submarines, is 170 years old today. The first of all naval shipyards, Portsmouth is one of the largest industries north of Boston and south of Montreal. From an investment of $5,500, the Shipyard, in 170 years of service to the Fleet, has expanded to a major submarine facility valued at $85,500,000—$1 million in land; $30,600,000 in plant equipment; and $53,900,000 in buildings and other facilities. The phrase From Sails to Atoms symbolizes the evolution of shipbuilding at the Portsmouth Naval Shipyard.

SHIPYARD'S HISTORY

With the formation of the Navy Department in 1798, plans were made for establishment of a Navy yard in the Portsmouth area. After a survey of possible sites by Chief Naval Constructor Humphries, a 58 acre island in the Piscataqua River, adjacent to the Kittery shore, was bought June 12, 1800, from William Dennett for the sum of $5,500.

The first vessel constructed at the Yard, the 74 gun ship-of-the-line Washington, was launched in July 1815. Six more vessels were built in the period up to 1848, when the first Portsmouth-built steamship, the sidewheeler *Saranac*, was launched.

Employment was down to 85 mechanics and laborers when the Civil War broke out in April 1861, but had climbed to a peak of 2,455 in May 1865. A total of 26 vessels were built in this period, including two iron-clads and 18 steam sloops. Among the latter was the *Kearsage*, which defeated the Confederate raider *Alabama* in a memorable battle.

The adjacent Seavey's Island, 105 acres, was purchased by the Government November 3, 1866 to allow room for needed expansion of the Navy Yard. The two islands were separated by a channel, part of which is now occupied by Dry Dock No. 2.

The War with Spain brought a brief boom in ship overhaul and repair work. At this time, funds were appropriated for the construction of new facilities and buildings including the Dispensary, Power Plant, Building 86, Dry Dock No. 2, Foundry, and the Naval Disciplinary Command. The Treaty of Portsmouth, which ended the War between Russia and Japan was signed September 5, 1905 in Building 86, the present Shipyard Administration Building.

When the German U-Boat campaign began to raise havoc with Allied shipping during the early part of World War I, the U.S. Navy became interested in building up a submarine force. All submarine construction was then being done by two private shipyards. The Navy Department, desiring to build some undersea craft in Government yards, selected the Portsmouth Naval Shipyard for the task of building the first one. Accordingly, the keel of the L-8 was laid November 2, 1914. The fore-runner of a long line of Portsmouth-built submarines was launched April 23, 1917 and completed May 25, 1918. The Portsmouth Yard thus became established as a submarine construction activity, and subsequently became the home yard for all submarines on the East Coast. The L-8 crossed the Atlantic in 1918 for duty in European waters, and at the end of the War returned to this country for further assignments, which were terminated in 1925.

The success of the L-8 led to a submarine building program during World War I, when eight additional ships were constructed, one O-boat and seven S-boats. These early S-boats were about 220 feet long with a 21 foot beam and displacement of 854 tons.

From 1924 to 1929, the Shipyard designed and built five large Fleet-type submarines of the V-class. These ships were 371 feet long, with a displacement of over 4000 tons, nearly four times that of the previous S-class submarines. The staunchness of these submarines is illustrated by their outstanding performance during World War II, when they had been in service for an average of 15 years. The V-types were heavily armed, with six torpedo tubes, one 6-inch deck gun and two 50 caliber machine guns.

From 1932 through 1941, the Shipyard prepared the designs for and built 22 submarines of a smaller, "cruiser-type." This series resulted in the following classes: *Cachalot, Pike, Perch, Salmon, Sargo,* and *Tambor*. These ships averaged about 300 feet in length, 25 feet in beam, and a displacement of 1460 tons. The *Snapper* is notable as being the first all-welded type, which gave the hull a much stronger construction, enabling the submarine to submerge much deeper and to better withstand depth bombing attacks.

The greatly expanded submarine building program, accelerated by our declaration of War in December 1941, resulted in the construction of 75 submarines from January 1942 through 1945. Submarines launched per year were as follows: 14 in 1942; 20 in 1943; 31 in 1944 (including four launchings in one day); and 10 in 1945.

Fleet submarines built during the War period were of the *Gato, Balao,* and *Corsair* classes, and averaged 310 feet long, 27 foot beam, and 1525 tons displacement. All had 10 torpedo tubes (6 bow and 4 stern), and most had one 3-inch gun, one 50 caliber machine gun, and two 40 millimeter anti-aircraft guns.

During World War II, our Fleet submarines were primarily long-range, high-speed surface ships capable of submerging. Because of the increased threat to surface operations by aircraft, submarine design since World War II has been increasingly slanted toward the role of the true submersible. Emphasis has been placed on increased submergence time and depth, higher underwater speed, more silent operation and better listening equipment.

"GUPPY" CONVERSIONS

Portsmouth pioneered in the design and conversion of about 20 Fleet submarines to *Guppy* types. The term *Guppy* was derived from the major aim of the program, that is, Greater Underwater Propulsion Power, the Y being added for euphony. Submerged performance of these ships was improved by completely streamlining their outer hulls and, in most cases, by increasing their battery capacities. In addition, they were provided with a snorkel system and with improved sonar, radar and radio equipment.

Under the *Guppy* Program, all deck fittings were removed, recessed, or streamlined, the

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conning tower and periscope enclosed within the sail area, and general improvements made throughout the interior. The U.S.S. *Odax* (SS484), which was originally commissioned at Portsmouth Naval Shipyard July 11, 1945, was the first submarine to receive a *Guppy* I conversion, completed at Portsmouth in 1947. She was converted to a *Guppy* II type at the Shipyard in 1951.

This Shipyard also converted four Fleet submarines to radar picket types. The purpose of these conversions was to replace surface ships, insofar as possible, as main body screens to warn of attacking aircraft. Destroyer casualties during the Okinawan Campaign of World War II accented the vulnerability of surface ships for this use. The ability of the radar picket to warn the Fleet of the approach of enemy aircraft, and then submerge to protect itself, is a tremendous advantage.

Portsmouth was one of two design yards for the construction of the *Tang* (563) class of submarines. This class of submarines incorporated all of the lessons learned about submarine operations during World War II. In addition to streamlining, increased battery capacity and a snorkel system, these submarines were designed for increased operating depth. Particular emphasis was placed on providing these ships with improved sonar listening equipment. Numerous advances were made to achieve improvements in many of the various electrical equipments and systems. Main engines, hydraulic systems, air conditioning units, and air compressors were smaller and weighed less. Additional AC current electrical auxiliaries were provided to obtain lighter weight in less space. Torpedo ejection systems were improved so that torpedoes could be launched without the tell-tale bubbles. The prototype, *Tang* (SS563), was commissioned at Portsmouth October 25, 1951. The ship was 268 feet long, 27 foot beam, with a surface displacement of 2,042 tons. With these dimensions she is much shorter and fatter than the Fleet type submarines.

"ALBACORE" TEST VEHICLE

The results of hydrodynamic research carried out at the David Taylor Model Basin were incorporated by this Shipyard into the design of *Albacore* (AGSS–569) which was commissioned here December 5, 1953. *Albacore* has a length of only 203 feet but a beam of 27 feet and a surface displacement of 1,534 tons. This submarine is a test vehicle built to obtain maneuverability and maximum submerged speed for a given main propulsion plant. Special emphasis was placed on hull form and streamlining. Extensive tests and trial results have indicated that, even with her marked increase in speed, *Albacore* has more control stability than previous designs. This ship is undergoing a major conversion and overhaul, making her an advanced test vehicle for developing new submarine design concepts.

During 1956–57, the Shipyard completed the design and construction of two radar picket submarines, *Sailfish* (SSR572) and *Salmon* (SS573). The main features of the new design were to provide high surface speed and maximum capability of radar search equipment.

Keel of the *Growler* (SSG577) was laid February 15, 1955. She was to be a conventionally powered attack submarine of the *Darter* class, but in January 1956, it was decided to convert *Growler* to a vehicle capable of launching the Regulus missile. The extensive conversion was made as a part of construction, and *Growler* was completed December 15, 1958.

ATOMIC SUBMARINE "SWORDFISH"

Portsmouth was selected as the first Naval shipyard to build an atomic submarine. *Swordfish* (SSN579) was launched August 27, 1957 and completed September 11, 1958. Construction of a sister ship, *Seadragon* (SSN584), was completed December 1, 1959. *Seadragon* gained considerable fame by traversing the famed Northwest Passage, a feat which had been sought by mariners for generations.

Barbel (SS580) was completed on June 4, 1959. This ship was the first of its class, which were designed for quiet operation, increased underwater speed, and greatly improved habitability in order to minimize stress and tension of crew members. The hull of the SS580 is similar to *Albacore*, whale-like in shape with very few appendages. Aided by the technical advice of the David Taylor Model Basin, Portsmouth has been the pioneer yard in the application of minimum underwater resistance hull forms for submarines. As a result, SS580 is the Navy's fastest conventionally powered attack submarine.

Abraham Lincoln (SSBN602), completed July 8, 1961, was the first Polaris missile submarine to be built at this Shipyard. This ship added to the Fleet one of the most distinctive weapons ever built, making it, along with other Polaris submarines, a valuable deterrent to enemy attack. With a nuclear propulsion plant perfected in the SSN585 class, *Abraham Lincoln* can stay at sea for long periods and is able to fire quickly and accurately a highly destructive missile on land targets.

The many advances of the *Barbel* and a new nuclear power plant were combined to make the *Skipjack* (SSN585), which was designed and built by Electric Boat Division, General Dynamics Corp. The SSN594 class is a greatly improved development of the *Skipjack* (SSN585) class. *Tinosa* (SSN606) combines advanced sonar, deeper depth, newer weapons, and emphasis on the elimination of noise as operating features. These improvements make *Tinosa* among the finest attack and killer submarines in the World. The Shipyard also built another ship of this class, the *Jack* (SSN605), which joined the Fleet in 1967.

Although *Jack* is similar to the SSN594 class in hull form and forward compartments, she has a unique propulsion plant which utilizes two contra-rotating propellers. This increases propulsive efficiency and improves controllability.

John Adams (SSBN620) *and Nathanael Greene* (SSBN636), Polaris submarines of the *Lafayette* class, were also built at Portsmouth.

The Portsmouth-built nuclear attack submarine *Grayling* (SSN646) was placed in commission October 11, 1969 at the Shipyard. *Sand Lance* (SSN660) was launched November 11, 1969 from the Shipbuildingways and is currently being outfitted at the Shipyard. *Grayling* and *Sand Lance* are *Sturgeon* class submarines, the newest of the nuclear powered attack submarines.

"DOLPHIN" DEEP DIVING, RESEARCH SUBMARINE

One of Portsmouth Naval Shipyard's latest accomplishments is the design and construction of the deep diving, research submarine *Dolphin* (AGSS555), which was placed in commission August 17, 1968. The submarine was built to develop and test advanced engineering design features and to conduct weapons, acoustic and oceanographic research. *Dolphin* is diesel driven and smaller than *Albacore*. Greater diving depth will be *Dolphin's* most notable feature.

The Shipyard has additional projects, including development of a method of protecting sea water valve internals from corrosion, investigation into the low cycle fatigue life of high strength hull structures, improved structural analysis techniques, development of deep submergence cable hull penetrators, development of procedures to braze shipboard pipe joints automatically and improved techniques for reducing the noise levels of operating submarines.

NATIONAL HEALTH INSURANCE IS NOT ENOUGH

Mr. KENNEDY. Mr. President, the Nation for June 8 contains a perceptive article by Dr. George A. Silver on the relationship between national health insurance and the need for improving the organization and delivery of health care in the United States. Dr. Silver, who is currently an executive associate of the Urban Coalition and a professor of public health at Yale Medical School, makes clear his strong belief that a national health insurance program cannot simply be an insurance program. It must also, he urges, contain adequate incentives to improve the organization and delivery systems. Otherwise, he declares, national health insurance will merely be a guarantee of higher income for physicians, hospitals, and insurance companies, not a guarantee of health services for our people.

Mr. President, I share Dr. Silver's concern that national health insurance must be used as a lever to improve health services in the Nation. I believe that his article will be of interest to all of us concerned with the quality of health care in America. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INSURANCE IS NOT ENOUGH

(By George A. Silver, M.D.)

In the foreign service, a diplomat is defined as one who hastens to the aid of the victor. National health insurance will be a political issue in some of the 1970 Congressional campaigns, and will eventually become the subject of Congressional action. Already, a number of diplomats are running to its assistance—at least seven national health insurance bills are in the process of being introduced into the Congress.

National health insurance has a long history in Europe, and the evidence of its success there should be an overwhelming argument for its adoption in the United States. Just at the time of America's entry into World War I it was supported by a powerful committee of the American Medical Association, headed by President Wilson's personal physician, Dr. Alexander Lambert. That committee considered voluntary health insurance un-American, since it would not be equally available to all citizens. The postwar reaction against anything "Socialist," and the capture of the American Medical Association by conservatives and its transformation into a physicians' protective association, deprived national health insurance of AMA support. However, the American Association for Labor Legislation persisted in its belief and, had it not been for backroom maneuvering by influential physicians with access to President Franklin Roosevelt, the Social Security Act of 1935 might have contained such a title. Since then, the battle for national health insurance has been continued mainly by Senators Wagner and Murray and Representative Dingle, beginning with their celebrated Wagner-Murray-Dingle bill of 1939, which has been reintroduced in somewhat modified form into each Congress ever since (the most recent bill was offered by Representative Dingle's son). In 1965, a partial victory was won, after ten years of struggle, with the passage of the Medicare Act, which provides national health insurance for older people.

During the present Congress, and in addition to the Dingle bill, Rep. Martha W. Griffiths (D., Mich.) has introduced a modifica-

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tion strongly supported by the AFL–CIO. Senator Javits has introduced another modification, the details of which are largely the work of former Secretary Wilbur Cohen, who participated in writing the Social Security Act of 1935. Walter Reuther established a Committee of 100 for National Health Insurance more than a year ago and worked strenuously with expert committees under the leadership of I. S. Falk, who was also involved in drawing up the original Social Security Act.

All these bills have a common focus; the financing is to take place through the Social Security System. A separate health insurance trust fund will be created and it will pay for the services obtained by eligible patients. No doubt the bills will all provide for merging the insurance program for the poor Medicaid—into the more inclusive program. Medicare may or may not be merged. The American Medical Association, frantically attempting to retain control of the expenditures to be made on behalf of physicians, has introduced legislation whereby tax credits would facilitate the purchase of voluntary health insurance. This would benefit those who are employed and can buy such insurance, while the federal government presumably would buy such voluntary health insurance for the poor, instead of providing a payment mechanism through the states, as in the present Medicaid setup. This proposal, if it could be put across, would be a staggering bonanza for doctors, providing an open-ended budget through the insurance premiums.

Each health insurance bill will have its own mix of Social Security tax and general tax revenues, eligibility requirements, scope of services and mechanism of reimbursement—and so there will be fierce political debate. What will not be debated, if the focus is on insurance, is whether social policy is best served by offering legislative aid to *paying* for services or by legislating the guaranteed *provision* of services.

Both trade-union-sponsored proposals—the Griffiths bill sponsored by the AFL–CIO and the Reuther bill yet to be introduced—contain language intended to stimulate a better distribution and organization of health services. Unfortunately, the wording is not sufficiently strong and direct to *insure* better distribution and more resources. Furthermore, unless there is a deeply felt public demand for basic changes in organization and direction, the really radical transformations in health services will be compromised out when these bills reach committee. As with Medicare legislation, the vested interests will lobby and logroll to make whatever legislative action emerges concentrate on financing. The widest possible discussion is necessary to educate the American people into the need for a law that *guarantees services*.

The American medical care system is administratively, financially and morally bankrupt. It is the last stronghold of laissez-faire social policy. The bulk of physicians are in solo fee-for-service practice. Most hospitals, "voluntary" and "nonprofit," are unrelated to the ambulatory care system and the long-term care system; they are competitive and uncontrolled in their management and development. The majority of the long-term care institutions are in proprietary hands; they observe few standards and are also uncontrolled and unrelated to the rest of the medical care system. Millions of Americans are unable to obtain medical care because of poor distribution or inadequate resources; other millions get inferior, disorganized, episodic services with no emphasis on prevention or continuity. Very few if any Americans receive the medical care that this century is technologically able to provide. Costs are escalating at the rate of 12 to 15 per cent a year and the proportion of gross national income now going into health services is greater here than in any other nation in the world. The situation is dangerous to the health of the people and thoroughly unsatisfactory from any point of view.

The poor, of course, suffer the consequences of disorganization and other deficiencies in an exaggerated form. And since minority groups—blacks, Chicanos and Indians—are more likely to be poor, the health statistics of the minorities are significantly worse than those of the white majority—not to mention that in this still racist society every institutional form discriminates, so that what inadequate health services exist are less available, less well distributed and less humanely applied. Those who live in isolated rural pockets, such as the Appalachian whites, are also distant from 20th-century medicine. Drug companies are in private hands, lifesaving drugs are fantastically expensive, and many useless and even dangerous drugs are promoted for profit. The systems that have been provided to pay for health services for the poor reach only a fraction of those eligible for them.

Lack of resources and the uneven distribution of what resources exist will make nonsense of any legislative effort that addresses itself solely to the question of paying for services. The fact that payment can be had is of no interest to those who cannot find the services. And the vast majority of Americans will have no assurance that the care which is paid for is the care they need, or that it will be supported by the ambulatory services, the hospital services, the long-term services and the home services that are required for the restoration of their good health.

Paying from public funds for services received will not turn out more doctors or nurses or dentists or put them where they are needed. It won't increase the efficiency of hospitals or clinics or make them more responsive or gentle with the poor and black. A whole series of added steps will be required, many of which must go against the grain of present attitudes, professional interests and academic forms.

The cruelty lies in the fact that those who carry on the debate speak constantly as though what they were discussing was a national health *service*, and that is what the American people will think they have obtained when a national health *insurance* bill is passed. Ahead of them will lie the bitter discovery that those insured under a national health insurance act will be physicians and hospitals, not patients; that the guarantee will be of payment to the provider, not of service to the patient; that the entire legislative effort is geared and directed toward increasing the income of already affluent practitioners.

Those at present engaged in the development of the various health insurance bills are aware of this problem, but the line of argument they pursue is that organizational change, change in education and in distribution of health services and resources can be attained only after uniform financing has been accomplished by the passage of a national health insurance bill. Until the federal government takes responsibility for paying the medical bills, collects all the money in one spot, and then uses this gigantic financial leverage to enforce change, change will not take place. This is a perfectly reasonable argument except that experience teaches otherwise. The proponents of Medicare used the same logic, but since 1965 no change has been made in the system to improve the availability of services for those old people who cannot now obtain them (although it must be admitted that a real financial load has been taken off those old people who do get medical attention). It is quite possible that the introduction of a national health insurance bill will do no more to reform the system than has the Medicare Bill—in which case, we can look forward to no improvement or increase in availability of services but only to a shift in the source of payment for providers. Improved financing and organization must be introduced simultaneously and proceed in parallel.

For this reason, those interested in improving health services for the American people, as well as removing the economic barrier to health care, must develop a constituency that will support national health insurance while at the same time insisting that the law contain a series of mandatory requirements that will transform the system into an instrument to serve all the people. To this end, a number of additional elements will have to be introduced along with the insurance.

Organization. Given the great scarcity of physicians in the present system, the inefficiency of solo practice must be overcome. There are strong professional arguments against solo practice: complexity of modern medical knowledge and specialized care require team relationships; colleague supervision and consultation will guarantee better care. But even if this were not the case, the increased efficiency of group practice in manpower and equipment would dictate that doctors so organize.

Any insurance law should provide that doctors will be reimbursed *only* when practicing as groups. This will not work any hardship on rural or isolated areas, as is so often postulated. The association of doctors in isolated areas with larger community groups and better administrative and travel arrangements, will make it easier, not harder, to supply services.

Hospitals will have to become community resources with commitments to the groups of doctors practicing in those geographic areas. The arguments that go on interminably as to whether the hospital or the doctors should control the administration, budget, etc., are red herrings. The community should control the lot of them and community boards should receive the budget and allocate the funds. The wasteful mismanagement, duplication and inefficiency of present hospital relations, in which they compete instead of cooperating, has to stop. Patients must not be sent from one end of the city to another because a given hospital doesn't take that kind of case, or the patient can't pay, or the doctor has no privileges there. Hospitals are a community resource and should be so used. Any insurance law must provide for assigning a hospital budget to a geographic area controlled by a community board.

Contractual arrangements for paying physicians must be made between community organization and groups of doctors. The site and location of physician services should be determined by the community and not left to the entrepreneurial motives of the doctors. The same applies to hospitals. The ambulatory, hospital and the long-term-care institutional systems should be made one.

A section of the law should provide that where local communities are unable to obtain health services, because of either lack of resources or the unwillingness of the provider to contract with the community, the federal government shall provide the services; funds from the health insurance trust must be made available to the federal government to carry out these objectives.

Financing. The elimination of fee-for-service will be the major contribution that a health insurance bill can make toward the regularization of the system. Block financing of all care will take away the incentive to cost-plus charging and encourage all the elements to be as efficient as possible.

Manpower. The critical lack of manpower is not caused entirely by an overall shortage. Rural areas have been losing their doctors and other professional people rapidly over the last few decades as people have been moving into the cities. *The New York Times* told recently of an Iowa community

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that had built a modern hospital with its own funds (against the advice and without the financial assistance of the hospital authority of the state) but then was unable to get doctors to staff it.

The ghettos have been losing doctors and professional personnel at an even greater rate as they flee the inner city for the white suburbs. A recent editorial in the *New England Journal of Medicine* reads:

> Boston has one of the highest concentrations of physicians in the world. Despite the abundance of physician manpower, residents of Metropolitan Boston, and especially residents of its lower income areas, face an increasingly critical shortage of primary-care physicians. Between 1940 and 1961, the supply of general practitioners in Boston and Brookline fell 50%, from 132.3 per 100,000 population to 67.0 per 100,000. During the same 21-year period, the number of internists, pediatricians, and obstetricians in Boston and Brookline with office addresses outside hospitals increased from 34.6 to 50.2 per 100,000 population, thereby replacing only 25% of the lost primary care manpower. The fact that New York City has experienced a similar decline in physicians during the seven-year period from 1959 to 1966 suggests that the disappearance rate of primary-care physicians accelerated during the past decade. Although general practitioners have tended to locate their offices with little regard to the socio-economic status of the neighborhood, specialists set up shop almost exclusively in comfortable surroundings. For example, the census tracts in Boston and Brookline that in 1960 contained the 40% of the population in the most favorable circumstances, house the offices of 51.5 of the general practitioners and 90.2 of the internists, pediatricians and obstetricians who were located in the community.

A number of steps must be taken to improve the manpower situation immediately. The medical school faculties now devote only part of their time to teaching. By funding medical education directly, instead of indirectly through service or research channels, larger numbers of faculty members can concentrate on teaching, which means that larger numbers of students can be accepted. Strong support of efforts by colleges not associated with universities, particularly the predominantly Negro colleges, to improve their science teaching could increase the number of minority students admitted to the enlarged medical student body that is visualized. Every student, on completion of training, should be expected to devote a number of years to community service.

Enough has been written in the past twenty years to demonstrate that the present allocation of duties in the medical hierarchy is dictated by economic self-interest and not by rational professional procedure. Too many doctors are doing things that people with twelve years of training should not do, and not enough people are being prepared with a few months or a few years of training to do those things doctors need not do. There is no established task mechanism or salary scale or career ladder to encourage a sensible distribution of the work.

The law should provide for reimbursement scales that allow intermediate workers—physician assistants, dental assistants, office aides, community health workers and the like—to be included in the system. Naturally the law cannot specify details, but its language must foster sensible and efficient manpower training and use.

In considering radical change from the traditional ways in which doctors are organized or educated or paid or moved to decide on their location of practice, the country must weigh the limitations of freedom for these practitioners against social needs. We are in an emergency situation in which millions of people do not obtain adequate, or any, medical care. Have we a right to make demands on the medical profession that will compel them to meet society's medical needs? Is entrepreneurial practice so sweet and fee-for-service so dear as to be purchased at the price of sickness and death for the poor and the black (to paraphrase an early American radical)?

How can we guarantee the quality of service for which the insurance will pay? How can we distribute the existing services so that all Americans will have access to them? Can we order doctors to practice in areas where they are needed? Can medical schools be ordered to change their curricula and admission policies to turn out the massive numbers needed? Can we get a national domestic health service corps to fill in the gaps? Will doctors accept the social responsibility for arranging to practice in the most productive rather than the most convenient way?

How the money is collected, how the administrative channels are set up, whether the private insurance companies or the nonprofit agencies like Blue Cross are involved and whether there will be representative boards of consumers and the like, are all very important and must be written into the law. But the heart of the law is the guarantee of service. Unless that is provided for, only income will be guaranteed—for physicians and hospitals.

Those who now fear a tidal wave of demand that will inundate any new system set up by law to guarantee medical services for all Americans, may be reassured by previous history. Who would have thought most hospitals could be brought into compliance with civil rights and safety standards in such a short time after passage of the Medicare Bill? If the day appointed for operation is set two years off, and the professions and officials set to work with a will, large numbers of trained personnel can be created and distributed, additional facilities built and staffed, and the administrative mechanism set in motion. Alternatively, phased participation can be mandated, perhaps by age groups. After all, the old people are already in a financing "system"; what is required is an organizational approach to assure them of appropriate care. Children and pregnant women could be phased in before the rest of the population, and a system of centers for maternal and child health care could be set up relatively easily.

The problem is not knowledge or techniques to accomplish this goal. The problem is will.

PERFORMANCE OF UTAH SYMPHONY ORCHESTRA AND UNIVERSITY OF UTAH CIVIC CHORALE

Mr. MOSS. Mr. President, the Saturday Review of March 28, 1970, contains an article entitled "Berlioz From the Tabernacle." This is critic's report on the performance of the Utah Symphony Orchestra and the University of Utah Civic Chorale.

It is always somewhat of a surprise to people from the populace areas, especially those living on the east coast, to find that a superb symphony orchestra under the direction of Maurice Abravanel exists in Salt Lake City, Utah, and that a chorale such as that of the University of Utah performs as well in that city.

Because it is of interest to Senators and others who read the RECORD, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BERLIOZ FROM THE TABERNACLE

Name brands and expensive labels do not always carry the day. On occasion, through sheer force of commitment and sincerity, a less glamorously packaged product comes out ahead. And that is what has happened with Berlioz's formidably difficult *Grande Messe des Morts* in its latest recorded version. Vanguard has released the work simultaneously on discs (stereo VCS 10070/1) and on a tape requiring four playback channels (geared, of course, to the famous "Tuba Mirum" and its four brass bands resounding in combination with one another and the mighty center orchestra). The performing group is the Utah Symphony Orchestra, directed by Maurice Abravanel, together with tenor Charles Bressler, and the University of Utah Civil Chorale and A Capella Choir, all gathered into the Mormon Tabernacle.

More prestigious forces have labored in the same field: Charles Munch and the Boston Symphony, Eugene Ormandy and the Philadelphia Orchestra, Hermann Scherchen with recruits from the Paris Opéra and Radiodiffusion Française. The first two recordings are superb orchestrally, but suffer from choral singing below the standards set by the instruments. The third loses out through eccentric, churlish conducting, which leaves us with the finest performance of all—pressed over twenty-five years ago—by the Emil Passani Choir, an unspecified orchestra, and the Paris Opéra tenor Georges Jouatte, under the direction of Jean Fournet. The substance of that first recorded Requiem remains incomparable; but the sound, on 78s, is outdated. And so we must turn to the Philadelphia or Boston versions, both of excellent quality, but unequal in their choral-orchestral relationships. Happily, since the Utah Symphony is less of a virtuoso ensemble than the other two, no such imbalance results from fusing it with a student chorus, rather than a first-rate professional one. The combined groups are well-knit and homogeneous. And while the orchestral sound does not approach that of Boston or Philadelphia in richness, there are compensations in the perceptive conducting of Maurice Abravanel, the fervor of the choristers, the clean and effective playing by the Utah musicians.

What Abravenal has conveyed above all is the sense of directness and simplicity essential to the work's best effect. The word simplicity may be questioned in view of the number of performers needed to launch the Requiem, but I believe it is accurate, for even the "Tuba Mirum" boasts complexity of means rather than of thought. In any event, the auxiliary brasses are heard in only three of the ten sections making up the score. Elsewhere the instrumentation, though on a large scale, is amazingly unadorned; the ideas emerge broadly and in full profile. For those listeners who think of Berlioz as master composer rather than orchestral wizard, it is the expressivity of the Requiem that counts: the memorable rise of strings and voices on the *"Luceat"* of the opening pages, the sublime tenor melody of the "Sanctus," the affecting theme that ends the "Rex Tremendae" to the words *"fons pietatis"* and then, still more compassionately, returns as *"quia pius es"* before the Amen. These are pages that bring to the Requiem an emotional urge stronger than that engendered by the sounding of trumpets in the "Dies Irae." This, the quieter element, is true Berlioz country; and Abravanel is a knowing guide.

Technically, the performing forces are adequate and, in the case of the Utah Symphony, something more than that. Drawbacks: The strings lack presence on this new recording; *pizzicati*, especially, are poorly articulated. Yet I suspect that part of this lack might arise from the sonics of production rather than insufficient playing. Emphasis in this recording would seem to have lain on brasses

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and winds—an approach that, at many moments, bears remarkable fruit. Thus, no other recording of the Requiem offers so ideal a balance in the celebrated chords for three flutes and eight trombones. The clarity here is breath-taking. And the precision of the massed entrances in the "Tuba Mirum," brasses piling one on another from every point of the compass, may be described as thrilling, particularly on Vanguard's four-channel "surround stereo" tape. Yet two reservations—one esthetic, the other mechanical—lead to some restraint on this last point. The Requiem, for all its basic expressivity, requires sight as well as sound in the more flamboyant sections. The four bands, representing the summons to the Judgment, are almost as important to the eye as to the ear. This is total drama involving all the senses, in which replacement—no matter how ingenious—of even one remains a compromise. And then, as on previous American recordings of the Requiem, I find our domestic brasses ill-adapted to the music. A replay of either French version (Columbia or Véga) will communicate the lightness of Gallic trumpets and trombones with their small bore, their slender, chiming tone—like Gothic tracery—as opposed to the heavy pomposity of our own.

Unless my ears deceive me, there has been some slight economizing on certain of the instruments specified. I do not hear the total sonority of eight bassoons. And that terrible crack of doom in the "Dies Irae," scored for ten pairs of cymbals and four tamtams, comes off with considerably less impact than Berlioz has asked. On the other hand, the faint whirring of those same cymbals (three pairs, this time) beneath the tenor solo in the "Sanctus," suggestive of angelic wings, is faithfully conveyed.

The chorus is a good one, weakest perhaps in its tenor section, where an excessive use of *voix mixte* tends to produce the effect of altos, but generally of solid ability. And Charles Bressler's singing of the "Sanctus" comes off (with the possible exception of the old performance by Jouatte) as the best on records. His tones are beautifully molded and styled, the voice appropriately celestial. This new release of the Requiem is, in general, a striking one.

SPEECH BY THE VICE PRESIDENT IN HOUSTON

Mr. THURMOND. Mr. President, on May 22, 1970, Vice President AGNEW presented a timely analysis concerning attacks by the liberal press and the reasoning which supports his position. Speaking to a Republican gathering in Houston, Tex., the Vice President reaffirmed his right to make personal statements concerning current administration policies.

The power and influence of the news reporting media is clearly shown in numerous editorials and columns printed by certain newspapers which he cites, and through continued efforts to distort the statements of elected public officials. Obviously, if some of the Nation's key newspapers feel that they can succeed in suppressing and twisting Vice President AGNEW's statements, members of the liberal press will also feel that they can further distort public statements made by Representatives, State Governors, and even Members of the U.S. Senate.

Mr. President, the remarks of Vice President AGNEW at Houston express well the need and the right for every American to have the opportunity to hear their public officials, forthrightly and unexpurgated. In this time of dissent and violence, the rights of the vast majority of Americans, the nondissenters, must be protected.

Mr. President, I ask unanimous consent that the Vice President's remarks at Houston, Tex., be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY THE VICE PRESIDENT IN HOUSTON

(Following is the complete text of a speech made by Vice President Agnew before a gathering of Texas Republicans at Houston, May 22, 1970.)

Lately, you have been exposed to a great deal of public comment about vice presidential rhetoric and how I should "cool it." The President is getting this advice daily from many quarters—some of them inside the government. But mostly it has come from persons who have been in the target area of some of my speeches.

Nowhere is the complaint louder than in the columns and editorials of the liberal news media of this country, those really illiberal, self-appointed guardians of our destiny who would like to run the country without every submitting to the elective process as we in public office must do.

The President has refused to curb my statements on behalf of this Administration's policies, or to tell me what words to use or what tone to take in my speeches. And on my part, I have refused to "cool it"—to use the vernacular—until those self-righteous lower their voices a few decibels. This, I am sure, they are unwilling to do, and there is too much at stake in the nation for us to leave the entire field of public commentary to them.

I can assure you that some of these pundits make my rhetoric seem tame. Here are a few recent, random samples I have collected to share with you tonight. These are the people who never tire of telling a President how he should run the nation's affairs. I hope you will overlook the slightly hysterical tone of some of their comments. They are overwrought because their advice is not heeded by the President with any degree of regularity.

The Washington *Post*, which constantly urges us to lower our voices, said after the President's detailed address to the nation on his decision to clean out the enemy sanctuaries in Cambodia:

"There is something so *erratic* and *irrational*, not to say *incomprehensive*, about all this that you have to assume there is more to it than he is telling us."

The *Post* may as well have come right out and said that it thought the President had lost his sanity. Words like "erratic, irrational, incomprehensible" are not ordinarily used to describe a carefully studied military decision by the nation's Commander-in-Chief.

And when the President referred to some college-based criminals as bums—these were people who had burned up a professor's life work—the *Post* was beside itself. It fulminated as follows:

"A gratuitous clop . . . a page from Vice President Agnew's copybook . . . campus unrest is simply being fanned and exploited by the Administration. . . . Hate the dissidents, excoriate the 'bums,' see if you can match Mr. Agnew in hurling names at them."

That was the hysterical view from the *Post*'s Ivory Tower where the master of sick invective, Herblock, also works. He reached a new low with a cartoon showing a National Guardsman in the aftermath of the Kent State tragedy with a box of live ammunition—each bullet bearing a phrase from my speeches. Except one. That bullet was labeled "college bums" in honor of the President.

And they ask *us* to cool the rhetoric and lower our voices.

Meanwhile, at the other end of the Washington-New York axis, the New York *Times* was thoughtfully contemplating events. A "military hallucination," it called the President's decision and it sternly warned one and all: "If the President does not promptly pull back from this dangerous adventure, Congress will have to assert its constitutional powers of restraint."

The *Times'* columnists were less restrained. Anthony Lewis, writing from London, said:

"The President of the United States, in a maudlin personalization and simplification of complex political issues, makes war a test of his own and the nation's manhood. . . . By this action President Nixon has calculatedly chosen to widen the division among the American people, to inflame instead of heal."

And Tom Wicker, the soft-spoken boy wonder of the opinion molders, said with disdain:

"Whatever his motives and his policy, Mr. Nixon relied heavily, in his appearances before the nation, on deception, demagoguery and chauvinism."

James Reston, the *Times'* premier columnist, writing from Washington on May 10, after the weekend of student demonstrations, saw fit to equate me with Jerry Rubin as an extremist. Mr. Reston did not bother to amplify on this comparison.

But so that the *Times* and its editors and columnists can be kept in proper perspective, I would like to quote to you a few comments that the incendiary Mr. Rubin made on the Kent State campus one month prior to the confrontation that brought the student deaths here. The Akron *Beacon Journal* reported that he told an audience of 1,500:

Until you people are prepared to kill your parents you aren't ready for the revolution.

"The American school system will be ended in two years. We are going to bring it down. Quit being students. Become criminals. We have to disrupt every institution and break every law. . . .

"Do you people want a diploma or to take this school over and use it for your own purposes? . . . It's quiet here now, but things are going to start again."

To suggest that I am guilty of this type of incendiarism is in keeping with the irresponsibility that the *Times* manages to achieve on its editorial page. And it is appropriate that the slur be cast by Mr. Reston, who delights in calling other people demagogues.

Earlier, the *Times* had deplored what it called "the Administration's open exploitation of fear and discord" and had said "there is a disturbing appeal to the nation's lowest instincts in the present Administration's descent to gutter fighting."

And they ask *us* to cool the rhetoric and lower our voices!

While the President's move on behalf of our troops in Viet Nam caused shivers at the Washington *Post* and New York *Times*, it brought apoplexy in some of the other misnamed bastions of liberalism in this country.

The *New Republic*, in a rare front page editorial, said this week:

"Richard Nixon is going down in history all right, but not soon enough. . . ."

It used such terms as "transparently phony . . . fraud . . . mean contempt . . . driven . . . disorderly . . . secretive . . . dangerous" to describe the President's actions.

"How is this country to get through the next two and one-half years without flying apart?" the magazine asked.

I. F. Stone's Bi-Weekly, another strident voice of illiberalism, commented:

"The race is on between protest and disaster. . . . The only hope is that the students can create such a Plague for Peace, swarming like locusts into the halls of Congress, that they stop all other business and make an end to the war the No. 1 concern it ought to be. The slogan of the striking students ought to be: Suspend Classes and Educate the Country."

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During the frenzy following the Cambodian action, which news media invective helped fan instead of cool, it was not even safe to visit the South.

Some of you may recall that I substituted for the President in dedicating the massive new Stone Mountain Memorial to Generals Lee and Jackson and Jefferson Davis near Atlanta on May 9.

The Atlanta *Constitution*, which doesn't care much for me anyway, decided I was unfit for the honor. They put it in stronger terms, saying it was "a shame and a disgrace" that I was making that address.

The editorial continued:

"Honorable men ride that rocky ledge. . . . Spiro Agnew has none of those redeeming qualities. He has the grace of a drill sergeant and the understanding of a 19th Century prison camp warden."

Not even the Arkansas *Gazette* which views me with varying degrees of horror from its position on the extreme left, has matched the rhetoric of that tribute. Or at least, I haven't seen it if it has. I only see those clippings from the Gazette that are forwarded to me by Senator Fulbright . . . and sometimes Martha Mitchell.

Life's expert on the presidency—or I should say its leading expert, Hugh Sidey—pictured the President as acting from "a kind of splendid and angry isolation in the Oval Office, a deliberate defiance of a large and growing number of Americans and their institutions."

Mr. Sidey was even less charitable about the Vice President.

"For weeks now Agnew, more than Abbie Hoffman or William Kunstler, has dominated the headlines with a torrent of abuse that served mainly to call attention to all that is bad in our society—or what he takes to be bad . . . laying about with that big careless brush of his against the Administration's lengthening list of enemies."

Now I leave it to your judgment. Who is the real critic of America today? Who rails against our system and our institutions—suggesting we are a racist, imperialistic society? Is it *Life* magazine or the vice president?

But for pure unbridled invective, you will have to look far to beat that of the excitable columnist, television commentator and former ambassador to Finland, Carl T. Rowan. Mr. Rowan might once have used diplomatic language, but he long ago lost the art and his rhetoric is anything but cool.

In one recent column about me, he employed these phrases:

". . . rose above his own laziness and ineptitude . . .

". . . a dumb joke—a sort of aberration of history . . .

". . . he has come to personify all the class conflict, the racial hostility, the cultural and generational gaps that have transformed this society into a tinderbox.

". . . calculated maliciousness . . .

". . . prefer to pander to the prejudices of the most ignorant and selfish elements in society."

And Mr. Rowan could not resist joining Herblock and others in suggesting that I had something to do with the deaths of the Kent State students.

"Incredibly, even as four Kent students lay in the morgue and other lay critically wounded in hospitals, the vice president's trigger-happy tongue was still firing buckshot."

But the most vicious attempt to transfer the blame for the Kent State student deaths that I have read was in the illiberal New York *Post*, by columnist Pete Hamill. Listen to his irrational raving.

When you call campus dissenters "bums," as Nixon did the other day, you should not be surprised when they are shot through the head and the chest by National Guardsmen. Nixon is as responsible for the Kent State slaughter as he and the rest of his bloodless gang of corporation men were for the anti-integration violence in Lamar, and for the pillage and murder that is taking place in the name of democracy in Cambodia . . . At Kent State, two boys and two girls were shot to death by men unleashed by a President's slovenly rhetoric. If that's the brave new America, to hell with it.

Or if you care for a distaff view from that same organ, here's Harriet Van Horne:

"The President's . . . TV presentation of this decision was, moreover, maudlin, crafty and stained by fulsome sentiments."

Ladies and gentlemen, you have heard a lot of wild, hot rhetoric tonight—*none of it mine*. This goes on daily in the editorial pages of some very large, very reputable newspapers in this country—not all of them in the East by a long shot. And it pours out of the television set and radio in a daily torrent, assailing our ears so incessantly we no longer register shock at the irresponsibility and thoughtlessness behind the statements.

"But you are the vice president," they say to me. "You should choose your language more carefully."

Nonsense. I have sworn I will uphold the Constitution against all enemies, foreign and domestic. Those who would tear our country apart or try to bring down its government are enemies, whether here or abroad, whether destroying libraries and classrooms on a college campus, or firing at American troops from a rice paddy in Southeast Asia.

I have an obligation to all of the people of the United States to call things as I see them, and I have an obligation to the President to support his actions in the best manner that I can. I choose my own words, and I set the tone of my speeches. As he said at the recent press conference, I am responsible for what I say. And I intend to be heard above the din even if it means raising my voice.

Nothing would be more pleasing to some of the editors and columnists I have quoted tonight than to have me simply shut up and disappear.

Nothing would be more pleasing to those on the campus whose motives I have challenged. They are, for the most part, *not* the great body of students who are trying honestly to get an education. They are rather a small hard core of hell-raisers who want to overturn the system for the sake of chaos alone. They burn, pillage and destroy because they rebel against their lack of creativity. Although they are few in number, they have had a shattering impact. Unfortunately, they are encouraged by an equally small number of faculty members who apparently cannot compete legitimately within the system or do not choose to do so.

It is my honest opinion that this hard core of faculty and students should be identified and dismissed from the otherwise healthy body of the college community lest they, like a cancer, destroy it.

Peaceful dissent, yes! Violence, no!

Reasonable debate, yes! Street rioting, no!

Orderly change, yes! Throw out the system, no!

Some others who would be just as pleased if I lapsed into a more traditional vice presidential silence are in the Congress—the isolationists in the Senate, who seek at every turn to thwart the President's efforts to conclude this country's involvement in Viet Nam, in a manner which will prevent that part of the world from falling to Communist aggression. These senators are well intentioned, and most of them have been on the Washington scene far longer than I, but I'm afraid this has narrowed their viewpoint. They should get out in the country. It would improve their vision and their sense of reality.

Most Americans, I believe, fully realize that this country can never again withdraw to its shorelines and survive. That is the lesson of history that some have failed to learn or have too soon forgotten. The President desperately needs a Republican Congress to replace the neo-isolationist views and remove the willful obstruction of his programs.

Finally, a word about a third group that has received some attention in my speeches—the electronic news media. I have tried tonight to be specific in my criticism. I realize I have left out many who are in the business of second-guessing the President, and who should have been included. I hope we can get around to them later. But I also recognize there are many others in the news profession—a group upon whom the country has to depend for an *honest* report of what is going on in this world—and that they are attempting to live up to this responsibility, most of them successfully. I exclude them totally from the criticism I make here. And I compliment them for doing their jobs well under strong counter pressures, often within their own office and among less responsible colleagues.

It does bother me, however, that the press—as a group—regards the 1st Amendment as its own private preserve. Every time I criticize what I consider to be excesses or faults in the news business, I am accused of repression, and the leaders of the various media professional groups wave the 1st Amendment as they denounce me. That happens to be *my* amendment, too. It guarantees *my* free speech as much as it does their freedom of the press. So I hope that will be remembered the next time a "muzzle Agnew" campaign is launched. There is room for all of us—and for our divergent views—under the 1st Amendment.

BIG THICKET HEARINGS: EXAMPLE OF SENATOR BIBLE'S CONCERN FOR PRESERVING NATIONAL HERITAGE

Mr. YARBOROUGH. Mr. President, the holding of hearings on S. 4, my bill to establish a 100,000-acre Big Thicket National Park, was a significant step toward realization of a long-sought dream of many concerned citizens in Texas and the Nation. Field hearings were held on June 12, 1970, in Beaumont, Tex., on my bill.

The distinguished senior Senator from Nevada (Mr. BIBLE) is to be commended for his fair, efficient, and expeditious conduct of these hearings before his subcommittee. As chairman of the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, our colleague from Nevada has dedicated himself toward preserving outstanding areas of natural beauty and grandeur for the enjoyment of the citizens of this Nation. Through his tireless efforts and his great interest in preserving significant areas of our great country, he has proved himself to be one of the leading contributors to conservation in this body.

In his unique dual role as chairman of the Subcommittee on Parks and Recreation and chairman of the Subcommittee on Interior and Related Agencies of the Appropriations Committee, he bears a great responsibility, for he must not only determine the worthiness of areas for selection as national parks, but must also consider the means by which such areas may be obtained. The distinguished Senator from Nevada is to be commended for his outstanding accom-

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plishments in behalf of the citizens of this Nation.

Last Friday, June 12, 1970, Senator BIBLE again demonstrated his great interest, dedication, and his outstanding ability, as he presided at the field hearings in Beaumont, Tex., on S. 4, my bill to establish a Big Thicket National Park. Rather than denying interested citizens the opportunity to be heard, Senator BIBLE chose to set a rigorous and demanding schedule, whereby 2 full days of work were compressed into 1 day. In order to obtain complete and thorough testimony, Senator BIBLE began the hearings at 8 a.m. and extended them through 3 p.m.

Senator BIBLE demonstrated his outstanding ability by hearing some 35 witnesses testify on the proposed Big Thicket National Park during the hours from 8 a.m. until 3 p.m. All witnesses were afforded a full and fair hearing during this time, and through the chairman's efficient questioning, the testimony was pertinent, direct, and dealt with the relevant issues to be decided. Senator BIBLE then further demonstrated his great interest and concern for the proposed Big Thicket National Park by making a 5-hour tour of representative portions of the area by helicopter and automobile. This tour extended from 3 p.m. until 8 p.m. and included a view of the Neches River and a visit to the Alabama-Coushatta Indian Reservation.

Mr. President, on behalf of the people of Texas, I wish to extend to Senator ALAN BIBLE, of Nevada, our most sincere thanks and gratitude for coming to Texas to conduct these hearings and for the outstanding manner in which he conducted them. Senator BIBLE gave us the benefit of his time, his interest, and his outstanding ability in conducting these hearings and making a personal tour of the Big Thicket. We are most grateful to him.

THE CITADEL

Mr. HOLLINGS. Mr. President, recently the Nation has witnessed the temporary closing of a multitude of institutions of higher learning due to unrest on our campuses. Of course, all of us are justifiably proud of our institutions of higher learning, but in this regard I am particularly proud of my alma mater, The Citadel. Recently a syndicated column entitled "Citadel of Scholarship Still Stands," authored by Dr. Max Rafferty, was published in newspapers throughout the Nation. As Dr. Rafferty points out, The Citadel has a long and enviable record of excellence and can point with pride to the military record of its graduates. In addition, The Citadel has been fortunate to have superb leadership, including its current president, Gen. Hugh P. Harris, who will retire on September 1 of this year. General Harris has offered outstanding leadership and direction for The Citadel during his presidency, which started in 1965.

General Harris will be succeeded by Gen. James W. Duckett. General Duckett, who holds a doctorate from the University of North Carolina, joined The Citadel faculty in 1934 and, with the exception of a distinguished military career from 1941 to 1946, has served continuously in the capacity of professor, vice president, head of the education department, registrar, dean of admissions, administrative dean, and dean of the college. I am sure that General Duckett will continue The Citadel tradition of excellence and outstanding leadership.

I ask unanimous consent that Dr. Rafferty's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CITADEL OF SCHOLARSHIP STILL STANDS

(By Dr. Max Rafferty)

"What ever happened to the strict, no-nonsense military school, where boys were turned into men and where patriotism was a state of mind to be proud of instead of an object of official scorn?"

Hear ye the authentic voice of an awful lot of American fathers. You'd be surprised how many worried dads write to me in this vein. They look unbelievingly about them at the well-publicized college campus of today, bristling with beards, fraught with filth, dripping with disloyalty, and they say, "Oh, no! Am I going to have to spend $15,000 to send my kid to that?"

Buck up, Dad. What would you say to a small but thoroughly accredited college in an ancient setting teeming with tradition, where for 127 years a dedicated staff has been graduating class after class of young men whose academic excellence is exceeded only by their love of country and their healthy reverence for the great traditions out of our national past? A college which proudly stresses its Cadet Corps of 2,000 men but which also emphasizes a fine general education for 4,000 other students? An institution of higher learning where every member of the faculty is a distinguished former military officer?

Incredible, you say, in this day and age? Not if you know about The Citadel. In case you don't, let me tell you what I found out a short time ago when I flew back to South Carolina to check up on these "incredible" rumors I'd been hearing about a school which actually and openly stood for decency and loyalty and high scholastic standards.

First, its home town of Charleston is proud of The Citadel. It has been since 1843, when it was founded. This is a bit of a switch these days, when the residents of so many of our college towns are sick at heart over the nauseating antics of their local students and faculties. Charleston isn't at all sick about The Citadel. Quite the contrary.

Second, and closely connected with Charleston's pride in its college, is the remarkable record of its graduates in the service of their country. Fifteen fell for the Flag in World War I; 280 died in World War II; 31 in Korea. Hundreds are now grimly at grips with America's enemies in Vietnam. Apparently the men of The Citadel stand ready to put their lives where their mouths are, a phenomenon all too rarely encountered among our hairy and hysterical college activists.

Indeed, it has been always thus. Cadets of The Citadel fought for the Confederate States at Yemassee Station in 1864 while helping to defend the Charleston and Savannah Railroad, and their descendants fight as gallantly today for Old Glory as their predecessors did for the Stars and Bars. I met two of the cadet commanders in the office of Citadel President Hugh Harris, who is a four-star general, retired. One of the boys was from California, the other from South Carolina. Tremendous young fellows, with shoulders like a bison's and a grip like a vise. Clear-eyed. Straight-talking. My kind of collegians.

Third and perhaps most important is the caliber of The Citadel's leadership. Gen. Harris is the latest in a long line of distinguished presidents who have recently included Gen. Mark Clark and Charles Summerall. Over the years, they have consistently stood for strict discipline, high standards and a liberal education in the best sense of that term.

So, Dad, take hope and heart. There may not be many Citadels still going strong, but there are some. The boys who attend must be unmarried, they must live in barracks and they must behave like gentlemen. They work hard, they go to chapel and their athletic teams are honored throughout the South.

Now, Dad, the rest is up to you. What The Citadel can do, other colleges can do also, if you just start sending Junior to institutions like this one instead of to the pot-puffing, obscenely placarded, confrontation-minded colleges where your son and thousands of other men's sons wind up these days, largely as the result of sheer apathy and yawning indifference on your part.

It's your money, you know. You can spend it to subsidize centers of sex, drugs and treason, or you can spend it on citadels of scholarship, morality and patriotism. It's still a free country.

And certainly the answer you come up with is going to be important to you. But it's going to be one heck of a lot more lastingly important to your son.

THE GENOCIDE CONVENTIONS: TWO LEGAL POINTS

Mr. PROXMIRE. Mr. President, of the many ill-founded fears that have been raised by opponents of the Genocide Convention two stand out as particularly persistent and thereby in need of clarification.

The first is the fear that American servicemen will be endangered by the convention or that they could be extradited to Vietnam for their combat killings which the enemy might label as genocide.

The second is the fear that Americans could be tried in foreign courts for actions that any foreign nation construed as a violation of the convention.

Mr. President, in his recent testimony before the subcommittee hearings on the Genocide Convention, Mr. Robert Layton, of the New York State Bar Association's Committee on International Law, gave special attention to clarifying these two points.

In reference to the fear for American servicemen he noted:

> Captured American servicemen are entitled to the protections of the Geneva Conventions, which are in no way diminished by U.S. adherence to the Genocide Convention. U.S. adherence to the convention would neither diminish nor strengthen the obligations another state has in this regard. And . . . if an excused serviceman has returned to the United States, North Vietnam would have no right to ask for extradition. We have no extradition treaty covering the territory of North Vietnam and, incidentally, all of the states with which the United States has extradition treaties are set forth in 18 U.S.C.A. 3181, and it is clear that, and I quote:
>
> "Under the laws of the United States, the Government of the United States may extradite an individual from this country to a foreign country only in accordance with an extradition agreement. It may not extradite

> an individual to a foreign country in the absence of such an agreement or in a case not coming within the terms of such agreement."

In regard to the fear that Americans may be tried in foreign courts, Mr. Layton said:

> Our committee has noted that there is no valid basis for concern over possible trial of Americans in foreign courts as the result of ratification of this convention. This is the fact since U.S. ratification has no effect one way or another on the ability of a foreign country to try American nationals within its borders under its domestic criminal laws enacted either pursuant to this convention or otherwise.
>
> For example, should any authority in Vietnam attempt to prosecute any American serviceman for alleged Genocide, its legal right to do so would in no manner be affected by whether the United States had adhered to this convention. Any sovereign Nation has the power to enforce its domestic criminal laws within its own territory.
>
> In support of that, we call attention to section 20 of the Restatement of the Law of Foreign Relations, and I quote: "A state has jurisdiction to enforce within its territory a rule of law validly prescribed by it." Restatement of the Law of Foreign Relations (2nd Ed.) Section 20; The Schooner Exchange v. M'Faddon, 7 Cranch 116, 136; Wilson v. Gilard, 354 U.S. 524 (1967).

Mr. President, Mr. Layton's testimony is just one of many which clearly demonstrates that there are no conclusive legal arguments against Senate ratification of the Genocide Convention. The Senate should follow the advice of the New York Bar Association Committee on International Law and many other panels of distinguished lawyers by ratifying the Genocide Convention.

PRINCETON IN THE NATION'S SERVICE

Mr. KENNEDY. Mr. President, the current issue of the New York Review of Books contains an excellent article by Prof. Lawrence Stone, of Princeton University. In the article, Professor Stone describes the recent events on the Princeton campus, and the birth of the so-called Princeton plan and the Princeton movement for a new Congress. As a part of this plan, the university has scheduled a 2-week recess before the November elections, in order to enable students of the university to participate more actively in the fall election campaigns.

In many respects, the events of recent weeks at Princeton are a model of the new and constructive activism that is developing at campuses across America. For the time being, the nightmare of the peace movement disintegrating into a wave of terror and bombing has passed. More and more of our youth see that the system can change, and are being caught up in the movement to accelerate the change from within.

Professor Stone's article describes in detail the story of how one university has responded peacefully and constructively to the events of Cambodia and Kent State. I commend the students and faculty at Princeton for their ability to translate their moral outrage over these events into effective political action. I believe that the Princeton experience will be of interest to all of us in Congress who are concerned over the direction of American universities. I ask that the article be printed in the RECORD at the conclusion of my remarks.

By way of footnote, I might add that the title of Professor Stone's article—"Princeton in the Nation's Service"—is derived from a university motto used originally by Woodrow Wilson in an address at the university's sesquicentennial anniversary in 1896. At the time, Wilson was professor of jurisprudence and political economy at Princeton. Later, he served for 8 years as president of the university before going on to become Governor of New Jersey and President of the United States.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Review of Books, June 18, 1970]

PRINCETON IN THE NATION'S SERVICE

(By Lawrence Stone)

Between April 30 and May 13, 1970, Princeton University turned deliberately and decisively over, and will never be quite the same again. Symbolic of the new Princeton is its having thrown open the main gates of the campus. The experience was in many ways similar to that of hundreds of other colleges and universities across the country, but the special forms it took, and the political initiatives that came out of it, are of more than parochial interest. There are some valuable lessons to be learned.

Princeton is a university which, before President Nixon invaded Cambodia, had not had a riot, sustained disruption, or act of personal violence, and which even today has been subjected to only two minor and universally condemned cases of attempted arson, and a peaceful blockade of a military research installation, which was terminated by a court order without violence. On the other hand, when the full nature of what had happened began to be appreciated in Washington, Senator Strom Thurmond publicly demanded that the Internal Revenue Service investigate Princeton's tax-exempt status. The absence of physical violence at Princeton and the outbreak of rhetorical violence on Capitol Hill both require some explanation.

The best way to proceed is first to describe what happened, and then to speculate about causes and consequences. To clarify the chronology, we have to discuss five principal events: a meeting in the university chapel on Thursday, April 30; meetings to draw up resolutions held by the Council of the Princeton University Community and the Strike Committee on the following Sunday; the Princeton Assembly on Monday afternoon; a series of meetings by the faculty on subsequent days; and the setting up of three major and several lesser political organizations.

The story begins with the mass meeting in the university chapel immediately after President Nixon's speech on Thursday. Outraged by what they had heard, the students swarmed out of the dormitories and within the hour 2,500 persons out of a total university community of under 6,000 were packed in and around the chapel. The meeting decided to call a "strike" to protest the escalation of the war, pending action of an Assembly of the whole university community called for Monday afternoon, and immediately afterward an *ad hoc* Strike Committee was set up. Originally this consisted entirely of undergraduates, only a small minority of whom were SDS, but in the next few days graduate students and faculty representatives were added.

The first clear proof that a dramatic shift of opinion had taken place and that the students now meant business was the last-minute decision by most of the eating clubs—traditionally the bastions of campus conservatism—to cancel arrangements for Saturday dances and other festivities on what was to have been the most important social occasion of the year, and to donate the money to antiwar organizations that were springing up everywhere.

The Assembly has no constitutional authority whatever, and is a device to avoid formal institutional commitment to political positions, while allowing members of the university community to come together to express their collective feelings and beliefs. It had been used in November to register support for the Moratorium, since at that time most students and faculty were already gravely disturbed at the failure to end the war, although at any rate the faculty still insisted on the preservation of institutional neutrality. The Princeton community was clearly very anxious in November, but not yet desperate.

The Assembly on May 4 was attended by about 4,000 people who spent four hours discussing two sets of resolutions, one brought forward by the Strike Committee, and another more detailed set worked out by the Council of the Princeton University Community. The Council is a fledgling institution which began to function this year, and is composed of elected representatives of all the constituent parts of the university—administration, faculty, undergraduates, graduate students, professional staff, and alumni. It is meant to act as an influential advisory body on all aspects of policy, and this was the first real test of its political clout. The Assembly voted 2,000 to 1,500 for the Council's recommendations in preference to those of the Strike Committee.

The differences between the two sets of resolutions involved tactics rather than basic objectives, but they were of fundamental importance since the Strike Committee wanted to use the resources of the university for antiwar purposes—which is probably illegal—and immediately to sever relations with the Department of Defense—which would have the most devastating personal and financial consequences. The vote therefore left open the possibility of a deep division within the university. Such a division was not at all unwelcome to a few of the militant radicals, but the danger was averted by a strong call for unity by the elected president of the Undergraduate Assembly—the first black president in Princeton's history—who pointed out that "division is all that Nixon wants," and by the prompt setting up of a coordinating committee of the University Council and the Strike Committee.

The first act of the Assembly was to vote, with only about 200 dissentients out of 4,000, to condemn the Cambodian invasion. This political stand was later approved by the faculty, by a huge majority after a long debate, thus reversing the strong stand against *institutional* commitment to political positions which had been taken by the faculty as recently as November 1969, at the time of the Moratorium. That the faculty was fully aware of the gravity of this step is shown by the preamble to the resolution: "The previous conduct and recent escalation of the United States war in Indochina is so dangerous to the nation and to the pursuit of learning in universities that we, the Faculty of Princeton University, feel impelled, on this occasion, to abandon our usual reluctance to express ourselves on political issues." It is also shown by the way the faculty backed off from all further institutional commitments to opposition to the draft and other political and moral positions.

Secondly, the Assembly called for a noncoercive "strike"—no one could think of a more appropriate word—involving a modi-

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fication of normal end-of-term procedures "to enable those individuals who believe that they must suspend their normal activities to do so without prejudice to their academic standing at the same time permitting those individuals who wish to continue their normal activities to do so." A very significant aspect of this resolution, the practical details of which were subsequently approved by the faculty, is its noncoercive nature, which set a precedent for all future actions. As a result, examinations have proceeded as usual for those who want them, and modifications of full academic requirements have mainly taken the form of pass/fail rather than grades and of postponement rather than waiver. In fact, a large majority of students appear to have given up attempts to continue their normal academic curriculum this term, and perhaps as many as half of them are fully engaged in various forms of political activity. This is a truly staggering proportion for a normally fairly quiescent student body.

Thirdly, the Assembly recommended a reorganization of the academic calendar in the fall term of 1970, so as to provide a two-week recess immediately prior to the November elections. This scheme had been worked out on Friday by a group of students and junior faculty who were anxious that the strike should direct itself to concrete political action rather than dissolve in futile protests and destructive internal squabbles. According to the plan, which was rapidly endorsed by the president and the student newspaper and later by the faculty, school would start one week early, the Thanksgiving recess would be eliminated, and the Christmas holidays would be postponed by three days. Thus those who want to do so will be able to work actively for candidates of their choice. The arrangements are thus scrupulously noncoercive in character and are designed to maintain the full educational functions of the university. If a substantial number of other colleges follow suit, this move could unleash a flood of students for political campaigning in the decisive weeks before the November elections.

The Strike Committee wanted to commit university resources directly to antidraft activity, while both the University Council and the Strike Committee were determined to overhaul the university's relations with the military. The Strike Committee demanded an immediate severing of all ties with ROTC, the immediate termination of the lease to the Institute for Defense Analyses (a small military think-tank which was installed at the height of the cold war on university property adjacent to the campus), and the immediate severing of all financial relations with the Department of Defense.

Some of the more militant activists of SDS found an outlet for their energies in a physical, though nonviolent, blockade of the IDA building, a move which at first enjoyed a good deal of sympathy from the moderate students and from some of the faculty. As the siege went on, however, opinion swung against it, as both tactically inept and irrelevant to the major issues of stopping the war and cutting down federal funds for military activities. The unity of the university was quickly re-established by a declaration by President Goheen, acting independently of the blockade, that he was opening prompt negotiations in order to terminate the lease as soon as possible, a decision strongly approved by the faculty.

The faculty also voted to terminate all connections with ROTC as soon as possible, with a proviso that the plight of students dependent on ROTC grants should be respected. Once again there was careful concern for individual rights. The most difficult and complex problem in Princeton's relations with the military is that of scientific research financed by the Department of Defense. The research careers of many dozens of faculty, graduate students, and staff are dependent on these grants, most of which are for research with only the remotest connection with military technology. Nearly $4 million worth of grants are now in process, and the university has no resources of its own to fill this giant hole.

It should be explained that by an accident of history and by the way the politics of Washington work, a high proportion of all purely scientific research with no direct application to warfare is sponsored by the Department of Defense. It should also be stressed that for over ten years now Princeton has refused to accept funds for classified research, so that the proportion of directly war-related research on campus is minimal. But so obscure are the facts and so enormous the effects on the university of a refusal of funds from the Department of Defense and other military agencies that the faculty and the Council decided to set up a special committee to examine all aspects of the problem, and to report back by November 1, 1970.

In order to provide machinery for the flow of money to antiwar activities, while at the same time carefully preserving the institutional neutrality of the university, the faculty approved the setting up of a Princeton Community Fund, to which all members of the university who wished to do so were invited to contribute at least one day's pay. The Fund is thus a purely private source of money, which is used to pay the university for all the facilities—telephones, typewriters, mimeograph machines, paper, etc.—which are used by the various antiwar organizations housed on campus. The sole contribution of the university is the provision of free space.

Finally, the faculty passed a strong resolution abhorring all forms of violence and physical coercion. Many thought that such a statement was redundant, but were convinced of its necessity by recent statements of the Vice President and the Attorney General, and by letters to the newspapers, which suggest that it is widely believed that academic administrators and faculty condone the use of violence for political ends. These far-reaching decisions were taken only after prolonged debate, but they were all eventually carried by overwhelmingly large majorities. The conservatives were apparently so shaken by Presidential policies that they either stayed at home, retreated into silence, or came out in support of measures they would vigorously have opposed a week before.

Meanwhile, students and faculty were devising constructive ways to use the money in the Fund in order to bring maximum pressure to bear upon the political scene. The three major plans were the Princeton Movement for a New Congress, the Speakers Bureau, and the Princeton Union for National Draft Opposition.

Such, in brief, are the facts. The first question is why this deep outpouring of emotion flowed at Princeton in such peaceful and constructive channels, instead of expressing itself in nihilism and violence as happened on so many other campuses, and why Princeton succeeded in organizing itself so quickly. Two reasons are size and location. With a student body of fewer than 5,000, Princeton is an easy place for groups to communicate with each other. Set in the countryside of New Jersey, it is relatively free from the terrible pressures of the city, like those which left Yale drained and exhausted when the Cambodian crisis came. That the faculty and students held together and marched in step was partly owing to their traditionally close links and the high faculty-student ratio (a function of sheer wealth).

But more important was the fact that the structure of power and decision-making had already been radically altered along the lines recommended by a committee headed by Professor Stanley Kelley of the Politics Department. This committee had been set up two years ago this May as a result of a nonviolent demonstration organized by the SDS in protest against the university's close ties with the IDA, and against the pyramidal concentration of power in the hands of the trustees, administration and faculty. The demonstration was the SDS's finest hour, and its greatest and most lasting contribution to Princeton. The aims of the demonstrators were supported by most of the faculty and were accepted by the president. All that has subsequently happened at Princeton has followed from this critical turning point.

As a result of the major changes in the distribution of power recommended by the Kelley Committee, Princeton entered on the Cambodian crisis with student members sitting on most university and faculty committees, and with many new participatory institutions already in existence, such as student advisory committees in each department, the Council of the Princeton University Community, and the Princeton Assembly. These provided regular channels for rapid cooperation and action among administrators, faculty, and students. This was important, not only in allowing Princeton to move so fast, but also in isolating the small but prominent minority who wanted to use the crisis to liberate the students from their dependence on the faculty, and to strike against the university rather than against the war.

Although it did not appear so at the time, it was probably also helpful that these participatory institutions were still brand-new, and that they had been subjected to enormous strains in the previous weeks, as the university authorities tried to discipline a group of students who had deliberately prevented Secretary Hickel (who in those far-off days was regarded as unredeemably evil) from being heard at a conference on ecology. The campus was tense, the editorials in the student newspaper were angry and threatening, and the faculty found themselves defending the traditional right of free speech and institutional neutrality to uncomprehending students who saw only another copout. Though often a dialogue of the deaf, this experience had alerted many faculty to the depth of feeling just below the surface of an ostensibly placid campus. It also forced administrators, faculty, and students to realize how terribly fragile were the bridges they were building among themselves, and that the whole program of the Kelley Committee for restructuring the university would be seriously endangered by another major confrontation.

When the Cambodian crisis erupted, almost everyone had learned the lessons of the "Hickel affairs," and saw the essential need for compromise and cooperation if the university were not to tear itself apart rather than to help turn America around. What President Nixon did by invading Cambodia, resuming the bombing of North Vietnam, describing students as "bums," and unleashing the divisive rhetoric of Vice President Agnew was to activate the moderate middle of both students and faculty who had hitherto gone quietly about their business and had left political protest to the activists of the SDS.

These moderates now emerged in force and threw themselves into political action, determined to give the American political system one last try. The leaders, both students and faculty, are morally committed but intellectually hardheaded and realistic. They are pragmatists rather than idealogues, and are demonstrating remarkable skills in political organization and in the manipulation of the news media. They and their followers seem to consist partly of the less extreme supporters of the New Left and partly of old-timers who fought in the McCarthy and Kennedy campaigns and who see one more chance to exercise their talents for constructive purposes.

More important in both numbers and weight, however, is a vast new phalanx of the hitherto uncommitted, young men and adults normally conservative by temperament and background, who are bringing with them invaluable contacts among the business and political elites, and a determination to make the political institutions of America respond to reasoned pressure. The predominance of the naturally conservative or apolitical in the movement is the reason why so much of the initiative is coming from places like Notre Dame, Dartmouth, and Princeton. The sudden arousal of this hitherto quiescent mass is remarkable proof of the "J curve" theory, according to which revolutions tend to occur when a long period of rising expectations is suddenly followed by deterioration, disillusionment, and a sense of betrayal. For two years the moderates had believed that the war was slowly winding down, but the Cambodian invasion shattered their hopes and drove them into furious action.

A further reason that events took the turn they did at Princeton was the resilience and the leadership provided by the administration. President Goheen led the faculty in recognizing immediately the seriousness of the crisis, and in responding rapidly and sympathetically to the student calls for action. At the same time, the liberals have seen to it that great care has been taken at all times to respect the rights of individuals—those who wish to continue their studies and to take exams, those who are supported by DOD or ROTC grants, those who do not wish to take any political stand at all, those who support the war. Apart from the one antiwar resolution, the political neutrality of the university as an institution has been preserved with great care, while the maximum freedom for political action for its individual members has been facilitated. Senator Thurmond's threats against the university's tax-exempt status were superfluous, since all political organizations on campus have always been aware of the great importance of exercising the most scrupulous care in their financial accounting with the university, by paying for all the equipment and materials they use.

One of the most striking shifts of opinion in the past few weeks has been over the question of the university's ties with the military-industrial complex. Most of the Princeton community is now aware of the urgent necessity of taming this Frankenstein monster, bred of the Second World War and the cold war, and of radically altering national priorities. Those who a month ago were content that the university should accept the DOD grants for research, provided that none of it was classified, now want to see it transferred to civilian agencies or got rid of altogether. Those who a month ago were content to have ROTC on campus, provided that it was strictly extracurricular activity like rowing, are now determined to get rid of it altogether. Those who a month ago were content to let the Institute for Defense Analyses stay until its lease expires in 1975 now want it out as soon as possible.

The horror and revulsion against all things military arise from a final recognition that the $80 billion annual investment has created a giant interest in perpetuating expenditure on the technological hardware of overkill. The moderate middle has been shocked by Mylai and Kent State and Augusta and Jackson State into seeing the truth of what the radicals have been saying all along, namely that there is a connection between war abroad and racism and repression at home. It now sees the threat to freedom of speech as coming as much from the right as from the left, and the threat to the rule of law as coming as much from the agencies of law enforcement as from the forces of radical dissent—if not more. The moderate majority on campus today, then, sees the world much the way it was seen by the New Left in April. It has absorbed many of the New Left's ideas, but has impatiently pushed the extremist SDS leaders to one side, rejecting their tired rhetoric and their theatrical counter-productive tactics, and is now setting about trying to change the world through the machinery of electoral politics.

Potentially the most important of the many political initiatives launched by Princeton is the Princeton Movement for a New Congress, which is headed by Professor Gary Orfield, a young political scientist who has already made an impact on Washington by helping to block the Haynsworth and Carswell appointments to the Supreme Court. Now more and more closely linked to numerous similar organizations, and with affiliates already established in over 300 colleges, the Movement has enlisted the imagination and enthusiasm and talents of hundreds of students at Princeton and thousands more elsewhere. A computerized data bank on Congressional voting records has been established to help identify the hawks and the doves, and students are already busy supporting peace candidates in primaries in New Jersey, Pennsylvania, and Connecticut. Neatly dressed and closely shaved, they are now out ringing doorbells; the Princeton barbers have never been so busy as in the first week of May.

The second Princeton initiative is the Speakers Bureau, which is organizing faculty and students to go out to Middle America, to Rotary Clubs, alumni reunions, etc., in order to convey the depth and seriousness of campus opposition to the war. The Bureau is also preparing for publication a reader, tentatively entitled "One Campus on Cambodia," which will include an anthology of student essays on the subject "Why I'm Against the War."

The third major new organization is devoted to orchestrating opposition to the draft on a national scale. After a moving ceremony in the Princeton University Chapel, over 190 students placed their draft cards on the altar and left them in the custody of the Dean of the University Chapel—a figure which has since risen to the astonishing total of over 300. The Union for National Draft Opposition is a nationwide organization based at Princeton, which offers information, moral support, and legal aid to those who feel they cannot serve, encourages an expansion of the concept and use of conscientious objection, and lobbies for other reforms of the draft law.

Make no mistake about it, these and many other political efforts of students and faculty should not be treated lightly. The first "Children's Crusade" ended in political annihilation and bloodshed in Chicago. If the second goes the way of the first, if the politicians refuse to listen and drastically to change national priorities, the depth of despair among the young and among the intellectuals is frightening to contemplate. Today it is not only the war which revolts them. It is also the prospect of growing environmental pollution; it is the diversion of billions of dollars to piling up useless instruments of death in an arms race no one can win; it is the polarization of the country between black and white; it is the growing contempt on all sides for the rule of law. This is not a world into which the young want to bring their children, and many are talking seriously of not having any, unless things change for the better. But the experience at Princeton and at many other campuses since April 30 offers at least some glimmer of hope, for it proves that reason can still prevail over unreason, nonviolence over violence, constructive over destructive action.

TRIBUTE TO BABE RUTH BASEBALL

Mr. BROOKE. Mr. President, I am pleased to join Senators today in honoring the institution of Babe Ruth Baseball.

Incorporated in 1952, Babe Ruth Baseball has afforded literally millions of young men an opportunity to participate in constructive recreational activity. By encouraging development of physical and mental capabilities, as well as instilling principles of sportsmanship, Babe Ruth Baseball has helped countless young teenagers to develop into mature and responsible citizens.

Regardless of what devotees of such sports as football, basketball, and now hockey might say, baseball is still considered our national pastime. Great championship teams in other sports have been a source of inspiration to many, but baseball remains the team sport that continually draws both the greatest spectator interest and the most individual participation.

Lounging under a July sun in the bleachers, pursuing a flyball through a grassy field, the wondrous sound of ball meeting bat, the eternal thrill of a home run winning the game for the local favorites—these sounds and sights are part of our national heritage. And the story of Babe Ruth himself, from a broken home in Baltimore to stardom and legendary with the Boston Red Sox and the New York Yankees, is symbolic of American achievement.

I am particularly pleased to join in this honoring of Babe Ruth Baseball today because of the fact that a citizen of Massachusetts currently serves as chairman of the board of directors of international Babe Ruth organization. Mr. Stanley Ziomek of Amherst, has long been active in youth affairs in Hampshire County and the rest of Massachusetts and is a credit to his State, as well as to the organization which he presently serves in a voluntary capacity.

Mr. President, I ask unanimous consent that the "Sportsmanship Code of the Babe Ruth League" be inserted into the Record. It is a code which could very well serve all people, not only young baseball players, in attempting to live more meaningful lives.

There being no objection, the code was ordered to be printed in the Record, as follows:

The Sportsmanship Code of Babe Ruth League

Develop a strong, clean, healthy body, mind and soul.

Develop a strong urge for sportsmanlike conduct.

Develop understanding of and respect for the rules.

Develop courage in defeat, tolerance and modesty in victory.

Develop control over emotions and speech.

Develop spirit of cooperation and team play.

Develop into really true citizens.

JACKSON STATE KILLINGS

Mr. MUSKIE. Mr. President, on May 22, in Jackson, Miss., I was one of a group of concerned citizens who attended the funeral of James Earl Green, who was shot and killed on May 14, 1970, in a moment of unprecedented police violence, across from Alexander Hall, the girls' dormitory at Jackson State College. Green was a high school student who was returning home from his part-time job

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when he was shot by the police. In the absence of complete and impartial investigation with even tentative findings, the best available evidence suggests that the following is what occurred on the evening of May 14, 1970.

Fifteen minutes before Green was shot, the police had randomly fired into a men's dormitory some 100 yards away from Alexander Hall. Then the police and the men of the Highway Patrol moved down West Lynch Street toward Alexander Hall, led by an armored vehicle equipped especially for riot duty. Outside Alexander Hall a skirmish line was formed. With no known warning, a barrage of bullets left Philip L. Gibbs, a 21-year-old black, prelaw student—and father of an 11-month-old son—dead, seven others wounded and one wing of Alexander Hall riddled. Gunfire was then trained on the buildings across the street, as of that moment, and lacking refutation, it appears the police picked up their expended shells, ignored the wounded, and left.

It is impossible not to be disturbed and angered by this savage killing of a black college and a black high school student by white police and highway patrol.

Mr. President, I ask that a memorandum to the Lawyers' Committee for Civil Rights Under Law from its Jackson office concerning the Jackson State College be inserted in the RECORD at the end of my remarks. The memorandum raises serious questions about the background of these killings—questions for which I do not have the answers but which must be answered. It furnishes great detail about what happened in those moments around midnight on May 14, 1970, as seen by some of those on the scene. It contains proposed solutions to alleviate pressure on Jackson State.

Since the funerals of Philip L. Gibbs and James Earl Green, Mr. President, the evidence of the shootings has been removed from the campus of Jackson State College; the Governor of Mississippi has announced the results of an "investigation" that raised more questions than it answered; the Governor has refused to cooperate with Federal investigators; the mayor of Jackson has refused to make public the report of a Biracial Investigating Committee; and Assistant Attorney General Jerris Leonard has said that there is not "sufficient evidence" to lend credence to reports of sniper fire.

Since the funerals of Mr. Gibbs and Mr. Green, I have wired the President once and the Attorney General twice, asking that a special Federal grand jury be empaneled to investigate the killings at Jackson State. I ask that the text of these telegrams be inserted in the RECORD at the conclusion of my remarks.

The Department of Justice has the public duty to convene a grand jury and prosecute the killers. They must pursue this charge even though it may develop that those responsible for these two deaths wear the blue uniforms of the Jackson Police Department or the gray uniforms of the Mississippi Highway Patrol. No one is above the law. Everyone is entitled to the security of his person. Equal justice is the cornerstone of this Nation, of which Mississippi is a part.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Lawyers' Committee for Civil Rights Under Law.

From: Alvin O. Chambliss.

Re: Recent Jackson State College disturbances, how real can black repression be?

Many blacks in America have expressed a view that genocide in this country is at an all-time peak. This point of view seems to stem from the many contradictions in our society. The Nixon Administration did not help this situation with its all-white cabinet, nor did its alleged conspiracy against the Black Panther party. Whatever stimulates this type belief among black folk, it can not be denied that incidents which have occurred in this country, in the last couple of weeks seems to crystalize in most black people the truth of genocide in every form and fashion.

The Jackson State College incident is a typical case in point, which can be used to illustrate the many reasons why blacks in this country are so apprehensive.

Jackson is a city centrally located in Mississippi, with a population of around 200,000 people. Among other things, it is also the home of Millsaps, Tougaloo and Jackson State College.

Jackson State College is located in the black community with a thoroughfare dividing the college. There has been a long history centered around the issue of Lynch Street, and the role this thoroughfare plays in each disturbance connected with the college. Going back a few years, a student of Jackson State College was hit by a car while crossing the street. Students reacted by throwing rocks, bricks, and other objects at passing cars. The street was quickly sealed off and police reacted with a general firing upon unarmed students injuring several. An armored tank which was acquired during Mayor Allen Thompson's administration (given the name generally of "Thompson's Tank") was called in to put down the sporadic rock throwing.

A street light was put up, since there was no light in the first instance and students had to cross the streets at their own risk. There was talk about re-routing the traffic. There was also talk about running a ramp across the street so students could cross safely, as well as building a tunnel so cars could go through without injuring students. All of this talk died out, and business as usual was reinstated.

Each year after 1963, there was trouble which brought policemen, highway patrolmen and other officers into the campus, caused basically because of Lynch Street, the main thoroughfare through the campus.

In 1967, a similar incident concerning Lynch Street resulted in the death of Ben Brown, an active civil rights worker. There were other people who were injured also. There were many who called the "Ben Brown incident" cold blooded murder. Whatever the case, patterns of practice tend to support the theory that "over-reaction' is the rule rather than the exception in cases, stemming from a few rocks being thrown into Lynch Street. Again, the idea of turning Lynch Street over to Jackson State College, and re-routing the traffic was aired, as well as other demands by the community and students, but they too were dropped in a few weeks.

On May 13, 1970, students at Jackson State College had a meeting on matters which are pressing our society today. The number one topic of discussion was the events which had occurred in Augusta, Georgia. They were upset over the "alleged massacre" of the six blacks in Augusta. However, their main concern was the coroner's autopsy report stating all six people allegedly killed by the police on Monday, May 11, 1970 were shot in the back. The students were also upset over the fact that one victim was shot nine times.

Students also contend that other pressing matters were discussed; the alleged conspiracy against the Black Panthers party; the election problems of black people in Lake Providence, Louisiana the Cambodian and Indochina war and its effect on black people; and the grievances against the refusal of the school to attack the allocations and distribution of funds by the state, as between the white and black colleges.

On or around 9:30 p.m. a crowd of students including a substantial number of nonstudents began congregating near the center of the campus on Lynch Street. Rocks and bricks were thrown as cars passed. Several people were allegedly treated for injuries received from the rock throwing. Highway patrolmen, city police as well as National Guardsmen manned the barricades surrounding the campus. A small bonfire was alleged to be burning in the middle of Lynch Street. The 30-block sealed off area was guarded and people who were permitted by the roadblock were searched for weapons. Thompson's armored tank was moved onto the campus to protect the ROTC building, but was not used to disperse the students; nor was tear gas used. Although the crowd reportedly reached 200 in numbers, damage to the area was light.

The next day, the President of the College, Dr. John A. Peoples issued a bulletin entitled "A Message from the President." In the one page message, he stated that "two trailers used for hauling garbage from dormitories and the dining hall were burned." He expressed disappointment in the students, reminding them that "young black adults" were the persons our society would depend on for leadership in the future. He also mentioned the fact that the overwhelming majority of students were not participants in the riot, and to those who tried valiantly to prevent it, a note of thanks was extended.

The climate was very relaxed all during the day and many of the students were satisfied that the earlier tension had passed. However, around 7:30 to 8:00 p.m. students began to feel uneasy, and the general mood changed. Mr. Warner Buxton, President elect of the Student Government Association of Jackson State College explains, "At first, I thought that things had settled down to normal. Many students were going to class as usual. During the early part of the night people were not concerned about the presence of the National Guard." "Mayor Russell Davis seemed to have gotten his message across to the students as well as President John Peoples."

Between 8:00 and 9:00 p.m. people began to mill around the edges of the campus as well as in the middle of the campus. An alleged report of Mayor Charles Evers and his wife being killed in Fayette, touched off a reaction resulting in the burning of a city dump truck that was parked for the night at the site of a pipeline repair job on campus. Other students deny the report of Mayor Evers' death, as the proximate cause of the fire. Whatever the reasoning, students did set fire to the dump truck and city firemen moved in to extinguish the blaze. The students said no one bothered the firemen, and they immediately put the fire out, even though highway patrolmen and city policemen allege that rock, bricks, bottles and other materials were tossed at them while they were battling the fire. However, there were no reports that firemen were injured while fighting the fire, which can be attributed to the Jackson State College students.

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What happened next is unprecedented in our modern day college history. The National Guard, the city police and the "Mississippi Gestapo" acting in concert, perpetrated the most vicious, inhumane and savage act known to mankind on the Jackson State College community, the Jim Hill High School community as well as the black community in general. The "Mississippi Gestapo" referred to earlier, is the Mississippi State Highway Safety Patrol. The name was given to it by the black community because of the Mississippi State Law which permits it to go into any county in the State whenever trouble arises and not be held responsible for its actions while being in an area outside its original area. Black community people in fact know that the highway patrol, even though it appears not to be a secret police organization, is in fact secret, since its overt, aggressive and unlawful actions are, in fact, never indictable, convictable or subject to the rule of law.

As soon as the firemen left the campus, unharmed, the highway patrol being given an opportunity to come upon the campus to seek and destroy marched upon the campus. They had double parked on Prentiss Street, and were waiting for an excuse to murder. After marching about a block, several of them stopped at Stewart Hall where they shot from five to ten bullets through the fourth floor window. The shots entered the window from the side of the building and apparently were fired from that area. They then proceeded to march up the street toward Alexander Hall. As to whether or not they fired shots between the Stewart Hall firing and the Alexander Hall massacre has not been settled. However, one student reported several patrolmen told him to clear the area, unless he wanted to be filled with bullets.

A crowd of students were in front of Alexander Hall and on the streets in front of the building. There are conflicting testimony as to whether or not the highway patrolmen who had a bull horn spoke, or said nothing before the massive shooting. There is also conflicting testimony as to whether or not two shots were fired, by a student or students, or whether or not a bottle was thrown or not. At any rate testimony has been alleged by the Chief of Detectives M. B. Pierce and Highway Patrol Inspector Jack Hutchinson, on duty when a spatter of gunfire fired from all types of automatic weapons took the lives of Phillip L. Gibbs, 21, of Ripley, Mississippi, a junior at Jackson State College, majoring in History and Political Science and James Earl Green, 17, of Jackson, Mississippi, a senior at Jim Hill High School and a track star, that is in conflict with most of the student testimony.

A tape recording of events surrounding the firing on the dormitory starts with a voice asking, "Are you shooting?" apparently a reporter asking his cameraman whether he was shooting film. The cameraman replies, "Yes." The tape speaker may have burped twice, some of the officers may have made the sounds, or maybe they were shots, even though they were considerably lower in terms of sounds than the officers shots. Then a bottle breaks, and there are two sounds. After the two sounds, there is a roar of gunfire from the highway patrol officers which lasts at least 30 seconds before a cease fire order was given, after the men in fact had ceased firing themselves.

After the firing ceased, the highway patrol officers all stooped down and picked up most of their shells and quickly marched off in the direction of their cars parked on Prentiss Street. This part of the testimony is clear and uncontradicted. It is also clear that between 300 to 500 bullets were fired into Alexander Hall, Robert's Dining Hall and Stewart Hall, Alexander Hall getting about 90% of the shots. There are conflicting testimonies as to whether Alexander Hall's fourth floor window will open up in such a manner that a sniper can shoot out of it and still be covered substantially. One student said "No one shot from the fourth floor of Alexander Hall, if one wanted to fire, he or she would almost hang half-way out of the window."

There are conflicting reports as to how many students were injured. Most papers state 12 to 18 even though students say half of the people injured were taken home by their parents that night and the next morning. Mr. Warner Buxton, the Student Government Association President states, "From 30 to 40 injured would be a better estimate."

As the highway patrol rushed from the scene of the crime, the "Co-conspirator" National Guardsmen rushed in along with the campus security guard to attend to the murdered, slaughtered or otherwise dying and and injured students. The security guards had been suppressed completely. In fact, several guards were allegedly told to clear the area and pushed aside physically, verbally or otherwise. What the third member or fourth member, (usually in troubled areas in the state, fish and game wardens, are summoned) the city police were during this period is open to question. Some observers say they were with the highway patrol while others say they remained on the edge of the campus, while still another group say they were present but did not participate directly.

It is alleged that Phillip L. Gibbs, was shot several times after he heard the shots of the highway patrolmen but could not get in the girls dormitory. It is further alleged that after he ran from the West wing entrance, he was shot several times but limped a few paces further, and was then shot several more times almost near the middle of the open space between the West wing and the opposing wing, where he received the critical wounds.

It is alleged that James Earl Green was shot opposite the West wing of Alexander Hall across the street on the side of Roberts Dining Hall. There are many small trees, bushes and other effects, and possible reports and investigations will determine how many shots were fired at him. However, there are several small holes in the brick, and several large holes in the brick, indicating that an excessive amount of force was used in any event. James was a part-time worker at a drive-in grocery store. He was on his way home through Jackson State College's Lynch Street route when he noticed the things occurring and stopped. He never made it home that night. He was not involved in the incidents according to creditable sources.

There is no evidence adduced so far that would substantiate a sniper fired, nor is there any evidence as to where the "alleged sniper fire" came from, in terms of direction.

It should be borne in mind that no tear gas was used and this was a massive crowd of students.

There are presently five investigation teams probing the death of the students. The Federal Bureau of Investigation in conducting an investigation; the State Highway Patrol is conducting an investigation; the city police are conducting an investigation, the Mayor's Bi-racial Committee which is composed of three whites and two black attorneys, is conducting an investigation as well as the students and their lawyers from the Lawyers' Committee for Civil Rights Under Law, in conjunction with 13 Howard University Law students.

A committee of active students on Jackson State's campus have organized "the Committee of Concerned Students. This committee in conjunction with the community has begun to move in the direction of a more positive relationship with its community and the many problems which confront it daily. Warner Buxton, the Chairman of the Committee and new president-elect of the Student Government Association of Jackson State College, along with Karl Griffin, Gene Young, Farrish Adams, Sylvia Gibson, Gregory Antoine and Chester Taylor represent the new breed of leadership emerging out of years of frustration at our colleges and universities.

The Committee of Concerned Students and other concerned community people have formulated a list of goals and objectives to which they are seeking redress. Their purpose in setting forth these recommendations, propositions, demands, or otherwise, is to halt the unwarranting murders of Jackson State College students, community people, and to protest the genocide and systematic repression of black people in Mississippi specifically and the Nation in general.

It is also their hope and desire that the persons responsible for the massive executions i.e., the state highway patrol, the city police, the state national guard, as well as private individuals, acting alone, and/or in concert with other officials or otherwise, will be brought to justice, and the rights of individuals will again prevail, over property rights.

HERE ARE THEIR ULTIMATE DEMANDS

(1) They are calling for the immediate relinquishment or surrender of the city's title to Lynch Street, from Eastview Street to Dalton Street to Jackson State College. It is the community's feelings that the thoroughfare (Lynch Street) going through the heart of Jackson State College campus should be re-routed so as to leave Jackson State College disorders to Jackson State College campus officials. They reason that in light of the long history of Lynch Street with regards to Jackson State College, it would be in the best interest of all parties concerned.

(2) They call for a grievance procedure with black citizen participation for the investigation of police abuse of members of the black community. For years they have watched police brutality, cold blooded murder and general harassment and intimidation of black people in Jackson as well as other parts of the state, by state, county and city law enforcement officers. After due discussion, investigations and deliberations we have come to the conclusion that there must be an effective element of "Community Control" over the activities of the police, including but not limited to, hiring, firing and promotions are the only ways of dealing with the problems of police and the department.

(3) They are calling for a state-wide grievance procedure to handle complaints against the highway patrol. They are also calling for the proportionate hiring of black highway patrolmen in relationship to the proportionate population of blacks in all 82 counties in which they serve.

(4) They are calling for the halt of the unilateral decisionmaking of M. M. Roberts, President of the State Board of Institutions of Higher Learning of the State of Mississippi. They question the grounds used in determining final grades for students who were forced to go home after school was closed. The administrative grades that have been or will be given this term raises questions of legality and workability in light of the recent decision of "the New York Court of Appeals" concerning "New York University" and the problems they created for their students with professional agencies. They are also demanding 50% black representation of that board, which does not presently reflect the thinking of all segments of the state community.

(5) They are calling for the immediate and unconditional firing of the "Colored Ellison (Big Red) Weathersby" from the city police department, and white racist "Lloyd (Goon) Jones" from the state highway patrol department.

(6) They are calling for the immediate reopening of Jackson State College, and a resuming of all activities thereon, including

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the annual summer school program, because Mississippi blacks are in dire need of education for their betterment as well as the state's development.

(7) They are calling for equal hiring of blacks throughout the state on federal jobs, and a proportionate number of appointments in federal and state patronage positions. The fully understood need of community participation and administration on the county and state level as well as on the national level.

(8) They are calling for an equal allocation and distribution of federal and state funds to schools of higher learning, including but not limited to Jackson State College, Mississippi Valley State College and Alcorn College. They are very aware of last year's allotment, and the fact that these colleges have never been given a fair share of their tax paying monies.

(9) They are calling for a State Minority Commission Bureau or otherwise, to deal with the problems of black contractors. This commission would deal with the "Small Business Administration" and other interested federal and state agencies, in regards to getting finance for small businesses, black economic development, and state and federal procurement contracts. This agency would also deal with the problems of insuring and bonding of black contractors. It would also see whether federal regulations are being violated for construction contracts, with regards to black employment by white contractors.

(10) They are calling for the hiring of a proportionate number of black teachers in regards to the number of black students in every public school in the state. They are calling for the reinstatement of all black principals with all the powers, including salary, duties, and responsibility which they formerly had when they were principals in the "closed" black schools. They are very aware of the problems of integration and the unitary system, but demand a more realistic and workable solution to those problems.

(11) They are calling for the immediate suspension of the licenses of all television and radio stations in the State of Mississippi. Their grounds for suspension are that there are few if any black programs aired, and very few blacks are working in the stations. The few that are working are censored, and really cannot participate meaningfully in broadcasting without fear of their jobs. In light of the Federal Communication Act, policies and regulations, equal time has not been granted to the black community for them to air their views. They are also concerned about the abusive distortment of news as it relates to the black community.

(12) They are calling for the hiring of blacks in the fire department. They are aware of the lily-white fire department all over the state, and indeed the nation. They want a proportionate number of blacks employed in relation to the number of blacks in the county.

(13) They are calling for the appointment of federal judges, federal prosecutors, attorneys or otherwise for the State of Mississippi and the south in general. They reason, since there is 50% or more black people in the State of Mississippi, with not one federal judge, prosecutor, federal attorney or otherwise, the breakdown of justice in the first instance, shows its face there. Justice can only be had when whites as well as blacks respect "the rule of law." The rule of law can be administered by blacks as effectively as whites and surely knows no color.

(14) They are calling for the opening of all city recreation facilities across the state, including but not limited to city swimming pools, parks and other facilities. Since the rule of law should readily prevail, the Supreme Court of the United States has ruled on the unconstitutionality of the same, steps should be taken immediately to comply with the ruling.

(15) They are calling for a "general policy on the use of fire arms which would comport with the President's Commission on Law Enforcement and Administration of Justice." They strongly recommend the Task Force report on the use of fire arms. They know the state law enforcement policy on riot control, and demand that total compliance with the President's Task Force be adopted, including but not limited to Article III on page 189.

In order to effectuate and give force and impetus these demands, goals and objectives stated above, we are calling on all citizens, black and those few whites who are sincerely concerned to:

(1) Boycott all white merchants unless something is given to the contrary.

(2) City wide strike of all students, citizens, employees, on Friday, May 22, 1970, the day of the funeral of Brother Green.

(3) A state and nationwide day of mourning in our churches and homes on Sunday, May 24, 1970, for the black students massacre at Jackson State College, the victims of the Augusta, Georgia slaughter, and black repression in general across this nation. It is hoped that the issues of genocide and survival of black people will be given paramount consideration in churches, homes and other places of worship, with prayers from everyone concerned given.

(4) That all churches of Mississippi and the nation take a more positive position on issues that confront society today, i.e. social justice, war in Vietnam, funding of relevant OEO which attempts to address themselves to poor people problems, and the problems of true religious brotherhood.

(5) Picketing, boycotting and otherwise of all racist merchants and establishments who have not been given the seal of approval from the "Black Business League" and the Committee of Concerned Students and citizens. This should include picketing and boycotting but shall not in any way be limited to the above named tactics.

(6) Neither rent nor buy robes for graduation. If march, march in clothes which are common to your environment and that will show your real economic status.

(7) Support all black business and concerns in Jackson, Mississippi and the State. Giving them a chance to produce the kind of services they are giving or/are capable of giving.

CONCLUSION

It seems that the people of Jackson, Mississippi are not asking, but telling the city and state to change. They are giving the system an ultimatum. It further seems that they are still trying to work within the system. Even though many blacks are very very uptight about the violence perpetrated on their brothers and sisters across the state, they realize that they have not put together nor have they been able to sustain a concentrated drive toward total emancipation. However, it seems that many of them are saying, we're dying like flies anyway, so why not fight fire with fire. Whatever faction prevails, it seems that both are equally determined to obtain self-determination by any means necessary, within or without the system.

COPY OF TELEGRAM TO THE PRESIDENT, MAY 24, 1970

The PRESIDENT,
The White House,
Washington, D.C.

Mississippi Governor Williams' action in ordering removal of evidence from Jackson State College shooting scene, early Saturday. Contrary to earlier assurances, took away the last shreds of credibility from him and those responsible to him in connection with this case. That action and his reaction to those who have voiced concern over the killings make it imperative that you direct the Justice Department to empanel a special Federal Grand Jury to conduct an immediate full-scale investigation of the Jackson State incident.

The Williams administration has forfeited any claim that it is prepared to protect the rights or lives of black citizens in Mississippi. It is not enough for the attorney general to promise a departmental investigation. You have a constitutional obligation to act now to assure justice in the Jackson State case and to protect the lives and rights of black citizens in that area, using the authority accorded you under the Constitution and the laws of the United States.

EDMUND S. MUSKIE.

COPY OF TELEGRAM TO THE ATTORNEY GENERAL, JUNE 6, 1970

Hon. JOHN MITCHELL,
Attorney General, Department of Justice,
Washington, D.C.:

The violent killings of two young men at Jackson State College on May 15 provoked serious allegations of violations of civil rights and of misconduct by law enforcement agencies. On May 24 I recommended to the President that a special Federal grand jury be empaneled to determine the facts of this case.

As you know, Governor Williams of Mississippi made a television appearance on Thursday night in which he said an investigation of the shootings showed that the police acted in self-defense.

The Governor's presentation was not a sufficient answer to the serious questions which have been raised. Indeed it raises other questions as to the thoroughness and objectivity of the investigation to which he referred.

So long as the adequacy of the investigation remains in doubt, there will be a continuing controversy over the facts. The situation requires an investigation of a kind which is consistent with a commitment to equal justice under law.

The Governor's presentation was not such as to reassure those who seek such a commitment.

Any serious investigation of alleged criminal conduct requires a dispassionate, unbiased and thorough examination of the facts in accordance with appropriate judicial standards and procedures. This has not yet been done.

The events of the last few days add to the urgency of my recommendation to the President that a Federal grand jury be empaneled to determine the facts of this case.

EDMUND S. MUSKIE,
U.S. Senator.

COPY OF TELEGRAM SENT TO THE ATTORNEY GENERAL, JUNE 10, 1970

On two separate occasions, in telegrams to you and to the President, I have requested the empaneling of a special Federal grand jury to investigate the killings of two young men at Jackson State College on May 15. In view of the statement by Assistant Attorney General Leonard that there is not now "sufficient evidence" to lend credence to the reports of sniper fire, in view of the refusal of the Governor of Mississippi to cooperate with the Federal investigators, and in view of the refusal of the Mayor of Jackson to make public the report of his Bi-Racial Investigating Committee, the empanelment of a special grand jury is imperative. Only decisive action on the part of the Federal government can restore the confidence of the black community in equal justice and equal protection under the law. I urge you to act now to allay the fears and doubts that are destroying that confidence.

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SENATOR CANNON A LEADING EXPONENT OF STRONG CRIME CONTROL

Mr. BIBLE. Mr. President, at a time when our Nation is confronted with crime and lawlessness of unprecedented magnitude, Congress is keenly aware of the need for strong, carefully constructed anticrime legislation. A leading exponent of firm legislation in this area is my colleague from Nevada (Mr. CANNON). His views on the crime problem and on the difficult role of law enforcement in what Thomas Jefferson termed the "execution of laws" are effectively set forth in his address on May 15 to the Las Vegas, Nev., lodge of the Fraternal Order of Police. I ask unanimous consent that Senator CANNON's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR HOWARD W. CANNON BEFORE THE LAS VEGAS LODGE, FRATERNAL ORDER OF POLICE

Ladies and gentlemen, I am honored to be here today to join you in the commemoration of the National Police Officers Memorial Day established by President Kennedy some years ago.

As an honorary member of the Nevada Peace Officer's Association, as an old friend of yours, I feel very much at home here. So I am going to spare you any long speech about the growing problems of law enforcement. You all know the statistics. You've all read the FBI and other pertinent reports on the subject. We all know what's going on in the country today and we all know what we are going to have to do about it.

You police officers are going to have to go on playing your traditional role as the protectors not simply of our homes and our communities, but as the defenders of the rule of law against illegal actions of all kinds.

It is fitting that we should set aside this day commemorating those officers who have been killed in the line of duty. The tragic toll has risen all through the country. In 1968, 64 law enforcement officers were murdered by felons. Since 1960 over 475 police officers have been killed in action (1969 statistics will add to this figure).

In Nevada alone, since June of 1933 when Officer Arnie May of the Las Vegas police department was killed by a hoodlum, 8 other officers have died in the line of duty, most of them in recent years—Wilbur McGee and Robert Dula of the Las Vegas Police killed in 1955, Eddie Johnson and George A. Hart of the Clark County Sheriff's office killed in 1957, John McGuire of the State Highway Police killed in the early 1960s, William Fortye murdered in 1966, Ed Meagher and Paul de Weert, who died more recently, the latter shot from ambush.

It is high time to honor the memory of these police officers. And it is time to more than merely commemorate their deaths. It is time to remind ourselves and the people of this country what it was these men died *for*.

Law enforcement—law and order—are phrases that have become familiar enough these last few years. They have a nice ring to them. They lend themselves easily to emotional use. They are words that have come to have all sorts of meaning to all sorts of people. And that is a shame because their original meaning is very simple and very clear.

This nation is founded on the rule of law. Respect for the law is deeply engrained in the American consciousness—so much so that even in this age of dissent—we are continually concerned with questions involving the legality of that dissent—most of us are.

Most of us honor our laws and want them properly enforced. We want law . . . rules to live by . . . because we want order in our lives, peace and not violence in our cities and our towns. So we want our laws enforced. . . . And you, our police officers, have that responsibility.

There is nothing complicated about this need, this due process by which we live together. Law—and the order it is written to maintain—are vital to our continued existence. Where laws ends, said the English statesman William Pitt, there tyranny begins. And we have certainly had ample evidence of that sad truth in our lifetime. . . .

Thomas Jefferson, who is often quoted by some of our radical young people today as they challenge the laws by which we live, said that the *execution* of the laws is more important than the making of them. That was true when Jefferson said it. It is true today. The primary purpose of making a law is to have it executed or enforced. . . .

You, once again, have that responsibility. . . . And you have it at what is perhaps one of the most critical moments in our history.

For you are law-enforcement officers at the very moment in which our basic belief in the law is seriously being challenged from within.

That is what is happening and there can be no mistaking this revolutionary fact. The rule of law in America is being challenged by some Americans. The challenge is as simple as it is obvious—and as wrong. The essence of this challenge lie in the expression of the peculiar idea that the only laws we have to obey are those we agree with, or those laws we like, or those laws that work in our favor. All other laws are meaningless.

Well, in a nation of over 200 million individuals, each with a different, personal view of the world, with different life styles, different problems and different goals—the acceptance of the idea that we need to obey only those laws we like or only the laws it is convenient for us to obey—can lead only to the *end* of all our laws. . . . It can only lead to anarchy in the worst meaning of that word—a social structure without government or law and order. And yet that idea has been stated and is being seriously tested all over these United States today.

Many dissenters, knowingly or unknowingly, criticize justly, or unjustly, or seek to tear down the system or the establishment—by which they really mean the law, the institutions of the law, and the order they preserve and protect for all of us.

You law enforcement officers are those relatively few American delegated by all the rest of us to meet that challenge head on—to enforce the law even while it is being challenged. You take the full impact of that challenge . . . you take the shouts and the obscenities—you take the bricks and jeers—you take the threat—you take the daily risk for all of us facing what we must always remember are first and foremost only lawbreakers, whatever they might like to call themselves.

It is always a dangerous job. It is often a seemingly thankless job. You, not the press, or the morning after quarterbacks, face the lawbreakers. You, not those who make careers out of peddling law and order, or those who are making careers out of criticizing the police, you—put your lives on the line to uphold the laws that keep this country free. . . .

Little is said about this aspect of the service you perform for our constitutional democracy. Little is said of the tremendous restraint with which you work, day after day, night after night in situations that would impell even the average peaceful citizen to a murderous rage, if not to murder itself. But police restraint is not as interesting a phenomenon as police brutality, which we know is a rare exception, not the rule, in our law enforcement agencies today.

Events of the past few weeks, while they have led to a tragic violence in some few instances, have been marked more by police professionalism and restraint than by any other factor. The effectiveness of police techniques in dealing with potential violence has been demonstrated over and over again in recent months and that effectiveness will grow as your techniques are refined in the troubled weeks and months that lie ahead of us.

But new techniques are not enough to deal with the growing problem of lawlessness in the United States. Police departments all over the country need more training, more men, more equipment—in short, more money than can now be provided from available local tax funds.

Without going to the unnecessary extreme of establishing a national police force and surrendering one more local responsibility to the bureaucrats in Washington, we must find a way for the federal government to support your local needs.

The Senate has already taken steps in this direction. And because I am aware of your problems, and because I fully understand and appreciate your worth to all of us, I have done more than merely talk about law and order and the problems of law enforcement. I have worked and voted for every piece of legislation aimed at helping to solve the problems with which you have to work. . . .

During this session of Congress, I played a role in the major crime legislation enacted by Congress. I voted for S. 30, the Organized Crime Act; S. 2637, Controlled Dangerous Substances Act, a bill that imposes severe penalties against drug abusers; and S. 1861, the Corrupt Organization Act, which pertains to racketeering activity. I also voted for other legislative proposals that provide greater protections for private citizens. I have supported legislation in the areas of: Court reorganization, criminal law revisions, public defenders, sources of evidence, and the revision of Juvenile Codes.

During the last Congress, I was among the Senators actively pressing for the enactment of the Crime Control and Safe Streets Act of 1968. This crime bill channels Federal funds into the States for the purpose of fighting and controlling crime.

At present, I am a co-sponsor of S. 3171, a bill which would send these crime funds directly to communities experiencing the highest crime rates. If the bill is enacted, much of the red tape and other administrative problems will be greatly reduced, and communities will find it much easier to apply directly to Washington for these Federal crime funds.

Now, in years to come, I intend to go on working for more legislation not only to support our local law enforcement agencies, but also to put our courts back into the business of bringing arrested criminals to a speedy trial and punishment. For like you, like most Americans, I am dedicated to the principle of law . . . I am unreservedly for law, for order, and for law enforcement in Nevada, and throughout the United States . . .

In the years that lie ahead, I would like to see the rule of law once again firmly established for all of us. I would like to see dissenters come into the courts to challenge the laws with which they find fault. . . . I take no pleasure in seeing them there as lawbreakers, after the laws have been broken and the structure of the law weakened, not made stronger as it might be through their peaceful and their lawful dissent.

I expect to see that brought about. I know the rule of law will be maintained in this country. I know law and order will prevail.

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You will see to that for all of us simply because that is your job, that is why you wear the shield or the star or the badge with which we have entrusted you. You will keep the peace. You will enforce the law. You will preserve law and order. And one day we will certainly look back on your service and say as Winston Churchill said of another small band of dedicated men, never in the field of human conflict was so much owed by so many to so few. . . .

In the meantime, I thank you on behalf of all the people of Nevada for your service. And I salute you with profound respect. . . .

Thank you.

$40 MILLION IN LOANS REQUESTED TO ASSIST SMALL COMMUNITIES IN FIGHTING POLLUTION

Mr. GOODELL. Mr. President, many Senators recently joined me in an appeal to the President that he release additional grant funds to assist small villages of 5,500 or less in development of their water and waste disposal systems.

The support of this appeal by Senators was most gratifying. On April 23 the Secretary of Agriculture announced that the Bureau of the Budget had authorized the use of the full $42 million for development and $4 million for planning that had been appropriated by Congress for fiscal year 1970. Two hundred fifty additional communities in the Nation will be assisted because of this action.

However, release of these grant funds was not accompanied by a provision for additional loan funds for these communities. Direct or insured loans are an essential component to their programs.

I have, therefore, written again to the President to request that authority for $40 million in direct and insured loans be released from budgetary reserve.

I urge Senators to join me in this new appeal to the President.

I ask unanimous consent that my letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On March 16 I addressed an appeal to you for the release of additional grant funds appropriated by Congress for Fiscal Year 1970 for development of rural water and waste disposal facilities by small communities with populations of 5500 or less. As a result of this appeal, Secretary of Agriculture Clifford M. Hardin announced on April 23 that funds available for this program had been increased and that the Bureau of the Budget had authorized the use of the full $42 million for development and $4 million for planning that had been appropriated by Congress for Fiscal Year 1970.

I was very gratified by this action. By enabling the Farmers Home Administration to approve prior to June 30 an additional 250 rural community water and sewer system projects, we have moved another important step forward in reversing the dangerous deterioration of our environment.

However helpful the release of these grant funds has been, the effectiveness of the program cannot be fully realized until the Bureau of the Budget releases $40 million authorized for sewer and water loans. These loans are an essential component of the ability of the communities to fulfill their own financial obligations and to move ahead rapidly with their anti-pollution programs. With very few exceptions, they cannot do so without loans directly from or insured by the Federal Government.

On April 15, 1969, in House Document 91-100, you recommended the following with respect to the rural water and waste disposal program of the Farmers Home Administration for Fiscal Year 1970:

1. *Grants for planning and development:* Reduce to $28 million.

(Congress appropriated $42 million for development and $4 million for planning, and these funds have been made available.)

2. *Loans (direct and insured) for sewer and water:*

Direct Loans: Decrease the amount available for loans to public bodies from $74 million to $64 million.

(Congress appropriated $74 million; however, $10 million is presently held in budgetary reserve.)

Insured Loans: The above proposal to decrease direct loans contemplated "enactment of pending legislation which would increase insured sewer and water loans to public bodies from $110,000,000 to $355,000,000 for fiscal year 1970."

(The legislation was not enacted. Also, it was implicit in your April 15, 1969 communication that there would continue to be authority to insure at least $110 million in loans. However, the budget which you submitted early this year reflects that loan insurance authority has been reduced by $30 million.)

Your budget for Fiscal Year 1970 indicated that a proper ratio between grants and loans should be approximately 1 to 6; i.e., $24 million for development grants vis $144 million in loans ($64 million direct and $80 million insured.)

However, the increased allocation of $18 million for development grants had changed the grant/loan ratio for Fiscal Year 1970 to approximately 1 to 3.43; i.e., $42 million for development grants vis $144 million for loans.

To provide an additional $40 million in loans would bring the ratio to only 1 to 4.38; i.e., $42 million for development grants vis $184 million for loans ($74 million direct and $110 million insured.)

Indeed, the ratio you have proposed for Fiscal Year 1971 is 1 to 5.3; i.e., $20 million for development grants vis $126 million for loans ($40 million direct and $86 million insured.)

Mr. President, I strongly urge that the $10 million appropriated for direct loans be released from budgetary reserve, and that the Farmers Home Administration authority to insure sewer and water loans be restored to $110 million. Such action will permit 250 small communities throughout the Nation to proceed with fully financed programs before the end of Fiscal Year 1970.

The need for a favorable decision is most urgent. The Farmers Home Administration has on hand at this time more than 2,000 loan requests requiring approximately $480 million, and nearly 600 grant requests requiring $50 million. In addition the Agency has returned more than 3,500 loan requests and 2,400 grant requests because of insufficient funds. The communities are still in need of assistance; the applications returned would require approximately $700 million in loan funds and $300 million in grant funds.

I am assured that the Farmers Home Administration could easily administer a $400 million program annually to assist approximately 2,000 water and waste disposal projects. At this level of funding, approximately four years would be required to fund the applications now on hand and those that have been returned because of insufficient funds.

Respectfully yours,
CHARLES E. GOODELL.

THE 45TH ANNIVERSARY OF THE GENEVA PROTOCOL ON CHEMICAL AND BIOLOGICAL WARFARE—A TIME FOR U.S. RATIFICATION

Mr. KENNEDY. Mr. President, on June 17, 1925, representatives of the United States and 29 other nations meeting in Geneva signed a protocol designed to prohibit the use in war of asphyxiating, poisonous, or other gases, and bacteriological methods of warfare. Tomorrow, on its 45th anniversary, the Geneva protocol stands as a landmark in man's efforts to reduce the horrors and suffering of modern warfare. It is in fact the only existing agreement to effectively prohibit the use in war of weapons of battlefield value. If anything the significance of the protocol has increased over the years as the number of states party to it has grown to 85.

Ironically, the United States, the very country which initiated, drafted, and signed the protocol in 1925, has failed to ratify it. With the recent ratification by Japan, our country now has the unenviable distinction of being the only major industrial nation, the only nuclear power, and the only member of NATO that has not become a party to the Geneva protocol.

Seven months ago we were given cause to think that this sad state of affairs would soon be over. At the end of the first comprehensive review of U.S. chemical and biological warfare policy and programs in over 15 years, President Nixon announced his decisions last November 25. He said then that the administration will submit the Geneva protocol to the Senate for its advice and consent to ratification. Noting that the United States has long supported the principles and objectives of the protocol, the President added:

> We take this step toward formal ratification to reinforce our continuing advocacy of international constraints on the use of these weapons.

Nevertheless, 7 months have passed and no step has been taken toward formal ratification. Indeed, despite the President's statement last November, it appears that the administration now has no intention of submitting the protocol to the Senate in time for hearings this session.

It puzzles me why a 45-year-old treaty which had been carefully studied for 6 months by the executive branch prior to the President's announcement should require an additional 7 months and perhaps even another year of review within the administration. The lengthy delay in presenting the protocol to the Senate is all the more peculiar in light of the U.S. support for a resolution approved unanimously at the last United Nations General Assembly which "invites all States which have not yet done so to accede to or ratify the Geneva Protocol in the course of 1970 in commemoration of the 45th anniversary of its signing and the 25th anniversary of the United Nations." Clearly, unless the protocol is submitted promptly, we will fail to meet the timetable which we supported in the U.N.

There are many additional reasons

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why the protocol should be submitted now to the Senate. Ratification hearings would provide an opportunity for the Senate to consider the entire range of policy issues in the U.S. chemical and biological warfare programs. At this moment we face the problem of removing substantial stockpiles of nerve and mustard gases from Okinawa to another Pacific location or to the continental United States. As the proposed amendments to the Foreign Military Sales Act indicate, there is considerable doubt within the Senate over the wisdom and necessity of maintaining such large stockpiles either in the Pacific or at home.

In view of the U.S. renunciation of the first use of chemical weapons, a policy which ratification of the protocol would turn into a legal commitment, the Senate should have an appropriate forum in which to review present and planned procurement, deployment, and concepts of use. We would also want to know whether official policy on chemical weapons has gone far enough, since it is not at all certain that nuclear powers need to maintain still other weapons of mass destruction such as chemical weapons.

While the President speaks of our continuing advocacy of placing constraints on the use of chemical weapons, we are all painfully aware that the United States has made heavy use of certain of these weapons in Southeast Asia. Tear gases and chemical herbicides have been used to inflict casualties on the enemy and deny him food. The administration somehow does not consider these activities to be chemical warfare and apparently intends to go on using these weapons even after we become a party to the Geneva Protocol. Most parties to the protocol, however, do consider both tear gas and herbicides to be banned. Surely the Senate will want to give careful consideration to these conflicting interpretations of the protocol's coverage as well as to other policy considerations, such as the effectiveness of our international position against the use of these weapons when contrasted with our activities in Vietnam.

The President announced several other decisions last November which he said "have been taken as an initiative toward peace." He renounced all use of biological weapons, confined the U.S. program to research on defensive measures only and told the Defense Department to dispose of its existing stocks of biological weapons. Later, on February 14, the same policy was extended to toxin weapons, which are the toxic products of living organisms. Nevertheless, despite the announcement, these decisions have not been implemented. Along with the continued failure to act on the protocol, there is no indication that biological stockpiles have been destroyed or that secret, offensive research has been discontinued. While there is no reason to question the eventual end of these programs, there would also seem to be no good reason for the lengthy delay in beginning to terminate the research and stockpiling operations.

In all, Mr. President, it is regrettable that the Geneva Protocol's anniversary must pass without our being able to recount a single positive step taken since last November in the field of chemical and biological warfare. With the continued passage of time, the initial beneficial impact of the President's decisions is bound to be overtaken by sheer bewilderment at home and abroad over the reasons for this delay.

ARGUMENT AGAINST THE SST

Mr. BROOKE. Mr. President, on June 9, 1970, the Washington Evening Star published an excellent article entitled "Weight of Argument Viewed as Against SST," written by James J. Kilpatrick.

I find Mr. Kilpatrick's analysis of the probable cost to the taxpayer most persuasive and ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was order to be printed in the RECORD, as follows:

WEIGHT OF ARGUMENT VIEWED AS AGAINST SST

(By James J. Kilpatrick)

The House of Representatives spent four hours a couple of weeks ago in one of its better efforts at debate. The question was whether to appropriate an additional $290 million toward development of the supersonic transport plane. Arguments on both sides were reasoned, persuasive and well-informed; but in the end, the wrong side won.

On the most significant roll call, the vote in effect, was 176–162 in favor of going ahead. Now the Senate will have its chance to call a halt to this costly and self-defeating venture.

The key questions fall into three areas. Some of them have to do with the burden on American taxpayers; others deal with the kind of world we want to live in; still others go more narrowly to the plane itself and to the practical problems of its profitable operation. In each of these areas, in my own view, the weight of the argument goes solidly against the SST.

It is an elementary proposition, though some of the big spenders on Capitol Hill seem never to perceive it, that the resources of the federal budget are not unlimited. The paper surpluses once foreseen for this year have turned into real deficits. Demands upon the Congress—necessary and legitimate demands—keep rising all the time. If ever a time were at hand for the sober reconsideration of spending priorities. that time is now.

If a weighing of priorities were confined solely to transportation, leaving aside such domestic problem areas as law and order, pollution control and consumer protection, the $290 million could be spent in far better ways.

The overriding need in transportation is not to get a few travelers to Paris three hours sooner; it is to get millions of our people in and out of our cities.

During House debate, proponents of the SST made much of the argument that abandonment of the venture would result in kissing $768 million goodby. It is a formidable sum. But if the investment is foolish, it cannot be made wise by throwing good money after bad.

The taxpayers are being called on to put up 90 percent of development costs, now estimated at $1.4 billion before production could begin eight years hence. If the taxpayers also have to foot production costs—a grim likelihood—that sum easily could double before the purchasing airlines sold their first tickets.

It is too much for a plane of such limited value, serving so small a segment of the public. And the distorted priorities are only part of the picture. The SST promises to be the noisiest aircraft ever flown. At supersonic speeds, it will lay down a destructive path of sonic booms 50 miles wide. Waiting for take-off, it will create an ear-shattering racket that some experts have equated with the sideline noise of 50 ordinary jets.

This is progress? It is progress to the rear. And this is the point the Senate will want most carefuly to debate. If the SST represented a genuine breakthrough in kind, rather than merely an advancement in degree, probably we would have to go ahead. If this were a matter of steam against sail, or locomotives as opposed to horses, or even jets as opposed to propeller-driven aircraft, the prospect of a genuine "new age" might compel a different decision.

None of this applies to the SST. The plane offers greater speed. That is all. No other advantage is claimed. It will not be as comfortable as the new 747s now entering the international market. The SST will cost more to begin with; it will carry fewer passengers for shorter distances; it will demand favored treatment in traffic patterns wherever it is permitted to land.

No wonder the airline industry itself is lukewarm! No rush has deveolped to place firm orders for the Anglo-French Concorde. The 122 reported "reservations" for the SST are highy tentative, and the prospect actually of selling 500 of these planes, at $60 million each, is pie in the sky.

One day, perhaps, when technology conquers sideline noise and sonic boom, the SST's hour may come. Seeing a profit, the industry will ante up its own capital and build the plane. But that hour is not yet.

It is rather time to spend what public funds we can afford in solving a few problems here on earth.

THE NEW WELFARE STATE

Mr. PROXMIRE. Mr. President, a new concept in political economy has recently emerged, which, for want of a better name, may be labeled "The New Welfare State." Unlike the old welfare state, which was concerned with the poor, the elderly, and the disadvantaged, the new welfare state reserves its favors for the rich and the powerful. The current attempt by the Government to bail out the Penn Central Railroad from its own incompetence is an excellent illustration of the new welfare state in action.

Over the last 30 years, conservative thinkers have deplored the rise of the welfare state. They have argued that too much Government welfare may sap a nation's moral fiber. They may have a point—particularly when the recipient of the welfare is a large corporation such as Penn Central.

The classical conditions for a free enterprise economy are free entry and free exit. New firms are free to compete by offering new and better services. Old firms are free to expire if they are unable to meet the test of the market.

Apparently we have now moved well beyond these traditional concepts. Large corporations must not be allowed to fail because their failure might adversely affect our national defense. Carried to its logical conclusion, the Penn Central rescue operation is tantamount to a de facto repeal of our bankruptcy laws for large corporations.

One cannot help wondering how different things would be today if the principles of the new welfare state had been in operation over the last few years. Our streets and highways would be graced by the presence of the Edsel, the Kaiser, and the Hudson—perhaps even the Hupmobile. Everyone knows the vital role which the automotive industry plays in our national defense. Surely the new welfare state would not have let these fine divisions or companies expire merely because of managerial mistakes.

As ridiculous as these examples sound, they are not any more absurd than our present policy in the Penn Central case. Consider, for example, the legal justification for using the Defense Production Act to guarantee up to $200 million in loans to Penn Central.

Assistant Attorney General William H. Rehnquist, who prepared the justification, was apparently somewhat troubled about stretching the law, for he observed in a memo dated June 4:

> A railroad corporation does not ordinarily terminate operations when it is in financial difficulties; instead, it may initiate or be forced into a reorganization proceeding under section 77 of the Bankruptcy Act, 11 U.S.C. 205, and thereafter be operated by a court-appointed trustee. Consequently, the argument runs, insolvency is most unlikely to lead immediately to a cessation or to any serious curtailment of services.

Mr. Rehnquist has presented such a convincing argument for not using the Defense Production Act to rescue Penn Central that the rest of his memo appears to be straining at gnats in an effort to find a loophole.

For example, he goes on to say:

> We do not think that the Defense Production Act requires that a guaranteeing agency establish to a certainty the deleterious consequences to the national defense of a failure to make a guarantee. Curtailment of operations is, in the long run at least, a possible result of financial difficulties. Furthermore, apart from the possibilities of insolvency and reorganization, there appears to us to be a reasonable basis for finding that there is a relationship between the financial stability of a railroad company and the quality of services it is able to offer.

Mr. Rehnquist has thus offered only two reasons for using the Defense Production Act to bail out Penn Central: First, in the long run, service might be curtailed; and second, in the short run, the quality of service might be impaired.

There is no basis for either of these reasons. Some service might be curtailed in the long run because of the company's financial difficulties. But it is difficult to see what impact this would have upon national defense. Surely the ICC would not permit the court appointed receivers or the successor management to abandon routes which were of vital importance to the national defense.

It is also difficult to see how the quality of service can be anymore impaired than it is now if the firm is allowed to lapse into bankruptcy. An article published recently in the Wall Street Journal of June 12, 1970, describes the managerial bickering, computer foulups, delayed shipments, and decaying services which led to the present plight of the company. The Journal article concludes that the troubles of the company are due to the "poor and continuously deteriorating service the railroad has provided its customers."

Surely a court-appointed group of receivers could do no worse than the incumbent management and might conceivably do better. Many railroads today owe their existence to a timely bankruptcy which permitted the courts to weed out inefficient management and appoint more competent overseers. Bankruptcy and receivership play a vital role in our economy. We should not frustrate the healthy processes of reorganization in a frantic attempt to preserve an ailing and unviable company.

Many railroads operated in a state of bankruptcy throughout World War II and contributed substantially to our national defense. There is no reason to suppose that the same would not hold true for Penn Central. At least, Congress has not yet been presented with a shred of evidence to the contrary.

Moreover, Barron's Weekly of June 15, 1970, points out that at least six additional railroads could qualify for similar treatment if the Penn Central bailout is approved. Why must the American taxpayer foot the bill for corporate mismanagement?

Mr. President, Barron's Weekly, which is hardly a citadel of radical thought, concludes that Federal subsidies for railroads are worse than bankruptcy. I wholeheartedly agree. I ask unanimous consent that the article dated June 15, be printed in the Record, following my remarks. I also ask unanimous consent to have printed in the Record the article from the June 12 Wall Street Journal which details the mismanagement of the Penn Central Co.

There being no objection, the articles were ordered to be printed in the Record, as follows:

How Decaying Service, Bickering Officials Led to Penn Central Crisis—Shippers Switch to Trucks To End Delays; Saunders' Ouster Hailed in Industry—A Pall Over Other Mergers

The biggest and most heralded merger in railroad history has turned into a disaster.

When the Pennsylvania and New York Central lines combined two and a half years ago, the move was widely hailed as a step toward greater efficiency, reduced costs and improved freight and passenger service. Penn Central, the behemoth born of this marriage, was also seen as a base from which to build a huge and thriving conglomerate.

But things haven't worked out that way. Penn Central, the nation's largest railroad, with assets of close to $7 billion, today is on the verge of collapse. Shippers and passengers are besieging the road with complaints. Anxious creditors are lining up, and most of the company's cash sources have dried up. Indeed, it's clear that only a massive infusion of hundreds of millions of dollars in bank loans—guaranteed by the Federal Government—can keep the railroad out of bankruptcy. (Plans for Federal help apparently are hitting some snags in Congress. See story on page 2.)

Penn Central's woes have been apparent for months, but they came to a head earlier this week when an obviously disgruntled group of outside directors assumed control of management. The directors summarily fired three of the top four officers—including Chairman Stuart T. Saunders, architect of the merger—and named Paul A. Gorman chief executive officer. An admitted novice in the railroad business, Mr. Gorman came to Penn Central only six months ago from the presidency of Western Electric Co.

The crisis at Penn Central has already cast a pall over other large rail mergers—such as the planned combination of the Norfolk & Western and Chesapeake & Ohio roads—still waiting for Interstate Commerce Commission approval. Critics are saying, rightly or wrongly, that big rail mergers won't work. One probable result of Penn Central's woes: Even further Government control of an already highly regulated industry.

WHAT HAPPENED

Where did Penn Central go wrong?

Fundamentally, its problems stem from the poor and continuously deteriorating service the railroad has provided its customers. That's the firm conclusion drawn from interviews with other railroad officials, industry analysts, shippers, regulatory officials and other sources. Their feelings range from disappointment to anger and bitterness over the merger's disastrous outcome.

According to shippers, Penn Central's service failures include every type of complaint ever registered, and in greater numbers than ever encountered on any other line. The list includes inability to furnish cars to shippers in sufficient numbers, lengthy delays, chronic jam-ups at terminals and connecting points with other railroads, misdirected cars and cars lost for weeks or months at a time. Major shippers even report examples of loaded cars leaving their plants only to return some weeks later still fully loaded.

"Penn Central's illness has been diagnosed to me as a massive case of constipation," says the president of one big railroad. "You can feed a lot of cars into their system, but nothing ever seems to come out."

H. J. Peters, director of traffic for Carling Brewing Co. of Cleveland describes the service improvement that was supposed to result from the merger as a "daydream." Penn Central's service today is the poorest he has seen in 35 years in the traffic management business, he asserts.

In hearings before the ICC, Mr. Peters described one recent attempt to ship beer from a Natick, Mass., brewery to a New York distributor: "Penn Central assigned three cars, figuring that each car could probably handle two shipments a month. But service was so bad, with round trips running three to five weeks, that the rail shipments had to be supplemented with truck shipments—and finally discontinued altogether. The distributor either had stale beer to sell or no beer at all.

Like Carling, many other shippers are diverting substantial tonnage from Penn Central to truckers. "If I can avoid using Penn Central under any circumstances, I am going to do it," growls Charles Sturgeon, general traffic manager of B. F. Goodrich Co. But because the rairoad is so big and dominates transportation in much of the populous Northeast, thousands of customers have little choice but to suffer the line's bad service.

Penn Central's most publicized failings, however, have been in its passenger service. The line transports some 277,000 commuters daily in the New York, Philadelphia and Boston areas, using cars that often are 50 to 60 years old. Its passenger operations, including longhaul business, rolled up a $100 million deficit last year.

Public criticism is frequent and vocal. Just last week, Pennsylvania Public Utility Commissioner James McGirr charged Penn Central with "a pattern of neglect bordering on contempt for the public," and he cited filthy trains, decaying stations and poor maintenance. Penn Cetral concedes its passenger service has gone downhill but says that the heavy deficits prevent it from keeping the trains in good shape.

Pinpointing the reasons for the collapse of the Penn Central service isn't easy. Part of the trouble stems from plain bad luck. The extent of inflation and tight money conditions in recent months hadn't been fully an-

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ticipated at the time of the merger in February 1968, Mr Saunders told shareholders last month. Inflation alone, he reported, cost the company $100 million in 1969—$74 million in added wages and the rest in more costly supplies and higher interest rates.

Then, too, the 1969-70 winter was the worst in a century; this caused delays, breakdowns and substantially higher operating costs. Also, strikes in major industries cut into Penn Central's freight volume, as has the general economic slowdown. Shipments of autos, for example, are well below 1969 levels.

MANAGEMENT ASSAILED

Nevertheless, critics dump a lot of the blame for the company's predicament into the laps of Mr. Saunders and other top managers.

"The Penn Central board's action in ousting Mr. Saunders could be most important development for the industry since the diesel engine," says one railroad executive, expressing a view shared by many.

A major obstacle to good management, insiders say, has been bickering between executive factions from the former Central and Pennsy lines. One former executive of the merged company recalls with disgust a meeting where there was a debate over whether to call the last car on a freight train a "caboose" (the Central's name) or a "cabin car" (the Pennsy's term). There were also arguments over such matters as the gauge (width) of track that should be laid, the former official recalls. Yet there was only a quarter-inch difference between the gauges of the two lines—an amount that has no effect on train operation.

* * * * *

TROUBLE AT THE TOP

Even at the top, differences persisted between Mr. Saunders, who had been chairman of the Pennsy, and Alfred E. Perlman, former president of the Central and Penn Central's vice chairman until his dismissal this week. Mr. Saunders is a fast-talking, fast-acting Harvard Law graduate known to shoot from the hip. By contrast, Mr. Perlman, an engineering graduate of MIT, talks slowly and calmly and usually has a gentle disposition. Both men, however, have well-known tempers.

Insiders say Mr. Perlman was never enthusiastic about the merger—a feeling shared by his management team at the Central. ("This wasn't a merger—it was a take-over," Mr. Perlman conceded to friends after the two roads joined.) As a result, many topflight Central executives—including some key people from a marketing department considered to be one of the best in the industry—were lost to other roads. And if they didn't quit, they were often relegated to positions where they didn't get responsibility commensurate with ability, knowledgeable observers say.

Pennsy and Central officials had years to prepare for the merger. It was first proposed in 1957, though the merger application wasn't filed with the ICC until March 1962. Yet it's widely believed in the railroad industry that the two lines were poorly prepared when the merger finally came.

Frequently cited as an example of poor planning is the incompatibility of the Pennsy and Central computer systems. "There was no excuse for not designing the systems so they eventually could be meshed," said one industry executive. "The result has been total chaos in Penn Central's internal communications." When the computers failed to function properly, rolling stock and other badly needed equipment couldn't be located. At one time, an insider says, the merged company didn't even know its cash position.

UNHAPPY DIRECTORS

Some regulatory officials and financial analysts make it clear they distrust statements made by Penn Central officials. For example, company officers had prepared financial plans indicating a first-quarter loss from railroad operations of about $50 million; in fact, the deficit was much larger. "Financial people don't know if Penn Central is deliberately deceiving them, or whether the company just doesn't know what it's doing," one observer says.

Some Penn Central directors feel this lack of credibility, whether or not it's intentional, has extended even into the board room. According to knowledgeable sources, some of the outside directors felt they had been "hoodwinked" by management after they picked up highly important financial information from a company debenture prospectus—information that hadn't been given them as directors.

"The revelations (from the prospectus) were shocking," one source has said, asserting that they led directly to the ouster of Messrs. Saunders and Perlman along with David C. Bevan, chief financial officer. One nugget of information spelled out in the prospectus was that Penn Central had $41.3 million more in commercial paper maturing than it was able to reissue. In addition, some directors were shocked to read in the prospectus that first-quarter losses from railroad operations totaled $101.6 million. Penn Central had earlier announced, and apparently had informed directors, that the quarter's railroad deficit was only $62.7 million. The announcement of the lower figure did not mention that it included income from securities and real estate held by Penn Central's railroad subsidiary.

End of the Line?—U.S. Subsidy of Railroads Is Worse Than Bankruptcy

"Management's recent presentation at the New York Society of Security Analysts was generally disappointing. While many of the known profit potentials were discussed, there was an abundance of vague, unsure or contradictory answers. It was stated that 'nonrail' earnings are expected to advance in the second half at a rate comparable with the first half, but it appears that the swing in 'rail' earnings may be largely offsetting. . . . At 19 times estimated 1968 earnings, which are largely tax free and of debatable quality, the shares appear to be somewhat overpriced . . . Aggressive portfolios may advantageously switch funds . . ."

Dated September 1968, when the shares of Penn Central Co. were trading at $67, the recommendations to sell surety rates among the more cogent pieces of advice to be found in the financial community a year or two ago. To judge by a spate of market letters and institutional reports, most of Wall Street, contrariwise, clung to optimism almost all the way down the line. Eighteen months ago a prestigious firm known for in-depth analysis, after a searching look, concluded that "Penn Central, the largest railroad and one of the largest real estate companies in the world, is a giant learning to walk. This year (blank) expects it to struggle to its feet, and by 1970 to be moving forward. (Blank) recommends accumulation for investment accounts at current levels (60)." This past January a gentleman whom The New York Times described as "that anomaly of anomalies, an outspoken Philadelphia financier," came out full throttle for Penn Central (then 29). "I don't know of any other stock," he said for posterity, "that could go to five times what it is selling at now."

Everyone, as the saying goes, makes mistakes. Regarding the Penn Central, moreover, bad judgment, like bad news, seems to travel fast. After a series of hasty meetings between top management and federal officials, Washington last week announced plans to provide, through loan guaranties, up to $200 million of new financing to the hard-pressed road. Thereby the Nixon Administration hopes to avert what it evidently views as a potential nationwide, rather than merely corporate, disaster. Whether help will arrive on time remains to be seen: to propose is not automatically to dispose. Whatever the outcome, the government is on the wrong track. By rushing to the rescue, it willy-nilly tends to perpetuate a board of directors which has amply demonstrated a lack of capacity. It sets a dangerous precedent: what's good for Penn Central, after all, is equally good for the other Class I carriers (not to mention airlines) reputed in equally bad shape. Finally, by softening the penalty for failure and cushioning commercial risk, the White House weakens its own campaign to discourage inflationary excesses and restore a dash of prudence to the business scene. Sooner or later Wall Street cuts its losses; Washington lets them run.

Neither nerve center, we venture to suggest, ever dreamt that this huge undertaking would run downhill so far and so fast. In the works for more than four years, the merger of the New York Central and Pennsylvania Railroad, finally approved by the Interstate Commerce Commission in April, 1966, was hailed on all sides as a major breakthrough in transportation and federal regulation alike, and the streamlined shape of things to come.

The combined carriers rejoiced in revenues upwards of $1.5 billion and earnings of $75 million per year (which, so long-range estimates of merger-related savings seemed to suggest, one day might easily double). In addition, the company boasted diversified and lucrative holdings in other areas, notably pipelines and real estate. Its political connections—no minor matter in a regulated industry—looked equally strategic. Penn Central, according to one Congressman, "is a Republican railroad" that has been heavily involved in state politics for years. On the national scene, its former chairman rated high with the Johnson Administration, which, in several prestigious advisory posts, he served long and well.

How could such a well-endowed enterprise fall on evil days? In its 1969 annual report, the company, in seeking to explain last year's dismal showing (a net loss of over $120 million, and omission of the quarterly dividend on the common stock), offered seven reasons: "the impact of inflation, delay in securing freight rate increases, a slowdown in the economy, passenger deficit and service problems, merger start-up costs, abnormal weather conditions, strikes and threats of strikes." The explanation, as far as it goes, rings true. However, management inevitably must share the blame. Despite the length of time it took to consummate, the merger evidently found both parties less-than-wholly prepared. Those famous incompatible computers have been cited time and again. Other little headaches popped up, like differing cab signals, separate yards in various places, and former rivals who found they couldn't work together. One way or another, both passenger and freight service suffered.

Even on a massive scale, such troubles eventually can be overcome; indeed, signs abound that the Penn Central lately was making progress toward this end. Then it ran short of cash. The railroad never had been overly flush: the pre-merger agreement, for the length of time it remained in effect, placed a lid on borrowing. At the 1966-year-end (counting obligations due within 12 months), Penn Central had net current assets of less than $30 million. By January 1, 1970, its working capital deficit had soared to $200 million. Nonetheless, until last fall the company continued to pay over $50 million annually in dividends on the common stock, while investing tens of additional millions in non-railroad subsidiaries.

Two months ago, in connection with a proposed $100 million sale of debentures by one of the latter, the full extent of the parent concern's plight was disclosed. The offer subsequently was withdrawn. Last week, amidst general dismay, the chief operating officers resigned and the Nixon Administration made a hurried proffer of financial aid, a move which by Friday had stirred considerable opposition, politically inspired and otherwise.

The critics, we submit, have a powerful case. The appeal to national defense (under which Penn Central will get immediate relief) is specious; bankrupt or not, many railroads operated throughout World War II, and several are running that way today. It sets a bad precedent: a number of other roads (estimates range from two to six) might have a similar claim on the taxpayers' funds. Finally, what the Administration seeks is contrary to sound public policy, a point voiced most forcefully, believe it or not, by a one-time Johnson Administration official. Since Penn Central's security holders "have allowed that property to be mismanaged," averred Sheffer Lang, former Federal Railroad Administrator, "they deserve to be wiped out."

Twelve years ago, when Washington was getting ready to succor the troubled New York, New Haven & Hartford, we observed: "The wisdom of this legislation is open to serious doubt. Unless it is coupled with fundamental changes in operations and policies, new capital, whether public or private, is apt to go the way of the old. Sooner or later, in short, most deficit-ridden enterprises must face a day of reckoning. Bankruptcy is an ugly word and an ugly fate. Nonetheless, in a competitive profit-and-loss economy, it constitutes the most effective—as well as the least costly—means of ensuring that the fittest survive." We can only say the same thing now.

BABE RUTH BASEBALL

Mr. HART. Mr. President, today I have a speech to make that will not excite the world but is nevertheless a delight to its author.

This morning, the Senator from New Jersey (Mr. Case) and I jointly presided at a breakfast honoring Babe Ruth Baseball, a national organized sports program for youngsters between 12 and 16.

Every Senator, I am sure, will envy me the opportunity to make some admiring remarks about baseball and the youngsters who play it.

Certainly I am secure in the knowledge that these remarks will draw no protesters to my door, will generate no angry phone calls or outraged letters.

How many such issues do we have left today?

Most of us can remember when an officeholder could unhesitatingly express admiration for higher education, industrial growth, and DDT. Now the prudent political lecturer finds all sorts of qualifications and caveats creeping into his text.

But baseball remains happily immune from serious criticism. Social faiths have toppled one after the other, but baseball remains solid and tranquil.

So while the unqualifiedly admiring tone of these remarks may not be a tribute to the courage of the speaker, they can certainly be read as a gage of the popularity that baseball enjoys in this country.

In these days, it is a relief for any parent to hear a departing son call out that he is on his way to play baseball.

Mothers who in earlier days might have been nervous about the language that stolen base disputes sometimes tend to generate, now find that sandlot cussing is morally far preferable to what is showing at the local movie house.

And an association with baseball bats is generally recognized as far more healthy than a proximity to other types of hand-carried clubs.

So Babe Ruth Baseball is doing a good service. And we are all happy to endorse it.

I ask unanimous consent that the text of a pamphlet on Babe Ruth Baseball be printed at this point in my remarks.

There being no objection, the pamphlet was ordered to be printed in the Record, as follows:

Babe Ruth Baseball—A Baseball Program For Teenage Young Men: One Program, Two Divisions—Ages 13–14–15 and 16–17–18

This pamphlet has been prepared by Babe Ruth Baseball's International Headquarters to acquaint parents and others interested in the program with facts and information about the world's largest teenage regulation baseball activity.

HISTORY

Babe Ruth Baseball is a non-profit, tax-exempt, educational organization which has been in operation since 1951 when the first league was founded in Hamilton Township, a suburb of Trenton, N.J., to provide wholesome amateur baseball for 13, 14 and 15-year-old boys.

Recognizing the need for a similar program in the 16, 17 and 18-year-old age group, the Babe Ruth Baseball International Board, in 1966, authorized the formation of an older division. As in the case of the 13–15 program, the 16–18 division was an immediate success.

Almost 250,000 young men are serviced annually by Babe Ruth Baseball's two-division program, the largest regulation teenage baseball activity in the world. These young men develop their skills using standard-sized diamonds while playing under basic rules of organized baseball.

Babe Ruth Baseball operates in all 50 states, in Canada, Puerto Rico, Europe, Guam, Mexico and Asia.

The history of Babe Ruth Baseball is one of steady growth, with many new leagues and teams registering each year enabling young men the world over to experience the thrills of organized competition in a program endorsed by government leaders, clergymen, educators, recreation superintendents and high school and college coaches.

GOALS AND PRINCIPLES

Promoting what is for the good of youth has been and continues to be the guiding principle of the Babe Ruth Baseball program. The teaching of baseball skills, as well as developing physical fitness and mental improvement are all inherent qualities of Babe Ruth play. Participants in the program are also taught basic ideals of good sportsmanship and fair play.

Babe Ruth Baseball is dedicated to developing in its participants a genuine respect for accepted traditions of sportsmanship, firm moral foundations and a thorough understanding of the democratic and competitive spirit so that they may grow into better citizens of the world.

Babe Ruth Baseball provides a preventive force to juvenile delinquency through adult organized and supervised leagues which fill recreational voids for young men who are at a particularly impressionable stage of adolescent development.

DEMOCRATIC ORGANIZATION

The International Board of Babe Ruth Baseball, a 33-member policy-making body, is composed of volunteers from all walks of life and represents the combined thinking of Babe Ruth Baseball adult officials at all levels of administration.

Each state, province or territory in the 13–15 division is operated by an elected State Director. Eight Regional Directors oversee groups of States. In the 16–18 division, State and Section Commissioners, appointed by International Headquarters, follow similar duties. Regional Directors and Section Commissioners also serve on the International Board.

In all cases, the administration and operation of leagues, states, regions and sections comes under the general direction and guidance of International Headquarters and policy set forth by the International Board.

LEAGUE MAKEUP

The strength of Babe Ruth Baseball lies in its quality operation and administration. The rules and regulations of the program are primarily based on continuous surveys of its officials and affiliated leagues.

Each Babe Ruth league chartered by the "global" Headquarters is an organization with authority to administer its own program. However, this must be done within the framework of the rules and regulations and the guidance of experienced Babe Ruth Baseball officials.

Groups affiliated with Babe Ruth Baseball form the foundation of the program. All leagues must meet simple requirements necessary to obtain a charter. This document is issued by Babe Ruth Headquarters and can be renewed annually.

BASIC RULES

Babe Ruth Baseball conducts its competition on a league and tournament season under a minimum of rules:

1. In the 13-15 division, all players must be at least 13-year-old and may not have reached age 16 by August 1 of the year in which playing. In the 16-18 division, a young man must be at least 16-years-old and may not have reached age 19 by August 1 of the year in which participating.
2. Regulation games in both divisions are seven innings.
3. Leagues may be composed of not less than four teams and not more than eight teams. However, leagues may have more than eight teams provided the league is divided into divisions of not less than four nor more than eight teams per division.
4. Tournament play is conducted between tournament teams, selected from leagues and divisions of eight teams or less and can lead through state, regional or sectional play to the annual international tournaments—the World Series for the 13-15 division and the Tournament of Champions for the 16-18 division.
5. All Babe Ruth Baseball games are conducted on regulation diamonds.

TOURNAMENT TRAIL

The biggest point of the Babe Ruth Baseball program is its tournament competition. Tournament teams from each league are eligible to enter in district competition with winners there moving along the various trials to the international championship tournament—the World Series and Tournament of Champions.

The World Series is played among eight regional champions and a host team representing the Babe Ruth League of the community in which the World Series is staged.

Teams representing all sections plus host and invitational teams, compose the field for the Tournament of Champions, which was first held in 1968.

Major expenses of the World Series and Tournament of Champions, such as travel allowances, housing and feeding are borne by International Babe Ruth Baseball.

While playing in the two international championships, the young men are housed under the very successful Foster Parent plan. They also enjoy visits to points of historical and educational interest and engage in other wholesome activities. Letters from parents attest to the fine planning which goes into the annual season-ending classics and all teams have always expressed an eager desire to renew their World Series and Tournament of Champions experiences.

WRAP-UP

Above all, the two-division Babe Ruth Baseball program is of, by and for young men. In adopting rules, in establishing standards and in all planning, the primary consideration of this organization at all levels is to provide what is best for its participants. Before Babe Ruth Baseball was founded these young men were the "orphans" of the organized baseball world. Today, these groups are participating—in ever-increasing numbers—in a program hailed as the finest ever established.

Babe Ruth Baseball's International Headquarters offers its affiliates many aids and services, such as instructional movies, operational kits, fund-raising ideas, insurance programs and many, many more.

Anyone vitally interested in youth development is strongly urged to take an active volunteer part in Babe Ruth Baseball.

Further information, write: Office of the President, International Babe Ruth Headquarters, 524½ Hamilton Avenue, Trenton, New Jersey 08609. Telephone (609) 695-1434.

"The Babe and the Boys"—16mm color and sound motion picture about Babe Ruth Baseball featuring Babe Ruth—The Man; Babe Ruth Baseball "grads" in Major Leagues; Babe Ruth Baseball's international championships.

For free showing, write: International Babe Ruth Headquarters, Trenton, New Jersey 08609. This movie was produced through the cooperation of Investors Diversified Services, Minneapolis, Minn.

THE SLOVAK WORLD CONGRESS

Mr. ALLOTT. Mr. President, this Friday, representatives of Slovak organizations from all parts of the free world will gather in New York to organize the Slovak World Congress. This congress will include the Slovak League of America and the Slovak National Association of America.

According to Joseph C. Trubinsky, a spokesman for the organizational committee of the Slovak World Congress, the objectives of the congress are threefold:

First. To assist the Slovak people behind the Iron Curtain in regaining their freedom and independence and democracy.

Second. To promote civic organizations and patriotic activities among all Slovaks in their adopted free nations.

Third. To assist the continuing free world struggle against the communism which, in its Soviet version, has caused all Slovak people misery.

Mr. President, I applaud the men and women who are making the effort to organize to achieve such goals. Such efforts reflect the patriotism and dedication to freedom that has enabled all Slovak peoples in the free world to become valued citizens of their adopted lands.

These people have seen the grim nightmare of tyranny become a reality. They understand the fragility of freedom, and the serious evil of our enemies.

The constructive dedication of the Slovak people everywhere is proof of the fact that totalitarian force can enslave a nation, but it cannot break the spirit of a great people.

I wish every success to such efforts and welcome those involved to the proud ranks of those devoted to defending freedom wherever it is threatened.

SEX DISCRIMINATION GUIDELINES WEAK, ENFORCEMENT PROSPECTS WEAKER

Mr. KENNEDY. Mr. President, last week the Department of Labor released guidelines, pursuant to two Executive orders, prohibiting discrimination by Government contractors. These guidelines on sex discrimination have been long awaited. In comparison with the original guidelines proposed in January 1969, however, they appear to have been—ironically—emasculated.

Executive Order 11246, promulgated in 1965, prohibited discrimination because of race, creed, color, or national origin in all phases of employment by contractors doing business with the Federal Government. In 1967 the order was amended specifically to include sex discrimination, but it took over a year and a half for the Labor Department—the responsible agency under the Executive order—even to propose guidelines for enforcement of the Federal law. Now, over a year later, final guidelines have emerged.

It is easy to see, and statistics conclusively prove, that women are the victims of widespread discrimination. In both blue-collar and white-collar jobs, the figures show that women are discriminated against in hiring, training, salaries, fringe benefits, and promotion. I ask unanimous consent to have printed in the RECORD at the end of my statement tables showing relevant data on female employment and income.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I have compared the guidelines proposed in 1969 with those issued last week and have concluded that the best one can say about the new guidelines is that they have at last been issued. They are weak in many respects; let me just outline a few.

The proposed guidelines emphasize that women workers should be sought for part-time work. The new guidelines ignore this area completely. Since women with young children may only be able to work part time—for example, when the children are in school—part-time employment opportunities may be crucial.

The sex discrimination guidelines released last week provide basically that, as to compensation, an employer shall be considered in compliance with the regulations if woment employees receive equal pay for equal work performed, without regard to fringe benefits. This limitation is nowhere contained in the Executive order, and there is no employee today who does not consider pensions and health plans and welfare benefits as an integral part of his compensation. Clearly the Department of Labor must reexamine its position on this issue.

The first set of guidelines observed that job qualifications for employees of Government contractors should, in almost all cases, have no reference to sex. Thus exceptions for bona fide occupational qualifications relating to sex would be narrowly construed, if ever applicable. The new guidelines, by softening the provision relating to justifiable occupational qualifications, seems to invite a broad construction of exceptions in this area. I am hopeful that the Federal agencies responsible for administering the equal employment regulations will resist this invitation and will narrowly construe exceptions in this area, consistent with court cases and Equal Employment Opportunity Commission guidelines.

Finally, the new guidelines omit reference to the need for inclusion of women in the goals and timetables required by regulations, specifically Order No 4. Order No. 4, issued this past February, specified the content of acceptable affirmative action programs required under the Executive order. Since the Department of Labor had defined "minority group" as including "female employees and prospective female employees," and since Order No. 4 referred throughout to "minorities," many agencies assumed that the order included women. Apparently, even before the new guidelines were issued, agencies were informally told that women were not intended to be included by the order. Now that these guidelines omit any reference to goals and timetables, discrimination against women—in the very regulations designed to combat discrimination against women—appears evident.

Recent newspaper accounts suggest that Federal agencies have already fallen down in enforcement of Order No. 4. Contracts are continuing to be awarded to companies with unacceptable affirmative action plans. The Department of Defense has been encouragingly vigorous in its enforcement of this Federal law and should be commended for its actions in this area.

There can be no argument that we must choose between erasing sex discrimination or racial discrimination. Both are illegal. Both require imaginative Federal action. Federal compliance officers can and should root out both, and sanctions should follow if contractors are remiss in either area.

My Subcommittee on Administrative Practice and Procedure, over a year ago, held hearings on implementation of the basic Executive order relating to employment discrimination. Since that time it has exercised continuing surveillance over agency activities in this field. We are concerned with the substances of the Federal regulations as well as their implementation, and we will continue to oversee this area in the future.

EXHIBIT 1

MEDIAN EARNINGS OF YEAR-ROUND FULL-TIME WORKERS, 1968[1]

	White	Negro
Men	$7,870	$5,314
Women	4,580	3,487

MEDIAN INCOME BY EDUCATIONAL ATTAINMENT, 1968[1] YEAR-ROUND FULL-TIME WORKERS—25 YEARS OLD AND OVER

	Men	Women
Less than 8 years	$5,307	$3,282
8 years	6,580	3,601
1 to 3 years high school	7,324	3,909
4 years high school	8,302	4,835
Some college	9,278	5,471
4 years college	11,795	6,694
5 or more years college	12,803	8,257

XUM

MEDIAN EARNINGS IN CENTRAL CITIES IN SELECTED OCCUPATIONS, 1967 [2]
YEAR-ROUND WORKERS

	White men	Negro men	White women	Negro women
Professional and managerial	$9,545	$6,208	$5,910	$6,209
Clerical and sales	6,875	5,515	4,312	4,425
Operatives	6,475	5,414	3,590	3,296
Service workers, except private household	5,536	4,159	3,061	2,905

UNEMPLOYMENT, ANNUAL AVERAGES, 1969 [3]
NUMBER AND RATE

	White men	Negro men	White women	Negro women
Age 20 to 64	751,000	162,000	[4] 783,000	208,000
Age 18 and 19	[4] 145,000	[4] 51,000	164,000	56,000
Age 16 and 17	[4] 198,000	46,000	153,000	39,000
Age 20 to 64 (percent)	1.9	3.7	3.4	6.0
Age 18 and 19 (percent)	7.9	19.0	10.0	25.7
Age 16 and 17 (percent)	[4] 12.5	24.7	13.8	31.2

FAMILIES IN POVERTY BY SEX AND COLOR OF HEAD, 1968 [5]
NUMBER AND PERCENTAGE

	White men	Negro men	White women	Negro women
Number	2,595,000	660,000	[4] 1,021,000	706,000
Percent	6.3	19.9	[4] 25.2	53.2

ADULTS IN POVERTY, 1966,[6] 16 AND OVER

Men (million)	6.9
Women (million)	11.2

[1] U.S. Department of Commerce, Bureau of the Census: CPR–60, No. 66.

[2] U.S. Department of Commerce, Bureau of the Census: CPR–23, No. 27.

[3] U.S. Department of Labor, Bureau of Labor Statistics, Employment and Earnings, vol. 16, No. 7, January 1970, table A–1 (data under Negro heading is for "Negro and other races").

[4] Higher than 1967 figure.

[5] U.S. Department of Commerce, Bureau of the Census: CPR–60, No. 68, table D.

[6] U.S. Department of Health, Education, and Welfare, Social Security Bulletin, March 1968, "The Shape of Poverty in 1966."

U.S. FOREIGN TRADE POLICY

Mr. COTTON. Mr. President, this is a crucial week in the long and troublesome history of U.S. foreign trade policy. On June 18, the House Ways and Means Committee will conclude its extensive hearings on new trade legislation. The President has indicated that on the 18th, the administration will take its position on H.R. 16920, a bill creating Presidential authority to limit imports of textiles, apparel, and footwear. It would permit foreign producers to share equally with our own domestic producers in the rate of growth of our U.S. market, by far the largest and the only open market of the world. H.R. 16920 was introduced by Ways and Means Chairman WILBUR D. MILLS and now has more than 250 House cosponsors from both sides of the aisle and from all parts of the country. The administration has a golden opportunity to foster a constructive and sorely needed new direction in U.S. trade policy by supporting the bill. In so doing, it would provide the leadership needed for the Nation to face up to the drastically changed conditions of world business competition. This new direction, if properly understood and pursued, can be instrumental in encouraging continued world trade expansion rather than be the signal for a trade war as some fainthearted critics have claimed.

As is usually the case on trade matters, the testimony on the bill has included much useless name calling about "free traders" and "protectionists." The basic issues and their critical importance to the Nation's future economic strength have not yet come into sharp focus. The really important questions before the President are these:

First. Can the United States cure its persistent and extremely dangerous international balance-of-payments deficit unless it takes direct action to halt the further erosion of the trade balances of major domestic industries?

Second. Can the huge textile, apparel, and shoe industries, with their hundreds of thousands of jobs at stake, survive in the face of the growing flood of import competition from the Far East?

Third. Are new technologies and industries coming along fast enough to provide employment and business opportunities to replace those being lost to foreign competition?

Fourth. Do our trade negotiators have adequate bargaining tools to gain access to foreign markets for our companies comparable to the terms we freely give to foreigners here?

The record has proved that the answer to all of these questions is an unequivocal "No." Action is needed, and needed soon if we are to avert even more serious trouble than already exists for hundreds of American companies and thousands and thousands of our workers. U.S. trade policy simply cannot be permitted to drift aimlessly any longer. We all know that it will help no one—our citizens here in the United States or people in the rest of the world—if the United States permits a deterioration of the industrial strength which has been the source and foundation of its world economic leadership role.

Before reviewing some important data bearing on H.R. 16920, let me examine briefly why it has been so difficult for the United States to face up to the problem of import restraints. The basic problem facing this administration is the same one that has inhibited previous administrations from taking a stronger stance on international trade negotiations. There has been a longstanding concern that foreign relations with our allies and friendly nations will be damaged by our taking firm positions in defense of U.S. business and economic interests. Ever since World War II, when the United States set out to rebuild the shattered economies of Europe and Japan, we have been giving up more in trade negotiations than we have received in turn. Our vast technological and industrial lead permitted such largess in the past. But now the evidence is clear that we have entered a new era of world business competition.

There are strong foreign competitors in virtually every field. Access to our technology is readily available and countries throughout Europe and the Far East have the factories, the labor force, and the financial resources to compete with us across the board. Instant communications and jet aircraft make it easy for businesses all around the world to reach our market. Unfortunately, many other nations have lower working standards and wage rates than we do and they also have different government ground rules such as lax antitrust laws, subsidies, and nontariff barriers to protect their own industries. In short, the world of the 1970's is a very different world from the one we knew in the past. We can no longer afford to squander economic advantage for uncertain political or foreign relations gain. We shall hesitate no longer in insisting on fair treatment in trading terms and conditions in all of our international dealings.

What are the facts that cause my concern about our national balance of payments and trade position? I have here four tables that were presented last month to 500 leaders of U.S. industry at a meeting conducted by the Commerce Department on U.S. international business problems and prospects. All of the tables tell a very disturbing story. The first shows that from 1960 to 1969 the United States consistently had a balance-of-payments deficit, generally running at about $3 to $4 billion annually. The second shows that in the "current account"—covering trade transactions and investment income flows—we are now running a deficit of about $1 billion over the last 2 years whereas in the mid-1960's there was a surplus of $4 to $5 billion. In other words, we are not earning abroad as much as we are spending, even on short-term transactions. In addition, there are the outward flows of U.S. capital investment of $3 to $4 billion each year which add to the payments deficit. If this deficit continues, the strength of the dollar will be seriously threatened, and with it the future of the whole world monetary system.

The last two tables show the drastic deterioration of our trade position. The trade surplus was a steady $4 to $6 billion up through 1967 and then dropped to only $1 billion. This leaves an insufficient surplus to cover foreign aid and travel and U.S. Government expenditures overseas.

The last table is the most dramatic

and pertinent one to my subject today. It shows that for five major industries alone—automotive, steel, textiles and apparel, radios and TV, and shoes—our trade position has gone from one-half billion dollar surplus in 1964 to a $4½ billion deficit in 1969—a $5 billion deterioration in that short period.

Three of these industries have a common characteristic in this respect. Steel, textiles and apparel, and shoes have simply lost business to foreign competition. Radio and TV sets are a different although no happier problem in that the U.S. companies have simply moved their production to Taiwan or Korea to utilize low-cost labor there to compete with Japanese products. Automobiles are also a different case in that they do have substantial income from foreign investment to offset a part of the loss in trade balance. Of the three industries first mentioned, there is already in existence for steel a limited voluntary import restraint agreement. For textiles and apparel there exists a longstanding voluntary agreement covering only cotton goods. H.R. 16920 would provide the means for obtaining coverage of the remaining textile and apparel items and for shoes.

The extreme need for import restraints for these industries has been supported fully in testimony before the Ways and Means Committee. I am only going to mention a few important points. First, these are of course major employers. Almost 2.5 million workers are employed in textile and apparel manufacturing—approximately one out of nine of all U.S. factory workers. They work in some 35,000 companies spread throughout the 50 States. Sixty-five thousand jobs have been lost outright in the past year, not to mention job opportunities lost because of lack of industry growth. These industries have become major employers of minority workers, and it is a tragic thing, to lose the capability of hiring these disadvantaged Americans. Imports have been increasing at rates of 50 and 60 percent a year, and new plants are being built in the Far East and other developing nations on the assumption that the U.S. market will stay wide open while Europe remains essentially closed to their exports.

It seems to be a very poor use of the world's financial resources to build new textile factories in other parts of the world on the premise that modern, efficient plants in the United States will be closed and large numbers of U.S. workers forced onto the unemployment roles.

The story in shoes is even worse, but on a smaller scale. Here total employment has actually declined from 243,000 in 1960 to 230,000 in 1969 while the U.S. market was expanding tremendously. In the same period, foreign imports grew from 27 million pairs of shoes to 210 million pairs—nearly an eightfold growth. Imports as a percent of total consumption reached a level of 21.6 percent in 1968, rose to 25.5 percent in 1969, and jumped even further to 31.6 percent for the first quarter of this year.

Clearly, textiles, apparel, and footwear are major industries and they are all experiencing excessive rates of growth of foreign competition. Imposition of the type of minimal restraint permitted by H.R. 16920 will by no means solve all of the world competitive problems of these industries. They would be gaining some direct relief and some time to adjust to this new competition. In time, hopefully, labor rates and working standards abroad will improve and thereby narrow the competitive gap that has proven to be insurmountable for U.S. business and labor today.

Some 16 months ago, Secretary of Commerce Maurice Stans set out to obtain a voluntary agreement for textile import restraints. He has found it impossible to deal with the Japanese, in large part because he has had no negotiating leverage until the introduction of H.R. 16920. Only as it has become more evident that the Congress will support this bill have the Japanese become even half-heartedly serious about finding an accommodation. They have even attempted some highly unusual tactics in the very conduct of the Ways and Means trade hearings.

I was shocked at the disclosure last week by Congressman JOHN W. BYRNES, Republican of Wisconsin, that one of the witnesses had been found to be a "front" organization for the Japanese Government, going under the name of the U.S.-Japan Trade Council" and purportedly representing U.S. companies when actually the bulk of its funds—over $350,000 in the last fiscal year—came from the Japanese Government for propaganda purposes. This same organization has sent mailings of pro-Japanese literature to many of the American public, including consumer organizations and farmers who are agricultural exporters. These actions give something of an indication of the ends the Japanese will go to assure the continuation of their advantageous trading position with us.

They are now running a $1½ billion annual trade surplus with the United States and still have not opened their own markets to our companies. The Japanese have no basis whatsoever for charging the United States with protectionism. From a national standpoint and in fairness to our companies and our workers we must insist that they moderate the growth of their exports to us. In so doing there should be no foreign relations risk. Rather, I suspect we will gain further respect from them. They are able competitors and they are known to respect strength in those they deal with in business and government.

I have attempted to speak today not as a "free trader" or as a "protectionist," but as one who has been involved in international trade matters for many years and is now seriously, very seriously, concerned about the future impact of changing world competitive conditions on the economic strength of our Nation.

I have spoken out now in the frank hope that my concern and that of others in the Senate will be carefully weighed by the President as he decides on the administration's position on H.R. 16920. I deeply hope that he will fully support H.R. 16920 for textiles and apparel and also for footwear. He should recognize this as vitally needed, highly constructive, bipartisan legislation. I believe the President will conclude that this legislation is in the best interests of the Nation and that it will not at all jeopardize good foreign relations. Further, I urge him to instruct all agencies of the executive branch to support the legislation to the fullest extent possible. In turn, I pledge my support to see that this legislation does not become a "logrolling" exercise that defeats the sound and fair purpose for which it was conceived by its sponsors in the House.

In closing, I wish to make two general observations. In these remarks I have addressed myself to the House bill which is and which, at this time, should be limited in its scope. I have discussed the situation in regard to a limited number of commodities. A word should be added on what I believe should be our overall trade policy.

That policy must not be a protectionist policy. The free flow of goods—free trade—should be our goal. At present, we do not have a free flow of goods. Every nation with whom we trade has, in some form and to some extent, barriers against American goods—tariffs, quotas, import licenses, and so on. We alone raise no such barriers. For a long time I have insisted that the President should be authorized and urged to impose reasonable restraints on the imports from countries that restrict our exports to them and remove such restraints when they remove theirs. Free trade must be a two-way street, otherwise it is not free trade.

My second observation is addressed to those who are inclined to oppose any restriction of foreign imports on the ground that such restriction will hurt the American consumer. There are two answers to their contention. First, the workers in American factories are themselves consumers. If they are deprived of their jobs and their just wages, they suffer as consumers. Second and more important, history has shown that whenever foreign competition has succeeded in forcing a particular segment of our industry out of business, the price of their product to the American consumer starts to increase. There are recent examples to prove this.

In the interests of the welfare of all Americans and of genuine free trade among all nations, the Congress must act. The Mills bill is the way to start.

I ask unanimous consent that four tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

U.S. balance of payments (liquidity) [1]

[Billions of dollars]

1960	−3.9
1961	−2.4
1962	−2.2
1963	−2.7
1964	−2.8
1965	−1.3
1966	−1.4
1967	−3.5
1968	0.2
1969	−7.1

[1] Covers transfers affecting U.S. official reserve assets (gold, convertible currencies, and IMF position) and liquid liabilities to all foreigners.

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U.S. current account balances[1]

[Billions of dollars]

1960	1.9
1961	3.1
1962	2.5
1963	3.3
1964	5.9
1965	4.4
1966	2.4
1967	2.2
1968	−.3
1969	−.7

[1] Balance on goods, services, and unilateral transfers.

U.S. trade surplus[1]

[Billions of dollars]

1960	4.6
1961	5.5
1962	4.5
1963	5.3
1964	7.1
1965	5.3
1966	3.9
1967	4.1
1968	.8
1969	1.3

[1] Trade surplus computation includes exports of products under Public Law 480, aid, and military sales programs, but excludes military grant-aid.

Trade balance—5 major industries

[Billions of dollars]

1960	+306
1961	+497
1962	+58
1963	+18
1964	+168
1965	−612
1966	−1,497
1967	−1,849
1968	−3,959
1969	−4,386
Change: 1960–69	−4,692

OREGON'S BABE RUTH BASEBALL PROGRAM

Mr. HATFIELD. Mr. President, I am pleased to join with Senators today in paying tribute to the Babe Ruth Baseball program.

We so often lose sight of what is positive in our young people when the negative side attracts attention. I am aware of the may fine young men who are graduates of this program and who today are young business, professional, and educational leaders in my State.

I ask unanimous consent that a short description of the national Babe Ruth program be printed in the RECORD.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

BABE RUTH BASEBALL PROGRAM

HISTORY

Babe Ruth Baseball is a non-profit, tax-exempt, educational organization which has been in operation since 1951 when the first league was founded in Hamilton Township, a suburb of Trenton, N.J., to provide wholesome amateur baseball for 13, 14 and 15-year-old boys.

Recognizing the need for a similar program in the 16, 17 and 18-year-old age group, the Babe Ruth Baseball International Board, in 1966, authorized the formation of an older division. As in the case of the 13–15 program, the 16–18 division was an immediate success.

Almost 250,000 young men are serviced annually by Babe Ruth Baseball's two-division program, the largest regulation teenage baseball activity in the world. These young men develop their skills using standard-sized diamonds while playing under basic rules of organized baseball.

Babe Ruth Baseball operates in all 50 States, in Canada, Puerto Rico, Europe, Guam, Mexico and Asia.

The history of Babe Ruth Baseball is one of steady growth, with many new leagues and teams registering each year enabling young men the world over to experience the thrills of organized competition in a program endorsed by government leaders, clergymen, educators, recreation superintendents and high school and college coaches.

GOALS AND PRINCIPLES

Promoting what is for the good of youth has been and continues to be the guiding principle of the Babe Ruth Baseball program. The teaching of baseball skills, as well as developing physical fitness and mental improvement are all inherent qualities of Babe Ruth play. Participants in the program are also taught basic ideals of good sportsmanship and fair play.

Babe Ruth Baseball is dedicated to developing in its participants a genuine respect for accepted traditions of sportsmanship, firm moral foundations and a thorough understanding of the democratic and competitive spirit so that they may grow into better citizens of the world.

Babe Ruth Baseball provides a preventive force to juvenile delinquency through adult organized and supervised leagues which fill recreational voids for young men who are at a particularly impressionable stage of adolescent development.

DEMOCRATIC ORGANIZATION

The International Board of Babe Ruth Baseball, a 33-member policy-making body, is composed of volunteers from all walks of life and represents the combined thinking of Babe Ruth Baseball adult officials at all levels of administration.

Each state, province or territory in the 13–15 division is operated by an elected State Director. Eight Regional Directors oversee groups of States. In the 16–18 division, State and Section Commissioners, appointed by International Headquarters, follow similar duties. Regional Directors and Section Commissioners also serve on the International Board.

In all cases, the administration and operation of leagues, states, regions and sections comes under the general direction and guidance of International Headquarters and policy set forth by the International Board.

LEAGUE MAKEUP

The strength of Babe Ruth Baseball lies in its quality operation and administration. The rules and regulations of the program are primarily based on continuous surveys of its officials and affiliated leagues.

Each Babe Ruth league chartered by the "global" Headquarters is an organization with authority to administer its own program. However, this must be done within the framework of the rules and regulations and the guidance of experienced Babe Ruth Baseball officials.

Groups affiliated with Babe Ruth Baseball form the foundation of the program. All leagues must meet simple requirements necessary to obtain a charter. This document is issued by Babe Ruth Headquarters and can be renewed annually.

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Babe Ruth Baseball conducts its competition on a league and tournament season under a minimum of rules:

1. In the 13–15 division, all players must be at least 13-years-old and may not have reached age 16 by August 1 of the year in which playing. In the 16–18 division, a young man must be at least 16-years-old and may not have reached age 19 by August 1 of the year in which participating.

2. Regulation games in both divisions are seven innings.

3. Leagues may be composed of not less than four teams and not more than eight teams. However, leagues, may have more than eight teams provided the league is divided into divisions of not less than four nor more than eight teams per division.

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5. All Babe Ruth Baseball games are conducted on regulation diamonds.

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The biggest point of the Babe Ruth Baseball program is its tournament competition. Tournament teams from each league are eligible to enter in district competition with winners there moving along the various trails to the international championship tournaments—the World Series and Tournament of Champions.

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Babe Ruth Baseball's International Headquarters offers its affiliates many aids and services, such as instructional movies, operational kits, fund-raising ideas, insurance programs and many, many more.

Anyone vitally interested in youth development is strongly urged to take an active volunteer part in Babe Ruth Baseball.

Mr. HATFIELD. Mr. President, I wish to center my remarks on our Babe Ruth program in Oregon, for it was in my State that much of the early success of the Babe Ruth program contributed to its success across the country. One statement from Oregon introduces the Portland program. I ask unanimous consent that it appear at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The program in Southwest Portland was

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started about 15 years ago with four teams. The League was incorporated in 1963 and in 1970 will provide organized baseball for 300 boys. Each team has a manager in charge and most teams have two or more coaches working with and teaching the boys. Teamwork, citizenship, responsibility, sportsmanship, baseball skills and strategy, are all emphasized. Strong parental support and cooperation is a keystone to success in our objectives.

The Southwest Portland Babe Ruth League, Inc., serves the entire southwest of the Greater Portland metropolitan area. It is supplied by boys who have completed their Little League baseball in the Mt. Sylvania, Sunset, and Tualatin leagues, and other boys who also enter into baseball for the first time. Our program is made up of ten major teams and enough minor teams to provide competition for every boy. There are five minor teams in 1970 which play a complete schedule with five additional teams from the Beaverton area. Each team is made up of 15 boys. Every boy is on a team so that any boy who is able can get to play as often as possible.

About 45% of the cost of the program is met by player and adult registration fees. Another 45% is underwritten by our sponsors. These are carefully selected business firms who have an interest in this kind of program in their community. Without their financial assistance the League would be unable to function. It is necessary, however, that during each season the League raise additional funds. Your purchase of this booklet and your support of our annual Pancake Breakfast will provide the balance of funds required.

All boys are being taught and required to develop a strong team spirit and discipline. They will encourage their own teammates; they are not permitted to complain, to argue with the umpires, or to deride or heckle their opponents. It is very important, then, that the spectators, certainly all parents and other adults, conduct themselves in the same manner and spirit. Our fans have usually been outstanding in this respect.

The League will have a Raiders' and a Spartans' team in the area tournament beginning on July 23rd at Lents and Sckavone fields. The 13-year olds will also be competing in tournament play in late July.

OFFICERS, 1970

William W. Crawford, President.
Charles Murphy, 1st Vice President.
John C. Carlson, 2d Vice President.
John B. Fewel, 3d Vice President.
Mrs. Edith Hamilton, Secretary.
Earle V. White, Treasurer.
William P. Sells, Purchasing Agent.
Mrs. Ann Nicholson, Scorekeeper.

Mr. HATFIELD. Mr. President, we now have 335 teams in 43 leagues around the State. This means that more than 5,000 Oregon young men are participating on the baseball teams, and another 5,000 in their minor leagues.

While I feel the participation of so many boys is important, I want to point out that our Oregon teams also are winners. In the last 15 years, Oregon teams have represented the Western region 10 times. Our region includes Oregon, Washington, Idaho, Montana, Wyoming, Alaska, and British Columbia. Senators from these States naturally can appreciate my pride at Oregon's outstanding record. At the nationals, our teams have taken two seconds, three third, and two fourth places. My distinguished colleagues from Michigan, Mr. HART and Mr. GRIFFIN, know the pitching skill of Detroit Tiger pitcher Mickey Lolich. He is an Oregonian, and pitched in the Babe Ruth championships. In fact, I remember that those games received more attention in our newspapers across the State than nearly any sporting event that summer, with the possible exception of the University of Oregon track team.

Mr. President, the operation of such a large organization would have been impossible without the long hours of volunteer efforts of many adults. One of many who deserves special attention for his devotion to the Babe Ruth program is my friend, Mr. Ward Walker. He probably has done more for the Babe Ruth program in Oregon than any other man. Mr. President, I ask unanimous consent that a brief sketch of Mr. Walker, from the honor roll section of the "Babe Ruth Baseball Bullpen" of May 1970, be printed in the RECORD.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

"Semi-pro basketball, but I was awful," Ward Walker lists as part of his athletic experience. That's where his "awful" ends, however.

When it comes to Babe Ruth Baseball, Walker is very hard to overshadow. He serves as the 13–15 State Director for the program and his experience in Babe Ruth Baseball dates back to almost the beginning—1953.

Walker first became affiliated with Babe Ruth Baseball as a member of the Fernhill Babe Ruth League Board of Directors and moved up the ladder to secretary-treasurer of the Oregon State BRL before becoming the State Director.

The retired Army Sergeant is a graduate of Willamette University (Salem, Ore.) and has been the receipent of many awards during his long srvice to the youth of the Portland area, including a 1965 award which named him "Man of the Year" by the Portland Amateur Baseball Association.

Mr. HATFIELD. Mr. President, when I asked Ward Walker, regional director for Oregon, for more information on the Oregon Babe Ruth program, he did such a good job that I certainly cannot improve on his description. One of the program's aspects of the Foster Parent Plan, which got its start in Oregon. As his letter states:

Another Facet of our program which began in Oregon is the Foster Parent Plan in which the kids from one area at each tournament level stay with parents or townspeople of the hosting league. This gives the kids an insight into a different area of the state, region, or nation as the case may be and allows them to see how other people live. We believe this socializing part of the overall program is the most important. Playing Baseball is important to the kids but the lasting effect will be their social experiences. When we had the World Series at Glendive, Montana several years ago a lot of kids made real contacts. After college, 4 of the boys went back and married the gals they met in Glendive and corresponded with for many years. Guess we are marriage brokers too.

That was the first time I realized that junior baseball programs qualified as marriage brokers.

Second, Ward Walker's letter to me sets out the amount of volunteer time and labor, and what it has meant to many towns in Oregon. I ask unanimous consent that this portion of his letter also be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

As to what good the program has done for the community—

New fields at no cost to the taxpayers:	
Grants Pass a beautifully built and lighted field worth	$200,000
Roseburg building a new park for Babe Ruth Baseball, worth at least	200,000
Medford in the building (volunteer labor and materials) worth at least	150,000
Oswego completing a new lighted park (seating and concession stands planned still) worth	100,000
Newport in conjunction with the Catholic Church on a 100-year lease of property basis a beautiful unlighted park worth at least (facilities only)	60,000
Beaverton planning a volunteer park (not yet built)	--------
Tigard has new lighted park with stands worth (facilities only—land belongs to school district	95,000
Pendleton has fully owned Babe Ruth Baseball Park next to Roundup Grounds worth at least	300,000
Baker, as the Senator knows, built and dedicated with his help the most beautiful park in the State—community effort with volunteer work and Lee Adler's $17,000 in cash worth now about	200,000
Ontario now building like mad. Will have completed by fall a facility as nice as Baker's	200,000
Total completely new facilities available for all the community	1,505,000
Major improvements to city owned parks by volunteer help and huge donations by local firms:	
Klamath Falls for world series hosting 1969	75,000
Salem in the Keizer district on the church field	25,000
Forest Grove completely rebuilt city park	40,000
Newburg—new field, stands, concession stands, and rest rooms for all to use	75,000
Hermiston—two fields with toilet facilities (a real accomplishment in this rocky soil)	140,000
Waldport—built up and lighted	25,000
The Dalles—completely rebuilt with volunteers	55,000
Milton Freewater—rebuilt field	15,000
City of Portland—a lot of volunteer help with no real estimate of cost but a heck of a lot. Conservatively on the 12 fields we do each year about $5,000 worth of work but this is maintenance	--------
Total, permanent improvements by volunteer help and business donations on existing fields	465,000

We believe moreover that our program has unified a lot of townspeople in a program for the common good as have other kids sport programs. It is most usual to see all walks of life represented on the boards and coaching staffs of the leagues and teams. It is most common to see docors, lawyers, bricklayers, taxi drivers, clerks, laborers, and lots of women working side by side to the end that their kids will have a good facility and to see that it is fairly operated.

Mr. HATFIELD. Mr. President, the reference to the Baker Field concerns my participation, along with Ward

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Walker and several others, in the dedication in 1966. The Leo Adler Babe Ruth Field is an outstanding example of what a city can do in getting behind a worthwhile project such as this.

Mr. President, I also would like to recognize some adults in Oregon who give countless hours to make this program a success. There are many other men who deserve this recognition, but I want to salute the following Oregonians for their continuing efforts to help the Babe Ruth Baseball program:

Al Davidson, J. Hutchins, Arnold Jensen, Hal Mackin, Frank Stapleton, Neal Jackson, Joe Michael, Buz Wagner, Marvin Lemmon, Fred Naylor, Blackie Oderman, William Welch, Wendy Huettl, Dave Frei, Ed Forness.

Jack Crook, Dudley Franco, Darrell Leabo, Ward E. Walker, Forrest Sullivan, Ken Stuart, Fred Quinn, John Maylie, Kenneth Westover, Quentin Probst, Bob Wack, Bob St. Aubin, Floyd Markham, George Palmer, Eldon Messer.

In closing, I ask unanimous consent that the entire letter from Ward Walker and one from W. L. Huettl be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 2, 1970.

Re Babe Ruth Baseball
Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.
(Attention Walt Evans)

GENTLEMEN: As per our telephone conversation of a few minutes ago we submit the following pertinent information:

We started Babe Ruth Baseball in Oregon in 1953 with the City of Portland incorporating it into their Portland Amateur Baseball Association program to have a program for 13, 14, and 15 year old boys. The First year there were 8 teams in the City roughly following the High School Lines. The interest grew and now we have chartered 43 leagues for the 1970 year. We have 335 teams in major competition now. Each team has 15 boys so we know for sure there are 5025 Oregon boys playing baseball in our Major League system. A great many leagues also have minor programs so we figure at least 500 Boys in the minors. For each boy playing we have 4 or more adults taking part as spectators, coaches, managers, concession stand personnel, etc. Our program has really grown in Oregon and is just starting a big burst down through the central part of the state with Grants Pass and Salem joining the Strongholds of Roseburg, Medford, Albany, and Lake Oswego.

As to what good the program has done for the community—

New fields at no cost to the taxpayers:	
Grants Pass a beautifully built and lighted field worth	$200,000
Roseburg building a new park for Babe Ruth Baseball, worth at least	200,000
Medford in the building (volunteer labor and materials), worth at least	150,000
Oswego completing a new lighted park (seating and concession stands planned still), worth	100,000
Newport in conjunction with the Catholic Church on a 100-year lease of property basis a beautiful unlighted park worth at least (facilities only)	60,000
Beaverton planning a volunteer park (not yet built).	
Tigard has new lighted park with stands worth (facilities only—land belong to school district)	$95,000
Pendleton has fully owned Babe Ruth Baseball Park next to Roundup Grounds worth at least	300,000
Baker, as the Senator knows, built and dedicated with his help the most beautiful park in the state—community effort with volunteer work and Leo Adler's $17,000 in cash worth now about	200,000
Ontario now building like mad. Will have completed by fall a facility as nice as Baker's	200,000
Total, completely new facilities available for all the community	1,505,000
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Salem in the Keizer district on the church field	25,000
Forest Grove completely rebuilt city park	40,000
Newburg—new field, stands, concession stands, and rest rooms for all to use	75,000
Hermiston—two fields with toilet facilities (a real accomplishment in this rocky soil)	140,000
Waldport—built up and lighted	25,000
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City of Portland—a lot of volunteer help with no real estimate of cost but a heck of a lot—conservatively on the 12 fields we do each year about $5,000 worth of work but this is maintenance	---------
Total, permanent improvements by volunteer help and business donations on existing fields	465,000

We believe moreover that our program has unified a lot of townspeople in a program for the common good as have other kid sport programs. It is most usual to see all walks of life represented on the boards and coaching staffs of the leagues and teams. It is most common to see doctors, lawyers, bricklayers, taxi drivers, clerks, laborers, and lots of women working side by side to the end that their kids will have a good facility and to see that it is fairly operated.

In 1966 a Portland Team took 2nd place in the National Tournament at Douglas, Arizona. In the last 15 years the Oregon Team has represented the Region (Oregon, Washington, Idaho, Montana, Wyoming, British Columbia, and Alaska) 10 times. In each case the Oregon Team did a very creditable job with two 2nds, three thirds and two 4th places. Oregon has hosted the World Series twice with Portland the first site in 1956 with Mickey Lolich pitching in the final game but going down to defeat. In 1968 Klamath Falls hosted the Series and did the greatest job yet done in a kid baseball World Series. They were just too much. A very profitable series for all concerned.

Another facet of our program which began in Oregon is the Foster Parent Plan in which the kids from one area at each tournament level stay with parents or townspeople of the hosting league. This gives the kids an insight into a different area of the state, region, or nation as the case may be and allows them to see how other people live. We believe this socializing part of the overall program is the most important. Playing baseball is important to the kids but the lasting effect will be their social experiences. When we had the World Series at Glendive, Montana several years ago a lot of kids made real contacts. After college, 4 of the boys went back and married the gals they met in Glendive and corresponded with for many years. Guess we are marriage brokers too.

A final good item we believe is that this program has really kept a lot of adults out of trouble. Think about that for a time! When you are working with your kids, you get to know them. I know few if any of our boys who have ended up with serious hang ups if their parents took part in the program. We believe it is one of the few remaining family solidifiers in our country and we intend to keep working at it for a great many years to come.

I am enclosing a copy of our board of directors working personnel at District and above. Naturally, each league has a similar board and working group of coaches and managers. Of the 4 adults per kid we include parents and grandparents plus a lot of old goats like us who have got in the program and find it is doing a lot more for us than we for the kids most likely. At this point, I suppose, I should point out that no one below the few National professional officers gets any pay. Expenses of travelling to tournaments are paid by the program if there is revenue enough but most of us find it a hole in our pocket that we don't want to patch. We figure that over 100,000 adults in Oregon plus a lot more kids than that have been helped and exposed to kid baseball and found it good.

We wish you good luck in the years to come and hope some of the above will do a job for you and for us.

We would appreciate any items you might send us relative to the Congressional Record on Kid Baseball and especially, Babe Ruth Baseball.

Very truly,

WARD E. WALKER.

P.S.—I am sure you realize this must be a volunteer when you see the lousy typing job I've done above.

KLAMATH FALLS, OREG.
May 12, 1970.

Senator MARK HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: Your participation in the activities concerning Babe Ruth Baseball on the Chamber floor, June 16th, is hereby heartily requested.

This subject is no stranger to most Oregonians because Oregon has been a real leader in youth baseball activities. Here in Klamath Falls we have been especially busy, having hosted the 1968 Babe Ruth World Series, and in September, 1970, will host the American Legion World Series. Such interest has developed winners too, as evidenced by Oregon being a real national threat nearly every year in all youth baseball programs.

Far more important than producing winners is the good done for the youth and adults who give of their time. When these two age groups spend their hours together on the practice or playing fields, there is no real generation gap. The hours they spend in healthy, wholesome exercise are hours they are not engaging in activities that make the front-page news. A by-line on the Sports page is far better.

It is a proven fact that the percentage of teen-age delinquents coming out of these summer ball programs is almost non-existent. Any reduction is great, and we are proud of the kids taking part in these programs. If we only had more ball parks and

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more practice fields, we could do so much more. Little League is doing a great job for the mid-graders; Babe Ruth takes care of Junior High boys, but the High School programs, such as American Legion and Connie Mack, seem to lose too many boys to work and other interests, but also, too often, to the lack of playing facilities.

My District #1 in Oregon is a piece of geography that runs from Bend in the North to a strip of northern California in the South, and from Lakeview in the East to Medford in the West. We have 50 teams chartered right now, and a chance that Ashland will be in with four teams. A total of 54 teams means that we have creamed off over 800 lads, 13 to 15 years of age, and provided a summer program that leaves little time for their formulative minds to think much more than good.

We have some cases where a lad has to go 50 miles for his practice session. This is something many of your fellow Congressional workers will have difficulty comprehending. That is why out of close to 10,000 Babe Ruth teams, nearly 1,100 come from a sparsely-populated Pacific Coast Northwest region of seven States and provinces of which Oregon contributes 330 teams for a third of the total.

Before our wide-open spaces get filled with buildings and people, we should get more athletic facilities, such as baseball fields, built so we can even imporve on providing a release for energies that will not be a detriment to all of our aims and goals.

As one representing the great State of Oregon, you can be justly proud to take part in the Special Order on June 16th.

Respectfully yours,

W. L. HUETTL,

Director, Oregon Babe Ruth Leagues.

BILL DRAFTED BY SECURITIES INDUSTRY TASK FORCE

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a bill, drafted by a securities industry task force, to provide greater financial protection for customers of registered brokers and dealers and members of national securities exchanges.

Following earlier hearings on this vital matter, the industry has responded with a proposal which it finds acceptable for the achievement of greater customer protection in the securities field. I shall be studying this proposal with great care to determine whether the areas of agreement with my own bill are sufficiently broad to provide a common basis for forward looking legislation.

There being no objection, the draft of the bill was ordered to be printed in the RECORD, as follows:

S. —

A bill to provide greater financial protection for customers of registered brokers and dealers and members of national securities exchanges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. This Act may be cited as the "Securities Investor Protection Act of 1970."

SEC. 2. Section 15(b) of the Securities Exchange Act of 1934 is amended by adding three new paragraphs numbered (11) through (13), respectively, to read as follows:

"(11) No broker or dealer shall become, or (except as hereinafter provided in this subsection) remain, registered pursuant to this subsection unless such broker or dealer is a member of an approved investor protection organization. As used in this title, the term 'approved investor protection organization' shall include the Corporation established by section 35 of this title and any other organization which the Commission shall approve as being in the public interest and satisfying the purposes for which sections 35 and 36 of this title were enacted, including the providing of financial protection for customers of brokers or dealers not less favorable than that provided to customers of the members of such Corporation.

"(12) In the event that any broker or dealer registered pursuant to this subsection shall cease to be a member of an approved investor protection organization, the Commission, shall, after appropriate notice and opportunity for hearing, by order suspend or revoke the registration of such broker or dealer unless it finds that such suspension or revocation is not in the public interest.

"(13) The Commission may by such rules and regulations or orders as it deems necessary or appropriate in the public interest or for the protection of investors either unconditionally or upon specified terms and conditions or for specified periods, exempt from paragraph (11) of this subsection any broker or dealer or class of brokers or dealers specified in such rules, regulations or orders."

SEC. 3. The Securities Exchange Act of 1934 is amended by adding a new Section 35 to read as follows:

"SEC. 35(a)(1) There is hereby established a body corporate to be known as 'Securities Investor Protection Corporation' (herein referred to as the "Corporation"). The Corporation shall have succession until dissolved by Act of Congress, which Act shall make provision that none of the net assets of the Corporation will inure to the benefit of any of its members. The Corporation shall not be an agency or establishment of the United States Government; shall be a membership corporation in which any broker or dealer registered pursuant to section 15 of this title shall be eligible for membership; and shall be subject to the provisions of this section and sections 36 and 37 of this title and, to the extent consistent with such sections, to the provisions of the District of Columbia Nonprofit Corporation Act.

"(2) The Corporation shall have a Board of Governors consisting of not more than twelve individuals, as follows: (i) one governor shall be the Secretary of the Treasury or his delegate; (ii) one governor shall be appointed by the President; (iii) one governor shall be appointed by the governing body of the national securities exchange having the highest dollar volume of trading; provided that if such volume exceeds 50% of the total dollar volume of trading on all national securities exchanges, an additional four governors shall be so appointed by such governing body; (iv) the respective governing bodies of the national securities exchanges ranking second, third and fourth in dollar volume of trading shall each appoint one governor; and (v) two governors shall be appointed by the national securities association registered pursuant to section 15A(b) of this title, or, if there shall be more than one such association, by the association having the greatest number of members. All matters relating to tenure in office, including the terms of office of governors and the periods for determining dollar volumes of trading, shall be as provided in the by-laws of the Corporation.

"(3) The Board of Governors shall elect from its members a chairman who shall be the chief executive officer of the Corporation and shall serve at the pleasure of the Board of Governors.

"(4) In addition to the powers granted to the Corporation elsewhere in this title, the Corporation shall have the power—

"(A) to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any court, State or Federal;

"(B) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(C) to adopt, amend, and repeal, by its Board of Governors, by-laws, rules and regulations relating to the conduct of its business and the exercise of all other rights and powers granted to the Corporation by this title;

"(D) to conduct its business (including the carrying on of operations and the maintenance of offices) and to exercise all other rights and powers granted to it by this title in any State or other jurisdiction without regard to any qualification, licensing or other statute in such State or other jurisdiction;

"(E) to lease, purchase, accept gifts or donations of or otherwise acquire, to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange or otherwise dispose of, any property, real, personal or mixed, or any interest therein, wherever situated;

"(F) subject to the provisions of paragraph (3) of this subsection, to elect or appoint such officers, attorneys, employees and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(G) to enter into contracts, to execute instruments, to incur liabilities, and to do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to the Corporation by this title.

The Corporation shall also have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act which are not inconsistent with this section or section 36 or 37 of this title.

"(5) The adoption, amendment or repeal of any by-law, rule or regulation by the Corporation shall take effect upon the thirtieth day after the filing of a copy thereof with the Commission or upon such earlier date as the Commission may determine, unless the Commission shall enter an order disapproving such adoption, amendment or repeal. The Commission shall not enter such an order of disapproval unless, after appropriate notice and opportunity for hearing, the Commission shall find that such adoption, amendment or repeal is contrary to the public interest or contrary to the purposes for which this section and sections 36 and 37 of this title were enacted. Any resolution of the Board of Governors provided for in subsection (c)(2), (c)(3), (c)(8) or (c)(10) of this section, and, unless specified therein, any other resolution of the Board of Governors, shall not constitute a by-law, rule or regulation of the Corporation.

"(6) The Corporation, by-law, rule or regulation, shall establish its fiscal year. As soon as practicable after the close of each fiscal year, the Corporation shall submit to the Commission a written report relative to the conduct of its business and the exercise of the other rights and powers granted by this title during such fiscal year. Such report shall include financial statements setting forth the financial position of the Corporation at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The financial statements so included shall be examined by an independent public accountant or firm of independent public accounts, selected by the Corporation and satisfactory to the Commission, and shall be accompanied by the report thereon of such accountant or firm. The Commission shall transmit such report to the Congress with such comment thereon as the Commission may deem appropriate.

"(7) Every broker or dealer registered pur-

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suant to subsection (b) of section 15 of this title on the 120th day following the date of enactment of the Securities Investor Protection Act of 1970 shall automatically become a member of the Corporation on such 120th day unless prior to such day the Commission shall, pursuant to subsection (b) (13) of section 15 of this title, have exempted such broker or dealer from subsection (b) (11) of such section. Any broker or dealer who shall become registered pursuant to subsection (b) of section 15 of this title after such 120th day shall at the time such registration becomes effective automatically become a member of the Corporation unless at such time such broker or dealer either becomes a member of another approved investor protection organization or is exempted by the Commission, pursuant to subsection (b) (13) of section 15 of this title, from membership in any approved investor protection organization. A broker or dealer shall automatically become a member of the Corporation upon the termination of the exemption, pursuant to subsection (b) (13) of section 15 of this title, of such broker or dealer from membership in any approved investor protection organization, unless at such time such broker or dealer becomes a member of another approved investor protection organization. As soon as practicable after the abovementioned date of enactment and from time to time thereafter, the Commission shall furnish to the Corporation the names and addresses of brokers and dealers registered and becoming registered pursuant to subsection (b) of section 15 of this title together with such other information concerning such brokers and dealers and their operations as may be appropriate in connection with the exercise by the Corporation of the rights and powers granted to it by this title.

"(b) (1) As hereinafter used in this title, the term 'self-regulatory organization' shall mean a national securities exchange or a national securities association registered pursuant to section 15A(b) of this title; the term 'financial responsibility rules' shall mean the rules and regulations pertaining to financial responsibility which are applicable to a broker or dealer, as prescribed by the Commission under subsection (c) (3) of section 15 of this title or prescribed by a national securities exchange; and the term 'examining authority' shall mean the self-regulatory organization which examines a member thereof or the Commission if the broker or dealer is not a member of any self-regulatory organization. The self-regulatory organization of which a member of the Corporation is a member shall examine such member for compliance with applicable financial responsibility rules, except that if a member of the Corporation is a member of more than one self-regulatory organization, the Corporation shall designate one of such self-regulatory organizations to examine such member of the Corporation for compliance with applicable financial responsibility rules. Such self-regulatory organization shall be selected by the Corporation on the basis of regulatory procedures employed, availability of staff, convenience of location, and such other factors as the Corporation may consider appropriate for the protection of customers of its members.

"(2) The Corporation shall consult and cooperate with the self-regulatory organizations toward the end (i) that there will be developed and carried into effect procedures reasonably designed to detect approaching financial difficulty upon the part of any member of the Corporation; (ii) that, as nearly as may be practicable, examinations to ascertain whether members of the Corporation are in compliance with applicable financial responsibility rules will be conducted by the self-regulatory organizations under appropriate standards (both as to method and scope) and reports of such examinations will, where appropriate, be standard in form; and (iii) that, as frequently as may be practicable under the circumstances, each member of the Corporation will file information with, and be examined by, the self-regulatory organizations which is the examining authority for such member.

"(3) There shall be filed with the Corporation by the self-regulatory organizations such reports of examinations of the members of the Corporation as may be designated by the Corporation by by-law, rule or regulation. Any report so filed shall not be available for public inspection unless the Corporation shall determine that disclosure thereof is in the public interest.

"(4) Nothing in this subsection shall in any manner limit the powers of the Commission under this title.

"(c) (1) The Corporation shall establish a fund to permit the exercise of the rights and powers granted to it by, and to effectuate the purposes of, this section and section 36 of this title without resort, to the greatest extent possible, to any loans from the Treasury pursuant to paragraph (11) of this subsection. If and so long as the total amount of the assets in such fund shall aggregate $150,000,000, or such other amount (not less than $75,000,000) as the Corporation may, by by-law, rule or regulation, determine to be adequate in the public interest for the protection of customers of its members, assessments made upon the members of the Corporation shall be limited to those required for its current operating expenses. In computing such total amount of assets, there shall be deducted (i) such sums as shall be reasonably estimated by the Corporation to be required to be paid by the Corporation, less the amount estimated to be recoverable by it, in proceedings pending pursuant to applications under subsection (a) of section 36 of this title, and (ii) if assets of the Corporation (other than assessments of members) have been pledged to secure the payment of bonds, notes or other evidences of indebtedness issued by the Corporation, the principal amount of such bonds, notes or other evidences of indebtedness or the amount of the investment of the Corporation in such assets, whichever is the lesser, and there shall be included as assets only cash on hand or on deposit and the amount invested in securities issued or guaranteed by the United States or any person controlled or supervised by and acting as an instrumentality of the United States government pursuant to authority granted by Act of Congress; provided that if the total amount of assets as so computed aggregates at least $75,000,000, there shall be deemed to be included as cash in the fund the amount, if any, which the Corporation has the right to borrow from a bank under a line of credit or other agreement at the time in effect if the cash so borrowed shall be repayable by the Corporation not less than one year from the time of borrowing, including all rights of extension, refunding or renewal at the election of the Corporation.

"(2) Each broker or dealer who is a member of the Corporation on the 120th day following the date that the Securities Investor Protection Act of 1970 is enacted shall pay to the Corporation an assessment equal to $\frac{1}{8}$th of 1% of the gross revenues from the securities business of such broker or dealer during the calendar year 1969, or if the Commission shall determine that, for purposes of assessment pursuant to this paragraph (2), a lesser percentage of gross revenues from the securities business is appropriate for any class or classes of brokers or dealers (taking into account relevant factors, including types of business done and nature of securities sold), such lesser percentage as the Commission, by rule or regulation, shall establish for such class or classes, but in no event less than 1/16 of 1% for any such class; provided that in no event shall such assessment upon a member be less than $250 or more than $150,000. Each self-regulatory organization shall act as collection agent for the Corporation to collect the assessments payable by all brokers or dealers for whom such self-regulatory organization is the examining authority, and such brokers or dealers shall pay such assessments to the Corporation through such examining authority, and members of the Corporation who are not members of any self-regulatory organization shall make payment direct to the Corporation. All assessments made pursuant to this paragraph (2) shall be payable in two equal installments,[1] of which the first shall be due on or before the 120th day following such data of enactment, and the second shall be due on December 31, 1970 [2] or such date prior thereto as the Corporation, by resolution of its Board of Governors, shall specify. As used in this section, the term "gross revenues from the securities business" shall mean the sum of (but without duplication): (i) commissions earned in connection with transactions in securities effected for customers as agent, net of commissions paid to other brokers or dealers in connection with such transactions, and markups in respect of purchases or sales of securities as principal, (ii) charges for executing or clearing transactions in securities for other brokers or dealers, (iii) the net realized gain, if any, from principal transactions in securities in trading accounts, (iv) the net profit, if any, from the management of or participation in the underwriting or distribution of securities, (v) interest earned on customers' securities accounts, (vi) fees for investment advisory services or account supervision in respect of securities and management fees from investment companies, (vii) fees for the solicitation of proxies with respect to, or tenders or exchanges of, securities, (viii) income from service charges or other surcharges in respect of securities, (ix) dividends and interest received on securities in investment accounts, (x) fees in connection with put, call and other option transactions, and (xi) fees and other income for all other investment banking services; provided that securities shall not include any interests in real estate or oil, gas or other mineral rights. To the extent provided by the Corporation, by-law, rule or regulation, gross revenues from the securities business of a broker or dealer and all its subsidiaries and the operations of any business to which such broker or dealer has succeeded shall be included. The Corporation shall have the right, by by-law, rule or regulation to define all terms used in this paragraph insofar as such definitions are not inconsistent with the provisions of this paragraph.

"(3) After consultation with self-regulatory organizations, the Corporation shall, by resolution of its Board of Governors, make upon the members of the Corporation such assessments as may be necessary that, at the earliest practicable time, the fund established pursuant to paragraph (1) of this subsection will have, and continue to have, therein the total amount of assets required by such paragraph, and that the Corporation will have all moneys required for its current operating expenses and for the payment when due of the principal of, and interest and premium, if any, on, all moneys borrowed by the Corporation; provided that the assessments so made shall be in conformity with contractual obligations assumed by the Corporation in connection with any loan or pledge made pursuant to paragraph (10) or (11) of this subsection. For the purpose of making such assessments, the Corporation, by resolution of its Board of Governors, may classify the members of the Corporation ac-

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[1] Assumes enactment prior to September 1, 1970.

[2] Assumes enactment prior to September 1, 1970.

cording to the amount or composition of their gross revenues from the securities business, the number or dollar volume of transactions effected by them, the number of and the amounts of cash and securities in the customer accounts maintained by them, their net capital, the nature of their activities, whether in the securities business or otherwise, and other relevant factors, all as the Board of Governors determines to be fair and reasonable. Assessments shall be paid by members of the Corporation upon a quarterly basis or upon such other basis as the Corporation by resolution of its Board of Governors may determine, and, in the case of members of self-regulatory organizations, shall be collected through their respective examining authorities. An examining authority shall be obligated to remit to the Corporation assessments made under this subsection only to the extent that payments of such assessments are received by such examining authority.

"(4) Each broker or dealer who is a member of the Corporation shall file with such broker's or dealer's examining authority such information (including reports of, and information with respect to, the gross revenues from the securities business of such member, including the composition thereof, transactions in securities effected by such member, and such other information with respect to such member's activities, whether in the securities business or otherwise, including customer accounts maintained, net capital employed, and activities conducted) as, by by-law, rule or regulation, the Corporation may determine necessary or appropriate for the purpose of paragraphs (2) or (3) of this subsection. The examining authority shall file with the Corporation all or such part of such information (and such compilations and analyses thereof) as the Corporation, by by-law, rule or regulation, shall prescribe. No application, report or document filed pursuant to this section or section 36 or section 37 of this title shall be deemed to be filed pursuant to this title for the purpose of section 18 of this title.

"(5) If a member shall have paid in full an assessment made upon him by the Corporation, or such portion thereof as at the time shall be due and payable, such member shall, within 30 days after the making of such payment, be entitled to apply to the Commission for a determination by it whether the amount of such assessment is unfair and inequitable to such member as compared to the assessments made upon the other members of the Corporation. The Commission is authorized, after appropriate notice and opportunity for hearing, upon consideration of the resolution of the Board of Governors making such assessments and such other evidence as it may deem relevant, to determine whether such assessment upon such member is unfair and inequitable as alleged. If the Commission shall determine that such assessment upon such member is not unfair and inequitable as alleged, the Commission shall enter an order to that effect. If the Commission shall determine that such assessment upon such member is unfair and inequitable as alleged, the Commission shall by order reduce the amount of such assessment upon such member to such amount as, in the judgment of the Commission, is fair and equitable as compared to the assessments made upon the other members of the Corporation, and the Corporation shall repay the amount of such reduction to such member, together with interest thereon at the same rate as is then applicable under paragraph (6) of this subsection.

"(6) If a member of the Corporation shall fail to pay when due all or any part of an assessment made upon him, the unpaid portion thereof shall bear interest at such rate as may be determined by the Corporation by by-law, rule or regulation, and if such failure shall continue for a period of 15 days, the Corporation shall be entitled, after appropriate notice and opportunity for hearing, to expel such member from membership in the Corporation.

"(7) Anything in this section to the contrary notwithstanding, (i) no assessments shall be made pursuant to paragraph (3) of this subsection upon a member for payments during any twelve-month period which exceeds ¼ of 1% of such member's gross revenues from the securities business for such period, or ½ of 1% thereof if any borrowing by the Corporation pursuant to paragraph (10) or (11) of this subsection shall be outstanding at any time during such period; and (ii) if and to the extent that an assessment upon a member is based upon or measured by such member's gross revenues from the securities business, it shall be deemed to be fair and equitable.

"(8) Subject to the foregoing provisions of this subsection, the Corporation, by resolution of its Board of Governors, may prescribe such procedures with respect to the making and collection of assessments as it may determine to be necessary or appropriate to permit the exercise of the rights and powers granted to the Corporation by, or to effectuate the purposes of, this section or section 36 of this title.

"(9) There may be contributed and transferred at any time to the Corporation any funds or securities held by any trust established by a self-regulatory organization prior to January 1, 1970, and the amounts so contributed and transferred shall be applied as a reduction in the amounts payable pursuant to assessments made or to be made by the Corporation upon members of such self-regulatory organization, as may be determined by the Corporation; provided, however, that no such reduction shall be made at any time when there shall be outstanding any borrowing by the Corporation pursuant to paragraph (10) or (11) of this subsection.

"(10) The Corporation, by resolution of its Board of Governors, shall have the power to borrow moneys and to evidence such borrowed moneys by the issuance of bonds, notes or other evidences of indebtedness, all upon such terms and conditions as the Board of Governors may determine, in the case of a borrowing other than pursuant to paragraph (11) of this subsection, or as may be prescribed by the Secretary of the Treasury in the case of a borrowing pursuant to said paragraph (11). To secure the payment of the principal of, and interest and premium, if any, on, all bonds, notes or other evidences of indebtedness so issued, the Corporation, by resolution of the Board of Governors, may make agreements with respect to the amount of future assessments to be made upon members and may pledge all or any part of the assets of the Corporation and of the assessments made or to be made upon members; provided that, during any period when a borrowing by the Corporation pursuant to paragraph (11) of this subsection is outstanding, no pledge of any assesment made pursuant to paragraph (3) of this subsection upon a member to secure any bonds, notes or other evidences of indebtedness issued other than pursuant to said paragraph (11) shall be effective to the extent that the assessment on such member provides for payment by such member during any twelve-month period of an amount in excess of ¼ of 1% of such member's gross revenues from the securities business for such period. Any such pledge shall be valid and binding from the time that it is made, and the assessments so pledged and thereafter received by the Corporation, or any examining authority as collection agent for the Corporation, shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind against the Corporation whether pursuant to this section or section 36 of this title, in tort, contract or otherwise, irrespective of whether such parties have notice thereof. Neither the resolution of the Board of Governors nor any other instrument by which a pledge is created need be filed or recorded in any jurisdiction.

"(11) At any time that the available assets of the Corporation are insufficient to permit the exercise of the rights and powers granted to the Corporation by, or to effectuate the purposes of, this section and section 36 of this title, the Treasury is authorized to make a loan or loans to the Corporation upon application therefor. At the time of application for, and as a condition to, any such loan, the Corporation shall file with the Commission a statement setting forth the proposed use of the proceeds of such loan and a projection of the assessments proposed to be made during the term of the loan for which application is made. If the Commission shall determine and certify to the Secretary of the Treasury, based upon conditions existing at the time of such application, either (a) that the assessments so projected provide reasonable assurance of repayment when due of such loan, including the interest thereon, or (b) that such loan is necessary in the public interest and essential for the protection of investors and the maintenance of confidence in United States securities markets, the Secretary of the Treasury is authorized and directed to make such loan as hereinafter provided; provided that the aggregate principal amount at any time outstanding of all bonds, notes or other evidences of indebtedness evidencing loans so made by the Secretary of the Treasury shall not exceed $1,000,000,000 and provided, further, that the terms and provisions of each such loan (and the forms and denominations of the bonds, notes or other evidences of indebtedness issued by the Corporation to evidence such loan) shall be as determined by the Secretary of the Treasury who, in determining the rate of interest thereon, shall take into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities issued during the month preceding the issuance by the Corporation of such bonds, notes or other evidences of indebtedness. The Secretary of the Treasury shall purchase any bonds, notes or other evidences of indebtedness issued to evidence a loan under this paragraph (11) and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such bonds, notes or other evidences of indebtedness. The Secretary of the Treasury may at any time sell any of the bonds, notes or other evidences of indebtedness acquired by him under this paragraph. All redemptions, purchases and sales by the Secretary of the Treasury of such bonds, notes or other evidences of indebtedness shall be treated as public debt transactions of the United States.

"(d) The provisions of section 20 of this title shall not apply to any liability under or in connection with this section or section 36 of this title."

SEC. 4. The Securities Exchange Act of 1934 is amended by adding a new section 36 to read as follows:

"SEC. 36(a)(1) Whenever an examining authority shall determine that a member of the Corporation, or a member who has been expelled pursuant to subsection (c)(6) of section 35 of this title and not thereafter exempted from membership in an approved investor protection organization pursuant to subsection (b)(13) of section 15 of this title, or a member whose registration pursuant to subsection (b) of section 15 of this title is suspended or revoked pursuant to subsection (b)(12) of section 15 of this title, has failed or is in danger of failing to meet its outstanding obligations to customers, such examining authority shall forthwith give notice thereof to the Corporation.

"(2) For the purposes of this section, a member of the Corporation shall conclusively be deemed to have failed or to be in danger of failing to meet its outstanding obligations to customers if:

"(A) such member is insolvent within the meaning of section 1(19) of the Bankruptcy Act;

"(B) such member is unable to meet its obligations as they mature;

"(C) such member has committed an act of bankruptcy within the meaning of section 3 of the Bankruptcy Act;

"(D) such member is the subject of a receivership or an insolvency or liquidation proceeding pending in any court or before any agency of the United States or any State; or

"(E) such member is unable to demonstrate that it is in compliance with applicable financial responsibility rules and the examining authority for such member determines that such member is generally unable to meet demands upon such member for reasonably prompt payment or delivery of cash or securities.

"(3) Any notice given pursuant to paragraph (1) of this subsection by reason of a condition referred to in subparagraph (E) of paragraph (2) of this subsection shall be accompanied by a statement of the examining authority whether, in its opinion, such condition could be eliminated reasonably promptly by the imposition of restrictions on transactions or other activities of the member involved, by the making of a subordinated loan by the Corporation to such member, or by the merger or other combination of the business of such member with another broker or dealer, or by any combination of the foregoing, and, if so, the plan proposed for the elimination of such condition; provided, however, that if and so long as there remains outstanding any borrowing by the Corporation pursuant to subsection (c)(11) of section 35 of this title, no such plan may provide for the making of a subordinated loan by the Corporation. Upon receipt of a notice which is accompanied by such a plan, the Corporation shall determine whether it is in the public interest (i) to permit the member involved to continue operations pursuant to such plan or any modification thereof approved by the Corporation or (ii) to liquidate the business of such member; provided, however, that notwithstanding the Corporation's permitting such member so to continue operations, the Corporation may, at any time thereafter during the continuance of the condition specified in such notice, make application pursuant to paragraph (4) of this subsection if it shall determine that liquidation of the business of such member is in the public interest. Any subordinated loan made to a member pursuant to any such plan or modification shall be on such terms and provisions as shall be determined by the Corporation, and the Corporation shall provide the proceeds of such loan to such member.

"(4) Upon receipt of a notice given pursuant to paragraph (1) of this subsection by reason of a condition referred to in subparagraph (A), (C) or (D) of paragraph (2) of this subsection, the Corporation shall, and upon receipt of a notice given pursuant to paragraph (1) of this subsection by reason of any other condition the Corporation in its discretion may, apply to any court of competent jurisdiction specified in section 27 of this title and, upon notice to the member involved, obtain a decree adjudicating that such member has failed or is in danger of failing to meet its outstanding obligations to customers. Such application may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding or any proceeding to reorganize, conserve, or liquidate such member or its property, or any proceeding to enforce a lien against property of such member. A member in respect of which such an application has been filed is hereinafter in this section referred to as a "debtor", and the date on which such an application with respect to any debtor is filed is hereinafter in this section referred to as the "filing date", except that if a notice is required by reason of a condition referred to in subparagraph (D) of paragraph (2) of this subsection, the 'filing date' shall mean such earlier date, if any, as a petition was filed by or against the debtor under the Bankruptcy Act.

"(5) Upon the filing of an application pursuant to paragraph (4) of this subsection, the court to which application is made shall have exclusive jurisdiction of the debtor involved and its property wherever located. Pending an adjudication such court shall stay, and upon appointment by it of a trustee as hereinafter provided such court shall continue the stay of, any pending bankruptcy, mortgage foreclosure, equity receivership or other proceeding to reorganize, conserve or liquidate the debtor or its property and any other suit against any receiver, conservator or trustee of the debtor or its property. Pending such adjudication and upon the appointment by it of such trustee, the court may stay any proceeding to enforce a lien against property of the debtor or any other suit against the debtor. Pending such adjudication, such court may appoint a temporary receiver.

"(6) If the debtor shall consent to or fail to contest the Corporation's application or if the debtor fails adequately to controvert any material allegation of such application, the court shall forthwith appoint as trustee for the liquidation of the business of debtor (including the other purposes of a proceeding under this section), and as attorney for such trustee, such persons as the Corporation shall specify, provided that no person shall be appointed as such trustee or attorney if such person is not 'disinterested' within the meaning of section 158 of the Bankruptcy Act.

"(b)(1) A trustee appointed pursuant to this section shall be vested with the same powers and title with respect to the debtor and the property of the debtor, and the same rights to avoid preferences, as a trustee in bankruptcy and a trustee under Chapter X of the Bankruptcy Act have with respect to a bankrupt and a Chapter X debtor; provided that the trustee shall have the right (i) with the approval of the Corporation, to hire and fix the compensation of all personnel (including officers and employees of the debtor and of its examining authority) and other persons (including but not limited to accountants) that are deemed necessary to liquidate the business of the debtor and for the other purposes of a proceeding under this section, and (ii) to operate the business of the debtor in order to complete open contractual commitments as hereinafter provided, and no approval of the court shall be required therefor. The Corporation is authorized to advance to the trustee such moneys as may be required to effectuate clause (i) of the foregoing proviso, and shall advance to the trustee such moneys as (with those available pursuant to subsection (d)(2) of this section) may be required to effectuate clause (ii) of such proviso.

"(2) Except as inconsistent with the provisions of this section or otherwise ordered by the court, a trustee appointed pursuant to subsection (a) of this section shall be subject to the same duties as a trustee appointed under section 44 of the Bankruptcy Act, provided, however, that a trustee appointed pursuant to subsection (a) of this section may, but shall have no duty to, reduce to money any securities in the estate of the debtor.

"(3) Except as inconsistent with the provisions of this section and except that in no event shall a plan of reorganization be formulated, proceedings under this section shall be conducted in accordance with, and as though they were being conducted under, the provisions of Chapter X and such of the provisions of Chapter I to VII, inclusive, of the Bankruptcy Act as Section 102 of Chapter X would make applicable if an order of the court had been entered directing that bankruptcy be proceeded with pursuant to the provisions of such Chapters I to VII, inclusive; provided that the court may stay enforcement of, but shall not abrogate, the rights provided in section 68 of the Bankrutcy Act. For all such purposes the filing date shall be deemed to be the date of commencement of proceedings under the Bankruptcy Act.

"(c) The purposes of any proceeding under this section shall be:

"(1) to operate the business of the debtor in order to complete all contractual commitments of the debtor relating to transactions in securities which were made in the ordinary course of the debtor's business and were outstanding on the filing date, other than contractual commitments the completion of which the Commission shall have determined by rule or regulation not to be in the public interest;

"(2) as promptly as practicable after the appointment of the trustee, in accordance with the provisions of this section:

"(A) to return specifically identifiable property to the customer of the debtor entitled thereto;

"(B) to distribute the single and separate fund, and (in anticipation thereof or concurrently therewith) to pay to customers moneys advanced by the Corporation as hereinafter provided; and (3) to liquidate the business of the debtor.

"(d) For the purpose of any proceeding under this section the term 'stockbroker', as used in section 60e of the Bankruptcy Act, shall mean the debtor, and:

"(1) Customers and their subrogees shall have all rights to reclaim specifically identifiable property, and all other rights and priorities, provided for in said section 60e, and shall have the additional rights provided by this section.

"(2) All cash or securities held, recoverable or receivable by or for the account of the debtor (except for cash or securities specifically identifiable as the property of particular customers), and all property in the single and separate funds, shall be available to complete open contractual commitments pursuant to subsection (c) of this section. No securities purchased or cash received upon the completion of any such commitment shall constitute specifically identifiable property.

"(3) In or for the purpose of distributing the single and separate fund:

"(A) all property other than cash shall be valued as of the close of business on the filing date;

"(B) there shall be repaid to the Corporation, in priority to all other claims payable from such single and separate fund, the amount of all advances made by the Corporation to the trustee to permit the completion of open contractual commitments as provided in subsection (c) of this section;

"(C) there shall be paid from such single and separate fund all costs and expenses specified in clauses (1) and (2) of section 64a of the Bankruptcy Act, and any moneys advanced by the Corporation for such costs and expenses shall be recouped as such; and

"(D) to the greatest extent considered practicable by the trustee, the trustee shall deliver in payment of claims of customers for securities, securities of the same class and

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series of an issuer (ratably up to the respective amounts) to which such customers were entitled on the filing date.

"(4) In determining whether particular customers are able to identify specifically their property, whether property remained in its identical form in the debtor's possession or whether such property or any substitutes therefor have been allocated to or physically set aside for such customers, and remained so allocated or set aside, it shall be sufficient that on the filing date:

"(A) securities are segregated individually, or in bulk for customers collectively;

(B) in the case of securities held for the account of the debtor as part of any central certificate service of any clearing corporation or any similar depositary, the records of the debtor show that all or a specified part of the securities held by such clearing corporation or other similar depositary are held for specified customers, or for customers collectively, if such records of the debtor also show the identities of the particular customers entitled to receive specified numbers or units of such securities so held for customers collectively; or

"(C) such securities are held for the account of customers of the debtor in such other manner as the Commission, for the protection of customers and other creditors on a fair and equitable basis, by rule or regulation shall determine to be sufficiently identifiable as the property of such customers;

"Provided that: if there is any shortage in securities of the same class and series of an issuer so segregated in bulk or otherwise held for customers, as compared to the aggregate rights of particular customers to receive securities of such class and series, the respective interests of such customers in such securities of such class and series, shall be pro rated, without prejudice, however, to the satisfaction of any claim for deficiencies as otherwise provided in this section.

"(5) the term 'customer' shall include any person who has deposited cash with the debtor for the purpose of purchasing securities, but shall not include any person to the extent that such person has a claim for property which by contract, agreement or understanding, or by operation of law, is part of the capital of the debtor or is subordinated to the claims of creditors of the debtor.

"(6) to the extent that moneys are advanced by the Corporation to the trustee to pay the claims of customers, the Corporation shall be subrogated to the claims of such customers with the rights and priorities above provided in this subsection (d).

"(e) It shall be the duty of the trustee to discharge promptly, in accordance with the provisions of this section, all obligations of the debtor to each of its customers relating to securities by the delivery of securities or effecting payments to such customers insofar as such obligations are ascertainable from the books and records of the debtor or are otherwise determined to the satisfaction of the trustee, whether or not the particular customer shall have filed formal proof of such claim. For that purpose the court among other things shall:

"(A) authorize the payment and discharge of claims out of moneys made available to the trustee by the Corporation notwithstanding the fact that there shall not have been any formal proof of such claims or any showing or determination that there are sufficient funds of the debtor available to make such payment; and

"(B) authorize the trustee to satisfy claims to delivery securities of a class and series of an issuer which are ascertainable from the books and records of the debtor or are otherwise determined to the satisfaction of the trustee, if and to the extent that securities of such class and series to satisfy such claims (in whole or pro rata in part) are sufficiently identifiable. any payment or delivery of property pursuant to this paragraph may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee, appropriate receipts, supporting affidavits and assignments, but shall be without prejudice to the right of any claimant to file formal proof of claim for any balance of securities or cash to which he may deem himself entitled.

"(f) The provisions of this section permitting discharge of obligations of the debtor to pay cash or to deliver securities without formal proof of claim shall not apply to any person "associated" with the debtor as defined in section 3(a)(18) of this title or any beneficial owner of 5% or more of the voting stock of the debtor or any spouse or minor child of any of the foregoing.

"(g) In order to provide for prompt payment and satisfaction of the net equities of customers of the debtor, the Corporation shall advance to the Trustee such moneys as may be required to pay or otherwise satisfy claims in full of each customer but not to exceed $50,000 for such customer or (if at the time no borrowing by the Corporation pursuant to subsection (c)(11) of section 35 of this title is outstanding) such greater amount as the Corporation shall have determined by by-law, rule or regulation; provided that a customer who holds accounts with the debtor in separate capacities shall be deemed to be a different customer in each capacity, and provided, further, that no such advance shall be made by the Corporation to the trustee to pay or otherwise satisfy any claims of any customer who is a broker or dealer, a partner, officer or director of the debtor, or the beneficial owner of 5% or more of the voting stock of the debtor.

"(h) Nothing in this section shall limit the right of any person to establish by formal proof such claims as such person may have to payment, or to delivery of specific securities, without resort to moneys advanced by the trustee to the Corporation.

"(i) Promptly after his appointment, the trustee shall cause notice of the commencement of proceedings under this section to be published in accordance with a designation of the court, made in accordance with the requirements of Section 28 of the Bankruptcy Act. Except for claims allowed without the filing of formal proof thereof as in this section provided, no claim for specifically identifiable property or claim payable from property in the single and separate fund or with moneys advanced by the Corporation, shall be allowed which as not been filed within 90 days after such publication, and no other claim shall be allowed after the time specified in section 57 of the Bankruptcy Act. Subject to the foregoing and without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this section, the court may make appropriate provision for proof and enforcement of all claims against the debtor including those of any subrogee.

"(j) All reports to the court by a trustee in any proceeding under this section shall be in such form and detail as, having due regard to the requirements of section 17 of this title and the rules and regulations thereunder and the magnitude of items and transactions involved in connection with the operations of a broker or dealer, the Commission shall determine, by rules and regulations to present fairly the results of such proceeding as at the dates or for the periods covered by such reports.

"(k) Any approved investor protection organization other than the Corporation shall have with respect to its members and their customers the same powers and duties conferred by this section on the Corporation with respect to members of the Corporation and their customers."

Sec. 5. The Securities Exchange Act of 1934 is amended by adding a new section to read as follows:

Sec. 37(a) The Corporation, its assets and its income, including but not limited to income from investment of the fund established by subsection (c)(1) of section 35, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property and any tangible personal property (other than cash and securities) of the Corporation shall be subject to State and local taxation to the same extent according to its value as other real and tangible personal property is taxed. Assessments made upon a member of the Corporation shall constitute ordinary and necessary expenses in carrying on the business of such member for the purpose of section 162(a) of the Internal Revenue Code of 1954, as amended. The contribution and transfer to the Corporation of funds or securities held by any trust established by a national securities exchange prior to January 1, 1970, for the purpose of providing assistance to customers of members of such exchange, shall not result in any taxable gain to such trust under any provision of the Internal Revenue Code of 1954, as amended, nor shall such contribution or transfer, or any reduction in assessments made pursuant to subsection (c)(9) of section 35 of this title, in any way affect the status, as ordinary and necessary expenses under Section 162(a) of the Internal Revenue Code of 1954, as amended, of any contributions made to such trust by such exchange at any time prior to such transfer.

"(b) Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the monies, securities, or other assets of the Corporation shall be deemed guilty of a crime, and upon conviction shall be fined not more than $50,000 or imprisoned not more than five years or both.

"(c) Except for such assessments as may be made upon such member pursuant to the provisions of subsections (c) (2) and (3) of section 35 of this title, no member of the Corporation shall have any liability under section 35 or section 36 of this title (whether as a member of the Corporation, a member of a self-regulatory organization, or otherwise) for, or in connection with, any act or omission of any other broker or dealer whether in connection with the conduct of the business or affairs of such broker or dealer or otherwise.

"(d) Neither the Corporation or any self-regulatory organization shall have any liability to any person for any action taken or omitted in good faith by the Corporation or such self-regulatory organization under, or in connection with any matter contemplated by, sections 35 and 36 of this title.

"(e) It shall be unlawful for any member, officer, or employee of the Commission, any governor, officer or employee of the Corporation, or any officer or employee of the Treasury to disclose to any person other than such a member, governor, officer or employee, or to use for personal benefit any information contained in any application, report, or document submitted to or filed with the Corporation by any member of the Corporation or any self-regulatory organization, or submitted or filed by the Corporation to or with the Commission or the Treasury, unless such application, report or document is made available to the public or such disclosure by a governor, officer or employee of the Corporation is determined by the Board of Governors to be necessary or desirable in the exercise of the rights or powers granted to the Corporation by, or to effectuate the purposes of, section 35 or 36 of this title."

Sec. 6. The amendments made by this Act shall take effect as follows:

(1) The effective date of subsections (b) (11) and (12) of section 15 of the Securities

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Exchange Act of 1934, as added by section 2 of this Act, shall be the 120th day following the date that this Act is enacted.

(2) All other amendments contained in this Act shall take effect on the date of its enactment.

THE STATE OF OUR ECONOMY—ADDRESS BY DR. MILTON FRIEDMAN

Mr. GOLDWATER. Mr. President, much is being said these days about the state of our economy. Some of it is bad, some of it misses the mark, and some of it is good.

Dr. Milton Friedman of the University of Chicago, who, in my mind, is the most perceptive economist we have in America, and who has the unusual ability to be able to transmit his thoughts in an understandable way, spoke in March, at the 80th Anniversary of Halle & Steiglitz, on the state of our economy.

I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. MILTON FRIEDMAN

I thought it would be most interesting today if I were to comment on the current state of business and, more important, what the alternatives are as we look ahead to the next six or nine or twelve months and also six or nine or twelve years. One of the things that has impressed me enormously about the financial community, especially in New York, is how extraordinarily short-sighted they are in their time horizon.

Businessmen in general seem to be schizophrenic in this respect. Businessmen are capable of taking a very long view when it comes to their own business. Businessmen are now planning the plants that they will put up ten years from now, and the products that they will be selling fifteen and twenty years from now, and the people who will be running their enterprises ten or fifteen years from now.

But when it comes to something outside their own business, when it comes to a question of what is appropriate governmental policy, what is appropriate economic or other policy, then all of a sudden these long-sighted businessmen tend to become very short-sighted and to look ahead three months.

What is true of businessmen in general is true to an exaggerated decree of those people whose daily habitat is in the caverns of Wall Street, or in the temples to business erected in uptown Manhatten, because they are dealing in a market in which things happen very fast, and in which you do have to be concerned with the day-to-day scene.

The function, therefore, that I think an academician can serve is to bring a somewhat broader point of view and a somewhat longer time perspective.

I may say that it helps not only to be an academician, but also to come from Chicago, because Chicago is sufficiently outside the New York scene so that it can take a somewhat independent and fresh point of view.

Indeed, I may say that is why the University of Chicago is in Chicago. No, I am not saying that in jest at all. When William Rainey Harper was negotiating with John D. Rockefeller about establishing a new university, they were first going to establish it in the neighborhood of New York—perhaps somewhere in New Jersey or Connecticut.

One day Mr. Harper came to Mr. Rockefeller and he said, "You know, we're making a mistake. New York has such a homogeneous intellectual climate; there is such an orthodoxy in New York, that if we establish a university in New York it will be just like all the others. If we want to have a different kind of university, a university with independence and a special point of view, the only way we can get that is by getting away from this overpowering, deadening orthodox climate of New York."

I don't know that those are the exact words, but it was on this ground that Mr. Harper said, "We shall do better if we go to a much less sophisticated environment; if we go out to a place like Chicago, where you have much less sophistication but also much more tolerance for diverse ideas."

It was on those grounds and for that reason that the University of Chicago was established in Chicago rather than in New Jersey.

Ever since, the University has had the character of being a home for independent thought, for diverse ideas, of being free from the overpowering pressure of a conventional wisdom and orthodoxy, which I must say I have found in my own experience to be a very characteristic feature of the New York environment.

And so, speaking from outside the business world and from outside New York, let me see if I can discuss the situation from a somewhat longer run point of view.

I partly move to the longer run point of view because the immediate situation is not very interesting.

The time when it is interesting to do an economic analysis of current affairs is when you are near a turning-point.

Most of the time the economy is either going up or it is going down. The time when you get into difficulties is when you are at the point of turning around and are either coming down, or turning around and coming up.

That is what made 1969 a rather interesting year. There were some of us who were saying, "We're coming to a turning-point, and watch out. We're going to be starting down."

There were others who were saying, "No, that is silly. That comes from this absurd preoccupation with irrelevant statistics, like the quantity of money."

Others were saying, "No, clearly the boom is going to continue. We're really off to the races. It is perfectly obvious that you cannot stop one boom by monetary tightness."

Well, that time of disagreement is past by now. I take it there is hardly anybody who is any longer in doubt that the economy has passed a turning-point.

The only arguments now are on a purely semantic level: Is it a slowdown; is it a rolling readjustment; is it a recession? Is it something else?

And even that argument is beginning to pale because it is becoming increasingly evident, I believe, that the economy is in a slowdown which will have all of the characteristics that we have heretofore associated with the word "recession."

It is a sign of the corruption of the English language that the word "recession" was first introduced in order to be a milder version of a depression, which was first introduced in order to be a milder version of a panic or crisis.

Now everybody says, "A recession—that is terrible. We need a milder word than that."

By all past indications, when the business cycle historians come to set dates, they will probably say that the peak of the recent cyclical episode was sometime around October, 1969. They will take the recession as having started from about that date.

As always, whenever you have a turning-point in the economy, the initial movement is very mild.

If you go back to the worst case of all, 1929 to 1933, which statisticians now date as having started in August, the stock market crash did not come until October, and until the very end of 1929, there were still people who were saying, "This is not a real cyclical turning-point. We're just getting ready to take off again."

So, whenever you have a turning-point, it tends at first to be mild and to be confusing and difficult to interpret. But by now I think it is widely agreed that we did have a turning-point around September or October or November of this past year, that real output has been growing at a very slow rate or actually declining since then, that employment has been tapering off, and unemployment rising.

The questions now are: How far will it go; how deep will it be; when will it turn around? When will the next turning-point be and what will produce it?

That is the main problem I want to talk about. Personally I believe that we still have a good real of whistling in the dark at the moment. The recession now in process is not going to be a 1929–33 or even a 1936–37. Still, I think that it will be rather more severe than most people now are counting on. It will be more nearly like 1957–58 than even like 1960–61, let alone like the minirecession of 1966–67.

What happens as this recession develops, and where do we go from here? I believe that what happens this summer and this fall in the realm of economic policy is going to be of great importance for the course of events not only this year, but during the whole of the decade of the 1970's. This is therefore a period which will particularly repay watching. It is a period that requires a great deal of effort and energy on the part of all of us to make sure that the right decision is made.

Let me see if I can make my point by outlining to you two alternative scenarios that seem to me to be possible.

The background which I take for granted for both scenarios is that the recession is going to deepen; that interest rates, which have started to come down, will continue to come down; that the rate of price increase, which is still high though declining, will continue to decline. That is already in the machine, as it were.

Now as we come to May or June or July, these developments become more and more apparent and there begins to be a great political outcry that we must do something to stop the recession.

Unemployment will be increasing, output will be declining, prices will still be rising, although less rapidly than they were rising before. They will be going up at 4 or 4.5 instead of 5 or 6 or 7 per cent.

With Congressional elections coming up in September, the political pressures will be, "We must do something about this. We must step in with all our weapons and try to offset this recessionary development."

If past experience during the post-war period were to be repeated, the most likely outcome would be that this pressure would produce not only a reaction, but an overreaction.

Every time in the post-war period that we have gone into a period of recession, it has proved to be relatively short and relatively mild; but that has not prevented the monetary authorities and the fiscal authorities from overreacting.

For this purpose I don't really have to enter into the argument, which I should be delighted to enter into on almost any occasion, whether monetary policy or fiscal policy is the more important.

Whatever your views on monetary policy and on fiscal policy, every recession has been followed by a shift in monetary policy from too slow a rate of growth in the quantity of money to too high a rate of growth, and also by a shift in fiscal policy toward a larger deficit or a smaller surplus. That has been true, so far as I can see, of every post-war recession.

If one were simply to extrapolate past experience, the most likely outcome this summer is Scenario No. 1, which would mean that along about May, June or July, as this pressure gets great, Government spending would tend to increase, the rate of growth of the quantity of money would speed up sharply, and both would go too far.

If that were to occur, what would happen next? We would be off on another binge of inflation. It would take time for the stimuli to take hold, so the overreaction wouldn't help the elections. How people vote in November depends on what economic conditions are in September or thereabouts, and how economic conditions are in September depends on what monetary policy and fiscal policy is in January, February and March at the latest, so it is probably already too late. But that won't prevent people from hoping.

While the overreaction wouldn't have much effect on the elections, it would mean the beginning of an expansion in the third or fourth quarter of this year, and a more rapid expansion in nominal terms in 1971.

But it would also mean that the tapering off of inflation would be reversed, that the slowing down in interest rates would be reversed, and that we would be off on another episode of still higher rates of price rise and still higher interest rates.

On this scenario, the decade of the 1970's will be a decade of more inflation than the decade of the 1960's.

On this scenario, the average interest rates during the 1970's will be decidedly higher than they are today. Interest rates today are very low, if you assume that prices are going to go up to 5 or 6 per cent a year.

If a man made a loan of $100 a year ago to somebody at the then high interest rate of 8 per cent, he would first have had to pay income tax on the $8 he received in interest. Even if he is in a very low income tax bracket, say the 25 per cent bracket, he would have only $6 left.

Prices have risen about 6 per cent in that year, and so a man who made a loan at 8 per cent last year in effect made a loan at a zero real interest rate. At the rate of price inflation of the past year, today's interest rates are low.

If Scenario No. 1 is followed, the decade of the 1970's will again see rising prices, prices rising not at 4 or 5 per cent, but at 7 or 8 percent or more per year, and we will have interest rates in the neighborhood of 10, 12 and 13 per cent.

You will have something else, and this is where the short-sightedness of businessmen enters in. You will have a great hue and cry that "You see, you couldn't stop the inflation by monetary policy of fiscal policy; the only way to stop inflation is by imposing price and wage controls."

One of the mysteries to me has been the number of businessmen who have already been calling for price and wage controls.

There must be a deeply imbedded instinct for suicide in businessmen, because there is nothing which would so surely destroy a private enterprise economic system as widespread price and wage controls in a time of general inflationary pressure.

This is a subject that would take me too far off my main topic. Just let me urge you to contemplate the consequences.

Let me go back to my main theme. On Scenario No. 1 we would have price and wage controls, because that would seem to be the only weapon left to cope with inflation.

Scenario No. 2: You will have the same hue and cry in the middle of the year. You would have the same pressure to expand and inflate, but the monetary, fiscal, and political authorities would have the fortitude the courage, the determination to resist that pressure.

Instead of following the pattern that was followed in 1958 and again in 1962 and 1963, and again in 1967, the monetary authorities and the fiscal authorities would keep their "cool". They would continue as they should now be doing, to expand the quantity of money. They would keep it increasing but at a moderate rate. They would go from the unduly restrictive policy of the past six months of a zero per cent rate of growth in the money supply to something like 4 or 4.5 per cent. But they would not go to a rate of increase of 7, 8 or 9 per cent as they did in 1967 and '68.

The fiscal authorities—and again I don't need to face up to the question of which is the basic force—would keep a lid on Government spending, and would not let Government deficits emerge of very large magnitude.

If they can do that, there would be very little difference in the pattern for this year. We would still have the recession. The recession would still continue until the third or fourth quarter.

The turn-around would come a little bit later and be a little bit milder. But the turnaround would come as the rate of price inflation came down, and it became possible to have an expansion of real output at constant prices or slowly rising prices in the face of a more slowly rising stock of money. Income would rise gradually. There would be a slow but steady recovery.

The rate of price inflation would continue to come down, and you can hope by the middle of 1971 or the end of 1971, it would be down to maybe 1 or 2 per cent a year, down to essentially a zero rate, considering the imperfections of our indexes.

If this scenario were to develop, the period of the 1970s could be a period of real prosperity in terms of physical output. Total national income in real terms could grow at a steady rate, with a relatively stable price level.

In that case, interest would continue to come down to a level more nearly in the 5 to 6 per cent range than in the range in which they have been more recent.,y.

But in order for that outcome to occur, the authorities will have to have the courage and the wisdom and the determination to keep from being panicked this summer by emerging economic difficulties.

Those are the two alternative scenarios, and I think it will be of the greatest importance to us as a nation, and to you people who are in the financial community, which is followed.

If you want, on the one hand, to make forecasts of what is going to come later on, I suggest to you that the best thing to do is to keep tabs on what happens this summer, as this issue gets resolved.

From the point of view of a sensible policy, the most important thing we can do is to urge on our representatives and on our officials that they follow the second path rather than the first.

Now the question, which will occur?

As I said before, if you were simply extrapolating from past experience, if you were following the Dow Theory, which says, "The future is going to be an immediate continuation of the past," you would have to come out in favor of Scenario No. 1, because that is the one we have experienced over and over again.

I am enough of an optimist to believe that maybe you don't have to simply extrapolate the past, that you do have a new team, a new group of people who are in charge of economic policy, with a different approach and a different attitude, that we have a greater of understanding of these matters than we did some years back. In addition, as a result of accident of personality, we have some particular individuals in charge who are likely to have the stamina and the determination to hold the line.

And so I am optimistic enough to believe that there is a better than fifty-fifty chance of Scenario No. 2, but I am far from believing that that is a certainty.

Moreover, I don't want to suggest for a moment that if we manage to surmount 1970 that we can all lean back and forget about it for the rest of time. After all, the pressure to spend money without raising taxes is not a new pressure, and it is not one that is going to disappear in 1970.

The pressure for printing money in the hope of thereby providing more funds for housing or more funds for this or more funds for that, is not a new pressure, and is not going to disappear.

The political urge to stimulate economic conditions every time there is an election in the offing is not a new urge, and it is not going to disappear.

And so, if we surmount 1970 along these lines, that will offer a better prospect for future years, but every time there is any slight halting in the economy, you will again and again run into the same pressure to shift from a steady posture to a posture of over-heating.

I hate to be so trite and use that great cliche about eternal vigilance, but that is the price not only of liberty, but also of a sensible economic policy over a long period of time.

Chairman Gordon. Thank you very much, Dr. Friedman, for those very stimulating remarks.

Now we will wait a minute. There are a few people who have appointments. We will then invite questions from the floor.

Question. Dr. Friedman, given the capacity of labor unions to raise wages, and given the capacity, let us say, of the steel industry or the railroad industry to raise prices in the face of falling business and long-range demand, do you expect that a steady posture will still prevent the dilemma of rising prices with a slowdown?

Dr. Friedman. Yes. I once gave a talk at a meeting of Industrial Relations Research Association on the question of trade unions and inflation.

I started that talk by saying, "Unaccustomed as I am to defending trade unions——".

Well, that is the beginning of my answer to you. The fact is that trade unions do much harm, in my opinion, but they have nothing to do with inflation. The widespread belief to the contrary is simply a typical example of the fallacy of composition.

You know, the most interesting propositions in economics have the particular characteristic that what is true for the individual is the opposite of what is true for everybody put together.

Each of you gentlemen around this room thinks that he can decide how much of this green stuff (Indicating a dollar) to put in his pocket, how much money to have in his pocket. Each one of you can.

But all of the people in the country have nothing to say about that. There are a certain number of green pieces of paper that have been printed. One person has more only by taking it away from somebody else. It is a game of musical chairs.

The same thing is true on the issue you raise. Every businessman believes that inflation is produced by rising wages, by unwarranted pressure of wages.

Every businessman is right, so far as his own situation is concerned. He is wrong in generalizing that to the economy as a whole.

To each businessman separately inflation comes in the form of rising costs, and he has to increase prices because his costs went up.

But why did his costs go up? Because somebody else was trying to bid away his labor under the pressure of increased demand.

If you stop and think about a typical pattern, you will see why you get into a misleading view.

Consider, for a moment, that all of you gentlemen walked out on the street and de-

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cided you wanted to have two pairs of shoes where you only had one before, and there are shoes in the window advertised at $25 a pair.

You go in. The first thing that happens is not that the shoe store raises its price. It sells you shoes at $25 a pair, but then it runs out of inventory.

Having run out of inventory, it says, "Reorder from the wholesaler."

The wholesaler doesn't raise the price.

They ship out what they have, but they reorder from the manufacturer. The manufacturer now wants to produce more shoes. How can the manufacturer produce more shoes? The manufacturer gives instructions to buy more leather.

But you can't buy more leather. There is only a certain amount that has been produced. What you can do is to bid up the price of leather.

And so their representatives in the auction market bid up the price of leather, and now the shoe manufacturer says, "My God, our costs are going up. I have to raise my prices."

They raise their price at the wholesale level, and the wholesaler says, "My God, my costs are going up." The wholesaler raises the price for the retailer.

The next time you go into the store you see the price of shoes is up $35 and you say, "Why did you raise the price?"

The retailer says, "I don't want to do it, but my costs went up."

The truth of the matter is that what started that whole process going was the expansion in demand.

Exactly the same thing is true for the economy as a whole. It is the increase in demand that pulls up wages.

Because trade unions tend to make contracts for a long period of time, two or three years in advance, they are late in reacting.

If you look at the statistics, you will find that in every period of inflation the wages of unorganized labor go up faster than the wages of organized labor. This is because the wages of organized labor are held back by the negotiated in advance contracts.

Naturally, when it comes to a renegotiation, the unions want to catch up, and of course they do. It looks to people as if the trade unions are pushing up wages, and producing inflation.

They are not; they are reflecting inflation, but with a delay.

What looks like cost push inflation is a delayed reaction to last year's demand inflation or that of the year before. Some of you probably are duck shooters, and hunt ducks. You know that when you shoot ducks you have to lead them. You want your bullet to be there when they get there.

Therefore, to say that costs are pushing up prices is exactly like saying, "Those ducks are committing suicide by running into the bullets."

QUESTION. But in the short run, while the lags take time to adjust, you have the problem of poverty in this country, this paradox. Your proposal for minimum income, which is now being adopted, will certainly not keep these people from a starvation level.

What do you propose be done during the adjustment period?

Dr. FRIEDMAN. Well, when did you last beat your wife? Let me examine these things, one after another, if I may.

First of all, I want to make clear that the concept of a poverty income or starvation level are not scientific concepts. If there is one bit of scientific evidence that we have, it is that there is no income so low that people cannot live on lower income. That is evident from all over the world, and over many centuries, so we ought not to use such language if we can avoid it.

I believe that our present welfare program is a terrible program, that it is having awful consequences. I believe that the substitution of a negative income tax, which would guarantee as one of its consequences a minimum level of income, would be an enormous improvement over our present method of handling welfare.

But that has nothing to do with the cyclical problem.

The fact is that people enormously exaggerate the problem that will be produced by the temporary increase in unemployment during a mild recession.

Few things are more meaningless and misleading than unemployment statistics. There are 4 million unemployed today. Who are they? In the first place, a third of them are teenagers; a third are women; only a third are men who are heads of households.

Of the third who are males who are heads of households, something like 30 or 40 per cent are unemployed because they voluntarily decided to be unemployed. They quit their job in order to look for a better one.

Most people who are unemployed are unemployed for a very brief period of time.

As of today, the time between a man being recorded as being unemployed and the time of his getting a job is on the average of about 4.5 weeks.

Of the 4 million unemployed there are 150,000 roughly who have been unemployed for six months or more. They constitute the really hard core problem.

No major problem of the kind you suggest would be produced by temporary rise of unemployment of the kind that will occur.

I tried to argue and talk as loud as I could six months ago that we were in danger of monetary overkill by having too tight a monetary policy, which was going to produce too large a degree of unemployment, and I believe that has come about.

I don't believe we had to have as severe a recession as we're going to have. But we chose to go on that path, or we are on it because somebody made a mistake. This is water over the dam.

The question is, where do we go from here on out? The answer to that is, we continue with our long-range policies of improving our welfare program, of improving unemployment insurance, of doing whatever we may do on the job training front.

We have ample programs of assistance today for those people who are temporarily unemployed, and the intransigence or delays in adjustments by trade unions or by others will not, I think, raise a serious social problem if we have the courage to stick with this moderate policy and wait it out.

QUESTION. How can we compel these politicians in Congress to follow your Scenario No. 2?

Dr. FRIEDMAN. We cannot compel them. We can try to persuade them. We can try to make it politically profitable for them to do it.

As to that, the only way we can do it is by trying to make clear to as wide a range of people as we can what will be the consequences of a shortsighted policy of overreaction.

The first thing we can do is to stop talking the kind of nonsense that I read in the papers coming out of business quarters, such nonsense as that we must have price and wage controls if only temporarily, or such nonsense as that we cannot stand two or three or four months of somewhat higher unemployment, or that we must have drastic measures to help this industry or that industry, that we must have a subsidy for housing, or for the steel industry.

Let me ask this: Am I the only one who has heard businessmen express views in favor of holding down wages or holding down prices by governmental action?

Of course, a businessman will stress wages, but you cannot have wage control without price control.

Am I the only one who has heard businessmen say "After all, it is obvious that by financial tightness or fiscal tightness alone, you cannot stop an inflation which has its core in the organized power of trade unions and industry?" These men go on to say that general measures must be supplemented by at least persuasion of workers and businessmen by Government.

Am I then, the only one who heard these kinds of words, or have the rest of you heard it? The place we begin is by getting people to recognize what dangerous nonsense such statements are. I hope I got some people real mad so they will react.

QUESTION. Dr. Friedman, don't you believe in your estimation that if you don't accept your Scenario No. 2, where you say Federal Reserve monetary policy could be eased a bit to 4½ per cent, that you could inject a liquidity crisis some time in the future if you keep your foot on the brake as during the last six months. Would that be a fair statement?

Dr. FRIEDMAN. The question is about a liquidity crisis.

Let me separate it. You do not get liquidity crises at either low rates of growth of the quantity of money or high rates of growth. You get liquidity crises out of sharp changes in the rate of growth.

If monetary growth is zero percent and kept there, that will produce a decline in GNP. It will force prices down and so on, but it will not produce a liquidity crisis as long as it is stable.

What produced the liquidity crisis in 1966 was the fact that you went from a very rapid rate of growth in the quantity of money to a zero rate of growth in a very brief period of time.

I do think that there would be a serious consequence from maintaining a zero rate of growth in the quantity of money for very long. I trust we're not going to do that. I think there is some evidence that we have already moved away from that posture. I hope that is right. I think it would be just as serious a mistake to maintain it at zero per year as to go on to 8 or 10 per cent.

QUESTION. If based solely on the experience in the monetary and fiscal policies that we have had since World War II you would bet on Scenario No. 1, and if you had been arguing in the recent past against the monetary overkill, which we seem to be suffering from now, how do you rate the chances fifty-fifty between Scenario No. 1 and 2?

Dr. FRIEDMAN. I am a university professor and as such I have to believe that people do learn. I admit that that often flies in the face of evidence.

But I believe that people have learned, to a considerable extent, from the experiences of the past. In particular, the monetary authorities have learned that they should keep their eyes fixed to a greater extent on monetary aggregates than in the past and to a smaller extent on interest rates. That is one reason I am optimistic.

Second, you have had a change of personnel in Washington in the positions of power. Arthur Burns, who is now Chairman of the Federal Reserve Board, is a very different person, with a very different background than was Mr. William McChesney Martin.

Suppose we looked at the *fiscal* reaction to each of the recessions in the post-war period. My impression is that the only one in which we did not have a clear overreaction was the recession of 1953–54.

What distinguishes that reaction? Arthur Burns was Chairman of the Council of the Economic Advisors during that period. It is the only one during which he was Chairman, and the only one in which we did not have an overreaction.

And so I believe there is some reason to believe in terms of his past experience that he will be particularly sensitive to this problem.

There also has been a change of the people who are in the Council of Economic Advisors and the Treasury, and it is this change of personnel, plus the learning process, which underlies my optimism.

Question. You mentioned the fact that the Federal expenditures have been controlled to a certain extent, to brake the inflation. What about the fact that state and local government expenditures are increasing and have overtaken federal expenditures?

Dr. Friedman. I was trying to stay away from the issue of fiscal versus monetary policy.

Personally, I feel it doesn't make much difference what the relation of federal or state or local expenditures is, provided we do not let them affect monetary policy.

What is important about keeping down federal spending is that if you start to have large deficits there will be very strong pressure to get the Federal Reserve to monetize those deficits.

On the other hand, if you have a large deficit but do not monetize it, if you kept the quantity of money growing at the same rate, the major effect of the deficit would be on the rate of interest, not on inflation.

So I don't think the growth of state and local expenditures is a very serious matter from this point of view.

Question. Is there any possibility in your mind of any kind of control on consumer credit as an alternative to wage and price controls?

Dr. Friedman. Are you asking me whether such controls would be effective economically or are likely politically?

Question. Would they be effective economically, and are they possible politically?

Dr. Friedman. They are possible politically. They will be utterly ineffective economically. They have no effect on inflation.

Their only effect is to divert some credit from one part of the market to another part of the market. Their only effect is to make less credit available to consumers and more credit available to others; to make consumer credit more expensive and to make credit to others a little less expensive. Such controls have no effect whatsoever on inflation, but they are certainly politically possible.

Question. Could you give your estimate of corporate pre-tax profits due to changes in Scenario 1 and 2?

Dr. Friedman. Since I have no estimates of that, I can give them very readily.

I think the outlook for corporate profits is, so far as this coming year is concerned, that they are likely to be declining, regardless of which scenario you take.

If you come to the longer view, I am not going to give any detailed estimates, but so far as the direction of the effect, under Scenario No. 1, corporate profits will be larger in dollar terms, but they may not be larger in real terms.

Under Scenario No. 1—you will have a great difference for different kinds of enterprises. There are some enterprises that will be affected very severely by price and wage and similar controls, and other corporations which will not. The first will experience real profit difficulties compared to the second.

On Scenario No. 2, corporate profits will be lower in dollar terms, but may very well be higher in real terms when allowance is made for inflation, for price change, because Scenario No. 1 will produce enormous inefficiency; it will produce enormous waste. That is what is wrong with controls. They cause distortion in the pattern of production in the economy.

Question. What is the evidence that monetary policy may be turning?

Dr. Friedman. That is a very hard question. The question is: What is the evidence that monetary policy may be turning.

There is no positive evidence, but I think there are a number of separate pieces of evidence which point in that direction.

Piece of evidence No. 1 is that the monetary base—high-powered money—has been rising since last October.

Piece of evidence No. 2 is the expression of opinion by a number of members of the Federal Reserve Board publicly, and also as reported in the minutes of the Open Market Committee that the Fed ought not to stop interest rate declines.

Evidence No. 3 is that you have been having interest rate declines. Interest rates have been coming down.

Evidence No. 4 is that whenever you are at such a turning-point as you are now in the cycle, the way in which the Fed has in the past operated produced an automatic tendency for the quantity of money to go down. It hasn't gone down. If anything, it has gone up a little. This suggests that they must be pushing against that automatic tendency since December.

Evidence No. 5 is that the logic of the situation as interpreted through Federal Reserve eyes, not through my eyes, calls for a change in policy.

I want to say one more thing to you gentlemen that I was saying to some of the newspaper people before.

I wish the Financial community would bring some pressure to bear to end the absurd and silly practice that you have today of keeping secret for three months the directives issued by the Open Market Investment Committee at its meetings, and the minutes of these meetings.

I cannot see any harm that would be done by making the directive available on the day on which it is adopted.

It ought to be open, public information and not something that people have to gossip about or guess about or seek inside sources of information.

If there is concern that it would produce speculative flurries, you could very readily have meetings of the Open Market Investment Committee shifted to a Friday from a Tuesday.

The directive and the minutes could be released Friday night after the markets have closed, so everybody would have Saturday and Sunday in which to absorb it.

I would hope that our mass media, as well as the rest of you, would urge this greater degree of frankness between the Fed on the one hand, and the public at large on the other.

Chairman Gordon. I hate to break up this most stimulating question and answer period, but I promised you gentlemen that you would be out of here promptly. I know some of the press may have some additional questions. If they want to stay on and ask them of Professor Friedman, I know he will stay for a while.

In the meantime, I would like to say thank you very much to Professor Friedman, and thank you, gentlemen, again, for coming and being our guests.

CRIME PREVENTION

Mr. TYDINGS. Mr. President, considerable controversy has arisen over the proposal I introduced in the Senate to control crimes committed with firearms.

The controversy over my proposed legislation has resulted from a deliberate effort of political forces who oppose this legislation to cloud and distort this vital law enforcement issue.

I want at this point to set the record straight about my gun crime control bill and to clear up any misunderstanding about it.

Mr. President, I consider the escalating crime rate among the most critical problems this nation faces today. For that reason I have introduced 45 separate pieces of anticrime legislation in this Congress to provide law enforcement officers with the tools they need to defeat the criminal element.

No part of my comprehensive anticrime program is more important, however, than the measure I have introduced to control the access to guns of criminals who would use them for no other purpose than to commit crimes against law-abiding members of our society.

Basically, my gun crime control proposal contains two simple ideas:

First. All persons who wish to purchase guns or ammunition would first have to acquire an identification card or a license from either local authorities or a local gun dealer. This card would automatically be issued to all citizens over 18 who have not been convicted of a felony, or institutionalized for narcotics addiction, lunacy, or alcoholism.

Second. All firearms—not antiques—would be registered by filling out a simple form with make, caliber, and registration number.

Both the licensing and registration provisions in my legislation would be effective tools for police in reducing the number of crimes committed with firearms. These tools have been requested by law enforcement officers from around the country.

My bill in no way restricts or inconveniences gun ownership or use by sportsmen or law-abiding citizens. My bill imposes no fees against firearms owners or taxes on firearms. My bill prohibits confiscation or restriction of guns from any law-abiding citizen. Any law-abiding citizen could own as many guns as he wishes.

To further clear up my position on gun crime control, a series of documents concerning the gun crime issue. These documents include:

First. A summary of the Tydings Anticrime Gun Proposal.

Second. A Brief Summary of the Firearms Problem in the United States.

Third. Public Opinion Polls on Anticrime Measures.

Fourth. A Summary of the Maryland State Firearms' Laws.

Fifth. The Present Federal Gun Crime Control Laws.

Sixth. Significant News Articles on Controlling Gun Crimes.

I ask unanimous consent that these documents be printed in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

A Summary of the Tydings' Anticrime Gun Proposal

The Tydings proposal is designed to disarm the criminal without inconveniencing the sportsmen or law-abiding citizens who have a right to possess and use firearms.

Basically, the Tydings proposal contains two simple ideas:

1. All persons who wish to purchase guns or ammunition first would have to acquire an identification card or license from either local authorities or a local gun dealer. This card would automatically be issued to all citizens over 18 who have not been convicted of a felony or institutionalized for narcotics addiction, lunacy, or alcoholism.

2. All firearms (not antiques) would be registered by filling out a simple form with make, caliber, and registration number.

Both the licensing and registration provisions in Senator Tydings' proposal are effective tools against gun-crime. The licensing provision would provide an effective way to keep guns out of the hands of criminals who would use them to commit crimes against society. Criminals couldn't get a license to buy guns. Since a sportsman or other law-abiding citizen would obtain a license automatically from his own local licensed gun dealer, the licensing provision in the Tydings' proposal would cause virtually no inconvenience for the law-abiding citizen who possesses a firearm.

Registration of firearms was requested by law enforcement officials across the country as an effective tool to return lost or stolen guns to their owners and to help police trace weapons used in crimes. The Tydings' proposal includes that request.

Under the Tydings' proposal, there would be no fees assessed against firearms owners or taxes permitted on firearms.

Under the Tydings' proposal, confiscation or restriction of guns from any law-abiding citizen will be prohibited. Any law-abiding citizen could own as many guns as he wishes.

Here is a summary of what the Tydings' bill does:

1. Requires an identification card to purchase or possess a firearm.

2. Denies such cards to felons, adjudged addicts and lunatics, and juveniles.

3. Authorizes any licensed firearms dealer to issue the identification cards, after checking briefly with state or federal records to make sure the applicant has no felony, addict or insanity judgments against him.

4. Requires filing (by mail) with a law enforcement agency the identification number, make, and model of presently-owned or future-purchased firearms.

Here is what the Tydings' bill *does not do:*

1. The Tydings' bill *does not* permit confiscation of any firearms, except from felons, lunatics, addicts, and juveniles (except juveniles can use firearms for lawful purposes with the consent of the firearms lawful owner).

2. It *does not* permit taxation of firearms or firearms owners or users. (All licensing and registration procedures under the bill would be at government expense, as a law enforcement measure.)

3. It *does not* involve excessive costs. Since both the ID card and registration would be lifetime in duration, the *total* cost to the government would be only a fraction of the present *annual* cost of automobile licensing and registration. (The Justice Department estimates that about 100 million guns are now in the hands of 42.5 million private gun owners in the United States. The Census Bureau reports there are more than 100 million licensed vehicles and 105 million licensed drivers in the United States today.)

4. It *does not* create a way for a dictator to locate privately-owned weapons. The idea of a dictator taking over our country is absurd. But, in any case, state hunting license records and the national membership lists of sports organizations like the NRA already have the names of most hunters and gun sportsmen in America.

BRIEF SUMMARY OF THE FIREARMS PROBLEM IN THE UNITED STATES

1. Homicide by gun:

(a) 1964—5,090 gun murders—55% of the total homicides.

(b) 1965—5,634 gun murders—57% of the total homicides.

(c) 1966—6,552 gun murders—60% of the total homicides.

(d) 1967—7,700 gun murders—63% of the total homicides.

(e) 1968—8,930 gun murders—65.4% of the total homicides.

2. Rifle and shotgun murders:

(a) 1964—1,527 long gun murders.
(b) 1965—1,690 long gun murders.
(c) 1966—1,747 long gun murders.
(d) 1967—1,814 long gun murders.
(e) 1968—2,050 long gun murders.

3. Law enforcement officers killed in line of duty:

(a) Since 1960, firearms have been the weapon in 96% (455) of all 475 murders of police officers.

(b) In 1968, 64 police officers were killed in the line of duty and 61 of them were killed by firearms.

(c) Of the 475 officers killed, 71 were killed in northeastern states, 84 in western states, 112 in north central states, and 208 in southern states. (The most stringent gun control laws exist in northeastern states; the weakest are in southern states.)

4. Aggravated assault by gun:

(a) 1964—27,700.
(b) 1965—34,700.
(c) 1966—43,500.
(d) 1967—52,950.
(e) 1968—65,250.

During the five years, 1964–1968, assaults with a gun increased 117%. Regionally, during 1968, 15.7% of the aggravated assaults committed in northeastern states were committed with a gun; 22.5% in western states; 25.3% in north central states; and 26.5% in southern states.

5. Armed robbery by gun:

(a) 1964—42,600.
(b) 1965—52,000.
(c) 1966—59,300.
(d) 1967—73,000.
(e) 1968—99,000.

6. Firearms control in other nations:

(a) Britain requires a certificate from local police before a long gun can be purchased.

(b) In a recent three-year period in England and Wales, of the 400,000 criminals arrested, only 159 were carrying guns.

(c) In England, guns are used in 10% of the homicides; in the United States, 65.4%.

(d) France requires police permits for handguns and military rifle purchases.

(e) Sweden requires a need for a gun and demonstrated knowledge of its use.

(f) Germany issues permits only to registered hunters and members of shooting clubs.

(g) Japan prohibits entirely private ownership of guns.

(h) Canada requires registration of all handguns.

7. Deaths from firearms in the United States:

Year	Homicides	Suicides	Accidents
1960	4,627	9,017	2,334
1961	4,753	9,037	2,204
1962	4,954	9,487	2,092
1963	5,126	9,595	2,263
1964	5,474	9,806	2,275
1965	6,158	9,898	2,344
1966	6,855	10,407	2,558
1967	8,322	10,550	2,896
Total	46,269	77,797	18,966

8. DEATHS BY FIREARMS

	Assault		Suicide		Accident		
	Number	Rate[1]	Number	Rate	Number	Rate	Population
United States	8,332	4.2	10,550	5.3	2,896	1.5	190,000,000
Australia: 1967	66	.56	357	3.02	77	.65	11,810,000
Belgium:							
1967					14	.15	9,581,000
1966	17	.18	74	.78			
Canada: 1966	98	.5	609	3.1	197	1.0	19,604,000
Denmark: 1967	5	.10	38	.79	3	.06	4,839,000
England and Wales: 1967	48	.10	193	.40	63	.13	48,391,000
North Ireland: 1968	2	.13	5	.33	3	.20	1,502,000
Scotland: 1968	2	.04	18	.35	10	.19	5,188,000
France: 1967	121	.24	990	2.0	248	.50	49,548,000
German Federal Republic: 1967	106	.18	640	1.11	69	.12	57,699,000
West Berlin: 1967	7	.32	16	.74	2	.09	2,173,000
Italy:							
1967					155	.30	52,354,000
1966	186	.36	332	.64			
Japan:							
1967					82	.08	99,918,000
1966	20	.02	68	.07			
Netherlands: 1968	9	.07	13	.10	2	.02	12,598,000
Sweden: 1967	11	.14	180	2.29	26	.33	7,868,000

[1] Rate per 100,000 population.

PUBLIC OPINION POLLS ON ANTICRIME MEASURES

Harris Survey, June 1968—81% of the American people favor registration of all firearms.

Harris Survey, April 1968—By 71 to 23%, the American people favor the passage of federal laws that would place tight controls over the scale of guns in this country.

A cross-section of 1,634 homes was asked this question on gun control legislation:

"Do you favor or oppose Federal laws which would control the sales of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Oppose	Not sure
Nationwide	71	23	6
East	70	20	10
Midwest	69	27	4
South	71	22	7
West	77	22	1
Own gun	65	31	4
Don't own gun	79	13	8
Whites	71	23	6
Negroes	69	23	8

The patterns of gun ownership show wide variation by region, size of place, and by race:

"Do you or does anyone in your house own a gun?"

[In percent]

	Own gun	Don't own gun
Nationwide	51	49
East	34	66
Midwest	55	45
South	64	36
West	53	47
Cities	27	73
Suburbs	47	53
Towns	58	42
Rural	78	22
All whites	55	45
Whites under $15,000 income	47	53
All Negroes	32	68
Negroes under $15,000 income	36	64

Harris Survey, September 1967—By a decisive 66–to–28% margin, white gun owners favor passage of a law in Congress which would require that all persons "register all gun purchases no matter where they buy them."

The cross-section of white gun owners was asked:

"Do you favor or oppose federal laws which would control the sale of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Oppose	Not sure
All white gun owners	66	28	6
By region:			
East	70	21	9
Midwest	70	25	5
South	62	27	11
West	56	40	4

Gallup Poll, September 1966—The mood of the public for nearly three decades has been to impose controls on the sale and possession of weapons.

The survey questions and findings:

"Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"

[In percent]

	All persons	Gun owners
Yes	68	56
No	29	41
No opinion	3	3

SUMMARY OF THE MARYLAND STATE FIREARMS LAW

The law prohibits the carrying or wearing of a handgun or "other dangerous or deadly weapon" concealed on or about the person.

The carrying of a handgun "or any other dangerous or deadly weapon of any kind" concealed on the person or openly with the intent to injure another unlawfully is a misdemeanor (penalty for conviction: fine of not more than $1,000 or imprisonment for not less than six months or more than three years). Upon conviction for carrying concealed or openly with the deliberate intent to injure or kill another, the court must impose a sentence of three years imprisonment.

The law prohibits any minor from carrying, either openly or concealed, any deadly or dangerous weapon in Cecil, Anne Arundel, Talbot, Harford, Caroline, Prince Georges, Montgomery, Washington, Worcester and Kent Counties between one hour after sunset and one hour before sunrise, except while on a bona fide hunting trip, or while engaged in or on the way to or returning from, a sport-shooting event or any organized civic or military activity.

No dealer may sell or transfer any handgun until seven days shall have elapsed after the time of application for purchase by the prospective purchaser and forwarding of the application by the prospective seller to the Superintendent of State Police. During that period of time, the Superintendent, or his designated agent, shall conduct an investigation to determine the truth or falsity of the information and statements in the application.

Application for the purchase or transfer of a handgun shall contain information fully identifying the applicant, and a statement that the applicant (1) has never been convicted of a crime of violence; (2) is not a fugitive from justice; (3) is not an habitual drunkard; (4) is not an addict or habitual user of narcotics, barbiturates or amphetamines; (5) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless there is attached to the application a doctors' certificate, issued within 30 days prior to the date of the application for the purchase or transfer of a handgun, certifying that the applicant is capable of possessing a handgun without undue danger to himself or others; (6) is at least 21 years of age; and (7) has or has not submitted a previous application and, if so, where and when.

If the application contains any false statement or information, or if the application has been improperly completed, the Superintendent must notify the prospective seller in writing within seven days from the date the application was mailed of his disapproval of the application. The Superintendent must also notify the prospective purchaser.

No dealer may sell or transfer a handgun to an applicant whose application has been disapproved, unless the disapproval has been subsequently withdrawn by the licensing authority or overruled by court action.

If an application has been disapproved by the Superintendent, the applicant may request, within 30 days after the written notice of disapproval, a hearing before the Superintendent who must grant the hearing within 15 days of the request. Continued denial of the application may be appealed to the courts within 30 days of final action by the State Police.

All dealers in handguns must be licensed by the state in addition to having any other licenses that may be required by law. Application for a dealer's license is made to the Superintendent of State Police. The applicant for the license must also complete a statement containing the same information required of the applicant for the purchase or transfer of a handgun. The provisions for an appeal of the denial of the application are the same as are available to the applicant for the purchase or transfer of a handgun.

The initial fee for a handgun dealer's license is $25 and the annual renewal of such license is $5.

A dealer who sells or transfers a handgun must forward a written notification of the transaction to the Superintendent within seven days of delivery of the handgun. The Superintendent must maintain a permanent record of all completed sales and transfer of handguns.

All previous restrictions imposed by any law, ordinance, or regulation of any subordinate jurisdiction within the state on the possession or transfer by private persons of handguns is superseded by the state law. The state preempts the right of any subordinate jurisdiction to regulate the possession and transfer of handguns.

No person may sell or transfer a handgun to a person whom the seller or transferrer knows, or has reasonable cause to believe, has been convicted of a crime of violence, or of any of the provisions of the state handgun law, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates, or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under 21 years of age. Further, any person falling under any of the foregoing may not possess a handgun.

No person may sell or otherwise transfer *any* firearm, or ammunition therefor, to a minor under 18 years of age without the express permission of the parent or guardian of such minor. However, a minor under 18 may use firearms under the guidance of any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

The requirements and restrictions pertaining to the sale or transfer of handguns do not apply to antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

No state license or permit is required to purchase or possess a rifle, shotgun, or handgun.

The state law requires that a person purchasing smokeless powder or "gunpowder" for the purpose of making cartridges and shells for personal use and not for sale must obtain a "hand manufacturer's license". The licensee is limited to not more than 10 pounds of powder in his possession at any one time. The license, for which the fee is $1, is obtainable from the Insurance Commissioner of Maryland at the Insurance Department, Baltimore.

THE PRESENT FEDERAL GUN-CRIME CONTROL LAWS

There are numerous federal laws which concern the possession, transportation, or transfer of the kind of firearms normally owned and used by hunters and sportsmen. Here follows a brief summary of the three most important firearms laws:

GUN CONTROL ACT OF 1968

Administered by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, this Act, concerning the sale of firearms:

1. Requires the licensing of manufacturers and importers of, and dealers in, firearms and ammunition. (Antique firearms are excluded from this Act.)
2. Prohibits over-the-counter sales of rifles or shotguns, or rifle or shotgun ammunition, to persons under 18, and handguns, or handgun ammunition, to persons under 21.
3. Permits sale of firearms to residents of a contiguous state that authorizes such sales, and under a sworn statement procedure.
4. Permits sale, under a sworn statement, of rifles or shotguns to non-residents who are engaged in hunting or competition and whose firearms have been lost or stolen or have become inoperative.
5. Prohibits non-licensees from selling, trading, giving, transporting, or delivering firearms to non-resident non-licensees.
6. Permits the lending or renting of firearms to non-residents for temporary use for lawful sporting purposes.
7. Prohibits sale or delivery of firearms or ammunition by licensees in violation of state or local law.

Concerning the transportation of firearms, this Act:

1. Prohibits, with certain exceptions, the transportation, shipment, or receipt of firearms or ammunition in interstate or foreign commerce by other than federal firearms licensees.
2. Prohibits shipment, transportation, or receipt of firearms in interstate or foreign commerce by fugitives from justice, unlawful users of narcotics or drugs, and adjudicated or committed mental defectives, persons under indictment for a crime punishable by imprisonment for more than one year.
3. Prohibits the shipment, transportation, or receipt of stolen firearms or ammunition, or firearms in which the serial number has been removed, obliterated, or altered.

In other provisions, this Act:

1. Requires that all firearms imported or manufactured on or after December 16, 1968, have serial numbers.
2. Requires the licensing of collectors who acquire or dispose of firearms or ammunition as curios or relics in interstate or foreign commerce.
3. Requires a permit from the Alcohol and Tobacco Tax Division for the importation of firearms and ammunition (importation of military surplus firearms prohibited).

NATIONAL FIREARMS ACT OF 1934—AS AMENDED

Administered by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, this law is aimed against "gangster weapons" and imposes a tax and registration on the making or transfer of:

1. Fully automatic firearms.
2. All rifles with barrels less than 16 inches in length and shotguns with barrels less than

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18 inches in length (sawed-off rifles and sawed-off shotguns).

3. Firearms made from a rifle to a shotgun and having an overall length of less than 26 inches.

4. Handguns with shoulder stocks.

5. Certain other concealable firearms except pistols or revolvers.

6. Silencers or mufflers.

7. Destructive devices such as bombs, grenades, rockets, missiles, mines, and weapons having a barrel with a bore of one-half inch or more, except shotguns or rifles used for sporting purposes or antiques.

Manufacturers or importers of, and dealers in, the foregoing firearms or destructive devices, must pay occupational tax.

No firearm or destructive device as defined in the Act may be imported or brought to the United States or any territory under its control or jurisdiction unless the firearm or device is being imported or brought in:

1. For the use of a federal, state, or local government agency.

2. For scientific or research purposes.

3. For testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or dealer.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—TITLE 7, AMENDED

Administered by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, Title 7 prohibits the transportation, possession, or receipt of any firearm in interstate or foreign commerce by convicted felons, persons dishonorably discharged from the Armed Forces, adjudicated incompetents, aliens illegally in the United States, and former citizens who have renounced their citizenship.

GUN CONTROL—NOW!

(By Carl Bakal)

This year's tragic assassinations in Memphis and Los Angeles were the most recent and visible symptoms of a strange and peculiarly American plague that has long swept our land—a plague of guns.

Bullets have been aimed at seven and killed four of our 20 Presidents within the past 100 years. Since the turn of the century, guns have brought death to the astonishing total of 750,000 Americans—more than the 627,000 killed in all of our wars. Fatal shootings increased to a record high of 19,815 in 1966, or nearly 54 a day!

The United States is, in fact, virtually an armed camp. There are an estimated 50 to 200 million privately owned guns in this country today. Over a million guns were imported, and more than two million were made and sold here, last year. Every other American household, according to a Gallup poll, has at least one gun; in the South, there are guns in two homes out of three. In California, where dealers must report sales of concealable weapons, about three million handguns are recorded with the state Department of Justice.

At the same time, the United States has the dubious distinction of being perhaps the most lawless nation on earth. Since 1960 the nation's crime rate has increased 48 percent, five times faster than our population. That most heinous of crimes—murder—occurred 10,920 times in 1966, more than once every hour of every day. You would be safer in almost any other country. Japan has a murder rate of about a fourth of ours, France a seventh and England and Wales only an eighth.

It would be neither fair nor entirely accurate to say that "guns cause crime." But there is ample evidence indicating a causal relationship between the ready availability of the firearms and the importance they assume in crime statistics. Of the 10,920 U.S. murder victims reported in 1966, 60 percent or over 6500, were killed by guns. By contrast, of the 1469 homicides in Japan in a comparable period, only 37 were by firearms, and of 309 murders in England and Wales, only 29 were by firearms.

License to Kill. Where guns can be more easily purchased, they play a greater part in murder. Thus, firearms accounted for 38 percent of such killings in the northeast United States, where there are some gun restrictions, against 66 percent in the South, where there are fewer controls and where handguns are displayed, like shoes, for anybody's buying. FBI Director J. Edgar Hoover has commented: "A review of the motives for murder suggests that a readily accessible gun enables the perpetrator to kill on impulse."

No other modern nation makes death-dealing weapons so freely and cheaply available. Even the new gun-control bill passed by Congress in June on the day Robert F. Kennedy died was, as President Johnson put it, a "halfway measure." It restricts sales of pistols and revolvers. But virtually anyone old enough to walk into a sporting-goods store and peer across the counter can still buy some sort of gun, with no questions asked. Anyone able to write—a child, ex-convict, drug addict or lunatic—can order some sort of gun by mail and get it.

Only eight states require you to have a license or permit before you buy a handgun: Hawaii, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York and North Carolina—plus some counties of Virginia. Ten states and the District of Columbia specify a waiting or "cooling off" period (48 or 72 hours) between the time you buy the gun and are actually allowed to have it. This ostensibly gives the local constabulary the chance to check the buyer's credentials, or allows the heat of passion prompting a purchase to subside.

Other states prohibit the sale of guns to certain proscribed categories of persons: those "under the heat of passion" (Texas), persons of unsound mind (Pennsylvania), idiots (New Jersey), tramps, drug addicts, drunks, felons, fugitives from justice, etc. But in these cases, judgment of the customer's condition, character and other qualifications is simply left to the gun salesman.

Most states (all but nine) do prohibit the sales or delivery of firearms to those below a certain age. In Utah and Oregon you must be all of 14, and in Rhode Island, 15—still somewhat below the usual minimum age requirement for driving or drinking. Elsewhere, the gunwielding minimum age usually varies from 16 to 21, although what this ordinarily means is that you have to *look* a certain age. Few dealers are fussy enough to ask to see birth certificates.

Only one state, New York, through its well-known Sullivan Law, requires you to have a license both to purchase and to possess a handgun. The other 49 states permit you to have a pistol without a license as long as you keep your gun at home, or, in 36 states, as long as you carry it about openly. Some of these states impose certain "restraints" on this privilege. In Texas, you can carry a handgun only if you're "traveling." Hence every Texan is a traveler.

In the 28 states in which you need a license to carry a handgun openly or concealed (some states flatly prohibit the carrying of concealed weapons), getting the license is no more complicated or expensive than getting a dog license. Supposedly prerequisite is the absence of a criminal record. However, only a half a dozen states make mandatory the taking of fingerprints, which is the only reliable means of checking for a criminal record. And in fewer than half our states are dealers required to report handgun sales to the police.

License and Register. Most serious students of the gun problem are of the firm opinion that all guns, like cars, should be registered. Moreover, they feel that guns should be sold only to persons at least 18 or 21 years old, with permits or licenses.

Obviously, the great majority of guns are owned by honest, lawabiding citizens; mostly they are used for hunting and target-shooting. Effective gun registration would not affect such use.

"If a person has nothing bad in mind," a Treasury Department official told me, "there is no reason in the world why he should object to there being a record of the fact that he has a gun." Or as U.S. Attorney General Homer Cummings put it three decades ago, "Show me the man who doesn't want his gun registered, and I will show you a man who shouldn't have a gun."

If gun buyers are licensed, it follows that gun dealers should be, too. Only 23 states and the District of Columbia now license handgun dealers. Much more care should be taken in the issuance of licenses. The federal licenses required of interstate dealers are given out to anyone, except a convicted felon, who can pay the $1 cost. More rigid screening, comparable to that required for dealers in products such as liquor and drugs and for private investigators, does not seem unreasonable.

With the exception of the United States, most civilized countries make it illegal for anyone to own a firearm without some sort of special permit. In Great Britain, for example, you need a certificate from the local police in order to buy or own a gun. Since few people can give any valid reason for wanting a pistol or revolver, certificates for them are rarely issued. Even the police do not carry guns routinely. Nor do prison guards, or guards employed by armored-car delivery services. The only bodyguards normally armed are those assigned to protect the members of the royal family and the prime minister. Of all the 700,000 arrested in England and Wales over a recent three-year period, only one half of one percent involved firearms. Shootings, by comparison with the U.S. total, are negligible.

The British, however, are not entirely without firearms. Britain has 4900 shooting clubs. Valid sportsmen can avail themselves of shotguns and air guns, but they can be used only in specified places.

Similar restrictions on firearms and on ammunition apply in most European countries. In France, all guns must be registered, and possession is rigidly restricted to those with police permits. In addition, users of these guns are allowed only a limited supply of ammunition, and need special permission to buy more. In the Netherlands, no firearms can be lawfully bought or owned without a permit. When applying for a license in Sweden, you must also show that you know how to handle the gun.

Japan prohibits entirely the private ownership of handguns. If you are 18 or over you can buy a shotgun or rifle for hunting, but it must be registered and checked annually by the police. Japanese law also requires that you take three hours of instruction and pass a written examination before being issued a hunting license.

Stain of Violence. Short of outlawing all firearms, what can be done to reduce the danger to all of us?

The bill passed by Congress in June does a few things: It outlaws interstate mail-order sales of handguns to individuals, and limits counter sales to persons 21 or older, who reside in the same state as the dealer. It sets stricter standards for obtaining a dealer's license. But more must be done. In a 1964 address before an American Bar Association panel, U.S. Court of Appeals Judge George Edwards of Detroit outlined three essential steps:

1. The manufacture, sale and possession of handguns suitable for concealed weapons should be prohibited by state and federal

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law, except where sale and possession are the subject of a permit provided by state law. Such laws should provide for court review of denial.

2. The purchase and possession of rifles or shotguns should be a matter of right for any law-abiding citizen. Such weapons should be registered under state law and sold only on proper identification. The purchase or possession of a rifle or shotgun by a person with a felony record should be made illegal, unless he possesses a permit, issued on a showing of a subsequent record of good citizenship of some length.

3. Interstate mail-order sale or delivery of firearms of any kind should be banned by federal law. (As of late June, sentiment appeared to be growing in Congress to prohibit mail-order sales of rifles and shotguns, as well as handguns.)

Such a system would prevent the impulsive purchase of weapons and would enable law-enforcement officers to keep track of who was armed with what in case of a shooting. Gun purchasers would have to show identification and sign their names (in most states today such proof and signature are not required) before they can pick up their guns, after the specified waiting period. Ammunition, it follows, would be sold only to holders of firearms permits, which would be required of present as well as prospective gun owners.

Soon after the assassination of his brother, and again a year ago, Sen. Robert F. Kennedy appeared before the subcommittee on juvenile delinquency, chaired by Sen. Thomas J. Dodd, and pleaded for the regulation of all firearm sales. All citizens should ponder his sober words of warning:

"We have a responsibility to the victims of crime and violence, a responsibility to think of the tragedy of sudden death. It is a responsibility to put away childish things—to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves—and demands. The time for enactment of legislation is now. It would save hundreds of lives in this country and spare thousands of families the grief and heartbreak that may come from the loss of a husband, a son, a brother or a friend.

"It is past time that we wipe out this stain of violence from our land."

[From the Wall Street Journal, Oct. 7, 1969]

VIOLENT CRIMES DROP IN TOLEDO AFTER IT GETS LAW CONTROLLING GUNS

(By Jerry Landauer)

TOLEDO.—This city of 400,000 on the western tip of Lake Erie was once known as the gun capital of the Midwest. Firearms of all kinds could be bought at jewelry stores, gasoline stations and pawn shops. Gun dealers hawking pistols for as little as $4.95 vied for choice locations along roads leading in from Detroit, where controls were stricter. The crime rate soared.

The state legislature declined to restrict the trafficking in lethal weapons despite repeated appeals from Toledo officials. So in August 1968, the city council enacted an ordinance aimed especially at the sale of "Saturday-night specials"—cheap guns toted by holdup men to terrorize merchants on busy weekends. The ordinance prohibits anybody in the city from keeping or obtaining a pistol, revolver or other handgun without a license from the police.

At the time, few law officers believed the ordinance would reverse the city's mounting crime rate; unlicensed residents can still buy guns outside the city limits. But whether because of the gun-control law or because of other anticrime measures or even mere chance, crime is abating here while still surging higher in most cities.

DRAMATIC STATISTICS

This development shows up most dramatically in statistics released late last month by the FBI. For the nation, the violent crimes of rape, murder, robbery and aggravated assault—armed or otherwise—rose 9% in the first six months of 1969 from the like period last year. But in Toledo these violent crimes dropped 31.5% from the first half of 1968. "We're the only major city which shows such a dramatic decrease," exults John J. Burkhart, the city's chief counsel.

Indeed, crime in most other cities that have adopted gun controls, such as Washington, D.C., continues to move up pretty much in step with the national pattern. "Even if firearms were totally eliminated," contends a gun-control foe, "other weapons would be substituted."

However, crimes committed with a gun in Philadelphia have dropped since that city adopted a licensing law in 1965, even though the law exempts firearms owned at the time. In New York, Mayor John Lindsay credits gun laws with keeping murder rates low; despite its rising crime, New York often ranks lowest among the 10 largest U.S. cities in number of homicides per 100,000 population.

But Toledo's experience is unique. It may be traceable in part to special restrictions on gun dealers as well as owners, to a tough, well-publicized court crackdown on violators of the control law and to other city efforts against crime.

CRIME CATEGORIES ANALYZED

Whatever other factors may enter in, gun-control advocates insist that a close look at developments in major crime categories here supports their case:

—In the year before the ordinance was adopted, Toledo's police counted 422 aggravated assaults, with guns and without; these include shootings, stabbings and other attacks intended to maim or kill. In the year after enactment, the number of such attacks dipped 9% to 385. But the assaults with guns dropped much more steeply—from 152 to 83, or 45%.

—In the year before the ordinance, 36 people were murdered, 22 by handguns; in the following year, murders totaled 14, of which eight were by gun. (Because murders with other weapons dropped at roughly the same rate as murders with guns, it's possible that some factor other than the control law may be at work.)

—Robberies both armed and unarmed dropped from 1,188 in the year before gun control to 798 in the next year, a decline of 33%. But gun robberies dropped even more sharply—from 350 to 160, or 54%.

RIFLE GROUP'S VIEW

Statistics can be tricky, of course. Woodson D. Scott, a New York attorney who is president of the National Rifle Association, an opponent of most gun control, says: "The statistics only prove that the statistics are down. In terms of cause and effect, it doesn't prove a thing."

The unexpected crime statistics have sent city counsel Burkhart scrambling to recheck them. "I've gone over every possible angle to see whether there might have been a mistake. I can't find any," he reports.

"I'm as much puzzled as anybody," Mr. Burkhart adds, noting that Toledo enacted its ordinance primarily to persuade the legislature that gun controls can be imposed with little inconvenience and minimum intrusion on citizens' rights. "It was really an effort to sell the General Assembly," says the city counsel. "I didn't think we'd be able to make an impact on crime in less than three or four years."

His caution in checking and interpreting the statistics arises partly from the gun law's relatively lenient licensing standards. Unlike New York's Sullivan Law, the Toledo plan doesn't require residents to show good cause for possessing a gun. Instead, the police must issue a numbered "handgun owner's identification card" costing $3 and good for three years to all applicants except fugitives, minors under 21, certified mental cases, narcotics addicts, habitual drunks or people who have been convicted twice in the past year of crimes involving the use or threat of force.

So far the police have issued 16,000 ID cards; roughly 100 applications have been rejected. It also seems likely that some people have been deterred from buying guns because, for various reasons, they did not want to apply to the police for a license.

Police Chief Anthony Bosch reports the law has had a harsh effect on gun dealers who formerly sold to almost any cash customer. One such dealer ran Toledo's biggest gun store in a seedy neighborhood on Jackson Street just five minutes from Interstate Route 75 linking Toledo and Detroit. In one nine-month period, his register rang up sales of 16,000 guns, including 5,500 to residents of Michigan who couldn't legally buy at home without a police permit (the revolver used in the highly publicized 1966 synagog slaying of Detroit Rabbi Morris Adler came form Toledo). But now, along with perhaps half the other gun outlets in town, the big store stands abandoned.

Besides the Toledo gun law's licensing provision, it requires detailed monthly gun sales reports to the Toledo police. It also prohibits selling to out-of-towners who aren't armed with authorization from their local police chief or sheriff.

SEVERE SENTENCES

"The sale of cheap guns is down to nothing," Chief Bosch says. "The punk who walks down the street, buys a gun and knocks off a gas station—that's all been eliminated."

In municipal court, Judge George M. Glasser says severe sentencing of violators may be another reason for the gun law's apparent effectiveness. Already, court records show, city judges have packed 37 people off to jail (the average is 90 days), mainly for possessing a gun without a license. In addition, judges have imposed 27 fines ranging from $25 to $1,000.

"The word is out that you can't just carry a gun around here without doing days in the workhouse," says Chief Counsel Burkhart, praising newspapers, radio and television for publicizing the court crackdown.

(In contrast to Toledo, crime-ridden Washington can impose penalties no harsher than 10 days in jail or a $30 fine—the maximum allowed by Congress. So far there have been no prosecutions.)

In the mayor's office here, square-jawed ex-Marine William J. Ensign cites other measures that may have helped bring crime down. He points to improved street lighting; an expanded, improved police department; an active program to prevent juvenile crime; an ordinance making it a crime to harass or abuse school children or newsboys; more effective probation and parole procedures, and a 4,000-member citizens group that distributes cards pledging people to cooperate with the police whenever possible.

INQUIRIES FROM OTHER CITIES

Mayor Ensign also feels sure that the gun law helps a lot. "You just know that the unavailability of guns has got to be a big factor," he observes. Officials in other cities think so, too. The drop in crime here is drawing inquiries about the Toledo ordinance from Wichita, Los Angeles, Dayton, Cleveland, Baltimore and Cincinnati.

As these inquiries suggest, the gun-control controversy may be shifting to the cities, while antigun agitation in Washington and in state capitals is losing steam. Last year,

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of course, Congress banned mail-order sales of all firearms across state lines except to licensed dealers and prohibited dealers from selling handguns over the counter to out-of-state customers. One hope was to encourage state and local governments to enact stricter controls.

One Federal official who has urged local authorities to act is FBI Director J. Edgar Hoover. He has said: "I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law-abiding citizen."

But some local policemen oppose municipal gun controls. Deputy Chief Lloyd Forbus of the Columbus, Ohio, police force, for example, asserts that the possible crime-curbing effects of local gun-control laws don't justify violating a cardinal principle of the National Rifle Association—that restrictions should be aimed only at those who misuse firearms. Mr. Forbus is an NRA member and serves as a sale manager for a gun wholesaler in his spare time.

Many hunters, marksmen and gun collectors remain convinced that ordinances such as Toledo's will eventually disarm the law-abiding citizenry.

[From the Wall Street Journal, Apr. 23, 1970]

POOR PROTECTION

(By Alan L. Otten)

WASHINGTON.—One of the capital's favorite phrases, often abused, is the one about "an idea whose time has come." Over the years, the time apparently came for such diverse notions as civil rights and nuclear test bans, Medicare and clean air, and scores more.

Somehow, the time has never seemed to come for one particular idea: Tough Federal controls over guns, especially handguns. Yet the arguments for few proposals are as solidly convincing as are those for tight restraints on handguns. And to underscore the paradox, the most compelling argument may be the deep danger handguns post to the very people who buy them for self-protection.

A national gun control law was enacted in 1968, after the assassinations of Martin Luther King and Robert Kennedy, but it is narrow and hole-filled. It forbids mail-order and interstate gun shipments to individuals, the importation of cheap foreign guns, gun ownership by the criminally convicted. Basically, though, it leaves to the states and cities such matters as store sales and private transfers of second-hand guns.

Only a few local governments have made any serious gun control efforts, and these have been frustrated by the ease of buying guns in neighboring jurisdictions with weak laws or none at all. Legally or illegally, just about anyone who wants a gun can still manage to get one.

Proposals to control rifles and shotguns are at least debatable; they are used widely for hunting and sports, comparatively rarely in crime. But pistols, revolvers and other handguns have little sporting purpose, and are overwhelmingly the favored weapon for violent crime and violent death.

Two of every three homicides are committed with firearms, practically always handguns; since 1963, the number of gun killings has risen 48%, while the number of homicides with other weapons has increased 10%. Handguns are by far the favored weapons for political assassinations, for killing police. Nearly one of every four aggravated assaults and one of every three robberies now employ guns, practically always handguns, and here, too, the percentage rises year after year.

The reason for this increasing resort to handguns is simply that there are more of them around. Once a standard item of clothing in the Old West, "the great equalizer" gradually became less widely owned. It began to become more common again after World War II, when thousands of GIs brought home captured pistols as souvenirs, and postwar movies and TV made a hero of the man with the gun—the cowboy, sheriff, soldier, spy, even the debonair crook.

But the really big handgun boom has been in the last few years. Between 1962 and 1968, while the annual sale of long guns was doubling, the annual sale of handguns quadrupled. By 1968, there were an estimated 24 million handguns in civilian hands, with another 2.5 million being manufactured or imported each year.

And the reason for the spread of handguns is also obvious: Fear. The man on the street fears for his own safety in the midst of soaring crime and urban rioting. Store owners and other businessmen arm to deter holdups. Families arm to guard themselves and their possessions from the robber, the rapist, the rioter.

These frightened gun buyers now provide a swelling lobby against gun controls, reinforcing the hunters and right-to-bear arms champions who fear that tight handgun curbs would merely be the entering wedge for curbs on all guns. They argue self-righteously and strenuously that "the criminal will always manage to get a gun, so why shouldn't we have them for our own protection?"

Two things are wrong with this argument, however. First, the criminal won't always manage to get a gun. Experience in the few places that have tough gun laws here and abroad strongly suggests that they may keep many a person from crime, or at least turn him to less deadly weapons. In England and Wales, where there are tough gun controls, only 6% of robberies were carried out with guns in 1967, compared to 37% in the U.S.

The other thing wrong with the "let-us-have-guns" argument is that most guns are no protection at all. The home a burglar enters is usually empty or asleep; the burglar, a recent Federal study notes, "is more likely to steal the home-defense firearms than be driven off by it." Most robberies (robberies involve personal contact, whereas burglaries don't) occur away from home; since the gun-owner rarely carries the gun with him, it's not much protection there. Home robbers usually manage to take the resident by surprise, depriving him of any chance to use his gun. "The burglar avoids confrontation, the robber confronts too swiftly," the Federal study declares.

The gun in the bureau drawer is far less likely to protect the owner than to endanger him and his family. The husband riddles the two-timing wife. The mixed-up kid evens the score with the too-tough parent. The drinking buddies' argument comes to a violent conclusion. The gun goes off accidentally while Dad is cleaning it, or while Sonny is showing it off to his schoolmate. Fully half of all gun killings occur within the family, 80% among family or friends.

Maintains the National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower: "The armed segment of our population is paying a heavy price in accidents and in the shooting of family members, friends, and acquaintances for whatever deterrent effect possession of self-defense firearms may be providing."

The Eisenhower Commission is merely the latest in a procession of Presidential and other prestigious study groups recommending tightly restrictive licensing that denies handguns to all but police and other security personnel and perhaps store owners in high crime areas. The Commission also recommended, as others before it, a crash program to develop a nonlethal weapon—one that would instantly incapacitate an attacker for 30 minutes or so while police were summoned, but would not kill or maim.

With such a weapon to rely on, average citizens might gradually swing behind tight gun curbs. Until then, however, new gun control moves will be fiercely fought by frightened men and women who believe that by arming, they add to their own safety.

"The time has come to bring the handgun under reasonable control," Mr. Eisenhower's commissioners conclude. It would be nice to think they're right, but all signs are to the contrary. Gun control is one idea whose time seems to keep slipping further into the future.

[From the Washingtonian magazine, May 1970]

WILL THE GUN LOBBY GET JOE TYDINGS?

(By Morton C. Paulson)

Maryland voters should take a close look at the gun lobby, which is trying so strenuously to unseat Senator Joseph D. Tydings. This pressure group is composed primarily of gun dealers, munitions makers, firearms publications, and trade associations—all of which profit directly or indirectly from sales of guns and ammunition.

Through its chief spokesman, the National Rifle Association, the gun lobby wages a costly and unrelenting campaign against gun restrictions in nearly every form. When pressure was applied by the gun lobby's friends in Congress recently, the U.S. Treasury Department suppressed a public-education film on gun controls. The film suggested that such controls can be quite effective in curbing crime.

Incredibly, taxpayers are forced to subsidize the NRA's activities because the association is exempt from federal taxation as a "nonprofit" organization. But the greatest cause for alarm and outrage is that the more irresponsible elements of the gun lobby are out to depose any public official who dares advocates gun restrictions—irrespective of his ability, record, or stand on crucial national issues.

It matters not that Senator Tydings is deeply involved in the fight against crime, drug abuse, tax loopholes, corruption, and consumer exploitation; because he has recommended stronger firearms legislation, certain gun fanciers have decreed that he must go. Yet they offer no workable program for dealing with crime. They do not tell us how to keep guns away from maniacs, felons, and children.

It appears to me that the gun lobby is more interested in protecting profits than in building good government.

[From the Washington Post, Feb. 27, 1970]

U.S. PRIVATE CITIZENS MAY HAVE AS MANY AS 200 MILLION GUNS

(By Marquis Childs)

The revolutionaries on the right and the left are heavily armed and prepared if not for civil war then for sporadic attacks to bring down the old order. While the Black Panther shootouts make the headlines, occasional raids on the ultra-rightist Minutemen reveal big caches of arms ranging from bazookas and grenades to a wide variety of guns and explosives.

The facts about armed America were documented thoroughly and scientifically as never before by the National Commission on the Causes and Prevention of Violence. By conservative estimate there are a hundred million guns in the hands of private citizens. Some knowledgeable observers would put it as high as 200,000,000.

The Panthers' aims are avowedly revolutionary. It is intolerable that they should accumulate stores of weapons and ammunitions. Yet the terrifying logic of the militancy is that if the whites are arming to destroy us, then we must arm. They live in a miasma of rumor of genocide and concentration camps and the recent shootouts in Chicago and Los Angeles have spread fear and

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suspicion in the black world far beyond the fanatical Panther fringe.

Painfully evident is the lack of an adequate gun-control law that would crack down on both whites and blacks. Sen. Joseph Tydings (D-Md.) has reintroduced his bill requiring federal or state licensing for gun ownership with positive identification of the purchaser. Licenses would be denied for reason of a felony record or a civil commitment for mental illness or to anyone under the age of 21.

The chances for the bill getting out of committee and onto the floor of the Senate are virtually nil, despite the stern warning contained in the report of the Commission on Violence. And the reason is not solely the power of the gun lobby, conspicuously the National Rifle Association.

Testimony by a spokesman for the Nixon administration a year ago snuffed out any possibility of support for tightening the gun law passed in 1968. The pious attitude taken by the administration was that there should be no further federal action until it was seen what the states would do. That meant no action, period, since only with a push by the Department of Justice could a law with real teeth have had a chance.

The gun-control law passed in 1968 in the aftermath of the assassination of Sen. Robert F. Kennedy was certainly the half a loaf better than none. The individual purchasing a gun cannot do so outside his own state. That was a distinct gain, since nine out of 10 hand guns had been purchased simply by crossing a state line.

Under another provision, thanks to a more or less accidental amendment, a felon cannot own a weapon. Obviously, however, this applied only after you catch the culprit. A crackdown in the District of Columbia revealed that convicted felons are "renting" guns from purveyors agreeing to take a part of the loot as rental.

At the moment in 1968 when supposedly after the Kennedy tragedy the time was right for strict legislation Tydings put forward his measure. It was defeated on the Senate floor by a vote of two to one. The gun lobby vowed to get the Maryland senator who is up for re-election to a second term this year.

They looked in vain for a candidate to knock him out in the September primary. Despite some firm nudging by the President, Maryland's Rep. Rogers C. B. Morton, who is Republican National Chairman, declined the honor of running against Tydings in November. The private polls have shown him exceptionally strong, perhaps invulnerable.

He is not anxious to see a floor vote on his bill at this point. It would be a useless exercise and merely serve to put senators up this fall on the spot. For example, Majority Leader Mike Mansfield of Montana would have to vote against the stronger legislation, since the hunters are a powerful force in his state.

The private armories will continue to grow in both the black and white communities. It took the FBI nearly a year and a half to track down Robert B. Depugh, the fugitive chief of the Minutemen. He was taken at the town of Truth or Consequences, New Mexico, with a confederate and a large store of weapons and explosives.

No one can know how extensive these caches are and how many of the hundred million or more guns are in the hands of criminals and madmen. The Violence Commission proposed that all hand guns be confiscated. And in response the gun lobby denounced the chairman, Dr. Milton Eisenhower, as a Stalin and a Hitler.

[From the Washington Post, May 8, 1970]

RAID FAILS TO FIND FUGITIVE RADICAL

(By Ivan C. Brandon and B. D. Colen)

FBI agents searched futilely for guns and Weatherman fugitive Cathlyn Wilkerson at the office of a white radical group here yesterday after two men leaving the office were arrested for illegal possession of four rifles, a shotgun and a pistol.

The search attracted a noisy crowd of 300 onlookers, newsmen and law officers after members of the group, which publishes a new underground newspaper, "Voice from the Mother Country," spread word of what they called a "raid" throughout the city.

The two men arrested are Stephen (Nick) Greer, 22, a former George Washington University student who was chairman of the Students for a Democratic Society chapter there, and 21-year-old Robert Scott Crichton Jr.

Greer, who was jailed in lieu of $3,800 bail, was arrested for carrying an unregistered pistol in his pocket and possession of unregistered firearms. He was booked on a felony charge of carrying a deadly weapon, police said, because he told them he was serving 10 months probation on an earlier conviction of larceny of public property.

Crichton, jailed in lieu of $2,600 bail, was charged with two counts of possession of prohibited weapons, a sawed-off shotgun and an automatic rifle, two counts of carrying deadly weapons and possession of unlicensed ammunition.

The FBI said it recovered 500 rounds of ammunition from the two men. The rifles and shotgun, an FBI spokesman said, were wrapped in a blanket.

Two FBI agents arrested the two men as they walked out of an old rowhouse at 1932 17th St. NW. This had been the office of the now defunct underground newspaper, "The Quicksilver Times."

Three weeks ago, the office was taken over by a faction of contributors to the newspaper who align themselves unofficially with the Weatherman faction of SDS and promote cooperation between white radical groups and the Black Panther party.

Greer, operating out of the office, had been organizing a faction of white and black college and high school students to march together in Saturday's planned antiwar demonstration here.

The arrests triggered a four-hour confrontation on 17th Street.

The FBI refused to name the agents who made the arrest or explain why they "had been in vicinity" at the time. Reporters noticed that several men in business suits were using cameras and binoculars to watch the 17th Street house from an open second-story window in a building housing a Toyoto automobile dealership at 17th and U Streets.

After arresting Greer and Crichton, FBI agents went to court to use the arrests as evidence for obtaining warrants to search the rowhouse for more weapons and to arrest Miss Wilkerson.

The 25-year-old woman, who once was frequently in Washington, is being sought on charges that Weatherman members conspired to cause four days of disorder in Chicago last October, and on homicide charges in connection with the March explosion of a suspected Weatherman bomb factory that killed three people in New York's Greenwich Village.

While the search and arrest warrants were being obtained, FBI agents and metropolitan police officers, in uniform and plainclothes, stood guard in front of the 17th Street rowhouse and in an alley behind. The front door was locked from inside.

Students from George Washington and Georgetown universities, black high school students from as far away as Anacostia, and newsmen began arriving in answer to reports spread by telephone of the impending raid.

This crowd also attracted local residents of the predominantly black neighborhood, more plainclothes police observers, Marion Barry, director of the neighborhood's Police Pilot District Project citizen's board; and Sammie Abbott, a vocal opponent of the city's highway program.

Abbott shouted obscenities at plainclothes policemen and accused the police of staging the action as a "deliberate provocation" of the young people. Abbott also said he was concerned about the safety of his son-in-law, Terry Young, who, he said, was inside the building.

While Abbott argued loudly with the policemen, the door to the building opened and several young men and women slipped out and mingled with the crowd. Dozens of people took up posts at the front and back doors to watch any officer who might attempt to enter the building.

When the FBI agents returned with warrants, they were admitted to the building to conduct their search.

YOUTH

Mr. DOLE. Mr. President, many cynical minds have abandoned the President as he attempts to listen to the young. Many cynical voices have questioned his sensitivity. Many cynical eyes have been closed to his policies.

Yet the events of the past week offer ample—indeed conclusive—evidence that this administration is open enough to house new concepts, courageous enough to question its own values, and wise enough to look beyond its own horizons.

The President has established a Panel on Campus Unrest. He has responded to the need for youth employment opportunities. He has announced his intention to convene a White House Conference on Youth. Stephen Hess, Chairman of that Conference, presented its prolog in a clear, unequivocal fashion in a speech to the Commonwealth Club of California on June 12. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ON YOUTH: "OLD MYTHS AND NEW REALITIES"

(A speech delivered by Stephen Hess, National Chairman of the White House Conference on Children and Youth to the Commonwealth Club of California, San Francisco, Calif., June 12, 1970)

We are a nation fervently committed to George Bernard Shaw's adage that "youth is wasted on the very young."

It is perhaps for this reason that Americans annually spend $5 to 7 billion on cosmetics; that middle-age men drive little red sports cars at excessive speeds; that antique women wear miniskirts; and that TV commercials suggest your hands will be as lovely as your teenage daughter's if only you use JOY.

This may also be, in part, why we are so outraged by the manifest alienation of today's youth and perhaps it is also a reason why we have constructed at least four myths about our children which allow us some unwarranted comfort in our old age.

The first part of my remarks shall be addressed to these myths and to some new realities.

Myth number 1 is that the alienation of American youth is a college or elite phenomenon; that it is merely a byproduct of a pampered generation, economically protected from the realities of "the real world."

Myth number 2 is that the end of the war in Indochina will signal an end to youth protest; that a return to normalcy will be in direct proportion to the number of troops withdrawn from Viet Nam; and that after the war, young people will again behave as we would like to believe that we behaved when we were young.

Myth number 3 is that youth alienation is a fad. It too shall pass. Remember flagpole sitting, goldfish swallowing, panty raids?

Myth number 4 is that young people will "settle down" just as soon as they leave school, get married, and start to support families. In other words, that alienation is a product of youth which will end when youth ends.

Let's now turn to the first myth . . . the college phenomenon.

There are now some 40 million youths between the ages of 14 and 24 in the United States. Fifty-four per cent are in school. And of these, 7 million or 33 per cent attend colleges and universities.

Not all students, of course, are engaged in sit-ins, lie-ins, and shout-ins. A great many are neither disruptive nor rebellious. These are "the good kids" for whom being chosen cheerleader or quarterback or "most likely to succeed" is still a worthy aspiration.

Yet clearly we and our mass media have become infatuated with the dissenters on our campuses. One explanation for this obsession is that the protesters are the children of those who manage the news media. They are also the children of those who teach, write books, do research, run our businesses and industries, and determine our social policy. In short, they are *our* children. Of course they concern us. There has been a drug problem for years, but it used to be primarily confined to the ghetto. The seriousness of drugs was only recognized when "grass came to the suburbs." So too is it with youth alienation.

Numerous explanations have been offered for the dramatic increase in dissatisfaction among middle class youth. Briefly, they include: *industrialization,* which leads to an increase in the amount of time young people must spend in the holding stage of adolescence: *affluence,* which gives more and more youth more and more freedom to deal with what they think is wrong with our society; *the education system,* which many perceive as having changed little in the past 25 years although the world has changed much; *the mass media,* which not only brings the news faster, but in more traumatic fashion; *violence,* which seems to occur with growing frequency and tends to convince many youth that there is no sense to dialogue; and *government policy,* which makes supreme calls upon youth without their consent.

We must recognize, however, that there are other types of youth and other types of youth alienation. There are some 5½ million young people who are not white and many others who are white and poor. During the first quarter of this year, 32.7% of minority group teenagers in the labor market were unemployed; 12% of white youth could not find jobs.

These are the children of poverty who cannot afford the luxury of involvement in what many college youth see as relevant. The needs of poor youth are of a more immediate and less abstract nature. Rather than the pollution of our streams, they are concerned with the pollution of their neighborhoods and homes; rather than concern with the governance of educational institutions they are concerned with how one finds work without the required academic credentials; rather than concern with the legalization of marijuana, there is a concern with how one avoids pushers and dope addiction; rather than a concern with how one changes the system or removes oneself from it, there is a desperate effort to gain access to the system.

In many instances, unlike their middle class counterparts, poor youngsters do not seek to opt out. They do not appear to reject the very life style which many affluent youth ridicule. There are many blacks, Chicanos, Indians, Puerto Ricans, and Appalachian youth who no doubt would be glad to change places with those who are seeking relevance. Unfortunately, many of the poor feel that despite their effort to abide by societal ground rules the system has abandoned them. Their increased militancy reflects a need to establish counter institutions and new ground rules. Their frustration is often grounded in the belief that the institutions now governing their lives are actively committed to keeping them on the outside, always looking in. This too is youth alienation.

Then there is in the youth population another 12 million or 33% who are employed. And another 14% who are primarily teenage housewives. And another 8% who are in the military.

These working class youth, the "hard-hat-blue-collar" youngsters, often stand in the middle between the poor and the affluent. They feel that they are the only ones who follow the rules, work hard, and appreciate their country. They see the middle class and the poor (particularly minority youth) as being coddled and overly supported. They see the groups on either side of them as not appreciating what has been done for them. In reaction, they often become openly hostile toward these other youth as well as toward the institutions which they perceive as neglecting them in favor of those who most reject the traditional norms of our society. And this too is youth alienation.

My purpose in stressing the need to recognize that youth alienation goes beyond the more articulate and affluent college student is not to negate or ridicule their concerns and apprehensions. Rather it is to make very clear that youth alienation is not limited to any one segment of youth, which is an important consideration for all of us in the business of trying to relate youth to our social institutions, and which makes the job of bridging the generation gap, as Theodore Roosevelt once said in another context, as difficult as trying to nail currant jelly to the wall.

In turning to myth # 2—that the end to the war in Indochina will signal an end to youth protest—I do not mean to question the depth of feeling among youth about our involvement in Viet Nam or the degree to which the war has helped create a protest ethos among the young. Obviously the war is not only a major factor in youth alienation, but it is doubtful that we can truly attempt to rebuild confidence in our national institutions until young people come to believe that the government is seriously trying to extricate itself from Southeast Asia.

Nevertheless the concerns of youth go well beyond the boundaries of any one issue or social institution. In order to highlight this point I would like to share with you the results of a youth survey just completed last week for the White House Conference on Children and Youth as a public service by the Gilbert Youth Research Corporation. It should be kept in mind that this data was collected in March of this year prior to the events of Cambodia, Kent State and Jackson State.

The survey is a national representative sample of 3,000 youth between the ages of 14 and 24. It includes males and females, youth in school and out of school, and youth from every section of this country.

In response to the question, "Do you believe there is a so-called generation gap between you and your parents?"—40% of the youth sampled answered in the affirmative.

The feeling of generation gap is not limited to parents. A total of 42% believe that our constitutional form of government needs considerable change. Over a third believe they would not have volunteered for military service in World War II. Six per cent state they would have refused to serve if drafted. And 17% of the total group chose the don't know category in answering the question dealing with what they would do if they were called for military service.

The survey also suggests that many young people are accepting violence as part of the American life style. Almost half (47%) believe it will require drastic action on the part of individuals and groups in order to achieve equal rights for minority groups. Eighteen per cent do not believe that equal rights can be achieved without violent revolution. A fourth do not believe that equal rights can be achieved under our present form of government. Again, another 23% feel that violence is sometimes justified in order to attain social or political goals.

The 1,154 young people who felt violence was sometimes justified set the following conditions: 523 felt violence was appropriate in order to dramatize a vital issue; 935 felt it was justified when all other means failed; 521 felt it was acceptable in order to bring about government reform; and 263 believed it was justified in efforts to overthrow the present form of government.

In studies dealing with drug use among youth, there is general agreement in two areas: First, that drug use represents a form of defiance and alienation; and second, that there is a tendency among youth not to admit to using drugs. As a result, estimates of drug use based on personal admission are considered conservatives at best. It was for these reasons that I was impressed with the following data:

Over a fourth of the young people in this sample admit they have used drugs at some time.

One-fifth of those under 17 years of age report they have tried drugs. The proportions experiencing drugs increases as youth move from high school into college.

Sixty per cent believe that at least half their age group have used drugs.

These and other data of the Gilbert Survey graphically underscore that the growing alienation of our young is not tied to one issue and will not evaporate—"like the evanescent morning clouds over San Clemente" as the political poet Daniel P. Moynihan once said—when Johnny comes marching home.

For the third myth—that youth alienation is a fad—one might usefully look beyond the present college students to their younger brothers and sisters in junior and senior high schools.

During the 1968–69 academic year well over 300 incidents of high school disruptions were reported in the press. In a survey of junior high school principals 56 percent indicated some type of protest or confrontation in their schools. (And these were not student pranks or horseplay.) Moreover, some 500 high schools now have underground newspapers.

There is indeed a significance in the degree to which "young youth" are being politicized, even radicalized. This shows up in the number of high school students who have been involved in war moratoriums, in the number who have been working in political campaigns, and in the degree to which high school students are getting into hard drugs.

Last week I received a letter from a woman in Galena, Illinois, enclosing a remarkable essay by her 13-year-old daughter. It began, "I am still in grade school, and today's youth are old folks to me." And it ended, "Hang on world! Here comes my generation!" This I do believe.

Thus I feel it would be folly to think that we are witnessing a youth fad and that this too shall pass. Equally, as in myth number four, it is wishful thinking to expect that once this current crop of youth enters the "real world" of adult life, their alienation—and our problems—will be over. If we are to accept the reasons given by social scientists for the mood of today's youth, we cannot anticipate a decline in alienation and unrest unless there are serious changes in how we deal with youth.

Nor do I believe that once this generation of youth enters adulthood will they become just like the rest of us. Obviously, they will have new roles and responsibilities. They will need to provide for their families. They will need to operate schools, industries, and other institutions. At the same time I believe there will be significant differences in how they go about the business of adulthood. I would speculate that there will be less emphasis on economic security and more on personal growth and development. The status of occupation will be of less importance than the nature and quality of the work. There will be more women working and an equaling out of parental roles. Traditional notions of a man's rights and prerogatives will be challenged and modified. There will be a retreatism to self and to family, while, paradoxically, at the same time there will be a more overt commitment to working in the social and political arena.

Our political parties will have to make the adjustment from "the politics of distribution" to what Robert Wood, the new President of the University of Massachusetts, has called, "the politics of innovation." Instead of "satisfying needs for goods and services, allocating scarce resources, mediating between conflicting classes or ideologies (business and labor, farm and city), as in the present "politics of distribution," the focus of concern in the new "politics of innovation" will become nothing less than "the quality of national life." Raising minimum wage levels and providing farm price supports are the staples of the old politics; combating pollution, building community colleges and art centers will be the staples of the new politics.

As the attitudes and behavior of youth have been changing, so have those of adults. At a time when working toward understanding each other is so imperative, we seem to be growing apart. Too many adults are turning away from their responsibilities of reasoned leadership and guidance. Too many adults are trying to out-shout, out-intimidate, and out-confront the very youth who they accuse of shouting, intimidation, and confrontation. They are offering youth few examples to follow and little in the way of an opportunity for much needed discussion. Too many adults have been so offended by the form of youth protest that they fail to heed the content or the reasons for the protest.

Despite the urgency of the problem and the visibility given to it, generational polarization increases. It is cause for reflection that adult support for corporal punishment in our schools has more than doubled (to over two-thirds) since the 1940's, according to a series of Gallup polls.

In Pennsylvania several members of the state legislature have proposed that all public schools be classified in the same category as penal institutions and hospitals for the mentally ill, thus shifting the status of youth from student to "inmate." A recent survey conducted by Mervin Field in California indicates that a number of significant changes have occurred over the past two years in how citizens of this state feel about the behavior of college students. Increases have occurred in:

1. The number who favor expelling students who challenge authorities.

2. The number who oppose greater student voice in deciding campus rules.

3. The number opposed to increasing enrollment of black students.

4. The number who do not believe that calling in the police radicalize moderate students.

5. The number who do not believe professors should have the freedom to speak and teach as they see fit.

6. The number who feel that campuses should not be free of political control.

My purpose in dealing with each of these issues is to emphasize the depth and complexity of the problem of youth and our society. My purpose is to impress you with what it has taken me some time to believe: that there are no simple solutions, no quick remedies; no one single group of American youth, no one single issue, no one institution associated with youth dissent; that there is a general doubting and questioning of traditional values and expected behaviors; and finally that unless we do come together—youth and adults—we will see an increase in confrontation, protest, alienation, polarization, and oppression.

Whatever steps we take must be the joint effort of youth and adults. We must force ourselves to lay aside suspicions and hostility. We must accept the fact that there will be critical judgements made on all sides. Both youth and adults must enter into some kind of working consensus with a willingness to explore all issues affecting youth and our society. It must be an effort of sincerity, integrity, and commitment. It must be recognized that no matter what avenue we pursue in order to bring youth and adults together that it will be only a beginning—the start of a process that must continue.

During the course of the past several months my staff has been exploring alternatives in bringing youth and adults together through the mechanism of a national White House Conference on Youth. We have met with youth, we have met with adults who deal with youth on a professional basis, we have met with parents; and we have met with numerous youth policy and program people.

During this period we have developed several different plans. Each was given serious consideration and each was rejected.

They were rejected because no plan would be credible or could fulfill its objectives unless youth themselves played the major and most critical role in the development and implementation of the plan.

Therefore, the White House Conference on Youth that I am announcing today is deliberately not a plan but an outline—an outline in which young people and others outside the Federal Establishment will have the mandate to fill in the details.

To get the process started, we have established just five basic "givens":

1. That there shall be convened a White House Conference on Youth next February in Washington,

2. That it shall be composed of two-thirds youth and one-third adults. (Young people have repeatedly told us that a youth conference must not be all youth, that they don't want to meet in a vacuum and just talk to each other, but rather that they want the opportunity to relate in the adult leadership of the country.)

3. That the Conference shall be issue-oriented and Task Forces shall be created in those areas in which youth have expressed greatest concern, such as Foreign Relations, Environment, Race Relations, Drugs, and Education.

4. That a planning meeting of the Task Forces shall be held in late August at which time they shall determine how they wish to formulate their reports, set the agenda for the Youth Conference, and decide on the delegate-selection process.

5. That the February Conference shall not be an end in itself, but must lead to a process of implementation that will involve all of our major social institutions and a large body of the citizenry.

We as a staff of course, have some strong views on what the Conference should be, and what it should accomplish. For example, we feel that this should be a youth conference not a student's conference i.e., it should involve all types of young people—working youth, poor youth, youth in the military, teenage mothers, as well as students.

We feel that the Task Forces should review each issue as it presently relates to youth; that it should make predictions for the coming decade; that it should attempt to point out the consequences for youth and society if various policy actions are taken or not taken; that it should identify the goals we should seek to achieve; and that it should examine how to broaden youth participation in the decision-making process.

But these shall be suggestions, not directives. The Task Forces—two-thirds youth, one-third adults—shall tell us how they plan to proceed.

To prepare background material for these groups, we have brought 45 young people to Washington this summer. They are presently compiling the existing empirical data on youth attitudes on each issue; cataloguing programs, both public and private; and interviewing policymakers about what plans they have on the drawing boards. These materials, along with reports from state committees on youth and national organizations, will be presented to the Task Forces at their meeting in late August.

As you can see, we are trying to make the White House Conference on Youth as credible as possible. We have been told by the young that they want to deal with the issues—and they will deal with the issues. We have been told by the young that they want to meet with the people that count—and they shall. We have been told that they want to define the Conference in their own way—and we intend to allow them to do just that.

In many ways what is being proposed here is an experiment. We recognize the probability that our plans will need to be modified. We recognize that there are many potential areas for disagreement and confrontation. At the same time we are convinced that the risks are well worth the potential gains. We must begin somewhere and this is a start. Hopefully, others will learn from our difficulties and from our achievements. Perhaps from this convening of youth and adults we will have the foundation for other efforts. We have talked much of coming together—of listening to one another—of understanding one another. The attainment of such a goal cannot be the work of any one man, of any one group, of any one institution or political party.

It is my hope that no matter what is the outcome of the proposed Conference, others will seek other ways in which to bring youth and adults together. From this first National Conference should come similar efforts on the part of those who influence the policies of education, business, labor, religion, law enforcement, local and state government, and other major institutions.

From such efforts may come a realization that some of the norms, values, and procedures of the past are no longer adequate or appropriate; we may find, as many youth have indicated, that parts of the system must be altered. Most importantly, we may stumble upon a process by which we can combine our technological achievements with the energy and altruism of youth in order to bring about a society free of poverty, injustice, and inequality. We take but a solitary step in that direction, but I think an important one. It is a step away from myths and toward reality and it will hopefully be the first of many such steps.

SENATOR MONDALE ON EAST-WEST TRADE

Mr. MUSKIE. Mr. President, the junior Senator from Minnesota (Mr. MONDALE) is one of the leading experts on East-West trade in the Senate today and a valued member of the Subcommittee on International Finance of the Committee on Banking and Currency. His vast knowledge of East-West trade and his able advocacy of broadened opportuni-

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ties for American business to engage in peaceful, nonstrategic trade with the nations of Eastern Europe were key factors in the enactment of the Export Administration Act of 1969.

Senator MONDALE has recently contributed a comprehensive paper, "East-West Trade: A Congressional Perspective," to the third volume of New York University's Center for International Studies Policy Papers. I commend this lucid and informative statement to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EAST-WEST TRADE: A CONGRESSIONAL PERSPECTIVE

(By Senator WALTER F. MONDALE)

Last December 23rd, as the last piece of legislation enacted by the first session of the 91st Congress, the House and Senate agreed upon a new bill dealing with the control of exports to Eastern Europe.[1]

The Export Administration Act of 1969 was a most significant piece of legislation. Its actual impact, first upon the Office of Export Control and ultimately upon the nature and volume of trade with Eastern Europe, has yet to be assessed. We may have to wait another quarter or two to pass even a preliminary judgment, although the International Finance Subcommittee of the Senate has every intention of maintaining strict surveillance over Administration adherence to the clear intent of the new Act.

But the immediate significance was symbolic—symbolic, I think, of a growing maturity and a relaxation of anti-communist hysteria with respect to our relations with the communist nations of Europe. The new liberalization of East-West Trade, while perhaps not as extensive as many of us in the Senate would have preferred, came in spite of clear Administration hostility to any changes in the then current law; in spite of the continuing war in Vietnam which has proven to be a tragic barrier to East-West detente; and in spite of the historical antipathy in Congress toward trade with the communist nations of Europe, best illustrated by the narrow defeat (44–38) of an incredible amendment in 1968 which would have imposed a 20% tax on the total profits of any American business trading with a communist nation which, in turn, was trading with North Vietnam.

Seen is this climate, the passage of the Export Administration Act last December suggests an important turning point in our attitudes and policies toward East Europe. I think that we have only made a beginning toward the institution of sensible, mature trade policies with respect to Eastern Europe. However, before turning to the steps ahead, it might be wise to review some of the history which led to the passage of this legislation.

Since 1949, with the passage of the Export Control Act, the policy of the United States has been to use trade as a political, economic, military, and ideological weapon in the Cold War. That Act read: "It is the policy of the United States to use its economic resources and advantages in trade with communist-dominated nations to further the national security and foreign policy objectives of the United States."

The Export Control Act did this by restricting the export, to East Europe, of goods which might have potential military or economic significance such as to threaten the security of the United States. The basic assumption behind such a policy is, of course, that access to United States goods (or "know-how," as in the case of "exporting" ideas, techniques, or discoveries) gives a nation a particular advantage which it would not otherwise obtain.

With respect to military hardware or technology, this probably makes sense. But with respect to goods of "economic significance" or goods whose military application is at best remote, this policy reflects both an economic arrogance and immature impression of socialist economies.

Our arrogance is reflected in the implicit view that United States trade is some form of "aid"—a philanthropic gesture which ought to be bestowed where it is best deserved, rather than an economic activity motivated by mutual gain.. This attitude is combined with an historical view of socialism as a political-economic aberration which would crumble from its own inefficiency—if only we would stop "propping it up" with our "trade-aid."

The use of trade as a Cold War lever is demonstrated by our willingness to relax restrictions even to communist countries which are seemingly "less so." Trade with Yugoslavia has no particular restrictions attached to it, and Poland and Romania have, through their assertions of semi-independence from the Soviet Union, "earned" a category by themselves which is subject to fewer controls than that encompassing the Soviet Union and the rest of Eastern Europe.

These political and ideological assumptions have been combined with a highly dubious technological assumption: that access to admittedly superior (in most cases) American technology would permit other countries to simply "copy" this technology, thus enabling them to fed upon our extensive research and development and thereby to "keep up" with us by short-circuiting the time and resources which have gone into the development of our superior technology.

In fact, of course, much of this technological arrogance is belied by Soviet as well as Japanese and West European advances in electronics, missilry, and other sophisticated products. In addition, vast amounts of technological knowhow are available to Eastern Europe through other Western nations and through scientific journals.

But an even more important refutation of the "technological lead time" argument in favor of controlling exports is the simple fact that technology cannot simply be "copied" to the economic advantage of the less technologically advanced economy. No country can simply "duplicate" the extensive and incredibly complex production and maintenance base needed to produce, for instance, an advanced computer. Furthermore, products actually on the market generally reflect a three to five year old technological state of the art. Thus, to the extent that a nation does pursue a policy of technological duplication, it does so at the expense of being locked into outdated systems without having developed the capacity to update national productive facilities.

This is not to say that less technologically sophisticated nations do not gain from importing advanced American technology. They do. Presumably, that is what trade has always been about. Our "comparative advantage" is, and will continue to be, in our ability to domestically design, develop and produce technology. It is probably to the advantage of East Europe—and all other countries—to develop as rapidly as possible their own technological capabilities. But as long as we retain our comparative advantage, it will be in the economic interest of these nations to buy from us the most advanced versions of technology, while producing for themselves those items which "fit" their own resources and technology.

On these assumptions—some perhaps valid at an earlier date, and some probably essentially fallacious—the United States sought to restrict exports to communist nations since the second World War. Last year's export control list contained approximately 1,300 categories of goods whose exports to Eastern Europe were restricted. As a result of these restrictions, in 1968 the value of our exports to East Europe was only about $217 million, while the value of their imports from the rest of the major free world trading nations was about $3.7 billion. Exports to East Europe have represented quite consistently about 0.6% of our total exports. While we do about 16% of total world trade, we do only some 3% of the total East European trade—the fastest growing market in the world.

Thus, our export control policy, augmented by the prohibition of Export-Import Bank financing and guarantees to East Europe, the refusal to grant Most-Favored Nation (MFN) status to any of this group but Poland, and the cargo preference requirement which has virtually halted grain sales to East Europe, has certainly succeeded restraining trade. But these policies have been patently unsuccessful, and even counterproductive, in promoting either the political or the economic interests of the United States.

On the one hand, our controls have really denied only a handful of "truly strategic" goods to East Europe—those goods on the list of the Coordinating Committee (COCOM) list, which our Western allies, along with Japan, mutually restrict from export to East Europe. But those categories which we unilaterally control—the difference between our list and the COCOM list—are goods which East Europe simply buys elsewhere in the West. The result is that we simply deny the trade to our own businesses, aggravate our balance of payments, enhance the position of our West European competitors, and deny nothing to the nations of Eastern Europe.

However, our restrictive policies might well be worse than ineffective; there is good reason to believe that they are counterproductive even from a political and ideological standpoint. If we can accept the premise that the East European socialist nations have sufficient political and economic viability to exist with or without our trade, then it would seem that the interests of peace and stability are best served by promoting normal political and economic intercourse between the West and the nations of Eastern Europe.

It should be obvious to any observer that the old monolithic communist bloc is a thing long past. The tragedy in Czechoslovakia, while a great temporary setback to the normalization of East-West (and East-East) relations, was clear proof of the bankruptcy of total Soviet hegemony in East Europe. If it is in our interest—and I think it is—to encourage the independence of these nations, then economic and commercial ties are perhaps the best course to pursue. Our insistence upon an economic isolation of East Europe serves only to perpetuate and solidify the economic, social, and political dependence of these nations upon the Soviet Union.

Our restrictive trade policies can even have a detrimental economic effect. Some years ago, for example, the Soviet Union attempted to purchase some wide-diameter pipe from Western Europe. We persuaded our allies to deny this sale. Consequently, the Soviet Union built their own plant to produce the pipe—a product which now competes with our own pipe in the West European market.

Our trade policies with respect to East Europe have thus been both ineffectual and

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[1] "Eastern Europe" in this paper refers to the Soviet Union, East Germany, Poland, Czechoslovakia, Hungary, Bulgaria, Romania, and Albania. Trade policies also differentiate among Poland and Romania, East Germany, and all others on the above list. Similar, but far more restrictive trade policies also apply to Mainland China, North Korea, North Vietnam, and Cuba, upon which a virtual trade embargo is maintained.

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counterproductive. They only deny to the communist nations those goods which have clear military or strategic potential and which all the COCOM nations have agreed not to sell. They do effectively cut our businessmen out of competition for the fastest growing trade market in the world. And they do continue to further the economic and political hegemony of the Soviet Union in all of Eastern Europe.

This was the situation when the International Finance Subcommittee of the Senate Banking and Currency Committee began extensive hearings on East-West Trade and the Export Control Act in 1968. Hearings were continued through the summer of 1969, and a bill was reported out which would have considerably liberalized East-West Trade policies. As co-floor manager, along with Senator Muskie, of the Senate bill which was debated in October of 1969, I was struck both by the readiness of the Senate to adopt a far more relaxed attitude toward East-West Trade and by the hostility of the Administration toward our legislation. In the face of direct Administration opposition and a considerably more conservative attitude on the part of the House of Representatives, our legislation went through two House-Senate Conferences and was finally enacted into law.

There were two basic changes in the new law through which we hoped to generate a more realistic policy toward the control of exports. As indicated above, the old Export Control Act required denial of a license if the item to be exported could contribute significantly to the military *or economic* potential of the nations in the controlled categories. The "or economic" criterion has been a source of constant confusion. Obviously, the Export Control Act was never designed to prohibit all exports; but just as obviously, there can be no trade which does not make at least some economic contribution to the receiving country. This provision seemed to reflect the general philosophy that our trade was some form of economic aid, the denial of which would insure the economic failure of the socialist economies.

The new Act removes "economic potential" from the criteria by which exports may be controlled. At the same time, we have preserved—in fact, made even more explicit—prohibitions against trade which can truly and substantially affect the national security of the United States.

The second major revision deals with the growing disparity between the categories which we control in conjunction with our allies (the COCOM list), and those which we restrict unilaterally. The latter set of goods—some 1200–1400 categories—are those which we may well presume to be freely available elsewhere in the world, and which are controlled only to the detriment of our own businessmen.[2] The Administration has repeatedly told us that "availability elsewhere" was, in fact, a criterion in its decisions, but the evidence accumulated through the hearings made it very clear that such consideration has been minimal at best.

The new law makes clear the intent of Congress that an item which is available from the major Free World trading nations other than the United States, shall be freely exportable from the United States without special licensing requirements, unless overriding national security considerations still require that the item be controlled. The decision to control an item in spite of its foreign availability should be made only after full and complete consideration has been given to that fact. In such cases, the Administration must report to the Congress the reasons for requiring an export license in regard to that particular item. The report must include such details as a description of the articles in question, the nations affected by the decision, and the reasons for the decision. This provision should result in the removal of a large number of items from the unilaterally controlled list.

There are a number of other provisions in the bill which attempt to bring the law up to date, state the current intent of Congress, and give guidelines to the Commerce Department and other relevant agencies on how the law is to be administered. For example, the Act includes a finding that the unwarranted restriction of exports has had a serious adverse affect on the balance of payments. It also states that the uncertainty of policy toward certain exports has caused a curtailment of the attempts of American business to make those exports. Thus, the new Act recognizes the importance of American exports to the balance of payments and their importance to the overall financial and economic well-being of the nation.

The new law also declares it to be the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations" while restricting trade which the President has determined to be against the national interest or where the export of products and technology "would make a significant contribution to the military potential of any nation or nations which would prove detrimental to the national security of the United States."

There is a clear mandate to the Administration *to actually encourage* trade in peaceful, non-strategic goods with the Soviet Union and the other nations of Eastern Europe. The new Act makes it very clear that Congress is calling for a visible change in past export control practices. The Secretary of Commerce is directed to "institute such organization and procedural changes . . . as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act with a view to promoting trade with all nations with which the United States is engaged in trade, including trade with (a) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (b) other countries eligible for trade with the United States but not significantly engaged in trade with the United States."

This, of course, is the curious and wonderful way in which Congress says we must begin to encourage trade with Eastern Europe.

The Department of Commerce, in addition, is required to review all of its current control list "with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act." Again, in plainer words, Congress has clearly told Commerce to cut down the number of categories unilaterally controlled.

I think it is very clear to emphasize this language for two reasons. First, as in so much legislation, Congress can only declare a policy and set certain standards or restrictions. The real change must come from a responsive bureaucracy in the administration of the legislation.

Second, after passage of the Act, the Administration made numerous claims that it was what they had sought all along and that it corresponded very nicely to the philosophy and policy of the Office of Export Control. The language I cited, however, was clearly and carefully designed to state very categorically that the Act did *not* correspond with any philosophy or policy which had been observed in the Office of Export Control. Congress, in other words, was called for a *change,* and it is now up to us to oversee and demand compliance with the intent of the Act.

There were a number of other changes reflected in the new Export Administration Act. The President, for example, is now required to seek information and advice from private industry in regard to the export policies and procedures. By this provision, Congress has recognized the vital interest of American business in the manner in which this law is administered and has provided an express provision whereby business will have some voice in the administration of the Act.

There is also a requirement that the Act be administered in a manner which will reduce the costs of record keeping and export documentation requirements. A periodic review of these requirements must be made and Congress must be kept advised on what the administration is doing in this respect. This particular provision came about as a result of testimony which revealed extraordinary expenses incurred by American business in regard to export documentation requirements of insignificant value to the government.

Finally, the Act provides for a new procedure whereby exporters may be fully advised of the status of their license applications and pertinent factors which may affect those applications. The problem which occasioned this provision has been one of the most frustrating for American business. In the past, an application was often filed and immediately lost within the labyrinth of the government bureaucracy. It was impossible for the businessman to ascertain the status of his application, the cause of delay, or even the department of the government in which the application was languishing. I suspect that many times these license applications were buried in the hope that they would go away. Unfortunately, this often proved to be the case simply because undue delay results in a sale lost to one of our foreign competitors. Thus, the new provision provides the double benefit of allowing the exporter to ascertain what is happening to his application and, at the same time, provides a certain amount of pressure on the Administration to expedite decisions.

Again, I must stress the fact that this Act, however significant, is but one step in our progress toward a realistic East-West Trade policy, and a step which may not yet have had time to bear fruit. Real change can only come about through the administration of the law, and even these changes will only come about—if at all—*through a response to American businesses aggressively seeking to expand their exports to the nations of Eastern Europe.* The failure of the Administration to acknowledge the Congressional mandate for change has been disturbing, if not surprising. We do intend to maintain a close oversight of the Office of Export Control. But exporters will realize the benefits of the new law only *if* they make themselves aware of its provisions and *if* they increase their attempts to secure export licenses for East European trade, with the understanding that Congress supports these attempts and stands ready to back them up.

The export control legislation I have been discussing is only a beginning in the effort to tap the growing market in the Soviet Union and the rest of Eastern Europe. The next steps must be in provisions which will better enable the East Europeans to buy from us.

The first of these provisions must be to extend the credit and loan guarantees of the Export-Import Bank to East European nations. Without financing, there is very little prospect for an expansion of trade with Eastern Europe. Currently, the Export-Import Bank is prohibited from any involvement in this trade. Understandably, American banks are reluctant to assume a risk which the Export-Import Bank is unwilling (or unable) to assume and, consequently, trade is generally restricted to that which can be carried out in cash or in which short-

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[2] About 1750 categories are controlled to Poland and Romania, about 2000 to the remaining East European countries, and between 500–600 categories are on the controlled list of COCOM.

term credit can be secured through channels other than the Export-Import Bank.

For the first thirty years of its life, the Export-Import Bank had no such restrictions. In 1964, the Foreign Assistance Appropriations Act forbade the Bank from guaranteeing export credits to any communist country unless the President determined such credits to be in our national interest.

Up until 1968, the President determined that such credits *were* in our national interest, and the prohibition had little effect. In 1968, however, the Congress amended the bill extending the Bank's lending authority, forbidding the use of Export-Import Bank credit to finance sales or guarantee credit in any sales to a country whose government is trading with any nation with which the United States is engaged in armed hostilities. Obviously, the legislation was aimed at countries trading with North Vietnam, and the reference to countries whose *government* is trading made the Act apply to the communist nations and not to our other major trading partners, whose nationals also may trade with North Vietnam.

For countries seeking to modernize industry and agriculture through large purchases of capital equipment, these prohibitions have virtually ruled out importing from the United States. Cash deals of such magnitude are generally out of the question, and without Export-Import support, few banks will extend medium or longer term credit. Since there is no modern basis for any peculiar fear of default with respect to East-West transactions, these restrictions are another example of short-sighted ideology interfering with economic and political realities. With Export-Import legislation due before Congress sometime by the end of the 1971 fiscal year, I am hopeful that these restrictions can be removed.

The other major barrier to expanded East-West Trade is the lack of Most Favored Nation treatment for these countries. With the exception of Yugoslavia and Poland, all the rest must pay the prohibitively high tariffs of the 1930's.

Ultimately, of course, a nation can buy from us only to the extent that it can secure U.S. dollars. By erecting high tariff barriers against East European nations, we make it extremely difficult for them to secure these dollars through direct trade with us. While there are number of factors at work in the following example, the fact that Poland's exports to the United States in 1968 accounted for more than one-half of all East European (including the U.S.S.R.) exports to the United States indicates something of the potential value of MFN status.

Attempts have been made in Congress to secure MFN treatment for Romania and Czechoslovakia—I, along with others, have introduced bills in the Senate for both nations—but the Administration and the Finance and Ways and Means Committees have not acted favorably on these measures. The Czechloslavkian invasion in 1968 barred what may have been a promise of securing MFN for that nation, and the bills now lie quietly in the respective House and Senate Committees. (MFN bills, dealing with the raising of revenue, go through the Senate Finance and the House Ways and Means Committees rather than through the Banking Committees, which have jurisdiction over Export Control and Export-Import Bank legislation.)

Another area where Congress can contribute to an expansion of East-West Trade is the cargo-preference restriction on sales of wheat and feed grains to East Europe. Since 1963, the Commerce Department has required 50% of all such sales to Russia and all of the wheat sold to Bulgaria, Czechoslovakia, Hungary, and East Germany to be shipped in American flag vessels.

The objective of such a restriction is not clear. The State Department has suggested that such restrictions violate more than 30 commercial treaties we hold with other nations. Surely, the application of such a restriction only to agricultural products cannot conceivably further any kind of foreign policy or national security objectives.

The only remaining rationale is that cargo-preference serves as some sort of subsidy to the maritime industry. But even this is totally fallacious, since the effect of the cargo-preference restriction is to virtually exclude the United States from the entire East European wheat and feed grain market. Last year, for example, Russia bought some 30,000,000 tons of wheat and some 400,000 tons of corn from the West—and not one grain or kernel from the United States because of our "bottoms" requirement. In fact, there were no exports last year to any East European country of wheat, rice, barley, grain, sorghum, or wheat flour.

From 1965–1968, Canada shipped 551,000,000 bushels of wheat to East Europe while we shipped only 2,500,000 bushels. Yet, in the same period, we managed to sell 138,000,000 bushels to Poland and Yugoslavia—who are not included in the cargo-preference restriction.

In 1969, U.S. world exports of feed grains declined by 19%; corn by 10%; and wheat, grain, sorghum, oats, and barley declined by lesser amounts. Such statistics, alongside our ever-growing surpluses at home, clearly illustrate the need to expand U.S. agricultural exports. But where is the fastest growing agricultural market? East Europe, of course. To quote from the United States Department of Agriculture December 1969 Statistical Report on World Agricultural Production and Trade:

"World Trade (1969–70) is expected to increase, but competition will be keen. Increased exports should be reflected mainly in larger purchases by Mainland China, the northern countries of Eastern Europe, USSR, Japan, Pakistan, and Turkey. The bulk of the increase is expected to be in communist countries, areas where the U.S. does not trade." (p. 29)

Cargo preference is another reflection of our utterly irrational and self defeating barriers to trade with the East. They deny nothing to the communists. They provide no business and no jobs for the American Merchant Marine. Yet they do succeed in shutting American agriculture—the most productive in the world—out of this vast potential market.

There are, as well, additional changes in the export control field which should be sought either through legislation or, hopefully, through executive decisions based upon the general Congressional mandate to expedite East-West Trade.

So much of the difficulty in getting licenses, for example, has been due to the delays, the red tape, the time, and the expense involved in the licensing procedures. Some changes were made before passage of the new Act. In May of 1968, the Office of Export Control announced a new procedure for licensing exports and re-exports of samples for trade shows in Eastern Europe. This change in the "firm order" rule means that a business can export samples to be used in trade shows without already having received a specific order for a commercial quantity of the commodity. The exporter, however, still needs to apply for a license before any of the commodities shown as samples can be sold.

Another change, relating to distribution licensing and parts agreements, will ease the paper work of American firms engaged in exporting commodities requiring validated licenses, by providing a single export license for a number of commodities for distribution within the country of destination in Western Europe. It also will expedite shipment of replacement items to both Western and Eastern European countries.

Finally, there is the exceedingly complex but serious problem of United States trade policies imposed upon other, often allied, nations. An American subsidiary in Europe, for example, is required by law to conform to the far more restrictive United States Export Control List, while its competitors in that nation are restricted only by the COCOM list. In addition, the question of extra-territoriality often arises, with the overseas company subject both to the laws of that country and to certain laws of the United States telling the company what can and cannot be exported. Obviously, the political and diplomatic strains can become as acute as the economic and financial ones.

A related problem has to do with the "end use" of an exported product. Controls are placed not simply according to the country initially buying the product, but also according to the country which is to eventually utilize the end product. For example, aircraft components cannot be sold to France if these will end up in an airplane to be sold to China. Thus, in addition to a "firm order," the U.S. exporter must list the names and addresses of all parties in the contract, a description of the nature and quantity of the items to be exported, the ultimate country and ultimate consignee, and the "end use" of the commodity.

It is no wonder that American businesses give up in despair, East Europeans are insulted, our allies are sorely irritated, and business is often lost, simply as a result of the tortuous paper work involved for all parties hoping to engage in East-West Trade.

The comments presented here are intended only as a general summary of where we are, where we most recently have been, and where I hope we may be heading on our course of pursuing more realistic trade policies with Eastern Europe. I must emphasize that neither I nor anyone else in Congress is bind to the potential dangers between East and West, or of the bitterness which the Vietnam war has driven between us. But I have become more and more convinced that our national security can be enhanced, our foreign affairs with allies and adversaries alike improved, our trade surplus increased, and our economy strengtened, by actually encouraging trade in peaceful, nonstrategic goods with the nations of Eastern Europe.

Congress has taken its first step in this process, and I have outlined some of the next steps which I hope to see taken. The climate in Congress is becoming increasingly favorable and the prevailing mood of the key International Finance Subcommittee of the Senate is decidedly favorable to initiating additional steps with respect to Export-Import Bank financing and further Export Control legislation.

But it is time for the business, agricultural and financial communities to begin strongly asserting a view toward liberalizing these remaining East-West Trade restrictions. The automatic knee-jerk reaction against "trade with the Reds" is no longer even an acceptable conservativism. Change has begun, with vital economic, political and social ramifications. Change will continue when the Congress, and especially the Administration, know that it is both economically sound, strategically wise, and politically acceptable.

MINNESOTA HIGH SCHOOL STUDENTS SUPPORT SCHOOL INTEGRATION

Mr. MONDALE. Mr. President, a recent issue of the Minneapolis Tribune contained a very thoughtful and encouraging article entitled "Most Teenagers Support School Desegregation," written by Catherine Watson. The article discussed the results of interviews

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conducted with 400 students in suburban high schools near Minneapolis who were asked their opinions of school integration. Eighty-eight percent of these students indicated in their responses that they supported school integration. And they explained why.

These students are keenly aware of the impact of racial isolation. They recognize the artificial nature of racially isolated schools, and detrimental effects of this isolation. One girl summarized the reaction of many students when she said:

> I think it is important that children are exposed to other races, especially in the suburbs where they've never seen minorities. I think it's sad because we have to learn to live together.

Another student described the effects of racial isolation by stating:

> You learn from people who have different ideas. If you stay where everybody is the same, you are just cut off.

Testimony presented before the Select Committee on Equal Educational Opportunity has demonstrated the way in which racial isolation in the schools has caused educational and psychological damage to students of all races. Numerous witnesses before the committee have described the importance of quality integrated education to both the achievement of individual students and the future of our society. The article I referred to and the survey results it includes, support these findings. I commend it to Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Most Teen-Agers Support School Integration

(By Catherine Watson)

(Editor's Note.—What do high school students think about today's issues and today's problems? In an effort to find out, Minnesota Poll interviewers talked with 100 students at each of four suburban Minneapolis high schools—Minnetonka, Richfield, Wayzata and Osseo. The surveys took place early this month. While the survey is not considered accurate enough for projection, it is considered to be an accurate reflection of student thinking.)

"Why not? We're all people." That was one white suburban high school student's response when he was asked if he thinks integrated schools are a good idea.

It sums up the view on integration of nearly all students interviewed in a recent survey at four Minneapolis suburban high schools. The schools, like their surrounding communities, are almost entirely white.

"We just have white middle-class views here," one student explained, "and I'd like to get their (minorities') views and ideas."

Eighty-eight percent of the 400 students surveyed said they think racial integration of schools is a good idea. A little under 2 percent of the students said they think integration is a good idea "only if there's no busing involved."

Asked if they'd like to see more minority students in their school, 88 percent said "yes."

But asked if they'd like to go to another school where more minority students were, the percentage saying "yes" dropped to 54 percent—and many seemed torn by loyalty to their present school.

"I'm happy here," said one girl who wouldn't want to transfer to a school with more minority students, although she said integration is a good idea and thinks she'd date a minority person.

Another girl, also favorable to integration, said she wouldn't like to transfer herself because "it would be hard. Everyone would be different—I'm used to the same kids."

A boy who thinks integration would be good, who would like to see more minority students in his school and who would date a person of another race, balked at going to a school with a heavier minority enrollment "because of my sports."

"I'm not sure I could make varsity sports there—here, I have a good chance to make varsity," he said.

And another, also in favor of integration, said he wouldn't like to transfer because "I'd rather have the community integrated."

Many were opposed to busing, even when they favor integration. And the quality of education in different schools was a concern for some.

"It's a good principle (integration) and it improves relations, too, but it's not good to bus many miles to do it," one student said.

Only a few feared integration would "lead to conflicts" or that "people would call the Negroes names and then there'd be riots and it would be just one big mess."

One girl said integration is good, if started in early grades so youngsters grow up together. But if it is started when students are high-school age, she said, "then there'd be fights."

A few admitted to prejudice—either their own or their families': "I'm not prejudiced but my parents wouldn't like it (integration)," a girl said. "This is why we had to move here—because we came from north Minneapolis."

If there was integration in her suburban school, however, she said, "we could see that the color of skin makes no difference."

As for transferring to a more heavily minority school, one boy expressed reservations about the quality of education he'd get—would it, he wondered, prepare him for college?

Another said, "I try not to be prejudiced and if they came to (his school) they would get a good education."

The students tended to think their communities contain more racial prejudice than their schools do.

Twenty-five percent said "most" people in their neighborhoods are prejudiced; 38 percent said "some" are and 32 percent said "a few" are. About 3 percent said no one is.

Seniors tended to be more suspicious of prejudice in their neighborhoods than sophomores: 36 percent of 12th graders said "most" people in their neighborhoods are prejudiced, compared with 19 percent of sophomores and 20 percent of juniors who said the same thing.

In their schools, however, 41 percent said "a few" students are prejudiced and 44 percent said "some" are, while only 12 percent said "most" are prejudiced.

They placed much emphasis on the idea that people of other races "are just the same as us."

"We are all persons—there's no difference between black and white," one boy said.

"I don't think it's right that they be segregated—they have just as much right as we do," said a girl.

And there were other reasons—chiefly an awareness that white suburban living isn't an accurate reflection of the world.

"I think it's important that children are exposed to other races, especially in the suburbs where they've never seen minorities," another girl said. "I think it's sad because we have to learn to live together."

One girl, herself a Negro, said the same thing. "I don't think they get a full view of how life really is until they've been together. They will find this out later, so in school they can learn how."

"The only way to remove your prejudices is to go to school with them," a boy said.

"Integration would help you get along with other people, and besides it's better for the country," a girl said, "because the races might understand each other better and learn to accept each other."

"Our discussions are always one-sided," a boy complained. "We don't get the opportunity to see the other side of the issue."

Another explained a feeling of suburban racial isolation this way: "You learn from people who have different ideas. If you stay where everybody is the same, you are just cut off."

HEALTH BUDGET CRISIS—NEED FOR INCREASED FUNDS

Mr. KENNEDY. Mr. President, one of the most critical aspects of the current Federal budget is the inadequate level of appropriations requested by the administration for Federal health programs. The situation is especially critical in the area of health manpower, but increased appropriations are also urgently needed in the areas of health research and health services.

I had the opportunity to deal with many of these issues in testifying this morning before the Labor-HEW Appropriations Subcommittee, presided over by its chairman the distinguished Senator from Washington (Mr. Magnuson).

I commend Senator Magnuson for his extraordinary efforts in recent years to alleviate the increasingly serious crisis in the Federal health budget. We in Congress made a strong beginning in the Appropriations Act for fiscal year 1970, and I hope we can make an even better record for fiscal year 1971.

Mr. President, I ask unanimous consent that my testimony before the Appropriations Subcommittee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Testimony of Senator Edward M. Kennedy

I am pleased to have this opportunity to appear before you today and to offer my views on the health aspects of the Labor-Health, Welfare and Related Agencies Appropriations bill for fiscal year 1971.

In my testimony today, I would like to discuss three major elements of our Federal health system as they relate to the budget under consideration: (1) health services; (2) health research; and (3) health manpower. Because these three elements are so closely related to one another, it is impossible to say that one aspect is more important than any other. We know, for example, that health research leads to improved health services, which in turn can only be delivered by adequate numbers of well-trained health manpower. The crucial consideration is that today's advance in the laboratory should be translated as rapidly as possible into tomorrow's service to the patient.

HEALTH SERVICES

At the outset, I would like to emphasize the urgent need for increased funding for many of the most important health service programs administered by the Public Health Service of the Department of Health, Education and Welfare.

I am especially concerned about the Administration's budget policies with respect to Federal programs in the areas of mental retardation and mental health. We are all well aware that the treatment of the mentally retarded has been one of the most shameful chapters in the history of American

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health. For more than two centuries, we cast out the mentally retarded from our society. We buried them alive for decades in vast state and county institutions. We confined thousands of patients in hundreds of wards, hundreds of miles from their families, their pastors, their doctors, and their friends, with insanity or death the only sure escape.

In the Mental Retardation Facilities Construction Act of 1963, President Kennedy and Congress brought revolutionary change in this inhuman care. With its sharp focus on prevention, treatment, and rehabilitation, we launched a new era of compassion and care for the retarded that has brought credit to our society and hope to millions of our citizens afflicted with such illness.

It is now almost seven full years since Congress enacted this far-reaching program for the development of comprehensive services and facilities for the retarded. Yet, because of the inadequate funding of the Act, the program has never fulfilled its promise. In the entire six years of the Part C program, Congress has appropriated a total of only $72 million, instead of the $50 million recommended for each year of the Act when it was first signed into law.

By the time the committee sends this appropriations legislation to the Senate floor, it is unlikely that the bill now pending to extend and improve the 1963 Act will be signed into law. The bill—S. 2846, the Developmental Disabilities Services and Facilities Construction Act of 1970—passed the Senate last April by the unanimous vote of 69–0, and the companion bill is now completing mark-up in the House committee.

I urge the appropriations committee to launch this new legislation with a funding level adequate to the need that exists. I believe that an initial appropriation of $60 million for fiscal year 1971 can be amply justified for the grant program for services and facilities to the mentally retarded. I also believe that the program of assistance to university-affiliated facilities for the retarded should be funded at the full authorized level for 1971—$20 million for construction of new facilities, and $7 million for operating costs.

The need is similarly urgent with respect to the Federal mental health program. Last year the Administration requested an appropriation of $357.9 million for mental health in fiscal year 1970. The congress increased this request slightly, by about $3 million, but HEW has announced that it actually planned to spend a total of only $353.5 million. For fiscal year 1971, the Administration is requesting only $346.6 million—approximately $14 million less than was appropriated last year.

The program for construction of community mental health centers will be especially hard hit by the Administration's request. Despite an authorization of $80 million for this program in the recently passed Community Mental Health Centers Amendments of 1970 (P.L. 91–211), the Administration proposed to spend nothing at all on this important and valuable program in the coming fiscal year.

Strong new evidence of the Executive Branch's declining commitment to mental health programs was provided by the recent resignation of the Director of the National Institute of Mental Health, who accused the Administration of abandoning the mentally ill. I hope the Subcommittee will reverse this unfortunate trend by appropriating considerably more funds than requested by the Administration for all areas of mental health, and especially for the program for community mental health centers.

Another important health services program receiving less than adequate consideration is the Migrant Health Program. As the committee is aware, this is a relatively modest program through which the health needs of many of our migrant agricultural workers are met. At present, however, less than one-third of the migrants have access to these programs of health care. Recognizing the need for increased funding, Congress amended the Public Health Service Act this year to authorize the appropriation of $20 million for FY 1971. Nevertheless, the Administration is requesting only $15 million—the same amount as was appropriated last year. I strongly urge that this program be funded at the full $20 million authorization.

I would also like to emphasize the need for adequate funding of the Regional Medical Program. RMP is designed to bring the results of medical research closer to the local practitioner and his patients. Originally, the program was established by the Heart, Cancer, and Stroke Amendments of 1965, and the Senate Labor and Public Welfare Committee has just completed work on an extension and expansion of the program for another three years. The regional program has completed its planning stage and is now moving into the operational stage in high gear. A substantial increase in operational funds is required if the program is to meet its promise, but no such increase is being requested by the Administration. In my opinion, the Regional Medical Program has demonstrated its value. It deserves to be adequately funded.

HEALTH RESEARCH

The second major area I would like to discuss is the area of research. I am convinced that America as a nation is not committing a sufficient proportion of its resources to health research. To illustrate, it is enough to look at what is perhaps the most feared disease in our society today—cancer. In 1969, 323,000 Americans died of cancer. This figure, for just one year, is seven times the number of our combat fatalities in the entire nine years of the Vietnam war.

We spend billions on the war, but only a pittance to fight cancer. On an annual per capita basis, we spend about $125 on the war for every man, woman, and child in America, while our per capita expenditure for cancer research is only 87 cents. Indeed, we spend $19.50 per person on space research to land three men on the moon, but only 87 cents per person to save 300,000 men from cancer. The same unhappy comparisons can also be made for heart disease and many of the other killer diseases that plague our society.

We simply cannot continue our present unwise allocation of resources. The list of examples of misdirected government spending and short-changed health programs is almost endless. There is no need to labor this point here. It is clear that we must begin to align our priorities in a more effective manner, and I can think of no more suitable starting place than the life-saving medical research supported by the National Institutes of Health.

The sad fact is that NIH research appropriations have levelled off over the past four years, after rising substantially during the early 1960's. For fiscal year 1969, the total appropriation for NIH research institutes was $1.090 billion. Last year the appropriation was down to $1.028 billion and subsequently, HEW announced its intention of actually spending $55 million less than this amount. For the coming year, fiscal 1971, the Nixon Administration has requested only $1.032 billion, or essentially the same amount that was appropriated last year.

Because of two factors well known to medical researchers this apparent leveling off of funding actually represents a sharp decline in Federal support for medical research. The first factor is inflation. It has been conservatively estimated that the cost of conducting medical research is now increasing at the rate of 10% per year. Thus, even for the research community simply to stand still with respect to NIH-financed research, the NIH budget should be increased by 10% per year. In fact, however, because of inflation, the Administration's budget request is the equivalent of imposing a 10% cut on research funds.

The second factor is more complex. Medical research, by its nature, is expansive. A single discovery opens the door to several new possibilities, each of which should be followed up. When the level of research funding is kept constant, therefore, the research community is faced with a Hobson's choice—either fewer and fewer new projects can be started, or fewer and fewer newly discovered possibilities can be followed up.

The current cut-backs in medical research represents a national crisis of immense magnitude. NIH-financed researchers are now fighting a life and death struggle for their scientific lives, and I urge the Subcommittee to help meet the crisis.

HEALTH MANPOWER

The final area I would like to discuss today is the area of health manpower. The tremendous breakthroughs in medical research have no value in themselves. They become valuable only when they can be translated into new forms of health services which in turn can be delivered to patients by trained health professionals.

As a member of the Subcommittee on Health of the Committee on Labor and Publice Welfare, I have attempted to deal with the manpower problem in the authorizing legislation over which our committee has jurisdiction. In 1968 we passed the Health Manpower Act, which strengthened and extended several existing health manpower laws originally passed in the mid-1960's. Recently, the Committee has completed action on the extension and expansion of the Allied Health Manpower Act.

These laws provide the framework within which the Federal government has become a partner with educational institutions in the voluntary sector. Funds have been made available to provide the facilities and faculties necessary to train the large numbers of skilled personnel to translate our expectations of health care into reality.

Under these laws, a number of new medical schools have been opened. Others have significantly expanded and updated their training facilities. The Federal program has helped schools to strengthen their curricula, so that the students who are trained can be realistically equipped to serve the health needs of the people. Equally important, students in the health professions have received scholarships, loans and other financial assistance, enabling them to undertake health careers they could not otherwise have begun.

In my testimony today, I would like to consider three principal Federal programs for health manpower—institutional grants, construction grants and student loans.

Institutional grants

In the area of institutional grants, our medical schools are aware of the national need for more doctors, but they are experiencing great financial difficulty in expanding their enrollment and their facilities. The cost of medical education is constantly increasing, and most schools are hard-pressed to produce the same number of graduates each year, let alone increase the number. Many schools, perhaps even a majority, are operating at a deficit. A total of 61 medical schools, or more than half of the 107 medical schools in the nation have received special project grants available to schools in financial distress. Tragically, in this time of urgent demand for increased health manpower we face the very real danger of medical schools closing down because of bankruptcy.

To assist the medical schools and other health professional schools in expanding their enrollments and improving the quality of their educational programs, the Federal government makes formula grants and special project grants under the authority of the health manpower legislation. Most of these funds go to the health professional schools that demonstrate most clearly their commitment to expand their enrollment.

The Health Manpower Act of 1968 authorizes the appropriation of $168 million in fiscal year 1971 for these so-called "institutional" grants to medical, dental and other related schools of the health professions. The Administration, however, is requesting only $113 million for this program. No one today seriously questions the great need for additional health professionals. Yet, the Administration is apparently unwilling to commit the funds necessary to alleviate the current critical shortage of health manpower.

The same thing can be said about the program of institutional aid to schools of nursing. $40 million is authorized for this program in FY 1971, but only $11 million is being requested by the Administration.

Construction grants

The area of construction grants is equally important in our effort to alleviate the crisis in health manpower. We know that more than operating funds are required if medical schools and teaching hospitals are to increase their enrollments. Adequate teaching facilities are also essential. Congress recognized this need in the health manpower legislation by establishing a program of construction grants to schools of the health professions, and by fixing substantial authorization levels for the program. In fiscal year 1971 for example, $225 million is authorized for such construction grants.

The response of health professional schools throughout the nation to this construction program has been overwhelming. As of April 1970, construction grant applications totaling nearly $400 million had been received by HEW and approved for funding, subject to the availability of funds. Another $250 million worth of applications had been received and were being reviewed by the Department.

Despite this enormous response, despite the obvious need for construction funds, and despite the $225 million authorization, the Administration is requesting only $118 million for construction grants to schools of medicine and other health professions—barely one-half of the amount authorized.

The program of construction grants to schools of nursing fares even more badly under the Administration budget. $35 million is authorized, and $37 million has already been requested by the schools. Yet, the Administration is requesting only $8 million for this program, or less than one-quarter of the amount authorized.

At the same time, the Administration is attempting to impose a drastic curtailment on the eligibility of teaching hospitals for participation in the construction grant program. I deplore each of these developments. I urge the Committee to make substantial increases in the health professions construction programs, and to take whatever steps may be available to restore the eligibility of teaching hospitals in the program.

Student loans

Finally, let me express my concern about another program that lies at the heart of the health manpower crisis—the program of direct loans to students in the health professions. Young Americans in these schools are attempting to secure the professional training necessary for a lifetime of service to their fellow men. We cannot afford to allow even one of these students to drop out of his studies merely because he lacks the financial resources to complete his training.

Time and again in recent years, students of the health professions have shown their willingness to borrow money to complete their training and then pay back these loans, with interest, after they have begun to earn their living. The schools have requested more than $43 million in loan funds for fiscal year 1971. The Health Manpower Act of 1968 authorized the appropriation of $35 million for loans to medical students. Even if fully funded, this amount would cover only 75% of the requests already made for such loans. Tragically, the Administration is requesting only a fraction of the amount necessary—just $12 million—for this crucial program. I strongly urge the Subcommittee to fund this loan program at its full authorization.

I also believe that the program of loans to nursing students should be fully funded. $21 million is authorized, and $28 million has already been requested by the schools. Yet, the Administration is asking for an appropriation of only $9.6 million for this program Clearly, these are false economies in terms of the long-range health needs of America.

In closing, let me emphasize my belief that the dollar increases essential for adequate funding of our health programs are modest in light of the overall federal budget. Yet, there is perhaps no area of federal spending where such modest increases could pay such rich dividends for all our people. One of our most important domestic priorities must be to find the funds necessary for our urgently needed health programs. Our highest priority should be reserved for matters of life and death, and the health programs I have been discussing today are just that: matters of life and death for the nation.

APPENDIX 1.—*Levelling-off of health research appropriations—12-year comparison*

[NIH research appropriation in millions]

Year:	
1960	$331
1961	459
1962	629
1963	737
1964	736
1965	787
1966	896
1967	1022
1968	1084
1969	1090
1970	1028
1971 (request)	1032

APPENDIX 2.—COMPARISON OF HEALTH APPROPRIATIONS, FISCAL YEARS 1969-71

Item	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971	
	Authorization	Appropriation	Authorization	Appropriation	Authorization	Requested appropriation
CPEHS:						
Food and drug control	(1)	$70,444,000	(1)	$81,617,500	(1)	$89,549,000
Air pollution control	$185,000,000	87,960,000	$134,300,000	109,782,000	(2)	106,003,000
Environmental control:						
Solid-waste management	20,000,000	16,113,000	19,750,000	15,275,000	(2)	15,336,000
Other	(1)	46,718,000	(1)	36,052,000	(1)	35,444,000
Salaries and expenses, Office of Administrator	(1)	5,829,000	(1)	4,078,000	(1)	4,775,000
HSMHA:						
Mental health:						
Research	(1)	114,798,000	(1)	111,206,000	(1)	114,129,000
Manpower development	(1)	124,217,000	(1)	123,969,000	(1)	122,021,000
State and community programs:						
Construction of community mental health centers	60,000,000	15,000,000	70,000,000	35,500,000	$80,000,000	....
Staffing of CMHC	(1)	49,699,000	(1)	47,550,000	(1)	60,100,000
Narcotic addiction and alcoholism	15,000,000	8,000,000	25,000,000	12,000,000	30,000,000	15,900,000
Direct operation	(1)	2,364,000	(1)	2,453,000	(1)	2,449,000
Rehabilitation of drug abusers	(1)	13,980,000	(1)	16,619,000	(1)	19,640,000
Program support	(1)	9,270,000	(1)	11,384,000	(1)	12,367,000
St. Elizabeths Hospital	(1)	13,380,000	(1)	14,212,000	(1)	14,823,000
Health services R. & D	(1)	49,931,000	(1)	42,653,000	(1)	57,403,000
Comprehensive health planning and services:						
Partnership for health grants	210,000,000	171,132,000	217,500,000	193,843,000	(2)	221,500,000
Migrant health	9,000,000	8,100,000	15,000,000	15,000,000	20,000,000	15,000,000
Standard setting and resource development	(1)	5,998,000	(1)	10,252,000	(1)	10,434,000
Program management	(1)	1,879,000	(1)	5,380,000	(1)	4,564,000
Maternal and child health programs:						
Maternal and child health	(1)	197,306,000	(1)	206,025,000	(1)	221,824,000
Family planning	(1)	11,909,000	(1)	22,800,000	(1)	33,515,000
Regional medical programs:						
Operational and planning grants	65,000,000	56,200,000	120,000,000	75,271,000	(2)	81,312,000
Technical assistance and disease control	(1)	25,082,000	(1)	20,930,000	(1)	13,168,000
Program management	(1)	1,851,000	(1)	1,947,000	(1)	2,022,000
Communicable diseases	(1)	39,084,000	(1)	41,301,000	(1)	41,538,000
Hospital construction	280,000,000	254,487,000	295,000,000	172,200,000	(2)	85,000,000
Program direction and technical assistance	(1)	3,802,000	(1)	4,149,000	(1)	4,321,000
District of Columbia medical facilities	(1)	15,000,000	(1)	10,000,000	(1)	....
Patient care and special health services	(1)	71,437,000	(1)	77,443,000	(1)	79,889,000
National health statistics	(1)	8,109,000	(1)	9,174,000	(1)	9,918,000
Retired pay of commissioned officers	(1)	13,041,000	(1)	16,700,000	(1)	19,501,000
Salaries and expenses, office of Administrator	(1)	8,601,000	(1)	11,043,000	(1)	11,812,000
NIH:						
Research institutes	(1)	1,090,503,000	(1)	1,028,541,000	(1)	1,032,884,000
John E. Fogarty Center	(1)	3,374,000	(1)	2,954,000	(1)	2,664,000

Item	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971	
	Authorization	Appropriation	Authorization	Appropriation	Authorization	Requested appropriation
Health manpower:						
Institutional support:						
Medical, dental, related	$80,000,000	$66,000,000	$117,000,000	$105,000,000	$168,000,000	$113,650,000
Nursing	14,000,000	7,000,000	35,000,000	8,400,000	40,000,000	11,000,000
Public health	15,000,000	9,471,000	15,500,000	10,071,000	12,000,000	9,071,000
Allied health professions	20,000,000	10,975,000	24,500,000	11,587,000	(2)	14,245,000
Student assistance:						
Traineeships	25,500,000	20,670,000	30,000,000	20,670,000	(2)	22,270,000
Direct loans:						
Medical, dental, etc	26,500,000	15,000,000	35,000,000	23,781,000	35,000,000	12,000,000
Nursing	30,900,000	9,610,000	20,000,000	16,360,000	21,000,000	9,610,000
Scholarships:						
Medical, dental, etc	(1)	11,219,000	(1)	15,541,000	(1)	15,000,000
Nursing	(1)	6,500,000	(1)	7,178,000	(1)	17,000,000
Manpower requirements, utilization, and program management		15,641,000		16,771,000		18,388,000
Health education loan fund (interest, etc.)	(1)	200,000	(1)	957,000	(1)	3,083,000
Dental health		10,185,000		11,722,000		10,954,000
Construction:						
Medical, dental, related	160,000,000	75,000,000	170,000,000	118,100,000	225,000,000	118,100,000
Nursing	25,000,000	8,000,000	25,000,000	8,000,000	35,000,000	8,000,000
Allied health	13,500,000	1,800,000	10,000,000	----------	(2)	----------
Medical libraries	10,000,000	----------	10,000,000	----------	11,000,000	----------
Health research facilities	93,300,000	8,400,000	20,000,000	----------	30,000,000	----------
National Library of Medicine:						
Grants	11,000,000	5,788,000	11,000,000	6,157,000	11,500,000	5,792,000
Direct operations		12,220,000		13,416,000		13,977,000
Buildings and facilities	(1)	----------	(1)	1,900,000	(1)	----------
Salaries and expenses, Office of Director		6,993,000		7,861,000		8,206,000

[1] Open.

[2] Legislation pending.

AMENDMENT OF FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. McGOVERN). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act, reported with amendments.

The Senate resumed consideration of the bill.

CAMBODIA: A LARGE GAMBLE FOR A SMALL PRIZE

Mr. CHURCH. Mr. President, since Pandora's box was opened in Cambodia 6 weeks ago, the American people have been bombarded with lengthy lists and self-serving statements by officials designed to convince people that the operation has been a success. But success cannot be measured in numbers of weapons captured or tons of rice destroyed. It can be measured, in the long run, only by whether the move widened or narrowed the conflict, increased or decreased ultimate casualties, and worsened or improved prospects for a political settlement of the war.

On May 5, 5 days after the invasion was announced, I said:

> The President has taken a large gamble for a small prize. If he wins the gamble, he gains no more than the temporary removal of the border sanctuaries in Cambodia, to which the enemy will soon return; if he loses the gamble, the enemy reprisal could well take the form of a Communist takeover of Laos or Cambodia, or both.

In war as in physics, every action must have a reaction. And we are now seeing the enemy's reaction unfold in both Laos and Cambodia. Enemy forces are now moving aggressively in southern Laos, capturing new territory to guarantee the continued free flow of supplies into Cambodia. In Cambodia, an Associated Press dispatch Friday, June 12, 1970, stated:

> Faced with sharply increasing pressure from the Viet Cong and North Vietnamese, the Cambodian Government has reluctantly decided to cede almost half the country to Communist control, well-informed diplomatic sources reported today. Western military experts termed the decision hardheaded and realistic. They said that even by concentrating its forces around Phnom Penh and Northwest of the capital, the Government will have only about a 50-50 chance of surviving the next four or five months of monsoon rains.

Before the United States undertook the recent operation, Cambodia had managed to stay out of the war. Only the fringes of its territory were occupied by Communist forces. Now we face the prospect that a far larger area will soon be under Communist control, and the very real danger that the entire country could fall within a year. That will be a very heavy price to pay for the temporary and partial clearing of sanctuaries to which the enemy may soon return. A year from now, the basic situation in South Vietnam is likely to be very little changed. But by then, as a consequence of the President's gamble, we may very well see Laos and Cambodia under effective Communist control.

The PRESIDING OFFICER (Mr. McGOVERN). The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I rise today for the purpose of suggesting that the leadership of the Senate and the proponents of the pending amendment and all other amendments that would in any way restrict the activity of the President of the United States see to it that they are withdrawn.

I believe we must realize that the Senate cannot alter the Constitution of the United States. The Senate cannot, without the House of Representatives, take any legislative action.

The Senate ought to get on to the other business rather than continue and continue to press for measures, amendments, or proposals that could only add to the confusion in the Vietnam situation.

There is a larger and far greater reason why I believe these proposals should be abandoned. I do not think they are good for the United States. I do not think they will help this country to chart a course free from war or to enable this country in a quicker manner to extricate itself from the war now going on.

I do not believe the adoption of these proposals will by any stretch of the imagination help the President of the United States in his undertaking to return the American men from the war zone back to the United States.

That is not just an announced program; that is not political oratory; 115,000 are already returned.

These efforts to embarrass and to hamstring the President cannot serve our country well.

Mr. President, I read from an editorial published on June 1, 1970, in the Omaha World Herald, of Omaha, Nebr., entitled "To Embarrass the President."

The editorial reads:

> TO EMBARRASS THE PRESIDENT
>
> The impression seems to have been created in recent weeks that the Senate is on the point of devisively curtailing President Nixon's authority to continue making war decisions in Southeast Asia.
>
> The impression is clearly mistaken. It is surprising that so many knowledgeable persons seem to have been taken in by the grave rhetoric emanating from the Senate.
>
> The Senate cannot hogtie the President simply by taking a vote. It could pass any or all of the restrictive amendments currently being debated, but none would have any practical effect until ratified by the normal legislative process.
>
> This process, as any high school civics student knows, includes passage by the House of Representatives.
>
> And the fact is that the House is in no mood to adopt any measures which would curtail the President's freedom of action, jeopardize the troops in the field or otherwise intrude legislatively on administrative military prerogatives.
>
> The House is much more hawkish than the Senate. This has been proven time and again on military appropriations, the ABM and other bellwether issues.

> Most significantly the House already has had its bout with the kind of restrictions now receiving so much attention in the Senate, and it has rejected them in short order.
>
> On May 6, after two days of debate, the House voted to adopt a military procurement and research authorization bill which was the vehicle for several Southeast Asia amendments.
>
> In five different votes, the representatives decisively rebuffed restrictive amendments, some of which were nearly identical to the ones being considered by the Senate.
>
> In fact, the House even refused to adopt mild, watered-down amendments which were acceptable to the Nixon administration.
>
> Clearly, the mood of the House is to give the President the freedom of action he needs as commander in chief.
>
> Of course, the senators pushing the various restrictive amendments in their own chamber know this very well.
>
> Knowing full well that they are not dealing with meaningful legislation, they press on anyway. Their only goal can be political—they seek to embarrass the President, to throw as many oratorical hurdles in his path as they can.
>
> It is a shabby business, reflecting no credit on the senators involved. One would think they at least would be candid enough to admit that they know their efforts have little chance of success. But they continue to seek to create the impression that they are shaping momentous legislation.

Mr. President, even were the House of Representatives to agree to what we might pass in the Senate, it would still be an unwise procedure. It would still not result in improving the situation of the United States in its efforts to get out of the Vietnamese war without disaster to any persons.

Uppermost in the minds of all is the dreaded war now going on in Southeast Asia. Let us examine the history of that war.

Millions of Americans listened to these stirring words:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty.

Who do you suppose uttered those words? It was none other than President John F. Kennedy in his inaugural address on January 20, 1961. At the time these words were uttered the United States had no armed combat troops in Vietnam. There were 660 American military men there at the request of the Vietnamese. They were unarmed. They were neither committed to combat duty nor had they engaged in combat.

On May 5, 1961, President Kennedy stated that the use of American forces in Vietnam was under consideration, and on the following August 2, he said:

> The United States will do all it can to help South Vietnam.

On October 29, 1961, the first U.S. soldier was wounded in battle action, and the first U.S. soldier was killed in action on December 27 of that year. We ended the year with 3,164 troops in Vietnam.

On January 27, 1964, Secretary of Defense Robert McNamara told the House Armed Services Committee:

> The survival of an independent government in South Vietnam is so important to the security of southeast Asia and to the free world that I can conceive of no alternative other than to take all necessary measures with our capability to prevent a Communist victory.

On May 22, 1964, Secretary Rusk said this concerning the choices in Vietnam:

> A third choice would be to expand the war. This can be the result if the Communists persist in their course of aggression.

The following August the U.S.S. *Maddox* and the *C. Turner Joy*, both destroyers, were attacked by North Vietnamese torpedo boats. Thereafter, President Johnson ordered air action against the gun boats and supporting facilities. The next day President Johnson sent his message to Congress asking for the much discussed Tonkin resolution. The rest you will remember. When President Nixon took his oath of office the U.S. troop strength in Vietnam amounted to 532,500 men.

I want to make one thing very clear: I do not charge, suggest, or imply that President Kennedy or President Johnson did not desire peace. I know that they desperately wanted to avoid war and to end the war. I mention these facts of history so that we can accurately assess our present situation.

Under our constitutional system of government the responsibility for the conduct of foreign affairs rests largely upon the shoulders of the President. It is the President who communicates with foreign nations. It is the President who appoints ambassadors and through his Secretary of State instructs them and determines what messages they shall carry. It is the President who initiates treaties. It is the President or his representative who represents the United States when nations of the world are assembled. Within a few months after President Nixon took office he made that historic trip around the world which ended in his very successful visit in Rumania.

I want to read a paragraph from the front page of the Washington Post for July 26, 1969:

> MANILA, July 26 (Saturday).—Beginning his personal diplomatic quest for long-term arrangements in the Far East, President Nixon today enunciated a new U.S. policy of decreasing militarily involvement in Asian conflicts . . . Mr. Nixon made clear that Asian leaders will have to plan to fight most of their own military battles from now on . . . His key formulation of the hard realities of this policy was this: In the case of internal insecurity or other military threats to Asian nations—except for the threat of a major power involving nuclear weapons—the United States is going to encourage and has a right to expect that Asian nations themselves will take increasing responsibility for their own defense.

The Washington Star for July 27, 1969, began its story of Nixon's trip with this paragraph:

> Enroute with Nixon—President Nixon, cheered by Philippine endorsement, today takes to Indonesia his message that the United States expects free Asian countries to move toward arranging their own defenses against all but a nuclear power threat.

What did all this mean? It meant a new approach. Actually it meant the beginning of the withdrawal of American troops from Southeast Asia which has resulted in 115,000 already being brought home.

Mr. President, this was a change in our policy, a new approach. Has it worked? It has worked for 115,000 men over there. President Nixon's decision to cross the line into Cambodia was for the purpose of speeding up the return of our men and saving the lives of more of our boys over there. It did not happen overnight. That has been the President's constant plan throughout the months.

The majority leader (Mr. MANSFIELD) described its significance with clarity. He is quoted in the Washington Post of the next day as follows:

> This is a break with the past, said Senate Majority Leader Mike Mansfield (D-Mont). "He is trying to lay it out cold," said Mansfield. It's refreshing—I was delighted with it.

Incidentally, that same issue of the Washington Post quoted me in its round-up of comments. I was anxious to read it to see how it sounded after many months had gone by. I will read a part of that quote:

> There's no question but what the United States is committed too heavily in too many places in the world. Candor and honesty require that notice be given that people will have to help themselves.

In spite of great odds, and faced with all the commitments of the past, and required to deal with a Congress of an opposite political party, President Nixon has been tremendously successful in his program of turning the fighting over to the South Vietnamese and bringing our combat troops home. The President's decision to cross the Cambodian border was for the purpose of saving the lives of Americans there and carrying out in the shortest possible time his program of withdrawing the American combat troops. His critics have been unable to prove anything to the contrary because that is the fact.

We have gone on and debated here for weeks. Page after page of oratory has been printed. But no one has been able to disprove the fact that the President's decision in respect to the Cambodian border was not for the purpose of aiding the program of bringing our combat troops home, and for the purpose of saving the lives of American men over there. Fears have been expressed, innuendos have been used, and other matters have been talked about, but no one up to this hour has been able to show that the crossing of this border was not an aid to get our American men out of Vietnam; no one has been able to show that the crossing of that border was not an effective way to prevent the loss of lives of Americans still in Vietnam.

Mr. President, President Nixon's critics have been unduly harsh. President Nixon deserves our praise and our prayers—not our bricks and our blasts.

It is so easy to forget, and sometimes it is embarrassing to remember. Therefore, I think it is important that today we review the things that have happened since the United States was committed to combat in Vietnam.

There was no Government policy stated by the President, or anyone speaking for him, or by the Congress, committing this country to military action in Vietnam prior to 1961.

Those students of history who wish to pursue it might compare the language of the NATO Treaty with the SEATO Treaty. I believe it will be found that when the United States signed and ratified the NATO Treaty, this Nation said in substance, "We agree that an attack upon any one of the members of the NATO group is an attack against all." The Senate, in ratifying that treaty, agreed that an attack against a NATO country in Europe was an attack against the United States. Then it further provided that we could use all means to repel the attack. That was a commitment to war.

The SEATO Treaty did not go that far. It said, in substance, that an attack against any one of the nations that were parties to that treaty would be met by the others in a constitutional manner of procedure. In other words, it reserved to each country the right to face the situation, review the facts, and then meet it in a constitutional way.

It did not commit in advance tne strength, the might, and the manpower of this country against an attack being made upon one of the SEATO countries. The commitment of support made to the NATO countries does that to a far greater degree.

Mr. President, I would also like to call attention to the fact that President Nixon has made no commitment to Cambodia. Those who have followed what he has said in all of his speeches and in all of his announcements are unable to point out where President Nixon has said, "We are going to defend liberty in Cambodia." He has not said we are going to grant to Cambodia all of the help we can. He has not said we are going to help Cambodia. He has not said we are going to repel communism in Cambodia. He has not said we are going to defend liberty in Cambodia.

President Nixon has made no commitment in Cambodia. What he did when he crossed the line was for Americans. Americans are in South Vietnam. They were there when Mr. Nixon became President, 115,000 have been brought home, and the President made a battlefield decision as to what was necessary to do in order to continue that program of bringing them home and saving the lives of those men over there.

There has been no commitment to do something for Cambodia. It is not that we do not wish them well. It is not that at some future time, or in the immediate future, financial or other aid may not be given to Cambodia. But I want to make clear that this was not an extension of the war commitment. This was a necessary act to protect the lives of Americans.

Mr. President, I have a number of specific dates and items that I wish to call to the attention of the country that are important in considering the history of the Vietnam war.

On January 29, 1961, Radio Hanoi recognized the National Liberation Front as the official government of South Vietnam.

Another date is worth noting in 1961. On March 10 the National Liberation Front announced the launching of a guerrilla campaign against the Government of South Vietnam.

On April 3, 1961, the United States and the South Vietnamese signed a treaty of amity and assistance.

On May 5, 1961, President Kennedy, at a news conference, announced that the use of American forces in Vietnam was under consideration.

On May 11, Vice President Lyndon B. Johnson flew to Vietnam.

On May 13, Vice President Johnson announced that U.S. military assistance would be increased.

On June 4, President John F. Kennedy and Khrushchev met in Vienna. The press reported that Khrushchev chided President Kennedy concerning the Bay of Pigs. James Reston, of the New York Times, reported later that after that meeting the decision was arrived at by President Kennedy on using U.S. troops in Vietnam.

On October 1, 1961, Admiral Felt, the U.S. Commander in the Pacific, said the use of U.S. troops in combat was not in the immediate plans. On October 29, 1961, the first U.S. soldier was wounded in battle with the enemy. Prior to that date, an American soldier had been wounded in a sabotage raid in Saigon by enemy terrorists who blew up a billet. However, this was not in action in the field against the enemy. The first such casualty involving a man wounded occurred on October 29.

On November 16, after a meeting of the National Security Council, President Kennedy announced increased U.S. forces for Vietnam. Assistant Secretary of State Robert Manning said President Kennedy advised him then it might mean the commitment of as many as 300,000 U.S. troops in Vietnam, but the decision to send 15,000 was made anyway.

On December 14, 1961, President Kennedy pledged increased U.S. aid.

On December 27, 1961, the first U.S. soldier was killed in action by the enemy.

On December 31, 1961, U.S. troop strength, at the year's end, had increased from 660 noncombatants in 1960 to 3,164.

Mr. President, I think the country would also be interested in knowing some of the significant happenings in connection with the history of this war through out the year 1962.

On February 7, two U.S. Air Force support companies arrived in Saigon, bringing the troops strength to 4,000.

On February 8, 1962, a reorganization of U.S. efforts in Vietnam was announced, making it a military command with a four-star general in command. The general was General Harkins.

On May 15, 1962, the United States ordered troops to Thailand.

On July 6, 1962, Secretary McNamara made his first statement declaring, "I am encouraged," and that progress was being made in Vietnam.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. CURTIS. I am happy to yield.

Mr. KENNEDY. I just came to the floor a moment or two ago, and heard the recitation of dates and figures being read into the record by the distinguished Senator.

I was wondering whether the Senator had gone back to 1956, or indicated in his recitation the number of American military personnel who were present in Vietnam in January, 1961, and also whether he included in the record a statement of the claimed authority for the orders of President Eisenhower, relative to our involvement with the Saigon government.

I would be interested, having come to the floor after the Senator had begun his statement, to know whether he had made that statement, or whether he intended to place those matters in the record.

Mr. CURTIS. Mr. President, in response to the Senator's inquiry, let me state that I placed in the record the figure for the number of troops, according to my information, present in Vietnam at the beginning of 1961, which was 660. They were unarmed, they were there at the request of Vietnam, they were uncommitted to combat, and they had not engaged in combat.

Mr. KENNEDY. Does the Senator mean to suggest that there were 660 American military forces there that had no arms at all, in Vietnam at that time?

Mr. CURTIS. That is correct.

Mr. KENNEDY. What were military personnel doing in Vietnam without any kind of military equipment, and without any kind of arms to defend themselves?

Mr. CURTIS. They were there as instructors, is my understanding.

Mr. KENNEDY. And advisers?

Mr. CURTIS. And advisers, with no weapons issued to them.

Mr. KENNEDY. But nonetheless, these were American military personnel who were present, who were placed there during some time between 1956 and 1960, were they not?

Mr. CURTIS. That is correct. I also mentioned just briefly the SEATO Treaty, and, without involving any technical discussion of it, pointed out that it had some differences from the NATO Treaty.

Mr. KENNEDY. I thank the good Senator, because I think in terms of the total involvement, it is appropriate to present in the record the very logical buildup of military personnel in Vietnam. It appeared to me, at least, that the Senator was starting at the period of 1961, and I had not heard read into the record the number of American military personnel who were present, or any justification for their presence in Vietnam, which I understand dates as far back as 1956, during the Eisenhower administration.

So I thank the Senator for at least helping to clarify that point.

Mr. CURTIS. I thank the Senator. Of course, we are all aware that these things built up over a period of time.

I also stated, at the opening of my remarks, that I wanted it abundantly clear that I felt that every President of the United States honestly desired peace and, after the war came, honestly desired to bring it to an end. I recite these facts of history merely as perspective for the situation we now face, in June 1970, in reference to our decisions in Vietnam.

On September 12, 1962, U.S. Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, visited Southeast Asia, particularly the military bases in the central highlands.

At the end of 1962, the U.S. troop strength was 9,865, and we had incurred casualties of 42 killed.

In 1963, I think the following dates are significant:

On April 14, U.S. Under Secretary of State Averell Harriman, in a television interview, said that the decision had been made that the United States must not become involved in the continuing conflict in Laos. He said that there were no plans to commit U.S. troops, and military supplies would be sent only if requested by that Government.

On April 22, U.S. Secretary of State Dean Rusk called the situation in South Vietnam difficult and dangerous, and said that the United States "cannot promise or expect a quick victory," and that its role would be "limited and supporting."

On June 11, 1963, a Buddhist monk, Thich Quang Duc, committed suicide by burning himself to death with gasoline in front of the Cambodian Legation. This further aggravated the religious crisis involving the South Vietnamese Buddhists.

On June 27, 1963, President Kennedy announced the appointment of Henry Cabot Lodge as the next Ambassador to South Vietnam, effective in September 1963, to succeed Ambassador Frederick Nolting.

On July 11, 1963, U.S. Ambassador Nolting returned to South Vietnam after consultations in Washington and issued a statement assuring continued U.S. support to President Diem and warning that unity of purpose and purpose in action must not be weakened by internal dissension.

On September 2, 1963, the Times of Vietnam, a newspaper, charged that U.S. intelligence agents had planned to overthrow the President of South Vietnam. On the same day, the statement was made by the President of the United States, as quoted in a CBS television interview, that:

> The United States was prepared to continue to assist South Vietnam, but I don't think that the war can be won unless the people support the effort, and in my opinion, in the last two months, the government has gotten out of touch with the people.

On October 2, 1963, Secretary of Defense Robert S. McNamara and General Taylor, Chairman of the Joint Chiefs of Staff, said that the United States would continue its "policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible. Effective performance in this undertaking is the central object of our policy in South Vietnam."

On November 1, 1963, a military coup was organized against the Diem regime. Rebels lay seige to the presidential palace in Saigon, which was captured by the following morning, and the President and his brother escaped from the palace. A few hours later they were taken by the rebels, and while being transported in an army carrier to rebel headquarters, they were assassinated. A proclamation broadcast by the leaders declared that they had "no political ambitions" and that the fight against the Communists must be carried on to a successful conclusion.

On November 2, the military leaders in South Vietnam set up a provisional government headed by a Buddhist premier. The constitution was suspended, and the National Assembly was dissolved. Buddhists, students, and other political prisoners arrested by the former regime was released.

On November 9, 1963, the United States announced resumption of its commodity import aid to South Vietnam, which had been suspended in August.

On November 15, 1963, a U.S. military spokesman in Saigon reported that the first 1,000 U.S. servicemen would be withdrawn from South Vietnam beginning December 3.

Mr. President, that promise to bring 1,000 U.S. servicemen from Vietnam, never happened. Perhaps something prevented it. I do not charge bad faith. The cold facts are that it did not take place. The withdrawal of combat troops from South Vietnam is something that has occurred in the last year and a half. It is a program we should support, and we should support the leadership which has made that possible.

On November 22, 1963, a very sad event occurred. I refer to the day that President Kennedy was assassinated. He was President of all the people. It was a sad day for all of us. The reins of Government passed to Lyndon B. Johnson, as President of the United States.

On November 24, 1963, President Johnson affirmed the intention of the United States to continue its military and economic support of South Vietnam's struggle against the Communist Vietcong.

On December 31, 1963, our troop strength in Vietnam was 16,000. Up to that time, the deaths resulting from the war—that is, the battle deaths—amounted to 78.

We turn now to a few events of the war that occurred in 1964.

On January 27, U.S. Secretary of Defense Robert McNamara, in a statement to the House Armed Services Committee, stated that the situation in South Vietnam continued grave but that:

> The survival of an independent government in South Vietnam is so important to the security of Southeast Asia and to the free world that I can conceive of no alternative other than to take all necessary measures with our capability to prevent a Communist victory.

On the same day, France established diplomatic relations with Communist China.

From April 13 to April 15, 1964, the Southeast Asia Treaty Organization Ministerial Council communique declared that the defeat of the Vietcong was essential to the security of Southeast Asia, and SEATO was to fulfill its treaty obligations.

On April 25, 1964, General Harkins was replaced by General Westmoreland in Saigon.

On May 12, 1964, Secretary Rusk asked NATO members to give greater support to Southeast Vietnam.

On May 22, 1964, Secretary Rusk stated that the choices in Vietnam were threefold. Among other things, he said this:

> A third choice would be to expand the war. This can be the result if the Communist persist in their course of aggression.

On August 2, 1964, the U.S.S. *Maddox* was attacked in international waters off the Coast of North Vietnam by North Vietnamese torpedo boats, and on August 4 the destroyer *C. Turner Joy* and the destroyer *Maddox* were attacked by North Vietnamese PT boats.

On that sad day, August 4, 1964, President Johnson ordered air action against gunboats and certain supporting facilities in North Vietnam.

On August 5, 1964, President Johnson sent a message to Congress asking for the passage of the now much discussed Gulf of Tonkin resolution. A joint resolution was introduced. It was entitled "To Promote the Maintenance of International Peace and Security in Southeast Asia."

Mr. President, it is not my purpose at this time to discuss the Gulf of Tonkin resolution. It was brought here to the floor of the Senate by the Committee on Foreign Relations. It was explained by the chairman of the committee, the distinguished Senator from Arkansas (Mr. FULBRIGHT).

There may be a time and place to discuss the Gulf of Tonkin resolution, but I shall not do so at this time.

At any rate, it was overwhelmingly passed by the Senate.

On August 5, 1965, the United States sent reinforcements to the Tonkin Bay area.

On August 6, 1964, Cambodia made a charge, alleging that Americans in uniform joined the South Vietnamese in firing into Cambodia.

August 7 was the date that Congress approved the Gulf of Tonkin resolution. The vote in the Senate, according to my recollection, was 88 to 2, and the House of Representatives it was 416 to 0.

On August 11, the Gulf of Tonkin resolution was signed by President Johnson.

On September 8, 1964, the Department of Defense reported that U.S. destroyers in the Gulf of Tonkin fired on and presumably hit four or five hostile targets.

The year 1964 closed. We had a total troop strength in Vietnam of 23,000 men. Casualties amounted to 147 killed.

Now we turn to the year 1965. On February 6, Russian Premier Kosygin arrived in Hanoi. I mention that because I believe it is significant. Individuals who have been in Vietnam, individuals who have had access to reports on what was going on there, are convinced that the supplier to the Hanoi war machine was Soviet Russia.

On February 7, U.S. planes struck targets in North Vietnam.

The news also reported that U.S. dependents were being evacuated from South Vietnam as of that date.

On February 8, the news reported that South Vietnamese Air Force planes accompanied U.S. air missions into North Vietnam.

President Johnson indicated that further developments would depend upon Communist response.

On February 8, the second day after his arrival in Hanoi, Russian Premier Kosygin announced Soviet willingness to aid North Vietnam if it was invaded.

On February 25, North Vietnamese officials stated that negotiations would be considered, if American troops were withdrawn.

Mr. President, I recite these facts not for the purpose of pointing a finger at anyone. I believe that every occupant in a place of high position throughout all these years desired above all to have the war end and for us to be at peace.

I recite these facts merely to give some background as to how involved the Vietnam war has become, and how far we were involved when President Nixon took over.

Because, after all, what is the pending business? It is a proposal to tie the hands of President Nixon, to limit his freedom of action? Therefore, I think that it is important we review all the happenings in the war, not for the purpose of censuring, not for the purpose of pointing accusing fingers, but for the purpose of understanding the whole background of the tremendous buildup of the war effort in Vietnam to over half a million men, and then how the whole program was reversed and a program was inaugurated of turning the fighting over to the Vietnamese.

Senators will also recall that I mentioned a while ago that President Nixon, on his round-the-world trip, made the historic announcement that hereafter, in the absence of nuclear war, the defense of Asia would have to be carried on by the Asians.

It was a new day, as a number of people commented, at the time President Nixon announced that reversal.

Has it worked?

It has worked. There have been 115,000 American men withdrawn from combat. I think we should give it a chance to proceed in that direction.

I mentioned that on February 25, 1965, the North Vietnamese officials stated that they would negotiate, if American troops were withdrawn.

That sounds like yesterday's newspaper, because that is what they are still saying in Paris.

Dating back to February 27, 1965, the State Department issued a white paper detailing the aggression on the part of North Vietnam.

It was on February 28, 1965, that the United States and South Vietnamese officials declared that President Johnson had decided to open continuous limited air strikes against North Vietnam in order to bring about a negotiated settlement. That was 5 years ago last February 28.

On March 6, 1965, two U.S. Marine battalions were sent to Vietnam for limited duty.

Mr. President, I again point out that throughout all this time, U.S. high officials repeatedly expressed a desire to have the war end and to have peace restored to that part of the world.

It was on March 25, 1965, that in a public statement President Johnson held out to North Vietnam the prospect of economic aid if peace were secured.

Mr. President, I am trying to point out that throughout all these years sincere efforts were made to secure peace and to have the United States relieved of this burden of carrying on combat activities in Southeast Asia. Those efforts were made in good faith. They did not succeed. Our build-up there continued, and now we have a program that is working.

We have a situation in which the President of the United States notified the world about a year ago that thereafter the battles of Asians would have to be fought by Asians. There was a carefully designed program of turning the fighting over to them and bringing our own men home.

We all wish that instead of 115,000 men being brought home, it could have been 200,000 or that all of the men could be brought home. Surely we do. But let us not reverse the program that has brought 115,000 home. Let us not force the President of the United States to go before the world handicapped, embarrassed, and with his hands tied.

That will not help the United States. That will not bring peace to Southeast Asia. Mr. President, I pointed out that President Johnson offered massive economic aid to Vietnam. I believe he did it with a sincere desire to bring peace to the world and particularly to that part of Southeast Asia. It did not work.

We now have something that is working. Why should the U.S. Senate engage in debate day after day that in any way hinders that program of turning the combat over to the South Vietnamese and bringing our men home?

That is the program that is being challenged. That is the program that is being contested. That is the program that restrictions are being imposed upon.

Mr. President, it was on April 2, 1965, that the United States announced the intention of sending several thousand more troops to South Vietnam.

On April 7, 1965, President Lyndon Johnson, in a speech at Johns Hopkins University, stressed our willingness to negotiate and suggested a $1 billion aid program for Southeast Asia. Every conceivable effort to bring peace to that part of the world and to get the United States relieved from this combat burden had been tried. And I think that it had been tried with the best of intentions.

For the life of me, I cannot see why today we harass those in charge when, after years of trial and error, a program is initiated that works and that is bringing the troops home and that has been sold to the nations of the world—and they have accepted it—to the effect that the United States will not carry the combat burden in Asia.

On May 4, 1964, President Johnson requested $700 million supplemental appropriations for the Department of Defense for the Vietnam effort. That was a supplemental request that was in addition to the regular appropriations.

On May 13, 1965, the United States halted the bombing missions on North Vietnam.

Mr. President, the Communists are not sincere in their desire for peace. They say, "If you will stop doing these things, we will negotiate." Our country has tried all of these things and without success.

On May 19, 1965, the United States resumed the air attacks on North Vietnamese targets.

On June 7, 1965, U.S. military authorities disclosed that the number of American military personnel in South Vietnam has passed the 50,000 mark. The Army had 21,500; the Marine Corps had 16,500; the Air Force had 9,500; and the Navy had 3,500.

Mr. President, on June 8, 1965, our State Department spokesman said that the U.S. military command in South Vietnam had been authorized to send American troops into combat alongside the Vietnamese forces if such "combat support" were requested by South Vietnam. That was on June 8, 1965.

On June 16, 1965, Secretary of Defense Robert McNamara announced new troop movements to Vietnam which would bring the total there to over 70,000 men.

On June 25, 1965, President Johnson, in an address at ceremonies in San Francisco commemorating the 20th anniversary of the signing of the U.N. Charter, declared that "bilateral diplomacy" for a peaceful settlement had "yielded no results." He was speaking of the war in Vietnam.

He added:

> I now call upon this gathering of the nations of the world to use all of their influence, individually and collectively, to bring to the table those who seem determined to make war. We will support your efforts as we will support effective action by any agency of these United Nations.

Mr. President, this is a significant statement. Again, it shows a sincere effort to end the fighting by Americans in Vietnam. It did not bring results. No agency of the United Nations has been able to bring the Communists to the peace table on Vietnam under any condition whereby the Communists really want to end the war. Neither the United Nations nor any agency connected therewith has been able to so relieve the burden of America that America could withdraw troops from combat in Vietnam.

For about a year we have had such a program of turning the fighting over to the Asians and getting our own men home. Why should the Senate attempt to pass a resolution, an amendment, or a proposal of any kind that censures and restricts the only program that has been a success in reversing the trend in getting America out of Vietnam instead of that trend which built up for so many years of getting us further and further involved? We should be here today supporting the President and not here with amendments and resolutions making his task more difficult. The people back home understand that. Support for the Presi-

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dent is growing every day. It is time for the Senate to catch up with the people back home.

Mr. President, it was on June 28, 1965, that American troops participated in their first major attack of the Vietnamese war. Up until that time, it had participated along with the Vietnamese. It was 5 years ago on the 28th of June that there was an American attack in the Vietnam war.

On July 10, 1965, President Johnson declared in a press conference that in Vietnam:

> We committed our power and our honor.

Lest I be misunderstood, I want to firmly assert that he made that statement in the full belief that it would hasten the day when American men would not have to fight in Vietnam.

Five years have gone by; they are still there. However, under a program inaugurated about a year ago, they are coming home and the fighting is being turned over to the South Vietnamese.

Why, oh, why, are we here proposing amendments and resolutions to detract from the efforts and to make the burden harder for the President? We should support him, not hinder him.

From July 12 to July 18, 1965, news services reported that the United States had started a large-scale buildup of its forces in South Vietnam.

On July 15, 1965, a voluntary censorship of news was requested of journalists by the U.S. military assistance command in Vietnam. This was a war. Again, I do not attach to that request for voluntary censorship anything wrong or improper or that was not well intended. It does point out that a war had been going on in Vietnam for a long time. It does point out the fact that after trying many things, a program is underway of bringing the boys home. Let us support that program; let us support the Commander in Chief, just as we supported all his predecessors in their efforts to try to end America's responsibilities in Vietnam.

On July 28, 1965, President Johnson stated in a press conference:

> We must not let this (the unconventional nature of the fighting) mask the central fact that this is really war.

On July 19, 1965, the Department of Defense reported that 561 Americans had been killed, 3,024 wounded, and 44 missing in Vietnam between January 1, 1961, and August 16, 1965.

On October 23, 1965, U.S. military authorities in Saigon reported that U.S. forces in South Vietnam had reached a total of 148,300 men: 89,000 Army, 8,000 Navy, 37,000 Marine Corps, 14,000 Air Force, and 300 Coast Guard.

On November 11, 1965, Correspondent Eric Sevareid reported in a Look magazine article that the United States rejected a Hanoi proposal in 1964 that United States and North Vietnamese representatives meet in Rangoon, Burma, to discuss a possible means of ending the Vietnam war. State Department spokesman Robert J. McClockey stated that:

> On the basis of the total evidence available to us, we did not believe at any time that North Vietnam was prepared for serious talks.

Mr. President, I do not question their judgment at that time. I believe those men were patriots, I believe those men were seriously interested in the United States, and I believe they were seriously interested in peace. Nevertheless, they were supported. Congress united back of them in order that they might be successful in managing the affairs of this country to bring this war to an end. Why should we do anything less at the present time? Why should the Senate be engaged in a harassing attack? Why should the Senate be engaged in efforts to restrict the power of the President when we know that he is acting for the best interests of our country and we further know the course he is following is working, and that it is turning the fighting over to Asians and bringing back our men?

On November 18, 1965, a Defense Department casualty report stated that 108 U.S. soldiers were slain in the week ending November 15, a weekly record total, bringing to 1,095 the number of Americans slain since January 1, 1961.

On November 29, 1965, Defense Secretary McNamara stated in a press conference that:

> The Vietcong's expressed determination to carry on the conflict . . . can only lead to one conclusion—that it will be a long war.

Mr. President, where were the critics of our involvement in Vietnam at that time?

On December 15, 1965, U.S. Air Force planes bombed and destroyed a North Vietnamese thermal power plant in the first American air raid on a major North Vietnamese industrial target.

Here again something was undertaken in an effort to end the war. But it has gone on. Five long years have gone by. Today we are in a program that is working out and we are bringing home our combat troops and turning the fighting over to those who live in that area. Why, oh why, should we interfere with those plans?

On December 24 and 25, a 1-day Christmas truce was agreed to by the United States and the Vietcong. The United States also suspended air strikes as part of the short cease fire.

By the end of 1965, on December 31, our troop strength in Vietnam was 181,000. The casualties were 1,369 dead.

Mr. President, perhaps there are people who place no value upon history. I believe that we should always look to the future. We should always undertake to do that which is forward looking. However, if we are wise, we must turn to the past that we might learn from experience, but we should also turn to the past in order for us to assess the present and to arrive at the best decision of how to approach the future. That is why I believe it is well that we review this long struggle in Vietnam.

I believe that it is well to give attention to all of the efforts that were made to try to get the Congress to sincerely come in and want to end the war. I believe it is important that we review the facts so that we know just how complex and how involved the Vietnam war is. Then we can better decide whether or not we should be here today with proposals to tie the hands of the individual who is responsible for carrying out the program of this country, not only in the fighting of the war but in presenting the view of the United States to the whole world.

The leadership that must be exerted by any President of the United States in world affairs is awesome and great. The President of the United States is always the chief negotiator for this country. He is the individual empowered to speak, to communicate with foreign governments, to propose meetings, to initiate treaties. It is an awesome responsibility.

How can we serve our country in our time by harassing action such as we have before the Senate? If anyone doubts that this is an harassing action, let him bring forth convincing evidence that what is proposed here, if it passes, will ever be considered and passed by the House of Representatives.

I hope that the leadership of the Senate and the proponents of the amendments that would curtail the powers of the President will withdraw those proposals and that we will turn our attention and our time not only to the legislative program that awaits us, but in support of the President, in support of the idea of turning the fighting over to Asians in Asia, and in support of the idea of bringing our combat troops home.

Mr. President, on January 31, 1966, President Johnson announced in a broadcast speech the resumption of U.S. air strikes against North Vietnam. At the same time he instructed U.S. Ambassador Arthur Goldberg formally to request the U.N. Security Council to intervene in the crisis to seek an international conference to end the war and establish a permanent peace in Southeast Asia.

I am sure that was a well-intentioned effort. I wish it had succeeded. I am glad that the Senate of the United States did not engage in an exercise at that time to make the job for President Johnson more difficult.

We would always have lived in regret that perhaps our harassing tactics might have been a factor which caused that noble suggestion to fail. And today the President of the United States is entitled to the support of the Senate in his efforts to shift the burden of the fighting over to the Vietnamese and to bring our combat troops home.

This program is not one of domestic oratory. This program is one that was presented to the nations of the world. It has been accepted by them, and it is working.

On February 4, 1966, Defense Secretary McNamara refused, on the grounds of security, to testify publicly before the Senate Foreign Relations Committee. His position was publicly endorsed by President Johnson.

I am not here to suggest that they were not right. I am glad that the Senate of the United States did not make issue of it at the time.

On February 6, 1966, President Johnson and other U.S. officials arrived in Honolulu for discussions with Premier Ky and other Saigon representatives concerning the Vietnamese war. In his remarks at the airport ceremony, President Johnson declared that those who counsel retreat from the war "belong to

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a group that has always been blind to experience and deaf to hope."

Mr. President, I do not want to become repetitious, but I want to make it abundantly clear that I am not censuring President Johnson. I am citing this example to show his sincere effort in behalf of this country, and to show how involved we are in this war, and over how long a time the buildup has been taking place.

The Senate supported Lyndon Johnson at that time. My request is to let us today give the President of the United States, in 1970, our full support in his efforts to serve this country and to serve the cause of peace.

On February 7, 1966, retired Lt. Gen. James Gavin appeared before the Senate Foreign Relations Committee to present his views on the Vietnam conflict. I think those views disagreed with those of the President, but there was no official action taken in the Senate that might have made President Johnson's burden greater.

On February 8, 1966, President Johnson stated his determination, at the conclusion of the 3-day Honolulu conference, to fight the battle against aggression as well as the battle for social construction in Vietnam.

On February 11, 1966, President Johnson, at a news conference disavowed any desire to escalate the war. However, he added that "additional troops" would be sent in as militarily required.

On March 5, 1966, General Taylor proposed the mining of the Haiphong harbor. Maybe it should have been done; I do not know. I am not suggesting that it should have. I do believe that these decisions are so difficult and so awesome that we should extend consideration to those who must assume the responsibility for them.

On March 11, 1966, Vice President Hubert Humphrey barred any settlement of the Vietnam war that would give the Vietcong a role in a coalition not earned in free elections.

I think that was fine. I agreed with him. And if it was true on March 11, 1966, maybe it is true in June 1970. There was no uproar in the U.S. Senate challenging that position back in 1966. Every support possible was given to the leadership of this country.

On April 12, 1966, B–52's from the U.S. Strategic Air Command base in Guam bombed North Vietnam for the first time. The press reported a Pentagon decision to use B–52's regularly in bombing the North.

On April 22, 1966, Pauline Frederick, National Broadcasting Co. reporter, quoted a Soviet informant as stating that North Vietnam would be willing to enter into peace negotiations if the United States would halt the bombing of the north.

Mr. President, we have halted the bombing of the north many times, but the Communists have not kept their promises. We have tried so many things in this war, and they have not worked. For the last year we have been trying a program that has worked. It has been accepted by the other nations. It was announced by the President a year ago on his trip around the world. That program was that we would shift the burden of fighting the Asians' war to the Asians; and, coupled with that, we would be bringing Americans back to this country, away from their combat engagements.

Why should we not let that program go on? Why should we be here today trying to figure out amendments to curtail the President of the United States, when the President of the United States has made a success of a program that is for the benefit of all of the United States, and particularly those men involved in Vietnam?

On May 2, 1966, Secretary McNamara predicted an increase in U.S. troop strength in order to offset rising North Vietnamese infiltration.

On May 22, 1966, Harold Brown, Secretary of the Air Force, stated that President Johnson had decided against expanding the list of bombing targets in North Vietnam to include industrial and port installations and fuel storage facilities.

On June 18, 1966, President Johnson, in a news conference, declared that the United States should persist in using the ground, naval, and air strength required to achieve our objectives, and warned:

> I must observe that this does not mean that we shall not increase our forces or our operations.

On June 26, 1966, Secretary of State Rusk, in Canberra, Australia, stated that he saw no prospects for an early peace in Vietnam. Mr. President, there was no turmoil in the Senate at that time. I believe that the Senate realized that those who were making the decisions were doing their very best to serve the United States. Why should this harsh and unreasonable and unfounded criticism of President Nixon prevail now? Why should we not give to him our complete support, so that the program of returning combat troops can continue and so that he can take such action as necessary to save the lives of American men in Vietnam and to hasten their return?

On June 29, 1966, American planes conducted the first of continuing attacks on oil installations in the areas af Hanoi and Haiphong.

On June 30, 1966, speaking in Omaha, Nebr., and in Des Moines, Iowa, President Johnson warned that attacks upon military targets in North Vietnam "will continue to impose a growing burden and a high price on those who wage war against the freedom of their neighbors," and called for unconditional peace talks, saying:

> There need only be a room and a table and people willing to talk respectively.

President Johnson was trying his very best. In that, the country supported him. Why should we do less today?

On July 30, 1966, B–52 bombers initiated the first of a series of attacks on growing North Vietnamese troop concentrations in and around the demilitarized zone.

On August 3, 1966, the House Appropriations Subcommittee made public testimony of May 11 by Secretary Rusk in which he said that the United States observed a no-bombing buffer zone along North Vietnam's border with Red China.

On September 5, 1966, President Johnson said that a U.S. troop withdrawal from South Vietnam was dependent upon a pullout of Communist forces.

On September 22, 1966, Ambassador Goldberg stated that the United States would halt the bombing of North Vietnam when it received assurances, privately or otherwise, that Hanoi would respond by a reduction of its war effort. The United States would then be prepared to participate in a mutual withdrawal of military forces under international supervision.

On October 16, 1966, President Johnson left on a 17-day trip that would include the conference at Manila, and on October 24, the Manila conference opened. Premier Ky of South Vietnam told the conference that South Vietnam would press a program of political and economic reform.

On October 26, 1966, President Johnson paid a surprise visit to Camranh Bay, South Vietnam, and pledged full support to the U.S. forces.

On November 5, 1966, Secretary McNamara stated that the number of U.S. troops in Vietnam would continue to grow in 1967 but at a lower rate than the increase in 1966.

Mr. President, where were the voices of censorship and criticism in the U.S. Senate at that time? They were not heard. I do not think they should have spoken out. War is serious business. Support was given to the President. It is to be given to the President now.

On November 12, 1966, Hanson Baldwin, New York Times military writer, asserted that Pentagon military experts had estimated that 600,000 to 750,000 U.S. troops were needed in South Vietnam to achieve the objectives of defeating the Communists and pacifying the country.

Now we turn our attention to 1967.

On January 8, the United States predicted "sensational" military gains in 1967 and that open peace negotiations would probably never take place.

On January 13, 1967, Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, said that the United States would not bomb Mig bases in North Vietnam.

On January 23, 1967, in his annual posture statement before the Senate Armed Services Committee and the Defense Appropriations Subcommittee, Secretary McNamara listed enemy strength in South Vietnam at 275,000 men, including 45,000 North Vietnamese regulars. The Secretary stated that U.S. strategy is limiting the buildup of Communist forces in the South because they are losing as many men as they can recruit.

On January 25, 1967, the Associated Press reported an order by the Johnson administration barring American planes from venturing within 5 miles of the center of Hanoi.

On January 26, 1967, U.S. officials acknowledged previous reports of secret negotiations with the National Liberation Front, but claimed that they dealt only with American prisoners held by the Vietcong.

Mr. President, that is all right. It does point out the problem faced by the Government of the United States. It does

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point out the long history of involvement in Vietnam.

On February 9, 1965, Secretary Rusk told newsmen that the United States would not cease the bombing of North Vietnam until Hanoi showed a willingness to reduce its military efforts in the south. He accused Hanoi of trying to secure a halt in the air raids without any limitations on its own military activities.

On February 14, the United States bombed North Vietnam, after a pause of nearly 6 days. President Johnson cited Hanoi's "major resupply efforts" during the break as justification for the action.

On February 15, Secretary McNamara told newsmen that the northern bombing was effective, but that the major military objectives of the war must be achieved in South Vietnam.

On February 24, Secretary McNamara stated at a news conference that the United States might bomb new targets in North Vietnam.

On February 27, U.S. planes began to drop mines in North Vietnamese rivers.

On March 21, the North Vietnamese Foreign Ministry disclosed that President Johnson and Ho Chi Minh exchanged letters in February, and that Ho had rejected the President's call for peace talks unless the United States halted the bombing and all other acts of war against North Vietnam.

Mr. President, that sounds just like yesterday.

One thing that has been unchanging throughout the war, and somewhat surprising, is that fact, and that some Members of this august body would suggest that, if the United States stopped doing something, peace would come to the world.

Are we to imply that generous, peace-loving Uncle Sam is the instigator of all wars—of this war?

I think not.

On March 27, the Senate Armed Services Subcommittee issued a report charging that restrictions on U.S. pilots bombing North Vietnam had resulted in increased American casualties in the air war. The report proposed a relaxation of the limitations.

On April 20, U.S. planes bombed two powerplants inside Haiphong for the first time. United States and allies participating in the Vietnam war held a strategy conference in Washington.

On April 24, U.S. planes attacked two North Vietnamese Mig bases, marking the first strike against such installations.

On April 28, in a speech before Congress, Gen. William Westmoreland predicted that U.S. forces would "prevail in Vietnam over the Communist aggressor." He also asserted that "in evaluating enemy strategy, it is evident to me that he believes our Achilles heel is our resolve."

Mr. President, I think that President Johnson meant that. I think he was sincere.

On May 3, at a news conference, President Johnson stated that he had no "imminent" plans substantially to increase U.S. fighting strength in Vietnam.

I am glad that the Senate did not jeopardize the possible, fruitful results of his efforts by any exercise that might be an embarrassment, a harassment, or a tying of the hands of the President.

On May 5, U.S. Marines captured the third and final peak of Hill 881, after days of bitter fighting.

On June 22, according to Department of Defense figures, total U.S. troop strength in Vietnam was reported to be 463,000 as of June 17.

On July 1, at a Saigon press conference, before his return to Washington, Secretary McNamara stated that the United States would continue to provide the troops which our commanders considered necessary, but that what was necessary would depend on the extent to which we used the resources we had available to us.

On August 3, President Johnson announced that he had authorized the raising of the maximum limit on U.S. personnel in South Vietnam to 525,000.

Now, Mr. President, we turn our attention to 1968.

On January 2, the allied New Year's truce ended and the United States resumed the bombing of North Vietnam.

On January 6, President Thieu stated that Saigon and Hanoi should be the principal parties to any peace negotiations.

On January 7, Assistant Secretary William Bundy stated that peace talks on Vietnam might "lead away from peace" if the Communists used a cessation of the U.S. bombing of North Vietnam to pour men and supplies into the South.

It was probably true that Secretary Bundy sized up the situation accurately.

On January 15, speaking to a group of Vietnamese newspaper editors, President Theiu declared that South Vietnam "should have the central role in any development relating to the events in Vietnam," and that "peace efforts should be made by the Saigon government." Secretary Rusk stated in Washington that there could be no decisions on negotiations without full consultation with the Saigon government, and that the future of South Vietnam could not be decided without the "full participation" of the South Vietnamese Government.

On January 6, Mai Van Bo, the chief diplomatic representative in Paris, told newsmen that before talks could be held, the United States must stop the bombing and "other acts of war" against Vietnam without exception of any reciprocal action by Hanoi.

On January 17, North Vietnamese officials in Paris reportedly told a French journalist that peace talks would begin as soon as the United States halted the bombing and other acts of war against North Vietnam. They also said that the door was open to discussions on any subject, including the U.S. view that Hanoi not take advantage of a cessation of the bombing, but declared that there could be no question of a reciprocal deescalation by Hanoi in exchange for a bombing halt.

On January 18, Cambodia charged that the U.S. and South Vietnamese forces intruded 200 yards into its territory on January 18, killing three Cambodians.

On January 1, 1968, a commentary in North Vietnam's official newspaper, Nhan Dan, described President Johnson's "San Antonio formula" as a "habitual trick" with "very insolent conditions." It stated that the United States had no right to ask for reciprocity in return for a cessation of the bombing of North Vietnam.

On January 22, 1968, the State Department acknowledged that a combined United States-South Vietnamese patrol had entered Cambodian territory on January 18 in the heat of battle with a Vietcong unit that had fled into that country.

On January 25, 1968, testifying before the Senate Armed Services Committee, Clark Clifford, the President's nominee for Secretary of Defense, stated that he would "assume" that North Vietnam would "continue to transport the normal amount of goods, munitions, and men to South Vietnam," if the United States halted the northern bombing.

On January 29, 1968, the allies canceled their 36-hour Tet truce in South Vietnam's five northernmost provinces and stated that the United States would continue bombing North Vietnam south of Vinh, a city about 125 miles north of the demilitarized zone. The U.S. sources cited the Communist buildup around Khesanh as the reason for the cancellation.

On January 30, 1968, the New York Times reported that the United States had informed North Vietnam that it would stop the bombing of the north if Hanoi did not increase the infiltration of men and supplies beyond the level maintained while the bombing proceeded.

On January 30 and 31, 1968, the Communists launched simultaneous attacks on major South Vietnamese cities, including Saigon, where they temporarily invaded the grounds of the U.S. Embassy. President Thieu announced a total cancellation of the 36-hour allied Tet truce.

Also on January 31, 1968, President Thieu declared marshal law throughout South Vietnam as the Communists continued their attacks on allied bases and major cities.

On February 1, 1968, Secretary McNamara presented his final posture statement to Congress. He warned that the combat strength of the North Vietnamese forces in South Vietnam "may increase sharply in the next few months" and stated that North Vietnam's manpower reserves were adequate to meet current demands and that Hanoi could support a higher level of military mobilization. He declared that ultimate success in South Vietnam depended on the ability of the Saigon government to reestablish its authority over its territory so that peaceful reconstruction could be undertaken. He stated that the bombing of North Vietnam had left few strategically important targets unstruck, but expressed the opinion that the air attacks could not pinch off the flow of military supplies into the south.

Also on February 1, 1968, General Westmoreland predicted that the Communists would follow up their attacks on South Vietnamese cities and allied bases with their biggest offensive of the war in the country's two northernmost provinces.

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On February 2, 1968, President Johnson told newsmen that the Communists had failed to achieve their stated goal of sparking a general uprising in South Vietnam's cities. He also stated that he had no evidence to indicate a connection between the *Pueblo* incident and the Communist Tet offensive, but that practically every expert whom he had consulted thought a connection did exist.

On February 7, 1968, North Vietnam reportedly used tanks for the first time in the Vietnam war in an attack upon the U.S. Special Forces camp at Langvei, 5 miles west of Khe Sanh near the Laotian border. The camp fell on February 8.

On February 10, 1968, Secretary Rusk told the National Association of Secondary School Principals that the Vietnam war might be entering the "climactic period."

On February 13, 1968, the Pentagon announced that the United States would airlift 10,500 additional troops to Vietnam in compliance with General Westmoreland's request.

On February 14, 1968, Secretary Rusk announced that all U.S. attempts to launch peace talks "have resulted in rejection."

On February 16, 1968, President Johnson at an unscheduled news conference stated that it was in the Nation's interest to have General Westmoreland as commander in Vietnam at this critical stage. He also said that the Joint Chiefs of Staff had made no recommendations for the use of nuclear weapons in Vietnam and that Hanoi was not any more ready to negotiate than it had been 3 years previously.

On February 18, 1968, the Communists shelled more than 30 bases and outposts across South Vietnam.

On February 20, 1968, Secretary McNamara testified before the Senate Foreign Relations Committee on the 1964 Gulf of Tonkin incident. He denied any element of provocation on the part of the United States and insisted that Washington had conclusive proof of North Vietnamese attacks on two U.S. destroyers before ordering airstrikes against North Vietnam.

The news stories of that day stated that the Secretary's statements were disputed by certain Senators. Those Senators contended that the incident did not justify the subsequent American bombing.

On February 24, 1968, South Vietnamese forces recaptured the palace grounds of the citadel at Hue after 25 days of fierce fighting.

On February 25, 1968, General Westmoreland stated that additional U.S. troops "will probably be required" in Vietnam.

On February 27, 1968, a South Vietnamese Army unit reported sighting Communist armored vehicles within 50 miles of Saigon.

Mr. President, this is a story of the long years of war in Vietnam. This is a story of the sincere efforts on the part of the heads of our Government to bring that war to an end and to hasten the day when the American men could be returned home.

Over the period of the last year, efforts to bring American men home have been fruitful—115,000 have been brought home.

A policy has been announced to the world and accepted by the interested nations to the effect that the United States will look to Asians to fight Asians' battles.

My question again is why the Senate should be engaged in an effort to hamper the efforts to turn the fighting over to the Vietnamese, to save the lives of Americans, and get our men back home.

Suppose someone in this body had superior military ability and intelligence and they were convinced those efforts are wrong. They do not know. We have but one President, we have but one Commander in Chief, we have but one negotiator, and we have but one person authorized to speak to foreign countries. How can we improve the position of the United States in the world by showing division and crippling the hand of the one person who, under our system, must bear those awesome responsibilities?

On March 4, 1968, according to Defense Department figures the total U.S. troop strength in South Vietnam as of February 24, 1968, was reported to be 495,000. U.S. combat deaths stood at 18,799—January 1, 1961, to February 24, 1968—and wounded totaled 115,114, and 983 U.S. servicemen were missing and 238 were listed as captured.

On March 10, the New York Times and the Washington Post reported that the Johnson administration was considering raising U.S. troop strength in Vietnam by as much as 206,000. White House Press Secretary Christian stated on March 9 that the President had received no specific requests from American commanders concerning the sending of additional U.S. forces.

On March 11 and 12, 1968, Secretary Rusk testified before the Committee on Foreign Relations. He admitted that the Communist Tet offensive had set back the allied effort.

On March 22, 1968, President Johnson announced that he would nominate Gen. William Westmoreland to replace retiring Army Chief of Staff, Gen. Harold K. Johnson, in July 1968.

On March 31, 1968, President Johnson announced that he had ordered U.S. aircraft and naval vessels "to make no attacks on North Vietnam except in the area north of the demilitarized zone where the continuing enemy buildup directly threatens allied forward positions and where the movements of their troops and supplies are clearly related to that threat." He stated that the area covered by the bombing pause included 90 percent of North Vietnam's population. He asserted that a complete bombing halt could come "if our restraint is matched by restraint in Hanoi." He called on North Vietnam to respond positively to the bombing halt by agreeing to peace talks and stated:

> We assume that during those talks Hanoi would not take advantage of our restraint.

On April 2, 1968, administration officials stated that under the terms of the President's partial bombing halt, air attacks were still authorized from the 17th to the 20th parallel.

On April 3, 1968, the U.S. Command in Saigon announced that 20,000 Allied troops were advancing on the U.S. Marine base at Khesanh to lift the 75-day siege of that fortress. The operation, which began in secret on April 1, reached Khesanh on April 6.

On April 3, 1968, North Vietnam offered to send representatives to meet with U.S. representatives "with a view to determining with the American side the unconditional cessation of the U.S. bombing raids and all other acts of war against the Democratic Republic of Vietnam so that talks may start."

On April 3, 1968, President Johnson sent a reply to Hanoi suggesting Geneva as a meeting site. He publicly announced that—

> The United States is ready to send its representatives to any forum, at any time, to discuss the means of bringing this war to an end. Accordingly we will establish contact with the representatives of North Vietnam.

On April 7, 1968, General Westmoreland stated in Washington that—

> The spirit of the offensive is now prevalent throughout Vietnam with advantage being taken of the enemy's weakened military position.

On April 8, 1968, President Johnson announced he had received an official reply from Hanoi to his proposal for direct diplomatic contact and that—

> We shall be trying to work out promptly the time and the place for the talks.

On April 9, 1968, President Johnson stated that the United States and North Vietnam were discussing "a number of alternative locations for a meeting site which could be convenient to both sides."

On April 11, 1968, Hanoi proposed Warsaw as the site for the initial United States-Democratic Republic of Vietnam contact. The White House indicated that the United States favored a neutral site with adequate communications facilities.

On April 29, 1968, Vice President Humphrey conceded that the administration "may have overspoken" when it said it would go "any place any time" to start peace talks with North Vietnam.

On May 3, 1968, President Johnson announced that the United States had accepted a North Vietnamese offer to meet in Paris for preliminary peace talks on May 10 or soon afterwards.

On May 6, 1968, U.S. officials in Saigon stated that North Vietnamese troops participated in fighting inside Saigon for the first time in the war.

On May 8, 1968, President Johnson stated in a speech that the United States still based its Vietnam policy on the offer made at Manila in 1966 to withdraw American troops "as the military and subversive forces of North Vietnam are withdrawn, infiltration ceases, and the level of violence subsides."

On May 9, 1968, President Thieu stated:

> We will never cede an inch of land to the northern Communists, we will never set up a coalition government with the NFLSV, and we will never recognize the NFLSV as a political entity equal to us, with which we must negotiate on an equal footing.

On May 10–11, 1968, United States and North Vietnamese delegates met in Paris for the first time.

On May 13, 1968, the first formal negotiating session met at Paris.

On May 15, 1968, Secretary Rusk denied that the United States "is prepared to impose a Communist rule upon the South Vietnamese Government."

On June 10, 1968, at a press conference on the eve of his departure from Vietnam, General Westmoreland asserted that a military victory "in a classical sense" is not possible.

On June 19, 1968, President Thieu signed South Vietnam's first general mobilization law.

On June 27, 1968, the U.S. command in Saigon announced that U.S. troops were withdrawing from the base at Kesanh, which had survived a 77-day siege beginning in January 1968.

On July 31, 1968, President Johnson told a news conference that 30,000 North Vietnamese infiltrated into South Vietnam in July, making the infiltration rate the highest at any time in the war.

On October 19, 1968, presidential candidate Richard Nixon proposed that the non-Communist nations of Asia be guided into a mutual security pact of their own to deal with future Communist threats.

On October 25, Secretary of Defense Clifford stated that President Johnson had ordered no slackening of the U.S. military effort in Vietnam. He asserted that North Vietnam had withdrawn 30,000 to 40,000 from South Vietnam, but that 80,000 still remained.

On October 31, 1968, President Johnson announced that the United States would cease all air, naval, and artillery bombardment of North Vietnam as of 8 a.m.—Washington time—November 1.

On October 31, President Thieu issued a statement which read:

> The American Government has unilaterally decided to stop the bombing on the whole territory of North Vietnam.

A "close associate" of Vice President Ky reportedly commented:

> We were informed last night, but we didn't go along with it. We are very unhappy.

Still on October 31, U.S. officials indicated that the United States would continue to bomb Communist supply lines in Laos and would continue to send reconnaissance planes over North Vietnam.

On November 2, 1968, President Thieu told the South Vietnam National Assembly that his government would not attend the Paris negotiating session scheduled for November 6, because its conditions were not fulfilled.

On November 11, President Johnson and President-Elect Nixon met at the White House. Nixon later told newsmen that during the remainder of Johnson's term of office, the President and Secretary of State "could speak" on Vietnam "not just for this administration but for the Nation, and that meant for the next administration as well."

On November 27, 1968, South Vietnam's Foreign Minister Tran Chanh Thanh announced that South Vietnam would take part in the Paris peace talks, since the United States, in the State Department statement of November 26, had satisfied "in their essential aspects" Saigon's earlier objections to participating.

On December 11 the U.S. mission in Saigon reported the most optimistic statistics on pacification yet, claiming that 73.3 percent of the South Vietnamese population were living in relatively secure areas. This represented a 3.5-percent increase during November. The mission stated that 13.3 percent were living on contested areas while the remaining 13.4 percent were under Vietcong control.

On December 18, South Vietnam's Premier Tran Van Huong said in an interview that "I am not certain that if the North Vietnamese withdrew and the Americans pulled back to their bases, our forces could defeat the Vietcong without help" from U.S. forces.

Mr. President, in bringing the attention of the Senate and the country to some of the events that occurred from 1961 through 1968 I am moved by only one purpose. That purpose is to give the background of our involvement in the war in Vietnam. I do not suggest or imply that any official of our Government acted without the greatest degree of intellectual honesty, patriotism, and best intentions. That was not the purpose of my remarks. The purpose of my remarks was to show our total involvement in Vietnam and the long period over which it has been building up from the time we were committed to the use of ground combat forces there.

My purpose was to show the many determined attempts to bring about peace. I do not say they were wrong. The fact is that they did not work.

We should view these facts in light of the leadership which President Nixon has given. We should also recall that a few months after he took office he made a trip around the world and informed the world of our new foreign policy. He informed the world that from now on, with the exception of an all-out nuclear war, we were going to move toward a position that Asians carry on the major portion of their own defense in the carrying on of combat activities.

That program has been carried out. The best evidence is that 115,000 combat troops have been brought back; that the time of our continued further and further involvement has come to an end, and that we are going in the other direction.

That program would not be a success if we drew a line on one side of which would be Cambodia and on the other side of which would be South Vietnam, and the Communists were permitted to invade Cambodia and use it as a sanctuary to kill Americans on the Vietnamese side and delay the program of bringing back our combat troops.

It was not an extension of the war when Mr. Nixon made his decision to have our troops cross the Cambodian border. It was a military decision. It was a battlefield decision. It was made to protect American lives and hasten the withdrawal of our combat troops.

Up to this hour in the debate, no one has offered any acceptable evidence that that was not the case. No one has been able to cite a statement of President Nixon in which he has made any commitment to Cambodia. He has not promised to free Cambodia of all Communist personnel. He has not promised to fight until liberty is restored in Cambodia. He has not promised to stay in Cambodia until all Communists leave.

President Nixon has not extended our commitments in Cambodia or elsewhere. He initiated and has followed a policy of lessening our commitments and shifting the burden to those people who have the greatest amount at stake.

Mr. President, I am about to yield the floor, but again I make the same appeal as I made when I rose: I hope that the leadership of the Senate and the proponents of the amendment which is the pending business will reconsider, and will withdraw those proposals. Let us unite in supporting the President. Let us unite in supporting the one program that has reversed the trend of long years, dragging us farther and farther into involvement in Southeast Asia. Let us support the program that was designed and carried out to save lives of Americans in Vietnam and hasten the return home of our combat troops.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.;

S. 1076. An act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes; and

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The message also announced that the House had passed the bill (S. 885) to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgement in Indian Claims Commission Dockets Nos. 314, amended, 314–E, and 65, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 5554) to provide a special milk program for children.

The message further announced that House had agreed to the amendments of the Senate to the bill (H.R. 14810) to amend section 602(3) and section 608c (6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the

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amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty;

H.R. 2499. An act to amend title 10, United States Code, with respect to the Academies of the military departments;

H.R. 8663. An act to amend the act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corp and Civil Engineer Corp of the Navy;

H.R. 10772. An act to amend title 10 of the United States Code to provide more equitable standard for awarding the gold star lapel button.

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the armed forces in which no remains are recovered;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 13971. An act granting the consent of Congress to the Falls of the Ohio Interstate Park Compact;

H.R. 14452. An act to provide for the designation of special policemen at the Government Printing Office, and for other purposes;

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe;

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas;

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian Irrigation project, Utah, and for other purposes;

H.R. 16496. An act to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs;

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status;

H.R. 17352. An act to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; and

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty; to the Committee on Labor and Public Welfare.

H.R. 2499. An act to amend title 10, United States Code, with respect to the Academies of the military departments;

H.R. 8663. An act to amend the act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy;

H.R. 10772. An act to amend title 10 of the United States Code to provide a more equitable standard for awarding the gold star lapel button;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code; and

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; to the Committee on Armed Services.

H.R. 13971. An act granting the consent of Congress to the falls of the Ohio Interstate Park Compact; to the Committee on the Judiciary.

H.R. 14452. An act to provide for the designation of special policemen at the Government Printing Office, and for other purposes; to the Committee on Rules and Administration.

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes;

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; and

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; and

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; placed on the calendar.

H.R. 16496. An act to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs;

H.R. 17352. An act to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; and

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; to the Committee on Labor and Public Welfare.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. CHURCH. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the pending amendment.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 701

Mr. THURMOND. Mr. President, I send to the desk an amendment to H.R. 15628, the Military Sales Act, providing that on page 6, line 3, before the period the words "or Thailand" be inserted.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment at this time?

Mr. THURMOND. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 6, line 3, before the period, insert "or Thailand".

Mr. THURMOND. This change would enable the United States to provide the proposed International Fighter aircraft to Thailand as well as South Vietnam. These are the only two nations involved in he Indochina area which have the capacity to employ an air superiority aircraft such as the proposed International Fighter.

Thus, section 8 of the Military Sales Act, with the inclusion of this amendment, would read as follows:

> Unless the sale, grant, loan or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam or Thailand. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91–121 (relating to military procurement for fiscal year 1970 and other matters).

Mr. President, last year the Air Force was given approval to develop the International Fighter aircraft and announcement of a contract award is expected later this month.

The International Fighter aircraft is to be an advanced performance aircraft which can provide the air defense capability needed by South Vietnam and Thailand. It could be made available to our other allies in Southeast Asia through the Foreign Assistance Act. Our allies have been under attack or are threatened by Communist countries which have long ago been supplied with the Russian made Mig–21's. When we withdraw they will not have the advantage of air superiority unless they have the International Fighter. At present, they have no aircraft in their inventories which could defend their territories against attack by the Mig–21's.

If our allies in Southeast Asia are to attain a meaningful capacity to provide for their own defense, it is necessary they be equipped with an aircraft suited to their skill levels and their resources.

At present the F–4 air superiority plane is the chief aircraft being used by U.S. forces in the war zone. As Vietnamization continues and we gradually draw down our forces, the military is faced with leaving on hand some type of fighter aircraft. The F–4 plane would be the logical candidate, but it is too complex for our allies to handle well from the standpoint of maintenance and operation. Furthermore, it is expensive.

The International Fighter cost range is placed somewhere between $1.5 million and $2.2 million. This compares with the F–4 at a cost of $3.4 million and the F–15 at $6.5 million.

Thus, the need for the International Fighter is clear in that its development will save us considerable money and, at the same time, provide our allies with a plane they can operate and maintain. It will enable them to defend themselves in the event of an air attack by North Vietnam which has hundreds of Mig–21's supplied by the Soviet Union.

Another important point regarding the supply of this proposed fighter to our allies is that the International Fighter will in no way be provocative. It will be a defensive plane designed to provide air superiority over the airspace of our allies. It will not have the range to go to Hanoi, for example, as such use would require inflight fueling and our allies in Southeast Asia do not have air tankers to provide this capability.

Mr. President, section 8 of the Military Sales Act would have the effect of amending the Department of Defense Appropriations Act of 1970, as it applies to the International Fighter.

In 1966, the Committee on Foreign Relations recognized the need for the military to provide arms and equipment to our allies in South Vietnam. As a result, this aid was handled through the Armed Services Committees. This enabled the military to provide direct aid to our allies in this war. Thus, from 1966, authority for such aid was provided for in the annual military procurement authorization and subsequently in the Defense Appropriations Act.

This arms support included Vietnam and other free world forces in Vietnam and local forces in Laos and Thailand. The partial text of the public law which has been continued each year is as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1970, for military functions administered by the Department of Defense, and for other purposes, namely:
>
> TITLE VI—GENERAL PROVISIONS
>
> Sec. 638. (a) Appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine.
>
> (b) Within thirty days after the end of each quarter, the Secretary of Defense shall render to the Congress a report with respect to the estimated value by purpose, by country, of support furnished from such appropriations.

The effect of section 8 in the Military Sales Act will be to exclude from these provisions of International Fighter.

Mr. President, how can the freedom-loving nations of Southeast Asia survive if we fail to provide them with the means of self defense? Today we are talking about an international fighter aircraft which can provide air superiority for these small Asian nations which are being besieged by the forces of Communist controlled governments.

These small nations like South Vietnam, South Korea, Taiwan, and Thailand cannot survive without such a tactical aircraft. We can quickly provide the International Fighter to South Vietnam and Thailand if this amendment is adopted. These two countries are directly involved in the Indochina conflict. South Korea and Taiwan, which are removed from the present battle zone, could receive them through the military assistance program—MAP—since their territory is not presently in the battle zone.

The countries opposing these four countries have long ago been supplied with the Russian made Mig–21's. Communist China has the Mig–21. North Vietnam has the Mig–21. North Korea has the Mig–21.

It is strange to me how some make light of the threat posed by the forces of world communism. In Asia we have seen the Soviet-supported North Koreans attack South Korea, the Soviet-supported North Vietnamese attack South Vietnam, Thailand, Cambodia, and Laos, and the Soviet-supported Red Chinese take Tibet, steal land from India, support North Vietnam and North Korea, and, in general, throw their military weight around.

More than one Member of this body feels the Communist threat in Asia and worldwide is a "myth," fed by the warnings of past Presidents Truman, Eisenhower, and Nixon. They make light of President Nixon's recent reference to "those great powers who have not yet abandoned their goals of world conquest" in his speech to the Nation on November 3, 1969.

Some critics of the President say it does not matter who rules South Vietnam or Indochina. It should matter to any individual who wishes for his fellow man a free society. There has never been one shred of evidence that a Communist government is a free society that provides and insures basic human rights for its people.

Mr. President, I agree that it is not desirable that the United States be faced with committing our young men to battle every time a Communist nation invades its neighbor. This country has helped defeat the forces of communism in South Korea and South Vietnam, and these efforts were necessary. But why were they necessary? The reason, simply stated, is that these nations were unprepared to defend themselves in the face of an onslaught by Communist nations supported from Moscow and Peking. The amendment I am proposing today would be an important step in seeing that certain nations in Southeast Asia are prepared to hold back the attacks of their Communist neighbors in the future. Surely, everyone in this body, in the House of Representatives, and in the country would like to see our friends so equipped in order that American men would not be required to aid in these battles.

The ill-managed war in South Vietnam has embittered some beyond reason. Get out, now, is the demand of the protestors. It would be nice if it were that simple. But we cannot reverse American policy for the past 10 years overnight. However, President Nixon has set our foreign policy in Southeast Asia on a different course, as enunciated in what is now known as the Guam doctrine or the Nixon doctrine. In his report to the Congress, February 18, 1970, on "U.S. Foreign Policy for the 1970's," President Nixon declared "we are a Pacific power" and "we have learned that peace for us is much less likely if there is no peace in Asia." In defining his Guam doctrine, the President stated:

> At the beginning of my trip last summer through Asia, I described at Guam the principles that underlie our cooperative approach to the defense of our common interests. In my speech on November 3, 1969, I summarized key elements of this approach.
>
> The U.S. will keep all its Treaty commitments.
>
> We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.
>
> In cases involving other types of aggression we shall furnish military assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Mr. President, this policy, as laid out by the President, is one that all of us should heartily support. The purpose of my amendment is to insure the International Fighter is provided to our ally Thailand. Outside of South Vietnam, they have the heaviest commitment in the Indochina conflict. Just recently they have taken the courageous step of providing weapons and manpower support to their besieged neighbor Cambodia. Next July when American combat forces are no longer engaged in this war, South Vietnam and Thailand will be the chief bulwarks of anticommunism in Indochina.

President Nixon has only been in office for 1½ years but he has already created

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a climate in which Asian nations are banding together. Some call it Asianization, but whatever we may choose to call it, the trend is most encouraging. Thailand's recent decision to help Cambodia is a development of great significance.

South Vietnam, Thailand, Cambodia are all fighting the same enemy—North Vietnam. The critics of our involvement in Vietnam say, why should we fight the battles of these Asian nations? Now that these countries are rapidly moving toward assumption of their own defense—how can we fail to support them?

In summary, we see that financing for military assistance for the Vietnam war was transferred from the jurisdiction of the Foreign Relations Committees to the Armed Services Committees in April of 1966. This was extended for local forces in Laos and Thailand in 1967 because of their direct relationship with the hostilities in Southeast Asia. This funding is being channeled through what is called the military assistance service funded program.

Section 8 of the Military Sales Act would prohibit our Government from purchasing the International Fighter aircraft with military assistance service funds except for South Vietnam. My amendment would include Thailand in this exception.

At present, it is technically impossible to finance the International Fighter for Thailand under MAP funds because they can only receive assistance through the military assistance service fund channels until jurisdiction for Thailand is returned to the Foreign Relations Committees. Thus, if section 8 stands as presently written, a valuable ally in making Vietnamization work, and in assuring that Asianization in Indochina continues, will not receive a critically needed weapons system.

The Members of this body know the close cooperation between the United States and Thailand. We cannot permit this country to be invaded and fall to Communist forces in Asia. The best way to assure that this does not happen is to equip them to meet the threat. We have been doing that—why stop now when we get to the point of a badly needed fighter aircraft? Thailand is contiguous to Cambodia as is South Vietnam. The three are now standing together. We should help them in every way possible.

Mr. President, an article by Columnist Stewart Alsop on Vietnam and the chances for a negotiated settlement appeared in the June 22, 1970, issue of Newsweek magazine now on the newsstands. This article is titled "What Chance of Peace?" and I should like to read it into the RECORD, as follows:

What are the post-Cambodia chances of a negotiated settlement of the war in Vietnam? Here is one expert's answer to that question:

"Hanoi is under fierce pressure both ways. The Chinese are saying, 'Don't give an inch, the Americans are paper tigers.' The Russians are saying, 'Cut your losses—later may be too late. The Americans are eager for a negotiated exit, so you won't have to pay too high a price, and you can take care of Saigon when they're gone.' I don't know which way Hanoi will go, and I don't think Hanoi knows."

Victor Zorza, Britain's leading expert on world Communism, thinks he knows which way Hanoi will go. In an article in The Guardian, reprinted in Atlas magazine, Zorza flatly predicts that Hanoi's Communist Party boss, Le Duan, now firmly in the driver's seat, will soon initiate serious negotiations to end the war. Zorza's views must be taken seriously—he predicted the Sino-Soviet split, the fall of Khrushchev, and the invasion of Czechoslovakia.

The American experts are not so sanguine. But they do unanimously believe that Moscow is urging Hanoi to try for a negotiated end of the war, and that there is something like a 40 per cent chance that Hanoi will take Moscow's advice. The evidence supporting this assessment is interesting.

MISSION TO MOSCOW

After the death of Ho Chi Minh, Le Duan spent almost two months in Moscow. In February, after returning to Hanoi, he made an 80-page speech. Plowing through this morass of Communist verbiage, the experts came on a significant passage, in which Le Duan extolled the "genius" of Ho's policy in 1946, when Indochina was still occupied in part by the Chinese Nationalists. Ho's genius lay in not attacking the French until he had gotten rid of the Chinese. Meaning: get rid of the Americans first, then take on Saigon.

This undoubtedly reflected the advice Le Duan had received from his Russian big brother in his two months in Moscow. Then came the fall of Sihanouk, on March 18. On April 16, Soviet U.N. Ambassador Yakov Malik expressed interest in convening a conference to end the war in Indochina. This trial balloon was unquestionably floated with the prior approval of Hanoi.

But Le Duan, who arrived in Moscow on April 19, had stopped off in Peking on the way. After his arrival in Moscow the Russians shot down their own trial balloon. Returning to Peking on his way back to Hanoi, Le Duan was uniquely honored—he was received by the great god Mao himself. Meaning: under intense Chinese pressure, Le Duan had agreed to play the Cambodian game the Chinese way, rather than the Russian way.

Thereafter, the North Vietnamese moved out of their sanctuaries on an operation whose initial objective was to secure a corridor to the ports of Kep and Kampot in southern Cambodia, in order to reopen the maritime supply lines to China. The operation was financed by the Chinese—trucks were supplied by a known Chinese front, the Hak Lee Trucking Co.

NIXON'S ANGER

The operation was undertaken on the assumption that there was no danger of an American move against the sanctuaries. Documentary proof of this assumption, procured by U.S. intelligence, is said to have angered President Nixon, and he made up his mind to prove to the other side that the United States is not a "pitiful, helpless giant."

When the United States moved against the sanctuaries, the Russians said. "We told you so." That was the burden of an article in the Soviet weekly New Times, written under a pseudonym by a high Soviet official, Mikhail Kapitsa. The article held the Chinese responsible for the fall of Sihanouk and the American move on the sanctuaries, and warned Hanoi it was courting "defeat and destruction" if it continued to follow the Chinese line.

Hanoi is now faced with a hideously hard choice. It can take Moscow's advice, and seek to end the war by negotiation. Or it can follow the Chinese line and make the huge effort necessary to re-establish secure bases on the South Vietnamese border. Without such bases, the Communist forces in the South Vietnamese heartland—the delta and the Saigon area—may disintegrate, and that is a risk Hanoi cannot take.

Before Cambodia, the Communist situation in the heartland was precarious. Since Cambodia, the ground rules have changed. The U.S. Navy's unacknowledged blockade, Operation Market Time, seals off the southern ports, so the supply problem is immensely complicated. To re-establish the bases, North Vietnamese troops, after the long march south, would have to contend with fresh South Vietnamese troops with American air support.

One unwelcome result of this great and risky effort might be to make Cambodia a Chinese puppet state—the Russians are so convinced that Sihanouk is now a tightly held Chinese puppet that when he recently asked to visit Moscow, he was insultingly informed there was no room for him. American officials with access to secret intelligence are convinced that the Russians have told the North Vietnamese that, if they do Peking's bidding, they should not count on Russian help.

Yet there are good reasons why the American experts, unlike Zorza, believe there is only a 40 per cent chance of serious negotiations. The North Vietnamese will certainly not negotiate from weakness, and to prove they are not weak, they are expected to strike hard in the northern part of South Vietnam, where they can still make trouble—maybe very bad trouble. Even thereafter, they will be under fierce pressure from China not to negotiate—and China is a lot closer to Hanoi than Russia.

PRESSURES

Finally, of course, there is the equally fierce pressure in this country for peace at any price—for a preannounced, unilateral and unconditional withdrawal. There is a rational argument for a peace at any price policy—the argument that this fat and flabby country is psychologically and politically incapable of carrying on even the very limited war contemplated in the Vietnamization policy. But it is laughable—though not very laughable—to argue, as some of the advocates of peace at any price do argue, that such a policy actually increases the chances of a negotiated settlement.

In fact, the growing pressure for peace at any price, symbolized by the Cooper-Church amendment, reduces the bargaining power of the American Government to near zero. Even so, the choice which now confronts Hanoi is not at all a happy one, which is why there is still a fair chance that Hanoi may take the Russians' advice, and try seriously to negotiate an end to the war. If that happens, it does not mean that the war will end. But President Nixon, as he has promised, will certainly be "flexible"—very flexible indeed. It is odd that his critics should be unwilling to credit him even with an instinct for political self-preservation.

Mr. President, an article appeared in the Armed Forces Journal of June 13, 1970, written by Robert B. Rigg, entitled, "Cambodia Operations Shortening Indochina War."

I will read that article into the RECORD at this point. It reads as follows:

There have been charges in authoritative circles that President Nixon's decision to operate in Cambodia has now bound us to a "perpetual war" in Indochina.

In an exclusive interview on 25 May, General Maxwell D. Taylor, now retired, did not agree with this premise. In his words, the present Cambodian operations represent "a very timely raid into logistic bases of the opposition and not an expansion of the war as some people believe."

Then he added, "This war can be measured in three dimensions: One is time. Second is location. The third, intensity."

"What we see here," General Taylor emphasized, "is a temporary expansion of the

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geographical dimensions of the war in order to reduce its duration and intensity. The loss of enemy supplies should reduce the duration of the war and give time for the working out of the President's Vietnamization process."

After a pause General Taylor added: "There is no need to allow this to be an open-ended involvement or a permanent expansion of the war when measured in the above three dimensions of time, location, and intensity."

General Taylor has served the past five Presidents, first as Army Chief of Staff, then as Chairman of the Joint Chiefs of Staff, and subsequently as Ambassador to South Vietnam and as a senior White House military/political strategist and advisor.

Certain war critics and would-be strategists call for a *now* decision to get out of South Vietnam on an orderly basis by the end of 1971. When asked if we can hope to get out of Vietnam by this date, General Taylor remarked, "I see a good chance for the South Vietnamese to reach this level of military effectiveness by the end of 1971, provided that we do not try to withdraw too fast—and provided we do not set a precise time schedule." He emphasized here that "We should bear in mind that an announced [withdrawal] time schedule aids the enemy."

One prime question ranging from Capitol Hill to the State Department is this: Are we shortening the war by our current Cambodian operations?

"Yes, we are shortening the war," General Taylor answered. "Any action destroying the enemy's military potential tends to shorten the conflict. The evidence is that we are destroying large quantities of enemy munitions which are essential to him for prolonged operations."

Focusing on U.S. and South Vietnamese operations in Cambodia, The Journal asked General Taylor if these campaigns are bringing us any closer to a peace settlement. He responded, "These are bringing us closer to the cessation of hostilities and demonstrating to the enemy the hopelessness of his achieving military victory."

Timetables of troops withdrawals from Cambodia are being discussed and argued in Washington and elsewhere. Saigon wants its troops to remain in Cambodia, while President Nixon has a 30 June deadline for U.S. troop withdrawal from that country. The Cambodian Foreign Minister, Yem Sambaur, has just announced he will ask President Nixon to keep American troops in his country until "the end of the war."

Amid these circumstances, General Taylor says, "I would have opposed setting a time limit on the withdrawal of *any* troops. Once embarked on this important operation [in Cambodia], we should do a complete job in destroying enemy supply facilities before getting out."

There is evidence that once American and/or South Vietnamese troops withdraw from Cambodia, the North Vietnamese and Viet Cong can rebuild their logistical installations in this sanctuary. This is a problem the Pentagon is examining, but General Taylor is emphatic here: "We should have no reluctance to bomb these Communist bases, if indications are that they are being restocked. It is important and clearly in our interest to keep these sanctuary bases out of operation."

Another question under discussion on Capitol Hill is whether the U.S. Government is properly organized for pursuit of the war in Indochina.

In this connection General Taylor ranks as an authority, since he has operated in Washington's "cockpits of crisis," from the Pentagon to the White House, for over a decade. His observation is that "It has always been a problem to integrate the resources of several Executive departments in support of a foreign policy such as we have in South Vietnam. The National Security Council, with the augmentation which President Nixon has given it, performs this integration function. I am not aware of the need for any further organizational changes."

One immediate question in Washington and Saigon is whether the North Vietnamese will retaliate against our current military operations. Here, General Taylor expressed the general view that we should not be overly concerned about enemy reaction unless Congress ties the President's hands and removes Hanoi's fear of our retaliation.

Summing up current military operations in Cambodia, General Taylor concedes that "There have been political costs here at home." However, he feels that "We should stay on our present course, support the President, and declare a voluntary moratorium on public statements and demonstrations which encourage the enemy to continue the war."

General Taylor is now writing his memoirs, concentrating on events since the Korean War.

Mr. President, I now wish to read an editorial entitled "South Vietnam May Soon Walk Without Crutches," published in the State, of Columbia, S.C., on June 15, 1970:

South Vietnam May Soon Walk Without Crutches

One can doubt the ability of the team of domestic politicians that President Nixon sent to Southeast Asia to professionally assess the military situation there. But when it comes to judging political, economic and social conditions, they are experts in their own right.

And it is the portions of their majority report to the President that deal with these factors which are most encouraging for those taking the longer view.

For years, many Americans and others have doubted seriously the ability of Saigon politicians to make a democratic from of government work in their potentially rich but divided nation. There was also doubt that the oft-maligned Army of the Republic of Vietnam (ARVN) could ever develop the leadership, the skill and the willingness to defend its own land in such a way as to create the internal stability necessary for political, economic and social progress.

But hope for South Vietnam has been growing since the Communists' painful but abortive Tet offensive of 1968. The President's fact-finding team, which included S.C. Gov. Robert E. McNair, brought evidence which supports its cautiously optimistic feeling about the long-term viability of South Vietnam.

The political fact that most impressed McNair and the others was picked up on their tours of the villages and hamlets of the Mekong Delta. There from eight to twelve village chiefs are assassinated by the Viet Cong every month—a continuation of the terror tactics that backfired on the Communists during the Tet offensive.

Despite this, 82 per cent of the elective officials out there in the boondocks chose to run for re-election—a rare display of personal bravery and commitment to democratic ideals. And the fact that only 50 per cent won re-election indicates the people are becoming more politically aware and selective.

On the economic side is the land reform program, signed into law last March, which will distribute 2.5 million acres, mostly rich riceland, to 800,000 rural families. This effort which has important social implications is a step toward helping the country realize its vast agricultural potential.

These and other non-military advances cannot be achieved, of course, without security. But the Nixon fact-finders were also encouraged by what they learned in this area. South Vietnam's paramilitary forces, which protect the countryside, are better trained and armed. At the same time the indigenous Viet Cong are dwindling and three-fourths of the Reds in the country are now North Vietnamese invaders. The civil war side of the overall struggle, therefore, looks much better.

At the same time, the Cambodian offensive has increased the pride, confidence and eagerness of the ARVN. McNair found them even a bit cocky, a turnabout that reflects their improved training and leadership.

South Vietnam and Cambodia, long natural enemies, now have a common cause and a common foe. Thailand is also moving to help the Cambodians, setting up the possibility of an alliance of the southern tier of states on the Indochinese peninsula dedicated to containing the persistent Red thrusts.

The American politicians, realists if nothing else, recognize that heartbreak and disappointment are ever around the corner in Southeast Asia. But they added: "We deduce that the South Vietnamese have the tenacity and courage, and now hopefully have the time to win their long struggle for survival."

All of this augers well for the early disengagement and withdrawal of American combat forces. The report of this team is one more reason why the Senate doves should end their constant effort to throw roadblocks onto the path along which America is seeking a peace that won't haunt the future.

Mr. President, this country must take every means possible to aid our allies in Southeast Asia in their efforts to deal with the forces of communism there.

Providing the International Fighter is just one of the programs we should pursue. The Nixon doctrine can never come into play if the Congress refuses to arm our allies and thereby enable the United States to reduce our forces in Southeast Asia.

There are many reasons for such a position by the United States but a key one is the inhumanity of the enemy there and our obligation as a world power to preserve human life.

A recent article touched on this subject. Titled "The Kind of War That is Vietnam: 'People's War' With Terror as the Tool," this story appeared in the June 1970 issue of the Air Force magazine and was written by Douglas Pike. I read this article into the Record:

The Kind of War That Is Vietnam: "People's War" With Terror as the Tool

(By Douglas Pike)

Dak Son is a name probably destined to be lost in the mists of time and history. But Dak Son, a place in South Vietnam, should be remembered. It should be remembered along with the better-known examples of man's inhumanity which stud the record of the human race.

It was shortly before Christmas, 1967, that this tribal highland village of some 2,000 inhabitants was the scene of what to me remains the worst atrocity in the entire atrocity-ridden Vietnam War. Dak Son had none of the awesome magnitude of the Hué massacre, that vast enterprise of death that would occur a year later. The dead at Dak Son numbered only 252 (plus 200 abducted never to return), less than one-tenth the toll at Hué. But Dak Son had about it a kind of insane cruelty more nightmarish than Hué's scene of execution squads, with death lists attached to their clipboards, moving from house to house calling out the unfortunates. Dak Son was unrelieved savagery, emphasized by the innocence of its victims.

After breaking through the flimsy hamlet militia's defenses, 300 Communists systematically set about to destroy Dak Son. Their chief weapons were flame throwers—sixty of

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them. Families were incinerated alive in their grass-roofed huts or in the trenches dug beneath their beds—where they had taken shelter. Everything combustible was put to the torch: houses, newly harvested grain, fences, trees, people. It was a "Carthaginian solution," all but the sowing of the salt.

One of the first Americans to arrive on the scene the following morning later wrote:

"As we moved toward the village I thought I saw black cordwood beside the road, neatly piled up the way you pile up logs for use in a fireplace. When we got closer I could see it actually was stacked, burned bodies of several dozen babies. . . . The odor of burned flesh, which is like no other smell on earth, reached us outside the village and of course got stronger at the center. People were trying to breathe through cabbage leaves. . . . I saw a small boy and a smaller girl, probably his sister, sort of melted together in charred embrace. I saw a mother burned black, still trying to shield her children, who were also burned black. Everything was burned and black. . . . Most nerve-racking was the wail of the survivors who were picking through the smoldering ruins. One man kept screaming and screaming at the top of his lungs. For an hour he kept it up. He wasn't hurt as far as I could tell. He just kept screaming, until a doctor gave him a shot of morphine or something. . . . Fire bloats bodies, and after a few hours the skin splits and peels and curls. Only a third of the dead were men, the rest women and children. . . . The far end of the village wasn't burned. The Communists ran out of flamethrower fuel before they got to it. . . ."

Dak Son was quintessential, symbolizing to me more than any other event during my eight years in that country the kind of a war that is Vietnam.

PEOPLE'S WAR

The kind of a war that is Vietnam is the culmination of a 300-year process, one would hesitate to say development, of refining military doctrine. The objectives of both sides in Vietnam are what might be called historically commonplace: The Communists seek control, either in terms of unification by northern Communists or through a monopoly of political power by southern Communists; the other side is determined to prevent this. For two millennia men have locked themselves in similar struggles with similar goals. What makes Vietnam new and different is doctrine.

Anyone who reads history even casually should have seen this kind of a war coming. From the time of Napoleon, who generally is credited or blamed as the inventor of the idea of nationalism (that is, the nation-state fielding a conscript army motivated by ideology, rather than the political, social, or religious fiefdom fielding a professional force which fought because its services had been engaged), warfare has moved steadily toward an illogical conclusion with the thinking of China's Mao Tse-tung and North Vietnam's Vo Nguyen Giap.

The single most significant aspect of this changed doctrine of war has been the ever-deepening involvement of noncombatants. We have moved in stages. When King Arthur warred, "civilians" did not take part. The Napoleonic campaigns mixed mercenary and conscript. In World War II, civilians became a major legitimate target. In Vietnam, the Communists erased entirely the line between military and nonmilitary, and as a matter of policy made no distinction between enemy soldier and enemy civilian. In several hundred years, noncombatants have been dragged from roles of disinterested bystanders to those of key participants.

This new doctrine is admirably described by the Communist term, *people's war*. This is, in its proper use, a *technical*, not a propaganda term. It does not mean all-us-good-guys-against-the-landlords-and-other-exploiters. It means the-people-as-an-instrument-of-war. The mystique is a trinity: organization, mobilization, motivation. First control the people. Then forge them into a weapon. Then hurl it into battle. Those involved directly in this war, on both sides, understand this proxy approach, the people as a servomechanism. It is only the outsider who is confused as to who is fighting whom or what the fighting is all about.

In people's wars, all people are expendable, as any weapon is expendable—there to be used up. It is quite acceptable to trick a twelve-year-old boy into self-destruction in a satchel-charge attack on a government building. Acts against people, such as Dak Son, are fully justified, for the people are a weapon and, if they are faulty, they may be scrapped as an imperfect howitzer barrel would be scrapped.

Their enemies, who probably would prefer to fight a war of professional technology out and away from population centers, even in outer space, are obliged to close with the Communists on their own terms, of and across people. The Communists have maximized their advantage by transferring war's venue. People's war means that the devastation previously visited on the land over which a battle was fought now is visited on the people themselves. It means Dak Son or Hué as *deliberate* acts and My Lai as historical conjuncture—a confluence of attitudes and events.

TERROR DEFINED

What concerns us here, in considering this doctrine of war, is its essence—what, pejoratively, is called terror.

It is more difficult than might first appear to distinguish among *terror, violence,* and *war*. Without being drawn too far afield it would seem adequate for this article to use the definition: *Terror is illegal violence*. We have assumed that warfare, although immoral in ethical terms, is legal. But we have also assumed that even in warfare certain acts are illegal and may objectively be called terror. The limit of warfare, we have thought, is the point where death, pain, fear, and anxiety among all elements of the population are used for the deliberate purpose of coercing, manipulating, intimidating, punishing, or paralyzing people into helpless submission.

All the evidence the past year indicates a change of Communist grand strategy in Southeast Asia from big-unit war to protracted conflict. It will still be a people's war but with a more even mix of *armed struggle* and *political struggle,* to use Communist parlance—rather than a predominance of the armed struggle. Intelligence indicators also suggest this, in terms of retraining course work, weaponry movements, and public and classified statements on strategy and tactics. Communist paramilitary elements as well as North Vietnamese units in the South are being converted into wide-ranging, well-trained "sappers" or city commandos.

We have seen an increase in large-scale terror attacks, military in appearance, but designed to terrorize rather than accomplish some military objective. The raid on the US Sixth Convalescent Hospital at Cam Ranh Bay, August 7, 1969, portended this new face of Communist terror: A 100-man sapper force infiltrated the hospital compound, detonated several dozen charges, shot some American patients, and then vanished without a casualty to themselves.

The capability, scope, and importance of this sort of operation has broadened steadily in the past eighteen months. It will probably continue to increase, with more Communist resources allocated to such activity and more doctrinal emphasis placed on it—amounting to a trend toward less costly warfare and, especially, less lavish expenditure of men and materials. Terror is more economical, provides greater precision in strikes, and is far more flexible than big-unit war.

Three programs, or areas of activity, called the *van* or *action* programs make up the sum of a people's war. The details need not concern us here. Essentially the *van* programs consist of blending a tight organizational structure, intensive communication efforts in terms of propaganda, agitation, and "thought reform," and widespread proselytizing efforts, using coercion, force, and violence. All such programs rest on a bedrock of terror, not as a capricious addition but as an integral part of the policy. It is important not to treat this terror in simplistic terms, as terror for its own sake by sadistic beasts indifferent to the blood on their hands. Those who thus paint the Communists do a disservice to truth and a greater one to understanding.

The terror is rational. The Vietnamese Communist finds from experience that terror is his major advantage over the government, in that it makes possible almost all his important successes. Progress of his cause is directly proportional to the level of insecurity among the Vietnamese people. The greater the insecurity, the better his prospects. He may not particularly like using terror but he can intellectualize it so that it no longer bothers him. We must never underestimate the ability of the human mind to rationalize.

Insecurity, of course, is not exactly the same as terror, but is closely allied to it. Conversely, for the government, the more security, the brighter *its* prospects. To the government, security is a function of organizations—social, governmental, and military—which are efficient, effective, and attractive to the people, especially at the village level. For the government, security is not exactly the same as organization, but it is its most essential element.

Thus terror becomes the indispensable device for the Communists, just as organization through security becomes the indispensable device for the government. This is not to suggest that terror is the only concern of the Communists any more than the only concern of the government is organization. But in each case, terror for the one, organization for the other, are the respective essences.

WHAT ABOUT OUR SIDE?

All this leads to a question of central importance to those of us who deny the legitimacy of terror. What can we say of "terror" by the *opponents* of the people's war, by the Saigon government and Allied forces in Vietnam?

No one with any experience in Vietnam denies that troops, police, and others commanding physical power have committed excesses that, by our working definition, are acts of terror. No one can justify these, nor condone them. These excesses are wrong and beyond atonement. The heat of battle is no excuse. Neither is the argument that every army now or in history has been similarly guilty.

But there is an essential difference in such acts between the two sides, a difference of outcome or result. To the Communists, terror has utility and is *beneficial* to his cause, while for the other side the identical act is self-defeating. This is not because one side is made up exclusively of heroes and the other of villians, but rather, because terror is integral to Communist doctrine. They couldn't rid themselves of it if they wanted to, while the other side firmly believes, even though its members may not always behave accordingly, that it has a vested interest in abstaining from such acts.

It might be argued that terror from passion is the same as terror from policy. But in fact there is a world of difference; one side seeks to maximize the use of terror and the other seeks to eliminate terror from its ranks.

Although terror has been a constant in Communist activity in Vietnam throughout the war, the present objectives of that terror have tended to evolve with the war itself. At this writing there are three objectives.

First, terror diminishes the opposing force. It eliminates key individuals and reduces the total sum of power on the other side. Terror weakens greatly, and that is the single most important gain the Communists make by using terror. This is a hard objective. It goes beyond psychological considerations. A person is kidnapped and killed, or assassinated. Gone not only is an individual, but a service, a resource, an asset.

Second, terror sustains Communist morale. This may not seem to be of much importance to outsiders. But a guerrilla leader knows that his men's morale is far more ephemeral and subject to greater swings from euphoria to disphoria, than is morale among regular soldiers. He knows, too, that the most debilitating thought that can infect his men and drive morale down to the point where he dare not commit them to action, is a sense of growing impotency.

The guerrilla always sees himself as alone, beleaguered, surrounded, outnumbered. Nothing sends his morale soaring and wipes out despondency and doubt, like a shattering blow delivered the enemy in his lair—an attack expertly planned, faultlessly executed, and followed by unscathed escape. In a moment, the enemy's great firepower, his overwhelming numbers, his huge logistics base, shrink into unimportance. The terrorist feels omnipotent. That his blow may have been no more than an inconvenience to the enemy does not matter. The guerrilla's prowess is demonstrated, his invulnerability again proved—to himself.

The third major objective is the disorientation and psychological isolation of individuals. Terror is a rot in the social fabric. Hué, numb for months following the massacre, was a classic example of this. Terror destroys the individual's relations with his society. An assassination in a village not only frightens a villager but also blots out part of the structure of authority that was a source of his security. Terror of any sort shifts the ground strangely, like an earthquake. It removes underpinnings or order, leaving in its wake confusion as much as fear. A civilian expects safety and order from his government and when he does not get safety he becomes disoriented. He can no longer draw strength from society. He can rely only on himself. Even if he is physically untouched by terror, he still is terribly alone and in anguish. A terrorized village, an American psychiatrist in Vietnam has suggested, is a case of collective anxiety neurosis, with the victim seeking only relief. The victim, the village itself, stops behaving as a normal social unit. It fragments, each individual within it seeking only to ensure his own personal security.

The doctrine of people's war is the face of communism that the Vietnamese people have come to know well in the past decade. Much blood has flowed beneath the bridge. The Vietnamese people are wiser, and sadder, even if the world is not. How outsiders can assume the Vietnamese would prefer communism to an extension of the security being brought them by the government is a universal and never-ending puzzlement to everyone in Vietnam, Vietnamese and foreigners alike.

Yet, after surveying Communist terror and its uses, we can suggest that the effectiveness of terror as a political and psychological weapon yields diminishing returns. The programs rooted in terror grow weightier with the passing of each day—but without corresponding increased strength for its supporting pillars, the Communist cadres, and true believers. Communist leaders are prisoners of their own policy. For them to eliminate terror as a base might be to win worldwide commendation. But it would be suicide. So, in the short run, we can expect them to continue their slaughter. We can expect increased efforts to terrorize but with diminished effect.

We can also conclude from all this that to end the military defense of Vietnam, to halt opposition to these Communist programs would not, as has often been suggested, bring an end to the long suffering that has been the plight of the Vietnamese people. Considering the integral part terror plays in Communist social change, it does not follow—it cannot follow—that the quick and sure route to peace, to a moratorium on death, would be to permit the Communists to assume power.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from South Carolina yield briefly?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I have had some discussion with the distinguished majority leader concerning the possibility that we might be able to reach an agreement on a vote on the amendment of the Senator from South Carolina, and I wonder if he would have any objection if we were able to reach agreement. There are others we shall have to contact, including the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) who has an interest in this amendment, and the Senator from Kentucky (Mr. COOPER), but I wonder if the Senator from South Carolina could indicate whether or not he would be agreeable to some time limitation tomorrow on his amendment.

Mr. THURMOND. Mr. President, I think so. Possibly if we could have 2 hours' debate tomorrow on the amendment, it would be agreeable to me to have a vote after that.

Mr. GRIFFIN. I appreciate that indication from the Senator from South Carolina. We will pursue the matter and see if we can reach some agreement.

Mr. THURMOND. Mr. President, I yield the floor.

DEFENSE PRODUCTION LOAN TO THE PENN CENTRAL RAILROAD IS A NEW AND QUESTIONABLE DEPARTURE

Mr. BYRD of Virginia. Mr. President, the Defense Department has agreed to guarantee a $200 million loan to the Penn Central Railroad.

The Defense Department took this action under the Defense Production Act of 1950.

The Penn Central Railroad is in financial difficulties and sought to borrow $100 million at an interest rate of 10½ percent. The railroad was not able to obtain such a loan even at that high rate of interest.

So a meeting was arranged in Washington and the Government agreed to guarantee the loan from the participating banks, which banks will receive an interest rate of from 8 to 8¼ percent.

I regret that the Penn Central is in financial difficulties. But is the Government obligated to bail it out?

If there is such an obligation on the part of the Government, should the Defense Department be permitted to act on its own? Should not an authorization first be obtained from the Congress?

On the same day that the Department of Defense agreed to guarantee the $200 million loan to the Penn Central Railroad, the Department came before the Senate Armed Services Committee to seek a $200 million contingency authorization in regard to the Lockheed Corp. The Department seeks authorization from the Congress for a contingency appropriation of $200 million over and above the amount which the Department of Defense says it owes to Lockheed.

I voted against that additional $200 million, but the Department of Defense took the proper course in coming before the Congress for the additional sum.

That is why I do not understand how the Department, on its own, can guarantee loans totaling $200 million for the Penn Central Railroad.

Top Defense Department officials advise me that they feel the Defense Production Act authorizes the Department to make such guarantees, without limit.

This, I feel, is very undesirable, both from the point of view of the taxpayer and from the point of view of the Congress. If the Department of Defense can use public funds to guarantee loans to the Penn Central Railroad, it can guarantee similar loans to almost any company in the Nation.

This issue has more than fiscal implications. Unchecked loan authority for the Defense Department gives immense political power to the administration in office—power that should be balanced by requiring congressional approval for major loan guarantees.

I do not suggest that anything improper has been done in the Penn Central case. But I do contend that the danger of political influence is present in the loan authority now granted by the Defense Production Act.

Mr. President, the history of sections 2091 and 2092 of the Defense Production Act suggests to me that guaranteeing a loan the size of that to Penn Central; namely, $200 million, is a sharp departure from past practices. I queried the Defense Department, seeking certain information with respect to that history. I ask unanimous consent to have printed in the RECORD at this point my telegram to the Department of Defense.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

JUNE 11, 1970.

Hon. BARRY J. SHILLITO,
Assistant Secretary of Defense, Installations and Logistics, the Pentagon, Washington, D.C.

United States Code, title 50, App. sections 2091 and 2092 authorize the Departments under the Department of Defense to guarantee loans and to make provisions for loans in order to expedite production and deliveries or services under Government contracts. Please provide, as soon as possible, the totals of (1) loans outstanding, and (2) loans guaranteed under these statutory provisions.

HARRY F. BYRD, JR.,
U.S. Senator.

Mr. BYRD of Virginia. Since 1950, through May 31, 1970—that is a period of 20 years—1,625 loans have been made under the Defense Production Act. The total amount guaranteed by those 1,625 loans was $2.713 billion, or an average of less than $2 million per loan.

At the present time, there are seven loans outstanding, totaling $20 million, with $14 million of this amount guaranteed by the Government. So the Pen-Central guarantee is more than 10 times the total of the other outstanding loans guaranteed. That is a tremendous figure, it seems to me, and I feel that there should be a reappraisal of the Defense Production Act of 1950, with the express purpose of curtailing the power of the Department of Defense to guarantee loans to private industry.

Certainly there must be some limit. In fact, I feel that any loans with guarantees in excess of a certain amount—I am not sure what the exact amount should be, but say $20 million, for example—should come to Congress for approval.

Taxpayers' funds must be handled as a public trust, and when large sums are involved, it is imperative that the assent of Congress be obtained.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NOMINATION OF ADM. THOMAS H. MOORER TO BE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. GRIFFIN. Mr. President, at the request of the distinguished majority leader, I wish to notify the Senate that on tomorrow a rollcall vote is expected on the question of the confirmation of the nomination of Adm. Thomas H. Moorer to be chairman of the Joint Chiefs of Staff. The leadership has been placed on notice to this effect. This is simply to relay that notice to the Members of the Senate. It is anticipated that the vote will occur early in the day.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRIFFIN. Mr. President, I ask unanimous consent that beginning at 1 p.m. tomorrow, the further consideration of H.R. 15628 be made the pending business; that there be a limitation of 2 hours on the Thurmond amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill or any Senator they may designate; and that the vote occur not later than 3 p.m.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

> *Ordered*, That the Senate proceed to vote not later than 3 p.m. on Wednesday, June 17, 1970, on the pending amendment by the Senator from South Carolina (Mr. Thurmond), No. 701 to the bill (H.R. 15628) to amend the Foreign Military Sales Act, with the time for debate between 1 p.m. and 3 p.m. being equally divided and controlled by the Senator from South Carolina (Mr. Thurmond) and the Senator from Idaho (Mr. Church), or their designees.

THE ROLE OF CONGRESS IN FOREIGN POLICY DECISIONMAKING

Mr. COOK. Mr. President, last evening on ABC–TV, I heard a very interesting statement by Howard K. Smith concerning Congress and its role in foreign policy decisionmaking, as one who has long advocated congressional reassertion in a variety of areas. I was pleased to hear the blame for the failure of this reassertion laid where it properly belongs—at the congressional doorstep.

In the opinion of Mr. Smith and also in the opinion of the junior Senator from Kentucky, Congressional failure has not been because of Executive dominance but rather congressional deference to the Executive.

Mr. Smith stated as follows:

> There is some hope that the Senate will bring its long debate on foreign affairs to some kind of end this week or early next week. As it has been very confusing, some basics ought to be stated, even at the risk of repetition.
>
> Senators say they are only trying to regain a share of control of foreign affairs, from the presidency which has hogged it all.
>
> The facts do not support their complaint.
>
> Congress has plenty of control, above all, the power of the purse. It can stop cold any military action by denying funds.
>
> Moreover, contrary to what Senators say, most recent Presidents have consulted Congress before taking major action. Eisenhower did; so did Kennedy, and Johnson.
>
> It is true that in the case of Vietnam, Johnson did not ask for a declaration of war. The reason was, he did not know what secret treaties North Vietnam had that might automatically bring Russia and China in, if there were a formal declaration.
>
> However, Johnson did ask for a forthright authorization to use any military force in all southeast Asia. It was clear, but to make it clearer he went on television and explained it, then explained it again in a statement thanking Congress for passing it, 502 votes to 2.
>
> Moreover, a clause was attached making it easy for Congress to rescind the resolution at will.
>
> There is no rebuttal to the fact that we are fighting in Vietnam with Congress' free advice and approval.
>
> The simple truth is—the main obstacle to Congress having more say is . . . Congress itself, its inability or unwillingness to vote clear decisions to change policy. That is exemplified in the past five weeks debate on a so-called anti-war resolution which in fact has nothing to do with ending the war.

THE PRESIDENT'S POWERS AS COMMANDER IN CHIEF

Mr. ALLOTT. Mr. President, for some time now the Senate has been debating, with appropriate care and thoroughness, the many difficult issues of the current argument concerning the President's powers as Commander in Chief.

Obviously, this is a subject on which honorable men of good will can and do disagree. What is sometimes not so obvious is the strong support the President enjoys within the ranks of the academic community and the professional students of international affairs.

Proof of this strong support has been coming to me over the past few weeks in the form of letters and memoranda from distinguished scholars who are anxious to uphold the President's traditional powers as Commander in Chief.

In the past weeks I have been sharing with all Senators the letters and memoranda I have been receiving. Today I want to share with Senators four more letters from distinguished authorities. Each letter is from a scholar associated with a highly regarded organization of specialists in international affairs.

The first letter I want to share comes from Dr. David S. Collier, director of the Foundation for Foreign Affairs.

Dr. Collier is strongly opposed to measures which threaten to cripple the President in performing his delicate duties as Commander in Chief. Dr. Collier says this:

> We are very aware of the efforts of some Senators to hamstring and otherwise discredit the military maneuver in Cambodia by calling it an illegal usurpation of Congressional authority. However, for those of us who have studied the legal and historical aspects of the President as Commander-in-Chief of the Armed Forces, there can be only one conclusion: this is that the President, as supreme military commander, must have a leeway of judgment in these matters sufficient not only to protect troops in the field, but broad and adequate enough to bring the nation as quickly and as nearly as possible to a stance of victory. In any case, whether the victory would mean a negotiated peace or a battlefield triumph, the President must make this decision, and the role of the Congress by the Constitution was never meant to preempt this posture.
>
> When it becomes clear that the President of the United States, based upon the best information he has, is taking decisive steps and staking his political future upon these steps, it is incumbent upon the people to have faith in him, give the short time he requests, and trust that he is indeed, as he says, taking the action in the best interests of the nation. It is not seemly for the Congress to second-guess the President in so delicate a matter. Indeed, by casting doubt on the actions through resolutions and pronouncements, the Congress exceeds its Constitutional role at the same time giving, we hope unwittingly, aid and comfort to the adversary. History has countless times shown us that only through a unity of resolution at home can the nation best the kind of adversary it is up against at this moment.
>
> In the heat of debate our legislators are apt to forget the total game of this conflict and think only in terms of the next move. In so doing, there are some who would call for immediate withdrawal from Cambodia and indeed Vietnam today and in turn tomorrow would view with alarm and shock the consequences of their action: defeat not only

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in Cambodia and Vietnam, but elsewhere in Southeast Asia tomorrow and other places in the world the next day.

Mr. President, the second letter I want to share with Senators comes from Prof. Franz Michael, director of the Institute for Sino-Soviet Studies.

Professor Michael is convinced that the route to lasting peace lies through respecting the traditional rights of the President. Professor Michael says this:

The answer to the communist strategy of wars of liberation is indeed, the Vietnamization policy initiated by the President. The political-military warfare faced by the United States in all these situations today and tomorrow differs in kind from the war between countries to which our constitutional concept of war refers. No congressional authority for declaration of war therefore applies. In international terms we could not, even if we wanted to, declare war against the Viet Cong or the Indo-Chinese Communist movement, and we do not want to become involved in all-out war with Hanoi or its supporters, Peking and Moscow. Rather, we have to strengthen the countries of the world with our support.

Only thus may we enable them to ward off the "Iron Tyranny" against which President Kennedy pledged to protect them. We cannot escape this problem. Half-world isolationism is the expression of Western parochialism, with racial undertones.

To retreat without honor in Vietnam will not protect us from future enlarged problems of the same kind. What is at stake is not only the issue of the Communists' further advance into new areas, but also our whole standing and credibility with all our allies in Asia, including Japan. The planned transfer of military and political force to our Vietnamese allies will enable us to withdraw honorably our own combat troops without inviting disaster for our allies and ourselves. Attempts to hamstring the President in any individual action are not only unconstitutional, they gravely endanger our present and future security. The unchallenged authority of the President as Commander-in-Chief will be crucial for the success of this policy and our future safety.

Mr. President, the third letter I want to introduce today comes from Dr. Richard F. Starr, associate director of the Hoover Institution on War, Revolution, and Peace at Stanford University.

Dr. Starr is concerned with the serious threat of massacres in South Vietnam in the event of a precipitate American withdrawal. He says this:

In a report entitled *The Vietcong Strategy of Terror*, Mr. Douglas Pike of the U.S.I.A. documents the three phases of killing. Civilians on a blacklist were taken from their homes and shot. Ultimately, the VC conducted indiscriminate murders in order "to leave no witnesses." Some 2,810 bodies have been exhumed at nearly twenty different locations around the city of Hue. Another 1,946 persons are missing presumably also victims of assassination squads. Mr. Pike writes that "virtually no communist killing was due to rage, frustration or panic during the communist withdrawal at the end."

The foregoing represents a preview of what would occur in all of South Vietnam, and indeed Cambodia too, if the United States were to abandon these countries to North Vietnam. It is something that should be pondered by those gentlemen in the Senate who want to force a precipitous withdrawal by American troops.

Mr. President, the fourth letter I want to introduce today comes from Dr. Frank A. Trager. Dr. Trager is professor of international affairs at New York University and is director of the national security program.

Dr. Trager opposes the attempts to limit the President's traditional powers. He opposes such limitations on constitutional grounds, but not on those grounds alone. He says this:

Apart from the constitutional issues involved in this, it seems to me that those of us who want to see peace restored to the Kingdoms of Laos, Cambodia and the Republic of Vietnam should wholeheartedly support the President's decision to wipe out the sanctuaries enjoyed by the North Vietnamese invaders of Laotian and Cambodian soil. I say this for several reasons. If American Armed Forces continue to be unilaterally withdrawn from the area and if the South Vietnamese are to be encouraged to defend themselves (the Vietnamization Program), then it follows that the Communist aggressors in Laos and Cambodia should not be permitted to enjoy, as they have for the past five years, sanctuaries in those countries. Further, it is the case that the neutrality of the Kingdom of Cambodia, flowing from the Cease Fire Agreement signed by representatives of Cambodia and the Democratic Republic of Vietnam in July 1954, and the neutrality of the Kingdom of Laos, flowing from the Geneva Agreement of 1962, have been violated by the Armed Forces of Hanoi throughout these intervening years. Until such neutrality is re-established, the governments of these two beleaguered countries should be given assistance in whatever measure to re-attain the status quo ante.

Professor Trager argues that we are in danger of undoing much of the good that we have done with our sacrifices in South Vietnam. He explains his position in this way:

Insofar as our country has spent life and treasure in an effort to preserve the security and independence of these Southeast Asian States, it—that is we—contributed to the chance for freedom in a much-troubled part of the world. Insofar as President Nixon has decided to continue this policy of Presidents Truman, Eisenhower, Kennedy and Johnson, I applaud him. Insofar as President Nixon has called upon the Asian and Pacific powers to do more for themselves, I also support him. And be it said, they have been and are doing precisely this. Americans ought to be aware of, and I hope that your colleagues in the Senate are aware of the Asian regional efforts now going into: Association of Southeast Asian Nations (ASEAN), Asian and Pacific Council (ASPAC), the recent Indonesian 12-nation Conference, the recent efforts of both the Republic of Vietnam and Thailand in offering assistance to the Kingdom of Cambodia, and other manifestation of Asian self-help.

Let us not falter now. Let us not get bogged down in hysterical and political partisan attacks on the Presidency and on President Nixon who is in fact withdrawing American combat forces from Southeast Asia as a major contribution to the ultimate restoration of peace in the area.

Mr. President, so that all Senators may profit from the contributions of these reflective men, I ask unanimous consent for these four letters to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FOUNDATION FOR FOREIGN AFFAIRS, INC.,
Chicago, Ill.

Senator GORDON L. ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Please permit me as a political scientist and as a writer and researcher for some years in international relations to support strongly the President's position in Southeast Asia.

We are very aware of the efforts of some Senators to hamstring and otherwise discredit the military maneuver in Cambodia by calling it an illegal usurpation of Congressional authority. However, for those of us who have studied the legal and historical aspects of the President as Commander-in-Chief of the Armed Forces, there can be only one conclusion: this is that the President, as supreme military commander, must have a leeway of judgment in these matters sufficient not only to protect troops in the field, but broad and adequate enough to bring the nation as quickly and as nearly as possible to a stance of victory. In any case, whether the victory would mean a negotiated peace or a battlefield triumph, the President must make this decision, and the role of the Congress by the Constitution was never meant to preempt this posture.

When it becomes clear that the President of the United States, based upon the best information he has, is taking decisive steps and staking his political future upon these steps, it is incumbent upon the people to have faith in him, give him the short time he requests, and trust that he is indeed, as he says, taking the action in the best interests of the nation. It is not seemly for the Congress to second-guess the President in so delicate a matter. Indeed, by casting doubt on the actions through resolutions and pronouncements, the Congress exceeds its Constitutional role at the same time giving, we hope unwittingly, aid and comfort to the adversary. History has countless times shown us that only through a unity of resolution at home can the nation best the kind of adversary it is up against at this moment.

In the heat of debate our legislators are apt to forget the total game of this conflict and think only in terms of the next move. In so doing, there are some who would call for immediate withdrawal from Cambodia and indeed Vietnam today, and in turn tomorrow would view with alarm and shock the consequences of their action: defeat not only in Cambodia and Vietnam, but elsewhere in Southeast Asia tomorrow and other places in the world the next day.

The Peoples' Republic of China sees in our internal disagreements an easy victory—that is, success in demonstrating to the world that the United States is indeed only a paper tiger, not to be trusted in matters of its word and not to be relied upon in any questions of defense. The conflict in Southeast Asia has broad and deep implications for the international structure of the world to come. It is time that some of our legislators thought more deeply about these eventualities.

The United States learned well the meaning of "too little and too late" during the early days of World War II. If now our nation is about to turn itself inside out and say of Southeast Asia "too much and too long," then through our impatience have we reduced our world role and ourselves.

I make these remarks, Mr. Senator, as a private citizen, but hoping that my voice in turn may have some public effect.

Sincerely yours,

DAVID S. COLLIER.

Hon. GORDON ALLOTT,
U.S. Senator,
New Senate Office Building, Washington, D.C.
Attention: Dr. George Will.

DEAR SENATOR ALLOTT: I want to express my full support for the President's policy in Vietnam and Cambodia and my strong opposition to any attempt by Congress to interfere with the President's constitutional authority as Commander-in-Chief.

It is a grave error to regard the war in Vietnam as a "local war" in a small country, of no concern to our national security and to the security of the non-Communist world as a whole. The Communist strategy of national

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wars of liberation, initiated by Lenin and first directed by Stalin, was meant to be applied and is applied now, on a world-wide scale. It is a strategy in which, conflict or no conflict, Moscow and Peking have a common stake. The threat in Indo-China is no different from that in the Near East; in fact, the two scenes of operation pose a global problem, as did once the Japanese operations in Indo-China in relation to the Nazi attack in Egypt.

The answer to the Communist strategy of wars of liberation is, indeed, the Vietnamization policy initiated by the President. The political-military warfare faced by the United States in all these situations today and tomorrow differs in kind from the war between countries to which our constitutional concept of war refers. No congressional authority for declaration of war therefore applies. In international terms we could not, even if we wanted to, declare war against the Viet Cong or the Indo-Chinese Communist movement, and we do not want to become involved in all-out war with Hanoi or its supporters, Peking and Moscow. Rather, we have to strengthen the countries of the world with our support. Only thus may we enable them to ward off the "Iron Tyranny" against which President Kennedy pledged to protect them. We cannot escape this problem. Half-world isolationism is the expression of Western parochialism, with racial undertones.

To retreat without honor in Vietnam will not protect us from future enlarged problems of the same kind. What is at stake is not only the issue of the Communists' further advance into new areas, but also our whole standing and credibility with all our allies in Asia, including Japan. The planned transfer of military and political force to our Vietnamese allies will enable us to withdraw honorably our own combat troops without inviting disaster for our allies and ourselves. Attempts to hamstring the President in any individual action are not only unconstitutional, they gravely endanger our present and future security. The unchallenged authority of the President as Commander-in-Chief will be crucial for the success of this policy and our future safety.

Sincerely yours,

FRANZ MICHAEL,
Professor and Director, Institute for Sino-Soviet Studies.

HOOVER INSTITUTION ON WAR,
REVOLUTION AND PEACE,
Stanford, Calif.

Hon. GORDON ALLOTT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I am writing my personal views to urge that you vote against the Cooper-Church (No. 620) and McGovern-Hatfield (No. 609) amendments which would limit President Nixon's authority as commander-in-chief. Apart from the constitutional issues, on which I shall not comment, there are moral aspects that require some thought.

For example the Cooper-Church amendment in Article 4 would permit the bombing of Cambodia and, a seemingly indifferent attitude by its sponsors to the civilian population in that country.

The McGovern-Hatfield amendment suggests asylum for Vietnamese endangered after the U.S. withdrawal. Is it possible that these Senators do not realize that millions of individuals would be involved? An indication of the blood bath, which would take place in Saigon, could be seen when the Viet Cong and North Vietnamese occupied Hué during the 1968 Tet Offensive.

In a report entitled *The Vietcong Strategy of Terror,* Mr. Douglas Pike of the U.S.I.A. documents the three phases of killing. Civilians on a blacklist were taken from their homes and shot. Ultimately, the VC conducted indiscriminate murders in order "to leave no witnesses." Some 2,810 bodies have been exhumed at nearly twenty different locations around the city of Hué. Another 1,946 persons are missing, presumably also victims of assassination squads. Mr. Pike writes that "virtually no communist killing was due to rage, frustration or panic during the communist withdrawal at the end."

The foregoing represents a preview of what would occur in all of South Vietnam, and indeed Cambodia too, if the United States were to abandon these countries to North Vietnam. It is something that should be pondered by those gentlemen in the Senate who want to force a precipitous withdrawal by American troops.

Respectfully yours,

RICHARD F. STAAR, Ph. D.,
Michigan, Professor of Political Science, Emory University

NEW YORK UNIVERSITY,
New York, N.Y.

Hon. GORDON ALLOTT,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I know of your deep concern in the current controversy over the powers of the Presidency and your related concern for President Nixon's policy in Southeast Asia. There is little doubt in my mind that the present language of the Cooper-Church Amendment, No. 620 and the McGovern-Hatfield Amendment, No. 609 are serious attempts at inhibiting or thwarting the powers of the President as Commander-in-Chief under Article 2, Paragraph 2 of the Constitution. The Congress, of course, has the right to "declare war," and I would favor this since it would clarify the situation that actually obtains in Viet Nam, Laos and Cambodia.

However, to return to these two Amendments may I say that I agree with the *Washington Post* editorial, May 5, 1970, which described the McGovern-Hatfield Amendment 609 as "too reckless for serious consideration." The Cooper-Church Amendment 620, though less reckless than the other Amendment, seems to me to be attempting to usurp the powers inherent in the Commander-in-Chief of the U.S. Armed Forces. Strategically and tactically, the Commander-in-Chief at any time in the next weeks and months may wish to deploy our forces in such a manner as to save American and Allied lives or, correlatively, necessarily engage in hot pursuit of the enemy. Members of Congress and other citizens have a right to dissenting views with respect to the strategy and tactics pursued by the Commander-in-Chief. But they do not have the right to interfere with his decisions except by removing him.

Apart from the constitutional issues involved in this, it seems to me that those of us who want to see peace restored to the Kingdoms of Laos, Cambodia and the Republic of Viet Nam should wholeheartedly support the President's decision to wipe out the sanctuaries enjoyed by the North Vietnamese invaders of Laotian and Cambodian soil. I say this for several reasons. If American Armed Forces continue to be unilaterally withdrawn from the area and if the South Vietnamese are to be encouraged to defend themselves (the Vietnamization Program), then it follows that the Communist aggressors in Laos and Cambodia should not be permitted to enjoy, as they have for the past five years, sanctuaries in those countries. Further, it is the case that the neutrality of the Kingdom of Cambodia, flowing from the Cease Fire Agreement signed by representatives of Cambodia and the Democratic Republic of Viet Nam in July 1954, and the neutrality of the Kingdom of Laos, flowing from the Geneva Agreement of 1962, have been violated by the Armed Forces of Hanoi throughout these intervening years. Until such neutrality is reestablished, the governments of these two beleaguered countries should be given assistance in whatever measure to re-attain the status quo ante.

There is a larger issue involved here, and that is the peace of Southeast Asia. I have served our government in that area as an AID mission chief and have been intimately concerned with it academically since the early 1950's. I can assure you that, as a matter of historical record, every country in Southeast Asia with the exception of the State of Singapore has had to cope with planned Communist insurgency initiated originally under the policy of the Moscow-sponsored Communist Information Bureau in 1947 and then joined by the Chinese Communists after their advent to power in 1949. If it be argued that this is a form of civil war, then, legally, it is proper for other governments to aid Southeast Asian governments in overcoming such insurrection. But what has happened in Southeast Asia, at least since 1948, is not just a local civil war, but in fact a series of wars instigated and supported by Moscow and/or Peking under their general political slogan of support for wars of national liberation.

In so far as our country has spent life and treasure in an effort to preserve the security and independence of these Southeast Asian States, it—that is we—contributed to the chance for freedom in a much-troubled part of the world. In so far as President Nixon has decided to continue this policy of Presidents Truman, Eisenhower, Kennedy and Johnson, I applaud him. In so far as President Nixon has called upon the Asian and Pacific powers to do more for themselves, I also support him. And be it said, they have been and are doing precisely this. Americans ought to be aware of, and I hope that your colleagues in the Senate are aware of the Asian regional efforts now going into: Association of Southeast Asian Nations (ASEAN), Asian and Pacific Council (ASPAC), the recent Indonesian 12-nation Conference, the recent efforts of both the Republic of Viet Nam and Thailand in offering assistance to the Kingdom of Cambodia, and other manifestations of Asian self-help.

Let us not falter now. Let us not get bogged down in hysterical and political-partisan attacks on the Presidency and on President Nixon who is in fact withdrawing American combat forces from Southeast Asia as a major contribution to the ultimate restoration of peace in the area.

Sincerely yours,

FRANK N. TRAGER,
Professor of International Affairs and Director, National Security Program.

P.S.—I am taking the liberty of enclosing under separate cover several items on the above subject matter, which may be of interest to you.

SIR ROBERT THOMPSON SUPPORTS THE PRESIDENT

Mr. ALLOTT. Mr. President, as we have continued to explore the many issues relevant to the current debate, one thing has become increasingly clear. Much of the concern about the military tactics employed in the Vietnam war, and about the President's power to set military tactics, has been based on an incomplete and, in some cases, emotional understanding of the incursion into Cambodia.

That is why many of us have been concerned to explore all these issues with proper thoroughness. Many of us think the President's tactics are militarily sound. In addition, we think he is not only empowered by the Constitution to make such tactical decisions, but we think he is required by the Constitution to act with such vigor and directness in dispatching his duties as Commander in Chief.

Those of us who feel this way have been concerned about one thing from the very beginning of this current debate. We have been concerned lest the Senate make a significant decision on the basis of incomplete and insufficient information.

The decision that the Senate is contemplating making with regard to the President's powers as Commander in Chief is significant and unprecedented. It is a decision of constitutional significance, reaching to the very fundamentals of settled practice. It tampers with the traditional separation of powers in the U.S. Government.

It would be a shame, and a dangerous departure, for the Senate to plunge ahead with a judgment on the President's current tactics, and on his powers to set tactics, without waiting for a clear reading on the success or failure of the tactic in question.

Obviously the tactic in question is the decision to undertake an attack, limited in scope and duration, to clean out the nest of interlocking Communist sanctuaries along the border between Cambodia and South Vietnam.

Obviously the tactic generated an instantaneous and emotional response. I am one of those who feels that the emotional outburst was way out of proportion to the modification of American tactics in Southeast Asia. I am one of those who feel that a wind of emotion blew through these Halls in the first weeks of May. In fact, it might well be said that the strong winds blowing about these Halls amounted to a northeaster. It was a generated wind of protest dominated by that minority which is strongest in the Northeast section of the Nation.

However that may be, one thing is crystal clear. Some of the President's most vocal critics were very vocal in their criticism before there was any suitable evidence on which to base a judgment of the President's policy with regard to the Cambodia sanctuaries.

This is why a number of us have been anxious to explore the whole range of relevant issues with proper thoroughness, so that the full facts about the Cambodian policy may be known before the Senate renders a decision on it, and on the powers of the office from which the policy originated.

Thus it is significant that the evidence continues to mount that the policy is a real success. I am sure all of us hope the operation will be a success. Many of us think it has already proven itself to be a success. For those who are not yet convinced, the evidence of success continues to mount.

In this regard I would like to call the Senate's attention to the informed judgment of an acknowledged expert.

Mr. President, today's edition of the New York Times contains a most significant story concerning Sir Robert Thompson's support for President Nixon's policy with regard to the sanctuaries along the Cambodia-South Vietnam border area.

Sir Robert is widely recognized as one of the world's leading authorities on guerrilla warfare. He is the author of "No Exit From Vietnam," an important book which I commend to the attention of all Senators who are interested in the global significance of the limited conflict in which we are involved. In addition, Sir Robert will soon be publishing a book entitled "Revolutionary War in World Strategy, 1945–1969."

Sir Robert gained his knowledge of guerrilla warfare in the field, not in the groves of academe. He guided the British forces to victory over Communist guerrilla forces in Malaya in the 1950's.

Thus it is all the more significant that this man of practical wisdom considers President Nixon's Cambodian policy wise. Sir Robert says this:

> Cambodia has been involved from the very beginning. It has always been a war for Indochina. Prince Sihanouk himself, in his magazine, Le Sangkum, wrote that Cambodia's fate was tied to that of South Vietnam.

With regard to the sanctuaries, Sir Robert told the Times:

> If President Nixon hadn't moved across the border, the Communists would have had a secure base area and could have moved onto the rest of Cambodia any time they wanted to.

Sir Robert places special emphasis on the psychological lift which the Cambodian operation will give the allies. He says this:

> The whole point of Vietnamization is psychological improvement, not just military improvement. Psychological dominance has long been the key to North Vietnamese success. They were confident and the people knew it. Now this operation, as an unintended side effect, has given the South Vietnamese confidence.

Of course, Sir Robert recognizes that there have been material as well as psychological gains from the Cambodian operation. He is convinced that—

> It will take the Communists a long time to restock, and it has given the Saigon Government 12 months to secure its pacification program in the delta.

Sir Robert is convinced that—

> The Communists cannot afford to continue losing strength in the delta.

Sir Robert believes that any Communist adjustment to recent material losses will be a short-term and most imperfect adjustment.

Mr. President, so that all Senators may have the benefit of Sir Robert's judgments, I ask unanimous consent for his interview in the Times to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 17, 1970]

BRITON BACKS UNITED STATES ON CAMBODIAN STEP; GUERRILLA EXPERT DISCERNS IMPORTANT SUCCESSES

Sir Robert Thompson, the British expert on guerrilla warfare, believes that President Nixon had little choice but to go into Cambodia and that the allied operation there has achieved some important successes.

Sir Robert, considered the architect of the British victory over the Communist guerrillas in Malaya in the nineteen-fifties, said in an interview here, "Cambodia has been involved from the very beginning. It has always been a war for Indochina. Prince Sihanouk himself, in his magazine, Le Sangkum, wrote that Cambodia's fate was tied to that of South Vietnam."

"If President Nixon hadn't moved across the border," Sir Robert added, "the Communists would have had a secure base area and could have moved into the rest of Cambodia any time they wanted to."

Sir Robert, who is 54 years old, carried out a study mission for President Nixon in Vietnam last year and has often been cited favorably by the President as an expert on combating Communist insurgency. His latest book, "Revolutionary War in World Strategy, 1945–1969," will be published here next month.

PSYCHOLOGICAL GAIN CITED

In Sir Robert's view, the great psychological lift that the South Vietnamese obtained from their surprising military showing in Cambodia will prove very beneficial to the Vietnamization program, under which American troops are gradually withdrawn as South Vietnamese soldiers assume the major fighting role.

"The whole point of Vietnamization is psychological improvement," he explained, "not just military improvement. Psychological dominance has long been a key to North Vietnamese success. They were confident and the people knew it. Now this operation, as an unintended side effect, has given the South Vietnamese confidence."

Sir Robert, a soft-spoken man dressed in a dark suit and an English club tie, also stressed the importance of the supplies captured by the Americans and South Vietnamese in the Communists' border sanctuaries.

"SAIGON GETTING STRONGER"

"It will take the Communists a long time to restock, and it has given the Saigon Government 12 months to secure its pacification program in the delta," he said.

This could be a critical factor, he added. "The Saigon Government has been getting stronger, and the Communists cannot afford to continue losing control in the delta."

In guerrilla warfare, he explained, losing control of villages and their supply of men and rice has a progressive effect, leading to further loss of power.

Sir Robert, who once headed the British Advisory Mission in Vietnam, said that the key question in Cambodia is whether the North Vietnamese are able to enroll Cambodians to help them.

"They are fanning out into small units to avoid the Americans and South Vietnamese," he said. This way they can live off the land for a while.

TERROR IS A WEAPON

"But some time they will need new supplies, and if they don't have Cambodians to do their village organizing, they won't have the guerrilla advantage of being fishes in a friendly sea."

Sir Robert said the North Vietnamese did have one advantage. "They have shown their power and the Cambodians are scared to death of them," he said. Terror is critical to guerrilla warfare, he commented.

Sir Robert said that he believes, in general, that Vietnamization has proceeded well enough for President Nixon to carry out his planned withdrawal of American troops.

He criticized what he termed "the tendency for the Americans to overload the South Vietnamese with sophisticated military equipment that is too expensive to operate and maintain." "The American military like to Americanize the Vietnamese Army," he said.

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ADDRESS OF FORREST C. POGUE AT MURRAY STATE UNIVERSITY

Mr. ALLOTT. Mr. President, Forrest C. Pogue, executive director of the George C. Marshall Research Foundation, has recently received honorary degrees from Washington and Lee University and Murray State University.

At Murray State on June 6, he was privileged to give the commencement address, and it is a pleasure to be able to call it to the attention of the Senate.

Mr. Pogue, who is the author of a highly respected biography of General Marshall, entitled his address "Whirl is King." It concerns the rising tide of extremism in this Nation, and possible dangers that can result.

So that all Senators can enjoy Mr. Pogue's wise comments, I ask unanimous consent for his address to be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHIRL IS KING

(By Forrest C. Pogue)

"Whirl is king, having driven out Zeus." With this quotation from Aristophanes, Walter Lippmann began a volume on the whirling confusion of his day which followed the sweeping away of moral authority and traditions. Huxley was right, he says, when he declared: "A man's worst difficulties begin when he is able to do as he likes."

"What most distinguishes the generation who have approached maturity since the debacle of idealism at the end of the war is not their rebellion against the religious and moral code of their parents, but their disillusionment with their own rebellion. It is common for young men and women to rebel, but that they should rebel sadly and without faith in their own rebellion, that they should detest the new freedom no less than the old certainties—that is something of a novelty. As Mr. Canby once said, 'At the age of seven they saw through their parents and characterized them in a phrase. At fourteen they saw through education and dodged it. At eighteen they lost respect for their home towns, and at twenty they saw that our social system is ridiculous. At twenty-three the autobiography ends because the author has seen through society to date and does not know what to do next.' "

"They have seen through the religion of nature to which the early romantics turned for consolation. . . . They have seen through the religion of beauty because, for one thing, they are too much oppressed by the ugliness of Main Street. They cannot take refuge in an ivory tower because the modern apartment house, with a radio loudspeaker on the floor above and on the floor below and just across the courtyard will not permit it. They cannot make a religion of science . . . because they do not understand modern science. They never learned enough mathematics and physics. . . . As for religion of progress, that is preempted by George Babbitt and the Rotary Club, and the religion of humanity is utterly unacceptable to those who have to ride in the subways during the rush hour."

"The eager search for new religions, the hasty adherence to cults . . . are confessions that to modern man his activity has no place in any rational order. His life seems mere restlessness and compulsion, rather than conduct lighted by luminous beliefs. He is possessed by a great deal of excitement amidst which, as Mr. Santayana once remarked, he redoubles his effort when he has forgotten his aim."

Having recently put down this volume of criticism on a troubled period of history, I picked up another, a novel on the generation gap—of the difficulties between fathers and sons. The story opens with the visit of a young student and his best friend, on the way home from university, to the estate of the former's father, who, while completely out of date, tries to keep up to some extent with the new generation. The father's brother, living more in the past, finds it difficult to cope with the new ideas.

The older visitor, a medical student, is brash, sure of himself, almost contemptuous of the older generation. "Your father is a nice old man," he tells his college friend, "but his day is done." We are thoroughly prepared for the argument which follows between representatives of the two generations. The student starts one argument by declaring that "negation is the most useful thing of all." Angered, the brother of the host retorts, "You deny everything, or, speaking more precisely, you destroy everything. . . . But one must construct too, you know." "That's not our business now," said the student impatiently, "The ground must be cleared first." "But do you destroy without knowing why," came the question. "We shall destroy because we are a force."

The two books might have been written this week. But the former Lippmann's Preface to Morals, I first read forty years ago in Dr. Lowry's Sociology class, and the second, Turgenev's Fathers and Sons, appeared in Russia more than 100 years ago. But the problems they describe are completely contemporary. I have been amused on rereading them to find that I have reacted differently since the first reading. I read Lippmann as a junior and felt somewhat irritated at his viewpoint toward youth. The Turgenev I read in 1932, a few months out of graduate school, with a Master's degree and no job—returned to my home in a tiny West Kentucky town—reduced to killing boredom by turning through the pages of Everyman classics. I was inclined then to feel that the great society of my day had blundered into a staggering depression that was upsetting the entire whole economy—and particularly preventing me from getting a job—and that it needed to be swept away so that we could begin again properly. Quite aged, a few months past twenty, I was certain that some changes needed to be made; that they needed to be made now.

Three things stand out from the books by Lippman and Turgenev concerning the young: (1) their desire to change everything at once and to start fresh, (2) the tendency to grow bored and world weary with the changes they have begun, and (3) impatience with authority.

Extravagance and youth go together. It makes each new generation interesting and difficult for the generation passing off the stage. The extravagance is made bearable for the old because of the knowledge—as one critic writes of FATHERS AND SONS—that in twenty years the son will himself understand what it is to be called out-of-date.

Although Turgenev's young student occasionally attacked the romantic ideas of the age just past, he showed many of their attitudes in the extravagance of language. From the time of Byron to that of Hugo, the young intellectuals and artists had attacked tradition in ideas as they did in dress. Long locks, oddities in clothing, became the fashion as conformity in non-conformism became the rage. At one stage they won the nick name "Les Incroyables" (the incredibles or unbelievables) for their eccentricities. Their writings, music, and art were marked by a breaking away from classic forms, by a deep melancholy, admiration of the noble savage, a desire to escape to nature, a love for the morbid, and a certain preoccupation with death. The medical student who preached Nihilism spoke of an age of science but his exuberant talk of sweeping everything away and starting over had a Romantic wildness about it which appealed to a generation of Anarchists who sought to purge old sins and discarded ideas by bombing or shooting a number of high officials, including in twenty years the murders of the Tsar of Russia, shortly after he emancipated the serfs, the President of France, the King of Italy, the Empress of Austria, and the President of the United States. Convinced that the removal of those in authority and the destruction of police stations, banks, and government offices would overnight bring the millenium, they cheerfully blew up themselves along with their victims or surrendered happily to the police. One can understand the killing of a tyrant or the bombing of a monster when their removals might bring a better life. But the anarchistic terrorists made no distinction between bad and good men. All authority was bad and it must be removed in every form.

The student of the past may well be concerned by the violence of the last few years and will agree that universities are in a state of crisis. But he will not concede that this is unparalleled in modern history. His concern is that through neglect of the study of history, the young will ignore some lessons and some warnings.

Few young militants in the universities realize or care how painfully the modern university system has been developed and freedom of instruction and discussion in classrooms won. Early universities grew up around small communities of students which had been established near a cathedral where churchmen taught interpretations of the scriptures or canon law. The power to give licenses to teach was conferred on the churchmen in charge by popes, kings, and emperors. Some rulers and churchmen, in order to aid poor students, set up endowments which helped to provide subsistence. Students found their own lodgings, usually near the lecture rooms, and made their own arrangements for lectures with professors, sometimes swearing, according to tradition, that they would not use their knives or swords on professors if they failed their examinations. One took what the professor was inclined to teach and accepted the conditions laid down by the church.

Many university students were older than the average student of the present day and were not always gentle in their manners. Over pots of ale and glasses of wine in taverns, they engaged in quarrels, and some were seized for theft of purses and for swordplay. To avoid inevitable clashes between Town and Gown and to prevent local authorities from entering the lecture rooms to haul out students for punishment, the universities in time lodged their students within walls and established curfews and rules for their comings and goings. Except in such matters as murder and sacrilege, the city authorities tended to leave to university officials the keeping of order within their precincts. One can see in Heidelberg the university jail where youthful offenders were kept. He can also see a copy of a proclamation addressed by the Tsar of Russia to his troops, when they came through Heidelberg during the Napoleonic wars, forbidding them to stable their horses or billet their men in the buildings and yards of the university.

In the period between the early Middle Ages and the wars of Napoleon, nearly every major country of Europe had developed universities, adding to the original faculty of theology other faculties of philosophy, medicine, and law. Even though they became powerful, administrators became aware that their rights did not extend to making attacks against the emperor or king nor to teaching heresy. Professors and students attacking the authority of the state could be hanged and those guilty of heretical teachings could be jailed or even burned. Cautious

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schoolmen learned to avoid touchy topics of state and advanced interpretations of the scriptures. Or often they learned to hide attacks on a modern tyrant in a classic course involving the history of Rome and Greece.

When liberal ideas in the universities came in touch with a liberal movement within a country, an opening was made which permitted students unaccustomed latitude. Thus, the Napoleonic wars, with their spreading of nationalism and demands for unity in historically divided states such as Italy and Germany encouraged students and professors in lands opposed to the French Emperor to preach unification of their countries in the classroom. Students in several of the smaller German states organized clubs where, after taking fierce oaths of brotherhood, they read fiery attacks on Napoleon and sang stirring songs of German unity. After Waterloo they continued their demand for German unity although it, in effect, involved opposition to the rulers of Austria, Russia, and Prussia who desired that the German states remain numerous and weak.

It was in this climate of reaction that German students in 1817, still tasting the heady wine of German nationalism, organized a festival at Wartburg Castle, associated with Luther's 16th century definance of the Pope. It was no Woodstock but it frightened the authorities. In the spirit more of a pep rally rather than of conspiracy, or should we call it "living theater", they tossed into a blazing bonfire a wig, a corporal's cane, a copy of Prussian police regulations, and the plays of Kotzbue, a German conservative dramatist, who was suspected of being in the pay of Russia. The burned symbols represented the court, hidebound restrictions, the Army, the State. Prince Metternich, as representative of the Emperor of the Austro-Hungarian empire, who had assumed the task of keeping Conservative forces in control of Europe, watched warily this student movement. When some months later, a half crazed student killed Kotzebue, Metternich acted quickly. Summoning representatives of neighboring nations to Carlsbad he persuaded them to put into effect strong decrees against freedom of instruction and of the press. Special curators were appointed to oversee universities, guards were placed inside classrooms, and in many schools special subjects, such as history and philosophy, were suppressed or kept under special surveillance. (It is interesting to note that history, a topic which periodically some of our university friends propose to toss out as irrelevant to the present day, was always a topic which despotic monarchs suppressed first as dangerous to the monarchy.)

There were stirrings in 1830 among students and workers but little of a profound revolutionary nature came until 1848—the year of revolution throughout Europe. The prime participants were members of the bourgeoisie, workers, and students. In Paris after the government of Louis Philippe had forbidden a banquet on Washington's birthday, students of the university joined the workers and middle class representatives in demonstrations against the king. Fired on by troops protecting the royal palaces, the dissidents threw up barricades in the streets of the city. Frightened and disheartened the king fled and the surprised rioters proclaimed a republic. The news from Paris spread through Europe where capital after capital, long weary of repressive rule, rose in revolt. A student march in Vienna asking freedom from censorship helped to spark the rising in that city. In panic, the emperor permitted arms to be given to students who organized an "Academic Legion" and passed the summer pleasantly attempting to run the government of the city.

Exuberant students joined with revolutionists across Europe in movements in which they hoped to bring autonomy to some, unity to others, extend the right to vote to the middle class, and obtain better wages and hours for workers. Following a pattern which was to become commonplace in later risings, the coalition of moderate and left wing elements soon fell apart. Demands by the workers frightened the middle class, extravagant statements and recriminations drove many moderates into the arms of the reaction. When the workers refused to moderate their demands, officers of the new republic called in troops. Within a short time some 3000 radicals—part of them students—were shot or hanged. Having ventured outside their gates, the students received no quarter. In Vienna, a large military force, encouraged by Russia, drove out the liberal government with much bloodshed. By the end of 1848 the revolution was at an end with few gains for liberalism. The republic was retained in France, but in the hands of the nephew of the Napoleon I. Within three years, Louis Napoleon had made himself Emperor of the French.

In the years that followed students split along class lines. Students of the aristocracy and the upper middle class abstained from revolt; some of the poorer joined Marxist groups or slipped swiftly from school life into Bohemian quarters of great cities to engage in talk and dreams of the Revolution. Although students furnished fighters to political riots in the late 19th and early 20th centuries, leaving their wounded or dead in bloody skirmishes in the streets, they left the leadership and the main work to the working class. At times, there was an attempt to aid in peaceful picketing or in demonstration in favor of imprisoned laborers, but a lack of community understanding and cooperation existed between those who had gone from the secondary schools and academies into universities and their worker counterparts who had left school in the lower grades to enter the factories and the mills. A cleavage developed which has never been completely closed.

For the most part, the American universities developed without the European tradition of violent confrontations with police and troops. Often deliberately placed in small communities away from cities or set apart from the community in which they lived by dormitory and club life, American students tended, until recently, to be onlookers rather than participants in the upheavals in political and economic life. Only after graduation, when they had found their way into professions did they become linked with activist groups.

To some degree, the universities in the United States owed their economic support to a certain neutralism in political and economic strife. The private institutions depended on gifts by the wealthy to pay for buildings and instruction while the state institutions, dependent often on the goodwill of governors and legislatures, found it expedient to court the favor of state authorities. In a sense, there was a reversion to the compromise of the Middle Ages—the Town respected the rights of the Gown as long as the latter kept its criticisms within its walls.

For some reason, student activists of the present day have never understood this compromise and have assumed that presidents and deans are free agents who can be forced to grant not only changes within the universities proper but also made into agents who can coerce the state. Although within the past fifty years, administrators and older professors have won great freedom of action in their own affairs and have built up considerable immunity against alumni and legislative censorship of their programs, they are dependent on a continued flow of income from increased endowments and legislative appropriations.

In a period of inflated costs and increased demands on private universities by student groups, the private institutions are particularly vulnerable. Student demonstrations which frighten conservative or moderate donors place the university in intolerable situations. Their traditions of free speech favor the students; their practical will to survive favors refusal of excessive demands. Small wonder that administrators appear vacillating to both sides.

The state universities are in almost even worse plight, despite rather generous appropriations in recent years. Without large endowments, required to admit ever-increasing numbers of state residents, the state schools have struggled to provide new classrooms, dormitories, greatly enlarged faculties amid spiraling costs. Legislatures already overwhelmed by demands for funds for public school education, for highways, for social welfare programs look increasingly for a place to cut appropriations.

In this situation, militants must face the fact that while they may be able to burn down a school, drive presidents and deans from their offices and even their homes, and seize buildings, they cannot coerce the legislatures of the states. These men have been threatened by experts. But they react poorly to demonstrations. Much more effective are the returns from the precincts.

At the last rally in Washington, which serious-minded college organizers kept peaceful despite the efforts of a small group to make it violent (those student marshal pigs were worse than the cops "some militants declared), the main theme was that the next student move would be in the fall elections. A few ruled out this move and called for revolution. This last group made two fundamental errors in judgment—one a failure to see that the revolution has been made and the other a failure to see that the base for the more violent revolution they desire does not exist.

It is difficult for a student born 18–20 years ago to realize the tremendous revolution that has swept this country in one college generation. And it has come in the case of concessions to Black people and to students, not because of rallies or marches but because a great many people—black and white, young and old, conservative and radical—have known in their hearts for years that changes were required. The rallies and the dramatizations of injustices have played their part, but they would have come to nothing but for the fact that there was silent support from the moderates.

Gandhi, shriveled, toothless, half-naked, dressed in rough cloth that he had spun himself, mobilized a people against a mighty empire in the 1920s and 1930s. He did it not by violence nor by invective but by catching the conscience of the British people. He was safe from clubbings because his calm nonviolent protests made uneasy a people which had treasured independence. Their support gave him victory.

Isn't this the way continued change must come? Does not deep revolutionary change in our ways and institutions, as opposed to revolution "for the hell of it", require a broader base than student protest? How can students drawn from every state in the land, dependent on scholarships, family allowances, or government-backed loans continue to close down universities? Millions of older people are as uneasy or as outraged as students are about many of the national and international problems that we face. But the small band of activists by their clowning, their flouting of every rule of free discussion, their Marcusian scorn for tolerance and moderation, are depriving their movement of the sentimental advantage that American students have possessed for generations. Although students have upset their parents and neighbors for centuries, there has been a wry tolerance and a forgiving approach to college pranks and extravagant actions through the years. That advantage is drying up.

Where is the working class support that a successful revolution requires? Where is the backing of a solid ethnic group which might reinforce student demands? The worker made his own fight for more than fifty years—with little assistance from students I would note—in strikes and organization and bloody encounters at first for decent working hours, and then for better wages, and finally for security for his old age. Now that he has them he does not react well to accusations that he is a crass materialist. Having skimped and saved to send his children to a college which he never had a chance to attend, he is outraged when students invite his help in closing it down.

At times in the past there has been a tacit community of interest between most students and some Blacks. But can the white students from well-to-do homes mobilize the majority of the Blacks against materialism? Many Blacks resent the efforts of the student militants to tell them what is good for them. The student leaders who announce their intent to stage future revolutions might well ponder the reaction of a Black worker at the time of the recent demonstration in Washington: "Revolution is the latest fad with those white college kids. They know their daddies can afford it."

The danger is that the excesses of the student militants—the mind-blowing type where "Whirl is king"—can bring repression and indefinite postponement of the true and deep revolution—justice for the Blacks, constructive changes in the educational system, in depth attack on poverty, environmental pollution, war, overpopulation—the whole list of contemporary ills. In a manner reminiscent of the young student in Turgenev's book, some of the militant leaders have recently reeled off a number of summer pastimes for settling the world's problems—infiltration of factories where they can stage showdowns, causing widespread power shortages, contaminating water supply, blocking main traffic arteries (that was done for several days recently at the University of Maryland, aiding the campaigns of all the candidates who promised law and order). This type of approach to solving crucial problems, is equivalent to advocating the burning down of medical schools as the cure for cancer.

There is, of course, no easy answer to the problems which seriously divide this country. War, disarmament, race, pollution have been with us for generations and they will not be solved by a nihilistic approach. I believe that the progress we have made has come in part because professors such as Doctor Lowry here have examined problems with their students, have spoken out in the classroom and to clubs where they were invited, have taken time to talk with genuinely troubled students in their offices, and have educated a group of citizens whose voices have been decisive in their communities.

I realize that this process seems unduly slow. But I would preserve the right of free discussion. I would condemn the swollen-faced extremist, full of rage and hate, who screams himself hoarse with cries of "Communist rat" or "Fasist pig." I am old-fashioned enough to believe that problems must still be approached with reason. I believe that there is still a place in the quiet of the university community where a wise professor and a thoughtful group of students can come closer to solutions than in angry confrontations.

In this climate, there must be a disposition on the part of those in authority to make adjustments required by changing times. But there can be no free discussion on the basis of non-negotiable demands. Neither can there be useful dialogue on the basis of topics which are ruled out of order. I have been encouraged in recent weeks by the way in which the students, faculty, and administration of Murray State have handled the crisis which followed the tragedy at Kent State. There was an attempt to examine the issues and to let representatives in Washington and elsewhere know their views.

Particularly encouraging has been the decision by many students to turn their energies in the coming months to the ballot box. More effective than any shouting match is a carefully run campaign. But victories at the polls demand more than sudden improvisation. And candidacies can be wrecked by violence on the eve of elections. The frightening thing is that some students have said "We will give the system one more chance" as if there must be instant success, or else. It is a bit like kicking a slot machine because it doesn't pay off the first time you put in your quarter.

I believe our extremely serious problems deserve a more thoughtful answer than that. Because we are dealing with civilization and the decisions we make may be fatal ones. We shall need a broad coalition to make our ideas work. I often hear repeated nowadays, the powerful lines of William B. Yeats, written a half century ago:

> "Things fall apart; the centre cannot hold;
> Mere anarchy is loosed upon the world,
> The blood-dimmed tide is loosed, and everywhere
> The ceremony of innocence is drowned;
> The best lack all conviction, while the worst
> Are full of passionate intensity."

Kenneth Clark repeats that verse in his book, Civilization, which was published recently. He makes the point that civilization, seemingly strong, is actually quite fragile and that it can be destroyed by a number of factors. It is endangered by a number of fears such as war, invasion, plague or famine. It is stifled by those who oppose growth or change. It is doomed by exhaustion or by feelings of hopelessness. Civilization, he continues, requires confidence—(1) a confidence in the society in which we live, (2) a belief in its philosophy, (3) a belief in its laws, and (4) a confidence in one's mental powers. Above all, there must be a sense of permanence. Civilized man, he argues, must feel he belongs somewhere in time and space, consciously looking forward and back. All of these, one might add, are aided by the free university.

Such a society must be based on a knowledge of our mistakes and our successes. It requires a courage that does not drop out, a tolerance that does not shout down those with whom we disagree, a willingness to testify to one's beliefs, an ability to work patiently for a desired end. Let us hope that the tremendous energy that has been shown in the protests of the past year can be brought to the building of a constructive program that can affirm rather than deny.

In a thoughtful column the other day, James Reston made an appeal which we might all think about in an era when it is easier to scream at an opponent than to discuss his position. Declaring that we suffered from inflated language and despair, he suggested that we turn to the following statement by the philosopher, Alfred North Whitehead:

> "It is the first step of wisdom to recognize advances in civilization as processes which all but wreck the society in which they occur . . . the art of free society consists, first, in the maintenance of the symbolic code; and secondly, in a fearlessness of revision . . . those societies which cannot combine reverence to their symbols with freedom of revision, must ultimately decay."

Twenty-six years ago today, I was aboard a landing craft in the English Channel, part of a follow-up force which was to go in after the beaches of Normandy (in our case, Omaha Beach) had been secured. In the previous five days, as we waited anxiously on our LST, there had been time to think of the coming attack and what it meant for us and our generation. We had had years of confusion, of moral doubts, of internal division. For years "Whirl" had indeed been king. Now we were united and our minds and hearts were set on one thing. All our energies were set on victory.

There were some who felt that the outcome of the battle would determine whether Western Europe regained its freedom and whether the right to speak, write, and teach freely would be restored. There was the question whether young Europeans, then in Labor battalions, in the Resistance, or in prisons, would again have the chance to go to school or to pursue their professions. We were not happy at the prospect of what the coming battle might bring to us personally. But we felt that it was right that we should be there. And from that we gained an abiding strength.

We still have fearful struggles at home and abroad. We still need the unity of purpose that sustained us in 1944. Let us hope—let us pray—that we shall soon find a cause that will enlist our best efforts for our country and for man.

CHIPPING AWAY AT THE COLD WAR

Mr. CHURCH. Mr. President, I have been encouraged at the support for the Cooper-Church amendment to the Foreign Military Sales Act that has been evidenced by the Idaho press. This was not always the case. When I first spoke out in opposition to our military involvement in Vietnam 6 years ago, I stood pretty much alone. Today, this is no longer the case.

In this connection, I have read an editorial entitled "A Step Toward National Sanity" published in the June 9, 1970, issues of the Blackfoot, Idaho, News. The News correctly points out that the Cooper-Church amendment is a bipartisan one written with a purpose of withdrawing and then withholding American power in Cambodia. It makes two major generalizations—one at the beginning and one at the conclusion of the editorial—which I wish to share with my colleagues.

The News editorial begins—

> Although it hasn't been labeled as such, the Church-Cooper amendment to a military appropriations bill that may come to a vote this week in the United States Senate can be interpreted as a blow to the national cold war policy to which the United States has been committed since the early 1950s.

After discussing American foreign policy and and its excesses since that time, the News sums up:

> As a step toward the return of national sanity in the conduct of foreign policy, the Church-Cooper amendment to withhold funds that otherwise might permit unlimited extension of the Vietnam war into Cambodia and Laos should be approved by the United States Senate."

Mr. President, I think this is an admirable summing-up of the matter pending before us and I ask unanimous consent that the News editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A STEP TOWARD NATIONAL SANITY

Although it hasn't been labeled as such, the Church-Cooper amendment to a military appropriations bill that may come to a vote

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this week in the United States Senate can be interpreted as a blow to the national cold war policy to which the United States has been committed since the early 1950s.

The Church-Cooper amendment would cut off military funds for use in Cambodia after June 30. It would serve to prevent enlargement of U.S. military action in the Indo-China theater, and would throw the support of the Senate behind President Nixon's stated intention to withdraw all U.S. troops from Cambodia by or before June 30.

That President Nixon does not relish the Senate's support of his commitment is beside the point.

The cold war may have been inevitable.

World War II ended with the exhaustion of all but two major power centers—the United States and the Soviet Union. Of these the United States was possessed of the greatest strength—plus the atomic bomb with its power that terrified both its possessor and those who were defenseless against it.

With the defeat of Hitler's legions in Europe, the two former allies resumed the pursuit of their national interests. The Soviet Union, which had been a pariah among other world powers and had suffered the ghastly total of 17 million war deaths as a result of the world war, remained suspicious not only of a resurgent Germany but also of its former allies.

Such suspicion is understandable if one recalls that following the Russian Revolution of 1917, armies of the United States, France and Britain moved into Russia in an effort to prevent the Bolsheviks from consolidating their power to rule Russia.

Russia, which had born the brunt of the fight against Hitler's legions and in doing so had suffered the greatest casualties among the Allies, chose to remain in the countries of eastern Europe from which their armies had driven the Germans.

What appeared to the Russians to be a prudent act of self-preservation appeared to us to be an act of naked aggression by the ruthless dictator, Joseph Stalin.

As fear mounted, the arms and nuclear race went into a spiral. We have fed our fears as the specter of an international communist conspiracy was accepted as a reality by a high proportion of our citizenry. Collectively we have accepted the proposition that communism could be stopped nowhere in the world without killing the communists.

As a result the United States has become the greatest seller of instruments of death in the history of the world. Our only test for those who have come to us for a purchase or gift of arms has been the depth of their commitment against communism. Propped up with our armament are many of the grubbiest military dictatorships, always representing the privileged classes of their nations in both the western world—such as Spain and Greece—and in the third world—such as Guatemala, the Dominican Republic, and South Vietnam.

This course of action has committed national policy in such manner that even Presidents have been unable to reverse the trend.

As a result of the witchhunting era of the 1950s that is associated with the name of Senator Joe McCarthy, the Democratic Party has reacted impulsively against the charge that it is soft on communism. (This is as unfortunate as the reaction of the Republican Party to the charge that it always brings in its wake an economic depression.)

The seeds of the policy of opposing and helping to put down any revolution of any people anywhere in the globe that appeared to be aided or abetted by communists were planted in the days of Secretary of State John Foster Dulles and Vice President Nixon.

Over-implementation of the policy by Presidents John F. Kennedy and Lyndon B. Johnson came in part from their reaction to the fear of a charge of being soft on communism.

There are indications that President Nixon is alert to the fact that a foreign policy dedicated to killing communists (along with other unfortunate members of the society within which the communist guerrillas like fish swim) is no longer a policy applauded by a majority of the American people. But memory of the role he played as advocate and architect of the cold war policy remains so strong that suspicion he will do everything in his power to extend the war on communism beyond the confines of South Vietnam remains.

As a step toward the return of national sanity in the conduct of foreign policy, the bipartisan Church-Cooper amendment to withhold funds that otherwise might permit unlimited extension of the Vietnam war into Cambodia and Laos should be approved by the United States Senate.

SUPPORT FOR COOPER-CHURCH AMENDMENT GROWS

Mr. CHURCH. Mr. President, in bits and pieces, slowly but surely, the American people are being given details of our Government's covert involvements in Southeast Asia. Thailand is one example. Laos is a second.

Recently, the Detroit, Mich., Free Press focused on our machinations in Laos. It noted that Dr. John Hannah, director of the Agency for International Development—AID—recently conceded publicly that AID has been used as a CIA-front in Laos since 1962.

> That was the year the U.S. approved the Geneva Convention—

The Free Press editorial noted with asperity—

> which called for the neutralization of Laos and the removal of all foreign forces.

This example—and others—the editorial concluded, is ample justification for adoption of the Cooper-Church amendment, designed to place limits on our involvement in Cambodia, including a prohibition against retaining American troops in that country.

I ask unanimous consent that the Free Press editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COOPER-CHURCH OPPOSITION SHOWS WHY IT'S NECESSARY

The period of presidential inscrutability is over. After five weeks of being at a loss to explain why Mr. Nixon opposed the Cooper-Church amendment in the Senate, Congress and the country have been told.

The answer not only shows why Mr. Nixon is against it, but why it remains a long way from being strong enough.

Cooper-Church, an amendment to the military authorization bill, is a mild statement which, "in concert" with the President's own promises, calls for the withdrawal of all U.S. forces from Cambodia by the end of this month. Its wording would also put severe limits on financial aid to "persons to engage in any combat activity in support of Cambodian forces."

In short, to the Thais, for one. To the Laotians, for another. And, from incessantly rumored word from Washington, to American "advisers" who have been serving with the Cambodian army since long before April 30.

It was not until this past weekend that the people found out just how far the executive department has involved us in Indochina beyond what it has been willing to admit. We are up to our eyeballs and getting deeper.

A Senate subcommittee report released Sunday disclosed that the United States, without bothering with a treaty, has been paying Thailand roughly $50 million a year since 1966 to keep 10,000 troops in Vietnam. Secretary of State Rogers also confirmed Sunday that the administration intends to finance, as well as to arm, the Thai "volunteers" who have gone to the rescue of the Lon Nol government in Cambodia. Senate GOP leader Hugh Scott said yesterday that this was indeed the reason for presidential opposition.

And, in a separate development, Dr. John Hannah, who moved from Michigan State University to become director of the Agency for International Development, admitted that his agency has been used as a front for the CIA in Laos since 1962.

That was the year the U.S. approved the Geneva Convention which called for the neutralization of Laos and the removal of all foreign forces.

Earlier this year Mr. Nixon said that the U.S. had no ground combat forces in Laos, only to have the scope of our force spelled out by James McCartney of our Washington bureau.

Clearly, Cooper-Church does not go far enough, since it limits itself to Cambodia. But it is a first step for Congress to regain its constitutional place in the war-making process.

Congressional limitations on the President's war-making powers, and senatorial limits on his treaty-making powers, are part of our old and honorable democratic traditions. The revelations from Laos, Thailand and Cambodia make it imperative that they be used.

"ADVICE AND CONSENT"—THE SENATE INSISTS UPON IT

Mr. CHURCH. Mr. President, on the day of the Senate vote on the Byrd amendment to the Cooper-Church amendment, the Washington Post asked editorially:

> Is Congress about to roll over and play dead once again?

The Senate, as we know, answered in the negative later in the day when it rebuffed the Byrd amendment by a vote of 47 to 52. But the debate continues on the Cooper-Church amendment and the final vote has yet to take place.

Nevertheless, the points raised by the Post editorial remain germane.

The Post correctly interprets the Cooper-Church amendment as one in a hopeful series of actions "designed to curb unlimited executive discretion in carrying on the war."

Furthermore, the editorial stated:

> Up to this point Congress has moved logically and consistently in recent months in its effort to regain control of the war power. It cannot scuttle the Cooper-Church amendment and the constructive restrictions voted in December by another Tonkin Gulf fiasco without critically undermining its own prestige and carrying our democratic system closer to the brink of unrestrained executive power. . . .
>
> It would be a sad day for American democracy and for the cause of freedom throughout the world if the Senate should back away from this test of its mettle and say in effect that it cannot face up to the responsibilities which the founding fathers laid upon it."

I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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The Senate: Advice or Consent?

Is Congress about to roll over and play dead once again? Today the Senate is scheduled to vote on the issue of curtailing the war in Indochina, and a powerful drive has been under way, with the support of President Nixon, to issue him another invitation to make war at his own discretion. Congress did precisely that in 1964 when it passed the Tonkin Gulf resolution, which is now a source of keen regret and chagrin. Yet there is a wide-open question as to whether Congress will again fall into the same trap.

In August, 1964, President Johnson went to Congress with a distorted complaint that American destroyers in Tonkin Gulf had been wantonly attacked (although Americans fired the first shot) and a plea for open-ended support in any military action he might choose to take anywhere in Asia in defense of our unspecified interests. Congress responded overwhelmingly in the affirmative without really knowing what it was doing, and the war in Vietnam is still raging six years later. Now a new President is asking Congress not to restrict in any serious way his supposed authority to widen the war at his discretion any time he perceives a danger to American forces—which is also what President Johnson said. Is it conceivable that Congress will repeat the blunder that has caused it and the country so much anguish?

Much has happened since 1964 on Capitol Hill and elsewhere. After extended hearings before its Foreign Relations Committee the Senate posted a warning against presidential commitment of American armed forces abroad without the consent of Congress. The Symington Committee is now investigating United States commitments and security arrangements that may reflect an abuse of presidential power. And only last December, Congress voted to forbid "the introduction of American ground combat troops into Laos or Thailand." It now seems strange that Cambodia was not also included. If it had been, of course, the current escalation of the war in that country would have required congressional consent and the current controversy might not have arisen.

The question before the Senate is whether Congress will continue this series of actions designed to curb unlimited executive discretion in carrying on the war. The Cooper-Church amendment to a foreign military sales bill would deny funds for retaining American forces in Cambodia beyond July 1, for military advisers or combat air support for Cambodia and for "volunteers" supplied by other countries to fight in Cambodia. In other words, this would close the door to another Vietnam in Cambodia.

But Sen. Robert C. Byrd subsequently devised a subtle way of gutting the Cooper-Church restriction—a device which the White House then embraced. This would allow the President a free hand to take any action that he might deem necessary to protect the lives of American troops in South Vietnam and to facilitate their withdrawal from that country. In effect, this amounts to broad discretion for the President to widen the war.

The idea that the President needs such discretion to protect American troops or to maintain his constitutional prerogatives as Commander-in-Chief is a flimsy pretense. Whatever may be said of the initial invasion of the sanctuaries, if it was anywhere near as successful as the administration contends, it is difficult to conceive the circumstances under which this or similar adventures to widen the war could offer added protection to American troops—especially at a time when they are supposedly being withdrawn from Vietnam at a steady rate. Those who resort to analogy with Dunkirk, in this respect, simply don't understand what sort of a war this is—how it is fought and how contact with the enemy comes about. The fact is, of course, that withdrawal is the best protection for our men and the next best is redeployment of our forces within Vietnam to establish them as emergency reserves while transferring the brunt of the fighting back to the South Vietnamese where it has always belonged. The original Cooper-Church restriction would leave simple executive authority for security measures compatible with liquidation, rather than expansion, of our part in the conflict.

So it comes down to the simple question of whether Congress will quail at the first blast of White House propaganda about the need for an absolutely free hand to "protect our troops"—an argument which has traditionally prompted the lawmakers to run off and hide from any sharing of responsibility. Up to this point Congress has moved logically and consistently in recent months in its effort to regain control of the war power. It cannot scuttle the Cooper-Church amendment and the constructive restrictions voted in December by another Tonkin Gulf fiasco without critically undermining its own prestige and carrying our democratic system closer to the brink of unrestrained executive power. Defeat of Cooper-Church for the moment would be better than the issuance of another such blank check under the guise of the Byrd amendment.

There can be no doubt whatever as to where the actual power lies. Full control over the purse as well as the power to declare war or authorize other hostilities (beyond response to a sudden attack) is specifically assigned to Congress under the Constitution. The question is whether Congress has the courage and stamina to exercise its power to limit the scope of the war and hasten the United States withdrawal from it. It will be a sad day for American democracy and for the cause of freedom throughout the world if the Senate should back away from this test of its mettle and say in effect that it cannot face up to the responsibilities which the founding fathers laid upon it.

DEEPER INTO THE BIG MUDDY

Mr. CHURCH. Mr. President, the Boston Globe in its editorials has shown a consistent understanding of the import of the Cooper-Church amendment. As a peg for its most recent editorial, the Globe utilizes the transcript of hearings about Thailand before the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad, headed by Senator Symington, my distinguished Democratic colleague from Missouri. The excerpted testimony indicates the need of the Cooper-Church amendment in order to forestall the implantation in Cambodia of the same disastrous cycle that has so bloodied the United States in Vietnam. I refer to the cycle of arms aid to a small, technologically fragile country, followed by American advisers to train the natives in the uses of the arms, and then by gunships to protect the advisers, and finally by American combat troops to protect the gunships.

So far, the Cooper-Church amendment has withstood challenges to it within the Senate. The Globe points to the problems created by the exercise of unlimited Presidential powers, which Congress can only reclaim by passage of the Cooper-Church amendment.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Inch by Inch in Thailand

This is the scenario for another Indochina war.

The scenario is all laid out in the record of hearings on the Kingdom of Thailand before the senate's Subcommittee on U.S. Security Agreements and Commitments Abroad.

There is a good opening scene on Page 726. The cast consists of Roland A. Paul, committee counsel; Leonard Unger, U.S. Ambassador to Thailand; and Maj. Gen. Robert L. Petit, Deputy Commander, 7–13th Air Force, Udorn, Thailand.

Mr. Paul: Turning now to the question of air defense, you referred to a joint use and air defense operations agreement. Would it be in order for us to have a copy of that agreement?

Gen. Petit: I have been instructed NOT to give you a copy. (Our emphasis.)

Mr. Paul: You have two air defense units in Thailand now with aircraft, one at Don Muang and one at Udorn.

Gen. Petit: Yes.

Mr. Paul: When were they put in the country?

Gen. Petit: I will have to find out.

(The following information was provided later by the Defense Department: The U.S. first stationed aircraft for air defense in Thailand in April 1961 at Don Muang near Bangkok and in 1966 at Udorn in Northeast Thailand.)

Mr. Paul: Could you say anything about the understanding with the Thais as far as their mission and the duration for which they are to stay in Thailand (were concerned)? . . .

Ambassador Unger: . . . The Thais were apprehensive on this question of air defense and the arrival of such units related to their concern and related also to the fact that we ourselves had increasing assets in the country and therefore had a concern about our own men and our own assets in the country. . . . The understanding is, I would say, and it is not an explicit one, but implicitly it is at most that as long as there is a serious air defense problem, that we will be there to help out on this.

Mr. Paul: I assume they were put in by a decision at the highest level in our government . . .?

Ambassador Unger: I would feel quite sure that that was true. I cannot document it right now. I was not a party to the decision, but we could research that.

(The following information was later supplied for the record: The Department of Defense has been unable to locate any single document which would constitute written authorization issued by the previous administration for the deployment of personnel and equipment to Thailand during or before 1961. However, in May of 1962 President Kennedy announced the deployment to Thailand of both air and ground elements of our military forces.)

Nowhere did the diplomat or the general tell how many U.S. airmen and how many planes were sent to Thailand in 1961. In subsequent years 10 air bases and a seaport were constructed at a cost of $709 million, largely for bombing raids in North and South Vietnam, Laos and Cambodia. Today there are 48,000 U.S. servicemen on duty at these bases.

Next on Page 728 of the testimony:

Mr. Paul: Mr. Ambassador, do the Thais consider the presence of these bases and the large American military presence there as a guarantee of our assistance to them in event of an attack from the outside?

Ambassador Unger: Mr. Counsel, I think that the Thais feels that they already have a written commitment on our part in the SEATO Treaty . . . that if there is an attack, that we will, through our constitutional processes, and so on, come to their assistance.

Earlier testimony (Page 676) involved an

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inconclusive attempt to determine if the Rusk-Thanat Agreement of 1962 changed U.S. commitments to a bilateral guarantee beyond SEATO. Other testimony (Page 654) referred to a still secret U.S.-Thai Contingency Plan of 1965, revised in August of 1969 by the Thailand Prime Minister and U.S. Lt. Gen. Richard G. Stilwell, which the Thais as recently as last Tuesday say they consider an ironclad U.S. agreement to defend them.

Other testimony (Pages 771, 801–2 and 813) revealed that the Pentagon has an array of "T-Day" plans which variously call for car-taker contingents of either 200 to 400, or 600 to 800 U.S. servicemen to keep the huge U.S. airbases in a state of standby readiness after termination day of the Vietnam war.

Each of these agreements, contingency plans, or whatever they are called, was made without use of the "constitutional processes" called for under the original SEATO commitment. They are proof of the exercise of unlimited presidential powers, which Congress can only reclaim by passage of the Cooper-Church amendment.

THE SENATE BEGINS TO FIND ITSELF

Mr. CHURCH. Mr. President, those of us who seek a restoration of the role of the Senate as a coordinate body in foreign policy were heartened last week when the Cooper-Church amendment survived its most serious challenge to date. The outcome is not yet fixed, but I share the outlook of the Washington Post that the augury for the Cooper-Church amendment is a hopeful one.

The Post commented on June 14, 1970—

> We think the vote is an exhilarating bid for restoration of Congress to its historic and constitutional role. Unfortunately, it is only a bid at this juncture. . . . Nevertheless, the idea of unlimited authority for the President to make war at his discretion anywhere on the globe has suffered a withering blow.

In its conclusion, the Post also expressed my feeling and that of a growing majority of the American people that acceptance of the Cooper-Church amendment by the House of Representatives, as well as the Senate—

> can help not only to end the hemorrhage of our strength in Southeast Asia but also to repair the grave damage that has been done in recent wars to our system of government.

Mr. President, I ask that the Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE COMES ALIVE AGAIN

From whatever angle it may be viewed, the Senate's no-more-Cambodias vote is a historic occasion. Supporters of President Nixon's raids upon the sanctuaries have been talking as if any congressional restraint laid upon the Commander-in-Chief would precipitate a constitutional crisis and weaken the prestige of the President in wartime. So the Senate has voted for restrictions. By doing so it has put the President on notice that it is not afraid of the issues involved, that it is tired of executive monopoly in war-making and that the Senate intends to take a hand in formulating future policies involving the lives of citizens and the national security.

We think the vote is an exhilarating bid for restoration of Congress to its historic and constitutional role. Unfortunately, it is only a bid at this juncture. Though the Senate is now expected to write the Cooper-Church amendment into the bill authorizing the sale of weapons abroad, its fate in the House and at the White House remains uncertain. Nevertheless, the idea of unlimited authority for the President to make war at his discretion anywhere on the globe has suffered a withering blow.

The student demonstrations—and a lot of less dramatic reactions from a far broader slice of our citizenry—told the President that a large segment of the country was not with him in the Cambodian venture. Now the Senate has said, by the mildest interpretation which can be put upon its action, that he must not do it again. The psychological climate thus evolving may by itself be sufficient to prevent any further widening of the war solely at the discretion of the White House. Senator Javits spoke of the Cooper-Church amendment as "an important piece in an emerging mosaic." Many other pieces remain to be fitted into place, but the step taken on Thursday is a welcome and reassuring first step.

Only those who have forgotten the basic principles written into the Constitution in regard to war see this resurgence of congressional authority as an encroachment upon the powers of the Commander-in-Chief. To remove any shadow of doubt on the subject, Majority Leader Mansfield attached an amendment to Cooper-Church indicating that it shall not "be deemed to impugn the constitutional powers of the President as Commander-in-Chief," and the Senate approved this shading 91 to 0. If this should be read to sustain the view of several recent Presidents that the Commander-in-Chief can engage the United States in war at his discretion, it would be open to the same objections that brought down the Byrd amendment. But its sponsors left no doubt that their intent was merely to give assurance that Congress was exercising its own power of the purse and not encroaching upon any legitimate executive power. The authority of the Commander-in-Chief does not embrace everything that every President may wish to do without consulting Congress.

Senator Church begged his colleagues to remember that they too have responsibilities. The Cooper-Church amendment should be judged, he said, by "whether it will help to untie the knots by which Congress has shackled its own powers." If both houses are prepared to move logically and cautiously, but also firmly, in this direction, they can help not only to end the hemorrhage of our strength in Southeast Asia but also to repair the grave damage that has been done in recent wars to our system of government.

WHO SUPPORTS PEACE?

Mr. CHURCH. Mr. President, every week our colleague from Missouri (Mr. EAGLETON) writes a column for some 150 Missouri newspapers. This week, he has focused on the question of who supports peace in Indochina.

Senator EAGLETON has posed the question in the form of a quiz, which I recommend to the Senate and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

FRANKLY SPEAKING: VIETNAM QUIZ

(By THOMAS F. EAGLETON, U.S. Senator)

A great deal has been said about the War in Indo-China since American troops were sent into Cambodia April 30. I thought it might be instructive this week to compile a little quiz in an effort to keep straight just who said what. So here goes (circle one):

1. Who said this? "I have two main points for wanting a prompt end to the Vietnam undertaking. First, I don't think we can afford not to heed the dissatisfaction of our youth. Second, it seems certain to me that continuing the war produces unacceptable costs: in the lives of our fighting men, in weakening of our institutions, and in the undermining of our national morale . . .

"We present a picture of a terribly powerful, awe-inspiring nation unable to manage itself in a disciplined fashion. Our prestige is suffering abroad . . . I believe we should withdraw all of our military activities, both operational and advisory, from Southeast Asia as soon as possible."

A. Abbie Hoffman, Yippie leader.

B. William Kunstler, lawyer for the "Chicago 8".

C. Thomas J. Watson, Jr., Chairman of the Board of IBM.

2. Who said this? "We need to end the war before we can meaningfully tackle our social problems . . . We are not only absolutely opposed to the war, but also to the widening of the war. I am mystified why the President of the most powerful nation in the world can be vetoed by the President of South Vietnam on the question of moving (South Vietnamese troops) out of Cambodia."

A. Mark Rudd, SDS Leader

B. H. Rap Brown

C. Leonard Woodcock, President of the United Auto Workers Union

3. Who said this? (President Nixon's decision to enter Cambodia) "has precipitated a constitutional crisis of the most serious nature . . . Now we seem to have made a 180-degree change in direction (which) shakes the confidence of many Americans in his judgment and intentions."

A. Gus Hall, Chairman of the Communist Party in the U.S.

B. Jerry Rubin, Yippie Leader.

C. John T. Connor, Chairman of the Board of the Allied Chemical Corporation.

4. Who said this? "We love our country. We feel that it has assumed an unnecessary burden by becoming shackled by the war . . . Only by ending the war can inflation be ended. Therefore we support the Amendment to End the War (which would require all U.S. troops to be withdrawn from Indo-China by June 30, 1971)."

A. Tom Hayden, SDS Leader.

B. Stockely Carmichael.

C. Thomas E. Boyle, President of the International Chemical Workers Union.

5. Who said this? "In my judgment the war in Vietnam is a tragic national mistake . . . a collosal one. In any other context of life, when a mistake has been made—whether by a person, by a company, or by a nation—there is only one thing to do: face up to it. No amount of cover-up—rationalizing, alibiing, or ducking the facts—will avoid the inevitable day of reckoning: it only compounds the cost . . . In my judgment, it is time the people begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism."

A. Dr. Spock.

B. Bobby Seale, Black Panther Leader.

C. A. W. Clausen, President, Bank of America.

The answer to each one is "C".

These statements were made, in order, by the Chairman of the Board of IBM, by the President of the United Auto Workers Union, by the Board Chairman of the Allied Chemical Corporation, by the President of the International Chemical Workers Union and by the President of the Bank of America, the largest bank in this country. Each was made in the last six weeks.

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These statements were made by God-fearing, freedom-loving Americans—heads of major American businesses and unions—who oppose the continuation of an expanding and endless war which is detrimental to the land they love.

A VOICE FROM THE WEST AGAINST THE WAR

Mr. CHURCH. Mr. President, the Los Angeles Times, whose growing dismay over American policies in Southeast Asia over the years has now resulted in a forceful editorial this week which, without fudging, states in the opening sentence:

> The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

The editorial acknowledges that the threat of the Soviet Union is real, but that we are militarily engaged in the wrong place:

> All questions of American foreign policy are subordinate to the central one, which is to prevent nuclear war between the two super-powers. We shall be engaged against the Communist world one way or another all our lives; but in Southeast Asia we are engaged on the periphery of that world in a battle obscured by the elements of civil war and Vietnamese nationalism.

I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GET OUT OF VIETNAM NOW

The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

The President still has in his hands the opportunity to effect such an exit. He should seize the chance now as it presents itself, for it may not come so readily again.

That the war must be ended, all are agreed. That, as the President said last week, "peace is the goal that unites us," all are also agreed.

Long ago, when we began to help the anti-Communist Vietnamese against the Communist Vietnamese, it seemed a worthwhile thing to do. It seemed cheap, first in dollars, then in men. No need now to trace the melancholy history of how, bit by bit, decision by decision, it became extravagantly expensive of money, of human lives, of the tranquility of this country, of our reputation abroad.

The President said recently he would not have this nation become a "pitiful helpless giant" in the eyes of the world. We are not entirely pitiful, and not yet helpless. But we are like a giant lunging about with one foot in a trap, a spectacle that is disconcerting to our friends and comforting to our enemies.

NOT THE CENTER RING

Our great adversary is now, and will remain, the Soviet Union.

All questions of American foreign policy are subordinate to the central one, which is to prevent nuclear war between the two super-powers. We shall be engaged against the Communist world one way or another all our lives; but in Southeast Asia we are engaged on the periphery of that world in a battle obscured by the elements of civil war and Vietnamese nationalism.

Our response ought to be commensurate with the challenge: as it was over Berlin, in the Cuban missile crisis, as it may yet have to be in the Middle East. But we have so overresponded in Indochina that it may be harder for us to respond as we ought should a greater and more direct challenge arise.

No need now either to delineate at length the consequences in our own country of the Indochina war:

The war is not the sole cause of strife between parents and children, yet it has inflamed that strife.

The war is not the cause of conflict between the races, but it has made that conflict more bitter.

The war is not the only reason for our present economic distress, but it has rendered that distress harder to treat.

The war alone did not create the illness afflicting our public and private institutions, but it has brought that illness to the crisis point.

Like a small wound the war has festered until its infection has appeared in every organ of this Republic. Its ache is felt in every limb; its pain clouds the national judgment. The country is losing heart.

"Peace," therefore, "is the goal that unites us."

As the President said, our national debate is not about the goal of peace, but about "the best means" to achieve it.

JOB CAN BE BETTER DONE

The President has better means at hand than he is using.

He has promised a withdrawal of American combat troops—another 150,000 by next May 1—but the withdrawal in these summer months has been reduced and after the 150,000 leave there will still be 284,000 troops left in Vietnam. If Mr. Nixon has a private schedule for their withdrawal he has not revealed it.

He has declared that his goal is the total withdrawal of all Americans from Vietnam, but by making open-ended threats of counter-action should the enemy attack, he has made it necessary to make good on those threats. Thus he has given to the enemy a large measure of decision over our own rate of withdrawal.

By the President's move into Cambodia, and by his encouragement of the Vietnamese and Thai operations there after we leave, he has entwined American prestige with the fate of that unhappy but unimportant little country.

In declaring that the credibility of American promises elsewhere in the world hangs on our achieving "a just peace" in Vietnam, he is making it harder for us to make with credibility those compromises which everyone, including the Administration, believes will eventually have to be made.

The President, in sum, is pursuing, for reasons which of course he deems excellent, an ambiguous and contradictory policy—a policy of which the stated purpose is to leave Indochina, but in which it is implied that it may be necessary to stay in Indochina.

The Times believes the United States has discharged all the responsibilities it has in Vietnam. The Times believes this nation has—bravely and honorably—done everything, and more, that could reasonably have been expected of it.

American men prevented Communist forces from precipitantly seizing South Vietnam. American men, at an enormous cost in lives, have secured for the South Vietnamese a reasonable length of time for improvement of their army and consolidation of their country and government. Short of permanent occupation, there is no more America can reasonably be expected to do for Vietnam.

The President said last week that the Cambodian venture "eliminated an immediate danger to the security of the remaining American troops" and "won precious time" for the South Vietnamese army.

This, then, is the opportunity for the President to accelerate the withdrawal.

THE TIME IS NOW

Let him now publicly set a deadline for removing not only the remaining combat troops but all American forces, combat and support, according to a swift and orderly schedule. Let him begin to hasten the removal of combat troops this summer. It ought to be possible to bring about a total and orderly withdrawal in the next year and a half at the longest.

Such a program of withdrawal would of course be hazardous. But it would be much less hazardous than the policy the President is presently pursuing.

The South Vietnamese would be firmly on notice that their future is where it belongs—in their hands. The United States could continue to support them with arms and money, should they choose to keep on seeking a military solution; more likely they would feel impelled to put their own political house in order pending that day when they will come to the political compromise that is the inevitable outcome in Indochina.

American troops would be in some danger, but they are certainly in some danger now, and the faster they leave, the sooner they will be in no danger at all.

IMMEDIATE DEPARTURE

We shall not argue, as some do, that rapid American withdrawal would induce the North Vietnamese to negotiate; but it is certain they are not inclined to negotiate now. On the contrary, the longer we stay in Vietnam the more inclined the North Vietnamese will be not to negotiate, and the readier they may be to mount attacks on our forces in hope of pushing us out.

Let the President, therefore, remove all foreign and domestic doubts about our intentions by announcing a speedy departure from Vietnam.

The President said last week he was determined to end the war in a way that would "promote peace rather than conflict throughout the world . . . and bring an era of reconciliation to our people—and not a period of furious recrimination."

The Times believes that the program of withdrawal we suggest would bring about the kind of peace Mr. Nixon spoke of. The policy suggested here would hasten the end of one war and put the United States on a better footing to prevent other more dangerous conflicts.

The policy suggested here would certainly be met with recrimination from some in this country. But we firmly believe that this policy would be thankfully approved by the great majority of our people as an honorable conclusion to this terrible long war.

LAST WEEK'S SENATE ACTION LAUDED

Mr. CHURCH. Mr. President, editorials called to my attention have uniformly praised the vote of the Senate last week in refusing to accept the original Byrd amendment to the Cooper-Church amendment to the Foreign Military Sales Act. Editorials interpreted the action as a reassertion of the constitutional powers of the Senate in respect to warmaking. I agree.

One typical comment was that of the Baltimore Sun which said:

> What the Senate in majority was saying . . . was that it opposes open-end authority for a President to commit the country to large armed actions without the consent of Congress.

I ask unanimous consent that four editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

XUM

[From the Baltimore Sun, June 14, 1970]

Sense of the Senate

The present effect of last week's vote on an amendment to the Cooper-Church proposal (which seeks to cut off funds for American military operations in Cambodia past July 1) is, or should be, to warn President Nixon against any new impulsive adventure into that country. What the Senate in majority was saying more broadly was that it opposes open-end authority for a President to commit the country to large armed actions without the consent of Congress.

The question was presented as a constitutional one, and so it is. On the one hand is the power of a President as commander-in-chief. On the other is the right and duty of Congress to have a voice in major national decisions, including decisions of war. One difficulty today is of course that the Indochina war is unlike any other we have ever waged.

As Senator Church said, "This being the first limited war in which the United States has engaged, it is altogether appropriate that the Congress share with the President the responsibility for defining the limits of our involvement." With that the majority of the Senate obviously agrees.

It also holds, as evidenced by its approval of another amendment offered by Senator Mansfield after the vote which in effect rebuffed the administration, that nothing in the Cooper-Church proposal "shall be deemed to impugn the constitutional power of the President as commander-in-chief."

In any case, Congress could not actually prevent a new move into Cambodia should the President decide on such a move. But the burden of proof of necessity would be on him in a way much more severe than was the case at the end of April.

If it is said that last week's vote was, practically, only an expression of the sense of the Senate, the expression was still a forceful one, and the administration would make a grave mistake in any failure to recognize its importance.

[From the New York Post, June 12, 1970]

They Remembered Tonkin

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

"That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." (From the Tonkin Gulf Resolution, August 7, 1964.)

Nearly six years, thousands of casualties and countless bitter regrets later, the Senate has decisively rejected another deceptive declaration of war in Indochina; in doing so, it has issued its own declaration for peace.

The issue in question yesterday was the "Byrd amendment," sponsored by the senior Virginia Senator and eagerly embraced by the Nixon Administration; the section, to be added to the foreign military sales act, would have authorized the President to take whatever action he deemed necessary to protect U.S. forces in Vietnam.

The President has already taken such action without authority—from either Congress or the Constitution—by invading Cambodia; the Byrd amendment was intended to emasculate the pending Cooper-Church amendment, holding the President to his promise to pull all U.S. forces from Cambodia by June 30 and forbidding their reentry.

The Administration might have established confidence in its candor by asserting—as it did late last year in somewhat similar circumstances when Congress sought to prohibit deployment of U.S. combat troops in Laos or Thailand—that the Cooper-Church amendment was consistent with its policy. Instead, it mobilized massively for a showdown.

In that campaign, it deployed not only its regular lobbyists but a contingent of "fact-finders" hastily dispatched to the war zone. In the late stages of debate yesterday, the action became even more feverish as Sen. Byrd bid for votes with vague amendments to his own amendment.

But in the end, he was voted down by a firm 52 votes to 47 and the way is now clear for a conclusive test on Cooper-Church, and later on the comprehensive McGovern-Hatfield amendment specifying that funds for all military operations in Southeast Asia be cut off by the end of the year, with total troop withdrawal by mid-1971. The 1964 resolution has not been directly repealed—although that may still be a possibility. But it seems clear that the Senate is resolved to prevent expansion of a war that has carried the U.S. from the Gulf of Tonkin across to the Gulf of Siam.

[From the Philadelphia Inquirer, June 13, 1970]

No Blank Check

With their well remembered experience with the Tonkin Resolution, most senators were not about to be burned again by a blank-check authorization for Presidential military action in Cambodia.

The 52 to 47 vote against Senator Robert C. Byrd's amendment was thus both a rebuff to President Nixon and a reassertion of the Senate's constitutional powers.

The Senate has before it the Church-Cooper amendment forbidding the President, in the absence of congressional approval, to spend any funds after July 1 for retaining U.S. forces in Cambodia, for providing military advisers or combat air support for the Cambodians, or for financing the pay of forces from third countries going to the aid of the Cambodians.

This amendment on its face would seem merely to back up President Nixon's own commitment to U.S. troop withdrawal from Cambodia by the end of June.

Nevertheless, it was not satisfactory to the Administration; Senator Byrd acted as Nixon's field general in pressing his amendment which declared that the President could retain troops in Cambodia whenever he considered such action necessary to protect the safety of American forces in Vietnam.

Opponents of the amendment argued that it would permit Nixon to do anything he wanted in Cambodia on the grounds that he was protecting U.S. forces.

The principle they were upholding was that of the constitutional role of Congress. "We stand up now," Senator Frank Church told the Senate, "or we roll over and play dead."

As the House is unlikely to accept the Church-Cooper amendment even if it gets past the Senate—and a Nixon veto is yet another prospective obstacle—the Senate majority action may turn out to be largely symbolic. Even so, it is symbolic of something immensely important: the Senate's rejection of the blank-check theory of Presidential military authority.

[From the Philadelphia Bulletin, June 14, 1970]

The President on Notice

The Senate has rejected what it interpreted as an attempt to give President Nixon black check legislative authority to send American forces back into Cambodia after July 1, if he thought it necessary to protect U.S. forces in South Vietnam.

By its action, the Senate has actually done two things:

It has asserted most strongly its feeling that the war-making authority of Congress must be reestablished.

It has served notice on the President that its patience with U.S. military involvement in Southeast Asia is just about exhausted.

American disengagement in South Vietnam is Mr. Nixon's aim, too. He has already withdrawn many U.S. troops and has set a deadline for the withdrawal of another contingent of U.S. troops.

But the steady pace of American withdrawal, which had been so reassuring to the U.S. public, and which had reduced the fever of dissension over the war, was interrupted by U.S. military operations in Cambodia.

Vagueness as to continued involvement of American Asian allies in Cambodia fighting—which means U.S. involvement by proxy, with uncertain consequences as to the support that might be called for—contributes to unease.

The long debate in the Senate over the Church-Cooper amendment is not over, to be sure. The Senate has not yet approved its provisions, which deny the President authority to spend money after July 1, without congressional approval, to keep U.S. troops in Cambodia, to supply advisers or air support to Cambodian troops, or to finance other countries aiding Cambodia.

If the legislative fate of the Cooper-Church amendment is uncertain in the Senate, and even more so should it reach the House, it is also uncertain as to its impact if passed.

Its own sponsors are at pains to put on record that they do not intend to interfere with the President's constitutional powers as Commander-in-Chief. They point to emergency circumstances under which the President could still take military action in Cambodia.

But already, in rejecting language that even possibly could be interpreted as approval of future free-wheeling Presidential military action across the Cambodian border, the senators have written large on the wall their message to the Administration.

The complexities of the debate and the argument over constitutional powers aside, it seems clear that the only satisfactory answer to this bitter controversy is for the President to move more swiftly and certainly to eliminate its source.

That is by speeding the rate of American military withdrawal from South Vietnam.

DARK VIEW FROM AN ASIAN OUTLOOK

Mr. CHURCH. Mr. President, Stanley Karnow of the Washington Post is a veteran, respected Asian watcher. His dispatches over the years have been instructive and informative. In the June 15, 1970, edition of the Washington Post, Mr. Karnow takes a gloomy view toward a prospect for prompt settlement in Indochina.

Early in his article, Mr. Karnow states:

> The only rational alternative to prolonged war is, of course, a political solution. But such a solution would have to be founded on compromise, and that possibility has never been more remote than it is at present.

And in a dismal concluding observation, that none of us can take pleasure in, he states:

> The prospect, therefore, is that the protagonists in the Indochina drama are stubbornly going to bleed themselves dry in the belief that they cannot afford to lose a struggle that nobody can win.

I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

XUM

[From the Washington Post, June 15, 1970]

BOTH SIDES' PLANS INDICATE WAR WILL BE VERY LONG, FUTILE

HONG KONG.—However much they may voice their hopes for peace, both the allies and the Communists are clearly settling down to a very long war in Indochina.

For the two sides are now locked in a test of endurance in which each is convinced that time is working in its favor—even though, from any realistic point of view, neither can conceivably emerge victorious.

The only rational alternative to prolonged war is, of course, a political solution. But such a solution would have to be founded on compromise, and that possibility has never been more remote than it is at present.

Even before President Nixon sent American troops into Cambodia, the Communists had begun to phase back to a strategy of "protracted war" designed to lower the cost of their conflict in the South without abandoning their goal of gaining a share of the power in Saigon.

The bulk of evidence available here suggests that the Communists still aim to pursue this strategy, but on a battlefield that has widened to include Cambodia and Laos as well as South Vietnam.

Judging from their current moves, they are strengthening their bases in the northeastern Cambodian provinces of Rattanakiri and Mondulkiri, which adjoin South Vietnam's highland regions.

It was obviously in order to secure their supply lines into northeastern Cambodia that the Communists seized Attopeu and Saravane, towns in the nearby Laotian panhandle that they could have taken any time over the past five years.

Operating from these Cambodian bases, the Communists are likely to reinforce their control over central Vietnam and, in the process, build up pressure against the allied installations on the coast.

Moreover, darting out of their northeastern base area, they can stage hit-and-run assaults against different places in Cambodia, such as their apparently pointless attack last week on Siem Reap, near the celebrated Angkor temples.

The object of these strikes is evidently to wear out the Cambodian, South Vietnamese and Thai forces fighting in Cambodia and also to keep the shaky Phnom Penh regime on edge.

In the meantime, though they were certainly hurt by the destruction of their sanctuaries adjacent to the Mekong Delta, there is no doubt that the Communists have the capacity to seep back into that sector just as they have every time they have been driven from an area.

A significant indication that they were careful to preserve their mobility is reflected in the fact that they carried away a huge percentage of their small-arms ammunition when they fled from their Cambodian sanctuaries.

For all his talk about U.S. troop withdrawals, meanwhile, the President seems to be as committed as the Communists to waging a form of "protracted war."

His plan, which Defense Secretary Laird and other members of the administration have made plain, is to leave behind an American force of at least 200,000 men to give air and logistical support to the Saigon regime.

This force, presumably to be composed of professionals whose continued presence in Vietnam is politically acceptable at home, can effectively prevent the Communists from overrunning the country.

But, as White House communications director Herbert Klein candidly conceded on his return from Indochina the other day, the war is far from finished. "I haven't come back to state that the war is going to be over tomorrow or in the near future," he said.

A key problem facing the Communists as the conflict drags on is that their chances of attaining power may diminish, especially if the United States is prepared to maintain troops in Vietnam for years to come.

An equally difficult dilemma for the administration is whether the American economy can tolerate a drain of $12 or $13 billion per year, which is what Indochina will probably cost even after present U.S. troop levels are reduced.

The prospect, therefore, is that the protagonists in the Indochina drama are stubbornly going to bleed themselves dry in the belief that they cannot afford to lose a struggle that nobody can win.

WILL WE DO AS THE FRENCH DID?

Mr. CHURCH. Mr. President, making historical analogies is an uncertain undertaking, but may nevertheless prove useful as questing points. I refer to the ultimate action of the French Government under General De Gaulle when it finally withdrew its combat forces from Algeria, which were winning all the battles but losing the war there.

Recently, an editorial in the Chicago Sun-Times sought to apply this to our protracted involvement in Indochina. The editorial points out:

> France lost not one single major engagement in Algeria. But the French lost because they fought implacable guerrillas. When they mustered the courage to realize this, they (the French) went home. Today, the allies cannot win the Indochina war militarily. Americans also must come home. Quickly.

I ask unanimous consent, Mr. President, that the Sun-Times editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILL WE DO AS THE FRENCH DID?

The U.S. Senate has rejected 52 to 47 a measure which would have permitted President Nixon to order new military operations in Cambodia should he feel them necessary to protect U.S. forces in Vietnam.

Although the vote was close, it shows that a large portion of Americans, perhaps a majority, is now strongly against Mr. Nixon's war policy. The Gallup Poll elsewhere in this newspaper today states that most of those questioned want all U.S. forces out of Vietnam by July, 1971. The poll was taken after the Cambodian invasion. When Gallup asked the same question before the invasion there was a 50–50 split in opinion.

We do not believe that just because the U.S. is a representatve democracy the President should govern by or in response to polls. But the Senate vote and indications such as the Gallup Poll must suggest to Mr. Nixon, as they do to us, that the Cambodia invasion has caused deep foreboding among Americans. They worry whether Mr. Nixon will make good his promise to get out of Indochina's political and ethnic quarrels.

Now the Cambodian government has let it be known it will not contest the enemy in the very area where the allies have been fighting since their invasion. In other words, if Mr. Nixon honors his promise to withdraw Americans by June 30, then (even if South Vietnamese stay) the area—half of Cambodia—will be Communist dominated. The enemy is not fighting for territory, he is fighting for allegiances. He usually retreats when strongly attacked but he inevitably returns.

No amount of rhetoric can alter the fact that the allies are losing the Indochina war. The affair is lost because in guerrilla warfare you lose if you don't win. And if you are the guerrilla insurgent you win if you don't lose.

France lost not one single major engagement in Algeria. But the French lost because they fought implacable guerrillas. When they mustered the courage to realize this, they went home. Today the allies cannot win the Indochina war militarily. Americans also must come home. Quickly.

THE HEALING OF DIVISIVENESS IN AMERICA

Mr. CHURCH. Mr. President, on May 24, Jerry M. Brady, assistant to the director of the Peace Corps, delivered a commencement address at Skyline High School in Idaho Falls, Idaho, which, in these days of loud rhetoric and violent confrontation, pleads for a new commitment to end the divisiveness which now plagues our country.

Jerry Brady, who served for several years as my legislative assistant, is a brilliant young man who recognizes that if America is to be made whole again, we must begin to talk to one another, to reach out across the chasm which separates us from others to find mutual understanding and respect.

I commend this speech to the Senate, Mr. President, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

MENDERS, WORKERS, AND LOVERS*

The scene before me today is familiar because 16 years ago I sat where you now sit waiting as you now wait to begin a new portion of my life. As I thought about that occasion recently I wondered where all my classmates had gone. From a booklet published for our ten year reunion I found that less than 25% of my class now lives here, in the Idaho Falls area, and that less than 40% live in Idaho. With the changing times and economic circumstance I know too that ten years from now perhaps only ten or fifteen percent of your class will still live here.

That is one reason the tears of pride among those who love you are today mingled with the tears of sorrow: they know you are outward bound, probably a long way out. They know you will find adventure and professional advancement, but they also know that in the next restless decade you will know many houses before you know a home of your own and that the low weekend rates of A.T.&T. may be your most enduring links with family.

I have traveled that road, over several hundred thousand miles and a dozen different stops along the way and I would like to talk about what it means when those of us from the small towns migrated to urban America—the core of values developed here which have served us well, and the changes that have come over us, perhaps without our notice. I would like to talk about mobility and values; it would be a satisfying talk for me and a safe one for you. But this is the 24th day of May, 1970, and such satisfying and safe topics seem sadly out of place.

Three weeks ago, on a grassy hill in Ohio, four students, not far different from yourself, died. A few days later six more young Americans were shot in the back in Augusta,

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*An address by Jerry M. Brady, Assistant to the Director, Peace Corps At Baccalaureate Exercises, Skyline High School, Idaho Falls, Idaho, May 24, 1970

Georgia. Two days later 140 bullets perforated a college dormitory in Mississippi . . . and two more died. And in none of these cases has it yet been demonstrated that those who pulled the trigger had been fired upon first.

Suddenly the war has swerved back into the jungle, just when we thought we were in the clear. Until then three-fourths of the college campuses had already been disrupted by demonstrations of some kind. After Cambodia and Kent State, education came to a virtual standstill on the major campuses. Now a strange and dangerous minority has turned up the amplifier on the language of revolution—and it is beginning to gather an audience. At the same time the cry is building among many Americans to strike back, to smash the challengers. We hear about polarization and alienation and see it all around us. We hear about a generation gap and find it in our midst.

There is a genuine movement away from many of the tenets of American culture held by the adult majority, a movement which affects in one way or another most of those under 22 today. Its rallying cry may not be the famous statement, "Never trust anyone over 30", but it is short on appreciation for its elders. The language of the movement is Rock and one song, by Crosby, Stills, Nash and Young, is perhaps one of the more generous statements of the generation gap. It is addressed to young adults like yourself and it says:

> "Teach your parents well
> Their children's hell
> And feed them on your dreams
> The ones they fix
> The ones you go by
> Don't ever ask them why
> If they told you, you'd surely cry
> So just look at them and sigh
> And know they love you."

The over-thirty world views the youth movement at least with bewilderment and often with deep distrust and fear. They cannot understand the dress, the morals, the ideology. Although they are sure we must be talking about "someone else's kids," some heretical idea, some forbidden conduct, keeps turning up suspiciously close to home. Beneath the calm assurance that it cannot happen here is the hidden uncertainty that it could and might. As if in defense, one generation gathers round its cherished traditions even more tightly, like a wagon train under attack.

Is this not still a good and great country, they ask? Do we not enjoy more freedom and opportunity than nearly anywhere else in the world? Our achievements are immense; our economy will soon reach a gross national product of a trillion dollars despite recession, and the benefits of that economy will be distributed to more people, more generously, than anywhere on earth.

But your immediate predecessors into the adult world do not see it that way. They see the gross national by-product—the pollution, the urban sprawl, the whole neglect of society. Where the majority see the successful multitude, many young adults see only the unsuccessful casualties—the humans left behind by the shift from farm to city, the poor, the illiterate, the migrant, the hungry, all of whom have been turned out of our consciousness, much as we switch channels on the television. Where some see the triumph of technology, they see the triumph of a materialism empty of spiritual values.

The truth is that young adults today are the first generation of Americans who see the world darkly. They do not all share a pride in the American Achievement, they do not view progress as inevitable or even desirable as it has come to be defined. For many the pioneer tradition with all its courage and heartache, the patient process by which ethnic and religious minorities worked themselves into acceptance and economic safety, the waging and winning of just wars is mostly forgotten. It is hard to realize how few years separate this generation from my own which couldn't jump into the Establishment quickly enough.

To be sure I am speaking of a minority. At the heart of today's discontented young adults are those who were born either very rich or very poor and they are few in number. And it is even more true to say that those who spring from the traditions of this valley are least likely to diverge from the values of their forefathers.

But that is small comfort to those who need comforting. It is clear that it is a minority in leadership which sets the tone for the rest. It is the most energetic and committed whose influence is remembered beyond their time.

No matter how it is building up or how many are involved, it is clear that a deep division is growing. The great melting pot, the land that survived the Civil War, the No-Nothings, the Ku Klux Klan, and the Depression,—that America is choosing up sides. The clash on Wall Street two weeks ago between construction workers and radical students represents only the first physical expression of the division between classes and generations.

These divisions exist even within the youngest generation, most notably between those who are privileged to go to college and those who are not, between those who fight wars and those who escape.

Perhaps the biggest division of all is between the rich and middle class who *are* getting richer, and the poor who *are* getting comparatively poorer. The division is not just economic, it is spiritual and psychological.

When America lived in small towns, we could understand poverty and maybe even lend a hand. Today we cannot even imagine what it is like to be poor, really poor, living on one meal of beans a day in the Mississippi Delta. We ride by the Fort Hall Indian Reservation today at 70 miles per hour where before we at least had to go slow enough to see a few tarpaper shacks and know that life was pretty tough for someone in there.

Life in America has gotten grooved into tracks. If you are middle-class, white, a high school graduate and you stay on the track you will earn perhaps a half million dollars in your lifetime, another quarter to a half million if you graduate from college, and you've got a ride on some big corporation or government boat which will sail you safely through life. You will have a nice house in a good, safe neighborhood and a good car or two. You won't have to even think about the poor. And that's how the spiritual division, the complete lack of understanding develops. That is how we become not one nation but two, one rich and one poor.

Not all of our problems can be thought of in terms of division. There is the growing tolerance of violence which is widespread, although no one admits to it personally. Think back to the initial reaction to the massacre at My Lai—if there was any reaction. Wasn't there a feeling that the significance of the slaughter was being exaggerated because the victims were miles away, strangers, and of suspicious loyalty? I remember the reaction among good people in this state when Martin Luther King was killed: too bad, but it doesn't matter; he had it coming.

In times of division the condoning of violence can be all the more dangerous. Consider these words written by a distinguished American, head of the Urban Coalition and former Secretary of Health, Education, and Welfare, John Gardner. He has written:

"One might suppose that as extremists become increasingly inflammatory, moderates would close ranks and oppose them. But just the opposite is occurring, the moderates begin to take sides against one another. We all become a little readier to grow angry, a little readier to identify villains, a little readier to resort to violence ourselves.

"Most of the moderates have a secret complicity in the activities of the extremists. The moderate conservative does not explicitly approve of police brutality, but something in him is not unpleased when the billy club comes down on the head of a long-haired student. The liberal does not endorse violence by the extreme left; but he may take extreme pleasure in such action when it discomforts those in authority.

"In short, extremists often enjoy tacit support from the moderates nearest to them. Thus does a society tear itself apart."

Even if we are not taking secret satisfaction in violence, many of us are becoming a little more righteous.

I remember one of the many quotations which a teacher at your rival high school used to put up on her bulletin board. It was the motto of a prison newspaper which read: "All of us are good for something. We can at least serve as a bad example." Well, today there are enough bad examples to make everyone feel good by comparison to whatever they don't like. The modern version of the parable of the Publican and the Pharisee is the one which ends, "I thank you, Lord, that I am not like him, a Hippie." Or, "I thank you, Lord, that I am not like him, conservative." This increase in righteousness only fuels the division between groups of Americans.

Accustomed as we are to thinking everything will work out, many people think the current turmoil is a nightmare which will be forgotten when the war is over. I remember when I was a few years younger than you, the country had managed to scare itself into believing the Russians were coming, or so it seemed to a boy of 14 or so. And I imagined the knock at the door, and a gun battle through the apple trees and then escape to the Salmon River where we'd hold out 'till the end. And then there was the civil defense period when I took comfort from someone's conclusion that the Russians didn't put a high priority on the NRTS and all we would have to do was go to a concrete spud cellar and eat potatoes until the fallout from the coast blew over. None of those catastrophies occurred and my generation is understandably skeptical when someone calls "Wolf, wolf" one more time.

But this time the problem is internal, not external, complex, not simple, and deeply rooted in the American character. A bloody nose for the Easy Rider crowd won't solve the problem; a spanking for the Spock generation isn't the simple solution. Nor is it as easy as a popular song which goes, "Everybody get together and love one another right now." It may be difficult to acknowledge that without patience, generosity of spirit and concern by a large number of Americans, this country *could* tear itself apart.

There is a point at which the chasm between peoples becomes so wide that they can no longer even yell across it, but only hurl destruction. And then history tells us that forces take on an inexorable life of their own, playing out their anger until anger is totally spent only in the ashes of ruin. As one American observer once remarked, "If America ever dies, it will die a suicide."

We could be in for a long and sad chunk of history. The war *will* end and that will help. But it will probably not end abruptly or gloriously and that will not help. There may follow an era of recrimination, blame-fixing and bewilderment.

The madmen who talk revolution could bring on a counter-revolution. They are playing in a fantasy world, talking about grievances which are not shared by the majority of Americans. It is the poor and neglected—and the young who must fight the war—who are most aggrieved . . . and they are a small minority. With more provocation the majority will demand and get oppression.

XUM

And that brings us down to you—you under the tassle and square hat.

I have grown tired of speakers who address a small group as if they were the world and say "If this generation would only do this or that . . . we would be all right." As if they could. Let us acknowledge that we are only a few in number and we cannot change the world.

But you must be careful of the cop-out. You have heard the line about how the war or poverty is somebody else's business—somebody up there in power. I don't think you buy it. But the other cop-out is the one that goes "Yes, these problems are my responsibility but as one person I can do nothing."

Well, there is a slogan out of the civil rights movement which seems appropriate. "If you're not part of the solution, you're part of the problem." I suggest that each of us try to sum up the solution in ourselves—that we strive to do what is right, although the rest of the world may be wrong.

And what does that mean . . . to you?

This country will mend itself when enough people care about mending it. You must be a mender, a healer. The appeal of the madmen will go away when this country faces up to legitimate grievances and does something about them. You must be a worker. This country will emerge strong again when it has a set of values which combine the best of the new and the old. That I suggest, will require that you be a lover.

To be a mender means you must understand both parts that are broken, both sides of an argument. That requires a magnanimity of spirit which is rare. There is this righteousness which keeps telling us how good we are by comparison to someone unlike us. The mender puts that aside and he reaches out across the miles and the cultural gaps to understand. He does not shun those who are different, even though it may take a great act of will to do otherwise.

And the mender *wants* things to work out. He takes no secret pleasure in how bad things are. Perhaps it is a little like faith healing: you have to start by *wanting,* almost craving, solutions to legitimate problems and a return to domestic tranquillity.

I think the vast majority of Americans, including the young adults, still want to heal this society. They still want to understand each other. You have seen dozens of pictures of students and police meeting in anger, but I see other images. Time and again during the November Moratorium and again two weeks ago when thousands more gathered in Washington for the Cambodia protest, I saw the protesters go out of their way to be thoughtful to the police, to thank them for keeping order. The police in return showed impartiality and respect. Where time and place permitted you could see little knots of students and police earnestly discussing Cambodia in mutual respect.

Like you I heard the words of anger from the speakers massed behind the President's house two weeks ago and I heard the cheers. But—from being there—I did not sense a solidarity with anger among the majority. For many this was their first protest and they felt uneasy.

We hear the Chief Justice of the Supreme Court warning that we must not "smash the challengers and restore tight discipline . . . by suspending fundamental guarantees or taking shortcuts as a matter of self protection."

The menders of society are at large today. If you choose to join them you will not be without company.

If you choose to be a worker you will be saying "I am going to try to do my part for somebody else but me. I am going to act." And again you will not be alone.

There are already several million people out in front of you who are seriously committed to peaceful social change. A quarter million students today tutor disadvantaged children after school. Another quarter million are in social action of other kinds. Forty thousand Americans have already served in the Peace Corps for two years. Of today's law school graduates, one out of 17 go into legal aid for the poor. Law and business school graduates today ask firms and businesses what they are doing for society—and then go in the ones that are doing the most. Hundreds of young adults are helping Ralph Nader hold the government accountable to the people.

All this is a profound change for the good over a few years ago. What is happening is that young Americans aren't living by the script someone wrote for them. They are getting out of the grooves, they are taking detours from the straight line to success.

Perhaps it all started with the Peace Corps. Nine years ago a large number of people were saying it would never work. Friends and parents gave sensible advice about careers and how America was the place to be. So, with this advice clearly in mind, about 10,000 people, young and old, promptly forgot it. They went overseas and lost their place in line at home. And this odd thing happened; they loved it. They got hooked on helping others. When they came home everyone said, "That was nice. Now, General Motors, right?" Wrong. Most of them went back to school to get more education to make a bigger contribution at home.

This impractical idea seems to have infected others. A lot of people *aren't* waiting for someone else to tidy up the world. They have dried their tears and are getting on with it. When it comes to social action they are not satisfied with Christmas baskets or a set of swings sent out to the migrant camp. The days of paternalism are over. Perhaps these Americans are summed up by a group of people in New York who work to develop small businesses among the blacks and Puerto Ricans who are poor. When they got down to choosing a name they called themselves the Give a Damn Foundation. And that attitude is shared by a lot of people in this country.

Albert Schweitzer had those people in mind when he addressed a class such as your own. He said:

"I do not know what your destiny will be but one thing I do know, the ones among you who will be really happy are those who have sought and found how to serve."

Finally, I have said that you must be a lover and with all the perversion of the meaning of that word I had better hasten to tell you what I mean.

We see an interesting thing in the Peace Corps. People go overseas to learn about another country and they come back knowing more about their own. They see some remarkable things about this country, for example, the personal generosity of Americans, the popular participation in government, the fact that we like to solve problems before the government can get to them. And they also see some disturbing things: our materialism, our easy accommodation with violence, the impersonal nature of human relations, the fact that Americans who have everything somehow don't seem to enjoy life as much as Africans or Latin Americans who have nothing.

And that's one of the great things that is going on now. Beneath the turmoil there is a realignment of values going on among the youngest adult Americans which is generally healthy. Somehow, in their own way, the students of today are trying to put people ahead of things. Money and states count for less. Hypocrisy is the greatest sin, honesty the greatest virtue. Human life is valued dearly and the idea of a "good war" isn't exactly catching on.

It is true that we have gotten hooked on affluence and that as a people we have moved away from the human values, the values of the spirit. There is a need for a cleansing, a return to the basics, to slow down and listen to nature and to each other. One of the reasons the ecology movement has grown so swiftly is not only because of concern for wildlife and growing things but because of a widespread dissatisfaction with some aspects of modern life. There must and there will emerge a new value system and a new style of life.

Yet between the old and the new—the old testament, the new testament and the gospel according to Peanuts—there is one constant that people keep searching for in their value system, and that is love. I scarcely want to mention the word. Not because the sensualities have run away with it but because we are all so uneasy talking about love. Its an embarrassment because we don't know what to do next. And I don't either.

I only know we must somehow seek to find love in our relationships with those close at hand and that it means respect for people as they are. And we must somehow love people thousands of miles away—black, white, red, yellow, friend or foe, near or far, old or young. Disagree and still respect each other. Across the boundaries of space and culture and circumstances we must say " I love you."

Perhaps if I knew how to do that and I told you, I would be doing you a disservice. People don't tell others what to do so much any more and get away with it. Its your life. You alone can find what fits for you best. You alone can decide how much you will be a mender, a worker, a lover, and how you'll do it.

I would add only one more thing, you've got to love. There is this song by the poet laureates of the generation just ahead of you, Simon and Garfunkel, which has a bit of a message. It goes "May the heavens drop all their petals on me. Life I love you. All is groovy." May life love you even as God has blessed you. May you love life and thank God for life. Enjoy it. And "Give a Damn!"

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

S. 3976—INTRODUCTION OF THE FIRST AMENDMENT FREEDOMS ACT

Mr. HRUSKA. Mr. President, I send to the desk a bill that would make it unlawful to interfere in any way with any person's constitutional exercise of his first amendment right of religion, speech, press, assembly, and petition. The bill confers original jurisdiction upon the U.S. district courts to grant appropriate civil relief in order to insure these guarantees.

The PRESIDING OFFICER (Mr. HANSEN). The bill will be received and appropriately referred.

The bill (S. 3976) to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition, introduced by Mr. HRUSKA (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on the Judiciary.

THE VIOLENCE COMMISSION

Mr. HRUSKA. This legislative proposal originated with the National Commission on the Causes and Prevention of Violence. I am joined today on this bill by the Senator from Michigan (Mr. HART). We served together on the Commission. The Commission recommended enactment of legislation to "confer juris-

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diction upon the United States District Courts to grant injunctions, upon the request of the Attorney General or private persons, against the threatened or actual interference by any person, whether or not under color of State or Federal law, with the rights of individuals or groups to freedom of speech, freedom of the press, peaceful assembly, and petition for the redress of grievances." The Commission, in its report to President Nixon, categorically condemned all illegal violence, including group violence, as being incompatible with the survival of our democratic society. At the same time, we felt it is very important to insure that all parties are able to exercise their constitutional rights.

A BALANCED SOCIETY

Dissent is a very precious right. It is unfortunate indeed that too often peaceful protest degenerates into needless violence and destruction. This cannot and must not be tolerated. As Attorney General John Mitchell said in a speech to the Tennessee Bar Association, delivered just 1 year ago:

> The right to express disagreement of the acts of constituted authority is one of our fundamental freedoms. The first amendment expressly protects the freedom of speech, and of the press and of the right of the people to assemble and petition the government for a redress of grievances.

The Attorney General went on to say that the Supreme Court has set limits beyond which dissent may not go and that it is "clear that students do not enjoy any special prerogative to interfere with the rights of other students."

What we seek to do with this bill is to insure that all citizens, not just those who dissent, are guaranteed their constitutional rights. While it is the protester who receives the most publicity and attention, many other persons are affected by his actions.

When a picketer or heckler tries to disrupt a public speech by an official of the Government, does not the speaker have a right to be heard? Does not the audience have a right to gather and participate in the exchange of ideas? Does not the student who contracts with a University for an education have a right to receive that education? The answer to all of these questions, of course, is yes. The Constitution is designed for all of our citizens, and not just the disenchanted.

We feel this bill provides a procedure for the maintenance of that delicate balance which permits the disenchanted to meet and protest peacefully, but allows others, when the protest becomes disruptive, to seek redress if they choose.

UNLAWFUL ACTS

The bill makes it unlawful generally for any person or group to interfere, either by physical force, by disruptive noise, or by the unreasonable withholding of any required permit or license, with the orderly conduct of any gathering, or the conduct of business or research, in any street, building or other place incidental to the exercise of one's first amendment rights. The bill also prohibits interference with the exercise of a person's first amendment rights.

The injured party may bring a civil action in the U.S. district courts for appropriate relief. The court, at the same time, may grant as relief, a permanent or temporary injunction, temporary restraining order and may even award damages.

ATTORNEY GENERAL HAS JURISDICTION

One very important feature of this bill is that the Attorney General of the United States, when he has reasonable cause to believe that any person or group is engaged in a pattern or practice of resistence to the enjoyment of any of the rights secured by this act, may bring a civil action requesting preventive relief. This is to insure the full enjoyment of one's rights of free speech, press, assembly, and religion.

Moreover, when it becomes known to the Attorney General that a confrontation may take place, the bill authorizes him to send representatives of the community relations service to help to resolve these disputes and stop the violence before it begins.

Mr. President, this bill is a positive constructive move so insure that our society will be preserved, that its citizens continue to enjoy the benefits of living in a free democracy, and are always able to express their points of view without interference. Mr. President, I ask that this bill be appropriately referred and that it receive the prompt attention of the Judiciary Committee. I also ask unanimous consent that the text of the bill be printed following my remarks and that a memorandum citing legal authority for the proposal also be inserted in the RECORD.

The **PRESIDING OFFICER.** Without objection, the bill and the memorandum will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 3976) is as follows:

S. 3976

A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "First Amendments Freedom Act".

CERTAIN CONDUCT UNLAWFUL

SEC. 2. It shall be unlawful for any person or group, except as authorized by law, to interfere, either willfully by the use of physical force, by the use of disruptive noise with specific intent to interfere, or by the unreasonable withholding or limitation under color of Federal or State Law of any required permit, license, or other permission—

(1) with the orderly conduct of any meeting, address, discussion, worship, or other assembly, or with the free passage of persons or the conduct of business or research in any street, building, or other place incidental to the exercise of the constitutional rights of religion, speech, press, assembly, or petition; or

(2) with the exercise by any person or group, by demonstration, picketing, publication, or other means, of the rights of free speech, free press, peaceable assembly, or petition to the Government for redress of grievances.

ENFORCEMENT BY PERSONS AGGRIEVED

SEC. 3. (a) Any individual, group, institution, or other public or private person who claims to have been injured, or who believes that he will be irreparably injured, by conduct in violation of section 2 of this Act, may bring a civil action for appropriate relief.

(b) The United States district courts shall have original jurisdiction of civil actions under this Act. A civil action under this Act may be brought without regard to the amount in controversy in the United States district court for the district in which the unlawful conduct is alleged to have occurred or to be about to occur.

(c) In any civil action under this Act, the district court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temperary restraining order, or other order, and may award damages together with court costs.

(d) Upon timely application in any civil action under this Act brought in a United States district court, the court shall permit the Attorney General to intervene if he certifies that the case is of general public importance.

ENFORCEMENT BY THE ATTORNEY GENERAL

SEC. 4. Whenever the Attorney General has reasonable cause to believe that any person or group is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this Act, or that any group has been or is about to be denied any of the rights secured by this Act and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice, or denial or threatened denial of rights, as he deems necessary to insure the full enjoyment of the rights secured by this Act.

MEDIATION BY THE COMMUNITY RELATIONS SERVICE

SEC. 5. In addition to its other functions specified in title X of the Civil Rights Act of 1964 (42 U.S.C., ch. 21, subch. VIII), the Community Relations Service shall, in the manner provided by law, assist States, localities, public and private agencies or institutions, and persons or groups of persons in resolving disputes, disagreements, or difficulties relating to conduct prohibited by section 2 of this Act.

EFFECT OF STATE LAWS

SEC. 6. Nothing in this Act shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are secured by this Act.

The memorandum, presented by Mr. HRUSKA, is as follows:

MEMORANDUM RE FIRST AMENDMENT FREEDOMS ACT

EXISTING FEDERAL LAW

The most nearly effective federal remedy available today for forcible interference with First Amendment rights is a court injunction under 42 U.S.C. 1983, a Reconstruction era statute creating liability for "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" by any person "under color of" state law. In the landmark case of *Hague* v. *CIO*, 307 U.S. 496 (1939), the Supreme Court upheld under Section 1983 a federal district court injunction against an antiunion campaign involving interference with free speech and assembly by the Mayor, Police Chief and other officials of Jersey City, New Jersey.

But Section 1983 does not specifically enumerate and define the First Amendment freedoms to be protected or the kinds of interference against which they are protected. It does not, in the First Amendment context, adequately establish the right to relief from threatened violations as opposed to violations that are already in progress. It does not provide for investigation, mediation and enforcement by federal officials.[1] Most importantly, in instances in which *private* individuals and groups—not public officials—obstruct free speech, peaceful assembly and petition, such conduct cannot be reached under Section 1983, since the interfering individuals are not acting under color of law.

EXISTING STATE LAW

Some remedies against private misconduct that interferes with First Amendment rights may be available in state courts, based on state trespass statutes or disorderly conduct ordinances. However, such measures were not written to deal with acts of physical obstruction, particularly those committed for demonstrative purposes, and are relatively ineffective in handling such conduct. Moreover, where acts of violence or obstruction are sought to be justified as necessary to right fundamental grievances or exercise fundamental rights, those engaging in such conduct may find it easy to rationalize their disobedience of court orders based upon property rights or disorderly conduct ordinances. By contrast, it will be difficult for any but the most alienated to believe that the urgency of his cause rises higher than his obligation to obey a judicial order stemming from the mandate of the First Amendment to the Federal Constitution.

PRECEDENT OF RECENT CIVIL RIGHTS LAWS

The civil rights acts of recent years provide specific federal remedies for private interference with other constitutional rights, such as the right to employment, housing, travel and use of public accommodations and commercial establishments free of discrimination because of race, religion or national origin, the right to vote and participate in any federally assisted program, and the right to carry on a business free of intimidation or injury during a riot or civil disorder. It would appear to be an equally valid[2] and justified exercise of Congressional power to provide a federal judicial remedy for improper interference with the rights of speech, assembly, petition, religion and free passage incidental thereto.

ROLE OF THE FEDERAL COURTS

Because they often deal with somewhat comparable provisions in other areas of federal law, federal district courts are experienced in handling requests for injunctions expeditiously and fashioning careful and effective decrees. Federal marshals are generally well trained and well disciplined; if court orders are to be enforced by federal marshals rather than local police or sheriffs, as is the case with respect to state court orders, those aggrieved may be less reluctant to seek injunctions where appropriate and request enforcement where necessary. The use of federal court injunctions would provide for greater uniformity in the treatment of disorders and increase the likelihood that the experience of one community or institution would be readily available and useful in handling subsequent problems in others. Furthermore, it is likely that federal law and federal authority will in some situations be more respected and more readily obeyed.

ROLE OF THE FEDERAL GOVERNMENT

Perhaps most important is the delineation of a new, active federal role in preserving the freedom of expression which is protected by the federal constitution. In recent civil rights and voting rights legislation, Congress has made the Attorney General an increasingly active figure in protecting certain vital individual rights. This approach seems particularly appropriate for the protection of First Amendment rights, since the mechanism of peaceful dispute, debate, compromise and change is essential to the preservation of a just society.

If the Attorney General were given authority to commence or intervene in civil actions to protect freedom of expression, the Justice Department would automatically have the authority to investigate alleged interference with First Amendment rights. The Department would become a powerful force seeking immediate, informal resolution of potential confrontations involving freedom of expression. This mediating role would be strengthened by empowering the Department's Community Relations Service to perform the same peace-making function which it now effectively performs in the field of disputes related to racial discrimination. Where confrontation appears inevitable, the Department would be able to resort to the courts promptly, provide essential factual material and help in other ways to make the courts an effective forum for resolving First Amendment conflicts. These activities of the Department would establish the ground rules for debate, dissent and demonstration and thus create a body of First Amendment law that would be in large measure self-enforcing through voluntary compliance, just as the recent civil rights acts have been.

Mr. HART. Mr. President, I thank the Senator from Nebraska for introducing the bill he has just described in behalf of himself and me. As he has indicated, this is the legislative language which we believe responds to and adopts the recommendation made by the Commission on the Causes and Prevention of Violence. The Senator from Nebraska and I were privileged to serve on that commission under the very distinguished chairmanship of Dr. Milton Eisenhower.

Today the two able Members of the House of Representatives who also served on that Commission, the ranking minority member on the House Committee on the Judiciary, Mr. McCulloch, and the assistant House majority leader, the able Representative from Louisiana, Mr. Boggs, introduced an identical measure in the House of Representatives.

Immediately prior to the opening of the session of Congress today, a meeting with the press was held wherein the sponsors of the bill on the Senate and the House sides outlined its features and responded to questions. I ask unanimous consent that the press release which was the basis for our press conference today be printed in the Record at this point, because I think it summarizes the measure in a fashion perhaps less formal than either the Senator from Nebraska or I would adopt if we were describing the bill for the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

News Release

Washington.—The four Congressional members of the National Commission on the Causes and Prevention of Violence today proposed legislation that would allow federal court action against anyone interfering with a citizen's right of free speech.

The bill's construction, its sponsors said, would favor no political philosophy or faction.

It could be used against police who seize newsmen's cameras or film. It could also be used against anyone planning or trying to drown out a scheduled speaker.

The sponsors said the bill was not aimed specifically at campuses but college administrators could use it against students who seize buildings and shut down classes. However, it would also apply if a college administration tried to bar a peaceful, orderly demonstration by students.

The four members of Congress are Representatives Hale Boggs (D-La) and William M. McCulloch (R-Ohio) and Senators Roman L. Hruska (R-Neb) and Philip A. Hart (D-Mich).

The four, representing a wide spectrum of political thought, said that the bill would authorize federal court injunctions and damage suits against both officials and private interference with the exercise of First Amendment rights.

They gave much of the credit for the idea to Dr. Milton Eisenhower, who chaired the National Commission until it delivered its final report last December.

In a joint statement, the bill's sponsors said:

"To our surprise, the commission members found that in our extensive compendium of federal civil rights law, there is only a century-old statute that deals in a limited and inadequate way with official denials of First Amendment rights. And there is no statute whatsoever dealing with private denials of those rights.

"And yet rights of speech, religion and assembly are being constantly violated in this nation.

"Public officials unreasonably prevent or stop meetings. Advocates of particular cases hoot opposing speakers off platforms.

"Protesters seize buildings and prevent instructors from teaching. Excessive force against campus demonstrations is not uncommon. Political dissenters break up church services.

"And recently we have even witnessed groups of demonstrators attacking opposing demonstrators.

"The First Amendment is one of our most cherished statutes. It must not be allowed to erode this way."

The bill, called the "First Amendment Freedoms Act," will be introduced simultaneously in the House and Senate.

Applicable state remedies in free speech cases, the National Commission report points

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[1] The relationship between § 1983 and the proposed First Amendment Freedoms Act is closely analogous to that which exists between § 1982 (giving all citizens equal rights to buy and sell property) and Fair Housing Title of the Civil Rights Act of 1968. As the Supreme Court noted in *Jones* v. *Mayer Co.*, 392 U.S. 409, 415 (1968), the existence of the older statute did not " 'eliminate the need for congressional action' to spell out 'responsibility on the part of the federal government to enforce the rights it protects.' "

[2] Some civil rights laws of the Reconstruction period were worded to prohibit any interference with constitutional rights, but were construed by the Supreme Court to apply to official action only. The recent civil rights statutes deal primarily with official action and with certain types of private interference that can be reached under the Commerce Clause. The 1968 Act, however, bars private interference by force or intimidation with the right to vote or to participate in various federal or state benefits. 18 U.S.C. 245. In enacting this provision, Congress relied on the concurring opinions of Justices Clark and Brennan (concurred in by a total of six members of the Court) in *Guest* v. *United States,* 383 U.S. 745 (1966), expressly confirming the right of Congress to legislate against private interference with the exercise of constitutionally protected rights. Senate Report No. 721, 90th Cong., 2d Sess. (1968). And see the discussion of the *Guest* opinions in *Adickes* v. *S. H. Kress & Co.,* U.S. Law Week 4434, 4450–51 (June 2, 1970) (Brennan, J., concurring). Moreover, the institutions and individuals exercising such rights probably have an adequate relationship with interstate commerce to support Congressional action under the Commerce Clause.

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out, are usually based not on the First Amendment but on trespass statutes or disorderly conduct ordinances.

Such laws were not written to deal with acts of physical obstruction, particularly those committed as acts of protest, and are not always effective in handling such conduct, according to the report.

Under the proposed act, the Justice Department would be authorized to intervene once a federal injunction was asked.

In serious cases, the sponsors say, the Department could become a powerful mediating force seeking informal resolutions of threatened confrontations.

Both Hart and Hruska are members of the Senate Judiciary Committee, to which the bill would normally be referred.

Congressman McCulloch is the senior Republican member of the House Judiciary Committee. Congressman Boggs is Majority Whip of the House.

Mr. HART. Mr. President, the statute, as I say, implements a unanimous recommendation by the National Commission. The commission spent months of careful study.

We propose the bill as one urgently needed in response to the violent clashes besetting our communities and our campuses. We seek to balance the competing claims for the public ear by recognizing that it is as wrong for one who seeks to bring peace to Vietnam to throw a firebomb in the university president's office as it is for one who is given a badge and a gun to abuse students who seek peacefully to assemble to protest Vietnam.

Private citizens, determined to impose their views or program, have forcefully volated the first amendment rights of those they oppose. They have interfered with lectures, meetings, marches, indeed with religious services in houses of worship. In other instances, public officials have harassed lawful meetings, seized newsmen's film, and sought to bar peaceful demonstration.

The Violence Commission warned of the dangers posed by either public or private interference with free speech—and of the equally clear danger of calls to violence. It said:

> Obstructions to peaceful speech and assembly—whether by public officials, policemen, or unruly mobs—abridge the fundamental right to free expression. On the other hand, speech, assembly and other forms of conduct that become coercive or intimidating invade the fundamental First Amendment rights of other citizens. When a mob forces a university to suspend classes, the rights of teachers to teach and students to learn are abridged; when a speaker is shouted down or forced from a platform, he is deprived of freedom to speak, and the great majority of the audience is deprived of freedom to listen
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> Despite some eloquent and subtle rationalizations for violent methods of protest, the record of experience is incontrovertible. While violent protest is sometimes followed by the concessions sought, it more often produces a degree of counter-violence and public dismay that may gravely damage the cause for which violence is invoked.

But we found that present Federal law afforded no adequate remedy for private violation of another's first amendment rights. And State remedies, usually arising under trespass nuisances or disorderly conduct statutes, are not geared to the constitutional issues involved in the delicate balancing of conflicting first amendment rights.

Therefore, the Commission recommended a statute like the one offered today, conferring jurisdiction upon U.S. district courts to grant any equitable relief, and damages where appropriate, necessary to protect first amendment rights.

Resort to the Federal courts makes sense for several reasons. They are experienced in promptly passing on requests for injuction, and fashioning precise decrees to fit highly complex situations. A Federal right of action would encourage uniform enforcement and maximize the authoritative force of such decrees.

The Commission also suggested giving the Attorney General a greater role in protecting first amendment freedoms, "since the mechanism of peaceful dispute, debate, compromise, and change is so essential to the preservation of a just and orderly society and since private persons are often unable to protect their first amendment rights without some assistance."

The nature of the remedy here proposed should be clearly understood. It is a civil right of action, not the creation of a Federal criminal offense. It favors no political philosophy or faction. The act is not designed to prevent those critical of institutions or the viewpoint of other groups from vigorously exercising their first amendment rights. But they must not infringe upon the rights of others.

It would not, for example, reach the adverse comment of an ordinary heckler at a political rally. Nor would an injuction against intentional interference by means of noise be available against reasonable efforts to attract attention and communicate information in the course of a peaceful picket line. Intentional use of noise actually to disrupt and prevent others' attempts to speak or meet would be necessary.

We also should have no illusions that this or any other single statute is a cure-all for every problem generated by the exchange of views in a free society.

But we believe that this act affords a more effective, less abrasive course than those now available. Where violent confrontation seems imminent, our Federal courts can help head it off by laying down ground rules ahead of time.

Unless we protect the first amendment rights of all our citizens, whatever their viewpoint, we kid ourselves if we think our free society can survive. We must act now to preserve the vigorous and peaceful exercise of those precious rights, so that the violent confrontations of the 1960's will not be recorded by history as a mere warmup for even more tragic turbulence in the coming decade.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HRUSKA. Would the Senator agree with me that the idea of this bill and its essence was really arrived at and pretty generally agreed upon very early by members of the National Commission on the Causes and Prevention of Violence?

Mr. HART. It was. As I recall, we were so concerned with campus violence that, even before the filing of our final report, we submitted an interim report and had the benefit of, I think, the counsel of approximately 20 university presidents. Out of that study, as the Senator from Nebraska has correctly said, very early on, we recognized the desirability of attempting to develop an instrument utilizing Federal court tradition which could respond more effectively than the criminal laws of trespass and the municipal ordinances that relate to disorderly conduct—an instrument which would seek to avoid the massive presence of uniformed National Guardsmen at a university campus.

We began very early to feel that the Federal courts could selectively tailor, if you will, ground rules that would make clear to all parties participating the limits beyond which they ought not go and the limits within which they should be protected.

Mr. HRUSKA. It is also my recollection that there were several instances at the time when the Commission was first organized, when campus disorders did arise, when the procedure of the temporary restraining order and of the injunction were resorted to in controlling campus problems, notwithstanding the lack of a specific statute of the kind proposed in this bill. They were resorted to quite effectively. It was felt that if this particular cause of action were removed from the category of general injunction law and specifically codified, much would be gained; it was felt that if such a law were readily available, without question insofar as procedure is concerned, redress could be made available to anyone who might be injured or obstructed or damaged by that type of illegal protest.

Mr. HART. This describes exactly the feeling of the Commission. As the Senator from Nebraska has said, it was a unanimous opinion.

I think it is important that we note the explicit inclusion among the rights which shall be protected of the right to go to the Federal court and obtain relief if there is an arbitrary denial by public authority or by institutional managers of opportunities peacefully to assemble.

I think we should make clear that this bill is not drafted in such fashion that it seeks to be or should be said to be a response solely to student violence. It is equally responsive to mob action against students and to insensitive authorities who interfere with first amendment rights. We think it is a balanced instrument, available equally to persons of very differing points of view—persons who are on a collison course, but who, in many cases, would welcome this kind of blueprint being available to reach an accommodation.

Mr. HRUSKA. In the early sessions, when this matter was considered, the chairman of our Commission, Dr. Milton Eisenhower, apparently already had given the subject a great deal of thought.

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He was very, very interested in some step such as this being taken.

Furthermore, Mr. Lloyd Cutler, a very prominent and outstanding member of the Washington bar, who served as administrative director of the Commission, did a great deal of legal research on the matter and was very helpful in phrasing and constructing the language of this bill. It then went to the Department of Justice, where other research and rewriting was done. There also was consultation with the two Members of the other body who served on the Commission—to wit, Representative HALE BOGGS and Representative WILLIAM MCCULLOCH, of Louisiana and Ohio, respectively.

I mention those things to indicate that this is a well-considered measure, one which has been carefully thought out. It is my hope that it will be promptly considered by the proper subcommittee of the Judiciary Committee and later by this body itself.

Mr. HART. I share that hope, and I share the statement just made by the Senator from Nebraska that it was carefully developed. This does not mean that as we study it further in committee, improvement may not be made. It is conceivable that this initial draft falls short of the objective we seek or includes a feature which none of us at the moment is aware of but which would be subject to legitimate objection.

Mr. HRUSKA. The Senator is correct.

Mr. HART. The point of the hearing, however, is to identify any such areas and to permit us to improve, and, most important, to permit us to move as a result of that further thoughtful study.

Mr. HRUSKA. The Senator is correct in saying that there is room for considering any suggestion for amendment or improvement, either by way of widening or by way of restricting. In fact, from the time of the report as it was issued by the Commission until its introduction today, many alterations have been made. So that process can continue when the matter is brought before the committee and is later brought to the floor of the Senate. I feel that this Senator and the Senator from Michigan would be very receptive to anything that would be constructive and helpful to make a well-balanced bill.

Mr. HART. I thank the Senator from Nebraska. I described my feeling, and I know that it conforms to his. I hope that the Commission on Violence will not be cited as one of those long list of commissions which file a report and then, 15 years later, when someone stumbles over it and opens it and reads it, he discovers a long list of recommendations on which no action has been taken. This bill gives Congress the opportunity to respond affirmatively to one of the most important recommendations which the Violence Commission made.

Mr. COOPER. Mr. President, I was very much interested in the statement of the Senator from Nebraska and the Senator from Michigan. Several weeks ago, I read an account of the recommendations of the National Commission on the Cause and Prevention of Violence, chaired by Dr. Milton Eisenhower, on this subject, and I was happy to hear the explanation given by the two distinguished Senators from Nebraska and Michigan.

I am sure that there will be questions arising as to the application and use of the injunction; nevertheless, it certainly seems to me that the purpose of the bill, which will be thoroughly considered by the two Senators and their colleagues on the Committee on the Judiciary, is a good one.

Those who claim to have the right of free speech and dissent, and of petition to the Government, do not have the right to deny those same first amendment rights to others by the use of violence.

It seems to me that is simple to understand. But I still believe that we will have some difficulty working it out, but its purpose is right.

Mr. HRUSKA. The Senator from Kentucky may be right. The Senator knows, of course, that, generally, the right to an injunction and a temporary restraining order is available in many situations just like this. An effort has been made to get the essence of the decisional law in this field embodied into the bill, so as to make it a matter of statutory procedure rather than a general principle of injunctive law.

Mr. COOPER. I know there have been some trials in my State of Kentucky recently, in the Federal courts, on the general principle of this same subject, involving the rights of students, faculties, and the administration of the University of Kentucky. Thus, I have already received some information on this subject.

But it seems to me, as both Senators from Nebraska and Michigan have pointed out, that it is wrong for those who militantly claim their rights, at the same time to deny those very same rights to others.

Mr. HRUSKA. I thank the Senator from Kentucky.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. HRUSKA. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 17, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

THE CITADEL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 16, 1970

Mr. THURMOND. Mr. President, The Citadel is a distinguished institution of learning in Charleston, S.C. Throughout its 127-year history, it has stood for the finest in character, education, and patriotism. Today it stands in marked contrast with many other institutions of higher education, a fact which has not gone unnoticed across the land.

California's remarkable commissioner of education, Dr. Max Rafferty, is also a fine newspaper columnist, who frequently writes on the problems of education. In a recent column, Dr. Rafferty pays tribute to the historic tradition of the Citadel, and heaps high praise upon the institution.

I am delighted that Dr. Rafferty should see fit to honor a South Carolina tradition in this way, and I would like to bring this column to the attention of my colleagues.

Mr. President, I ask unanimous consent that the column entitled "View of the Citadel," written by Dr. Max Rafferty, and published in the Charleston News and Courier of June 11, 1970, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIEW OF THE CITADEL

(By Max Rafferty)

(EDITOR'S NOTE.—This syndicated column by Max Rafferty, superintedent of education for California, has appeared in numerous daily newspapers.)

"Whatever happened to the strict, no-nonsense military school, where boys were turned into men and where patriotism was a state of mind to be proud of instead of an object of official scorn?"

Hear ye the authentic voice of an awful lot of American fathers. You'd be surprised how many worried dads write to me in this vein. They look unbelievingly about them at the well-publicized college campus of today, bristling with beards, fraught with filth, dripping with disloyalty, and they say, "Oh, no! Am I going to have to spend $15,000 to send my kid to THAT?"

Buck up, dad. What would you say to a small but thoroughly accredited college in an ancient setting teeming with tradition, where for 127 years a dedicated staff has been graduating class after class of young men whose academic excellence is exceeded only by their love of country and their healthy reverence for the great traditions out of our national past?

A college which proudly stresses its Cadet Corps of 2,000 men but which also emphasizes a fine general education for 4,000 other students? An institution of higher learning where every member of the faculty is a distinguished former military officer?

(Editor's note: The "general education for 4,000 other students" refers to the master of arts in teaching program, the evening program, the summer school, sumer camp for boys and Palmetto Boys State. The statement that every faculty member is a former military officer is a mistake. Many faculty members are retired, or reserve officers, but some are not.)

Incredible, you say, in this day and age? Not if you know about The Citadel. In case you don't let me tell you what I found out a short time ago when I flew back to South Carolina to check up on these "incredible" rumors I'd been hearing about a school which actually and openly stood for decency and loyalty and high scholastic standards.

First, its home town of Charleston is proud of The Citadel. It has been since it was founded. This is a bit of a switch these days,

when the residents of so many of our college towns are sick at heart over the nauseating antics of their local students and faculties. Charleston isn't at all sick about The Citadel. Quite the contrary.

Second, and closely connected with Charleston's pride in its college, is the remarkable record of its graduates in the service of their country. Fifteen fell for the Flag in World War I; 280 died in World War II; and 31 in Korea.

Hundreds are now grimly at grips with America's enemies in Vietnam. Apparently the men of The Citadel stand ready to put their lives where their mouths are, a phenomenon all too rarely encountered among our hysterical college activists.

Indeed, it has been always thus. Cadets of The Citadel fought for the Confederate States at Yemassee Station in 1864 while helping to defend the Charleston and Savannah Railroad, and their descendants fight as gallantly today for Old Glory as their predecessors did for the Stars and Bars.

I met two of the cadet commanders in the office of Citadel President Hugh Harris, who is a four-star general, retired. One of the boys was from California, the other from South Carolina. Tremendous young fellows, with shoulders like a bison and a grip like a vise. Clear-eyed. Straight-talking. My kind of collegians.

Third and perhaps most important is the caliber of The Citadel's leadership. Gen. Harris is the latest in a long line of distinguished presidents who have recently included Gens. Mark Clark and Charles Summerall. Over the years, they have consistently stood for strict discipline, high standards, and a liberal education in the best sense of that term.

So, dad take hope and heart. There may not be many Citadels still going strong, but there are some. The boys who attend must be unmarried, they must live in barracks and they must behave like gentlemen. They work hard, they go to chapel and their athletic teams are honored throughout the South.

Now, dad, the rest is up to you. What The Citadel can do, other colleges can do also, if you just start sending Junior to institutions like this one instead of to the pot-puffing, obscenely placarded, confrontation-minded colleges where your son and thousands of other men's sons wind up these days, largely as the result of sheer apathy and yawning indifference on your part.

It's your money, you know. You can spend it to subsidize centers of sex, drugs and treason, or you can spend it on citadels of scholarship, morality and patriotism. It's still a free country.

And certainly the answer you come up with is going to be important to you. But it's going to be one heck of a lot more lastingly important to your son.

THE BURDEN OF INFLATION

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. COHELAN. Mr. Speaker, as this Nation is burdened by the continuation of inflationary pressures, coupled with some movement toward recession, it is painfully apparent that the administration's total reliance on monetary restraints is not adequate. Within the last few weeks it was announced that the President's slim budget surplus turned into a deficit, but the burden of inflation is much more graphically reflected in rising food, clothing, and housing costs. The most tragic aspect of this current inflation is the increase of unemployment. During May, the unemployment levels reached 5 percent. There were over 4.1 million persons looking for jobs. This was an increase of 1.3 million over the December figure. Our production has slipped badly and the stock market has reflected this economic malaise. It is necessary to realize that the unemployment figures do not represent slow downs and shorter hours that effect many wage earners. The economic situation for most people in our society represents a dire threat. Wages chase prices without any chance of catching up.

In this economically troubled time, the "business as usual" attitude has little academic or more importantly humanitarian appeal. In recent weeks Arthur Burn has indicated that some wage price guidelines might be advisable. In a recent article Harvard Economist John Kenneth Galbraith recommended a wage price freeze for 6 months for major companies employing more than 100 people.

It is now reported that the President on Wednesday will implement voluntary wage price controls as symbolic attempts to curb inflation.

Mr. Speaker, the economic condition of this Nation requires more than cosmetic changes. It is past time for such symbolic gestures. An enforced system of wage price controls should be implemented.

I am including John Kenneth Galbraith's article for the benefit of readers of the RECORD:

[From the New York Times magazine, June 7, 1970]

PROFESSOR GALBRAITH RELUCTANTLY RECOMMENDS WAGE-PRICE CONTROLS—THE CURE FOR RUNAWAY INFLATION

(By John Kenneth Galbraith)

These last few months have, just possibly, been decisive in the modern history of economics. Ideas in which economists have reposed the greatest confidence have been proved wrong and therewith, not surprisingly, the responding policy. And this has happened under circumstances which admit of no really plausible explanation, rationalization, or alibi—things in which we economists are more than minimally accomplished. There was, to be sure, more than a suspicion of error before; the evidence was highly adverse to the reputable ideas. But the heretics were a minority and the adverse evidence could be attributed to a lag. In economics, any inconvenient disassociaton of effect from cause is always attributed to a lag. But not forever.

The doctrine was, of course, that the United States economy could be regulated by *general* measures in such manner that prices would be approximately stable. A "trade-off," a new and popular word among economists, would exist between price stabilty and employment. The closer the approach to level prices, the more people who would be out of work; the lower the unemployment, the greater the rate of price increase. The relationship had been given quantitatve expression by the so-called Phillips curve—the annual rate of price increase which, on the basis of historical data, could be expected to accompany any particular percentage of unemployment in the labor force. The choice between unemployment and inflation so shown *seemed* to be essentially benign—reasonable price stability could be combined with a tolerable level of unemployment. Also, an unspoken point, the unemployment would be among the unskilled, uneducated, mostly young and black, who are also unorganized. These are assumed to accept unemployment philosophically, there being nothing they can do about it. There were no other decisively adverse side effects from the stabilization measures.

The difference of opinion was not over the efficacy of the general measures but over technique. Since Keynes, most economists have placed major reliance on fiscal measures—on control of total spending in the economy by means of the Federal budget. Inflation being the problem, this policy consisted in making Federal taxes and spending sufficiently restraining on total demand in the economy. But in recent times there has been the so-called monetary revival. This makes control of spending from borrowed funds the key instrument in the control of prices. The difference between the exponents of fiscal and monetary management must not be exaggerated. Both believed in the efficacy of general measures. Both urged some combination of fiscal and monetary measures. The difference was in the mix.

The Nixon economists when they came to office a year ago last January were superlatively confident of such management. Under their guidance, the President promised never to interfere with wages and prices; in one of the more ecstatic examples of economic phrase-making, he said that inflation would be ended by "fine-tuning" the American economy—a figure of speech roughly comparable with one about fine-tuning major Mississippi flood. The then current inflation was blamed on the previous bad management of the economy—on tuning that was too coarse. The reaction to anyone who suggested that wage and price restraint might be necessary was lofty. Pierre Rinfret, the consulting economist, dispatching a letter to his clients telling them, quite correctly, that so far as the Administration was concerned, the lid on prices was now off. It is possible that in these first weeks the Administration did more to promote inflation than it accomplished in the next year and a half in controlling it.

But promises that inflation would end were not lacking. Advising the President of the United States on economic policy, since few Presidents find the subject at all interesting, is tedious work. The tedium is relieved, after a fashion, by the liturgical functions of the office. Every week in the year some convocation of businessmen, bankers, economic sages or professional seers is assembling somewhere in the United States. Often combining business with tax deductibility, they meet at the better spas. All of these—the South Florida Savings Bank Association, the John Hancock Million Dollar Club, the Associated Sport and Saddle Shoe Manufacturers of America—have a prescriptive right to economic education by members of the Council of Economic Advisers. The speeches so given are not always informative. But they are firmly repetitious and during the first year and a half of the Nixon Administration, all promised that inflation would end, that prices would become stable.

Always the stability would come approximately two quarters in the future. As the promises continued, so at an increasing rate did the inflation. (In time, the date when the promise would give way to performance was given a little more "lag.") Dr. Paul W. McCracken, the head of the Council of Economic Advisers, became, perhaps, the most overpromised man in the history of the economics profession. There is an unfortunate tendency in public life when you want something to happen to predict that it will happen. And then when it does not happen, you escalate the predictions. Not since Herbert Hoover predicted the turning of the immortal corner has prediction

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therapy been so remorselessly pursued as in the last 18 months. It was called the "game plan" for defeating inflation. There has been no game quite like it since the Rose Bowl of 1929, when Roy Riegels ran 75 yards toward the wrong goal.

Outside the Administration, the view was slightly less sanguine. But the economists who had served the Kennedy-Johnson Administration did not strongly question the reliance on general measures. In the early sixties, prices were fairly stable. Unemployment, though initially high, was falling—from an annual average of 6.7 per cent of the labor force in 1961 to 4.5 in 1965. These were the years of the so-called guideposts, which meant that wage increases were held on the average to what industry generally could afford from productivity gains. And industry accordingly was persuaded to forgo price increases. Enforcement was hortatory; it was a price increase by U.S. Steel in violation of this general understanding that provoked President Kennedy's eloquent denunciation of the corporation in April, 1962. The economics underlying the guideposts obviously accords a prime determining role in price-making to unions and corporations. That is why they must be restrained. But this power is not greatly stressed in standard, macro-economic doctrine—roughly the economics of the textbooks—which holds that prices are set in markets, and respond well to changes in demand. So even in the Kennedy-Johnson years, the guideposts were the poor relation of economic policy. We economists greatly prefer to believe what we teach. When the guideposts later came under pressure from the Vietnam war, they were not strengthened but abandoned. As the Kennedy and Johnson economists returned to the campus, talk of wage and price restraint was muted. The guideposts were defended as a useful adjunct to the policy—more cosmetic than real: It was fiscal and monetary policy that really counted. Almost no one talked about making the guidelines mandatory, i.e., making them work. That was too radical.

There was never any strong proof that high employment and stable prices could be combined. Much of the proof antedated modern corporate price-making and collective bargaining. Rather there were hope and faith. But in economics, hope and faith coexist with great scientific pretension and also a deep desire for respectability. Fiscal and monetary measures in whatever mix are impeccably respectable, and the question of the particular mix is the kind of thing that can be resolved between gentlemen. Control of wages and prices has no similar standing. Its advocates have been thought to lack subtlety of mind and manners—to go too abruptly to the point. The sociology of economics is not without interest and by no means unimportant.

The flaw in the respectable doctrine is the appalling obduracy of circumstances. Wages do now shove up prices. Prices do pull up wages. The bargaining that produces the wage and price increases continues even under conditions of severe fiscal and monetary restraint. It is almost as though those engaged in collective bargaining and corporate price-making were out to discredit the best economic scholarship. Circumstances can be unbelievably cruel.

Accordingly, after a full year and a half of the most rigorous application of the general measures, prices are still rising at a nearly record rate. Dr. McCracken and his colleagues have been forced to take comfort from the fact that the rate at which the inflation is getting worse has been declining—or, as Herbert Stein of the Council of Economic Advisers did recently, from the even more exiguous fact that "the behavior of prices in the past year has been consistent with [the] expectation of a decline in the rate of inflation." In April, alas, even this modest expectation was defeated. There was an increase in the rate of inflation. Meanwhile unemployment has risen to nearly 5 per cent of the labor force and exceedingly uncomfortable side effects of the policy have appeared. Smaller businessmen who must borrow money are being punished with a highly selective brutality. Tight money does not much hurt the big corporation which has internal cash flow and a favored position at the banks. In contrast the policy has put the housing industry into an acute depression, as the Administration itself concedes. The continuing price increases in the private sector of the economy have been exported to the public sector as increases in living costs. And there, among teachers, police, firemen and sanitation workers, they are causing an unprecedented but wholly predictable turmoil. The balance of payments is also weakening again.

Finally, there has been the effect on the financial markets. These had been made vulnerable by jerry-built and debt-burdened conglomerates, overbidden glamour stocks and the multiplication of the mutual funds headed by financial geniuses whose genius consisted only in a rising market. Under the pressure of the tight money policy, this price structure has collapsed. This had to happen sometime. But further pressure on the financial market would be very uncomfortable for all involved.

Within the framework of general measures, there is almost nothing the Administration can do. It is trapped. It could allow an increase in loanable funds at lower rates. This would ease unemployment, encourage home construction and ease the sorrow in Wall Street. But inflation is still at a near-record rate. This action would make it worse. And just ahead are wage negotiations which, with the compensating price increases, will give that inflation another protean shove. To continue the present policy is to accept the side effects and to invite more of the inflation that the policy has not cured. To tighten up and end the inflation is to invite worse side effects and perhaps a serious recession. There are many misfortunes that can befall an economist. The worst, by far, is to have a theory in which he devoutly believes, and which is wrong, put into practice.

The response of the Administration economists to their entrapment is a rewarding study—or would be were the matter not so serious. Economics, like foreign policy, allows for an escape from error through what may be called the Indochina effect. This generous device enables a man who has been wrong to denounce his previous position without admitting error and, by becoming right, thus greatly to enhance his reputation. Arthur Burns, now Chairman of the Federal Reserve Board, has taken this route. He now demands the wage-price guideposts he previously condemned. His transmigration is still incomplete, for he proposes something less strong than the Kennedy-Johnson measures, which themselves proved too weak. Dr. McCracken has been more complex. He admits the cause but refuses the remedy. In a speech in Dallas this April, he noted that in the fourth quarter of 1969, labor costs per unit of output (which were about 75 per cent of total costs) were rising at an annual rate of 7 per cent. He then went on to say that "both evidence and theory are pretty clear that a rising cost level tends to mean a rising price level." Later he condemned controls. One thinks, somehow, of a fireman who finds fire to be a cause of property loss, but greatly opposes water as a way of putting it out.

For, in fact, the only answer is one that has for so long been dismissed as too disreputable. That is to act directly on the wage-price spiral—to have wage and price control where the spiral contributes actively to inflation.

This must be real control. Dr. Burns and the economists of the Kennedy-Johnson period are ducking reality when they talk about a return to the voluntary guideposts. (As this goes to press, a pellmell rush is developing toward this particular escape hatch.) The guideposts will not do. They were not strong enough before; even stronger measures are now required. Also voluntary measures are highly discriminatory. They favor the individual or organization which refuses to comply and penalize those that are cooperative. This guarantees their eventual breakdown. And there is nothing to be said for billingsgate as an enforcement device. It is much better public practice to lay down fair firm rules after careful consultation with all concerned and then, when someone violates the rules, have resort to law.

Given wage and price controls, interest rates can be reduced for they will not have to carry the present burden of inflation control, which they cannot carry anyway. With lower rates, home construction would increase, the pressure on small business would be reduced, employment would rise, and all without a new surge of inflation. Were this policy combined with prompt withdrawal from Indochina—which would ease the pressure of demand and, a more important matter, restore our reputation for elementary good sense—the immediate economic problem would be largely solved.

Such price and wage action, it is said, interferes with free markets. This is self-evident nonsense. The policy interferes with markets in which the interference of unions and corporations is already plenary. It fixes in the public interest prices that are already fixed.

Only prices that are so set by unions and strong corporations need to be (or should be) controlled. Prices of farm products, most services and products of small manufacturers need not and should not be touched. These are still subject to market influences. Where prices are still set by the market, general measures to restrict demand still work—or they do as much as can be done. As one needs to set prices that are already set, one does not need to interfere with the market where the market still governs.

Over the years I have experimented with various ideas for such a limited system of wage and price control. (I am not without experience in the matter or in the difficulties involved. During World War II, price control was under my direction from its inception until mid-1943. No one else, I suppose, has ever fixed so many prices.) But the most practical pending proposal is not mine, but that of Robert Roosa, former Under Secretary of the Treasury under Kennedy and now a leading Wall Street banker. He would simply freeze all prices and wages for six months. During this time, presumably, there would be extensive consultation with firms and unions to work out a more durable system of restraint.

Such a course would get immediate results while offering eventual accommodation to the problems and inequities of particular unions and industries. It would be possible to incorporate in the Roosa proposal arrangements for an even earlier correction of gross irregularities. And immediately after the freeze, all small enterprises—those employing, say, fewer than a hundred people—should be exempted. I would also exempt all retail firms; they have little independent market power. The objective is not perfectly level prices, but something much better than the grossly inflationary thrust of the present wage-price spiral. The long-run objective is, of course, an annual wage gain that accords roughly with the increase in productivity and thus requires no general increase in prices.

Controls are not a temporary expedient. There must, alas, be a permanent system of restraint. That is because we will continue

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to have strong unions and strong corporations and a desire to minimize unemployment. The combination, in the absence of controls, is inflationary. It will not become otherwise in the future.

No one who has had experience with wartime price control will be casual about the problems in managing it. Nor is it a formula for popularity; everyone unites in disliking the price-fixer. But if it is confined to the unions and to the corporations with market power, as here proposed, the administrative structure need not be vast. Dealings will be with only a few hundred unions and a few thousand firms, and for the latter it is sufficient to specify the limits within which average as distinct from individual prices may be moved. All price and wage control involves an arbitrary exercise of public power. But this is not an objection, for it replaces an arbitrary exercise of private power and one that has further and exceedingly arbitrary effects for those that suffer from the resulting inflation.

In the weeks and months ahead, more and more economists will come to accept the remedy here proposed—including, one suspects, those who advise the President. They are very decent men who have been substituting hope for reality, and hope unrequited does not sustain even an official economist forever. Promises of eventual price stability have become comic. Within the older framework of policy, the choice is between very severe inflation—worse than now—or severe unemployment, extreme distortion within the economy, great turmoil among public employes, and serious strain in the financial markets—and along with all this, a good deal of inflation, too. Whoever made respectable economic policy a choice between such repellent alternatives had obviously a bad upbringing and is a very mean man. But so it is. So the less reputable course of controlling the wage-price bargain obtrudes itself. And, since there is no escape, it will continue to obtrude itself.

LOOK HOMEWARD, ANGEL—ADDRESS BY DR. JACK H. ADAMSON

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Tuesday, June 16, 1970

Mr. MOSS. Mr. President, on the 6th of June 1970, I was present at the Special Events Center at the University of Utah to witness the graduation ceremonies of the College of Letters and Science of the University of Utah. At that convocation, Dr. Jack H. Adamson delivered a very appealing and perceptive address to the graduating seniors. His analysis of the changes that have occurred in the past 20 years in this country and the present attitude and moods of college graduates today is both enlightening and moving.

I ask unanimous consent that Dr. Adamson's address, entitled "Look Homeward, Angel," be printed in the Extensions of Remarks.

There being no objection, the Address was ordered to be printed in the RECORD, as follows:

LOOK HOMEWARD, ANGEL

(By Jack H. Adamson)

I was asked by the Dean, in a voice tinged with consideration for the graduates, their wives and parents, to give a brief address. This, I felt, was something of a challenge to my inheritance. For an ancestor of mine, a sturdy Scotch Calvinist, a man who believed that virtue and pain were twin-born into this world, over three centuries ago in an open field near Edinburgh, had once distinguished the family by giving a sermon that lasted five hours, presumably without interruption of intermission. I have always admired this man, although I never knew which to admire more, his voice or his kidneys. There is no evidence that his heroic effort changed either the course of history or even one man's mind, but in a culture which has come to cherish world records, he was, at least, a qualifier.

I remember sitting through my own graduation, becoming a little anxious as I perceived that his record might be threatened, but aware too of the complacency and mutual satisfaction of parent, graduate and university, all secure in the knowledge of a job well done, of another generation disciplined and molded to suit the moods and needs of current society.

How different it is today when all three groups, I suspect, have their doubts, the parents wondering if their children have been intellectually or politically seduced, the students trying to decide if they have wasted all of their time or only a part of it, and the university itself perhaps feeling the deepest pain in knowing that it has satisfied neither of the other two.

It is natural that I, as a parent, should identify most with the parents who are here, those who have paid, not in money, but in the labor that produces money, who have traded part of their lives and a valuable part, for the education of children who have not been disciplined to the moods of society but who are rather disturbed, perhaps even angry, about the future that now lies ahead of them.

But I understand the students too, as much as a man of one generation can ever understand another, knowing that the young men, as well as the young women who love them, have lived under the shadow of the state which required of them academic success or military service. Nor was this choice as simple as some have assumed. These students, for the most part, were born after the defeat of the Fascist powers; they know only by report of the concentration camps, the genocide (a word coined in 1944), of the military efficiency and universal fear that these powers once inspired. Permit me, for a moment, to recapture those times from personal experience.

I was in Edinburgh in 1939 when the first Jewish refugees began to trickle in from Austria. At that time, a friend of mine, a medical student from New York City, asked me if I would like to meet some of them and hear their story. I said no. We all have moments we would like to relive: that is one of mine. But I was a young liberal then who had H. G. Wells account of how he had manufactured atrocity stories in World War I in order to create a national spirit favorable to the war; I had read an article "Arms and the Men," by the editors of Fortune magazine, scarcely a radical journal, which told how the munitions makers of Germany and France had cooperated with one another in prolonging World War I, in protecting the arsenals and factories of destruction while men were dying for what they had been told was a noble cause; I had exultantly agreed with the students of the Oxford Union who voted that never again would they serve King and Country in a war. My generation knew the brutality, the stupidity, the hypocrisy of war, and so I said No. I did not wish to hear any stories of atrocities. Perhaps I was afraid of what I would hear and what it would do to my position.

My friend looked at me with hopelessness and desperation. "I tell you, he said, "as one human being to another, somebody has to listen. And so I did it, not out of decency, but in simple response to friendship. I never forgot what I heard, and when I returned to America I volunteered for the Air Force. After that, in violation of every rule of military common sense. I volunteered repeatedly for combat against Germany, where I knew I had an undying grievance. I was sent, however, to the South Pacific where I was ordered to engage in the destruction of Japan, a nation whose people I had lived among briefly and for whom then as now, I felt a profound affection. Engaged in that destruction, I learned on my own pulses the meaning of existential absurdity; I learned also the helplessness of the individual whose moral integrity is torn into shreds by the impersonal demands of international warfare.

My own sons and these graduates had none of these experiences. Rather, as they grew up, they saw their country engaged in an undeclared war halfway around world. The reasons given for that war were often contradictory, confusing and always unsatisfying to most of them. They saw the resources of the nation turned toward destruction or toward defense against our own threatened destuction by others. Fantastically expensive weapons were constructed only to become obsolete before they were deployed, necessitating new and even more expensive weapons. There was not enough money, it was said, for the elimination of poverty, the re-building of the cities, for education and mass transportation, or for the redemption of the under privileged. National defense came first, but national defense was an insatiable monster. It could never be given enough to satisfy it, either of men or money. And so there grew in many of our young people the deep conviction that something was wrong, that the direction of things must be changed. They then began to attempt that change, only to find a strange new situation which had arisen not only in America but in the world.

It was not long ago, as history looks at time, that the average life expectancy was 36 years. A brilliant man of the English Renaissance, when he was 43, said that he had fallen into the winter of his life. An English poet, apparently without personal jeopardy, praised the "autumnal face" of a woman who was only 39. I should like to see him try it now.

Medical science has subtly altered the structure of all advanced societies. Previously, famine, virulent plagues and the accidents and chances of life had made continual opportunities for the young. After a brief adolesence, if they were gifted or fortunate, they moved into positions of powers; a few years decimated the ranks of older generations. But now how different it all is. The middle and older generations carry the elections, occupy the seats of power in corporations, in churches, in the universities and especially in government. For example, the median age of committee chairmen in the United States Senate is said to be close to 70. The lives of the younger generation are in escrow to men whose experiences they have not shared, whose orientations they cannot understand.

We are grateful that our lives have been lengthened because it is always our hope that more time will bring us the delight, the wisdom, the opportunity to achieve all those things we hoped for when we were young. But we were insensitive, we were intellectually irresponsible not to foresee these altered conditions in order that we might compensate for them.

Frustrated, the young people took the only courses that seemed open to them. In dress and appearance, they began to attack the styles of their elders. Consciously and unconsciously, they began to refuse to cooperate with customs and laws, sometimes with tragic consequences for themselves. They seemed to prefer self-destruction to acquiescence in that larger destruction they saw around them. It is inconceivable that we could ever have believed that a good scolding and a

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haircut would somehow make it all right again. Yet that is what we thought, at first, and some, apparently, still nourish that delusion.

All of this has brought the new generation to a moral impasse. If they acquiesce in what they believe is wrong, their own moral integrity is destroyed. But if they evade, they see the burden of warfare carried by those who lack education, or who are culturally deprived or whose skins are black or brown, those who, for whatever reason, cannot find shelter in privileged sanctuaries of society of which the university is the principal one. Is it any wonder that many of them despise their sanctuary? Evasion strikes at their sense of their own worth, their manhood or womanhood; they need, as their fathers needed, to validate their own moral and physical courage. In such a situation what are they to do? What would you do? There is some ease to be found, as John Milton once remarked, in destroying; there is a different kind of ease to be found in the lotus land of drugs. For the less frustrated there is some ease in the secret, silent enjoyment of the spectacle of the powerful giant methodically destroying itself through the alienation of the young to whom, I scarcely need remind you, the future inevitably belongs. I am not so gloomy as to think that these categories now include all of our students. The majority are still struggling with some hope in the traditional ways but their numbers are being eroded and, recently, have been alarmingly eroded.

This moral dilemma must be removed. Society must adopt goals and methods into which the younger generation can wholeheartedly throw their imagination, their energies, their idealism. And the machinery of society must be so altered that the young may actually share in the processes of power. If that cannot be done, we shall be doomed by our own inflexibility.

Over three hundred years ago, a legend had grown up in England that her supernatural guardian, the warrior angel St. Michael, would appear in Cornwall if the nation faced destruction. Spain had been England's enemy for so long that an assumption had also grown up that St. Michael, when he appeared, would always look toward Spain. But Time falsifies fixed ideas and Spain, actually, had long since ceased to be England's principal enemy; rather, the peril now was from within, from growing anger and violence, from inflated rhetoric and lack of understanding, and a young poet, who knew this, believed that the Angel was now looking in the wrong direction. He tried to give England a new policy and he succeeded, at least, in giving her a great line of poetry when he wrote—Look homeward, Angel, now and melt with truth—that is, with pity, with compassion.

Historians, in a way, are lucky people. They look back and discover all the mistakes, rectify all the errors, write epitaphs and sometimes prognostications. If I were a future historian of America, this is what I would like to be able to write:

"Americans of the mid-twentieth century were large, loud and sensate; they had learned how to make and build and fight, all of which had been necessary. But a new American was needed, one who knew how to give, to feel and especially how to yield, how to harness and tame all that assertiveness, all that egoistic energy that strove to make the world over into its own image. The Americans had subdued nature, conquered disease and diminished space, but there was something unlovely in their method, something that lacked gentleness and silence. They needed a new and softer music of the inner life. At that time there arose a new generation which turned away from the jungles of Asia and the deserts of the moon. It was a generation which looked homeward—with compassion."

AIR FREIGHT THEFTS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. ADDABBO. Mr. Speaker, Government and industry have recently increased efforts to curb mounting thefts and pilferage at the Nation's airports. The involvement of organized crime in these activities makes this a subject which is of concern to all Members of the House.

A recent article written by Leah Young and published in the Air Cargo magazine presents an interesting and informative view of this problem together with a description of the efforts to combat this crime at Kennedy Airport. The article is entitled "Air Freight Thefts Move To Stage Center" and of particular interest is the discussion of the activities of the Airport Security Council, and its distinguished executive director, Mario Noto. I am inserting the text of the article in the RECORD at this point:

AIR FREIGHT THEFTS MOVE TO STAGE CENTER

(By Leah Young)

Is the Mafia in control of air cargo at Kennedy airport?

Attorney General John Mitchell implied that this was so in a speech in February. There is speculation in Washington that the Justice Department is preparing indictments. But the airline industry's security officials are divided in their response.

Franklin Oelschlager of the Air Transport Association's security committee in Washington points out that these same charges were made in 1968 by the New York State Investigation Commission. The airlines responded at that time by forming the Airport Security Committee.

Asked if the Attorney General might have something concrete, Mr. Oelschlager says, "As far as I can determine he is just getting into the act now."

But, says Mario Noto, Executive Director of the Airport Security Council: "There isn't any doubt about it."

Mr. Noto told the members of the security council in a memorandum dated Jan. 26, that Kennedy Airport's high level of thefts and pilferage of currency, precious metals, wearing apparel and watches has "indicated an extensive and close collusion in the perpetration of these crimes with airline employees who have had either direct or indirect knowledge concerning specific details of airline shipping movements and custody status of such items."

The difference in approach between the ATA and Mr. Noto goes beyond the natural airline inclination to be reluctant to admit the crime situation may be so serious it even includes the Mafia, and the security man's "accept it and let's get on with the prevention" attitude.

ATA president Stuart G. Tipton has testified before a Senate committee that "apprehension and prosecution of these violators is the most effective deterrent to crime."

Says Mr. Noto: "The most effective deterrent to crime is erecting impenetrable barriers between the criminal and the merchandise. The least is catching the thief. One manager with deterrent measures is more effective than many policemen. It doesn't do you any good to lock the barn door afterwards."

So, Mr. Noto is using the security council in New York to instigate preventive measures like requiring identification badges in the cargo area and introducing a system for reporting thefts so he can discover where and for which commodities the cargo areas are vulnerable.

May, 1970.

The ATA says it's very pleased with what Mr. Noto is doing at Kennedy. But, it is assuring itself much more control over security groups forming at other airports by setting up a system under the ATA security committee in which sub-committees perform these functions instead of independent agencies such as the Airport Security Council.

John Steele of Trans World Airlines is chairman of the Airport Security Council and a member of the ATA security committee. He explains that the size of JFK requires a security council with a full-time staff, but other airports will find a part-time committee sufficient.

The airport security council is an amalgam of 43 airlines, both domestic and foreign based. It is a member of the Noto-promoted Metropolitan New York Air Cargo Theft Committee, an organization of truckers, marine underwriters, importers and the like who are trying to coordinate an industry wide attack on crime. It took a special agreement approved by the CAB to form the airport security council.

The 11 sub-committees planned for Miami, Los Angeles, San Francisco, Houston, Dallas, Chicago, Seattle, Boston, St. Louis, Atlanta and Detroit are strictly ATA groups. "The international airlines can always take part in our program," Mr. Oelschlager explains.

Although the airlines tout the airport security council as their answer to crime in their cargo areas, and Mr. Noto is widely respected for his efforts, he has not been asked either by Mr. Steele, his own chairman, or the ATA to advise other airports how to establish a theft reporting system or to give ideas on securing cargo.

Mr. Noto gave a presentation to one ATA security committee meeting on his highly refined reporting system that for the first time tells airlines what and when and how they had losses, but he was not invited to attend the entire meeting.

Says Mr. Oelschlager: "The ATA is made up of member airlines. These are the same lines that are in the New York project. I am reasonably sure that if they need his advice they'll get it."

Says Mr. Steele: "His duties are too demanding in New York for us to take his time elsewhere in the country except for something exceptional."

He explains that security problems "are not a question of expertise, but rather problems of administration and the ability to bear down in areas."

The Airport Security Council "has performed admirably under the direction of Mr. Noto," he says. "For the first time there is an impartial person to act as a central place for information, to conduct seminars. For the first time there is someone objectively surveying the situation and conducting reporting."

Mr. Noto's reporting system was a response to the N.Y. State Investigation Commission's observation that it was impossible to collect data regarding cargo thefts.

According to the reporting system, for the period March–December 1969 there were 569 cases of missing cargo with a value of $2,936,963. Total cargo going through Kennedy for that period is estimated at 623,195 tons, valued at $7,918,330,000.

Figures kept by the Port of New York Authority for that period total $3,180,492, but these figures include non-airline losses like cargo hijacked from trucks. The Port's full year figures for 1969 are $3,314,462 from 507 reports. In 1968, before Mr. Noto instituted his reporting system, the port was informed of only 216 thefts at a total of $1,705,608.

Since it is obvious that the Port's figures reflect an increase in reporting rather than an increase in crime, no one really knows if theft and pilferage has increased or decreased. What is known is that the value of the cargo shipped through Kennedy in 1969 is 83 per cent above that shipped the year before. Also, more cases of airline loss are being reported to Mr. Noto—569 for ten months compared to 507 for 12 months to the Port Authority.

Taking all these factors into consideration, Mr. Noto maintains that the measures instituted by the Airport Security Council have definitely cut down on airline losses and have made it more difficult for crimes to be committed.

Among the measures adopted by the council is a photograph identification badge system covering over 14,000 cargo employees and also non-airline personnel—truckers, customs brokers, service personnel—who need access to the cargo areas. Before this step anyone could enter cargo areas without identification.

Mechanical devices—ranging from locks and safes to closed circuit television and dual lens cameras had been installed by 69 percent of the carriers as of Dec. 1969.

Other improvements include beefed up numbers of security guards, a standardized document for release of cargo information, strengthened central depositories for high value cargo, and cooperation between the carriers, law enforcement agencies and other private and public agencies. Employment applications have been revised, and channels of responsibility for handling cargo have been devised.

Mr. Noto holds seminars among airline personnel to discuss cargo problems and give security training. His staff is preparing a security manual.

The next move is up to the Justice Department or the Treasury Department, which is considering legislation dealing with airport and dock thefts. In the meantime, shippers can keep an eye on security at other airports.

And, says Mr. Noto, "if shippers would intensify containerization and intermodal transportation it would be a tremendous deterrent."

THE 18-YEAR-OLDS VOTING

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RHODES. Mr. Speaker, on March 31 the Arizona Republic outlined some valid objections to the proposal that the national voting age be lowered to 18 by congressional fiat.

Those objections are some of the reasons this legislation is opposed by many Congressmen and by the President.

I call to the attention of my colleagues the editorial from the Arizona Republic entitled "A Bad Idea":

[From the Arizona Republic, Mar. 31, 1970]

A BAD IDEA

The move in the U.S. Senate to lower the voting age to 18 by legislative fiat is a bad one on several counts.

One could argue at length about the merits of reducing the age limits.

For the moment, however, that consideration can be set aside. A prior objection to the Senate's action concerns the assumption that voting standards across the nation should be changed simply by a decision of the national legislature.

Whether this is constitutionally permissible is itself a moot point. That it is philosophically unsound should be apparent to anyone who favors the federal idea of government.

One of the great strengths of the American system is that it permits diversity among the states, allowing them to establish the essential conditions under which the franchise is exercised.

Comparative results emerging from the variations give us a method of judging the value of one approach as contrasted with another, while the reservation of authority to the states undergirds their role in balancing off the central power.

In recent years there has been a headlong trend to homogenize the nation into a single unitary system, with the authorities in Washington dictating more and more to the several states.

This tendency has been particularly notable in the field of voting and representation, where a torrent of court decisions has pushed the states toward uniform adherence to liberal doctrines of total plebiscitary democracy.

Now the U.S. Senate, with some conservatives going along, seems to have caught the fever. It has acted on the assumption that the Congress can and should take over essential functions of determining the franchise in the several states, simply by legislative enactment.

The presumption behind the move tells us a great deal about the decay of the federal balance, and the reading is an unpleasant one.

On substantive and procedural grounds alike, therefore, we believe the Senate's action is mistaken. We hope the Senate-House conferees will act more responsibly, and move to strike the 18-year-old vote proposal from the voting rights bill.

LOWERING THE VOTING AGE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BRAY. Mr. Speaker, the Indianapolis Star last spring made the point that there "is nothing in the Constitution that says the Congress can usurp the powers of the States in setting up the qualifications for voting, as long as equal protection of the laws is applied."

This statement reflects the views of many Members of the Congress and the President of the United States. I insert the entire editorial from the Star of March 23 in the RECORD:

[From the Indianapolis Star, Mar. 23, 1970]

OLD ENOUGH TO?

The Senate has passed an amendment to the voting rights bill that would lower the voting age in Federal and other elections to 18. There were no vocal opponents to lowering the age to 18. Opposition centered around a constitutional issue.

The Constitution leaves the establishment of voting requirements to the states. For instance, Georgia has already lowered the votting age to 18 by state action.

It is interesting to note that Senators Kennedy and Goldwater both supported the move to lower the voting age to 18. The general tenor of their arguments was familiar—if you are old enough to fight or old enough to pay taxes, you are old enough to vote.

But this argument might be put in another way. If you pay taxes and fight for your country, you should be allowed to vote. Millions of 18, 19 and 20-year-old youths may be old enough under the law to pay taxes and serve in the armed services. Millions of them do not. There are 17-year-olds and 16-year-olds who pay taxes, but they would be denied the vote under the Senate bill. There are 17-year-olds and 16-year-olds who join the armed services, and they too would be denied the vote under the 18-year-old rule.

We believe that in order to change the voting age a constitutional amendment is necessary. There is nothing in the Constitution that says that Congress can usurp the powers of the states in setting the qualifications for voting, as long as equal protection of the laws is applied.

We are also inclined to ask why, if the criterion for voting should be the payment of taxes or service in the armed forces, should not attempts be made to limit voting rights to only those who do so?

THE EFFECT OF AN UNCONSTITUTIONAL VOTE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, this body will soon have to decide whether or not it will risk passing a law giving 18-year-olds the right to vote. The risk involves the constitutionality of such a law and the effect of an unconstitutional vote in a national election.

As the Richmond News Leader of March 31 said, "Think of the cost. Draw a mental picture, if you can, of the mess."

Mr. Speaker, I insert the News Leader editorial of that date in the RECORD:

[From the Richmond News Leader,
Mar. 31, 1970]

THE EFFECT OF AN UNCONSTITUTIONAL VOTE

Congressman Emanuel Celler reportedly has capitulated to superior pressure—if not to superior reason—and will not prevent the vote-18 issue from reaching the House floor. So it looks as though very soon the House will approve the vote-18 measure already passed by the Senate, and that Congress will give itself the authority to set the voting age at 18 nationally. Most likely it is too late to say anything more that might dissuade the House of Representatives from the folly it seems determined to commit [editorials February 24 and March 13]. But a few additional points deserve airing nevertheless.

Such vote-18 proponents as Senators Barry Goldwater and Edward Kennedy acknowledge that when the Founders wrote Article I of the Constitution in 1787, they unquestionably intended to leave voting age requirements to the States. Yet Senators Goldwater, Kennedy *et al* argue that the Founders did not write the Fourteenth Amendment, added to the Constitution 80 years later—the legal basis for their contention. But even the Fourteenth Amendment, the relevant section of which is quoted below, contains implicit recognition of 21 as the minimum acceptable voting age. The quoted section appears to render this argument of the vote-18 proponents beside the point.

Then, too, the nation is told that it must have an 18-year-old voting age, because to deny the vote to citizens between 18 and 21 on the grounds that they lack maturity and wisdom to vote, is invidious discrimination in violation of the equal protection clause of the Fourteenth Amendment. According to such reasoning, would it not be equally invidious to deny the vote to 17-year-olds or, for that matter, to 12-year-olds? Why does 18 hold more powerful magic than 21 or any other age?

XUM

Of course, many advocates of a lower voting age mouth that delightfully illogical maxim that if you're old enough to fight for your country you're old enough to vote. By the same logic, the reverse of the maxim would be true—i.e., that if you're too old to fight for your country, you're too old to vote. Moreover, the Constitution sets 25 as the minimum eligibility for Congressman, 30 for Senators, 35 for Presidents. By the same reasoning of the vote-18 aficianados such stipulations are absurd, for anyone old enough to be a Congressman is old enough to be a Senator, and anyone old enough to be a Senator is old enough to be President.

Perhaps the aspect of the vote-18 movement with the largest capacity for mischief, however, is this: Competent legal minds disagree about whether Congress has the power to set a national voting age—*any* national voting age. There is no doubt that a national voting age can be set by constitutional amendment; there is considerable doubt that Congress can do so by statute. What happens, then, if Congress establishes a national voting age and, after the 1972 elections, the Supreme Court finds that statutory provision to be unconstitutional? Do you nullify the electoral results? Do you hold elections again, disenfranchising 18-year-olds? Imagine the confusion and the bitterness. Think of the cost. Draw a mental picture, if you can, of the mess.

It used to be that Congress was a steadying influence in American life: It acted deliberately and with studied care. Not any more. Congress too often acts as a revolutionizing agent. This vote-18 business is a case in point. The legal questions involved are complex and profound. Yet Congress seems determined to toss caution out the window and to jump aboard a bandwagon that the nation's college students care little about, if one can believe the results of a Virginia Education Association survey of undergraduate leaders at Virginia's colleges and universities. This is a contrived issue, an issue that carries within it the potential for extensive damage to the stability of the American system. Is it too late to hope that Congress will recover its senses, and leave the voting age to the States?

RELEVANT SECTION

Fourteenth Amendment, Section 2—Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SEVEN-PERCENT INVESTMENT TAX CREDIT

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. DENNEY. Mr. Speaker, last December, Congress repealed the 7-percent investment tax credit under which a part of the cost of new equipment could be subtracted from Federal income tax liability. An effort to retain the credit on a limited basis failed in the Senate-House conference. Citing the plight of small business and the farmer, I have introduced a bill, H.R. 16377, to restore the investment tax credit on investment up to $15,000 in 1 year. Independent businessmen, voting through the National Federation of Independent Business, back this proposal with 82 percent in favor, 14 percent opposed, and 4 percent with no firm opinion.

I would like to take this opportunity to place in the RECORD the State breakdown of these figures as released by the National Federation of Independent Business. They are as follows:

STATE BREAKDOWN FIGURES TO AMEND TAX CODE TO RESTORE THE 7 PERCENT INVESTMENT CREDIT FOR SMALL BUSINESS AND FARMERS

State	Percent in favor	Percent against	Percent undecided
Alabama	88	11	1
Alaska	83	9	8
Arizona	86	10	4
Arkansas	80	15	5
California	81	15	4
Colorado	87	12	1
Connecticut	79	15	6
Delaware	84	16	
Florida	82	14	4
Georgia	87	12	1
Hawaii	91	4	5
Idaho	86	12	2
Illinois	85	12	3
Indiana	82	15	3
Iowa	81	16	3
Kansas	81	16	3
Kentucky	84	14	2
Louisiana	87	11	2
Maine	72	21	7
Maryland	85	13	2
Massachusetts	81	14	5
Michigan	83	13	4
Minnesota	87	10	3
Mississippi	82	14	4
Missouri	80	16	4
Montana	87	11	2
Nebraska	83	15	2
Nevada	77	17	6
New Hampshire	90	10	
New Jersey	83	14	3
New Mexico	87	10	3
New York	83	14	3
North Carolina	85	13	2
North Dakota	90	8	2
Ohio	83	14	3
Oklahoma	81	15	4
Oregon	77	15	8
Pennsylvania	84	14	2
Rhode Island	90		10
South Carolina	87	10	3
South Dakota	79	18	3
Tennessee	86	10	4
Texas	81	16	3
Utah	78	19	3
Vermont	82	14	4
Virginia	84	13	3
Washington	86	12	2
Washington, D.C.[1]			
West Virginia	79	16	5
Wisconsin	82	15	3
Wyoming	76	20	4

[1] Returns incomplete.

JEANNETTE RANKIN'S BIRTHDAY DINNER

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1970

Mr. OLSEN. Mr. Speaker, last Thursday evening, June 11, some 200 friends and admirers gathered to wish Miss Jeanette Rankin a happy 90th birthday. There were numerous distinguished guests on hand that paid homage to this great lady and former Member of this body. For those who were unable to attend the dinner I am inserting the accounts that the Washington Post and the Washington Evening Star published, along with two telegrams that were read at the dinner:

[From the Washington Post]

ORIGINAL DOVE OF PEACE

(By Margaret Crimmins)

This country may be on a youth kick, but it was the over-50s who were rapping about peace last night.

The "Happy Birthday, Jeannette Rankin" celebration at the Rayburn House Office Building had many of the older peaceniks there.

Miss Rankin, who marked her 90th birthday yesterday, is, of course, the original peacenik. As the nation's first congresswoman, she voted against entry of the United States in both World War I and World War II. She cast the lone negative vote on the World War II question.

Among those paying tribute to the indomitable Montana woman were former Alaskan Sen. Ernest Gruening, who was one of the lone dissenters on the Tonkin Gulf resolution, and Senate Democratic Leader, Mike Mansfield, who played a major role in yesterday's defeat of the Byrd Amendment.

"Let us not merely praise Jeannette, but let us follow in her footsteps" . . . said Gruening.

Sen. Margaret Chase Smith (R-Me.), the only woman in the Senate, said she "owes a large debt to Jeannette Rankin. She broke the way for me by being elected in 1916.

"I salute her for being the original dove in Congress. Senate doves shot down the Byrd amendment. Even I voted against it. Perhaps it was Miss Rankin's influence on such a stubborn hawk as I have been known to be."

Sen. Mansfield put a hand on Miss Rankin's shoulder and looked down at her affectionately: "Jeannette, the difference between your days and ours is that in your day they used to give Congress a chance to declare wars."

Sen. Mansfield, asked for a comment on the defeat of the Byrd amendment, which would have authorized President Nixon to send U.S. troops back into Cambodia without seeking advance consent of Congress after July 1, had three terse words:

"We were lucky."

Rep. Arnold Olsen (D-Mont.) said, "You look at the record now. We're voting your way, Jeannette."

Miss Rankin, wearing the ash blond wig she wears most of the time and is not shy in talking about it, answered the emotional tributes to her and her leadership in peace and women suffrage by saying:

"After 90 years, I am old enough. My skull is so thick I won't take all you've said too seriously.

"As a child I always wanted to live during the time of the American Revolution. It was a very tame time compared to what is going on today. I have never left Congress. When Sens. Morse and Gruening voted against the Tonkin Gulf Resolution, I voted with them."

Miss Rankin said she is constantly telling women they should write their congressmen.

"If you don't get an answer, keep writing. I do warn them, however, not to write oftener than once a week."

Some 200 birthday celebrants joined in singing "Happy Birthday, dear Jeannette" and toasted her with champagne. Her fans came from as far away as California. One professor from the University of New Hampshire said he came because he knew Miss Rankin was an editor of the Women's Suffrage Journal around 1917.

"I had to be here," he said. "Miss Rankin was 50 years ahead of her time. She has been a shining light to everyone who believes in peace and women's rights all these years."

Among other guests was a minister from Watkinsville, Ga., the Rev. Ted Harris, who is writing a doctoral thesis on Miss Rankin, entitled "Jeannette Rankin: Warring Pacifist."

"She keeps apologizing for taking my time," said Harris.

The salty and grandly chic woman, described by one guest as "quite a vamp when she gets all dressed up in black and serves sherry," lives most of the time now in Watkinsville, where she is crusading now for a "direct preferential vote for president," in which the voter would express first, second, third, fourth and fifth choices for President. Her house has pressed dirt flowers, covered with rugs.

Miss Rankin, who broke her hip in April, when she was preparing for an American Civil Liberties Union trip to Russia, seems out of place in a wheelchair.

"I slipped and fell because I didn't have a good man beside me to hold me up," she said.

Her wheelchair is marked with a small adhesive tape tag, scrawled "J. Rankin." The name was larger and more impressive than that last night.

A prayer written by Miss Rankin's great-nephew, Eric Ronhovde, of the State Department, expressed part of the feeling:

"The whole world may feel and see that things that were cast down are being raised up, and things which had grown old are being made new . . ."

Miss Rankin, still modest after all of the national attention she has received for starting crusades which now have become "in" with the youth in this country, said simply "I hope I haven't burdened you too much from either speaking or from living too long. You can go on now from where I leave off."

[From the Washington Star]

Pacifist "Queen" Given Tribute

(By Mary Anne Dolan)

"I salute her for being the original dove in the Senate . . . she now has quite a covey of doves . . . if you doubt this, look at how her Senate doves shot down the Byrd amendment today."—Sen. Margaret Chase Smith.

Jeannette Rankin, dowager queen of pacifists and ranking prophet of the Women's Liberation Movement, came to her 90th birthday party last night in a wheelchair.

But even after a long dinner, eight tribute speeches, roses and a champagne toast she stood up at the podium like a stumping politician and spoke for more than 30 minutes.

The spritely native Montanan who now lives in Athens, Ga., was honored at the reception and banquet by a host of sponsors including Senate Majority Leader Mike Mansfield, Sen. Lee Metcalf and honorary patron, Mrs. Martin Luther King.

"You all talk of me being the first woman in Congress," Miss Rankin said. "But I don't think you know I started being a congressman long before I was elected, and have remained one ever since."

Famed as one of 56 members of Congress to vote against American involvement in World War I and the sole dissenting voice in the vote for World War II, Miss Rankin chided that, "when Wayne Morse and Sen. Gruening voted against the Tonkin amendment, I voted with them."

She is perpetually on the campaign trail, speaking as clearly as in the days when she fought for women's suffrage. She said last night:

"The first thing in changing a habit is making up your mind. War is a habit and when an emergency comes, they fall back on it."

"We can get a President out of office but we can't elect one . . . we must go back to letting people choose and live by their choice."

"Half the people are women and half the people aren't expressing themselves, because they've been told for so long to keep quiet and to be good."

Broken hip notwithstanding, Miss Rankin spoke articulately last night and with great intensity about many of the same issues she faced as a two term Republican member of the House from Montana (1917–1919, 1941–1943).

"The only difference between the time you served in Congress and the time we served," Sen. Mansfield said, "is that in your day they used to declare war and give Congress a chance."

In her review last night of her most heartfelt concerns, many of the guests said they were hearing echoes of speeches of a woman elected to Congress before other women even had the vote.

Sen. Lee Metcalf was prompted to comment, "She is young at heart . . . has survived a generation gap, jumped over several other generations and stands shoulder to shoulder with the youth of today."

Among others who spoke glowingly and personally were Sen. Margaret Chase Smith, who served with Miss Rankin in the 1941 session, and former Senators Burton Wheeler and Gerald Nye.

WASHINGTON, D.C., *June 12, 1970.*

Miss JEANNETTE RANKIN,
Rayburn Building,
Washington, D.C.:

Congratulations on being young at 90 and for always having had the conviction of being an advocate for what you have believed.

Ghandi once said, a "no" uttered from deepest conviction is better and greater than a "yes" merely uttered to please or what is worse, to avoid trouble.

You have said "no" when it was difficult to what you believed wrong and yes to what you believed right.

I have been honored to work with you these past years and know we will continue to work together in the future.

BIRCH BAYH,
U.S. Senator.

GRAND RAPIDS, MICH.,
June 12, 1970.

JEANNETTE RANKIN,
Rayburn House Building,
Washington, D.C.:

Best wishes and congratulations on your 90th birthday unable to be with you on this important occasion. Love.

MAE RANKIN.

FLAG DAY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. JOHNSON of California. Mr. Speaker, I rise to commend our colleague JACK BROOKS from Texas for a very stirring program which appropriately gives us an opportunity to rededicate our personal devotion of the all-important values of freedom and human rights. As the gentleman from Texas has eloquently pointed out to us today, our flag is a symbol of hope, opportunity and promise to all who value freedom as a way of life.

We must emphasize that the promise of equality of opportunity, freedom and justice is truly a promise to all people regardless of their origin, race, creed, or social, or economic background. None of us are so short-sighted that we do not realize that in our history there have been times when these promises were not kept for all our people. There are some today who say that they are not being kept now. I would pose only this thought—that the mere fact that these deficiencies in the equality of opportunity are recognized and that people are speaking out vigorously to correct these deficiencies is probably the most dramatic proof that we do truly have a democratic freedom to speak our mind and work to correct what we feel is wrong. I feel that in this system of ours that is not only a freedom, but an obligation of good citizenship. These are the principles for which this country and its flag stand, and in the words of Jack Brooks, may I call on all Americans "to rededicate their energies to the construction of a society in which the democratic values of liberty and freedom may take root and flourish for the benefit of generations to come."

INSIDE NORTH VIETNAM

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mrs. GRIFFITHS. Mr. Speaker, the following is the last in a series of articles on North Vietnam written by Robert S. Boyd, Washington Bureau Chief of the Knight Newspapers. I would like to insert this final article for everyone to read:

Both Vietnams Claim Time Is on Their Side

(By Robert S. Boyd)

Both North and South Vietnam claim father time is on their side.

Hanoi is counting on time to wear out American patience and interest in the war, and let Hanoi gobble up South Vietnam.

Saigon is counting on time to let her build her strength to the point where she can hold off the Communists alone, with the help of Americans arms and dollars but not American fighting men.

After visiting North Vietnam last month and learning how the other side analyzes the situation, I went to South Vietnam to listen to the Allied story.

The view from Saigon turned out to be almost diametrically opposite to the view from Hanoi.

Here's how the opposing arguments stack up:

North Vietnam's leaders assert that the war is essentially between them and the United States. In their public statements, if not in their secret plans, they dismiss the Thieu-Ky regime in Saigon as a negligible force. They claim the South will plop into their lap

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like an overripe plum once the Americans are gone.

Thus the immediate aim of the North Vietnamese is to get U.S. forces out of South Vietnam.

Conditions are turning in their favor, they say.

As President Nixon pulls out more American troops, the Allied side will become progressively weaker, they contend.

"You cannot achieve without 500,000 soldiers what you could not achieve with them," one official in Hanoi said, echoing some American critics of Mr. Nixon's policy.

Meanwhile, the war is putting a heavy strain on the U.S. economy, the North Vietnamese say, but their own economic system is so primitive and flexible that it can endure a prolonged war on even a renewal of U.S. bombing.

American public opinion is also growing increasingly war-weary, but the North Vietnamese say their people are still determined to carry on the struggle against what they consider foreign "aggression."

Authorities in Hanoi did not mention it, of course, but public opinion, if it were disenchanted with the war, carried little weight in a tightly controlled communist society like North Vietnam.

Furthermore, my impression was that one of the side effects of U.S. bombing has been to heighten North Vietnamese hostility toward America and rally people around their government.

(The Defense Department was asked if it wished to comment on the effect of the bombing, as described in an earlier article in this series. Assistant Secretary Daniel Z. Henkin said the department would have no comment.)

A thousand miles south in Saigon, the official outlook is quite different.

While many Americans there have private doubts, in public they assert that the President's program is working and has a reasonable chance of success.

The South Vietnamese, they say, are finally developing the muscle they previously lacked to handle their own defense.

It wasn't until after the great turning point of TET 1968, officials note, that the United States began to equip the South Vietnamese army with weapons as good as the communists enjoyed.

And it wasn't until after Mr. Nixon announced his first troop pullout, just a year ago, that the South Vietnamese were convinced that they were going to have to stand on their own feet.

Officials concede that optimistic claims and statistics have proved illusory in the past, but insist that at last we're on the right track.

One senior official said he has absolutely no doubt at all that Saigon's army will be able to handle the communists' military threat by a year from now, when the United States is supposed to have ended its combat role.

As for Hanoi's claim that the Thieu-Ky regime will collapse as soon as U.S. support is gone, officials in Saigon assert that the government is displaying political skill and stability.

Dissident students, Buddhists and war veterans have stirred up trouble, but have been unable to shake the regime seriously.

Unless inflation undercuts his support in the army, the civil service and the Catholic minority, President Thieu should be able to hold out, the argument goes.

The real weak spot, in the official view, is not the military situation or the political divisions in South Vietnam, but the economy.

As the United States pulls out, the South Vietnamese will have to tighten their belts, give up their motorcycles and TV sets and other luxuries, and struggle to support their swollen army.

Officials concede that public opinion in South Vietnam is divided. But they insist that a "lot of people" are not willing to accept communist rule, and will fight to prevent it.

And so the argument goes on and on. Hanoi puts out its line, and Saigon counters with its own.

A reporter can discover some evidence which seems to support one side of the argument, and some the other. But he realizes that his knowledge is limited, and that judgments based on partial information can be dangerous.

Only time will eventually tell which side has the better case.

TIMES NOTES CAMPAIGN REFORM

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. WOLD. Mr. Speaker, this morning's editorial—June 15, 1970—in the New York Times entitled "Campaign Equality," presents an excellent summary of the recently released Twentieth Century Fund report on reform of congressional campaign financing.

Before the report's publication on June 8, 1970, I had the opportunity to go over it in detail. Although I did not agree with it on a point-by-point basis I felt the proposals to be both imaginative and realistic, and, made arrangements to have the report printed in the CONGRESSIONAL RECORD for the benefit of the Members of this body.

The trustees of the Twentieth Century Fund and fund director M. J. Rossant exercised a great deal of leadership and initiative in putting the report together. As noted in the Times editorial:

> Its personnel represents a wider political spectrum than is usually the case—Republican and Democrat, black and white, business and labor, experience and youth.

In my judgment this is a valuable contribution. There is nearly unanimous agreement that reform is needed. Actual reform has moved very slowly though because of the very differences of party, race, age, and experience. This report should do much to lessen the concern because it was put together on such a broad basis.

Mr. Speaker, I ask unanimous consent that the Times editorial of June 15, 1970, be inserted at this point for the benefit of those who have not had the time to read the complete report which the gentleman from Idaho (Congressman HANSEN) assisted me in having inserted in the RECORD of June 8.

CAMPAIGN EQUALITY

Once again a committee of distinguished citizens has looked into the financing of political campaigns in this country and found the picture deplorable. A task force of the Twentieth Century Fund, concentrating wholly on Congressional campaigning, differs little from other recent investigating bodies, though its personnel represents a wider political spectrum than is usually the case—Republican and Democrat, black and white, business and labor, experience and youth.

In its chief recommendation the task force points up the distance that experts have moved from the days when they still hoped that limitation on contributions and expenditures would be effective if only the amounts were made realistic. Rather than bewail the costs of campaigning and attempt to limit them, the report bluntly proposes spending "more money more wisely" to the end of achieving "fair competitive Congressional elections."

Seeking to give the poor candidate a fighting chance against the rich one, to offset the incumbent's advantages over the challenger, the Twentieth Century Fund group wants ceilings not made less absurd but removed altogether. Certainly it can be demonstrated that fixed limits have never kept pace for long with the rising costs of campaigning. The results has been that the law invites the grossest evasions and ultimately no more respect than was accorded to Prohibition. Better to put all the emphasis of law on guaranteeing full and pre-Election Day disclosure by all candidates of the amounts they receive and their sources, a point made years ago by Senator Gore of Tennessee in his inquiry into the subject.

The problem is not only to let the public know where a candidate's funds are coming from, but to cut down the span between the financial resources of, say, a Kennedy and a Humphrey—or, to come closer to home, between an Ottinger and a McCarthy. Disclosure on this score is good but not enough.

The task force recommendations would try to equalize finances by providing a tax credit for small contributions, by offsetting an incumbent's frank with a free mailing for his opponent, by making registration a government responsibility rather than letting it remain a financial burden on parties and candidates, and, above all, by bringing television within easier financial reach. All Congressional candidates would be guaranteed access to radio and television at 50 per cent of the lowest commercial rate prevailing for the desired time—with the broadcasters allowed to deduct the discount from their income tax.

The recommendations do not go so far as to propose outright Government subsidy for election campaigns, as urged by political reformers as long as a half-century or more ago. The present rather mild proposals would certainly not bring about a Utopian equality; but they would help to bring some equity into an area of American life that is becoming alarmingly the province of the rich.

A CONCERNED AMERICAN

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. LATTA. Mr. Speaker, I receive many letters from young people expressing their views on some of the critical issues facing our Nation, but one of the finest I have received is one from Miss Barbara Jean Denny of Oak Harbor, Ohio, which I would like to share with my colleagues. It is with pride that I include it in the RECORD at this point:

Hon. DELBERT L. LATTA,
House of Representatives,
Fifth District, Ohio,
Washington, D.C.

DEAR CONGRESSMAN LATTA: I am only 21 years of age, but I am a concerned American. Up to the point of my 21st birthday and my privilege of voting, I have been one of the "silent majority", to borrow a popular term. I will no longer be silent. I love this great country of mine, and it makes me feel so sad to see fellow neighbors and other individuals disagreeing with the subversive

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movement in our country, but doing nothing about it. Why? They express their opinions to their family and close friends, and they actually believe in America and its ideals, but are afraid to write articles to newspapers, express their opinions to the general public, or write to their Congressmen. A sad day is coming for our nation if these people don't stop worrying about "what people will think", but act. They don't seem to realize that three-fourths of the people around them already agree with them.

I was really stirred last night when I saw on TV over 150,000 American workingmen in New York City parading for our country and showing their patriotism. It gave me chills up and down my spine to see them and hear them, because this hasn't happened lately in our country. Is it old hat to believe in America, our country? Why are certain people in our country allowed to tear down the flag, trample on it, and disavow the heritage of our country? Isn't this treason? If so, why aren't they punished? I realize this is a free country, but aren't a lot of the ideas this subversive element is pushing, against our freedoms and the good of our country? I concur that freedom is wonderful, and I also don't think anyone in any group can deny that we have far more freedoms in this country than a lot of other countries permit. Preventing the destruction of public property by policemen and National Guardsment is not denying a freedom, it is preserving it. It all goes back to the old saying, "Give me an inch, and I'll take a mile." Allowing students (kids my own age) to run this country or the colleges and universities is calling for chaos. I believe it is good to have a few student representatives in Government because it provides experience for them in running the country—which they will do in a few short years, but a complete takeover policy for students is not wise. Many students are intelligent scholastically, but they lack the common sense and wisdom that age and experience has over them in running the government and schools. How could students be capable of choosing a certain teacher to teach a subject, when they themselves are not familiar with that subject? It just doesn't make sense. I believe you will find a real problem in this country when this war is over and the soldiers return to the states. If radical students make unpatriotic remarks to the soldiers when they return, there is going to be more violence—only this time between the same generation. Will the people stand behind the radicals, or will they back the soldiers who fought for our country? I wonder.

I am, indeed, part of the younger generation, but I do not feel I am the only one who feels this way—it was proven at a meeting in our town last night. There was a meeting of adults and college students, and I believe as an end result of the meeting, some of the students "grew up." There was a Freshman boy there from Toledo University, and he stated he was against the rioting certain students are engaged in. He also stated there were two busloads of kids brought onto the campus to stir up rioting. He definitely believes they are not students, but a subversive element. Fortunately, he said, they were booed off campus. He also mentioned there were several students there from Kent State University who were trying to cause trouble. He said he couldn't understand why they were there at TU trying to cause trouble, instead of staying on their own campus where they belong. He, like I, believes that the arson and destruction this small element is engaged in is standing in the way of the freedom of the students. If students wish to take ROTC, it is their privilege, and not compulsory. Why should that privilege be interrupted by certain students who are allowed to burn these buildings and interfer with the rights of other students who wish to use these facilities?

Also, I believe that if you speak peace, act it. The main college speaker at last night's meeting is a future minister. He was trying to relate a parallel between what the students are doing and the ideals of Jesus Christ. How dare he draw any comparison in that instance? Everyone knows that Jesus not only *preached* peace and love in God and his fellowman, but he also *practiced* it. He did not yell obscenities nor did he throw rocks, bottles, or railroad spikes at the individuals who disagreed with what he preached—he knew that would accomplish nothing. How can honest comparisons be made between Christ and the recent demonstrations? If students advocate peace, they can always join the Peace Corps or any other nonviolent group that will aid the peace—not destroy it.

It was also brought out by a majority of the people last night that no matter what politics we are, we should support our President. We elected him and he is making an honest effort to end the war. He did not make the decision to go into Cambodia in a few minutes, but considered it very thoroughly and for the good of our men in service presently there. How can one man be blamed for the crisis this country is in now? He did not start inflation, pollution, or the racial problem in this country, nor did he start the war in Viet Nam. He did not send the first troops over. How can you condemn a man for trying to aid our soldiers, but say nothing about the men who first started the conflict there by sending American boys over? No one likes the war, but the McGovern-Church Amendment To End The War is *not* the answer. It shows a lack of confidence in our President, which, for the respect of our country by other countries is unwise. I am pleading with you in this letter, asking you *not* to support that vicious amendment. It portrays our President to be untrustworthy and a martyr, and he is indeed neither of those two. I realize I am just one small person, but I know I reflect the views of a majority of the people.

I believe a lot of the Congressmen and Senators are "scared stiff" to stand up for the good of the country, because there will be an election this fall, and they are afraid they won't be re-elected. What a foolish mistake they are making, because most people respect honesty, and supporting radicals who intend to destroy our form of government, will only aid in a lack of votes to the Congressmen and Senators by the majority.

I am enclosing a clipping of the letter I wrote to one of the local newspapers, and also a clipping that was in several days later. I have received a lot of favorable remarks about my letter from people who said, "That is exactly how we feel, but we didn't have the nerve to say it!"

How about a patriotic plunge to end the threat of communism in this country instead of aiding it and the overthrow of our government? I believe it would be a far more profitable effort.

Certain radical students don't seem to realize how lucky they are to be able to go to the best schools in the country and major in the fields of their choice, and to voice their opinions openly. Behind the iron curtain that is not likely, as voicing one's opinion might result in assassination. This country is truly the greatest, and if the American people will use their freedoms wisely and not abuse them, this wonderful land of ours will be here for centuries to come. If people don't stand up for America but sit idly by, our freedoms will eventually be destroyed.

Please, Mr. Latta—support our America and our President!

Respectfully,

Miss Barbara Jean Denny.

ISAAC DON LEVINE'S TRIBUTE TO ALEXANDER KERENSKY, PREMIER OF DEMOCRATIC RUSSIA IN 1917, AT MEMORIAL SERVICES JUNE 14, 1970

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HÉBERT. Mr. Speaker, Isaac Don Levine, the Russian born author and editor who came to the United States in 1911, and whom I have known for more than 25 years, delivered the only English portion of the eulogy at the funeral service for Alexander Kerensky, who led Russia in the brief interval between czarism and communism in 1917.

Mr. Levine is one of the most articulate and knowledgeable men on the subject of Russia. He has written 10 books about the country and its revolution in addition to being a columnist, editor, and foreign correspondent in his journalism profession.

He is a veteran fighter of communism who knew Kerensky since 1927 when the latter made his first visit to the United States.

Mr. Levine's tribute to Kerensky is of interest to all of us, and I insert it at this point in the Record:

LEVINE'S TRIBUTE TO ALEXANDER KERENSKY

Among the various contributions to humanity for which history will honor the memory of Alexander Kerensky, there are four great legacies which will endure as long as civilization survives on this planet.

First, was his love of Russia. Only those who were close to him knew how profound was his devotion to the land of his birth whose great cultural heritage was his inspiration and pride, whose tragic struggle through the ages to achieve freedom was his lifelong obsession, and whose very soil was sacred to him. Many of his colleagues, ministers and ambassadors of the Provisional Government, when they escaped abroad after the Soviet Revolution, became citizens of foreign countries. Not Alexander Kerensky. He travelled for more than half a century all over the globe, crossing the Atlantic scores of times, on a little tattered identification paper, a so-called Nansen passport, which described him as stateless. This document will some day be framed in a Russian national museum as a testimonial to his undying patriotism.

The second legacy was his living challenge for 52 years to the conspiracy that had, under Lenin and Trotsky, usurped the power of a democratic parliamentary government and established a despotic dictatorship of a new ruling class. To the illegitimate dictatorship Kerensky's presence was a thorn, and to the outside world a constant reminder of a glorious spring in the wintry life of his country. The Kerensky era and the 34 weeks of the existence of the Provisional Government in 1917 were and are and will forever remain indissoluble in history. From the moment he became Minister of Justice upon the abdication of the Tsar to the November 7th coup d'etat, Kerensky personified the only spring of freedom in a thousand years to dawn upon tormented Russia, a spring which wilted under the cruel blasts of the first world war. Today, when the decaying oligarchy in the Kremlin is being challenged by a new generation of freedom fighters, it is well to remember that it was during Kerensky's administration that the Russian masses enjoying universal suffrage for the first and last time elected a Constituent Assembly, to realize the dream of generations. This dream was shattered by Lenin with the bayonets of a mob of thugs, but the future free Russia will enshrine Kerensky's name as its dedicated champion and architect.

The third legacy goes to the heart of Kerensky's mission and activity abroad. Since the summer of 1918, it was his all-consuming passion to build a bridge between the West and the libertarian and progressive Russians. He came out of the underground in 1918 with the mission of reaching the Allied heads at the Versailles Conference and of enlightening them as to the true character of the scourge which descended upon Russia. In the belief that liberty is indivisible, that its destruction in one area will infect the entire body of the Western world, Kerensky pleaded for an understanding by Western leaders and the public of the phenomenon of Bolshevism. For 52 years he watched with dismay one international crisis after another, the rise of one generation after another, floundering in the mythology of the Moscow school of falsification of history which Lenin founded and which to this day has the West befuddled and starry-eyed. But a new generation within Russia has now arisen to vindicate Kerensky's mission and spell out for all mankind the message: "Know your enemy, and that knowledge shall make you free."

The fourth legacy left by Kerensky is to be found in his deeds and his vision in the field of racial strife, of ethnic division, of the oppression of minorities by dominant majorities. In this metropolitan area, where two million Jews, half a million Poles and perhaps a hundred thousand Armenians, stemming from the former Russian empire now live, it can never be forgotten that it was under Kerensky's influence in 1917 that the Jews were fully emancipated and that the Pale of Settlement was abolished, that the sovereign rights of Poland were recognized, that the rights of the Armenians, Georgians, Estonians, Ukrainians and other minorities to self-determination were declared to be inalienable. Kerensky's dream was a voluntary confederation of all the races of that former Czarist empire, a dream which humanity, to survive, will some day have to convert into reality.

When these legacies of Kerensky are compared with those of his powerful contemporaries, his stature in history assumed a dimension of the first magnitude. When one thinks of the statesmen who brought about the liquidation of the British Empire, of the Kaiser and his successors who brought untold disasters upon Germany; of the leaders of France whose Maginot Line minds led to the nation's catastrophe; of the Roosevelt diplomacy of Teheran and Yalta which has left the United States, 25 years after the last war, with nearly a million men under arms in Europe and Asia, then the legacies of Kerensky take on an enduring glow. They were love of country, love of humanity, and the greatest of them all, love of freedom.

MR. BOYLE'S ADMONITION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. CLARK. Mr. Speaker, on June 8, President W. A. Boyle of the United Mine Workers of America sent a telegram to the then Secretary of Health, Education, and Welfare, Robert H. Finch, calling for the appointment of an advisory committee on coal mine health research. You may remember, Mr. Speaker, that such a committee is provided for in section 102 (b) (1) of the recently enacted Coal Mine Health and Safety Act of 1969. Further, Mr. Speaker, such a committee was to have been appointed no later than March 30, 1970.

This delay is intolerable to American coal miners and to their families. I believe that Mr. Boyle's admonishment to the Secretary of Health, Education, and Welfare is worthy of the attention of Congress and I am, therefore, inserting it in the RECORD:

JUNE 8, 1970.

Hon. ROBERT H. FINCH,
Secretary of the Department of Health, Education, and Welfare, Washington, D.C.:

The Federal Coal Mine Health and Safety Act of 1969 section 102(b)(1) directs you to appoint an advisory committee on coal mine health research. As provided in section 509, the appointment of the committee was to be announced within ninety days following enactment of the law which should have been no later that March 30.

The American coal miners have waited patiently for action by you on the committee's appointment. The victims of coal workers' pneumoconiosis are desperately worried over every day of delay. Further delay seriously threatens the criteria developed by your department and endangers the availability of funds essential for the extensive research necessary for control and prevention of coal workers' pneumoconiosis. The United Mine Workers of America urges you to announce immediately the appointment of the advisory committee.

W. A. BOYLE,
President, United Mine Workers of America.

EIGHTEEN-YEAR-OLD VOTE

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. KYL. Mr. Speaker, on May 2 the New Republic, a magazine not noted for its conservative views or strict constructionist approach to the Constitution editorialized against Congress attempting to legislate the vote for 18-year-olds. The New Republic warns of the confusion that would follow if the Supreme Court declared the law unconstitutional after a national election. This confusion is one reason the President has expressed his open opposition to legislating the 18-year-old vote and his approval of passing a constitutional amendment to obtain this vote.

I call the attention of my colleagues to the New Republic editorial:

[From the New Republic, May 2, 1970]

EIGHTEEN-YEAR-OLD VOTE

As a crucial bill extending the Voting Rights Act of 1965 moved through the Senate toward passage earlier this month, a group of liberals attached a rider to it which would extend the franchise to 18-year-olds in local, state and federal elections. Giving them that right won't revolutionize American politics; remarkably few of the young exercise it. But there is broad, bipartisan agreement (Nixon to Kennedy) they should be given it; the question is, how? Legislation by rider is not a practice that most of the liberal senators approve of in their soberer moments, and its use in this instance illustrates its vices.

While there are constitutional lawyers who believe that under recent Court decisions, Congress is authorized to take over from the states their traditional function of setting age and other qualifications for voting, there is equally persuasive and learned opinion to the contrary. The Senate's rider is thus of dubious constitutionality. The issue of the 18-year-old vote, as now presented, exerts what Justice Holmes once referred to as "hydraulic pressure." Should the Supreme Court uphold the constitutionality of the Senate rider under this pressure, it would launch a doctrine whose radiations are unpredictable, and in many applications quite possibly disadvantageous to the interests that sponsors of the rider care most about. The Court will have worked an historically significant shift in the balance of functions between the state and federal government. It has done so before; it may do so again. But the outcome is in doubt, and the wisdom at this time of requiring the Court to decide is questionable.

On the other hand, should the Court withstand the "hydraulic pressure" and declare the Senate rider unconstitutional, it would expose itself to the wrath of all those whose expectations it would defeat, and in the bargain cause confusion about the results of elections that may already have been held under the provisions of the rider.

These are the problems to which the proposal for legislative enfranchisement of 18-year-olds give rise. They could be bypassed by traveling instead, and as rapidly as possible, the route of a constitutional amendment—the route that was taken to guarantee suffrage to women (the 19th Amendment), to permit District of Columbia residents to vote for President (the 23rd) and to abolish the poll tax in federal elections (the 24th). Unfortunately, the decision now to go this route creates new perplexities. For any effort by the House to detach the Senate rider from the Voting Rights Bill will require sending that bill to a Senate-House conference committee (chaired in all probability by Sen. Eastland of Mississippi) and thereafter at some point to the Senate floor. That in turn would open an opportunity for a Southern filibuster, which previously was avoided by making a vote on the Carswell nomination conditional on a prior Senate vote on the Voting Rights Bill.

Extension of the Voting Rights Act is of paramount importance, especially to still-disenfranchised blacks in the South. One must therefore ask whether it was worth the risk to insist on giving 18-year-olds the vote by a questionable legislative method, rather than waiting, and it need not be a long wait, for the enactment of a constitutional amendment. The constitutional dilemma is real, and if the risks to the Voting Rights Bill do materialize, the responsibility will not be that of a group of Senate liberals alone, but their share of it will be a heavy one.

CONSTITUTIONAL AMENDMENT TO LOWER THE VOTING AGE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HUNT. Mr. Speaker, despite rumors to the contrary the President has not changed his position regarding the 18-year-old vote. While not opposed to 18-year-olds voting, the President believes that this must be accomplished by a constitutional amendment.

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Last month the Washington Post in an editorial explained why this is the better way.

The editorial is entitled "The Right Road Toward Voting at 18." I insert it in the RECORD at this time:

THE RIGHT ROAD TOWARD VOTING AT 18

It is most unfortunate that the voting rights bill and the proposal to lower the voting age to 18 years have become entangled in a political controversy. In our view, both are important. Both should be enacted on their own merits. But there is no logic in tying them together, and the President has made a formidable argument in his letter to Speaker McCormack that a uniform voting age can be fixed only by constitutional amendment.

Chairman Celler of the House Judiciary Committee fears that extension of the Voting Rights Act of 1965 may fail unless the House accepts the Senate bill with the voting-age rider attached. The answer to that is that Congress must not permit it to fail. But Congress should accept the bill for what it is. Logic becomes very twisted when the House leadership argues that a Senate rider of doubtful constitutionality should be accepted for the sake of presenting a more popular package.

The difficulty with the assumption that Congress has authority to fix the minimum age for voting is that it flies into the face of some rather specific provisions of the Constitution. Article I, Section 2, says that voters who elect members of the House shall have those qualifications fixed by the States for choice of their own legislators. The Seventeenth Amendment says the same in regard to electing senators. Whatever right Congress may have to change this is derived from the Fourteenth Amendment which forbids the denial of "equal protection of the laws."

But is a voting age of 21 years a denial of equal protection? Can it really be said to involve "invidious discrimination" against the young, to use the phrase the Supreme Court applied in its so-called one-man-one-vote decisions? Apparently the authors and ratifiers of the Fourteenth Amendment did not think so, for they specifically recognized the voting age limit of 21 years to be the correct one. In Section 2 of that amendment they provided that a state's representatives in Congress should be reduced if it should deny or abridge voting rights of male citizens over 21.

The only ground on which the sponsors of a voting-age change by statute have to stand is the Supreme Court's decision in the Morgan case. The court upheld a provision in the 1965 Voting Rights Act enfranchising Puerto Rican children in New York who were literate in Spanish but not in English. The state had made ability to read and write English the test, thus discriminating against an ethnic minority. It is, as the President noted a, giant leap to go from this well founded conclusion to the flimsy assumption that denial of the vote to youths of 18, 19 and 20 is discriminatory in a constitutional sense, when the Fourteenth Amendment itself clearly indicates that it is not.

In the face of this strong evidence that a statute intended to give 18-year-olds the vote would not accomplish its purpose, the risk should not be taken. Congress should not put the Supreme Court in the position of having to go along with an unconstitutional statute or risk disappointing millions of young people for reasons many would not understand. Nor should it subject the country to the potential chaos that might result from many local, state and national elections in which eligibility to vote would be open to wide question. The Senate bill makes provision for an early test of constitutionality in the courts, but there could be no assurance that the issue would be finally resolved even for the 1972 presidential election.

The President is open to criticism for not having pushed his proposed voting-age amendment months ago, although his views have been well known since the 1968 campaign and an amendment for the purpose is already before the Senate, with the endorsement of two-thirds of its members. If this were promptly passed by both houses, it could be ratified in time for the 1972 election. The women's suffrage amendment required only 15 months for ratification.

It is highly probable that, if Congress acts promptly, a new amendment would be in effect in less time than would be required for a definitive constitutional test under the statutory procedure proposed by the Senate. And that procedure is likely to prove futile in the end. We urge Congress to take the right road toward a worthy objective without further bickering.

U.S. POW'S, MIA'S FAMILIES ARE PAWNS OF THE COMMUNISTS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. TALCOTT. Mr. Speaker, William McGaffin, a writer for the Washington Bureau of the Chicago Daily News has written an article which ought to be read by every citizen of the United States and the free world.

Contrary to all agreements, treaties, rules, and basic humanitarianism, the Communists are mistreating our prisoners and tormenting their families as a policy of war.

Worldwide public opinion needs to be mobilized to help prisoners of the Asian Communists.

I commend the following article which appeared in the June 10, 1970, issue of the Chicago Daily News.

The newspaper is to be commended for reporting the story of our neglected and forgotten citizens. If every newspaper would publicize this extraordinary tragedy, perhaps the plight and torment could be alleviated.

The article follows:

YANK PW'S: PAWNS OF THE REDS—TWO WARS HAVE SHOWN US THAT ASIAN COMMUNISTS REGARD PRISONER LISTS, LETTERS, TORTURE AS TOOLS TO GAIN VICTORY

(By William McGaffin)

WASHINGTON.—Miserable food, poor medical care, solitary confinement and no word to your anxious family back home that you're a prisoner.

There is a tragically familiar ring to the accounts of how Americans taken prisoner in the Vietnam War are being treated by their Communist captors.

At the Pentagon, it brings back bitter memories of what happened to American prisoners during the Korean War.

Pentagon officials frankly acknowledge they have found no solution to the prisoner of war problem that developed during the last two wars the United States has fought in the Pacific.

Their only consolation is that the number of Americans held in Communist prison camps is far smaller this time than in the war with North Korea, which broke out 20 years ago. As of May 9, there were 1,440 missing in the Indochina war.

Almost 800 of these were Air Force and Navy airmen shot down in North Vietnam, according to Pentagon records, while 450 were lost in South Vietnam and nearly 200 in Laos.

Of the 1,440, 452 are believed to have been captured. Until they are repatriated, there can be no certain knowledge how many died while prisoners.

In North Korea, there were 7,140 American prisoners taken and 38 per cent of these—2,701—died in prison camps. Not since the Revolutionary War had there been such a high death rate among war prisoners.

Some critics contended after the war that many Americans died because they were soft products of a decadent generation and simply gave up instead of fighting to stay alive. But the defense advisory committee on prisoners of war concluded, after an investigation, that probably the greatest single reason for the high death rate was the death marches.

Many died during the bitter winter of 1950 when they were forced to march 300 miles from temporary prisons to permanent camps along the Yalu River.

"The North Koreans frequently tied a prisoner's hands behind his back or bound his arms with wire," said the committee report. "Wounded prisoners were jammed into trucks that jolted, dripping blood, along broken roads. Many of the wounded received no medical attention until they reached the camp.

"The marching prisoners were liable to be beaten or kicked to their feet if they fell. A number of the North Korean officers were bullwhip barbarians, products of a semi-primitive environment. Probably they had never heard of the Geneva Convention or any other code of war. The worst of this breed were responsible for the murder of men who staggered out of line or collapsed at roadside."

While fewer Americans have been captured in the Vietnam War, some of them have had to endure the grim lot of prison life longer than in any other war in our history. The longest any were held by the North Koreans was about three years. In the Vietnam war, however, some of our men have been prisoners for more than five years.

The principal charge against the enemy now, as during the Korean War, is that our prisoners are being given inhumane treatment.

"The provision for the treatment of prisoners of war is prescribed in the Geneva Convention of 1949, which has been signed by more than 120 nations, including the United States, South Vietnam and North Vietnam," says Richard G. Capen Jr., legislative affairs assistant to the secretary of defense.

"These humanitarian standards spelled out in that document call for the immediate release of sick and injured prisoners, impartial inspections of prisoner facilities and the complete identification of men held, and allows prisoners to correspond freely with their families."

The only one of these provisions honored in the slightest in either war is the prisoners' mail privilege. There have been precious few letters in this war. "In the five years our men have been held captive, only about 175 have been allowed to write," says Capen. "Their families have received about 1,100 letters."

During the Korean War, more than 29,000 letters were received in the United States. This larger volume then did not by any means indicate that the Chinese Communists, who were running the prison camps, were more endowed with humanitarian instincts than the North Vietnamese today.

It simply reflected a difference in techniques. It suited the purpose of the Chinese to permit a larger flow of mail to inject a steady stream of Communist propaganda into American homes.

The North Vietnamese, on the other hand, have been withholding mail rights for a definite purpose, in the judgment of Pentagon officials.

They regard it as still another Communist way of trying to bring down the U.S. government. For, by declining to let letters get out, and by refusing to issue a full list of

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prisoners in their hands, the Communists know they must be increasing the anguish of relatives who do not know whether their missing men are dead or alive. The Communists apparently hope this will make the controversial war even more unpopular.

TORTURE AND MURDER

Torture? It is a tactic that has not gone out of style. The only difference is that the North Vietnamese use it for different reasons than those that motivated the North Koreans and Chinese Communists.

During the Korean War, the goal was sometimes to force the American captives to sign germ warfare confessions. There were reports of bamboo splinters being driven under the fingernails and even, in one case, of an airman with gangrene being refused medical attention while his rotting fingers fell off.

More often, the goal was to try to convert the captured Americans to communism. Those who went along, or at least seemed to, were given better treatment and better food than the basic diet of rice and cold soup that caused dysentery. Those who refused could end up being thrown into solitary confinement in caves, without blankets or latrine facilities, with their food being thrown at them.

With the North Vietnamese, torture is a method used to extract military information from their prisoners or to punish them for having bombed North Vietnam or to make them sign statements that they have received humane treatment.

"The North Vietnamese and the Viet Cong have repeatedly indicated that they are providing humane treatment for our men," says Capen. "But the contrary is true. Our men have been held in isolation for prolonged periods of time. There have been instances of broken bones being rebroken, fingernails removed, medical attention denied and proper diets ignored.

"In addition, we are aware of at least 19 American prisoners who have been murdered by the enemy or allowed to die from malnutrition and disease."

NO POW INFORMATION

Whether all of our prisoners are having a generally awful experience or whether conditions may vary some between the camps run by the North Vietnamese and the Viet Cong is something that cannot be stated definitely, according to some Pentagon sources.

They say that most of what they know about the prison camps has been supplied by the 9 American prisoners released by North Vietnam and the 21 released by the Viet Cong.

They acknowledge that some of the men who were held by the Viet Cong returned to our lines saying they were treated so well that they could never fight the Viet Cong again.

There has been more publicity put out by the Pentagon about the prisoners in the last year. This was done on orders of Sec. of Defense Melvin R. Laird. He felt that the previous policy of keeping quiet about the prisoners had gotten us nowhere.

Laird hoped that this new policy would get results by bringing world opinion to bear on the North Vietnamese.

They have not yielded, however. If our North Korean experience is any guide, the prisoner problem will not be resolved until the war is over.

THE DICKEY-LINCOLN PROJECT

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. CLARK. Mr. Speaker, I used to think it was only a cat that had nine lives but it appears now that the Dickey-Lincoln School Federal hydroelectric project in Maine is also in that category.

As the famous keynote speaker once said: "How long, oh Lord, how long will this go on?" It is hoped that the House Appropriations Committee will not allow funds for this patently absurd Dickey project, which is becoming an annual event similar to the Kentucky Derby, the World Series, or the Super Bowl.

I am certain that the Members of the House, in a sense of fair play, do not mind taking a second look or even a third look at any project. But when it becomes a ninth or 10th look we are clearly being asked not only to waste millions of dollars of the taxpayers' money on these projects, but in addition we are wasting the valuable time of the House in debate, rollcalls and time-consuming reporting of all these events. The facts remain just as clear now as they did 6 years ago when this project was first seriously proposed:

First. The projects will waste close to one-half billion of taxpayers' money;

Second. It would produce power for only 2 hours a day at an exorbitant cost and located over 400 miles from where the power is needed;

Third. It would be highly destructive to the natural beauty of the St. Johns River and is actively opposed by a multitude of conservation groups.

The Dickey project is clearly a lifeless lemon that has been squeezed out of the budget by this House innumerable times. We should do so again and the quicker the better.

A PROGRAM OF PRIORITIES FOR THE SEVENTIES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. COHELAN. Mr. Speaker, my good friend, the former Secretary of Health, Education, and Welfare, Wilbur Cohen, recently addressed the annual forum of National Conference on Social Welfare. Currently serving as dean of the School of Education, University of Michigan, Mr. Cohen gave a most thoughtful and provoking speech on "A Program of Priorities for the Seventies."

Mr. Cohen's address painted with broad strokes, some of the problems and some remedies for our domestic problems. I have been especially concerned with a problem that is raised in this paper: The casual assumption that with the termination of the Vietnam conflict our energies will be directed to solving our pressing domestic problems. I agree with Mr. Cohen that this casual assumption must be challenged. To alleviate the inequities in our society requires concrete planning and determined effort.

I feel that Mr. Cohen's paper provides some directions that should be considered and acted upon. I commend this statement to the readers of this RECORD:

A PROGRAM OF PRIORITIES FOR THE SEVENTIES

(By Wilbur J. Cohen)

We meet at our 1970 Conference at a critical time in our Nation's history.

Our country is in a grave crisis. There is a growing divisiveness and frustration which grips the nation. There is a lack of understanding in high places of our needs and priorities. There is a lack of leadership at the Federal, State, and local levels. There is often rhetoric when it is least helpful.

The gigantic problems facing us mount: the war, poverty, race relations, the cities, slums, unemployment, inflation, pollution—in the face of affluence, inequalities, inequities, and the great capacity of the country for meeting the basic needs of all its people.

We need leadership and intelligent action to end the war. We must continue to press the President and the Congress to end the war. Not only to end this war but to end all wars. Escalation of military expenditures must be ended. We must oppose the ABM system and the SST. These are unnecessary and undesirable expenditures.

But it is clear that the withdrawal of armed forces from Vietnam will not solve our domestic problems automatically. To redirect our priorities will take time, effort and statesmanship. We must begin this task immediately.

There are still among our fellow-citizens many who believe that poverty is inevitable, that segregation is desirable, that increased unemployment is healthy, that poor people are lazy, that more and bigger automobiles are a sign of economic growth, that long hair is a sign of radicalism, and that problems on the college campus can be solved by replacing the college President. There are those who believe that all taxes paid in the public sector are bad but any price paid in the private sector is acceptable and that the Federal Government is an evil worse than any foreign totalitarianism.

We must continue to point out that these simplistic notions are out-of-date in a complex economy. But most of all we must strive to elect men and women to public office who have the insight and the courage to counter these views which retard our progress and inhibit the reordering of priorities to meet the needs of our people.

The social welfare community has a special responsibility to draw attention to our compelling needs and potentialities. That is one of the values of this Annual Forum—to tell of our convictions and our programs for making the United States of America a more perfect Union.

The right to vote is an inalienable right and should be guaranteed and protected. Residence laws for receipt of welfare payments have been held invalid by the Supreme Court of the United States. Residence requirements for national elections are an equally unsound policy. Every otherwise eligible individual should be entitled to vote in national elections for Congressmen, Senators, and President. And we must encourage everyone to do so.

The right to education, medical services, a job, and a home, without regard to discrimination on the basis of race, creed, color, or sex must be assured. There is no ethical distinction that can be justified between de jure and de facto segregation or discrimination. Our political leaders must not hide behind constitutional niceities but must take the moral leadership to help eradicate the cancer of discrimination and racism from the body politic. The elimination of racial discrimination would increase incomes by some $15 billion a year and would aid in the reduction of poverty and in the increase in productivity and the enhancement of individual dignity, and self-reliance.

Poverty is a blight upon our nation. It is clear that we could eradicate poverty from the length and breadth of this land of ours. We have the resources. We have the institutional mechanisms. We lack the insight, the determination, and the leadership.

Yet, much has happened in the last several years to give us hope that we are on our way to reducing the extent of poverty. The

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report of the Commission headed by Ben Heineman and the report of the Committee on Economic Development show an increasing awareness by business and community leaders that we can and must conquer poverty. I believe we should make the elimination of poverty one of our urgent national goals—now.

A broad and comprehensive income supplement program is necessary. It must be broader and much more adequate than the Family Assistance Program now pending in the Senate. Not only must the levels of payment be increased but a commitment must be made that the Federal government finance and administer the system. We should support the amendments in the Senate toward these objectives.

Social security benefits should be substantially increased. In addition to the 15 percent increase in social security benefits which took place this year we must increase social security benefits another 35 percent to bring them up to a minimum level of adequacy. The 12 percent increase in benefits which recently passed the House of Representatives is a good second installment payment but it can and should be improved in the Senate.

An increase in social security payments will benefit not only the aged, but the disabled and widows and dependent children.

The disabled and the widows and children receiving social security benefits should be included in the medicare program. Their incomes are low and their needs are great. They should have health insurance protection which should include coverage of prescription drugs for them as well as the aged.

There are some 40 million persons in the United States who have no health insurance coverage. Millions of others have incomplete or inadequate coverage. A national health insurance program covering everyone in the Nation is necessary—and inevitable.

There are many persons who believe we must wait for a complete restructuring of our health system before we extend health insurance to the millions who have no protection. Certainly, we need a basic reorganization of our health services. We need incentives to economical and efficient delivery of services. But the poor and the disadvantaged should not be asked to wait for full access to health services until the perfect solution of a national health delivery system is in effect.

We must take some steps now in the direction of both extending health insurance coverage, and reorganization of services.

Neighborhood health centers should be established in all major metropolitan areas; maternal and child health services should be available to inner city residents including family planning services on a voluntary basis; and a broad training program for persons living in the inner cities should be carried out for new careers in medical care.

We must take steps to eradicate hunger and malnutrition in the Nation. As one step in this effort, the amendment sponsored in the Senate by Senator McGovern to the welfare reform bill should be adopted. It provides for automatic delivery of food stamps to each welfare recipient without the advance payment now required. It would substantially reduce the administrative cost of the present cumbersome plan and make food stamps available to millions of persons who do not now receive them.

Our unemployment insurance system requires major improvement. While the Congress enacted legislation this year to extend the coverage of the program, much more fundamental changes are needed. While many unemployed individuals receive inadequate weekly payments and other unemployed individuals exhaust their benefits, there is $12 billion in unemployment insurance reserves. It is clear that the funds are actually available to substantially improve the amount and duration of benefits.

It is a striking anomaly that the welfare reform legislation provides for minimum Federal benefit standards which is endorsed by the Administration and the House Committee on Ways and Means but minimum Federal benefit standards are opposed by both as far as unemployment insurance is concerned. I can see no difference in principle. As a matter of fact Congress approved Federal standards in unemployment insurance this year relating to various policies affecting benefits. We must continue to press for Federal minimum benefit standards in unemployment insurance relating to the amount and duration of benefits. Since the President recommended Federal minimum benefit standards in Welfare, we must press him to recommend such standards in unemployment insurance as part of an immediate attack on our growing unemployment problem.

Farm employees should be covered under unemployment insurance. In addition, farm employees should be covered under the National Labor Relations Act so that they will have the rights and protection to bargain collectively.

Several recent Supreme Court decisions have clearly established the applicability of the Fourteenth Amendment of the Constitution to welfare payments and procedures. The Constitutional guarantees of equal protection of the laws and due process must be assured to every person, rich or poor, black or white, student or adult. Continued support should be given to the program of legal aid to the poor and lawyers should be encouraged to handle cases which contest the validity of any law which transgresses the constitutional guarantees including any legislation which invades the home by authorizing "no-knock" entry by the police.

State laws relating to abortion must be changed and liberalized. State programs relating to the protection of women and children must be reexamined and brought up to date. States must strengthen their services to children, the aged, and other groups requiring special help, such as the mentally retarded and the mentally ill.

To accomplish the social objectives that are necessary during this decade we must obtain increased revenues. Some additional funds can be obtained from substantial reductions in military expenditures, from elimination of waste and inefficiency in existing programs, and from reduction in unnecessary agricultural subsidies, particularly in tobacco.

But in addition we must close the existing loopholes in the Federal and State tax structures. There are still several States without a State income tax law. No State can provide the services necessary for its people today without an income tax.

To expand education and to provide the disadvantaged with appropriate educational services, there must be a significant increase in funds for education during the decade of the seventies. The property tax on homes which is a basic source of revenue for elementary and secondary education is no longer a sound and dynamic source for the financing of schools. The property tax on homes must be reduced, and eventually eliminated, as a basis for financing schools. State and Federal income taxes must provide the major source of revenues for the schools of the future.

Our educational system must be made more relevant to the needs and aspirations of our young people. Vocational education should be broadened and extended. Early childhood education should be available in every community. The advantages of the Head Start program should be available to all children. Parents and the community should be involved in the educational system.

Our higher educational institutions must enroll more individuals from minority groups. Schools of social work and schools of education have been leading the way and should further accelerate their efforts in this area. Student financial aid, institutional aid for tutorial services, and for expansion of recruitment and job placement.

We view with great concern the failure of the Administration to recommend additional Federal appropriations for existing education and health programs. We urge the Congress to take affirmative action to increase the appropriations for programs of importance to the disadvantaged, the poor, and minority groups.

Those of us in social welfare who believe that the public sector must take a greater role in improving social conditions are frequently criticized for this advocacy on the grounds that it weakens individual, family, and private responsibility. The fact of the matter is that increased public responsibility is necessary because of the inability or failure of private action.

There is much that the private sector can and must do and we should bend every effort to make the private sector take a more effective role in promoting human welfare. Among the significant steps that could be taken are: elimination of any kind of discrimination in employment or promotion; on-the-job training for the disadvantaged with emphasis on new careers; extension of credit to welfare recipients; and addition of minority group representatives on boards of directors of corporations, foundations and educational institutions.

I believe that important changes are necessary in our existing economic, political, and social system. I believe our political system permits these changes to be made in a way in which the establishment can and will accept them, namely, through the ballot box. Let us work toward changes which will be constructive and useful.

We need at this moment of history the determination to make changes and to chart a course in a new direction of social policy. We can do so if we work together.

There are many people today who are frustrated, alienated, and depressed about our ability to move ahead in a constructive manner. I do not share this view. There are vast opportunities today for men and women of good will to lead the way to changing our institutions. There are opportunities all around if we would but take advantage of them—in your neighborhood, in your community, at the city and State level, in Congress, and in urging the National Administration to change policies.

We have had grave crises in our national life before. We will have others in the future. Let us show a determination now to move ahead in social welfare. I believe we can and must chart new priorities for the nineteen seventies.

NEW EVIDENCE SHOWS NEED FOR STRONG DOMESTIC PETROLEUM INDUSTRY

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. WOLD. Mr. Speaker, in the aftermath of the June 1967 war between Israel and the Arab States there was some doubt as to whether the Soviet Union would continue to play an active role in the Middle East. The presence of Soviet pilots, latest model surface-to-air missiles, and a strong naval presence in the Mediterranean today leaves no doubt that the Soviet Union is heavily committed to continue her influence in this strategic area.

Early this year the Cabinet Task Force on Oil Imports recommended that the quota system of controlling imports of foreign oil into the United States should be replaced by a preferential tariff system designed to cut the well-head price of a barrel of oil by 50 to 80 cents. In short the task force majority recommended that by 1980 the United States should rely on foreign petroleum producers for between 40 and 50 percent of its total demand.

To some there is no connection between these two events. To me, however, there is a very strong connection between the Soviet presence in the Middle East and the task force report. Both threaten the national security of the United States.

The Soviet interest in the Middle East goes far beyond its traditional aspirations for a warm water outlet to the high seas. Soviet presence in the area goes beyond its ideological desires of wanting to downgrade Western influence among the peoples of the area.

The Soviet challenge is designed to deny Middle East oil to Europe and North America and, beyond that, to provide sure supplies of Middle East oil to the Soviet Union and other Communist bloc nations.

On March 24, 1970, the New York Times reported:

> Western diplomats believe the possibility must be faced that the Russians will seek one way or another to take over the oil supplies in North Africa, Iran, Iraq, and the Persian Gulf area.

Soviet actions since then show that they seem willing to take very high risks to achieve that goal.

This morning's—June 16, 1970—issue of the Christian Science Monitor contains a revealing story by Eric Bourne of some of the motivation behind the Soviet Union's efforts. In Mr. Bourne's words:

> The background is the way in which Russia's traditional oil centers are leveling off against the spurting consumption demands of its own economy and the economies in its orbit.

I insert the article by Mr. Bourne, entitled "Thirst for Oil Jumbles East-Bloc Patterns," at this point:

THIRST FOR OIL JUMBLES EAST-BLOC PATTERNS

(By Eric Bourne)

BELGRADE.—Oil, oil, oil.

Few economic topics are more important or more frequently in the news in the European Communist area now.

And the pursuit of it is not only establishing a highly significant pattern of "oil diplomacy."

It is also cutting across old ties and barriers. It is forging new commercial links between Russia and Western Europe and between Russia's East European allies and Middle East sources hitherto monopolized by the West.

The background is the way in which Russia's traditional oil centers are leveling off against the spurting consumption demands of its own economy and the countries in its orbit.

Soviet output is inevitably shifting eastward to central and northern Siberia which contain untold riches in oil and gas. But because of harsh winter conditions, these sources present formidable technical problems which will take some years to overcome.

OUTPUT ESTIMATED

Meanwhile, the East Europeans—thus far able to depend on the Soviets exclusively—have been told the Soviet Union will not be able to meet the kind of needs they themselves anticipate in the 1980's.

If present aims are realized, Soviet output will top 500 million tons by 1975. Not more than one-fifth reportedly will be available for export.

According to one Soviet expert on internal bloc economic affairs, East European needs now are mounting much faster than foreseen. Within a decade they could reach nearly 250 million tons, more than five times their present level.

Even a second Friendship pipeline, due to open in 1972 and adjunct to that which has piped Urals oil to Hungary, Czechoslovakia, and East Germany since the '60's, cannot be expected to cope.

AUTO "EXPLOSION" COMING

The plain fact of Russia's relatively declining oil export surplus compels East Europe to look elsewhere to meet increasing industrial needs and an automobile "explosion" which is only a few years off.

Russia, for its part, has signed 20-year agreements with West Germany and Italy to supply vast quantities of gas in return for cold-resistant, large-diameter pipes required for its new oil fields.

The East Europeans, notably Czechoslovakia, Hungary, and Romania, have negotiated oil agreements with Iran and Iraq. They are parties also to several pipeline projects—quite apart from the Friendship lines—to solve the problems of transportation.

Czechoslovakia, Hungary, and Poland too are interested in the Yugoslav plan to bring Arab-Middle East oil into the north Adriatic port of Rijeka and pipe it north from there.

The original scheme has been enlarged because of ever keener East European interest. The line will have an annual capacity of 20 million tons.

SWITCH IN ENERGY BASE

Both the Romanians and the Yugoslavs have their special interest in this project. The former hope to tanker some of the Middle East oil to Rijeka from a pipeline terminal on the Turkish coast.

The Yugoslavs still import oil from Russia. But Middle East supplies could replace that and, furthermore, provide more oil for their rapidly developing refining industry.

The Friendship 2 pipeline will ultimately double Hungary's intake from the Soviet Union. But current plans to switch the country's energy basis from coal to oil and natural gas will call for supplies beyond Soviet capacity to provide.

Hungary, anticipating a need approaching 10 million tons by 1980, is planning a big expansion of production at its Algyoe natural gas and oil fields in the south.

These, discovered only five years ago, are reputed to be the richest reserves in Middle Europe. It is anticipated that in a few years these will account for nearly 50 percent of Hungary's domestic oil output.

One of Europe's largest refineries is being built at Szaszhalombatta which will be linked both to Alygoe and to the Friendship pipelines and the new line envisaged from Rijeka.

It may be a matter of only a few years before Middle (West Germany and Austria), Southern (Italy), and Eastern Europe will be on the same oil "wave lengths" via pipelines reaching westward across the continent from Siberia and from the Middle East to the Adriatic.

Mr. Speaker, I believe the United States must accept the Soviet challenge in the Middle East. Our interests there are too vital for us to do otherwise. In making this commitment, however, we should retain a flexible strategy designed to avoid the threat of more violence and conflict in the area. Nonetheless the lesson since 1947 is clear—the Soviet Union halts only when confronted with superior force.

There is another equally or even more important lesson to be taken from the events in the Middle East. The United States must not become dependent on foreign sources of petroleum. Becoming reliant on foreign sources of petroleum at a time when the Soviet Union threatens to be able to control them could, in my judgment, prove catastrophic to the United States. Hence we must reject the recommendations of the task force and, instead, create a policy that will insure domestic self-sufficiency of petroleum.

Throughout March and April of this year, following issuance of the task force report, the Subcommittee on Mines and Mining of the Interior Committee held hearings on the impact of adoption of the task force's recommendations. In my capacity as a member of the committee I was able to question experts in every phase of the peroleum industry and in the Government of the United States.

The overall conclusions that were drawn from the hearings is that the basic quota system should be continued.

Our domestic energy needs are great and increasing at a rapid pace. This year the United States will consume nearly 15 million barrels of oil and 58 billion cubic feet of gas every day. That amounts to 8 billion barrels of oil and 21 trillion cubic feet of natural gas annually. Conservative estimates indicate that by 1985, the daily U.S. requirements will be 22 million barrels of oil and 90 billion cubic feet of gas.

I contend that unless we change our present short-sighted policies, we will experience a severe shortage of petroleum prior to 1985. In short we will be subject to "petroleum blackmail" unless we devise and implement a national energy policy designed to insure the Nation adequate domestic supplies of petroleum.

The Nation has ample energy fuels resources. They must, however, be explored, developed, and marketed. To do so, we must pursue policies that will provide the incentive for high levels of oil and natural gas exploration. We must follow programs to develop our vast deposits of oil shales. We must find economic ways of converting coal to synthetic petroleum fuels. In short we must put ourselves in a position where we will never be subjected to "petroleum blackmail" by the Soviet Union or any other nation.

NOW IS THE TIME TO WAGE PEACE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. FLOOD. Mr. Speaker, on Sunday, May 31, 1970, commencement exercises for the graduating class at King's College in Wilkes-Barre, Pa., were held. The

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commencement address was delivered by the Honorable John W. Macy, Jr., president of the Corporation for Public Broadcasting and former Chairman of the U.S. Civil Service Commission. It gives me great pleasure, Mr. Speaker, to insert in today's Record the impressive address given on that occasion by Mr. Macy.

The address follows:

Now is the Time To Wage Peace

President Kilburn, directors, faculty, students and friends of King's College, and most important of all, the men and women of the graduating class of 1970.

Commencement in 1970. A different time. An uncertain hour. Traditional forms and ceremonies have been altered or eliminated. Many colleges and universities have seen the academic serenity of the season shattered by discord and violence. The strains of alienation have drowned out the new hope that has customarily flowed as a new rising generation commences its contribution to American life. A remote and unpopular war has shaken the confidence of the student generation in its leadership and its institutions. The relevance of scholarship and the value of education have become targets of dissent. In such a climate the revolutionaries of the right and left have found new followers for the causes of revolution and repression.

Against the backdrop of realities what is the role of a commencement speaker at King's College with its Catholic character deriving "from a shared respect by members of the college community for the Catholic faith in the role of brotherhood" and where the dedication is to Christ the King? Is his role another vestige of traditional past now without meaning? Can he in a few brief moments of rhetoric provide even a tiny millimeter of enrichment to the academic experience just concluded? Certainly, he should not be so brazen as to offer even corroborating or endorsing footnotes to the teaching of this fine faculty. The national scene provides him with an ample supply of sombre colors with which to paint a landscape of gloomy prospects. The violent behavior of a tiny percentage of other college students can constitute a license for a sermon on the true and forsaken values. Or if he is a descendant of Pollyanna he can view 1970 as a brief aberration in the psychological evaluation of American society and point to a future of peace and prosperity which can be obtained without effort or sacrifice.

None of these roles appeal to me. Instead I come to you this afternoon as a future colleague in a vital, demanding, public-spirited, Christian based mission: to wage peace for all mankind. Now let us wage peace together. The war must end. Domestic violence must be converted into a new form of brotherhood. But that is not enough. Just like law and order is not enough. Just like well-intentioned statements in support of equality, the abolition of poverty, the availability of education, the rebuilding of cities, the preservation of environment are not enough. There is need to set a more difficult course which involves thought and communication, action and sacrifice.

But you will say, those are words, they are mere exhortation, no one can dispute these goals, but what can we, a new generation of college graduates really contribute to the waging of peace?

You are right. Force me to be specific. You are entitled to more than verbs. You should have the courses of action which lead from that.

Armed with the values and the knowledge gained in your home and in this fine institution you are equipped to make your contribution to this mission within the structures of contemporary institutions. These institutions will respond to new expectations. It is not necessary to destroy in order to rebuild. The response to the necessity of change has been laggard in the past but the tardiness has been more attributable to public apathy than to leadership venality or defense of the status quo. The majority has been silent too long. Not only silent, it has not participated in charting the direction of change, in communicating the choices available, in expressing a willingness to participate in the available processes leading to change.

You will notice I placed "thought" as my first step. Each individual and each group must draw upon its values and knowledge, must study and analyze, must make the difficult choices and lay out considered plans as the rational basis for action. There is a limitless array of targets to attack in waging peace. Too many targets to aim at simultaneously. Select a manageable number. Acquire as thorough an understanding as possible of their characteristics. Weigh the consequences of proposed changes or courses of action. Become the well informed advocate for the position you believe merits significant action.

In these times of tension and alienation the anguished cry has gone up for more and better communication, between individuals, between groups, between races and generations and nations. It is an irony that in a time when technology has bestowed upon us virtually limitless capacity for communication man seems to find communication with fellow man so difficult. Through television, radio, telephone, records, tapes, pictures and sounds are transmitted in fractions of seconds to millions of places within the country and through the miracle of satellites to points around the world. In the period between now and your tenth reunion at King's there will be the means for the simultaneous delivery of sound and picture to the 3 billion people of the globe. The technology will be there. But what will be the message delivered over that system which will deny the obstacle of ocean and mountain and even man-made national boundaries and ideologies? It may well be that the nation most effective in communicating affirmatively to other peoples via this system can assert the leadership for peace on this small planet. Yet our communicating goals need not be so planetary. They can and should be directed to community or neighborhood. Every possible means of communication should be used to communicate the need for change and action in areas which breed conflict—lack of food, unemployment or underemployment, deteriorating housing, inadequate education, costly delivery of health care, insensitivity of government. While our urbanization may have submerged the New England town meeting, there are still neighborhoods with men and women concerned not only about their own family but about their fellow Americans within walking and talking distance. And the mass media must respond to these public needs by offering television and radio time for the communication of ideas for betterment whether popular or unpopular. The public service of the media which some of us are endeavoring to establish in a more responsive and comprehensive form should offer the forum for the presentation of ideas, for the conduct of debate and for the stimulation of action.

Yes, you can be active in this cause. Public service everywhere is reaching out for talent committed to the solution of public problems all the way from the inner precinct to the outer space. Participation in the political process is the most direct form of action. Elected officials are those who represent the collective wills of the voting public in our system. All too many self-appointed critics abuse their political leaders while investing none of their own time or resources in the political process. Young people demonstrated in the national campaigns of 1968 the significant impact they could bring to bear on traditional practices. But has that effort been sustained? Perhaps negative reaction to the Cambodian incursion has regenerated these pressures in recent days. But these are critical problems on the peace front which call for sustained political involvement from the local committee to the nation's capital. The new generation of voters, and I hope it will include the 18, 19 and 20-year olds, must stimulate that most basic participation—action at the polls. Voting statistics show that even in 1968 with the war issue at the forefront a smaller percentage of the youngest age bracket cast ballots than the middle-agers or the senior citizens. And run for office as soon as the minimum age and qualifications have been reached. Test those thoughts in the crucible of local politics. Carry your idealism and your energy into the homes and meetingplaces of your fellow citizens.

There are countless outlets for public service at all levels of government and in distant countries overseas. All of these services will be deprived and inadequate if they do not receive an infusion of new talent from this rising generation. Certainly bureaucracy is rigid and difficult to change. Certainly an individual with a cause may find his superiors hard of hearing or impatient with dissent. Certainly public life imposes higher standards of ethics and personal conduct and restricts the financial return for one's labor. But the purpose of the work in the public interest transcends these handicaps and a sufficient number of pragmatic idealists will hasten the day of change and improvement. Although productive and satisfying careers may be committed to public causes, more and more there are those who devote more limited periods of professional time to serve the needs of city or nation. In recent times the volunteer has enrolled to help in a distant barrio or a nearby ghetto in achieving a higher standard of life for others. American culture has long been enriched by the part played by voluntary organizations such as the Red Cross, the health agencies, the community service organizations and the like. We must not forget the longstanding leadership of the church in its outreach near and far in behalf of peace. May you enlist, full time or part time, at home or abroad, in the peace forces of public service to apply thoughtful and skillful action in the solution of our long agenda of human problems.

But I mentioned "sacrifice." Must that become a condition in the fight for peace? Yes, I believe so. We have had our nation demand and receive sacrifice in time of war. The ultimate sacrifice on the part of some, a much more limited sacrifice in the form of reduced standard of living, greater individual effort, and higher taxes on the part of others. The task of waging peace is more difficult and more costly. It is generally agreed today that our planet faces an environmental crisis. Our rate of population growth will consume resources beyond our capacity for replenishment. Our industrial and consumer practices are poisoning our air, polluting our streams, destroying our open space, imbalancing our ecology. Even with heavy investment to reverse existing trends, we can only hope to preserve a status quo which is less than entirely satisfactory. To reverse this deterioration it will be necessary to change existing practices with the resultant economic effect of higher prices, less convenient packaging, and perhaps even a reduced supply of consumer goods. The sacrifice may well have to be more than economic. We may have to impose upon ourselves certain social and behavioral disciplines which we have not previously deemed necessary in a free, democratic society.

If we are to root out the causes of poverty and segregation, we must be willing to pay

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the price of higher taxes to construct far better housing for the urban and rural poor, to provide quality education in the school and in the home from pre-school to post-graduate, to offer meaningful and beneficial employment for those on the margin of the labor-force, to deliver health services which relieve pain and eradicate illness, to assure equality and justice for all of our citizens. Hopefully, these goals of social progress can be sought through action by the private sector as well as by government, but we cannot expect that they can ever be achieved without a willingness on the part of us all to make our contribution to the total good.

In this commitment to improve conditions at home we cannot forget how small this globe has become. Technology has collapsed time and distance as physical gulfs between the peoples of the world. This collapse closes off any desired retreat into isolationism after the disillusionment of Indo-China. New and more constructive forms of international collaboration must be designed in the years ahead. This is the year of the twenty-fifth anniversary of the United Nations, to date man's most advanced reach toward international collaboration. Imperfect as it is, it must be extended and expanded in the next twenty-five years to bring mankind closer together not only physically but in terms of human objectives. The United States must be an active and creative leader in pursuing this purpose. While 6 percent of the world's population, we are consuming 50 percent of its resources. Our standard of living, even with its pockets of disadvantage, outstrips even our most advanced and developed countries in other portions of the northern slope of the globe. But we are only 6 percent and it is difficult to comprehend the true dimension of humankind. I find it helps me to appreciate our relative position in this human mass by taking a small sample. That sample is the number of infants born on the planet in the last 60 seconds. They total 200. 160 were non-white. Half of the 200 will die before they reach their first birthday. Two-thirds of those who survive will spend the balance of their estimated life span of 30 years undernourished, uneducated and in hard labor. These figures constitute the forceful argument against isolationism and place in sharp focus the imperative for continued and expanded American assistance to the rest of the world in the crusade for peace.

Contrary to the tradition of commencement speakers, I am not passing the torch to light this mission to you alone but rather seeking the association of your skill, wisdom and idealism in partnership with those of us who will continue to seek these goals with the utmost in our own capacity. May all of you join with us, each in his or her way, and may we advance together in waging peace for the benefit of all mankind.

NEW YORK STATE DEMOCRATIC COMMITTEE'S CONVOCATION SUPPORTS THE AMENDMENT TO END THE WAR

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RYAN. Mr. Speaker, on May 20, 1970, the New York State Democratic Committee sponsored a convocation of concerned Democrats from throughout the State. The convocation adopted a very significant resolution, based on the aims of making the American system work successfully, making our Government and the Democratic Party responsive to our people's needs, restoring the dialog essential to democracy, ending the violence at home and abroad, and making the Democratic Party of New York an instrument to restore domestic tranquility and to end the war in Indochina.

The convocation pledged its support for the amendment to end the war—the McGovern-Hatfield amendment, of which I am a cosponsor in the House. It similarly endorsed several other positions, all of which I commend to my colleagues. The resolution calls "for the end—now—to a war that has no national purpose and that is morally, politically, economically and militarily wrong."

The resolution of the New York Democratic Convocation follows:

RESOLUTIONS FOR THE NEW YORK DEMOCRATIC CONVOCATION

MAY 20, 1970.

We Democrats, assembled in this special convocation to consider the crisis of expanded American involvement in Southeast Asia, proclaim our determination to make the American system work successfully, to make our government and the Democratic Party responsive to our people's needs, to restore the dialogue essential to democracy's well-being, to move by every legal and effective means to end the violence at home and abroad, and to make the Democratic Party of New York a powerful instrument to restore domestic tranquility and to end the war in Indochina NOW.

To accomplish these objectives:

1. We unequivocally denounce the invasion of Cambodia, the under-cover war in Laos, and the resumption of bombing in North Viet-Nam. We call upon the President and the Congress to announce that all United States forces will be removed immediately from any combat role anywhere in Indochina, and that all United States military personnel will be out of Indochina by the end of 1971, appropriate provision having been made for their safe withdrawal and the release of prisoners of war.

2. We pledge our full support to the enactment of the Church-Cooper and McGovern-Hatfield amendments in the Senate and the adoption of their counterpart, H.R. 1000, in the House of Representatives; we ask that the Democratic members of the New York Congressional Delegation publicly commit themselves to the support of H.R. 1000 and other appropriate legislative efforts to end the war; and we call upon the Congress to reassert its constitutional mandate to control American involvement in foreign wars.

3. We call upon the Government of the United States to demand the release of and offer immediate sanctuary to the hundreds of prisoners now languishing in the dungeons of South Viet-Nam whose only crime has been support of a negotiated settlement of the Vietnamese war.

4. We call for the appointment of a Chief United States negotiator at the Paris Peace Conference who will have the confidence of the Congressional Foreign Relations Committees so that Americans may be assured that their view of an honorable agreement is being explored to end the war.

5. We welcome the young, both as members and critics of our Party. We welcome their creative dissent, the honesty of their dissatisfaction, and their commitment of personal energy to the election of candidates who reflect their hopes and ideals. We endorse The National Petition Drive organized by student groups throughout the State and urge all Democratic candidates, leaders, and organizations, to support actively this effort.

6. We ask for an honest effort by all citizens and groups to hear the opinions and arguments that divide us, to avoid violence against person and property, and to avoid the use of the flag as a partisan symbol representing the superior patriotism of either side.

7. We recognize the heroic valor of the Armed Forces of the United States in the Indochina war, and we call upon the Federal and State governments to provide generously for the support of the bereaved families of the dead, and for the medical care of the wounded and disabled; and we further ask that the elected representatives of the Democratic Party make regular periodic visits to veterans' installations where the American wounded are cared for to make certain that the Nation's obligation to these victims of the war is fulfilled.

8. We believe that international commitments that directly affect the security and national interests of the United States are seriously undermined by our involvement in Indochina. In calling for the immediate end to American military involvement in Indochina, we reject the counsel of isolationism and reaffirm our legitimate international commitments.

9. We call upon government on every level to recognize the increasing despair of millions of Americans as their pleas for social justice are met with attitudes of benign neglect and violent repression; and we demand that the Democratic Party of New York, in the voice and action of its office holders, candidates, and leaders place the imperative of social justice at the top of the American agenda.

The Democratic Party and its national leadership have a major responsibility for the tragic American involvement in Viet-Nam. We will not fulfill our responsibility to the future of our Nation, to our Party or to ourselves by rationalizing past mistakes or tolerating their repetition. We speak today as Democrats to make our political institutions respond to the urgent need for peace in our land. We speak today as Americans in calling for the end—now—to a war that has no national purpose and that is morally, politically, economically and militarily wrong.

BALTIC STATES

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. MURPHY of Illinois. Mr. Speaker, today I join with my colleagues in commemorating a sad month in the history of the three Baltic States of Latvia, Estonia, and Lithuania. In June 1940, these countries were invaded and occupied by Soviet armies. Shortly after occupation, these territories were annexed into the Soviet Union despite the fact that only 20 years before the Soviet Union had signed treaties with all three countries granting them recognition and acknowledging their independence from Russia.

Following annexation, the Baltic States were subjected to a brutal period of occupation. Thousands of citizens from these nations were exiled, imprisoned in Soviet labor camps, and murdered. The horror of this occupation is made apparent by the fact that the Baltic States have lost more than a quarter of their population over the last 30 years. Throughout these years of enslavement, these people have continually fought against oppression. At first they fought

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openly in organized resistance movements against the Communists. More recently their opposition has been expressed by passive resistance.

During this anniversary week, it is particularly appropriate that we reaffirm our support for the cause of peace and freedom in the Baltic States. Despite many years of hardships, the Baltic peoples' spirit and dedication to the principles of freedom and democratic government have endured and prevailed. It is our fervent hope that these years of suffering will soon end and that democratic government will be restored to Latvia, Estonia, and Lithuania.

THE ARMS TRADE—PART XIV

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. COUGHLIN. Mr. Speaker, last August 13, I pointed out in the CONGRESSIONAL RECORD that our Government has had the lamentable habit of first imposing an arms embargo on a nation and then turning around and covertly breaking the ban. At that time, I noted that we had broken—and, for the fact, are still breaking—our arms embargo against Pakistan, imposed after her war with India in 1965. Now I see we are doing it again, in this particular case with Greece.

I do not wish to dwell here on the reasons why certain countries have been embargoed and why others have not. Nor do I wish to argue the merits of imposing embargoes as a policy tactic. Both questions are worthy of separate and extensive examination.

What bothers me here, Mr. Speaker, is that once our Government decides to impose an embargo, it then does not stick to it. Our Government seems to impose these arms restrictions solely to appease public opinion—not to curb the threat of violence, to dampen down actual violence, or to encourage the embargoed nation to change its course. Then, to make matters worse, the moment the world's attention has been diverted to some other matter, Washington begins to subvert its own embargo by secretly supplying arms to the embargoed.

No amount of breast beating and excuses by our Government can hide the fact that we have broken our embargoes against Pakistan, South Africa, imposed in 1963; Egypt, imposed in 1967, and now Greece, imposed also in 1967. In fact, there has not been one post-World War II American embargo that our Government has not promptly broken.

I can only say that such behavior detracts from the credibility of our Government and does nothing to bring about a net reduction in tensions throughout the world. The articles follow:

[From the Washington Post, June 3, 1970]

ATHENS GIVEN U.S. ARMS DESPITE BAN

(By Bernard D. Nossiter)

Despite the embargo on heavy arms to Greece, the United States has quietly given jet fighter-interceptors, medium tanks and 155-millimeter howitzers to the colonels' regime in Athens.

The deliveries were described yesterday by officials as a "one time only" breach of the prohibition, a breach inspired by the Russian invasion of Czechoslovakia in 1968.

At the same time, it was learned, the Nixon administration has decided in principle to scrap the embargo entirely. Knowledgeable sources disclosed that the ban has been reviewed by the National Security Council and that body has determined that the embargo has outlived its usefulness. A public announcement to this effect, however, is being delayed until a more receptive climate at home and abroad is ensured.

The ban on heavy arms shipments was imposed after the colonels overthrew Greece's constitutional government in April 1967. Sales and gifts of small arms like automatic weapons, rifles and mortars have continued, however.

From time to time, officials have hinted that the embargo has been relaxed but details have not been available until now. Last summer, Assistant Secretary of State Joseph Sisco, in a little-noticed statement, said that "delivery of a portion of the suspended items" was approved by President Johnson Oct. 18, 1968.

The shipment apparently began late in that year and continued through 1969. Mr. Johnson approved the delivery of 22 F-102s, 92 medium tanks and an undisclosed number of howitzers.

Officials have now revealed that all 22 planes were given to Greece. But how many tanks and howitzers were shipped could not be determined.

These deliveries explain what up until now has been a puzzling jump in arms shipments to Athens. For the budget year ending June 30, 1968, Greece received arms estimated at $51 million in value. The next year's total jumped to $93.2 million.

However, this understates the amount of the increase. The Pentagon values items it considers surplus at about one-fourth of their cost. Thus, if these totals are adjusted to reflect the original cost of the arms shipped, Greece received $58.5 million in fiscal 1968 and a whopping $170.0 million the next year. All but a small portion of both figures were gifts rather than sales.

Officials said the embargo was breached because the Czechoslovakian invasion heightened the importance of maintaining belief in NATO's ability to deter an aggressor.

Officials also said that leaders from the Senate Foreign Relations Committee and House Foreign Affairs Committee were consulted about the relaxation of the ban.

However, Chairman J. W. Fulbright of the Senate Foreign Relations Committee said yesterday he had not been consulted and did not know the embargo had been broken.

Staff members of the House Foreign Affairs Committee said they knew of no consultation either. Chairman Thomas Morgan (D-Pa.) was unavailable for comment.

The disclosure is likely to touch off a fresh Senate outcry against any arms for Greece. Last year, an amendment to cut off these shipments was narrowly beaten, 45 to 38. This year, Sen. Vance Hartke (D-Ind.) is sponsoring a similar ban.

The Nixon Administration decision to junk the embargo entirely rests on a belief that the ban will not influence the colonels. The argument runs that they are firmly in the saddle, can turn to the French and other sources for major weapons and any continued prohibition only weakens American influence in Athes.

However, the unimpeded resumption of heavy-arms shipments will probably be delayed until the congressional temper, inflamed by Cambodia, is cooler. In addition, Washington is being held back by the opposition of Denmark, Norway and Italy, where criticism of the junta is exceptionally strong.

[From the Washington Post, June 4, 1970]

UNITED STATES DENIES LIFTING BAN ON GREEK ARMS

The White House and State Department denied yesterday that any decision had been made to lift the so-called "selective embargo" on shipment of major weapons to Greece.

A story in yesterday's editions of The Washington Post, which described shipments of planes, tanks and howitzers last year under an October 1968 decision by President Johnson and which said the Nixon administration had decided "in principle" to lift the three-year-old embargo entirely, was described as "misleading" by State Department spokesman John F. King.

King said "some aircraft"—he would not give their type or number—and minesweepers had been sent under the Johnson decision, which he noted had been announced by the State Department in Oct.

But other officials denied flatly that any tanks had been authorized or sent, and said they knew of no shipment of howitzers. The Washington Post story said 92 medium tanks and an unknown number of 155-millimeter howitzers were included in the Johnson decision, which was justified as needed to strengthen Greece's North Atlantic Treaty Organization capabilities in the wake of the August 1968 Warsaw Pact invasion of Czechoslovakia.

Other sources have indicated that Greece this year has been seeking to buy intermedaries. The United States must approve even a third-country sale of such major items, and approval has been withheld pending formal announcement that the "selective embargo" has been lifted.

The embargo, which does not apply to small arms, spare parts or communications equipment, was imposed by the Johnson administration "soon after the (April 1967) coup in Athens to demonstrate our concern for the extraconstitutional assumption of power by the present Greek regime," King said. Asked whether the Nixon administration shares this concern, King paused and then answered "Yes."

WHY SST?

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BIESTER. Mr. Speaker, the Delaware Valley Advance published an editorial opposing the SST. It is an excellent editorial and I bring it to the attention of my colleagues:

WHY SST?

In 1963, when he initiated the supersonic transport development program, President Kennedy assured the nation that federal funds allocated for this purpose would never exceed $750,000. Last week the House raised the ante to more than a billion dollars. At least $300,000 more will be needed to complete two SST prototypes by 1973.

If the SST ever becomes a reality we shall have created a monster which can never fly over inhabited land because of the sonic boom, which will produce sideline noise at takeoff 50 times greater than the noise of a jumbo jet takeoff, which may pollute the upper atmosphere with irreducible water vapor and the danger of a permanent cloud cover.

In addition to these major environmental problems is the anticipated need of super runways requiring air terminals so far from population centers that any time saved by supersonic flight will be exceeded by the additional time needed to travel to and from the airports.

The vote in the House was 176 to 163, remarkable for the fact that this sort of extravagant "progress" is at least facing a challenge. Hopefully the Senate may take a more conservative view and realize that our major transportation problems are on the ground. They will never be solved by diverting more millions to the headaches of SST.

YOUNG PEOPLE LEAD THE WAY IN FIGHTING POLLUTION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. McCLOSKEY. Mr. Speaker, I have not generally chosen to burden the CONGRESSIONAL RECORD with the lengthy writings of others. When in the future, however, historians may examine the events of Earth Day, 1970, I believe they will need to recognize the tremendous input of the thinking of our young people and students who are insisting on new priorities for America.

The only writing engraved in our chambers are the words of Daniel Webster, including his suggestion, "Let us develop the resources of our land." On Earth Day, April 22, 1970, nearly the entire younger generation spoke to us with a different suggestion: "Let us conserve our environment and preserve, recycle and reuse our resources."

After 181 years of national goals and policy favoring the development of land, extraction of resources, the increasing of our standard of living, we now turn to new goals, the preservation of the quality of our life in the earth's environment, and a concerted and determined attack on further pollution of air, water, and open space.

Our young people are leading the way, both conceptually and practically, in these new priorities, and I therefore take the liberty of placing in the RECORD at this point 20 letters from elementary and high school students of San Mateo County, Calif., which I feel are the best and most representative of over 5,000 letters transmitted to me by students as a result of their days and weeks of study prior to last April 22.

The letters follow:

SAN MATEO, CALIF.,
February 27, 1970.

Congressman PAUL N. MCCLOSKEY, Jr.,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR SIR: Several weeks ago you wrote a letter to the principal of Borel Middle School, Mr. Kramer, in San Mateo. It asked that we, the students, express our opinions about solving the problems of pollution in our country. In response to your letter I have made an outline containing some ideas.

I. POLLUTION EDUCATION

A. Programs in all public schools:

1. On conservation, birth control, etc.;

2. Possibly include birth control as part of sex education courses; and

3. Have elective discussion and action classes at junior high and high school levels.

B. Local programs:

1. Neighborhood groups and clubs;

2. Community involved efforts; and

3. Participation by students, housewives, businessmen, everyone.

II. INDUSTRY

A. Have strict inspections made of all new businesses so they aren't allowed to begin polluting.

B. Thorough investigations of all industrial projects that could prove harmful to environment beforehand.

C. Publish statistics showing main polluters of the area.

D. Industries polluting now should be forced to clean up or pay high fines (Senator Proxmire's plan).

III. PRESERVING LIFE

A. Shorter hunting seasons and more laws protecting rare animals.

B. Ban harmful insecticides and market safer ones.

C. Establish more game preserves and national parks, especially along coast and in mountains.

D. Limit number of automobiles in parks, public and recreation facilities.

IV. WASTE AND LITTER

A. Disposals and garbage cans conveniently located in parks, along highways, etc.

B. Have more projects like the waste cleanup on the South shore of Lake Tahoe.

C. Research on reusable and more compact food packaging.

D. Cans and plastic containers that decompose.

E. More desalinization and waste treatment plants in operation.

F. Run polls to determine whether people will willingly pay higher taxes for conservation use.

G. Step up urban renewal and poverty programs:

1. Poverty is a major cause of pollution; and

2. If people take more pride in surroundings, they are less likely to pollute.

H. Prohibit backyard and private burning.

I. Enforce litter laws, where violators are fined for littering.

V. AUTOMOBILES

A. Major car companies research electric and steam engine cars.

B. Develop an inexpensive and practical model.

C. More local transit and subway systems.

D. Ban use of combustion engine by 1975.

E. Possibly develop a car run by light or heat energy.

F. Melt down old cars, etc. for building materials.

VI. MAKE THE PEOPLE AWARE!

I'm hoping some of these ideas can possibly be of some help. I realize almost all of them have already been proposed and are either under consideration or have been voted down, but I feel it is important to speak out anyway. It is only through increasing knowledge and genuine concern that the problem of pollution can be solved.

Sincerely yours,

LINDA DEBUSK.

February 2, 1970.

DEAR MR. MCCLOSKEY: We are writing in concern of the broadening pollution problem.

We have seen an ad for a "Trash-Masher" put out by Whirlpool Company. (We are enclosing the article for you to read.)

One idea for the disposal of the remaining products of the "Trash-Masher," is to invent an engine that would burn up the trash cube in such a way that the smoke or exhaust could be filtered clean. This engine could be used to compress air for an air car.

You probably have receive some letters from students in other schools, clubs and most likely from our own class. We hope that these ideas might come true, if not, we hope they will, give *you* some ideas of your own!

Sincerely,

SUSAN THOMPSON,
SHERYL REINKE,
Eighth Grade Borel Students.

January 29, 1970.

DEAR CONGRESSMAN MCCLOSKEY: We have been doing some research on pollution and this is what we came up with.

In 1968, according to the Public Health Service, the worst ten cities in the United States that have polluted air are New York City; Chicago, Illinois; Philadelphia, Pennsylvania; Los Angeles-Long Beach, California; Cleveland, Ohio; Pittsburgh, Pennsylvania; Boston, Massachusetts; Newark, New Jersey; Detroit, Michigan; St. Louis, Missouri.

Air pollution is linked to a number of respiratory diseases and afflictions. Deaths from emphysema, a progressive breakdown of the lungs' air sacs, have increased more than five times since 1950. Cigarette smoking—a kind of do-it-yourself air pollution has often been blamed for this rise; but nonsmoking emphysema patients also show marked improvement when they are protected from "natural" air pollution. Lung cancer is another disease where both smoking and air pollution have been implicated. The incidence of chronic bronchitis, asthma, pneumonia, and the common cold also rises as air pollution gets worse.

Severe air pollution multiplies the death rate, as it did in the little town of Donora, Pennsylvania in 1948; as it did in London in 1952; as it did in New York in 1953 and 1962; as it inevitably will again. This is a poem written for air pollution to suggest we don't want bad images like this.

If you visit American city,
You will find it very pretty.
Just two things you must beware;
Don't drink the water—don't breathe the air.

Pollution, pollution,
They got smog and sewage and mud,
Turn on your tap and get hot and cold running crud.
See the halibuts and the sturgeons,
Being wiped out by detergents.

Fish gotta swim and birds gotta fly,
But they don't last eons if they try.
Pollution, pollution,
You can use the latest toothpaste,
And then rinse your mouth with industrial waste.
Just go out for a breath of air,
And you'll be ready for Medicare.

The city streets are really quite a thrill,
If the hoods don't get you, the monoxide will.
Pollution, pollution,
Wear a gas mask and a veil.
Then you can breathe, long as you don't inhale.
Lots of things there that you can drink,
But stay away from the kitchen sink.

Throw out your breakfast garbage, and I've got a hunch
That the folks downstream will drink it for lunch.
So go to the city, see the crazy people there.
Like lambs to the slaughter
They're drinking the water
And breathing the air.

We feel that there should be more strict laws on car exhausts and more laws for litter. They should also put better smog devices to control smog on airplanes. If this pollution keeps up we will have engines running on pollution.

Sincerely,

JIM TRUMBULL,
MARK SCHLOSSER,
7th Grade, Borel Middle School.

WILLARD R. ENGVALL SCHOOL,
SAN BRUNO, CALIF.,
January 26, 1970.

PAUL M. MCCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. MCCLOSKEY: As pollution is increasing ever more rapidly than before, I feel some definite solutions are necessary. First

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of all—no more cans! People will have to make their own soup, squeeze their own oranges, but—no more cans! Metal has to be mined just to make the cans. Strip mines ruin our natural resources such as trees and pollute the air because the machines used to mine the ore, refine the ore, form the cans produce smoke and soot that goes to the air and eventually terminates in our lungs. Cans and then junked, then dumped on the edge of the bay and used for bayfill. This pollutes our bay which has been a landmark so long. If the bay is filled it will back up the Sacramento River until the salt ruins all of the farmland anywhere near the mouth. Cans pollute air, land and water. If people refuse to squeeze their own oranges and make their own soup, they could be put in returnable deposit bottles or other such containers. Maybe a container could be made that would dissolve in certain solutions.

Another great problem is the use of paper. Although quite necessary to write on, paper napkins, paper plates, paper towels and other such ridiculous items are totally unnecessary. For the small amount of water we would pollute by washing these items (not in paper form) is so small compared to the air pollution it causes to burn unnecessary paper or land and water pollution caused by dumping it.

A great pollution crisis is automobiles. Strip mining used to obtain metal does exactly what it does when it is for cans.

Exhaust from cars pollutes the air, and junked cars are eyesores and land pollution. Bikes take much less metal, they are good for your health and don't pollute the air. Oil drilling needed to provide gas and oil for cars is polluting the water off of your California coast.

These, as you know, are only a few of the drastic problems periling our nation's future and I feel I am doing what I can to stop it, but it is going to take the support of everyone!

Respectfully,

JEAN BULLIS.

BURLINGAME HIGH SCHOOL,
BURLINGAME, CALIF.,
January 30, 1970.

Congressman PAUL N. MCCLOSKEY,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCLOSKEY: In response to your request for concrete, thoughtful proposals to solve the problem of environmental pollution, I have a three point plan to reduce air pollution.

As you no doubt already know, the major causes of air pollution are the various modes of transportation in use today (autos, aircraft, buses, trucks). Responsibile for the greater part of this amount is the automobile. Therefore, my plan deals mainly with the transportation industry, and with automobiles in particular. First, I propose the rationing of gasoline by way of issuing gas stamps, similar to actions taken during World War II. Included under this would be a provision by which leaded gas would be made illegal. My second proposal would be an FAA regulation prohibiting any jet aircraft from leaving the ground that is not equipped with the new smog control combustor cans. These devices drastically reduce the amount of pollutants released by the aircraft by making the engines combust the fuel more completely. Thirdly, to provide a means of transportation for those people who had used all their gas stamps, I would propose that the federal government divert all highway funds and gas taxes to subsidize mass transit systems.

From 1940 to 1965, passenger cars registered in the U.S. increased from 27,372,000 to 74,904,000 while electric railway (elevated, surface and subway) and trolley coach routes of the transit industry decreased from 21,527 miles to 2,939 miles. Re-establishing the superiority of the mass transit system over the automobile would not only ease the air pollution problem, but it would also ease urban traffic congestion. For example, in one hour, an expressway lane accommodates 3,250 auto passengers or 6,750 bus passengers, while a single rail line can handle 48,000 commuters.

The oil industry is financially stable enough to withstand gas rationing with all the tax breaks they now receive. Besides, less than half the material refined from crude oil is gasoline. Also the Richfield Oil Company has developed an anti-knock additive to replace lead and is already distributing it in the Los Angeles area. The airline industry already has the new combustor cans and is waiting for the old ones to wear out before they install them. I live directly under the approach to San Francisco airport, and every night when the air is still, a sickening thick odor of kerosene settles on my house, and the windows and doors must be closed to keep it out. I don't believe the airlines industry should be allowed to wait any longer. In addition to the millions of tons of air pollutants poured into the air every year, millions of acres of open land are paved over for freeways. For these reasons, it is imperative that freeway expenditures be diverted to mass transit systems for the preservation of both clean air and open spaces.

Respectfully yours,

MICHAEL JOSEPH SOUZA.

ALTA LOMA JR. HIGH SCHOOL,
SOUTH SAN FRANCISCO, CALIF.,
January 26, 1970.

Hon. Mr. PAUL N. MCCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. MCCLOSKEY: As you well know, our world is being over populated and polluted. I have some suggestions for the solutions.

As for the garbage problem, I suggest pressing it into bricks, as done in Japan. This will make a useful product. It will also save land for homes instead of city dumps.

I've also heard that scientists have come up with a substance to wrap food that dissolves in water. This is also a great idea because they have come up with a solution for litter. Since it dissolves, the chemicals break up and can do no harm to the water which flows into the seas.

Air pollution is another problem which must be solved. I really don't think it can be solved completely, but some things can be done to help it. Some factors are, filters for factories, smog control for cars, and chemicals for gasoline, to make it bio-degratable after use. Also peace in the world, because bomb dropping is causing radiation and air pollution.

Over population is also a problem. It is hard to decide what to do, but I think abortion should be legalized, but only with parental consent.

Since food and land for cultivating is scarce, I believe farming underwater is a good idea. It produces better food and has more protein in it.

Respectfully yours,

DENISE MERCIER.

SOUTH SAN FRANCISCO, CALIF.,
January 23, 1970.

Hon. PAUL N. MCCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR SIR: I have been thinking about the problems of pollution and the population explosion. I would like to share my ideas with you.

To stop the pollution:

(A) Ban fireplace burning and barbecueing.

(B) Develop electric cars, and ration them.

(C) Find a different way of disposing of our garbage, such as making blocks for building purposes.

(D) Shut factories allowing steam and smoke to escape, find other ways of making the products, and make the factories pay a stiff fine if they continue polluting the air.

(E) Develop more and better rapid transit systems.

(F) Ban smoking.

(G) Find scientific ways to purify air and water now which are practical and inexpensive.

Some ways to control the population:

(A) Legalize abortion.

(B) Sterilize men and women after having a second child, but allow them to adopt unwanted children.

(C) Develop a kind of birth control with no ill effects.

I would further suggest the following to help solve the problem of the surplus population already here:

(A) Farm the ocean.

(B) Conserve more land by building more apartments.

(C) Develop more food which would yield a higher amount of protein to a smaller amount of land.

I hope that this letter may help in some small way.

Respectfully yours,

SHARON HAMMON.

HILLVIEW SCHOOL,
ATHERTON, CALIF.,
January 30, 1970.

PAUL N. MCCLOSKEY, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCLOSKEY: As the number of automobiles on the road increases, the smog problem from these cars increases. Not only is it a California problem, but one facing the entire country. Thus, I feel a need for California's smog control law to become a nationwide one. Even though our state has this law, it has not been enforced strongly enough. Although all cars are required to have a smog device, not all are functioning properly. Police check only to see if your car has a smog device but not if it's working. I feel that there should be road stops to check out each car for their device. They could do this and/or set out to develop a machine capable of checking on the effectiveness of each one. Slowly but surely this would help cut down on the smog in the air.

Thank you,

MARK J. BALESTRA.

MILLBRAE, CALIF.,
January 28, 1970.

Congressman PETE MCCLOSKEY,
Washington, D.C.

HONORABLE SIR: I am a student at Taylor Intermediate School in Millbrae, California. My science class has studied the matter of population-explosion. We saw various films on the subject before writing this letter. After giving this matter much consideration, I have a suggestion that I think might help.

Education:

We must use the mass media to educate people to the horrors of over-population, but to also show the blessings we can attain by living in a beautiful, bountiful and healthful country that is regulated in population size. There should be a goal set, but along with it a knowledge of how to reach this goal.

Assistance:

All men and women should be able to choose their method of achieving this limited family society. Help should be available whether it be to teach a religious method, advise on the best contraceptive for the individual or to direct them for help when there is an abortion to be had. Most people need direction after they have made their decision and it is necessary to make known to them where they can get such direction. It would be wonderful to be able to offer the nearest church as a place to come for help even in a matter such as this.

I thank you for all you have contributed toward this problem in the past and feel assured that you will do even more in the future.

Very truly yours,

JACK E. SAUM.

MENLO PARK, CALIF.,
January 28, 1970.

Hon. PAUL MCCLOSKEY,
House of Representatives,
Washington, D.C.

DEAR SIR: Concerning the problems of pollution in our country today, I'd like to share some thoughts with you and hope that the following ideas will be given some consideration:

(1) A return to reusable containers for beverages, etc. This would eliminate the littering of beaches, parks, streets, etc., with beer and soda pop cans. If the reusable containers were unbreakable, we'd stop the mess made by broken bottles.

(2) Immediate control and treatment of raw sewage being pumped into the oceans, rivers, lakes and streams.

(3) Immediate control of all toxic exhaust gases being emitted from cars and factories which are fouling the air we are breathing, and killing birds and trees.

(4) A National effort to provide exhaust-free public transportation of such high quality that people would give up driving their cars short distances.

(5) Very strict laws and penalties, with strict enforcement, for littering, dumping, oil leaks, and all polluting of the planet—at least, our part of it.

(6) An organization, such as NASA, should be formed to get our country on a crash program, similar to the space program, which would make cleaning up our environment a dedicated effort by the best brains in the country, supported by a concerned Congress and people.

I am 13 years old. I go to Hillview School which is a few blocks from your Mother's house. (I see her often at the Safeway.) When you come to Menlo Park next time I'd sure like it if you'd come by our school for a visit. I know all my 8th grade classmates—and the whole school—would be more than happy to meet you.

Thank you for your attention.

Sincerely yours,

SUSAN L. PAAR.

CABRILLO ELEMENTARY SCHOOL,
CRESPI AND LADERA,
Pacifica, Calif., January 30, 1970.

PAUL N. MCCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCLOSKEY: This letter is in reply to your request for student proposals to solve environmental pollution. The following list is a composite, made from three eighth grade history classes at Cabrillo Elementary School in Pacifica.

In dealing with cleaner air, the students said that the federal government should subsidize any company doing research and testing on a non-gasoline burning engine. Also, all factories should be required to use some kind of filter system similar to the smog devices on automobiles, with those factories not complying with the law being heavily fined. In addition, the government should encourage factories to use nuclear energy as a power source to eliminate the smoke causing smog.

Factory waste should not be dumped into rivers and lakes, but rather into a large pond with an underground pipe at the bottom of the pond, leading the sewage far underground and spreading it thinly so that it has a chance to deteriorate. Once again, the government would have to encourage such a system, but it need not be financially. Instead, government support could take the form of a positive advertising program, similar to the NRA Blue Eagle of the early 1930's, for those businesses actively seeking to unpollute the earth.

Along similar lines, a company could be aided to come up with a machine to compress garbage into bricks which could then be used in a positive way. The amount of garbage could be decreased by encouraging various companies to sell their products, such as soda pop, in re-usable glass or non-breakable plastic containers.

Our forests can be saved by a method to make paper re-usable. This involves a machine which removes the print from newspapers so that trees would not have to be cut down for the purpose of manufacturing paper.

Lastly, we plead with you to use your powers to stop the off-shore oil drilling, which as you know, is ruining our California beaches and wildlife.

If it is at all possible, the classes involved in making these suggestions have asked me to ask you if they could hear what steps your Conservation Subcommittee has taken. Thank you.

Sincerely,

MISS GAYLE STEWART.

BELMONT, CALIF.,
February 3, 1970.

Hon. PAUL MCCLOSKEY,
House of Representatives,
Washington, D.C.

DEAR SIR: My apologies for the delay in sending these, but illness has kept me from doing so. I'm sure you would still appreciate having them. I have also enclosed a sheet with compiled statistics gathered from these same students concerning the President's State of the Union speech.

Sincerely yours,

AUGUSTUS R. CACCIOTTI.

SAN BRUNO, CALIF.,
January 26, 1970.

PAUL N. MCCLOSKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. MCCLOSKEY: I am writing in response to your letter to our school. I am honored that you have the faith in us to try to solve these problems. As for pollution, I will try to form a solution for each type; air, water, land.

In air pollution the factories and cars do the most damage. I think that if we switched to propane it would reduce the smog problem drastically. Whoever thought of using propane was great. So I think that problem is solved (almost). As for factories, I think it should be mandatory for the smoke to be recycled and burnt until it is reduced to carbon dioxide, water vapor and re-usable solids. This would stop most air pollution. As for busses, just discontinue the use of diesel engines and put those on propane too. As for planes, switch their fuel to something that doesn't create so much smog.

As for water pollution, you would have to clean the water before it enters the streams, bays, etc. This would require a six step process. 1. First, you must grind up the solids and let them sedimentate. 2. Then pump diffused oxygen for the bacteria to eat the sewage. Then cook the sludge that remains. There is no smoke or ash from the incinerator. This is where conventional treatment stops. This is where the stuff still smells and is muddy brown. 3. Then add lime to remove the phosphorus. 4. Then sediment this. 5 Then pump this (the water) through a nitrogen tower to remove ammonia. Then add carbon dioxide to lower the PH factor. Then filter the last solids. 6. Pump through charcoal to remove smell and color, besides other organic items. Then Chlorinate and you have delicious, flat, water. This process is already being used in the Diamond Valley of California and in Pretoria, South Africa. As for cleaning up what we've already done, take the river water and pump it through these plants, and have people get to work and pick up the solid wastes.

As for the land pollution, there are several types. Scrap metal, such as tin cans, automobile hulks, old appliances, etc. They can be easily melted down. As they are all steel or steel with something else, they would all be reusable. But for future needs, I think we should stop production of cans entirely and use decomposable containers. They, if thrown away, could simply be taken to an enclosed dumping place and allowed to decompose. After three days, no more garbage! As for other garbage, all burnable could be decomposed by oxygen-free heating. This would break down the paper into carbon, hydrogen, and nitrogen, among traces of decomposed ink.

Most of all, I think that the people have to get up and help. Legislation alone won't help.

Sincerely,

ROBBIE PEFFER.
WILLARD R. ENGVALL.

REDWOOD CITY, CALIF.,
January 30, 1970.

To the Honorable Representative McCloskey:

These are some ideas on how to reduce some pollution: Public leaders, federal, state and local, should *express* goals of high standards of environmental quality and *encourage* all citizens to strive toward these goals by *commending* efforts of individuals and groups such as, Scouts leaving outdoor areas cleaner than they found them, and industries making *no* pollution. Offer tax breaks to installers of anti-pollution devices.

A good way to start people thinking about this is to ask the public for detailed ideas like you are doing now.

WHERE TO GET THE MONEY

Study revenue sources arising from depletion of natural resources which originally belonged to the whole country. Tax such things as the following:

Soil nutrients not replaced by farmers;

Trees not replaced by lumbering firms;

Minerals not replaced by miners (petroleum);

Water not replaced by manufacturers;

Oxygen not replaced by motorists (cars gulp down huge volumes of air);

Soil Erosion and Vegetation loss from developers;

Animals destroyed by damaging natural habitat; and

People smoking when someone else has to breathe it or if they toss it out the window of a car and start forest fires, etc.

Public leaders will have to keep constantly reminding people with the aid of newspapers, TV, radio, and their own speeches and letters, until every citizen becomes responsible for the good of everyone.

Sincerely,

WAYNE STOWELL,
Student, Kennedy Jr. High School.

ATHERTON, CALIF.,
January 25, 1970.

Hon. PAUL N. MCCLOSKEY,
Congress of the United States, House of Representatives, Washington, D.C.

MY DEAR MR. MCCLOSKEY: Thank you for your letter addressed to La Entrada School that invited us students to suggest aids for and solutions to our environmental crisis.

My suggestions deal mainly with the population explosion and air pollution in the United States.

In dealing with the population explosion, I think an indirect but efficient control should be put into effect: if a family has one

XUM

or two children, they should be allowed to exempt a certain amount of money for each child from their income tax returns, as is the present system. If a family has more than two children, it should only be allowed to exempt money for two children, and no deductions could be made for other children in the family.

This law shall only apply to children conceived after the date the law is put into effect. Families with more than two children, all conceived before the date the law is put into effect, should deduct for all the children, as is the present system.

Air pollution is already confronting us in huge proportions. It is something that needs to be handled quickly and proficiently, therefore fairly radically. The major cause of air pollution is mostly attributed to the millions of cars that cram our highways, so I shall offer suggestions in order to curb automobile air pollution.

Powerful cars with big engines use a lot of gasoline and therefore emit much exhaust fumes. A tax could be applied to cars with engines exceeding a certain number of cubic inches or engines that don't meet a certain fuel burning efficiency level. (Engines that don't completely burn fuel in the cylinder during the explosion stroke of the piston emit a lot of fumes.) The burning efficiency can be tested by examining the contents and amount of the exhaust.

The gasoline tax could be raised therefore "guiding" people to buy cars that don't use much gas.

I hope you have taken an interest in my suggestions. I have tried to make them as clear and as complete as I can.

Respectfully,

PETE ARNSTEIN.

ATHERTON, CALIF.,
January 27, 1970.

Hon. PAUL N. McCLOSKEY, Jr.,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR SIR: In regard to your letter addressed to Hillview School concerning air pollution, my suggestions are as follows:

First, although it is the law at this time that all vehicles be equipped with anti-smog devices, there is no individual inspection to ascertain that they are equipped with such devices and that the devices are effective. My suggestion would be to make such inspection mandatory and to require vehicles to carry an annual inspection sticker as they have in many states.

Secondly, I would propose that those companies or industries, which despite warnings, continue to pollute the air be penalized on a monthly basis in proportion to the amount of pollution which they produce. As soon as it became economic to stop polluting the air, they would cease to do so.

Third, and finally, I suggest that hydro-electric plants be run by nuclear power rather than coal or petroleum.

Sincerely,

KAREN FOSTER.

MCKINLEY SCHOOL,
REDWOOD CITY, CALIF.,
February 4, 1970.

Mr. PAUL McCLOSKEY,
House of Representatives,
Washington, D.C.

DEAR MR. McCLOSKEY: We are students at McKinley Junior High School in Redwood City and we were informed that you were interested in learning about student's solutions to various environmental pollution problems.

Several suggestions for land and water pollution are:

1. Pass on the message of pollution through television by showing a series of pictures of polluted land and water and playing background music such as "America the Beautiful." At the end of this the people should be informed as to what they can do.

2. Have our scientists discover some chemical which could dissolve garbage and rubbish. We could give this chemical to all our factories and they could use this instead of burning and dumping the garbage into our streams and rivers.

3. More chemical plants like the one at the Indian Creek Reservoir which changes the raw sewage into good, drinkable water.

4. The manufacturers could reduce garbage and debris into ashes by using atomic energy.

5. People should start the reusage of tin, aluminum cans, glass, cardboard and paper.

Tin, glass and aluminum cans could be remelted and reused. This would mean less air and water pollution because less ore would be smelted. This would also ease up the strain on our diminishing resources of minerals.

Paper and cardboard could be made into pulp and reused. This would help save the forests.

A small deposit could be offered or the community could be urged to support drives to collect these articles.

Several suggestions were made about air pollution:

1. Invent cars and other types of transportation which run on steam or air pressure instead of gasoline and oil.

2. Instead of smoking fireplaces we could have natural gas burning fireplaces. We would still be able to have fireplaces, but install gas furnaces.

3. Build rapid transit systems in metropolitan areas. Pay heavy tolls or taxes on highways and little or no no fare on the transit systems. People will be forced to use the systems. This would lessen automobiles which are polluting the air. For example: Raise the Bay Bridge toll to $2.00 or more and make the fare on B.A.R.T. or buses about 20c.

4. Natural gas would be cheaper than other fuel used for heating and would not emit nearly as many impurities in the air.

In addition, heating natural gas is also a solution to the gasoline combustion engine. Converting a regular gasoline engine to natural gas engines would not be a great problem and it is also rather inexpensive.

5. Get something like a giant cigarette filter which, when placed over a smoke stack, would sort of soak up the smoke. Naturally, this filter would have to be changed frequently.

6. Search for a different type of engine such as steam or electric.

We also had a suggestion on the population explosion:

Put a heavier tax on families with three or more children rather than making children tax deductible.

We should have more laws on pollution and we should also enforce them just as strong as any other law or more so!

Thank you for asking us to contribute our ideas to you.

We hope our ideas will be taken into consideration. We are sure that if you do use some of our suggestions and enforce more pollution laws we would all breathe easier.

We, the 8th grade students of Mrs. Tilford's 4th period class, thank you again.

Sincerely,

CATHY GLAHN.

JANUARY 29, 1970.

Hon. PAUL N. McCLOSKEY, Jr.,
Belmont, Calif.

MY DEAR MR. McCLOSKY: We feel that to keep down the population of this Nation, people should adopt children instead of having their own there are many children who have been orphaned in wars and accidents. It is difficult to place many of these children because of their age, race, and unfortunate defects. We know that these children need the love and affection that a real family can give them.

To promote the public's interest in this problem, billboards and posters with pictures of the most needy children can be put up across the nation instead of billboards advertising various commercial products.

Yours very truly,

KATHLEEN COLEMAN.
BECKY PECCHENINO.

PORTOLA VALLEY, CALIF.,
January 30, 1970.

Hon. PAUL N. McCLOSKEY,
Belmont, Calif.

OUR DEAR MR. McCLOSKEY: Enclosed are our ideas for preventing overpopulation and air pollution.

The pill is a good idea except there is a theory that it causes cancer. If a new contraceptive was invented that was pre-tested for safety, this might solve the problem.

Our second idea is to pass a law that would impose a tax upon parents who have more than two children. This would be so because there would be a law limiting two children per couple. Poor, uneducated people cannot curb this problem with ease so contraceptives could be provided to them with no cost.

To nip overpopulation in the bud there could be a school educational program that teaches children the dangers of an overpopulated society. If they were taught when they were young, this program would inform them of this problem when they are at a susceptible age.

Turning to the subject of air pollution, the car, of course, is the main problem. One idea of ours is for Congress to pass a bill where by a certain date, if the auto and oil industries have not put forth money in research into the production of a better car, the taxes on these industries would rise substantially. The goal of this bill would be to develop a non-polluting car that had either a different type of engine, fuel or both.

Another idea of ours would be for Congress to set up a non-partisan investigating committee that would find out exactly who are the factories that are depositing considerable amounts of pollutants into the air. The next thing this committee would do would be to expose them to the public and ask them to cut down their pollution to a standard percentage or else.

Airplanes also cause a substantial amount of pollution. First of all the number of flights should be reduced which would also help the air traffic controllers. The airlines should be required by F.A.A. to equip the planes with better equipment to stop pollution than they have now. They might also try to develop better fuels.

Finally, we think that a bill should be passed by the National Congress that would prohibit all types of outdoor burning.

We would greatly appreciate it if you would take into consideration our ideas.

Yours very truly,

THEODORE C. ALWAY.
BRAIN H. JAFFE.

Menlo Park, Calif.,
January 30, 1970.

PAUL N. McCLOSKEY, Jr.,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. McCLOSKEY: The technical problems of smog and air pollution due to gasoline engines, have already been solved. Working equipment has been tested and proven in automobiles many times. If you really would like to do something about this problem you could pass and enforce a law using these new smog control devices called fuel-injectors.

They are run by computers that measure just the right amount of gas that your engine requires and no more. This also would save people more money on gasoline and they would get more power and no smog, for their money's worth. This would cut inflation by not making gas cost so much per gallon. Also including the fact that they could be installed in every car across the country in one year for $300,000.

I have another suggestion that could help this operation get started.

A. When people buy these cars they would have no fee for registration and licensing their new car.

B. If either you or the California legislators could work it out so that there would be no toll for bridges on cars with these new devices.

C. Make or suggest a bill to make it illegal to drive a car without this new device.

I have been studying and listening to people's various ways and ideas over the last 6 months on smog control, and I have formed several different views on pollution and how to prevent it. I am very happy that your letter has given me an opportunity to express my views. I wish you the best of luck in finding a good solution to this terribly-nerve-racking problem in California as well as all over the United States.

Sincerely yours,

KATHY HUBBELL.

P.S.—If you wish to know actual names of the fuel-injector devices, people and/or see the 50,000 mile test results I will be glad to furnish them to you.

GLENDALE SERVICE CLUBS YOUTH EMPLOYMENT SERVICE, BRIEF HISTORY AND STATISTICS

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. SMITH of California. Mr. Speaker, Glendale Service Clubs Youth Employment Service was formed in August 1967, by interested service and civic organizations, to continue the youth employment service started in 1951 by the Sertoma Club of Glendale.

Mrs. Frances Grigsby has been director of YES since 1954. She is highly qualified and dedicated to this service.

The Glendale YES is known throughout the country, and hardly a month goes by that we do not receive a request for assistance in setting up a service of this kind in other areas.

Each year the number of placements has increased, to approximately 2,000 last year.

This is a service to the community in many ways. It puts money into the hands of youngsters who in turn spend it in Glendale to aid the economy. It is a service to the Glendale citizenry who need a babysitter, a yardboy, a part-time office girl, stockboy, delivery boy, hospital service personnel, et cetera. It keeps our young people, our potential labor market, in Glendale. It relieves the schools of supplying employment services to the students, but, more important, it teaches young people responsibility to an employer, and makes for better future full-time employees. It has been attributed to the Glendale Police Department that YES is "the best deterrent to juvenile delinquency in Glendale."

Our budget of $4,500 is met through volunteer donations, basically service clubs, individuals, and now recently the Glendale Key Merchants Fashion Show.

The service does not provide any funds in the way of fees. Our only expenses are for the meager salary we pay our director, Mrs. Frances Grigsby, the telephone and the answering service. Office space is donated by one of our merchants.

Keeping the doors of YES open has not been easy, but with the support of our local townspeople who hope to continue our youth employment service for many years in the future.

SUPPORT FOR ISRAEL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. ANDERSON of California. Mr. Speaker, all of us want peace in the Middle East and security for the nation of Israel. Presently, the Arab world, with a population of 51 million, is waging a war of attrition against Israel, a country of 2.8 million people. The consequences of the Arab strategy seem to be evident as illustrated by the May casualty list. In May, 61 Israel soldiers and civilians were killed—the heaviest monthly toll since the 1967 war.

In order to defend themselves, the Israelies must depend heavily on air superiority. Without the threat and the reality of air strikes against strategic locations and massing Arab forces, the possibility of an Arab land invasion may become a stunning reality.

In order to aid the Egyptians, Russia has sent thousands of military personnel and advisers. In addition, Russia has armed the Egyptians with sophisticated antiaircraft missiles, advanced Mig's and Soviet pilots to man them.

Mr. Speaker, the Israelies are fighting for their very existence. They cannot afford to lose. While working for peace in every way, we must provide Israel with the strength to deter any Russian-Arab intentions of eliminating Israel.

In order to restore the balance of power, Israel has requested additional jets. Thus far, the administration has not taken firm action on the sale of supersonic jets to Israel. I believe that we should, first, urge the Russians to withdraw their forces from the Middle East and, second, aid Israel and allow her to keep an effective and valid deterrent. We can best prevent the outbreak of full-scale hostilities by approving the sale of supersonic jet aircraft requested by Israel in order to help restore the balance of power in the Middle East.

In this regard, I have joined with my colleagues in writing the President urging an affirmative decision on the sale of jets to Israel. These planes are vital to the preservation of the balance and peace in the Middle East.

CONGRESSIONAL REPORT TO NINTH DISTRICT RESIDENTS—JUNE 15, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

WAGE AND PRICE CONTROLS

The stubborn problem of inflation is pushing a reluctant President towards some kind of wage and price restraint, other than the monetary and fiscal policies of the past. The spiral of wages and prices just hasn't responded to the old remedies of making less money available and tightening the government's budgets.

The President had expected to trim the price increase rate to about 3 percent in 1969, as compared to a rate of more than 4 percent in 1968. But the Administration ended up with a 6.2 percent increase in 1969 and a comparable increase in prices early this year. In addition, unemployment is running at about 5 percent this year, well above the 3.5 percent of a year ago.

The appeal for patience to give the present policies a chance to work is wearing thin. Yet, the search for alternative approaches to restrain wages and prices has yet to turn up a policy which is effective.

Even though several distinguished economists have concluded that only mandatory wage and price controls will stop inflation's spiral, this extreme approach is not being considered seriously at present. An appeal for a temporary, voluntary freeze apparently has been set aside because it could be shattered by the automobile labor negotiations coming up this summer. The revival or percentage guidelines as a test of inflation in wages and prices appears to be the most definite possibility.

This approach, often called incomes policy, is a supplement to the primary anti-inflation weapons of credit, tax, and spending policy. The idea is to muster public opinion against the decisions of companies and unions that press for higher prices and wages.

Congress has shown an interest in an incomes policy. The House Banking Committee voted to support legislation which would give the President authority to control wages, prices and rents, though he would not be required to use such authority. Another Committee has approved legislation which would reinstate the voluntary guidelines, setting limits for wage increases and price changes. In the latter case, the President would be urged to use every persuasion to keep wage and price levels within acceptable limits.

Support for the incomes policy approach comes from several sources. Arthur Burns, Chairman of the Federal Reserve Board and former adviser to the President, and Pierre-Paul Schweitzer, managing director of the International Monetary Fund are backers of the policy. Additional support comes from the presidents of Prudential Insurance Co., Chase Manhattan Board, Fortune Magazine, the Organization for Economic Cooperation and Development, and from many members of Congress, both Republican and Democrat. Even the Treasury Department's head economist has suggested that it is time for the President to consider some type of incomes policy to curb excessive wage and price increases.

While no one expects complete success, the sentiment is growing that wage and price guidelines should at least be tried. They

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have worked reasonably well in the past, but they have not been uniformly successful. They are invariably discriminatory and inequitable because pressure is brought to bear on a few prominent industries while scores of other enterprises go unscathed.

One form of a wage and price restraint policy might be to appoint a watchdog commission to bring to light excessive wage and price decisions. The commission, which would include representatives of business, labor and consumer interests, could publish an analysis of key price and wage developments each month. The incomes policy plan can't do any harm, and it could even slow things down a little. It might help to brake the inflationary psychology which is a chief factor in rising prices today.

Many persons, including myself, have come to believe that we ought to try an incomes policy to help avert an economic crunch which might come from a severe application of economic monetary and fiscal policy. While it might be distasteful, and at best would have only modest success, it is preferable to direct control, it is also apparent that present policies have not stopped the rate of inflation and something more is needed.

HORTON REMEMBERS TRAGIC ANNIVERSARY OF BALTIC STATES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HORTON. Mr. Speaker, the grim anniversary of the Baltic States of Latvia, Lithuania, and Estonia is being commemorated this week.

This week marks the 30th anniversary of the Soviet invasion and their imposition of terror on these freedom-loving countries.

Between June 14 and June 17, 1940, the Soviets invaded Latvia, Lithuania, and Estonia, and incorporated them into the Soviet regime. Within the year, thousands of Estonians, Latvians, and Lithuanians were deported to the Soviet Union, mainly the dreaded Siberia.

The seizure of the Baltic States has been a subject of serious discussion for some time. Four years ago, the House and Senate passed a resolution supporting the aspirations of Baltic peoples for self-determination and national independence. The resolution urged the President of the United States to direct world opinion at the United Nations to the denial of the right of self-determination of the Baltic peoples, and to bring the force of world opinion to bear on restoration of these rights.

I feel particularly close to this problem because I have many constituents who have escaped Communist rule and I have personally heard of their terrible experiences.

I feel that by renewing our support of these brave people of the Baltic States, we show our renewed devotion to the hopes of all people for liberty.

I support these people who continually endure and strive for freedom. I salute their spirit and commend them for their courage.

They were brutally crushed by the Soviets, and yet their courage in the face of such oppression is striking. They deserve our respect and commemoration.

Mr. Speaker, in our day-to-day concerns, we sometimes lose sight of the great tragedy suffered by the citizens of the Baltic States. On this sad anniversary let us again remember and renew our support for the self-determination of these oppressed people.

"TWO STEPS AT ONCE"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. ROBISON. Mr. Speaker, as we draw closer to that important day—the day the House votes on the Voting Rights Act and the 18-year-old vote—it seems to me that we should reflect on the significance that each of our votes will have on the course this Nation takes in the coming years.

The impact of the original Voting Rights Act cannot be denied—one need only look to the recent primary election in Alabama to note that black voters played a significant role, and a role that they might not even have been able to play were it not for the Voting Rights Act. But certainly we have not reached the millennium in this regard and, therefore, the extension of the act is a necessity, and the same procedures will continue to be necessary until the day our racial prejudices dissipate to the degree that such legislation is superfluous.

Similarly, if our common counsel to students and young people to "work within the system" is to have any meaning whatsoever, we must give them the opportunity to have access to that system. We have the opportunity before us now to turn our rhetoric into reality by granting the franchise to young people across the Nation.

As each member considers the way that his vote shall be cast, I offer the following editorial from the Christian Science Monitor of June 8, 1970, which I believe eloquently yet concisely describes the issue before us:

TWO STEPS AT ONCE

The House of Representatives will shortly have the chance, in a single vote on extending the Voting Rights Act of 1965, of taking at least two steps toward greater national unity.

Many black Americans—more than a million of them—have been brought into the electoral process by the 1965 bill, which is due to expire in August. The original bill waived literacy tests in states in which fewer than half of all eligible voters registered or voted in the 1964 election. Federal registrars were also sent into the seven Southern states to which the bill applied.

The Senate in March voted to renew the 1965 act. And it added significant amendments. The literacy test ban would be applied to the whole nation. Residency requirements would be also banned nationwide for presidential elections. Given the political need to make civil-rights action seem less an instrument of provocation to the South, and the fact that the mobility of the population disenfranchies many voters under residency laws—as well as simple fairness—these amendments make sense.

So does yet another amendment to the original 1965 act—giving the vote to 18-year-olds.

Granted that this moment in history is seeing something of a backlash against young protestors, as witnessed by the turndown of a 19-year-old vote referendum by the citizens of Oregon recently. Granted that the House itself may have mixed feelings at the moment about the implications of the youth movement, and its own history of little interest in enfranchising the young (the House has never even debated the issue, in committee or on the floor). Granted that the constitutionality of the measure is not yet certain.

Nonetheless, this is a moment when, more than ever before, it is necessary to bring youth into the democratic electoral process. They are being wooed by extremists who believe that the orderly elective process of change is too slow, is in the hands of an evil-minded "establishment," and that the system must be overthrown, not worked within.

Apart from this negative reason, there is also a greater desire among the young today to influence constructively the course of the nation's events. The intensive youth lobbying effort in Washington going on at the moment is one sign of this.

The black community, too, is being wooed by forget-the-system, if not destroy-the-system advocates. There is no point in conceding the ground to the other side. The House should vote to extend the 1965 act, with the Senate amendments.

BABE RUTH BASEBALL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RODINO. Mr. Speaker, the importance of baseball to today's youth cannot be overlooked. During the last 101 years, baseball has become an integral part of our summers, acquiring the nickname of our "national pasttime." Many famous men have gained prominence through baseball, among them—Ty Cobb, Cy Young, Lou Gehrig, Willie Mays, and our Washington Senators' manager, Ted Williams. Perhaps the most famous of all is the immortal Babe Ruth.

That the baseball organization, founded in 1951, bears the name of Babe Ruth—a pitcher who could hit, converted to an outfielder, and the holder of many, many hitting records, for example his 714 home runs—is a tribute to a great player. Young boys in the United States and around the world are exposed to the sport loved by this outstanding American.

In this light the necessity of Babe Ruth Baseball is vital to the youth of our country. Through Babe Ruth Baseball we build our young men physically; it also presents the fundamentals of democracy, competition and sportsmanship. These fundamentals, which are presented through all sports activity, instill pride in these boys, and stimulate their desire to succeed in education, in sports, and in jobs, thereby creating better citizens. With the life and achievements of Babe Ruth as a guide for them, participation in Babe Ruth Baseball is one of the best experiences available to the young men of our country.

BOB HOPE: THE SPIRIT OF THE FOURTH OF JULY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. COLLINS. Mr. Speaker, Bob Hope is leading the way again. He is spearheading the greatest Fourth of July celebration in American history, and it will be right here in Washington.

Most of us in Congress will be back home with our neighbors for this traditional occasion. July 4 will be a program of prayer, of honor for our flag, and climaxed when we pause with humility and respect to recall the greatness of the inception of our Republic. But these are our hometowns—Grassroots, U.S.A.

And thank the good Lord, Bob Hope is bringing this same patriotic spirit into the city of Washington. Washington, more than any city in our Nation, needs the rejuvenation.

Down in Texas we list our heroes at every opportunity. They are all Texans of years gone by including Houston, Austin, Travis, and Crockett. But today we have a contemporary Texan whom we consider the lone star in our Lone Star flag. He is Bob Hope. He was not born in Texas. He has never lived there. He does not vote there. But Hope is as much of Texas as the hot sun in the summer and the north wind in the winter. Bob Hope is always with us in spirit—he is all-American and in Texas we rate him the champ.

All of this to say that I read an excellent editorial in the Dallas Times Herald of June 10, written by the editor, Felix R. McKnight, which sums up how Texans feel about Bob Hope.

The editorial follows:

On the Fourth of July, a citizen named Bob Hope will stand alongside the Washington Monument and ask his brothers to cool their differences and act like Americans.

It used to be done every Fourth of July—all over the land.

Somehow, it went out of style. And we haven't been the same since.

But Bob Hope, who has earned his credentials, will use the same hallowed slope that has been available to war dissenters to rally his distressed nation around its flag.

He wants a half-million persons to crowd the monument grounds and he wants every television viewer in the 50 states to tune in on an "Honor America Day." It's his idea, and a superb one, to show the world that we are not the total suckers they prattle about.

Corny? Maybe, by a few of today's standards. But beautiful to most Americans—if they will get up their guts, shake their timidity about national pride and sing out.

This is no pro or con matter with Bob Hope. It is not a rebuttal to antiwar elements.

"We're trying to keep the war out of this; to make this a celebration instead of a demonstration," Hope said. "We want this to be the biggest celebration in American history."

It will be an all-day affair, like an old Fourth family outing, and it will be staged by another group of all-Americans, Walt Disney's crowd.

Besides Hope will be another alternate emcee. Billy Graham, and other famed personalities who want to publicly acknowledge their faith in a battered, but magnificent, nation of free people.

Along toward the end of the day, Hope hinted, a featured "speaker" might be the President of the United States.

It will be a day for all Americans, and that includes reasoning dissenters. It won't be a place for counter demonstrations—and the greatest of all shows of strength could come if it goes off without a marring incident.

Bob Hope deserves that—whether some are opposed to national policy. He respects their right to their bag, but he loathes violence. He should have their respect.

It's something another man of 35 years ago might have done.

Sadly, very few of the immediate younger generations ever heard of a man named Will Rogers.

He was a Claremore, Okla., cowhand who twirled a lariat, brushed back a wayward cowlick, squinted one eye—and said a lot of wise things.

Will Rogers twitted presidents in homey, spontaneous humor. He could take the heaviest national issues and iron them out in plain language that all could understand. He had wisdom—like you get from living with plain folk and just listening.

He loved his country and he tried to keep it on a straight path with his daily little two-paragraph gems that most newspapers published on the front page. He kidded and he poked fun—but the last sentence of every column was always frosted in horse sense.

He was sort of a national referee. His rulings were always fair and he didn't need brick or bottles or firebombs to dissent. He used only words; words of depth, reason, compassion and understanding.

Will Rogers died long before his time in an Alaskan plane crash. Million of Americans who knew him have said millions of times these days: . . . "If we only had a Will Rogers these days . . ."

The closest we'll come to a Will Rogers is Bob Hope. He has the national image and respect. He has the same intense love for his country, and he has the guts to stand up to any heckling hippie.

It would be fairly safe to say that next to the presidency, Bob Hope probably carries as much national respect as any man. He has given many years of his life to building that confidence.

He takes Christmas to battlefields. He has been doing it for years. He is a solid humanitarian. He is a funny man, all right, but he also has the sincerity and believability that made Will Rogers before him.

Bob Hope practices what he preaches. He is no fair weather American. He is just the fellow to be standing by the Washington Monument on July 4th.

THE 30TH ANNIVERSARY OF THE INVASION OF THE THREE BALTIC REPUBLICS BY THE SOVIET UNION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. COLLIER. Mr. Speaker, the people of the United States will soon observe the 194th anniversary of the Declaration of Independence. During the almost two centuries that have elapsed since July 4, 1776, our Nation has been an inspiration to peoples all over the world. Many of them have obtained their own independence since the Founding Fathers severed the ties that previously bound us to the British Empire.

Unfortunately, while most of the nations of Latin America and Europe during the 19th centry and many countries of Africa and Asia during the 20th were gaining their freedom from colonialism, other lands were being deprived of their independence, among these are the three Baltic Republics—Estonia, Latvia, and Lithuania.

Yesterday was the 30th anniversay of the invasion of these small nations by the Soviet Union. It was on June 15, 1940, when the Communists, who, along with National Socialist Germany, had but a short time before taken over Poland, seized Estonia, Latvia and Lithuania.

Mr. Speaker, as we celebrate Independence Day with oratory, music, and other activities, let us remember to offer up prayers that the peoples of the Baltic Republic will soon be able to resume their honored places among the free nations of the world.

MAYOR SIMS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. VANIK. Mr. Speaker, in the public service, there are occasions when a person of extraordinary quality and dedication appears on the scene to fulfill a high calling.

For over 32 years, the city of Euclid in the 22d district has had the invaluable service of Mayor Kenneth J. Sims who will retire on June 19th. The Sims administration has been a model of good government for over 3 decades; nonpartisan, reformist, efficient, and respected.

Mayor Sims has had the support of a coalition of citizens who believed in good government. The strength of this coalition grew in every successive term. The high standards of public administration which have characterized his work insure that Euclid will be well-governed. The citizens are accustomed to these standards. They will not settle for less.

Life in the city of Euclid is a warm, satisfying experience. People care about each other—as the city cares about its people. This is part of the Sims heritage.

Although the city of Euclid has grown in the Sims administration from 13,000 to over 80,000, the citizens are still treated as special people by their mayor.

In a quiet, modest and dignified way, Mayor Sims has administered public affairs in the highest traditions of the public service.

As a grateful resident of the city of Euclid, I join with my fellow citizens in saying "Well done, Mr. Mayor." May you and Mrs. Sims have many happy and healthy years in a well-deserved retirement.

I would like to include in the RECORD at this point the following editorial from the Cleveland Press of June 12, 1970:

SIMS OF EUCLID IS A MODEL MAYOR

The ideal public official should be a dynamic individual of absolute integrity, enor-

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mous energy, and total dedication to the community he serves.

Few men live up to such high standards. But one who always has is Kenneth J. Sims, 68, stepping down next week after 32 years as mayor of Euclid.

The dean of this area's top officials was elected in 1937 as head of a coalition ticket after a Press expose of gambling and slot machine operations in what then was a modest-size community on the lake. He vowed to clean up the city and make it a bigger and better one, and he did.

Under Sims' guidance, Euclid has achieved a rare and highly enviable suburban mix of single residents, towering apartments lining Lake Erie, giant industries, successful commercial developments, pleasant recreation areas, and a school system to match.

Ken Sims' career is a lesson in public service. He has earned all the honors he has received—and will receive—from the community he has been part of for so many years.

AUSTEN D. WARBURTON HONORED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. EDWARDS of California. Mr. Speaker, the city of Santa Clara tomorrow will honor one of its outstanding citizens, Austen D. Warburton, whose name is synonymous with public service in that community. His achievements on behalf of youth, conservation, and the preservation of local history and culture have been outstanding. A native of Santa Clara, descendant of a local pioneer family, attorney, and former law professor, Mr. Warburton has served as city councilman and vice mayor of Santa Clara and was chairman of the board of freeholders that drafted the present city charter. He was founder of the city's parks and recreation department and served on the parks and recreation commission in addition to the civil service, planning, and historic landmarks commissions. Because of his great interest in youth, he established the Santa Clara Juvenile Justice Commission and served on the county's first delinquency prevention commission. He is permanent chairman of the Santa Clara Juvenile Advisory Council, which he established 15 years ago to work with first-time juvenile offenders. He is a longtime member of the Governor's Conference on Youth, president of the Santa Clara Youth Center, and serves or has served on the boards of Eastfield, YMCA, the Adult Guidance Clinic, Brandon House, Valley Village Retirement Home, and the Santa Clara County Council of the Boy Scouts. He is also vice president of the Central Area United Fund and chairman of the fund's allocations committee.

His interest in history, culture, and Indian folklore led to his appointment as the city's first curator, a title created especially for him. His contributions to the preservation of local history and culture are both personal and civic. Author of a book called "Indian Lore of the Northern California Coast," he owns a prizewinning collection of early California art. His shows of Indian art and artifacts have long been a source of community pride. He initiated the annual heritage tours of Santa Clara and recently established, with other leading citizens, the Santa Clara Foundation to promote the historic preservation of the city. For the past 6 years he has judged and participated in the Santa Clara Past and Present Art Show which has provided the nucleus for a civic art collection through its purchase awards. He is also a patron and legal counsel for the Santa Clara Philharmonic Orchestra.

Such far-ranging and faithful community service is rare and precious and roundly deserves recognition and thanks. I would like to join here, for the RECORD, in congratulating Austen D. Warburton for his outstanding contributions to a grateful community.

A TRIBUTE TO SIDNEY LICHTMAN

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. PODELL. Mr. Speaker, I would like to pay tribute to the memory of a friend, Assemblyman Sidney Lichtman. His sudden and untimely death was a deep shock. Along with his dear wife, Beverly, and his two sons, Jay and Steven, and other members of his family, I deeply mourn his passing.

If I were asked to describe the way I best remember Sidney, it would be as a fighter for what he believed right and just. He stood out because he brought dedication and tenacity of purpose to all his many endeavors. When the odds were against him, he fought the hardest. Odds did not mean a thing to Sidney, and he was proven right every time. Yet, along with those he also brought the most important characteristic—compassion.

As an assistant district attorney for Kings County and as an assemblyman from the 44th assembly district, he left an indelible mark. His all too brief years in the assembly from the 44th—the district that we both had the honor of successively representing—demonstrated his outstanding grasp of the important problems and issues confronting the citizens of our State and community.

Sidney's colleagues on both sides of the aisle recognized his expertise in the area of criminal law and procedure. He was a most progressive legislator in the area of criminal procedure—demonstrating his deep concern with criminal rehabilitation and jury trials for misdemeanor cases in New York City.

He was involved and active in the areas of electoral reform, increasing the minimum wage, and lowering the voting age to 18.

I remember Sidney as kind, gracious, and thoughtful. We all remember him as having high regard for his fellow man. His service to the community in official and unofficial capacities is testimony enough to that fact. He served as a member of the Federation of Jewish Philanthropies' Speakers Bureau, as vice president of the Kings County Lodge of B'nai B'rith, a member of the policemen's honor league, the Kings County Criminal Bar Association—and the list could continue.

It is not easy for me to speak about a colleague with whom I had worked so closely for so many years. Encomiums do not really tell the story. Rather, I would like to single out two of Sidney's many attributes for special mention.

The first is the great love that he had for his wife, Beverly. Theirs was a true marital partnership, and they were a wonderful team.

The second, I think, was his stick-to-itiveness, his doggedness in overcoming what sometimes seemed to be overwhelming and insurmountable. Sidney made others who came in contact with him respect, admire, and love him. Because of this, he had the marks of a truly great man.

His deeds and his many friendships are ample testimony to the type of man he was. While it is with sadness that we pay tribute to his memory, we must remember that he accomplished what few men ever do: He made a true contribution to the life of his fellow man.

In summary, I think that we can describe Sidney's life with the following creed:

> You walk through this life but once. All the good you can do to your fellow man, do it now. Do not defer it nor deter it, for you may not pass this way again.

BALTIC STATES FREEDOM

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HOWARD. Mr. Speaker, yesterday, we noted the 30th anniversary of the deportation of thousands of citizens of Estonia, Latvia, and Lithuania. At that time, I inserted, with my comments, the text of the House Concurrent Resolution 416, which was passed by the 89th Congress.

Today, I would like to call the attention of my colleagues to an editorial by the respected columnist David Lawrence dealing with this same subject. This editorial appeared in the Asbury Park, N.J., Press, of June 11, 1970, and I believe is an excellent discussion of the need for attention toward the unfortunate peoples of the Baltic nations.

The editorial follows:

BOTH SIDES OF MAJOR WAR PAID DIVIDENDS FOR RUSSIA

(By David Lawrence)

WASHINGTON.—It isn't often that a nation fights on both sides of a major war and comes out with a big prize derived from each adversary.

The younger generation of today wasn't even born when it all happened. For on the 15th of this month, a tragic anniversary will be recorded. On that day in 1940 the Soviet Union—then an ally of Nazi Germany—annexed Lithuania, Estonia and Latvia, which the Red Army had invaded and occupied after the conquest of Poland. Later on, when Hitler turned on the Russians in June 1941, America came to their aid, and, as a consequence of the victory of the Western Allies, the Soviet Union was able to secure domi-

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nant control over the so-called independent governments in Poland, Czechoslovakia, Hungary, Rumania, Bulgaria and East Germany.

Without Hitler's help, the Russians wouldn't have acquired the Baltic states. Without America's aid, they wouldn't have won control of the "captive nations" of Eastern Europe.

The seizure or the Baltic states—Lithuania, Latvia and Estonia—has for many years been the subject of discussion in the United States, and efforts have been made in the United Nations to persuade the Russians to liberate the three countries. The United States government has over the past 30 years maintained a policy of non-recognition of the occupation of the Baltic states. The Senate Foreign Relations Committee has again and again expressed disapproval of the Soviet course.

Just four years ago, the House and Senate, each by unanimous vote, adopted a concurrent resolution urging the President of the United States "to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples." The resolution says:

"The subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the charter of the United Nations, and is an impediment to the promotion of world peace and cooperation . . .

"All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development. . . .

"The Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the government of the Soviet Union."

An organization called "Americans for Congressional Action to Free the Baltic States" was formed a few years ago, and Richard M. Nixon has been a member of its honorary committee since 1967.

There are a large number of descendants and relatives of natives of Lithuania, Latvia and Estonia residing in America today, but many citizens with no ethnic connections have also been sympathetic with the movement to terminate the enslavement of the Baltic states by the Soviet Union and to restore their independence.

The occupation of the Baltic states since 1940 has been called one of the most brutal of all times. The three countries have lost more than one fourth of their entire population. During the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters were killed in an organized resistance movement against the invaders. Cessation in 1952 of armed guerrilla warfare didn't end the protest against Soviet domination, and passive resistance has continued, while efforts to present the case of the Baltic states have proceeded in different parts of the world.

At a time when Western powers have been granting freedom and independence to many nations in Africa, Asia and other areas, liberation of the peoples of Lithuania, Latvia and Estonia has not had the widespread support it deserves. Attempts are being made to get a supplementary resolution passed by Congress soon to reaffirm that all people have the right to self-determination, which means the right freely to choose their own government and to pursue their own development. The objective is to persuade the administration here to bring the issue of the Baltic states before the United Nations and to present again to the world the case for complete withdrawal of the Soviets from Lithuania, Latvia and Estonia.

WASHINGTON REPORT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. QUILLEN. Mr. Speaker, I have introduced a bill, H.R. 16061, to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

This is legislation which I feel is vitally needed as I know how important TVA services are to Tennessee and surrounding States.

Recently, Mr. J. D. Brown, Washington representative of the Tennessee Valley Public Power Association, gave his "Washington Report" at the 24th TVPPA annual meeting at Jekyll Island, Ga.

In his remarks, Mr. Brown dwells considerably on the subject of TVA bond ceilings. His views on this legislation are enlightening and I feel they should be made available to readers of the RECORD, as follows:

WASHINGTON REPORT

(Remarks by J. D. Brown)

It is a real pleasure to join with TVA's Manager of Power, Jim Watson, at what will surely be classed as one of the most successful of the Tennessee Valley Public Power Association's 24 annual meetings.

My assignment at this meeting is to discuss the Washington scene.

Last year I told you that the main features of the Washington scene for the Tennessee Valley were the departure of Lister Hill of Alabama from the U.S. Senate—a fact that today still has not-insignificant repercussions for TVA—the fact that a vacancy existed on the TVA Board, and that Red Wagner was the obvious choice—a vacancy which, to the Administration's credit, has been filled by Mr. Wagner . . . and that within a few months TVA would necessarily ask the Congress for an increase in the ceiling on TVA's authority to issue revenue bonds and notes to finance power supply expansion in the Valley.

THE BOND CEILING

The bulk of my remarks today will deal with the major TVA issue in the Congress today: the proposal to increase TVA's revenue bond authority.

Why is this revenue bond ceiling important? What does it really mean to the Tennessee Valley?

The plain fact is that a ceiling on TVA's authority to borrow money is more than a dollar ceiling; it is, indeed, a ceiling on the growth and progress of the Tennessee Valley. It is a ceiling on the commercial, industrial, and farm growth necessary to a thriving region of the United States.

It was in 1959 that the Congress first authorized TVA to issue revenue bonds, notes, "and other evidences of indebtedness," with a ceiling of $750 million on the amount of bonds and notes that TVA could have outstanding at any one time. While everyone realized that the $750 million ceiling would soon have to be raised, it was seven years before TVA had to come back to the Congress to lift the ceiling.

It is significant to keep in mind that, when the initial revenue bond bill was before Congress, the Bureau of the Budget recommended a ceiling of only $200 million—enough borrowing authority to last TVA for only a couple of years. This was under a Republican President, Dwight Eisenhower, who signed the revenue bond bill, with its $750 million ceiling, into law in August, 1959.

Comes 1966, and the need to raise that ceiling. On the Hill the key figure in the House is Congressman Bob Jones of Alabama, chairman of the subcommittee of the House Public Works Committee which considered TVA bond legislation. Congressman Jones had been a co-author and stalwart in the 1959 fight to obtain revenue bond authority.

In the Senate in 1966, the top Valley supporters are two Republcians—ranking members of the Senate Public Works Committee—Senator John Sherman Cooper of Kentucky and Senator Howard Baker of Tennessee.

What is the problem in 1966? The Bureau of the Budget. Mind you, there's a Democratic President now, Lyndon Johnson. But it matters not to the Bureau of the Budget; the goal apparently is to put such restrictions on TVA that it will have to come to the Budget Bureau every other year for more bonding authority. The Budget Bureau recommends an increase in TVA's bond ceiling of only $250 million—to a total of $1 billion.

But TVA's Congressional friends would not stand still for such a small increase in the borrowing limit. After many agonizing weeks of negotiation, President Johnson finally agreed to recommend to the Congress that the ceiling on TVA's borrowing authority be raised to $1.75 billion—an increase of $1 billion, or more than double the initial ceiling of $750 million.

The bill to accomplish this passed both Houses rather quickly, and was signed into law, with flourishes, by President Johnson in 1966.

This brings us to 1970. The bond ceiling must be raised again. This time only four years has elapsed since TVA was before the Congress for a higher bond ceiling.

Let's trace what has happened this year.

In January, Congressman Bob Jones of Alabama addressed the Legislative and Resolutions Committee of the American Public Power Association in Washington, D.C. He called for "an increase in TVA's borrowing authority to at least $5 billion." Said Congressman Jones: "Within the next 10 years, the TVA must install as much electric generating capacity as has been installed during the previous 35 years of the system's existence." He mentioned the time lag of up to six years in delivery of major generating equipment.

About one month later—on February 19—seventeen members of the House introduced H.R. 16061, a bill to raise the ceiling on TVA's revenue bond authority from $1.75 billion to $5 billion.

These seventeen House members were:

Alabama: Walter Flowers, fifth district; Tom Bevill, seventh; and Robert E. Jones, eighth district.

Georgia: John W. Davis, seventh district.

Kentucky: Frank Stubblefield, first; and Tim Lee Carter, fifth district.

Mississippi: Thomas Abernethy, first; and Jamie Whitten, second district.

Tennessee: James Quillen, first; John Duncan, second; William Brock, third; Joe L. Evins, fourth; Richard Fulton, fifth; William Anderson, sixth; Ray Blanton, seventh; Edward Jones, eighth; and Dan Kuykendall, ninth district.

Virginia: William Wampler, ninth district.

As a routine matter, a bill such as this is referred to a committee, in this case to the House Public Works Committee, which includes two Tennessee Valley leaders, Congressman Bob Jones, and Congressman John Duncan of Knoxville. When this bill reaches the committee, the chairman of the committee normally sends out a letter to affected Federal agencies asking for their views or comments.

In the first part of March, TVA submitted a letter to the House Public Works Committee stating that it supported the bill proposing to raise the bond ceiling to $5 billion.

Apparently officials in the Budget Bureau and White House were disturbed because the Tennessee Valley Congressmen had introduced legislation on TVA bond authority before the Administration sent up its own bill; and because TVA had forwarded its views to the House Public Works Committee without clearing it with the Administration.

But the Valley Congressmen did not feel bound to wait for the Administration to make up its mind about the bond ceiling. And TVA apparently submitted its views to the House Public Works Committee in the interests of moving the legislation along as rapidly as possible.

On March 28 the Budget Bureau delivered the bad news to the House Public Works Committee, in comments on the bill to raise the ceiling to $5 billion.

Said the Budget Bureau, presenting the Administration's position:

1. "The Administration recognizes TVA's need to prepare in advance for future power needs in its marketing area. Much has been accomplished by TVA in its power program since 1959 when its bonding authority was first enacted." Thus, said the Administration, we recognize the need for long-range power supply planning.

2. "Because of the tenuous nature of projecting growth of power demand in the Valley coupled with the uncertainty of AEC's future power needs, we believe that an increase as large as $3.25 billion should not be made at this time." Said the Administration in effect: we don't know whether loads will grow as fast as TVA has said they will, so we will gamble that they won't.

3. "However, because of the importance of TVA's power program and in recognition of the financial flexibility that a corporation must have, particularly in our nuclear age, we believe that a substantial increase could be utilized now to meet future program commitments.

"Accordingly, we recommend a *doubling* of TVA's present bonding authority to a total $3.5 billion."

To its credit, the Budget Bureau is recommending an increase of $1.75 billion in TVA's revenue bond authority—a much larger increase, in dollars and percentage, than that recommended by the Budget Bureau on the two earlier pieces of bond legislation, in 1959 and 1966.

But once you give the Budget Bureau credit for an improved attitude, the Bureau's recommendation for a $3.5 billion ceiling, rather than a $5 billion ceiling, falls short of realism.

The Budget Bureau, in its letter to the House Public Works Committee, says:

a. Bonding authority of $3.5 billion "will enable TVA, according to its plans and maximum projections, to initiate construction of plants to meet power demands through fiscal year 1978."

b. ". . . a further reevaluation of future power demands and TVA's bonding authority will required in fiscal year 1973."

This means that TVA will have to come back in 1973—and some predictions are for 1972—to obtain another increase in its bond ceiling. In less than three years, TVA will have used up its bond authority, and will not be able to place orders for future generating capacity—not until it again goes through the slow process of obtaining Budget Bureau and Congressional approval of added borrowing authority.

Even a $5 billion ceiling would mean that TVA must return in five years or less for an increase in that ceiling.

What is the difference between the $3.5 billion bond ceiling favored by the Administration, and the $5 billion ceiling advocated by the 17 House members who introduced legislation on this subject?

The main factor is time. For how many years will TVA be able to plan ahead on power supply, knowing that when it gets ready to order new generating equipment, it will not have to delay for months pending action in Washington, D.C.? How often should TVA come back to the Congress, for a review of how it has exercised its bonding authority? The first time frame was seven years, from 1959 to 1966; the second, four years, from 1966 to 1970; now the Budget Bureau is recommending what amounts to a two-year to three-year time span between bond ceiling increases.

Why, at a time when the nation is power-short, should TVA be limited to two to three years in its effective power supply planning?

Today many parts of the Nation are facing an electric power crisis.

As Red Wagner put it in a speech in Memphis last month, "The public should be aware that a horse race is on between power supply and power demand nearly everywhere in the United States . . . The race will not end soon. I include the Tennessee Valley in this assessment. The Number One problem of the electric industry today—nationally and in the Tennessee Valley—is to meet the loads which now exist and those which will mount tomorrow and next year and the year after."

The power supply crisis is real.

Obviously, then, an agency with a peak load of some 16 million kilowatts, and with loads doubling every ten years or sooner, should be able to plan far ahead for its power supply—which, indeed, your power supply. TVA has 20 million kilowatts of generating capacity on the line now, another 10 million kilowatts under construction, and another 5 million kilowatts ready for orders. It is the nation's largest integrated power network. To say that it cannot look more than two or three years ahead for financing seems not only short-sighted but perhaps even dangerous.

In today's United States power picture, it is no longer possible to look at, for example, power supply in the Tennessee Valley in isolation from power supply in the rest of the nation.

TVA is interconnected at 26 points with neighboring power systems, for economical exchange of power, and to further safeguard the reliability of power supply. TVA exchanges nearly two million kilowatts, on a seasonal basis, with utilities in the Southwest; it will soon be able to exchange about 1.5 million kilowatts with the American Electric Power Company system; it has executed or is negotiating reliability and coordination agreements with the Southern Company, Middle South Utilities, and other private power companies around the Valley.

Thus, TVA, as a significant part of the nation's total power supply, needs to be able to plan ahead not only to meet the Tennessee Valley's needs, but to be ready to aid its neighbors who may be power-short. A major TVA generator in east Tennessee may have an effect on the voltage level of electric service to an air conditioner in the offices of the Budget Bureau in Washington, D.C., where, incidentally, voltage was cut 5% this month, well ahead of the summer peak problems.

How far ahead should the nation's electric systems plan for power supply? The Federal Power Commission is now urging the nation's electric utilities to plan *ten years ahead* on power supply. Even the $5 billion ceiling on TVA's bonding authority would not permit TVA to finance power expansion that far ahead.

But if the Federal government through the Federal Power Commission is telling private power to plan ten years ahead, how is it that the Budget Bureau is telling TVA to come back in two or three years for more revenue bond authority?

I think it is time for action on the power supply crisis—and not for the kind of approach that a timid, cautious accountant might take.

The fact is that—from the standpoint of our national budget, and our national fiscal policies—the level of TVA revenue bond authority has little or no impact. Is the Bureau of the Budget concerned because TVA's borrowing increases the national debt? No; TVA's bonds are not a part of the national debt; they are paid off from the money your consumers pay for electric service. Will the amount of the ceiling on TVA bonds have an effect on our overall fiscal policy?

Not one whit. TVA will obviously issue bonds only when it needs to. And by the same token, TVA will not be able to cut back on its capital spending, because when the power demand is there, it must be met.

It would make no difference whether TVA's bond ceiling were $3.5 billion or $35 billion, so far as budgetary and fiscal policies of the Federal government are concerned.

What *is* the reason for the rather low ceiling on TVA's bonding authority, then? Basically, control. The Budget Bureau wants to keep as much control over TVA as possible, even though Congress created TVA as a so-called independent government corporation. And the Congress feels some sort of obligation to review TVA's bond authority every few years.

But from a national power policy standpoint, it would make better sense to raise TVA's bond ceiling to $10 billion or $20 billion, or eliminate the ceiling completely, so TVA could make the maximum long-range contribution to our nation's power supply problem, a problem which will be with us for several years.

The situation in May. Since the Budget Bureau sent its March 28 letter to the House Public Works Committee, the situation has included these elements:

a. The TVA Board sent a second letter to the House Public Works Committee stating that it was agreeable to the $3.5 billion ceiling, instead of the $5 billion ceiling. What this meant was that, with the Administration's position now made public, TVA was going along with the Administration.

b. There still has been no bill introduced on the Senate side. A key man is Tennessee Senator Howard Baker, a member of the Senate Public Works Committee. It is expected that Senator Baker will introduce a TVA bond bill soon. Whether he will go with the Administration's $3.5 billion ceiling, or join the 17 Valley House members who back the $5 billion ceiling, is not known at present.

c. Sen. Baker and Congressman Jones have paid a visit to the Director of the Budget Bureau, Robert Mayo, to talk about TVA's budget, including the revenue bond ceiling.

This is where the situation stands as of today: a House bill, with bi-partisan sponsorship by 17 House members, supports a $5 billion ceiling; the Administration, on record for $3.5 billion ceiling; the Senate, still unknown.

I certainly hope that TVA's key Congressional friends will hold firm for the $5 billion ceiling, in spite of the Administration's recommendation for a much lower limit. Whether they will or not, only time will tell.

THE TEACHER I AM GOING TO BE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, as a simple and beautiful expression of the relationship between a teacher and a child it would be hard to surpass the essay by Miss Allyn Lord, of Somerset, Mass., in my district, which she entitled "The Teacher I Am Going To Be." Miss Lord wrote it for a contest sponsored by Francis J. Kilgrew Chapter of the Future Teachers of America Club.

It is not surprising to me that it was a winner in the FTA national writing competition.

I want to congratulate Miss Lord for her truly eloquent words, and I am pleased to insert her essay, which was reprinted in the Somerset Spectator, into the RECORD at this point. The story follows:

"THE TEACHER I AM GOING TO BE," WINS NATIONAL WRITING PRIZE

A story originally submitted by Miss Allyn Lord, daughter of Mrs. Robert E. Lord of 117 Hemlock Street, Somerset, in a contest held by the Francis J. Kilgrew Chapter of the Future Teachers of America Club, in April is a winner in the FTA National Writing Competition.

Miss Lord's story was judged first by members of the high school English Department, Mrs. Marjorie Strickman and Miss Annie Scanlon, and Mrs. Anna Danielson, FTA sponsor, then entered in the national group competition.

It was judged to be of outstanding quality containing excellence of thought and expression and The Spectator is pleased to print Miss Lord's story.

THE TEACHER I AM GOING TO BE

How long will the world have to wait before it has children who can think? How long will it be before there is a generation that can rationalize? How long can we exist with thinkers in one category and doers in another? We need to show our children the realities of life and the goodness of the human soul; we must not, we cannot, indoctrinate them with categorized and meaningless facts.

Must we command and control our children? Why can't we be listeners and advisors? Children have a remarkable talent for learning when they don't even know they are learning, perceiving when there seems to be nothing to see, experiencing in the simplest of situations. If we could only foster these natural abilities in them, we could guide them toward enlightenment and reason.

Is conventuality a must, or is it that individualism is dead? Perhaps a patterned, standardized, idealized world is good for our children. But somehow it seems we are all different from each other, and we ought to teach and be taught with consideration for these differences. If we are processed, there will be a mass of people, and nothing else. Just people, all alike, with no inspiration, no better goals, no future. Do we want this for the children of tomorrow?

And aren't children people? And don't they deserve, and even more, have a right to, our reaspect and admiration? We share our knowledge with other people, we speak freely and openly with other people, we have faith in the abilities and talents of other people. Yet our children receive nothing more than a "big desk"—"little desk" pattern in our schools. We must create a give-and-take structure, an attitude of mutual understanding. We must strictly guide, and at the same time softly respect them. They must be thought of as smaller images of ourselves.

And, most important, we must not frighten our children. We must not force them into learning, nor force them out of it. We must help them—help ever so gently—to understand our world and its incongruities and its failures, and its misfortunes. And we must open their eyes—open them with love—and show them the beauty and the wonder and the loving spirit of humanity which still remains somewhere in this world. We have a commitment to our children not to carry on centuries of human mistakes, but rather to open to them a new horizon, a new tomorrow, a new world, in which they can live and educate their children.

This is a lot to ask of us, of anyone. This is perfection, and man is not perfect. Perhaps this is dreaming. But anything is possible if you believe in it and want it badly enough. And I do.

ISRAEL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1970

Mr. MIKVA. Mr. Speaker for those of us who have stood by Israel since its creation in 1948, the result of the 6-day war between Israel and its neighboring Arab States seemed to offer a promise of future peace in the Middle East. I hoped at that time that the Arab nations would come to see the futility of waging war against Israel. Unfortunately, events since the 1967 war have demonstrated that the Arab leaders do not intend to negotiate with Israel. That the ability of Arab leaders to negotiate is presently reaching an alltime low is proven by the escalation of hostilities along the Suez Canal, increased terrorist forays into Israel, and the uproar in Amman that continues to threaten the throne of King Hussein.

The prelude to the 6-day war saw Egypt, Syria, Jordan, and Iraq cooperating toward the defeat of Israel. Since then, the Government of Jordan has claimed it does not desire to touch off further conflict, while Lebanon has attempted to remain neutral. Nevertheless, during the past 2 years, Arab guerrilla groups have grown in strength so much that they now base their attacks against Israel mostly from Jordan and Lebanon. It is by no means apparent that the moderate leaders of Jordan and Lebanon will be able to halt the provocative assaults of Al Fateh and the Palestine Liberation Organization. But make no mistake about it. Whatever instability ensues inside the moderate Arab States, the real loser is Israel, for it is Israel who suffers the casualties and damage of the guerrilla attacks.

President Nasser now commands a more formidable array of forces than ever before. He meets with the generals of Libya and Sudan, the two most recent joiners to the hostilities against Israel. Nasser relies upon Soviet surface-to-air missiles and Soviet pilots flying Soviet aircraft to protect Egypt's interior from Israeli penetration. This frees the Egyptian Army and Air Force to concentrate an explosive amount of force along the Suez Canal. Indeed, Israeli casualties at the Canal have gone up tremendously in recent weeks.

We can and must do something to counter this rapidly growing threat to Israel's security. The best way to reestablish the balance of power between Israel and her enemies is to provide Israel with the aircraft she urgently needs to defend herself. Arranging for the immediate sale of Phantom and Skyhawk jets to Israel will also notify the Soviet Union that any further steps it takes toward bolstering Arab military strength can only lead to stalemate and, in the long run, defeat for the Arabs.

The reasons we have for rallying to the aid of Israel at this time are perfectly clear. In the Middle East, Israel is the only democratic country that seeks the friendship of the United States. Israel has also proved a good friend to many African states, which are also our friends, by extending to them economic and military assistance. By helping Israel in her hour of need, we insure the continued existence of democratic government in a far away, unstable part of the world. The time to act on our principles is now. Israel must be permitted to purchase the jets she needs for her survival.

THE FINE HOLY CROSS HOSPITAL, FORT LAUDERDALE, FLA.

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it becomes a pleasure and a privilege to meet people with high dedication and unusual qualifications and interests. It is such a rewarding and satisfying experience, that I am glad to share my admiration for the good Sisters of Mercy, the doctors, nurses, chaplain, and staff of the Holy Cross Hospital in Fort Lauderdale, Fla.

During my recent stay in the intensive care unit at Holy Cross Hospital in April of this year, I made wonderful progress under the fine medical competence of cardiologist, Dr. Joseph G. Kump and his experienced consultant, Dr. Clifton C. Leech. The good Sisters of Mercy, under Sister Innocent, as well as the nurses and hospital staff, certainly added to the promptness and certainty of my steps toward full recovery.

During my time in Holy Cross Hospital, the Chaplain, Rev. Richard P. Scherer, formerly priest from St. Anne's Church of Castle Shannon, a suburb of Pittsburgh in my congressional district, was everywhere encouraging the patients and sisters and staff, and surprisingly explaining his new and intense interest in his learning to become a licensed airplane pilot.

Everybody in the hospital has been so interested in his progress, that I must say we pretty much forgot our own problems in our watching his progress toward his first solo flight, and our best wishes supported by a few prayers for his safe ascent and ground return.

The Fort Lauderdale News and Sun-Sentinel in its issue of Saturday, May 16, 1970, has written a most interesting article on the duties and flying hobby of Reverend Scherer. I submit for the RECORD as a permanent memento for Father Scherer in the hope and expectation that he will successfully complete his studies

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and become a fully licensed airplane pilot, as well as a dedicated priest, and heart warming Holy Cross Hospital chaplain:

PRIEST SKY PILOT FOR REAL

(By George Thomas)

Each time Fr. Richard P. Scherer glides in "on a wing and a prayer" at Pompano Airport these days, he moves closer to realization of a lifelong dream.

For this full-time chaplain of Holy Cross Hospital is only 10 hours away—10 flying hours, that is—from a license that will make him a "sky pilot" (military slang for chaplain) for real.

When he receives it, he will have rounded out the achievement—to a degree, at least—of a trilogy of lifelong ambitions.

"Since childhood," recalled the 45-year-old priest, "I've wanted to be a priest or a doctor or a pilot. Now I'll be a little bit of all three."

Although not a doctor in actuality, he explained, he has found a good substitute in his two-year-old role of ministering daily to the ill, and doctors consult with him frequently in making difficult moral and other decisions in the care of patients.

It has only been since his arrival at Holy Cross in March, 1968, that this veteran parish priest has begun to get a leg up on the two "other" loves of his life.

Before then, he had confined himself for 18 years to strictly parish chores in and around his native Pittsburgh, until a long illness sent him south for warmer weather on doctor's advice.

Ordained in 1949 at St. Vincent's of Latrobe, Pa., Fr. Scherer is spending the first two weeks of a three-week vacation in retreat at St. Paul's Monastery in Pittsburgh's South Side.

After another week spent at annual meetings of the Catholic Hospital Assn. and National Assn. of Catholic Chaplains in Cincinnati, he will return here in time for his 21st anniversary of priesthood June 12.

Learning to fly has not been a breeze for this busy custodian of souls, whose normal working hours are 4:30 a.m. to 8 p.m. or 9 p.m., six days a week.

Being a middle-class fledgling has been hard enough without having to cram all his flying time into his crowded Wednesdays off.

But after starting in February, Scherer managed to solo by March 25 and would probably have completed his requirement of 20 solo hours by now except for the vacation.

ONE MORE FEATHER

Flying will be one more feather, in the biretta of a priest who has already become a walking—and pedaling—institution in two short years here.

His day begins with early masses before 6 a.m., followed by room-to-room visits from the fifth (top) floor down.

With two-thirds of his ailing "flock" non-Catholics, much of his work is non-sectarian and some only indirectly religious.

Morale-building in general is a major part of his job.

Often he is one of the first persons called to the scene when an ambulance arrives, when a child panics in the face of surgery or when a long-term patient takes a turn for the worse.

His table in the cafeteria, marked "reserved," is always accessible to employees who have something on their minds or just want to chat—and there are always employes who do.

A familiar hospital sight is the chaplain riding a bicycle to work by the dawn's early light, cassock streaming out behind him, and parking in the space marked "chaplain."

That such an individual would roam among the clouds does not surprise his colleagues and friends—even if he should someday attempt it without a plane.

SST PROGRAM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, I rise today to again call for the abandonment of the SST program. The SST is an aircraft that will not only create great problems in the fields of noise and air pollution but will also fail to correct the problems for which it is being designed. I will not dwell here today on the issues of noise and air pollution; many of my colleagues and I have dealt previously in detail with these menaces to life.

The real problem with the SST program is that the goals it is supposed to attain are in fact straw goals; that is, the program was developed first and then the goals were devised as strawmen to make the SST seem worthwhile. These goals; that is, conquering a massive technological and managerial challenge to be better able to tackle massive future tasks, and reducing unemployment, will not be furthered in the most efficient manner by continued SST development and production.

Mr. Speaker, why should the U.S. Government fund a program which will eventually cost $1.3 billion in order to be better able to accomplish such massive tasks in the future? Such actions would be analogous to landing a man on the moon in order to be better able to construct massive flood control projects at home. On unemployment the answer is the same. The Assistant Secretary of Labor, Arnold Weber, has stated:

> The net employment increase from SST production will be negligible.

Economic conversion studies and programs would be a better endeavor to fund.

Mr. Speaker, it occurs to me that the only possible gain from such an ill-starred venture is a rise in the prestige of the United States. But here I must ask again, is there not a better way to accomplish this end? Aid to developing nations, improved employment opportunities for all our people, and a speedy end to the destruction of thousands of lives a year in Indochina would all serve to enhance our national prestige much more than the ability to jet people from New York to London faster than many people can drive from the office to their homes during rush hour.

Mr. Speaker, I am inserting an article that appeared in Environmental Action into the RECORD which illustrates this position well. Entitled, "Government Finances Privately Built SST," it deserves the utmost attention of all Members. There are far too many other programs which deserve our all-too-limited funds. This argument is lucidly presented in a recent column by James J. Kilpatrick which appeared in the Los Angeles Times. The time has come for the Congress of the United States to end this waste once and for all and turn to problems that are both more immediate in their concern and more widely felt by the citizens of the United States.

The inserts follow:

GOVERNMENT FINANCES PRIVATELY BUILT SST

(By Lyn Hayes)

President Nixon, against the judgment of some of his top advisors, has asked Congress for $290 million in 1971 for a supersonic transport plane (SST) to help bolster U.S. prestige. Principal beneficiaries of the project will be jet-setters and its prime contractor, the Boeing Co.

In spite of criticisms—offered by several panels of the President's ad hoc SST Review Committee, Assistant Secretary of Labor Arnold Weber, presidential science advisor Lee A. Dubridge, and the chairman of the Council on Environmental Quality, Russel Train—Nixon has requested money for the SST project from Congress. The Transportation Subcommittee of the House Appropriations Committee has recently heard testimony and will vote in mid-May. Senate hearings are expected in June.

Boeing is not the only corporation which stands to gain from the development of an SST. General Electric with subcontracts, also courts the supersonic plane. The two companies have the opportunity to develop a 1.5 billion dollar product for an outlay of only .2 billion. The rest of the money (1.3 billion) will be furnished by the United States Government in the form of a generous loan, which some economists say will never be repaid. A prototype is presently under construction.

Two politicians, staunch supporters of the SST, also have a special interest in seeing it grow to maturity. During Senate debate on SST funding last December, Senator William Proxmire told the Senate that "after going over this matter in some detail, I have concluded that there are just two persuasive arguments for the SST. One of them is the distinguished senior senator from Washington (Warren G. Magnuson) and the other is the distinguished junior senator from Washington (Henry M. Jackson)." Boeing's headquarters and main plant are in Seattle. Magnuson is chairman of the Senate Commerce Commission and the Aviation Subcommittee. Jackson heads the Interior Committee and is ranking member of the Armed Services Committee.

Is it unusual for the government to foot 85 percent of the bill for a multimillion dollar private project? *Aviation Week*, a highly respected technological publication of the aviation and space industry, said in a recent editorial that, "The U.S. supersonic transport program . . . is another effort to develop a new type of government-industry partnership to meet a national goal whose technical complexity is far beyond the government's capacity and whose financial demands are far beyond the industry's capacity."

Aviation Week concluded that this partnership between Boeing/General Electric and the government is "symptomatic of the new type of industry-government relationships that are needed to cope with national problems of increasing urgency and complexity."

What kinds of national problems is the SST directed to solve? It is for one thing, supposed to provide a shot in the arm to our tumbling national prestige. We are assumed to be in some kind of race with other nations for an image of powerfulness—both military, technological, and symbolic. Russia is building an SST. Britain and France are collaborating on one. The international image of the United States would suffer if we seemed to be falling behind.

Similarly, we are driven to heed the cry for technological "progress." Development of a supersonic transport plane is considered to be a serious technological challenge. The industry has argued that building an SST would be a lesson in technological and management problem solving that could then be applied to other such problems of great magnitude. Many critics have urged the industries involved to direct their skills toward solving social problems. The nation can retain its image of technological superiority by advancing in areas of public need. The Department of Transportation, in a news release on the SST, shortsightedly insists that "the SST is the logical next step if the United States is to maintain technological leadership and enjoy the economic benefits such leadership produces."

It is often asserted that development of the SST will strengthen the economy of the nation by providing jobs and improving the balance of payments. Both arguments have been refuted. John Walgreen, an economist who assisted Robert McNamara in a review of the SST program during the Johnson administration, predicted that the government will lose more than a billion dollars on the SST. He estimates that no more than 139 SST's will be sold, while the Federal Aviation Administration predicts that 500 will be marketed. The Assistant Secretary of Labor, Arnold Weber, contradicts the claim that the SST will raise employment rates. "The net employment increase from SST production would likely be negligible. . . . The project would have practically no employment benefits for the disadvantaged, hard-core unemployed with low skill levels." Weber, as well as a study panel of the President's own ad hoc SST review committee, considered it likely that development of the SST would have a negative effect on the balance of payments.

These are the problems the SST is supposed to alleviate. What problems would the SST create? Briefly, noise and dirt.

The most commonly acknowledged problems is caused by sonic boom. The boom is a shock wave produced when the plane travels so fast that the air in front of it does not have time enough to get out of the way in the normal manner. The boom is created as soon as the plane reaches the speed of sound and is continuous as long as the plane is flying faster than the speed of sound. The "bang zone" is fifty miles wide, follows the path of the plane and is experienced on the ground as a loud explosion.

The United States government carried out sonic boom tests in several United States cities in the 1960's so discover how annoying residents found the booms and the extent of damage resulting from booms. Military supersonic planes, which produced booms only half as powerful as those SST planes will produce, were flown.

Booms produced by routine Air Force training flights and exercises have caused irreparable damage to ancient Indian cliff dwellings, causing rock falls and cracks in the caves.

According to the *SST and Sonic Boom Handbook*, sonic booms have caused the following kinds of damage:

Cracked and shattered glass windows;

Cracked plaster walls and dislodged loose plaster;

Cracked masonry;

Cracked highly strained foundations of buildings that were situated on ground that had undergone settlement;

Cracked various kinds of brittle objets d'art and fragile antiques;

Jiggled and vibrated shelves, causing dishes, tumblers, and vases to move sideways and fall on the floor and break;

Set off burglar alarms; and

Triggered rock slides and avalanches.

The Federal Aviation Administration has proposed a regulation that would ban supersonic flight over the continental United States. The danger to people would thus be reduced. However, FAA spokesmen have admitted that the regulation will be easy to withdraw whenever economic pressure on the participating airlines makes overland supersonic flight necessary.

Limitations of supersonic flights to transoceanic travel would still victimize thousands of people on the high seas. It is likely that any FAA promise not to fly supersonically over the United States will be amended to permit flight over sparsely settled areas—the National Parks, the wilderness areas, small towns, the countryside, and other areas of retreat.

A second environmental objection to the SST concerns the unprecedented airport noise which the SST would produce. *Aviation Week* has admitted that sideline noises during an SST takeoff (noise to the right and left of the takeoff path) would be about 2.5 times as severe as that for a Boeing 707 plane. This prediction is conservative. Richard L. Garvin, a physicist who headed a panel of President Nixon's Science Advisory Committee, has said that the take-off of the SST will sound like "50 subsonic jets taking off simultaneously." Garwin, now with the IBM Watson Laboratories in New York, testified in late April before the House subcommittee responsible for the first Congressional decision on the bill.

Psychological ill-effects of noise are just becoming known. A leading authority on prenatal noise effects, Dr. Lester W. Sontag, Director of the Fells Research Institute in Yellow Springs, Ohio, has said that the SST's aggravated airport noise and its sonic booms could cause emotional upset in people who have to hear them. Pregnant women subjected to these noises could transmit the emotional upset to foetuses through endocrine changes, Dr. Sontag said. Other studies have focused on hearing loss caused by prolong exposure to severe noise.

The Administration is asking for $106 million this year to control air pollution. They are asking for $290 million to build the SST, which will contribute to air pollution. Last year when he was Under Secretary of the Interior, Russell Train, now Chairman of the President's Council on Environmental Quality, wrote, "I would add pollution resulting from engine discharges as an additional significant environmental problem." He explained that the SST operates inefficiently at subsonic speeds, such as the speeds of takeoff and landing, resulting in a heavy discharge of pollutants into the atmosphere.

The Panel on Environmental and Sociological Impact, part of President Nixon's ad hoc SST Review Committee, reported that the widespread use of supersonic transports will introduce large quantities of water vapor into the stratosphere. (Under a thriving SST program, "large quantities" means 150,000 tons per day.) The weight of water vapor released is about 40 per cent greater than the weight of fuel consumed. The panel suspects that the heavy water vapor would affect the balance and circulation of atmospheric components. Unpredictable changes in climate are a likely result.

Exponential growth in population, Gross National Product, electrical power generation, or, for that matter, air travel cannot be long continued without sacrificing the quality of our environment. The long-range growth projections of the FAA which underpin the assumptions about the need for and the market success of the SST cannot be reconciled with life styles which place quality of environment and of human life above possession and use of material resources.

The SST is a prime example of a misallocation of resources, of priorities gone wrong. Its proponents claim that it is necessary for the prestige of the United States. Not only is it not necessary for this purpose, but the prestige of this country will be well served if the SST is not built. There will be prestige enough if we become the first industrial country to come to terms with its environment.

Supersonic Boondoggle

(By James J. Kilpatrick)

The House of Representatives spent four hours a couple of weeks ago in one of its better efforts at debate. The question was whether to appropriate an additional $290 million toward development of the supersonic transport plane. Arguments on both sides were reasoned, persuasive, and well-informed; but in the end, the wrong side won.

On the most significant rollcall, the vote, in effect, was 176–162 in favor of going ahead. Now the Senate will have its chance to call a halt to this costly and self-defeating venture.

The key questions fall into three areas. Some of them have to do with the burden on American taxpayers; others deal with the kind of world we want to live in; still others go more narrowly to the plane itself and to the practical problems of its profitable operation. In each of these areas, in my own view, the weight of the argument goes solidly against the SST.

It is an elementary proposition, though some of the big spenders on Capitol Hill seem never to perceive it, that the resources of the federal budget are not unlimited. The paper surpluses once foreseen for this year have turned into real deficits. Demands upon the Congress—necessary and legitimate demands—keep rising all the time. If ever a time were at hand for the sober reconsideration of spending priorities, that time is now.

If a weighing of priorities were confined solely to transportation, leaving aside such domestic problem areas as law and order, pollution control and consumer protection, the $290 million could be spent in far better ways. The overriding need in transportation is not to get a few travelers to Paris three hours sooner; it is to get millions of our people in and out of our cities.

During House debate, proponents of the SST made much of the argument that abandonment of the venture would result in kissing $768 million goodbye. It is a formidable sum. But if the investment is foolish, it cannot be made wise by throwing good money after bad.

The taxpayers are being called on to put up 90% of development costs, now estimated at $1.4 billion before production could begin eight years hence. If the taxpayers also have to foot production costs—a grim likelihood—that sum easily could double before the purchasing airlines sold their first tickets.

It is too much for a plane of such limited value, serving so small a segment of the public. And the distorted priorities are only part of the picture. The SST promises to be the noisiest aircraft ever flown. At supersonic speeds, it will lay down a destructive path of sonic booms, 50 miles wide. Waiting for the takeoff, it will create an ear-shattering racket that some experts have equated with the sideline noise of 50 ordinary jets.

This is progress? It is progress to the rear. And this is the point the Senate will want most carefully to debate. If the SST represented a genuine breakthrough in kind, rather than merely an advancement in degree, probably we would have to go ahead. If this were a matter of steam against sail, or locomotives as opposed to horses, or even jets as opposed to propeller-driven aircraft, the prospect of a genuine "new age might compel a different decision.

None of this applies to the SST. The plane offers greater speed. That is all. No other advantage is claimed. It will not be as comfortable as the new 747s now entering the international market. The SST will cost more to begin with; it will carry fewer passengers for shorter distances; it will demand favored treatment in traffic patterns wherever it is permitted to land.

No wonder the airline industry itself is lukewarm! No rush has developed to place firm orders for the Anglo-French Concorde. The 122 reported "reservations" for the SST are highly tentative, and the prospect actually of selling 500 of these planes, at $60 million each, is pie in the sky.

One day, perhaps, when technology conquers sideline noise and sonic boom, the SST's hour may come. Seeing a profit, the industry will ante up its own capital and build the plane. But that hour is not yet. It is rather time to spend what public funds we can afford in solving a few problems here on earth.

THE UNO AND ITS TAX-FREE BOOSTERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RARICK. Mr. Speaker, with the Center for the Study of Democratic Institutions of Santa Barbara and the United Auto Workers Union using their vast tax-free financial wealth in an international education program to aid and abet survival of the United Nations Organization the workers and taxpayers of America should know the true establishment that blights our land.

Several pertinent newsclippings follow:

[From the Baton Rouge, (La.) Sunday Advocate, June 14, 1970]

LSU LAW PROF WILL ATTEND SEABED MEET

H. Gary Knight, assistant professor of law at LSU, has been invited to attend an international meeting related to seabed resources June 28-July 3 on the island of Malta.

The convocation, called "Pacem In Maribus," and sponsored by the Center for the Study of Democratic Institutions in Santa Barbara, Calif., will analyze the technical questions of demilitarization of the seabed and topsoil beyond the limits of present national jurisdiction.

Also to be discussed at the international meeting are the questions of demilitarization of the seabed and an international regulatory scheme for the fisheries industry.

To be attended by representatives from more than 40 nations, the convocation was conceived by Mrs. Elizabeth Mann Borgese, daughter of the Nobel Prize-winning German author, Thomas Mann. Mrs. Borgese will serve as project director for the convocation.

LSU's Professor Knight has taught and done research on marine resources law for the past two years, not only as a member of the LSU Law School faculty but as a participant in LSU's National Science Foundation-sponsored Sea Grant Development Program. The Sea Grant Program is supporting Knight's participation in the Malta convocation.

Knight is the author of several articles on marine resources law, and has prepared the first materials in this field available for law school instruction. He is also active in efforts to create a management system for the nation's coastal zone.

[From the New Orleans States-Item, June 8, 1970]

PEACE ENDANGERED BY EXCITING RACE FOR SEABED RICHES

(By Ted Morello)

President Nixon's recent call for an international seabed treaty has focused attention on the race to harvest riches from the ocean floor.

The economic stakes in the race are enormous, as the first tentative probing with today's technology has shown.

In the diamond-studded seabed off Southwest Africa, the production of gem-quality stones already exceeds $4 million a year. A single offshore claim contains an estimated 10 million carats in diamonds, averaging half a carat but running as high as eight carats.

Gold deposits have been detected on ancient beaches submerged in the Arctic Ocean off Nome, Alaska. Platinum is sluiced into the Caribbean by northwestern Colombia's Atrato River.

Manganese nodules are widely distributed, usually at greater depths. Rough estimates of total deposits run to 10 trillion tons. This summer, a Virginia company plans to start dredging up the nodules and extracting commercially not only the manganese but the lesser contents of iron, silicon, nickel, copper and cobalt.

In shallow waters off the United States, Peru, Chile, Mexico and South Africa, phosphate deposits are extensive. Two deposits—one southeast of Charleston, S.C., and the other off Southern California—reportedly contain up to two billion tons each. The tonnage of each is equivalent to the Florida land deposit which has supplied 70 percent of the U.S. phosphate requirements and 30 percent of world production.

Most advanced of all ocean enterprises is the exploitation of oil and gas. Offshore drilling already accounts for one-sixth of the world's total oil production. The yearly value exceeds $4 billion, including more than $1.5 billion from U.S. offshore operations.

But the advance in technology opens the door to a new dimension in economic imperialism—the carving up of the ocean floor among countries strong enough to grab and hold it. Ever more dangerous to international peace is the prospect of undersea confrontations stemming from claim-jumping conflicts raised to inter-governmental proportions.

The United Nations has previously stepped in to head off a sea-bottom scramble rivaling Europe's 18th and 19th-century race for empires in Africa and Asia. The urgency of the move results from the growing awareness that technology is outracing the laws of the sea. Most of the trouble arises over definition of sovereign seas.

The U.S. and about 30 other nations stick to the traditional three-mile limit. But 15 others claim four to 10-mile limits, and about 40 insist on 12 miles. At least 11 governments stake out fishing rights or territorial jurisdiction as far out as 200 miles.

The 200-milers include countries on the west Coast of South America. Their claims are at the root of the "tuna war" that has led to gunboat incidents and strained diplomatic ties between Washington and Peru and Ecuador.

Ostensibly to safeguard threatened beaver and seal colonies, the Soviet Union has banned "fishing and any work, including the setting up of navigation signs" within 30 miles of the Komandorski Islands, near the Americans Aleutians. At the same time, the Russians have announced new restrictions on salmon, sturgeon and herring fishing in Far Eastern waters—already a zone of conflict because of Soviet seizure of "intruding" Japanese fishing vessels.

Since World War II, the continental shelf has become a region of growing exploitation and international conflict. Geologically, the shelf is an underwater extension of the continents. Its width ranges from a few miles up to 800 miles from shore, and its outer depth varies from about 150 to about 1500 feet. A 1958 international convention in effect gives a nation title to anything that it can reach and exploit on the shelf or in adjacent deeper waters.

On May 23 President Nixon proposed a treaty in which nations would continue to control most of the immediate continental shelf, but renounce claims beyond the depth of 200 meters (about 650 feet). The President also endorsed and enlarged on a 1968 UN resolution for giving control of 90 percent of the seabed to an international governing body. Royalties collected by the body would be used for "international community purposes, particularly for economic assistance to developing countries."

Previous UN moves in this direction had already resulted in sharp lines being drawn between the Communist and non-Communist countries and, as a further fragmentation, between the haves and have-not nations.

The only meaningful point of agreement is that an international zone does exist—somewhere out there. But the range of opinion about the boundaries between national and international undersea territories has made it impossible to agree on the zone's size, shape and location.

Half a dozen countries already have the technology to carry their claims well past the 200-meter depth limit. Even before these countries have planted their flags beyond that point, some nations with no hope of matching them technologically—notably Brazil, Peru, Ecuador and Chile—have either staked out or indicated that they will claim unreasonably broad ocean territories to protect them from encroachment.

Under the double thrust of technological and legalistic claim-staking, more and more of the ocean floor faces nationalization. Ultimately, the undersea frontier claim of one nation would meet that of another—Japan and the U.S. in the Pacific, for instance, or Brazil and the Congo in the Atlantic. In time, expanding territorial claims would squeeze any international zone out of existence. There would be nothing left to exploit "for the benefit of mankind."

"The United States would have nothing to fear in such a wide-open race," says one American delegate to the UN Seabed Committee. "But it is not in anybody's best interest. It isn't the way to attack a global problem."

This brings up the second major barrier to a seabed treaty: The nature and powers of the regime that will govern in this underwater domain—in effect, the world's largest "nation."

The Soviet Union wants an international administering agency that would do nothing more than record claims registered by the exploiting nations. There would be no rules governing the claimants' eligibility . . . no time limit on claims . . . no supervision of operations.

One group of nations—the third World bloc—insists on an international agency to completely govern exploitation and production of seabed resources. Such a regime would itself exploit, refine and market these resources, even imposing price controls where necessary.

The U.S. argues that operations should be carried out by state or private enterprises under an international administrative agency. Says Dr. Vincent E. McKelvey, an American delegate to the UN Seabed Committee: "Far better than forcing the international community to take such risks is to put it into position where it allows the risks to be taken by others and benefits itself from their success, where it is achieved. Such a position would be advantageous to the developing and the developed countries alike."

From that basic position, the U.S. has proposed guidelines for the projected deep-sea agency. The U.S. envisions registry of claims fortified by criteria, including:

Procedures to verify compliance with operational standards.

Machinery for settling disputes.

Provisions for liability for damages caused by exploitation.

Provisions for protecting freedom of the seas, living resources and scientific research.

Rules governing commercial exploration and exploitation, including such matters as types of resources, multiple uses of the seabed and the waters above it and the size and duration of claims.

Conservation and anti-pollution safeguards.

Eligibility and performance requirements for claim holders.

[From the Baton Rouge (La.) State-Times, June 15, 1970]

Greater Trend to City Living Is Predicted By U.N. Planner

United Nations, N.Y.—A U.N. planning expert predicted today that more than half the world's population will be living in cities by the end of this century, and he said it may be a good thing.

But the consultant, Richard May Jr., said the only way to cope with continuing urban population growth is with carefully planned new cities that would accommodate about one million people each. Some 2,100 such population centers will be needed by the end of the century, he said.

May, the consultant for the U.N. Center for Housing, Building and Planning, offered his predictions and prescriptions in a paper written for a symposium starting at the United Nations headquarters today. The symposium, concerning "The Impact of Urbanization of Man's Environment," is sponsored jointly by the world organization and the United Auto Workers Union.

May said that right now, "no developed country has a higher number of specifically planned cities than the Soviet Union." In the United States, he said, "continued urban sprawl is regarded as inevitable, and only a fraction of new urban residents will be accommodated in new towns."

What would it be like to live in one of the "new cities" foreseen by the U.N. planner?

There would be no "degrading effects on its occupants and on the natural resources of the territory it occupies," May said. He added that the location of work and leisure facilities would be carefully laid out to "offer the maximum of human convenience, comfort, pleasure and peace of mind, with minimum congestion, health hazards and other disturbing influences."

Advances in communication systems and electronics, he said, "may make it possible for much of the work to be carried out within the immediate residential environment of the people or even in their homes."

May said one necessary evil in the daily life of today's city, habitual use of the private automobile, would be virtually eliminated. "Through the rational organization and planning of cities," he explained, "we can reduce considerably the need for mechanical transportation and facilitate the use of mass transportation."

And that, he said, would make "daily use of the private motor car unnecessary."

Such an urban environment could "raise living and working standards and provide the educational and cultural facilities and programs which can emancipate man from the dull drudgery and meagerness of peasant life," May said.

PRINCIPLES FOR AN ATLANTIC STRATEGY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. ROBISON. Mr. Speaker, because our world grows smaller as advances are made in communications, travel, and trade, it is distressing to note that no substantial progress has been made in unifying those nations which have compatible goals. In order to help fill that void, a substantial number of Members of Congress—111 at present—have endorsed either specifically or in principle the formation of a viable Atlantic union. To date, however, national interests have dominated the attention of most Western nations.

In the first of a series of articles, Aurelio Peccei, the vice chairman of Olivetti, outlines some of the principles and objectives of an Atlantic strategy. I commend this article to my colleagues and urge that they consider the need for an Atlantic union, and the desirability of beginning such efforts in the immediate future. Mr. Peccei's article follows:

The Chasm Ahead: An Urgent Call From Europe for Atlantic Union

(By Aurelio Peccei)

We are proud to begin here, by special permission of the author and publisher, an exclusive series of articles condensed from a book that combines, as few do, dire warning with constructive way out—Dr. Aurelio Peccei's The Chasm Ahead (Macmillan, N.Y., $7.50). We explain on page 1 why we recommend it heartily to all our readers. Now a word about the author, and this series. First, to pronounce his name: Pey-chay comes close, with the accent on the last syllable.

Dr. Peccei was born in 1908 in Turin—a worthy birthplace for one who would unite the Atlantic nations, for Cavour, a leader in uniting the Italian states in the mid 19th century, was born in Turin in 1810. Dr. Peccei gained that "Dr." in economics at the University of Turin. He has been with the city's famed automotive company, Fiat, since 1930, and is now on its Executive Committee, with special responsibilities in world affairs. Since 1957 he has head Italoconsult, an international consulting and engineering firm specializing in development projects in Africa, Asia and Latin America. In 1964 he became Managing Director, or chief executive, of the Olivetti typewriter company, which took over a famous American competitor, now known as Olivetti Underwood.

We begin with the first half of chapter 3 of his book, with the title given below. Later we shall turn to the impressive case he makes earlier that the technological gap between America and Europe threatens to become a chasm disastrous to both. We hope to give enough taste of various parts of his stimulating volume to lead you to get the book (we have it) and read all its 282 pages. We have added all bold face emphasis.

PRINCIPLES FOR AN ATLANTIC STRATEGY

We are in danger of a societal schism right in the middle of the Atlantic system of nations.

I do not believe that I have overstated the implications and consequences of this situation. Should the reader, however, be still doubtful, he has but to think of the tremendous pace of technological progress which in the short span of a few years has changed the order of magnitude of many phenomena affecting our lives. The speed of development in our time is hardly believable. One of the greatest scientists, the late J. Robert Oppenheimer, marveling at it, said that "one thing that is new is the prevalence of newness, the changing scale of change itself, so that the world alters as we walk."

Now, if this assessment of the present plight of the Atlantic world is not altogether off the mark, it is logical to move one step further and inquire about the possible ways and means to put this situation straight again.

It is within our reach to stop Atantic disintegration? If so, how can the solidity of the Atlantic platform be reconstructed and the solidarity of its peoples be re-established, even in altogether new forms, which may be better adapted to the changing times?

This is too complex a matter, involving many variables and irrational elements, and blurred by spurious information and contrasting interests, to afford simple and immediate answers. A positive response to these questions, and to many other intricate issues which have paramount importance for our future, depends, anyhow, on the right approach to them.

As we are now about to enter and explore the unknown territory where solutions lie, I want to state we must pay more attention to how we chart our way into this new territory, rather than stumble on a good solution or two. It is a cardinal point in all my reasoning that *it is immensely more important to determine the intellectual and organizational processes by which correctly to set objectives, define strategies, reach decisions and act on them, than concentrate on the solution of any individual problem or problems.*

This represents an entirely new approach with respect to our present compartmented vision of what needs doing. Better said, this is one of the guidelines to the *New Approach* which I think is indispensable if we are going to organize a balanced and stable solution to the complex of problems confronting us.

As these problems become bigger, more intricate, more numerous and more interlocked, the question of method in attacking them becomes essential, lest we get lost in their dangerous maze, and formulate wrongly the questions that matter, or address ourselves to solve the wrong problems. The New Approach will exact from us an unusual effort that will be conceptual and philosophical before it is political and operational, and it will demand greater expertise than the more intuitive, rule-of-thumb and experience-based ways by which solutions were sought heretofore.

It also involves a *much broader understanding* than currently exists of the revolutionary changes occurring in the world and the new relationships between man, society and environment at this turning point of history. It likewise requires that the issues we are interested in resolving be placed in a *much broader context* where not only their inherent sequential cause-and-effect relations, but also the major interactions with all other relevant issues may be identified and considered.

Our approach is so fraught with nearly incredible contradictions and topsy-turviness that it cannot lead to any stable solution. Let me now give a few examples.

We serve and praise the national when the supranational or global is our challenge; we employ limited means to pursue unlimited objectives;

We adopt sectoral outlooks to approach interpenetrating and tangling phenomena;

We look near and act short-term, while we need to see far and plan long-term;

We have profusion of knowledge but do not know how to use it;

We are committed to the hard sciences, while we are off-balance due to neglect of the social and moral sciences;

We trust more in our destructive might than in our capacity to organize peace and development;

We support old-fashioned concepts and attempt to use them to straitjacket sweepingly new realities.

With these totally misleading optics and practice, it is a miracle that we have not already led the Atlantic compact, or the world spaceship, totally astray.

This is a most serious matter. More than once in recent years mankind has already

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lost its way in the quagmire, when only last-minute warnings stopped it on the brink of disaster. I would say that, at this stage, the odds are even on which way it will go. The stakes are of course very high. One can either wager one's lot that, collectively, humans are a mischievous species eventually dominated by a suicide complex, or still speculate that they are the rational and spiritual creatures we used to claim. Time will soon tell.

The myriad problems confronting us echo a growing concern creeping among the most alert of our peoples, and point inexorably to the need for a radical change in the direction along which human affairs are conducted: The *Great Change of Direction*, which is my central theme. This change is necessary in world as well as in Atlantic affairs. Its adoption demands a thorough and responsible debate on the objectives and a drastically new strategy for mankind and civilization, or more accurately, the adoption of a forceful and coherent strategy where there now is no strategy at all but only conflicting tactics and improvisation based on expediency.

This book's purpose is to put into real perspective some of the great problems I have mentioned, to show that they will become more and more interlocking and difficult to resolve as time passes. And that their compounded complexity and increased menace compel the abandonment of the present irrational, muddled, petty-minded, outdated, and potentially destructive conduct of human affairs, and the adoption of this new integrated, future-oriented approach.

Therefore, in discussing the delicate and worrying situations emerging in the Atlantic sphere at a time of impending general crisis, rather than suggest specfic solutions, I will now indicate some of the basic principles which, in my view, should inspire our strategy in facing them.

THE PRINCIPLES OF PRIORITY AND INTERDEPENDENCE

The questions stemming from the Atlantic gap must be examined with this broad approach before we can reach valid conclusions about the way in which we should respond to them.

While a change of policies is required eventually to redress the situation, entailing a great number of separate and joint actions by the Atlantic countries, no such thing is possible unless public opinion supports it. The intellectual and academic communities, and the governmental, corporate, and union decision centers on both sides of the ocean must be convinced that we are face to face with the hard reality I have been describing, and should, therefore, be ready to endorse this change of course.

I shall not rest until this urgent message is fully communicated: Americans and Europeans alike must abandon the irresponsible complacency that has until now characterized their judgment—of their own economic strength, their capacity to govern themselves, and even the present and future shape of their mutual relationships—because the day they realize that the gap between them has become a chasm, and a threat to all, may be just one day too late to invoke the Atlantic spirit and solidarity.

When the present is already critical and the future looks bleaker, as are our present straits, recourse has to be had to both the techniques of crisis management and creative planning—provided, however, that the former by no means displaces the latter. In keeping with this severe rule I will now mention, as part and parcel of suggested forward strategy for the Atlantic nations, three guiding principles that in my view reconcile the needs of immediate action with the exigencies of policy planning. They are built around the simple and often heralded, but seldom applied, concepts of *priority, interdependence,* and *leadership.*

To start with, it is necessary on both sides of the Atlantic *to undertake in earnest the difficult, even painful, task of recognizing and redefining priorities.* No great statesmanship is required to discern that, at the present international juncture, not even the combined wealth, power, and capacity of all the Western nations, were they compactly united in total commitment, are enough to cope with the increasing mass of their own present domestic and Atlantic problems, plus those inescapably thrown in their lap by a troubled and expectant world, plus the equally important necessity of preparing a more stable tomorrow at home and internationally.

This inadequacy is made still more blatant because for the moment there is no such thing as a bloc of the Atlantic nations. Therefore, as a start, the question of priorities has to be taken up separately, for the United States, on the one hand, and—assuming the European nations are able to piece their views together—for a united Europe, on the other.

In the face of this stark reality, it is clear as daylight that the United States ought not get involved in this whole congeries of problems, and should think twice before tackling even major ones when they are only sectorally important for this country or the world; and that Europe ought to be even more cautious in its aims, and avoid trying to be a carbon copy of the United States. On each side of the Atlantic, political fortitude and vision are now required to determine a scale of goals and priorities consistent with their respective interests, commitments, and resources, deployed against the background of a world context, and considered over long as well as short periods; and then to make a set of coherent choices accordingly.

Instead of tinkering ineffectually, as both America and Europe now do in their different ways, with too many scattered problems or objectives—more often than not uncoordinated or at cross-purposes with one another—and instead of announcing more and more programs that patently can never materialize, each of them should firmly get on with the business of identifying a set of feasible goals, and reordering a comprehensive plan of priorities, and then set forth, and carry out, the projects and policies that are both feasible and of the highest priority. At the same time, each should abandon, postpone, or phase programs and commitments that are marginal with respect to the over-all objectives, or have lesser immediate or deferred importance according to this strategy.

These concepts are elementary, the constant guidelines of successful individuals and corporations. Yet they are consistently ignored by our national policy-makers. Their adoption would automatically lead the Western nations to give serious consideration and recognition to the second, and likewise fundamental, principle, based on the plain reality that in this era neither government nor industry nor any single nation, not even a whole continent, can go it alone, without sacrificing optimum opportunities and even jeopardizing minimal plans. Under the present international circumstances, this principle could, in the beginning, be most usefully employed within the Atlantic sphere.

In fact, *effective Atlantic interdependence is now more than ever a primary necessity for all our nations.*

It is as simple as that. Yet even this principle is ignored to the extent of acting contrary to historical trends. In this time of internecine debate and dissent, it is worth remembering that the record of the nations touched by the waves of the Atlantic has for more than two centuries been one of cross-fertilizing interdependence at peace and in war. Through their exchange of goods, techniques, and ideas, the flow of capital and aid, and the migration of hands and brains, in defense of liberty and ways of life, and in shaping a great civilization and a common destiny, the all-important Atlantic platform has been welded together, and in its area the most advanced system of human organization recorded in history has been created.

What must now be resisted is the gap itself—the reversal of this natural course, the nonrecognition of interdependence as an indispensable basis for our lives. Our governments and our peoples should be brought to recognize that the chasm ahead and the consequent derailment of the Atlantic system, right at the moment when Atlantic strength is a prerequisite, would be a historical catastrophe.

THE ROLE OF THE UNITED STATES

On these two counts—of priorities to be fixed, and interdependence to be enacted—criticism is easier and probably more pertinent at the present reading in the case of the United States. It is so, because this nation not only possesses the proper institutions to establish a coherent over-all policy but has developed superior forecasting, systems analysis, planning, and managerial capabilities, tools with which it can guide itself efficiently.

In the last few years, criticism has been forthcoming in abundance from many quarters. It interests all of us because it is directed at correcting some of the forces and tendencies that, by inadvertence, oversight, or contrary interest, work against the maintenance of a healthy Atlantic system by pushing the United States too far ahead of Europe in some sectors, and too far away from it in others. It also brings to the surface the neglect suffered by some important aspects or sectors of American society.

The over-all impression one gathers at present is that the national purposes of this, the greatest nation of all times, are far from clear, or at least that no strategic design has been conceived to fulfill them. This is a striking fact, particularly at a time when the condition of world affairs demands precisely these things—namely, over-all objectives, and strategies to achieve them—but on a much greater scale.

Some random specimens: John Kenneth Galbraith's The Affluent Society is already a classic, with its indictment of the American economic order based on a persistent imbalance between overproduction of wares for private consumption and underproduction of public services.

Signs of the existing grave confusion in, or lack of, leadership in the definition of basic priorities for the whole of American society may be gathered from the Report of the National Advisory Commission on Civil Disorders of March 1967, called the Kerner Report. Its memorable conclusion is that "our nation is moving toward two societies, one black, one white—separate and unequal." The commissioners said that "only a commitment to national action on an unprecedented scale can shape a future compatible with the historic ideals of American society." Columnist Joseph Alsop (International Herald Tribune, March 20, 1968) commented with anguish that the report "is nothing more nor less than an official portrait of the American-dream-turning-into-nightmare."

This grave problem, smack in the center of United States cities, is a cause of consternation, not only for America and her friends and admirers, but also for those who, though not friendly, have enough salt in their head to understand that, if the United States is locked with her domestic problems, the chances of redressing the alarming situations that prevail throughout the world will become very dim indeed. And by the side, it provides proof that yesterday's improvidence spells trouble for today, and that the world is such an interlocking system that a domes-

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tic problem here may have international repercussions everywhere.

Take another example: The military-industrial complex. General Eisenhower's historic and incisive warning in his last presidential speech of January 1961 brought up an issue which has been amply debated since: "This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, in every state house, every office of federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources, and livelihood are all involved: so is the very structure of our society."

Obviously, a multibillion-dollar effort concentrated in one single direction has an unbalancing effect, even for the strongest economy and nation. I was impressed by some comments on this, among others those made by Seymour Melman in his *Our Depleted Society;* I cannot refrain from brooding over the universal significance of some passages. Let me cite two:

"We can try to visualize the present power of the U.S. strategic nuclear stockpile in another way. Suppose a Hiroshima-size bomb had been exploded every day of every year for the last 1,965 years, or since the birth of Christ. The combined force of all of these explosions would be just over 14,000 megatons; this is only 70 percent of the destructive capablity now encased in the U.S. long-range bombers and missiles alone.

"On the assumption of 90 percent attrition of aircraft and 75 percent attrition of strategic missiles, the resulting overkill factor would be about 220 times on the main population-industrial centers of the USSR. If the assumption of attrition were 50 percent, the overkill rate would be more than 1,000 times."

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I fully realize that this is the shield under which Western Europe and many other peoples also have progressed and prospered. Moreover, this frightening investment of wealth and talent for destruction is the mirror image and replica of a similar, though more secretive, mad effort in the Soviet Union—which does not justify either of them on human and moral grounds. But what is important for our matter-of-fact reasoning is the assessment of this effort in the more general framework of national (and Atlantic, international), interests: a security effort which, according to Ralph E. Lapp, the outspoken physicist and author, has cost this country in the postwar years an investment of one trillion dollars and the emergence of what he calls the "weapon culture" and "weapon ego" (*The Weapon Culture, 1968*). Clearly, an effort of this magnitude cannot be conjured up without a strong impact on the allocation of national resources, both material and intellectual—and society's outlook on man and life.

Is this the best way to attain the purported goals? Has their priority been duly assessed?

What is the cost-effectiveness of this investment for the United States (or for that matter, for the Soviet Union), and how does it stand in total-value comparison, including social values, with other alternative investments?

Would its revision provoke, as one feels, a major change in politics and allocations?

It is not up to me, or for this book, to answer these questions, but I know that these distortions go beyond the economy's limit of elasticity, and their redressing will cause painful crises over a very long time.

Two highly authoritative comments place the problem of priorities in a global perspective, the appropriate framework for the leading nation of the Atlantic community and the world.

Walter Lippmann has, for some years, conducted an inspiring and most educative campaign to show that the United States cannot fill a super-role in world affairs. Time and again he has entered the arena in his masterful way, warning the American and also his uncommonly vast European public that there is a very definite and already transgressed limit to the commitments the United States can make and fulfill in the world. Choices must be made, priorities defined. Among his innumerable articles, I remember reading in *Newsweek* (August 1, 1966) that "the United States, for all its wealth and military power and for all of the ideological pretensions . . . is quite unable to be the world's policeman and to conduct a global crusade for its way of life and its favorite doctrines."

"The unsolved problem, obvious for a very long time, which the people intuitively understand or seem to understand, is the problem of priority. It is true that the United States can spend more money on the cities and on Vietnam this year than last year, but it is not true that it can deal effectively with the war in Vietnam, the problem of the cities, the flight to the moon, the health, education and welfare of all the people, the new class war between the rich nations and the poor nations, pork-barrel appropriations for all states and cities, veterans' aid, foreign aid, debt, education and the balance of payments—all these things at the same time."

Alas, the question of priority is still very muddled, as developments in 1967 and 1968 show, with the financial and manpower resources of this nation overstretched, and its immense capacity to tackle large problems severely tested by the proliferating tentacles of too many issues attacked at the same time.

Even the immense power of the United States should not be overestimated. After all, the possibility of putting it to good use is limited, unless it is redirected and redeployed. A substantial change of direction in its utilization at home and abroad would multiply *manifoldly* its usefulness to all practical purposes.

The issue is blurred chiefly because, in our minds, the strategy of security has completely overshadowed what may be called the strategy of development. For example, it is commonly held that a situation of unipolarity exists now because the time of two superpowers is gone, and the United States has emerged as the only real global power, having greatly outpaced and outclassed the Soviet Union in techno-scientific, economic, and military potential, and creative capacity. But this conception connotes a yardstick of power, which measures nearly exclusively negative values of deterrence and retaliation.

What people wânt, besides security, are constructive policies, positive steps toward a better living standard, a more wholesome quality of life. To attain these other objectives, the formidable United States security-oriented potential is of little use—for the simple reason that it was conceived to suit a different set of requirements and priorities.

Not only does the whole question of domestic and international priorities need a thorough reassessment; the principle of Atlantic interdependence must be reaffirmed and redefined right in this country. It has undertaken a fearsome complex of worldwide obligations and commitments; and even if henceforth it uses restraint, they will remain a formidable lot. Furthermore, let me repeat, many high-priority problems nowadays surpass the capacity of any nation, even the United States, and demand strategies and policies that she cannot conceive and execute alone.

It now behooves the great and generous American people to come to the mature recognition that we cannot, of course, shirk global responsibilities and their relative burdens, but that the only way of facing them without courting disaster is to arrange all these demands, domestic and foreign, in a coordinated over-all plan, however imperfect it may be initially. They have to accept, at the same time, that the United States cannot decide the choices or conduct large-scale action without the support and participation of others, starting with Europe.

This change of direction will probably mean for the United States a slowing down in the advance in Research and Development investment in some sectors, while boosting it in others, accepting second place in some advanced technology or strategic fields, and relying, in a word, more on a policy of transatlantic specialization, mutuality of interests and joint planning ahead, than going it alone. It may be a difficult choice to make, and it may entail some risks. But it will open wider horizons to this nation, and offer it greater options.

Not least, it will establish with Europe that indispensable dialogue, real and creative, not only perfunctory, as now—on objectives and strategics concerning the great world issues: East-West relations, international socioeconomic development, the consequences of the technological revolution, etc. Even a joint effort to control and contain the causes of the gap will be a first, invaluable dividend.

If the United States will adopt the principles of priorities and interdependence, I have no doubt that she would change the focus of her policy back from the Pacific again to the Atlantic. Even assuming that the greatest challenges facing the West for the rest of the century are those of restraining China and maneuvering her *peacefully* into the international community—the timing and strategy have been wrong, with the United States engaged in these issues now and practically alone. Not only does the *locus* of her vital interests lie in the Atlantic-European area, but also, how much better it is for the United States to wait a few years, and prepare to deal with the Chinese issues from a much stronger position.

Such a position can be built only around a strongly fastened and united Atlantic platform. The obvious strategy is to give priority to the Atlantic platform and seek interdependence with Europe first, and then move jointly on to do the things that the United States alone can never hope to accomplish with respect to global problems.

Such as attracting the Soviet Union as a partner in the study of plans to stabilize and develop the great land areas in Asia and elsewhere (rather than rejecting her as a natural or potential enemy), and engaging her potential to cooperate in realizing constructive long-term policies of worldwide scope (instead of dissipating, on both sides, enormous resources in the vain pursuit of overkill supremacy).

The opposite policies, now being followed, have thrown the Atlantic camp into disarray. If the present trend continues, it seems inevitable that the more the United States gets single-handedly and inextricably involved in the Far East, the greater the attraction Western Europe will feel toward Eastern Europe and the Urals. Or the greater the doubts will become whether it is a paying proposition for it to resist the lures and threats that the Soviet Union may be tempted to make with a view to dividing and controlling it.

Already this quite negative polarization of American and European interests away from the Atlantic core, though fortunately still partial, is at the root of a good deal of disharmony and estrangement between them. Should the United States be entangled in Southeast Asia for a long time to come, the harm done to the Atlantic relationship could become irreparable. There is little doubt that, in such a case, Europe would practically turn its back on the Atlantic, and that the bridges to the East which President Johnson has advocated would actually be built by Europe alone. They would carry considerable mercantile, cultural traffic.

In sum, the different issues—from technology to Vietnam—are in fact interlocked. The problems of technological disparity between the United States and Europe cannot be resolved, any more than many other problems, except by a long-term over-all strategy jointly conceived and jointly undertaken by the Atlantic nations. This joint strategy does not necessarily have to follow the official formation of an Atlantic community of sorts; indeed, it may precede it and help in eventually giving life to it.

The first task is to impress on public opinion and political circles that, short of this combination of priority and interdependence policies between America and Europe, most of the measures otherwise devised to reduce the technological gap, or solve the other grave problems they have in common, though temporarily or sectorally promising, would be but palliatives; and the Atlantic and world situation would continue to worsen.

Finally, if the perspective of an impending and inevitable Atlantic community is created in people's minds, not only will the problem of the gap look less abrasive to European pride, and lose some of the ugly thorns it now has for all, but many new undreamed-of channels will spontaneously open for the free circulation of technology within this promised, unified community area.

OEO TRIES NEW PILOT PLAN FOR LOW-INCOME AREAS

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. STANTON. Mr. Speaker, the Office of Economic Opportunity is proposing a new demonstration program to test new approaches to stimulating economic development in low-income areas.

The program consists of an Opportunity Funding Corporation, with three components: opportunity guarantee; community development discount; and incentive stimulator.

The purpose of the project is to give financial institutions more incentive to channel funds into law-income communities.

The May 20, 1970, issue of the American Banker describes this interesting and unusual program in some detail, and I would like to place this article into the RECORD at this point:

OEO TRIES PILOT PLAN FOR LOW-INCOME AREAS, ILLINOIS BANKERS TOLD

(By James Rubenstein)

PEORIA, ILL.—The Office of Economic Opportunity has launched an experimental funding program to give banks more incentive to channel funds into low-income communities, a top OEO official told Illinois bankers here Tuesday.

The program called: "Opportunity Funding. An Economic Development Demonstration," is aimed at generating increased economic activity among financial institutions and supplements the agency's existing economic development projects in minority, rural and urban areas explained Alfred H. Taylor, Jr., executive director of the planning and review committee of the OEO, to the 79th annual convention of the Illinois Bankers Association.

Mr. Taylor is assistant to Donald Rumsfield, OEO director.

Under the pilot program, the OEO will offer participating banks four loan and deposit guarantees which will:

Finance working capital requirements of community development corporations.

Repay deposits to poverty area banks above the $20,000 Federal Deposit Insurance Corp. limit.

Repay capital notes issued by poverty area banks.

Offer a guarantee on standby loans issued by a bank to a community-owned shopping center for initial equity and funds for start-up expenses.

If these and other elements of the program prove successful, the OEO hopes to seek legislation to make them permanent, he said.

In discussing the Opportunity Funding Corp., a non-profit corporation which the OEO has formed to conduct its minority activities, Mr. Taylor, a former vice president in the trust department of the Harris Trust & Savings Bank, Chicago, observed that experience suggests that financial institutions have been reluctant to undertake low-income investment because of the high risks and lack of incentive.

In an OEO report Mr. Taylor made available to the press, it noted that one of the principal characteristics of low-income communities is the absence of a sufficient financial base to generate increased economic activity.

"The inability to form capital and bid for credit acts as a block on development," said the report.

"In the Bedford-Stuyvesant section of Brooklyn, New York, an area with a population exceeding the entire city of Cincinnati, there are only two small banking units. There are many communities in Chicago each housing tens of thousands of people where there is no commercial banking institution whatsoever.

"Under these conditions, capital and savings do not form. Where conventional credit sources are absent, low-income consumers and entrepreneurs must rely on loan sharks and high risk credit merchants," the OEO survey maintained.

"The Opportunity Funding Corp. has three units, explained Mr. Taylor, who substituted for Mr. Rumsfeld, who cancelled because of a special Cabinet meeting in Washington.

The first unit, the opportunity guarantee component, will strive to remove the "risk aversion" of banks and other institutions in committing capital and credit to the poor.

"It will operate in situations involving comparatively high risk and only in cases where comparable guarantee arrangements are not available from existing Federal, state or private sources.

"The purpose is to determine whether risk of loss on credit, bonding and insurance in low-income areas can be kept within tolerable limits."

A second unit, community development discount component, will be a small central discount facility "intended to demonstrate the feasibility of a mechanism to purchase SBA- and EDA-backed obligations and other commercial paper generated by enterprises in low-income communities."

It will repackage, guarantee and resell these obligations as securities to private investors, he said.

"It is intended to test whether a discount facility can increase liquidity and lending capacity of financial institutions serving low-income areas. A successful demonstration of the community development discount unit could lead to legislation creating such a facility on a permanent nation-wide basis," he explained.

The third element of the program, incentive simulator component will field-test various new financial inducements including simulated tax incentives.

"The unit will devise ways of applying these incentives in assisting community development corporations, low-income credit units and other public and private institutions now serving the interests of these communities," he said.

"The incentive unit will focus particularly on identifying institutions which are unresponsive to the needs of low-income communities and identifying new incentives to make them more successful."

STATUTE EXTENDING VOTE TO 18- TO 20-YEAR-OLDS CONSTITUTIONAL

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HATHAWAY. Mr. Speaker, I would like to address myself for a few moments to what many of us in the Congress consider an excellent opportunity for bringing young Americans into the mainstream of the democratic electoral process. We in the House are expected to consider this issue late this week or early next, when we begin debate on the important measure to extend the Voting Rights Act of 1965. The issue, of course, is the proposal to enact a proposed Federal statute reducing the minimum voting age to 18 in Federal, State, and local elections. The proposal was approved by the Senate in March as an amendment to the Voting Rights Act extension.

Mr. Speaker, I share the concern of many Americans that some young people have apparently lost faith in the orderly elective process of change, claiming that it is too slow to meet changing national conditions and needs. And we are aware that many others lose interest in the political process during the 3 or 4 years between high school, when their interest peaks, and the day they become 21. The threats to which the future political participation of both these groups is subject can be overcome, in my opinion, by the 18-year-old vote statute.

I realize that there are some in our number who, while they generally agree with the need to extend the franchise to 18-year-olds, think that either independent action by each of the States or a constitutional amendment, in which the Congress and at least three-fourths of the States participate, is necessary.

I would only point out that the Supreme Court has consistently upheld the congressional responsibility for protecting the voting rights of qualified American citizens. What we are attempting to say, by extending these rights to a greater number of Americans by statute, is that 18-, 19-, and 20-year-olds, who, partly because of increased education and the corresponding increase in the quality of their judgment, are considered qualified to work, raise families, pay taxes, and go to war, should also be considered qualified to vote.

It should be additionally noted that the proposal poses no threat to the electoral process. The Senate-passed measure contains a provision that would assure Supreme Court review of the 18-year-old vote before the statute's January 1, 1971, effective date. Under the proposal, the Attorney General would be empowered to institute actions against State or political subdivisions, or, conversely, a State could call for an injunction against enforcement of the provision.

The proposal would also give U.S. district courts jurisdiction of such proceedings, and would provide for both an expedited trial before a special three-judge court, and an expedited appeal directly to the Supreme Court.

Mr. Speaker, the overwhelming majority of today's youth has shown a great desire to constructively influence the course of national events—we have only to recall the recent intensive and most impressive youth lobbying effort here on Capitol Hill for evidence of this desire. I think we owe our young people the chance to prove they mean what they say.

At this point, I would like to include in the RECORD a brief prepared by the Committee on Federal Legislation of the Association of the Bar of the City of New York, entitled "Statutory Reduction of the Voting Age." The New York City association has been long recognized as one of the top legal associations in the country, and its committee on Federal legislation has produced a great number of well-reasoned studies on a variety of issues which have concerned us here in the Capitol. The following product of the committee's labor is up to its usual high quality:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK—STATUTORY REDUCTION OF THE VOTING AGE

(By the Committee on Federal Legislation)

In February 1970, this Association issued a report which considered the proposed extension of the Voting Rights Act of 1965 and the Administration's alternative, urging that the trigger clause and prior clearance provisions of the Voting Rights Act be extended for an additional five-year period.[1] We opposed those provisions of the Administration's bill which would eliminate the requirement of prior clearance for voting law changes in jurisdictions with a history of discrimination and which would have the Attorney General send voting examiners throughout the nation, rather than concentrate them in jurisdictions which had been identified by the Act's trigger clause. We endorsed as desirable voter reforms the Administration bill's proposed nationwide ban on literacy tests and national residency standards for presidential elections.

In March 1970, the Senate adopted a substitute for the Administration bill which would: extend the Voting Rights Act of 1965 for an additional five-year period; prescribe national residency standards for voting in presidential elections; impose a nationwide suspension on literacy tests; and modify the trigger clause to apply to jurisdictions in which less than 50% of the voting age population were registered for or voted in the 1964 or 1968 presidential election. The bill also contained a provision which would reduce to eighteen the voting age for national, state and local elections. The Senate bill will be considered shortly by the House of Representatives under a rule whereby it must be approved or disapproved in its entirety.

This report is directed to the provision for reducing the voting age. This is one aspect of the present bill on which we had not commented in our prior report and it is an aspect that must be considered and resolved by members of the House when they vote on the bill in its entirety. We are of the unanimous opinion that the voting age may constitutionally be reduced by statute. We also believe that such a reduction is desirable.

We strongly urge approval of the entire Voting Rights Act in the form now before the House, for the reasons stated in our previous report supplemented by the reasons stated below.

* * * * *

The issue of eighteen year old voting has had a long history in our country. Serious efforts to lower the voting age were made following the Civil War and during World War I, World War II and the Korean Crisis. These proposals, however, met with little legislative success.[2]

The arguments now being made on this issue are also not new. Having re-examined these arguments in the context of present-day America, we believe that there is no compelling reason for continuing the disfranchisement of eighteen year olds. A principle of our society is that government rests on the consent of the governed, as expressed through the medium of voting. Mass participation in voting is essential to represent the will of all the people, and the enfranchisement of most major groups is needed in order to legitimate government in the eyes of each group. When we consider the increased educational level and political maturity of the nation's youth and the civil and military responsibilities which they are expected to assume at age eighteen, we can only conclude that they should also be afforded access to the ballot box.

We cannot close our eyes to the daily news reports which attest to the disaffection and frustration of today's youth and their desire to be involved in the political processes of our government. It is all the more important in these times of unrest in our country that this major segment of our population have the opportunity to express itself in the orderly and peaceful processes of elections for legislators and executives. We are not impressed with the arguments that the reduction of the voting age will weaken majority rule and have undesirable effects on our party system and governmental structure. In this regard, we are reminded of similar views which were expressed in the period before elimination of property restrictions on the right to vote and again before extension of the franchise to women and to black citizens. These reforms served to strengthen our system. We expect the same result if the franchise is extended to eighteen year olds.

* * * * *

Turning to the constitutional question, we find sufficient support for a statutory reduction of the voting age in Congress' authority to enact "appropriate legislation" to enforce the provisions of the Fourteenth Amendment. This authority, contained in Section 5 of the Fourteenth Amendment, has been broadly construed by the Supreme Court in recent decisions, most notably in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966). In that case, the Court upheld the constitutionality of Section 4(a) of the Voting Rights Act of 1963, whose principal effect was to prohibit New York State's English literacy requirement for voters. The Supreme Court's position was that Congress could forbid New York's English literacy test whether or not the test violated the Constitution. The Court reasoned that even though the test might not itself deny equal protection, its elimination could be viewed as a measure designed to protect New York's Puerto Rican community against discriminatory treatment by government.

The *Morgan* case indicates that in adopting appropriate legislation under the Fourteenth Amendment, Congress is authorized to intrude upon the reserved powers of the states even when its action tends only indirectly to insure compliance with the Fourteenth Amendment. The Court demonstrated its willingness to accede to the congressional judgment as to the necessity for any such imposition on state interests.

"It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . *It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.*"[3]

Given the Court's statements that Section 4(c) "may be viewed" as designed to secure equal protection and that it was satisfied merely with being able to "perceive a basis" upon which Congress might reach its conclusion, it is clear that Congress possesses far-reaching authority to adopt legislation based upon the Fourteenth Amendment. If a congressional enactment prohibits state action which is arguably discriminatory, the *Morgan* decision offers constitutional support for the congressional prohibition.

It is proper that Congress be given such broad discretion in enforcing the guarantees of the Fourteenth Amendment. It is particularly important that Congress, as the selected representatives of the people, be empowered to determine when state voting laws fall short of the standards of the equal protection clause.

We have no doubt that there is ample basis for a congressional determination that states unfairly discriminate against persons between eighteen and twenty-one when they deny those persons the right to vote. The fact that eighteen year olds assume so many of the responsibilities of older citizens (not the least of which is their obligation to serve in the armed services) offers sufficient justification for a congressional judgment that it is unreasonable to deprive them of the essential right to vote.

Furthermore, young people today are highly capable of making intelligent voting decisions. Today's youth have attained educational levels and political maturity and awareness not manifested by the eighteen year olds of earlier generations. For example, 79% of persons between eighteen and twenty-one today are high school graduates, while only 17% of persons in the same age bracket in 1920 had graduated high school. While 47% of today's eighteen year olds attend college, only 18% were in college in 1920.[4] Statistics such as these support a congressional finding that voting age requirements established almost 200 years ago are now outmoded.

Although the position that Congress may reduce the voting age by statute has received the support of respected constitutional authorities,[5] other noted scholars contend that a lower voting age may be implemented solely by means of a constitutional amendment. Six Yale Law School professors recently challenged the constitutional basis for a statutory voting age reduction, questioning the breadth of the Supreme Court's decision in *Katzenbach v. Morgan* and pointing to the provisions of Section 2 of the Fourteenth Amendment.[6] They claimed that *Morgan* deals only with policing state restrictions on ethnic minorities and that it was inappropriate to extend its application to a measure affecting all young Americans. We do not agree that the *Morgan* decision must be limited in that fashion. The nation's youth constitutes a group which may be the victim of unreasonable voting discrimination as much as females, black citizens of the southern states or Puerto Rican residents of New York State.

The six Yale professors also argued that Section 2 of the Fourteenth Amendment explicitly recognizes the age of twenty-one as a "presumptive bench mark" for grant of the right to vote and that it is difficult to con-

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Footnotes at end of article.

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strue the equal protection clause to permit Congress to modify that constitutional presumption. Section 2 provides:

> "When the right to vote at any election for the choice of electors for President and Vice-President of the United States . . . is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

We cannot see how this provision precludes Congress from lowering the voting age to eighteen. Section 2 was designed to implement the grant of the franchise to blacks and its mention of the age twenty-one was merely intended as a reference to those persons who, by the prevailing standards of the 1860's, would be eligible to vote but for the color of their skin. The fact that the voting age was twenty-one a century ago does not resolve the question whether the same age requirement constitutes unreasonable discrimination in the 1970's. As the Supreme Court has recognized, concepts of equal protection "do change".[7]

Some authorities have expressed concern over the uncertainty which could result if the voting age provisions of the bill were invalidated by the courts subsequent to its implementation. We believe that the voting age provisions effectively deal with this problem by adopting an effective date of January 1, 1971 for the age reduction and providing for expedited judicial proceedings.

* * * * *

The Supreme Court has made it clear in other areas that where the right to vote is denied, the burden lies with those withholding that right to demonstrate that the denial is necessary to protect a compelling state interest.[8] The issue here is analogous; it is a heavy burden to justify the denial of the franchise to ten million citizens aged eighteen to twenty-one who are by standards of education, exposure to media, bearing of the responsibilities of citizenship, concern for the national welfare and all other criteria of political maturity an integral part of our society. We do not believe that those who would deny young people the right to vote can sustain such a burden. These young citizens should be placed in the political mainstream at the earliest possible opportunity. For these reasons, we support the provision of the Senate bill which would reduce the voting age to eighteen.

CONCLUSION

The Voting Rights bill should be approved in its entirety, including the provision for lowering the minimum voting age to eighteen.

Respectfully submitted.

Committee on Federal Legislation, the Association of the Bar of the City of New York; Sheldon H. Elsen, chairman; John F. Cannon, Harvey P. Dale, Hon. Nanette Dembitz, Ambrose Doskow, Michael S. Fawer, John D. Feerick, Peter M. Fishbein, Mahlon Frankhauser, Robert L. Friedman, Robert J. Geniesse, R. Kent Greenawalt, Conrad K. Harper, Thomas V. Heyman, David M. Levitan, Arthur Liman, Jerome Lipper, John Lowenthal, James H. Lundquist, Michael G. Marks, Edward A. Miller, Alan Palwick, William B. Pennell, Hon. Irving Younger.

FOOTNOTES

[1] 25 Record of N.Y.C.B.A. 250 (1970).

[2] Georgia lowered the voting age to eighteen in 1943 and Kentucky did the same in 1955. Alaska entered the Union with a voting age of nineteen and Hawaii with an age of twenty.

[3] 384 U.S. at 653 (emphasis added).

[4] Testimony of Senator Edward M. Kennedy, Cong. Record, March 11, 1970, p. 6936.

[5] See, e.g., address of Paul A. Freund and statement of Archibald Cox, Cong. Record, March 11, 1970, p. 6934; Cox, *Foreword: Constitutional Adjudication and the Promotion of Human Rights,* 80 Harv. L. Rev. 91, 107 (1966).

[6] Letter to the Editor from Alexander M. Bickel, Charles L. Black, Jr., Robert H. Bork, John Hart Ely, Louis H. Pollak, Eugene V. Rostow, in The New York Times, April 5, 1970, p. 43.

[7] *Harper* v. *Virginia Board of Elections,* 383 U.S. 663, 669 (1966).

[8] See, e.g., *Kramer* v. *Union Free School District,* 395 U.S. 621 (1969); *McDonald* v. *Board of Election Comm'rs of Chicago,* 394 U.S. 802 (1969).

SPEAKER OF THE HOUSE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. TEAGUE of Texas. Mr. Speaker, it is a privilege to stand here in the House of Representatives—the place which we all love so dearly—to pay homage to that man among us who has embodied over the years the virtues we respect the most: honor, courage, ability, kindness, industriousness, integrity, love of country.

The Speaker of the House—John W. McCormack—has exhibited those virtues so consistently and for so many years, that many of us have been inclined to take them for granted.

However, now that our dear friend and leader has announced that, because of the unfortunate illness of his beloved wife, he must step down from his position of power, we, all of us, have begun to realize even more than usual, how much he has meant to us as legislators and as human beings, and how much he has meant to this country.

I first came to Congress 24 years ago. I remember John McCormack with the utmost clarity from those days. He was already a veteran Congressman, but he was never so busy or so involved that he did not have time to help and advise the most inexperienced among the freshmen Members.

I suppose no two men in the House possess more differing backgrounds than do the Speaker and myself. The distance between our birthplaces—South Boston and Mena, Ark.—cannot be measured in miles, it can be approximated only in light years. By the same token, there can hardly be two more differing constituencies than the Ninth District of Massachusetts and the Sixth District of Texas. It was inevitable that there should be some issues on which we would disagree but now, on looking back, I find with some surprise that they were far fewer than I had expected.

I remember John McCormack with some awe, as an absolute tiger in debate. Even when I disagreed with his point of view I was impressed with the vigor of his mind, the clarity of his presentation, the intellectual radar he used to find weaknesses in the arguments of his opponents. And, no matter how spirited the debate, John McCormack was never mean, or cruel, or spiteful toward those who honestly opposed him. And when the battle was over, it was over; he never carried a grudge on or off the floor of the House.

There were those—I hasten to say I was not among them—who feared that John McCormack's prodigious ability as an advocate would interfere with his objectivity and fairness as the Speaker of the House. These fears were held by those who did not know him well, and they were totally groundless.

I do not think there is a single Member of this House who would disagree with me when I say that no Speaker could possibly have been more fair, more evenhanded, more considerate in his management of his high office than John McCormack has been. It is very significant that my colleagues in the Republican Party have been just as eloquent in praise of this great man as have my colleagues in the Democratic Party. He has always been the Speaker of the entire House, and not just the Speaker of any partisan section of this body.

John McCormack has enriched this place for 42 years through his membership and through his leadership. He has enriched the lives and broadened the horizons of everyone with whom he worked, and everyone who followed his leadership.

In good times and in bad he has been the embodiment of integrity, the soul of honor, the essence of reliability. He would always—frankly and openly—tell you what he thought he could or should do—and what he thought he could not or should not do—and that was it. His character is such that he is and always has been incapable of dishonesty, incapable of dissembling truth, incapable of acting in any way other than the most upright and straightforward way.

Mr. Speaker, I am intensely grateful for the privilege of having served in this body with you and under you. I am proud to have lived in a legislative era which you have done so much to fashion and create.

Your performance here reminds me of the lines of Rupert Brooke, written during the First World War:

> Honor has come back, as a king, to earth,
> And paid his subjects with a royal wage;
> And Nobleness walks in our ways again;
> And we have come into our heritage.

God bless you, Mr. Speaker, for your counsel, your friendship, your leadership, and your example. And may He grant you and your beloved wife many years of happiness together.

CONGRESSMAN WHALEN COMMEMORATES THE ANNIVERSARY OF THE INVASION OF THE BALTIC STATES BY RUSSIA

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. WHALEN. Mr. Speaker, a knock on the door, a boxcar, and Siberia's frozen tundra: These, in substance, are what we commemorate this week. In this, history's most deliberately vicious century, these tools are commonplace, so commonplace that their perversity is met with a shrug rather than with concern, with acceptance rather than with revulsion.

Saturday, June 15, 1940, saw the United States practicing its normalcy. If at all concerned about wartime Europe, Americans focused their attention on Hitler's "New Order," then in rapture over France's capitulation.

Hardly noticed at all were the columns of Soviet troops knifing through the Lithuanian Republic, a thrust planned a year in advance. Latvia and Estonia would share the same fate shortly.

Before seizing Lithuania, the Russian secret police had prepared its dreadful lists of persons who would have to be deported or killed to reduce the threat to the Soviet domination. The pattern was a familiar one—the neutralization or elimination of those who possessed authority or influence and the potential to employ it.

Thus, government ministers, parliamentarians, magistrates, and law enforcement officials felt the brunt of Russian brutality. The church, the natural leader in a Christian nation, naturally was the target of massive persecution which persists even today.

Within a month of the Red army's arrival, elections were held to choose a controlled parliament. One candidate per district was allowed to run. No more than one quarter of the electorate, however, bothered to turn out.

The tragic story was repeated in Latvia and Estonia as the light of freedom, if not snuffed out by the Soviets, became only a flicker in the hearts and minds of the citizens of those three countries.

Mr. Speaker, 30 years now have gone by since that illegal conquest took place. Despite the passage of time, the plight of Lithuania, Latvia, and Estonia has not been forgotten. These small but proud Baltic States are the victims of the worst that man is capable of.

Their hope for eventual freedom and justice, however, has not diminished and the people of the United States share and support that desire.

AS IT LOOKS FROM HERE

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. PURCELL. Mr. Speaker, a declining gross national product, accompanied by high interest rates, increasing unemployment, and high taxes are not meaningless technical terms to be tossed idly about by Government officials. They have a far more human impact.

My good friend, the gentleman from Texas (Mr. BURLESON) excellently brings this point home in what I feel represents one of the truly definitive statements made about the present state of our national economy.

In his regular report to his constituents, "As It Looks From Here," he has, in his characteristic manner, sharply defined a problem that administration officials say we must expect in even greater quantity during the months ahead. With his gift for describing the human side of any governmental problem, he clearly indicates that unless we, and more directly the administration, are willing to exercise some empathy for people being put out of work or those workers finding smaller pay checks at the end of the week during a time of inflation, we must be prepared to find more families, and not less, as the gentleman says, "getting caught short."

Mr. Speaker, I cannot urge too strongly that we pay heed to this vignette. It speaks far more clearly than all the charts and graphs in Washington that the state of the economy is not getting any better, but worse, regardless of what the administration soothsayers have predicted:

AS IT LOOKS FROM HERE

(By Omar Burleson, M.C., 17th District, Tex.)

WASHINGTON, D.C.—It was one of those evenings of gusty winds and intermittent downpours. A three-quarter moon seemed to enjoy dodging in and out of the clouds.

Inside the brightly lit grocery store six carts of groceries were lined up behind each of two opened check-out counters. Beside each cart stood people who looked tired and bored, waiting their turn.

First in line was a lady with two small children clinging to her side. Her accent suggested that she was Puerto Rican. Both she and the children watched attentively as each item was rung up on the register. After the obnoxious and repetitive clanging sound that cash registers make, it finally produced the final bill.

The woman took a final look at the white figures on the spinning wheels and then in her purse. In a soft voice she said to the checker, "I have got to take something back." The little girl at her side looked up at the others, not realizing their bored and impatient attitude.

Doubtless the checker had been through this before and tried to be helpful and even cheery.

"How much are you short," he asked the woman.

"It was the check," she said. "It wasn't as much this time."

With the checker's help they looked over her cart of groceries. There was a large bag of rice and about three pounds of cheap hamburger meat. There was a box of laundry powder and two loaves of yesterday's bread, which can be bought for 10 cents off the regular price.

Then there were some fresh vegetables, some toilet tissue and a quart of skim milk. Included were potatoes, wieners and a large box of cereal. There were several packs of soft drinks, some peanut butter and king sized cans of beans.

The eyes of the two, the checker and the woman, went over the items almost one by one.

Back to the shelves went a jar of red cherries, two or three oranges, some vanilla ice cream and a jar of jelly.

Back went about everything that makes things a little nicer—to improve on the plebeian.

The woman was still a dollar short, so back went the peanut butter and one carton of Kool Aid, and maybe another little item.

Watching all this without doing anything is kinda difficult. Maybe some didn't care but there was the urge to step forward and pay this little bit for the woman because the children were watching. It wouldn't do—so nothing is said. The woman looked back at the rest of us and it seemed the most to be done was to smile and try to impart the thought, "don't be embarrassed, I've been caught short too."

Then she goes out into the rain with the children close behind her. At home she will cook the hamburger and the beans but there won't be any ice cream or red cherries or the jelly or oranges.

There is a lurking guilt but a man in line shakes his head and mumbles, "Those people never know what they want."

The woman would not be interested in the theories of inflation. There are a lot of them but you can't eat them. She would not be interested that food, as related to over-all living costs, is lower priced than other essentials. Washington thrives on statistics. People who have to put the nice little items back on the shelf and see the disappointment in their children's eyes can't live on these statistics which come from averages and generalities. Because we have to have it every day we are aware that food prices are high and that inflation continues to be one of the greatest problems of the country.

A number of remedies have been applied and more are talked about, but relief is slow in coming. Those who have money can afford it; those with none can usually draw on programs of assistance; the large number in between—those on fixed or modest incomes, which includes most of us—are feeling the pinch.

GOOD OUTCOME IN ITALY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RODINO. Mr. Speaker, the following editorial from the Christian Science Monitor of June 11, 1970, was brought to my attention. The results of the Italian elections can only serve to raise Italian domestic conditions and bolster the goal of European unity. I, therefore, bring this article to the attention of my colleagues:

GOOD OUTCOME IN ITALY

Italy's two-day regional elections may turn out to have been one of the most hopeful developments in that country's entire postwar history. The results, for those interested in Italy's continued economic progress and democratic orientation, were far better than almost any observers had predicted. From almost every point of view, the better forces rose, and their opponents dropped.

There had been almost universal forecasts that the Communists, feeding upon national political disunity, upon everpresent economic discontent, upon the general malaise found everywhere in the world today, would sizably increase their percentage of the vote. Instead, their percentage dropped slightly. So did that of the Country's largest party, the Christian Democrats. So did those Socialists who had broken away from the main Socialist Party and allied themselves with the Communists.

The gainers were the three members of the present governing center-left coalition which are most active in seeking just and democratic solutions to Italy's problems. These three, the Socialists, the Social Democrats and the Republicans, saw their share of ballots go to 20.3 percent as against only 16.6 percent two years ago.

What does this mean? It means, hopefully, that, while the present four-party coalition

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will continue to govern the land, the emphasis within that coalition has now shifted further in the direction of active reform. It means that the rightwing of the Christian Democratic Party, which has hoped someday to be able to create a coalition with parties still further to the right, sees such hopes greatly weakened.

It is particularly important that the socialist breakaway group, which allied itself to the Communists, did so poorly. This enables the regular Socialists to continue playing a progressive and democratic role within the governing coalition without fear of losing influence with the working class. It also means that the Communist hope of gradually swallowing Italy's socialist forces has been given a sharp setback.

Clearly, this outcome in the regional voting will have a very considerable international effect. It confirms Italy's role in NATO. It binds it more securely to the Common Market. It will be seen as a rebuff to communism's efforts to further penetrate Western Europe. It will obviously gladden Washington's heart.

What is needed now is for the governing coalition, thus strengthened, to press forward with those reforms for which the Italian voter has now so clearly spoken.

A PATH TO PEACE IN THE MIDDLE EAST

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. ROSENTHAL. With the situation in the Middle East during the past 6 months having steadily deteriorated, it is rare to come across words that not only cooly dissect the problems but offer some solution to them. I recommend for your reading the recent editorial in the Washington Post which cogently discusses the Soviet threat to American interests in the Middle East and just what the United States ought to do about it.

The editorial follows:

THE MIDEAST: TIME FOR DECISION

For two months the United States has juggled the question of how to meet the Soviet Union's daring move into a direct combat role in the Mideast. The delay has been costly in term of encouraging among some Arabs a belief that violence rather than negotiation is the way to get back their territory. Delay has also helped the Russians to establish their initiative in the world's consciousness as a fact, as a part of the region's reality. There are, nonetheless, we believe, tolerable costs. Time was needed for American officials to argue out their differing conceptions of the nature of the threat posed to American interests by the Soviet pilots and SAM-3 missiles in Egypt. Time was needed, too, for the public to register its views on the kind of American policy it expects and would support.

Two things are now clear. The first is that the period in which Washington could reasonably regard Moscow as a responsible, if limited, partner in Mideast peacekeeping has passed. For a year the Nixon administration operated on the assumption that a Soviet interest in deterring Mideast hostilities and in earning American cooperation on other issues would restrain Moscow's hand. By last February, however, the President had become disillusioned enough with the Russians to warn that he would regard their effort to achieve regional predominance as "a matter of grave concern." That this is in fact the Soviet goal can no longer be doubted. No other conclusion explains the singlemindedness with which Moscow has armed its Arab clients and has now come itself to their side.

The second developing reality is that there is in the United States a very large measure of public support for a firm American policy in the Mideast. To cite one sign of it, some 70 senators have endorsed an appeal to the administration to continue selling Israel combat airplanes. That this appeal comes at a moment when the Senate is trying to limit the President's freedom of action in other areas, is particularly impressive. So is the fact that the Senate's appeal is being made after a full public discussion of what the issues and risks and stakes for the United States are. The Senate's statement indicates that Americans understand quite well that the Mideast is of much greater intrinsic importance to this country than is Southeast Asia—and that the role of the United States is expected to play in the Mideast is by comparison a modest one.

With the Soviet Union's challenge and the American public's support both established, the administration has no further reason to delay a decision to keep the arms pipeline to Israel open. The more definitely the decision is taken and announced, the more effective it can be in signaling to Arabs and Russians alike that the United States is fully prepared to implement its pledges in the Mideast. However misplaced, doubt about American reliability encourages both Arab illusion and Israeli hysteria—a deadly combination.

At the same time, the United States should put forth diplomatic conditions to show that it is not merely and irresponsibly feeding a raging fire. The Israeli government, largely in response to American pressure, has finally accepted the principle of withdrawal from occupied territories, and it has also backed off from its previously rigid insistence that negotiations with Arabs be "direct." These are important shifts (they threaten yet to bring down Israel's coalition government). In pursuit of an "evenhanded" policy, the United States should now urge its Arab friends—Egypt, in particular—to move a similar distance toward Israel. No American urgings, however, are likely to be anywhere near as effective in inducing realism in Egypt as Cairo's own perception that Washington cannot be bluffed out of its appropriate interest in stabilizing the Middle East.

BALTIC STATES

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mrs. GRIFFITHS. Mr. Speaker, this week we mark the anniversay of two major events in history, the loss of independence by the Baltic States and their absorption by the Soviet Union. Between June 14 and June 17, 1940, the Soviets presented the three nations of Estonia, Latvia, and Lithuania with ultimatums and then invaded and occupied them. This was followed by incorporation of these nations as constituent republics in the Soviet Union.

The story of the Baltic nations has been one long tragic struggle against czarist and Soviet imperialist designs to secure outlets on the Baltic Sea. During World War I, patriots in the three Baltic States seized the opportunity presented by the conflict between Germany and Russia, the disintegration of the czarist Russian Empire, and the general chaos to reassert national independence. Between the two world wars, the three Baltic States enjoyed two decades of national independence and self-government; Estonia, Latvia, and Lithuania each assumed the obligations of a sovereign state in the international community. They were admitted to membership in the League of Nations on September 22, 1921, and they exchanged diplomatic representatives with other nations. The United States extended full recognition to Estonia, Latvia, and Lithuania on July 28, 1922.

The aggression, which led to World War II, also brought about the end of independence for the three Baltic nations. After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic Republics and annexed them in June of 1940. The sufferings inflicted on the Baltic countries by the Soviet occupant surpass in magnitude anything they had been subjected to before. Hundreds of thousands of Estonians, Latvians, and Lithuanians were systematically exterminated, tortured, deported to slave-labor camps and prisons in Russia. A policy of colonialization, succeeded terror and genocide, in an effort to destroy the identity of these peoples and submerge them in the Union of Soviet Socialist Republics. Thousands of Russians have been moved to the Baltic States. The industry of these nations has been made completely dependent on Russian raw materials. Their languages and culture are jeopardized. And yet, the Baltic peoples still find the will to resist and remain loyal to their national integrity. The Soviets have not succeeded in weakening the ethnic and cultural identity of these countries and their people, nor have they been able to change the priority of loyalties from native to Russian.

The United States has never recognized the incorporation of the Baltic States into the Soviet Union. As Americans we believe in freedom and self-determination. For the millions of oppressed peoples in the Baltic countries there can be no rejoicing, no taking for granted of the fundamental human rights which we, in America, are privileged to share under our democratic system of government.

On the 30th anniversary of the Communist enslavement of the Baltic countries of Estonia, Latvia, and Lithuania, let us renew our efforts toward the restoration of freedom and independence of these courageous people who pin their hopes on us and the entire free world that they may, once again, live in peace and freedom in their homeland.

JACOB S. POTOFSKY SPEAKS OUT FOR PEACE

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RYAN. Mr. Speaker, Jacob S. Potofsky, general president of the Amalgamated Clothing Workers of America, AFL–CIO, CLC, delivered the keynote address at the 27th biennial convention of the union, held on May 25 in Atlantic City, N.J. Mr. Potofsky is not only one of the outstanding labor leaders of this Nation. He is a national figure, whose works and words have marked him as a proponent of progressive change, aimed at bettering the lot of us all.

Because of his distinction, Mr. Potofsky's speech at the convention of his union automatically deserves careful and considered attention. And because of the especially trenchant remarks made by Mr. Potofsky, his speech stands as a lucid and incisive discussion of the problems which beset America, the obligations which must be met, and the goals which must be set.

The major theme of Jacob Potofsky's speech was the war because, as he said:

> (I)t underlies practically all our troubles. Vietnam is a vital key to war or peace in the world. On its swift end may well depend the very preservation of our own democratic way of life. And everything that we cherish lies in balance on the developments in that area.

I commend Mr. Potofsky's speech to my colleagues, and in doing so, I would quote again from his address:

Our Nation needs peace now. The world needs peace now. The speech follows:

Jacob S. Patofsky Speaks Out for Peace

Our country is facing one of the darkest periods of the century. We are beset by a host of problems—more complex, more perilous and more numerous than at any time in recent history..

The war in Southeast Asia is escalating without end in sight; more of our boys are being killed and maimed. The blight of our cities is becoming worse with every passing day; pollution is increasing; our natural resources are being wasted; inflation is continuing at an intolerable rate; unemployment is increasing daily; prices and interest rates are soaring; dissent is discouraged and intimidated; our young people are frustrated, alienated and angry; our foreign friends are bewildered by our actions; extremism of right and left is becoming a part of our daily life; and our country is more bitterly divided than it has been in a century or more.

TIME TO SPEAK OUT

This is a sad and sorry picture. It can be remedied only if we begin by having the courage to look honestly at these issues. It is time to speak out. This is what I shall attempt to do.

I shall therefore talk principally about Vietnam because it underlies practically all our troubles. Vietnam is a vital key to war or peace in the world. On its swift end may well depend the very preservation of our own democratic way of life. And everything that we cherish lies in balance on the developments in that area.

I am not suggesting that the American public is of one mind about Vietnam. Because that is not so, it is important to analyze the issue as rationally as possible.

Now, let's see what are the facts.

Vietnam has cost us almost 50,000 of our young and almost 300,000 wounded and maimed.

A week before last, more of our soldiers were killed than in any week during the past nine months.

It has disrupted the lives of millions of our young who were inducted in that war.

It has brutalized and demoralized our soldiers on a scale never before experienced.

We have devastated a land that we are trying to save; villages and towns have been destroyed; uncounted numbers of innocent Vietnamese have been killed or uprooted.

This war has already cost us more than $100 billion; yes, $100 billion.

The President recently vetoed a measure of Congress providing one and a half billion dollars more for education, on the ground that it is inflationary. Yet, at the same time, we are spending more than 2½ billion dollars a month on the war in Vietnam.

How topsy-turvy things are! Money for education is inflationary but money for killing is considered by some to be right.

But $100 billion is not the only cost.

We shall have to pay interest on that $100 billion probably indefinitely, and the interest bill alone in the future will be tens of billions of dollars.

We have been in Vietnam for almost nine years. We have bombed Vietnam, North and South, with more explosives than were used in World War II. Think of all that bombing against a small country. Yet it appears that the military will of the North Vietnamese and the Vietcong has not been broken.

MILITARY VICTORY A QUESTION

It has become questionable whether a military victory will ever be possible—a fact that even the generals are now admitting.

General Ridgway—the former UN and U.S. Commander in Japan, Korea and Far East, and later Army Chief of Staff, said some time ago:

"We should repudiate once and for all the search for a military solution and move resolutely along the path of disengagement."

On April 20, the President gave the nation a reassuring report that "everything is going well and we are in sight of a just peace." He announced at the same time an intention to withdraw 150,000 troops within a year. Yet, only nine days later, with nothing substantially new developing on the military scene, the President widened the war in Cambodia and renewed the bombing of North Vietnam—a complete re-escalation of the war.

One may ask: why the panicky rush? Why didn't he consult with the Congress about this? There was plenty of time. Was he afraid that the Congressional and public opposition would veto the military eagerness to go into Cambodia? After all, Congress has a Constitutional responsibility in these matters, too.

Our invasion in Cambodia means that all the tragic errors of escalation are being repeated. We are being plunged deeper and deeper into the pit of disaster.

CONGRESSIONAL RESPONSIBILITY

That is why we support the efforts of those courageous and truly patriotic American Senators who have sponsored legislation designed to bring to a speedy end the most disastrous war in our history. Let us pray that success may crown their efforts.

The Congress must exercise its Constitutional responsibility of not leaving the war-making decisions to the President alone. To do so would spell the abdication of its responsibility.

The Cambodian invasion is tragic on other grounds as well. For example, it may undermine or threaten the success of the arms control negotiations and talks in Vienna. And the success of these talks is vital to the peace of the world.

Another damaging consequence of the Cambodian maneuver is the definite weakening of American power to influence the situation in the Middle East. I need not remind you what a powder keg that is. The Mideast may blow up again.

Israel's security is an over-riding moral imperative of the world. Yet the Soviet Union freely sends arms, planes, missiles, technicians and pilots into Egypt to support Egyptian and Arab bellingerency. Direct Soviet intervention in the Middle East has already stimulated Egyptian offensive action along the Suez Canal.

Do you believe that the Soviets would have dared to risk such brazen intervention into Egypt—particularly after its brutal invasion of Czechoslovakia—if we were not bogged down in Vietnam?

One must ask: "How did our country get so involved in Southeast Asia? What is the explanation?"

I suggest that there are two explanations underlying our activities in Vietnam. One is the dominant role of the military, and the other is the enormous profitability of war.

MILITARY-INDUSTRIAL COMPLEX

It is probably a fact that never before in our history have the military and their allies in defense industries possessed such power in our nation. This military influence even worried President Eisenhower after his long experience as a general and as President. And if anyone had intimate knowledge of this military-industrial connection, President Eisenhower was the one.

President Eisenhower said in his farewell speech (January 18, 1961):

"We must guard against the acquisition of unwarranted influence . . . by the military-industrial complex . . . We must never let the weight of this combination endanger our liberties or democratic processes. . . ."

Yet, that is exactly what happened.

The record of military miscalculation in Vietnam is terrifying.

Our so-called military experts have made one costly mistake after another. They have asked us to swallow their forecasts of victory through escalation far, far too often. They have asserted that their special sources of secret intelligence should command complete and unquestioning support. But their dismal record of failure has lost them their right to a blank check from th American people. We have all paid, and are still paying dearly, for their mistakes—and how much longer? Who knows?

Now we come to the other half of the military-industrial complex. If profits were taken out of war, we would have fewer and shorter wars. I have no hesitation in saying that if profits were taken out of the Vietnam war—profits shared by industrialists here and by the new crop of millionaires in Saigon—the Vietnam war would have been a dim memory by this time. All the talk about saving democracy for the South Vietnamese would have vanished into thin air by this time. Pious cries of security and patriotism are too often the mask for profiteering patriots. Let us never forget that.

The military are responsible for the staggering increase in defense expenditures from 12 billion dollars in 1948 to 80 billion this year—an increase of 700 per cent.

Senator William Proxmire established that military spending could be cut by $10 billion a year without impairing national security. The waste runs into billions more.

An Air Force efficiency expert testified on the enormously inflated costs of a Lockheed plane for the Air Force, amounting to $2 billion. You know what happened to him? He was fired for telling.

Over 2,000 former officers of the rank of colonel or navy captains or higher were employed by the leading military contractors. I don't have to tell you what that means.

The former Research Chief of the Pentagon called on Congress to halt the growth of the United States military machine before it became a Frankenstein monster that could destroy us.

WASTE VERSUS SECURITY

Do you know what happened when Congress was asked to scrutinize defense spending more closely? The President appointed a blue-ribbon panel to serve as a watchdog over the Pentagon. But do you know who was on the blue-ribbon panel? Eight of its members have interests of more than a billion dollars in defense-related industries. Instead, what we desperately need is the most critical, intensive examination of every aspect of defense spending industries.

Let us not mistake waste for security.

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The true American patriot is not the one who wants to increase defense spending. The true American patriot is the one who wants every dollar spent on defense to be spent effectively, not wastefully—and not for the benefit of defense profiteers.

We want an America which is strong—strong not only militarily, but economically, politically, diplomatically, and above all, humanely.

Now let me turn from the military arena to our domestic scene. What has the Vietnam war done to us at home?

The war has done great damage to the spirit of America. There is a bitter and ugly mood in the nation. A climate of fear has descended upon our land. The war has set men against each other. The war has caused division between the people and their government. It has aroused suspicions and false accusations. It has brought back some of the evils of McCarthyism—an evil which it took us years to overcome, and which we had all hoped would never reappear.

Today, we have tapped wires, political snooping, secret informers—all of them the marks not of a democracy but of a police state.

Our Bill of Rights is in danger of erosion. Until we have peace, our very democratic processes are threatened.

Today those who oppose war are attacked for their lack of patriotism. Dissent is confused with disloyalty. Yet high government officials try to intimidate our newspapers and radio and TV.

THE RIGHT TO DISSENT

Let us bear this important fact in mind. Dissent is the spur to reform. It is in troubled days that the rights of the dissenters must be upheld if the liberties of the many are to remain safe.

Let us not forget that our nation's greatness springs from the vision of greater freedom for all, not restricted liberties for some. We must carry the torch of freedom against the forces of dark suspicion and fear.

When the war ends, we can hope that we will be able to establish our democratic priorities once again. But it may take much longer to recover from the spiritual effects of this military disaster.

One of the greatest tragedies is what has happened to our youth, so many of whom have lost much of their faith in our leadership and in our democratic system. Students are not saints, but neither are they bums or rotten apples!

Their frustrations and alienation have become intense. Some have resorted to violence—and in some cases, such as in the tragedy at Kent State and Jackson State, they have been met with inexcusable violence. It is most unfortunate that it took these tragedies to wipe out the indifference with which the problems of the young were met in high places.

I do not wish to be misunderstood. Violence must be condemned. It is self-defeating and leads only to more violence.

VIOLENCE LEADS TO CHAOS

Those who practice violence—whether they are young or old—whether they are white or black—whether they be students or national guard, or police or workers—must recognize that they are all contributing to chaos. If history teaches one thing, it is that chaos is followed by periods of the iron fist. After the chaos, no one knows what kind of dictatorship will emerge. We do not have to be reminded how Hitler came into power.

Let me say one word to the youth, to our young—for they are our most precious asset. Meet the challenge that faces you not with violence but with practical, constructive action. Choose the traditional way of democracy, the peaceful way. Become active this summer and fall in the election campaigns; work with labor to elect candidates who will help end the war in Vietnam speedily. Help not only end the war, but enable America to meet its domestic needs.

Years ago, students used to be excused from school to harvest the crops in the fall. Today, why not let them out of school to harvest votes?

I hope that we will give our youth the right to vote in national elections.

It will bring the talents and energies of our young into the normal democratic process. Today, the educational levels of our young people are so much higher than they were before. They are old enough to fight and die in Vietnam; they are old enough to work, to marry, to pay taxes, yet they are denied the basic right to participate in our democratic society—the right to vote.

As a matter of fact, by depriving 18, 19 and 20 year olds the right to vote, we are contributing to one of the causes for their despair.

The 18-year vote is overdue and should be passed by Congress this year.

BY-PRODUCTS OF WAR

There are many other consequences of the Vietnam War.

The 30 billion dollars a year we spend for war cripples our financial ability to deal with serious domestic needs.

Every warplane built for Vietnam means we cannot build a new high school.

Every shipment of guns costs us public housing for our cities.

Every tank and truck means a cutback in our war on poverty.

Our needs are almost without end. Our resources of water and air are being polluted at such a rapid rate that the very life of civilization is in danger.

To reclaim our air and water will cost billions of dollars, to build advanced disposal plants, to change the way we burn our fuels, to create new and cleaner sources of power.

We must spend those billions of dollars if we are to preserve life itself—but today we are spending those billions on tanks and ammunition for Vietnam—almost $3½ million every hour of the day and night.

NEED DECENT HOMES

One of the most serious national needs is housing for those of moderate income. We need officially 2,600,000 new units of housing each year just to keep up with our population growth, but we are building less than half. In some cities, including New York, our stock of housing is slowly growing smaller at the very time when our needs are increasing.

We will never solve the crisis of our cities until we start a massive housing program.

But today inflation has driven up the cost of housing beyond the means of private enterprise to build it, and the war has robbed our government of the funds to build it.

As a result, we are not building middle- or low-income housing to meet our needs, and our cities continue to deteriorate.

Many of our citizens—blacks, Puerto Ricans, Mexican-Americans and others—have not been given equal opportunity. Some of their needs must be met through laws requiring an end to discrimination in voting, jobs, housing and education. These laws must be enforced vigorously and fairly.

TO WIPE OUT GHETTOS

But some of the needs of minorities can only be met by new expenditures for schools and housing and medical facilities to wipe out the ghetto slums from the face of the land. So long as we have a war budget and inflation, we will not have the funds that are needed for these purposes. Until we have peace, we will not be able to make substantial progress in reducing poverty and ending all trace of discrimination and bringing all people into a first-class citizenship.

My friends, the quicker we extricate ourselves from the war in Vietnam, the sooner we can attend to these urgent needs.

There are other costs of war as well.

Working people in America do not need an economist to tell them about inflation. We feel and see inflation every time we walk into a supermarket or barber shop or movie theatre. We feel and see inflation when we buy a car, or look around for a modest home to buy—those who can afford it—or get a bill from a doctor or hospital.

Despite wage increases negotiated by trade unions for every major industry during the past five years, workers' real wages have gone down instead of up.

There appears to be no end to the inflationary spiral. Despite the Administration's repeated predictions to the contrary, the battle against inflation has been lost! It is estimated that it won't take many more years before our present dollar will lose a third of its purchasing power.

Inflation is a direct consequence of our swollen wartime economy—and so are the steps taken by the Administration to halt inflation. One of these steps has resulted in the highest level of interest rates in more than a century. The government had to borrow more than 100 billion dollars for the Vietnam war. This has resulted in an escalation of interest rates, with the result that every purchase became more costly. The cost of money affects every nook and cranny of our lives.

If the war continues, interest rates may go so high that the government may find it difficult to finance the war and even minimum domestic requirements. That will mean higher taxes and more will be taken out of our pay envelopes.

Between inflation and high interest rates, many businesses will have to close down or face bankruptcy.

We don't need dictionaries to tell us when a recession comes. It is here right now—it is here!

UNEMPLOYMENT AND INFLATION

What do you think will happen when businesses close down? More and more unemployment. Those still working will be working fewer hours. Take home pay will go down and down.

I ask you, who is the first to lose his job when unemployment rises? Is it the President of General Motors or Dupont? Of course not! It is the working man, and what is worse, it is likely to be the least skilled, the member of a minority group, the person who has the least savings to fall back on, and the one who has the most difficult time to find a new job.

Neither inflation nor recession affects all equally. It is those of modest means—workers, retired people—who are hardest hit by both. If this trend continues, social tensions are bound to be aggravated. Both inflation and recession are a direct result of the war, and we will not end them until we end the war.

Two years ago we faced the challenge of a Presidential election. The trade union movement met that challenge with all its energy and determination, and almost singlehandedly made it one of the closest elections of modern times. Nevertheless, despite our efforts, the election was lost.

The 1970 elections will be a battlefield for the control of Congress, particularly the United States Senate. In the elections of six to 12 years ago, a number of remarkable liberals came to the Senate from marginal states—men who might never have won except for the unusual liberal landslides of those years.

This year, no one has any expectation of a liberal landslide, and, as a matter of fact, a number of those Senators face very difficult reelection races. One of them, Senator Ralph Yarborough, of Texas, the chairman of the Senate Labor Committee and one of our liberal champions, has already lost to a conservative in the primary.

The labor movement must meet this challenge with all its resources. These Senators depend to a large extent on organized labor, because the support which used to come from their party has sharply declined. Only the trade union movement survives as a strong, nationwide institution to support liberal candidates.

I know I do not have to urge the officers and staff members of the Amalgamated to greater political efforts, for it was under Sidney Hillman's leadership that the labor movement first became active in political education and we have continued to devote ourselves wholeheartedly to this important task.

ACHIEVEMENTS AND CHALLENGES

So, delegates, I have talked this morning mostly about challenges, not achievements The fact is, that we have much to be proud of. We have given working people a strong voice in their own destiny. In the course of our years, we in the Amalgamated have built institutions to provide many of the necessities of a decent life—health insurance, pensions, education, housing, medical care, and much more.

But this is no time to rest on our achievements. The challenges that confront our country and indeed the world, are overwhelming. If we do not meet them, our way of life, and civilization itself could be in mortal danger.

We, as Amalgamated officers and members, represent a crossection of American working people, men and women from every area of the nation, from big cities and small towns and villages, from North and South, from the East Coast and the West Coast. Our membership works in factories and stores and service establishments. We represent every nationality and every race and religion.

Delegates, I am convinced that our members, like all working people, and like the majority of all Americans, want peace. They want peace now, without delay. They want peace without further military adventures, without more killing.

So I call on you today, to bring up all your reserves of strength and dedication to our noblest ideals and goals.

PEACE, NOT WAR

We must strive to impress upon our government that the people of our country and of the world want and demand an immediate commitment to peace, not war.

We must bend every effort to influence our military leaders that death and destruction must come to an end, that the way of weapons is not our way.

I do not talk of peace next year. I talk of peace now. The hour is late and the country's danger is great.

This is the hour of decision.

Our nation needs peace now. The world needs peace now.

Let us all be united to help achieve that inspiring goal.

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ODYSSEY OF A NATIONAL TREASURE: THE DECLARATION OF INDEPENDENCE, FROM INDEPENDENCE HALL TO THE NATIONAL ARCHIVES

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BRAY. Mr. Speaker, each year hundreds of thousands of tourists stand in the Rotunda in the Main Exhibition Hall of the National Archives in Washington, before the display of the Declaration of Independence, the Constitution, and the Bill of Rights. These three are the most hallowed, revered, and treasured documents of all the archives of our American Republic. Everyone knows the story of their creation.

This Fourth of July 1970, will be 194 years from the day the Declaration of Independence was approved by the Congress. I want to recount the amazing, unbelievable story of what happened to the document itself, over the span of almost two centuries. Indeed, it is a miracle that this original version survived at all.

For almost 50 years after it was signed, for all intents and purposes the Declaration was a forgotten object. Not even Thomas Jefferson realized what he had done, until near the end of his life. On January 21, 1812, he wrote to John Adams, in a somewhat nostalgic vein:

> Sometimes, indeed, I look back to former occurrences, in remembrances of our old friends and fellow-laborers, who have fallen before us. Of the signers of the Declaration of Independence, I see now living not more than half a dozen on your side of the Potomac, and on this side, myself alone.

Curious footnote to history, here. Jefferson and Adams both died, on the same day—July 4, 1826, the 50th anniversary of the signing of the Declaration. Jefferson had been invited to attend a celebration marking the event, but knew he was too ill and declined. On July 3, he awoke, seemed confused about the date, and eagerly asked his doctor: "This is the fourth, is it not?" When told it was only the third, he seemed to rally all his energy to survive for 1 more day. Which he did, until around 1 p.m. on July 4, 1826, at his estate at Monticello, Va. Hundreds of miles away, in Quincy, Mass., the dying John Adams, who expired in the same hour, feebly raised his head from his pillow and murmured his last words: "Jefferson still lives."

On February 19, 1813, Jefferson wrote to William P. Gardner; the text of the letter is self-explanatory:

> Your favor of the 13th has been duly received, together with the papers it covered, and particularly Mr. Barralet's sketch of the ornaments proposed to accompany the publication of the Declaration of Independence contemplated by Mr. Murray and yourself. I am too little versed in the art of design to be able to offer any suggestions to the artist. As far as I am a judge, the composition appears to be judicious and well imagined. Were I to hazard a suggestion it should be that Mr. Hancock, as President of the Congress should occupy the middle and principal place. No man better merited, than Mr. John Adams to hold a most conspicuous place in the design. He was the pillar of it's support on the floor of the Congress, it's ablest advocate and defender against the multifarious assaults it encountered. For many excellent persons opposed it on doubts whether we were provided sufficiently with the means of supporting it, whether the minds of our constituents were yet prepared to receive it &c. who, after it was decided, united zealously in the measures it called for.
>
> I must ask permission to become a subscriber for a copy when published, which if rolled on a wooden roller & sent by mail, will come safely. Accept the assurances of my respect & best wishes.

The physical life of the Declaration began on July 19, 1776, when it was "engrossed" in the beautiful, formal handwriting of the times by one Timothy Matlack, using quills and specially made ink, on a sheet 30 inches by 25 inches. On August 2, 1776, it was "compared at the table" and found ready for signing.

The engrossed copy was, like all other parchments of the day, rolled up—never folded—and deposited in the office of the Secretary of the Continental Congress at Philadelphia. It was taken out and unrolled only when delegates came by to affix their signatures.

The Declaration was not written in a time of victory. Indeed, on July 4, British Gen. Lord Howe was busily landing the last contingents of a 32,000-man force in New York. On August 27, 1776, Howe attacked Long Island, forcing Washington to withdraw, and on September 12, the Americans had completely abandoned New York. There was a brief stand, at the Battle of Harlem Heights, on September 16, but Washington's communications were endangered and he had to fall back.

The same thing happened on October 28, at the Battle of White Plains. Then, in the middle of November, Forts Washington and Lee, overlooking the Hudson, fell, with the capture of 2,800 Americans and the loss of much badly-needed materiel.

Through November and December Washington retreated through New Jersey. General Charles Lee was to cover the retreat, but allowed himself and many of his 4,000-man force to be captured near Morristown. Washington and the remaining 3,000 Continentals crossed the Delaware into Pennsylvania. Congress fled from Philadelphia to Baltimore on December 12; the Declaration, along with other State papers, was packed into a coarse linen sack and went by light horse-drawn wagon to Baltimore, where Congress reconvened on December 20.

Then, on December 26, 1776, Washington took a desperate gamble and hurled his 2,400 troops against the Hessians at Trenton. The 1,000 Hessians out of 1,400 were captured; many supplies were also taken. Eight days later, at the Battle of Princeton, on January 3, 1777, Washington met and defeated the British again and captured more supplies. In 10 short days the dying members of the American Revolution had been fanned into flame. Frederick the Great said the operations amounted to one of the most brilliant campaigns in military history. The British evacuated all garrisons in central and western New Jersey. Washington's forces went into winter quarters at Morristown, and Howe gave up his plans to attack Philadelphia. The Declaration of Independence went back to Philadelphia—its first home—after a 2-month absence.

Howe was on the move again in 1777. Spring and early summer went by as Howe tried, fruitlessly, to maneuver Washington into battle. Not until September 11, at the Battle of Brandywine, did Howe score: He turned Washington's right wing and forced the American Army back toward Philadelphia. In Congress, on September 14, 1777, Sunday:

> Resolved, that the public papers be put under the care of Mr. Clark, and that he be empowered, upon the Congress removing to Lancaster, to procure wagons sufficient for carrying them thither, and apply to General Dickinson, or any other officer commanding troops in the service of the United States, who is hereby directed to furnish a guard to conduct the said papers safely to Lancaster.

On the road once more, for Lancaster, Pa., but not for long. Congress declared that "water must flow between us and the enemy," so over the Susquehanna River, and the Declaration of Independence, under protection of two regiments, wound up in the courthouse, at York, Pa.

Then on February 6, 1778, the Franco-American Alliance came into being, with two treaties: Amity and commerce, and another, an alliance effective if and when war broke out between France and England. Which it did, on June 17, 1778; on June 18, Sir Henry Clinton—who had succeeded Howe—pulled his 13,000 troops out of Philadelphia and headed for New York. The Declaration came back down the old York Road and went back to the State House, in Philadelphia.

Peace with Britain in 1783 did not end the Declaration's wanderings. At the end of the war, Congress proposed to furlough the soldiers with assurance of a discharge when the peace treaty was signed, and financial settlement later. This was not satisfactory; on June 17, 80 mutinous recent recruits marched from Lancaster to Philadelphia, routed out several hundred Pennsylvania soldiers—mostly new men—and barricaded Congress in the State House while demanding immediate settlement. Congress was given 20 minutes to act; it merely walked out, through a riotous crowd that had by that time been drinking freely and heavily. Nothing happened; Congress, however, did not appreciate the mutiny, and in the Journal for Saturday, June 21, 1783, we find:

> Resolved, That the president and supreme executive council of Pennsylvania be informed that the authority of the United States having been this day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of the said troops now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority.
>
> Resolved, That the committee, on a letter from Colonel Butler, be directed to confer without loss of time, with the supreme executive council of Pennsylvania, on the practicability of carrying the preceding resolution into effect; and that in case it shall appear to the committee that there is not a satisfactory ground for expecting adequate and prompt exertions of this state for supporting the dignity of the federal government, the president on the advice of the committee be authorized and directed to summon the members of Congress to meet on Thursday next at Trenton or Princeton, in New Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt and maintaining the dignity and authority of the United States . . .

The next entry in the Journals is for Princeton, on Monday, June 30, 1783. Congress and the Declaration did not stay there long, either; in the Journals for Saturday, October 11, 1783:

> That the president of Congress be, and he is hereby authorized and directed to adjourn Congress on the 22nd, to meet at Annapolis, in the State of Maryland, on the 31st of October . . .

Because Congress was wrangling over a permanent seat for the Federal Government. On October 21, 1783, prior to the move to Annapolis, the Journals state:

> Whereas, there is reason to expect that the providing buildings for the alternate residence of Congress in two places, will be productive of the most salutary effects, by securing the mutual confidence and affections of the states, Resolved, That buildings be likewise erected for the use of Congress, at or near the lower falls of Potomac or Georgetown; provided a suitable district on the banks of the river can be procured for a federal town, and the right of soil, and an exclusive jurisdiction, or such other as Congress may direct, shall be vested in the United States: and that until the buildings to be erected on the banks of the Delaware and Potomac shall be prepared for the reception of Congress, their residence shall be alternately at equal periods, of not more than one year, and not less than six months in Trenton and Annapolis; and the president is hereby authorized and directed to adjourn Congress on the 12th day of November next, to meet at Annapolis on the 26th day of the same month, for the despatch of public business.

So a year at Annapolis, then on November 1, 1784, to Trenton. In January 1785, Congress received "a letter of the 14th, from the mayor of the city of New York, enclosing a resolution of the common council, offering to the United States in Congress assembled, such parts of the city hall, or other public buildings belonging to the corporation, as Congress shall deem necessary, and best suited for their accommodations," to which Congress responded that "Congress entertain a just sense of the attention which they have manifested to the interest of the Federal Union."

On December 21, 1784, Congress resolved that "it is expedient Congress should determine a place at which they will continue to sit, until public buildings for their proper accommodations shall be erected," and on December 24, 1784, "Adjourned to meet at the city of New York, the 11th day of January next." So bundle up the Declaration, again, along with all the other papers. This time the Declaration had its longest stay since it had been engrossed: On the second floor of the old City Hall Building Wall and Nassau Streets NE., until the end of 1790.

At this time the Declaration was given over to custody of the newly formed State Department and went back to Philadelphia. It stayed awhile in a building on Market Street, then moved to Arch and Sixth Street, then to North Alley, and later to Fifth and Chestnut Streets. Finally, in 1800, at direction of President John Adams, it went for the first time to the new Federal City in the District of Columbia, soon to be known as Washington.

In May 1801 the document went to the War Office, on 17th Street. Here it stayed until August 23, 1814.

The War of 1812 began in June of that year. General orders to the British fleet were "to destroy and lay waste such towns and districts upon the coast as you may find assailable." To Admiral Sir John Cockburn, the orders meant just that. Strengthened in 1814 by 5,400 British veterans of the recently ended Peninsular War, he swarmed up Chesapeake Bay and landed this force, under Maj. Gen. Robert Ross, on the Patuxent River. They formed column and marched out; Washington was just 40 miles away.

On August 24, 1814, the British advance was opposed at Bladensburg, Md., by a force of 6,500 untrained militia and a tiny band of 400 sailors and marines, under command of "incompetent political Maj. Gen. William H. Winder." Ross' advance guard of 1,500 swept them into flight. Commodore Joshua Barney rallied a naval contingent of gunners, and Regular Army troops, to contest the attack, but they, too, were driven from the field. James Monroe, then Secretary of State, had meddled in the measures for the defense of Washington—which now lay helpless—and was later to comment that "military affairs should be left to military men."

The British swept into the city on August 24; according to tradition, only a few shots were fired at them, and these from a site about three blocks northeast of the Capitol Building itself. Some of the old, smaller columns of the original Capitol Building were scarred by British musket shots; since extension of the East Front of the Capitol, the columns are now inside, and the marks can be seen to this day.

Monroe may have bungled at conducting a battle, but he ordered three State Department clerks, John Graham, Josiah King, and Stephen Pleasanton, to pack up all documents and get them out of the city. Down from the shelves, into coarse linen sacks, and out of town. That night, Admiral Cockburn of the British Navy ensconced himself in the Speaker's chair in the House Chamber. The so-called British stairway, a curving stone staircase beginning on the ground floor of the Capitol Building, is still very much in use. According to tradition, Cockburn and his men had come up these steps.

He leaned back in the chair. He roared:

> What shall we do with this citadel of Yankee democracy?

"Burn it" was the thundering response; and the drivers of the carts hauling the Federal Government's archives out of Washington, looking over their shoulders, could see flames leaping into the night as the city was put to the torch.

First over the Potomac River, into Virginia, by oxcart; the Declaration's first stop was in an abandoned gristmill, owned by Edgar Patterson, about 2 miles above Chain Bridge, north and west of the city. However, they were near a cannon factory; not wishing to be discovered by roving bands of British soldiers, the carts lumbered off in more wagons, procured by Stephen Pleasanton from neighboring farmers. At this point the Declaration's mode of travel becomes

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somewhat obscure: it was in the caravan that eventually reached Leesburg, 35 miles away, but whether it was by single horse cart, ox team, or a team of four horses in a heavy wagon is uncertain.

They reached Leesburg late at night; the burning city was visible on the horizon. An empty house was found; the papers and the Declaration were placed inside; the doors were locked and the keys given to a Reverend Littlejohn. For some weeks the Declaration stayed here, and not until the British Fleet had left the Chesapeake Bay was it returned to the ruined city.

In 1823, the Declaration of Independence took the first step that would make it in time the most reproduced single document in world history. John Quincy Adams, then Secretary of State, had an exact and official facsimile made, signatures and all. This is the only facsimile of the original; all others are copies of this facsimile. The original plate is today in custody of the State Department. Two hundred copies of the original facsimile were made by order of Congress, and went: Two to each surviving signer—Jefferson's two were on parchment; the President and Vice President, James Madison, and the Marquis de LaFayette; 20 went to Congress; 12 to Government departments; two to the Supreme Court; two to the White House; and one to each State's Governor.

For some years the Declaration was in what Daniel Webster, Secretary of State, referred to as a "suitable accommodation for safekeeping"; namely, the U.S. Patent Office. Not under the best of care; a report in 1856 said:

> The Declaration was hung in a simple frame and placed opposite a tall window where it was exposed to the chill of winter and the glare and heat of summer.

In 1876, it was returned to its first home, Philadelphia, where a national exposition at the centennial of the Declaration was held. On the Fourth of July, 1876, it was read aloud by a grandson of Richard Henry Lee to the assembled crowds. To quote an account of the day:

> The faded and crumbling manuscript, held together by a simple frame, was then exhibited to the crowd and was greeted with cheer after cheer.

Philadelphia tried to keep it, but was refused; it was a national heirloom, and was returned to Washington.

But not to the Patent Office; State had just moved into a new fireproof building. The Patent Office was supposed to be fireproof, too, but a few months after the Declaration had been moved, the Patent Office was completely destroyed by fire.

By this time it was in quite bad shape. Timothy Matlack had used special, professional inks; his penmanship was still perfect. But the signers had used ordinary inks, and signatures were fading. Edges were torn, and the lower edge of the Declaration was particularly bad since it was always unrolled from that end. On September 28, 1921, Secretary of State Charles Evans Hughes was successful with an Executive order that put the document under care of the Library of Congress. From then on efforts of the best experts the country had went into repair and restoration.

During Calvin Coolidge's administration a simple shrine was dedicated, in the Library, in the presence of the President, the Secretary of State, and a group of Members of Congress. As the Declaration was fitted into its frame, which was enclosed by two gold-plated bronze doors, two stanzas of "America" were sung. That was all. Not a word was spoken.

It hung there until December 26, 1941; on that date, it was removed to the bullion depository at Fort Knox, for protection in case Washington should come under enemy air attack. In the early autumn of 1944 it was declared all danger to the Library was past; on October 1, 1944, the Declaration returned to the city, and to the Library, wnere it stayed until December 1952.

Then, the world's largest safe was opened in the National Archives Building. Seven and a half feet long, 5 feet wide, and 6 feet high, its walls are 15 inches of steel, strong enough to withstand the collapse of the entire Archives Building above. The safe has an elevator which bears the Declaration up into the rotunda of the main exhibition hall every morning, and carries it down again each evening.

The business of the Congress of the United States, on July 4, 1776, began with a request for flint and troops; the last order for the day dealt with a directive for selling 25 pounds of powder. In between came the Declaration of Independence, in which 56 men did "mutually pledge to each other, our lives, our fortunes, and our sacred honor."

It did cost some of them their lives, and some their fortunes. But notice the wording, and read it on the document as it hangs in the National Archives, today. The term "sacred" applies only to honor. Not to life; not to fortune.

Was this perhaps the greatest lesson they were trying to teach us? Is this perhaps why this document has been so truly miraculously preserved over almost two centuries? I think it was; life and fortune are passing things, but the most enduring of all is honor. "Sacred" honor.

If we, as citizens of this our American Republic, if we take anything as a symbol on the Fourth of July, if anything touches us when we see this Declaration of Independence enshrined in our Nation's Capital, if it moves us to any sort of a resolve, as a country, or as an individual, to a rebirth and rededication of any facet of our private or our national life, let it be our honor, to hand on unstained and bright to American generations yet to come, and to the world.

Fifty-six men at Philadelphia did, in 1776. By their dedication to honor, they changed the world. So can we.

A REAL CHAMPION

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. HARVEY. Mr. Speaker, next week, some of the greats in athletics, with the real emphasis on golfers, will gather here in Washington to pay honor to Joseph John Miller. Thousands know him best as Jocko and he has to rank as the most popular and best golf starter in the United States. There has never been any doubt as to who "King of the Hill" is at the first tee at the Congressional Country Club.

It has been my rare pleasure to have the chance to become acquainted with Jocko Miller in recent years and it is a friendship that I truly value. Next week, as the friends of Jocko Miller gather for a testimonial dinner in his honor, you can be certain that time will be rolled back to review his 30 years' service to the club. But, when all is said and done, the compliment that Jocko treasures most is to be known as the best and fairest starter in golfdom. That he is, there is no doubt.

I would like to close with an excellent article on Jocko by Dick Slay which appeared in the June 14 edition of the Sunday Star. Slay's weekly column "Tee to Green" on Jocko was a great one. The article reads:

[From the Sunday Star, June 14, 1970]

JOCKO'S FRIENDS TO DO IT UP BIG

(By Dick Slay)

The sign on the door of the little house by the first tee at Congressional reads, "Jocko Miller, Esq." A member had the sign made a few years ago, and last year the board of directors knighted him the Director of Play in recognition of his 30 years' service to the club.

"What the hell," Joseph John Miller said last week, "they give me this new title and I'm still doing the same damn thing."

They are giving him something else next week, a black tie stag testimonial dinner at the Shoreham's Paladium Room. If that isn't impressive enough, consider that Vince Lombardi is chairman of the blast. Coach has known Jocko barely a year but wants to do his bit in honoring the man on the night of June 24. There won't be enough seats to handle all the thousands of Jocko's friends from over the years, but the room should serve a representative number, say up to 400, and the tab will be stiff.

There isn't any doubt among the caddies and players about who is in charge of the first tee at Congressional, but his gruffness is often of the impish sort and his waistline is really not as big as his heart. Even the youngsters who are admonished to tuck in their shirttails before teeing off on the middle nine know this.

HE WAS ALMOST A HOYA

On the subject of his avoirdupois, it is worthwhile to note that when Jocko first arrived here in 1929 from Lawrence, Mass., he was a legitimate lightweight. He was to enter Georgetown on a boxing scholarship but Lou Little had left the school that spring to take over as football coach at Columbia and suddenly there were no such things as scholarships for fighters at the Hilltop. Scratch one aspiring scholar with a good left hook.

Jocko went home to take a job as caddymaster at Andover Country Club, although he had no background in golf, but he spent his winters here working at various jobs around Washington. He found time to win the Middle Atlantic lightweight championship in 1929, the District AAU lightweight title in '30 and the District AAU welterweight title the year after that. You could see he was gaining weight.

He was also contracting a "tennis elbow" which helped him discard any ideas about turning pro as a fighter. He tried pro golf instead, although only from the business end at the club level, but after about five

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summers or so at Andover CC he could get around in the middle 70s with no trouble.

Miller served 16 years as Chairman of the District AAU boxing committee and eight years concurrently as chairman of the District Boxing Commission, but otherwise his life has been in golf for the last four decades.

In 1938 he came here permanently as head pro at the old National Women's CC, which is now called Bethesda, and the next year Wiffy Cox hired him as matchmaker at Congressional. But in 1940 the draft caught caddymaster Roger Ricketts, Jocko was moved to the first tee and, except for Navy service in World War II, he's been there ever since as starter, caddymaster and coordinator of tournaments.

"THE CHIN" GOT BURNED ONCE

The Office of Strategic Services took over Congressional's grounds during the war for training of agents, but before the late Cox went home to Long Island for the war's duration there was a memorable match one day. Wiffy played Jocko, Eugent Pinman and the late Warner Gray by himself.

"Cox beat all three of us—our best ball—and he shot 29 on the back side to do it," Jocko recalls. "But in 1946, Wiffy was still in Long Island, Warner and I had the shop here and Lew Worsham was our playing pro and we talked Lew into the same match.

"We reminded him that Wiffy had beaten us when he was past his prime, and that a young man such as himself should be able to do at least as well. Well, Lew eagled old No. 8 to beat our three birdies and got even on the front, but on the back nine I birdied three holes in a row and 'The Chin' belonged to us."

Worsham was to win the U.S. Open the very next year, beating Sam Snead in a playoff, and has been the pro at Oakmont ever since. Lew will be among the diners at the Shoreham next week, and so will his brother, Buck, and the committee is about 90 percent sure Jimmy Demaret will make it.

Demaret and Miller spent some of the war together at Bainbridge Naval Training Center. Jimmy already had won one Masters championship and was to win two more, but he never forgot Jocko. Demaret always has liked a good party and this one could be a bell ringer.

INFANT EXECUTIONS IN HAWAII

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RARICK. Mr. Speaker, Hawaii, world renowned for love, peace, and beauty, shocked the civilized world last week with announcement that under its new libertine abortion law its people had sanctioned the execution of 862 infant babies over the past 3 months.

Hawaii, 43d in population of our 50 States, offers some indication of the anticipated death toll nationwide should the "right to abort" become a national law. Conservatively speaking infant casualties could be anticipated nationwide at 43,000 for a 3-month period or using the Hawaiian experience an annual loss of life reaching 172,400 infants.

Those who rightfully oppose our Asian military involvement because of the loss of 50,000 lives in 15 years should heed this war against little children being aggressively waged in the United States.

Ironically, many of the pro-abortionists who find nothing immoral or unconscionable in executing infants are among the most blatant in denunciation of massacres in Vietnam and in the forefront in opposing the death penalty for convicted murderers, rapists and traitors.

Our National Government, through OEO and HEW giveaways of taxpayer's hard-earned cash, even makes subsidies to prepare and educate adults through sensitivity training—to develop self knowledge and awareness of individual impact on others.

172,400 projected deaths a year is a sizable impact on moral people. Murder, extermination, and a morality solve nothing.

Sex education and abortion must be replaced by education in morality, decency, and restraint.

I include several related news clippings:

[From the Washington Post, June 12, 1970]

HAWAII REPORTS 862 ABORTIONS

HONOLULU, June 11.—A total of 862 abortions have been performed since Hawaii's new abortion law went into effect three months ago.

Figures show:

About three-fourths of the patients were single.

The majority involved women in the 20–30 age bracket.

Abortion costs average about $300, half of which represents physician fees and the other half hospital charges.

A majority of the cases are handled on an in-and-out-the-same-day basis.

Hawaii's law permits abortions at the discretion of the physician.

SU PROF GETS GRANT OF $90,000

Dr. Edward E. Johnson, associate dean of the university and chairman of the department of psychology at Southern University, has been awarded a $90,000 continuation grant from the U.S. Office of Economic Opportunity.

The grant will support completion of an investigation undertaken two years ago under the direction of Dr. Johnson at the Regional Evaluation and Research Center for Head Start located at Southern University where an evaluation of an intervention program for changing attitudes of Head Start parents was begun.

In his research, Dr. Johnson aims to help parents become more aware of and involved in the requirements of their children, to help them become more aware of their own potential and development capacity, and to assist parents in developing self-knowledge and awareness of their impact on others.

A VOLUNTEER'S VIEW OF THE VETERAN

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BUTTON. Mr. Speaker, the fine work being done by volunteers in our veterans hospitals came to my attention during a recent visit to the Albany VA Hospital in my district.

I am quite proud of the dedication shown by the hospital volunteers, who spend many hours of their time in service to patients. Mr. John J. Cox, director of the Albany VA Hospital, and Mr. Roderick J. O'Connor, director of voluntary service at the hospital, both had high praise for the work for the volunteers.

The devotion and care exhibited by these volunteers was ably brought home to me when I read a letter from Miss Ginger Lee Tracy, a student at the College of St. Rose, who spends one evening a week visiting the sick and disabled servicemen in the hospital.

Miss Tracy's letter accompanied the minutes from the last Veterans' Administration Voluntary Service Advisory Committee meeting. I would like to share the warmth and earnest dedication of her message with my colleagues. Her letter follows:

SELFLESS, RESPONSIVE, CARING MEN

(By Ginger Lee Tracy)

As all my close friends and family know by now, the subject of the V.A. Hospital and its patients is one that comes up frequently. Since it is one of my favorite subjects I should like to do a special report on it.

For the two years I have been at St. Rose, my girlfriend and I have spent our Wednesdays visiting the guys at Veterans Hospital. I'm sure I can safely say for both of us that immediately following our first visit there we vowed never to return. In one afternoon we had seen more pain and suffering than in an entire span of twenty years. However, we did decide to go at least once more which proved to be one of the wisest moves in my life.

I cant' think of enough adjectives to describe the men there: wonderful, selfless, responsive, and caring are only a few of many. There is Jack who at 24 was caught in the bomber doors of an airplane and now must spend the rest of his life paralyzed and in an iron lung, necessary because he can't breathe on his own. At first he was completely sarcastic and bitter but because of our persistence now responds so warmly to our visits that we hate to miss a chance to see him. His father told me that for the first time in 3 years he has something to think about other than his own condition.

Then there is Allen, or I should say was. When we first met Allen he was on the T.B. ward and we couldn't visit him without wearing those little protective gauze masks. This fall Allen was allowed to go outside which he really loved after being completely isolated for a year. Finally in October he want home. One thing I'll never forget is that he checked out of the hospital at noon and spent the entire afternoon at St. Rose with us.

There are so many guys I could mention—Charlie P. whose arms and legs were badly mangled in Vietnam when he stepped on a mine; Pete a middle-aged man with nothing physically wrong but then again he has no home to go to either; Mr. D. who is so old he can't hear what we say but buys us chocolates because he isn't allowed to eat them himself and who also has no one to take care of him. All these men are special, very special to me. They have done more to educate me than all the degrees I could earn anywhere. My problems seem so insignificant compared to the sorrows they have known yet they help us when we are down. I'm thankful for having the opportunity to meet them and get to know them all.

VICE PRESIDENT AGNEW DISCUSSES RATIONAL DISSENT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RIEGLE. Mr. Speaker, last evening in Detroit, Mich., Vice President AGNEW set forth a reasoned and responsible set of arguments relating to public discus-

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sion of the issues. These thoughtful and well-expressed ideas deserve careful evaluation.

As I find many useful points expressed in Vice President AGNEW's speech, I insert it at this point in the RECORD for the interest of my colleagues:

ADDRESS BY THE VICE PRESIDENT

I would like to present a case tonight for progressive partisanship.

The word "partisan" has taken on an unfortunate coloration. It is being equated with divisiveness, with backbiting and acidulous personal references. This is not new in our history—James Madison, in the most famous of the Federalist Papers, warned of the "spirit of faction" that could tear the country apart.

Partisanship misplaced, partisanship overdone, can be a danger to democracy; but a progressive partisanship is at the heart of our liberty and without it, there would be no change in our society and no movement in our public philosophy.

We are entering our traditional period of intensified partisanship before an election campaign. Whether that period will be productive of intelligent challenge and debate, or sterile and conducive to angry shouting, is a test that we as a people will have to take.

I believe we will pass that test if we embrace the principle of progressive partisanship.

To do that successfully, we have to examine two slogans. One of these is rich with age and honor; the other is bright with new and conventional wisdom; both can be twisted to get us into trouble.

Slogan number one is seemingly unassailable: "United we stand, divided we fall." And slogan number two is becoming one of the most high-minded cliches of our time: "Let us de-escalate the rhetoric."

Let us begin with the first, which had its genesis in a poem written in 1776 by John Dickenson: "Then join hand in hand, brave Americans all/by uniting we stand, by dividing we fall."

That is the sentiment that brought us together as a nation, the spirit that permitted us to overcome our disagreements by acknowledging a deeper sense of common purpose.

On the great ends of liberty and justice and opportunity, that sentiment has never been truer. But we demean that spirit of unity when we try to restrict ideas about how to meet those ends. Here is what I mean:

We cannot agree about the need for freedom without acknowledging the freedom to disagree.

We cannot govern with the consent of the governed unless we respect the right of dissent of the governed. But remember, respect for the right of dissent does not mandate agreement with the dissent.

We cannot encourage a unity of purpose without stimulating a diversity of approach.

That is why every attempt to deny our diversity, to smother partisanship in an amorphous cloud of consensus, is doomed to failure. It confuses the ends with the means. United we stand in love of country, in desire for peace and progress—but divided we stand in approach, in style, in policy to reach the ends we seek.

By demanding unity, by denouncing dissent, we might find ourselves standing united but standing still. That is not what this nation is all about—unity is not an end in itself, it is a byproduct of progress.

Just as unity is not an end in itself, dissent is not an end in itself. Here is where I part company with some dissenters.

Rational dissent focuses on an issue, calls it to public attention and marshals the arguments to persuade the majority to its view. That is the essence of progressive partisanship.

Irrational dissent focuses on an emotional issue, rejects logic, and demands change without intellectual challenge, without offering a constructive alternative.

Rational dissent anticipates disagreement; irrational dissent expects its views to be adopted as a revelation of truth and is infuriated when this does not happen.

Rational dissent properly defines its right to be heard and is ready and willing to accept criticism of its point of view; irrational dissent considers criticism of its point of view to be an attack on the right to dissent.

Rational dissenters, in the tradition of Holmes and Brandeis, have never been more needed than they are today. They are with us, but their ideas are too often ignored—not by the majority, but by the emotionaries, a relatively small group of anti-intellectuals that has snatched the standard of dissent from their hands.

Some of the rational dissenters I have been meeting with recently have pointed out that the emotionaries are not limited to their side. This is true. But we cannot abandon the public forum to the antis versus the anti-antis. We cannot refrain from speaking out in the voice of reason, both in affirmation and in dissent, for fear of becoming identified with the emotionaries of the extremes.

That, of course, brings me to the next slogan, the new favorite of editorial writers of all shades of opinion: "Let's de-escalate the rhetoric."

I think the word "rhetoric" is being badly misused. It is being defined as vituperation, as poisonous invective. But rhetoric is not that at all: Rhetoric is the use of public discourse to persuade.

We do not have to depress that kind of rhetoric at all; on the contrary, we have to elevate the rhetoric. Only in that way can we hope to enter a season of progressive partisanship.

This does not mean that affirmers or dissenters have to color their speeches gray. It does not mean that we must dwell on abstractions and totally refuse to engage in personalities.

Our history is rich in anecdote about the cut and thrust of partisan debate, and it did get a little personal at times. I recall the remark of John Randolph of Virginia, aimed at a brilliant fellow member of the House of Representatives, Edward Livingstone. Said Randolph: "He is a man of splendid abilities, but utterly corrupt. Like rotten mackerel by moonlight, he shines and stinks."

That was pretty rough. And so was labor leader John L. Lewis' characterization of one of my predecessors in office, John Nance Garner as a "card-playing, whisky-drinking, evil old man." (Some people have recently suggested that I stick to playing cards, which could contribute to the public safety.)

Governor Hiram Johnson of California did not like some of the press coverage he was getting during his administration, and he had this to say about the publisher of a major newspaper: "He sits there in senile dementia with a gangrene heart and rotting brain, grimacing at every reform, chattering impotently at all things that are decent, frothing, fuming, violently gibbering, going down to his grave in snarling infamy . . . disgraceful, depraved . . . and putrescent."

Now what have I ever said about the press to compare with that? Fortunately, the days of that kind of ad hominem blast are gone forever. But perhaps it has evolved into a less rancorous form of attack, similar to that unleashed by Winston Churchill at Ramsay MacDonald in 1933, when he was Chancellor of the Exchequer: "I remember when I was a child, being taken to the celebrated Barnum's Circus, which contained an exhibition of freaks and monstrosities, but the exhibit on the programme which I most desired to see was the one described as 'The Boneless Wonder.' My parents judged that that spectacle would be too revolting and demoralizing for my youthful eyes, and I have waited fifty years to see the Boneless Wonder sitting on the Treasury Bench."

Can you imagine the wave of shock and horror that would pass through certain circles if anyone were to make such a remark today about, say, the chairman of a Senate committee? It would be an unthinkable example of the arrogance of power. The most one could get away with in these more sensitive times is another Churchill gibe at one of his opponents as "a modest man, with much to be modest about."

The purpose of this brief review of political invective is to show that we are indeed past our vituperative peak, in a sense, happily so. It is also good for us to recall that the shouted epithets we hear today are no match for the flashes of wit that lay behind some of the studied insults of yesteryear.

Were they alive today, Randolph and Wilkes, Disraeli and Churchill, Huey Long and Harold Ickes would have to temper their blasts; history might have been the less colorful, but the times have changed and the climate is wrong for slambang vituperation. In its improper definition as invective, the rhetoric has already de-escalated.

But in its proper definition as rational public persuasion, the rhetoric of our times needs to be put to constructive use. In the very act of encouraging peaceful argument, we automatically discourage violent protest. In agreeing to disagree, as reasonable people, we admit to a unity of purpose.

A Greek philosopher first laid down the rules of rhetoric. I do not presume to challenge the principles of my ancestor Aristotle, but let me try to update them for the coming campaign:

Every view is a proper target for rational challenge.

Every challenge is a proper target for criticism and rebuttal.

No view has a claim on truth by virtue of wide acceptance.

No view has a claim on truth by virtue of limited acceptance.

Every partisan has an obligation to present his position forcefully, factually and fearlessly.

Every partisan has an obligation to admit to the possibility of error.

Every man has a right to be heard to the extent he shows a willingness to listen.

No man should interpret a willingness to listen as a commitment to follow.

No argument is fair that appeals exclusively to emotion.

No argument is realistic that rules out all emotion.

No age group or minority group or income group has a monopoly on wisdom.

No majority has the obligation to be silent, or the right to overwhelm dissent.

And finally, the thirteenth rule of rhetoric for our times, and the most painful one of all: Provided he acts without violence and within the Constitutional law, every man has the right to disagree with, and to break, every one of these "rules."

In doing so, I think it would be to his loss and society's loss, but freedom is not freedom unless it includes the freedom to be wrong.

Let us, then, elevate the rhetoric; let us think through all we stand for, and then stand for it publicly and affirmatively.

Let us not be afraid to be progressive partisans for all we believe to be right, and not speak of partisanship as something unworthy or un-American.

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This was a nation built by ardent advocates of popular and unpopular causes. In each generation, they triumph over the detractors who shrug in hopeless resignation, and the sloganeers of puerile obscenities, and the bookburners who try to destroy the ideas they cannot discuss.

Let us join the "happy warriors of the political battlefield," discovering new depths of loyalty in opposition, new heights of unity in our diversity, and a new spirit of respect for each other's point of view.

SENATE—*Wednesday, June 17, 1970*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let the words of our mouths and the meditations of our hearts, be acceptable in Thy sight, O Lord, our strength and our redeemer.—Psalms 19:14.

Grant, O Lord, that our speech this day may arise from hearts in tune with Thy spirit. By prayer and meditation may our lives glow with a divine radiance and our actions be in harmony with Thy will. When the evening comes may we have the divine approbation of the ancient words, "Well done, good and faithful servant." In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 15, 1970, the President had approved and signed the following acts:

S. 614. An act for the relief of Franz Charles Feldmeier; and

S. 1786. An act for the relief of James Harry Martin.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 16, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Ohio, there be a period for the transaction of routine morning business with a time limitation of 3 minutes on statements.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. RIBICOFF). Under the previous order, the distinguished Senator from Ohio is now recognized for not to exceed 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield to me without losing his right to the floor or any of the time allocated to him?

Mr. YOUNG of Ohio. I am happy to yield to the Senator from Montana.

ADJUSTMENT OF OUTSTANDING CURRENCY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 930, S. 3825.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3825, to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of June 24, 1967 (31 U.S.C. 405a-2), is amended by inserting a comma and the words "Federal Reserve bank notes, and national bank notes" immediately after "silver certificates" wherever the term appears and by striking out "(not exceeding $200,000,000 in aggregate face value)".

AMENDMENT OF THE FEDERAL CIVIL DEFENSE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 937, H.R. 16731.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 16731, to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed.

TOURS OF DUTY IN HOSTILE FIRE AREAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 936, H.R. 16298.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16298) to amend section 703 (b) of title 10, United States Code, to extend the authority granting a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On line 5, strike the numeral "1971" and insert "1972."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, as an explanation, at the request of the distinguished chairman of the Armed Services Committee, after the companion Senate bill was passed the other day, it was reconsidered because there was a difference in the date. We waited for the House bill to come over. The dates are now in accord and the pending bill has been cleared on both sides.

The PRESIDING OFFICER. The question is on engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16298) was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendars Nos. 927 and 928 be indefinitely postponed.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

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OUR NATIONAL STOCKPILING POLICY SHOULD BE REVIEWED AND MANY STOCKPILED MATERIALS BE SOLD—LET US DO SOMETHING FOR THE TAXPAYERS

Mr. YOUNG of Ohio. Mr. President, as a member of the Subcommittee on National Stockpile and Naval Petroleum Reserves of the Armed Services Committee, I have participated in all subcommittee meetings. I am thoroughly familiar with the need for stockpiling strategic materials.

However, the fact is that the present program of stockpiling strategic materials to guard against possible future shortages is staggering. Indeed, it is almost beyond comprehension. Storage depots and warehouses throughout the Nation are filled to overflowing with items costing the taxpayers more than $7 billion. Storage alone costs the American people more than $14 million a year.

Many of the materials being stockpiled against possible future shortages are metals with some conceivable importance, such as copper, manganese and tin. Many others, such as synthetic rubber purchased at high prices and then stored for 15, 20, and 25 years are of very little value at the present time. There is no real market for these materials and many of them have so deteriorated in quality as to be totally useless.

Mr. President, surely every sensible citizen should reject the judgment of some pompous know-it-all official in the Pentagon who has directed the careful stockpiling of $13 million worth of waterfowl feathers and down as necessary for the future defense of our country.

Four years ago officials in charge of this stockpile program wisely decided that the huge stockpile of feathers and down then being accumulated was ridiculous. They ordered 9 million pounds of the stuff sold. Fearful that the feather merchants would be disturbed if such an amount were released on the open market, the Defense Department then purchased all 9 million pounds.

As a result, 20,000 bags of feathers, mostly goose feathers in bags weighing 50 pounds each, have been placed in defense depots and warehouses in hush-hush secret locations in various parts of the country, along with 100,000 bags of down.

A Pentagon official when asked about this replied:

> It is important that the bags be spread out to different warehouses. After all, if the Chinese suddenly drop a bomb we might lose all our feathers at once.

One Senator who heard this responded, "God Almighty, are you really serious?"

Just how serious the matter is was explained by Information Officer Carl Gidlund of the Office of Emergency Preparedness, which determines the kind and quantity of materials to be stockpiled. Gidlund has said that stockpiles of feathers and down are needed because during wartime domestic sources could not provide enough and foreign supplies might not be available. Pointing out that the feathers and down are for military use only, he said that they are "the most satisfactory material for sleeping bags in cold climate areas."

The stuff is also used in pillows, in casualty evacuation bags such as those used in Vietnam, and in arctic-type combat clothing, according to Gidlund who further stated:

> If we have to fight an all-out arctic war, this stockpiling would be the main source of clothing for our troops.

In other words some lamebrain in the Pentagon envisages our invasion and waging war in the vast region around the South Pole or in the region above the North Slope and the Arctic Circle. No one in the Pentagon has yet suggested what all-out arctic war our Nation might become engaged in during the coming years, should we finally extricate ourselves from Cambodia, Laos, and Vietnam.

According to the latest stockpile report to Congress, Gidlund's agency has provided for the storage of 1,482,000 pounds of feathers and 2,073,466 pounds of down. The Government, that is to say the taxpayers, paid $8.6 million for the down and $6.15 million for the feathers. Their market value now is $10.4 million and $2.1 million, respectively. This represents a net loss to the American people of $2.2 million. In addition, it costs more than $50,000 a year to store this supposedly important item.

President Nixon has to date done nothing to substantially reduce the staggering national stockpile. It is interesting to note that one argument often used in defense of the program is that to sell these materials on the open market would drive the price down and cause huge losses to private commercial dealers. However, under President Johnson $3 billion of tin and other materials were sold on the open market, and yet the cost of tin and other items has risen since that time.

So much for the clamor on the part of some stupid bureaucrat that selling stockpiled materals on the market would unsettle it and cause losses. Indeed, perhaps President Nixon could move toward balancing the budget by selling some of those feathers, unless of course he claims such action might endanger the defense of the Nation.

WE AMERICANS SHOULD LEAD IN OUTLAWING POISON GAS AND BIOLOGICAL METHODS OF WARFARE

Mr. YOUNG of Ohio. Mr. President, in 1925 the United States took the lead in drafting the Geneva convention, banning the use in war of all poisonous gases and biological methods of warfare. This was signed by the United States, but it has never been ratified by the Senate. After debate on the Senate floor, which revealed strong opposition by veterans' organizations and chemical manufacturers, the treaty was referred back to committee.

To date, 84 nations including virtually all the technologically advanced powers have ratified or acceded to the Geneva convention. It is a stain on our national conscience that the United States stands almost alone among the powers of the world in failing to become a signatory to the Geneva Convention To Outlaw Poisonous Gas and Biological Methods of Warfare.

On November 25, 1969, President Nixon announced that he would submit the convention to the Senate for its advice and consent to ratification. The President, to this good hour, has failed to do so.

The truth is that President Nixon has failed to submit the Geneva convention because our Chief Executive has persisted in allowing American troops to use deadly defoliants in that immoral, undeclared, and unpopular war we are waging in Indochina. Indeed, when he announced several months ago that we would not use certain chemicals in war unless they were first used against us, tear gases, herbicides, and defoliants were exempted from the ban.

The main political committee of the General Assembly of the United Nations rejected President Nixon's position decisively. Overriding vigorous opposition from the U.S. delegate, it voted 58 to 3 with 35 abstentions that the Geneva convention include and ban "the use in international armed conflicts of any chemical agents of warfare." Only Australia and Portugal voted with the United States.

On December 5, 1969, the World Health Organization condemned the use in war of defoliants and tear gases, citing the defoliants as "possible causes of birth defects in children." The fact is that millions of acres of arable land in South Vietnam have been ruined by poison gases sprayed since 1961—for almost 10 years—by American warplanes and helicopters. Through use of defoliants, we have ravaged and destroyed almost 5 million acres of land in South Vietnam for generations yet to come, an area about the size of Massachusetts, 12 percent of the entire area of South Vietnam. By the end of this year, more than 23 million gallons of defoliants will have been sprayed in Vietnam, and most of that in South Vietnam.

Often lost amid the statistics of our war dead and wounded and those of the Vietcong and North Vietnamese is the fact that more than a half million Vietnamese civilians—women, children, and old men—have been killed or maimed for life by our artillery, our napalm bombing, and our use of chemical defoliants.

Four newspapers in South Vietnam printed stories and pictures last summer of deformed babies born in villages sprayed by Americans with the chemical 2,4,5-T. The newspapers were promptly closed down by the Thieu government for "interfering with the war effort."

This chemical, along with other herbicides and defoliants was developed by the army at Fort Dietrick, Md.

Just how high an "offensive potential" this chemical warfare had was not really known until 1966 when, for the first time the National Institutes of Health commissioned tests on pregnant animals.

This study showed that severe mal-

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formation of offspring occurred in rats at the rate of 39 percent—as against a normal rate of 10 percent—when they were given a small dose. When this dose was increased to the level a Vietnamese woman might ingest in a few days in her drinking water, the rate of fatal malformation rose to 90 percent and beyond. Nearly every child, at least nine out of 10, born to a Vietnamese woman would be malformed at the time of birth.

Whether the rate of human malformation from contact with this chemical is greater or less than with the rats is, of course, unknown. In the case of Thalidomide, it turned out to be greater.

Defoliation operations in Vietnam are carried out by squadrons of specially equipped C–123 cargo planes, each with tanks capable of holding a thousand gallons of herbicides. The official code name for the program is Operation Hades, but a more friendly code name, Operation Ranch Hand, is used. Operation Hades is a better name for it.

It is a shameful thing that we are perpetuating this sort of warfare in South Vietnam and now in Cambodia and Laos.

When I was in South Vietnam in early 1968 for nearly a month and a half as a representative of the Senate Committee on Armed Services, I personally witnessed the horrible effects of our defoliation program and of our napalm bombing of villages and hamlets in South Vietnam. I saw in hospitals and elsewhere little children without arms or legs horribly burned or in any of many other ways tragically maimed for life.

As an American, it caused me feelings of shame that we had done those outrageous things contrary to the mandate of the Geneva Convention banning chemical and biological warfare, though President Nixon could say, as Commander in Chief of our Armed Forces, "Well, we never ratified that mandate of the Geneva conventions."

The President should immediately submit the Geneva convention to the Senate for ratification. There is no longer any valid reason whatever for the United States to continue to ignore this most basic and fundamental document, the most important existing treaty banning the use of chemical and biological weapons. We should put ourselves squarely on record in favor of limiting the use of lethal gases and deadly defoliants in international warfare.

WE CONTINUE TO SUBSIDIZE THE WEST GERMAN ECONOMY BY MAINTAINING ARMED FORCES IN WESTERN EUROPE

Mr. YOUNG of Ohio. Mr. President, with the Nation suffering from uncontrolled inflation and the ever-increasing cost of living, the United States continues to maintain 320,000 troops and nearly 290,000 dependents in Western Europe, thereby subsidizing the booming economy of West Germany and the other NATO nations.

The time is long past for the United States to awaken to the fact that the nations of Western Europe no longer suffer from the economic prostration, military weakness, and political instability that characterized them when their cities and industries were lying in rubble more than a quarter of a century ago.

The fact is that the real protection of Western Europe is provided by the American nuclear umbrella, not excessive numbers of ground troops. The United States has 656 missiles in Polaris submarines, more than 1,200 ICBM's and some 650 intercontinental bombers all ready to defend Western Europe. Furthermore, we could land a division in Western Europe and field them, totally ready for combat, in less than 48 hours.

It is ridiculous to believe that the 280 million people of Western Europe with tremendous industrial resources and long military experience are incapable of providing for their own defense against any real or imagined threat of aggression from the Soviet Union.

There is no reason for Europe to depend on us. Since the death of Stalin, the Soviet Union no longer aggressively threatens our NATO allies. In fact, they have withdrawn divisions of troops from Eastern Europe and placed them along the borders of Mongolia.

Russia is no longer a have-not nation. The leaders of the Kremlin during the past 10 years have been intent on raising the standard of living of their own people.

The monolithic Communist conspiracy which has served as the excuse for so many of our foreign policy blunders no longer exists, if indeed it ever did. The nations of Eastern Europe are far from ideological robots subject to remote control from Moscow. Very definitely, Hungary, Yugoslavia, and Rumania are not dependent on the Soviet Union nor are they, in fact, satellites of the Soviet Union. Rather, they are now nationalist Communist countries pursuing their own manner of socialism. They are not satellites of Communist China or the Soviet Union.

At present, more than 220,000 American troops are stationed in West Germany alone. West Germany has become an economic superpower, the third wealthiest nation in the world. The West German mark is one of the world's strongest currencies. Most international bankers consider the West German mark to be more sound than the American dollar. However, while our own economy plummets and West Germany's soars, we are paying 70,000 German nationals one-quarter of a billion dollars of American taxpayers' money to provide services for our troops stationed in the West German Republic. This does not include the vast sums spent in Germany by hundreds of thousands of dependents of American servicemen.

The truth is that we have supported the Government of West Germany economically and militarily since the end of World War II, more than 25 years ago. There is no reason whatever for us to continue this foreign aid in disguise.

Mr. President, Americans should know that the West German Government inflicts a landing fee of $20—sometimes more—for every American plane landing men of our Armed Forces or landing supplies for our Armed Forces at any German airport. In other words, they extort tribute from us for protecting them.

The West German Government has no staggering national debt. We have that. The West German Republic has provided for its people's security from cradle to the grave. We hope for that in this country, but do not have it. Nor are there terrible slums in West German cities such as we have in many of our own cities.

Their unemployment rate is nonexistent. Ours now exceeds 5 percent. In fact, the West German Government imports laboring men from Spain, Italy, Yugoslavia, and Turkey to serve their booming industry. More than 3 million nationals of other European nations are working in West Germany at this time.

German landlords, apartments, and homeowners have profiteered at our expense. German authorities have been guilty of outrageous burdens and charges against Americans and against the U.S. Government for maintaining these forces stationed in Germany to protect that tremendously strong and opulent nation from an invasion from the Soviet Union. The likelihood of this is as chimerical as the alleged claim emanating from the Pentagon of the likelihood of Chinese dropping atomic warheads on the United States, when they could not possibly have that capacity for another 5 years.

And we have those 300,000 dependents in Europe. If there were any danger of aggression from any nation attacking, then we should not have our dependents over there. We should have a lean combat-ready fighting force. Instead of that we keep our best professional career soldiers in West Germany, and have been keeping them there, living high on the hog, particularly those from the rank of captain up to general. They never had it so good as they have it in West Germany. We are doing all these obnoxious things at a time when our draftees are fighting and dying in Vietnam and Cambodia, and now Laos.

Mr. President, we should withdraw all of our Armed Forces from West Germany this year and then give top consideration to our own needs here in the United States.

Our massive military presence has become needless foreign aid to prospering European countries costing our taxpayers billions of dollars.

We must emerge from the dark shadows of the 1940's to the reality of the 1970's. We must close down our unnecessary military installations and make a sincere effort to solve the challenging crises facing us here at home.

Such action would produce a significant easing of world tensions and go far toward helping to promote a peaceful settlement in Europe. It could be one of the most important steps taken toward world peace in this decade.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE BUSINESS

The PRESIDING OFFICER (Mr. RIBICOFF). Pursuant to the previous order, the Senate will now transact routine business, with a 3-minute limitation on statements.

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The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEING OF CORRESPONDENTS GOOD NEWS; BUT OTHER AMERICANS PRISONERS STILL BEING HELD

Mr. HATFIELD. Mr. President, we are all gratified by the news that three American war correspondents have been released by the Communists in Vietnam. It is good news indeed that Richard Dudman, of the St. Louis Post-Dispatch, Elizabeth Pond, of the Christian Science Monitor, and Michael Morrow, of Dispatch News Service International, are safe again among their fellow Americans.

Lest we allow this brief gesture on the part of the Communists to blind us, let us remember that fate has not been so kind to some 1,500 other Americans held prisoner by the enemy. These Americans still suffer at Communist hands, herded into ill-smelling and ill-kept prisoner compounds.

The Communists for whatever propaganda gain they might get have released three correspondents. They still stand steadfast by their callously inhuman attitude toward other Americans they hold. We must press forward on every front possible, in Asia and elsewhere in the world, to gain freedom—or if not that, at least human dignity—for those still held.

THE DEATH OF HON. J. GEORGE STEWART, ARCHITECT OF THE CAPITOL

Mr. HATFIELD. Mr. President, I was disturbed and saddened to learn of the death of the Honorable J. George Stewart, who served as Architect of the Capitol from October 1, 1954, to May 24, 1970.

Over a period of years, I had become very fond of him as we talked about the future of the Capitol, the office buildings, and the setting for the operations of the Congress. I was always impressed and inspired by his foresight and vision. Like the great builders of the past, Mr. Stewart did not plan or build just for today or for one generation. His goals were set much higher. He thought of tomorrow and the years and decades after tomorrow. He appreciated and respected, as few do today, the great plans of the city of Washington such as the L'Enfant plan, which has survived since the days of George Washington.

He had his own dream for Capitol Hill: a well-designed but compact area brought together under a master plan which would take on the campus appearance. The disgraceful parking of automobiles at the front steps of the Capitol would be stopped and such parking moved underground. He would have barred all traffic from the streets around the Capitol except foot traffic. He was an avid walker himself and he dreamed and worked toward the day when all men could walk throughout the grounds, beautifully landscaped and terraced, and bursting with flowers and plantings of the seasons, without the disturbance of delivery trucks, automobiles, gas fumes, traffic lights, stop signs, crosswalks, and so forth. He once told me that the only vehicle he would permit in such a setting was an emergency vehicle such as a fire truck or an ambulance.

Unfortunately for Congress and the Nation, his dream never fully materialized. His master plan for the Capitol and its grounds never quite became a reality. But he worked steadily toward his goals and never flinched when criticism, often nasty and harsh, came his way. Actually, he seemed to be strengthened by such treatment. He willingly endured the harsh words in order to accomplish the goals he felt were obtainable, for the good of the Congress and the Nation.

Accomplishments during his 15 years as Architect of the Capitol are far more than could reasonably be expected of an able administrator. I present here a listing that will highlight those accomplishments, which are in addition to the routine work of his office involving maintenance upkeep and operation of the legislative plant:

The extension of the east front of the Capitol, which had been left undone for a hundred years;

Construction of the New Senate Office Building, planned under direction of his predecessor, the late David Lynn;

Remodeling of the Old Senate Office Building;

Construction of the Rayburn House Office Building and the underground garages;

Remodeling of the Cannon House Office Building;

Remodeling portions of the Longworth House Office Building;

Renovating the Capitol dome;

Providing improved lighting in the Capitol Building;

Improvements and expansion of the Capitol Power Plant;

Revitalization of the Capitol Grounds;

Preliminary plans for the extension of the west central front of the Capitol;

Preliminary plans for the James Madison Memorial Library of Congress Building; and

Purchase of 8 squares of property on the House side for new facilities or additions to the Capitol Grounds and purchase of portions of 2 squares on the Senate side.

Of all Mr. Stewart's projects, the one closest to his heart was undoubtedly the Capitol itself. He was in the forefront of the project to extend the east central front, which was recommended by one of his predecessors more than a hundred years ago, and he was gratified to see that extension skillfully and beautifully accomplished. At the same time, he made major repairs to the cast-iron dome and removed all the old paint that had been applied over a 100-year period and carefully treated and repainted the surface. He updated the electrical system in the Capitol and replaced much of the inferior lighting in the rooms. Many fine chandeliers were added throughout the corridors. The Senate and House wings, which were additions of about a hundred years ago, were cleaned thoroughly on the exterior for the first time. Subways were constructed from the Capitol to both the New and Old Senate Office Buildings and from the Capitol to the Rayburn Building. The new east front and the Senate and House wings were electrically birdproofed. The art collection was preserved and significant additions arranged. A well-illustrated compilation of works of art in the Capitol was prepared under his direction and published by the Congress.

One of his great disappointments was that the planned extension of the west central front, which is now shored and propped up, did not get underway during his lifetime, but I have the distinct feeling that the Congress will ultimately see the wisdom of his recommendations and move to accomplish this one last addition to the Capitol which Mr. Stewart considered so necessary.

During my many conversations with Mr. Stewart, I could readily understand his love of the Capitol and his broad and thorough knowledge of its history and construction. Unlike most professional engineers, in his earlier days, he had worked for a construction firm where he learned to use his hands as well as his brain. He was quite proud of the old union membership card which showed him to be a qualified stonemason. He knew native stone as few men today and it is this stone that was used in the early construction of the Capitol. This early practical training, coupled with his experience and training as a professional engineer, was of great use to him in his service as Architect of the Capitol, a position requiring a profusion of widely varying abilities.

Considering all the criticism that was heaped upon the head of this public official, it is rather ironic that the honors which were bestowed upon him during his tenure have gone largely unnoticed. I shall recall a few of them for posterity:

In 1968 he was given the regents award of the Society of American Registered Architects "for his inspired contribution to the redesign of the West Front of our Nation's Capitol and his tireless efforts to alert our Nation's leaders to its present structural defects."

In 1966 he received from the Masons the grand master's award as a "statesman, engineer, Freemason, and American whose life is measured by the plumb, on the level and upon the square of all men." Mr. Stewart was only the third person to receive this award, the other two being former President Harry S. Truman and the late Senator Harry F. Byrd, of Virginia.

In 1957 the American Institute of Architects elected him as an honorable member of the society recognizing "one who has rendered distinguished service

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to the advancement of architecture and the allied arts and sciences."

Mr. President, this Member of the Senate never found it in his heart to criticize the late Architect of the Capitol. Perhaps my position is unique. I am pleased that I took such a course because I came to recognize and appreciate the tremendous responsibilities he was carrying for the Congress. I considered him one of the most sincere and honest administrators, and his vision for the Congress and the Nation, especially as it related to Capitol Hill, was both uplifting and inspiring. We shall miss his good works.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 9497. An act for the relief of Mrs. Eleanor D. Morgan;

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.; and

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 8573. An act for the relief of Mrs. Margaret M. McNellis;

H.R. 9497. An act for the relief of Mrs. Mrs. Eleanor D. Morgan; and

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force; to the Committee on the Judiciary.

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.; to the Committee on Interior and Insular Affairs.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF RECIEPTS AND DISBURSEMENTS PERTAINING TO THE DISPOSAL OF SURPLUS MILITARY SUPPLIES, EQUIPMENT, AND MATERIEL, AND FOR EXPENSES INVOLVING PRODUCTION OF LUMBER AND TIMBER PRODUCTS

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products (with an accompanying report); to the Committee on Appropriations.

WORLD POWER DATA: CAPACITY OF ELECTRIC GENERATING PLANTS AND PRODUCTION OF ELECTRIC ENERGY—1967

A letter from the Acting Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication, "World Power Data, 1967" (with an accompanying publication); to the Committee on Commerce.

PROPOSED EMERGENCY TRANSPORTATION ASSISTANCE ACT OF 1970

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to assure performance by railroads engaged in interstate commerce of transportation services necessary to the maintenance of a national transportation system, and for other purposes (with an accompanying paper); to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the legislature of the State of California; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 8—RELATIVE TO FREE OR REDUCED-PRICE MEALS FOR SCHOOLCHILDREN

"Whereas, Children are most vulnerable to the consequences of malnutrition which lead to future economic dependency; and

"Whereas, The provision of free or reduced-price meals at school to needy schoolchildren is an efficient and effective method assisting such children to maintain proper nutrition; and

"Whereas, A properly nourished child is better able to make optimum use of educational opportunities than is a hungry or malnourished child; and

"Whereas, There are 500,000 such needy schoolchildren in California, less than 100,000 of whom are receiving free or reduced-price meals on a regular basis; and

"Whereas, Leaders of the executive and legislative branches of the government of the United States have announced support for the goal of quickly eliminating hunger and malnutrition due to poverty; and

"Whereas, Congress enacted the national school lunch program more than 23 years ago, and since has enacted additional legislation providing for the feeding of needy schoolchildren, but has never appropriated sufficient funds to reach all needy schoolchildren with such programs; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately enact such legislation and make such appropriations as will enable every schoolchild in need of nutritious free or reduced-price school meals to have access to such meals; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Health, Education, and Welfare, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Ad Hoc Committee for the Restoration of Democracy in Greece, of West Lafayette, Ind., praying for the adoption of an amendment aimed at cutting all military and surplus aid to the regime in Greece; to the Committee on Foreign Relations.

The petition of the California Committee for Democracy in Greece, of San Francisco, Calif., praying the ending of military aid to the Greek junta; to the committee on Foreign Relations.

A resolution adopted by the Medical Library Association, Inc., of Philadelphia, Pa., expressing its appreciation for the enactment of the Medical Library Assistance Act of 1970; to the Committee on Labor and Public Welfare.

S. 3978—ORIGINAL BILL REPORTED, RELATING TO DEFERRAL OF WHEAT REFERENDUM—REPORT OF A COMMITTEE (S. REPT. NO. 91–935)

Mr. YOUNG of North Dakota, from the Committee on Agriculture and Forestry, reported an original bill (S. 3978) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, and submitted a report thereon, which bill was placed on the calendar, and the report was ordered to be printed.

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. GRIFFIN:

S. 3977. A bill for the relief of Dr. Hahn Joong Lee; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 3978. A bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971; placed on the calendar.

(See reference to the above bill when it was reported, which appears under the heading "Reports of Committees".)

By Mr. GORE:

S. 3979. A bill to establish a national maximum rate of interest; to the Committee on Banking and Currency.

(The remarks of Mr. GORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MONTOYA (for himself, Mr. ANDERSON, and Mr. LONG):

S. 3980. A bill to amend the act of April 17, 1926 (44 Stat. 301), relating to the promotion of the production of sulphur upon the public domain within the States of Louisiana and New Mexico; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MONTOYA when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BROOKE:

S. 3981. A bill for the relief of Luciano Guillermo Harms; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3982. A bill to suspend temporarily certain changes in the administration of the Economic Development Administration; to the Committee on Public Works.

By Mr. McGOVERN:

S. 3983. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences; to the Committee on Labor and Public Welfare.

(The remarks of Mr. McGOVERN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. McGOVERN (for himself, Mr. BIBLE, Mr. BURDICK, Mr. CANNON, Mr. GRAVEL, Mr. HARRIS, Mr. MANSFIELD, Mr. McGEE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, and Mr. STEVENS):

S. 3984. A bill to establish the American Indian Development Bank to assist in the economic development of Indian tribes, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. McGOVERN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of Ohio:

S. 3985. A bill for the relief of Cha Yon Kim; to the Committee on the Judiciary.

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S. 3979—INTRODUCTION OF A BILL ESTABLISHING A NATIONAL MAXIMUM RATE OF INTEREST

Mr. GORE. Mr. President, the Nation has just heard President Nixon speak on the condition of our national economy. Doubtlessly, our people will appreciate the attention and consideration which the President is now giving to our pressing problems.

These problems are more pressing than some people seem to realize. Many segments of our economy are hurting badly from the unusual economic phenomena of a recession in many areas of activity while price inflation continues. Obviously the policies that have been applied have not been satisfactory.

Because President Nixon has now made some constructive suggestions, it may be appropriate to consider the limited nature of his proposals and to suggest some vital areas in which action was not proposed by the President. Already this week I have addressed the Senate twice on aspects of our troubled economy—inflation, tax policy, unemployment. It is my considered view that the President's speech today did not deal adequately with either of these fields generally or specifically.

One very pressing problem for which the President proposed no remedy whatsoever is the disastrously high rates of interest. Interest rates are at historic highs. Interest rates have been artificially pushed to these historic levels by this administration with its misguided monetary policies. Someone in a position of authority was obsessed with the upside down notion that the way to hold prices down was to push interest rates up.

I believe, Mr. President, that high interest rates, tight money, shortage of credit, constitute the most crucial short-term problem besetting out economy. These high interest rates are strangling home buyers, consumers, small businessmen, and farmers. In fact, they threaten now to destroy even large corporations. Only last week, for instance, the Penn Central Railway was unable to borrow money at 10½ percent.

Generally speaking, the Nixon policy is not burdensome on the corporate giants who can command lines of credit in the tens and hundreds of millions of dollars. These corporate giants can normally pass on these costs to their purchasers. Even the biggest of companies, however, can run aground on the reef of Nixonomics. The financial crisis of the Penn Central Railroad sent ripples of alarm through the economy. Penn Central's difficulties arose in large part because of its inability to obtain loans at reasonable interest rates. The Nixon administration was quick to provide Government relief for one of its favored corporate giants.

But what recourse is available to the thousands of small businessmen around the country who are facing bankruptcy because of the lack of adequate credit at reasonable interest rates? The Nixon administration is quick to bail out a huge corporation, but it refuses to take any steps to alleviate the plight of the small businessman who is without friends or spokesmen in the inner councils of the administration and who cannot get the administration to assign an Assistant Secretary of the Treasury to devote his full time and attention to rescuing a small business, as Assistant Secretary Volker reportedly did for Penn Central.

If the pleas for help of the small businessman are to be heard in Washington, it is going to require action by the Congress. We now have abundant evidence that the Nixon administration will listen only to the voices of the powerful and the wealthy. The proposal I introduce today will provide the low interest loans that small business needs if it is to survive as an effective force in our economy.

Ultimately, of course, much of the impact of high interest rates is felt by the consumer. For the costs of credit are passed on to the purchasing public just like other costs of doing business. And the consumer is paying a very stiff price indeed for the Nixon economic policies. The consumer price index reached 134.0 in April, up over 10 percent from the level at the close of 1968. Prices are still rising at an annual rate of over 7 percent and no relief is in sight. The retired person living on a fixed income cannot win the battle against this kind of inflation.

I am aware that the Senate has taken action in recent weeks to try to provide lower cost loans to selected segments of our economy. These measures are praiseworthy, but they do not go far enough. We must apply across-the-board remedies on interest rates if we are to succeed in restoring balance to our badly distorted economy.

Mr. President, this administration has displayed in countless ways its insensitivity to the problems of low- and middle-income wage earners who are trying to buy homes and raise families. But none is more harsh or more unfair in its effect than the administration's refusal to guarantee the right to working Americans to buy homes at reasonable interest rates. Administration officials almost daily acknowledge the plight of the housing industry and the problems of the home buyer. But no action is taken.

Last year, Congress passed a bill which conferred upon President Nixon power to regulate, stabilize, and rollback interest rates. True, the President said at the time he signed the bill into law that he would not use the powers. But, Mr. President, even the greatest of men sometimes change their mind—the public interest frequently requires it.

I have been urging the President to exercise the authority granted him by Public Law 91-151, the Credit Control Act, which empowers the President to institute a broad range of flexible responses to insure that interest rates will remain at levels consistent with national growth and prosperity. The President has adamantly refused to exercise the moral and legal authority of his office to control interest rates, and it is now time for Congress to fill this vacuum for the good of the working people of this country.

It is most regrettable that the President, by his failure to act, has permitted the burdensomely high interest rates to continue. Under the Credit Control Act the President is empowered to set maximum interest rates, to ration credit, to place limits on the total amount of credit that can be extended, to provide for maximum maturity of loans, and to institute a variety of other procedures. Since the President refuses to exercise these powers, I have concluded Congress must take the only step remaining to it; namely, to establish a maximum mandatory 6 percent interest rate to insure that the full burden of inflation will not fall on the home buyer, the farmer, the consumer, and the small businessman.

The results of the high interest-tight money policy of the Nixon administration are now fully documented. Because of the President's failure to act, the situation for home buyers has steadily deteriorated. FHA home mortgage rates are now 8.51 percent, up from 7.47 percent just 1 year ago. This is a 15-percent increase in a single year. This is an intolerable situation, especially when it is considered that the maximum FHA legal interest rate increased by only 1 percentage point during the entire 8 years of the Kennedy-Johnson administrations. When coupled with insurance costs, homeowners are now required to pay over 9 percent for their home mortgage loans. This simply means that it is virtually impossible for young married couples to buy homes in which to raise their families. Many of these families are headed by young men who have recently returned from service in Vietnam. It is a cruel reward for their service for the administration to deny these young men a home to which they are entitled because of the economic policies the administration is pursuing.

The other side of this coin is, of course, a housing industry that is in a state of economic sickness unparalleled since the Eisenhower administration administered its doses of economic malpractice in 1957-58. Housing starts declined by 14½ percent in April to a level where only 1,181,000 new units are being constructed on a seasonally adjusted basis. In the Housing Act of 1968 Congress declared that this Nation would accept the challenge to produce 26 million new housing units for our people in the decade from 1968 to 1978. Nixonomics have now brought us to the point where we are not even attaining one-half of the annual goal of 2.6 million new housing units.

We are now in a situation where small homebuilders are being driven to and over the brink of bankruptcy; construction workers—carpenters, bricklayers, roofers, and painters—are out of work by the thousands. And the middle-income wage earner is being forced to change his whole way of life because he cannot participate in the American dream to own his own home in which to raise his children.

As high interest rates slow down economic growth, wholesale unemployment is the result. Because of the administrations' economic policies, the unemployment rate has now reached 5 percent on a seasonally adjusted basis. This compares to an unemployment rate of just 3.5 percent 1 year ago. In concrete terms.

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these figures mean that there are over 1 million people in the United States today who cannot find jobs who were able to work just 1 year ago. Congress has given the President every opportunity and power to act to correct this situation. Congress must now exercise its responsibility to the working people of this country and guarantee interest rates low enough to ensure stable economic growth, without widespread unemployment.

We all know that the problems of agricultural unemployment are especially severe, yet the administration's high interest-tight money policies have resulted in agriculture employing 230,000 fewer people in April of this year than in 1968. Prices received by farmers for all farm products declined in April to a level below that in May of last year. The index of prices received by farmers for crops is actually four points below the level reached in 1968, the last year of the Johnson administration. On the other hand, prices paid by farmers have risen from an index level of 121 in 1968 to 132 in April of this year. We are all concerned about the flow of people from our farms and rural areas to the cities; yet the administration's economic policies are accelerating this process.

Administration officials continue to "hope" for lower interest rates and profess to see that we have "turned the corner" on inflation. But these hopes and professions are empty words to the small businessman and farmer who need reasonably priced money to stay in business. The time for speculation has ceased so far as these segments of our economy are concerned; it is now time to substitute concrete action for rhetoric.

A graphic example of the impact of high interest rates on small businessmen was recently provided in an action before the Tennessee Public Service Commission to increase the tariff rates for intrastate truck shipments in Tennessee by up to 5 percent. Testimony before the commission repeatedly emphasized that the increased truck rates were required by shippers because of the high interest rates that they are being forced to pay. One traffic manager for a Tennessee trucking firm testified that his company had found it necessary to cancel an order that it had placed for new trailers because of "high interest rates now being charged on borrowed money." Representatives of Tennessee trucklines repeatedly emphasized that the increased shipping rates were needed because of increased interest rates. Faced with this overwhelming testimony the Tennessee Public Service Commission granted the proposed rate increases. These increased costs, which directly reflect the Nixon high interest rate policy, will now be borne by small businessmen who rely on the trucklines for delivery and shipment of their goods. Ultimately, of course, the consumer will absorb this cost in the form of higher prices.

The failure of President Nixon to use the powers which Congress has delegated to him to bring down high interest rates requires action of the Congress itself to undertake by law to bring the interest rates down to reasonable levels. Many of us had hoped that such an action would not be necessary. We are faced, however, with the fact that the President has eschewed use of the more flexible tools that Congress had previously granted him.

I now introduce for appropriate reference a bill to direct the U.S. Federal Reserve System, the Secretary of the Treasury, and other agencies with fiscal and monetary policy responsibilities to initiate a program of interest rate reduction with the ultimate goal of attaining a maximum interest rate of 6 percent per annum on any regular credit or loan transaction in the United States. Enactment of this bill would be a forceful and decisive step to insure that working people will be able to buy homes, that farmers and small businessmen will be able to stay in business, that consumers will be able to purchase badly needed items, and that State and local governments will be able to borrow funds to provide the services to which all citizens are entitled.

The PRESIDING OFFICER (Mr. BIBLE). The bill will be received and appropriately referred.

The bill (S. 3979) to establish a national maximum rate of interest, introduced by Mr. GORE, was received read twice by its title, and referred to the Committee on Banking and Currency.

S. 3980—INTRODUCTION OF A BILL RELATING TO THE PROMOTION OF THE PRODUCTION OF SULFUR UPON THE PUBLIC DOMAIN

Mr. MONTOYA. Mr. President, today, I am introducing a bill that is designed to facilitate, by rendering more economically feasible, the production of sulfur upon the public domain within the State of New Mexico.

Existing Federal law authorizes permits and leases for exploration and development of sulfur deposits on Federal lands in New Mexico and Louisiana, but no person, corporation or other entity is permitted to hold, directly or indirectly, more than three sulfur permits or leases, each of which may not exceed 640 acres "in reasonably compact form" in either State.

My bill would change this provision of Federal law, as it applies to New Mexico, in two ways. First, it would increase from three to six the number of sulfur permits or leases that may be held by a single person or corporation. Second, it would increase from 640 to 1,920 the number of acres that may be contained within a single lease or permit. My proposal would not change in any way the procedure for the granting of permits and leases for sulfur production on Government-owned lands as now required under the law. The changes contemplated by the legislation pertain only to the number of permits and leases and the acreage under such permits and leases held by any one person in the State of New Mexico when legally acquired under present law. The bill would leave existing law unchanged as it applies to the State of Louisiana.

A number of sulfur companies have recently investigated the possibilities of commercial sulfur production on Federal lands in New Mexico. Any decision by such companies to undergo actual production has been forestalled, however, because the law as currently written tends to make this economically unfeasible. This is because the sulfur deposits in New Mexico differ from those historically encountered in other sulfur-producing areas, including Louisiana, where they are found in relatively compact areas associated with salt domes. In New Mexico the deposits are far more widespread and diffuse, requiring more extensive area development.

The increase in permissible acreage provided in my bill—from 640 to 1,920 acres—is intended as a response to the problem caused by the diffusion of sulfur deposits. Another problem is that Federal lands in the relevant areas of New Mexico are interspersed with lands owned by the State and private parties, and in many areas there are no more than a few contiguous sections of Federal lands. Consequently, simply increasing the amount of acreage "in reasonably compact form" which may be held under a single permit or lease may not provide sufficient flexibility in exploration and development necessary to justify the capital investment required. This is the reason that my bill would also increase—from three to six—the number of permits or leases that may be held by a single person or corporation.

This legislation would stimulate additional economic activity in the State of New Mexico, and at the same time encourage domestic production of an important natural resource. During 1964-69, for instance, over one-sixth of the sulfur consumed in the United States was imported from abroad.

I welcome and solicit the support of my colleagues for this legislation.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3980) to amend the act of April 17, 1926 (44 Stat. 301), relating to the promotion of the production of sulphur upon the public domain within the States of Louisiana and New Mexico; introduced by Mr. MONTOYA (for himself, Mr. ANDERSON, and Mr. LONG), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3983—INTRODUCTION OF THE INSTITUTE FOR THE SOCIAL SCIENCES ACT

Mr. McGOVERN. Mr. President, I introduce today a bill to establish a George Washington Memorial Institute for the Social Sciences. I introduced a similar measure last November and the bill which I am introducing today represents an improved version of that bill as the result of extensive consultations over the past months.

Since I introduced the first bill, the evidence has continued to accumulate on the need for such an institute. The President's Task Force on Science Policy reported in April of this year:

> The Federal Government should assume leadership in strengthening the contribution of the social and behavioral sciences to the

solution of our pressing social, urban, and environmental problems.

They also recommended:

> Appropriations of sufficient Federal funds to support the establishment of social problem research groups or institutes.

The need for such an institute should be abundantly clear to all of us who are daily called to make decisions on matters of social policy. For example, this body may shortly be called on to examine a proposal for welfare reform that has been made by the President. In studying this proposal I am sure that we have all been frustrated by the lack of any hard data and systematic studies on the effects of this proposal or alternative formulations. To a large extent we must do our own research and be guided by our instinct. The administration's testimony before the Senate Finance Committee indicates that they have no better idea than the Congress on the effects of their proposals or of alternative possibilities. If we had a Social Science Institute, we would have available to us the data and effects of various welfare possibilities from which it would be possible to make sound judgments.

As another example, consider the housing shortage in America. To my knowledge there has yet to be completed a study of the nature and extent of this shortage and a thorough exploration of alternative solutions to it.

The list of needed investigations is almost endless—causes and cures for crime, the best policies with respect to strikes and collective bargaining, the effects and control of our environment, the urban-rural population imbalance, and the health needs of our population. This institute is hardly a cure-all for the vast variety of social needs facing our Nation, but it is an indispensable tool in the search for the solutions.

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The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 3983) to provide for the establishment of the George Washington Memorial Institute for the Social Sciences, introduced by Mr. McGOVERN, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3984—INTRODUCTION OF THE AMERICAN INDIAN DEVELOPMENT BANK ACT

Mr. McGOVERN. Mr. President, for as long as I can remember the chronic problems confronting the economic development of American Indians on reservations throughout the Nation has been the lack of money through either Federal or private sources. The revolving fund established under the provisions of 25 United States Code, sections 470, 506, and 631, and limited by authorization at a level of $27,000,000 is woefully inadequate. Well-intentioned efforts of the Economic Development Administration of the Department of Commerce have failed to either provide the jobs or the economic stability of industrial or agricultural commerce, so necessary to lift the quality of life of the Indian people. In short, three-fourths of all Indian families continue to exist on an income below $3,000 per year—one-half, even less than $2,000 per year. The unemployment rate for Indians continues at nearly 40 percent and at times on the second largest reservation in the Nation, the Pine Ridge Reservation in my State, the unemployment percentage reaches nearly 75 percent.

In 1968, I introduced Senate Concurrent Resolution No. 11 with 18 cosponsors. The resolution called for an enunciation by the Congress of a national policy for American Indians. It assured the Indian people and the Alaskan natives that we in the Congress recognized their right of self-determination, and self-help, in the management of their affairs. It called upon the Government to develop innovative and adequate programs that would be responsive to the economic and social needs of the Indian people and it assured them that their native property and culture would be respected and protected. Though the resolution passed the Senate unanimously, the House never completed final action.

In keeping with the pledge of the Senate in terms of this resolution, I am today introducing legislation to establish an American Indian Development Bank to provide the needed money to properly and orderly develop the economy of the reservation in what I consider to be a unique and innovative manner. The drain on our national treasure through our misadventures in Southeast Asia and the emphasis on cuts in the Federal spending process in the present administration would make prospects for a new appropriation to provide capital structure for the bank extremely dim. The legislation which I propose today does not call for the appropriation of any money and yet I think it will leave the bank with adequate structure to make a meaningful contribution. In the following paragraphs I will outline the course I would see the bank take.

The Indian Claims Commission was created in 1946 to hear claims and enter judgments for the wrongful taking of Indian land and misuse of trust funds. After a judgment is entered, the Congress appropriates the money to satisfy the claim and it is placed on deposit in the Treasury to the credit of the individual tribe involved. Since the Congress must also approve the manner in which these funds are distributed there is often a timelag sometimes 4 or 5 years between the time the money is appropriated and the time it is available for distribution. During this period the Indian people are deprived of the beneficial use of this money. To date the Indian Claims Commission has entered judgments in 157 dockets involving $339,806,000. Of this amount, $133,000,000 has been distributed and $94,000,000 is available for distribution and $113,000,000 is awaiting disposition legislation. In addition to this, the Claims Commission still has 292 dockets in the process of being heard or yet to be heard involving undetermined millions of dollars. For some time the money on deposit in the Treasury drew interest for the tribes at a determined rate of 4 percent. Currently, $320,000,000 is under the control of the Bureau of Indian Affairs for investment purposes, in either judgment funds or in other Indian trust funds controlled by the Bureau of Indian Affairs, the investments being in either certificates of deposit in commercial banks or in short-term Federal securities. In my own State of South Dakota over $15,000,000 in Sioux Indian claims mature between July 31 and August 31 of this year.

Under present policy when the investments mature they will be reinvested again in the white man's economy with the Indian patiently waiting for a chance to use his money. I think it is a national shame that the original American, deprived as he is, jobless as he is, hungry as he is, is not able to have the use of his money while his white brothers in the Congress deliberate on how they are going to give it to him.

It is thus that I propose that the capital structure of the American Indian Development Bank, with the consent of the individual tribe, consist of the money on deposit with the Treasury of the United States, together with the assets of the revolving loan fund. This could capitalize the bank at approximately $347,000,000 in either money or receivable obligations. I then propose authority for the bank to issue to the Secretary of the Treasury obligations which will mature in a varying number of years, bearing interest at the prevailing rates for outstanding marketable obligations of the United States. The Secretary of the Treasury would then be authorized to purchase these obligations with funds on deposit to the credit of an Indian tribe, guaranteeing the obligations of the bank as to principal and interest. Future awards of the Indian Claims Commission would be handled in a similar manner, provided the tribe consents to this use of its money.

The bank thus capitalized, and with adequate safeguards made for the selection of its officers, directors and advisory board, would be allowed to make or guarantee loans to Indian tribes or corporations or partnerships or other associations owned substantially or beneficially by Indians or Indian tribes at attractive interest rates.

I feel that the nature of the bank's capital would allow it to make medium- and short-term loans to Indian tribes, groups, and even individuals who can significantly contribute to an upward swing in employment and economic development in an area of our national conscience which we have far too long neglected.

If we in the Congress intend to continue an annual pious litany of our concern and good wishes for the Indian people, if we intend to continue our fatuous statements about Indian traditions and Indian culture, then please why can we not bring ourselves to a point where we can let the Indian use his own money to the exclusion of the U.S. commercial banking industry. I have no current knowledge that the banking industry is even given to making annual, well-intentioned pronouncements of its deep concern for the American Indian.

Title II of the American Indian Development Bank bill is devoted to elevating the status of Indian tribes to political parity with the white man's governing structure. It amends the Internal Revenue Code of 1954 to allow Indian tribes to issue tribal bonds, the interest of which is Federal income tax free, to the holder. We all recall the screams of protest in 1969 when the Tax Reform Act proposed to eliminate the tax-free status of municipal and school bonds. We were told that we were cutting the very underpinnings of our social structure from communities that sought public improvements. The social structures in Indian communities were never in danger of destruction because there has never been anything to destroy. Leaving the practical questions of salability of these obligations to others who deal or have dealt with this type of thing on a day-to-day basis let us here in the Congress take a first step and at least provide the workings for the Indian tribes of our Nation to enjoy the same privileges of a recently chartered hamlet in a remote section of a remote State, or a rural common school district that wants to install central heating or indoor plumbing.

In short, Mr. President, I hope that the Congress will not stand idly by and refuse to provide the matter and the means for a financial "bootstrap" for American Indians when it is so easy to do.

Mr. President, I introduce for myself and for Senators Bible, Burdick, Cannon, Gravel, Harris, Mansfield, McGee, Montoya, Moss, Nelson, and Stevens the American Indian Development Bank Act of 1970. I ask unanimous consent that the text of the legislation be printed in the Record at the conclusion of my remarks and that it be appropriately referred.

The PRESIDING OFFICER (Mr. Schweiker). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3984), to establish the American Indian Development Bank to assist in the economic development of Indian tribes, and for other purposes, introduced by Mr. McGovern (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered printed in the Record, as follows:

S. 3984

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American Indian Development Bank Act".

TITLE I—AMERICAN INDIAN DEVELOPMENT BANK

ESTABLISHMENT OF BANK

Sec. 101. There is created a body corporate to be known as the American Indian Development Bank (hereinafter referred to as the "Bank"). The Bank shall be an instrumentality of the United States Government.

MANAGEMENT

Sec. 102. (a) The management of the Bank shall be vested in a Board of Directors to consist of the following:

(1) The President of the Bank, to be appointed by the President of the United States by and with the advice and consent of the Senate, who shall be the chief executive officer of the Bank and chairman of the Board of Directors.

(2) The executive vice president of the Bank, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall serve as president of the Bank during the absence or disability of the president or in the event of a vacancy in the office of the president, and who shall serve as vice chairman of the Board of Directors.

(3) Three additional persons to be appointed by the President by and with the advice and consent of the Senate. The president and executive vice president of the Bank, and the other members of the Board of Directors, shall serve at the pleasure of the President. Three members of the Board of Directors shall constitute a quorum for the conduct of business.

(b) The Board of Directors shall adopt, and may from time to time amend, bylaws of the Bank.

(c) The president of the Bank shall, in accordance with the bylaws of the Bank, appoint such officers and employees as may be necessary to carry out the functions of the Bank, and shall define their duties.

ADVISORY COMMITTEE

Sec. 103. There shall be an Advisory Committee of fifteen members to be appointed by the President of the United States which shall serve at his pleasure. A majority of members of the committee shall be representatives of Indian tribes. The committee shall meet * * *

CAPITAL STOCK

Sec. 104. (a) The Bank shall have capital stock which shall be subscribed by the United States.

(b) The Secretary of the Treasury is authorized to acquire the capital stock of the Bank in exchange for the transfer to the Bank of the funds referred to in subsection (c) of this section.

(c) The assets and liabilities of the revolving loan funds established under the provisions of 25 U.S.C. sections 470, 506, and 634 shall be transferred to the Bank within ninety days following enactment of this Act.

OBLIGATIONS OF THE BANK

Sec. 105. (a) The Bank may issue to the Secretary of the Treasury obligations which shall mature not more than thirty years from their respective dates of issue. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the obligation of the Bank.

(b) The Secretary of the Treasury is authorized to purchase obligations of the Bank issued under this Act with funds on deposit in the Treasury of the United States to the credit of Indian tribes the distribution of which has not otherwise been provided for by Act of Congress, *provided* that the governing body of the Indian tribe for which the funds are deposited consents to such purchase.

(c) All obligations of the Bank shall be guaranteed as to principal and interest by the United States.

PURPOSE AND FUNCTIONS OF BANK

Sec. 106. (a) It is the purpose of the Bank to assist Indians and Indian tribes in the development of industrial or agricultural facilities, enterprises, or projects, and in the development of their natural resources.

(b) In furtherance of the purpose stated in subsection (a), the Bank is authorized—

(1) to make or guarantee loans to, or purchase the securities and obligations of, Indian tribes, or corporations, partnerships, or other associations owned substantially and beneficially by Indians or Indian tribes;

(2) to provide such technical assistance to Indian tribes, and organizations of the type referred to in paragraph (1), as it determines is necessary to enable them to benefit from the services and facilities of the Bank; and

(3) to carry on such other activities, consistent with the purpose of the Bank, as it determines will aid Indian tribes, including organizations of the type referred to in paragraph (1), in their economic development and the raising of the living standards of their members.

(c) As used in this section, the term "Indian tribe" includes organized groups of Eskimos and Aleuts.

OPERATIONS

Sec. 107. (a) The Bank may, in carrying out its operations, engage in such activities as its Board of Directors determines to be necessary or appropriate in furtherance of the Bank's purpose and functions, including the making of loans and equity investments, and the issuance of guarantees. Such operations shall be subject, however, to the following limitations:

(1) No obligation shall be guaranteed the interest from which is exempt from Federal income taxation.

(2) The total amount of loans and equity investments made by the Bank, and fractional reserves set aside against guarantees issued by it, which are outstanding at any one time shall not exceed the total amount of the Bank's capital stock, reserves, and surplus.

(3) Before making any loan or equity investment, the Bank shall consider whether the financial assistance required is available from private sources on reasonable terms.

(4) The Bank shall not acquire by an equity investment in any organization a controlling interest in the organization, unless such interest is necessary to safeguard the investment.

(b) The discharge of the Bank's liabilities on borrowings or guarantees shall be charged first against any reserves of the Bank, and then against the surplus and funds corresponding to the capital paid in for its capital stock.

GENERAL POWERS

Sec. 108. In addition to the other powers conferred on the Bank by this title, it shall have power—

(1) to adopt and use a corporate seal, which shall be judicially noticed;

(2) to sue and be sued;

(3) to adopt, amend, and repeal bylaws and regulations;

(4) to receive deposits and to pay interest thereon;

(5) to borrow, up to the uncalled amount of its callable capital stock, and to lend money;

(6) to issue guarantees against fractional reserves of 25 percent;

(7) to sell participations in its loans with or without its guarantee and to enter into agreements with the Government National Mortgage Associaion for the sale of such participations under section 302(c) of the Federal National Mortgage Association Charter Act;

(8) to enter into contracts;

(9) to appoint and determine the conditions of service of its officers and employees;

(10) to assign or sell at public or private sale or otherwise dispose of any evidence of debt, contract, claim, personal property, or security held by the Bank in connection with the payment of any loan or other obligation;

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(11) to collect or compromise any loan or other obligation held by the Bank;

(12) to acquire by purchase, lease, or donations real property or any interest therein, and to sell, lease, or otherwise dispose of real property; and

(13) to use the United States mails in the same manner and upon the same conditions as the executive departments of the United States Government.

The foregoing enumeration of powers shall not be deemed to exclude other lawful powers necessary to carry out the purpose and functions of the Bank.

TAXATION; PAYMENT IN LIEU OF TAXES

SEC. 109. The Bank, including its assets, capital, reserves, surplus, security holdings, and income shall be exempt from all taxation, Federal, State or local. The Bank shall pay annually into the Treasury of the United States as miscellaneous receipts an amount equivalent to the amount of Federal income taxes for which it would be subject except for the exemption hereinabove stated. The Bank is authorized to make payments to State and local governments in lieu of the payment of taxes on its real property.

ANNUAL REPORT

SEC. 110. The Bank shall make an annual report of its operations under this title to the President and the Congress.

AMENDMENT TO GOVERNMENT CORPORATION CONTROL ACT

SEC. 111. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by striking out "and Tennessee Valley Associated Cooperatives, Incorporated" and inserting in lieu thereof "Tennessee Valley Associated Cooperatives, Incorporated; and American Indian Development Bank".

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 112. (a) Section 5314 of title 5, United States Code (relating to positions at level III of the Executive Schedule) is amended by adding at the end thereof the following:

"(55) President of the American Indian Development Bank."

(b) Section 5315 of such title (relating to positions at level IV of the Executive Schedule) is amended by adding at the end thereof:

"(93) Members of the Board of Directors of the American Indian Development Bank other than the President of such Bank.

AMENDMENT TO THE FEDERAL NATIONAL MORTGAGE CHARTER ACT

SEC. 113. Section 302(c)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)(2)) is amended by adding after clause (F) the following: "(G) The American Indian Development Bank."

TITLE II—TRIBAL BONDS

AUTHORITY TO ISSUE

SEC. 201. (a) Sec. 103(a) of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended—

(1) by striking out "or the District of Columbia" and inserting in lieu thereof "the District of Columbia, or of an Indian Tribe as defined herein"; and

(2) by adding at the end thereof the following new sentence:

"For purposes of paragraph (1), the term 'Indian tribe' means any tribe, band, community, pueblo or other group of Indians as to which the Secretary of the Interior finds that it has, on the date of issuance of the obligation, governmental authority over a reservation or similar geographic area and that the obligation is issued for purposes related to the governmental affairs or operations of the tribe."

(b) Sec. 103(c) is amended by inserting after "a government unit" in paragraph (3)(A) "(including an Indian tribe, as defined in subsection (a))".

(c) The amendments made by subsection (a) and (b) shall apply with respect to obligations issued after December 31, 1970.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 366

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 366, to extend the well-established concept of the free public school system to provide the broadest educational opportunities possible to all students as a matter of right by authorizing the U.S. Commissioner of Education to award scholarships to undergraduate students to enable them to complete 2 academic years of higher education.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

S. 1969

Mr. PELL. I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 1969, to amend the Higher Education Act of 1965 to provide for basic educational opportunity grants and for cost of instruction allowances, and for other purposes.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

S. 2168

Mr. BENNETT. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. HANSEN) be added as a cosponsor of S. 2168, to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

S. 3737

Mr. BAKER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Mississippi (Mr. EASTLAND) be added as a cosponsor of S. 3737, to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

S. 3795

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Colorado (Mr. ALLOTT) be added as a cosponsor of S. 3795, to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

S. 3935

Mr. HATFIELD. Mr. President, on behalf of the Senator from Ohio (Mr. SAXBE), I ask unanimous consent that, at the next printing, the name of the senior Senator from Ohio (Mr. YOUNG) be added as a cosponsor of S. 3935, to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

S. 3942

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of my distinguished colleague from Montana (Mr. METCALF) be added as a cosponsor of S. 3942, to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 210

Mr. CHURCH. Mr. President, at the request of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of Senate Joint Resolution 210, to provide a 1-year moratorium on the termination or modification of designations of areas as redevelopment areas for the purposes of the Public Works and Economic Development Act of 1965.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection it is so ordered.

AMENDMENT OF SOLID WASTE DISPOSAL ACT—AMENDMENTS

AMENDMENT No. 705

TO DEAL WITH ABANDONED AND JUNKED CARS

Mr. JAVITS. Mr. President, I introduce, on behalf of myself and Senators CANNON, GOODELL, HATFIELD, MOSS, PELL, PERCY, SAXBE, TYDINGS, and YARBOROUGH—each of whom cosponsored this same measure when I introduced it as a separate bill, S. 3522, earlier this year—an amendment to the solid waste disposal bill, S. 2005, which would establish a "Motor Vehicle Disposal Act" to deal with mounting problems of junked and abandoned cars. I ask that this amendment be referred to the Public Works Committee, where the solid waste disposal bill is now pending in executive session of that committee, having been reported favorably from subcommittee.

Mr. President, there is much concern about the environment in this country, and quite properly. One of the great problems of modern times and modern environment is the disposal of wastes, and among the wastes which bedevil us the most, especially in our large cities, are so-called junked automobiles.

Mr. President, this is a major issue, and I believe that my staff, principally Frank Cummings, my administrative assistant, who suggested the original idea, has come up with a valid and ingenious way in which to deal with it.

In New York City alone last year, 50,000 automobiles were abandoned on the streets. They constitute an unsightly, unsanitary, dangerous, and costly blight to city living. For the entire country, the estimated number is 1 million abandoned vehicles each year.

This is a subject with which I have great personal familiarity, as I was born and raised in New York City, and have seen this problem grow to probably the city's greatest eyesore.

The bill is designed to deal with the mounting problem and awesome cost of removing junked and abandoned cars from our highways, streets, and landscapes. It requires that all cars carry a permanent plate issued by the U.S. Government. This plate would issue for a fee of from $25 to $50, depending on the size and weight of the car. Title to this plate would inhere in the car itself, so that transfer of the car automatically transfers title to the plate. The value of the plate, obviously, would affect the price of the car, either originally or on resale, to the extent of the value of the plate.

The last owner of the car could obtain a full refund of the license fee by depositing the car with an authorized concern qualified to process, and in the business of processing, junked vehicles into established grades of scrap for remelting purposes—thereby returning the metal to the stream of commerce without littering streets and landscapes with scrap. In the event a car is unlawfully abandoned in a public place—and that is our problem—a public agency authorized by law to remove the car could then take it to a qualified concern, and the agency itself would receive the disposal fee, to cover its very considerable cost in removing abandoned cars.

Issuance of the plates could be done on a State level as well, of course, but junked cars pose such a broad problem—a problem that crosses State lines—that I believe the Nation has the right to move into it in the name of interstate commerce as well as health, sanitation, and the prevention of crime.

In addition to providing an incentive not to abandon cars on public streets—the incentive being loss of the disposal-fee refund—and giving a bounty to the local government to remove such abandoned cars, this self-help plan would also create an incentive for junkyards not to expand their inventories endlessly. Each car carcass on a junkyard would always be worth at least $25 to the lot owner if he would remove it and deposit it with an authorized disposal concern.

Senators will recall that the President, in his February 10, 1970, message to the Congress on environment and pollution, said:

> The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

This bill would accomplish that objective, except that it would not involve costs unless the owner abandons his car unlawfully.

I think it is important to note that this bill, except for the cost of initial organization of the plan, would be completely self-liquidating in terms of cost. A law-abiding car owner would incur no cost at all, assuming that he would recoup the cost of his plate when he sells his car to a second owner, and further assuming that the last owner—whose cost would include the cost of the license—would get a complete refund when he deposits the car for disposal. The bill also would make self-liquidating the very considerable cost which local governments incur for towing away abandoned vehicles, bearing in mind that there are 90 million vehicles in the United States. So this is a very tidy sum of money. The cost of administration could, I believe, be defrayed in the long run by the interest on money deposited in the revolving fund made up of the license fees themselves.

Mr. President, I think this approach has within it the key to the solution of other problems in this field as well.

It strikes me that one of the real aspects of the genius of our private enterprise system is that the citizen has two things that he never finds in a Communist society—ownership and credit. Under this amendment he deposits his money with the Government, knowing he will get it back; and he owns his own car and every appurtenance of it, and pays his own way. It seems to me that more and more, we must begin to utilize this principle. I believe the answer to the proliferating cost of Government may well lie in just these techniques.

Mr. President, as the original bill was referred to both the Commerce and Finance Committees, my staff has checked with both committees, and I am informed that consideration by the Public Works Committee is acceptable to both of the other committees, without setting any precedent as to jurisdiction.

I ask unanimous consent that this amendment be printed in the RECORD.

The PRESIDING OFFICER (Mr. RIBICOFF). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD, in accordance with the Senator's request.

The amendment (No. 705) was referred to the Committee on Public Works, as follows:

AMENDMENT No. 705

On page 1, between lines 4 and 5, insert the following:

"TITLE I—SOLID WASTE DISPOSAL ACT AMENDMENTS"

On page 1, line 5, strike out "SEC. 2" and insert in lieu thereof "SEC. 101".

On page 2, line 3, strike out "SEC. 3" and insert in lieu thereof "SEC. 102".

On page 2, line 15, strike out "SEC. 4" and insert in lieu thereof "SEC. 103".

On page 3, line 22, strike out "SEC. 5" and insert in lieu thereof "SEC. 104".

On page 6, line 12, strike out "SEC. 6" and insert in lieu thereof "SEC. 105".

On page 9, line 11, strike out "SEC. 6.(a)" and insert in lieu thereof "SEC. 106".

On page 9, after line 22, add the following new title:

TITLE II—MOTOR VEHICLE DISPOSAL ACT

SEC. 201. This title may be cited as the "Motor Vehicle Disposal Act."

DISPOSAL FEE REQUIRED

SEC. 202. (a) Each person within any State who owns a motor vehicle on the effective date of this title shall, within three months after the effective date of this title, pay to the Secretary the motor vehicle disposal fee required by the provisions of this title, and affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee has been paid.

(b) Every motor vehicle manufacturer shall pay for each motor vehicle manufactured by it after the effective date of this Title the motor vehicle disposal fee required by the provisions of this Title, and shall affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee for that vehicle has been paid.

EVIDENCE OF PAYMENT OF DISPOSAL FEE

SEC. 203. (a) The Secretary shall design a plate or other device suitable for easy and permanent installation is a conspicuous place on a motor vehicle on which the disposal fee required by this Title has been paid.

(b) The Secretary shall make available places at convenient locations throughout the country in which persons shall pay the disposal fee required under section 202 and receive the plates or other devices evidencing such payments together with instructions for the installation of such plates or other devices.

(c) The Secretary shall make necessary arrangements with manufacturers required to pay the disposal fee under section 202, to to receive the payment of such fees at such times as he determines to be convenient for such manufacturers and to furnish such manufacturers sufficient numbers of plates or other devices evidencing such payment.

AMOUNT OF DISPOSAL FEE AND ESTABLISHMENT OF THE MOTOR VEHICLE DISPOSAL FUND

SEC. 204. (a) The Secretary shall prescribe the amount of the disposal fee required under this Title in an amount not less than $25 nor more than $50 per motor vehicle. In determining the amount of the disposal fee the Secretary may establish a schedule of fees after considering the size of the motor vehicle and the cost of developing new techniques of disposing of motor vehicles. Any fee or fee schedule established under this section may not be established by the Secretary without proceedings including notice and an opportunity for a hearing held in accordance with the provisions of subchapter II of chapter 5, title 5, United States Code, and provision for judicial review in the United States Court of Appeals for the District of Columbia in accordance with the provisions of chapter 7 of such title.

(b) Any sums appropriated pursuant to section 212 of this Title and any disposal fees collected pursuant to this Title shall be deposited in a revolving fund which is hereby established in the Treasury of the United States and shall be known as the "Motor Vehicle Disposal Fund". Moneys in the fund shall be available, without fiscal year limitation, to the Secretary to make payments to persons certified to him by licensed motor vehicle disposal concerns in accordance with the provisions of this Title. Moneys in the fund not necessary for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

MOTOR VEHICLE DISPOSAL CONCERNS LICENSED

SEC. 205. (a) After the effective date of this title, any person engaged in the business of processing junked motor vehicles into established grades of scrap for remelting purposes may make application to the Secretary for a license under this section at such time, in such manner, and containing such information as the Secretary shall by regulation reasonably require.

(b) Licenses issued under this section shall be in such form as the Secretary shall prescribe and shall continue in effect unless revoked pursuant to this title.

(c) In issuing or refusing to issue any licenses under this section the Secretary shall conduct proceedings in accordance with the provisions of subchapter 2 of chapter 5 of title 5, United States Code. Such proceedings shall be reviewable in the appropriate United States court of appeals in accordance with chapter 7 of such title.

(d) The Secretary shall issue a license to any applicant if he determines that—

(1) the applicant is qualified and has the facilities necessary to process junked motor vehicles into established grades of scrap for remelting purposes;

(2) agrees to certify to the Secretary the names and addresses of persons eligible to receive disposal payments under this title.

(c) (1) The Secretary is authorized to enter the facility of any person authorized under this title or any person applying for a license under this title and to inspect the premises and facilities on such premises at reasonable times, within reasonable limits, and in a reasonable manner.

(2) Every licensee shall establish and maintain such records, make such reports, and provide such information, including technical information, as the Secretary may reasonably require to enable him to carry out the provisions of this title. All information contained in any report received under this section shall be deemed to be confidential information for the purposes of section 1905 of title 18 of the United States Code.

REVOCATION OF LICENSES

SEC. 206. (a) Any license issued pursuant to this title may be revoked by the Secretary if he determines that (1) the licensee has discontinued the business of disposing of motor vehicles as provided in the license, or (2) the licensee fails or refuses to make the certifications required by this title.

(b) Before revoking any license pursuant to subsection (a) of this section, the Secretary shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Secretary at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein. The Secretary may in his discretion suspend any license simultaneously with the issuance of an order to show cause, in cases where he finds that the public interest requires such suspension. Such suspension shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, unless sooner withdrawn by the Secretary, or dissolved by a court of competent jurisdiction. If, after hearing, default, or waiver thereof by the licensee, the Secretary determines that an order of revocation should issue, he shall issue such order, which shall include a statement of his findings and the grounds and reasons therefor and shall specify the effective date of the order and he shall cause such order to be served on the licensee. In any case, where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Secretary. Proceedings under this section shall be independent of, and not in lieu of, any other proceeding under this title or any other provision of law.

MOTOR VEHICLE DISPOSAL PAYMENTS

SEC. 207. (a) Each person who owns a motor vehicle on which the motor vehicle disposal fee has been paid is entitled to receive a disposal payment in an amount equal to the motor vehicle disposal fee whenever such vehicle is transferred to, and presented for disposal to, a concern licensed under the provisions of this title.

(b) If an owner, in violation of State law, abandons a motor vehicle on which the motor vehicle disposal fee has been paid, and such vehicle is thereafter presented to a concern licensed under the provisions of this title by a public agency authorized by State or local law to confiscate and dispose of such abandoned vehicle, the public agency so presenting and transferring such abandoned vehicle shall be entitled to receive a disposal payment equal to the motor vehicle disposal fee.

(c) Whenever a motor vehicle is properly presented to a motor vehicle disposal concern as provided in paragraph (a) or (b) of this section, such concern shall issue to the person or agency presenting and transferring such vehicle a receipt therefor, on a form prescribed by the Secretary, stating that such vehicle has been properly disposed of under this title and that such person or agency is entitled to receive the disposal payment.

(d) The Secretary shall redeem, by payment of the disposal payment, under whatever arrangements he deems appropriate, receipts properly issued under paragraph (c) of this section.

UNLAWFUL ACTIVITIES

SEC. 208. It shall be unlawful for any person——

(1) to fail or refuse to pay the motor vehicle disposal fee required by section 202 or to fail to affix the evidence of such payment to the motor vehicle in accordance with the provisions of this title;

(2) to manufacture for sale, offer for sale, introduce or deliver for introduction in interstate commerce any motor vehicle manufactured on or after the effective date of this title without the payment of the disposal fee for such vehicle under section 202 and a plate or other device evidencing such payment being affixed to such vehicle in accordance with the provisions of this title;

(3) who is licensed under the provisions of this title, to fail or refuse access to or copying of records or fail to make reports or furnish information or fail to permit entry or inspection as required under section 205; or

(4) to manufacture or furnish to any other person a plate or other device designed by the Secretary for the purposes of this title unless such person is authorized by the Secretary to do so.

PENALTIES

SEC. 209. (a) Any person who is required to pay the disposal fee pursuant to section 202 of this title and who willfully and knowingly fails to make such payment shall be subject to a penalty of not to exceed $500 for such violation.

(b) Any person who violates the provisions of section 203 or paragraph (3) or (4) of section 208, or regulations issued thereunder, shall be subject to a civil penalty not to exceed $500 for each such offense except that the maximum penalty shall not exceed $100,000 for any related series of violations committed by the same person.

(c) Any person who willfully and knowingly makes a false statement of any information required under this title shall be deemed to have violated the provisions of section 1001 of title 18, United States Code.

(d) Any such civil penalty under this section may be compromised by the Secretary and shall be recoverable in a civil action in any district court in the district in which any such person resides, or is doing business.

ADMINISTRATION

SEC. 210. (a) In order to carry out the objectives of this title, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable;

(3) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor; and

(5) manufacture the plates or devices designed by him for the purposes of this title at the expense of the United States.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this title.

(c) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to the payments certified to by any licensee under this Act.

DEFINITIONS

SEC. 211. As used in this title—

(1) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or public agency.

(2) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purposes of this title upon a finding that to do so is in the public interest.

(3) The term "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles including any person importing motor vehicles for resale.

(4) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(5) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(6) The term "Secretary" means the Secretary of Transportation.

AUTHORIZATION AND APPROPRIATIONS

SEC. 212. There is hereby authorized to be appropriated to the Secretary, to carry out the provisions of this title not to exceed $500,000 for the fiscal year ending June 30, 1971.

EFFECTIVE DATE

SEC. 213. The provisions of this title shall take effect on September 1, 1970, except that sections 203, 210, 211, and 212 shall become effective on the date of enactment of this title.

XUM

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 706

Mr. **MILLER** submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 708

Mr. **BYRD** of West Virginia (for himself and Mr. Griffin) submitted an amendment, intended to be proposed by them, jointly, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Byrd of West Virginia when he submitted the amendment appear later in the Record under the appropriate heading.)

OFFICE OF EDUCATION APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 707

Mr. **CASE** submitted an amendment, intended to be proposed by him, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 641

Mr. **CHURCH**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Hatfield) be added as a cosponsor of the amendment No. 641 to H.R. 16916, making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The **PRESIDING OFFICER** (Mr. Eagleton). Without objection, it is so ordered.

TRIBUTE TO HAMILTON FISH

Mr. **PELL**. Mr. President, for the past several weeks, we have been engaged in the Senate in a debate on the powers of the Presidency and Congress in the declaring and waging of war.

That debate, for better or for worse, has been conducted not entirely in the abstract, but in specific relation to the use of Presidential and congressional powers in the war in Southeast Asia. As a result, the question of congressional and Presidential powers and responsibilities inevitably has become confused and entangled with positions of support or opposition to specific policies and decisions in regard to the Indochina war.

One lesson that I believe can be learned from this debate is that the Congress, in asserting its constitutional role in determining whether this country shall wage war, can do so most effectively by acting in a timely manner, before we are actually embroiled in conflict.

Retrospectively I think we would all agree that it would have been far preferable if the Congress has made known its intent to exert its constitutional authority in regard to Southeast Asia at the very outset of our military involvement there.

Our policies in Southeast Asia may not have changed as a result, but certainly we would have been spared much of the bitter divisiveness from which our country now suffers.

At the outset of our Southeast Asian involvement the men who foresaw where that involvement might lead were few indeed. But there were such men, and I would like today to recall the efforts of one of those men to steer us from the course of events that led to the commitment of U.S. combat troops to Southeast Asia.

I speak of the Honorable Hamilton Fish, a Congressman for many years from New York, and an old family friend whom I always admired and for whom I have always had great affection, although I have not always agreed with him. Hamilton Fish appeared before the Senate Foreign Relations Committee 16 years ago when the committee was considering U.S. ratification of the Southeast Asia Collective Defense Treaty.

I recently had occasion to reread Mr. Fish's testimony before the committee and was struck by his prescience. Indeed, much of the debate we have heard during the past month here in the Senate has the ring of an echo from that testimony of 16 years ago.

He warned that the policies foreshadowed by the SEATO agreement would lead the United States into a land jungle war in Asia. He predicted that it would be a long war; costly in lives and treasure, but without victory; that such a war would be bitterly unpopular here in the United States and would produce, and I quote, "a political revolt such as has never been seen in this country."

Sadly, we have seen it all come to pass.

It is particularly interesting, and timely, to note that Hamilton Fish saw the congressional war powers of the Congress as the ultimate safeguard against this chain of events, and he urged the Congress to insist upon the exercise of those constitutional prerogatives.

In his testimony before the Foreign Relations Committee, he urged that the Senate attach a reservation to the SEATO agreement, explicitly reserving the constitutional rights of the Congress. His proposed reservation sounds much like some of the amendments now being proposed here in the Senate. It read:

> No United States ground, air, or naval forces shall engage in any defense actions in accordance with the provisions of this treaty before the Congress has consented to their use against Communist armed attack or armed aggression by a declaration of war.

Again, let me remind you that this proposal was put forward 16 years ago.

I would like to cite a few quotations from Hamilton Fish's testimony.

He expressed his conviction that the policy of military involvement in Southeast Asia "will result in a huge sacrifice of American lives and treasure in vain in the jungles of Vietnam, Cambodia, Laos, and Thailand."

He said:

> If this treaty is ratified, it will be an evil day for America. It would inaugurate a ghastly and tragic policy for which we will pay in blood, sweat and tears for generations to come. Why not consult the American people before making any binding war commitments? No one American in ten would favor our entrance into war in Vietnam, Cambodia, Laos or Thailand. Nothing could be more unpopular. . . . We cannot afford to squander our wealth, resources, or manpower all over the world without weakening our own economy and national defense, a condition which Moscow ardently desires.

Mr. President, Hamilton Fish, during his years of public service, became known as an isolationist.

In truth, and in the light of history, however, I think he would best be described as a noninterventionist. He saw, before many others, the limits of national power of even the most powerful nation on earth. Although strongly anti-Communist, he saw that the United States would not prevail in a world struggle by attempting to police the world with its own men and arms. And he had the vision to see that Southeast Asia was not vital to our national interests, but was a booby-trap that would weaken and divide our country.

I would urge my colleagues to take the time to read the striking and prescient testimony of Hamilton Fish. I know the wisdom of his father must give great pride and strength to his son who is presently our colleague in the other body.

AVERELL HARRIMAN'S WISE STATEMENT CONCERNING VIETNAM

Mr. **PELL**. Mr. President, Averell Harriman, a distinguished statesman whom I have long admired and for whom I have a most affectionate regard, was in my home city of Newport, R.I., last Saturday, June 6, 1970. There he delivered a remarkably prescient and sensible speech concerning our enmeshment in Vietnam. He expressed himself in clear terms and made specific recommendations.

Since his views are ones which not only I respect, but which I know so many of my colleagues do as well, and since I find myself in broad agreement with his views, I ask unanimous consent that his speech be inserted in the Record following my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

EXCERPTS FROM AN ADDRESS BY W. AVERELL HARRIMAN

You are graduating from school today at a moment of crisis affecting many aspects of the life of our country. There is deep concern over the deterioration of our environment, urban decay, inflation combined with increased unemployment, poverty, education, full racial equality and, first and foremost, the tragic war in Vietnam.

The war continues through the failure of the Administration to learn from the mistakes of the past or to listen to those opposed. It persists in taking actions that have profoundly divided our country and have undermined confidence in us abroad.

Looking back, I believe the immediate post-war years were perhaps the most creative and constructive period of American influence in the world. As Americans we can take pride in our vision and in our achievements. We should understand this period and learn from it. First, we gave aid to the war-torn nations, friend and foe alike. We helped create the United Nations—with all its limitations, a vital force for peace.

Despite our high hopes for post-war cooperation with the Soviet Union, we found it a new aggressive force. To meet this new danger, we rallied Western Europe and frustrated Stalin's designs to extend his empire to the Atlantic. Today the countries of Western Europe are more dynamic than ever and have become our strong partners in world responsibilities.

At the same time, we undertook, through President Truman's Point IV Program, to offer a helping hand to the underdeveloped peoples of the world and called on other industrial nations to join. President Truman pointed out that science and technology now made it possible to overcome the ancient enemies of mankind—hunger, poverty, misery and disease.

Yet at the same time we were taking these extraordinary initiatives, President Truman understood that there were limits to our capabilities. He recognized that in China there was nothing feasible we could do, and in spite of criticism he refrained from becoming involved in the civil war there.

With the full support of the United Nations, we threw back the direct attack on South Korea from the North. It is important to recall today that President Truman recognized we had achieved this limited objective and resisted strong military pressure to expand the war again to North Korea and China.

Throughout this period we had gained the respect and confidence of the peoples of the free world. In Vietnam, however, we took a wrong turn. We have misjudged our capabilities and the nature of our interest there. How did we become involved in such a disaster?

President Roosevelt stated several times in my presence that he would not permit the French to return to Indochina. He ordered the Pentagon not to make plans for this area after the defeat of Japan, but he did not outline before he died the political moves he had in mind.

Unfortunately, the French were allowed back.

Even more unfortunately, when their military efforts failed and the Ho Chi Minh forces got control of North Vietnam in 1954, we took over from France in South Vietnam and undertook political, economic and military responsibilities to support the Diem regime in power there. To do our military justice, I understand that General J. Lawton Collins, former Chief of Staff of the United States Army, cautioned that the situation in South Vietnam was not militarily viable. But step by step we became more and more involved, and we are now in an untenable position.

When the new Administration came in in January 1969, instead of building on the peace negotiations which were then under way, it permitted President Thieu to pull the rug out from under them. President Thieu announced that he would not sit down in the private meetings that had been arranged for, although he knew full well that it was only in private meetings that any progress could be made. Two months later he finally was persuaded to participate in private discussions, but at the same time he announced that he would not in any circumstance agree to a coalition government or permit the NLF to become a political party in South Vietnam. But by this time the NLF refused. And no progress has been made in Paris since.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States, but the nature of the problem that exists there.

Unfortunately, this Administration is not concentrating on negotiations, but rather on military action.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best, we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after this Administration took office. And after that there is no assurance whether or when the balance of our forces will be withdrawn. It seems clear that the South Vietnamese Army will continue to need United States air and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, President Thieu and Vice President Ky got less than 35% of the votes cast in 1967, whereas over 60% of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirms the judgment that the people of South Vietnam want peace and not a continuation of the war.

While the Vietnamization plan has reduced the American casualties, South Vietnamese casualties are increasing, with up to 800 killed a week and with many civilian casualties as well.

Our expansion of the war to Cambodia makes matters worse. We are told about the number of enemy arms captured but not about the towns and villages destroyed and the number of innocent Cambodian civilians killed. No military success in Cambodia is worth the awful price in expanding the war to another country, in making a political settlement much more difficult, in sharpening the divisions among our people here at home and in further loss of respect for our purpose abroad.

On Wednesday night the President spoke nine times about his concern for the lives of American soldiers as a principal reason for the invasion of Cambodia. Surely the way to save the lives of our men is to get them out of combat. Clearly, our concern should be to put an end to the fighting, not to expand or prolong it.

All our troops should be withdrawn from Vietnam—on a prompt and a fixed schedule. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. He must bring into his government the political elements desiring peace and send to Paris a team willing and capable of negotiating with the NLF for a compromise solution. Of course, the President himself, to be credible, must appoint a high-level representative to get negotiations started again.

Our withdrawal must be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I am convinced that the other side will agree to one point at least—that there will be no reprisals by either side, with supervision by an international body. Other issues must be negotiated out among the South Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war with France ended. Now if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful communist neighbor.

No group in our country is more aroused by these crises than college students, and you are about to join them. Unfortunately, the emotions and energies of some students have been directed towards destructive rather than constructive activities. I profoundly respect the students who are determined to do something constructive about what they object to in our society.

People speak of working within the "system". I agree with the idea, but I don't particularly like the phrase. The word "system" implies something rigid, unchanging. Communism is a "system". Facism is a "system". But ours isn't a rigid society. Ours is a society of infinite flexibility. That flexibility is what has kept it alive and resilient, capable of change and innovation.

A period of crisis gives greater opportunity for change. I participated in another deep crisis—that of the Great Depression of the early 30's. Our nation had been built through individual and collective efforts in a lassez-faire economy. This proved inadequate and hit the rocks in an economic disaster. President Roosevelt rallied our country to support a major social and economic revolution. For the first time, our national government assumed responsibility for the individual who was in distress through no fault of his own and for the financial and economic direction of our country. The New Deal moved rapidly in many directions.

President Roosevelt saw a nation "one-third ill-fed, ill-clad, ill-housed" and started to correct the injustice. The underlying conception of the New Deal was to make our country's abundance and opportunity available to all.

Of course, Roosevelt came under attack—bitter attack—from vested interests. But since his death none of his basic concepts have been reversed. In fact, they have been built on and expanded, but not completed. Much is left to be done—and must be done.

Furthermore, new problems have arisen. While we have been directing our efforts to fill the material needs and desires of our people, we have disregarded the effort on our environment. Concern about this is not new, but no effective attention has been given to the appalling fact that as we produced more and more, we destroyed more and more.

Now our country is awakening. The eyes of our young people are on what we have destroyed and are continuing to destroy. And they are demanding a change in our sense of values.

It is important for us to understand today that it was the crisis atmosphere of the Depression which gave President Roosevelt the opportunity for revolutionary re-direction of our society to meet the changing needs of the times.

Today Vietnam is of immediate and overpowering importance. The war must be ended to permit the re-direction of our human and material resources expended in this tragic morass to our urgent needs here at home. Abroad we must again take our place as an understanding and responsible Good Neighbor and as the leading standard-bearer for peace in the United Nations.

It is a time when all of us should decide how we can contribute most effectively.

It is easy to be destructive. I reject the rock throwers and the burners. They not only destroy, but their excesses play into the hands of those opposed to progress.

But non-violent demonstrations have an important place in our American life. They stir people to join the cause. However, they are of limited and temporary value. They must be followed by constructive action.

I am heartened by the work the students are doing in Washington in lobbying against the war and in the manner in which they are organizing to participate in this year's elections. Their example has stimulated a thousand Wall Street lawyers, some of them from the most conservative firms, to go to Washington and, from the steps of the Capitol, urge the Congress to take action to stop the war.

XUM

In the months ahead you may want to join the campaign for the candidate that you believe in. I commend this to you. It is hard, tough work, but it is stimulating and purposeful. Students can have a decisive influence on the character of our next Congress and can affect local governments as well.

This is an exciting period. The very crisis gives unique opportunity. In the words of Ralph Waldo Emerson:

> "If there is any period one would desire to be born in—is it not the era of revolution when the old and the new stand side by side and admit of being compared; when all the energies of man are searched by fear and hope; when the historic glories of the old can be compensated by the rich possibilities of the new era? This time . . . is a very good one if one but knows what to do with it."

Past generations have known what to do with it. I have confidence your generation will know what to do with it. I have confidence in you. And this gives me abiding faith in the future of America.

ORDER OF BUSINESS

Mr. **GOLDWATER**. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

HIGH PRICES AND INFLATION

Mr. **GOLDWATER**. Mr. President, my purpose here today is to answer an argument which we hear being voiced more and more by critics of the war in Vietnam and the American Military Establishment. The argument is that military expenditures, including those that go to defray the cost of military operations in Southeast Asia, are the primary cause of high prices and inflation.

This theme is one which opponents of the Nixon administration have nurtured very carefully through almost every medium of public expression. In recent weeks we have even seen a stream of ill-informed business leaders testify before various Senate committees in support of this argument. They viewed with concern, of course, the large amounts of money which are earmarked for defense expenditures and jumped to the conclusion that this is the automatic and the sole cause of inflation in this country.

I do not deny, in any respect, that defense spending is heavy. There are reasons for this. Our defense system and weapons system today are highly sophisticated. They demand a tremendous outpouring of money for research and technology. This, of course, has developed at a time when the United States is confronted with the largest, most demanding worldwide responsibilities of any nation in history.

But large as our defense spending has been, I insist that it is not, nor can it be, the primary cause of inflation. To be sure, Government extravagance and Federal budget deficits are fundamentally at fault. But I want to point out that nondefense spending is the real culprit. The facts about the present situation are that nonwar spending has risen much more than defense spending. When the decision was made in the Johnson administration to escalate the war—and thus the expenditures—in Vietnam, it should have been accompanied by a policy of belt-tightening at home.

But, Mr. President, we all know this did not happen. The Johnson administration made a big point of saying that there was room in the economy for both guns and butter. Consequently, it brought about an enormous expansion in both areas.

Since President Nixon took office, our military spending has been declining. The projected military budget for fiscal 1971 is about 20 percent lower than the budget for similar expenditures in the last year under President Johnson. This makes allowance for the inflation of prices in that period. But no corresponding reduction has been made in other kinds of spending. For example, in the current 3-year period—fiscal year 1968 to fiscal year 1971—defense spending is being cut 9 percent, outlays for education and other social purposes boosted 47 percent, and all other Federal expenditures increased 21 percent. But the record of defense costs should probably be reviewed in a broader historical perspective:

Immediately after World War II, the Military Establishment was largely dismantled and outlays fell precipitately from $80 billion in 1945 to between $11 and $13 billion annually from 1948 to 1950. This unilateral disarmament was one of the causes of the Korean action which shot defense costs up to $50 billion in 1953. Since that time, that is, between 1953 and fiscal year 1971 as proposed by the President, defense expenditures increased 49 percent—approximately equal to the simultaneous rate of price rise. Spending for health, education, welfare, and labor increased 944 percent; for all other functions 182 percent.

More than half of the $129 billion increase in Federal expenditures between 1953 and 1971 was applied to social purposes, less than one-fifth to defense. Defense meanwhile shrank from 64 percent of the Federal budget to 36 percent, from 13.6 percent of gross national product to about 7.2 percent.

In other words, the share of Federal revenues and of the gross national product allocated to national defense has been cut almost in half since 1953. Most of the huge savings were applied to social purposes, and of these education was one of the main gainers.

From this it is easy to see that the cause of price inflation today is not something that can be blamed exclusively on military expenditures. When the role of Government spending is surveyed it is plain to see that nonmilitary expenditures are by far the greater cause of today's high price structure. These are economic facts based on official Government figures, and they cannot be altered by a Senate committee, no matter what its motivation, nor can they be changed by any number of speeches by important business leaders. A statement by IBM's Thomas B. Watson, Jr., is no exception. When Mr. Watson, or any other business leader, comes to town and glibly blames inflation on the cost of keeping this Nation strong and of honoring our international commitments, I say that he is wrong and is playing on the fears of those who believe the war in Vietnam and the military-industrial complex are to blame for all the evils to which man is heir.

The prominent economist Dr. Milton Friedman, of the University of Chicago, has pointed out that war is usually associated with the problem of inflation because historically it has produced large Government spending and that generally this spending is financed in considerable part by creating money rather than through taxes or borrowing from the public. He goes on to point out that from this point of view what matters is how much the Government spends and how much of the spending is financed through the creation of money—not what the spending is for. Consequently, the largest part of inflation has to be attributed to the extraordinary increase in nonwar spending. I am not saying that increased military spending doesn't play a part. What I am saying is that increases in nonwar spending have played a much larger part in today's high prices.

I believe that it is about time, especially for men of business who have been trained in the problems of economics, to acknowledge this fact and tell it like it is—rather than yielding to a temptation to go along with the liberal crowd and hold the Vietnam war and the military establishment as the American No. 1 scapegoat.

THE 10TH ANNIVERSARY OF QUEMOY AND MATSU

Mr. **GOLDWATER**. Mr. President, today, when we are groping for answers to the perplexing problems of Vietnam, the Middle East, and countless other conflicts, we would do well to draw a lesson from experience.

Ten years ago today, the Communist Chinese launched one of their heaviest attacks against the free Chinese offshore islands of Quemoy and Matsu. In a 24-hour period, the Communists fired 86,000 rounds at the tiny outposts. Radio Peking proclaimed the attack was to underscore Communist "contempt and scorn" for President Eisenhower who was then visiting Formosa. Mao himself reaffirmed his determination to wrest the offshore islands from Nationalist control.

In the face of such aggression, the United States and its allies stood firm.

What was the result? Today Quemoy and Matsu are still free. The Communists take occasional potshots at the islands, but have given up plans for invasion.

The victory we won in the battle for the offshore islands was not dramatic. The struggle still goes on; but the Communists have been handed a setback.

Quemoy and Matsu are striking examples of Communist capitulation. The United States under President Eisenhower quietly but firmly faced up to its responsibilities. America simply said it would not knuckle under to armed intimidation—and the Communists got the message.

These are lessons we seem to have forgotten.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session.

The motion was agreed to, and the Senate proceeded to consider executive business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate consider the nominations on the Executive Calendar, beginning with the nominations in the U.S. Air Force, and that it be in order on the nomination of Adm. Thomas H. Moorer that the yeas and nays be ordered.

The **PRESIDING OFFICER.** Is there objection?

Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the Moorer nomination.

The yeas and nays were ordered.

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **PRESIDING OFFICER.** Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **PRESIDING OFFICER.** Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The bill clerk read the nomination of Maj. Gen. John R. Chaisson, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

DEPARTMENT OF LABOR

The bill clerk read the nomination of James D. Hodgson, of California, to be Secretary of Labor.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—ARMY AND MARINE CORPS

The bill clerk proceeded to read sundry nominations in the Army and the Marine Corps which had been placed on the Secretary's desk.

The **PRESIDING OFFICER.** Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

JOINT CHIEFS OF STAFF

The bill clerk read the nomination of Adm. Thomas H. Moorer, U.S. Navy, to be chairman of the Joint Chiefs of Staff.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of 40 minutes on the pending nomination, the time to be equally divided between the distinguished Senator from Ohio (Mr. YOUNG) and the distinguished Senator from Arizona (Mr. GOLDWATER).

The **PRESIDING OFFICER** (Mr. BIBLE). Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Who yields time?

Mr. YOUNG of Ohio. Mr. President, I yield myself 15 minutes.

The **PRESIDING OFFICER.** The Senator from Ohio is recognized for 15 minutes.

Mr. YOUNG of Ohio. Mr. President, today the Senate is being asked to consider and to confirm the nomination of Adm. Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff. The Chairman of the Joint Chiefs of Staff is one of the most important jobs in this country, military or civilian, and we must give careful consideration to any man nominated for this position. Because he can play such a very large role in committing this Nation to war, his judgment is a matter of great importance to the safety and security of every American.

Mr. President, since early 1965, this country has been directly involved in an immoral, undeclared war in Vietnam. The authorization under which President Johnson committed American troops to that area stemmed largely from the so-called Gulf of Tonkin resolution.

On August 6, 1964, leaders of the Johnson administration came before Congress and announced that on August 4, 2 days earlier, the North Vietnamese had made an unprovoked attack on the American destroyers *Maddox* and *Turner Joy* patrolling in the Gulf of Tonkin. The claim was made that the *Maddox* and *Turner Joy*, either of which had the capability of destroying the entire North Vietnamese Navy, when attacked were on a routine mission. Certainly, Adm. Thomas Moorer, at that time Commander of the Pacific Fleet, knew, or in the exercise of ordinary care should have known, that was not a truthful statement to give to the American people. We in the Senate had no other information. We relied on that. We Senators had a feeling of outrage when informed from the White House that U.S. destroyers on a routine mission were attacked by North Vietnamese gunships without provocation.

At that time we did not know of the phrase "credibility gap." Later we learned the hard way that top navy and military officers had reported statements which lacked truth and credibility. We learned the hard way there is reason for skepticism. We in the Senate believed the report of an attack on our naval vessels on the high seas while on a routine mission. The Gulf of Tonkin resolution was passed. I regret to say that I voted for it, as did other Senators.

But since that time, Mr. President, it has become evident that what happened on the night of August 4, 1964, is not at all so clear as we had been led to believe. Largely through the efforts of the chairman of the Senate Foreign Relations Committee (Mr. FULBRIGHT) various facts were discovered which made it apparent that in fact there was a great deal of question about the alleged attack, not only in regard to the details of the attack but also as to whether the attack actually took place.

Late last year the publication of a remarkable book again brought the issue into focus. In his excellent and well-researched book "Truth Is the First Casualty," Joseph Goulden examines all of the available evidence and makes it abundantly clear that there were a number of unanswered questions about the alleged attack on August 4.

Mr. President, the questions regarding the events of August 4 essentially revolve around two crucial points. First of all, there is the whole question of whether or not an attack really did take place. And second, even if an attack did take place, was it correct to label it as unprovoked. Even if there were an attack, and I believe this is highly questionable, was it without provocation as the Navy and administration charged at that time?

Mr. President, let me make it clear here that what I am emphasizing is not a matter of truth against falsehood. No one's honesty is being questioned. What is at issue is the question of a man's judgment, the judgment he shows in times of crisis as well as in times of calm.

The evidence relating to the problem of whether or not the attack actually took place on August 4 is lengthy. At this point I can only refer to a few notable aspects. No visual sightings were ever made, and this includes by U.S. airplanes flying overhead with flares. No gunfire was actually seen or heard despite early reports that the *Maddox* was under automatic weapons fire. No torpedoes were ever seen. No radar contacts were ever made. No physical evidence was ever found that any North Vietnamese vessels had been sunk, despite the Navy's claim to the contrary. Sonar reports of torpedoes turned out to be the result of an inexperienced sonarman who mistook the *Maddox*'s own propeller noise for torpedoes, and, most importantly, after the initial report of a possible attack, the commander of the *Maddox* and *Turner Joy*, Captain Herrick, grew more and more dubious in his reports and, in fact, counseled doing nothing until a daylight reconnaissance could be held. He expressed doubts, but his doubts were concealed from the American people.

Mr. President, the issue here is the judgment shown by the men in the Pacific Command, and at that time Admiral Moorer was commander of the Pacific Fleet. The doubts, the questions, the uncertainties surrounding the alleged attack on the night of August 4 were misrepresented. Truth was the first casualty just as Joseph Goulden designated.

The facts are that on the night of August 4 there probably never was such an attack on the *Maddox*. Nevertheless, both Admiral Moorer, Commander of the Pacific Fleet, and Admiral Sharp, Supreme Commander of the Pacific, reported confirmation of night attacks on the destroyers *Maddox* and *Turner Joy* and at no time later withdrew these charges. Admittedly, it was a bad night, conditions at sea were horrible, making for extreme confusion. But if that is true, how could commanders miles away be so certain of the facts when the commander at the scene was not?

Beyond the question of whether an attack took place is the question of whether or not it could have been claimed to be unprovoked if it had taken place. Here again the crucial issue is a man's judgment and interpretation of facts.

Mr. President, during the time the *Maddox* and *Turner Joy* were engaging in spy patrols, electronic surveillance patrols, in the Gulf of Tonkin, the South Vietnamese Navy was attacking North Vietnamese coastal installations. They had also done this 4 days earlier, and the *Maddox* passed by the area attacked by the South Vietnamese. The North Vietnamese naval and civilian officials had every reason to be concerned and fearful of the intrusion of the *Maddox* and *Turner Joy* close to their harbor and installations. This is readily understandable.

The South Vietnamese attacked in American-built PT boats whose exterior appearance was unchanged from that of U.S. PT boats. Their officers and crews had been trained by American advisers. These South Vietnamese operated gunships attacked North Vietnamese radar and harbor installation on the islands of Hon Me and Hon Ngu on the 31st of July. They attacked new targets shortly before midnight on August 3d and continued into the 4th.

Then our destroyers appeared close to the North Vietnamese coast and islands on the 4th together with air cover. What were the North Vietnamese to think? What would the U.S. naval officers think if, at the same time as Cuban vessels were attacking Miami, Russian destroyers appeared off the coast?

Mr. President, when leaders of the Johnson administration came before the Congress to request passage of the Gulf of Tonkin resolution, they did not mention this second South Vietnamese attack. They did not know about the South Vietnamese attacks on August 3 and 4. Secretary of Defense McNamara later disclaimed having received any information of this. He was a victim of the credibility gap, just as we Senators were. We Senators did not know at that time nor were we given any information concerning South Vietnamese attacks with American-made PT boats on August 3 and 4. I submit that that was a crucial fact in determining whether the North Vietnamese were acting in an unprovoked way or whether they were responding to what they might justifiably claim was U.S. harassment.

We can now ask why did not the report of the South Vietnamese attacks made on August 3 and 4 reach Washington and why were not such attacks, if not made public, at least reported to the Secretary of Defense and U.S. Senators?

The reason is that there was a cut off at the Pacific command level. If Admiral Moorer should claim that he did not believe this information and knowledge was of sufficient importance to officials in Washington, then, to say the least, he demonstrated bad judgment.

And this is the point, Mr. President. The high command in the Pacific had a predetermined view of the enemy. They had definite preconceptions as to what they thought the enemy would do, as to who the enemy was, as to how they thought the enemy behaved. They were unable to see beyond these preconceptions, and they interpreted the facts to fit the conclusions they wanted to draw. They either were insensitive to the importance of certain key facts or they chose to ignore them. This is what I mean by judgment, Mr. President.

Mr. President, for the reason that I have strong reservations regarding the wisdom of this nomination, it is my intention to vote against confirmation of Admiral Moorer to be Chairman of the Joint Chiefs of Staff. I indicated this in the Armed Services Committee. I assert that Admiral Moorer is a very superior naval officer. Without a doubt Admiral Moorer and as far as I know every other admiral in our Navy has served our Nation with distinction and with utmost patriotic fervor. I would not say otherwise under any circumstances. We are all proud of the U.S. Navy.

But this is not a routine appointment we are asked to confirm. This is an appointment to a position of the highest importance and sensitivity. I have stated the reasons why I question his judgment, and the exercising of judgment on the part of the Chairman of the Joint Chiefs of Staff of the Armed Forces is crucial and of the utmost importance.

Because I do have reservations I desire my vote to be recorded against the confirmation of the nomination of Admiral Moorer to be Chairman of the Joint Chiefs of Staff.

Mr. GOLDWATER. Mr. President, I yield 3 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER (Mr. BIBLE). The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, Adm. Thomas H. Moorer is eminently qualified to be the Chairman of the Joint Chiefs of Staff. He has a long and distinguished record of outstanding service to his country. If it had been known 37 years ago when he was commissioned at the Naval Academy that he was destined to be the Chairman of the Joint Chiefs of Staff, the Navy could not have trained and prepared him any better for this vital assignment than the training he has received.

Admiral Moorer's record and integrity are impeccable. His leadership, ability, achievements, and dedication will go down in naval history as one of our Nation's greatest admirals of all time.

Mr. President, it is inconceivable that any one would challenge Admiral Moorer's nomination. In my judgment, such action is not a challenge of his ability or character. It is another attempt to discredit the military and the administration. One only has to examine Admiral Moorer's distinguished service in detail to realize that our Nation is fortunate to have a leader of his caliber to serve in the highest military position in our country.

Admiral Moorer is the only admiral who has commanded both the Atlantic and Pacific Fleets. He also commanded the 7th Fleet which is deployed in Southeast Asia. As Supreme Allied Commander, Atlantic, Admiral Moorer's duties included maintaining control of the sea area of the Atlantic in support of the North Atlantic Treaty Organization with the NATO forces made available from the member nations. As Chief of Naval Operations and a member of the Joint Chiefs of Staff since August 1967, Admiral Moorer is well prepared to serve as Chairman of the Joint Chiefs of Staff.

In my judgment, his selection is none too soon in view of the Soviet threat to dominate the seas. Admiral Moorer is a master of naval strategy. His knowledge, shrewdness, and toughmindness will be great assets to our Nation in formulating strategic policy to confront the formidable and expanding Soviet threat to our supremacy at sea.

Mr. President, I strongly urge my distinguished colleagues to confirm Admiral Moorer's nomination by a unanimous vote.

Mr. GOLDWATER. Mr. President, I yield 2 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER (Mr. BIBLE). The Senator from Oregon is recognized for 2 minutes.

Mr. HATFIELD. Mr. President, I am very happy to add my vote and word of support to the nomination of Adm. Thomas H. Moorer to become Chairman of the Joint Chiefs of Staff.

I suppose I have a certain amount of pleasure in this because of the fact that I am a Navy veteran and also because of my personal friendship with the Admiral. Also, I take this opportunity to commend President Nixon for presenting to the Senate Admiral Moorer's name because of the superior qualifications he possess. I have had many opportunities to discuss with him matters not only of military import but also of general national interest and issues other than military ones. I have found Admiral Moorer to be a man of great intellect, a man who comprehends not only his own

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military field of expertise but a man who also certainly has great understanding for many other important national and international issues.

I feel the President made a wise selection. I believe those of us who have been critical of the war policy should support Admiral Moorer's nomination because he possessed the military training and background to qualify him for this position, and the intellectual capacity as well. Our positions or viewpoints on the war have nothing to do with the qualification of this man to act as Chairman of the Joint Chiefs of Staff.

I enthusiastically endorse the nomination of Admiral Moorer and I only hope he will have much opportunity to demonstrate the kind of leadership I believe he possesses by giving that kind of leadership not only to the Joint Chiefs of Staff but also in counseling the President on issues of war and peace.

Mr. GOLDWATER. Mr. President, I yield myself 3 minutes.

The **PRESIDING OFFICER.** The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, as a member of the Committee on Armed Services, I support the nomination of Admiral Moorer to be Chairman of the Joint Chiefs of Staff. I think this is an excellent choice. He has had a fantastic record in the Navy.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a résumé of the career of Thomas Hinman Moorer.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

RÉSUMÉ OF SERVICE CAREER OF ADM. THOMAS HINMAN MOORER

Date and place of Birth: 9 February 1912, Mt. Willing, Alabama.

Years of active service: Over 36.

Present assignment:[2] Chief of Naval Operations, Washington, D.C., since August 1967.

Military schools attended: United States Naval Academy, Flight Training, Pensacola, Naval War College.

Educational degrees: BS (Naval Science) U.S. Naval Academy, 1933.

MAJOR PERMANENT DUTY ASSIGNMENTS (LAST 10 YEARS)

Commander, Carrier Division Six, Jul. 1959 to Nov. 1960.

Director, Long Range Objectives Group, Office of Chief of Naval Operations, Washington, D.C., Nov. 1960 to Oct. 1962.

Commander,[1] Seventh Fleet, Oct. 1962 to Jun. 1964.

Commander in Chief,[2] United States Pacific Fleet, Jun. 1964 to Apr. 1965.

Commander in Chief,[2] Atlantic and Atlantic Fleet and Supreme Allied Commander, Atlantic, Apr. 1965 to Aug. 1967.

PROMOTIONS, DATE AND RANK

Ens., 1 Jun. 1933.
Ltjg, 1 Jun. 1936.
Lt, 23 Nov. 1940.
LCdr, 1 Oct. 1942.
Cdr, 1 Jan. 1944.
Capt, 1 Jan. 1952.
RAdm, 1 Aug. 1958.

MEDALS AND AWARDS

Distinguished Service Medal with two Gold Stars in lieu of subsequent awards.
Silver Star Medal.
Legion of Merit.
Distinguished Flying Cross.
Purple Heart.
Presidential Unit Citation awarded Patol Squadron 22.
American Defense Service Medal with Fleet Clasp.
American Campaign Medal.
European-African-Middle Eastern Campaign Medal.
Asiatic-Pacific Campaign Medal.
World War II Victory Medal.
Navy Occupation Service Medal with Asia and Europe Clasps.
China Service Medal.
National Defense Service Medal with one bronze star in lieu of second award.
Philippine Defense Ribbon.
Armed Forces Expeditionary Medal (Vietnam).
Republic of Vietnam Campaign Medal with Device (1960–).

FOREIGN DECORATIONS

Silver Star Medal, First Class (Greece).
Medal of Pao-Ting (China).
Order of the Double-Rays of the Rising Sun (Japan).
Legion of Honor (Commander) (Republic of the Philippines).
Military Order of Aviz (Grand Cross) (Portugal).
Order of Naval Merit (Grand Officer), (Brazil).
Grand Star of Naval Merit (Chile).

Mr. GOLDWATER. Mr. President, some question has been raised about Admiral Moorer's judgment. It must be kept in mind that the activities that happened on August 4, 1964, were over 6,500 miles from the headquarters of the Pacific commander; that he had to rely on what was at that time not too rapid communications; that he had to rely on the great preponderance of messages coming from the endangered ships, and from the mainland, and those emanating from his own headquarters.

This was a routine mission, contrary to what has been suggested. They were cruising in international waters. I might say that we do that all the time, and so does the enemy. I have seen the Russian ships 70 miles off the coast of California, as we passed each other and sort of laughed at each other's equipment.

Admiral Moorer answered truthfully when he said it was a routine mission and they were in those waters looking for enemy craft, doing intelligence work, monitoring and so forth, when the attack was made. His judgment was superb.

I know a little more about this matter than other Senators—I remember the remark the other day—because at that time I was engaged in the campaign and the President called me when this matter first came up and briefed me in complete detail. I was cleared for top secret classifications then as I am today. I have since verified the facts.

Many of the questions that have been asked today could not be answered because they are carried with a classification of at least top secret and many are classified higher than that. These matters are downgraded every 12 years so we have to be patient.

This distinguished naval admiral served as commander, Carrier Division 6, from July 1959 to November 1960. He was director of the Long Range Objective Group, Office of Chief of Naval Operations from November 1960 to October 1962. He served as commander of the 7th Fleet from October 1962 until June 1964. He served as commander in chief, U.S. Pacific Fleet, from June 1964 until April 1965. He served as commander in chief, Atlantic Fleet and Supreme Allied Commander, Atlantic, from April 1965 until August 1967.

I do not know how a man could compile a more brilliant record, not only in service to the Navy, but in service to his country. I am very proud to be able to vote for this man, Adm. Thomas Moorer, to be Chairman of the Joint Chiefs of Staff.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, so much has been said about Admiral Moorer's distinguished record that it would be repetition and redundancy for me to repeat it.

I think from what has been said here it should be apparent to everyone that this is a man with a very distinguished record of service to his country, a man whose country owes him a great debt, indeed. He has spent his life in the service of this country. He has shown himself to be a man of superior qualifications for command, a man of superior skill, a man of superior courage, and most importantly of all, a man of superior judgment.

He has had multifarious experience in the Navy and he has a very comprehensive notion of what the defense of the free world is all about. I could think of no one better qualified, and I shall be very happy, indeed, to support his nomination and vote for the confirmation of Adm. Thomas Moorer to be Chairman of the Joint Chiefs of Staff. As a reservist in the U.S. Navy I am proud to belong to a service which has produced a man like Adm. Thomas Moorer.

The **PRESIDING OFFICER.** Who yields time?

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator has 8 minutes remaining.

Mr. GOLDWATER. Mr. President, I yield such time as she may desire to the distinguished Senator from Maine and then I shall yield the remainder of my time to the chairman of the committee.

The **PRESIDING OFFICER.** The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, I shall be very brief. I am at a loss to understand this opposition to Admiral Moorer's nomination as Chairman of the Joint Chiefs of Staff. The Senate has confirmed his nomination as Chief of Naval Operations on other occasions, and no questions were then raised. I cannot understand why he should be held responsible for the errors made by civilians.

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[1] VAdm while serving in this billet, 5 Oct. 1962.

[2] Adm while serving in these billets, 26 Jun. 1964.

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The questions that have been raised today should have been raised with the President and the Secretary of Defense at the time of the incidents of the *Pueblo* and the C-121-ECM—electronic countermeasure—aircraft. This is particularly true since so much of the military tactics were being planned by civilians on a day-to-day—and, yes, hour-to-hour—basis at the White House. This discussion, I think, has underscored this fact. I am getting a little tired—yes, I am getting sick and tired of the military always being blamed for the errors made by civilians.

I have full confidence in Admiral Moorer, and I trust the Senate will do what it has done before, this time confirm his nomination as Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. GOLDWATER. Mr. President, I yield such time as he may desire to the chairman of our committee, the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 7 minutes.

Mr. STENNIS. Mr. President, I ask that the Chair notify me at the end of 4 minutes.

The PRESIDING OFFICER. The Chair will notify the Senator at the expiration of 4 minutes.

The Senator may proceed.

Mr. STENNIS. Mr. President, I have the greatest respect for the distinguished Senator from Ohio who is so religiously and diligently following his line of duty, but it is an opinion as to the competency of Admiral Moorer. Except for one vote, we had unanimous approval in our committee for the nomination of Admiral Moorer to be Chairman of the Joint Chiefs of Staff. There was a certain solidarity behind the opinion of that membership that so voted with a very strong recommendation. I am very pleased that we had available a man of this type and that the President did select him.

From my own experience as a member of the Committee on Armed Services, I have found no one having the all-around ability and the added qualities of integrity and very high respect of his fellow officers—and that based on his integrity and ability and knowledge of military affairs—who would fit better into this position.

Furthermore, this is a position that is known around the world, especially in military circles. I judge Admiral Moorer to be unusually adept at filling this role. He was an excellent witness and made a full and complete disclosure with the utmost candor. That is how I found him in his appearance before the committee.

Admiral Moorer has had an outstanding naval career. He has been outstanding as Chief of Naval Operations for 4 years. I believe the Nation is fortunate, in times like these, to have a man with the training to whom we can turn.

Although he is a member of the Joint Chiefs, as Chairman of the Joint Chiefs he will preside at all the meetings. More than anyone else, he will become the spokesman to the Secretary of Defense. He will be the military adviser to the Secretary of Defense and to the President. It takes a rare combination of abilities, indeed, to fill those roles. The Secretary of Defense and the President may have other military advisers—and in some areas, doubtless they do—but the Chairman of the Joint Chiefs of Staff is the one man who carries the load.

Mr. President, so that the RECORD may show just what the duties of the Joint Chiefs of Staff are, I ask unanimous consent that sections 141 and 142 of chapter 5, United States Code Annotated, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, without any hesitation whatsoever, but with real satisfaction in the solidarity in our thinking, I am glad that our committee could, with the exception of one distinguished Member, recommend the confirmation of the nomination of this outstanding man.

EXHIBIT 1

CHAPTER 5.—JOINT CHIEFS OF STAFF

Sec.
141. Composition; functions.
142. Chairman.
143. Joint Staff.

§ 141. Composition; functions

(a) There are in the Department of Defense the Joint Chiefs of Staff consisting of—

(1) a Chairman, who has no vote;
(2) the Chief of Staff of the Army;
(3) the Chief of Naval Operations; and
(4) the Chief of Staff of the Air Force.

(b) The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense.

(c) The Commandant of the Marine Corps shall indicate to the Chairman any matter scheduled for consideration by the Joint Chiefs that directly concerns the Marine Corps. Unless, upon request of the Chairman for a determination, the Secretary of Defense determines that such a matter does not concern the Marine Corps, the Commandant shall meet with the Joint Chiefs of Staff when that matter is under consideration. While the matter is under consideration and with respect to it, the Commandant has co-equal status with the members of the Joint Chiefs of Staff.

(d) Subject to the authority and direction of the President and the Secretary of Defense, the Joint Chiefs of Staff shall—

(1) prepare strategic plans and provide for the strategic direction of the armed forces;

(2) prepare joint logistic plans and assign logistic responsibilities to the armed forces in accordance with those plans;

(3) establish unified commands in strategic areas;

(4) review the major material and personnel requirements of the armed forces in accordance with strategic and logistic plans;

(5) formulate policies for the joint training of the armed forces;

(6) formulate policies for coordinating the military education of members of the armed forces;

(7) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

(8) perform such other duties as the President or the Secretary of the Defense may prescribe. Aug. 10, 1956, c. 1041, 70A Stat. 6; Aug. 6, 1958, Pub.L. 85-599, § 7, 72 Stat. 519.

Historical and Revision Notes

Source (U.S. Code)

Revised Section
141 (a) 5:171f(a) (1st par., less 20th through 26th words of 1st sentence, and less last sentence)
141 (b) 5:171f(a) (last sentence of 1st par.)
141 (c) 5:171f(a) (less 1st. par.)
141 (d) 5:171f(b).

Source (Statutes at Large)

July 26, 1947, ch. 343, § 211(a) (less 20th through 26th words of 1st sentence of 1st par.), (b); restated Aug. 10, 1949, ch. 412, § 7(b) (1st par., less 20th through 26th words of 1st sentence; and 2d par.), 63 Stat. 582; June 28, 1952, ch. 479, § 2, 66 Stat. 282.

Explanatory Notes

In subsection (a), the word "are" is substituted for the words "is established", to make explicit the continuing authority of the organization established by the source statute.

In subsection (c), the words "While the matter is under consideration" are substituted for the words "on such occasion".

In subsection (d), the words "armed forces" are substituted for the words "military forces" and "military services".

1958 Amendment. Subsec. (a) (1) amended by Pub.L. 85-599, by striking out ", who has no vote" which followed "Chairman".

Legislative History: For legislative history and purpose of Pub. L. 85-599, see 1958 U.S. Code Cong. and Adm. News, p. 3272.

Cross references

Chief of Naval Operations, generally, see sections 5081-5084 of this title.

Chief of Staff of the Army or Air Force, appointment and duties, see sections 3034, 8034 of this title.

Command when different commands of Army or Air Force and Marine Corps join, see sections 3576, 5954, and 8576 of this title.

Commandant of the Marine Corps, appointment, term and emoluments, see section 5201 of this title.

Instruction by Secretary of Defense as to interaction of research and development and strategy, see section 2351(5) of this title.

National Security Council, establishment and function, see section 402 of Title 50, War and National Defense.

Selection of Director of the Joint Staff, see section 143(b) of this title.

United Nations Organization—

Personal money allowance of officers serving as members of Military Staff Committee, see section 254 of Title 37, Pay and Allowances.

Representation, see section 287 of Title 22, Foreign Relations and Intercourse.

§ 142. Chairman

(a) The Chairman of the Joint Chiefs of Staff shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. He serves at the pleasure of the President for a term of two years, and may be reappointed in the same manner for one additional term. However, in time of war declared by Congress there is no limit on the number of reappointments.

(b) In addition to his other duties as a member of the Joint Chiefs of Staff, the Chairman shall, subject to the authority and direction of the President and the Secretary of Defense—

(1) preside over the Joint Chiefs of Staff;

(2) provide agenda for the meetings of the Joint Chiefs of Staff and assist them in carrying on their business as promptly as practicable; and

(3) inform the Secretary of Defense, and, when the President or the Secretary of Defense considers it appropriate, the President, of those issues upon which the Joint Chiefs of Staff have not agreed.

(c) While holding office, the Chairman outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

(d) The Chairman is entitled to the pay and allowances provided by law for the Chief of Staff of the Army. Aug. 10, 1956, c. 1041, 70A Stat. 7.

Historical and revision notes

Source (U.S. Code)

Revised Section
142(a) 5:171f(c) (less last sentence)
142(b) 5:171f(e); 5:171f(a) (20th through 26th words of 1st sentence of 1st par.)
142(c) 5:171f(d) (less applicability to admiral in 1st sentence)
142(d) 5:171f(c) (last sentence)

Source (Statutes at Large)

July 26, 1947, ch. 343, § 211(a) (20th through 26th words of 1st sentence of 1st par.), (c), (d) (less applicability to admiral in 1st sentence), (e); restated Aug. 10, 1949, ch. 412 § 7(b) (20th through 26th words of 1st sentence of 1st par., and 3d, 4th, and 5th pars.), 63 Stat. 581.

Explanatory Notes

In subsection (a), the words "armed forces" are substituted for the words "armed services". The words "(hereinafter referred to as the 'chairman')," "hereafter", and "except" are omitted as surplusage. The words "in the same manner" are substituted for the words "by and with the advice and consent of the Senate" (following the word "reappointment [reappointed],").

In subsection (b), the words "his other duties as a member of the Joint Chiefs of Staff" are substituted for the words "participating as a member of the Joint Chiefs of Staff in the performance of the duties assigned in subsection (b) of this section".

In subsection (c), the words "armed forces" are substituted for the words "armed services" and "military services". The word "outranks" is substituted for the words "shall take precedence over". 5:171f(d) (1st sentence, less applicability to admiral) is omitted, since the limitation on numbers in grade under 10:506b(b) (3d proviso) is executed (see opinion of the Judge Advocate General of the Army (JAGA 1951/6180, 17 Oct. 1951)).

In subsection (d), the words "basic and personal money" and "and such special pays and hazardous duty pays to which he may be entitled under other provisions of law" are omitted as surplusage.

Cross references

Armed Forces Policy Council, member of, see section 171(a)(6) of this title.

Management of the Joint Staff and its director, see section 143(c) of this title.

Pay and allowances—

Grade of General, see section 3034 of this title; sections 232, 251, and 252 of Title 37, Pay and Allowances.

Personal money allowance of the Chief of Staff of the Army, see section 254 of Title 37, Pay and Allowances.

Mr. GOLDWATER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arizona has 2 minutes remaining.

Mr. GOLDWATER. I yield 2 minutes to the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I appreciate the gracious courtesy of the distinguished Senator from Arizona.

It has been my privilege to know Admiral Moorer for many years. He has the training, capacity, and integrity to be a great Chairman of the Joint Chiefs of Staff, just as he has been a great Chief of Naval Operations. I would hope that the Senate will confirm this superb nomination that has been sent by the President to the Senate.

As the chairman of the Committee on Armed Services has just stated, these are days when we need men of great experience and the highest character in the military field. It is my opinion that of all the persons who could have been appointed to this position, the President has selected the best man as his choice at this time.

Mr. GOLDWATER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute remaining.

Mr. GOLDWATER. I yield 1 minute to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to add my voice in support of the nomination of Admiral Moorer to be Chairman of the Joint Chiefs of Staff.

It is not only proper but imperative that the Members of this body should consider carefully the nomination that is before the Senate now.

I believe it would be useful to look first at the position for which the nomination has been made—its responsibilities now and in the foreseeable future—and the qualities and attributes the American people have a right to expect of the person who is appointed. Only then can we properly judge the fitness of the nominee and the wisdom reflected in the choice of the President of our United States.

As is evident to every Member of this body, our country is in the throes of almost unparalleled torment. The question of domestic priorities has been pushed to the forefront—and with it inevitably the question of America's role and purpose in the world in which it must continue to seek the best means for the security and fulfillment of its citizens.

We have been wracked by a long and costly war in Southeast Asia. Only recently has the most reasonable course to the resolution of that conflict been firmly outlined. Even with this prospect in view, our attention has been drawn increasingly to the tragic course of events in the Middle East.

No matter what individual desires may be, it should be obvious that we cannot responsibly abandon our position of leadership in world affairs. Equally obvious should be the fact that among all the influences that this Nation can bring to bear, the military influence is, and will be, a very important one that undergirds our other efforts.

What kind of man do we need in this position, now, and in the years ahead?

We need a person with professional competence and experience—a man endowed with wisdom and courage—a man who has compassion and an understanding of our changing world.

The voice of the man who serves as Chairman of the Joint Chiefs will be registered in the years ahead not only in the committee rooms of this Congress but in all the other councils of our Government. His judgments will bear heavily upon the extent and character of our military preparedness in the future.

Against these requisites how do we gage Adm. Thomas M. Moorer?

Past experience and performance certainly comprise a basic yardstick.

Within his own service and during the years of his military maturity, he has been singled out for the positions of heaviest responsibility and greatest demands on the capacity for forward thinking. As Director of the Long-Range Objectives Group in the Navy Headquarters and then as commander of the U.S. 7th Fleet in the Western Pacific and later as commander in chief of the entire U.S. Pacific Fleet, he exerted a major influence on the shape and course of the Navy's readiness to meet the country's expectations. In his subsequent position as the U.S. unified commander of the Atlantic Area and the NATO Supreme Allied Commander Atlantic, he dealt with the concerns not only of the armed services of our United States but of our most important allies. The high regard in which he is held at home and abroad is eloquent testimony to his depth of understanding and breadth of vision in all matters military.

Here in Congress we know him for his counsel and recommendations in Committee hearings during the last 3 years. As Chief of Naval Operations he has been positive, forthright, and articulate in presenting the point of view not only of the Navy but of the professional core of all our armed services. He has pointed out the challenges to our national purposes in the real world in which we are going to have to exist and has outlined the risks that lie before us. He has shown a deep understanding of all the forces at work in our society and throughout the world. His sense of perspective has gained the respect of all who have been associated with him. He has proven himself many times over in periods of national stress and military crisis. In a word, he epitomizes all the best that the American military man represents.

I am convinced that this is the man that Americans want and need as Chairman of the Joint Chiefs of Staff in the years ahead.

Of all the consequences of our commitment to the course of affairs in Southeast Asia, the most disturbing to me has been the derogation of the American military by certain vocal segments of our citizenry. These are the men upon whom so much of our national security depends now and in the uncertain future. More than ever before, we need a man of wisdom and calm judgment to represent them in the Government, before this Congress, and before the American people.

Mr. President, the times ahead demand that the men best equipped and most experienced come forth to help us shape our course into the perilous future. The President of the United States has put before us the nomination of such a man as Chairman of the Joint Chiefs of Staff. I urge my colleagues to

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join me in consenting to the nomination of Adm. Thomas H. Moorer for that position; he is the obvious choice.

Mr. GOLDWATER. Mr. President, how much time have I now remaining?

The PRESIDING OFFICER. The Senator from Arizona has 30 seconds remaining.

Mr. GOLDWATER. I yield 30 seconds to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I wish to join in the accolades that have been given to Admiral Moorer today. I am privileged to know Admiral Moorer personally. I think that few persons, if any, have better qualifications to be the Chairman of the Joint Chiefs of Staff.

Mr. JACKSON. Mr. President, I want to express my strong support for Admiral Moorer in connection with his new responsibilities as Chairman of the Joint Chiefs of Staff. This Nation is fortunate to have available for that important office so distinguished a public servant. He richly deserves this position with all he has done and is doing for the country.

I have known Admiral Moorer for many years and followed his distinguished career. As a military officer, he is skilled in his own profession, but there is nothing narrow about his profesionalism. His breadth of training and experience and his sensitivity to the full context in which national security decisionmaking must today proceed have qualified Admiral Moorer as a true military generalist.

As I have watched him over the years, I have concluded that he has the most valuable of all qualities, judgment—the ability to make good decisions in the face of uncertainty.

I will vote for the confirmation of his nomination with enthusiasm.

The PRESIDING OFFICER. Five minutes remain to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, should any of my distinguished colleagues who have taken exception to my motion desire any of my time, I shall yield to them, because I wish to make my final remarks brief and to the point.

Of course I join in the high admiration that other Senators have just expressed for Admiral Moorer. And I wish to say concerning my vote in committee and the vote that I shall cast in a few minutes in the Chamber in opposition to the nomination, that I hold such Senators as the chairman of the Committee on Armed Services (Mr. Stennis), the Senator from Missouri (Mr. Symington), the Senator from Arizona (Mr. Goldwater), and the Senator from Oregon (Mr. Hatfield), in the highest respect. It is a fact that in the Committee on Armed Services mine was the only voice that expressed any hesitancy regarding the nomination.

Of course Admiral Moorer has a distinguished record in the service of his country. He has merited every promotion he has received and every high position he has held.

The distinguished Senator from South Carolina (Mr. Thurmond) said it is unbelievable that anyone would oppose this nomination unless he has a grudge against the military. Well, I never assail the motives of any Senator. But as one who served in the armed services of our country in World War I and in World War II, most of that time as a serviceman who never attained higher rank in the Army of the United States than lieutenant colonel. I, of course, yield deference, devotion, and admiration to any great serviceman in the Navy who attains through his own efforts, intelligence, and record the rank of admiral. I have never expressed any lack of belief in the competency of Admiral Moorer, and I shall not do so. He is an outstanding admiral in our Navy.

But I base my objection principally on answers to a number of questions I asked of Admiral Moorer.

Captain Herrick was the commanding officer of the *Maddox* and of the *Turner Joy*. At one time he stated that he considered that a continuance of the patrol presented an unacceptable risk. One question I asked was: Is it not a fact that Captain Herrick did make such a report at one time? Admiral Moorer spoke about this report, and he emphasized that the *Maddox* was on a routine patrol. It was disclosed as a result of my inquiry, and it is disclosed now, that the *Maddox* and the *Turner Joy* were on an intelligence-gathering mission in the Gulf of Tonkin. That may be considered by naval officers to be a routine patrol. But to me, a civilian who once was a private and later an officer in uniform, that does not mean intelligence collecting.

I wish my vote to be recorded in the negative when the roll is called, though I realize, Mr. President, that there will be very few if any other "nay" votes.

The PRESIDING OFFICER (Mr. Bible). All time has expired. The question is, Will the Senate advise and consent to the nomination of Adm. Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. Byrd), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Dodd), the Senator from Georgia (Mr. Russell), the Senator from Virginia (Mr. Byrd) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Illinois (Mr. Smith) and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from Nebraska (Mr. Curtis) is necessarily absent to attend the funeral of a friend.

The Senator from Florida (Mr. Gurney), the Senator from California (Mr. Murphy), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Mathias) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. Cook), the Senator from Nebraska (Mr. Curtis), the Senator from Florida (Mr. Gurney), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Smith), and the Senator from California (Mr. Murphy) would each vote "yea."

The result was announced—yeas 78, nays 2, as follows:

[No. 157 Ex.]

YEAS—78

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Griffin
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—2

McCarthy
Young, Ohio

NOT VOTING—20

Byrd, Va.
Cook
Cotton
Curtis
Dodd
Fulbright
Gravel
Gurney
Hartke
Kennedy
Mathias
Montoya
Mundt
Murphy
Russell
Scott
Smith, Ill.
Stevens
Tydings
Yarborough

So the nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I call up the nomination of Adm. Thomas H. Moorer to the rank of admiral.

The PRESIDING OFFICER. The nomination will be stated.

The bill clerk read the nomination of Adm. Thomas H. Moorer, U.S. Navy, to be admiral.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PRESIDENT NIXON'S ADDRESS ON ECONOMIC POLICY AND PRODUCTIVITY

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the address by President Nixon on economic policy and productivity.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF THE LIVE RADIO AND TELEVISION ADDRESS BY THE PRESIDENT ON ECONOMIC POLICY AND PRODUCTIVITY

Good afternoon, my fellow Americans:

Today I would like to share my thoughts with you on three subjects that reach into the homes and pocketbooks of every family: your job, your income and your cost of living.

Specifically, I shall announce actions that will help to move us ahead more quickly toward our goal of full employment, economic growth and reasonable price stability.

Let us begin by recognizing these facts:

The American economy is the strongest in the world. This year, the number of Americans who have jobs is the highest in our history. Even allowing for taxes and inflation, the average real income of Americans is higher this year than ever before, in part because of the increase in Social Security benefits, and the reduction of the tax surcharge, which will end entirely this month.

In the light of that basic economic strength, we can honestly and confidently face up to our current problems.

Unemployment has increased; the price index continues to rise; profits have gone down; the stock market has declined; interest rates are too high.

Today I am presenting a program to deal with these problems.

First we should recognize the causes of our economic difficulties. We must deal with the problems of a nation in transition from a wartime economy to a peacetime economy.

Our economy must consequently make adjustments to two great changes at the same time.

One change is that defense spending is on the way down. For the first time in twenty years, the Federal government is spending more on human resource programs than on national defense.

This year we are spending $1.7 billion less on defense than we were a year ago; in the coming year, we plan to spend $5.2 billion less. This is more than a redirection of resources. This is an historic reordering of our national priorities.

The cuts in defense spending mean a shift of job opportunities away from defense production to the kind of production that meets social needs. This will require adjustment by many employees and businesses.

For example, over 400,000 military and civilian employees have been released in this past year by our armed forces. In that time, cutbacks in defense spending have reduced jobs in defense plants by about 300,000. Taken together, that's almost three quarters of a million people affected by the reduction in defense spending. While many of these workers have found new jobs, it is not hard to see where much of the current increase in total unemployment has come from.

Despite the difficulties of this transition, progress toward a peacetime economy is a good sign for the labor force and the business community. Reduction in defense spending gives us more room in the Federal budget to meet human needs at home, making it possible to build a much more enduring prosperity.

With its trials and with its hopes, a peacetime economy is clearly on the way. We have already brought home 115,500 troops from Vietnam. Our success in destroying enemy supply bases in Cambodia has made it possible for us to go forward with the program for withdrawal of 150,000 more men which I announced in my speech of April 20, without jeopardizing the lives of our men who will be brought home after that.

Our scheduled withdrawal of forces from Cambodia by June 30 will be kept. Our scheduled transition from a wartime economy to a peacetime consumer economy will be kept as well.

While our economy adapts to the reordering of our national priorities and resources, we are undergoing a second great change. We are trying to do something that has never been done before: to avoid a recession while we bring a major inflation to an end.

This Administration took office after a long period in which this nation lived far beyond its means. In the decade of the Sixties, Federal deficits totalled 57 billion dollars, and the American consumer was forced to pay the piper in terms of a rising spiral of prices.

Seventeen months ago, we stood at a crossroads of economic policy. There were four roads open to us—four different directions.

One was the road of runaway inflation—to do nothing about government spending and rising prices, to let the boom go on booming—until the bubble burst. That was the road the nation was taken on in the Sixties, and the people who suffer most along that road are the millions of Americans on fixed incomes.

The road headed in the opposite direction was a possible choice as well: to bring on a major recession—to "put the economy through the wringer," as some suggested.

That would abruptly stop inflation, but at a cost in human terms of broken careers and broken lives that this nation must never again have to pay.

A third choice was the route of wage and price controls. That would lead to rationing, black marketing, total Federal bureaucratic domination, and it would never get at the real cause of inflation.

That left a fourth choice, to cut down the sharp rise in Federal spending and to restrain the economy firmly and steadily. In that way, prices would slow their rise without too great a hardship on the working man, the businessman and the investor. That was the road or responsibility. That is the road we chose, and that is the road we are continuing on today.

Because we are concerned with both prices and jobs, we have put the brakes on inflation carefully and steadily.

This did not mean that inflation could end without some slowdown in the economy. But we were willing to make a trade—to sacrifice speed in ending inflation in order to keep the economic slowdown moderate.

At the outset of our fight against inflation, we pointed out that it would take time to relieve the heavy spending pressures on the economy; after that beginning, it would take more time to see those reduced pressures result in a slowdown in price rises.

Many people wonder why we are easing some of the restraints on the economy before we have seen dramatic results in slowing down the rise in the cost of living. Why, they ask, don't we keep on with all our measures to hold down the economy until price rises stop completely?

Let me put it this way: It is a little like bringing a boat into a dock. You turn down the power well before you get to the dock and let the boat coast in. If you waited until you reached the dock to turn down the power you'd soon have to build yourself a new dock or a new boat.

In the same way, we're heading for the dock of price stability: We have to ease up on the power of our restraint and let our momentum carry us safely into port.

That's why our independent central banking system has seen fit to ease up on the money supply lately. That is why I relaxed the cutback on Federally-assisted construction projects, and why I have not asked for a new surtax.

These actions are not a signal that we are giving up our fight against inflation; on the contrary, they mean that there was already enough power applied to reach the dock and now we had better make sure we don't damage the boat.

The Federal Reserve's monetary policy, which permitted no growth in the money supply at all in the second half of 1969, has now been relaxed. In the past six months, the money supply has grown at a rate of about 6% a year.

The chairman of the Federal Reserve System has assured the nation that there will be enough money and credit to meet future needs, and that the orderly expansion of the economy will not be endangered by a lack of liquidity.

I'm not asking anyone to put on rose-colored glasses. We are well aware of the forces working against us.

To make sure the coming upturn will not be the kind that brings on a new surge of inflation, we have gained control of the runaway momentum of Federal spending—the spending that triggered the rise in prices in the first place.

In the three years before this Administration took office, Federal spending rose an average of 15% a year—the sharpest rate of increase since the Korean war. In the current fiscal year, we slashed that rate of increase in half, to 7%. And in the coming year, we intend to cut that rate of increase in spending by half again.

This required some hard decisions—including the veto of a popular appropriations bill—but it was vital to win that battle to hold down spending so that we could ultimately hold down prices. We are winning that battle, but we cannot let up now.

I am convinced that the basic economic road we have taken is the right road, the responsible road, the road that will curb the cost of living and lead us to orderly expansion.

However, we must face up to some difficult problems. The momentum of four years of inflation was stronger than had been anticipated. The effect on unemployment is greater than we foresaw. The pace of our progress toward price stability and high employment has not been quick enough.

This does not mean that we now should abandon our strategy. It does mean that we must pay heed to economic developments as we move along and adjust our tactics accordingly.

While relying basically on continued moderation in general fiscal and monetary policies, I think it is now necessary and timely to supplement them with several more specific measures.

Here are the actions I am taking to speed up the fight against inflation:

First, I shall appoint a National Commission on Productivity with representatives from business, labor, the public and government.

In general, productivity is a measure of how well we use our resources; in particular, it means how much real value is produced by an hour of work. In the past two years, productivity has increased far less than usual.

In order to achieve price stability, healthy growth and a rising standard of living, we must find ways of restoring growth to productivity.

This Commission's task will be to point the way toward this growth in 1970 and in the years ahead. I shall direct the Commission to give first priority to the problems we face now; we must achieve a balance between costs and productivity that will lead to more stable prices.

Productivity in the American economy depends on the effectiveness of management; the investment of capital for research, development and advanced technology; and most of all on the training and progressive spirit of 86 million working Americans.

To give its efforts this proper base of understanding, the Commission will this summer bring together leaders of business, labor, government and the general public to meet in a special President's Conference on Productivity.

Second, I have instructed the Council of Economic Advisers to prepare a periodic Inflation Alert. This will spotlight the significant areas of wage and price increases and objectively analyze their impact on the price level. This Inflation Alert will call attention to outstanding cases of price or wage increases and will be made public by the National Commission on Productivity.

Third, I am establishing a Regulations and Purchasing Review Board. All government actions will be reviewed to determine where Federal purchasing and regulations drive up costs and prices; our import policy will be reviewed to see how supplies can be increased to meet rising demand, without losing jobs here at home.

Let me specifically spell out what I will do and what I will not do. I intend to help focus the attention of business and labor on the need for increased productivity. This is the way for them to serve their own interest while serving the public interest. This is the only way to make sure that increases in earnings are not wiped out by the rising cost of living.

This Administration, by its spending restraint, has set the example in the past year; we believe we have now earned the credentials to call for similar restraint from business and labor to slow down inflation.

Now is the time for business at every level to take price actions more consistent with a stable cost of living, and now is the time for labor to structure its wage demands to better achieve a new stability of costs.

The fight against inflation is everybody's business. If you act against the national interest; if you contribute to inflation in your price or wage demands—then you are acting against your own best interests and your customers' best interests, and that is neither good business nor good bargaining.

If businessmen and workingmen are willing to raise their sights by lowering their demands—they will help themselves by helping to hold down everybody's cost of living.

I believe there is a new social responsibility growing in our economic system, on the part of unions and corporations. Now is the time for that social concern to take the form of specific action on the wage-price front.

Now, here is what I will not do:

I will not take this nation down the road of wage and price controls, however politically expedient they may seem.

Controls and rationing may seem like an easy way out, but they are really an easy way in to more trouble—to the explosion that follows when you try to clamp a lid on a rising head of steam without turning down the fire under the pot.

Wage and price controls only postpone a day of reckoning, and in so doing they rob every American of an important part of his freedom.

Nor am I starting to use controls in disguise. By that I mean the kind of policy whereby government makes executive pronouncements to enforce "guidelines" in an attempt to dictate specific prices and wages without authority of law.

I realize that there are some people who get satisfaction out of seeing an individual businessman or labor leader called on the carpet and browbeaten by government officials. But we cannot protect the value of the dollar by passing the buck. That sort of grandstanding distracts attention from the real cause of inflation and can be a dangerous misuse of the power of government.

The actions I have outlined today are well within the powers of the President. But there are other actions that the President cannot take alone.

This is not the time for the Congress to play politics with inflation by passing legislation granting me standby powers to impose controls on wages and prices. The Congress knows I will not impose controls because they would do far more harm than good.

This is the time, however, for Congress and the President to cooperate on a program specifically addressed to help the people who need help most in a period of economic transition.

Here is that program:

First, to provide more help now to those workers who have lost jobs, I urge the Congress to pass legislation I proposed nearly a year ago to expand and strengthen our unemployment insurance system. This legislation would cover almost five million more people who lack this protection now, and the system would be made more responsive to changing economic conditions. In addition, individual States would be eligible for expanded Federal support if they passed complementary legislation to lengthen the time a person out of work could receive benefits.

Second, to help those in need of job training, I urge the Congress to pass the Manpower Training Act which provides an automatic increase in manpower training funds in times of high unemployment. I submitted this proposal to the Congress ten months ago. I ask for full appropriation for the Office of Economic Opportunity and I request the Congress to provide at once a supplemental budget of $50,000,000 to provide useful training and support to young people who are out of school for the summer months.

Third, to further protect the small investor, I support the establishment of an insurance corporation with a Federal backstop to guard the investor against losses that could be caused by financial difficulties of brokerage houses. While it does not affect the equity risk that is always present in stock market investment, it will assure the investor that the stability of the securities industry itself does not become cause for concern.

Fourth, to relieve the worries of many of our older citizens living on fixed incomes, I urge the Congress to pass my proposal to tie Social Security benefits to the cost of living. This proposal, passed by the House and awaiting Senate action for the past month, will keep the burden of the fight against inflation from falling on those least able to afford it.

Fifth, to stimulate an industry bearing the brunt of high interest rates, I strongly supported the Emergency Home Finance Act of 1970. This would attract as much as six billion dollars into the housing market in the coming fiscal year. More than a third of a million families need this legislation for home financing now; the resulting new construction of more than 200,000 houses will also help provide many new jobs. I urge the House to act promptly on the housing bill passed unanimously by the Senate, and awaiting action for three months in the House.

Sixth, to help the small businessman who finds it difficult to get necessary credit, I have asked the Congress for greater authority for the Small Business Administration to stimulate banks and others to make loans to small businesses at lower interest rates. I submitted this legislation to the Congress three months ago.

Seventh, to strengthen our railroad industry, I am asking for legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties. I am also urging the independent Interstate Commerce Commission to give prompt attention to the urgent financial problems of this industry.

And finally, to curb inflationary pressures throughout our economy, I call upon the Congress to join me in holding down government spending to avoid a large budget deficit. This requires a new restraint on spending programs and the passage of the revenue-producing proposals I have already made.

There is an old and cynical adage that says that in an election year, the smart politician votes for all bills to spend money and votes against all bills to raise taxes.

But in this election year of 1970, that old adage cannot apply. The American people will see through any attempt by anyone to play politics with their cost of living. Whenever a member of Congress displays the imagination to introduce a bill that calls for more spending, let him display the courage to introduce a bill raising the taxes to pay for that program.

Long before the art of economics had a name, it was called "political arithmetic." The American people expect their elected officials to do their political arithmetic honestly.

The actions I have taken today, together with the proposals I have made, are needed now to help us through this time of transition.

I believe this is the right program at the right time for the right purpose. There is no more important goal than to curb inflation without permitting severe disruption. This is an activist administration, and should new developments call for new action in the future, I shall take the action needed to attain that goal.

Before I close today, I would like to give you a broader view of the significance of what is happening in the American economy.

We have more at stake here than a possible difference of one or two tenths of a percentage point in the price level in 1970. All of us have to make decisions now which will profoundly affect the survival of a free economic system throughout the world.

Industrial countries around the world all face the problem of inflation. By solving our problem here without throwing away our freedom, we shall set an example that will have great impact on the kind of economic system others choose.

Our free economic system has produced enormous benefits for the American people. The United States, with 10% of the free world's population, produces 40% of the free world's output. We did not gain that production power by shackling our free economic system.

The average American has the highest real per capita disposable income in the world, and it is higher today than ever before in our history. He did not reach that height by turning over his economic freedom to the government.

In the next five years, and in real terms, the American consumer will be able to buy almost 20% more than he does today. To reach that attainable goal, we need no artificial dependence on the production of the weapons of war—on the contrary, we will all share much more fully in a peacetime prosperity.

As I see it, prosperity is not a period of good times between periods of hard times—that's false prosperity, with people riding high but riding for a fall.

Nor is prosperity a time when the well-to-do become better off while everyone else stays

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the same of falls behind—that's partial prosperity, and it only widens the gap between our people.

The true prosperity that I envision offers a new fairness to our national life.

We are working toward a system that will provide "job justice"—open and equal opportunity for every man and woman to build a good career.

We are working toward a system that replaces the old ups and downs with a new steadiness of economic growth within our capacity to produce efficiently.

We are working toward a system that will deliver a higher standard of living to a people living in peace.

That is the hope offered by a modern free enterprise system—not managed by government and not ignored by government, but helped by a government that creates the climate for steady, healthy growth.

As we move forward into a peacetime economy, I am confident that we will achieve the only kind of prosperity that counts—the prosperity that lasts, the prosperity that can be shared by every American.

Mr. JAVITS. Mr. President, if we could have 3 minutes, I would like to yield to the Senator from Illinois (Mr. PERCY) and the Senator from Kansas (Mr. DOLE). I just want to make a very brief comment on the President's economic address.

Within the policies the President has set for himself, the economic speech gives and also seeks some real action on the inflation-recession front. I believe, of course, that until we know we are on the way out of Vietnam quite promptly, we really cannot make any major change in the economy. The President has not given us any drastic medicine, but I do welcome his emphasis on productivity, which is really the core of American strength, and I hope that he will now instruct the Treasury to match his words on the appointment of a highly desirable commission with a revision and modernization of the depreciation schedules for equipment.

Finally, Mr. President, as the ranking minority member on the Joint Economic Committee, I express great satisfaction that the President has adopted our incomes policy and will cause to be published periodically—that is, every month—the implications of wage and price decisions having a major inflationary impact.

I now yield to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, the President has issued a challenge to Congress.

I, for one, accept that challenge with respect to the economy of the country. Its importance cannot be overemphasized.

First, I pledge to do everything within my power to expedite the passage of any measure affecting the economy of the country.

This morning, we finished hearings on the Small Business Administration legislation which was advanced by the President, and we will try to move it forward in the Committee on Banking and Currency and bring it to the floor of the Senate as quickly as possible.

Second, I renew the pledge I made several months ago, that I will not introduce any spending measure that goes beyond the Director of the Bureau of the Budget's level or the administration's budget level without showing how other cuts can be made to offset these additional expenditures or how increased revenues can be brought in.

Third, I renew my pledge to bring to the floor of the Senate, from time to time, cuts in the proposed 1971 fiscal year budget. These cuts could total $4 billion to $5 billion, so that we can have a balanced budget in fiscal 1971.

I fully support the President's decision not to propose wage and price controls. I think that would be self-defeating, as they could not be enforced.

I am very much pleased, indeed, that the President did accept the proposal advanced by the distinguished Senator from New York (Mr. JAVITS) and the other Republican Senators on the Joint Economic Committee to have the Council of Economic Advisers publicize the implications of wage and price decisions or proposals advanced by companies and unions.

The moral persuasion of the Presidency should be behind any unconscionable increase in wages or prices. The pressure of the moral persuasion of the President should be enough to advance the national interest without the necessity for wage and price controls.

Increases in productivity are the only real way for wage increases to be earned. That is the only way we can insure that unnecessary price increases not be enacted. This is the way to increase real income and not by phony inflationary increases, as we have seen over the past 3 years.

I thank the Senator from New York for yielding to me.

Mr. DOLE. Mr. President, in listening to the President's speech this noon, I was pleased to note his general tone of confidence in the state of the economy and, at the same time, his willingness to face up to its problems.

It was a realistic speech, neither overly optimistic nor overly pessimistic.

Even more importantly, it was a speech that told the American people again that President Nixon is prepared to meet our domestic challenges in the same way that he meets challenges abroad—with courage and a hardheaded toughness that augers well for our country in the years ahead.

Like the President, I am convinced that we have taken the right road and the responsible road in restoring stability and noninflationary growth to the economy.

But, like him, I am also convinced that there are other steps that must be taken to insure that we obtain that stability.

I think that the President has recommended and proposed some worthwhile actions.

The National Commission on Productivity is certainly a step toward involving all parts of the economy in the effort to make it work properly.

An inflation alert will certainly point the finger at the hot spots in the economy and this must be done.

The Regulations and Purchasing Review Board will certainly help hold Government spending down and thus help hold inflation down.

All of these are worthwhile steps the President can take.

But he has also recommended steps the Congress can take alone. I hope that we will do so. The state of the economy is everybody's business. Inflation and recession alike affect us all.

It is up to all of us to do what we can to combat these twin economic evils.

The President is doing his part. I hope that we will do ours.

ADDITIONAL STATEMENTS OF SENATORS

THE MOST "INVOLVED" NURSE

Mr. MANSFIELD. Mr. President, the American Nurses Association several weeks ago honored their most "involved nurse" at their convention in Florida. Montana is indeed proud that this year's honor goes to Miss Audra Pambrun, a member of the Blackfeet Indian Tribe.

Miss Pambrun is the director of community health aids for the Office of Economic Opportunity community action program in Browning. Miss Pambrun is a devoted public servant and is most deserving of this recognition. The June issue of Hospital Management contains an interesting article on this year's award winner. Interestingly, the editor of Hospital Management is a former resident of Montana, having been born in Glendive.

Mr. President, I ask unanimous consent to have this article by Vernon Spencer printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOSPITAL MANAGEMENT SALUTES AWARD WINNER MISS AUDRA PAMBRUN, R.N., AS AMERICAN NURSES' ASSOCIATION MOST "INVOLVED" NURSE

(By Vernon Spencer, F.A.C.H.A., F.A.P.H.A. and Raymond B. Becich)

(EDITOR'S NOTE.—The basis for this story began the last week of February, 1970, when a brief article in Glendive, Montana's *The Ranger-Review* announced that Miss Pambrun had been selected from nine Montana nominees named by the Montana Nurses' Association to enter the national contest at Miami, Florida, May 3–8, 1970. Writing the story became truly national in scope with Mr. Becich doing the preliminary interviewing and writing in Montana followed by telephone interviews in Chicago, Florida, Washington, D.C., and New York City. We are proud to present this brief profile of an outstanding young nurse who has distinguished herself of the unselfish motivation and personal involvement with the community health of her fellow Blackfeet Indians. We wish, particularly, to thank Miss Ann Warner, American Nurses' Association, for her invaluable help in gathering many of the facts for the article.)

Miss Audra Pambrun, a member of Montana's Blackfeet Indian Tribe, became the first winner of the national award sponsored by the American Nurses' Association (ANA) for the registered nurse giving the most exceptional performance in improving either the health, social or economic climates of the community.

The award was financed by the Schering Corporation and presented by Mr. Joseph J. Ingolia, vice president and general manager of Schering Laboratories, at the American Nurses' Association national convention in Miami, Florida, on May 6, 1970.

Miss Pambrun, the director of community health aides for the Office of Economic Opportunity's Community Action Program in

Browning, Montana at the edge of Glacier National Park, received $2,000. She immediately stated she was donating one-half of the award to Montana's first class intervention center which she originated in May, 1969, as a result of her concern for the high suicide rate among the Blackfeet Indian youth. The center is manned by aides trained and supervised by Miss Pambrun.

"Suicide on this million and a half acre reservation is devastating," Miss Pambrun said. "The Blackfeet Tribe, of which I am a member, consists of approximately 13,000 Indian Americans, about 6,000 of whom live on the reservation. One-half of the population on the reservation is under 20 years of age. Suicide is primarily among those from 12 to 21 years of age with those 15 to 17 years of age being the critical group. This reservation shows an almost 47 percent higher rate than the official national rate for suicide."

Miss Pambrun is responsible for a territory of 1,500,000 acres with a caseload of 7,000 Blackfeet Indians. Every month, she drives 2,000 miles to visit at home with at least 50 families. She has trained local people, mostly Indians, to work as community aides. She and her aides visit practically every home on the Blackfeet reservation to help in such services as transportation to the reservation hospital for inpatient and outpatient care, housing repair and sanitation.

Miss Pambrun's crisis center intervenes in crises of all types and everyone contacting the center is seen by some trained person, *i.e.*: a clergyman, a psychiatrist, a nurse. She stressed that the average life-span of the Blackfeet Indians is only 45 years of age as a result of their hazardous living conditions. Thus, she has given her crisis center four priorities: Mental Health, Accident Prevention, Maternal and Child Health, Geriatric Health.

"Suicide among Indians of the past was never a problem; it was unheard of," Miss Pambrun emphasized. "Today, the problem is of an extreme nature. The potential suicides relate that they can not cope with the conflict between their Indian culture and the so-called mainstream American culture which surrounds them. Indians, as with all minority groups, have a deeply imbedded desire to prove themselves whole men and to be successful without ceasing to be Indian. An overall consideration of this problem leads one to believe that the issue is that of identity. The Indian youth lacks real examples of Indians functioning in successful roles and knowledge of his past, great leaders."

After Miss Pambrun was named the national winner in the ANA BE-IN-volved Nurse Search, she began a whirlwind tour on her first trip to the Eastern United States. On May 13, she was the personal guest of Mrs. Richard M. Nixon at the White House where Miss Pambrun showed Mrs. Nixon a recruitment poster and a color motion picture that will be the focal point of a nationwide campaign to improve health services. The poster and motion picture were produced for the ANA by the Schering Corporation. Miss Pambrun proudly revealed that, "Mrs. Nixon is a very gracious lady and she knew a great deal about nursing. She took us on a tour through the White House gardens and I was very thrilled."

The following day, Miss Pambrun was touring New York City where she was featured on NBC's *The Today Show*. Hugh Downs referred to her as "The Florence Nightingale of the Frontier." Mr. Downs said, "This is the 150th anniversary of Florence Nightingale's birth and great nurses, such as Audra Pambrun, personify the Florence Nightingale tradition. I am proud to salute a lady who frequently has nursed the sick in wards where there is only sky for a roof and earth for a floor. . . ."

As this salute goes to press, Miss Pambrun returns to her native Montana where Saturday, May 16, 1970 was declared "*Audra Pambrun Day*" for the entire state of Montana by its Governor, Forrest Anderson.

MICHIGAN VIETNAM VETERAN'S VIEWS ON U.S. ROLE IN ASIA

Mr. GRIFFIN. Mr. President, the Muskegon Chronicle of Thursday, June 4, 1970, contains a most thoughtful article written by Kenneth J. Rop, of Muskegon, a veteran of the Vietnam war.

I ask unanimous consent that the article by Mr. Rop, now a graduate student in international affairs at George Washington University, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EX-RESIDENT FEELS THE UNITED STATES ABOUT TO FORSAKE FREEDOM

(By Kenneth J. Rop)

(NOTE.—Kenneth J. Rop, a former Muskegonite who served in the Peace Corps and is a veteran of the Vietnam war, writes in this article his "voice of concern" for America. He is now residing in Arlington, Va., and is a graduate student in international affairs at *George Washington University*.)

I am writing this in the hope that perhaps—amidst the flurry of student protest and senatorial rhetoric—a voice of concern may somewhere find expression in the media.

Since leaving Muskegon, I have served with the Peace Corps in Africa, I have been in Czechoslovakia and on the other side of the Berlin Wall and I have served in the military in Vietnam.

I can sympathize with American students who find their lives disrupted by the conflict in Asia. I can sympathize with and support the black man in his struggle for justice and equality. But I cannot help but feel that America is about to take the wrong road in the course of history. I cannot help but feel that America, while turning toward her domestic difficulties, is about to forsake the cause of freedom in the world that lies beyond her national frontiers. As I walk down the streets of my campus, I see windows smashed, posters and paint splatted on buildings, and a private automobile burned out. I hear voices calling the President of this country a liar, a man with a mental and moral void, a "fascist pig," and a "f . . . ing imperialist." Yesterday I overheard a gathering of very young undergraduates discussing the best course toward achieving a revolution in America that would bring us up to the standards of Fidel Castrc and Mao Tse-tung (albeit a very small group of students).

Amidst all these cries of outrage, I recalled that time in 1965 when I passed through Checkpoint Charlie into East Berlin. I recalled the barrier gates, the brick walls, the barbed wire, the tank traps, the East German guards looking down from windows with the menacing muzzles of their machine guns aimed at that small breach in the wall. But, most of all, I remember a large poster on the wall of a West Berlin building that faced directly into the east. On that poster was the photograph of a young East German hanging from the barbed wire with his life's blood flowing to the ground. The words of that poster were a simple, defiant, "Freedom Shall Not End Here." I recalled, too, those Vietnamese Christians who fled the North in 1954 in order that they might find sanctuary—sanctuary to live their lives and worship their God without fear of repression and terror. I recalled the Cubans among whom my wife works as a Public Health nurse, who chose to leave Castro's "paradise" with nothing but the clothes upon their backs, in refugee planes, in small boats, in trucks crashing through the gates of Guantanamo under a hail of gunfire. I recalled the pictures of bloody Budapest in 1956 and the anguish of Czechoslovakia in 1968 as well as the many bodies floating down the river from Canton to Honk Kong not long ago.

I asked myself whether the protest here did have a point—that we should concentrate on our internal problems, that we should seek justice for our minorities at home and not expend our treasure in Southeast Asia. I came to the conclusion that the motives were valid . . . that the young were, indeed, genuinely concerned. But more than that, the feeling struck me that if I showed grief, shock, and outrage over the fate of Martin Luther King, then I must show that same grief, shock, and outrage over the fate of the young German in his death throes only inches from precious freedom. That young German also had a dream . . . a dream not far different from that of Dr. King. If Martin Luther King is my brother, then that young lad is also my brother. Is not this world of advanced technology so small that every man is, indeed, a brother? But now you ask me to choose between one brother and another. How do I choose? Do I make the choice on the basis that one lives in Muskegon and the other, perhaps, in Saigon? Do I make the choice on the basis of the nationality stamped on a man's passport? Do I choose the one who lives down the block or the one who, by a stroke of fate, lives many miles away?

It is evident that to assume the responsibility to help both brothers is going to demand sacrifice on our part. But has not the defense of justice and liberty always exacted the price of sacrifice? Has this not been so for Americans since that very day when a little band of men assembled on the green at Lexington? And is not the greatest sacrifice the one that is made unselfishly to help another? I am leery of the argument that Vietnam is not in our national security interests. After all this time are we now to sink again into the narrow confines of "national security interests"? Is there never to be a higher motive than self-interest in this bleeding world? How easy it is to sell the freedom of another in order to seek one's own domestic well-being. If we walk out on our Asian brothers, for example, how easy it will be, when the chips are down, to walk out on a brave, little Israel—fighting only for a chance to survive. Someday we may even find it easy to walk out on each other! How utterly perplexing that some of our own leaders and some of our European allies castigate us for our efforts in Vietnam while they sit comfortably under the protective shade of American military strength.

An American abdication of our role in Southeast Asia will not cause the menace of totalitarianism to fade mysteriously away. It will not stop the flow of blood, the communist system thrives on blood. It eliminates all those with unorthodox views and molds the remaining ones into pitiful remnants of true human spirit. It atomizes society and controls the isolated individual through the threat of terror. It puts a wall between us and the millions trapped behind it. Unfortunately, the state of weapons technology does not allow us to help a Hungary or a Czechoslovakia without risking the consequences of a nuclear holocaust. All we can do is hope that the heart of the movement in Moscow and Peking will rot and disintegrate. But we can strive to prevent the fall of additional millions before this creeping infection. We can, like John F. Kennedy, stand tall and proclaim that we, too, are not just Americans, but also Berliners!

If, perhaps, some of those nations that we term "free" appear to be authoritarian, as has been the case with the Thieu regime in South Vietnam, we must remember that democracy is not something that is easily fabricated in an underdeveloped country, especially one that is torn by war. But at least, with the vital advantage of true national independence, these peoples have a fighting chance to build an egalitarian society. This is not so for those supposedly "independent" states in the communist world. Czechoslovakia and the Brezhnev Doctrine spelled that out very clearly. Much has been made over the "independence" of North Vietnam from Communist China. But do you imagine that Peking would be willing to see a transformation of North Vietnamese society any more than Moscow was able to countenance such actionisms in Prague?

If we step aside, then every chunk torn out of the Free World will also be turned out of the soul of America. As the greatest of the free nations, we, like Pontius Pilate, will be unable to really and truly wash the blood off our hands.

NEW YORK CASE ILLUSTRATES ABUSIVE USE OF UNION FINES

Mr. ERVIN. Mr. President, for more than a year now the Committee on Labor and Public Welfare has had pending before it a bill introduced by me and Senator FANNIN to amend the National Labor Relations Act to make it an unfair labor practice for any labor organization to impose any fine or other economic sanction against any person for exercising his right not to engage in concerted activities or for invoking any process of the National Labor Relations Board.

A case from the State of New York has recently come to my attention which I feel points up vividly why S. 1946 should be approved by committee and sped to the floor of the Senate for our consideration.

That case involves fines of $3,000 levied by the International Association of Machinists and Aerospace Workers, AFL-CIO, customarily referred to as the IAM, against three of its members who were employed by the airlines in New York. I would like to review briefly the facts of that case as I understand them.

The three defendants in the case were members in good standing of IAM's Lodge 1894 which has a union shop agreement with the airlines at LaGuardia and Kennedy airports in New York. In fact, two of them were elected to positions in the union. They understood the import of their membership and participation in the union and of its role as bargaining agent for the airline employees.

However, the three defendants apparently ran afoul of the union leadership back in 1962 when they participated in the formation of a rival group, the Aircraft Mechanics Fraternal Association—AMFA. That organization made application for craft separation from the IAM, but the National Mediation Board turned it down.

About 5 years later, the defendants participated in a move by AMFA to replace IAM as bargaining agent for the mechanics working for National Airlines in New York.

It seems to me that under the statutory process of the labor laws, such activities would clearly fall under the right of employees to move for decertification of a union that has become unresponsive to its members. As I understand facts of this case, the three airline mechanics thought the AMFA would be more responsive to their needs than the IAM, and consequently they took action to win recognition for the new group.

The IAM, however, equated this action to "treason" and brought charges against the three men for participating in dual unionism. The allegations were that the three men tried to destroy the IAM local while they held office in it. The men were tried by the union in accordance with procedures set out in its constitution. They were adjudged guilty and the fines were imposed. The defendants refused to pay the $3,000, and although the union made no attempt to interfere with their employment or cause their discharge, it did bring suit in the New York State courts to collect the fines.

Unfortunately, the law as it now stands would allow this court action, and the mechanics may yet be forced to pay the fines. Under the NLRB's infamous Allis-Chalmers ruling, which was upheld by the U.S. Supreme Court, unions may sue in the State courts to collect such fines. The Board and the Court reasoned in Allis-Chalmers that the Taft-Hartley Act did not apply to a union's internal affairs, and that union fines were internal matters which did not violate the "coerce or restrain" prohibition of Taft-Hartley. S. 1946, which would prohibit union fines, is designed to correct this indefensible reasoning and restore the true intent of Taft-Hartley to protect the rights of employees. The Allis-Chalmers decision reduced the status of any individual union member from that of a substantially free man to that of a union puppet.

We must remember that labor organizations operating under union shop agreements are not voluntary associations. Prof. Clyde W. Summers, a member of the Yale University Law School faculty and a noted authority on labor law, dealt succinctly with this problem in "Union Democracy and Union Discipline," NYU 5th Annual Conference on Labor 443, 459–460 (1952):

> A union, however, is not a voluntary association. A worker does not have a free choice whether he shall come within its power, nor can he readily escape its reach. The union as bargaining agent represents all employees in the unit, whether they are members or not. It helps determine for each and every one his hours, his wages, his seniority, his vacation and his retirement. A worker does not voluntarily submit himself to its control, but is bound by its decision regardless of his choice. His only escape is to quit his job and seek work elsewhere—and be governed by another union! Unions are not only involuntary associations but obtain a substantial measure of their compulsory jurisdiction over individuals from the law itself. Labor relations acts, both federal and state, compel the employer to give the union exclusive bargaining rights, and the individual is legally barred from asserting his independence.

Union-shop agreements are not required by the law; they are permitted by the law. Many unions have been able to rely on voluntarism and not the coercion of compulsion. Others, however, have resorted to union fines and other forms of coercion and restraint to completely negate the rights of their members, rights which have been guaranteed by the Congress in the labor statutes but which have been stomped into nothingness by the unions themselves.

The bill S. 1946 would go a long way toward restoring the rights of employees to insist that their unions be responsive to their needs, and it would insure that they be allowed to exercise the rights already written into the labor statutes.

I urge the members of the Labor and Public Welfare Committee to take this bill up and report it favorably in order to give the entire Senate an opportunity to vote for individual freedom.

THE PRESIDENT'S ADDRESS ON THE ECONOMY

Mr. HANSEN. Mr. President, I want to join those who have spoken out in praise of President Nixon's nationwide talk today on the economy.

I found it a realistic speech that faces up to the problems of that economy and offers concrete proposals for meeting those problems.

I was gratified to note that the speech was not political in nature or in tone, but instead recognized that these problems affect all of us and all of us here in the Congress have a duty to help solve them.

I can assure the President he has my support in combating both inflation and the threat of unemployment. And I am confident that with his leadership and his recognition of what must be done, we can keep our economy strong, we can end the inflation without a drastic recession or depression, we can renew our productivity and we can build a healthy and prosperous peacetime economy.

MINNESOTANS OPPOSE VIETNAM WAR

Mr. MONDALE. Mr. President, the tragic escalation of the war in Southeast Asia has been shown by strong disapproval by my constituents. I am interested to see that the White House continues to issue vague statements about public support for this dangerous escapade. There is no doubt about the views of Minnesotans. My mail has been very heavy on the Cambodian invasion and has been running 10 or 12 to one against the President's action.

An excellent letter from a thoughtful Minnesotan was recently printed in the Minnesota Tribune. Mr. Russell points out so well:

> We have serious problems at home that demand our full attention and . . . the time to get out of Vietnam is now—in 1970.

I understand that readers of the Tribune who contacted Mr. Russell were unanimous in their support of his position.

I ask unanimous consent that the text of this perceptive letter to the editor be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EX-NAVY MAN IS FED UP

To the Editor: As a short-haired, middle-aged, conservative, ex-Navy, establishment-

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type Republican, I am getting increasingly fed up with all the generals, politicians and press, radio and TV characters who keep talking about "the enemy" in Vietman, Laos, Cambodia or Thailand.

Whose "enemy"? Certainly not mine. No war has been declared, I don't hate anybody, anywhere in Southeast Asia, and I don't know a single Minnesotan who does. I couldn't care less what kind of government they have, if any.

If a bunch of Asians came over here and tried to tell us how our part of the world should be run, I'd be happy to help throw them back across the Pacific, and I just can't conceive of any self-respecting, patriotic Vietnamese not feeling the same way about half a million Americans trying to play God 10,000 miles from home.

Like us, the Vietnamese, North and South, are perfectly capable of lousing up their own affairs with no "help" from outsiders. After all, they've been successfully fighting off the Chinese for centuries, they finally got rid of both the Japanese and French, and then we crazy Americans had to come over and drop more bombs on their little country than were used by both sides in Europe in all of World War II. With "friends" like that, who needs enemies?

You don't need to visit Expo '70 to figure out that the Japanese, who have led the world in shipbuilding for the last 14 years and know the Chinese can't walk on the water, are again the dominant power in the Western Pacific. Also, you don't need to wear long hair and a beard or be under 30 to realize that we have serious problems at home that demand our full attention and that the time to get out of Vietnam is now—in 1970. As the world's most powerful nation, the initiative is completely ours, nobody can stop us, and no "negotiations" are necessary or desirable, least of all with a fourth-rate power in Paris.

TERRORISM IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, Life magazine for June 12, 1970, contains an article and an interview by Oriana Fallaci with Dr. George Habash, the head of the Popular Front for the Liberation of Palestine. This group is responsible for many acts of terror which have shocked the world, and the nation of Israel in particular. It is a rare opportunity to look behind such violent and seemingly irrational acts to the individual committing them, and this interview is one of those occasions. I commend the article to Senators so that we may better understand the tragedy of the Middle East and, it is hoped, change the tendency toward escalating conflict and polarization in that troubled land.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LEADER OF THE FEDAYEEN: "WE WANT A WAR LIKE THE VIETNAM WAR"

(By Oriana Fallaci)

The man I was facing was responsible for most of the acts of terror the Arabs have committed in Europe. The head of the Popular Front for the Liberation of Palestine: Dr. George Habash, a Christian doctor who until a few years ago was a Schweitzerlike figure running a private clinic with a group of nuns in Amman. This hospital was filled mostly with children and poor old people. Dr. Habash never insisted on being paid and he bought the drugs for his patients out of his own pocket, then slipped them a roll of notes when they were ready to leave. Born rather rich, he used up much of his wealth in this way. He spent nothing on himself: a sterilized white coat over old clothes was all he ever wore, and he slept under a crucifix on a cot in his hospital.

One day the clinic was closed and Dr. Habash disappeared. He had gone with the *fedayeen* to follow the only calling in which he now believed—the pitiless fight for vengeance. It was 1967 and since that day he has given up everything, including his two children and his beautiful young wife whom he had married five years before. He now lives in the *fedayeen* bases that he leaves only at night escorted by a bodyguard.

In any sense, it's a tough life. The *fedayeen* who belong to the Front have no regular salary like those who belong to Al Fatah; at most they got a subsidy of $5 a month and transport every 30 days to visit their families. Their few military bases are ill-equipped and insufficiently supplied; the daily fare is boiled beans, meat once a week if all is well. Any free time left over from military training is filled with study of Marxist and Leninist classics. There is no question that the Palestinian resistance is a socialistic movement aided by China and the U.S.S.R. But the Front is so poor that it doesn't even have a headquarters or a telephone, so a *fedayeen* who joins the Front does not do it for material gains. That would explain why there are only 1,600 or so members.

Yet those 1,600, for ill or for good, are attracting the world's attention with acts of terrorism. "Why?" is what I went to ask Dr. Habash. We met at night in the suburbs of Amman, in a building attached to a refugee camp. The room contained one desk and a few chairs; outside the closed doors, armed *fedayeen* stood guard. Inside there were only four of us: Habash, myself, a photographer and the man who had driven us there. I was sitting behind the desk and Habash sat on a chair in front of me, with his hands resting on his baggy knees, his tired, unshaved face slightly lifted in expectation of my questions. Solidly built, with shoulders like a wrestler, he kept watching me through steady and pained eyes, making it hard for me to attack him. I ask his age, and he said 44. Then he rumpled his gray hair with his fingers, as if to apologize for looking so old, and smiled humbly. But when I asked "Why?" the smile disappeared.

Dr. Habash, the Front specializes in acts of terrorism, many of them carried out in Europe. What right do you have to impose this war on Europeans?

I will explain. Let us start with a premise: in a war one has to establish scientifically who one's enemies are. In this war Israel is not our only enemy. Our enemy is Israel, plus the Zionist movement that controls many of the countries which support Israel, plus imperialism. I mean specifically British imperialism from 1918, and American imperialism from 1948 on. If we had to face Israel alone, the problem would have been almost a simple one: but we have to stand against whoever supports Israel economically, militarily, politically, ideologically. This means the capitalist countries that have conceived Israel and are now using it as a bulwark to protect their interests in Arabia. They include the U.S., and almost every country in Europe.

Let us for a moment leave out Europe, and concentrate on Israel. From an economical and political point of view Israel is an island isolated from its friends and surrounded by enemy lands: Syria, Lebanon, Jordan and Egypt. Its communications with friendly nations can take place only through the air and the sea; therefore it becomes imperative for us to block those avenues. In the future we will take care of maritime communications, aboard ships at the docks or at sea. We have been taking care for some time now of the air routes by striking at the planes of El Al, the Israeli airline. El Al planes are a perfectly legitimate military target: they belong to the enemy, they connect the island of Israel with other shores, and they transport troops and ammunition. They are flown by reserve officers of the Israeli Air Force. In a war it is fair to strike the enemy wherever he happens to be, and this rule leads us also to the European airfields where El Al planes land or take off.

Dr. Habash, you are forgetting that those planes also carry citizens of neutral countries, and that the airfields belong to neutral countries, not Israel. To respect neutral countries is another rule of war.

Aside from the fact that these airfields are always located in pro-Zionist countries, I repeat that we have the right to fight our enemy wherever he might be. And as for the non-Israeli passengers, they are on their way to Israel. Since we have no control over the land that was stolen from us and called Israel, it is right that whoever goes to Israel should ask for our permission. Countries like Germany, Italy, France, and Switzerland, with many Jews among their population, allow their territory to be used as a base for the Jews to fight the Arabs. If Italy, for instance, is a base against the Arabs, the Arabs have a right to use Italy as a base against the Jews.

No, Dr. Habash, Italy is not used as a Jewish base, nor is Germany, France or Switzerland. And you dont's stop with El Al's planes. How far are you planning to go? Do you want to make war on three-fourths of the planet?

No, we don't want to do that. But we have to look at this scientifically and recognize that our revolution is a phase of the worldwide revolution. We ought to be honest and admit that what we want is a war like the war in Vietnam. We want a Vietnam war not just in Palestine, but throughout the Arab world. Palestinians are part of the Arab nation, and what we need is for the whole Arab nation to enter the war; which will occur anyway, within three or four years. By then, if not before, the revolutionary forces in Jordan, Syria and Lebanon will rise to our side in a total war. Our struggle has barely begun, the worst is yet to come. And it is right for Europe and America to be warned now that there will be no peace for them until there is justice for Palestine. There are uncomfortable days ahead for you all, and they will not be too steep a price to pay for the help you extend to Israel. Now that this is clear, let us return to the subject of planes not belonging to El Al. I assume that you refer to the TWA flight we rerouted to Damascus. Well, the United States are a harbor of our enemies, and so they are our enemy too. The plane was hijacked in protest against the American sale of Phantom jets to Israel.

America sells Phantoms to Israel, and Russia sells Migs to Egypt. Don't you think it all evens out in the end? If the Israelis were to hijack planes every time Russian gives weapons to Egypt, we would all be traveling on bicycles. Don't the prospect of triggering a third World War bother you?

To be frank, it doesn't. The world has been using us and has forgotten us. It is time they realized we exist, it is time they stopped exploiting us. Whatever the price, we'll continue our struggle to return home.

The opinion of the world does not concern you?

Obviously we are concerned with world opinion. When it is on your side it means you are in the right, when it's against you it means there is something wrong in what you are doing. But the problem has to be stated differently, because we are interested in public opinion more on the plane of knowledge than on that of emotion. Let me explain: the attacks of the Popular Front are based on quality, not quantity. We believe that to kill a Jew far from the battleground has more of an effect than killing 100 of them in battle; it attracts more attention. And when we set

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fire to a store in London, those few flames are worth the burning down of two kibbutzim. Because we force people to ask what is going on, and so they get to know our tragic situation. You have to be constantly reminded of our existence. After all, world opinion has never been either with us or against us; it has just kept on ignoring us. Since 1917, when the Balfour Declaration was signed, you have ceased to know about us. It is only now beginning to dawn on people that we were chased from our land like rabid dogs. Well, through sabotage we want to remind the world that a catastrophe has taken place here, and that justice must be done. Believe you me, after what has happened to us we have the right to do anything, including what you call acts of terrorism. Where was world opinion in 1917 when the British decided to give a land that was 90% populated by Palestinians as a gift to the Jews?

It was busy, Dr. Habash, with a trifle known as World War I. I assume from your answer that you don't mind making casualties among Europeans. Does it follow that you intend to go on burning our stores, shooting up our air terminals, placing bombs in our mail, and harassing us with terrorism?

When the Jews were doing this sort of thing in Palestine you didn't call it acts of terrorism, but a war of liberation. Of course we will continue to work according to our strategy; in fact we will escalate it. However, we will do our best not to harm Europeans; I swear it upon the head of my children that we are devoting a lot of attention to this problem. Orders to our commandos always emphasize that neutrals should be spared. During the whole of 1969 this order has always been followed, and never has a European lost his life as a result of our operations. Let's take the burning of the London store. It would have been very easy for our *fedayeen* to just throw a couple of bombs and kill a lot of people. He waited till night instead, to avoid causing casualties. It's true that a child was killed in Athens, but the Front had nothing to do with that operation. We are not the only ones to resort to what you call terrorism; you should remember that there are several Palestinian organizations.

Let's change the subject, Dr. Habash, to the countries that are your friends.

Our position is the same as that of the Vietnamese: we are friends with those who are our friends. The goal of our struggle is not only that of restoring the nationhood of Palestine, but to transform it into a socialist state as well. We are nationalist and socialist in equal measure: the Popular Front is a movement that proceeds within the framework of socialist ideology. By 1967 we had understood the undeniable truth, that to liberate Palestine we have to follow the Chinese and Vietnamese examples. There is no escape from this logic, although we have spent a long time thinking about it. Israel is a product of colonialism, colonialism is a product of imperialism, and imperialism is a product of capitalism. Therefore, the only nations we consider to be friendly, the only ones whose planes we spare, are the socialist countries. Our best friend, in fact, is China. China wants Israel erased from the map because as long as Israel exists there will remain an aggressive imperialistic outpost on Arab soil.

How about the Soviet Union?

Obviously the Soviet Union is also a friend, although to a lesser degree. They provide weapons to the Arab nations, or, should we say, to the governments that presently rule the Arab nations. Perhaps it isn't even right to say "to a lesser degree," because we are also very close to the Soviet Union. We don't see the Russians the way the Chinese would like us to see them, and vice versa. Of course we don't appreciate it when the U.S.S.R., in the Security Council of the U.N., presents peace resolutions that are nothing but disguised traps. We don't want peace, we will never agree to any peaceful compromise. And China sees eye to eye with us on this issue.

Do you send your army instructors to be trained in China?

We don't. The Front trains its soldiers by itself, in our camps we teach more than shooting; our recruits, among other things, have to learn Hebrew. Our training is not the same as Al Fatah's.

In fact you don't get along too well with Al Fatah.

We fight on the same side of the barricades. At the same time, our position is very different from Al Fatah's on a variety of issues. To give you an example, we would never accept the money they are getting from reactionary sources; we would never touch money that stinks of American oil. Before, when I listed our enemies to you. I forgot to mention the Arab national states. That was an omission, because if I were to tell you the history of the last 52 years of Palestine, I could show you that the worst obstacles have always been those placed in our path by Arab reactionaries. Like Saudi Arabia, where the majority of oil wells are in American hands. Or Lebanon, with its rotten government. Then there is Jordan, whose king is ready to recognize Israel. And the list could be extended. These are all countries with whom Al Fatah collaborates; but for us to accept money from them would mean to trample on our moral beliefs, to lose our honor. We have been collecting money among ourselves, and if the financial problem becomes crucial we will take money away from those who have it. We will take it, not ask for it. Those who join the Popular Front know that we aren't joking. After all, it is us who give the revolutionary momentum to Palestine, not Al Fatah. The real people, the proletarian masses, follow our lead.

How do you explain the fact, then, that the immense majority of the common people are for Al Fatah, and that you seem to attract mostly intellectuals and bourgeois?

It is true that we aren't numerically strong; at least not yet. But this doesn't give an inferiority complex, because it is not enough to have many proletarians in a party to be a proletarian party. What counts is a proletarian ideology, proletarian program. It doesn't mean anything to have a lot of *fedayeen*, perhaps recruited with money as an incentive: 100 men with clear revolutionary ideas fight better than 1,000 mercenaries. We wouldn't accept many people even if we had the money Al Fatah has; we would continue to hold that the strength of the *fedayeen* is not in their numbers but in their quality. Especially when one is forced to rely on terrorism, as you call it, to wage one's war.

But what is so heroic about setting fire to an old people's home, destroying the oxygen supply of a hospital, blowing up an airplane or a supermarket?

It's guerrilla warfare, a special kind of guerrilla warfare. The main point is to select targets where success is 100% assured. To harass, to upset, to work on the nerves through unexpected small damages. Brute force is out; this is a thinking man's game. Especially when one is as poor as the Popular Front is. It would be silly for us to even think of waging a regular war; imperialism is too powerful and Israel is too strong. The only way to destroy them is to give a little blow here, a little blow there; to advance step by step, inch by inch, for years, for decades, with determination, doggedness, patience. And we will continue our present strategy. It's a smart one, you see; would you really want to fly El Al? I wouldn't. What's the matter, you seem upset.

I am upset.

You are perfectly entitled to dislike what I say, but I can't afford to take your opinions and emotions into account: it would be like trying to do surgery without spilling blood. I am not interested in what you think, even though you might be right, in a way; I am interested only in what my people think. And you should see how my people react to a successful operation! Spirit shoots sky-high. The more you are upset, the more they are encouraged.

Do you ever engage in real military operations? The kind where you risk your lives?

Certainly. Eighty-five per cent of the military activity inside Israel is our doing, not Al Fatah's. We lead almost every attack within the Gaza Strip, and about 50% of those in the rest of the occupied territory. In Gaza we have fought a battle that Moshe Dayan himself has admitted to be the worst of all those that took place in Israeli territory; the battle of the field of Madhazi. And every day a tank gets destroyed somewhere, a soldier is killed, a traitor executed.

I would like to talk now a little about yourself. You were a doctor, your job was to save the lives of people, not to destroy them. You were also a Christian, and your religion was based on love and forgiveness. Do you ever yearn for your past?

I was . . . a Christian, Yes. An orthodox Christian. Yes, I was a doctor, a pediatrician. I enjoyed that very much, I believed I had the most beautiful job in the world. And it is that, you know. Because it is something that involves you completely—brain and emotions both. Especialy with children. I loved to care for children and it has been hard to leave it all behind. Yes, sometimes I do feel a yearning for my past, like the pricking of a pin. But I had to do what I did, and I am not sorry. There was just too much contradiction between my political activity and my work at the hospital. A man cannot spilt his feeling like that: to cure on the one hand, to kill on the other. There is a time when he has to say to himself: it's either or.

Dr. Habash, what made you decide, what produced such a metamorphosis?

What made me decide? It was nothing rational, I'm afraid. For instance, it wasn't Marx; I had read his work already, I had reached his scientific conclusions some time ago. It was more of a feeling. You see, I am used to the sight of physical suffering, but not to that of spiritual pain. I have not gotten used to shame, to injustice. Until 1948 I was an average young man, a typical son of well-to-do parents; the college student who swims, plays tennis, runs around with girls. I was humiliated by the events of 1948, but they didn't affect my life much; I was 22 then, I lived in Lydda, near Jerusalem, and I was spared the fate of the refugees. After getting my degree I buried myself in medicine as the only means of making myself useful to humanity. And also as a means of applying my socialism: I had become a socialist in the last years of college. Then it was 1967 and they [the Israelis] came to Lydda and . . . I don't know how to explain this . . . what this still means for us not to have a home, not to have a nation, or anyone who cares. . . . They forced us to flee. It is a picture that haunts me and that I'll never forget. Thirty thousand human beings walking, weeping . . . screaming in terror . . . women with babies in their arms and children tugging at their skirts . . . and the Israeli soldiers pushing them on with their guns. Some people fell by the wayside, some never got up again. It was terrible. One thinks: this isn't life, this isn't human. Once you have seen this, your heart and your brain are transformed . . . What's the point of healing a sick body when such things can happen? One must change the world, do something, kill if necessary, kill even at the risk of becoming inhuman in our turn. . . . You can't understand us, perhaps you find us despicable: but you'll understand us some day. And you won't despise us then, you will be on our side 100%.

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Dr. Habash's lips began to tremble and his eyes filled with tears, and one of them descended along his nose. What can I add? Human nature is the ultimate mystery, and the boundary between good and evil is such an elusive line. It is a thin thread that sometimes snaps in your hand, just like that.

NORTH CAROLINA GIRL WINS NATIONAL SPELLING BEE

Mr. ERVIN. Mr. President, I was certainly pleased to learn that Miss Libby Childress of North Carolina is the new National Spelling Bee champion. The contest was sponsored by the Washington Daily News and other Scripps-Howard newspapers.

With all the complexities of our society today it is very refreshing to see a contest emphasizing part of the fundamental three R's. Good communications are indeed a vital necessity in coping with modern technology and rapid changes; therefore, I wish to commend our State's national champion for the excellence she has displayed in the great art of spelling. Miss Childress has distinguished not only herself and her hometown of Mount Airy, but she has brought national acclaim to the entire State of North Carolina because she represents the best of 7½ million students who competed in the national contest.

Mr. President, I ask unanimous consent that the articles in the Washington Daily News and the Raleigh News & Observer of June 5, 1970, and an editorial from the Raleigh News & Observer of June 10, 1970, concerning the National Spelling Bee, be printed in the RECORD.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, June 5, 1970]

N.C. GIRL WINS THE BEE

Libby Childress, a shy dark haired girl from Mt. Airy, N.C., her eyes downcast and her voice steady, spelled her way to victory yesterday in the National Spelling Bee to become the 1970 national champion.

Libby won the contest over 73 other contestants in the 25th round of the Bee, which is sponsored by The Washington Daily News and other Scripps-Howard newspapers. Her winning word was "croissant."

For the last nine rounds Libby and second-place winner Tom Moe, Jr., of Denver, Colo., battled thru words like "lapniappe" and "boutonniere." The break came when Tom, 14, missed "corymb" by spelling it "chorimbe."

The winning word was the 541st word used in a day and a half of spelling. Last year, 571 words were used before the winner was named.

Libby took her victory calmly, but admitted she was "relieved" it was over. She had been trying to get to a National Bee for three years and this year was privately tutored by E. L. Reese of Boone, N.C. Libby's father and her two brothers rushed forward to congratulate her just behind Scripps-Howard promotion director James Wagner who ran to her, raised her hand high in the air and declared her the new champion.

Tom, the second place winner, was sponsored by The Rocky Mountain News, a Scripps-Howard paper.

The 74 young spellers had come from 33 states and Okinawa to compete for the top prize of $1,000 and a trip to New York. Libby, who has been to New York before, said she was anxious to go back because "I didn't really see anything on the first trip." Second prize is $500, third is $250 and the next five contestants receive $100 each.

[From the Raleigh (N.C.) News and Observer, June 5, 1970]

N.C. GIRL WINNER OF SPELLING BEE

WASHINGTON.—Three years of coaching by a private tutor paid off Thursday for a shy North Carolina teen-ager, who flawlessly spelled 26 tough words like "droshky" and "lagniappe" to win the 43rd National Spelling Bee.

Libby Childress, a 14-year-old eighth-grader at Mount Airy (N.C.) Junior High School, polished off "corymb" (form of blossom) and then "croissant" (French pastry) to claim the title and the $1,100 first prize.

Spelling slowly and deliberately, rarely taking her eyes off the floor, Libby outlasted a poised and determined Tom Moe Jr., 14, Denver, on the 25th round of the two-day elimination competition.

She did not falter at droshky, a horse-drawn Russian carriage, or even lagniappe, a Creole term for gratuity.

Libby and Tom were the only contestants left after the 16th round.

Seventy-six local champions from as far away as Okinawa began the bee Wednesday morning, dropping out one by one as each misspelled a word. They represented the best of 7.5 million school children who competed nationwide in the annual event sponsored by Scripps-Howard newspapers in 14 cities and 58 other daily and Sunday newspapers.

Almost inaudibly, the new champion told reporters she had been coached in spelling for three years by E. L. Reece of Boonville, N.C., who accompanied her, her father and two brothers to Washington.

She finished second in local competition last year and said she "was really trying for this one." Since she has now finished the eighth grade, she would be ineligible next year.

When Tom fluffed "corymb" contest rules required Libby to spell that correctly and then to get one more word right.

Tom, a fourth-year French student, squirmed in his chair in self-disgust when he heard what the next word was, the French "croissant." Asking again and again for its pronunciation and derivation, Libby slowly spelled it right—though she has never studied a foreign language.

[From the Raleigh (N.C.) News and Observer, June 10, 1970]

A TRUE CHAMPION

Libby Childress, the 14-year-old spelling champion from Mt. Airy, will not make the N.C. Hall of Fame. This accolade is reserved for athletes of extraordinary talent. And thus far our colleges offer no grants-in-aid for expert spellers. College recruiting experts, abetted by alumni, will not wear down the grass on the Childress lawn.

Yet the indomitable discipline, the grace under fire, Libby exuded as she battled runner-up Tom Moe of Denver through 25 rounds, would do credit to any member of our Hall of Fame. If the world doesn't beat a path to Mt. Airy, Libby is a real champion in the finest sense. Fashions may change but time can not deface her remarkable accomplishment. It is as Robert Burns wrote: "Wha does the utmost that he can,/Will whyles do mair." ("Whyles," at times; "mair," more.)

While the champion speller doesn't receive the deference accorded in bucolic days, such expertise is glorious at a time when many high school teachers swear half their students spell "grammar" as "grammer." At a time when many individuals are lost in the anonymity of group endeavors, here is a child who spent three years working hard to attain excellence in one inexorable rendezvous.

Spelling may be considered square by self-winding aesthetes, and Kipling may be put down as a rabble-rouser. But truth is still beauty, and Kipling spoke for all the Libbys when he said:

"If you can fill the unforgiving minute
With sixty seconds worth of distance run,
Yours is the earth, and all that's in it,
And what is more, you'll be a man, my son."

VICE PRESIDENT AGNEW'S ADDRESS TO MICHIGAN REPUBLICANS

Mr. GRIFFIN. Mr. President, last Monday night, more than 4,000 Michigan Republicans had the pleasure of hearing an outstanding address by Vice President AGNEW in Detroit's Cobo Hall.

Mr. President, I ask unanimous consent that the text of the Vice President's address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY VICE PRESIDENT AGNEW

I would like to present a case tonight for progressive partisanship.

The word "partisan" has taken on an unfortunate coloration. It is being equated with divisiveness, with backbiting and acidulous personal references. This is not new in our history—James Madison, in the most famous of the Federalist Papers, warned of the "spirit of faction" that could tear the country apart.

Partisanship misplaced, partisanship overdone, can be a danger to democracy; but a progressive partisanship is at the heart of our liberty and without it, there would be no change in our society and no movement in our public philosophy.

We are entering our traditional period of intensified partisanship before an election campaign. Whether that period will be productive of intelligent challenge and debate, or sterile and conducive to angry shouting, is a test that we as a people will have to take.

I believe we will pass that test if we embrace the principle of progressive partisanship.

To do that successfully, we have to examine two slogans. One of these is rich with age and honor; the other is bright with new and conventional wisdom; both can be twisted to get us into trouble.

Slogan number one is seemingly unassailable: "United we stand, divided we fall." And slogan number two is becoming one of the most high-minded cliches of our time: "Let us de-escalate the rhetoric."

Let us begin with the first, which had its genesis in a poem written in 1776 by John Dickenson: "Then join hand in hand, brave Americans all/by uniting we stand, by dividing we fall."

That is the sentiment that brought us together as a nation, the spirit that permitted us to overcome our disagreements by acknowledging a deeper sense of common purpose.

On the great ends of liberty and justice and opportunity, that sentiment has never been truer. But we demean that spirit of untiy when we try to restrict ideas about how to meet those ends. Here is what I mean:

We cannot agree about the need for freedom without acknowledging the freedom to disagree.

We cannot govern with the consent of the governed unless we respect the right of dissent of the governed. But remember, respect for the right of dissent does not mandate agreement with the dissent.

We cannot encourage a unity of purpose without stimulating a diversity of approach.

That is why every attempt to deny our diversity, to smother partisanship in an

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amorphous cloud of consensus, is doomed to failure. It confuses the ends with the means. United we stand in love of country, in desire for peace and progress—but divided we stand in approach, in style, in policy to reach the ends we seek.

By demanding unity, by denouncing dissent, we might find ourselves standing united but standing still. That is not what this nation is all about—unity is not an end in itself, it is a byproduct of progress.

Just as unity is not an end in itself, dissent is not an end in itself. Here is where I part company with some dissenters.

Rational dissent focuses on an issue, calls it to public attention and marshals the arguments to persuade the majority to its view. That is the essence of progressive partisanship.

Irrational dissent focuses on an emotional issue, rejects logic, and demands change without intellectual challenge, without offering a constructive alternative.

Rational dissent anticipates disagreement; irrational dissent expects its views to be adopted as a revelation of truth and is infuriated when this does not happen.

Rational dissent properly defines its right to be heard and is ready and willing to accept criticism of its point of view; irrational dissent considers criticism of its point of view to be an attack on the right to dissent.

Rational dissenters, in the tradition of Holmes and Brandeis, have never been more needed than they are today. They are with us, but their ideas are too often ignored—not by the majority, but by the emotionaries, a relatively small group of anti-intellectuals that has snatched the standard of dissent from their hands.

Some of the rational dissenters I have been meeting with recently have pointed out that the emotionaries are not limited to their side. This is true. But we cannot abandon the public forum to the antis versus the anti-antis. We cannot refrain from speaking out in the voice of reason, both in affirmation and in dissent, for fear of becoming identified with the emotionaries of the extremes.

That, of course, brings me to the next slogan, the new favorite of editorial writers of all shades of opinion: "Let's de-escalate the rhetoric."

I think the word "rhetoric" is being badly misused. It is being defined as vituperation, as poisonous invective. But rhetoric is not that at all: Rhetoric is the use of public discourse to persuade.

We do not have to depress that kind of rhetoric at all; on the contrary, we have to elevate the rhetoric. Only in that way can we hope to enter a season of progressive partisanship.

This does not mean that affirmers or dissenters have to color their speeches gray. It does not mean that we must dwell on abstractions and totally refuse to engage in personalties.

Our history is rich in anecdote about the cut and thrust of partisan debate, and it did get a little personal at times. I recall the remark of John Randolph of Virginia, aimed at a brilliant fellow member of the House of Representatives, Edward Livingstone. Said Randolph: "He is a man of splendid abilities, but utterly corrupt. Like rotten mackerel by moonlight, he shines and stinks."

That was pretty rough. And so was labor leader John L. Lewis' characterization of one of my predecessors in office, John Nance Garner as a "card-playing, whisky-drinking, evil old man." (Some people have recently suggested that I stick to playing cards, which could contribute to the public safety.)

Governor Hiram Johnson of California did not like some of the press coverage he was getting during his administration, and he had this to say about the publisher of a major newspaper: "He sits there in senile dementia with a gangrene heart and rotting brain, grimacing at every reform, chattering impotently at all things that are decent, frothing, fuming, violently gibbering, going down to his grave in snarling infamy . . . disgraceful, depraved . . . and putrescent."

Now what have I ever said about the press to compare with that? Fortunately, the days of that kind of ad hominem blast are gone forever. But perhaps it has evolved into a less rancorous form of attack, similar to that unleashed by Winston Churchill at Ramsay MacDonald in 1933, when he was Chancellor of the Exchequer: "I remember when I was a child, being taken to the celebrated Barnum's Circus, which contained an exhibition of freaks and monstrosities, but the exhibit on the programme which I most desired to see was the one described as 'The Boneless Wonder.' My parents judged that that spectacle would be too revolting and demoralizing for my youthful eyes, and I have waited fifty years to see the Boneless Wonder sitting on the Treasury Bench."

Can you imagine the wave of shock and horror that would pass through certain circles if anyone were to make such a remark today about, say, the chairman of a Senate committee? It would be an unthinkable example of the arrogance of power. The most one could get away with in these more sensitive times is another Churchill gibe at one of his opponents as "a modest man, with much to be modest about."

The purpose of this brief review of political invective is to show that we are indeed past our vituperative peak, in a sense, happily so. It is also good for us to recall that the shouted epithets we hear today are no match for the flashes of wit that lay behind some of the studied insults of yesteryear.

Were they alive today, Randolph and Wilkes, Disraeli and Churchill, Huey Long and Harold Ickes would have to temper their blasts; history might have been the less colorful, but the times have changed and the climate is wrong for slambang vituperation. In its improper definition as invective, the rhetoric has already de-escalated.

But in its proper definition as rational public persuasion, the rhetoric of our times needs to be put to constructive use. In the very act of encouraging peaceful argument, we automatically discourage violent protest. In agreeing to disagree, as reasonable people, we admit to a unity of purpose.

A Greek philosopher first laid down the rules of rhetoric. I do not presume to challenge the principles of my ancestor Aristotle, but let me try to update them for the coming campaign:

Every view is a proper target for rational challenge.

Every challenge is a proper target for criticism and rebuttal.

No view has a claim on truth by virtue of wide acceptance.

No view has a claim on truth by virtue of limited acceptance.

Every partisan has an obligation to present his position forcefully, factually and fearlessly.

Every partisan has an obligation to admit to the possibility of error.

Every man has a right to be heard to the extent he shows a willingness to listen.

No man should interpret a willingness to listen as a commitment to follow.

No argument is fair that appeals exclusively to emotion.

No argument is realistic that rules out all emotion.

No age group or minority group or income group has a monopoly on wisdom.

No majority has the obligation to be silent, or the right to overwhelm dissent.

And finally, the thirteenth rule of rhetoric for our times, and the most painful one of all: Provided he acts without violence and within the Constitutional law, every man has the right to disagree with, and to break, every one of these "rules."

In doing so, I think it would be to his loss and society's loss, but freedom is not freedom unless it includes the freedom to be wrong.

Let us, then, elevate the rhetoric; let us think through all we stand for, and then stand for it publicly and affirmatively.

Let us not be afraid to be progressive partisans for all we believe to be right, and not speak of partisanship as something unworthy or un-American.

This was a nation built by ardent advocates of popular and unpopular causes. In each generation, they triumph over the detractors who shrug in hopeless resignation, and the sloganeers of puerile obscenities, and the bookburners who try to destroy the ideas they cannot discuss.

Let us join the "happy warriors of the political battlefield," discovering new depths of loyalty in opposition, new heights of unity, in our diversity, and a new spirit of respect for each other's point of view.

DOMESTIC SULFUR SITUATION

Mr. LONG. Mr. President, for some time now I have been troubled by the succession of signs that one of America's most basic, vital industries—sulfur mining—is under severe economic strain. Since early 1968, when sulfur began to be in oversupply, there has been a drastic decline in sulfur prices and a consequent reduction in the earnings of sulfur producers. At least six sulfur mines have had to shut down, and many sulfur workers have lost their jobs. Exploration for new reserves of sulfur has come to a virtual halt.

The most recent sign for concern is the news that Freeport Sulphur Co., the world's largest sulfur producer, has had to lay off some 11 percent of its employees in Louisiana since the first of the year and that further reductions may ultimately become necessary.

What is the cause of the problem? The Louisiana sulfur industry's difficulties appear to stem largely from the pricing policies of western Canadian producers who are forcing into U.S. markets already fully supplied a large increase in sulfur recovered from sour natural gas. I am told that the unremitting pressure from imports of low-priced Canadian sulfur has caused substantial reductions in Louisiana sulfur productions and prices. Canadian sulfur, unlike Louisiana sulfur, is not a primary product but a byproduct or coproduct. It is obtained from the hydrogen sulphide which must be removed from the gas in order to make the gas salable. Consequently, Canadian sulfur production is unrelated to market requirements and it is priced without regard to cost. One of our Louisiana sulfur companies reports that in the large Midwestern market, for example, offers of Canadian sulfur at below prevailing prices have been responsible since June 1968 for 10 successive price cuts.

Mr. President, sulfur is essential to the well-being of the national economy. All farms and all industries rely upon the availability of sulfur in adequate supply. But the assurance of future supply depends upon producers being able to continue to conduct increasingly expensive, increasingly difficult explora-

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tions for and development of new sources. Current conditions seriously impair producers in this respect.

There may well be actions our Government should be taking to safeguard the domestic sulfur industry. I intend to give the entire matter immediate and serious attention, and I invite other Senators who may be as concerned about this as I am to join me.

A considerable amount of useful information is contained in two items which I ask unanimous consent to have printed in the Record at this point. They are an article, entitled "Freeport Cuts Working Force," published in the Times Picayune of May 26, and an in-depth analysis prepared by Freeport Sulphur Co. for its stockholders earlier this year, entitled "The Competitive Situation in Sulphur."

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New Orleans Times-Picayune, May 26, 1970]

Freeport Cuts Working Force—11 Percent Layoff Blamed on Import Pressure

Freeport Sulphur Company announced Monday it has had to lay off 11 per cent of its employes in Louisiana sulphur operations because of "unremitting pressure from imports of low-priced Canadian sulphur."

The company said further cutbacks in its work force may be ultimately necessary.

Cutbacks affect sulphur mining operations in and off the Louisiana coast, the research and development laboratory Belle Chasse and the company's Southern operations offices in New Orleans.

In a statement to the press, Freeport reported a 56 per cent decline in earnings in the first quarter of 1970 compared to the corresponding period in 1969. In April the directors cut the quarterly dividend to stockholders in half.

The company said employment in Freeport's sulphur operations is expected to decline from the January level of 1,340 to 1,190 in June.

Z. W. Bartlett, vice-president, Southern operations said, "Because of concern for the well-being of Freeport employes, we have resisted until now the inevitable result of the continuing, unremitting pressure from imports of low-priced Canadian sulphur."

Bartlett attributed Louisiana sulphur industry's problems to the pricing policies of western Canadian producers, which, he said, are forcing a large increase in by-product or co-product sulphur recovered from sour natural gas into already fully supplied markets.

He said since the Canadian sulphur must be removed from the gas in order to make the gas salable, its output bears no relation to market requirements and is priced without regard to cost.

Bartlett said offers of Canadian sulphur at below prevailing prices have been responsible for 10 successive price cuts in the large midwestern U.S. market since June 1968.

The Competitive Situation in Sulphur

(Sulphur is now in oversupply. Prices have fallen. Mines have been shut down. Exploration is being curtailed.)

The sulphur problem today is similar to that of the late 1950's and early 1960's. At that time the development of new sulphur mines in Mexico, accompanied by the recovery of sulphur from sour natural gas in France and Canada, created substantial oversupply. Producer stockpiles of mined sulphur mounted, and inventories reached a peak of nearly a year's supply. Prices everywhere were driven down by over-eager sellers seeking to enlarge their market positions and by over-zealous buyers seeking short-term bargains. In the United States, where virtually all of the production was brimstone (elemental sulphur) mined by the Frasch process on the Gulf Coast, prices f.o.b. Gulf ports declined by about one third over a period of eight years.

The price cutting in the late 1950's and early 1960's had many harmful effects. Unless the output of a sulphur mine can be sold at a profit, the mine cannot long be operated even though it may still contain sulphur. As a consequence of the low prices, a number of mines closed down, leaving sulphur in the ground all or most of which would never be recovered, or if recovered at all only at exceptionally high cost. Of still greater importance, exploration for new reserves was curtailed or terminated. Even when success attends exploration efforts and sulphur is discovered in commercial quantities, it takes years to bring a deposit into production. In view of the continuing growth in the demand, a sulphur shortage was clearly in the making but prices were too low to encourage either new exploration or new production.

The shortage came, and for five successive years—1963 through 1967—demand exceeded production. What had happened was that the consumption of brimstone, particularly by the expanding fertilizer industry, had grown at an above-average rate of 10 percent per year for the years 1962 through 1966, and had caught up with and passed productive capacity, stalled by the unattractive prices.

Only the aboveground stockpiles of mined sulphur which had been maintained by large producers prevented a disastrous curtailment of agriculture and industry. The stockpiles were drawn upon heavily, and eventually fell to 12 weeks' supply (which, considering the amount of sulphur in transit and the necessity for maintaining sizeable quantities of sulphur as "bin-bottoms"—foundations for the stockpiles—was probably no more than six to eight weeks' supply of sulphur available for shipment to consumers). The stockpiles of sulphur built during the period of oversupply, together with large increases in current production which Freeport and some other producers were able to achieve, enabled most of the requirements to be met. Even so, sulphur had to be allocated and plans for new plants which would use sulphur in the processes had to be shelved.

Thus, the unremitting pressure for ever-lower prices proved to be very harmful to producers and consumers alike. About one half of all the sulphur consumed goes into the manufacture of fertilizer so necessary for production of food for the world's increasing population. The remaining half is required by industry; sulphur is consumed directly or indirectly in the making of almost everything we eat, wear or use. It is no overstatement to say that a major sulphur shortage would seriously threaten the entire economy of the world.

Freeport took the position, both in published statements and in discussions in Washington and elsewhere, that the cure for the shortage lay in higher prices. Higher prices, we said, would stimulate exploration for and development of new sources of supply, which in turn would bring supply and demand back into balance. Eventually prices did rise. The price of Gulf Coast sulphur increased to its pre-shortage level and then rose by another two fifths. Prices of sulphur from other areas rose very much more.

Exploration was resumed on a large scale by sulphur producers, consumers and others and many new projects to add to the supply were initiated. In 1968, sulphur production exceeded demand for the first time in five years. In 1969, the excess became much larger.

Today, notwithstanding the fact that production exceeds consumption, production of brimstone continues to rise. The main source of the additional sulphur is the sour natural gas produced in Alberta in western Canada, principally by oil and gas companies. There, brimstone is recovered as a by-product (or coproduct) in the production of the gas. The hydrogen sulphide in the gas must be removed to make the gas salable. The cost of recovering the brimstone from this hydrogen sulphide may be considered by producers either as a cost of producing the gas or as a cost of producing the brimstone. A recovered brimstone producer may therefore ascribe to his brimstone any cost he wishes—or indeed none at all—because, the argument goes, his brimstone must be produced in order to sell the gas and therefore regardless of market considerations.

From the start of 1968—the first recent year of oversupply—to the end of 1969, the daily production rate of recovered brimstone in Alberta increased by more than 60 percent. This additional production of recovered brimstone, large as it is, had an impact on sulphur prices out of proportion to the quantity involved. It nevertheless has occurred because some producers (and their brokers), in their efforts to force ever-increasing quantities of their sulphur into markets already fully supplied, have progressively initiated reductions in prices. Alberta brimstone is now being offered in the upper Midwest of the United States and elsewhere at prices that, on the basis of net realization in Alberta, are approximately one third of the average obtained from all sales of Alberta sulphur at the start of 1969! *It is believed that much of the Alberta sulphur is now being sold below its actual cost determined in accordance with good accounting practice and on the basis of any reasonable distribution of total costs between gas and sulphur.*

United States brimstone producers have had no choice but to meet the insistently lower competitive sulphur prices. During 1969 and in early 1970 price "allowances" or discounts became widespread and increasingly large.

Much harm is being done by the excessively low prices at which sulphur is now being dumped into world markets. Already mines have shut down; others are believed near termination. Exploration for new supplies is being curtailed. We do not think these results are in the best interest of anyone in the industry or of the public generally.

This pricing problem in the sulphur industry has been caused by factors similar to those which existed in the potash industry. Well before oversupply came about in sulphur, the development of large new potash mines in Saskatchewan in western Canada created substantial oversupply in potash. As this new supply forced its way—on a price basis—into the United States, the domestic potash industry became increasingly imperiled; some mines shut down, and unemployment followed. Bills were introduced in Congress for the imposition of import quotas and duties on imports of potash. In 1969 the U.S. Tariff Commission ruled that Canadian potash which was being dumped into this country was injuring the domestic potash industry, and the U.S. Treasury Department commenced assessing damages against the Canadian sellers. In an effort to remedy this situation, the provincial government of Saskatchewan recently adopted a production control program which has resulted in higher prices and export quantities much more in line with actual market requirements.

Whether a somewhat similar program—or some other remedy—for the Canadian sulphur problem will be put forth remains to be seen. There are good reasons for a program similar to that adopted for potash. The very low prices at which Canadian brimstone is being forced into the markets are adversely affecting the Province of Alberta and also the Canadian economy. The prices are resulting in lower royalties to the Province and lower tax revenue to the Dominion. A program for sulphur would need to control only the *export* of sulphur and not its *production*; unlike potash, sulphur can be stored easily and for long periods above ground without being under cover, with no deterioration and at almost no cost.

As the demand increases—and it will surely do so—the stockpiles of sulphur, together with then-current production, would be shipped to fill the requirements of industry and agriculture. This course of action is the one followed by individual sulphur producers during the period of oversupply in the late 1950's and early 1960's. *Had Freeport and other sulphur producers not stockpiled sulphur during those "years of abundance," the shortage during the five "lean years"—1963 through 1967—would have had severe consequences for sulphur consumers and for the economy of this country and the rest of the Free World.*

From 1950 through 1967 brimstone consumption in the Free World grew at an average annual rate of about 5½ percent per year due in good part to the large growth in the fertilizer industry. In 1968 the rate of growth in brimstone consumption dropped sharply to about 1½ percent; in 1969 it rose to about 3 percent, which, of course, was still far below the historical growth rate.

The decline in the growth of brimstone consumption in 1968 and 1969 was caused mainly by the slowdown in the *manufacture of new supplies of fertilizer in the United States*. This slowdown occured because of the very high level of inventories of finished fertilizer at the end of 1967. To compound the problem, bad weather in the United States retarded application of fertilizer to the soil, and in addition the U.S. Government cut back its AID program for shipment of fertilizer overseas. Significantly, however, *consumption* of phosphate fertilizer (the largest brimstone-consuming market) continued to grow during each of the two years by more than 3 percent in the United States, and by more than 5 percent in the entire Free World. It is believed that the excessive inventories of finished fertilizer have now been reduced to normal or near-normal levels, and that production of new fertilizer (and therefore consumption of sulphur) should again approach their historical growth rates.

The food needs of the expanding world population must inevitably bring great growth in fertilizer use and therefore in the use of sulphur. The Food and Agriculture Organization of the United Nations, in a recently announced plan for world agricultural development, estimated that use of fertilizer in all forms in developing countries would double in 1975 over 1968–69 and would more than quadruple by 1985. In another recent study, The Sulphur Institute projected an average annual increase of 6 percent in sulphur requirements for phosphate fertilizers between 1970 and 1975 for the Free World. In the non-fertilizer segment of the market, sulphur consumption tends to follow industrial output and is therefore also expected to increase.

Sulphur demand thus will in time equal—and probably again exceed—the supply.

EXPLOSIVE BOMBINGS AND FIRE BOMBINGS

Mr. HRUSKA. Mr. President, on March 26, 1970, this Senator introduced on behalf of the Attorney General, S. 3650, a bill designed to strengthen the laws concerning illegal use, transportation, or possession of explosives. The bill was referred to the Senate Judiciary Subcommittee on Criminal Law and Procedures which is chaired by the Senator from Arkansas (Mr. McCLELLAN).

When this bill was introduced, I described the needless bombings which have terrorized our cities. President Nixon himself stated in support of this bill that:

> Schools and public buildings have had to be evacuated; considerable property has been destroyed; lives have been lost. Clearly, many of these bombings have been the work of political fanatics, many of them young criminals posturing as romantic revolutionaries. They must be dealt with as the potential murderers they are.

The Criminal Laws Subcommittee, under the able leadership of Senator McCLELLAN, is processing this legislation promptly and expeditiously.

In the meantime, terrorism continues unabated. In my own State of Nebraska, the North Omaha police station was partially destroyed by a bomb planted and timed to go off when the building was full of police officers. Earlier, two firebombs were thrown into the University of Nebraska Student Union, in Lincoln, and last week two firebombs caused $15,000 damage to the university ROTC building.

In our neighboring State of Iowa the story is much the same. On May 13, the Des Moines police station was bombed. Damage approximated one-half million dollars and two persons were injured.

These irresponsible criminal acts must be stopped, and soon. The Government must be allowed to mobilize the resources of Federal law enforcement and bring stiffer criminal sanctions to bear on the problem. S. 3650 must be enacted and enacted promptly.

Mr. President, these sentiments are shared by the Omaha World-Herald. In an editorial published on June 13, the newspaper urged stiffer laws, State and Federal, to deal with these irresponsible acts. I ask unanimous consent to have a copy of this editorial printed in the RECORD at the conclusion of my remarks.

During study and consideration of this bill, the subject of use by sportsmen of black gunpowder was brought to the attention of members of the Judiciary Committee. Present law provides for legitimate, properly supervised use of black gunpowder for muzzle-loading weapons used by sportsmen. These provisions would not in any way be impaired or adversely affected by the proposed bill.

It certainly will be my intention to insure the continued use for legitimate, lawful purposes, consistent with the objectives of S. 3650. The users of black gunpowder for sports purposes are not terrorists and are not bombers. The use of black gunpowder for sports purposes is justified.

The purposes and the thrust of S. 3650 are to get at the terrorist and those who seek to abuse the use of gunpowder in an intolerable fashion. Every effort will be made to achieve these purposes and not to interfere with proper uses.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOUGHER PENALTIES NEEDED FOR BOMBERS

Bombings of the kind that have racked the nation and recently have hit the Midlands are particularly vicious, dangerous crimes.

The dynamite blast that ripped the Omaha Police Department's north assembly building at Forty-eighth Street and Ames Avenue Thursday night went off minutes before a shift rollcall, when the building would have maximum occupancy. The conclusion is that the bomber or bombers sought to injure or kill policemen, rather than merely damage the building.

Whatever the intention, setting a bomb is as irresponsible an act as can be imagined. Any number of persons, besides intended victims, could be killed. It is a nondirectional crime.

There has been a sharp increase, this year and last, in the number of explosive bombings and fire bombings in the Midlands.

The Des Moines police station was bombed May 13. Damage came to $500,000; two persons were injured. The Ames, Ia., City Hall was bombed May 22. The Council Bluffs police station was scorched by a firebomb May 23.

Iowa and Nebraska communities experienced a number of bombings believed to be related to the Iowa Beef Packers strike last winter and spring.

Cars and homes, businesses and apartments, government agencies and schools have been targets.

On May 13 two firebombs were thrown into the University of Nebraska Student Union. Last October three Molotov cocktails were hurled into the library of Hiram Scott College in Scottsbluff.

Last November Horace Mann Junior High School in Omaha was bombed. Firebombs have been exploded at Technical High School and Franklin and Indian Hill Schools.

This list is not all-inclusive. And bomb threats have become too numerous even to mention.

Clearly, bombing has become a newly important category of crime.

A question arises as to whether existing laws are stiff enough to mete out the punishment deserved by convicted bombers, and to offer a convincing deterrent to would-be bombers.

The person or persons responsible for bombing the police assembly station probably would be charged with felony vandalism, which carries a sentence of up to three years, or under a recent explosives statute, which has a penalty of up to five years.

It is interesting to compare these penalties with what President Nixon has recommended on the federal level.

On March 25 the President asked Congress to strengthen federal laws on bombings and bomb threats, requesting that the death penalty be imposed if a fatality occurs as a result of a bombing, and that present penalties be doubled if injuries occur.

Other requests included raising maximum sentences to 10 years in prison for conviction on charges of transporting explosives for unlawful use, raising penalties for bomb threats to a maximum of five years, and making it a federal crime to use explosives against federal property or businesses.

If such legislation is thought to be necessary on the federal level, it ought to be paralleled by similar enactments on the state level. It should not be necessary for a bomber to kill or injure someone to receive a stiff penalty.

Planting or throwing a bomb, especially of the explosive variety, should bring a long sentence—longer than the maximum five years provided in present Nebraska law.

HOW TO WRECK A NATIONAL PARK

Mr. McGEE. Mr. President, the high, wide, and wild State of Wyoming has long

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been a popular place to visit. In part, this has been because of the easily accessible and picturesque Yellowstone and Grand Teton National Parks. They have always been on America's itinerary as where to go to get away from the monotony of urban life.

But today the pressures of increased population and the lack of responsible use of recreation land by the public threatens to reduce the quality of recreation in Wyoming's Yellowstone and Grand Teton National Parks.

Some 4 million visitors flooded the parks last year. Obviously, unless the public learns and actually desires to care for these park lands, they will be eroded from sheer use alone.

Tom Milligan, northern district ranger at Grand Teton, gives a good description of the impending problem in an article entitled "How To Wreck a National Park," by Christopher S. Wren, published in Look Magazine for June 16, 1970.

Ranger Milligan predicts that unless Americans learn to care for their wildlands, "Parks are going to have to become a privilege, not something you just take for granted."

Mr. President, I ask unanimous consent that this fine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

How To Wreck a National Park

Once, the National Park Service had to hustle for customers. Now it doesn't quite know how to keep them away. Last year, 164 million visits were paid to the national parks (many of them repeats by the same people), but such rampant popularity is enough to erode the park wilderness. Wyoming's Grand Teton National Park alone drew 3,134,000 visits—90 percent of them crammed between Memorial Day and Labor Day.

Still more visitors are expected this year. Tom Milligan, northern district ranger at the Grand Tetons, worries that the hordes of vacationers may, by sheer numbers, crush the fragile ecology he and other rangers are pledged to preserve. "Maybe someday," he half-jokes, "we'll have to build a fence, tastefully, around a moose. We'll label it moose and tell you what camera exposure to shoot."

A love of the outdoors tempered Tom Milligan to take the job. He had smoke-jumped for the Forest Service before earning his B.S. in wildlife management at the University of Montana in 1953. He stayed on as a smoke-jumper foreman until he married in 1957 and joined the National Park Service.

Milligan is at ease in the woods. Out fishing in a remote corner of Yellowstone National Park in 1959, he was mauled by—and fought off—a grizzly bear. But the trout were biting, so he patched himself up and stayed out with his pregnant wife to fish three more days.

To cope today, Milligan says, a ranger needs sociology far more than backwoods savvy. Yet he can never entirely please the public and still save the park. "Parks are going to have to become a privilege, not something you just take for granted," Milligan predicts. Until then, he's got his hands full. Through the hectic summer months, Tom Milligan floats the Snake River to prevent traffic jams of rubber tourist boats. Sometimes, he dons a pack and patrols the back-country, stuffing trail litter into a plastic bag. He checks the packed campgrounds, and visits as he goes ("It takes a real artist to get through a place in four hours"). The questions that he gets make him wonder why some tourists show up at all. "People drive up to look at these wonderful mountains," he says, "and they ask, 'What is there to do here?' I don't know what to answer."

Increasingly, Tom Milligan has found himself a cop: "We downplay law enforcement, but that's what we are. I didn't come here to pack a gun and stop people. When I first started, nobody even wanted to talk about law enforcement."

It's a big issue now. Serious crime—from homicide to larceny—in the national parks jumped 35.4 percent in 1968 (latest year studied) over the previous year. The rise exceeds the national average. Milligan carries a shotgun, a pistol and Mace in his patrol car. After 9 p.m., park rangers on their rounds wear sidearms.

Milligan has investigated "car clouting" (theft from cars), narcotics use and game poaching. Despite some FBI and state-police courses, he still feels much an amateur. Now the National Park Service is recruiting police professionals for full-time security work.

"We don't have problems because people come here unlawfully," Milligan reflects. "It's because of the congestion." The big headache is just too many people. And the urban pressures they bring may damage not only the Grand Tetons but all the national parks.

"Up to ten years ago," recalls Tom Milligan, "the parks were proud of people coming to visit. Today, there's too many people. You can't conserve and preserve under the present system with such a mass of people. We're batting our heads against the wall, but part of the fun is in batting."

Park attendance has more than doubled within the last decade, though only ten percent of the sytsem so far is overcrowded. Still, during the summer months, congestion becomes desperate, not just in Grand Teton, but also in the equally popular Yosemite, Yellowstone, Great Smoky and Shenandoah national parks. Officials had hoped the $7 annual admission fee might cut down casual visits. It sometimes makes matters worse. Tom Milligan explains: "A man comes with his family and pays the seven dollars and then is told there's no room. He thinks he is entitled to stay overnight."

Since 1916, the National Park Service has labored under a conflicting mandate "to conserve the scenery and the natural and historic objects and the wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The resulting confusion between preservation and use has given park rangers who run the 73 natural, 170 historical and 34 recreational areas a split personality.

George B. Hartzog, Jr., director of the National Park Service, argues it isn't really people who clog the parks: "It's the stuff people have—cars, trailers, campers, boats—that creates the jam. There's too much paraphernalia in the parks."

The mechanical tonnage in summer transit becomes awesome. Rangers at Grand Teton, who on occasion let in blocs of vehicles free just to clear the highway, get headaches from the exhaust. Campgrounds are transformed into aluminum cities and, when the electrical overload blows out fuses, residents complain to rangers that their electric blankets won't work.

More roads, more sewage plants and more campgrounds would have to be carved out of wilderness to meet just the present demand. Conceivably, the entire park system might end up under asphalt. The National Park Service isn't about to do that. Less than one percent of Grand Teton's 303,174 acres is in campgrounds. "If we were to double our camping space," says Chief Ranger Frank Betts, "next year we'd be just as crowded. We can't ruin what this place was set aside for just to provide for the enjoyment now."

Hartzog insists that national parks are not meant to be way stations: "You can't fulfill the demand for recreational camping in the national parks. We should offer a range of camping experience and not try to meet the entire demand.

"Parks are not for all people for all purposes at all times. There's a need for outdoor recreation involving a whole gamut of games. But you wouldn't go to Yosemite to play baseball, although baseball is a worthwhile endeavor. You don't put the bathtub in the living room."

Vacationers, afraid of being bored, do pack along almost everything but the family bathtub. Paradoxically, the most crowded parks are still under-used. At Grand Teton, rangers estimate that barely two percent of the tourists venture further than a quarter-mile from the road.

The prospect of all those people really getting out of their cars and tramping the back trails isn't particularly inspiring either. An outhouse had to be hauled to the summit of 14,495-foot Mt. Whitney in Sequoia National Park to accommodate the waves of climbers. Even Grand Teton's remote Lake Solitude has become polluted from horseback traffic.

Rangers have waged running campaigns against littering and vandalism. But what if tourists no longer drop candy wrappers on Yellowstone's nature trails or fling beer cans over Grand Canyon's rim just to watch them fall? What if tourists no longer filch rare wood from the Petrified Forest or chisel their initials into national monuments? The crowds will still get larger. "If you follow the projected lines in population growth and park visitation," says George Hartzog, "there comes a time when you will have to say—no more people."

The National Park Service has concluded that, depending upon the park, regulation is the only alternative to ruin. Overnight camping fees are being imposed this year, more to encourage private competition outside the parks than to earn money. Camping is now limited in duration, and may eventually be by reservation only. New campground construction has stopped. Some campgrounds have been redesigned with fewer sites to preserve privacy. Primitive mountain chalets are being considered as replacements for backcountry camping.

Though some traffic congestion has been relieved by making roads one-way, as in Yosemite, park officials agree that someday, private vehicles may have to be eliminated altogether. "The time has come for more than roads and automobiles," says Hartzog. "You let visitors use other means that put them into the park experience directly." Under discussion are monorails, tramways, minibuses and even hydrofoils and helicopters that will shuttle visitors from peripheral parking lots into the park itself. Those looking only for amusement will be encouraged to go to less fragile areas like the national seashores.

The National Park Service is also trying to bring more business into its sizable urban-park holdings, particularly from people who couldn't visit a wilderness area. Just outside Washington, D.C., the Service runs a farm of pre-tractor vintage, to which it buses ghetto children. It is now pioneering a nature center in a Washington low-income housing development.

A difficult decision has been reached that, if national parks are to survive, the way they are used will have to change. It may not be altogether a bad thing. A tourist who has to leave his camper or mobile home in a lot outside the park may leave his big-city nerves there as well. When he is alone,

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he will find the time to comprehend the primitive beauty and tranquility that caused the national parks to be set aside for future generations in the first place.

AN AGRICULTURAL POLICY STATEMENT

Mr. TOWER. Mr. President, so that Senators and other interested individuals may have the benefit of the thoughts of agriculture groups in my State, I ask unanimous consent that a statement of policy adopted by the directors of the Deaf Smith County Chamber of Commerce be printed in the Record.

I note particularly the recommendation that the United States pursue an aggressive sales policy with regard to American agricultural products. I have always supported increased efforts to sell our farm products abroad, and I am glad to see this brought forth in this statement of policy.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Agricultural Policy Statement

The Deaf Smith County Chamber of Commerce supports the adoption of a farm bill that would support prices at a level that would give farmers an opportunity to operate at a profit. This could be a program similar to what we have had since 1965.

The Federal government, commodity groups, and our own organization should be encouraged to work on programs that would remove the need for acreage controls, price supports and direct payments. Some of the programs that would help remove these needs are:

1. The State Department should take more aggressive action to counter common market tariffs on U.S. agricultural products with tariffs on industrial imports from common market countries and other countries that bar our agriculture products from their market place.

2. Our government and commodity groups should be more aggressive in promoting United States agricultural products at home and abroad.

Parity should be based on the purchasing power farmers had during a base period rather than an average price of a commodity during the past three years. The program should not be extended to other products not now included in the program.

We are opposed to any type of long-term retirement or whole-farm retirement program. We are also opposed to proposed legislation calling for a low level of price support and participating farmers agree to "set-aside" a percentage of their tilled land. Many segments of our economy are subsidized for the benefit of the consumer.

ABOUT SECOND-CLASS STATEHOOD

Mr. HANSEN. Mr. President, the United Press International recently wrote an excellent article dealing with the exploitation of a State—the State of Wyoming—by the Federal Government. That article was printed in the Record on June 11, with the consent of the Senate.

The Cody, Wyo., Enterprise, in an editorial June 10, entitled "About Second-Class Statehood," dealt with the same subject. This subject is the fact that Wyoming, a State of only about 330,000 people, is bearing more than a fair share of supporting the Federal Government.

The Enterprise editorial points out that:

> Since Wyoming gained statehood income and royalties from federally owned lands has totalled $664 million—more money than the sum total of Wyoming's state budgets during this period. Much of this money (83½%) went into the Reclamation fund and was earmarked for surface development in the states where the federal government retained possession of land. However, Wyoming has paid $377 millions more into this fund than it has received in reclamation development.

Mr. President, the Enterprise editorial, in the following sentences describes the difficulty of Wyoming people in understanding why the Congress of the United States allows such an unfair situation to continue:

> Every day we are deluged with statements, orations and news stories extolling the democratic virtues of equal opportunities, equal representation, racial equality, equality of opportunity—dozens of different kinds of equality.
>
> It seems to us a paradox that we citizens of the Equality State can't seem to receive any of this equal treatment. Maybe we aren't vocal enough, or maybe it's just because we are too minor a minority to receive consideration.

Mr. President, the people of Wyoming ask for no privileges that are not extended to other States—they ask only that they be accorded equal treatment—a fairer return of Wyoming's Federal mineral royalties.

I ask unanimous consent that the Enterprise editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

About Second-Class Statehood

Every day we are deluged with statements, orations and news stories extolling the democratic virtues of equal opportunities, equal representation, racial equality, equality of opportunity—dozens of different kinds of equality.

It seems to us a paradox that we citizens of the Equality State can't seem to receive any of this equal treatment. Maybe we aren't vocal enough, or maybe it's just because we are too minor a minority to receive consideration.

Mainly what makes us second class is the set of rules by which Wyoming became a state. At the time we acquired Statehood the federal government retained possession of a vast majority of Wyoming land and mineral wealth. This happened in other western states also. What sets Wyoming apart is that we did not develop in the time period following statehood as rapidly as some of our neighbors; and when we did develop, a large part of our growth was in the mining and petroleum producing industries. In the meantime the federal legislation providing the mechanism for passing these lands into private or state ownership had been allowed to lapse or to be repealed. In effect this leaves Wyoming largely federally owned but with only a small interest in the landowner's royalties from these federal lands available to us to support our state and to develop our water and surface land resources.

Unfortunately it also leaves Wyoming the principle victim of federal exploitation. Since Wyoming gained statehood income and royalties from federally owned lands has totalled $664 million—more money than the sum total of Wyoming's state budgets during this period. Much of this money (83½%) went into the Reclamation fund and was earmarked for surface development in the states where the federal government retained possession of land. However, Wyoming has paid $377 millions more into this fund than it has received in reclamation development.

Meanwhile other more fortunate states (a prime example is Alaska) have managed to retain up to 90% of the landowner royalties from their minerals for development in-state. Many states never gave up any land, without purchase, to the federal government in the first place. At the same time these states benefit from reclamation projects largely financed by funds drawn from Wyoming.

We are indeed secnd-class citizens in a second-class state. It is time these inequalities are corrected.

BUSINESS LEADERSHIP AND THE INDOCHINA WAR

Mr. MONDALE. Mr. President, one of the truly encouraging notes in the awakening public awareness and conscience over the course of the Indochina war has been the response of great segments of the business community.

While we will always owe so much to our young people who have been most alert to this tragedy, it is heartening to see the broadening base of responsible concern over the war and its terrible effect upon our entire society.

I was recently sent a copy of an "Open Letter to my Colleagues in the Securities Business" from Mr. Wheelock Whitney, a man whom I have long known as a close friend and admired as a business leader.

I think that this letter is one of the finest expressions I have seen of one man's deep, human, and perceptive thoughts on the effect of the war throughout our economy and our society.

I commend it to Senators, and ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dain, Kalman & Quail, Inc.,
Minneaolis, Minn., May 25, 1970.

An Open Letter to My Colleagues in the Securities Business

The securities industry is in the middle of its second *major* crisis in the past three years—in some respects, there are similarities between the two crises.

The operational crisis of recent years forced several firms out of business; it brought forth a rash of short-term palliatives to combat the existing headaches; i.e., shorter hours, buy-ins, firms put on restrictions, etc.; and there was a loss of public confidence in the ability of our industry to deal with its problems.

Today's crisis is infinitely more serious. It is forcing *many* firms out of business; it is bringing forth a new set of short-term solutions; i.e., personnel cut backs, salary reductions, office closings, etc.; and the loss of public confidence in our industry is worse than any time in the past 40 years.

What was different about the first crisis was the knowledge that once we zeroed in on the root cause, our industry had the capacity to develop long-range solutions—the problems were peculiarly our own—and they were solvable. All that was needed was to modernize our operational techniques—increase our capacity—take better advantage of computers—develop more efficiencies. We have

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addressed ourselves to these long-range solutions and have made considerable progress.

Today's crisis is different. We find ourselves in a fight for survival, but we are unsure of our enemy. We feel almost helpless. We are acting and reacting to the serious conditions that plague us daily—but we are not confident of long term solutions. The devastating reduction of market price is far more severe than the economic state of the nation could possibly justify. Therefore, our old measuring yardsticks must be thrown out the window. The end does not appear to be in sight—and we are becoming increasingly alarmed about the impact on our customers and our industry.

No wonder! We have experienced disastrous declines in stock and bond values; volume is low; many firms and individuals have left the securities business, both voluntarily and involuntarily; offices are being closed; recruiting has come to a standstill; and we are incurring operating losses in nearly every phase of our business.

While these conditions are serious enough, an even greater tragedy lies in the erosion of public confidence in our business. With the loss of approximately $300 billion in market values, the public is stunned—they have lost confidence in our products. "Own your share of American business" is falling on deaf ears.

What has been our industry's response? What are we doing to stem the tide, to restore public confidence? What are our responsibilities and obligations to investors? How are we using the considerable energies and talents of our industry leaders?

Other than frantic attempts to reduce operating costs and to boost customer and salesman morale, we have concentrated in three areas during recent months: (1) on the recently enacted Tax Reform Bill, (2) on the development of a new commission rate schedule, (3) on an industry alternative to the Muskie Bill. I have personally participated in all three of these efforts. I believe in them. They warrant our deepest concern and involvement.

But they are not enough. They do not get to the heart of the problem. We must look beyond the immediate solutions to our severe problems and try to more closely identify the root cause that has brought us to this critical stage. We must identify the villain.

In my judgment, the true villain is the war. Not only has it put an intolerable strain on our economy, but it has created deep divisions in our society, which in turn, have caused a lack of public confidence in the ability of our country and our system to resolve the many problems we face at home and abroad. Until we, as an industry address ourselves to the true significance of this war and its impact on our way of life; until we use our efforts to bring the war to an end, our customers (25 million investors and their families) will be plagued with even more serious problems in the months ahead.

I have just returned from several industry meetings. There were no serious discussions in which I was involved, either publicly or privately, where industry leaders were debating the impact of the war on our customers and on the securities business.

There were many peripheral discussions: Are you for the administration or against it? How do you feel about Agnew? Are you for "the kids" or against them? Did the "hard hats" do right or wrong in Wall Street? Were we right to go into Cambodia or was it a mistake? Was it the students or the National Guard who should be blamed for the killings at Kent State? Whose side are you on? How patriotic are you? Do you want America to become known as "a second-rate power"?

I call those discussions peripheral—not because I don't consider them important—I do—but because I believe they beg the main issue.

The questions that need to be asked and answered are: To what extent is the war undermining our way of life in America? To what extent is the war creating doubts among our citizens about our future as a nation? To what extent is the war responsible for the erosion of public confidence in general and in the stock market in particular?

I have asked myself these questions and have come to the conclusion that the war is not only at the root of our national malaise but is the root cause of the chaotic conditions in our industry as well. One of the purposes in writing this letter to you is to find out if you have thought these issues through in your own mind—as a businessman.

On the whole, businessmen have been silent, at least publicly, on their feelings about the war. This silence can be contrasted in terms of the overt and effective public leadership business has given to the problems of minorities in our society. This silence on the war tends to confirm the mistaken belief shared by many, that a war economy is good for business. Perhaps this silence is due to the reluctance of businessmen to be aligned with "the irresponsible kids" or with politicians they don't agree with on most other issues.

Does our industry have any special responsibility within the business community? I believe we do. Our particular business, in many ways, is the most public of all businesses. What happens in our business is published daily in every corner of the globe. Without question the securities business is the most visible barometer of public opinion and public confidence—and the most sensitive.

Can it be argued that since everyone is against the war—including the administration—there is no reason to speak out, because we can add nothing to the dialogue? I don't think so. If, in fact, we were to agree that this prolonged war is severely damaging public confidence in our country, then we must raise our voices and join those who feel it is imperative to bring the war to an end at the earliest possible date. The people in our industry talk to thousands of Americans every day. We have friends and acquaintances in congress and in the administration. We owe it to the public to make our views known on the war.

This is not an attack on the Nixon administration. The President has made it clear he intends to end our involvement as quickly as possible. I am confident that he would appreciate knowing the views of thoughtful business leaders in the securities industry.

Our business is a vital part of the capitalistic society. We are at the core of the free enterprise system. What we are doing is good for our way of life in America. It is in the public interest that the securities business be preserved—but we are in danger of being destroyed.

We have persuaded the public that our products are good for them. We must stand behind our word to the 25 million shareholders who are our customers and who have put their faith in us.

And so I am writing to urge you to give this matter your most serious and thoughtful attention. If indeed you feel that my analysis misses the mark, I have no doubt you will let me know your feelings.

If, on the other hand, you agree with my contention that the war is the root cause of our problem—that a continuation of the war not only imperils our customers and our industry, but perhaps our whole way of life in America—that public confidence will not likely be restored until the war is ended—.

If you agree, then I would further urge you to make your views known—to your congressman, your senators, the administration, your customers, your fellow workers, and other businessmen in your community.

The President needs your viewpoint as he faces the lonely and agonizing decisions that he must make on how to disengage our country from the war—how to restore public confidence in America—how to establish priorities—how to bring us together.

It is not too late for each one of us to act!

Most sincerely,

WHEELOCK WHITNEY.

U.S. TROOPS IN CAMBODIA

Mr. TOWER. Mr. President, Dr. Roy Coward of Arlington, Tex., authored a particularly thoughtful column published in the May 6 edition of the Fort Worth Star-Telegram. The column concerns our action in Cambodia and concludes by stressing the need for a united America to encourage the North Vietnamese to negotiate in a serious manner in an attempt to bring the war in Southeast Asia to a close.

I ask unanimous consent that Dr. Coward's article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON SHOULD HAVE SUPPORT OF NATION ON HARD TROOPS-TO-CAMBODIA DECISION

(By Dr. Ray Coward)

President Richard M. Nixon has made the biggest, the most difficult, and the most far-reaching decision since he entered the White House on Jan. 20, 1969.

In a nationwide telecast on April 30 the President announced to the American people, and to the world, that he had ordered American armed forces, accompanied by South Vietnamese forces, into Cambodia. The joint attack was against the headquarters controlling all Communist military operations in South Vietnam. These forces have the mission to search out and destroy Viet Cong and North Vietnamese communications and supplies as well as the sanctuaries from which they operate against the allied forces in South Vietnam.

Early reports indicate initial successes in these attacks, which are being supported by B52, eight-engined jet bombers, but it is too early to assess the ultimate results of this bold action. However, it has the distinct possibility of saving American and Allied lives, in the long run, and of shortening the war and allowing American troops to be returned to the United States.

It may also pressure the Communists toward becoming more seriously involved in negotiations for a settlement of the war in Southeast Asia. The President could still attain his goal, announced 10 days earlier, to bring another 150,000 American troops home within the next year, since he has not coupled this goal with any specific timetable.

One advantage which the President made maximum use of was the element of surprise. This is a most important element in attaining success in any military operation of any sizable dimension. This gives psychological advantage to the attacking forces and can be expected to cause disruption and confusion in the Communist forces being attacked.

One thing about this operation is certain. It has not only surprised the Communist forces, but it has caused consternation in the political arena inside the United States and abroad.

Political figures in both the Democratic and Republican parties were as surprised and shocked as were the Communists.

Some of Mr. Nixon's critics may interpret this action as the beginning of the downfall of the President's political career. However, the exact opposite may be the result.

This decision took great courage and demonstrated great strength of character, and if the operation is successful and the war is shortened, which may very well be the case, then Mr. Nixon is well on his way toward taking his place among the great Presidents of the United States. It will also enhance his role as a world leader. Further there is nothing that the Communists respect any more than power.

The Presidents who stand out in history as great leaders, such as Lincoln, Wilson, Roosevelt, Eisenhower, and others, were men who had to make difficult decisions about complex and frequently unpopular causes. They were also well known and highly regarded as world leaders. Such a President has to rise above partisan political considerations and make a decision as to what he thinks is best for our country.

The person making such an important decision travels a lonely road and spends restless days and nights in arriving at his conclusion. Once the decision is made he assumes full responsibility for all its unforeseeable consequences.

This heavy responsibility is too great for many men. One of lesser strength and character would shudder, falter, and shy away from such an awesome decision.

The U.S. Constitution places the responsibility for conducting American foreign policy on the President. Under the Constitution the President is also commander-in-chief of the armed forces. In the latter capacity he is responsible for the security of our armed forces abroad. Therefore he has wide latitude in making these decisions.

In some instances there may not be sufficient time to consult with and to obtain the approval of Congress. Also, at times, secrecy about such an important decision may better insure the safety of American forces.

President Nixon had highly competent advice on the political aspects of the Cambodia problem from his political advisers, and from his military advisers on the military operation. He carefully weighed the conflicting elements of the complex situation and alone reached the decision to order the military operation irrespective of the political consequences.

He appealed for American support of his action and frankly stated: "I have rejected all political considerations in making this decision. Whether my party gains in November is nothing compared to the lives of 400,000 brave Americans fighting for our country and for the cause for peace and freedom in Vietnam."

Several Presidents have made decisions which helped to involve the United States in the Vietnam problem. President Nixon inherited this problem when he assumed office only a little over a year ago.

Regardless of how distasteful our involvement there may be, we all should be objective enough to understand that this is not Nixon's war. It is not a Democratic party war. It is not a Republican party war nor an American party war. It should not be a partisan political issue. Where is the blame to be placed when Presidents from both major parties have been involved in these decisions?

No useful purpose will be served by arguing whether or not the United States should have become involved in a land warfare in Asia, which General Douglas MacArthur warned against. This is no time for Monday morning quarterbacking about last Saturday's game. Such fuzzy thinking evades the problem and is irrelevant to finding a proper solution.

The President, having been duly elected, carries the responsibility for decision-making on Vietnam and he deserves the understanding and support of all citizens.

A united America may influence the Communists to enter into serious negotiations and shorten the war. A divided America will cause them to stall and prolong the war. As Americans and as a nation we should stand for something, lest we stand for nothing. Let's stand behind and give our full support to our President.

VETERANS' ADMINISTRATION HOSPITALS

Mr. McGEE. Mr. President, there has been much concern expressed in this body and elsewhere about the conditions of our Veterans' Administration hospitals. Indeed, I am concerned because I believe that we must do all in our power to see that these hospitals are equipped and staffed to offer the best possible medical care to our veterans. But it is encouraging, too, to hear of the good work which does go on in the VA hospitals, and to have firsthand reports of conditions which are more than acceptable. I have such a report today in the form of a letter from the family of Michael James Desmond, who was a patient in the VA hospital at Cheyenne, Wyo., prior to his death last month. I ask unanimous consent that it be printed in the RECORD.

There being no objections, the letter was ordered to be printed in the RECORD, as follows:

JUNE 9, 1970.

Hon. GALE McGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McGEE: The recent article in Life magazine concerning the Veterans Administration Hospitals in our country, prompted me to write this letter.

I am certain there are hospitals in our country that require a good cleaning or face lifting and are understaffed to the point of being inoperative. However, the Veterans Administration Hospital at Cheyenne, Wyoming stands out as a shining exception to these conditions.

Our beloved father was a patient at the Veterans Hospital in Cheyenne for four and one-half months until his death May 15 of this year. We feel the hospital gave him the best medical attention available anywhere, and did everything possible to ease his distress and suffering.

Distance from the hospital being a factor, our visits were unannounced and at various times of the day. The Veterans Hospital was always very clean and the services were performed in an excellent manner.

Above the normal care received in any hospital, Dr. R. T. Cauthorne, the nursing staff, the aides and orderlies continually showed a very pleasant, personnal type attention not only to our father but to all the patients under their care.

The courtesies shown our mother by the Doctors, staff and Mr. Worthley, the Social Service Officer, were of the highest caliber. During one of her visits they allowed a small celebration for our parents 50th wedding anniversary at the hospital.

Wyoming can be proud to have such an efficient, proud, yet human Veterans Hospital in our State Veterans Administration Center.

Sincerely,

JOHN R. DESMOND,
(For the family of Michael James Desmond).

EDITORIAL SUPPORT FOR THE AMENDMENT TO END THE WAR

Mr. HATFIELD. Mr. President, several editorials which I have seen in recent weeks speak to the issue currently before the Senate. I ask unanimous consent that they be printed in the RECORD.

An editorial from the Portland, Oreg., television station KGW–TV, of June 8, 1970.

A Minneapolis, Minn., Tribune editorial of May 17, 1970.

A Lewiston, Idaho, Tribune editorial of May 17, 1970.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

EDITORIAL

(KGW TV–8, Portland, Oreg., June 8, 1970)

We listened carefully to the President's latest appeal for support for the extension of the Indochina war into Cambodia; we closely reviewed the supportive statements made over this station by a number of Administration officials.

Three years ago we appealed to the Democratic administration to step down or de-accelerate what had then already become a corrosive, ignoble war. We have constantly maintained that objective. We hold it today. We do not believe a war can be brought to an end by expanding it; we do not believe a conflict can be de-escalated by escalating it.

Therefore, we appeal to Congress to recognize its moral and constitutional obligation and act now to reduce the money given the Defense Department to spend on this war which threatens our liberties; drains our strength and blackens our honor throughout the world. The Constitution grants the President no authority to declare any war and the present war's intensity ought to be curtailed rather than extended and expanded.

A continued extension of the war risks terrible destruction, imbeds us deeper, damages our standing abroad and rends our own society's fabric.

We are in agreement with the many leaders in Congress including our own Senator Mark Hatfield, in their attempt to restore the constitutional balance, restricting the Presidential power to start and wage undeclared war. They should now try to check the flow of public money on which this ruinous foreign venture depends. The war cannot be sustained without both Presidential decisions *and* money from Congress. Since neither the previous nor this Administration has chosen to heed the intent of the Constitution, it cannot be expected to heed us, but we *can* do something about money.

Let us encourage members of our own Congressional delegation, every one of whom has expressed the gravest personal doubts about this conflict, to appropriate fewer dollars for use in the Indochina theater. The less money in hand the less harm can be done. To approach the question by reducing up-coming appropriations means a delayed result, thus allowing complete support for every serviceman now fighting that war, but the move does reach the problem's root because it forces planned de-acceleration, and it does so without impairing Presidential prerogatives.

Since December, 1966, when we last called for de-escalation, over 30,000 more young American men have been killed in this conflict—always through the illusory attempt to end the war by quick and temporary escalations. By decreasing appropriations we must now make de-escalation a reality and bring the war to an end.

[From the Minneapolis Tribune, May 17, 1970]

THE AMENDMENT TO END THE WAR

Senate sponsors call it "The Amendment to End the War." Whether that amendment, sponsored by Sens. McGovern, Hatfield and 17 others, would be any more successful than other legislative moves gathering momentum in both houses is, of course, wholly speculative. There is no assurance, either, that the legislative route to a settlement in Indochina will be more productive than the escalation, pacification, Vietnamization or negotiation approaches past and present.

The merit of the McGovern-Hatfield amendment to a military authorization bill—and the reason we urge its passage—is that it puts the burden for decision where the decision must finally be made anyway: on the government of the United States. Alternative strategies require the cooperation of other governments which, from the standpoint of American logic, have much to gain by cooperation. The trouble is that the rules of logic in Saigon, Hanoi, Phnom Penh, Vientiane, Bangkok, Peking and Moscow appear to vary from capital to capital. More important, the rules of logic in all of them seem quite different from the rules in Washington.

The Thieu-Ky government, for example, seems bent on "liberating" Cambodia by a long-term military presence, thereby contradicting the logic in President Nixon's explanation of quick tactical strikes into Communists sanctuaries. Western reasoning has also been defied by the Viet Cong and North Vietnamese. American logic would hold that the prolonged and massive bludgeoning of the Communists should induce them to welcome a negotiated settlement. Yet after five years—or 16 or 25, however one measures the length of the Vietnamese civil war—Hanoi shows not the least sign of wanting to accept the peace offers of the United States. The reason, we believe, is that the U.S. position is tied to the perpetuation of the present Saigon government.

In that kind of dilemma, and given the long and bloody history of the war, we doubt that there are any "good" solutions. The choice must be among the less undesirable. The range of choice is narrowed by a general American consensus that neither extreme—conquest of North Vietnam or precipitate pull-out of American forces—is a viable alternative. Although the Nixon administration is part of that consensus, the attack into Cambodia has triggered alarm in Congress and across the nation that Mr. Nixon's undisclosed plan for ending the war is open-ended. If the President's announced troop withdrawals bring U.S. force levels in Vietnam down to around a quarter million men a year hence, what happens after that?

The McGovern-Hatfield amendment is intended to move a large measure of the uncertainty by setting a final withdrawal deadline of June 30, 1971. Opponents see the amendment as an impingement upon the President's duties and powers as commander-in-chief. Supporters see it as a reassertion of authority constitutionally vested in Congress. Appropriations, war powers and maintenance of the armed forces are the pertinent congressional prerogatives.

Unlike some critics, we do not interpret the amendment as an attempt by Congress to act as a surrogate Joint Chiefs of Staff. True, the proposal includes a cutoff of funds for military operations in Cambodia 30 days after enactment, which will probably not be accomplished in both houses (if it gets through either) before the end of this month. But Commander-in-Chief Nixon promised to have U.S. forces out of Cambodia by July 1, and it would seem reasonable for Congress to take him at his word. Administration hints in recent days that there might, after all, be a need for a bit more military action in Cambodia after the July 1 limit are to our way of thinking further evidence of the need for congressional action.

The longer-term part of the amendment calls first for an end to military offensives in Vietnam and Laos by next January and, second, final withdrawal by July 1971. That is clearly at odds with administration policy; but if the proposal gains support in Congress, then responsibility will rest with the White House to say what later deadline would be acceptable. The change in emphasis would be refreshing. Heretofore the responsibility has been on Congress to appropriate funds for a war whose purpose has become increasingly obscure. The "advice and consent" duties of the legislative branch have been construed as requiring more of the latter than the former.

If enacted, the McGovern-Hatfield amendment ought to redress the constitutional balance, which is important. It ought to bring the country well along toward extrication from Vietnam, which is crucial. And it ought to demonstrate to the world at large that, far from being the "pitiful, helpless giant" described last month by President Nixon, the United States is willing to move as decisively out of war as into it.

[From the Lewiston (Idaho) Tribune, May 1970]

WHEN WRONG, TO BE PUT RIGHT

Our country, right or wrong. When right, to be kept right; when wrong, to be put right.—SENATOR CARL SCHURZ.

It is not any massive national conviction of propriety that keeps this nation in Vietnam, but merely the fear of losing face. The error of our going there in the first place is widely recognized, but the act of acknowledging the mistake and correcting it is widely resisted.

And yet one of the surest ways to gain face would be to become one of the first powers in history to acknowledge a national error. The world would cheer our courage.

If, by some miracle, the American war to settle a fight between two dictatorships should be "won" tomorrow, that would only make the enterprise successful, not right.

But, if the last American troops ever leave this longest war in our history, it is more likely to be because of an approach suggested by a wag some years ago—declare a victory and leave.

The trouble with that approach is that you can't leave until you can see enough of what appears to be victory to fool yourself, if not the rest of the world. So we have become the prisoners of our own obsession with saving face.

However, some members of the U.S. Senate offer a plan to give this nation both its exit from Vietnam and renewed respect in the world at large. They propose that we declare a mistake and leave—that we acknowledge that a struggle between two bloody dictatorships was never a fit cause for American participation.

Our presidents, with not only the national face to save, but their own, have resisted the most obvious way to get out of Vietnam—leave. Two presidents have now suggested they would not preside over such an open admission of error. And, understandably, they have reminded their critics in the Senate and elsewhere that the loss of face, if any, would be that of the President who ordered the withdrawal.

Both the solution to the worry of how to get out of Vietnam and the saving of presidential face would be taken care of by an appropriations amendment sponsored by 20 senators, including Oregon Sen. Mark Hatfield and Idaho Sen. Frank Church.

The amendment to end the war in Vietnam would, by withdrawal of money to continue the conflict, force the President to terminate the American portion of the war by Dec. 31 of this year. After that date, American tax dollars could be spent only for withdrawal of troops, for exchanging prisoners, for providing political asylum to Vietnamese who feel threatened by the action and for materiel needed by those South Vietnamese who want to continue the war on their own.

If Vietnamization is ever going to work, it should have worked by now. And if it is ever going to work, it cannot work until the American crutch is no longer there to fall back on.

But what the Vietnamese do about a struggle between the despots of Saigon and Hanoi is their business. Supplying weapons and materiel for those Vietnamese who want to continue the war is merely a concession to the hawks. And it would reduce this nation's participation to the same supply-only role as the Red Chinese and the Soviet Union. The Communist world stands ready to fight to the last Vietnamese. Saigon and Washington have been prepared to fight to the last young American.

The amendment to end the war in Vietnam would return to Congress its constitutional right to declare war and its implied right to keep this nation out of war. Constitutionally, the President cannot, on his own, take this nation to battle. But four presidents have taken us to the Vietnam war or kept us there without benefit of congressional approval.

Properly, this amendment would also shift the "blame" for ending the war away from the President and upon the Congress which, constitutionally, should share the blame or the credit for any war.

But how much blame would there be? What would the world reaction be if America, almost alone among the big powers in world history, brought its forces home from the wrong war? No one looms so large as the individual who admits an error. And the same is true of nations. Would the result of our departure from Vietnam be loss of face, or ecstatic congratulation?

Call it Vietnamization or what you will, but sooner or later the Vietnamese must stand on their own.

Or are we to remain forever in that land?

At the present rate of withdrawal, it will take another four years to end American participation in what is already the longest war in our history. That means every healthy American teen-ager 15 years old and up is a prime target for death in a vague cause. And there have been no assurances that withdrawal will continue once the force in Vietnam is pared down to 50,000 or 100,000. Every male child in America is threatened ultimately by this war.

Such painful sacrifice would be easier to accept if the cause were more clear. We old men who send the young off to fight our wars could do so with a clearer conscience if this were the Nazis bombing London, the Italians slaughtering Ethiopians, or, indeed, even the Soviets storming into Czechoslovakia.

But America stands today with Saigon—a regime that has imprisoned the candidate who lost the last presidential election, with a military government that closes critical newspapers and with a sanctified junta that jails the William Fulbrights of its national legislature.

It is a small comfort in this land of the free that Hanoi is worse.

If Mr. Nixon could keep his prior promise that the last American life would be withdrawn from the line by 1972, perhaps it would be possible to muster some patience. But this war remains essentially endless, and American boys by the thousands appear destined to remain in Vietnam long after 1972. Worse, everything from the national spirit to the stock market is sick at home. The solution will not be found in war without end.

The early withdrawal of American forces from that pitiful war has become today a matter of national survival—not theirs, but ours. How much more of this can America stand? Is the perpetuation of the Saigon military clique a higher U.S. priority than the preservation of a marvelous nation that the Saigon generals are not fit to live in?

Of all the plans and political strategies that have been proposed to bring American forces home, the amendment to end the war in Vietnam is the most direct, the most logical and the most certain to succeed—if it passes.

Americans who are tired of this war and want it ended should let their congressmen know.

It remains our conviction that the domestic revolutionaries who preach that this system no longer works are victims of terminal cynicism. The people can end this war through a still-viable system of government. If enough people let their sentiments be known, there are few members of Congress not susceptible to the message.

The amendment to end the war in Vietnam will be before Congress shortly. Members of the Idaho, Washington and Oregon congressional delegations should hear now from their constituents. In letters and telegrams and petitions, those who have had enough should make their views known.

The hour grows late. It is not the face, but the body and soul of a great nation that need saving.

ORAL CONTRACEPTIVES

Mr. DOLE. Mr. President, in recent months there has been substantial public controversy over the merits, dangers, and questions surrounding oral contraceptives. Senate hearings did much to fan these controversies and also contributed to some of the popular misunderstanding of the subject. Many experts on all sides of the various issues surrounding the medical and practical aspects of these drugs have been heard. Some of the opinion expressed has been based on clinical experience, some on private practice, some on pure research and some on amateur observation and speculation.

The latest contribution to the popular literature on this subject is an article written by Dr. Edward T. Tyler, of Los Angeles, and published in Look magazine for June 30, 1970. In the article, Dr. Tyler discusses several of the issues raised in the Senate hearings and comments on other aspects of the use of oral contraceptive drugs.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Oral Contraceptives

Only one birth-control measure is safer or more effective than the pill—total sexual abstinence. And that has never been too popular a choice. Any other method—rhythm, diaphragm, condom, foam, intrauterine device (IUD)—is either less effective or not as safe as the ubiquitous tablet more than eight million women swallow daily.

Unfortunately, the pill's benefits have been blackened, and its evils—real and imagined—have been magnified at the recent Senate subcommittee hearings chaired by Sen. Gaylord Nelson (D., Wis.). Contrary to newspaper and television reports, the hearings did not uncover new dangers in the pill but merely repeated old stories that the public had heard before and that had already been carefully weighed by responsible medical authorities.

So sensational were the charges, however, that a public-opinion poll suggests that more than a million women have been too frightened to continue using the oral contraceptive, although 87 out of 100 women said they previously were satisfied with it. Planned or not, the anti-pill hysteria has panicked these women into making—on their own—a complicated medical decision that demands a physician's guidance.

Dire predictions of death from blood clots and cancer frightened the women away. While the bloodclot danger is statistically small but real, the cancer scare is neither statistical nor real; it is simply conjectural.

Two years ago, a British survey showed that death from blood clots occurred nearly seven times more often among pill-users than among similar-aged women not on the pill. A smaller United States survey found that the risk was about four times greater. Seven or four, even the smaller number is significant and must not be ignored. Any women taking the pill should be aware that there is the danger of blood clots.

Although the risk is real, it is equally important for every woman to know what the added danger actually means. The British study revealed that three women out of every 100,000 taking the pill died from blood clots. The toll involved was no greater than that among women who are killed while riding in cars or crossing the street. Certainly, such accidental deaths are deplorable, but no one suggests that the risk is so great women should stop riding in automobiles.

It is even more significant that pregnancy entails harsh risks of its own. Actually, the chance of death associated with pregnancy is 17 times greater than with pill-taking. Thus, the million or more women who reportedly abandoned the pill in fear because of the hearings may find their lives in greater jeopardy should they become pregnant as a consequence.

Although the blood-clot problem is relatively recent, hints of it appeared eight years ago. As an editorial consultant to the *Journal* of the American Medical Association, I recommended in 1962 that the *Journal* publish a report by a clinician linking the occurrence of blood clots with oral contraceptives. The *Journal* did so, and also asked me to write an editorial calling for definitive research on the how and why of the relationship.

To this date, no definitive research has been done. One reason may be the near-impossible task of evaluating the pill's role, when the basic mechanism of blood clotting is largely a mystery to scientists. Another is the unresolved argument over who should foot the bill for the research. Is it the drug companies' responsibility, because they stand to profit from the sales of oral contraceptives? Or should it be the Government's concern because, with eight million users, the pill has become a public-health problem?

During the Washington hearings, several witnesses advocated that women switch from the pill to one of the many intrauterine devices available. (One witness who was the pill's severest critic is the developer of an IUD that is now being manufactured and sold.) An IUD is a piece of plastic or metal (a coil, spiral, loop, etc.) that is inserted by a physician into a woman's uterus and left there. How it prevents pregnancy, no one knows.

With oral contraceptives, however, there are no doubts. The pill prevents conception by tricking the body into believing it is already pregnant. The pill accomplishes this with its two chemical ingredients that mimic the action of the female sex hormones—estrogen and progestogen.

One pill—the sequential type—consists of a synthetic estrogen tablet taken daily for two weeks, followed for one week by a daily tablet containing both synthetic hormones. The other—the combination type—contains both hormones in a single tablet that is taken daily for three weeks.

As each menstrual cycle rolls around, the pills' cumulative effects fool the woman's body into believing an egg cell has been released when actually it has been suppressed. As a consequence, the lining of the uterus undergoes changes that make it unsuitable to support a fresh fertilization. Thus a fake pregnancy helps prevent a real one from taking place. In addition, the combination pill provides an extra measure of protection. It thickens the woman's cervical secretions sufficiently to barricade the entrance of a sperm if an egg cell should unexpectedly be present.

To women who cannot take oral contraceptives for various medical reasons, the IUD may be one of many acceptable alternatives. At our Family Planning Centers in Los Angeles, we prescribe IUD's—as well as other contraceptives—according to a patient's individual needs and desires. The IUD's advantages are its relative simplicity and effectiveness, plus the fact a woman doesn't have to remember to take a pill a day.

What the advocates of IUD's failed to disclose in their testimony, however, is that the device, when compared to the pill, is substantially not as effective—and perhaps not even as safe. A considerable number of women fitted with IUD's complain of pain and bleeding. In some—about 15 percent—the discomfort is so severe that the IUD must be removed. Another ten percent of the women involuntarily expel the device. And more serious complications can occur in rare cases if it pierces the wall of the uterus, necessitating abdominal surgery.

The IUD's, which also affect women's health, are not, however, as rigidly regulated by the Food and Drug Administration (FDA) as oral contraceptives are. Any IUD manufacturer can sell his product on his own claims without submitting proof of its effectiveness or safety to the FDA. Strangely enough, no one at the Washington hearings explored this incongruity.

Instead, much time was spent in charging that women who take the pill are in greater danger of getting cancer. As proof, witnesses cited a survey of New York women that indicated more cancers of the cervix occured in females using the pill than in those who relied on a diaphragm as a contraceptive.

What the witnesses did not emphasize was that the survey had been thoroughly studied and discussed by numerous scientific authorities—including the FDA's expert advisers—who agreed that because of its improper design, no useful conclusion was possible. Even the two physicians who conducted the survey admitted its meaning was not clear.

It is extremely difficult to prove that a substance causes cancer. Experts agree that to show even a statistical relationship between oral contraceptives and cancer, at least 100,000 women must be carefully followed for ten years. And such a study demands the most precise planning to take into account the many factors that crucially bear on the disease. For example, the hereditary influences in breast cancer: one woman out of 16 may develop breast cancer during her lifetime; and if her mother or sister had the disease, her chances soar. And in the development of cervical cancer, critical influences are the age at which a woman first has intercourse, how many times she's been pregnant, her age when she had her first child and even whether her sexual partner was circumcised.

A reliable answer to the pill's role in cancer isn't possible unless researchers weigh all these factors when picking women for study.

Recognizing the need for an answer despite the difficulties, the FDA recently asked a survey research team associated with Temple University in Philadelphia to undertake the task. The investigators presently face the

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monumental job of designing a study that will permit a reliable evaluation in spite of the complications.

The pill-cancer phobia skyrocketed during the Washington sessions when a pharmaceutical company suddenly announced the withdrawal of a new mini-pill it has been selling in England and was about to market here. The reason, the firm said, was that a small number of beagle dogs that had been fed the drug experimentally had developed breast tumors that might be cancerous.

Mini-pills got their name because they contain a tiny dose of only one of the two synthetic hormones present in the usual oral contraceptives. Mini-pills eliminate the female sex hormone estrogen—suspected of causing the pill's side effects—and contain only a small amount of the other hormone, progestogen. Because the progestogen causes fewer physiological changes in a woman's body, most experts regarded the mini-pill as a distinct advance. Nor were they disappointed during its extensive and successful clinical trials in England and Canada.

Shortly after that company withdrew its low-dose pill another drug manufacturer fed its own mini-pill—as well as that of the first company's—to a group of beagle dogs, all of whom remained perfectly healthy. And in addition, one of the most widely prescribed oral contraceptives presently on sale in the United States contains nearly identical menstrual-cycle doses of the same chemical used in the banned mini-pill. And in numerous laboratory tests, not a single one of many beagles fed this pill has ever developed breast tumors.

The beagle incident alarmed the public, but it did not disturb scientists or physicians knowledgeable about oral contraceptives. They knew that what causes cancer in animals may not cause cancer in humans. Actually, what may cause cancer in one animal may have no effect on another. Laboratory tests have proved that certain chemical dyes that produce cancer in dogs are harmless to rats. And other dyes that invariably lead to cancer in rats are harmless to dogs. The answer is that each species is unique. The results of cancer experiments in animals are not conclusive; as a matter of fact, they may have little if anything to do with other animals, or with humans.

Not too long ago, when the American College of Obstetricians and Gynecologists polled its members, 99 percent of the specialists declared they saw no link between cancer and the pill. And among the millions of women on the pill, the FDA's medical advisory committee found no evidence that the use of oral contraceptives increased the risk of breast cancer. Indeed, recent independent research on cell structure and growth indicates that the progestogen component in the pill may have some cancer-preventive qualities.

No responsible physician has ever claimed that oral contraceptives are 100 percent safe; no medication is. Taking the pill entails some dangers, but there are also adequate safeguards for those dangers.

No woman should take oral contraceptives until she has had a thorough medical examination, including a history of previous and family illnesses, blood and urine tests, and a pelvic checkup with Pap smears. And that should be followed by a discussion with her physician about the relative merits of the various forms of conception controls. Once on the pill, she should have a reexamination at least once a year, or whenever untoward symptoms develop. With those precautions, no woman need fear the pill.

TRIBUTE TO NIX ANDERSON

Mr. McGEE. Mr. President, an area of increasingly important concern in America is the field of environmental health and sanitation. Today, I want to say a few words of praise to one of the outstanding professionals working in this field, Mr. William Nix Anderson of Casper, Wyo. Nix is sanitarian for Natrona County, but his concern and good work have gone beyond the borders of the county. He has gained statewide recognition, and now has been honored with the Star Crystal Award, instituted by Lyco Systems, Inc., to recognize outstanding performance in the field of environmental health and sanitation. It is an honor well earned.

SALUTE TO BABE RUTH BASEBALL

Mr. SCHWEIKER. Mr. President, I join my congressional colleagues in a salute to Babe Ruth Baseball. The Babe Ruth Baseball program is the world's largest baseball program and allows over 300,000 young boys to develop both physically and mentally through participation in the game of baseball.

I commend this organization for its efforts in promoting sportsmanship and team cooperation and for allowing these youngsters the opportunity to understand the meaning of competition and fairplay. At the same time, however, I feel that we must recognize the vast number of young boys who are not allowed this privilege due to environmental circumstances which make it impossible for them to have a place to play. The lack of recreational space in the highly urbanized States is appalling and I join with my fellow Congressmen in calling for prompt action at the Federal level for an in-depth study of the problem on a nationwide basis to investigate what can be done to take care of the recreational needs of the many youngsters who are presently deprived of these opportunities.

Speaking for my home State, Pennsylvania, I know that there are youngsters all over the State playing on Babe Ruth teams, and I also know that there are many who are not. I want to see as many boys as possible be afforded this opportunity and since Babe Ruth Baseball began in 1953 it has contributed greatly in the area of youth development. I therefore support the special order in hopes that it will allow many more young people the opportunity to develop mentally and physically with the help of additional recreational facilities.

NIXON WAGE-PRICE BOARD WELCOME

Mr. PROXMIRE. Mr. President, the President's proposal for publicizing the economic basis for big wage demands and substantial price hikes is excellent. We have needed this for a long time. It will certainly not solve the inflation problem but it will help significantly to bring pressure to bear on both unions and management to keep their decisions reasonable.

The heart of our inflation problem continues to be our huge military operations—not only in Southeast Asia but elsewhere in the world. Congress can greatly assist in the anti-inflation drive by reducing the President's military budget sharply and cutting back our overseas commitments.

THE CHALLENGE THAT IS OURS—SALUTATORY ADDRESS BY WILLA FINLEY

Mr. TOWER. Mr. President, Miss Willa Finley, a member of the class of 1970 graduating from the Floydada (Tex.) High School, had some noteworthy comments in a salutatory address on the occasion of the class's commencement exercises this spring.

I ask unanimous consent that the text of her address be printed in the RECORD. I am informed that she is a young lady of strong convictions and quite capable of holding her own in discussion with her fellow students.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CHALLENGE THAT IS OURS

(By Willa Finley)

Fathers, mothers, teachers, and friends: It is a great honor for me to welcome you in behalf of the graduating class of 1970.

"Out of the abundance of the heart the mouth speaks." Tonight our hearts are full of love and gratitude, for without your help, we would not be here as graduating seniors. For the wisdom and patience of you, our parents and teachers, we thank you.

We, the youth of this country working together with the older generation, must take up the challenge of retrieving and upholding those principles—patriotism, reverence for God, and high moral standards—which have made America a great nation and a world power.

In times like these, America needs men—men who dare to stand up for her and defend her. Instead of trying to seek deferments, our young men should be willing to serve in uniform, remembering that in receiving freedom's benefits, they must be ready to give in return their services to keep those freedoms. Have we become too sophisticated to want to do what our brave boys have done in the seven wars of America's history?

There is at work within this country an ideological force known as communism. The puppets under the oversight of the Kremlin are too wise to engage America in pitched battle. Rather, they weaken the foundations by instilling fear into people's minds—arsons, bombings, and bomb threats by the score occur daily. To further impress us, they are carrying out massive worldwide naval maneuvers and make an open show of their military might. As I have been saying this, some of you immediately put up a mental block at the word *communism*. But if we will open our minds and spend some time finding facts about the Kremlin's plans for a world take-over, we will see that communism is a *very real threat* to our country's future as a free nation.

We must cherish the symbols of our country—the flag, the pledge of allegiance, and "The Star-Spangled Banner." Did you truly think about the words the last time you repeated the pledge of allegiance to the United States of America? Listen closely to the words of "The Star-Spangled Banner" when you next hear them, and try to revive that old spark of love that moved Francis Scott Key to write our national anthem.

Just before Moses' death, he gave to the people of Israel God's warning if they turned from Him: "I will hide my face from them, I will see what their end will be, for they are a perverse generation, children in whom is no faithfulness." These words could as easily have been spoken to our country today. Theologians are proclaiming that there is no God or that he is dead, and that only parts of the Bible are true. Because of the work of one woman, prayer and Bible reading in public schools are unconstitutional. David wrote in the Psalms, "The fool has said in his heart, There is no God."

Not since the days of the Roman Empire have a nation's morals been so low as they are today. "Situation ethics" is the thing. Under this code of "nonconduct," one is absolutely uninhibited by any moral laws. Total physical and mental abandonment are his, as long as the occasion is right and he feels nothing is wrong with it. Movies, magazines, books, and pictures unfit for so noble a creation as a human being are published, shown, and read without any cry of protest. Pornography and its attendent vices would all but disappear if groups of enraged parents and citizens would launch a campaign against movie houses, theaters, and stores which exhibit the trash and against those who peddle it. As long ago as 1932, a ranking member of the Communist Party said that the surest and easiest way to destroy America is to weaken the morals of the young people. Times have changed, but God's principles haven't; and the "new morality" is but a euphemism for *sin*.

The words of Dr. W. H. Thompson sum it up well. In a speech to the West Omaha Rotary Club in 1968, he said:

"I ask you—what is wrong with an honest devotion to the things that have made this country great—its Constitution, its moral fiber, its productive work, its great freedoms, its mighty expressions of mercy and good will, its happy, cooperative living, its unprecedented opportunities?

"I ask you—what is wrong with, 'In God We Trust'? Every true teacher knows that if these banners are held high—our youth will respond.

"I ask you—shall we shake ourselves out of the slough of despondency and stand again in the sunshine of our rightness, our strength, our manhood, and our proven values—or shall we go stuttering and stumbling, brawling and burning, reeling and bleeding, back over the hill of yesterday to barbarianism?"

STRONG PUBLIC SUPPORT FOR WITHDRAWAL OF U.S. FORCES FROM VIETNAM

Mr. McGOVERN. Mr. President, a recent Gallup poll, reported in the New York Times of June 14, 1970, indicates "the weight of opinion now is on the side of withdrawing all U.S. troops from Vietnam by July 1971, or earlier."

The poll demonstrated strong support for the proposal I and other Senators have sponsored calling for the withdrawal of all U.S. forces from Vietnam by July 1, 1971. Nearly as much support was registered for immediate withdrawal of forces.

I ask unanimous consent that the news report of the poll be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. WITHDRAWAL BY 1971 IS BACKED—REMOVAL OF ALL TROOPS IS FAVORED IN A POLL

PRINCETON, N.J., June 13.—With United States forces scheduled to be out of Cambodia before the end of the month, the debate over the war will almost certainly center on the rate of withdrawal of troops from Vietnam.

The latest post-Cambodian appraisal of the public's mood by the Gallup Poll shows the weight of opinion now on the side of withdrawing all United States troops from Vietnam by July, 1971, or earlier. A pre-Cambodian survey showed the nation about equally divided between those who favored this timetable and those who supported a timetable more in line with President Nixon's.

Senator George S. McGovern of South Dakota, a possible Democratic Presidential candidate in 1972, has introduced an amendment to a bill that requires the withdrawal of all United States military manpower by July, 1971.

President Nixon promised in a speech on April 30 to return 150,000 troops in one year's time, which would leave about half of the total there after July 1, 1971.

Attitudes on the withdrawal of troops fall into four main categories. These were presented on a handout card to a sample of 1,509 adults in a survey conducted in 300 selected communities during the period May 22–25. This question was asked:

Here are four different plans the United States could follow in dealing with the war in Vietnam. Which one do you prefer?

Following are the latest results and those from two earlier, pre-Cambodian surveys:

[In percent]

	May 1970	February 1970	December 1969
Plan A: Withdraw all troops from Vietnam immediately	23	21	19
Plan B: Withdraw all by July 1971	25	25	22
Plan C: Withdraw troops but take as many years to do this as are needed to turn the war over to the South Vietnamese	31	38	40
Plan D: Send more troops to Vietnam and step up the fighting	13	7	11
Total	100	100	100

DIFFERENT WORDING

In the February survey, Plan B referred to the withdrawal of all troops by the end of 18 months. This roughly corresponds to the time span covered in Plan B in the most recent survey. In the December survey the wording of Plan B was as follows: Withdraw all troops by the end of 1970.

The proportion of Americans who think we should get out "immediately" has remained surprisingly constant during the last two or three years, although a slight gain has been registered over the last three surveys. Similarly, the proportion who hold opposite views and think we should "go all out" has remained relatively constant despite the vicissitudes of the war.

The political implications for the forthcoming Congressional elections are seen in the following table. This shows the weight of opinion among both Democrats and independents to be on the side of immediate withdrawal or withdrawal by July of next year:

Choices by Political Affiliation:

[In percent]

	Plan A	Plan B	Plan C	Plan D
Republicans	17	27	37	14
Democrats	27	23	29	12
Independents	23	28	26	13

Note: The percentages across do not add to 100 percent in the above table because the no opinion figures have been omitted.

A majority of women, 53 per cent, favor the withdrawal of troops by July, 1971, or sooner, compared to 43 per cent of men. Younger adults are somewhat more inclined to favor withdrawal plans A or B than are older adults. Easterners are the most inclined to favor early withdrawal.

THE EAST BERLIN WORKERS REVOLT

Mr. PROXMIRE. Mr. President, today marks the 17th anniversary of the East Berlin workers revolt.

The workers of East Berlin, 17 years ago today, reacted to the increased work quotas that were being forced upon them by forming strike committees and taking over factories.

In many places throughout East Germany the workers marched into the streets and captured key buildings such as town halls, prisons, banks, and police stations.

In big towns such as Magdeburg, Halle, and Bitterfelde the jails were thrown open and all political prisoners freed.

The Soviet Union reacted by sending in over 17 divisions to suppress the riots. The workers fought back against Russian tanks with rocks and bare fists.

Mass arrests and martial law were the orders of the day for the Soviet troops. Unspecified numbers of demonstrators were shot after being tried by military courts.

Yet the people of East Berlin did not let up. The Soviets were forced to keep the city of Berlin in a virtual state of siege through the ninth of July. Even through the month of September sitdown strikes and clashes between workers and people's police were being reported.

And I do not need to remind the Senate of the many subsequent valiant attempts of the East Berliners to acquire their fundamental rights as human beings—attempts that no wall the Soviets can build will be able to resist forever.

Mr. President, the valiant efforts of the East Berlin workers to win their human rights from the Soviets should serve to inspire us all in our struggle to insure that all persons be guaranteed those rights.

Why with our revulsion at Soviet repression of revolts in Berlin, Poland, and Czechoslovakia—why are we afraid to sign the United Nations conventions which put into international law those guarantees?

Why, Mr. President, will not this Senate ratify the United Nations conventions on human rights? Is it not about time we stood up in law for those things we hold so important in principle?

THE RESPONSIBILITY AND PROMISE OF AMERICAN YOUTH

Mr. HRUSKA. Mr. President, it is difficult to pick up a paper these days without finding some story about young people. For the most part, these stories point out how disenchanted the kids are with the older generation and the "establishment." Some writers—and some

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supposedly respectable publications—go on at great length about the drug and sex culture of youth; they would have us believe that those of our children who are not trying to overthrow our Government and destroy our society, are intent on destroying themselves through indulgence in mind-destroying narcotics and hallucinogens.

The picture is false. Certainly there are revolutionaries among the young, and there are those who try to escape responsibility by retreating into drugs and dreams. But, these relative few are only the most spectacular and newsworthy—not the most numerous or the most representative. When a television program shows a couple of dozen kids acting out in a demonstration, the implication is that this represents what all young people are doing.

Mr. President, a few weeks ago I had the exceptional privilege of accompanying a small group of Nebraska students to the White House, where they engaged in a serious discussion of a current issue with senior members of the President's staff. They came with determination and purpose, and they had a hearing. They argued the need for equitable Federal treatment to their school and partly as a result of their effort equity was done.

The example was both impressive and heartening. At the time I wished that the Cassandras in the media could have observed just what determined, responsible young people can do. They did not try to burn down the White House while we were there. They did not carry any placards. They did not wear beards. But, they made their point and they succeeded.

One of that group was a young man named Steve Lawson. Besides taking an active part in fighting for his school, Steve managed to be valedictorian of his class, which graduated on June 2 of this year. As is customary, Steve gave a valedictory address. The address itself, however, is far from the usual. It presents a point of view and a maturity rarely reported by the press. It contains no argument for violence, no assertion of superior morality, no indication of an irrevocable cleavage between the young and the old. Rather, it presents a sober, reasoned and responsible discussion of some of our most perplexing domestic issues.

Mr. President, I believe it will be useful for Steve's valedictory to be widely read. I therefore ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Steve Lawson's Valedictory Address

As most of you are aware, I have enjoyed myself immensely during my tenure at Bellevue High. Occasionally I would sink into the Slough of Despond, but then I'd go to a Student Council meeting, or read the Image, or try to check out a magazine, and pretty soon I'd be laughing and joking and cutting up again. I do have one regret, however, and that is that I could never find anything to rhyme with "seventy". Other classes have clever slogans because their numbers are easy to rhyme: '68, great; "69, fine, and so on. But try to rhyme "seventy". It's little things like that that take my mind off of weightier questions, such as why is it school policy to remove all doors from the boys' restrooms.

Every few months, a particular word enjoys a certain vogue. I'm certain you know what I mean. One hears them on the Tonight Show frequently; words like "charisma", and "pragmatic", remember those? Well now the word is "polarization". College campuses are becoming "polarized", Spiro Agnew is "polarizing" the nation. The Bellevue Guide has "polarized" the civilian and Air Force community. Meaning, of course, that the people involved are "taking a stand" one way or the other. Increasingly, people are urged to "take a stand". I would like to submit that the concept of "taking a stand" is inimical to the problem-solving process.

When President Nixon announced his drive into Cambodia, there went up a great hue and cry in favor of letting America vote on the decision. But to submit this issue to a national referendum would be the height of lunacy, inasmuch as the populace is simply not competent to decide military matters. Another instance: this year some of the advanced biology classes read a book on overpopulation. Now I don't take advanced biology, yet I know they read the book because for a while there it was well-nigh impossible to walk down the halls without some panic-stricken scholar grabbing your arm and telling you that if something weren't done about the earth's population, people would start spilling off the edge, or some such alarming statistic.

And when I suggested that perhaps human reproduction were a matter of personal choice, they acted as if I were crazy for not thinking that mass starvation is mankind's inexorable fate. So now, do you see what I mean? As soon as you have resolved your thinking on some matter, it effectively destroys all bases for further discussion. One might ask, Why is he telling us all this? (Pause) Well, the reason I'm telling you all this is because when you enter college you will be subjected to what amounts to indoctrination, not only from polarized students, but from professors. In case you doubt that, think back to the last student teacher you had. After a few weeks of the old "do your own thing" and "find yourself" song and dance, you can get pretty sick of ideology.

Now don't misunderstand me. I don't wish to convey the impression that one shouldn't have any opinions. I simply wish to caution you against making judgments without the time-tested benefits of evidence, logic, and objectivity. Today we often witness the results of the abandonment of intellectual detachment. I will stipulate that feelings are good things to have, but one simply has to acknowledge that there are certain aspects of existence that require dispassionate analysis. To have the courage of one's convictions is one of the most noble conditions to which man can aspire. But when those convictions have their foundation in sentiment or in the protean circumstances of one's surroundings, that "condition" is no more desirable than is ignorance.

A word now to the parents. Doubtless you have heard, and many of you believe, that youth are the hope of America. Don't you believe it, not for a minute, at least not in the literal sense. I will concede that those who are at present young, will, in time, become older, and then will assume positions of responsibility. But as far as young youth are concerned, the generation is just not all it is cracked up to be. The fact is, that youth is just exactly that, and has never been anything else. So don't be overly eager to accept all of the actions of your blessed issue while they are away. Beware of the old "boys will be boys" rationale, since he can be a boy just as easily on his own money. In other words, if you're not careful, you could end up subsidizing a revolution.

The fascination with youth has always amazed me, inasmuch as a few days spent at school, or a few minutes at a girls' slumber party, will uncover an astounding variety of vices: smoking, drinking, drugs, sex, yes, even dancing, but I could go on. "Well, isn't that a small minority?" you ask (people are always asking that). I don't know. I used to think so. But someone is smoking in the girls' restrooms so as to make the air unbreathable, and I don't think all the maternity cases this year were brought in from elsewhere. But now that I stop to think about it, I guess there were only a hundred kids of assorted sexes at that party that was busted up by Gulf Mart. Excuse me. It would be vastly amusing to see the looks on some of you mothers' (or fathers') faces if you knew of your sons' (or daughters') pastime activities.

(Incidentally, that's why I can't get too worked up about the sincerity of the overpopulation panic.)

One last thing. During these past few years, I have noticed a tendency on the part of this class (and others) to take themselves entirely too seriously. There are numerous demonstrations of this phenomenon. The "Teen Pulse." "Ask Jean Adams." The Image. Valedictory addresses. Ah yes, and love. Not in the Biblical sense, but in the familiar. I'm sure you've all seen couples walking arm in arm or hand in hand down the hall, in utter silence, absorbed in thought concerning the cosmic implications of their union. What is amusing about this scene is that two days after Prom, she will probably drop him, or even worse, not say "hi" to him in the halls! The occurrence of early engagement, marriage, and pregnancy (not necessarily in that order) is the most convincing proof of the desperation that seems to pervade this generation. Far too many people feel obligated to question, and this questioning produces more agonizing than the answer could ever assuage. Learn to laugh; learn to say "no"; better still, learn to say "I don't know"; and maybe, just maybe, learn to say, "I don't care."

I suppose it is customary, in ending a speech such as this, to say "we are at the end of an era," or "we march forth into a new age." And even though graduation is a milestone of sorts, it is neither an ending or a beginning, a stopping or a starting. People are the thread that lend continuity to events. Why, then, do we cry? Why do we shell out fabulous sums to photographers, stationers, and cap and gown companies? We've been attending public schools now for thirteen years. Very simply, we have fulfilled our public obligation. Do we weep for the end of innocence? The answer is no. We weep for the end of its assumption.

KEYNOTE ADDRESS BY REPRESENTATIVE JOHN BRADEMAS

Mr. BAYH. Mr. President, it was my privilege yesterday to listen to a thoughtful, critical yet constructive keynote speech delivered at the Indiana Democratic State Convention by the Honorable John Brademas, who for more than a decade has ably represented the Third Congressional District of my State in the House of Representatives.

Reviewed in some detail were many of those major shortcomings and faults which have been attributed to both the National and the Indiana State administrations. Among the issues which Representative Brademas discussed were the present state of the economy, problems facing our schools and universities, the crisis in medical care, crime control, consumer protection, human rights, foreign policy and various State problems.

Mr. President, in order that other Members of Congress will have ready access to these comments by Representa-

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tive BRADEMAS, I ask unanimous consent that the full text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF KEYNOTE ADDRESS, INDIANA DEMOCRATIC STATE CONVENTION

(By Congressman JOHN BRADEMAS)

We meet today in the capital city of our state from throughout the 92 counties of Indiana, at a time of unprecedented crisis for our country.

We meet as Democrats, proud of our Party, of its tradition as the oldest political party in the world, and of the contribution it has made to lifting the level of life of the people of our state and our country.

Yet we meet not only as Democrats, but as citizens of Indiana and as Americans, with a solemn responsibility so to act here and in the days to come, that our party will be a servant not of our own self-interest but of responsive and responsible government for all the people.

We meet as well, if anyone needs reminding, at a time when a Republican Governor presides in the State House and a Republican President in the White House. And as we look to the months that lie ahead between now and November 3rd, we, as spokesmen for the other great political party in the United States, must, if we are to serve our historic function, review the record of Republican stewardship in Indianapolis and Washington—and let the people know our judgment.

And that judgment must be that the Republican Party—the party of Edgar Whitcomb here and Richard Nixon there—has visited disaster after disaster upon the people of our State and Nation.

Let me speak first of the Nixon Administration and its policies, and second of the Whitcomb Administration and its.

I proceed in this order not to save the worst for the last . . . but only because, as a Representative in the National Congress, I can speak more specifically of the Republican Party's record at the national level.

Where to begin? The list, the catalogue, is long . . .

But I would ask your attention to these eloquent words—hear them well—and I quote:

"When the strongest nation in the world can be tied down for four years in a war in Viet Nam with no end in sight, when the richest nation in the world can't manage its own economy, when the nation with the greatest tradition of the rule of law is plagued by unprecedented lawlessness, when a nation which has been known for a century for equality of opportunity is torn by unprecedented racial violence, and when the President of the United States cannot travel abroad or to any major city at home without fear of a hostile demonstration—then it's time for new leadership for the United States of America."

Those words are not the rhetoric of Larry O'Brien in a partisan attack on the Nixon Administration. They are rather words spoken in an attack on the last Democratic Administration during the presidential campaign of 1968—and the man who uttered them was Richard Nixon.

It must be obvious—if ironic—that Candidate Nixon's language applies with far more telling force to the Administration of President Nixon.

THE NIXON ADMINISTRATION AND THE NATION'S ECONOMY

What has happened to our nation during the first year and a half of the Republican Administration?

Let me speak first of the nation's economy.

In October 1968, Candidate Nixon promised during his four-year term to help create 15 million new jobs.

That was the promise. The performance? Disaster for millions of American working men and women!

Today over 4 million workers are jobless in our country, 1¼ million more than when Mr. Nixon took office last year—and the prospects are for a continuing rise in unemployment unless the Administration reverses its present economic policies.

When President Kennedy took office after a Republican Administration that had also brought us recession and widespread unemployment, the unemployment rate bequeathed him by the Republicans was 7 percent.

But after eight years of uninterrupted economic growth and prosperity under two Democratic Administrations, the rate of unemployment had dropped to just over 3 percent.

Today, after only 17 months of a Republican in the White House, the figure has soared to 5 percent—and has skyrocketed to fully 6 percent in my own home community.

We are in another Republican recession, and let there be no mistake about it.

RISING UNEMPLOYMENT AND SOARING INFLATION

Nor has the Republican policy of fighting inflation by stimulating unemployment worked. In addition to rising unemployment, we face the specter of soaring inflation.

The cost of living has leaped nearly eight points in the one year of GOP rule, the largest annual rise in 20 years, and it's getting worse every week, as any housewife will tell you.

Wage and salary earners, retired persons, small farmers, the average businessman are all in a price squeeze as costs soar—but the Administration watches, twiddling its thumbs.

Or let me tell you about interest rates.

We are today suffering the highest interest rates since the Civil War . . . with prime bank rates at 8½ percent, but with the real cost of money ranging up to 10 percent and even 18 percent for the man who has to buy his car or refrigerator on credit, or borrow money to pay doctor bills or to send his children to college.

And for home buyers, the Republican tight money policy has been catastrophic.

The increase in interest rates since President Nixon took office has added $9,000 to the cost of a $20,000 home over a 30-year FHA mortgage—so that this home now costs $35,000 in interest alone, nearly twice the cost of the home itself!

REPUBLICAN HIGH INTEREST POLICY

The Republican high interest policy has brought crisis as well to city, state, hospital and school projects . . .

And even giant corporations are beginning to be squeezed until it hurts.

The tight money policy has been one major cause of the drop in housing starts from 1.9 million to 1.1 million, off over 40% since the Republicans took office.

Moreover, the longest and steepest drop in stock markets and prices since the crash of '29 has meant losses of over $250 billion to over 26 million stockholders. Since the Republicans assumed office in Washington, the stock market has suffered a loss more than the amount equal to what the Federal government spends in an entire year!

American farmers, too, understand the damaging effect on farm income of the Nixon Administration's effort to drive grain prices back to world market levels . . . and Hoosier farmers who belong to REMC coops realize as well the meaning of the Administration's continuing opposition to adequate funds to meet the staggering backlog of rural electric loan applications.

And do you remember Mr. Nixon's forecast a year ago of a $6.3 billion budget surplus for the fiscal year ending June 30?

Well, here's the story now . . . not a $6 billion surplus, but a $1.8 billion deficit—a slight error in the estimate of $8 billion!

Why? Because profitless businessmen and unemployed workers don't pay taxes, and high interest rates mean $1 billion more in interest on the Federal debt, not to speak of $500 million more than projected for unemployment insurance.

THE GREAT VOCAL MAJORITY

We have heard a lot in recent months about the Great Silent Majority . . . salaried workers, small businessmen, retired persons, farmers. . . .

But I submit to you that on grounds of its disastrous economic policies alone and their devastating impact on millions of Americans, it will not be long before the Great Silent Majority becomes the Great Vocal Majority . . . and their judgment on the political party that has brought such suffering to them and to our country will be harsh, indeed.

In a wide variety of other domestic areas crucial to the lives of people and to the nation as a whole, the Administration has been following a policy of what can most generously be described as one of "malign neglect."

EDUCATION

In education, the President has sharply cut back funds for a number of programs essential to our schools and universities. He even vetoed a measure, supported by majorities of both Democrats and Republicans in Congress, to add a modest amount of money to his already starved budget request for education.

The Administration of Richard Nixon is on record against legislation to provide for comprehensive pre-school and child day care programs, environmental education in our schools, and even opposes a drug abuse education bill passed unanimously by the House of Representatives!

The firing of the distinguished U.S. Commissioner of Education Dr. James Allen, a few days ago symbolizes the hostility of the Nixon Administration to supporting American education at any level.

HEALTH

Or turn to the field of health care—the single most inflationary sector of the American economy.

While proclaiming concern about the urgent national crisis in medical care, President Nixon has made almost savage cuts in funds for training desperately needed physicians, nurses and other health professionals.

The Administration has even slashed programs of modest but essential research into cancer, arthritis, heart disease and other crippling ailments.

The result of the Republican Administration's opposition to adequate health care programs has been the resignation in recent months of some of the nation's top administrators of Federal health programs . . . dramatic testimony to the total abdication of Republican leadership in the health field.

POLLUTION

Or speak of a problem of rising concern among Americans—The pollution of our air, land and water . . . the environmental crisis.

A perfect example of the Administration's attitude here is the opposition of the President to an effort, born in Congress, with bipartisan support, to vote the full $1 billion in appropriations which Congress had authorized for grants this year to help fight water pollution.

CRIME

What about crime, a word of which we heard much in the 1968 campaign?

And what has the Nixon Administration, now in office 17 months, done to fight crime?

The answer is written in the stark facts, and they are these: that crimes of violence in the United States continue to increase, month after month.

We have laws on the statute books of every state in the union outlawing murder, robbery and rape.

Why isn't the Nixon Administration helping insure that these laws are enforced?

Democrats in Congress, led by House Judiciary Chairman Celler, have urged at least $750 million in appropriations for Federal assistance to state and local law enforcement agencies next year . . . under the omnibus Crime Control and Safe Streets Act of 1968, which Democrats initiated. But the Nixon Administration wants less than ⅔ of this amount—only $480 million for total federal help to our criminal law system. Republicans offer rhetoric, Democrats offer action in the war against crime.

CONSUMERS

And a word about consumers.

Only a few days ago, the National Commission on Product Safety blew the whistle on the Nixon Administration for failing to enforce three laws—all passed under Democratic leadership—and aimed at protecting consumers . . . the National Traffic and Motor Vehicle Safety Act, the Flammable Fabrics Act, and the Federal Hazardous Substances Labeling Act.

Nor then should anyone be surprised that the Republican Administration continues to oppose a bipartisan bill to establish an independent agency within the Federal government to champion the cause of consumers.

HUMAN RIGHTS

And in the field of human rights, to cite but one example, the House of Representatives will tomorrow vote on legislation crucial to assuring the sacred right of the franchise to all Americans, regardless of race, in all parts of our country.

Congressmen Madden, Jacobs, Hamilton and Brademas will join Senators Hartke and Bayh in voting for a bill that will extend for five years the historic Voting Rights Act of 1965, which struck down many of the artificial barriers aimed at keeping Negroes from using the ballot.

The Nixon Administration, in line with its Southern strategy of trying to out-Wallace George Wallace, is strongly lobbying against this bill, which also contains a section providing for the 18 year old vote.

I could go on and on, cataloging the failures of the Republican Administration in Washington to exercise effective leadership to keep our economy moving ahead and to advance programs to help meet the serious problems that afflict our society.

FOREIGN POLICY

But time is too short, and I must say a word about the stewardship of the Administration in the life or death area of foreign policy.

First, with respect to Viet Nam and the bloody struggle which has taken the lives of so many young Americans, as well as of others, and which haunts the hearts and minds of us all, whether Democrats or Republicans.

Just recall those campaign speeches of candidate Nixon in 1968 when he said that, if elected, he would end the war in Vietnam and win the peace.

Yet the harsh fact is—that President Nixon's policies so far have served not to end the war and win the peace but rather to widen the war and perhaps prevent the peace which the American people and the world so deeply desire.

Last week's vote in which the United States Senate rejected the Byrd Amendment, which would have given the President a blank check for further expanding the war in Cambodia, is symbolic of a growing reassertion in Washington on the part of both Democrats and Republicans—and especially in the Senate—of the Constitutional role and authority of Congress in decision-making about war and peace.

For let there be no mistake about this either—bringing the Viet Nam War to an early end, returning United States troops to this country, and applying the vast resources of our land to the enormous problems confronting us here at home remain the most urgent business on the American agenda.

Yet our preoccupation with Viet Nam should not blind us to the requirement for sound policies in other key areas of foreign policy.

And here I cite but two:

First, the crisis in the Middle East where the region's only genuine democracy—Israel—is increasingly in mortal danger from the growing presence of Soviet power in Egypt.

And second, the immense importance to the future survival of the world of successful SALT talks with the Soviet Union to limit strategic arms.

In all three of these key areas, Viet Nam, the Middle East, arms control, we must, as Americans, wish President Nixon well, but we must also, as responsible citizens, observe that the policies of this Administration are not ones that give hope and encouragement to the people of our country or the world.

GOVERNOR EDGAR D. WHITCOMB'S "SUPER DEAL"

Let me turn now to the Republican stewardship in Indiana—and say just a word about Governor Edgar D. Whitcomb.

You all know Governor Whitcomb—the only bull in Indiana who carries his own china closet!

We all learned last week of Governor Whitcomb's "Super Deal," the one that, with the blessing of the White House, got his great friend John Snyder out of the race for the United States Senate and probably into a $38,000 Federal job.

The idea behind this "Super Deal" was to keep the Republican Convention this week from becoming a bloody referendum on the "popularity" of the Whitcomb Administration by the Governor's fellow Republicans.

Well, all this conniving may be a "Super Deal" for Governor Whitcomb, but it's just one more example of Republican double-dealing with the citizens of Indiana.

But of course, it's all in the Whitcomb tradition.

A RAW DEAL FOR HOOSIER TAXPAYERS AND SCHOOL CHILDREN

You remember Candidate Whitcomb's campaign promise to provide Hoosier citizens relief from soaring property taxes? . . . That promise may have been a Super Deal for Mr. Whitcomb but his failure to keep his promise has been a raw deal for Hoosier taxpayers and Hoosier schoolchildren.

Governor Whitcomb's vetoes of bills to raise aid to the blind and disabled and provide more help to retired schoolteachers may have been a Super Deal for the Indiana Republican Party, but they've meant a raw deal for these hard-pressed men and women.

And the Governor's veto of a second state medical school for Indiana may have been a Super Deal for the Republican politicians, but it's meant a raw deal for Hoosier citizens who want to see our state train more first-class doctors and keep them here.

I could recite similar failures of leadership in highway construction, prison reform, conservation, higher education, crime control—all low cards in the big deck of Super Deal Ed Whitcomb. . . .

And I haven't even mentioned that other man with a fast shuffle . . . whose hands are not always on top of the table . . . the state Superintendent of Public Instruction, Richard Wells.

Looking back then at the record of the Nixon Administration in Washington and the Whitcomb Administration in Indianapolis, I am reminded of the words of that song so popular today, "Spinning Wheel."

You all recall its theme: "What goes up, must come down."

For on the basis of the Republican record . . . the Republican Party, up today, will come crashing down in November.

Down to defeat at the hands of a united Democratic Party here in Indiana and across the land.

Down to defeat because of its failure to give effective leadership to meet the time of crisis in which we live.

We will, I am confident, re-elect Senator Vance Hartke to the United States Senate . . . we will re-elect Ray Madden, Andy Jacobs, Lee Hamilton and John Brademas to Congress . . . and more.

And we will elect every single one of our Democratic nominees for state office in Indiana.

THE AMERICAN CONSTITUTIONAL SYSTEM

As I close, let me remind you that just six years from now, in 1976, the American people will mark the 200th anniversary of our birth as a nation.

I do not, however, believe that we need wait until 1976 to celebrate that extraordinary birthday.

We must rather begin today to translate into reality the noble ideals of the great men of 1776.

We must begin now to say to the citizens of America and the world that our Constitutional system, the oldest form of self-government alive today, is, for all its imperfections, sturdy enough and resilient enough to meet the many challenges that history has thrust upon us.

We must begin now to work to make our country the land of freedom and justice and opportunity for all Americans that we know can be.

This is our high calling as Democrats.

This is our high calling as Americans.

Let us, then—in the words of John F. Kennedy—let us begin.

INDOCHINA

Mr. BELLMON. Mr. President, many questions have been raised over the past few weeks concerning the origin of U.S. intervention in Southeast Asia.

During the past weekend, I had the opportunity to read one of the most thorough and lucid analyses of the events preceding our present involvement that I have seen. This carefully researched article by one of Washington's most distinguished journalists, Allan Cromley, was published in the Sunday edition of the Daily Oklahoman, June 14, 1970.

This excellent summary of the actions of this country in connection with the war in Southeast Asia will be enlightening to Members of the Senate. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDOCHINA ENTANGLEMENT BEGAN IN 1945: LONG CONFLICT LEAVES 42,265 DEAD

(By Allan Cromley)

WASHINGTON.—Why and how did the United States get led into or pushed into war in Southeast Asia? What actions and under what presidential administration did events bring about a change from diplomatic moves to all-out military participation in the war?

The answers to both questions are long, involved and complicated but every reader of The Oklahoman is entitled to know exactly what happened, when it happened and who caused it.

All facts, figures and dates are set out as fully and as concisely as possible in covering a 25 year period.

Those who follow events more closely remember the crucial year, 1954, when the United States took two significant actions:

One—It participated in a conference on Indochina in Geneva, Switzerland, from May to July, out of which came the formal partitioning of North and South Vietnam.

Two—It signed the Manila pact in September, officially known as the Southeast Asia Collective Defense Treaty, which established the Southeast Asia Treaty Organization (SEATO).

Comprised of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, United Kingdom, and the U.S., SEATO guaranteed South Vietnam against attack and subversion.

(The treaty was ratified by the Senate the following year, 82 to 1, with the late Bill Langer (R-N. D.) the lone dissenter. Sen. J. William Fulbright (D–Ark.) now the leading Senate critic of U.S. involvement in South Vietnam, voted for ratification.

However, the United States was involved in South Vietnam long before the Geneva accords and creation of SEATO.

Where did we really get in?

There probably could be no better authority than William P. Bundy, who served as Assistant Secretary of State for Asian and Pacific Affairs under President Johnson.

Bundy says, "Our first decisions affecting Vietnam were in 1945."

He lists this date as the first of 10 significant decisions which gradually evolved into half a million American men fighting a war denounced at home and abroad.

In a 1967 speech at the University of Maryland, Bundy said, "President Roosevelt (in 1945) deeply believed that French colonial control in Indochina should not be restored, and this attitude let us in the closing months of the war against militarist Japan to adopt what the French have always considered an obstructive attitude toward their return.

"Separately, we briefly gave modest assistance to Ho Chi Minh as an asset against the Japanese."

In its second significant decision, the United States stood aside during the next four or five years while France, recipient in Europe of huge Marshall Plan aid from the United States, made and broke agreements with the Vietnamese.

In fact, the story of modern conflict in Vietnam really goes back to 1858, when French troops occupied the country by force and began an era of colonialism that ended with the fall of the fortress, Dien Bien Phu, in 1954, when 272,000 Frenchmen were fighting in Vietnam.

If 1945 can be challenged as a landmark of U.S. involvement in Vietnam, surely the year 1950 has to be accepted as the beginning.

In August of that year, during the Truman administration, the U.S. established a military and advisory group (MAAG), and the first shipment of U.S. arms arrived on August 10.

Between this date and the French defeat at Dien Bien Phu in 1954, U.S. taxpayers were to foot 80 per cent of the cost of the war that France was gradually losing.

France had established a post-war government under Emperor Bao Dai (a former Japanese puppet) in 1946. So intense by now was the Vietnamese hatred for France that Nguyen Ai Quoc, who eventually became known as Ho Chi Minh, was able to crystallize these emotions into a willingness by many Vietnamese—whether Communist or not—to fight against French occupation.

When the United States recognized the French-imposed Bao Dai regime in 1950, it was argued that the decision by President Truman to assist the French in Indo-china was a logical extension of the Truman Doctrine which evolved in the Mediterranean in 1947.

Under that doctrine the United States had sent aid to Greece and Turkey when threatened with Communist aggression.

But there were some basic differences between the Greek-Turkish situation and that in Vietnam in 1950.

Greece was an independent nation with clearly established and defined borders, and an internationally recognized government. It was being attacked by Greek Communists who were based—and financed—from abroad.

The Greek government requested help. First Britain, then the United States, responded with money, arms and advisers.

It was a similar situation in Turkey, whose borders were threatened by the Soviet Union.

Vietnam was an altogether different situation. An analysis by the staff of the Senate Republican policy committee in 1967 summed it up thus:

"For the first time, we were officially committing American arms, money, and military advisers to a colonial war on the side of a colonial power."

From this point, all opponents of the Bao Dai government were labeled Communists by the French. The tragic, unintended result of this was, as President Eisenhower noted in his book, "Mandate for Change, the White House Years:"

". . . had elections been held as of the time of the fighting, possibly 80 per cent of the population would have voted for the Communist Ho Chi Minh as their leader, rather than Chief of State, Bao Dai . . ."

However, it should be recalled that China had recently fallen to the Communists. The Reds made an overt attack in Korea, and the Soviets had recognized the Ho Chi Minh government in North Vietnam.

Any resistance to Communism in South Vietnam even if placed on the side of a hated power of by-gone years, seemed justified.

Time, however, is a harsh judge, and whether the 1950 decision will stand up in the history books remains to be seen.

Thus, Dwight D. Eisenhower came into office in 1953 with basic decisions awaiting him. Most important was whether to continue assistance to the French, cut it back, or end it.

He decided to continue assistance, but to attempt to circumvent the French and make Bao Dai more independent and more acceptable to the Vietnamese.

He soon had to decide whether to intervene directly to prevent a French catastrophe at Dien Bien Phu, where Ho Chi Minh's forces were about to pull off one of the greatest victories in the history of that part of the world.

A sharp argument boiled up within the Eisenhower administration, and in the end the President refused to permit an armed intervention by American forces.

In one of the most tragically prophetic utterances of his administration, Eisenhower declared that he "could not conceive of a greater tragedy for America than to get heavily involved now in an all-out war in any of those regions (Indochina)."

Dien Bien Phu fell on May 7, 1954, the day before the opening of a conference at Geneva. Participating were the United States, France, Britain and the Soviet Union, and after prolonged haggling, Communist China. These powers finally agreed that representatives of Cambodia and Laos take part, along with representatives of Bao Dai and Ho Chi Minh.

The key was the European Defense Community. The United States and Britain were attempting to found EDC. They needed France's help and felt they could not overpressure France on the Indochina question.

The Soviet Union was equally interested in blocking EDC and pressured Ho Chi Minh to make concessions to France which Ho did not feel were justified.

Communist China was trying to present a more moderate image to the world and was willing to cooperate with the Soviet Union in forcing Ho to ease his demands.

The upshot of all this was an agreement by Ho to pull Vietminh forces out of South Vietnam, which they largely controlled, back above the 17th parallel. Guerrillas were another question, which the participants avoided.

The conference made it clear that the 17th parallel was not to be a permanent dividing line and called for nationwide elections within two years, which was assented to orally by everyone except the United States and Bao Dai.

In fact, the United States was not a final signatory to the conference, nor was South Vietnam.

It was during the conference that Catholic, ascetic Ngo Dinh Diem strode onto the world stage as Premier of the Bao Dai government, strongly nationalist, anti-French and anti-Communist, was to be a South Vietnamese force until his assassination in November, 1963, just before John F. Kennedy died in Dallas.

Hardly had the dust settled from the Geneva conference in 1954 than SEATO was organized at the Manila conference, in September of that year.

It was a treaty that had vast and long-lasting effect on events in Southeast Asia.

The principal provisions:

One—"Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any state or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes . . ."

Two—"The United States of America, in executing the present treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto . . . apply only to Communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of article 4, paragraph 2."

The pact, plus promise of aid, had the immediate effect of giving the Diem government a combination of psychological, economic and military support necessary for it to survive.

Diem immediately moved against gangsters around Saigon and after dispersing them, disarmed and suppressed autonomous religious sects. By October, 1955, he felt strong enough to propose a referendum between the absent Bao Doi and himself.

Diem would have won it without manipulation of the election, but his brother felt it necessary to adulterate the outcome, which was about 98 per cent in favor of Diem. The result was lack of confidence in Diem's concept of a "viable" government.

Diem refused to allow an election in 1956, which would have been a popularity contest with Ho Chi Minh. Ho probably would have won it.

Communist guerrillas were on the upsurge, and Diem's regime went into decline, but President Eisenhower stuck by his basic position that if there was to be a solution in South Vietnam, it was political and non military, insofar as the United States was concerned.

That was the situation when John F. Kennedy entered the White House in January, 1961.

The Kennedy legend has become distorted since his death. Liberals have repeatedly emphasized the dovish things he said and ignored or buried his hawk-like statements.

For one thing, he expressly supported the "domino theory," which holds that the inde-

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pendence of South Vietnam crucially affects Southeast Asia—that if South Vietnam falls to the Communists, other nations will also fall, like dominoes.

In an NBC interview on September 9, 1963, Kennedy was asked this question:

"Have you had any reason to doubt this so-called 'domino theory' that if South Vietnam falls, the rest of Southeast Asia will go behind it?"

Kennedy replied, "No, I believe it. I believe it. I think that the struggle is close enough. China is so large, looms so high just beyond the frontier, that if South Vietnam went, it would not only give them an improved geographic position for a guerrilla assault on Malaya but would also give the impression that the wave of the future in Southeast Asia was China and the Communists. So, I believe it."

When Kennedy entered the White House, the United States had about 900 military advisers in South Vietnam and no combat personnel.

By the time Kennedy was assassinated, in November, 1963, the U.S. advisory forces had grown to about 16,000.

When Kennedy took over from Eisenhower, in January, 1961, U.S. involvement in South Vietnam began to take a qualitative shift. By the end of the year, it was apparent that the new administration had opted for military intervention.

Even Arthur Schlesinger, one of Kennedy's staunchest defenders, admits that Kennedy's decision "was to place the main emphasis on the military effort."

The first American soldier was killed in open combat in 1961.

The year, 1961, was a turning point in several respects.

It marked the beginning of the National Front for Liberation of South Vietnam (NLF), better known as the Viet Cong. The NLF platform was renewal of open, armed aggression against the Diem government in Saigon.

Concerned about the rising terrorism, Kennedy told a news conference on May 5, 1961, that use of American combat forces in South Vietnam was under consideration.

Reverting to a bit of old-fashioned gunboat diplomacy, Kennedy sent an aircraft carrier to demonstrate off Haiphong. Troops were sent into Thailand and then withdrawn to show our strength and readiness to move.

In 1961, too, began a parade of political, diplomatic and military figures from Washington to Saigon. Vice President Lyndon B. Johnson was dispatched to Southeastern Asia.

Warmed by a cordial, two-day session with President Diem, Johnson likened him to George Washington, Andrew Jackson, Woodrow Wilson, Franklin D. Roosevelt and Winston Churchill.

In fairness to LBJ, it should be noted that President Eisenhower had spoken of Diem's "inspiring leadership in the cause of the free world." The New York Times had described Diem as "a man of deep religious heart."

However, it was Diem who in 1959 instituted special military tribunals to try "infringements of national security." The tribunals were permitted to pass only sentences of death or hard labor for life.

Thousands were herded into concentration camps, and the New York World-Telegram reported that merely "the intention to shake one's fist in the direction of the Presidential Palace" made one liable to punishment by the military tribunal.

But if Diem were in some ways a despot, he was OUR despot. He was an anti-Communist despot, and that was better than Communism, reasoned U.S. leaders.

The increasing militancy of the United States government in 1961 is reflected in a memorandum that Johnson wrote Kennedy after the Vice President's trip to Vietnam.

"The fundamental decision required of the United States . . . is whether we are to attempt to meet the challenge of Communist expansion now in Southeast Asia by a major effort in support of the forces of freedom in the area or throw in the towel," Johnson said.

One insight into Kennedy's thinking is provided by Robert Manning, who served as Assistant Secretary of State for Public Affairs during the JFK administration.

Manning wrote in April, 1967, "One day in 1961, President Kennedy discussed with his counselors a decision to increase the American 'presence' in South Vietnam from a few hundred 'military advisers' to a military force of 15,000 men.

"Undersecretary of State George Ball argued that it would seriously alter the character of the war and might eventually suck more than 300,000 men into action there.

"Secretary of State Dean Rusk and Secretary of Defense Robert McNamara agreed that Ball's reservations were fair ones, but they were willing to risk the consequences. Kennedy decided that he was, too."

Manning notes that it was a "critical step" in escalation of the war, but in news reports it was characterized as a "modest" increase in American advisory help to Saigon.

Several writers have connected Kennedy's decision to step up American military activity in Vietnam with his disastrous confrontation with Soviet Premier Nikita Khrushchev in Vienna in June, 1961.

James Reston wrote in the New York Times that "a few minutes after this meeting President Kennedy told me that apparently Khrushchev had decided that 'anybody stupid enough to get involved in the Bay of Pigs was immature, and anybody who didn't see it through was timid and, therefore, could be bullied.' "

It was Reston's thesis, along with other writers who took a look at it later, that Kennedy put 12,000 American soldiers into Vietnam as an offset to Khrushchev's estimate of him.

Two principal historians of the Kennedy administration, Theodore Sorensen and Schlesinger, plead that Kennedy had virtually no alternative. They said he "inherited" a situation which he could do nothing to change, and that escalation was inevitable.

A Republican-sponsored study understandably takes a partisan view: "Carried to its ultimate absurdity, this thesis presents Lyndon Johnson as a captive of George Washington's policies, with no real justification for quadrennial presidential elections."

By 1963, some of Kennedy's top assistants were making what in retrospect were terribly inaccurate predictions.

Kennedy's roving ambassador, Averell Harriman said in 1962 that Kennedy's decision to step up U.S. military assistance "would not involve the deployment of U.S. combat forces and would not require the occupation of foreign territory by the United States or other Western forces."

In 1962 McNamara said, "Every qualitative measurement we have shows we're winning this war."

In 1963 McNamara said, "The war in Vietnam is going well." Later the same year he said, "The major part of the U.S. military task can be completed by the end of 1965."

In 1964 he said, "The U.S. still hopes to withdraw most of its troops from South Vietnam before the end of 1965."

General Paul Harkins, commander of the Military Assistance Command in Saigon, said in late 1963, "Victory in the sense it would apply to this kind of war is just months away and the reduction of American advisors can begin any time now."

Lyndon Johnson became President November 22, 1963, and once again a new American Chief of State had an opportunity to reassess the situation in Vietnam.

President Eisenhowever had decided to continue arms assistance to the French but not allow a build-up of U.S. forces.

President Kennedy had decided to greatly increase the force of U.S. military advisers.

President Johnson now faced his own decision.

United States forces in Vietnam had grown from 900 at the end of 1960 to 3,200 at the end of 1961, to 11,300 at the end of 1962, to 16,300 at the end of 1963.

Under Johnson they were to take these leaps: at the end of 1964, 23,300; 1965, 184,300; 1966, 385,000; 1967, 485,600; 1968, 563,100.

The momentum continued to the high point, April 30, 1969, when the U.S. total in Vietnam was 543,400.

Then President Nixon's withdrawal policies took hold, and U.S. force totals began to shrink. The total as of late May was 429,950.

President Johnson may not have had as many options as did Kennedy and Eisenhower when they entered office. Actions of the Kennedy administration had narrowed the field. There were more Americans in Vietnam, and some of them were involved in combat, although not yet as American units.

Withdrawal now would be a much greater blow at American prestige than it would have been in 1963 or 1961.

The regime of Ngo Dinh Diem, who had become Premier of the government in 1954, was crumbling when Johnson became President.

During the previous May, in the city of Hue, government troops fired into a crowd protesting Diem's strictures against flying the Buddhist flag during a religious festival.

Demonstrations spread to Saigon. A monk immolated himself, and others did likewise. In August, Diem's special forces attacked pagodas in Saigon, Hue and other cities, arresting a number of Buddhists.

Students joined the demonstrations. Diem closed universities and all secondary schools in Saigon.

In September elections were held for the National Assembly, with all candidates approved in advance by the Diem government.

On November 1, a military junta led by General Duong Van Minh overthrew the Diem government, and the next day Diem and his opium-smoking brother, Nhu, were assassinated.

In the next 18 months ten governments came and went in Saigon. Although each seemed worse than its predecessor, the Johnson administration expressed high hopes for each new regime.

General Khanh, for instance, who replaced General Minh in January, 1964, was described by McNamara as "an able and energetic leader" who has "demonstrated his grasp for the basic elements . . . required to defeat the Viet Cong."

Khanh bounced in and out of the premiership for a year and finally was sent off as roving ambassador to the world.

Despite the political chaos in Vietnam at this time, McNamara testified before Congress on February 18, 1964, that the "bulk" of U.S. troops would be pulled out by the end of 1965.

A "strategic hamlet" program turned out to be a farce. Thousands of supposedly secure enclaves were really controlled by the Viet Cong, although the United States contributed tens of millions of dollars worth of equipment and building materials.

By March of 1964, a month after his troop withdrawal prediction, McNamara was saying that "there can be no such thing as a purely 'military' solution to the war in South Vietnam."

The Johnson administration had just settled into office when the Gulf of Tonkin incident occurred.

Johnson went to Congress for war making powers and got them in a resolution which said that "the United States is prepared, as the President determines, to take all neces-

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sary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty (SEATO) requesting assistance in defense for its freedom."

Sen. William Fulbright, (D-Ark.), now the leading critic of Nixon's venture into Cambodia, supported the Tonkin Gulf resolution. In Senate debate, Fulbright said, "this provision is intended to give clearance to the President to use his discretion . . . We know that he is accustomed to consulting with the Joint Chiefs of Staff and with Congressional leaders."

Then Fulbright added significantly, "but he does not have to do that."

A presidential campaign was underway, and Johnson dulled the foreign impact of the Tonkin resolution by repeatedly accusing his GOP opponent, Sen. Barry Goldwater, of wanting to enlarge the conflict in Vietnam.

Johnson blew hot and cold, alternately taking a bellicose stance and then telling the voters that "they (Goldwater supporters) call upon us to supply American boys to do the job that Asian boys should do . . . such action would offer no solution at all to the real problem in Vietnam."

Nevertheless, the war was escalated.

On the same August day that the U.S. destroyer, C. Turner Joy, was attacked by North Vietnamese PT boats in Tonkin Gulf, Johnson ordered U.S. "air action" against "gunboats and certain supporting facilities in North Vietnam."

There's some doubt as to whether this was the first bombing raid on North Vietnam, but there was no doubt about what happened on February 7, 1965: U.S. dependents were evacuated from South Vietnam, and U.S. planes struck targets in North Vietnam.

Three weeks later, officials announced that Johnson had decided to open continuous limited air strikes against North Vietnam.

The first indication of commitment of U.S. ground units to battle was on March 6, when two Marine battalions were sent to South Vietnam for "limited duty."

American troops participated in their first major attack of the war on June 28 of that year, 1965. And two weeks later the United States announced a large buildup of American forces there.

Meanwhile, there began a series of puzzling stops and starts in U.S. bombing of the North.

U Thant, U.N. Secretary General, had set up a drumfire of proposals that the United States halt the bombing.

From May 13, 1965, to October 31, 1968, there were at least nine bombing halts, varying in length from a day to several months.

They seemed to have no effect on the North Vietnamese, despite pleas of U Thant and others that the enemy was ready to negotiate, if only the United States would stop the bombing.

The most dramatic announcement came on March 31, 1968, when President Johnson coupled a partial bombing halt with disclosure that he would not seek reelection.

He said at that time that there would be no air attacks on North Vietnam "except in the area north of the demilitarized zone where the continuing enemy buildup directly threatens forward allied positions."

Then, on October 31, just before the presidential election, Johnson announced that the United States "will cease all air, naval, and artillery bombardment of North Vietnam."

It is a situation that remains in effect to this day. There is no aerial or artillery bombardment of North Vietnam, although pilots are allowed to fire on enemy forces during rescue operations of downed personnel. And reconnaissance aircraft are allowed to fire back if fired upon.

The intermittent nature of U.S. bombing during the Johnson administration chafed his military advisers, as well as the Senate Armed Services Committee.

In March, 1967 an armed services subcommittee issued a report charging that restrictions on U.S. pilots bombing in North Vietnam had resulted in increased American casualties.

During the following August, Adm. Ulysses S. Sharp, commander of the U.S. forces in the Pacific, told the Senate preparedness subcommittee that the United States should continue the bombing of North Vietnam and that more valuable military targets could be hit.

A few days later Gen. Harold K. Johnson, Army chief of staff, told the subcommittee that the United States should bomb Haiphong harbor.

The next day, the subcommittee issued a report charging that McNamara had "shackled" the campaign. The subcommittee called for the "closure, neutralization, or isolation" of Haiphong.

And in September Air Force Chief of Staff John P. McConnell publicly added his voice, urging that the United States destroy 94 key North Vietnamese targets.

Sitting in the enemy camp, it must have been difficult to determine U.S. intentions.

For instance, on March 5, 1966, Gen. Maxwell Taylor, a top Johnson adviser, proposed the mining of Haiphong harbor.

But less than two months later, Secretary of the Air Force Harold Brown was saying that the president had decided against including industrial and port installations and fuel storage facilities among U.S. targets.

Then, in June, American planes conducted the first of continuing attacks on oil installations in the areas of Hanoi and Haiphong.

This strange, on-again, off-again war was fought in spurts that delighted the enemy and enraged would-be world peace-makers.

In September, 1966, Ambassador to the U.N. Arthur Goldberg hinted that the United States would halt the bombing.

And about two weeks later U.S. Ambassador to the Soviet Union Foy D. Koehler warned that an American blockade of North Vietnam would raise the risk of a military confrontation with the U.S.S.R.

But within a month U.S. pilots flew a record (at that time) 175 missions in one day over North Vietnam.

Another example of seeming U.S. vacillation:

On January 13, 1967, Gen. Earle Wheeler, chairman of the Joint Chiefs of Staff, said the United States would not bomb MIG bases in North Vietnam.

But about 3½ months later, U.S. planes struck two North Vietnamese MIG bases, the first attack on such installations.

And although the United States consistently refused to mount a massive attack that would interdict shipping in Haiphong harbor, it managed to get itself into a ticklish diplomatic position by damaging the Russian merchant ship, Mikhail Frunze, in Haiphong with bombs meant for an anti-aircraft site in the port area.

Despite the stops and starts, the conflict gradually escalated.

Three of the SEATO pact nations—Australia, Thailand, and New Zealand—sent troops, but their participation was small compared with that of a nonsignatory, South Korea.

The most recent totals show this breakdown of third-nation strength in South Vietnam: South Korea, 49,300; Thailand, 11,500; Australia, 7,500; New Zealand, 600.

The escalation of the war can also be read in U.S. casualty figures.

Here are figures showing the rise in battle deaths and troop commitments under the Kennedy and Johnson administrations, and subsequent decrease during the Nixon administration, thus far:

Year	U.S. deaths in Vietnam	U.S. forces in Vietnam
1960	0	900
1961	42	3,200
1962		11,300
1963	78	16,300
1964	147	23,300
1965	1,369	184,300
1966	5,008	385,600
1967	9,378	485,600
1968	14,592	536,100
High point Apr. 30, 1969		543,400
1969	9,414	475,000
May 21, 1970	2,232	429,950
If withdrawals continue at the present rate:		
December 1970		330,000
April 1971		284,000
December 1971		184,000
Election Day 1972		60,000
March 1973		0

The 1970 total, if extrapolated through December, indicates that this year's death toll will be in the neighborhood of 5,500, or a little more than the 1956 level.

During the peak years of the Indochina war, the toll in American wounded has been: 1956—6,114; 1966—30,193; 1967—62,025; 1968—92,820; 1969—70,216. Total of wounded for those five years was 261,368, of which 132,048 were classified as "requiring hospital care" and 129,320 as not requiring hospital care.

The build-up of American troops was like a fast elevator from mid-1965 to the spring of 1967.

Johnson said in a July 1965 press conference, "We must not let this (unconventional nature of the fighting) mask the central fact that this is really war."

He stepped up the bombing of North Vietnam, no longer as retaliatory raids, but as an effort to break the Viet Cong supply route to the South.

American military strength in South Vietnam rose from 53,000 in July to more than 200,000 by the end of the year.

By July, 1967—one year after the big build-up began—U.S. forces in Vietnam totaled 375,000 by December 31, it had reached 389,000, and six months later, the total was pushing 500,000.

Late in the build-up period, the directors of the American effort got around to bombing key enemy centers for the first time.

It was March 10, 1967, before the U.S. hit the North Vietnamese Thainguyen iron and steel works.

It was February 27, 1967, before mines were dropped on North Vietnamese rivers.

It was April 20, 1967, when the Americans bombed two power plants inside Haiphong for the first time.

It was August 11, 1967, when U.S. planes destroyed the center span of North Vietnam's most important railway bridge linking Hanoi with Haiphong.

Planes dumped bombs September 11, 1967 on four previously untouched targets in Haiphong.

And it was October 25, 1967, that we got around to bombing North Vietnam's largest airbase, Phucyen.

On November 16 that year our planes hit Haiphong's shipyard No. 2 for the first time, and the next day they bombed the Bacmai airfield near the center of Hanoi for the first time.

During this period, it should be remembered, the administration was being hounded by demands, at home and abroad, that it stop the bombing.

The United States frequently dangled the carrot with temporary bomb halts, but each time the North Vietnamese responded with scornful rejections of Johnson invitations to the peace table.

On the other hand, Johnson was accused of spurning peace overtures to and from Hanoi.

Harry Ashmore, executive-secretary of the

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Center for the Study of Democratic Institutions, Santa Barbara, Calif., charged in September 1967 that Johnson had nullified a conciliatory letter to Hanoi drafted by Ashmore and state department officials.

Ashmore accused the President of proposing a specific halt to North Vietnamese infiltration in return for cessation of U.S. bombing. It was a quid pro quo, instead of "reciprocal restraint" advocated by Ashmore.

Thus, the Johnson administration was buffeted from both sides: the doves claimed that the president did not want to negotiate; the hawks criticized him for not stepping up the attack to a point where, they contended, the enemy would be forced to negotiate.

Richard M. Nixon was sworn in as leader of a divided country on January 20, 1969. The Vietnam war was still escalating. The United States had 535,000 men in Vietnam, and the total was increasing every day.

Nixon had three choices:

One—Accelerate the troop build-up and/or renew the bombing of North Vietnam.

Two—Continue the Johnson policies.

Three—Set the stage for withdrawal of U.S. troops and deescalation of the war.

He chose the third course, but it was not until June, 1969, that he announced the first troop withdrawals (25,000), following a meeting with South Vietnamese President Nguyen Van Thieu at Midway Island.

Despite this startling reversal, it was met with mixed congressional reaction. Sen. George McGovern (D-S.D.) said it represented "tokenism."

Any doubt of the President's intent should have been erased on September 16, when he announced that an additional 35,000 troops would be withdrawn by December 15.

However, this did not deter the planners of two huge peace demonstrations, October 15 and November 15, during which the war was denounced in radical terms and Nixon was excoriated for not immediately loading up the troop ships without any attempt to "Vietnamize" the conflict.

Nixon continued a course that in retrospect has been undeviating—possibly excepting the Cambodian invasion.

On November 3 last year he went before nationwide TV cameras and recalled that during the 1968 presidential election campaign he had pledged to end the war. He said, "I have initiated a plan of action which will enable me to keep that pledge."

He ruled out an immediate withdrawal, promised an "orderly timetable" of bringing the boys home, and put on record the "Nixon Doctrine" he had first enunciated in an off-the-record session with reporters during a trip to Guam the previous July.

Not recognized immediately as greatly significant, his plan was to avoid future Vietnams by helping Asian nations to arm themselves against aggressive neighbors.

Thus, in two ways Nixon was attempting to disengage: by "Vietnamizing" the present war and by "Asianizing" future wars in that part of the world.

Nixon made no secret of his skepticism toward the Paris Peace Talks. He said "no progress whatever has been made except agreement on the shape of the bargaining table."

His plan to bring the war to an end, he emphasized, was totally without any dependence on what might happen in the Paris negotiations.

His plan depended on our ability to enable the South Vietnamese Army to take over the war, or at least to hold its own against both the Viet Cong and the North Vietnamese army.

That was in early November. On December 15, Nixon made another troop withdrawal announcement. He promised a cutback of 50,000 U.S. forces on April 15, 1970, which lowered the troop ceiling 115,000 below the 549,500 limit in effect when he took office.

Then last April 20, Nixon capped three previous troop withdrawal announcements with a pledge to cut our Vietnamese force by 150,000 additional men during the next 12 months.

That would be a total reduction of 265,000 since he took office. It would be a monthly average decrease of about 12,500 during his presidency, and would bring U.S. troop strength down to 284,000 in April 1971.

Then came Cambodia. Attempts to explain that Communist sanctuaries had to be cleared before withdrawal of all U.S. forces fell on many deaf ears.

It's hard to see how Nixon's critics could assume that he did not intend to withdraw U.S. forces from Cambodia by his promised July 1 deadline.

Failure to keep such a conspicuous pledge would certainly damage his credibility.

What was most surprising was that he could make such an iron-clad promise amidst the uncertainties of war.

Nixon's four-year term is one-third gone. During only 16 months he has reversed the U.S. troop build-up, announced a yet-to-be-tested self-defense doctrine for Asian countries, and begun substantial withdrawals of U.S. forces.

If his withdrawal schedule holds, there will be only 60,000 U.S. troops left in South Vietnam by the time of the 1972 presidential election—and few if any of them would be combat troops.

There's something for Nixon's Senate critics to think about, particularly if they are up for re-election in 1972.

A Summary of History: The Trail That Led to War

Here, in brief, are the fateful missteps by five presidents of the United States whose decisions dragged us into the Vietnam war.

1. According to Assistant Secretary of State William P. Bundy, President Roosevelt, in 1945, believed that French colonial control in Indochina should not be restored. Accordingly, he briefly gave modest assistance to Ho Chi Minh, which the French considered an obstructive attitude.

2. In August of 1950, President Truman established a military and advisory group (M.A.A.G.) and sent the first shipment of U.S. arms to Indochina.

Under the Marshall plan, the United States was awarding huge sums of money to France and U.S. taxpayers paid about 80 per cent of the cost of the war that France was fighting in Vietnam until her defeat in 1954.

3. Dwight D. Eisenhower became president in 1953 and was faced with a decision of whether to continue assistance to the French, cut it back or end it. He decided to continue assistance but to attempt to circumvent the French and make Bao Dai, the South Vietnamese leader, more independent and more acceptable to the Vietnamese people.

He soon had to decide whether to intervene directly to prevent a French catastrophe. After sharp argument within the Eisenhower administration, the President refused to permit armed intervention by America forces. Eisenhower declared that he "could not conceive of a greater tragedy for America than to get heavily involved now in an all-out war in any of those regions. (Indochina)."

The French army was defeated in Vietnam the day before the opening of a conference at Geneva, participated in by France, Britain, Soviet Union, Communist China and the United States. The upshot of the conference was an agreement by Ho Chi Minh to pull back North Vietnam forces to the 17th parallel but neither the United States nor South Vietnam signed the agreement.

Very shortly after the Geneva conference, the Southeast Asia Treaty Organization (SEATO) was organized at Manila and signed by Australia, France, New Zealand, Pakistan, the Philippines, Thailand, United Kingdom and the United States, guaranteeing Vietnam against armed attack and subversion.

The Manila treaty was ratified by the United States Senate, eighty-two to one, and Senator J. William Fulbright voted for it.

4. Communist Guerrillas were active against the South Vietnamese government when John F. Kennedy became president in January, 1961. When Kennedy entered the White House, the United States had about 900 military advisers in South Vietnam, but no combat personnel. Kennedy had boosted U.S. advisory forces to 16,000 before his assassination in November, 1963. Before the end of Kennedy's first year in office, it was apparent the new administration had decided for military intervention. Arthur Schlesinger, one of Kennedy's staunchist defenders admitted that Kennedy's decision "was to place the main emphasis on a military effort." The first American soldiers were killed in combat in 1961.

5. Several writers have connected Kennedy's decision for military intervention in Vietnam with a disparaging remark made by Khrushchev.

James Reston wrote in the New York Times that "a few minutes after this meeting, President Kennedy told me that apparently Khrushchev had decided that "anybody stupid enough to get involved in the Bay of Pigs was immature, and anybody who didn't see it through was timid and, therefore, could be bullied."

It was Reston's thesis, along with other writers who took a look at it later, that Kennedy put 12,000 American soldiers into Vietnam as an offset to Khrushchev's estimate of him.

Lyndon B. Johnson became president November 22, 1963. Once again an American Chief of State had an opportunity to reassess our involvement in Vietnam. His decision was to vastly expand our military forces. At the end of 1964, there were 23,300 in Vietnam. In 1965, 184,300; in 1966, 385,300; in 1967, 485,600 and in 1968 536,100. The high total was April, 1969, with 543,000. From then on, President Nixon's withdrawal policies took effect and by late May, the number was reduced to 429,950.

Since then, President Nixon has continued his withdrawal policy.

EXCERPTS FROM STATEMENT OF LEONARD WOODCOCK, PRESIDENT, UNITED AUTOMOBILE, AEROSPACE, AND AGRICULTURE WORKERS OF AMERICA—UAW—BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE

Mr. HART. Mr. President, this Nation lost one of its great leaders with the tragic death of Walter Reuther. One clear mark of his extraordinary gifts is the excellence of those who surrounded him and who make up the leadership of the United Auto Workers. They are men and women who are prepared and will continue in his tradition of courageous and compassionate public leadership.

Yesterday, Mr. Leonard Woodcock, now the president of the UAW, addressed himself to the question of national priorities before the Subcommittee on Economy in Government of the Joint Economic Committee. His statement—too long for printing in this Record—is an excellent example of enlightened trade union leadership. I commend his testimony to my colleagues.

Mr. President, I ask unanimous consent that the excerpts from his statement be printed at this point in the Record.

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There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM STATEMENT OF LEONARD WOODCOCK

It is a pleasure and a privilege to have the opportunity of speaking before this Committee on behalf of 1.8 million members of the UAW. In appearing here I am acutely aware that this was one of the commitments accepted—and, I may say, very willingly accepted—just a few months ago by my very close friend and the late President of our Union, Walter P. Reuther, whose loss we all deeply mourn.

The development of a system of national priorities and allocations of resources, which would assist us in attacking the many pressing needs of our country, was a project which he considered to be of major importance. So was the drive for peace. Members of this Committee will recall that he addressed himself to these subjects with vigor and with feeling in his appearance before you just about a year ago. While I cannot hope to speak with the same persuasiveness of passion which was one of Mr. Reuther's many unique gifts, I can assure you that the position of the UAW on these questions is unchanged as it is on other matters affecting the social and economic welfare of our country and its people.

My own personal views are essentially the same as those which Mr. Reuther expressed to you a year ago. If anything, they have been strengthened and deepened by the continuing tragedy of our involvement in the war in Southeast Asia, and the equal tragedies of our increasing neglect of needs at home and the growing divisions among our people.

What we must do

The fact is that our society today is a very sick society—and its basic illness can be traced in large part to the war in Vietnam and to our share in the nuclear arms race—with all the tragic implications inherent in that race. I am not one of those who believe that our society is incurably sick. But I believe that its cure will be difficult and painful. For to achieve that cure, we must take three drastic, difficult and courageous steps.

We must end the war in Southeast Asia—and if we cannot end it, we must end our involvement in it.

We must end the nuclear arms race and the worldwide arms race—and as the most powerful competitor in that race, we must be prepared to take the first steps.

And finally, we must set our own priorities in order, and build in our own country a society in which we all can live—in peace, in freedom, in justice and in equality of opportunity for all. And I mean *genuine* equality of opportunity for *all*, not merely token equality for a few.

The costs of Vietnam

First, there is the war in Vietnam—which threatens now to spread throughout Southeast Asia.

What have been the costs of that war?

It has cost the lives of some 50,000 of our young men—including those killed in direct fighting and in noncombat incidents.

It has cost over 270,000 Americans wounded—many of them blinded, maimed, crippled for life.

It has cost over 100,000 deaths of our South Vietnamese allies, and over a quarter of a million wounded. It has cost over 600,000 dead and an unknown number of wounded among the Viet Cong and North Vietnamese.

And these are only the military casualties. No one has measured, or can ever measure, the cost of the war to the Vietnamese civilians—the countless thousands, men, women and children, killed or burned or wounded—many of them wantonly murdered—on both sides and by both sides. No one has told us the number of homes and villages destroyed. No one has told us the extent of the countryside laid waste by bombing, by napalm, by defoliants and other weapons—some of which not only attack the living, but can produce deformities and malformations in babies yet unborn.

Beside these human tragedies, it seems almost callous to mention the economic costs. But the fact remains that we have squandered at least $150 billion in Vietnam, that this has been a major cause of the inflation which erodes the living standards of every American family, and that it has also been a major cause or excuse for the neglect of our most pressing domestic needs.

The growing arms race

Nor have we gone wrong in Vietnam alone. I have already mentioned the nuclear arms race, on which we have squandered countless billions more and gravely endangered not only our own lives, but those of our children and of all the future generations which at the pressing of a button could be wiped from the face of an uninhabitable earth. The latest figures I have seen indicate that the Soviet Union now has a nuclear capability to incinerate the 50 largest cities in the United States—and to do it 22 times over. We, in our turn, have a nuclear capability to wreak the same destruction 48 times over on the 50 largest cities in the Soviet Union. And still the generals and the admirals ask for more—more ABMs, a new deployment of MIRV's, Poseidon to replace Polaris, and who knows what other fantastic weapons yet to come.

Some "experts" may find comfort in arguing whether the "first strike" against this country will kill 135 million or only 95 million of our people. But the cold fact is—in the backs of our minds we all know it, and we should all bring it to the front of our minds and take a good, hard look at it—the cold fact is that if a nuclear war ever starts, the hundreds of millions killed in the "first strike" will soon be joined by hundreds of millions more victims of the "second strike" and the "third strike"—until, when the last missile has been exploded, a pitiful remnant may crawl forth from their shelters, only to die more slowly and more miserably from a radiation fallout that by that time will have blanketed the whole of Mother Earth.

We must face the fact that it takes only one fool, in the wrong position of power at the wrong time—and the human race will have committed suicide.

The problem before us is not merely whether our present priorities are out of joint, but what obstacles lie in the way of our setting them straight—whether even a complete disentanglement from Vietnam will release resources for gravely needed civilian programs, or whether those resources will simply be preempted by the Pentagon for new military purposes. To paraphrase Dr. Wald, as long as we keep that big a Pentagon, it will always find new ways to spend our money.

The military-industrial complex

The domination of our industry, our society and even of Congress itself by the military-industrial complex has been the subject of increasing and healthy debate in Congress and elsewhere, and I do not intend to add a great many words to it. I do not intend to discuss, for example, which is the senior party in the complex—the Pentagon or the defense industry. I really think enough has been said when you find that you have over 2,000 retired senior officers of the armed forces now employed by defense contractors. It seems safe to assume that a substantial number of senior officers still on active service—including those engaged in procurement activities—are also giving thought to *their* possible future careers on retirement from the forces. And when you look at the record, it is clear that this is what the biologists call a true symbiotic relationship—one in which two organisms live in a state of mutual dependence and mutual assistance.

I am not suggesting that close cooperation between the Pentagon and the defense industries is not desirable and even essential. It is—if the primary object of the cooperation is to achieve maximum efficiency in providing for the defense of this country. But it is far from desirable when its object becomes the building of bureaucratic or industrial empires, the toleration of waste and inefficiency, or the production of weapons that were needless before they were begun or obsolete before they were completed—all at costs of billions of dollars which must be paid by the American taxpayer while severely needed civilian programs are starved for funds.

Much still to be done

But much remains to be done. In particular, we need to set all our national priorities in order. As I shall show later, this involves much more than a mere allocation of resources between military and civilian needs. We must face up to the whole question: What sort of America do we want to build—and in what sort of world?

But undoubtedly, the first decision to be made is that of the proper allocation of resources between military and civilian spending.

We recognize that our country does have real military needs. The Soviets and China are by no means paper tigers. But it is essential that our military needs be placed within their proper context in the whole life of our nation.

The question at issue was stated several years ago by a great American who had had more practical experience with it than I have ever had, and I believe more than any other person in this room. The late President Eisenhower, in an article in the *Saturday Evening Post* of May 18, 1963, wrote:

"For a moment let's think of national security and its costs. A key point to keep in mind is this: *No matter how much we spend for arms, there is no safety in arms alone. Our security is the total product of our economy, intellectual, moral and military strengths.* (emphasis is original)

"An easy way to bankruptcy

"Let me elaborate on this great truth. It happens that defense is a field in which I have had varied experience over a lifetime, and if I have learned anything, it is that there is no way in which a country can satisfy the craving for absolute security—but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone. *The military establishment, not productive of itself, necessarily must feed on the energy, productivity and brainpower of the country, and if it takes too much, our total strength declines.* (emphasis added)

"So how does one judge the limits of defense needs? That is the task of the statesman: to apply the rule of reason in judging what is clearly adequate but not excessive."

But to do so, of course, the statesman must have the necessary facts.

We do not lay claim to anything resembling General Eisenhower's expertise on national military needs, but some present facts are obvious:

There is a tremendous amount of waste and fat both in the Pentagon and in the defense industries themselves.

In both areas, and at all levels, there are inefficiencies in administration, carelessness in planning and total disregard for the value of the taxpayer's dollar that would never be tolerated in business—and that would soon drive any business bankrupt that did tolerate them.

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As President Eisenhower warned, they can even bankrupt this country if they are allowed to drain off more of our energy, productivity and brainpower than we can afford.

Essential problem is the arms race

While it is of the utmost importance to the American taxpayer and the American economy that the excessive costs of waste and inefficiency be eliminated from the military-industrial establishment, it is of even greater importance to the survival of America and the whole human race that means be found to stop the arms race, and particularly the nuclear competition between the United States and the Soviet Union, which threatens to end in world catastrophe.

In terms of money spent, by far the major competitor in the world arms race is the United States. And many of us have become increasingly concerned with the fact that even while we are entering upon the second round of arms limitations talks with the Soviet Union, the Nixon Administration is continually pressing us to accelerate still faster our share in the nuclear race. First there was the decision last year to install a "thin line" of ABMs. Then there was the introduction into the 1971 Budget of a request for funds to further extend ABM to an "area defense" system. On top of that there is the $17 billion MIRV system of multiple-warhead missiles, capable of shooting as many as ten independently guided warheads from the same nose cone, which was announced for deployment this month.

Supporters of the Administration have suggested that this new surge forward in the arms race on our part is essential to achievement of an agreement on disarmament with the Russians. That is unadulterated nonsense. The only way in which we can reasonably expect the Russians to respond to an increase in our missile strength is by increasing their own missile strength, and by holding up any agreement on even a "freeze" on armaments until they have done so.

"The simplest way to stop is to stop"

U Thant, in the statement quoted above, made one more very wise comment. He said:

"We can discuss all kinds of complicated formulae for a strategic arms agreement, but the simplest way to stop an arms race is to stop."

The need for positive, affirmative actions toward peace

It is no longer enough to engage in talks. If we are to stop the arms race, it is essential for one side to begin by taking positive, affirmative *actions* toward peace. And because our side is the stronger, the first move is up to us.

There are a number of positive, affirmative actions which we should take, and which we could take without in any way weakening our ultimate power to defend ourselves.

We should stop the war in Southeast Asia—and failing that, at least get out ourselves, financially as well as militarily.

We should stop the development and deployment of additional weapons—ABM, MIRV, ULMS and all the others.

We should close as many as possible of our overseas bases, and drop the whole concept of ringing the Soviet Union with such bases. At a time when we already have a stockpile of missiles that we can send from this country to any spot on earth, such a ring of bases is as obsolete as any of the conventional weapons of World War II.

We should cut our military expenditures, not merely by the extent of waste and fat that we can cut out of the establishment, but also by the amounts we can save through the above indicated measures. At a most conservative estimate, we should be able to save at least $20 billion a year on our military budget—perhaps much more.

Finally, we should cut down as rapidly as possible on our role as the world's greatest merchant of death through sales of weapons to other countries. We must recognize the fact that we do have obligations to other countries, and those obligations should be fulfilled, but we must stop there. We must stop making profits by producing arms for sale to both sides of the various smaller conflicts around the world, or to keep dictators in power, as we are doing now in the Middle East, in Greece, in Latin America and probably elsewhere.

Not Unilateral Disarmament

None of the proposals suggested above mean that the United States should attempt unilateral disarmament. We will still have a sufficiency of nuclear weapons to destroy any possible enemy.

What it will mean is that we shall have taken the first steps to prove that we do genuinely want peace. From those first steps, since those who sit across the table from us in the SALT talks face the same problems we do in exaggerated form, we should be able to move forward then to multinational agreements, first to freeze all new development and deployment of nuclear weapons, and then to move gradually to a multinational reduction in all weapons, hopefully with a long-term view to utilmate disaramament except for a United Nations peace force.

At the same time, we must take steps to convince our own people, and especially our young people:

1. That America is not dominated by the military-industrial complex, but its basic policies, including the setting of priorities and allocation of natural resources, are still determined by the elected representatives of the people.

2. That our elected representatives are prepared to recognize that present priorities are out of order, and are prepared to set them right and put human needs first.

3. That the great technical capabilities of our defense industry can and will be converted to such vital projects as designing ways to end pollution, producing low-cost housing, building mass transit systems and meeting the many other areas of our needs.

4. That we are concerned with other countries than our own—that we do not want to continue selling them planes and tanks and guns and help them build armies—and along with the armies, military dictatorships—but that we want to help them build hospitals, schools, homes, irrigation dams, to sell them plows and tractors and road-building machinery. We want to help them build their own economic independence, not even requiring that they build it in the American way, but that in their own way they build for peace and freedom and bread for their people.

Only when we have determined to seek these goals, and proven our determination in the beginnings of action, can we truly unite our own country and hopefully, eventually, the rest of the world in continuing action to achieve those goals.

Meeting our civilian needs

While we have had our minds on the costly war in Vietnam, on sending men to the moon and on escalating the nuclear arms race, we have been averting our eyes and our conscience from the serious deterioration of the quality of life here in the United States. Consequently, we have fallen into a sea of domestic troubles, of confusion over our values and purposes as a nation, of widespread injustice, and of a growing crisis of democratic institutions. We can sum it up as a crisis of the two environments, human and natural, in which we live. Both of these environments, which are essentially one, are in disorder and in jeopardy because of neglect and abuse over the years. If we are to salvage and restore them we must begin here and now to translate a new commitment to the essential democratic values into a new order of priorities for private and public action.

According to the conventional wisdom, we live in an affluent society. That is only a very partial and deceptive truth, created out of giving too much importance to the Gross National Product, which puts an aggregate money value on what we do in this country, whether what we do is improving or destroying the two environments. If we look away from the GNP and concentrate on what is actually happening in the country, it becomes clear that this is not just the affluent but it is also the neglected society. There is nothing on our national agenda which is more vital and urgent than to remedy that neglect.

While the Gross National Product has risen, the quality of life has declined. Everywhere we look we see evidence of neglect and deterioration. Those who need decent housing the most go begging for lack of the ability to pay the price. The system of delivering health care has become steadily more costly and less efficient. Schools, especially in the inner cities, fail to educate despite all the best intentions of teachers and administrators. Millions of Americans suffer from hunger and malnutrition, not because we lack the means to end their poverty, but because we do not care enough. Literally square mile after square mile of our cities is virtually unfit for human habitation. Natural as well as human resources have been recklessly exploited; we have done serious and in some cases perhaps irreversible damage to the delicate balance of nature which supports life on this planet. Clearly, the time has come when we must divert our energies and our resources from war to the urgent needs of peace at home.

I will not attempt to rank the many needs of America in any order of priority. Who is to say which is more important—building more classrooms, eliminating discrimination, providing more housing, keeping our people healthy, purifying the air, feeding the poor? We must get to work on all of these at once. This is not to say that we can pursue all of our goals to their ultimate extent simultaneously. We must establish timetables and orders of precedence. These will be based partly on technical evaluations, but for the most part must depend on value judgments as to our national needs and aspirations. In the final analysis it is the President and the Congress who must order our priorities.

Government must, however, provide a forum so that all concerned groups in our society can assist on a continuing basis in the making of these decisions. Last year before this Committee the UAW proposed for this purpose the establishment of a "Standing Citizens' Committee on National Goals." I repeat that proposal now. The members of that Committee should represent the major occupational groups such as labor, business, farmers and professionals; it should also represent consumers, youth, minority groups and educators; and should provide representation for appropriate research, conservation and other nonprofit bodies.

Realistic goals must be established. Then we must *plan* our efforts so that our resources are effectively allocated so as to enable us to reach those goals. Among many Americans, "public planning" is a bad term. It conjures up a vision of government fiat, of rigid programs imposed from above in which the people have no options. We neither need nor want that kind of planning. The kind of planning we do need, however, has to do with the systematic gathering of all relevant information on needs and resources, with democratic weighing of various alternatives, with coordination of effort. This kind of planning

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does not limit our choices but rather increases our ability to understand the alternatives and to make clear and sensible choices.

In considering our national priorities we must be guided by the basic understanding that this nation cannot be brought together and kept together as a democratic society by policies or strategies or attitudes that bar the poor, the deprived or racial minorities or the dissenters from equal opportunity and from full enjoyment of constitutional rights. The deepest obstacle to equality of opportunity is not economic, but is rather an insufficiency of democratic will to condemn the prejudice and eliminate the patterns of discrimination that stand in the way. We cannot claim to have established the good way of life in this country until all traces of discrimination have been eliminated in education, in housing, in employment and in all our social intercourse.

Neither can this nation be kept together by demagogic appeals to prejudice or fear which ignore the most basic needs of our people. Thus, for example, in the last Presidential campaign, a potent argument which undoubtedly swayed many millions of voters was the promise to restore "law and order." Of course, we all believe in law and order, and we want to see it preserved. But law and order take many forms. Ralph Nader, in a speech at Ann Arbor, Michigan, last March, for example, pointed out that fires resulting from hazardous slum housing last year killed 12,000 people, which was double the number killed in street homicides. Undoubtedly, many of those fires resulted from violations of fire safety laws by slum landlords which were ignored by the enforcement officers whose duty it is to preserve law and order with respect to rental housing. Yet it is the violence in the streets which gets the headlines, not the violence done to the helpless poor. And it is easier to get votes by demanding more and better-armed policemen than by demanding more and better housing.

Let us have law and order by all means, but let us seek it not through violence and oppression, but by passing and enforcing laws to protect the exploited, and by setting an order of priorities in our national life which will put first and foremost the human needs of men, women and children.

Health care

We must realize that meeting the essential needs of Americans is not just a matter of spending more money. More money is necessary, but in many areas of our society the infusion of funds must be accompanied by basic changes in the means by which we attempt to meet our needs. We need to improve the "delivery systems" through which the goods and services to meet our social needs are provided. There is no area in which some improvements are not needed, but there are two areas in which the need for basic changes is most glaring—health care and housing.

Over the years our Union has warned the nation time and again of the deepening crisis the U.S. faces in health affairs. In no industrialized nation in the world is the gap between the "have" and "have not" people, in their respective abilities to gain access to adequate health care, as wide as in the U.S. Simply pouring additional billions of dollars into the present archaic and disorganized method we now use to deliver health care will only compound our massive problems and continue to inflate health care costs. We must fashion a new system of health service that will overcome the present built-in waste, duplication and inefficiencies, while giving all Americans ready access to the highest possible level of health services which our medical and scientific resources are already capable of delivering.

Housing

We are becoming painfully aware that what we very loosely and inaccurately call the housing industry is itself a major part of our housing problem, and our larger urban problem as well. Government assistance in the field of housing has largely left the industry's fundamental weaknesses untouched.

Of the 26 million housing units we need to build by 1978, 6 million ought to be publicly assisted units for low-income families. This means that we ought to build on the average 600,000 publicly assisted units per year. The language of the 1949 Housing Act promised a decent home to every American, and the 1968 Act repeated this promise. But actually very little has been done. In the 20-year period from 1949 to 1969 we built 655,000 low-rent housing units managed by public housing authorities. In short, we have built in the past 20 years approximately as many public units as we ought now to be building every year.

We must recognize that we cannot hope to meet the housing needs of America unless we drastically reform the housing industry. We must abandon old methods and practices and apply new concepts, new ideas and new social inventions to the provision of housing. We must end the scandalous speculation in land which is inflating land cost. We must develop longer-term mortgages to reduce mortgage payments.

We must modernize and make uniform the building codes which presently fragment the housing market and pyramid the cost of construction. We need a national building code based on *performance* standards which will enable us to take advantage of the most advanced construction methods to facilitate production on a massive scale, and which will at the same time ensure that our housing is of the highest quality.

We must develop new designs, new materials, new construction methods, new ways of utilizing the land, new ways of obtaining clean water and disposing of sewage. In other words, we must apply to the housing industry our most advanced technology capability and managerial and productive know-how, and our most creative product design capability. Only in this way will we reduce the cost of construction and increase the volume of housing to make high-quality attractive homes available at prices which the millions of low- and moderate-income families who desperately need housing can afford.

National transportation policy

We have in America, not a national transportation policy, but a national highway policy. Our policy is to build roads, ever more roads, whether or not we want them or need them, whether or not they are in our overall best interest, whether or not they violate our areas of natural beauty, whether or not they divert resources away from other more vital programs, whether or not they displace the inner city poor and contribute mightily to urban blight and urban sprawl.

What we need in America, as a substitute for the national highway program, is a national *transportation* program, a coordinated program that would encompass roads but would also encompass air travel and rail travel and, above all, travel by the mass transit systems which are so acutely needed to move large numbers of people quickly, cheaply and efficiently both within our great cities and between our large metropolitan areas.

Our present national highway policy works fine for getting the affluent suburbanite from his downtown office to his distant home. A national transportation policy would be just as concerned with the needs of inner city residents who are imprisoned within the ghetto by bonds of concrete, with the needs of the elderly who must live out the years of their retirement within the confines of the city, with the needs of workers traveling to and from jobs within the metropolitan area. It would be as concerned with the need to preserve our parks and our homes and the beauty and integrity of our cities as with the need to move us from one place to another.

Education

We have made the mistake in America of believing that the future and the quality of our society depend upon capital growth and the accumulation of material wealth, when in fact they depend upon human growth and the accumulation of knowledge directed toward human ends. A quality education for our children is vital to us all. Yet, by failing to allocate adequate resources for our school systems, we have deprived millions of our children and youth of the educational opportunities essential to their maximum growth and development.

The most costly in human terms of all false economies is being practiced on educational programs. The progress toward expanding educational opportunity which was made during the early and mid-1960s should have been continued and enlarged. Instead, in the headlong drive to restrict domestic spending, the Nixon Administration has seriously retarded the small beginnings that were made to deal with the crisis.

The dimension of our failure on the education front is exemplified in the tragic fact that 27 percent of America's 17-year-olds are dropouts from school. We need to reach backwards to save the dropout, and restore his individual sense of worth and his ability to contribute to society, even while we continue to expand facilities for the education of oncoming generations. We must also make available continuing education for adults, a necessity not only for building the whole man but for enabling adults to advance with the advances made in society. We need to reform our education system from top to bottom to provide for change and growth, and to continually assess its effectiveness in reaching goals and relating realistically to the lives of students.

It is necessary too that progressive tax reforms be carried out and that the burden of taxes for education be taken off the small home owners and placed on the shoulders of those best able to carry the cost on the basis of the sound principle of ability to pay. It is the unjust tax structure that accounts for the fact that 43 percent of school bond issues in 1969 failed to win approval.

The federal government should assume a far greater share of the cost of education:

It should make special grants for school construction and educational enrichment to school districts which for social and economic reasons over which they have no control are unable to provide equal opportunity for their children.

The Head Start program should be extended to all school districts where significant numbers of working mothers reside; and we should recruit as staff for such programs, intelligent women and men who are now unemployed, underemployed, or simply on welfare. Urban head start and kindergarten programs should operate for not less than ten hours in each day, in order to provide adequate care for the children of working mothers.

We need federal support for experimental programs designed to measure and evaluate the new and old teaching methods and to explore forms of school organization and administration which give promise of leading us to more effective utilization of school plant and professional services.

We need federal support for experiments with learning related to work, school-work co-op programs, and other ventures outside the formal classroom—such as the city of Philadelphia's "School Without Walls" where children do much of their learning in local stores, factories, community organizations, laboratories, public agencies, museums, hospitals, etc. Such programs should be specially designed to serve children who have dropped out of school.

Compensatory education must be established for culturally deprived pupils and their families.

Education for poor and working class people must be relevant to their lives and needs. Literature and symbols geared only to middle class life styles are not only unrealistic, but damaging.

Junior or community college education should be made as accessible to every young American as high schools are now—and, in line with the recommendations of the Carnegie Commission of Higher Education, we should begin planning now to make it possible in the next decade for every young American to enter and complete a four-year college course.

Title I of the Elementary and Secondary School Act is currently funded at only $1.1 billion, less than half of the fund authorized. It reaches about 9 million children. Effective funding would provide $4.5 billion and reach at least 15 million children.

In spite of the most obvious demands for technical training, the vocational education budget is less than 37 percent of the money authorized. Adult education is faring proportionately better, at five-eighths of the authorization. The total authorization, however, is ridiculously low at $80 million.

The Higher Education Act of 1965 has become more a banker's boondoggle than a source of real aid to students. In view of the social and economic dividends to society, further investment in outright grants (which are sadly insufficient in the present Act), and direct loans repayable to an established fund at no or little interest should be provided.

Poverty

The persistence of poverty and hunger in the richest country of the world is an intolerable disgrace. Years have gone by since we committed ourselves as a nation to abolish poverty; yet, even by the inadequate official measure of poverty, 25 million people are still classified as poor. Poverty remains with us because the antipoverty measures applied thus far, although useful, have failed to come to grips directly with the fact that, by definition, poverty is lack of sufficient income or assets to finance a socially acceptable standard of living. The conquest of poverty, as the UAW has pointed out repeatedly, requires jobs for all who are able and willing to work, wages sufficiently high to provide decent living standards for all who are at work, and adequate insured incomes for all who are unable to work. In practical terms, these requirements involve an effective national full employment policy, comprehensive coverage under minimum wage legislation with the minimums fixed at adequate levels, and legislation—including increases in minimum benefits under the various social insurance programs—to assure a guaranteed minimum annual income above the poverty line for those unable to earn their own way because of age, disability, or family responsibilities.

Economic Bill of Rights

It is possible to assure the political and civil rights of our citizens largely because they are set forth explicitly and in detail in our Constitution, and because the courts, particularly in recent years, have been vigilant in compelling other arms of government to respect them. It is time now to give expression, equally clear and equally enforceable, to the economic rights implicit in the Declaration of Independence and in the Preamble to the Constitution.

We believe that an Economic Bill of Rights must be added to the Constitution which will enable any person or groups of persons denied those rights to assert them through the courts as they are able now, under the existing Bill of Rights to assert and to be protected in their political and civil rights.

Such a Bill of Rights should:

1. Establish the constitutional right of all Americans to:

A useful job, if they are able and willing to work, with the federal government acting as the employer of last resort;

A wage sufficient to support themselves and their families in decency and dignity in accordance with the standards prevailing at the time, if they are employed;

A guaranteed annual income sufficient to provide adequate living standards, if they are unable to work, either through the negative income tax program or come other appropriate means, instead of the obsolete and degrading welfare system currently in effect which destroys the integrity of the family unit and offends every concept of human dignity;

Access to high-quality, comprehensive medical care for all Americans by establishing a National Health Service;

A good house in a good neighborhood, in a wholesome community, providing a total living environment worthy of a free people;

An adequate educational opportunity for every American child and youth to facilitate his or her maximum growth and development, including free college education.

2. Require the President and the Congress to take all reasonable steps, including provision for training of personnel and creation of facilities, to effectuate the above rights as promptly as practicable.

3. Provide that, after the lapse of a reasonable time, to be determined by the courts separately with respect to each of the above rights, any persons or class of persons claiming to have been denied a right guaranteed by the Economic Bill of Rights shall be entitled to redress through the courts, which shall be empowered to direct the appropriate agencies of the government to take such remedial action as may be found necessary in the circumstances.

Pollution

For 25 years the world has been threatened by the specter of extinction through nuclear war. Now, within the past few years, we have become aware of a second threat, that of slow extinction in our own wastes and poisons. While pollution was once thought of only in terms of the despoiling of the natural beauty spots in which we like to spend our leisure time, now we realize that pollution endangers our very lives. It contaminates every breath of air we draw, the food we eat and the water we drink. Virtually the entirety of mankind carry within their bodies traces of the poisons and the atomic radiations with which we have permitted our entire earth to be polluted.

We propose that polluters be required to pay a tax sufficiently high to cause them to stop polluting. This is a very simple and a most effective approach. Furthermore, we propose that this tax be imposed on profits *after* provision for income taxes, so as to insure that the full weight of the tax is imposed on the corporate owners. To permit a tax on pollution to be regarded as a business expense deductible for federal income tax purposes would reduce the weight of the penalty by the amount of the income tax rate. The cost of pollution is not just another business expense, and should not be regarded as such.

We need a Federal Pollution Regulatory Agency to assess the extent of pollution and to penalize the polluters. For this purpose we support the Bill recently introduced by Senator Muskie, S. 3677, the Environmental Quality Administration Act of 1970. The Bill would set up an independent agency similar to the National Environment Commission which the UAW proposed before this Committee last year. It would develop, implement and enforce uniform federal environmental quality standards.

The broadest possible citizen participation in the war on pollution must be encouraged. We recommend that a Citizens' Advisory Committee on Pollution be brought into being, comprising those citizens' groups already concerned in this matter, and broadened as still other groups become aware of their stake in our resources. The Citizens' Advisory Committee would assist the Environmental Council in drawing up broad programs and policies, which would be implemented and enforced by the Federal Pollution Regulatory Agency.

The battle against pollution will necessarily take many forms and must be fought on many fronts. But behind every decision must stand the essential principle that public interest takes precedence over private profit.

Foreign aid

While we are considering our own needs and priorities, let us not forget that we are a comparative land of plenty in a world filled with have-not nations. As a matter of enlightened self-interest as well as humanity, we must give more economic support to the underdeveloped nations. The values we cherish as a free people cannot survive in a world half well-fed and half starving.

There is no more need for the United States to be the sole supplier of economic aid than for us to be the world's policeman. But we should assume our full share of the combined responsibility of all the developed industrial countries toward the developing nations. Neither we nor the others are now doing enough. We should shift some of our resources from the arms race to the peace race, and raise the level of economic assistance to amounts which will make possible meaningful progress for the have-nots.

If any society anywhere should collapse through decay of social institutions from poverty and disease, we can hardly expect that the rest of the world can survive intact. No quarantine can isolate the effects of economic collapse. Thus, apart from our moral responsibility to our fellow man, it is in our own selfish interest to help spread the benefits of our knowledge and skills throughout the world.

We have no total power which enables us to change the world to fit our preconceptions. Nor should we wish for that kind of power. But neither are we helpless to shape our destinies or the destinies of other peoples. Certainly one of our priorities can be to move toward peace, toward understanding, toward international action to prevent war, toward economic cooperation and assistance. In this way we can help all people everywhere make their own way to a better life.

Democratic planning for full production and full employment in peacetime

Meeting the needs of America now and in the future will require full employment and the full and intelligent use of our productive capacity within the framework of an expanding economy.

We must not let the bugaboo of inflation stand in the way of the attainment of our goals. There is no inconsistency between price stability and full employment. The Nixon Administration's gambit of fighting inflation by reducing overall demand, thereby raising unemployment, is based on the phony premise that either we must pay for price stability with unemployment or else pay for full employment with inflation.

Slowing down the economy with monetary and fiscal brakes is, at best, a questionable and self-defeating way to combat inflation. As the economy slows down, so does productivity. Maintenance and white-collar workers tend to be retained when production declines, with the result that unit labor costs increase, creating pressures not to lower prices but to raise them in order to maintain profit margins. Numerous overhead costs loom larger as volume falls, putting further upward pressure on prices. High interest rates resulting from restrictive monetary policies add directly to costs and prices. Increases in

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consumer prices compel workers to insist upon larger wage increases than they would otherwise seek, in order to compensate for the erosion of their living standards. In industries where profit margins are thin, the extra wage increases obtained for that purpose also put pressure on prices.

The Nixon Administration's policies have caused increased unemployment and rapid inflation, both at the same time. We in the UAW insist that inflation can be controlled without paying a price in unemployment, social damage, economic losses and other costs that flow from operating the economy at less than its capacity. While this is not the place to spell out alternative policies in detail, briefly and partially they are as follows:

A sound policy would maintain total demand at full employment levels and assure adequate financing for national priorities while applying selective measures aimed with rifle-shot precision at the specific causes of inflation.

Excessive capital spending by corporations, for example, can be curbed by a negative investment credit—a tax on investments in excess of normal levels. Inventory speculation can be deterred by a tax on excessive inventories.

Excessive consumer spending, should that be a problem, could be reduced by a graduated tax on spending per family member which, if reasonable exemptions were provided, would leave spending on necessities and comforts untouched while penalizing indulgence in luxuries.

Credit can be rerouted away from speculation and other nonessential uses and toward housing—where urgent needs and a wide margin of unused productive capacity exist side by side—and the needs of state and local governments and of school boards whose credit-dependent activities are essential to improve the quality of life in America.

Merciless public exposure can restrain unjustifiable price increases by giant corporations not subject to effective price competition. The UAW for many years has urged the creation of a governmental Price-Wage Review Board for that purpose.

Nixon's blunderbuss approach

The Nixon Administration's blunderbuss approach to inflation is not only ineffective, but it assumes that all kinds of spending have an identical impact on demand pressures. This is simply not the case. An instructive analysis of the impact on inflation of domestic versus military spending has been made by Stephen H. Robock, Professor of International Business at the Columbia University Graduate School of Business. In an article in the May 18, 1970, *Wall Street Journal,* Professor Robock points out that:

"The composition of Government expenditures is more important than the overall level. Some types of expenditures are 'sterile' because they do not enlarge the capacity of the economy to supply the demanded goods and services. Other types can have a major anti-inflationary supply-creating effect. At the same level of Government expenditures, one mix of expenditures can be more inflationary than another.

"Take the supply effect of Government expenditures on armaments and on housing. From an economic point of view, expenditures on armaments are a waste and inflationary. They increase domestic demand through creating employment and through the purchase of goods. They do not increase the supply of goods and services demanded by the consumer. Ironically, we can benefit economically if we produce military goods and sell them out of the country. The payments received are a claim on world resources that can be spent for supplies of goods that offset or exceed the induced demand. But as a leading Soviet economist has pointed out, if we manufacture armaments and shoot them off ourselves, the economic effect is inflationary.

"Public expenditures on housing increase supply as well as demand. The same is true of public expenditures for expanding hospital facilities and the training of personnel. Even in the field of Government-financed research, military research may be inflationary whereas research on improving urban transportation systems may increase the supply of services and reduce prices.

"Thus, even if Government expenditures remain at the same overall level, a change in composition can be an effective means of fighting inflation. Some of the fields in which rapid price increases are occurring—home ownership, public transportation and medical care—are ones where Government expenditures can have a major anti-inflationary impact."

Dr. Robock's list of noninflationary and anti-inflationary government spending should be made required reading for all Administration economists. For we can no longer permit antiquated, destructive theories about the operation of the economy to dictate official government policy. It is time to get America on the move. It is time to begin to use our resources fully and wisely, and to put our unemployed and our underemployed to work at the jobs that have to be done if the promise of America is ever to become a reality.

Need for effective manpower policy

We need to fully utilize our manpower and for that we need a modern, effective and truly national manpower policy. It is time we started enforcing the Employment Act of 1946. That Act declares that it is the policy and responsibility of the federal government to create and maintain" . . . conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing and seeking to work, and to promote maximum employment, production and purchasing power."

Effectively implementing the right to a job of every person willing and able to work, and making sure that the highest abilities of that person are fully used, require a single manpower agency to administer a national employment service. Our economy knows no state and local boundries. The matching of needs and skills requires a nationwide, nationally oriented public employment service. This requires the transfer of the present state responsibility for public employment services to the federal government. It also requires the listing by employers of all job vacancies to be filled by new hires (as distinguished from promotions, transfers or recalls). At present, many employers do not list job openings. Some employers list openings only with the private fee-for-service agencies. These practices interfere with the orderly processes of the labor market and make it impossible for the public employment service to develop the information and knowledge which are essential for intelligently handling manpower activities.

We should do away with all existing requirements that claimants for benefits make an independent search for work. It is demoralizing, demeaning and financially wasteful to force a worker to travel haphazardly from plant to plant with no advance knowledge of whether or where a suitable job is to be had in order to qualify for unemployment compensation. Instead, we should employ the most modern techniques of data processing and rapid communications to match job opportunities with skills of available workers. Just as an air traveler can quickly find out what seats are available on what flights from one city to another on whatever day he wishes to travel, so should a worker be able to quickly find out what jobs are available, requiring what skills, offered by what employers at what rate of pay. The air traveler can reserve a seat for the best flight available, and the worker should be able to reserve the best job opening available for him.

Once we get our priorities in proper order and have set up the democratic planning machinery needed to best apply our abundant resources to our economic and social needs, then we can get to work at bringing to reality the basic promise of America. We can get to work at building a society in which each person has an equal opportunity to develop his skills and talents to the extent of his capabilities. We can create a society in which every human being can live in peace and dignity, free from want, and in full equality with his fellowman.

THE PRESIDENT'S ADDRESS ON THE ECONOMY

Mr. BELLMON. Mr. President, at noon today, President Nixon addressed the Nation on the subject of economic policy and productivity. I have studied the President's remarks carefully and rise to compliment him upon the clarity of his statement and upon the courage he has shown throughout his term in office in his efforts to halt the runaway inflation he inherited without producing unnecessary hardship for the people of this country.

Of the four choices which faced the President when he came into office, President Nixon has chosen the only route that offers hope for a stable and productive economy. The rupture which could have resulted, had the President taken the cowardly path of allowing inflation to continue unabated until the economy of this country crashed, is difficult to contemplate. Also, the chaos which would almost certainly come to our cities as a result of a deep depression brought on by overly restrictive economic policies would likely have shaken the very foundation of this Nation. The route of wage and price controls would only have the effect of weakening the Government's ability to cope with the critical problems we face in bringing social justice to our people. Therefore, while the policy chosen by the President has required the passage of time to produce results, and while there have been certain anticipated negative short-term effects on the economy, it is the only policy that could responsibly be chosen and followed.

The President's decisive steps to hasten the return of stability holds bright hope for the future. His proposal to bring together representatives from business, labor, public, and Government through a national commission on productivity could prove to be an extremely healthy element in our national life. I urge the President to include representation from agriculture in this group. Agriculture has been by far the most stabilizing force in our economy and its voice should be heard.

The President's emphasis on steps to increase the productivity of the American economy places emphasis where it belongs. Unless our economy can produce in competition with economies of other nations, we cannot long maintain our position of leadership in the world.

President Nixon's expressed desire to cooperate with the Congress on programs specifically aimed at lessening the negative impact which many of our citizens feel during this period of economic transition is also to be commended. The past practices of deficit Federal spending were shared or initiated by the Congress and certainly the Congress has a responsibility to take the necessary steps to ease the impact of the transition period on the lives of citizens.

Mr. President, President Nixon has faced the economic crises which he inherited with vision and courage. He has resisted the temptation to take the easy way out by endorsing actions which might have produced a temporary feeling of economic well-being, but which would, in the long run, have led to chaos. The proposals which he has outlined in his statement today amount to a blueprint for a sound, stable economic future for our country.

DOES THE NATIONAL BUREAU OF STANDARDS STUDY SUPPORT PREVENTIVE DETENTION?

Mr. ERVIN. Mr. President, the arguments on behalf of preventive detention have been characterized by an impressive number of bald assertions and unproved assumptions which initially had a great impact on the public. Combine a great fear of crime and demands for "law and order" with a proposal which appears to be a cheap, simple, and effortless anticrime device, and the result is natural: An initial wave of public support and a great demand for immediate enactment.

So it was with preventive detention. It has taken a long time for facts and reason and logic to catch up with the proposal for preventive detention. As more and more people have come to realize how great a repudiation of our constitutional principles preventive detention would be, they have come to the conclusion that it would be too high a price to pay for whatever law and order it promises.

As more and more people have recognized that preventive detention would actually impair law enforcement, by making additional demands on our criminal courts when they are increasingly incapable of dealing wtih current workloads, they have come to the conclusion that preventive detention would probably reduce rather than increase overall public safety.

Since the release of the Department of Justice statistical study conducted by the National Bureau of Standards, more and more people have come to realize that preventive detention is aimed at a facet of crime which has been greatly exaggerated. They have come to the conclusion that while crime on bail is a serious problem, and one which should be dealt with, it is by no means so serious that it should occupy most of the attention of the Department of Justice crime legislation team, tied up the Congress in debate for months, and frustrate for now almost a year, necessary and valuable court reorganization reform which has actual promise of being a legitimate contribution to increased public safety and justice.

One begins to wonder what curious devotion has moved the Department of Justice to waste so much time and energy and risk so much good legislation for so vain a goal as preventive detention.

By now the general conclusions of the Bureau of Standards study have become widely known. They demonstrate that the rate of pretrial crime which the Department's preventive detention bill is aimed at stopping is around 5 to 7 percent. Testimony before the Constitutional Rights Subcommittee has shown that if speedy trial were actually required and enforced, instead of being merely another "iridescent dream" in the Department's bill, overall pretrial arrests could be reduced from 11 to 4.2 percent. With application of the Department's preventive detention proposal plus speedy trial, overall rearrests could be further reduced from 4.2 to 3.7 percent.

Thus for 0.5 percent we are asked to discard the eighth amendment, due process, and fundamental fairness.

Because the National Bureau of Standards has shown to be true what we have long believed to be true, the other day I introduced a serious proposal for implementing the sixth amendment right to speedy trial. If speedy trial were made a reality, then we would have made a good start toward true law and order. I sincerely hope those who have supported preventive detention as a means of reducing crime will devote as much energy and time into developing my proposal and into making it work.

The other day I received a paper from Mr. Arthur L. Karp, a computer expert from Arlington, Va. Mr. Karp has examined the National Bureau of Standards study carefully, and has critically analyzed some of the Justice Department arguments which have been made based upon its results.

Mr. Karp examined the 106 cases in the study which would have been subjected to preventive detention under the District of Columbia crime bill and S. 2600. He found only eight cases involving a second arrest of the sort the bill is aimed at. He contends that not one of these cases clearly support the preventive detention concept. Only four arguably gave it support. As he concludes:

> There is not a single, clear case which offers unequivocal support of the idea that the preventive detention feature of H.R. 16196 will reduce violent and dangerous crime. If one is willing to accept less assurance and more guesswork, the effect on the reductions of dangerous and violent crime can be estimated as 1 to 4 crimes prevented as the result of 106 instances of preventive detention. At the 4 out of 106 level, however, reliance on data has begun to shade into faith in on *a priori* conclusion.

Mr. Karp also produces evidence which substantially weakens the claim that the figures in the National Bureau of Standards study understate the true picture by some 33⅓ percent because other offenses are probably committed away from the offender's place of residence. He cites figures from the President's Commission on Law Enforcement and the Administration of Justice to show that crimes are committed outside the residence of the offender at a rate of only 8 to 17 percent, depending on the type of crime.

Finally, Mr. Karp deflates the inflation caused by the Department of Justice's allegation that the true rate of pretrial crime is 40 percent. This figure was created by arguing that only 50 percent of crime is reported, and only 29 percent of reported crime is solved. The Department then multiplied this figure against the National Bureau of Standards data to get its 40 percent result.

As Mr. Karp points out, the fact that a person is arrested once means that he is more likely to be rearrested since he has become known to the police and now has a record. Also, these offenders who are arrested are likely to be the "least talented" of lawbreakers. The "professionals," who are not discovered, probably account for a good portion of the unsolved crimes. Thus, the National Bureau of Standards figures on recidivism are likely to be overestimated rather than underestimated.

There are, of course, other reasons for rejecting the inflationary figures of the Department. Not all crime is equally unreported or unsolved. Unreported frauds reach 90 percent; unreported auto theft is only 11 percent; unreported burglary, robbery, and larceny is 35 to 42 percent. There are similar ranges for "solving" crimes, depending on the nature of the offense. Homicide, rape, and aggravated assault are "solved" 93, 72, and 77 percent of the reported cases, with robbery 40 percent and burglary 28 percent. Undoubtedly, the reporting and clearing rates for crimes such as prostitution and gambling are miniscule and distort the average figures given by the Department. To be more accurate in its assertion, the Department should carefully distinguish the report rates and the solution rates by offenses, and not lump them all together.

Of course, statistical arguments such as these are of no assistance when the judge must decide whether the individual before him is to be detained. Crimes the police do not know about and crimes they have not solved cannot justify deprivation of liberty no matter how elegant the procedures used. This country cannot imprison a citizen for a crime the police have not yet solved, or one they do not even know has been committed.

Mr. President, Mr. Karp's paper is an instructive study of these aspects of the Justice Department's case, and I ask unanimous consent that it be printed in full at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

DOES THE NATIONAL BUREAU OF STANDARDS STUDY SUPPORT PREVENTIVE DETENTION?

(By Arthur L. Karp)

SUMMARY

The NBS study contains data on 106 individuals who were arrested, charged with a "dangerous" or "violent" crime, and subsequently released pending trial. These persons might have been held if the preventive detention feature of H.R. 16196 had been in effect.

A review of this data reveals not a single case in which the preventive detention of provision of H.R. 16196 clearly would have prevented a "dangerous" or "violent" crime. In 4 of the 106 cases, arguments of varying merit might be made for the usefulness of the provision.

It has been argued that each recidivist crime in the sample represents a greater number of crimes committed. This problem is examined, and it is shown that a combination of extreme assumptions is re-

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quired in order to conclude that full use of preventive detention against the 106 persons in the sample would have had any significant effect in preventing "dangerous" or "violent" crimes.

DOES THE NBC STUDY SUPPORT PREVENTIVE DETENTION?

This paper examines the degree to which the National Bureau of Standards study entitled "Compilation and Use of Criminal Court Data in Relation to Pre-Trial Release of Defendents"[1] supports (or does not support) the concept of preventive detention as set forth in H.R. 16196. Whether preventive detention is good, bad, wise, or foolish is not addressed. The only question is whether the data set forth in the study provides reasonable evidence that preventive detention, as set forth in the bill, will significantly reduce the types of crime that the bill is intended to reduce, and that this reduction will (by and large not occur in the absence of the bill.

The first step in the evaluation is to discard data that is extraneous and irrelevant to the issue at hand. The study contains much such data. The NBS has performed a service by gathering it all, and it is certainly useful to the study of crime in the District of Columbia, but this does not necessarily mean that all of it casts light on the subject under study.

First, the only cases of importance are those for which the initial charge was a dangerous or violent crime. If it were not, preventive detention would not be allowed by H.R. 16196 and thus the preventive detention feature of the bill could not affect the subsequent actions of the arrestee. The study sample includes 106 cases of persons accused of dangerous or violent crimes who were released on bond or personal recognizance prior to their trials.[2]

Just as cases in which the initial charge is not a dangerous or violent crime are not pertinent, neither are those cases in which the subsequent charges are not for dangerous or violent crime and particularly so when the subsequent charge is a misdemeanor. It seems to be agreed that preventive detention is a sanction of such severity that it can be justified only to prevent serious crimes and, in particular, those H.R. 16196 defines as being "dangerous" or "violent." Certainly no one is advocating preventive detention in order to preclude the possibility of such misdemeanors as "Taking Property, No Right," or "Unpaid Board Bill" or "False Pretenses" or "Gambling Pools" or "Unlawful Assembly."

The NBS study contains only 8 instances in which the initial charge is for a dangerous or violent crime and the rearrest is known to be for a felony. Of these, 2 were for other than a violent crime (both were for unauthorized use of a motor vehicle) and are therefore of no interest here. The remaining six cases are shown in Table 1. These are the five cases referred to on page 113 of the NBS report plus a sixth case in which the rearrest charge was obstructing justice.

It is worth examining these cases more closely.

In case 157, the initial charge (rape) is a capital offense. Thus, if it were felt that the accused was a danger to the community, he could be held even under the current laws. Therefore, the preventive detention feature of H.R. 16196 would have had no effect in this instance. In addition, it might be noted that it is not known whether the second charge (obstructing justice) involved threats or intimidations. However, the fact that the initial charge is for a capital crime makes the case of no interest.

The second case (number 376) can hardly be taken as support for the preventive detention concept since the accused was not found guilty on either charge. In addition, since the second crime was allegedly to have occurred 5 months after the first, the 60 day detention feature of H.R. 16196 seems irrelevant, even if guilt is assumed.

Case 479 cannot be considered to give much support to the preventive detention concept because not only was the accused found not guilty of the rearrest charge, but the second crime took place 3 months after the presentation or indictment for the first. On either basis, support for preventive detention is weak; taken together, it is weaker still.

Cases 874 and 283 are cases of some but less than full support for the preventive detention concept. This is because 3 to 5 months elapsed before the crime for which rearrest occurred was committed.

Thus, only one of the 106 cases of release after a violent crime seems to offer any clear evidence that preventive detention, if applied, would have prevented a second dangerous or violent crime. But even this case (906) is slightly suspect because it may be an example of the frequently publicized addict committing a robbery for money for narcotics. If this is true, release could be made conditional on daily reporting to one of the city's methadone clinics, making it doubtful that the second crime would be committed.

Table 2 attempts to seek more data by examining the 4 cases in which there is some uncertain with respect to the rearrest.

In case 883, the second charge was "not papered" and was not even specified. Moreover, the elapsed time from presentment/indictment to the second crime (whatever it was?) was over 10 months. Thus, case 883 provides no support.

Nor does case 889. Here the second charge is known, but it also was "not papered." In addition, the delay was over 4 months. Since case 148 was a capital crime, H.R. 16196 would add nothing to the court's ability to detain. In addition, the elapsed time was over 3 months and the second crime may have been a misdemeanor.

Finally, there is case 160. Here the second charge is not specified; more important, the lapsed time is over 6 months.

In summary, then, out of 106 cases, there are only 4 which seem to offer any support to the idea that preventive detention would prevent dangerous or violent crime. Of these, 3 are suspect because the day from presentment/indictment to the commission of the second crime was 3 months (and, in addition, the accused was not found guilty in 1 of the 3 cases.) In the fourth case, there is some reason to believe that a conditional release would have sufficed to prevent the second crime.

(11) to collect or compromise any loan or other obligation held by the Bank;

(12) to acquire by purchase, lease, or donations real property or any interest therein, and to sell, lease, or otherwise dispose of real property; and

(13) to use the United States mails in the same manner and upon the same conditions as the executive departments of the United States Government.

The foregoing enumeration of powers shall not be deemed to exclude other lawful powers necessary to carry out the purpose and functions of the Bank.

TAXATION; PAYMENT IN LIEU OF TAXES

SEC. 109. The Bank, including its assets, capital, reserves, surplus, security holdings, and income shall be exempt from all taxation, Federal, State or local. The Bank shall pay annually into the Treasury of the United States as miscellaneous receipts an amount equivalent to the amount of Federal income taxes for which it would be subject except for the exemption hereinabove stated. The Bank is authorized to make payments to State and local governments in lieu of the payment of taxes on its real property.

ANNUAL REPORT

SEC. 110. The Bank shall make an annual report of its operations under this title to the President and the Congress.

AMENDMENT TO GOVERNMENT CORPORATION CONTROL ACT

SEC. 111. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by striking out "and Tennessee Valley Associated Cooperatives, Incorporated" and inserting in lieu thereof "Tennessee Valley Associated Cooperatives, Incorporated; and American Indian Development Bank".

For a number of reasons, it is unlikely that the NBS study contains any significant bias due to this factor. First, those not released were held even though the Bail Reform Act was in effect. By and large, persons in similar circumstances will continue to be held in the future, whether or not the preventive detention feature of H.R. 16196 is enacted. Second, the only relevant data concerns those persons who could be held under the preventive detention act (i.e., who are charged with dangerous or violent crimes) and who could not be held otherwise (i.e., who are not charged with capital crimes.) There is no evidence that persons charged with such offenses but not released are "the most dangerous defendants" compared with persons who were also charged with non-capital dangerous/violent offenses but who were released. To the degree that the judges were following the law, those detained were persons who lacked the community ties or the ability to otherwise ensure that they would not take flight. To the extent that the judges were not following the law, and were in fact detaining defendants because of a perceived danger to the community, there is no evidence in the NBS study that the likelihood of recidivism can be confidently predicted among those accused of dangerous or violent crimes.[3] In fact, the NBS study appears to demonstrate exactly the opposite.

None of the above reasons need give any particular concern that the NBS study underestimates the amount of recidivism. Each of the points has some validity, of course, but the discussions above indicate that the expected degree of underestimation is not sufficiently large to affect any conclusions.

A more difficult problem is that of clearance rates and unreported crime. Two of the most extreme cases (excepting narcotics offenses) among the violent and dangerous crimes are robbery and housebreaking. The clearance rates for these crimes in 1968 were only 17 and 14 percent, respectively.[4] Moreover, only about 65 percent of these crimes are reported to the police.[5] Thus, for crimes such as these, each charge in the court records implies that 10 times this number of crimes actually occurred. The problem, however, is to estimate what 1 recidivist arrest implies as to the actual number of crimes committed. This is, by no means, as straightforward a task as it first appears. There are two reasons to believe that a recidivist arrest does not imply that the sample population (106 cases) has committed 10 crimes. One reason was noted in the NBS study. Since the arrestee has recently come to the attention of the police, he will be more likely to be arrested than the average member of the population, criminal or innocent. Thus, per crime committed, it would be expected that he would be arrested more often than a person outside the sample.

An even stronger reason for not using the 10 to 1 ratio is the necessary assumption that all criminals are equally "talented." If so, crime would be the only field of human endeavor in which this were true. It is more likely that there are relatively successful

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Footnotes at end of article.

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criminals and others who are prone to failure. In other words, one would expect that those arrestees who are guilty include a disproportionate number of bumblers and "foul-ups." If they commit another crime, it is comparatively likely that they will be arrested again. For this reason, it is difficult to take the uniform distribution assumption seriously.

Table 4 attempts to put the entire problem into focus by combining alternative viewpoints as to which recidivist arrests should be considered as evidence and what factor should be used to account for low clearance rates and unreported crime.

Suppose, for example, that the prevention of 10 dangerous or violent crimes is considered sufficient justification to keep 106 persons in preventive detention for a full 60 days each. What assumptions are necessary to conclude that the NBS study supports preventive detention. First, Table 4 shows that it is *necessary* to assume that evidence of a crime committed 3 months after release implies that, if the person had been held in jail for 2 months and then released, the crime would not have occurred. This is necessary, but not sufficient. To draw the conclusion of 10 dangerous or violent crimes prevented, one must *also* assume that each recidivist crime in the sample should be assumed to represent 10 actual crimes, i.e., the "all criminals are equal" assumption.

TABLE 1.—THE 6 BASIC CASES

Name No.	1st charge	2d charge	Elapsed time [1]	Found guilty on 1st or 2d charges
157	Rape	Obstructing justice	2 months, 9 days	Yes, both.
376	Assault with a deadly weapon (gun), 2 counts.	Assault with a deadly weapon (gun)	5 months (less 4 days)	No, all counts.
479	Robbery	Robbery	3 months	Yes, first; no, second.
874	Robbery	Burglary I	3 months	Yes, both.
283	1st Pres/Ind: Robbery Second Pres/Ind: [2] Robbery (2 counts). Murder II. Assault with deadly weapon. Manslaughter.	Robbery (2 counts), att. robbery, poss. prohib. weapon after conv. felony, assault of police officer.	5 months (less 6 days) from first P/I. 3 months (less 8 days) from second P/I.	Yes, 4 counts of first charge. Yes, 2 counts of of second.
906	Harrison Narcotic Act violation	Robbery	1 month, 6 days	Yes, both.

Source: Appendix E to NBS report 10181.

[1] From presentment/indictment to the date of the second offense.

[2] The offenses stated in the 2d presentment or indictment occurred on the same day as those set forth in the first presentment/indictment.

TABLE 2.—THE 4 "UNKNOWN" CASES

Name No.	1st charge	2d charge	Elapsed time [1]	Found guilty on 1st or 2d charges
883	Indecent Act (Miller Act)	No paper, no charge specified	10 months, 18 days	No, 1st (but convicted on a misdemeanor: simple assault), "no paper," 2d.
889	Assault with a deadly weapon (knife)	Assault with a deadly weapon (gun)	4 months, 5 days	Yes, 1st; "no paper," 2d.
148	Rape	Not specified	3 months, 15 days	Yes, both.
160	Robbery	do	6 months, 13 days	No, 1st; Yes, 2d.

[1] From presentment/indictment to the date of the 2d offense.

Source: Appendix E to NBS report 10181.

TABLE 3.—COMPARISON OF PLACE OF OFFENSE AND RESIDENCE OF OFFENDER FOR PART I CRIMES, SEATTLE, 1965

Offense charged on arrest	Residence of arrested offender (percent)				Offense charged on arrest	Residence of arrested offender (percent)			
	Same tract	Elsewhere Seattle	Outside Seattle	Unknown		Same tract	Elsewhere Seattle	Outside Seattle	Unknown
Forcible rape	15	69	16	0	Other assaults	42	45	10	3
Assault to rape, attempts	54	38	8	0	Burglary, breaking and entering	26	59	12	2
Robbery	29	53	12	5	Larceny, theft	13	68	14	6
Aggravated assault	35	47	14	4	Auto theft	13	68	17	2

Source: The President's Commission on Law Enforcement and the Administration of Justice; task force report, "Crime and Its Impact—An Assessment." GPO, 1967.

TABLE 4—CONCLUSION MATRIX: NUMBER OF CRIMES PREVENTED FOR EACH 106 DEFENDANTS DETAINED FOR 60 DAYS

Conventions for determining the relevant number of recidivist arrests: Which of the 4 possible cases should be excluded as irrelevant?	Assumptions as to the implications of a recidivist arrest	
	Each recidivist arrest implies 2 recidivist crimes	Each recidivist arrest implies 10 recidivist crimes
No exclusions	8 crimes prevented	40 crimes prevented.
Only exclude for 3-month delay if also not guilty	6 crimes prevented	30 crimes prevented.
Only exclude for 3-month delay	2 crimes prevented	10 crimes prevented.
Exclude for 3-month delay or likelihood of effective methadone treatment	No crimes prevented	No crimes prevented.

A Note on NBS Report 10181 of March 1970 entitled "Compilation and Use of Criminal Court Data in Relation to Pre-Trial Release of Defendents."

All in all, the report is thorough and professional, but it does not try to compute how well H.R. 16196 would accomplish its goal of protecting the public from dangerous and violent crimes.

To do this, we examine the 128 cases in the recidivism sample. Of these, there were only 44 cases of violent crimes, of which 42 were also dangerous. (The definitions of "violent" and "dangerous" are the same as in the report.)

The attached table shows that in 28 of the cases, the succeeding charge was for a misdemeanor or a crime neither violent nor dangerous. These are cases in which preventive detention might have prevented a crime, but not the sort of crime for which any attempt has been made to justify it. In another 2 cases, the accused was not found guilty on either charge, and may be presumed innocent.

This leaves 14 cases on which the accused was found guilty on either the first or the second charge, or both. To be "generous," we assume that being found guilty on either charge means the accused was guilty on both, and especially on the second.

However, the duration of preventive detention is only 60 days. In only 3 of the 14 cases, however, were the 2 crimes committed within 60 days of presentment for the first. If the case of "no data" is included, the total rises to 4.

Thus, this brief analysis indicates that of 44 cases where recidivism did occur (including charges *prior* to the sample period), in only 4 or 9% of the cases would a dangerous or violent crime have been prevented.

Actually, this overstates the case, since the total sample, including non-recidivists, is 106 defendents accused of violent or dangerous crimes.

Thus, even allowing the overestimate due to the use of charges prior to the sample in *less than 4%* of the cases in which H.R. 16196 would allow preventive detention is there any reason to believe that preventive detention would protect the public from a "violent" or "dangerous" crime.

ARTHUR L. KARP,
Arlington, Va.

BREAKDOWN OF THE 44 RECIDIVISM CASES FOR WHICH PREVENTIVE DETENTION COULD BE AUTHORIZED UNDER H.R. 16196 (1ST CHARGE A DANGEROUS OR VIOLENT CRIME)

Number of cases	Description	Found guilty	Times from presentment to 2d crime (days)	Notes
24	2d charge a misdemeanor	13 guilty; 10 not; 1 no data	Not computed	
4	2d charge a felony, but neither a dangerous nor a violent crime.	3 guilty of both	15, 69, 97	Includes 1 case in which the verdict on the 1st charge is pending.
		1 guilty of 1st only	47	
2	2d charge is a dangerous or violent crime	Not guilty on both charges	27, 147	
2	do	Guilty on 2d charge only	No data, 341	
5	do	Guilty on 1st charge only	90, 125, 145, 153, 370	Includes 1 case in which there is no data on the disposition of the 1st charge, 1 case of no paper on the 2d, and 1 case in which the charge upon conviction was reduced to a crime neither violent nor dangerous.
7	do	Guilty on both charges	25, 36, 36, 83, 90, 105, 193	Includes 1 case in which there is no data on the 1st charge, 2 cases in which the 2d charge is not specified, but is assumed to be a dangerous or violent crime.

FOOTNOTES

[1] NBS report 10181 dated March 1970.

[2] This paper follows the NBS study in its definitions. In particular, it should be noted that all "dangerous" crimes are also "violent" crimes. H.R. 16196 also allows preventive detention for the obstruction of justice, but only if a witness has been threatened or intimidated. As far as is known, however, the sample contains no case for which the initial charge is the obstruction of justice.

[3] Nor, as far as the author of this paper is aware, there is no such evidence anywhere else.

[4] The clearance rate is the ratio of clearances to reported offenses. Source: Selected Crime Statistics for Washington, D.C. 1965 to 1968. District of Columbia Government, Office of Crime Analysis, April 23, 1969.

[5] Source: The President's Commission on Law Enforcement and the Administration of Justice; Task Force Report: Crime and its Impact—An Assessment. GPO, 1967.

CLARK MOLLENHOFF SPEAKS ON OMBUDSMAN ROLE

Mr. GRIFFIN. Mr. President, in an address before the Houston Rotary Club on June 11, 1970, Clark R. Mollenhoff had some interesting observations and suggestions on the role of a White House ombudsman, which he has filled for several months. I ask unanimous consent that the text of Mr. Mollenhoff's remarks be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

REMARKS BY CLARK R. MOLLENHOFF, SPECIAL COUNSEL TO THE PRESIDENT

This nation has gone through a period of disillusionment that is one of the most difficult in our history. Young and old alike have been questioning whether our system of government can deal with the problems that face our society.

Scandals ranging from carelessness to outright fraud have been exposed in connection with the war on poverty and other welfare programs. Evidence indicates that in certain areas, the Mafia has had the tight control over city, county, and state officials. There is even some evidence that the Mafia has had an unhealthy influence on decisions of the IRS and the federal courts.

Congressional investigations of Defense Department contracts demonstrate billions of dollars in cost overruns and indicate a negligence or conspiracy to pad our military spending with excessive profits. There are examples of favoritism in the awarding of contracts at city, county, state, and federal levels of government.

The brutal slaying of Joseph A. (Jock) Yablonski, his wife, Margaret, and their daughter, Charlotte Joanne of Washington, Pennslyvania has reemphasized the brutality that has been a part of the history of the United Mine Workers and many of our large labor organizations.

James R. Hoffa's arrogant domination of the International Teamsters Union was characterized by abuse of power, misuse of union funds, and corruption in the handling of the multi-million dollar pension and welfare programs. Some say he still runs the Teamsters from prison.

Robert G. (Bobby) Baker is still free three years after his conviction of fraud and larceny charges. He has been the symbol of corruption in the highest offices in government. His continued freedom is regarded by many as proof that those with the big money and the big connections need never pay the price of incarceration.

It is easy to see why those who take a brief look at some of these incidents in our society are disillusioned. They question whether it is possible to operate our American democracy as it was intended to operate—in a fair and honest manner.

In the face of problems that have seemed overwhelming, our citizens have reacted in many ways. Some have questioned whether we should expose our scandals. Some go as far as to suggest that we cover them up, so we can give the world a more flattering picture of the United States. Some withdraw into a shell of bitterness and futility and leave the field clear for the active corruptionists.

There are even a few who decide to join the thieves after erroneously concluding that you can't beat them so you might as well join them.

With no answers of their own, many people have rushed to join groups or societies that contend they have the answers. These groups aggressively supply what the confused may regard as easy answers.

The unknowing find it easy to join without thinking and frequently end up as supporters of the Students for Democratic Society or the John Birch Society, the extreme White Citizens groups, or the equally extreme Black Muslins or the Ku Klux Klan.

No amount of warning and reasoning will stop all of the rush of thoughtless citizens who will donate their finances and give their names to extremist groups. A certain amount of this frantic joining can be expected in any free society. However, it is disturbing when large numbers of basically bright college students join the John Birch Society with no real look at what that group stands for.

It is equally disturbing when large numbers of college students rally around the actions of thugs and outlaws who disrupt the educational processes of our universities or take over and destroy college buildings and offices.

I believe there is a special responsibility placed upon the young people in our colleges and universities to analyze what is wrong with our society but to be restrained in their activities until such time as they are absolutely certain that those activities will be helpful in finding solutions to the problems they have found.

And I would be hopeful that the critics of our society and our system of government would not seek to tear it down until such time as they are certain in their own minds that the replacement would represent a better opportunity for fair and honest administration of government.

For more than 25 years I have been involved in investigations of the mismanagement and corruption of government at all levels. With full knowledge of the corruption in our society, I am still certain that it is relatively clean. I say "relatively clean" for in judging we must not judge it alone against some imaginary ideal. We must judge it by comparing it with other societies that exist in the world today. With all of its weaknesses, it is certainly a better society than that of the Communist world where there is no thought of fair play or justice for the individual.

If there is anything wrong with our society, it is not because of our system of government. What is wrong is wrong despite our system of government which gives the people of the country the right to insist upon high standards, and the mechanism for defeating those who do not strive for honest and efficient government.

If there are things that you don't like, don't be among those who rip at our system and blame our American democracy for everything. It is time for each citizen to look at himself and to ask himself if he is contributing to the delinquency. He should also ask himself if there isn't something more he can do to eliminate the evils that will inevitably creep into any system.

I believe I have viewed almost every evil that can creep into our system but I have not lost faith in that system of government. I know that I will never lose faith in it.

In nearly every case, our American democracy has forced a reform as soon as the facts had been clearly relayed to the public through the press. I have seen incompetent and corrupt city officials defeated and corrupt and incompetent county officials indicted, convicted and removed from office.

OMBUDSMAN

Many indictments and convictions followed the exposure of corruption in the Truman Administration. Revelations of conflict of interest in several high offices in the Eisenhower Administration resulted in a rash of resignations and a few indictments. There were indictments and conflicts arising out of scandals in the Kennedy Administration.

I have no doubt that the Nixon Administration will be plagued from time to time with similar problems. We had one major first test in connection with Major General Carl Turner. It was possible to demonstrate the advantage of swift non-partisan action in connection with the Turner matter. We were able to learn of serious problems involving Major General Carl Turner, who had been appointed last March as the Chief United States Marshal. His resignation was obtained within a matter of a few hours after the Administration became aware that he was not worthy of his position. The hearings before the Senate Permanent Investigating

Subcommittee demonstrated dramatically that it was important that we came to grips with that issue and removed the man who failed to meet the standards required by this Administration.

The public was understanding because the Administration took action against an appointee of the Administration at the first point at which it was clear that General Turner did not meet the Administration's standard. When Turner was appointed in March, there was no reason to believe he was other than an experienced career military investigator. There was no record of arrests or convictions to mar his record.

The mistake of appointing Carl Turner was the mistake any Administration could make and there was public understanding of this and no editorial criticism. I hope that the swift corrective action in the Turner case will set the tone for this Administration.

I hope that the Nixon Administration will always be able to find the true facts at an early stage and brush away the excuses and rationalizations that are so frequently brought forward to cloud the issue.

I was named presidential ombudsman because President Nixon wanted someone in the White House who would be mainly concerned with the problems of inefficiency, mismanagement, and corruption in the federal government. The jurisdiction was to be roughly that of a government operations committee of the Senate or House.

It is not a role that has carried any direct responsibilities in the political area or in the program policy areas. It stresses government operations.

It has been an effort to establish a mechanism outside the normal chain of command for the administration of government programs for independent fact finding on problem areas that will take advantage of the whole range of government sources, plus a wide range of sources outside of the federal government.

The President and others in his administration have been familiar with "Despoilers of Democracy" and "The Pentagon" which were nonidealogical and nonpartisan case studies on the problems of dealing with inefficiency, mismanagement and corruption in a wide range of government agencies. The President wanted that approach.

Many of our Presidents have been embarrassed by commenting upon government problems before they were apprised of the full facts on cases involving inefficiency, mismanagement, and corruption in their administrations. President Truman made errors in his comments and explanations on problems involving the Reconstruction Finance Corporation, the Internal Revenue Service, and some other agencies. This made it appear that he was condoning questionable activity.

President Eisenhower made similar mistakes in press conference comments on the Dixon Yates case, and in connection with the Adams-Goldfine matter.

President Kennedy made similar mistakes in commenting at press conferences on the Billie Sol Estes case, on the TFX case, and on other matters.

All suffered some major embarrassment because they relied upon the normal administrative chain of command. At a late date they found that men with a stake in the case, from a standpoint of official responsibility or as a result of involvement in questionalble activity, had given them inaccurate information.

President Nixon, who had extended experience in dealing with congressional investigations, has realized the hazard of dealing with information that comes through the bureaucratic chain of command. He has wanted to keep the possibility of error down to a minimum.

Serious errors in dealing with the problems of mismanagement or corruption can do irreparable harm to an administration from a standpoint of its credibility on international or domestic matters, and in its dealings with members of the Senate and House.

The many grave problems—domestic and foreign, that must be dealt with today create conditions that make it particularly important that there be a mechanism to protect the President from the errors that can arise from over reliance upon the bureaucratic chain of command.

It is important to establish an effective government-wide follow-through on past problem areas, and to set the tone for what the President expects of his own administration.

PERFORMANCE IS WHAT COUNTS

The Nixon Administration is dedicated to the vision of a clean environment, but more important, it is dedicated to the practical programs that will make the goals possible. The President knows that great goals are not enough. He recognizes that there must be a realistic means to reach those goals. We must control the despoilers of America—the polluters of our land, our water, and our air—while keeping "the despoilers of democracy" from turning new government controls into tax-wasting rackets.

The goals of a better America are easy to support. Clean air, clean water, and clean food are goals we can all agree are desirable. Achieving them is difficult. It is fine to dream visions of a beautiful and a clean land, but there is need for producing the realistic nuts and bolts vehicle to take us there with a minimum of waste or mismanagement or corruption.

There is need to recognize that every new law and every new function of government that carries the promise of a better life also carries the possibility of more repressive regulation and more corruption. As any student of local government knows, the laws to license restaurants are essential to protect food served to the public. But they are often the opening wedge for new pay-off rackets.

Realistic laws and fair and honest administration of those laws are of benefit to man. Poorly drawn laws and lax or dishonest management can be simply one more drain on the tax dollar that sets the stage for corruption and disillusionment.

Most businessmen—indeed, most citizens—will cooperate if they believe the laws are being administered and enforced in a fair manner. Most businessmen—indeed, most citizens—will balk at the prospect of more laws that simply infringe upon liberty and hold only faint prospects for a better world.

Cynicism flows from the shattered promises of unrealistic laws poorly enforced or corruptly administered. Hope for a better America can only come from realistic laws and from consistent, fair enforcement of those laws. That hope must be based upon the credibility of good government—not perfect government, but reasonably fair and honest government. That is the only true goal of our American democracy. That is the only road to a realization of our hope for programs to control our environment.

EXCERPT—RESIGNATION LETTER

In my brief time in public service, it was not possible to spotlight or to solve all of the problems of government operations, but I believe that much has been accomplished in avoiding the factual errors and the delays in problem solving that have plagued so many of our past administrations. I hope that a good government tone has been set. I hope we have made some headway in proving that aggressive good government can be good politics. I also hope that we have been able to right a few wrongs, and to help a few average citizens fight their way through the bureaucratic jungle that our big government has become.

I have become more appreciative of the problems of making big government operate effectively, and sympathetic with the problems our Presidents face in making the federal government move. The experience has dramatized how important it is that the President have the "right to know" what is taking place at all levels of government, and the right to expect that his will is carried out.

WHITE HOUSE OMBUDSMAN

Arrogant bureaucracy is the greatest obstacle today to proper functioning of the government and has created a sense of frustration from the lowest student up to the presidency. The sense of frustration, dramatized by some of the student protests, is also present among businessmen, city, county, and state political leaders, Senators and Congressmen and federal government officials.

A properly organized and staffed ombudsman office can make the federal government more responsive to the thoughtful complaints of the public and more responsive to the will of the President.

My experience as your presidential ombudsman coupled with more than 25 years of experience investigating government mismanagement and corruption at all levels has convinced me that a properly structured and staffed ombudsman office can be the answer to many of our most serious problems. It would provide:

1. A place for citizens to lodge their complaints against arbitrary bureaucratic actions with the hope of having the grievances examined carefully.
2. It would provide the mechanism for thoughtful depth examination of complaints and would force the production of records dealing with government operations and decisions.
3. It would provide a means of separating legitimate complaints from frivolous complaints and would provide periodic publication of the findings of fact and conclusion. Reports published on a semi-annual or annual basis would force government agencies to give greater attention to the necessity of justifying decisions to an independent body and for correcting decisions that are erroneous.

The ombudsman office could be created by the President within the White House or it could be established by law independent of the White House. Essential to the proper functioning of this office are the following:

1. Cabinet rank so there can be no question about the ombudsman authority to obtain records and reports.
2. A man of great experience, stature, and impeccable integrity.
3. Job tenure so that there can be no doubt about the ombudsman's total independence (a law would be required for job tenure).
4. Direct access to the President at all times.
5. An initial staff of 12 to 20 lawyers and accountants with years of experience on investigations of government operations either with congressional committees or with government agencies, or both.
6. Public reports made to the President and to the Senate and the House on an annual or semi-annual basis with provisions for special reports.
7. This job should be devoid of any partisan political authority or responsibility.

The key to the successful operation of the federal ombudsman office is the selection of an ombudsman to head this new structure. This must be a man of great experience in the investigation of government who is recognized by the public for his great stature and his impeccable integrity. Senator John J. Williams, Republican of Delaware, is the only man who comes to mind immediately as having the full credentials necessary to do this job. He will be retiring from the United States Senate at the end of 1970. His conduct as a member of the United States Senate over a period of twenty-four years is recognized by Democrats and Republicans, liberals

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and conservatives as having been in the highest tradition of public service.

I believe that the establishment of an ombudsman office, headed by Senator John Williams, would do more than any other single act to restore faith in the federal government.

Expensive reorganizations and realignments of government activities have been usually only a slight reshuffle of the same old bureaucratic cliques. John Williams and a small effective staff could break up the old bureaucratic patterns and restore integrity and fair play in many areas where it has been missing for years.

CLOSING

The ombudsman program I suggest could bring some much needed idealism to the American Democracy. It could bring some of the idealism that I found in a few of my early teachers, an idealism that I tried to catch in poetry a few years ago.

I think it is equally applicable to men in government, men in the communications business, and to others today as we contemplate the job of teaching and inspiring the young of this nation.

TEACHER

You are the moulders of their dreams—
The Gods who build or crush their young beliefs in right or wrong.
You are the spark that sets aflame a poet's hand,
Or lights the flame in some great singer's song.

You are the Gods of young—the very young.
You are their idols, by profession set apart.
You are the guardians of a million dreams.
Your every smile or frown can heal or pierce a heart.

Yours are one hundred lives—one thousand lives.
Yours is the pride of loving them, the sorrows too.
Your patient work, your touch, make you the God of hope
That fills their souls with dreams, and make those dreams come true.

—*Clark R. Mollenhoff.*

In meeting the great problems that face our nation today—practical idealism can be our salvation. Either cynicism or thoughtless ranting can only bring destruction.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER (Mr. Eastland). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following disposition of the Journal on tomorrow, the distinguished Senator from Arizona (Mr. Fannin) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. Eastland). Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. Eastland). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state.

The Assistant Legislative Clerk. H.R. 15628, to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on adoption of the amendment of the Senator from South Carolina (Mr. Thurmond).

Time from now until 3 o'clock is equally divided.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. THURMOND. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, my amendment to H.R. 15628, the Military Sales Act, merely would permit the United States to provide the International Fighter aircraft to Thailand as well as South Vietnam.

That is all it would do. Thailand and South Vietnam are the only two nations involved in Indochina which have the capability to employ and maintain an air superiority aircraft such as the International Fighter.

My colleagues might ask why extend direct aid of the International Fighter to Thailand. Under the present laws that is the only way they can get it.

Further, only Thailand—not South Korea, not Nationalist China, not the Philippines—is contiguous to the conflict in Indochina. Cambodia is involved also, of course, but that country does not have the technical capability to handle the International Fighter.

Thailand currently possesses a very limited ability to maintain air superiority over its contiguous airspace. If this country is to provide for its own defense and not depend on the United States we must give Thailand the means through equipment, supplies and aircraft.

Mr. President, there is not a Member of this Senate who does not wish to see our boys in Southeast Asia return to their families in this country. We must realize that this process will be speeded if we demonstrate to our allies in that area that we mean business when we talk about aiding them in a way that they can provide for their own defense.

In the Senate debate on the International Fighter program last November, the chairman of the Senate Armed Services Committee assured the chairman of the Senate Foreign Relations Committee that the defense funds authorized for the International Fighter were limited to aircraft for use in South Vietnam, Korea, Taiwan, and Thailand. He stressed that funds for military assistance to any other country would come under the jurisdiction of the Committee on Foreign Relations, and that was agreed upon.

Secretary of Defense Melvin Laird took a position in a letter dated October 21, 1969, to the chairman of the Senate Armed Services Committee, in support of the International Fighter aircraft program. He stated:

> In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat. In addition, we believe that making an appropriate aircraft available to the Republic of Korea, Taiwan, and Thailand could provide a means for these nations to shoulder more of their own defense in the future.

The exchange between the chairman of the Senate Armed Services Committee and the chairman of the Senate Foreign Relations Committee included the following:

> Mr. Stennis. This is limited to Southeast Asia.
>
> Mr. Fulbright. No, it is not limited. I beg the Senator's pardon. The letter from the Department says that some of these planes will be given to Greece and Turkey.
>
> Mr. Stennis. Our amendment is limited to Southeast Asia. Permit me to finish that thought. I spelled it out, because we considered that the extent of the jurisdiction of the Committee on Armed Services. I know that if a plane is researched and built, it will go beyond Southeast Asia—that is common sense. But the Committee on Foreign Relations, of which the Senator from Arkansas is Chairman, would have to authorize the funds for the purchase by military assistance, at least for any country outside Southeast Asia.
>
> Mr. Fulbright. I am very pleased to hear the Senator say that. I was not clear on that point. Then, the planes that the Defense Department says they anticipate giving to other countries will have to be authorized in foreign aid.
>
> Mr. Stennis. That is very clear to me, and that was discussed in the conference at great length, and it was agreed to. We even spelled it out in the amendment.
>
> Mr. Fulbright. I appreciate the Senator calling that to my attention. I did not understand that.

So it is clear that the purpose of the International Fighter program is to aid our allies in Southeast Asia, specifically to the countries named, and to no others. My amendment would simply insure that Thailand is not excluded from this program.

The concept underlying this idea was adopted in the Eisenhower administration and has been continued ever since. It has been confirmed each year in the authorization bills approved by Congress.

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The concept underlying the program has been that it is in the interest of the United States to provide equipment suited to allied countries—suited to their skill levels and their resources—rather than to give them more complex and provocative U.S. equipment. It is a concept designed to save money for our country and to make it possible for others to handle their own defense effectively.

This concept was first enunciated more than 10 years ago when Senator Styles Bridges, of New Hampshire, chairman of the Committee on Appropriations and the ranking member of the Armed Services Committee, raised the question of whether there was not a more economical and effective way of providing equipment to other countries under the mutual security program, a better way than giving these countries our own expensive and complex equipment. Acting Secretary of State Douglas Dillon replied with a very cogent statement of the conceptual basis for it.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a letter dated April 17, 1959, to Hon. Christian A. Herter, Acting Secretary of State, from Styles Bridges, a Senator from New Hampshire, and a letter dated May 20, 1959, to Senator Bridges from Douglas Dillon, Under Secretary of State.

There being no objection, the letters were ordered to be printed in the Record, as follows:

April 17, 1959.

Hon. Christian A. Herter,
Acting Secretary of State,
Washington, D.C.

Dear Mr. Secretary: Many of the members of the Senate Appropriations Committee are gravely concerned about mounting Federal expenditures and the indications that there will be no decrease in the national debt in the next fiscal year. In view of this environment, and the close scrutiny which will be made of Foreign Aid, I am disturbed about one situation in particular which might increase commitments of U.S. funds. I have reference to the problem of supplying weapons systems to our allies.

The large increases in the complexity and cost of new weapons produce almost explosive forces driving the level of our defense expenditures constantly upward, yet we must maintain a sound national economy protected against the erosive effects of inflation. Accordingly, it seems to me that we and our allies must select the weapons which yield the best defense in relation to their total cost, which includes development, procurement and maintenance.

A case in point would be the providing of large, expensive Century-type aircraft with high maintenance cost in areas where a lower cost, but suitable, weapons system would be highly effective. I feel it is highly probable that in addition to the high initial cost, the U.S. might be called upon to increase the need for defense support through economic aid to provide for increased cost of maintenance.

In this connection, I have noted recent newspaper reports that the Republic of Germany has indicated a preference for advanced Century-type aircraft to be initially purchased in this country and subsequently to be produced in relatively small quantities in Germany. It would seem entirely possible that the next logical step would be a bid from Germany for U.S. assistance in the form of an off-shore procurement for supplying this same aircraft to other allied nations in Europe. In this connection, I understand that the Netherlands and Belgium and probably other countries have indicated that they prefer a lighter type of aircraft, realizing that they cannot maintain and operate this aircraft within their limited finances, personnel and skill levels.

My staff informs me that U.S. funds have already been provided to advance the development of a versatile, high performance, light aircraft to satisfy the Air Defense mission of most of our allies. I also understand that the Deputy Secretary of Defense, Mr. Quarles, as well as Secretary Douglas of the Air Force, are cognizant of these developments and you may want to discuss the matter with them.

I am certain you will agree with me that it is vital to our national interest, within the framework of both NATO and SEATO, that we use U.S. dollars as effectively as possible in meeting the Soviet threat.

It seems to me that we could better serve our Allies by providing single and less costly weapons systems, assuming of course that such systems satisfy the military requirements as opposed to providing more costly and complex weapons; except where we are positive the recipient nation has the necessary resources in money, manpower and facilities to support the latter.

Sincerely yours,

Styles Bridges.

Department of State,
Washington, May 20, 1959.

Hon. Styles Bridges,
U.S. Senate.

Dear Styles: I share the concern expressed in your letter of April 17 to the Secretary over the need to assure ourselves that the weapons which are provided to our allies yield the best defense in relation to their total cost. The entire question of the kind of weapons systems which best meet the needs of our allies, considering our allies' differing economic and technological capabilities and the particular military tasks envisioned for their forces, is a matter which is receiving increasing attention in both the military assistance program planning and the program implementation activities of the Departments of Defense and State.

We of course receive from the Department of Defense a determination as to the military suitability of any given weapons system for carrying out the military mission assigned by U.S. planning to the foreign forces involved. Nevertheless, it is quite correct, as you point out, that there is an extensive area for judgment and choice as between alternative systems, each of which may be determined by the Department of Defense to be militarily effective but which may have varying effects not only upon the immediate cost to the U.S. but on our ability to accomplish foreign political and economic objectives. It therefore becomes necessary for the Departments of State and Defense to conisder jointly the competing military, political, economic and financial factors involved. As evidence of the increasing attention accorded this problem area, provision has recently been made, as you are aware, to develop an advanced performance aircraft, the Northrop N–156, to help provide the air defense capability which it is in the U.S. interest to provide to our allies. This specific program proposal is one which I personally subjected to careful review before according it my approval as MSP Coordinator. On the basis of information provided by the Department of Defense we have every hope for a successful result from this program, though as you know the process of developing, testing, tooling and final production is a lengthy one and we are not likely to have the definitive results until some three years from now. If this program is successful, however, we would hope that aircraft would be available with performance characteristics which would meet the requirements of many of our allies and have the important supplementary advantage of a reduced initial procurement cost and a subsequent reduced maintenance cost as compared to more complicated aircraft in U.S. inventories (specifically as compared to the Century series aircraft to which you refer).

However, this is not to say that all the requirements of all our allies can best be met with this aircraft, which in any event is not yet tested and available. We have therefore provided some Century series aircraft to certain of our allies and anticipate the need to provide additional such aircraft in the future. I assure you, however, that wherever we may decide to undertake such action we shall do so only after the Department of Defense scrutinizes most carefully the military validity of the action and the Departments of State and Defense jointly study our allies' capabilities adequately to absorb and utilize these aircraft. I should hasten to add, that, if we are to meet U.S. security objectives, we cannot necessarily limit the provision of such aircraft only to recipient nations which have the necessary indigenous financial resources to provide in full the subsequent maintenance and operational support for them. In this respect, the position would be similar to that under our present policies where, if necessary to meet U.S. objectives, we provide jet fighter aircraft and also assist in the maintenance and support of such aircraft when this is essential to their effective readiness and utilization. I agree, however, that in any instance where it is manifestly apparent that the provision of costly and complicated weapons such as Century series aircraft cannot be effectively absorbed and employed by our allies, or where their provision will entail a continuing financial drain on their or our resources which is incommensurate with the security objectives sought, it would not be in our interest to make such aircraft available.

Finally, I should like to refer to the question which you raised in connection with the German production of Century series aircraft. You are of course aware that procurement of Century series aircraft by Germany for use by its own forces will be at no cost to the U.S. While it is possible that the German Government may approach us with a proposal for offshore procurement of these aircraft to be supplied to other nations in Europe, no such proposal has as yet been forthcoming, nor are there any plans currently within the U.S. Government to provide such assistance. In the event such a proposal is advanced, I assure you that it will be tested against the above criteria as well as subjected to the usual reviews accorded to any offshore procurement proposal.

I hope that this is responsive to the questions which you had in mind. In the event you have further questions regarding the military considerations underlying the basic policy determinations explained above, you may wish to communicate with Secretary McElroy on the subject. I am taking the liberty of sending him a copy of your letter and this reply.

Sincerely yours,

Douglas Dillon,
Acting Secretary.

Mr. THURMOND. Mr. President, since then, the funds for the distribution of F–5's under MAP and for sale of F–5's through FMS have been authorized by the Foreign Relations Committee of both Houses and appropriated by the Appropriations Committee so that there is no basis for saying that this is unprecedented. The F–5 program under the MAP is currently going on under authorization previously approved by the Foreign Relations Committee. I do not think anyone can dispute the statement that the

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F–5 is a very successful program for the countries which are using it, and is serving the interest of our mutual security program.

Opposition to the idea of an International Fighter comes today, as it always has, from those who do not really understand the objective. That objective is to enable our allies to take care of their own defense with equipment that is less costly than our own, less complicated than our own, and which does not require us to maintain a military presence in those countries in order to support those aircraft.

Adoption of my amendment to section 8 of the Foreign Military Sales Act will help accomplish that objective by enabling speedy distribution of the International Fighter to the two countries whose territory is threatened by the events in Southeast Asia—South Vietnam and Thailand.

Mr. President, in a letter to a Member of the Senate, the Secretary of Defense offered the position of the Defense Department on the expression of the Foreign Relations Committee in their report in 1969 in reference to Laos and Thailand being returned to the regular military assistance program in fiscal year 1971 rather than remaining in the DOD budget.

The PRESIDING OFFICER. The 10 minutes yielded by the Senator from South Carolina to himself have expired.

Mr. THURMOND. Mr. President, I yield myself an additional 10 minutes.

Mr. President, in part Secretary of Defense Laird stated:

> These programs were transferred from the Military Assistance Program to the Department of Defense budget by the previous Administration in 1967.
>
> With regard to Thailand, as the Thais are contributing men to our efforts in South Vietnam it was considered more efficient to meet both the requirements for the Thai forces in South Vietnam and for the regular Thai military grant program from the same financial and logistics system. Also, many facilities and activities in Thailand are jointly used and operated by U.S. and Thai forces. Single source spending was believed to be necessary for the sake of good management and economy.
>
> It was also recognized that there was greater efficiency and more effective management to support military assistance to Thailand and Laos, as well as the Thai forces in South Vietnam, from a financial and logistic base common with the U.S. forces deployed to the area. It is also my understanding that at the time that the previous Administration justified to Congress the transfer of these programs to the regular DoD budget, it was stated that they would be returned to the regular MAP following the cessation of hostilities in Southeast Asia. Also, the Congress was assured that, irrespective of which budget funds these programs, the Department of State would continue its supervisory role to ensure consistency with foreign policy.
>
> Though I believe the rationale for supporting these two country programs in the regular DoD budget is as valid today as it was in 1967, the whole funding question will be reviewed. However, since the Congress passed a two-year authorization for foreign aid and authorized $350 million for military assistance for fiscal years 1970 and 1971, it is not possible to fund the programs for Laos and Thailand during FY 1971 from this amount while at the same time satisfying our other high priority MAP requirements for that fiscal year. Also, as the Foreign Assistance authorization was not passed until December 19, 1969, it was too late in the budget planning cycle to shift the requirements for these programs out of the Defense budget.
>
> More importantly, the whole U.S. effort in the field of foreign aid, both economic and military, is under intensive review. Any decisions with regard to the restructuring of our foreign aid efforts will be dependent upon the recommendations made to the President by his Task Force on Economic Development, which is to deliver its report to him by March 31, 1970, and on other reviews currently being conducted by the National Security Council. Until these reviews are completed, and their recommendations acted upon by the President, it would not seem to be prudent to incorporate such programs in military assistance at this time. But please be reassured that the source of funding for these two programs will be given the closest attention by the President, the Secretary of State, and by me when the President's Budget for FY 1972 is being formulated.

The Secretary of Defense also took a position supporting this international fighter in a letter dated October 21, 1969, to the chairman of the Senate Armed Services Committee (Mr. Stennis). Secretary Laird said:

> Dear Mr. Chairman: For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (a) have adequate capabilities to handle the existing threat, (b) be an inexpensive as feasible, and (c) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.
>
> Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.
>
> In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat. In addition, we believe that making an appropriate aircraft available to the Republic of Korea, Taiwan, and Thailand could provide a means for these nations to shoulder more of their own defense in the future.
>
> I recognize the legislative interest of various committees in the matter of a new International Fighter Aircraft, especially since part of the market might be of the Republic of Vietnam and part of the market might be other nations being served by our military assistance and military sales programs. I would hope the interested committees would evolve the preferred methods for considering our proposal.
>
> In any event, I believe Congress would serve the national interest by authorizing and appropriating funds which would enable us to retain an option to go forward with such a proposal at an early date.
>
> Sincerely,
>
> Mel Laird.

Mr. President, the Deputy Secretary of Defense, Mr. David Packard, also supports the international fighter. I should like at this time to read into the Record a letter from him to Hon. L. Mendel Rivers, the chairman of the House Armed Services Committee, dated September 24, 1969. He says:

> Dear Mr. Chairman: Following our discussion this morning, this will confirm our request that your committee consider making the necessary adjustments in its action on the military procurement authorization bill in order to permit the Department of Defense to proceed expeditiously with the development of a new free world fighter aircraft by the Air Force.
>
> Over the past few months we have been studying the question of how we can provide an appropriate fighter for our free world allies, and in particular, South Vietnam. We believe we will need about 325 for Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years. In order to do this we should begin development of a relatively simple and inexpensive fighter in Fiscal Year 1970. We have rechecked the figures and we believe we would need between $40 million and $60 million R.D.T. & E., depending on when appropriations are available to us, and $4 million for long-leading items for Fiscal Year 1970. We believe this is an important program and we hope your committee will approve this program in connection with its action on the bill.
>
> Sincerely,
>
> David Packard.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMOND. I yield myself 5 additional minutes.

Mr. President, possibly the conference report of the House and Senate Armed Services Committees of last November 4, 1969, will answer some of the questions being raised on the subject of the International Fighter.

On page 12 of that report the explanation concerning the International Fighter aircraft reads as follows:

> The conferees agreed that of the total amount authorized for aircraft procurement for the Air Force, an amount not to exceed $28 million shall be available to initiate "the procurement of a fighter aircraft to meet the needs of the free world forces in Southeast Asia and to accelerate the withdrawal of U.S. forces from South Vietnam and Thailand."
>
> The conference report further requires that the Air Force, prior to the obligation of any funds for this program, shall "conduct a competition for the aircraft which shall be selected on the basis of the threat as evaluated and determined by the Secretary of Defense." In addition, such funds may also be used as may be required for research, development, test and evaluation.
>
> The conference report conforms with the recommendation of the Deputy Secretary of Defense who asked the Committee on Armed Services of the House to "make the necessary adjustments in its action on the military procurement authorization bill in order to permit the Department of Defense to proceed expeditiously with the development of a new free world fighter aircraft by the Air Force."
>
> Thereafter, the Secretary of Defense advised the conferees that—
>
> "For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (*a*) have adequate capabilities to handle the existing threat, (*b*) be as inexpensive as feasible, and (*c*) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not

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> proceeded sufficiently to justify making a request for resources to meet the objectives cited.
>
> "Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.
>
> "In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat."
>
> It is significant to note that this will constitute the first effort on the part of the United States to Vietnamize the air defense of South Vietnam with a jet fighter which the South Vietnamese can operate and maintain with their own personnel. It is clear from the studies that have been conducted on this program that our present day fighter aircraft, in Air Force and Navy inventories, are much too sophisticated to be maintained and operated by the South Vietnamese. Thus, a much less sophisticated air weapons system must be made available at the earliest practicable date if we are to safely withdraw United States forces now operating and maintaining fighter aircraft in that area. The authorization would permit modification and/or improvement of existing aircraft now in U.S. inventories or in inventories of aircraft furnished under the military assistance program.

Mr. President, I have some other material which I will present a little later. At this time, I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. I thank the Senator from South Carolina.

Mr. President, I support the amendment to section 8 offered by the distinguished Senator from South Carolina. The international fighter is intended to be a vital link in President Nixon's Guam doctrine, which rests on the concept that if we want the countries of Southeast Asia to shoulder their own defense responsibilities so that we may withdraw our forces, the best and surest way to make this possible is to provide them with the equipment they need to do the job.

The international fighter is designed to give these countries an airplane that will be equal, if not superior, to the Soviet-built Mig-21. It is intended to be a fighter that is not provocative—that is, it is not likely to provoke a fight, but able to take care of itself if the other side starts one. It is designed to be relatively inexpensive, simple enough to operate, and easy enough to maintain in the hands of the forces of these countries. I believe that this is a very useful and timely program, coming as it does precisely when this country is making a great effort to reduce its involvement in the world's difficulties without totally abandoning our friends.

The top officials of the Defense Department have stated unequivocally that our first line U.S. equipment is too sophisticated, too complex and too costly for these countries to operate and maintain. They see the International Fighter as a means of doing the same job with less of a drain on U.S. resources and less burden on our declining defense budget.

Last fall, this subject was fully discussed on the floor of the Senate, and I was under the impression that general agreement had been reached that the International Fighter was to be provided to Vietnam, Thailand, Korea, and Taiwan, and that, if it were to go to any other countries, it would have to come through either the military assistance program or the foreign military sales program. On that basis, it would be logical to argue that our action ought to include all four of those countries. But in view of the amendment that has been offered by the distinguished Senator from South Carolina, I would support his view. Certainly, if we are going to help Vietnam in this way, we ought to extend the same help to Thailand. It makes good sense.

I think this International Fighter will prove to be a step forward in the direction of more economical use of our military dollars. First of all, as Secretary Laird has pointed out, it is sound economy for us to help other nations defend themselves with weapons suited to their capabilities, rather than to insist on doing the job at our own expense with our far more costly weapons. It is a step, a practical step, toward bringing down the cost of defense. It is a step toward reducing U.S. equipment around the world. It is a step toward limiting our involvement in the conflicts of other nations. It is a step that will make it possible for us to reduce our presence in other parts of the world. These are all highly desirable and in the Nation's interest, and I am in favor of supporting measures that will make this International Fighter program a reality, in the frame of reference that is now considered.

It is my hope that this amendment will be approved by the Senate.

Mr. THURMOND. I thank the able and distinguished Senator from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of this side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Who yields time?

Mr. THURMOND. Mr. President, I yield 10 minutes to the Senator from Wyoming (Mr. HANSEN).

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. HANSEN. Mr. President, if the Senator from South Carolina will indulge me, I should like to ask a few questions which I think are relevant to the amendment proposed by the Senator from South Carolina.

Mr. THURMOND. I shall be very happy to try to reply to the Senator's questions.

Mr. HANSEN. Mr. President, why cannot Thailand get the International Fighter under the usual military assistance or military aid programs?

Mr. THURMOND. Mr. President, in 1967, Congress removed Thailand from these programs and placed that country's military aid from the United States under what is called the military assistance service funded program. This was done so that Thailand could receive direct support, like South Vietnam, in recognition of the fact that Thailand was directly involved in the hostilities in Indochina.

Mr. HANSEN. Mr. President, does the Defense Department support the Thurmond amendment?

Mr. THURMOND. In a letter to Senator JOHN STENNIS, chairman of the Senate Armed Services Committee, on October 21, 1969, Secretary of Defense Melvin Laird said in part:

> In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat. In addition, we believe that making an appropriate aircraft available to the Republic of Korea, Taiwan, and Thailand could provide a means for these nations to shoulder more of their own defense in the future.

There is no question that they want the International Fighter to be made available to Thailand, one of our strongest allies on the Asian mainland.

Mr. HANSEN. Mr. President, how would Nationalist China and South Korea get the international fighter?

Mr. THURMOND. In response to that question, I would say through the regular Military Assistance Act, or through the military aid program, as they are not under the exclusive provisions of the military assistance service funded arrangement.

Mr. HANSEN. How many international fighters does the United States want to give to Thailand?

Mr. THURMOND. In response to that question, I would say that despite the allocation of some fighter aircraft to Thailand such as older U.S. planes, the Thai's do not have a capability to stand up to the Mig threat posed by North Vietnam. While the exact number of planes planned for Thailand is undetermined at this time, it is estimated that only a little over 300 would be needed for our four main allies in Southeast Asia—South Vietnam, Thailand, South Korea and Nationalist China. So, we can see, this is not a large program. Last November 6, 1969, in floor debate, the chairman of the Senate Foreign Relations Committee said the Defense Department had informed him they planned about 18 international fighters for Thailand. I might say that this could run larger than that.

Mr. HANSEN. We have heard about several kinds of aircraft that might be used to express our determination in a material way, but just what is the international fighter? What do we mean by that term? What kind of airplane are we talking about?

Mr. THURMOND. It would not be a complicated fighter. It would not be expensive. It would be one that would be a deterrent and they could defend themselves with it. I might say that the development of the international fighter was authorized last year by Congress. The Air Force will announce later this month the selection of the contractor.

The plane will be a modification of an aircraft already on hand. Thus, its development should take only a year or so. We need this airplane quickly so that our allies in Southeast Asia can take over their own defense.

As I said, it is to be a low cost, easily maintained but worthy air superiority fighter aircraft that our Southeast allies can operate and service without U.S. help. At present the F-4 is our best fighter plane but it would be too expensive and too difficult to maintain for transfer to our allies in Southeast Asia.

Mr. HANSEN. Why does Thailand need the International Fighter aircraft?

Mr. THURMOND. Thailand currently possesses a limited capability to protect its own territory from air attack. North Vietnam and Red China have the Mig fighter aircraft which the Thai's could not defend against. This would reduce their defenses greatly and imperil U.S. goals of transferring the major air defense effort in Southeast Asia to indigenous forces. If we are to encourage the Asians to provide for their own defense, we must supply them with the appropriate hardware.

Mr. HANSEN. Thailand is not really involved in the war in South Vietnam so why place them in the same category as South Vietnam?

Mr. THURMOND. Thailand does have forces in South Vietnam. Recently they have been faced with increased attacks on their borders and within their territory by Communist forces. Also, they have offered help to Cambodia and are showing a willingness to assume a larger role in the defense of Indochina against North Vietnam and the Vietcong.

Mr. HANSEN. How do we know these countries will not use the International fighter to invade the land of their neighbors?

Mr. THURMOND. I do not think there is any danger of that. Unfortunately, all of their neighbors, North Vietnam and China, have or will have fighter planes equal to or better than the International Fighter. The United States is merely trying to give these countries the means for defense of their land. For Thailand to attack Hanoi with the International Fighter they would have to be refueled in the air and Thailand has no capability for such inflight refueling. Thus, I would say, there is no danger of these fighters being used to invade the neighbors of Thailand or South Vietnam.

Mr. HANSEN. Has the Air Force submitted a formal reprograming action for the $28 million authorized but not specifically appropriated for the international fighter in fiscal year 1971?

Mr. THURMOND. The Air Force has not yet submitted a formal reprograming action for the application of the authorized $28 million for the international fighter. This reprograming would be accomplished following the announcement of the results of Air Force analysis of the contractor's proposals and the results of the competition are expected to be announced later this month.

Mr. HANSEN. How does the international fighter differ from the freedom fighter?

Mr. THURMOND. Generally the freedom fighter was to be a modified F-5 aircraft, but last year the Congress required a number of planes and contractors to be considered for the international fighter contract. Therefore, until the contract is awarded later this month, it is unknown at this time as to just which type aircraft will be modified to become the international fighter.

Mr. HANSEN. I thank my distinguished colleague from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the Senator from Wyoming for the questions he has asked on this important matter. I hope that I have been able to clear up some of the questions that might be in the minds of some Senators.

Mr. HANSEN. I think that, out of the entire colloquy, one of the most important points the Senator from South Carolina has made is to underscore the position of the administration with respect to the Thurmond amendment.

As I understand the distinguished Senator from South Carolina, he did say that the administration does urge the adoption of this amendment. Am I correct in that statement?

Mr. THURMOND. Mr. President, I would say that the administration does favor the international fighter. And this amendment is offered for the purpose of providing that fighter to Thailand.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. Cranston). The Senator from South Carolina has 10 minutes remaining. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER (Mr. Cranston). The vote comes at 3 o'clock. The time must be taken from someone's time.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time for the quorum be charged equally to each side.

The PRESIDING OFFICER (Mr. Cranston). Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, will the distinguished Senator from South Carolina yield me some time?

Mr. THURMOND. Mr. President, I yield 10 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER (Mr. Cranston). The Senator from South Carolina now has only 7 minutes remaining.

Mr. THURMOND. Mr. President, I yield that 7 minutes to the Senator from Michigan. I wonder if the distinguished Senator from Idaho would yield the Senator from Michigan 3 minutes.

Mr. CHURCH. Mr. President, I yield 3 minutes to the Senator from Michigan.

The PRESIDING OFFICER (Mr. Cranston). The Senator from Michigan is recognized for 10 minutes.

Mr. GRIFFIN. Mr. President, I rise to indicate my strong support for the amendment offered by the distinguished Senator from South Carolina.

In his remarks on the Senate floor yesterday, and again this afternoon, the Senator from South Carolina has explained very persuasively why the amendment deserves adoption by the Senate.

I should like to comment briefly on one or two aspects of the matter which concern me and which I believe should concern all Senators.

It appears to me that as section 8 of the committee amendment is now written, it would be in direct conflict with President Nixon's Asian policies. And it would conflict with the doctrine which he announced last year at Guam. It would conflict also with, and could impede, his announced plan to withdraw American fighting forces from Southeast Asia in an orderly fashion and as soon as practicable.

In a statement at Bangkok, Thailand, on July 28, 1969, the President said:

> What we seek for Asia is a community of free nations able to go their own way and seek their own destiny with whatever cooperation we can provide—a community of independent Asian countries, each maintaining its own traditions and yet each developing through mutual cooperation. In such an arrangement, we stand ready to play a responsible role in accordance with our commitments and basic interests.

What the amendment offered by the Senator from South Carolina would seek to do would be merely to add Thailand as one other country which would be eligible, along with South Vietnam, to receive the international fighter plane being developed under existing arrangements.

Surely this would be in accordance with our commitments and basic interests as expressed by President Nixon at Bangkok in 1969.

Thailand is one of our strongest allies on the Asian mainland. As recent events have demonstrated, Thailand is taking a more active and affirmative role in maintaining her own independence and the freedom of neighboring countries.

It seems to me that this is a development, a trend which we should encourage—not discourage.

One way to encourage Thailand is to provide her with the tools with which to protect her own independence and assist her neighbors in doing likewise.

This would be in keeping with the tradition of helping other nations to help themselves—a course, as we all know, which met with spectacular success in Europe and elsewhere when our friends and allies were faced with threats of Communist aggression.

To put this matter in some perspective, let me point out that of the more than $33 billion appropriated by the United States for military assistance between 1950 and 1968, over 50 percent went to Europe and Japan, excluding Greece and Turkey; another 20 percent went to the Near East and south Asia, including

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Greece and Turkey; and about 30 percent went to countries in east and Southeast Asia.

If we look at the countries that have received U.S. military assistance since 1950, France has received the most, with $4.1 billion; Turkey is next with $2.6 billion; Korea received $2.5 billion; Taiwan, $2.4 billion; Greece, $1.4 billion; Belgium, $1.2 billion; Italy, $1.2 billion; and Great Britain, $1 billion. From these figures it is clear that, out of a total of at least 80 countries who have received this type of assistance, eight countries have received over 50 percent of it.

The areas represented by these countries have, on the whole, been characterized by political and military stability. So, I believe it is reasonable to conclude that the military assistance program and the foreign military sales program of the United States have substantially contributed to the peace of the world.

Even in the Middle East the bulk of the weapons provided to nations in that area has come from the Soviet Union and from European nations. Those Arab nations which have received U.S. equipment, either through sales or grants, have not contributed significantly to the conflicts in the Middle East. The sales of our aircraft to Israel have had the effect of maintaining some sort of military parity between Israel on the one hand and the United Arab Republic on the other.

Prior to 1960, the total of our foreign military sales were generally at a low level. Then, as many nations became stronger economically and became better able to pay for such equipment, there was increasing pressure in this country that such equipment be sold, rather than given as the gift of the American taxpayers. Military assistance through grants declined and foreign military sales increased by approximately the same amount. These sales since 1964 have averaged about $1.2 billion a year.

On the whole, these sales have been made to the advanced industrial nations of the world such as Germany, Italy, France, Australia, Japan, and United Kingdom. On the whole, it seems clear that this country's military assistance program, including both grants and sales, has been a very useful tool of international policy. It has been in the interests of the United States and it has been a good influence in the free world. It is costing the American taxpayer less as more of it is being bought and paid for by the recipient countries and less is being received by them as a gift.

In view of this background, it would be difficult to understand opposition to the international fighter program, even if the international fighter were intended for the broad military assistance program. But that is not the main purpose of the international fighter. It is primarily intended to help us solve the most difficult problem of all, the problem we currently face in Southeast Asia.

It is already clear that if we try to get out of our present involvement through negotiation, this can be done only on terms completely favorable to Hanoi. If we try to get out solely by military withdrawal, this must inevitably involve great risks to our own troops. It seems clear that the only mechanism which will make a military withdrawal more feasible is to shift the military burden to native forces and to provide them with the equipment that will enable them to do the job. That is the direction and the policy which is now being followed.

It is a specific means of moving toward the objectives of the Nixon program of deescalation. Section 8 as now written would hamper the program and would reduce its effectiveness. Those who support deescalation and withdrawal, and a reduction of our presence in Southeast Asia, should join in support of the pending amendment sponsored by the distinguished Senator from South Carolina.

Therefore, Mr. President, I wish to urge Senators to lend their support so that this amendment may be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the senior Senator from South Carolina involves a very simple matter. The issue before the Senate is not—in any way—whether the United States will or will not give or sell aircraft to Thailand.

The question is whether any future grants to Thailand of an aircraft yet to be developed, will be funded out of military aid—in the traditional manner—or directly out of the Department of Defense budget.

In order to help Senators in understanding what is involved, a little history is necessary. Section 8 of the bill before us, which the Senator from South Carolina seeks to amend, states merely that gifts or sales of a yet-to-be-developed fighter aircraft being created solely for the use of foreign countries, must be financed either through commercial channels or through the regular military aid and sales programs. The single exception is South Vietnam since the $28 million development subsidy being used to finance the project was approved by the Senate last year on the basis that the plane was needed to aid in the Vietnamization program.

This project originated in the House Armed Services Committee early last year. At that time it was not endorsed by the administration. The House committee proposed to provide $14 million as the first increment in the development of an improved version of the F–5 aircraft. The new model was to be given away or sold to foreign countries since the United States had no military requirement for it. That proposal passed the House but was not acted on by the Armed Services Committee of the Senate.

The House committee included a similar provision in the regular military authorization bill; this time, however, it approved $52 million for the project. By then the Department of Defense had decided to formally endorse the project. The Senate committee did not approve any funds for the project. But the conference committee agreed to authorize $28 million for a far more limited project. The senior Senator from Mississippi (Mr. STENNIS) in presenting the conference report to the Senate on November 6 justified the development of the aircraft as a means of implementing the Vietnamization policy.

He said:

> In this way, Mr. President, we should be able to assist in accelerating the withdrawal of American support troops from South Vietnam . . . The plain fact is that aircraft in the active United States inventory are too complicated for the South Vietnamese personnel to maintain.

He inserted in the RECORD a letter he had received from Secretary Laird, which said in support of the project:

> In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat.

Although the clear intent was that the justification for the aircraft would be to further the Vietnamization program and hasten the withdrawal of U.S. forces from Southeast Asia, the wording of the authorizing language was sufficiently broad to supply the plane, out of Department of Defense funds, to both Thailand and South Korea since both had troops in South Vietnam. Section 8 limits to South Vietnam the giveaway of this aircraft out of the defense budget—assuming a fighter is ultimately developed.

Mr. President, justification for this project was set out authoritatively and conclusively in the conference report on the defense authorization bill, which was filed on November 4, 1969. In reading the pertinent paragraph from that report, I want to show that the project was based on a need confined to South Vietnam only. The following is the language of the report:

> It is significant to note that this will constitute the first effort on the part of the United States to Vietnamize the air defense of South Vietnam with a jet fighter which the South Vietnamese can operate and maintain with their own personnel. It is clear from the studies that have been conducted on this program that our present day fighter aircraft, in Air Force and Navy inventories, are much too sophisticated to be maintained and operated by the South Vietnamese. Thus, a much less sophisticated air weapons system must be made available at the earliest practicable date if we are to safely withdraw United States forces now operating and maintaining fighter aircraft in that area. The authorization would permit modification and/or improvement of existing aircraft now in U.S. inventories or in inventories of aircraft furnished under the military assisting program.

There is no justification for adding Thailand to this exception. The committee's amendment in no way says that this aircraft cannot be given or sold to Thailand—or any other country. All it says is that if it is given to countries other than South Vietnam that the funds come out of the military aid program, in accordance with standard practice.

Last year the Committee on Foreign Relations put the executive branch on notice that it intended to reclaim complete jurisdiction over military aid to

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Thailand and Laos, now funded out of the defense budget. In its report on the foreign aid bill last year, the committee stated:

> The Committee expects that when the executive branch prepares the military assistance program for fiscal 1971, aid to Thailand and Laos will be included. The Committee does not find fault with the funding of Thai forces in Vietnam out of the Defense budget, but it considers internal military aid to Thailand and Laos in a quite different category in that assistance of that nature relates to the foreign policy of the United States. The danger of deeper involvement in both countries is great and the military aid programs there should receive careful scrutiny of the Committee with jurisdiction over foreign policy matters.

Since a 2-year foreign aid authorization bill was ultimately passed by Congress last year, it was not possible for the funding transfer to be made effective for the 1971 fiscal year. But the committee fully expects that the transfer will be reflected in the budget for fiscal 1972, to be submitted to Congress next January.

The committee's action will not affect, in any way, the Thai forces in South Vietnam, Thai forces there—which have cost the United States over $200 million to hire—do not operate any aircraft of their own. If Thailand ever gets any of the aircraft in question, they will be used for her own internal purposes. I might add that there is now much speculation that Thailand may even withdraw her troops from Vietnam, perhaps sending them to Cambodia—if they can get the United States to pay the bill.

Mr. President, in summary, the Senator from South Carolina's amendment would put Thailand on a par with South Vietnam in giving it access to the Defense Department's vast budget resources for purposes of obtaining a fighter aircraft which is not yet on the drawing boards.

The Foreign Relations Committee has said that Thailand should not be singled out for such special treatment, since these planes will not be used by Thai forces in Vietnam, and that her requests for aircraft must be considered in connection with other priorities in the military aid program. It is not a question of whether she gets the planes or not; it is but a question of where the money is to come from—the Defense budget, or foreign aid, or, of course, the military sales bill, which is now pending before the Senate. In recent years there have been too many end runs around the military aid restrictions Congress has sought to impose. The Senator's amendment would only create another loophole. The Committee on Foreign Relations believes that Thailand's requests for military aid should be considered along with the requests from many other countries.

I hope that the amendment will be rejected.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield.

Mr. MANSFIELD. As I recall, there are not scores but hundreds of planes in South Vietnam and Cambodia which have been delivered to those two governments by this country. Does the Senator have any approximate figures as to the total air strength in Thailand and South Vietnam?

Mr. CHURCH. I do not have the figures, but I shall check to see whether the figures are available. However, from my own recollection, I am certain that the Senator from Montana is correct in saying that hundreds of aircraft have been furnished.

Mr. MANSFIELD. Does the Senator have any idea as to how many Migs North Vietnam has? I raise the question because the amendment is supposed to act as a counterforce to Migs which evidently North Vietnam has.

Mr. CHURCH. As the Senator knows well, the size of the North Vietnamese air force has always been very limited.

Mr. MANSFIELD. Yes.

Mr. CHURCH. For years, the United States, along with its South Vietnamese and Thai allies, have maintained complete air superiority over Southeast Asia. The security of the airways is not in question here, for the picture is not likely to change in the future.

Mr. MANSFIELD. I would agree; but I think the RECORD ought to show that, to be very conservative and very modest, the number of Migs that Hanoi has at its disposal is considerably less than 50, whereas the number of planes of various types which the Thais and the South Vietnamese have is well over 100, and very likely in the hundreds. What the proposed additional planes would do, I am unable to ascertain.

I thank the Senator for yielding.

Mr. CHURCH. The Senator's observation is well taken. As I have said before, nothing in the committee version of the bill prevents this particular aircraft from being sold to Thailand under the Military Sales Act or given away under the military aid portion of the Foreign Assistance Act. What is required is that the disposal of planes to Thailand follow the same procedures as are normally invoked when transferring military aircraft to foreign governments.

The single exception is South Vietnam. This country should be an exception because that is an area of fighting in which we ourselves are engaged and where we are undertaking the Vietnamization and withdrawal program. The committee bill would leave the South Vietnamese exception in the law; the Committee on Foreign Relations hopes that the Senate would not extend the exception to cover Thailand, as well.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, so far as I am aware, no other Senator has indicated a desire to speak on the Thurmond amendment. I say to the Senator from South Carolina that I am prepared to relinquish the remainder of my time.

Mr. THURMOND. Mr. President, will the Senator from Idaho yield me about 3 minutes of his time?

Mr. CHURCH. Yes; I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, since Thailand has now come into the combat zone by sending troops to Cambodia and Vietnam to assist in the military operation there, she would not be eligible to receive international fighters under the military assistance program. Therefore, the only way in which Thailand can now get the international fighter is through military assistance service funded channels. I thought I had better make that point clear.

I put in the RECORD earlier today a letter signed by Mr. Laird, and also one signed by Mr. Packard, favoring the international fighter.

I do not say that the Defense Department themselves favor my amendment. I have not asked them to take any position on it. They might feel that they would become involved in a dispute between two Senate committees as to jurisdiction, if they were asked to take part in a matter of this kind; and for that reason I have not even asked them to. But they do favor the international fighter, and this amendment provides that Thailand will be able to get the international fighters as well as South Vietnam.

I believe that someone stated that Thailand could come under the MAP program later. They may later, but the point is that as soon as these planes are ready, they should be supplied to Thailand, as well as to South Vietnam. Korea and those countries not in that war zone are in a different category; they can obtain the planes under the MAP program, but Thailand cannot as long as she is involved in combat activities in the area.

So it is important, in my judgment, for us to back the Nixon doctrine of Vietnamization and the Nixon doctrine of helping other countries to help themselves.

I repeat that this fighter is an inexpensive fighter. It is an uncomplicated fighter, and it is the kind of fighter those countries can use. If we provided them with complicated F-4 fighters or some of the other complicated planes, they probably would not be able to use them.

This is a very important matter, in my judgment, to help other countries to help themselves. We have an opportunity here today to go on record in saying that we are going to help these allies in that way, so that we will not have to shoulder the whole responsibility ourselves.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, will the Senator from Idaho yield me a few minutes?

Mr. CHURCH. I yield the Senator from Kentucky 3 minutes.

Mr. COOPER. Mr. President, when this matter was considered in the Committee on Foreign Relations, I thought that there was some merit to the proposition. Whatever our views are upon the war or upon other amendments, particularly those in which I am interested in this bill, including, of course, the Church-Cooper amendment, nevertheless I felt that if, under the proposed doctrine of President Nixon, we could assist in a proper way those countries, I found no fault with that.

I told the Senator from South Carolina that I intended to vote for his amendment. Since that time—and I want to be very clear—I have talked with members of the Armed Services Committee and asked them if this plane was approved by the Department of Defense. I have not been able to get any clear answer.

I would ask the distinguished Senator from South Carolina this question: Is this a matter dealing with a specific weapon, which is within the jurisdiction of the Armed Services Committee? I think the Committee on Foreign Relations can deal with matters of general policy, certainly where our foreign policy is affected, but I do not believe, with the exception of one or two members, we are very well prepared to deal with the merits of a particular weapon. I make one specific distinction: I think we can deal with ABM, because there we are talking about launching into a new field dealing with arms control and relations between countries, which I think is very important.

But this is a specific weapon. I do not know anything about it except what I have read in a magazine 2 or 3 months ago, that was of interest to me. I read the Senator's speech. But I ask him the specific question: Has this matter been considered by the Armed Services Committee?

Mr. THURMOND. Mr. President, in reply, I will state that a letter to the chairman of the Senate Armed Services Committee from Secretary Laird, which I read into the RECORD earlier, speaks, I think, for itself.

Mr. COOPER. Can the Committee on Armed Services consider this matter and pass on it and provide its recommendation to the Senate, based on testimony given them by the Defense Department and witnesses who are qualified in the field? Has the Armed Services Committee considered this weapon? I do not intend to embarrass the Senator; I just want to get the facts.

Mr. THURMOND. Mr. President, I call the Senator's attention to the conference report of the House and Senate Armed Services Committees of last November 4. For the Senator's information, I quote from page 12 of that report:

> The conferees agreed that of the total amount authorized for aircraft procurement for the Air Force, an amount not to exceed $28 million shall be available to initiate "the procurement of a fighter aircraft to meet the needs of the free world forces in Southeast Asia and to accelerate the withdrawal of U.S. forces from South Vietnam and Thailand."

Mr. COOPER. Was that authorized?

Mr. THURMOND. This was the conference report of the House and Senate Armed Services Committees.

Mr. COOPER. After that, it was approved by the House and the Senate?

Mr. THURMOND. "The conference report further requires that the Air Force," and so forth. But that is the essence of it.

Now, what happened was that in this bill, the Committee on Foreign Relations added an amendment providing for the fighter planes to go to South Vietnam, and limited it to South Vietnam. What I am trying to do is put Thailand back in there, as this conference committee report recommended.

Mr. COOPER. Let me ask the Senator this specific question: Did the Armed Services Committees of the House and the Senate approve this plane? Was the conference report agreed to? Is it now a part of the law that this plane has been authorized by Congress?

Mr. THURMOND. The conference committee did that, but the Committee on Foreign Relations has an amendment now——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. COOPER. Will the Senator yield me 3 minutes more?

Mr. MANSFIELD. The Senator may have the remaining time.

Mr. COOPER. Was the conference report approved?

Mr. THURMOND. The answer is yes.

Mr. COOPER. All right.

Mr. THURMOND. But when the Committee on Foreign Relations adds an amendment that limits the fighters to South Vietnam alone, it takes them away from Thailand.

Mr. COOPER. All right. Does the Department of Defense recommend——

Mr. THURMOND. The international fighter?

Mr. COOPER. Does it support this plane?

Mr. THURMOND. Yes, the Department of Defense does; and here is a copy of a letter written to the Senator from Mississippi (Mr. STENNIS) from Secretary Laird, dated October 21, 1969, which I shall read for the RECORD:

> For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (a) have adequate capabilities to handle the existing threat, (b) be as inexpensive as feasible, and (c) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.
>
> Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.
>
> In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat. In addition, we believe that making an appropriate aircraft available to the Republic of Korea, Taiwan, and Thailand could provide a means for these nations to shoulder more of their own defense in the future.

I can read on, if the Senator wishes.

Mr. COOPER. I have read it. I understand.

Then the Department of Defense did not make any request in its budget for funds for this aircraft?

Mr. THURMOND. Yes, they have $28 million there. They are developing it now.

Mr. COOPER. That was provided by the conference report last year?

Mr. THURMOND. $28 million.

Mr. COOPER. Does the Senator's proposal call for any funds?

Mr. THURMOND. No.

Mr. COOPER. Other than the $28 million?

Mr. THURMOND. No, it does not. It only provides that these planes can be supplied to Thailand as well as South Vietnam.

Mr. COOPER. Will the Committee on Armed Services——

Mr. THURMOND. If the Senator will notice, in this letter from the Secretary of Defense, he refers to the Republic of Korea, Taiwan, and Thailand. The Republic of Korea and Taiwan are able to get the planes, since they are not in the combat zone over there, through the MAP program, which would go through the Committee on Foreign Relations. But since Thailand now is sending troops into Cambodia and South Vietnam, it would not be eligible to receive planes that way. The only way Thailand now can get these planes is through the Military Assistance Service funded channels of Public Law 91–171. Therefore, we are trying to add Thailand to South Vietnam, to put them in that category, because they are in the combat zone now.

Mr. COOPER. Thailand——

Mr. THURMOND. It is in a different category now from Korea and Taiwan.

Mr. COOPER. Did Thailand ask for this specific aircraft?

Mr. THURMOND. Thailand wants the International Fighter, and the Air Force is developing one.

Mr. COOPER. Is there any difference between the International Fighter and the T–28?

Mr. THURMOND. It was considered, but it was considered too complicated. So the Air Force is developing one, as they say here; and the Secretary outlined the requisites of it, the characteristics—that it should have adequate capability to handle the threat, it should be as inexpensive as feasible, and it should be simple to maintain and operate.

Our allies in Southeast Asia are not prepared to cope with a technical, complicated airplane, so the Air Force is developing this simple airplane which will be of help to the so-called underdeveloped countries.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, may I inquire how much time is left to the opposition to the amendment?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. COOPER. I should like 2 minutes.

Mr. CHURCH. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. I have not been able to get an answer from the chairman of the committee. Has the Armed Services Committee held hearings on this issue, and is it favoring the approval of the funds for this specific aircraft? I hope somebody will answer my question.

Mr. THURMOND. Mr. President, I think the question asked by the distinguished Senator from Kentucky was answered when I said that the conferees agreed on this matter, and I believe $28 million was authorized for the development of this plane. That is the report of both the House and the Senate Armed Services Committees.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MANSFIELD. Mr. President, for the record, and to refresh my memory, I seem to recall that an amendment was added to a bill in the House, last year, or the year before, which called for the authorization and the appropriation for something on the order of 55 planes of this type, which were to be built by Fairchild—or perhaps it was Northrup—the cost to be entirely financed by the Government. These planes were to be sent to foreign countries for their exclusive use. Does anyone recall that particular incident?

Mr. HRUSKA. It is my recollection that that was deleted in the conference. There was such a provision, and it included the authorization to have those planes for delivery to Korea, Taiwan, Vietnam, and Thailand, I believe. But while it was approved in the Senate, it was removed in the conference.

Mr. MANSFIELD. But it was to be entirely financed by this Government.

Mr. HRUSKA. That is correct.

Mr. MANSFIELD. And then the planes were to be given to a foreign government or foreign governments.

Mr. HRUSKA. That is correct.

Mr. THURMOND. I might say this, to clear up one point, especially for the distinguished Senator from Kentucky: Section 8 was placed in this bill by the Committee on Foreign Relations. If they will strike out the entire section 8, I will withdraw my amendment. But section 8 limits planes to South Vietnam only.

I repeat: Korea and Taiwan can get the planes through the MAP program. Thailand is left out in the cold, because they are in the combat zone and cannot get these planes.

Mr. CHURCH. Mr. President, before time expires, I would like to have 1 or 2 minutes to conclude the argument.

Mr. THURMOND. I thank the Senator.

Mr. CHURCH. Very little time has been taken in opposition to this amendment.

It should be explained to the Senate, before we proceed to a vote, that nothing in this bill in any way interferes with the Government's right to transfer, to sell, or to give away the planes in question to any foreign government, including Thailand. However, if the planes are given to a foreign government, including Thailand, they should be given through the normal channels—the Foreign Aid Act or the Military Sales Act.

We made a single exception for South Vietnam. The reason for that was that that was the justification for the aircraft; that was the basis upon which the money was asked; that was the justification in the conference report last year. This single exception was made for these reasons, as well as South Vietnam is the battlefront in which we are actively engaged. We want to assist the Vietnamization program. However, if we extend the exception to Thailand, Thailand becomes incorporated into the battlefront, and it will be treated the same as South Vietnam by the Communists.

There is no reason for this aircraft. So far as I know, the administration has not asked for it. The Armed Forces Committee has not recommended it. In the interest of orderly procedure, exceptions should not be enlarged. We should deal through the normal channels, and thus retain effective congressional control over both the military grant program and the military sales program for foreign governments.

Thailand can get its planes through normal channels. There is no justification, it seems to me, to make an exception of Thailand and treat it as we have found it necessary and desirable to treat South Vietnam.

For this reason, I hope that the committee's position will be upheld and that the Senate will reject the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from South Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. RIBICOFF (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Florida (Mr. Gurney). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Georgia (Mr. Russell), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

On this vote, the Senator from Connecticut (Mr. Dodd) is paired with the Senator from Alaska (Mr. Gravel). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Arkansas (Mr. Fulbright) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Illinois (Mr. Smith), and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from Florida (Mr. Gurney), the Senator from California (Mr. Murphy), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maryland (Mr. Mathias), and the Senator from Ohio (Mr. Saxbe) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), the Senator from Ohio (Mr. Saxbe), and the Senator from Illinois (Mr. Smith) would each vote "yea."

The pair of the Senator from Florida (Mr. Gurney) has been previously announced.

The result was announced—yeas 36, nays 45, as follows:

[No. 158 Leg.]

YEAS—36

Allen
Allott
Baker
Bellmon
Bennett
Bible
Byrd, Va.
Cannon
Cooper
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Hansen
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Long
Miller
Pearson
Percy
Prouty
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—45

Aiken
Anderson
Bayh
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Ellender
Goodell
Harris
Hart
Hatfield
Hughes
Inouye
Javits
Jordan, Idaho
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Schweiker
Smith, Maine
Symington
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Ribicoff, against.

NOT VOTING—18

Cook
Cotton
Dodd
Fulbright
Gore
Gravel
Gurney
Hartke
Kennedy
Mathias
Mundt
Murphy
Russell
Saxbe
Scott
Smith, Ill.
Stevens
Yarborough

So Mr. Thurmond's amendment was rejected.

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Schweiker). The Senator from Colorado is recognized.

Mr. CHURCH. Mr. President, I ask the indulgence of the Senator from Colorado for a moment. I had promised to yield to the Senator from Michigan.

The PRESIDING OFFICER (Mr. Schweiker). The Senator from Michigan is recognized.

THE "MANSFIELD LAW" AND PASSAGE BY THE HOUSE OF THE VOTING RIGHTS EXTENSION ACT OF 1965

Mr. HART. Mr. President, this interruption will take no more than 2 minutes. Word has just come from the House that by an overwhelming vote it has accepted the Senate-passed Voting Rights Extension Act which contains the provision for the 18-year-old vote.

I rise not so much to make that announcement, which will be news for no more than a minute, but to suggest that it is proof positive of the wisdom of the majority leader of the U.S. Senate and the lack of wisdom of the senior Senator from Michigan.

I make that confession now as one who was deeply involved in and very anxious to see the 1965 voting rights features of the bill extended. However, I was very reluctant when the suggestion was made first, I think, by the senior Senator from Massachusetts (Mr. KENNEDY) that the 18-year-old vote provision be attached to that bill. I could see all sorts of hazards and began to speak and voice caution and reservation about it.

I had not finished three paragraphs before the majority leader announced without any adjectives and in about two sentences that he thought it was a great idea and that it was going to go on the bill. That locked it up in a sense.

The overwhelming acceptance by the House, I think, confirms the instinctive legislative good sense of the majority leader and the very clear indication that a goal of his for many years has been achieved.

I know that history will note many things that the majority leader has achieved. My hunch is that the opening of the polls to the 18-, 19-, and 20-year-old Americans will be very close to the top, if not at the top of that list.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PROXMIRE. Mr. President, I join the distinguished senior Senator from Michigan in saying that I, too, want to pay my respects to the majority leader who once again has shown his outstanding leadership.

He has taken a position that many Senators disagreed with from the standpoint of strategy. We agreed from the standpoint of substance, but disagreed from the standpoint of strategy.

The distinguished majority leader was almost alone in his view that this was the way to accomplish the end. He was opposed by the President of the United States and by many Senators who agreed with his views from the standpoint of substance.

I think this is another example of how very effective our majority leader is.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. Mr. President, I yield to the distinguished senior Senator from New York without losing my right to the floor.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I appreciate the role of the majority leader. We love him and all join in congratulating him.

The Senate acted in a very statesmanlike way at a very dangerous moment in history, especially as to the fate of 18-, 19-, and 20-year-olds in our form of government—let alone our Government.

I hope very much the President sees it our way and that this reform may come about as expeditiously as the law enables it to come about, rather than by constitutional amendment.

I hope, and all Senators who supported the measure hope very much, that the President will sign it and make it law so that we will have this tremendous help in dealing with the youth of our country and the deep feelings they have with respect ot our Government and how it operates.

Mr. MUSKIE. Mr. President, I share in the sentiments expressed about the extension of the franchise of the ballot to those 18, 19, and 20. The action of the House today in adopting the proposal will live, in my judgment, as one of the truly outstanding achievements of the century. The vote on this matter both here in the Senate some months ago and in the House today says clearly and with no equivocation that young people not only have earned the right to vote but that they are capable and qualified in every respect to exercise that responsibility. In short, it was a vote of faith in young people. I hope it is received as such.

I would only add that the full measure of credit for this singular achievement goes to the distinguished Senator from Montana (Mr. MANSFIELD), the majority leader. I might say that he ably and singlehandedly steered the matter through the Senate in the face even of some questions raised by the proponents of the voting rights measure. Indeed, it would appear that the jeopardy that was thought to be created by the addition of this amendment to the voting rights extension was totally unfounded. It would appear that it was the 18-year-old proposition that carried the underlying bill through to its ultimate success. The majority leader may take full credit for proceeding in this fashion.

If ever it is proper to append for posterity the name of any one man to a particular law, I would think this law meets the test. Henceforth, as far as I am concerned, this measure granting the right to vote to those 18, 19, and 20 will be referred to as the Mansfield law. It is an appelation that is richly deserved.

Mr. RANDOLPH. Mr. President, will the Senator yield to me?

Mr. DOMINICK. Mr. President, if we are going to get into a colloquy on voting rights, I might as well sit down and yield the floor.

The PRESIDING OFFICER. What is the will of the Senate? The Senator from Colorado has the floor.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Mr. President, does the Pastore rule apply until 3:30 p.m.?

The PRESIDING OFFICER. The Pastore rule expired at 2:15 p.m. because bills on the calendar were passed at 11:15 this morning.

Mr. GOLDWATER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. DOMINICK. Mr. President, I have yielded the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

SENATOR RANDOLPH COMMENDS SENATOR MANSFIELD—ASSOCIATES HIMSELF WITH HOPE THAT VOTE CAN BE GIVEN SOON TO 18-YEAR-OLDS

Mr. RANDOLPH. Mr. President, I too, am gratified by the action of the House of Representatives.

In 1942, I first offered a constitutional amendment for 18-, 19-, and 20-year-olds to become a part of the voting citizens of the United States.

A similar amendment, at the time we acted in the Senate by the statute approach, had the cosponsorship of 73 Senators. We also have a sufficient number of Senators within the subcommittee of the Committee on the Judiciary to report that constitutional amendment; and we also have a majority within the Committee on the Judiciary itself to report such an amendment.

I join in the commendation and compliments to our majority leader (Mr. MANSFIELD) and others who have worked over a period of years in crusading for this vital result—the hoped for use of the ballot by 18-, 19-, and 20-year-old youth in our elective voting process.

We rejoice that the House of Representatives has accepted the Senate amendment to the Voting Rights Act lowering the voting age in all elections to 18. This is a victory for all of us. It brings us one step closer to the ultimate goal of enfranchising 18-, 19-, and 20-year-old Americans. Such an addition to our electorate is long overdue. The youth of our Nation are too much in the mainstream of our country to be denied the right of full citizenship—the ballot.

Mr. President, I began my efforts, as I have said, in support of the 18-year-old voting 28 years ago in the House of Representatives. Today, June 17, 1970, the Congress has given official approval to 18-year-old voting. After so many years it is exciting to witness the adoption of this proposal.

The final battle has not yet been won because the President must sign the measure and the statutory method of lowering the voting age must be tested in the courts. However, the Congress of the United States is now on record in support of such a change. It is only a matter of time until we extend full citizenship rights to Americans between the ages of 18 and 21.

Mr. President, I emphasize that I am thrilled to have been associated in this vital effort to bring this fine segment of our population into the electoral process.

Mr. McGOVERN. Mr. President, at the request of the Senator from Massachusetts (Mr. KENNEDY) who is necessarily absent from the Senate today, I ask unanimous consent that a statement released by him be printed in the RECORD and I would like to associate myself with the remarks of Senator KENNEDY relative to the approval of voting rights for Americans 18, 19, and 20 years of age.

There being no objection, the statement of Senator KENNEDY was ordered to be printed in the RECORD, as follows:

SENATOR KENNEDY PRAISES HOUSE ACTION IN PASSING VOTING RIGHTS ACT AND 18 YEAR OLD VOTE PROVISION

The House of Representatives deserves the highest praise for their action today in passing the Voting Rights Act. The substantial majority by which the bill was approved is a magnificent response by the House to the call of millions of young and black Americans for a voice in the political process of the nation. The Voting Rights Act of 1965 is the greatest single piece of civil rights legislation in our history. The five-year extension of the Act, passed today is amply justified by the remarkable record of new registration and voter participation already achieved under the Act. Only by extending the Act can we cement the gains we have made and secure the right to vote for the countless citizens who have not yet received its benefit.

Equally important, the bill's extension of the franchise to millions of 18, 19 and 20 year olds is a major vote of confidence in American youth. It is the most significant action taken by the nation in fifty years to broaden the base of American democracy for our citizens.

All of us are aware that in these past few months, as perhaps never before, the nation's youth have been on trial before the American people. Today's vote by the House is a solid and well-deserved vindication of the overwhelming majority of young Americans who have demonstrated their desire to work peacefully within the system, who have rejected the path of the brick and the bomb in favor of channeling their energy and commitment into the traditional framework of American democracy and peaceful change. The youth of America are the only future we have, and they have earned the right to participate in the most basic right of our society—the right to vote.

Today's historic vote in the House of Representatives may well be the highwater mark of the legislative record of the 91st Congress. In many respects, the successful passage of the Voting Rights Act is a tribute to the effective leadership of Speaker John McCormack, Majority Leader Carl Albert, and Chairman Emanuel Celler of the House Judiciary Committee, together with the strong bipartisan support of Congressman John Anderson, Chairman of the House Republican Conference.

The action by the House, however, is more than a personal victory. It is a victory for every American, and another important milestone in our long march toward fulfilling the promise of democracy for all our people.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 5554. An act to provide a special milk program for children; and

H.R. 14810. An act to amend section 2(3) and section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs.

POWERS OF THE PRESIDENT IN THE ROLE OF COMMANDER IN CHIEF

Mr. ALLOTT. Mr. President, in recent weeks I have received many scores of communications from scholars expressing their support for the President's position in the current debate over the powers of the President in the role of Commander in Chief.

These communications have come from every section of the Nation. They have been high-level contributions, containing the best judgments of reflective men who are very anxious to rebut the arguments currently being used by those attacking the President's powers as Commander in Chief.

I have just received an exceptionally impressive communication. It comes to me from Prof. Stefan T. Possony, and—thus far—it is a memorandum six chapters long. I say it is six chapters long "thus far" because, Professor Possony tells me, there is more to come. He has been considerate enough, and public spirited enough to mail to me the first installments in his comprehensive study, even before the final chapters are completed.

The subject of Professor Possony's memorandum is the subject of the current debate. That is, it concerns the myriad issues relating to the question of the President's powers and duties as Commander in Chief.

What is especially remarkable and commendable about Professor Possony's work is its timeliness. He has responded to fast-breaking events with astonishing speed. And he has done so without sacrificing substance to speed. In fact, this work fully reflects the learning and practical wisdom that have made Professor Possony one of the world's most respected students of international affairs.

Professor Possony has mastered the rare art of bringing high scholarship to bear effectively on practical problems. His work—his career—is living proof that reflective men can address themselves to the problems of the world without either misleading the public or diluting the excellence of their scholarship. I hardly need emphasize the fact that such proof is rare enough in these days when academic institutions seem given over to the dissemination of the most implausible exhortations.

The title of Professor Possony's memorandum is "Indochina and American Security." The titles of the first two chapters are "Congress and Consensus" and "Congress and Presidency."

Professor Possony is convinced that, while Congress seems bent on taking up the duties properly belonging to the President, it might better attend to the honorable—and, in recent years, neglected—task of building a viable national consensus. That we are much in need of such constructive and creative consensus formation is proven, according to Professor Possony, by the emotionalism that convulsed some elements of the Nation in these weeks immediately following the President's announcement regarding Cambodia. Professor Possony says this:

> One month after President Nixon's announcement on Cambodia, which shocked the United States, the country is still standing and functioning; and the facts of international life are still unchanged. Political rhetoric didn't scale any higher peaks because there weren't any to climb, and the accomplishment of getting to the top of still another Mount Everest no longer was an achievement because all the Gaurisankars, Chimborazos, and Kilimandjaros of political emotion already were occupied. Hence the speech makers had no choice but to crawl back into the valleys of fact and realism. No one was going to impeach the President. The radical students were not gaining the upper hand over the moderates. The establishment, whatever it is, was not going to be smashed. The Chinese were not entering the war. The danger of nuclear confrontation had not increased by a quantum jump. Even the American economy was not returning to 1932. We were not back to normal, but the country was beginning to realize that there had been irrational over-reaction.

Professor Possony does not think we should be self-satisfied just because the American system survived the emotional excesses of the minority reaction to the President's decision to attack the sanctuaries along the Cambodia-South Vietnam border. As Professor Possony understands, a substantial majority of Americans agree that the President's decision was tactically sound, and well within his constitutional powers to make. But he also understands that real and serious differences divide the Nation, and his analysis is worth pondering. He put it this way:

> The optimist can argue that the American political system was proving its resilience, flexibility, and endurance. But since we are living in the midst of an unprecedented world crisis—unprecedented in terms of its duration and its dangers—and since this conflict is becoming increasingly more difficult and costly, perhaps we should recognize that, at this juncture, we are not very well prepared to confront severe challenges. The brutal fact is that the nation does not understand its predicaments, does not comprehend its government's strategy, and is uncertain how and even why we must face up to aggression, terror, and totalitarian dictatorship. Political oratory has built a dreamworld of instant, just and durable peace. Intrusions upon hopes and encounters with reality have unsettling psychological effects. Hence our national responses have become ineffectual.
>
> In my judgment, the country is divided, but not primarily into regions and religions, and not in classes and races. From the point of view of foreign policy, the divisions are essentially of an intellectual, psychological and political nature.
>
> There is a group which is aware of the international conflict, its impact upon American life and free institutions elsewhere and the difficulty of ending this conflict. This group displays conflict-awareness and is sensitive to the growing inter-dependence of nations and national independencies, the conflict-aware group is divided rather sharply from a group which minimizes, or even denies, the facts and the significance of the current conflict. However, the group which ignores external conflict is impressed by the problems that have arisen internally; a subgroup believes that internal tasks may have to be solved through internal conflict.

Professor Possony postulates that there are two important and opposing groups in America. There are persons he describes as "conflict-aware." These persons are sensitive to the various dangers and challenges facing us. The second group is one given over to "conflict denial." Persons in this group tend to play down the importance of international conflict. But, as Professor Possony notes, members of this group, ironically, seem quite ready to accept the use of conflict in internal affairs. As Professor Possony says:

> Within this broad division of conflict-awareness and conflict-denial, various subgroups are susceptible to different types of propaganda. Among the conflict-aware people, some are impressed by the USSR, others by China, some fear nuclear weapons, others subversion, some think in terms of an isolated United States, others worry about Europe or Asia, some deny the existence of internal problems, others fear American self-destruction, and so on down the line. Similar cleavages exist within the conflict-denial group.

It is Professor Possony's strong belief that our weakened national consensus must be overcome if we are to have a rational foreign policy. Without such a foreign policy, "national paralysis" will result. Professor Possony says this:

> The pursuit of happiness is predicated on the pursuit of rational foreign policy. National paralysis, therefore, must result in individual unhappiness. Hence the question is not whether Presidential powers have gained undue ascendancy over the powers of Congress, or whether Congress can start an operation to recapture allegedly lost power, or capture power it never held. *The real question is whether Congress will make a major effort to overcome disunity and reforge that degree of national unity which we need if we want to persevere and prevail, or even to survive.*
>
> This task is not one for Congress to solve alone. The Executive and the Judiciary must face up to the same challenge. But it is primarily a task for Congress because the legislature is the only forum where differences can be composed.
>
> Have frustrations affected Congress to such an extent that it can no longer perform its supreme role as the creator of national consensus? Many foreign observers are convinced that the American phase of world history is drawing to a close. In this case, the Soviet phase would be beginning. I hold the opposite view: the present crisis will in the end strengthen our representative government. But I have observed the collapse of four European parliaments and I must say frankly that the symptoms of grave parliamentary illness are visible.

Perhaps one reason for Professor Possony's cautious optimism about the future of our constitutional balance is his conviction that we have been having a useful and substantial debate in this Chamber during the past month. But he dissents from much of what has been said here. He explains his position this way:

> The Senate debate of May 1970 turned out to be a refresher course in constitutional law. Time and again it was reiterated in learned papers received from Academe that the President and Congress each have their own sphere of responsibility and that the line separating the two powers is poorly demarcated. Generally speaking, Congress called the shots during the 19th century, while during the 20th century, except for the Taft Administration and the 1920's, the President made the decisions. Congress supposedly failed to assert its prerogatives in foreign policy and strategy. Hence, as a *New York Times* editorial of May 14 put it, recent decades were marked "by presidential dominance—and tragic errors."
>
> This customary interpretation is hardly persuasive. For long stretches of time Congress did refuse to ratify treaties, but whether this hampered American foreign policy is arguable. The efficacy of treaties is extremely poor, as Laurence W. Beilenson showed in his *The Treaty Trap* (Washington, Public Affairs Press, 1969). This book was sponsored by the Foreign Policy Research Institute. The United States effectively pursued its "manifest destiny", and it was not quite as isolationist or self-centered as is commonly believed. For example, we went after pirates (sea guerrillas) in Africa, we had conflicts and settlements with Britain, France, Spain, and Mexico, we proclaimed and enforced the Monroe Doctrine for the entire western hemisphere (in the age of the sailboat!), we opened Japan, we moved into the Philippines, we liberated Cuba, we built the Panama Canal, we operated in China, we supported the Russian revolution of 1905 and the Chinese revolution of 1912, and we fought in France and Siberia. The Senate did not like treaties, perhaps wisely so. Nevertheless, the world was our oyster except that before 1917 we never had gone to Europe.
>
> There were disputes between Congress and the Presidency but, to the best of my knowledge, there was not a single case when the President of the United States regarded military action as mandatory and was unable to order it because he lacked Congressional support.

On the subject of congressional power, and the President's need for latitude and flexibility, Professor Possony states his case cogently. He says this:

> If A attacks B, and the U.S. wants to help B by hitting A, then Congress must support this move; but it need not notify A. If the U.S. must move rapidly, the President has the material power to act, yet this would be unwise if Congress is opposed. Nevertheless, it is the President who determines the danger and who has the responsibility to take protective measures. He must act on his oath and he must anticipate that in the end Congress will support his judgment.
>
> There are infinite variations derived from the elementary fact that the President is the recipient of warning and operational intelligence and is able to act with the requisite speed. The problem is complicated further by the secrecy requirement. The President has the right of initiative and therefore possesses the stronger power.

Mr. President, I think Professor Possony is especially useful in urging us to avoid dogmatic slumbers. He warns against seeking pat formulas with which to answer hard questions about how to share responsibilities and powers. He says this:

> The elementary requirement is, therefore, not for specific Congressional actions, but for the *type* of action which fits the concrete situation best. The constitutional requirement is satisfied if President and Congress cooperate. Without Congressional support, the President cannot wage a *prolonged* war, but he is clearly entitled to order counteractions and reprisals and he has *de facto* power to wage *short wars*. To deprive him of this power requires the transformation of our system into a parliamentary democracy.
>
> So far in U.S. history, Congress always supported the operational actions which the President, in his capacity as Commander-in-Chief, took to protect American security and fulfill our commitments. Congress did not always agree with Presidential strategy but it never had any sustained ambition to assume command.

Mr. President, in the coming days of our important debate, I intend to share with the Senate subsequent installments from Professor Possony's illuminating memorandum. Meanwhile, so that all Senators may benefit from this first portion of this memorandum, I ask unanimous consent that the two chapters I have discussed today be printed in the RECORD.

There being no objection, the chapters were ordered to be printed in the RECORD, as follows:

CHAPTER I

CONGRESS AND CONSENSUS

One month after President Nixon's announcement on Cambodia, which shocked the United States, the country is still standing and functioning; and the facts of international life are still unchanged. Political rhetoric didn't scale any higher peaks because there weren't any to climb, and the accomplishment of getting to the top of still another Mount Everest no longer was an achievement because all the Gaurisankars, Chimborazos, and Kilimandjaros of political emotion already were occupied. Hence the speech makers had no choice but to crawl back into the valleys of fact and realism. No one was going to impeach the President. The radical students were not gaining the upper hand over the moderates. The establishment, whatever it is, was not going to be smashed. The Chinese were not entering the war. The danger of nuclear confrontation had not increased by a quantum jump. Even the American economy was not returning to 1932. We were not back to normal, but the country was beginning to realize that there had been irrational over-reaction.

Accordingly, Congressional deliberations also cooled. The legislative initiatives by some Senators, which originally were designed as reprimands of the President, gradually were reinterpreted by their promoters into acts of support. The stranglehold was transformed into an accolade, and the Cambodian operation was not stopped but was allowed to proceed to its intended conclusion.

The optimist can argue that the American political system was proving its resilience, flexibility, and endurance. But since we are living in the midst of an unprecedented world crisis—unprecedented in terms of its duration and its dangers—and since this conflict is becoming increasingly more difficult and costly, perhaps we should recognize that, at this juncture, we are not very well prepared to confront severe challenges. The brutal fact is that the nation does not understand its predicaments, does not comprehend its government's strategy, and is uncertain how and even why we must face up to aggression terror, and totalitarian dictatorship. Political oratory has built a dreamworld of instant, just and durable peace. Intrusions upon hopes and encounters with reality have unsettling psychological effects. Hence our national responses have become ineffectual.

In my judgment, the country is divided, but not primarily into regions and religions, and not in classes and races. From the point of view of foreign policy, the divisions are essentially of an intellectual psychological and political nature.

There is a group which is aware of the international conflict, its impact upon American life and free institutions elsewhere, and the difficulty of ending this conflict. This group displays conflict-awareness and is sensitive to the growing inter-dependence of nations and national independencies. The conflict-aware group is divided rather sharply from a group which minimizes, or even denies, the facts and the significance of the current conflict. However, the group which ignores external conflict is impressed by the problems that have arisen internally; a subgroup believes that internal tasks may have to be solved through internal conflict.

Within this broad division of conflict-awareness and conflict-denial various subgroups are susceptible to different types of propaganda. Among the conflict-aware people some are impressed by the USSR, others by China, some fear nuclear weapons, others subversion, some think in terms of an isolated United States, others worry about Europe or Asia, some deny the existence of internal problems, others fear American self-destruction, and so on down the line. Similar cleavages exist within the conflict-denial group.

Such vulnerabilities to fragmentary, hence improper, arguments are rooted in personal experiences and psychological conditions but they are aggravated by the complexity of the challenge. Since resources are scarce, priorities must be selected. Situations change and established techniques become obsolete. Hence policies which, to some extent, are contradictory are unavoidable and partial problems are stressed, while other segments of the overall problem are ignored. There is a chorus of special pleaders—for space, for submarines, for NATO, for SEATO, for superiority, for convergence, for economic cooperation, and for dozens of additional causes. Since each pleader sings his own melody, there is a cacophony of sounds, and harmony is not achieved.

Lack of intellectual consensus is in part due to the weakening of the principles or ground rules by which we ordered our policies during the past 200 years. Many groups, each of which represents a legitimate concern, discover that their views and interests are slighted or disregarded. As a result national unity is now far weaker than it was during the best periods of our history. In the past, we always managed to overcome internal strife but at present the danger is that persistent disunity will paralyze us. Naturally, if we are unable to conduct our foreign policy effectively, we also will be unable to avert disaster to ourselves and to the entire Free World.

The pursuit of happiness is predicated on the pursuit of rational foreign policy. National paralysis, therefore, must result in individual unhappiness.

Hence the question is not whether Presidential powers have gained undue ascendancy over the powers of Congress, or whether Congress can start an operation to recapture allegedly lost power, or capture power it never held. The question is whether Congress will make a major effect to overcome disunity and reforge that degree of national unity which we need if we want to persevere and prevail, or even to survive.

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This task is not one for Congress to solve alone. The Executive and the Judiciary must necessarily face up to the same challenge. But it is primarily a task for Congress because the legislature is the only forum where differences can be composed.

Have frustrations affected Congress to such an extent that it can no longer perform its supreme role as the creator of national consensus? Many foreign observers are convinced that the American phase of world history is drawing to a close. In this case, the Soviet phase would be beginning. I hold the opposite view: the present crisis will in the end strengthen our representative government. But I have observed the collapse of four European parliaments and I must say frankly that the symptoms of grave parliamentary illness are visible.

CHAPTER II

CONGRESS AND PRESIDENCY

The Senate debate of May 1970 turned out to be a refresher course in constitutional law. Time and again it was re-iterated in learned papers received from Academe that the President and Congress each have their own sphere of responsibility and that the line separating the two powers is poorly demarcated. Generally speaking, Congress called the shots during the 19th century, while during the 20th century, except for the Taft Administration and the 1920's, the President made the decisions. Congress supposedly failed to assert its prerogatives in foreign policy and strategy. Hence, as a *New York Times* editorial of May 14 put it, recent decades were marked "by presidential dominance—and tragic errors."

This customary interpretation is hardly persuasive. For long stretches of time Congress did refuse to ratify treaties, but whether this hampered American foreign policy is arguable. The efficacy of treaties is extremely poor, as Laurence W. Beilenson showed in his *The Treaty Trap* (Washington, Public Affairs Press, 1969). This book was sponsored by the Foreign Policy Research Institute. The United States effectively pursued its "manifest destiny," and it was not quite as isolationist or self-centered as is commonly believed. For example, we went after pirates (sea guerrillas) in Africa, we had conflicts and settlements with Britain, France, Spain, and Mexico, we proclaimed and enforced the Monroe doctrine for the entire western hemisphere (in the age of the sailboat!), we opened Japan, we moved into the Philippines, we liberated Cuba, we built the Panama Canal, we operated in China, we supported the Russian revolution of 1905 and the Chinese revolution of 1912, and we fought in France and Siberia. The Senate did not like treaties, perhaps wisely so. Nevertheless, the world was our oyster except that before 1917 we never had gone to Europe.

There were disputes between Congress and the Presidency but, to the best of my knowledge, there was not a single case when the President of the United States regarded military action as mandatory and was unable to order it because he lacked Congressional support.

It has been argued that President Polk tricked the United States into war with Mexico, while Congress, against Presidential opposition, forced the country into war with Spain. Because he lacked Congressional support and popular consensus, President Franklin Roosevelt is said to have provoked Pearl Harbor. The Tonkin Resolution also is based upon error or fabrication.

There is not much legal substance to such findings. The constitutionality of the various steps which led to American military actions is a matter of personal opinion, not judicial judgment. Military operations are necessarily started in response to an outrage the exact nature of which cannot be known at the moment of decision but possibly may be determined years later through painstaking research. The policy-maker cannot have the knowledge the historian has 100 years later—and vice versa.

Suppose the incident in Tonkin Bay had happened five years earlier or 400 miles farther down and suppose real damage had been done to an American ship: there would not have been a Tonkin Resolution. Why not? Because the overall situation would have been different, because no one would have perceived aggression or aggressive intent, and because no one would have anticipated serious trouble. The Tonkin Resolution was promulgated because Congress, together with the Executive, felt it necessary to warn Hanoi and because they wanted to forestall conflict. The naval event which triggered the Resolution was incidental.

The relations between the Presidency and Congress involve mutual arm twisting. But once we disregard inevitable political clashes, Congress and Presidents always worked together in handling the strategic challenges confronting the U.S. There was, so far as I know, no major exception to this rule.

This cooperation was accomplished, not by a single and standardized procedure, but flexibly. The precise procedural solution that was applied in each concrete case was related to the situation. In most cases, the President necessarily took the initiative, and in one way or the other Congress supported the President. In still other instances, Congress exerted pressure. Sometimes the President had it all his own way. More often there were compromises or mergers between different concepts.

The specific method by which Congress "declared" war varied greatly. Congressional declarations that military action ordered by the President at his discretion would be supported, were hypothetical in nature and some of those were never acted upon because the expected crisis did not eventuate. In other instances, in order to keep the conflict on a low level and facilitate its early liquidation, it was considered prudent to avoid a formal "declaration of war". Such a formal declaration includes notification to the opponent that as of a given time a state of war will exist, but such notifications have been rare and they are not always feasible.

The Constitution does not prescribe the form in which war is to be declared.

The rule that war should be declared necessarily applies to the initiative state and *not* to the defender. The attacked state need not declare war because the war already was declared or initiated. A declaration by Congress to the effect that a state of war exists or has existed, means essentially that the U.S. claims belligerent rights and that peace must be re-instituted by agreement or formal peace treaty; otherwise such a declaration has mainly domestic consequences.

If A attacks B, and the U.S. wants to help B by hitting A, then Congress must support this move; but it need not notify A. If the U.S. must move rapidly, the President has the material power to act, yet this would be unwise if Congress is opposed. Nevertheless, it is the President who determines the danger and who has the responsibility to take protective measures. He must act on his oath and he must anticipate that in the end Congress will support his judgment.

There are infinite variations derived from the elementary fact that the President is the recipient of warning and operational intelligence and is able to act with the requisite speed. The problem is complicated further by the secrecy requirement. The President has the right of initiative and therefore possesses the stronger power.

This problem may appear to be insoluble, except that the President usually is able to count on having the majority of the vote and to secure authorization beforehand, e.g. the Tonkin Resolution. Congress cannot effectively oppose the President before the money runs out; and even after that hiatus, the President has enormous legal, political, and material resources available to make his decisions stick.

The elementary requirement is, therefore, not for specific Congressional actions, but for the *type* of action which fits the concrete situation best. The constitutional requirement is satisfied if President and Congress cooperate. Without Congressional support, the President cannot wage a *prolonged* war, but he is clearly entitled to order counteractions and reprisals, and he has *de facto* power to wage *short wars*. To deprive him of this power requires the transformation of our system into a parliamentary democracy.

So far in U.S. history, Congress always supported the operational actions which the President, in his capacity as Commander-in-Chief, took to protect American security and fulfill our commitments. Congress did not always agree with Presidential strategy but it never had any sustained ambition to assume command.

In view of this historical "togetherness", why does there appear to be a current cleavage between the President and a fairly large number of Senators? The opposition to the conflict in Vietnam arises from the conviction that the communist aggression in Southeast Asia does not pose a real threat to American security; that U.S. strategy has been a failure and will continue to fail; that the costs of the conflict are out of proportion to any possible gain; and that the war lacks public support, hence if it is continued, it will aggravate to internal divisions within the United States.

The specific legislative difficulty is due to the fact that several Senators changed their mind on some aspects of the conflict. This change was induced, to a large extent, by the public reaction to the U.S. move into Cambodia.[1] However, there also was an initial reaction that the President had begun a *new* war for which he should have sought Congressional approval.

American forces became involved in Indochina in a perfectly legal and constitutional manner, not by unilateral and arbitrary Presidential actions. President Nixon did not intend to start a new war and he had, at least in his mind, ample authority for the Cambodian initiative. Not surprisingly, Congress failed to challenge him on this point. Senator Church stated specifically that the sponsors of the Church-Cooper amendment never made the argument that by using American troops in Cambodia the President went beyond his powers or violated Congressional power to declare war.

Hence the current problem is that, if the opponents of the war have the votes, Congress may move to rescind the authority under which the Vietnam war has been conducted.

The problem is not that we have been fighting an illegal war—since the war already lasts five years, this would have been infeasible. Neither is it the problem that Congress did not support the President; or did not declare war against the Vietcong (who don't exist as a recognized state); or against North Vietnam (such a step might have activated the mutual security treaties of the communist bloc).

The problem is that Congress may want to withdraw its support and may attempt to "un-declare" the war.

Such an attempt would be without precedent.

THE VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, while pleasure and satisfaction are being expressed by Senators with respect to the action by the other body on the Voting Rights Act and on the provision of 18-year-old voting by statute, I feel that I would be derelict in my duty if I did not express displeasure and dissatisfaction at the passage of both phases of the bill.

The section of the bill reducing the voting age to 18 by statute is, in the judgment of the junior Senator from Alabama, clearly unconstitutional because in at least five places in the Constitution and in its amendments it is clearly indicated either that the States have the authority to set the voting age or that 21 years is the voting age approved by the Constitution. I refer Senators to article I, section 2, of the Constitution; to article II, section 1, of the Constitution; and to the 10th, 14th, and 17th amendments to the Constitution.

While we are talking about the possibility or the question of whether the President might see fit to approve the bill, because he has expressed the opinion that this subject should be covered by a constitutional amendment, I think we are ignoring the almost certain striking down of this act by the Supreme Court. I think that unquestionably the Supreme Court of the United States will strike down this effort to lower the voting age to 18 and thereby take away from the States the prerogative which they have enjoyed from the very foundation of the Government. So the junior Senator from Alabama certainly takes no pleasure and derives no satisfaction from the action of the House in this regard.

Coming at this critical time, a lowering of the voting age to 18 should not be other than by a constitutional amendment, because that would give the States themselves, which have the right to set the age, the opportunity to say whether or not they want to relinquish that right. If the State legislatures, or 38 of them, are willing to reduce the voting age to 18, the junior Senator from Alabama would feel that the Constitution was being complied with, if a constitutional amendment were submitted to them and the States approved a constitutional amendment to that effect.

But lowering the voting age to 18 by statute is absolutely unauthorized under the Constitution. We will live to see the day when we will regret having held out this light of hope to young people and then having it snatched away from them. It would have been much better, much more constructive, if we had taken the position that a constitutional amendment is required; that these privileges do not come easily; that they must be done in a manner prescribed by the Constitution; that the Constitution must be changed; and that we should not try to take unauthorized shortcuts.

So, I predict the throwing out of this statute by the Supreme Court, when the statute reaches the Supreme Court in a test suit.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. Yes; I am delighted to yield.

Mr. ERVIN. I will ask the Senator from Alabama if he shares the feeling of the Senator from North Carolina that the House having passed a bill granting to 18-year-olds the right to vote by a statutory method does not prove that the Constitution has no higher standing in the House than it does in the Senate.

Mr. ALLEN. Yes; that would seem to be indicated, I should say to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama whether there was not a total lack of any judicial opinion even intimating that Congress had the power to offer the vote to 18-year-olds by statute rather than by constitutional amendment prior to the handing down of the decision by the Supreme Court in the case of Katzenbach against Morgan.

Mr. ALLEN. None whatsoever.

Mr. ERVIN. I will ask the Senator whether that case did not in essence hold that section 5 of the 14th amendment, which merely gave Congress the power to enact legislation appropriate to enforcing the other provisions of the 14th amendment, empowered Congress to pass a Federal law nullifying State laws which were in perfect harmony with the first section of the 14th amendment and which Congress was forbidden to pass by the five sections of the Constitution the distinguished Senator from Alabama has called attention to.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. I ask the Senator from Alabama if he does not agree with the Senator from North Carolina that that holding was based upon the strange theory that Congress had the power to usurp the authority of the States to adopt congressional legislation which would nullify State legislation in the very areas of our life in which the Constitution expressly confers the power to legislate upon the States.

Mr. ALLEN. Yes, I certainly share that belief with the distinguished Senator from North Carolina.

Mr. ERVIN. I ask the Senator from Alabama if, prior to the case of Katzenbach against Morgan, it was not held that the Constitution of the United States was a harmonious document, and that every clause in it should be interpreted so as to give it its total effect.

Mr. ALLEN. That is correct.

Mr. ERVIN. I ask the Senator from Alabama if Katzenbach against Morgan was not based upon the theory that the Constitution of the United States is a set of mutually repugnant provisions of unequal dignity, and that, by using one provision, Congress can nullify other provisions of the Constitution.

Mr. ALLEN. That is correct; yes, sir.

Mr. ERVIN. I ask the Senator this final question: If the decision of the majority of the Court in Katzenbach against Morgan is granted, would it not nullify the interpretation of the Constitution the Founding Fathers had in mind when they drafted and ratified the Constitution?

Mr. ALLEN. I think it is entirely logical to reach that conclusion.

Mr. ERVIN. In other words, if that position be sound, the Constitution is veritably a ghost out of our past, which has no present vitality whatever?

Mr. ALLEN. I agree with the Senator.

Mr. ERVIN. I thank the Senator. I ask the Senator further if the passage of this statute and its signing into law by the President will not place in jeopardy and uncertainty, and subject to litigation, every elective office in both the Federal and State governments throughout our land.

Mr. ALLEN. Yes, sir.

Mr. ERVIN. Does the Senator from Alabama think that Congress has attained a remarkable achievement by passing a law which will place in jeopardy the title to every office, both Federal and State, throughout the length and breadth of this country?

Mr. ALLEN. Well, it is a remarkable law, but the Senator from Alabama does not believe it is a wise law. It is certainly remarkable that Congress has passed any such law; yes, sir.

Mr. President, as the distinguished Senator from North Carolina has pointed out, this lowering of the voting age to 18 by statute may well place in jeopardy every election held under the authority of the States or of the Federal Government after the effective date of the act; and, as the Senator from Alabama recalls, the act is to be effective on January 1, 1971. So it would be impossible, prior to the first of January 1971, even to put in motion a court proceeding to test the constitutionality of the reduction of the voting age to 18.

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[1] Public opinion polls show that there was a negative public reaction, but the majority supported the President.

We all have observed how slowly the wheels of the Federal judiciary grind on occasion. We have no assurance that the Supreme Court will hand down a decision in the matter of the reduction of the voting age to 18 until after many elections have been held in this country. I point out that this 18-year-old voting requirement applies to all elections, whether municipal, State, or Federal—elections for all offices from constable up to Senator and Representative, including the offices of the President and Vice President themselves.

So if, in response to this statute, some 5 million or more young people register, and then the 1972 presidential election is held—and I use this example because that is an election in which all of us are very much interested, both as citizens and as public officials, though there will doubtless be dozens of elections held in 1971 and 1972 prior to the November election—suppose that, after some 5 million young people have voted in the presidential election of 1972, the Supreme Court holds that this reduction of the voting age by statute to 18 is unconstitutional, and that every single one of those votes was illegally cast. Suppose the election were even fairly close—and all recent presidential elections except the 1964 election, I believe, have been decided by a great deal less than the 5 million margin to which I have alluded—we would have no idea who was really elected President of the United States, and it would throw this country into even greater chaos than it is now in, were any such set of facts to occur.

So, far from handing out literary and verbal bouquets at this time to the House of Representatives on the passage of this statutory provision, I think that we should take stock of just what we have done, and hope that we will have an early decision of the Supreme Court of the United States—though it could not possibly come short of 8 or 10 months from now, because the statute will not even become effective until January 1—either striking down the statute, as seems almost certain, or at least straightening out the matter.

In my judgment the Senate, in sending that measure to the House of Representatives, acted unwisely, and the House acted unwisely in going along with the Senate bill.

The 18-year-old voting provision was debated on the Senate floor for some 2 days. The junior Senator from Alabama used a portion of that time; and he feels now as he felt then that we should not have reduced the voting age, and that the House of Representatives should not have followed the Senate's lead in this matter.

One amendment that I offered was adopted on the Senate floor. It was accepted, almost to my surprise, by the Senate. It was offered almost in jest, because I had been one of a group of Senators who had supported certain legislation which had been emasculated by a similar provision. The legislation to which I refer was almost completely emasculated by putting in the phrase "except as required by the Constitution," which was added to nullify the provisions of the Whitten amendments here on the Senate floor; and when I offered the same language, as I say, almost in jest, as an amendment to this measure, it was accepted by the Senate.

So, in accordance with the terms of the bill, the voting age will be reduced by statute "except as required by the Constitution." There may be a little meat in that phrase that will become a part of the law, because the law is going to say that the voting age is reduced to 18 except as provided by the Constitution.

So it may well be that this phrase, put into the law somewhat in jest, will be a significant feature when the measure is before the Supreme Court for decision.

Now as to the second aspect of the bill—so-called voting rights—the junior Senator from Alabama realizes that what he says now will have no more effect on the bill than the remarks he made when the Voting Rights Act was up for extension on the floor of the Senate some months ago. But since this will be the only time he will have an opportunity to discuss that matter again, he will say, briefly that he does not feel that a great deal of satisfaction is to be gained by those who supported the Voting Rights Act of 1970, which has been referred to erroneously as an "extension" of the Voting Rights Act of 1965, because it is not an extension for 5 years of that act, as the junior Senator from Alabama pointed out on the floor of the Senate on many occasions while the bill was being debated. It adds an additional period of 5 years to the penalty provision which the Southern States have to endure or to go through before they can come out from under the automatic trigger provisions of the Voting Rights Act.

The Voting Rights Act, as we all know, puts some seven Southern States under its automatic trigger provision, provided that in the 1964 general election fewer than 50 percent of those of voting age voted. In States where 50 percent of the voting age population did not vote in that election, those States automatically came under its provision, automatically were subject to having election observers and vote registrars come into their States to observe their elections, to be election watchers, to serve as boards of registrars in our States. The Voting Rights Act of 1965 provides that a State can come out from under the provisions of that act provided it can show that for a period of 5 years it has not used any formula or device for the purpose of interfering with the franchise of the people of that State. So the period during which a State must be under this penalty period has been increased from 5 years to 10 years by the recently passed bill.

The act itself is not extended for 5 years, and we have heard it erroneously said on many occasions that the act was going to expire on August 6, if it was not renewed. No portion of the act expires. It stays part of the law, whether the 1970 act is enacted or not. The effect is that the 5-year period is changed to 10 years, during which the State must be free from any discrimination or any use of a device to discourage the exercise of the franchise.

Mr. President, the junior Senator from Alabama would not have commented on the passage of this act by the House had not the matter been brought up by the distinguished senior Senator from Michigan (Mr. HART), who is one of the sponsors of the voting rights bill and, I assume, also the 18-year-old voting provision. Since he has done so, and since he was taking pride and pleasure and satisfaction from seeing the passage of this bill, with its two aspects, and since no other Senator spoke up expressing a different view, the junior Senator from Alabama did not want his silence to indicate that he approved of the expressions that were being made—expressions of pleasure, delight, and satisfaction—at the passage of this unwise legislation, unwise at two points.

It was for that reason that the junior Senator from Alabama felt called on to give his views with respect to both pieces of legislation. The bill providing for 18-year-old voting by statute is unwise, almost certainly unconstitutional, and improperly holds out to the young people the hope of voting at 18 years of age, when it is by no means a certainty—supposedly giving them that right and subjecting it to the likely possibility of having it withdrawn from them.

The other aspect of the so-called Voting Rights Act to which I wish to allude is the requirement during this 10-year period—and not only is it a 10-year period, but also, after the State comes out from under the provisions of this act, by proceedings here in the courts in Washington, it is on probation for another 5 years, which would make it 15 years, and I have no doubt that 5 years from now this period would be extended for still another 5 years, which would make it 15 years plus 5 years on probation—is that the entities of government in a State covered by the so-called Voting Rights Act, in passing any resolution, ordinance, or statute having to do with elections, territorial boundaries, election districts, or concerning the corporate limits of any cities, have to get that legislation, that ordinance, that resolution approved by the Attorney General of the United States before it can become effective.

The State of Alabama has enacted some meritorious legislation having to do with the time for qualification of all candidates for office. The Attorney General has turned down those statutes, having no racial implications whatsoever, but they were so held to have had. Thus, we do not like the idea of having to come to Washington, hat in hand, to get approval of the statutory enactments of our States, or the ordinances and resolutions of the governing bodies of our counties or cities.

The junior Senator from Alabama takes no pleasure and no satisfaction from the passage of the so-called Voting Rights Act. He voted against it.

Likewise, he takes no pleasure and no satisfaction from the reduction of the voting age to 18. He voted against that, too.

I yield the floor, Mr. President.

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AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

A LETTER FROM VIETNAM

Mr. LONG. Mr. President, one of my constituents, Mr. Ernest D. Holloway of Monroe, La., sent me an excerpt from a letter from 1st Lt. James Packer III, to his parents. Lieutenant Packer is in Vietnam, and, concerning the Cambodian situation, he has this to say:

> Before closing I want to add a word about the demonstrations and rebuttal in response to Nixon's action in regard to Cambodia. People tend to forget that there are Americans here *now* and many, many have paid a severe price in the past. The point is that we got into it here and can't let it all go to waste. We, at least, have to make an effort at enabling the Vietnamese to carry their own burden. Thusly, we can't pull out all at once. This sweep through eastern Cambodia is the only sensible thing our military has been allowed to do since getting here. This move *will* buy us some time, a few months, maybe. It *will* save American lives. And, lastly, remember this: Not one of those 5 million captured small arms rounds will ever take my life. Nor will any of the other captured materiel. Equate this with every G.I. we have over here and you'll understand how we feel about it all. The lives we lose in Cambodia, though individually precious, will send a *lot* of guys home to their families. Remember all that when any of you want to cast a stone at Nixon.

I thought it would be appropriate to put this in the RECORD since it expresses so well a sentiment that has been presented by many of our fighting men.

AMENDMENT NO 689

Mr. DOMINICK. Mr. President, I call up my amendment No. 689 and ask that it be stated.

The bill clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment of the Senator from Colorado is as follows:

> On page 6, line 15, strike out "delivery" and insert in lieu thereof the word "programming".
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> On page 6, line 21 strike out "$35,000,000" and insert "$150,000,000;
>
> On page 6, after line 25, add the following:
>
> "(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally, the President shall also submit a quarterly report listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate utility value at the time of delivery."

Mr. DOMINICK. Mr. President, I intend to ask for the yeas and nays on the amendment. There do not seem to be enough Senators in the Chamber at this moment, so I believe that I had better wait until there are a sufficient number. If necessary, I will have to ask for a live quorum, which I hope will not be necessary.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair would inform the Senator from Colorado that there is not a sufficient second.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I do not anticipate taking more than 10 or 15 minutes before getting to a rollcall vote on this particular amendment. I do not know how much time the opposition will require.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I will be very brief. I think this amendment might be of interest to all Senators because, for a great change, it is supported not only by the proponent, myself, but also by members of the State Department and the Defense Department. And whenever those two Departments get together, that is somewhat unique.

As worded in the pending bill, section 9 establishes an annual ceiling of $35 million for excess defense articles which may be given to our allies under the military assistance program. Valuation of the excess articles is required to be not less than 50 percent of their original acquisition cost to the Department of Defense. Thus, on this basis of original cost, the bill limits MAP to $70 million.

Under the Guam doctrine, we are trying to lower our profile and let our allies assume more of the burden of their own defense. Hence, the present provision, which very sharply restricts our ability to help our own allies, while avoiding a scrap pile in the United States, denigrates the Guam doctrine and does not assist us in cutting costs.

My amendment would leave the 50 percent requirement in determining valuation, regardless of the age of the equipment, but would raise the limit to $150 million. In effect, this means that we would have $300 million of excess defense articles which we could dispose of through our allies in the next 2 years, which is some $9 million less than was authorized in fiscal year 1969.

The point I am making is that even with this larger increase in the amount I am talking about as a limit, it is still less than it was in fiscal year 1969.

The excess defense equipment referred to in this section has long ago been paid for by the Defense budget and is no longer needed to meet current operational requirements and mobilization reserves of the U.S. military services, and otherwise would be scrapped.

In many cases, the items are 10 to 15 years old, in need of extensive repair, and costly for the United States to maintain. But to the recipient country where labor is relatively plentiful and inexpensive, these articles may be extremely valuable and useful as a source of repair parts for equipment they now have or by rebuilding provide very serviceable defense articles. By providing them at no cost to our allies, we thus receive an additional benefit, in that our allies are strengthened, and to this extent our own security is enhanced. It is better to add to the strength of an ally than to add to our scrap heap.

As I said when I started, for a change the State Department and the Defense Department are in agreement and support this amendment.

The State Department, in a letter to the Senator from Pennsylvania (Mr. SCOTT) dated June 8, 1970, reported on section 9. It is very short, and I wish to read it.

> Section 9 as now written would place such a low ceiling on the amount of excess materiel that could be delivered under the Military Assistance Program (MAP) that it would drastically reduce deliveries of defense articles to the principal aid recipient countries, such as Turkey, the Republic of China, and Korea. The greater part of the programs to these countries is required for training, operation and maintenance, and shipping costs. In fact, from a world-wide MAP based on a $350 million appropriation, we do not expect to be able to provide more than $78 million in equipment for force improvement (investment items) in FY 1970. Thus, excess articles—which have always been an integral part of MAP—provide an essential element to modernize the defense forces of our allies in the underdeveloped world. The reduction proposed in Section 9 would effectively cut down our overall aid. This might raise doubts about the effectiveness of our plans to implement the Nixon Doctrine of assisting allies to assume greater responsibility for their own security and to diminish the need for direct involvement of United States Forces. It would eliminate what they need for carrying the greater burden we are urging them to assume. In order to avoid the problems we believe are certain to arise from Section 9 as now written, we are hopeful that you will support a substantial increase in the authorized ceiling level.

Mr. President, that is exactly the amendment I have offered. I sincerely hope Senators will follow along with the recommendations which we have because the military assistance program which we have been conducting in the last fiscal year, 1969, goes to such countries as I shall now list. Unfortunately, the figures as to whom they might go in the future are classified, and I cannot put those in the RECORD, but I do have the countries here for fiscal year 1969. They are: the Republic of China, Korea, the Philippines, Greece, Iran, Turkey, Ethiopia, for a very small amount, Tunisia, Portugal, Spain, Bolivia, Colombia, Ecuador, Dominican Republic, Honduras, Paraguay, Peru, and Uruguay.

Mr. President, that totaled in terms of millions of dollars at a utility value of 117.3, which, upon figuring the original cost of valuation on which this limitation is placed, would be well over $300 million. Actually, it was $391 million, so by my amendment we would be saving

$91 million a year in terms of total costs, even though, in fact, we are not saving, but cutting down because what we have to do at this point, as I said, is to maintain these items or build up a big scrap pile of defense items which the United States can no longer use and the maintenance cost for which is very high.

Mr. PERCY. Mr. President, will the Senator yield so that I may make a brief comment?

Mr. DOMINICK. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I have just visited an ordnance torpedo repair plant in Illinois. I know that many times equipment comes back for repair and when we cost it out on the basis of American high labor cost, it is not worth the cost of the labor. Equipment of that type could be extremely valuable to some ally that has a low cost of labor and that could find a way to make such items very useful.

Mr. President, I commend the Senator on his amendment. I think it is useful and that it will help to implement the Guam doctrine enunciated by President Nixon, which I fully support.

Mr. DOMINICK. Mr. President, I appreciate the support of the Senator from Illinois. I think the points he makes are key issues involved in this particular amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

Mr. CHURCH. Mr. President, before commenting directly on the amendment offered by the junior Senator from Colorado, I would like to place this whole grisley armaments business in perspective.

Looking back over the period 1964 to 1969, military expenditures worldwide totaled more than $1 trillion. While it is difficult to do justice to such a staggering amount, the Arms Control and Disarmament Agency recently offered the following comparisons:

> This sum exceeds the value of all goods and services produced in the United States in the past year.
>
> It is more than two years' income for the world's 93 developing countries, in which over two and a half billion people live. And,
>
> Larger than any civilian programs financed by public funds, the world's military budget in this period took as much public money as was spent by all governments on all forms of public education and health care.

In view of such comparisons as these, it should come as no surprise that in 1969 alone, "the Pentagons of the world" siphoned off an estimated $200 billion in economic resources. Extrapolating from this data, a recent U.N. study, as reported in the Christian Science Monitor, described the outlook for the next decade in the following way:

> If one silver dollar coin was dropped every second, it would take 126,000 years to exhaust the amount of money that will be spent on world armaments in the next ten years.

Mr. President, all of this should stand as a brutal reminder of man's inability to come to grips with his most pressing and urgent needs; and I for one take no pride in recognizing that, over the next 10 years, the United States will, in all likelihood, be the world's leading producer and distributor of military hardware.

We are the largest single arsenal for the world today, selling or giving away weapons and armaments of all kinds in the magnitude of 6 to 1 over our nearest rival, the Soviet Union. Indeed, when the history of this period is set to print, it will probably record that we were the world's arms merchant par excellence; that the first nation in the world to give meaning to the mass consumption concept was equally adept at selling sporting rifles or submachine guns; automobiles or tanks; passenger planes or supersonic jet fighters; and, finally, history will probably record that what the world's mightiest industrialized nation itself could not use—whether it was wheat or machineguns—it learned to give away.

During the current fiscal year, the Department of Defense estimates that the United States will sell about $1.9 billion in arms, military equipment, and related services, and that we will give away $392 million in regular grant military aid, plus $166 million—valued at one-quarter of original cost—in surplus military equipment. Thus, according to the current estimates, the United States will sell or give away about $2.5 billion in war materials during the fiscal year now drawing to a close.

At this point, I should like to underscore the word "estimate," particularly as it relates to the issue of surplus military equipment; and, in consideration of this issue and the Dominick amendment which speaks to it, all Senators should be aware that for this fiscal year DOD originally estimated the excess program at $79 million, based on acquisition cost. Now DOD tells us that this program will be about $660 million.

In the case of individual recipients, DOD estimated that Taiwan would receive $341,000 in surplus military equipment during the current fiscal year. That was the basis upon which Congress was asked to act. The estimate which was given us for our guidance was that $341,000 in surplus military equipment would be transferred to the Government of Taiwan. Now we are informed that Taiwan will receive not $341,000, but $144 million in surplus arms, which is certainly a "C–5A" size overrun in anybody's book, and an overrun which comes on the heels of the rejection by Congress of an additional $54.5 million in grant military aid for Taiwan.

In a like case, South Korea is the happy recipient of a similar overrun; Greece is getting about twice as much as originally estimated; and there are others, including the Philippines, Columbia, Nicaragua, and Panama.

Mr. President, what these figures really mean is that the Department of Defense has used and is using its stockpile of surplus arms to circumvent the expressed intent of Congress to reduce the grant military aid program. DOD's policy of circumvention was made clear by General Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, who recently told the Foreign Relations Committee:

> A little over a year ago, we decided we had to get more surplus property into our grant aid programs because our new obligational authority had been reduced considerably.

In view of DOD's use of its excess stockpiles to make end runs around Congress—a use which the Department's chief spokesman for this issue freely admits—I was one member of the committee who sponsored an amendment to put the brakes on the surplus program—to attempt to put some semblance of meaningful congressional control over the size of it.

As the amendment came out of committee, the Department of Defense could give away, during any one fiscal year—and it is important to understand, this is in addition to the regular grant military aid authorization; it is in addition to the military sales program; and it is in addition to DOD funding of military aid to Vietnam, Thailand, and Laos—in addition to all other military aid and sales, this bill would provide that the Department of Defense may give away up to $35 million worth of surplus military equipment valued at not less than 50 percent of original cost, or a total of $70 million, measured by original requisition cost. Moreover, the amendment provides that the value of any surplus equipment given over and above the $35 million ceiling would be subtracted from the appropriation for grant military aid.

In other words, what we do in the bill is to reestablish a congressional ceiling, bringing back within the control of Congress the size of the overall military aid program. If we did not establish a limitation, we would have a loophole big enough to empty the whole inventory of the Pentagon into. In the present law, there is no limit to the discretion of the military to decide, with the approval of the President, how much of its own surplus inventory it wants to give away.

It does not make any difference what Congress says. Congress imposes limits on the military aid program. Congress passes a military sales bill and establishes limits on its size. But it does not make any difference. The Department of Defense, as the law now stands, can go around Congress via the excess weapons loophole and, at its discretion, determine the total size of the giveaway program, the countries to which the equipment will be given, in such amounts as the Pentagon decides.

That may be what Congress intends. There may be Members of Congress who want no ceiling established by law and who want no congressional control. I am not one of them. I think it is imperative that we begin to reestablish effective control over these programs. I think it is a mockery for Congress to engage in debate from year to year in an attempt to reach a final decision as to the size of a military program, a military assistance bill, and similarly to sit here for weeks seeking to pass a military sales bill which establishes an authorized ceiling, and then, when its all over continue to permit the existence of a loophole so big as to make the whole effort meaningless. That is the extent of the charade we have been playing. We must establish a

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meaningful ceiling on the surplus program if Congress is to be the one to make the decision as to how large the arms giveaway programs are to be.

The amendment being offered by the junior Senator from Colorado (Mr. DOMINICK) would increase the $35 million ceiling to $150 million and would, in effect, double the grant military aid program by permitting DOD to give away an additional $300 million in surplus arms. In other words, Senators should know that the effect of adopting the Dominick amendment would be to increase the grant military aid program from its present $350 million level to $650 million. Moreover, this amendment would legitimatize DOD's previous end runs around Congress and would simply "enhance"—all the more—our very dubious role as the world's No. 1 supplier of arms.

Mr. President, I hope we will stand fast on this issue. The committee has taken a very modest step to reestablish some semblance of congressional control over the size of this program and to bring back within the judgment of Congress a matter that is an essential part of the foreign policy of the United States.

To delegate that decision away, to leave it to others to decide, to allow the determination to be made at the Pentagon without any reference to congressional approval, seems to me to be an abdication of our responsibilities as members of the legislative branch. So I hope that the Senate will stand fast on this issue, and underscore the intent of Congress to keep the grant military aid program within some sort of reasonable bounds. I hope the Senate will say no to those who would send more, and more, and more arms around the world. I hope we will reject the Dominick amendment.

Mr. President, it is also important to remember that one way or another we will go to conference having established a ceiling on the excess arms program, and we should be dealing there with conferees from the House of Representatives who will be speaking for a version of this bill that contains no ceiling, but rather from their standpoint is open-ended.

Doubtless we shall have to reach some compromise with the House conferees, and in all probability that compromise will involve increasing the ceiling that we will have established in this bill. But if we adopt the Dominick amendment, we will go to conference without a negotiating position, having given it all away, and thus any ceiling that could be reached would be so high as to be ineffectual.

For all of these reasons, Mr. President, I hope that the Senate will reject the amendment.

Mr. DOMINICK. Mr. President, I have listened to the impassioned speech of the Senator from Idaho with great interest. But I think that the record ought to be made crystal clear.

First of all, when the Senator is talking about "the Pentagon to the world," I gather he is not talking about the U.S. Pentagon, he is talking about all the others all over the world, for 15 years.

Second, until the latter portion of his speech, very little reference was made to my amendment. Just so that the record will remain clear, I think it should show that I am maintaining the limitations that were added on the power of the Foreign Relations Committee to determine what will or will not be given away. I have not changed anything in the bill, with the exception of the figure, and actually have added another restriction. This additional restriction I shall read; it is subsection (d), a matter which the committee did not even have in the bill:

> "(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally, the President shall also submit a quarterly report listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate utility value at the time of delivery."

This ties down even further the information that will come into the committees, so that they will know on a quarterly basis, at least, what is being done.

The Senator from Idaho, I would submit, is trying to have his cake and eat it, too. He wants us to withdraw, and I think we all want to get out and disengage from Asia as rapidly as we can; but he also says, "No, we cannot give away any of our excess military equipment, because to do so would be to increase militarism in some way."

If we are having problems with people around this world who are trying to encroach on the free world, nations must have the right to defend themselves, or to be defended. That is a part of the purpose for which I am offering this amendment—so that we can strengthen our own allies, enhance our own security, and cut down on our own costs in terms of manpower, maintenance of a military machine, and keeping on hand excess materials which are obsolete and outdated in this country.

Let me just state again the countries we are talking about that, in 1969, were given excess material.

The Republic of China, a longtime ally, which was constantly under attack from the Red Chinese on the mainland. We gave them some protection material.

South Korea, a country which is under attack constantly by the North Koreans. If we do not give them this material, where are they going to get it? Do they have their own economy in a shape where they can go out and buy the things they would like to buy? No; they do not. So we give them material which is obsolete for our requirements, but will still provide a defense mechanism for them.

The Philippines, which is also trying to do something about its own protection.

I could go on and on, listing each of the countries. Of course the major ones receiving assistance at the present time are Turkey and Iran, which form the southern bastions of the NATO defense complex. Unless we can get some support for them, we are going to find ourselves in even more trouble in NATO than we are now, and heaven knows it is in pretty much of a shambles the way it is, with the French withdrawal.

So I say in all candor that I am not trying to knock out the restrictions the Senate Foreign Relations Committee has put into this bill. I am not trying to do anything of the kind. As a matter of fact I have added to them, so that they are even stronger than they were before. But I am trying to provide what the State Department and the Defense Department have insisted should be done if they are to have any kind of a viable program, to be able to support the Nixon policy of letting our allies defend themselves instead of having to ask for American men to do it for them. That is exactly the point of this amendment.

There is one other situation that I think should be mentioned. The theory is that by increasing this limit, we are going to be spending a lot more money. The fact of the matter is that we are going to be saving money, because it costs us a lot of money to have to maintain these products; or we simply have to take the same ones which we would otherwise give away and dump them in a scrap pile here, and then everyone goes around and says, "Look at the waste of the military."

Why not take those materials and give them to our allies, and thus give the allies a chance to defend themselves? It seems to me that is the chief issue of this whole debate.

PRESIDENT NIXON'S ECONOMIC STATEMENT

Mr. BENNETT. Mr. President, the President's economic statement today contains many things that have needed to be said for a long time. In a masterful way, he put the problems of inflation in their historical perspective, and clearly outlined those things that are being done and those things that must be done if inflation is to be solved.

The key word in his statement is the word "transition," or perhaps better "transitions" in the plural, because there are three which are interrelated, all of which must be accomplished successfully. Implicit in the meaning of the word "transition" is the understanding that we are making progress but which will require even more time in the future if we have a definite goal toward which we are to reach it. The first is the transition from war to peace, which affects our Federal spending patterns and our pattern of employment as men are released from the Armed Forces and job opportunities in defense plants are reduced. The second area of transition is the transition from a politically motivated Federal expansionist policy, producing the basic causes of inflation and high interest rates, to a Federal policy intended to produce monetary and fiscal stability. The latter has been the policy of the present administration since it took office 17 months ago.

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While inflation is an economic term involving demand and cost factors, one of the major forces behind it is psychological, and while many think that the inflationary thinking habits of a decade should have been brought under control in less than a year and a half, this has not been possible. Although excessive demand has been curtailed, the transition still continues, in a predictable pattern in which cost factors and psychological forces have not yet been subdued, but are beginning to be affected by Federal policies.

Only after an inevitable time lag between official action and its effect on these two factors will there be significant changes in retail prices. This administration in order to minimize the potential damage of a sudden stop has wisely, I believe, sacrificed speed for the ultimate goal—an orderly transition to stablility and a sustainable growth rate.

In his talk the President used the example of the process of docking a boat. Because I come from the West—the desert area—I have had more experience with horses than boats. My pet example refers to the problem of stopping a runaway horse. Even after you get a rope around his neck, he will pull you along with him for some distance before he finally slows down.

To me, the most significant transition the President discussed in his speech is the transition from reliance upon Government controls and pressures to the necessary reliance upon the self-control, responsibility, and good judgment of the individual citizens of the country and those who have power and responsibility in business, in industry, and in the labor movement.

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After all, ours is a free market economy based on the rights of each individual citizen to own, use, and dispose of property as he sees fit within the law.

I am glad the President rejected categorically proposals for Federal price and wage controls, because to have accepted this would have a 180-degree reversal of the transition toward free market stability. Moreover, price and wage controls in the past have always been related to war, and we are also in the transition away from war to peace.

Finally, I agree with the President that price and wage controls never have worked and never will without inequities and economic dislocations far exceeding any questionable beneficial effect they might have.

From my personal experience as the manager of a small business during World War II, when we had wage and price controls, I know from firsthand experience that no one really accepts the controls and everyone feels perfectly justified in trying to find as many loopholes as possible in the program. When products cannot be produced within the controlled price limits, either their quality goes down or they are withdrawn from the market entirely and new products that are either not controlled or have controls based on a new price—higher than the one that was set in the beginning—take their place. Inevitably, rationing has to be added to price controls, and this always breaks down and ends up in black markets.

Instead of looking back to increased Government control by force, the President's program looks down the pathway of transition to the only true stability, that which is created and maintained by the important factors in the free market system itself.

He pointed out the necessity of keeping wage demands in balance with the increase in productivity.

He rightly emphasized that the key to our future growth lies in our productivity, so the National Commission he proposed is one which will be working for a positive goal rather than a repressive one. He rejected the travesty of guidelines and substituted for it a kind of watchman function for the Council of Economic Advisors, who will call to the attention of the American people specific actions of the private participants—labor, industry and financial institutions—which may be out of line with the transitional goals to achieve stability.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. JAVITS. That, incidentally, is a policy which was espoused by the minority of the Joint Economic Committee, of which I have the honor to be the ranking member, and I actually introduced a bill on it, with the sponsorship of all minority members, both in this body and in the other body.

I think it is very important to make clear—if the Senator will allow me—that it is not quite the "milquetoast" approach which many would like to make it out to be. There has been criticism on two grounds—one, that we are not decrying anything, that industry and labor do not have to get permission before they raise a price or increase a wage by contract negotiation; second, that it is ex post facto. In other words, if the comment will come after rather than before, what has happened happens. In other words that the significant wage and price decisions that are publicized, are already in effect, and publicizing them will not result in their revision downward.

I should like to submit this to the Senator, who is the ranking minority member of the Committee on Banking and Currency and is a distinguished figure in this field: We felt, one, that anyone assuming that he is going to make a major price or wage change which would have an inflationary impact would know that this would receive widespread publicity and that this publicity will follow shortly after the wage or price decision is made. We think there will be such publication every month. When the President said "periodically," if he is taking our suggestion—and I think he is—it comes on a monthly basis. So that there is warning in implicit in the publication of significant wage and price decisions and labor and management will know this in advance.

Two, we believe—and we believe there is no question about it—that under the President's proposal dates, places, people are going to be explicitly named—when I say "people," I mean an entity, a union, or a corporation—and the particular item or product will be named, also the inflationary impact on the total economy will be analyzed and published.

Three, the President has stated that an evaluation body for Government purchases will be established. The Government does a great deal of buying in this country. We estimate it does something in the area of $25 to $30 billion, perhaps more, in buying of tangible products. Government purchasing power could be used to considerable impact in the implementation of an "income policy." The President's proposal thus is a beginning. I am now speaking not only to those who are opposed to controls, such as the distinguished Senator from Utah, but also to those who favor them, standby or otherwise—Representative REUSS and perhaps others.

It is an effort to do something without incurring the dangers which everybody admits are inherent in certain types of controls, in an effort to put a damper, as it were, upon an onward march of wages and prices. It does enlist Presidential prestige, and it does involve some criteria—not fixed guidelines, but criteria as to what it does and what it does not have an inflationary impact. The criterion itself, which the Council of Economic Advisers must establish, will be useful as a guide. It will be much more flexible than guidelines. All the better.

So I would like to submit that this is a beginning, an important beginning, representing what could become a critically important factor in dampening unusual wage and price increases, and I think it commends itself very highly from that point of view. I am pleased to see that the President did pick this up and choose to implement it, as we had suggested.

Mr. BENNETT. I thank the Senator from New York for filling in this detail behind my rather general comment about the President's program.

The Senator from New York and I both understand that this, in a sense, still leaves the company or the union free to continue its program; but it is a way of marshaling the force of public opinion against widespread rejection of the transition toward a free economy stability. It is a careful use of the power of Government, rather than a direct use of force to curb or repress or restrain, and I think that is the heart of the President's approach, which is to strengthen the free market's enonomy rather than to attempt to control it with the force of Government.

Mr. JAVITS. I would not ask the Senator necessarily to join me in that, but I would point out another point, to go one step further. Those who feel that we should have a control or a freeze mechanism now, I ask that they consider the proposition that this is a beginning and, therefore, that they should not feel they have to push the Government to take further, more sweeping action now. But rather that they should give this proposal an opportunity to see if it will work. I would add that dimension to the statement made by the Senator from Utah.

Mr. BENNETT. Not being one of those who believe in a control mechanism, and having tried to run and operate a business in World War II under a control mechanism, I know that it is a fraud and a sham, that actually it limits and controls the person who is so completely law-abiding that he will not try to get a few extra ration stamps or ask his grocer to put a particular package under the counter and save it for him and all the rest of that kind of thing. I have been very much impressed to see the statistics that even though we had wage and price controls during 5 years of World War II, the price level rose at the same rate as it did in the 5 years after World War II—about 32 or 33 percent over the 5-year period.

We could postpone part of it or dam it up, but the pressure is there and we cannot eliminate it. Thus, as the Senator says, there may be those who believe that the Government should use its power to attempt to interfere with the economic process, but I do not think it will work. If they will feel better with an audit after the fact, and feel that that will satisfy them, I am delighted; but I am glad that the President, as he did, categorically rejected the price control approach, and rejected his potential use of standby controls today. I think that was wise.

Mr. JAVITS. Again, if the Senator from Utah will be kind enough to yield, I do not think it would advance the issue to debate it now. It is debatable. I do not necessarily feel as the Senator does, but I affirm the fact that this is a way to begin. In retrospect it may not prove to have been a good beginning but it is a way most certainly to begin.

I hope very much that the proponents of the freeze and control mechanism will accept it as the way to begin and give it a chance to have effect, because it has a good chance and, working under those conditions, it need not be accepted as the end to end all ends. Further steps may indeed prove necessary but let us wait and see and not make that judgment now.

Mr. BENNETT. I hope it is the beginning of the end rather than a beginning.

Mr. GRIFFIN. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. GRIFFIN. I want to commend the distinguished Senator from Utah for his excellent statement today and for his leadership as the ranking member on the Committee on Banking and Currency.

I also want to pay my respects to the distinguished Senator from New York (Mr. JAVITS) for his constructive and imaginative suggestion which has been, in large measure, incorporated into the President's statement today.

Mr. President, in his report to the Nation today President Nixon has demonstrated that he is not looking at the world or the economy through rose-colored glasses. His speech was a realistic assessment of our economic position as we approach the middle of 1970. He reported on how far we have come since his inauguration—a considerable distance indeed—and he also provided a sense of direction as to where we should go now.

The President's statement was realistic but it was also most heartening. He made it clear that the elusive goal of price stability with relatively full employment is a goal within our reach. As we move to insure that we will meet that goal as expeditiously as possible, the President has announced a number of economic innovations which deserve our support. He is appointing a Productivity Commission to help industry and labor achieve a better balance between costs and productivity. He has asked the Council of Economic Advisors to prepare a periodic "inflation alert," spotlighting cases of dangerous price or wage increases. In addition, he is establishing a Regulations and Purchasing Review Board to guide certain Government economic decisions. And he has called upon the Congress to act in a number of important ways to strengthen and protect our economy.

But in addition to telling us what he will do in the coming months, the President also made it very clear that he will not take certain steps which are being urged for political reasons. Proposing wage and price controls may be splashy and dramatic ways to respond to economic problems but he knows they would not work. Again, in this respect, the President has demonstrated a sense of realism and candor.

The reasonable and balanced speech of the President should be most reassuring to all Americans, for it indicates that he will continue the reasonable and balanced approach which has characterized the last 17 months. That approach has already produced enormous benefits. Its continuation will produce many more benefits in the future.

Mr. BENNETT. Mr. President, I thank the Senator from Michigan.

Mr. President, the President specifically rejected use of the pressures of the White House to force labor or industry to act within certain limitations. In this way, he has placed the social responsibility upon all segments of our free economic system and expects them to cooperate for the betterment of all.

He ended his speech by pointing out half a dozen actions that the Government can take to aid the free economy to solve such problems as unemployment, manpower training, insurance against market loss, the housing slump, loans for small business, and emergency help for railroads, thus reminding us that there can be no single, simple, program to "cure" inflation. Like all major problems, this inflation is a composite of many lesser maladjustments; and if we expect successfully to negotiate this transition period and come into an era of peace and stable economic growth with the highest degree of personal economic freedom, each one of us must accept his share of the responsibility. Each one of us must cure his own case of inflation psychology.

I hope that the President is not expecting too much when he suggests, during an election year, that we in Government should act as statesmen and not politicians. I am an optimist, however, and dare to hope that all Members of Congress will put the longrun benefit of their country and their constituents above their own personal, immediate, political goals and support the President in this program to carry us through the three transition periods

The transition from war to peace.

The transition from inflation to stability.

The transition from Government control of the economy to the time when it will be operating in its traditional free market posture.

Mr. PROXMIRE. Mr. President, the President's economic message did have some merit and I support his proposals to publicize the basis of wage demands and price increases. That is valuable, and I am delighted that the President set up an institution to try to coordinate and examine the inflationary implications of the Government's position in the procurement and regulatory area.

What the President proposes now, however, comes as too little and too late. I recall last year, when the auto industry proposed its biggest price increase in 10 years, that I wrote to the Council of Economic Advisers and asked them to give us some cost data as a basis for the increase; and the Council refused to do anything.

Again, when big oil announced a substantial increase in the price of oil, I called on the Council of Economic Advisers to supply the basis, the reasoning, or the justification for the increase, not asking for any jawboning; and once again they refused to do it.

Thus, I am glad now, at last, that the President appears to have established a program which will give us the facts so that we can have some information on which public pressure can be organized against inflation or any inflationary action not justified by management or by labor.

The policy of gradualism in cooling inflation has been a dismal failure and in retrospect, it is obvious that stiffer measures should have been employed to curb inflation. These might have included an earlier use of Presidential "jawboning" and a much greater cut in Federal spending.

In the absence of a prompt and early attack upon inflation, the private business community has had little faith in the ability of the administration to control inflation, as a result, businessmen have reacted quite normally by placing record high orders for new plant and equipment. This, of course, only aggravated the problem of inflation.

The President hinted in his talk that the economy was finally beginning to respond to the administration's economic program and that prices were beginning to decline. However, this optimism is not justified by the figures for the Consumer Price Index. In 1969, consumer prices rose 6.11 percent; during the first 4 months of 1970, the index rose at an annual rate of 6.3 percent and during April, the last month for which figures are available, the Consumer Price Index rose at an annual rate of 7.5 percent. By these figures, things are not getting better—they are getting worse.

At the same time, an ominous new development has opened up on the monetary front which the President did not mention. He did mention that monetary policy had eased and that in the last 6 months, the money supply grew

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at a rate of 6 percent. What he failed to say, however, is that in the last 3 months, the money supply grew at the highly inflationary annual rate of 9.2 percent. Even if the new measures recommended by the President prove effective, the downward pressure on prices can be canceled out by the inflationary increase in the money supply.

We are making the same mistakes in monetary policy that we made in the 1966–67 period which saw a highly restrictive period of monetary restraint followed by a highly expansionary period. As a result, the Fed caused a recession in the housing industry, and then in an overreaction in the opposite direction, contributed to the inflationary spiral.

A continuation of the Fed's policies could put prices beyond control. Part of the reason why the Fed has been expanding the money supply so rapidly has been due to its bailing out the Treasury from the consequences of deficit spending. The much heralded $1.3 billion budget surplus has proved to be illusory, with the result that the Treasury has had to resort to the financial markets to finance Government operations.

The specific measures recommended by the President were for the most part desirable. However these, will cost money. These include increases in unemployment insurance, manpower training, and social security benefits as well as emergency housing assistance, which will require an initial appropriation of $310 million.

Likewise, the proposal for loan guarantees to bail out the Penn Central could cost the taxpayers as much as $700 million if the company defaults.

The President urged:

> Whenever a Member of Congress displays the imagination to introduce a bill that calls for more spending, let him display the coverage to introduce a bill raising the taxes to pay for that program.

This advice might also be applied to the President. If the President wants the Congress to move forward on his spending programs at a time when prices are still skyrocketing, let him propose stiffer reductions in less essential areas such as the Defense budget, the SST, space, and public works. A dramatic announcement of a $5 billion cut in these programs would demonstrate to the Congress and to the American people that the President really means business in the fight against inflation.

Likewise, if the President wants to risk $700 million of the taxpayers money to bail out the Penn Central, let him at the same time call an increase in taxes to finance the potential loss.

Mr. BENNETT. Mr. President, I have enjoyed the comments of my good friend, the Senator from Wisconsin. All the time he was talking, I was thinking back a little bit to when in 1968 we had a budget deficit of $25 billion.

I am remembering that as we worked on the tax bill in 1969, it was fixed so that there would be a reduction in taxes in this year and the next year and a reduction in revenue so that the Republican President would have to face exactly the situation that has been created for him.

During the decade of the sixties, the cost of Government increased on an average of 15 percent each year. Last year it was cut back to a 7.5-percent increase. And this year the President hopes that he can cut it back to half that again.

We cannot get away from the fact that we have a split party control in this Government and that the power of the purse resides in Congress which the President cannot control.

Let us give him a chance. He has had 18 months with Congress in the hands of his political opponents. I think that he has done a magnificent job in first trying to get an operating control of the country. And when the Senator complains that he has not been able to maintain a surplus, I point out that the fact that he has been able to maintain the operations of the country at a deficit which may be one-tenth or one-twelfth of the $25 billion deficit in 1968 is really quite an achievement.

Mr. PROXMIRE. Mr. President, the fact is, as I recall, that last year Congress reduced the President's budget requests by $5.5 billion. That is we cut his budget and reduced spending that much below his requests. It is my understanding that Congress will again this year, reduce presidential requests.

I think it is perfectly proper for Members of Congress on my side of the aisle to call on the President to exercise greater restraint in his spending proposals. This is consistent with what we have done both as a Congress and as a party.

Mr. BENNETT. Mr. President, I think that we must not criticize the President for not being able to produce a surplus when in the end it is the total appropriations that Congress makes which determines whether there is a surplus or a deficit.

There is credit enough and blame enough for both of us.

I think that in the 17 to 18 months that the President has been in office he has done a magnificent job in turning the economy around from a $25 billion deficit toward an approximate balance.

Mr. PROXMIRE. Mr. President, I would agree that in the last 17 months, we have improved the fiscal position of the Government. But I think that it is hard to claim that the President is doing a magnificent job with the economy.

Inflation has gotten much worse. Interest rates are much higher than they have ever been in the history of the country. We have unemployment rates that are alarming.

We have the predictions of the Government's top economist that at best unemployment will stay at the present level for most of the rest of this year. Others predict that it will get worse.

No doubt the President is a good man. He is doing the best job that he can. He is an intelligent man. But I think that it is well to point out that the results of the economic policies of the administration have been unfortunate for many American citizens.

Mr. BENNETT. Mr. President, I cannot believe that my good friend, the Senator from Wisconsin, would expect any President to turn around, in 17 months, the storm of inflation that had been gathering force for 10 years and do it in the face of the split Government situation that we have today.

Mr. PROXMIRE. Mr. President, as I tried to say in my remarks, the President comes in now after 17 months with a modest and very limited first step to begin to halt inflation. It seems to me that it is too little.

He has done no jawboning, which is one thing that only the President of the United States can do. He has announced that he would not call on the labor unions and he would not call on management to show restraint. He has done none of that.

These proposals come after we have suffered an increase in inflation. It seems to me that whereas the Senator from Utah is perfectly right in pointing out that the President has done some good and that the program has merit, I think it also well to point out that the program is late in view of the serious and prolonged inflation coincident with high interest rates and rising unemployment.

Mr. BENNETT. Mr. President, does the Senator remember that President Johnson gave up jawboning after he found out that it did not work? Why should we expect President Nixon to start a program that would not work?

Mr. PROXMIRE. Mr. President, I disagreed with President Johnson and said so at the time with respect to the abandonment of wage-price guidelines after the airline strike in 1966. But he did not give up the necessary jawboning.

I think jawboning is necessary because only the President can do it. The distinguished majority leader and the distinguished minority leader of the Senate and other leaders of Congress cannot effectively stop or roll back price increases. Only the head of the country can call this to the attention of big business in such a way that public opinion is organized to bring pressure to hold down prices and roll them back. President Johnson did this on occasion. It is true that in the closing days of his administration he had given up on wage-price guidelines. I agree with the distinguished Senator from New York (Mr. JAVITS) that wage-price guidelines are something we should reconsider.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, it is not enough for a President to take a position. He has to know what he is talking about; he has to have criteria and a basis of expertise for claiming a price is too high or is not too high.

One of the things that worried us about the steel price rise with which President Kennedy had to deal before he suffered a tragic end was the feeling that it was brought about because prices went up, but there was no disclosed factual guideline-type basis backing up his action. We argued the matter on the floor of the Senate and we had quite a debate. We should not argue about whether he should have done it sooner, and I think he should have.

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I hope now we will assume the situation is not less sound than it was in the jawboning era, but more sound because it will be based on considered judgment, analyses and facts—on sound, objective economic criteria.

I hope the Council of Economic Advisers will disclose all of its worksheets to the people so that if there is a complaint it can be made, and it can be said, "They are wrong and we are right." I hope this scheme will have those advantages over the elementary jawboning, to which the Senator referred.

Mr. PROXMIRE. In all fairness to the late President Kennedy in connection with the steel strike, he and the then Secretary of Labor, Arthur Goldberg, had first gone to great pains to persuade labor to moderate their demands and to get an understanding on the part of the unions that they would limit their demands to productivity increases. It is true that President Kennedy acted without the complete knowledge of all Members of Congress as to what the cost data was and it would have been good to have had that. I think it is good all parties involved then had the fundamental understanding that wage costs were stable and were not the justification for the big increase in prices that steel proposed. There was careful and thoughtful analysis by Walter Heller, his economic adviser, that President Kennedy was aware of at the time he stepped into that situation.

Mr. JAVITS. I would not dream of being critical of such a tragic figure as former President Kennedy. I was only pointing out that we may have added a positive element which will be very helpful in the situation in that it will give a factual basis. All I said was that one of the arguments made at the time was there was no disclosed factual basis. President Kennedy may have had the figures from Walter Heller but they were not disclosed. This may be a step forward. I am very anxious to see this work.

I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHURCH. Mr. President, I ask unanimous consent that at the end of the period for the transaction of routine morning business tomorrow the Senate proceed to the consideration of the amendment introduced by the distinguished Senator from Colorado (Mr. Dominick); that the time be equally divided between the proponents and the opponents; and that a rollcall vote be taken on the amendment at 2:45 p.m. tomorrow.

The **PRESIDING OFFICER.** Without objection it is so ordered.

Mr. CHURCH. Mr. President, I ask unanimous consent that the time for the opponents be under the control of the Senator from Idaho (Mr. Church) and that the time for the proponents be under the control of the Senator from Colorado (Mr. Dominick).

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote at 2:45 p.m. on Thursday, June 18, 1970, on the pending amendment by the Senator from Colorado (Mr. Dominick) numbered 689, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, with the time for further debate before the vote being equally divided and controlled by the Senator from Colorado (Mr. Dominick) and the Senator from Idaho (Mr. Church), or their designees.

THE PRESIDENT'S MESSAGE ON THE ECONOMY

Mr. BAKER. Mr. President, having watched and heard the President today deliver his message on the economic policy and productivity of the United States, I take this opportunity to say that I feel his remarks were candid, direct, and appropriate to the circumstances.

I believe that the country will be encouraged, as I am encouraged, to hear his appraisal of the situation, which includes an appraisal that the time has come for the improvement of the volume of money and credit that is available to this economy which, in turn, implies we may have come through the worst part of the period of adjustment that we have been subjected to in these efforts to escape from the inflationary spiral of the last several years.

The statement is significant for what it did not say in terms of its appraisal of the situation, as well as what it did say. I am especially pleased to note the President indicated he has no plans at this time for economic controls in the nature of wage-price controls, which I feel especially in peacetime have the effect of postponing the inevitable and building up a bigger head of steam where a destructive explosion may occur in the economy.

The new technique is sensing increases and decreases in productivity, in inflationary alerts, and advices for the executive department which are important and significant.

Congress should take heed of the urgings and requests of the Chief Executive for legislative assistance in this field, as he has requested legislative assistance in other fields and has not received it.

I believe the American people received a fair and frank appraisal of the situation and that by and large it is an encouraging one and one which leads to the prospect of stability and real progress in our economic situation in the months just ahead.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. CHURCH. Mr. President, in connection with the amendment offered by the junior Senator from Colorado (Mr. Dominick), I think it would be of interest to the Senate to have included in the Record a list of excess weapons that have been delivered over a period of years, the period being from fiscal year 1965 through fiscal year 1970.

The table is interesting and enlightening, because it demonstrates how the size of this program has been increasing as the Department of Defense has utilized this program as a way to circumvent the effort of Congress to maintain a ceiling on the size of the grant military aid program.

For example, in fiscal year 1965, this particular provision in the law was used as a basis for authorizing the transfer of weapons with a utility value of $85.6 million and an original acquisition cost of $189.8 million. These amounts are in sharp contrast to those for fiscal year 1970, when the surplus-authority provision in the law was used to authorize the transfer of weaponry having a utility value of $166.8 million for which the acquisition cost to this country was $667.2 million.

Unless we pass the bill as reported by the committee, we will have failed to establish an effective congressional ceiling on the surplus program, and it will continue to grow with each passing year as the effort grows to circumvent Congress' intent to maintain the military aid program within reasonable bounds.

Mr. President, I ask unanimous consent that the table be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

EXCESS STOCKS DELIVERED

	Utility value	Acquisition value
Fiscal year:		
1965	85.6	189.8
1966	60.4	146.6
1967	46.7	138.4
1968	45.3	132.8
1969	114.0	317.7
1970	166.8	[1] 667.2

[1] Estimate.

Mr. CHURCH. I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

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THE WISDOM OF UNDERSTANDING

Mr. CHURCH. Mr. President, recently I received and placed in the RECORD letters from highly placed members of previous Democratic administrations who have abandoned their support of U.S. policy in Indochina. One came from Nicholas Katzenbach, Under Secretary of State during the Johnson administration. The second was from Associate Dean William M. Capron, of the Havard Graduate School of Business, who was Assistant Director of the Budget Bureau during the Johnson administration.

This week I received a third letter—this from Mr. Dan H. Fenn, Jr., now at the Harvard Graduate School of Business Administration. Mr. Fenn served on the staff of Vice President Johnson and subsequently as a Commissioner and Vice Chairman of the U.S. Tariff Commission. In his letter, he makes an interesting distinction. The issue, he writes, is not that of a "strong Presidency" versus a "weak Presidency." Rather, Mr. Fenn writes, it is a matter of "a misguided Presidential action versus a wise one."

The letter speaks for itself. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 3, 1970.

DEAR SENATOR CHURCH: My government experience has been in the Executive Branch, including service as Staff Assistant to the President from 1961 to 1963, and four years as a Commissioner and as Vice Chairman of the United States Tariff Commission thereafter. Consequently, I might be expected to be biased in favor of a strong executive—as, indeed, I am.

Nevertheless, I write you now in support of your amendment to utilize the Congressional power of the purse to curb the short-sighted and destructive Cambodian adventure. I recognize full well the implications of the action you are taking for the powers of the President in matters of foreign affairs. I recognize, too, that those of us who supported President Truman in Korea and rejected the changes of "dictatorship" from the opposition stand today on the other side of the argument. Then we supported "strong Presidential action;" now we fear it.

This apparent inconsistency does not trouble me, however, because the point at issue here is not a "strong Presidency" versus a "weak Presidency." The issue is a misguided Presidential action versus a wise one. Under these circumstances, and despite the implications, it is incumbent upon the Congress to exert the authority which the Constitution has provided and bring this frightening extravaganza to a halt.

Let us, in a somewhat quieter mood and moment, address ourselves to the complex question of the relative roles in foreign affairs of the President and of the Congress. That is a separate issue, and one demanding the utmost thought and care. But the problem at the moment is not so abstract; it is to slam on the brakes. This the Congress can and should do and at once.

With best wishes,

DAN H. FENN, Jr.,
Lecturer on Business Administration,
Harvard Graduate School of Business
Administration.

THE PRESS AS A VALUABLE SOURCE OF NEWS

Mr. CHURCH. Mr. President, when America comes home from its bloody misadventure in Southeast Asia, it may be that a generous share of the credit will be allocated to the men and women of what Thomas Carlyle called the fourth estate, the press. Under difficult working conditions, compounded by the censure of our military command, reporters have labored diligently for the elusive truth of our involvement—the mistakes of our policies and the heroism of our combat troops.

One of those who has performed superbly in both Southeast Asia and in Latin America is Tad Szulc of the New York Times. A recent story of his from Washington deserves our attention during this debate on the pending Cooper-Church amendment. It deals with whether the U.S. Air Force may, after all, be employed in providing air cover for South Vietnamese forces—after American combat troops themselves are withdrawn from Cambodia, presumably by July 1. I think this possibility emphasizes the entangling web of involvement in which we are ensnared as a result of having breached the Cambodian frontier.

Mr. President, I ask unanimous consent that the Szulc story to which I have referred be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. AIR COVER FOR SOUTH VIETNAMESE?

(By Tad Szulc)

WASHINGTON, May 22.—The United States was reported today to be prepared to continue air cover if needed for South Vietnamese forces that are considered almost certain to remain in Cambodia after the American withdrawal deadline July 1.

The latest evolution of the Administration's policy emerged in a variety of ways during the day. Spokesmen remained intentionally vague in their public comments but in private, officials indicated an increasing likelihood that the support would go on.

Under intensive questioning by newsmen, the White House press secretary, Ronald L. Ziegler, refused to say whether the United States would provide air cover for the South Vietnamese units. But he appeared to allow for this possibility when he finally said that he would reserve comment "on the discussion of United States air activity in relation to June 30" in Cambodia.

SOME RULE OUT DENIAL

Other high officials said that if, as assumed, the South Vietnamese retain in Cambodia the combat forces that have been battling the Vietnamese Communists there since April 29, and if they require air cover, they cannot be denied it.

With an eye on Senate criticism of actions in Cambodia, the officials noted that the proposed fund-bill amendment forbidding the use of American ground forces in Cambodia—a measure now under deabte—does not prohibit the use of United States planes to cover the South Vietnamese after the withdrawal.

But, the officials went on, actual decisions will be made in the light of specific combat situations when United States commanders have determined that the safety of South Vietnamese troops, or the security of American forces across the border in South Vietnam, requires tactical air strikes.

BOMBING AND STRAFING

The support would take the form of bombing and strafing missions by jet fighter-bombers and helicopter gunships.

In any event, it appeared that the reported course of United States policy—the apparent readiness of the Administration to supply air cover to the South Vietnamese if need be and to accept their continued presence in Cambodia—represented a major departure from the policy enunciated by President Nixon in his news conference May 8 explaining the Cambodian action.

On that occasion, he said that while the South Vietnamese were not obliged to abide by the American deadline, I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out our logistical support and air support will also come out with them.

Last Saturday White House officials told newsmen in a briefing at Key Biscayne, Fla., that the Administration had every reason to believe that the South Vietnamese would depart about the same time as the United States forces did.

At that point, however, according to authoritative quarters, President Nixon was already under mounting pressure from the Department of Defense and the Saigon Government to agree to an indefinite stay for South Vietnamese units.

LAIRD SUPPORTS STAND

There were growing indications this week that the Administration had decided to accept the argument that the South Vietnamese must remain in Cambodia, or, at least, be free to return when required. That interpretation was confirmed today by Secretary of Defense Melvin R. Laid. However, it was known that many key officials opposed the policy.

Appearing on the "Today" telecast of the National Broadcasting Company, Mr. Laird said: "I think it would be a mistake to make a firm timetable and establish it here for the Vietnamese forces."

"I personally feel as Secretary of Defense," he added, "if the occasion should arise when the South Vietnamese forces could go into the sanctuary areas at a time when the sanctuaries are rebuilt; when there are North Vietnamese occupying the particular territory, I would recommend that they be used if they so desire. It would be a decision that would be worked out in cooperation with the Cambodian Government and the South Vietnamese."

Mr. Laird emphasized, however, that there would be "no American advisers is Cambodia after June 30." Other Administration officials expressed confidence that the South Vietnamese troops had the capability to operate without them.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

AMENDMENT NO. 708

Mr. BYRD of West Virginia. Mr. President, on behalf of myself, and the able assistant Republican leader (Mr. GRIFFIN) and the distinguished junior Senator from Virginia (Mr. SPONG), I send to the desk an amendment, and ask that it be printed and lie on the table.

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The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The assistant legislative clerk read as follows:

On page 5, between lines 18 and 19, strike the period and insert the following: "Including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, it will be my intention on tomorrow, following the vote on the amendment offered by the able Senator from Colorado (Mr. DOMINICK), to call up the amendment which I have just asked to have printed. I hereby notify Senators to that effect.

ADJOURNMENT UNTIL 10:30 A.M., JUNE 18, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 18, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, June 17, 1970:

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10 of the United States Code:

To be major general

Lt. Gen. David Wade, retired, 433-58-0908FG, Louisiana Air National Guard.

Brig. Gen. Edwin Warfield III, 220-26-5606FG, Maryland Air National Guard.

To be brigadier general

Col. Clinton M. Miller, 478-16-9463FG, Iowa Air National Guard.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 17, 1970:

DEPARTMENT OF LABOR

James D. Hodgson, of California, to be Secretary of Labor.

JOINT CHIEFS OF STAFF

Adm. Thomas H. Moorer, U.S. Navy, for appointment as Chairman of the Joint Chiefs of Staff for a term of 2 years, pursuant to title 10, United States Code, section 142.

Adm. Thomas H. Moorer, U.S. Navy, having been designated for duties of great importance and responsibility commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

U.S. AIR FORCE

The following officer to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

In the grade of general

Gen. James Ferguson, 277-36-1469FR (major general, Regular Air Force), U.S. Air Force.

The following-named officers to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. Lucius D. Clay, Jr., 263-60-5244 FR (major general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard H. Ellis, 221-07-7008FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Sam J. Byerley, 448-05-3942FR, Regular Air Force.

Maj. Gen. Robert J. Dixon, 216-16-4239 FR, Regular Air Force.

Lt. Gen. Austin J. Russell, 490-44-8776FR (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations, under the provisions of section 711, title 10, of the United States Code.

U.S. NAVY

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Clarence M. Hart
Lewis A. Hopkins
George G. Halvorson
John D. H. Kane, Jr.
Edward L. Feightner
John M. Thomas
Brian McCauley
Thomas E. Bass III
Billy D. Holder
Richard E. Henning
William H. Shawcross
Robert P. Coogan
Ralph S. Wentworth, Jr.
Daniel J. Murphy
John S. Christiansen
Richard E. Fowler, Jr.
William M. A. Greene
Julian S. Lake
Joe Williams, Jr.
Joe P. Moorer
Walter N. Dietzen, Jr.
Harvey E. Lyon
Emmett H. Tidd
Robert O. Welander
Robert Y. Kaufman
Stansfield Turner
William R. St. George
Thomas B. Hayward
John J. Shanahan, Jr.
John G. Finneran

Rear Adm. John P. Weinel, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Line

Paul C. Huelsenbeck
Ira D. Putnam
Chester C. Hosmer
Samuel W. Van Court

Medical Corps

Scott Whitehouse

Supply Corps

Owen C. Pearce

Civil Engineer Corps

John H. McAuliffe

U.S. MARINE CORPS

Maj. Gen. John R. Chaisson, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE ARMY

The nominations beginning James H. Aanenson, to be first lieutenant, and ending Edward Poduszczak, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970; and

The nominations beginning William D. Jones, to be major, and ending John A. Zimmerman III, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970.

IN THE MARINE CORPS

The nominations beginning William J. Esmann, to be second lieutenant, and ending Paul W. Thomas, to be second lieutnant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970; and

The nominations beginning Thomas H. Allen, Jr., to be lieutenant colonel, and ending Stephen J. Williams, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, June 17, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let integrity and uprightness preserve me; for I wait on thee.—Psalms 25: 21.

Eternal God, our Father, who hast brought us to the beginning of a new day, grant that in all our ways and always we may remember that Thou art with us. Help us to do our duties, to carry our responsibilities, and to make our decisions with sincerity of mind and genuineness of heart. Remove from us all pretense, all deceit, all hypocrisy, and by Thy spirit may we do what we believe to be right for our country and good for our people.

Fill our lives with the mood of love and the motive of service that we may leap the boundaries of class, color, and creed and seek to minister to the needs of all Thy children.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for unanimous-consent requests to extend remarks, and so forth, or for 1-minute speeches with yielding back of the time, and later in the day the Chair will recognize Members for 1-minute speeches if Members desire to present them.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF COMMITTEE ON RULES ACCOMPANYING H.R. 17654

Mr. GETTYS. Mr. Speaker, I offer a resolution (H. Res. 1090) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1090

Resolved, That there shall be printed, concurrently with the press run, for the use of the House Document Room for House floor distribution, two thousand five hundred additional copies of the report of the Committee on Rules accompanying H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF COMMITTEE ON RULES ACCOMPANYING H.R. 17654

Mr. **GETTYS**. Mr. Speaker, I offer a resolution (H. Res. 1091) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1091

Resolved, That there shall be printed, concurrently with the press run, for the use of the Committee on Rules, two thousand five hundred additional copies of the report of the Committee on Rules accompanying H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. **GROSS**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 174]

Alexander
Baring
Biaggi
Brock
Buchanan
Bush
Chisholm
Clark
Collier
Corman
Cowger
Cramer
Daddario
Dawson
Dent
Dulski
Edwards, La.
Erlenborn
Ford, William D.
Gallagher
Gaydos
Giaimo
Gray
Halpern
Hébert
Jarman
King
Kirwan
Kyl
Leggett
McCarthy
McMillan
Nedzi
O'Hara
O'Neal, Ga.
Ottinger
Patman
Pelly
Pollock
Price, Tex.
Pryor, Ark.
Purcell
Roudebush
Roybal
Ruppe
Scheuer
Schneebeli
Schwengel
Weicker
Wilson, Charles H.
Wolff
Wyatt
Zablocki

The **SPEAKER**. On this rollcall 376 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENDING VOTING RIGHTS ACT OF 1965

Mr. **MATSUNAGA**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 914 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 914

Resolved, That, immediately upon the adoption of this resolution, the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, with Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments are, and the same are hereby, agreed to.

The **SPEAKER**. The gentleman from Hawaii is recognized for 1 hour.

Mr. **MATSUNAGA**. Mr. Speaker, I yield the gentleman from California, Mr. Smith, 30 minutes, pending which I yield myself 3 minutes.

Mr. Speaker, House Resolution 914 presents a very simple issue to this House; that is, whether or not we should agree to the Senate amendments to H.R. 4249, a bill to extend the Voting Rights Act of 1965.

The basic and real question, however, is whether or not the Voting Rights Act of 1965 should be extended beyond its present statutory life. If we fail to adopt House Resolution 914 today it will mean the demise of the Voting Rights Act of 1965 on August 6, 1970.

I have no doubt in my mind that unless House Resolution 914 is adopted by this body today, we will have seen the end of the Voting Rights Act of 1965.

Any Member of this Congress who has given any serious consideration to the parliamentary situation prevailing both in this House and in the Senate will agree that unless we act favorably on this resolution today the Voting Rights Act of 1965 will have come to an end on August 6, 1970.

Generally speaking, the Senate amendments in fact improve upon the House bill. Even a constitutional authority such as the gentleman from Virginia (Mr. Poff) testified before the Rules Committee that the Senate amendments do in fact improve the House bill.

There is only one difficult question posed by the Senate amendments, that involving the extension of voting rights to citizens 18, 19, and 20 years of age. The principal objection is based on the contention that the amendment runs contra to our Federal Constitution. It is said that as Members of Congress we took the oath upon accepting the responsibilities of our office that we would uphold the Constitution of the United States and that a favorable vote for this particular amendment would be tantamount to a violation of that oath. I, too, Mr. Speaker, took that oath and have no intentions of violating it. I am convinced, just as firmly as those who hold the opposite view, that the 18-year-old enfranchising amendment is fully within the power of Congress to enact without violating the provisions of the Constitution.

The Supreme Court recognized this congresisonal power in the case of Katzenbach against Morgan in 1966 when it upheld a provision of the Voting Rights Act of 1965 which banned literacy tests as voting qualifications. This power could constitutionally be extended to lower the voting age to 18.

Two of the Nation's leading constitutional authorities hold this view and so do dozens of other experts on constitutional law. Prof. Paul A. Freund of Harvard Law School and Archibald Cox, former Solicitor General under Presidents Kennedy and Johnson and professor of law at Harvard Law School, both of whom I have had the great privilege of having as my teachers, have expressed the view that article 5 of the 14th amendment grants to the Congress the right to legislate in this area.

As in any other question of constitutionality, sincere and well-intentioned minds can and will differ on this issue. The Supreme Court is duly designated by the Constitution as the final arbiter on questions of constitutionality. Let us, therefore, carry out our responsibilities as Members of Congress and legislate as we deem proper and let the Court decide whether or not we acted beyond our constitutional authority. Let us do now what we think is right.

Speaking now on the merits of the issue, Mr. Speaker, I thing the minimum age requirement of 21 years is both arbitrary and archaic. The use of "21" as an indication of adulthood and maturity originated during the medieval times when it was generally believed that a male at 21 was old enough for literally bearing the weight of arms and armor. While we have revised the age for bearing arms to 18, we have kept the age for voting at 21. Surely, this discrimination was not intended by Congress. It is noteworthy in this connection that approximately one-half of Americans killed in combat in Vietnam fall within the age group of 18 to 21.

With the knowledge explosion of recent years working in his behalf, the young person of 18 today is just as fully qualified to vote as a person of 21 was when the age minimum was set. Our youngsters today are much more sophisticated in political matters than we were at their age. I am confident that the 18 year olds of today will make as intelligent voters as did 21 year olds a decade ago.

Furthermore, by extending the right to vote to our 18-, 19-, and 20-year-olds, we would be showing visible recognition of the national crisis in confidence in our institutions and system among our youth. We would be encouraging and strengthening the position of those who want to work within the system rather than against it.

Mr. Speaker, as I stated earlier, unless House Resolution 914 is adopted today, the Voting Rights Act will expire on August 6 of this year. It cannot be denied that the act has been good for the Nation. It has made it possible for nearly a million black Americans to register to vote in States and jurisdictions which would not have permitted them to register otherwise. During its short lifetime, the act has resulted in a jump from 29 percent to 52 percent of registered voters among black citizens of voting age.

The accomplishments of the Voting Rights Act of 1965 have indeed been greater than expected, but it is clear that we are still a long way from the goal of equal enfranchisement for all citizens regardless of race or color. The act has been extremely effective. We do indeed have a good thing going. Let us keep it going. Let us vote to adopt House Resolution 914, the Matsunaga resolution.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the background of the matter is that we are considering today the fact that the House Judiciary Committee approved a Voting Rights Extension Act and the rule made it possible to substitute a bill in its place which is known as the "administration bill" and, more commonly, perhaps, known as the "Ford bill." The House passed that measure and it went to the other body. The Senate struck the entire House bill and placed in it an amendment. The amendment had three titles. Titles I and II have to do with the Voting Rights Extension Act. Title III has to do with the 18-year-old voting provision. When that bill came back to the House and went to the Speaker's desk, the normal procedure would be that a conference would be requested between the House and the Senate. However, in this instance that was not done. The distinguished chairman of the Committee on the Judiciary, the distinguished minority ranking member and others felt that this would not be the advisable thing to do. The gentleman from Hawaii (Mr. MATSUNAGA) then introduced House Resolution 914. The Rules Committee approved this resolution which, if adopted, will take the bill from the Speaker's table, approve the Senate amendment and send it to the President.

I introduced House Resolution 1048 which would require the bill to go to conference. I brought this to the attention of the Rules Committee in executive session and they turned it down and approved House Resolution 914.

Thus the parliamentary situation is this: If we are going to be able to send the bill to conference the previous question will have to be voted down, and the resolution—House Resolution 914—will have to be amended with appropriate language to send it to conference. I have that amendment prepared, and I am prepared to offer it if the previous question on the resolution—House Resolution 914—is voted down.

There are a number of differences of opinion. One has to do with whether or not the act definitely expires on August 6. The gentleman from New York (Mr. CELLER) is concerned about this, and he thinks that it would expire. The gentleman from Virginia (Mr. POFF) states that there are 19 parts to the original act, that 17 of them are permanent law, and only two of them could expire. However, the legal situation is such that the Attorney General could still proceed with cases whereby the act will not expire on August 6.

Be that as it may, it seems to me that there would be plenty and ample time to consider this measure in conference, and thereby the Members would have a right to vote on the conference report rather than just simply voting this up or down today.

The next problem has to do with the 18-year-old voting rights; whether or not this should be done by Congressional action or by constitutional amendment.

Everybody has an opinion on this. The deans of the law schools, constitutional lawyers, and I suppose every Member in this particular body has an opinion on this. But we are not the Supreme Court of the United States of America, and we can express all the opinions that we want to, but they will not have any effect when the decision is made by the Supreme Court.

The gentleman from New York (Mr. CELLER) testified that he was against the proposal to do it in this manner because it would be unconstitutional. He felt the Supreme Court would take speedy action to declare it to be unconstitutional, but that, too, is an opinion.

Mr. Speaker, it seems to me that this procedure is wrong. I think the people in the various States should have the right to determine whether or not they want people to vote under age 21. Some States do now permit this. Some States have turned it down. Some have turned the provision down on I believe more than one occasion. And this year on the November ballot there are a number of States that have that particular provision on their ballot.

It seems to me that that is a right which the people have, and that we should proceed according to the Constitution, propose an amendment, and present it to the people and the State legislatures, and then let them determine it.

I am not arguing whether they should or should not be permitted to vote, or whether it is constitutional or not constitutional. I am arguing procedure. I think we, the Members of this most distinguished legislative body in the world, should at least proceed in accordance with an orderly fashion, and have a conference and then have an opportunity to vote the bill up or down. Accordingly, I ask that you join with me in voting down the previous question, and accepting the amendment so that it can go to conference.

Just one final point, if I may: although the Senate bill is one amendment in total, there are three titles to it. The first two, as I mentioned, have to do with voting rights, and the third has to do with 18-year-olds voting.

And if in the conference, the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. MCCULLOCH), and others on both sides, on House Resolution 914, are concerned about the time limit, the managers on the part of the House can be instructed to accept titles I and II, and then simply confer or have a conference on the voting rights for 18-year-olds, and they should be able to settle that in a matter of one or two meetings.

So I urge the support of the Members in voting down the previous question.

Mr. MATSUNAGA. Mr. Speaker, I yield to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER) 8 minutes.

Mr. CELLER. Mr. Speaker, the Voting Rights Act of 1965 has made it possible for over 1 million blacks to register to vote and has made it possible for approximately 500 blacks to attain elective office.

The Voting Rights Act is finally making the promise of the 15th amendment of the Constitution—"the right of all citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude"—a reality.

It avails us little indeed to cleanse our polluted air and polluted waters, if we allow racism to pollute our political atmosphere.

The Voting Rights Act of 1965 did much to clear the political atmosphere. If the Voting Rights Act is not extended, the resumption of literacy tests and similar devices would occur. The wholesale reregistration of voters would be attempted which would erase all of the gains that have thus far been realized.

There would be gerrymandering of white areas.

There would be gerrymandering of black areas.

Offices that have heretofore been elective offices would be made appointive offices.

There would be sudden changes made in the places for people to vote and sudden changes in the time of casting that vote.

The Attorney General would be denied the authority to appoint Federal examiners and to register voters and to assign Federal observers to monitor the conduct of elections.

Mr. Speaker, if the Voting Rights Act is not extended, then the existing protections against manipulative changes in the voting laws will be eliminated.

Federal review by the Attorney General or the courts will no longer be a condition precedent to enforcing election law changes.

Sweet reasonableness does not exist unfortunately in some quarters to insure the freedom of the ballot. Indeed unreconstructed segregationalism prevails in many areas.

Finally, I want to point out to you my good friends that a vote against ordering the previous question is tantamount to a vote against the extension of the Voting Rights Act.

If there is any change in the bill, the bill then goes to conference and there, I can assure you, there would be the death knell of the bill.

Why do I say that? I say that because of my knowledge of what would happen in the other body. I know who the conferees would be. If this bill goes back to the other body, then this bill is as dead as that flightless bird called the dodo.

Over in the other body whether it be in the committee or on the floor—and I know whereof I speak—the gentlemen there would temporize, hinder, saunter, oppilate, prolong, prorogue, protract, procrastinate, and in other words, they would filibuster.

Mr. Speaker, the act expires 7 weeks from now. That is a short time—and an ideal time within which certain gentlemen could indeed filibuster.

The bill would be like the ferocious bull that goes into the arena. The bull goes in alive, all right—but we know that

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as a result of the work of the matador and the picador and the toreador that the bull does not come out of the ring alive.

This bill will go in alive, but it will come out dead. If you feel that the Voting Rights Act is a good bill, and it has proved its effectiveness, you must vote in favor of ordering the previous question on the pending resolution.

Now I am not alarmed at the rider of the voting age reduction provision on this Voting Rights Act. Court decisions can be cited for or against its constitutionality. On this question I am confident, however. The statutory voting age reduction provision will meet an early court challenge this year. It will receive a full and complete review by the Supreme Court before the end of the year and a final judicial determination will occur before the 1971 elections.

Lost time is never found again. Let us seize the opportunity now to guarantee the blacks the vote. Let us seize time by the forelock and vote for the previous question and pass the rule.

Mr. Speaker, the continuing need for the Voting Rights Act is forcefully illustrated by two voting rights suits brought in Alabama and Louisiana by the Department of Justice in just the last 2 weeks. One of these suits, instituted June 8—United States against Bishop, and others—seeks to void the primary election in Tallulah, La., on the ground that qualified Negro voters were purged from the voting rolls while ineligible white voters remained on the rolls.

Another suit filed by the Government on June 3—United States against Democratic Executive Committee of Wilcox County—also seeks to void a local election on the grounds that new qualifications for candidates were instituted in disregard of the provisions of section 5 of the Voting Rights Act. In other words, they were not submitted to the Federal court or the Attorney General before being implemented. These new candidate qualifications worked a substantial detriment to potential Negro candidates as well as Negro voters in Wilcox County, Ala.

Make no mistake about this. Without an extension of the provisions of the Voting Rights Act, in 2 short months, beginning in August of this year, jurisdictions now covered by the automatic remedies of the act will be in a position to obtain an exemption. This means that on August 7, the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia can go into Federal court and on the basis of the past 5-year ban on literacy tests obtain exemption from the automatic remedies of the Voting Rights Act.

Opponents of the Voting Rights Act extension argue that actually there is no imminent expiration of the act. They stress that only a judgment of the Federal court can release areas now covered by the act. They also maintain that court orders are not automatically granted.

Mr. Speaker, this argument is an exercise in legal hair splitting. It amounts to intellectual gymnastics. The simple truth is this: Unless the Voting Rights Act of 1965 is extended now, the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia will be free to petition the court for exemption beginning on August 7. For the past 5 years they have been prohibited by the act from using literacy tests as a qualification to vote. Thus, their exemption by court order is assured if the previous questions voted down and the bill would go to conference.

The statute is explicit—unless the Attorney General determines that such tests or devices have been used during the preceding 5 years for the purpose or effect of denying or abridging the right to vote on account of race or color, "he shall consent to the entry of such judgment." Although the actual order of the court may not be rendered until a later date, the legal steps for producing such exemption can begin on August 7, only some 7 weeks away.

A vote against the previous question is a vote against extension of the Voting Rights Act.

Any further delay in enacting an extension of the Voting Rights Act spells the end of its protections.

Mr. Speaker, no duty weighs more heavily on the Members of this Congress than to protect the right to vote from interference because of race or color. If final action to extend the 1965 Voting Rights Act is delayed any further—the real victims will not be 18-, 19-, or 20-year-olds—or those citizens who move from one State to another on the eve of a presidential election. The real victims will be black Americans who have been encouraged to participate in the electoral processes of this Nation—those citizens who have been promised the fulfillment of their constitutionally protected right to vote.

A further delay in extending the act will blot out protections the Congress enacted 5 years ago. It will shatter legitimate dreams and aspirations. It will mark 1970 as the year in which the Congress dismantled the most effective civil rights protection yet enacted. It may encourage the return of all of the undesirable, immoral, and legally impermissible voting restrictions based on race or color.

I urge my colleagues to support ordering the previous question and to support House Resolution 914.

Mr. Speaker, H.R. 4249, the voting rights extension bill, as amended by the House, was approved on December 11, 1969. The bill then was amended and approved by the other body on April 2 of this year. On April 8 I asked unanimous consent to take the bill from the Speaker's table with the Senate amendments thereto and concur in the Senate amendments. That unanimous-consent request was objected to. On the same day I wrote to the chairman of the Committee on Rules requesting that that committee grant a rule of the type embodied in House Resolution 914, and also requested a hearing before that committee at the earliest convenient date.

It may help if I attempt briefly to set out the major provisions of the Senate version of the bill. First, in two areas the Senate amendments closely parallel provisions approved by the House. These are:

First, a nationwide ban on literacy tests and similar devices. The Senate version imposes this ban 5 years until August 6, 1975, in all areas not presently subject to the literacy test prohibition under the Voting Rights Act. The House version banned such tests until January 1, 1974.

Second, establishment of a uniform ceiling on residency requirements imposed by the States for voting for President and Vice President of the United States. The Senate version reduces the maximum residency requirement from 60 days provided by the House to 30 days, and also gives citizens the right to register and vote by absentee ballots.

The Senate version of H.R. 4249 also contains three provisions not contained in the bill which the House approved last December. These are as follows:

An extension of all of the provisions of the Voting Rights Act of 1965 for an additional 5-year period—this is identical to the bill which the House Judiciary Committee favorably reported initially.

A supplemental trigger provision which extends the remedies of the Voting Rights Act to additional areas of the country based on 1968 election results. This may bring within the coverage of the Voting Rights Act of 1965 certain counties in New York State—Bronx, Kings and Manhattan—as well as counties in California, Idaho, and elsewhere.

Finally, the Senate version would reduce the minimum voting age to 18 in all Federal, State and local elections.

Mr. Speaker, I have said on the floor before, and I repeat again, that my paramount interest lies in the simple and prompt extension of all of the provisions of the Voting Rights Act of 1965. The records of our subcommittee hearings, Civil Rights Commission reports and the history of litigation over the past 5 years all testify to the substantial progress thus far achieved under the act as well as the fragility of that progress. For example, in Alabama, the nonwhite population registered to vote increased from 19.3 percent in 1964 to 56.7 percent in the late summer of 1968; in Georgia, from 27.4 to 56.1 percent; in Louisiana, from 31.6 to 59.3 percent; in Mississippi, from 6.7 to 59.9 percent, and in South Carolina, from 37.3 to 50.8 percent. The Voting Rights Act, by all accounts, has been the most successful and effective civil rights enactment of the Congress. Its goals have not been fully achieved as yet and I am convinced that an additional period is required to bring about the realization of full and unfettered participation of all our citizens in the voting processes.

If the Voting Rights Act is not extended, resumption of literacy tests and similar devices could occur. A wholesale reregistration of voters could be attempted which would erase all the gains thus far realized. The Attorney General would be denied authority to appoint Federal examiners to register voters and to assign Federal observers to monitor the conduct of elections. If the act were not extended, the existing protections against manipulative changes in voting laws would be eliminated. Section 5 of the act requiring Federal review would no longer be a condition precedent to enforcing election law changes.

On previous occasions I have ex-

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pressed reservations about the power of Congress to affect residency requirements for voting for President and Vice President and to ban literacy tests generally as voting qualifications. However, I do believe that reasonable men may differ as to the constitutional authority of the Congress to legislate in these areas.[1] In any event, I am persuaded that adequate recourse exists for prompt and complete judicial determinations concerning a nationwide residency ceiling for voting for President and Vice President and a nationwide literacy ban.

I have also expressed my qualms and personal misgivings about a statutory reduction in the voting age. Unlike many Members, I do hold doubts as to the wisdom of extending the franchise to persons 18 to 21. Of course, I recognize that many Members of the Congress do not share these qualms. I respect their differences of opinion.

I also hold reservations about the constitutional authority of Congress to statutorily amend voting age requirements in State and local, as well as Federal, elections. I am not confident that the provisions in the Constitution in article I, section 2; article II, section 1; the 17th amendment; or the 14th amendment empower the Congress to lower or raise the age qualification of voters in State, local, or Federal elections. Nor do I find decisions of the Supreme Court that hold or intimate that the Congress, by legislative fiat, may declare nationwide voting age requirements.

I do not read the decision of the Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), to squarely support congressional enfranchisement of persons below the voting age established by the States.

Despite these reservations and concerns, to which, as you know, I have given vent recently, I am now, today, firmly and finally of the opinion that we must brook no obstacle to the immediate extension of the Voting Rights Act of 1965. That extension is of such paramount national importance that it must be effectuated as promptly as possible and at a minimum of risk.

In 1965, the House Judiciary Committee report on the Voting Rights Act discussed the history of voting litigation in Dallas County, Alabama. The Committee report stated:

> The litigation in Dallas County took more than 4 years to open the door to the exercise of constitutional rights conferred almost a century ago. The problem on a national scale is that the difficulties experienced in suits in Dallas County have been encountered over and over again under existing voting laws. Four years is too long. The burden is too long. The burden is too heavy—the wrong to our citizens is too serious—the damage to our national conscience is too great not to adopt more effective measures than exist today.

That statement was the essential justification for the Voting Rights Act of 1965—it remains the essential justification in 1970.

Mr. Speaker, I am convinced that the provisions of the Senate amendment can be subjected to prompt and thorough court challenge. I am also persuaded that a final court decision on the validity of the statutory voting age reduction will be rendered in advance of primary and local elections occurring in 1971 to avoid calamity and chaos in our electoral process.

Suit could be instituted directly in the Supreme Court. A State could bring a suit against the Attorney General who is given the powers of enforcement under the Act—original jurisdiction is founded under article III, section 2, South Carolina against Katzenbach.

A suit also could be brought in a lower Federal court by a potential voter under 21 who is denied registration; or a voter over 21 if those under 21 are granted registration. In either case a three-judge court would be convened with direct appeal to the Supreme Court.

In any case, a justiciable controversy would be present even before the effective date of the voting age reduction. See *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). There, the Court affirmed injunctions restraining the Governor of the State of Oregon from threatening or attempting to enforce a law precluding private school education. The Court said:

> The suits were not premature. The injury to appellees was present and very real, not a mere possibility in the remote future. If no relief had been possible prior to the effective date of the Act, the injury would have become irreparable. Prevention of impending injury by unlawful action is a well recognized function of courts of equity. (At 536.)

In short, I believe that the national interest will best be served if the House promptly accepts the Senate amendments. I urge my colleagues to approve House Resolution 914 to permit House concurrence in the Senate Amendments to H.R. 4249.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I wish to thank my distinguished chairman for yielding. I appreciate very much the opportunity to address myself to some of the constitutional points that have been raised and also to deal specifically with the questions raised about getting an early hearing. I think you are going to hear it said that we cannot possibly get an expedited hearing by January 1. In order to save time, I would like to call the attention of the Members on both sides of the aisle to some remarks that I inserted in yesterdays's RECORD on page 1987, at the bottom of the page, which actually sets forth four different alternative means by which we can get an expedited hearing to determine the constitutionality as it relates to lowering the voting age to age 18. I would appreciate it if the Members would check that.

I want to say, too, that all of the arguments that have been raised about causing uncertainty in the elections in the year 1971 could have been raised in respect to the passage of the original Voting Rights Act. What happened when we passed the Voting Rights Act back in 1965? Well, the State of South Carolina was concerned about the constitutionality of the Voting Rights Act of 1965. It sought and obtained an early hearing and, in the case of *South Carolina* v. *Katzenbach* (383 U.S. 301), Chief Justice Warren stated in his opinion:

> Because no issues of fact were raised in the complaint, and because of South Carolina's desire to obtain a ruling prior to its primary elections in June 1966, we dispensed with appointment of a special master and expedited our hearing of the case.
>
> Recognizing that the questions presented were of urgent concern to the entire country, we invited all of the States to participate in this proceeding as friends of the Court.

And a majority of the States responded.

The same thing could be done in this case, and all the arguments that were raised in respect to the Voting Rights Act of 1965 could be raised here and could be answered in the same way, just as the Supreme Court handled its expedited hearings in the case of South Carolina against Katzenbach.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. MCCULLOCH).

Mr. McCULLOCH. Mr. Speaker, let there be no mistake. If House Resolution 914 is not adopted today, the most effective civil rights law in our Nation's history will be emasculated. If the key provisions of the Voting Rights Act of 1965 are not renewed, this day will go down in history as a day of infamy, a day as tragic as that day in 1894 when the Congress repealed all Federal laws prohibiting racial discrimination in voting.

The Voting Rights Act says that a State or county shall be entitled to removal from the key provisions of the Act if a literacy test or device has not been employed for 5 years with the purpose or the effect of racial discrimination. The State or county in question may file its petition at any time. Wake County, N.C., has already filed its petition and been granted relief. And perhaps tomorrow some other jurisdiction will file and get relief. There is no guarantee that we have until August 6 of this year to renew these key provisions. If a jurisdiction did not discriminate in applying its literacy tests in June and July of 1965, relief is obtainable for the asking. Today, Mr. Speaker, may already be too late.

The Senate amendment is not regional in application. It applies the Voting Rights Act to all parts of the country. It proscribes literacy qualifications for all parts of the country. It establishes uniform residency qualifications for Presidential elections for all parts of the country. And it establishes uniform age qualifications for all parts of the country.

But as one objection is met, another is voiced. The administration argues that the age-qualification provision is unconstitutional.

I find that argument more convenient than consistent. How can it be that Congress can constitutionally ban literacy qualifications in Maine or Wyoming and override the residency qualifications which the States have set for presidential elections—as the administration ar-

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[1] Indeed, a case is now pending before the Supreme Court which challenges the validity of an English literacy test (Jimenez v. Naff), in the State of Washington. It is expected that the Court will rule on that matter in its next term.

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gues—but cannot set age qualifications? If we can take legislative notice of the facts that rationally support our setting the literacy and residency qualifications for voting, than we can do the same with regard to age qualifications.

It is not simply a coincidence that those who argue that the age-qualification provision is unconstitutional completely ignore the most recent Supreme Court decisions. On June 16, 1969, the Court set down some new rules regarding the franchise in Kramer against Union School District. The Court said:

> When we are reviewing statutes which deny some residents the right to vote, the general presumption of constitutionality afforded state statutes and the traditional approval given state classifications if the Court can conceive of a "rational basis" for the distinctions made are not applicable.

Limitations on the franchise must be more than rational, said the Court. They must be "necessary to promote a compelling state interest." I do not believe that an age qualification set at 21 years of age is necessary to promote any compelling State interest of precluding immature voting. One could do that with a lower age qualification. Hence, it is quite clear to me that if the age qualifications of 21 years of age are not in themselves unconstitutional, the Court could certainly "perceive a basis"—in the words of Katzenbach against Morgan—on which Congress might reach that conclusion.

Adoption of this provision will not cloud elections. The issue can be quickly resolved—well before January 1, 1971, the effective date of age-qualification provision. The Supreme Court has jurisdiction to hear the case originally where a State is a party. The Supreme Court has shown that it can decide cases in a month or so when it has to. There really is no problem here.

I urge you to vote "yes" on the previous question and on the passage of House Resolution 914.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding and commend him for his dedication in the struggle for equal justice. Ever since I have been in the Congress the gentleman from Ohio has been steadfast in support of such legislation. He has never failed to cooperate with the chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER) in effecting passage of this kind of legislation. I agree that we are on the brink and that our action in the House today will determine whether this Nation will move forward to make political participation more meaningful for many who are still on the outside.

This legislation today has one elementary objective and that is to extend political participation for all of our citizens regardless of their race. In addition we are now taking the long overdue action of extending the vote to those 11 million Americans who are 18, 19, and 20 years of age. The joining of the Voter Rights Act with the 18-year-old vote recognizes how crucial it is that the franchise be extended to as many as possible. And we are doing them no small favors. All black Americans ought to be able to fully participate in the political process as well as those who have the legal responsibility to bear arms in the name of their country.

This bill which I have supported is a very modest document and the fact that it needs extension for an additional 5 years speaks to that point because out of millions of black Americans in the South who ought to be able to participate in politics without the necessity of a voter rights bill, in 5 years we have registered somewhere around a million of them. We ought to do more. The bill needs much more enforcement and I hope that the administration will, for whatever reasons that might motivate them, see that the law is enforced and is not just another dead letter on the books.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, the heart of the matter before us today is whether we will accept the Senate amendments which include a provision lowering the voting age. To do so is to avoid a conference and subsequent votes in both Houses on a conference report with the delays which would attend such a decision. The August 6 expiration date of the Voting Rights Act, a scant 7 weeks hence, has special relevance to the decision we must make. Som complain that this is an intolerable procedure and an affront to the normal legislative prerogatives of this House. However, that argument is not compelling when the substantive issue so completely dwarfs the procedural aspects of the problem that now confronts us. In less difficult times the luxury of a more leisurely procedure would perhaps be warranted.

A few days ago, following an extensive tour of the Nation's campuses, members of the White House staff reported their findings on the attitudes of American youth to the President. I have not seen their report, but press accounts reveal that they were shocked by the degree to which young people are afflicted by a sense of powerlessness which in turn has stimulated a distrust of some of our most basic institutions. They are constantly enjoined to work within the system only to find that the system excludes them from any direct participation in the actual decisionmaking process. Mr. Speaker, these are our children—as Robert Finch, a member of the President's cabinet put it, and not the children of some far-off alien planet. Some of them may look strange and sound strange, but we reject them at our own peril, for there is no other generation which we can substitute in their place. We will either convince them that the ballot box and the elective process is an effective means of accomplishing change or inevitably they will succumb to the same pressures that have brought the demise of democracy when faith in man's right to freely choose has begun to fade.

There are those today with honest constitutional qualms. They view this legislation as an invasion of the power of the States to establish 21 as a minimum age for voting. But we have already, by this legislation, told the States they cannot impose a residency requirement of more than 30 days for voting in a national election or impose any kind of literacy test. Age, residency, and race—these are all matters in which clearly the Congress does have the power under the 14th amendment to make a finding that certain State requirements do not bear any reasonable relation to an interest of the State. Therefore, they may be proscribed by Federal action in order to carry out the equal protection of the laws guaranteed by the Constitution. As long as the Court can perceive that the Congress had a reasonable basis on which to act—to make such a finding—it cannot substitute its judgment for that of Congress. Katzenbach against Morgan shows that this principle of interpretation of the equal protection clause is firmly embedded in the law.

Some weeks ago we had before this House a most controversial piece of legislation, the District crime bill. Hopefully we will soon consider a Senate bill dealing with organized crime. These measures are literally studded with provisions which have been sharply attacked on serious constitutional grounds. Yet it is no violation of our oath to support and defend the Constitution of the United States to decide in favor of even the most controversial measure if in our own minds we can reconcile it with an appropriate grant of constitutional power.

I believe section 5 of the 14th amendment does give me the right, yes, the responsibility, of formulating an independent judgment on the issue now before us. I believe that by broadening and extending the franchise I am helping to broaden the very base of our democracy. I believe that I am strengthening the foundations of a democratic society now under substantial assault. I believe that the overwhelming majority of those who are 18, 19, and 20 are concerned and committed—reasonable and responsible. Therefore, I will not succumb to any impulse to punish them for the irresponsible criminality and reprehensible conduct of a violent few. For those who take to the streets have no interest in the ballot box.

Ibsen said:

> I believe that man is right who is most in league with the future.

An affirmative vote for the proposition now before us is right because it demonstrates to the youth of our country that we believe both in them and in their future conduct of the affairs of this Republic. We will be there to guide and assist them, but we are willing to let them begin now to have a vital part in the workings of our democracy. I, for one, believe that they will be responsive to that challenge.

Mr. MATSUNAGA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, I thank my colleague for allowing me these very valuable minutes to discuss what I truly

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believe is the most important piece of domestic legislation we will consider during this Congress.

Let me say first that as a lawyer, a member of the Committee on the Judiciary, and a public official sworn to uphold the Constitution, I can vote for H.R. 4249 with conviction that we are acting constitutionally. Whenever we undertake to legislate in a new area, there will be some question of our power to do so. But in this case, the language is there, in the 14th amendment—"Congress shall have the power." And the language is there in the Supreme Court cases:

> It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did. (Katzenbach v. Morgan, 384 U.S. 641 (1966)).

Why should we tell the States what to do? Partly for the same reason that we tell them not to have a kingdom, or a dictatorship, even though the people of a State might want it. Why should we tell the States what to do?—for the same reason that we tell them not to discriminate against black people or Mexican Americans or illiterates. The federal system specifically ordains that there will be voting and that the major conditions of voting will be determined as a matter of national policy.

Nor is there substance to the captious charge that 18-year-old voting is some kind of "ungermane" rider to this bill. It is a very easy rider—because age, like race, residence, and reading, has a history of being used as an excuse to keep people from participating in the choosing process.

If the question of voting eligibility means something more than eligibility of a fraternity—then we have the obligation to remove all impediments that deny people the most fundamental blessing of liberty, and that keep the Union from being more perfect. The same law and logic that tell the states not to use race or residence or reading as the means of barring the voting door, compel us to limit the age discretion of the State. Are those who argue otherwise prepared to let a State use age 50 as a minimum for voting? Some States might desire such an option. The question is not whether age can be regulated—the question is what is the reasonable minimum age? Is it 21, the figure which was arbitrarily selected in medieval times as the age at which a squire could become a knight? Should that be the relevant measure of our Republic? Or is it 18, which so clearly separates the boy from the man, the girl from the woman?

And in any event is that not what Congress can find? Those who say 18 is too young to vote—are they prepared to change the draft laws to make 21 a minimum age for service? Are they prepared to say that all persons under 21 shall be treated as juvenile under the criminal laws? If we resolve doubts in favor of democracy, then 18-year voting should not be doubtful.

But the important thing about this bill, as amended by the Senate, is its bring-us-together potential. For 3 years and more, our country has been ripped and torn and shot at until some wonder if we can ever come together again as one people. That is the importance of this bill: it speaks to those very groups who are so alienated from our institutions. To the poor and illiterate, it says "yes, we want you to vote, too." To the blacks, it says "yes, we will keep faith with you, we want you to vote, too." To the young, America's future generation, it says "yes, we welcome your participation in our system."

This bill gives the disinherited a piece of the action: it gives the alienated a voice in shaping the institutions which they now criticize so harshly; it gives many Americans a stake in America's future which they do not have now. In short, it enfranchises the disenfranchised of America. It is needed to make more real the ephemeral notion that 200 million people can rule themselves.

This is a day of high hope. The great expectations of and for this country can be shared by many who up to now could only press their noses against the glass that excluded them as too black—or too dumb—or too young.

This bill can go a long way toward restoring the soul of this country.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I urge the House to concur in the Senate amendments to the bill extending the Voting Rights Act of 1965.

There is nothing in the Constitution which restricts the Congress in taking the action which I hope the House will take today in assuring to 18-, 19-, and 20-year-olds the right to vote.

Nor is there anything which prohibits the Congress from outlawing literacy tests, or poll taxes, or which prevents the Congress from deciding that only Americans whose native tongue is English shall be entitled to vote.

The principle in all these areas of appropriate congressional action is the same.

The Supreme Court has recognized the validity of the latter principle in Morgan against Katzenbach.

The Attorney General has recognized the validity of this principle, and the President has urged us to embrace this principle in this bill, by banning literacy tests nationwide.

I am suggesting that on the basis of the precedents and equity and good conscience we recognize this basic principle here, in according to 18-, 19-, and 20-year-olds the equal protection of the laws under the 14th amendment to the Constitution by permitting them to vote.

I am interested in this subject on the basis of its constitutional authority, and also on the basis of its justice. In supporting the right of these younger citizens to vote, I am mindful that some of them have acted irresponsibly.

But that is a small minority of the more than 11 million citizens in whose behalf I am speaking. Among these 11 million persons most belong to the silent majority, and more than half are employed and are paying taxes; and 800,000 are under arms. Over a million are housewives, looking after their own homes and household budgets. An overwhelming majority of them are high school graduates.

Mr. Speaker, do we want to support the rights of these 11 million citizens to participate in the affairs of our representative republic by voting and electing? I believe we do.

What is the real basis for recognizing originally that 21 should be the minimum lawful age for voting? As the gentleman from Illinois (Mr. MIKVA) said, it was at that age when he moved from one category in English law to another.

According to the debates in the other body—21 was established as the minimum voting age because young men were not considered to be strong enough to bear their suits of armor until they attained the age of 21.

But today our young men are considered old enough—and strong enough to carry bullet-proof vests—and arms—when they are 18. So, the original reason for the 21-year-old minimum age is gone—and so is the argument that would retain age 21 on some untenable constitutional or other basis. It is argued that if the Supreme Court holds the lowering of the voting age by legislation to be unconstitutional, these young citizens will feel frustrated and their hopes will be dashed. I reject that argument.

Deciding today in favor of concurring in the Senate amendments will give hope and confidence to our younger citizens. These 11 million deserve our support today.

So, also do the blacks and other disadvantaged citizens who will benefit from this legislation.

Mr. MATSUNAGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, the Senate amendment lowering the voting age to 18 shares a common evil with the 1965 Voting Rights Act, to which it is attached; both trample on the rights of the States.

It is hard to imagine that anything could worsen the Voting Rights Act, which remains a weapon to bludgeon a few Southern States into line by taking away their constitutional powers in determining voter qualifications and conducting elections.

Yet, many in Congress have decided that they, and not the several States, can determine voting age qualifications. They make such a decision, in spite of article I, section 2 of the Constitution, which clearly states that the electors for the House of Representatives shall have the same qualifications as the electors of the most numerous branch of the State legislature.

The 17th amendment, which provides for the direct election of Senators, restates the point that the States, and not the Federal Congress, determine voter qualifications.

Since the power to change voting requirements belongs to the States, the only proper way to lower the voting age is by constitutional amendment. Three amendments affecting voter qualifications have already been added to the Constitution.

In addition to the 17th amendment, the 19th amendment guaranteed women's right to vote, and the 24th amendment eliminated the poll tax as a requirement for voting.

Proponents of a voting qualification change by simple statute base their case on an incredibly liberal interpretation of the 14th amendment. They contend that "equal protection of the laws," guaranteed by the amendment, are being denied those under 21 years of age.

Where would such logic end? If 18-year-olds are denied equal protection of the laws, simply by not having the vote, what about 17-year-olds and younger? This pattern of thinking could lead to the abandonment of all age restrictions, as a denial of the amendment's equal protection clause.

The error in thinking that this amendment justifies changing the voting age by a simple act of Congress is plainly evident in the amendment itself.

Section 2 states:

> When the right to vote at any election for the choice of electors for President and Vice President of the United States . . . is denied to any of the male inhabitants of such State being twenty-one years of age, and citizens of the United States . . . the basis for representation shall be reduced.

It hardly stands to reason that the equal protection clause of the 14th amendment was intended to apply to lowering the voting age, when in its very next paragraph it specifies the 21-year-old requirement.

The rightness or wrongness of lowering the voting age is a matter of opinion, to which each Member of Congress is entitled, along with every other American, but it is not a matter for congressional statute.

If legislatures in three-fourths of the States decide to lower the minimum age for voting, it will be lowered nationwide, and the Constitution will suffer no damage.

Aside from the improper approach to changing the voting age, there is little evidence to prove that the idea has nationwide approval. Forty-six States now have the 21-year-old minimum, and some 20 States have considered and rejected teenage voting in the recent past. Eleven States will vote on the issue this year.

The question before the House today is, shall we junk the tried and true amendment process for a reckless alternative, born of emotionalism and political expediency? I should hope not.

Mr. MATSUNAGA. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, the House of Representatives, on certain rare occasions, is called upon to make decisions of a far greater magnitude and of infinitely more significance than we do in our customary legislative activities. Today is such an occasion. In a few minutes, this body will be required to make an historic and momentous determination whether or not to extend the franchise to 18-year-olds.

The history of our Republic is a record replete with the continuing broadening of the franchise. Ours has been a chronicle without parallel of the further implementation of democracy by the inclusion of an ever greater segment of our citizenry in the political decisionmaking process. Our forebearers were endowed with unique pragmatic political insight. They thus succeeded in accomplishing the greatest revolution, bloodless or otherwise, ever experienced by mankind. They in effect translated into reality the democratic ideals of the Declaration of Independence. Swept into the dust bin of history were religious tests for public office, property qualifications for voting, the indirect election of U.S. Senators, and bars to voting because of sex, color, or ethnic origin.

Within the hour, the membership of the House will be tested on the fundamental proposition of whether or not we possess a political sagacity and faith in the democratic way of life equal to that of our predecessors. When the reading clerk calls the roll on the key vote, the motion ordering the previous question on House Resolution 914, the proposition will be simple and clear cut. It cannot be evaded. Those who endeavor to equivocate that they are for the 18-year-old vote but insist that the cumbersome time-consuming constitutional amendment route be pursued, are in effect against extending the franchise to 18-, 19-, and 20-year-olds. Eminent legal scholars such as Professor Freund of the Harvard Law School and Archibald Cox, former Solicitor General of the United States, are confident that the Congress has ample statutory power to legislate in this area. Our power stems from the Equal Protection clause of the 14th Amendment. The Senate has already voted 64 to 17 to grant 18-year-olds the vote by simple statute.

The constitutional amendment route is not under the present circumstances a viable alternative of congressional statutory action. All of us know that. There is absolutely no chance whatsoever of getting such a constitutional amendment passed by the Congress and ratified by the necessary three-fourths of the States prior to the 1972 presidential election.

I do not know, no one can certainly know, to what extent newly franchised 18-, 19-, and 20-year-olds might participate in the political process and vote in 1972. Neither do I know how those who do vote will vote. Personally I do not really care. I do not regard this as a narrow partisan question. Should I be certain that these young people would vote Republican en masse, I would still earnestly and strenuously support their enfranchisement. I would do so because this is a question of equity and justice. To inject a scintilla of partisanship into this matter would be degrading and do a grave disservice to our finest traditions.

Should the opponents of the 18-year-olds vote succeed in voting down the previous question, it will mean there will be no vote for the 18-year-olds and, of equal significance, there will be no extension of the Voting Rights Act of 1965. For if this legislation is sent to conference, the fate of any conference report in the other body is certainly not difficult to imagine. The Voting Rights Act, which has enabled millions of previously disfranchised Negroes for the first time to vote and participate in the political process, would then die in August. Thus at the very time when moderate Negro leaders are urging their people to eschew violent and nonlegal methods, we would in effect once more be slamming the door in the face of those who wish to operate through legal channels.

I would point out to the House, moreover, that the measure before us is not aimed at any one section. Rather, its aim is to protect the voting rights to everyone everywhere. The pending bill modifies the so-called trigger formula to make the 1965 act applicable to all States and counties in which less than 50 percent of the voting-age residents were registered on November 1, 1968, or voted in the 1968 presidential election. These provisions would extend coverage of the act to three Alaska districts; Apache County, Ariz.; Imperial County, Calif.; Elmore County, Idaho; Bronx, Kings—Brooklyn—and New York—Manhattan—Counties, N.Y.; and Wheeler County, Oreg.

The House, if it votes down the previous question on the resolution of concurrence, will have informed both the young and the Blacks that there is no place for them in the orderly political process.

Mr. Speaker, I have made my decision. I have faith in the future. I have confidence in the young people of this Nation. I favor protecting the voting rights of all our citizens regardless of race or color. I shall take my stand with democracy. I urge my colleagues on both sides of the aisle to do likewise in overwhelming numbers so that when historians write of this momentous decision, it may be recorded that the vast majority of the House of Representatives chose to take its stand on the side of fairness, freedom and the future.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield to me in connection with what the gentleman just said?

Mr. ALBERT. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I have here a list of 14 men from Maryland, chosen at random, who died in Vietnam so far this year. Of the 14, 10 are under 21 years of age. These young people of 18, 19 and 20 are the ones who are carrying the real burden of their country and are the ones who should have something to say about how it is run.

Mr. ALBERT. I thank the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I submit the names for the RECORD.

Air Force Sgt. Robert D. Walsh, 22, Dundalk.

Capt. James M. Atchison, 25, Frederick.

Army WO William W. Noetzel, 20, Lutherville.

Army Pfc. Donn M. Lorber, 20, Brooklyn, Md.

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Marine L. Cpl. Michael Soltys, 19, Baltimore.

Army Pfc. James Ghee, 20, Baltimore.

Marine L. Cpl. John J. Croce, 19, Columbia.

Army Sp4c. G. Blakeney, 20, Baltimore.

Pfc. J. Dastoli, 20, Chillum Terrace.

Army Pfc. L. Morgan, 20, Laurel.

Lt. Col. J. Clark, 38, Temple Hills.

Pfc. Thomas Pritt, 20, of Aberdeen.

Cpl. John L. Grimes, 21, of Forestville.

Sp4c. Richard S. Cunningham, 22, Spencerville.

Within the hour, Mr. Speaker, the House will be tested on the fundamental proposition of whether or not we retain faith in the democratic way of life.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Speaker, I want to begin by thanking the distinguished gentleman from California for yielding this time to me and say that many of us who had the opportunity to tour the college campuses became convinced that the overwhelming majority of our students and our young people were sincerely motivated about their concerns. They were also very frustrated. They were also being encouraged to try to overthrow the system by the very vocal radical element. They were frustrated because they had no voice in decisionmaking and in decisionmaking that directly affected them more than any other group in the United States of America.

I do not think that they are going to understand, if we refuse to pass this, that there are grave constitutional questions. I have difficulty understanding also when there is about an equal division of expert authorities saying that this is constitutional. I have difficulty understanding why we should not let the Supreme Court decide. I heard one lawyer testify before the Rules Committee that we should not pose a dilemma to the Supreme Court and confront them with this responsibility.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I only have 1 minute left; otherwise I would be glad to yield to the gentleman.

Mr. Speaker, I would say that is the responsibility of the Supreme Court. They must make that determination.

I would ask those Members who argue the constitutionality and who have said to me, "Well, how can you support this if there is any question about the constitutionality," I would ask them, "Why did we support the District of Columbia crime bill about which there were serious reservations with reference to the question of constitutionality"?

I supported it.

Further, Mr. Speaker, what about the organized crime bill, S. 30, which is now pending before the House Judiciary Committee? It has been scathingly criticized because of the constitutional questions involved.

Mr. Speaker, I wonder how many Members will feel the same compulsion to vote against that measure because of the many constitutional questions raised by it?

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Speaker, I am not a Johnny-come-lately. I have been on the record for well over 2 years favoring the reduction in the voting age to 18-, 19-, and 20-year-olds. So, this proposition is not new to me. With the objective there is general agreement, the question at issue here today is how we are going to achieve this objective. Are we going to proceed through the normal constitutionally acceptable process, followed at the time we gave the women the right to vote by an amendment to the Constitution, or are we going to follow a procedure that is simply politically expedient.

I do not presume to know all of the involved legalistic arguments. I have read several of the related cases and legal briefs. I have listened to the authorities that have been cited. I have listened to the arguments, both pro and con. With all due respect to the legal profession, insofar as the lawyers in Congress are concerned, their art seems to be in finding seemingly logical reasons to support a predetermined conclusion. At best there is grave doubt as to the constitutionality of lowering the voting age by statute. This in itself is sufficient reason to reject such a procedure as is here proposed. Why risk an election being declared invalid, with very serious consequences, when there is an established constitutional procedure about which there can be no questions. At best, Mr. Speaker, there is grave doubt—there is grave doubt—in the minds of the people, including the lawyers, as to why we even bring up the question whether or not the Supreme Court should or will act on this immediately.

Mr. Speaker, if one has sat as a juror in the courtroom, he has heard the judge say to the jury, "If there is reasonable doubt, then you have to find for the accused."

The established constitutional procedure has been followed many times in changing our constitutions, and twice on the voting rights proposition itself. Why should it not be followed at this particular time on the matter of reducing the voting age?

We regret to have to say that in the procedure now proposed a constitutional principle is being sacrificed today on the altar of political expediency. It is ironic that some of our colleagues who preach the doctrine of "new federalism" and also urge recognition of States' rights and revitalization of State duties and responsibilities—and the place is full of them today—should be among those who are advocating the statutory procedure over the constitutional amendment procedure that would give the people of the respective States a voice in this major change.

I repeat, I am for the right to vote for the 18-year-olds, but I want to do it in a constitutional way, and I think that would be the overwhelming choice of the American people.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. Poff).

Mr. POFF. Mr. Speaker, with respect to the 18-year-olds voting issue I support a constitutional amendment, and if I were a member of the State legislature I would vote to ratify such a constitutional amendment.

I cannot support a Federal statute simply because I regard it as unconstitutional. Even if constitutional, however, it would, it seems to me, be unwise for the Federal legislature thus to preempt the domain of the State legislatures.

Now, with respect to the Voting Rights Act—and this will be the gravamen of my statement—I favor the House bill over the Senate bill, but think that the Senate bill is better than the present law. I would like that clearly understood by way of preface to the other comments I want to make.

Mr. Speaker, what troubles most Members is the fear that a conference might lead to a Senate filibuster which might frustrate extension of the Voting Rights Act before the August 6 terminal date. For two reasons, that fear is unrealistic.

First, there was no filibuster when the bill passed the Senate earlier. This is because even those Members who feel that the House version was superior to the Senate version understand that the Senate version is superior to the present law.

Second, a filibuster, even if successful, would not, as some fear, repeal the Voting Rights Act of 1965. Of the 19 sections of that act, 17 are permanent law and have nationwide application. The other two sections, the 1964 "trigger" section and the "preclearance" section, would "expire" on August 6 only in the sense that it could become inoperative with respect to the seven States which they cover.

All seven States would continue to be covered after August 6 and would remain covered until the law's escape mechanism had functioned. That mechanism does not function automatically. Its procedures are activated when, and only if, a covered State initiates a lawsuit in the District Court of the District of Columbia. The Federal rules of civil procedure give the Attorney General 60 days in which to file an answer. Thus, even if a covered State brought suit on August 7, the earliest day the court could enter an escape order would be October 8.

Neither is an escape order automatic or mandatory. A covered State is entitled to escape coverage only after it has produced the evidence to prove that it has used no literacy test for voter qualification for a continuous period of 5 years. If the Attorney General presents evidence that the State suing for escape in fact used a literacy test, notwithstanding suspension of that test by the Voing Rights Act, the court will refuse to enter an escape order; the State will remain covered and cannot thereafter escape coverage until it has brought another lawsuit and produced new evidence of innocence for a continuous period of 5 years beyond the date it last used a literacy test.

Finally, the escape when successful, is not absolute. Even if the court enters

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an escape order on October 8, the Voting Rights Act provides that the court will retain jurisdiction for an additional period of 5 years. At any time during that probationary period, if the State should attempt to reimpose a literacy test and use it discriminatorily, the court could immediately reassemble the parties litigant and enter an order striking down the new test or other discriminatory device.

Therefore, those who support the Voting Rights Act but feel that a Federal statute lowering the voting age to 18 is unconstitutional can vote to send this bill to conference without fear of emasculating the Voting Rights Act. I earnestly believe that a conference committee will report an extension bill which all can support enthusiastically. This will clear the path for prompt hearings on a constitutional amendment for 18-year-old voting. I will support such an amendment, and if I were a member of the State legislature, I would vote to ratify it.

I cannot vote for a Federal statute on 18-year-old voting, because I am convinced that it is unconstitutional. Time will not permit me to argue the constitutional question. Accordingly, for the sake of argument, I will assume, without conceding, that Congress has the constitutional power to act by statute. But that is not to agree that it is wise to exercise the power. It is, I believe, unwise for three distinct reasons:

First, it is unwise because it would cast a cloud of uncertainty over 1971 elections. Even if the court test could be concluded and a judgment of constitutionality rendered before January, it might come too late for voter applicants in voter registration periods preceding elections scheduled early in 1971. All elections, primary and general, legislative and municipal, and even popular referendums are covered by the proposed statute. Even if the new age requirement could be timely applied to all elections, if it should be ignored, either willfully or innocently, by some voting registrar in some remote precinct, and if the result of the election might have been affected thereby, there could be chaos. If the election were a bond referendum, no lawyer could safely certify the bond issue.

Second, a Federal statute is unwise because it would tend to erode the Federal system. In the last 5 years, 20 States have rejected propositions to lower the voting age, one of them twice. This year, 15 States have the proposition on their ballots. For the sake of the Federal system, is it wise for the Congress, even if it has the raw power to do so, to veto the will of half the States?

Third, a Federal statute with a built-in court test is unwise because it confronts the Supreme Court with an impossible dilemma. If it sustains the statute, the Court will be accused of amending the Constitution by judicial fiat. If it declares the statute unconstitutional, the Court will be blamed for frustrating the expectations of 11 million young Americans between the ages of 18 and 21.

It is, I repeat, unwise to expose the Court to such needless abuse. It is unwise to encourage and then perhaps disappoint the young men and women of our country at a time when they are already concerned about the broader gap between promise and performance.

The wise course, the safe course, the unchallengeable course, the tried-and-true course, is to amend the Constitution in the manner which the Charter itself provides.

Mr. MACGREGOR. Mr. Speaker, most constitutional authorities share the view of President Nixon that a constitutional amendment is the only proper way by federal governmental action to give 18-year-olds the vote uniformly throughout the Nation. I have copies of a number of letters by professors of constitutional law, deans of law schools, and others supporting Mr. Nixon's position. I am inserting them in the RECORD:

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., April 20, 1970.

Hon. RICHARD NIXON,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR PRESIDENT NIXON: Tom Currier suggested that you might be interested in my views on the pending legislation to change the voting age in all elections, state and federal, to 18 years. The arguments pro and con are well advanced in the two published letters coming from Harvard and Yale and taking opposite positions, and need not be stated here.

My views on the constitutional issue is that it would be unwise to push the Section 5 power of Congress to "interpret" the 14th amendment that far at this time. While logical arguments can be made extending *Katzenbach* v. *Morgan* this far, it would be a drastic change in our constitutional distribution of power for Congress to prescribe the voting age for state and local elections. This would severely stretch the notion of equal protection by Congressional fiat.

Without trying to predict what the Court would do if the issue were presented, I think the Court ought not to extend the Congressional Section 5 "interpretation" power that far, and that Congress ought not to force this kind of a decision on the Court. The power of Congress to "interpret" the 14th amendment through the Section 5 power to deal with serious evils beyond the normal scope of judicial action is a salutary power that I would like to see preserved. To stretch this power as proposed in the pending legislation could easily result in court opinions that would cripple its usefulness for later situations where it is really needed.

I suppose this reflects my view that the vote for 18-year-olds is not a pressing social problem that requires such a drastic and speedy remedy. For the federal government to impose the 18-year age on state and local elections is a sufficiently major change from our distribution of power within the federal system that it should not be imposed by Congressional decision, but only by constitutional amendment.

Sincerely,

WILLIAM B. LOCKHART.

THE UNIVERSITY OF TEXAS AT AUSTIN,
Austin, Tex., April 20, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I do not think that the Congress has power by statute to lower the voting age to 18. If one takes literally all of the language in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966) then the power to do so exists. I think that the *Katzenbach* case was incorrectly decided and therefore I have no desire to see it pushed as far as might be logically possible. Even accepting for the sake of argument the holding in the *Katzenbach* case, I think it would require a considerable extension of that holding to find the present proposed legislation valid. An argument can be made that to bar persons from voting because they are not literate in English is an irrational distinction within the traditional equal protection doctrine. I do not think that argument can be convincingly made with regard to age. Age limit on voting necessarily must be arbitrary. There is no single specific day in the life of all citizens in which it can rationally be said that they suddenly are informed members of the electorate though they were not so one day before. It is a problem in drawing lines and I think the clear meaning of Article 1, Section 2 of the Constitution is that these lines are for the states to draw.

It is my understanding, though I do not have the materials in front of me, that several of the states that have recently lowered their voting age have chosen some age other than 18. This tends to support the view that there is no mystic quality about the age 18 that makes it irrational for a state to refuse to allow a person 18 years old to vote.

The Constitution has carefully formulated provisions for the method of its amendments. I cannot believe that Section 2 of the Fourteenth Amendment upsets those and allows the Congress to make drastic changes in our constitutional scheme simply by legislation.

Sincerely,

CHARLES ALAN WRIGHT,
Charles T. McCormick Professor of Law.

THE UNIVERSITY OF CHICAGO,
Chicago, April 20, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A short time ago I responded to a request from Senator Kennedy for an opinion on the constitutionality of the bill providing a vote for persons who reach the age of eighteen years. My letter, a copy of which is enclosed, indicated my opinion that such legislation, however desirable, is unconstitutional.

It has occurred to me that the Senate may no longer be in a position to withdraw its approval. I therefore respectfully request of you that, should the legislation be passed by both houses, you exercise the veto power on constitutional grounds. Unconstitutionality of legislation has been the classic ground for the exercise of the Presidential veto. I think it most appropriate in this case.

The States are clearly empowered by the Constitution to set the qualifications for voters at both State and federal elections. The Fourteenth Amendment authorizes Congress to inhibit the exercise of that power if States create improper classifications in specifying electoral qualifications. The present age qualification can hardly be considered such an invalid classification. As a matter of judgment one might choose an age higher or lower than twenty-one. My own judgment would be that eighteen is not inappropriate. But the exercise of that judgment has been clearly delegated by the Constitution to the legislatures of the States.

To treat the Constitutional allocation of power so cavalierly as the pending bill threatens to do is, indeed, an exorbitant price to pay even for a desirable result. I hope that you see it to be your duty to assure that the Constitution is not treated so lightly.

Respectfully yours,

PHILIP B. KURLAND.

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YALE UNIVERSITY,
New Haven, Conn., April 25, 1970.
Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A number of the signers of this letter were among the signers of a letter (a copy of which is enclosed) published in *The New York Times* on Sunday, April 5, which expressed the view that Congress has no power to lower the voting age in national and state elections by statute. The April 5 letter argues that submission to the states of a constitutional amendment is the appropriate way for Congress, if persuaded on the merits, to proceed.*

Since it seems not unlikely that the House of Representatives will shortly pass the Voting Rights Bill in the form in which it passed the Senate, and including the Senate rider lowering the voting age, we take the liberty of reiterating to you our view that the rider is unconstitutional. The letters to *The New York Times* from Senator Kennedy (April 7) and Professors Cox and Freund (April 12) have not altered our conclusion.

We wish to add a further consideration: If the Voting Rights Bill comes to you for signature, with the rider, and if you conclude that the rider is probably unconstitutional, we think it is an appropriate exercise of your discretion to veto the bill for that reason. We say this because we think it singularly inadvisable to pass on to the courts issues as to the constitutionality of the hundreds of elections, national and state, which would be affected by the rider within months after its adoption into law. There are serious questions whether these issues will be litigable at all, or promptly so. If the Supreme Court finds these issues non-litigable for any extended period of time, the nation's entire election process will be under a cloud. If, on the other hand, the Supreme Court finds an appropriate "case" or "controversy" within which the constitutional issues can be dealt with, the Court will expectably be faced with agonizing pressures not to frustrate the understandable expectations of millions of young Americans, and not to cast in further doubt the validity of large numbers of elections which have taken place in the interim—pressures which must almost inevitably skew the process of constitutional adjudication. To put dilemmas of this sort to the Supreme Court, especially at this time, seems to us likely to put profound strains on our most sensitive and critically important institutional arrangements. And all this could be obviated by the direct and appropriate mechanism of constitutional amendment.

Respectfully,

ALEXANDER M. BICKEL,
ROBERT H. BORK,
JAN G. DEUTSCH,
LOUIS H. POLLAK,
EUGENE V. ROSTOV.

[From the New York Times, Apr. 5, 1970]

AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the EDITOR: As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

ALEXANDER M. BICKEL,
CHARLES L. BLACK, Jr.,
ROBERT H. BORK,
JOHN HART ELY,
LOUIS H. POLLAK,
EUGENE V. ROSTOV.
New Haven, April 1, 1970.

(NOTE.—The writers are members of the faculty at Yale Law School.)

CENTER FOR ADVANCED STUDY IN THE BEHAVIORAL SCIENCES,
Stanford, Calif., April 20, 1970.
The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am a professor of constitutional law and the author of a casebook on constitutional law widely used in American law schools. I am glad to submit a brief statement of my views regarding the proposed legislation to extend the vote to 18-year-olds in all elections, national and state.

I support that extension of the suffrage as a matter of policy. I believe, however, that constitutional amendment, not congressional legislation, is the proper route to attain that desirable objective under our constitutional scheme.

I appreciate that arguments in support of the constitutionality of such legislation can be fashioned on the basis of Section 5 of the 14th Amendment as interpreted in Katzenbach v. Morgan, and I recognize that the Supreme Court might well sustain the constitutionality if the bill were enacted. That is not the end of the matter, of course: under our system, Congress and the President have an obligation to exercise a conscientious independent judgment on constitutional question, especially to questions such as this that are not foreclosed by repeated and firm Supreme Court rulings. [See for example, the careful discussion of the proper role of the political departments on constitutional issues in D. G. Morgan, "Congress and the Constitution" (1966).]

My main reasons for doubting the constitutional propriety of the proposal stem from my understanding of the appropriate role of Court and Congress in defining the scope of 14th Amendment rights. Section 5 gives Congress the power to "enforce" rights "by appropriate legislation," to be sure; but the primary role in articulating the content of the "rights" to be enforced belongs to the Court, not Congress, I believe. Congress may make fact findings and express its views to help inform the Court's ultimate constitutional judgment, of course. But to give to Congress a far-reaching autonomous authority to redefine the content of equal protection and due process (binding on the Court so long as a minimal rationality test is satisfied) would mark a radical and undesirable departure from our constitutional traditions.

The Court's result in the Morgan case is understandable in view of the context of that case. But to press all of the language of that case to its maximum extent as a basis for legislation would be unsound for a number of reasons. To me, the most important objection is that it would open the door to congressional overturning of Court decisions in a number of areas—criminal procedure is an example that comes readily to mind. Most scholars would agree, I believe, that the unpersuasive footnote in the Morgan opinion is not a tenable, principled safeguard against the invocation of the Section 5 power to curtail constitutional safeguards. (Some of the implications of a broad, nearly autonomous congressional power to control the scope of 14th Amendment rights via Section 5 are explored in R. A. Burt, "Miranda and Title II: A Morganatic Marriage," 1969 Supreme Court Review 81, as well as in Mr. Justice Harlan's thoughtful dissenting opinion in the Morgan case itself.)

Reliance on legislation would be especially inappropriate with respect to age qualifications on voting in state elections—an area traditionally reserved to state control, an area not subject to charges of discrimination against discrete minorities that would justify national intervention. In an area such as this, constitutional amendment is surely the route which would prove least damaging to our constitutional structure. I must add that many of my constitutional doubts regarding legislation regarding age qualifications are also applicable to a provision in the Administration's own voting proposals: the elimination of literacy tests in all elections (quite independent of the background of racial discrimination that provided a legitimate basis for the literacy test provisions in the 1965 Voting Rights Act sustained in

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*Professor Jan G. Deutsch, a signer of this letter, did not sign the April 5 letter because he was not in New Haven when that letter was prepared, but he is in substantial agreement with that letter. Two signers of the April 5 letter are not signers of this one: Professor John H. Ely disagrees with this letter; Professor Charles L. Black, Jr., has not had an adequate opportunity (due to the press of other commitments) to think through fully the matters dealt with in this letter.

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South Carolina v. Katzenbach). I accordingly hope that the political branches of our government will exercise their judgment to assure that the proper constitutional methods are followed in achieving the desirable goal of extending the vote.

Respectfully yours,

Gerald Gunther,
Professor of Law, Stanford University School of Law.

The University of Chicago,
Chicago, Ill., April 20, 1970.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: I should like to respectfully express my strong opposition to lowering the voting age by means of congressional legislation.

The Constitution, quite ambiguous in some instances, is rather clear on this matter. Article I, Section 2 and the Seventeenth Amendment leave no doubt that the states have the authority to determine who is eligible to vote even as regards federal elections.

The Fourteenth Amendment prohibits invidious discrimination by the states. It is my opinion, based on reading the congressional debates, that here is a one-to-one relationship between Sections 1 and 5 of the Fourteenth Amendment. In short, Congress can only implement Section 1 of the Amendment, not go beyond it. However this may be, even the case of *Katzenbach* v. *Morgan*, relied upon by supporters of the Senate bill, links the exercise of congressional power to some finding of invidious discrimination. In view of historical evidence, it cannot be argued that denial of the vote to 18-year olds was thought of as constituting invidious discrimination by those who drafted the Fourteenth Amendment. Nor, do I think, can it be said that this denial constitutes invidious discrimination under any contemporary standards.

There are only two ways of lowering the voting age to 18 (which as a matter of policy I strongly support): either by state legislation or by constitutional amendment. It would be sad, and indeed inconsistent with your pronouncements on the subject of constitutional construction, if your administration should support a bill which shows disregard for the Constitution.

Sincerely yours,

Gerhard Casper,
Professor of Law.

The Law School Columbia University,
New York, N.Y., April 23, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am writing at the suggestion of Mr. Currier to provide a written statement of my views on four specific questions that he asked concerning the proposal to reduce the voting age to eighteen years by Act of Congress.

First. As a matter of policy, I favor the reduction. While any line drawn in terms of age involves an element of arbitrary judgment, I see objective merit in adopting for the franchise the same standard as for military service.

Second. Prior to the decision of the Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), I should have stated unreservedly that the determination of the voting age in federal as well as State elections is a matter for the States. Article 1, Sec. 2 and the Seventeenth Amendment explicitly adopt for Congressional elections the "qualifications requisite for electors of the most numerous branch of the State legislature" and Article 2 commits to the State legislatures the appointment of presidential electors. State power is, to be sure, limited by the Amendments, including most relevantly the equal protection clause of the Fourteenth. But the conventional standards of qualification, such as age, residence, literacy and the like have never been considered to involve unreasonable or invidious classifications vulnerable on equal protection grounds. The Virginia poll-tax case did hold, with three dissenting votes, that to "introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor" (383 U.S. 663, 668 [1966]). But, whatever may be thought of that decision age is obviously not irrelevant to qualifications; and since any age criterion involves the drawing of an arbitrary line fixing the age at twenty-one most certainly is not "capricious."

Under the *Morgan* decision, however, the issue of Congressional authority is not concluded by the fact that State prescription of an age as high as twenty-one satisfies judicial standards of equal protection. For that decision, in sustaining the Congressional abrogation of New York's requirement of literacy in English as applied to citizens educated in Spanish in American-flag schools, gave an entirely new dimension to the power of Congress under Section 5 of the Fourteenth Amendment to "enforce" the provisions of the Amendment by "appropriate legislation." It held that the enforcement power is not limited to striking at State action that the Court would hold forbidden by the Amendment; that it endows the Congress with authority to determine for itself whether a State created discrimination or disability "constitutes an invidious discrimination in violation of the Equal Protection Clause" or is conducive to such deprivation; and, finally, that such a Congressional determination will be sustained by the Court if it is able to "perceive a basis" on which Congress "might predicate" that judgment (384 U.S. at 656).

If the *Morgan* opinion, in which five of the present members of the Supreme Court joined, is accepted at face value, its logic would sustain Congressional authority to reduce the voting age by statute or, indeed, to supersede any other disability effected by State law that Congress has some basis for appraising as "invidious." But whether the opinion will or should be so accepted is, I think, more doubtful. The facts of *Morgan* did not require such a sweeping theory, since Congress might have considered the New York requirement to have had its roots and been maintained in hostility to certain ethnic groups, their identity varying from time to time. Apart from this, a more stringent standard may evolve for the judicial appraisal of the "basis" of Congressional determinations, especially in situations where no ethnic implication is involved and Congress merely would be substituting its opinion for the State's as to the way to draw a line that must be drawn. Some such development seems probable to me, as it becomes apparent how far *Morgan* in the total implications of the Court's opinion would transcend the purpose of the Fourteenth Amendment, broad as one may grant its purpose was.

I do not think, therefore, one can be certain that an Act of Congress that reduced the voting age would be sustained. It would draw strength from the *Morgan* opinion but in doing so would put it to a test, the net result of which might be its limitation or, indeed, repudiation.

Third. To confront the Supreme Court now with the problem of determining the scope and limits of the *Morgan* doctrine in the testing context of a statutory reduction of the voting age is, in my opinion, a mistake. For any judgment that the Court might render would inevitably threaten its prestige and exacerbate the tensions in the Nation.

The division of the Court in *Morgan* coupled with the new appointments make it almost certain that the Court's decision would entail a sharp division, whichever view prevails. A sustaining judgment resting on the votes of the five surviving members of the *Morgan* majority (including two Justices whose age renders long tenure improbable) hardly would provide a healthy basis for judicial action many would consider the equivalent of constitutional amendment. A judgment of invalidity would emphasize the instability of constitutional interpretation, while adding to the bitterness of disaffected youth who would resent the deprivation. Believing as I do that the Court is now embattled on too many fronts for the welfare of the institution, I should regard it as a grave misfortune to insist that it take on another major battle at this time.

For the foregoing reason, I consider it to be highly undesirable to attempt to reduce the voting age by Act of Congress. The wise course, in my opinion, is to deal with age as race, color and sex were dealt with in the past and to proceed by resolution of amendment.

Fourth. The constitutional problem with respect to voting age is no different, in my view, in the election of the Congress and the President than in State elections. Article I, Sec. 2, Article II and the Seventeenth Amendment all refer, as I have said above, to State action for the delineation of voters' qualifications. If Congress has a legislative competence within this area, it must be found in the enforcement clauses of the Amendments, whose prohibitions apply generally to the action of the State and would encompass all elections. This was, of course, the theory of the *Morgan* case and is the theory of the Senate's action on the pending measure.

Respectfully,

Herbert Wechsler.

Columbia University in the City
of New York,
New York, N.Y., April 20, 1970.

Leonard Garment, Esq.,
The White House,
Washington, D.C.

Dear Mr. Garment: You have asked my views as to the Constitutional powers of Congress to establish the right of all citizens to vote at the age of eighteen.

In various contexts the Supreme Court has declared that the right to vote in federal elections is conferred or secured by the Constitution. I am satisfied that the Court would uphold an act of Congress regulating the qualifications to vote in such elections, including an act that would extend the right to vote to eighteen-year-olds.

The power of Congress to extend them the vote in local elections, however, is open to serious question. The only basis for such legislation would be that suggested by the Supreme Court in *Katzenbach* v. *Morgan*. There the Court held that under the Enforcement Clause of the Fourteenth Amendment Congress can adopt legislation to assure the right to vote to certain persons literate only in Spanish, because Congress might have sought thereby to protect them against possible denials by the State of equal protection or due process of law. But there is little evidence that failure to grant the vote in local elections to eighteen-year-olds in fact jeopardizes their rights to equal protection, due process of law, or other Fourteenth Amendment safeguards; there is little evidence that proposals that Congress grant them the vote in local electons are motivated by these concerns.

It may be that if Congress adopted such legislation the Court might strain to uphold it and would not examine Congressional motives and purposes. But for its part, surely, Congress ought to be scrupulous about the intended Constitutional limits on its authority, and should not lightly press ever farther the reach of Congressional authority to legislate in local matters.

I am in favor of extending the vote to eighteen-year-olds in local as well as in Federal elections, but as regards state and local elections it should be done by Constitutional amendment.

Sincerely yours,
Louis Henkin.

University of Pennsylvania,
Philadelphia, Pa., April 24, 1970.
President Richard M. Nixon,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

Dear Mr. President: The pending Voting Rights bill, as passed by the Senate, contains a provision that will lower the voting age to 18 in all elections, federal, state and local. Representatives of the Department of Justice, as I am informed, have expressed doubt whether the Constitution authorizes Congress so to provide by legislation, and have pointed to the shadow of unconstitutionality and invalidity that may be cast upon elections conducted under such a statute. They have suggested that if the voting age is to be changed by federal action, amendment of the Constitution is the appropriate procedure. I am informed that you are interested in receiving an expression of opinion on the mattter.

In my opinion, the Constitution does not authorize Congress by statute to provide or require that the minimum age for voting shall be not more than 18 years, or any other stated age. This is a matter that is left to the several States by the Constitution.

Article I, Section 2, of the Constitution provides that the electors in each State for Members of The House of Representatives shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. The Seventeenth Amendment makes identical provisions with respect to electors for Senators. Article I, Section 4, authorizes Congress to "make or alter . . . regulations" as to the "times, places and manner of holding elections for Senators and Representatives . . .". Proponents of the pending legislation do not contend that this authorizes Congress to establish qualifications for voting for Senators and Representatives, and obviously it contains no authorization for Congress to establish qualifications for voting in State and local elections. The Fifteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude. The Nineteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. The Twenty-fourth Amendment provides that the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress shall not be abridged by the United States or any State by reason of failure to pay any poll tax or other tax. The Fifteenth, Nineteenth and Twenty-fourth Amendments also authorize the Congress to enforce their provisions by appropriate legislation. However, it has not yet been suggested that constitutional authorization of Congress to implement by legislation the prohibitions on denial of the right to vote by reason of race, sex, or failure to pay a poll or other tax can be taken to authorize Congress to establish or control voting qualifications on the basis of age.

I have set forth above the Constitution's provisions with respect to voting. I think it clear that none of them authorizes Congress to establish or control qualifications for voting in terms of age. The proponents of the pending legislation do not purport to find authority in any of these provisions explicitly dealing with voting. They turn instead to the more general provisions of the Fourteenth Amendment providing, among other things, "nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws," and providing also, in Section 5, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The proponents of the pending legislation point particularly to the recent decision of the Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966) upholding a federal statute providing that no person who had successfully completed the sixth grade in a Puerto Rican school in which the language was other than English should be denied the right to vote in any election because of his inability to read or write English. The election laws of New York required an ability to read and write English as a condition of voting, and it was held that the New York law was rendered inoperative by the federal statute. Though Judge McGowan in the District Court had argued that the federal statute might be upheld as an exercise of Congressional power with respect to the Territories under Article IV, Section 3 (247 F. Supp. 196, 204 (dissenting opinion)), the Supreme Court clearly and explicitly based its decision upon Section 5 of the Fourteenth Amendment and the Equal Protection Clause, pointing out that the Equal Protection Clause itself had in several recent decisions (*Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Carrington* v. *Rash*, 380 U.S. 89 (1965)) been held to forbid some state laws restricting the right to vote. The opinion went on to hold that Congressional authority to enforce by appropriate legislation, the provisions of the Fourteenth Amendment, gave Congress a large degree of authority to determine that specific classifications, for voting or other purposes, amounted to a denial of equal protection of the laws.

On parallel reasoning, proponents of the pending legislation assert that Congress may by the same authority determine that voting laws that deny the right to vote to persons 18 years old, or older, constitute a denial of equal protection of the laws.

If I could agree that the Fourteenth Amendment, by virtue of the Equal Protection Clause or otherwise, imposed limits upon the States with respect to qualifications for voting, then I would agree with the proponents of the pending legislation. Within the area in which the Fourteenth Amendment operates, I agree that Section 5 gives Congress a large—even though infrequently exercised—degree of authority to codify, i.e., to give meaning and content to such abstract and undefined terms as Due Process of Law and Equal Protection of the Laws. Soon after the adoption of the Amendment, Congress exercised this authority in limited areas clearly covered by the amendment, and these statutes were upheld in historic decisions of the Supreme Court. *Ex parte Virginia*, 100 U.S. 339 (1880); *Virginia* v. *Rives*, 100 U.S. 313 (1880); *Neal* v. *Delaware*, 103 U.S. 370 (1881). More recently, there may be scattered examples of the exercise of this codifying authority (cf., e.g., *State Board of Insurance* v. *Todd Shipyards Corp.*, 370 U.S. 451 (1962)). A number of legislative proposals for congressional action of general applicability in the field of criminal procedure would turn upon congressional authority to specify, at least in part, the content of the concept of "due process". As Chief Justice Marshall remarked (*Gibbons* v. *Ogden*, 9 Wheat. 1, 189 (1824)), the Constitution is "one of enumeration, and not of definition". Congressional action attributing specific content to constitutional concepts carries the same weighty presumption of constitutionality that other federal legislation bears.

But both the language of the Fourteenth Amendment and the history of its adoption make it clear beyond doubt, as I believe, that it did not limit, either by the Equal Protection Clause or otherwise, the power of the States to establish and maintain the qualifications for voting. And unless it did limit such power of the States, it gave no other or independent authority to Congress in that area. That the terms and the history of the amendment did not limit the power of the States with respect to qualifications for voting has been demonstrated in the dissenting opinion of Mr. Justice Harlan in *Reynolds* v. *Sims*, 377 U.S. 533, 589 (1964). The majority of the Court may have ignored this demonstration. It has not answered it. The principal items are as follows:

1. *Language of the Constitution.* As Justice Harlan points out, Section 2 is an integral part of the Fourteenth Amendment, as authoritative as Sections 1 or 5. Section 2 provides:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

The Amendment thus explicitly contemplates and indicates the continuing authority of the States to establish the qualifications for voters applicable in State and federal elections. If a State restricts voting in any one or more of the elections specified, the State may have diminished representation in Congress, but its authority to establish qualifications is confirmed by the very terms of the Amendment. And, with reference to specific qualifications, one may note that since Section 2 so explicitly contemplates twenty-one years as the norm for age in voting, it is particularly difficult to believe that Section 1, or action pursuant to it, could require a State to reduce that norm to eighteen or any other figure below twenty-one.

2. *History of Adoption.* The legislative record of approval of the Fourteenth Amendment in the Congress shows abundant explicit statements by the principal supporters and sponsors of the Amendment that it did not impinge upon the power of the States to establish and maintain qualifications for voting. Of these, the statement of Representative Bingham, the author of Section 1, is representative:

"The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States . . . the exercise of the elective franchise, though it is one of the privileges of a citizen of the Republic, is exclusively under the control of the States." (Congressional Globe, 39th Cong., 1st Sess. 2542).

3. *Post-ratification History.* The Fourteenth Amendment was proposed by the Congress on June 13, 1866, and on July 28, 1868 the Secretary of State certified that it had been ratified and was part of the Constitution. On February 26, 1869, less than one year after the ratification of the Fourteenth Amendment, the Congress proposed the Fifteenth Amendment. If the Equal Protection Clause of the Fourteenth Amendment had covered qualifications for voting there would have been no need for the Fifteenth Amendment. Congress by simple statute could have en-

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acted the substance of the Fifteenth Amendment. Yet almost contemporaneously with the ratification of the Fourteenth Amendment, the Congress regarded a constitutional amendment as necessary to prevent disqualification from voting on the basis of race, color, or previous condition of servitude. This belief, of course, was wholly consistent with the limited scope of the Fourteenth Amendment to be derived from the terms of Section 2 and the legislative record of its approval by Congress.

Fifty years later the 66th Congress was obviously of the same mind with regard to the scope of the Fourteenth Amendment when it proposed the Nineteenth Amendment to the States for ratification rather than providing by simple statute that the right to vote should not be denied or abridged by the United States or by any State on account of sex.

It has been within the power of the recent majority of the Supreme Court to ignore the language and the history of the Fourteenth Amendment. But it cannot erase the language, or unmake the history. Therefore it is my opinion that the decisions in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966) and *Carrington* v. *Rash*, 380 U.S. 89 (1965) are congenitally flawed, and provide no sound basis for Congressional authority to require the lowering of the voting age to 18. In my opinion, the Constitution does not give the Congress that authority.

Respectfully submitted,

ERNEST J. BROWN.

THE NATIONAL LAW CENTER,
April 23, 1970.

Hon. RICHARD NIXON,
President of the United States, The White House, Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: Whatever be the merits of lowering the voting to 18 or some other figure, the proposal to do so by congressional statute rather than by constitutional amendment is a startling proposition with broad constitutional implications going beyond the current issue. It would have been unthinkable a mere half dozen years ago. It remains startling despite the Supreme Court's 1965 ruling in Katzenbach v. Morgan sustaining congressional power to substantially modify English-speaking people to vote.

I

We all know that under our federal division of powers the states are expressly authorized to fix voting qualifications for both state and national elections. The grant is limited only by a reserve congressional power regarding the "manner" of holding national elections, and the restrictions derived from the 14th, 15th, and 19th amendments regarding classifications which are based on race or sex or are otherwise invidiously discriminatory or arbitrary.

The fact that the new proposal should be seriously discussed indicates how far we have embraced the idea that constitutional law is simply a legislative process, by legislative votes or judicial votes, of ascertaining and implementing current popular desires or the current judicial understanding of sound policy—with no need to make more than a casual reference to any higher law principle of authorization or limitation. There are dangers in discarding a constitutional system for a fluctuating pressure politics system, because who can know what tomorrow's majority will do?

It is of course trite to observe that constitutional law is not a static system and that the process of judicial review gives us much new constitutional law. But there is one sharp difference. Virtually all of our recent famous cases could be rationalized by elaborating basic principles concededly imbedded in the Constitution—for example the racial integration cases, and the freedom of expression cases. The 18-year-old voting by congressional statute idea, however, runs contrary to an express constitutional provision. It has only the most tenuous support, if any, in a supposed "discrimination" principle.

II

Proponents of congressional power to change the voting age rest their argument essentially on one case, *Katzenbach* v. *Morgan*, sustaining the Kennedy amendment to the Voting Rights Act of 1965. It was designed to enfranchise Puerto Ricans in New York City who were illiterate in English but literate in Spanish. Although the provision was upheld, a divided Supreme Court had difficulty articulating a satisfactory rationale. The Court referred to supposed congressional findings that with more political clout non-English speaking Puerto Ricans would get a better break in public services in New York City. But there was little evidence. The opinion has a strong "might be" quality on the crucial question of whether or not there was any significant discrimination which voting power might ameliorate. The Court added therefore a distinctly novel theory that Congress has a broad power to interpret the concept of "equal protection" in the Fourteenth Amendment, and that a presumption of constitutionality attaches to a law which Congress asserts is needed to "implement" the Fourteenth.

A ruling which seems to give Congress power by statute to expand or contract the Fourteenth Amendment obviously must be handled with care, lest we woefully confuse the line between constitutional law and ordinary law. Read more narrowly, and that is all that is needed to sustain the Puerto Rican voting provision, the *Morgan* case rests on a theory of particularized ethnic discrimination by state action which Congress corrected.

III

There are major difficulties in moving from the Puerto Rican voting law to 18-year-old voting, whether *Morgan* be read narrowly or broadly. Regarding voting age there is no discrimination, only a legislative preference for one figure instead of another, in a field where a *choice* concededly must be made. Realistically, what is the "equality" interest in 18-year-old voting? What are the two groups which arguably must be treated equally? In the racial discrimination field, we totally abolish race as a permissible classification. And when differential wealth creates differential access to benefits, we simply abolish charges; hence the rule that *all* indigent prisoners can get free trial transcripts for appeal. But there is no distinctive, *identifiable group* discrimination flowing from a 21-year-old voting rule. Every age from 20 down to 1 is "discriminated" against in the loose sense now being used.

The point is that any age fixed is necessarily arbitrary, and hence poses no constitutional question needing "corrective" Congressional action. It is a matter of open legislative choice, and the Constitution expressly commits that choice to the states, short of a constitutional amendment.

IV

The constitutionally forthright way to resolve the 18-year-old voting proposal is by federal constitutional amendment. Alterations in the basic nature of our body politic should be made on the basis of a national consensus, rather than a legislative logrolling process supported by a novel constitutional dictum. The proposal is precisely the kind of question for which the amendment process exists.

Sincerely yours,

ROBERT G. DIXON, Jr.,
Professor of Law.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 20, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: This letter is in response to Mr. Garment's inquiry respecting my views on the constitutionality of proposed federal legislation which would establish a universal age limitation on voting in the United States and fix the age at 18 years.

This proposal has momentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial constitutional questions.

Under the Constitution it is clear that the basic power to prescribe qualifications for voting is reserved to the states. Art. I, Sec. 2, respecting the election of Representatives to the Congress and the Seventeenth Amendment respecting the election of Senators recognize that the qualifications for voting are governed by state law. Moreover, the Constitution gives Congress no power, express or implied, over the general subject of voting qualifications. Congress is given the power under Art. I, Sec. 4, to regulate the times, places and manner of holding election of Senators and Representatives. But this power, construed in conjunction with Art. I, Sec. 2, gives no authority to prescribe qualifications. If then the question raised by the proposed federal legislation to reduce the voting age to eighteen were governed solely by the body of the Constitution, the proposed legislation would clearly be beyond Congressional power and this regardless of whether it was universal in its scope or limited to voting for Congressmen, Senators and Presidential electors.

Amendments to the Constitution while not abridging the basic power of the states to fix qualifications have curtailed the freedom of the state to classify in fixing qualifications and thereby to limit the voting right. The Fifteenth Amendment prohibits a denial of the right to vote on the ground of race, color or previous condition of servitude. The Seventeenth Amendment similarly prohibits denial of voting rights on the basis of sex. The Twenty-fourth Amendment prohibits the denial of the right to vote for President, Vice President, Senators and Congressmen because of failure to pay a poll tax. Apart from these specific restrictions on the power of the state to prescribe classifications in defining voters' qualifications, the equal protection clause of the Fourteenth Amendment operates to prohibit other arbitrary limitations on the right to vote. Thus in *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966), the Supreme Court held that a state requirement of paying the poll tax as a condition of voting resulted in an arbitrary discrimination which violated this clause.

Admittedly the fixing of an age limit falls within the basic power of the states to prescribe qualifications for voting and none of the restrictions on the power to classify for voting purposes achieved by constitutional amendment as mentioned above affect the voting age requirement. Nor is it conceivable that the Supreme Court would declare an age requirement fixed by state law whether at age 21, 20, 19 or 18 as an arbitrary requirement violating the equal protection clause. This leaves for consideration then the question whether Congress has a legislative power to intrude into the states' power to fix an age limit qualification.

The only possible source claimed for such power is the authority granted to Congress under the 5th section of the Fourteenth

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Amendment to enforce this Amendment's restrictions and more particularly to enforce the equal protection clause. May Congress by legislative act fixing the voting age limit at 18 thereby in effect declare that a higher age limit prescribed by state law is an arbitrary classification which violates the equal protection clause?

In examining this question we may first consider the Supreme Court's decision in *South Carolina v. Katzenbach*, 383 U.S. 301 (1966), where the Court upheld the provisions of the 1965 Voting Rights Act which prohibited the use of literacy tests in states where their use was found to achieve racial discrimination in voting in violation of the Fifteenth Amendment. Congress has the power to enforce the Fifteenth Amendment and Congress here was using its power to deal with practices which it found violated this Amendment. Since the Congress here was using its power to enforce a specific constitutional restriction and since the Supreme Court had already recognized that state use of literacy tests as a means of racial discrimination in voting was invalid, the case has no real bearing on the power of Congress to define permissible voting qualifications under its power to enforce the equal protection clause of the Fourteenth Amendment.

The companion case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), does go to the question under consideration. Here the Court upheld the feature of the 1965 Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school or in a private school accredited by the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. This provision was designed to invalidate New York's English literacy test in so far as it resulted in the denial of the voting right to the very substantial body of New York City residents who had migrated there from Puerto Rico. The Court upheld this Congressional intrusion into the state's power to prescribe voting qualifications on the basis of the power to enforce the equal protection clause of the Fourteenth Amendment.

This case for the first time recognized that the Congressional power to enforce the equal protection clause includes a power to define the substance of equal protection by declaring a particular classification established by state law to be invalid and substituting in its place a classification fixed by Congress. The Supreme Court has made it abundantly clear that the equal protection clause forbids arbitrary or unreasonable classifications and that whether a state classification constitutes an unlawful discrimination is appropriately a matter for judicial determination. On its face *Morgan* appears to say that Congress has an independent substantial power to pass on classifications and to condemn a state classification which Congress finds unreasonable or arbitrary even though the Court itself would not have found a violation of the equal protection clause.

Given this literal interpretation *Morgan* opens up a wide power in Congress to review and to invalidate classifications established by state laws by finding that such intrusions into state power are necessary to assure the equal protection of the laws. The wide implications of such an interpretation are noted in the dissenting opinion of Mr. Justice Harlan, joined by Mr. Justice Stewart. Applied to the problem at hand, *Morgan* as so construed would be authority for Congress to fix a universal age limit for voting in the United States on the theory that any higher age limit than that fixed by Congress is a denial of equal protection.

The question then is whether *Morgan* established such a broad principle and whether it is subject to any limitations which would be relevant to the question of Congressional power to establish a universal voting age requirement at the expense of the historically established state power to prescribe voting qualifications. The majority opinion in *Morgan* said that the power given by Congress to enforce by appropriate legislation the Fourteenth Amendment's provision paralleled the power given to Congress in the body of the Constitution to pass all laws necessary and proper to carry into execution the powers delegated under the Constitution. Borrowing language from Chief Justice Marshall's opinion in *McCullough* v. *Maryland*, 4 Wheat. 316, in explicating the necessary and proper clause, the Court said that the question then was whether the legislation enacted by Congress banning the use of the New York literacy test to disqualify Puerto Ricans from voting was plainly adapted to the end of enforcing the equal protection clause and whether it was not prohibited but was consistent with "the letter and spirit of the constitution." Applying these standards, the Court said that the Congressional enactment could readily be seen as "plainly adapted" to further the aim of the equal protection clause to secure for the Puerto Rican community residing in New York nondiscriminatory treatment by the government—both in the imposition of voting qualifications and the provisions or administration of governmental service, thereby enabling the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." The Court said that it was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal instrusion upon any state interests served by the English literacy requirement, that it was not for the Court to review the congressional resolution of the various conflicting interests entering into the question and that it was enough that the Court was able to perceive a basis upon which Congress might resolve the conflict as it did.

The Court further said that the legislation could be justified as legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. On this question the Court said that Congress might well have questioned whether the New York literary requirement actually served the state interest claimed for it and could also have concluded that as a means of furthering the goal of an intelligent exercise of the franchise, an ability to read or understand Spanish was as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radios and television programs are available to inform them of election issues and governmental affairs.

It remains to determine whether the Court's holding in *Morgan* and the reasoning employed by the Court apply equally well to uphold Congressional intrusion into the states' power to prescribe voting qualifications by fixing an age limit. It should be noted at the outset that Congress determined that an English literacy requirement constitued an improper voing qualification for Puerto Ricans living in New York City since it had the effect of disenfranchising a susbtantial body of citizens and since in the judgment of Congress the requirement of having completed six grades of school in Puerto Rico, although in another language, was adequate to establish the literacy required for intelligent voting in New York City. This in itself suggests an important difference between outlawing an English literacy requirement as a qualification for voting and outlawing state voting age requirements by fixing a uniform federal standard. Indeed, in *Cardona* v. *Power*, 384 U.S. 672 (1966), although the majority did not find it necessary to pass on the question, two justices expressed the view that the New York literacy requirement as applied to Puerto Ricans in New York City was an arbitrary limitation on the voting right apart from any federal legislation on the subject. But in fixing a federal age requirement at age eighteen Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

The purpose of an age limit is to assure sufficient maturity in exercising the voting right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e. whether it results in an arbitrary classification. Or to put the matter in another way does Congress have a basis for saying that a 19, 20 or 21 year age limit as may be imposed by state law does not have a rational relation to the question of whether a person is sufficiently mature to take part in the voting process?

In answering this question two considerations may be noted. The fixing of a voting age limit involves a legislative choice within a limited range, and it remains to be demonstrated that Congress because of studies it has made and investigations it has conducted has a better informed basis than the states for determining when citizens are old enough to vote. This is not a matter of determination by objective criteria. Secondly, and much more important, states have been fixing age limits for voting ever since the Constitution was adopted and even before, and until recently twenty-one years of age has been the general standard. This has never been questioned. It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1868, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age limits or to declare that any voting age limit above 18 constituted an unconstitutional discrimination. Indeed, the Fourteenth Amendment itself affirms the validity of the twenty-one year age limit as a qualification for voting. Section 2 of this Amendment, dealing with Congressional apportionment and designed to reduce the representation in Congress of states which deny voting rights to blacks speaks of denial of the right to vote "to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States. . . ." It is not to be supposed that the Fourteenth Amendment suffers from an inner contradiction and that the equal protection clause was intended as a source of power in Congress to outlaw a state voting age qualification explicitly sanctioned by this Amendment. It requires an extraordinary latitude in the construction of Congressional power to contend that Congress may brand as arbitrary and invidious a voting age standard acknowledged as legitimate by the text of the Constitution. Indeed, to use Chief Justice Marshall's language, quoted in the *Morgan* case, a federal statute, denying to states the power to prescribe a twenty-one year age limit is not consistent with the letter of the Constitution.

In summary, there are very substantial differences between the English literacy test problem presented in *Morgan* and the voting age problem. In its legislation at issue in *Morgan*, Congress was directing its attention to a voting qualification, namely, the English literacy test, which has had a limited history in this country, which Congress found to be an unwarranted discrimination against a discrete ethnic group, and which for all practical purposes was limited in its operation to one state in the country. Moreover, Congress has a special federal concern with protection of Puerto Ricans against discrimination in view of the historic relationship between the United States and Puerto Rico, and the Congressional policies which have encouraged migration from Puerto Rico to the United States. Also it is not clear that the Supreme Court would not have invalidated the New York literacy test required as to Puerto Ricans even without the federal statute as an invidious discrimination violating the equal voting clause had it proceeded to face this question in the *Cardona* case. The voting age question, on the other hand, presents no factor of this kind. On the contrary, state voting age limits have a long unbroken history, they deal with a qualification which does not enter into the sensitive area of race, nationality, ethnic affiliations or economic status, they present no distinctive aspects related to matters of federal authority and concern and, indeed, the authority of the state to fix an age limit is confirmed in the very language of Section 2 of the Fourteenth Amendment. Here the factors are so heavily weighted in favor of the state power and the basis for Congressional intrusion into this area is so tenuous, that I cannot regard *Morgan* as determinative of the constitutional issue raised by this proposed legislation.

Morgan as literally construed opens up vast potentials of expanded Congressional power in the name of enforcement of the equal protection clause to intrude upon state legislative power and to substitute for it legislation which Congress deems more desirable. Virtually every state statute embodies a series of classifications. Take, for instance, a state income tax law. Such a law is full of classifications relating to such matters as rates, exemptions, etc. If Congress may at will invalidate classifications it finds unsatisfactory or undesirable by stamping them as arbitrary, and in turn to substitute its own notion of suitable policy, the way is open for Congress to assume the role of super-legislature for the states. It could then prescribe the permissible classifications in a state income tax and thereby in effect rewrite the state's law.

Morgan requires further critical study and examination by the Court before its implications can be fully determined. The fact that two justices dissented and the intervening change in Court personnel indicate the likelihood of such a critical reexamination. But apart from this, the question of the power of Congress to prescribe a universal voting age limit involves consideration totally different from the question presented in *Morgan*. For the Court to uphold this proposed legislation would require a considerable stretch of the judicial tolerance of Congressional legislation manifest in *Morgan*.

In summary then it is my opinion that substantial grounds support the conclusion that the proposed Congressional legislation fixing a universal voting age limit of 18 years is unconstitutional on its face as an intrusion by Congress into an area of admitted state authority. The holding and the opinion in *Morgan* do not furnish either compelling or even persuasive support for this legislation. Indeed, the legislation flies in the very face of the constitutional text. Certainly, at the very least the proposed legislation raises very serious and substantial constitutional questions not foreclosed by the *Morgan* decision.

If Congress is satisfied that it is desirable national policy to establish a universal voting age limit of eighteen years, the way is open to achieve this result through the process of constitutional amendment. It seems to me far more preferable for Congress to deal with the matter in this way rather than enact legislation which raises serious constitutional issues and would engender all the uncertainty and confusion arising from constitutionally suspect legislation.

I remain,

Respectfully yours,

PAUL G. KAUPER.

Mr. Speaker, I wholeheartedly support the extension of the 1965 Voting Rights Act. I voted this conviction in this body last December 11. In addition, the Senate version includes two vote-protecting or vote-extending amendments which I sought unsuccessfully to have the House adopt last year.

I am highly pleased by every provision of the Senate bill except that which would, by statute, lower the voting age nationwide in all elections. I am the author of a proposal to do this, but by constitutional amendment.

I am also working in Minnesota to gain support for our pending State constitutional amendment to lower the voting age to 19 for all Minnesotans. Many 19- and 20-year-olds at home have asked me: What happens to our Minnesota effort if we in Washington take the constitutionally questionable route of seeking by statute to lower the voting age to 18?

While I will do nothing to jeopardize the extension of the 1965 Voting Rights Act, I must register a protest against the method of lowering the voting age contained in the Senate rider. Thus, I will vote "No" on the previous question.

But it is obvious that the previous question will be ordered. And since it is of overriding importance that the Voting Rights Act be extended, I will vote "Yes" on the issue of agreeing to the Senate amendments to H.R. 4249.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation to extend the 1965 Voting Rights Act. The bill—seeking a 5-year extension of one of the most significant pieces of legislation ever to emerge from the Congress—would amend the Voting Rights Act in three principal ways. First, it would flatly outlaw the literacy tests often used to deny the franchise to minority groups. Second, it would establish uniform national residency requirements for voting in presidential elections. Third—and most important of all—it would grant the right to vote to any citizen 18 years of age or older.

It is plain—indeed, conspicuous—that today's 18-year-olds are far better educated and far more sophisticated than those of even a generation ago. It can be argued convincingly, in fact, that contemporary youth is more keenly aware of the problems confronting American society and more ardently committed to solving those problems than many of their elders. At the age of 18, young men and women have completed their secondary education. They are entering college, joining the Armed Forces, taking jobs. They are more intellectually mature and more politically responsible than any generation in the country's history. It was nearly two centuries ago—in a small, rural, agrarian society—that most States set the voting age at 21. It made sense then. It no longer makes sense today.

The overwhelming majority of American youth want to work within what is called "the system," seeking their political goals through the traditional institutions of our democracy. They are frustrated, however, merely because they are denied the right to vote. American young people are a powerful force for good in our society. Granted, a minority so small that it can be accurately termed "trivial" has embraced radicalism and revolution. But—I cannot emphasize this point strongly enough—most young people border on exemplary citizens. They are bright. They are responsible. They are conscientious. They deserve the right to vote.

A significant question exists about the constitutionality of the bill now before us. Some legal scholars argue persuasively that a constitutional amendment is the only legitimate vehicle for lowering the voting age on a nationwide scale. We in the House, as you know, Mr. Speaker, have already passed such a constitutional amendment—one that I cosponsored—but, to date, it has languished in the Senate. Other legal experts maintain—more convincingly, I think—that the bill we are now considering falls within the Constitution's framework. Yet, despite the controversy, I feel we should pass this bill. If we do not—if we reject or amend House Resolution 914—the entire Voting Rights Extension Act may be defeated by filibuster when it returns to the Senate. In any case, a prompt court test of the bill's constitutionality is virtually assured.

I think we should act now to extend the franchise to America's young people.

If the legislative means are wrong, the courts will tell us so.

We must not abandon an opportunity to allow the most promising generation in our history to take part in the political process.

Mr. McCLOSKEY. Mr. Speaker, I have serious reservations about the constitutionality of lowering the voting age to 18 through congressional action short of constitutional amendment. Certainly the Journal of the Constitutional Convention of 1787, the record of debates on the 14th and 15th amendments, and the Supreme Court cases prior to Katzenbach against Morgan provide no indication of support for Federal, rather than State, action to determine "the qualifications requisite for electors of the most numerous branch of the State legislature."

While the decision in Katzenbach against Morgan has broadened, and I think correctly so, the purview of Congress in preventing State action from interfering with the equal protection of the laws as to voting qualifications, that decision alone does not remove reasonable doubt of the propriety of congressional action to lower the voting age.

The crucial question, then, in my judgment, is whether or not the present circumstances of the United States, in the last third of the 20th century, justify a constitutional interpretation that denial of voting rights to 18-year-olds is denial of equal protection of the law to those of that age.

Recognizing on the one hand the great privileges of U.S. citizenship, we might also consider the burdens of that citizenship. We make few requirements of our citizens: that they obey the law, pay taxes, serve on juries and finally, that during their youth, our young men serve in the Armed Forces.

This mandatory duty of military service must be considered the most difficult of all; certainly in the past 5 years the burdens of an unpopular war have fallen more on those of the ages of 18 through 20 than on any other age group. The loss of life, liberty and pursuit of happiness has occurred primarily among the young combat infantrymen. I am impelled to note that over half the young men of one marine rifle regiment in Vietnam last year were killed or wounded by booby traps alone. A number of years ago I was privileged to serve with a rifle platoon in Korea, most of whom were killed or wounded, and whose average age was 19.

At 18 we require our young men to register for the draft; many 18-year-olds volunteer for military service. And the burden is not just on young men. It also falls on those who love them and who watch and wait for their homecoming, the young girls whose lives are linked with theirs.

If equal protection of the laws is to have any real meaning at this point in our history, it would seem reasonable to conclude that the obligation to fight and die in a war against people whom a man does not hate, in a cause in which he does not believe, justifies the protection of law that such man and the loved ones of his age be entitled to vote for or against such cause.

It is therefor, Mr. Speaker, that I will vote today for the lowering of the voting age to 18, despite the possibility that the Supreme Court may well take a narrower view of constitutional construction. On balance I feel the Court should sustain our action today.

Mr. BENNETT. Mr. Speaker, I believe I was the first southerner to speak out for the 1965 voting rights bill. When I so spoke and later so voted, I labored under no delusion that this position was the then popular position in my district. I have never regretted that decision, because I believed what I was doing was the right thing to do and that my constituents would some day agree; but, even if they did not, I fulfilled the concept of representative government that a representative owes to his constituents his best judgment, whether or not it might become a political liability to himself.

Likewise, today, I speak for this measure to allow 18-year-olds to vote because I think it to be the right thing to do, though I doubt that it is currently the opinion of my district. I believe that these young people are qualified by education and sufficient experience in life to cast sound votes. They are today required to carry heavy burdens of citizenship, including service in the Armed Forces. There is an ominous danger to a democracy if it disenfranchises citizens who are capable; because, by prohibiting the normal exercise of citizenship in the vote, frustrations arise which can lead to dangerous alternatives in dissent.

Frankly, I would have preferred a constitutional amendment to solve this situation. But two arguments impress me with the present procedure. First, I think that the time for action in this is now, not years hence by the lengthy amendment procedure. Second, I feel that this statutory procedure is permissible under our Constitution. Although the Constitution did originally put qualifications for voting solely in the hands of the States, the 14th amendment to the Constitution, being later in date than the original qualifications provision of the Constitution, would appear to give Congress the power to act in the field.

The Supreme Court in the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, (1966) did in fact, rule that this is the case in upholding a Federal law prohibiting a New York English literacy test.

In conclusion, Mr. Speaker, I urge that the House enact this measure; and in so doing I express confidence in the vast majority of well behaved young people today, who are obviously our best and only hope for the future. As for me, I am proud of them.

Mr. FOUNTAIN. Mr. Speaker, one does not have to be opposed to a lower voting age to take issue with the method by which the Senate proposes that this be done in H.R. 4249.

It is argued in the preamble to the Senate's lower voting age amendment that there is no compelling State interest in this matter. How curious indeed that after 180 years of this constitutional Republic, during which time it has always been within the province of the States to set the voting age, there has now arrived in our 181st year a situation in which there is no longer any compelling interest. This is pure bosh to cover up a bold attempt by some in the Congress to usurp jurisdiction in this matter. Such action might be more acceptable were the States asked to acquiesce in it. In other words, were Congress to vote a constitutional amendment lowering the voting age, which would require ratification by three-fourths of the States before it could become effective, I would support it. But that is not proposed in H.R. 4249. Nay. Congress is to decree by statute that the universal voting age for all elections—national, State and local—shall henceforth be 18. I ask: "Is that not arrogance?" Yea, verily.

Mr. Speaker, are we to meekly assent to such jarring of the Constitution? Are we not to contest this because "the votes are there?" Here stands one representative of the people who will not quietly assent.

Would it be going too far to point out that virtually every State legislature has had this matter under consideration in the past 3 years? Would it be going too far to note that in two States—Ohio and New Jersey—voters defeated referendum proposals to lower the voting age in 1969; that in Oregon, this year, voters defeated another such proposal; and that in 15 other States this year it will come before the voters for resolution? In short, action is going on at the State level. We may not all agree with the results, but those who have traditionally held the power to set the voting age are taking action. Why then should Congress preempt this field? Why should Congress by statute lower the voting age?

There is no good reason for it. In truth, and we all know it, this is simply an arrogation of power. Members of Congress, apparently a majority, are convinced that this is a good thing. Accordingly, ride roughshod over our constitutional system. The devil with diversion of powers. How much longer can this Nation, through court and congressional action, stand changes in the basic constitutional concept upon which it was founded? Not much longer.

I do not accuse anyone of insincerity. On the contrary, I accuse them of misguided sincerity. If they are so convinced of the rectitude and value of this action, let them go to the people of their respective States and petition them to vote "yea" on this question. Why do they not do that? Because they know full well that, despite the polls published by Mr. Gallup, the people of many States are against this proposal. Others will probably in due time accept it, but time after time, with the exception of Georgia in 1943 and Kentucky in 1955, the voters have rejected this notion.

Does this daunt the Congress? Far from the case. We now have before us this piece of legislation which will lower the voting age by a Federal statute not by a constitutional amendment. We are asked to vote for it because, by the most attenuated of argumentation, it is suggested that to deny them the ballot is to deny them equal protection of the laws. How ridiculous can we become in our effort to evade proper constitutional processes. Well, it has been said before: there is no end to the folly of man.

Let us be done with this charade; with this flimsily disguised seizure of power. Let this House stand up for constitutional procedures. Let this issue be redressed in orderly fashion. Let us reject adoption of the Senate version of H.R. 4249. In any event, let us order a conference. Let us eliminate this unconstitutional provision to lower the voting age. And then, if it is the will of two-thirds of the Congress—and I will be among that group—let us pass a constitutional amendment and remit it to the States for their action. That is the right and safe route, Mr. Speaker. It is hard for me to believe there is a single Member of this body who believes it otherwise.

I cannot understand these efforts to move ahead and deal with all elections, Federal, State, and local, by the Federal statutory route when one envisions the awkward problem the country will face if the Supreme Court were to invalidate

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a whole set of elections. The Court should not have to render a decision under such pressure—knowing that to properly declare an act unconstitutional could bring to a halt our entire system of governmental operations.

The perversion of the Constitution to accomplish even a goal with merit is entirely too high a price to pay. One of the most serious problems from which this Nation suffers today is "a spreading disdain for law." Abuse of the Constitution to attain even desirable ends can only succor those who would replace law and constitutionalism with fiat and force.

So, I appeal to my colleagues to reject the Senate amendments. I appeal to them to support orderly constitutional procedure. These days one never knows what the Supreme Court will say, but regardless, it is not constitutional to change the voting age in this manner. Mr. Archibald Cox and Mr. Paul Freund to the contrary, this is not proper. It is not good for the country.

The clear mandate of article I, section 2, is to leave this question to the States. There is no evidence of invidious discrimination. There is no compelling evidence of denial of equal protection of the law. There is, in other words, no constitutional mandate or failure by the States to abide by the Constitution which would allow for the action here suggested. There can be no good reason for Congress to intervene in this manner. Let us not participate in this power grab. The States are the ones to determine this matter, and they are acting to do so. That in itself is enough reason to send this proposal to conference so that the orderly constitutional amendment in process may at least be considered.

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Mr. DOWNING. Mr. Speaker, I have given this resolution considerable study and thought because it has caused me great concern.

Basically, I favor equal voting rights for all people, and despite recent youthful disorders, I would like to see 18-year-olds have the right to vote. My conscience and judgment, however, will not permit me to cast a favorable vote for this particular resolution.

I voted for the Voting Control Act when it applied to all of the States in our Union. If such controls are necessary, they should apply to all States and not a selected few.

The Senate, however, saw fit to remove this nondiscriminatory provision and amended the bill so that it again shackles and humiliates the seven Southern States, including my own State of Virginia and a few outside counties.

I sincerely believe that the present minimum voting age should be lowered to 18 years, but I will not sanction what I think is unconstitutional action in order to accomplish this.

The 14th amendment to the Constitution establishes the age of 21 as the minimum voting age. To change this by simple legislation would be clearly and unequivocally unconstitutional, and it would establish a dangerous precedent for other changes to come.

The merits of this proposal sorely tempt me to ignore the possible restrictiveness of our Constitution, but this I will not do. When elected to this public office, each of us solemnly swore to uphold the Constitution of the United States. Feeling so strongly that this legislation is unconstitutional, I cannot vote for it. The proper course to accomplish this result is by an amendment to the Constitution.

Mr. MONAGAN. Mr. Speaker, apart from the merits of this legislation, I want to express objection to the manner in which it has been brought before the House.

It may well be that I shall vote for this resolution since I definitely support the civil rights aspect of this bill and would not want to see the Voting Rights Act terminate by lapse of time. At the same time it is indefensible that the section relating to voting rights for 18-year-olds has been inserted in this legislation by the other body and that that body holds a pistol to our head with the threat of nonpassage of the main provisions of law.

Everyone acknowledges that there are constitutional questions about lowering the qualifying age for voting otherwise than through a constitutional amendment. Certainly this broad extension merits some discussion in this body. In addition, in Connecticut the proposal to lower the age will be on the voting machines this November. The chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER) has indicated his preference for action through the constitutional amendment process and it is this method which I would prefer to see us use.

Mr. SKUBITZ. Mr. Speaker, there is a proper time and place to do everything. It is unfortunate that the Senate has decided to attach to the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State, and local elections.

The real question now is not if we should lower the voting age but what is the proper method. In my opinion voting approval of this rider is wrong. The proper way to lower the voting age is through a constitutional amendment. Most constitutional lawyers support the belief that the best way is by amendment because the Federal statute could be declared unconstitutional in the future. It could throw the electoral process into a mess during a serious period of legal uncertainty. Thus, in the long run it would be most frustrating for our young people.

Therefore, I believe that the 18-year-old vote rider should be separated from the Voting Rights Act. Then we could make a better decision on the merits of the act itself.

Thus, in a nutshell, I believe the people should be able to make their individual decisions by voting in State referendums to decide this constitutional question or by the action of the State legislatures.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 914, to agree to the Senate amendments to House Resolution 4249, to extend the Voting Rights Act of 1965. The Senate amendment to lower the voting age to 18 years of age for all national elections is especially significant.

In my judgment, young people today are better equipped than ever before to exercise, responsibly, the voting privilege. Our Nation must meet today's challenges with all the resources we have available. Today's largely untapped resource is the abundance of young dedicated American citizens between the ages of 18 and 21.

The city commission of Miami has publicly expressed unanimous support for the pending proposal to lower the voting age to 18. I submit the commission's resolution for the RECORD:

> Whereas, young people all over the country have demonstrated their interest in our governmental and foreign affairs.
>
> Whereas, in the wake of the present violence we feel it necessary to give youth a constructive and peaceful means in which they may channel their concern and grievances.
>
> Whereas, we find that more and more young people have had to take on many responsibilities and we feel that they should be given equal rights to make decisions that affect them.
>
> Now therefore, be it resolved that as of May 13, 1970 the City of Miami Commission supports the Congressional proposal to lower the voting age to 18 and urges Congress to concur with this resolution.

Mr. OTTINGER. Mr. Speaker, I rise in full support of House Resolution 914, providing for our agreement to the voting rights amendments passed by the Senate.

Just as the landmark Voting Rights Act of 1965 was one of the proudest achievements of the 89th Congress, the amendments before us today may well be the single most important piece of legislation we will consider during this session. During the first 5 years of the act, more than 800,000 black citizens have registered to vote, the percentage leaping from 20 percent of those eligible to 52 percent in States where Federal examiners have been used, and the number of elected black officials has risen from 78 to nearly 500 in the Deep South.

Our work is far from done, however, because of the enclaves of white resistance to the enfranchisement of black people. In almost 200 counties in Alabama, Georgia, Mississippi, and South Carolina, we are confronted with the distressing fact that less than 50 percent of eligible black people are registered. It is incumbent upon us to build further upon the achievements of the act, which the Senate version of H.R. 4249 will continue in effect for another 5 years, in addition to putting a nationwide ban on literacy tests and establishing uniform national residency requirements for voting in presidential elections, thereby allowing all people who have moved to a new area at least 30 days before an election to register and vote.

Mr. Speaker, the revolutionary feature of this bill is the granting of the vote to 18-, 19-, and 20-year-old citizens. The traditional 21-year minimum age is no longer justifiable in our sophisticated society. It actually dates back to medieval times when a man was deemed not able to bear armor until he became 21, and we have clung to this outmoded standard far too long. If an 18-year-old is mature enough to bear arms in defense of his country, if he is expected and required to pay taxes, if he can be tried as an adult in our courts, and if he has the right to marry at 18, then we have surely discarded the notion of immaturity at 18 in every area except enfranchisement. With our extensive media communication, up-to-date newspaper reporting, and advanced education in the workings of our political system, there is no reason to affirm that people below 21 are not as qualified to vote as 21-year-olds were during the early days of the Republic.

The equal protection clause of the 14th amendment gives Congress a clear mandate to legislate minimum voting qualifications including age, a conclusion attested to by the most eminent of our constitutional scholars. In Katzenbach against Morgan the Supreme Court in 1966 by a 7-to-2 vote held that Puerto Rican citizens in New York could not be denied the right to vote because of their failure to pass a literacy test in English, a decision based on the 1965 Voting Rights Act, granting clear recognition of the power of Congress to legislate nationwide voting qualifications.

There can be little doubt that the constitutionality of this provision will be tested early in the courts, but there is no substance to the charge of opponents of this bill that its passage would create havoc in a future election. The 18-year-old vote is not authorized until January 1, 1971, and the Supreme Court can expeditiously hear and rule on this issue long before any elections are held.

The important need for this move is the increasing alienation of our young people from the governmental decisions which affect their lives so profoundly. We can do much to restore the faith of these young citizens in the American political system by enfranchising so many who have demonstrably shown their intelligence, maturity, and sense of responsibility about the future of this Nation.

Mr. Speaker, as we moved toward consideration of this important legislation, we beheld the Nixon administration's southern strategy creeping up to Capitol Hill once more as a familiar blight. The heavy lobbying effort being mounted against the voting rights amendments prove once again that the administration, in pursuit of future election victories, is willing to write off millions of blacks as not being worthy of American citizenship. In opposing this bill the President is also confirming the wide gulf between his policies and the legitimate wishes and aspirations of millions of our young people into whose hands the direction of the Nation's affairs will soon be placed.

In these troubled times we need more participation in the political process, not less. The enfranchisement of qualified Americans is only fit and in keeping with the tenets upon which our representative democracy is based. I urge my colleagues to pass this bill overwhelmingly and thereby demonstrate their faith in the system which must be kept responsive to the times.

Mr. PODELL. Mr. Speaker, we have before us today one of the most important pieces of legislation to come before Congress this session. I am speaking specifically of the amendment to the Voting Rights Act giving the 18-year-olds the right to vote.

The issues surrounding this measure have created strong constitutional and emotional overtones. There have been strong and cogent arguments raised on both sides of the issue of the constitutional authority of the Congress to act on this matter. I am convinced, however, that Congress has the constitutional obligation to adopt the amendment.

This is clearly an issue whose time has come. If Congress refuses to act today, it has no choice but to renounce its claim to leadership in the ongoing struggle for individual rights.

I have long been aware of the inequities present within our voting system. The denial of the 18-year-olds' right to vote has become one of the most serious of these inequities.

In 1965, as a member of the New York State Assembly, I introduced the first constitutional amendment calling for a reduction in the voting age to 18. That bill passed the assembly by a vote of 121 to 25 but was killed in the senate. I believe that the time has come to remedy this inequity once and for all.

Through the years, I have argued that youth must have a say in the decisions in which they have so large a personal stake. These words ring truer than at any time in the past. The decisions reached by our Government not only intimately affect our youth, but have become the force behind their deep concern and dedicated action.

At the same time, our young people are the most dedicated and the most knowledgeable in our Nation's history. The change in the quality of the education process, the introduction and widespread use of television, radio, and periodicals, have made the young person today as aware of what is going on as most adults. I feel that he is capable of making important decisions and should be trusted to do so.

The issue today has assumed a new urgency. The depth of our youth's commitment must not be underestimated and their arguments should be considered.

In the past months, Representatives on Capitol Hill have had the opportunity to meet and discuss important matters with many students. Such discussions covered a broad range of issues.

I consider myself most fortunate for my office was visited by hundreds of these individuals. Mr. Speaker, it was impossible to talk to these young people and not go away with a sense of their intelligence, their sophistication, their dedication, and their cogency.

Youth is confronting the issues head on. They are well placed for action, and the potential of their numbers have become an important political reality.

The great majority of the youth in this country reject the use of violence. They are appalled by its doctrinaire use and are dismayed by the counterviolence that it inevitably breeds.

Yet, we must provide some channel of expression for this generation's intense concern. They have been mobilized and their expectations aroused.

The vote will be one avenue for the channeling of political activity. If it is true that we still look upon the vote as the ultimate weapon in our society, as the instrument by which citizens may peacefully challenge the status quo, then this Congress must provide the right to vote to our 18-year-olds.

This system has worked well in the two States which have the 18-year-old vote—Georgia and Kentucky. This Congress cannot claim to be upholding and enforcing the 14th amendment, which provides for the equal protection of the law, when it denies the right to vote to these individuals who are so informed about the issues of our society and who have so great a stake in their content.

Congress clearly has the constitutional obligation to pass the amendment giving the 18-year-old the right to vote.

Mr. RODINO. Mr. Speaker, I rise to urge the House to recede and concur in the Senate amendments to H.R. 4249, the bill to extend the Voting Rights Act of 1965, with respect to the discriminatory use of tests and devices.

As the author of the Committee on the Judiciary reports on the Voting Rights Act of 1965 and H.R. 4249, the measure before us, I can fully attest to the overriding necessity to extend all of the provisions of the Voting Rights Act for an additional 5 years.

On the basis of our subcommittee hearings, reports of the Commission on Civil Rights, and Federal court litigation over the past 5 years, I am profoundly convinced that the failure to continue all the remedies of the Voting Rights Act would encourage a return of manipulative changes in voting laws and other subterfuges to deny the right to vote to large numbers of our citizens on the basis of their race or color. We must not retreat in our defense of the exercise of the franchise, free of discrimination.

Mr. Speaker, I urge concurrence in the Senate amendments not only because I favor those provisions which would extend the Voting Rights Act of 1965. I also support those other provisions in the Senate amendment which would statutorily lower the voting age to 18 in State and local, as well as Federal elections. I support the voting age reduction both on the merit of the change and on the basis of its constitutional soundness.

I believe the right to vote is fundamental to full citizenship and participation in a system of representative government. In the recent past, the unpropertied and women were among those to whom the right to vote was denied. But today these citizens freely exercise the franchise. Nevertheless, approximately 10 million Americans who have reached their 18th birthday, but not their 21st, are denied the right to vote today.

Reasons for retaining 21 as a minimum age for voting are not very convincing. In the 11th century it may have been appropriate to judge a man's maturity by his sheer physical ability to bear the weight of a knight's armor; but

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nine centuries of history have destroyed the notion that the responsibilities and privileges of adulthood should be denied until the age of 21. In many States an 18-year-old can legally take a job, drive a car, buy liquor, even make a will, or he may enlist in the Armed Forces. In many States a women of 18 can marry without the consent of her parents. Indeed, a substantial percentage of all women between the ages of 18 and 21 are married. I need hardly remind Members of the House that 18-year-olds are vulnerable to the military draft. Recent figures show that approximately one-third of the American troops in Vietnam are under 21. Nearly half of those killed in action are under 21. I agree with Abraham Lincoln, who said:

> I go for all sharing the privileges of the Government who bear its burdens.

There is abundant evidence that today our young citizens bear a heavy burden and obligation of their Government.

I also believe that the statutory reduction in the voting age will be sustained by the Supreme Court. I believe that the Congress possesses the power under the equal protection clause of the 14th amendment to legislate whatever is necessary and proper to effectuate the protections guaranteed by that amendment. This conclusion was made manifest by the Court over 4 years ago in *Katzenbach* v. *Morgan*, 383 U.S. 301. The Supreme Court in recent years has been extremely severe in reviewing State laws which restrict or deny the right to vote. For example, without an act of Congress, the Court has overturned the poll tax requirement, the disqualification of soldiers at military posts, and the requirements of property holding or parentage of schoolchildren for voting in a school bond election. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969).

I believe that this line of decisions together with the holding in Morgan fully support a reduction in the voting age at this time. Furthermore, I totally disagree with the President and others who claim that congressional action in this area will place an intolerable burden on the Supreme Court. Rather, I believe that congressional action in this area will provide substantial aid to the Court. There is no doubt in my mind that cases challenging the validity of present voting age requirements will be filed throughout the country. Some have already been filed. When these cases come to the Court for final decision, the burden will be much heavier if the Congress does not act. A declaration of congressional intent in this area will buttress the final decision the Court reaches.

I urge my colleagues to concur in Senate amendments to H.R. 4249, and approve the rule.

Mr. HUNGATE. Mr. Speaker, first, I favor extension of the Voting Rights Act of 1965 in substantially the same form as it now exists; second, I favor submission to the States of a constitutional amendment authorizing the 18-year-old vote, provided three-fourths of the States concur.

The right of all citizens of all races, religions, creeds, and nationalities to vote in all areas of our country is a fundamental one.

Legally I think the question of the 18-year-old vote should properly be handled through a constitutional amendment. I have serious doubts that the Congress has power to grant the 18-year-old vote in all States without a constitutional amendment. Since our Government unhesitatingly drafts 18-year-olds to fight and die in support of our freedom and since throughout much of this country they may marry, make wills and be taxed, I think it is most difficult to deny them the right to vote for the Government whose commands they execute.

It is perhaps not surprising that groups which find themselves denied a voice in the decisions which affect their destiny feel estranged and alienated and regard it as "the Government" rather than "our Government."

For these reasons, I would favor submission of a constitutional amendment to all of the 50 States so that if three-fourths of them agreed, then the right of 18-year-olds to vote could be established as part of our Constitution, just as the right of women to vote was established as part of our Constitution.

I see no more reason to join a Voting Rights Act with an 18-year-old vote proposal than I do for mixing onions and apricots. Except for the exotic procedural rules of the other body we would not be forced to consider such hydra-headed legislation. Therefore, I support the effort to return this measure to conference so that two separate issues may be considered separately.

Mr. ANNUNZIO. Mr. Speaker, today the House is considering the Voting Rights Act amendments and I want to go on record in strong support of this bill. It is true that the Senate has added amendments to the House version of the voting rights bill, but these changes are good and necessary ones. This bill is a stronger, more powerful one because of these changes. There is no question but that the Voting Rights Act of 1965 has enabled thousands to vote who never had done so before. We must not let them down now.

You are familiar with these Senate provisions: To extend the coverage of the Voting Rights Act of 1965 to those States and counties where a literacy test was required on November 1, 1968, and where fewer than 50 percent of the voting age population actually voted in the 1968 presidential election and to retain the provision which requires Federal review of new voting laws enacted by those States covered by the act. This is a most important provision, for we all know too well how black citizens were denied their rightful vote by various and sundry voting laws and requirements.

Mr. Speaker, what I really want to stress today is the importance of the Senate amendment to lower the voting age to 18. This has been a hotly contested issue. Some believe Congress has no authority to change the voting age by statute. I am not one of those. I feel this issue is too important to be haggled over. Moreover, the evidence for statute change is convincing. The Supreme Court in Katzenbach against Morgan made it quite clear that Congress does have the authority to legislate in this area, if it makes a finding of discrimination and denial of equal protection of the law as prohibited by the 14th amendment.

There can be no question, Mr. Speaker, that our young people deserve the vote. It is they who are being asked to give their lives in Vietnam. Our youth are vitally interested in our world and they deserve to be allowed to take part in it. If people cannot exercise their will through proper channels, history shows that they take to the streets. Why, then do we hesitate, when the answer is so obvious? Why do we delay?

Senator MANSFIELD recently said:

> Lowering the voting age to 18 will tend to bring about a better and more equitable balance in the electorate of the nation. As life expectancy rises, the number of older voters increases. A corresponding expansion in the number of younger voters will not only broaden the political base of the Government, it may well provide concurrently a more balanced approach in the nation's general political outlook.

Although the median age of the American population is going down—about 27 now—the median age of the American voter is going up—about 45. Thus, lowering the voting age would, indeed, bring our political process into balance.

Public opinion is very definitely for lowering the voting age. In the recent Gallup polls on this question, between 56 and 66 percent of the public favored such action.

Our young people today are the best educated ever. Their enthusiasm and concern for the world cannot be denied. Why do we hesitate when we have so much to gain?

I feel strongly that in a democratic society access to the ballot is a fundamental source of power. In the Voting Rights Act of 1965 we guaranteed this right to our black citizens, let us now extend this right to those 18, 19, and 20. It is sensible to do so. Let this issue now be resolved.

Mr. COHELAN. Mr. Speaker, I rise in support of H.R. 4249, the Voting Rights Act, as amended by the Senate. I support this bill because it represents a viable attempt to guarantee equal voting rights for all of our citizens. I am happy to be able to vote for this bill.

The key provisions of this bill are that it extends for another 5 years the Voting Rights Act of 1965. I think we are all familiar with the success of this legislation in terms of increased voters registration in areas where discrimination was a known fact and a common practice. We must continue to move ahead in this direction by extending this legislation for yet another period of time.

Another key provision is the nationwide ban on literacy tests would indeed lend a more equitable and juridicial character to this bill. The simple fact that literacy tests exist implies a sense of discrimination and inhibits citizens from registering. It is time we eliminate all vestiges of our electoral system which further prejudice and discriminate.

Another section of importance is establishing uniform residency requirements

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for voting in presidential elections—a person need only reside in an area 30 days prior to the election. We live in an age of increasing mobility—voters should not be penalized by strict residency requirements—a change like this would provide for a more interested and enthusiastic electorate.

Mr. Speaker, I am especially pleased with the provision extending the vote to all 18-year-olds. The present cut-off age of 21 years necessarily eliminates a large number of our citizens from assuming a rightful place in our political process. Who is to say that an 18- or 20-year-old does not have the same potential or ability to be politically informed as a 21- or 35- or 43-year-old? Our young people have assumed the responsibilities of fighting our wars, of paying taxes, of taking positions in the business world, of being married and raising families. Why should they be denied the right to vote?

Our social and educational systems are such that our young people today are more aware of national problems and responsibilities. Their enthusiasm should not be stifled but should be nurtured. They should be allowed to play a rightful and meaningful part in our political process. I can think of no better way to provide for an informed and caring electorate than to extend the privilege to vote to our young people. They have certainly exhibited an interest and I feel it is a genuine and concerned interest. It should be given its proper outlet—by allowing them to express their choice at the polls. I feel that extending the vote to 18-year-olds will be a positive step toward a more informed electorate and will stimulate and encourage our young people to work within the political system.

We are witnessing a terrible crisis in our country today—many young people have lost confidence in political authority and institutions. Political rhetoric will no longer satisfy their energies—nor will it reinforce their faith in the system. We must allow them to take their rightful place in the system by giving them the right and the corresponding responsibilities of the franchise.

I know that some are concerned about the constitutional precedents for this action. But I have investigated these arguments thoroughly and am convinced that the Congress has the constitutional authority to take this step. I am further convinced that the Congress has now an important responsibility to take this step.

I urge my colleagues on both sides of the aisle to support this bill.

Mr. FRIEDEL. Mr. Speaker, I support wholeheartedly House Resolution 914, and urge all Members of this House who have a deep desire to insure a constructive future for the United States to support this most important measure. If there ever were alienated groups in our society today, it is the black and the young. All men of good will must want—and work to get—these all important groups into the mainstream of American life. What better way than by making possible the passage in this body today of the excellent Senate passed version of the Voting Rights Extension Act. The pending resolution will make this possible.

As one who, thank God, has had a long and fruitful public life, let me say that if there ever has been an era in the history of our great and beloved country where we needed a measure to truly bring us together we need it now. House Resolution 914 can go a long way in making this possible by permitting the House to accept the Senate-passed version of the Voting Rights Extension Act.

How many of us in recent weeks have heard the young people say "they just don't hear us" or "they just don't want to change the system." Let me as one Member tell you that I have heard these voices and I believe that we can change and bring about a new era where the catch phrase, "the generation gap," can at last be forgotten and millions of young people can begin to work within the system to improve things.

Mr. Speaker, who among us really prefers to have our young people disenchanted and condemning the system rather than participating in its operations? By voting for the pending resolution today, we can make these young people participants—not just protesters.

Now some people have said that the 18-year-old vote by this means is unconstitutional and they have cited legal precedent in support of their position. The Senate-passed version of the voting rights legislation would provide for a speedy and expeditious court test of the constitutionality of the 18-year-old vote provision.

The opinions of the legal question which have come to my attention from our leading law school faculties persuade me to the view that the Supreme Court will ultimately uphold the constitutionality of this approach. What I simply cannot understand is why the Nixon administration, with its much-publicized goal to "bring us together," would be 180 degrees to the contrary in opposing this type of constructive utilization of the energies of our young people.

What it all boils down to is, do we want today to allow or permit a constructive outlet for the tremendous commitment and energy which the vast majority of our young people have demonstrated they have. By voting for House Resolution 914 we can provide no clearer sign that the Congress, and specifically the House of Representatives, welcomes the interest and active participation of all young Americans in our historic political process. By providing the 18-year-old vote today, our action will make useful and valuable the activism which is now being wasted and frustrated and thereby causing further domestic unrest.

On protecting and extending the landmark legislation which we passed in the 89th Congress to protect voting rights of our black citizens, we must not, in 1970, abandon the constructive course we have at long last embarked on. The 15th amendment was ratified in 1870 and it took almost 100 years to put teeth into it and make it work. We are just now beginning to see the results of significantly larger numbers of black citizens participating in the elective process. The literacy test was a scourge for far too many years which prevented millions of our citizens from exercising their franchise.

Again, Mr. Speaker, the Nixon administration appears to be going in the opposite direction from its stated theme "bring us together." The administration offered substitute measure which unfortunately passed this House last year by three votes eliminated the preclearance requirement and shifted the exclusive jurisdiction over voting rights cases from the District of Columbia Federal Court to local Federal courts. In effect, this action permits reinstatement of discriminatory voter registration practices and eliminates the requirement that States file voting law changes with the Justice Department. It would leave ultimate enforcement of this important constitutional right in the hands of the Attorney General who would have complete discretion over what suits would be filed in southern district courts rather than to the more sympathetic Federal court here in the District of Columbia.

The Senate, wisely, in my view, amended H.R. 4249 to restore the original language and intent of the 1965 act and at the same time extend its provisions for 5 additional years. The Senate bill would also establish once and for all a nationwide ban on literacy tests and provide for uniform residency requirements for voting in presidential elections.

Mr. Speaker, in conclusion, and as I said at the beginning of my remarks, we simply must take positive steps to protect the future of our democratic system. Our young and black people are currently disenchanted, rightly or wrongly, with many aspects of our system. By voting for House Resolution 914 we can go a long way in allowing these valuable people to have their day in that most sacred of all courts of last resort, the U.S. electoral system.

Mr. PODELL. Mr. Speaker, we have before us today one of the most important pieces of legislation to come before Congress this session. I am speaking specifically of the amendment to the Voting Rights Act giving the 18-year-old the right to vote.

The issues surrounding this measure have created strong constitutional and emotional overtones. There have been strong and cogent arguments raised on both sides of the issue of the constitutional authority of the Congress to act on this matter. I am convinced, however, that Congress has the constitutional obligation to adopt the amendment.

Mr. BUSH. Mr. Speaker, I am somewhat distressed that legislation as vital as the Voting Rights Act has been obliterated by the Senate rider permitting entry into the franchise of 18-year-olds.

The Voting Rights Act is extremely important. As passed by the House the bill would suspend all literacy tests, provide uniform residence requirements for those who want to vote in presidential elections, grant the Attorney General the authority to station voting examiners and observers in any jurisdiction to enforce the right to register and to vote, and launch a study of the use of literacy tests and other devices that may be abridging the voting rights of individuals. The most important feature of the House version is that it discontinues the punitive and discriminatory provisions of the 1965 act—provisions aimed at one section of the country. I have some philosophical problems with the Senate version of this bill. I would like to see the House stick by its version.

I am pleased that the issue of 18-years-olds voting is being debated in the Congress and in the country, but I am sorry that it is in connection with this bill. Personally, I feel that these young people are entitled to vote. The voting patterns in Georgia and Kentucky—States which permit 18-year-olds to vote now—have not changed. My experience in going around to many campuses is that the average 18- and 19-year-old today is, because of improvements in our educational system, better able to make sound judgments than I was when I was 19.

This privilege should be extended to our young people by the States or by constitutional amendment. I have introduced a bill that would enfranchise 18-year-olds by constitutional amendment. I feel that this should not be accomplished by statute. The Katzenbach against Morgan decision upon which the Senate based its argument that 18-year-olds can be enfranchised by statute only makes sense when looked at in the context of the mainstream of the 14th amendment litigation, policing State restrictions on ethnic minorities. The restrictions affecting young people simply do not fit into this category.

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Mr. REID of New York. Mr. Speaker, I rise in strong support of House Resolution 914, providing for agreeing to the Senate amendments to H.R. 4249, the Voting Rights Act amendments.

The action of this House last December in failing to extend the Voting Rights Act in its present form was reprehensible and a backward step. We have the opportunity today to rectify that error by accepting the Senate amendments which do provide for the extension of the Voting Rights Act without crippling amendments.

In addition, the Senate bill adds three very important provisions respecting the right to vote in general. First, the bill expands the temporary ban on literacy tests to make it national rather than regional in scope and effect. Second, the Senate bill includes a nationwide uniform authorization for persons to vote in presidential and vice presidential elections if they have resided in a State since the first day of September preceding the November election. This provision is absolutely essential if the right to choose the President and Vice President is not to be circumscribed by the exigencies of moving in today's mobile society. I introduced a bill in 1969 to accomplish this, and I am glad to see it included in the Voting Rights Act.

Third, and most important, the Senate bill provides for extending the right to vote to 18-year-olds. The challenge of youth is perhaps the greatest domestic challenge facing the United States in the 1970's. The concern of our young men and women over the political and social future of our country has been well demonstrated. They have campaigned for candidates of their choice; they have been far ahead of their government in indicating the need for change. In these endeavors, they have shown an extraordinary degree of commitment to principle, a great faith in democratic institutions, and a desire to work within the system.

It is an undeniable fact that in 1970 our youth are better educated and better equipped to cope with the responsibilities of citzenship in a democratic society than ever before.

It is undeniable that in 1970 our youth have a greater degree of sensitivity toward political issues than ever before, and a potent desire to channel their energies toward much needed change.

And it is also undeniable that we have perpetuated a grievous situation in which some 11 million of our citizens have borne the responsibilities of citizenship while failing to be endowed with their right to participate in shaping their responsibilities. These 11 million citizens bear the responsibilities of military service, of adult punishment under the criminal law, and many face the responsibilities of employment and providing for families.

I submit that this situation should no longer be allowed to exist. I submit that the principle of concurrent rights and responsibilities forbids it.

It is my firm belief that the function of the Congress is clearly to legislate; it clearly is not to second-guess upon the constitutionality or validity of its legislation. Historically and uncontestably, this is the function of our courts.

The constitutionality of lowering the voting age to 18 by legislative fiat has been eloquently argued on both sides. I, for one, am convinced of this procedure's validity, and I am hopeful that the courts will have the opportunity to rule on the matter without delay.

My view in this regard is sustained by Profs. Paul Freund and Archibald Cox of Harvard Law School—Mr. Cox is a former U.S. Solicitor General—and by a unanimous opinion of the Association of the Bar of the City of New York. To use the constitutional argument to defeat this legislation is not only to extend the invidious discrimination which exists toward our youth, but to abdicate our sacred legislative functions.

Moreover, enactment of the 18-year-old vote now will be a clear indication at this critical time of our confidence in our young men and women and of our desire to work with them in strengthening our democratic procedures.

As for the Voting Rights Act itself, to fail to extend it as is would be an invitation to a number of States to resume and step up certain discriminatory practices which are repugnant to all men of conscience.

To fail to extend the Voting Rights Act as it is would be to betray the principles for which many Americans fought and for which some died—Martin Luther King, Jr., Medgar Evers, Mickey Schwerner, James Chaney, Andy Goodman, and others.

The purpose of the Voting Rights Act of 1965 was to secure full enfranchisement and the right to participate fully in political activities for all citizens. Considerable progress has been made toward that goal in the Southern States, but there is indisputable evidence that as one type of discrimination is eliminated, yet another barrier to political participation is created by the warped imaginations of those who seek to prevent black Americans from assuming an active role in politics.

I would submit that the job is not yet finished, that black registration is nowhere as high as it should be and that as registration goes up, harassments to running for office and voting also go up. This, I believe, is clear evidence that the Voting Rights Act must be continued for another 5 years without its application to the South diluted by nationwide coverage. To do otherwise will be to permit the States of the South to return to their discriminatory practices. Failure to pass this bill could result in the resumption of literacy tests, gerrymandering and a change from elective to appointive offices in some cases.

The bill that the House passed in December would give the Attorney General nationwide authority to bring voting rights suits to challenge discriminatory practices and laws. This would move the struggle to obtain electoral justice from the ballot box to the courtroom—with its attendant delays—and thereby vitiate the very success of the Voting Rights Act.

Almost a year ago, the distinguished ranking minority member of the Judiciary Committee, the gentleman from Ohio (Mr. McCulloch) said:

> As I understand the provisions of the Administration bill which pertain to the heart of this controversy, they sweep broadly into those areas where the need is least and retreat from those areas where the need is greatest.

Mr. Speaker, the voting rights provisions and the extension of the franchise to 18-year-olds are critically important to this Nation at this time. To fail to enact them would be a dereliction of responsibility, a most callous indication of lack of faith and broken commitments, and an invitation to further discord and division in America.

Mr. EDWARDS of California. Mr. Speaker, passage of the Voting Rights Act of 1970 will stand as the greatest achievement of the 91st Congress. By keeping faith with all Americans, white, black, brown, or yellow, and by enfranchising the 18- to 20-year-olds, this Congress will do more to bring this Nation together than any other single act could do. We can give no clearer indication of our confidence in these young Americans and no clearer sign of welcome into the democratic process from which they have been excluded. We can expect as a result a vast infusion of fresh talent and energy into our tired and lame political institutions. With the age barrier down, with a major cause of youthful frustration removed, we can expect the healing processes to begin immediately. This is the first major step toward reconciliation, a great day for Congress and the Nation.

Mr. WAGGONNER. Mr. Speaker, I have managed to discuss this bill before us with a number of my colleagues from all parts of the Nation and of both parties and of all shades of political philosophy and I am disturbed by what many are saying to me.

A general theme runs through the comments of many of those who favor passage of this bill and that is, though it is undoubtedly unconstitutional, we cannot vote against the 18-year-olds.

The younger generation, be they 18, 19, 20 or whatever relatively young age, is complaining about the lack of sincerity and the lack of courage in the convictions of some adults in the so-called establishment. This is a prime example of it, it seems to me. If there is a Member here who believes this process of changing the voting age is unconstitutional, and there are many, then they should have the courage to say so and vote so. But that is not the case, I am sorry to say.

The chairman of the House Committee on the Judiciary has said that it is unconstitutional. How else can a sincere man vote then? He must vote "no." He must vote to send this measure to conference and that is what I will do.

The previous question on the rule should be voted down and this bill sent to conference because the Senate has rewritten the House-passed bill on voting rights and added the extraneous matter of lowering the voting age. It is wrong to agree to these major changes with no debate and no conference. I remind you that no committee of the House has given any consideration to either the Senate version of the voting rights bill or the 18-year-old provision. We are being asked to ignore all these changes for fear of arousing the youth of the Nation. I say that we will arouse them, if at all, because we do not have the courage to vote against something we do not believe in out of fear of political reprisal. You underestimate the 18-year-olds if you think they are not smart enough to see this.

The equal application to all States which the House-passed voting rights bill provided for has been stripped away in the Senate version and we are back again to the same old, discriminatory legislation that hits at a few Southern States and winks at the rest. There is supposed to be equity in the law, but in this doctored version of voting rights, there is no equity for those Southern States being singled out for unequal treatment.

As for the vote for the 18-year-olds, I personally have no reservation about giving it to them if that is the will of the people, but there is a constitutional method for making this change and that is what we should follow.

Let no man delude himself that this proposal has popular support. I remind you that 14 States have rejected similar proposals by referendum or constitutional revision—the States of Connecticut, Hawaii, Idaho, Maryland, Michigan, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, and Tennessee.

Ten other states already have a lowered voting age question on their ballots in 1970 that do not lower the age to 18. They are Colorado, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, South Dakota, Washington, and Wyoming. In these States they propose lowering the age to 20 or to 19. Other States may have such a proposal later in the year.

I agree with President Nixon when he asked that this 18-year-old rider be separated from the bill and that we follow the procedure that is provided for in the Constitution, the one way that will leave no doubt as to its validity: by Constitutional amendment. This is the path of reason and the path I advocate we take.

I have enormous faith in the judgment of the people and if they want the age lowered, they should have it.

I urge those Members who are saying in private that this is unconstitutional to have the courage of their convictions and vote so and say so. You will not lose the respect of the 18-year-olds. It is the only sure way to earn their respect.

Let us approach this question in a constitutional manner, not by being stampeded out of political fear. This does no credit to individual Members or to the House as a whole.

Mr. STOKES. Mr. Speaker, I rise in support of the resolution. Almost a year ago today, when the Nixon administration was clearly showing the first signs of equivocation on the House bill—H.R. 4249—to extend the 1965 Voting Rights Act, I stated here on the floor that all those who supported the attempt to kill this measure would be intentionally alining themselves with the forces of bigotry and reaction. I attempted to delineate the absence of both morality and logic in the administration's arguments against the bill, and called on the consciences of my colleagues to resist that overt maneuver to quash one of the most effective civil rights measures ever enacted.

As you know, Mr. Speaker, that speech was made in vain. On December 11, in what I later described in a newsletter to my constituents as "the most disappointing moment" of my brief congressional career, the House narrowly adopted the administration's substitute proposal, thus apparently terminating the Voting Right Act. It was not a day to be proud of in a country founded on the concept of the equality of all men.

But, now events have taken us full turn, and the Members of the House are presented with one of life's rarest moments—the chance to "do it all over again." The other body has taken the precise action which I recommended in that speech last year by incorporating the salient features of the substitute bill in a package with a Voting Rights Act extension. No one ever doubted the desirability of the administration's suggestions that the Congress impose a nationwide ban on literacy tests and eliminate unwarranted registration requirements for voting in presidential elections. Indeed, a special Democratic National Committee task force of which I was a member recently made identical recommendations in its final report.

Yet, neither of these bear directly on the issue of discrimination against black voters in the South. That was, and should continue to be, approached under the authority of the tougher, more specific provisions of the Voting Rights Act. Certainly, the need still remains. In a report published less than a year ago the U.S. Commission on Civil Rights recounted a tale of horrors they had recently observed in Mississippi local elections which could easily have been written at the turn of the century. Bomb threats; intentional deceptions regarding how to file and when and where to vote; armed white deputies "encouraging" nonparticipation—it is all there. No, Mr. Speaker, the need still remains. The central question is whether the will of this body to continue to insure equal justice under law does likewise.

18-YEAR-OLD VOTING

Moreover, should we pass the pending resolution the House will today have the opportunity to not only rectify past error, but also to include in that rectification a measure which I have always considered another badly needed reform in our democratic system. I refer, of course, to the extension of the voting privilege to 18-, 19-, and 20-year-old Americans.

The rationales for passage of this provision are as familiar as they are persuasive. Each year, statistics clearly reflect an increase in the number of young people between 18 and 21 who are marrying, having families, paying taxes, and accepting all other responsibilities of citizenship. Seventy-nine percent of our youth in that age bracket now have high school educations. In 1920, 17 percent did. Similarly, 47 percent of today's 18-year-olds attend college. The figure for 1920 was 18 percent. And the most familiar contention of all is still the most persuasive—if the young men of those ages can be required to fight and die half a world away, because a handful of men here in Washington have the power to declare that their fighting and deaths are "in the public interest," then surely those young men have a right to help determine who those men exercising such power will be.

I have only come across two basic arguments against the 18-year-old provision. The first and easily the more impressive is that the provision is unconstitutional. Those against extending the right by statute have put together a very impressive list of constitutional lawyers who agree with their position. But so have the supporters. With the scholars thus split, we have no choice but to make our own analysis and decide the question in the light of present political realities.

It would not seem to require an unreasonably broad reading of section 5 of the 14th amendment and Katzenbach against Morgan to substantiate the provision. In Morgan, which upheld the Kennedy amendment to the Voting Rights Act prohibiting enforcement of New York's English literacy requirement

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for voting, the Supreme Court strongly indicated that the Congress did have the power under section 5 to assure equal protection by imposing its own judgments on matters falling within the purview of the 14th amendment. In refusing to second-guess the Congress' actions, the Court noted:

> It was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted Federal intrusion upon any state interests served by English literacy requirements. It was for Congress, as the branch that made this judgment to assess and weigh the conflicting considerations. . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

Applying this test to the present situation, it would appear highly likely that the Court would be just as hesitant to question our judgment now as before. It would be very difficult to argue that there exists no "basis upon which we might resolve the conflict," particularly in view of the statistics and facts concerning the present responsibilities and intelligence of persons between 18 and 21. Consequently, it is my opinion that should the measure pass, it holds every chance of being upheld in the courts.

With the constitutional question resolved, the issue is reduced to one of political judgment. Enter here the opponents second, and worst, argument—that the philosophies, life-styles, and political activism of a number of young people within this age group somehow indicates a lack of requisite maturity to merit the franchise.

The argument is almost absurd enough to collapse on its own, but is pernicious enough to warrant a further comment. America has never produced a group of young people as sensitive, aware, and socially conscious as those 10 million youths now between 18 and 21. They care desperately for their country, and especially for its less fortunate citizenry. They are concerned about what they perceive as an immoral war in Indochina frittering away our human and spiritual resources, the poisoning of the environment they will be expected to live in, and the twin paradoxes of poverty among riches and racism in a nation dedicated to brotherhood. Should these concerns reflect immaturity, our society is in grave need of a healthy dose of immaturity. But it is obviously not immaturity—in fact it is quite the contrary. These young people have much to offer the political processes. To whatever degree they are now disenchanted from those in authority, granting them the power to directly influence the election or defeat of those officials can only diminish that alienation. They will be good citizens, and our democracy will be the beneficiary of their participation.

Mr. CONYERS. Mr. Speaker, although my colleague, the Honorable SHIRLEY CHISHOLM, and I were present today during the debate on the passage of House Resolution 914, we were both unexpectedly called off the floor and were unable to respond to the final passage rollcall vote. As a cosponsor of legislation extending the Voting Rights Act of 1965, and having testified before the Judiciary Committee in support of extension of the Voting Rights Act, as well as having cosponsored legislation supporting the right and necessity of 18-year-old voting, this legislation is as extremely important to me as it is to Mrs. CHISHOLM and we deeply regret the fact that we were unable to cast our vote on final passage, notwithstanding the fact that the bill passed by an overwhelming majority. Had I been present I would have voted most enthusiastically in support of House Resolution 914.

Mr. HUTCHINSON. Mr. Speaker, back in 1907 Charles Evans Hughes, then Governor of New York, said in one of his speeches that the Constitution is what the judges say it is. More than a single generation of our people have been taught that the U.S. Supreme Court is the final arbiter of the Constitution, and some Members of this House, I fear, are of the opinion that whether an act is constitutional or not is no concern of theirs. They say constitutionality is the responsibility of the Court, not the Congress.

I absolutely disagree, Mr. Speaker. Every Member of the House is sworn to support the Constitution. I am sworn to support it, and I cannot, nor can any Member discharge his oath of office by casting his vote without regard to constitutionality. If the Congress is to maintain its equal station as a coordinate branch of the Government, it cannot do so by abdicating to the Court all considerations of whether congressional acts are constitutional. The Court does not expect Congress to do that. On the contrary, the Court assumes that Congress acts within the limits of the Constitution, and that every Member considers the constitutional question in deciding how he shall vote. The Court has great respect for acts of Congress. It conceives its duty to uphold the constitutionality of congressional acts if at all possible, upon the basis that Congress, too, is sworn to support the Constitution, and would not act without regard to its provisions.

We are now debating, for a single hour, a resolution, and at the end of this hour the House will vote that resolution up or down. Its adoption will mean the House has concurred in Senate amendments to the voting rights bill, and Congress will have attempted by statute to establish a uniform voting age, at 18, in every election throughout the land, whether the candidates be for local, State, or National office, and whatever may be the issue submitted to the electorate.

Out of a sense of deep conviction, Mr. Speaker, I submit that Congress is without power to fix a voting age by statute, and under my obligation to support the Constitution I must vote against legislation I believe to be unconstitutional.

Ours is a Federal Republic. Each of us has a dual citizenship. We are citizens of the United States, but each is at the same time a citizen of the State wherein he resides. Not all of our rights accrue to us because we are citizens of the United States. Some come to us through our status as citizens of our respective States. Among the rights we have as State citizens is the right to vote. We vote in our capacity as citizens of our State, not as citizens of the United States, when we participate in choosing the presidential electors to which our State is entitled, when we elect a U.S. Senator from our State, when we send a Member to this House from our State, when we elect our State Governor and our State legislature, and other officials both State and local which our State constitutions and our State laws provide shall be chosen by the people. Likewise, we act in our capacity as citizens of our State when we decide issues at the polls by referendum.

The qualification to vote, in our system, are determined by State constitutional provision. Congress has no function in it. The Federal Constitution is very clear on the point. At no place does it confer upon citizens of the United States the right to vote. Instead, it limits the power of the States to prescribe voting qualifications for those of their citizens who are also citizens of the United States. These limitations upon State power are definite and clear. In prescribing voting qualifications, no State may deny citizens of the United States the right to vote because of race, color, previous condition of servitude, or sex; or for failure to pay a poll tax in any election at which a Federal officer is to be elected. The Constitution does not deny State power to fix any age as the minimum age for voting. Indeed, it recognizes that power in the States. But it provides that any State which denies citizens of the United States who are citizens of that State the right to vote, being 21 years of age, shall pay the price of reduction in the basis of its apportionment in this House.

In the law there is a maxim of construction, that general language must not be construed to negate specific provisions. The Constitution is rightly interpreted only when vigor is attributed to all of its provisions. No provision is properly construed if it makes useless some other; and certainly the broad phrases of the 14th amendment should not be favored over the specific provisions of the Constitution. Instead, the 14th amendment should be interpreted with the other provisions of the Constitution in mind, and meaning given to them all.

And so I arrive at the decision in Katzenbach against Morgan, about which much has already been said in this debate today. Among the provisions of the 1965 Voting Rights Act is the one which superseded New York State's statutory requirement that in order to vote there citizens must demonstrate an ability to read English. We said it would be sufficient for a prospective voter to show six grades of education in a school under the American flag where the dominant language was Spanish. At issue before the Court was the constitutional power of Congress to invade in this way New York State's power to set voter qualifications. Resorting to its practice of searching strenuously for some way to uphold a congressional enactment, the Court rested its decision on the enforcement section of the 14th amendment, by which Congress is empowered to enforce, by appropriate legislation, the provisions of the article. The Court had accepted the argument that the particular provision of law at issue was intended by Congress to further secure to citizens of the United States residing in New York the equal protection of the laws.

In its reasoning, the Court said that in order to exercise its powers under the 14th amendment, Congress might direct a course of action at variance with State law, even though the State law might be constitutional. When that happens, of course, the State law is superseded because of the supremacy clause in the Federal Constitution.

Congress based its power to enact the Voting Rights Act of 1965 primarily on the 15th amendment, under which it may enact appropriate legislation to prevent any State's denial of the right of citizens of the United States to vote on account of race or color. Congress found that literacy tests were being used in some States as a device to deny black citizens their right to vote. It suspended such tests in those States during a period of 5 years, and set up Federal machinery to assure any citizen otherwise qualified an opportunity to register to vote without regard to his race. The Voting Rights Act, I repeat, was based primarily on the 15th amendment, not the 14th.

In the face of a simple extension of the 1965 Voting Rights Act for another 5 years, the present administration sought an alternative. Turning from the 15th amendment to the equal protection clause of the 14th amendment, the administration proposed to suspend literacy tests throughout the United States. No one had previously suggested any constitutional impediment to literacy tests in themselves. The case against them could be made only when they were used as a device to deny citizens the voting franchise on the ground of race or color. In order to suspend them across the country, the test or device concept was abandoned, and the equal protection concept adopted. But to uphold that proposition, Congress would have to be found with power to supersede otherwise constitutional State voting qualifications. Katzenbach against Morgan was relied upon.

The administration's alternative in the House went still further. It overturned State voting requirements as to residency within the State. In deference to the right of the States to protect their own local elections and the qualifications to vote in local elections, the alternative in the House pretended to reach only Presidential elections. In order to vote for electors of President and Vice President within a State, Congress says in the bill we are now debating that a citizen can vote there even if he cannot comply with the residency requirements of that State. We set up a lesser requirement which will stand in lieu of the State law or Constitution. But having got the Federal foot in the door, we go no further at the present time. We seem to have overlooked the fact that the States already have the power on their own to provide lesser residency requirements in order to vote for President, and that many States have used that power. Their constitutions and their laws already meet this problem which has been engendered by the mobility of the population. Is it either necessary, desirable or wise to assert Federal power—particularly when it is based upon a tenuous and untried concept of constitutional law—to deal with a problem the States are already meeting? I think it is not.

I regret my decision, when this bill was before us in Committee of the Whole, that I did not offer an amendment to strike the residency provisions. I did not believe them constitutionally within the power of the Congress then, and I am of that same opinion still. The reason I did not offer to amend the bill by striking out the residency provisions was that after seeing how poorly an amendment to strike the nationwide literacy provisions had fared, I know it would be a waste of the time of the House. But both nationwide literacy test bans and lesser residency requirements to vote for President within a State, based upon an extension of the reasoning in Katzenbach against Morgan, rest uneasily upon a weak foundation.

Encumbered with these unconstitutional provisions, I could not in good conscience vote for the Ford substitute for the voting rights extension which passed the House.

But when the bill reached the other body they did it more constitutional mischief. If Katzenbach against Morgan in effect amended the Constitution to empower Congress to define voter qualifications, Senators argued, then here was a vehicle to accomplish a uniform voting age at 18 throughout the country. And they amended the bill accordingly. Now it is again before us, through this resolution. How unwise it is, my colleagues, to vest in Congress the power to set voting qualifications.

If Congress can say that citizens of 18 can vote on all questions and in all elections now, it can by statute increase the age to 20 or 21 or reduce it to 16 or 17.

If Congress can reduce residency requirements to vote for President in the several States, it can at some future time increase them.

If Congress can constitutionally govern voting age qualifications in all elections, it can govern residency requirements in all elections—and it can control all other voting qualifications within the States.

Consider if you will, ladies and gentlemen, what this all does to the role of the States in our governmental system. Repeatedly, the people of State after State have turned down proposals to lower the voting age. Oregon did it only 2 or 3 weeks ago. The people of my own State of Michigan did it in 1966. Every indication is that they would defeat the proposal more overwhelmingly now than then. In 1966 they defeated it nearly 2 to 1. What an affront to the people of States would it be for us to cavalierly set aside their decisions at the polling places and in the ballot box, and impose upon them conditions contrary to their will, when it is universally agreed that their own decisions have been completely constitutional. Such decisions have been within their power to make, and the people of the States retain that constitutional power, even after Katzenbach against Morgan.

How unwise it is for Congress to overturn the constitutional decisions of the people of the States made in their voting booths, through an assertion of new found power which rests on a tenuous and untried concept of constitutional law, a power which exists only so long as Katzenbach versus Morgan stands as the latest interpretation of the law of the land. We had best not rest our powers upon judicial decisions, because those decisions are overturned, more frequently in recent years than heretofore. Katzenbach versus Morgan did not break virgin ground. The Court had considered section 5, the enforcement section of the 14th amendment before. And in order to erect Katzenbach versus Morgan, the Court, in effect, overruled earlier decisions. Just as Katzenbach versus Morgan overturned the civil rights cases of 1883, Katzenbach versus Morgan may be overturned in the future—and perhaps sooner than later.

If Katzenbach against Morgan actually holds that Congress has power under the 14th amendment to supersede constitutional State law with the assistance of the supremacy clause, consider how completely this new doctrine overturns the interpretations made by those who lived during the period the 14th amendment was adopted and who understood its great purposes. The 1883 civil rights decisions held:

> Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the Fourteenth Amendment, no legislation of the United States under said Amendment, nor any proceeding under such legislation can be called into activity.

On the contrary, under the doctrine of Katzenbach against Morgan, Federal legislation can now be called into activity even though every State action is clearly constitutional.

If the Congress now has power to enact any legislation deemed by it appropriate to further the equal protection of laws to be enjoyed by citizens of the United States within the several States, it may in like manner implement the due process clause and may revitalize the privileges and immunities clause in the 14th amendment. The amendment thus loses its character as a limitation upon State action and becomes a grant of power to the Federal Government. When that time arrives, our federal system will be utterly destroyed, and any purpose of the States in our system may be gone. Then, it may be asked how long the American people will be willing to support a dual system of government, State as well as Federal. Then, it may well be, there will be a unitary governmental system, with a single legislative power in the Congress alone. And it could all come about without the need for any further amendment of the Constitution as such. Under Katzenbach against Morgan, Congress may be found to exercise concurrent legislative power with the States. When Congress acts, State law is superseded.

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I am deeply concerned about the road of constitutional interpretation we are starting to travel. If Congress may, by mere statute, set aside State action legitimately exercised in the matter of the residency and age qualifications to vote, it may take to itself the whole power to control voting qualifications. I cannot believe this course to be constitutional. I shall vote to amend the resolution now before us, to the end that the bill may be sent to conference. And if the resolution is not amended, I shall vote against it.

To vest in Congress the power to define voter qualifications is most dangerous. If Congress can control the qualifications to vote within the States, it can define the electorate which shall choose the Congress. The Constitution specifically provides that the voters for Congress within each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The power to define those qualifications rests with the people of the State under our system and guaranteed to them by the 10th amendment. No legislative body should have power to define the electorate which chooses it. The Constitution gave no such power to Congress. Neither did the 14th amendment.

The doctrine of Katzenbach against Morgan is unsound constitutional law. It cannot stand without being destructive of our system. The Congress should not seize upon it as authority for asserting a power the people of the States never delegated to it.

Mr. EDWARDS of Alabama. Mr. Speaker, the question of lowering the voting age qualification to 18 is a very serious one. It involves more than just determining whether 18-year-olds are qualified to participate in the electoral process. It encompasses the entire question of State-Federal relationships and the powers reserved to the States.

Many would argue that it is very wrong to wait any longer in granting the voting franchise to 18-year-olds. They contend that 80 percent of the group between 18 and 21 is high school educated and many are in college. They argue that this group is probably among the most informed citizens in the country.

Basically what they say is true. In speaking to high school and college groups in the First District of Alabama and elsewhere I continue to be impressed by their high level of education and their great awareness of and concern for the world about them. For all its critics, our educational system is turning out well-educated, concerned, and able citizens.

However, all this is completely beside the point in considering the attempt to change voting qualifications by a congressional act. There are two pertinent passages in the Constitution which would certainly seem to preclude this action.

The first is section 2 of article 1 of the Constitution which sets forth the qualifications of voters in the following way:

> Electors in each state shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Clearly the Founding Fathers intended that national electoral qualifications be determined by the States. However, the supporters of the statutory age change point to the 14th amendment of the Constitution for authority. But in doing so they ignore a very important section of that amendment. Section 2 of the 14th amendment reads:

> But when the right to vote at any election . . . is denied any of the male inhabitants of such State, *being twenty-one years of age*, . . . the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state. (Emphasis added.)

Mr. Speaker, there is no way anyone could possibly construe that the legislatures that ratified this amendment in 1868 intended to transfer their powers of determining voter qualifications to the Federal Government. In fact the amendment implicitly confirms that right in my opinion.

What then is the answer? Is opposition to the Senate amendment a vote against permitting 18-year-olds to participate in elections? Well, of course not.

The proper way of granting 18-year-olds the right to vote is either through constitutional amendment, just as women were granted the right to vote through ratification of the 19th amendment, or through State law. But if we are to pursue this matter on a national basis, then I must say as a matter of fact that I would vote for a Constitutional amendment in order to permit the people of the United States to decide the question of giving the 18-year-olds the right to vote.

Mr. Speaker, the American people have a right to express their will clearly in a matter that changes the basic structure of the Constitution. And their will can only be clearly expressed through consideration of a constitutional amendment properly presented to the states for ratification. This is the constitutional approach. We cannot allow political expediency to override the clear mandate of the Constitution.

Mr. ICHORD. Mr. Speaker, I have long been a champion of 18-year-olds voting and in this respect no person can accuse me of being a "Johnny-come-lately," for I favored the concept back before it was popular among the 18-year-olds. It was 17 years ago that I first introduced a bill in the Missouri Legislature to amend the Missouri Constitution to permit 18-year-old voting. I have not changed my mind. If the Nation considers a young man old enough to fight, he should be considered as old enough to vote. I favor an amendment to the U.S. Constitution enfranchising 18-year-olds; however, Mr. Speaker, I cannot abuse the Constitution by trying to give 18-year-olds the right to vote by statute. This, in my opinion, is what the House of Representatives is being asked to do today. I strongly favor the concept of 18-year-old voting, but I just as strongly favor the concept of adhering to the oath I have taken. I did not officially become a Member of this body until the following oath was administered:

> I, Richard H. Ichord, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

"To support and defend the Constitution" is not a sworn responsibility that can be passed on to the President or the courts. It is the duty of each Member to study and interpret the Constitution to the end that no action on his part will be violative of the grant to govern from the people. The passage of this law will directly violate the Constitution. I cannot follow the political advice given to me by one Member of this body whose views are exactly opposite from mine. He is opposed to the concept of 18-year-old voting but is voting for the measure. "Why worry about the matter," he says. "Go ahead and vote for the bill. Make the 18-year-olds happy and the Supreme Court will throw the matter out."

Mr. Speaker, this is exactly what the Supreme Court will do, I believe, if H.R. 4249 is passed purporting to give 18-year-olds the right to vote. It is clearly unconstitutional on its face. Let us examine the Constitution.

Article I, section 2, respecting the election of Representatives to the Congress and the 17th amendment respecting the elections of Senators recognizes that voting qualifications are governed by State law. Article I, section 4 gives Congress the power to regulate the times, places, and manner of holding elections of Senators and Representatives but the Congress has no power to prescribe voting qualifications. This is a power which is reserved to the States or to the people under the 10th amendment subject to the restrictions imposed upon the States by the 15th amendment which forbids the States from denying the right to vote on the ground of race, color, or previous condition of servitude; the 17th amendment which prohibits the denial of voting rights on the basis of sex and the 24th amendment which prohibits the denial of the right to vote for President, Vice President, Senators, and Members of the House for failure to pay a poll tax. It is true that the equal protection clause of the 14th amendment would also operate to restrict arbitrary limitations upon the right to vote. But how can any court, either liberal or strict constructionists, say that 21 years is an arbitrary limitation under the equal protection clause of section 1 when section 2 of the same 14th amendment dealing with congressional apportionment and designed to reduce the representation in Congress of States which deny voting rights to blacks speaks of denial of the right to vote to any of the male inhabitants of such State, being 21 years of age. Section 2 therefore explicitly sanctions 21 years as a voting age qualification. How can section 1 be construed as denying 21 years?

Nor can I understand how the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, can logically be used by the proponents of granting 18-year-old voting by statute as a basis for constitutionality. Katzenbach against Morgan dealt with the literacy problem. It did not deal with the age problem which is explicitly men-

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tioned under section 2 of the 14th amendment. I fully realize that Katzenbach against Morgan contains some very broad language but the Katzenbach against Morgan case dealt with the Voting Rights Act of 1965; it did not concern an effort on the part of Congress which flies directly in the face of the constitutional provisions I have heretofore mentioned. But even if Katzenbach against Morgan could be construed as giving Congress the power to establish voting qualifications let me remind the Members that we do not now have the same Court that we had when Katzenbach against Morgan was decided.

Mr. Speaker, the granting of 18-year-old voting cannot be effected by statute. It can only be done on the national level by an amendment to the Constitution. Such action can only serve as a mockery of the Constitution. I do not see how the Supreme Court could possibly sustain the act. Thus, this attempt will serve only to raise uncertainties and result in the cruel disillusionment of thousands of young people who hope to be able to vote.

Also, Mr. Speaker, though I may be in error as to the future action of the U.S. Supreme Court, a dangerous precedent will have been set. If Congress may at will eliminate classifications at the whim of the moment, the way has been paved for the Congress to assume the role of a superlegislature for all of the States. We will no longer have a constitutional form of government but a parliamentary form. Congress will be supreme.

Mr. Speaker, I support the voting right provisions of H.R. 4249, but if the Congress insists upon abusing the Constitution by retaining a grant of 18-year-old voting I cannot vote for the bill. Eighteen-year-old voting cannot be granted on the national level without an amendment to the Constitution. I have no alternative except to vote against the bill even though I favor the principle.

One of the major problem which this Nation suffers is a spreading disdain for law. We will be perverting the Constitution, in my opinion as a matter of expediency. Such disdain for the Constitution can only succor those who would substitute force and fiat for a rule of law. A dangerous precedent will have been set. If the bill passes, the President should veto the bill promptly. The Supreme Court should not be required to consider such a political football at a time when the Court is already under great strain. I ask the Members to vote down the previous question.

Mr. PRICE of Illinois. Mr. Speaker, the pending House Resolution 914 to take from the Speaker's desk H.R. 4249 and agree to the Senate amendment should be approved. H.R. 4249, as amended is a logical and necessary extension of the Voting Rights Act of 1965. It provides effective safeguards against racial discrimination at the polls; we have seen that tremendous headway has been made in this area during the recent years. Congress cannot deny the positive effects of the voting rights act and must not impede further progress toward the full realization of the 15th amendment of our Constitution.

The most controversial components of this legislation are, of course, the provisions under title III, which define the voting rights of 18-year-olds. I have long recognized the need for such revision in the present voting laws. Several States already have established age limits below the Federal requirement, and no problems have resulted from these statutory provisions. It seems unfair to deny enfranchisement to those under 21 years of age who do not live in those States.

It has been estimated that by 1972 there will be over 11 million citizens between the ages of 18 and 20. We know that those who do violence to lives and property are in the minority and that the overwhelming majority of our youths are deeply concerned with the preservation or reinstatement of our Democratic ideals. I feel that certain of our present problems can be alleviated if we allow our youths this constructive medium for their voices.

Considering the age at which our youths marry, have children, and pay taxes; considering the age at which they are treated as responsible adults by our criminal courts; considering the age at which they are called upon to defend their country; and considering the fact that, due to increased communications through various media, the youths of today are better informed and educated than most adults were several years ago: We should enfranchise these young people in order that they do have the opportunity to register their views electorally in addition to the opportunity they presently have of campaigning for candidates of their choice.

The constitutionality of our action has been supported by the Nation's leading legal scholars. Although the Supreme Court will be the ultimate authority, certain precedents indicate the firmness of the legal ground on which we are treading today.

At this crucial time in our Nation's history, we are faced with the increased alienation of our youth. As one who originally sponsored a resolution providing for a constitutional amendment granting the right to vote at age 18, I have no qualms with the procedure provided here of granting the same right by statute. I say this in light of the Supreme Court decision in the case of Katzenbach against Morgan—1966—which sustains congressional authority to supercede State laws dealing with elections. Therefore, I urge my colleagues to vote to curtail this situation for the future welfare of our great land.

Mr. MINSHALL. Mr. Speaker, the resolution before us asks the House to confirm, without benefit of hearings and with only 1 hour permitted for debate, an amendment lowering the voting age to 18. This amendment was impulsively added by the Senate to the Voting Rights Act amendments we in the House passed last December 11.

Since the Senate acted on impulse, it is our clear responsibility to act with thoughtful deliberation today, mindful that the Constitution guarantees to the American people their right to work their will on this issue through constitutional amendment.

This is the manner in which the 15th amendment was adopted to assure the right of all citizens to vote, regardless of race, color or previous condition of servitude. It was also by constitutional amendment that women were granted the vote under the 19th amendment. This is the procedure which has remained unchallenged until now throughout our entire 182-year history of constitutional Government.

Are we to be stampeded in this crowded hour of time today into overthrowing nearly two centuries of unchallenged precedent? I refuse to be. I do not support the hasty, ill-considered statutory action being demanded of us today. Political pressures or political expediency cannot persuade me to vote for lowering the voting age in this manner.

If we are to lower the voting age, let us go about it in the proper way which, if it receives the necessary approval, will not be jeopardized by years of possible court entanglement.

Let us work the will of the people by submitting the 18-year-old issue to the procedure required for adoption of an amendment to the Constitution: the approval of two-thirds of the U.S. House of Representatives and of the U.S. Senate and ratification by three-fourths of the States.

This is the correct, the constitutional and the truly representative means of extending the franchise.

Mr. LLOYD. Mr. Speaker, I previously supported H.R. 4249, the voting rights bill, when it was originally before the House. As one who has consistently over the years voted in favor of the elimination of all artificial discriminations based on race, color, or religion, it is completely logical to me that the voting rights legislation, upon which this Congress acts, should apply to all of the 50 States rather than to target in on a minority.

After passage of the voting rights bill by this House, the Senate added an amendment to reduce the voting age of all voters in the United States from 21 to 18, and this is the principal issue which faces us today.

Originally, over the years I have not been in favor of reducing the voting age to 18 because I never felt the restriction was discriminatory, inasmuch as every individual is given the authority at the appropriate age, and all of us over 21 years of age have been subjected to the same so-called discrimination. On this issue, mine has been the experience of a convert.

In recent months I have attempted to study this issue in considerable depth and have talked to many of my colleagues who represent those States where the 18-year-old vote has been authorized by State statute. I have been impressed by the fact that in every case these colleagues have given unqualified endorsement to the 18-year-old vote and have said the general pattern of election returns has not been significantly altered by extending this vote to this added group of individuals.

It has also been my privilege to communicate closely with hundreds of younger people in the last few years and to analyze with them their concern for

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issues resolved by the voters which eminently affect their lives but concerning which their influence is substantially reduced because of their inability to vote. I can state flatly that the abusive, violent campus militants dramatized by our communications media do not represent the great body of our youth whom I believe to be the greatest young people in our Nation's history.

In my political campaigns since 1952, I have purposely devoted part of my campaigning time to going door to door and meeting the voters. In recent years I have done this between the hours of 5 and 7 p.m., when most of the family is at home. From this personal experience, I am not aware that those over 21 have any greater interest in election issues than those between the ages of 18 and 21. As a matter of fact, I believe that by reducing the voting age, we will provide an input of idealism, enthusiasm, concern, and unprejudiced judgment, existing in larger measure in the young, that will be an asset in our quest for better government. I am particularly impressed by their idealism so often lacking in cynical adults, and I believe this country needs this renewal of idealism. In addition, by reducing the voting age to 18, we will open up a meaningful flood plain in which our younger people can constructively channel their great energies and enthusiastic desire to participate in the social and economic progress of their country. Everyone admits that developments in education and communication permits our younger people to have greater intellectual maturity than existed in our pioneering days.

It would be easy to find procedural and other reasons to dodge this issue, but I do not choose to do so. The Senate amendment provides that the courts shall act expeditiously in passing judgment on the constitutionality of the language authorizing the 18-year-old vote. Rather than finding a way to dodge the issue, I prefer to take advantage of the opportunity we have today to make constructive use of a great human resource. There will be those who say this is too liberal a view. As I have said in other issues involving civil rights, it seems to me that the constructive conservative view is to make beneficial use of all our natural and human resources. If we do not conserve, develop, and benefit from the huge potential of this human resource, we are not properly utilizing the tools which will move civilization forward but are preserving and protecting needless and debilitating handicaps.

Mr. Speaker, for a long time I have been advising decent students and other concerned young people to steer away from violence and revolution and to work constructively within the system. This legislation provides that gateway of opportunity and admits them into the system.

Mr. PREYER of North Carolina. Mr. Speaker, I support the Voting Rights Act of 1970. There are provisions of this bill with which I disagree but the arguments in favor of its passage are far more compelling than specific objections to particular actions that many of us have.

We are a divided, frustrated, and bewildered country. Calm men such as John Gardner speak of social disintegration and grave danger. He said:

> While each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates: I use the phrase soberly: the nation disintegrates.

The conservative Fortune magazine recently put it this way:

> For the first time, it is no longer possible to take for granted that the U.S. will somehow survive the crisis that grips it.

It is vain to hope that we can solve our crisis by somehow eliminating controversy. There is no chance whatever that we can avoid controversial and divisive issues in the future. What we can do is to improve the process by which we discuss and reach decisions on issues—and the improvement must be quick and it must be visible.

As Fortune puts it:

> The first and overriding goal of this torn country must be reconciliation.

Reconciliation does not mean sweetness and light. Mainly, it means achieving unity "through a shared sense of forward motion, of hope." The malaise from which we are suffering is a loss in the belief that we are moving forward, that we are making some progress in a worthwhile direction.

It would be calamitous at this time to take a backward step. When reconciliation is our greatest need, it is disastrously wrong to say to 18-year-olds, "we do not think you should vote because some of you are causing too much trouble." When unity is so badly needed, it is wrong to say to blacks, "we are not yet sure of your capacity to be full citizens, so we will keep these literacy tests."

There have been hopeful signs in the last few weeks that we are moving toward reconciliation. Students are turning to the system, relying on the ballot box for results, rather than on the bullhorn in the streets. Great universities are reasserting standards of civility in speech and conduct, and returning to their role as institutions of reasoned analysis rather than battlegrounds of mass emotions. The excesses of the past few years, the incredibly loose talk about the rottenness of our society and all our institutions is slowly moderating. We are haltingly regaining our sense of balance. We are beginning to realize again what most of us have really always believed—that the ideal end of government is progress, not instant perfection.

It is absolutely crucial that we make progress—highly visible progress—toward some goal that the mass of mankind regards as worthy of man's best effort.

A vote for this bill is a vote for moving forward, rather than turning back. It is a vote for reconciliation and against divisiveness. It is a vote for including Americans, rather than excluding them, from our decisions and concern. It is drawing a circle to bring people in, rather than closing one to keep them out. It is a vote for cooperation, rather than confrontation; for dialog, rather than rhetoric; for understanding, rather than self-righteousness; for our common humanity rather than the differences among men. It is a vote for hope.

Mr. SCHADEBERG. Mr. Speaker, I rise in opposition to House Resolution 914, providing for agreement to the Senate amendments to the bill H.R. 4249, the Voting Rights Act amendments. I do so because the Senate version is entirely different from the bill which passed the House with my support, and because the provision which would reduce to 18 the voting age for National, State, and local elections is in my opinion unconstitutional.

The Republican Party has historically supported a reduction of the voting age from 21, the age requirement as contained in section 2 of the 14th amendment of the U.S. Constitution.

But this historical support by a party dedicated to reform and progress has never included in its consideration an approach in violation of the three separate provisions of the Constitution which vest power to set voting qualifications in the States: article I, section 2; the 10th amendment; and the 17th amendment.

It is Congress' responsibility to pass constitutional legislation. Proponents of the 18-year-old change have stated that the Supreme Court would be able to decide the issue in time for the national elections in 1972. But, since when does Congress willfully abdicate its responsibilities to the Supreme Court? Besides, a memorandum from William H. Rehnquist, Assistant Attorney General points out:

> While the delayed effective date of the Act undoubtedly assures sufficient time for a final decision of the Supreme Court of the United States prior to the first of the 1972 Presidential primaries, it allows completely in sufficient time for the numerous municipal election regularly scheduled in the spring of 1971, and for any sort of determination prior to the holding of bond elections.

In the best traditions of Federalism; Congress is under a constitutional mandate to pass upon the constitutional issues in legislation, with power having been given the courts to decide if legislation as passed Congress violates any individual's rights. Much criticism has been leveled at the Supreme Court for legislating in its decisions. The approach being contemplated today would hand to the Supreme Court total responsibility over a question about which there is little doubt as to its unconstitutionality.

From all that has been written on the issue, there is almost total unanimity that the provision is unconstitutional. As just one of the many constitutional authorities who have come out against the lowering of the voting age for local elections by congressional statute, Mr. Paul G. Kauper of the University of Michigan Law School states:

> The proposal has monumentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial unconstitutional questions.

Mr. Speaker, the Congress is supposed to be a responsible body. We all know that there is only one permissible procedure—the one which was used 50

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years ago in enfranchising women—and that is by a constitutional amendment. To attempt to lower the age requirement by statute is to follow expediency in the face of pressure and thereby make a mockery of all that we stand for.

I favor a reduction in the voting age; I always have. Young persons who have finished their high school education, who are of draft age, who are required to pay taxes, and who are legally responsible for their actions, should be given the opportunity to partake of the greatest freedom on the face of the earth: To vote in totally free elections and to thereby decide the issues by electing the men who run our Government.

Young persons should be given irrevocable voting rights. But it must be done constitutionally. They are the ones who will inherit our constitutional traditions which they must live by if they are also going to inherit a stable and responsive government. To bow to expediency would only be to bring on a government based not on the rule of law and tradition, but upon expediency of power and political gain.

Mr. DENNIS. Mr. Speaker, this afternoon we face one of the most far-reaching measures before this Congress, involving:

First, voting rights under the 15th amendment;

Second, the 18-year-old vote by congressional statute;

Third, nationwide abolition of literacy tests by an act of Congress; and

Fourth, congressional statutory abolition of State residential requirements in voting for the President.

All of these issues involve human rights and delicate questions regarding our federal system, and the three last mentioned involve grave questions of constitutionality. That these questions have been placed in one package is regrettable, and it reflects no credit on the procedures of this House that such questions are to be summarily disposed of with 1 hour's debate.

All Members of this body have, of course, a duty to support the Constitution, and that includes a duty not to vote for legislation, however desirable, which a Member believes to be contrary to the Constitution. Under our Constitution, voting qualifications are and always have been determined by the States. I believe that congressional statutory action to abolish residency requirements and nondiscriminatory literacy tests and to establish a nationwide 18-year-old voting age are, alike, contrary to the Constitution. *Lassiter* v. *Northampton County Board of Education,* 360 U.S. 45, upholds the right of the States to adopt and enforce nondiscriminatory literacy tests, and *Katzenbach* v. *Morgan,* 384 U.S. 641, which some rely upon to uphold a nationwide 18-year-old vote by means of congressional enactment, upon analysis fails to do this; and its more sweeping language and philosophy are scarcely likely, I think, to be persuasive in this connection to the present Supreme Court.

I have voted to give the franchise to 18-year-olds, but that was as a member of the Indiana General Assembly, where such a vote ought to be cast and where my successors can do likewise whenever they wish. I did not come here to vote against the provisions of the Constitution of the United States, as I understand them, and, therefore, contrary to my oath of office, and I shall not cast such a vote today.

Mr. TIERNAN. Mr. Speaker, I rise today to express my strong support for House Resolution 914.

Time is of the essence. The 1965 Voting Rights Act is scheduled to expire on August 6. This is the most effective piece of legislation ever passed by Congress. We must insure that discriminatory voter registration practices are not reinstated. But more important than that, there is a long way to go. In over 140 counties in only four Southern States, less than 50 percent of Negroes of voting age are registered.

One of the most important additions to the original bill is the nationwide ban on literacy tests. Prejudice, a learned attitude, spells death to the man or society which it encompasses. It is not restricted to one area of the country or to one class or one race or one age. It must be dealt with uniformly and firmly.

I also strongly support the amendment which would lower the voting age to 18. The arguments pro and con on this provision have been stated again and again. At this point I would merely add that many of our 18-year-olds are far more intelligent, far more aware of what is going on and far more concerned about our quality of life than were many of us at the age of 21.

As for the constitutionality of this point, I personally believe that it does come within the letter of the law. At this time, however, this is a moot question. The answer will only be known by enacting this provision and letting the Supreme Court rule on it.

If those who oppose this section on constitutional grounds are sincere, then let us simultaneously enact legislation which would initiate the groundwork for each State to vote on this provision. This longer process, however, may well last beyond the 1970 and the 1972 elections, and thus the need for passage of the bill before us today is evident.

Mr. Speaker, we are a nation with new and healthy ideas, yet we are a people unable to communicate. The channels of political process must be opened. Violence and apathy are not the only alternatives. There is a third way—the ballot box. Let us insure that it is made equitable; for if it is equitable, I truly believe that it will be effective in helping to solve many of our present problems.

Mr. TUNNEY. Mr. Speaker, many compelling arguments have been put forth with regard to why 18-year-olds ought to be given the right to vote. Many emotional arguments have been presented explaining why this ought not to be the case.

The proponents of this latter view maintain that 18-year-olds lack the necessary maturity; that because of the violence of some student demonstrations and the so-called "radicalism" of some individual students that all 18-year-olds should not be granted the opportunity to vote. Both of these arguments are rather specious in their reasoning and lay more stress on the public's reaction to the campus violence of the recent past than on any other single factor.

I am sure that my colleagues will agree with me that the Congress ought not to be put in the position of merely following the results of the latest Gallup poll nor should they be claiming that one's maturity or political philosophy be considerations for a person's right to vote.

The constitutionality of our action today is strongly supported by many eminent legal scholars. Prof. Paul Freund and former Solicitor General Archibald Cox have correctly pointed out that while States do indeed have the right to establish voting requirements, section 5 of the 14th amendment limits that right. Section 5 gives Congress the power to enforce the equal protection clause of the 14th amendment through appropriate legislation. The Supreme Court took note of this congressional power in 1966 in the Katzenbach against Morgan decision when it upheld a provision of the 1965 Voting Rights Act which banned certain literacy tests as voting qualifications. It stands to reason that if the opponents of this bill use the Morgan decision to support the residency requirement provision as well as the nationwide literacy test ban, they cannot, in good conscience, deny its validity as a constitutional basis for the 18-year-olds vote. Most important in this regard, no matter what the varying opinions of academic scholars might be on this question, the Congress cannot abdicate its responsibility to decide this issue today.

The Supreme Court will, of course, be the final arbiter, but the Congress has an obligation, a duty, to assert its own constitutional power and responsibility and to utilize its own best judgment as to the validity of this measure. It is the Congress that must act today. There is no need to have this question resolved through the process of a constitutional amendment. The time factor alone involved in the adoption of this process is prohibitive. For 30 years, all attempts to pass such an amendment have failed.

As to the emotional argument of trying to tie the few radicals and extremists in with the vast majority of students who want only to have the chance to vote for change within the system, this type of argument smacks of the most blatant type of discrimination—the blanket indictment.

In my opinion, we in the Congress can take no more effective step toward bringing the disenchanted and disenfranchised younger members of our country within the system than by all owing them the opportunity to vote. I feel strongly that if at 18 we can ask youths to die in a war that is not of their making; if we can demand that they pay taxes to support policies in which they have played no role; if society treats them as adults when they commit a crime; if they can marry; if they can assume all of the fiscal responsibilities of an adult, all of the assets and liabilities, then they certainly ought to be allowed the right to vote.

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This amendment must pass. We must allow our youth the opportunity to work within the system, responsibly and effectively, toward achieving the changes that they want to make in our world—the changes that are so obviously needed. They must be given the right to vote.

To those who say that our youths' actions on the streets of our country prove them unworthy of this right, I say that their actions and their courage in South Vietnam and Cambodia prove them more than worthy. In our country today, we have the most promising generation of youth that the world has ever seen. To deny them a chance to influence the political process and the governmental institutions of America, legally and effectively, would only widen the generation gap and prove true the contention that we, as legislators, as representatives of the "establishment" lack the courage and vision needed to help make a better America and a better world. Mr. Speaker, today, the House of Representatives as a body, and each and every Member, individually, has the opportunity to cast a vote for the future of our country, to cast a vote for reason, for change.

I urge my colleagues to join with me in support of the amendment to give 18-year-olds the right to vote.

Mr. HUNT. Mr. Speaker, today we make a momentous decision involving the voting rights for American citizens and the lowering of the voting age to that of 18 years. It is deplorable that these two separate items have been combined by the other body for the sole purpose of exerting its will over the duly constituted House of Representatives. I have long objected to the passage of bills coming from the other body in this manner and it is necessary today to once again voice my objections. The right of an 18-year-old to vote in the United States is a matter of constitutional law. I would most heartily and most readily support a bill to permit the placing of the question of the 18-year-old vote on any and all State referendums in accordance with the Constitution. However, when 435 Representatives are called upon to decide for approximately 185 million American citizens the question as to who should vote then it appears to me that we are grossly overstepping the bounds of our duties and the Constitution we have sworn to uphold. Four States have lower voting ages, hence the 185 million figure.

In my estimation the right to vote is sacred and I believe that all men in the armed services should have that right to vote immediately upon being inducted or volunteering to serve in the Armed Forces. This would dispel the argument that "if you are old enough to fight you are old enough to vote." To this I heartily subscribe.

On the other hand, I want to reiterate that we should follow the Constitution, support a constitutional amendment, and send it to the 46 remaining States for ratification.

Today, I would like to support the voting rights bill which is one part of the measure we are discussing but I cannot in good conscience do so because of the unconscionable and unconstitutional attempt to have the 18-year-old vote legalized throughout this land by blackjack methods. It is a constitutional question and should be treated as such.

Mr. THOMPSON of Georgia. Mr. Speaker, I regret that because of the rule under which the voting rights bill came to the floor, I was not allowed an opportunity to speak to the Members of the House. While I realize that the vote will already have been taken by the time these extension of remarks appear in the RECORD and will have no bearing on the Members' vote, I do, nevertheless, wish to include these remarks in the RECORD with particular reference to the relevance of the Minor against Happersett case.

Mr. Speaker, those who would attempt by simple statute to grant the right of 18-year-olds to vote apparently base the constitutionality of such actions on Katzenbach against Morgan, wherein it was held that section 5 of the 14th amendment grants to the Congress the right to enact laws to enforce the prohibitions contained in the 14th amendment by appropriate legislation.

They further contend that under this decision, Congress can make an affirmative statement that it is found that the denial by the States to 18-year-olds of the voting franchise is a violation of the equal protection clause and once such a determination is made, then the statute may legally be enacted.

Mr. Speaker, no one quarrels with the fact the Congress, under section 5 of the 14th amendment, does have the right to enact laws to enforce prohibitions contained in the 14th amendment. However, Mr. Speaker, it is very apparent that the mere fact that Congress may deem the denial of 18-year-old voting by the States to be a denial of the equal protection of the law in no way amends the Constitution as it is now written nor does it reverse one of the most applicable cases on voting rights ever to be decided by the Supreme Court.

In October of 1874, the Supreme Court, in a landmark case on women's suffrage—Minor against Happersett—clearly set forth the premise that the Constitution, as it was then constituted, reserved to the States the right to determine which citizens shall have the right to vote. The Court in Minor against Happersett pointed out that the 14th amendment which contains the equal protection clause, as well as the privileges and immunities clause, also provided that no State should exclude any male citizen 21 years of age or more from voting unless it was willing to suffer a penalty by having a proportionate reduction in its representation in the House of Representatives of the U.S. Congress. The Court immediately stated:

> Why this, if it was not in the power of the legislature to deny the right of suffrage to some male inhabitants? And if suffrage was necessarily one of the absolute rights of citizens, why confine the limitations to male inhabitants? Women and children are, as we have seen, "persons." They are counted in the enumeration upon which the apportionment is to be made. But if they were necessarily voters because of their citizenship, unless clearly excluded, why inflict the penalties for the exclusion of the males alone? Clearly, no such form of words would have been selected to express the idea here indicated if suffrage was the absolute right of all citizens.

And still again—

> After the adoption of the 14th Amendment it was deemed necessary to adopt a 15th as follows: "The right to citizens of the U.S. to vote shall not be denied or abridged by the U.S. or any state on account of race, color or previous condition of servitude." The 14th Amendment had already provided that no state should make or enforce any law that would abridge the priviliges or immunities of citizens (and, of course, the 14th Amendment also provided for equal protection of all citizens at this time) of the U.S. If suffrage was one of these privileges and immunities, or equal protection which was then provided in the 14th Amendment), why amend the Constitution to prevent its being denied on account of race, etc.? Nothing is more evident than that the greater must be included with the lesser and if all were already protected, why go through with the form of amending the Constitution to protect a party?

Thus, Mr. Speaker, we see that in Minor against Happersett, which has not been overturned, the right of citizens to equal protection of the law was already included in the 14th amendment as were the privileges and immunities upon which the decision was based at the time of the passage of the 15th amendment. Therefore, it is very clear, Mr. Speaker, that the States do possess, subject to the constitutional prohibitions, the right to determine suffrage.

If a State desires to grant the voting franchise to 12-year-olds, it may do so. The Constitution and subsequent amendments only state that the States: may not deny the right to vote to any male over the age of 21 without having its representation reduced in the Congress—14th amendment—may not deny the franchise to any citizen because of his race or color—15th amendment—or may not deny the franchise to any citizen because of sex—19th amendment. Why was it necessary to pass the 19th amendment when the equal protection clause was already included in the 14th? It is clear, Mr. Speaker, that for the Congress to usurp by statute the reserved right of the States to determine suffrage, weakens the very foundation of our republican form of government which is guaranteed by the Constitution.

This is only one reason why I feel that it is unwise for the Congress to pass a statute to give the franchise to 18-year-olds when such rights are reserved to the States. I support 18-year-old voting just as I support the constitutional prohibitions against discrimination based on race, color, or sex, but it should be legally accomplished by constitutional amendment as clearly provided in the Constitution, and not by this "backdoor" route of an illegal statute.

Mr. BURLISON of Missouri. Mr. Speaker, the record will reflect that in December when the Voting Rights Act was initially before this body I voted for the administration substitute and against a simple extension of the Voting Rights Act. I think my remarks at that time are particularly appropriate here and were as follows:

> Mr. Chairman, my vote will be cast against a straight and simple extension of the Voting Rights Act of 1965 and in favor of the ad-

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> ministration substitute. I take this opportunity to briefly point out a couple of pertinent matters.
>
> First, after observing elections in my district for three decades, I can say without fear of contradiction, a higher percentage of Negroes than whites vote there. Certainly there is no criticism of my Negro friends and constituents. Rather, it is a commendation to them. I would vigorously contest any effort of intimidation or discrimination against them.
>
> Next, it should be emphasized that I oppose literacy tests as a criterion for voter eligibility. In my opinion a lack of formal education does not deprive a citizen of the requisite judgment for casting an intelligent vote. I believe in applying this philosophy to all the States of the Union and not to those only of a particular region, and I would protect the vote of the unschooled citizen, whether he be black, white, red, or brown. The vehicle to do this is the substitute and not a simple extension.

It is seen that the fundamental reason for my vote at that time was the failure to apply the literacy test prohibition to all States in the Union rather than just a few States from a particular region. This great defect was cured in the other body. Therefore, logic and reason would demand that I support House Resolution 914, which would send the voting rights bill in its present form to the President for his signature.

However, the other body, in its wisdom, added to the Voting Rights Act a provision lowering the voting age by Federal statute to 18 years. I have always been in favor of extending the franchise to our young people. In fact, the first speech I ever made as an adult citizen and practicing lawyer was made in favor of this proposition. Nothing has happened in more than a decade since that speech was made to change my viewpoint. However, I must in candor admit that the backlash from campus violence and disruption has adversely swayed many who otherwise would favor lowering the voting age. Because of this mood which now pervades in this country I feel it apropos to further explain my affirmative vote on this resolution, as it pertains to the 18-year-old vote provision.

I have a special affinity and appreciation for the youth of America and I try to practice what I preach. For example, two of my three top assistants are under the age of 25; the other one is under 30. This is a rare and unique situation in a congressional office. I cannot help but be proud to say that I am the only Member of Congress among the 435 U.S. Representatives and 100 Senators that can make this statement.

The present generation of young Americans is possibly the most concerned, most involved generation in memory. They are deeply involved in the issues of our time; the issue of war and peace, the fight against environmental pollution, and the fulfillment of the promise of our Nation. Like any involved and active group in the United States the young people of today have among their number a few extremists, whether they be the flower children, dropouts, or the ultra militant anarchists. It is unfortunate that these few attract the bulk of the headlines and national attention when in fact the vast majority of young people today are working incessantly, if less obtrusively, toward making our Nation an even better place to live. These people have something to say and they will be heard. I say that now is the time to insure that they have open to them the most effective, most desirable, and most legitimate channel for that voice—the right to vote.

There are 12 million of them. Twelve million between the ages of 18 and 20. They are students, husbands, wives, and workers. Except for their age they are little different from any other group of Americans. There is, however, one thing that sets them apart; that deprives them of the exercise of their citizenship. Only 4 percent of their number are able to vote for the leaders that govern them.

Sixty percent of them work full time. Six percent are serving in the armed services and 47 percent are enrolled in college. As is apparent from the figures, many are both college students and are working full time. One of them is working for me. Three and a half million 18- and 19-year-olds are in the labor force working at adult jobs with adult responsibilities, yet they cannot vote.

What is it about this group that we should single them out like felons and idiots and deprive them of the right to vote? Is it that they lack the knowledge to cast an intelligent vote? In 1966, 70 percent of the 18- to 20-year-olds were high school graduates—the highest in our history. Of the same group in 1960 only 62 percent could make the same claim. In 1950 the figure was 58 percent and in 1948 it was 48 percent. More than 5 million of the disenfranchised are getting advanced education at colleges, universities, and vocational schools.

In the early days of the Republic when the arbitrary figure of 21 years was set as the age requirement for the right to vote the average 18 years old had 5 or fewer years of education. He had no radio, no television, no magazines, and probably no newspapers to read. Perhaps then there was a justification for denying the vote to young people. But, today we have a generation which grew up with Walter Cronkite, NBC White Paper, Time magazine, and television debates. Special courses in high school prepare the young people to be responsible citizens and voters. Yet between the time they graduate from high school and when they get their first opportunity to vote may be 3 or more years. By then their enthusiasm may have waned.

In 1960 a study was undertaken at the University of Kentucky to study student voting habits. The test showed that in Kentucky where 18-year-olds can vote, 80 percent did so. Contrast this with the statewide figures which indicated that only 59 percent of the general public voted in the same election. Kentucky is not exceptional in the apathy of its voters. Nationwide only about two-third of the eligible voters vote in presidential elections and less than 50 percent vote in off year congressional elections.

Sure they are enthusiastic and idealistic. They must be. Eighty percent of them vote when they are given the opportunity. I was always taught that these are virtues. But, because of their enthusiasm, their idealism, and their reluctance to compromise with injustice their detractors call them immature. The same argument was made against giving women the right to vote and it proved groundless. I am sure it is equally groundless as applied to young people.

Let us look at the States that have lowered the voting age. Let us examine how they have fared. If the young people vote irresponsibly it should show up in the voting patterns of those States. The votes for radical political parties should show a marked upward trend and there should be a tendency to vote against the older candidates. On the contrary, the statistics show just the opposite. Alaska, which allows 19-year-olds to vote went for Kennedy, Johnson, and Nixon with no measurable vote for splinter parties, as did Hawaii which allows 20-year-olds to vote. Kentucky has allowed 18-year-olds to vote since 1955. In presidential elections they have voted Democratic twice and Republican twice. The Socialist Labor Party received only half as many votes in 1956, when 18-year-olds could vote, as it did in 1952 when they were excluded.

This is not to say that lowering the voting age was the sole reason for the decline in the vote for the Socialist Party, but it should assuage the fears of those who are apprehensive of a trend toward radicalism if young people are allowed to vote. Georgia has allowed 18-year-olds to vote since 1943 and we all know of that State's record for stability. Some of the most able and most eloquent spokesmen for the conservative viewpoint come from States which allow young people to vote—Senator RICHARD RUSSELL, of Georgia; dean of the Senate, JOHN SHERMAN COOPER, of Kentucky; and HIRAM FONG, of Hawaii.

Eighteen-year-olds are uniformly held to adult standards of criminal behavior. An 18-year-old and a 30-year-old committing the same crime are subject to the same penalty. I can vouch for that as a three-term prosecuting attorney. In the eyes of the law they are mature enough at that age to make possibly the most important decision of their lives—the decision to marry. Yet they cannot vote.

The millions of young people out of high school and working to support themselves and their families are taxed to the same extent as other citizens but they have no voice in the choice of their representatives. This lack of representation may be reflected in the inequitably high taxes for single people. Since the majority of single wage earners are young and unable to vote, their interests have not received as much attention as they deserve. However, I might say, in passing, that we did close the gap some with the Tax Reform Act of 1969.

There are some who would deny the voting franchise to the young because of the unrest which presently pervades our college campuses. But these critics assume that the rioters represent the mainstream of American youth. I am unwilling to accept that premise. I say the rabble rousers represent the fringe radical extreme. But even if we admit that the mainstream of our youth is

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turning to turmoil, it would seem wiser to first give them the opportunity to express themselves at the ballot box rather than at the tinderbox.

Finally we come to the argument most often made for allowing young people to vote. I refer of course to the "old enough to fight—old enough to vote" argument. It is true that the qualities that make a good soldier do not necessarily make a good citizen, but I think it is morally imperative that if a man be compelled to risk his life for his Government on a foreign continent, he be permitted a voice in the selection of its leaders. Twenty-five percent of the fighting men in Vietnam are under 21. Forty-eight percent of those who die are under 21. That means approximately 20,000 have died. Well in excess of 100,000 have been permanently disabled. Many have been decorated for their valor, but few have the right to vote.

One of those in favor of lowering the voting age is Henry Boucher, mayor of Fairbanks, Alaska. He said:

> I think one of the greatest mistakes that we make as a nation is the blocking out of our young people in areas that create an unequal and opposite reaction. I feel that their involvement in our city and our State is vital to the future of Alaska as a pioneering State. I am sure that greater involvement by the young people would certainly be of great benefit to those States that are not privileged to have it.

Presidents Eisenhower, Kennedy, Johnson, and Nixon have supported a lowering of the voting age, but I think Sam Rayburn, the late beloved Speaker of the House of Representatives for longer than anyone else in history, capsulized it best when he said:

> It makes me tired to hear all this talk about the young generation going to heck in a hack. They are a lot smarter than I was at their age.

Mr. SYMINGTON. Mr. Speaker, it is argued that a statutory extension of voting rights to Americans between 18 and 21 sacrifices constitutionality on the altar of political expediency. How can that be? Most of those who support the extension today face electorates this fall which do not contain one voter under 21. How expedient is that? I would argue rather that thousands of young Americans in that disenfranchised age group have been sent to their final and untimely rest by authorities they had no political power to select or oppose. By that token hardly a corner of South Vietnam could not by now be considered an altar of political expediency.

Mr. MARSH. Mr. Speaker, it is my feeling that the Congress is proceeding in the wrong way in its effort to permit 18-year-olds to vote.

My own view has been that the establishment of the criteria of voting, including the age requirement, is a matter that should be handled in one of two ways; that is, either by action of the individual States, or by constitutional amendment.

Traditionally it has been within the purview of the States to establish the necessary qualifications for voting; however, in the matter of the minimum age it has been my view that an amendment to the Constitution would be in order, and I would support such an amendment. Proceeding in this manner in effect would refer the matter to the judgment of the several States in order to obtain the necessary ratification to make the amendment operative.

For these reasons, I think it is unfortunate that we are proceeding in this manner, which seeks to accomplish the result by simple statute rather than constitutional amendment. It remains to be seen whether the Court will sustain such a course of action or not.

Although I voted for the original Voting Rights Act amendment in the House several months ago, to make the Voting Rights Act applicable to the 50 States, I note that the legislation before us includes the voting age provision as a rider to the version of the voting rights bill developed in the other body. This version failed to follow the House action, and, on the contrary, with certain variations, returned to the old voting rights bill which discriminated against some of our States, principally in the South, and including Virginia.

The fact that the other body did not follow the House proposal on the voting rights bill is regrettable, as it continues a piece of legislation which is not fairly applied on a nationwide basis.

Mr. VANIK. Mr. Speaker, I will vote today to allow the House of Representatives to accept the entire Voting Rights Act as amended by the other body. The approval of the resolution before us will save the bill from going to a conference committee or returning to the Senate. The approval of the resolution will mean final passage of this vital bill.

For several reasons, today's vote will be one of the most crucial and decisive votes of this Congress.

First of all, a "yes" vote today will mean that the Voting Rights Act of 1965 will be extended for 5 more years. If the resolution before the House fails, the bill could be returned to the Senate where it could face a nearly endless filibuster. Since the Voting Rights Act expires on June 30, 1970, this would remove the protection of this law from millions of Americans in the up-coming elections. The Voting Rights Act has been a success. Since passage of the act in 1965, approximately 800,000 citizens have been registered to vote in five Southern States. Prior to this act, only 29 percent of black Americans of voting age in these States were registered to vote; 52 percent of them are registered today. However, an extension of the act is needed. The U.S. Civil Rights Commission has testified before the House Judiciary Committee that resistance continues to equal suffrage. Passage of the act is needed to maintain the gains of the last 5 years and eliminate the disparities and discriminations which remain.

Second, acceptance of the resolution before us will provide approval of a Senate amendment extending the right to vote to all persons 18 years old or older in all elections after January 1, 1971.

The amendment to extend the franchise to our young citizens is vital for many reasons.

Today, through great advances in our educational system, the young citizens have generally acquired an education comparable to that of a 22-year-old citizen 20 years ago. Education has become much more serious, much more intense, and of significantly greater quality and quantity.

While some may argue that 18-year-old citizens lack judgment sufficient to undertake the responsibilities of government, I must take the other side. It seems to me that judgment is one of the accrued benefits of education. Nor is it necessary for judgment to result entirely from harsh and cruel experience. One of the chief aims of education is to provide a substitute to harsh and costly experience.

It is also argued that younger citizens are not likely to be wage-earners or property owners and, therefore, should not be given the vote. In reply, I must point out that the fundamental principles of our Government provide for equality in voting rights, there can be no discrimination against those who lack either income or property.

In my experience in the 22d District of Ohio, I have visited most of the secondary schools and the middle schools. The intelligent awareness of the young students was one of my most gratifying experiences. They are well informed, inquisitive, and eager to participate. This proposal provides that opportunity.

Presently, except in four States which have seen the wisdom of permitting a lower voting age, a youth leaves high school and the place where he has been trained in the duties and rights of citizenship and enters the armed service, the work force, or a school or university. In every sense he moves into the mainstream of the Nation, into the economy, into service to his country, into the intellectual centers of the Nation—yet he cannot vote.

For 3 years the young citizen does not think of voting; he does not develop the habit of voting; he has been told of the duties of citizenship all his life, yet now he is denied the practice of citizenship.

By lowering the voting age, America's youth will be able to move directly from the high school setting into the practice and habit of voting; there will be no disruption. Instead the youth will begin the practice of voting and—hopefully—maintain it throughout life.

Another reason for lowering the voting age is that it will give America's youth, which is such a major part of our population, a greater representation, a greater voice in the direction of the country. If we believe in representative government, we must give greater representation to this major section of our population. For years, the average age of the American population has been dropping. The median age in our country is now approximately 27.7 years and dropping lower. Young people of America are indeed the great majority. They deserve representation.

It is my hope that the extension of voting rights to our young citizens will serve to retain them in our society. We need their talent, their idealism, their

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hopes, and their aspirations. The future of our Nation depends on a unity of our people. We can no longer countenance the divisions which result from race, sex, or age. This is a Nation of free people. We have taken giant strides to bring about equality among the races. Women have gained throughout the years a substantial part of their goals of equal rights. And now we deal with the rights of our younger citizens. We invite them to full citizenship; we invite them to vote and to seek office. We urge them to do their thing as we must do it—at the ballot box instead of the street.

Mr. RARICK. Mr. Speaker, the measure before us may be rhetorically brushed aside as merely amendments to the Voting Rights Act. Yet, I remind our colleagues that this is not the bill which passed this House earlier this year. This is a brandnew bill, rewritten in the other body, which, in addition to including the constitutional question of granting the right to vote to the 18-year-olds, seeks extension for an additional 5 years of the Voting Rights Act, not nationwide, but only to a handful of States situated in the southern part of the United States.

We in the South realize it is easy for people outside our area to continue to use us as scapegoats—to inflict political punishment against our people in order to bargain for bloc votes outside the South.

We, of the often-persecuted and colonized South have—for 5 years—pointed out the inequities of the unconstitutional, highhanded Federal intervention into the rights of our people to have some voice in our voting laws—denying us the self-determination enjoyed by other States but which was denied us by the Voting Rights Act—reducing our States to the condition of conquered provinces and our citizens to the status of less than 100 percent Americans.

As the plain political retribution, and in an effort to load the voting rolls of certain Southern States with large numbers of patently unqualified individuals, who would react like puppets to the machinations of the left, this so-called Voting Rights Act was passed.

It cleverly utilized a bizarre formula relating the votes cast in the 1964 presidential election to the voting registration in the jurisdiction, to someone's idea of what the voting registration should have been at the time. And by the time the mystical formula was applied, only the States which had cast their electoral votes for Senator GOLDWATER were placed under Federal supervision.

Now that the act is due to be extended for 5 years, it has been suggested that the formula be applied to the 1968 presidential election, instead of the 1964 election, but the proponents of Federal oversight disapprove, pointing out that most of the Southern States currently penalized would be relieved of their present Federal supervision.

This then is the request of House Resolution 914 to continue a double standard of laws to repress fellow Americans merely because they live in the South.

Additionally, the amendments of the other body, to prevent extending and applying to the Nation as a whole the Voting Rights Act, has brought before the House a most remarkable measure—among other things, a right to vote for 18-year-olds by an act of Congress completely bypassing the Constitution and, yes, our oath of office.

For many years the question of adjustment of the minimum age for exercising the franchise has been discussed and debated. These debates have, until now, taken place in the forum reserved by the Constitution for such decisions—the legislatures or conventions of the several sovereign States. Now, ignoring the Constitution, for the simple and obvious reason that the procedures prescribed by that basic charter cannot be operated by a minority, we have the new order of things before us as a statute, and a Federal statute at that.

The determination of the qualifications of voters is a matter expressly reserved to the States in their sovereign capacity. That may, as some have, elect to grant the franchise to different age groups within the State, on the basis of the local experience and the local political philosophy. This is as it was intended to be, and there has been no valid or legal reason shown why the States should be deprived of this power.

The power in the State to regulate voter qualifications is correct and proper for the same reason that it is correct and proper that the several sovereign States should separately denounce what acts are deemed by their people to be crimes within their borders. It is also a part of the same political philosophy of a federal system which holds that such other determinations as the age at which individuals are held to be criminally responsible for their own acts, or liable in tort for their own wrongs, or free to marry or to take other important actions without the consent of their parents or guardians, is properly a determination of the several States, and can be beneficially variable among them, relating in each State to the conditions which exist therein.

So it is with such things as the age at which a child may be licensed to drive, or to hunt, or permitted to drink, or to handle explosives, or to drop out of school, or to consent to many acts which may be detrimental to him. In all of these cases we have found it wise to leave to the people of the States the control over their own destinies.

So we have done with the franchise, and experience, wisdom, and the lessons of history prove we should continue to do. Where we have elected to take national action regarding the franchise we did not hesitate to adopt the course provided by the Constitution—a constitutional amendment. We did this to provide that all citizens might vote, and that women might vote. We have done it, albeit unwisely, to abolish the payment of a tax to the State as a prerequisite to the exercise of the franchise. If we now wish to make lowering of the voting age national policy, we should again follow the Constitution—we should amend it—not abrogate it. Otherwise our action is only a dangerous nullity.

A cursory examination of some of the emotional arguments made for this violation of the Constitution indicates at once how specious and dishonest they are. I will dispose of two of the most common quickly.

OUR 18-YEAR-OLDS ARE OLD ENOUGH TO FIGHT—THEY'RE OLD ENOUGH TO VOTE

It is said that those young men of 18 who are old enough to be drafted—to fight for, to risk their lives for, and to die for their country should be allowed to vote. This is an appealing non sequitur.

It presupposes that the qualifications for both military service and voting are the same, and that all who are eligible for that service should be permitted to vote. It logically disenfranchises all of those Americans who are not eligible for military service—including all of the women of the country. It would result, carried to its own logical conclusion, in an electorate consisting exclusively of honorably discharged veterans.

I doubt that any State legislature would refuse to face up to any proposal that it amend the election laws, or Constitution, to extend the right to vote to any man serving their country in the Armed Forces or honorably discharged—regardless of their age.

Likewise, most sensible observers have noted that the screaming mob espousing this slogan are not veterans nor fighting men but rather draft dodgers, draft card burners, and revolutionary vandals who have no intention whatsoever of fighting—at least not for the United States.

MEDIAN AGE PROPAGANDA

It is said that the median age of Americans is only 27 years—the mark of an ever younger population, and that the decreasing median age makes it necessary, as a purely democratic process, to lower the minimum age for voting. This argument is neither true nor relevant—another word which is often heard these days.

First, the median age has nothing to do with the qualifications of the electorate. It is a statistic, and as any statistic is only valuable in its proper setting.

That the median age of our population is 27 years only means that there are as many Americans under that age as there are over it. So what? There is also a median height, a median weight, a median blood pressure or red blood count, a median income, and a median almost anything else subject to measurement. Of the half of the Americans who have not yet attained the age of 27 years, a significant percentage have not attained the age of 18 years—or 15 years—or 10 years—or 5 years—some are still infants in their mothers arms. But we are not yet counseled that these children must vote—in the interests of responsible government.

On the fallacy of the decreasing median age, the most recent statistical abstract of the United States sets the matter to rest, once and for all, I hope. Instead of being a decreasing figure, it is an increasing one. True, since 1950 it dropped from an alltime high of 30.2 years to its present level of 27.7 years. But from the time of its first census significance in 1820, it has risen from 16.7 years. Thus, if the shifting age median

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relates to the franchise, we should be considering raising the minimum voting age by the 11 years the median has risen, and establishing it at the age of 32 rather than the present age.

A statistical abstract follows:

STATISTICAL ABSTRACT OF THE UNITED STATES—1968

Total resident population excluding Armed Forces abroad

Year:	*Median age all classes*
Conterminous United States: [2]	
1790	(1)
1800	(1)
1810	(1)
1820	16. 7
1830	17. 2
1840	17. 8
1850	18. 9
1860	19. 4
1870	20. 2
1880	20. 9
1890	22. 0
1900	22. 9
1910	24. 1
1920	25. 3
1930	26. 4
1940	29. 0
1950	30. 2
1960	29. 6
United States:	
1950	30. 2
1960	29. 5
1967 [3]	27.8

[1] Not available.

[2] Excludes Alaska and Hawaii.

[3] Estimate as of July 1.

Source: Dept. of Commerce, Bureau of the Census; Fifteenth Census Reports, Population, Vol. II, Sixteenth Census Reports, Population, Vol. II, Part 1, and Vol. IV, Part 1; *U.S. Census of Population:* 1950, Vol. II, Part 1; *U.S. Census of Population 1960*, Vol. 1, and Current Population Reports, Series P-25, Nos. 367 and 385.

THE 18-YEAR-OLDS TODAY ARE MORE INTELLIGENT AND BETTER INFORMED THAN ANY OTHER GENERATION

No one making this argument has ever bothered to produce the slightest proof of either of these assertions.

To the contrary, records in our public schools, the Selective Service System, and our Armed Forces show a constant decline in both intelligence and aptitude averages.

The common experience of adults—especially employers—is that today's young people cannot spell, cannot read, and cannot reason.

Yet, this is not to say that many of our young are not proficient in parrotting loudly the emotional slogan programed into them by the left-wing pseudo-intellectuals dominating our schools and the mass media.

The emotional aspects of the arguments suggest that some want the 18-year-old vote, expecting to exploit youth as another bloc vote.

The overwhelming majority of the American people have at the polls indicated their rejection of a teenage vote.

Should this body adopt the Senate amendments, our action will notify the people back home that they understand the need for an intelligent, responsible electorate far more than their representatives.

We have heard frequent suggestions that we ignore sound legal arguments that the teenage vote by statute is unconstitutional. I am reminded of my oath of office:

> I, John Rarick, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I urge that the previous question be voted down.

Mr. ROBISON. Mr. Speaker, the House is considering what may prove to be one of the most crucial and timely pieces of legislation that has come before it in recent years. This legislative package contains not only the Voting Rights Act extension, but also a provision extending the franchise in all elections—local, State, and National—to those citizens who are 18 years or older. While I would not suggest that one portion was any more or less important than the other, I do recognize that a great deal of controversy and uncertainty has been raised about the 18-year-vote legislation, and therefore I shall direct my remarks to that portion of the package.

The right to vote for one's representative government is the underlying rationale of our entire system of government. During our Nation's history, various groups of people have found themselves without the right to vote, but gradually and steadily we have extended the franchise to most portions of our population. Today, however, there is a large segment of our population which is denied access to the voting booth. This group is not delineated by race, by sex, by education, or by wealth, but rather by age. All but four States have established age 21 as the age at which one can first cast a vote, even though many of these same States grant other important privileges and responsibilities to those under that age.

Since voting qualifications were seemingly left to the several States to determine individually, there has been a great hesitancy on the part of Congress to make legislative decisions affecting this area. But it should be noted, parenthetically, that there is at least some question as to the actual delegation of this responsibility, since the Constitution speaks only generally about voting qualifications; besides which it would seem we could leave open this question of the ability of Congress to act directly on the question of voting qualifications because of the existence of the 14th amendment.

For, with the adoption of that amendment, congressional power and responsibility in this regard found clear and definite constitutional recognition. As section 5 of that amendment provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

And it has to be on the strength and the authority of the 14th amendment that we rest the main thrust of our efforts to remedy, by legislation, what some of us view as a denial of equal protection of the laws to this Nation's young people.

I would note that the two prior extensions of the franchise—giving the vote to women and striking down poll taxes—were accomplished by virtue of a constitutional amendment, and therefore such a method stands as compelling precedent. However, I would suggest that, had Congress done by legislation what the States did by amendment, such legislation would still have been upheld by the Supreme Court as a legitimate exercise of Congress' 14th amendment powers.

In order to relate the 18-year-old vote to the congressional legislative power granted by the 14th amendment, an analysis must be made of the role that voting plays in our form of government. If we are to have a truly representative form of government, that government must be responsive to the wishes and views of all qualified voters. This is a matter which transcends State borders, it is a matter which defies local variations. Rather, as our Nation grows "smaller" due to advances in travel, education, and communication, the franchise becomes a national concern and has a national effect. There are two groups in our Nation which are excluded from the elective process in significant numbers—black citizens and those young people under 21. This legislative package is aimed at bringing to significant numbers in both groups the right of suffrage.

One cannot speak on this subject without mentioning the divisiveness which currently threatens to tear our country apart. We, as a nation, believing in the viability of our Government and its ability to respond to all citizens, constantly implore those with divergent views to "work through the system" and yet, in the case of those under 21, there is not truly such an opportunity. Our plea in this regard is viewed as largely empty rhetoric, or as establishment-oriented, or, worst of all, as offering a false hope.

There are those who submit that Congress has certain limited powers—powers which cannot be expanded no matter how compelling the case. They argue that since the Constitution seems to leave the right to set voting qualifications to the States, the only way of extending the franchise is through a constitutional amendment. I would submit that this analysis falls short of the mark because it erroneously interprets the action we are considering.

A good deal of confusion has stemmed from those of us who endorse the legislative power of Congress in this area. We have been talking about desire, preference, timeliness—that sort of thing—but we have not been addressing ourselves to the underlying and necessary question: Is there something about restricting suffrage to those 21 or older which is unconstitutional? I believe that, when viewed in such a light, the answer is clearly "yes." The equal protection clause of the 14th amendment prohibits discrimination between similar groups which is not founded in reason; and section 5 of the 14th amendment gives to Congress not only the power but also the duty of correcting those inequities.

After reading the available materials and giving this matter long and serious thought, I believe that there are essentially three ways that Congress has the power to declare that denying the vote to 18-year-olds is an invidious discrimination and to take corrective legislative action:

First. Through a broad and liberal reading of Katzenbach against Morgan.

Second. By determining that the State action in denying the vote to 18-year-olds does not advance or protect any valid State interest.

Third. By determining that even were there some valid State interest, that it is outweighed by other competing interests which are constitutionally more important.

KATZENBACH AGAINST MORGAN

Although I certainly do not profess to be a constitutional scholar, it is my understanding that Morgan can be read in such a way as to vest in Congress the ability to make determinations that certain State activities are constitutionally impermissible as violative of the 14th amendment. Not only can Congress make determinations as to those activities which fall within the purview of existing Supreme Court decisions, but Morgan seems to give Congress the power to make independent decisions as to what is constitutionally permissible—thereby carving out new areas of equal protection.

Some contend that such ultimate decisionmaking is, and must be left exclusively within, the province of the Court, for to allow Congress access to this area puts it in competition with the Supreme Court and thereby disturbs the system of checks and balances. However, it would seem to me, both in logic and as I understand the thrust of Morgan, that such a role on the part of Congress need not infringe on the Court's jurisdiction as long as Congress makes factual findings while leaving the legal findings to the Court. Thus, it would be entirely consistent with Morgan for Congress to find that, as a factual matter, to deny the vote to an 18-year-old is impermissible as being an irrational and an invidious discrimination.

Congress could make this decision by making its own factual assessment that an 18-year-old of today is equal in judgment, maturity, character, education, and knowledge to a 21-year-old of 50 or 100 years ago. Having made such a factual determination, Congress could then conclude that, by failing to allow 18-year-olds access to the voting process, the States were violating the equal protection clause of the 14th amendment.

NO STATE INTEREST PROTECTED

As I have said previously, I believe that Morgan is just the "frosting on the cake," and is not necessary to a finding that Congress has acted within its powers by passing legislation granting the vote to 18-year-olds. Thus, apart from Congress carving out a new area of equal protection on the strength of Morgan, I believe that past Supreme Court decisions lead to the inevitable conclusion that the State practices in question are unconstitutional, and therefore subject to corrective legislative action by Congress by virtue of section 5 of the 14th amendment.

Those Court decisions teach us that all discrimination is not, in and of itself, violative of the 14th amendment. If there is a rational relationship between the discrimination and some valid State interest, then that discrimination might not be unconstitutional. Hence, if limiting suffrage to those 21 or older is based on a valid State interest; if that limitation actually serves to further that State interest; and if that State interest is not outweighed by some more important consideration, then such a discrimination might well be lawful.

What are the possible State interests to be protected by limiting the right of suffrage to those 21 or older?

First, is the interest of having an electorate which is sufficiently aware of the issues to cast an intelligent vote. Although this would appear to be a valid State interest, denying the vote to 18-year-olds does not seem to further that State interest. All of the evidence would suggest that present-day 18-year-olds are as intelligent and knowledgeable as ever before, and certainly as much so as the 21-year-old of 50 or 100 years ago.

Second, a State has an interest in having its electorate cast a mature vote. This likewise is a valid interest, but once again that interest does not appear to be served by denying 18-year-olds a vote for we are all constantly made aware of the increasing maturity of the vast majority of our young people, of their ability to digest sophisticated ideas, and of their ability to perform tasks requiring great emotional restraint.

Third, it is argued that a State has a valid interest in insulating itself from radical political thought—but this is not a legitimate State interest. It is imperative to distinguish between poor judgment and radical political opinion. The danger is evident: If we allow States to preclude 18-year-olds from voting because of their possible political opinions, the next step is to deny the vote to others who harbor similar opinions. As the Supreme Court noted in Carrington against Rash:

> Fencing out from the franchise a sector of the population because of the way they may vote is constitutionally impermissible.

Additionally, in looking at State interest, it is helpful to note that those States which have already granted the vote to those under 21 have experienced no harmful effects. It would seem, then, that no valid State interest is served by denying the vote to 18-year-olds and therefore the conclusion must follow that denying suffrage to that segment of our population is constitutionally impermissible.

ANY STATE INTEREST IS OUTWEIGHED

Were we to assume that there is some valid State interest which is actually served by limiting the vote to 21-year-olds, the Supreme Court decisions indicate that such an interest may not be sufficient to support that discrimination which it engenders. If the State's interest is minor compared to the effect or the likely effect of the discrimination, then the discrimination is invalid as a violation of equal protection. In the case of limiting the vote to 21-year-olds, I would argue that any State interest is more than outweighed by the necessity and the desirability of extending the franchise.

Those factors which, on balance, outweighed State interests in this area bear mentioning, and I do so, Mr. Speaker, to adequately prepare the record and the legislative history of this measure so that the Supreme Court, in passing on this legislation can observe that the Congress has affirmatively found certain facts which, in its judgment, outweigh any conceivable State interest to the contrary.

Age 18 is normally the age at which most young people finish high school, and having thus completed the basic portion of their education they have absorbed a great deal of information about our Nation's history, our Government, our national objectives, and our shortcomings. This information and knowledge about our basic political structure allows them to be better voters—better in many cases than their parents since the knowledge is so fresh in their minds. In a number of States age 18 signifies the age at which a minor comes of age and is liable for his debts and contracts; and by so allowing him to obligate himself, those States have found him to be both mature and intelligent. Other States use age 18 as the point in time when an individual can enter into marriage without parental consent. Some States use 18 as that age at which a person is liable for criminal prosecution as an adult rather than as a juvenile.

The Congress, by means of the Selective Service Act, has determined that every male citizen who reaches age 18 must register for the draft and be available for induction. Indeed, our recent actions and those of the President place more of the burden of carrying on our wars on the younger men of our country. It is certainly logical to suggest that those who are subject to the draft should have some voice in their Government.

A related argument is that, having once been drafted, that person is subject to the warlike whims of his Government. Long ago this Nation felt that governmental policy which affected those who had no voice in determining that policy was a serious enough matter as to support a revolt. Certainly military obligation without representation is on a par with taxation without representation. This argument takes on additional weight when one looks to the casualty figures in Vietnam, and finds that a substantial portion of those who have given their lives for their country were under 21 and not able to voice their support of or opposition to that war.

These arguments are often dismissed as emotional, but I would suggest that we should not confuse emotion with concern. There is a rational basis for reducing the voting age, and that basis far outweighs any possible State interest to the contrary. It is on this analysis that Congress has made a factual finding that the State interests to limit the voting roles do not rise to the level of the interests to be served by lowering the voting age. The facts, Mr. Speaker, speak loudly and convincingly that lowering the voting age is mandated.

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I would add one additional observation supporting the congressional finding of a 14th amendment violation. Since two States peg the voting age at 18, one at 19, one at 20, and the rest at 21, it would appear that these State practices give rise to a denial of equal protection. Young people under 21 are able to vote for Senators and Representatives in four States, while their counterparts in the other 46 States are not so privileged. Thus, the inconsistencies between the States give rise in national elections to the situation that some people under 21 are represented while others are not. Such a situation, on a national scale, also appears to me to be constitutionally impermissible.

There is one additional point that ought to be clarified, Mr. Speaker, for the legislative history of the 18 vote legislation in the Senate is somewhat unclear. There is some question as to when Congress intends this legislation to go into effect. Section 305 provides:

> The provisions of Title III shall take effect with respect to any primary or election held on or after January 1, 1971.

This section was specifically added after the Senate became aware that a number of fall elections could be placed in doubt if those under 21 could vote in those elections while the Supreme Court might have this matter under consideration. To correct that uncertainty, section 305 was added. However, it is important to note that section 305 only refers to a "primary or election" and does not make reference to the other incidents of the extension of the franchise, such as registration or entering an election as a candidate prior to January 1, 1971, if the election takes place after that date. This law becomes effective upon signing by the President, but certain incidents of the law are delayed until 1971.

I specifically make this point, Mr. Speaker, since I understand that, currently, preparations are being made to test this legislation when and if Congress passes it. Since we wish those tests to start as soon as possible, it is our desire to have the matter become justiciable for the Supreme Court as of the date of signing by the President. With that in mind, the Congress intends the legislation to go into effect immediately, but to limit its effect to those actual elections which occur after January 1, 1971, so that the Court test will cause as little uncertainty in the elective process as possible.

To summarize, I would like to dwell for a moment on what Congress is attempting to do by passing this legislation, and equally important, what we are not trying to do. Most proponents of the entire Voting Rights Act, as amended by the Senate, have argued either that 18 is preferable to 21 as the age at which the voting franchise should be granted, or they have argued that lowering the voting age would take too long by the constitutional amendment. The opponents of the legislation have urged that the Constitution vests in the States the ability to determine voting qualifications and, therefore, the State legislatures should, through a constitutional amendment, voice their preference.

While there is some validity in all of these arguments, I believe that these analyses put the horse before the cart. As I read the Constitution and as I understand the upcoming vote, Congress is not substituting its preference for that of the States, but rather we are exercising our judgment under section 5 of the 14th amendment and deciding if limiting the vote to 21 denies equal protection.

Although it is the duty of the Congress to correct the infringement on equal protection by appropriate legislation, and although we are not authorized to delegate that responsibility to the States, it must be recognized that the States could, by constitutional amendment, cure these defects. There are, however, two cogent reasons for turning away from that alternative.

First, the experience in some States over the past year in turning down proposals to lower the voting age to 18 serves warning to Congress that the States may be unwilling to cure this denial of equal protection.

Second, even if the States would pass such a curative amendment, the soonest this could be done—in historical perspective—would be 9 months and the average passage time for amendments is over 22 months. Our responsibilities under the 14th amendment do not allow us to compel this group to so suffer the denial of equal protection.

In passing this legislation then, our vote is not one of preference, for preference most of us believe is a question left to the States. Our vote does not reflect our views on the desirability of the constitutional amendment vis-a-vis the statutory approach—no more so than our view of equal protection dictates—because they are not alternatives to one another. They are separate questions and not interchangeable. Before one can advocate a constitutional amendment, he must resolve the question of equal protection.

It is then this question of equal protection to which the House is addressing itself. On the strength of the factual evidence available, we are led to the inescapable conclusion that the restriction of the vote to some age other than 18 serves no valid State interest and is therefore violative of equal protection. In that regard, Mr. Speaker, I urge my colleagues to pass the Voting Rights Act as amended by the Senate.

Mr. BINGHAM. Mr. Speaker, the legislation currently before the House, the Voting Rights Act as amended by the Senate, which includes a provision to extend the vote to 18-year-olds, is a momentous measure. After careful study of the many difficult issues raised by this legislation, I have concluded that it merits support, and I shall vote for it.

The 18-year-old vote, of course, has stimulated much attention and controversy, as well it should. In my judgment, young people between 18 and 21 are, on the whole, quite capable of assuming the responsibilities of enfranchisement and using their voting power carefully and wisely. Despite the behavior of a small minority of young people who seem willing to resort to violence and other extra-legal tactics to try to achieve their political ends, the vast majority of today's young people are anxious to participate fully in the political system and to seek improvements through legitimate political means.

I have been concerned, however, about the question of the most appropriate means of extending the vote to 18-year-olds from both a legal and practical point of view. To extend the vote by statute, as this legislation would do, raised the possibility of throwing future elections into chaos. I am now convinced, however, that an act of Congress will help resolve uncertainties about the validity of future elections rather than create or intensify them. Harvard law professor and constitutional expert Paul A. Freund has summarized this conclusion very well in a letter to the majority leader, as follows:

> Without a statute, there is almost sure to be litigation on the model of the poll tax case, attacking the 21-year requirement as an unreasonable classification in present conditions of life and education. Such a challenge would indeed create an embarrassment for the (Supreme) Court. It is probable that, without a statutory alternative, the Court would feel obligated to reject the complaint, and would thereby exacerbate the feelings of a great many young people. An Act of Congress would provide the Court with a strong underpinning for a judgment of unreasonableness, and would furnish an appropriate replacement. . . . There remains the tactical question of expediting the measure, so that elections will not be clouded by uncertainties. This could be done by a suit, in the original jurisdiction of the Supreme Court, brought by a state against the Attorney General, who is given enforcement powers under the Act. Or a suit could be brought in a lower federal court by a voter under 21 who is denied registration, or a voter over 21 if those under 21 are granted registration. These suits would warrant calling a three-judge court, with direct appeal to the Supreme Court.

I trust that, should this legislation be approved by the Congress and enacted into law, as I hope it will, these tests of the law will be made promptly and decisively so that future elections are in no way interfered with.

Finally, Mr. Speaker, the question of the 18-year-old vote must not lead us to ignore the other important provisions of this legislation. In particular, this legislation contains a nationwide ban on the use of literacy tests. I have consistently opposed literacy tests on the grounds that, even when formulated and administered with care and without malice, they impose unjustifiable restraints on the right of every citizen to vote and to participate in the political process. When this nationwide ban came before the House earlier this year, it was part of the administration's version of the Voting Rights Act extension, which had the general effect of weakening the voting protections established by the 1965 act. So I was forced to vote against the bill as a whole. The Senate version of the voting rights extension now before us is a great improvement over the House version in its general voting rights provisions, and I am therefore pleased to be able now to vote for it, with its strong literacy test ban which I have long favored.

Mr. HECHLER of West Virginia. Mr. Speaker, I am proud to be able at last today to cast my vote for a long-overdue reform—extension of the voting franchise to young men and women 18 years of age and over. Ever since I began teaching political science in 1939, I have advocated this reform which is finally coming to pass on this historic day. The strongest argument is that our educational system has progressed so far since the very early years when the voting age was set at 21, that now young men and women at 18 are better prepared than were their ancestors at age 21.

There are, of course, many who would deny the extension of the vote to those who are 18 on the grounds that there is far too much turmoil, rioting, destruction and immaturity among young people of that age. This is the kind of generalization which is very false because there are vast differences in the level of responsibility of both young people and those who are older. An overwhelming majority of young people are law abiding, alert, clear-thinking and fully responsible to exercise all the aspects of citizenship. To deny them these rights is merely to frustrate them, turn them toward using the streets rather than the ballot boxes for the expression of their opinions, and perhaps polarizing them toward the right or left extremist groups.

In the past 12 years, I have had considerable experience with thousands of high-school-age students whom I have brought to the Nation's Capital under my "week in Washington" program. These students, seniors in high schools throughout West Virginia, have each spent a week at a time working in my office, observing the Congress and its committees in session, interviewing officials, analyzing legislation, and performing other duties to acquaint them with governmental processes. The average age of these students is 16 or 17, and I am impressed by their grasp of national issues and their implications.

My neighboring State of Kentucky, which has had the 18-year-old vote along with Georgia for many years, has discovered that this has stimulated a greater degree of interest among young men and women who might otherwise turn toward other interests, social and otherwise, when they could not vote at 18. Also, I am impressed by the fact that as the progress of medical science enables all people to live longer, the average age of the electorate is growing. To balance the danger of developing a kind of gerontocracy, we ought to average out the age of the electorate by enabling those between 18 and 21 to vote.

I would like to pause to pay tribute to an outstanding Member of the U.S. Senate who has been one of the peerless leaders in the fight to enact the 18-year-old vote, the Senator from Indiana, the Honorable BIRCH BAYH. Today, I was proud to note Senator BAYH's presence in the House of Representatives when this body crowned his efforts with the glory of voting on this measure in the House. Certainly the Nation is proud of the indefatigable efforts of Senator BAYH, without which the 18-year-old vote never would have succeeded.

We now hope and trust that the President of the United States will sign this measure which has been so long in coming. The results will, I am confident, provide healthy benefits for the Nation, for the young people, and for the entire electorate as well as the general welfare of our Nation.

Mr. RANDALL. Mr. Speaker, the previous question on House Resolution 914 should be voted down and H.R. 4249, the voting rights bill should be sent to conference.

There are multiple reasons why this course should be taken. The House Rules Committee summarily rejected the requests of countless witnesses to grant an open rule. Today we are forced to consider two matters joined together which should be considered separately. This unnecessary, uncalled for and indefensible procedure, as one editorial writer has put it, is endangering the one, meaning the civil rights voting portion and blurring consideration of the other, meaning the 18-year-old vote.

I supported the 1965 Voting Rights Act and have supported its extension. Moreover, I have clearly pronounced my position before assemblies in the high schools of our district as being in favor of submitting the issue of 18-year-old voting to a State referendum. I have offered to assist in the circulation of petitions for such a referendum. If I were a member of our State legislature I would vote to ratify a constitutional amendment which had been approved by the voters of our State. I firmly believe every registered voter should have the privilege to express his preference on such an important matter as the 18-year-old vote.

My complaint is that our procedure today is unconstitutional. Even if it should later be declared constitutional it is in my opinion an unwise preemption upon the domain of our States. Because I am so deeply concerned about the constitutionality of this action I will not be able to support House Resolution 914.

My opposition to this resolution is not based alone on my conviction that what we are doing is unconstitutional. I am just as strongly opposed because of the procedure we are forced to follow today. House Resolution 914 is not only a gag rule, it is a double gag rule. The rule forecloses all opportunity to constructively amend the Senate version and then it does even worse when it limits the time of debate to 1 hour. This figures about 8 seconds per Member assuming it is possible for each Member to be recognized. Such a way to conduct the country's legislative business. Remember it was under rules like this the House was forced to swallow the Senate-passed open housing bill and the Senate-written surtax bill.

It is rules like House Resolution 914 which disbars House Members from effectively participating in the legislative process. Rules of this kind make the U.S. Congress a unicameral national legislature. The rule of House Resolution 914 makes voting rights a hostage for the proposition of 18-year-old voting and makes the 18-year-old right to vote a hostage to the civil rights extension.

What we are doing today impresses me as being parallel to what happened during World War II when certain foods were rationed and merchants adopted the shoddy practice of what is called tie-in sales. Merchants used this procedure to dispose of some of their undesirable goods by requiring purchasers to take such items as canned carrots or okra in order to get a can of green beans. The Rules Committee is today forcing House Members who may wish to support one or the other in the proposition contained in the Senate-passed bill to take both provisions together when they may be much opposed to one or the other. This is a true tie-in sale.

It should be recalled the vote in the Rules Committee was nine to six. Let us remember then this rule superimposes the wills of the nine Rules Committee members who voted it out over both the rights and responsibilities of all other House Members and I might add because of the constitutional situation it seeks to impose the will of these same nine men over the wills of all the members of the legislatures of our 50 sovereign States.

At the expense of repetition, I emphasize once again that we are today following a most indefensible procedure. No House committee has held hearings on the subject matter of this resolution. No Senate committee has held any such hearings. At the time we expanded the right of franchise to include women there was not only protracted hearings but the right was extended by the 19th amendment of the Constitution, not by a simple act of the Congress.

Not only is our procedure wrong today but it is a tragedy that we must be so restricted by limitation of time. If we adopt this rule the House agrees that it is the second-class body of the Congress. I cannot understand why so many seem so intent to eliminate ourselves as a legislative body.

I intend to refuse to follow the course of political expediency. Eighteen-year-old voting may be popular. We are not talking about popularity but about constitutionality. The 18-year-old voting section is clearly and unequivocally unconstitutional.

Mr. CHARLES H. WILSON. Mr. Speaker, with the passage of the Senate-amended Voting Rights Act, H.R. 4249, the House has once again moved progressively forward in its effort to secure for all of our citizens their basic right to vote. This extension of the 1965 Voting Rights Act was accomplished with careful expedience in order to preserve a law which has done more for black voting registration than any other law in existence.

Beyond this extension, H.R. 4249 provides for a nationwide ban on literacy tests and a nationally uniform residence requirement for voting in presidential elections. Both of these provisions are desperately needed to provide fair and equal opportunity to all voters and potential voters of this Nation. A third

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and most essential provision extends the right to vote to 18-, 19-, and 20-year-old citizens. The controversy surrounding this provision is unwarranted.

Mr. Speaker, I would not hesitate to argue that those who can fight for their country have the right to vote in its elections. But there are far more important points to be made. Maturity is difficult to measure. If it can be measured, then let information, intelligence, and understanding dictate the guidelines of maturity. Today's 18-year-olds are more aware, better educated, and better informed than those of yesteryear. These elements contribute to a greater understanding. Violent protests are certainly no measure of maturity or immaturity; they are more aptly frustrations, frustrations which even those over the age of 21 are liable to have at one time or another. Furthermore, many 18-year-olds are married and also pay taxes. If they are disenfranchised, this can constitute the governmental sin of taxation without representation.

If this democratic system is going to extend the right to vote to all of its qualified citizens, then I go on record as saying that our 18-, 19-, and 20-year-olds today are as qualified to vote, if not better qualified to vote, than those older citizens who are recognized today as qualified voters. Also, if we are to gain the all-important confidence of those citizens 18 years and older, we must acknowledge by our legislative confidence their ability, and their right, to vote. I compliment all of my colleagues in the House who have contributed to the passage of this bill.

Mr. LEGGETT. Mr. Speaker, I do not want to appear unappreciative of the constitutional questions raised by this bill. But I suggest that, since the 18-year-old vote would not go into effect for half a year, this issue can and will be resolved in the courts. The real issue before us is whether or not we want our young people to vote.

I do.

There are those who say young people's minds are not sufficiently developed to enable them to vote intelligently. But the people who design intelligence tests have generally found that intelligence increases until about the age of 16, remains constant until about age 29, and from there slowly declines. So it appears that our 18- to 21-year-olds have better neural circuits than do most of the Members of this body.

There are those who say young people lack the information they need to vote. But somehow I doubt we will ever see college students ripping down a Red Cross flag in the belief it was a Vietcong flag, as our middle-aged hard-hat friends did in New York the other day.

There are those who say young people lack experience and maturity. In a sense, this is true. A 20-year-old has not witnessed as much history as has a 40- or 60-year-old. But I suggest this may be as much of an asset as it is a handicap. All too often, older people do not learn from the past; instead, they become fixated by it. How many times have we heard our diplomats vainly try to force the nationalistic struggles of Southeast Asia into the pattern of the Munich disaster they witnessed in their formative years? For how long have we watched our generals trying to fight the Vietnam war as if it were the World War II of their formative years?

We need voters with experience. But we also need voters who are not bound to the mistakes of the past.

There are those who say young people should not vote because they do not hold jobs or pay taxes. But even if this argument were factually sound, which it is not, I think we would have to reject it. Young people have more taxpaying years to look forward to than we do. And in every other sense, they have a bigger stake in the country than we do. They are going to have to live with it a heck of a lot longer than will the people now running it.

But these are debating points. Here is what the question comes down to: Are 18- to 21-year-olds capable of voting responsibly, or are they not?

For my part, the answer is unequivocally affirmative. I have found them to be more idealistic, more concerned, and better informed than their elders, and I believe they also surpass any other generation of young people in our history in these respects.

Mr. Speaker, the country is mired in an aimless and misconceived war in Southeast Asia. We are caught up in a sterile and dangerous arms race. We have poverty, hunger, neglected health and education programs, and we are ridden with racial tension. We tend to look at these things and say we know they are bad, but they were a long time developing and we cannot expect to get rid of them overnight. But the young people could not care less how long it took us to create a problem; they want to know exactly why it cannot be solved overnight. And many times we find there is no reason why it cannot be done, other than our own complacency. And not being able to come up with a reason why it cannot be done, sometimes we go ahead and do it.

So I say we need these young people as active participants in our political system. I say let us give them the vote, and both they and the country will be the better for it.

Mr. COLLIER. Mr. Speaker, it is regrettable that political expediency has so frequently of late been given priority over the preservation of the Constitution of the United States.

On seven occasions during the past 14 years, I have raised my hand in this Chamber to take an oath to uphold the Constitution. I intend to do so today in fulfilling my obligation to that oath when we reach a final vote on H.R. 4249. I do not believe that in deep conviction I can vote for a bill which to me flagrantly violates the Constitution. I do not believe this Congress has the right to abridge the historical and traditional right of the several States to establish voter qualifications except as they violate other provisions of the Constitution.

If this Congress were not as anxious to yield to political pressures stemming from troublesome problems of our day, we could deal with the matter of lowering the voting age as it properly should be done—through the adoption of a resolution calling for a constitutional amendment and permitting the States to ratify or reject the proposition. This was the procedure properly followed when the women of this country were enfranchised by the 19th amendment to the Constitution in 1920.

The fact that the authors of the bill provided for a delayed effective date because of the probability of its being declared unconstitutional by the Supreme Court points to the good judgment of following the constitutional course. I believe that the Supreme Court will be obliged to rule this bill unconstitutional, and this will merely delay the consideration of the issue under the proper procedure.

There are other serious ramifications to this legislation which cause me to regret the hasty, unwise, and politically expedient course of action which it appears this House is about to take today.

Mr. CHAPPELL. Mr. Speaker, consideration by the Congress in setting the voting age for the States is clearly a conflict with the Constitution. The Constitution provides that each State set its voting qualifications. I believe the Voting Rights Act, in setting the age limit for voting, is a further usurpation of power of the States by the Federal Government.

In my own home State of Florida, this very issue will be considered on the ballot in November. This is as it should be. The States should be allowed to consider their own qualifications without interference by the Federal Government.

The Voting Rights Act, which extends the vote to 18-year-olds, likewise extends for 5 years the provision whereby the Attorney General will continue to oversee election procedures in the South. In effect, we are continuing to make five Southern States the whipping boys of the Nation. Under the provisions of this act, they are unable to change any election laws without the approval of the Attorney General. Forty-five States can make any changes their elected officials wish to consider. The Attorney General sends supervisors into these States, just as in reconstruction days, to watch election procedures. We have the same expression of attitude by many in the Congress as during that era—presupposing some wrongdoing on these States' part.

Mr. Speaker, I realize that many in the Congress who are in favor of the Voting Rights Act, are under the impression that by Congress acting to give the 18-year-olds the right to vote, they are voting for harmony and peace within the Nation. But it seems to me, Mr. Speaker, that anytime in this Nation that Congress usurps the power of the States, we are buying a dime's worth of peace at a dollar's cost in liberty. For, as we further erode the States, we further despoil the liberties granted to us under the Constitution and ultimately we destroy the very system of checks and balances which we adopted to protect ourselves.

Mr. Speaker, let us not further assault our foundation of freedom for expediency's sake. Let us leave this responsibility with the States' elected officials, where it rightfully belongs.

Mr. MATSUNAGA. Mr. Speaker, I yield 5 minutes to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCormack).

Mr. McCORMACK. Mr. Speaker, this is probably one of the most important bills that has been before this body in many years.

It involves, in the question that is before us today, two very important matters:

One, the extension of the voting rights act.

Now we are all practical legislators. We know that if this bill goes to conference, its extension is seriously endangered.

Second, it involves the voting right at 18 years of age.

The gentleman from California made a very pertinent observation during his remarks. I think it is an observation which strongly supports concurrence in the Senate amendments—when the gentleman from California (Mr. Smith) said that we are not the Supreme Court of the United States. Of course, that means on the constitutional question that will finally be resolved by the Supreme Court. How true that is.

I, therefore, suggest to anyone, if I might make the suggestion—I would suggest to anyone who believes in voting at the age of 18 and 19 and 20, and who favors the extension of the Voting Rights Act—to be sure that it will not be defeated and prevented from being enacted into law this year.

I would suggest that my colleagues who favor such extension of the Voting Rights Act determine the constitutional question in favor of its constitutionality, because the matter will have to be passed upon by the Supreme Court.

Furthermore, as to the constitutional method, it would take at least 10 to 20 years, in my opinion, before any amendment would get through this body and be adopted by the necessary number of States to provide for voting at the age of 18 and 19 and 20.

On that constitutional question we have such eminent scholars as Dr. Paul Freund of Harvard and Archibald Cox, former Solicitor General of the United States, that the Congress possesses ample constitutional authority to lower the voting age by statute.

We also have a strong indication in Supreme Court decisions such as in Katzenbach against Morgan, by 7-to-2 majority indicating that this question comes within the power and purview of the Congress of the United States.

To me the question is whether or not Americans 18 years of age, and 19 years of age, and 20 years of age are qualified from an educational angle to assume the fullness of citizenship.

At birth they are citizens. Every child born in this country is a citizen. The question is the assumption of the fullness of citizenship. It seems to me that the educational institutions of our country today qualify Americans who are 18, 19, and 20 years of age to assume the fullness of citizenship.

On that point I call attention to the fact that four States of the Union already provide the privilege of voting for those under 21 years of age. One of the leaders, one that has been a leader, is the great State of Georgia.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Louisiana.

Mr. BOGGS. I thank the distinguished Speaker for yielding to me. I congratulate the Speaker on the very fine statement he has made and I concur in what he has said. What the young people of this country want is to be a part of our democracy. They want in. They want to be responsible citizens. In my judgment, there is no more important vote that we can cast in this session than this vote.

Mr. McCORMACK. I also wish to point out in respect to the educational abilities of Americans 18, 19, and 20 years of age that we are talking about citizens. We are not conferring citizenship because they are citizens once they are born. The question is the assumption of the fullness of citizenship, to wit, the vote.

For example, in 1920, just 50 years ago, only 17 percent of Americans between the ages of 18 and 21 were high school graduates. Only 18 percent of them went on to college.

Today, by contrast, 79 percent of Americans in this age group are high school graduates and 47 percent go on to college.

On the question of ability and assuming the fullness of citizenship, clearly the evidence is uncontradicted and overwhelming, and on that ground we shoud not have any hesitancy in making our decision.

I am very happy to see the bipartisan support for the resolution today. That is as it should be. I congratulate my colleagues. I realize that there are some honest differences on the constitutional question. But on that question I urge that any doubts be resolved in favor of constitutionality, because the Supreme Court is going to pass upon the question.

In the closing seconds of the time allotted to me—and I shall not be back here next year—might I make a personal observation. Nothing would make John McCormack happier than to see this resolution adopted.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, at the outset, let me make it crystal clear that I favor the right of a person who is 18 years old to vote in local, State, and Federal elections. In 1966, the State of Michigan had a statewide referendum on the question of whether or not we should amend our constitution to permit 18-year-olds to vote. I campaigned for the right of 18-year-olds to vote. I voted for that amendment to our constitution. Regrettably, it was defeated by a vote of 3 to 2 throughout the State.

If the amendment is again proposed—and I undersand that it might be in Michigan in 1970—I will do the same thing. I will campaign for it. I will vote for it.

I am also in favor of a constitutional amendment to the Federal Constitution to authorize the action that is proposed here by a statutory provision. A constitutional amendment can be and should be approved by the House Committee on Judiciary and then the Congress as a whole.

But I am deeply concerned about the constitutionality of a statute passed by the Congress of the United States which would authorize 18-year-olds to vote in municipal, State, and Federal elections.

Comments have been made here this afternoon that two very distinguished members of the Harvard Law School faculty have said that the proposal is constitutional. Mr. Speaker, I have in my hand a number of letters from eminent, recognized constitutional lawyers in a number of outstanding law schools throughout the United States. These are opinions requested by the President of the United States, and each and every one of them, even though in most cases they were for the 18-year-old vote, said that in their opinion a statutory approach is unconstitutional. I agree with such eminent constitutional lawyers as Philip B. Kurland and Gerhard Casper of the University of Chicago, William B. Lockhart of the University of Minnesota Law School, Paul G. Kauper, University of Michigan Law School, Gerald Gunther, professor of law, Stanford University School of Law, Alexander M. Bickel, Charles L. Black, Jr., Robert H. Bork, John Hart Ely, Louis H. Pollack, Eugene V. Rostow of the faculty of Yale Law School, Louis Henkin, Columbia University School of Law, and Charles Alan Wright, professor of law, University of Texas.

I, therefore, urge, Mr. Speaker, that we vote no on the previous question. In the light of these opinions written to the President of the United States, I think it is perfectly legitimate to raise the question whether or not the President could in good conscience sign this proposal if and when it comes to his desk.

But let me say there are other good and sufficient reasons why, in my opinion, we should vote no on the previous question. In the first place, let me point this out, that if this resolution is approved, and the bill is signed by the President of the United States, from the date that it becomes law—if it does—until there is a decision by the U.S. Supreme Court, every State, every municipal and every school board bond issue vote, every millage vote cast will be in jeopardy—every one.

There will be a delay before the Supreme Court will make a decision. In *South Carolina* v. *Katzenbach*, 383 U.S. 301, the delay between the initiation of the law suit and the Supreme Court decision was 4 months. In *Katzenbach* v. *Morgan*, 384 U.S. 641, the delay was 10 months. This would create serious problems.

I contacted a most eminent bond lawyer in the State of Michigan, an attorney who passes judgment in many instances on whether or not a municipality, a State

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or school board bond issue is valid. I asked him, Mr. Speaker, this eminent bond attorney, whether he, in his capacity, would validate those bonds and approve their sale. This is what he wrote, dated June 15:

DICKINSON, WRIGHT, MCKEAN & CUDLIP,
Detroit, Mich., June 15, 1970.
Representative GERALD R. FORD,
U.S. Capitol,
Washington, D.C.

DEAR CONGRESSMAN FORD: You have asked for our comments, as bond attorneys in the State of Michigan, as to the possible effect on millage and bond elections in governmental units and school districts in this state of a granting of the voting right to 18 year olds by an Act of Congress which is likely to be immediately attacked in court as being unconstitutional and invalid.

It is our opinion that bonds cannot be issued nor taxes levied on the basis of the results of an election in which the vote of persons under 21 years of age has influenced the outcome of the election, until such time as attacks on the constitutionality of the Act of Congress have been resolved in favor of such Act by the U.S. Supreme Court.

In order to determine the influence of the voters under 21 years of age on the outcome of elections, we will require separate ballots to be issued or separate machines to be used and the votes to be separately tabulated on all bond and millage propositions. We will be able to approve only those propositions which are carried by the required majority of all persons voting including both those voters over 21 years of age and those under and also which are carried by a majority of voters over 21 years of age.

We appreciate that the separation procedures are complicated and expensive and will probably slow the vote in heavily attended elections, but we see no alternative until the constitutional question is resolved.

Yours very truly,
CHARLES R. MOON.

Gentlemen, we put a great burden on ourselves if we, by the action today, put in jeopardy $6 billion of State, municipal, and school board bond issue election. There are usually three to four thousand such elections taken every year, and they involve approximately $6 billion worth of water pollution projects, school buildings, and other programs and projects.

I say we should vote against the previous question and we should take the course of action recommended by the gentleman from California. Vote no on the previous question.

Let me make one other point. This proposition is coming to the floor of the House under the most indefensible combination of legislation and parliamentary procedure I have ever seen. We are, in effect, asked to make a historic decision, and there have been no hearings held in the Committee on the Judiciary in the House on this proposition that Congress can, by a Federal legislative act, give the right to vote to 18-year-olds in local and State elections. Not one hearing has been held on this issue before the Committee on the Judiciary in the House. Not one hearing has been held in the Senate Committee on the Judiciary—not one on this constitutional issue. And we are asked, in less than an hour, to vote on this proposition. It is the most indefensible procedure I have ever seen.

Let me say this also. Very seldom, Mr. Speaker, do I quote, to back up my arguments, a magazine called the New Republic, but in the June 20 issue of the New Republic, there is an editorial, and here is what this editorial says:

KEEP IT BRIEF

The Voting Rights Act of 1965, quite likely the single most effective civil rights measure ever enacted by Congress, expires in August, and it must be extended. Despite some initial equivocation by the Nixon Administration, the Senate voted to extend it, and the Administration ended by supporting it. But the Senate attached a rider to the Act, to enfranchise 18-year-olds in both state and federal elections. This sort of joinder of two separate policies is bad legislative practice, endangering the one and blurring consideration of the other. But worse was to come

In the House, where a Voting Rights Bill was passed before the 18-year vote was given a piggy-back on it, liberals on the Rules Committee, with the support of the Democratic leadership, succeeded in sending the Senate package to the floor under a rule requiring the House to vote the whole thing up or down. No amendments will be permitted. Anyone who supports extension of the Voting Rights Act but not the enfranchisement of 18-year-olds by simple federal statute has to swallow the rider if he feels strongly enough about the Voting Rights Act, or sacrifice the Act if he really can't stand the rider. And he will have to make up his mind in the course of a debate limited to one hour: half to each side, which means a quarter to the side opposed to the rider.

Now there was a hearing and some debate on the rider in the Senate. There has been no hearing, and no previous debate in the House, not five minutes. Yet there is clearly something of consequence to debate: whether this extension of the franchise by legislative order is desirable, whether it is constitutional and would be so held, and whether, there being at the very least doubt about unconstitutionality, Congress would be acting responsibly in throwing the burden of a difficult decision on the Court, rather than going the route of a Constitutional Amendment. Yet where are the usual guardians of legislative process, of full and free debate? They are silent. They are fighting fire with fire, they tell themselves, for to send the Voting Rights Act back to the Senate by separating the rider from it would be to give another set of arbitrary hierarchs, the Southerners, a chance to fillibuster it to death.

But the Voting Rights Act was not fillibustered the first time through the Senate, when the Administration was not so firmly committed to it. Was there enough to be gained in this sorry exercise to offset the discredit that the usual advocates of process, of constitutionalism and of democratic reform have brought on themselves? Who will believe that these are really the things they care about, next time they say so?

I say that the resolution should be defeated and the previous question voted down.

Mr. MATSUNAGA. Mr. Speaker, I yield 9 minutes to the chairman of the Rules Committee (Mr. COLMER).

Mrs. GREEN of Oregon. Mr. Speaker, 2 or 3 months ago, I came out publicly for the Senate amendment, providing for the 18-year-old vote, subject to a constitutional court test. Every other member of the Oregon delegation came out for the 19-year-old vote which was on the Oregon ballot in the Oregon primary less than 1 month ago. I believe it is accurate to say that almost every political leader in Oregon actively campaigned for the 19-year-old vote. In spite of this, it went down to a better than 2 to 1 defeat.

I suggest that, as a Representative, I certainly must argue and vote for those beliefs which I hold with the best possible information I have available to me at the time. But it seems to me this includes the obligation to represent the views of the majority of the people of my State and their wishes when I clearly knew them, even though they differ from mine.

Of course, no Representative of the people can sacrifice his or her conscience on any vote. Regarding this issue, there is no question of conscience. Therefore, even though my judgment was that the 18-year-old vote was worthy of endorsement with constitutional review, the majority of my constituents have clearly judged otherwise, and I both respect and yield to their judgment. The mandate has been clearly given by a better than 2 to 1 vote in Oregon. I intend to honor the results of that democratic election.

Mr. COLMER. Mr. Speaker, I appreciate the contribution of the gentlewoman from Oregon, who always contributes substantially to the question under debate. But I regret that I am not going to be able to yield to any other Member because of the limitation on time.

Mr. Speaker, one of the great tragedies of what we are going through here today is that very limitation on time.

Here we are, going to consider a new version of a civil rights voting rights bill. Here we are, going to invade new territory and attempt to amend the Constitution of the United States by statute, all within an hour.

How many Members among you will have or have had an opportunity to voice approval or disapproval of this measure? It is a tragic situation. The beloved Speaker just said it was one of the most historic and important bills to come before this House in years, and yet my beloved Speaker would rush this important piece of legislation through this House with less than an hour of debate.

Many, many times have I risen on the floor of this House and expressed my exasperation at this body becoming a second-class legislative body, permitting the other body to write the legislation. Here we are again doing exactly that same thing and following that same course.

What you are really doing here—those of you who profess great love for this body, and I am sure we all do, including the Speaker himself, and I know that he does—is making of this body a unicameral legislative body. We might just as well quit and ask the other body what they think we ought to do over here; and permit them to write the legislation in the first place.

Now again I am pressed for time, although I admit I have the lion's share of it because I was in position to get it.

But what are we doing here? We are considering this matter under restraints where we do not have time to debate this civil rights bill, this new version that the Senate wrote. I do not even have the time to make a comparison between the House-passed version and the one passed by the Senate. You would think it would be the duty of the learned chairman and the other members of the Committee on the Judiciary to try to protect the House's position in this matter and send it to conference. We do not have time to discuss that. I am going to dismiss it with this one remark. It makes no difference what you do here today, whether you send this bill to conference in the orderly way or whether you adopt it as is, unless the President vetoes this you are going to have a civil rights bill voted, with all of the hollering about filibusters to the contrary notwithstanding.

Let me say to my learned friend from New York and others that the day of the civil rights filibuster in the other body has passed. So we get down to one question, aside from following the orderly procedures which I think the leadership of this House on both sides ought to be for, of sending this bill to conference and trying to iron out these matters there. We have only one question left, and that is the question of voting rights for 18-year-olds.

Mr. Speaker, the gentlewoman from Oregon referred to what her State has done. Fourteen States have passed on this matter and denied it, and only four have adopted it.

So, maybe, it is not as popular as some of you think it is because of all the campus disturbances. But I am not discussing the merits of this bill. I am discussing the Constitution of the United States and the orderly process of legislating.

Oh, I know that we have gotten briefs here from learned Harvard professors. However, as far as I am concerned I would rather have the opinion of the very learned constitutional lawyers on this floor, to wit, the gentleman from Virginia (Mr. POFF) and the gentleman from New York (Mr. CELLER), both of whom have publicly stated that it is unconstitutional. But, expediency enters into this matter. And this gentleman from New York (Mr. CELLER), still admitting that the 18-year amendment is unconstitutional resorts to expediency.

Permit me to quote from the Constitution of the United States.

First, article I, section 2 of that immortal document provides—

> The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and *the electors in each State shall have the Qualifications requisite for Electors of the* most numerous Branch of the State Legislature.

Of course, the word electors as used here is synonymous with voters.

Can anyone deny, from a reading of this provision, that the power to name the qualifications of voters is delegated to the States?

And now I quote section 2 of the XIV amendment as follows:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President or Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any male inhabitants of such State, *being twenty-one years of age*, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens *twenty-one years of age* in such State.

It will be noted, and I wish to emphasize, in this amendment the phrase 21 years of age is used twice. And, I should also like to call the attention of my colleagues to the fact that this amendment is the one relied upon by the proponents of the voting rights bill to give voting rights to the slaves who had just been liberated.

Again, after the Constitution had been amended providing for the election of U.S. Senators by the XVII amendment and not by statute, this amendment repeats section 2 of article I, providing for the qualifications for voters in the election of Senators to be the same as those provided for the election of Members of the House of Representatives. To wit: The electors—voters—in such States shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures. The amendment is as follows:

> Amendment XVII: The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. *The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.*

Moreover, the constitutional amendment number X provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

And finally, Mr. Speaker, to insure that the Constitution is followed and obeyed by the Members of Congress, article VI of the Constitution provides:

> Article VI: The Senators and *Representatives* before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, *shall be bound by Oath* or Affirmation, *to support this Constitution*. . .
>
> Form of oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Certainly, even the ordinary layman cannot escape, after the most casual perusal of these amendments, the fact that the U.S. Constitution is crystally clear that the qualifications of voters cannot be provided by the enactment of a statutory provision. Of course, there is a way to change the Constitution legally, which the Constitution provides, and I quote the pertinent part of article V of the Constitution:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .

Assuredly, Mr. Speaker, if this provision to change the voting qualifications making 18-year-olds eligible to vote by statute is adopted, then can it not with equal logic and construction be said that we can change the constitutional provision requiring that the President of the United States be a natural born citizen and 35 years or more of age? Once we embark upon this method of amending the Constitution by statute there is no limit beyond which the reformers cannot go. We might just as well discard the Constitution entirely.

The SPEAKER. The gentleman from Mississippi has 10 seconds left.

Mr. COLMER. Mr. Speaker, may I just get a long count on that 10 seconds, because I wanted to conclude this statement with this remark?

There is no man in this House who has a higher regard for you, Mr. Speaker, than I. I paid my respects to you the other day when we honored you in this Chamber. I hate to see you leave here. But I cannot bring myself, as much as I would like to pay further tribute to you, to violate my conscience in order to give you a farewell sendoff. This is an important matter transcending personal affection.

The SPEAKER. The time of the gentleman from Mississippi (Mr. COLMER) has expired. All time has expired.

GENERAL LEAVE

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter now pending before the House and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MATSUNAGA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MATSUNAGA. Is my understanding correct that an "aye" vote on House Resolution 914 is a vote to agree to the Senate amendments to H.R. 4249, the Voting Rights Extension Act, so that the bill may then be sent to the President for his signature before the existing act expires on August 6 of this year?

The SPEAKER. The Chair will state to the gentleman from Hawaii that while that is not a parliamentary inquiry, the statement made by the gentleman from Hawaii is accurate.

Mr. MATSUNAGA. I thank the Speaker.

Mr. Speaker, I move the previous question on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Michigan will state his parliamentary inquiry.

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Mr. GERALD R. FORD. Mr. Speaker, a "no" vote on the previous question does give an opportunity for one of those who led the fight against the resolution to amend the resolution now pending before the House?

The SPEAKER. The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that if the previous question is voted down, the resolution is open to amendment. The Chair's response is the same response as given to the gentleman from Hawaii.

PARLIAMENTARY INQUIRY

Mr. WATSON. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WATSON. Mr. Speaker, if this resolution is voted down then, further, it will mean we will follow the orderly procedure and let this matter go to conference and reconcile the differences?

The SPEAKER. The Chair will state that if the resolution is voted down the matter will lie on the Speaker's desk until the House determines what it wants to do with the matter.

Mr. WATSON. I thank the Speaker.

The SPEAKER. The question is on ordering the previous question.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 183, answered "present" 2, not voting 20, as follows:

[Roll No. 175]

YEAS—224

Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Bell, Calif.
Bennett
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Carey
Carter
Celler
Chisholm
Clay
Cleveland
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
de la Garza
Delaney
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Hosmer
Howard
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyros
Leggett
Lloyd
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Madden
Mailliard
Matsunaga
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Perkins
Philbin
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, N.Y.
Reifel
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
Scheuer
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Stafford
Staggers
Stanton
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Taylor
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wolff
Wright
Wydler
Yates
Yatron
Young
Zablocki
Zwach

NAYS—183

Abbitt
Abernethy
Adair
Alexander
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Baring
Belcher
Berry
Betts
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Brock
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins
Colmer
Conable
Corbett
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Edmondson
Edwards, Ala.
Eshleman
Fisher
Flowers
Flynt
Ford, Gerald R.
Foreman
Fountain
Frey
Fuqua
Gettys
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Harsha
Harvey
Henderson
Hogan
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Long, La.
Lujan
Lukens
McClure
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mann
Marsh
Martin
Mathias
May
Mayne
Michel
Miller, Ohio
Mills
Minshall
Mize
Mizell
Montgomery
Morton
Myers
Nelsen
Nichols
Passman
Patman
Pettis
Pickle
Poage
Poff
Price, Tex.
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Rivers
Roberts
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Ullman
Waggonner
Wampler
Watkins
Watson
Whalley
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wylie
Wyman
Zion

ANSWERED "PRESENT"—2

Hays
Hicks

NOT VOTING—20

Bush
Clark
Cowger
Cramer
Dawson
Dent
Erlenborn
Gaydos
Hébert
King
Kirwan
McMillan
Nedzi
O'Neal, Ga.
Pelly
Pollock
Roudebush
Schneebeli
Schwengel
Wilson, Charles H.

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Nedzi for, wtih Mr. Hicks against.
Mr. Kirwan for, with Mr. Hays against.
Mr. Clark for, with Mr. King against.
Mr. Gaydos for, with Mr. Hébert against.
Mr. Schwengel for, with Mr. Erlenborn against.
Mr. Cowger for, with Mr. Cramer against.
Mr. Charles H. Wilson for, with Mr. O'Neal of Georgia against.
Mr. Pollock for, with Mr. Pelly against.

Until further notice:

Mr. Schneebeli with Mr. Bush.
Mr. McMillan with Mr. Roudebush.
Mr. Dent with Mr. Dawson.

Mr. DUNCAN changed his vote form "nay" to "yea."

Mr. HICKS. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. Nedzi). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. HAYS. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. Kirwan). If he had been present, he would have voted "yea." I voted "nay." I withdraw by vote and vote "present."

The result of the vote was announced as recorded above.

The SPEAKER. The question is on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 272, nays 132, not voting 25, as follows:

[Roll No. 176]

YEAS—272

Adair
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Bell, Calif.
Bennett
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Cabell
Carter
Cederberg
Celler
Chamberlain
Clancy
Clausen, Don H.
Clay
Cleveland
Cohelan
Conte
Corbett
Corman
Coughlin
Daddario
Daniels, N.J.
de la Garza
Delaney
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Melcher
Meskill

Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
Scheuer
Schneebeli
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wilson, Bob
Wolff
Wright
Wydler
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—132

Abbitt
Abernethy
Alexander
Andrews, Ala.
Ashbrook
Baring
Belcher
Berry
Betts
Bevill
Blackburn
Blanton
Brinkley
Brock
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Caffery
Camp
Casey
Chappell
Clawson, Del
Collier
Collins
Colmer
Conable
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Edwards, Ala.
Eshleman
Fisher
Flowers
Flynt
Foreman
Fountain
Frey
Fuqua
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Henderson
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Landgrebe
Landrum
Lennon
Long, La.
McClure
Mahon
Mann
Marsh
Martin
Mayne
Michel
Mills
Mize
Mizell
Montgomery
Nichols
Passman
Patman
Poage
Poff
Price, Tex.
Purcell
Quillen
Randall
Rarick
Rivers
Roberts
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Steiger, Ariz.
Stephens
Talcott
Thompson, Ga.
Thomson, Wis.
Ullman
Waggonner
Wampler
Watkins
Watson
Whalley
Whitten
Wiggins
Williams
Winn
Wold
Wyatt
Wylie
Wyman

NOT VOTING—25

Bush
Carey
Chisholm
Clark
Conyers
Cowger
Cramer
Culver
Dawson
Dent
Erlenborn
Gaydos
Gettys
Hébert
King
Kirwan
Lukens
McMillan
Nedzi
O'Neal, Ga.
Pelly
Pollock
Roudebush
Schwengel
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Schwengel for, with Mr. Hébert against.
Mr. Cowger for, with Mr. McMillan against.
Mr. Gaydos for, with Mr. King against.
Mr. Nedzi for, with Mr. Cramer against.

Until further notice:

Mr. Carey with Mr. Bush.
Mr. Culver with Mr. Erlenborn.
Mr. Dent with Mr. Pelly.
Mr. Gettys with Mr. Pollock.
Mr. Clark with Mr. Roudebush.
Mr. O'Neal of Georgia with Mr. Lukens.
Mr. Kirwan with Mrs. Chisholm.
Mr. Charles H. Wilson with Mr. Conyers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17070, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section ending on page 156, line 14, of the committee substitute amendment.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Strike out all after the enacting clause and insert in lieu thereof the following:

"SEC. 1. The compensation for each person employed by the Post Office Department is hereby increased by 8 per centum per annum.

"SEC. 2. Any person who, being an employee of the Post Office Department, shall participate in any illegal strike against the Post Office Department following the date of enactment of this Act, shall forfeit his employment by such act and shall thereafter be ineligible for employment or reemployment by the Post Office Department.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized.

Mr. KAZEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 177]

Adair
Ashley
Baring
Bell, Calif.
Bray
Brock
Bush
Carey
Cederberg
Celler
Chamberlain
Clark
Clay
Cohelan
Cowger
Cramer
Culver
Daddario
Daniels, N.J.
Dawson
Dent
Erlenborn
Evins, Tenn.
Fulton, Tenn.
Gaydos
Gilbert
Hall
Hanna
Hébert
Holifield
Hosmer
King
Kirwan
Leggett
Long, Md.
McCarthy
McCulloch
McEwen
McMillan
Meskill
Mikva
Miller, Calif.
Murphy, N.Y.
Myers
Nedzi
O'Neal, Ga.
Ottinger
Patman
Pelly
Pepper
Pollock
Powell
Reid, N.Y.
Rivers
Rooney, N.Y.
Rooney, Pa.
Roudebush
Schwengel
Smith, Calif.
Springer
Staggers
Talcott
Ullman
Weicker
Wilson, Charles H.
Zion

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 17070, and finding itself without a quorum, he had directed the roll to be called, when 363 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized for 5 minutes.

Mr. WRIGHT. Mr. Chairman, this amendment is the essence of simplicity. It may be the best and most direct way for the House to resolve the principal problem that it wants to resolve, without having to accept a lot of unacceptable provisions that appear in both the committee bill and the Udall administration substitute.

This amendment would strike everything after the enacting clause and insert in lieu thereof two very simple and straightforward provisions.

First of all, it would increase the pay of everyone employed by the Post Office Department by 8 percent.

Second, it would provide that following the enactment of this act, any person who participates in an illegal strike against the Post Office Department of the United States shall thereby forfeit his position of Federal employment and shall thereafter be ineligible for employment or reemployment by the Post Office.

Let us just face the facts.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my friend, the gentleman from Florida.

Mr. HALEY. That is the law now, is it not, if it were enforced?

Mr. WRIGHT. I will respond to the gentleman that there is in the law a stipulation that anyone striking against the Government may be required to forfeit his rights of employment, but it is my impression that present law does not make this forfeiture mandatory.

Mr. HALEY. I thank the gentleman.

Mr. WRIGHT. Quite obviously, many

have not been required to forfeit their rights of employment because there are several thousand people who did, very recently, go on strike illegally against the Government of the United States who are still working.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my distinguished colleague.

Mr. OLSEN. I would just like to read to you from section 7311.

Mr. WRIGHT. I should prefer not to yield for the purpose of any lengthy reading. The gentleman can get his own time. I only have 5 minutes, if the gentleman would permit me to proceed.

Mr. OLSEN. But just for the purpose of correcting you, sir. It says that any individual may not accept or hold a position in the Government if he commits this violation.

The gentleman from Florida was correct.

Mr. WRIGHT. I thank the gentleman for this clarification. I would merely point out to the gentleman, my distinguished friend from Montana, that there are people who have violated this law who are still working for the Government.

I do not think the Congress of the United States wants to be in the position of being accused of knuckling under to threats of intimidation from anyone, whether it be from some great postal union, or whether it be from the President of the United States, or whether it be from the Postmaster General or from the president of the AFL–CIO.

XUM

I agree that the post office employees are long overdue for a pay raise. This amendment will provide that pay raise. That is what brought this entire controversy to a head. Everyone here present knows that this is the crux of the matter.

There is no reason on earth, if the Congress wants to provide that pay raise which many of us have so long supported, that in order to do so Congress should have to surrender its historic prerogatives and its own responsibility to provide service through the Post Office Department to the people of the United States.

I do not think the Members of this Congress want to sacrifice supinely their responsibility for determining the rates that the American public has to pay to send letters through the mail. I for one am not willing to sacrifice that responsibility.

I do not think the Congress is ready to sacrifice and condemn to the past the initial fundamental concept of the Post Office Department as a service institution.

The Post Office Department has one purpose in being, and one purpose only—service to the people of the United States.

From its very beginning, the Post Office has existed not to make money but to serve people—all of the people—from the biggest business in the most crowded city to the humblest farmer in the remotest wilderness.

This is its function. It always has been.

Of all the institutions of American life, the Post Office promotes the most humanizing and most civilizing activity of all—the free flow of personal communications. Without this, the word "Democracy" would have an incomplete meaning.

The Post Office is the oldest of Government functions—and the most personal. Before the writing of the Constitution, the Continental Congress authorized money for "post offices and post roads."

The Founding Fathers did not ask whether this service would return a profit to the Government.

They no more expected the Post Office to return a profit than they expected the Army and the Navy to return a profit.

They knew it would not do so, except in the incalculable dividends of nationhood—the promotion of commerce and public enlightenment, and the invisible bands of national unity by which the people were able to tie themselves together into a nation.

Without the postal service, there could have been no nation—only a disconnected scattering of isolated settlements.

If profit had been the motive, post roads beyond the Shenandoah would never have been built, and the Ohio and Tennessee Valleys never would have been settled.

If profit had been the motive, the Pony Express never would have extended the long fingers of civilization beyond the Mississippi.

If profit had been the motive of the postal service, hundreds of thousands of small businesses would have been stymied at birth by prohibitive postage rates. They never could have grown to medium and big businesses and the American economy would have been stillborn.

Today the prompt and efficient delivery of mail is the life blood of business, and practically every business in America is geared to its dependable flow.

No other function of society comes into such constant daily contact with the average citizen. All of us depend upon it, and it belongs to all of us—not to a corporation, not to some appointive board, but to all of the people. And only the Congress can be truly responsive, responsible, and directly answerable to the people.

That's the way it always has been in this country. That's the way it should be. And, so far as I am able to influence things, that's the way it will continue to be.

Today the advocates of change are trying to reverse this most basic, fundamental and time-honored concept.

Instead of a public institution directly responsible to the people through their elected representatives, these latter-day rearrangers would make it a closed corporation privately responsible to a board of directors in whose selection the public would have no choice.

Instead of glorifying service, they would glorify profit. Instead of expanding and improving service for this expanding nation, they want to restrict and curtail service. Instead of going forward, they would go backward.

Already the Post Office Department is in the process of denigrating service. On last July 1, it reduced by one the number of daily mail deliveries to every business district in America.

In March of last year, the Department abolished the ABCD program which guaranteed local delivery of business mail on the same day it was posted.

This is not forward movement. This is backward movement.

And to balance off this reduction in service, are they offering a reduction in rates? Not on your life. They have been asking for still another increase in first-class postage rates, to be paid by the average American.

Higher rates for less service—that is exactly what it boils down to.

And to make sure they get it, they are proposing that the decisions on postage rates and postal salaries be taken out of the hands of Congress and placed in the hands of a corporation, with the people's elected representatives reduced to merely rubber-stamping the decisions of the corporation.

They defend this elaborate scheme under the grandiose slogan of "taking the Post Office out of politics."

That slogan is a hoax and a fraud. It is the hand of Esau and the voice of Jacob.

The Postmaster General announced early last year that he was taking the selection of postmasters and rural letter carriers from the elected Members of Congress, whose responsibility it had been, and assuming it to himself.

He piously said that this was "taking it out of politics."

Apparently he thinks the legislative branch is prone to politics and the executive branch is immune.

Or perhaps he regards the motives of elected officials as suspect and those of appointed politicians as pure.

But let us be perfectly clear about one thing: He did not take it out of "politics." He simply usurped one longstanding congressional prerogative and arrogated it to the executive branch.

As one Member of Congress, I do not covet the responsibility of choosing postmasters. That task is not my idea of a political asset nor a pleasant chore. Each time you make one applicant happy, you offend 10 others, each of whom is absolutely certain in his own mind that he is better qualified than the person selected.

But if postmasters are to be chosen by some governmental official, it is much better for that to be a local official, responsible to the local public and familiar with the personality and qualifications of the applicants, rather than by an appointive political person in Washington.

What exactly does the Postmaster General mean when he says he wants to take these appointments "out of politics?" Does he mean he wants to reduce the possibility of unsavory political influence? Does he mean he wants the selections made on the basis of merit rather than on the basis of political influence?

If this is what he means, I can tell him how to achieve it.

First, if we want to make responsible political appointments on the basis of merit instead of "politics," let us begin with the recognition that the postal service itself contains an enormous reservoir of intelligent, dedicated and proven public officials. Instead of looking outside the service into other avenues of life—instead of selecting someone who has made financial contributions to a political party—let us instead select a qualified career man whose dedication has brought him up through the ranks of the postal service.

This is the way to take these appointments out of politics. This is what we did in Fort Worth, and I am extremely happy to report that no appointment I have ever recommended has been better received by the postal service itself and by the public at large than my recommendation of Jack Watson to be postmaster of Fort Worth.

This, unfortunately, is not what the Postmaster General has been doing in his selection of regional postal heads. Those he has appointed to date, have been characteristically men with no experience whatever in the postal service.

I dislike being critical of the administration. I want to cooperate with the President in every way possible. I do not want to throw rocks in his path. I want to be part of his solution, not part of his problem. We have one President at a time, and most Members know that I have supported him in matters of national security.

But, I for one, cannot willingly acquiesce to so radical a change in the basic philosophy of public service which has always been the way of life of the Post Office.

I cannot acquiesce in substituting profit in the place of service.

I cannot willingly acquiesce in removing from Congress the responsibilities for postage rates and postal wages and placing these responsibilities in the executive branch.

I shall not acquiesce in reducing service and increasing first-class postage rates for less service.

And I do not acquiesce in the verbal downgrading of the postal service which is being so actively promoted by some.

Do not try to tell me that the Post Office is, on balance, a losing proposition for the American people. Ours is the richest Nation on earth, and traditionally we have had the best postal service on earth. The U.S. Post Office handles more letters than all other postal services in the world combined, and we have built the strongest economy in the history of man. Do not try to tell me that this is a coincidence.

The Post Office exists to serve the people. That is the way I want to keep it.

So, Mr. Chairman, if you feel as I do, support this amendment. Strike out all of these nebulous questions that involve the jurisdiction of the Committee on Interstate and Foreign Commerce and the Committee on Public Works, questions of transportation, questions of right to work—strike out all of those nebulous things and start from scratch.

Let us provide a well-earned 8-percent increase, which is so justly deserved by the postal employees of the United States. And let us unmistakably provide that hereafter anybody who does go on an illegal strike against the Government shall forfeit his job and shall thereafter be ineligible for reemployment.

If the Congress has the courage to do these two things today, whatever unaddressed deficiency there may remain can be ironed out in the future. If there should be any deficiency in this amendment or any lack of specific provisions you would like to see included, those can be added in the Senate and agreed to in conference if they are considered worthy of support by the Senate and the House of Representatives.

Here is our chance to solve the basic problem without turning over our congressional responsibilities to an appointive board, and I urge you to join me in doing so by supporting this amendment.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. DULSKI. Mr. Chairman, no one could say that the gentleman from Texas is not sincere in offering an amendment that perhaps could have a great deal of support.

As chairman of the Committee on Post Office and Civil Service, with the responsibility involved, I realize it would be very easy to go along with the amendment. But under the amendment, 14 months of the laborious work that our committee has done, trying to bring reality to the Post Office Department, would be lost. That work was commenced under the Democratic administration and has continued under the present administration. If we should adopt the amendment, we would be like the ostrich, putting our heads into the sand and saying "maybe the storm will pass by because we are going to give a pay increase to the postal employees."

Since I have had the pleasure to chair this committee, I have been very closely acquainted with the plight of the postal employees. They know very well that the members serving on this committee have been their sincere friends. But, my colleagues, if we adopt the amendment, we will find out what will happen to the modernization plan. When will we then face the problem of financing? When will we bring reality to the subject of collective bargaining with these employees? When will we provide decent, modern facilities? I feel we would be very remiss if this amendment were to be adopted this afternoon. All we would do would be to give an 8-percent increase and let the Post Office modernization be lost.

The American public demands that we bring about postal reform. And while we could give the employees 10 percent or even 20 percent, we would not solve the plight of the poor employee who has been serving for 21 years and has been trying to get his grade advancement down to 8 years. You can go down the line on increases and fringe benefits, and you will find that you would not be doing anything but adding to the plight of the postal employees.

My dear friends and colleagues, I have the greatest respect for my good friend, the gentleman from Texas, and I know his sincerity. But we also have an obligation to the people of the United States.

This is a very complex bill—a big bill that comes before us. It deals with a great many modernization aspects, including transportation, finance, labor, management, postal facilities, buildings, and many others. This is one of the greatest bills, one of the most extensive bills, which this House will consider in the 91st Congress. It involves a $7 billion-plus operation.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I think the committee might want to know what this little old noncontroversial amendment would cost. The Post Office Department already this year has a projected deficit of $1.6 billion. That is this year only: $1.6 billion. Of that, $800 million is for public service. We already voted a 6-percent pay raise in April, and the cost of that was $372 million over the President's budget. The cost of this little amendment would be another half billion dollars, or $496 million to be exact.

We are setting up a deficit—if we pass this amendment—of $2.5 billion for next year, without making any additional provision at all for additional revenue. I think this would not be a particularly responsible way to legislate.

Mr. Chairman, I commend the chairman for the statement he is making.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, I certainly support the chairman in his vigorous opposition to the amendment.

If we want to turn postal reform down, this is one way to do it.

I would point out to the Members of the House that we have a pay bill in the conference that is a great deal better than the Wright amendment is for postal employees. If we vote for this amendment, we will completely ignore all the work of the committee, and it will be taken that we do not even want to listen to the proposals of our own committee to improve postal service.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. DULSKI was allowed to proceed for 2 additional minutes.)

Mr. DULSKI. Mr. Chairman, may I just conclude by saying that this committee has labored for 14 months. Yes, we have had difficulty trying to get quorums. We have had difficulties because of differences of opinion, and because of the vastness of this bill. But we have brought to the House a sound bill, although it may not be perfect. No bill is perfect which covers all the things that we have at stake here, with transportation and modernization and finance and employee benefits and postal facilities and other programs therewith connected.

I urge every Member of this House to give consideration to the fact that these

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employees deserve a fair recognition in collective bargaining and are entitled to what this bill does in labor management fields. The Members will have an opportunity to vote on every feature of the bill. But once and for all, let us give an opportunity to the Postmaster General under this bill to have the flexibility he needs for good management.

It is very easy to stand here and say, "I am for a postal pay increase," but we must realize that with that also comes another part, which is responsibility.

I urge every Member to consider what this amendment would do. It would strike out all of the work of the Committee on Post Office and Civil Service and effectively kill postal reform this year. It would provide just a postal pay increase, while depriving employees of collective bargaining rights and striking out their long-sought compression from 21 years to 8 years in moving forward to top pay rates.

I do hope my colleagues in the House will defeat this amendment.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, please keep in mind there is a problem in the Post Office Department, which is why we need postal reform. I would suggest to the Members that they take a look at the mail flowing into their own offices and note how long it takes to have letters mailed by constituents to come through and then note how long it takes for your replies to reach them. Then Members will have a fair idea of the complications facing everybody in the country on mail service.

Merely granting a pay raise will not solve the problems in the Post Office Department. If the gentleman from Texas wanted to solve the postal problems, he should add to his amendment specific language cutting $10 billion from education or from welfare or other programs that we support and instead allocate that $10 billion to the Post Office Department.

We envision in our postal reform package permitting the postal service to raise $10 billion to meet the needs of the Department in obtaining facilities, in order to automate, and to obtain equipment they need to move the mail.

If the strategy at this point is to end this entire procedure, to pass the pay raise bill and scuttle postal reform for this session, this amendment would accomplish it.

If we are at all serious about the problems besetting the postal customer, the problems besetting the postal user, the problems of postal workers far greater than just pay in the Post Office Department, then we should matter of factly reject this amendment and get down to the business of marking up the bill.

I strongly recommend the overwhelming rejection of this amendment.

AMENDMENT OFFERED BY MR. OLSEN TO THE AMENDMENT OFFERED BY MR. WRIGHT

Mr. OLSEN. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The Clerk read as follows:

Amendment offered by Mr. OLSEN to the amendment offered by Mr. WRIGHT: Add a new sentence at the end of section 1 to read as follows: "Such increase shall take effect on the first day of the first pay period which begins on or after April 16, 1970."

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

I would favor the gentleman's amendment. I believe it is what I intended to do. It is a perfecting amendment. I would urge adoption of the amendment.

Mr. OLSEN. Mr. Chairman, I know all Members want to vote quickly on this, but I want everyone to know that the effect of this amendment to the amendment offered by the gentleman from Texas (Mr. WRIGHT) is to make any such pay increase effective on the first pay period after the agreement was made April 16. It amounts to a question of some $2 a day on the average for each postal worker.

Mr. BRASCO. Mr. Chairman, I rise in opposition to the amendment.

I believe what is wrong with the Wright amendment is that it is an oversimplification in terms of a solution to the problem which faces us.

The basis of it is as being a cureall for the plight of the postal employees, in that it will give to them an 8 percent increase.

I suggest that is being unfair in and of itself to the postal employee, because the legislation before us would go much further than that particular amendment.

I do not know how many Members are aware of it, but in this particular package there is a provision that, if the bill is enacted, the postal employee will have the opportunity to reach the top salary within 8 years rather than 21 years. I believe this is most important and something they have worked for since I have been in Congress.

Over and above that, what we are missing is the historic nature of this legislation; namely, that in the future postal employees will not have to come hat-in-hand to the Congress to ask for needed wage increases. They will be able to sit down across the table from management and collectively bargain for future increases—not only for future increases in pay but also for each and every fringe benefit they are entitled to receive.

The gentleman from Texas leaves out these two most important ingredients to the solution of the problem of the Post Office employee.

Do Members wish to know something else? I am inclined to agree with the gentleman that the second part of his amendment is much more stringent than present law. None of us condones strikes on the part of Federal employees, but I believe we have always prided ourselves as having a society which is capable of the rehabilitation of people.

Under our present system a postal employee may or may not be barred from employment if he participates in a strike. There are legal protections he is entitled to under present law. It is a drastic step when you say that a man who is involved in a strike, notwithstanding the economic justice of it and notwithstanding the sociological problems he faces in his particular hometown with his family, is barred from any employment in the present and future. What would we do with him? What would we do with our concept of rehabilitation? Mr. WRIGHT's amendment suggest we give up everything and place a striker on the welfare rolls? Then I think the gentleman's oversimplification of his amendment misses the additional fact that there has to be money to pay for all of the benefits in this bill. Part of this postal reform package is a way to finance all of the increases not only in terms of the 8-percent increase in salary but all of the other benefits that will cost money.

Mr. Chairman, last but not least, what the gentleman refuses to face up to—and I hope this Congress will disagree with him—is the fact that Americans throughout the country have been unhappy to date with the service as rendered by the Department. This is a new concept that will give management and employees the opportunity to improve postal service, to improve working conditions, and to improve salary levels. What we do if we adopt this amendment is we allow 14 months of hard work to go down the drain. We forfeit our commitment to the postal employees and forfeit our commitment to the American public. Under these circumstances, I ask the Committee to resoundingly defeat this amendment.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment that is offered by Mr. WRIGHT of Texas has been eloquently defended, and the answer of the able chairman of the committee has been most logical. The thing that would throw the weight with me would be what the committee would ultimately do with respect to the conflict with the Committee on Interstate and Foreign Commerce. If this amendment should pass, it would eliminate that conflict. It would strike totally title VIII, along with most of the rest of the bill. I understand there is an amendment that would remove that conflict that will be brought up at a later time, but this will solve it here and now. So the Member in the well is in a dilemma as to how to vote because he does not yet know how the chairman will recommend with respect to the amendment that Chairman STAGGERS will later offer.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I am happy to yield to the distinguished chairman of the committee.

Mr. DULSKI. At the present time the amendment pending before us deals with the striking of everything else except the pay increase.

If it is defeated, when we come to other sections of the bill, I, as the chairman of the committee, will stay with the decision of the committee. We will stay with the committee bill. Members of the Committee on Interstate and Foreign Commerce may present their views and their amendments at that time. We will then explain the need to give the Postmaster General and the Post Office Department more flexibility in the

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transporting of mail. At the present time, as I understand it, private enterprise has access to better air transport than the Post Office Department has.

If this is the gentleman's concern, I would appreciate very kindly having him vote to reject this amendment, and then, when the other amendment comes before us, we will both try to explain our positions later this afternoon and take our chances with that.

Mr. ECKHARDT. Then, it is my understanding that the chairman of the Committee on Post Office and Civil Service would oppose an amendment to strike out those areas of conflict which this bill purports to govern. There are certain areas that are clearly within the jurisdiction of the Committee on Interstate and Foreign Commerce dealt with in this bill, such as subchapter No. 2, the transportation of mail by surface carriers, and subchapter 3, the transportation of mail by air. These things seem to me to be well within the jurisdiction of the Committee on Interstate and Foreign Commerce. We might come to the same conclusion that your able committee has come to, but it is a matter primarily within our concern.

Mr. OLSEN. Will the gentleman yield to me?

Mr. ECKHARDT. I yield to the gentleman from Montana.

Mr. OLSEN. Let me say to the gentleman from Texas that insofar as transportation is concerned in the case of surface transportation and vessel transportation, the change in the law is less stringent with respect to transportation facilities than present law.

The real argument between our committee and the Committee on Interstate and Foreign Commerce is actually on the air transport.

Mr. ECKHARDT. With respect to subchapter 3, yes, that is the way I understand it.

Mr. OLSEN. Regarding the Civil Aeronautics Board and its authority and the authority proposed for the Postmaster General.

And, let me say that for my part, as a member of the Committee on Post Office and Civil Service, I have been talking with your chairman of the Committee on Interstate and Foreign Commerce and we think we will be able to work out an amendment with which both committees can live.

Mr. ECKHARDT. Then, you may be favorably disposed to removing the area involving transportation of the mail by air, which might be within the jurisdiction of the Committee on Interstate and Foreign Commerce?

Mr. OLSEN. I would be. And, let me say that I think the gentleman from West Virginia (Mr. STAGGERS) and I are going to work out language that may very well be agreeable to all, both our Committee on Post Office and Civil Service and the Committee on Interstate and Foreign Commerce.

Mr. ECKHARDT. And the gentleman understands that such an amendment will be offered? I understand there will be a good-faith attempt by this committee to get out of the field of jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. OLSEN. Yes; but we are looking for the Committee on Interstate and Foreign Commerce giving some real genuine assistance to the Postmaster General so that we can get the services from the air transportation industry of this country that he needs and that he will get it at as fair rates as the airlines are giving to those who transport to bulk mail under private contracts, especially second-class material.

Mr. ECKHARDT. I do not feel that there are sharp differences in objectives, but our committee deals specifically with this subject matter. It is peculiar to our committee. We understand it. It is my understanding that the gentleman will cooperate in this regard?

Mr. OLSEN. That is correct.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have taken this time to ask the distinguished chairman of the committee, the gentleman from New York (Mr. DULSKI), the gentleman from Arizona (Mr. UDALL), or the gentleman from Illinois (Mr. DERWINSKI) a question that may have a bearing on how I am going to vote on this amendment.

We have heard talk about service, we have heard talk about postal reform and talk about fixing rates—airplane rates and train rates and postal rates; you are talking about negotiating pay scales at the bargaining table instead of through the legislative process.

My question is this: Where is this corporation going to get its money when there are deficits? We anticipate in the present fiscal year that there will be a postal deficit of $1.1 billion. With the 8-percent pay increase, it is safe to assume that the deficit may reach as much as $2 billion in the following year.

I would like to know from the chairman where this money is going to come from when you pass this postal reform? You may say, "We will pass it on to the consumer." However, I say to you that, when the American people see the rising cost of postal service in the wake of this legislation and when we see thousands of businesses going out of business because of increased postal rate, the big question will be "Who is responsible?"

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. Yes. I would like to have an answer as to where the $2 billion is going to come from with which to pay for the deficit we can anticipate next year. There is nothing in the postal reform that will curtail, eliminate, or reduce the estimated postal deficit. Advocates of the bill keep talking about reform but they never talk about the fact that, despite so-called reform, we will still be confronted by a $2 billion deficit.

Mr. DULSKI. My distinguished colleague from Illinois says that we estimate that the $2 billion would be placed on the consumer.

The gentleman knows very well that we have had deficits through most of the recent history of the postal service. However, you will find in this bill provision for the necessary financing—including a new system of rate-setting and authority to borrow up to $10 billion.

Mr. PUCINSKI. Where are you going to get that $10 billion?

Mr. DULSKI. They are going to float bonds and other obligations.

Mr. PUCINSKI. How are they going to pay off these bond obligations when the Post Office Department has historically experienced deficits and has not been able to meet current operating expenses let alone paying off bond obligations. How are you going to pay off that $10 billion loan when you will not have enough funds to meet current operating expenses? We have had a deficit every year for as long as I can remember.

Mr. DULSKI. To get rid of these deficits, I want to tell the gentleman that this is the very reason why we have proposed this postal reform.

And if we have this postal reform we will make possible cost-saving changes that will be developed by this new Postal Service. These savings will help to pay the cost of any borrowings.

Mr. PUCINSKI. Mr. Chairman, may I ask the gentleman from Arizona the same question, because I feel we are playing a shell game here, and the American pople ought to know it before you vote on this bill.

What is the answer of the gentleman from Arizona as to where the money is going to come from to pay the deficit?

Mr. UDALL. If the gentleman will yield, whether you have this postal reform or not the costs of the Post Office Department are going up, and the salaries are going to go up and up. The question is, if you do nothing—is this Congress willing to raise postal rates to get the money or to make the necessary appropriations so that we will not have a deficit? The answer over the past 20 years has been "no".

Now, this sets up a postal service system in operation, and it sets up the mechanism so that rates can be adjusted and the Congress will lay down the guidelines.

We are saying in effect we are going to have third-class mail pay its way, and we will subsidize certain classes of mail for the blind and charity organizations, and so forth. We will have raises in rates which they will adjust through the regular machinery that is set up in the bill from time to time, and these rates that are affected will come back after public hearings, come back to the Congress, and we can veto them.

Mr. PUCINSKI. Mr. Chairman, now let me ask the gentleman from Illinois (Mr. DERWINSKI) if he will answer my question?

Mr. DERWINSKI. Mr. Chairman, if the gentleman will yield, I will say yes, and in the process of answering I would recommend to the gentleman from Illinois that he read the report of the committee, because most of his questions would then be answered.

The point of the matter is——

Mr. PUCINSKI. I have read the report very carefully, and I have listened to the general debate, and I submit these questions have not been answered. Nowhere

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in your report do you tell us how you expect to meet the continuing deficits.

Mr. DERWINSKI. The point of the matter is that the reason the Post Office Department has had a deficit is that they have been growing, and growing, and they have not had adequate funding for their operations.

They are working with 19th century equipment to handle the 20th century volume of mail that they have.

And what this bill envisions, if not ripped apart on the floor of the House or on the floor of the Senate, is a situation where we would have effective use of manpower, and effective use of properly funded facilities, and with the business-management skills that are available in this country we would then provide increased services without the deficit that is now planning the existing Department.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I want to say—and I am going to seek my own time—that your estimate of the deficit is too low, because this new corporation will have to borrow $10 billion and then it will have to pay another billion in interest. And along with that, let me say that if this thing goes through the way it was written by the gentleman from Illinois (Mr. DERWINSKI) and others, that a lot of those who are applauding up in the galleries will get fired by the Postmaster General when he has control over them instead of the Congress.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CORBETT. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The gentleman from Pennsylvania reserves the right to object.

Mr. CORBETT (continuing). And I will not object at this time, but I do want to serve notice that, with the long time that we are going to be concerned with this bill, that when I am present on the floor I am going to object to any lengthy extensions of time.

Mr. PUCINSKI. I thank the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. BRASCO. Mr. Chairman, I would like to ask the gentleman in the well a question, because he has asked several Members as to where the money would come from.

I believe the gentleman from Arizona (Mr. UDALL), chairman (Mr. DULSKI), and the gentleman from Illinois (Mr. DERWINSKI) have adequately explained that within the concept of the postal reform there is a mechanism set up for financing.

Let me ask the gentleman in the well this question, because he has always been economy-minded every time he has taken the floor of the House: If we pass the so-called Wright amendment without the machinery of postal reform which sets up some way to recoup the money, how does the gentleman suggest that we pay for the 8-percent raise?

Mr. PUCINSKI. My answer to the gentleman from New York would be that the gentleman from Texas made a very eloquent point when he said that we ought not treat the Post Office as a profitmaking institution. This is an essential national service agency that built this country, and when you go to a trillion dollar economy this year and a two-trillion economy the next 10 years, you had better have a postal service which can meet our needs even if it has to have a deficit that we will pay out of the general revenue.

Let me make one thing clear. I believe America needs an effective, efficient postal service that will keep the channels of commerce flowing. The average American family now receives about 40 letters a month which keep commerce going. Telephone bills, electric bills, gas bills, credit card invoices, medical bills; all of these are an important segment of our economy. This corporation will be able to raise postal rates at will and every time they raise the postal rates, the whole cost of operation goes up because someone has to absorb these increases. I say to you we need an effective postal service subsidized by the Government if you want to see America continue growing.

The closer I look at this bill, the more I am convinced it is a charade to suggest that somehow or other you have come up with a grandiose plan here to solve the problems of the Post Office. The American taxpayer will continue footing the bill anyway you look at it. So this is no reform.

Many years ago we created a transit authority in Chicago that was going to solve all our problems involving mass transit. Today it is on the verge of bankruptcy and they are pleading with the State legislature to give them a State subsidy. We are contemplating an increase in gasoline taxes to pay their bills.

The same thing is going to happen here. You are going to pass this bill as a postal reform increase and you will see huge deficits piling up and it will cost twice as much. When they reach the breaking point, then the pressures will be put in Congress to bail them out. I say to you there is nothing in this bill in its present form that offers the taxpayer any assurance that he will have better postal service at lower rates.

Unless the committee can persuade me otherwise, I think there is merit to the Wright amendment.

Mr. UDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have an amendment here but I suspect the Committee wants to vote and we are not going to get to it.

The amendment is more in the nature of an argument than an amendment, to raise the rate on first-class postage to 7 cents. This amendment costs $496 million.

We very readily voted last March for another pay raise of 6 percent. That cost $380 million or something of that kind. So we have granted about $900 million worth of pay in the last 60 days—or we are proposing to in this legislation.

This illustrates what is wrong with the present system. Everyone wants to be for pay raises but no one wants to be for rate raises.

Let me tell you something. The gentleman from Montana is chairman of the subcommittee on postal rates on which I serve. The administration sent up a bill for an 8-cent stamp, and said to the Congress "Let us have an 8-cent stamp. Before you have any pay raise, let us have something of a rate increase to pay for this."

The gentleman from Montana will tell you, they could not find a sponsor—from 435 Members of the House—no one has come forward to throw this bill in.

I will ask the gentleman from Montana if that is not correct.

The amendment I proposed to offer will, I think, keep this House from looking ridiculous.

We are supposed to adopt the Wright amendment for $900 million worth of pay raises this Spring and then vote down a little old 1-cent increase in first-class mail that would bring in a part of that. This amendment I propose to offer, if I get an opportunity to do it, but under the parliamentary situation I cannot offer it because the Olsen amendment is still pending, when it passes. I would offer the 7 cents and get the support from people who want to have an 8 percent pay raise.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. HAYS. I am a little surprised that the gentleman could not find anybody to sponsor that.

Mr. UDALL. I did not seek one. The President did.

Mr. HAYS. I am surprised that the gentleman did not sponsor it. He has been coming in here with a new bill from Mr. Blount about every other day.

Mr. UDALL. If my colleagues will permit me, I will say to the gentleman, I have not sponsored any Blount bills. I have sponsored a postal reform bill written after negotiation with the President's representatives by the clerks and carriers.

I am sure the gentleman has told the 500,000 clerks and carriers in this country what a great friend of theirs he is.

When I brought in their bill and Larry O'Brien's bill, who I think is a Democrat, some Members, including my friend, did not even want to let us vote on their bill but said instead; I will not even vote on your bill. That is the kind of bill I have been bringing in here.

Mr. HAYS. That is not exactly right. I will get some time and set the record straight as to what is right.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

Mr. Chairman, the Wright amendment is offered as a quick and easy solution for the policy of the American people toward the U.S. Post Office Department, and kills any opportunity for reform or reorganization of the U.S. postal system.

But, of course, we have deeper problems that Congress must discuss thoroughly to reach considered judgments to make real improvements.

The public is entitled to better postal service. Postal employees are entitled to better consideration to meet their just and longstanding complaints on pay, hours, conditions of employment, wage differentials, promotions, appointments, health programs, seniority protection, retirement, and fringe benefits. Our good postal employees and their families are entitled to have Congress establish a real career service, that is an example to private and public employers alike. Congress must stop delay, and must see that our postal employees are not the victims time after time of budget deficits and Government actions so-called against inflation. Our postal employees and their families have been burdened and punished too much.

Our U.S. postal equipment and installations and working conditions are entitled to be modernized. Yes, and the whole system of the U.S. postal organization of the Post Office Department needs to be changed and modernized with advanced business practices in order to give faster and quicker and more sure mail service.

It is not the fault of the postal management at present, nor the hard-working U.S. postal employees. The trouble has been, because of the use of antiquated methods and the long continued divisions of opinion, delays, and dispute in this body. Lack of financing to purchase modern equipment is also a clear, basic cause.

PARLIAMENTARY INQUIRY

Mr. Chairman, I would like to make a parliamentary inquiry, if I may.

The CHAIRMAN. The gentleman will state it.

Mr. FULTON of Pennsylvania. Mr. Chairman, it has been said here on the floor by the chairman of the committee that if the amendment offered by the gentleman from Texas (Mr. WRIGHT) or an amendment thereto should pass, then there will be further amendments introduced by the managers to the other provisions of the bill that have been stricken by the Wright amendment. I disagree.

In my estimation once these other provisions of the bill, after the enacting clauses are stricken, and the Wright amendment is put in the bill, and there has been an amendment to the Wright amendment, this would be a substitute, with an amendment to that substitute to the present bill. I do not see how there can be any amendment to any other provision of the present bill once those provisions are stricken and action is taken by this House inserting the Wright amendment for all the provisions after the enacting clause of the bill.

Is that correct, Mr. Chairman?

The CHAIRMAN. The Chair will state that if the Wright amendment is adopted, then the vote would recur on the committee amendment as amended by the Wright amendment. If that were adopted, under the rule the Committee would rise.

Mr. FULTON of Pennsylvania. But my question is when the vote comes on the committee amendment as amended by the Wright amendment, if it is adopted, whether other amendments could be offered to specific provisions of the present bill which would have been removed and deleted from the bill by the Wright amendment. I say not.

The CHAIRMAN. The Wright amendment would be a substitute for the committee amendment. If adopted, under the rule the Committee would rise.

Mr. FULTON of Pennsylvania. I agree with the Chairman. So as we now hear it clearly. If the Wright amendment were adopted, it would be a bobtail cut of the present bill and the debate would be over. It would be a quick and easy solution, and there could be no other amendments. The House would simply pass the committee bill as amended by the Wright amendment, if the amendment were agreed to.

My position is that procedure is too quick and easy a solution, and prevents further debate, discussion, or amendment of practically the entire present bill now being considered by the House. It is not fair to the various Members who have amendments nor to the Federal postal service, the postal employees, the public, or the U.S. taxpayers.

I strongly urge the House taking the time with full and adequate debate to obtain a career postal service with adequate pay, hours, conditions of employment and promotions, just wage differentials, health programs, appointments, seniority protection, and retirement and fringe benefits under social security.

Congress must provide full reward for a good day's work. I oppose any amendment that continues the poor policy that says to a young person just starting into work, in the postal service, "You are going to have to wait 21 long years before you can get to the top grade instead of the 8 years you would have to wait under the bill we are now debating." This is not fair to present employees with less than 21 years service, and that is 99 percent of our postal employees.

I strongly urge that there is much more to the problem of reform and reorganization of the U.S. Post Office Department and the postal service that should be argued out here for several days rather than disposed of in a quick, easy, bobtail slash. I strongly oppose the Wright amendment which has simply the bait of an 8 percent pay raise, and antistrike provision as a window dressing. Even amendment to the Wright amendment to add the retroactive provision to it, does not cure post office problems, but continues and compounds poor business policies, and injustices to the postal employees, the public, and the U.S. taxpayer.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to my colleague from Pennsylvania.

Mr. CORBETT. I just wish to associate myself with the gentleman's remarks. This amendment, while it is appealing and an easy way to terminate a long-drawn-out debate, should not be adopted.

I am going to, if I may, ask the Chairman if he will not ask for some limitation of time so that we can dispose of the amendment.

Mr. FULTON of Pennsylvania. I yield to the gentleman for that purpose, and yield back the balance of my time.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from Texas and all amendments thereto end at 4:45 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GRAY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Texas and all amendments thereto terminate at 4:45 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I am indeed sorry that the distinguished chairman of the committee has seen fit to shut off debate. This bill reminds me of the blind woman that went to the burlesque show. She knew what was going on, but she could not tell what was coming off. This bill is filled with so many pitfalls, I wonder if Members have any idea of what is coming off. Do you know, my colleagues, that if this bill, the committee bill, passes, you will not have any say over a post office building to be built in your district? You will not have the authority to come to our Committee on Public Works and ask your friends and your colleagues in the Congress to help you get adequate facilities. You will be downtown begging some insensitive corporation for a post office building.

At the proper time I will offer an amendment to keep this control in Congress where it belongs.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

(By unanimous consent, Mr. HARSHA yielded his time to Mr. GRAY.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I thank my distinguished friend, the gentleman from Ohio for yielding.

If the Members of the House will follow me for a moment, the House Committee on Public Works has historically recognized the need for good buildings and for mechanization and for improvements in our Nation's post offices. Better working conditions is one of the arguments advanced by the committee in wanting postal reform. All it takes to provide better facilities is money.

I submit to the Members they can get direct Federal construction twice as cheaply as they can lease. If this reform bill goes through, we will lose all control by the Congress in constructing or modernizing all post office buildings, and we will allow the private sector to put up the money, and they will want 15 or 20 percent return on their investment.

As my friend, the gentleman from Illinois (Mr. PUCINSKI) said, we will be back here with a post office deficit that will curl your hair.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

(By unanimous consent, Mr. ROBERTS yielded his time to Mr. GRAY.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I thank my friend, Mr. ROBERTS, for yielding. I would like to say further I favor postal reform, but when this committee usurps the prerogatives of other committees, particularly the Committee on Interstate and Foreign Committee and decides all of a sudden it is going to handle the transportation problems of this country and when the committee usurps the prerogatives of the House Committee on Public Works, and when we, as a compassionate committee, have helped each Member on both sides of the aisle, as we have done each year since I have been a member of the committee, then it is high time, it is past time to put a halt to this pirating of Members' right of determining when and where they want improved postal facilities. I urge all Members to be on the floor tomorrow and protect their interest by supporting our bipartisan amendment. Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I compliment the chairman of the Committee on Post Office and Civil Service. He has labored hard in a very difficult situation to bring out a bill.

It is extremely difficult, it would seem to me, when there is a majority of the committee about agreed on a bill, but there is a new proposal run in from downtown every day, and always with the label of "reform" on it. That word is about as overworked as the word relevant. I am about convinced that, if someone wanted to repeal the rape laws and if they tagged it as "reform," it would probably pass in a hurry.

I do not think there is any kind of reform to the proposal brought in by my friend, the gentleman from Arizona (Mr. UDALL). He talked about an idea that I would not let them vote. I did not reject the proposal of the gentleman from Arizona. It was rejected by the House by more than 100 votes. I did not tell the postal workers I was their friend. They can tell I am their friend by my vote.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

(Mr. SCHERLE asked and was given permission to revise and extend his remarks.)

Mr. SCHERLE. Mr. Chairman, I rise in support of the Wright amendment.

Mr. Chairman, in a furious drive to make sweeping reform we often overlook a minority group that has made a great contribution. I speak of postal reform and the rural press. Before we charge into the breach and change our entire U.S. postal system, let us pause for a second and look ahead to some of the potential results. Hindsight is more accurate than foresight, yet generally disappointing. Think of the result, if in 10 years, we look back and see that postal reform destroyed the rural press in America. Before we go all out on reform, let us consider the death blow we might deal to a vital source of American agricultural education.

There is a long tradition in this Nation of universal dissemination of information. With this in mind, we established rural free delivery, free-in-county delivery, and other forms of low-cost distribution to the rural areas. Because of this, local newspapers and agricultural magazines have been able to provide a vital channel of information to rural America. This we must maintain.

Mr. Chairman, when the large national publications find it unprofitable to serve rural areas and are abandoning them, the local press has a greater responsibility to our rural population, to keep them well informed, scientifically current, and in the mainstream of our democratic process.

Do we realize the importance of free flow of information from the laboratory to the farm? If the American public wants to keep the best prices on food in the world, we must continue a few minor concessions. We have aided the railroads, the airlines, the public utilities, the schools, yet food is more basic than any of these. The American farmer is the key to the good life, and the free flow of knowledge is the key to the American farmer's ability to produce. It is strange that very often successful programs never get assigned their proper rung on the ladder until it is too late to realize their immense value.

Recently, there has been much frantic concern to close the barn door of wise ecological practice while the horse of environmental pollution is already running unchecked from border to border. Believe me, those of us who live on the farm are well aware of this horse and the barn door. The American farmer has been practicing wise land, water, and soil management before the word ecology was ever heard in the Halls of the Congress. How else could a force which consists of only 7 percent of our population, operating on less than half the productive farmland available, feed a nation of 200 million so successfully that the Government must control our production and purchase the surplus.

The reason for this is simple. The American farmers are the best educated in the world. The U.S. Congress should not swing the broad sword of postal reform without any concern for the most vital artery in the country. The artery I speak of runs from scientific laboratories and our great seats of agricultural learning, such as Ames, Iowa, to every farm in the Nation.

This essential information is carried by the rural press and farm magazines. For over a century the U.S. postal service has carried this information with special consideration. Now this all may end. The postal reform bill may be the first bill in the U.S. history which results in keeping people ignorant.

Mr. Chairman, if one of the most important segments of our population, which feeds us all, is kept ignorant by denying them reasonably priced accesss to scientific information, our future generations will be headed for hunger and inflated food prices. The seeds of rebellion grow fastest in the stomachs of hungry men.

Over a century ago, the Land Grant Act established State agricultural colleges. The U.S. Congress was therefore instrumental in the establishment of this great storehouse of scientific information. Now, dare we be instrumental in checking the flow of information from the laboratory to the land? The rural press deserves and must have special protection from the potentially devastating effects of postal reform.

If you do not think we have a potential disaster here, you are mistaken. The farm magazines and rural press are not blessed with the financial solvency of the remainder of the publishing industry. It would only take a small percentage increase in rates to destroy the entire profit structure of the agricultural publishing industry. Mr. Chairman, no matter how dedicated the industry may be, it cannot publish without profits. Great publications like Country Gentlemen, Capper Farmer, and the Rural New Yorker have long vanished from the scene. Do not allow this to happen to magazines such as Wallaces Farmer, the Nebraska Farmer, and a host of others.

Rural population is declining rapidly and the rural press has lost both circulation and advertising revenue. The margin of profit is so small that it could easily be erased. We, the greatest agricultural nation on earth, cannot afford to destroy a basic element of our greatness. The farm magazines must have and deserve special protection from the potentially devastating effects of blind, sweeping postal reform.

Mr. Chairman, any citizen, whether or not he has ever seen a farm can be justifiably proud of the $50 billion agricultural industry of the United States. We are the envy and the leader of the world. The people of Europe and the rest of the globe turn their eyes to America when they need the science of agriculture. Through such programs as farm papers for peace we gladly share our knowledge.

We have a great opportunity to perform a real service to the farmers of this Nation. This is a service that neither the Postmaster General, nor the administration seems to be concerned about, although the Secretary of Agriculture has long been devoted to the plight of the American farmer.

Any magazine which is devoted to the science of agriculture should be given preferred status and permanent exemption from rate increase, at least, in the first and second postal zones. Local

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newspapers should keep their preferred rates unchanged. The only way we can insure the perpetuation of this flow of information is to insure reasonable rates for the delivery of our great and growing storehouse of agricultural knowledge to the farm. This is a very small service to perform for that segment of the population that keeps us well fed. I am a farmer and I have been all my life. I speak to you from firsthand knowledge. We need our farm magazines and we need them desperately. I say simply, Mr. Chairman, do not close the little red schoolhouse that keeps meat and bread on our table. Do not kill the agricultural press. Do not sever the pipeline that keeps my farm running and every other farm running to feed you.

Give the farmer what he needs most—the knowledge to keep farming. We must maintain the farmer's access to the knowledge which keeps America the best fed Nation on the face of the earth.

Mr. Chairman, in short, allow us to keep our rural papers and our agricultural magazines. Our farm magazines represent only one-tenth of 1 percent of the total mail volume, and the information they contain helps us to keep 200,000,000 people well fed. The information they contain will keep 300,000,000 people well fed in the next century. Mr. Chairman, the agricultural press is the bible of the farmer. Do not put this bible out of business. Do not kill the rural press.

Our farm population has been plagued with many economic problems. We should not at this time increase their burden. When the farmer ceases to exist, grass will grow on the streets of every city and town in our Nation.

(By unanimous consent, Mr. SCHERLE yielded the remainder of his time to Mr. GROSS).

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, on yesterday, I said this was bad legislation, and I reiterate that statement today. I rise in support of the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The gentleman from Arizona (Mr. UDALL) speaks of the 8-percent increase as provided by the amendment offered by the gentleman from Texas (Mr. WRIGHT) and says there is nothing to finance the 8-percent increase. Well, there was nothing in the Udall bill either to do that, nor is there in the committee bill pending before the House. There is nothing in either bill to finance an immediate 8-percent increase. If the gentleman was so concerned about financing the pay raise he should have provided for it in the substitute he offered, and it should have been in the committee bill that he voted for and I voted against in the committee. So let us not be misled by the argument of the gentleman from Arizona.

The gentleman speaks of an amendment which apparently he proposes to offer to increase first-class letter rates by 1 cent. Thus he would immediately jump upon the one category of mail that is paying its way.

Mr. Chairman, I repeat that I rise in support of the amendment. Let us provide the pay raise that has been promised postal workers and toss overboard the rest of this bill which is loaded with defects and pitfalls.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I rise in support of the Wright amendment.

(By unanimous consent, Mr. KAZEN yielded his remaining time to Mr. WRIGHT.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I wish to thank my colleague from Texas (Mr. KAZEN) for yielding me his time.

Let us make one thing clear. The amendment I offer will not cost any more than the committee bill. The committee bill purports to give an 8-percent increase. My amendment will give an 8-percent increase. I believe it is well that the gentleman from Montana (Mr. OLSEN) has offered his amendment to my amendment, making this provision retroactive. That fulfills any obligation we may have to these hard-working postal employees.

It has been suggested that my amendment, if adopted, would not answer the question of where we are going to get the money. Well, the committee bill does not answer the question of where we are going to get the money. All it does is to say that Congress is going to abdicate its responsibility to determine where we get the money or how much the American taxpayers will be paying for postage, and to turn those decisions over to an appointed corporation which is not answerable to the American public.

I am not willing to abdicate that responsibility. I believe the Post Office exists to serve the American people. I am willing to pay the hard-working postal employees. If other Members will support this amendment, they will get their pay.

I am anxious to demonstrate that the Congress will not yield to threats and pressures. If other Members feel that way, they can vote for the Wright amendment and we will make that demonstration unmistakable.

I want us to affirm that the Congress is willing to shoulder its responsibility, as it has so often in the past, to modernize the Post Office and to improve the service and to continue it as the greatest postal system in the world, the one which is responsible for delivering more pieces of mail every day than all the other national postal systems on earth combined.

Do not try to tell me that the system has not worked. Do not try to tell me that this does not have something very basic to do with the fact that this country has grown economically more rapidly than any other country on the surface of the earth.

Therefore, Members should support this amendment, and get rid of this alien idea of a postal corporation, and face up to congressional responsibility.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I agree with the gentleman from Texas (Mr. WRIGHT) that the postal workers certainly are entitled to increased wages. But there is much more in this bill than just a pay raise. There are many other benefits for the employees of the postal service in this bill.

Members of the Post Office and Civil Service Committee were up and down on this bill. We spent 13 or 14 months of hard work on it. We heard many witnesses who appeared before the committee, pro and con. We heard the representatives of all the workers involved in the postal service, who appeared before our committee. They told us that they needed modernization of plant, that they needed new facilities, and that they needed different types of work laws and working conditions.

A man who goes to work in a post office as a letter carrier can spend 21 years before he can get to the top level in his grade. This bill would help to correct this and many other inequities.

I urge the defeat of the Wright amendment. Let us do it in the right manner and move along with the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I rise in support of the Wright amendment. All I can tell the Members is that they are ducking their responsibility as Congressmen when they try to hide behind some authority that is going to be set up.

If the Members are worth their salt, if they are worthy of being Members of Congress, they should not try to pass the buck to somebody who will spend money and expect us to collect the taxes.

There is nothing in this bill that provides the money. Where is this corporation going to get the money? They will come back to us, to the Congressmen, and tell us, "We need so much money." We will have to provide the money. They will spend it, and we will have nothing to do with that.

Let us give these men the pay raises they are entitled to, and make them retroactive, as the gentleman from Montana (Mr. OLSEN) has suggested. Let us get rid of the problem and assume this responsibility.

That is our job as Congressmen. It is not to step aside and pass it over to somebody else.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. McCLURE).

Mr. McCLURE. Mr. Chairman, it has been said often on the floor of the House, "Let us assume our responsibility as Congressmen."

I have heard it said in other ways that Congress will take care of these problems. I have heard it suggested that we should just turn this down and bring the problems back to Congress, and we will solve them.

Mr. Chairman, that is what has been said for years.

This Congress has failed for years to meet the growing needs of this Post Office Department. That is the reason for postal reform. It is not because the men and women who work for the Post Office Department have not been able to do the job, but it is because we have not provided the tools for them to do the job, and it is not any more likely that

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next year we will do it than we have done it last year or the year before.

Let us not kid ourselves or this Nation that this is postal reform if we adopt the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Mr. Chairman, I rise to enthusiastically support the Wright amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI) to close debate on the amendment.

Mr. DULSKI. Mr. Chairman, as I stated in the well, the easiest way to pass over responsibility is to vote for the Wright amendment. I feel that the committee labored for 14 months and, as the able gentleman from Idaho (Mr. MCCLURE) stated, we have to provide the tools, we have to provide the equipment, the trucks and the transportation. It is very easy to vote for this. There is no doubt, though, that then this bill would have to go right back to the committee and we would have more legislation and hearings on something that is already of record.

I ask the Committee to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN) to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now occurs on the amendment offered by the gentleman from Texas (Mr. WRIGHT) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WRIGHT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WRIGHT and Mr. DULSKI.

The Committee divided, and the tellers reported that there were—ayes 57, noes 105.

So the amendment, as amended, was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—POSTAL REORGANIZATION

POSTAL POLICY

SEC. 101. (a) The postal service of the United States shall be operated as a basic and fundamental communications service provided to the people by the Government of the United States. The United States Postal Service established under section 102 of this title shall have as its basic function the obligation to provide a postal system adapted to the needs of all the people and designed to bind the Nation together by facilitating the prompt, reliable, efficient and economical transmittal of personal, educational, literary, and business communications. It shall provide such service to patrons in all areas and shall render public services to all communities. The costs of establishing or maintaining the postal service shall not be apportioned in such a way as to impair the overall value of such service to the people.

(b) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in major industries in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancement for all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(c) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(d) In determining all policies for postal service, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(e) In selecting modes of transportation, the Postal Services shall give highest consideration to the expeditious and economical delivery of mail and a fair and equitable distribution of mail business to carriers providing similar modes of transportation services. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(f) In planning and building new postal facilities, the Postal Service shall emphasize the need for plants and equipment designed to create desirable working conditions for officers and employees, a maximum degree of convenience for efficient postal service, proper access to existing and future air and surface transportation facilities, and control of costs.

Mr. DULSKI (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Chairman, reserving the right to object, does the gentleman mean section 102?

Mr. DULSKI. Section 101.

Mr. GROSS. Section 101 which runs to page 293?

Mr. DULSKI. No; to page 158.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair will state that section 101 runs through line 12 on page 158.

Is there objection to the request of the gentleman from New York.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REVISION OF TITLE 39, UNITED STATES CODE

SEC. 102. Title 39, United States Code, is revised and reenacted and the sections thereof may be cited as "39 U.S.C. § ", as follows:

"TITLE 39—THE POSTAL SERVICE

"Chapter	Sec.
"1. General Provisions	101
"2. Personnel	201
"4. Services	401
"6. Mail Matter	601
"8. Transportation of Mails	801
"10. Finance	1001
"12. Rates and Ratemaking	1201
"14. Private Carriage of Letters	1401
"16. Miscellaneous	1601

"Chapter 1.—GENERAL PROVISIONS

"Sec.
"101. Definitions.
"102. United States Postal Service.
"103. Postmaster General and Deputy Postmaster General.
"104. Seal.
"105. Assistant Postmasters General.
"106. Judicial Officer.
"107. Delegation of Authority.
"108. The Commission on Postal Costs and Revenues.
"109. Procedures of the Commission.
"110. Advisory Council.
"111. General Powers of the Postal Service.
"112. Cooperation with other Government agencies.
"113. Suits by and against the Postal Service.
"114. Application of other laws.
"115. Annual reports.
"116. Reservation of powers.
"117. Labor protection under Postal Service leases.

"§ 101. Definitions

"As used in this title—

" 'Postal Service' means the United States Postal Service established by section 102 of this title.

" 'Postmaster General' means the operating head of the Postal Service as specified in section 103 of this title.

" 'Commission' means the Commission on Postal Costs and Revenues established by section 108 of this title.

" 'Commissioners' means the members of the Commission on Postal Costs and Revenues.

" 'Postal Rate Board' and 'Board' mean the Postal Rate Board established by section 1251 of this title.

" 'Board members' means the members of the Postal Rate Board.

"§ 102. United States Postal Service

"The Post Office Department is reorganized as an independent establishment in the executive branch of the Government known as the United States Postal Service.

"§ 103. Postmaster General and Deputy Postmaster General

"The operating head of the Postal Service is a Postmaster General appointed as specified in subsection (c)(1) of section 108 of this title. Except as otherwise provided by law, the Postmaster General is vested with the functions of all subordinate officers and agencies of the Postal Service. The alternate operating head of the Postal Service is a Deputy Postmaster General appointed as specified in subsection (c)(2) of section 108 of this title.

"§ 104. Seal

"The seal of the Postal Service, filed by the Postmaster General in the office of the Secretary of State, which shall be judicially noticed, shall be affixed to all commissions of officers of the Postal Service and used to authenticate records of the Postal Service.

"§ 105. Assistant Postmasters General

The Postmaster General shall appoint such number of assistant postmasters general as he considers appropriate, one of whom, to be designated as the General Counsel, shall be the legal officer of the Postal Service.

"§ 106. Judicial Officer

"A Judicial Officer, appointed by the Commission, shall perform such quasi-judicial duties, not inconsistent with chapter 12 of this title, as the Commission may designate. He shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Commission.

"§ 107. Delegation of Authority

"The Postmaster General may delegate to any subordinate officer, employee, or agency of the Postal Service, with or without power of redelegation, such of the functions vested in him and, except as otherwise provided in this title, in any other officer or employee of the Postal Service as he deems appropriate.

"§ 108. The Commission on Postal Costs and Revenues

"(a) A Commission on Postal Costs and Revenues is established, consisting of eleven members as provided for in this section.

"(b)(1) The President, by and with the advice and consent of the Senate, shall appoint nine members of the Commission. Not more than five presidentially appointed Commissioners shall be from the same political party. The President may remove Commissioners appointed under this paragraph only for inefficiency, neglect of duty, or malfeasance in office. The Commissioners shall be chosen to represent the public interest generally and not as representatives of specific interests connected with the Postal Service.

"(2) The terms of the presidentially appointed Commissioners shall be nine years except that—

"(A) the terms of nine Commissioners first taking office shall expire as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, one at the end of five years, one at the end of six years, one at the end of seven years, one at the end of eight years, and one at the end of nine years following the appointment of the first of them; and

"(B) any Commissioner appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c)(1) The presidentially appointed Commissioners shall appoint and have discretionary power to remove a tenth member of the Commission who shall serve as Postmaster General. The Postmaster General, who shall have such term as may be fixed by the presidentially appointed Commissioners, shall be a voting member of the Commission except as otherwise provided in this title.

"(2) The presidentially appointed Commissioners and the Postmaster General shall appoint and shall have discretionary power to remove an additional member of the Commission who shall serve as Deputy Postmaster General for such term as the presidentially appointed Commissioners and the Postmaster General may fix. The Deputy Postmaster General shall be a voting member of the Commission except as otherwise provided in this title.

"(d) Except as otherwise provided in this section, each presidentially appointed Commissioner shall receive compensation at the rate of $10,000 per annum and $300 for each meeting of the Commission he attends. Their compensation shall be subject to adjustment under the provisions of chapter 11, title 2. In addition, they shall be reimbursed for necessary travel and subsistence expenses incurred in attending the meetings of the Commission.

"(e)(1) The presidentially appointed Commissioners shall fix the rates of compensation of the Postmaster General and Deputy Postmaster General.

"(2) The Commission shall direct and control the expenditures of the Postal Service, review the practices and policies of the Postal Service, and perform other functions and duties imposed on it by this title.

"(f) Vacancies in the Commission, as long as there are sufficient members to form a quorum, shall not impair the powers of the Commission under this title.

"(g) The Commission shall act upon majority vote of those members who are present, and any six members present shall constitute a quorum for the transaction of business by the Commission, except—

"(1) in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the presidentially appointed Commissioners in office shall be required;

"(2) in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the members in office from among the members serving as Postmaster General and the presidentially appointed Commissioners shall be required; and

"(3) as otherwise provided in this title.

"(h) No officer or employee of the United States may concurrently serve as a member of the Commission, but the presidentially appointed Commissioners may hold any other non-Federal office or employment not inconsistent with their duties to the Postal Service.

"§ 109. Procedures of the Commission

"The Commission may delegate any of its powers to officers and employees of the Postal Service in accordance with rules or regulations adopted by it. The Commission may establish such committees of the Commission, and delegate such powers to any committee, as the Commission determines appropriate to carry out its functions and duties. Delegations to officers, employees, or committees shall not be inconsistent with other provisions of this title; such delegations shall not relieve the Commission of full responsibility for the carrying out of its duties and functions; and any such delegations shall be revocable by the Commission in its exclusive judgment.

"§ 110. Advisory Council

"(a) There shall be a Postal Service Advisory Council, of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have eleven additional members appointed by the President. He shall appoint as such members (1) four persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) four persons as representatives of major mail users, and (3) three persons as representatives of the public at large. All such members shall be appointed for terms of two years except that, of those first appointed, two of the members representative of labor organizations and two of the members representative of major postal users and one member representing the public at large shall be appointed for one year terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(b) The Commission and the Postmaster General shall consult with and receive the advice of the Advisory Council regarding postal rates and services and compensation of employees.

"(c) The members of the Council representative of the public at large shall receive for each meeting of the Board compensation at the daily equivalent of the salary provided by law for level V of the Executive Schedule. All members of the Council shall be reimbursed for necessary travel and subsistence expense in attending meetings of the Council.

"§ 111. General powers of the Postal Service

"The Postal Service shall have the following general powers:

"(1) to sue and be sued in its official name;

"(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

"(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

"(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

"(5) to acquire in any lawful manner such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business, and to hold, maintain, sell, lease or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charge therefor;

"(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 1002 of this title;

"(7) to accept gifts or donations of services for property, real or personal, as it deems necessary or convenient in the transaction of its business;

"(8) to settle and compromise claims by or against it;

"(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

"(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

"§ 112. Cooperation with other Government agencies

"Executive agencies and independent establishments within the meaning of sections 104 and 105 of title 5 and the Government Printing Office are authorized to furnish goods, property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish such goods, property, and services to them. The furnishing of goods, property, and services pursuant to this section shall be under such terms and conditions, including reimbursability, as the Postmaster General and the head of the agency or establishment concerned shall deem appropriate.

"§ 113. Suits by and against the Postal Service

"(a) The United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the United States district court under the provisions of chapter 89 of title 28.

"(b) The provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

"(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

"(d) The Department of Justice shall furnish the Postal Service such legal representation as it may require pursuant to section 112 of this title, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

"§ 114. Application of other laws

"No Federal law dealing with public, United States or Federal contracts, property, works, officers, employees, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service except as otherwise provided in this title and except insofar as

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such laws remain in force as rules or regulations of the Postal Service, but the following provisions of law shall apply to the Postal Service:

"(1) sections 3333 and 5532, and chapters 71 (Employee Policies) and 73 (Suitability, Security, and Conduct of Employees) of title 5 except that no regulation issued pursuant to such chapters shall apply to the Postal Service unless expressly made so applicable;

"(2) all provisions of title 18 dealing with the Postal Service, the mails and Government officers or employees;

"(3) the following provisions of title 40:

"sections 258a–258e (condemnation proceedings);

"sections 270a–270e (known as the Miller Act);

"sections 276a–276a–7 (known as the Davis-Bacon Act);

"section 276c (wage payments of certain contractors);

"chapter 5 (the Contract Work Hours Standards Act); and

"chapter 15 (the Government Losses in Shipment Act);

"(4) the following provisions of title 41, sections 35–45 (the Walsh-Healey Act), chapter 6 (the Service Contract Act of 1965); and

"(5) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964).

"§ 115. Annual reports

"The Postmaster General shall render an annual report to the Commission concerning the operations of the Postal Service under this title. Upon approval thereof, or after making such changes as it considers appropriate, the Commission shall transmit such report to the President and the Congress.

"§ 116. Reservation of powers

"Congress reserves the power to alter, amend or repeal any or all of the sections of this title, but no such alteration, amendment or repeal shall operate to impair the obligation of any contract made by the Postal Service under any power conferred by this title.

"§ 117. Labor protection under Postal Service leases

"(a) A lease agreement by the Postal Service for rent of net interior space in excess of five thousand square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40, relating to section 1 of the Davis-Bacon Act.

"(b) The Postal Service and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950, title 5, appendix, and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under subsection (a) of this section.

"(c) Subsection (b) of this section shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in subsection (e) of this section.

"Chapter 2.—PERSONNEL

"SUBCHAPTER I—GENERAL PROVISIONS

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"SUBCHAPTER I—GENERAL PROVISIONS

"§ 201. Appointments and promotions

"(a) The Postal Service may appoint and promote such officers, attorneys, agents, and employees and vest them with such powers and duties as it deems necessary. Officers and employees of the Postal Service shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with procedures established by the Postal Service. The Postal Service shall establish procedures, subject to subchapter II of this chapter, to assure its employees of meaningful opportunities for promotion and career development and to assure its employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing. Subject to subsection (b) of this section, the provisions of chapter 75 of title 5 shall apply to employees of the Postal Service except to the extent of any inconsistency with—

"(1) the provisions of any collective bargaining agreement negotiated on behalf of and applicable to them, or

"(2) procedures established by the Postal Service and approved by the Civil Service Commission.

"(b) The Postal Service may hire executives on long-term employment contracts when necessary. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any executive employee. Removal, however, shall be without prejudice to the contract rights of the person removed.

"(c)(1) Those provisions of title 5 which were formerly known as the Veterans' Preference Act shall apply to the Postal Service. The provisions of section 459 of title 50, appendix (concerning reemployment rights of former military personnel), shall apply to the Postal Service in the same manner and to the same extent as to private employers. Without compromising its basic mission, the Postal Service shall pursue an employment policy designed to extend opportunity to the disadvantaged and the handicapped.

"(2) Employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries, as that subchapter may from time to time be amended.

"(d) Notwithstanding sections 5533, 5535, and 5536 of title 5, and any other provision of law, an officer, agent, or employee of the United States Government, is eligible to serve and receive the compensation both as such officer, agent, or employee and as officer, agent, or employee of the Postal Service other than as a member of the Commission.

"§ 202. Oath of office

"Before entering upon their duties and before receiving any salary, the members of the Commission and all persons employed by the Postal Service shall take and subscribe the following oath or affirmation:

" 'I ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.'

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States or any officer or employee of the Postal Service designated by the Postmaster General may administer and certify the oath or affirmation.

"§ 203. Employees of the Post Office Department

"(a) Employees of the Post Office Department on the effective date of this section shall remain employees of the Postal Service under the terms of this title. The provisions of this section shall be inapplicable to the Postmaster General, the Deputy Postmaster General, the Assistant Postmasters General and General Counsel of the Post Office Department, but nothing in this section shall make such persons ineligible for employment by the Postal Service.

"(b) Sick and annual leave, and compensatory time of such employees whether accrued prior to or after commencement of operations of the Postal Service shall be obligations of the Postal Service pursuant to the provisions of this chapter.

"(c) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Post Office Department or the executive branch of the Government, will continue to apply to employees of the Postal Service, until changed by the Postal Service, in accordance with subchapter II of this chapter. Subject to the provisions of section 206 of this title, the provisions of subchapter I of chapter 85, and chapters 87 and 89 of title 5, shall apply to employees of the Postal Service, unless varied, added to, or substituted for pursuant to this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the employees than fringe benefits in effect on the effective date of this section, and as to employees for whom there is a collective-bargaining representative no such variation, addition or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

"(d) Any employee of the United States Post Office Department on the effective date of this section shall be eligible to transfer, at the same or a higher grade, to any position within the United States Government which is open and for which such employee shall be qualified. The Postal Service shall cooperate with the Civil Service Commission in placing such employees.

"§ 204. Retirement rights

"Employees of the Postal Service shall be covered by chapter 83 of title 5 relating to the civil service retirement program, as that chapter may from time to time be amended. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amount specified in chapter 83 of title 5. The Postal Service upon request by the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Commission the costs reasonably related to administration or fund activities for employees of the Postal Service.

"§ 205. Policy on compensation and benefits

"It shall be the policy of the Postal Service

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to maintain for each wage area compensation and benefits for all employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy in the corresponding wage area. The Postal Service, consistent with subchapter II of this chapter and collective bargaining agreements, shall define the boundaries of each wage area. It shall be the policy of the Postal Service to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and managerial employees. The Postal Service shall, in carrying out this policy, fix salary levels for the type of first line supervisors now in PFS 7 at a level which is not less than a level approximately as much higher as their rates of pay now exceed those in present grade PFS 5. There shall be appropriate and reasonable differentials between PFS 7 and 8 and between all higher grades similar to those in effect on the day immediately before the date of enactment of this section.

"§ 206. Terms of employment

"(a) Compensation, benefits, and other terms and conditions of employment shall be determined by the Postal Service, consistent with subchapter II of this chapter, but no officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule.

"(b) The Postal Service shall have the right consistent with subchapter II of this chapter and applicable laws, regulations, and collective-bargaining agreements—

"(1) to direct employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign and retain employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against employees;

"(3) to relieve employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

"(6) to take whatever actions may be necessary to carry out its mission in situations of emergency.

"(c) No individual who is a member of a religious sect, or division thereof, the established and traditional tenets or teaching of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment.

"§ 207. Political influence; prohibition

"(a) Notwithstanding any other provision of law, but subject to subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except members of the Commission) shall be made without regard to any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for such appointment, promotion, assignment, transfer, or designation made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

"(4) any other individual or organization.

"(b) Notwithstanding any other provision of law but subject to subsection (e) of this section, a person or organization referred to in subparagraph (1), (2), (3), or (4) of subsection (a) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the Federal Government, subject to subsection (e) of this section—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement, if written, received by him, appropriately marked as in violation of this section, to the person or organization making or transmitting the same.

"(c) A person who requests, or is under consideration for any such appointment, promotion, assignment, transfer, or designation is hereby prohibited from requesting or soliciting any such recommendation or statement from any person or organization within the purview of subparagraph (1), (2), (3), or (4) of subsection (a) of this section. Any such person making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for the appointment, promotion, assignment, transfer, or designation concerned.

"(d) Each employment form of the Postal Service used in connection with any such appointment, promotion, assignment, transfer, or designation shall contain appropriate language in boldface type informing all persons concerned of the provisions of this section. During the time any such appointment, promotion, assignment, transfer, or designation is under consideration, appropriate notice of the provisions of this section printed in boldface type shall be posted in the post office concerned.

"(e) This section shall not be held or considered to prohibit—

"(1) the solicitation, acceptance, and consideration by the Postal Service or any authorized officer or employee of the Federal Government, or

"(2) the furnishing and transmission to the Postal Service or such authorized officer or employee by any other individual or organization

of any statement with respect to a person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation, if—

"(A) the statement is furnished pursuant to a request or requirement of the Postal Service and consists solely of evaluation of the work performance, ability, aptitude, and general qualifications of an employee in the postal service who is under consideration for appointment, promotion, assignment, transfer, or designation;

"(B) the statement is furnished by an individual or organization referred to in subparagraph (4) of subsection (a) of this section pursuant to a request made by an authorized representative of the Federal Government solely in order to determine whether the person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation meets the loyalty, suitability, and character requirements for employment with the Federal Government; or

"(C) the statement is furnished by a former employer of the person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation, pursuant to a request of the Postal Service, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.

"(f) The provisions of this section shall not have any effect on the right of an employee to petition Congress as authorized by section 7102 of title 5.

"§ 208. Organizations of supervisory personnel

"(a) The Postal Service shall provide a program for consultation with recognized organizations of officers and employees of the Postal Service other than those subject to collective-bargaining agreements under subchapter II of chapter 2 of this title. Such organizations, upon presentation of evidence satisfactory to the Postmaster General that their membership constitutes a substantial percentage of all officers and employees in their occupations or positions, shall be entitled to consult directly with respect to pay policies and schedules, fringe benefit programs, and other programs relating to employees in such occupations.

"(b) The Postal Service shall accord recognition to an organization of supervisors which represents a majority of supervisory employees. The organization of supervisors may include administrative, professional, and technical employees below the level, or below the comparable level, of the position of General Superintendent of the largest Postal Transportation Division and Assistant Postmaster of the largest first-class post office.

"(c) Representatives of an organization of supervisors recognized under subsection (b) shall be entitled to act for and make agreements covering all supervisory, administrative, professional, and technical employees of the national and local installation levels and shall be responsible for representing the interests of all such employees. Such organization shall have the right to participate directly with the Postal Service in the formulation, implementation, and modification of personnel policies and practices, fringe benefits, and all other matters, except rates of pay, affecting the conditions of employment of such employees. The Postal Service and such organization, through appropriate officials and representatives, shall meet at reasonable times for the purpose of consultation.

"(d) In the event the parties fail to reach an agreement under subsection (c) of this section, the dispute will be resolved by a panel consisting of three members, one appointed by the Chairman of the Civil Service Commission, one appointed by the Secretary of Labor, and one appointed by the Director of the Federal Mediation and Conciliation Service.

"(e) The panel established by subsection (d) of this section shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel or by other representative, as they may elect. The panel shall submit its recommendation to the Postmaster General. The Postmaster General shall place the recommendation into effect unless he determines it would be contrary to the efficiency and the good operation of the Postal Service. In the event the Postmaster General does not place the recommendation into effect, he shall file a report on such action with the Post Office and Civil Service Committees of the House of Representatives and the Senate, together with his reasons for not implementing the recommendation.

"§ 209. Seniority of rural carriers

"(a) Unless varied by the terms of a collective-bargaining agreement between the Postal Service and the bargaining representative of affected rural carriers, the Postal Service shall recognize the seniority status

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of rural carriers in accordance with the provisions of subsections (b)–(d) of this section.

"(b) The seniority status of a rural carrier commences on the day of appointment as a regular rural carrier. Upon voluntary transfer from one office to another, or another branch of the service into the rural delivery service, the relative seniority of the transferee commences on the day he enters the rural delivery service of the office to which transfer is made.

"(c) A rural carrier shall be assigned by the Postal Service to the least desirable route upon entering the service and shall rise to the more desirable routes by seniority.

"(d) The Postal Service shall base promotions and preferential assignments in the rural delivery service upon seniority and ability. If ability be sufficient, seniority shall govern.

SUBCHAPTER II—LABOR-MANAGEMENT RELATIONS

"§ 221. Definition

"As used in this subchapter, 'guards' means—

"(1) maintenance guards, being employees employed by the Postal Service on the effective date of this chapter in Key Position KP–5, under the provisions of former section 3514 of this title, and

"(2) security guards, being employees in a classification which may be established in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises of the Postal Service.

"§ 222. Applicability of National Labor Relations Act

"Labor-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 (the National Labor Relations Act, as amended) of title 29.

"§ 223. Bargaining units

"The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service: *Provided*, That the National Labor Relations Board shall not include in any bargaining unit—

"(i) any management official or supervisor;

"(ii) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

"(iii) both professional employees and employees who are not professional employees unless a majority of such professional employee vote for inclusion in such unit; or

"(iv) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, or is affiliated directly or indirectly with an organization which admits to membership employees other than guards.

"§ 224. Recognition of labor organizations

"(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

"(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the Post Office Department, shall continue to be recognized by the Postal Service until altered or amended pursuant to law.

"(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

"(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

"(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(d) A petition filed under subsection (c) (1) of this section shall be accompanied by a statement signed by at least 30 per centum of the employees in the appropriate unit stating they desire that an election be conducted for the purpose set forth in such subsection.

"(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

"§ 225. Elections

"(a) All elections authorized under section 224 of this title shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union'.

"(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

"(c) No election shall be held in any bargaining unit within which, in the preceding twelve-month period, a valid election has been held.

"§ 226. Deductions of dues

"(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective bargaining agreements has consultant rights under section 208 of this title, the Postal Service shall deduct the regular and periodic initiation fees, dues, and assessments of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

"(b) Any agreement in effect immediately prior to the enactment of this section between the Post Office Department and any organization of postal employees which provides for deduction by the Department of the regular and periodic initiation fees, dues, and assessments of the organization from the pay of its members, shall continue in full force and effect and the obligation for such deductions shall be assumed by the Postal Service. No such deduction shall be made from the pay of any employee except on his written assignment, which shall be irrevocable for a period of not more than one year.

"§ 227. Collective-bargaining agreements

"(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 224 of this title shall be effective for not less than 2 years.

"(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 224 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

"(c) The Postal Service and bargaining representatives recognized under section 224 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"§ 228. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, nor not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, provided no agreement has been reached by that time.

"(b) In the event the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel which shall consist of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select one person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall after due investigation issue a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names was submitted.

"(c)(1) In the event no agreement is reached within 90 days after the expiration or termination of the agreement or date on which the agreement became subject to modification pursuant to subsection (b) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, one of whom shall be selected by the Postal Service, one by the bargaining representative of the employees, and the third by the two thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. In the event the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of section 228(b), unless the parties have previously agreed to another procedure for a binding resolution of their difference. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 228(c).

"§ 229. Suits

"(a) The courts of the United States shall have jurisdiction in respect to actions by the National Labor Relations Board under this title to the same extent that they have jurisdiction in respect to actions under title 29.

"(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

"(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

"(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"§ 230. Labor-management reporting and disclosure

"The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 224 of this title, and to such organizations' officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29: *Provided, however,* That in addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Postmaster General, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"Chapter 4.—SERVICES

"Sec.
"401. General duties.
"402. Specific powers.
"403. Service classifications and mailable matter.
"404. Postal services at Armed Forces installations.
"405. International postal arrangements.
"406. Small post office closings.

"§ 401. General duties

"(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal service at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 112 and 404 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. It shall serve as nearly as practicable the entire population of the United States.

"(b) It shall be the responsibility of the Postal Service—

"(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

"(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

"(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

"(c) In providing services and in establishing classifications, rates, and fees pursuant to this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

"§ 402. Specific powers

"Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

"(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

"(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

"(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

"(4) to provide and sell postage stamps and other stamped paper, cards and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

"(5) to provide philatelic services;

"(6) to provide, establish, change, or abolish special, nonpostal, or similar services; and

"(7) to investigate postal offenses and civil and administrative matters related to the Postal Service and postal services, and to pay rewards in connection therewith.

"§ 403. Service classifications and mailable matter

"(a) Subject to chapter 12 of this title, the Postal Service may establish classifications of service and promulgate reasonable rules and regulations concerning the preparation of matter for mailing and the mailing thereof. The Postal Service shall not, except during emergencies, refuse to accept for mailing any matter weighing less than forty pounds, having a size not in excess of eighty-four inches in girth and length combined, unless it is nonmailable under the provisions of chapter 6 of this title or other law; but it may levy a charge therefor, established under the provisions of chapter 12 of this title, which reflects the failure of the mailer to conform to the regulations established under this title

"(b)(1) Except as provided in paragraph (2) of this subsection, the maximum weight of any parcel shall not exceed forty pounds, and the maximum size of any parcel shall not exceed—

"(i) seventy-eight inches in girth and length combined on parcels mailed before July 1, 1971; and

"(ii) eighty-four inches in girth and length combined on parcels mailed on or after July 1, 1971.

"(2) The maximum size on parcels is one hundred inches in girth and length combined, and the maximum weight is seventy pounds for parcels—

"(i) mailed at, or addressed for delivery at, an office that would have been a second-, third-, or fourth-class post office under former section 702 of this title or on a rural or star route;

"(ii) containing baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(iii) not mailed at zone rates of postage other than the zone rates which are applicable to correspondence and similar matter;

"(iv) addressed to or mailed at any Armed Forces post office outside the fifty States; and

"(v) addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States, including the Canal Zone and the Trust Territory of the Pacific Islands.

"§ 404. Postal services at Armed Forces installations

"(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

"(b) The Secretaries of Defense and Transportation shall make arrangements with the Postmaster General to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

"§ 405. International postal arrangements

"(a) For the purpose of making better postal arrangements with other countries, the Postal Service, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Commission construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be final and conclusive upon all officers of the United States.

"(b) The Postal Service may make arrangements with other governments for the exchange of sums of money by means of postal orders. The Commission shall fix limitations on the amount which may be so exchanged and the rates of exchange.

"§ 406. Small post office closings

"No small post office shall be closed solely for operating at a deficit, it being the intent of the Congress that effective postal service be insured to residents of both urban and rural communities.

"Chapter 6.—MAIL MATTER

"NONMAILABLE MATTER

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"NONMAILABLE MATTER

"§ 601. Nonmailable matter

"(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717, or 1718 of title 18 is nonmailable.

"(b) Nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service directs.

"(c) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried, or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer'; or

"(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

"(d) Any matter is nonmailable which exceeds the prescribed size and weight limits or is of a character perishable within the period required for transportation and delivery.

"(e) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

"§ 602. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehicle master keys' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations.

"§ 603. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Postal Service that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal service of the United States, an activity in violation of section 1302, 1341, or 1342 of title 18, the Postal Service may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

"(b) The Postal Service may issue an order directing that mail, covered by subsection (a), be forwarded to a dead letter office as fictitious matter, or be returned to the sender when the—

"(1) party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Postal Service is satisfied that the mail is addressed to a fictitious, false, or assumed name, title, or address.

"§ 604. Delivery of mail to persons not residents of the place of address

"Whenever the Postal Service is satisfied that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, it may deliver the mail only upon identification of the person so addressed.

"§ 605. False representations; lotteries

"(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

"(1) directs any postmaster at an office at which registered or certified letters or other letters or mail arrive, addressed to such a person or to his representative, to return such letters or mail to the sender appropriately marked as in violation of this section, if such person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey such letters or mail before the postmaster returns such letters or mail to the sender; and

"(2) forbids the payment by a postmaster to such a person or his representative of any money order drawn to the order of either and provide for the return to the remitters of the sum named in the money order.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section that remittances may be made by mail to a person named in the advertisement is prima facie evidence that the letter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postal Service is not precluded from ascertaining the existence of the agency in any other legal way satisfactory to it.

"(c) As used in this section and section 606 of this title, the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

"§ 606. 'Unlawful' matter

"Upon evidence satisfactory to the Postal Service that a person is obtaining or attempt to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance, or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom the same may be obtained, the Postal Service may—

"(1) direct postmasters at the office at which registered letters or other letters or mail arrive, addressed to such a person or to his representative, to return the registered letters or other letters or mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster to such a person or his representative of any money order drawn to the order of either and provide for the return to the remitters of the sums named in the money orders.

"§ 607. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 605 and 606 of this title, the United States district court in the district in which the defendant receives his mail, shall upon application therefor by the Postal Service and upon a showing of probable cause to believe the statute is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide that the detained mail be open to examination by the defendant and such mail delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court under this section does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of publications entitled to the periodical publication rate, or to mail addressed to the agents of these publishers.

"§ 608. Prohibition of pandering advertisements in the mails

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to

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an order of the Postal Service to refrain from further mailings of such materials to be designated addressees thereof.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postal Service shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"(c) The order of the Postal Service shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order of the Postal Service shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Postal Service believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Postal Service within fifteen days after the date of such service. If the Postal Service after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation by the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Postal Service shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of title 5, United States Code, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) mail matter, directed to a specific address covered in the order of the Postal Service, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the order of the Postal Service, and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"PENALTY AND FRANKED MAIL

"§ 651. Definitions

"As used in this chapter—

"'Penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage.

"'Penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail.

"'Frank' means the autographic or facsimile signature of persons authorized by sections 660–666 and 670 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44.

"Franked mail" means mail which is transmitted in the mail under a frank.

"'Members of Congress' includes Senators, Representatives, Delegates, and Resident Commissioners.

"§ 652. Penalty mail

"(a) Subject to the limitations imposed by sections 654–657 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the United States Government other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49g–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officers or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purposes of sections 341–343, 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services, including expenses of postage.

"§ 653. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under paragraphs (1)(E), (2), and (3, of section 652(a) of this title.

"§ 654. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 655. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Service as it prescribes.

"§ 656. Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government and Government corporations concerned shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service for matter sent in the mails by or to them as penalty mail under authority of section 652 of this title.

"(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriation made to it for that purpose the equivalent amount of postage, as determined by the Postal Service for penalty mailings under paragraphs (1) (F) and (4) of subsection (a) of section 652 of this title.

"(c) The Library of Congress shall transfer to the Postal Service as postal revenues out of any appropriation made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under paragraph (5) of subsection (a) of section 652 of this title.

"§ 657. Limit of weight of penalty mail; postage on overweight matter

"(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for letter mail except—

"(1) stamped paper and supplies sold or used by the Postal Service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over four pounds in weight,

"(2) not in excess of the weight and size prescribed for parcels, and

"(3) otherwise mailable,

is mailable at parcel rates even though it may include written matter and may be sealed. The postage on such an article is payable in the manner prescribed by the Postal Service.

"§ 658. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or the Postal Service may

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provide for its transportation by freight or express, whenever a saving to the Government will result therefrom without detriment to the public.

"§ 659. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of sections 651–658 of this title as soon as practicable after request therefor.

"§ 660. Official correspondence of Vice President and Members of Congress

"The Vice President, Members and Members-elect of Congress, the Secretary of the Senate, and the Sergeant at Arms of the Senate until the 30th day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding four pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding four ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate or Sergeant at Arms of the Senate, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 661. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, until the 30th day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 662. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 663. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the 30th day of June following the expiration of their terms of office as franked mail by Members of Congress.

"§ 664. Mailing privileges of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 665. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 666. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required and postage on correspondence sent by the surviving spouse of a Member under section 670 of this title, shall be paid by a lump-sum appropriation to the legislative branch for that purpose, and credited to the Postal Service as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 667. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of the Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of these countries stationed in the United States, or official correspondence among themselves, and with the Government of the United States.

"§ 668. Mailing privilege of members of the United States Armed Forces and of friendly foreign nations

"(a) Letter mail, including postal cards and post cards, and sound-recorded communications having the character of personal correspondence, shall be carried, at no cost to the sender, in the manner provided by section 671 of this title, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty as defined in sections 101(4) and 101(22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) the letter or sound-recorded communication is mailed by the member of an Armed Forces post office established under section 404(a) of this title in an oversea, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A); or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) the letter or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 404(a) of this title in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D)(i); and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) The Department of Defense shall transfer to the Postal Service as postal revenue, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Commission for matter sent in the mails under authority of subsection (a) of this section.

"(c) Subsections (a) and (b) of this section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

"§ 669. Mailing privileges of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

"(a) For the purposes of sections 668, 671, and 1201 (c) of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established under section 404(a) of this title.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections.

"§ 670. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed one hundred and eighty days after his death, as franked mail, correspondence relating to the death of the Member.

"§ 671. Armed Forces mailing privileges

"(a) There shall be transported by air, between Armed Forces post offices established under section 404(a) of this title which are located outside the forty-eight contiguous States of the United States, or between any such Armed Forces post office and the point of embarkation or debarkation within the fifty States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49 and as otherwise provided in this title, the following categories of mail matter:

"(1)(A) letter mail (including postal cards and post cards),

"(B) sound-recorded communications having the character of personal correspondence, and

"(C) parcels not exceeding five pounds in weight and sixty inches in length and girth combined,

which are mailed at or addressed to any such Armed Forces post office;

"(2) publications entitled to the periodical publication rate that are published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any such Armed Forces post office (A) in an overseas area designated by the President under section 668 of this title, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

"(3) parcels exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this subsection, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers. This subsection shall not affect the operation of section 668(a) of this title.

"(b) Subsection (a) of this section shall be administered under such conditions and regulations as the Postal Service and the Secretary of Defense severally may prescribe to carry out their respective functions thereunder.

"(c) The Department of Defense shall reimburse the Postal Service out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 404 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation; or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

"Chapter 8.—TRANSPORTATION OF MAIL

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"SUBCHAPTER I—GENERAL

"§ 801. Provisions for carrying mail

"The Postal Service shall provide for the transportation of mail by land, air, or water as often as it deems proper under the circumstances subject to the provisions of this chapter.

"§ 802. Transportation of mail of adjoining countries through United States

"The Postal Service, by and with the advice and consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted. The President or the Congress may annul the privilege at any time. The privilege shall terminate one month succeeding the day on which notice of the act of the President or of the Congress is given to the chief executive or head of the post office of the country whose privilege is to be annulled.

"§ 803. Establishment of post roads

"The following are post roads—

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter carrier routes established for the collection and delivery of mail.

"§ 804. Discontinuance of service on post roads

"The Postal Service may discontinue service on a post road or part thereof when, in its opinion—

"(1) the postal service cannot safely be continued;

"(2) the revenues cannot be collected;

"(3) the laws cannot be maintained; or

"(4) the public interest so requires.

"§ 805. Postal Service to provide for mail transportation

"(a) The Postal Service is authorized to obtain mail transportation service—

"(1) from common carriers by rail and motor vehicle as provided in subchapter II of this chapter;

"(2) from air carriers as provided in subchapter III of this chapter;

"(3) from water carriers as provided in subchapter IV of this chapter; and

"(4) by contract under such terms and conditions as it deems appropriate, subject to the provisions of this section.

"(b) Except as otherwise specifically provided by this chapter, contracts for transportation of mail authorized by subsection (a)(4) of this section may be for periods not in excess of four years and may be entered into only after advertising a sufficient time previously for proposals except when the Postal Service determines that the waiver of such advertising requirements is in the public interest.

"(c) Contracts under subsection (a)(4) of this section may be renewed by mutual agreement with the holder and the Postal Service, without advertising and for successive terms of not more than four years each.

"(d) The Postal Service, in determining whether to obtain transportation of mail by carrier under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode.

"§ 806. Lien on compensation of contractor

"(a) A person who—

"(1) performs service for a contractor or subcontractor in the transportation of mail;

"(2) files his contract for service with the Postal Service; and

"(3) files satisfactory evidence of performance with the Postal Service, shall have a lien on money due the contractor or subcontractor for the service.

"(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within two months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

"§ 807. Free transportation of postal employees

"Each person engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons in charge of the mails when on duty and traveling to and from duty.

"SUBCHAPTER II—TRANSPORTATION OF MAIL BY REGULATED SURFACE CARRIER

"§ 825. Definitions

"As used in this subchapter—

"(1) 'carrier' and 'regulated surface carrier' means a railroad, a freight forwarder, a motor carrier, or an express company;

"(2) 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier;

"(3) 'freight forwarder' means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Interstate Commerce Commission;

"(4) 'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and

"(5) 'express company' means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49.

"§ 826. Applicability

"This subchapter applies to mail transportation performed by any carrier or combination thereof regardless of the mode of transportation actually used to provide the service.

"§ 827. Authorization of service by carrier

"(a) The Postal Service may establish carrier mail routes and authorize mail transportation service thereon. The term 'mail' as used in this subchapter includes equipment and supplies of the Postal Service.

"(b) A carrier shall transport mail offered for transportation by the Postal Service in the manner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

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"(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

"(d) A carrier shall transport with due speed, on any train or motor vehicle it operates, such mail as the Postal Service directs under this section.

"(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, or to provide service for the Postal Service at less than full cost, or to provide service at a detriment to the carrier or its other customers.

"(f) An order or determination of the Postal Service under this section shall be consistent with the orders of the Interstate Commerce Commission under sections 832 and 833 of this title.

"§ 828. Placement of equipment

"A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

"§ 829. Changes in service

"The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed pursuant to this subchapter. It may reduce or discontinue service with pro rata reductions in compensation. The Postal Service may not pay for additional service which it has not specifically authorized.

"§ 830. Evidence of service

"A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

"§ 831. Fines and deductions

"(a) The Postal Service may fine any carrier in an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this subchapter.

"(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 827 of this title.

"(c) The Postal Service may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 827 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding three times the compensation applying to such service. Such deductions shall not be made prior to the expiration of sixty days following service upon the carrier by the Postal Service of notice of intention of assessing a fine or making a deduction and of the basis therefor.

"§ 832. Interstate Commerce Commission to fix rates

"(a) The Interstate Commerce Commission shall determine and fix, from time to time, the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Interstate Commerce Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Interstate Commerce Commission may make just and reasonable classifications of carriers and where just and equitable, fix general rates applicable to carriers in the same classification.

"(c) In determining and fixing fair and reasonable rates or compensation under this section, the Interstate Commerce Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

"(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Interstate Commerce Commission fixes the rates or compensation under subsection (a) of this section.

"§ 833. Procedures

"(a) At any time after six months from the entry of an order stating the Interstate Commerce Commission's determination under section 832 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates or compensation for services covered by the application. At the conclusion of the hearing the Interstate Commerce Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 832(d), 834, 835, and 837 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Postal Service may file with the Interstate Commerce Commission a comprehensive plan, stating—

"(1) its requirements for the transportation of mail by carrier;

"(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

"(3) the service, both terminal and en route which carriers are to render;

"(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

"(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Interstate Commerce Commission.

"(d) When a comprehensive plan is filed, the Interstate Commerce Commission shall give notice of not less than thirty days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Interstate Commerce Commisison, but not later than thirty days after the expiration date fixed by the Interstate Commerce Commission in the notice, and the Interstate Commerce Commission shall proceed with the hearing.

"§ 834. Special rates

"Upon petition by the Postal Service, the Interstate Commerce Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

"§ 835. Intermodal transportation

"The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or compensation not exceeding those allowable for similar service by the designated form of transportation.

"§ 836. Statistical studies

"The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

"§ 837. Special contracts

"The Postal Service may enter into special contracts with carriers, without advertising for bids and for periods not in excess of four years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Interstate Commerce Commission. The fact that the Interstate Commerce Commission has not prescribed rates or compensation for the carrier involved, pursuant to section 832 of this title, shall not preclude execution of a contract under this section. A copy of each such contract shall be on file and open to inspection in the administrative offices of the Postal Service and the Interstate Commerce Commission.

"§ 838. Carrier operations, receipts, and expenditures

"The Postal Service shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

"§ 839. Agreements with passenger common carriers by motor vehicle

"The Postal Service may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

"§ 840. Star route certification

"(a) Any person, business, firm, company, corporation, or successor in interest of any such person, business, firm, company, or corporation, who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this title, shall, upon application to the Interstate Commerce Commission for the territory within which such contractor operated on or before the effective date of this Act be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Interstate Commerce Commission without the Interstate Commerce Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

"(b) Applications of persons who were not contractors on the effective date of this Act shall be decided in accordance with applicable Interstate Commerce Commission procedure.

"SUBCHAPTER III—TRANSPORTATION OF MAIL BY AIR

"§ 851. Rules and regulations

"The Postal Service may make such rules, regulations, and orders not inconsistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for the safe and expeditious carriage of all classes of mail by aircraft.

"§ 852. Fines on air carriers transporting mails

"The Postal Service may impose fines on carriers transporting mail by air on routes extending beyond the borders of the United State for—

"(1) unreasonable or unnecessary delay to mail; and

"(2) other delinquencies in the transportation of mail.

"§ 853. Contracts for transportation of mail by air

"(a) The Postal Service may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which, or within or between the geographical area or areas for which, such air carrier is authorized by the Civil Aeronautics Board to engage in air transportation and such carrier is hereby authorized to transport such mail. The Postal Service may provide in any such contract for the payment of rates or compensation which are not higher than those prescribed pursuant to section 1376 of title 49 for the transportation of mail between the points to be served under the contract and, in the event the transportation under such contract is to be on a space available basis, it may provide for the payment of rates or compensation which are not higher than those contained in tariffs currently in effect and on file with the Civil Aeronautics Board for air transportation of property, other than transportation of mail, on a space available basis. Each such contract shall be filed with the Civil Aeronautics Board for approval and shall become effective unless the Board, within ninety days after filing, disapproves the contract upon a finding that it is not consistent with the public interest as provided by section 1302 of title 49.

"(b) When the Postal Service deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier to engage in the transportation of mail the Postal Service may contract for such transportation, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate. The transportation of mail under contracts entered into under this subsection is not, except for purposes of sections 1371 (k) and 1386(b) of title 49, 'air transportation' as that term is used in sections 1301–1542 of title 49. The Postal Service shall cancel such a contract, in whole or in respect to certain points as the authorization shall require, upon the issuance by the Civil Aeronautics Board of an authorization under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

"(c) If the Postal Service determines that service by the certificated carrier or combination of carriers between any pair or pairs of points is not adequate for its purposes, it may contract, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air carrier or combination of carriers for such air transportation service as cannot adequately be provided by the certificated carrier or combination of carriers. Such contracts shall be filed with the Civil Aeronautics Board no less than ninety days prior to their effective date, except when the Civil Aeronautics Board allows a lesser period upon finding for good cause that ninety days' advance notice is impractical, unnecessary, or contrary to the public interest. After such notice and hearing as it may deem appropriate, the Civil Aeronautics Board may disapprove any such contract prior to its effective date if it finds that such contract conflicts with the development of air transportation under sections 1301–1542 of title 49, incorporating this finding in an order containing a brief statement of its reasons therefor. Sections 1371–1376, 1380, 1381, and 1385 of title 49 do not apply to the transportation of mail under any contract entered into under this subsection. The Postal Service shall cancel such a contract if the Civil Aeronautics Board authorizes an additional carrier or combination of carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules.

"(d) A copy of each contract entered into under this section shall be on file and open to inspection in the administrative offices of the Postal Service and the Civil Aeronautics Board.

"SUBCHAPTER IV—TRANSPORTATION OF MAIL BY VESSEL

"§ 876. Sea post service

"The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

"§ 877. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

"§ 878. Transportation of mail by vessel as freight or express

"The Postal Service may require that mail be transported by freight or express when—

"(1) there is no competition on a water route and the rate or compensation asked is excessive; or

"(2) no proposal is received.

A common carrier by water that refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 879. Fines on ocean carriers

"The Postal Service may impose or limit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mail; and

"(2) other delinquencies in the transportation of mail.

"§ 880. Contracts for transportation of mail by vessel

"The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods not in excess of four years.

"Chapter 10.—FINANCE

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"1001. Definitions.
"1002. Capital of Postal Service.
"1003. The Postal Service Fund.
"1004. Transitional appropriations.
"1005. Obligations.
"1006. Relationship between the Treasury and the Postal Service.
"1007. Public debt character of the obligations of the Postal Service.
"1008. Audit and expenditures.
"1009. Annual budget.

"§ 1001. Definitions

"As used in this chapter—

"'Fund' means the Postal Service fund established by section 1003 of this chapter.

"'Obligations', when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

"§ 1002. Capital of Postal Service

"(a) The initial capital of the Postal Service shall consist of equity of the United States in the former Post Office Department as reflected in the President's budget. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Commission subject to the approval of the Comptroller General, in accordance with the following guidelines:

"(1) Assets shall be valued on the basis of original cost, less depreciation, to the extent that this can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

"(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

"(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

"(c) The Postal Service, and the Administrator of General Services where properties under the jurisdiction of the Administration are involved, with the approval of the Director of the Bureau of the Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain in the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

"(1) the mail equipment shops located in Washington, District of Columbia;

"(2) all machinery, equipment, and appurtenances of the Post Office Department;

"(3) all real property whose ownership was acquired by the Postmaster General pursuant to former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

"(4) all real property of which 55 per centum or more is occupied by and under control of the former Post Office Department immediately prior to the effective date of this section;

"(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

"(6) all other property and assets of the Post Office Department.

"(d) After the commencement of operations of the Postal Service the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments or agencies of the United States, with or without reimbursement, any property owned by the United States and the Postal Service, respectively, when the public interest would be served by such transfer.

"§ 1003. The Postal Service Fund

"(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal year limitation to carry out the purposes, functions, and powers authorized by this title.

"(b) There shall be deposited in the fund, subject to withdrawal by check by the Postal Service—

"(1) revenues from postal and nonpostal services;

"(2) amounts received from obligations issued by the Postal Service;

"(3) amounts appropriated for the use of the Postal Service;

"(4) interest which may be earned on investments of the fund;

"(5) any other receipts of the Postal Service; and

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"(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

"(c) If the Postal Service determines that the moneys of the fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

"(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

"(e) The fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions under this title. Neither the fund nor any of the funds credited to it shall be subject to apportionment under the provisions of section 665 of title 31.

"§ 1004. Transitional appropriations

"Such sums as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with section 1201 of this title are hereby authorized to be appropriated to the fund without regard to fiscal year limitation.

"§ 1005. Obligations

"(a) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

"(b) The Postal Service may pledge its assets and pledge and use its revenues and receipts for the payment of the principal of or interest on said obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Postal Service is authorized to enter into binding covenants with the holders of said obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Postal Service may deem necessary or desirable to enhance the marketability of said obligations.

"(c) Obligations issued by the Postal Service under this section:

"(1) shall be in such forms and denominations;

"(2) shall be sold at such times and in such amounts;

"(3) shall mature at such time or times;

"(4) shall be sold at such prices;

"(5) shall bear such rates of interest;

"(6) may be redeemable before maturity at the option of the Postal Service in such manner and at such times and redemption premiums;

"(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(8) shall be subject to such other terms and conditions;

as the Postal Service determines.

"(d) Obligations issued by the Postal Service under this section shall:

"(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(2) contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired by them under this section;

"(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

"(5) not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States, except as provided in subsection (c) of section 1006 of this chapter.

"§ 1006. Relationship between the Treasury and the Postal Service

"(a) At least fifteen days before selling any issue of obligations under section 1005 of this chapter the Postal Service shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Postal Service may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

"(b) Subject to the conditions of subsection (a) of this section the Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

"(c) Notwithstanding subsection (d)(5) of section 1005 of this chapter, obligations issued by the Postal Service shall be obligations of the United States, and payment of principal and interest thereon shall be fully guaranteed by the United States, such guaranty being expressed on the face thereof, if and to the extent that—

"(1) the Postal Service requests the Secretary of the Treasury to pledge the full faith and credit of the United States for the payment of principal and interest thereon; and

"(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

"§ 1007. Public debt character of obligations of the Postal Service

"For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

"§ 1008. Audit and expenditures

"(a) The accounts of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

"(b) The Postal Service shall maintain an adequate internal audit of its financial transactions.

"(c) Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

"(d) Nothing in this section shall be construed as denying to the Postal Service the power to obtain audits of its accounts and reports concerning its financial condition and operations by certified public accounting firms. Such audits and report shall be in addition to those required by this section.

"§ 1009. Annual budget

"The Postal Service shall cause to be prepared annually a business-type budget which shall be submitted to the Bureau of the Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provisions for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

"Chapter 12.—RATES AND RATEMAKING

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"1201. Rate policy.
"1202. Free and reduced rate mail.

"SUBCHAPTER II—RATEMAKING

"1251. Postal Rate Board and staff.
"1252. Proposed changes in rates and classification.
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"1256. Rate and service complaints.
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"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1201. Rate policy

"(a) The Postal Service shall develop and promote adequate and efficient postal services at reasonable and equitable rates and fees. Such rates and fees shall be sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal service of the kind and quality adapted to the needs of the United States.

"(b) It is the intent of Congress that by January 1, 1978, rates and fees charged by the Postal Service provide, as a whole, revenue adequate, when added to the appropriations pursuant to section 1202 of this chapter, to meet its current and projected costs. For this purpose costs shall include (without limitation) operating expenses, depreciation on capital facilities and equipment, debt service (including interest, amortization of debt discount and expense, and provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges), and a reasonable provision for contingencies.

"(c) Except as provided in section 1202 and as otherwise provided in this section, the Postal Service shall establish appropriate classes of postal service and establish rates and fees for each such class of postal service so that at least those costs demonstrably related to the class of service in question will be borne by each such class and not by other classes of users of postal services or by the mails generally.

"(d) Notwithstanding the other provisions of this section, in making changes in the structure of its rates, the Postal Service shall take into account the financial impact upon affected users of the various classes of the mail and, at its discretion, may achieve the policy goals of this section over a duration of time appropriate in view of such financial impact. The Commission shall have the sole discretion to make such determinations. The President may request appropriations authorized by section 1004 of this title as a result of such determinations. Nothing in this subsection, however, shall relieve the Postal Service of its general policy obligation under subsection (b) of this section to make its revenue, as a whole, including appropriations contemplated by section 1202 of this title, equal its costs.

"(e)(1) Amounts computed as shown in paragraph (2) of this subsection (e) shall be considered public service costs of the Postal Service that should be borne by the public generally during the period prior to January 1, 1978. In addition to amounts otherwise authorized to be appropriated to the Postal Service, the amounts of such public service costs, as estimated by the Postal Service, are authorized to be appropriated for the use of the Postal Service.

"(2) The amounts authorized to be appropriated by paragraph (1) shall be computed as follows:

"(A) for the period commencing on the effective date of this section through December 31, 1972, at an annual rate of 10 per centum of the total costs of the Postal Service for fiscal year 1972;

"(B) for calendar year 1973, 9 per centum of such total costs for fiscal year 1973;

"(C) for calendar year 1974, 8 per centum of such total costs for fiscal year 1974;

"(D) for calendar year 1975, 6 per centum of such total costs for fiscal year 1975;

"(E) for calendar year 1976, 4 per centum of such total costs for fiscal year 1976; and

"(F) for calendar year 1977, 2 per centum of such total costs for fiscal year 1977.

"(f) Notwithstanding any other provision of this title, fourth-class parcel post service shall bear, in addition to those costs demonstrably related to such service under subsection (c) of this section, such portion of all other costs incurred by the Postal Service (including, without limitation, costs described in the second sentence of subsection (b) of this section) as will assure that the revenue of such service will not be less than the cost thereof, determined under this subsection, by more than 4 per centum and will not be greater than the costs thereof by more than 4 per centum.

"§ 1202. Free and reduced rate mail

"(a) The Congress by legislation shall determine which classes of postal users, if any, shall be entitled to send mail free of postage or at rates some specified percentage lower than those established by the Postal Service in accordance with the principles of section 1201(c) of this title. The rates of all users so entitled shall be established by the Postal Service so that the amount of postal revenues received from the appropriations provided for in subsection (b) of this section shall approximately equal the difference between the actual postal revenues from users allowed to mail free of charge or at reduced rates and the postal revenues that would have been received from such users if they had not been entitled to so mail.

"(b) The President may annually request the Congress to appropriate to the Postal Service Fund an amount necessary to recover the difference between the actual postal revenue from users allowed to mail free of charge or at reduced rates and the postal revenues that would have been received from such users if they had not been entitled to so mail.

"(c) If the Congress shall fail to appropriate the amount so requested or any part thereof, the Postal Service shall proportionately adjust the rates of the classes of users entitled to mail free or at reduced rates so that the anticipated difference between the actual postal revenues from users allowed to mail free of charge or at reduced rates the postal revenues that would have been received from such users if they had not been entitled to so mail and be reduced to an amount equal to that appropriated by the Congress.

"(d)(1) Within two years after the effective date of this section and at least every two years thereafter, the Postal Service shall render to the Congress a report showing the volumes, rates, revenues, and costs, the last calculated in such ways as the Postal Service may deem appropriate, of each category of free or reduced rate mail, and the percentage relationship which the rate for such category bears to the rates for users if the same category not entitled to so mail. The Postal Service may report on other matters related to each such category of mail including recommendations as to whether the Congress should continue to afford it preferred treatment or to what extent it should be modified. In preparing the report the Postal Service may cause the Postal Rate Board to conduct proceedings in the nature of rulemaking on matters relevant to the report and to render opinions to the Postal Service as it deems appropriate.

"(2) The report to the Congress shall include a profit and loss statement of the Postal Service certified by a firm of independent public accountants, to be chosen by the presidentially appointed Commissioners on a competitive basis. The certification should stipulate that the report does or does not present fairly the results of the operations and that the revenues and costs shown in connection with each class, subclass, and category of mail and for each service, as appropriate, have been reported in accordance with generally accepted accounting principles, supplemented by suitable cost allocation procedures.

"(e) Until changed by law, but subject to subsections (a) and (c) of this section, the following services shall be free or at the reduced rates in effect as of the effective date of this section:

"(1) penalty mailings of the Pan American Union and the Pan American Sanitary Bureau as provided by section 652(a)(1) of this title and free mailing privileges for consular officials and members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain as provided by section 667 of this title;

"(2) reduced rates on books, films, and similar materials as described in former section 4554 of this title;

"(3) mailings at reduced rates for publication matter as described in former section 4358 of this title;

"(4) free postage on reading matter and other articles for the blind and other handicapped persons as described in former sections 4653–4655 of this title;

"(5) free mailing privileges granted to individuals by law, except where the Postal Service is entitled to reimbursement under chapter 6 of this title;

"(6) reduced third-class postage rates to certain organizations as described in former section 4452 of this title; and

"(7) free postage as provided by section 1472 of title 50, section 302 of the Federal Voting Assistance Act of 1955.

"SUBCHAPTER II—RATEMAKING

"§ 1251. Postal Rate Board and staff

"(a) There is hereby established within the Postal Service a Postal Rate Board consisting of three members appointed by the President from a roster of eight persons nominated as follows: two by the American Economic Association, two by the American Institute of Certified Public Accountants, two by the American Bar Association, and two by the Chairman of the Civil Service Commission. One of the Board members shall be designated by the President as Chairman. The Board members shall be paid salaries at the rate provided for level IV of the Executive Schedule, except that the compensation of the Chairman shall be $500 higher than the compensation established for level IV. Appointments of succeeding Board members shall be made by the President as hereinbefore provided, except that each Board member shall be appointed from a roster of four persons, one of whom shall be nominated by each of the entitles described above.

"(b) The Board members shall serve for terms of six years except that—

"(1) the terms of the Board members first taking office shall expire as designated by the President at the time of appointment of the first Board member, one at the end of two years, one at the end of four years, and one at the end of six years following their appointment; and

"(2) any Board member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

For purposes of suspension and removal of Board members shall be deemed to be in the competitive service, and they may be suspended or removed only in accord with the procedures established in section 7521 of title 5.

"(c) Upon request of the Chairman, the Postmaster General shall provide the Board with such professional and clerical staff selected by the Chairman and such facilities as may be appropriated and reasonable to carry out its functions under this chapter. The staff shall be responsible solely to the Board.

"(d)(1) The Rate Board shall promulgate rules and regulations and establish procedures to carry out its responsibilities under this chapter. Such rules, regulations, and procedures shall be subject to chapters 5 and 7 of title 5.

"(2) It is the intent of Congress that the Board conduct its proceedings with the utmost expedition consistent with procedural

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fairness to the parties. To this end the Board is specifically authorized (but without limitation) to adopt rules which provide for—

"(i) the advance submission of written direct testimony;

"(ii) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(iii) discovery both from the Postal Service and the parties to the proceedings;

"(iv) limitation of testimony; and

"(v) the conduct of entire proceedings off the record with the consent of the parties.

"(e) The Chairman shall have the administrative responsibility for assigning the business of the Board to the various Board members and to members of the staff. The Board members may conduct proceedings or otherwise exercise their functions singly or en banc as the Chairman, after consultation with the other commissioners, shall determine. All final acts of the Rate Board shall be by a majority vote thereof.

"(f) The provisions of title 5 concerning hearing examiners shall apply to Board members and to the duties of the Commission and the Civil Service Commission with respect to Board members except as inconsistent with this chapter.

"§ 1252. Proposed changes in rates and classifications

"(a) Except as provided in subsection (c) of this section, the Postal Service shall give general notice of proposed change in rates, charges, fees, the classification of mail matter or mail users, and the postal rate structure or design by publishing its proposals therefor in the Federal Register not less than thirty days prior to the date on which it is proposed to adopt such changes. It shall also file the proposed changes with the Rate Board in such form and manner as the Board may prescribe. The notice published in the Federal Register shall state briefly—

"(1) the proposed change;

"(2) the reasons therefor;

"(3) the earliest date on which the Postal Service proposes to adopt the change;

"(4) that interested parties may file objections thereto or a request for a hearing thereon with the commissioners within thirty days after the date of publication of the notice in the Federal Register or such longer period as the notice may prescribe; and

"(5) the place and manner which the Board has fixed for filings with it.

"(b) If no party at interest files a timely objection to a proposed change or a request for a hearing thereon, the Board shall forward the proposed change to the Commission on Postal Rates and Revenues without opinion unless the presidentially appointed Commissioners request to the contrary.

"(c) The provisions of this chapter do not apply to changes in the fees or rates of exchange for international money orders and similar instruments or to changes in international postal rates adopted pursuant to section 405 of this title.

"§ 1253. Proceedings and recommended decisions by Postal Rate Board

"(a) Pursuant to sections 556 and 557 of tile 5, the Rate Board shall conduct public hearings in all cases instituted under section 1252(a) of this title in which a party at interest files timely notice with the Rate Board that he desires to be heard.

"(b) The Board shall compile a record consisting of:

"(1) the proposed change and supporting material submitted by the Postal Service;

"(2) the oral testimony, if any, on behalf of the Postal Service, and by or on behalf of any party at interest;

"(3) the written submission, if any, on behalf of the Postal Service and by or on behalf of any party at interest; and

"(4) such other material as the Board Members deem appropriate.

"(c) After consideration of the record, the Board shall render an initial decision to the presidentially appointed Commissioners stating whether in the opinion of the Rate Board the proposed change conforms to the rate policies and other provisions of this title and giving its reasons therefor.

"(d) In the event the Board does not complete its proceedings within ninety days after the notice of proposed changes is filed with it, or in the event that judicial proceedings are instituted under section 1257 of this title, the Postal Service upon thirty days' notice in the Federal Register may put a proposed change into effect temporarily. The interim changes will be effective for a period of not longer than thirty days after the Rate Board has rendered its initial decision to the presidentially appointed Commissioners and the period the change may be before Congress pursuant to section 1254 of this title.

"§ 1254. Final decisions

"(a) The presidentially appointed Commissioners, acting on behalf of the Postal Service, shall make and publish in the Federal Register a final decision on the proposed change in light of the recommended decision of the Rate Board and the record of the proceedings. They may reject the proposed change or they may adopt it—

"(1) as published in the Federal Register pursuant to section 1252 of this title; or

"(2) as proposed in the recommended decision of the Rate Board; or

"(3) with such modifications as they find are supported by the record of the proceedings.

"(b) The Commission, except as to changes enumerated in subsection (m) of this section, shall transmit to the Congress the final decision adopting a change in any proceeding instituted pursuant to section 1252(a) of this title. The Commission shall transmit the decision to both Houses of the Congress on the same day and to each House while it is in session and shall transmit with the final decision the recommended decision of the Rate Board together with the record of the proceedings.

"(c) The change contained in a final decision transmitted to the Congress pursuant to subsection (b) of this section shall become final at the end of the first period of ninety calendar days of continuous session of the Congress after the date on which the decision is transmitted unless, between the date of transmittal and the end of the ninety-day period, either House adopts a resolution disapproving the change. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

"(d) Subsections (e)–(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee to which a resolution with respect to a recommendation has been referred has not reported it at the end of thirty calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same recommendation which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same recommendation.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a recommendation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution shall be limited to not more than four hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a recommendation, and motions to proceed to the consideration of other business, shall be decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a recommendation shall be decided without debate.

"(l) The final decision may include a provision that the change shall become effective at a time later than the date on which the decision becomes final pursuant to the foregoing provisions of this section.

"(m) Rate changes required by section 1202(c) of this title and rate changes for such special services as the Postal Service may provide, including special delivery, collect on delivery, insurance, registered and certified mail, return receipts, stamped envelopes, and box rents, and similar special or nonpostal services shall become final as provided in the final decision of the Postal Service in accordance with subsections (a) and (1) of this section.

§ 1255. Service changes

"(a) Except as provided in subsection (d) of this section the Commission shall give public notice of a proposed change in the type, quality, terms, or condtions of any services provided by the Postal Service which substantially affects a postal service provided to users on a nationwide or nearly nationwide basis and which does not involve a proposed change subject to sections 1252–

1254 of this title. Public notice shall be given by publishing a notice of the proposed change in the Federal Register. The notice shall state briefly—

"(1) the proposed change;

"(2) the reasons therefor;

"(3) the earliest date on which the Postal Service proposes to adopt the change;

"(4) that interested parties may participate in the proceedings through submission for written material to the Rate Board with opportunity for oral presentation as the Rate Board may determine; and

"(5) the time, place, and manner which the Rate Board has fixed for submissions to it.

"(b) Except as otherwise provided in this section, proposals for service changes shall be considered as proposed rules and the Rate Board shall be considered 'the agency' for purposes of sections 551–559 of title 5. The Board shall compile a record consisting of—

"(1) the proposed change and supporting material submitted by the Postal Service;

"(2) the oral testimony, if any, on behalf of the Postal Service, and by or on behalf of any party at interest;

"(3) the written submissions, if any, on behalf of the Postal Service, and by or on behalf of any party at interest; and

"(4) such other material as the Postal Service deems appropriate.

"(c) After consideration of the record, the Rate Board shall render an initial decision as to whether the proposed change, either in its original form or in a modified form, is consistent with the policies of this title. The initial decision shall become the final decision of the Postal Service unless within such time as the Commission establishes by general rule, the presidentially appointed Commissioners modify the tentative decision in the light of record or revoke the proposal.

"(d) Whenever the Postal Service proposes a change in the type, quality, terms, or conditions of service which substantially and adversely affects the users of such service but on less than a nationwide or nearly nationwide basis, the Postal Service shall—

"(i) comply with the provisions of subsections (a) through (c) of this section; or

"(ii) comply with rules, regulations, or procedures established pursuant to subsections (a) through (c) of this section which shall include the publication of a notice designed to inform the affected users of the proposed changes and the opportunity for such users to present their objections.

"(e) Whenever the Postal Service finds that an emergency exists which does not permit sufficient time for the procedures prescribed in subsections (a) through (d) of this section, the Postal Service contemporaneously with, or subsequent to, publication in the Federal Register of the notice of a proposed change, may adopt and publish in the Federal Register a temporary change which shall become effective upon publication in the Federal Register or such later date as may be prescribed therein. A change adopted in accordance with this subsection shall remain in effect until proceedings pursuant to subsection (a) through (d) of this section have been completed, or for such shorter period as the Postal Service may fix.

"§ 1256. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Rate Board in such form and in such manner as the Board may prescribe. The Board may in its discretion hold hearings on such complaint. If, after such hearings, the Board determines the complaint to be justified, it shall, if a matter covered by section 1252 of this chapter is involved, recommend to the Commission that the Postal Service propose an appropriate change. The Postal Service shall propose such a change and such change shall proceed as if proposed initially by the Commission. If a matter not covered by section 1252 of this chapter is involved, and the Rate Board members after hearing find the complaint to be justified, they shall render a public report thereon to the presidentially appointed Commissioners, who shall take such action as they deem appropriate.

"§ 1257. Judicial review

"(a) Any final decision of the Postal Service pursuant to section 1254 or 1255 of this title and any final decision of the Rate Board pursuant to section 1256 of this title shall be subject to judicial review. Review shall be in the manner prescribed in chapter 7 of title 5 and chapter 158 and section 2112 of title 28 except as otherwise provided in this section. Such review shall be confined to holding unlawful and setting aside a final decision which the petitioner has shown to be—

"(i) contrary to constitutional right, power, privilege, or immunity;

"(ii) in excess of statutory jurisdiction, authority, or limitations; or

"(iii) without observance of procedure required by law or by the rules promulgated by the commissioners pursuant to this chapter.

The court shall not consider any objection which was not urged in the proceedings of the Postal Service unless there were reasonable grounds for failure to do so.

"(b) Review may be had only by a party to the proceedings who has—

"(i) participated in the proceedings in accordance with section 1253 of this title;

"(ii) participated in the proceedings in accordance with section 1255(a)(4) of this title; or

"(iii) filed a complaint pursuant to section 1256 of this title.

"(c) Petitions for review shall be filed within fifteen days after the publication of notice of the final decision. After the expiration of said fifteen days, a petition may be filed only by leave of court upon a showing of reasonable cause for failure to file such petition. The action shall be against the Postal Service and not against the United States.

"(d) Upon the filing of a petition for review of a final decision under section 1254(a) of this title, the Commission shall not transmit to the Congress its final decision pursuant to section 1254(b) until judicial proceedings under this section are completed. All judicial proceedings shall be made preferred causes and shall be expedited in every way.

"(e) Temporary changes under section 1253(d) and emergency changes under section 1255(e) of this title may not be affected in any way by a court. The thirty-day period after the Board's initial decision referred to in section 1253 shall be extended to include the entire period of judicial proceedings under this section. Final decisions under section 1255 of this title may not be stayed by any court pending review.

"(f) Except as provided under section 1251(d)(1) of this title, no court shall have jurisdiction to review a final decision made by the Postal Service pursuant to this chapter in any manner other than as provided in this section.

"Chapter 14.—PRIVATE CARRIAGE OF LETTERS

"Sec.
"1401. Letters carried out of the mail.
"1402. Foreign letters out of the mail.
"1403. Searches authorized.
"1404. Seizing and detaining letters.
"1405. Searching vessels for letters.
"1406. Disposition of seized mail.

"§ 1401. Letters carried out of the mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, or its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

"§ 1402. Foreign letters out of the mail

"(a) Except as provided in section 1401 of this title the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 1403. Searches authorized

"The Postmaster General, by letter of authority over his signature, may authorize any postal inspector or other officer of the Postal Service to make searches for mailable matter transported in violation of law. When the authorized officer has reason to believe the mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle;

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

"§ 1404. Seizing and detaining letters

"A postal inspector, customs officer, or United States marshal or his deputy, may seize at any time letters and bags, packets or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer who makes the seizure shall convey the articles seized to the nearest post office; or by direction of the Postal Service or the Secretary of the Treasury, he may detain them until two months after the final determination of all suits and proceedings which may be brought within six months after the seizure against any person for sending or carrying the letters.

"§ 1405. Searching vessels for letters

"A postal inspector when instructed by the Postal Service to make examinations and seizures and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 1406. Disposition of seized mail

"Every package or parcel seized by a postal inspector, customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for

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violating revenue laws apply to officers making seizures for violating the postal laws.

"Chapter 16.—MISCELLANEOUS

"Sec.
"1601. No postal material or supplies manufactured by convict labor
"1602. Uniforms and badges
"1603. Special delivery messengers as employees or carriers
"1604. Collection of debts
"1605. Transportation of international mail by air carriers of the United States
"1606. Penalties and forfeitures imposed for violations
"1607. Delivery of stolen money to owner
"1608. Substitute checks
"1609. Filing of information relating to periodical publications
"1610. Printing of illustrations of United States postage stamps

"§ 1601. No postal material or supplies manufactured by convict labor

"Except as provided in chapter 307 of title 18, the Postal Service may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

"§ 1602. Uniforms and badges

"The Postal Service may prescribe a uniform dress to be worn by letter carriers and other designated employees.

"§ 1603. Special delivery messengers as employees or carriers

"(a) A person temporarily employed to deliver special delivery mail is deemed an employee of the Postal Service, and is subject to the provisions of chapter 83 of title 18 to the same extent as other employees of the Postal Service.

"(b) Any person, when engaged in carrying special delivery mail under contract with the Postal Service, or employed by the Postal Service, is deemed a carrier or person entrusted with the mail and having custody thereof, within the meaning of sections 1701, 1708, and 2114 of title 18.

"§ 1604. Collection of debts

"(a) The Postal Service shall—

"(1) collect debts due the Postal Service, and

"(2) collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service.

The Postal Service may refer any debt that is uncollectible through administrative action to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

"(b) In all cases of disability or alleged liability to the Postal Service, by way of damages or otherwise, for any sum of money due the United States through accountability for public moneys, or otherwise, under any provision of law the Postal Service shall determine whether its interests require the exercise of its powers over the same. Upon such determination the Postal Service, on such terms as it deems just and expedient, may—

"(1) remove the disability; or

"(2) compromise, release, or discharge the claim for such sum of money and damages.

"§ 1605. Transportation of international mail by air carriers of the United States

"(a) The Postal Service may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for account of air carriers of the United States transporting mail of that country, when—

"(1) the Postal Service puts into effect rates of compensation to be charged another country for transpotration; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Postal Service has proceeded under the authority of subsection (a), it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

"(c) The Postal Service, from time to time, may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by it to be due from another country to air carrier for the transportation of its mail when—

"(1) collections are to be made by the United States including the Postal Service, for the account of air carriers; and

"(2) the Postal Service determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the fund from which the advance is made shall be reimbursed by the collections.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within twelve months after payment or advance has been made, the United States, including the Postal Service, may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Postal Service shall adopt such accounting procedures as may be necessary to conform to and effect the purposes of this section.

"§ 1606. Penalties and forfeitures imposed for violations

"Unless a different disposal is expresly prescribed one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues or property, shall be paid to the person informing and prosecuting for the same. The other one-half shall be paid into the Postal Service Fund.

"§ 1607. Delivery of stolen money to owner

"When the Postal Service is satisfied that money or property in the possession of Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

"§ 1608. Substitute checks

"(a) The Postal Service may authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service. Substitute checks shall—

"(1) be marked 'duplicate'; and

"(2) show the number, date, and payee of the original.

"(b) The Postal Service may authorize the issuance of the substitute check (1) upon the execution of a bond agreeable to the Postal Service by the owner, or (2) without bond, upon affidavit of the payee or owner of the original check when the Postal Service is satisfied that the loss, theft, or destruction occurred without the fault of the owner or holder or while the check was in the custody or control of the Postal Service or in the mails.

"(c) Subsections (a), (b), (c), and (d) of section 528 of title 31 do not apply to checks of the Postal Service.

"§ 1609. Filing of information relating to periodical publications

"(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year information in such form and detail and at such time as the Postal Service may require respecting—

"(1) the identity of the editor, managing editor, publishers, and owners;

"(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

"(3) the identity of known bondholders, mortgagees, and other security holders;

"(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

"(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.

The Postal Service shall not require the names of persons owning less than 1 per centum of the total amount of stocks, bonds, mortgages, or other securities.

"(b) Each publication having such mail privileges shall furnish to the Postal Service information in such form and detail, and at such times, as the Postal Service requires to determine whether the publication continues to qualify for such privileges.

"(c) The Postal Service shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

"§ 1610. Printing of illustrations of United States postage stamps

"(a) When requested by the Postal Service, the Public Printer shall print as a public document for sale by the Superintendent of Documents, illustrations of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44 stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of."

Mr. DULSKI (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Chairman, may I ask, does this section run down to page 293? Is that correct?

Mr. DULSKI. The gentleman is correct.

Mr. GROSS. And it is to be open to amendment at any point?

Mr. DULSKI. That is correct; it is to be open to amendment at any point.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 187, amend section 222 in line 16, by inserting "(a)" immediately before the word "Labor-management"; and following line 19, by adding a new subsection (b) at the end thereof to read as follows:

"(b) Each employee of the Postal Service has the right, freely and without fear of

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penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

Mr. HENDERSON. Mr. Chairman, I offer an amendment. It is short, clear, and easy to understand. It reads as follows:

> Each employee of the Postal Service has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

This language was taken from Executive Order 10988 issued by President Kennedy and continued by President Johnson. It is almost identical to the language contained in President Nixon's Executive Order 11491, now in force and effect.

We are not today debating repeal of section 14(b) of the Taft-Hartley Act and this amendment does not seek to alter, modify, or vary section 14(b). Section 14(b) has always dealt with employment in the private sector and here we are concerned with Federal employees whose salaries are paid by the taxpayers and who are working for you and me as citizens.

If a private employer, using his own funds or those of a corporation, and union leadership want to negotiate a union shop between themselves, feeling that it would be in the best interest of both labor and management, that is one thing. But it is quite another to create a situation where you can say to a faithful, conscientious, longtime Federal employee that he must join a union or lose his job.

I cannot believe that this bill serves the best interests of the American taxpayers and with all of the sincerity I have, I want to urge every Member of this body to support the right of Federal employees to choose voluntarily whether they wish to join and pay dues to a union and to guarantee that right by voting for my amendment.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am happy to yield to my colleague and friend, the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from North Carolina is making a fine statement. I concur in the views the gentleman has expressed, and congratulate the gentleman on offering the amendment. The amendment has my strong support.

Mr. HENDERSON. Mr. Chairman, I thank the gentleman from North Carolina for his contribution and support.

Mr. Chairman, the amendment is simple, and should be adopted.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this raises an emotional issue which has been much debated and discussed and probably will be the most important and controversial amendment involved in this debate.

I rather suspect that most of the Members have made up their minds on this issue and that little can be said that might sway Members one way or the other.

I would like to set forth just a few things that I am not sure are fully understood by all Members with regard to this issue.

If you go back to the Taft-Hartley Act and the Landrum-Griffin Act, when we first had this great and troublesome issue raised before the Congress, these were really two extreme positions that were posed and the Congress took a middle ground.

At one extreme it was urged: "Let us have a national union shop policy. Let us say to all of the States, in those States, if contracts are negotiated, we will have a union shop or an agency shop." This approach was rejected by the Congress.

On the other hand, it was urged by some then, as it is being urged now that we ought to have a national policy of the right to work—freedom of choice, so-called—and we ought to say to the employers and employees in all of the States, "regardless of whether you want to bargain for a union shop or not, we, the Congress, are going to reach out with our long arm and say you cannot do it."

The philosophy of Taft-Hartley and Landrum-Griffin was the middle ground. It said that we are adopting a national policy which will permit you to have the union or agency shop, but we will give to each State the power to exempt themselves from that provision and to have a right-to-work law.

So in 19 States, including Arizona, they adopted a State policy provision that there shall be no union or agency shop in contracts entered into within that State.

What is provided for in this bill? What has the committee done? What has the President done? What has Mr. Blount, the Postmaster General, done? What did they negotiate in this area?

In the negotiations the union said in effect, we have always been protected by the Congress. We are really not labor unions who depend on their own muscle and their own economic strength for protection.

In the final analysis, they said—our protection is the Congress.

We were going to turn the Post Office Department into essentially a commercial operation itself and to make postal employees essentially, insofar as we could, have all the rights that private enterprise employees have. Private enterprise employees look to the strength of their own union to protect themselves.

These employees will, in the new establishment, look not to the Congress, but to the union for their protection. So the Postmaster General agreed and the President agreed that there was not a right-to-work issue involved here and they can have all the protection and advantage of negotiation that private employers have with regard to a union shop or a nonunion shop.

So what I think the bill says is this. It says in a right-to-work State such as Arizona and Tennessee or North Carolina, the Post Office Department cannot negotiate a union shop or agency shop contract. But we say to Pennsylvania, New York and California, and States where this has been debated and States which have adopted as the State policy that they could have a union shop or agency shop—we say to those States that the Postmaster General may negotiate a union shop but he does not have to.

Now it is said by my friend, the gentleman from North Carolina, that we are changing the status quo by this bill and that we go for the first time and let Federal employees in a union shop situation. This is true. We have changed that status but we changed it because we are taking them out of the category of HEW employees or Defense Department or Agriculture Department employees but we are putting them in a category as nearly as possible like private enterprise employees.

So we are saying in this situation—you ought to have the same right in those States as private enterprise employees have.

But I would say to my friend, the gentleman from North Carolina, that it is the right-to-work forces in this debate who seek to upset the status quo.

They seek to upset the basic compromise that was the heart of the Taft-Hartley and Landrum-Griffin Acts. That compromise was—let the States decide.

Now for the first time, if this amendment passes—for the first time the long arm of the Federal Government will reach out into New York and California and States which have debated and deliberated on this subject and have said—"We want an open or union shop policy—we want to be able to negotiate for that"—the Congress will reach out for the first time and say to those States—We do not care what you want as a State policy. In this instance, we are going to impose a national policy—something the Congress has refrained from doing in this heated, very complex and difficult situation. So I would urge that we preserve the status quo. This is a States' rights position the committee has taken. The amendment seeks to upset the States' rights and interferes with Federal rights in this field. I urge the committee to reject the amendment.

Mr. SCOTT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am not sure that the bill places Federal employees in the same position as private industry. I am not sure that a State right-to-work law is effective insofar as Federal employees are concerned. I think there might be a constitutional question involved in whether a State law is applicable to Federal employees. I am informed that there are suits pending on this question.

I would call the attention of the committee to the fact that we do have an Executive order that preserves the right to work for all Federal employees, that that would be abrogated by the act without the amendment offered by the gentleman from North Carolina.

I would like to share with my colleagues the statements of the Postmaster General in response to questions asked of

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him before the committee. Let me spend the remainder of my time just reading the responses of the Postmaster General to my questions during our committee hearings:

Mr. Scott. Now, tell me this, Do you think it is right for a Government employee to have to join a union in any State of the Nation in order to have a Government job? Is this the American way of doing things?

Mr. Blount. Mr. Scott, there is no provision in this bill that would force an employee to join a union.

Mr. Scott. Isn't it true that in the States that do not have right-to-work laws, that there are union shops, or union shop agreements can be negotiated, and a person has to join a union if he is going to retain his job, isn't this true in private industry in the non-right-to-work States?

Mr. Blount. That is a matter that is a bargainable issue between the parties. There is nothing in this legislation that provides that a person has to join a union in order to have his job.

Mr. Scott. Aren't the same laws applicable under this legislation that are applicable in private industry?

Mr. Blount. Generally that is correct.

Mr. Scott. Then wouldn't it be true that it would be a bargainable issue, and the Government could bargain with the employee and with the unions—incidentally, they are not bargaining with the employees but they are bargaining with the union—that the employees would all have to join a union—couldn't you establish a union shop under this legislation?

Mr. Blount. It is true that that is a bargainable issue.

Mr. Scott. Now, going back to my original question, do you think that it is a proper thing for any Government employee to have to join a union in order to hold a Government job, when this is his government? We believe that this is a people's government. Do you think this is a proper thing, or would you be agreeable to legislation to provide that no Government employee—to an amendment to the bill to provide that no Government employee would have to join a union to hold his job?

Mr. Blount. Mr. Scott, in designing this legislation which is precisely the same on this point as the bill we introduced a year ago, and the same as the bill that was reported out by this committee on March 12, we have attempted to subject the U.S. postal service as much as possible to the labor laws of the land. We have not viewed the matter of labor law reform as a subject to be carried on the back of postal reform.

Now, whatever the Congress chooses to enact in that regard we, of course, intend to abide by.

Mr. Scott. As a matter of principle, General, should any Government employee have to join a union to hold a Government job? What is your opinion on that?

Mr. Blount. I do not think, Mr. Scott, that my personal opinion makes any difference——

Mr. Scott. As Postmaster General, as head of one of the major agencies that employs perhaps one-fourth of all Government employees—you are proposing to take them out from civil service anyway—do you think they ought to have to join a union to hold their jobs?

Mr. Blount. Mr. Scott, I think that to the extent that I as Postmaster General would be involved in the bargaining of the parties over this issue, if in fact it becomes a bargainable issue, I think that any comment on my part would be inappropriate. Again, I do not believe my opinion in that regard is pertinent.

Mr. Scott. General, you are here as the representative and as the head of the Post Office Department, and we are considering legislation. And I am going to offer an amendment, if somebody else does not do it, to provide that no Government employee shall be compelled to join a union. I have such an amendment. I was going to offer it to H.R. 4 as amended. You know we did not have any time to offer amendments here when this measure was being considered.

Now, would you support such an amendment? What would be the position of your Department on this?

Mr. Blount. Mr. Scott, we have agreed to support the provisions of this bill as it has been submitted to the Congress. And we would not plan to support any amendment.

Mr. Scott. You know, of course, that the National Right To Work Committee is opposed to your legislation on this ground, among others. And I assume that you have read the various statements that they have circulated. Do you find yourself in disagreement with these statements?

Mr. Blount. I am quite certain, Mr. Scott, I have not read all of the statements that anybody has gotten out on this subject, much less the group you refer to. I have read some of the statements, and I think that some of the things I have read are misleading and are distortions of fact.

Mr. Scott. It is a distortion of fact if I ask you the question, should any Government employee have to join a union in order to hold his Government job? Do you refuse, General, to give me an answer to that? It is not an unreasonable question, in my opinion.

Mr. Blount. Well, Mr. Scott, I explained that I believe that it would be inappropriate for me to answer such a question if I, as Postmaster General, am going to be one of the parties to the bargaining.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(On request of Mr. Haley, and by unanimous consent, Mr. Scott was allowed to proceed for 3 additional minutes.)

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Florida.

Now, Mr. Chairman, it seems to me that the Postmaster General had an opportunity to express his opinion. He refused to tell us whether he believed a Government employee should have to join a union to retain his job. We know that under the union shop if an employee does not join a union he still has to pay dues. There is provision in this bill so that the union dues will be deducted from an employees pay as well as assessments of the union.

I feel that in a democracy, such as we have, no Government employee should be compelled to join any organization against his will in order to retain his Government employment. In my opinion, this is a very worthwhile amendment, and I urge it be adopted by the committee.

Mr. OLSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Postmaster General proposes that we have an agency that is no longer in the Government. That is what he proposes. He proposes that the Post Office Department be operated as any other part of the private sector, that is, in the public utility business. That is comparable, let us say, to any electric power company or the telephone company or the rural electric co-ops. This is what he is talking about, and this is what the committee is bringing before the Members.

When we do that, we are taking something away from the postal employees. What is it? We still say they have rights under the civil service, and those that presently have rights will continue to have them. But as the agency progresses in the future, the question of the rights of the employees will be negotiated. They will be negotiated as they are in the private sector, and particularly let us think of the case of the public utilities.

Now, with respect to the right-to-work law, certainly Postmaster General Blount, a former president of the Chamber of Commerce of the United States, is not going to come up to the Congress and make this written representation to us that this union shop will apply only in those States that have not passed a right-to-work law.

He would not make that representation if he did not really mean it and believe it and have it well researched. He says that in those States where there are right-to-work laws, then a union shop can be negotiated.

In every instance the legal answer to the Postmaster General, for the questions he has asked, is that he has been told this new agency would be subject to the labor laws of this country, as would any utility.

So this argument about right to work can certainly be politically potent, but I believe mostly because the treasury of the Right-to-Work Committee of the United States was nearly defunct, and they needed an issue. Now they have an issue and they are gathering money for their treasury again. But it is not a substantial issue.

I say once again that Mr. Blount is not going to lie to us, and his counsel will not lie to us. There is no responsible authority which can support an opinion different from what I have said, and what Mr. Blount has said to us.

I do not want to read this long document. I am going to have it placed in the Record, when we go back into the House. It is a document sent to our committee by Postmaster General Blount. It follows:

Applicability of State Right To Work Laws Under the Postal Service Act

In view of section 807 of the proposed Postal Service Act and section 14(b) of the National Labor Relations Act as amended (29 U.S.C. 164(b)), the question has arisen whether collective bargaining agreements between the Postal Service and postal unions would be subject to state "right to work" laws forbidding "union shop" provisions. We believe that under section 14(b) such state laws would apply to the Postal Service.

Section 14(b) provides that nothing in the National Labor Relations Act—

> "shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law."

Consequently, we must turn to other parts of the National Labor Relations Act to find language authorizing "union shop" provisions if we are to understand the impact of section 14(b); specifically, we must turn to section 8(a)(3).

Section 8(a)(3) starts out by making it an unfair labor practice for an "employer" (the Postal Service would be an "employer" by virtue of Section 9(h) of the Postal Service Act)—

> "by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. . . ."
>
> If it stopped there, "union shop" provisions would be barred. But it goes on in a proviso to state that nothing in this or any other Federal statute shall preclude "union shop" provisions, with certain qualifications that are immaterial to the present discussion. It is this proviso that section 14(b) substantially nullifies in states with so-called "right to work" laws. As the Supreme Court said in *Retail Clerks* v. *Schermerhorn:*
>
> "There is thus conflict between state and federal law; but it is a conflict sanctioned by Congress with directions to give the right of way to state laws barring the execution and enforcement of union-security agreements." 375 U.S. 96, at 103 (1963).
>
> Since section 807 of the Postal Service Act incorporates the National Labor Relations Act (as amended by the Labor-Management Relations Act) "to the extent not inconsistent with provisions of this title," and since the clear intent of the Postal Service Act is to put labor-management relations in the postal system on the same footing as those of interstate enterprises in the private sector, except with respect to the methods available for resolving negotiating impasses, it would seem that this same "yielding of the Federal right of way to state laws" would apply under the Postal Service Act. Thus the Postal Service could not enter into union shop contracts where prohibited by state law because the Labor Management Relations Act, to which the Postal Service would be subject, defers to the state law on this question. Neither the Postal Service Act nor the Labor Management Relations Act indicates that the reference to state law shall not apply in the case of the Postal Service, and we are aware of no constitutional prohibition against action by Congress which has the effect of making a Federal instrumentality subject to state law on a matter such as this.

I ask Members to listen to this once again: Quite simply, the labor laws of this country apply, and in the right-to work States the union shop cannot be negotiated. In the other States it can be.

What does that mean? That does not mean the man has to join the union. It means he would have to pay for union dues. He would have to pay for the work that was done by that union agency. He would have to pay the dues for the service provided by that agency in negotiating for him his conditions of employment and his pay. That is just what a union shop is. It is not a closed shop, any more than it is with any utility in this country.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for the statement he is making, and I concur with him. I should like to raise one other point.

I hear it said by many of my colleagues that there is something special about public employees and something of a precedent or what might be described as sacrilegious to have a union shop or an agency shop in public employment, whereas they would support it in private employment.

Is it not a fact that other States, the New York Port Authority, the TVA, Los Angeles County, and many other Government agencies do have union shops?

The CHAIRMAN. The time of the gentleman from Montana has expired.

(By unanimous consent, Mr. OLSEN was allowed to proceed for 3 additional minutes.)

Mr. OLSEN. Mr. Chairman, I yield further to the gentleman from Arizona.

Mr. UDALL. I have a whole long list of State governments, local governments, government authorities of one kind and another, in which there is precedent for the union shop or agency shop. Would the gentleman agree that this is not the first instance where such a situation has been provided?

Mr. OLSEN. I agree with the gentleman.

I want to say that in the case of wage board contracts, the craft unions in the country, with agencies of the Federal Government, there are union contracts, and there are dues deduction contracts. That does not mean the man has to join the union. It simply means he does pay dues for the work that union as an agency does in negotiating wages and conditions of employment for him.

Mr. UDALL. Would the gentleman comment on one other argument which has been made here, that if we apply this to the new postal establishment, which is not a corporation but which is like the Veterans' Administration or NASA or an independent establishment of business, simply a commercial operation, as the gentleman says, this would be a precedent for a union shop in the Defense Department or HEW or the Interior Department or the Agriculture Department. Does the gentleman think it would be a precedent, as we heard said around here by some of our colleagues?

No, it is not a precedent for that. But let me say again that these civil service employees are giving up something. They are giving up the competitive civil service. For them there is going to be negotiated a new system of precedents in their jobs. If they are going to give that up, then they are certainly entitled to collective bargaining under the national labor laws of this country, just like people who work for other utilities of the country are entitled to negotiate.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I am curious about this. If this provision for a union shop prevails, how does this affect the status of some of these independent unions such as the National Alliance of Postal Workers and Supervisors? Is it true, as it has been alleged, that this would freeze them out?

Mr. OLSEN. No. This has nothing to do with that subject. As a matter of fact, the national labor laws would apply. So far as the bill in its present form is concerned, there would be unit elections. Presently in this bill, unless it is changed at another point, there would be units that would be negotiating and units would vote as to who would represent them.

Mr. LONG of Maryland. But would not the small independent unions be frozen out in this?

Mr. OLSEN. No. Presently the way the bill is written—and maybe you are thinking of the National Postal Union, who have a predominance of members in New York, Philadelphia, and Los Angeles—they would become the agency in those cases.

Mr. LONG of Maryland. What about the case of an employee who belongs to two different unions, let us say the letter carriers union being one?

The CHAIRMAN. The time of the gentleman from Montana has expired.

(By unanimous consent, at the request of Mr. LONG of Maryland, Mr. OLSEN was allowed to proceed for 1 additional minute.)

Mr. LONG of Maryland. Does this provide for a checkoff?

Mr. OLSEN. It provides for a checkoff negotiated by a unit.

Mr. LONG of Maryland. The man who belongs to two unions who, let us say, would prefer to belong to a different one, would have to pay money to one union. Would that not force him to belong to the major union of the group?

Mr. OLSEN. In the Washington, D.C., unit he would have to belong to the major unit in that class. Yes.

Mr. LONG of Maryland. Oh, well, I think that is unfair.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, the gentleman is trying to clarify some of the misunderstanding that developed over the status of employees within the postal service within this new organization. The gentleman just made a statement that these postal workers should be entitled to certain considerations in connection with the right-to-work amendment which has been offered in connection with their bargaining because—and I do not wish to put words in the gentleman's mouth, but as I understood his statement—because they are giving up something.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentleman from Montana remaining in the well, because I would like to yield to him for further comments.

This whole idea of just what the employees of the postal service are giving up in connection with their present civil service status is of importance certainly to me and I am sure to them and I think to many other Members of Congress.

In what way is their status being changed? Just what are they giving up from the standpoint of their protections, privileges, and so forth, that they enjoy under civil service as civil service employees? Would the gentleman briefly outline what he understands they would be giving up, because I recognize to the extent that they do give up certain job protections that a civil service employee has in connection with the fact that he cannot be removed except for cause, and so forth, this becomes very important to get something in return.

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As the gentleman remembers, I raised some questions on this very subject up in the Committee on Rules.

In fact, as a result of the questions I raised, for some reason I suddenly got read into the Right to Work Committee, let us say, without my knowledge. But at any rate I am interested in getting this clarified and I would be glad to have the gentleman from Montana comment upon it.

Mr. OLSEN. I want to comment on that and I want the gentleman from Arizona to listen while I comment.

They no longer will have the rights of what we call the competitive civil service—competitive civil service, and the word "competitive" in the language of the law means that if they pass certain ability tests and if they are senior in time they will get the next high job.

Mr. SISK. That is right.

Mr. OLSEN. They lost that.

Mr. SISK. Uh-huh. Well, I had not understood from the comments before that they necessarily lost something. This is why I wanted to get clear exactly what they are losing.

Mr. OLSEN. They lose that. And, I think, the question of how there will be job advancements will be negotiable and, indeed, what those job advancements represent will be subject to negotiation.

Now, in this bill we are reducing the number of years in which it takes to graduate to the highest grade. We are compressing that down from 21 years to 8 years.

Mr. SISK. From 21 years to 8 years I understand.

Mr. OLSEN. However, in the future that will be negotiable. That will not be a subject of the Postmaster General's determination or of the Congress. It will be negotiated between the bargaining agent and the Postal Service.

Mr. SISK. In other words, the gentleman is saying that compression which many of us have supported—that is, this business of changing the requirement today of working for 21 years in order to reach the top of that grade—by law we wish to reduce that to 8 years and that that will be out under the new procedure?

Mr. OLSEN. That will not be out. It will be subject to negotiation henceforth if this bill passes.

Mr. SISK. What I seek is information as to exactly what the status of these people is going to be as to civil service and civil service rights.

Mr. OLSEN. I want to say this, too: They will be able to invent new kinds of classes and grades of positions in negotiation.

Mr. SISK. Well, now, is the gentleman saying that so far as let us say level 5, steps 1, 2, 3, and 4, this as a method of determining pay and position will be eliminated or could be eliminated by negotiation and a whole new policy with regard to that would come into being?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. SISK. Yes, I am glad to yield to the gentleman from Arizona.

Mr. UDALL. I have a rather lengthy statement here which I shall place in tomorrow's RECORD on this subject. We are not discussing the right-to-work amendment.

Mr. SISK. That is right.

Mr. UDALL. In civil service we are confused on occasion by saying, you are here, you are now on civil service or you are not. There are many kinds of civil service employment and the gentleman himself is one.

Mr. SISK. That is exactly right.

Mr. UDALL. For instance, we have the military man who works for the Government, we have the foreign service, we have the postal service and these men will be in a new facet of the civil service. I have a table which I will extend in the RECORD showing the 9 or 10 different aspects of the job and what the changes are and what does not change.

Mr. SISK. In other words, there will be a new type of civil service, different from anything presently in existence; is that correct?

Mr. UDALL. That is correct.

Mr. SISK. Will the gentleman explain as best he can what the tenure of that title civil service will be? What will be the criteria that will determine what that status will be?

Mr. UDALL. The historical thing we are proposing to do here and which we hope is going to get this question of collective bargaining working instead of congressional begging is that they will have collective bargaining conducted under guidelines which we have established.

Mr. Chairman, many Members of this body are disturbed because they have been given to understand that postal employees would be stripped of their protection as civil service employees and left to be fired at will by the management of the new Postal Service.

Nothing could be further from the truth. I think it is very important that we review this entire matter so that each Member knows exactly what we are talking about concerning the future of the employees of the Postal Service.

As we are all aware, there are a multitude of types of civil servants. Here in the Federal Government, we have staff employees in the House and Senate, who have certain privileges denied other Federal employees. We have employees under the wage board system who are blue-collar workers for the Federal Government. In addition, we have the classified employees who, in turn, have different benefits and privileges than others.

A soldier in the Army is another type of civil servant and he has an entirely different set of privileges, benefits, and responsibilities.

And then we have the postal worker—he too is a civil servant and he too has his particular character. In our postal reform package we have taken that old postal worker and said, "You will henceforth become a new kind of Federal civil servant. You will have many of the same benefits and programs you previously had, while at the same time, we are going to provide you with new and different programs for career advancement." In effect, we have created a new kind of Federal employee. Let me emphasize at this point that this changeover is welcomed enthusiastically by the employees—it will for the first time, allow them to become a viable force in creating real changes in their working conditions. For the first time they will be able to sit down and really talk with management about bettering their benefits, wages, working conditions, and the entire range of personnel problems.

At the same time, we are still going to preserve those essential parts of the "old" postal employee's civil service status so that he cannot be arbitrarily fired or have his conditions of employment summarily changed.

Let us look at some specifics so you can see what we did in this area.

First. We said that the postal employee will always have the following rights exactly as he has them right now:

a. Veterans' preference as to hiring, adverse appeals, and so forth;

b. Compensation for on-the-job injuries;

c. His entire retirement program shall remain in Civil Service.

We also said that every time these programs are made better for the regular civil service, so should they be applied to the postal worker.

Second. We then said that every law, rule and regulation that covered the rights of the postal employee subject to collective bargaining would continue in force until they were changed through negotiations between the employees and management. Thus, this postal worker will continue to be guaranteed his job, his merit appointment and promotion procedures, his health benefits—everything like this—until such matters are changed through collective bargaining.

To make sure that even this provision was not misconstrued, we added the following language:

> No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the employees than fringe benefits in effect on the effective date of this section. (Pages 21–22 of H.R. 17966.)

This means that management cannot ever negotiate a package that is less than the status quo. There is no conceivable way that the benefits the postal employee now has will ever be less.

We have also added a specific provision that protects the existing credits for sick or annual leave and compensatory time off to be continued by the new Postal Service.

Let me sum up at this point those characteristics that make our postman very much like the regular civil servant:

First. Veteran's preference;

Second. Compensation for on-the-job injuries; and

Third. Retirement program.

Now let us turn to those things that really make our new postman different. He will be able, for the first time, to collectively bargain for his wages, benefits, and working conditions with management. No other Government employee will have such opportunities.

With the singular exception of the right to strike, our new postal employee will be identical to his counterpart in the private sector in this respect.

It is vital that this aspect of the postal reform bill be understood. We are truly creating a new kind of Federal employee, embodying him with the protection of many regular civil service provisos, while giving him collective bargaining—with binding arbitration as his last resort—identical to the private enterprise employee.

Following is a chart that will outline the major personnel policies affecting the postal worker and showing how they will be affected by our new postal reform proposal.

*Policy**	*Old Postal Worker*	*New Postal Worker*
Hiring and Promotion.	Set by Congress and Post Office Department.	Will be identical to existing law until changed by collective bargaining.
Health and Life Insurance.	Set by Congress.	Will be identical to existing law until changed by collective bargaining.
Retirement.	Set by Congress.	Set by Congress.
Pay.	Set by Congress.	Will be identical to existing law until changed by collective bargaining.
Adverse Appeals, Disciplinary Action.	Statute plus CSC, POD contracts with Union.	Will be identical to existing law until changed by collective bargaining.
Veteran's Preference.	Set by Congress.	Set by Congress.
On-the-Job Injuries.	Set by Congress.	Set by Congress.
Specific right of employee to petition Congress, individually or through organization.	In existing law.	Continues as law.

*Managerial employees will continue to have existing policies and programs, but these will be changed by Management, only under no circumstances can the policies affecting adverse actions or firings be changed unless the Civil Service Commission approves.

In summary, what we are doing is protecting with civil service status those aspects of the postal employee that need protecting. At the same time, we will free him to negotiate the best deal he can, always improving himself in the bargain.

He is a new breed of cat, a new strain of Government employee, and one that will ultimately provide even better postal service to all Americans.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I would like to inquire as to whether there are any other speakers on this amendment?

Mr. GROSS. Mr. Chairman, wait a minute, now, what is the hurry?

Mr. DULSKI. I thank the gentleman.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Illinois for yielding.

I just wanted to make one very brief comment. The gentleman from Arizona (Mr. UDALL) referred to the Members of this House as being under civil service. We will learn in November whether we are under the protection of the civil service merit system.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

I will try to get the discussion back to the subject matter of the amendment.

In the previous colloquy we were off on the subject of civil service. That is not the issue of this amendment. This amendment would merely provide that in order to be employed in this newly established postal service one would not have to join a union in order to hold a job. That is all it does. In other words, it is an anticompulsory unionism amendment, and I do not believe it does any disservice at all to the concept of postal reform.

I remind the Members that we have before us postal reform legislation, and that there may be many amendments offered that will "gut" this basic vehicle by which we attempt to reform the Post Office Department. But this amendment offered by the gentleman from North Carolina (Mr. HENDERSON), certainly does not harm postal reform.

I recognize that it was not the intention of our committee or the administration to have this issue dominate the proceedings when we started a discussion of postal reform in April of 1969, but the facts of life are that the Members are extremely concerned with this subject, the people across the country are evidently very concerned, and I suggest we pass the Henderson amendment which is not in any way a disservice to the cause of postal reform.

I am convinced that at this point the House seems to be less than enthusiastic about the total package. I have no idea what the end results of our deliberations will be. I have no idea if the Postmaster General will recognize postal reform in the final version that the House adopts. I would suggest that either friend or foe of postal reform could on this issue support the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield.

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. HENDERSON) and the gentleman from Iowa (Mr. GROSS). I want to first reaffirm my full and enthusiastic support for the reform of our archaic and overburdened postal system. Rather than detract from or obstruct the aim of postal reform, I think this amendment will contribute significantly to the successful completion of that effort.

Also, I want to emphasize that, in my opinion, this amendment does not involve a "right-to-work" issue. The real question raised by the postal reform bill in its present form is whether or not we wish to set a precedent for the possible development of union shop agreements in departments and agencies throughout the entire Federal Establishment. I cannot believe we do.

We are all aware that the orderly procedures and due processes of our representative democracy daily come under increasing assault from those on both sides of the political spectrum. These extremist groups are so impatient to attain their ends that they would bypass our established lawful procedures and demand the instant and total adoption of their particular programs and panaceas. What they are demanding, in essence, is minority veto and control in a system founded upon and dedicated to the principle of majority rule. Now, by allowing a small handful of union leaders to obtain a grasp on the vital operations of the Federal Government, would we not be abetting this very trend toward unlawful, coercive minority rule?

I would make it clear that I am not arguing a union shop in the new postal system would necessarily lead to a similar development in other departments and agencies, nor that union leaders would necessarily abuse their power if this did, in fact, occur. But what I am suggesting is that the spread of union shop agreements, once a precedent is adopted, is a real possibility, and that union leaders, being subject to the same human foibles as the rest of us, would be sorely tempted to make improper use of their power.

What is needed in the present hour is a reaffirmation of orderly, lawful representative government; we can make an effort in that direction here today by refusing to hastily and ill-advisely foster the development of still another force with a potential for undermining our constitutional processes.

I would hope that the concern I have raised will not be interpreted as an indication of antiunion sentiment or a lack of sympathy for the just demands of postal workers for more adequate pay and conditions of work. I am a firm believer in collective bargaining and the right of workingmen to organize, and hope that the new postal system will allow us to more adequately compensate our postal workers. But I would point out that the postal unions have attained a national membership of well over 80 percent of postal employees on a voluntary membership basis, and I am confident that they can continue to thrive on this basis in the future.

In conclusion, let me say that the amendment before us will provide positive benefits on all fronts: it will help to strengthen our representative form of government; it will not hinder postal workers in their quest for more adequate standards of living; and it will win support for and facilitate the creation of the modern, efficient postal system that this great industrial nation of ours so desperately needs.

Mr. Chairman, I wonder if the gentleman from Illinois would undertake a discussion in reference to the question raised earlier, and I was not satisfied with the answers that were given in the colloquy as to what the impact of this bill without the Henderson amendment would be on the National Postal Union, the National Postal Alliance, and the many other independent, small independent unions.

Let me put it this way: Is it not true that without this amendment that the likelihood would be that one of the several national unions would hold a representation election under the supervision of the National Labor Relations Board Act, they would have a majority, and then everyone would within 30 days, or within a specified period of time, have to join that union and then give up their membership in that other union?

Mr. DERWINSKI. If the chain of events occur as the gentleman from Illinois describes them, this could be the end result. But there is one other point I think we should clarify, and that is this issue of what the postal employees are giving up when they transfer to this proposed new postal service.

Postal employees will be just as much employees of the Federal Government after the reorganization act becomes effective as they are today.

As nonmilitary Federal employees, Postal Service employees will continue to be in the civil service; the bill specifically provides, indeed, that "Officers and employees of the Postal Service shall be in the postal career service, which shall be a part of the civil service."

When the personnel provisions of the act become effective, employees of the present Post Office Department will automatically take on the status of employees in the new postal career service, and the sick and annual leave and compensatory time they have accrued will automatically become obligations of the Postal Service. Such employees will be permanently eligible to transfer, at the same or a higher grade, to any other position in the Federal Government which may be open and for which they are qualified.

Under the reorganization bill, Postal Service employees will be permanently covered by the laws relating to the civil service retirement program and the Federal employees workmen's compensation laws. The provisions of the Veterans Preference Act will also apply to the Postal Service on a permanent basis.

All other terms and conditions of employment in effect when the Postal Service commences operations—including rates of pay, fringe benefits, seniority, rights on adverse actions, and so forth—will continue to apply unless changed by the Postal Service, and as far as employees who are represented by collective bargaining agents are concerned, any such change will be subject to collective bargaining as a matter of law.

With respect to fringe benefits, no change will be permitted if it results in a program of fringe benefits less favorable, on the whole, than that now in effect; and with respect to employees who have collective bargaining representatives, any such change must be by agreement between the collective bargaining representative and the Postal Service.

Appointments and other personnel actions in the Postal Service must be on a strictly nonpolitical basis, and veterans must be given preference in appointments.

The pay and job classifications of Postal Service employees will not be fixed by statute, and Postal Service employees—while still part of the civil service—will thus not be in the "classified" or "competitive" civil service. By law, their compensation and benefits will have to be maintained on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector. For employees in collective bargaining units, compliance with this statutory mandate will be guaranteed by the fact that the Postal Service will be under a statutory duty to engage in collective bargaining over wages, hours, and working conditions, with the employee organizations having a statutory right to binding third party arbitration in the event of a negotiating deadlock. Because Postal Service employees will be outside the "classified" or "competitive" service, their pay increases will no longer be dependent upon the enactment of new legislation, and the Congress, the Bureau of the Budget, and the President will be completely removed from this process.

The Postal Service will be required, by law, to establish procedures, subject to the collective bargaining provisions of the statute, that will assure postal employees of meaningful opportunities for promotion and career development, and assure them full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing. Postal employees will have statutory protection against removal or suspension without pay for any cause other than such cause as will promote the efficiency of the Service—the statutory standard under the civil service laws—and the statutory provisions relating to adverse actions in the competitive civil service will be applicable, except to the extent of any inconsistency with applicable collective bargaining agreements or with alternate procedures established by the Postal Service with the approval of the Civil Service Commission, subject always to the provisions of the Veterans Preference Act.

In brief summary, the protection that postal employees enjoy under the present system will in no way be diminished, while their opportunities for better pay, better working conditions, and better career advancement will be improved immeasurably.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. OLSEN. In response to the question asked by the gentleman from Illinois——

Mr. DERWINSKI. I suggest that the gentleman from Montana direct his remarks to me.

Mr. OLSEN. Yes; but I mean because of his question, I want to ask you if it is not true though that representation elections would not, if this bill is written as it is presently, would not be national elections. They would be under your substitute, but they would not be under this bill national representation elections.

They would be under the National Labor Relations Act.

Mr. DERWINSKI. That question should be directed to the gentleman from Arizona.

Mr. Chairman, I urge the adoption of the amendment.

Mr. KLEPPE. Mr. Chairman, I strongly support the urgent need for postal reform but, as a matter of principle, I cannot accept the view that compulsory unionization is a part of the price the Nation must pay to achieve the broad objective of improved and more efficient service.

I endorse the contention of the gentleman from North Carolina (Mr. HENDERSON) that under section 222 of the bill before us, the postal authority and the employee unions could negotiate an enforceable agreement providing for a union shop or that such a provision could be achieved by compulsory arbitration. I believe this would, in effect, compel a postal employee to join the union or lose his job. I support the Henderson amendment.

It is my understanding that the union shop provision would not apply in the 19 States with right-to-work laws. North Dakota is one. Nevertheless, I have most serious reservations about opening the way to union shop contracts for postal workers in the 31 States which would be affected.

I strongly support the right of Federal employees to join unions of their choice. I oppose just as strongly any proposal which would force them to join unions against their choice.

It seems to me that if we extend what is essentially compulsory unionism to postal workers there will be irresistible pressures to include all Federal workers under similar contracts. The next logical step would be to legalize the right of Federal employees to strike against their Government. I do not believe the American public will accept that concept. Now would be the appropriate time to resolve this matter here in the Congress by eliminating compulsory unionism from the postal authority bill.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to correct

the record on what was just said in answer to the question of the gentleman from Illinois.

This bill does not work the way it was described at all. The section now under consideration has absolutely nothing to do with the establishment of bargaining units. It will be governed by the National Labor Relations Act as this bill is drafted and once a bargaining unit is created, it does not matter whether 50 or 90 percent of the employees in that bargaining unit join the union or not—that is the only union that can represent the employees in that bargaining unit under the National Labor Relations Act and under the law of this country, the common law, that union becomes the agent and the fiduciary for all of the employees whether they belong to the union or not.

So let us not confuse the problem of national elections and national policy and union or any of the other four unions.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman.

Mr. DERWINSKI. The fact remains though in the situation you have described that they would have to join that union upon the election; would they not?

Mr. WILLIAM D. FORD. No; they would not have to join that union. The two problems should not be confused.

Mr. DERWINSKI. I am saying that unless this amendment is adopted.

Mr. WILLIAM D. FORD. This amendment would not help them out because whether they join the union or not, only one union can represent the people in any one given union. Even if a unit comes up with only 20 percent of the employees as dues-paying members, only one union can represent them with the employer. You cannot force an employer to deal with more than one agent for the same employee. Obviously, you would not want that.

If you create that kind of situation, imagine what you would do to the postal management problems that that would create.

If you did that to any private company, it would be out of business in 90 days.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I think I might help to clarify this by referring our distinguished colleague, the gentleman from Illinois, to two cases—*Steele* v. *Louisville & Nashville Railway Company*, 323 U.S. 192, and *Ford Motor Company* v. *Huffman*, 345 U.S. 330, in which it was held that, notwithstanding that an individual does not join a union, it is incumbent upon that union to represent him in any case.

So there is not that degree of compulsion.

I will extend this later in the RECORD.

Mr. WILLIAM D. FORD. As the gentleman from Montana has already stated, this is really a phony issue.

It is really important, I suppose, more on the right-to-work committee issue than anything else because they are scaring people all over the country as a consequence of using this bill. I do not think you have heard me too many times in the well of this Chamber defending Postmaster General Blount who has become the butt of their arrows and a target for them. He has become the bad guy in some of the things he has done in the Post Office Department.

In this particular area he has not done any of the things they are accusing him of.

The bill does not do any of the things they are saying it will do. Most of the stuff that has been spread across this country to frighten the people about compulsory unionism is just a lot of baloney. I do not know of a nicer set of words to use because baloney is baloney no matter how you try to cover it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman has said that a post office employee does not have to join a union.

Mr. WILLIAM D. FORD. There is no provision in this bill that either directly or indirectly requires membership in a labor organization or any other organization as a condition of employment.

Mr. LONG of Maryland. It does not require a checkoff of dues?

Mr. WILLIAM D. FORD. Only if management and labor agree in the collective bargaining process to a checkoff of dues will there be a checkoff, and only as to those people who are subject to that agreement.

Mr. LONG of Maryland. That means that not the ordinary postal worker but someone else at the top, in management or the union, will decide to check off my dues and force me to pay the dues?

Mr. WILLIAM D. FORD. I do not yield further to the gentleman. I do not have the time. The someone at the top would be the postal worker's representative. No one can represent a postal worker as a unit representative until a representation election has been held under the National Labor Relations Board guidance and guidelines and a determination has been made that the employees do in fact want a union in that unit, and which union they want to represent them. Then they elect the officers of that union, and those officers will negotiate conditions between management and the employees. The whole thing is a voluntary process.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Mr. WILLIAM D. FORD was allowed to proceed for 1 additional minute.)

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. On the question of checkoffs, as I have read the bill—and I think I have read it correctly—if checkoff is agreed to between the union and management, it is not also true that before it can become applicable to any individual union member, the member individually must in writing agree to it?

Mr. WILLIAM D. FORD. That would depend entirely on what the agreement was. You see, this bill does not write for the Postmaster General his contract with his employees. All we seek to do is to put the Postmaster General in the same position as the president of Ford Motor Co., General Motors, or any other large corporation, and to free his hands to make the best deal he can make to secure the kind of labor he needs to run this big, new corporation. You cannot on the one hand come here and say the reason you are for postal reform is that we need to free the head of this corporation to work with the employees and, on the other hand, tie his hands.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it can be cut thick or thin. We are here talking about Federal employees, 750,000 of them, and without the Henderson amendment they may well lose their rights under the Executive order that applies to them today. It is just that simple. I want to address my preliminary remarks to Republicans, those on this side of the aisle. I want to quote to them the Republican platform of 1968, which states:

> We pledge to protect Federal employees in the exercise of their right freely, and without fear of penalty or reprisal, to form, join, or assist any employee organization, or to refrain from any such activity.

You cannot make the language much plainer or clearer than that, and I assume that the Republicans, and every one of them in this room here this afternoon, subscribed to the Republican platform.

Mr. Blount, the present Postmaster General, appeared before the Republican Convention in Miami, Fla., in July of 1968, and let me read to you what he said at that time:

> This makes it all the more important, and we strongly urge—

Remember, he was president of the U.S. Chamber of Commerce at that time—

> This makes it all the more important, and we strongly urge that the individual worker be protected in his right to decide by his own free will whether or not he will join a union. No free individual should ever be forced to join or to give financial support to a union or any other organization in order to get or hold a job.

Still quoting Mr. Blount, the present Postmaster General, when he was president of the U.S. Chamber of Commerce—

> There should be no qualification of the fundamental right to join or not to join a labor organization. Both should have equal protection of the law.

Now what has happened to Mr. Blount between 1968 and this day in 1970—less than 2 years—on the subject of right to work?

Former Secretary of Labor, Mr. Shultz, speaking to the National Press Club on June 9, 1970, said this:

> As far as the Federal Civil Service is concerned, it would seem to me a mistake to say that in order to work for the Government, you have to join any particular organization, whether it is a union or any other organization.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

XUM

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, would the gentleman from Iowa agree with me—we have not brought it out in the debate—that under the union shop system the postal employee, if he does not join the union, may or could lose his job, if we follow without amendment the provisions of page 195 of the bill?

Mr. GROSS. I certainly agree with the gentleman.

And going back to this business of trying to cut it thick and thin, let me read to the Members from a publicity release by the Post Office Department:

> All other terms and conditions of employment in effect when the Postal Service commences operations—including rates of pay, fringe benefits, seniority, rights on adverse actions, etc.—will continue to apply unless changed by the Postal Service, and as far as employees who are represented by collective bargaining agents are concerned, any such change will be subject to collective bargaining as a matter of law.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa (Mr. Kyl).

Mr. KYL. Mr. Chairman, on page 7 of the report, under section 206, it says—and I have difficulty praising this sentence:

> Section 206 was further amended to provide that an individual who is a member of a religious organization having established teachings which oppose a requirement that a member of such organization join a Postal Service labor organization as a condition of employment provided he pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues required of the labor organization.

Does the gentleman recall that?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. Kyl, and by unanimous consent, Mr. Gross was allowed to proceed for 1 additional minute.)

Mr. GROSS. I would prefer the gentleman to address that to someone who may have the answer. I do not have the answer to the gentleman's question.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, the genesis of this is in the opposition of certain minority religious groups whose scruples prevent them from being members of such organizations as labor unions and they would not have to join.

Mr. GROSS. I am well aware of that.

Mr. KYL. But the sentence does not say that. There is no complete sentence there whatever.

Mr. THOMPSON of New Jersey. The effect is that they would not have to join.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I associate myself with the remarks of the gentleman from Iowa (Mr. Gross).

Mr. Chairman, with reference to the postal reform legislation it is reassuring that opposition to the compulsory unionism aspect of H.R. 17070 is mounting increasingly. Back in April I made public my misgivings on the postal reform legislation which was being considered at that time. As I stated then, my chief objection to the postal reform bill is the provision which paves the way to compulsory unionism by authorizing the negotiation of a union shop contract. I noted that under most of the postal proposals no American citizen could work for his own country's postal service unless he first agreed to pay dues to a union, the only exception being in the 19 States which now have right-to-work laws which bar the union shop.

The key provision, which for the first time in history of Federal employment makes possible union membership or payment of union dues as a condition for working for Uncle Sam, was, and still is, contained in section 7 of the 1947 Labor-Management Relations Act, popularly known as the Taft-Hartley Act. Section 7, in spelling out the rights of employees, sets forth the right of an employee to join or not to join a labor organization but qualifies this right with this proviso "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment."

What present postal reform legislation seeks is to include Federal employees under the Taft-Hartley Act which in the past covered private employment only.

It is indeed ironic that it should be a Republican administration which is endeavoring to compel a Federal employee, under certain conditions, to join a union and or pay union dues. President Kennedy, in his Executive Order 10988, prohibited all forms of compulsory unionism in Federal employment. This principle was left unchanged by President Johnson and again confirmed by President Nixon in Executive Order 11491, which stated in part:

> Each employee of the executive branch of the federal government has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or *to refrain from such activity*, and each employee shall be protected in the exercise of this right. (Emphasis added.)

The compulsory unionism objection now being raised requires a word of explanation. Under the proposed bill, a Federal employee or applicant, under certain conditions, can be forced to join or pay dues to a union to gain or retain a Federal job. At the present time no American citizen can be so coerced—anywhere or anytime. This is the crux of the increasing number of objections to this bill.

My chief objection to H.R. 17070 was first clarified by Postmaster Blount in June of last year when he testified before the House Post Office and Civil Service Committee on a earlier administration bill containing the same Taft-Hartley restriction. At that time Mr. Blount stated:

> Under the Postal Service Act, rank and file postal empoyees would for the first time have a statutory right to organize collectively and to bargain collectively with management on all matters—including bread and butter issues like wages and hours—which their neighbors in private industry have long been able to bargain for.

Later Mr. Blount was asked by Congressman Ford regarding this statement:

> Does that include the union shop and agency shop? Will they be part of a union contract now?

To which Mr. Blount responded:

> They could be bargained for in the collective bargaining process, yes.

The colloquy continued:

> Mr. Ford. You have no objection to a recognized union negotiating a union shop with the Post Office.
>
> Mr. Blount. Not as a matter of collective bargaining.

This exchange further clarified the possible fate of a Federal worker under the administration's reform proposals:

> Mr. Ford. I want you to tell me whether or not it is the view of the administration that a union shop is a proper matter to be negotiated into a contract with a postal employee.
>
> Mr. Blount. We certainly believe it is a proper matter to be included in the collective bargaining between parties.
>
> Mr. Ford. With that in mind, and in view of your previous statements about recognizing unions on a craft basis, it seems clear that once you make a decision, you are going to accept that route and disregard the already existing organizations that have started to organize on an industrial union basis.
>
> With that in mind, would it be possible for one of the craft unions to negotiate a national contract with a union shop clause in it?
>
> Mr. Blount. Yes, sir.
>
> Mr. Ford. So that all employees falling within the purview of that craft, whether they joined the union or not, would pay dues to that union once you had negotiated such a contract to this union?
>
> Mr. Blount. Yes, sir.

Mr. Blount at that time made another very interesting statement which was later to have special relevance:

> The Post Office delivers some 30 million social security checks alone each month. To allow the people who depend on these checks to be subject to the disruptions of a postal strike should be unthinkable.

Some months after this statement of June 10, 1969, postal workers violated Federal statutes by striking and disrupting mail service in such large cities as New York, Philadelphia, Chicago, Detroit, Los Angeles, Newark, and San Francisco. On March 25 of this year the postal walkout ended, and on March 27 the Washington Star's Federal reporter, Joe Young, stated in a front-page article:

> Federal employe unions are threatening an increasing number of wildcat strikes and slowdowns throughout the country unless the workers receive pay raises equal to those of postal workers.

On the same page of the Star, Duncan Spencer reported on the air controllers' slowdown:

> The air controllers' walkout remained unchanged today—despite calls for a nationwide strike and threats of government discipline.
>
> Up to 25 percent of the air controllers across the country reported sick for the third consecutive day.

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More recently and closer to home Members of Congress felt the effects of the "sick-in" at the Government Printing Office in which several editions of the CONGRESSIONAL RECORD were delayed or reduced by this illegal walkout.

With this trend toward willful disruptions of Federal services by Federal employee union members, the enactment of postal reform legislation which would permit a union or agency shop would set a precedent for other unions to eventually exact from unwilling employees the payment of dues while these unions support, condone, or ignore illegal disruptions. In view of the administration's apparent reluctance to date to crack down on such activities by Federal employees, the problem is serious enough. But to force a loyal Federal worker to finance to any extent these activities is beyond reason.

The present version of the administration's postal reform bill, H.R. 17071, resulted from the postal strike in March referred to above. As the postal workers were returning to work, the Postmaster General agreed to meet with postal union representatives to discuss wages and postal reform. On May 20 in a New York speech President George Meany of the AFL–CIO referred to these discussions:

> Postal employees, as you know, have just become the first federal employees ever to negotiate with the executive branch of the government—with a Cabinet member, no less—on their own wages and working conditions. Those negotiations followed the same form and covered the same items as any labor-management discussions in private industry. They brought the same kind of reasonable agreement, just and fair to both sides, that collective bargaining always aims at.

In the same speech Mr. Meany had this to say about collective bargaining:

> So there are no shortcuts and there are no substitutes for free collective bargaining. And *strikes and lockouts* are a normal part of the collective-bargaining process. (Emphasis added.)

And again referring to the discussions between the Postmaster General and the postal representatives:

> And I think those discussions set a pattern—the pattern of free collective bargaining on all aspects of employment—that ought to be followed in every federal department and agency and in every state and county and city and town. I think that is the simple, obvious solution to a dangerous situation.

I think it is fair to deduce from the foregoing that Mr. Meany's position is that every public employee union on the Federal, State, county, city and town levels should be permitted to strike as "a normal part of the collective-bargaining process."

On the Federal level implementation of this policy could possibly lead to a state of chaos as far as the Federal machinery is concerned. It is of little comfort, in the case of the postal reform legislation, to have Mr. Blount tell us that Federal strikes are illegal. We are still awaiting some hint of punitive action for the wildcat postal strike of last March.

With six of the seven postal craft unions which met with Mr. Blount to work out the present reform legislation listed as members of the AFL–CIO, and when one considers Mr. Meany's strike philosophy in relation to Federal employment, it will be interesting to see what penalties result as a consequence of the March postal strike. The importance of how this first Federal strike in this Nation's history was handled cannot be exaggerated. The ice has been broken. If the violators are treated with impunity, the "it works" philosophy will surely spread to other Federal unions.

The American Federation of Government Employees—AFGE—the largest Federal employee union in the country with 315,000 members, is a good illustration of this possible snowballing effect. AFGE president John Griner, who is also a vice president of the AFL–CIO, has consistently taken a hard line against Federal strikes and has no intention of changing his position because of the postal strike. However, the Wall Street Journal of March 24 reports Mr. Griner as fearful that the postal strike might well spill over into the AFGE jurisdiction, especially in New York City where the more militant unionists are to be found. A similar complaint was voiced by Kenneth Lyons, president of the National Association of Government Employees, another nonpostal union with some 158,000 blue-collar and white-collar Federal workers. According to the same Journal article, Mr. Lyons has told the White House he is being deluged by inquiries from local officers asking: "If the postal workers can do it, why can't we?"

In the face of this developing inclination toward Federal strikes, the continued push by the administration to strip Federal employees of a basic right—freedom of choice to join or not join a union—is a still graver traversty of a fundamental liberty. In view of the latest developments one would have hoped that the union shop proviso would be discarded and the usual remedy of punishing Federal violators—including fines and jail for strikers and the loss of recognition and the automatic dues checkoff for unions, actions now available under the Executive order and present laws—would have been utilized.

With Benjamin Franklin as its first Postmaster General, the postal service was created in 1775, in the words of the Postal Policy Act of 1958, "to unite more closely the American people, to promote the general welfare, and to advance the national economy." After almost 200 years of operation no one can deny that the service needs a thorough overhauling. But it took less than 8 short years—an Executive order of 1962 granted permission to Federal workers to unionize—for some Federal union members to create havoc never before experienced by the postal service in its long history. The postal service was created to serve the American people and not organizations, regardless of function. Necessary postal reform will be achieved to better serve the public, but the urgency is not so great that the basic rights of Federal employees must be sacrificed as the price of postal reorganization.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the chairman of the committee, the gentleman from New York (Mr. DULSKI).

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from North Carolina (Mr. HENDERSON) and all amendments thereto end by 6:15.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Chairman, I think it extremely important that we put into context and have some understanding at this stage of the game as to what union security and the Postal Reform Act is.

Mr. Chairman, notwithstanding his then exalted position as president of the U.S. Chamber of Commerce, it is obvious that the present Postmaster General did not understand properly, as reflected by what the gentleman from Iowa said, what a union-shop agreement is or is not. Therefore, I believe this talk about compulsory unionism ought to be clarified, to show what it permits and what it prohibits.

Section 222 of H.R. 17070 incorporates by reference the National Labor Relations Act; and section 8(a)(3) of the National Labor Relations Act authorizes what is commonly referred to as a "union shop" agreement.

There has been so much loose talk about compulsory unionism that it is time to set the record straight on just what the union shop is all about; what it permits, and what it prohibits.

First of all, a union shop agreement does not:

First, deny anyone the right to work;

Second, force anyone to join a union in order to get a job;

Third, force anyone to picket or to go out on strike;

Fourth, prevent anyone from working while his coworkers go out on strike;

Fifth, deny any employee his right to compete on the job, to win promotion rights and higher pay;

Sixth, deny any employee his freedom of speech, press or assembly;

Seventh, deny any employee the full enjoyment of his religious beliefs;

Eighth, force any employee to support political parties or programs against his will; or

Ninth, create compulsory unionism.

What section 8(a)(3) does is to permit unions and management in free collective bargaining to agree that all employees 30 days after they are employed—7 days in the construction industry—or 30 days after the agreement is signed—whichever is the later—must pay their fair share of the collective bargaining expenses in the form of periodic dues and initiation fees.

There are many safeguards written into the act by Congress and judicial construction.

First, the union must be elected by a

majority of the employees in a secret ballot election, or otherwise be selected by equally valid techniques;

Second, the union must then persuade the employer at the bargaining table that a union shop agreement is desirable;

Third, the periodic dues and initiation fees collectable under the agreement may not be excessive or discriminatory under any circumstances;

Fourth, employees denied rights within the union for any reason—political, racial, religious, or personal are exempted from the contractual requirement that they pay the union dues;

Fifth, a majority of the affected employees may vote in an NLRB secret ballot election to rescind the union-shop agreement; and

Sixth, section 206(c) of 17070 authorizes employees whose religious beliefs prevent them from giving financial support to any labor organization, to pay an amount of money equivalent to the union dues into the Treasurer of the United States instead of to the union.

With these limitations and safeguards, it is not surprising that the "union security" agreement is popular with all segments of those affected.

EMPLOYEES

Employees want their unions to negotiate "union shop" agreements. The 1947 Taft-Hartley amendments were premised on the theory that there was a division between the rank-and-file on the one hand and the labor bosses on the other. Therefore, the 1947 amendments required that the NLRB conduct secret ballot elections on the issue of the union shop, with an affirmative vote by the members, before the union could enter into negotiations on this subject with the employer.

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Some 46,146 such elections were held, until this requirement was repealed in 1951. During this 4-year period over 6 million employees voiced their views about the desirability of a union shop agreement. Ninety-seven percent of the elections were in favor of the union shop.

Also in 1947, the Taft-Hartley amendments authorized the American worker to rescind the union shop agreement—by secret ballot election—if experience proved that it was not satisfactory. One-third of the employees by petition can demand such an election, and when one is held, a simple majority of the employees can revoke the union shop authorization given their union.

The statistics reflect that only a small handful of employees are disatisfied with the union shop, and that when such elections are held, the majority vote to continue the union shop.

In 1964, for example, employees in over 11,000 bargaining units signed petitions for elections to vote for union representation; and employees in only 95 bargaining units signed petitions for elections to vote against the union shop agreement. And of these 95 union shop elections, in only 23 was the union shop agreement deauthorized.

These secret ballot NLRB elections are concrete evidence that the American worker wants, and is satisfied, with the union shop agreement.

EMPLOYERS

Employers with experience also want the union shop. A number of surveys by management-oriented groups makes this abundantly clear.

Business Week made a nationwide survey of businessmen in 1957 and reported that:

> Employers who had had it (union shop agreements) longest find the most advantage in it. Fifty-eight percent declared that net effect on management of the elimination of such security would be bad.

The employers gave these reasons for favoring the union shop:

First. It seems to give the union an incentive to settle disputes quickly rather than drag them along for purposes of recruiting new members.

Second. Whenever there is trouble in the plant or some question arises, we know whom we can hold responsible.

A study by the National Industrial Conference Board reached the same results of the Business Week survey. Employers with experience wanted the union-shop agreement because it:

First, places the union in a better position to keep its agreement;

Second, gives the employees the help of the international union if necessary; and

Third, gives employees greater feelings of responsibility and interest in their jobs.

A report by the National Planning Association reached a similar result:

> In all of the cases studied, the employers saw positive advantages in bargaining with a strong and well-disciplined union, and were convinced that they should take steps to encourage workers to join and support the organization which represented them.

All these and other studies by management organizations of management sentiment makes sense.

With the strength of a union security agreement behind it, a union can make constructive concessions helpful to management even though these concessions may be detrimental to the shortrun interests of some of the union members.

In contrast, without this security, unions must press the demands of each and every dues-paying union member to keep his allegiance, even when the demands may be to the long-range detriment of the company and union.

C. UNIONS

In every congressional investigation to date, labor union officials have testified in favor of the union-shop agreement. George Meany, typically, testified in connection with the bill to repeal section 14(b) that—

> A union shop or similar union security arrangement serves as a sort of guarantee by the employer that he is not going to try to break the union. The employer may continue to be a hard bargainer, but once some sort of union security arrangement has been negotiated, it is rare indeed for the employer to set out to break the union. This is well understood by both employers and workers. And since strikes over the existence or survival of a union are the longest and bitterest, union security arrangements make for industrial peace.

When all is said and done, there is a moral issue which prevails. Unions are required by law to represent all employees within the bargaining unit, and there is no reason to allow "free riders," who accept all the benefits and refuse to bear any of the costs.

Unions are unique in America in that they are the only private organizations which are required to provide service for nonmembers. This responsibility toward nonmembers was spelled out in a series of court decisions and now firmly established. See, for example, *Steele* v. *Louisville & Nashville Railway Co.*, 323 U.S. 192; *Ford Motor Co.* v. *Huffman*, 345 U.S. 330.

The Hughes Tool case, 104 NLRB 318 is illustrative. There, the union had a collective-bargaining agreement with the employer in Texas, a right-to-work State where it was illegal for the employer and the union to agree that all employees pay dues to support the union. The union bargained for nonunion members in connection with wages, hours, seniority, fringe benefits, and the like, just as it did for its dues-paying members. But whereas it processed the grievances of the members free of charge, it imposed a nominal fee of $10 upon nonunion employees who utilized the union grievance machinery to protest denial of rights under the union contract. When a nonunion employee balked at paying this cost, the labor board agreed with him that the union by imposing a fee upon the nonunion employee thereby violated its obligation to represent all employees in the bargaining unit fairly and without discrimination based upon union membership or lack thereof.

During the hearings on the bill to repeal section 14(b) of the Taft-Hartley Act—which authorizes the States to enact right-to-work laws—Congressman AYRES commented that:

> It is very difficult to have two men working side by side, one paying his fair share and the other one riding free when they both share in the benefit.

Spokesmen for the three major denominations—Rabbi Richard G. Hirsch, Rt. Rev. Msgr. George G. Higgins, and the Reverend J. Edward Carothers were in agreement that on the moral issue, the weight was on the side of the union-security agreement and against the free rider.

Finally, it is often claimed that the United States is the only country outside of the Iron Curtain where a union shop is permitted. The Legislative Reference Service made a study on this, and reported that this is simply not so.

Union shop agreements are a normal part of labor-management relations in most of the free world:

Mexico permits a union shop.

Canada permits a union shop and/or a closed shop, that is an agreement that the employer hire only union members.

New Zealand permits agreements requiring membership in unions as a condition of employment.

Australia permits preference to union members in hiring, dismissal, or promotion.

Great Britain permits strikes to compel the employer to hire union men only; and as a matter of tradition, union men in England refuse to work along side of "black legs" or nonunion employees.

Sweden permits union to negotiate either union shop or closed shop agreements with the employers.

Norway gives legal sanction to a trade union resolution adopted in 1934 prohibiting union members from working with nonunion members.

Denmark permits union shop agreements.

Switzerland permits a union "solidarity levy," that is an "agency shop" agreement similar to that permitted by the Taft-Hartley Act.

In short, there is nothing unique about the provisions in our labor law. They seem to be generally favored when conditions are comparable, no matter what the country or clime.

The 1947 Taft-Hartley admendments eliminated the closed shop; that is, a shop closed of all except union members. It eliminated the closed union; that is, an organization which could discriminate against employees for reasons of religious, sex, race, political views, and so on.

Under the Taft-Hartley Act, the union cannot exact financial tribute for use in the political arena. Under the prosposed H.R. 17070 a union may not compel an employee to pay the reasonable union dues if this would gainsay his religious beliefs.

Under the union shop the employee need not join the union, he need not support the union. All he is required to do is pay his fair share of the costs of operating the union. Since he shares in the benefits, I think this is only fair. That is why I am going to support H.R. 17070.

Mr. Chairman, the amendment should be defeated.

The CHAIRMAN. Members standing at the time the motion was agreed to to limit debate will be recognized for approximately 1 minute each.

The Chair recognizes the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have been trying to get some time here on this issue. I have to agree that compulsory unionism in this bill is a "phony" issue.

What those who are in favor of such an amendment are doing is allowing a lobby or pressure group to run their thinking on this issue.

There is no compulsory unionism in this bill. Two days after my primary the National Right To Work Committee said that I voted in committee for "compulsory unionism," and so help me God it never came up in my campaign. They have sent out hundreds of thousands of letters because their cupboards were bare. They have gotten in many millions of dollars, I am sure, to pay their high-priced executives. If you knuckle under to them, you will knuckle under to every other pressure group that comes along. I am not one who will knuckle under.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Chairman, nationally we have a right-to-work law. Why should we not follow it in the postal reform bill? Why would we want to jeopardize the opportunity to pass this important bill by not including this amendment? I ask you this question, gentlemen, and I hope you will vote for the amendment.

Mr. CUNNINGHAM. Mr. Chairman, would the gentleman yield?

Mr. RUTH. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, I would like to add this. Somebody brought up dues checkoffs. We have dues checkoffs now and we have had it for years. This is nothing new.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I rise in support of the Henderson amendment.

We have heard a lot of talk today and there has been a lot of confusion about whether this requires compulsory unionism or not. Those who say it does not require compulsory unionism are just playing a shell game, because what it does contain is a provision that makes it a negotiable item. You may wonder, as I did, that since, as our colleague from Iowa pointed out, the Republican platform unequivocably indicated what the position of the Republican Party is, you may wonder why a Republican Postmaster General and Republican administration would agree to the package that was brought before the committee. I myself in a meeting with the No. 2 man in the Post Office Department, the Deputy Postmaster General, inquired on this. He agreed that this was a negotiable item as to whether or not there would be a union shop. That means the postal employees would either be required to join a union or to pay dues. To me that is not really a choice. But I asked why they were doing this.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, the subject of postal reform has been in various stages of debate for quite some time. The opponents of reform are few. Most people favor it in some form or another. Part of the present delay seems to center on the compulsory union issue. This issue cannot and should not be dealt with in a perfunctory manner. Too much is at stake.

There are several points which must be considered in debating the matter of postal employees and their "right to work." First, would this legislation authorize compulsory unionization of those postal workers who do not currently belong to a union? I say that it would. In fact, proponents of the bill readily admit that it would. In his letter of May 26, 1970, to all Members of Congress, Postmaster General Blount said that:

> Neither the Administration nor the Post Office Department has ever proposed that there be a union shop in the Postal Services.

Yet in the same letter, the Postmaster General states:

> It is obviously not feasible to use the postal reorganization bill as a vehicle for reforming the Taft-Hartley Act. Accordingly, one consequence of putting the Postal Service under Taft-Hartley would be that postal management—like management in the private sector—might be required to bargain over union shop arrangements in states other than those having the right-to-work laws. (The obligation to bargain would, of course, impose no obligation to agree to a union shop arrangement.)

I would ask Mr. Blount, if this is not proposing union shops in the postal service, what is it? Postal workers, as all employees of the executive branch of the Federal Government, are currently protected in their right to join, or to refrain from joining, a labor organization by Executive Order 11491, issued last year by President Nixon. Is Mr. Blount telling us that this order was a mistake? Should the 200,000-plus postal workers who, for some personal, and therefore privileged, reason, have declined to join a union, be forced to do so? To these questions I say, "No."

The Executive order issued by President Nixon is in essence a continuation of the Executive Order 10988, which was issued by the late President John F. Kennedy. The order issued by President Nixon says:

> Each employee of the executive branch of the federal government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

This is precise and unequivocal. It does not leave any room for doubt or to "bargain over union shop arrangements in States other than those having the right-to-work laws."

There seems to be as much difference of opinion as to the applicability of the compulsory union authorization in the States that have right-to-work protection laws as there is in the entire postal bill itself. Does this bill interfere with the individual State's right-to-work laws or does it not? Mr. Blount says that it does not. He says:

> It has been suggested that a Federal law prohibiting Federal agencies from executing or applying union shop agreements in states having right-to-work laws would not be effective on 'enclaves' over which the Federal Government exercises exclusive legislative jurisdiction. In the opinion of the Post Office Department's General Counsel, this suggestion is simply not correct.

The Postmaster General notes that the Congress has the power to enact a statute that would protect any areas where Federal employees might be exempt from the protection of State right-to-work laws because they are working on Federal property. Why should this be necessary? Why set the precedent to begin with? Why not merely include the proposed amendment to the postal reform bill and continue the policy that has been in force for these many years? Why should we take part in this opening of a Pandora's box of problems? What classification of Federal employees will be the next target for the advocates of compulsory unionism?

I believe that passage of H.R. 17070 without this amendment would be a tragic turn of events. We will witness a rash of legal challenges as to the applicability of State laws. Other Federal union officials will turn their eyes toward compulsory unionization of other Federal Government workers. Literally hundreds of thousand of Federal employees will become their targets. And precedent will weigh heavily in favor of the foes of voluntary unionism.

The issue of applicability of State right-to-work laws is an irrelevant one. It is, I contend, an attempt to cloud the main issue, which is: Should any man or woman be forced to pay dues to any private organization as a prerequisite to working for his or her Government? I say without hesitation: "No." I should not have to remind my colleagues that there is a distinction here that should be recognized by Mr. Blount. That difference is between workers in the private sector and workers in the public sector.

Gov. Warren Knowles of the State of Wisconsin noted it quite succinctly in a letter to me dated May 14, 1970. The Governor said:

> The difficulty that we encountered, of course, is that all our public bargaining units attempt to apply the rule of the private sector and it simply won't work. We are not dealing with a profit-making business but rather a service organization which is financed by taxes, and the ultimate goal of most bargaining is economic and translated into dollars.

We owe it to the postal workers to respect their individual rights. We are not here to authorize the "bargaining" of compulsory unionism for any public employees. If one postal worker of the 750,000 does not desire to join a union, or to pay dues to a union, we must preserve and protect that right. We are not sent here by our constituents to play a numbers game. We are here to enact legislation that will serve as many of our constituents as we possibly can. We can serve the majority and the minority with this amendment. The majority will retain the right "to form, join, and assist a labor organization," while the minority, even a minority of one, will retain the right to refrain from such activities or membership.

What more could one ask? Is this an unreasonable request to make of my colleagues? We are not membership chairmen for employee organizations. We are representatives of the voters. It is not our duty to insure increased dues payments. It is our duty to increase and protect the liberties of the American people.

If a union is worthy of the support of the workers, the workers will clamor at its doors to gain entry. On the other hand, if a union does not give its full services and produces benefits for its members, then it will lose membership and either become more responsive or be replaced by a better organization. We were elected in a competitive electoral process. If we fail to truly represent those voters who sent us here, we will be out. I contend that this matter of compulsory unionism in the public sector flaunts the spirit of competitive representation. It would institute a monopolistic control over the livelihood of the public workers and place them at the mercy of the union officials, who are afraid that they will not be able to attract membership without the force of law.

If a company produces an inferior product, or one that has no purpose for use by the consumer, that company will either change its ways or go out of business. On the other hand if the product is useful, reasonably priced and well made, the public will accept it and the company will flourish. This same standard should be applicable for the unions. If the officials produce, the postal workers will join.

We have heard a great deal about whether or not H.R. 17070 will lead to compulsory unionism. I say that, if this amendment is defeated, this will be the inevitable result. I cannot in all conscience vote for any bill under these circumstances. I cannot turn to the voters and say that I have been a party to this compulsion. I would ask who among our number can do so?

I urge my colleagues to consider the words of the founder of the American Federation of Labor, Samuel Gompers. Mr. Gompers understood the fundamental right to a free choice as a basic right of the worker. He said:

> There may be here and there a worker who for certain reasons unexplainable to us does not join a union of labor. This is his right no matter how morally wrong he may be. It is his legal right and no one can or dare question his exercise of that legal right.

With that attitude it is quite understandable how Mr. Gompers built up his organization—he produced.

In conclusion, I want to note that what we decide here will not be limited to the postal employees. The labor bosses have already said that the goal is the entire spectrum of public employees—State and local, as well as Federal. There can be no doubt that their right to choose is at stake. Twelve million workers at these levels are the ultimate goal of the advocates of compulsory unionism. We will not serve the workers by accelerating the flow of dues money into the coffers of these men.

I call for the passage of this amendment to the postal reform bill. I do so to preserve the right to refrain without limitation on the right to organize. It is rare indeed that we have the opportunity to serve both sides of a question. This is one of those rare and historic moments. It is up to us to make it a moment to remember with pride and not one that we will someday regret.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, this bill, without the Henderson amendment, for the first time makes it possible to have compulsory unionism as a condition for continued employment of an American citizen by his National Government. That is an entirely different situation from private industry, and I submit that any such requirement for Government employment is wrong.

Moreover, such compulsory unionism is not only a wrong to the individual, but it makes for potential anarchy in the whole Government of the United States. Mr. Meany says he intends to institute collective bargaining with union shop agreements in other Government departments. That is what he told the committee; and I believe him.

Can you imagine running the Department of Defense, or the Department of Health, Education, and Welfare under such a setup, for which this bill, without the Henderson amendment, will provide a precedent?

I am for postal reform. I favor the proposed postal pay increase. I would like to be able to support this measure. But you have got to pass the Henderson amendment in order to have a decent bill.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, the fact that the conscience clause was inserted in this bill over the original opposition of AFL–CIO and the Post Office Department clearly shows that a union shop will be required in those States where a union shop is recognized by State law.

Collective bargaining is an effective instrument for social benefit when there is an opposition in interests and a balance in power between management and labor. But in this corporation unlike General Motors or a railroad corporation, management will have no financial interest to protect and very little power comparatively speaking. There are no stockholders. No individual at the bargaining table representing the corporation will have money invested in the corporation. At the bargaining table weak management will be opposed by a union of 750,000 people with enormous political clout—and as has been stated on the floor this afternoon—with the ultimate weapon—the threat of a strike, nationwide.

Inequality in bargaining power inevitably will mean decisions that will be passed on to an unprotected public. I urge the adoption of the Henderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota (Mr. KLEPPE).

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Chairman, I would like to terminate the observation I was making earlier about the great confusion in this debate today and the effect of the language of the bill as it now exists and the effect of the Henderson amendment.

Mr. Chairman, we know the Henderson amendment will maintain existing law as it affects these employees. That is the one thing we do know about it. We know that if we accept the language of the bill as now drawn there is great uncertainty what we will have. We know however that every State has its own separate law regarding right to work.

Mr. Chairman, unless we as responsible legislators charged with a duty do exercise that responsibility with clarity, we will have failed in our responsibility. In one instance, we can by our actions bring about confusion and chaos while on the other hand, if we adopt the Henderson amendment, we will be taking action which will lead to certainty of result and purpose. I suggest that we choose that course of action which leads to certainty and the only course of action

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that will insure this is adoption of the Henderson amendment.

Mr. MIZE. Mr. Chairman, will the gentleman yield?

Mr. KLEPPE. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, if we do not adopt the Henderson amendment, we might as well forget postal reform.

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in strong support of the Henderson amendment, which will permit freedom of choice to the postal worker as to whether he does or does not wish to support the labor union recognized as bargaining agent.

First, I wish to emphasize that I am a vigorous supporter of postal reform. I do not believe that political operation of the post office is in the best interests of the postal workers who must come every year to their congressional offices in what has been described aptly as "collective begging." It is high time the postal service gained the stature necessary to insure equitable wages and fair working conditions to the men and women and their families dependent upon a healthy postal service for their welfare. And it is high time that the complicated questions of postal rates, a self-sustaining postal service, and improved efficiency of operation be placed outside the scope of politics and into the area of proved business management.

But without the Henderson amendment, guaranteeing to these postal workers the freedom of choice as to labor union affiliation, this needed postal reform cannot receive my support, or, I am sure the support of countless numbers of my colleagues.

As a member of my own State legislature I was sponsor of our State's right-to-work bill. This was enacted in 1955. It has withstood many attacks and efforts to repeal it since that time, so that the public policy of our State is clear beyond question. And yet, I was never a supporter of a national right-to-work bill for private industry. I felt it was not my function as a Utahan to determine whether Michigan, for example, should or should not have such legislation.

Today, however, this Congress is faced with a novel situation. We are asked here today to support legislation which for the first time would subject Federal employees to compulsory union membership through granting the right to labor unions to bargain for a union shop. As a Member of the Congress of the United States, I do clearly have both the authority and the obligation to make a decision pertaining to Federal workers and my decision represents both my own personal conviction, and I am sure reflects the predominant judgment of the people of my State. That decision is that we should not establish this precedent of permissive compulsory unionism for Federal workers. Mr. Chairman, I urge this House to vote decisively for the Henderson amendment. This will enable us then to go forward with postal reform.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I rise in support of the Henderson-Gross amendment.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague, the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I thank the gentleman for yielding and for allowing me to discuss the thought which I was projecting earlier. During the course of our hearings the chief negotiator for the Post Office Department with reference to this union shop question made the observation that he personally thought that postal service employees ought to also have the right to strike. In other words, Mr. Chairman, the chief negotiator for the Post Office Department said publicly in front of several of his colleagues that he felt postal employees ought to have the right to strike. Bear in mind that he is going to be the one negotiating under this bill which we are about to enact. So I say we need the Henderson amendment if we are going to protect the rights of the postal employees to join or refrain from joining. We have to preserve free choice by voting for the Henderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I oppose the amendment for a somewhat different reason than most Members. I think the gentleman from Georgia is right—that we have on the one side chaos, and on the other side a very reasonable regulation on labor relations, but the chaos lies on the side of the amendment.

I do not know what it means. It is the language of section 7. Section 7 outlaws two things, the yellow dog contract on the one hand, and the closed shop on the other. That is all it does. The act reenacts subchapter 2 of chapter 7 of the Labor Management Relations Act, and therefore includes the provisions of 8(a) which permit the union shop.

So I assume that this language does precisely what the provisions in section 7(c) of the Labor Management Relations Act does.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise to endorse fully the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

Section 222 of the Postal Reorganization and Salary Adjustment Act of 1970, if permitted to stand, could ultimately result in compulsory unionization of postal employees and this I vigorously oppose.

The right of presently employed postal workers to determine for themselves whether or not they will join a union must be protected at the Federal level. Without the pending amendment it would be possible by negotiation to impose the requirement that a person wishing to work for the Federal Government must belong to a union, in instance after instance, and those presently employed who refused to do so could conceivably lose their jobs.

By Executive order, each Federal employee has the right to join or not join a union as he sees fit and this amendment would preserve that right.

In only 19 States are right-to-work laws in effect. In at least one of these, employees of the Federal Government, which postal service employees would be, are exempt from these statutes. Thus in the majority of the States postal workers could be subjected to compulsory unionization.

There have been attempts to compare the Post Office Department with private industry in labor relations. However, the Post Office Department, with its estimated $1.4 billion deficit this year certainly cannot be compared with the profitmaking concerns in the private sector.

This section would, for the first time, subject labor-management relations in the Post Office Department to provisions of the National Labor Relations Act as amended. Under title 29 of this act, employees could be required to join a union if a closed shop were voted.

To say that 19 States have right-to-work laws is not a sufficient guarantee that the postal employees even in those States will retain such a right, not to mention those thousands in the remaining 31 States.

But compulsory unionization of the postal employees would be only the beginning if we are to believe Mr. Meany in his promise that, and I quote:

> The AFL–CIO hopes to be back before Congress in the near future urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers of the federal government.

At stake, Mr. Chairman, are 12 million Federal jobs. There is no question that Federal employees should be paid at a rate comparable to persons in the private sector because their expenses are much the same. But the Federal Government certainly is not profitmaking and we must not be faced with strikes which could adversely affect our national security and the operation of our Government.

Because the Federal Government operates as a service to the Nation and not as a profitmaking organization, union shops could, in my judgment, serve more to the detriment of the efficient and economic operation of the Federal Government than to the benefit of its employees.

I, therefore, strongly urge the support, Mr. Chairman, by my colleagues for this amendment which would preserve the right now held by postal and other Government employees to determine their membership in a union.

(By unanimous consent, Mr. BUCHANAN yielded the remainder of his time to Mr. HENDERSON.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I would like to join with the remarks made ear-

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lier by the gentleman from Montana in praise of the Postmaster General. I think he deserves great credit for bringing forth an act to reform and improve the Post Office, and it has taken courage to do it, with the public interest foremost in mind, along with equitable treatment for Federal employees and improvement in service.

I think we should support him; take this bill as he recommends it, as the President has recommended it, and as the committee has worked so deliberately and diligently on it. And, you know, if this keeps up, maybe you will have to belong to the medical association to practice medicine, and to the bar association to practice law.

The **CHAIRMAN**. The Chair recognizes the gentleman from Illinois (Mr. Michel).

Mr. **MICHEL**. Mr. Chairman, I rise in support of the amendment.

Mr. **MICHEL**. Mr. Chairman, although I am as anxious as anyone else to have meaningful postal reform legislation enacted into law, I do not want it to be accomplished at the expense of those who choose not to join a union of postal employees. Membership in a labor union ought to be voluntary, just as membership in a chamber of commerce, service club, veterans organization, fraternal order, professional group, or other association is entered into of one's own free will.

Some of my colleagues may feel that disputes pertaining to union shops, closed shops, or open shops ought to be settled between management and the leaders of labor organizations. I cannot subscribe to such a philosophy, because I do not believe that two parties should be able to sit down and bargain away a third party's right to join or to refrain from joining a labor union.

The individual employee or applicant for employment should be permitted to make his own decision in this matter. Perhaps he will decide that the advantages of membership are so attractive that he will join the union or, being in the union already, remain a member of it. On the other hand, he may come to the conclusion that the detriments far outweigh the benefits and decide to remain outside the union. He should, in either case, be protected in his right to join or not to join.

To force an employee or applicant for employment to join a union against his wishes is reprehensible under any circumstances, but it is even more reprehensible to insist that a man should become a member of a labor union before he can go to work for his own government.

There are some who would argue that the majority of the employees should decide whether there should be a union shop, a closed shop, or an open shop in a postal installation.

Mr. Chairman, a man's right to work at a job at which he is willing to work, for an employer who is willing to hire him, should never be subject to a referendum. We might as well hold plebiscites on other constitutional rights, such as freedom of speech, freedom of the press, and freedom of religion.

There has been a great deal of concern during the past few years about the rights of a comparative handful of anarchists, revolutionaries, murderers, rapists, and atheists. Why should we not exhibit equal concern for the rights of the millions who are either working for the Government or seeking such work? The right to work is a fundamental one that should be no more subject to negotiation or referendum than the right to worship according to the dictates of one's conscience.

But, you say, if we strike out the section that makes it possible for postal employees to enter into union shop agreements, it will place the entire legislation in jeopardy. On the contrary, the legislation will be much more palatable if the section is eliminated.

There is a strong likelihood that some Members of the other body will conduct a filibuster against its own bill or in opposition to this one, in order to keep postal reform legislation from coming to a vote with the controversial provisions. It would be very easy for us if we went ahead and passed the bill as it has been reported to us by the Committee on Post Office and Civil Service and thus pass the buck to the other body.

Mr. Chairman, I most emphatically reject such a course. We are one of the two equal legislative bodies that were established by the Constitution and we ought to act accordingly. However we feel on momentous questions, let us decide them here on the floor of this great body. If we are going to await the pleasure of the other body and evade our responsibilities, we might as well adjourn sine die ad infinitum.

Suppose postal reform legislation becomes law in its present form. It will not be long before practically every employee of the Post Office Department will be enrolled in a labor organization, willingly or unwillingly, or perhaps halfheartedly. It will not be much longer after that before thousands, tens of thousands, or hundreds of thousands of other employees of Federal Government will be faced with the choice of joining a labor union or giving up their jobs. How long will the employees of State, county, and city governments be able to continue working without affiliating with a union?

Mr. Chairman, I am not an alarmist, and I am not possessed of second sight, but I can foresee the day when our present problems will seem like first grade arithmetic when compared to those that will confront us in the future if we encourage compulsory unionism among Government workers at all levels.

When we give the green light to compulsory unionism among policemen, firemen, and sanitation workers, and to transportation workers in some jurisdictions, just to name a few of the occupations, we are encouraging strikes against the Government, in defiance of Federal and State laws prohibiting such strikes. Let us keep membership on a voluntary basis.

I am firmly convinced that only a few irresponsible union members want the right to strike against the Government. Let us protect the responsible majority and reject the arrogant assumptions of those who would defy the Government. The best way to protect the rights of the law-abiding majority is to delete the section of the bill that opens the door, however slightly, for those who would shackle the postal workers with the chains of compulsory unionism.

Compulsory unionism would enable the unions to build up huge war chests. They would have millions of dollars to spend on lobbying activities and in election campaigns. No Member of the Congress, be he ever so subservient to the unions, would be able to escape the wrath of the postal employees' organizations, which would have seemingly inexhaustible treasuries from which to pour funds into the district of any one of those who dared to oppose them on any issue.

That many of their captive members, perhaps even a majority, were adamantly opposed to the candidates or issues supported by the unions would be a fact of no consequence to those who ran such organizations.

Mr. Chairman, we have enough problems already—a war in Southeast Asia, a delicate and potentially explosive situation in the Middle East, and numerous serious domestic problems that cry out for solutions. Let us not add to our troubles by piling more burdens on the backs of the American people.

Just as the passage of medicare and medicaid has led to greater costs for hospitalization, increased prices for medicines and drugs, and higher fees for physicians and nurses, so will compulsory unionism lead to greater salary demands, higher postal rates, higher taxes and more public debt necessitated by greater postal deficits, and a still further deterioration of service.

Mr. Chairman, let us reform the postal service by passing workable legislation, but let us not deform it by including a provision that would almost inevitably lead to forced membership in a postal workers' organization.

(By unanimous consent, Mr. Michel yielded the remainder of his time to Mr. Anderson of Illinois.)

The **CHAIRMAN**. The Chair recognizes the gentleman from Illinois (Mr. Anderson) for 1½ minutes.

Mr. **ANDERSON** of Illinois. Mr. Chairman, it was pointed out again by the distinguished gentleman from Iowa (Mr. Kyl) that under section 206 of the committee bill an individual who is a member of a religious organization that prohibits membership in a labor organization, cannot be required even under the terms of a union security arrangement, to join a union in order to hold a Government job.

It reminded me of the fact that just a few days ago the Supreme Court of the United States decided that under the Selective Service Act it was no longer necessary to establish a religious basis in order to qualify as a conscientious objector; that if an individual on purely moral and ethical grounds decided that he did not want to serve, he could be exempted from military service.

I think, frankly, we are moving into an era when the freedom of the individual is going to be increased, and I welcome it. I think the old idea of compulsion with

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regard to membership in organizations is dying out.

I furthermore think this raises a question about the testimony before the Committee on Rules the other day, to the effect that 86 percent of the members of the Post Office Department, 86 percent of the 750,000 so employed, now belong to a union even though it is not certified to represent them at the bargaining tables.

It seems to me that with that high a percentage joining a union voluntarily at the present, that they do not need the protection of a union security agreement.

Mr. Chairman, I support the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, the right of each American to join or not to join a union as he or she sees fit is a very precious one which should be defended by every Member of this House. I also firmly believe that genuine postal reform is desperately needed and long overdue, and I was one of the first sponsors of the administration's original reform bill. However, I do not believe a postal reform bill should include any provision that will sacrifice the right of workers to join or not to join unions in order to obtain or hold a job. The Henderson amendment will eliminate that objectionable provision and I therefore urge my colleagues to vote for the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BUTTON).

Mr. BUTTON. Mr. Chairman, the postal reform bill is the culmination of the efforts by many to give this Nation a postal service second to none.

I do not view it as an instrument to reform the labor laws of the land and have difficulty understanding those who do. Postal reform legislation is not labor law legislation, regardless of those who would have us believe so.

If the postal employee, as a public servant, does not have the right to strike, he must be provided with a suitable alternative. The alternative can only be to sit down with management and discuss and negotiate.

And what he can negotiate, in good conscience, should be no less than what workers in the private sector are afforded.

That union security provisions are bargainable items is true. They are bargainable just as other items such as wages and working conditions. But there are those who would believe, and have all believe, that the union shop is included in the reform package. This is no more true than saying that a postal employee's salary—which will be bargainable—will be equal to the Postmaster General's.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. McCLURE).

(By unanimous consent, Mr. McCLURE yielded his time to Mr. HENDERSON).

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, since I am unalterably opposed to compulsory unionism I favor the passage of the Henderson amendment to the postal reform bill.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, the Committee has a rare opportunity. You can cast a vote against this amendment and all at the same time support your local U.S. President, support the 500,000 clerks and carriers of the postal service, support George Meany, and also support the last president of the U.S. Chamber of Commerce. All this you may achieve by voting against this amendment.

I ask you—when will you have an opportunity of this kind ever again?

This is a States rights position that we take in the committee bill. Without the amendment, the Arizona right-to-work law applies now. You cannot force anyone to join a union in my State. My State's right-to-work law applies now, it will apply after the bill passes without the Henderson amendment, and it will apply with the Henderson amendment.

I suggest to my colleagues from the right-to-work States that there is nothing of substance at issue here. The amendment should be defeated. Those Members from right-to-work States can support right-to-work in your State and still be against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I want to thank all the Members of the House who have spoken on both sides of this issue.

I think in the time we have had, the issue has been well developed. I think the issue is clear.

But I would like to make a point or two. A union shop can be negotiated. As the gentlewoman from Oregon so well pointed out, you usually bargain—for what? In this situation postal management can easily negotiate a union shop because it does not cost anything to them—it costs the American taxpayer.

With regard to the argument that my good friend, the gentleman from Arizona, made—I do not know about all these presidents and all the organizations. But I am for every postal worker and every Government worker now and in the future having the right—yes, to join his labor union if he wants to do so.

But likewise he must have the right to refrain and to have the freedom of choice not to join and not to have to pay dues to anybody to be able to work for his Government. It is just as simple as that.

With the adoption of this amendment, I believe, we will enact a meaningful postal reform bill but I have grave doubts about it without this amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Chairman, I support the Henderson amendment and congratulate the gentleman for his very constructive legislative proposal.

Mr. HENDERSON. Mr. Chairman, I thank the gentleman for his support.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI) to close debate on the pending amendment.

Mr. DULSKI. Mr. Chairman, I think the distinguished gentleman from North Carolina expressed these same thoughts in our committee and we discussed this in detail in committee. The provision in the bill was a recommendation by the administration which we retained in the postal reform bill.

As I stated before the Committee on Rules, I feel the right to work will not be affected by our bill. So I still feel that I could not support the amendment offered by the gentleman from North Carolina (Mr. HENDERSON). I am relying on the judgment of the counsel from the Post Office Department and the Postmaster General.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. HENDERSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HENDERSON and Mr. DULSKI.

The Committee divided, and the tellers reported that there were—ayes 179, noes 95.

So the amendment was agreed to.

Mr. O'NEILL of Massachusetts. Mr. Chairman, the period of gestation is over. Nine months and 2 days ago the House passed H.R. 13000, the Federal Salary Comparability Act of 1969. It was my privilege to handle,the rule on that long overdue measure. This bill, passed overwhelmingly by the House, was an attempt to give the ideal of Federal comparability the status of law. It was a reasonable and a fair measure. We have long talked about paying Federal employees wages equivalent to those they could receive in the private sector for similar work. It is a concept that has been talked about for many years, but it is still not law. That bill created a permanent method of adjusting the pay of Federal employees who are paid under one of the four statutory pay schedules. It also eliminated the requirement, a ridiculous one in my opinion, that a postal employee serve 21 years in the same position before receiving maximum pay. That bill, as we in the House well know, is languishing in conference.

When we passed the bill 9 months ago, I said that it was the minimum acceptable bill—that postal employees deserved a higher increase in salaries and a fairer procedure from labor-management relations.

Today we are considering the Postal Reorganization and Salary Adjustment Act of 1970. Not only does the title of the legislation indicate that this bill is a year late, but also that the wishes of this body have been thwarted. The President said that he would veto the salary increase for postal employees unless it was accompanied by a postal reorganization. I am

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tired of seeing the postal employees of this Nation bear the brunt of the administration's ineffective anti-inflation policies. It is apparent to me that President Nixon has chosen to fight inflation by creating vast unemployment, a policy that is totally at the expense of the workingman.

On February 2 of this year, in his budget message, the President proposed that the Government renege on its promise of providing comparability by July 1. He asked for another 6 months. President Nixon has used the pay raise as a lever to obtain a postal corporation. I think the two issues should be considered separately, and I do not think postal employees should have had to wait so long for their much-deserved raise only because one man insisted on postal reorganization.

There is no doubt that the mail service has deteriorated, but I differ with those that argue that this demonstrates a clear need for a postal corporation. Postal service has declined in the past few years because there are so many vacancies in post offices around the country and because there is such a high rate of turnover in postal employees. This has occurred because the pay is disgustingly inadequate. Post offices around the country, and particularly those in urban areas, have too few workers for the volume of mail handled daily. While the amount of mail in recent years has increased 100 percent, the number of postal employees has increased only 50 percent.

The difference has not been made up by automation. The Post Office has not made adequate use of the latest equipment.

The Boston Post Office alone has 1,200 vacancies. These jobs cannot be filled because men who might be attracted to the postal service can get much better pay in private industry or by working for State or city governments. They cannot afford to take these jobs. The test given to the letter carriers in Boston used to be given once every 2 years. There was very little turnover because the pay was decent for depression and prewar times. This same test has to be given several times a year now because there are always vacancies and because people leave for other jobs that offer better pay, better working conditions, and more room for advancement. The machinery in the Post Office is also antiquated. There has been no real mechanization that would have brought about improved efficiency and better utilization of manpower.

Now we are told that we have a panacea for all the ills of the Post Office. I do not think that this is so. I will vote for this bill if I must do so in order to get a postal pay raise. Postal employees have been the last people to be considered in Federal pay increases, and every reduction in Government spending has been at the expense of postal workers. Postal employees are the worst paid, the most ignored, and the last considered of all Federal employees. Even with the comparability provision, their pay levels lag about a year behind everyone else's. Letter carriers and postal clerks could easily earn better pay outside the Post Office Department. As it is now, many of them have to hold down second jobs and often both husband and wife have to work. We all know of cases where letter carriers and postal clerks working full-time have qualified for welfare payments because their incomes are considered under the poverty level for the area in which they live. I have read of cases where a man could obtain a better income for his family by giving up his job in the Post Office and relying totally on various family assistance and unemployment payments. That these men have chosen not to take this route is a credit to them and a disgrace for a Nation that does not adequately compensate them.

I worked hard for the pay raise in October of 1969, and I supported the emergency measure in March of this year. But I am appalled that we can only achieve a pay raise for postal employees by agreeing to a postal corporation that no one particularly likes, and that I believe does not have adequate safeguards for the rights of postal employees. I am very tired of seeing the postal employees used as a football in consideration of a postal corporation. I am tired of seeing postal employees and other workingmen, small businessmen, and people on fixed incomes bearing the brunt of self-defeating anti-inflation policies.

We have given the President the tools with which to combat inflation. He has declined to use them, and instead we have seen growing unemployment and a refusal on the part of the administration to grant social security beneficiaries and postal employees their long-deserved increases. They cannot wait any longer and they cannot be expected to continue their patient tolerance of these policies.

The House must pass a postal pay increase, and I will support this legislation.

Mr. BUSH. Mr. Chairman, I support postal reform and the postal corporation concept. On May 28, 1969, I was one of the original sponsors of the initial bill establishing the Post Office Department as a quasi-corporation. So I am delighted to see this bill before the House today.

The American people want swift, efficient postal service. They now purchase the services of the Department. They find it hard to understand why, with the cost of stamps increasing all the time, the Department represents such a drain on the U.S. Treasury. They think that this kind of service should be self-sustaining. At the same time, they want good service.

Postal employees want much the same. They want to work for an organization that is respected and admired by their friends and neighbors. They want a career with promotions based on merit and ability. They want administrators who are dedicated and take an interest in the organization. Further, they want adequate pay and all of the other advantages enjoyed by employees of the top corporations in this country.

This reform will give them the opportunity to enjoy such benefits.

Additionally, this bill will provide for an 8-percent pay increase for postal employees as provided under the agreement worked out between the administration and the postal unions.

There is one provision of the bill that gives me a great deal of concern. I do not want to see anything written into postal reform which would deprive postal workers of the right to make a voluntary decision about union membership. I am a supporter of Texas' right-to-work law and I do not want to see it jeopardized by section 222. Further, I do not feel this squares with the civil service protection retained by employees under the reform bill. Therefore, I support the amendment offered by the Honorable DAVID N. HENDERSON that will insure that the "freedom of choice" policies for Federal workers is continued for employees of the new corporation.

Mr. DULSKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks made in the Committee of the Whole and to include extraneous matter.

The SPEAKER pro tempore (Mr. EDMONDSON). Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON THURSDAY, JUNE 18

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. ARENDS. Mr. Speaker, reserving the right to object—and at the moment I have no desire to object—my purpose is this: Can the majority leader advise us, if we come in earlier tomorrow, if it is his purpose that we finish this bill tomorrow night?

Mr. ALBERT. That is my understanding, and I understand it is the understanding of the chairman of the committee and the ranking minority member of the committee.

Mr. ARENDS. Mr. Speaker, under that understanding I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the majority leader if the program previously scheduled for this week remains valid in

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view of the statement the gentleman has just made?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the majority leader.

Mr. ALBERT. It is now apparent that we will not be able, it seems to me, to fiinish the two other bills which were listed on the program. With respect to one of them, the golden eagle bill, we have an agreement with the distinguished chairman of the Committee on Interior and Insular Affairs to program the bill for Monday. We have not finally disposed of the other bill yet. If we do not get to it—and I do not believe we will—we will try to find a day to put it on as soon as possible.

Mr. HALL. It is not the intention to carry either the postal reform bill, so-called, or the further schedule over to Friday or Saturday of this week?

Mr. ALBERT. It is not.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CHANGE OF LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, at the request of the distinguished chairman of the Committee on Ways and Means we notified the House yesterday that he probably would call up certain bills under unanimous consent tomorrow. The gentleman has advised that he will not undertake to do that until Monday next.

EMERGENCY HOUSING LEGISLATION

(Mr. BROWN of Michigan asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Michigan. Mr. Speaker, I note that our respected majority leader is on the floor.

The whip notice I received for activities this week indicated that the emergency home finance legislation would be brought up if a rule were granted.

I have been one of those very interested in seeing that this legislation come to the floor of the House and that action be taken upon it. I believe it is deplorable the way the House has reacted to that legislation, in view of the fact that it was unanimously passed by the Senate in April.

I wonder if the majority leader would venture an opinion to me as to whether or not we will be able to take up that legislation this week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the majority leader.

Mr. ALBERT. Of course the postal reform bill is taking quite a bit of time, as the gentleman well knows. If we can get through the bill in time tomorrow we will take up the other bill.

I have been advised by the distinguished chairman of the Committee on Banking and Currency that he does not want to call it up on Friday, or on Monday or Tuesday because of primary elections around the country.

I am just as anxious as the gentleman to get the bill up. It is a very important bill and the sooner we can get it up the better.

Mr. BROWN of Michigan. I thank the gentleman for responding, but I have been serving on the Committee on Banking and Currency and I have heard nothing but excuses and I have heard nothing but reasons such as that there was a primary campaign and there were other reasons for not getting it to the full committee.

Now, I have heard excuses as to why we cannot get a rule and excuses why it is not brought to the floor of the House. I think all of those who have indicated a tremendous concern about the pressing problem of home finance should do everything within their power to bring that bill to the floor of the House. And I do not mean next week sometime, but at least by tomorrow afternoon, if possible, and at the very latest on Monday.

PRESIDENT'S MESSAGE LACKS SENSE OF CONCERN

(Mr ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, the President is to be congratulated, certainly not for the timid suggestions he offered in his speech today, but for finally taking cognizance of the debilitating effects the administration policies are having on the Nation's economy. Although he couched it in different terms, I am pleased that the President has finally responded to the congressional call for a National Conference on Inflation and Unemployment. I hope he consults with the Congress on this conference.

For more than a year, I have sought to interest the White House and the fiscal policymakers in reviewing the effects of their failing economic policies. Responsible Members of Congress have sought changes in the administration policy: not on a partisan basis because inflation, unemployment, and excessive interest rates affect all our people. We received only rhetoric—more words, more assurances as the economy slipped into recession, as millions more were put out of work or saw paychecks grow smaller in the past year.

I fear that today's performance was another dose of the administration's soothing rhetoric, contrived, scripted, and produced by the public relations experts who seem to have such influence in the high councils of this administration. I agree with the President's statement that the American people will see through any attempt by anyone to play politics with their cost of living. Certainly, I believe the American people will see through the President's attempt to do just that.

This Nation has the capacity, it has the economic strength to meet the people's needs and goals. But tight money policies favoring the big moneyed groups, combined with soothing words and partisan rhetoric, will not get the job done. Congress has given the President credit control tools, it has passed anti-inflation legislation, but these tools are not being used. A sense of concern and urgency, not just for Wall Street and the failing corporations but for the unemployed and those suffering the ravages of inflation, must be shown. That sense of concern and urgency was not shown by the President's political remarks today. We still await sufficient positive action.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I am glad to yield to the gentleman from Illinois.

Mr. PUCINSKI. It is rather significant that the gentleman mentioned Wall Street. Wall Street did not respond, because the stock market went down after the President's speech.

Mr. ALBERT. The gentleman's statement is correct.

ON THE PRESIDENT'S MESSAGE

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include the message of the President.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon has laid it on the line in the battle against inflation. He has—to the benefit of the Nation—told the American people just what the situation is and what he will do to deal with it and, just as importantly, what he will not do. This is the kind of guidance the country needs at what I consider to be a most critical juncture in our fight against inflation.

I am pleased that the President will appoint a National Commission on Productivity and that he has directed the Council of Economic Advisers to prepare a periodic "Inflation Alert." This now becomes the key to achieving price stability. It focuses attention on the area which is central to progress toward price stability—improvements in productivity. We cannot lick inflation of the cost-push variety without gains in productivity. So this problem is paramount at this time.

The President has also laid it on the line in urging the Congress not to grant him powers he has said he will not use but to move ahead quickly to pass constructive, meaningful legislation sorely needed in this time of economic transition.

Congress should act with purposeful determination to give the President the program he has requested—stronger unemployment insurance, the Manpower Training Act, a $50 million supplemental appropriation to provide summer jobs for students, insurance to protect small investors against brokerage house failures, a cost-of-living tie with social security, the Emergency Home Finance Act, the means to stimulate loans to small businesses at lower interest rates, and emergency assistance to financially distressed railroads.

As the President so plainly and pertinently said, this is no time to play politics with the economy of this country. It

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is a time that demands the utmost display of responsibility on the part of business, labor, and government. Above all, it is a time for affirmative action—action of the kind described by the President, action that will move this country toward a genuine prosperity based on a peacetime economy and the price stability that keeps more dollars in the pockets of the American working man.

I commend the President for his most timely statement and urge that the Congress join with him in successfully moving this country from a wartime to a peacetime economy. The problems are big enough for all of us to have a piece of the action.

Mr. Speaker, the President's message follows:

Text of the Live Radio and Television Address by the President on Economic Policy and Productivity

Good afternoon, my fellow Americans: Today I would like to share my thoughts with you on three subjects that reach into the homes and pocketbooks of every family: your job, your income and your cost of living.

Specifically, I shall announce actions that will help to move us ahead more quickly toward our goal of full employment, economic growth and reasonable price stability.

Let us begin by recognizing these facts:

The American economy is the strongest in the world. This year, the number of Americans who have jobs is the highest in our history. Even allowing for taxes and inflation, the average real income of Americans is higher this year than ever before, in part because of the increase in Social Security benefits, and the reduction of the tax surcharge, which will end entirely this month.

In the light of that basic economic strength, we can honestly and confidently face up to our current problems.

Unemployment has increased; the price index continues to rise; profits have gone down; the stock market has declined; interest rates are too high.

Today I am presenting a program to deal with these problems.

First we should recognize the causes of our economic difficulties. We must deal with the problems of a nation in transition from a wartime economy to a peacetime economy.

Our economy must consequently make adjustments to two great changes at the same time.

One change is that defense spending is on the way down. For the first time in twenty years, the Federal government is spending more on human resource programs than on national defense.

This year we are spending $1.7 billion less on defense than we were a year ago; in the coming year, we plan to spend $5.2 billion less. This is more than a redirection of resources. This is an historic reordering of our national prioities.

The cuts in defense spending mean a shift of job opportunities away from defense production to the kind of production that meets social needs. This will require adjustment by many employees and businesses.

For example, over 400,000 military and civilian employees have been released in this past year by our armed forces. In that time, cutbacks in defense spending have reduced jobs in defense plants by about 300,000. Taken together, that's almost three quarters of a million people affected by the reduction in defense spending. While many of these workers have found new jobs, it is not hard to see where much of the current increase in total unemployment has come from.

Despite the difficulties of this transition, progress toward a peacetime economy is a good sign for the labor force and the business community. Reduction in defense spending gives us more room in the Federal budget to meet human needs at home, making it possible to build a much more enduring prosperity.

With its trials and with its hopes, a peacetime economy is clearly on the way. We have already brought home 115,500 troops from Vietnam. Our success in destroying enemy supply bases in Cambodia has made it possible for us to go forward with the program for withdrawal of 150,000 more men which I announced in my speech of April 20, without jeopardizing the lives of our men who will be brought home after that.

Our scheduled withdrawal of forces from Cambodia by June 30 will be kept. Our scheduled transition from a wartime economy to a peacetime consumer economy will be kept as well.

While our economy adapts to the reordering of our national priorities and resources, we are undergoing a second great change. We are trying to do something that has never been done before: to avoid a recession while we bring a major inflation to an end.

This Administration took office after a long period in which this nation lived far beyond its means. In the decade of the Sixties, Federal deficits totalled 57 billion dollars, and the American consumer was forced to pay the piper in terms of a rising spiral of prices.

Seventeen months ago, we stood at a crossroads of economic policy. There were four roads open to us—four different directions.

One was the road of runaway inflation—to do nothing about government spending and rising prices, to let the boom go on booming—until the bubble burst. That was the road the nation was taken on in the Sixties, and the people who suffer most along that road are the millions of Americans on fixed incomes.

The road headed in the opposite direction was a possible choice as well: to bring on a major recession—to "put the economy through the wringer," as some suggested.

That would abruptly stop inflation, but at a cost in human terms of broken careers and broken lives that this nation must never again have to pay.

A third choice was the route of wage and price controls. That would lead to rationing, black marketing, total Federal bureaucratic domination, and it would never get at the real causes of inflation.

That left a fourth choice: to cut down the sharp rise in Federal spending and to restrain the economy firmly and steadily. In that way, prices would slow their rise without too great a hardship on the working man, the businessman and the investor. That was the road of responsibility. That is the road we chose, and that is the road we are continuing on today.

Because we are concerned with both prices and jobs, we have put the brakes on inflation carefully and steadily.

This did not mean that inflation could end without some slowdown in the economy. But we were willing to make a trade—to sacrifice speed in ending inflation in order to keep the economic slowdown moderate.

At the outset of our fight against inflation, we pointed out that it would take time to relieve the heavy spending pressures on the economy; after that beginning, it would take more time to see those reduced pressures result in a slowdown in price rises.

Many people wonder why we are easing some of the restraints on the economy before we have seen dramatic results in slowing down the rise in the cost of living. Why, they ask, don't we keep on with all our measures to hold down the economy until price rises stop completely?

Let me put it this way: It is a little like bringing a boat into a dock. You turn down the power well before you get to the dock and let the boat coast in. If you waited until you reached the dock to turn down the power, you'd soon have to build yourself a new dock or a new boat.

In the same way, we're heading for the dock of price stability: We have to ease up on the power of our restraint and let our momentum carry us safely into port.

That's why our independent central banking system has seen fit to ease up on the money supply lately. That is why I relaxed the cutback on Federally-assisted construction projects, and why I have not asked for a new surtax.

These actions are not a signal that we are giving up our fight against inflation; on the contrary, they mean that there was already enough power applied to reach the dock and now we had better make sure we don't damage the boat.

The Federal Reserve's monetary policy, which permitted no growth in the money supply at all in the second half of 1969, has now been relaxed. In the past six months, the money supply has grown at a rate of about 6% a year.

The chairman of the Federal Reserve System has assured the nation that there will be enough money and credit to meet future needs, and that the orderly expansion of the economy will not be endangered by a lack of liquidity.

I'm not asking anyone to put on rose-colored glasses. We are well aware of the forces working against us.

To make sure the coming upturn will not be the kind that brings on a new surge of inflation, we have gained control of the runaway momentum of Federal spending—the spending that triggered the rise in prices in the first place.

In the three years before this Administration took office, Federal spending rose an average of 15% a year—the sharpest rate of increase since the Korean war. In the current fiscal year, we slashed that rate of increase in half, to 7%. And in the coming year, we intend to cut that rate of increase in spending by half again.

This required some hard decisions—including the veto of a popular appropriations bill—but it was vital to win that battle to hold down spending so that we could ultimately hold down prices. We are winning that battle, but we cannot let up now.

I am convinced that the basic economic road we have taken is the right road, the responsible road, the road that will curb the cost of living and lead us to orderly expansion.

However, we must face up to some difficult problems. The momentum of four years of inflation was stronger than had been anticipated. The effect on unemployment is greater than we foresaw. The pace of our progress toward price stability and high employment has not been quick enough.

This does not mean that we now should abandon our strategy. It does mean that we must pay heed to economic developments as we move along and adjust our tactics accordingly.

While relying basically on continued moderation in general fiscal and monetary policies, I think it is now necessary and timely to supplement them with several more specific measures.

Here are the actions I am taking to speed up the fight against inflation:

First, I shall appoint a National Commission on Productivity with representatives from business, labor, the public and government.

In general, productivity is a measure of how well we use our resources; in particular, it means how much real value is produced by an hour of work. In the past two years, productivity has increased far less than usual.

In order to achieve price stability, healthy growth and a rising standard of living, we

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must find ways of restoring growth to productivity.

This Commission's task will be to point the way toward this growth in 1970 and in the years ahead. I shall direct the Commission to give first priority to the problem we face now; we must achieve a balance between costs and productivity that will lead to more stable prices.

Productivity in the American economy depends on the effectiveness of management; the investment of capital for research, development and advanced technology; and most of all on the training and progressive spirit of 86 million working Americans.

To give its efforts this proper base of understanding, the Commission will this summer bring together leaders of business, labor, government and the general public to meet in a special President's Conference on Productivity.

Second, I have instructed the Council of Economic Advisers to prepare a periodic Inflation Alert. This will spotlight the significant areas of wage and price increases and objectively analyze their impact on the price level. This Inflation Alert will call attention to outstanding cases of price or wage increases and will be made public by the National Commission on Productivity.

Third, I am establishing a Regulations and Purchasing Review Board. All government actions will be reviewed to determine where Federal purchasing and regulations drive up costs and prices; our import policy will be reviewed to see how supplies can be increased to meet rising demand, without losing jobs here at home.

Let me specifically spell out what I will do and what I will not do. I intend to help focus the attention of business and labor on the need for increased productivity. This is the way for them to serve their own interest while serving the public interest. This is the only way to make sure that increases in earnings are not wiped out by the rising cost of living.

This Administration, by its spending restraint, has set the example in this past year; we believe we have now earned the credentials to call for similar restraint from business and labor to slow down inflation.

Now is the time for business at every level to take price actions more consistent with a stable cost of living, and now is the time for labor to structure its wage demands to better achieve a new stability of costs.

The fight against inflation is everybody's business. If you act against the national interest; if you contribute to inflation in your price or wage demands—then you are acting against your own best interests and your customers' best interests, and that is neither good business nor good bargaining.

If businessmen and workingmen are willing to raise their sights by lowering their demands—they will help themselves by helping to hold down everybody's cost of living.

I believe there is a new social responsibility growing in our economic system, on the part of unions and corporations. Now is the time for that social concern to take the form of specific action on the wage-price front.

Now, here is what I will not do:

I will not take this nation down the road of wage and price controls, however politically expedient they may seem.

Controls and rationing may seem like an easy way out, but they are really an easy way in to more trouble—to the explosion that follows when you try to clamp a lid on a rising head of steam without turning down the fire under the pot.

Wage and price controls only postpone a day of reckoning, and in so doing they rob every American of an important part of his freedom.

Nor am I starting to use controls in disguise. By that I mean the kind of policy whereby government makes executive pronouncements to enforce "guidelines" in an attempt to dictate specific prices and wages without authority of law.

I realize that there are some people who get satisfaction out of seeing an individual businessman or labor leader called on the carpet and browbeaten by government officials. But we cannot protect the value of the dollar by passing the buck. That sort of grandstanding distracts attention from the real cause of inflation and can be a dangerous misuse of the power of government.

The actions I have outlined today are well within the powers of the President. But there are other actions that the President cannot take alone.

This is not the time for the Congress to play politics with inflation by passing legislation granting me standby powers to impose controls on wages and prices. The Congress knows I will not impose controls because they would do far more harm than good.

This is the time, however, for Congress and the President to cooperate on a program specifically addressed to help the people who need help most in a period of economic transition.

Here is that program:

First, to provide more help now to those workers who have lost jobs, *I urge the Congress to pass the legislation I proposed nearly a year ago to expand and strengthen our unemployment insurance system.* This legislation would cover almost five million more people who lack this protection now, and the system would be made more responsive to changing economic conditions. In addition, individual States would be eligible for expanded Federal support if they passed complementary legislation to lengthen the time a person out of work could receive benefits.

Second, to help those in need of job training, *I urge the Congress to pass the Manpower Training Act* which provides an automatic increase in manpower training funds in times of high unemployment. I submitted this proposal to the Congress ten months ago. I ask for full appropriation for the Office of Economic Opportunity and I request the Congress to provide at once a supplemental budget of $50,000,000 to provide useful training and support to young people who are out of school for the summer months.

Third, to further protect the small investor, *I support the establishment of an insurance corporation* with a Federal backstop to guard the investor against losses that could be caused by financial difficulties of brokerage houses. While it does not affect the equity risk that is always present in stock market investment, it will assure the investor that the stability of the securities industry itself does not become cause for concern.

Fourth, to relieve the worries of many of our older citizens living on fixed incomes, *I urge the Congress to pass my proposal to tie Social Security benefits to the cost of living.* This proposal, passed by the House and awaiting Senate action for the past month, will keep the burden of the fight against inflation from falling on those least able to afford it.

Fifth, to stimulate an industry bearing the brunt of high interest rates, I strongly supported the Emergency Home Finance Act of 1970. This would attract as much as six billion dollars into the housing market in the coming fiscal year. More than a third of a million families need this legislation for home financing now; the resulting new construction of more than 200,000 houses will also help provide many new jobs. *I urge the House to act promptly on the housing bill passed unanimously by the Senate,* and awaiting action for three months in the House.

Sixth, to help the small businessman who finds it difficult to get necessary credit, *I have asked the Congress for greater authority for the Small Business Administration to stimulate banks and others to make loans to small businesses at lower interest rates.* I submitted this legislation to the Congress three months ago.

Seventh, to strengthen our railroad industry, *I am asking for legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties.* I am also urging the independent Interstate Commerce Commission to give prompt attention to the urgent financial problems of this industry.

And finally, to curb inflationary pressures throughout our economy, *I call upon the Congress to join me in holding down government spending to avoid a large budget deficit.* This requires a new restraint on spending programs and the passage of the revenue-producing proposals I have already made.

There is an old and cynical adage that says that in an election year, the smart politician votes for all bills to spend money and votes against all bills to raise taxes.

But in this election year of 1970, that old adage cannot apply. The American people will see through any attempt by anyone to play politics with their cost of living. Whenever a member of Congress displays the imagination to introduce a bill that calls for more spending, let him display the courage to introduce a bill raising the taxes to pay for that program.

Long before the art of economics had a name, it was called "political arithmetic." The American people expect their elected officials to do their political arithmetic honestly.

The actions I have taken today, together with the proposals I have made, are needed now to help us through this time of transition.

I believe this is the right program at the right time for the right purpose. There is no more important goal than to curb inflation without permitting severe disruption. This is an activist administration, and should new developments call for new action in the future, I shall take the action needed to attain that goal.

Before I close today, I would like to give you a broader view of the significance of what is happening in the American economy.

We have more at stake here than a possible difference of one or two tenths of a percentage point at the price level in 1970. All of us have to make decisions now which will profoundly affect the survival of a free economic system throughout the world.

Industrial countries around the world all face the problem of inflation. By solving our problem here without throwing away our freedom, we shall set an example that will have great impact on the kind of economic system others choose.

Our free economic system has produced enormous benefits for the American people. The United States, with 10% of the free world's population, produces 40% of the free world's output. We did not gain that production power by shackling our free economic system.

The average American has the highest real per capita disposable income in the world, and it is higher today than ever before in our history. He did not reach that height by turning over his economic freedom to the government.

In the next five years, and in real terms, the American consumer will be able to buy almost 20% more than he does today. To reach that attainable goal, we need no artificial dependence on the production of the weapons of war—on the contrary, we will all share much more fully in a peacetime prosperity.

As I see it, prosperity is not a period of good times between periods of hard times—that's false prosperity, with people riding high but riding for a fall.

Nor is prosperity a time when the well-to-do become better off while everyone else stays

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the same or falls behind—that's partial prosperity, and it only widens the gaps between our people.

The true prosperity that I envision offers a new fairness to our national life.

We are working toward a system that will provide "job justice"—open and equal opportunity for every man and woman to build a good career.

We are working toward a system that replaces the old ups and downs with a new steadiness of economic growth within our capacity to produce efficiently.

We are working toward a system that will deliver a higher standard of living to a people living in peace.

That is the hope offered by a modern free enterprise system—not managed by government and not ignored by government, but helped by a government that creates the climate for steady, healthy growth.

As we move forward into a peacetime economy, I am confident that we will achieve the only kind of prosperity that counts—the prosperity that lasts, the prosperity that can be shared by every American.

ON THE PRESIDENT'S MESSAGE

(Mr. ARENDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, the President leveled with the American people today on the state of the economy.

And he deserves our appreciation for that.

He also deserves our support in the actions he has recommended to slow inflation and minimize the impact of joblessness caused by some of the anti-inflation actions.

I agree with the President that the American economy is the strongest in the world and that, because of that fact, we can face up to and lick our current problems.

But no problem which festered like inflation did for 5 years is easily whipped.

It will take the cooperation of business and labor. It will take the determined efforts of Congress.

It will take all of us, putting the good of the Nation above politics, to insure that we have a stable economy and a minimal amount of unemployment.

The President has said what he intends to do and he has laid down a challenge for the Congress. I hope, sincerely, that we will meet it.

THE STATE OF OUR DETERIORATING ECONOMY

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Arkansas asked unanimous consent to address the House for 1 minute.

Mr. GROSS. I understand that, Mr. Speaker, and I reserved the right to object.

Mr. Speaker, when the session opened this morning the Speaker—very providently, I thought—in the interest of getting on with the legislative business, precluded 1-minute speeches. However, I am not at all certain that it was done for the purpose of expediting the legislation, but rather to prevent 1-minute speeches on the resolution just passed.

Mr. Speaker, I am not going to object in this instance, but I know of no reason why political speeches such as we have heard from two of the preceding speakers should further delay the legislative process at this time.

The SPEAKER. The Chair will state to the gentleman from Iowa that earlier in the day the Chair did make the statement that the Chair would not entertain unanimous-consent requests for 1-minute speeches to be delivered until later on in the day.

I am sure that the gentleman from Iowa clearly understood that statement on the part of the Speaker. At that particular time the Chair stated that the Chair would recognize Members for unanimous-consent requests to extend their remarks in the RECORD or unanimous-consent requests to speak for 1 minute with the understanding that they would not take their time but would yield back their time.

I think the Chair clearly indicated that the Chair would recognize Members for that purpose at a later time during the day. As far as the Chair is concerned the custom of the 1-minute speech procedure is adhered to as much as possible because the Chair thinks it is a very healthy custom.

The Chair had the intent, after the disposition of the voting rights bill, to recognize Members for 1-minute speeches or further unanimous-consent requests if they desired to do so.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, there has been a great deal of discussion in these Chambers today and during recent weeks and months about the state of our deteriorating economy. Inflation, the major economic problem of the late 1960's, is still with us. The only difference is that it has been joined by recessionary conditions throughout our economy.

During recent weeks we have seen prices continuing to rise, the stock market continuing to decline, interest rates remaining at unrealistically high levels, unemployment continuing its steady upward trend, overtime and workweeks declining, and public confidence in economic policies continuing to disappear.

Even as these trends continue inexorably, administration economists have continued to assure us that their program was "on schedule," and that the situation was looking better. Apparently, such assurances were meant only to convince themselves that they had not made a mistake, for the words have not led to any new spirit of confidence within our Nation's business community.

In answer to these assurances, I submit for the record an article in the May 30 issue of Business Week entitled "Business Finally Calls It a Recession." It appears that almost everyone is now admitting that we have a recession except the administration economists who continue to insist that if they had any money they would invest it in the market.

The only problem with that statement is that money is one commodity in short supply during a recession. In the First Congressional District, such words almost have a mocking quality for people who cannot even balance their budget and provide basic necessities.

One aspect of the present economic situation that can and should be immediately reversed is the high interest rate policy which has been followed for the past 17 months. I, along with more than 100 of my colleagues of both parties, have introduced House concurrent resolutions expressing the sense of the Congress in opposition to this policy. In the midst of this inflation-recession, it is important to me that the people know where the Congress stands on the policies being followed. It is my hope that this resolution will be brought to the floor in the very near future and inform the administration, by our votes, that we are in total disagreement with a high interest rate policy that is a nuisance to corporations but is death for small businessmen, farmers, the fixed income citizens, and the unemployed.

Because of its relevance to this discussion, I include the excellent Business Week article:

BUSINESS FINALLY CALLS IT A RECESSION

Early this year, businessmen seemed almost stubbornly optimistic about the course of the economy. In the fact of bearish indicators and warnings from professional economists both in and out of government, they projected rising sales, moderately improved profits, and record capital spending.

In the past six weeks, however, sentiment in the business community has swung sharply toward pessimism. An increasing number of executives of major corporations think that the economy is in serious trouble. And although they dislike the word as much as government officials do, businessmen no longer call what is happening to the economy a slowdown but a "recession." The division between optimists and pessimists now is mainly over whether the downturn will turn out to be mild or severe.

"There is no question that we are in a recession," said Allied Chemical Corp. Chairman John T. Connor, a former Commerce Secretary. "The statistics to prove it conclusively don't appear until months after the event, but anyone in business today who looks at his own business situation and his industry knows there is a recession."

Even economist Pierre Rinfret, who flatly declared last November that "there ain't going to be any recession," is wracked by unaccustomed doubts. Last week, he told the Magazine Publishers Assn. that he was not ready to retract his prediction yet but acknowledged that odds were swinging against him.

SHIFT IN MOOD

The change is not so much in the economy itself as in the businessman's appraisal of it. Most business indicators are giving off no more alarming signals now than they were a couple of months ago, though some have worked down to lower levels. What has happened is that many corporate executives have come to share the national mood of frustration and bewilderment that is fueled by uncertainty, dissension, and doubt about the efficacy of the Nixon Administration's policies.

Hammered week after week by bad news, business has been forced to take a new look at sales targets, budgets, and profits forecasts. Almost everything that has happened in the past month has contributed to the general atmosphere of pessimism:

Inflation has continued unabated. Last week, the Consumer Price Index was still growing at a rate of 7.2% a year, and after a couple of months of virtual stability the Wholesale Price Index has again started moving up. Even more worrisome to businessmen are the specific price boosts that have occurred repeatedly in such basic materials as steel.

And then, the day after President Nixon's address on Cambodia, a Treasury refinancing nearly turned into a disaster. The Federal Reserve System saved it by intervening and pumping $2-billion into the economy—but thereby upset its plan to keep growth of the money supply orderly and under tight control.

Last week, the President shook business confidence in the Administration by admitting that the budgets for fiscal 1970 and 1971 would be in deficit, not surplus. Most experts agree that the 1970 deficit will be bigger than the officially estimated $1.6-billion and probably closer to $3-billion.

Labor militancy has fueled inflation with more and bigger wage boosts. Chase Manhattan Bank Chairman David Rockefeller last week even chided *The New York Times* for having agreed to a 41% pay and benefits hike for printers when the newspaper itself had been condemning such labor settlements as the 40% increase for New York tugboat crews.

Beyond this, the Teamsters' wildcat strike has hurt deliveries, particularly in steel, around the country. And the death of Walter Reuther has increased fears that the labor movement may move rapidly to the right without the liberal United Auto Workers chief around to prod its social consciousness. Certainly his death will not make the all-important auto negotiations easier.

Corporate news has not been good. First-quarter earnings were down an average of 14%—far more than the 5% that Wall Street analysts had been predicting. Second-quarter earnings will slump even more.

The uproars at annual meetings this spring have contributed to the atmosphere of gloom. Growing demands from stockholder groups and student organizations for corporations to trade profits for social contributions have dampened the enthusiasm of investors. Executives, as well as blue-collar workers, have joined the growing ranks of the unemployed because of corporate cost-cutting.

Stock prices have plunged an average of 20% since Apr. 11—and the almost daily grim news from Wall Street has taken its toll in more cautious consumer spending and corporate doubts about capital spending. The withdrawal of many small investors from the market has hurt brokerage houses so badly that many salesmen have quit or been fired. Even if the spectacular upturn that came at midweek develops into a genuine rally, it will take some time to repair the damage.

After a dip in April, interest rates have risen again—unhappy news for the market. And the collapse of Bernard Cornfeld's $2-billion Investors Overseas Services together with the troubles of conglomerator James Ling have done nothing to help investors already short on confidence.

Cambodia helped to polarize attitudes about U.S. involvement in Southeast Asia. In New York City, there have been daily confrontations between antiwar students and prowar construction workers in the past two weeks, staged in a highly visible area—Wall Street. The shootings of four students at Kent State University added to the anxiety over the fundamental divisiveness developing in the country.

The rash of opposing and dissenting statements about the move into Cambodia from members of Nixon's own official family has increased the confusion and uncertainty—two conditions that are anathema to the business community. And, just when various voices in the country have asked for firmer leadership in Washington, Congress has been bickering over a resolution that would cut the President's powers as commander-in-chief.

CREDIBILITY GAP

It is hard to measure the impact of any of these events on the economy. Even the collapse of the stock market need not have a lasting effect if businessmen were simply to shrug off the losses and return to business as usual. But it is clear, particularly from their private comments, that corporate managers are shaken.

Significantly, even those favorably inclined toward the Administration think that its assurances no longer carry much weight. "What has been lost," says William S. Brewster, chairman of USM Corp. and a member of the blue-ribbon Business Council, "is credibility in the leadership of the country." S. M. McAshan, Jr., chairman of Anderson, Clayton & Co., of Houston is more caustic: "No one has too much confidence in a buch of theoretical economists. The gap between what people like [CEA Chairman Paul W.] McCracken and [Budget Director Robert] Mayo are saying and what is going on is just too wide."

Business' new pessimism may well be self-fulfilling, which is why Washington is anxious to counteract it and why many businessmen are reluctant to own up to it in public. Up to this point, the downturn has lacked one quality that has been present in every past recession: deep cuts in inventories and capital outlays in reaction to the sluggishness in sales.

Earlier surveys of businessmen had discovered that inventory and investment plans were being maintained chiefly because businessmen expected a quick turnaround. Now, even the optimists are talking about an upturn that will not come until the end of the year, a delay that makes current investment plans questionable. Already, capital appropriations and new machine tool orders, two early signs of actual plant and equipment spending, have taken a nosedive (page 19). And purchasing agents still generally rate current inventory holdings as too high.

OVERAGE GAME PLAN

Much of the problem businessmen have with President Nixon's economic "game plan" (a term that is even more overworked by Administration officials than it is by the press) is that the game has gone on too long. The game plan, in essence, was to slow the economy gradually, using the classic tools of monetary stringency and a federal budget surplus to pull spending power out of the system. The assumption was that as demand slowed, companies would be more reluctant to raise prices and labor would be more moderate in its wage demands.

The slowdown took a surprisingly long time to develop, but eventually the fiscal and monetary medicine did work. The first signs of faltering demand appeared last June, when sales of expensive consumer goods, such as color TV sets, began to drag. In the autumn, new model car sales proved a bitter disappointment to Detroit. Gross national product adjusted for price increases showed a small drop in the final quarter of 1969. And in the first quarter of 1970, a drop of 3% in real GNP made it plain the boom was over.

This has shown up clearly in corporate profits. But it does not show up yet in the measures of inflation. Consumer prices continue to climb. And there is no indication that labor is ready to moderate wage demands that would push costs upward at an even faster clip. What worries many businessmen is that it may take even longer for the wage-price spiral to respond to the effects of the slowdown than it took the economy to respond to the restrictive policies.

ACTION URGED

As much as they dislike the idea of direct government intervention, more and more businessmen think that Nixon will have to do something to speed up the adjustment of wages and prices to the new situation. "Until recently, the Administration's fiscal and monetary policies were on a sound basis," says Allied Chemical's Connor, "but now it has become apparent that they are not enough." Brewster of USM hopes that "moral suasion" will be enough, but has some doubts "because of the division in the country." Whatever steps are taken, businessmen think the White House must make an active effort to rebuild the country's confidence in the Administration and in the future.

Most businessmen this week could agree with the sentiment expressed by James Roche, chairman of General Motors: "The President has to take the bull by the horns and do something." Roche thinks it would help if the President kept explaining the move into Cambodia to reassure the nation that it does not represent a change in the strategy of withdrawal. "One speech wasn't enough," says Roche.

In a broader sense, that sums up business opinion of the Administration's economic program, too.

THE 45TH ANNIVERSARY OF THE SIGNING OF THE GENEVA PROTOCOL

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, today is the 45th anniversary of the signing of the Geneva protocol to prohibit the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare. Today also marks 1 month since the release of the report on chemical and biological warfare, presented by the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments. In that report we recommended:

> The President, as soon as possible, should fulfill his announced intention by submitting the Geneva Protocol of 1925 to the Senate for its advice and consent to ratification. It has now been 5 months since the President said he would take that action, and if the protocol is to be given adequate consideration during the current Congress, it must be sent up at an early date.

Regrettably, the administration has not seen fit to honor even this anniversary day by submitting the Geneva protocol to the Senate.

I fail to understand the cause of this extraordinary delay. The administration considered the protocol in the course of its lengthy review of chemical and biological warfare policy, and the President announced 7 months ago that he was going to submit the protocol to the Senate. Yet the White House has not acted upon this decision or, for that matter, on the other decisions in this field which the President also announced in November. We speak so readily about honoring our commitments abroad, but there is still no sign that the adminis-

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tration is prepared to honor its commitment to the American people to get us out of the germ warfare business and ratify the Geneva protocol.

Unless the White House does not want the protocol to be considered during the current Congress, the protocol must be submitted promptly. Although chemical and biological warfare programs have not received much public attention since the completion of our Foreign Affairs Subcommittee hearings last December, there are many unresolved policy issues that deserve detailed consideration in the context of Senate hearings on the protocol. The most important issue obviously concerns our continued use in Southeast Asia of teargases and chemical herbicides. I am personally opposed to the use of gas warfare in Vietnam, either as antipersonnel or anticrop weapons. Last year the United Nations General Assembly went on record by a vote of 80 to 3 to reaffirm that international law as embodied in the Geneva protocol prohibits all means of chemical warfare, including teargas and herbicides. The administration opposed that United Nations resolution, continues its use of these weapons in Vietnam, and has indicated that it will continue to use them even after we become a party to the Geneva protocol. It is ironic to contrast our own violation of one Geneva agreement with our repeated attempts to have the North Vietnamase conform to another set of Geneva agreements—those on the treatment of prisoners of war.

The teargas and herbicide issue was studied in depth during our subcommittee hearings. We concluded that once the United States ratifies the protocol, it should seek agreement with the 85 other parties to achieve a uniform interpretation of the scope of the protocol. I believe that the United States, which is dedicated to the rule of law, should seek to strengthen the legal regime in the field of chemical warfare by promoting a uniform interpretation of the protocol, even if this means relinquishing our self-asserted right to use teargas and herbicides in war. Otherwise, by maintaining our minority position, as reflected in the 80-to-3 U.N. vote, we run the risk of undermining the protocol's effectiveness once we become a party. This is obviously a complex issue, but it cannot be considered by the Senate until the executive branch first decides upon the form of ratification and transmits the necessary documents to the Senate.

When the President announced his decision to resubmit the protocol, he also said that we would never use biological weapons. Current biological weapon stockpiles were to be destroyed and research in the future would be confined to defensive measures. Presumably these decisions involve turning over the existing research and production facilities to other agencies of Government and ending classified research. To do less would seriously undermine the credibility of the President's announcement, here and abroad. We recommended in our subcommittee report that existing facilities and personnel be directed to solving environmental problems which would benefit America and the world. To date, however, biological weapons research and production facilities remain intact, behind an impenetrable wall of secrecy. Unless action is taken soon to implement the President's November announcement, we will not derive any significant international benefit from it. In fact, delay simply brings into question the significance of our new policy.

As a congressional adviser to the U.S. delegation at the Geneva Conference of the Committee on Disarmament, I know that our pursuit of new measures to constrain the chemical and biological warfare arms race is not likely to receive the support of many other states unless we ratify the Geneva protocol and follow through with our announced intention of getting out of the germ warfare business altogether. We are today the only important state that has failed to ratify the protocol and, until we do, no other country is going to listen to our pleas to write new agreements in this field. The generally commendable initiatives which the President announced months ago must first be implemented and the Senate given the opportunity to approve the Geneva protocol.

TAX RELIEF FOR KIN OF U.S. CAMBODIAN FATALITIES

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, it was reported in Mr. Jack Anderson's "The Washington Merry-Go-Round" column this morning that what appears to be an unfortunate administrative oversight is denying certain tax benefits to several hundred families who have lost loved ones in Cambodia and Laos.

For a full explanation, I place that portion of Mr. Anderson's column dealing with this matter in the RECORD at this point:

TAX HITS KIN OF GI DEAD IN CAMBODIA

(By Jack Anderson)

The widows and children of 253 American servicemen killed in Cambodia will lose the major tax breaks they would have received if their loved ones had died on the other side of the Vietnam border.

The White House, which confidently said it had examined every aspect of the Cambodian problem, forgot to make Cambodia a combat zone. Result: The estates of servicemen who were killed in Cambodia or who died of wounds received there cannot claim a tax break.

Special tax benefits have been granted to GIs, airmen and sailors in the combat zone, which President Johnson defined in 1965 as "Vietnam and adjacent waters." Enlisted men pay no taxes at all on their salaries, and officers are exempted up to the first $500 a month.

For the heirs of those killed in Vietnam, all income taxes on service pay are waived. Most back taxes on income of any kind are written off the books. Under certain conditions, even stock dividends, rentals, interest and other income are tax free.

But for tax purposes, Cambodia is outside the combat zone. The GIs who have crossed into Cambodia will continue to collect combat pay, because they are stationed in Vietnam. But they may be required to pay taxes on the salaries they have accrued while cleaning out the communist sanctuaries. For those who have fallen in action, their estates are ineligible for tax exemptions.

At Internal Revenue headquarters, a spokesman confirmed that for tax purposes "Cambodia is not now within the area designated as a combat zone" and said the income taxes against the dead GIs would be assessed.

Footnote: The same loss of tax breaks applies to the 400 servicemen, mostly pilots, who have been killed or are missing in Laos. Internal Revenue was unable to determine how many of their families had been hit with taxes that would not have been required if the men had died in Vietnam. Of course, President Nixon could still extend the tax benefits belatedly to veterans of the Cambodian and Laos operations by issuing a special executive order.

As I have said, I believe this to be an unfortunate oversight. It is my understanding that President Nixon can remedy the situation by Executive order. I have written the President expressing the hope that he will take immediate action.

In addition, I have assured the President that, if legislation is needed, I am prepared to introduce it. It was my feeling, as expressed to the President, that any legislation needed to correct this situation would be given full bipartisan support.

SETTING THE RECORD STRAIGHT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. BUCHANAN. Mr. Speaker, a number of papers both in the United States and Canada have carried a news article by the Associated Press which, because of its omission of vital information, is totally misleading and constitutes a smear on the State of Alabama and on a circuit court jury there.

In essence, the article says, and I quote:

> An all-white jury has decreed the death penalty for a Negro convicted of robbing a white girl of $30 and a wrist watch.

What the article did not say was that the man also beat, raped, and attempted to murder this 17-year-old girl. He ran over her twice with her automobile, bound her and threw her into the trunk of her car, set the car on fire and ran it over an embankment. Fortunately, the fire went out before reaching the gas tank.

After 24 hours in the trunk, the young woman was found, miraculously alive, by one of the many search parties organized after her disappearance.

Taking the stand during the trial, the young woman described her ordeal and identified the defendant as her assailant.

This, Mr. Speaker, is the reason for the death penalty in this case and I think the record needs to be set straight.

The charge of robbery was brought against this man for two reasons. First, attempted murder, for which he could have been charged, carries only a maximum sentence of 20 years while robbery can carry a death sentence. Second, the preponderance of corroborating evidence dealt with the robbery aspect of this crime.

It is beyond question that regardless of the race or color of the defendant or the jury, the outcome in this case would have been the same.

The people of Alabama do not hand out death sentences lightly and without cause. The implication that this sentence was meted out merely for a $30 robbery is a slur on the jurors sitting in that case and the people of my State.

It is especially distressing to learn of the letters coming from all over the Nation into the courthouse in Birmingham—some offering to give this young woman a watch and $30 to drop the charges. She has already lived through enough without persons, many of whom I am sure are genuinely concerned, making this ordeal even more difficult because of a news item obviously designed to mislead and misinform rather than report the truth, the whole truth, and nothing but the truth in this case.

BLOOD, SWEAT, AND TEARS

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, the overburdened American taxpayer is dancing to the acid rock tune of a $40,000 tab, courtesy of the elite hierarchy of the exalted State Department. The discotheque diplomats waved the baton of approval on this latest cultural exchange program when it authorized a travel grant for the rock group. "Blood, Sweat, and Tears." The nine-man combo was selected to travel through three Iron Curtain countries as youth-administration representatives of the State Department. Members of the group openly admitted:

> We've been through months of hassle cramming this idea down the State Department's throat.

While the group has been informed by the Communist host countries that they will not tolerate any criticism of the Reds' iron-handed control in Eastern Europe, singer David Clayton-Thomas, a Canadian citizen who has lived off the fat of our land for 7 of his 29 years, is allowed much more freedom in his assaults on "Uncle Sugar Daddy" who is footing the bill.

Pointing to the peace symbol imprinted on his purple sweatshirt he said, at a State Department reception:

> I didn't just happen to wear this by accident. I wore it because I believe in it.

He went on to say:

> The group doesn't stand for the things Mr. Nixon is doing. Our motive isn't to show off this administration at all . . . I've traveled the country, I've seen hatred and racism, and I'll tell that no matter where I go.

There is no excuse for this country's subsidizing the travel and derisive drivel of an alien who was selected to represent the United States ostentatiously in three captive nations.

It is not sweet music to the American people to hear the harmony of discord being played at their expense.

ONLY $106 MILLION FOR AIR POLLUTION AND $290 MILLION FOR THE SUPER SUBSIDY TRANSPORT—SST

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, it is no secret that bureaucracy breeds chaos, nor is it any secret that the political process produces inconsistencies. Rarely do we get a chance to see bureaucratic chaos and political inconsistency all wrapped up in one neat package. The Government's inability to make up its mind about the control and abatement of pollution is shown by comparing rhetoric to reality.

We have heard all sorts of rhetoric about cleaning up the environment—part of the reality is a request for $106 million in taxpayer money to do a billion-dollar job against air pollution. Not enough, naturally, but a start. OK so far.

On the other hand, not much rhetoric has been heard—outside the State of Washington—about the need for a super subsidized transport—SST—but the administration is pressing for $290 million to do a job that "free enterprise" should be doing if there really is an economic market for the projected flying monster.

Only $106 million to clean up the air and $290 million to dirty it up again. Really now, does the administration think that the public will buy a super subsidy for the SST and at the same time believe what they hear about the administration's "commitment" to cleaning up the environment? I think not, my friends.

H.R. 18101—MANPOWER DEVELOPMENT AND TRAINING ACT OF 1970

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I have today introduced H.R. 18101, the Manpower Development and Training Act of 1970.

This proposal would substantially reconstruct the whole manpower training program and bring it closer to the realistic manpower needs of our Nation.

H.R. 18101 would also place a great emphasis on incorporating vocational education into the manpower training program and would give vocational educators a greater voice in developing national manpower policy.

On March 2 of this year, I spoke here on the floor of the House on the urgent need for a national manpower advisory council and the need for including more effectively the educational components in our present manpower program. I said then that the degree to which we provide the educational components of manpower development and effectiveness of the educational program in terms of devising attitudes; providing basic education, and relating technical education, will determine how well we can develop an adequate program of manpower needs for the last quarter of the 20th century.

The legislation which I have introduced today will be offered in the Committee on Education and Labor as a substitute for the comprehensive manpower act now under consideration by the Select Subcommittee on Labor.

My own Subcommittee on General Education, of which I am chairman, has studied the role of vocational education and its capabilities in helping develop more effective manpower training programs. It is an undeniable fact that this Nation does not have a comprehensive manpower program which encompasses close correlation with vocational education.

We have bits and pieces of manpower programs which are carried out by many agencies at State and Federal levels. We should not limit our consideration of any new legislation to only those programs conducted by the Department of Labor. We need to give serious consideration to an overall national manpower program that would be coordinated through an effective body at the Federal level.

The legislation which I have introduced today provides for a National Manpower Advisory Council appointed by the President that would be represented by the agencies and departments involved in manpower programs and services, as well as representatives of the general public. The council would be authorized to engage services of full-time professional, technical, and clerical staff to perform its duties.

The council would have four major responsibilities independent of those of the Federal agency responsible for the actual operation of these programs. These would be:

To establish national manpower goals and to develop appropriate standards for programs and services designed to meet these goals;

To advise the Secretaries of the several departments of the Federal Government concerning the administration of preparation of general regulations for and operation of manpower programs and services coming under their jurisdiction;

To review the administration and operation of manpower training programs and services; and

To conduct independent evaluations of manpower programs and to publish and distribute the results of such evaluations.

In order that the various manpower programs of the Federal Government could be coordinated I propose a position of special assistant for manpower to the President. This special assistant to the President would act as liaison to the National Manpower Advisory Council and to the President for matters of national manpower policy.

I should like at this point to repeat here today what I said on March 2 when I suggested this legislation because it does put the meaning of this legislation in proper perspective.

My statement follows:

> We cannot ignore the role of the States in carrying out a national manpower policy. Many are doing a good job and others should be guided in their efforts. Many state constitutions prohibit the establishment of a comprehensive manpower agency, therefore, I propose that there be a State

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manpower advisory council appointed by the Governor to develop a yearly and 5-year projected comprehensive manpower plan that would include programs, services, and other activities. This council would consist of representatives of established State agencies that are concerned with manpower programs and services and the general public. It would be the responsibility of the State advisory council to see that the State plan was carried out.

However, all federally supported education and manpower programs would be administered through the agencies in the State currently responsible for that type of program, service or activity. As in the case of the education component of manpower development, I propose that the State Board for Vocational Education have the prime responsibility. The education programs could be contracted with local public schools, private schools, or industry depending upon the capability of the institution or business to render such services. I firmly believe that any Federal manpower act must provide specific standards for such programs to insure quality and a prudent expenditure of public funds. Likewise, it is imperative that there be a provision in any Federal Manpower Act for any of the Federal departments to carry out manpower programs where the State has failed to submit an acceptable plan or where all or portions of the plan has been disapproved by the Federal agency administering that portion of the plan.

Since vocational education is an integral part of a manpower development system, including preemployment training and upgrading for youth and adults, any provision for the educational component in manpower legislation should become a part of the State plan for vocational education and be administered in accordance with standards set up in the State plan. The Congress has expressed great concern about the duplication and overlapping of programs to train the disadvantaged unemployed and underemployed currently administered by the U.S. Department of Labor. I firmly believe it is time that we not only consolidate and coordinate these programs but put the bits and pieces from all Federal agencies together into a coordinated manpower development program.

The education component of a manpower program has never been adequately defined in the administration of the Manpower Development and Training Act. This needs to be done.

The concept of the neighborhood youth corporation could be strengthened if administered under the part H—work-study programs for vocational education students—of Public Law 90-576. Youth who take advantage of this program should be required to enroll in education and training programs that would begin to prepare them for a continued work role in our society. It is my understanding that both the Bureau of the Budget and the Department of Labor has expressed an opinion that this should be done. I urge the U.S. Office of Education in the Department of Health, Education, and Welfare to assume leadership in seeing what could be done to effect this transfer. Work study programs provide an opportunity for youth to experience a work role in our society and also an opportunity for them to earn so that they might stay in school. Why not tie this program to a meaningful education and training program in our schools?

I am not convinced that any one Department of the Federal Government has the expertise to develop and administer all the components of a comprehensive manpower program. However, I do believe that through the coordination by the National Manpower Advisory Council and the State manpower advisory councils, this Nation can have an efficient and effective manpower development program.

Mr. Speaker, I am pleased that the distinguished Senator from Vermont, Senator PROUTY, has introduced similar legislation in the other body. It is my hope that with this comprehensive manpower development act of 1970, we can provide the kind of educational leadership that we will need for a trillion dollar economy which our Nation will achieve this year, and a $2 trillion economy which we will reach by 1980.

THE PRESIDENT'S DECISION TO INVADE CAMBODIA

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, many weeks have passed since President Nixon announced to the American people that our military units, along with South Vietnamese troops, were in the process of invading Cambodia in order to destroy enemy sanctuaries and base camps.

The Senate continues its lengthy debate on the essential question of the power of the President to invade a country without the consent of Congress. This is not the only issue which has come to the fore as a result of the Cambodian invasion. Events of the past weeks have served to focus attention on the continuing war in Vietnam and the growing unrest here in the United States.

Mr. Speaker, I would briefly discuss my views and observations on each of these issues.

I do not believe that the constitutional powers of the President, in his capacity as Commander in Chief, extend to ordering the invasion of a foreign country without the knowledge and consent of Congress. Weeks ago, I supported amendments in the House which, if approved, would have prevented the President from conducting such an invasion without the consent of Congress.

The issue is really constitutional in nature, and even if Congress is late in waking up to its responsibility to recapture its constitutional prerogatives to declare war and to raise and support armies, it is nevertheless significant and important that the debate is finally taking place.

To be sure, the President's decision to invade Cambodia took the enemy by surprise, and our troops were able to overrun and destroy many base camps with the capture of huge amounts of weapons and supplies. The President had indicated that one principal objective of the invasion was to destroy the headquarters for Communist operations in South Vietnam, but this objective has not been achieved. From a tactical military point of view, however, the invasion appears to have been a success. I am certain that the invasion will provide temporary easing of Communist pressures along the western border of South Vietnam, and I am also sure that the invasion will give the new government in Cambodia much needed time to strengthen itself for the struggle to govern Cambodia.

The second issue I want to discuss is the war in Vietnam itself. Ten days before the President invaded Cambodia, he announced to the American people his decision to proceed with the withdrawal of an additional 150,000 American troops within a year's time. He repeated this decision recently while briefing the American people on events in Cambodia. I applauded the original announcement of the President, and it encouraged me to believe that the U.S. policy of withdrawal was working, and that we were on the road to disengagement.

The President has indicated that it is the policy of the United States to work for a negotiated settlement and also to wind down American participation in the war. It is this policy which I have supported. However, I am concerned that the invasion of Cambodia may mean that the United States is now basing its decisions in pursuit of this policy on the events taking place in Cambodia, and not on the degree of progress in South Vietnam itself. I hope that this is not the case.

In speeches I delivered on the floor of the House last fall, I made it clear that I favored a policy of gradual withdrawal of American combat forces in Vietnam. I agreed then with the line of reasoning advanced by Senator AIKEN, senior Republican on the Foreign Relations Committee, who suggested that self-determination for the people of South Vietnam was impossible as long as a substantial American presence existed in that country.

In recent weeks, I have communicated with President Nixon on two occasions, first to urge him to use all of the diplomatic resources at his disposal to reconvene a Geneva-type conference on Southeast Asia. I have no illusions about how difficult such a task would be, but I believe that it is an important avenue which must be traveled. I also urged the President to step up the United States effort at the peace talks in Paris by appointing as Ambassador a prominent and independent American who could hopefully make a contribution to moving the talks in the direction of an agreement. I suggested to the President that he consider appointing Father Hesburg, the president of Notre Dame University.

Again, without illusions about the difficulties involved, I have cosponsored a resolution which would make it U.S. foreign policy to encourage the United Nations to dispatch an international supervisory force to Indochina to effect and maintain a cease-fire. It may be possible for the United States to promote a United Nations involvement, particularly if the United States is actually withdrawing its combat forces and disengaging itself from the conflict. I also feel that in the post-Vietnam era, it will be necessary for the people of the United States, through their elected representatives, to have a full and dispassionate review of all the commitments we have assumed as a Nation over the years in the international world.

I believe that this country can find a role for itself that is somewhere between that of the international policeman and the isolationist.

Before closing, Mr. Speaker, I want to comment on the conditions which exist

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in the United States today. I am afraid that the country will not be able to cope with a steady diet of conflict, confrontation, repression, and reprisal. The extent to which Americans, the young and the not so young, are turning to violence should be a cause of grave concern. The painful part of it is that Americans are beginning to look upon this kind of violence and force as an acceptable means of dealing with frustration and outrage.

Acts of violence, by their very nature, lead to more violence, followed by repression, then revolt, and more violence. The American people must turn away from this path. The future of our Nation requires that we turn away.

On May 20, on the floor of the House, I remarked at length on the problems of the communications gap among Americans, and I believe that this is particularly evident now with the turmoil which has developed among the young and the old, the supporters and the opponents of the administration, and other conflicting groups. Real communications, listening and responding—and responding does not mean acquiescing—are needed to deflate the frustration and the sense of powerlessness which are leading inevitably to the use of force. All of us realize that force and violence cannot be tolerated, but do we also realize that it is within our power to deal effectively with the causes of violence and to develop dozens of ways of easing the threat of violence which do not involve either appeasement or apathy? I hope that we can move to exercise this power.

THE VOTING RIGHTS ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, I voted for H.R. 4249 on final passage in the House last December, although with reservation as to its constitutionality. My benign support was given because the approved substitute was a vast improvement over the discriminatory bill reported to the floor by the Committee on the Judiciary.

As my colleagues will recall, the committee bill was a simple extension of the 1965 Voting Rights Act which indicted, tried, and found guilty a few southern States under a cleverly drawn triggering device, by requiring those States to prove they were innocent of racial discrimination in the matter of voting.

We defeated the iniquitous committee bill. We passed the substitute which provided that the Attorney General had to prove discrimination before State voting laws were superseded by the Federal Voting Rights Act. Furthermore, the House-passed bill was applicable to all 50 States.

In a fight led by the Republican leader, the Senate rejected the House bill and approved, instead, practically the same bill as reported by the Committee on the Judiciary. In addition, the Senate added an amendment lowering the voting age from 21 to 18 in all Federal, State, and local elections.

President Nixon, unfortunately, has endorsed in essence the Senate version of the bill. In my judgment, Mr. Speaker, the Senate-passed act is in basic violation of the Constitution; a point I will extensively discuss later.

Now, I would like to make a few comments on the procedure under which we had to operate today. The fair and appropriate procedure, and I might add, the normal procedure, is for the chairman of the Committee on the Judiciary to ask for a conference with the Senate on the Senate amendments. Instead, at the apparent urging of the House leadership, the chairman went outside of normal channels to the Committee on Rules and requested a rule which would accept the Senate amendments. Regrettably, the Rules Committee acquiesced over the commendable opposition of its distinguished chairman, Hon. WILLIAM M. COLMER.

As a consequence, we had only 1 hour of debate time, to be spread among more than 43 Members of the House, to determine the fate of an issue which reaches to the very core of our Constitution's substance. This choking of discussion and prevention of meaningful dialog must be numbered as one of the gravest sins ever committed against representative democracy.

Mr. Speaker, despite what some of the proponents of this bill may contend, we are not dealing with a black and white racial issue. It is simply a question of whether the Congress can do by legislative fiat that which it should do by constitutional amendment.

It is easy to perceive of a time and situation when this Congress is dominated by persons totally unsympathetic to the rights of black people. What protection would these blacks have then if our constitutionally ordained system of restraints is today destroyed? It has been said that Constitutions are written for two reasons: First, to set forth the fundamentals of the government they create; and second, to place these fundamentals beyond the reach of impatient and temporary majorities and beyond the reach of the shifting tides of public opinion.

Alas, the American dream will become a nightmare for blacks if we remove the protection of local and State governments when the flood tide of antagonistic national opinion threatens to engulf them. I would cite Hitler's Germany as a case in point.

What, then are these constitutional restraints that are being so roughly treated here today? What basis in the Constitution do they have and in what way are they being impaired?

The duty of determining voter qualifications is specifically given to the States by several sections of the Constitution. Article II, section 1 states:

> Each state shall appoint, in such Manner as the Legislature thereon may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

Article I, section 2 states:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The 17th amendment states:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The 10th amendment states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It is obvious, on its face, that these provisions of the Constitution unequivocally direct to the States the power and duty to determine voter qualifications. They are charged, through their legislatures, to determine and establish methods by which electors are to be appointed, and where various States have decided to appoint their electors by popular vote, the power necessarily includes the right to determine the manner of the voting process and the qualifications of the voters.

If the States are to make the decisions as to how their electors are to be appointed, then they must be free to choose from many varied alternatives. Indeed, a quick glance at history reveals that some States have chosen to appoint electors by mere act of the legislature alone. Many have chosen to appoint them by a combination of the legislative vote and approval of the citizenry in an election. It is almost universal today to find that the various legislatures, in their discretion, have chosen to delegate this appointment as directly as possible to their citizens by direct election.

When the Constitution instructs in article II, section 1, and in the 17th amendment, that—

> The Electors of each State shall have the Qualifications requisite for Electors of the most numerous branch of the State Legislature.

It obviously is charging the States with the duty of selecting those electors on the basis of the State's own system for choosing its legislature.

What then, does the Constitution say about a State's selection of its own legislature. I can find nothing in the Constitution which says anything. Indeed, this very wording, taken from article II, section 1 and from the 17th amendment, discloses the contemplation that the States should determine their own elective processes. Furthermore the 10th amendment also acts to reserve this power to the States when it announces that—

> Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People.

If the States have any power to prescribe procedure for electing their own legislatures, their discretion is complete. If they are to follow some mysterious set of rules then they have no power—they are mere puppets and robots. Is that what we have come to today?

And further still, where in the Constitution lies this magically prescribed formula that the States must follow? Is

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it in article II, section 1, regarding the choosing of presidential electors? Is it in article I, section 2, regarding the election of Members of Congress? Is it in amendment 17, regarding the election of Senators? Indeed, is it anywhere in the Constitution at all? I think not. In fact, just how does the Constitution direct who may or may not vote in elections? Where does it announce, by statement or implication, what particular person may vote in any election at all? Absolutely nowhere. What then does the Constitution actually say about voting?

Section 2 of the 14th amendment is the only place in the Constitution which mentions voting and a specific age in the same breath. It refers to "21 years of age." If there is a constitutional sanction for a minimum age for voting, it is in this section, and it would be "21 years of age." I do not recall advocates, who favor lowering the voting age by statute, relying on the 14th amendment.

What then, do the proponents of extending the Voting Rights Act say is the constitutional basis of their position? They point to the 15th amendment and say that it authorizes the Congress to do anything it desires at any time. In this, I cannot concur.

If the Constitution is actually a single harmonious document with provisions working in sympathy and concert, then this basis for the Voting Rights Act cannot be successfully maintained. With so many provisions of the Constitution expressly charging the States with the duties of formulating and operating voting systems, it is patently clear that the 15th amendment is limited in scope and negative in action.

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It is a prohibition against certain actions of the States. It is not a source of Federal power over elections or any other subject. To base a positive and active mechanism on the 15th amendment flies in the face of the Constitution and violates it both in letter and spirit. Had the framers of the Constitution desired to set out election rules and regulations they would be found within the Constitution. However, quite the opposite is found. Every section touching the matter charges the States with this duty except amendment 15 which merely prohibits discrimination in voting systems which would result in disenfranchisement of blacks, and amendment 19, barring discrimination because of sex. Whatever authority is given to the Congress to legislate in support of amendments 15 and 19 is merely the negative authority to prohibit discriminating laws of States.

To then base a positive and active set of rules with which certain States must comply is to nullify the intent, purpose, and effect of all other sections of the Constitution speaking on the subject. It is to declare, by legislative fiat, that one section of the Constitution, one couched in the language of general negatives and bars, is to be given controlling precedence over five positive and directive sections of the Constitution. Such logic is preposterous and infantile.

If the Constitution is to be read as a single cohesive document whose provisions work together toward the attainment of its ideals, then the various sections must give support and aid to each other, and cannot be utilized as means to devalue and discredit other provisions of equal stature. Such a result will only allow men to pick and choose the sections they desire and the resulting rip in the fabric of our Constitution will not stop at the seam but will pierce the heart of the Nation.

As I mentioned before, it has been said there are two reasons for writing a constitution: first, to set forth the fundamentals of the government they create; second, to place these fundamentals beyond the reach of impatient and temporary majorities, and beyond reach of the shifting tides of public opinion.

Mr. Speaker, this truth applies especially to the amendment which would lower the age for voting from 21 to 18. It is in direct opposition to not only Mississippi's legal voting age, but it cuts across the entire face of her law and policy. Our State has traditionally held to the idea that rights should be in proportion to responsibilities. The framers of our Constitution and elected lawmakers down through the years have been remarkably consistent in refusing to subject a person to action and penalties of the law until a time at which he is able to make mature and well considered decisions. I am not speaking of mere education, which the proponents of this amendment say is so much greater and widespread now. I am speaking of that more elusive quality—judgment.

Education surely yields an increased measure of knowledge but true judgment only comes from experience and seasoning. It may be true that there are more people under 21, today, who possess the level of awareness to deal maturely with business matters, to engage in binding legal contracts, to buy and sell land, and other similar problems than there were when I was that age. And it is certainly not my intent or purpose to question the intelligence or integrity of America's and Mississippi's youth. All I am doing is calling for "time out." I simply want to calmly consider this issue in all of its facets. I will not be stampeded into giving my approval of a plan to extend the right to vote to those under 21 when I know this plan is the brainchild of those who have been openly courting the radical and irresponsible elements of this age group and when I know it is a design by which they are seeking more votes for self-perpetuation.

Let there be no mistake here. I am not irreconcilably opposed to lowering the age of voting. There may be great merit in it.

I think, however, we should consider this issue in depth and explore the whole area of adulthood before lowering the voting age. Let us look to the experience of past leaders and thinkers and see what course they charted. It may well be that today the situation is truly different and change worthwhile; but, it may also be that the heat of our times has only warped the lens by which we see.

I would like to consider the policy of Mississippi, as disclosed by the laws and statutes of her constitution and code. Persons under the age of 21 cannot be held, by law, to any contract they engage in. Indeed, two sections of the Mississippi Code—sections 1264 through 1268, M.C.A.—provide for special dispensation from the courts where extraordinary circumstances indicate that persons under 21 should be allowed to engage in business transactions and sale of land; actions which affect the rights of others.

It is the law of our State that one under 21 may not create and execute a will and testament which will be legally binding on his heirs.

The lawmakers of Mississippi have deemed that males must attain the age of 21 before they may enter into the marriage contract completely free of the protest by parties who might also be affected by their action.

Before one can be licensed to serve the public as an architect—section 8632–09, M.C.A.; attorney—section 8654, M.C.A.; public accountant—section 8905; M.C.A.; veterinarian—section 8914–07; real estate broker—section 8920–04; embalmer—section 8781, M.C.A.; optometrist—section 8840, M.C.A.; or dentist—section 8755, M.C.A.; he must meet the requirement that he be 21 years of age.

And, finally, section 241 of the Mississippi Constitution makes it imperative that any person first attain the age of 21 before gaining the right to vote.

What are these statutes telling us? Why do they all contain the 21-year-age requirement? Is this reason or merely rhyme? What common factor do they all possess?

I humbly suggest that the element of commonality is present in these statutes. This element is that, with the right to act in a way which affects other persons, there is the duty to protect innocent parties. It is this effort to protect innocent parties which has given rise to the 21-year-old age requirement of so many statutes.

Is this truly a valid consideration? Have times changed so much that we may depart from this longstanding tradition? Can we safely assume that modern education has brought such a high level of judgment to the typical 19-year old that the precepts of our forefathers are to be sloughed off?

What actions by the persons we are asked to enfranchise suggest their readiness to accept responsibility? Is it found in the smoke from the Bank of America over California? Do student strikes over the country suggest a cool and reasoned approach to the problems facing America in 1970? Do thousands of teenagers marching on the Nation's Capital in protest of the Vietnam war prove the soundness of their judgment or does it merely suggest a new source of votes to a liberal establishment reeling in the face of the silent majority? And is not this very protest and disruption of America's tranquility the reason these liberal advocates cite as the main cause for lowering the voting age from 21 to 18?

I think the answer is patently obvious to anyone who takes an objective look. I do not say that the voting age should never be lowered under any circumstances. I am questioning, however, the appropriateness of both the time and method by which it is now sought. Voting requirements belong to the States as pointed out earlier and there is a right way, by constitutional amendment, to go about changing it. This way is wrong and our haste today can only damage our cause for tomorrow.

NEW REGULATIONS OF CORPS OF ENGINEERS GOVERNING HARBOR LINES, AND PERMITS TO DREDGE, FILL, AND CONSTRUCT IN NAVIGABLE WATERWAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I believe the Members of this House will want to know about the very significant step forward which the U.S. Army Corps of Engineers has recently taken toward carrying out its statutory responsibilities with an enlightened concern for this country's natural environment. I refer to the new regulations recently promulgated by the Corps of Engineers governing the establishment and modification of harbor lines and applications to dredge, fill, construct any structure, or perform other work in the navigable waters of the United States.

In March of this year, the House Committee on Government Operations issued a report, prepared by the House Conservation and Natural Resources Subcommittee, of which I am chairman, entitled "Our Waters and Wetlands: How the Corps of Engineers Can Help Prevent Their Destruction and Pollution,"—House Report 91-917, March 18, 1970—with a series of far-reaching recommendations. We urged that the corps, when considering applications for fills, dredging, or other work in estuaries, rivers, and other bodies of navigable water, should increase their emphasis on how the work will affect all aspects of the public interest. They should look not only at the interests of navigation, but also conservation of natural resources, fish and wildlife, air and water quality, esthetics, scenic view, historic sites, ecology, and other public interest aspects of the waterway. We recommended that no further landfills or other work be allowed in the Nation's waterways except where the applicant affirmatively proves that the proposed work is in accord with the public interest, including the need to avoid the piecemeal destruction of these water areas.

The committee's report further recommended that all harbor lines established by the corps to define the offshore limits of bulkheads, fills, piers and other structures should no longer constitute an automatic license to fill and construct. Instead, anyone planning to do such filling or construction between the shore and harbor line should be required to obtain a permit for such work, subject to such conditions as the corps deems necessary to protect the public interest, and subject to the same interdepartmental review and consultation procedures as are now used in considering applications for permits for similar work in waters where harbor lines are not established. We also urged the corps to require and encourage public hearings on proposals to establish or modify harbor lines whenever there is sufficient public interest in such proposals.

Our report also dealt with the corps' actions in considering applications for permits to construct sewer outfalls into navigable waterways. We urged the corps to require the applicant to furnish full information concerning the nature, composition, amount, and degree of treatment of the wastes which will be discharged from the outfall, and to demonstrate that such discharges will not adversely affect the quality of the receiving waters. In addition, we recommended that the corps consult with the appropriate Interior Department agencies—such as the Federal Water Quality Administration, Fish and Wildlife Services, and so forth—as to whether, and under what conditions, the permit should be granted, and to require the permittee to comply with all requirements for protecting the quality of the receiving waters.

I am very pleased to report that the Corps' new regulations—ER 1145-2-303, ER 1145-2-304 and Cir. No. 1145-2-18—embody all of these recommendations. They mark a new highwater level of environmental concern by the Corps of Engineers. We hope that the Corps will diligently apply these regulations which I understand are now in effect, because these new procedures can be very helpful to decrease the degradation which is now afflicting our estuaries, rivers, harbors, and other waterways.

I commend the Corps of Engineers on their new regulations. Because of the substantial public interest in the Corps' revised procedures, I append the text of the new regulations, the new permit form, and a statement by the Department of the Army concerning the changes made in the new regulations, for inclusion in the RECORD at this point:

[From the Federal Register, vol. 35, No. 103 Wednesday, May 28, 1970, p. 8280, Reg. No. 1145-2-304]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

Part 209—Administrative Procedure

Harbor Lines

Pursuant to the provisions of sections 10 and 11 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403, 404), § 209.150 is hereby amended in its entirety effective upon publication in the FEDERAL REGISTER as follows:

§ 209.150 Harbor lines.

(a) *Definition*. The term "harbor line(s)" is used here in its generic sense. It includes types of harbor lines frequently referred to by other names, including, for example, pierhead lines and bulkhead lines.

(b) *Policies, practices and procedures*. (1) Under previous policies, practices and procedures, riparian owners could erect open pile structures, or undertake solid fill construction shoreward of established harbor lines without obtaining a permit under 33 U.S.C. 403. This was a matter of great concern, particularly in cases involving long established harbor lines, since all factors affecting the public interest may not have been taken into account at the time the lines were established. Accordingly, under previous policies, practices and procedures there was the danger that work shoreward of existing harbor lines could be undertaken without appropriate consideration having been given to the impact which such work may have on the environment and without a judgment having been made as to whether or not the work was, on balance, in the public interest.

(2) In order to assure that the public interest will be considered and protected in all instances, all existing and future harbor lines are declared to be guidelines for defining, with respect to the impact on navigation interests alone, the offshore limits of open pile structures (pierhead lines) or fills (bulkhead lines). A permit under 33 U.S.C. 403 will be required in each case for any work which is commenced shoreward of existing or future harbor lines after the date of publication of this regulation in the FEDERAL REGISTER. Applications for permits for work in navigable waters shoreward of harbor lines shall be filed and processed in accordance with the provisions of applicable sections of this part. For work already completed or commenced in conformance with existing harbor line authority before that date, no permit is required.

(c) *Establishment or modification of harbor lines*. Applications for the establishment of new harbor lines or the modification of existing harbor lines will be processed in a manner similar to applications for permits for work in navigable waters. Public notices concerning any such application will be sent to all parties known or believed to be interested in the application and a copy of the notice will be posted in post offices or other public places in the area. Public notices apart from providing information relative to any harbor line application, shall make it clear that harbor lines are guidelines for defining, with respect to the impact on navigation interests alone, the offshore limits of open pile structures or fills and that the establishment of a harbor line carries with it no presumption that individual applications for permits to undertake work shoreward of any harbor line will be granted. Public hearings will be held in connection with applications for the establishment or modification of harbor lines whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be assistance in determining whether the harbor line should be established or modified. District Engineers will forward all recommendations concerning the establishment or modification of harbor lines through the appropriate Division Engineer to the Chief of Engineers, ENGCWON. No new harbor lines will be established and no existing harbor lines will be modified unless specifically authorized by the Chief of Engineers.

[Regs. ENGCW-ON] (Secs. 10 and 11, 30 Stat. 1151; 33 U.S.C. 403, 404)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-6534; Filed, May 26, 1970; 8:48 a.m.]

[ENGCW-ON, EC 1145-2-18]
DEPARTMENT OF THE ARMY, OFFICE
OF THE CHIEF OF ENGINEERS,
Washington, D.C., April 30, 1970.

Circular No. 1145-2-18, Expires 30 June 1971.

CIVIL REGULATORY FUNCTIONS: PERMITS—POLICY, PRACTICE AND PROCEDURE

1. *Purpose and Scope*. This circular establishes procedures for processing permit applications, other than from Federal agencies, under the provisions of the Water Quality Improvement Act of 1970.

2. *Applicability*. It is applicable to all Corps of Engineers Districts and Divisions having Civil Works Responsibilities.

3. *References*.

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a. 33 U.S.C. 403.

b. Public Law 91–224, the Water Quality Improvement Act of 1970.

c. ER 1145–2–303.

4. *Procedures.*

a. *Permit applications received on or after 4 April 1970.*

(1) Section 21 of PL 91–224 requires a certification in connection with any permit application to conduct any activity, including but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States. This certification must be made by the State or Interstate agency responsible for water quality or by the Secretary of the Interior as the case may be to the effect that there is reasonable assurance that the permitted activity will not violate water quality standards. Pursuant to this provision all permit applications received on or after 4 April 1970 will be carefully examined to determine if the proposed structure or the construction or other work involved is of such a nature that its normal and usual operation or performance entails a discharge into the navigable waters. In addition, on applications for permits for fill or pile supported platforms the intended use thereof shall be ascertained to determine if such use would involve in its normal conduct or operation a discharge into navigable waters. Where positive determination is made in any case, the applicant will be advised of the requirement for a certification under Section 21. Certification will be required in connection with all applications for dredging and filling and for outfall structures and canals. In all other cases the criteria set forth above will be used.

(2) In cases where no certification is required the procedures in ER 1145–2–303 will be followed.

(3) Where a certification is required, normal permit processing procedures under ER 1145–2–303 will be commenced when the Regional Coordinator of the Department of the Interior is notified of the receipt of the application and certification pursuant to Section 21 (b) (2) of PL 91–224. However, the permit will not be issued nor a public hearing held under the procedures of ER 1145–2–303 until the provisions of Section 21(b) of PL 91–224 have been met. These provide that (i) the Regional Coordinator has 30 days in which to notify the permitting agency that issuance of the permit may lead to a discharge which will affect the quality of waters of another state, and (ii) that such other state may within 60 days of receipt of the notice object to the issuance of the permit and request a public hearing. If a request for a public hearing is timely received from such other State, public hearing under ER 1145–2–303 will be withheld and this office will be promptly notified ATTN: ENGCW–ON, for instructions on further action to be taken.

b. *Permit applications pending on 3 April 1970.* No certification is required to issue a permit for which an application was pending on 3 April 1970, if such permit is issued on or before 2 April 1971. Any such permit which would have otherwise required a certification will, however, terminate a year from the date of its issuance unless a certification is submitted prior to that time. Accordingly, the following condition will be inserted in such permits:

"This permit will terminate on ——— unless the permittee submits to the District Engineer the certification provided for in Section 21 (b) (8) of PL 91–224, the Water Quality Improvement Act of 1970, within one (1) year from the date of this permit" NOTE: In blank space above insert date one (1) year from date of permit.

For the Chief of Engineers:

J. B. Newman,
Colonel, Corps of Engineers, Executive Director of Civil Works.

These pages constitute Change 5 to ER 1145–2–303, 18 Mar 68

[ENGCW–ON, ER 1145–2–303: Change 5]

Department of the Army, Office of the Chief of Engineers,
Washington, D.C.

Regulation No. 1145–2–303

CIVIL REGULATORY FUNCTIONS: PERMITS—POLICY, PRACTICE AND PROCEDURE

1. *Purpose and Scope.* This regulation prescribes the policy, practice and procedure to be used by all Corps of Engineers installations and activities in connection with the issuance of permits for construction or other work in and adjacent to navigable waters of the United States.

2. *Laws Authorizing Issuance of Permits.*

a. Section 10 of the River and Harbor Act approved 3 March 1899 (30 Stat. 1151; 33 U.S.C. 403) prohibits the placing of any structure in or over any navigable water of the United States . . . or excavating from or depositing material in such waters, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army. The instrument of authorization is designated as a permit. The authority of the Secretary of the Army to prevent obstructions to navigation in the navigable waters of the United States was extended to artificial islands and fixed structures located on the Outer Continental Shelf (43 U.S.C. 1333(f)).

b. Section 14 of the River and Harbor Act approved 3 March 1899 (30 Stat. 1152; 33 U.S.C. 408) provides that the Secretary of the Army on the recommendation of the Chief of Engineers may grant permission for the temporary occupation or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States.

c. Section 1 of the River and Harbor Act approved 13 June 1902 (32 Stat. 371; 33 U.S.C. 565) provides that any person or persons, corporations, municipal or private, desiring to improve any navigable river, or any part, at their own expense and risk may do so upon the approval of the plans and specifications of the proposed improvement by the Secretary of the Army and the Chief of Engineers.

d. Work and construction in navigable waters by all Federal agencies are subject to the laws for the protection and preservation of navigable waters, including such work and construction performed by the Corps of Engineers in the capacity of a construction agency for other branches and services. Approval of plans and specifications by the Corps of Engineers does not constitute the approval contemplated under these laws. Division and District Engineers will therefore advise such agencies accordingly and cooperate to the fullest extent with a view to facilitating the issuance of permits and furnishing such assistance as may be desired in connection with the permit applications.

e. In those cases where it appears that the proposed work would not have significant impact on environmental values and the work involves either (1) minor work in unimproved waterways or (2) minor work in areas of improved waterways which are removed from the fairway used for navigation authorization may be by a letter of permission. The letter of permission will be in letter form and will contain substantially the language on the face of ENG Form 1721, ENG Form No. 96c, W.D., Eng., or ENG Form 2029, as appropriate. District Engineers may reproduce locally a form letter, as appropriate, to meet their needs. No drawings will be required to be submitted, nor will it be necessary to issue public notice in such cases. This procedure may be utilized when, in the opinion of the District Engineer concerned, there could be no opposition and authorization would unquestionably be given. Doubtful cases will be resolved in favor of public notice and normal processing. If State law or local ordinance requires approval of the structures or work, a copy of such approval will be submitted with the application. Aerial crossings and submarine cables and other underwater crossings will not be regarded as minor structures or work.

3. *Form of Application and Plans.*

a. Applications and plans will be prepared in accordance with instructions in the pamphlet entitled "Permits for Work in Navigable Waters" which is published by the Corps of Engineers. District Engineers will furnish applicants appropriate advice and assistance in the preparation of the application and plans.

b. In addition to all other information which must accompany a permit application, applicants for permits for dredging, filling and disposal operations are required to furnish the following information with their applications: (1) the type and quantity of solids to be removed or deposited, (i.e., 3000 yards of sand; 10,000 yards of polluted silt), (2) proposed method of measurement, (i.e., in place; scow volume), and (3) alternate methods of disposal and the economic and environmental impact of alternate methods of disposal.

c. In addition to all other information which must accompany a permit application, applicants for permits for cooling water intake and outfall structures, outfall sewers from industrial and other plants, and similar work which may affect the navigable capacity and/or the ecology of a waterway are required to furnish information with their application which will identify the character of the effluent. Such information shall include, but need not be limited to data pertaining to chemical content, water temperature differentials, toxins, sewage, amount and frequency of discharge and the type and quantity of solids involved, if any. If the effluent or discharge will include solids of any type, applicants must (1) identify the proposed method of instrumentation to determine the effect of the disposition of solids on the waterway and (2) either agree to reimburse the United States for costs associated with the periodic removal of such solids from the waterway or provide a plan for the periodic removal of such solids by private dredging. Such applicants must also provide information on plans to abate pollution and to eliminate the deposition of solids. District Engineers, prior to taking action on any application for a permit for cooling water intake and outfall structures, outfall sewers from industrial and other plants, and similar work, will consult with Regional Directors of the Department of the Interior and with Federal and State agencies having responsibilities in the area of water pollution control.

d. Applicants may be required to furnish such additional data as the District Engineer may deem necessary to assist him in his consideration of the application.

4. *Public Notice and Consultation with Interested Parties.*

a. Except as provided below, in the case of applications for permits involving work in navigable waters of the United States, a public notice concerning the permit application will be sent to all parties known or believed to be interested in the application, such as State or local harbor commissions, appropriate city or county officials, adjacent property owners, the Coastal Engineering Research Center if proposed work involves structures or dredging along the shores of the sea or Great Lakes, the U.S. Fish and Wildlife Service, the head of the State agency having responsibility for wildlife resources, owners or associations of owners of boat lines and local conservation organizations. Public notice is mandatory except in those cases when it appears that the proposed work would have no significant impact on environmental values and the proposed work involves either (1) minor work in unimproved waterways or (2) minor work in areas of improved waterways which are removed from the fairways used for navigation. Copies of the notice will be posted in post offices or other public places in the vicinity of the site. A copy of every notice issued will be sent to the Chief of Engineers, attention: ENGCW–ON. Where public notice is required, no permit or extension of time in which to complete work authorized by a permit will be granted unless notice has been issued and interested parties are afforded a reasonable time to express their views concerning the permit application.

b. Notice of applications for permits to erect fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior will be sent to parties and agencies interested in or responsible for national security or navigation. Copies of the notice will be posted in post offices or other public places in the vicinity of the site. A copy of each notice will be sent to the Chief of Engineers, Attention: ENGCW–ON. No action shall be taken on the permit application until after the date set forth in the notice for submitting comments.

c. District Engineers will take action under section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) on applications for permits to erect structures in navigable waters of the United States which are to be used in connection with seaplane operations. The designation of landing areas by the Federal Aviation Agency or the responsible local authority will be accepted as primary authority for conducting seaplane operations. Where primary authority for seaplane operations exists and there is no objection to any proposed structure but there are objections to seaplane operations, the objections should be presented to the Federal Aviation Agency or the responsible local authority for consideration and advice before final action is taken on the permit application.

d. Public notices will be issued in connection with cableways for stream gaging purposes, gage installations, and other nonproject structures constructed by the Corps of Engineers in or over navigable waters. Copies of such notice will be sent to all parties known or believed to be interested in the application. Where installation is to be undertaken by the Corps of Engineers, detailed plans will be filed in the office of the District Engineer.

e. Public notices should (1) state the name and address of the applicant, (2) identify the location of the proposed work, (3) provide a brief description of the proposed work including, in the case of fill projects, a description of the type of structures, if any, to be erected on the fill, (4) include a sketch showing the location and nature of all proposed major structures or work, and any work of a known controversial nature, (5) any other available information which may assist interested parties in evaluating the likely impact of the proposed work, if any, on factors affecting the public interest, including environmental values, and (6) provide a reasonable period of time within which interested parties may express their views concerning the permit application. Except in cases involving Outer Continental Shelf lands under mineral lease from the Department of the Interior, the notice will contain the following statement: "The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on the public interest. Factors affecting the public interest include, but are not limited to, navigation, fish and wildlife, water quality, economics, conservation aesthetics, recreation, water supply, flood damage prevention, ecosystems, and, in general, the needs and welfare of the people." The Department of the Interior is responsible for the selection of submerged lands of the Outer Continental Shelf for inclusion in the mineral leasing program administered by that Department. Prior to the selection of tracts for final leasing the Department of the Interior evaluates the potential impact of the leasing program on the total environment. Accordingly, in cases involving applications for permits to erect fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior, the notice will contain the following statement: "The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on navigation and national security." The period of time within which interested parties may express their views should generally not be less than 30 days from the date on which the notices are mailed. In unusual cases when time is of the essence and action on a permit application must be taken as expeditiously as possible, the period of time within which interested parties may express their views may be less than the period of time generally allowed but not less than 10 days from the date on which the notices are mailed. Comments received from interested parties within the period provided for in the public notice will be retained and will be considered in determining whether the permit applied for should be issued.

f. Copies of the notices sent to interested parties, together with a list of parties to whom notices were sent, will accompany all applications for permits submitted to the Chief of Engineers for necessary action.

g. When an application is received for a permit to authorize the disposal of radioactive waste at sea, District Engineers will coordinate such requests for the United States Atomic Energy Commission, Division of Licensing and Regulatory Functions, Washington, D.C. 20545.

h. In all instances when a response to a public notice has been received from a Member of Congress either in behalf of a constituent or himself, the District Engineer will inform the Member of Congress of the final action taken on the application.

i. In all instances when substantive objections to the issuance of a permit are received in response to a public notice, the District Engineer will inform the applicant of the objections and will provide him with sufficient information to enable him to comment on the objections received.

5. *Public Hearings.*

a. ER 1135–2–5 dated 14 April 1967 and subparagraphs 5b–e below prescribe the policy on holding public hearings. ER 1145–2–5 states why and when hearings shall be held and specifies the appropriations from which the expenses of public hearings shall be paid.

b. It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, public hearings are helpful and will be held in connection with applications for permits involving navigable waters of the United States whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued.

c. District Engineers will notify the Division Engineer of the need for a hearing, state the proposed arrangements and obtain his concurrence.

d. Public hearings will not normally be held in connection with applications for permits for artificial islands or fixed structures on Outer Continental Shelf lands under mineral lease from the Department of the Interior. Public hearings will be held by the Corps of Engineers only when it appears that such structures may interfere with navigation or that the national security may be adversely affected and such hearings will be limited to the presentation of testimony concerning the impact which the proposed work may have on navigation or on national security. Public hearings concerning the potential effect of the mineral leasing program of the Department of the Interior on all other factors affecting the public interest are held, if at all, by the Director, Bureau of Land Management, Department of the Interior. When such hearings are held, they are generally held prior to the final selection of tracts for leasing. See 30 CFR, Chapter II, Part 3380, Section 3381.4.

e. Except as modified herein, the format and issuance of notices of a public hearing, actions of the District Engineer prior thereto, conduct of the hearings, and actions of the District Engineer subsequent thereto will conform to the instructions contained in ER 1135–2–5 dated 14 April 1967.

6. *General Policies on Issuing Permits.*

a. The decision as to whether a permit will be issued will be based, in the case of all applications for permits other than for permits for fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior, on an evaluation of the impact of the proposed work on the public interest. The evaluation should consider the impact that the proposed work may or is likely to have on individual factors affecting the public interest. Such factors include, but are not limited to, navigation, fish and wildlife, water quality economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, issuance will be in the public interest. Permits will not generally be issued in the absence of State and/or local authorization of the proposed work if such authorization is required by law prior to the commencement of work. However, if the proposed work is otherwise unobjectionable, the applicant may be advised that the permit will be issued if and when the necessary State and local authorization is obtained. In the case of applications for permits for fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior, the decision as to whether a permit will be issued will be based on the effect of the proposed work on navigation and national security.

b. In cases where adjacent or neighboring property owners oppose the issuance of a permit on the ground that the proposed work would cause damage to their property, the District Engineer will, in forwarding such cases to the Chief of Engineers for action, (1) state the attitude of adjacent or neighboring property owners and (2) state his own views concerning adverse effects which the proposed work may have on adjacent or neighboring property.

c. Where it is found that the work for which a permit is desired may interfere with a civil works project of the Corps of Engineers, the applicant and the party or parties responsible for fulfillment of the requirements of local cooperation should be apprised in writing of the fact and of the possibility that a civil works project which may be constructed in the vicinity of the proposed work would necessitate its removal or reconstruction. It should be pointed out to the applicant and to local interests that the Corps of Engineers' function in approving plans for structures in navigable waters is to insure that the structures are in the public

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interest and that the application for a permit will be considered on that basis. They should also be informed that the United States will in no case be liable for any damage or injury to the structures or work authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claims or right to compensation will accrue from any such damage.

d. Consideration should be given to the effect of proposed coastal structures or improvements upon existing navigation projects and upon adjacent shore properties. In doubtful or important cases involving effects of wave action and currents the advice of the Coastal Engineering Research Center should be sought. In the event adverse effects upon adjacent properties can reasonably be anticipated because of the proposed work, the applicant as well as any responsible local governmental agency should be so informed in writing and the views of the affected parties should be obtained before action is taken on a permit application. The applicant and any protestants will be informed that issuance of a permit does not relieve a permittee from liability for any resultant damage to the property of others.

e. Whenever the waters of any stream or other body of water are proposed to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever (The Fish and Wildlife Coordination Act, as amended), applications for permits to authorize such work will be coordinated with the Regional Director, U.S. Fish and Wildlife Service, and the head of the agency exercising administration over the fish and wildlife resources in the particular State wherein the proposed work will be performed to obtain their views with respect to the prevention of loss and damage to fish and wildlife resources. Should these agencies indicate that the proposed work will be harmful to fish and wildlife, their views will be made known to the applicant and an effort made to reach a compromise solution. Failing in this respect, the case will be forwarded for the consideration of the Chief of Engineers.

7. *Memorandum of Understanding between the Departments of the Army and Interior.*

a. A Memorandum of Understanding between the Department of the Army and the Department of the Interior was consummated on 13 July 1967 setting forth the policies and procedures for coordinating actions in processing permit applications for dredging, filling, excavating and other related work in the navigable waters of the United States. All concerned District and Division Engineers will comply with the policies and procedures stated in the attached Memorandum of Understanding which is set forth in paragraph b. below. Every effort will be made to resolve at field level any differences of views that may develop between the two Departments. Cases involving unresolved objections will be forwarded to the Chief of Engineers, attention, (ENGCW-ON).

b. (Memorandum of Understanding).

DEPARTMENT OF THE ARMY

PERMIT

Referring to written request dated upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899 (33 U.S.C. § 403), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army to (Here describe the proposed structure or work and its intended use, including, in the case of an application for a fill permit, a description of the structures, if any, proposed to be erected on the fill.) in (Here to be named the river, harbor, or waterway concerned.) at (Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.) in accordance with the plans and drawings attached hereto (on drawings: give file number or other definite identification marks.) subject to the following conditions:

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Federal Water Quality Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Federal Water Quality Administration and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before — day of —, 19—, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

By Authority of the Secretary of the Army: District Engineer—Date.

Permittee hereby accepts the terms and conditions of this permit.

SPECIAL CONDITION

For use only in connection with permits authorizing the erection of structures in or over navigable waters which do not involve any significant filling in of such navigable waters (Wharves, piers, docks, etc.)

That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States, at the direction of the Secretary of the Army and in such time and manner as the Secretary or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

SPECIAL CONDITION

For use only in connection with permits authorizing the filling in of navigable waters.

That no building or other structure may be erected on the fill authorized by this permit unless such building or other structure is appropriately identified and described in the plans and drawings attached hereto; that buildings or other structures authorized by this permit, once erected, may not be significantly modified in their outward appearance or torn down and other buildings or structures erected in their place unless a modification of this permit is authorized by the Secretary of the Army or his authorized representative; and that neither the fill itself nor buildings or structures erected in accordance with the plans and drawings attached hereto may be dedicated to any different use than that contemplated at the time of issuance of this permit unless a modification of this permit is authorized by the Secretary of the Army or his authorized representative.

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*A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

SPECIAL CONDITIONS

For use in connection with permits for cooling water intake and outfall structures, outfall sewers from industrial and other plants and similar work.

A. That in approving this permit reliance has been placed on information and data provided by the permittee concerning the nature of the effluent and the frequency of discharges.

(Here identify the nature of the effluent or discharge approved, including, if applicable, limitations with respect to chemical content, water temperature differentials, toxins, sewage, type and quantity of solids, amount and frequency of discharge.)

Permittee may not discharge any liquids or solids other than or at levels in excess of those approved herein unless a modification of this permit is approved by the Secretary of the Army or his authorized representative.

B. The permittee shall maintain adequate records of the nature and frequency of discharges and shall from time to time furnish such additional data concerning discharges as the District Engineer may require.

STATEMENT ISSUED BY DEPARTMENT OF THE ARMY CONCERNING REVISION OF REGULATIONS OF THE CORPS OF ENGINEERS COVERING PERMITS FOR WORK IN NAVIGABLE WATERWAYS

The revised regulations of the Corps of Engineers pertaining to permits for work in navigable waterways include the following changes:

A statement that "The decision . . . will be based . . . on an evaluation of the impact of the proposed work on the public interest." "Public interest" is described as including factors such as: "navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people." This change clarifies the standard against which permit applications are to be judged and re-emphasizes that the Corps is no longer concerned only with the impact which a proposed project may have on navigation.

A new policy narrowing the function of harbor lines. The new regulations make it clear that harbor lines are merely guidelines for determining, with respect to the impact on navigation interests alone, the offshore limits of construction. Persons wishing to undertake work in navigable waters shoreward of harbor lines are now required to apply to the Corps for work permits. The previous regulations allowed riparian owners to erect open pile structures or to undertake solid fill construction shoreward of established harbor lines without obtaining a permit.

A clarification of the responsibilities of the Corps of Engineers and the Department of the Interior with respect to off-coast oil drilling operations. The new regulations note that the Department of the Interior with respect to off-coast oil drilling operations. The new regulations note that the Department of the Interior is responsible for considering the impact which such operations may have on the total environment as the time of the selection of submerged lands of the Outer Continental Shelf for inclusion in the mineral leasing program administered by the Department of the Interior but provide for consideration by the Corps of the "impact of the proposed work on navigation and national security."

Revised regulations on the issuance of public notices and the holding of public hearings on permit applications. Except in cases involving minor work where it is clear that the proposed work would have no significant impact on environmental values, notices containing information on the proposed work are to be posted in post offices or other public places and sent to a broadly defined list of affected interests. "Doubtful cases will be resolved in favor of public notice and normal processing." Interested parties are to be given a "reasonable time," defined as not less than 30 days except in emergency cases, to express their views. Public hearings are to be held whenever there is a manifestation of public interest in a permit application or whenever requested by Federal, State, or local public authorities.

A requirement that applicants not only define the areas they want to fill, but describe the type and location of structures proposed to be erected on the fill. Previously, applicants were not required to provide information concerning subsequent use of filled tracts.

A requirement that applicants whose proposals involve outfall works must provide details on the character of the effluent, including chemical content, water temperature differentials, toxins, sewage, type and quantity of suspended solids, amount and frequency of discharge, and the like; along with the proposed method of instrumentation, and arrangements for bearing the expense of removal of solids. Before taking action on any such permit applications, the Corps' District Engineers are required to consult with regional directors of the Department of the Interior and with Federal and State agencies having water pollution abatement responsibilities.

New permit forms for implementing the regulation changes have been furnished Corps of Engineers field offices. Among other things, these forms stipulate that observance of regulations of the Federal Water Quality Administration and State water-pollution control agencies are made a condition of the permit, and that permittees must make every reasonable effort to carry out approved work in a manner that will minimize any adverse impact on fish, wildlife, and natural environmental values.

A special condition in permits authorizing the filling in of navigable waters restricts permittees from erecting buildings or structures not contemplated at the time of issuance of the permit or from significantly changing the outward appearance of approved structures or the use to which the filled tract is dedicated without first obtaining a permit modification.

A special condition in permits for outfalls restrains permittees from changing the nature of their effluent without a permit modification. Such permittees are also required to maintain adequate records of the nature and frequency of discharges and to provide discharge information to the District Engineer upon request.

THE LATE REPRESENTATIVE WILLIAM L. ST. ONGE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 20 minutes.

Mr. ST GERMAIN. Mr. Speaker, the privilege of serving in the Congress of the United States is one that carries with it many honors. The duties of the office are extensive. There are times when one reflects upon the many benefits that accompany the office. One of the most pleasant is that of meeting one's colleagues. Nowhere else can one encounter so many unusual and wonderful people who come from so many different places and varied backgrounds and bring with them so many diverse talents and qualities.

William L. St. Onge was certainly one of the bright lights that came to Washington during this past decade. Naturally, I was eager to meet him when I heard of his election in 1962. We had much in common. We were both brought up in New England and proud to represent this area of the country in the Congress. Our names bore similarity—which is quite evident—and our ethnic backgrounds were very similar. Our educational backgrounds bore a striking resemblance in that we both, for a period of time, hoped to serve our fellow man in the religious life. Finding that this was not the exact calling for us, we then went on to serve our fellow man by becoming attorneys and entering public life.

Bill St. Onge spent many years serving his native city of Putnam, Conn., prior to coming to the Congress. He interrupted his initial service in the State legislature to waive his draft exemption as a legislator and enlist in the Army. This was the character of the man. It was typical of him that on many occasions, during his fruitful and productive lifetime, he thought of his country and his fellow man first and of himself second. Upon his return from the service, he completed his education and once again embarked on a career of public service.

There is not a phase of activity important to the man on the street in which my beloved colleague did not become involved. His record in the Congress is an enviable one. It is in the records of the House for all to see as the years go by.

But the true measure of the man is not restricted or confined to his public life. Fortunately, his family—his lovely wife, Dorothy, and his five splendid children—can remember him not only for his professional accomplishments, to which they can always point with pride, but, more important, can remember him as an exceptionally devoted and loving husband and father.

Because of the many parallels in his life and mine, it was a natural consequence that we would share many hours together when we were both away from our families who resided in the district while we were working in Washington during the week. It was my happy privilege to share many noontime and evening meals with him. I now look back upon these innumerable occasions with a feeling of warmth and gratitude that I was able to spend so much time with Bill. One of his great qualities was that he knew no anger. Never do I recall his ever speaking of any one of his colleagues, his acquaintances, his constituents, nor even, at times, his opponents in anything but a complimentary manner. Bill's smile was infectious and often brightened a dull day.

After his very serious surgery, all of us in the Congress were happy when he returned to our midst. The only fault I could find with him was that he would not heed my advice, nor that of many others, to take better care of himself. He felt it his solemn duty and obligation to return to his district every weekend and make as many public appearances as possible. Still, knowing the man, the failure to keep up this pace might have been just as harmful to him.

He left us all very suddenly. He and I flew back to our districts on that last Thursday evening together. During the flight, the conversation was about the appearances we were committed to, and we both discussed how much time we might be able to spend with our wives and children.

The death of Bill St. Onge at such a young age was certainly a tragedy to all of us who knew him. Above all, it is a terrible loss for his family to bear. Yet, there is no manner in which this can be changed; therefore, we must be grateful for the fact that we knew him and had him as a friend.

His family, in their sorrow, must look at it as Bill would have. He left them a rich heritage and pointed the way for his children. I am sure that he instilled in them the same love for and desire to serve his fellowman as he had.

In conclusion, may I just take a few more moments to describe the day of Bill's funeral. It was one of those New England days that make that section of the country so attractive for everyone. The sun was shining brightly upon the tree-shrouded hills surrounding the city of Putnam. The fields and the lawns were sun drenched and cheerful. The streets of this quaint little city were lined with the people that Bill had gone to school with, grown up with, and worked with. Every one of those people knew Bill intimately and were proud of him, their Congressman. His death had come as a shock, and as one looked into their faces and saw the tears streaming from their eyes one realized how much they loved and admired him. There is no doubt in my mind that, as impressive as the delegations of public officials might have been, certainly this tremendous outpouring of his fellow citizens was the most heartwarming and gratifying tribute that could have been paid to him.

The funeral mass was comparatively simple, and yet most impressive, with his own brother officiating. The homily preached at the funeral by His Excellency Vincent J. Hines, bishop of Norwich, was most appropriate and very typical of Bill, in that it was brief and simple, yet exceptionally meaningful.

I am inserting in the RECORD at this point for the benefit of many colleagues who could not be present:

HOMILY PREACHED AT FUNERAL OF CONGRESSMAN WILLIAM L. ST. ONGE, BY VINCENT J. HINES, BISHOP OF NORWICH, IN ST. MARY'S CHURCH, PUTNAM, CONN., MAY 5, 1970

Sudden death always stuns and saddens. This is especially true when death deprives us of someone who has been so beloved by his family and so respected and admired by all who knew him.

There are so many things we shall long remember about Bill St. Onge. His family will keep him in their hearts as a loving son, a devoted husband and father, an inspiring older brother, a relative of whom they all have so many reasons to be proud.

The people of Putnam will cherish his memory as one of its most illustrious and faithful citizens, who brought to his native city honor and pride and distinction.

St. Mary's parish will remember him as a loyal son of the Church, whose faith was so deep, so manly, so steadfast.

The State of Connecticut will be grateful for his many years of service both at home and in Washington. Eastern Connecticut, the length and breadth of which he traveled on weekends when he returned from Washington, tired and exhausted after long hours and days in Congress, all the citizens of this Second Congressional District, no matter what their party affiliation, recognized in him a gifted leader, whose life was devoted to the welfare of the people and of the Nation.

What was there about Bill that made him the wonderful person that he was? What motivated him? What was it that influenced him and inspired him to be such a devoted family man, such a concerned citizen, such a dedicated public servant, such a faithful son of the Church?

I think the answer can be given in one word—LOVE. Because he loved his family, he devoted himself to their care, protection, nourishment and growth.

Because he loved his community, he plunged at an early age into its affairs and gave of himself and of his talents, his excellent education, his genuine selflessness.

Because he loved the people of the four counties of eastern Connecticut, and because he loved this Nation which he had served in time of war, he spent himself in the service of Connecticut and of America, very often at the sacrifice of personal and family pleasures and joys.

Because he loved his Church, he remained faithful, and drew from his religion the moral strength to live a life of complete integrity.

Yes, the answer is LOVE. Love was the reason.

The word "love" is a word that is used very loosely today. It is scrawled on walls and painted on banners. But love is more easily written than lived. Love is more often betrayed than followed.

True love never destroys. It creates. True love never tears down. It builds. Real love does not separate or polarize. It unites.

Young people sing that what the world needs now is LOVE. And they are right. But the kind of love the world needs is the love exemplified in the life of Bill St. Onge. Love for the good and in the service of others, no matter what the cost to self.

This kind of love is the kind that ultimately prevails. This is the love that wins the final victory—even victory over death. It conquers death, because the good it does lives on. It overcomes death because it is united with the love of the Risen Lord Who overcame death by His Resurrection.

Death is not the end, but only the beginning. We Christians believe that, and we believe it sincerely. It's at a time like this that our faith is put to the test. We do believe that death is not final. It is the beginning of the fulfillment of life, a life truly without end, a life where all who have loved one another will come together never to be parted again, when all who have loved will rejoice with unending joy.

Into such a life Bill St. Onge has passed, and there he awaits the coming to him of all whom he loved here on earth.

In the meantime let us all with Christian patience and Christian hope bear our loss, temporary but no less anguished.

To his beloved mother, Alama, to his devoted wife, Dorothy, and their children, to his two brothers and his sister, we express our sincere sympathy. We pray that the Lord of all consolation will comfort them in their grief and sustain them in their sorrow.

At the end of the funeral Mass, as we leave the church in recessional, faithful to our Christian belief in life eternal, we shall sing, not a sad dirge of mourning, but a confident hymn of hope and of Easter joy.

> Alleluia!
> The strife is o'ver, the battle done.
> The victory of life is won.
> The song of life eternal has begun.
> Alleluia! Alleluia!

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA: ENSLAVEMENT OF THE BALTIC STATES BY THE SOVIETS FOR 30 YEARS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, the Baltic peoples have been living under Soviet captivity for 30 years. Lithuania, Latvia, and Estonia lost their freedom and independence when the Soviets invaded and occupied these three peace-loving countries on June 15, 1940.

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia, and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians, and Estonians have suffered for centuries from the "accident of geography." From the west they were invaded by the Teutonic Knights; from the east by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal opera-

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tions and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia, and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia, and Estonia, all the Presidents of the United States—Franklin D. Roosevelt, Harry S Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives To Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83d Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The U.S. Congress has made a right step in the right direction by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania, Latvia, and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

Mr. Speaker, I include the text of House Concurrent Resolution 416 of the 89th Congress in the RECORD at this point in order to remind the President and the Congress of the plight of Estonia, Latvia, and Lithuania:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

FOREIGN AID AND THE HEROIN TRAFFIC

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the White House announced this weekend that it had approved a $40 million development loan to Turkey.

While it may be true that Turkey needs this assistance and it may be in our national interest to give it to her, I believe it is a great mistake that we provide such aid while the Government of Turkey continues to allow the cultivation of opium—from which heroin is derived—in nine of the country's 97 provinces. An estimated 80 percent of the heroin smuggled into our country comes from Turkey. Why should the United States give $1 to a country that callously permits farmers to grow the very substance that is poisoning the youth of our country? New York City is now beseiged by a drug epidemic with more than 800 of our citizens having died last year from overdoses of heroin or related causes; and this year, the toll among adolescents alone has reached 120, with thousands more suffering from the irreparable and destructive effects of drug addiction.

Instead of sanctioning the Turkish Government's opium planting policies, we should tell that country's leaders that if they want our financial assistance they must eliminate the growing of opium. President Nixon should take a very forceful position in pressing the Turkish Government to immediately ban all opium planting; the pressure must be applied now for later this month the decree will be issued for the fall planting. In addition, the Turkish Government must be pressed to take more effective steps to eliminate the illegal growing and processing of opium. It is estimated that approximately half of the opium crop, including some of what is grown legally, ends up in illicit channels. It is imperative that this be stopped. The loan, now being negotiated, should be used in the purchase of materials necessary to convert the opium poppy fields to other crops and to provide what police surveillance is necessary to enforce the ban.

Much of the Turkish heroin is processed in the port of Marseilles and because the situation is so critical, I am writing to President Nixon today urging him to have our Ambassador discuss with President Georges Pompidou the immediate closing of these death dealing factories.

PRESIDENT'S FACTFINDING COMMITTEE ON SOUTHEAST ASIA

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Speaker, the June 11, 1970, CONGRESSIONAL RECORD, pages 19397–98, contains the majority report of the presidentialy appointed factfinding mission to Indochina, on which I served.

Unfortunately, the name of the Senator from Texas, the Honorable JOHN TOWER, does not appear on the list of signatories endorsing the report. I would like the record to show that Senator TOWER did indeed endorse the report. Unfortunately, his return to the United States required his departure from Vietnam before the report was signed. Senator TOWER made it very clear however that he fully supported the majority position, and participated in the writing of it.

SPEECH HONORING THE HONORABLE KARL MUNDT

(Mr. BERRY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, I am sure my colleagues will be as interested as I was to read the remarks of Comdr. Ray Gallagher of the Veterans of Foreign Wars delivered April 29 at the first dinner of the KARL E. MUNDT Historical and Educational Foundation in Madison, S. Dak.

His speech was honoring KARL MUNDT who has for many years been one of the outstanding legislators in the Halls of Congress.

South Dakota is honored to have Ray Gallagher as the national commander of the Veterans of Foreign Wars, one of the great American organizations.

His remarks on this occasion are as follows:

SPEECH BY RAY GALLAGHER

Thank you very much, Fred, for those very kind remarks, and to you, Mr. President, Dr. Bowes, and my good friend, Bob McCaughey, and the PR man, Milo, and to each and every one of you distinguished Americans.

What a privilege it is to be here in South Dakota, and particularly in Madison, where I think a great American has served his country and I'm so mindful that I am standing here where the President of the United States stood in the shadows of the library of this foundation, where he made an outstanding speech effecting college students throughout the land for which he went immediately to the liberal wood shed.

I know so well what Karl Mundt has supported and, indeed, in 1965 when I was State Commander, I saw fit to request for him the Commander-in-Chief's Gold Medal for his long, outstanding service to the United States, and his long and continued war against communism, and also for the assistance that he lent us at that time in the fight with the then President and his executive order in attempting to close VA facilities.

Oh, and indeed, I'm proud when I travel about the United States—people will say one of two things—"Oh, you're from that state where Karl Mundt's from," or they'll say, "What a great American you have in your Senator Karl Mundt." So I can say to each and every one of you that the whole country stands in full support and a hope of his immediate return because presently in these current and trying times, we need his voice in Washington.

You know, I think that I would be remise if I didn't discuss with you the immediate problems of today which I am sure that he would, if he were here. And I would like to remind you that we have a war which is tended to divide the country and much of this division is caused by confusion. I feel misstatements and sometimes outright mistruths are caused by a group who are the ones who supported the very issue of the Bay of Tonkin Resolution which put American boys on foreign soil.

I feel about this so keenly, my friends, in recognizing that for the first time in the history of the United States that our foreign policy has got to be matters of public debate and public division, caused by men who have been involved in filibusters to prevent government from moving emotionally and now continue to filibuster for many years in spite of the apparent majority.

So, I must speak out to you of a little history, remind you of back in 1954, when the French concluded their sorry end.

The Vietnamese concluded a war with the French for independence, and the big brothers of the world got together and determined how to divide that little country, recognizing full well of the basic mistrust of those that lived in the South with those that lived in the North, likewise, recognizing the fact that at one time the countries of Vietnam, Laos, and Cambodia were Indo-China; realizing, likewise, that a map up in North Vietnam still carried the old shadows of Indo-China, with the stars locating each of the capitols of those countries; and recognizing the fact that there would be problems in the fact that Ho Chi Minh had established a communistic regime in the North and the South were involved in this same war of independence and wanted to be free. They determined under the Geneva Accords in which I remind you that neither the United States nor South Vietnam were signatores, that the people in the North could go South, if they chose, and those in the South could go North, and approximately 90,000 went North to live under the slavery of communism and over 900,000 egressed to the South until they were stopped by this man, Ho Chi Minh. And this man, also likewise, was to take his military might out of the area of the South, which he failed to do, immediately violating the accords.

And then I would remind you that in 1962, another incident or two occurred which should be remindful in your history. First, the International Control Commission, the legal arm of the 1954 accords, following the complaints of South Vietnam, made a decision that North Vietnam was an aggressor in South Vietnam, and it's interesting who composed this commission. It was the countries of Canada and India and Poland, and naturally, Poland rejected the report.

But it should be mindful to you and I that the United States was not involved in that decision and it was determined who the aggressor was in Vietnam, which seems to be forgotten by some of the members of our Senate.

And also, in 1962 the big brothers of the world got together again because the little country of Laos was having some problems, that over 6,000 North Vietnamese regimented in that country attempting to take it over. There were 660 American advisors there and again the typical communist signature was attached to those records and North Vietnam agreed to withdraw their military strength and they drew out a token of 40 men.

The United States, at the same time, took out all of their 660 men and it was agreed that Laos would be a neutral area. And indeed it was Russia and North Vietnam that selected Prince Souvanna Phouma to be the leader of that little country and I remind you that he was, will be, and presently is a communist, but he was a national communist; he wanted his people to be free; he was unable to do that and he made demands upon our country for support.

And also in 1964 we had another incident which is known to you and I as the Bay of Tonkin incident. Our country was over-excited because they had a ship attacked and the President saw fit to put the message to Congress and asked Congress for authority to apply United States support in troops to the cause of Vietnam.

And they entrusted the floor leadership to a man by the name of Fulbright, a Senator from Arkansas, who reminded the United States Senate that the passage of this agreement would affect a complete commitment of this country to the cause of Vietnam. And he was so successful that all but two U.S. Senators voted for that Bay of Tonkin Resolution which put the American men on foreign soil, unfortunately, with a no win commitment, but nevertheless, these American men went and the House at the same time passed the same resolution unanimously.

It's noteworthy to note the two gentlemen that voted against it in the Senate, being Senator Wayne Morris from Oregon, and Senator Gruening from Alaska, both were subsequently defeated.

And it is interesting to note that the same group of doves that were in the Senate at that time, each and every one supported the advancement of America in the country of Vietnam and supported South Vietnam against North Vietnam.

And it hurts me when I think, my friends, being a veteran and having served my country, to see not only my country divided, but led by certain people in government who affected the cause there. Oh, there has been much discussion of whether we should have declared war or not, but the fact remains that the Congress of the United States did and, in fact, authorized the commitment of these men.

And later on they were immediately heard to start complaining about the involvement about the very escalation they themselves voted upon and this man from Arkansas attempted to upset the Bay of Tonkin incident, you will all recall, with the assistance of the mass media, and he tried to effect evidence to the fact that the incident did not occur, and of course, he was not successful.

But this same group with the able assistance of the mass media, and I point this out because thank God for the local medias, that they went to the national media rather than the sanctities of the committees rather than make an appeal to the appropriate committees of our Congress. Instead they went to the public and if you stop and think back what dissent did we have within our country? What youth were fighting on the campus at that time? But, you see we are great people to follow example. When we see United States Senators taking such a sensitive issue to the public, we, too, feel that we are the same citizenry and likewise, can debate that same issue even though we have fighting men on the battlefield. And with each dissenting remark knowing full well that it is only encouraging the enemy to continue and as I say this, I am mindful of the many communist documents that I have read.

Quoting these Senators, quoting past peace negotiators, oh yes, and quoting past Secretaries of Defense, and the people I mentioned I feel that I can mention freely because I happen to be of the same political party.

And it hurts me to know what they have done to my country in their favorite cliches, the same that have been used and adopted by Hanoi, how they told the American people the people of South Vietnam don't want us here; how they talk about that so-called "puppet government"; how they talk about the fraud and corrupt government. Oh, yes, and they used to talk about a civil war and indeed I heard it today or last night and I hear the constant criticism always of the allied troops, never once hearing the criticism of the enemy, never once hearing them criticize Ho Chi Minh and the fifty some thousand that he killed to establish his regime; the over 8,000 who were massacred or buried alive at Hue and following that execution, it didn't bother Hanoi to issue a communique saying that these people were

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executed because they owed a blood debt to Vietnam.

Nor did I hear any wail and cry about the 80,000 South Vietnamese political leaders, doctors, lawyers, and teachers who were killed, kidnaped, and never heard from again. Oh, I have never heard them complain about the attacks on the refugee camps which were not militarily protected, but all to effect a political reign of terror. All I have heard in my country is the attack upon my government, and my friends, frankly, I resent that.

So let me discuss the cliches that they have used because I have been to the length and breadth of South Vietnam and I have had three trips there in three years. I have talked to their village leaders. I have talked with the people in their homes. I have talked with some of their legislative groups. I have talked with their veteran groups, and I have observed their fields that didn't used to be farmed, but today are farmed. I have seen as the security moves throughout the country that the people respond to their government. Oh, I have seen the little communities far from Saigon working jointly with the government of South Vietnam. So I can only conclude after listening to their pleas, begging us to remain to train their troops, begging us to remain so that they can be free, and I have seen a little seven year old interrogated after the Viet Cong had come into his home the night before trying to impress the service of his brother and his parents pled with the Viet Cong and so did the brother not to be involved, and the Viet Cong killed them all and the seven year old escaped.

I have seen these things so I call it evidence and I think that I am trained to recognize evidence so I can only conclude that the people of South Vietnam want to be free of communism and that they do need our help to have the stable government that is promised by our President.

And when they talk about a "puppet government", my friends, that they demand an immediate election. There has never been a corresponding demand in the North to have a free election. It's always upon the South. They are mindful of the fact that President Thieu and Vice President Ky were elected under the most terrifying conditions that a man has ever been elected to office in the history of the world, conditions my friends, such as a seven year old coming out of the forest crying, with the blood dripping from his arms and a sign hung around his neck telling the villagers that if they voted this could happen to them.

And there were men who were disenboweled in front of the villagers with a similar warning and the women had stakes driven into them for the same reason and during the election lines, they were bombed and mortared and during an election, mind you, with 19 candidates while observed by the foreign media, many of whom do not like us, while observed by the mass media of this country, and some of them must be questioned.

And likewise, a special President's Committee, one man of whom I happen to know personally—he was our then Commander-in-Chief, and I know that that entire committee didn't determine the election poll they were going to observe until the very morning of the election, and I know that generally the conclusion of the entire media and this group was that the elections were fair, far more than we can say for some of our own in this country.

Oh yes, they complain because President Thieu and Vice President Ky received only 35% of the votes with almost 90% of the entire population voting. They seem to forget that we have a President serving us today with less than 70% of the Americans voting, giving him a 41% majority. Likewise, the mayor of New York, our largest city, with only 58% of the people voting and giving him 41%. Instead they called this government in Saigon a "puppet government" and they say that this man Zu, who was the second place on the ballot with 19%, is more representative. Of course, Zu is in prison for writing bad checks and over there it is a little more serious offense than here.

Oh, then they talk about fraud and corrupt government and I challenge this throughout this country of mine, and indeed, in the halls of Washington, D.C.

I challenged each of these men to show me one incident of fraud and corruption where President Thieu and Vice President Ky had been involved. Likewise, some fraud or corruption where their legislative body has been involved. Wouldn't it be wonderful if we could say that of our legislative body in Washington? But we are so quick to equate the orient to our standard of living. We ignore the fact that we are in an educated society, where over in the orient the educational facilities are much less available and indeed, when we do establish some of these educational facilities in the South, the enemy is quick to interfere with it because they do not want people educated.

But we all want the fact and we must recognize the fraud in the countryside and the fact that the oriental in general has traditionally taken the part of the spoils. Likewise the village chieftan and yet we want to equate them with our standards of society rather than maybe training them so that they would become more like us as their ability to excel would allow them.

Then they talk, my friends, about civil war, and I used to answer this a different way until we became so involved in Laos and Cambodia and if there has ever been one of their claims that have been so aptly refuted, it's a matter of civil war when we have now an admitted aggression throughout Indo-China.

Then I think of the appeasements that have been made, always an appeasement to the United States and I suppose primarily because we are humanitarian people, primarily because we do want peace. I think most of us would prefer a lasting peace than a short-term peace which will put the next generation on the battlefield. I think most of us realize that we have got to win a guerrilla war so that we will prevent future guerrilla wars.

And stop and think of the appeasements that have been made upon this country. This same group, they have continually said that more of the war should be turned over to the South. That they should participate with more men and more money. Oh, and then they asked us to stop bombing in the North because that would establish a basis for peace negotiations. And the President listening to this very vocal minority finally succumbed to their pressure and stopped the bombing of the North, or 90% of the North. Then we did establish a city upon which we would place peace negotiators, but this didn't satisfy the appeasers. Again they came to our country and made further demands. They said stop all the bombings of the North and this will guarantee peace negotiations and the President, at approximately election time, stopped the bombing of the entire North.

Oh, a wonderful thing happened. We shaped the size of the tables. The only constructive act that has come from Paris, but this didn't stop these people in this country from continuing to demand from us, from the American people and the government of America to further appease this vicious enemy.

Again they called upon South Vietnam to have a greater share in the war, and then they said let's bring home some troops and, oh, this is commendable because they said it would lead to concrete negotiations and the President yielded to this demand and we brought home some troops and almost equally as quick as Hanoi, the people in this country mimicked them and said, "Oh, it's not enough, it's just a trickle, it's not a true display of an interest to negotiate," forgetting the fact that we had many men over there that should have some security, that this led to nothing further because Hanoi only ridiculed it. So the call for more withdrawals and indeed the past Secretary of Defense suggested that we could withdraw a 100,000, and this President lived up to better standards than that. But this still has not progressed peace and, indeed, the other night when the President announced that 150,000 would be brought out within the year, Hanoi quickly called it a ruse.

And President Nixon on last November 3, at a time when I happened to be in Vietnam, Vietnamized the war, my friends, and Hanoi got scared because they were afraid they might have to fight on the same oriental terms that they had been fighting. They were afraid no longer they would have to fight a country such as ours who has a high degree of conduct on the battlefield, and they might have the same type of a war that they had been fighting. So they, along with these same people in this country, quickly objected to the Vietnamization and we have people in this country today with the advent of the things that are happening in the rest of Cambodia trying to stop further expenditures in that country. And I might remind you of the statement made again by this Senator from Arkansas, as I consider him as the leader of the group, when he said that North Vietnam was a dominant power in Indo-China and if you will notice, he said Indo-China, not Vietnam.

And he said they should be entitled to control that area, and he thereby sanctioned the aggression of this vicious enemy. He thereby sanctioned further aggression by a communist government and it disturbs me when he should sanction this. And then as the President announced today that we were going to commit tactical support to Cambodia. We were going to submit logistical supports and we are going to place advisors in the field, immediately the howling cry came up from this same group opposing it.

But I would remind them as I would remind America that, if in fact, the cause in Vietnam was right in the first place, if, in fact, it was right that we help that country to have a self-determined government, if the cause was right that we prevent a country from being taken over by communism is correct when we went in there in the first place, isn't it true that the same cause is present in Cambodia and Laos, but far more paramount than this is the fact that the enemy has used these areas as sanctuaries to attack our men and we owe something to those men over in that battlefield who did not go there by choice, but by a congressional act. We owe them the support of our military and if it requires us to go into Cambodia and remove that enemy from that sanctuary, it seems to me that we have that obligation to the man on the battlefield. It seems to me that you and I as Americans should help our President because the vocal voices of this country have always been opposing him, as well as the previous President.

It is time that maybe we called upon our President to have a military victory. That we as Americans do not support a no win policy, but what else can he do when all he hears from is the vocal dissent. And maybe our President is waiting for you and I as Americans to support the American man on the battlefield so that we can apply military tactics instead of political tactics.

My friends, if you would take a trip around the world, you would see the same insurgency present in South Vietnam that was present in Korea. You would see it in, now as you know, Laos and Cambodia. You would see it in Thailand, Malaysia, and

Burma, throughout Indonesia. You would see the same insurgency in the Mid East, as well as Africa. The same insurgency that was present in Cuba and that is now present in South America, and then you would return to this great country and you would see insurgency within our country and you would recognize, as I do, that the hand of communism is involved in much of the insurgency.

And in the foreign countries you will find that it is the communists that are arming there, insurgency elements and all to overthrow existing governments, all to infiltrate, all to establish a communist dominion. And you would be disturbed if you would recognize, as I do, that the communist government is the only philosophy in the world, my friends, that as part of its philosophy, promotes world's conquest. And you would understand if you would read the *Communist Manifesto*, which was captured by our troops way back in 1919, at Dusseldorf, Germany, wherein they tell us how they were going to take over the world, how they told us they were going to create riot in the street, financial chaos through war. They were going to infiltrate the educational system, the religious orders, labor, the communication system, and then you would stop and take a look around America and you would recognize, for example, in San Diego, a man by the name of Dr. Herbert Marcus, who wrote a book on Nilism, who preached the destruction of our form of government and then the mob would determine the type of government we would have. You would recognize the fact that the Supreme Court of California replaced Angela Davis, a card-carrying communist back into the school system. You would recognize that Bryn Mawr has hired Dr. Herbert Aptheker, long associated with the communist party of the United States.

Oh, you could go into many of our organized institutions and you would find our young being taught this philosophy. And you sit and wonder what is going on within our country and as Fred mentioned to you a moment ago, of what went on at Yale, the fact that the faculty supported the strike by what institution's students to free a group of people charged with murder and no one seems to care about the people that were murdered. No one seems to be disturbed about society as a whole. It disturbs me when I watch these influences within us, but I recognize the right of dissent.

I gave four years of my life to believe in that right, but I believe the right of dissent was set forth in the Constitution, and when someone else exercises that right in the defense of dissent or debate, but invades my right, I resent it. When I see them invading the streets, contrary to the rights of others; when I see them destroying property, contrary to the rights of free ownership; when I see them violently marching up and down the street, breaking store windows—oh, and when I see injury and death resulting from this same violent dissent, I can only remind you, my friends, that is a minority and the militant minority who have told you and I, who I hope are part of the majority, they told us that they are right and we are wrong and that they are going to go into the streets and destroy our establishment and destroy our very structure of government, if necessary, to prove they are right and that we are wrong.

I would remind them that our ancestors are nothing more than international dropouts. They left countries of oppression, my friends, [illegible] come to this great country of ours to establish a government of the people and by the people, and by a majority of those people. And I would remind them at some point, the minority must yield to the majority or we will no longer have a majority form of government.

Or in the alternative that if they believe in a minority form of government, that they do like our ancestors and seek a country which believes in a minority form of government. And, my friends, I could suggest a number of countries that believe in the minority form of government. I would remind you that the communist regime started out with a handful of men and in each and every country it was a handful that took over those countries that they created dissent and mistrust within their midst, they caused violent dissent and violent revolution and eventually that country became communist subjust to a minority of the people.

But we have right to be concerned. My friends, as I watch the young say, "God is dead", I am mindful of the fact of our double standards, of the fact that we let a woman in Massachusetts drive God out of the school system and we haven't done anything to put Him back in. I am mindful of the fact that we allow our youth to walk down to the magazine stand and buy the utmost of filth—why we allow him to watch theatres and shows with the utmost of smut. When you go to some of the larger cities and to stage plays and see both in reality, and we wonder why they have questions about morality.

When I watch them criticize our government and I remind you, friends, that as a majority form of government that we owe an obligation as Americans to our country to support the administration that is in power, between campaigns, because we only lead to the destruction of government when we criticize the whole term that someone is in office and I would suggest that when we do criticize government, we do not do it in the presence of our young because our young have learned to do as we do and no longer can we say to the young, "Don't do as I do, but do as I say."

Because when we constantly criticize government in between campaigns, we are showing them something less than a democracy we have and you and I have practiced the same minority form of objection by not submitting to government when the majority had selected it.

I have been to practically every corner of the United States and I see this growing course of dissent and it seems to me that it is high time Americans took stock of themselves and their country; if they would just do this, my friends, they would find so much to be proud of.

Because we have a dynamic society and we have so much to be thankful for and that the good would outweigh the bad to the extent that it should be paramount in our thinking. This is not to say that there are not inequities, that all is sweetness and light for we're all aware of the problems our country faces whether it be racial discord, discontent over the war, inadequate care for the nation's veterans, pollution, and all of the other points of conflict. Nor does this mean that by ignoring them, they will go away. However, in a country like this with its self-evident wealth of material blessings and its deep spiritual commitment to the welfare of mankind, it should not be difficult to find many praiseworthy aspects of American life.

Where else has an ecomonic system benefited so many? What other country has done so much to raise the standard of living of so many outside of its own borders? Where else have the religious leaders stepped forward to such a degree to relieve human misery? And where else are dissident elements of natural life given the utmost of freedom to voice their opinions in any matter that suits them as in the United States? Let's look for the good and begin emphasizing this instead of constantly knocking the country and its institutions. Who knows, we might learn to enjoy a positive attitude for a change.

Therefore, I call upon each and every single American, my friends, to spend at least a few minutes each day to speak for the good America so that the good will overcome the bad, and that it will correct the bad along with a good country.

Now, in closing, because so much incidence has been raised throughout the country with the flag of the enemy, the flag that has American blood on it and there are those that say that the young that carry the flag of the enemy are true patriots and super-patriots, I would remind them that a true patriot, if he believes in the right of dissent, and if he chose not to recognize the appropriate ways of dissent, that at least, if he were a true American and determined to be in the streets protesting, he would at least carry the American flag and not the flag of the enemy with blood on it.

So I would remind you, as I reminded our State Legislature, when I spoke there this spring, we should all realize how much American fiber is in the cloth that makes up the texture of the stars and stripes. Our flag is not just a piece of cloth to be spat upon by the people with contempt in their hearts for a symbol that represents no contempt at all. Our flag is not just a piece of cloth to be stepped upon and trampled in the dust when young men courageously tramp the dust jungle and with honor to respect and to preserve. Our flag is not just a piece of cloth that should be tarnished by those who say that they are right and our leaders are wrong and who claim that God is dead and would advocate Maoism instead.

Our flag is not just a piece of cloth to be burned as demonstration when it holds more hope than any other national banner.

Our flag is not just a piece of cloth to be ridiculed when ridicule perpetuates rebellion, revolution, and rebutes and forsakes resolution, reason, and respect. Instead, our flag is that fibre that has attracted immigrants like your forefathers and mine to this great land of opportunity.

Our flag is the fibre that stands for liberty, freedom, guaranteed rights, and protection.

Our flag is the fibre that stands for free election, free speech, free choice of occupation and religion.

Our flag is the fibre to which freedom loving people everywhere can turn. Our flag is the fibre by which young men fought in the Pusan perimeter with their backs to the sea. They unselfishly upheld this standard during the Battle of the Bulge with the enemy on all sides.

Our flag is the fibre for a country that believes in freedom in the individual, not government by police state, not government by privilege, not government by the elite, but rather government by the people through an orderly election process. It is a system whereby the majority rules.

Therefore, our flag simply must be more than just a piece of cloth. It is true texture that represents the highest fibre of our American democracy.

My friends, our biggest danger in our country is the apathy of American people. We will lose this country of ours unless each of you and I become involved in the involvement; until you and I become so involved that we write letters to our President, to our Congressmen insisting, for example, on the anti-ballistic missile system, recognizing the fact that the United States has no defense whatsoever against the missiles of the enemy which now outnumber ours.

Remembering the fact that our President has set aside political astuteness because it would be far wiser to put the 100,000,000 into society than the security of country, but he is charged with this security and he knows that the enemy has more missiles than we have. He knows that the security of our country is in need of an expanded antiballistic missile system and he has placed this ahead of the political astuteness.

He recognizes the fact that there has been an attack on our defense system. He knows the defense system is necessary for your security and mine.

So you and I can no longer be guilty of apathy and only once when we remove this will we have the peace that is necessary to take care of the problems of pollution and social ills and only until Americans become involved in America will we save this country of ours.

With the help of God, we'll give the next generation and the generations to come the same society which proved so successful to us.

BERRY HONORED BY VFW

(Mr. BERRY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, it was my very great pleasure to have had conferred upon me last Sunday evening the Gold Medal of Merit of the Veterans of Foreign Wars of the United States.

The citation, in conjunction with the presentation of this Gold Medal award and medallion, reads in part as follows:

> Gold Medal of Merit and this citation awarded to Hon. E. Y. Berry. During twenty years as a Member of Congress, he has provided strong support for veterans rights and benefits and needed leadership in the effort to preserve and defend the United States of America.
>
> In Witness Whereof we have hereunto set our hands and the official seal of the Veterans of Foreign Wars of the United States, this 14th day of June, 1970.
>
> RAY GALLAGHER,
> *Commander in Chief.*
> JULIAN DICKENSON,
> *Adjutant General.*

Mr. Speaker, upon the presentation my response to this great honor, conferred by National Commander Ray Gallagher, was as follows:

> In my 40 years of public life, the last 20 of which have been in the Congress of the United States, it has been my privilege to have received several outstanding honors, but nothing that I have ever received in any way compares with this distinction and this honor which has been conferred upon me tonight. This is true not because of the category into which this places me with such great Americans as General Westmoreland, Bob Hope, "Tiger" Teague, Karl Mundt, "Scoop" Jackson, and a few others who have been so honored; not because of my friendship and respect for Commander Gallagher, but because of my deep respect for this great organization, the Veterans of Foreign Wars, and the things for which it stands.
>
> And, it is especially appreciated at this particular time because the honor of this great nation, for which you fought on foreign lands, is being tested today as it has never been tested before in our national history. Never in our history has loyalty to our nation, loyalty to our flag, and loyalty to our democratic system of government been at as low an ebb as it is today. And—a good share of that disloyalty can be laid squarely at the doorstep of some of those in high government places who, for their own political gain, constantly mouth the enemy line.
>
> Everyone is opposed to war—but like your Commander—and like almost every member of this great organization—I think the present attempts by Congress to tie the hands of the President are grossly unfair to him, and nothing less than criminal, to our fighting men overseas. I for one do not want to go down in history as having voted to cut off arms, ammunition, and supplies to our fighting men in the rice paddies of far away Indochina.
>
> The thing that these people forget is that there is a fundamental difference between this war, World War I, and World War II, both in its inception and in its pattern. Those wars began when would-be imperialists thought they had strength enough to conquer Europe and the world. They were defeated, but the holocaust left all of Europe and much of Asia completely destitute, both in productive capacity and military might.
>
> This created a near vacuum into which the Communists could start the new type of war they had been planning for a long time. Instead of open warfare they proceeded to foster internal revolutions in these small nations, begun with subversion, and carried out through the use of native Communist guerrilla forces.
>
> This time the world was not to be swallowed up whole, but chewed up in little bites. It was to be consumed through "wars of national liberation." And—
>
> It was to prevent this type of slow rot that your sons and mine were asked to go to Korea, and now to Vietnam, to prevent this take-over of free countries one at a time. Vietnam is in keeping with our long time foreign policy. We are there to protect ourselves and our own interests, by protecting the existence and interests of a small nation on the perimeter of the bamboo curtain.
>
> It is in the defense of freedom and the protection of free men and free countries everywhere that you as individuals fought, and for which you as an organization have constantly fought.
>
> One would have thought that this action, and its success, would have won the approval of the American public,—and, I contend that generally it has, but because of the misconstrued picture painted by some in high places and by some of our news media, one would have thought—and I am sure Hanoi does think—that this small minority of dissenters, flag burners, and rioters speak for the nation as a whole.
>
> The youth of today, who make up this group, are on a pathway of disastrous consequences by following the leadership of a few liberals and socialists. They, my friends, are in desperate need of guidance—and it is only through the efforts of organizations like the Veterans of Foreign Wars, who have not only worked for freedom, but who have fought for it, that this necessary leadership can be provided.
>
> I know you will often find it difficult to communicate with those of the college and high school level. But I challenge you to make an attempt, and a second if necessary, to convey to these young people the great heritage of our country—the cause for which our boys are fighting in Southeast Asia, and why to us, America is still the "land of the free and the home of the brave."
>
> And—so it is because of what you stand for—what you have done, and what you will do for freedom, that makes this medallion so very highly prized by me.

REALITY VERSUS MYTH IN SOUTHEAST ASIA REPORTING

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, one of the regrettable aspects of American journalism today is that opinion sometimes is reported as fact. Interpretive reporting is often valuable as an adjunct to the news and may very well facilitate understanding on the part of the reader. But statements of opinion should be labeled as such, and this is not always the case. Journalistic sloppiness of this kind is particularly unfortunate where the interests of the entire Nation are at stake, as in the case in Indochina. Robert S. Elegant of the Los Angeles Times makes this point most tellingly in an article which appeared June 15 in the Detroit News. I believe all House Members would benefit by reading the article, which follows immediately:

REALITY VERSUS MYTH IN SOUTHEAST ASIA REPORTING

(By Robert S. Elegant)

> Peking and Hanoi are striving successfully to have people think they are winning, when they are actually losing.
>
> To the consternation of its senior Asian correspondents, one esteemed American newspaper has reported—as fact, rather than as Communist assertions or the writers' opinions—that allied raids into Cambodia have solidified an Asian Communist bloc under Peking's leadership.
>
> The article declared the Communists would win by "protracted conflict," while prospects of a settlement at Paris had been destroyed.
>
> The intricate political, military and social equation in Indochina makes it impossible to know who will prevail. The future guards its secrets—even from deified Chinese Chairman Mao Tse-tung.
>
> But assessments can consider the present circumstances, the nature of "peoples guerrilla warfare" and the historical background. My own assessment questions assertions reported as "hard news."
>
> The initial point is correct. The reluctant Chinese dragon has reasserted leadership of the "liberation movement" in Southeast Asia and Hanoi has gained by involving China somewhat more directly, while Peking has reduced Moscow's influence. Otherwise, the Communists' prospects are poor.
>
> Maoist strategy stresses "inevitable victory over the imperialists" by popular, indigenous forces. Hanoi and Peking can hardly anticipate popular rising in Cambodia.
>
> Instead, North Vietnamese regulars attacked the new Cambodian government to protect their supply lines. Allied raids are destroying their bases and stockpiles—and mincing their combat forces into small, dispersed units. Phnom Penh has turned off the massive flow of armaments through Sihanoukville.
>
> The effects have been immediate—as well as long range. Despite deployment of more than 40,000 allied troops in Cambodia, the enfeebled Viet Cong could not mount substantial diversionary counter-attacks within South Vietnam, their primary objective.
>
> Sappers struck the hill resort of Dalat, lightly defended by militia. The Viet Cong got the headlines they sought but were rapidly winkled out by South Vietnamese troops.
>
> Gen. Do Cao Tri, commanding the III Corps, is efficiently discharging his primary mission of defending Saigon by his sweeps in Cambodia. The South Vietnamese army has finally come of age, displaying heightened efficiency and confidence.
>
> The Communists tacitly acknowledge their predicament by stressing "protracted conflict"—laboriously rebuilding guerrilla forces for terrorism which had failed by 1968. Moreover, Southeast Asian nations are aligning against the common peril dramatized by Hanoi's assault on Cambodia.
>
> Despite racial hatred of Vietnamese who conquered its empire in Southern Vietnam in the 1700's, Cambodia is cooperating militarily with Saigon and has resumed diplomatic relations.

Thailand, another traditional enemy, has offered arms and troops. While seeking a diplomatic settlement, Indonesia hints it may give direct aid to Phnom Penh. Thai-Malaysian operations against Communist guerrillas have intensified, despite ancient religious and racial rivalry in southern Thailand.

However, reluctantly, Japan is becoming active to protect her markets, supply lines and raw materials. Instead of forging the desired Peking-Tokyo axis China is forcing Japan into open opposition.

The new alignment in Southeast Asia will need external material and technical support, just as did NATO. While reducing direct American intervention, the Nixon doctrine explicitly promises such support.

China must wonder precisely what her brilliant diplomatic maneuvers have accomplished. She underwrites an artificial coalition waging a losing conventional war against a uniting front—the last thing the Chinese want on their borders. Peking can hardly long for more such "victories."

THE 30TH ANNIVERSAY OF SOVIET SUBJUGATION OF THE LITHUANIAN PEOPLE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the American Lithuanian Council, Inc., on June 13 marked the 30th anniversary of a sorry day in history, the Soviet subjugation of the Lithuanian people and the loss by Lithuania of its independence. President Nixon marked the occasion with a letter to Dr. Leon K. Leonas, chairman of the Commemorating Committee, and Vice President AGNEW sent a telegram to the American Lithuanian Council. I personally was privileged to appear before the council as a speaker on this occasion. With the permission of the House, I would like to insert the President's letter, the Vice President's telegram, and my speech in the RECORD at this point. The material follows.

THE WHITE HOUSE,
Washington, June 9, 1970.

Dr. LEON K. LEONAS,
Chairman, Commemorating Committee, Lithuanian American Council, Inc., Chicago, Ill.

DEAR DR. LEONAS: The great courage of the Lithuanian people will always inspire men everywhere who cherish freedom. While we consider the sadness and the suffering so many have known though they tried to live in peace, let us also commit ourselves to sharing the goals for which they gallantly fought.

I join your prayers and your hopes that the Lithuanian people and all who have known the pain of separation from their families and their homelands will always be united in spirit and dedicated to the great cause of peace and freedom that are everyman's birthright.

With my best wishes,
Sincerely,
RICHARD NIXON.

THE WHITE HOUSE,
Washington, D.C.

Dr. LEON LEONAS,
Chairman Commemorating Committee, Lithuanian American Council, Inc., Chicago, Ill.:

It has been said that "the triumph of demagogues is shortlived, but the ruins are eternal." Lithuanian-Americans know only too well the ruin of the human spirit and the destruction of freedom that can come when demagogues and tyranny triumph over freedom-loving people. As you recall to Americans and to America and the world the disaster that has befallen Lithuania these thirty years, you have my heartfelt sympathy and my support in your efforts to bring the truth to the world. The triumphs of demagogues and tyrants, in this case, cannot be said to be short-lived—but your courage and your insistence on presenting the facts of the subjugation of the Lithuanian people give hope, not only to them, but to all those who love freedom.

SPIRO T. AGNEW.

AN ADDRESS BY REPRESENTATIVE GERALD R. FORD, BEFORE THE AMERICAN LITHUANIAN COUNCIL, INC., CHICAGO, ILL., JUNE 13, 1970

My dear friends, we are gathered here to mark the 30th anniversary of a day of international shame, the day when the Soviet Union robbed the proud nation of Lithuania of its independence and plunged its people into political slavery.

Lithuania fell under the yoke of totalitarian dictatorship on June 15, 1940, and was annexed to the Soviet Union. This was an act of infamy which must never be acceded to by the Lithuanians themselves or by any of the freedom-loving peoples of the earth.

Today I voice my earnest support for the just efforts of Lithuanians everywhere to reestablish their country as an independent state and to free their homeland from Russian control.

It is my view that any man who is dedicated to the principles of freedom and justice and informs himself of the manner in which the Soviet Union subjugated the Lithuanian people cannot help but be a Lithuanian ally in a continuing struggle to free them.

As a student of Lithuanian history, I am aware of how Lithuania first emerged as a nation in the 12th and 13th centuries, became known as the Grand Duchy of Lithuania and dominated Eastern European affairs for several hundred years only to fall under Russian domination for a period lasting until World War I.

It was a glorious day, that February 16th of 1918, when Lithuania declared its independence. And it was a tragic event when in 1939 Communist Russia and Nazi Germany divided Eastern Europe between them. We know that in the summer of 1940 Lithuania was overrun by Red Army troops and was subsequently absorbed into the Soviet Union—and that except for a three-year period of German occupation it has remained under Soviet control ever since.

What many Americans do not know is that more than 400,000 Lithuanians were swallowed up in Russian and Siberian slave labor camps through mass deportations between 1941 and 1950, ripped from their homes by Soviet terrorists—Soviet murderers.

What many Americans do not know is that about 30,000 Lithuanian freedom fighters were killed in guerrilla warfare, resisting the Soviet occupation.

What some Americans have forgotten is that Lithuania and 21 other countries are captive nations which were pulled behind an Iron Curtain of slavery and terror by Russian Communist leaders in a pattern of occupation, annexation and tyranny.

Too few Americans are aware of Lithuania's proud history as an independent nation. Too few Americans recall that the Russians on July 12, 1920, signed a peace treaty with Lithuania which stated that "each nation has the right of self-determination, and becoming entirely independent from the state which it is now part of, without any reservations Russia recognizes Lithuania's independence and self-government with all its due jurisdictional rights, and with good will renounces for all times, all rights of Russian sovereignty which she had over the Lithuanian nation and its territories."

Too few Americans recognize the crime against an entire people that was committed when the Russian Communists took over the Lithuanian nation in June 1940.

My heart cries out when I think of how, with one stroke of the pen, Russian laws became immediately effective in all of Lithuania, how the Soviets substituted their entire way of life for that of the Lithuanians and swept away all of their modes of living, how they banned the teaching of religion from school curricula and dismissed the chaplains from the army and the prisons, how they shut down the faculty of theology and philosophy at Kaunas University, how they closed down the monasteries, expelled the monks, and branded all members of the clergy as enemies of the people.

The same terror techniques that were practiced within the Soviet Union itself were applied to Lithuania, and on June 14, 1941, the first mass deportation was carried out. It is reported that Moscow had reached a decision to deport one-third of the Lithuanian nation—and my information is that approximately 25 per cent of the people actually were deported.

Why hundreds of thousands of Lithuanians were sent to Russian slave labor camps we will never really know. It must have been fear that prompted the Soviet masters to do this—the fear that spring from occupying a free nation by force of arms. After all, the Soviet Union had violated her treaties with Lithuania.

The Russian Communists had reason to fear their Lithuanian subjects, for in 1940 there began a period of fierce guerrilla resistance to both Soviet and Nazi occupation—a resistance that lasted for 12 years.

The general revolt against Soviet rule which broke out in Lithuania on June 22, 1941, was a complete repudiation of the Soviet lie that the Lithuanians had renounced their independence of their own free will.

It is most unfortunate that after the three-year Nazi occupation Lithuania could not be reconstituted as an independent state but fell again under Russian rule—a second and harsher Soviet occupation.

Too few Americans today know that this second cruel Soviet occupation resulted in an undeclared war between the Lithuanian people and the Soviet Union which demonstrated to the entire world the gallantry and independent spirit of the Lithuanians.

Although there is some question about the exact number, it is estimated that from 30,000 to 50,000 Luthuanian partisans lost their lives fighting the Soviet security forces.

Moscow had reason to be alarmed by the partisan movement in Lithuania. From 1945 to 1952, historians tell us, the partisans put to death about 4,000 Communist activists and killed about 100,000 MVD, NKVD and Soviet Army troops in battle.

I marvel at the spirit and tenacity of the partisans, fighting as they were against overwhelming odds. Despite those odds, I cannot believe that the spirit of the Lithuanian partisans is dead today. It still lives in the fierce nationalism that the Soviet Union will never be able to crush.

I am not surprised that Lithuanians consider themselves betrayed by the agreement entered into February 11, 1945, at Yalta by President Franklin D. Roosevelt, Prime Minister Winston Churchill and Joseph Stalin. There is no question that the Yalta Agreement appeared to seal the fate of all the nations of Central and Eastern Europe.

The Government of the United States had clearly closed its eyes to aggression by the Soviet Union after fighting a bloody war to cleanse the world of aggression by Nazi Germany and Japan.

However, the fact remains that the United States has never formally recognized Soviet

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annexation of Lithuania, Latvia and Esthonia and has officially condemned "the devious processes" by which the Soviet Union "annihilated" the three Baltic Republics.

Although the western democracies were victorious in World War II, they did not win the peace. But it is a fact of historic importance that they have never recognized the validity of Russian occupation of the Baltic nations. And in this there is hope not only for Lithuanians, Latvians and Esthonians but for the entire world. It means that the concept of freedom still lives—that it can never be extinguished by force of arms or the brutal suppression of a people. It means that there comes a time when the forces of freedom rally to turn back the forces of darkness and oppression.

There are many potential captive nations in the world today—in Indochina, in the Mideast and in Latin America.

The United States is at war in Indochina—at war with the North Vietnamese but also at war with the Soviet Union by proxy.

In the Middle East we are engaged in a power struggle with the Soviet Union which gives its military support to the Arab states while gallant Israel strives valiantly to maintain its independence. The Soviet Union is seeking to replace the United States as the dominant power in the Mediterranean. The Russians are seeking to dominate the Mediterranean, undermine the southern flank of NATO, and spread Communist influence from the Indian Ocean to the South Atlantic.

At the same time the Soviet Union is underwriting the Communist regime of Fidel Castro in Cuba, from whence it hopes to export communism to the assorted nations of Latin America.

Some Americans yearn so desperately for peace that they close their eyes to the Captive Nations—both actual and potential. But the nightmare will not go away just because of the wishing.

The hard facts are that the Soviet Union today is still playing the game of world expansionism, the game of imperialist aggression—but is applying far more sophisticated procedures than in the crude days of World War II and the immediate postwar period.

And so now we have Cuba, and Israel, and Vietnam.

Why do I say we are at war with the Soviet Union by proxy in Vietnam? Because the Soviet Union is supplying the North Vietnamese and Viet Cong with 80 per cent of their weapons. Because the war in Vietnam could stop if the Soviet Union would stop supplying arms to Hanoi.

Yet we have thousands of students and other Americans shouting at our own government leaders, "Stop the war." Whose side is justice on? On the side of the United States and the Captive Nations or on the side of the Soviet Union and the North Vietnamese?

The protesters are said to be highly idealistic. They view Vietnam as a moral issue. They believe the war in Vietnam is wrong. Yes, the war in Vietnam is wrong, but the sins are on the other side. The Communists today are committing the same sin of genocide in Vietnam that they committed in Lithuania 30 years ago. What a bloodbath we would see in Vietnam if the United States were to precipitously withdraw all its troops there! And yet this is what the self-righteous moralists who yell "Stop the war" are demanding.

If the moralists on Vietnam want to be on the right side of an issue they should be demanding that Russia withdraw its troops from Lithuania, Latvia and Esthonia, free them from Soviet control, and return all of the living deportees to their homes from Soviet prison camps.

Who is in the right? Whose side is justice on? The Soviet Union recognized the independence and sovereignty of Lithuania by peace treaty in 1920 and confirmed this by other treaties in 1926 and 1939.

Instead of shouting "Stop the war" in Vietnam the moralists should be concerned that still another nation—South Vietnam—is in danger of becoming a Captive Nation. Instead of shouting "Stop the war" in Vietnam the moralists should be pounding at the Iron Curtain in an effort to free Lithuania, Latvia and Esthonia.

We know who the international criminals are. We know who brutally slew the freedom fighters in Hungary. We know who ruthlessly crushed the people of Czechoslovakia.

We must never tire of telling this story to the world. We must never give up in our fight to free the Baltic peoples. It is groups like the American Lithuanian Council that must provide the leadership. And I will certainly stand shoulder to shoulder with you in your struggle.

While the Soviet repression in Czechoslovakia was a demonstration of strength, it was also a confession of weakness—and this is the lesson we must carry forward in our continuing struggle for Baltic liberation today.

The Soviets' Czechoslovakian campaign pointed up the insecurity felt by the Russian leaders—an insecurity they feel regarding all of the Captive Nations.

The more we in America concentrate on the issues of the Captive Nations the more we exploit the insecurity the Soviet Union feels. The more we preach the doctrine of self-determination the more we stir the fires of nationalism in the Captive Nations.

The Soviet Union is a federal state in name only. The spirit of independence burns fiercely among the non-Russian nation-states within the Soviet system.

There is no solidarity in the Communist empire. The inner conflicts within the Communist camp are many. We have witnessed the deviations of the Yugoslav, Czechoslovak and Rumanian Communist parties from the Moscow line. These developments have repercussions with the Soviet Union. There is ferment in Russia itself against the Soviet dictatorship. Latent conflict continues to fester between the Soviet Union and Red China.

I do not despair for Lithuania. I shout with you, "Lithuania for the Lithuanians," and I believe the day will come when we will together toast a Free Lithuania.

There is a spirit of independence that burns in the hearts of all Lithuanians—in the hearts of free men everywhere. The Communist criminals may crush the bodies of their victims in slave labor camps but they will never succeed in blowing out the lamp of liberty.

Lithuania's national anthem urges her sons to draw strength from the past. All Americans can find strength in that past but let us also look to the future and make a firm and fervent pledge—that we will never rest until Lithuania is once again an independent nation, free of the Russian oppressor.

BILL INTRODUCED TO PROVIDE FOR TRADE SCHOOL IN EVERY COUNTY IN NATION

(Mr. EVINS of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EVINS of Tennessee. Mr. Speaker, I have today introduced a bill to amend the Vocational Education Act of 1963 by requiring the location of a trade school or branch vocational trade school in each of the Nation's 3,050 counties where such facilities do not now exist.

This is an urgently needed bill as millions of students continue to drop out of high school each year and millions of others fail to continue their education after graduation from high school. In 1968, there were 2,734,000 high school dropouts and 1 million other students who decided to seek employment following graduation rather than attending a college or university.

At the same time the unemployment rate in the 16 to 21 age group continues at a high 15 percent—and millions of those employed are working in low-paying jobs, although they have the basic ability—if properly trained—to move into higher paying skilled jobs. In addition, many of those who are unemployed are on the welfare rolls—and this bill would have the effect of moving many of these young men and women from the welfare rolls to payrolls.

Through this bill the opportunity to learn a trade or skill will become available in every county in the Nation and vocational education will become much more available and accessible.

I have often said that a man, skilled in his trade, is just as useful as a man who uses only a telephone. We must, in our country, develop a keen sense of respect and appreciation for skilled labor—all crafts and trades—carpenters, electricians, painters, mechanics, brick masons, draftsmen, and craftsmen in all specialized technical fields. These positions must be dignified as being as important and useful as college educated professions.

The response to my announcement that I will introduce such legislation has been tremendous and overwhelmingly favorable. In this connection, a number of letters have been received supporting this legislation.

My newsletter, Capitol Comments, concerning this bill is placed in the RECORD herewith indicating the public interest and support for this legislation.

The newsletter follows:

BILL SCHEDULED FOR INTRODUCTION TO ASSURE BRANCH VOCATIONAL TRADE SCHOOL IN EVERY COUNTY IN NATION

(By JOE L. EVINS)

Your Representative soon will introduce in the House a bill to require the location of a branch vocational trade school in each of the Nation's 3050 counties which do not have such schools.

While great interest is continuing in higher education—colleges, universities and junior colleges—it has become increasingly apparent that vocational education must be greatly expanded to assist in training the 80 percent of our young people who do not attend college—to train adults who cannot find jobs—and retrain workers displaced by changes and advances in technology.

There is increasing concern over the continued high unemployment rate—now 14 percent—among our young people with nearly 1 million high school graduates annually deciding to seek employment rather than continue their education. Many others fail to graduate from high school. The Subcommittee on Education Appropriations said in a recent report:

"An improved and expanded vocational education system would go a long way toward resolving that national paradox of shortages of skilled workers in many technical fields, on the one hand, and high rates of unemployment among young people on the other."

The National Advisory Council on Voca-

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tional Education in a recent report expressed the same concern and said that new approaches, new emphasis and new breakthroughs are needed in vocational education to educate our youth for employment and thereby reduce unemployment while at the same time assisting these young people in realizing their true potential. By assuring a branch trade school in every county in the United States, training would be made readily accessible and available.

The bill which your Representative will introduce will provide for cooperation between Federal, state and local educational departments and boards of education in surveying each county to determine the potential enrollment, the appropriate courses to be offered, and the size of the branch trade school required to serve the county. These branch schools would be coordinated with local high schools and with area vocational schools.

Many believe that rather than adopting some form of guaranteed annual wage which would tend to dull individual initiative and incentive, the money would be better spent in vocational training to assure employment for many of those who might otherwise be on welfare rolls. In this way the appropriations to finance the branch trade schools would be an investment in the future of America. At the same time individual enterprise and initiative would be encouraged in the American tradition. In this way those who are trained and the American taxpayer would benefit.

Certainly the location of a trade school in every county would be a sound investment in America's future.

NORTH ATLANTIC AND NORTH PACIFIC FISHERIES LEGISLATION

(Mr. GALLAGHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I am today introducing by request of the executive branch, legislation to amend the Northwest Atlantic Fisheries Act and the North Pacific Fisheries Act.

In so doing, I reserve my position on this legislation until the Subcommittee on International Organizations and Movements will have an opportunity to hold hearings and review this matter in detail.

A letter from the Honorable David M. Abshire, Assistant Secretary of State for Congressional Relations, to the Speaker of the House, dated May 28, 1970, explaining the purpose of the suggested amendments, and the text of the legislation to which I refer follow:

DEPARTMENT OF STATE,
Washington, D.C., May 28, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is enclosed a draft of a proposed bill "To amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes".

It is requested that this bill be referred to the appropriate committee for consideration; its enactment is recommended.

Two Protocols to the International Convention for the Northwest Atlantic Fisheries have recently entered into force. The United States has ratified these Protocols. One provides for a new method for entry into force of regulations proposed by the International Commission for the Northwest Atlantic Fisheries, established by the Convention; the other grants authority to the Commission to propose regulations for international measures of control (enforcement) to insure uniform application of the fisheries conservation regulations through joint action. The Protocols require amendments to the Northwest Atlantic Fisheries Act, which is the implementing legislation for the Convention. The proposed changes in the North Pacific Fisheries Act are consequent to the changes in the aforementioned Act. The bill also proposes measures to facilitate United States representation to the Commission and to similar international fisheries commissions.

The Protocol on entry into force of regulations was initiated by the United States, and is designed to expedite the procedure for adoption of regulations proposed by the Commission. Under the previous procedure, each government participating in the Panel for the Convention subarea to which a proposal applied had to take affirmative action to signify its approval thereof before a proposal could enter into force. There have been long delays in the entry into force of some Commission proposals, apparently in large measures because of inertia in taking the required action, particularly on the part of countries whose fishermen are little affected one way or the other by the proposal in question. Under the new procedure a government is deemed to have approved a proposal unless it objects within a specified period. Adequate safeguards are included to protect the rights and interests of the contracting governments and their fishermen. The aims of the Convention will be achieved more fully through this more expeditious system of bringing necessary conservation proposals into force. The procedure will also apply to proposals relating to joint enforcement which may be made under the other Protocol.

The Northwest Atlantic Fisheries Act requires both the Secretary of State and the Secretary of the Interior to take positive action to accept a proposal on the part of the United States. The proposed amendment would require the Secretary of State to take appropriate action, with the concurrence of the Secretary of the Interior with regard to such proposals. The United States has never rejected a proposal, and, in fact, among the fourteen member governments, only one proposal has been subject to objection. The United States would have six months in which to act. The Secretary of the Interior would be required to inform the Secretary of State within five months as to what action he considers appropriate with regard to such proposals and the Secretary of the Department in which the Coast Guard is operating would be required to similarly inform the Secretary of State with regard to proposals relating to national and international measures of control.

The Protocol also provides for extended periods of objection if one party rejects the proposal during the six month period. The Secretaries would have a similar obligation to inform to Secretary of State within these periods concerning appropriate action in sufficient time to allow the Secretary of State to file an objection within the time allowed by the Protocal. With regard to the latter provision of the Protocol, it may be that the United States would find a proposal acceptable but would not wish to be bound by it if another party objected to it and relieved itself of any obligation to give effect to the proposal. Under the Protocol a proposal becomes effective for all governments, except those which have presented objections, at the end of the objection period, unless a majority of the governments concerned have objected in which case all governments are relieved of any obligation to give effect to the proposal. In the latter circumstance, any of the governments may agree among themselves to give effect to the proposal, which is also provided for in the legislation.

Since a very significant proportion of the fisheries in the Convention area are conducted in waters off the coasts of the United States, it is in our interest to secure prompt acceptance of necessary conservation proposals. In the past, numerous proposals which were necessary or desirable from the standpoint of United States interests were unduly delayed by inaction on the part of one or more of the other parties to the Convention. Thus the changes in the Convention are very much in our interests; we believe that the proposed changes in the legislation is a reasonable method of implementing them on behalf of the United States.

The Protocol on measures of control expressly permits the Commission to make proposals related to national or international measures of control to ensure the application of the Convention and the conservation regulations adopted thereunder. At present, each contracting government is required to enforce the terms of the Convention and the regulations adopted thereunder with respect to its own nationals. The Protocol permits a supplemental system of international inspection or enforcement to be adopted under the terms of regulations proposed by the Commission and approved by member governments. This will permit more efficient and uniform enforcement of Commission regulations designed to conserve the stocks of fish in the Convention area in the Northwest Atlantic, a significant part of which lies off the coasts of the United States.

Before proposing the Protocol to governments, the Commission discussed the question of enforcement at some length, and decided that enforcement of the Commission's regulations would be more uniform and efficient if some form of international inspection or enforcement system were adopted. Consideration was given to amending the Convention to specify the form of international inspection or enforcement, as is done for example in the International North Pacific Fisheries Convention. It was concluded, however, that some flexibility would be preferable. Thus the Protocol authorizes the Commission to adopt such proposals without specifying their nature. Proposals will not enter into force until approved by the Contracting Parties under the procedure discussed above. Accordingly, it is not possible to be specific in the amendments to the Northwest Atlantic Fisheries Act concerning the international enforcement activities which may be undertaken by the United States with respect to foreign fishing vessels in the Convention area or by other parties with respect to American fishing vessels in the Convention area, as it is for example in the case of the North Pacific Fisheries Act where international enforcement procedures are spelled out in the Convention. Rather, it will be necessary to implement enforcement proposals which enter into force for the United States by regulation.

International enforcement has been discussed extensively with the concerned segments of the fishing industry in the Northwest Atlantic, and we have found them to be strong advocates of such a program. In view of the magnitude of the foreign fishing activities in the area, they consider it to be essential that American enforcement authorities have an opportunity to ensure that foreign fishermen adhere to the same strict standards that we require of the American fishermen. They realize full well that this can only be undertaken on a reciprocal basis.

The proposed amendments would empower the Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of State, to issue the necessary regulations to implement the enforcement proposals which enter into force with respect to the United States and to cooperate with officials of other parties to the Convention in implementing such proposals. Proposed section 7(d) would give

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a legislative basis for foreign enforcement officers taking action with respect to American vessels pursuant to such proposals, within certain limitations which are specified in the section. Other limitations also might be specified in the Secretary's regulations, and, of course, the proposals negotiated in the Commission with the participation of the United States, including industry advisers, might also contain limitations on such activities. In fact, they are expected to do so, on the basis of the preliminary consideration the Commission has given to proposals it might make under this authority.

Proposed section 7(e) would give a legislative basis for American enforcement officers to take action with respect to foreign vessels pursuant to such proposals. The Northwest Atlantic Fisheries Act permits the Secretary of the Interior to designate officers of the States of the United States to enforce its provisions. International enforcement authority, however, would be limited to officers of the Fish and Wildlife Service and the Coast Guard, since it is understood that other parties to the Convention believe that such activities will only be undertaken by National officers. Such officers may be directed to appear in foreign courts to assist in their proceedings if necessary when they have encountered a violation in the course of their international enforcement activities, according to proposed section 7(f).

Proposed section 9(c) would make it unlawful to prevent any duly authorized international inspector from boarding a vessel and making his inspection, or to interfere with his activities, conducted pursuant to an enforcement proposal effective for the United States. This is based on a provision of the North Pacific Fisheries Act. Proposed section 10(b) would provide penalties for violating this provision. Such a provision is essential to ensure that individual fishermen do not frustrate international enforcement procedures which are accepted by the United States, although we do not anticipate difficulties in this regard.

Section 12 of the North Pacific Fisheries Act incorporates in haec verba sections 7(a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act. Some of these sections would be amended in accordance with the above proposals. It is deemed desirable not to amend the Northwest Atlantic Fisheries Act with exceptions for the North Pacific Fisheries Act incorporated therein, but to insert the pertinent provisions in the North Pacific Fisheries Act itself, including those provisions of the Northwest Atlantic Fisheries Act applicable to it which are not being amended in order that the North Pacific Fisheries Act may stand alone with appropriate provisions for regulating its fisheries. The changes proposed do not amend the substance of the provisions of the Nortwest Atlantic Fisheries Act which are incorporated in the North Pacific Fisheries Act in any way, although a few minor modifications of language are proposed to accommodate the changes in the language of the latter Act and to clarify the provisions relating to violation of court order. Some renumbering of sections is proposed in order that the provisions may be incorporated in the most appropriate places.

Title III of the proposed legislation also suggests procedures for facilitating United States representation on the various international fisheries commissions. United States Commissioners are appointed by the President in accordance with implementing legislation, including the two Acts cited above. At times United States Commissioners may not be present at commission meetings for various reasons, including vacancies, illness, and other obligations during the periods involved. This is especially true with respect to meetings of committees of the various commissions, which may require technical representation. Other parties to these Conventions are generally represented at all meetings by commissioners, however, because they have a greater tendency to appoint technical commissioners and because they usually do not require presidential level action on appointments. Thus they may designate a commissioner for a single meeting.

The proposed legislation would allow the Secretary of State to designate Alternate Commissioners to attend meetings at which he finds the United States would not be represented by the full number of Commissioners to which it is entitled. Such designations would be for the meeting in question only, and would be solely for the purpose of ensuring that the United States has appropriate representation at such meetings without having to seek approval of the President concerning a temporary situation. The President's authority to make permanent appointments of Commissioners would be unimpaired, of course. This authority would extend to all present international fisheries commissions except one, and to any similar bodies which may be established in the future.

The one exception is the International Pacific Salmon Fisheries Commission, since the convention which established it provides that Commissioners must be appointed by the President. No other such convention contains such a limitation, and it is believed that the proposed legislation will permit the United States to carry out its obligations under these conventions in a more efficient and satisfactory manner.

The next Annual Meeting of the Commission will be held during the first week of June 1970. That Meeting is expected to propose international measures of control. Accordingly, it would be advantageous to the United States if the proposed legislation were enacted prior to the time in which the United States must accept or reject proposals from this year's Meeting in order that the United States might best carry out its obligation under the Protocols.

The Bureau of the Budget advises that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

H.R. 18078

A bill to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—

AMENDMENT OF THE NORTHWEST ATLANTIC FISHERIES ACT OF 1950 AS AMENDED

SEC. 101. (a) Section 1(a) of the amending Act of July 24, 1968 (Public Law 90-420) is repealed.

(b) Section 2(a) of the Northwest Atlantic Fisheries Act of 1950 is amended by changing the period to a comma and adding the following words: "and any amendments thereto which have entered or may enter into force for the United States including, but not limited to, the 1956 protocol, the 1961 declaration of understanding, the 1963 protocol, and the 1965 protocols".

SEC. 102. Section 2(c) of the Act is amended by changing the period to a comma and adding the following words; "or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties."

SEC. 103. Section 2(e) of the Act is amended by deleting the words "subject to the jurisdiction of the United States," by changing the period to a comma, and by adding the following words: "subject to the jurisdiction of the United States, or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties."

SEC. 104. A new subsection (i) is added to section 2 of the Act to read as follows:

"(i) International measures of control: The term 'international measures of control' means any proposal of the Commission which has entered into force with respect to the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels of some or all other parties to the convention and by other parties to the convention with respect to persons or vessels of the United States."

SEC. 105. A new subsection (j) is added to section 2 of the Act to read as follows:

"(j) National measures of control: The term 'national measures of control' means any proposal of the Commission which has entered into force for the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels subject to its jurisdiction, and any other actions which may be undertaken by the United States for the purposes of insuring the application of the convention and the measures in force thereunder to persons or vessels subject to its jurisdiction pursuant to the provisions of this Act."

SEC. 106. Subsection (b) of section 6 of the Act is amended to read:

"(b) The Secretary of State, with the concurrence of the Secretary of the Interior, is authorized to take appropriate action on behalf of the United States with regard to proposals received from the Commission pursuant to article VIII of the convention. The Secretary of the Interior shall inform the Secretary of State as to what action he considers appropriate within five months of the date on the notification of the proposal by the Depositary Government, and again within the first forty days of the additional sixty day period provided by the convention if a rejection is presented by another party to the convention, or within twenty days after receipt of a rejection received within the additional sixty day period, whichever date shall be the later. The Secretary of the Department in which the United States Coast Guard is operating shall similarly inform the Secretary of State as to whether he considers that any such proposal relating to international measures of control or national measures of control should be rejected."

SEC. 107. A new subsection (c) is added to section 6 of the Act to read as follows:

"(c) In the event that a proposal of the Commission does not come into effect because of a number of objections in accordance with the provisions of paragraph 7 of article VIII, the Secretary of State, with the concurrence of the Secretary of the Interior and the Secretary of the Department in which the Coast Guard is operating, may nevertheless assent to giving effect to it on an agreed date by agreement with one or more of the parties to the convention, as provided for in that paragraph."

SEC. 108. Section 7(b) of the Act is amended by adding the following: "The Secretary of the Department in which the Coast Guard is operating is authorized and directed to adopt such regulations in consultation with the Secretary of the Interior as may be necessary to provide for national measures of control, and, with the concurrence of the Secretary of State, for interna-

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tional measures of control and to cooperate with the duly authorized enforcement officials of the Government of any party to the convention."

Sec. 109. (a) A new subsection (d) is added to section 7 of the Act to read as follows:

"(d) Except as herein otherwise provided, the duly authorized officials of any party to the convention shall have the same powers as Federal law-enforcement officers to enforce the provisions of the convention, or of this Act, or of the regulations of the Secretaries of the Interior and the Department in which the Coast Guard is operating, with respect to persons or vessels of the United States, pursuant to and to the extent authorized by international measures of control, and such officials are authorized to function as Federal law-enforcement officers for the purposes of this Act. Such powers shall include, only if and to the extent authorized in international measures of control, arrest of any person or search of any vessel subject to the jurisdiction of the United States, execution of any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and seizure of any property. Unless such enforcement is authorized by the international measure of control or by agreement of the United States, such duly authorized officials shall not exercise these powers in that portion of the convention area in which the United States exercises the same exclusive rights in respect to fisheries as it has in the territorial sea except with regard to vessels of their own flag which may be entitled within such zone, by agreement with the United States, to (1) engage in the fisheries, or to (2) engage in activities in support of a foreign fishery fleet, or to (3) engage in the taking of any Continental Shelf fishery resource which appertains to the United States."

(b) A new subsection (e) is added to section 7 of the Act to read as follows:

"(e) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior and any Coast Guard officer may be designated by the Secretary of the Department in which the Coast Guard is operating to enforce international measures of control on behalf of the United States with regard to persons or vessels of any other party to the convention to which the measure is applicable, in any portion of the convention area except such portions in which any other government exercises the same exclusive rights in respect to fisheries as it has in its territorial sea unless such enforcement is authorized by the international measures of control or by agreement with the Government concerned."

(c) A new subsection (f) is added to section 7 of the Act to read as follows:

"(f) Any person designated to enforce international measures of control pursuant to subsection (e) of this section may be directed to attend as witness and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in any country party to the convention of any violation of the provisions of the convention or any law or regulation of that country for the enforcement thereof when requested by the appropriate authorities of such country."

Sec. 110. A new subsection (c) is added to section 9 of the Act to read as follows:

"(c) It shall be unlawful for the master or owner or any person in charge of any vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this Act and any regulations adopted pursuant thereto, including in the convention area the duly authorized officials of any party to the convention authorized to undertake international measures of control, to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provisions of the Convention, this Act, regulations adopted pursuant thereto, international measures of control, and national measures of control, or to obstruct such officials in the execution of such duties."

Sec. 111. (a) Section 10 of the Act is redesignated as subsection (a) thereof. Redesignated subsection (a) is further amended as follows:

(1) Delete the words "any provision" and substitute "subsections (a) or (b) of section 9".

(2) Insert the words "by the Secretary of the Interior" after the word "adopted".

(b) A new subsection (b) is added to section 10 of the Act to read as follows:

"(b) Any person violating subsection (c) of section 9 of this Act or any regulations adopted pursuant to this Act by the Secretary of the Department in which the Coast Guard is operating, upon conviction, shall be fined for a first offense not more than $1,000 and be imprisoned for not more than six months or both and for a subsequent offense committed within five years not more than $10,000 and be imprisoned for not more than one year or both."

TITLE II—AMENDMENT OF THE NORTH PACIFIC FISHERIES ACT OF 1954 AS AMENDED

Sec. 201. Section 7 of the Act is redesignated as section 8 and a new section 7 inserted as follows:

"Sec. 7. The Secretary of the Interior is authorized and directed to administer and enforce, through the Fish and Wildlife Service, all the provisions of the Convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the Government of any party to the Convention: *Provided, however,* That he shall adopt such regulations on consultation with the United States Section and they shall apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes: *And provided further,* That no such regulations shall apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha)."

Sec. 202. Section 8 of the Act is redesignated as section 9. Subsections "(a)", "(b)", "(c)", and "(d)" of that section are redesignated subsections "(b)", "(c)", "(d)", and "(e)" respectively, references therein to "subsection (a)" are changed to "subsection (b)" and a new subsection (a) inserted as follows:

"(a) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the United States Coast Guard, in cooperation with the Fish and Wildlife Service."

Sec. 203. Section 9 of the Act is redesignated as subsection (f) of section 9.

Sec. 204. Subsections "(a)", "(b)" "(c)", "(d)", and "(e)" of section 10 of the Act are redesignated as subsections "(b)", "(c)", "(d)", "(e)", and "(f)" respectively, references to "subsection (a)" in redesignated subsection (c) are changed to "subsection (b)", and a new subsection (a) inserted as follows:

"(a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this Act or of any order of a court issued pursuant to section 11 of this Act, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time."

(b) A new subsection (g) is added to section 10 of this Act as follows:

"(g) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this Act."

Sec. 205. (a) The reference to "subsections (a), (b), or (c)" in subsection (a) of section 11 of the Act is changed to "subsections (b), (c), or (d)."

(b) The reference to "subsection (d)" in subsection (b) of section 11 of the Act is changed to "subsection (e)".

(c) The reference to "subsection (e)" in subsection (c) of section 11 of the Act is changed to "subsection (f)".

(d) Subsection (d) of section 11 of the Act is amended to read:

"(d) Any person violating any other provision of this Act or any regulation adopted pursuant to this Act upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court."

Sec. 206. Section 12 of the Act is amended to read:

"Sec. 12 (a) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the Convention, this Act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the Convention or of this Act, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the Convention or this Act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States Magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the Convention or this Act or to regulations issued pursuant thereto. Any

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property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of the Interior.

"(b) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as deteminned by the court."

TITLE III—ALTERNATE COMMISSIONERS

SEC. 301. In order to ensure appropriate representation at meetings of International Fisheries Commissions, the Secretary of State, in consultations with the Secretary of the Interior, may designate from time to time Alternate United States Commissioners to the International Commissioners to the International Commission for the Northwest Atlantic Fisheries, the International North Pacific Fisheries Commission, the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the Great Lakes Fishery Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission established pursuant to a convention between the United States and other Governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States Section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of duly designated United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this Act.

SEC. 302. Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5, United States Code when engaged in the performance of their duties.

SEC. 303. Service of any individual as an Alternate United States Commissioner designated pursuant to section 301 of this Act if he is not a regular Government employee shall be considered service as a special Government employee pursuant to section 202 of title 18, United States Code.

LEGISLATION AIMED AT CREATING A FIRM NATIONAL COMMITMENT TO CURE AND CONTROL CANCER IN THIS DECADE

(Mr. GALLAGHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. GALLAGHER. Mr. Speaker, I rise today to reintroduce my legislation aimed at creating a firm national commitment to cure and control cancer in this decade.

Since the initial introduction of my bill on April 9—House Resolution 906, 907—I have been pleased to acquire more than 40 additional cosponsors of the legislation. Thus, today the bill is presented to this body with 85 sponsors.

The distinguished Members of this House who join with me on the resolution represent all geographical sections of the Nation, and all political persuasions. Such broad, bipartisan cosponsorship encourages me to believe that this resolution may find success in the Congress.

Additional developments also provide encouragement in this direction.

Today, Mr. Speaker, I am priviliged to release publicly the names of more than 600 prominent physicians, scientists, and medical educators from around the United States who endorse my legislation, express their conviction that cancer can be cured with the level of funding and magnitude of commitment authorized under the legislation, and who urge their colleagues and fellow citizens to join in support for the legislation.

Mr. Speaker, these 600 courageous men and women who represent many of the most distinguished and dedicated people in the field of medical research. They also represent most of our Nation's major cancer research foundations and programs.

To all of them, the American people owe a heavy debt; for these men and women fight on the front lines in a war against the deadliest enemy of all mankind: cancer.

Words of gratitude alone are insufficient to repay the debt which we owe these people. They have worked wonders with limited resources. They have found answers to a disease which Sir Winston Churchill once characterized as a riddle wrapped in an enigma.

And because of their dedicated, vigorous efforts—because of their excellent skills and training, the only obstacle which now stands between cancer and cure is money.

Today, 85 Members of this House resolve that this obstacle will be removed.

Mr. Speaker, our bill authorizes appropriations of no less than $650 million over the next 10 years to find a cure and control for cancer. This would represent an increase of well over $400 million over current spending for cancer research.

Our bill also requires that $250 million of the new appropriations be expended to construct five new cancer research institutes in the United States during the first 2 years of the program.

The current level of funding puts many of our research programs in serious jeopardy; some of these programs have already been forced to discontinue operations or drastically curtail experiments. Moreover, the current funding level hinders our ability to attract the best medical minds from our universities into the field of research. To be sure, dedicated researchers do not expect to receive the same financial remuneration for their work as they would from private industry. But they must at least expect sufficient resources to enable them to carry on their work with full vigor. This expectation is disappointing at the present time.

The pattern is not only intolerable, it is dangerous.

For this year alone, cancer will kill more than 320,000 Americans. Since January 1, 1970, 900 Americans have perished each day from cancer. Put another way, since the initial introduction of my bill on April 9, over 60,000 Americans have died because of cancer.

This pattern is simply inexcusable.

Let me expand on that point. The administration has requested $3.6 billion in the fiscal year 1971 budget for the space program. It has also requested additional millions for the supersonic transport. And yet, in the midst of these luxurious requests, we are informed that there are not enough dollars in the Treasury to wage a wide war against disease. If there is logic in this argument, it escapes me completely.

I, for one, do not know of any living person who has suffered or died because we have not yet reached Mars.

And I do not know of any child who has been robbed of life because we have failed to crash commercially through the sound barrier.

Thus, I have previously announced, and do so again today, that I will not vote for one additional dime to be spent on the space program or on the supersonic transport until we have moved down the road to a cancer cure commitment.

I can do no less and still follow the dictates of conscience.

Now, while the price tag on our program is not inexpensive, it is still rather small when compared to the price paid in lives from permitting cancer to continue.

Yet even measured in terms of dollars, cancer takes a heavy economic toll itself. In 1969, cancer actually cost the United States—in reduced earnings, medical assistance, insurance premiums, and so forth—over $12 billion.

Indeed, the income tax alone paid by people who could be working and earning instead of wasting away from cancer would pay the costs of our cancer cure program within a few short years.

And with a gross national product of over $900 billion, with Americans spending more than $30 billion each year on comic books, amusements, sports events, records, flowers, and magazines, and with a Defense Department budget exceeding $77 billion—the expenditure of only $650 million per year to cure cancer seems very, very small.

Mr. Speaker, our bill affects the welfare of every single human being. Cancer knows no racial, religious, ethnic, or class demarcations. It strikes with equal, random ferocity at young and old, rich and poor. I do not believe that we can afford to spend less than is required to conquer this vicious enemy.

Mr. Speaker, let me say here that under our bill, to be considered adequate, a "cure" for cancer must mean a pro-

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cedure or medication that will offer better than a 95-percent chance of complete obliteration of the cancer process, including metastases, without detriment to the patient. This means that a patient should be able to live and work in a normal manner without any serious lessening of his life expectancy; it also means that the cure will be similarly effective for all forms of cancer.

This is our basic goal; and it can be accomplished.

But to do so, Congress must take the lead now. The American people are not satisfied to wait one moment longer; each hour that goes by, another 30 Americans lose their lives to cancer.

On February 5, Mr. Speaker, I dispatched a special letter to the White House urging the Executive to support a national cancer cure program. To the present date, I have received no definitive response to that letter.

Yet while we wait, cancer continues.

I am confident that the Members of this body and of the other body sense the spirit of our people on this vital issue.

Those who have joined with me today are proof that the Legislature stands ready to act.

And with public support, with the continued support of the medical-scientific communities, I am certain that we will succeed.

Thus, we formally take up the challenge today, and pledge that no effort will be spared until our goals are attained.

H. Res. ——

Whereas cancer takes the lives of more than three hundred thousand Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

Whereas more than one million Americans are currently under treatment for this dread disease; and

Whereas it is clearly in the best interests of mankind that this disease be cured and controlled; and

Whereas prominent medical authorities have indicated that cancer can be cured and controlled if the necessary funds are made available; and

Whereas current appropriations are inadequate to accomplish this task; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade: It is hereby

Resolved, That it is the sense of the House of Representatives that no less than $650,000,000 be appropriated annually over the next ten fiscal years for the national cancer research program; and, be it further

Resolved, That no less than $250,000,000 of this appropriation be utilized to construct five new cancer research institutes in the United States during the first two years of the new appropriations.

List of Cosponsors

Mr. Gallagher, Mr. Addabo, Mr. Anderson of California, Mr. Andrews of Alabama, Mr. Andrews of North Dakota, Mr. Baring, Mr. Barrett, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Brown of California, Mr. Buchanan, Mr. Burton of California, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Caffery, Mr. Chappell, Mrs. Chisolm, Mr. Don H. Clausen, Mr. Clay, Mr. Cordovo, Mr. Daddario, Mr. Daniels of New Jersey, and Mr. Davis of Georgia.

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Statement of Support for Gallagher Resolution

We the undersigned members of the medical and scientific communities express our strong support for the resolution sponsored by Congressman Cornelius E. Gallagher (H. Res. 906) calling for a firm national commitment to cure and control cancer within this decade.

We further express our conviction that with the level of funding and the magnitude of commitment authorized under the Gallagher resolution, cancer can be cured and controlled.

We believe, along with those who have joined in support of H. Res. 906, that there is no excuse for permitting cancer to continue its killing pace with the great resources available for the fight. It is high time to use these resources and conquer this tragic disease.

We who have been working for years against this common enemy of mankind urge our colleagues and our fellow citizens to endorse H. Res. 906 and help us win this battle.

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Dr. Joseph Ransohoff, Dept. of Neurosurgery, New York University.

Dr. Maurice M. Rapport, PhD, Dept. of Pharmacology, New York State Psychiatric Institute.

Robert W. Rasch, M.D., Marquette School of Medicine, Inc.

Aaron R. Rausen, M.D., Mount Sinai School of Medicine, University of New York.

Dr. Ramaehandra Reddy, Baylor College of Medicine.

Kurt R. Reissmann, M.D., Professor of Medicine, University of Kansas.

Dr. Alvin F. Rieck, Marquette School of Medicine.

Bernard F. Rice, M.D., Division of Research, Alton Ochsner Medical Foundation.

Webster Riggs, M.D., University of Tennessee Medical Units.

Werner H. Rirsten, M.D., Dept. of Pathology, Pediatrics, University of Chicago.

Preston D. Ritter, Baylor College of Medicine.

E. Stanfield Rogers, M.D., Group Leader, Oak Ridge National Lab.

Dr. Marvin M. Romsdahl, Dept. of Surgery, University of Texas.

Francis E. Rosato, M.D., Dept. of Surgery, University of Pennsylvania.

Irwin A. Rose, Biochemistry Division, Institute for Cancer Research.

George P. Rosemond, M.D., Dept. of Surgery, Temple University.

Dr. Fred Rosen, Roswell Park Memorial Institute.

Professor Jay S. Roth, Dept. of Biochemistry, University of Connecticut.

Sheldon P. Rothenberg, M.D., Dept. of Medicine, New York Medical College.

Dr. John J. Rrentin, PhD., Baylor College of Medicine.

Dr. John H. Rust, PhD., Professor, Dept. of Radiology, University of Chicago.

Professor Robert J. Rutman, Dept. of Chemistry, University of Pennsylvania.

Richard W. Sagebiel, M.D., Dept. of Pathology, University of Washington.

Leo T. Samuels, M.D., Biology Chemistry, University of Utah.

Eugene G. Sander, Dept. of Biochemistry, University of Florida.

Dr. Barbara H. Sanford, Dept. of Pathology, Massachusetts General Hospital.

Daniel V. Santi, Dept. of Chemistry, University of California.

Professor Alan C. Sartorelli, Dept. of Pharmacology, Yale University.

Dr. Anthony J. Sbarra, Dept. of Pathology and Medical Research, Saint Margaret's Hospital.

Mr. Joseph V. Scaletti, Dept. of Microbiology, University of New Mexico.

Violet M. Scherone, M.A., Waldemar Medical Research Foundation, Inc.

Dr. Eric Scholar, PhD, Division of Biological and Medical Sciences, Brown University.

Robert Schrek, M.D., Dept. of Pathology, Northwestern University.

Dr. Arnold Schwartz, Division of Myocardial Biology, Baylor College of Medicine.

Dr. Martin A. Schwartz, Assistant Professor of Chemistry, Florida State University.

Robert S. Schwartz, Dept. of Medicine, Hematology, New England Medical Center Hospital.

Dr. Martin P. Schweizer, PhD, International Chemical and Nuclear Corp.

Boyer W. Scinner, M.D., The University of Tennessee Medical Units.

Alastair I. Scott, Dept. of Chemistry, Yale University.

Dr. Jesse F. Scott, Massachusetts General Hospital.

Ron Seale, Dept. of Biological Sciences, Purdue University.

Segfried Seeber, Dept. of Pharmacology, Baylor College of Medicine.

Dr. Alfred W. Senft, M.D., PhD, Division of Biological and Medical Sciences, Brown University.

Gerald Seta, Dept. of Pathology, University of Hawaii.

Dr. Herbert Shapiro, Dept. of Anatomy, University of Tennessee Medical Units.

Mrs. Paul Sharon, Silver Box County Unit, American Cancer Society.

Dr. Eli Shefter, Dept. of Pharmaceutics, State University of New York at Buffalo.

Dr. Judson D. Sheridan, Dept. of Zoology, University of Minnesota.

Dr. Hirotoshi Shibatta, Baylor College of Medicine.

Mun Fook Shinn, Dept. of Pathology, University of Hawaii.

Dr. Tetsuo Shiota, Dept. of Microbiology, University of Alabama.

Herchel Sidransky, M.D., University of Pittsburgh.

Dr. M. M. Sigel, Dept. of Microbiology, University of Miami.

Dr. Alvin Silverstein, National Collegiate Association for the Conquest of Cancer.

Murray N. Silverstein, M.D., Dept. of Internal Medicine, Mayo Foundation.

Walter N. Sim, Assistant Professor of Physiology, Mount Sinai School of Medicine.

Dr. Edward H. Simon, Dept. of Biological Sciences, Purdue University.

Russell O. Sinnhuber, Food Science and Technology, Oregon State University.

Jesse E. Sisken, Dept. of Cell Biology, University of Kentucky.

Walter H. Sloone, M.D., The University of Tennessee, Medical Units.

Dr. Edgar E. Smith, PhD., Dept of Surgery, Boston University.

Frank S. Smith, M.D., Baylor College of Medicine.

James J. Smith, M.D., Marquette School of Medicine.

Dr. Thomas W. Sneider, Baylor College of Medicine.

Ruy Soeiro, M.D., Dept. of Cell Biology, Yeshiva University, Albert Einstein College of Medicine.

Dr. A. J. Solo, Dept. of Medicinal Chemistry, State University of New York.

Dr. Albert H. Soloway, Professor and Chairman of Medicinal Chemistry, Northeastern University.

Joseph Song, M.D., Mercy Hospital.

Dr. Louis A. Sordahl, Division of Myocardial Biology, Baylor College of Medicine.

Dr. Charles M. Sparacuio, Staff Scientist, The Worcester Foundation for Experimental Biology, Ind.

William H. Spohn, Dept. of Pharmacology, Baylor College of Medicine.

Gunther S. Stant, Harvard Medical School, Dept. of Neurobiology.

Dr. W. C. Starbuck, Baylor College of Medicine.

Richard J. Steckel, M.D., Dept. of Radiology, University of California.

Dr. William J. Stekiel, Marquette School of Medicine, Inc.

Mrs. Margit Stepp, University of Hawaii, Dept. of Pathology.

Malvin L. Stern, Syracuse University.

Calvin L. Stevens, Dept. of Chemistry, Wayne State University.

Dr. Leroy C. Stevens, Ph. D., Senior Staff Scientist, Jackson Laboratory.

Karen Stone, Dept. of Pharmacy, Baylor College of Medicine.

Clifford Straekley, M.D., President Oahu Unit, American Cancer Society.

Dr. J. E. Strassner, Baylor College of Medicine.

Cyril S. Stulberg, Dept. of Microbiology, Child Research Center of Michigan.

Dr. Daniel Swern, Chemistry Dept., Fels Research Institute.

Dr. Tatsuya Takano, Baylor College of Medicine.

Robert W. Talley, M.D., Dept. of Medicine, Henry Ford Hospital.

Raymond Tanner, University of Tennessee Medical Units.

Charles W. Taylor, Baylor College of Medicine.

Professor Edward C. Taylor, Dept. of Chemistry, Princeton University.

Dr. Howard J. Teas, Dept. of Biology, University of Miami.

George W. Teebor, M.D., Dept. of Pathology, New York University.

Charles Terner, Dept. of Biology, Boston University.

L. Gilbert Thatcher, M.D., Dept. of Pediatrics, Marquette School of Medicine.

Edward Donnall Thomas, M.D., Professor; Medicine Head, Division of Oncology, University of Washington.

Eolin G. Thomas, Jr., M.D., Dept. of Surgery; School of Medicine, University of North Carolina.

William G. Thurman, M.D., Dept. of Pediatrics, University of Virginia.

Dr. Howard Tiechelmann, Dept. of Chemistry, Roswell Park Memorial Institute.

Lee J. Todd, Dept. of Chemistry, Indiana University.

Dr. Sei Tokuda, PhD., Dept. of Microbiology, University of New Mexico.

Dr. Donald H. Traurig, Dept. of Anatomy, University of Kentucky.

Frank E. Trobaugh, Jr., Dept. of Hematology, St. Luke's Hospital.

Walter Troll, Environmental Medicine, New York University Medical Center.

William E. Truch, Dept. of Chemistry, Purdue University.

Dr. K. C. Tsou, Associate Professor of Chemistry, University of Pennsylvania.

Joseph J. Turchi, M.D., Pathology and Medicine, Misericordia Hospital.

Assistant Professor Joseph G. Turcotte, Dept. of Pharmacy, University of Rhode Island.

Richard B. Turner, Dept. of Chemistry, Rice University.

Dr. Kenyon S. Twedell, Dept. of Biology, University of Notre Dame.

Mrs. Kazit Uamel, Dept. of Pathology, University of Hawaii.

George Ungar, M.D., Professor of Pharmacology, Baylor College of Medicine.

Nalin J. Unakar, Associate Professor of Biological Sciences, Michigan State University.

Paul Urone, Dept. of Chemistry, University of Colorado.

W. L. Valik, M.D., Professor of Surgery, University of Kansas Medical Center.

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Dr. Benjamin L. Van Douren, Institute Environmental Medicine, New York University.

Mrs. Rita Varnado, University of Tennessee Medical Units.

Professor Donald W. Visser, Dept. of Biochemistry, University of Southern California.

Dr. Joseph J. Vitale, Tufts University School of Medicine, Mallory Institute of Pathology.

Dr. Howard H. Vogel, Jr., PhD, Dept. of Radiology, University of Tennessee.

Mary L. Voorhees, M.D., Dept. of Pediatrics, University of New York.

Mrs. Mary Ann Wade, The University of Tenn. Medical Units.

Dr. H. M. Walborsky, Chemistry Department, The Florida State University.

Dr. Roland Walker, Professor of Biology, Rensselaer Polytechnic Institute.

Donald F. Hoelzl Wallach, M.D., Massachusetts General Hospital.

Kenneth N. Walton, M.D., Professor of Surgery, Dept. of Urology, Emory University Clinic.

Louis R. Wasserman, M.D., Dept. of Hematology, Mount Sinai School of Medicine.

Sidney Weinhouse, Ph. D., Director, Fels Research Institute, Temple University.

Gerald D. Weinstein, Dept. of Dermatology, University of Miami.

Abraham White, Dept. of Biochemistry, Albert Einstein College of Medicine, Yeshiva University.

Dr. Emil H. White, Dept. of Chemistry, Johns Hopkins University.

Dr. John E. Whitney, University of Arkansas, Medical Center.

Dr. Jan Wikman, Ph. D., Baylor College of Medicine.

George F. Wilgram, M.D., Dermatologic Genetics Lab, New England Medical Center Hospital.

Dr. Robert E. Willette, Ph. D., School of Pharmacy, University of Connecticut.

Charles B. Wilson, M.D., Dept. of Surgery, University of California.

Dr. Irwin B. Wilson, Dept. of Chemistry, University of Colorado.

R. Keith Wilson, Baylor College of Medicine.

H. Rodney Withers, Dept. of Radiology, University of Texas.

Dr. Carl A. Woke, Ph. D., Dept. of Biology, American University.

Professor John L. Wong, Dept. of Chemistry, University of Louisville.

Summer Wood, Jr., M.D., Dept. of Pathology, Johns Hopkins University.

Dr. William G. Wood, PhD, Division of Myocardial Biology, Baylor College of Medicine.

Dr. Ray Wu, Professor of Biochemistry and Molecular Biology, Cornell University.

Hong Y. Yang, Dept. of Pathology, University of Hawaii.

J. W. Yarbro, M.D., Albert Chandler Medical Center, University of Kentucky.

David S. Yohn, M.D., PhD, M.P.H., The Ohio State University, Dept. of Veterinary Pathology Building.

Eugene Yougihara, Dept. of Pathology, University of Hawaii.

Mrs. Victoria Young, Dept. of Pathology, University of Hawaii.

Sigmund F. Zakrzewski, Experimental Therapy Dept., Roswell Park Memorial Institute.

Norman Zamcheck, Gastrointestinal Research Lab, Boston Dept. Health and Hospitals, Boston City Hospital.

Marvin Zelen, Dept. of Mathematics, State University at Buffalo.

Frederick E. Ziegler, Dept. of Chemistry, Yale University.

Dr. Thomas P. Zimmerman, PhD, Brown University.

Aaron R. Rausen, M.D., Associate Professor Pediatrics, Mount Sinai School of Medicine of the City University of New York, Chief Pediatrician, Mount Sinai Services, City Hospital Center at Elmhurst, Chief of Pediatric Hematology, Mount Sinai Hospital, New York.

THE 45TH ANNIVERSARY OF GENEVA PROTOCOL ON CHEMICAL AND BIOLOGICAL WARFARE

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, today marks the 45th anniversary of the signing of the 1925 Geneva Protocol on Chemical and Bacteriological Warfare—a landmark treaty in the history of arms control.

Unlike national holidays which are celebrated with appropriate ceremonies and great public demonstrations, this anniversary will be noted quietly around the world by a relative few.

Yet, it is no less important for it marks a date in history when nations came together to pledge not to use against other parties to the protocol asphyxiating, poisonous gases, or all analogous liquids, materials or devices, or bacteriological methods of warfare.

As the result of this treaty, to which some 84 nations now have adhered, the world has been spared the use of poison gases in warfare that left so many dead and maimed in World War I. Despite the intensity of the fighting and the lack of moral restraints by the enemy in World War II, no gas was used. This forbearance may directly be traced to the protocol.

On the occasion of the signing in Geneva on June 17, 1925, the United States was one of the nations which participated. Subsequently, however, the Senate failed to approve its ratification.

Since that time 45 years have slipped by, and still the United States has not adhered to the Geneva protocol. This failure has caused our Nation to be the target of criticism from friend and foe alike. It has stymied our efforts to gain new international agreements prohibiting the use of biological and chemical weapons.

Last November the President expressed his intention to resubmit to the Senate for its approval the Geneva Protocol of 1925—a move which was widely hailed in Congress and by the press and public.

To date, however, he has failed to send the protocol and time is growing short for Senate consideration of the treaty.

This time factor was pointed out recently in a report on "Chemical-Biological Warfare: U.S. Policies and International Effects" issued by the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman.

After extensive hearings on CBW and subsequent study, the subcommittee unanimously recommended on May 16 that the President should as soon as possible fulfill his announced intention by submitting the Geneva protocol to the Senate for its advice and consent to ratification.

Since that time another month has gone by and still the President has failed to act, without any explanation as to the cause for this delay. This is indeed unfortunate.

On this 45th anniversary of the protocol signing, therefore, I urge that no further delay be allowed in the submission of the protocol to the Senate. The time is now to match deeds with words.

In order to acquaint my colleagues further with the work of the subcommittee on CBW, I ask permission to include at this point the findings, conclusions, and recommendations which it made in its May 16 report:

FINDINGS AND CONCLUSIONS

After having given careful consideration and review to the information, expert opinions and informed judgments provided to the subcommittee during weeks of hearings on aspects of U.S. chemical-biological warfare policies and their international effects, we have arrived at a number of findings and conclusions.

First, because of the obvious dangers to America's strategic position in the proliferation of biological and chemical weapons, it is in the national interest of the United States to adhere to existing international agreements aimed at CBW control and to seek new multilateral pacts which would ban the development, production and stockpiling of CB agents. Moreover, to the extent that such weapons, particularly those employing biologicals, threaten the existence of human life on earth or raise fears of extinction, our Nation has a duty to mankind to help obtain their effective prohibition.

Second, the President deserves commendation for his leadership in announcing his intention to resubmit the Geneva Protocol to the Senate for its advice and consent to ratification, and for his unilateral renunciation of any future use by the United States of biological weapons, including toxins. It was a historic gesture which reasserted America's dedication to arms control. Praise is also due those in Congress, of both political parties, whose energetic activities helped create the climate for the President's initiative.

Third, the continued, large-scale use of chemical agents in Vietnam by the United States creates troublesome political problems. Those problems are virtually certain to be central to Senate consideration of the protocol, if it is submitted as expected with an interpretation that the treaty's prohibitions do not cover the use in war of tear gas or chemical herbicides. To the extent that approval of such an interpretation would constitute endorsement of current CW activities, it could provoke opposition. Opponents would include (1) those who believe that CS employment in Vietnam goes significantly beyond the restricted usage justified by U.S. officials at the time the decision was made; (2) those who feel that current evidence about the toxicity of some herbicides to man and nature requires more thorough investigation; (3) those who believe the Geneva Protocol prohibits the use of tear gas and herbicides in warfare; and (4) those who are sensitive to international concerns that American activities have eroded barriers against CBW erected after World War I. On that last point, it is possible that other signatory nations would not accept the United States as a party to the protocol if they find that the U.S. interpretation strikes into the heart of the treaty and masks what they would consider to be essentially a reservation. This dilemma may seriously complicate Senate consideration of the protocol and is a legitimate cause for concern.

The difficulty might be resolved if the United States were to take a position, or make an interpretation, that the use of tear gas and herbicides in warfare is an open question, given the apparent ambiguity of the protocol on the subject. Our stance could be that the problem of tear gas and herbicides is not a moral issue, but rather an important technical and legal question which relates to the prevention of proliferation and escalation of chemical-biological capabilities. Since the question is an open one, current chemical warfare activities in Vietnam cannot be considered illegitimate or in violation of the protocol. We then could go on to declare our willingness as a nation to abide by whatever uniform and workable rule which we and the other signatories to the protocol eventually could decide upon. Such an approach, it appears, could speed approval of the protocol itself and reduce significantly the possibilities of international repercussions over the U.S. interpretation of the treaty. Moreover, as U.S. combat activities wane in Vietnam, it might be possible to scale down substantially CW operations as testimony to our good faith.

Fourth, the United States should take maximum advantage of its unilateral renunciation of biological weapons to urge other countries to take similar actions and to achieve international agreement on a treaty such as the British draft convention which would effectively outlaw the development, production stockpiling and use of biological agents and toxins for warfare purposes. Further, the Arms Control and Disarmament Agency should continue to emphasize research which may someday make possible a similar ban on chemical weapons.

Fifth, personnel and facilities at Pine Bluff, Ark., and Fort Detrick, Md., constitute valuable resources for our Nation in the stepped-up campaign against environmental pollution, ecological hazards, and dangers to human beings from chemicals and bacteria. Beyond national benefits to be obtained from turning those facilities to peaceful pursuits, our Nation stands to gain worldwide repute by making available internationally the knowledge and techniques developed there.

RECOMMENDATIONS

On the basis of its findings and conclusions, the subcommittee makes these recommendations:

(1) The President, as soon as possible, should fulfill his announced intention by submitting the Geneva Protocol of 1925 to the Senate for its advice and consent to ratification. It has now been 5 months since the President said he would take that action, and if the protocol is to be given adequate consideration during the current Congress, it must be sent up at an early date.

(2) The Senate should speedily approve the protocol and the single reservation proposed by the President, thereby giving congressional endorsement to the unilateral and complete renunciation of biological warfare by the United States.

(3) The question of the use of tear gas and herbicides in warfare should be left open in any formal or informal interpretation of the protocol made by the executive branch or the Senate, and once the United States becomes a party to the treaty it should seek agreement with the other parties on a uniform interpretation of the scope of the protocol, either through a special international conference among the parties or through established international juridical procedures.

(4) The United States should continue its present policy of supporting arms control efforts which, proceeding on a step-by-step basis, seek a treaty totally banning biological weapons, rather than attempting now to achieve a ban on both biological and chemical weapons in the same agreement.

(5) Every possible effort should be made to retain former BW facilities and personnel, turning them to the solution of environmental problems for the benefit of all Americans and, indeed, all mankind.

DR. OSCAR JAMES CAMPBELL, JR.

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on June 1, Oscar James Campbell, Jr., Shakespearean scholar and professor emeritus of English at Columbia University, died at the age of 90.

Dr. Campbell's career was a brilliant one. He received his bachelor's degree, master's, and doctorate from Harvard University. He spent a year abroad, taught briefly at Annapolis, and then became an instructor of English at the University of Wisconsin. He taught at the University of Michigan as professor of English from 1921 until 1936, when he joined the faculty at Columbia University, where he became chairman of the English department and spent the rest of his academic career.

Dr. Campbell authored and edited numerous books on English drama and Shakespeare. His most noted work is the "Reader's Encyclopedia of Shakespeare." His most recent book, just published, is entitled, "The Sonnets, Songs, and Poems of Shakespeare."

In addition to his passion for drama—especially Shakespeare, Dr. Campbell had many other active interests, which included music, sports, and political involvement. He was an enthusiastic supporter of Adlai Stevenson's candidacy for President. In 1956, he was active in the Morningside-Columbia Committee for Stevenson.

Thereafter, he served as a member of the Advisory Council of the Riverside Democrats, the first reform Democratic club on the west side of Manhattan to defeat old line Tammany and was elected with the support of the Riverside Democrats to the New York County Democratic Committee.

Dr. Campbell's willingness to participate directly in grass roots politics and to involve his prestige not only contributed significantly to the reform Democratic movement in New York but also served as an example of how distinguished scholars and academicians could effectively influence practical politics—an example which is being followed today on the campuses of America.

Dr. Campbell served on Pulitzer Prize juries several times, and he was involved with other committees concerned with promoting drama and the arts.

A man of great versatility and intellect, Dr. Campbell's contribution to Columbia, to the Nation, and to the world of scholarship will be greatly missed.

I am inserting in the Record, the obituary which appeared in the June 2 New York Times.

[From the New York Times, June 2, 1970]

DR. OSCAR JAMES CAMPBELL JR., SHAKESPEARE SCHOLAR, IS DEAD

New Orleans, June 1.—Dr. Oscar James Campbell Jr., a Shakespearean scholar and professor emeritus of English at Columbia University, died at his daughter's home here this afternoon after a long illness. He was 90 years old.

Dr. Campbell, a former chairman of the English department at Columbia, was the author and editor of a number of books on English literature and Shakespeare, notably "The Reader's Encyclopedia of Shakespeare."

A DEVOTED SCHOLAR

As a scholar in love with his subject, Dr. Campbell's enduring enthusiasm and straightforward enjoyment were recalled by many associates, including Alfred Rothschild, with whom he worked on a paperback series of Shakespeare.

Once, Mr. Rothschild recounted, he and Dr. Campbell were discussing "something in connection with 'Hamlet'" and Mr. Rothschild "raised some technical points in connection with our method of marginal glossing [commentary]. Professor Campbell did not immediately respond, but kept his eye on the page in front of him. Suddenly he looked up at me and said almost with an air of discovery, 'You know, this is such a good play.'"

Mr. Rothschild continued: "After all these years . . . after a lifetime devoted to Shakespeare . . . his love-affair with Shakespeare was still flamingly alive."

The love affair may have begun during his years as a graduate student at Harvard, when he studied with Prof. George L. Kittredge, the noted Shakespearean scholar.

Dr. Campbell used to recall with self-amusement that he and his wife lived across the street from Dr. Kittredge in Cambridge, Mass., when he was working for his Ph.D. in English—and that he stayed up long hours into the night studying, trying to keep his study light burning as late as that in Dr. Kittredge's window. Later, he learned from the professor's wife that Dr. Kittredge was always sound asleep by 8 p.m., having nodded off in his study, with the lights burning.

From Harvard, where he received his bachelor's degree in 1903, his master's in 1907, and his doctorate in 1910, Dr. Campbell spent a year in Europe as the first recipient of the university's Sheldon Traveling Fellowship. He visited universities at Copenhagen—he also became an authority on Ludwig Holberg, an 18th-century Danish playwright—Berlin, Paris, London and Oxford before returning to the United States in 1911 to teach briefly at Annapolis, then to become an instructor in English at the University of Wisconsin.

NO RETIREMENT AT 80

He left Wisconsin, where he had risen to associate professor's rank, in 1921, to go to the University of Michigan as a professor of English. Dr. Campbell, who was born in Cleveland, Aug. 16, 1879, had spent two undergraduate years at Michigan before going to Harvard, and he remained on the faculty until 1936, when he moved to Columbia University. The Morningside Heights campus was to be his academic home for more than 30 years.

In 1947, Dr. Campbell was named chairman of the university's English department; in 1950 he became professor emeritus, a title he retained until his death. He continued to be active in his specialty—and kept an office at Columbia—until he left New York in 1966 for his daughter's home in New Orleans because of his failing health.

When he became 80, Dr. Campbell was dropped from "Who's Who in America," only to be reinstated when it was learned that he was by no means retired. On the contrary, he was about to complete what he regarded as the most important work of his life, the 1,014-page "Reader's Encyclopedia of Shakespeare," which was published in 1966.

Dr. Campbell's 1965 comment on his exclusion and subsequent reinstatement was: "The only place I got senile was in my feet. Maybe I am in my head, but I don't know it."

His latest book—"The Sonnets, Songs & Poems of Shakespeare" described as "edited with introduction, running commentary, glosses and notes by Oscar James Campbell"—had just been published.

In it he advanced his arguments in favor of identifying the young man to whom Sakespeare wrote many of his 154 sonnets as William Herbert, Earl of Pembroke.

In reviewing a lengthy book that attempted to prove that Edward de Vere, the 17th Earl of Oxford, was the true author of the works attributed to Shakespeare, he wrote:

"As one finishes this enormous tome, one asks in wonder what has impelled these authors, persons of some literary gifts, to devote countless hours of time and energy to this sleeveless enterprise."

Dr. Campbell's own views were not always accepted without question. In his commentary on the songs and sonnets, for example, he put forward a political explanation for one of the most-discussed of the sonnets, number 107, leading a reviewer to ask, after conceding that this explanation was better than most: "But why, oh why, do we need one at all?"

But the encyclopedia was the book he had been waiting to write. Thomas Lask, reviewing it for The New York Times, called it "a weighty compendium" but "nevertheless easy to pick up and hard to put down."

He noted that the hefty volume—on which Edward G. Quinn was associate editor—contained information ranging "from the minuscule to the comprehensive; from the name of a servant in the house of Montague . . . to a full dress consideration of each of the plays in the canon."

ACTIVE OUTSIDE UNIVERSITY

The drama, Shakespeare above all, was the central preoccupation of Dr. Campbell's life—he found time also in his crowded academic career to provide the scholarly editing on the Bantam paperback Shakespeare series, to write a number of other books and to serve as a visiting professor at Harvard and Yale. But he was also involved with the world outside the classroom and the library.

"Each year I see almost every play and musical appearing on Broadway," he wrote in the 50th anniversary report of his class at Harvard. "Athletics," he added, "now largely for me a spectator sport in baseball and football, continues to be the salutary infantility that every grown man should retain."

He was an active Democrat and was a leader of a group of 95 Columbia faculty members who organized a committee to support the presidential candidacy of the late Gov. Adlai E. Stevenson—and in opposition to that of Dwight D. Eisenhower, then president-on-leave of the university. He was also active in, and one-time president of, the Manhattan chapter of the American Association for the United Nations.

Music was another of Dr. Campbell's enthusiasms, one that he shared with his wife, the former Emily Lyon Fuller, whom he married in 1907. Mrs. Campbell, who gave up a possible career as a pianist when she married, died in 1964.

Dr. Campbell served on several Pultizer Prize juries; as chairman of the university's arts center advisory committee, and as an adviser on a State Department-American National Theater and Academy project involving American performing artists abroad.

He was awarded an honorary doctorate by the University of Wisconsin and was a fellow of the American Academy of Arts and Sciences, a former president of the National Council of Teachers of English and on the executive council of the Modern Language Association of America.

Dr. Campbell leaves two daughters, Mrs. Robert L. Goodale of Boston and Mrs. George W. Meyer, with whom he was living at his death; and a son, Robert F. Campbell, dean of Clark University, Worcester, Mass. He is survived also by seven grandchildren and three great-grandchildren.

PRESIDENTIAL PROGRAM CAN BEGIN ECONOMIC GROWTH AND STABILITY

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WIDNALL. Mr. Speaker, today the President announced a three-prong program which will, in my opinion, insure an early end to the rising inflation we have endured for more than 4 years. It is only fair to recall that President Nixon began his campaign against inflation the day he assumed office, by continuing economic policies to cool the overheated economy. Now he has begun a three-pronged attack on the rising prices and wages that continue to fuel inflation despite the economic slowdown.

To my mind, the major prong of this attack is the implementation of the program contained in the joint resolution I introduced in the House on June 3, and Senator JAVITS introduced in the Senate. The President indicated that he has instructed the Council of Economic Advisers to publish a monthly "inflation alert," to spotlight significant wage and price increases and objectively analyze their impact on the price level. When I introduced House Joint Resolution 1248, I made the point that this highlighting of inflationary price and wage decisions in major industries would bring public opinion to bear on irresponsible behavior by business firms and unions. I am most gratified to see the President institute the Widnall-Javits program.

A second prong of the President's new anti-inflationary program is the establishment of a Regulations and Purchasing Review Board, charged with reviewing Government actions, procurement and regulations which promote rising costs and prices or obstruct a return to price stability. This is quite similar to a proposal made by the minority member of the Joint Economic Committee in their views on the 1970 Joint Economic Report, published in March. I applaud the administration for implementing this program. Finally, the President will appoint a National Commission on Productivity to chart the way toward greater economic productivity and a healthy rate of economic growth.

Mr. Speaker, the President demonstrated today his sincere desire for a return to the economic growth and stability which has been missing for more than 4 years. It is my hope that the Congress will be able to demonstrate a similar determination to bring the economy back on its rightful course.

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TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith, and confidence in ourselves as individuals and as a nation. There are more washing machines in the United States than any other nation. In 1966 there were 4,559,000 washing machines in the United States, compared to 3,869,000 in the Soviet Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Waldie, for 30 minutes, Thursday, June 18, to revise and extend his remarks and include extraneous material.

(The following Member (at the request of Mr. Mayne), to revise and extend his remarks and to include extraneous matter:)

Mr. Halpern, for 5 minutes, today.

(The following Members (at the request of Mr. Alexander), to revise and extend their remarks and to include extraneous matter:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Farbstein, today, for 20 minutes.

Mr. Griffin, today, for 10 minutes.

Mr. Reuss, today, for 30 minutes.

Mr. St Germain, today, for 20 minutes.

Mr. Rosenthal, on June 18, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Evins of Tennessee and to include extraneous matter.

Mr. Zablocki in two instances and to include extraneous matter.

Mr. Sisk to revise and extend his remarks made in the Committee of the Whole today on the Henderson amendment.

Mr. Kleppe, following the remarks of Mr. Derwinski in the Committee of the Whole today on the Henderson amendment.

Mr. Udall to revise and extend his remarks made in debate in Committee of the Whole and to include a table.

Mr. Anderson of Illinois to revise and extend his remarks in the Record following the remarks of the gentleman from Illinois (Mr. Michel).

Mr. Philbin in five instances and to include extraneous matter.

(The following Members (at the request of Mr. Mayne) and to include extraneous matter:)

Mr. Scherle.

Mr. Bray in three instances.

Mr. Anderson of Illinois in three instances.

Mr. Esch.

Mr. Steiger of Wisconsin in two instances.

Mr. Wyman in two instances.

Mr. Adair.

Mr. Duncan in two instances.

Mr. Zwach.

Mr. Martin.

Mr. Bob Wilson.

Mr. Wylie.

Mr. Hunt.

Mr. Cramer in two instances.

Mr. Minshall.

Mr. Langen.

Mr. Don H. Clausen in two instances.

Mr. Brotzman.

Mr. Morse.

Mr. McCloskey.

Mr. Broyhill of Virginia.

Mr. Ruth.

Mr. Winn.

Mr. Price of Texas in two instances.

(The following Members (at the request of Mr. Alexander), and to include extraneous matter:)

Mrs. Mink in two instances.

Mr. Casey.

Mr. Matsunaga in two instances.

Mr. Abernethy.

Mr. Marsh in two instances.

Mr. Bingham in two instances.

Mr. Anderson of California in two instances.

Mr. Annunzio in two instances.

Mr. Rarick in two instances.

Mrs. Sullivan in two instances.

Mr. Podell.

Mr. Fraser.

Mr. Jones of Tennessee.

Mr. Pickle in five instances.

Mr. Brown of California in five instances.

Mr. Pryor of Arkansas.

Mr. Byrne of Pennsylvania.

Mr. Alexander.

Mr. Monagan in two instances.

Mr. Fountain in two instances.

Mr. Kluczynski in two instances.

Mr. Preyer of North Carolina.

Mr. Dingell in five instances.

Mr. Gonzalez in two instances.

Mr. Moorhead.

Mrs. Chisholm.

Mr. Dulski in six instances.

Mr. Gallagher in two instances.

Mr. Friedel in two instances.

Mr. Patman in two instances.

Mr. Hagan in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5554. An act to provide a special milk program for children; and

H.R. 14810. An act to amend section 2(3) and section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5554. To provide a special milk program for children; and

H.R. 14810. To amend section 2(3) and section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 18, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2134. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2135. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Rules. H.R. 17654. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; with amendments (Rept. No. 91-1215). Referred to the Committee on the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House resolution 1092. Resolution for consideration of H.R. 8673, a bill to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes (Rept. No. 91-1216). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House resolution 1093. Resolution for consideration of H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes (Rept. No. 91-1217). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1094. Resolution for consideration of H.R. 17495, a bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for

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other purposes (Rept. No. 91-1218). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 18090. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. ABERNETHY (by request):

H.R. 18091. A bill to amend the District of Columbia Redevelopment Act of 1945, as amended, to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878, 20 Stat. 107, as amended, (sec. 7-605, D.C. Code), and for other purposes; to the Committee on the District of Columbia.

By Mr. COLLINS:

H.R. 18092. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. EVINS of Tennessee:

H.R. 18093. A bill to amend the Vocational Education Act of 1963 to provide for the establishment and operation of a vocational school in every county of the United States; to the Committee on Education and Labor.

By Mr. HANSEN of Idaho:

H.R. 18094. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, Mr. Burton of California, Mr. Daniels of New Jersey, Mr. William D. Ford, Mr. Gaydos, Mr. Hathaway, Mr. Meeds, and Mr. O'Hara):

H.R. 18095. A bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. McCLURE:

H.R. 18096. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 18097. A bill to amend title 10, United States Code, to provide for an American War Correspondents Hero Award medal to be awarded to the next of kin of journalists who lose their lives as a direct result of injuries or disease incurred while covering armed conflicts; to the Committee on Armed Services.

H.R. 18098. A bill to amend the Internal Revenue Code of 1954 to require court orders before individual income tax returns are opened to inspection by officers and employees of the Federal Government other than those directly charged with the administration of the tax laws; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 18099. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. WEICKER:

H.R. 18100. A bill to assure performance by railroads engaged in interstate commerce of transportation services necessary to the maintenance of a national transportation system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 18101. A bill Manpower Development and Training Act of 1970; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 18102. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL:

H.R. 18103. A bill to amend the Hazardous Substances Act to provide for more effective protection against the hazards caused by economic poisons; to the Committee on Interstate and Foreign Commerce.

By Mr. FALLON:

H.R. 18104. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 18105. A bill to amend the Federal Power Act to further promote the reliability, abundance, economy, and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the National Council on the Environment; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE:

H.R. 18106. A bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971; to the Committee on Agriculture.

By Mr. LANGEN:

H.R. 18107. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. McCARTHY:

H.R. 18108. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOSS:

H.R. 18109. A bill to provide greater financial protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida (for himself, and Messrs. Jarman, Satterfield, Kyros, Preyer of North Carolina, Nelsen, Carter, Skubitz, and Hastings):

H.R. 18110. A bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 18111. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 18112. A bill to prohibit the importation of certain used tractors and agricultural machinery; to the Committee on Ways and Means.

By Mr. BOLAND:

H.J. Res. 1262. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 1263. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 662. Concurrent resolution expressing the sense of Congress that the United States should sell Israel jet aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. McCLOSKEY:

H. Con. Res. 663. Concurrent resolution expressing the sense of the Congress with respect to an appropriate conservation pledge; to the Committee on Interior and Insular Affairs.

By Mr. BELL of California:

H. Res. 1095. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. McDONALD of Michigan:

H. Res. 1096. Resolution to limit military expenditures in South Vietnam; to the Committee on Foreign Affairs.

By Mr. OLSEN (for himself, Mr. Fraser, Mr. Meeds, and Mr. Riegle):

H. Res. 1097. Resolution no termination of tribal council; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOREMAN:

H.R. 18113. A bill for the relief of Glover Packing Co.; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 18114. A bill for the relief of Maria C. Rocha; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 18115. A bill for the relief of Victor L. Jones; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

407. The SPEAKER presented a memorial of the Legislature of the State of Illinois, relative to designating the chairman of the Illinois Commission on Intergovernmental Cooperation as the State official with authority to request Federal grants, which was referred to the Committee on Government Operations.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

512. By Mr. CRAMER: Petition of the city council of the city of Bradenton, Fla., and interested citizens of Manatee County, Fla., in opposition to forced busing of schoolchildren in order to achieve racial balancing; to the Committee on Education and Labor.

513. By Mr. RYAN: Petition consisting of 2,812 signatures petitioning the Congress of the United States to initiate immediately the investigatory procedures requisite to the impeachment of the President, Richard M. Nixon, and Vice President, Spiro T. Agnew, circulated by the New Democratic Assembly of the 67th Assembly District of New York; to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

A FEDERAL PROGRAM BEING OPERATED IN A MOST EFFICIENT AND PRODUCTIVE MANNER

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BIESTER. Mr. Speaker, I want to call the attention of my colleagues to a copy of an article that appeared in the Bucks County Courier Times regarding the Bucks County Surplus Food Department. No matter how one stands in the continuing debate of the minds of various food programs, it is encouraging to find an excellent example of a Federal program that is being operated in a most efficient and productive manner.

Following is the text of the article:

BUCKS SURPLUS FOOD DEPARTMENT CALLED "BEST RUN IN STATE"

(By Lawrence C. Hall)

The needy need not go hungry in Bucks County, thanks to what government officials have called "The best run surplus food agency in the state."

It is the Bucks County Surplus Food Department, which has offices and two big warehouses in Newtown, under Elmer J. Waltman, director.

The late novelist Upton Sinclair is reported to have said of his book, "The Jungle," that he aimed for America's heart and hit it in the stomach.

He meant that he had tried to depict the tragic plight of emigrant families working and starving in Chicago's meat-packing industry, hoping to start a crusade to better their lives.

Instead of arousing the public to do something to aid the workers, his book created a controversy that led the Pure Food and Drug Acts to protect the quality of what the industry manufactured.

Times haven't changed. Now the country responds both in the please of the heart and stomach in wide-ranging programs to help those who need it.

Eighty boxcar loads of U.S. Department of Agriculture surplus foods a year come to the department in Newtown. The groceries go to feed a growing number of people in Bucks County who for one reason or another cannot make ends meet.

Not only the poor, but striking workers are provided for, and Waltman recently suggested to the state that all Social Security recipients also be given food.

His suggestion was approved by Robert J. Freiler, director of the State Bureau of Government Donated Food, and forwarded to Washington for further action.

Waltman is not sure why but the number of people who use surplus food is increasing.

In 1967, there were 32,805 persons who consumed $145,376 worth of food; in 1968, 34,070 obtained $201,101 worth and last year, 47,344 took home $385,506 in free groceries.

The county has 11 distribution points: Warminster, Bristol, Kingswood Park, Trevose, Croydon, Morrisville, Langhorne, Ottsville, Perkasie, Quakertown and Doylestown.

Applicants may apply at any of these offices or at the Newtown headquarters, 420 Centre Ave., which is open except for noon to 1 p.m. five days a weeks from 8 a.m. to 4 p.m.

Commodities now being distributed are beef, evaporated milk, orange juice, green beans, corn syrup, potatoes, butter, cheese, peanut butter, rolled oats, dried beans, raisins, corn meal, chopped meat, rolled wheat, lard (soon to be replaced by shortening), dry milk, rice and flour.

To be added this year are canned tomatoes, tomato juice, enriched macaroni and Farina, a baby food.

Eligibility for donated foods is based on a family size-income scale, that, after the second increment, increases on the average of by about $45 in allowable income per person. One person who makes no more than $150 a month and has no more than $1,000 liquid assets qualifies. Two or more are allowed $1,500 liquid assets.

A family of four qualifies if the income is no more than $315 a month, and they get $40.34 worth of free food. This includes such items as two 10-pound bags of flour, four 30 ounce cans of meat, eight 14½ ounce cans of evaporated milk and a five-pound loaf of cheese. In all they would take home some 65 items.

For precise information, interested persons should call the Newtown office.

Waltman is a big, rough-hewn man who worked for 19 years as a senior safety engineer with the E. G. Budd Company in Philadelphia.

He was appointed deputy director of the department in 1962, when he was furloughed from his Budd job. He worked for the county a couple of years, going back to Budd in 1964. In 1967, was given the agency's directorship.

"I always had ideas about how the department should be run," says Waltman.

He tries to vary the offerings somewhat month-to-month and he keeps his warehouses spotless. "I want people to see it clean when they come in," he says, "so they can leave with their self-respect."

In the same tenor, he refuses to distribute food in bent cans or cans with soiled labels. He withholds these items, and, after they are certified by state investigators, they are buried.

Evidently his work wins high approval. The walls of his office display letters of commendation and appreciation from government officials and union leaders.

DR. KENNETH B. CLARK CALLS FOR AN END TO SLUMS AND RACISM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. RYAN. Mr. Speaker, Dr. Kenneth B. Clark recently delivered a most significant address at a conference of the Academy of Religion and Mental Health and the Metropolitan Applied Research Center, Inc. The conference, held on April 29–30 in New York City, was concerned with alternatives to racism, and was attended by more than 300 professionals in the fields of psychiatry, psychology, education, and religion.

Dr. Clark, president of the Metropolitan Applied Research Center, Inc., is one of our most distinguished leaders. A professor of psychology, he has devoted years as well to community programs, such as Harlem Youth Opportunity Unlimited, and the Northside Center for Child Development, to which Dr. Mamie Clark, his wife, has also devoted many years of dedicated work.

Dr. Clark's work laid much of the groundwork for the U.S. Supreme Court's epoch decision, Brown against Board of Education, to which the famous footnote 11, citing Dr. Clark's studies, was such an important key. Throughout his life Dr. Clark has been an active and dedicated leader in the civil rights struggle.

Professor Clark emphasized the responsibility of concerned professionals for imposing "on the consciousness of the American people a realization of how limited a period of time remains for the Nation to remove the shame of slums and racism." He called for ridding the Nation of slums and poverty and removing all forms of institutionalized racism.

I commend Dr. Clark's speech to my colleagues:

BEYOND THE DILEMMA

(By Kenneth B. Clark)

In terms of what has happened to the country—and to me—in the interim, it seems a very long time ago that I agreed, as a young graduate student, to work with my former teacher, Ralph Bunche, and Gunnar Myrdal on the project that was to result in an American dilemma.

Much of the data in that report is now superseded; many of the findings may seem naive in terms of our new realism about the depth of American racism. But the basic truths of that study have not been superseded and there is still an American dilemma, more frightening now than it seemed even then—and still unresolved.

The pathology of the ghetto is now clear and recognized—the statistics of infant mortality, disease, rat infestation, broken plumbing, littered streets, consumer exploitation, riot-burned buildings that have not been replaced, inefficient schools, a discriminatory system of police and court procedures. The litany of pain and despair is the same in every dark ghetto and, despite the anti-poverty programs, Title I funds, Model Cities, and so on, the ghetto is still dark and and still desperate.

We must now go beyond that litany to think, and conceive, and plan alternatives. If one assumes that the ghetto cannot survive as a ghetto if our cities are to survive, and that our nation cannot survive if the cities die, we have no choice *but* to create alternatives. We must face certain hard questions: Should we seek to disband and disperse the ghetto or reinforce it? What will be the possibilities of choice for human beings who are now confined to the prison of the ghetto? Will Scarsdale, White Plains, Bethesda, Grosse Point, or Newton make room for them? Or will scattered site ghettos be built in the suburbs near the highways, or dumps, inconvenient to transportation lines, isolated from residential property? There is considerable evdence that the suburban Negro finds himself once again isolated or evicted in behalf of urban renewal, pushed out to another less affluent town that cannot afford to exclude him.

We need to consider *all* of the costs of the ghetto—whether it is more costly to retain or to abolish the ghetto; whether it is more costly to reinforce separatism—perhaps with a cordoned force—or to choose genuine integration. It may be that there is no choice between these two stark alternatives. We may well find that the answers are surprising—that the ghetto costs more than an integrated society even simply in terms of financial burden to the city—in terms of property that cannot support an adequate

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tax base, unproductive land, decaying utilities, damaged and unproductive persons.

It has always been apparent that the human costs of the ghetto could not be borne. What has been less clear is the extent of the human costs of the segregated affluent suburb too often corroded by its artificial isolation. The pathology of the ghetto itself has been recorded and does not need to be recorded again. No one who knows this tragic record can accept the fallacy and glib slogan of benign neglect—to relate that concept to America's dark ghettos betrays a profound deficiency and distortion of perception. It betrays the failure of many whites to understand that the ghetto will be neglected at their own peril, that whites must cope with racial problems *for their own sake*. The solution of the ghetto is tied to their own survival. *This* is the dilemma beyond the dilemma.

The price of racism in America is high and all must pay it—the victimizers as well as the victims, for the pathology of the ghetto which could contribute to the public safety cannot be contained. The drugs which lulled Harlem youth into a false euphoria have spread to Westchester; urban blight is creeping toward the suburbs like a steady plague. The riots and disruptions that burned the heart of many of the nation's largest cities from 1965 to 1967, spread to smaller cities and suburbs in 1968 and 1969.

Racism has many distinguishing characteristics, but none among them is more deeply necessary to the racist psychology than self-deception. The black nationalist who tells himself that he is "together" and proud—but who fears to face whites in competition in the classroom or the job; the black "militant" leader who exploits the frustrations of his own people in cynical alliance with segregationists; the white segregationist who justifies his rejection of other human beings, citing alleged evidence of Negro inferiority; the white liberal who defends his double standard support of black separatism on benevolent grounds; the white public official who recommends benign neglect of the poor and the despairing—all these share in a dangerous fantasy that leads to self-destruction of the spirit, and corrupts and subverts a free society. This pattern of fantasies is the core of the contemporary American dilemma.

The American dilemma, as defined by Gunnar Myrdal, was the dilemma of ideals betrayed in practice. The dilemma beyond the dilemma is also essentially a dilemma of America's whites, who have the power to turn America around but have so far been unwilling to assume the costs of justice even in behalf of their own survival.

To focus on the dilemma as it is exemplified in the area of education: On May 17 of this year it will be sixteen years since the U.S. Supreme Court concluded, in *Brown vs. Board of Education of Topeka*, "That in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

In arriving at this conclusion, the Court cited modern psychological knowledge as to the detrimental effect of racial segregation in public schools on minority group children. It stated:

"To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

With these words the U.S. Supreme Court established the basis and rationale for subsequent discussion of, and actions and evasions related to, the desegregation of the public schools—namely, that segregated schools violated the constitutional rights of Negro students—to equal protection of the laws—by damaging them, educationally and psychologically. The evidence of such detriment and damage had received judicial sanction.

Nevertheless, during the fifteen years that followed, this approach failed to touch the conscience of the masses of American people—and failed to arouse the type of serious action and social change designed to save human beings from sustained cruelty and damage.

Instead, public officials and educational officials sought a variety of ways of procrastination, evasion, tokenism. Some talked of "cultural deprivation" and decided that the schools could not assume the burden of teaching reading until the "deprived culture" was transformed. Some, like President Nixon, decried the effort to "demand too much of our schools, . . . not only to educate, but also to accomplish a social transformation."

Some flirted with the speculations of the new, and regressive racial geneticists who claim to have confirmed innate Negro inferiority. Some gave priority to the racial anxieties of whites and hence opposed programs of school pairing or bussing or educational parks.

I repeat—with a sense of profound concern about the humanity and morality of my fellow Americans—that the knowledge that segregated schools inflicted permanent damage upon Negro children was not enough to compel the American people to plan and implement a massive and effective program for the desegregation of our public schools.

For the masses of white Americans, it appears that Negro children are clearly expendable.

As the desegregation struggle moved from the South to the North it resulted in white backlash and in black separatism—two sides of the same coin—and it resulted in a tragic series of urban ghetto disruptions.

Recent urban riots and racial polarization in America can be viewed as symptoms of the increased frustrations resulting from unfulfilled promises inherent in the *Brown* decision. These disturbances and more overt forms of racism are a more intense and focused sign of the determimental consequences of the continuation of racially stigmatized segregated schools in a segregated society.

But it is my considered judgment—based upon the evidence of the past fifteen years—that American society will not effectively desegregate its schools—or mount a serious attack against racism and racial polarization generally—as long as it views these problems primarily in terms of their damage to Negroes, and to Negro children. The history of racism has prepared many, if not the majority, of Americans psychologically to accept injury to—or the outright expendability of Negro children.

The argument for desegregation of our public schools must, therefore, be presented now in terms of the damage which racially segregated schools—and racism as a whole—imposes upon privileged white children.

There is strong evidence to suggest that racial segregation—the institutionalization of racism—is flagrantly and insidiously detrimental to white children, as well as to black. And I do not believe that the masses of American whites wish to inflict damage upon their own children.

Ironically, the U.S. Supreme Court, in the Brown case, had before it evidence suggesting that segregation did damage white children. In the social science brief appended to the legal brief it was stated in discussing the detrimental effects of racism on white children:

"The culture permits and, at times, encourages them to direct their feelings of hostility and aggression against whole groups of people, the members of which are perceived as weaker than themselves. They often develop patterns of guilt feelings, rationalizations, and other mechanisms which they must use in an attempt to protect themselves from recognizing the essential injustice of their unrealistic fears and hatreds of minority groups."

The report indicates further that confusion, conflict, moral cynicism, and disrespect for authority may arise in majority group children as a consequence of being taught the moral, religious and democratic principles of the brotherhood of man and the importance of justice and fair play by the same persons and institutions who, in their support of racial segregation and related practices, seem to be acting in a prejudiced and discriminatory manner. These ideas were first examined in 1950 and written in 1952. They may be viewed as prophetic of the current youth rebellion.

Let us examine some of the moral confusions posed for individuals who are required to cope with the dilemma of racism in a verbally democratic society:

1. The attempt to escape personal guilt, through the use of a variety of forms of self-protection and rationalizations—including reinforcing racism and blaming the victims of racism for their predicament;

2. Moral cynicism and rejection of all values—the development of a dog-eat-dog philosophy of life;

3. The effort to avoid a sense of moral and ethical emptiness which a racist—racially segregated—society imposes upon all sensitive human beings;

4. Rejection of authority;

5. The moral and ethical conflict created when one is compelled to serve as an accessory to racial segregation and cruelty imposed upon others; when one is forced to be an involuntary beneficiary of such cruelty.

These are merely some of the symptoms of cruelty—the moral schizophrenia inflicted upon sensitive individuals as they struggle to avoid the personal disruptions inherent in this socially imposed ethical conflict.

It is a realistic and accepted tragedy that the majority of American youth accommodate to the normative hypocrisy, accept the rationalizations, the explanations, the excuses for the racism of the larger society. These "adjusted" young people function in terms of the philosophy of dog-eat-dog and every man for himself. They may experience an intensification of feelings of hostility and contempt toward minorities—and all others who are perceived as weak—and often act out these feelings in cruel, insensitive and at times immoral behavior.

On the other hand, a growing but critical minority of white American youth appear to be suffering from intense personal guilt feelings, and, therefore, seem compelled to rebel against parents, established leaders, institutions. Some of these young people sometimes adopt a cynical rejection of all moral values, all ethics as having no value other than the verbal and the exploitative. For these anguished young people, moral values and even rationality are seen as inevitably contaminated—as tools of immorality—for the hypocritical establishment and therefore must be rejected. This poses a most critical danger for a stable democratic society.

The contemporary racial dilemma, now mocking or challenging America, comes in the forms of the illusive malaise of the privileged—the affluent—white youth:

The hippie movement with its random, chaotic, search for ethical clarity and consistency;

The drug cult of the middle-class youth who seek escape from intolerable ethical emptiness;

The hostility and aggression expressed toward parents and other authorities who inflicted, or permitted this conflict to be inflicted upon them;

The new left-quasi-anarchistic movement among youth; with its hostile, often self-

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destructive expressions that seek to destroy that which is perceived as a social process systematically destroying the ethical substance and potential within them.

The campus rebellions which, like urban ghetto riots, may be seen as the counterattack by a critical minority of American youth against a system of intolerable moral hypocrisy and ethical inconsistency.

For these young people, the system is not made tolerable by their affluence—by parental indulgence, by educational permissiveness—even by owning their own car; nor is it made tolerable by the deadening law and order offered by many homogenous suburban communities in lieu of ethical substance and demonstrated democracy.

Segregated schools, and the tyranny and barbarity of American ghettos, are the institutionalized inescapable immorality of American racism. And, as such, segregated schools are stultifying and destroying the ethical and personal effectiveness of American white children more insidiously than they are destroying the personal and human effectiveness of America's black children—who, at least, understand what is done to them and many, therefore, can continue the struggle against this type of dehumanization.

If colleges and universities understood this, they would reorganize, modifying their governance structure if necessary in order to intervene directly to improve dramatically and rapidly the quality and efficiency of education for rejected black children. They would find a way to move into deprived public schools in a supervisory, accountability and evaluative role. They would demand that elementary and secondary public schools cease to be educational disaster areas.

They would, in addition, develop to help white students—the white student from the less privileged background and more privileged whites from affluent families—to help them broaden their perspective of man away from the constricted racist perspective of their parents and peers.

The anxieties and insecurities of blue collar and white collar whites are important factors in the random hostilities and cruelties of racism. Colleges and universities must assume the specific task of education to liberate white youth from this important form of moral and ethical disadvantage.

If public officials understood the special needs of ethically disadvantaged white youth, they would be less prone, I believe, to procrastinate, to equivocate and mouth the hypocrisy against "busing" or transporting children for integrated education.

If they understood this, they would be less prone to talk the rhetoric of black capitalism or white supremacy—subtle or flagrant, support segregated black studies, pay out meaningless reparations at the same time that they fail to change American society; to talk compensatory education and cultural deprivation and all other language of narrow racial identity without planning for serious change.

If they understood this, they would build an agenda for a future—their own future, a future for all Americans.

America has the resources to move beyond the stagnant dilemma of the present. An America who could mobilize resources to land men on the moon, could mobilize its financial, material, intellectual and human resources to wage a serious war against slums and poverty and eliminate all institutionalized forms of racism within the decade of the 1970's.

There could be no more fitting goal in the celebration of America's bicentennial than to make the egalitarian promises of Jefferson real for all Americans—black as well as white—by 1976. The specific targets essential for attaining this goal are:

Effective non-racial schools, with teachers who teach and children who learn;

Housing, worthy of human beings, in our urban and rural areas;

Jobs—consistent with human dignity;

An elimination of the need and concept and stigma of welfare; and

Health services in terms of need rather than ability to pay.

Our society can and must provide for all of its citizens such minimal symbols of the respect of human beings for human beings as clean streets, adequate public transportation, useful and stimulating parks and cultural and recreational facilities; and all of those things which are essential to eliciting those esthetic and creative and ethical potentials of man.

The costs will be high but the alternative costs of a divided, and dying and dehumanizing society will be far greater. This is the dilemma beyond the dilemma.

ADDRESS OF LT. GOV. CHARLES SULLIVAN TO 1970 GRADUATES OF MISSISSIPPI STATE COLLEGE FOR WOMEN

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ABERNETHY. Mr. Speaker, I desire to insert in the RECORD an eloquent address delivered by the Honorable Charles L. Sullivan, Lieutenant Governor of Mississippi, to the 1970 graduates of Mississippi State College for Women.

In these days of war, so-called student unrest, and an abundance of social problems, I believe those who read this address will agree that Lieutenant Governor Sullivan has approached the problems confronting our college graduates, citizens of the Nation and officials of our Government in an effective and sensible manner. I commend his address to the reading and consideration of Members of the Congress and citizens over the Nation:

ADDRESS OF LT. GOV. CHARLES L. SULLIVAN

President Hogarth, distinguished members here on the platform, graduating seniors, and ladies and gentlemen: I am not unmindful of the very high distinction you seniors bestowed upon me by permitting me to participate in this, for you, most significant occasion. I do, as a matter of fact, appreciate it very much. Of course, your presence, you seniors, your presence here, I think, is a great achievement; one of work, of study, of perseverance, of dedication. My presence, of course, and the presence of all others than the seniors, is simply to be here to participate in this recognition of a very just and worthwhile recognition of you.

Now I strongly suspect, seniors, that in the past and traditionally speakers called upon, as I am today, to talk with a large part, a very significant part, of our academic community who are leaving school to enter the world of personal responsibility, have felt inclined to comment at some length upon the critical situation which their contemporary world was experiencing at the time of their graduation on then occasions such as yours. It is entirely possible, of course, that if we could know the circumstances under which each of these speakers in the past have indulged in this tradition, we could understand and perhaps sympathize with their predicting such a critical future for those entering the world outside of the academic community.

This world in which you will now enter, this country called America, is in fact confronted with some of the most grave crises that any group of people, any group of seniors, graduating from university campuses throughout the nation have ever experienced. But I do not suggest to you seniors that you should enter into your future with any distrust of that future. Not at all. Nor do I suggest to you that you should in any wise be afraid of what America, of what Mississippi for that matter, of what this entire society which comprises the greatest nation civilization has ever ever witnessed. I do not suggest that you enter it with fear and foreboding.

I do suggest, however, that a thoughtful examination of recent events, just in the span of your lifetime, would cause us to think with some gravity of the responsibility which you and your contemporaries throughout this nation must assume and you must assume it very shortly. I would assume that most of you are in the age bracket of twenty to twenty-two years. This is an incredibly brief period in the history of your country. But just in this short period of time that you have lived, moved through the elementary, the secondary schools, here to M.S.C.W., and not to graduate, have witnessed some of the most significant events that influence the very future of your country. As a matter of fact, some of these events lead now to confrontations and to problems which could, if not wisely resolved, actually determine the very destiny of this country.

At the time most of you were born, the late 1940's, your country had just three years prior to that concluded hostilities in a worldwide conflict. It was at that time, the United States was occupying a world preeminence, a role of preeminence internationally that no other civilization had ever in the history of man been called upon to occupy. This nation was at that time militarily invulnerable, it was the world's most affluent nation, and much more importantly than that, it was respected, loved, and admired throughout the universe.

Now, in the period that you have lived and reached this point, things have changed and changed very significantly. We found it necessary once again to engage in war in a little unknown place called Korea in which thirty-three thousand young Americans gave their lives. We saw great old allies like Great Britain, we saw their demise from the scene of international power. And, this final ally we saw with some sadness her recognition of the fact that she is no longer a great power and we have witnessed with sadness her resignation to that fact and her withdrawal from the strategic areas of confrontation throughout the world.

We have seen your country in this past decade of the sixties, a very significant decade, become engaged once again in armed warfare, once again in a little sad tragic chaotic country of which most of us had never heard, and in which now, as of last week, your contemporaries, young men your age, over 42,000 of them, have died in the belief that it was their responsibility to this country to do so and with the idealism that by their sacrifice they made it possible for you to be here in Columbus this afternoon.

And then, of course, we are now witnessing the international struggle for the domination of world communism between Russia and China which shall not be resolved immediately. We see the Middle East becoming once again exactly the same tense situation which caused us to become involved in Southeast Asia where it is entirely possible, if we are not careful, that your country shall become aligned with a very very small country with about two million people in opposition to the United Soviet Socialist Republic with all of the vast remaining area in the Middle East and some two hundred million people.

Domestically here at home, since you have been here, we have witnessed a growing of divisiveness among our people. We have watched with great dismay and sadness the growing sense on the part of individual Americans that they have no responsibility for their nation, even when it is engaged in actual warfare, Vietnam. But on the contrary an indeterminate number of American people who wanted their nation to be humiliated and defeated on the battlefield.

In addition here at home, we have become extremely concerned with the vitality and with the very survival of an economic system which permitted this nation, your country, to achieve heights of economic attainment that no other civilization could even approach, nor has ever approached, tell that in short and in fact.

While I said a moment ago that I do not suggest you view your future with any distrust, it cannot be denied that as you now enter the world, in the sense that I mean it, and as you and your contemporaries from the other college campuses throughout this nation in the decade of the seventies assume the responsibility which the adult generation has borne to the present, I suggest to you that it will demand all of your intelligence, all of your integrity and moral fiber, all of your courage and all of your dedication if your generation is to preserve that which other generations gained for you.

In short, I suppose, all of these culminate in three major but related areas of concern today. They are Vietnam and Cambodia, inflation or the economy here at home, and the final gnawing concern and that is whether America shall maintain an orderly society in which people may live in freedom and in dignity or shall this great country slip over into anarchy and then if it does, inexorably lose its freedom.

Now before I comment on these three particularly, I would, I think with your indulgence like to comment on one aspect of it all and that is in this country the growing attack on the part of the so-called young activists upon the adult generation in which the so-called young activists generation suggests, in fact insists, that the adult generation of America is inept, is incapable of imaginative innovation, is immoral, and is in fact sick. Now, I would like to examine that for one moment; because as you assume your responsibilities, it is absolutely essential that my generation be able to communicate with yours and that by joining the two generations together we shall achieve, as I suggested earlier, the maintenance of the greatest nation God has ever permitted to exist.

The adult generation in America has built more school campuses, more school buildings, more universities, more educational facilities in this generation than in all the generations of history in the past. Imagine that.

The adult generation of America has accomplished more medically to relieve the suffering of humanity than all of medicine in recorded history. America's adult generation did that.

America's adult generation has contributed charitably more in the time of this adult generation, from the time it left the college campus until today, than all of the generations that lived in this country prior to this one.

This generation of adult Americans achieved absolute miracles in transportation, supersonic jets, vehicular transportation, surface transportation, subsurface transportation in the oceans, than all of the generations of history. The adult generation of America did that.

And the adult generation of America, regardless of what might be said about it, did all of this while at the same time insisting that America remain a free society in which my generation, the adult generation, refused to accept the idea that the voice of America is expressed in burning the bank of Berkeley, or in starting a war at Kent State University, or in crowding the streets in Jackson, Mississippi mouthing obscenities and indecencies.

As a matter of fact, the adult generation very recently began man's conquest of God's limitless universe. Put men on the moon! Just a beginning! As a matter of fact, awesome thought, as a matter of fact, my adult generation comes very close to the capability to reproduce and create life itself. We have done so with the enzyme. Imagine that!

And I say all of this for the purpose which I have already mentioned and that is to ask you and to challenge you and your contemporaries throughout all of this country who have been so critical of the adult generation and have felt perhaps that it entitled them to engage in anarchy because the adults had let them down. I mention these things in passing with humility but I challenge you and your generation to accomplish more than the adult generation of America of today. What a challenge! To the young generation of America, those who leave the college campushes this week and next, to set as an objective and as a goal that you will accomplish more than the adult generation in this blessed country has accomplished before you. What a challenge! What an almost impossible task, but you could do it, and my generation wants to reach out to the activists, if you like that word, to the activist seniors who are leaving the college campuses all over America and join hands with you and say that together these accomplishments of my generation shall seem insignificant to those of yours joined with ours.

Now having said that, very briefly, the major items that I mentioned to you earlier that are going to concern you so much as you leave MSCW and as you assume the responsibilities which you simply cannot delegate, nor avoid.

In Vietnam and Cambodia, very briefly, the President of the United States decided three weeks ago that a principle which this country had adopted in Korea of the privileged sanctuary, that principle should be abandoned. And I ask young Americans throughout this country, including those here at MSCW, that although you may bitterly disagree with the decision of the President, it was his nondelegable responsibility as the President of the United States to make that decision and having made it, as the President he is entitled to the support and the respect of your generation and of mine.

One of the saddest, I think, occasions of this early part of the decade of the seventies which we have just begun, was to see this decision seized upon as a pretext for violence all over the United States. In this country, my young friends, opposition to a presidential decision is not expressed by four deaths at Kent State, not in this country. It is not expressed by a riot at Augusta, Georgia. And in America I sincerely hope you do not believe that in this country we express our disapproval of decisions such as this by rioting and looting and burning in the western state of California. I sympathize with that man.

Prior to the day that he sent the troops into the Parrot's Beak and into the hook into Cambodia, the action which your contemporaries, young people your age, I've seen them over there many, many times. In fact, I have stood by the airplanes with sadness while their bodies were being loaded into airplanes to make the last flight home across the Pacific. The action over there had been contained on the east by water and the south, on the north by the so-called demilitarized zone, and on the west by the Cambodian and Laotian borders. The President of this country sat week after week and watched the casualty list mount from twenty to thirty to thirty-five thousand to forty thousand, and finally said "Enough."

Now my challenge to your generation is, not that you young ladies will be asked to risk your life in Southeast Asia, you will not, but I ask you to by the manner in which you responsibly respond to this particular call upon other Americans to sacrifice theirs that you respond in such a manner that it will become known once again that the young people in America feel an individual sense of responsibility to their country to the extent that they can accept the actual loss of life of their friends, their loved ones, their family, because a nation which is not willing to take this risk will have irrevocably and forever lost its greatness.

And I should say to you that in this decade, just as you really become an important part of this country in so far as responsibility is concerned, in this decade we shall disengage and withdraw from Southeast Asia. The deaths will finally terminate there and once again the struggle for men's souls, for their friendship, for the respect all over the world, will once again come to be tested not on the military battleground but by the much, much better test of accomplishment and you will be deeply involved at that time, you and your contemporaries, and when we get to that point, I assure you my young friends, on the basis of accomplishment, our system, our democracy, our people will absolutely outdo anything the Communists can ever possibly dream of you see, and be unbeatable and you will be a part of that.

Now in the economy, very briefly, many of you will enter the business and professional world and I am glad that is so. There is not time to discuss here today what made our particular economic system so great and I shall not attempt to do so with you. I would suggest to you however that two things, among others, will determine the very future of this country and that is whether or not you and your contemporaries will insist upon the maintenance of an economy, a vital virile economy which can satisfy the requirements of all of the people in this society regardless of their ethnic origin or the geography of their residence. That and secondly, that you and your contemporaries insist that we maintain an orderly society in this country in which that economy can operate, can nourish, be nourished, and can flourish. Two great responsibilities for you!

With regard to the first one item, or one suggestion and that is, young ladies, that you and the young men who are your contemporaries all over this nation, having now gained an education which means so much are by that accomplishment entitled to anything in the way of your economic security from society or from the government but that on the contrary for our economy is to remain as effective as it has been in the past, it will be because each of you recognize that your economic security, that your economic security in the future, is a matter of your own personal privilege, but more than that, your own personal responsibility. If you do not do so and if your generation should insist that it is the responsibility of society and collectively of that society as a government to assure the economic wellbeing of every single American, this economy cannot survive.

It is a great opportunity, you know, to be self sufficient. To know that the government doesn't owe you a future, that society does not owe you a living but to know that in this country you still will have the right, if you want it, to try, to succeed, and perhaps to fail. But once again the liberty to determine for yourself your own economic future. And in doing so, assure that the economic system which made this nation great shall continue.

And in regard to the orderly society, a perplexing question, I think the saddest development of the decade of the sixties, when you were still back in high school, some of you, and in the secondary school and then you moved on here, was the fact that the disorderly society became acceptable, that we in some unbelievable and incredible manner misinterpreted the so-called constitutional freedom so grossly so that the right of the freedom of dissent became the right to disrupt, the right to disagree became the right to destroy, and the right of freedom of speech became the right to advocate treason and the destruction of a great, great country in fact when anarchy became an acceptable facet of the American environment.

I suggest to you and to your generation that regardless of how appealing it may be at times to just be a nihilist, not to be for anything you see, but to destroy, just "burn, baby burn", I suggest to you that if you and your generation do not absolutely insist that while every American is entitled to these so-called inalienable rights, in so doing they shall respect the right of all others to live in a free, lawful, orderly, and dignified society. Because if you do not do so and disorder becomes the order of the day, if we decide international policy and domestic policy by the number of people rioting in the street and by the decibel count of noise that they obscenely make, this nation shall surely slide into anarchy and from that into bondage in your lifetime. I am sure you know that most historians believe that society's civilizations move from bondage to law and order, to economic affluence, to dependency, to anarchy, and back again into bondage. In your country, think about it. It started out, organized a lawful society, became the world's richest nation, we then economically, as I suggested earlier, began to teach some of our people that dependency was the rule of the day. Be a parasite. You don't have to, you see the idea, in this country be productive and creative, you can be a parasite. Begin to teach our people to be dependents and then in the decade of the sixties begin to teach them that anarchy would be acceptable. If we permit that to happen or if your generation permits it, we shall surely take the final step—and that is this country will no longer be free. Well, I strongly suspect that you are more aware of that than I and I shall not dwell on it further except to say that the task is yours.

Now I do want to comment on one other item, if I may. And that is, and this may surprise you. It's because I am here at MSCW. Another movement that is quite extant in my country at this time. It's known by many designations. It's called the LIB; women's national organization; NOW, national organization of women; the feminist movement. I want to say to you young ladies that I am engaged in business, in a financial business. I am a professional engaged in the law practice, daily in our courts when I am involved in a third profession and that is a political one. And I want to say to you that in each of those capacities, as an individual and as an official, that I welcome everyone of you into each or all of those activities. And I absolutely want you to be treated completely equitably and I want you to have precisely the same opportunities in each of those undertakings that I have enjoyed. As a matter of fact, I welcome you into the political arena individually. I welcome you into the political arena as participants but not on the ballot. In the financial world to the same extent and in the professional world as well. But I do want to say to you, that if the women of America, your contemporaries, become so insistent on your liberation movement that you lose your beauty, your attractiveness, your loveliness, your very femininity, you will have done this country a great disservice. You will have. Now I hope that won't happen and I feel just as confident as I possibly can that here in Mississippi, at least, it will not. And I want you to know that reassures me greatly. Now having said that—more seriously, I do welcome you on to our level.

I defended the older generation earlier. I did so deliberately. But we are now reaching the point, you see, where we can ask you to take part of that responsibility and in those areas where we failed you shall share part of the failure and then when we succeed, all of us together, not two separate generations, can share the sense of satisfaction and justification, not necessarily publicly recognized, that together we have accomplished something worthwhile. Because I want to assure you finally, my young friends, that in all of this together the continuation of a great society, the continuation and survival of the world 's greatest nation, is for you a great, great challenge. What a wonderful opportunity it is! What a great thing you will have done when your generation becomes the older generation and then you look back and say to the younger, "Look what America, look what Mississippi, look what a free and dignified people under God have wrot." Great, great challenge and you will do it!

POWER POOL FOR NEW ENGLAND

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. MONAGAN. Mr. Speaker, I rise to bring to the attention of the Members a development in New England which I think bodes well for the future. I refer to the recent announcement of agreement on a regional power pool which will include all electric utilities—cooperatives, municipals, and investor-owned.

This far-reaching step to strengthen the reliability of electric service in New England took nearly 3 years of intensive study and negotiation. It is a tribute to both public and private power representatives that the larger interests of all consumers in the region have been served by the successful conclusion of these negotiations.

I am particularly pleased that this comprehensive plan for the integrated operation of all generation and transmission in our six-State region includes a permanent planning committee. This committee is charged with the environmental, economic, and engineering evaluation of future electric facilities whether proposed by the public power entities or the private utilities.

While we cannot expect immediate results from this pool agreement, we in New England can look forward to the orderly development of electric power resources in the years ahead.

A pertinent item follows:

FIRST STAGE OF NEW ENGLAND POWER POOL

Representatives of publicly and privately owned New England electric utilities who have been meeting regularly as a working committee since June, 1969, have announced agreement on the first stage of a New England power pool. Their agreement will result in prompt activation of the power pool's operating arm, the New England Power Exchange (NEPEX), at West Springfield, Mass. An understanding has also been reached on some of the general principles for a broad powerpool agreement.

Approval copies of documents covering both understandings are being sent to electric utilities—both public and private—throughout New England. Organization of the first of several NEPEX committees is expected to take place in May and the target date for activating the control center itself is June 1. Various regulatory approvals must be obtained before the center becomes operational.

NEPEX is a master control center which was built, equipped and staffed over the past two years at a cost of some $8 million in anticipation of agreement on a regional power pool operating through four satellite control centers at strategic locations around New England (Augusta, Me.; Manchester, N.H.; Westboro, Mass.; and Southington, Conn. NEPEX is ready to start coordinating the operation and maintenance of all major electric power generation and transmission in New England. In addition, it will provide more effective coordination with other power pools and utilities in the United States and Canada.

The objective of NEPEX will be to achieve the significant practical economies of energy supply consistent with established standards of service reliability, with all participating utilities sharing equitably in both the benefits and the costs of NEPEX.

The NEPEX agreement is an interim one, drafted to provide both an immediate contractual framework for power pooling and an enabling structure of administrative committees. It would be superseded by a formal agreement on NEPOOL. Negotiations on a broad NEPOOL agreement are continuing and it is hoped that they can be concluded in time to make a full pool effective by April 1, 1971.

Utilities and utility associations represented on the Working Committee include: Bangor Hydroelectric Company, Boston Edison Company, Central Maine Power Company, Central Vermont Public Service Corporation, Eastern Utilities Associates, Fitchburg Gas and Electric Light Company, Municipal Electric Association of Massachusetts, New England Electric System, New England Gas and Electric Association, Northeast Public Power Association, Northeast Utilities, Public Service Company of New Hampshire, Shrewsbury Electric Light Department, United Illuminating Company.

Representatives of the Federal Power Commission and of the various state regulatory commissions participated in meetings of the committee.

HON. CLIFFORD DAVIS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. JONES of Tennessee. Mr. Speaker, having known Hon. Clifford Davis all of my life, I want to be among the first to say how much we all will miss the warmth and wit of this outstanding gentleman who served his district, his State, and his Nation so long and so well.

Although I never had the pleasure of being either his constituent or his Representative, our districts were adjoining and numbers of my friends are his friends. We were both involved in campaigning during national elections, and judge—as we all affectionately called him—was always at his best when speaking before an audience. With his sharp wit and picturesque language, he could hold an individual or a group in the palm of his hand in fascinated attentiveness.

His love of people was manifested in so many varied ways. I shall always remember the luncheon in the Speaker's

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dining room he gave with me, a newly elected Member, as one of the three honored guests. But the best of all memories of judge will be of that day when I was first elected and he came up to visit me in my office. We spent 30 wonderful minutes together, with him recalling experiences of his lifetime of public service.

During his years here in Congress, he had two brushes with violent death when he was wounded during the shooting on the House floor and he and Mrs. Davis survived a plane crash. So death was no stranger to him, but I am happy that after a vigorous and tempestuous life, it came peacefully to lay him to rest in his own home.

NEW WEAPON FOR OLD CRIMES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. HUNT. Mr. Speaker, the relentlessness of criminal activity and rising crime rates demands nothing less than our full commitment to seeking and implementing innovative methods by which crime control and prevention can be scaled down to workable proportions without the fear of a police state. Innovation, however, need not be equated with revolutionary ideas, for to do so would risk overlooking the most effective weapon against crime—cooperation.

In this context, I call to your attention the very worthwhile efforts of the Federal Bar Association's Law Observance Committee as described in the following excerpts from the December 1969 issue of Law and Order magazine in an article—"New Weapon for Old Crimes"—by John V. Haggard. Mr. Haggard is presently the public affairs officer and historian for the Defense Personnel Support Center in Philadelphia. I am particularly pleased that he is also a resident of the First Congressional District.

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> Ever since representatives of law enforcement agencies and attorneys of Federal civilian and military activities in Philadelphia met in May, 1959 to exchange information on ways and means to promote better public understanding of the rule of law, the Law Observance Committee has been using the most effective weapon against crime—cooperation, described by FBI Director J. Edgar Hoover as ". . . a combining of the efforts of all law enforcement agencies with the support and understanding of the American people" . . .
>
> In its Youth Accomplishment program, the Committee gave retired senior citizens a chance to share their spare time with children by giving them two to twelve hours of free instruction each week . . .
>
> The Youth Accomplishment program had for its purpose to direct youthful drives into constructive channels by providing school-age children a sense of accomplishment, with appropriate recognition, regardless of their relative capabilities . . .
>
> Even the rewards given to the children were geared to a better understanding of the rule of law—but at no cost to the Committee. In June, 1963, as a dividend for their successful completion of projects, thirty-five Philadelphia students were selected by lot for a free trip to Washington, D.C., with a tour of Congress, the FBI and the Supreme Court . . . Each child also received a badge and a certificate as evidence of (his) participation in the program . . .
>
> Each year since 1963, about 50,000 students in 14 schools have been involved in the project, with about 2,000 students completing projects under the guidance of 300 teachers. Dedicated teachers and principals have created special guidelines for social studies which explain the place of the child in society, the rule of law, and the law enforcement process.
>
> A program involving police officers directly was initiated by the Committee in cooperation with Temple University. This was the establishment of a Police Science and Administration program for police officers held in summer school. Courses were offered in police supervision and leadership, criminal investigation, criminal law and procedure, and social aspects of police administration. An Associate Degree was awarded to those who completed sixty semester hours of combined professional and academic courses . . .
>
> From its modest beginning in Philadelphia, the Committee quickly expanded nationally. In cooperation with the Philadelphia Police Department in December, 1962, it presented a 15-minute television program titled "Dangerous Stranger" over a local channel covering the entire Delaware Valley—parts of Pennsylvania, New Jersey, Delaware and Maryland. A police officer explained to children what to do when accosted by a stranger on the streets or in a movie. He also warned children about the dangers incident to go with, or accepting gifts from strangers.
>
> The following year the Committee obtained the cooperation of a television program director in Wilmington, Delaware and the Philadelphia public school authorities in sponsoring a series titled 'You and the Law', which was televised each Friday morning for sixteen weeks. The program dramatized such activities of federal, state, and local law enforcement agencies as fingerprinting, Harbor Police, Park Guards, Sheriff's Office, State Police and Customs Officers. The Committee then went to the streets, in shopping centers, to demonstrate the case for law observance through elaborate exhibits prepared by law enforcement agencies which displayed weapons, uniforms, slogans and even police dogs in action . . .
>
> Another fund saving accomplishment of the Committee was the acquisition of free outdoor poster space. The Pennsylvania District of Kiwanis International provided the initial printing of posters bearing the Committee's slogan: 'The Law Protects You, Respect It, Uphold It, Obey It'. An outdoor advertising firm made twenty billboards available to the Committee in Philadelphia and the Washington, D.C. area. The Baltimore, Md. and Omaha, Nebraska chapters made similar arrangements for billboard space . . .
>
> To further its national aims, the Committee sent a brochure to all the fifty chapters of the Federal Bar Association throughout the country detailing projects it has successfully launched for possible implementation locally.
>
> "Today the Committee finds itself in a fortunate climate for greater expansion of its rule of law program. After a decade of constantly erupting civil disorders, campus riots and deteriorating respect for law and order, the country is beginning to stir from its apathy to face the relentless criminal and the misguided social reformer . . .
>
> The cumulative effect of the Committee's 'no-fund' budget national program and the collateral efforts of many similar government, educational, and industrial organizations should certainly be felt by the criminal element throughout the country. Of the Committee's efforts, J. Edgar Hoover said: "The efforts of the Federal Bar Association to develop public understanding of the relationship of law enforcement and the citizens in our society have been recognized and welcomed by the FBI. Since its inception of the national and local Law Observance Committee's activities, the FBI has given them support, and members of the FBI have participated in their Committee . . ." In the field of law observance and enforcement, one could hardly find a better endorsement for the accomplishments and goals of the "no-fund" budget Law Observance Committee.

QUESTIONNAIRE RESULTS

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. MARTIN. Mr. Speaker. I list below the results of the questionnaire sent out early in April to every boxholder in the Third Congressional District. Over 20,000 replies were received.

It is interesting to note that 69.6 percent of the replies favor wage and price controls. The combination of a recession and continued spiraling of the cost of living is an unbearable situation, and this is reflected in the better than 2-to-1 reply in favor of controls. I would like to point out also that 70.3 percent opposed lowering the voting age to 18 involving the election of the President and Members of Congress; and 77.7 percent—better than 3 to 1—favored reorganization of the Post Office Department. Both of the above will soon be considered by the House.

Although 75 percent of the replies opposed a guaranteed annual wage, a like percentage favored President Nixon's Federal revenue sharing plan. Only 38.5 percent favored continuation of the present farm program; but 76.6 percent favored a gradual withdrawal of the Government from agriculture, and a return to a market governed by supply and demand.

This questionnaire was mailed before American troops entered Cambodia, so does not reflect any change in viewpoint which may have occurred since that date. It is interesting to note, however, that 74.1 percent favored the President's policy of gradual withdrawal of U.S. forces and the Vietnamization program; and only 40.4 percent favored immediate and complete U.S. withdrawal.

In reply to my question, "Do you approve of the overall policies of the present administration," 60.4 percent answered "Yes," which is approximately the same percentage of the vote which President Nixon received in 1968 in my district.

I have introduced a constitutional amendment to provide for the mandatory retirement of Members of Congress at a certain age, and I am most gratified to learn that 84.4 percent approve of this joint resolution.

Following are the questions and the percentage replies:

	Yes	No
1. Do you favor wage and price controls?	69.6	30.4
2. Do you favor a constitutional amendment lowering the voting age for the election of the President and Members of Congress to age 18?	29.7	70.3
3. Do you favor postal reform which would reorganize the Post Office Department to a Government-owned corporation to operate on a nonprofit basis?	77.7	22.3
4. Do you favor a welfare program based on a guaranteed minimum income?	24.6	75.4
5. To take the pressure off local tax resources, the President has proposed that a certain percentage of Federal revenue be returned to the State and local governments—revenue sharing. Do you favor this proposal?	75.6	24.4
6. Farm legislation—Do you favor—		
(a) Continuation of the present farm program?	38.5	61.5
(b) Continuation of the present program plus voluntary and permanent land retirement?	42.3	57.7
(c) Gradual withdrawal of the Government from the farm picture to a market governed by supply and demand?	76.6	23.4
7. Draft—Do you favor—		
(a) A draft by lottery?	64.7	35.3
(b) An all-volunteer army?	71.1	28.9
(c) College undergraduate draft deferments?	41.2	58.8
8. Vietnam—Do you favor—		
(a) Increased military action in an effort to end the war?	57.2	42.8
(b) Gradual withdrawal of U.S. forces and Vietnamization of the war?	74.1	25.9
(c) Immediate and complete U.S. withdrawal?	40.4	59.6
9. Do you favor Federal legislation to control the dissemination of pornography?	84.7	15.3
10. Do you favor removing the limitation on earnings on those who receive social security benefits?	56.1	43.9
11. Do you favor actions of the administration to balance the budget and reduce the national debt?	94.0	6.0
12. Do you approve of the overall policies of the present administration?	60.4	39.6
13. Do you favor my joint resolution to amend the Constitution to provide for the mandatory retirement of Members of Congress at a certain age?	84.8	15.2

LEGISLATION TO PROVIDE FOR A TRADE SCHOOL IN EVERY COUNTY IN THE NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I include for the RECORD a number of letters I have received concerning the bill introduced by me to amend the Vocational Education Act of 1963.

JOHN W. RAY,
Manchester, Tenn., June 5, 1970.

Hon. JOE L. EVINS, M.C.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EVINS: Received your letter proposing legislation concerning a Vocational Trade School to be built in all the Nation's counties.

This I think would do for the training of our young (and older) people for useful lives what the interstate highway system has done and is doing toward helping our ever increasing traffic problem. I am very much enthused about this idea and wish you every success with it. I think we have stressed the theory too long and have gone too far to think that everyone should have a college education. It might be the cause of some of our trouble on the campuses at the present, they are filled up with a bunch of, "Misfits". When this legislation is set up we (Coffee County) want to be one of the first to take advantage of it.

Thanking you for your continued expert representation and with kindest regards, I am.

Yours truly,

JOHN W. RAY,
Coffee County Judge.

JAMES RHEA CLEMMONS,
Lebanon, Tenn., June 3, 1970.

DEAR JOE: Seldom do I write my congressman and take your time on my thoughts, but I wish to commend you upon your efforts to establish a Vocational Trade School in every county in the nation. This is something worthwhile and badly needed. I certainly hope you are successful.

Please do something about all this welfare giveaway, this is disgraceful and I see it every day with our tenants in low rent public housing here in Lebanon. These people should be made to work, even if just sweeping street and picking up tin cans, or cleaning out bushes in county roads, make them work.

Again, congratulations and best wishes on your efforts.

JAMES RHEA CLEMMONS.

Tullahoma, Tenn., June 1, 1970.

HON. JOE L. EVINS.

DEAR SIR: The "Capitol Comments" of June 1st which I have just received with news of your proposed bill for installing a vocational trade school in every county of the nation which still lacks one is in my opinion one of the most commendable pieces of domestic legislation suggested in recent years. It should especially be a great benefit to all Southern states. As an employee at our local A.E.D.C. from its early beginnings I could not help seeing with regret the necessity of hiring craftsmen from distant states to fill the skilled jobs which our regional people, lately displaced from farming, were not trained to fill. Another thought: After spending four years at Tenn. Tech (1927–31) and observing other institutions of higher learning, I realize that many of the students in our overcrowded universities do not belong there, but rather in vocational schools, acquiring training at the craftsman level.

Sincerely,

WILLIAM E. BURT.

BRADYVILLE, TENN.,
June 2, 1970.

Hon. JOE L. EVINS,
Washington, D.C.

DEAR SIR: All power to your "vocational trade school bill"! I have long felt that there is too much emphasis on college and higher education which often does not educate, and seldom provides a reasonable preparation for future employment. After all, not everyone is college potential, and not all college graduates can start at the top of the field. In industry, there are far more jobs for mechanics than for literature or fine arts studetns.

Yours is a practical, down-to-earth solution to the problems of too much higher and not enough lower education. Skilled craftsmen should be just as much respected as scholars.

Success to you and your bill.

Sincerely,

MRS. NAN HEACOCK.

WATERTOWN, TENN.,
June 2, 1970.

Hon. JOE L. EVINS,
Washington, D.C.

DEAR REPRESENTATIVE: I received your letter today about trade schools and thought it was a very needed subject. We have so many young people that will not get a chance to enter college. The students at Watertown are taught nothing but the subjects the state requires.

We are too far from Lebanon and sure need such a program. Of course, Agriculture has to be taught according to law.

We have some pupils going to Lebanon to get foreign language; none is taught at Watertown. We think we should have a trade school. This would help lots of common class people get a start. I think your idea is great and wonder if we could get such a program at Watertown. The children do not have much choice in their subjects. As a man of understanding this makes it very hard to pick their jobs. If you can encourage Wilson Co. to make this step, it surely will be appreciated. I am on the education committee and have pleaded with the Co. Supt. and he says we should be in Lebanon. This we do not agree. We have many boys and girls going to college and are embarrassed when they do not have the right subjects to go on, but are embarrassed and have to settle for something less. I sure hope you can read most of this. Mother used all the paper in her last letter, so I have to settle for this writing on some freight line notes, but you won't mind this. Keep your good work going. We sure appreciate a good man of your ability.

Yours sincerely,

DAVID SWANN.

MANCHESTER, TENN.

Congressman JOE L. EVINS,
Washington, D.C.

DEAR SIR: The only purpose of sending this back to you is to inform you that I support this type of education.

When I was still in high school, I saw several students whose efforts went to disturb the class. They had no interest in the subjects, but the law was that they must attend. These same students did have an interest in another area. It may be auto mechanic, farmer, etc. I thought then it would be better for all to single out these disturbers and send them to a trade school where they could learn a trade. A trade they were interested in. Monies appropriated to this effort is a step in the right direction. It takes all types of trades to make a society work together.

CHARLIE L. KLINGER.

OAK RIDGE, TENN.,
June 2, 1970.

Representative EVINS,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. EVINS: We especially support your bill on vocational trade schools.

The best of luck on your bill.

Very truly yours,

MRS. ELIZABETH RUPP,
ARTHUR F. RUPP.

FAIR HAVEN METHODIST
RETIREMENT HOME,
Birmingham, Ala.

Representative JOE L. EVINS,
Washington, D.C.:

This is a splendid way to help us help ourselves—which is much better than any other way I know to lower welfare recipients and raise or increase self respecting, self-supporting Americans.

Yours truly,

ADELE RIVERS.

FAYETTEVILLE, TENN.

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: You are no longer my representative, directly; but you are one person in government that I feel has represented me (and every other U.S. citizen) and my ideals concerning federal government to an extent that I want you to know that another citizen of Tennessee (I am sure that thousands feel as I do) believes in what you are doing and appreciates it. I think that the Trade School Bill is a great idea; its success would provide the first step in building a framework for establishing state/federal cooperative education concepts which will eventually save public education . . . financially, professionally, and most important educationally. In brief, I believe state governments cannot afford suitable educational programs; labor union-tactics used by educators are not professional, but have been forced by conditions; and, as education suffers, the nation suffers. Some federal money must come back to the states in the form of meaningful educational programs or money to be spent on worthwhile programs already in existence.

Good luck with the bill—it would be a shame if it is not recognized as important and a good investment in American youth.

Thank You,

TOM YOUNG.

OAK RIDGE, TENN.,
June 9, 1970.

Hon. JOE L. EVINS,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I am convinced that a significant part of the national wealth and the happiness of a considerable number of our fellow citizens is being wasted each and every day that vocational education is neglected. I am pleased to learn from your "Capitol Comments" that a bill is being introduced which would establish a vocational school in every county of the nation not already having a vocational school. Though it is questionable that each county requires a vocational school to be located physically within its boundaries it certainly is required that all of our citizens have ease of access to such facilities.

The obvious problems which have probably led to the writing and introduction of this bill will not be rectified simply by construction of schools, however. We require curricula that are expanded and relevant to our times and to the predictable future. We need staff instructors who are qualified and up to date in teaching methods. We need administrators who are an integral part of each state educational system. We need a program for reeducation of students and parents who think that college is the "only way."

We, you and I and all of our countrymen, have a vested interest in all of the rest of us. That interest is economic, social and simply moral. Let's hope that this bill is passed when introduced and that when established these schools will maximize their tremendous potential for good to the individual and the community and the nation.

Very truly yours,

R. W. POOLE.

P.S.—I have been a skilled craftsman for 23 years and it's a rewarding life.

WARDS DEPARTMENT STORE,
Jamestown, Tenn., June 1, 1970.

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR SIR: I just received your Capitol Comments of June 1, 1970. I agree wholeheartedly with the bill for a vocational trade school in every county.

I am very happy to know that we have a person with this kind of concern serving us in our nation's capitol.

Sincerely yours,

JAMES H. KIRBY.

BANK OF COWAN,
Cowan, Tenn., June 2, 1970.

Congressman JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN EVINS: Too often when one comes forth and speaks his thoughts and ideas that would really bring about helpfulness to people he is ignored and never thanked.

When I was in high school this was strictly an agricultural county but I wondered—and wished for—why there was not a course in agriculture and manual training and related training for girls so those who did not care to specialize in teaching, medicine, law and other related fields of endeavor could study what they wanted to do in life.

Higher education has been the hue and cry now for several years. That's fine—for those who want to specialize in about 3 or 4 fields but what about others? Everyone isn't college or university material and some who are do not want to study the courses offered.

It has always been my thinking more emphasis needs to be placed on the foundation of education, the elementary and high school. I know from my own family poor people can go on to school after high school if they really want to go, if they really want an education. Why waste space, time and money in higher education on people who are there only because they think it is "the thing to do."

After about 55 years you are about to introduce to bring into being what I consider one of the most far reaching and beneficial acts for our Nation that could be thought of.

I want to congratulate you on presenting this bill and wish for you overwhelming success with it.

If enacted and pursued it will do more for our people than all the give away non-work, sit and wait, we will bring it to you, programs combined.

Never take from man the dignity to work but prepare him for work and work he will find.

Sincerely,

B. B. LOONEY, *President.*

TULLAHOMA, TENN.,
June 4, 1970.

Congressman EVINS,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN EVINS: I am very proud that we, in Coffee County, have a man like you to represent us today. For I see in the Tennessean that you have introduced a bill in Congress, which calls for a vocational school in every county in the United States. I have not read the bill, but it appears to me today that there would be many counties in many states which could not support one properly. I am sure, however, that you have recognized that there is a great deal of difference between Coffee County and Davidson County in Tennessee and Cook County in Illinois for that matter.

I taught school in Indiana 40 years ago and was acquainted with the schools in Missouri, 30 years ago. We had good vocational schools that taught everything from beauty operators to automobile mechanics, along with the work of electricians, carpenters and other skilled trades. I have long felt the need for this type of school in Tennessee, for it is evident that these skilled people live and enjoy life as well, if not better, today than Ph. D's.

Tullahoma and Manchester are unique towns. The Arnold Engineering Development Center has attracted to us people from all over the world, with a high level of education. Seventy per cent of the children in Tullahoma have gone to college after high school, but the statistics, however, do not reflect how many of this 70 per cent continue after their first year. We now have a vocational school in McMinnville and one in Shelbyville. Both are doing a very fine job, but are not large enough. I have read today that Tullahoma will now have a vocational school, thanks to your efforts. This should fulfill a very definite need.

It is my firm opinion that many of the students who are now raising hell in our colleges would be far better off in a vocational school, learning how to make a living, rather than fumbling around in a Liberal Arts course, not knowing where they are going.

I hope that the Congress will look favorably upon your bill.

Sincerely,

AL MOORE.

OAK RIDGE, TENN.

Hon. JOSEPH EVINS,
House of Representatives,
Washington, D.C.

DEAR SIR: I recently received your letter describing your bill for 3,500 vocational schools in the United States. It is exciting to hear such an imaginative and forward-looking proposal. I agree with your basic premise, that vocational training is needed and that federal funds are necessary.

If I may, I would like to disagree with one small part of the proposal, that of a county basis for the location of the schools. I am currently in Oak Ridge, but my experience for 13 years has been in California junior colleges. In California there are counties that are almost the size of the whole state of Tennessee. I have traveled through your beautiful state on weekends and holidays and have found that Tennessee counties are much smaller. I feel it would be unfair to states with large counties to be limited to one per county. One additional problem is that vocational education is much more expensive than conventional classes, labs are more expensive and classes are smaller. I am also concerned that there may be a shortage of well-qualified teachers.

I suggest that a fairer scheme might be to use representative districts as the basic unit of division, since the number of people and therefore students, will be approximately equal. Furthermore, I feel that the identity of the members of Congress with their districts' schools would be better on a district basis.

I have enjoyed this year's sabbatical leave in your beautiful and friendly state. I have never seen so many beautiful trees or so much running water. Thank you for your letters.

Yours truly,

WILLIAM E. MILLER.

ONE SERVICEMAN'S VIEWPOINT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. WYLIE. Mr. Speaker, on June 1, I received a letter from a constituent of mine who resides in the village of Darbydale, Ohio.

The subject of this outstanding citizen's letter is campus disorders. This is one of many letters I have received from servicemen expressing, among other things, their disapproval of campus disorders and the destruction which has surrounded them.

I respectfully commend Mr. Wheeler's letter to my colleagues and am inserting his letter in the RECORD at this point:

DARBYDALE, OHIO,
June 1, 1970.

MR. WYLIE: Not long ago my mother wrote you a letter trying to find a way to prevent my going back to Viet Nam. I can not say that I approve of this for I feel there are too many people wanting too much of this country and in return are willing to give nothing. I do however understand my mother's feelings, for while one of her sons was over there, someone else's son was burning the American flag on a University Campus. It was the first and only time my mother has been so moved as to write anyone in office. This is also my first time Mr. Wylie.

I have a brother in Viet Nam now and its because of men like my brother and myself that I write to you. We are concerned about our students at our university. Some of us can not understand what these students are asking for or want.

They say they want peace, yet they stage riots and do battle with our city police, state highway patrol and National Guards.

They say they want to make America better yet they tear up and burn down buildings on campus, not to mention the American flag. I urge you, Mr. Wylie to do everything within your means to strengthen the confidence of our law officers and to take necessary steps to remove known communists and trouble making persons from our university, both student and faculty.

Sincerely,

H. D. WHEELER.

VICE PRESIDENT AGNEW ON DISSENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, last Monday evening, Vice President AGNEW addressed a gathering of Michigan Republicans in Detroit on the issue of dissent in our society. In reading the prepared text of that speech, I was struck by the sound commonsense, wisdom, and balance the Vice President employed in addressing himself to this most delicate issue. The Vice President reaffirmed both the right and necessity of dissent in our free society. In his words:

> We cannot agree about the need for freedom without acknowledging the freedom to disagree. We cannot govern with the consent of the governed unless we respect the right of dissent of the governed.

And then the Vice President made a point which I think we should all do well to keep in mind during this troubled hour in our national history:

> But remember, respect for the right of dissent does not mandate agreement with the dissent. We cannot encourage a unity of purpose without stimulating a diversity of approach.

The Vice President elaborated on this in a most eloquent and poignant manner by saying:

> By demanding unity, by denouncing dissent, we might find ourselves standing united but standing still. That is not what this nation is all about—unity is not an end in itself, it is a byproduct of progress.

Mr. Speaker, at this point in the RECORD I include the entire text of the Vice President's speech and commend it to the reading of my colleagues:

ADDRESS BY THE VICE PRESIDENT

I would like to present a case tonight for progressive partisanship.

The word "partisan" has taken on an unfortunate coloration. It is being equated with divisiveness, with backbiting and acidulous personal references. This is not new in our history—James Madison, in the most famous of the Federalist Papers, warned of the "spirit of faction" that could tear the country apart.

Partisanship misplaced, partisanship overdone, can be a danger to democracy; but a progressive partisanship is at the heart of our liberty and without it, there would be no change in our society and no movement in our public philosophy.

We are entering our traditional period of intensified partisanship before an election campaign. Whether that period will be productive of intelligent challenge and debate, or sterile and conducive to angry shouting, is a test that we as a people will have to take.

I believe we will pass that test if we embrace the principle of progressive partisanship.

To do that successfully, we have to examine two slogans. One of these is rich with age and honor; the other is bright with new and conventional wisdom; both can be twisted to get us into trouble.

Slogan number one is seemingly unassailable: "United we stand, divided we fall." And slogan number two is becoming one of the most high-minded cliches of our time: "Let us de-escalate the rhetoric."

Let us begin with the first, which had its genesis in a poem written in 1776 by John Dickenson: "Then join hand in hand, brave Americans all/by uniting we stand, by dividing we fall."

That is the sentiment that brought us together as a nation, the spirit that permitted us to overcome our disagreements by acknowledging a deeper sense of common purpose.

On the great ends of liberty and justice and opportunity, that sentiment has never been truer. But we demean that spirit of unity when we try to restrict ideas about how to meet those ends. Here is what I mean:

We cannot agree about the need for freedom without acknowledging the freedom to disagree.

We cannot govern with the consent of the governed unless we respect the right of dissent of the governed. But remember, respect for the right of dissent does not mandate agreement with the dissent.

We cannot encourage a unity of purpose without stimulating a diversity of approach.

That is why every attempt to deny our diversity, to smother partisanship in an amorphous cloud of consensus, is doomed to failure. It confuses the ends with the means. United we stand in love of country, in desire for peace and progress—but divided we stand in approach, in style, in policy to reach the ends we seek.

By demanding unity, by denouncing dissent, we might find ourselves standing united but standing still. That is not what this nation is all about—unity is not an end in itself, it is a byproduct of progress.

Just as unity is not an end in itself, dissent is not an end in itself. Here is where I part company with some dissenters.

Rational dissent focuses on an issue, calls it to public attention and marshals the arguments to persuade the majority to its view. That is the essence of progressive partisanship.

Irrational dissent focuses on an emotional issue, rejects logic, and demands change without intellectual challenge, without offering a constructive alternative.

Rational dissent anticipates disagreement; irrational dissent expects its views to be adopted as a revelation of truth and is infuriated when this does not happen.

Rational dissent properly defines its right to be heard and is ready and willing to accept criticism of its point of view; irrational dissent considers criticism of its point of view to be an attack on the right to dissent.

Rational dissenters, in the tradition of Holmes and Brandeis, have never been more needed than they are today. They are with us, but their ideas are too often ignored—not by the majority, but by the emotionaries, a relatively small group of anti-intellectuals that has snatched the standard of dissent from their hands.

Some of the rational dissenters I have been meeting with recently have pointed out that the emotionaries are not limited to their side. This is true. But we cannot abandon the public forum to the antis versus the anti-antis. We cannot refrain from speaking out in the voice of reason, both in affirmation and in dissent, for fear of becoming identified with the emotionaries of the extremes.

That, of course, brings me to the next slogan, the new favorite of editorial writers of all shades of opinion: "Let's de-escalate the rhetoric."

I think the word "rhetoric" is being badly misused. It is being defined as vituperation, as poisonous invective. But rhetoric is not that at all: Rhetoric is the use of public discourse to persuade.

We do not have to depress that kind of rhetoric at all; on the contrary, we have to elevate the rhetoric. Only in that way can we hope to enter a season of progressive partisanship.

This does not mean that affirmers or dissenters have to color their speeches gray. It does not mean that we must dwell on abstractions and totally refuse to engage in personalities.

Our history is rich in anecodote about the cut and thrust of partisan debate, and it did get a little personal at times. I recall the remark of John Randolph of Virginia, aimed at a brilliant fellow member of the House of Representatives, Edward Livingstone. Said Randolph: "He is a man of splendid abilities, but utterly corrupt. Like rotten mackerel by moonlight, he shines and stinks."

That was pretty rough. And so was labor leader John L. Lewis' characterization of one of my predecesors in office, John Nance Garner as a "card-playing, whisky-drinking, evil old man." (Some people have recently suggested that I stick to playing cards, which could contribute to the public safety.)

Governor Hirman Johnson of California did not like some of the press coverage he was getting during his administration, and he had this to say about the publisher of a major newspaper: "He sits there in senile dmentia with a gangrene heart and rotting brain, grimacing at every reform, chattering impotently at all things that are decent, frothing, fuming, violently gibbering, going down to his grave in snarling infamy . . . disgraceful, depraved . . . and putrescent."

Now what have I ever said about the press to compare with that? Fortunately, the days of that kind of ad hominem blast are gone forever. But perhaps it has evolved into a less rancorous form of attack, similar to that unleashed by Winston Churchill at Ramsay MacDonald in 1933, when he was Chancellor of the Exchequer: "I remember when I was a child, being taken to the celebrated Barnum's Circus, which contained an exhibition of freaks and monstrosities, but the exhibit on the programme which I most desired to see was the one described as 'The Boneless Wonder.' My parents judged that that spectacle would be too revolting and demoralizing for my youthful eyes, and I have waited fifty years to see the Boneless Wonder sitting on the Treasury Bench."

Can you imagine the wave of shock and horror that would pass through certain circles if anyone were to make such a remark today about, say, the chairman of a Senate committee? It would be an unthinkable example of the arrogance of power. The most one could get away with in these more sensitive times is another Churchill gibe at one of his opponents as "a modest man, with much to be modest about."

The purpose of this brief review of political invective is to show that we are indeed past our vituperative peak, in a sense, happily so. It is also good for us to recall that the shouted epithets we hear today are no match for the flashes of wit that lay behind some of the studied insults of yesteryear.

XUM

Were they alive today, Randolph and Wilkes, Disraeli and Churchill, Huey Long and Harold Ickes would have to temper their blasts; history might have been the less colorful, but the times have changed and the climate is wrong for slambang vituperation. In its improper definition as invective, the rhetoric has already de-escalated.

But in its proper definition as rational public persuasion, the rhetoric of our times needs to be put to constructive use. In the very act of encouraging peaceful argument, we automatically discourage violent protest. In agreeing to disagree, as reasonable people, we admit to a unity of purpose.

A Greek philosopher first laid down the rules of rhetoric. I do not presume to challenge the principles of my ancestor Aristotle, but let me try to update them for the coming campaign:

Every view is a proper target for rational challenge.

Every challenge is a proper target for criticism and rebuttal.

No view has a claim on truth by virtue of wide acceptance.

No view has a claim on truth by virtue of limited acceptance.

Every partisan has an obligation to present his position forcefully, factually and fearlessly.

Every partisan has an obligation to admit to the possibility of error.

Every man has a right to be heard to the extent he shows a willingness to listen.

No man should interpret a willingness to listen as a commitment to follow.

No argument is fair that appeals exclusively to emotion.

No argument is realistic that rules out all emotion.

No age group or minority group or income group has a monopoly on wisdom.

No majority has the obligation to be silent, or the right to overwhelm dissent.

And finally, the thirteenth rule of rhetoric for our times, and the most painful one of all: Provided he acts without violence and within the Constitutional law, every man has the right to disagree with, and to break, every one of these "rules."

In doing so, I think it would be to his loss and society's loss, but freedom is not freedom unless it includes the freedom to be wrong.

Let us, then, elevate the rhetoric; let us think through all we stand for, and then stand for it publicly and affirmatively.

Let us not be afraid to be progressive partisans for all we believe to be right, and not speak of partisanship as something unworthy or un-American.

This was a nation built by ardent advocates of popular and unpopular causes. In each generation, they triumph over the detractors who shrug in hopeless resignation, and the sloganeers of puerile obscenities, and the bookburners who try to destroy the ideas they cannot discuss.

Let us join the "happy warriors of the political battlefield," discovering new depths of loyalty in opposition, new heights of unity in our diversity, and a new spirit of respect for each other's point of view.

XUM

EQUITY FOR VETERANS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. LANGEN. Mr. Speaker, I am introducing today a bill that would provide automatic adjustments for all veterans' benefits, based on changes in the cost of living. The legislation would direct the Administrator of the Veterans' Administration to adjust monthly veterans' benefits payments by an amount equal to the percentage change in the Consumer Price Index each year.

I strongly believe that simple equity requires this improvement in our veterans' benefits system. Disabled veterans, widows, and others who depend upon these benefits are being hit particularly hard by inflation right now because they are living on a fixed income. In view of the fact that civil service and military retirees now receive automatic adjustments in their pensions, and the House of Representatives, with my support, has taken the first step to provide automatic cost-of-living increases in social security benefits, there is no justification for failing to improve our veterans' benefits system by taking this needed step.

MURPHY OIL CORP. HELPS TO FIGHT POLLUTION

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, the Murphy Oil Corp., with home offices in El Dorado, Ark., has taken steps to reduce air pollution caused by automobiles. It has introduced 91-octane, lead-free regular gasoline through nearly 200 of its service stations in Louisiana, central Florida, Minnesota, and upper Wisconsin. It is my understanding that Murphy Oil is the first gasoline producer to supply unleaded regular gasoline in these markets. The new fuel will be called Spur APG—antipollution gasoline—and will be produced by Murphy Oil Refineries at Meraux, La., and Superior, Wis.

In a recent announcement, Mr. C. H. Murphy, Jr., president of Murphy Oil Corp., said that the suggested retail price of the unleaded fuel will be the same as that charged by major oil companies for their leaded regular gasolines. Mr. Murphy also pointed out that the unleaded fuel will contain a new detergent additive, Du Pont DMA–101, which is designed to make car engines run cleaner, thus reducing still further the exhaust emission of air pollutants.

Commenting on the company's decision to introduce 91-octane, lead-free regular gasoline into the market, Mr. Murphy said:

> There is a great popular manifestation of rising expectations for clean air and water. The demands will be met.
>
> Murphy Oil Corporation has tried, successfully we think, to always take into consideration the welfare of the communities and our neighbors wherever it has done business. We like to think we've done much more than was legally required.
>
> Even so, it's now apparent that we, and all other industrial firms, must still do more or risk losing the right to do business at a profit to our shareholders, to the service of our customers and to the well-being of our employees.
>
> This is why we are introducting our antipollution, lead-free gasoline—literally a new Murphy product—at this time.

Mr. Speaker, it gives me a great deal of pleasure to direct to the attention of my colleagues this course of action taken by the Murphy Oil Corp. This company has clearly demonstrated that it is a responsible industrial citizen, determined to make a positive contribution toward improving the quality of our environment. Cleaning up the air is too big a task to be done by government alone. The public and private sectors must work together to solve the problem of environmental pollution. I hope that more and more American firms will join with Murphy Oil Corp. in taking measures to combat the pollution of our planet.

A TRIBUTE TO ROBERT FINCH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, Robert Finch's appointment as Counselor to the President has been the subject of much discussion. I, for one, am sorry to see him leave HEW, but particularly pleased that he will now be in a position to use his wisdom, sensitivity, and social concern in a position of such importance both to the President and the country.

His successor, Elliot Richardson, brings to HEW a competence which brought praise and accomplishment both in Massachusetts government and past and present Federal service. HEW is a demanding taskmistress, but Mr. Richardson's credentials make him worthy of the task.

Former Secretary Finch has demonstrated time and again an awareness and empathy for the pressing social problems facing our Nation. His recent commencement address to the Arizona State University graduating class is an excellent example of his perception and concern. The President was wise to seek his immediate counsel. Mr. Finch will serve the President and the Nation well.

For the benefit of my colleagues, I include the complete text of Mr. Finch's remarks at Arizona State as part of my remarks at this point:

ADDRESS BY THE HONORABLE ROBERT H. FINCH, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, AT THE ARIZONA STATE UNIVERSITY COMMENCEMENT, JUNE 2, 1970

> It is my purpose this evening to attempt to put the immediate into the longer-view perspective of our entire experience as a people. And I want to make some affirmations and reaffirmations, before we're done, of an intensely personal nature.
>
> By tradition, commencement addresses take note of the times in which we live, and of the Nation's deep dependence on our colleges and universities. Never have these two themes been more relevant than they are today.
>
> Four weeks ago, Cambodia, Kent State, and Jackson State for most of us were just names. Now they are powerful symbols, and they have unleashed forces that may shake and transform the American political system. Headlines tell part of the story—six young Americans dead, scores of others injured, several hundred colleges and universities closed

down . . . an episode wholly without precedent in the Nation's history.

And behind the headlines there is rage and bitterness . . . uncertainty . . . and yet a passionate conviction that these events *will not* have been in vain. I visited Kent State, I held a long conversation with President Peoples of Jackson State, and these are indeed stunned communities. Hundreds of academic delegations—students, faculty, administrators—have come to Washington, and scores have come to my office, for long and searching conversations. Out of this ongoing dialogue has come fuller understanding on my own part, and I hope on theirs. The lines of communication are now open, but they must remain open and be improved.

Still further behind the headlines there have been other events and other lessons. From both extremes, the rhetoric has become inflamed . . . and inflammatory. Words *do* have consequences, and sometimes they lead beyond anger to tragedy.

From the left, we hear that "the system" is totally corrupt, that it must be brought down. From the right, it's "trouble-makers" and "outside agitators" who are to blame. Neither extreme helps to describe events—they simply perpetuate apocalyptic myths. And both, on any scale of reason, represent "cop outs."

But new changes are taking place as well. The great, diverse center has been catalyzed. There is a growing unity on many campuses, a drawing together of students, faculty, and administrators. And substantial numbers of concerned and moderate students have signaled that they are becoming fiercely committed to involvement in politics . . . *within* the system.

They are being joined by others, young and old, who find to their amazement that they have interests in common with students. Some would point to environmental concerns, to the reordering of the Nation's priorities, to the more rapid fulfillment of our commitment to racial justice.

And on the other side of the coin—disturbing signs, but no less part of the picture—old fault-lines are widening, between young and old and between town and gown . . . and also within the generations. The cleavage is both vertical and horizontal. It cuts many different ways.

Some might be tempted to play down these past few weeks—to write them off as another round of student unrest, or a particularly vigorous outbreak of spring fever. Or they might be characterized with such words as "revolt" and "revolution." Both views, I think, are wrong. The one suggests we have nothing to be concerned about . . . the other, that it is too late to be concerned at all.

It is time, instead, to face hard reality . . . to admit to ourselves the sheer fact that much *has* changed, both on and off the campus . . . and to begin engaging in the compassionate criticism that leads to constructive action.

I would like first to address some remarks to those of you who are not students . . . for it is time to understand who students are and what they want. It is time to be very careful and very discriminating about the role we think our students, and our colleges and universities, should play in our national life. It is time for reason, and sanity, and fine distinctions.

To begin with, let's all remember that students are not some sort of aliens traveling on false passports—but our *own* children, and the products of our laws, values, and customs. Let us examine our views and practices—before discrediting theirs. Let us never make them the scapegoats for our own anxieties and fears.

Indeed, it is not easy for those who have struggled against economic adversity to understand others who seem blithely unconcerned about "making it" and whose life-style outrages accepted senses of decency. But adversity, let's remember, wears many faces. It can come in the form of draft notices and rejection slips as well as overdue bills. It can come in the absence of draft notices among those who know themselves to be privileged, and feel guilty because of it. And it can come in the incessant pressure for grades and degrees and credentials.

We must also recognize that today's students are ready to sacrifice—that indeed they have laid on the line their academic standing, their career-hopes, even their physical safety, for their beliefs. They have demonstrated courage . . . and staying power.

It is perfectly true that students have no monopoly on wisdom. They did not suddenly "discover" war, or hunger, or poverty, or discrimination. But, as it always has been through history, they are the least able to compromise with injustice. They have no tolerance for race hatreds. They have no patience with the deferral of burning problems.

The war *is* the issue for many of them—and many simply do not believe, as I do, that the Cambodian operation will shorten the war and speed the troop withdrawal. But that really is not the core of the issue: it is not the war they want brought home, it is the peace. They want to get on with the works of social renewal.

We should take students seriously, not because they are future voters or because they pose a threat to democratic process—*but because they help voice the Nation's conscience*. It slanders an entire generation to confuse a militant fringe with the vast preponderance of deeply concerned, genuinely motivated young citizens—and it throws them into the extremists' arms.

Last week in Oregon, it was the voters who lashed out—and not against individuals but against all young people, 19-to-21, who might have become voting citizens. This, in my view, was wrong . . . dead wrong. If backlash played a part, this was the wrong reason.

As I have argued for 25 years in public life, young people should have the vote—and they should have it not as a reward or as some sort of "sop". They should have the vote because they constitute a valuable resource that should be brought into our councils of state, and into the democratic process.

In other States, colleges and universities themselves have become the victim of backlash—as if the problems of our society were somehow caused by the academic community and as if that community should be punished for having failed to solve them. It would be sheer disaster if rejected bond issues and a drying up of alumni support were to bring our colleges and universities, both private and public, to their knees.

I sometimes wonder if any of us appreciates the incredible burden we routinely put upon the university. We ask that it serve many masters—government, business, the church, to name but a few—and protect its basic integrity at the same time. We ask our campuses to be centers of innovation, criticism, and creativity—the bulwarks of an exciting, pluralistic national life. We ask them to remain in some sense above the battle, and yet to dig down into the agenda of unresolved social problems. And then we turn on them, with frustration and anger, when they become focal points for all the conflicts and tensions that rage across the face of this society. This form of backlash is mindless and irrational—and it is, in the ultimate sense, self-defeating.

So let us all cultivate a sense of perspective and balance about students and the academic community—and get on with the business of making *their* concerns the *Nation's* concerns.

Up to now, my remarks have largely been addressed across the generation gap, and across the barrier between town and gown—but now let me shift emphasis. I want to speak more directly to you men and women of the graduating classes—not with a pretentious guru-like ultimate wisdom, but in terms of my hopes and profound concerns, and of ideals as well.

Because it is so much in the public mind, let me begin with the so-called "Princeton Plan"—rescheduling the academic calendar so that students can have time off next fall to engage in the political process. In principle, of course, this is what we all should be doing—working within the system for candidates and issues of our choice.

Yet there can be no one formula. The Princeton Plan may be right for Princeton, and that is a decision for that academic community to make. For others, it may be "work-study" projects. There are as many possibilities as there are institutions—and in providing options for everyone, we must also include the individual who chooses not to commit himself to political action.

Nor, in broadening the channels of political expression, should we stop with students. What about housewives and businessmen, policemen and firemen, teachers and government workers? We should be thinking about greater opportunities for all to participate.

For those of you who do intend to get involved, I know you already understand that politics is a demanding and persistent pursuit. It is arduous, and there is much drudgery in it. Influence comes hard—step by step, in relatively small increments—and it comes only to those who are willing to endure the rigors of the process.

This means that "two week wonders" will not make much of a dent. There should be no expectations of easy or instant victories. Out on the hustings, you will meet with deep resistance. You will find that voting habits are deeply engrained—that "single issue" politics comes up hard against local concerns, and competing issues, and strong egos with personal followings.

And you will find no unanimity among the electorate on the issues that you see as absolutely vital and transparently clear. There will be some victories—and some defeats.

Thus you must resist the notion that if you stand in the middle of the campus quadrangle or out in the streets and blow your trumpet loud enough, the walls will come tumbling down. Political victories are made of far more than noble causes . . . or fiery rhetoric.

The real choices never quite boil down to the simple extremes of making either love or war, uniting or dying, being either Red or dead, or making just guns or just butter. Politics requires a sacrifice far harder than that of time—it requires that you sacrifice the reassuring formulas that tell you, "don't worry about the alternatives, you are absolutely right".

And I would ask you to think very hard about the point at which sacrificing yourselves to the demands of conscience amounts to self-destruction. There is a point where moral imperatives become so black and white that the alternatives are narrowed to passivity on the one hand, or violence on the other. In the personal histories of the young, we have seen too many cases of just this regression—from an intense passion for justice, to acts wholly without the sense of compassion on which all human justice ultimately depends.

You must also resist the tendency toward moral arrogance. Frankly, it turns off many of your potential allies—many of whom have fought long and hard for the things you want, and have the battle-scars to prove it.

I would ask, too, that you never forget the need for tolerance—in politics, in society, and on the campus as well. There are disturbing trends at work already, and important questions are being ignored. Are the rights of

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students who simply want to go to class being abused? Are students with no financial pinch of any sort forcing others less advantaged to make unreasonable sacrifices? Are students asking their institutions to make commitments which, instead, they should themselves be making?

Freedom, in the open forum of the campus and as a principle of political and social life, is *twice* significant—once in the fight to attain it, and again, in the use that is made of it. If our enjoyment of freedom contemplates denying it to others, we will end up "freeing" ourselves right into 1984!

These are some of the thoughts I would leave with you. But the really important question only you can answer—and that is, *what do you want to become?* For some the question should be posed in its sharpest and most painful form: are you opting to become members of this society at all, to share in its culture and its institutions, to assume responsibility for the follies and tragedies as well as the achievements of our Nation?

I profoundly trust you will say "yes"—that with deepening perception and lengthening perspective, you will discover and rediscover your answers. But for each of you it has to be your answer. Meaning in life is not something you stumble on, like the prize in a treasure hunt. It is not something you find stashed away in the bottom of whatever "single issue" bag you may jump into. It is not something that heroes or hero-worship simply give you.

You build it out of your schooling, out of affections and loyalties—out of the experience of mankind as it is passed on to you. You build meaning out of defeats as well as victories, and out of the things and the people you love.

This past Sunday, in an East Coast newspaper, a history professor at a leading Rocky Mountain university expressed this thought with particular eloquence. Let me read a portion of his message:

"Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years. He is the product of three thousand years of the development of mankind—and throughout these years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered."

For me, meaning has come in the pursuit of the political craft. But it can come in many ways, in many callings. Making our society work certainly does not mean that all of you will have to be full-time politicians for the course of your lives. If indeed your life *has* meaning, you will develop the balance that comes from richness and variety of experience. And then you will be able to weigh in on political issues with the kind of moral sensitivity and tough-minded judgment that our society so desperately needs.

Had this been an open dialogue rather than a formal address, one of you would surely have asked by now—But can we afford a longer view? Can we really trust that our elders will have the competence to let us survive long enough to live as you suggest?

My answer is of the most realistic sort—How can you possibly afford *not* to? It may be hard just now to have faith in the continuity and resourcefulness of our society—in old and young, students and non-students, working together. But it is a faith immeasurably worth finding.

Genuinely and without complacency . . . I think I see, arising from recent turmoil, new signs of sanity—impatience with extreme rhetoric, rededication to working within legitimate channels, and a rediscovery of the potency of the democratic process. And this sense of continuity is absolutely basic. No matter what we do, our waters and air will not be cleaned in a year or two—*but they might be in ten, if we work at it.* No matter what we do, we cannot establish racial justice or redesign our society in a year or two—but I promise you, if you stay in the fight for ten years, *you will change the face of American politics.* In the lifetime of a planet or a Nation, or a generation, ten years is not too long to work.

And, of course, the Nation's problems never will be solved—once and for all, and for all time. Utopias are hard to come by. As soon as one agency is resolved, another will emerge, and yet another. But I think we can perceive a steady escalation in the plateau upon which and from which we operate—so that, always, we move from strength to greater strength . . . from justice to more nearly perfect justice. Indeed, in the sum, that really has been the American experience.

When historians write of this fantastic age, they may say, with Dickens:

"It was the best of times, it was the worst of times; everything was over, and yet everything was just beginning."

But we must say:

We were there—and we wouldn't have missed it. Our lives had meaning. And we made a difference!

VALEDICTORY ADDRESS AT PRINCETON UNIVERSITY COMMENCEMENT EXERCISES

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. PREYER of North Carolina. Mr. Speaker, I had the opportunity to attend the Princeton University commencement exercises on June 9. I was most impressed by the valedictory address delivered by Raymond J. Gibbons, a 20-year-old senior from Wood Ridge, N.J. It demonstrates a sense of balance which we do not credit our students with possessing. Valedictorian Gibbons, who majored in aerospace and mechanical sciences, is one of the class of 1970's three Rhodes scholars and is a former youth governor of New Jersey. Next year at Oxford University he will carry forward advanced study in physics and the humanities. His address follows:

VALEDICTORY ADDRESS

President Goheen; honored guests; members of the faculty; parents, friends and members of the Class of 1970:

These are not easy circumstances in which to deliver a valedictory address. Our nation is divided at all levels as never before in our short lives. Students and parents debate the value of the strike, construction workers battle antiwar forces in the streets of New York, the executive and legislative branches of the government question each other's authority. Voices are raised, tempers are aroused, the language on both sides grows more vehement, and, yes, even guns are fired, in Ohio, in Georgia, and in Mississippi. The appeals to love of country, on the one hand, and to conscience on the other grow ever more fervent, so that suddenly the peace symbol and the American flag are standards held far apart by their respective bearers, and everyone is urged to choose his side. Violence—whether by students, National Guardsmen, or construction workers—whether at home, in the Middle East, or in Southeast Asia—seems to be more and more an accepted phenomenon.

These are times of confrontation, rather than cooperation; of rhetoric, rather than dialogue; of self-righteousness, rather than understanding. In an atmosphere where the decision to wear a cap and gown or an armband is suddenly politically significant, the educational achievements of valedictorians may not particularly qualify them to comment on the times. Yet any apolitical farewell address delivered on this occasion would be a peculiar anachronism.

The first five months of this decade have intensified the frustration which characterized most of the 1960's. The past decade began with the hope of racial equality, of prosperity for all, of peace. It began with the exhortation of a youthful, vibrant John F. Kennedy: "Ask not what your country can do for you, but what you can do for your country." This new decade begins with the knowledge that Fred Hampton and Mark Clark did not fire on the police whose gunfire killed them in Chicago, and that their fellow Black Panthers, skeptical of the legal machinery, are unwilling to assist it in achieving justice. It begins with an unsteady economy in which inflation affects everyone and unemployment threatens the lower income brackets. It begins with the longest, costliest war in our history still in progress, despite the desire of everyone for disengagement in some form.

It begins with many of our best educational institutions on "strike," whether from conscience, fear, or violence, and many buildings on fire. It begins without John F. Kennedy, or his brother, or Medgar Evers, or Martin Luther King, or thousands of young Americans, Vietnamese, Arabs, or Israelis. Finally, it begins with many holding conflicting ideas of what they and everyone else should do for their country and little tolerance or understanding for any other viewpoint.

America as a whole, and my generation in particular, had rising expectations which have not been satisfied. There has been frustration; to a large degree, this has produced the many demonstrations, much disruption, and considerable violence of the past decade. As a result, to justify every disorder, whatever its nature or consequences, by its cause is one popular approach. On the other hand, the reaction to disorder has given support to those who would condemn and suppress it in the name of law and order without even considering its origins. It seems that more and more persons feel compelled to choose one of these two stances. In good conscience, I can accept neither, and pray that others also will not. To do so is to contribute to the deepening division in this country, to line up on one side in the confrontation of young versus old, black versus white, north versus south, the radical versus the system. To do so is to be true neither to the American flag and the Country it represents nor to the peace symbol and the concept it depicts.

We all wish an end to both frustration and violence, an end to racism, poverty, war and pollution. To enlist the support of the many persons in this country who share these concerns, they must be communicated rationally and constructively to the world beyond. It is clear that this often has not been done. The Vietcong flags, obscenities, and violence of a few have made headlines and alienated many. They have generated overwhelming emotional reactions in the general public which have negated any rational consideration of the serious issues of our time. Fear and distrust of the young, the long-haired and the black have often been reflected at the polls. In 1968, the Presidential campaign was heavily flavored by the issue of law and order and nearly 10 million voters were recorded for George Wallace. In 1969, 58% of the voters in New York City supported two basically law-and-order mayoral candidates in the supposedly liberal Northeast. In 1969 in New Jersey and in Ohio and recently in Oregon, clear majorities voted against suffrage for young voters.

All too often the issue in the minds of many has become whether they are for order, traditional values, and the government or for anarchy, communism, and SDS. The deep concerns and serious moral stands of large numbers of students have often been obscured and their political effect nearly negated. Already inadequate lines of communication have been steadily weakened on the one hand by each new disruption and, on the other, by each new speech by the Vice President.

These lines must be reestablished. The recent involvement of many persons on this campus in the electoral process, as exemplified by the Movement for a New Congress and the modification of next fall's academic calendar, cannot but do so. Indeed, the personal exchange of ideas through canvassing may in the long term be more significant than the successful election of candidates. Such constructive efforts must become the rule, rather than the exception, not only for electoral movements, but also for individuals within their own families and communities, not only between voters and canvassers, but also between parents and their children, between alumni and students, and between academics and nonacademics.

Many will be neither dedicated nor energetic enough for the task at hand. It is neither quick nor easy, for years of neglect have taken their toll on both sides. Unfortunately, it will be much more convenient to be self-righteous, rather than understanding; to engage in rhetoric, rather than dialogue; to recognize the differences among men, rather than the common characteristics which unite all men as brothers. Moreover, the pace of progress will never match the immediacy of the problems.

But the campaign must be begun, not in the name of America or of peace, but in the name of, and for the sake of, both. To offer assurance of success would be to ignore the events of the past decade. But these same events should provide more than sufficient motivation, for the consequences of either inaction or radicalism are both obvious and ominous.

Thank you very much.

MRS. LOIS FUGLER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. PICKLE. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding public servant from my State—Mrs. Lois M. Fugler. Mrs. Fugler will retire on July 31, 1970, after 42 years of service to her fellow man, and it would seem fitting that her contributions should not go unrecognized.

Any time my office would call for assistance—and we did many times—we always received prompt, efficient, and accurate information. Always, Mrs. Fugler would be quick to give others in her office credit for such assistance; never did she ask for the spotlight herself.

Mr. Speaker, to my thinking, Lois Fugler is a rare public official. She has invested a lifetime of service to others, asking nothing in return. She is one of the giants in public service and an inspiration to everyone who serves in government. I am pleased to join her many, many friends in paying her this tribute.

Mrs. Fugler began her career out of necessity. Early in life she was left with three small children by the death of her husband, who himself was an outstanding Texas public figure. She joined the Texas Highway Department as a file clerk, soon rose in rank, and then ran for and won the position of calendar clerk for the 39th and 40th legislatures in Texas.

When the veterans State service office for Texas was created in 1928 she was made its first secretary and later promoted to executive secretary and office manager. In 1938 due to her outstanding performance of duty Mrs. Fugler was recommended to the Administrator of Veterans' Affairs, Washington, D.C., by the veterans State service office manager, Veterans' Administration regional office, San Antonio, Tex., and the department adjutant, the American Legion, Department of Texas, for official recognition as an accredited representative with authority to represent all veterans before the Veterans' Administration rating boards. She was the first woman in the State of Texas to receive such recognition. At this time she was considered, by those in position to judge, to be one of the best qualified and informed women in the United States on veterans affairs, and to be the best qualified and informed woman in the State of Texas on veterans matters.

On January 15, 1946, Mrs. Fugler was appointed assistant veterans county service officer of Travis County, Tex., and served in this capacity until September 11, 1961. As the assistant veterans county service officer she was cited three times in resolutions by the Texas Legislature, Congress of the United States, and by joint resolution of the Disabled American Veterans, the American Legion, and Veterans of Foreign Wars for her unselfish devotion to the service of veterans and their problems. This devotion has made her known and loved by more veterans and their families than any other lady in Texas.

Mrs. Fugler was appointed the veterans county service officer of Travis County, Tex., on September 11, 1961, and continues to serve in that position with distinction. Mrs. Fugler will retire from this position July 31, 1970, culminating 42 years of devoted service in her chosen field. On October 2, 1961, she was cited as the outstanding business and professional woman of the year by the Austin chapter of the Texas Federation of Business and Professional Women's Clubs, Inc.

Mrs. Fugler is one of Texas' most distinguished citizens. Hers is a story of courage, determination, and success. For, during the 42 years that she has been working in veterans service work she has overcome personal loss and sacrifice to extend a helping hand and an understanding heart to thousands of veterans and their families.

It was largely through her work and inspiration that the statue commemorating the war dead of Travis County, Tex., was erected near the State capitol grounds. She has stated that she knows every Gold Star mother who helped make this memorial a reality looks upon it as a tribute to a son lost in the war. To Mrs. Fugler the bronze young soldier is her oldest son, Virgil Fugler, Jr. He and his entire bomber crew lost their lives over New Guinea during World War II.

AMBASSADOR HABIB'S REMARKS OF FEBRUARY 26, 1970, AT THE NEW PARIS MEETINGS ON VIETNAM DISCUSSING OUR POW'S

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ADAIR. Mr. Speaker, once again I rise to point out the obvious. No progress has been made in securing just treatment for our prisoners of war in North Vietnam. The North Vietnamese delegation in Paris is certainly under no illusion in this regard. Ambassador Habib has made our position quite clear. Therefore, I commend his statement of February 26, which I thought was particularly forceful, to the attention of my colleagues:

TEXT OF AMBASSADOR HABIB'S REMARKS

First remarks by Ambassador Habib: Ladies and Gentlemen:

Today in the interest of meaningful negotiations, I propose we discuss the problem of prisoners of war, a specific issue which should be resolved without delay. Both sides in the Viet-Nam war hold prisoners of war. On both sides, men are missing in action. The treatment and the fate of these men are practical issues on which agreement should and can be easily reached.

We have sought to discuss with you the standards of treatment applied to prisoners of war on both sides. For our part, the humanitarian provisions of the 1949 Geneva Convention serve as the basis for treatment of prisoners of war held by our side.

We have also tried to discuss with you the release of sick and wounded prisoners of war as well as the more general release of all prisoners of war. President Nixon, in his foreign policy report of February 18, reaffirmed "Our readiness to proceed at once to arrangements for the release of prisoners of war on both sides." For our part, we see no reason why early agreement should not be possible on the release of all prisoners of war.

One of the most pressing aspects of the problem of men missing in action is that families on both sides are anxious to know whether their men are alive or not. This, too, is a problem easily resolved through a system of immediate identification of prisoners held by each side. Our side has notified the International Committee of the Red Cross of the names of prisoners of war we hold.

These are problems, as I said, which each side faces. If you are prepared to discuss these issues in a practical way, I am confident we can resolve them. We are ready to begin such a discussion today.

* * * * *

Second remarks by Ambassador Habib: Ladies and Gentlemen:

The repetition by your side of erroneous allegations and misconceptions with regard to U.S. policy is not a substitute for meaningful discussion of specific issues. Last week at the 55th Plenary Session, we sought to concentrate your attention and our discussion on some of the fundamental issues. At that time we answered your relevant questions and set forth a basis for meaningful discussion of those questions. Having done that, today again we seek to determine what mutual actions can be taken with regard to a particular important question—prisoners of war—so as to make progress at these meetings. How can it be considered useless—as a spokesman on your side said—to discuss such an important matter? What is it superfluous—as another of your spokesmen said—to discuss the matter? Discussion of the question of prisoners of war is neither useless nor superfluous. It is urgent.

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Third remarks by Ambassador Habib: Ladies and Gentlemen:

You appear to object to discussion of relevant issues in some reasonable way. Polemics do not satisfy the needs of meaningful negotiation nor do polemic questions. Let me set forth here once again our position on the issue of withdrawal of forces and on the question of a political settlement. With respect to withdrawal of forces, you repeatedly ask when the United States will agree to the unconditional and total withdrawal of U.S. and allied forces. This is not a serious proposal. It continues to demand action on our part without any indication of what you are prepared to do about North Vietnamese forces in South Viet Nam. For this reason it is unacceptable. Let me make this clear: The U.S. does not accept your demand that it alone withdraw its forces, leaving North Vietnamese troops in South Viet-Nam free to carry out their armed aggression.

We have many times said here that we are willing to see the complete withdrawal of all outside forces from South Viet-Nam.

You continually ask when the United States will agree to overthrow the government of the Republic of Viet-Nam. That is not serious negotiation. It simply underlines your unreasonable refusal to negotiate with one of the parties with whom you agreed to meet in order to work out a peaceful settlement.

As to the question of a political settlement, we have no intention of trying to overthrow the Government of the Republic of Viet-Nam. We have no intention of imposing any form of government on the people of South Viet-Nam, nor will we be a party to such coercion. We are prepared to accept any government in South Viet-Nam that results from the free choice of the South Vietnamese people. In that spirit, we fully support President Thieu's proposals for free and fair elections and his unconditional offer to discuss a political solution with your side.

In his report to the Congress on foreign policy of February 18, President Nixon recalled the following: "On May 14 I made a number of far-reaching proposals for a settlement. They included a mutual withdrawal of all non-South Vietnamese forces from South Viet Nam and internationally supervised free elections." The President indicated in his report that the proposals he made on May 14 still stand, and that they offer all parties an opportunity to end the war quickly and on an equitable basis.

Now let me return to the question of prisoners of war, a subject that you seek to avoid discussing.

Let me call your attention to the fact that on February 18 the United States Senate, by a unanimous vote, adopted a resolution concerning prisoners of war. The House of Representatives had earlier passed an identical resolution—also by a unanimous vote.

Let me read the operative portion of that resolution: "... The Congress strongly protests the treatment of United States servicemen held prisoner by North Viet-Nam and the National Liberation Front of South Viet-Nam, calls on them to comply with the requirement of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war."

For more than five years, your side has been assuring the world that American prisoners of war in Viet-Nam are treated humanely. You have adhered to that position here, despite extensive proof, including the statements of eyewitnesses and photographs, that the treatment accorded American prisoners does not meet internationally accepted standards.

This is true both in North Viet-Nam and in South Viet-Nam. For example, Lieutenant Frishman and Seaman Hegdahl described conditions in camps in Hanoi where they had been held which scarcely correspond to what most of the world accepts as "humane treatment." Major Rowe and Specialist Van Putten, who escaped after years in prison camps in South Viet Nam, reported that they were there subjected to long periods of isolated confinement during which they were, for much of the time, locked in irons. That is not what the world regards as "humane treatment." Similar reports have been received from South Vietnamese who have escaped from your prisoner of war camps.

If you really treat prisoners of war humanely, why do you refuse to allow access to them by impartial observers such as the International Committee of the Red Cross?

If you treat prisoners of war humanely, why do you refuse to identify the prisoners of war you hold? If you treat prisoners humanely, what have you to say about a regular flow of mail between the prisoners and their families?

If you treat prisoners humanely, what are you willing to do with respect to mutual release of sick and wounded prisoners?

* * * * *

Fourth remarks by Ambassador Habib:

I would simply have this to say about Laos: you cannot cover up the truth about Laos with your charges of United States' aggression. The fact is that over 50,000 North Vietnamese troops are in Laos in violation of the 1962 Geneva Agreements, and they thereby threaten the survival of Laos. Prime Minister Souvanna Phouma has repeatedly condemned the presence of North Vietnamese forces in his country and their aggressive activities there.

Having said that, let me return again to the question of prisoners of war. You continue to avoid discussion of the questions we raised with respect to prisoners of war. Therefore, let me see if you are willing to clarify your own position in this regard. You have often spoken of humane treatment accorded to prisoners you hold. Can you describe that humane treatment and relate it to the standards accepted by all civilized nations?

* * * * *

Fifth remarks by Ambassador Habib:

You are obviously avoiding clarifying your own positions on what constitutes humanitarian treatment of prisoners of war. Well, let us see if we can secure that clarification. Let us take one item which is a part of humanitarian treatment and is so accepted by all civilized nations.

You have said in the past that American prisoners are permitted to receive mail and packages and to correspond with their families on a regular basis.

As I have said before, families are now sending letters and packages to prisoners of war held in North Viet-Nam on a regular schedule as announced by your authorities. In turn, they are expecting letters from the prisoners on a monthly basis as promised. So far, however, their expectations have not been met.

As for American prisoners of war held in South Viet-Nam, we note that at the 53rd Plenary Session your side referred to statements which were made as long ago as October 1965 and May 1967 and which, among other things, state that American prisoners of war held in South Viet-Nam are permitted to correspond with their families. Yet, in all these years, not one single letter has ever been received from any of these prisoners of war. The families of these men have tried over the years to send packages and letters to them but have had no acknowledgement that any of this mail has actually been delivered to the prisoners of war.

Will you confirm that prisoners held in South Viet-Nam can now, in fact, correspond with their families and receive mail and packages? If so, what instruction should families be given for sending letters and packages to their men held in South Viet-Nam?

As we seek clarification of your position on treatment of prisoners of war, we hope that the answers to these questions and clarification of your attitude on those other standards of international practices previously mentioned will be provided.

* * * * *

Sixth remarks by Ambassador Habib: Ladies and Gentlemen:

Your continued refusal even to discuss the question of prisoners of war leads me to the regrettable conclusion that on this issue, as on other questions basic to a settlement, you are not yet ready to engage in serious negotiation.

It is not only that you avoid discussions of our proposals; you seem also desirous of avoiding discussion and clarification of your own position. It is also apparent, from your attitude, that you seek to use the prisoners as a means of applying pressure on the United States for an overall settlement. Let me just say on this point that this cruel attempt at playing upon the anxiety and anguish of the families of missing or captured men is entirely condemned by public opinion in the United States and elsewhere. We must also draw the conclusion from the evidence we have and from your actions here that you do not in fact live up to elemental standards of humanitarian treatment either for the prisoners or for the families of those who are missing or captured.

At the same time, you fail to live up to the obligations which you undertook in the 1949 Geneva Convention on prisoners of war.

As President Nixon stated in his report of February 18, "This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on humane treatment for prisoners of war."

"DELTA QUEEN" DESERVES THE CONSIDERATION OF THE CONGRESS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ALEXANDER. Mr. Speaker, we have spent a great deal of money in this Nation building and developing museums to preserve bits and pieces of our heritage and history. I am in complete agreement with these efforts for the meaning to future generations can be immeasurable.

It seems inconsistent to me, however, that we should by legislative edict consign to inactivity one of the last operating reminders of our river heritage in this Nation. The *Delta Queen,* which still plies the Mississippi and Ohio Rivers on multiday trips, is now making its last voyage unless we in the Congress grant it a reprieve.

It is true that the *Delta Queen* does not meet the fire standards established

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2 years ago for deepwater vessels. But it is folly to compare the *Delta Queen* with oceangoing vessels. This impressive and historic vessel is at all times within 4 minutes of land. We know this and the passengers know this.

In short, Mr. Speaker, I think the *Delta Queen* deserves the consideration of the Congress. I have introduced a bill, H.R. 17515, which would allow the *Delta Queen* to continue sailing. Others in the Congress have introduced similar legislation. But time is growing short. If the *Delta Queen* is not to die by congressional silence, then hearings must be held in the very near future and the Members of the House given the opportunity to voice their views.

The plight of the *Delta Queen* has received national attention. Uniformly, the plea of newspaper editorials and private letters has been to let the *Delta Queen* continue its voyages. Because of their relevance to this issue, I include at this point in the RECORD articles from four respected newspapers on the *Delta Queen:*

[From the Los Angeles Times Syndicate, June 6–7, 1970]

GOD SAVE THE "QUEEN"

(By Jenkin Lloyd Jones)

Unless Congress does something between now and November 2 the Delta Queen, the last real packet on the Mississippi River system, gets the ax from Uncle Sam.

The reason is ridiculous. A government agency has directed that the "safety-at-sea" regulations, which outlaw any ship carrying more than 50 overnight passengers if it is not built entirely out of steel, must apply to riverboats as well.

For four years the Delta Queen has been operating under a temporary congressional reprieve. The Queen's hull is steel. But its superstructure, in the tradition of riverboats, is wood. The noble curved staircase is mahogany trimmed with brass. The deck is hand-pegged ironwood. The 28-foot stern wheel is made of planking and the cabins are panelled in oak.

The Greene Line of Cincinnati, which sends the Delta Queen on cruises down the Ohio and Mississippi and up the Tennessee and Cumberland, has made a valiant effort to meet the government demands.

Only two shipyards even bid on plans for an all-steel, diesel-electric monstrosity. The estimated cost was $10 million. Not many American river-lovers could afford the fares necessary to amortize such an investment.

The safety-at-sea regulations were designed to protect passengers hundreds of miles from land and hours from help. A riverboat runs between river banks. Sure, there's some fire danger in wooden superstructure. There is also a little danger in stacking up ten 707's over O'Hare on a night when the birds are walking. There's some danger in walking the streets of Washington in daylight.

To knock off the Delta Queen because of a law designed for ocean liners would be like pulling down the Tower of London because it doesn't meet city fire escape regulations for public places.

No one would think of allowing passengers to hang on the outside of a New York City bus, but people hang all over San Francisco's wonderful cable cars. If we are going to keep any flavor in America, somewhere there must be an area of common sense.

The Delta Queen, as all river buffs know, was not born to the inland rivers at all. She started life in 1926 on the overnight Sacramento-San Francisco run. Still, she looks like a riverboat except to us purists who would prefer the pilot house farther aft behind twin smokestacks abreast. She has a calliope, so she's really a hybrid of the Eclipse and the Cotton Blossom.

The Delta Queen goes eight miles an hour. She would drive the jet set bats. In his "Life on the Mississippi" Mark Twain claims that he served as pilot on the John J. Roe, a boat so slow that they changed watches three times in a five-mile stretch. When the boat finally sank, he swore it was five years before the owner heard of it.

Even the Robert E. Lee, in its record-breaking 1870 race with the Natchez, took three days, 18 hours and 14 minutes to run the 1,218 miles from New Orleans to St. Louis.

The river is not for speed, but for an experience unlike any other travel adventure. On a boat breasting a stiff current go-go types glare at the banks and chew their nails. River-lovers are relaxed. Steamboat captain Fred Way puts it this way:

"They exist on a continent of their own, secure and steadfast; the boat is stationary; the shores do the moving, advancing, sliding by, retreating. The mountains slide apart and close again. You will wonder as you step ashore, suitcase in hand, whether you are entering the world of reality or departing from it."

I never rode the Delta Queen, although I've been aboard her at Cincinnati and New Orleans. But once I helped pilot 600 feet of gasoline barges from Louisville to Baton Rouge and by the time the five days ended I was a mainline addict.

The Ohio and the Mississippi above Alton are a series of beautiful slackwater lakes divided by dams and locks. But the lower Mississippi is a fractious beast for which charts are useless—gnawing at Tennessee, building up Arkansas, eating islands, piling up reefs, cutting new chutes, leaving isolated oxbows.

Most of the time you float through utter wilderness, for the flood plain between the levees is chancy land, given over to cypress and cottonwood, mysterious pools and Spanish moss. Beyond the levees there may be cities and super roads and locomotive horns and people standing in line. The river hears only the call of the heron, the splash of the muskrat, and the gurgle of brown waters around the snag.

We need these things.

God save the Delta Queen.

[From the Cincinnati Post and Times Star, May 8, 1970]

GUEST EDITORIALS: "STEAMBOAT 'ROUND (LAST?) BEND"

(From the Christian Science Monitor)

We are saddened to hear that after a hundred and umpteen years, one of the most glamorous eras in American history is drawing near its close.

The Delta Queen, that last high-decked gingerbread-bedecked beauty of the once-mighty Mississippi riverboat fleet, will come 'round the bend no more after this summer unless there is special legislation in Congress.

The trouble is that antifire legislation, passed to protect ocean-going craft, will inadvertently beach the Delta Queen, even though river conditions minimize the fire danger. Only Congress can save her.

The Mississippi River boat is one of the few authentic tangible relics of the rip-roaring days of America's youth. Like the covered wagon, the cattle drive, the sod cabin, the riverboat instantly calls to mind days now bathed in the golden haze of historical imagination.

Even if, as one riverboat skipper says, Mark Twain was only an amateur river pilot, he still speaks to a hundred million American males.

We therefore wish to join the growing number of other American newspapers which have called upon Congress to find ways of saving a boat upon whose decks we have always wished to travel but have not yet, alas, found time to do.

(From the Lexington Herald)

Thursday's race between the Belle of Louisville and the Delta Queen may be the last because of a problem not of the latter's own making.

That problem grows out of troubles that arose a long way from the Ohio and Mississippi rivers on which she travels. In 1966, after two disastrous fires aboard ships in the Atlantic Ocean, Congress passed a new ship safety act.

Since the Coast Guard classifies the Delta Queen as an ocean-going vessel, and we suppose she could go on the ocean if she wanted to, she has to meet the standards of that act.

Unfortunately, her 44-year-old superstructure simply doesn't meet the fire safety standards. As a result, this is her last summer unless Congress gives her an exception.

According to the Delta Queen's owners, fire isn't the threat on a river boat that it is on a ship out in the middle of the ocean. The Delta Queen is never very far from shore, four minutes at most according to her crew, and she could be run aground if fire broke out.

If that's right, Congress ought to do what is necessary to give the old ship a reprieve. Maybe we have a hangup about the past that leads us to oppose saying goodby to such things as river boats and passenger trains. But we like the Delta Queen just as we fancy the Belle.

[From the New Orleans (La.) Times-Picayune, Apr. 27, 1970]

EXEMPTING THE OLD STERNWHEELER

The last of the river sternwheelers, the Delta Queen, an historic vessel well-known in New Orleans, may get a reprieve after all from law which would banish her.

To protect passengers of cruise ships on the high seas, the Safety at Sea Act was voted by Congress in 1966, but, equipped with safety devices though the Delta Queen is, she can't meet the specifications of the law drafted for sea-going ships.

Two two-year exemptions were granted to the Delta Queen by Congress and now a bill by Rep. Leonor Sullivan of St. Louis would provide perpetual exemption. An alternative faced by the vessel if the measure fails of adoption is to enter service on Brazil's Amazon River.

But rugged going is not unknown to the 1,837-ton Delta Queen which was built in Scotland, 46 years ago. After use on the Sacramento River and then used by the Navy to ferry troops in San Francisco Bay during World War II, she came to the Mississippi via the Panama Canal.

If Congress has been willing to say on two occasions that the sternwheeler should be exempt from the Safety at Sea Act, a reiteration for keeps seems reasonable to expect.

[From the Courier-Journal, Apr. 30, 1970]

STEAMBOAT RACE: A YOUNG TRADITION CONGRESS CAN SAVE

The most imaginative addition to Derby Week festivities in recent years came in 1963 with the inauguration of the Great Old Time Steamboat Race between Louisville's own Belle and the Delta Queen of Cincinnati.

Each year since then, except in 1967 when the race wasn't held, thousands of Derby visitors and Louisvillians and our neighbors have lined the banks of the Ohio to cheer their favorite as the two mighty paddle-wheelers churned upstream and back, each captain straining his boilers to win the golden antlers that symbolize supremacy on the river. The contest has received national attention and is an object of civic pride, even though the Belle has won the race only twice in six years.

But now the future of the competition is threatened. Unless Congress acts to exempt the Delta Queen from the Safety at Sea Act of 1966, today's race probably will be her last and a young tradition will not be permitted to mellow with age, as traditions should.

CLASSIFIED AS "OCEAN GOING"

The problem is that the Delta Queen doesn't meet the fire safety standards the law requires for ocean-going vessels, which is how she is classified by the Coast Guard. Her 44-year-old superstructure is made of wood, and is considered a fire hazard. She must conform to the new law by November or stop overnight operations. Her owners say this means that the Delta Queen will have to become an excursion boat like the Belle, which is not permitted to venture far from home, or perhaps a "floating restaurant," a sad end for a proud river queen.

Legislation to exempt the Delta Queen from the law has been sponsored in the House by Representative Leonor K. Sullivan of Missouri and in the Senate by William Saxbe of Ohio and Marlow W. Cook of Kentucky; Senator Cook was instrumental in purchasing the Belle of Louisville and establishing the steamboat race during his first term as Jefferson County judge.

There are good reasons for exempting the Delta Queen from the law. In the first place, the Delta Queen doesn't operate at sea even though she is classified as an "ocean-going vessel." And there is a considerable difference between the dangers of fire at sea and a fire on a river, where a boat can reach the shore quickly; the Delta Queen's owners say she is never more than four minutes from the shoreline wherever she steams.

So we hope that reason—as well as nostalgia for retaining worthwhile symbols of the past—will prevail, and that Congress will respond to the pleas of Representative Sullivan and Senators Cook and Saxbe. And may the Delta Queen thus continue to steam upon the rivers and, to be a trifle partisan, perhaps to lose to the Belle of Louisville more often than she has in the past.

BALTIC STATES SUFFER FOR 30 YEARS

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, June 15, 1970, marked the 30th anniversary of the Soviet invasion of Lithuania, Latvia, and Estonia, when these peace-loving republics lost their freedom and independence.

The Balts are proud people who have lived peacefully on the shores of the Baltic for many centuries. Because of their unfortunate geography, however, they have suffered from invasion of the Germans from the West and the Russians from the East. It is interesting to note that the Balts are not ethnically related to either the Germans or the Russians.

The Baltic people have suffered under the repression of the Soviet Union for the last 30 years but have continued to wage an intensive fight for freedom. Despite efforts to suppress the national traditions of these proud people, their spirit, and their devotion to the principles of justice and liberty have endured.

In 1966, the 89th Congress unanimously adopted House Concurrent Resolution 416. A copy of this resolution follows, and I respectfully urge the President to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all the peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the resolution of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest: RALPH R. ROBERTS,
Clerk.

The people of the Third District of Pennsylvania join me in saluting the people of Lithuania, Latvia, and Estonia and in expressing the hope that these courageous people will soon be free to determine their own political fate and to freely pursue the development of their cultural interests.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

VOCATIONAL EDUCATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ZWACH. Mr. Speaker, in all my years in the Minnesota Legislature and since I have been here in Congress, I have been a champion of vocational education.

I hold that every young person need not be a college graduate. Not all of them are comfortable to be in the academic world.

As the years go on we are finding an ever greater shortage in the vocational field. Skilled artisans are almost impossible to find.

Mr. Speaker, Minnesota has a developing system of vocational schools of which we are justly proud.

How these schools affect the areas in which they are located is illustrated in the following editorial from the Canby News edited by Richard S. Olson. I insert it in the RECORD at this time and urge its reading by my colleagues:

VOTECH IS IMPORTANT

We enjoy "harping" on this subject because it is getting more publicity during the past year than ever before and the subject is vocational-technical training and VoTech schools, which we are fortunate to have located in Canby.

The value of having a vocational school here is becoming more noticeable daily. The Governor's Conference on Vocational Technical education held recently in Minneapolis pointed this fact out.

The Vocational Technical Education Conference is one closely associated with the Department of Economic Development and one equally close to the heart of Commissioner J. Kimball Whitney. So it was not coincidental that he was one of the speakers at the meeting, which marked the 25th year of existence for Minnesota's vocational-technical education program.

"As you know," the Commissioner said, "1945 was the year that the Minnesota State Legislature wisely wedded industry, labor and government in a program designed primarily to train our post high school people for fuller, more productive lives. Every day we in the Department of Economic Development see what old-time relevancy means.

"We see the jobs that are created, the taxes that are paid, the growth that is accomplished because we have this marvelously flexible, well organized, very relevant vocational-technical education system."

The Minnesota vo-tech system has attained nationwide attention and businessmen from all over the country are amazed at the responsiveness of the program, which truly is unique.

For instance, industry is openly invited to request specific training when and where it is needed.

As Commissioner Whitney said, "This is not pie in the sky training."

Minnesota's vocational-technical people may even use the company's own machines and their own people to help in the training.

A key point the Commissioner made was this:

"Yesterday our Department personnel was discussing 20 active search files, that is, we were considering 20 different companies who wanted new or expanded facilities in Minnesota. Seventeen of these 20 have specifically requested information on vo-tech

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education. They wanted to be near an existing school. In some cases, companies won't even consider locating in towns that do not have vo-tech capabilities."

He cited the fact that Staples was able to attract a 3M machine shop simply because the vo-tech school was there to help staff the shop. And the Electric Machinery Manufacturing Company started its new 600-employee facility in St. Cloud with the vo-tech school there as the key factor in the decision.

This training program, now deeply entrenched in Minnesota's economic and industrial picture, is just another point in favor of industry locating here.

MILITARY GOVERNMENTS IN LATIN AMERICA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ROSENTHAL. Mr. Speaker, how should one interpret the new military regimes in Latin America? There are three possible interpretations. The first is Latin American backwardness. Second is the class explanation—tension between the ruling oligarchy and rising masses. The third is a more thoughtful explanation. The military juntas serve as protectors of the fragile institutions of government which are developing the economy while combating subversive movements.

Are the new military regimes of Latin America logical successors to earlier ineffectual attempts at democracy? The development of Latin American political structures is analogous to the development of vertical structures. It is based on a system of patronalismo—workers on the hacienda are in a patron-client style relationship. The great masses of poor, uneducated Latin Americans look to a dominant figure to guide them.

In order to better understand the new militarism in Latin America, the violent nature of the Latin American society must also be considered. Latin America has long been shackled by traditional institutions which have kept economic and social growth stagnant. Violence, then, has often been used as a shock device to break down these traditional structures.

As is clear now in several countries, the traditional Latin military government has been transformed into a new political force. The armed forces no longer simply intervene as an agent of the oligarchy, but rather have gone in to stay as representatives of the lower classes. The fact that most of the military officers originate from the same humble background of the masses lends authenticity to their claims of understanding social problems and seeking to institute social justice. The decline of confidence of the people in ostensibly liberal democracy has also served to mitigate resistance to the juntas.

This assumption of political responsibilities has resulted in certain problems for the military. The old notion that the military is above politics has been sacrificed. Military leaders have also lost a great deal of luster with the decision to use their power for traditional political ends.

One of the difficulties the United States faces in adjusting its foreign policy to the military governments in Latin America is distinguishing the new military regimes from the old traditional ones. Peru and Brazil are the most prominent examples of this distinction. Whereas Peru, the vanguard of the new militarism, has espoused ultra-nationalist policies which discourage foreign capital investment in favor of national industry, Brazil discriminates against their national industries in favor of internationalizing its economy.

Some of the points discussed above are explored in greater depth in a New York Times dispatch from Buenos Aires by Malcolm W. Browne. The article, which follows, was written before the challenge against President Juan Carlos Ongania by the Commanders in Chief of the Armed Forces of Argentina:

THE OUTLOOK FOR LATIN AMERICA: PERSISTENCE OF STRONGMAN RULE

(By Malcolm W. Browne)

BUENOS AIRES.—The rule of the strongman in Latin America, once thought to be on the decline, seems more pervasive than ever.

Widespread police excesses, including the torture of political prisoners, have been reported frequently. Newspapers in many Latin-American countries are suffering from repressive measures.

Power is concentrated in the hands of such men as Fidel Castro of Cuba; Dr. François Duvalier of Haiti; Gen. Emilio Médici of Brazil; Gen. Juan Velasco Alvarado of Peru; Brig. Gen. Omar Torrijos Herrera of Panama; Gen. Alfredo Ovando Candia of Bolivia; Gen. Alfredo Stroessner of Paraguay and Gen. Anastasio Somoza Debayle of Nicaragua.

Masses of poor people throughout the region reject traditional democracy as merely a game played by Tweedledum and Tweedledee and having no relevance to their needs.

Instead, the demagogues say, it is better to have truly "participatory democracy," or perhaps "democracy by plebiscite." Dictatorship is probably the most popular form of government in Latin America.

"The odds are that Latin America will one day be entirely dominated by state socialism," a high official said recently.

"There will be many teething problems along the way, and the results, both in the short and long terms, are likely to be undemocratic and anti-American. But it is equally sure that the United States will not be able to affect the process of change one way or another.

"After all, Latin America was pro-Axis in sentiment during World War II but still sided with the United States.

"As long as Latin America stays reasonably friendly, does democracy down here really matter to Washington?" the official asked.

A United States Congressman visiting Argentina asked to be driven past the imposing stone Congress Building that stands in the center of Buenos Aires. He left the car for a moment to muse on the steps of the building, which has been locked and vacant since the military coup d'état of 1967 ended elective government in Argentina.

"SO MUCH FOR DEMOCRACY"

"Well, so much for democracy in Latin America," the legislator said finally. "Now let's go look for that steak house you were talking about."

The visitor's tone was flippant, but analysts on both sides of the Rio Grande are wondering whether democracy still has a chance in Latin America. There are questions, for that matter, about whether democracy ever really existed in Latin America.

For North Americans, the important question is whether the United States should nudge Latin America toward liberal constitutionalism, the outlook for which offers little cheer to its adherents. Not everyone thinks there should be any nudges.

"It's both pointless and hopeless," a North American observer said. "At root, Latin America always has been and always will be antidemocratic. The United States neither can nor should waste words or money trying to change the unchangeable. What matters to us is keeping Latin America on our side and not on the side of our enemies. We can't hope for more than that."

While most Latin Americans manage to get along comfortably without Congresses or elections, other symptoms of the decline of democracy have been harder on people.

The torture of political prisoners has always been a feature of caudillo rule, but there are indications that the problem has become epidemic in recent years.

THE EXCEPTION: COSTA RICA

According to Amnesty International, an organization whose objective is the release of all political prisoners throughout the world, the only nation in Latin America that does not currently hold such prisoners is tiny Costa Rica, which has no army and is regarded by many analysts as the most democratic nation south of the Rio Grande.

In many other Latin-American countries, a predawn visit by political police agents followed by months or years of detention, torture and even secret execution is a real threat to many people.

The press in half a dozen countries has been severely hampered. The Inter-American Press Association declared at its last annual meeting that suppression of the news media in Latin America was worse than at any time since World War II, when press freedom was practically nonexistent.

Since the war, and particularly during the Administration of President John F. Kennedy, United States policy toward Latin America has been specifically to the bolstering of Democratic ideals and institutions.

Applying carrot and stick in varying mixtures, the United States has prodded and pushed Latin-American nations with the help of diplomats, aid-mission officials, Peace Corps volunteers, military men, Central Intelligence Agency operatives and private citizens.

WIDE RANGE OF TARGETS

The efforts have been directed at national and local governments, universities, churches, labor unions, armies, and every other conceivable social unit.

The approach has been direct, as in the refusal to grant aid to some governments that came into being by force. The approach has been indirect, by piping money into educational facilities.

Somehow the ultimate objective—a Democratic Latin as ever.

Perhaps the most discouraging recent case history, from the standpoint of United States political objectives, has been Colombia.

For decades Colombian democracy had been a kind of game played by rival teams, whose players were nearly all wealthy, well educated and born of good families. (In theory anyone can aspire to a career in politics in Latin America, but in practice few people have been eligible.)

Soon after World War II, after traditional nominal democracy and the two leading parties—Liberal and Conservative—began fighting with rifles instead of propaganda, tens of thousands were killed in an 18-year civil war. In 1953 Gen. Gustavo Rojas Pinilla swept to power as a dictator.

ALTOGETHER INCOMPETENT

Hubert Herring, a leading scholar on Latin America, has described the 1953–57 period as "one of the most savage, venal and altogether incompetent administrations in the history of the nation."

General Rojas was deposed and constitutional rule was restored. The Liberal and Conservative parties settled their old feud. Colombia became a primary target of the Alliance for Progress and the major Latin-American recipient of United States aid.

Many Americans believed that Colombia, at long last, was becoming safe for democracy. Then General Rojas, running in a free election in April, came within a hair of victory. To be on the safe side, the civilian politicians placed him under house arrest. Since then even the most optimistic United States officials no longer mention Colombia as a democratic showcase.

Some analysts and politicians have taken to wondering aloud why democracy does not seem to work in Latin America. It has even been proposed that governments appoint commissions to study the matter.

There is surprising agreement among students of the problem that the Spanish-Portuguese heritage is still a major reason for the failure. Spain and Portugal were backward, beaten nations by the time the banners of independence were raised in Latin America, but their feudal traditions and their church had taken deep root.

BOLIVAR A PATERNALIST

Simon Bolivar is often compared with George Washington because of his campaigns against Spanish Armies to win Latin-American independence. But Bolívar, who was influenced by the United States Revolution and its Constitution, wrote in 1815: "The American States need the care of paternalistic governments which can cure the ulcers and wounds of despotism and war."

Such attitudes prevail. Latin America evolved Constitutions and laws that have the solid ring of freedom and egalitarianism. Most are patterned, at least partly, on the United States Constitution. But nearly all also have escape clauses, particularly state-of-siege provisions permitting a Chief Executive to rule by decree.

Nations in which various forms of the state of siege currently apply include Brazil, Argentina, Paraguay, Bolivia and Peru and even relatively democratic countries such as Uruguay and Chile.

Elected governments have never provided a guarantee against police terror.

NAPOLEONIC ORIGINS

While an Anglo-Saxon judicial system was implanted in North America, Latin America fell heir to a hodgepodge of laws and codes mostly descended from the Napoleonic Code.

While North American democrats believed that the "firmament of law" served as a protection for the people, it became common in Latin America to say that "the law is for our enemies."

Today it is possible, even in the relatively democratic climate of Chile, to spend years in jail without coming to trial.

Legal machinery has become so cumbersome that enormous numbers of lawyers are needed. Many universities graduate more lawyers than anything else, and one liberal priest was moved to describe lawyers as "the arthritis of Latin-American society."

In any case, an enormous gap has always existed between the enormous class of the poor and the nominally democratic institutions pre-empted by the rich. The wealthy man rarely had problems with the courts but the poor man could end up in jail for life.

The wealthy man could send his children to school, and his children could at least learn to read and later could vote. Most Latin-American nations have permitted only their literate minorities to vote, and this has effectively limited political participation.

ENTIRELY DIFFERENT WORLD

On the economic plane, Latin America has taken some gingerly steps into the 20th century but remains an entirely different world from that of the United States, Western Europe and Japan.

While most nations have a middle class, the poor still predominate, and they are as widely separated from the fonts of economic power as they are from political action. Many a factory worker or tenant farmer is up to his ears in debt to the company store; the competition between wealthy political clubs seems utterly extraneous to his existence.

Accordingly, when President Ovando of Bolivia speaks of the "pseudo-democracy" of Latin-American constitutions and elections, he strikes a responsive chord among many millions of people.

Fidel Castro does not expose himself to popular election, but he goes before rallies of workers to ask: "Shall we reduce our weekly sugar ration in order to earn more foreign exchange?" The crowd roars "Si!" and democracy—in a certain sense—has been served, though United States liberal constitutionalists may condemn such things as contemptible demagoguery.

In recent years, indeed, Latin-American dictators have often been deposed by military force only to be restored in free elections. The people remember their former dictators as benevolent fathers, not as corrupt despots.

FORMATION OF SLOVAK WORLD CONGRESS

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. MARSH. Mr. Speaker, it has been called to my attention that members of the various Slovak organizations in this country and throughout the world will be meeting in New York, June 19 through June 21, for the purpose of forming the Slovak World Congress.

I should like to point out to my colleagues the aims and objectives of the Slovak World Congress, which were recently brought to my attention by Mr. Joseph C. Trubinsky, an appointed representative of the Organization Committee of the Slovak World Congress—which includes the Slovak League of America, the Canadian Slovak National Association of America. The objectives follow:

1. To aid and assist in the united effort, the Slovak people behind the iron curtain in the achievement of regaining their freedom, democracy and independence.
2. To promote among the Slovaks throughout the free world a concentrated effort in taking a greater part in the public life and contribute in every way possible, of their talents, to the countries of which they are now loyal citizens.
3. To contribute to the continuing struggle of the free world in the protection against the Communist threat in all democratic countries.

Mr. Speaker, these objectives indicate to me the deep concern which members of this organization are trying to show to the free world.

The cultural heritage of the Slovak peoples is a part of the roots of our own country's history, and as such, their efforts are comparable to those of our ancestors whose initial struggle began 194 years ago. This struggle is still going on today and spreading to other peoples seeking freedom from oppression; to peoples enslaved by tyrannical and totalitarian governments behind the Iron Curtain and elsewhere.

I think it is well that while a part of their objective is to create a better understanding with the rest of the world about the Slovak culture, customs and traditions, they also appeal to the citizens of all countries who are of Slovakian descent to express interest in promoting the welfare and security of their own countries and of all peoples seeking self-determination in government.

INCREASING DANGER OF ANTI-TECHNOLOGY BACKLASH

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. GALLAGHER. Mr. Speaker, during my years of investigation of computer technology I have often referred to the clear possibility of an antitechnology backlash which could cripple our national power and prosperity. The most recent expression of that fear was before the House Subcommittee on Science, Research, and Development when I testified in favor of the Technology Assessment Act of 1970. I was pleased to cosponsor the legislation introduced by its distinguished chairman, Congressman DADDARIO.

In the Washington Star of June 16, the widely read business columnist, John Cunniff reports rising worries within the business community over the actions of neoLuddites and the obvious vulnerability of computer centers to hostile attack. There is, of course, considerable danger to business firms and to universities and that is one of the major main reasons why I have been trying to transplant a human heart into computer applications. And just let me add that the task of my proposed Select Committee on Technology, Human Values, and Democratic Institutions would be to assure that the new technology is truly used in the public interest and to ameliorate the conflicts which so clearly are beginning to be felt in all segments of our society.

Mr. Speaker, I introduce Mr. Cunniff's column and my testimony of May 20, 1970, into the RECORD at this point:

DANGER OF SABOTAGED TAPES GIVES SOME COMPANIES FITS

(By John Cunniff)

NEW YORK.—There are a lot of Luddites around these days, and the data processing manager of a company whose production depends to a large extent on the healthy operation of its electronic computers.

It seems you can't tell a Luddite from any other worker, and so that makes them doubly difficult to defend against. Sometimes the only way you know they're even on the premises is to note a succession of suspicious computer snafus.

Are Luddites from another planet? Judging from the fear of them expressed by electronic processing managers you might believe they're like little green men. But they are terrestrial, although their origins are in another continent.

The term is borrowed from the name given to a group of early 19th century English workmen who tried to delay the industrial revolution by smashing up the machines they believed were taking away their jobs.

ERASING THE TAPES

Now, it is claimed, some workers want to do the same thing to the computer and the information revolution. How? One method is to hold an inexpensive magnet over the computer tapes, thus erasing the records thereon.

Modern tape reels may contain 100,000 records which one magnet can destroy in seconds. More than 900 reels were so destroyed by protesters angered by the Dow Chemical Co. participation in the Vietnam war.

The ease with which such sabotage can be accomplished is making EDP managers increasingly concerned with the security of their computer operations, whose success or failure can mean the same for the entire company.

Sabotage, in fact, is only one of their worries. Fire, fraud, student uprisings, improper ventilation, smoke, power failures, earthquakes and, simply, employe accidents, pose constant threats.

At a recent seminar on catastrophe prevention, held by the American Management Association, a Bank of America official described how his computer facilities are surrounded by bullet proof glass.

FANCY PRECAUTIONS

Guards allow only one person at a time into the foyer. The person seeking entrance finds himself in a small "mantrap," with the door behind and the door ahead closed tight. While thus imprisoned, he is examined by a television camera.

Despite such precautions, some companies are finding that the damage often can be accomplished from within.

By ingeniously rigging a computer, five men stole more than $1 million from two New York banks. In another case, a programmer set up the computer to bypass his account when reporting overdrafts. He then cashed checks freely.

The possibility of power failures in wide areas of the nation this summer could cause damage not only to the machinery of computers but to the records stored in them, despite the growing use of backup power.

Such threats of absolute chaos to a company's operations are causing some EDP managers to be concerned enough to provide duplicate storage facilities in their own homes, where they feel they can personally keep an eye on them.

These measures do not, however, resolve the problem of computer protection in a society that many feel is growing more violent and destructive. The dupes can be rushed into service, true, but some damage already has been done.

RELAXATION FAR AWAY

Moreover, some EDP managers feel it will be a long, long time before they can relax. As one of them put it at the AMA conference:

"The kids playing with drugs today will be your employes tomorrow."

In fact, many of the security measures now being employed are designed specifically to thwart the goals of young radicals who have learned that the way to stop a university may be to destroy its computer.

Ten students were convicted in recent weeks in the burning of a computer center at Sir George Williams University in Montreal. The students first tossed tapes and pieces of equipment out the window. When police tried to oust them they smashed a powerful computer with axes.

Fortunately, duplicate student records and payroll tapes were stored outside the building, and work thus continued on other computers. But the event was enough for most colleges to check their own security systems.

The ultimate in security, of course, is in Vietnam, where Marines come on duty with rifles and ammunition, and sometimes leave the console to check for the enemy on their perimeter.

Luddites and Viet Cong. On guard computermen!

TESTIMONY OF CONGRESSMAN CORNELIUS E. GALLAGHER ON THE TECHNOLOGY ASSESSMENT ACT OF 1970, MAY 20, 1970

I am delighted to have this opportunity to submit this statement to the Subcommittee on Science, Research, and Development and I want to pay a moment of special tribute to its distinguished Chairman, Mr. Daddario. History will undoubtedly record that your five years of careful and sound work on the concept embodied in the Technology Assessment Act of 1970 were among the most significant achievements of these troubled times.

On May 18, 1970 I introduced a companion measure to your bill, Mr. Chairman, for I am very pleased to have my name attached to such a reasonable and absolutely essential strengthening of the legislative branch. The bill which I co-sponsored will establish an Office of Technology Assessment within and responsible to the Congress, provide a mechanism to weigh both the good and the bad effects of proposed technological innovations, and permit us to offer viable alternatives to Executive branch policy choices.

Before I turn my attention to the "new"—the new technology, the newly popular science of ecology, the new crisis in confidence in representative government, and the new affronts in the continuing campaign against the costitutional prerogatives of the legislative branch—let us briefly dwell upon the "old."

Gertrude Stein has said that the United States is the oldest society in the world, for we were the first nation to enter the technologically dominated 20th Century. I think that is true and of equal importance to the Technology Assessment Act is that our Constitution is the oldest written document defining a currently operating system of government.

This means that we are not so very young and we see a number of rigid attitudes and hardening of the intellectual arteries now afflicting the body politic. While we should be entering a period of confidence as a society, there is strong suspicion that we will be the only Nation to go from infancy to senility without passing through a period of maturity.

Another difficulty in successfully grappling with the environmental deterioration is suggested in Lynn White's essential essay, The Historical Roots of Our Ecological Crisis. Not only did religion provide a framework for self-centered capitalism but, as White points out, the destruction of paganism eliminated a passionate affection for natural surroundings.

I would expand White's solid thesis slightly and say that the agonies which our society will experience in dealing with present pollutions will rival that felt by the established church during the Copernican Revolution. While we now understand that the earth is not the center of the universe, our generation is being forced to confront the wrenching thought that even the earth does not revolve around the whims of man. We can no longer commandeer and exploit our natural resources; we are partners on a voyage in a frail and fragile craft. Barbara Ward's Spaceship Earth which has become McLuhan's Global Village.

Man's disharmony with nature caused Wordsworth to write:

> The World is too much with us; late and soon,
> Getting and spending, we lay waste to our powers:
> Little we see in Nature that is ours.

Mr. Chairman, man is currently on the verge of being even further alienated from his environment, for everything we see in Nature will soon be ours: our individual garbage and our society's unsightly and unhealthy excrement. While our technology is propelling us to touch the very hem of the heavens, we lay the wastes of our power over Nature.

We must also recognize that many of those who are opposing the Establishment in such flamboyant fashion and who work just as hard to stay out of American society as our generation fought to get in, do so in some measure because of the clear inability to use our innovative energy in the interests of all our people. They vigorously resist the widely held thought that the quantity of technological accumulation is more important than the quality of life. While it was considered somewhat sophomoric to bewail the materialism of our culture, it is now a major rallying cry for all disenchanted segments, including most specifically those who drop-out and turn-on.

Over a century ago, that most perceptive critic of emerging America, De Tocqueville pointed to "a kind of virtuous materialsm may ultimately be established in the world, which will not corrupt, but enervate the soul, and noiselessly unbend the springs of action." It is hard not to say that he made a most accurate prediction of the life style of some of our fellow Americans.

I make these introductory remarks, Mr. Chairman, not to castigate any group but to point to the powerful historical, philosophical, and pragmatic evidence suggesting an extremely gloomy forecast for our efforts to manage the environment and to make representative democracy work.

But I see a strong ray of hope in the reaction to the most recent Executive Branch incursion into Congressional sanctuaries. Every Member of the Congress has recently been visited by hundreds of students and professors urging us, as their last resort, to take positive action to resist the Cambodian episode of the War in Indochina. While this is not the place to discuss the merits or demerits of that adventure, I believe it points up the fact that the time is right to strengthen the legislative branch and to reassert a sense of balance in our government.

We have authorized and appropriated billions of dollars for the Executive Branch and yet we are extraordinarily tight fisted and short sighted when it comes to giving ourselves the ability to remain relevant. Nothing more clearly demonstrates this than the truly appalling fact you disclosed, Mr. Chairman. When the Technology Assessment Act is passed, it will establish the first new Congressional arm since the General Accounting Office was created in 1921. No wonder the world is too much with those of us in the Congress; we have had to look through other eyes and rely on other expertise for half a century! We public men who must answer to the public just do not have equal access to the expertise involved in modern decision making. The private men who do are seldom identified. All too often we are merely presented with on-going policies and we must spend our energies attempting to explain them to the public, without the benefit of the tools which created them.

In a very real sense, we have become a ceremonial confirming body, supinely acquiescing in Executive Branch dicta. We may still be able to pull shut the purse strings, but we no longer can assemble the evidence to permit us to tug at the reins.

I regard Sec. 2(e) of the bill under consideration this morning, Mr. Chairman, as a massive understatement:

"It is therefore, imperative that the Congress equip itself with new and effective means for securing competent, unbiased information concerning the effects, physical, economic, social, and political, of the applications of technology, and that such information be utilized whenever appropriate as one element in the legislative assessment of matters pending before the Congress."

I would regard this increased congressional capacity to assess the intricacies of the new technology as a valuable component in the restructuring of mechanism now underway in the Congress. The Technology Assessment Board could provide essential services to a Joint Committee on Technology and the Environment, which I hope will soon be created. In addition, its role in commissioning technical studies can be of great benefit to every existing committee.

While ecology is now the most discussed new scientific discipline, Lynn White's essay disclosed that the word first appeared in the English language in 1873. Triggered by that provocative piece of trivia, I have learned that the dictionary has two definitions of ecology:

1. the branch of biology dealing with the relations between organisms and their environment.

2. the branch of sociology concerned with the spacing of people and institutions and the resulting interdependency.

The first definition has become the focal point of those concerned with the pollution of the natural environment, and the second leads me to a discussion of the pollution of the political atmosphere. The ground rules governing the physical and intellectual spacing of people and the bounds of that interdependency are basically what I have been attempting to define in my six-year study of privacy. I believe that in addition to providing accurate and timely information suggesting policy alternatives in the application of the myriad technologies which clearly threaten the physical environment, the Technology Assessment Act will also enable Congress to better understand computerized information systems and their impact on the social environment.

Indeed, Mr. Chairman, the hearings conducted by the Special Subcommittee on Invasion of Privacy in 1966 on the proposed National Data Bank could serve as a model for the new Office. We assembled computer experts, civil libertarians, and proponents of the Bank from the Bureau of the Budget. The result of that prototype "technology assessment" was to find that the dangers of the proposed Bank far outweighed the assumed potential benefits.

I was pleased to note that the January 1970 panel seminar of this Subcommittee focused upon the computer and the management of knowledge. Far from being a "supportive tool," as is mistakenly claimed by some members of the scientific community, the computer stands at the center of the information explosion and, most important, makes possible the invasion of personal privacy on a scale never before contemplated.

While we have been able to repel some of the privacy invaders by the actions taken by my Privacy Subcommittee, I believe that the interdisciplinary nature of the attacks on constitutional rights demands a fully-funded, fully-staffed congressional effort. I have proposed the creation of a Select Committee on Technology, Human Values, and Democratic Institutions to provide a credible counterweight to the incredible sophistication of the assualts on the cohesive nature of society. It would certainly be expected that the Technology Assessment Board would be an essential partner in reaching the goals envisioned for the Select Committee.

I would like to conclude this morning, Mr. Chairman, by wholeheartedly endorsing both the concept of the Technology Assessment Act of 1970 and your statement of April 16. You said that the Act is ". . . among the most important long range pieces of legislation to be introduced in modern times."

Quite so, for if there is to be a long range experience for the American experiment beyond the short range disasters which are so threatening, if there are to be any times beyond these modern times, we must exercise the toxic elements from the tonic of technology. If we are to lessen the clear danger of an anti-technological backlash which could cripple our power and our prosperity, we must make sure that our tools serve us, and do not enslave us.

This is not a flight of personal fancy, nor is it an exercise in the currently popular art of doomsdaymanship. We have already witnessed attacks on computer centers at such universities as Stanford, California and McGill, as well as the recent erasing of magnetic computer tapes referring to Napalm at Dow Chemical. Computer rooms all over the country may soon become confrontation rooms and by assuring beneficial results from our new technology, we can take some of the fuel from the fire which feeds the new Luddites.

And the most logical place to work toward a liberation from what may seem technological totalitarianism is in the Congress and most particularly in the House, historically regarded as being the closest to the people. The political art—if I may be so bold—is to convince our constituents that we all have a vital stake in our common future. We are looked upon as the people who must bring the often hot voice of humanity into the often chilly corridors of power.

This may sound slightly frivilous when compared to the many weighty arguments offered to this Subcommittee in the past, but I have always been struck by the fact that people traditionally say "the President" and "my Congressman." This close identification with the voters means that we are especially vulnerable to a failure of Federal policy. Yet, as the whole thrust of my statement is intended to indicate, we are frequently unable to influence meaningfully those policies. And, of course, if we lose our influence, what will happen to those who have reposed their trust in us?

To sum up, Mr. Chairman, I deeply believe in the concept embodied in the Technology Assessment Act, not only because of its potential for curbing ecocatastrophes but also because it will reassert congressional capability at a crucial time. There must be some alternatives to current trends in America today and, by allowing the Congress to develop its own, technology assessment should help to turn the American dream from what seems to be a nightmare of despair.

If civilized society, based upon the crown of political creation—the Constitution and the Bill of Rights—is to remain relevant in these revolutionary times, we must know what we are doing. In the area of the applications of science and technology, we do not know what we are doing now. The wise provisions of the Technology Assessment Act may give us the knowledge to work for the salvation of our democratic institutions and the preservation of the unique American experiment.

ANOTHER POSTAL STRIKE?

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. LOWENSTEIN. Mr. Speaker, I want to call to the attention of my colleagues the following New York Times editorial pointing up the urgent need to guarantee to postal workers the same bargaining rights Congress has previously made available to the balance of the Nation's workers.

The editorial follows:

[From the New York Times, June 17, 1970]

ANOTHER POSTAL STRIKE?

Interunion squabbling confronts the country with the dismal threat of a second postal strike. The central issue this time is the formula for union representation that the House of Representatives seals into the proposed postal reform bill.

The militant independent union that now speaks for Manhattan and Bronx postal clerks threatens to strike if the House freezes it out. The nationwide unions involved in the original strike settlement with Postmaster General Blount threaten to strike if it doesn't.

Nothing would contribute more to souring the public on collective bargaining in the Federal service than the calling of a strike on such an issue. Theoretically, all the unions and their respective friends on Capitol Hill agree that the determination of bargaining units in the new postal service should be left to the National Labor Relations Board.

But, for all practical purposes, the deal made by the national unions with Mr. Blount—and now backed by the A.F.L.–C.I.O. and the Nixon Administration in the logrolling in the House—would face the N.L.R.B. with a *fait accompli*. Full certification rights would be automatically delivered over to the national unions by the terms of the reform legislation.

The Manhattan and Bronx union, which had no direct voice in the strike settlement, is understandably outraged over the prospect of legislative annihilation. Its champions are pushing a bill that would assure the local unit's survival. The right course would be enactment of a bill that would put all determinations in the hands of the N.L.R.B., without advance fixing of the boundaries by Congress.

The Federal Government is properly eager to avoid a fragmented bargaining structure in a postal system that is supposed to achieve greater efficiency, but it cannot wipe out the democratic right of postal workers to make their own choice of bargaining agents.

BALTIC STATES FREEDOM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. PRICE of Texas. Mr. Speaker, this week marks the 30th anniversary of two events of major historical significance: The loss of independence of the Baltic States, and their absorption by the Soviet Union. Between June 14 and June 17, 1940, the Soviets presented the three nations of Estonia, Latvia, and Lithuania with ultimatums. In turn, these were followed by Russian invasion, occupation, and domination.

In the process of Soviet aggression, hundreds of thousands of Estonians, Latvians, and Lithuanians were murdered, tortured, or deported to slave-labor and prison camps. In addition, the Soviets attempted to colonize the three countries by moving in thousands of Russian citizens and making their heretofore self-reliant industries totally de-

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pendent on Russian economic resources and raw materials.

Mr. Speaker, the dream of liberty still remains for the beleaguered men and women in the Baltic nations. Despite the unrelenting pressures which have been exerted through the years, the Baltic peoples still find the will to resist and the will to retain their national integrity. The Soviet overlords have not succeeded in weakening their ethnic identity or swaying their basic allegiances. I am confident the pressures will be withstood as long as freedom-loving people continue to encourage them to take heart and persevere. For this reason I urge my colleagues to give these valiant peoples the aid and comfort of our great country. I urge them to reaffirm their opposition to repressive Soviet domination of the Baltic States. The Baltic peoples should have the right to freely choose their own government and freely pursue their own national destinies.

NATIONAL ALLIANCE OF RUSSIAN SOLIDARISTS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, on May 30 the American branch of the National Alliance of Russian Solidarists, which has chapters in most big cities of the United States, held its annual congress in New York.

On the occasion, which also marked the 40th anniversary of their organization, a resolution was unanimously passed to send President Nixon a letter of support.

All members of the American branch are citizens of the United States, and they feel it is their duty to do their utmost in encouraging their fellow citizens to stand up wholeheartedly behind the President in these troubled times.

While the resolution and letter to the President was released to the newspapers in New York and Washington, no mention was made of it in either location. As I sincerely feel many thousands of Americans would be proud of this fine organization for the firm position it has taken, I insert their letter in full at this point in the RECORD:

NATIONAL ALLIANCE OF RUSSIAN SOLIDARISTS,
May 30, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: From the Annual Congress of the American Branch of NTS, we respectfully send you our best wishes and the expression of our unflinching support of your policies in Southeast Asia, and domestic. We admire your courage and moral fortitude.

We are all American citizens. Most of us came to these hospitable shores as mature men and women. Some were brought by their parents as children, some were born in America. It is in our capacity as citizens of this Country that we venture to address you these lines.

The aim of our organization—celebrating this year its 40th anniversary—is to help the peoples of Russia to regain their freedom; to build in Russia a truly democratic society, based on social justice, law, genuine respect for human personality, solidarity among men (as opposed to class war), abolition of all forms of exploitation and domination of the individual by society or vice versa.

In addition to this, we—members of the American Branch—believe it to be our foremost duty also to serve as interpreters of the goodwill of the American people toward the long-suffering peoples of Russia, and to explain the plight and the true aspirations of the Russian people to the citizens of this Country. It is our profound belief that only harmony in relations between a free and democratic Russia and the United States will bring stability to our restless world.

Many among us have seen—from the inside—the watchtowers and barbed wires of Soviet and Nazi concentration camps. Through personal experience we've learned the cruel workings of totalitarian dictatorships, and understood the unsatiable lust for power of Fascist and Communist rulers. And this is why we so profoundly appreciate the warm hospitality offered to us by this Nation, its generosity, its tolerance, and its courage to stand up for the noble principles which made it great.

Our political education was both empiric and scholarly. We, therefore, are not inclined unduly to exaggerate the threat of the Communist menace (we are well aware of the processes developing in Russia), but neither do we underestimate it. One thing we know for sure: weakness invites Communist aggression.

The war in Vietnam is a disaster. Yet, it is not the United States who started it. This is a crucial fact which should always be borne in mind. The war has bereaved many American families. It has caused untold sufferings to the population of Vietnam. But a hasty American withdrawal from Southeast Asia would be a far greater disaster. Its consequences for the cause of freedom everywhere would be calamitous. And, then, moral obligation and national honor are, indeed, not mere trifles to be lightly brushed aside.

It is with concern—yes, deep concern—that we observe the activities in this Country of the lunatic fringes, both rightist and leftist. But the extremists of the right are pretty well subdued. It is the anarchial radicals from the left—those who exploit the idealism of the young, those who foment violence, engage in bombing, commit arson, and then claim protection of the Constitution of the United States, which they brazenly violate, and whose flag they desecrate—it is these elements among the students and, alas, among some of their professors that cause us to worry.

We observe certain phenomena dangerously reminiscent of those which developed in Russia in 1917 during the short period between the bloodless Democratic Revolution and the treacherous Communist coup. Political opportunism, demagoguery, distortion of facts in the name of the purest ideals, demands for immediate unconditional peace, clamor for precipitous far-fetching reforms—all this we have once witnessed.

There is an ideological vacuum in America today. People have grown apathetic, indifferent, too deeply involved in their personal affairs. It is this situation that the subversive radicals exploit by default.

Yet, we have faith in America, the wisdom of her people, her deeply-rooted, age-tempered traditions. Of course, the Government should not muzzle dissenters, no matter how unfair, how provocative their ravings, so long as they do not resort to crime. But it is the duty of the citizenry in a free democracy to condemn them vigorously. And we are determined to respond to this duty to the best of our ability.

Mr. President, we know how awesome is the burden of your responsibilities. We know how hard it must be for you to keep your hand firmly on the helm of the ship of State. But we also know that you will steer America clear through the stormy seas to a safe and peaceful haven.

We trust you, Mr. President, and we wish you Godspeed!

Very respectfully,
C. W. BOLDYREFF,
President, U.S. Branch, NTS.

REPEALING THE INDIAN TERMINATION RESOLUTION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. FRASER. Mr. Speaker, the House of Representatives last major statement on American Indian affairs was issued in 1953 when the 83d Congress adopted House Concurrent Resolution 108, the "termination" resolution. This legislation declared the intent of Congress to terminate Federal responsibility for the administration of Indian affairs.

Since its adoption, the termination resolution has been surrounded by controversy. Supporters have contended that the resolution would enable American Indians to enter the mainstream of American life for the first time, while opponents have claimed that the resolution was merely license to exploit the Indian's resources, to get his land, his water, and other assets at a bargain price.

Strong opposition to the new policy began to develop in the years following 1953 as major tribes in Wisconsin and Oregon were terminated. Between 1953 and 1958 certain tribal land was transferred to private ownership and Federal health, welfare, and education services for designated tribes were ended.

Finally in 1958 the termination period was brought to a partial halt when Interior Secretary Fred Seaton announced that no tribe would be terminated without its consent.

Despite Secretary Seaton's statement, the threat of termination still hangs over the heads of the Indian. Each new Indian policy developed in Washington is often viewed as just another termination device in disguise. As recently as 1969, the National Congress of American Indians declared:

> The current alleged policy of the federal government enunciated in House Concurrent Resolution 108 is a policy for the eventual termination of Indian tribes and reservations and serves as an obstacle to the development of our tribes and reservations.

Recent administrations have attempted to allay the Indians' fears by rejecting termination as the keystone of Federal Indian policy and proposing in its place a new emphasis on Indian self-determination.

In his April 1968 message to Congress, President Lyndon Johnson stated:

> I propose a new goal for our Indian programs; a goal that ends the old debate about termination and stresses self-determination.

The current Secretary of Interior, Walter Hickel, declared in an October 1969, speech:

> This administration is dedicated to improving—not destroying—that special relationship that exists between government, the Indians, and the land. We are not a protermination administration.

The executive branch has indicated its opposition to the termination emphasis but the House has not spoken since 1953. I feel, therefore, that the time has come to repeal House Concurrent Resolution 108 and I am, today, introducing legislation to accomplish this purpose.

Joining with me in cosponsoring a termination repeal resolution are the gentleman from Washington (Mr. MEEDS), the gentleman from Montana (Mr. OLSEN), and the gentleman from Michigan (Mr. RIEGLE).

A copy of the resolution follows:

RESOLUTION

Whereas House Concurrent Resolution 108 of the Eighty-Third Congress declared a congressional policy to terminate federal responsibility for the administration of Indian affairs within the territorial limits of the United States; and

Whereas the termination policy declared in H. CON. RES. 108 has been strongly opposed by numerous tribal councils and Indian organizations including the National Congress of American Indians; and

Whereas spokesmen for all administrations since 1953 have stated that termination *per se* cannot and should not be the major objective of the federal government in its dealings with the American Indians: Now therefore be it

Resolved by the House of Representatives, That termination policy declared in House Concurrent Resolution 108, Eighty-Third Congress, no longer represents the policy of Congress and termination is not a congressional objective in legislating on Indian affairs.

BILL DELHEY HONORED

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ESCH. Mr. Speaker, our law enforcement system is under concerted attack these days from many quarters. Although some of the criticism is justified, we must not lose sight of the great contribution made to freedom in this country by law enforcement personnel. There are certain outstanding individuals who make that system effective and whose example provides genuine hope for constructive improvement. Such a man is Mr. William H. Delhey, prosecuting attorney for Washtenaw County in my district. He has received the distinguished service award from the National Prosecuting Attorneys' Association. Mr. Speaker, I believe Bill Delhey deserves our gratitude for the dedication, ability, and performance that led to this award. He is in the front line of action in this rather difficult period. Without such men to make our system of justice function, there is little chance that we can work out the problems that so divide us. Bill Delhey is an exemplary public servant, an inspiring individual, and a great American.

CENTRAL TEXAS MOURNS THE LOSS OF "MR. BASTROP"—WILL ROGERS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. PICKLE. Mr. Speaker, at 3 p.m. on June 1, all the people of Bastrop, Tex., paused and bowed their heads for one of their own—Mr. Will Rogers' funeral was in process and the town stood still in his memory.

No man so richly deserved or earned the respect of his fellow man. Mr. Will Rogers has his mark indelibly stamped on every piece of progress in Bastrop since shortly after the turn of the century. His list of accomplishments reads like Genesis; Will Rogers, among other things, served as mayor for 22 years in two tenures of office. That is tangible evidence of his stature.

In many ways, I consider myself to be "one of Mr. Will's boys." Our warm and deep relationship goes back to the beginning of the days of the CCC and the NYA. At that time, Mr. Will gathered around him a group of young men who were destined to become leaders in their own time: men such as John Connally, Cliff Carter, Charles Herring, Joe Kilgore, Willard Deason, and many others. Mr. Will provided the proving ground and the direction for this energetic, but inexperienced group of young men.

I have many wonderful memories of the times we would gather at the administration building at the beautiful Bastrop State Park to enjoy a fried catfish dinner, complete with plenty of food for thought from Mr. Will. If he figured we were caught up in our work, sometimes he would take a group of us to relax on the golf course at the picturesque Lost Pines Park and when we would return to the job of building projects for the benefit of the people of Bastrop and Central Texas—we would return refreshed.

Mr. Speaker, that group of friends never lost its loyalty to Mr. Will. If ever we needed something done in Bastrop, we would contact Mr. Will and he would begin work immediately. First thing, he would draw in his cluster of such friends as Bud deGlendon, Bower Crieder, Cecil Long, A. A. Sanders, Ed Standifer, and others—then get to work on a solution.

Always, Will Rogers was loyal to his friends. Always, Will Rogers was responsive to their needs. He never "traded" by asking things like "can you do this?" or "would you do that?" Rather, it was "what do you need?" As long as Mr. Will thought his people of Bastrop would profit, he set about the job at hand with amazing vigor and wisdom. His heart was in Bastrop; he loved his town and the people in it.

I hope you can see, Mr. Speaker, why I consider myself fortunate to call Will Rogers my deep and close friend. He and his wife and family were like my own family. I know them that well.

Mr. Speaker, I have been wistfully reminiscing about the unfathomable character that made the man, but I am not alone in these thoughts.

I would like to quote from his hometown newspaper, the colorful Bastrop Advertiser:

> William Jones Rogers was born in Llano on October 23, 1885. He came to Bastrop as a young man and became a rancher. Destined to become a leader, and a power of progress in the town he chose to make his home, he made many friends, including President Lyndon B. Johnson.

Mr. Speaker, the Bastrop Advertiser has developed an outstanding profile of the man and his accomplishments and I would like at this time to reprint the article in the RECORD:

FUNERAL SERVICES FOR LONG-TIME CIVIC LEADER HELD HERE JUNE 1ST

Funeral services for former Mayor Will Rogers were held from the United Methodist Church at 3 o'clock Monday, June 1.

Mr. Rogers died at Bastrop Memorial Hospital Saturday night, May 30, at 10:22 o'clock, a victim of cancer. He was 84 years old.

The Rev. J. Troy Hickman officiated at the services, and Mrs. E. F. Pearcy, organist, played a background of special music. Burial was in Fairview Cemetery, and pallbearers were W. B. Townsend, Lovell Yoast, Russell Edwards, Vernon Eskew, Cecil Long, Alex Waugh, A. A. Sanders and Monroe Sanders.

Surviving him are his widow, Mrs. W. J. Rogers; two sisters, Mrs. B. H. Camp of Temple and Mrs. C. E. Bowman of Houston; two brothers, Ford Rogers of Smithville and Raymond Rogers of Llano, and a number of nieces and nephews.

Dignitaries attending the service included Judge Homer Thornberry, Judge Herman L. Jones, Senator Charles Herring, Bob Phinney, Sherman Birdwell, Sam Winters, Ed Bluestein and Cliff Drummon, all of Austin;

Congressman J. J. Pickle of Washington, D.C. and Austin; Jack Mills of Houston, Fleetwood Richards of Lockhart, Howard Rivers III of Elgin, and from the LCRA Main Office in Austin were Sim Gideon, G. E. Schmitt, R. A. Lucksinger, Harris Young and Art Anderson.

William Jones Rogers was born in Llano on October 23, 1885. He came to Bastrop as a young man and became a rancher. Destined to become a leader, and a power for progress in the town he chose to make his home, he made many friends, including former President Lyndon B. Johnson.

He served on the city council for two years, then was chosen mayor and served 14 years until 1948, then returned to serve until 1964.

He also had served as Precinct 1 County Commissioner and was a member of First United Methodist Church and had been a member of the Lions Club, the Chamber of Commerce and the Volunteer Fire Department.

Among the major accomplishments of his tenure as mayor were development of Bastrop State Park, establishment of sanitary sewers, construction of Camp Swift, voter approval of a $225,000 bond issue to tie in the municipal water system with the vast reservoirs at Camp Swift after it was abandoned by the Army, his successful fight to acquire the electric utility system from Texas Power & Light, and a vital part in the Lower Colorado River Authority's choice of Bastrop for a multi-million dollar steam plant.

Of his friendship with President Johnson, Rogers said in 1964: "I have never asked Lyndon to do any personal favor for me, but I have asked plenty for the City of Bastrop and he has always responded."

Congressman Pickle issued a statement Sunday evening which said: "Any significant civic project that occurred in the city or county of Bastrop during the last 40 years bore the mark of Will Rogers. He was a tireless worker for his community . . . an energetic mayor for many years, and later continued his efforts for a better Bastrop. He was the driving force behind the Bastrop

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State Park, and Camp Swift . . . but two examples of his continuous work for Bastrop . . . I am honored that I can be counted as one of his close friends also."

Interviewed in 1964 by Wray Weddell of the American-Statesman, Rogers recalled how he met his wife: "I was feeding out a bunch of hogs down at Alum Creek in 1909 and she was teaching school there." Four years later they married.

A saddened Bastrop mourned the loss of the man who served so faithfully and so long. The offices in the City Hall were closed all day Monday, business houses on Main Street were closed during the funeral service, and the flag on the United States Post Office flew at half mast in memoriam. Will Rogers was cut from a pattern all his own; there will never be another quite like him.

Mr. Speaker, this great man kept his town on steady course through the good times and the bad. "He served as mayor during the chaotic days of Camp Swift, when Bastrop became a boomtown overnight," says the local newspaper. And he did.

And we will always remember Mr. Bastrop, Mr. Will Rogers.

Let me echo the last paragraph of the news article:

> Will Rogers was cut from a pattern all his own; there will never be another quite like him.

He was our trademark, our inspiration, our leader.

BABE RUTH BASEBALL—A GREAT PROGRAM FOR YOUTH

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. FRIEDEL. Mr. Speaker, baseball is a game beloved by millions of our fellow Americans and is generally regarded as our National game. It is difficult to dispute baseball's prominent position among American sports, when one considers its deep roots in American life, its great appeal to the young, and the tremendous popular interest that develops each year in the major league pennant races and the World Series.

As a Baltimorean, I take special pride in the fact that one of our own local boys became a baseball great. I refer, of course, to the one and only "Babe" Ruth who was named George Herman Ruth. He was born in Baltimore City in the 200 block of Emory Street, which I am happy to report, is now preserved as a national museum to inspire our fellow Americans.

In the life of Babe Ruth we see a true example of what one can accomplish despite handicaps. Here was a boy born in extremely moderate circumstances and raised in an orphanage who became a truly great man. He was endowed with fine human qualities and became a famous athlete, a tremendous hitter, and for a while, also an excellent pitcher. As a result of his 714 hits and home runs, his name became a household word for over half a century.

In these days when we are made aware of the importance of physical fitness, I am delighted with the program of Babe Ruth baseball for teenage young men. I am also very pleased that Babe Ruth's name will thus be perpetuated and his memory kept alive.

Babe Ruth baseball is dedicated to developing in its participants a genuine respect for accepted traditions of sportsmanship, firm moral foundations, and a thorough understanding of the democratic and competitive spirit so that they may grow into better American citizens.

It was a great pleasure for me to attend a breakfast yesterday as the guest of Mrs. Babe Ruth, widow of the alltime great professional player. I also commended her for her interest in recognizing the problems of youth in America today, and calling public attention to the urgent need for a quick solution to the recreational facilities problems that plague our Nation, particularly our large cities.

I congratulate President Richard Case and Vice President George Riemann as well as those volunteers who are supporting the various Babe Ruth baseball leagues located throughout the country and wish them continued success with this program on behalf of our young people.

TOP FIREFIGHTERS NAMED

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. MORSE. Mr. Speaker, it is indeed a privilege for me to bring to the attention of my colleagues in the House of Representatives the brave and courageous conduct of four firefighters from my congressional district. Firemen Thomas P. Petzy, Chanel S. Pellerin, and Alfred G. Fortier of Lawrence, Mass., and Lt. John F. Shaw of Methuen, Mass., have demonstrated great valor in service to their communities. These firefighters were recently honored for their extraordinary service, and I am proud and pleased to present the following article from the Lawrence Eagle Tribune describing their bravery in saving several human lives:

Top Firefighter Named

"These men were directly responsible for saving several human lives," said Frank McDonald of the Lawrence Exchange Club yesterday.

The awards luncheon, of which McDonald was chairman, was held to honor three fire fighters from Lawrence and one from Methuen who were responsible for saving lives during the past year.

The four chosen by the Exchange Club were Chanel S. Pellerin, Thomas P. Petzy and Alfred G. Fortier, of Lawrence and Lt. John F. Shaw of Methuen.

Pellerin, one of the fire fighters responding to a fire last Nov. 9 at 5 Hazel Place, found a boy unconscious in the hallway of the building. He carried him to safety.

Petzy, during the same fire and off-duty at the time, responded to the call and discovered a woman and her children stranded on the roof of a porch. He talked her into dropping the children to him.

Fortier found a woman unconscious on the floor of a house at 11 Green St. during a fire there April 1.

Lt. Shaw, on June 5, 1969, had responded to a fire at the Malden Mills.

While at the mill, a call came that a building at 3 Ingalls Court was on fire. The fire company left the mill. Upon arriving at the scene, the third floor was engulfed in flames and the second floor was heavy with smoke. Lt. Shaw was informed that an invalid woman was on the second floor.

With disregard for his safety, Shaw entered the second floor and carried the woman to safety.

Presenting the Fire Fighter of the Year Awards was the club's president, Robert Garland.

The speaker at the ceremonies was Leo Laughlin an FBI agent for 27 years and now an executive officer of the Hundred Club of Massachusetts.

He explained to the club members and families of the four fire fighters, that the Hundred Club was formed to aid dependents of fire fighters and policemen killed in the performance of their duties. "It's our way to pay a public debt to public servants," he said. The motto of the Hundred Club is "We care for those who care for us."

He told the gathering that already the Massachusetts club had given over $58,000 to dependents of the public servants who had given up their lives that others may live.

Also present at the luncheon were Lawrence Fire Chief William J. Mains, Methuen Fire Chief Otis E. Baker, Alderman Philip C. DiAdamo and Methuen Selectman Chairman Wilbur Hyatt.

ASIAN ALLY CALLS FOR WITHDRAWAL FROM CAMBODIA

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mrs. MINK. Mr. Speaker, the invasion of Cambodia has hurt the United States in its international standing as a member of the community of nations. Even our staunchest allies have criticized its wisdom. Now a guest at the White House has found it necessary to call for our withdrawal immediately from Cambodia. This guest was President Suharto of Indonesia who has been one of our strongest supporters in Vietnam and Southeast Asia. The following editorial from the May 29 New York Times makes some very important comments about this event and its meaning for the United States' policy in Asia:

[From the New York Times, May 29, 1970]

An Asian Policy for Cambodia

Extension of the Indochina war to Cambodia has been sharply criticized by one of the most important Asian leaders friendly to the United States.

President Suharto of Indonesia startled a White House dinner the other evening when he declared: "We cannot afford just to wait for the sake of peace and stability in Southeast Asia. All efforts should be taken to prevent the war from widening and to insure the preservation of Cambodia's right to sovereignty and neutrality, among other things, by effecting the withdrawal of all foreign forces from Cambodian territory."

The Indonesian leader later made clear that, in calling for the withdrawal of "all foreign forces," he included the South Vietnamese, who have declared their intention to remain on Cambodian soil after the scheduled American withdrawal at the end of June.

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President Suharto's opposition to any widening of the Indochina conflict and his emphasis on diplomatic, rather than military, measures to preserve Cambodia's fractured neutrality merit respectful attention because of his position as leader of the largest nation in Southeast Asia as well as his impectable anti-Communist credentials. President Nixon himself laid great stress on the leadership role he expected Indonesia to play in Asia during his visit to Jakarta last summer shortly after he enunciated his new Asian Doctrine at Guam.

The Suharto remarks gain in significance because they reflect views also expressed in the communique of eleven Asian nations which met in Jakarta two weeks ago to discuss the Cambodian problem. It is especially noteworthy that these views are also those of Japan, which shared with Indonesia a principal role in that conference.

If President Nixon's Asian Doctrine is to have meaning he cannot ignore the advice of these important and friendly Asian states which are plainly deeply disturbed by the thrust of recent American actions in their part of the world. Certainly such Asian neighbors as Indonesia, Japan and the Philippines, which has recently turned down a Cambodian request for military aid, can be no less concerned than the United States about the prospects of a North Vietnamese or Communist conquest of Cambodia.

The Jakarta conferees have initiated a broad effort to reinstitute the International Control Commission for Cambodia and to convene a new Geneva Conference on the broader Indochina problem, both directly with former Geneva participants and through the United Nations. If this move could gain enough support from other nations in Asia and Africa and perhaps elsewhere, it might help persuade the reluctant Russians to join Britain in reconvening the Geneva Conference. The United States could give a push in this direction by reconsidering the ill-advised attempt to "save" Cambodia through the use in that country of troops of Cambodia's traditional enemies South Vietnam and Thailand.

SENATE AMENDMENTS TO VOTING RIGHTS ACT

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. BROTZMAN. Mr. Speaker, today in the consideration of House Resolution 914, two issues were presented: the lowering of the voting age to 18 by statute rather than by amending the Constitution; and, whether to adopt the Senate amendments to the Voting Rights Act of 1965.

In the past I have supported lowering the voting age but believe this should be done by amending State or Federal constitutions rather than by statute so that the people may have a voice in this important decision. This is particularly so in the State of Colorado, and other States that have this proposition on the ballot this year.

Accordingly, on the vote on the previous question, I voted to enable House Resolution 914 to be referred to a conference committee to accomplish this purpose.

While I still doubt the constitutionality of the 18-year-old vote provision, and believe it to be vulnerable to attack in the courts, I voted for the resolution on final passage, believing as I do that the Senate amendments to the Voting Rights Act of 1965 in other respects are workable, necessary, and in the public interest.

"THE NEED FOR A REASONABLE DIALOGUE"—WORDS OF WISDOM FROM A HOUSTON RABBI

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. CASEY. Mr. Speaker, much has been said and written about the causes fanning the flames of violence sweeping our land.

Rarely, however, have I had the opportunity to read such words of calm and reflected wisdom as those recently preached by my distinguished friend in Houston, Rabbi Robert I. Kahn of Temple Emanu El. Because I believe his message should be shared with my colleagues and the American people. I insert it at this point in the RECORD:

THE NEED FOR REASONABLE DIALOGUE

(By Rabbi Robert I. Kahn)

Four young people died by violence in Kent, Ohio, and a nation is shaken. Young people identify with them. Parents identify with their grieving families. Flags fly at half-staff on many a campus and in many a heart for those four young people who died in Kent, Ohio.

Who killed those four young people in Kent, Ohio?

It was the National Guardsmen who killed those four young people in Kent, Ohio.

It was fifteen hundred students who stoned the National Guardsmen who killed four young people in Kent, Ohio.

It was the President of Kent University who called in the National Guard whom the students stoned who killed those four young people in Kent, Ohio.

It was a mob of Kent University students who went on a rampage last week breaking windows, setting fires, whom the President sought to control by calling in the National Guard whom the students stoned who killed those four young people in Kent, Ohio.

It was the administration of Kent University who . . . .

But why go on? There is no end to it. There is no end to the chain of cause and effect which led to the death of those four students in Kent, Ohio. And each of us has his own choice of causes. "It was outside agitators," cry some. "It was Viet Nam and Cambodia," shout others. It is the "affluent society," it is "racism," it is the "permissive parent," it is the "Establishment," it is "Dr. Spock," it is "Spiro Agnew," there is no end, and there will be no end, if all we seek is a scapegoat.

The time has come for a cease-fire in American life. The time has come for an end to the chain of violent action and reaction which can only end with a whirlpool sucking us down the drain of history. The time has come to stop, to think, to talk. The time has come for reasonable dialogue, between youth and their elders, between students and teachers, between government and people, between every group in our society, reasonable dialogue about our problems, about our goals, about our priorities.

And I want to speak to this need tonight. I am not going to talk about solutions—that would be monologue—but about reaching solutions through the process of thoughtful and earnest and honest and continuing and, above all, reasonable dialogue. What are the prerequisites, the premises, the requirements, upon which reasonable dialogue can be built?

First, of course, reasonable dialogue rules out violence. It rules out guns, it rules out tear gas, it rules out stones, it rules out bottles, it rules out mobs, it rules out fires, it rules out forcing doors, or breaking windows, or burning papers, or clubs, or nightsticks, or blocking entrances to buildings, or any action by which we seek to hurt or coerce our neighbor or to destroy his or our property.

There is another kind of violence that must be ruled out and that is violence in language. There can be no dialogue when we call each other names. There can be no dialogue when we shout epithets. There can be no dialogue between people inflamed by violent language.

I attended commencement at Rice University last year. I was shocked when a student in the graduating class shouted a foul word at the speaker. I was equally shocked when a member of the Board muttered to that student when he passed to get his diploma an equally foul word.

It is violence when a policeman shoots a demonstrator. It is also violence when the demonstrator shouts, "Kill the Fascist pigs!" It is also violence when a public figure in high office will use terms like "effete snobs" or "pointy heads." This is not the language of reasonable dialogue, this is the language of violence, and it can only beget violence.

I hear people say, I hear youth say, that public servants, policemen, soldiers, must be controlled in the face of abuse, of foul language, of being spit upon, but they fail to add that freedom to assemble peacefully does not include freedom to abuse, freedom to use foul language, freedom to spit on people. Controls are everyone's obligation.

The only way to prevent violence is to set up avenues of communication, ways by which dissatisfaction can be expressed, and problems be discussed, and reasonable solutions sought and found.

This is the way we always end up anyway, isn't it? One of the reports from Watts was a visit there by Martin Luther King, who, devoted as he was to peaceful protest, was distressed by the violent riot. Black leaders in Watts laughed at him. "Look what we've accomplished," they said. "We've got a social worker on every block, we've got a new playground for our kids. We've got a new bus line to take us to work. We've got a factory to train us in jobs. We've got a committee where we can sit and talk to 'the man' about what we need. What did your non-violence get?"

How tragic that we must wait for violence to wake us up. It has again. Let us wait for no more, let us set up avenues, permanent and continuing avenues for dialogue.

The second prerequisite for reasonable dialogue is that we must go into it with the desire to understand each other. Therefore we have to listen. Adults have to listen to youth; youth have to listen to adults.

We adults say to each other, "What bothers them? What problems can they possibly have? It's the best time of their lives. Why are they so dissatisfied?"

Do you want to know? Then listen.

This week, *Time* magazine carried a letter from a nineteen year old girl in California. Listen to what she writes:

"The hatred and the bitterness you see are because things are essentially the same as five years ago. No, they are worse.

"What happens to a human being who was once full of hope and confidence that he can make his presence felt in the world in a useful and healthy way? What happens when he is scorned and criticised and laughed at?

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"We marched, O God how we marched and sang and tried to turn from death to life.

"We made mistakes. Sometimes we were rash and arrogant. We felt horror and grief and rage. We wanted to shake President Johnson and tell him to stop, stop! And the more we spoke out, and marched, the more the killing grew. Finally, a few more people joined in the protests and we were no longer cowards or traitors. But we were still helpless. We were drafted and trained to kill and sent to a very far-away place to die. And our parents watched their children go to this insanity and did not seem to mind. Even when we came back in boxes.

"We watched our cities crumbling and dying. We saw people of black and brown and red skin being denied their humanity. We went to the South and cried out to the government for help and got nothing—a little here and there, but mostly it amounted to nothing.

"We watched men whom we loved and had hope in (though they were not saints, but tainted with inhumanity like we all are) shot and buried.

"Nixon had a chance and he did not act. The Viet Nam war is not ending. The cities are dying, the defense budgets for the major countries of this earth are staggering.

"What are we supposed to do with our lives? How do we go about solving the complex problems of our world?

"There comes a time when pure frustration builds and breaks out and is ugly. You throw a bottle and it feels good. You say an ugly word and it feels good. We feel horror at death, and find ourselves planning it.

"Violence? I abhor it, but I wonder if people will work in any other way. Our hopes simply grew old and died."

Listen to that girl! Hear her anguish; and beneath it hear her longing not for violence but just to do something constructive. We adults have to listen.

And young people have to listen, too. Let them listen to the difficulties and the frustrations, the heartaches and the problems of those who have responsibilities. It's an absurdity to hear youngsters say, "You can't trust anybody over thirty." It's a tragedy when young people turn off anyone who tries to share years of experience. It's a tragedy when youngsters will listen only to those who agree with them. This is not dialogue.

Dialogue requires openness. We must listen.

Dialogue requires honesty from all of us, young and old. Dialogue is not for the purpose of accusing the other while excusing ourselves. Dialogue is not for the purpose of rationalizing our own actions while attacking others.

In dialogue we cannot use labels, we cannot call names like Communist, Fascist, kook, racist.

In dialogue we must be open to everyone. It's a strange thing. All our lives we tell our children: Don't judge by appearances. And then, if others grow their hair long, or wear beads, or sandals, we simply shut our ears. Dialogue should be open.

But above all, dialogue, we must remember, is only a means, not an end. There is no purpose to talking unless we arrive at a program of action. Too often, we think of talk as a substitute for action. If we just get it off our chest, we feel better. And there may be some life-situations in which that is all we can do. But most of our problems will yield to intelligent dialogue, and will offer solutions in action.

A father told me this week, with anguish in his voice, "My son is concerned, so deeply concerned with all that has happened. He's turned to me and said, 'Dad, you've got to help us, you've got to do something.'"

That father will do something; I know him. But what would be ideal would be that they do it together. Sit down together and work out a telegram to the President or to their Congressman. Sit down together and talk out all the possibilities for action on a common goal.

You know, so many people in our congregation are working for human welfare, for community improvement. So are a lot of our young people. But they ought to be doing it together, thinking together, planning together, working together. Dialogue ought to lead to action and action to dialogue.

There is another prerequisite to dialogue, and that is the recognition that compromise is not a dirty word. You see, dialogue in itself implies that no one is all right or all wrong.

If we want a meeting with the thought only of putting across *our* ideas, and, if they are not accepted, breaking up the meeting, this is not dialogue at all. When we explore ideas together, we shall have to meet somewhere, and that meeting is called compromise, and it is the only way people can live together peacefully. Honest differences can only be resolved by compromise.

More than this, when people continue in dialogue, when they, even after the crisis is past and the current problem solved, continue to meet and to talk and to think, they get to know each other, they learn to understand each other, they learn to trust each other, so that gradually they move from processes of compromise to processes of consensus.

All of this is terribly important because the stakes are so high. The stakes are the survival of democracy and freedom. There are clouds in the sky no larger than man's hands. You can see them. On the horizon there are the violent energies of youth, led or misled by anarchists and nihilists who are preaching revolution without program.

On the other horizon is the backlash and reaction to youth, to blacks, to disorder and to violence, which in the name of law and order can bring a man on horseback to power. William Shirer (and others who, like him, have studied the rise of Fascism) has warned us that unlike Germany, where a minority seized power, it is very possible that the American people will use their freedom to vote into power those who will end it.

The stakes are high. The clouds can become a whirling storm unless we are now aroused to save our freedom, and our democracy by what is at the very heart of that democracy—peaceful and reasonable dialogue.

Every time we are tempted to pick up a gun, let us remember those four who died in Kent, Ohio.

Every time we are tempted to throw a rock, let us remember those four who died in Kent, Ohio.

Every time we are tempted to call names, to use violent language, to act and react in senseless and reasonless violence, let us remember those four who died in Kent, Ohio.

Their death was caused by our fragmented society.

Let their death bring us together in a continuing, honest, peaceful and reasonable dialogue. Then they shall not have died in vain.

May God spread the tabernacle of His peace over them, and comfort their bereaved families. And may God's spirit be among us, and join with us, as we talk to each other and work with each other toward a world free of poverty, free of prejudice, free of violence, free of war. Amen

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ALLIANCE COLLEGE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ANNUNZIO. Mr. Speaker, it is with great pleasure that I rise today to call to the attention of my colleagues the timely and stirring address delivered by Dr. Walter L. Dworakowski, of the Polish National Alliance and chairman of the Alliance College Board of Trustees, to the 1970 graduating class on May 24.

The Polish National Alliance of the United States, an outstanding fraternal and civic organization, has proudly sponsored this institution of higher learning since 1912 when it was first established, and since that time Alliance College in Cambridge Springs, Pa., has helped many underprivileged young people to complete their college educations.

By helping these young people to obtain training in the professions and by encouraging them to take their rightful place in our society and to become productive and responsible citizens, the Alliance College is serving the vital interests of our Nation.

I want to congratulate Dr. Dworakowski, as well as the officers and members of the Polish National Alliance of the United States, for the leadership and support they have provided to Alliance College and for the part they have played in making the facilities of this institution of higher learning available to our young people.

The Polish National Alliance, whose headquarters are located in Chicago, has made a meaningful contribution to education in America, and as a Member of Congress from Chicago, I am indeed proud of this contribution.

An article which includes the commencement address follows:

DWORAKOWSKI STATES: ALLIANCE COLLEGE SERVES VITAL INTERESTS OF OUR AMERICA

CAMBRIDGE SPRINGS, PA.—Following is the text of an address delivered by the Censor of the Polish National Alliance and the Chairman of the Alliance College Board of Trustees, Dr. Walter L. Dworakowski to the 1970 graduating class on May 24:

"We are always looking to the future," states American playwright, William Hooker Gillett, "the present does not satisfy us. Our Ideal, whatever it may be, lies further on."

You, young ladies and gentlemen of the 1970 graduating class of Alliance College, are well prepared for the tasks and challenges that lie ahead of you. Here you received more personalized instructions and guidance than are possible in huge centers of mass education. Excellence in all fields of student and faculty endeavors is the guiding star of your Alma Mater.

As a liberal arts college, Alliance has taught you that the rapidly exploding technology, fragmented into many special knowledges and skills, needs humane directions, if it is to serve the total man, his cultural as well as material needs, and his environment in our modern society.

It has been said that humanities "are the language of free men" and that language has been extensively and creatively used during the past four years of your education here.

As you leave these educational facilities which were wisely provided by the Polish National Alliance pioneers 68 years ago, and among whom were, perhaps, grandparents of some of you, I would like to instill in your young hearts and imaginative minds the awareness of certain unique features of this college, that should endear the Alma Mater to you more enduringly than would the sentimental remembrance alone.

The international realities of our times are such that the balance of nuclear terror between the super-powers, the United States and the Soviet Union, minimizes the possibility of a global war and concomitant atomic holocaust. However, it flaunts a new set of challenges to concerned men and women on both sides of the ideological and political division of the world. Those are not merely technological rivalries as exemplified in the conquest of outer space. Above all, those are the rivalries of cultural, spiritual and sociological nature.

Whether the humanistic precepts will prevail, or whether the Orvellian nightmare of a regimented humanity becomes a reality, this in a decisive measure depends on your generation. You are the vanguard of the 21st century.

Because the rivaling power, the Soviet Union draws much of its intellectual and technological resources from its fundamentally Slavic powerbase, it is apparent that Slavic studies are among the prerequisites for the survival of America, and thus, for the survival of the free world.

Your alma mater is unique in this respect by the virtue of its Polish-Slavic heritage, and shall become even more so, as the Department of Polish and Slavic Studies is expanded. This puts Alliance College into a historically significant position in the American education.

Why, you might ask, is Polish study so overridingly important in the general program of Slavic studies?

History and geography provide the best and final answer to that question. Poland, with her millennial development as an important member of the western family of nations, and as an equally significant contributor to the development of western civilization and culture, occupies a strategic position between the West and the East. In terms of international relations, Poland is a halfway house between the cultural and ethical values we cherish and the foreign concept of totalitarianism which threatens us.

In this frame of reference, the Junior Year Abroad Program under which the first group of eleven Alliance College students will study at the six-centuries old Jagiellonian University in Krakow gains in special significance. This type of cultural exchange program is vitally important to America. It gives new dimension to the uniqueness of your Alma Mater.

As a liberal arts college, your Alma Mater is an integral part of the web of American culture. To the question as to which aspects of American culture should Alliance College seek to transmit and perpetuate—I find an eloquent and convincing answer in the statement of the Chairman of our Education and Psychology Department, Dr. Walter Smietana who in a recent position paper explained that the Polish American culture is considered part of American culture.

Thus we serve vital interest of America when instituting new relationship between Alliance College and the Jagiellonian University; when we perpetuate the mother tongue as the all important ingredient in the survival of our Polish American culture and cultural understanding with the land of our ancestry.

These special emphases do not retract in the least from the general requirements of college education. On the contrary, they immeasurably enhance this area of education and add to the Alliance College stature and uniqueness among American colleges.

These, I believe, are the particular values which should make your ties with your Alma Mater singularly rewarding and enduring.

You are standing on the threshold of future. You are the future of our nation and of America's destiny.

Remember, then, the word of American lecturer and author, Henry Ward Beecher, who states:

"We should live for the future, and yet should find our life in the fidelities of the present; the last is the only method of the first."

BALTIC STATES

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. MINSHALL. Mr. Speaker, in 1966 we in the Congress unanimously approved House Concurrent Resolution 416. calling on then President Lyndon Johnson to direct the attention of world opinion at the United Nations and at other appropriate international forums to the denial of the rights of self-determination for the Baltic nations and to bring the force of world opinion to bear on behalf of the restoration of these rights.

The sense of Congress remains the same, and, as we solemnly observe the 30th anniversay of the loss of freedom in Lithuania, Estonia, and Latvia, I urge President Nixon to implement this very important resolution.

The Americans for Congressional Action To Free the Baltic States has sent to me a very thoughtful essay, "Red Terror in Lithuania, Latvia, and Estonia." As a proud member of the honorary committee working to aid the Baltic nations, I am pleased to insert in the RECORD this essay and a memorandum concerning the annexation of the Baltic republics by the Soviet Union:

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA: ENSLAVEMENT OF THE BALTIC STATES BY THE SOVIETS FOR 30 YEARS

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud people who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians*.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizures and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of

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the world, we must insist that the Communist colonial empire likewise extend freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

Recently the U.S. Congress has made a right step in the right direction by adopting *H. Con. Res. 416* that calls for freedom for Lithuania, Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

MEMORANDUM CONCERNING THE ANNEXATION OF THE BALTIC REPUBLICS BY THE SOVIET UNION, JUNE 1940

Thirty years ago, on June 14–16, 1940, the armed forces of the Soviet Union invaded the territories of the three independent Baltic Republics: Lithuania, Latvia and Estonia. One month later, after having staged illegal "elections" in violation of the Constitutions and Electoral Laws of these three States, the Soviet authorities forcibly annexed Estonia, Latvia and Lithuania contrary to the sovereign will of their peoples.

The occupation and annexation of the three Baltic Republics by the Soviet Union thus constituted an act of aggression and a flagrant violation of numerous international treaties and agreements, as well as the inalienable rights of the Estonian, Latvian and Lithuanian peoples.

The treaties and agreements violated by the Soviet Union are:

(1) *Treaty of Peace between Russia and Estonia,* signed at Tartu on February 2, 1920;

(2) *Peace Treaty between Lithuania and the Russian Socialist Federal Republic, and Protocol,* signed at Moscow on July 12, 1920;

(3) *Treaty of Peace between Latvia and Russia,* done at Moscow, completed and signed at Riga, August 11, 1920;

(4) *Treaty of Non-Aggression between the Republic of Lithuania and the Union of Soviet Socialist Republics,* signed at Moscow on September 28, 1926.

(5) *Treaty of Non-Aggression and Peaceful Settlement of Disputes between Estonia and the Union of Soviet Socialist Republics,* signed at Moscow, May 4, 1932; extended in 1934 for a term to last until December 31, 1945;

(6) *Convention for the Definition of Aggression,* signed at London, July 3, 1933, between Romania, *Estonia, Latvia,* Poland, Turkey, *the Union of Soviet Socialist Republics.* Persia, and Afghanistan.

(7) *Convention between Lithuania and the Union of Soviet Socialist Republics for the Definition of Aggression,* signed at London, July 5, 1933; extended in 1933 for a term to last until April 4, 1943;

(8) *Treaty of Non-Aggression between Latvia and the Union of Soviet Socialist Republics,* signed at Riga, February 5, 1932;

(9) *General Treaty for Renunciation of War as an Instrument of National Policy,* signed at Paris, August 27, 1928, to which 63 States are parties among them the Soviet Union and the Republics of Estonia, Latvia and Lithuania;

(10) *Convention for the Pacific Settlement of International Disputes,* signed at The Hague, October 18, 1907, to which 49 States are parties among them the Soviet Union;

(11) *Convention relating to the Establishment of the Conciliation Commission and Conciliation Procedure between Latvia and the U.S.S.R.,* signed on June 18, 1932;

(12) *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Estonia,* signed on September 28, 1939;

(13) *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Latvia,* signed on October 5, 1939;

(14) *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Lithuania,* signed on October 10, 1939;

(15) *The Covenant of the League of Nations,* came into force on January 10, 1920. Estonia, Latvia and Lithuania became Members of the League on September 22, 1921 and the Soviet Union on September 18, 1934.

As the forcible incorporation of the three Baltic Republics by the Soviet Union constitutes a violation of international treaties and of generally accepted and recognized principles of international law, the Soviet regime in the three Baltic States lacks any legal basis and should be regarded only as a temporary military occupation.

The legal existence of the Republics of Estonia, Latvia and Lithuania still continues despite the military occupation. Consequently, the major nations of the world, the United States included, have refused to recognize the illegal incorporation of the Baltic Republics into the Soviet Union. The diplomatic and consular representatives of these three Republics are still recognized as the only duly authorized legal representatives of Estonia, Latvia and Lithuania.

One of the avowed aims of the United Nations has been to pursue "the principle of equal rights and self-determination of peoples," as expressed in the United Nations Charter and the General Assembly Resolution 1815 (XVII) of 22 December 1962. It is therefore appropriate to remind the world community today that the above principle should also be applied to the peoples of the three Baltic Republics, who were forcibly and illegally deprived of their independence and self-determination by the Soviet Union thirty years ago.

PROCLAIM LIBERTY THROUGHOUT THE LAND

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, a resident of my district has recently called to my attention a most impressive sermon delivered on Memorial Day by the Rev. David L. Larsen of the First Evangelical Covenant Church of Rockford, Ill. Rev. Larsen choose as his theme the future of liberty in America, and made some remarks which are most timely and well taken.

Warning that "something is gnawing away at the vitals of America today" he suggested that only a genuine "spiritual renewal" can deliver us securely from our present difficulties. I commend this fine sermon to all of my colleagues in the House and include Reverend Larsen's sermon in its entirety at this point in the RECORD:

PROCLAIM LIBERTY THROUGHOUT THE LAND

On this Memorial Day Sunday I should like to take as our text those amazing words found in Lev. 25:10. "Proclaim liberty throughout all the land unto all the inhabitants thereof." These words have had a very interesting bearing upon American history. You may recall that they are inscribed on the Liberty Bell in Philadelphia, to be seen even this day in Independence Square in that city. Here is an ancient word, a powerful word: "Proclaim liberty throughout all the land unto all the inhabitants thereof."

I want to talk with you about liberty, and first I should like to consider with you *liberty as the design of God.* Every 50 years the children of Israel were commanded to observe the year of Jubilee. There is no parallel in the ancient world, or in the modern world for that matter, to what the children of Israel were instructed to observe during that year of Jubilee. The entire 25th chapter of Leviticus describes what that 50th year was meant to be in the experience of the commonwealth of Israel. Every 50th year the trumpet was sounded and the year of Jubilee was observed. During that year, there was a great gathering of families. That in itself is a very interesting thing to consider. At least once every 50 years, God made provision for a great gala family reunion. The family structure was of great importance in the eyes of God and he wrote into the very calendar of his ancient people a time for the gathering together of families.

This was a year when the land rested. Here is concern about ecology many centuries ago. Indeed, every 7th year was a year when the land rested. Every 50th year would mean, at that time there were two consecutive years when the land rested. The 49th year was a Sabbath year and the 50th year was a year when the land was rested; so for two years, every 50 years, the land rested and was refurbished

In this year of Jubilee, the land reverted in title back to its original owners. People would lose their property, but God is concerned that there continue a basic equality. God does not want too much power, economic or political, concentrated in too few hands, and every 50 years title reverted back to the original owners of the land.

Every 50th year when the trumpet was sounded, all indentured Hebrew servants or slaves were released. Anyone who had lost his liberty and had been sold in bankruptcy into servitude would be set free. Slavery was universal in the ancient world. In fact, slavery was a part of the root pattern in classical Greek and Roman civilization. Aristotle as much as said that a slave was hardly a human being. Over against this ancient attitude toward slavery is God's attitude as set forth in the year of Jubilee. God made man in his own image and gave him the power of self determination, free moral agency, free will and liberty. Every 50 years God reminded his people that man could best exercise the power of self determination as a free man.

Can you imagine what that 50th year must have meant to God's ancient people? You will find nothing like this anywhere in the ancient world. This whole concept of liberty is virtually unique in this sense to our Hebrew-Christian background, in which each man was to be accorded the dignity of his person because he was made in the image of God and was to have the right to choose his own destiny. With what anticipation and expectation the sound of that trumpet must have been awaited! "Proclaim liberty throughout all the land unto all the inhabitants thereof". God has opted for liberty, and this very striking provision for emancipation and for freedom was given for those who had lost or forfeit their liberty.

Freedom and liberty are always a risk, but God chose to take that risk. Liberty is a very precarious and risky thing. It is so much safer not to grant it, to withhold it, to limit the franchise. After the Second World War there was a city in France which had just been liberated. There was to be a great celebration. Every citizen was to bring a flagon of his choicest wine and pour it into a common vat and on the day of celebration everyone would draw a flagon of wine to which he had made a contribution. The great day finally arrived, and do you know what happened? When they opened the spigot, out poured pure water. Every citizen had the same thought. Why should I bring a flagon of my choicest wine? I'll bring water and pour into the vat. No one will know the difference. They had all done that and out came water. This is the risk of freedom. This is the risk of liberty. You let people decide, do it on their own, and there are times when you regret it. Frankly I wonder if there haven't been times when God himself has regretted giving man liberty, the power of self determination, but God is all-knowing and all-wise. God said, "Proclaim liberty throughout all the land unto all the inhabitants thereof". Liberty is the design of God. It is the will of God.

I want to take a second step and consider next, *Liberty as the Dream of America.* Those who came to these shores, came with a dream. The dream of those who founded this nation was a dream of liberty, to embody in our form of government, liberty under law. Abraham Lincoln alluded to this in his Gettysburg address: "Our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal". When the Pilgrim Fathers came to these shores to escape religious oppression and tyranny, they joined in the cabin of the Mayflower and formed the Mayflower Compact in which they covenanted together "to seek and to establish a kingdom for our Lord Jesus Christ". It is virtually unique in the annals of history to find a nation which in its founding documents so dedicates itself to the achievement of liberty and freedom for all of its citizens. Find me a parallel, if you can. I know of none.

Here was a nation which at its establishment dedicated itself to the achievement of liberty. This has been the American dream. The framers of the Declaration of Independence confessed their conviction when they said, "All men are created equal and are endowed by their Creator with certain inalienable rights, and that among these are life, liberty and the pursuit of happiness". Study the great documents of American history, the Constitution and the Bill of Rights, and see in them the effort to bulwark and to safeguard the liberties of our citizenry.

This has been the American dream, that in this land there would be liberty, the power of self determination, the preservation of the right of free choice. Now I would be the first to confess that this dream has been imperfect in its realization. In all honesty, we must face this fact. To our sorrow, to our shame, and to our chagrin we must recognize that there have been some very dark, dismal and dreadful chapters in our history. Some of these tragic chapters in the abridgment and denial of liberty have been written in our own time. It is a blemish and it is a blotch upon America today, that black citizens of our land who could fight for us and face death for us on the battlefield have come home and not been permitted to vote, not been shown common decency and dignity, been denied full justice under law. My friends, there is no defense for this hypocrisy and sham. Marian Anderson, that great Negro contralto came to Minneapolis a few years ago. In the hotel where she stayed, Marian Anderson was asked to ride in the freight elevator, not the passenger elevator. She was looked upon more as cargo than as a person. My heart cries when I face that kind of prejudice and bigotry and wickedness in America.

The Nisei, Japanese Americans, in the Second World War were uprooted from their homes, stripped of their possessions and shunted into concentration camps without due process of law. My friends, this has happened in our country. There are sad, tragic and pitiful chapters which have been written in America, in this land of the free and home of the brave, in this city and in our own hearts.

But the dream of America is right! The ideal of America is right! This is what we've got to affirm in this hour. We have not succeeded in achieving the American dream of liberty, but the dream is right! The ideal is right! The desire is right! We have only to look about us in this world to see the oppression and the tyranny and the police state methods under which so many millions of our fellow human beings live today, to appreciate how greatly this land has been blessed with liberty.

These shores have represented for untold millions, not only a haven of hope, but in fact, the reality of liberty. How many have come to this land to find opportunity and hope and freedom. The Statue of Liberty has stood as a symbol of what this nation aspires to be. 3500 years ago God ordered that the trumpet should be sounded, "Proclaim liberty throughout all the land unto all the inabitants thereof", and I submit to you this morning that this has been the will of God for mankind. This has been God's will for America, and to the degree that this ideal has been embodied and experienced in this land, to that degree God has blessed this land.

I want to bring you to a third consideration: *Liberty as the dilemma of America.* Something is happening in this land we love. (Something is knawing away at the vitals of America today.) I'm not talking about dissent. However shrill and strident the voices of dissent are in our own time, this has been a part of the American tradition, and you and I have been vociferous in our dissent on more than one occasion. I'm not talking against disagreement with American policy, but I refer to something that is new and ominous and sinister. I'm referring to what is exemplified and expressed when our flag is desecrated; when draft cards are burned; when patriotism is passe; when violence is cheered and applauded by so called intellectual leaders in our land. This is what very deeply disturbs me.

As I look on our America this Memorial Day Week-end, something is happening in America. Not long ago, Dr. Arthus Shenfield, a British economist, delivered some very thought-provoking lectures at Rockford College. These lectures are entitled, "The Ideological Warfare Against Western Society," as profound an analysis of our situation today as I have recently read: Dr. Shenfield calls upon his hearers to distinguish carefully between social criticism, which has as its object the correction of our evils, and the social criticism, which has as its objective the destruction of our form of government. What so deeply disturbs this gifted analyst is the mounting crescendo of social criticism which seems to have as its objective, the destruction of our form of government. Dr. Shenfield points out that there is today an assault upon alleged evils in our system and in our society which would deprive us of our self-respect; which would deprive us of any rightful pride in our past, of any honest recognition of true achievement or attainment in America, and would take away from us the will to resist aggression.

I am deeply distressed in my heart to hear a bright intelligent young man say, "We do not want to take over the government, we want to destroy it." What is this? What is this mood in multiplied sectors of America today which would destroy and demolish our government? Our form of government with all its failures notwithstanding, has preserved on these shores for these 200 years, liberty and freedom without parallel in the world. It would certainly seem that we are now reaping the bitter harvest of 60 years of humanism in our educational institutions. We are now reaping the harvest of our pleasure-mad adult immaturities, in which you and I have been implicated and involved, in the selfishness and greed for gain, which have so often characterized the adults in our society.

Nicholas Johnson of the FCC made an observation not long ago. He said the verbal impact of TV on the children of America is greater than the combined verbal impact of schools, church, neighbors and home! The average boy and girl by the time he begins first grade has already spent more hours before TV than he will spend in the college class room. Now my friends, is it any wonder we are in trouble? That blasted boob tube; that one eyed monster; that visual alcohol constantly jamming, jabbing with its perverted value system. Too often have we let the TV be our baby sitter, plunked our children down before it and said, "Oh well," and little by little we have all absorbed the twisted system of values which relentlessly bombards the TV viewer.

It would be worth your while to read the report given by the President's Commission on the Causes and Prevention of Violence. It points out that some of the ills we face in America today must be attributed to the unwise and injudicious use of violent entertainment media. Just what is it that we watch hour after hour? What a soul deadening, mind destroying blight. But tell that to church people today. Tell that to young people. We're enslaved and we're entrapped.

What's happening to America? What can *we* do in this hour? I believe that every single one of us, under God, should ask some very serious questions of himself. What kind of spiritual and moral impact is my home having on my children? That's where we've got to begin.

I know we're very few, just a handful when we think of the masses of our nation, but where can we get a handle on this situation? What can I do? What can you do? Where can we start? Liberty is the design of God and it is the dream of America, but we face a critical dilemma today. Will there be any liberty worth shouting about for your children or for mine, or will the revolution come, of which we hear so much? *What can we do?* We've got to begin with our own homes. We've got to begin with an analysis of the spiritual and moral impact which our own homes are making upon our children. Then we've got to move to our church and begin to ask, what kind of a spiritual and moral impact is our church making upon our youth? Are we scoring? Are we registering? Or are we just playing spiritual Tiddly Winks? This is an hour which must summon us to seriousness, of purpose and self-searching in our hearts.

What is developing in America today is not something we can ho-hum away. There are some very ominous and sinister signs. It is time for us to face reality, to wake up before it is too late. We cannot count on our children having the opportunity, freedom and the liberty which we have had, unless something happens to avert the spiritual disaster and debacle which hangs over us. 3500 years ago God commanded the trumpets to sound, "Proclaim liberty throughout all the land unto all the inhabitants thereof"; in 1776 a bell rang in Philadelphia proclaiming liberty in this land. What is the future of that liberty? What is our hope? Will it survive?

It was 1861; it was a dark hour for America. America was at war. There was a galloping inflation. Everyone felt it. The cash outflow in the U.S. government treasury was many times the cash inflow. There was a wide spread suspicion that the poor bumbling storekeeper from Springfield was not a big enough man to help America in the hour of her tragic destiny. There was a little preacher out in Pennsylvania by the name of Wilkinson. This little preacher was burdened for America, for liberty, and for what he saw happening to the land that he loved. He wrote a letter to the Secretary of the Treas-

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ury, Mr. Salmon P. Chase. He said, "Mr. Chase, I'm burdened for America; I'm praying for my country. I don't want to see it be destroyed. Somehow, we've got to bring to the attention of our country that all of our material prosperity and our whole hope must rest upon a spiritual foundation. Mr. Chase, couldn't we put some kind of a motto on our coins and on our money"? Salmon P. Chase was a Christian man and the suggestion struck a responsive chord. He took the words from the "Star Spangled Banner", "And let this be our motto, in God we trust", and shortened them to "In God We Trust". Then he ordered that this be struck on the coinage and legal tender of our country.

Fellow Christians, somehow we've got to lift this up. The foundation of our hope is spiritual renewal. Somehow your life and mine, this church, this community must lift it up—In God do we trust. There is something we can do. Let us dedicate ourselves, with God's help, to the doing of it.

Prayer: Oh God, so long ago you told your people to proclaim liberty. We love our land, this wonderful land of America. With all its weaknesses and its imperfections, we believe that it has wanted to do the right thing; it has wanted liberty. Oh God, we face dilemma as to what our future course will be and whether this country we love will move toward revolution and disaster and anarchy and chaos, or whether, trusting in God, this land will move toward liberty and freedom for all of its citizens. Help us to see, dear God, we are not inconsequential and unimportant as individuals, but that as in our hearts there should be borne by the Spirit of God a deep burden of concern and of prayer, and a dedication to these ideals and to this dream, to implement it and experience it in our own circle and in our own neighborhood and in our own community of Rockford. Oh God, bless America as she places herself in a position in which thou canst bless her. In Jesus' Name, Amen.

PRESIDENT'S MESSAGE IS WEAK ANSWER TO NATION'S ECONOMIC CRISIS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. PATMAN. Mr. Speaker, the President's Message is totally inadequate for the economic crisis facing the Nation.

It is a weak statement which sounds so much like an echo of the remarks we used to hear from President Hoover in the late 1920's and early 1930's.

The Nation needs action—firm action—by a strong President willing to use his powers in the public interest. The appointment of vague commissions and boards on wages and prices is a dodge, an effort to hide the real issues and to avoid the hard decisions.

The people want real action to roll back interest rates, to lower prices, and stop the rising unemployment. They want something done to provide housing. A vague commission will not answer the problem.

And the President's rosy statements about the future will not answer the problems. We need action, not more words.

If the President does not think we are in a crisis, he should talk to the man who cannot find a job; a family who cannot buy a house because of high interest rates; and the housewife who cannot stretch her weekly budget to meet the high prices of the Nixon administration.

President Nixon is fond of talking about what he inherited on the economy. Well, he inherited a near full employment economy with an unemployment figure of only 3.4 percent. Since then, the Nixon administration has run the unemployment figure to above 5 percent with more than 4 million people out of work. He inherited a housing industry that was building new homes at a rate of nearly 2 million new units a year. Since then, the Nixon high-interest policies have pushed this down to 1.2 million new units annually and the figure is expected to drop more.

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. DINGELL. Mr. Speaker, the Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia, and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red Army guns. The Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet Empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia, and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia, and Estonia, all the Presidents of the United States—Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives To Investigate the Incorporation of the Baltic States Into the U.S.S.R., created by the 83d Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "No nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United

States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extend freedom and independence to the peoples of Lithuania, Latvia, and Estonia, whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

Recently, the 89th Congress took a right step in the right direction by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania, Latvia, and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

A FORESTER LOOKS AT ECOLOGY

XUM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, for many months now, we have been hearing much rhetoric about ecology and the environment. Fortunately, there are those who are able to define ecology in a way that is easily understood by all.

Ray Spencer, forester for the Willits Redwood Products Co. of Willits, Calif., spoke recently to students at Willits High School and I feel his words do much to "clear the air" regarding the practical aspects of ecology.

I would like to congratulate Mr. Spencer for providing us with a much needed definition in very down to earth and practical terms.

I am placing his article in the RECORD at this point with the suggestion that my colleagues take the time to read his words about what ecology, in a practical sense, really means:

FORESTER SPEAKS AT WILLITS ON ECOLOGY

Within the last year or so everyone has become aware of the words ecology and environment. Ecology is a word that has been in use for over 100 years, and means the study of living things in relation to their environment and to each other. All living things are tied to their home by a multitude of invisible strands. These strands are the various physical conditions found on the surface of the earth. They are also found in the relationship competition, co-operation and even disinterested neutrality between species living alongside one another.

In the few minutes I am here I would like to examine the ecology of a forest and the changes that take place when a forest is logged. In a mature virgin forest we have these conditions: Most of the trees have stopped growing and are in the process of dying. Many are diseased and susceptible to attack by insects. The young trees are dominated by the older trees and grow very slowly. The actual net growth of the forest may be on the minus side when you consider the volume of trees that are falling over.

The forest is in a state of stagnation. Trees are competing for sunlight, moisture and nutrients. Competition is greatest among like species which make similar demands upon the same supply at the same time. Therefore the greatest competition is between Redwoods and Redwoods and Fir and Fir. There is less competition between trees of different species and much less between species of different form such as trees and grass or trees and brush.

However, when a tree first starts to grow there is a fierce battle between the seedling and grass for soil moisture, and in many instances the seedling will die because the grass has taken all of the available moisture. This is the reason we clear land when we hand plant. Clearing gives the seedling time enough to get its roots deep enough to get moisture before the grasses start growing.

In a mature virgin forest there are few seedlings because usually the seeds do not hit the soil but instead fall upon the forest litter and therefore, do not germinate. Most of those that do survive die because of the competition with established plants. If they do survive this early competition they are immediately competing with established trees and their rate of growth is very slow.

From our knowledge of a mature virgin forest we can make the following statements. The forest has passed its peak in a rate of growth and may even be showing a negative growth rate. The majority of the trees are over-mature and there is much rot and insect damage. There is little reproduction because of the competition from established plants. The environment has changed so that it is detrimental to the forest. And this has taken place without any interference or effort on the part of man.

Now, let's look at the forest as it is being logged. In selective logging trees are either marked for cutting or only trees above a specified diameter are to be cut. Trees that are marked are usually the largest trees in the stand, the dead and dying trees and trees that are stunted or deformed because of the competition. After the logging you have a forest that is free of the dominant trees, and the dead and diseased trees are no longer taking valuable growing space. The environment has been completely changed—and it is a change for the better as far as the trees are concerned.

There is now sufficient space for trees that have been dominated to grow. An examination of the growth rings will show a rapid increase in diameter growth. The trees are now getting sufficient light, moisture and nutrients. In a Redwood forest this increase in growth can equal the volume removed within a few years. The environment for seedlings has also improved. The soil has been cultivated by the passage of the tractors and the debris on the ground has been piled or burned.

Conditions are ideal for seed germination. Within a year or so there are hundreds of seedlings per acre. In addition the redwood stumps have sprouted, and soon there are 6 more trees growing from the stump. The ecological cycle is ready to be repeated.

WILDLIFE

Now lets see what has happened to the wildlife. The first time I walked through a mature forest I was amazed at the stillness. I did not realize for a moment that the stillness was caused by the absence of birds. One rarely sees any squirrels or rabbits; any good hunter knows that it is useless to hunt deer in a mature forest because they are scarce. Evidently the birds and animals have moved out of the forest because of lack of food.

The birds cannot find seeds, and brush and trees that the animals eat have either died out or grown so high they cannot be reached. The animals either have to eat unpalatable species to survive or move out of the area. They usually move out and go to freshly logged area because the man-made environment is more favorable for them. There is an abundance of knocked down tan oak and madrone, stumps are sprouting tender shoots and birds have no problem finding seeds.

Most of the unfavorable criticism against logging occurs in the 10 year period immediately after logging. In order to get the logs out heavy equipment is necessary. Tractors move a lot of dirt to get to the logs. Hillsides are crisscrossed by skid roads. There is debris left or the ground composed of tree tops, rotten logs and broken chunks. For a short while, the area sometimes looks like a battle ground. Winter rains may wash debris and soil into the creek channels and they get muddy. In some cases, no doubt, some fish are destroyed.

But it is common sense for lumber companies to keep the damage to a minimum. They do not want their valuable timber soil to end up in the ocean. Through good logging practices the damage can be kept to a minimum. The number of skid roads is reduced. Skidroads are crossditched at short intervals to reduce the runoff. Truck roads are located high enough above the creek channels so that side casting of soil will not run into the creek. Tractors are kept out of the creek. Logging debris is piled and burned.

RECOVERY

The time a forest spends recovering from the effects of logging is just a short moment in time when compared to the length of time a forest is growing. Within a few minutes drive from here there are examples of mature virgin forests that were logged and the environment changed by man. They have healed the scars of logging and presently are growing a young vigorous crop of new trees. Brooktrails which was first logged beginning about 60 years ago and relogged until 15 years ago, is but one example. Who can say that, it is not an attractive forest with plenty of wildlife living within it?

Another example is on Jackson State Forest on Highway 20. Casper Lumber Co. logged there in the early 1900's. The equipment was quite primitive and the devastation extreme. With their cable yarders they knocked down every tree. The debris was burned repeatedly. Now there is such a thick stand of young trees that it is difficult to walk through them, and the volume per acre of the present stand exceeds the volume per acre of the original stand.

In closing, while we are thinking of environment and ecology. I think it is worthwhile to remember that man is not all bad and nature is not always perfect. There are some fields where man's knowledge of ecology can improve the environment for both mankind and nature.

VOTING RIGHTS ACT

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. RUTH. Mr. Speaker, in the span of one single hour, the House of Representatives made a decision on voting privileges that should have been made by the States. The States and their citizens have no recourse under the House action but to accept another mandate from the Congress.

It also was most unusual for the House to accept the Senate bill on extension of the Voting Rights Act of 1965, H.R. 4249, which completely subordinated the legislation the House had passed. Under the guise of expediency, the traditional conference with the Senate was eliminated.

The focus of debate in that short hour was not on the extension of the Voting Rights Act of 1965, but whether the Congress of the United States should give the voting privilege to 18-year-olds. Many strong advocates of reducing the voting age were forced to vote against the bill because of the unusual procedure, the departure from States rights, and its constitutionality.

Regardless of how one feels about lowering the voting age, the House, by passing the Senate version, ignored its history, precedents, and constitutional responsibility. State ratification, for instance, was required before women in America received the privilege to vote.

The House should have remained consistent with its legal actions of the past, and not gamble with what appears to so many as an interference to State rights and our constitutional procedure.

It is obvious that some were less concerned with consistency, precedence, and constitutional process, than with accomplishing an immediate goal.

If the U.S. Supreme Court is to be consistent with its actions of the past, then the next steps should be their's—one which declares this bill unconstitutional.

A LOADED PRESIDENTIAL COMMISSION

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. PATMAN. Mr. Speaker, yesterday President Nixon finally announced his Commission on Financial Structure and Regulation.

As anyone could have predicted, the President decided that the financial community would be the best expert to study itself and to recommend changes. This is in keeping with the Nixon philosophy that every industry should regulate itself.

It appears that at least 11 of the 15 members of the Commission have close ties with banking and/or other financial interests. Commissions are questionable institutions, and they become totally worthless when they are loaded up with the industry that they are purporting to study. If a Presidential Commission has any value, it is to provide new ideas, fresh approaches, and objective analysis. It is too much to expect industry representatives to come up with an objective view of the very business on which they depend for a day-to-day livelihood.

The financial leaders the President has placed on the Commission will undoubtedly bring the traditional views of the financial community to the Presidential study. The report that they turn out will be a rehash of existing practices and viewpoints.

Mr. Speaker, there is a great deal that needs to be done in the area of regulation of financial institutions and it is sad indeed that the President of the United States could not rise to the occasion in the appointment of this Commission.

Members of Congress should be on the alert for attempts by this new Commission—loaded as it is with industry representatives—to lobby for weakened regulation of banks and other financial institutions. This is a great danger.

For example, Mr. Speaker, one of the people named to the Commission Tuesday is Alan Greenspan, who was a Nixon adviser in the 1968 presidential campaign. Mr. Greenspan was involved in the now-famous Nixon letter which was secretly passed to the securities industry in the fall of 1968. The letter was intended to reassure the securities industry that they would face easier regulation if Nixon were elected President.

Mr. Greenspan's views are well-known and I suspect that they will be a dominant force within the Commission. He is President Nixon's man on the Commission. In 1968, Mr. Greenspan wrote an article entitled, "The Assault on Integrity," in which he blasted the concept of regulation and claimed that consumers are better protected without Federal regulation.

In outlining his views on regulation, Mr. Greenspan wrote:

> A fly-by-night securities operator can quickly meet all the S.E.C. requirements, gain the inference of respectability, and proceed to fleece the public.
>
> In an unregulated economy, the operator would have had to spend a number of years in reputable dealings before he could earn a position of trust sufficient to induce a number of investors to place funds with him.
>
> Protection of the consumer by regulation is thus illusory. . . .

These remarks should be a firm indication of the direction that President Nixon plans to push his new Commission on Financial Structure and Regulation.

Amidst the many bankers on the Commission is one K. A. Randall, who is listed on the White House press release as vice chairman, United Virginia BankShares, Inc., Richmond, Va. This is the same K. A. Randall who served as Chairman of the Federal Deposit Insurance Corporation until March of this year. Mr. Randall's government career was marked by weak regulation, poor administration, and an outlandish probank attitude. Mr. Randall constantly flew around the Nation, acting not so much as a Federal regulator as a lobbyist for the banks. He reserved some of his most bitter comments to denounce efforts to bring one-bank holding companies under regulation.

At one time, his opposition became so frenzied that he announced that he would personally go to the White House and ask President Nixon to veto the one-bank holding company bill.

Like Mr. Greenspan, Mr. Randall seems to prefer no regulation.

Mr. Nixon has probably done the Nation a favor by loading up this Commission with people from the financial community. It makes the bias of the Commission very easy to spot and I do not think that the press, the public, or the Congress will be fooled by any of the recommendations from this Commission. Mr. Nixon was not subtle in the appointments to the Commission.

Mr. Speaker, the appointment of the Commission on Financial Structure and Regulation is just one more chapter in the sad history of Presidential commissions. Few Presidential commissions have served any real purpose. Most of them—with some exceptions—have been a great waste of time, not to mention a waste of taxpayers' money. They invariably come up with giant tomes which gather dust on bookshelves and contribute little.

What they do contribute is often on the negative side of the fence. Lobbying groups—just as they have on the financial commission—invariably move in, place their members on the commissions, and carefully control whatever study takes place. Sometimes the lobbying groups are able to seize on a commission report as an "objective study" to browbeat the Congress into some outlandish special interest position.

In a democracy, Presidential commissions are a questionable institution. And they often operate in a highly undemocratic manner. Few of these commissions hold public hearings. Most of them go behind closed doors, gather information from whatever industry they are claiming to study, and then issue a report.

In many cases, they bypass the democratic processes and the elected Representatives of the people. Basic changes in regulatory structure are better undertaken in the open atmosphere of congressional hearings, where witnesses representing the public and all the interested parties can appear. In this atmosphere, the public at least has a voice. If a committee of Congress reports out an outlandish piece of special interest legislation, its Members can be punished at the polls.

But these Presidential commissions—many of which try to make a quasi-legislative function—are not really accountable to anyone. The members of the commissions have no constituency save the industry which they represent. They simply fade out of existence and go back to their industry jobs, well-protected and insulated from public opinion.

Sometimes a President will use the findings of a Presidential commission in an attempt to get around the legislative processes and to quietly enact basic governmental changes through administrative edicts. It is not unknown for an administration to seize on a commission report as an excuse to issue administrative regulations through the Federal Register which bear the color of law. Many times, commission recommendations and the resulting administration regulations could not survive the legislative process of open hearings and full public disclosure.

Commissions are usually ineffective.

But when they are ineffective, they are often highly dangerous to the public interest.

In Sunday's Washington Evening Star, columnist Carl Rowan analyzes the problems created by Presidential commissions. He notes that there are at least 2,500 governmental advisory groups and interagency committees wandering around in the Federal governmental machinery. Mr. Rowan notes that:

> There are not going to be any meaningful reforms until the public wakes up to the fact that it is being hoodwinked and flim-flammed with this profusion of commissions. The next time a politician avoids action on a tough problem, but promises a commission, the public ought to send in a mountain of protesting telegrams.
>
> That just might get us back to a reasonably sane and honest use of the governmental study group.

Mr. Speaker, I place in the RECORD a copy of the full text of Mr. Rowan's column:

COMMISSIONS BECOME POLITICAL COPOUTS

(By Carl T. Rowan)

A couple of weeks ago I needled the administration for dragging its feet in naming members of a commission to deal with the vital questioning of population growth and what it means to the nation's future.

Well, the commissioners have now been named and we can all pray for the unlikely formulation of a report to which the country will pay heed.

It is not cynicism, but a look at the facts, that prompts doubt. This business of naming commissions has become the No. 1 Washington way of ducking action or avoiding political responsibility.

These political copouts not only cost taxpayers money for commissions that often are outrageously useless and unused; they also add to the pool of social bitterness and despair when they arouse hopes of action that those in power really have no intention of taking.

The National Commission on Fire Prevention and Control still has no members although it was created more than two years ago.

The Economic Opportunity Council, whose main duty is to coordinate all anti-poverty programs, hasn't met since 1967.

The National Advisory Council on Economic Opportunity operated for a year with the terms of 14 of its 24 members expired. Now all 21 terms have expired.

Last Jan. 30, in his annual Economic Report to the Congress President Nixon promised to create a commission to conduct "a thorough examination of needed changes in our financial institutions and our regulatory structure."

Five months later (on June 3) Rep. Wright Patman took the floor to note that this commission finally has a chairman, "but no members, no staff, no work plan, no address, no telephone, and not even a letterhead."

Patman observed: "It appears that the President has come around to the thinking of a lot of members of the Congress that these presidential commissions are a big waste of time. If this is the case, I want to be among the first to commend the President."

If Mr. Nixon has come to that conclusion, it is a bit late. Already there are some 190 commissions, committees and councils that supposedly are advising the President. Most are not worth the paper required for typing their names.

A House subcommittee headed by Rep. John S. Monagan, D-Conn., has turned up some 2,500 governmental advisory groups and interagency committees, most of which wouldn't be missed if they were wiped out tomorrow.

Monagan calls them "self-serving, nonrepresentative, a device of manipulation." What happens is that if the public is up in arms about crime, or dope, or urban riots, or hunger and malnutrition, and the politicians cannot deliver on their big campaign promises, then they create commissions. On really hot issues they even call White House conferences.

Even when the result is a laudable, highly publicized report such as the Kerner Commission produced on civil disorders, the recommendations have a way of being ignored. The wise actions recommended often require more political courage than the White House occupants possess, which is why the matter got shunted to a commission in the first place.

Or, as in the last years of the Johnson administration, so much money and high-level brainpower can get diverted to a matter like the Vietnam war that no commission report gets adequate attention.

Monagan's subcommittee wants some reforms, including:

A mechanism for eliminating obsolete bodies. Some experts propose a "four year flush" in which all standing advisory commissions other than statutory ones would automatically go out of business at the end of a President's term. Any commission that had not met for a year would automatically come up for review and cancellation.

A central White House office to coordinate the work of advisory bodies, to evaluate and assimilate the reports and to disperse to departments and agencies requirements for follow-up action. This presumably would prevent works such as the Kerner Commission report from falling into oblivion even though the problems to which the report addressed itself remain critical.

But there are not going to be an meaningful reforms until the public wakes up to the fact that it is being hoodwinked and flim-flammed with this profusion of commissions. The next time a politician avoids action on a tough problem, but promises a commission, the public ought to send in a mountain of protesting telegrams.

That just might get us back to a reasonably sane and honest use of the governmental study group.

LABOR DEPARTMENT WINS AGAIN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, a recent newspaper article on the appointment of George Shultz as head of the new Office of Management and Budget said that if anyone could carry out the mandate of the new office, George Shultz was certainly that man. Similarly, I would say, if there is one man who can carry on the excellence of performance which George Shultz has brought to the Office of the Secretary of Labor, that man is Jim Hodgson.

Outgoing Secretary Shultz handled a myriad of problems in his tenure at Labor, and to quote a Wall Street Journal article, "his quiet competence led to an increasing number of assignments from the White House." He has won tributes from labor, business, Congress, and civil service career employees within his Department.

His successor as Secretary is a man of similar strengths and ability. I have been privileged to work closely with Jim Hodgson during the past year. The talent and competence which served him so well as Under Secretary of Labor will, I know, contribute greatly to his work as Secretary.

Christopher Lydon, writing in last Friday's New York Times, has paid Jim Hodgson fine tribute and at this point in my remarks, I include Mr. Lydon's article in its entirety:

NEW LABOR SECRETARY—JAMES DAY HODGSON

(By Christopher Lydon)

WASHINGTON.—James Day Hodgson, President Nixon's choice to become the new secretary of Labor, would seem to personify the new Cabinet style: less "extra dimension" than Mr. Nixon saw in his first-round appointees, but an unusual breadth of experience and administrative talent to serve the White House's increasingly centralized policy leadership. As Under Secretary to George P. Shultz for the last year and a half, Mr. Hodgson (who pronounces his name as if it had no G was considered the ideal No. 2 man. He was so intimately identified with his boss that sometimes he nearly disappeared.

"It's interesting," said a union official at the headquarters of the American Federation of Labor and Congress of Industrial Organizations today, "that we have no sense of Jim Hodgson the way we do of some of the Assistant Secretaries"—like W. J. Usery, the strike specialist; Arnold R. Weber, the manpower director, and Arthur A. Fletcher, who is running the "Philadelphia plan" and others like it to increase minority employment in public construction jobs.

"So we gather," the union man continued, "that Hodgson must have been the guy who was doing the inside, administrative stuff—very quietly."

"HAND IN EVERYTHING"

"He's been the general manager of the department," says one of Mr. Hodgson's colleagues. "He's had a hand in everything—the occupational safety legislation, manpower, labor negotiations, the works. He's always been ready to stand in for the Secretary on anything."

A small, trim 54-year-old who laughs easily and obviously enjoys his work, Mr. Hodgson also seems to embody the affluent good fellowship that has banished the sense of class warfare from American industrial relations.

When he left a job as vice president at the Lockheed Aircraft Corporation to join the Government last year, he brought with him Mr. Usery, the machinists' union official with whom he had fought over innumerable contracts.

Today the labor movement returned the favor. Though the Labor Department has usually been headed by union men, just as the Secretary's office in the Commerce Department has been a businessman's preserve, the A.F.L.-C.I.O. extended its congratulations to Mr. Hodgson and the machinists "breathed a sigh of relief."

As industrial relations director of Lockheed, Mr. Hodgson had made an enviable record in collective bargaining as a straight-shooting management man," the machinist said. "We have no reason to believe that as President Nixon's new Secretary of Labor he will do anything to change that image."

Mr. Hodgson was born on December 3, 1915, in Dawson, Minn., ("and that's nowhere, believe me"), where his father ran a chain of lumber yards and where Mr. Hodgson still owns 160 acres of diversified farm land.

He attended the University of Minnesota at the time when former Vice President Hubert H. Humphrey and Eric Sevareid, the television commentator, were leading campus

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rebels. After graduation in 1938, he answered Gov. Harold E. Stassen's call to work on employment problems in state government.

In 1941 he joined Lockheed in Los Angeles as a personnel clerk. With the exception of three World War II years as a Navy intelligence officer in the Pacific, he was with Lockheed even after—for the last six years as the man directly responsible for relations with the aerospace company's 100,000 employes.

Lockheed was one of the first big corporations to make a concerted effort at hiring and training the hard-core unemployed in the early 1960's. Mr. Hodgson also identifies himself proudly with Lockheed's every man a capitalist" program, in which the company puts up 50 cents for every dollar that workers salt away in savings or stocks.

LEADING JOB AT LOCKHEED

The plan is popular and the workers' fund at Lockheed, which Mr. Hodgson calls "a versatile cushion for retirement or any kind of adversity," now totals more than $100 million.

Like Mr. Shultz, Mr. Hodgson believes in minimal government interference in union activities and bargaining. He is not expected to be easily excited to action by strikes and strike threats, and he does not believe in "jawboning" wages and prices.

Mr. Hodgson, the father of a married daughter and college-age son, is married to the former Maria Denand.

He gets less time than he wishes for golf, though he played one close round with George Meany, the A.F.L.-C.I.O. president, last summer and will renew the competition this summer. His principal diversion these days is reading: Huxley, Waugh and C. P. Snow for novels; Lionel Trilling and Edmund Fuller for criticism; and, at the moment, A. A. Berle on "power."

PETITIONS SIGNED BY MANATEE COUNTY CITIZENS IN OPPOSITION TO FORCED BUSING BROUGHT TO ATTENTION OF HOUSE

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. CRAMER. Mr. Speaker, few issues in recent years have elicited the mass public outcry that has accompanied the issue of forced busing of schoolchildren. In Manatee County, Fla., citizens have manifested their opposition to compulsory busing by exercising their constitutionally guaranteed right of petitioning their government for a redress of grievances. Thousands of Manatee County citizens have affixed their signatures to resolutions calling for relief from unjust, unwise, and in my judgment unlawful court ordered busing for the sake of balancing.

Because these citizens have a right to have their views made known to their elected representatives, I have today filed these petitions with the Clerk of the House of Representatives.

The first of these petitions is in the form of a resolution adopted by the city council of the city of Bradenton, Fla., Manatee County. This resolution bore the signatures of 25,600 citizens and is placed in the RECORD at this point:

RESOLUTION No. 70-15

Whereas, the City Council of the City of Bradenton, Florida, considers itself to be obligated to take a position on the matter of the busing of Manatee County schoolchildren as required by order of the United States District Court, Middle District of Florida, dated January 29, 1970, and

Whereas, the City Council believes that although the said said Court stated that the order dated January 29, 1970, was intended to eliminate the dual system of schools in Manatee County and provide a "unitary system" of schools still it is evident that said order, in practical application, is compulsory busing to achieve racial balance. It is clear that the Court with the avowed purpose of providing an equal education for all students has, instead, attempted to engineer the legal requirement of a unitary school system into the accomplishment of certain social goals, and

Whereas, it is abundantly clear, from recent events, that the Court's attempt to cure certain social ills through the implementation of a planned busing of students has had a boomerang effect and rather than curing these ills has, in fact, made them worse, and

Whereas, the implementation of the above referred to court order will increase the transportation budget of the Manatee County school system by an estimated 35% at a time when our school system budget because of a shortage of classroom space, increased teacher workload and student rapid growth rate, can simply not afford it, and

Whereas, the City Council believes the busing of students is of absolutely no educational benefit.

Now, therefore, be it resolved by the city council of the city of Bradenton, Florida

That the City Council of Bradenton, Florida, is opposed to the busing of students as ordered by the United States District Court, Middle District of Florida on January 29, 1970 and requests that the United States Congress and the President of the United States of America make every effort to relieve the citizens of Manatee County, Florida, of the unjust and unwise burden of compulsory busing of students as required by said Court order.

Resolved in regular session this 22nd day of April, A.D., 1970.

Attest:

——— ———,
Mayor.

——— ———,
City Clerk.

The second petition, bearing the signatures of 21,000 citizens, is placed in the RECORD at this point:

We, members of the PTA (Parent-Teachers Association) and citizens of Manatee County, Florida,

Because we feel that forced busing solely for the purpose of racial balance is not the method by which we should attempt to solve the desegregation problem, and

Because it is not a constructive approach to today's social and educational dilemma, and

Because it creates a tremendous unnecessary financial burden to be borne by taxpayers, and

Because we feel it is necessary and desirable to retain neighborhood elementary schools for all children, and

Although greatly opposed, we are in compliance with court order and making every effort to assure the best educational program in spite of the great disturbance caused by this order, we, therefore,

Urge you to find a better method for bringing about a unitary school system which respects the rights of all Americans, retains neighborhood elementary schools, and prevents cross-busing solely to achieve racial balance.

Mr. Speaker, I share the concern in this matter expressed by these citizens of Florida. As author of the antibusing amendment to the Civil Rights Act of 1964, I have long been concerned over confusing, often contradictory interpretations of that provision by some of our courts that have been contrary to the intent of the amendment. As a result, I have intervened in a number of school desegregation cases originating in my home State of Florida as well as in the Charlotte-Mecklenburg case. It will continue to be my intention to go all the way to the U.S. Supreme Court in hopes of getting this issue resolved consistent with the intent of Congress in passing the antibusing amendment.

UNDERSTANDING THE WAR IN SOUTHEAST ASIA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ASHBROOK. Mr. Speaker, the May 9 issue of the Armed Forces Journal carried an excellent treatment of the war in Southeast Asia, which systematically dispels much of the confusion associated with this subject. As pointed out by its author, Lt. Col. Vincent R. Tocci, deputy special assistant for Southeast Asia in the Defense Department's Public Affairs Office, there is hardly any way to compare the Vietnam war with any other war in U.S. history. Unlike the two world wars and the Korean war, there is no front to simplify military operations. In Vietnam, the front happens to be in the direction one is facing at a given moment. Also, fighting is but one aspect of this unique conflict. Unlike other wars, the cultural and social aspects of Vietnamese life and the geographical area come into play, not to mention economics and politics. Add to this the enemy's use of terrorism, propaganda, indirect tactics, and supply techniques. And if that were not enough, consider an amorphous second front here in the United States with U.S. politics, radical groups, and American social ills complicating still further the issue.

If the issue of Vietnam were less serious and costly, one might not blame some citizens for resorting to generalities and cliches when discussing this subject. The complexities involved are overwhelming and few have the time, effort, and inclination to really master the Vietnam paradox. Not so with Colonel Tocci, however. Having served in Vietnam and presently supplying information to the public on Southeast Asia, he is familiar with the questions and can give the answers to the many aspects of the war which trouble the public.

To further disseminate this very useful account of the Southeast Asian war, I am inserting at this point "Understanding the War in SEA," by Lt. Col. Vincent R. Tocci, with a short biography of its author:

VINCE TOCCI: DOD'S NIGHT OPERATOR

At 1:30 A.M. the morning after President Nixon's 30 April speech on Cambodia, we

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called the Pentagon Public Affairs office to check out Vietnam casualty figures for the editorial in our 1 May "Extra." We shouldn't have been surprised when Vince Tocci answered the phone. He refuses to talk about the hours he puts in as Deputy Special Assistant for Southeast Asia in DoD's Public Affairs office, but veterans of the Pentagon press who've covered the Vietnam War will testify that they're long ones—even when operations are "normal."

Lt. Col. Vince Tocci served in Vietnam from May 1966 to May 1967, first as Air Briefer for MACV and, toward the end of his Southeast Asia tour, as Chief of Combat News for 7th Air Force. Since November 1968 he's held down one of the Pentagon's most important (and thankless) jobs: trying to satisfy the press' insatiable demand for statistical reports on U.S. achievements in Vietnam, when all the statistics really tell is how much EFFORT is involved.

His job gives Vince Tocci a unique feel for the questions that really bother Americans about this war. We happen to think he's got some good answers. And he lays them out here in a commentary we're proud to print in The JOURNAL. This is NOT a DoD "propaganda plant"; when we heard that Vince Tocci had spelled out his perspective on our progress in Vietnam, his understanding of the war, WE asked HIM to let The JOURNAL print it.

Vince Tocci—an Air Force lieutenant colonel—spent most of WWII in an Army uniform, as an enlisted (T-5) medical technician aboard the hospital ship USAHS DOGWOOD in the Pacific. He got his Air Force commision in 1948 from Duquesne University, where in 1949 he earned the first of his two Bachelor's degrees—one in pre-med biology and one in education. Tocci earned his Master's at Duquesne in 1954, and has finished all requirements for his PhD from the University of Arizona except for his dissertation.

He's seen a lot of Asia, having been recalled for the Korean War in 1951. He's one of the founders of the Air Force's Equestrian Team, set up at Randolph Field in 1952, and of its aquatic survival program (Randolph, 1951–1954). He's also one of the few guys we've met who understands what's really happening in Southeast Asia—which is why we asked him to let us print his Vietnam commentary on these pages.

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UNDERSTANDING THE WAR IN SOUTHEAST ASIA

(By Lt. Col. Vincent R. Tocci)

A GI returning from Vietnam is struck by how often he is asked two simple questions about the war. First, "Are we winning?" And second, "When will the war be over?" The more he hears these questions the more he realizes the questioners probably do not understand the war.

There are good answers to these questions, but unfortunately they do not relate to the simple "win-lose" frame of reference held by so many Americans which was developed during World War II and the Korean War. There is hardly any way to compare the Vietnam War with any other war in U.S. history.

Thus, results expected by a person using the outmoded World War II frame of reference often fail to materialize. Somehow all the nice easy solutions get mixed up and confused.

"Whose fault is it?" "Why can't we win?" "Why don't the Vietnamese fight for their own freedom?" These and many similar questions cry for simple answers.

Unfortunately, there are none. Only complex, involved relationships can be presented in reply. But then, who really wants to listen? It's easier to sprinkle a vocabulary with cliches which seem to tell all—and which explain nothing.

It would be good for all Americans to stand back and look in an honest perspective at what is being presented about the Vietnam War. But to do so the viewer must first develop a new frame of reference.

A VIETNAM PRIMER WOULD HELP

If there were a primer it would help. None exists. The only alternative is to try to develop one.

Where to begin? Start at the front.

In this war, however, there is no "front." The "front" in Vietnam happens to be in the direction you are facing at the moment. This unusual concept is not fully understood.

One young officer on his arrival in Vietnam couldn't seem to understand this fact. His simple, impatient suggestion was, "Let's get all our troops to line up across the southern tip of Vietnam and march north to the DMZ." He soon learned that guerrilla warfare defies such a tactic.

He also had to learn that fighting is only one part of the conflict. Deeply rooted in every phase of the action are the cultural and social aspects of Vietnamese life. Further complicating the situation is that in each geographical area these aspects can differ greatly.

If this were not confusing enough, the young officer had to bring economics, politics, terrain, and many other factors into his perspective. Then he had to add the enemy's use of terrorism, propaganda, indirect tactics, and supply techniques to the picture. Perhaps in his year's tour of Vietnam—if he applies himself—he will begin to grasp some of the complexities. But long after he returns to the United States he will continue to learn about the added effects of Paris Peace Talks, U.S. politics, moratoria, and American social ills. Is it any wonder he sought a simple solution? Who wants to fight a war without clear and simple objectives?

In World War II everyone was well aware that when the Allies took Berlin and Tokyo the war would be over. The enemy's command structure—a formal and centralized organization—would be rendered inoperable. These were clear, simple objectives. Americans could follow the war's progress on a map. They willingly provided the resources required to destroy the forces of totalitarianism and bring peace to the world.

But in Vietnam the Viet Cong have no capital and no sovereign territory. The United States has even stated that it does not wish to destroy North Vietnam or force any change on the Hanoi government, which has fomented and supported Viet Cong's fluid, guerrilla activity in the south from the very start.

CONFUSION ON OBJECTIVES, TACTICS, COSTS, AND PRIORITIES

These are enormous differences. The World War II framework and the Vietnam War's "non-framework" have caused corresponding confusion about U.S. objectives, tactics, costs, and priorities. The untangling process seems to be too time-consuming for the busy American.

As a result most Americans find it easier to revert to cliches about the war rather than trying to understand its complexities. They speak in generalities and often draw distorted conclusions. Like the young officer, some Americans oversimplify the problems. Commonly, the solution shouted is, "Get out of Vietnam now." Such oversimplifications are faulty and potentially disastrous. They only add to the confusion.

Particularly confusing is the use of statistics to describe the war. The Vietnam war has been so over-quantified that it has become a war of numbers instead of a war of people.

HOW MANY HOW MANYS?

There are statistics on nearly every conceivable activity in the war. How many indirect attacks? How many fish? How much rice? How many weapons? How many deserters? How many bars? It's a wonder someone doesn't ask, "How many how manys are kept?" The real question is, "What does it all mean?"

Ah, but never mind what it means, it really must be important for the layman to know body count, in-country troop strength, total B-52 missions, pounds of jet fuel transferred, battalion days of operation, piaster exchange, tons of rice captured, and infiltration rates.

It is important if it fits into a proper context. In the *wrong* framework these statistics are practically worthless. Unfortunately, statistics have become ends in themselves rather than substantive items which help to explain or clarify the situation. The wrong framework—oversimplified and overquantified—will not clarify this problem. For its part, the U.S. government, while keeping the American public apprised of all these numbers, has probably added to the confusion.

A WAR OF PEOPLE, NOT TERRITORY

What is needed is a new device for measuring progress in a guerrilla war. The measuring devices currently in use do not really measure progress in a war of insurgency. This is a war of people, not of territory.

To cite some examples, in World War II an offensive operation resulted in miles of enemy-held territory coming under Allied control. In Vietnam an offensive sweep may result in a hill being taken or a fortified jungle patch being overrun. It does not necessarily mean that the enemy has been removed from the area. In fact, more likely, the troops conducting the sweep must abandon the territory in search of other enemy build-ups. Later the enemy forces reinfiltrate the area and another sweep must be initiated to inhibit the enemy build-up.

Another example lies in the number of air sorties flown per day—B-52s for instance. In World War II great numbers of sorties over Hamburg, Berlin, or Ploesti meant strategic deterioration of the enemy's capacity and will to wage war. Today B-52 missions are limited in part by the type of target they are assigned to hit. It is difficult to assess the value of a bombing mission on a storage area or troop concentration in a triple canopy jungle in terms of accomplishment.

This is not to say that combat operations and air sorties are ineffective. They certainly are effective—but not in the same historical context as we have known them.

MEASURING EFFORT, NOT ACHIEVEMENT

The statistics reported to date have been measuring U.S. *effort* and not U.S. *achievement*. As the U.S. effort increased, the public expected a corresponding advancemnt toward victory and pace. Since there is no *measurement* of achievement the public cannot see the *progress*. As a result, the war appears to some people to be a hopeless quagmire.

Conversely, the enemy gets all the credit. In spite of the enormous military effort against them they continue to exist. Ergo: The Viet Cong and the North Vietnamese are victorious. Some people actually believe this fantasy. Some go so far as to claim that the U.S. forces are immoral, illegal, and have lost the war.

WHAT MORE CAN A NATION ASK?

This is an amazing situation. The enemy—which has never had a substantial military victory—uses its propaganda voice, limited-value indirect shelling attacks, and deliberate terrorism to become heroes and victors to many Americans. In the minds of those who accept frustration without illumination, the only answer is to abandon Vietnam—now. In their hopelessness they do not seek or recognize the hard-earned achievements of the unsung team of civilians and military which has limited a war, maintained freedom, helped to build a nation in the midst of a war, and defeated an insidious enemy in every major military action. What more can a nation ask of its fighting men? A better question: what can these men ask of the nation?

They might ask the American people to measure the enemy's achievements. Is one of the Communist achievements the more than 600,000 dead they have sustained in South Vietnam or the innumerable wounded who are never heard of? Perhaps it's the more than 140,000 "returnees" who have defected from the Communist ranks to join the side of the South Vietnamese government. Maybe it's the size of the population which the Viet Cong control—now less than 3% of the nation's total population.

The Viet Cong and North Vietnamese killing of more than 26,000 South Vietnamese civilians in deliberate acts of terror to coerce people into supporting (or at least not opposing) them is an achievement of sorts. Some might say that indiscriminate lobbing of shells at a population center some six miles away and then fleeing is an achievement. Don't the headlines read, *"Enemy Launches 35 Attacks"*? That proves they achieve—and if they hit anything it becomes a major victory.

WHAT ABOUT TET?

"Well," one might ask, "What about Tet of 1968? Wasn't that a Viet Cong victory?" Yes, what about the Communist Tet offensive of 1968?

The Viet Cong and North Vietnamese won no military victories. They achieved none of their stated objectives. They failed to hold any major population center, any province, any district capital. (In fact, since the Americans arrived in Vietnam in strength the enemy has never held one of these.)

In the three-week period of the Tet offensive, more than 43,000 Communist troops were killed—a staggering total.

The Army of the Republic of Vietnam did not surrender, defect, or flee as the Communists had anticipated. Instead, they stood and fought, and have been credited with about half the enemy killed.

The South Vietnamese people *did not* welcome their so-called Communist liberators. They fought back, organized their efforts, rallied to protect their homes, and began a period of sustained action against the aggressors. Americans should ask again, "What are the enemy's achievements?"

CAMBODIA AND LAOS

Recent overt North Vietnamese military activity in Cambodia and Laos clearly spotlights the scope of North Vietnamese aggression in Southeast Asia and belied the claim that the war in Vietnam is a "civil war." The 67,000 North Vietnamese ground combat troops in Laos prove their intent to expand their control in spite of their international agreements or pledge to respect the neutrality of their neighbors. The North Vietnamese and their supporters would have the world believe the Plain of Jars is a picnic area and their trucks on the Ho Chi Minh Trail are out for a Sunday drive.

The presence of thousands of Communist military forces in Cambodia, so often denied by the North Vietnamese, recently led to the ouster of Prince Sihanouk and the demand that the troops leave Cambodian soil.

In a speech in June 1969 Prince Sihanouk—then Cambodia's Chief of State—said Viet Cong forces were "now present everywhere" in Svay Rieng Province, which borders on South Vietnam. He said he had asked the NLF to sign a "promise" that the Viet Cong would withdraw from Cambodian territory "as soon as possible." Sihanouk said: "The Viet Cong have signed, pledging strict respect for Khmer territory, saying that their presence here has been due to the fact that they had lost their way and promising that once peace has been restored over there, they will no longer dare to stay on Khmer territory but will leave immediately. That is what their Ambassador has put down in writing." He added, however, that he did not fully trust the written pledge.

The Communist forces have now been exposed as both Viet Cong and North Vietnamese. They use base camps and sanctuaries in Cambodia to support their aggression in South Vietnam and to build a Communist insurgency in Cambodia itself. To restore peace to this troubled area would require only the withdrawal of Viet Cong and North Vietnamese troops. But then, there would have been no carnage in that area in the first place if the Viet Cong and North Vietnamese had not been there. Perhaps their violation of Cambodian neutrality is rated as another of their notorious achievements.

THE POW ISSUE

Probably the crowning achievement of all is the North Vietnamese and Viet Cong treatment of prisoners of war. The North Vietnamese signed the Geneva Agreements on the Treatment of Prisoners, which gave them the aura of being a civilized nation. But their barbaric violation of this humane protocol identifies the levels they will probe for "victory." The North Vietnamese tactic of surreptitiously releasing the names of prisoners to members of U.S. peace groups is in keeping with their willingness to exploit these helpless prisoners and their families for propaganda purposes. Such is the highpoint of their *"humanitarian"* achievements.

THE ALLIED TRACK RECORD

Allied forces in Vietnam, on the other hand, *can* claim many achievements. First, the Communists have not crushed the Republic of Vietnam and taken over, as they have been attempting to do since 1954. This has always been their stated objective. (Communst incursions into the rest of Southeast Asia have also been thwarted or inhibited. Because of the American presence in Vietnam, the Domino Theory has not had a chance to operate—but the other free nations of Southeast Asia have.)

The Republic of Vietnam has developed a democratic, constitutional government—far more democratic than anything the Viet Cong would permit, and possibly the most democratic in Southeast Asia.

The Republic of Vietnam has held both national and local elections in full view of the world press and U.S. legislators. In the 1969 local elections more than 92% of the villages and hamlets elected their own officials. More than 80% of the eligible voters voted, despite threats of reprisals by the Viet Cong. Conversely, the Viet Cong have never conducted free elections for their so-called Provisional Revolutionary Government.

The Government of South Vietnam has called for free elections, to include the members of the Viet Cong and to be held under international control, to determine the destiny of the people of South Vietnam.

The Communists refuse even to *discuss* an election—yet somehow manage to claim that the people support them.

In 1955 nearly a million North Vietnamese fled to South Vietnam to escape the "benevolence" of Ho Chi Minh. If these North Vietnamese in the South were to call for an internationally controlled, free election in North Vietnam, would the Communists permit it?

Yet, when the Communist leaders even *hint* at a willingness to accept a "coalition" government in South Vietnam, they quickly find supporters in the United States.

Indeed, there are many more achievements by Allied forces in Vietnam. Education has been advanced throughout the country. In 1954 there were only 401,000 elementary school students in both North *and* South Vietnam. By the end of 1969 there were more than 2.3-million elementary school students in South Vietnam *alone*. This is better than 80% of the school age population. Corresponding advances have been made at the secondary, technical, and collegiate levels.

In agriculture the progress has been considerable. Unlike other wars, there is no mass starvation in Vietnam. Production of rice, vegetables, hogs, chickens, and fish has increased. With this year's IR–8 (Miracle Rice) crops harvested, the government of Vietnam expects to wipe out a million-ton rice deficit caused by the disruptions of war.

Roads, railroads, airfields, waterways, ports, communications facilities, and markets are continuously improving—all in the midst of war. After WWII leveled much of Europe, the United States returned with the Marshal Plan to put it on its feet again. After the surrender of Japan the United States helped to rebuild a bombed-out industrial empire. In Vietnam the United States again is developing a war-torn country—and in the very midst of the war.

The Armed Forces of the Republic of Vietnam are developing and improving. More than one out of every nine Vietnamese is bearing arms. The People's Self-Defense Force now has more than 3-million "home guard" members to add to the 1.2-million regular, territorial, and irregular forces. Would an unpopular government dare to arm so many of its people?

The Vietnamese have been fighting for their freedom for more than 20 years. Since 1960 they have lost more than 100,000 men killed in action. Their wounded far exceed that number. Hardly a family exists in the Republic of Vietnam which hasn't lost someone in combat. This represents a solemn commitment. There is no doubt that the people value peace—but they are paying with their lives for the greater values of freedom.

The present Vietnamese Constitution is about two years old. The nation has known democracy and freedom for only a few years. They have paid heavily for it. Can anyone logically expect more of them in so short a time and under such conditions?

Most men and women who have served in Vietnam understand the difficulty of the task. They see it up close, not as casual observers comfortably isolated from the problems. They know it is a far cry from a glibly spoken theory of solution to actually putting it into practice.

WHAT THE COMMUNISTS HOPE FOR

The Communists recognized long ago that they could not achieve their goals militarily in Vietnam, Their *only* hope is to convince enough Americans that there is a hopeless quagmire in Vietnam, a stalemate which will create continued dissension in the U.S. Hanoi hopes Americans will so concern themselves with internal problems that—seeing no personal threat to their homes—Americans would press for immediate withdrawal of U.S. forces.

The withdrawal syndrome has great precedent in the eyes of Ho Chi Minh's cohorts. After Dien Bien Phu didn't the French give up in Paris and call their troops home? Why not the Americans, too?

Although the same psychology that affected the French has influenced a large number of Americans, there are subte differences in the conditions.

First, the French never intended to give up their colonial hold in Vietnam. *The Americans never intended to remain.* The Viet Minh were fighting the French and a small element of Indo-Chinese who supported them. Their Communist cause was easily disguised by the nationalistic fervor of the people.

Today, although they claim the Americans are in Vietnam to replace the imperialist French, the Viet Cong are more easily recognized for what they are—Vietnamese Communists. The Communists must dominate the Vietnamese people in South Vietnam to win.

Recognizing this key fact—and realizing that freedom is ultimately the responsibility of those who seek it—the United States embarked on the program of Vietnamization. In this program the United States would not make the unconscionable and potentially disastrous error of abandoning its solemn commitment to Vietnam and its other Asian allies. Instead, the U.S. is preparing the Vietnamese to defend themselves from Communist aggression.

In this program emphasis is placed on training and equipping the Vietnamese. As they increase their capability and assume a stronger defensive posture, the United States redeploys its troops. More than 115,500 Americans have departed Vietnam in less than a year; more will follow as the Vietnamese potential becomes fact.

VIETNAMIZATION

But first it will take time. Training, equipping, and building an experienced fighting team is not an overnight project. And second, since this is a war for people, progress must include many non-military aspects. Economic, social, and internal security development must advance along with the military. And third, the Communists must disrupt the Vietnamization of the war or find themselves without popular support and facing a strong all-Vietnamese armed force capable of protecting its own people's freedom. The attempts at disruption may cause temporary slowdowns in the Vietnamization process.

Vietnamization combines the best elements of U.S. involvement with Vietnamese aspirations. The end result, given time for implementation, is in keeping with the American commitment and position as a responsible leader in the Free World.

American troops in Vietnam have had to adapt to a completely different concept of fighting. Even the most strident opponent of the war admits that these are the best troops in U.S. military history, young men who see the war as it really is, sharing the dangers and fatigue of combat while fighting the enemy in all areas. They know what it's like to split up into five- or 10-man groups and live in a Vietnamese hamlet. They know what it's like to help people defend their hamlet, build sanitation facilities, learn to communicate, improve health conditions, bury their dead, and struggle toward freedom.

XUM

A lot of publicity is given to the four to five thousand draft dodgers who have fled to Canada. Television programs follow the 300-odd deserters who have defected to Sweden. But smehow the story of the 13-man Marine Combined Action Platoon rarely gets told.

These young volunteers live in Vietnamese hamlets, isolated from other Marine units, and actively help the Vietnamese in the countryside. The language and cultural gaps are wide, but they are spanned by the platoon's achievements.

About 2.5-million American military personnel have served in the Vietnam war. Their good deeds seldom rate a line of publicity. Atrocity stories may be "hot" news—but in no way are they indicative of the actions of today's G.I.

There are many indices of the Vietnam War which never get examined publicly. These are the day-to-day tasks, difficult and dangerous—but rarely glamorous. The men who perform them get neither headlines nor much thanks. They work and fight and build. Some die. How can their achievements be measured?

It takes three months to build a school. The Vietcong can destroy it in three minutes. But still the Vietnamese, with our assistance, build. There must be some way to include such hard-earned progress in measuring achievement. How much is a year of freedom worth?

By almost any yardstick, Allied forces are making progress. They are attaining their objectives. It's a slow and difficult process full of pitfalls, some errors, and many lessons learned.

The war will be over when the Communists recognize that they cannot dominate the people of South Vietnam, or it will be over when the Communists succeed in subjugating the people of South Vietnam as they did those in North Vietnam. In either case the Communists, unfortunately, retain these options.

Regardless of the outcome, the United States has played a vital role in the lives of some 17-million people in Vietnam. Millions more in Asia and throughout the world are watching to see the result.

GET OUT OF VIETNAM NOW

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. BROWN of California. Mr. Speaker, another powerful moderate voice now has been joined with those of us who call for immediate termination of this Nation's tragic adventurism in Southeast Asia.

In a strong and direct editorial on June 7, the Los Angeles Times bluntly said:

> The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

Of course, I agree, and I applaud the Times for taking this important step. And, rather than just echoing the many points brought out in the editorial, I would now like to insert it in the RECORD, and I highly recommend that it be given very serious attention:

[From the Los Angeles Times, June 7, 1970]

GET OUT OF VIETNAM NOW

The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

The President still has in his hands the opportunity to effect such an exit. He should seize the chance now as it presents itself, for it may not come so readily again.

That the war must be ended, all are agreed. That, as the President said last week, "peace is the goal that unites us," all are also agreed.

Long ago, when we began to help the anti-Communist Vietnamese against the Communist Vietnamese, it seemed a worthwhile thing to do. It seemed cheap, first in dollars, then in men. No need now to trace the melancholy history of how, bit by bit, decision by decision, it became extravagantly expensive of money, of human lives, of the tranquillity of this country, of our reputation abroad.

The President said recently he would not have this nation become a "pitiful helpless giant" in the eyes of the world. We are not entirely pitiful, and not yet helpless. But we are like a giant lunging about with one foot in a trap, a spectacle that is disconcerting to our friends and comforting to our enemies.

NOT THE CENTER RING

Our great adversary is now, and will remain, the Soviet Union.

All questions of American foreign policy are subordinate to the central one, which is to prevent nuclear war between the two super-powers. We shall be engaged against the Communist world one way or another all our lives; but in Southeast Asia we are engaged on the periphery of that world in a battle obscured by the elements of civil war and Vietnamese nationalism.

Our response ought to be commensurate with the challenge: as it was over Berlin, in the Cuban missile crisis, as it may yet have to be in the Middle East. But we have so overresponded in Indochina that it may be harder for us to respond as we ought should a greater and more direct challenge arise.

No need now either to delineate at length the consequences in our own country of the Indochina war:

The war is not the sole cause of strife between parents and children, yet it has inflamed that strife.

The war is not the cause of conflict between the races, but it has made that conflict more bitter.

The war is not the only reason for our present economic distress, but it has rendered that distress harder to treat.

The war alone did not create the illness afflicting our public and private institutions, but it has brought that illness to the crisis point.

Like a small wound the war has festered until its infection has appeared in every organ of this Republic. Its ache is felt in every limb; its pain clouds the national judgment. The country is losing heart.

"Peace," therefore, "is the goal that unites us."

As the President said, our national debate is not about the goal of peace, but about "the best means" to achieve it.

JOB CAN BE BETTER DONE

The President has better means at hand than he is using.

He has promised a withdrawal of American combat troops—another 150,000 by next May 1—but the withdrawal in these summer months has been reduced and after the 150,000 leave there will still be 248,000 troops left in Vietnam. If Mr. Nixon has a private schedule for their withdrawal he has not revealed it.

He has declared that his goal is the total withdrawal of all Americans from Vietnam, but by making open-ended threats of counter-action should the enemy attack, he has made it necessary to make good on those threats. Thus he has given to the enemy a large measure of decision over our own rate of withdrawal.

By the President's move into Cambodia, and by his encouragement of the Vietnamese and Thai operations there after we leave, he has entwined American prestige with the fate of that unhappy but unimportant little country.

In declaring that the credibility of American promises elsewhere in the world hangs on achieving "a just peace" in Vietnam, he is making it harder for us to make with credibility those compromises which everyone, including the Administration, believes will eventually have to be made.

The President, in sum, is pursuing, for reasons which of course he deems excellent, an ambiguous and contradictory policy—a policy of which the stated purpose is to leave Indochina, but in which it is implied that it may be necessary to stay in Indochina.

The Times believes the United States has discharged all the responsibilities it has in Vietnam. The Times believes this nation has—bravely and honorably—done everything, and more, that could reasonably have been expected of it.

American men prevented Communist forces from precipitantly seizing South Vietnam. American men, at an enormous cost in lives, have secured for the South Vietnamese a reasonable length of time for improvement of their army and consolidation of their country and government. Short of permanent occupation, there is no more America can reasonably be expected to do for Vietnam.

The President said last week that the Cambodian venture "eliminated an immediate danger to the security of the remaining American troops" and "won precious time" for the South Vietnamese army.

This, then, is the opportunity for the President to accelerate the withdrawal.

THE TIME IS NOW

Let him now publicly set a deadline for removing not only the remaining combat troops but all American forces, combat and support, according to a swift and orderly schedule. Let him begin to hasten the removal of combat troops this summer. It ought to be possible to bring about a total and orderly withdrawal in the next year and a half at the longest.

Such a program of withdrawal would of course be hazardous. But it would be much less hazardous than the policy the President is presently pursuing.

The South Vietnamese would be firmly on notice that their future is where it belongs—in their hands. The United States could continue to support them with arms and money, should they choose to keep on seeking a military solution; more likely they would feel impelled to put their own political house in order pending that day when they will come to the political compromise that is the inevitable outcome in Indochina.

American troops would be in some danger, but they are certainly in some danger now, and the faster they leave, the sooner they will be in no danger at all.

IMMEDIATE DEPARTURE

We shall not argue, as some do, that rapid American withdrawal would induce the North Vietnamese to negotiate; but it is certain they are not inclined to negotiate now. On the contrary, the longer we stay in Vietnam the more inclined the North Vietnamese will be not to negotiate, and the readier they may be to mount attacks on our forces in hope of pushing us out.

Let the President, therefore, remove all foreign and domestic doubts about our intentions by announcing a speedy departure from Vietnam.

The President said last week he was determined to end the war in a way that would "promote peace rather than conflict throughout the world . . . and bring an era of reconciliation to our people—and not a period of furious recrimination."

The Times believes that the program of withdrawal we suggest would bring about the kind of peace Mr. Nixon spoke of. The policy suggested here would hasten the end of one war and put the United States on a better footing to prevent other more dangerous conflicts.

The policy suggested here would certainly be met with recrimination from some in this country. But we firmly believe that this policy would be thankfully approved by the great majority of our people as an honorable conclusion to this terrible long war.

EULOGY TO HENRY ZIPPER, FRIEND AND OUTSTANDING CITIZEN OF NEW YORK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. BIAGGI. Mr. Speaker, it is with a sad heart that I bring to the attention of my colleagues the sudden death of a very close friend and an outstanding citizen of my city and congressional district in the Bronx. Mr. Henry Zipper of 140 Donizetti Place, passed away on Monday, June 15, 1970, only a few short hours after I had the pleasure of his company.

Henry leaves a deep void in the lives of those who knew him. He was the epitome of dedication to community and country, and he did much more for his fellow man in his own way than should be expected from a devoted husband, father and public servant.

For most of his adult life, he was an efficient and highly respected supervisory employee in a large municipal agency in New York City. After retirement, his devotion to community affairs caused him to continue to strive for a better world through the exercise of the democratic political process. His time and effects were unselfishly given to a broad spectrum of good causes. His sincere concern for the well-being of his neighbors and friends was an inspiration to those of us who labor in the public interest.

Henry Zipper was a gentleman and a friend to many of us who will sorely miss him but long remember his affect on our daily lives. All of us who where privileged to share his abundant charm and affection are saddened by his sudden death.

To his wife and daughter, I offer my own personal expression of sympathy as well as the fervent prayers of a grateful community.

MUST THE "QUEEN" RETIRE?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. HAMILTON. Mr. Speaker, the following editorial from the Indianapolis Star which urges that the *Delta Queen* riverboat, which still plies the Ohio and Mississippi Rivers be exempted from Federal Safety and Sea regulations.

As a sponsor of legislation which would exempt this picturesque sternwheel vessel from safety at sea regulations, I am pleased that the Indianapolis Star has joined in this effort.

The editorial reads as follows:

MUST THE "QUEEN" RETIRE?

The Delta Queen, paddle steamer which carries pleasure-seekers on nostalgic cruises up and down the Ohio River, is doomed unless Congress comes to her rescue.

The problem is the Safety at Sea Law, which includes stringent regulations for cruise ships flying the American flag or taking on passengers at American ports. Because she has overnight accommodations the Queen somehow comes under these rules for safety at sea, although she never sees the sea. In fact, her defenders say, she never ventures more than 30 seconds from shore.

In 1968 Congress found justification for exempting the Delta Queen from the regulations for two years. If she has been safe enough to ply the waters of the Ohio these last two years, why isn't she safe enough to go on doing so? There are bills before Congress to exempt her permanently, but so far there is no action on them.

The Delta Queen is a charming vestige of an era in which travel was at a leisurely and tranquil pace that now seems almost beyond understanding. A voyage aboard her is an opportunity to recapture a bit of the relaxation of that bygone day. That this is something people want is attested by the fact that she is booked up long in advance.

We hope Congress can see the sense of holding the Queen only to the requirements of the river and not to those of the open sea.

DISASTERS BEFALLING WILDLIFE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. DINGELL. Mr. Speaker, I insert into the CONGRESSIONAL RECORD an excellent article by Mr. Gene A. Hill, a distinguished conservationist and writer. It is a sad allegorical chronicle of disasters befalling wildlife on this continent because of man's depredations.

PARTING SHOT

(By Gene A. Hill)

It was the kind of day you'd expect for a funeral. The northeast wind was grizzled with rain and heavy grey clouds lumbered about the sky so dismally that the mere memory of sunshine seemed absurd. But, all the animals that could get there, were there. They clustered into small groups more or less according to age, like humans do, while waiting for the hearse. Some wandered reflectively around the graveyard staring at the various headstones and the stone vaults. They stood before the marker of the passenger pigeon a minute or two and then passed by the crypt of the woods bison, where some of the larger ones, like the timber wolf and the grizzly, lingered. A few of the birds who had come a long way—the whooping crane from Texas and the condor and brown pelican from California chatted softly near a tilted headstone that marked the remains of the heath hen.

Some of the bolder ones stole glances at the pelican and the condor, both of whom bore the telltale look. Their feathers were dull and wispy and they hung their heads a bit more than you'd expect from just the fatigue of such a long journey. The pelican still had traces of crude oil along the bottom of his pouched beak; now and then he absent-mindedly wiped at it with his wing but merely succeeded in smearing it around. One of the alligators who had come from the Everglades stared at them so intently it verged on rudeness, but curiously no one seemed to care.

Some of the smaller birds, like the woodcock and the kingfisher, started the old rumor again about a cure for DDT, but few payed any attention except for the loons and the mergansers, who were largely just looking for someone to talk to anyway.

As usual much of the conversation centered about those who couldn't come. The clams, the Atlantic salmon, the shad who, up until recently, had attended all the funerals.

The bald eagle began to complain about the upper air, coughing every so often, to punctuate his remarks. And, inevitably the conversation turned to the Great Lakes, the Hudson River, the Delaware, California beaches, several of the great southern swamps and the Canadian prairies. The ducks, who travelled a great deal and usually tried to dominate the talk, did no more than nod in agreement until the end when a hen redhead told about the experience her neighbors were having with lead poisoning, and her own problems about not being able to find a place to raise her family last summer.

But few were really paying close attention. They had heard it all before and stood around staring into the distance and now and then cocking an ear or turning toward the road where they expected any minute, to see the hearse.

As they waited the wind began to freshen and the familiar acrid odor of sulphur drifted over them from a distant pulpmill. In the same tones that they had used in dredging their memories about the days of fresh water and succulent grasses the talk wove around the old homes they had known. Redwoods, the towering fork of the American elm and the soft cool shade of the sheltering chestnut in summers too long past. Some even remembered the singular mast-filled forests of the huge white pines. Others, the black cypress and the waterbirds murmured about the ebb and flow of the tidal eelgrass. Near the grave of the masked quail a pair of prairie chickens reminisced about the old farm hedgerows and the harvests before the time of the machines.

The grizzly, impatient with all this doleful chatter, began to aimlessly rake through some heavy tufts of grass in hopes of finding a mouse for a tidbit, but stopped when he heard an owl clattering his beak at him for being so silly as to have forgotten what happened to mice—and if some had escaped so far—it was a foolhardy thing to eat one.

His indigestion had come back and the grizzly was about to ask around about any new berries that someone might have found when the sound of a motor was heard.

They lined up along both edges of the road so that the hearse passed between them and then turned and followed it to the place where a mound of bare earth lay beside a small grave.

The same words that had been used so many times before were spoken once again. "Progress . . . in the name of civilization . . . scientific triumph for the larger good . . . etc. etc. etc."

The box was lowered. The clods of dirt slapped hollowly against each other until only a scar of water remained in the sere grass, muddily reflecting the one word OSPREY and the date.

Some of the birds flew off together. The wolf and the grizzly separated and left alone. The alligator stayed, blinking his eyes, until almost everyone had left, then he, too, with one last look at the resting place of an old friend, stumped off. The eagle, the pelican and the condor however didn't move. Nor did they speak. It was as if their homeward journey was too far . . . and too futile for such an effort. They would stay here. It would be just a matter of time.

XUM

BALTIMORE ARMY SERGEANT KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. LONG of Maryland. Mr. Speaker, Sgt. Michael F. Brown, a courageous young man from Maryland, was killed recently in Vietnam. I would like to honor his memory by including the following article in the Record:

BALTIMORE ARMY SERGEANT KILLED IN VIETNAM

Sgt. Michael F. Brown, son of Mrs. Mildred H. Smith, 2512 West Lafayette avenue, was killed recently in Vietnam.

Sergeant Brown, 23, was killed May 6 when his fire support artillery base was overrun. He was in charge of a .155 mm. howitzer in the northern part of South Vietnam.

A native of Baltimore, Sergeant Brown graduated from City College in 1964 and majored in mathematics at Morgan State College for 3½ years before joining the Army in February 1969.

He attended artillery leadership school at Fort Sill, Okla., and was sent to Vietnam in March of this year, where he was assigned to B Battery, 2d Battalion, 101st Airborne Division.

Sergeant Brown wrote of "my little family," the men with whom he worked, and said they considered him to be "the fastest gunner on the hill," Mrs. Smith recalled.

Sergeant Brown is survived by his mother and father, Percy L. Brown, and a brother, Gregory Smith, all of Baltimore.

THE ONE RELIABLE COURSE BETWEEN TODAY AND TOMORROW

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, I recently had the privilege to attend an apprenticeship award dinner in Santa Rosa, Calif., at which time I heard one of the most outstanding appraisals of the value of the apprenticeship training program I have heard.

In order that my colleagues may have the benefit of this analysis by Mr. Robert Chapman, I am inserting a copy of his remarks in the Congressional Record. I sincerely urge my colleagues to avail themselves of the opportunity to read this probing and thoughtful analysis of apprenticeship programs.

The remarks follow:

THE ONE RELIABLE COURSE BETWEEN TODAY AND TOMORROW

Ladies and gentlemen, it is indeed a pleasure for me to join in celebration of the occupational achievement of the adult students here tonight. May I also express my profound admiration of the apprenticeship program because I know how dedicated this program is to education at every level.

The occupational achievement that we celebrate is shared by a great many in this room. The principal stockholders are, of course, the students themselves, but their achievement is also shared by their teachers, by their principals, and by all who have helped these mature students develop important new skills. Furthermore, the achievement is shared by the business community that is represented here, and in particular by the Management Council which has led in the all-important task of gearing the training program to the real needs of industry.

The enlightened interest of so many good employers in the apprenticeship program has quite naturally provided a strong stimulus to all the participants. All of you are to be congratulated, and you are to be commended by setting a splendid example for other areas to follow in making the most of their human resources. Most assuredly throughout the nation there is an urgent requirement for educational programs of the kind you have carried out so successfully.

In this era and in this nation every citizen must possess a high degree of proficiency in his chosen field of work. The need for skill in work is particularly apparent here in California where technological growth and population growth are so remarkable. California ranks with the nation's leading states in manufacture, construction, and the service industries. Since the defense build-up began in World War II, we have witnessed a continuous and dramatic flow of new population into California. Today this state grows at a rate of over 2½ times the national average.

The proper assimilation into our communities of the thousands who enter this state every month, and the attainment of the social progress through peaceful means, are major concerns, but perhaps most important of all is the problem of making sure each citizen has the opportunity to partake fully in the development and benefits of this technological era. Perhaps most important of all, therefore, is the problem of preparing the citizenry for employment and keeping it prepared. Indeed, each and every citizen must have access to the means of developing the necessary skills for continuing employment. Each of us must perform his task in life with a proficiency that can only come from training and retraining, from learning and continuing to learn.

It is because society changes so rapidly that lifelong learning is essential for all citizens of this nation. We can expect rapid change in our society to continue powered by an exploding technology as it has been since the conquest of the atom. What advances can we not expect when we consider just a few of the innumerable advances that have been made since World War II. For example, some of the major wonder drugs such as streptomycin, aureomycin, and cortisone, are less than 25 years old. Our programs in rockets, missiles, and lunar travel have produced a variety of electronic and systems advances, many of which find their way to commercial industrial application. Nothing in the foreseeable future is likely to stop this kind of technological progress or to slacken its pace.

As a consequence of racing technology, business organizations everywhere have been expanding at a tremendous rate and while vast number of additional jobs are given birth by this chain reaction, most of these jobs require special training.

It used to be that the most important qualification for the great majority of jobs was the number of years of experience that an applicant possessed, but now more important is the kind of training one has had. Furthermore, succeeding in a position depends more and more on the amount and quality of one's training. Every student knows that education and training have a tremendous bearing upon income. Therefore, adult training of the kind you students have received is a very practical means of adjusting to the demands of a changing society.

The practical value of continuing education, getting and holding a better job is certainly clear. There are also long range values in continuing education which are perhaps of even greater importance in the lives of many.

There is only one reliable course from the present to the future: the course of life-long learning. Anyone who chooses not to continue to develop his innate ability destroys the bridge of his own tomorrow. Anyone who is not afforded the opportunity to develop his innate abilities has been deprived of his fundamental American right. It is no wonder, therefore, that in our own country we place so much emphasis on education for all.

Unfortunately, there are those in our society who persist in believing that education is a process you go through as a car goes through an assembly line. The notion is that you go in one end when you are six years old, you come out at the other end when you are 22 and you're a fully educated man ready for the road. Such thinking has nothing to do whatsoever with the facts of life in the 70s.

Today we know that the process of learning must go on, not only in the classroom or in the training program, but ever afterward as we read, as we watch television, as we observe the procedures in our places of employment and even during our lunch hour conversation.

Whether one's learning is to master a trade, such as carpentry or plumbing, or to master a foreign language, the truth is that the pursuit of knowledge is the proper special function of human beings.

This desire to know and to improve upon nature and upon the random circumstances of one's birth, is one of the things that distinguishes man from the other creatures of this planet, who are restricted to engaging forever in mindless, repetitive behavior. Man was not given superior intellectual capacity only that he might carry out minimal life functions and think the same thoughts day after day for 70 years or so.

Each of us has special aptitudes, creative urges, and a vast hidden reservoir of capabilities which we can never drain dry but which some of us are never encouraged to tap. We have the capacity for self-pride and the need of it, too. We need to feel pride in accomplishments and awareness of participation in life. When we accomplish, when we participate, and when we exercise our special capabilities, we are fulfilling ourselves as members of the family of man. For these reasons, this evening is especially important to all of us. Indeed by continuing their education, the adults we salute here tonight have embarked upon the right course to a good future.

You students have completed a particular program of training and one that will be highly valuable to you and to your employers, and you still have a life-time of learning to pursue.

All of us here have recognized that today one thing is certain: the citizen who gets the most from society and who gives fully to society is the citizen who has learned to continue learning; and having recognized this fact, we are entrusted with a solemn obligation to make widespread our knowledge that the opportunity to learn and to grow must belong to all, to every age, to every race, and to every class.

In summary, our nation will be immeasurably strengthened and in the long run human civilization will grow more meaningful and worthwhile.

Thank you.

MARQUETTE UNIVERSITY: A VALUED ASSET TO MILWAUKEE, WIS., AND THE NATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ZABLOCKI. Mr. Speaker, all too often, the role that a university plays within a community is underrated, perhaps through oversight but more likely because its contribution has become expected, even taken for granted.

To remedy this regrettable omission, Mr. Speaker, it might be beneficial to recognize just one example of how valuable a university is to the well-being and development of the community in which it exists.

As an alumnus, I am especially proud that Marquette University has proven to be such an asset to Wisconsin and especially to the Milwaukee area. In every aspect of community life, Marquette's influence has been felt through the work of its graduates, professors, and students.

The extent to which the university serves the community was pointed out in an article appearing in the June issue of Milwaukee magazine, "Marquette, Graduates and Community Growth."

To illustrate in concrete terms how Marquette University truly serves its community, it should be noted, for example, that nearly one-third of all doctors and 85 percent of all dentists practicing in Milwaukee were Marquette graduates. One of every three teachers in Milwaukee has attended Marquette. Almost half of Milwaukee's 2,200 attorneys owe their degrees to Marquette; 19 are Milwaukee county judges and two are State supreme court justices. The Wisconsin Supreme Court chief justice is a Marquette liberal arts graduate after teaching there over 28 years.

In the fields of communications, engineering and water pollution control the university has been active in initiating projects which benefit the city and the Nation. Graduates hold significant positions in these areas not only in Milwaukee and Wisconsin but throughout the country.

Perhaps the most publicized event in recent months that can be credited to Marquette is the contribution of one of its medical school graduates, Dr. Derward Lepley, Jr., who headed Wisconsin's first heart transplant team.

What is so important, Mr. Speaker, is that as our society becomes more technologically advanced, as metropolitan populations spiral and urban problems become more complicated, communities surrounding a university will look to these institutions of higher learning to an even greater extent for better answers, different solutions and brighter ideas.

As Marquette continues to give to Milwaukee, Wis., and the Nation so also do universities throughout the country enrich their communities and ultimately the Nation.

The full article is reprinted below:

MARQUETTE, GRADUATES AND COMMUNITY GROWTH

Milwaukeeans were caught by surprise some weeks back when Dr. Christiaan Barnard arrived on the scene, announcing his intention to observe new heart surgery techniques developed here.

Heart surgery techniques?

Milwaukeeans knew their town was pretty good at brewing beer and printing annual reports, building hydroelectric generators and constructing cranes. And even moon rocket guidance systems.

But heart surgery sophisticated enough to bring the South African superstar of surgery? That indeed was a revelation.

And something else they didn't know. The heart surgery program that attracted Barnard traced its roots to Marquette University.

It is but one of numerous contributions that the university has made to community well being over the years, contributions frequently overlooked.

Health care, government, law, business, industry, communications—all these fields, as they exist in Milwaukee, have been influenced significantly by Marquette.

In some fields, like medicine and engineering, the school's local activities have resulted in or promise worldwide benefit.

Barnard came specifically to observe a surgical method to supply new sources of blood to the heart. Dr. W. Dudley Johnson, assistant professor of surgery at the Marquette School of Medicine, Inc., developed the method in a program sponsored by the school and St. Luke's Hospital.

The world famed heart surgeon also investigated the total heart surgery program of the school and hospital. It is chiefly the child of Drs. Johnson, Derward Lepley, Jr., and Robert J. Flemma. 377 open heart operations were performed at St. Luke's last year in this program, restoring health to hundreds of persons.

Lepley, who headed Wisconsin's first heart transplant team that operated on Mrs. John Anick, is a graduate of Marquette University School of Medicine, forerunner of the present school. The school of medicine was legally separated from the university in 1967. He is a professor of surgery and chairman of chest and heart surgery of the new institution.

These developments are dramatic and promising. Nevertheless other aspects of Marquette University's long service in the health care field certainly must rank with them on the basis of their importance to the people of Milwaukee and Wisconsin.

The depth of the university's contribution to medicine came into vivid focus during the recent successful effort to save the medical school from financial collapse. The university, which had been assuming increased operating deficits for the medical school, found it could no longer support the school—a condition that led to the legal separation.

During that time Wisconsinites learned that the medical school was the largest single source of new physicians for the state. A 1967 survey showed that almost one-third of all doctors practicing in Wisconsin were Marquette graduates.

In 1966 of the 1,299 Marquette medical graduates practicing in the state, 731 were in Milwaukee county and almost 1,000 in southeastern Wisconsin.

Once these figures became widely known, Milwaukee's leading citizens, the governor and state legislators banded together in a vigorous program to provide short and long term financial aid to the school.

So important was the institution that the legislature raised the beer tax to provide a base of support—an extraordinary development in the nation's leading beer brewing state.

The school is expected to be one of the cornerstones in the development of a regional health center.

In another area of health care the influence of the university's dental school is proportionately greater in the state than the medical school. Dr. Leonard C. Alexander, the dean, said that more than 85% of the dentists now practicing in Wisconsin graduated from his school. A similar breakdown is not readily available for the Milwaukee metropolitan area, but Dr. Alexander believes the percentage is even higher here.

The dental school also provides care to more than 50,000 patients a year in its clinic, the world's largest. All the patients pay is the cost of material and overhead, resulting in substantial savings for Milwaukee area families.

Obviously, the clinic is a great benefit to the poor. But service is not limited to them. Many middle class families and even a few of the affluent come to the clinic because of the high quality of care available from students working under the close supervision of dentists who rank among the best in their profession.

About the turn of the century John Edwin Copus, then city editor of the Detroit Free Press, joined the Catholic church and ultimately became a Jesuit priest.

Assigned as an instructor at Marquette, he dedicated his mature years to communications education so the professions of gathering and publishing news and advertising would be put to best use in society's behalf.

In 1910 Fr. Copus founded the Marquette University School of Journalism, one of the first of its kind on a university campus.

In the ensuing 60 years the MU Journalism School has been an influential member of the journalism community.

Today its graduates hold such positions as European editor, Scandinavian correspondent, director of Southeast Asian Services and chief of broadcast service for the Associated Press; photo editor of the National Geographic magazine; business manager of McCalls magazine, west coast bureau chief of Time magazine, editor of the Air Force Digest and many more.

In the Milwaukee metropolitan area, MU journalism graduates can be found on the staffs of the daily newspapers and many of the weeklies as well as television and radio news staffs. They hold high advertising and public relations positions in communications agencies, financial institutions, manufacturing companies, retail firms, publishing houses, government agencies and utilities.

Numerous staff members of the Milwaukee Journal, one of the country's most influential newspapers, trace their beginning in the profession to Marquette.

How many Milwaukeeans realize that of the estimated 2,200 attorneys practicing in the Milwaukee metropolitan area, about half are Marquette graduates? Or that of all the lawyers in Wisconsin, a third are graduates of the Marquette Law School? Eleven of Milwaukee county's circuit judges graduated from the school, as did eight of the 13 county judges. Two of the graduates sit on the supreme court, Leo Hanley and Robert Hansen.

Supreme Court Chief Justice E. Harold Hallows is a graduate of the MU College of Liberal Arts. He taught at the university for more than 28 years.

Four members of the university's Board of Trustees, Attys. Steven E. Keane, Harvey W. Peters, Victor McCormick and Clifford A. Randall are law school alumni. Another alum is one of the few county executives in the United States, John L. Doyne.

A glance at a list of some of the graduates of the Marquette School of Engineering suggests the impact that it has had on the community:

Frank P. Agenten, president, Peerless Gear; Roland Bayerlein, vice president, Nordberg Manufacturing; Oscar J. Druml, president, Druml Company; Benard Friedl, vice president, Vilter Manufacturing; James B. Kurtzweil, president, Milprint; Raymond D. Leary, chief engineer and general manager, City and Metropolitan Sewerage Commissions; Robert E. Miller, president and general manager, Curtis Development and Manufacturing; Wilbur G. Prasse, president, Oilgear; Clayton J. Trudeau, retired vice president of Wisconsin Electric Power; Edward Wellauer, director, research and development, Falk Corporation; Kurt W. Bauer, executive director, Southeastern Wisconsin Regional Planning Commission (and part-time MU instructor); Robert McGinn, vice-president, research and development, A. O. Smith Corp.

For years Milwaukee and Wisconsin industry have looked to Marquette engineering faculty members for help on a consulting basis. Men busy in the classroom and on research projects for the Atomic Energy Commission or the Air Force in materials science, for example, also have helped solve complex problems for local manufacturing firms.

Marquette's chemical, electrical, mechanical and biomedical engineers have been called on to do similar work, as have instructors in chemistry, physics, psychology and education. Similarly, nursing, business administration and graduate school alumni have made important contributions to the community and even to the nation.

Some of the most significant work in the country in the field of water pollution abatement is now being done by the school of engineering's sanitary and environmental department, headed by Dr. Raymond J. Kipp, chairman of civil engineering.

A major project that could lead to solution of one of the country's worst water pollution problems is under way in Milwaukee, with Marquette University in a critical role. Like many cities, Milwaukee is afflicted with combined storm and sanitary sewers in older sections of town. During heavy rain storms or periods of rapid snow melting, the system, including the sewage mains and treatment plant, cannot handle all the liquid that pours into it.

In order to keep the sewers from backing up into homes and other buildings during such periods, designers built overflow mains that lead directly, in Milwaukee's case, to the Milwaukee River and its tributaries.

This means that large quantities of raw sewage at times runs into the river and is eventually discharged into Lake Michigan. Sometimes the resulting pollution is so great that the park commission must close the beaches.

The estimated cost of separating storm and sanitary sewers throughout the country is a whopping $48 billion. Obviously it will not be done at that price.

Several years ago the federal government invited imaginative ideas to overcome this problem. The city of Milwaukee proposed construction of a giant tank on the west side of the Milwaukee River, just below the North Avenue dam. The combined sewer overflow will be channeled to it and held until the city's sewerage plants are able to handle the waste. It will then be pumped to the plants, treated and discharged to Lake Michigan.

Dr. Kipp's group has a vital role in the project. It will monitor the overflow, the tank itself and the river and ultimately evaluate the effort and report to the government.

Success could result in a significant advance against one of the largest sources of water pollution in the country.

The Kipp group is engaged in another project connected with Milwaukee's sewage disposal system. Its long term significance in the fight against water pollution may be even more important than solving the combined sewer problem.

A few years ago science discovered that lakes even as large as the Great Lakes could be polluted beyond recovery and "killed"—allowed to go over to weeds and other growth, ultimately to become swamps in a process called euthrophication. Formerly it was universally believed that bodies of water as large as the Great Lakes could not be polluted. Scientists then discovered that phosphates, which are dumped into the lakes in tremendous quantities by disposal of household detergents in sewage systems, were fertilizing the aquatic growths.

For some reason, Milwaukee's sewage treatment process removes a high percentage of phosphorous, Dr. Kipp said. The aim of the MU project is to learn why and spread the information so that the same results can be achieved elsewhere. It is believed that the individual wastes treated here are somehow instrumental in reducing phosphorous discharges. (It should be noted that nowhere in the country are present treatment systems able to remove all phosphorous. Total removal is a vital goal in the water pollution struggle.)

The engineering school's biomedical engineering program, one of the first of its kind when established in 1953, has increased substantially the level of health care available to Milwaukeeans.

An example is the computer-aided coronary care unit at Milwaukee County General Hospital, in which heart patients receive extraordinary intensive care utilizing the most advanced techniques. Also found at the county hospital, as a result of the biomedical engineering program, is a biophysical laboratory for biomedical and neurological research. It is of enormous benefit to patients with neurological disorders.

In the field of education, Marquette's influence is enormous. Every third teacher in public and private schools in the Milwaukee area has attended Marquette. The university provides a facility for continuing education of about 1,500 adults—many at night—in addition to the 11,000 full time students, about 40% of whom are from Milwaukee or elsewhere in the state.

Milwaukeeans for years have found help at Marquette for speech and reading problems. The school has enriched the cultural life of the community with its theater, music and art programs. Business and industry have found themselves welcome to use its extraordinarily good technical libraries.

Men and women of the Marquette staff serve on many civic committees. An outstanding recent example was T. Robert Martin, dean of the School of Business Administration, who was co-chairman of the so-called Martin Weber committee, which studied the structure of city government and proposed substantial changes.

The Marquette Warriors basketball team, winner of the 1970 National Invitational Tournament in New York city, is one of the great unifying factors in the community and an immense source of pride.

With an operating budget of more than $24 million annually, Marquette is one of the biggest businesses in the city and state.

In response to nationwide concern about the crisis in American cities, Marquette faculty and students have become active in more than 20 projects to improve the urban environment.

The school even has its own Community Action Program, with more than 300 student volunteers tutoring off campus, supervising recreational programs, providing home nursing services and contributing to less affluent sections of the city in other ways.

Marquette University is deeply involved in the physical renewal of the old, deteriorated area of the city immediately west of the central business district.

The university, in cooperation with the city, has eliminated 24 of 33 blighted buildings scheduled to come down in its area. By the time construction under its master plan is completed in 1974, 13 new buildings will have been erected and five others expanded or remodeled. Several parking structures also will have been built.

Another 118 blight buildings in the university area, but not connected with university development, have been removed or are scheduled to be removed by the city to further enhance the area.

Today, the university consists of 46 buildings on 47 acres with a book value of more than $45 million.

Marquette has undergone dramatic changes recently. Last year control of the 88 year old institution shifted from a board of three Jesuit priests to a board which provides for 21 laymen and eight Jesuits. Only two Jesuits who are on the board remain in high administrative positions in the University, the Very Rev. John P. Raynor, president, and Rev. Edward J. O'Donnell, chancellor. Of the 500 full time faculty members, only about 60 are Jesuits.

Indeed one of the university administration's chief concerns today is to enlist capable Jesuits in the face of strong demands for their services in numerous places.

As our technological society becomes more complex, as population in metropolitan areas grows and the problems of urban areas are compounded, communities fortunate enough to be served by a university are certain to look increasingly to them for solutions.

There is little doubt that this is the future of the relationship that exists between Milwaukee and Marquette University.

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A PERSUASIVE ARGUMENT FOR U.S. COMPLIANCE TO ISRAEL'S MILITARY AID REQUESTS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. ROSENTHAL. Mr. Speaker, a distinguished faculty member at Harvard University's Center for Middle East Studies, Prof. Nadav Safran, recently made a persuasive case for the United States complying with Israel's request for additional military assistance. The professor presented his thesis in an address to the American Jewish Committee's annual meeting, May 14, in New York City.

Perhaps Professor Safran's most interesting premise is that the Soviet Union has lost as much, if not more, than it has gained in the Middle East crisis.

The text of the professor's speech follows:

TIME FOR DECISION IN THE MIDDLE EAST

The commitment of Soviet pilots and air defense personnel to the ongoing limited war between Egypt and Israel has given a new, possibly fateful, twist to the Middle East crisis, and has once more imposed on the United States the necessity to make new, critical decisions.

I do not know what these decisions will be. But I know of one current of advice being offered to the Administration which, if adopted, would have disastrous consequences for the cause of peace in the Middle East, for American interests in the area, and for Israel and American-Israeli relations. This advice does not spring from any malevolent intention. Worse than that, it springs from a very poor and simplistic understanding of the situation.

I would like to use this erroneous view as a take-off point for my own alternative analysis and conclusions. Now the erroneous view I am speaking of starts with four simple premises:

1. That the Soviet Union has gained and is gaining greatly from the persisting Middle East crisis, and is therefore not interested in a settlement;

2. That Egypt, the key Arab country, will never agree to make peace with Israel, and that pressure on it to do so would only cause it to turn in upon itself and produce chaos which would bring great danger to the entire area;

3. That Israel has been getting more and more extremist in its aspirations and inflexible in its posture as a result of its military strength and its immunity to outside pressure, made possible in a decisive measure by the diplomatic and material support of the United States;

4. And that the United States has been losing greatly and steadily from the persistence of the conflict and from its support of Israel.

From these premises, the upholders of the view under discussion draw the general conclusion that the United States should do its utmost to terminate the conflict, which they allege, so benefits the Russians and so harms the United States, by applying every possible pressure on Israel to accept a settlement that does not include the formal peace which Israel insists upon, and which the Arab countries will not grant. With regard to the particular issue raised by the commitment of Soviet pilots and personnel, these people caution the United States against providing arms to Israel in response for a variety of reasons derived from their premises: Giving arms to Israel, they say, would further antagonize the Arabs and drive them further into the arms of the Soviet Union; it would encourage Israel to continue in its intransigence; and it would prolong the conflict uselessly. What the United States should do, they add, is to take advantage of the present situation in which Israel is in a relatively weak and therefore presumably more amenable position in order to press it to accept a settlement that does not include peace.

When faced with such an analysis, one is very tempted to respond immediately with *ad hominem* attacks, with criticisms of particular points, or with bold counter-assertions. This temptation must be resisted because it sidetracks attention from the fundamental weakness of the argument, which is in its basic approach. This approach is linear and simplistic; whereas the facts to which it addresses itself are dialectical and complex. In simple words, there is an "on the other hand" to each one of its basic premises, which if properly weighted, in the end produces a totally different picture. Let us go back over these premises and note those "other hands."

1. That the Soviet Union has been making gains in the Middle East as a result of the crisis—This is true. It has entrenched itself more deeply in Egypt, Syria and Iraq since 1967, and it has gained an entry into the Sudan as a result of a coup d'état that took place there a year ago.

On the other hand, the Soviet position has also suffered a great deal as a result of the crisis:

First of all, the Suez Canal has been closed since 1967, just when the Soviet Union was getting ready to assert itself as a global power with the help of a very substantial merchant marine and navy developed for that specific purpose in recent years. The closure of the Canal has frustrated Soviet plans by barring to them the main access route from their bases in the Black Sea to the Third World through the Indian Ocean, the Red Sea and the Suez Canal.

Secondly and by the same token, the footholds which the Soviets had gained in Yemen, South Yemen and in Somalia at the southern gateway of the Red Sea became useless and had to be abandoned because the northern gateway was closed.

Thirdly, Nasser's militant pan-Arab drive which had served as a vehicle for the extension of Soviet influence in the area, was checked, and in the case of Yemen reversed, as a result of Nasser's defeat in the 1967 war and his inability to recover his lost territories.

Fourthly, Soviet credibility and reliability as an ally suffered considerable damage in Arab eyes as a result of the failure to save the Arabs from defeat and failure to save them from some of the consequences of defeat. This is particularly true of Algeria, whose relations with the Soviet Union have cooled a great deal since 1967.

Fifthly, the assumption of the burden of rearming the Arab countries and supporting their economies has cost the Soviet Union several billion rubles since the end of the war, in addition to forfeiting much of the pre-war investment. This cost constitutes a substantial drain of resources even for the Soviet Union, especially since it has not been doing so well economically in recent years. At the very least, the absorption of these resources in the Middle East pre-empted their use to extend Soviet influence elsewhere.

Last but far from least, the 1967 defeat shook the foundations of the Arab regimes on which the Soviet position in the Middle East rests, and left them more vulnerable than ever to sudden collapse as a result of the kind of pressures that are inherent in a continuing confrontation with Israel. To anticipate a little, it was precisely the fear that Nasser might collapse as a result of the Israeli response to his war of attrition that impelled the Russians to come in with their missiles and pilots.

If all this is true—if it is true that the position in which the Soviets have found themselves since the war involves important advantages but even more important disadvantages, it would be wrong to conclude that in principle the Soviets have absolutely no interest in a settlement. The contrary conclusion is more appropriate and finds confirmation in the fact that the Soviets had actually engaged for over a year before their recent move in negotiations with the United States aimed at reaching a settlement. The problem has been that the Soviets have not dared to move ahead of the Egyptian position, or to persuade Nasser himself to move forward and accept the principle of peace, which is the key to an agreement with the United States.

This leads us to the second assumption, that no Egyptian leader could afford to make peace with Israel. I cannot help but observe here that attempts to explain the Arab attitude in terms of "the Arab mentality" is the refuge of people who will not or cannot examine the facts. It is true that Nasser has been obdurate in his rejection of the principle of formal peace; but it is no less true, on the other hand, that he has come a long way in his position vis-a-vis Israel—from insisting on its destruction as the only goal and on belligerency as the only interim relationship, to renouncing that goal publicly, being willing to accept Israel's existence de facto, to terminate belligerence, recognize its frontiers, agree to free navigation through the Suez Canal as well as the Gulf of Aqaba and so on.

I mention all this not in order to suggest that it is enough and not to make the points that Nasser is reasonable, but in order to point out that Nasser is rational and has acted rationally in the sense of matching ends and means and responding to the realities of the situation. If he has not so far taken the extra step of being ready to contemplate firm and binding peace, it is evidently, in view of this record, not because of emotional obsession but because the pressures working on him have not been sufficient to compel him to take that additional step. This does not, however, preclude that they might do so in the future. Much will depend on the position of the United States.

The third assumption concerning Israel's getting tougher is in part correct. However, like the other assumptions it tells only half the story and tells it too simply. The toughness of Israel and its relative inflexibility are products of the national consensus that has peace as its lowest common denominator. But on top of this denominator, there is a wide variety of views and forces which have been prevented from asserting themselves by the fact that the denominator itself has never been met.

Let a concrete prospect of peace be presented to Israel, and the national consensus would certainly break up, bringing down, in my judgment, the national coalition government based on it, and opening up the entire political system. The so-called "Goldmann Affair" and the agitation it caused in Israel when nothing more than the shadow of a shadow of a prospect for peace was involved is very significant in this respect. Now, whether a break-up of the national coalition and the reformation of the political parties would produce a simple majority that would favor peace without significant territorial changes from the pre-war lines is difficult to be certain about. My own judgment is that such a majority would emerge.

The fourth and final assumption to the effect that the United States has been losing a great deal as a result of the present situation is true also to some extent. But there is also an impressive ledger on the credit side and this produces quite a different net balance. On the debit side, there is undoubtedly

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a general loss of American popularity throughout the Arab world; but popularity is an extremely soft and unstable currency in international relations and should not be confused, as is often done, with influence. Moreover, influence and popularity are not necessarily always directly correlated: In fact, a power may be unpopular because it can exercise a great deal of influence. In the strict sense of the term, influence can be defined as a heightened probability that others should act as we wish them to. I submit that this indeed has been the case with Egypt since 1967. There has been a loss of popularity but a gain in influence. With Syria and Iraq, the United States has had no influence to begin with and therefore has lost nothing since 1967.

Continuing on the debit side, there is undoubtedly a loss to the United States in the weakening of the stability of Jordan and Lebanon as a result of the present situation, which, if it continues, may well bring about the collapse of the regime in either or both of these countries.

People who hold the view I am debating would add the Sudan and Libya to the debit list. I would not dispute that the United States position was somewhat weakened by the coups that took place in these countries, but I would doubt that the damage should be attributed to the Arab-Israeli confrontation.

In any case, let us note that the American interest in the Sudan had been very slight to begin with and that the loss for the United States in Libya was restricted and did not amount to any automatic gain for the Soviets. There was no attack on the position of the American oil companies in Libya and the United States was eased out of Wheelus air base rather than being thrown out by fit, a mere few months before the lease on the base was to have expired anyway. At the same time, the new Libyan government did not turn to the Soviets for arms and advisers, according to the pattern of radical coups, but turned instead to France for help. This was done at the behest of Nasser himself for a very interesting reason:

By refraining from using the club against the United States that fell into his hands when the young Libyan officers solicited his advice, Nasser hoped to dissuade this country from responding favorably to Israel's then outstanding request for arms. Here is a dramatic illustration of the point I made a moment ago about the difference between popularity and influence. Here the Egyptian fear that the United States might respond by giving arms to Israel compelled Nasser to act in a way desired by the United States, even though giving arms to Israel has been a thing which had made the United States unpopular. You see loss of popularity, on the one hand, accompanied by increase in influence on a crucial issue on the other. Nasser realizing that it was dangerous for him to interfere with vital American interests.

On the credit side, there is a list of gains which is none the less impressive for being mostly the obverse of the Soviet and Egyptian losses. There is the frustration of the Soviet global strategy based on the Suez-Indian Ocean route; there is the pinning down of large Soviet resources in the effort to support shaky allies; there is the removal of the Nasserite anti-American pressure on regimes friendly to the United States. People forget, for example, that for five years before 1967 Egyptian troops had been fighting in Yemen with the explicitly proclaimed aim of overthrowing the so-called "reactionary" regimes of the Arabian peninsula and the Persian Gulf, including the oil-rich Saudi Arabia and Kuwait; and that for five years the United States had used largesse and pressure to persuade Nasser to desist, without success. Today, as a result of the post-1967 situation, the proud revolutionary of yore, who would overthrow all the reactionary regimes, is now eating from the hands of these regimes.

Altogether, then, our examination of the four premises about the position and attitudes of the four principal actors in the present situation gives us a picture of a multiple tug of war in which the United States is relatively better placed to accomplish its aims than its opponents are to accomplish theirs. Our analysis, therefore, leads us to reject the panicky view that peace cannot be achieved, without, however, carrying us to the equally fallacious suggestion that peace is easily attainable or is around the corner.

There is a situation in which there is a set of opposing forces at work. The task of the United States is to try to manipulate these forces in such a way as to enhance those that tend to favor peace and to check those that tend to oppose it. The guiding strategy should be to maintain a situation in which the Soviet Union and Egypt can find no relief from the pressures under which they are and no outlet from the crisis except by taking the extra step of agreeing to peace. Once they do that, the United States can use this agreement to prod the Israel leaders to break up the national coalition government in Israel and bring about a political reshuffle that would hopefully produce a simple majority in favor of a peace of reconciliation.

The specific application of this approach to the particular issue of the commitment of Soviet pilots to the Arab-Israeli confrontation requires a few preliminary remarks: In the latter part of 1969, Nasser had declared the cease-fire dead and launched a war attrition against Israel with a view to forcing it to accept a settlement of the crisis on Egyptian terms—that is to say on terms that rejected peace, negotiations, and recognition. Nasser's strategy in that war consisted of taking advantage of the immense Egyptian numerical superiority in manpower and artillery on the Canal front to launch continuous massive artillery bombardments and frequent commando raids. The idea was to inflict heavy losses of personnel on Israel which would sap its will to fight, and force it to mobilize larger and larger segments of its reserves, which would undermine its economy and its capacity to continue the war.

After suffering considerable damage, Israel devised an effective response by using its superiority in air power to foil Nasser's superiority in manpower and artillery. It started by systematically destroying Egypt's air defense system with air attacks and radar-jamming devices; proceeded with surprise airborne and seaborne commando attacks everywhere behind the Egyptian front, thus forcing Nasser to disperse his forces all over Egypt to meet possible Israeli attacks; finally it went on to attack his exposed and dispersed forces to inflict maximum damage and force Nasser to agree to the restoration of the cease-fire. The operation succeeded so well that it turned the tables over on Nasser completely; it was Egypt, which was subjected to a war of attrition—saw treasures of equipment go up in smoke, suffered a hemorrage of casualties, and had the morale of its forces shaken.

Unable to react himself, Nasser turned to the Russians and asked them to repair the situation or else face the risk of a collapse of his regime on which their position in Egypt and in the whole region rests. The Russians responded by rushing, by air, men and equipment to meet the situation. They quickly emplaced at strategic points in mainland Egypt SAM-3 missiles and committed Russian pilots to provide a first line of defense for the missiles from the air and Russian troops to protect them against Israeli airborne commando attack. So far, the Russian pilots have not intervened against Israeli planes operating in the immediate vicinity of the Canal front; but the Israelis had to give up almost entirely their penetrations into the mainland.

As soon as Nasser felt his mainland to be secure under Russian protection, he concentrated once again all his own air power and most of his ground forces on the Canal front and resumed the war of attrition, with already visible effect. This fact makes nonsense of the simple argument that the Russian move is defensive and therefore should not call for an American response. It may be defensive in intent but it has offensive consequences—and both of these aspects should be kept in mind in thinking of the proper response.

Taking these facts against the background of the position of the Soviets and their relations with Egypt, we get the following overall picture, which we may present in the form of a scenario: After nearly a year of vain effort to reach an argeement with the United States on a settlement that avoided peace, the Soviets, mindful of their interest beyond the Middle East as well as of the difficulties of their positions in the area, suggest to Nasser that perhaps the time has come for him to take the next step and agree to peace, although without territorial changes. Nasser, concerned only with his own more limited aims in the region and mindful that the Russians have no alternative to him, balks at the suggestion and wants to keep on trying to change the situation by continued military pressure and diplomatic maneuvers.

The Soviets, unable to apply pressures on Nasser for fear of breaking the branch on which they are sitting, let him go on. Nasser launches the war of attrition, gets himself into trouble and turns to the Soviets for help. The Soviets, fearing his collapse, are compelled to take a critical step of committing their personnel to the defense of Egypt's mainland. Nasser, having succeeded in using his weakness to suck the Soviets in, now takes advantage of the accrued strength in order to resume his war of attrition. The Soviets, having accomplished the essential purpose of saving Nasser from collapse, now stand at the crossroads and watch: If Nasser's pressure appears to be successful, they might throw their whole weight behind a continuation of his campaign of military pressure and diplomatic maneuver. If Nasser's pressures appear to fail, they might be in a better position to convince him that after having tried everything to no avail, there is no escape from taking the next step and agreeing to genuine peace.

Whether Nasser's pressure appears to be successful or not will depend in a decisive measure on how the United States responds.

If the United States responds to the present situation by providing arms to Israel and reiterating its commitment to preserve the balance of power in the area—which in effect means its opposition to any attempt to alter the situation by force and to insist that the only way to alter the situation is through peace—then 1) Nasser's offensive would be effectively checked, 2) his pressure will be seen to have failed, 3) the Russian intervention will be kept within the present limits, 4) and the Soviets will be able to reassert their argument to Nasser that peace is the only outlet for him. If, on the other hand, the United States equivocates on the supply of arms or, much worse, if it should choose this time to urge upon Israel a settlement that does not meet the minimal demand of peace, then even if the Israelis should respond successfully with the arms they already have, this will be a sign that Nasser's strategy is succeeding, that it is detaching the United States from Israel, and that the Soviets could therefore contemplate further steps to intensify the pressures to overcome Israel's predictable resistance.

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One alternative would frankly envisage the continuation of a struggle in which the odds are favorable to the United States and which keeps the prospects of an eventual peace open. The other would immediately foreclose such prospects indefinitely and would set things on a turbulent course whose outcome God only knows.

CONSUMER WRITER SIDNEY MARGOLIUS DESCRIBES NEW FEDERAL GARNISHMENT LAW TAKING EFFECT JULY 1

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mrs. SULLIVAN. Mr. Speaker, one of the most far-reaching consumer laws ever enacted by the Congress, the Federal Restriction of Garnishment Act, takes effect 2 weeks from today, on July 1, establishing for the first time Federal limitations on excessive levies on workers' paychecks for the satisfaction of debts. The garnishment law was included as title III of Public Law 90–321, the Consumer Credit Protection Act of 1968, which also contains as title I the Truth in Lending Act, as title II the Extortionate Extension of Credit Act, and as title IV the creation of the National Commission on Consumer Finance.

As the principal author of this landmark consumer legislation, which was cosponsored in the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency in the 90th Congress by Congressmen HENRY B. GONZALEZ, JOSEPH G. MINISH, FRANK ANNUNZIO, JONATHAN B. BINGHAM and SEYMOUR HALPERN, I think I speak for all six of us in expressing our tremendous satisfaction as legislators that this most controversial aspect of our original bill, the garnishment title, was written into law and is now about to become effective. When we introduced on July 20, 1967, the bill H.R. 11601 which became Public Law 90–321, we were given no chance whatsoever of being able to enact most of its provisions and certainly not anything dealing with garnishment.

MODIFICATION IN ORIGINAL TITLE

As originally introduced, the bill would have prohibited the garnishment of wages for any purpose. The testimony in our hearings indicated that we would have to modify that if we were to have any chance of passing this portion of the bill, and so as sponsors we compromised by recommending as a substitute a modification of the New York statute. The amended version would have permitted garnishment of no more than 10 percent of a worker's pay over $30 a week, prohibiting the firing of an employee for a single garnishment.

This is the form in which this title first passed the House, after withstanding a challenge on the House floor which came within three votes of knocking it out of the bill. After 6 weeks of debate with the Senate conferees over this and many other controversial aspects of the House bill which had never been considered in the Senate in its passage of a truth-in-lending bill, the garnishment title was finally agreed to in conference, but in further modified form.

One compromise involved delaying the effective date for a full year following the effective date of title I, Truth in Lending. Another compromise raised from 10 to 25 percent the portion of a worker's wage which could be garnisheed, but at the same time we also succeeded in raising the nongarnishable portion of the wage from $30 a week to 30 times the minimum wage, which means that, at the present minimum of $1.60 per hour, the first $48 of a worker's pay after taxes and social security is immune from garnishment—except for taxes or court support orders.

I strongly believe, Mr. Speaker, that the Federal Restriction of Garnishment law will do far more than any other provision of Public Law 90–321 to increase the quality of credit transactions for low-income families. Predatory sellers of debt will now be far less likely to extend excessive credit to those who obviously cannot afford to repay it in the normal manner. These are the people who have been victimized over and over by sharpsters who signed them up for expensive credit merely on the showing that the person had a job and thus was garnishable.

ARTICLE BY SIDNEY MARGOLIUS IN "THE MACHINIST"

Mr. Speaker, this week's issue of the Machinist newspaper contains an excellent article on the new garnishment law by its consumer columnist, Mr. Sidney Margolius, who is syndicated in many other newspapers also, and is a member of the National Commission on Product Safety. Mr. Margolius, the first writer to have made a successful career writing exclusively on consumer issues, deserves a significant share of the credit for the inclusion of the garnishment title in the Consumer Credit Protection Act, because he was an outstanding witness before my subcommittee during our hearings in 1967 on the legislation which became Public Law 90–321. His testimony on the cruelties of many of the State garnishment laws, and the significance of these laws in promoting credit abuses, was truly impressive.

Probably the most telling testimony we received on this issue came from a group of Federal bankruptcy referees, who showed the manner in which countless Americans were driven into bankruptcy in order to escape from garnishments which had made them literally unemployable. The president of the Steelworkers Union, Mr. I. W. Abel, also contributed greatly to our understanding of the problem of garnishments, as did some of our other witnesses also.

The garnishment title, as I indicated, is not as strong as we originally hoped to make it. But it is the strongest law we now have on this subject, other than in a few States. Where any State law provides greater protection to the worker than the Federal law, in any particular, the stronger feature of either law applies. Thus, in New York, where only 10 percent of a worker's pay can be garnisheed, compared to 25 percent under the Federal law, the Federal law nevertheless protects the first $48 from any levy whatsoever, whereas the State law has no blanket exemption except for those earning less than $30 a week. So depending upon one's income in New York, the State law would be better protection for those earning over $55 or so before taxes, while the Federal law would be more helpful for those earning less than that amount. I cite this example because Mr. Margolius' article notes some of these differences, and I am not sure that his article makes completely clear that the two laws operate side by side, with the better feature of either one being applied to any specific situation.

The article referred to, by Mr. Sidney Margolius, is as follows:

HOW TO BUY—NEW GARNISHEE RULES

(By Sidney Margolius)

If you ever get swamped by too many debts or trapped by an unscrupulous installment dealer, you'll have more protection from now on against that cruelest of debt-collection weapons—the wage garnishments.

New federal rules, effective July 1, 1970, place a few restrictions on garnishments as part of the truth-in-lending law, the rest of which became effective last year.

It would be wise to know about the new rules, and also your own state's restrictions if even more humane and fairer. Moderate-income families can never be sure that they may not be lured into excessive debt by high-pressure salesmanship or fall behind because of illness or a job cutback. In fact, with a recession on our hands, the timing of the new garnishment restrictions couldn't be better.

The new federal law (1) limits the amount of your wages that can be garnisheed, and (2) prohibits firing an employee because of a garnishment.

25 PERCENT OF EARNINGS

The most that now can be garnisheed under the federal law is no more than 25 per cent of "disposable" earnings or the amount of disposable earnings over $48 a week, whichever is less. Robert D. Moran, Federal Wage and Hour Administrator, who administers the new law, cites these examples. Say you have disposable weekly earnings of $112. Since 25 per cent of $112 is $28, that would be the most that could be garnisheed. But take a worker who has only $62 a week in disposable earnings. While 25 per cent of $62 is $15.50, the most that could be seized would be $14, since they have to leave him at least $48.

Actually the law does not specify the $48 figure but specifies 30 times the federal minimum hourly wage. Currently this is an obsolete $1.60. If Congress finally realizes that there is an inflation and raises the minimum wage to at least $2, the garnishment exemption would go to $60.

This provision does provide a better exemption than in those states which permitted garnishment of as much as 50 per cent of pay and minimum exemptions as low as $25–$40 a week. But the 25 per cent or $48 is not as good as the laws in some states. They permit only as little as 10 per cent to be garnisheed, as in New York, or have minimum exemptions of 40 times the minimum wage as in the new Washington State law, or even more as in Illinois and Connecticut.

Incidentally, under the new federal law "disposable earnings" is not the same as "take-home pay," Moran warns. "Disposable earnings" excludes only items legally required to be withheld from pay such as taxes and Social Security.

Of somewhat more help is the prohibition against firing for one garnishment. The specter of being fired often has been used by collectors and finance companies to scare

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a debtor into paying what even may have been an unfair or deceptively-incurred debt.

But the new law is a little vague in that it prohibits firing for garnishment "for any one indebtedness." Whether the Wage and Hours Division interprets this language rigidly or more realistically will determine the real usefulness of this law.

If the interpretation is that the worker is permitted only one garnishment during his entire period of employment, it's not much help. Hawaii and Connecticut already bar firings for garnishment; Washington, for no more than two garnishments on separate debts within 12 months, and New York for no more than one in 12 months. Several other states are considering or already have enacted similar restrictions. Pennsylvania, Texas and Florida do not even permit garnishments at all.

Moreover, many employers do not fire for just one garnishment anyway.

The Wage and Hours Division is studying whether the new law should be interpreted to protect against more than one garnishment if they arise from the same debt situation. What often happens is that one creditor slaps on a garnishment, and then others garnishee to protect their stake in the debtor's wages. Or, because his income has been reduced by one garnishment, a debtor may fall behind in other payments and suffer another garnishment. Under a narrow interpretation, the employer then could fire since there is more than one garnishment.

To its credit, the Wage and Hours Division is considering establishing a period of time, such as a year after the first garnishment, before another could be considered grounds for firing. Another method I have proposed to the division, would be to bar garnishee firings unless the additional garnishments were for debts contracted *after* the first garnishment. Thus, garnishments for debts existing at the time of the first garnishment could not legally result in firing.

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LEGAL HELP

If you ever do get garnisheed, even just after one garnishment, try to get legal help to make sure all the potential defenses against the garnishment are used. If you have more than one garnishment, legal help is even more urgent to make sure the employer and courts interpret the law adequately and not narrowly. If you have little or no funds for an attorney, you may be able to get help from the local Legal Aid Society or a neighborhood legal center operated by a Community Action Council. Your union's business agent or community services representative may be able to advise on getting legal help.

Your lawyer also even may advise bankruptcy or a wage-earner plan (Chapter 13 of the Bankruptcy Law) to protect you from further garnishments.

If you do get fired for a second garnishment consult your union. You may be able to file a grievance or have it arbitrated, as the Washington State Labor Council recently advised union members.

UNITE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. QUILLEN. Mr. Speaker, the other day while I was going through my daily volume of mail, I came upon this news bulletin mailed to me by the Kiwanis Club of Bristol, Virginia-Tennessee, concerning the club's activities.

In reading over the bulletin, one particular article caught my eye. It was titled "Unite" and it truly offers an inspiring message for all of us.

I believe it would be of interest to many persons and, therefore, I submit it for the RECORD:

UNITE

Americans built this country with their hands. They stood at the edges of a raw wilderness, with nothing except the promise of freedom . . . the wit and the will to achieve it. They planted their farms, raised their roofbeams, laid their rails, built their churches, dreamed their dreams. They drenched the earth with their blood defending what they'd built.

WHAT KIND OF COUNTRY DO YOU MAKE THAT WAY?

The kind of country that can put a man on the moon . . . Or feed the hungry world . . . Or heal the sick . . . Or teach the children who long to learn. The kind of country that will stand up and be counted in some forsaken corner of the map when other people's right to do the same is threatened.

That's why, when you look for Americans, you often find them in tough places, the unpopular places. With blisters on their hands, doing the work that no one else has the strength, know how, or fortitude to do.

Room for improvement at home? Of course. Americans continually strive to improve their heritage, to make the best better. The results are readily apparent to an envious world.

So let's count our blessings as we start a new decade, take inventory of our standard of living, of the freedoms we defend and cherish. Compare America with any other country. Then stand up and be counted . . . proudly and confidently.—United Telephone System.

WILBUR AND ORVILLE WRIGHT TO CONGRESSMAN ROBERT M. NEVIN, JANUARY 18, 1905

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. DUNCAN. Mr. Speaker, a constituent of mine has called to my attention some very interesting correspondence between Wilbur and Orville Wright, Congressmen, the Secretary of War, and other Government officials in 1905.

My constituent pointed out the similarities between this correspondence and the handling of current new ideas.

I would like to place this material in the RECORD and call it to the attention of my colleagues:

WILBUR AND ORVILLE WRIGHT TO CONGRESSMAN ROBERT M. NEVIN, JANUARY 18, 1905

The series of aeronautical experiments upon which we have been engaged for the past five years has ended in the production of a flying-machine of a type fitted for practical use. It not only flies through the air at high speed, but it also lands without being wrecked. During the year 1904 one hundred and five flights were made at our experimenting station, on the Huffman prairie, east of the city; and though our experience in handling the machine has been too short to give any high degree of skill, we nevertheless succeeded, toward the end of the season, in making two flights of five minutes each, in which we sailed round and round the field until a distance of about three miles had been covered, at a speed of thirty-five miles an hour. The first of these record flights was made on November 9th, in celebration of the phenomenal political victory of the preceding day, and the second, on December 1st, in honor of the one hundredth flight of the season.

The numerous flights in straight lines, in circles, and over "S"-shaped courses, in calms and in winds, have made it quite certain that flying has been brought to a point where it can be made of great practical use in various ways, one of which is that of scouting and carrying messages in time of war. If the latter features are of interest to our government, we shall be pleased to take up the matter either on a basis of providing machines of agreed specifications, at a contract price, or of furnishing all scientific and practical information we have accumulated in these years of experimenting, together with a license to use our patents; thus putting the government in a position to operate on its own account.

If you can find it convenient to ascertain whether this is a subject of interest to our government, it would oblige us greatly, as early information on this point will aid us in making our plans for the future.

REPLY TO CONGRESSMAN NEVIN FROM THE BOARD OF ORDINANCE AND FORTIFICATION, SIGNED BY MAJ. GEN. G. L. GILLESPIE

I have the honor to inform you that, as many requests have been made for financial assistance in the development of designs for flying-machines, the Board has found it necessary to decline to make allotments for the experimental development of devices for mechanical flight, and has determined that, before suggestions with that object in view will be considered, the device must have been brought to the stage of practical operation without expense to the United States.

It appears from the letter of Messrs. Wright that their machine has not been brought to the stage of practical operation, but as soon as it shall have been perfected, this Board would be pleased to receive further representations from them in regard to it.

WILBUR WRIGHT TO OCTATE CHANUTE, JUNE 1, 1905

We would be ashamed of ourselves if we had offered our machine to a foreign government, without giving our own country a chance at it, but our consciences are clear. At the Christmas holidays we talked with Mr. Nevin, congressman from this district, and he proposed that we write him a letter containing a general statement of our business, and that he take it to Mr. Taft (Secretary of War) and secure an appointment for us to meet with the War Department officials, thus saving us delay when we should visit Washington. But owing to sickness he was compelled to turn over our letter without personally seeing Mr. Taft and shortly afterward received the letter from the Ordinance Department which I enclose. As we had made no request for appropriation, but on the contrary had offered to furnish a machine of "Agreed specifications at a contracted price", (which offer was entirely ignored,) we were driven to the conclusion that the letter of the War Department was intended as a flat turn down. We still think so.

A note to Col. Capper informing him that we were ready to talk business with British government soon brought a response from the English war office requesting us to make a definite proposition, and now have an answer stating that an officer will be sent to see us.

It is no pleasant thought to us that any foreign country should take from America any share of the glory of having conquered the flying problem, but we feel that we have done our full share toward making this an American invention, and if it is sent abroad for further development the responsibility does not rest upon us. We have taken pains to see that "Opportunity" gave a good clear knock on the War Department door. It has for years been our business practice to sell to those who wished to buy, instead of trying to force goods upon people who did not want them. If the American government has decided to spend no money on flying machines till their practical use has been demonstrated in actual service abroad, we are sorry, but we can not reasonably object. They are the judges.

Wilbur and Orville Wright to Secretary of War W. H. Taft, Dayton, October 9, 1905

Some months ago we made an informal offer to furnish to the War Department practical flying-machines suitable for scouting purposes. The matter was referred to the Board of Ordinance and Fortifications, which seems to have given it scant consideration. We do not wish to take this invention abroad, unless we find it necessary to do so, and therefore write again, renewing the offer.

We are prepared to furnish a machine on contract, to be accepted only after trial trips in which the conditions of the contract have been fulfilled; the machine to carry an operator and supplies of fuel, etc., sufficient for a flight of one hundred miles; the price of the machine to be regulated according to a sliding scale based upon the performance of the machine in the trial trips, the minimum performance to be a flight of at least twenty-five miles at a speed of not less than thirty miles an hour.

We are also willing to take contracts to build machines carrying more than one man.

Reply From Major General J. C. Bates, President of the Board of Ordinance and Fortification, and Member of the General Staff

I have the honor to inform you that, as many requests have been made for financial assistance in the development of designs for flying-machines, the Board has found it necessary to decline to make allotments for the experimental development of devices for mechanical flight, and has determined that, before suggestions with that object in view will be considered, the device must have been brought to the stage of practical operation without expense to the United States.

Before the question of making a contract with you for the furnishing of a flying-machine is considered it will be necessary for you to furnish this Board with the approximate cost of the completed machine, the date upon which it would be delivered, and with such drawings and descriptions thereof as are necessary to enable its construction to be understood and a definite conclusion as to its practicability to be arrived at. Upon receipt of this information, the matter will receive the careful consideration of the Board.

Wilbur and Orville Wright to the Ordinance Board, October 19, 1905

We have no thought of asking financial assistance from the government. We propose to sell the results of experiments finished at our own expense.

In order that we may submit a proposition conforming as nearly as possible to the ideas of your Board, it is desired that we be informed what conditions you would wish to lay down as to the performance of the machine in the official trials, prior to the acceptance of the machine. We cannot well fix a price, nor a time for delivery, till we have your idea of the qualifications necessary to such a machine. We ought also to know whether you would wish to reserve a monopoly or use of the invention, or whether you would permit us to accept orders for similar machines from other governments, and give public demonstrations (exhibits), etc.

Proof of our ability to execute an understanding of the nature proposed will be furnished whenever desired.

Reply From Capt. T. C. Dickson, Recorder of the Board

The Board of Ordinance and Fortification at its meeting October 24, 1905, recorded its action as follows:

The Board then considered a letter, dated October 19, 1905, from Wilbur and Orville Wright requesting the requirements prescribed by the Board that a flying-machine would have to fulfill before it would be accepted.

It is recommended that Messrs. Wright be informed that the Board does not care to formulate any requirements for the performance of a flying-machine or take any further action on the subject until a machine is produced which by actual operation is shown to be able to produce horizontal flight and to carry an operator.

Wright Brothers to the U.S. War Department, May 17, 1907

We have some flyers in course of construction and would be pleased to sell one or more of them to the War Department, if an agreement as to terms can be reached.

These machines will carry two men, an operator and an observer, and sufficient supply of fuel for a flight of two-hundred kilometers. We are willing to make it a condition of a contract that the machine must make a trial trip before Government representatives of not less than fifty kilometers at a speed of not less than fifty kilometers an hour, before its acceptance by the Department, and before any part of the purchase price is paid to us.

If the War Department is in a position to purchase at this time, we will be pleased to have a conference for the purpose of discussing the matter in detail, or we are willing to submit a formal proposition, if that is preferred.

Orville Wright to Wilbur Wright, Dayton, Ohio, May 27, 1907

A few days ago the following came from the Ordinance Board:

"In reply to your letter of the 17th instant, I am directed to request that, as suggested by you, you will submit a formal proposition for furnishing a dirigible flying machine in such detail that the Board may take action thereon.

"The subject aerial navigation being still in the experimental stage, no requirements have been formulated by the Board, and it is therefore suggested that you state what specifications you can fulfill, incorporating the conditions already named by you for a machine capable of carrying fuel supply for a flight of two hundred kilometers and two men in free flight at a rate of 50 kilometers an hour, for a sustained flight of 50 kilometers, and with reasonable dirigibility and safety in flight and landing.

"Your proposition should also include a time of delivery and a stated price for the complete apparatus, payment to be made contingent upon agreed performance.

"If you have a machine constructed with which you can make flights, the Board would be interested in witnessing tests and could visit your establishment for the purpose.

"The next meeting of the Board will be held in this city on June 6th and a reply to this letter is requested prior to that date."

I intend to answer that we will furnish one machine, etc. for $100,000; that additional machines will be furnished at a reasonable advance over the cost of manufacture. That the time of delivery will be dependent upon what other engagements we have at the time of signing a contract, but that a contract entered into now could be filled within three to six months. I will probably answer their suggestion to come here and witness a flight something like this: Since many of the important features of our flyer have been kept secret—and are now properly protected by patents—it would not be prudent to show the machine in advance of a contract. But in order to protect the purchaser we are willing that the specifications be entered in the contract as may be necessary to guarantee the dirigibility of the machine and its structural strength; and that as an additional safeguard to the purchaser, we are willing that no part of the purchase price be paid to us until the trial flight has been made in accordance with the requirements of the contract. I think I will propose to make the minimum speed forty miles an hour, provided $5,000 is allowed us for each mile above the speed performance in the trial flight; we offer to forfeit $5,000 of the purchase price for each mile below forty miles.

POLLUTION AND THE PUBLIC

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. DINGELL. Mr. Speaker, a recent issue of the Center magazine, published by the Center for the Study of Democratic Institutions, carried a perceptive article on the pollution problem by Mr. Frank M. Potter, Jr., executive director of the Environmental Clearing House.

So that my colleagues may have an opportunity to read this article, I include the text at this point in the RECORD:

Pollution and the Public

(By Frank M. Potter, Jr.)

Pollution is limited by neither internal nor external political boundaries. Dirty air and water pass easily from country to country, and people downwind and downstream can only suffer, possibly comforted to know that their hands are no cleaner than those of their neighbors. We are challenged to develop new ways of attacking pollution. In so doing, we must take account of the deficiencies built into the system and, wherever possible, should adapt corrective techniques to the situation as we find it, not as we would have it.

The first and basic need is for a more authoritative information-gathering network, and methods of getting that information at minimum cost to those who need it. This need affects all institutions at all levels. It is being met only superficially at the present time. How it should be carried out and who should do it are important questions not yet resolved: bureaucracy makes strong arguments for keeping the apparatus out of governmental hands, and the profit motive provides strong reasons for keeping it out of the marketplace.

In developing any such information network, emphasis must be placed upon the excellence of the service—differences of opinion are no vice when responsible and adequately documented, and unanimity of opinion ought to be cause for concern.

Unfortunately, the time scale within which we must respond to environmental challenges is so compressed that whatever information and control systems we can develop may still be unable to operate effectively. The rate of technological change will probably remain rapid, although, as suggested by John Platt in his article "What We Must Do" (*Science*, November 28, 1969), a leveling off is likely in some areas. The objective thus becomes to develop sufficiently responsive systems to permit society to react to new crises before they have acquired unstoppable momentum.

These difficulties are compounded by our inaccurate and inadequate trouble-sensing procedures. We do not seem able to react even when problems are foreseen; we respond only when they have become massive and less easily managed. Inaction in turn requires far greater corrective force than would have been necessary had we reacted sooner and more adequately.

This also points up the failings of the more or less simplistic solutions that we tend to adopt as a means of correcting environmental problems, which are rarely if ever simple in origin, and are not usually curable by the simple solutions presented to and accepted by those who make the crucial decisions.

Finally, we have never seriously set out to define what we mean when we talk about an "optimum" or "livable" environment. True, we all tend to make these judgments on a subjective, non-analytical basis, and we focus on issues with which we may personally and emotionally be involved. The tennis-shoed little old lady may grieve for the Redwoods or a threatened brook without realizing that bigger and more serious problems may threaten much more basic values—perhaps life itself.

Subjective judgments on these questions are unavoidable, and may not be undesirable. But at the same time it would seem important to devote a portion of our energies to an informed effort to *define* the public interest and clarify some of the conflicts that are inevitably involved. If, for example, we continue to favor the internal combustion engine as an integral element of our transportation system, what will this mean in terms of projected levels of air pollution, climate, and human health? Should we not, in other words, develop a base line, from which we may then judge the consequences and costs of proposed new courses of action?

The traditional approach to the development of social control systems has involved the creation of regulatory agencies acting as expert arbiters to protect the public interest. This approach has been spectacularly unsuccessful: the regulators have inevitably become captives of the very industries they were established to regulate. Consciously or not, the regulators have adopted roles as promoters and protectors of the theoretically regulated, and leave little hope that improved environmental protection would result from the establishment of a new super-regulatory agency.

A newer method suggested for controlling rampant environmental degradation involves establishing technical and technological monitoring systems; that is, putting scientists in the position of active maintenance, control, and dissemination of environmental information and protective measures. But this effort is hardly more likely to succeed, since it requires a degree of political sensitivity and aggressiveness foreign and perhaps even antithetical to the scientific method, and certainly inconsistent with history and current practice.

The most adequate solution appears to lie in putting necessary information into the hands of the concerned public, which has the most direct interest, and by giving it better tools and ways of calling environmental miscreants to account. Of course we cannot prevent the bureaucrat or the entrepreneur from making decisions which have short-term advantages for him but long-term disadvantages for us, but we *can* require him to make his decisions and reasons public, and to provide a forum to review those decisions with broad social interests in mind.

In effect, this would involve building into the decision-making structure of government the ability and desire to consider long-term and ecological consequences of activities, a process that might be accomplished through a number of specific steps:

Long-term effects of programs and policies must be examined and detailed as a matter of public record.

Procedures must be established following government programs and projects to determine whether the environmental effects were those anticipated, and if not, why not. (Here again the public should be given easy access to the full record, and procedures should be established permitting citizens to put the appropriate agencies on the spot.)

Executive agencies should be required as a matter of procedure to obtain the views of other interested federal, state, or local groups, public and private, on questions related to their programs. Responsible criticisms should be answered on the record, and if no answer is forthcoming, or if the answer is unsatisfactory, procedures should be established to permit judicial review.

Public agencies, in adopting specific programs, should also be required to show how these programs are best adapted to the total needs of the situation. Where reasonable alternatives exist, these should be described, and an explanation given as to why they were not adopted.

Each agency taking action should be legally required to justify why any action at all was desirable. This is not so simpleminded as it sounds: the Corps of Engineers is hard put to defend itself when asked to develop cost/benefit calculations for *not* building a dam. Assembling a group of technologists and/or engineers presupposes great pressure to do *something*, and the option of not going forward at all is often obscured or ignored.

This last requirement suggests itself for nongovernmental areas of endeavors as well. Highway builders, land developers, and others have a far easier job in making their cases than do their opponents. A heavy burden of proof is placed upon the people who presume to speak for the public interest. To get into court they must show that active harm will result, not balanced by the putative good provided by the proposed activity. The burden is misplaced—those who wish to use environmental assets should be required to show that the balance *favors* their proposals.

We also need mechanisms for more rapid, extensive, and convenient public review of major public and private agency decisions. Perhaps a Public Defender for the Environment, with authority to review general governmental policies and pass upon specific problems considered to have significant environmental consequences might be a solution. In extraordinary cases, this Defender could be given the authority to issue temporary cease-and-desist orders to prevent the otherwise inevitable destruction of important resources. Control procedures must be set up to prevent such a Defender from acting irresponsibly, or to force him to act in proper cases.

We must encourage the public to participate more effectively in the making of decisions with environmental implications, on which it has no presently measurable impact. This means citizen action programs, keyed to the issues of the day. Call them lobbies, pressure groups, or anything else; color them important. Their actions should be coordinated to have meaningful impact upon the legislative bodies whose decisions affect us all.

We also need to develop new ways of funding citizen organizations with environmental objectives. Where they act to protect common assets, they should be supported by the public treasury or by the organizations whose actions created the problem.

Greater citizen participation might be accomplished by the enactment of a federal statute to the effect that any person or group winning or perhaps even instituting a court case based upon the violation of a federal pollution law should be entitled, in the discretion of the court, to recover reasonable fees and costs. It would be necessary to spell out in detail the type of cases in which such relief would be appropriate, but the basic idea merits discussion.

In many ways it would appear more desirable to force the would-be polluter himself to underwrite the costs of protecting the resources that he has threatened. This could be done by requiring a public bond to be filed by agencies which propose to take actions with potentially undesirable environmental consequences. That bond would be subject to forfeiture if an anti-pollution law were violated or if unforeseen environmental consequences should occur, and the funds might be applied to legal fees or to cleaning up the resultant damages.

We should also step up our efforts to find more adequate technological solutions to the problems which technology has created. The most effective and least harmful method developed to clean up the Santa Barbara oil spill was the massive use of straw, men, and hand rakes—hardly a creative response. Transferring oil from Alaska's North Slope to world markets may create serious environmental threats: the use of gigantic icebreaking tankers endangers the Arctic Ocean, and the use of overland pipelines threatens a tundra that has remained substantially unchanged for many, many years. Both techniques menace a fragile ecology that might take centuries to recover if something unforeseen should happen.

It is almost inconceivable that more effective and less expensive techniques could not be found to meet these and other environmental hazards of the time. The civilization that put men on the moon ought to be able to do better.

In 1968, several congressmen formed an unofficial Ad-Hoc Committee on the Environment as a channel for communication on environmental issues between the Congress and interested scientists and informed citizens. The committee now numbers a hundred and twenty, and is in regular contact with a hundred and thirty-two expert advisers. Membership on the committee is open to any interested legislator, senator, or representative, Republican or Democrat. This step does not entirely satisfy the need for better information, but it seems to be a long step in the right direction. The information network available to members of that committee may soon be expanded to meet state and local demands for better environmental information, and ought also to be useful to other groups with similar concerns.

Legislation has been considered in the Congress which could go far toward arming citizens' organizations with better information on what federal agencies are doing and why they are doing it. The National Environmental Policy Act of 1969, sponsored by Senator Henry Jackson and Representative John Dingell, contains language to this effect, as does the airport construction bill recently passed by the House. It remains to be seen, of course, to what extent the executive agencies will be successful in their inevitable efforts to weaken the impact of these measures, though their jobs will be made more difficult by the certain knowledge that interested legislators will be watching.

These steps and the ones that remain to be taken are hopeful signs in an area in which hope is uncommon. If anything, these efforts should be accelerated; we may not be able to afford more delay, and we should begin to exercise what talents we have for imaginative and bold departures from the patterns of behavior no longer adequate to our needs.

The international community is also rapidly becoming aware of the dangers of environmental degradation. Sweden has taken an important step by proposing a worldwide Conference on the Environment for

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1972, under the auspices of the United Nations. The hazard is one which many nations recognize, but this recognition must be tempered by the realization that agreement is easy in principle but not in fact. Everyone is against pollution, but the ranks of enthusiasts thin quickly as specific problems arise and specific remedies are proposed.

We have been less than successful in dealing with environmental problems on the local and national level. International, our record is even worse. The history of the international fishing and whaling commissions does not encourage a sanguine view of the future. The United Nations, in turn, has neither the constituency nor the commitment to resolve foreseeable international environmental conflicts. It was not created for this purpose, and would require extensive internal change if it were to take them up seriously.

The need for better information channels is as great internationally as it is on a smaller scale. If anything, political solutions are more easily blocked than at state and national levels, and no one has yet devised a workable system of sanctions to minimize those problems, which all concede do exist.

If it is true that the interests of small groups are often at odds with those of the larger societies in which they exist, how much more true is this of nations, whose antagonisms are more easily created and sustained, and whose common concerns may be deliberately obscured? Downwind and downstream nations from those applying persistent pesticides may see their own problems clearly, but their apprehensions are likely to be viewed as quite unimportant by the nation creating the problem. That nation may well consider its first interest to be protection of the health and food supply of its own citizens, and look upon undesirable side effects as someone else's problem. Unfortunately, they may be everyone else's problem.

The strongest peaceful sanction we have available to influence international decisions appears to be public opinion. More attention might profitably be devoted to the use of public disclosure as a stimulus for more adequate decisions about the international environmental issues. A weak reed it may be, but it must serve until we can find a stronger substitute.

One simple illustration of how such pressures might work can be seen in proposed treaties for the use of the seas. This crucial area has been perceived clearly by national interests as a vast potential source of food and mineral resources, and consequently as critical to their survival.

We must pass over without further analysis the critical issue of sanctions as beyond the scope of this article and as beyond the ability of the concerned parties to resolve at this time. We shall also assume, for the purpose of argument, that it will eventually become possible to develop working treaty relationships with the affected nations and that such a treaty will provide an operating structure as well as a policy-making body.

What suggestions may be made to provide some assurance that the vast assets of the ocean will be used for the common good, and not misused on behalf of narrow segments of humanity? Proposals have been made to provide a focus for scientific impact at the policy-making level; these disciplines will of necessity be represented at the operating levels as well. The proposals do not appear to be entirely adequate to current needs—they will be as inadequate to solve international issues as they are to solve problems on the national scale.

We need an Ombudsman for the Seas.

The functions of such an organization would be simple: to review and to comment upon proposed actions by the operating arm of the treaty organization and others, to consult with the policy-making arm on matters which are or which ought to be under consideration, and to make recommendations to these and to all nations on ways to use, without misusing, the oceans.

This latter point is particularly important, since the seas could be affected by the activities of nations which may not be treaty signatories—even by nations which are entirely landlocked. Inland rivers and estuaries play an important role in the life cycles of fish and other species important to man, and are in turn highly vulnerable to actions affecting airsheds or watersheds with oceanic outlets. Few nations in the world remain entirely oblivious to the opinions of others, and the ability of the Ombudsman to focus worldwide attention upon previously ignored problems could develop into a highly valuable tool.

As sanctions are developed for the international treaty, consideration should also be given to making sanctions available to the Ombudsman, under adequate control procedures. The Ombudsman should not be a policeman: there will be enough problems without adding new ones. However, there should be a close working relationship with whatever organization handles the operations of the treaty organization.

The Ombudsman should have direct access to current oceanographic and ecological information about the seas. Again it would be desirable to keep informational and experimental activities separated from their primary functions; it would also be important to keep them separated from the conventional channels of authority within the operating arm of the treaty organization.

History indicates that, in the seas as elsewhere, strong pressures will be brought to bear by those seeking to exploit these resources. It will be critically important to build into the treaty organization some form of countervailing pressures to ensure that the long-term productivity of the oceans is not endangered by man's effort to turn these assets to limited advantage. If we have learned nothing else from the ecologists, we know now that we exist within a closed system and that we must develop processes and procedures that will permit us to recycle those resources that we must use. To this end, the Ombudsman can serve us well.

For a number of reasons it would seem desirable to create a three- or five-member organization of Ombudsmen with staggered, rotating memberships, and a semi-permanent professional staff. Continuity is important, but a constant access to fresh blood provides a responsiveness to challenge that will be invaluable.

A highly structured decision-making apparatus within the organization itself may not be desirable. No member should be given a power of veto; indeed, if any member sees a particular problem as important, and his colleagues do not share his views, he should still ge given latitude to study the problem and to report on it to the appropriate bodies, supporting his report with whatever evidence is available.

The Ombudsmen should be required to submit an annual report on their operations to the treaty organization, and copies of this report should be given wide distribution to member nations as well as to the United Nations. Dissenting views should be made available in the same form. The incentive to review specific problems might come from within the organization itself, or it might come from any member nations. If review is declined, the reasons for disapproval ought to be spelled out in detail.

Funding is critical. As one of the important functions of the treaty, the Ombudsmen should be assured of a regular budget, subject to no diminution for political reasons. Unless the organization can be free of budgetary apprehensions, its work must inevitably suffer.

Clearly the problems of protection of the global environment are not confined to its oceans. Treaties for the oceans are only a beginning—but there is no good reason why these treaties should not be viewed as the first real steps toward more comprehensive and adequate environmental protection. Men require a world that men can live in.

The oceans are important for a number of reasons. It has been shown that they are not as productive as they were once thought to be, in terms of long-term food sources for humanity. We cannot carelessly develop the oceans as a habitat or dumping grounds, but must concern ourselves with protecting this vital element of Spaceship Earth. At the same time, we may perhaps take a halting step toward developing techniques that may prove effective in other areas as well.

The environmental outlook is not encouraging. We are coming to recognize that, however distant the prospect, we have degraded the environment in which we live and on which we depend, and that the quality of our lives—very likely our existence itself—is in danger.

Paradoxically, there is really no villain at whom one can point the finger of blame—unless we are all villains. However, a strong case can be made that the real problem is that our social institutions have proved inadequate to carry the burdens suddenly thrust upon them. Our ability to manipulate the physical world has far outstripped the social institutions and protective devices that might otherwise have shielded us.

Therefore, our new struggle must be to achieve more direct and intimate participation in the decision-making process by citizens and broadly based interest groups. This, coupled with fuller disclosure of the process itself, promises significant benefits.

Representatives of the bureaucratic/industrial complex may say that such changes in the making of decisions will slow those decisions down and will make the process itself more cumbersome. They would be quite correct: new projects and proposals will be hampered and new enterprise will be slowed down.

There may be extraordinary occasions in which such delay cannot be tolerated, but I believe that more careful and balanced consideration of the consequences of future enterprise will benefit society. Once upon a time, social policy was designed to encourage new forms of commercial, industrial, and governmental activity: the elaborate fiction of the corporation was devised to permit men to act collectively without risk to their personal fortunes. America encouraged the growth of the maritime industry, then the railroads, and we are still encouraging an aircraft industry which scarcely needs encouragement and which may be serving interests opposed to those of society (who really needs the SST, anyway?).

Perhaps it is time to cut back this encouragement—to build up the other side of the case: the protection and nurture of the citizen—the human being. New procedures to protect the earth's endangered life-support system may indeed produce a less vigorous exploitation of her resources—but consider the alternatives.

DETENTION WITHOUT TRIAL IN SOUTH AFRICA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. BINGHAM. Mr. Speaker, in South Africa today we are reminded of the strength of legal traditions, the persistence of human courage and the capacity

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of university students to strike a responsive chord in society. Preventive detention in its most extreme form—indefinite detention on police suspicion—which has resulted in reported torture and death of detainees, was added in 1967 by the South African Terrorism Act to an already shocking panoply of arbitrary police and administrative powers. That act passed with only one dissenting vote. The organized bar was mute. Yet today, there are ferment, responsible public criticism and the resurgence of a chance that the Government may back away from such practices.

The goads to conscience have been sharp. Starting in the fall of 1967 came debates and resolutions of the United Nations General Assembly and Security Council, both incensed at the application of such a law as the Terrorism Act to the international territory of Namibia—South West Africa. The press of member states carried the story to their people; some Governments registered protest at Pretoria. The legal profession in the United States, Great Britain, and elsewhere evidenced deep concern. Reports of abuse of detainees and other forms of police brutality surfaced in South Africa in spite of official silence. New trials under the act at Pietermaritzburg and Windhoek dramatized the plight of detainee, defendant, and witness under its provisions.

Then came "the trial of the 22" in the fall and winter of 1969–70. Twenty-two Africans were detained under the Terrorism Act for over 6 months and subjected to inhuman treatment in interrogation of kinds described in their own statements as submitted to the supreme court by their counsel and in cross-examination of state witnesses. They were brought to trial under another act—not authorizing indefinite detention—the charges were withdrawn and they were acquitted. Before they could leave the courtroom, the Special Branch redetained them under the Terrorism Act. Efforts of their counsel to secure judicial protection from police abuses have met frustration and delay. As the significance of the proceedings gained wider understanding in South Africa, protest spread from editorials of a few free-speaking papers and the ladies of the Black Sash, long known for their peaceful vigils against injustice, to the university students and faculty, the churches and the organized bar and side bar. The forceful and authoritative indictment of preventive detention and other forms of arbitrary denial of rights delivered by Joel Carlson, attorney for the 22 and observer for the International Commission of Jurists in earlier matters has already been published in the Congressional Record. (May 13, 1970, p. 15425; May 20, 1970, p. 16404).

I submit herewith for inclusion in the Record the condemnation of the preventive detention provision of the Terrorism Act issued on May 27, 1970, by the distinguished and highly respected bar council of Johannesburg, a newspaper report that the Government intends soon to charge or release the 22 and other reports evidencing that the hope for justice under law can still rally significant support in South Africa:

JOHANNESBURG ADVOCATES ATTACK TERROR ACT

The Johannesburg Bar, in a statement issued yesterday, strongly criticized the provisions of the Terrorism Act.

It said: "The detention of persons under the provisions of Section Six of the Terrorism Act, No. 83 of 1967 is an example of the application of the power which has been given to the executive to detain persons for an indefinite period without trial.

"The Johannesburg Bar * * * repeatedly in the past expressed its concern at this type of legislation and its attitude ought by now to be well-known, to both legislators and members of the public.

"The Johannesburg Bar wishes to reiterate its strong opposition to any legislation which conflicts with the fundamental precepts of our Roman Dutch Law as applied for many years by the courts of our country, and in particular, to provisions such as Section Six of the Terrorism Act which enables persons to be detained in solitary confinement for an indefinite period, without the right to receive legal advice or to apply to court to determine the legality of their detention.

"BURDEN

"There are other objectionable features of the Terrorism Act, such as the wide definition of 'terrorism' whereby ordinary law-abiding citizens going about their lawful pursuits can also become 'terrorists,' and the placing on an accused person the heavy burden of proving certain facts beyond reasonable doubt in order to escape conviction and heavy penalties.

"This is not even an exhaustive list of the objectionable features of the Act.

"The Johannesburg Bar has always recognized the duty of the Government to ensure the safety of the State. It does not seek in any way to trespass upon any person's political convictions which, in this respect, are quite irrelevant.

"Nor does the Johannesburg Bar seek to prescribe to Parliament how it should combat terrorism or any other activity prejudicial to the safety of the State.

"PILLARS

"What it is, and always has been, concerned about is that legislation dealing with any subject ought to be so designed that it does not contain provisions which run counter to our fundamental precepts of law.

"It is the Bar's traditional duty to warn against the erosion of these fundamental principles which are the very pillars upon which our civilisation has been built.

"The Terrorism Act, and other legislation containing similar features, and the application of such legislation in practice, constitutes a very serious inroad upon the rule of law, and in the view of the Johannesburg Bar this type of legislation is subversive to the proper administration of justice in South Africa.

"The Johannesburg Bar further urges the Government at the earliest opportunity to introduce legislation to restore the courts to their traditional role as guardians of the liberty of the subject."

LAWYERS ARE WORRIED ABOUT DETAINERS: ACTION AT "HIGH LEVEL" URGED

The Johannesburg Attorneys' Association, representing all working attorneys in Johannesburg, has asked the Incorporated Law Society of the Transvaal to approach the Government about the 22 men and women being detained indefinitely under the Terrorism Act.

At a meeting in Johannesburg last week, the association's committee expressed their concern about indefinite detention. They were particularly perturbed because the accused had already been acquitted in a court of law.

On Friday Mr. K. D. Moodie, Attorney-General of the Transvaal, told me that no charges had yet been preferred against the detainees. He said that, as far as he knew, no charges were being considered at present.

Mr. Moodie reiterated that the Security Police had powers, under Section 6 of the Terrorism Act, to hold people indefinitely.

Concern and opposition are mounting among legal men, including advocates, attorneys and academic lawyers, over arbitrary indefinite detention without trial. I understand that other law societies, representing attorneys, and bar councils, representing advocates either have or are planning to take up the matter at "the highest levels".

Representatives of these law bodies in the different centers this week declined to say what action was being taken, however.

Mr. Harry Frank, president of the Incorporated Law Society of the Transvaal, would not confirm the approach by the Attorneys' Association to investigate the position of the 22 detainees.

In the Sunday Times last week Dr. Barend van Nickerk, senior lecturer in law at the University of the Whitwatersland, accused law societies and bar councils of being "deafeningly silent" on the law governing solitary confinement, which he said they knew to be utterly wrong.

Investigations this week showed that many leading advocates and attorneys are deeply perturbed and are looking to their legal bodies to make their feelings known to the highest authorities.

BOSS LAW

One told me: "On a point of law, as in this case, we feel that we cannot remain silent. Our legal bodies spoke out strongly against the boss law, which allows for certain evidence to be withheld from the courts if it is considered to be prejudicial to the interests of the State.

"We believe that indefinite detention also abrogates the rule of law because it supersedes the powers of the courts."

Dr. Van Nickerk told me this week that he had been pleased to learn that the Johannesburg Attorneys' Association had already taken steps, when he criticised the law bodies, to express their concern. He also welcomed the fact that other legal bodies were discussing the question of indefinite detention.

"It is to be hoped that any action they take will be unequivocal and expeditious.

"After all, people are in solitary detention now—and have been for a very long time."

U.P. HITS OUT ON DETAINEES

The central head committee of the United Party—consisting of the full Parliamentary caucus of the party, as well as provincial leaders and senior M.P.C.s—last night recorded its "profound concern" at the continued detention without trial of the 22 detainees who have now been held in custody for more than a year.

A statement said: "This committee places on record its profound concern at the continued detention without trial of 22 detainees held in terms of section 6 of the Terrorism Act after they had been acquitted by the Supreme Court of charges laid against them.

"This committee believes that Parliament, when it passed this law, never intended that it should be used in this manner."

The committee reiterated the determination of the United Party to uphold the safety and security of the State, and law and order, and the maintenance of the democratic process.

XUM

"If the further detention of the 22 detainees is not arbitrary, they should be charged and the facts which the authorities feel justify their actions should be placed before the court—in camera if necessary—and their rights and liberty or otherwise determined by the court."

Decision Soon on Trial of 22 Detainees

The Minister of Justice, Mr. Pelser, announced this week that police investigations about the 22 people detained under the Terrorism Act have reached the stage where the matter could soon be submitted again to the Attorney-General.

The Attorney-General, he said, has undertaken to give it his immediate attention and to announce his decision as soon as possible. Those of the 22 who were not charged would be released unless circumstances arose which he could not now foresee.

In a statement to Sapa the Minister said: "As is known, the Attorney-General of the Transvaal, on February 16, 1970, stopped the prosecution in the case of the State versus S. R. Ndou and 21 others, who were on trial in the Supreme Court in Pretoria on charges under the Suppression of Communism Act, 1950.

"Thereafter the accused were detained in terms of the Terrorism Act, 1967.

"The Terrorism Act authorizes me as Minister of Justice to order the release of any detainee and I can assure the public that I am at all times kept informed of all the circumstances concerning a person's detention under the Act.

"I am now able to announce that the further investigations instituted by the police in regard to these persons, have reached the stage where the case can, within a few days, again be submitted to the Attorney-General.

"The Attorney-General has undertaken to give it his immediate attention and to announce his decision as soon as possible. Those of the 22 persons who may perhaps not be charged, will be released unless circumstances which I cannot now foresee, arise."

In the early hours of Monday, May 12 last year, police raided homes and arrested people all over the country. Nobody knew how many were arrested, but Parliament was told three weeks later of "some 40 people detained."

Relatives did not know where the detainees were. At first they thought the detention was under the 180 days' clause, but this was later denied.

After 5½ months of detention, incommunicado and in solitary confinement, 22 people were charged under the Suppression of Communism Act with being members of a banned organization, the African National Congress, or of furthering its aims.

Among them were Winnie Mandela, wife of Nelson Mandela, and a Johannesburg journalist, Joyce Sikakane. There were 17 men and five women, including a husband and wife, a grandfather, an old man of 73 and a youngster of 19.

On December 1 their trial began before Mr. Justice S. Bekker in the Pretoria Supreme Court. Five State witnesses spoke of threats and assaults during interrogation.

On February 16, 1970, the Attorney-General made his first appearance at the trial and said he was stopping the proceedings and withdrawing the prosecution. No reasons were given.

Since then, for a further 14 weeks, they have been detained under the Terrorism Act, in places unspecified.

Protests Against Section 6 Will Be Continued

Protest against arbitrary indefinite detention will continue "as long as Section 6 of the Terrorism Act remains on the Statute Book", I learnt from many different quarters this week.

Both the United Party and the Progressive Party will raise the issue in Parliament starting in July. Questions will also be asked concerning the "many other persons apart from the 22 who have been held incommunicado in detention for long periods."

Opposition to the section, which has been voiced from many responsible and even conservative quarters in the past few weeks, was directed at the principle of arbitrary indefinite detention, and will not cease now because some detainees—the "22 on whom the spotlight fell"—are to be charged or released, I was told.

Yesterday Mrs. Helen Suzman, Progressive Party M.P. said from London: "In Parliament this session I intend raising the repeal of Section 6 and any other laws which prevent access to the courts or provide for detention without trial.

"I also intend to press for information about other persons being held under Section 6 or the 180-day law.

"It is high time South Africa returned to the normal rule of law. There can be no emergency situation which our police and the army are not capable of dealing with under normal law."

Stressing that she strongly supported further public protest, Mrs. Suzman said it was only protest that kept the minds of the public alerted and might eventually persuade the Government that these laws were not acceptable to people who had respect for democratic practice.

ABUSE

"It is worth remembering that the Transkei is still under the shadow of Proclamation 400, which gives vast emergency powers to the Government."

Mr. Mike Mitchell, United Party M.P. and leader of the Justice Group in Parliament said yesterday that the U.P. would raise the matter in Parliament because it was plain that the detention law was subject to abuse.

"We will demand that Section 6 be amended to allow the courts to determine whether a person should be detained, and on what conditions," he said.

Elaborating on the criticism that Section 6 was open to abuse, Mr. Mitchell pointed out that the 22 had been detained the first time for 5½ months but it could, under this law, have been 5½ years.

JUDGES

"In addition, they were detained under an Act purporting to deal with terrorists and terrorism, but eventually were charged under the Suppression of Communism Act.

"One thing is clear—that after the coming case against them (if there is going to be one) we will be in a much better position in Parliament to deal with detention without trial," Mr. Mitchell said.

Mr. Justice Blackwell, a former judge, said it was not only the right but also the duty of judges, advocates, attorneys and academic lawyers to speak out in defence of public liberty and the rule of law.

"If our legislators were to provide that no person were to be detained over a certain period without the investigation of the Supreme Court—or a judge—public opinion might be satisfied.

"But to be enabled by law to keep persons locked up indefinitely without even accusation, let alone trial, in a time of peace, is barbarous."

It was this sort of thing that gave South Africa an extra bad name "and, heaven knows, our name is bad enough as it is," Mr. Justice Blackwell said.

Professor S. A. Strauss, professor of law at the University of South Africa in Pretoria, said it was to be commended that the Minister of Justice had announced that the 22 would now be charged or released.

"This is widely welcomed because concern has been expressed from numerous and responsible quarters."

However, he said, the principle of indefinite detention was a violation of the sacrosanct principles of South Africa's common law—such as the law of habeas corpus.

OTHERS

Professor John Dugard, of the law department at the University of the Witwatersrand, said yesterday:

"Obviously every right-minded South African is delighted with the news that the 22 are to be charged or released. Obviously we are all pleased to know that the 22 will soon emerge from solitary confinement and the absolute power of the police.

"One is also gratified to learn that public opinion appears to influence the authorities in the exercise of their arbitrary powers.

"But at the same time one must remember that the wave of protest which has flowed across South Africa over the 22 is as much concerned with other persons held under the Terrorism Act and Section 6 of the Terrorism Act itself."

The 22 had symbolised injustice and arbitrary rule, Professor Dugard said.

"The fact that they are to be charged or released must not be allowed to dampen the protest on behalf of all other detainees or against Section 6.

"One hopes that this protest will continue until the Government announces its intention to repeal Section 6."

The following are two of the questions which were put to Mr. Pelser, Minister of Justice, by the Sunday Times this week. He declined to answer them.

It is understood that there are many others besides the 22 who are being held in indefinite detention. What is their position now that you have announced that the 22 are to be charged or released?

People who have protested in recent weeks—particularly the academic lawyers from the Afrikaans universities—have expressed concern over the indefinite detention law in principle. Is there any chance that Section 6 may be repealed in view of the fact that South Africa is not in a declared state of emergency?

End this "Inhuman Law," Say 120 Top South Africans

(By A. J. Wannenburgh)

Cape Town, Saturday—A call for the repeal of the 180-day detention clause and clauses in the Terrorism Act providing for indefinite detention in solitary confinement without trial, has been made by 120 prominent South Africans.

The call is made in a statement circulated by the Civil Rights League.

The statement recalls that as long ago as 1964, a representative section of South African religious leaders condemned the 90-day detention clause as "a violation of the moral law and an offense to religious conscience".

It also points out that 60 eminent medical specialists, psychiatrists and psychologists condemned the effects of the law as "no less abhorrent than physical torture," adding: "We feel that this system of detention in solitary confinement is inhuman and unjustifiable and appeal for its abolition."

A former Chief Justice of South Africa and a number of distinguished former members of the judiciary also condemned "this degradation of the rule of law."

"So far from heeding these appeals, the Government replaced the 90-day clause with legislation authorising detention for 180 days, and later, under the Terrorism Act, indefinite detention in solitary confinement without access to anyone save jailers," the Civil Rights League statement says.

"There appears to be no need for this abrogation of the rule of law, and many citizens are disturbed by:

"deaths reported in the newspapers of people held, in terms of these laws.

"allegations of torture and 'third degree' methods of interrogation.

"arrests of many political suspects who are held in jail without charge for months, only to be finally discharged or found 'not guilty' if brought to court eventually.

"reliance by the Security Police on evidence procured from paid informers, a method which invites abuse and has been abused."

LEADERS HAIL DETAINEE MOVE: PROOF THAT PROTESTS BRING RESULTS—STEYN

(By Jill Chisholm)

The announcement by the Minister of Justice, Mr. Pelser, that a decision could be expected soon on the fate of the 22 people detained under the Terrorism Act was welcomed yesterday by those who have protested against the continued detention.

It was hailed as "very good news" by church and student leaders, the General Council of the Bar of South Africa—representing all advocates—and other groups.

"This announcement by Mr. Pelser is evidence that the duty to protest against injustice—when carried out with dignity and due regard for the law—is not without results," said the Transvaal leader of the United Party, Mr. Marais Steyn, M.P.

Mr. Pelser said in his statement yesterday that police investigations had reached a stage where the case could—within a few days—again be submitted to the Attorney-General.

The Attorney-General, he said, had undertaken to give it his immediate attention and to announce his decision as soon as possible.

Those of the 22 persons who were not charged would be released—"unless circumstances which I cannot now foresee arise."

Among those to welcome Mr. Pelser's statement yesterday were:

The Bishop of Johannesburg, the Rt. Rev. Leslie Stradling: "It is very good news. I am very pleased to know that this is being done."

Chief Rabbi B. M. Casper, Chief Rabbi of Johannesburg: "I am delighted. This will bring widespread relief to those who are concerned with the good name of South Africa."

Mr. G. A. Coetzee, Q.C., chairman of the General Council of the Bar of South Africa: "I am extremely happy to hear of the Minister's statement—and, in a way, not surprised to hear it, in the light of my interviews with him.

"The Bar generally will be very pleased with this result."

Mrs. Jean Sinclair, national president of the Black Sash, which has protested publicly, through vigils, against the continued detention of the 22: "It appears that the protest has been heeded.

"I am very glad that this has happened—albeit none too soon."

Mr. Ken Costa, president of the Students' Representative Council of the University of Witwatersrand: "We are pleased that the 22 are to be charged or released.

"This is a tremendous victory for our students, who started two and a half weeks ago on a campaign to make the public aware of these detentions."

Mr. Herman Koch, a former president of the Chamber of Mines, who was chairman of a public protest meeting organised by the Witwatersrand Council of Churches: "I am relieved and gratified that the authorities have taken seriously the expressions of conscience that have come from all over South Africa."

Mr. Marais Steyn: "All those who have kept the conscience of the South African people alive—in and outside Parliament—should be congratulated."

But Section 6 of the Terrorism Act remained on the Statute Books, he said, adding: "In Parliament we shall seek its repeal.

BLOTCHES

"Whether or not we succeed in this particular instance we will continue to work so that a new government in South Africa can remove all such blotches from our statute books."

In Cape Town the announcement was welcomed by two prominent churchmen, the Rev. Derrick Timm, president of the Methodist Church Conference, and Rabbi David Sherman, senior rabbi of the Cape Town Jewish Reform Congregation.

In Durban Mr. Joel Carlson, a legal representative of the detainees when they appeared on charges under the Suppression of Communism Act, said it was the nationwide protests about detention without trial that had provoked the statement by the Minister of Justice.

Mr. Carlson, South African representative of the International Commission of Jurists, said: "The protests have been based on sound arguments and the Minister has responded sensibly," writes a "Rand Daily Mail" staff reporter.

RICHARD SUGGESTS TERROR ACT CHECK

(By Anthony Holiday)

Mr. Dirk Richard, editor of the Nationalist newspaper "Dagbreek," last night made a public call for a panel of judges to be set up to submit reports on detainees held under the Terrorism Act.

Mr. Richard made the call at a symposium on "law, order and protest," organized by the Progressive Party, where he came under heavy fire from questioners.

Answering a question by Mr. Harry Brigish, Transvaal chairman of the party, he said he agreed that laws like Section Six of the Terrorism Act should be subject to some form of control or review by Parliament.

"I would like to see a panel of judges set up to submit regular reports on the conditions of detainees. Their reports could be made available to the Leader of the Opposition," he said.

Answering another questioner, he said it was "nonsense" to say that the nation was subjected to terror by the Act. South Africa was living in dangerous times and none of his questioners could dispute it.

"My God, you can't catch the terrorists' bullets with the rule of law," he added.

ADMISSION

In his main address, Mr. Richard admitted that the principle of detention without trial was something he did not like and would like to see done away with.

"The Government itself is conscious of what this principle is doing to its image.

"I will further admit that the detention of the 22 people is not above criticism," he added.

But the position at present was that communists had a plan for revolt in three phases. These were: passive resistance, urban sabotage and then the combination of passive protest with urban sabotage. The communists calculated that when they had won over 15 per cent of the population they were in a position to take over.

There were 20,000 guerrillas in camps in Zambia and Tanzania.

"Can the Government relax? Can they really do away with Section Six and open the door to communism?"

Professor John Dugard, Professor of Law at the University of Witwatersrand, said a legislature which enacted laws which were devoid of moral content ran the risk of losing people's respect for law.

This loss of respect had already occurred among Non-Whites and among White students. Protests in South Africa was important because it gave some outlet for political expression to the young.

If students were not allowed to protest there was a danger that their frustrations might tempt them to break the law and "go underground."

Professor S. Strauss, Professor of Law at the University of South Africa, said every political party in South Africa saw democracy as its goal. This meant that it should be accepted that the greatest possible measure of individual criticism should be allowed.

POLICE DUTY

"The right to protest is worthy of protection. Where there is thought to be a danger of violence, it is the duty of police to protect lawful protest.

"I do not stand for uncontrolled protest," he added.

Mr. C. S. Reynecke, a law student and chairman of local committee of the Afrikaans Studentebond at the Rand Afrikaans University, said if there were no law and order in a country there could also be no right to protest.

South Africa was in a "difficult position" where laws like the Terrorism Act were necessary because of prevailing circumstances.

Miss Linsey Collins, an honours student at Wits, said it was very difficult in a country like South Africa to exercise any effective control over the Government except by protest.

A TRIBUTE TO BABE RUTH BASEBALL

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. WYDLER. Mr. Speaker, I would like at this time to express my appreciation for a stimulating branch of the American athletic tradition—Babe Ruth Baseball—which has captured the attention of American sports lovers, coast to coast.

It may well be that baseball no longer stands unchallenged as the national sport, and that other forms of athletic competition are bidding for ascendancy. But after watching a contest between a couple of teams clashing for supremacy of the Babe Ruth Baseball circuit, it is hard to believe that any sport can overshadow this one, in the eyes of the average young American.

The spirit of the game and of its youthful participants renders it a major contribution to the American heritage in keeping with a million other grand athletic traditions. The knowledge and experience acquired in such an undertaking cannot be measured except in watching the development of the young men involved. And, from what I have seen, they are truly a tribute to the cause of Babe Ruth Baseball and their adult associates who, through tireless activity, have sponsored its production for the benefit of all concerned.

XUM

SENATE—*Thursday, June 18, 1970*

The Senate met at 10:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who at creation didst bring order out of chaos, make the earth a home for man, and give him freedom under divine rulership, have mercy upon all mankind. Forgive our alienation from Thee, our impaired vision of the holy, and the distortion of the divine image. Forgive our sins, heal our spiritual sickness, and once more give us joy in loving and serving Thee.

O Lord, we pray for newness of life in us and in all men. We pray especially for this Nation that Thou wouldst rebuild it on the pristine premise of the Founding Fathers. Order our disorder, repair our brokenness, banish all hate, subdue all violence and unite us in the bonds of peace and a common endeavor for a better land. Give us a new spirit and a new direction.

Strengthen Thy servants here to lead in the healing of our ills and the remaking of "One Nation Under God." Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 17, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for 30 minutes.

POSTAL REFORM WITH COMPULSORY UNIONISM

Mr. FANNIN. Mr. President, today's talk is another in a series of information discussions which a large number of my fellow Senators have agreed is absolutely necessary in order to provide the framework for passage of postal reform. This means reorganizing our postal system without turning it over to union officials.

The key to the problem is that portion of S. 3842, soon to be brought before this legislative body, which would legalize compulsory union shop agreements between union officials and the management of the postal service. It is my intent to lead a discussion to inform the public of the fact that a substitute bill is available that would continue the freedom from compulsory unionism that all Federal employees now enjoy—including the 750,000 postal workers.

Because these talks are going to be germane—now and when the bill is formally introduced—the word "filibuster" is not descriptive. I have no intention of obstructing legislation, or I would not be discussing the subject at this time, but only of passing legislation that protects the rights of our postal workers. And for those few uninformed members of the press who think my support for this measure is waning because I refuse to use the word "filibuster" let me set the record straight now—my support today is greater than last week, will be even greater next week, and in time will include, I feel confident, a majority of this body.

Mr. President, on Wednesday of this week the House of Representatives wrote into their postal reform bill a provision that postal workers can join or refrain from joining unions. That body adopted this amendment by a vote of 179 to 95.

And in that legislative body, the amendment which was adopted preserves the present policy as first enunciated by President John F. Kennedy in 1962. That policy protects all Federal employees from forced unionism.

Unfortunately, the pending Senate bill would reverse that policy and would repeal existing right-to-work protection for postal workers in 31 non-right-to-work States and raise serious doubts about their protection in the 19 right-to-work States.

At this point let us get one thing clear—taking away the rank-and-file postal workers' protection against compulsory unionism is a radical provision that bodes ill for all public employees—approval for postal workers will open the flood gates at all levels of governments.

Postmaster General Winton Blount may protest that "allowing unions to bargain on union security does not mean they will get it," but the former head of the Chamber of Commerce of the United States knows better—particularly since he personally opposed any qualifications of this individual right at the 1968 GOP convention. Furthermore, he is well aware that in the bill he is pushing any matter that management and labor cannot agree on will be decided by binding arbitration. And we all know that in this area when Congress authorizes anything, the arbitrator views that as something Congress favors.

Once the postal worker is trapped, the whole Federal service will go in a very short time.

On this point the President of the AFL–CIO, George Meany, to his credit, has been utterly frank about his intentions. He told the House Post Office Committee last April that he views the pending bill as "only the beginning." He added that if he can win a compulsory union shop in the Post Office Department with its 750,000 workers, he will seek the same kind of collective bargaining "for all civilian workers of the Federal Government".

To this the AFL–CIO News added editorially, "What's good enough for Uncle Sam ought to be good enough for every State, county, and city."

And for any Member of this body who does not understand to what lengths this union boss will go, let me remind him that 1 month ago Mr. Meany told a congressional committee he would oppose the postal reform bill if it was amended to protect the postal workers' right to work.

From a worker's standpoint this ought to be bad enough. But late last week Mr. Meany announced support for a compromise bill that provides less dollar benefits for the rank-and-file workers. According to this press report, he sees this approach as necessary to insure passage of a bill with the labor-management provisions he wants. The provisions, of course, include compulsory unionism and the elimination of all postal unions except the AFL–CIO.

Mr. President, the question of who Mr. Meany is representing begs an answer.

I suggest that my respected colleague, Senator NORRIS COTTON of New Hampshire, answered the question a few weeks ago when he said that if Postmaster Blount's idea of postal reform is adopted, "control of our postal service is bound to pass from the hands of Congress into the hands of the AFL–CIO."

The House of Representatives, in its wisdom, passed the amendment offered by Congressman DAVID HENDERSON, of North Carolina. But whether they vote right or wrong, it will still be necessary to carry on an educational discussion in the Senate to insure postal employees have the right to choose whether to join or to refrain from joining a union. It will be necessary to make sure that all the Members of this great Senate understand clearly the magnitude of this issue.

Eventually, we will be voting on compulsory unionism in the government of a free society. To me the right of a U.S. citizen to work for his own Government approaches an absolute right. And I cannot believe that any Member of the Senate would vote to condition that employment upon the payment of dues to a private organization.

If what I have said is true, then it seems logical to assume that most Americans oppose compulsory unionism. That is true. According to the respected Opinion Research Corp. of Princeton, N.J., a recent public opinion attitude study shows that two-thirds of the American people—including more than half of union families—oppose compulsory unionism in the private sector. In the public sector there is little question that virtually all Americans oppose any qualifications whatsoever in the Government employees' right to work.

On this point let me direct the Members' attention to an advertisement in the Washington Evening Star for Monday, June 15, placed by the National Right To Work Committee. This ad posed the question, "Should Congress endorse compulsory unionism for postal workers?" The ad then presents an impressive list of those who say "No." Let me list just a few of the names from that very partial listing. The list includes—

Richard M. Nixon as a 1968 presidential candidate.

John F. Kennedy as President.

Arthur Goldberg, President Kennedy's Secretary of Labor.

George Shultz, President Nixon's former Secretary of Labor.

The Republican Party—1968 campaign platform pledge.

Winton Blount—In 1968 before the Republican platform committee. And he stated at that time—loud and clear—that—

> There should be no qualification of the fundamental right to join or not to join a labor organization. Both should have equal protection of the law.

Chamber of Commerce of the United States and their thousands of members.

National Association of Manufacturers and their thousands of members.

Vincent R. Sombrotto, Branch 36, National Association of Letter Carriers, and thousands of his fellow New York Postal Union members.

The National Alliance of Postal and Federal Employees and their 45,000 union members.

Joseph Romeo, a Bronx, N.Y., postal employee and thousands of his fellow workers.

National Federation of Independent Businesses and its hundreds of thousands of members.

American Farm Bureau Federation and its hundreds of thousands of members.

And virtually every newspaper in the United States—a point I will get to a bit later.

Mr. President, most of these names are quite familiar. But you, and my colleagues, might ask, "Who is Vincent Sombrotto?" Well, Vincent Sombrotto is America, he is the worker down the street, he is the postal employee who has earned a pay increase and wants this Congress to do something about it, and he is also the postal worker who knows that the Blount-Meany deal on compulsory unionism is what is holding up postal reform and his pay raise. He knows and his fellow workers know.

Only last week this man was in my office with a petition signed in one day by 900 of his fellow workers—and all union members—that says:

> We, the undersigned, hereby request that the provision of Executive Order No. 11491 giving postal employees the right to join or not to join a union be written into any postal "reform" legislation; thereby expediting a just wage increase, fringe benefits and better working conditions—for all postal employees.

In his own words, Mr. Sombrotto told me, "Senator, the workers do not want the union shop. They want benefits for themselves, not for the bosses. If the union is good the men will line up to join. Senator, we need your help."

Well, gentlemen, Mr. Sombrotto and his fellow union members and postal workers are going to get my help. And the help of many Members of this U.S. Senate. I think Mr. Sombrotto's civil rights are worth fighting for. I hope my fellow Senators do too.

To get things going, I gave Mr. Sombrotto a letter to take back to his fellow New York postal workers, which read:

> Thank you for bringing to me the petition from postal employees in the New York area telling me of their support for a postal reform bill which does not authorize the creation of a union shop.
>
> This petition was signed by 900 workers who obviously represent a cross section of the loyal, hardworking, industrious American postal employee. The very fact that they signed this petition shows their genuine concern for postal reform and their legitimate interest in better wages and improved working conditions.
>
> I firmly believe, as does Congressman HENDERSON, that there would be no problem in enacting a postal reform bill including an immediate 8% pay increase for postal workers if the bill did not authorize compulsory unionism.
>
> For this reason, I plan to introduce a substitute postal reform bill, similar to the pending Senate bill, but which will preserve the postal workers right to join or refrain from joining a union. I am still hopeful for administration support of my bill.
>
> If postal reform and a postal pay raise are not enacted, it will be because of the efforts of the national craft unions and the agreement on the part of the administration to interject changes in our labor laws into a legitimate reform effort.
>
> I hope my substitute measure will be quickly accepted by the Congress and signed by the President.
>
> Your concern of postal reform is understood and shared.

Let me read also a letter that Congressman HENDERSON wrote to Mr. Sombrotto and the New York postal workers:

> I want to thank you for bringing to Senator FANNIN and me the petition signed by 900 rank-and-file postal employees from the New York area stating their support for a postal reform bill which does not authorize the creation of a union shop.
>
> It is my candid opinion that if both the administration and the representatives of the employee unions were not insisting upon the provision authorizing the union shop, there would be no problem whatsoever in enacting the postal reform bill with its provision for an immediate 8% pay increase for postal workers.
>
> Certainly, I would throw my full support behind the bill if this one provision is included and am confident that it would quickly pass both the House and Senate.
>
> If the bill is delayed unduly, it will not be because Congress has been dragging its feet or is unsympathetic to the plight of the rank-and-file postal workers. It will be because the unions and the administration seem bent on making the bill carry the burden of compulsory unionism on its back.
>
> I hope my amendment will be quickly accepted by the House; that it will likewise be accepted in the Senate; and that the bill will very shortly be enacted into law.
>
> Your interest as a concerned employee is understood and appreciated.

Those opposed to any qualification of the right to work for postal workers include associations, union members, postal workers, most of the American people, and virtually all of the Nation's newspapers. Let us take a look at what some of our opinion leaders have said in the past few weeks:

On May 5, the Wall Street Journal said editorially:

> It's hard to see how this would square with civil service protection that postal employees are supposed to retain under the new setup. And it conflicts directly with President Nixon's declaration less than a year ago, that Federal workers should not be forced to join unions to hold their jobs.

On April 15, the Milwaukee Sentinel said:

> Congress should reject the union shop provision of the Postal Reorganization Plan, if not the whole package.

On April 23, the Richmond News Leader said:

> In considering this Postal Reform Package, Congress would do well to honor the essential right of a worker to hold a job without paying union dues, by consigning this particular provision to the dead letter office.

On April 21, the Mobile Press said:

> All one hears now are cries for freedom, and for the individual's rights, yet powerful labor organizations have Washington so firmly in their grip that no official there has the courage to speak up for the millions who want and need work, but refuse to join unions.

On April 8, the Wheeling News Register said:

> We feel certain that a majority of Americans believe that no worker in private or public employment should be forced to pay union dues as a condition of employment.

On June 6, the St. Louis Globe-Democrat said:

> There is no justification for changing the policy despite heavy union pressure. Congress must protect Federal employees' right to join or not to join a union by eliminating this provision.

On May 17, the Miami Herald said:

> A precedent in the proposed postal corporation would open the way to enacting union dues, at taxpayer expense, from those 12 million, willy-nilly. We question whether postal "reform" is worth this price.

On May 24, the Williamsport, Pa., Grit said:

> Such power over public employees, elected officials, or legislative and other public bodies is intolerable in a free society, Congress must not invite and encourage it by rubberstamping compulsory unionization for postal workers.

On May 28, the Dallas Morning News said:

> It's hard to believe that the courts would allow State laws in effect to amend a Federal statute. A defeat of right to work on the postal worker issue would harm right to work everywhere, most severely in areas of Federal employment. If the postal workers get union shops, it's a safe bet that other civil servants will, too.

On May 13, the Federal Times said:

> To carry that reasoning a step farther, while we favor unionism among Government employees, we do not believe that compulsory unionism—or the possibility of such unionism through negotiation—should be part of this reform or any other pact involving the status of public employees.

On June 9, the Washington Evening Star said:

> It seems to us, then, that if the necessary votes can be mustered, the postal bills

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> should be amended to include the right to refrain from union participation, as guaranteed by a succession of presidential orders covering Federal employee relations.

On June 8, the Washington Daily News said:

> As matters now stand, government workers are free to join—or not join—unions according to their own desires. That right of free choice must be preserved.

On June 2, the Cincinnati Post & Times-Star said:

> There are big gains in this for postal workers. And doubtless more to come if the post office can be reorganized on a modern basis. Considering the neglect which has beset the postal service and its employees all these years, this is pretty good for starters. The compulsory union section is neither needed nor good business.

On May 29, the Albuquerque Journal said:

> Postal workers should retain the right to join or not join a union. If that right is taken away we will have paid too high a price for postal reform.

On April 9, the Syracuse Post-Standard said:

> This is wrong. No government employee should be compelled to join a union. As long as there is one postal employee who prefers not to pay union dues, there must be no compulsion approved by Congress.

An April 22, the Salt Lake City Deseret News said:

> But no one has yet proved that taking away a government worker's right to either join a union or refrain without coercion will improve his efficiency and make the Post Office Department run smoother.

On April 28, the Rock Island, Ill., Argus said:

> From what we have heard, most rank-and-file members don't insist on compulsory unionism, that is, the requirement that every member join a union when a majority vote to make it their bargaining union. They will be satisfied with the right of the majority to bargain and believe that the overwhelming majority of workers will sign up.

On April 20, the Birmingham Post-Herald said:

> Mr. Blount says this agreement, if it goes through Congress, would permit unions to negotiate for union shops. Union shops require all employees to join the union, whether they want to or not. This is common in private industry, but is it good public policy? In principle, no.

On May 3, the Savannah News said:

> This part of the postal reform bill should be junked. It's too high a price to pay for a reform plan which has already been sharply altered to meet the objections of politicians and unions.

On May 28, the Little Rock Democrat said:

> There are several things wrong with the Nixon administration's postal reform bill, which has now been approved by both the Senate and House Post Office Committees. One of the most important ones is that the bill could create compulsory unionism in the post office.

Mr. President, the Nation's press have spoken—against compulsory unionism for postal workers; the people of this country have spoken—against compulsory unionism; and the rank-and-file postal workers of this country have spoken—against compulsory unionism. I suggest it is time for the U.S. Senate to endorse their feelings. I hold that any person has a right to join a union. He should have the same right not to join a union. He should not be coerced either by his management or by the union boss. Or should we quit pretending this is still a free country?

Under existing law, the standards for examination, certification, and appointment in the competitive civil service, as found in sections 3301–3364 of title 5, United States Code, apply to postal employees just as they do to employees in other departments of the Government.

The policies governing all Federal agencies in their dealings with Federal employee labor organizations are set forth in Executive Order 11491, under the title of Labor-Management Relations in the Federal Service, and signed by President Nixon on October 29, 1969.

This Executive order states, in section 1 of its General Provisions:

> Each employee of the executive branch of the Federal Government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

The postal reform bill as voted out of the Senate Post Office Committee has the controversial provision that brings, for the first time, Post Office employees not in right-to-work States under the National Labor Relations Act.

George Meany of the AFL–CIO negotiated this arrangement with the Postmaster General.

Under the provisions of the bill a Federal employee could and no doubt would be forced to pay dues to work for his own Government. Most of the employees of the Post Office Department would under this arrangement be forced to pay tribute to the AFL–CIO union in order to hold their jobs even though they had worked for their Government freely for 10, 15, 25 or more years.

Under my substitute bill the same reform provisions would remain with the only change being the removal of the controversial compulsory union provision.

With this change, the bill should be readily adopted by Congress.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. May I inquire of the Chair, how much time remains of the time allotted to the distinguished Senator from Arizona?

The ACTING PRESIDENT pro tempore. The Senator from Arizona yielded the floor when he asked for the call of the quorum.

Mr. BAKER. Mr. President, I seek the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I rise to pay my respects to the distinguished Senator from Arizona once more for his valuable contribution in this field. He has been diligent in his research and evaluation of a most difficult piece of legislation and a difficult aspect of it; namely, postal reform and the relationship of the right to join or not to join a union under that reorganization.

I would point out as the Senator from Arizona has already pointed out, that our colleagues in the other body yesterday, acting as members of a Committee of the Whole House, adopted the so-called Henderson amendment by a teller vote of 179 to 95 which, in effect, does give freedom of choice to postal employees under the new reorganization bill to choose to join or not to join a labor union.

I think this is a step in the right direction. I hope that our colleagues in the other body will continue to make this a permanent feature of the postal reform bill which they adopt, and that it will come to us in that form.

In any event, once more, I am happy to associate myself with the remarks of the distinguished Senator from Arizona. I am hopeful now that the Senate will proceed, according to the example set by the House tentatively, to the important business of postal reform and an adjustment of this provision of it.

Mr. FANNIN. I commend the distinguished Senator from Tennessee (Mr. BAKER). I recognize his expertise in this field. He is an attorney, and one who has made a thorough study of this subject. I realize that he has fought in the past for the right of people to join or refrain from joining a union and think that, with his help and the help of others, we can hurriedly get the postal reform bill accepted. But, if we do not remove this controversy issue, we may not be able to carry through with this much needed legislation.

Mr. BAKER. Let me make this observation. As he knows, and as I believe most Senators know, I have long called for postal reform of this type. I personally encouraged the Postmaster General to offer this legislation, or similar legislation, at the beginning of his tenure of office. I strongly support this legislation and the need for reform. I agree with the Senator from Arizona that this provision of the bill seriously jeopardizes our chance to have postal reform.

For that reason, I sincerely hope that we can get those adjustments.

Mr. FANNIN. I again commend the distinguished Senator from Tennessee. I recognize that he does support postal reform. He has a record of very hard work on this subject and I know that he will continue to work for it. I agree with him that the way in which we can get much needed postal reform is to remove this controversial issue.

Accordingly, I shall work with the distinguished Senator to carry out that goal.

Mr. PERCY. Mr. President, I should like to commend the distinguished Senator from Arizona for his contribution in this field—I have a question as to the rationale for not facing up to the need for an increase in postal rates at the same time we increase salaries of postal employees.

I wonder whether the distinguished Senator from Arizona could enlighten me as to how we can increase costs and then not immeditaely face the fact that we need to increase postal revenues. We cannot add this kind of deficit to an already overburdened budget.

Mr. FANNIN. I commend the distinguished Senator from Illinois for bringing out that very important point. It is essential that we go forward with increased rates in order that we can reach the goal President Nixon has stated; namely, to try as early as possible to bring the Post Office Department into a position where its revenues meet or nearly meet its expense.

Perhaps, we will not be able completely to carry out that goal, but certainly we should not burden further the Post Office with an increased debt. At the same time, a change in the rates is needed. Some of the rates, perhaps, I would not vote to approve. But at the same time, I think it is highly essential that we do tie these two programs together so that we can take care of the increased costs by increasing the rates.

Mr. PERCY. I thank my good friend from Arizona for his comments.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. PERCY. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON THE ACTIVITIES OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which with the accompanying report was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

The annual report on activities under Public Law 480—which I transmit herewith—reflects the efforts and progress made during 1969 toward the Food for Peace Program's dual goals of agricultural trade development and assistance.

Food for Peace, which completed its fifteenth year of operation during 1969, is a landmark among humanitarian efforts to improve diets in the developing areas of the world. It plays an important part in the work of developing nations to improve their own agricultural production, marketing, and distribution. Although many of these countries are becoming better able to feed their people, the need for substantial food assistance continues.

The Food for Peace Program enables the United States to pursue its food assistance goals and development objectives in a number of ways: bilaterally, through concessional sales programs and government-administered donations programs; privately, through religious and charitable voluntary agencies such as CARE; multilaterally, through institutions such as the World Food Program.

In addition, local currencies generated through Title I concessional sales and received through repayments of earlier loans continue to provide balance of payments benefits to the United States by permitting expenditures of U.S.-owned currencies rather than dollars in many countries. Such currencies have also been used to finance projects undertaken to increase our commercial sales of agricultural commodities, and thereby helped to develop an increased market for U.S. agricultural products. These projects helped in 1969 to reverse the downward trend of U.S. farm exports in recent years.

The Food for Peace Program enables the enormous technological capability and productive capacity of American agriculture to be utilized to assist low income countries in developing their agricultural sectors, and in feeding their citizens while they still require outside help in doing so. This Administration pledges to continue its efforts toward achieving the goals of this program.

RICHARD NIXON.

THE WHITE HOUSE, *June 18, 1970.*

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF).

H.R. 4249. An act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes; and

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation Amending the Act Providing for the Organization of the Militia of the District of Columbia

A letter from the Secretary of the Army transmitting a draft of proposed legislation to amend title 39 of the District of Columbia Code to provide for the pay, allowances and benefits of the D.C. National Guard performing militia duty in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Report on Activities of the Export-Import Bank Export Expansion Facility Program

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of activities during quarter ended March 31, 1970, Export Expansion Facility Program (P.L. 90-390), of the Export-Import Bank of the United States (with an accompanying report); to the Committee on Banking and Currency.

Proposed Legislation Authorizing Showing in the United States of Documentary Films Depicting the Careers of Certain Generals

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton Jr., and General Joseph Stillwell (with an accompanying paper); to the Committee on Foreign Relations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improvement in management of Government materials provided to overseas contractors, Department of the Army, Department of the Air Force, dated June 17, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inequitable charges for calibration services; Need for Accounting Improvements at National Bureau of Standards, Department of Commerce, dated June 18, 1970 (with an accompanying report); to the Committee on Government Operations.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND A MEMORIAL

Petitions and a memorial were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution of the House of Representatives of the State of Illinois; to the Committee on Government Operations:

"HOUSE JOINT RESOLUTION NO. 106

"Be it resolved, By the House of Representatives of the Seventy-sixth General Assembly of the State of Illinois, the Senate concurring herein, that we designate the Chairman of the Illinois Commission on Intergovernmental Cooperation as that legislative official who under the provisions of Section 201 of Title II of the United States' Intergovernmental Cooperation Act of 1968, has the authority to request of the Federal government and its agencies the purposes and amounts of Federal grants payable to the State or its political subdivisions; and be it

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"Further resolved, The Secretary of State send a suitable copy of this resolution to: the Speaker of the House of Representatives and the President of the Senate in the Congress of the United States; the Comptroller General of the United States; the Director of the United States Office of Intergovernmental Relations; and to the Director of the United States Bureau of the Budget."

Resolutions adopted by the U.S. Air Force Mothers, of Hollywood, Calif., praying for support in relation to the significance of the flag; and urging the Congress to demand that North Vietnam honor the Geneva Convention regarding prisoners of war; ordered to lie on the table.

A resolution adopted by the Municipal Assembly of Gushikawa City, Okinawa, remonstrating against poison-gas weapons; to the Committee on Armed Services.

A resolution adopted by the Gushikawa City Assembly, Okinawa, praying for the enforcement of military discipline in the Ryukyu Islands; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 2209. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home (Rept. No. 91–936).

By Mr. PROXMIRE, from the Committee on Appropriations, with amendments:

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–937).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PEARSON:

S. 3986. A bill to amend title 23 of the United States Code, relating to highways, in order to promote the development of rural America, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. Pearson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BURDICK:

S. 3987. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MUSKIE (for himself and Mr. Williams of New Jersey) (by request):

S. 3988. A bill to amend the Securities Exchange Act of 1934, as amended, to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; and

S. 3989. A bill to provide greater protection for consumers of registered brokers and dealers and members of national securities exchanges; to the Committee on Banking and Currency.

(The remarks of Mr. Muskie when he introduced the bills appear later in the Record under the appropriate heading.)

By Mr. TYDINGS:

S. 3990. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities to enhance understanding of population dynamics and for other related educational purposes, and to authorize the Deputy Assistant Secretary for Population Affairs to develop and disseminate information on population dynamics; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BENNETT:

S. 3991. A bill to reduce the rate of duty on parts of ski bindings; to the Committee on Finance.

(The remarks of Mr. Bennett when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS (for himself, Mr. Bayh, Mr. Brooke, Mr. Cannon, Mr. Church, Mr. Cranston, Mr. Dole, Mr. Goodell, Mr. Hart, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Nelson, Mr. Packwood, Mr. Pearson, Mr. Percy, and Mr. Spong):

S.J. Res. 214. Joint resolution to set forth the policy of the United States with respect to the alleviation, by voluntary means, of the problems presented by population growth; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Tydings when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. TYDINGS:

S.J. Res. 215. Joint resolution to authorize the National Academy of Sciences to undertake a study of certain factors which should be considered in the formulation of a national population policy; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Tydings when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3986—INTRODUCTION OF THE RURAL DEVELOPMENT HIGHWAYS ACT OF 1970

Mr. PEARSON. Mr. President, I introduce today the Rural Development Highways Act of 1970. The purpose of this bill is to encourage a more balanced geographical dispersal of the Nation's people and industry and to generally promote the economic and social development of our rural communities and to discourage a continuing of those urban concentration trends which are considered to be undesirable, through a more effective use, location, and design of the federally aided highway system.

Mr. President, many of our metropolitan centers are overcrowded. Much of the area outside the large cities is underpopulated.

Unless corrective action is taken, this imbalance will worsen. The population of this country is expected to grow by as much as 100 million people in the next three decades. Given present population trends most of this increase will occur within the boundaries of existing standard metropolitan areas. And it is likely that 60 percent of our people will be crowded into only four massive urban conglomerations by the year 2000.

Mr. President, we now know that the overcrowding of people and the excessive concentration of economic activities have contributed significantly to the great crises of the cities.

We know that the counterparts of the festering slums, polluted air, and the monotonous suburbs are the stagnating towns and deserted farms of rural America.

A continuation of present trends will compound these crises. We must not allow this to happen. We must expand economic, social, and cultural opportunities outside the metropolitan area. We must create those conditions which will allow more people to live outside the great metropolitan centers than would be the case if present trends were allowed to continue unaltered.

Thus it is, that during the last few years we have witnessed a growing national commitment to the cause of rural development.

Mr. President, there are a number of factors which affect the patterns of economic growth and population distribution. The availability of transportation facilities is certainly one of considerable importance. Transportation networks have substantial impact on community development patters.

The legislation I introduce today would provide additional aid for the construction and improvement of rural development highways and would call for the establishment of a special commission to review our entire highway transportation policy in order to assure that future highway programs are in accord with our overall goal of population dispersal.

Mr. President, the rural development highways program as provided for in the bill I introduce today, would be financed out of the highway trust fund. The bill provides that 20 percent of a State's apportionment for the Federal-aid secondary systems for each fiscal year shall be used for rural development highways. To assure additional highway construction beyond presently authorized levels, I recommend that the appropriations out of the highway trust fund for the Federal-aid secondary system be increased by 30 percent. Building on present levels, this would mean a secondary highway appropriation of $494,000,000 for each of the fiscal years ending June 30, 1972 and June 30, 1973. This represents an increase of about $114 million over present levels.

The bill also provides that the Federal-State share ratio be changed from the present 50–50 to 80–20. The pressing national necessity of rural community development fully justifies that the Federal government carry the major financial share of the rural development highways program.

Mr. President, at this point I would state that I am not wedded to these precise figures and formulas. And possibly, these funds should come from the Treasury rather than the trust fund. Also, further study may demonstrate that this program should be handled through the Federally-aided primary system or some special combination of the Federally-aided primary and secondary systems. But with the study of the Federal-Aid Highway Act of 1970 already under way it is of first importance that we initiate the discussion of the concept of rural development highways at this time.

Mr. President, rural development highways would for the most part be shorthaul roads and as designated in this bill they would be highways which would—

Encourage the location of business and industry in rural communities;

Facilitate the mobility of labor in sparsely populated areas;

Facilitate the flow of tourist traffic into rural areas;

Provide rural citizens with improved access to such public and private services as health care, recreation, education, and cultural activities, and

Otherwise encourage the economic and social development of rural communities.

These rural development highways would connect smaller towns and cities with Interstate highways and other major roads. They would also serve to provide rural residents with speedier and easier access to social services and cultural amenities of larger urban centers. And, in many sparsely populated areas, they would serve as people-to-job roads allowing workers to commute considerable distances in relatively short periods of time.

Mr. President, in my discussions with community development leaders, not only in Kansas but across the country, I have heard of a number of examples where an industry in the final analysis has decided not to locate in a particular community because the highway network serving the community was not fully adequate; possibly because there was no access to an Interstate road within convenient distance; possibly because the existing highway was not of strong enough construction to handle the heavy load traffic needed to serve the industry.

And certainly we know that the special highway programs in such areas as Appalachia have had a great influence on the economic and social development of that region.

Mr. President, no rural development highway would be located in a standard metropolitan statistical area, nor would such a highway be located in a country where less than 15 percent of the families have an annual income below the currently defined poverty level. The bill further provides that the Secretary of Transportation, after consulting with the Secretaries of Agriculture, Commerce, HUD, and the Director of the Office of Economic Opportunity, will establish further guidelines to assure that funds are allocated in accordance with the basic goals of this act.

In establishing these guidelines the Secretary would also want to take into account the special and sometimes unique problems and needs of rural communities and local nonmetropolitan governments.

Mr. President, the second major provision of this bill looks beyond the establishment of the rural development highways program and calls for the establishment of a special commission which would be charged with the responsibility of studying how the location and design of highway systems affect economic and population growth patterns, and submitting recommendations as to how highway programs—Federal, State, and local—should be changed to more effectively encourage greater geographic dispersal of people and economic activity and to assure a more balanced economic growth across the country and to discourage the continuation of those urban concentration patterns which are considered to be undesirable for economic, social, and environmental reasons.

We already know a great deal but we need to know more. At a time when we are beginning to consider the future status of the Interstate System, at a time our rail and air transportation policies are undergoing considerable change and particularly at a time when we are so keenly aware of the relationship between population distribution patterns and the quality of life, we want to have the very best information possible regarding highway needs during the last third of the 20th century.

The Commission would not only make recommendations as to how to strengthen or modify the rural development highways program, but would, of course, make recommendations regarding the Nation's entire highway policy ranging from recommendations regarding the successor program to the present Interstate System, regional highway development programs, and suggested policies for State and local governments.

The Commission would be composed of 15 members: three appointed by the President of the Senate from the Members of the Senate; three appointed by the Speaker of the House of Representatives from the Members of the House; nine appointed by the President, three from the executive branch of the Government and six from the general public.

Mr. President, achieving a reasonable, healthy rural-urban balance in the future will not be easy. And the public policy approaches will be many and varied. Those who presume that there is some one simple approach to rural dedevelopment are simply mistaken. But the fact that the task at hand is difficult and complex should not be used as an excuse for inaction. Indeed the enormity of the task should impress upon us the need to begin to move forward.

Rural community development is not simply a desirable goal but, increasingly, an urgent national necessity.

Mr. President, I ask unanimous consent that the Rural Development Highways Act be printed in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3986) to amend title 23 of the United States Code, relating to highways, in order to promote the development of rural America, and for other purposes, introduced by Mr. PEARSON, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Rural Development Highway Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to encourage a more balanced geographical dispersal of the nation's population and economic activities, to generally promote the economic and social development of our rural communities, and to discourage undesirable trends of urban compaction through a more effective use, design, and location of highways in the Federal-aid system.

RURAL DEVELOPMENT HIGHWAYS

SEC. 3. (a) Title 23 of the United States Code is amended by inserting at the end of chapter 1 a new section as follows: "§ 142. Secondary System Rural Development Highways.

"(a) Effective for fiscal years beginning after June 30, 1971, thirty per centum of a State's apportionment for the Federal-aid secondary system for each fiscal year pursuant to section 104(b)(2) shall be used for rural development highways within such system. Such highways shall be selected in the manner provided for the selection of highways on the Federal-aid secondary system, except that they shall be in locations which will—

"(1) encourage the location of business and industry in rural communities;

"(2) facilitate the mobility of labor in sparsely populated areas;

"(3) facilitate the flow of tourist traffic into rural areas;

"(4) provide rural citizens with improved highways to such public and private services as health care, recreation, education, and cultural activities; or

"(5) otherwise encourage the social and economic development of rural communities.

No rural development highway shall be located in a standard metropolitan statistical area or in a county where less than 15 per centum of the families have an annual salary below the poverty level as determined by the Director of the Office of Economic Opportunity. The requirement of the last sentence in section 103(c) with respect to extensions of the secondary system into urban areas shall not apply to rural development highways.

"(b) Notwithstanding the provisions of section 120 the Federal share payable on account of any project for rural development highways in accordance with this section shall be 90 per centum of the cost of construction.

"(c) The Secretary shall, after consultation with the Secretaries of Agriculture, Commerce, and Housing and Urban Development and the Director of the Office of Economic Opportunity, establish criteria for the application of clauses (1) through (5) of subsection (a) of this section."

(b) There is authorized to be appropriated out of the Highway Trust Fund for the Federal-aid secondary highway system $494,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973.

FEDERAL-AID HIGHWAY SYSTEM STUDY COMMISSION

SEC. 4. (a) There is hereby established a Federal-Aid Highway System Study Commission (hereinafter referred to as the "Commission") which shall be composed of fifteen members as follows:

(1) three appointed by the President of the Senate from Members of the Senate;

(2) three appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) nine appointed by the President, three from the executive branch of the Government and six from the general public.

Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment. The Commission shall elect a Chairman and a Vice Chairman from among its members. Eight members of the Commission shall constitute a quorum.

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(b) The Commission shall make a full and complete investigation and study in order to determine how location and design of highway systems affect economic and population growth patterns and to submit recommendations as to how Federal-aid highway policy should be changed to more effectively encourage greater geographic dispersal of people and economic activity, to assure a more balanced economic and population growth across the country, and to discourage a continuation of those urban concentration patterns which are considered to be undesirable for economic, social, and environmental reasons.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than twelve months after the Commission has been fully organized.

(d) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(e) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) (1) Any member of the Commission who is appointed from the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission, other than those referred to in paragraph (1), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(h) The Commission shall cease to exist ninety days after the submission of its report.

(i) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

S. 3988 AND S. 3989—INTRODUCTION OF BILLS RELATING TO PROTECTION FOR SECURITIES INVESTORS

Mr. MUSKIE. Mr. President, at a hearing before a subcommittee the House Interstate and Foreign Commerce Committee earlier this week, the Chairman of the Securities and Exchange Commission, Hamer H. Budge, offered two alternative legislative proposals to provide protection for securities investors.

Because of their relevance to today's hearing on my bill, S. 2348, before the Senate Securities Subcommittee, I am introducing two bills by request, on behalf of myself and Senator WILLIAMS of New Jersey, chairman of the Subcommittee on Securities.

The PRESIDING OFFICER (Mr. CRANSTON). The bills will be received and appropriately referred.

The bills (S. 3988 and S. 3989) were received, read twice by their titles, and referred to the Committee on Banking and Currency, as follows:

S. 3988. A bill to amend the Securities Exchange Act of 1934, as amended, to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; and

S. 3989. A bill to provide greater protection for consumers of registered brokers and dealers and members of national securities exchanges.

SENATE JOINT RESOLUTION 214, S. 3990, AND SENATE JOINT RESOLUTION 215—INTRODUCTION OF TWO JOINT RESOLUTIONS AND A BILL ESTABLISHING A NATIONAL POPULATION POLICY: A PRUDENT APPROACH TO PRESERVING THE QUALITY OF AMERICAN LIFE

Mr. TYDINGS. Mr. President, few national issues have exploded into the public consciousness with the rapidity and dramatic impact of the population issue. Five years ago, population growth was a problem buried from public view in a shroud of misinformation and anachronistic political fears. It was considered improper and dangerous to even discuss the subject in the Halls of Congress. Today, thanks to the pioneering efforts of men such as Senator Ernest Gruening, Senator Joseph Clark, General William Draper, John D. Rockefeller III, and Paul Ehrlich, we not only can discuss family planning and population problems openly in the Congress, we must discuss them. Americans in increasing numbers are beginning to realize that unchecked population growth poses a critical threat to both our present standard of living and our future survival.

And the voters are starting to demand that their Government act.

PAST CONGRESSIONAL ACTION

How has Congress responded to date? In 1967, we enacted amendments to the Social Security Act and to the Equal Opportunity Act authorizing special project grants to provide family planning services to women who desire such services but cannot afford to purchase them from private medical sources. Congress also created the authority for State governments to offer family planning services to public assistance and medicaid recipients who request them.

This year for the first time, Congress looked beyond family planning at the problem of overall population growth and established a Commission on Population Growth and the American Future. Part of the Commission's legislative mandate calls for a careful investigation of the possibility of determining an optimum population level for the United States and developing means for achieving a birth rate consistent with that level.

Taken together, this legislative activity of the past 3 years hardly constitutes a serious attack on our population problems. But we have gotten our feet wet and indicated by these actions that Congress considers family planning and population policy within the proper purview of government.

THE NEXT STEP: A NATIONAL POPULATION POLICY

Now the time has come to take a major step forward: the development and implementation of a comprehensive national population policy.

However, formulating a sound national population policy first requires a review of what we know about the population problem—its causes, consequences and cures. Like any issue which surfaces suddenly into public view, population growth has been burdened with much misunderstanding and confusion; fact about population has been liberally mixed with fiction and exaggeration. So our initial task must be a careful separation of what we can state with confidence about America's population problems from what is myth or mere conjecture.

WHAT WE KNOW ABOUT POPULATION

Let us begin with what we know.

First, according to a study conducted for the Planned Parenthood-World Population's Social Science Committee, there are approximately 5 million women in this country who currently desire family planning services but cannot afford them. No more than 800,000 of these women—less than 20 percent—are now being helped through all public and private family-planning programs combined.

Based on the Nation's commitment to the principle of equal opportunity, it is clear that a national family planning policy is essential to provide every woman—rich or poor—with the same chance to plan the size and spacing of her family. As you know, last year I introduced legislation to authorize the service and research resources and the organizational framework in HEW to insure every woman this fundamental human right and thereby eliminate all unwanted fertility in the Nation. This bill, S. 2108, with 30 Senate cosponsors, has been reported favorably by the Senate Labor and Public Welfare Committee and should reach the floor shortly.

Second, we know that as many as 1.2 million women terminated unwanted pregnancies last year by means of medically induced abortions. But only 10,000 of these abortions qualified as therapeutic under our various State abortion laws. The rest were performed illegally, often by unqualified butchers and hacks, resulting in serious harm to the health of thousands of American women.

The abortion laws which promote this barbaric condition must be reformed.

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The decision to have or not have an abortion must be preserved as a personal choice; a choice dictated by the individual's values and religious beliefs. It should not fall within the jurisdiction of the Government to either compel a woman to have an abortion or to constrain her from having an abortion.

Third, in a nation with finite space and resources, population stabilization—the balancing of births and death—is inevitable. As the National Academy of Sciences 1965 study, the Growth of U.S. Population, put it:

> If present fertility and mortality trends persist, (U.S.) population will surpass the present world population in a century and a half. And in about 650 years, there would be one person per square foot throughout the United States. In the very long run, continued growth of the United States population would first become intolerable and then physically impossible.

Therefore, differences aside concerning the Nation's carrying capacity and the time it will take to reach that capacity, there is no real debate over the necessity to eventually stabilize U.S. population growth. The issue is rather when and how.

Fourth, there are demonstrable costs associated with continued population growth both in terms of taxes and the quality of American life. While halting U.S. population growth would not eliminate any of our pressing national problems, it would make the solution of those problems less costly and complex.

Take, for example, the Nation's environmental crisis. The principal cause of environmental pollution in the United States today is high levels of goods consumption combined with a sophisticated and powerful technology. According to a recent Census Bureau study, if we could maintain our present population level of 205 million over the next 15 years, consumption in the United States would increase 90 percent by 1955 owing to the rapid growth of personal income in the Nation. However, if our current birth rate persists, consumption will increase by more than 120 percent in the next 15 years. In other words, while stabilizing our population will not automatically restore our environment, cleaning up our air and water will be markedly more expensive with 250 million Americans than with 203 million.

Similarly, rebuilding our cities into healthy, humane places to live over the next 30 years will be rendered considerably more difficult and costly by the appearance of between 78 and 120 million additional Americans in our urban areas by the year 2000—the estimated increase in size of the U.S. population by the end of this century if our birth rate is not reduced.

And all of the additional social costs associated with population growth can be translated into tax dollars. Every time a child is born in California, the State must set aside a minimum of $10,000 in additional public resources to provide services for that child until he becomes a self-supporting taxpayer. Given this kind of capital outlay for each additional American, there is every reason to believe that it is less expensive on a per capita basis to slow down population growth than to shoulder the taxpayers with the costs of a larger population.

Fifth, and finally, we know that any program to stabilize U.S. population size must rely on voluntary, noncoercive means.

The basic principle governing the disposition of civil liberties in a democratic society posits that the State only gains the right to deprive the individual of freedoms when the exercise of those freedoms constitutes a clear danger to the survival or well-being of the community; and that State abrogation of such freedoms can only occur after all reasonable alternatives short of compulsion have been tried and found wanting.

The United States has had no previous experience with attempts to slow the birth rate. We have no way of ascertaining yet whether voluntary incentives and public education will be sufficient to stem the population growth that is beginning to threaten us. Thus, until we exhaust the possibilities of developing effective voluntary programs, recourse to compulsion is inconsistent with our traditional commitment to maximize individual freedom.

These five statements comprise a brief summary of what we know at this juncture about the dimensions and nature of America's population problem. Here is what we do not know.

WHAT WE DO NOT KNOW ABOUT POPULATION

First, we do not know what impact an effective national family planning policy—that is, a policy to eliminate all births not desired by parents—would have on the U.S. birth rate. Undoubtedly, the birth rate would be reduced; some studies suggest by as much as 20 percent. But this is only speculation and the range of possible effects is quite wide.

Second, we do not know what constitutes an optimum population for this country. Virtually all population experts agree that the addition of 100 million more Americans over the next three decades would involve some costs. But there is little agreement over the magnitude and nature of those costs. Some argue that intelligent planning and effective population dispersal policies would enable us to integrate 100 million more Americans without seriously compromising our standard of living and the quality of our environment. Others predict that 100 million additional countrymen by the year 2000 will undermine our life-sustaining ecological systems and seriously threaten our survival.

The only indication that we may have already reached an optimum population size or surpassed it is an absence of those who claim that a population increase of 50 percent in the next 30 years would enhance the quality of American life.

Third, we do not know what kinds of voluntary incentives, economic rewards and educational programs would reduce the birth rate to a level consistent with securing a stable population size. Science has not yet discovered the determinants of family size. We know very little about parental motivation; why one family wants two children while the family next door wants six.

As a result, proposals such as those to limit income tax deductions to encourage smaller families—while useful symbols and stimulants to debate—are only blind experiments lacking an empirical basis.

WHAT CONCLUSIONS CAN BE DRAWN?

Having completed this cursory survey of the state of our present information in the population field, what sound policy conclusions can be drawn?

First, the establishment of a national family planning policy which includes the reform of outdated abortion laws is an essential element of equal opportunity in this country and promises a reduction in the Nation's birth rate—though the exact size of this reduction cannot be ascertained in advance. As I stated earlier, I believe S. 2108, the family planning legislation which will soon come before the Senate for a vote, is the logical legislative response to this national need.

Second, since the extreme claims often heard in connection with problems of population growth have not yet been justified with hard data, we should not allow them to dictate our policymaking decisions. On the one extreme we have the assertion that effective family-planning programs are sufficient to solve our aggregate population growth problem. This case that we need not go beyond family planning rests on the premise that desired births in this country will automatically equal the birth rate consistent with a stable population size—an argument which simply cannot be sustained with any scientific certainty at this time.

On the other hand, we hear warnings that, unless U.S. population growth is halted immediately by whatever means necessary—including alarmist proposals such as compulsory vasectomies after two children or sterilants in the drinking water—the survival of the Nation is in grave jeopardy. This apocalyptic claim, likewise lacks an empirical basis. While the addition of 100 million more Americans in the next three decades may be extremely costly and undesirable, there is no generally accepted evidence that such an increase would destroy our society. In other words, while stabilizing population may be a terribly urgent priority, there appears to be enough time to fully explore the feasibility of voluntary, noncoercive methods for bringing our birth rate into balance with our death rate.

Third, based on what we currently know and do not know about America's population problems, the development of a national population stabilization policy relying strictly on voluntary methods represents a prudent and necessary Government course of action.

We know that the U.S. population will have to be stabilized eventually or nature's culling tools of war, disease and famine will do the job.

We know that the rapid increase in our population we are now experiencing undermines the quality of life in this country, threatens the preservation of the ecological systems upon which we rely for sustenance, and promises to increase the average American's tax bill.

We know that, even if we could

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achieve an average family size of two children immediately, it would take as much as a half century for population size in the United States to stabilize because of the number of women who have not yet completed or even reached their child-bearing years. In short, anyone who believes that halting our population growth by the year 2030—when the U.S. population will match India's present population of 450 million if our current birth rate persists—represents a sensible goal is compelled by the demographer's calculus to begin today.

And, finally, we know that, while the United States might be able to survive another doubling of the population, the planet cannot. This spaceship earth, particularly the developing section, is being dangerously threatened by unchecked population growth. Most of Asia, Africa and Latin America cannot survive a population doubling time of 25 years or less without experiencing famines, mass unemployment, and unceasing cycles of revolution and repression.

If we intend to convince the developing nations as cohabitants of this spaceship that their progress and survival as viable states demands a dramatic drop in the birth rate, it will have to be by example. If we are to convince the nations of Asia, Africa, and Latin America that stabilizing world population size is a requisite for global survival rather than a plot to limit the number of nonwhite peoples, we must begin by practicing what we preach.

A PROGRAM OF ACTION

Therefore, Mr. President, as a first step toward the development and implementation of a national population policy designed to stabilize U.S. population size by voluntary means, I am introducing the following legislation today.

SENATE JOINT RESOLUTION 214—INTRODUCTION OF A JOINT RESOLUTION COMMITTING THE NATION TO POPULATION STABILIZATION

Mr. President, first, on behalf of myself and Senators Bayh, Brooke, Cannon, Church, Cranston, Dole, Goodell, Hart, Magnuson, McGovern, Metcalf, Mondale, Nelson, Packwood, Pearson, Percy, and Spong, I am introducing a joint resolution to put the Congress officially on record in support of a national population stabilization policy.

The initial step in the solution of any urgent public problem is the recognition that the problem exists and governmental determination to find an acceptable solution. Therefore, I believe it is critically important that the Congress demonstrate its awareness that the United States has a serious population problem and express its willingness to begin devoting time and resources to the elimination of this problem.

This resolution states that it is the "policy of the United States to develop, encourage, and implement, at the earliest possible time, the necessary policies, attitudes, social standards and actions which will, by voluntary means consistent with human rights and individual conscience, stabilize the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world."

Mr. President, I ask consent that the text of this joint resolution be printed at this point in my remarks.

The PRESIDING OFFICER (Mr. Cranston). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 214) to set forth the policy of the United States with respect to the alleviation by voluntary means, of the problems presented by population growth, introduced by Mr. Tydings (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S.J. Res. 214

Whereas in any nation with finite space and resources population stabilization will necessarily occur either through rational public policies to reduce the birth rate or nature's alternative of higher death rates;

Whereas population growth creates serious problems both at home and abroad;

Whereas all citizens of the United States seek a world with a healthy environment, clean air and water, uncluttered land, sufficient open spaces, natural beauty, and wilderness and wildlife in variety and abundance, in which the dignity of human life is enhanced;

Whereas an expanding population makes ever-increasing demands upon irreplaceable natural materials and energy resources;

Whereas unchecked population growth significantly increases the difficulty and cost of solving the social, economic, and political problems of the United States and directly contributes to the pollution and degradation of the environment;

Whereas it is only by its own example that the United States can hope to lead the fight to curb world population growth which is obstructing economic progress and threatening starvation, mass unemployment, and civil strife in the developing countries of Asia, Africa, and Latin America;

Whereas it is estimated that a half century or more may be required for population size within the United States to stabilize after a national average of two children per family is achieved;

Whereas the longer population stabilization is delayed, the more difficult and costly will become the measures required to achieve it; and

Whereas postponing the stabilization of United States population size will result in mounting tax bills and a deteriorating quality of life for every American;

Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to develop, encourage and implement, at the earliest possible time, the necessary policies, attitudes, social standards and actions which will, by voluntary means consistent with human rights and individual conscience, stabilize the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world.

S. 3990—INTRODUCTION OF THE POPULATION EDUCATION ACT OF 1970

Mr. TYDINGS. Mr. President, second, I am introducing a Population Education Act to provide the resources for a campaign to explain the dimensions and consequences of U.S. and global population growth to the American people. For until the public understands in personal terms the threat unchecked population growth poses to the quality of life in America and to the world our children will inherit, a successful solution to our population problems will elude our grasp.

This act consists of two titles. Title I authorizes the U.S. Commissioner of Education to make grants and enter into contracts with institutions of higher education and other public and private agencies for: the development of curricula on population dynamics for use in elementary, secondary, higher, and adult education programs; the testing, evaluation, and dissemination of population curricula; training programs on population dynamics for teachers, counselors, and community leaders; and the creation of community education programs, particularly for parents, by local educational agencies. Funds authorized for the implementation of title I are $10 million for fiscal year 1971, $14 million for fiscal year 1972, and $20 million for each of the next 2 fiscal years.

In addition, title I authorized the establishment of an Advisory Committee on Population Dynamics Education to make recommendations to the Commissioner of Education with respect to the administration of this act.

Title II provides authority for the Deputy Assistant Secretary for Population Affairs in HEW to make grants and enter into contracts for the development and dissemination of materials to inform the general public about the population problems that confront us. Special stress is placed in this title on the production of materials suitable for use by the mass media. One million dollars is authorized for this purpose for fiscal year 1971, $2 million for fiscal year 1972, and $5 million for each of the 2 succeeding fiscal years.

Mr. President, I ask unanimous consent that the text of this act be printed in the Record.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3990) to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities to enhance understanding of population dynamics and for other related educational purposes, and to authorize the Deputy Assistant Secretary for Population Affairs to develop and disseminate information on population dynamics, introduced by Mr. Tydings, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Population Education Act of 1970."

STATEMENT OF PURPOSE

The Congress hereby finds and declares that unlimited population growth in this Nation may seriously threaten our natural resources and the quality of life; and that there is a lack of authoritative information and creative projects designed to increase knowledge of patterns and consequences of population growth; that this

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lack of knowledge and the concern regarding growth have the potential of giving rise to coercive measures that would impinge on the privacy and threaten the freedom of all Americans.

It is the purpose of this Act to encourage the development of new and improved curriculums on population dynamics; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, and ancillary educational personnel and to offer community education programs for parents and others and to disseminate to the public at large information designed to enhance knowledge of population dynamics.

TITLE I—POPULATION DYNAMICS EDUCATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $14,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for each of the next two fiscal years for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

USES OF FUNDS

SEC. 102 (a) From the sums appropriated pursuant to section 101, the Commissioner of Education shall assist projects designed to educate the public on the problems of population dynamics by:

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for:

(A) projects for the development of curriculums on population dynamics, including the preparation of new and improved curricular materials for use in elementary, secondary, higher, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curriculums described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding population dynamics to public and private elementary, secondary, higher, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectiveness of curriculums tested in use in elementary, secondary, higher and adult education programs involved in pilot projects described in paragraph (1)(B):

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on population dynamics (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel and various community leaders;

(4) making grants to local educational agencies for community education programs on population dynamics (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Commissioner may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of population dyamics education programs.

APPROVAL OF APPLICATIONS

SEC. 103. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application:

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such program;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds, be made available by the applicant for the purposes described in section 102, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

CONSULTATION WITH OTHER FEDERAL AGENCIES

SEC. 104. (a) The Commissioner may not approve an application for assistance under this Act unless he has given the Deputy Assistant Secretary for Population and Family Planning of the Department of Health, Education, and Welfare an opportunity to review the application and make recommendations thereon within a period of not to exceed sixty days.

(b) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other Federal agencies (including the consultation required by subsection (a)) and with other appropriate public and private agencies.

ADVISORY COMMITTEE ON POPULATION DYNAMICS EDUCATION

SEC. 105. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Population Dynamics Education, which shall:

(1) advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recomendations regarding the allocation of the funds under this Act among the various purposes set forth in section 102 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review the administration and operation of programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, making recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act to the Secretary for transmittal to the Congress; and

(4) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Population Dynamics Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education (including elementary, secondary, and adult education, and higher education), and with problems of population growth. The Committee shall meet at the call of the Chairman or of the Commissioner.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 106. The Secretary of Health, Education, and Welfare shall, when requested, render technical assistance to local educational agencies and institutions of higher education in the development and implementation of programs of population dynamics education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of dealing with various aspects of population dynamics, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare or other persons qualified to advise and assist in coping with such problems or carrying out a population dynamics education program.

PAYMENTS

SEC. 107. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 108 (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 109. As used in this Act:

(a) The term "Commissioner" means the Commissioner of Education.

(b) The term "elementary school" means a day or residential school which provides preschool or elementary education.

(c) The term "secondary school" means a day or residential school which provides secondary education.

(d) The term "institution of higher education" means an educational institution in any State which:

(1) admits as regular students only persons having a certificate of graduation from

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a school providing secondary education, or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of paragraphs (1), (2), (4), and (5). For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control of direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or, such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary school.

(f) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(g) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Government or by State law.

TITLE II—POPULATION DYNAMICS INFORMATION

SEC. 201. There are hereby authorized to be appropriated $1,000,000 for the Fiscal Year ending June 30, 1971; $2,000,000 for the Fiscal Year ending June 30, 1972; and $5,000,000 in each of the succeeding two fiscal years for the purpose of carrying out this title. Sums available pursuant to this section shall remain available until expended.

SEC. 202. From sums available pursuant to section 201, the Deputy Assistant Secretary for Population Affairs in the Department of Health, Education, and Welfare is authorized to make grants and enter into contracts for the development and dissemination of materials to inform the general public on problems of population dynamics. These shall include but not be limited to materials suitable for use by the mass media.

SENATE JOINT RESOLUTION 215—INTRODUCTION OF A JOINT RESOLUTION RELATING TO A STUDY OF THE DETERMINANTS OF FAMILY SIZE

Mr. TYDINGS. Mr. President, third, and last, I am introducing a joint resolution urging the National Academy of Sciences to undertake a comprehensive, indepth study of the social and economic determinants of family size and of the impact that the various voluntary proposals for stabilizing U.S. population size would actually have on the birth rate.

We desperately need research and new data with which to develop noncompulsory methods for reducing the birth rate. Without reliable information on the determinants of family size and parental motivation, efforts to stabilize U.S. population size by voluntary means will surely fail.

To the best of my knowledge, very little social science research of this nature is currently being conducted by the National Institutes for Health or in our universities. It is for this reason I am calling on the National Academy of Sciences to undertake this urgent task.

I ask unanimous consent that the joint resolution be printed in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 215) to authorize the National Academy of Sciences to undertake a study of certain factors which should be considered in the formulation of a national population policy introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S.J. RES. 215

Joint resolution to authorize the National Academy of Sciences to undertake a study of certain factors which should be considered in the formulation of a national population policy

Whereas the formulation of a national population policy employing voluntary means to achieve a population level consistent with our needs and aspirations is difficult, if not impossible, without reliable information on the social and economic determinants of family size and an understanding of parental motivation;

Whereas it is the consensus of the natural and social scientists currently working in the population field that there is a lack of adequate information on the determinants of family size and on parental motivation to have children, and that virtually no research to supply this information is being conducted presently in the United States; and

Whereas stabilizing population growth in the United States is a matter of great urgency which requires decisive action as soon as the requisite information necessary for the formulation of sound public policy is made available: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Academy of Sciences is requested to undertake a thorough and complete study of—

(1) the determinants of, and the relationship between, family size and parental motivation to have children;

(2) the potential effect on the Nation's birth rate of the various proposals for voluntary programs designed to stabilize the size of the population of the United States; and

(3) the social, cultural, and economic conditions which affect family size other than specific measures designed to alter the birth rate.

The Academy shall give the highest priority to organizing the resources of the scientific community necessary to conduct this study in accordance with the charter of the Academy.

THIS GENERATION'S RESPONSIBILITY

Mr. TYDINGS. Mr. President, whether we wish it or not, fate has placed us at that point in history where a responsible, rational, moral solution to the population problem must be found. Failure to find such a solution can only result in an overcrowded, misery-ridden world in which population stability will eventually be secured by a brutal rise in the death rate rather than a rational, humanistic decline in the birth rate.

Make no mistake. Man is destined to travel one of these two roads to population stability—the birth rate approach or the death rate approach. Should we be forced to travel the latter, history and our progeny will rightly judge us harshly.

This Congress has the ability to guide this Nation and other nations along the moral, humane path. The only necessary ingredient is the will to do it.

S. 3991—INTRODUCTION OF A BILL TO PROVIDE SPECIAL TARIFF CLASSIFICATION FOR IMPORTS OF SKI BINDING PARTS

Mr. BENNETT. Mr. President, under the existing tariff classifications, imports of metal parts of ski bindings are imported under the same tariff classification as the ski bindings themselves. This has the unfortunate effect of making it more economical to import ski bindings manufactured with labor costs only a fraction of our American labor costs, rather than to import only the metal parts and use American labor to manufacture the complete ski bindings.

In other words, Mr. President, the present tariff classification of ski bindings gives an advantage to foreign producers. However, rather than raise the rate for the entire ski binding, the bill I am introducing today would reduce the rate on the metal parts that go into the manufacture of the ski binding. In this way we can help protect American jobs by making it more profitable to import the components and use American labor to assemble them into finished bindings here, rather than to import the finished product.

Mr. President, there is a firm in my State which has been a major manufacturer and exporter of ski bindings. That firm has used American labor to assemble ski bindings in the United States and to sell them here and abroad. It has received the much coveted Presidential "E" award for its exporting accomplishments. However, unless we make it more profitable to import ski parts rather than the finished product, this firm will move its major binding production to another country next year, and export the products back to the United States.

The bill I am introducing today would

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establish a new tariff classification for ski binding parts—metal stampings—and establish an ad valorem rate of duty of 4 percent. Beginning in January 1971, the rate will drop to 3.5 percent, and on January 1, 1972, it will drop further to 3 percent.

Mr. President, this reduction in duty from the present rate of 12.5 percent will help preserve U.S. jobs. It is completely consistent with the philosophy of our tariff schedules of providing a lower rate of duty on components than on finished products, and is wholly consistent with international trade commitments.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3991) to reduce the rate of duty on parts of ski bindings, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Finance.

ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION—AMENDMENT

AMENDMENT NO. 709

Mr. MUSKIE. Mr. President, when I introduced a bill—S. 2348—to establish a program of insurance for the protection of securities industry customers a year ago, it did not find enthusiastic reception either in the securities industry or elsewhere. Sporadic failures in the brokerage business, even among some larger firms, did not seem to provide sufficient incentive for action in this field, despite the overwhelming importance of capital market stability to our economic life and health.

But now successive months of almost unparalleled erosion of prices and volume, a direct consequence of widening public uncertainty and unease over administration policies both at home and abroad, have changed the picture. The securities industry, accustomed to rendering financial advice, is itself beset with financial problems on a scale which, though not yet disastrous, leaves no room for either optimism or patience. Increasingly, firms find themselves unable to meet even the relatively modest net capital requirements imposed by the SEC or self-regulatory bodies. Increasingly they seek to solve these problems by merger as one of the few alternatives to public offerings in a disinterested market. And increasingly the public has become aware of the risks inherent in a situation unlikely to disappear even if a bull market were to return—an event no one is willing to predict.

As a result of these events, I now discover interest in my proposal has been aroused on all sides. I was pleased to note that President Nixon in his economic address on June 17 mentioned the importance he attaches to constructive legislation in this field. But even before the President's remarks, our efforts have produced various proposals from the industry as well as from the SEC.

Today I am submitting on behalf of myself and Senators HART, MCINTYRE, METCALF, MONDALE, and MOSS, an amendment to S. 2348 which reflects many of the constructive views embodied in these proposals.

In submitting this amendment, I hope that we can move to a speedy and constructive conclusion in the best interest of both the securities industry and the public.

The major differences between the version of S. 2348 now before the Banking Committee and the version I introduced today are as follows:

The new version provides broader and more explicit supervisory and oversight authority, as well as exemptive powers, for the SEC, partly as a matter of reiteration of authority already available to the SEC. Also, the bankruptcy provisions as now written reflect the thinking and research of both the SEC and the industry as expressed in proposals each has recently submitted. Further, we have introduced a suggested reserve of $75 million as an appropriate size for the Corporation's insurance fund in periods when no Treasury borrowings are outstanding. However, this figure is discretionary. In the event that a Treasury loan is outstanding to the Corporation, the assessment rate for the industry would be adjusted upward to facilitate timely repayment of such loans.

Treasury borrowing authority under the new version has been reduced to $1 billion, from the earlier $3 billion. Insurable coverage is not extended to other broker-dealers. Two additional amendments worthy of note are an improved definition of insurable risk, and the substitution of an independent auditor for the GSA.

I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 709) was referred to the Committee on Banking and Currency, as follows:

AMENDMENT NO. 709

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Securities Investor Insurance Act".

SEC. 2. The Securities Exchange Act of 1934 is amended by adding the following new section:

"SEC. 35(a) There is hereby established a body corporate to be known as the 'Securities Investor Insurance Corporation' (hereinafter referred to as the 'Corporation'). The Corporation shall be a nonprofit corporation and shall have succession until dissolved by Act of Congress. The Corporation shall be an instrumentality of the United States Government.

"(b) The Corporation shall be under the direction of a Board of Governors which shall consist of the members of the Securities and Exchange Commission who shall serve, ex officio, as members of the Board without additional compensation. The principal office of the Corporation shall be in the District of Columbia.

"(c) The Board of Directors shall meet at the call of its Chairman, or as otherwise provided by its bylaws. The Board shall determine the policies which shall govern the operations of the Corporation.

"(d) (1) The Corporation shall establish a fund to carry out its operations under this section. All fees and assessments collected by the Corporation shall be paid into the fund. All expenses of the Corporation shall be paid from the fund.

"Brokers and dealers shall be assessed, under rules and regulations of the Corporation (which may grant exemptions), at a rate which will result in total annual assessment income to the Corporation of not more than $25,000,000.

"(2) Each year, the premium is to be paid by an insured broker or insured dealer shall, subject to subsection (d) (3) of this Act, depend on risk factors determined by the Corporation to be relevant. Risk factors shall include, but not be limited to, giving reasonable consideration to (i) membership in a guarantee fund or plan which is approved by the Corporation and has substantial reserves kept in a separate account that is required to be applied to indemnify holders of insured customer accounts or insured liabilities, and (ii) varying practices among broker-dealers or members of exchanges or classes thereof with reference to the method of conduct of their respective business and consequent risks to their customers, including but not limited to whether and to what extent such persons hold 'free-credit balances' of customers, or accept payments from customers in advance of delivery of securities, or accept custody of customer owned securities, or segregate their business as agents for customers from that as dealer, including underwriter; and (III) such fees or charges as may be payable for the purpose of contribution to any exchange or securities association trust or other fund for the protection of customers of particular classes of broker-dealers.

"(3) All assessment income after deducting the operating expenses of the Corporation, including interest or borrowings from the Treasury, shall be set aside as a reserve for possible insurance losses and all losses paid shall be charged to the reserve. In any year that the balance in the reserve reaches $75,000,000 or such amount which the Corporation considers reasonable, the Corporation shall adjust the assessment rate for the succeeding year so that assessment income will approximate (i) the annual expenses of the Corporation, including interest on Treasury borrowings, and (ii) insurance losses incurred in the most recent calendar or fiscal year.

"(e) Any national securities exchange or registered national securities association of securities dealers may transfer funds to the Corporation at any time, and these funds shall constitute an advance payment of fees and assessments on behalf of members of such exchange or association.

"(f) In the event that moneys in the fund are or may reasonably appear to be insufficient for the purposes of this section, the Treasury is authorized to make loans to the Corporation.

"To enable the Treasury to make such loans, the Corporation is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed $1,000,000,000 in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the quarter preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(g) At the time of application for, and as a condition to, any such loan the Corporation shall file with the Treasury a statement with respect to the anticipated use of the proceeds of the loan and a plan providing for the imposition of the minimum additional fees and assessments intended to be collected during the term of the loan. Such additional fees and assessments, which shall not be limited in amount by any other provisions of this Act, shall take into account varying practices among brokers and dealers with respect to the method of conduct of their business and consequent risks to their customers. The Corporation shall certify to the Secretary of the Treasury that such loan is necessary for the protection of customers of brokers and dealers and maintenance of confidence in the United States securities markets. Notwithstanding the provisions of any plan, the Corporation may, taking into account the ability of the industry to pay and to continue to function effectively at any time during the period when such loan may be outstanding, either impose such further additional fees and assessments as it may conclude to be reasonable in order to expedite the repayment of such loan or, with the approval of the Secretary of the Treasury, either reduce existing fees and assessment, or extend the maturities of outstanding indebtedness of the Corporation.

"(h) The Corporation shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors such bylaws, rules, and regulations relating to the conduct of its business as the Commission may approve or require as provided in subsection (1);

"(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or othewise acquire, own, hold, improve, use or otherwise deal in and with any property, real, personal or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal or mixed, tangible or intangible, in aid of any of the purposes of the Corporation;

"(7) to sell, convey, mortgage, pledge, lease, exchange and otherwise dispose of its property and assets;

"(8) to appoint such officers, attorneys, employees and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof;

"(9) to invest in securities issued or guaranteed by the United States or an agency thereof; and

"(10) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(i) (1) Whenever it shall appear to the Corporation that any broker or dealer registered pursuant to section 15(a) of this Act or any member of a national securities exchange not exempted by the Corporation pursuant to subsection (d) (1) hereof (herein called the debtor) is in danger of failing to meet its outstanding obligations to customers, the Corporation in its discretion may apply to any court of competent jurisdiction as specified in sections 27 and 21(e) of this Act and upon notice to the debtor obtain a decree adjudicating that customers of the debtor are in need of protection under this section. If a national securities exchange or a registered national securities association has reason to believe that a debtor is in danger of failing to meet its outstanding obligations as defined in this paragraph it shall immediately notify the Corporation. For purposes of this subsection, the court shall deem the debtor to be in danger of failing to meet its obligations if it is insolvent within the meaning of section 1(19) of the Bankruptcy Act, or is unable to meet its obligations as they mature, or has committed an act of bankruptcy, or is the subject of a proceeding in which a receiver, trustee, or liquidator has been appointed pending in any court or before any agency of the United States or any State, or is not in compliance with requirements under the Act or rules of the Commission, the Corporation, or any national securities exchange or registered national securities association with respect to net capital, hypothecation of customers' securities, or the maintenance or preservation of books and records, or is unable to make such computations as may be necessary to establish compliance with such net capital requirements. In the discretion of the Corporation, an application under this subsection may be combined with any action brought by the Corporation or the Commission including an action by it for a temporary receiver pending an appointment of a trustee under this subsection. If the debtor shall consent to or fail to contest the Corporation's application or if the debtor fails adequately to controvert any material allegation of the application, the court shall forthwith grant an application which satisfies the requirements of this subsection. For the purposes of assessment and coverage, the provisions of this section shall not apply to any office of a debtor outside the United States if the head office and principal business of the debtor are not within the United States, unless otherwise provided by rule or regulation of the Corporation.

"(2) The purpose of a proceeding under this section shall be:

"(A) To provide for prompt payment and satisfaction, insofar as is possible, of the debtor's obligations to customers relating to securities and obligations owing to other brokers and dealers on open securities transactions made for and on behalf of customers in the ordinary course of business;

"(B) To enforce rights of subrogation to claims as specified in paragraph (11) of this subsection;

"(C) To the extent not inconsistent with purposes (A) and (B), to liquidate the debtor.

"(3) Such application may be filed notwithstanding the pendency in the same or any other court, of any bankruptcy, mortgage foreclosure, equity receivership proceeding or any similar proceeding to reorganize, conserve, or liquidate the debtor or its property, or any proceeding to enforce a lien against property of the debtor. Upon the filing of such application, the court in which application is brought shall have exclusive jurisdiction of the debtor and its property wherever located.

"(4) Upon the filing of the application by the Corporation and pending an adjudication under this subsection, the court may stay any prior pending bankruptcy, mortgage foreclosure, equity receivership or other proceeding to enforce a lien against property of the debtor any other suit against the debtor, or against any receiver, conservator, or trustee of the debtor or its property, and the court may appoint a temporary receiver. Upon such adjudication, the court shall stay or continue the stay of any such prior suit or proceeding, and shall appoint a trustee for the defendant and its property. Such trustee shall be vested with the same powers and title with respect to the defendant, its property and the same rights to avoid preferences as a trustee in a bankruptcy and a trustee under Chapter X of the Bankruptcy Act have with respect to a bankrupt and a Chapter X Debtor.

In any proceeding under this subsection, customers and their subrogees shall have the rights of priorities specified in section 60e of the Bankruptcy Act except of a national securities exchange which is the subject of a proceeding under this paragraph, and, in determining whether particular customers are able to identify specifically their property, whether property remained in its identical form in the stockbroker's possession or such property or any substitutes therefor has been allocated to or physically set aside for such customer, and remained so allocated or set aside, it shall be sufficient if

"(A) securities are segregated individually, or in bulk for customers collectively, or

"(B) in the case of securities held for the account of the debtor as part of any central certificate service of any clearing corporation or any similar depository, the records of the debtor show that all or a specified part of the certificates representing the securities held by such clearing corporation or other similar depositary are held for specified customers, or for customers collectively, if such records of the debtor also show the identities of the specific customers entitled to receive specified numbers of units of such securities so held for customers collectively, *Provided*, That if there is any shortage in any class of securities so segregated in bulk or held for customers collectively, as compared to the aggregate rights of individual customers to receive specified securities, the respective interests of such customers in such securities shall be pro rated, without prejudice, however, to the satisfaction of any claim for deficiencies out of the funds provided in this section.

"(5) In any such proceeding the court shall designate as trustee and as attorney for the trustee, such person as the Corporation shall specify provided that no person shall be permitted to qualify as such trustee or attorney if such person is not "disinterested' within the meaning of section 158 of the Bankruptcy Act.

"(6) It shall be the duty of the trustee, to the extent feasible, to discharge promptly all obligations of the debtor owing to each of its customers relating to securities and owing to other brokers and dealers on open securities transactions made for and on behalf of customers in the ordinary course of business. Such obligations shall be discharged by the delivery of securities or effecting payments insofar as they are ascertainable from the books and records of the debtor or are otherwise determined to the satisfaction of the trustee, whether or not the particular customer shall have filed formal proof of such claim. For that purpose the court among other things shall:

"(A) Authorize the payment and discharge of claims out of funds made available by the Corporation notwithstanding the fact that there may have been no formal proof of such claims or no showing or determination that there are sufficient funds of the debtor available to make such payment;

"(B) Authorize the trustee to satisfy claims to deliver specific securities, which are ascertainable from the books and records of the debtor or are otherwise determined to the satisfaction of the trustee, if and to the extent that

"(i) securities to satisfy such claim are sufficiently identified;

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"(ii) there is a deficiency of identified securities, but funds are made available by the Corporation to purchase such securities; or

"(iii) there is an unresolved controversy as to whether there is a deficiency of sufficiently identified securities, and funds are committed by the Corporation to reimburse the estate of the debtor, depending upon the outcome of such controversy, if particular securities in such estate are distributed in satisfaction of such claim.

"(C) Authorize the trustee, on the direction of a customer with a claim to undelivered securities, to sell such securities if and to the extent that—

"(i) the books and records of the debtor show that the customer has such a claim; and

"(ii) securities sufficient to satisfy such a claim are sufficiently identified.

Any payment, sale, or delivery of securities pursuant to this subsection may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee, appropriate receipts, supporting affidavits and assignments, but shall be without prejudice to any claimant filing formal proof of claim for any balance of securities or cash to which he may deem himself entitled, and any cash received for any securities sold pursuant to subparagraph (C) of this subsection shall thereafter be treated as equivalent to such securities for the purpose of this section;

"(D) Authorize the trustee to establish a procedure for fixing the value of unverified or insufficiently identified claims.

"(7) The provisions of this subsection permitting discharge of obligations of the debtor to pay cash or to deliver securities, without formal proofs of claim or with funds committed or made available by the Corporation shall not include any person 'associated' with the debtor as defined in section 3(a)(18) or any holder of one percent or more of the voting stock of the debtor or any member of the immediate family of any of the foregoing.

"(8) In order to provide for prompt payment and satisfaction of obligations the Corporation shall make available to the trustee such of its funds as may be required to pay or otherwise satisfy claims relating to securities of each customer in full but not to exceed $50,000 or such greater amount as the Corporation may determine with the approval of the Commission: *Provided*, That no limitation shall apply to the completion of open securities transactions of the debtor made for and on behalf of customers in the ordinary course of business; and *Provided further*, That in the case of a person acting as agent who transacts business for third parties through an account or accounts with a broker, dealer, or member of a national securities exchange, for purposes of the $50,000 limitation, the term 'customer' shall not be limited by the number of such accounts but shall include each such third party insofar as the claims of such third parties are ascertainable from the books and records of either the debtor or the person acting as agent made available to the trustee or are otherwise determined to the satisfaction of the trustee.

"(9) For the purposes of the $50,000 limitation of this subsection, the amount of the claims of each customer shall be determined as of the date of bankruptcy or the date of filing of the application, whichever shall occur first.

"(10) Nothing in this section shall limit the rights of any person to establish by formal proof such rights as such person may have to payment, or to delivery of specific securities without resort to such funds as may be made available by the Corporation.

"(11) If and to the extent that provision is made to satisfy the claims of customers out of any funds made available by the Corporation, the Commission, or the United States, or any agency or instrumentality thereof, or by any national securities exchange or registered national securities association, the provider of such funds shall be subrogated to the claims of such persons including the rights and priorities established under paragraph (4) of this subsection.

"(12) Without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this subsection the court may make appropriate provision for proof and enforcement of all other claims against the debtor including claims of any provider of funds pursuant to paragraph (11) of this subsection as subrogee; and, subject to the order of the court, the proceeding shall be conducted in accordance with the provisions of Chapter X and such of the provisions of Chapters I through VIII inclusive, of the Bankruptcy Act as section 102 of Chapter X makes applicable, except as inconsistent with the provisions of this subsection and except that such trustee shall not consider the formulation of a plan of reorganization.

"(13) Notwithstanding the limitations contained in section 19(b) of the Act and without limiting its powers under other sections of the Act the Corporation by rule, regulation or order: (i) may require any registered securities association and any national securities exchange to adopt any specified alteration of or supplement to its rules, practices and procedures with respect to the frequency and scope of inspections and examinations of its members and the selection and qualifications of examiners and may require such exchanges and associations to furnish the Corporation with such reports and records or copies thereof relating to the financial condition of its members as the Commissioner may consider necessary or appropriate and may make or require inspections and examinations of such exchanges or associations or their members relating to any of the foregoing matters as it may consider necessary or appropriate; and (ii) is authorized to make, issue, and rescind such rules, regulations and orders with respect to the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances as the Commission may consider necessary or appropriate to minimize the risks of failure to meet obligations to customers and to reduce the expenses of providing against such risks.

"(j) Unless specifically authorized by the Commission, no registered broker or dealer or member of a national securities exchange that is in arrears in any financial obligation arising under this section to the Corporation, the Commission, or to any national securities exchange or any registered national securities association shall continue to engage in or conduct any securities business.

"(k) The Corporation, its property, its franchise, capital, reserves, surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority.

"(1) The Corporation shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress, an annual report of its operations and activities.

"(m)(1) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons.

"(2) The report of each such independent audit shall be included in the annual report required by subsection (1) of this section. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Corporation's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

"(n) Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the monies, funds, securities, credits, property or assets of the Corporation shall be deemed guilty of a crime, and upon conviction shall be fined not more than $50,000 or imprisoned not more than five years, or both.

"(o) Any broker or dealer, or any officer, director, partner, owner of 10 percent or more of the voting securities or controlling person of such broker or dealer thereafter shall be ineligible to be a broker or dealer, or to be associated with a broker or dealer included within the coverage of the Corporation if such broker or dealer has received funds or caused funds to be obligated from the Corporation on its behalf, unless the Commission otherwise determines in the public interest.

"(p) This Act shall become effective on ————, except that, with the approval of the Commission, the Corporation may be substituted for or joined with the Commission in any action instituted by the Commission on or after the date of the introduction of this Act and for the purposes of such action the provisions of this Act shall be fully applicable as if it were in effect as of that date."

SEC. 3. Subsection (c) of section 24 of the Securities and Exchange Act of 1934 is amended to read as follows:

"(c) It shall be unlawful for any member, officer, or employee of the Commission to disclose to any person other than a member, officer, or employee of the Commission, or to use for personal benefit, any information contained in any application, report, or document filed with the Commission which is not made available to the public pursuant to subsection (b) of this section: *Provided*, That the Commission may make available to the Treasury Department, the Board of Governors of the Federal Reserve System, or the Securities Investor Insurance Corporation any information requested by the Treasury Department, the Board, or the Corporation for the purpose of enabling the Department, the Board, or the Corporation to perform its respective duties under this title."

SEC. 4. (a) Each insured broker and insured dealer shall display at each place of business maintained by it a sign or signs, and include in all its advertisements a statement, to the effect that its customer accounts are insured by the Corporation: *Provided*, That the Board of Directors may exempt from this requirement advertisements which do not relate to customer accounts or when it is impractical to include such statement therein. The Board of Directors shall prescribe by regulation and forms of such signs and the manner of display and the substance of such statements and the manner of use. For each day an insured broker or insured dealer continues to violate any provisions of this subsection or any lawful provisions of said regu-

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lations, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.

(b) The Corporation may require any insured broker, insured dealer, or stock clearing corporation to provide protection and indemnity against burglary, defalcation, and other insurable losses. Whenever any insured broker, insured dealer, or stock clearing corporation refuses to comply with any such requirement the Corporation may contract for such protection and indemnity and assess the refusing party.

(c) Any insured broker or insured dealer which willfully fails or refuses to file any certified statement, or pay any assessment, required under this Act shall be subject to a penalty of not more than $1,000 for each day that any such violation continues, which penalty the Corporation may recover for its use.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF AIRCRAFT, MISSILES, AND OTHER WEAPONS FOR THE ARMED FORCES—AMENDMENT

AMENDMENT NO. 710

Mr. **TYDINGS**. Mr. President, word has reached me today that the Army is initiating action to transfer 1,380 civilian Maryland residents and 200 military personnel from Fort Detrick in Frederick, Md., to the Dugway Proving Ground for biological warfare in Dugway, Utah. Absolutely no justification has been offered for this serious uprooting of Maryland residents by the Office of the Secretary of the Army or by any other official of the Government.

Therefore, to prevent this costly and inconvenient uprooting of more than 1,500 Marylanders, I am submitting in the Senate today an amendment intended to be proposed by me to the military procurement bill—H.R. 17123—to prevent the transfer of any personnel, operation or equipment from Fort Detrick to any other Government facility in the United States

Senator McIntyre, of New Hampshire, chairman of the Armed Services Subcommittee on Research and Development, has agreed to hold a conference next Tuesday with appropriate officials of the Department of the Army in order to ascertain all of the pertinent facts.

The Pentagon has indicated in the past that it plans to convert Fort Detrick into a health facility under HEW which would employ the scientists currently working at the fort. But suddenly uprooting hundreds of people to be shipped across the country is hardly the way to bring about the planned conversion.

Therefore, I am also requesting assurances from the President that no personnel will be transferred from Fort Detrick. If the White House wishes to convert Fort Detrick into a health-research facility, let the Army and HEW produce a reasonable transition plan that does not require major personnel transfers.

I will not stand by silently while hundreds of residents of this State are shipped across thousands of miles with no regard for their personal lives and families because of the thoughtlessness of certain Government officials.

The **PRESIDING OFFICER** (Mr. Cranston). The amendment will be received and printed, and will lie on the table.

COMMENCEMENT ADDRESS AT STANFORD UNIVERSITY

Mr. **PERCY**. Mr. President, last Sunday, I had the privilege of delivering the commencement address at one of this country's finest academic institutions, Stanford University. I discussed topics which I think concern us all today—the right of individuals to dissent, and the parallel right of a society to be free from serious disorders; the very real threat of repression, and the equally menacing dangers of violence.

Mr. President, let me add a personal note, that this commencement address was one of the more difficult speeches for me to make because my son was in the graduating class at Stanford last Sunday.

I find that all of my children are my severest critics in anything that I say publicly. However, I trust that this address not only satisfied my son, but also will answer some of the questions which were on the minds of the graduating class at Stanford.

Mr. President, in order that I may share my thoughts in detail with my colleagues, I ask unanimous consent that the text of my remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

COMMENCEMENT ADDRESS BY SENATOR CHARLES H. PERCY, STANFORD UNIVERSITY, SUNDAY, JUNE 14, 1970

I speak to you during an unhappy period in our national life. Social critics and historians tell us that we are more deeply divided as a people than we have been since the Civil War. Whether or not this analysis is precisely accurate is immaterial. By any standard, it is apparent that the nation is profoundly troubled.

We even have developed a new vocabularly to cover our maladies; we talk of "polarization," of a "national malaise," of a "crisis of confidence." But we often seem powerless to cope with our problems, however they are described. Our efforts to respond to the conditions that divide us have been halting and, too often, misguided. Too frequently we have operated on the fallacious premise that we can somehow restore national unity by limiting the rights of some of our citizens.

The quandary in which we now find ourselves is doubly perplexing because we are accustomed to success. Historically, there has been no frontier, no enemy, no scientific or technical problem that did not eventually succumb to American might, American genius, American will. The difficult would be done today, the impossible by Wednesday or Thursday.

But today America faces problems without parallel in our experience. In the context of 1970, technological, military and economic greatness are not sufficient to create a sense of national well-being. We are drifting—and, in some cases, being torn—apart. Many concerned Americans feel as though they are flailing in quicksand.

In Southeast Asia, we are involved in a seemingly pointless and endless war that has drained our treasury, maimed and killed tens of thousands of our best young men and left an indelible stain on our character in the opinion of many. Instead of having the support of our traditional allies, we have become a pariah in the eyes of many of them. It is a new, and agonizing, role.

Here at home, we find antagonisms between classes, generations, races, regions. Tolerance of minority thought, word and deed continues to wane. Far too often, it is impossible for two individuals or two groups to resolve their differences peaceably. Invective and confrontation have been substituted for reason and judicious compromise.

These divisions beset us at a time when we urgently require a massive national effort to solve an extraordinary array of serious domestic problems. They rob us of our natural vigor and replace it with depression and doubt. As we concentrate on what separates us, rather than what binds us together, we find that we have lost sight of the goals that are important to this nation. We suffer from a dangerous internal disease, and its principal symptoms are our distorted priorities.

Today we are able to appropriate billions of dollars for a war in Indochina, but we are unable to provide adequate funding for a war on poverty.

We can authorize hundreds of millions of dollars for a dubious project such as the supersonic transport, which will further contaminate an already polluted atmosphere, but we cannot fully fund adequate anti-pollution efforts.

We can build Army barracks in Vietnam, Japan and Europe to house the troops that protect our allies abroad, but we do not have the money to provide our own poor with adequate shelter from the elements.

We can spend billions to send astronauts to the moon, but we cannot devise ways for Earth-bound Americans to travel safely, comfortably and economically within American cities.

We are able to commit billions each year to limiting crop production, yet we reject appropriations that would provide much-needed food for hungry Americans.

We can spend billions on military hardware to quiet our obsessive fears about a Communist threat from without, but we cannot get sufficiently concerned about the far graver threats that imperil us from within.

As the cleavages in American society grow wider, fewer people remain committed to the broad political center that historically has led the battle against internal decay. Moderates become radicals, conservatives are transformed into reactionaries. The camps of the far-left and the far-right swell with new converts.

What this situation could portend for this country was vividly described in a recent speech on the floor of the Senate by Senator Margaret Chase Smith of Maine. The senator warned that a new era of right-wing repression could occur in this country in reaction to the "anti-democratic arrogance and nihilism from the political extreme left."

If the narrow choice between anarchy and repression has to be made, she said, "the American people, even with reluctance and misgiving, will choose repression."

This is an ominous warning, and Mrs. Smith is not alone in her opinion. A poll conducted recently by CBS News suggests that a large portion of the American people already may be prepared to waive fundamental constitutional guarantees to enhance their individual comfort and security.

In the CBS poll, 1,136 typical Americans were interviewed on the Bill of Rights, as applied to current situations. I was shocked and disturbed by the findings. They show:

That half of the 10 Amendments which comprise the Bill of Rights were rejected by those interviewed.

That 76 per cent favored outlawing protest against the government even when there was no danger of violence.

That 58 per cent believed the police should be allowed to hold people in jail before they gather evidence.

That 58 per cent opposed the double jeopardy standard, arguing that if a man were found innocent of a crime, but new evidence subsequently were uncovered, he should be tried again for the same crime.

It is impossible to overestimate the dangers inherent in this repudiation of the rights and liberties that have nourished this nation for nearly two centuries. Repressive attitudes already have begun to manifest themselves in the national government, in the form of measures that in normal times would be consigned to the legislative scrap heap, but today are being seriously debated.

One of the bills which represents a significant threat to our freedoms—one which is typical of the contagion of repression flowing through the Congress—is the District of Columbia Crime Bill. I will not dwell on all of the distasteful features of this nearsighted, vindictive bill, but permit me to mention one example, the provision for "no-knock" entries. This provision deviates completely from the long-established principle that a man's home is his castle. It authorizes conduct by the state not dissimilar to that of a common burglar.

Justice and a free society will be the victims if the D.C. Crime Bill—or any of the others which sacrifice our cherished rights and traditions to public hysteria—are enacted. If repression gets a foothold, it will not be easily dislodged. And you and I and our children will pay the price of fear for years to come.

More than a century ago, Abraham Lincoln said that "It is a sin to be silent when it is your duty to protest." I state today it is your duty, my duty—the duty of every American who believes that the function of law in a democracy is to insure liberty—to protest vigorously against the recurring legislative threats to our fundamental protections.

Ten years ago I would have dismissed as ludicrous the notion that the people of this country would be threatened by an abridgement of their constitutional rights in my lifetime. Today I am far less sanguine. We have been plunged into a crisis that few anticipated. And, as Alexander Hamilton observed at the time the Bill of Rights was first conceived, nothing is more common in times of crisis than "to gratify momentary passions by letting into government principles and precedents which afterwards prove fatal."

As the crescendo of dissent thunders forth on the far left, with its concomitant reaction on the far right, this will be a time of testing for that shrinking majority of nonviolent Americans located between the two extremes.

Basically, the test will involve these questions: Are we willing, as a society, to compromise our dedication to constitutional principles in volatile times? Are we willing to let fear become the dominant force in our lives?

Unless the answer to both of these questions is a resounding "no," the future will be bleak indeed. We will either affirm our commitment to liberty and the democratic process over the next few years, or we will admit that the Constitution is a document applicable only to tranquil times.

It is easy to uphold the right of free speech when the only dissenting sounds to be heard are those of constructive criticism by a responsible and loyal opposition. But what will be this society's response if it knows that it will hear a bedlam of articulate, rebellious voices summoning a whole generation to attack the foundations of our nation?

It is easy to uphold the right to assemble if we are likely to see an orderly line of pickets carrying innocuous signs. But how will most Americans react to the sight of thousands of militants marching in protest against the basic policies of our lawfully elected government?

It is easy to uphold the right to petition the government when requests are neatly and properly presented and an immediate reply is not expected. But how will the nation as a whole respond when the behavior of the petitioners is one of flagrant disrespect and is accompanied by demands for instantaneous action?

Some individuals in public life today contend that government may ignore basic human rights *to a limited degree* to enable it to deal efficiently and quickly with clearly outrageous and irresponsible behavior. I am not sure whether such statements reflect an unconscious lack of respect for our Constitution, or a blatant contempt for it. But I do know they imperil us all.

The Constitution does not say that freedom of speech, the press and assembly and due process are guaranteed to three-quarters of our citizens seven-eighths of the time. Its protection is permanent and all-encompassing. Any attempt to curtail basic freedoms weakens and further divides the nation, for if rights are not insured for all, they cannot be guaranteed to anyone.

I strongly believe that this society will reiterate its commitment to its underlying principles, and will find means to profit from dissent, rather than ways to repress it. This course will involve tension, but tension can be the hallmark of sensitive progress. It will also involve risk, but the risks of freedom are perferable by far to the chilling certainties of tyranny.

My optimism in this time of national unease is tempered by one imponderable, however—violence. I have focused my thoughts today on individual rights and the very real dangers of repression, but I can assure you that I am as deeply concerned about law and order as anyone else in this country. I refuse to sacrifice freedom and justice to reach this goal, and it is here that I depart from the disciples of backlash and repression—the groups that have given a yearning for order a malignant aura.

Violence—whether it be the wanton destruction of a scholar's life work, the killing of innocent student demonstrators, or any other form of damage to life and property—should and must be condemned. Criminal acts can never be rationalized, no matter how noble the cause that prompts them. To argue otherwise is to defend infringements of liberty and to place oneself in the same category with those who would bend the Constitution to repress dissent.

In testimony before the Senate Government Operations-Committee in Washington last year, your president, Dr. Kenneth Pitzer, perceptively described acts of violence on campus as "a threat to free inquiry, to the free expression of ideas, and to the very civil liberties long regarded as vital to the campus community."

In the final analysis, violence almost always is counterproductive, providing monetary gratification at the expense of long-range goals. Not only does it retard social progress, but it could also bring closer the day when Americans would be forced to make the fateful choice described by Senator Smith—between anarchy and repression.

I am deeply disturbed at the thought of our ever having to make such a decision. But I know how threatened the vast majority of Americans feel by the current levels of violence. They will not tolerate it much longer.

As we go forward into the 1970's, we in government must heed the voices of responsible dissent for they have much to tell us about the social and moral obligations of this country. It will be necessary to insure that our national institutions do not permit the channels of communication to be clogged by those who fear new ideas.

If we are to listen and to act creatively, we must replace "the politics of fear" with what John Gardner has called "the politics of confidence." We must stop seeking solutions in terms of repression and begin to look for them in terms of responsiveness.

It is simple enough today to cater to the fears and to exploit the divisions that exist in the United States, as was done earlier this month in the disgraceful gubernatorial primary in Alabama. It is far more challenging—and, ultimately, more enduring and rewarding—to appeal successfully to the best instincts in our fellow citizens.

If we sincerely wish to further justice and harmony in this troubled land, it is imperative that we accept the greater challenge. By acting together in a spirit of generosity and compassion, I believe we can help our nation renew and rebuild itself.

I would urge four steps which might constitute a beginning.

First, we must rededicate ourselves to bringing an end to American involvement in Indochina. We must have the grace and the fortitude to admit that this war was a tragic error without military or moral justification.

Second, we must vow that the United States no longer has any desire to play policeman to the whole world, nor does it wish to inflict American values on other, different cultures.

Third, we must commit our full energies to the vital program of nation building here at home, to such tasks as reversing the process of urban decay and improving the level of our housing, education, health and welfare services. We must rid ourselves of the moral hypocrisy that trumpets the equality of man on the one hand, yet permits—even encourages—vitiating racial prejudice on the other.

Fourth, we must seek out those issues on which there is consensus and marshal all of our forces in a common effort to solve problems. Pollution is an example of a problem which presents no philosophical or partisan barrier to a united approach now. Nothing separates us from a healthy environment except a total commitment to strive together to achieve one.

Whether we succeed or fail in all these areas will depend in large measure on the courage and stamina of your generation, not mine. You are the heirs to our problems, and you are the personification of our future.

In spite of the divisions on every side, you approach a period of leadership with a critical advantage over your predecessors: You are fully aware that something has been wrong with this country. As John Gardner pointed out in his eloquent Godkin Lectures at Harvard, "We were in greater peril in the complacent years, when all of the present evils were in existence, or brewing, but layered over by our national smugness."

The great confidence I have in the America of tomorrow stems from the amount of soul-searching we are doing today. We are asking ourselves the fundamental questions: what kind of a nation do we want to be? What kind of a people do we wish to become? You are helping to ask the right questions; our future as a nation and as a people depends upon your ability to help find the right answers.

I have had people tell me that a decade from now your generation, like those that have gone before you, will be consumed with worries about spouses, children, schools, mortgages and job promotions. They have cynically described your idealism as the modern equivalent of goldfish-swallowing.

I don't believe it. Your generation has changed the course of a war, helped awaken a nation to the need for preserving its environment and marched in the front ranks of the battles against poverty and racial discrimination. Having committed yourselves so deeply and so passionately, you are hardly likely to abandon your convictions and turn your back on your country.

I will state unequivocally that there is hope for this great country. I have faith in the enormously gifted and concerned generation you represent here today. I sincerely believe that all of our institutions can be made to move forward again, particularly our government, which, in spite of its imperfections, remains the best ever devised by man.

We see before us in the United States today some shattered fragments of greatness. It is our task to pick up the pieces and put them back together again, into an even greater and more durable whole.

INFLATION—AN ECONOMIC MALADJUSTMENT

Mr. PERCY. Mr. President, Prof. Harold W. Fox of Northern Illinois University has written a most thoughtful monograph on the subject of inflation. He discusses different sources of general inflation and concludes that the success of anti-inflationary policies depends upon the support and cooperation of the private sector, including individuals. He rejects wage and price controls to fight inflation, thus supporting the position taken by President Nixon yesterday in his excellent economic message. Professor Fox points out that wage and price controls are virtually impossible to enforce, and that they promote the misallocation of resources.

Mr. President, I ask unanimous consent that Professor Fox's article on inflation be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLATION—AN ECONOMIC MALADJUSTMENT

(By Harold W. Fox, Ph.D.)

America enters the 1970s in the throes of inflation. This persistent rise in the general price level has many ramifications. Cost-of-living indexes from 45 countries, published annually by the First National City Bank of New York, show long-term deterioration of most foreign currencies even worse than the dollar's. Thus the scope of inflation is worldwide. The following pages will examine inflationary forces in the United States as the decade of the 1970s is about to begin. The presentation is nontechnical.

A PERPLEXING MALADY

An economist discussing the cause of inflation is analogous to a physician describing cancer. Inflation is an economic disease as cancer is an organic disease. Both malfunctions have been analyzed for a long time, but thus far the professional investigators have reached no consensus on either cause or cure. Perhaps neither cancer nor inflation is a single disorder, but a number of maladjustments between a system and its environment. Since the environment changes constantly, it may also be generating new causes which produce the same symptoms.

Historical perspective

Two major changes in the economic environment since 1940—both conducive to inflation—are absence of major depressions and constancy of war or cold war. Traditionally, prices have skyrocketed during wartime, receded after each armistice, and reached a nadir in cyclical contractions. Although the price level traditionally has dropped during depressions, this does not mean that it has always increased in periods of prosperity. Both the Cost-of-Living and the Wholesale-Price indexes eased during the ebullient 1920s, for example. Figure 1, a 200-year history of wholesale prices in the United States, shows the patterns of ups and downs until 1940—and the virtually uninterrupted rise since then.

Evidently, price behavior since the 1930s differs from the prior rollercoaster pattern. Over the past several decades inflation has become entrenched in the American economy.

Theoretical limitations

Certainly, the methods used in the past to cope with inflation are not necessarily effective now. The symptom—a rise in prices—is the same as before, but the underlying situation may be different. For example, a situation of ten conflicting theories does not mean that nine are wrong. A theory may validly explain inflationary symptoms but fail to predict accurately if it does not reflect new circumstances. The prediction may have been based on the assumption that no war would erupt.

In addition, more than one theory may be capable of accurate prediction, but the implications for public policy could be significantly different. To illustrate, inflation may be blamed on either excessive profits or on excessive wages. An explanation in terms of excessive profits leads to a forecast of higher prices due to a boom in capital spending; an explanation based on excessive wages leads to a forecast of higher prices due to a boom in consumption spending. Thus the identical conclusion follows from different assumptions and reasoning.

A warning is also in order for so-called theories which are mere extrapolations. Forecasts that a trend will continue are more often right than wrong because a massive system like the United States economy moves with a momentum that is difficult to reverse. Hence the test of a theory's predictive powers is not the number of rights versus wrongs but how accurately the theory identifies the turning points. Thus far, no theory has proved to be infallible and operational with respect to containment of inflation in an economy whose vigor is sustained by massive government programs.

Price structure versus price level

When discussing price changes, one must distinguish between price structure and price level. Whereas structure compares individual prices to each other at one point in time, level compares one period to another.

Price structure is the interrelationship of market values. Usually some prices rise and others fall, so that the structure is constantly changing. Regardless of general inflation or deflation, prices of different products move at varying rates or even in opposite directions. In this way, the price system coordinates economic activity. An increase in demand for some product tends to raise its price, which spurs its output. This diverts resources from less-wanted products, which decline in price and spur consumption. Changes in the price structure are very important to businessmen because isolated price rises attract competition and repel buyers.

The price level refers to the position of *all* market values, not their interrelationships. Conceptually:

Price level equals total money value of commodities divided by total physical quantity of commodities.

Even if the numerator could be measured accurately, the denominator would still pose a problem in aggregation. Dissimilar commodities—apples and oranges—cannot be added. What is the net result of an increase in 12 oranges and a decrease in 4 apples? It will not do to say a rise in 8 pieces of fruit, when consumers' tastes for these two types are not identical. There is no perfect solution to this question. Official price indexes measure the price level as if buyers made no substitutions in response to changes in the price structure. Additional limitations of price indexes are beyond the scope of this paper.

It is clear, however, that inflation is not just any rise in prices. Indeed, some economists feel that a gently rising price level—an annual rate below two percent—is favorable because it attracts investment which tends to cause prosperity. But certainly all are in agreement that yearly price increases exceeding two percent are objectionable.

Objections to inflation

One can see at once that inflation is objectionable when one changes the definition from a persistent rise in the price level to the equivalent: a persistent fall in purchasing power. A given amount of money buys fewer goods. Inflation does not affect everybody equally, hence it is said to cause a redistribution from the old to the young. In general, inflation hurts retired people, creditors, and people on fixed incomes while it favors some business owners, speculators, and holders of goods.

As a consequence, personal consumption declines whereas investment rises. Higher prices attract imports and discourage exports. If inflation runs rampant, it can destroy the economic system. Citizens make economic decisions in the expectation of further price rises. People with money speculate by hoarding goods. Nobody is willing to lend money or even work for money which is expected to lose its value. Merchants are unwilling to sell their inventory because replacement costs are increasing. At its worst, the economy sinks to a primitive state of barter. Accumulated savings are wiped out. A few speculators have amassed large holdings of land and other real values. The rest of the population is impoverished. Economic activity stops. It takes a political act to restore confidence.

PARTIAL EXPLANATIONS OF INFLATION

Many economists believe that during an inflationary period, some cost-push, some demand-pull, and some structural causes operate simultaneously. These theories will be discussed in some detail.

One source of inflation is a push on costs, in industries which practice administered pricing and in service trades which lag in productivity. A second source is a pull by buyers for goods from those industries whose prices are responsive to demand-supply imbalances. Some economists ascribe the imbalance mainly to an excessive money supply whereas others emphasize the role of fiscal policy, private sectors, or international developments. Inflation, after all, is an international phenomenon. A third source is structural dislocation, to which a highly interdependent economy such as the United States is particularly vulnerable. Inflation has persisted during recessions partly because a push on costs in some fields was not offset by a price decline in others where demand pressures eased.

A fourth source is the action of national and local governments in response to pleas from the electorate and special-interest groups. The United States has a mixed economy. The growth in governmental participation of the past four decades seems on the verge of expanding in a new direction: environmental controls. All of these multifarious, mutually reinforcing pressures frustrate efforts to trace a single cause and to devise a clear-cut solution for inflation. Figure 2 outlines these forces.

Cost-push

Perhaps the most plausible explanation of inflation is a widespread rise of wages in excess of productivity (output per unit of inputs). The rise in cost is translated into a rise in prices among those industries which set prices by adding a gross margin to their direct labor and materials costs. In terms of the fraction presented earlier:

Price level equals total money value divided by total physical quantity; the numerator rises but the denominator does not increase sufficiently.

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The cost-push theory is usually tied in with what is often called administered prices and administered wages. Basic industry and many other types of business are said to establish prices without regard to conditions of demand. When sales orders slacken, they prefer to reduce output rather than prices—or perhaps they believe that lower prices would not appreciably boost the quantity demanded. This is called administered pricing.

Similarly, strong unions in key industries can win wage increases beyond productivity gains, even in the face of substantial unemployment. These excessive wage increases are amplified in various ways. For example, the union contract may serve as a pattern, or perhaps as a challenge to be surpassed by other unions.

The output of basic industry serves as raw materials at successive stages of processing. If a widely used method of pricing is addition of a gross margin to prime cost (labor and materials), each wage increase will be compounded at every succeeding stage into increasing amounts of price rises. Another point is that some of the largest wage increases have occurred in the construction industry, which translates immediately into higher building costs for all industries, governmental projects, etc. As a result, the cost of living and the cost of government rise, further fueling inflation.

But if the monetary value of commodities increases, total purchases must decline unless the supply of money or its velocity increases as well. Sooner or later, the Federal Reserve Board faces the dilemma of whether to expand the money supply and thereby invite further price increases or to choke inflation by withholding the needed increase in money, thereby inviting some unemployment. This dilemma model shows quite clearly that inflation does not have a single cause. In fact, many economic phenomena and public policy decisions are intertwined.

Unions and Inflation The forementioned cost-push theory, laying the blame for inflation mainly on labor unions, has been under heavy attack. In the last decade prices have risen the most in industries lacking strong unions. Prices *increased* from 36 to 101 percent in such relatively unorganized fields as property and automobile insurance, haircuts, maid service, movie admissions, and daily hospital charges. During this same period, in such highly unionized fields as the manufacture of radios and television sets, vacuum cleaners, washing machines, and home permanent refills, prices *declined* from 20 to 11 percent. Although some of these figures are not comparable due to technical computational problems, it appears that developments in the 1960s undermined the cost-push explanation which may have had greater validity in the 1950s. Between 1966 and 1968, at least, there was virtually no correlation between the rise in average wage rates and the degree of union penetration. Compensation rose fastest in occupations requiring long training and for some traditionally underpaid employees such as nurses, maids, etc.—jobs which are now being shunned.

There are some further complications. It is sometimes pointed out that workers in the South and service employees and other nonunion labor, including professional workers, have enjoyed as high a rate of compensation increase as union members. But this does not mean that all workers would have fared as well if there were no unions at all. Some of the unorganized employees may have received higher pay because of the threat of unionization. Some other occupations have no unions but formal examinations or other restrictions which have the same effect as unions. The growth of government workers has made them a separate political constituency which their employers, the elected officials, try to satisfy. Finally, wage rates are generally not too far apart. Nonunionized office workers in a steel mill may be able to shift over to factory work. If nonunion occupations offer low pay, versatile employees and new recruits will shift to organized sectors, and the ensuing shortage in the nonunion field will drive up wages.

Similarly, cross-currents make it difficult to assess the impact of unions on prices. Any wage increase in excess of productivity raises unit costs. If, however, price could discharge its role of allocator, an undue increase in the price of labor would be checked by substitution. But when workers strike, the employer often cannot hire replacements. He cannot change work rules, mechanize, or contract out some of the work. Moreover, some strategic crafts and professions have barriers to entry that can cause structural dislocations which are as pervasive as a tax on necessities.

Thus it appears that unions contribute to inflation not so much by increases in wages and benefits, but by restrictions on output, requirements to hire unneeded employees, and rigidities in the work place. And when an economy has little slack, higher wages or unnecessary jobs create extra purchasing power but no extra production, so that prices of available goods rise. Paul A. Samuelson has stated, "Nowhere in the world, as far as I know, has a mixed economy solved the problem of maintaining full employment, free collective bargaining, and stable prices."

A simple way of summarizing the apparent policy options under cost-push inflation is a Phillips curve. This diagram conceptualizes a relationship between three percentages: unemployment, wage rise, and price rise. On the horizontal axis is percentage of unemployment. A vertical axis on the right is calibrated in percent of annual wage rise. The left vertical scale showing the percentage increase in prices differs from the right vertical scale only by the postulated rate of productivity increase. If America's productivity rises three percent annually, the left-hand price calibration would be three points lower than the wage changes on the right. The shape of the curve in Figure 3 depends more on institutional and psychological factors than on strictly economic phenomena. What has been observed in the past is, of course, no proof of cause and effect.

Services and Inflation. If the case against labor unions is not proved, is there anything else that helps to explain the push on costs? The answer seems to be yes—the importance of services.

The United States is a service economy with some 55 percent of the labor force in wholesale and retail trade, finance, insurance, real estate, government, repairs, and business and professional services. Because the rise in service productivity is very small, the steady shift to service employment gives the American economy a widening inflationary base. All the more, then, the mechanized sector must increase productivity beyond compensation rates if the overall price level is to remain even. Perhaps the recent increase in the prices of services and in other relatively nonunionized fields is not a true cost-push but a consequence of high prosperity. The increase was brought about by a rapidly increasing demand bidding for an insufficiently growing supply.

Demand-pull

According to the theory of demand-pull, buyers are the cause of inflation. Consumers, investors, and governments increase their wants and compete for goods. Output is inadequate either because resources are fully utilized or because production cannot be increased on very short notice.

In contrast to the cost-push theory, the demand-pull version argues that prices are flexible. Excessive demand causes an inflationary gap: the difference between total wants and total supply capacity. Buyers' willingness to pay more for scarce goods and services lets producers raise prices so that the producers, in turn, can bid for scarce labor and materials with higher prices. Thus, the pace of inflation escalates. This is the Keynesian version.

Monetary Aspects. A traditional explanation, which is currently regaining support, ascribes the blame for inflation to an excessive money supply. More bluntly, since the United States money supply is regulated by the Federal Reserve Board, some economists blame the policies of that agency for every recession and inflation since World War I. There is no unanimity on how to define or measure the supply of money. Most economists say that money consists of currency and demand deposits (bank checking accounts). In 1969, this amounted to $200 billion, about $45 billion currency and $155 billion demand deposits. If the money supply is defined to include time deposits at commercial banks as well, another $200 billion would be added. Since economists are more interested in changes than in absolute amounts, the important point is to analyze a particular series consistently.

Like the Keynesian theory, the monetary theory puts the setting for inflation at full employment. The price level is defined as:

Money supply multiply income velocity divided by total physical quantity of commodities.

Income velocity is the number of times that money moves annually from one income recipient to another.

Income velocity equal net national product divided by money supply.

If income velocity is constant, it follows from the first definition that a full employment, a rise in the supply of money will cause a corresponding rise in the price level. In practice, income velocity moves cyclically. In a sharp downturn and with a decline in interest rates, it falls, too. Conversely, an economic upswing and a rise in interest rates also boost the turnover rate. Thus both factors can contribute to inflation if demand exceeds physical capacity; i.e., if real national product cannot grow fast enough.

Since the supply of money is more easily controllable than the rate at which millions of companies and consumers transfer, policymakers focus on the money supply. The Federal Reserve can expand the money supply by buying government bonds, by lowering the discount rate at which it makes loans to member banks, by lowering the required legal reserve ratios that member banks must keep against their deposits, plus by some minor actions such as lowering margin requirements on purchases of stocks, changing interest-rate ceilings on time deposits in member banks, and moral suasion.

When the Federal Reserve buys government bonds, its payment to the sellers is deposited in banks. If reserve requirements and leakages total 20 percent, the banking system as a whole can expand the money supply to $5 for every $1 of proceeds from the Fed's purchases. There is an uncertain time lag between the start of a new Federal Reserve policy and a noticeable effect on the price level. Eventually, because the public has more funds than before or because the public does not wish to hold the funds, spending increases which pulls up prices.

Productivity

It should be clear that the demand-pull phenomena just described and the cost-push formulations presented earlier interact. Higher prices due to excess demand set off a clamor for higher wages not only to catch up but also to keep ahead of expected future price increases. Regardless of whether one focuses on unions and other strategically powerful suppliers on one hand,

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or on government, investment, and consumption expenditures and the money supply, on the other, the key to price stability is high productivity. Inflation would end if output of wanted goods and services caught up with buying power. But excessive output leads to price declines or idle capacity.

Structural inflation

There is a third prominent theory, called structural inflation, which is linked to the demand-pull model. Demand is not evenly distributed with supply. Thus there continues a pulling up of prices even as total measures of the economy show no stress

The problem is rigidity. With administered wages and prices, a slackening of demand in one sector does not offset excessive pulls elsewhere. Nowadays, reduction of wage rates is practically unthinkable. Therefore, cost-based prices are not responsive to a decline in demand. But excess demand quickly raises costs and prices. Hence inflation can persist even during a recession.

Structural theories emphasize disaggregation. Each sector of the economy must be examined separately. In contrast, the cost-push and demand-pull theories deal in totals. One of the valuable lessons from the structural theory is that many economic phenomena are not symmetrical. If certain conditions cause a rise in prices, it does not follow that the opposite conditions will bring a decline. In thinking about economics, it is also important to remember that many functions are not monotonic. Under a wide range of economic conditions, an increase in the supply of money will depress interest rates—up to a point. Beyond that point, further expansion of the money supply will cause interest rate increases. Perhaps the most important lesson is that there are no simple 1:1 economic relationships. Each economic variable is interrelated with hundreds of others.

Enacted inflation

In the last half of the 1960s the United States experienced very high rates of wage and price increases. Although it is impossible to give a full explanation, much evidence points to the federal government as a major instigator. Perhaps this episode should be called, "enacted inflation." In a republic this means that the pressures for special legislation and action which voters and lobbyists exert on the Congress and on the President are the basic cause of the rise in the price level.

First, there are the expenditures for the war in Vietnam and other military needs. Federal dollars spent for defense generate income without producing goods and services that consumers can buy. Second, many of the other recent government projects have had similar effects. The space effort, agricultural supports, foreign aid, social programs including local welfare, and other activities increase purchasing power without a commensurate increase in consumption goods. These nonmilitary expenditures have grown even faster than the defense effort. Again, the huge Federal deficits and the heavy borrowing by state and local governments have enormous inflationary leverage.

Moreover, during much of the late 1960s the Federal Reserve allowed the money supply to grow at an extraordinarily high pace. When the Fed tightened the money supply, the banks found other sources. Further, insurance companies and other rapidly growing nonbank financial intermediaries exempt from direct control could step into the breach. And it is the supply of spendable funds instead of the money supply that is the important ceiling on total expenditures, some bankers in the Federal Reserve believe. Restrictions on the money supply do reduce business investment and consumer outlays, but the burdens are inequitable and the effects appear only after nine months or longer. By that time, much damage has been done and the monetary needs of the economy may be different.

Tight money, for example, helped reduce demand pressures on the construction industry. But the decrease in housing production created a shortage which lifted rents and the prices of existing houses. Government agencies tried to remedy this dislocation by borrowing money at the prevailing high market rates and making it available to savings and loan associations for mortgage financing. Instead, the main result was an outflow of savings and loan deposits into the higher-interest bearing agency securities.

Taxes were increased, but too little and then too late for sufficient effect. In particular, business spending on new plants and equipment has been motivated by a seven percent tax credit and by other governmental incentives while its growth was so excessive that it should have been curbed temporarily. Lengthy restraint on new investment is undesirable, of course, because it leads to a decline in efficiency.

Consumers reacted to a temporary tax increase by reducing their rate of saving, thus neutralizing the surtax's anti-inflationary intent which was to reduce their rate of consumption. Effective demand also increased on two additional counts: (1) higher employment, both from an expansion of the labor force and a reduction in the percentage of unemployed, and (2) higher wages and salaries.

It is further true that the last recruits to employment and the last production facilities activated are generally much less productive than average. During boom times, plant absenteeism increases; lower production rates, lower qualities, and so forth aggravate the shortages. Due to industrial interdependence, failures in one place have widespread repercussions; production is held up in many other plants.

If efforts to cool the economy produce some unemployment, the first effect would be not to reduce purchasing power but to reduce output. Loss of production is, of course, a real loss to the economy. It offsets the deflationary influence of unemployment if demand persists. Wage continuity programs, unemployment insurance, personal savings, credit, etc. stabilize demand over short to medium-long periods of adversity. Moreover, any slight upward tilt in the unemployment rate is a signal for agitation—in Congress and elsewhere—for massive government programs which guarantee inflation. Thus attempts to combat inflation produce countervailing forces which can lead to further maladjustments.

In 1969, for example, just as economic theory predicts, higher prices in the United States beckones a surge of imports. This further impaired the strength of the dollar. But higher interest rates in the United States also attracted short-term foreign capital. The inflows of merchandise tended to soften inflation; the inflows of capital helped sustain the dollar. The opposite would obtain if inflation and interest rates ebbed. Further, American capital is poised for investment abroad, which would further weaken the dollar internationally, at least in the short run.

Just as confidence in economic stability, based on the early 1960s postponed the surfacing of inflation, government policy at the end of that decade embedded it. Inflation is a state of mind as well as of money. Expectations of continuing price rises can be self-confirming. Workers hold out for extra wage increases; businessmen and consumers step up their purchases. In these ways, cost-push, demand-pull, and structural dislocations increase. The economy is not so flexible that the inflationary trend can be reversed quickly.

As America enters the 1970s, many people fear that prices will continue to rise. They point to the inexorable political pressures to support agriculture, subsidize industry, sustain full employment, safeguard American prestige abroad, satisfy various constituents, and start many new programs. Surely, governmental actions to check inflation deserve strong cooperation.

GOVERNMENTAL PRICE CONTROL

Since governmental policy shares some or much of the responsibility for inflation, it seems reasonable that new laws should be enacted to stop the escalation of prices. But few economists believe that controls would be helpful in the present circumstances.

Price-wage controls are useless unless accompanied by governmental rationing of goods and allocating of labor. Both in money and manpower, such regulations are very expensive to administer. Instead of motivating increases in output, governmental regulations lead to commercial emphasis on high-price, low-quality lines and to misclassification of workers.

Controls are virtually impossible to enforce, at the very time that they infringe on individual liberty. Even when citizens were united, or when violations were subject to the death penalty, price controls have always been accompanied by evasion and black markets. But if most citizens strongly support regulation, price-wage controls with rationing may improve national morale because all are subject to the same law. It can be effective in an emergency.

Selective controls (say, of basic industry only) obviate such wastes as mountains of paperwork and multitudes of policemen. But selective restraints are clearly inequitable and spur misallocation of resources. If regulations underprice steel relative to alternatives, the demand for scarce steel will rise, intensifying the pressures on the industry. Yet, the controls stifle progress. In time, steel workers begin a shift to greater opportunities. Capital is even more mobile. If the expected profit from steel production is low, investors do not supply funds to expand capacity. On the contrary, established steel companies will diversify into uncontrolled activities that offer a greater return on investment.

Thus selective price controls might benefit consumers temporarily but aggravate future scarcities. Capacity declines instead of expanding. As older workers and obsolete facilities are retired, they are not replaced.

The dislocations generated by one law requires a series of exceptions and amendments until even selective controls are a maze of regulations. Bureaucrats and lawyers assume the roles formerly occupied by buyers and sellers. Rent control in New York City is an example. If selective controls seem essential, they must be temporary. They might tide the economy over a shortage which is being relieved.

The consumer is not necessarily the one whom selective controls benefit, temporarily or longer term. More likely, intermediaries like apartment brokers in New York City or recipients of steel like manufacturers of plumbing fixtures can reap windfall profits because final demand is strong.

The effects predicted for selective restraints also apply to wage-price guidelines, except that the latter do not incur administrative costs. At the same time, guidelines are weaker because they lack the force of law. Government officials can harass noncooperators with "jawbone" tactics such as investigations and unfavorable publicity. The administration can withhold purchase orders and release stockpiled materials. But many people feel that sporadic nonlegal pressures on a few violate the American philosophy of fairness and due process. Extralegal pressures on some are a pathway to extra-legal pressures on others. In short, neither comprehensive controls nor selective controls or guidelines offer much hope of restraining inflation.

FACING THE 1970'S

From the indications available, it appears that the future course of inflation depends primarily on political decisions, which are outside the purview of economic forecasting. The following economic points seem worth emphasizing:

1. After three decades of prosperity, business, labor, and the consumer have at their disposal many alternatives that reduce the effectiveness of fiscal and monetary policies.

2. The most disastrous course of action, in the opinion of many economists, would be governmental price-wage controls. Whatever the economic consequences, the basic problem of price regulations is political: it is impossible to enforce a law that is frequently violated by a large proportion of the citizenry.

3. Assuming no new war and no major governmental action to escalate the rate of inflation, the immediate, short-term outlook is for a slight recession accompanied by continuing inflation. For one thing, many labor contracts provide for substantial wage increases over the next several years. For another, increasing dependence on nonpostponable labor-intensive services such as medical care, auto repairs, hotel services, and baby-sitting, plus rising financial outlays on interest, insurance, and property taxes give the American economy a strong inflationary base. To this can be added agricultural price supports, oil quotas, obsolete building codes which perpetuate inefficiency in home construction, and other government programs that maintain or raise prices. But, hopefully, the rate of price increase will abate.

4. Over the longer term, it appears that the price system's traditional role as allocator of resources will continue to erode. The present outlook is for greater emphasis on what economists call social overhead. There seems to be an inescapable need for concentration on urban renewal, mass transportation, air purification, water cleansing, and many other collective prrojects. Insofar as they are essential for human survival, there is no choice but to motivate these social efforts. The challenge is to perform them effectively while preserving America's heritage of individual freedom including occupational options and business incentives.

In principle, the price mechanism could coordinate social undertakings as well as individual pursuits. For example, if each automobile and each bus had to defray the costs of its infringement on the environment, most commuters would have to elect mass transportation.

Only wealthy people could afford the high cost of riding in a separate car. But such an extension of the price system might engender strong sentiment for governmental redistribution of wealth and income.

5. This paper has shown that two variants each of cost-push, demand-pull, and social rigidity interact to erode the purchasing power of the dollar, with little likelihood of a reversal. The most important influence on the future course of price stability is the will of the citizenry. Output must be increased and infusions of buying power curtailed toward a zone where the supply of most goods and services is in balance with demand at existing prices. If the implications of economic policies are widely understood and if price stability receives vigorous backing, policymakers—mainly in governments, but also in labor unions and corporate directorships—will pursue whatever economic goals the public deems to be in its interest. Cure from the malady of inflation depends on the resolve of the people and the skill of their representatives.

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JOINT SPACE EXPLORATION

Mr. PERCY. Mr. President, on several occasions prior to today, I have spoken of efforts that I believe ought to be taken towards achieving international cooperation in the field of space exploration. On March 4, 1970, along with Senators MANSFIELD, SCOTT, and MONDALE, I introduced Senate Concurrent Resolution 56, which calls upon the President of the United States to convene at the earliest convenient time a Conference on the International Exploration of Space. This resolution is currently pending in the Foreign Relations Committee. No action on it has been taken as of yet.

Today, I rise once again and renew my plea for the idea and the hope embodied in this resolution.

International cooperation in space is not only a logical step to take, but it is also a very practical step to take. Those astronauts who have traveled to the moon have repeatedly commented how small the earth is compared to the yawning vastness of space. From this perspective it is clear that differences should melt away in the face of the challenge that presents itself to mankind. It is a challenge that daily entices us and nightly entrances us; it is a challenge that we as a nation have accepted. We have set ourselves on a course to explore, to understand, and to be able to derive benefits from the exploration of space.

Yet, we are not the only nation that has set itself on this path. Many nations are seeking to explore space, and brave men from different nations have perished in the quest.

It is a quest that must logically be an international undertaking. Nations should not try to race each other. Instead, nations should come together and work together to achieve a common goal.

The resolution that I have offered would be a first step in the achievement of this goal.

The idea of cooperation in space is often discussed among scientists and explorers of all nationalities. Frank Borman has spoken of the willingness and the eagerness of Soviet scientists and cosmonauts to participate with the United States in joint space ventures.

Neil Armstrong, on a recent visit to the Soviet Union, encountered the same feelings. He stated that the objectives of the cosmonauts and the astronauts were very similar. Whenever the topic of conversation turned to international cooperation, the response of the Soviets seemed to be most favorable. A report of Neil Armstrong's visit was carried in the New York Times on June 4.

Mr. President, I ask unanimous consent to have the article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, we who are tied to this planet by the unrelenting force of gravity, and who can rise no further above ground than the altitude of a jet we may be passengers on, do not have the perspective of those who do fly in space. Scientists and space explorers from all interested nations continually express their desire for international cooperation in space. It is the duty and it is the unprecedented opportunity of this Nation to call together an international conference which would be a first step towards realizing achievement of an age-old dream and an age-old challenge: To explore the universe and use it to the advantage and benefit of all mankind.

EXHIBIT 1

[From the New York Times, June 4, 1970]

ARMSTRONG TELLS RUSSIAN SCIENTISTS UNITED STATES AND SOVIET SHOULD COOPERATE IN SPACE PROJECTS

(By James F. Clarity)

Moscow, June 3.—Neil A. Armstrong, the first man to walk on the moon, obviously pleased an audience of several hundred Soviet scientists today by advocating closer United States-Soviet cooperation in space exploration and implying that the space programs of the two nations would eventually converge.

Mr. Armstrong, on the last day of an official visit to this country, not only told the scientists, who crowded into an ornate hall in the Academy of Sciences, that he favored increased cooperation but he also said that the development of space stations and shuttles was "the most important" method of practical space usage. At present, the United States program is concentrated on lunar missions. The Soviet space program is geared toward the building of orbital space stations.

As he described the Apollo 11 mission, which he commanded last July, and answered questions with occasional low-key humor, Mr. Armstrong was applauded several times and drew a few gusty laughs.

Of United States-Soviet space cooperation efforts he said, "I believe these should be expanded a great deal and I hope they will be." He added, "I have found in discussions with my Soviet cosmonaut colleagues that their objectives in space are very much the same as ours."

Describing the United States program, he said, "The next two years will include four more lunar flights, of the type that I completed, to new areas of the moon, which will leave scientific equipment that will continue to operate unmanned."

"The following years," he said, "will be devoted to our initial space station efforts."

He said the planned American space station would be "composed primarily of components built during the Apollo program." Such components, he said will have additional space for scientific equipment and "will be capable of revisitability."

Asked to comment on space shuttles and space stations—presumably the prime objectives of the Soviet program—he said:

"I happen to believe that these two particular developments are the most important toward an early practical usage of space." He added that he would be glad to be a member of a joint Soviet-American space crew. The remark elicited smiles throughout the audience.

The American astronaut also pleased the scientists, judging from their faces, by praising Soyuz 9, the Soviet two-man spacecraft launched two days ago and reported still operating normally in earth orbit. Mr. Armstrong said the experiments in earth measurements presumably being made by Soyuz 9 would be useful to the United States space program.

But the American won the most open approval of the Soviet audience when he answered relatively unscientific questions.

He was asked if the words he spoke when he stepped on the moon ("That's one small step for man, one giant leap for mankind") were composed on earth or in space.

"I'm afraid I'm guilty of composing that phrase on the lunar surface," he said, with a slight smile. The audience laughed, then burst into applause.

Would he volunteer for a three-year trip to Mars?

"I think I would ask them if I could take my family along," he said, as the scientists laughed and applauded again.

DIPLOMATS MAY HAVE CHANCE TO PUSH PRISONER ISSUE

Mr. BAKER. Mr. President, there are reports in this morning's press that the Communist Chinese want to resume contacts with the United States in Warsaw. According to these reports Chou En Lai has so informed diplomats from other Communist countries in Peking.

This is a hopeful sign. Hopeful not only because these talks could eventually lead to easing of major problems we have in Asia, but also because it is an opportunity for American diplomats once again to work in behalf of those Americans being held incommunicado by the North Vietnamese.

It is my hope that the talks in Warsaw between our Ambassador and representatives of the Chinese government are resumed after the temporary setback of last month. When they are resumed it is my further hope that our representative will make new and strong overtures to the Chinese about the prisoner situation.

The North Vietnamese hold some 1,500 Americans prisoner. Most of these men are being detained in foul prison compounds and they are not allowed to contact their families nor receive mail from their homes.

It is too much to hope that the Chinese might be able to arrange a prisoner exchange. But it is reasonable to hope that the Chinese can be used to pressure the North Vietnamese into a more realistic and more humane attitude on the prisoners they hold.

I know our American diplomats in Warsaw are as concerned about this problem as we are in the Senate. They have an opportunity in the offing to do something about it; I hope they take full advantage of that opportunity.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE SMALL MEATPACKERS

Mr. SAXBE. Mr. President, the fate of the small packer in many of our Midwestern States has been growing increasingly unhappy and, I think, turning to the detriment of the general public. In the last 2 weeks in Ohio there has been announced the closing of two sizable but still small business packers, the Val Decker Packing Plant in Piqua, Ohio, and the Sucher Packing Co. of Dayton, Ohio. Not long ago the David Davies Packing Co. in Columbus, Ohio, closed.

The reasons for these closings has been said to be the inability to meet the sanitary requirements that were imposed by the Federal Government and the inspections that resulted. However, on closer examination it develops that many of these packing companies do have clean and sanitary operations but because of such discrepancies as room size, storage capacity, and other construction items that have no relevancy to the cleanliness of the operation or the sanitary nature of the operation, they have been forced out of business.

Packing has not been a profitable operation in Ohio because of the small margin of profit and the tremendous investment required. When packers are faced with a demand that they rebuild their plants, they look over the profit and loss sheet and extend it, they say, "Well, we will just close up," and they do, depriving the farmers of a ready and competitive market for their livestock and also depriving consumers of a guaranteed source of fresh meat. It also results in driving more and more of the business into the extremely large concentrated packing plants where they can afford to operate at a small margin of profit, extremely small, which would prevent the small packer from engaging in it. By large volume the big packer can prosper and afford the building programs that are demanded.

This might be acceptable if it meant that this was the only result, because we do want to guarantee the quality of our meat, the quality of the inspection, and also the health of the animal and the sanitary nature of the killing and the plant.

But we are at the same time admitting great amounts of foreign beef and mutton from Australia, New Zealand, Central American countries such as Costa Rica, and South American countries.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I am reliably informed that there are no similar sanitary requirements for the killing of this meat which comes in as carcass or boned beef, in a fresh state, that is, either frozen or chilled, not cooked, as was previously the rule on Argentine beef.

If we are going to close up our packers because of extremely severe inspections which go beyond the danger of bacteria and unclean processes, then we should require the same standards of inspection of plant construction and maintenance in these countries that are shipping in the tremendous amount of carcass beef or mutton. I do not think it is unrealistic that we require that their rooms be the same size that we require, or that Federal inspectors be present, as we require, or any of the other things that are putting our plants out of business.

What good does it do us to close up a clean but structurally unacceptable plant in Ohio and at the same time accept beef killed and processed on premises that would not begin to meet our most elementary requirements? This is what is happening in this country today. I am sure the follow-up on this situation is going to be that after these small packers go out of business and we have difficulty in processing our meat, the prices will go up and we will have demands for increasing quotas to bring in Costa Rican beef, Argentine beef, or beef from some other country in South America, or New Zealand or Australia. This beef will be brought in without any of the sanitary requirements except the most elementary.

PROPOSED ELIMINATION OF F-111 AIRCRAFT APPROPRIATION FROM FISCAL 1971 BUDGET

Mr. PERCY. Mr. President, last week in a speech before the Senate I indicated my intent to go over the fiscal 1971 budget with a fine-toothed comb to eliminate as many programs as I could possibly find that might be of dubious value. I suggested it would be possible to reduce our deficit by at least $4 billion. This is going to be essential, in my judgment, because of the adjustments we already see coming forward in the 1971 fiscal budget. The President originally forecast a surplus of $1.3 billion; the present official estimates now are for a deficit of $1.3 billion. I have made my own calculations and can forecast a deficit of at least $6 billion. I think such a deficit would be a disaster when we take into account the impact that the Federal budget has on commercial programs such as housing, and the impact it has on such economic problems as inflation.

For this reason, I feel we must cut the budget by at least $4 billion, taking into account that additional revenue can be gained if Congress will approve the President's request for a revenue increase, in an amount exceeding $1 billion, from the leaded gas tax that he has proposed.

In a little over a week now, I have already suggested reductions that total almost $1 billion. In the process of the review I have been making, it now appears apparent that the goal of eliminating $4 billion without affecting vital priority programs is a modest one. I am taking into account that budget cuts must be made in military expenditures as well as civilian expenditures, in domestic programs as well as programs overseas.

Today I call for the elimination of the F-111 aircraft appropriation from the fiscal 1971 budget in order to reduce the fiscal 1971 budget by another $350 mil-

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lion. The current Air Force contract for the F-111 ends in June. The Air Force requested funds for an additional 43 planes. The F-111 project, in my opinion and in the opinion of many other students of this subject, has been a disaster. The additional $350 million should not be added as another strain on the economy at this time. We will have expended nearly $6.8 billion on this program to purchase some 490 production airplanes, all of which are grounded.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. I request an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. The F-111 project has been an unfortunate investment from its very inception. We embarked on the project by being told that each plane would cost $3.6 million. The cost so far has jumped to $16 million per plane—over a fourfold increase. And we now have an airplane that cannot perform its mission and, as I said, has even been grounded because of structural failures.

Now, at a time when we are doing everything possible to cut waste in the Federal deficit, it seems the perfect opportunity to say "No" to the request for 40 additional F-111's, thus cutting another $350 million out of the fiscal 1971 budget.

Previously I have called for the elimination of the SST appropriation which, as budgeted, would save $289 million. I have called for elimination of the 50 percent "U.S. bottoms requirement" for shipping food surpluses, which would save $130 million annually. I have called for reduction of the Department of Defense's 50-percent price differential for overseas procurement to the 6-percent and 12-percent levels used by other agencies and departments, which would save $40 million. I have asked for the imposition of a $20,000 ceiling on farm surplus payments—my colleague from Illinois, Senator RALPH SMITH, has put in a bill to provide for that—which would result in a $180 million saving.

In other words, the savings I have called for to date total $989 million. I have a minimum of another $3 billion to go. I hope in succeeding weeks to find and identify items that can be taken out of the 1971 budget in order to get us back to a position of fiscal responsibility from the standpoint of the Federal impact on the national economy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

PRESIDENT NIXON IS URGED TO VETO H.R. 4249, AMENDMENT TO VOTING RIGHTS ACT OF 1965

Mr. ALLEN. Mr. President, on yesterday, when news of the action of the House of Representatives on H.R. 4249, the so-called voting rights bill and the lowering of the voting age to 18 by statute, reached the Senate, a number of Senators took the floor to express pleasure and satisfaction at the action of the House in passage of that measure. The Senator from Michigan spoke in that connection. The Senator from New York (Mr. JAVITS) spoke, as did the Senator from South Dakota, who also inserted a statement by the Senator from Massachusetts (Mr. KENNEDY). Only the junior Senator from Alabama rose to express dissatisfaction and displeasure at the action of the House in this connection.

Mr. President, I have taken the liberty of sending a telegram to the President of the United States urging that he veto this measure. The President made diametrically opposed recommendations to the Congress with respect to both aspects of the bill. He recommended a uniformity of application throughout the country of the Voting Rights Act, whereas the bill as passed continues to discriminate against seven Southern States. He recommended that the lowering of the voting age to 18 be handled by the submission of a constitutional amendment, which would, of course, have to receive the votes of two-thirds of the Members of the House and two-thirds of the Members of the Senate, and be ratified by three-fourths of the State legislatures, 38 in number.

The bill as passed makes an attempt to reduce the voting age to 18 by statute.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I request 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. In the judgment of the junior Senator from Alabama, that clearly violates the intent of at least five provisions of the Constitution and its amendments. It clearly violates the intent of article I, section 2; article II, section 1; the 10th amendment to the Constitution; the 14th amendment to the Constitution, and the 17th amendment to the Constitution.

It is the opinion of the junior Senator from Alabama, for what it may be worth, that if the President does sign the bill and it does become law, that portion of the law which deals with 18-year-old voting will be stricken down by the Supreme Court when the matter reaches it for decision.

The wise use of the veto power by the President is an integral and salutary portion of the "checks-and-balances" system of government that we have in this country.

It is the opinion of the junior Senator from Alabama, and his request and his urging, that the President use his veto power with respect to this bill, because if the veto power is not used by the President in this connection, what good would it have been, what useful purpose would have been served, for the President to have had a different view with respect to the two aspects of the bill?

What good would it have been to recommend uniform application of the Voting Rights Act throughout the United States, and what good would it have been for him to have recommended a constitutional amendment on the 18-year-old voting, if he does not back up his opinion, his recommendations, his views of what is right and best and fair for the people of this country, through the use of the veto power at this time?

So, Mr. President, on today I have directed to the President of the United States the following telegram:

JUNE 18, 1970.

The PRESIDENT,
The WHITE HOUSE,
Washington, D.C.:

I respectfully urge you to veto H.R. 4249, the so-called voting rights bill. Both aspects of the bill, as passed, are contrary to your own recommendations to the Congress and therefore your veto of the bill would be consistent with the positions you have taken on the issues covered by the bill. Furthermore lowering the voting age by statute is clearly unconstitutional. In my judgment your veto would be sustained. Respectfully submitted.

JAMES B. ALLEN,
U.S. Senator.

Mr. MANSFIELD. Mr. President, as always, I have listened with appreciation to the distinguished Senator from Alabama, whose opinions are always worth listening to. We happen to be on different sides as far as the 18-year-old voting proposal is concerned. We expressed our views during the course of the debate and the Senate voted and now the House of Representatives has rendered its decision.

I would point out that there is far more to the bill which will be on the President's desk shortly than the question of 18-year-old voting. I would hope as well that the President, who has expressed his approval of giving the vote to the 18-year-olds—though he preferred the constitutional amendment route—would give this matter the most serious consideration, because I think it would help to calm some of the difficulties which have faced this country in recent years. Most importantly, I think it offers hope to the younger generation.

I would point out to my distinguished friend from Alabama—who knows this already—that if the bill is signed, there will be a court test immediately through the expediting appeal provisions of the measure. What the decision of the Supreme Court will be neither he nor I can tell at this time.

But, to repeat the arguments, I think that if young persons at 18 are treated as adults in the courts—and they are—if they pay taxes at 18—and they do—if they can sign contracts at 18—and they can—if they are eligible for marriage at 18—and they are—and if the young men are eligible to be called under a draft system at age 18—as they are—then I think they ought to have some say in the making of the policy which places their lives, their futures, and their hopes in jeopardy.

I would like to see these young people come into the two parties; whether into the Democratic or the Republican Party is immaterial to me. I would like to see them bring in new blood and new ideas. I would like to see them learn what a system like this really is, because I

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think, despite our weaknesses, it is the best political system in the world.

They can make a great contribution, and they can help to eradicate the gap which exists between them and those of an older generation, like myself. They can help to unshackle some of us from ideas which have bound us hand and foot for too many years, and they can make a contribution. I think they ought to be given a chance.

It is my belief, furthermore, if I may say so to my good friend from Alabama, that if this bill is not signed, it will be decades before the 18-year-olds in this country outside of Kentucky and Georgia, the 19-year-olds outside of Alaska, and the 20-year-olds outside of Hawaii will have the chance to participate in the exercise of the franchise, and thereby in a small degree participate in the making of policy as well.

Mr. PERCY and Mr. ALLEN addressed the Chair.

Mr. MANSFIELD. I yield to my distinguished friend from Alabama.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished majority leader. As he points out, the bill does contain a second aspect in addition to the aspect of 18-year-old voting provided by statute. That has to do with the discriminatory so-called Voting Rights Act, which applies, under an automatic trigger provision, to seven Southern States automatically. I was pointing out that the President had a different recommendation which he made to Congress with respect to handling the matter of the protection of voting rights.

Mr. MANSFIELD. The Senator is correct.

Mr. ALLEN. Which was to have a uniform application of a single law for the entire country. We have had too many instances under the law where there is one law or one rule for the southern section of the country and a different rule for the remainder of the country. The Senator from Alabama was pointing out that he would prefer a Voting Rights Act that would apply uniformly throughout the country.

It is true that the 18-year-old voting by statute provision was added to this bill here in the Senate, and possibly it will be felt that on account of the general popularity throughout the country—outside the South—of the voting rights provisions, the President would be reluctant to veto a measure which had the voting rights provisions in it.

I believe that the President has displayed, on occasions, much courage, both personal and political.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. This is another instance when the President would do well to back up his own recommendation and insistence that the matter of 18-year-old voting be handled by a constitutional amendment, and that the voting rights matter be handled by a law providing for uniform application of that law throughout the country.

The Senator from Alabama has difficulty following the reasoning of the distinguished majority leader in saying that it is now or never with respect to the 18-year-old voting, because here in this very body, we now have a constitutional amendment pending, with some 73 sponsors, that could be called up as soon as it comes out of the committee and be passed by the Senate, and would then go to the House of Representatives for action and be submitted back to the legislatures of the respective States, which, in the judgment of the junior Senator from Alabama, is necessary if we are to have a law that will stand a test of its constitutionality.

So the Senator from Alabama does hope that the President will exercise the veto power with respect to this bill, not just on account of the 18-year-old voting, which I assure the distinguished majority leader I am not opposing in principle, being one of the cosponsors of the constitutional amendment making that provision, but also on account by my opposition to the discriminatory so-called Voting Rights Act, which is seeking to add an additional 5-year discriminatory penalty on seven Southern States.

Mr. MANSFIELD. Mr. President, I am delighted that the Senator from Alabama has gone into such detail, because I had thought that even if the President did in some fashion eradicate the 18-year-old voting feature, he would still be against the bill and would still want the President to veto the bill, as he has now brought out quite clearly.

Mr. ALLEN. That is correct. I have often so stated.

Mr. MANSFIELD. While it is true that there are 73, 74, 75, or maybe 76 sponsors of a constitutional amendment, the Senator knows as well as I that that amendment has about as much chance as a snowball in Hades of getting out of the Judiciary Committee. He knows, furthermore, that it is relatively late in the legislative year. The session is well along—there is only another 6 months or so—and there is not much possibility, this year, of doing anything as far as both Houses of Congress are concerned.

The Senator is also aware that some of the Senators—though not the Senator from Alabama—who affixed their signatures to the constitutional amendment proposal did so, not with the idea that they would support the vote for the 18-year-olds, but only to add a little to the confusion which was becoming apparent some 2 months ago when this matter was being considered on the floor of the Senate.

Mr. ALLEN. I thank the distinguished majority leader.

One other thing that the junior Senator from Alabama would like to have the distinguished majority leader clear up for him is the leader's statement that it is going to be possible to get an early decision by the Supreme Court on the constitutionality of this statute, when, as the junior Senator from Alabama recalls, the effective date of the provision with respect to 18-year-old voting is not until January 1, 1971; and the Senator is well aware that the Supreme Court handles only justifiable controversies and does not handle questions merely asking for advisory opinions.

So the junior Senator from Alabama would like to be advised as to how such an early decision is going to be obtained from the Supreme Court. Does the Senator feel that the particular language of the bill makes that provision?

Mr. MANSFIELD. Mr. President, may I say, in response to the question raised by the distinguished Senator from Alabama, that he will be given an answer at an appropriate time. After all the proposal has not yet become law. We must proceed one step at a time. We have to first look to see whether or not the bill is signed. If it is not signed and is vetoed, the question becomes moot, unless the veto is overridden. If it is signed, or otherwise becomes law, then I will report fully to the Senate. I am convinced and on the basis of initial legal consultation, I think it is accurate to state that a number of avenues are available to assure the resolution of the constitutional questions well in advance of any election. Not being a lawyer myself, I would not venture to assert a legal opinion at this time but at the appropriate time, will submit for the record a full memorandum on this point.

Mr. ALLEN. The Senator from Alabama hopes, then, that he never receives any such report from the distinguished majority leader, because that report is to be made only if the bill is signed by the President. So the junior Senator from Alabama hopes he never gets any such report from the distinguished majority leader.

Mr. MANSFIELD. Again, we happen to be in different corners, but, as always, we are friendly opponents and only on specific subjects.

Mr. ALLEN. I thank the majority leader.

Mr. MANSFIELD. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PERCY. I should like to associate myself with the position taken by the majority leader, and express the hope that the President will see fit to sign this bill for several reasons that to me are very compelling.

I try always to keep in perspective the position taken by many fine people of the Southern States, whose point of view the junior Senator from Alabama has eloquently and articulately expressed on the floor of the Senate many, many times. But there is a division of view even in the South on this, and I speak from the perspective of a father and of his ancestors before him having lived in Mobile, Ala. I was born in the South, across the bay, at Pensacola, though I have lived practically all my life in the North. But our roots and family heritage go back to the State of Alabama for many, many years.

So I have tried, through the eyes of my father, through the eyes of many of his friends and our acquaintances through the years in the South, to walk in their shoes and try to understand their problems, also. But when it comes to the right to vote, it seems fundamen-

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tally apparent to me that, a hundred years after the War Between the States, there must finally be enacted some way of permitting all Americans, not just some Americans, to have their voices heard at the polls.

I think it is very interesting that in this one bill we have coupled the question of enfranchisement of 18-year-olds with the voting rights bill. I can recall vividly it was the young people who years ago, in the summers, went down to the South to study this problem.

I know that their presence there was greatly resented by some, and I know that they resented as well some of the occasional abuse they received—physical and verbal—at the hands of some people—none of actions. I am sure, being condoned by the distinguished junior Senator from Alabama. These young people helped begin the registration drive that enabled people who had been Americans long before many of us, but denied the right to exercise the privileges of citizenship because of their black skin, to register and vote.

In the State of Mississippi, which I recently visited when attending the funeral services of the young people who were killed at Jackson State College, we had only 33,000 registered voters as of only a few years ago. Now that the voting rights bill of 1965 has been enacted, that number has been increased a thousand-fold. We have increased from zero elected officials of the black race to some 91 who now hold public office. We have given them a position of dignity and responsibility within the elective system as a result of this voting rights bill.

I trust the President will now respond to the overwhelming voice of this body as well as that of the House of Representatives. Even though we did not see fit to enact the measure that the Justice Department proposed and rather extended the bill which has served the purpose so well since 1965, I trust the President will be responsive, by placing his signature on that bill to an overwhelming indication from Congress that we feel this bill is right in substance, in language, and in effect and should be continued.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I trust, also, that the President, who deeply believes, as many of us do, that the 18-year-old citizen should have the vote and should be permitted to take his responsible place in the elective process now, would leave to the courts the decision as to whether this change in the law can be made through statute or through a constitutional amendment.

There is exceedingly competent judicial counsel on both sides of this issue. Many distinguished constitutional lawyers in the law schools in the State of Illinois maintain that this change must be in the form of a constitutional amendment in order to extend effectively the vote to the 18-year-old. I believe that even if the court ultimately does decide that the law we have passed is unconstitutional, it would at least be a symbol to the young people that we mean what we say, that we are going to test it where it should be tested—in the courts—and that we are not going to attempt to prejudge it. We must let the courts make that decision, because there is strong evidence and strong judicial opinion on both sides of the issue, and it can only be ultimately decided by the Supreme Court.

I hope it could be settled, so there would be no confusion, by the time of the national elections of 1972. Then if the decision is reversed, it will be fully understood by the young people of the country at that time, and I think be accepted by them. But I am afraid a veto of the bill by the President would be misunderstood by the young people of this country.

I draw upon the experiences of two Southern States which have already the 18-year-old vote—Georgia and Kentucky, as the distinguished junior Senator from Alabama knows. I am not as familiar with the situation in Georgia as I am with that in Kentucky. Kentucky is a sister State, and I well remember the words of the distinguished junior Senator from Kentucky when he pointed out that the young people have had the vote there since, I believe, 1953, and if a referendum were held in the State today, not 1 percent of the voters of that State would vote to take away the 18-year-old vote. They have been responsible voters. They have been responsible party workers, in both parties, and they have exercised their privilege of voting in an exceedingly responsible way. They are an integral part of the elective process of the State of Kentucky.

I cannot believe that if it works in Kentucky, it will not work in Illinois, in Alabama, or in any of the other States. The right to vote would give young people who are moderate in their approach, but who are dissenting from certain things in modern society today, a mechanism by which they could implement their ideas. That is terribly important in order to remove the polarization and the alienation that many of our young people feel. It gives them an alternative to the violence and the extremist measures of those on the radical left who are really trying to wreck society, and it provides a constructive alternative for those who are constructively discontented but have no way really to implement and bring about an effective voice in government.

For that reason, I sincerely hope the President will sign this bill. I respectfully disagree with my distinguished colleague the junior Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator. I know that there is not time to answer all of the comments of the distinguished Senator from Illinois because it has come time to lay down the unfinished business; but I invite the attention of the majority leader to the fact that one small contribution the junior Senator from Alabama made to the bill was the addition of the six words, "except as required by the Constitution."

Thus, I do hope that those words will have some bearing on the matter when the act comes before the Supreme Court for decision.

Mr. MANSFIELD. The Senator from Montana should recall to the junior Senator from Alabama that he was one of those who supported the Stennis-Ribicoff amendment.

Mr. ALLEN. Yes, sir; I remember that and appreciate the Senator's vote very much.

Mr. MANSFIELD. I thank the Senator.

PRESIDENT NIXON'S ADDRESS ON ECONOMIC POLICY AND PRODUCTIVITY YESTERDAY

Mr. MANSFIELD. Mr. President, I have read with interest the President's speech on the economy. There is merit in what he had to say. He has brought forth some good suggestions, such as the creation of a commission, the publication of statistics, and the establishment of a regulations and purchasing review board. Those are all steps in the right direction. How effective they will be remains to be seen.

The President had some good thoughts. He stated:

> The fight against inflation is everybody's business.

Mr. President, it most certainly is.

It is the Congress business as well as the administration's business. I would hope that we would be able to work together on a cooperative basis, without delving into the past, into the 8 years of the preceding administrations, or into the 17 months of the present administration. I would hope we could set our sights on the present and work together and plan for the future in tandem, in coordination, and in cooperation.

Mr. President, there are some matters that we just cannot lose sight of, that cannot be buried or ignored because the figures speak for themselves.

For example there is no question that, at the present time, there is an unemployment rate in excess of 5 percent; I say more than 5 percent because when the latest figures were publicized, the high schools and colleges had not yet let out—an event which unleashed a tremendous number of young men and women on the labor market, looking for jobs, looking for work and not finding it, adding greatly to the unemployment total.

Inflation, according to the findings of the Federal Reserve Board of St. Louis last month, based on April figures, at the present time stands at 7.2 percent or more.

The financial markets go up and down, exhibiting the gravest instability in decades.

Speaking of the market, they tell me this is significant, at least when it goes down—I cannot speak from personal experience or participation because I own no stocks, so I have to depend on what others say—and interest rates are up the highest since 1864. I repeat, the highest since 1864—over 100 years.

Credit is tightening.

The money supply is tightening.

Profits are down, generally, but bank

profits have gone unchecked to their highest levels in history.

International payment deficits are on the rise.

The dollar is in trouble.

These are the economic facts of life. They spell out what is happening in this country; not what happened last week, last year or a decade ago, but what is happening today.

Mr. President, I note that in the President's address to the Nation he urged—

> The Congress to pass the legislation I proposed nearly a year ago to expand and strengthen our unemployment insurance system.

Well, the measure has passed both Houses and the conference report on the unemployment insurance system was filed May 5, 1970.

In the next paragraph, the President urges—

> The Congress to pass the Manpower Training Act which provides an automatic increase in manpower training funds in times of high unemployment.

He also asks in the same paragraph—

> for full appropriation for the Office of Economic Opportunity and I request the Congress to provide at once a supplemental budget of $50,000,000 to provide useful training and support to young people who are out of school for the summer months.

That second part of that paragraph dealing with summer employment for young people is satisfied in the supplemental appropriation bill. So far as the Manpower Training Act is concerned, the Senate Subcommittee on Labor and Public Welfare now has it under consideration. The House Education Subcommittee hearings are now underway. So far as the supplemental bill is concerned, which would include the $50 million for summer employment, it has passed the House. It is now on the Senate calendar. We hope it will be brought up next week.

On a third item, the President said:

> I support the establishment of an insurance corporation with a Federal backstop to guard the investor against losses that could be caused by financial difficulties of brokerage houses.

It is my recollection that this bill was introduced by the distinguished Senator from Maine (Mr. MUSKIE) originally one year ago this month. As I understand it, nothing has been forthcoming from either the administration or the industry in the way of support until only very recently. So I am sure the President and the Senator from Maine can now work together to accelerate consideration of the bill.

On a fourth item, the President said:

> To relieve the worries of many of our older citizens living on fixed incomes, I urge the Congress to pass my proposal to tie social security benefits to the cost of living.

The social security bill, so-called, passed the House on May 21. The Senate Finance Committee hearings began on June 17, but before that, it was sent back to the executive branch for revisions which were deemed necessary.

On a fifth item, the President said:

> I strongly supported the Emergency Home Finance Act of 1970. This would attract as much as $6 billion into the housing market in the coming fiscal year. More than a third of a million families need this legislation for home financing now; the resulting new construction of more than 200,000 houses will also help provide many new jobs. I urge the House to act promptly on the housing bill passed unanimously by the Senate and awaiting action for three months in the House.

Mr. President, as I recall the Emergency Home Finance Act of 1970, it was discussed by the President on Thursday last. He stated at that time, if my memory serves correctly, that he had sent a message, with accompanying legislation, to the Congress, I believe, last February.

I have spoken with various members of the Committee on Banking and Currency and I can find no evidence that a message was sent, or that any legislation was sent. I do know for certain, however, that a five-part package of legislation was reported by the Committee on Banking and Currency and was passed soon thereafter. It was labeled the "Emergency Home Finance Act" by the Senate committee.

As the President said, the Emergency Home Finance Act of 1970, a congressionally initiated House bill—

> was passed unanimously by the Senate. . . .

Then the President said:

> I have asked the Congress for greater authority for the Small Business Administration to stimulate banks and others to make loans to small businesses at lower interest rates. I submitted this legislation to Congress 3 months ago.

The Senate Committee on Banking and Currency hearings cover the period June 15 to 17, 1970, and I would anticipate, so far as the Senate is concerned, that the President's request and suggestion would be given quick consideration.

Then, on a seventh item, the President said:

> To strengthen our railroad industry, I am asking for legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties.

The Railroad Passenger Service Act passed the Senate on May 6, 1970. And I am informed that House activities in this area are underway.

Mr. President, my main purpose in speaking at this time is to hold out the hand of friendship, accommodation and cooperation to the President in facing up to the economic difficulties which he has said is the business of all of us. We do have difficult problems confronting us.

It is true that not all of the problems are of the President's making; he inherited some. It is true that unemployment has exceeded what the President thought it would. He has said so.

It is true that inflation has exceeded what he thought it would be. He has said so.

He has been frank in those respects. And I must commend him for it. But I would hope, to repeat, that instead of going back over the years of the previous administration or the past 17 months of this administration, Congress and the President would forget any politics which might be involved and any differences we might have to the end that we may work together for the common good. We ought to forget that there is election in November, and forget personal hopes for success. We ought to do what we can do together, to the end that the economic difficulties which confront the Nation can be alleviated on a cooperative basis by the President and the Congress.

Mr. President, I ask unanimous consent that there be printed in the RECORD the resolution unanimously adopted by the Senate Democratic Policy Committee on June 16, 1970, and unanimously adopted by the full Democratic conference on June 18, 1970.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE SENATE DEMOCRATIC POLICY COMMITTEE

June 16, 1970

Whereas, the Senate Democratic Policy Committee, having met on the matter of the economy and taken note of recent statements that current Administration policies are working, observes, nevertheless that the current rate of inflation is in excess of 7% and continues to burden, in particular, persons on Social Security, pensions, or other fixed income and

Whereas, it recognizes that interest rates have reached the highest levels in over 100 years and continue to cause hardship to housing, municipal governments, school districts, farmers, small businesses and the like; and

Whereas, it further recognizes that the current rate of unemployment of 5% or more is steadily rising and that severe instability exists in the financial markets and

Whereas, it further recognizes that the economy has in fact entered a recession, it is hereby,

Resolved that the Administration assume its responsibilities for dealing with the recession by pursuing a balanced set of monetary and fiscal actions and by convening a national conference on inflation and unemployment; it is further

Resolved, that business and labor should be enlisted by the Administration in an immediate effort to reestablish wage and price guideposts in order to restrain increasing costs and prices; it is further

Resolved, that the Administration act to relieve the situation in the housing industry by the application of the authority over credit and interest already provided by Congress and it is further

Resolved, that the Administration join with the Congress in such other measures as may be required to check the decline in the economy.

SUMMARY OF THE CAMBODIAN SANCTUARY OPERATIONS

Mr. PERCY. Mr. President, on behalf of the minority leadership, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operations as of June 13, 1970, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

RESULTS OF CAMBODIAN OPERATIONS, JUNE 18, 1970

Individual weapons	19,955	[1] −86
Crew-served weapons	2,381	+6
Bunkers/structures destroyed	10,316	+60
Machine gun rounds	3,984,610	+100
Rifle rounds	9,325,764	+17,381
Total small arms ammunition (Machine gun and rifle rounds)	13,310,374	+17,481
Grenades	53,455	+500
Mines	5,270	+40
Miscellaneous explosives (pounds) (includes satchel charges)	81,000	(2)
Anti-aircraft rounds	166,153	(2)
Mortar rounds	63,500	+754
Large rocket rounds	1,934	(2)
Smaller rocket rounds	39,355	+187
Recoilless rifle rounds	27,471	+70
Rice (pounds)	13,236,000	+234,000
Man months	291,192	+5,148
Vehicles	399	(2)
Boats	90	(2)
Generators	36	(2)
Radios	238	(2)
Medical supplies (pounds)	54,000	+11,670
Enemy KIA	10,383	+26
POW's (includes detainees)	2,216	+1

Note: Figures do not include 70 tons of assorted ammunition.

[1] Field adjustment.

[2] Unchanged.

THE PRESIDENT AS COMMANDER IN CHIEF

Mr. ALLOTT. Mr. President the current debate has ranged widely—though not improperly so—and it has explored many vital matters with proper thoroughness.

The common thread running through this debate, and making it a debate of genuine constitutional significance, has been the question of Presidential power. Specifically, the question has concerned the proper latitude to be enjoyed by the President when acting in his capacity as Commander in Chief.

As this debate has continued, I have received a steady flow of significant communications from scholars in every section of the Nation. These men have been anxious to rebut the arguments currently being used to attack the President's traditional powers as Commander in Chief. This outpouring of support for the President from the academic community has been impressive and gratifying. For several weeks now I have been sharing these communications with all the Senators participating in this important and complex debate. I intend to continue doing this as long as our properly thorough debate continues.

Yesterday, it was my pleasure and privilege to share with all Senators a portion of a particularly impressive communication I have received. It was from Prof. Stefan T. Possony.

Professor Possony is professor of political science and director of the international political studies program at the Hoover Institute on War, Revolution, and Peace, at Stanford University. His publications include numerous articles in scholarly journals and such books as "Tomorrow's War," "Strategic Air Power," "International Relations," A Century of Conflict," "Lenin, The Compulsive Revolutionary," "Strategie des Friedens," "The Geography of Intellect," and "The Legality of the U.S. Action in Vietnam."

Yesterday, I shared with the Senate two chapters from an extensive memorandum prepared for me by Professor Possony. The memorandum is entitled "Indochina and American Security" and it deals with many of the issues relating to this current debate.

This memorandum is an astonishingly capable response to the fast-breaking events of recent months. Today I want to share with the Senate two more chapters from this memorandum. These chapters are entitled "Constitutional Crisis or Congress as Usual?" and "Dangers and Self-Deceptions."

Professor Possony has an interesting diagnosis of our recent debate. He says this:

> The initial hostile reaction to President Nixon's initiative in Cambodia was that he must be forced to withdraw all troops *immediately*. Many Senators felt that the powers of Congress had to be reasserted and redefined, that the powers of the President had to be cut down to size, and that the time had come as Senator Mansfield put it, to "clear the table and start from scratch."
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> Such wondrous results, of course, cannot be achieved by a declaration or a resolution, but require legislation through which the President is denied the funds he needs for the operations which Congress finds objectionable.
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> The insight that Congress can exercise power only through legislation and not through oratory, but that it can place legislative restrictions on U.S. strategy, had a very sobering effect. President Nixon announced explicit time and space limitations on the American operation in Cambodia, and the Senate returned to moderation. After all, legislation must be accepable to the House which is closer to the voters and whose majority still supports the war. Moreover, legislation must not run the risk of veto—there is no absolute majority to override it; and it is unlikely that a legislative strike would be feasible.
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> *The powers are separate but they must work together*. Hence, inevitably, the forces of compromise went to work. The show was, in fact, an impressive demonstration of the genius of the American system. Suddenly there was a consensus in the Senate that a constitutional crisis was *not* to be provoked and that Congress would *not* try to enlarge its powers at the expense of those held by the President.

Professor Possony believes that there has been a significant shift in the focus of our debate. Perhaps he is right. He argues that the desire to restrict the current Cambodian operation changed into a desire to concoct restrictions on future action. He says this:

> Now, it became a matter of ensuring that *in future*, President Nixon would not get into a war to defend Cambodia or the Lon No. 1 government. He would *not* be prohibited to send American forces back across the border if that be necessary to protect American lives, but he should not start a *new* war about Cambodia without Congressional concurrence. The text of the amendment, however, is less clear on these points than the explanations of its sponsors.
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> In other words, the President was told that he should not plan to do something which he never intended to do in the first place; and that if he wanted to conclude a *de facto* or *de jure* alliance with Cambodia (which he doesn't), he will need the approval of Congress. The White House knows this requirement just as well as the fact that even the stork can't deliver any babies if their prospective papas don't find prospective mamas.

All this is puzzling to Professor Possony, and who can wonder why? Writing a distinguished memorandum—which is really a fine essay in contemporary history—he has a certain detachment and distance from which to view all our actions. Perhaps he sees things with a special clarity. One thing is sure. He asks some pertinent questions. This paragraph is particularly interesting:

> Either the Senate acts in concert with the President or it asserts its authority which for decades it has allowed to erode. One wonders whether the Senatorial critics were wrong when in previous years they allowed, on their present reading, the Senate to be impotent; or whether they are wrong now when they want to "confront" the Senate's responsibilities. They can only mean that since the power of the Senate has declined (which is an incorrect premise), they now want to add to this power. Yet such a "power grab" would not be feasible if it were pursued openly.

Professor Possony has some incisive questions about the legal arguments sent to the Senate by some members of the Yale Law School. Senators will recall that I have heard from some distinguished members of the Yale Law School faculty. To be specific, I have received—and shared with the Senate, a lengthy letter from Profs. Eugene V. Rostow, Robert H. Bork, and Ralph K. Winter, Jr. This letter appeared in the RECORD of June 4 on pages 18336 through 18339. Clearly, the Yale Law School community is of several minds on the subject of the President's role as Commander in Chief.

With this in mind, it is worth examining Professor Possony's dissent from some views expressed by some Yale Law School people. Again, he asks an interesting question. He says this:

> On May 21, Senator Percy inserted in the *Congressional Record* a legal study on the alleged constitutional crisis. This study, which was prepared by professors and students of the Yale Law School, based itself on a "theory of the power relationship between Congress and the President" developed by the late Justice Jackson. "A large measure of power to make national policy is fixed in neither the Presidency nor the Congress, but rather fluctuates with the initiatives and actions of each branch." "Either branch can almost always block action by the other." The authors stress that in case of a clash of wills, "the conflict would best be resolved through the spirit of cooperation."
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> This is true, and it is also true, though the point was not mentioned, that mutual blocking has never yet occurred. Perhaps it was not the "spirit of cooperation" which prevented the separate powers from flying apart. Perhaps the lawyers have not yet quite grasped how the constitutional arrangement really *compels* cooperation.
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> The Yale study is not really interested in cooperation. Its authors are for peace in Indochina, hence they want to press conflict in the United States. They argue that Congress has the responsibility to preserve its integrity and power: "The major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress." This assertion, whose key word is "exclusively", is described as an "opinion"—it is that, and it is also silly. The Yale lawyers continue: "Never before has a President committed so much of our human and material resources, so much

of our moral fibre, for so long a time, when there was so little urgency." This statement hardly stands analysis.

Yet on such premises, these *luminia* of the legal profession suggest "Congressmen cannot, they must not, allow the President to take the initiative in the zone which is exclusively legislative". Congressional action or inaction "will define for the future the boundary between the twilight and exclusively legislative zones. . . . If Congress decides it must act, it will not precipitate a constitutional crisis: For we are in a constitutional crisis. And it is a crisis in which Congress cannot avoid a response—in this situation, inaction is a response. Inaction, just as surely as will action, will define the boundaries of constitutional power for years to come." (*Congressional Record*, May 21, 1970, pp. 16478–16481.) But while the lawyers at Yale were laboring to provoke a constitutional crisis, on the grounds that the crisis was already here, Congress at Washington already was aborting this particular revolutionary baby.

Senator Percy failed to inquire what the Yale Law School hoped to accomplish through a constitutional crisis and whether they were aware of the possible effects of such a crisis, including the destruction of the American constitutional system.

Somewhat by implication, the Yale lawyers argued that the President can act independently in "situations in which the national interest requires speedy action." Aside from the fact that a separation of powers along the line of "speed" would be unworkable, this is hardly the whole range of Presidential freedom of action. I shall not enumerate the President's powers but obviously, he is also responsible for secrecy, and he owns that responsibility by explicit statute. An action required in the national interest does not have to be speedy: if secrecy is mandatory, because it is a prerequisite of success or an indispensable protection against failure, the President is entitled to act independently. It is exclusively his judgment whether he can confide in Congresssional leaders or cannot risk leaks that would jeopardize the operation. Is that the point where the shoes of some Senators are pinching?

In any event, the statistics show that the U. S. formally declared war, or declared the existence of a state of war, in less than 4% of the cases, or once every 27th military confrontation. Many of the Senators who raise constitutional questions never did so when they supported earlier Presidential actions of exactly the same type as the Cambodian initiative. Senator Dominick was right when he was "tempted to conclude that the legal principle of equitable estoppel precludes raising at this late date the question of the legality of this chain of events."

While Professor Possony does not think there is a real constitutional crisis in America, he does think we are in a crisis situation. In fact, one of the serious dangers of thinking that the President's Cambodian decision precipitated a "constitutional crisis" is that it distracts us from the real dangers of the world. He says this:

Although the United States probably does not find itself in a constitutional crisis, it has been for years in a serious crisis of national security. This crisis, unfortunately, continues to grow. Some of the salient features of this crisis were summarized privately by Mr. Nixon; the President's remarks were reported by Admiral Smedberg whose account was inserted by Senator Thurmond in the *Congressional Record* (May 22, 1970, p. 16775). The President identified no less than ten strategic weapon threats. This list did not purport to be complete, and it did not extend to theater and tactical problems, such as NATO, Vietnam, Israel and Cuba. Several years will elapse before the crisis in nuclear security will mature; and perhaps the United States will take timely counter-measures to forestall such maturation, or else we shall be in mortal danger. The existence, severity, and growth of this crisis have escaped the average voter, partly because Congress has not yet shown much alarm. The Public has been conditioned against national defense and does not understand the problems involved. It is indeed politically difficult to evoke strong concern about anticipated events which need not eventuate as real threats. The public also resists the insight that technology moves on inexorably and that, therefore, defense must be repeatedly restructured and up-dated.

Mr. President, so that all Senators can ponder Professor Possony's incisive and sobering analysis, I ask unanimous consent for the two chapters I have been discussing to be printed in the RECORD.

There being no objection, the chapters were ordered to be printed in the RECORD, as follows:

CHAPTER III

CONSTITUTIONAL CRISIS OR CONGRESS AS USUAL?

The initial hostile reaction to President Nixon's initiative in Cambodia was that he must be forced to withdraw all troops *immediately*. Many Senators felt that the powers of Congress had to be reasserted and redefined, that the powers of the President had to be cut down to size, and that the time had come, as Senator Mansfield put it, to "clear the table and start from scratch".

Such wondrous results, of course, cannot be achieved by a declaration or a resolution, but require legislation through which the President is denied the funds he needs for the operations which Congress finds objectionable.

The insight that Congress can exercise power only through legislation and not through oratory, but that it can place legislative restrictions on U.S. strategy, had a very sobering effect. President Nixon announced explicit time and space limitations on the American operation in Cambodia, and the Senate returned to moderation. After all, legislation must be acceptable to the House which is closer to the voters and whose majority still supports the war. Moreover, legislation must not run the risk of veto—there is no absolute majority to override it; and it is unlikely that a legislative strike would be feasible.

The powers are separate but they must work together. Hence, inevitably, the forces of compromise went to work. The show was, in fact, an impressive demonstration of the genius of the American system. Suddenly there was a consensus in the Senate that a constitutional crisis was *not* to be provoked and that Congress would *not* try to enlarge its powers at the expense of those held by the President.

After the constitutional crisis aborted, Senator Fulbright explained that he did not believe Mr. Nixon or his Cambodian timetable.[1] So it became a matter of "curbing the man and not the office", as Mr. Tom Wicker wrote in the *New York Times*. Mr. Wicker explained: "A clear distinction needs to be made between the powers of the Presidency, on the one hand, and the particular policy of a particular President, on the other. About the first, Congress can do nothing by statute; about the second, it can do much, if it will."

But the move to "curb" Mr. Nixon through amending the Foreign Military Sales Act just wasn't going fast enough to do much good. Accordingly, and in line with the unbroken tradition, the Senate accepted the Cambodian operation and gave up attempts to undo it.

Now, it became a matter of ensuring that *in future*, President Nixon would not get into a war *to defend Cambodia* or the Lon Nol government. He would *not* be prohibited to send American forces back across the border if that be necessary to protect American lives, but he should not start a *new* war about Cambodia without Congressional concurrence. The text of the amendment, however, is less clear on these points than the explanations of its sponsors.

In other words, the President was told that he should not plan to do something which he never intended to do in the first place; and that if he wanted to conclude a *de facto* or *de jure* alliance with Cambodia (which he doesn't), he will need the approval of Congress. The White House knows this requirement just as well as the fact that even the stork can't deliver any babies if their prospective papas don't find prospective mamas.

In addition, the Church-Cooper amendment is supposed to help the President carry out his strategy. It is based on the explicit profession by several of its sponsors that, unlike Senator Fulbright, in his excited phase, they fully trust the President. So, the plan of "curbing the man" also evaporated.

Unfortunately, the amendment cannot be entirely whitewashed, and the true intentions of its sponsors are not clear. Thus, Senator Mansfield deplores the "decades of erosion of Congressional responsibility" and added: "We have reached the end of the line in Cambodia. It is time to confront our own constitutional responsibilities in matters of war and peace, to accept them and to act on them." (*Congressional Record*, May 20, 1970, p. 16316.)

On the same day, Senator Church declared: "The time has come, after many years of impotence, for Congress to assert its own authority." Yet he also said the amendment does not call into question "any powers the President derives directly from the constitution", while Senator Mansfield explained that by adopting the Cooper-Church amendment "the Senate will be acting in concert—and let me emphasize those words 'in concert'—with" the President's intent.

Either the Senate acts in concert with the President or it asserts its authority which for decades it has allowed to erode. One wonders whether the Senatorial critics were wrong when in previous years they allowed, on their present reading, the Senate to be impotent; or whether they are wrong now when they want to "confront" the Senate's responsibilities. They only can mean that since the power of the Senate has declined (which is an incorrect premise), they now want to add to this power. Yet such a "power grab" would not be feasible if it were pursued openly.

The fact remains that the Senate will not even try to play the strategist's role.[2] The fact also is that Congress and President must act in concert. Hence the trend has been in direction of resuming and continuing cooperation between Congress and the President. The incipient constitutional crisis was averted, or almost so, and we are getting back to normal legislation on budgetary allocations.

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[1] Senator Fulbright later amended his position: "I know of no one in the Senate who questions the President's desire for an end to the war, but many of us are very doubtful, indeed, that his present course can lead to peace." (*Congressional Record*, May 28, 1970, p. 17409.)

[2] Amendment No. 609 which is designed "to end war" (sic !) seems to have no chance of acceptance. There have been 75 wars since 1945 when the United Nations was organized—three wars per year, and yet some *were* prevented. (*Congressional Record*, May 28, p. 17235.)

On May 21, Senator Percy inserted in *The Congressional Record* a legal study on the alleged constitutional crisis. This study, which was prepared by professors and students of the Yale Law School, based itself on a "theory of the power relationship between Congress and the President" developed by the late Justice Jackson. "A large measure of power to make national policy is fixed in neither the Presidency nor the Congress, but rather fluctuates with the initiatives and actions of each branch." "Either branch can almost always block action by the other." The authors stress that in case of a clash of wills, "the conflict would best be resolved through the spirit of cooperation."

This is true, and it is also true, though the point was not mentioned, that mutual blocking has never yet occurred. Perhaps it was not the "spirit of cooperation" which prevented the separate powers from flying apart. Perhaps the lawyers have not yet grasped how the constitutional arrangement really compels cooperation.

The Yale study is not really interested in cooperation. Its authors are for peace in Indochina, hence they want to press conflict in the United States. They argue that Congress has the responsibility to preserve its integrity and power. "The major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress." This assertion, whose key word is "exclusively", is described as an "opinion"—it is that, and it is also silly. The Yale lawyers continue: "Never before has a President committed so much of our human and material resources, so much of our moral fibre, for so long a time, when there was so little urgency." This statement hardly stands analysis.

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CHAPTER IV

DANGERS AND SELF-DECEPTIONS

Although the United States probably does not find itself in a constitutional crisis, it has been for years in a serious crisis of national security. This crisis, unfortunately, continues to grow. Some of the salient features of this crisis were summarized privately by Mr. Nixon; The President's remarks were reported by Admiral Smedberg whose account was inserted by Senator Thurmond in the *Congressional Record* (May 22, 1970, p. 16775). The President identified no less than ten strategic weapon threats. This list did not purport to be complete, and it did not extend to theater and tactical problems, such as NATO, Vietnam, Israel, and Cuba.

Several years will elapse before the crisis in nuclear security will mature; and perhaps the United States will take timely countermeasures to forestall such maturation, or else we shall be in mortal danger.

The existence, severity, and growth of this crisis have escaped the average voter, partly because Congress has not yet shown much alarm. The public has been conditioned against national defense and does not understand the problems involved. It is indeed politically difficult to evoke strong concern about anticipated events which need not eventuate as real threats. The public also resists the insight that technology moves on inexorably and that, therefore, defense must be repeatedly re-structured and up-dated.

Some twenty years ago Congress and the American people were much aroused to the danger, not just to the United States, but to freedom, to the representative system of government, and to the progress of democracy. It was easy to conceive the threat under the overpowering symbol of Stalin, and the U.S. took many measures which were necessary to keep the danger under control. Since that time, the International Communist Movement has undergone several changes and the direct threat against Western Europe, which the average American regards as the primary foreign security interest of the United States, has receded; or seemingly so. There occurred a number of acute confrontations, among which the conflict in Vietnam is only the most outstanding example, yet the impression has been gaining ground that the "cold war" is slowly grinding to a halt. Little attention was paid to the fact that the USSR has continued to arm itself steadily for the transparent purpose of establishing strategic superiority over the United States.

When the United States intervened in Vietnam, the predominant opinion was that Hanoi was acting as a "stalking horse" for Peking and that despite a few recent ideological differences between Moscow and Peking, the communist aggression in Southeast Asia was a major phase of the communist world revolution. Hence, under the writ of our bi-partisan strategy of containment, this particular operation had to be resisted. In addition, the undertaking was described by the communists as a test case to demonstrate the efficacy of "people's war" and the feasibility of defeating the United States through guerrilla operations.

Those premises are now being questioned by several Senators. Basing themselves on academic studies, the opponents of the Vietnam war like to argue that (1) Hanoi is its own master and is fighting for the overriding and perhaps sole purpose of unifying Vietnam; (2) this particular war is not related to any plans Moscow may have for world conquest; and (3) there is no single communist "conspiracy" aiming at world revolution. Hence we are engaged in a purely local and nationalistic affair which does not affect U.S. security in any meaningful way.

Some argue that the strengthening of Hanoi, perhaps even the assumption by North Vietnam of control over the whole of Indochina, would be to the detriment of any aggressive plans Red China may have.

The Vietnam war is "a very particular war—in a particular place, characterized by a particular kind of terrain and weather, peopled by a particular breed of men and, above all, conditioned by a particular history", to quote Mr. Townsend Hoopes, former Under Secretary of the Air Force. (*Congressional Record*, May 19, 1970, p. 16107.) In that respect Hanoi's war is not different from any other war anybody ever fought, nor can it possibly be. For that matter, the communists have always taken particular pains to utilize nationalist sentiments as well as "concrete" circumstances. The old Viet Minh were an anti-colonialist movement dominated by the communists, but present-day Vietnamese communism is not any more nationalist than soviet or Maoist communism.

Mr. Hoopes asserted that Ho's "sacrificial legions" were driven by an "unfulfilled national purpose" and "the goal of national independence". He may well be right, although he couldn't prove it on the basis of the indoctrination those legions are given. But Mr. Hoopes ascribes this same motivation not just to the "sacrificial legions" but also to "North Vietnam" and to "Hanoi", i.e. to those elements who have been sacrificing the troops. What is worse, Mr. Hoopes does not seem to notice his sleight-of-hand by which he merges several subjects and confuses subject and object. Apparently in a deliberate way, he avoided to describe "Hanoi" as a communist dictatorship. So if we give "North Vietnam" its right name, he is saying that the leaders of the communist party in North Vietnam were, "to be sure, fully aware of the implications for the wider application of the Mao-Ho-Giap insurgency doctrine" but they were not motivated by "the dream of world conquest, nor even the notion of generating a new momentum for communist advance and triumph throughout Asia."

This is the sort of "evidence" that is presented. It is based on the elementary mistake in logic which is known as *petitio principii*. Furthermore, since Mr. Hoopes does not know what the motivations of the Hanoi communists are and does not base his interpretation on any data, his statements are unsupported assertions. Third, those assertions are in contradiction to the data he himself adduces, *viz.* the Ho-Giap "insurgency doctrine"; and I pass over the obvious nonsense that these men were "aware" of the "implication for the wider application" of their own doctrine. Fourth, Mr. Hoopes' assertion is a "red herring"—obviously the North Vietnamese communists don't dream of world conquest, nor even conquest of the whole of Asia. But the evidence shows that they claim the whole of Indochina, not merely the whole of Vietnam.

Now, the Hanoi leaders are strongly motivated communists and conscious international communists, even though they *also* are nationalists. They are the field commanders in their sector of the global front. They will carry their aggression as far as they can or deem advisable, and that necessarily in agreement with other communist states and parties. To the extent that North Vietnam accomplishes conquests, it not only violates the basic tenets of the U.N. Charter and of the fundamental principles of American policy, but it inevitably will generate "a new momentum for communist advance

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and triumph throughout Asia"—and that regardless of what the stated or secret motivations of the Hanoi politbureau are.

Hanoi's war may or may not be connected with Moscow's plans—we simply lack specific information about this point. Circumstantial evidence suggests that Hanoi's aggression in 1964 and 1965 was agreed upon with Peking. Be that as it may, North Vietnam is the explicit and recognized ally of the USSR, of Red China, and of all other communist states. There is no particular point speculating about the precise understandings between the communist capitals because data are unavailable. The visible evidence suggests *both* agreements and disagreements.

It is, however, a matter of record that North Vietnam considers itself bound to the objectives of the International Communist Movement. Those objectives have been written down in voluminous detail and clearly include the completion of the world revolution.

It is also a matter of record that North Vietnam could not continue its aggression without the large and sustained support which it is receiving from the USSR and other states ruled by communist parties.

It is possible to re-interpret this fragmentary evidence by saying that the communists don't take their objectives seriously any longer, but such a re-interpretation must be arrived at through a tenable methodology.

Personally, I am not enamored by the word "conspiracy," because the International Communist Movement is far broader and complex than any conspiratorial arrangement. However, the concept of "conspiracy" has a definite meaning which I explain in the Appendix.

If the precise meaning attached to the term were that all communist operations are ordered, commanded, and controlled by Moscow and that local communist commanders have no freedom of action, then this term would be inappropriate and not even correctly describe the situation under Stalin. But the fact is that the various members of the International Communist Movement have committed themselves to adhere to a so-called "general line" which was finalized about ten years ago and which, *despite the sino-soviet confict*, has not been rescinded, certainly not with respect to Vietnam. The cause of North Vietnam, as well as of the communist movements in Cambodia and Laos, has been described as the "common cause" of all the "peaceful and democratic forces" by Brezhnev as late as May 19, 1970.

It flies, therefore, in the face of evidence to allege that Hanoi is fighting a purely nationalistic war. Hanoi does have national objectives but it is also a participant in the efforts of all communist states and parties which are aimed at establishing communist dictatorships all over the world, including the United States.

There has been a transformation from Stalin's "monolithic" structure via the "synchronization of watches" under Khrushchev to poly-centrism and the sino-soviet "dispute". Those facts are well known and amply documented. "The idea that American policy-makers believe in the myth of a monolithic communist conspiracy is itself a myth," wrote Professor James L. Payne. (*The American Threat, The Fear of War as an Instrument of Foreign Policy,* Chicago, Markham, 1970, p. 113.) "The notion that if one's opponents are not united, they are, for that reason, less dangerous is a gross oversimplification," he added. The competition between communist aggressors may be more dangerous than synchronization and single command.

I said that Hanoi probably agreed with Peking about its escalation in 1965. But who took the initiative? We don't know. Perhaps the initiative has always been in Hanoi's hands. In this case, possibly reluctant allies were compelled to help, precisely because the official commitment to communism entails irremovable obligations. Neither Moscow nor Peking can afford to "betray" a communist revolution, and they hardly are inclined to do so.

I testified, on March 17, 1970, at considerable length on the sino-soviet conflict and fully explained my concern that an open military clash between the two communist super-powers, far from being unlikely, is highly probable. I will not repeat this testimony here except to say that in my judgment it is in Hanoi's interest to *prevent* an open clash between China and the USSR. If this clash should occur, the strategic complexities of the Vietnam-Indochinese war would change, but it is impossible to predict the direction of such change. But if the clash is averted, the conflict could escalate. The evidence suggests that the Indochinese war has been contributing to the severity of the sino-soviet antagonism.

"A wolf pack is not monolithic; nor is it an organized conspiracy. Wolves sometimes fight each other. Yet if a lonely traveller is pursued by a pack of wolves . . . he has to worry about each one. If one cub, harmless in itself, begins nibbling at his snowshoes, the traveler had better strike back. Otherwise others, which had paced quickly in the background, will suppose that the prey is weakening and may close in." (Payne, ibid, p. 112.)

ADDITIONAL STATEMENTS OF SENATORS

FAIR PACKAGING AND LABELING ACT

Mr. **PEARSON**. Mr. President, a few weeks ago, I introduced a bill designed to better implement the stated purpose of the Fair Packaging and Labeling Act. My bill, S. 3752, would require those commodities within the purview of the act to be marked or be in close proximity to information listing the unit price of that product.

As a member of the Consumer Subcommittee, I introduced the bill, Mr. President, because I thought it in the public interest. Modern consumers, in my opinion, deserve an honest, straightforward statement regarding the product they have purchased. Modern consumers, in my opinion, deserve to know the best buy for their money. In these inflationary times people with growing families, elderly people with fixed incomes, indeed, people of all income groups are trying to stretch their food dollars. They should not buy the giant economy size of a particular product based on the mistaken assumption that it represents the best buy for their money. They should be able to know—not after highly complicated, time-consuming calculations which, even among well educated shoppers, is successful only about 50 percent of the time, according to studies, but after looking at the choices—what the best per unit buy really is. We already have unit pricing in meat and poultry products and in many fresh fruits and vegetable products. The consuming public deserves it in other product categories.

Mr. President, I am well aware that certain groups within the grocery industry have strongly opposed unit pricing and may continue to do so. It was my hope that all segments of the public concerned with the idea would be able to discuss it in a friendly, continuing public dialog. However, a certain segment of the grocery industry in my State suggested that I have joined the ranks of "radical eastern Senators." Rather than presenting rational arguments, their communication has largely consisted of rhetoric. Mr. President, I do not intend to have my motives misunderstood; I intend to make the record clear. Unit pricing, in my opinion, is in the public interest and in the best interest of the grocery industry. Unit pricing tells consumers what a product really costs. Unit pricing, in my opinion, is inevitable.

Certain grocery chains across the United States are at present experiencing with or have already implemented what my bill would require. The President of the National Association of Food Chains has publicly stated that "the idea is good" and that he might not oppose unit pricing if it could appear on a shelf rather than on each individual item. This is precisely what my bill would do.

One of the prime motivating factors in the introduction of this bill was my concern that the legitimate interests of the grocery industry be recognized and protected. For this reason, my bill contains two key provisions: First, the unit price need not appear on each separate package, but rather may appear in close proximity to it. As I have indicated, the unit price could appear on the shelf or gondola, at the end of the aisle, or even in front of the store. This was intentionally included to provide the industry the flexibility to deal with unit pricing in the most imaginative way possible and in a way in which competitive forces might interact. Second and perhaps most importantly, my bill would exempt that portion of the industry; namely, small retail outlets, which would be adversely affected by unit pricing as proposed by other more stringent bills presently before the Congress. My bill would specifically exempt small retail outlets, sometimes known as the Mom and Pop stores. Consumers shop in these kinds of stores for convenience purposes generally, rather than for value comparisons; and unit pricing could be an administrative burden for these small stores. For these reasons, I included this exemption. I intend to urge it, and if adopted, I intend to make it stick. It is my hope that the hearings on this bill will provide the Senate with proper guidance regarding the delineation of this exemption.

I would also state that I was motivated to introduce this bill because the Fair Packaging and Labeling Act simply has not worked. Despite the best intentions of two administrations, the proliferation of package sizes has not been significantly reduced. Moreover, Mr. President, I question today, as I did in 1966 when I joined with other Members of the Senate Commerce Committee in the minority report on the Fair Packaging and Labeling Act, the practicability of trying to reduce the number of different package sizes. If a small manufacturer wants to market his product in an odd sized package and try to obtain an additional 3 percent of the market thereby, he should be able to do so, in my opinion. It would be a drab market place indeed if all packages in a particular product category were the same size. Our goal, according to the Congressional Declaration of Policy in 1966, was and is to facilitate value comparisons. Is it not more workable and sensible to facilitate value comparisons by comparing unit prices side by side, rather than by stifling creative market techniques, by forcing consumers of all income, educational, and social backgrounds to perform mental gymnastics, and by encouraging the continued deception of consumers?

Mr. President, I would state again my hope that members of the grocery industry would recognize that we are all consumers, we are all partners in the economic system, and that the free and competitive marketplace functions best when straightforwardness and fairness and quality are the guidelines. I would encourage consumers, industry, and Government to be pragmatic and constructive in their outlook. I would hope that we could work together. Unit pricing, as well as other public issues, deserves discussion in that spirit.

Mr. President, on October 30 of last year, President Nixon listed what he called the "Buyers Bill of Rights." The first of the buyers rights, he stated, is "the right to make an intelligent choice among products and service." The second right, he stated, is "the right to accurate information on which to make his free choice."

In a 1966 report of the President's Consumer Advisory Council, it was stated:

> Getting information is almost as difficult for the well educated and the poor. In one recent study, college educated shoppers who were directed to select the least expensive package in 20 product categories failed 43% of the time, at an extra cost of 9.0%." (Citing M. Friedman, Rational Choice in the American Supermarket: An Empirical Study of the Effects of Marketing and Pricing Packages, Selected Proceedings of the 13th Annual Conference on Consumer Information, 1966).

More recently, an intensive study prepared for Mayor John V. Lindsay of New York by Commissioner Grant and submitted as testimony before the Senate Consumer Subcommittee indicated that through unit pricing an 11-percent expenditure of consumer food dollars could have been saved. The report further stated:

> In sum, the errors made by the women in each shopping group attempting to select the best buy for their dollars, considering quality alone, amounted to between 40% and 50% of their choices and cost them about a dime on every dollar.

A special study group of the U.S. Chamber of Commerce, the Council on Trends and Perspectives, in a report on "Business and the Consumers—A Program for the Seventies," states:

> In order to act rationally in making product comparisons, the consumer needs information that is not generally available on such fundamental points as unit pricing . . .

Moreover, as I indicated to the Senate when I introduced the bill, several grocery chains and individual stores are experimenting in varying degrees with unit pricing in Washington, Ohio, Illinois, California, Massachusetts, Maryland, New York, and New Hampshire, and Maine.

Mr. President, the supermarket of the future may have computerized checking, dated labeling, percentage of ingredients labeling, and other new items in marketing, warehousing, and consumer information. Perhaps it is time, then, to consider the merits of unit pricing. If so, Mr. President, let it be clear that as a member of the Consumer Subcommittee, I intend to represent fully the interests of everyone involved to the best of my ability.

Mr. President, I ask unanimous consent that certain articles on unit pricing, a recent letter from the executive director of the Kansas Food Dealers Association, my letter in reply, and a letter from Prof. Richard Morse of Kansas State University be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

KANSAS FOOD DEALERS' ASSOCIATION, INC.,
Arkansas City, Kans., May 18, 1970.

Hon. JAMES PEARSON,
U.S. Senator from Kansas,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PEARSON: Kansas Grocers and Supermarket operators are so disappointed to learn of your endorsement and sponsoring a bill on Unit Pricing (S. 3752).

Especially since there has been no clamoring for this sort of pricing by Kansas consumers. We understand the sub-committee of which you are Chairman, has heard only the proponents.

The fact you would introduce such legislation before hearing the opponents, is procedure we might expect from some radical eastern Senators, but not our own Senator from Kansas.

Some are wondering if you have been away too long and gotten out of touch with your Kansas people. We would like to think you consider the members of the Kansas Food Dealers Association, operating over 2000 Kansas Supermarket and Convenience stores, their wives and employees, are part of your constituents.

Your statement on the Senate floor that Safeway and Kroger are using the Unit Pricing system, is certainly misleading the publice and other Senators. It seems to infer the Company's endorsement. Our information from these people is they have recently started operating a few test stores to obtain for all of us, an accurate determination of the cost of implementing such a pricing policy, and to find out of the consumer really wants and would use the added price information.

Another one of your comments on the Senate floor relates to the statement your bill on Unit pricing would save the consumer 10% of her grocery bill.

Really Senator Pearson, I wouldn't have believed you made such a misleading public remark if I hadn't read it in the Congressional Record. I know you know there is not that much margin left in the food business.

If selective purchasing which Unit Pricing purportedly would provide, could save the consumer 10%, I know you know the fierce competitive situation which exists in food retailing, would have forced Unit Pricing on the food retailing industry long before now, without any Federal law or expensive bureaucratic enforcing agency.

Your bill's claimed exemption of Pop and Mom stores, is very unfair to them and their larger competitors. That was the pitch used to get Federal Wage and Hour controls started. Exempt the small store at first, now they are in.

Senator Pearson we are saving a State Board meeting in Topeka, Kansas Sunday June 7th. Our President Don Lumpkin along with Board members, have requested you be invited to attend this meeting.

Shortly after the noon luncheon, which you should attend, you will be given an opportunity to try and sell your bill and its merits to our Grocers.

We hope you can promptly write or wire us your acceptance.

Very Sincerely,

LEE E. CIRCLE,
Executive Secretary, Kansas Food Dealers Association.

WHAT'S HAPPENED TO KANSAS' SENATOR JAMES PEARSON

Senator Pearson's becoming a sponsor of compulsory federal unit pricing legislation was a surprise and most serious disappointment and shock to all connected with the Retail Food business in his home State. Regarded as a conservative, a friend of business, and opposed to unnecessary federal regulation, the Senator's sudden espousal of making unit pricing a federal requirement is bound to have serious repercussions among his home supporters.

The many letters Pearson has received from food people asking he vote against such Federal legislation, apparently has only prompted him to introduce such legislation under his own sponsorship.

Has our Kansas Senator already been in Washington so long he can only hear the militants, the paraders and the revolutionaries? Or, is he attempting to ride an illusionary Consumerism Bandwagon? His statement that Unit Pricing would save consumers 10% would indicate his reckless disregard for the facts relating to National implementation of compulsory Unit Pricing.

In 1966, Senator Pearson voted against legislation which was the forerunner of the present packaging law. He joined in a minority committee report opposing giving the federal government power to fix the size and weight of consumer packaged products. Then, he held that this power "confers on Federal Officials dangerous and arbitrary control over trade in the marketplace."

Now almost four years later, the Senator believes, according to his statement in introducing the unit pricing bill, that proliferation of package sizes confuses consumers trying to select the best buy. He finds that reducing proliferation in package sizes through voluntary agreement of manufacturers is not only "contrary to open and innovative marketing, but plainly unworkable." Therefore, in his opinion one way to assist consumers get the best value is to require unit pricing, a simple and direct manner of accomplishing the goal. So in place of either compulsory or voluntary regulation of package sizes and weights, Senator Pearson would impose mandatory unit retail pricing on all consumer packaged commodities.

The interesting fact about the Senator's views on unit pricing is that the Sub-committee on which he sits has not yet heard from industry representatives on the question. It has listened to views from consumer groups and government witnesses, but grocers, manufacturers and other sellers have not been given a chance to be heard.

It is also apparent that food distributors in Kansas must make an even greater effort to inform the Senator concerning the impractical effects connected with compulsory unit pricing. This may well turn out to be a costly mistake for our Kansas Senator if his bill should pass and raise prices instead of saving the consumers 10%.

XUM

Senator Pearson's bill requiring unit retail prices certainly gives the proposal a new lustre of reasonableness materially improving its chances of eventual approval by Congress.

Introduction of the bill by Senator Pearson, Republican of Kansas calling for mandatory federal unit pricing by retailers is a major breakthrough for its supporters. Senator Pearson is the ranking Republican member of the Senate Commerce Consumer Subcommittee holding hearings on unit pricing legislation. His bill S. 3752—would require retailers to disclose for each packaged consumer commodity its full price and price per unit of weight, volume, or measure.

SMALL STORE EXEMPTION?

In a statement on the Senate floor accompanying introduction of the bill, the Senator said his bill would exempt "mom and pop stores." However, actually the bill gives to the Federal Food and Drug Administration and the Federal Trade Commission broad discretionary authority to exempt those retailers who, because of a few employees or other factors, the agency finds would be seriously burdened by the proposed law. How far this exemption would apply, to whom, and for how long is a matter of speculation.

EXPANDED COVERAGE—REGULATION OF COUPONS INCLUDED

Senator Pearson also proposes that unit pricing and the federal packaging law apply to a greater number of durable products bought by consumers. He would have the law cover household durable goods consumed in less than a year. Newly covered articles subject to unit pricing would include such articles as brooms and mops, diaries and calendars, flower seeds, and greeting cards. All of these articles are now exempt under the federal packaging law.

Another expansion of federal regulation proposed by the Senator applies to trading coupons. Under S. 3752, the Food and Drug Administration and the Federal Trade Commission are allowed to regulate use of such coupons and other promotional devices stating or implying that a product is offered at a price lower than is regularly charged. Neighborhood flyers and instore promotional material using such terms as "reduced price" would also be subject to federal regulation.

TEN PERCENT SAVINGS FOR CONSUMERS

In a statement on the Senate floor accompanying introduction of his bill, Senator Pearson held that with unit pricing, consumers could save up to 10% of their annual food budget. With annual expenditures of $120 billion, this could if true mean consumers saving $12 billion each year. He held that "unit pricing is both timely and suitable," and pointed to a Chamber of Commerce of the United States report favoring unit pricing.

U.S. SENATE,
Washington, D.C., June 3, 1970.

Mr. LEE E. CIRCLE,
Executive Secretary, Kansas Food Dealers Association, Arkansas City, Kans.

DEAR MR. CIRCLE: Thank you for your recent letter and invitation to your Board meeting in Topeka. I have a prior commitment to commission the USS *Kansas City* this weekend in Boston and, therefore, I must decline. I would, however, like to explain to you some of the reasons why I introduced a bill to provide for unit pricing.

On October 30th of last year, President Nixon in his Consumer Address listed what he called the "Buyers Bill of Rights." The first of the buyers rights, he stated, is "the right to make an intelligent choice among products and service." The second right, he stated, is "the right to accurate information on which to make his free choice."

In agreement with the President's statement, my interest in unit pricing is the result of several overnight hearings concerning the Fair Packaging and Labeling Act, often called the "Truth in Packaging" Act which the Senate Consumer Subcommittee conducted during the four years since its enactment. These hearings have been held for the express purpose of assessing the progress of the Fair Packaging and Labeling Act and its implementation, rather than for considering the merits of unit pricing. However, should hearings be held on my bill or any other proposed unit pricing legislation, you may be sure that the views of all interested persons, including your Association, will be fully heard.

During recent hearings, we heard testimony from representatives of the government agencies charged with enforcing this Act and from members of the general public. Considerable interest was evidenced for the idea of unit pricing as a means of better implementing the stated purpose of the Act, namely to "facilitate value comparisons." Members of the Nixon Administration, including Mrs. Knauer, Special Assistant to the President for Consumer Affairs; Mr. Edwards, Commissioner of the Food and Drug Administration; and Mr. Davis, Assistant Secretary of Commerce, expressed their interest in the concept.

Consumer representatives criticized the approach and the implementation of the Fair Packaging and Labeling Act and strongly endorsed unit pricing. Mrs. Bess Myerson Grant indicated that, based on her study, consumers were able to make the best buy for their money under test conditions only about 50% of the time. Mrs. Helen Nelson, Associate Director, Center for Consumer Affairs, University of Wisconsin, testified that, based on her studies in Sacramento, consumers were now no more able to make the best buy for their money than they were before the Act was passed.

Perhaps you misunderstood my statement that consumers might save as much as 10% on their grocery bill. But, regarding the estimated savings that consumers may obtain through unit pricing, a 1966 Report of the President's Consumer Advisory Council stated:

"Getting information is almost as difficult for the well educated and the poor. In one recent study, college educated shoppers who were directed to select the least expensive package in 20 product categories failed 43% of the time, *at an extra cost of 9.0%*" (Citing M. Friedman, *Rational Choice in the American Supermarket. An Empirical Study of the Effects of Marketing and Pricing Packages,* Selected Proceedings of the 13th Annual Conference on Consumer information, 1966).

More recently, an intensive study prepared for Mayor John V. Lindsay of New York by Commissioner Grant and submitted as testimony before the Senate Consumer Subcommittee indicated that through unit pricing an *11% expenditure of consumer food dollars could have been saved.* The report further stated:

"In sum, the errors made by women in each shopping group attempting to select the best buy for their dollars, considering quantity alone, amounted to between 40% and 50% of their choices and cost them about a dime on every dollar."

Further, unit pricing appears to be a more preferable way of facilitating value comparisons than by restricting the number of package sizes. This second approach could stifle imaginative marketing techniques whereby a manufacturer with an odd size or shaped package might be able to obtain an increased share of the market. Secondly, it could penalize the smaller manufacturers who must use stock or standard sized containers. For example, a large manufacturer may enjoy 85% of the market by utilizing a nonstandard sized package. In that case, if we tried to restrict the various package sizes, the small manufacturer who was using stock containers might be forced to utilize the more expensive, nonstandard packages. Moreover, if our aim is to facilitate value comparisons as stated by the Congress, then would it not be more reasonable to compare prices directly—by means of unit pricing—than indirectly through standardization of package sizes which would stifle imaginative marketing and perhaps encourage monopolization of product categories.

In addition, Mr. Circle, it appears that unit pricing is inevitable. Mr. Davis of the Commerce Department testified before our Committee on March 23: "looking to the future, we believe that some of the major chains will, on their own, incorporate unit pricing into new marketing systems. Such systems will improve their own stocking and reordering procedures as well as help the shopper. Other stores may find that unit pricing is a customer service which offers a competitive advantage." As Mrs. Knauer testified that same day, "we believe unit pricing is feasible and desirable and will indeed aid the consumer, but we agree that prudence should be exercised and, as such, we will await the Department of Commerce's conclusions before formally presenting our recommendation." A special study group of the U.S. Chamber of Commerce, the Council on Trends and Perspectives, in a report on *Business and the Consumers—A Program for the Seventies* states:

"In order to act rationally in making product comparisons, the consumer needs information that is not generally available on such fundamental points as unit pricing . . ."

Moreover, as I indicated on the Senate floor when I introduced this bill, several grocery chains and individual stores are experimenting in varying degrees with unit pricing in Washington, Ohio, Illinois, California, Massachusetts, Maryland, New York, New Hampshire and Maine. And in the Congress several bills have been introduced on unit pricing by Senator Nelson, Congressman Rosenthal and others.

Given this developing situation, I introduced a bill which I thought would be a reasonable one; one which, indeed, may be an Administration alternative. Recognizing the increasing interest in the public and in the Congress for unit pricing, I intended to respond to this interest while recognizing the legitimate concerns of industry. If there is to be a bill, then it should be a reasonable one.

Accordingly, my bill contained language which would exempt small retail outlets, such as your Association represents. This was done in recognition of the administrative burdens which the small retail outlets, sometimes known as the "Mom and Pop" stores where shopping is generally for convenience rather than for savings, might face if required to unit price their goods. The bill directs the promulgating authority to determine the criteria for this exemption, on the basis of the number of employees or gross sales (a figure as high as $50 million has been suggested) or other appropriate criteria.

Secondly, my bill would not require dual pricing, that is listing both the retail price and the unit price on each particular item. Instead, the unit price could be displayed either on the package or *in close proximity* to the package. For example, the unit price could appear on the shelf, gondola, at the end of the aisle, or even in the front of the store. This was done to allow full opportunity for the forces of competition and imagination in this area so that retailers may develop their own way of handling unit pricing.

I recognize that no industry wants to be regulated. My sincere hope is that unit pricing will develop voluntarily through open competition. Also, I recognize that a new manner of pricing may initially cost money. However, an owner of a medium-sized grocery chain in the Midwest stopped by my office recently to indicate that he was going to adopt unit pricing in his twenty retail outlets next June; and based on his study and on a hard business judgment, he would save approximately $18,000 per year. Now, his situation may be unique because of warehousing, marketing, computer utilization or other factors. However, we may find that unit pricing will not cause enormous administrative expenses and will, because of consumer demand, indeed pay for itself.

Moreover, as ranking Republican on the Consumer Subcommittee, my intention is limited to facilitating value comparisons. Unit pricing—which is already applicable to meat, poultry, and a few other items—appears to be not an unreasonable concept, in my opinion. It would require, after all, only that one be told how much of a product his money is buying. While I am not an expert on the grocery industry, the future may well include computerized checking, dated labeling, percentage of ingredients labeling, and other new ideas in marketing, warehousing and consumer information. Perhaps it's time, then, to consider the merits of unit pricing. If so, I intend to fully represent the interest of everyone involved, including your Association. And again, Mr. Circle, your group would be exempt by the provisions of my bill.

Finally, Mr. Circle, the comparison is drawn to radical eastern Senators. The introduction of my bill, however, was not prompted by the vagaries of regionalism or sectionalism. Furthermore, I would hope that a continuing public dialogue could develop—a free interchange of reasonable and forceful arguments dealing with unit pricing on its merits.

There is always the possibility, as you indicate, that a Senator will lose touch with those he represents. However, I have been home 15 times already this year meeting with hundreds of Kansans. In addition, enclosed you will find an editorial by the Wichita Eagle which indicates, perhaps, that I may, in fact, be in close touch with my State.

While no hearings or other Congressional action is expected in the immediate future or any unit pricing legislation, I would nevertheless, appreciate your views. Moreover, if you could furnish me with a copy of your position on this subject, I would certainly consider it in detail and make it a part of the hearings record. However, because the views of Congress sometimes become distorted, unintentionally or otherwise, I intend to make my position clear on this bill. Accordingly, I will be speaking out on the matter from time to time.

Finally, thank you again for your kind invitation and letter. I regret that I cannot attend your meeting. I hope we will remain in communication on this matter.

Best regards.

Very truly yours,

JAMES B. PEARSON,
U.S. Senator.

KANSAS STATE UNIVERSITY,
Manhattan, Kans., June 16, 1970.

Senator JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: Enclosed is a copy of an article from this morning's Kansas City Times about your support of unit pricing. I congratulate you for your attention to this issue.

The article quotes Mr. Lee Circle, with whom I have discussed this issue many times, as stating that "there is no clamoring for this sort of pricing by Kansas consumers".

Mr. Circle and his association may never have asked the Kansas consumers if they want unit pricing. This department and the Kansas Home Economics Association (K.H.E.A.) have asked Kansas consumers about unit pricing. The K.H.E.A., for example, has sold 10,000 "Budget Gadgets" (one enclosed). It should be noted that the Kansas Food Dealer's Association has recognized unit pricing to the extent that the association is distributing the very same "Budget Gadget". Also, several stores in Manhattan have placed the association's "Budget Gadgets" on display with a large sign inviting consumers to check unit prices with other stores.

This department, together with other groups in Kansas, conducted a 20-point Consumer Quiz from November, 1969 to January, 1970 (see enclosure). Included in this quiz was a question about unit pricing. As shown, 93% of the 1003 Kansans responding approved of unit pricing.

This same 20-point quiz was sent to the members of the Kansas Legislature. The legislators were asked to rank the 20 points in order of importance, and of those responding 56% ranked unit pricing in the top ten.

Therefore, Mr. Circle is incorrect when he implies that Kansas does not want unit pricing. Keep up the good work.

Sincerely yours,

RICHARD L. D. MORSE,
Professor and Head.

[From the Wichita Eagle and the Beacon, Apr. 26, 1970]

HELPING THE BUYER

Sen. James P. Pearson, R-Kan., has introduced a bill to aid consumers in selection of retail commodities by requiring that the unit price of each item be shown.

Pearson said in a Senate speech that his bill would reduce confusion in the market place and could result in an estimated savings of 10 per cent in the nation's $120-billion annual food budget.

Anyone who has tried to compare the price of a six-ounce jar with a 2-pound jar of peanut butter will appreciate Pearson's effort.

It is the practice in most supermarkets to list only the total price of items on their shelves. You are left with mental arithmetic to figure out the amount per pound or ounce, pint or quart.

His bill would provide for the direct comparisons that would make shopping easier. It is in the best interests of the consumer.

[From the Kansas City Times, June 15, 1970]

PEARSON IN FAVOR OF UNIT-PRICE LAW

(By Joe Lastelic)

WASHINGTON.—Sen. James B. Pearson (R-Kans.) has been doing some shopping in the supermarket lately and he is convinced more than ever that unit pricing is needed so that the purchaser can select the best buy.

So Pearson introduced a bill that would require a label, chart or sign listing the price per pound, pint or other unit of measure of a particular item. After listening to witnesses in recent Senate hearings talk about the fair packaging and labeling act and some of its deficiencies, Pearson concluded unit pricing would provide the best means of making value comparisons.

A housewife could save money in a store that used unit pricing, Pearson felt. For instance, a small can of apple sauce might be marked 19 cents a pound under the unit pricing system, while the larger economy size actually costs 21 cents a pound. The smart housewife would buy several of the smaller cans and save some money.

When the Kansas Food Dealers association read about Pearson's bill, the executive secretary, Lee E. Circle of Arkansas City, Kans., wrote Pearson a letter of protest. It accused the senator of hearing only the proponents for unit pricing, said he was out of touch with Kansas people, that his action was that of the "radical Eastern senators" and noted there has been "no clamoring for this sort of pricing by Kansas consumers."

"I know I am right on this," Pearson said, "and I am going to put my head down and go forward."

Pearson replied to Circle with a 5-page letter in which he made these points:

President Nixon has said among a buyer's rights is the right to accurate information on which to make an intelligent and free choice among the products and services he desires.

Mrs. Virginia Knauer, special assistant to the President for consumer affairs, and others in the administration, in the Commerce department and Federal Trade commission favor unit pricing.

Studies show that even college educated shoppers make the wrong buy, that is, select the most expensive package almost half of the time. A New York study showed that through unit pricing housewives could save a dime on every dollar they spend in a grocery store.

"I recognize that no industry wants to be regulated," Pearson wrote in his letter. "My sincere hope is that unit pricing will develop voluntarily through open competition."

Pearson pointed out that the owner of a medium-sized grocery chain told him he was going to adopt unit pricing and, based on his study and hard business judgment, he would save $18,000 a year with the benefit of computerized marking.

Experiments with unit pricing by major chains are under way in nine states and one firm, Benner Tea company, which has 22 stores in Missouri, Iowa and Illinois, has a full scale unit pricing system in all of its stores, utilizing labels turned out by a computer telling the housewife at a glance what brand and size of a product is the most economical.

Pearson's bill would exempt the small "mom and pop" stores because of the administrative burden unit pricing would cause. But he noted that such stores are used generally for their convenience rather than savings.

[From the Kansas City Times, June 4, 1970]

MIDWEST SUPERMARKET CHAIN SETS UP UNIT-PRICING SYSTEM

WASHINGTON.—A chain of supermarkets in the Middle West, hoping to increase profits by helping customers choose the best buys, has set up the nation's first full-scale unit-pricing system.

Unit-pricing is the listing of the price per pound, pint or other unit of measure.

VALUE AT A GLANCE

The system at the Benner Tea company's 22 stores in Iowa, Illinois and Missouri is designed to tell shoppers at a glance what brand and size of a product is most economical.

The proliferation of different sizes and prices of packages on supermarket shelves makes it impractical and often impossible for housewives to compare price values. Advocates of unit pricing regard it as a money-saving device for consumers burdened by increasingly high food costs.

In establishing unit pricing the Benner chain's motive is not merely to "strike a blow for the consumer" but also to make more money, according to Charles C. Fitzmorris, Jr., Burlington, Ia., the company's president and principal stockholder.

Fitzmorris was interviewed recently while in Washington to get a statement endorsing his project from Mrs. Virginia H. Knauer, President Nixon's special assistant for consumer affairs.

"It's not altrustic on my part," he said. "I expect to profit by it. The housewife will get more information in my stores and therefore she'll come back and shop with me. If I'm right this will increase my sales 10 percent."

XUM

MRS. KNAUER APPROVES

Mrs. Knauer gave him a statement favoring unit pricing by food chains as a means of providing needed information to the consumer "to fight inflation and to obtain the most for her shopping dollar."

The unit prices of all 4,000 items sold in Benner stores are calculated by a computer. The computer also prints the labels to be posted on shelves, giving the unit price of each item, the package price and the content by weight, volume or other measure.

The National Association of Food Chains has opposed voluntary unit pricing and is vigorously protesting pending federal legislation and a proposed New York regulation for compulsory unit pricing. The association contends that the cost of unit pricing systems would be prohibitive.

Fitzmorris concedes that it could be a hardship to small stores because, in his view, the use of a computer is essential. But he said he believed that the cost for large stores and chains would be more than offset by increased profits. He estimated that it was costing his company about $200 a store to install the system.

"We're going into it whole hog," he remarked. "Other chains will have to follow our example if they want to compete. This is the most revolutionary thing for the grocery business since food stamps."

New, More Flexible, Unit Pricing Bill

Legislation introduced by Senator James B. Pearson (R.-Kans.) to amend the Fair Packaging and Labeling Act would make provision for unit pricing without the restrictive definition of exactly how it should be carried out in other bills to which industry has raised strong objection. The legislation would also exempt small "mom and pop" stores from unit pricing.

Clarence Adamy, President of the National Association of Food Chains, who has supported the premise on which unit pricing is based, giving the consumer means of making a better value comparison, told OF CONSUMING INTEREST that the Pearson bill's flexibility is a "move in the right direction." Although Adamy agrees that small stores must be exempt, he is also conscious that an unfortunately large number of poor people shop these stores, and that the benefits of unit pricing will not be available for them.

Possibly, Adamy says, the best solution would be for the Congress to pass a memorial resolution saying to the industry "we want you to do this, and we don't care how you accomplish it." The need for flexibility which the Pearson legislation has moved toward, would best be served and the industry could continue its efforts, which range from price marking on every item to one big sign for the whole store. In this way, Adamy says, the industry could arrive at the least expensive method of getting the job done, as well as the one customers are best able and most apt to use.

The Pearson bill includes some other interesting updating of the Fair Packaging and Labeling Act. It provides that no commodity shall bear any "label, depiction, vignette, or other representation which purports to identify the product or its quality in a manner that does not accurately disclose its identity or quality of the product." This would seem to be a response to the critics who charge that the present Act does not cover convenience foods adequately.

The proposed legislation also provides that coupons be included in the section of the bill which covers "cents-off" promotions. It also would strike down the FTC decision to exclude a number of commodities from FPLA coverage by making clear that the commodities covered are those used "in and around the household, but shall not include durable goods which are customarily not expended or consumed during the first year of use."

[From Newsweek, June 15, 1970]

Retailing the Price of Everything

Bright orange Day-Glo letters shimmering on the facade of the Giant Supermarket in Burlington, Iowa, announced the innovation: "Home of the Tru-Price." And inside, Mrs. Marie Schwartz stood beside the dessert racks and demonstrated what it meant. "I was looking at the Jell-O and the Royal here," she said. "I have a coupon for 7 cents off Jello-O—for four small or two large, But I see that the Jell-O sells for 4 cents an ounce while the Royal sells for 3 cents an ounce, and I'm thinking that for four 3-ounce packages, it doesn't even pay to use the coupon."

Right on, Mrs. Schwartz. But the intricate calculation would have been even more difficult if a special sign on the supermarket shelf had not told her the price per ounce of each competing product. This unit pricing system has long been pushed by such consumer advocates as Bess Myerson Grant, the one-time Miss America who is now New York City's Commissioner of Consumer Affairs, and Virginia H. Knauer, President Nixon's Special Assistant for Consumer Affairs, and Virginia H. Knauer, President Nixon's Special Assistant for Consumer Affairs. And the Giant store in Burlington was one of 23 Benner Tea Co. stores in Iowa, Illinois and Missouri that last week became the first chain in the nation to install unit pricing across the range of its entire inventory. "This information," Mrs. Knauer told customers on huge posters inside the stores, "is what the consumer needs to fight inflation and to obtain the most for her shopping dollar."

TALK

"Unit pricing," said another Administration specialist, "has suddenly moved beyond the talk stage." Sure enough, dual pricing systems are getting partial tryouts in some of the biggest supermarket chains, including Jewel Foods Stores (on 1,000 items in all 258 Chicago area stores), Kroger (6,000 items in six stores in the Toledo area), Grand Union and Daitch Crystal Dairies in New York, First National Stores and Stop & Shop in Boston, and Safeway Stores, Inc., in Washington, D.C.

This interest in unit pricing came only after tough opposition. The National Association of Food Chains vigorously protested both a Congressional bill and a proposed New York City regulation on compulsory unit pricing. Clarence G. Adamy, NAFC president, estimated that unit pricing would cost the chains $300 million nationwide if every box or can were marked. Still, Adamy conceded that "the idea is good" and said the NAFC wouldn't oppose unit pricing if it were voluntary and only the shelving below individual items had to be marked. Then, he said, "unit pricing changes to something quite minimal" in cost.

The first "volunteer" to install unit pricing across the board turned out to be Charles C. Fitzmorris Jr., president and principal stockholder in the Benner chain, and he says he did it because "I intend to make money." And that, in turn, is possible, he says, because "I'm a computer nut . . . It would be impossible to offer such a program without a computer. There are just too many different prices on too many different-size cans, cartons and packages for any chain to figure the price by hand." The IBM 360/Model 25 that Benner leases prints out shelf labels that tell housewives the unit price (e.g., 4 cents an ounce), name of the product, total content and total cost. Fitzmorris says he will spend $150,000 this year on programing computers, but only a part of his data processing is for dual pricing. Labor and labels used in the conversion cost only $200 per store.

Skeptics still abound. Adamy, for one, wonders: "Do people really buy by price? Remember, the only thing we are giving here is knowledge about price—nothing about quality and taste preference." Doris Stoneking of Oquawka, Ill., wife of a glazier and mother of four, answered for many when she said, "I spend $50 a week on food and we eat like it's the Depression. If I can get a savings on a different size, I'll buy it."

CARE

On the face of it, Mrs. Stoneking seems to be in the minority; even in stores with unit pricing, few shoppers seem to care. Indeed, experiments at Jewel and Safeway stores proved popular with affluent shoppers in suburbia but roused less response among poorly educated customers in low-income areas.

The answer to this, backers of unit pricing insist, is education and advertising. "It needs advertising to make it work, and it needs to have every item in the store done," says Fitzmorris. His own advertising drive included ten-second teasers twenty times each day on eight radio stations to make shoppers curious enough to want an explanation ("Learn the truth about prices at your neighborhood Giant store! The truth will astound you—or, at least, surprise you"). Agree Bess Myerson Grant: "When retailers put a new product on the shelves, hundreds of dollars are spent. When they institute a new process to make pricing comparisons easier, they also have to educate the consumer."

Unit Pricing Viewed as Main Consumer Tool

Is money a factor in the way you shop in the grocery store?

If so—and to most everybody, money should figure somewhere into shopping plans—unit pricing might help you solve the maze in the market.

With unit pricing, the shopper would be supplied with the price in terms of ounces or pounds for purposes of each price comparison.

In other words, you would be able to instantly know which is cheaper: the 24-ounce jar of sandwich spread for 53 cents or the 16-ounce jar for 38 cents. Neither would you need a master's degree in mathematics nor a business calculator: the lower price would be immediately apparent.

Unit price is no cure-all.

There would still be many decisions: whether to buy the creamy peanut butter or the "peanuttiest" peanut butter; whether to buy bran flakes or bran flakes with raisins added; whether to buy the higher-priced soda pop in small bottles that will conveniently fit in your refrigerator or to buy the low-priced, big bottle that won't fit.

But, unit pricing will give you the best price on a product. And, unit pricing may be on its way into our lives: Safeway Stores Inc. in the Washington, D.C. area has experimented with unit pricing and could be moving toward unit pricing on a national basis; if so, other chain stores might well follow suit.

Bess Myerson Grant—still known widely for her beauty but even more recognized today as Commissioner of the Department of Consumer Affairs for New York City—is trying valiantly to institute unit pricing in New York grocery stores. She's been slowed down by challenges from such organizations as the Retail Merchants Association, who took the regulation to court.

And, strange things do happen: in Durham, N.H. (estimated population 4,600) efforts to have unit pricing established by law failed by a 135-to-259 vote of the townpeople in March according to Consumers Union.

Despite the setbacks and/or slowdowns, Of Consuming Interest—a twice monthly publication that keeps ahead on consumer affairs—says that unit pricing is "one of the liveliest of consumer issues." They go on to quote Virginia Knauer, presidential assistant on consumer affairs, as saying that unit pricing is the "wave of the future."

Of interest to CWA consumers are reports from hostesses who assisted in the Safeway experiment conducted late in 1969 and early this year, primarily in Washington, D.C.

Two approaches were made by Safeway: in one store, shelf markers and signs gave the price per ounce on a number of foods; in the other, computer wheels were attached to shopping baskets so that shoppers could make their own calculations.

One hostess, after six weeks in the store where the computer wheel was being used, had these comments: "By now the people are few and far between who have not been briefed about the computer . . . The novelty . . . has worn off and the customers are now asking . . . where to find . . . various articles, how the hostess job was secured, and how long the job will last. Some do, but . . . many do not, see that they would save money by using the computer . . . many see its value but are too lazy or in too big a hurry to use it . . . many fail to understand how it is used."

On the other hand, a hostess in a store where unit prices were displayed on the shelf found that the group most interested was college-age. Another said that men were surprisingly interested. "Generally speaking," one hostess said, "interest in our project is at its lowest ebb during the first few days of the month . . . (The first of the month) is a time when shopping is speedily done and any interference on the part of the hostess is in most cases completely rejected. As household money becomes less, the shopper is more prone to avail himself of the time to use unit pricing. By the end of the month, even assistance is asked in simple arithmetical processes in an effort to save a few pennies."

No less an authority than Malcolm W. Jensen, acting deputy director of the Institute for Applied Technology, U.S. Department of Commerce, says that "During the 1970's, it seems very clear that consumers will press for more factual product information on which to base a value comparison." He adds: "One possibility is that the unit pricing concept will begin to spread through the retail grocery and drug industry on a purely competitive basis."

Whether unit pricing comes via regulation or voluntarism, the shopper who must watch her dollars will benefit. She will be able to make a shopping choice strictly on a price basis.

Betty Furness Deals With the Consumer Problems That Bother You the Most

Our mail turned up increasing interest in per-unit pricing of food.

Dear Miss Furness: Far too many things in the supermarket are not singly priced. We have to divide and divide until our heads swim. For example: Lettuce is 6 heads for $1. Maybe we don't need or can't afford 6. We find catsup at 3 bottles for 89¢, grapefruit 8 pounds for 69¢, etc. Why can't stores price most things by the unit, and we would still have enough arithmetic in deciding whether the large or small size was a better buy. This may sound like a petty thing, but I do not feel it is.

Mrs. R. Pinckard.
Portland, Oreg.

Dear Mrs. Pinckard: It isn't a petty thing at all! Some retailers now are featuring per-unit pricing—but they are still rare and need to be encouraged.

Along with PER-unit pricing, I'm in favor of unit pricing. Then we'd know not only what the whole can costs, but its CONTENTS cost per ounce, or pound, or foot, or what have you. We would know that if you buy cornflakes in a local supermarket in the 13-ounce size, the price is 54 cents a pound, while if you buy it in the 8 individual servings, the cost is $1.31 a pound. Now, there may be people willing to pay 77 cents extra for those convenient packages, and that's fine, as long as they know what they're doing.

Everyone seems to want more information than we're getting. It's easy to find out what's right about a product, but hard to find out what is not—at least until it's too late.

THE MILITARY BUDGET AND NATIONAL PRIORITIES

Mr. KENNEDY. Mr. President, last March the Senator from Wisconsin (Mr. Nelson) joined with other Members of the House and the Senate in the sponsorship of a "Congressional Conference on the Military Budget and National Priorities." The conference presented 2 days of wide-ranging discussion, dialog, and deliberation on the specific subjects of ending our Vietnam involvement, controlling our expensive and expansive military budgets, and providing adequate scrutiny and management of weapon systems development and deployment.

In a larger context, however, the conference explored the implications of the militarization of American foreign and domestic policies, and the need to redefine our national purpose and priorities. In particular, there was a focus upon the capability of Congress and other segments of national leadership to be institutionally responsive to the pressing needs and challenges of the United States.

It is now the summer of 1970, and these issues and questions have not abated or been answered, the national tensions have increased, the domestic requirements have become more urgent, and more and more of our citizens, both young and old, question the vitality of our political institutions and processes as a means for national reform and change. In this present atmosphere, the statement in the conference by Senator Nelson is especially relevant and appropriate. He called specific attention to the special role of youth in helping to bring about institutional reform and therefore reasoned control of our national activities and purposes.

I ask unanimous consent that Senator Nelson's statement, entitled "Why Youth Raises Hell," published in the June 1969 issue of the Progressive magazine, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Why Youth Raises Hell

(By Senator Gaylord Nelson)

We have been talking about how difficult it would be to change directions, to bring under control the so-called military-industrial complex; how difficult it is to find out what the military is doing, and to get the Congress to do this and that. But we have ignored one significant factor: the youth of America, black and white.

The fact is that we will bring the military-industrial complex under control, or we will get a President and a Congress who will. And the delay will not continue beyond the time when this generation starts voting and taking active leadership in the politics of this country—that is, the next six, eight, ten years. Members of Congress who are not prepared to undertake to do the job will not be back. And it's starting right now.

We are reacting badly, as a country, to the youth of America. We run around asking, "What's wrong with the kids?" It isn't what's wrong with the kids; it's what's wrong with the country. They are reflecting what is wrong with the country, and what is wrong with the world in every country—Yugoslavia, Czechoslovakia, France, Italy, America, Southeast Asia.

The older folks say, "We can't understand the kids," but the kids understand their parents only too well. The kids understand the system, and they don't like the system. They have good reason for not liking the system. They are sick and tired of being involved in a war in Vietnam for which we haven't yet figured out a purpose.

I remember hearing Dean Rusk say, time after time, "We have to contain China." There isn't a single Chinese soldier in Vietnam yet. Every time we gave a speech on that subject in the Senate, McGeorge Bundy would come over to counsel us "dissidents" and furnish another reason for the war.

We cannot find a reason any more for being in Vietnam, and neither can the kids. They aren't going to kill people and get killed for no cause at all.

So in a handful of years we will manage the military industrial complex, I think, all right enough. As the young people look at our institutions and the institutions of every other country, they see what we are doing in terms of killing each other. They see we are expending vast sums in military enterprises that do not solve problems but create them. They see we are devastating the environment in which we live, polluting the air, contaminating the water, killing the animals and birds, denuding the forests, destroying the beauty of the world. They see all this and that it is all done in the name of "progress." You could substitute the word "profit" and you would be more accurate.

The institutions we have created are destroying the livability of the whole world; and the young people know it. They may not articulate it well, but they sense it. They feel it.

I speak on campuses all the time. The first issue raised by the students in the past few years has been Vietnam, because that is immediate and reflects their rejection of the militarization of this country and other countries. But the second issue often raised is, "What are we doing to the livability of the world? What are we doing to the air? What are we doing to the water of the country? What are we doing to the beauty of the nation?"

So they are looking at what we are doing, and they are rejecting the institutions that are doing it. Thank heavens they are rejecting them.

But we say what they are doing on the campus is not related to what we are talking about. The only thing they can do on the campus is what is within their jurisdiction to do. So they raise hell with whatever part of the institution they can, because that is where they are, and that is where that institution is. The sooner we understand that, the better off we will be.

I am much more optimistic than some of the rest here that the problems will come under control as soon as we throw everybody out of office who is not interested in bringing them under control. And that will happen pretty soon, and the sooner the better.

BATTLEFIELD DEATH OF LT. GRADY E. McBRIDE II, GADSDEN, ALA.—VALUES WORTH FIGHTING FOR

Mr. ALLEN, Mr. President, perhaps coincidence was more instrumental than intent in having Memorial Day, Flag Day, and the Fourth of July fall within a 5-week span. But, for whatever reason,

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I take a great personal pride during this period in expressing my continuing support of my country, the United States of America.

The American flag receives a deep and abiding respect in my native State of Alabama. Rarely has this proud banner been defiled, desecrated, or belittled there, and the people of my State would never stand by and see the Stars and Stripes replaced by demonstrators waving a North Vietnamese banner or the hammer and sickle of communism.

Defending flag and country through the years has taken blood, tears, and sacrifice of life and limb on the part of our people.

Mr. President, today it is with sadness that I bring to the attention of the Senate an Army announcement of the battlefield death of Lt. Grady E. McBride II, a young native of my home town of Gadsden, Ala. I do this as a representative instance of the 1,000 Alabamians who have laid down their lives for their country in Vietnam.

He died recently in Southeast Asia, far, far away from his beloved hill country of Alabama where he was born and reared. But he died for a cause in which he believed—America.

The Gadsden Times, one of Alabama's fine daily newspapers, on Flag Day, Sunday, June 14, published a beautiful and moving editorial on the relationship of Lieutenant McBride's life and death and Flag Day.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

YOUNG LIEUTENANT

"The flag was his life. He lived for it. He died for it."

While others of his generation sought means to avoid military service. Lt. Grady E. McBride II of Gadsden was fighting all the way up to the Pentagon to be allowed to wear the uniform that had always seemed to him a symbol of American valor.

A heart murmur prevented his going to West Point. After four years of ROTC at Jacksonville State University, he was rejected for the army because of a defective eardrum. This time he appealed to the Pentagon and won his case. He received his commission in 1968 and volunteered at once for duty in Vietnam.

Word of his death in action arrived last week. Details were scant.

What's important is young McBride's conviction that there will always be values worth fighting for. Preservation of freedom is one of these. He saw Vietnam, remote as it is, as the one place in the world where the ideals of the West were being defended on the battlefield. He wanted to be part of that action.

He died a hero.

And because he and so many other young Americans have given their lives to keep the Stars and Stripes a proud emblem of a free people, the nation will observe Flag Day as usual.

The flag has been belittled and desecrated by those who despise it.

But their folly becomes petty and unimportant in comparison with the patriotism and sacrifice of those who have honored it in life and in death.

Our flag will fly today as a memorial to all of these.

AMERICAN PRISONERS IN NORTH VIETNAM—RESOLUTION OF STATE OF IOWA GENERAL ASSEMBLY

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the State of Iowa house concurrent resolution 135, urging the General Assembly of the United Nations to intercede on behalf of American servicemen being held as prisoners of war by North Vietnam and the National Liberation Front.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

IOWA HOUSE CONCURRENT RESOLUTION 135

Whereas, approximately 1,350 American servicemen, including four Iowans who are known to be prisoners in North Vietnam; and

Whereas, twenty to thirty Iowans who are reported missing and may be held as prisoners in North Vietnam; and

Whereas, the government of North Vietnam has refused to release the names of all the prisoners it holds; and

Whereas, some of these American prisoners have been held captive for as long as five years; and

Whereas, the government of North Vietnam acceeded to the Geneva Convention on June 28, 1957, the government of South Vietnam acceded to the Convention on November 14, 1953, and the government of the United States acceded to the Convention on August 2, 1955; and

Whereas, the government of the United States and the government of South Vietnam have continuously honored the requirements of the Geneva Convention; and

Whereas, no pretense of compliance has been advanced by the government of North Vietnam or the National Liberation Front despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

Whereas, the provisions of the Geneva Convention require that every prisoner of war be enabled to write to his family; that every prisoner remain in communication with his family and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner; that every prisoner has the right to receive mail and packages; that minimum humane standards of detention, hygiene, diet, recreation, and employment be complied with; that the detaining power accept a neutral party to the conflict or a respected international organization, such as the International Committee of the Red Cross, as a protecting power for the prisoners; that seriously injured or ill prisoners be repatriated as soon as they are able to travel; and that the detaining power provide the names of the prisoners it holds to families as well as to the protecting power, or the Red Cross, to pass on to their country of origin; now therefore,

Be it resolved by the House, the Senate concurring, That the General Assembly of the State of Iowa urges the General Assembly of the United Nations to intercede on behalf of the American servicemen being held as prisoners of war by North Vietnam and the National Liberation Front by insuring that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, are complied with by North Vietnam and the National Liberation Front.

Be it further resolved, That copies of this Resolution be transmitted to the Secretary General of the United Nations, to each of the 124 delegates to the United Nations representing the 124 member nations, the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and to each member of the Congress from the State of Iowa.

We, William H. Harbor, Speaker of the House of Iowa, and Roger W. Jepsen, President of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Sixty-third General Assembly, Second Session.

HOUSTON CHRONICLE SUPPORTS 100,000 ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on Sunday, June 14, 1970, the Houston Chronicle editorially endorsed my proposal to establish a 100,000 acre Big Thicket National Park. This strong supportive position was taken just 2 days after hearings on my proposal were held in Beaumont, Tex. These hearings, conducted by the distinguished senior Senator from Nevada (Mr. BIBLE), chairman of the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, were extremely informative and helpful. All witnesses agreed that the Big Thicket should be preserved. The great majority of witnesses testified in favor of the 100,000 acre proposal.

The Houston Chronicle is to be commended for its continuing interest in preserving the unique and beautiful areas of Texas for the enjoyment, education, and inspiration of all our citizens. The Chronicle was an early and strong supporter of my successful efforts to establish the Padre Island National Seashore. The Chronicle has often brought attention to the unique beauty and value of the Big Thicket. Their concern for conservation and preservation of these great natural areas is admirable.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PRESERVE THE BIG THICKET

Many persons have been concerned with the preservation of the Big Thicket through the creation of a new Big Thicket National Park. Sen. Ralph Yarborough has sponsored bills to create such a park, but unfortunately, these bills have not been successful. Rep. George Bush is urging "coordinated action" by all administration agencies which are interested in preserving the Big Thicket. Hopefully, an agreement will be reached soon.

The Big Thicket is one of Texas' and the nation's truly unique environments. Its differing soil conditions and unusual climate, coupled with its geographical location in which plants and animals from the north, south, east, and west can intermingle, has created a delicate balance of life—or ecosystem.

This unique ecosystem must be preserved. It is a beautiful part of the country and has delighted many Texas tourists with its flora and fauna. Naturalists are amazed at the variety and diversity of life in the Big Thicket and realize that it holds a wealth of information regarding the inter-relationships of many organisms.

By developing part of this area for tourists while rigidly protecting the remaining virgin tracts of land in the new national park, this land can be kept for the benefit of both naturalist and nature lover.

The new proposal calls for setting aside 100,000 acres. This should be done. Every day more of this precious land is being used for development and other private purposes. Too many times has disaster for the region, such as extensive drainage, been narrowly averted at the last minute. The Big Thicket once covered an area of 3.5 million acres. Today it has been eaten away to something more like a quarter of a million acres.

This land must be saved, for once it has been drained and developed, its ecology will be destroyed, perhaps forever.

With the tremendous growth which Houston, and indeed the whole state of Texas has undergone, there is increasing need for park land. Texans must not give up an area so much steeped in legend and natural beauty.

REISCHAUER CLARIFICATION

Mr. HATFIELD. Mr. President, in light of numerous contradictory statements regarding the position of Edwin O. Reischauer with reference to recent amendments to effect a withdrawal from Southeast Asia, I ask unanimous consent that a letter from Mr. Reischauer addressed to me be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Harvard University,
Cambridge, Mass., June 9, 1970.

Hon. Mark Hatfield,
U.S. Senate,
Washington, D.C.

Dear Senator Hatfield: I wanted you to know that I am strongly supporting you and Senator McGovern in your joint amendment, even though there are points on which I would myself have favored some slight variations on the proposals.

To make my position clear, I might explain that I am convinced that only the President can lead us safely out of our disastrous entanglement in Southeast Asia and that it will take considerable time and skill for him to do so. In other words, I have doubts about the feasibility of Congress itself producing a withdrawal program through legislation, and I have all along felt that the end of 1971 might be a more attainable target date for complete withdrawal than the summer of 1971. Despite these points of difference, however, I am giving all the support I can to your amendment, because I feel that it and others like it are primarily significant as methods of convincing the President that he must adopt a more rapid program of withdrawal than he seems to be embarked on and of showing him that informed public opinion is strongly on that side. He faces an extremely difficult task, and he needs this guidance and encouragement if he is to get us out of the morass of Vietnam before our country falls into even greater disarray.

I wish you success in your efforts to win majority support for your amendment, and I assure you that I shall continue to give it my enthusiastic backing.

Sincerely,

Edwin O. Reischauer.

WAR POWERS

Mr. McGEE. Mr. President, our present debate in the Chamber represents a curiously negative way for Congress to assert itself, as Crosby S. Noyes observed yesterday in his distinguished column in the Evening Star. The various amendments we have before us that seek to direct the nature of American military operations abroad fly in the face of the Constitution, as David Lawrence has commented in his own column, which also appeared in yesterday's Star.

If, indeed, the power of Congress to declare war has been usurped over the years, it has not been because of the desire of the White House to take over powers given to Congress by the Constitution, but because of the hard realities of the nuclear age. Declared war simply is out of the question. Yet the President is the Commander in Chief, empowered to command the armed services in the best interests of the Nation. It simply makes no sense to me for the Senate to limit the President's authority to conduct military operations once they are underway, whether in Indochina or any other theater.

Mr. President, I ask unanimous consent that the columns by Mr. Noyes and Mr. Lawrence be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

No Useful Alternative Offered on War Powers

(By Crosby S. Noyes)

As Senator Mansfield with his usual candor has admitted, a good deal more is involved here than another military sortie into Cambodia. The debate in the Senate over the Cooper-Church amendment goes to the most sensitive area of controversy between Congress and the White House. Which explains the keen interest of the administration in what is, in reality, a highly theoretical argument.

As Mansfield put it: "Beyond military success or failure, the issue posed by Cooper-Church is fundamental. For too long, we have skated the thin ice of constitutional expediency in matters of war and peace. For too long, the Senate has shrouded its constitutional responsibilities in the skirts of presidential authority."

This issue, in the view of the administration, very much outweighs the practical restrictions which the amendment is designed to impose so far as Cambodia is concerned. In effect, it enjoins the President to do what he has already said he intends to do anyway. And if new circumstances should arise requiring a change in the plan, even supporters of the amendment concede that the President, under the Constitution, has every right to take such emergency action as may be needed.

What is important is the larger issue of war and peace. In its broadest context, the Cooper-Church amendment, like the law proposed by Senator Jacob K. Javits, is part of a continuing and increasing effort in the Senate to reassert its exclusive authority to declare war and place severe restrictions on the discretion of the President to commit American forces anywhere without congressional approval.

The amendment itself, to be sure, does not assert the congressional right to declare wars so much as to undeclare them by imposing limitations on the President's authority as commander-in-chief to conduct them as he sees fit. Yet there is also a very clear intent to prevent any repetition of the course of events that led us to where we are in Indochina.

It is, apparently as the senators see it, largely a question of the scope of the involvement. The President, his critics concede, has the unilateral authority under the Constitution to take action anywhere in the world to protect the lives of servicemen and other United States citizens. But in the view of Mansfield and his colleagues:

"The executive branch does not have the unilateral constitutional power to commit this nation to an involvement which requires a continuing input of men and money in a country, even in the name of defending U.S. forces, or for some other objective in a second country."

If this definition amounted to a practical way of limiting presidential authority and reasserting congressional responsibility for the use of armed force, no doubt a large majority of Americans would be in favor of it. If making war could indeed be made once again a matter of democratic debate and decision, such a development would, in theory at least, be a splendid thing.

But the hard fact is that the war-making power of the Congress, as envisaged by the framers of the Constitution, is a myth. It has been "usurped" by the executive not because of any abdication of responsibility by the Congress or the arrogance of a succession of Presidents, but because of the cold realities of the nuclear age.

No President in his right mind would dream of asking Congress for a declaration of war today, and no one is arguing that he should. The Cooper-Church amendment does not challenge the authority of the President to commit American forces in the first place. It seeks rather to impose arbitrary limitations on the President's authority to conduct the conflict after it begins.

This is, to say the least, a curiously negative way for Congress to assert it constitutional responsibilities. It proposes to limit the effective war-making power of the President without providing any realistic substitute for it. In the very unlikely event that this doctrine were to be embodied into law the effect could be to neutralize American power as a factor in the global balance, with results that are only too predictable.

Usurpation Bid Seen in Congress

(By David Lawrence)

Although well-intentioned, the various amendments and resolutions being offered in both the Senate and the House which seek to direct the nature of American military operations abroad—not only in Vietnam but everywhere else that trouble may arise—appear to be plainly in violation of the Constitution. Congress has no right to specify how the tasks of the commander-in-chief of the armed services shall be performed.

The latest proposal, however, has specified how U.S. forces can be committed to combat hereafter in the absence of a declaration of war. It states four possible contingencies: To repulse a sudden attack on the United States or its possessions, to repel any hostile operation against our armed forces legally stationed abroad, to protect the lives and property of American citizens abroad, and to comply with a national commitment taken by positive action of Congress and the President.

In these instances, the bill would make the military operations dependent upon affirmative action being taken by the Congress to sustain action beyond 30 days, and the Congress would have the power to cut the 30-day period short.

This usurpation of authority over the commander-in-chief is certainly not in consonance with the constitutional provision which flatly states that the President of the United States is to be commander-in-chief of its armed forces. Again and again, when there has been no declaration of war, the United States has engaged nevertheless in an extensive military operation, as, for instance, in Korea in 1950.

In the case of Vietnam, President Lyndon B. Johnson did obtain from Congress, through the Gulf of Tonkin Resolution in 1964, explicit authority to "take all neces-

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sary measures" in Southeast Asia in order to defend that area, where military steps had already been started for that purpose. The country at the time was well acquainted with the Vietnam war and its objectives.

A President can go to Congress and ask for its consent to send troops to carry out treaty obligations. But this doesn't necessarily require a "declaration of war." It is the legal implication of the latter term which has caused a hesitancy to proclaim such a status in the Vietnam war.

There are some occasions when an official declaration of war can result in international complications. Mutual-defense agreements or treaties of alliance which the belligerents have with other governments can be invoked, widening the conflict. Formal neutrality would have to be proclaimed by some countries.

Other problems under international law arise once the United States assumes a wartime status. Normal trade relations are interrupted. Travel to and from this country becomes subject to closer inspection, and merchant ships on the high seas or in the vicinity of the war area might feel uneasy when the American fleet is in the same waters, because searches can be made to prevent shipment of supplies from reaching the enemy. This is not the kind of war the United States wanted to wage anyway.

Now particularly the United States government feels that American participation of any consequence will be brought to an end within the next two years. So there is no desire to become involved with any declarations by Congress about a "state of war."

President Nixon has promised that by the end of June, which is less than two weeks away all American troops will be withdrawn from Cambodia. Surely the members of Congress who have been assiduously trying to pass resolutions on the subject of suspending fund for further military projects in Cambodia could wait at least a fortnight. There is really no need for any legislation on the subject of Cambodia.

The American people are watching what is happening on Capital Hill, and next November all members of the House and a third of the Senate will be up for re-election. The "silent majority" of their constituents are still a powerful factor. From a political standpoint, the dissidents would be wiser to spend their time on domestic legislation, so much of which has been neglected while Cambodia has been getting attention it doesn't deserve.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BUS DRIVER WOUNDED IN HIP BY MAN AT STOP HOLDING GUN

A D.C. Transit bus driver was shot yesterday morning when he stopped at 7th and P Streets NW to pick up a passenger. Police said it was an unprovoked attack and no robbery was attempted.

James F. Mongelluzzo, 58, of 1101 Agnew Rd., Rockville, was shot twice in the hip while the 15 passengers on his northbound Georgia Ave. bus looked on. He was reported in good condition at the Washington Hospital Center.

The driver stopped his bus and opened the doors for a man standing at the stop, police said. The man pulled out a gun and shot Montgelluzzo, a 28-year veteran with the bus company, police stated.

In other serious crimes reported by area police up to 6 p.m. yesterday:

STABBED

Duane Blacksheare, of 130 V St. NW, was treated at Children's Hospital for shoulder injuries he suffered during a fight at his home about 6:20 p.m. Tuesday with a man who stabbed him, then chased him out of the building and escaped into the 100 block of V Street.

Michael Akins, of Washington, was admitted to D.C. General Hospital for wounds suffered during an attack about 9:40 p.m. Tuesday. A group of men attacked Akins from behind as he was walking north in the 600 block of 15th Street NE and began hitting him. One of the men struck Akins with a machete and the group dispersed.

ROBBED

Robert Stadler Jr., of Washington, was held up about 11:10 p.m. Monday by two young men who hailed his taxi at East Capitol Street and Benning Road and asked Stadler to drive them to the 3500 block of Jay Street NE. When they arrived there, one of the passengers pulled out a pistol, placed it at Stadler's head and said, "Okay, this is it." After a brief struggle, the gunman orderd the hacker to get out of the cab and robbed him of his change and bills.

Corlia Green, of Landover, was held up shortly before midnight Monday as she was getting out of her car on a parking lot in the 500 block of Hunt Street NE. A man holding a long-barreled revolver approached her and warned, "Give me your pocketbook, don't say a word. Don't you scream." She handed him her purse and the gunman began running from the lot. When Miss Green did scream, the armed man turned and fired but did not hit her. Joining two other men, he escaped on foot toward Jay Street NE.

Woodward & Lothrop department store, 11th and F Streets NW, was robbed about 5:10 p.m. Tuesday. The clerk at the bakery counter was counting the day's receipts when a youth approached her and threatened, "Give it up or I will kill you." Grabbing the money, the youth ran up the stairs and fled through a side door onto 10th Street.

Lauren Kaminski, of 490 M St. SW, was held up about 9:25 p.m. Tuesday as she was entering her apartment building. Two men approached her from behind and one of them said, "Give me your purse; I have a gun," and showed her a small revolver. She handed the men her pocketbook and they ran west toward 4th Street.

Ralph Krueger, of Richmond, was beaten and robbed about 11:50 p.m. Tuesday, by a man armed with a knife, in the hallway of a house at 6th and E Streets NW. The armed man forced Krueger to remove his clothes, took his cash and hit him in the side with a broken bottle. The man escaped with the clothing and money.

Dr. John E. Virfistein and Mrs. Bernice M. Mills, both of Washington, were held up about 6:40 p.m. Tuesday as they were entering their car at the rear of the 3300 block of 16th Street NW. Five men, one of them concealing a gun under a sweater draped over his arm, approached the couple and warned, "This is a holdup. I'll kill you." While the gunman held them at bay, his companions took from Virfistein a card case full of credit cards, a diamond watch and a '32-caliber automatic. From Mrs. Mills they took a handbag containing cash and charge cards. The group fled through an alley into the 1500 block of Monroe Street NW.

Dov Bear Kasaghkoff, of Washington, was robbed of a large amount of money shortly after 5 p.m. Tuesday. A large group of men congregated around him as he waited for a bus at 14th Street and New York Avenue NW. As they crowded around and jostled Kasaghkoff, one of them picked his pocket and escaped with his wallet containing personal papers and cash.

Swift Cleaners, 1751 F St. NW, was robbed about 4:35 p.m. Tuesday by two youths who approached the employee as he was putting the money under the counter. "If anyone moves, they will get shot," threatened the youths as they grabbed the money. The pair escaped with the cash heading north in the 600 block of 18th Street.

George Edward Salloom and Mary Terressa, both of 806 Massachusetts Ave. NE, were held up about 11:55 a.m. Tuesday by two youths who forced their way into the house after Mary Terressa answered their knock on the front door. "Be quiet. Give me your money," the intruders ordered and one of them pointed a revolver at the couple. They forced Salloom to surrender his watch and cash. Then the gunman took the money from a white purse near the front door while his companion entered the dining room. Ordering the couple to go upstairs, the pair ran out of the front door and fled east to the 800 block of Massachusetts Avenue NE.

George Alvin Johnson, of Washington, an ice cream vendor, was held up about 10:55 p.m. Tuesday by three armed youths who approached him while he was selling ice cream from the rear of his truck on Kenilworth Avenue NE. While two of the youths pointed handguns at Johnson, the third man searched his pockets and removed the money. After searching the truck for more money, the gunmen ran north through an alley besides Kenilworth Avenue NE, discarding Johnson's license and keys as they fled.

Mildred A. Oherin, of Washington, was treated by her private physician for injuries she suffered during a robbery shortly after 1 p.m. Tuesday at 38th Street and Military Road NW. A youth approached her asking if she knew the time, then grabbed her pocketbook containing glasses, checks and credit cards. Miss Oherin was knocked to the ground, injuring her elbows and knees, during the scuffle.

James Oliver Register, of Alexandria, and Violet Denkle, of Washington, and Samuel Guise, of Oxon Hill, were held up about 12:55 a.m. in a restaurant in the 2700 block of Nichols Avenue SE. A man entered the restaurant, sat down beside Guise and ordered a beer. The man drew a revolver from his coat pocket and ordered Guise and Miss Denkle to go to the front door and lock it. After taking Guise's cash, the gunman told him to walk behind the bar while he opened the cash register. The gunman took the bills and coins from the register, led Guise and Miss Denkle to the rear door and forced Guise to accompany him out of the building. After leading him about 30 yards into an alley behind the restaurant, the gunman removed Guise's watch and ran north in the alley.

Murray Wells, of 1701 16th St. NW, was held up about 10:45 p.m. Tuesday by five youths who surrounded him at the rear of his apartment building. One of them pointed a revolver at Wells while the others took his watch and wallet. After the robbery, the group escaped on foot heading north on the parking lot behind the building.

Tourist Home, 155 11th St. NE, was held up about 2:55 a.m. by a young man and woman who entered the lobby and approached the clerk, Eulasteen Wright, as if they wanted a room. The woman walked to the front door as though she were about to leave but, instead, opened the door and let another man in. That man went to the clerk, pulled out a gun, cocked it, and held it at her face. "Let me have all the money and no trouble," the gunman ordered and Miss Wright entered the rear bedroom to get the cash. The man forced her to give him her own money while the other man searched the room for additional cash. The woman remained at the front door as a look-out while the men cut the telephone wires and attempted to tie up Miss Wright. The trio ran out of the front door.

Ryland M. Brayton, of Washington, was held up about 8:50 p.m. Tuesday by two men, one of them holding a revolver, while he was sitting in has car at Division Avenue and Foote Street NE. The gunman ordered Brayton to get out of the car, changed his mind and told him to reenter the auto. He then reached into the car and removed the bills from Brayton's pockets. The pair escaped into a wooded area nearby.

Anthony E. Davis, of Capitol Heights, an ice cream vendor, was held up about 9:40 p.m. Tuesday by two men, one holding a pistol, when he stopped his truck at Kenilworth and Eastern Avenues NE. The men ordered Davis to drive them south on Route 295 and told him to stop behind the Anacostia Recreation Center, where they entered the rear of the truck, opened the cash box and removed the money. The pair fled with the bills and change, heading south on Route 295.

Townsend Miller, an employee of the Home Juice Co. of Arlington, was held up about 3:55 p.m. Tuesday, when he stopped for a traffic light at 3d Street and Virginia Avenue SE. "Come on, quick. Give me the money before the traffic moves," a youth told Miller and pulled a small revolver from under his sweater. Miller handed his cash to the gunman, who escaped south on 3d Street.

Tanners Cleaners, 4522 Benning Rd. NE, was held up about 2:05 p.m. Tuesday by a youth who entered the shop and said to the clerk, "Hey, lady, I want some clothes." The youth drew a revolver, forced the clerk to empty the cash register and escaped with the money.

Mayers Candy and Tobacco Company, Inc., 5646 3d St. NE, was held up about 5:10 p.m. Tuesday by two men who knocked on the front door and told the owner, Irwin Atkins, "We came from the liquor store. We have a delivery." When Atkins opened the door, one of the men drew a revolver and ordered, "Keep moving and don't turn around." He forced Atkins and an employee, Dave Petrushansky, to the rear of the building where another employee, Charles G. Allen, was working. The men forced the three victims into the office. When a driver for the company, William E. Hall, knocked on the office door, he was admitted by one of the gunmen who placed a revolver at his head. While the four employees lay on the floor and the gunmen watched them, the other man put on a pair of gloves, and began ransacking the office. After removing the bills and change from the safe, the pair took the wallets from the employees and fled from the building.

Louis Briscoe, of Washington, was held up about 1:30 a.m. Tuesday by two youths who approached him as he was walking west in the 4700 block of C Street NE. "Do you have a match?" they asked and Biscoe replied "No." One of them then said, "This is it," and placed a pistol at Briscoe's abdomen. His partner pulled out a sawed-off shotgun, searched Briscoe' pockets and removed the money and papers. The gunmen then fled south on Benning Road.

James H. and Theresa Padgett, both of the 600 block of Lebaum Street SE, were held up about 9:50 p.m. Monday by three youths with pistols who approached them at their home. "Give me your money," one of the youths demanded and took Padgett's wallet.

Thelma M. Wilson, of Washington, was beaten and robbed of a large amount of money by two men who attacked her in the 700 block of H Street NE, knocked her to the ground and fled south on 8th Street with her pocketbook containing the cash, food stamps and personal papers.

Gas station, 2125 14th St. NW, was held up about 12:10 p.m. Tuesday by a young man who entered the station and asked an attendant, "Where is the boss?" When the employee replied that he was not there, the man placed a revolver at the attendant's side and said, "This is a holdup. Give me the money." The gunman led the attendant to the cash drawer and forced him to empty the money into a brown paper bag. The armed man then turned to another employee, Dock Green, who was working in the station, and demanded his money. When Green said he had none, the gunman searched him. Then James Worshey drove into the station for some gas and asked, "What's happening here?" Worshery was then forced to give the armed man his money pouch and herded into the men's room with the employees while the gunman made his escape.

David L. Green, of Washington, an ice cream vendor, was held up about 4:05 p.m. Tuesday at the corner of Jefferson and Chillum Places NE. Two men approached Green and asked for ice cream. When he turned to get their orders, one of them placed a revolver at his back and said, "Give me your money." Green handed the pair the coins from his change carrier and his bills and they fled west in the 400 block of Kennedy Street NE.

Harold Howard, of 2700 Texas Ave. SE, was held up about 1:30 a.m. Tuesday by two women, one armed with a knife, who demanded his money. When Howard said he had none, one of the women threatened to shoot him and took his wallet. After taking a statue and clock from his apartment, the women ran out of the building and drove off in a white car.

Cut Rate TV store, 1727 21st St., NW, was held up about 9:05 a.m. by two men who entered the shop and asked the owner, Rubin Phillips, of Wheaton, about repairing a color television set. The men then left the store but returned shortly. One of them approached Phillips, held a knife at his throat and demanded money. Taking the cash and a watch from Phillips, the pair fled on foot.

Robert R. Johnson, of Washington, was held up shortly after noon by two men who approached him in the 500 block of U Street NW. One of them pulled out a gun and forced Johnson, to give them his cash, then escaped with his partner, heading east on U Street.

STOLEN

An adding machine, two electric typewriters and a calculator, with a total value of $525, were stolen sometime between 9 p.m. Monday and 9 a.m. Tuesday from Murchison Realty Mortgage Banking, 3005 Georgia Ave., NW.

Two AM–FM radios, three adding machines and two IBM electric typewriters, with a total value of $1,446, were stolen between 5 p.m. June 5 and 8:30 a.m. June 8 from the office building at 6200 Kansas Ave., NE.

A piano, two chairs, a television set, a stereo set, a bedroom set, a projector, an adding machine, a tape recorder, a typewriter and an assortment of kitchen goods, with a total value of $1,337, were stolen from the home of Lee Hawke, a Justice Department attorney, at 1000 6th St., SW.

An adding machine was stolen from a desk at Scott Montgomery School, 421 P St., NW. some time before noon Tuesday.

Two tape recorders were stolen between 5 p.m. Friday and 2 p.m. Tuesday from the storage room at Federal City College, 1321 H St., NW.

An assortment of tools valued at $1,600 was stolen between 7 p.m. Tuesday and 6:45 a.m. yesterday from Presley Auto Repair shop, 1337 H St., NE.

An oil painting of an old philosopher framed in a large carved gilt frame and valued at $550 was stolen between 10 p.m. Monday and 9 a.m. Tuesday from the art shop of Theodore A. Cooper at 2727 29th St., NW.

Seven antique clocks worth a total of $2,760 were stolen between 5 p.m. Monday and 9:30 a.m. Tuesday from Dennis Cory when his shop at 2918 M St., NW. was burglarized.

DESTRUCTION OF ARTISTIC AND ARCHEOLOGICAL HERITAGE

Mr. HARRIS. Mr. President, future generations will judge us not only for the careless way we have eaten away the earth's natural resources but, as well, for the ever-increasing rate at which we are destroying the artistic and archeological heritage of earlier civilizations.

Mrs. Clemency Coggins, of the Fogg Museum of Art at Harvard University, has, for example, recently documented a terrifying record of recent destruction of the remaining Mayan sculpture in Guatemala and Mexico, and has said that "not since the 16th century has a Latin American country been so ruthlessly plundered." The press has carried a number of other stories of the plundering of ancient art treasures in Italy, the Middle East, Turkey, and elsewhere.

Much of the stolen material finds its way into private collections and museums in this country.

This problem has recently received close attention from a panel of the American Society of International Law and, at a meeting in Paris, of the United Nations Educational, Scientific, and Cultural Organization—UNESCO. The UNESCO conference developed a proposal for a broad-scale international convention to control illicit smuggling of irreplaceable national art treasures. And the members of the American Society of International Law panel not only provided counsel and advice to our effective U.S. delegation to the conference but, in their individual capacities, have more particularly proposed several important legislature measures for the United States to complement the convention.

I understand that these matters are now under active consideration in the executive. I applaud the State Department's interest and concern. The Senate and Congress will want to give its most serious consideration to the executive's proposals when they are put before us.

I ask unanimous consent to have printed in the Record an exchange of correspondence between the Secretary of State and William D. Rogers, a lawyer of Washington, D.C., with, as it happens, almost the same name, who served as chairman of the panel.

There being no objection, the items were ordered to be printed in the Record, as follows:

THE AMERICAN SOCIETY OF INTERNATIONAL LAW,
Washington, D.C., April 3, 1970.

Hon. WILLIAM P. ROGERS,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I enclose herewith two Resolutions recently adopted by the members—in their individual capacities—of the Panel on the International Movement of National Art Treasures of the American Society of International Law.

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The two Resolutions are directly relevant to the meeting of the United Nations Educational, Scientific and Cultural Organization, to be held this month in Paris. The meeting will consider a draft UNESCO "Convention of Cultural Property." We have therefore thought it fit and appropriate to bring these Resolutions to your attention.

In the view of the Panel, certain aspects of the international movement of national art treasures are reaching the crisis point. Archaeological and esthetic values are being destroyed at an increasing rate by illegal treasure hunters—witness the Mayan carvings of Middle America. Art smuggling is increasing—so the experts say. And the museums of this country are coming under increasing attack abroad for what appears to some to be undiscriminating acquisition of the cultural properties of other peoples, without regard to the legitimacy of the origin of that property—as recent newspaper stories have made clear.

Accordingly, as the two Resolutions set forth, the Panel members have decided to recommend that the President be armed with emergency legislative authority to prohibit the importation into the United States of designated artistic and historic works of cultural heritage, at the same time as the United States works with other nations to expand legitimate art exchanges. The Panel has also urged the world community to take immediate measures to rescue the remaining threatened Mayan stone carvings. In addition, the Panel has through other channels urged the private museums of this country to adopt new self-restraining policies on acquisitions and has given its extended and careful analysis to the UNESCO Draft Convention, which analysis was summarized in a letter from me to Miss Annis Sandvos of the Department of State on November 26, 1969.

I enclose a list of the members of the Panel. As you can see, the Panel included a number of eminent leaders of the bar, of the museum community, of collectors, dealers, archaelogists and scientists throughout the country. While the Panel could not pretend to speak for all conceivable interests, it did express a broadly-based sense of concern and has set down several measures worthy, at least, of early public policy consideration.

Sincerely yours,

WILLIAM D. ROGERS.

Enclosures.

RESOLUTION

I.

Members of the Panel are of the view that the Congress of the United States should adopt legislation to enable the President to prohibit importation into the United States of such archeological, architectural and other artistic and historic works constituting an essential part of the national cultural heritage of the country of origin as the President may from time to time designate and as shall have been exported, after such designation, from the country of origin contrary to its laws. Each such designation must of course be sufficiently precise to give fair notice to all interested parties, including owners, dealers, museums and public officials, of whether specific objects are in fact banned, and should be based upon the advice of a qualified commission, which shall include representation of U.S. museums, scholars, dealers and collectors, that (1) prohibiting importation is necessary to prevent serious jeopardy to the national cultural heritage of the country of origin; and (2) the export programs and policies of the country of origin fairly take into account both that country's national interest in the protection and preservation of such works and the legitimate interests of the United States and other nations of the world in the movement of such works as a part of the cultural life of their people.

The members of the Panel are also of the view that the United States should work with other countries toward a reexamination of their import and export programs and policies to assure that these reflect fair accommodation of the various values affected, including not only the value of preserving the national patrimony of the countries of the world but also the significant educational and cultural values served by the lawful movement of art across international boundaries.

II.

The members of this Panel are of the view that urgent steps should be taken to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture and murals hereafter exported without the consent of the exporting country, and that, for their part, these countries should take effective action to deter defacement, destruction and illegal export of these works.

INTERNATIONAL MOVEMENT OF NATIONAL ART TREASURES

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Professor Paul M. Bator (Rapporteur), Harvard Law School, Cambridge, Massachusetts 02138

Ralph G. Albrecht, Esq., 520 East 86th Street, New York, New York 10028

Miss Elizabeth Benson, Curator, Pre-Columbia Museum, Dumbarton Oaks, 1703-32nd Street, N.W., Washington, D.C. 20007

Ronald Bettauer, Esq., Office of the Assistant Legal Advisor for United Nations Affairs, Room 6418, Department of State, Washington, D.C. 20520

Professor J. O. Brew, Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, Massachusetts 02138

Mrs. Clemency Coggins, 48 Islington Road, Auburndale, Massachusetts 02166

Dudley T. Easby, Esq., Curator, Primitive Art Section, Metropolitan Museum of Art, Fifth Avenue and 82nd Street, New York, New York 10024

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Gilbert F. Edelson, Esq., Rosenman, Colin, Kaye, Petschek, Freund & Emil, 575 Madison Avenue, New York, New York 10022

Mr. Andre Emmerich, Andre Emmerich Gallery, 41 East 57th Street, New York, New York 10022

Dr. Clifford Evans, Curator, Department of Anthropology, U.S. National Museum of Natural History, Smithsonian Institute, Washington, D.C. 20560

Ernest R. Feidler, Esq., Secretary, Treasurer and General Counsel, National Gallery of Art, Washington, D.C. 20565

L. Ward Hamilton, Esq., Assistant General Counsel, The Smithsonian Institution, Washington, D.C. 20560

Ashton Hawkins, Esq., Secretary, Metropolitan Museum of Art.

Mr. Jay C. Leff, President, Fayette Bank, Uniontown, Pennsylvania

Robert MacCrate, Esq., Sullivan & Cromwell, 48 Wall Street, New York, New York 10005

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Peter G. Powers, Esq., General Counsel, The Smithsonian Institution, Washington, D.C. 20560

Dr. Charles Rozaire, Curator of Archeology, Los Angeles County Museum of Natural History, 900 Exposition Boulevard, Los Angeles, California 90027

Samuel A. Stern, Esq., 900 Farragut Building, 900-17th Street, N.W., Washington, D.C. 20006

THE SECRETARY OF STATE,
Washington, D.C., April 24, 1970.

Mr. WILLIAM D. ROGERS,
The American Society of International Law, Washington, D.C.

DEAR BILL: Thank you for your letter of April 3 enclosing two resolutions recently adopted by members—in their individual capacities—of the Panel on the International Movement of National Art Treasures of the American Society of International Law.

As you know the Department has been deeply concerned about the problem addressed by these resolutions. We believe that practical steps should be taken on the international plane, as well as by the countries directly concerned, to control illicit activities that can destroy irreplaceable cultural resources. We also believe that the international movement of art in legitimate channels serves important educational and cultural values and enhances mutual respect and friendly relations among peoples and states. We therefore welcome this initiative taken by a distinguished group of scientists, attorneys, art dealers and scholars. The Panel's resolutions will be given careful consideration, and I have already taken steps to initiate the necessary staff studies and consultations with the other U.S. agencies most directly concerned.

I also wish to take this opportunity to express my appreciation for the advice and assistance given to the Department of State by the Panel of the American Society of International Law in regard to the draft Convention on the Means to Prohibit and Present the Illicit Import, Export and Transfer of Ownership of Cultural Property now being considered in UNESCO, and in regard to the treaty now being negotiated with the Government of Mexico relating to the Recovery and Return of Stolen Archeological, Historical and Cultural Property. We will of course take these developments into account in considering further steps in this matter.

With best personal regards,

Sincerely,

WILLIAM P. ROGERS.

CHARLES P. McCORMICK

Mr. MATHIAS. Mr. President, Baltimore, the State of Maryland, and the Nation lost a distinguished citizen Tuesday with the passing of Charles P. McCormick, chairman emeritus of McCormick & Co. Mr. McCormick, a businessman, author, artist, and leader of the Baltimore community, was 74.

I ask unanimous consent that his obituary, published in Wednesday's Baltimore Sun, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

McCORMICK, SPICE IMPORT LEADER, DIES

Charles P. McCormick, businessman, author, artist, and dynamic leader in many affairs of his city, state and nation, died yesterday. He was 74.

A spokesman for the family said Mr. McCormick died at 5 P.M. at University Hospital, where he was taken Sunday after a heart attack.

Mr. McCormick was chairman emeritus of McCormick & Company, a family firm which he took over in the depths of the Depression, and which turned into the largest spice and tea firm in the world. He retired last August as chairman of the firm, a post he had held since 1955.

As a result of progressive ideas advanced for his own business, he wrote books which went into several editions here and abroad, and numerous articles which attracted attention of economists and management of many types of industry.

MAN WITH IDEAS

He was an advocate of multiple-management, which embodies use of various boards, junior and senior, generating ideas and practices for improvement of companies. His book entitled "Multiple-Management" was brought out in 1937. "Power of People," completed in 1949 was another volume which embodies "revolutionary" ideas to some, but to Charley McCormick was a working out of the best opportunities in our free economy.

Despite intensive work in developing his firm, Mr. McCormick found time to devote large portions of his very active days to civic affairs.

Among the more recent was his chairmanship of the Board of Regents of the University of Maryland and of the Civic Center Committee.

He guided the Civic Center Commission through its years of controversy before the final definition of the center's needs and the selection of a site. Mr. McCormick did not retire from the Civic Center Commission until 1965, when he could leave assured that it was functioning profitably.

DIRECT CONFRONTATION

His years as chairman of the Board of Regents brought him into direct confrontation with students seeking a greater voice in the administration of the University of Maryland.

Faced last year with student demands for representation on the Board of Regents, Mr. McCormick would not accept the idea.

"Sure they can give their complaints," he conceded at the time, but he added that being a regent would take too much time from a young person's studies.

When one student pressed the point, asserting, "I just want to express our concern" over a lack of voice in making university policy, Mr. McCormick retorted: "You keep stressing it, but it's our responsibility, not yours."

He was elected last year to the Hospital Cost Analysis Service, Inc., an independent non-profit agency which studies and evaluates hospitals costs in the state.

Last December he was one of three Baltimoreans to receive the George L. Radcliffe Humanitarian Award for his work with the March of Dimes.

Among his business and civic activities, Mr. McCormick became a member of the board of the Federal Reserve Bank of Richmond in 1939, and was its chairman in 1952.

In 1963 he served as chairman of the membership drive of the Baltimore Symphony Orchestra.

IN MANUFACTURER'S GROUP

In 1938 he was president of the Better Business Bureau of Baltimore, and in 1943 a director of the United States Chamber of Commerce, and also on the board of the National Association of Manufacturers.

For many years he was on the advisory council of the Department of Commerce.

In 1942, he headed the Russian War Relief campaign in Baltimore seeking drugs for the Russian war victims; in 1949 he became employer delegate to the International Labor Organization Conference at Geneva, designed to hammer out many management and labor problems of many nations; in 1955 he was vice chairman of that conference.

DOUBTED RUSSIANS' WORD

It was at those parleys he became very skeptical of the Russian participation and noted Soviet designs to frustrate better understanding throughout the world. He was quite outspoken on the subject.

Returning from Europe in 1959, he said: "The Cold War is in a new phase, and America is not winning it. We must realize that we are entering a new era of competition. We've reached a stalemate militarily, but we are going to be battling for our lives economically."

In 1942, he was a member of a committee of six who surveyed the Army's methods of procuring, storing and distributing food.

In 1958 and 1959 he was national chairman of the Heart Fund Drive, and in the latter year he was on a NATO subcommittee at London for a parley on Western economic policies.

KEPT INTEREST IN THE NAVY

He had served as an enlisted man in the Navy in the First World War. He never lost his interest there and his desk and office always being decorated with things nautical. It was at this desk a circular bar-shaped affair born of prohibition antipathy, that he carried on interviews and business conferences, while at the same time often working on colored drawings which later in ceramics became part of telling the story of a vast and interesting world-wide spice firm. He was adept at other art works also.

He did paintings, figurines in wood, drawings of many types for greeting cards and for company packaging, an avocation of a very busy man. The Friendship Court, which depicts an old English tea house, was another outgrowth of his artistry and a highlight for visitors at the McCormick Building.

For Mr. McCormick was a showman, too, an unusual combination of a business man with tough business sense and a man with artistic warmth who believed in and practiced the golden rule.

RECEIVED MANY HONORS

His continuous interest in the Navy led to an award in 1959 from the Navy League for outstanding service as chairman of the Advisory Council on Naval Affairs.

In the last few years, among other citations he had received the Golden Deeds Award from the Exchange Club; was honored by the Maryland region of the National Conference of Christians and Jews for distinguished service in the field of human relations; received the Youth and Achievement Award from the B'nai B'rith; and was cited as the Big Brother of the Year (1959) by the Jewish Brother League and the Big Brothers of Baltimore.

Mr. McCormick was one of the leaders who brought professional football to the city, and served as chairman of the first Colts Football Club.

FOR THE UNSUNG HEROES

His interest in sports at another level took a sentimental turn with his founding of the Unsung Heroes Award, through which school boy players who never heard the crowd cheer them on as stars of a game became guests at an annual banquet and received honors for their "unsung" play.

While they thought new ideas were greatly needed by American business, and Mr. McCormick with free-wheeling vocabulary never failed to urge them, he continued to believe ours is the best way of life.

"Too many bankers and industrialists," he wrote in 1949, "associate with their own clique exclusively; too many labor men travel only with their fellows.

"There's nothing wrong with capitalism, but there's a lot wrong with some of the people who use it. American living is the best the world has ever seen. But of what lasting use will it be if we do not learn how to get along better with one another?"

The process of developing management at all levels meant sharing work and responsibility, and Mr. McCormick always was willing to share the credit of success in the company. But there was never any doubt that management stemmed from the top.

CONDITIONS IN 1932

He described conditions in the firm (where he began in a lowly job, lived the hard life of a salesman, and was fired at least tentatively four times as vice president at the time he took over on the death of his uncle in 1932.

Employee morale and working conditions were low. But he reduced working hours, raised wages, set up junior boards, installed profit-sharing, bonus and pension plans, also organizing other company advisory boards. Soon the company was out of the red. Other and larger companies have adopted the plan.

BORN IN MEXICO

Charles Perry McCormick was born in Morelia, Mexico, on June 9, 1896, the son of the Rev. and Mrs. Hugh Pendleton McCormick. His father was a Baptist missionary, and he received his education first in Puerto Rico, in Paris, in Alabama and Virginia, and then at Baltimore City College and the Johns Hopkins University. He was first employed by his company in 1912, became vice president in 1928, president in 1932, and chairman in 1955.

Mr. McCormick was married in 1921 to Marion Hinds. They were divorced in November, 1943, and later that month he was married in New York to Mrs. Anne Wollman McPhail.

In addition to his wife, Mr. McCormick is survived by three sons, Charles P. McCormick, Jr., a vice president of commercial development in the spice firm; Robert N. McCormick, a sales executive in the company, and Lt. John G. McCormick, who is stationed with the Army in New Orleans.

He is also survived by a daughter, Mrs. Paul E. Welsh, of Baltimore and seven grandchildren.

MISGUIDED ATTACK AGAINST GREECE

Mr. THURMOND. Mr. President, I do not understand why some critics continue their misguided attack against Greece. Greece is a keystone of NATO in the Mideast, and it is most important that the Government of Greece be friendly toward the West and opposed to communism.

By any such standards, the present Government of Greece is such a government. Given the chaotic situation which Greece faced, the present regime has been working hard at a difficult task. It is a stern government but one which is well adapted to the situation.

The current issue of the weekly news magazine Human Events contains a fine analysis of the situation by Mr. DeWitt Copp. Mr. Copp thoroughly refutes the false charges which have been raised against Greece and points out that the Greek position is actually that of moderation and pacification in the troubled Mideast. There have been few such objective articles in the Washington press, so I wish to thank Mr. Copp for his careful work and his courage. Human Events is to be congratulated for publishing so fine a piece.

Mr. President, I ask unanimous consent that the article, entitled "Foes Continue Misguided Attack Against Greece," published in Human Events for June 6, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOES CONTINUE MISGUIDED ATTACK AGAINST GREECE

(By DeWitt S. Copp)

When Greek Communist composer Mikos Theodorakis arrived in Paris on April 13 in the company of French leftist author Jean-Jacques Servan-Schreiber, one would have thought from reading accounts in the

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liberal press here and abroad that Servan-Schreiber had single-handedly invaded Greece and, with magnificent courage, snatched Theodorakis from the wicked clutches of the overlords of the Greek government. The composer referred to Servan-Schreiber as his "kidnapper and political friend," and, with a touching display of modesty, Servan-Schreiber declared he had intervened personally in the case to help bring democracy back to Greece.

Since then, others such as Jacqueline Kennedy Onassis have stepped forward to claim a hand in helping to obtain the release of the former deputy of the Communist-directed United Democratic party.

Few news accounts, including Theodorakis' statement, bothered to give credit where it was due. It was the Greek government, and no one else, which was responsible for the release and departure of the militant Communist composer.

Further, the decision to release him was made long before April and far in advance of Servan-Schreiber's "heroic" visit to Athens on Theodorakis' behalf. In December 1969 it was indicated to this reporter by one of the leading Greek officials that Theodorakis was going to be permitted to leave the country "within the next few months" and in the first week of March I was told he would be freed "soon."

In view of the increasing tempo of press attacks, and the verbal abuse by certain members of Congress against the government of Prime Minister George Papadopoulos, the above point is an important one, for the accusations against Greece—whether made by the Council of Europe in its 1,200-page cry of "torture" or by Sen. Stephen Young (D-Ohio), who says "the people of Greece have been living under a dictatorship little different from Nazi Germany"—do not stand up under careful investigation and scrutiny.

THREAT OF RED TAKEOVER

The present regime began three years ago in the pre-dawn hours of April 21, 1967, when a handful of Greek military officers moved to take control of their country. Their actions were swift and, with the exception of one death, bloodless. Their fundamental reason for the seizure was their belief that their country—already suffering from sustained violence and upheaval—was on a collision course with a Communist-inspired civil war.

Despite recent statements to the contrary by the Council of Europe, evidence subsequently produced by the Greek government shows clearly enough that the aim of the Greek Communist party and its grab-bag of leftist followers was to foment civil strife and, under the all-encompassing banner of "democracy," implant its iron rule.

Anyone who has studied this documented evidence, which gives names, dates, resolutions and directives—anyone knowing anything about the history of the Communist movement in the last 50 years—would be satisfied that the fears of the men who stepped into power to head the Communists off at Thermopylae, so to speak, were correct. During the month of March and part of April, I had the opportunity to question many Greeks from all walks of life on this subject, and most believed "the Colonels" were right in their fears.

Now, three years have passed. The men who took control are still in control, former Army Col. George Papadopoulos remains prime minister. And with the increasing reports of "torture," "brutality" and "repression," the question naturally arises: What is the real situation in Greece today? Throughout the months of March and April, three major events occupied the attention of most Greeks and they will serve as a focal point to supply the answer.

On March 8 an attempt was made on the life of Archbishop Makarios of Cyprus. Directly thereafter, such newspapers as the International Herald Tribune made strong implications that the Greek government in Athens was behind the assassination plot against the popular Cypriot leader.

On March 11, I was granted a personal interview with Prime Minister Papadopoulos and I put the question of these implications to him.

This was his response:

"Today, a careful study of the situation in Cyprus can only lead one to believe that the islanders are ready to jump at each other's throats the moment they are given the chance. The only unifying factor in existence at present, is found in the person—and the personality—of the Archbishop. He alone can insure peace among the people.

"Therefore, upon careful assessment of the situation, it would not be rational on our part to wish to destroy the only factor that keeps peace on the island. If anyone wants to believe that the Greek government wishes to promote slaughter, then they can agree with the *Herald Tribune*, but I should make it clear that not only are we opposed to taking the life of our friends—and the Archbishop is one of our best—we have also proven our leniency toward those who attempted to take our own lives."

In this last remark, the prime minister was referring to the attempt made against him in 1968 and his commutation of the death sentence of this would-be assassin.

In addition to what the prime minister said, and what all Greeks, but apparently few outsiders knew, the critically wounded helicopter pilot who saved the Archbishop's life (after being shot three times in the stomach) was Major Zacharias Papadoyiannis, the most proficient helicopter pilot in the Greek army. He had been assigned on loan to Makarios by the Papadopoulos government shortly after it took power.

The second of the recent major events occurred soon after the Makarios incident when *Ethnos*, an Athenian daily, published an interview with Ioannis Zigdis, a former Minister of Industry. In the interview Zigdis maintained that the recent "tragic events in Cyprus" could only be handled properly by a government of national unity in Greece and that the present government must go.

Responsible Greeks from all walks of life, however, recognize the only way *any* government in Athens can handle the explosive situation in Cyprus is by not rocking the boat. *Enosis*—union with Greece—has long been the battle cry of Greek Cypriots, but often for partisan political reasons having nothing to do with union, but rather with a centuries-old hatred for the Turkish minority on the island. But let *any* Greek government play to the *Enosis* singers and it would risk a full-scale war with Turkey, because *Enosis* would mean eviction or worse for the Turkish Cypriots.

A war between Greece and Turkey would play nicely into the hands of the Soviets. It would wreck NATO, and the outcome would be catastrophic to the West—not to mention Greece and Turkey.

Presently, some 3,000 U.N. troops help to keep the uneasy peace on the island. But the leadership of the Archbishop, as well as that of responsible Turkish officials, is a vital factor in the maintenance of that peace.

INTERNECINE CONFLICT

However, the would-be killers of Makarios are not Turks, but Greek Cypriots, and this is where the greater danger lies. A manifestation of this internecine conflict came with the murder of Polycarpos Yorgadjes, a former member of Makarios' cabinet who had come to oppose the Archbishop and was suspected of being behind the plot to kill him.

Thus, when Zigdis made his statement in *Ethnos*, he was injecting his not very expert opinion into a very delicate situation. Further, it appeared that he was using the Cypriot problem as an excuse to call for the abolition of the present government.

The result was swift. Zigdis, two editors and the three publishers of *Ethnos* were jailed on charges "of spreading false rumors likely to cause alarm and despondency." They were tried before a military court, declared their innocence and were found guilty of the charges. The sentences were unusually harsh, ranging from 13 months to five years in prison, with fines from over $6,000 to $10,000. On top of this, with its publishers and editorial staff unable to perform, *Ethnos* announced it was suspending publication.

Press reports and editorials in the United States and in Western Europe were bitterly critical. There was no freedom of the press in Greece, it was charged, and anyone who dared to speak out for democracy would find himself behind bars. In Cyprus the trial was front-page news, as were the courtroom statements of Zigdis, who spoke forcefully about the abuse of his political rights, but said nothing about Cyprus, the issue over which he had made his claim.

Oddly enough, neither did news reports from Paris, Washington or New York. In fact, in all the news stories the issue of Cyprus was lost, the emphasis being placed instead on Zigdis' call for a return to parliamentary government.

Totally missed was the point that the Papadopoulos government also seeks a return to parliamentary rule and has been carefully and consistently working toward that goal. But with the situation in Cyprus once again at a point of violent eruption, the government would not tolerate the injection of the comments of a former minister of the leftist Papandreou regime into a matter whose sensitivity is known to all Greeks.

Cyprus has so many ingredients for trouble. Its Communist party, by percentage of population, is the largest in the Western world, including Italy. The Soviets have their eye on the island and have sent word that their Mediterranean fleet stands ready to assist should the occasion arise. Because of its location, Cyprus is of major strategic importance to both East and West, and its pastoral land only thinly veils enmities dating back to the 16th Century.

To the Greek government, Zigdis' statements and the newspaper's decision to publish them were irresponsible acts at a critical moment and it responded accordingly, not so much over the issue of democracy, but over Cyprus.

No one can condone the harshness of the sentences and no one can say that the press in Greece is totally free to involve itself in the foreign affairs of the state. The Greek government over-reacted against a major Athenian opposition newspaper and its staff. The move was a blunder which opened the government to legitimate criticism. Now it is hoped that, just as Theodorakis was permitted to leave the country, so, too, will the sentences of the convicted be commuted. (In fact, the sentence of one of the five has already been revoked.)

But bad as we judge the mistake from here, we can also ask, what government anywhere can cast the first stone when its decisions—or lack of them—are held up to public scrutiny?

Take the Swedish government of Olof Palme, for example. It has led the attack against Greece working through the Socialist-directed Council of Europe and by supplying the exile leftist politician, Andreas Papandreou, with funds to carry on his unsuccessful intriguing.

Recently Sweden's foreign minister, Torsten Nilsson, declared Greece to be a police state. But what kind of state is his own—its prime minister elected by acclamation, its courts granting asylum to U.S. deserters, its Parliament voting monetary aid and diplomatic recognition to the North Vietnamese and its Socialist politicians ranting against U.S. action at home and abroad but strangely silent on Soviet and Chinese Communist behavior anywhere, including the invasion of Czechoslovakia?

"TORTURE" CHARGES REFUTED

If Sweden can be held up to the same mirror it tries to hold up to Greece, so can the 15 countries of the Council of Europe who have voted to condemn Greece on findings made by the Council's Human Rights Commission in its 1,200-page report, charging "torture as an administrative practice of the Greek government."

These charges, though supposedly secret, were purposely leaked by the Council to the press in December. Now they have been released in full to the glaring headlines of "Torture in Greece."

The findings are so much hogwash. Investigations made by the International Red Cross and a British all-party team found no substance to the charges.

A State Department officer pointed out, when queried on the latest headlines, "If the IRC believed that torture was being carried out by the Greek government, it would not continue to keep its people on the scene."

The commission reached its damning conclusion on the basis of the testimony of exactly 11 individuals. One of those who claimed to have been tortured later confessed he had done so literally at the point of a gun, being held hostage by exiled Greek Communists. Another, according to the State Department, announced he had never testified at all.

Lost amidst the glaring accusations is the fact that it was the Greek government that permitted the commission's 18 members to come to Athens in the first place, and it was this same so-called dictatorial regime that put 200 political prisoners at the commission's disposal. It would be interesting to know how many of the Council's member countries would have been so obliging under the same circumstances.

As for the investigators, their method of operation gives an indication of their attitude. During their 13 days of arduous research in Greece, they were domiciled at the Astir Palace Hotel, Athens' newest and poshest vacation spot. Located about an hour outside the city, in the beach suburb of Vouliagmeni, the Astir Palace offers a most delightful setting by the sea, and as a place to rest, no one could ask for anything more, but as a diligent team of investigators out to prove torture . . .?

With regard to the open-mindedness of the hard-working commissioners, one evening a group of them descended to the hotel's lower-level dining room. Here, the diners were being entertained by a gifted young composer. The music was gay and the diners, in typical Greek fashion, were having a great time, singing and clapping and enjoying themselves.

The investigators summoned the hotel manager and angrily accused him of having staged the scene, maintaining that the diners were simply performers putting on an act for their benefit.

The conclusion of the Human Rights Commission that "torture is an administrative practice of the Greek government" is about as valid as proclaiming that police brutality is an administrative practice of the Nixon Administration.

The third crucial event in recent months took place before, during and after the *Ethnos* case and it, too, was a trial. Thirty-four members of an organization calling itself "Democratic Defence" had been charged with sedition and, here again, to read about the case in the liberal press one would have thought the accused were perfectly justified in their efforts.

The New York *Times* referred to them as "distinguished Athenians," and in its April 5 edition, the *International Herald Tribune* said that the accused "printed leaflets and campaigned for a return to democratic rule in Greece," failing to mention that the use of bombs was the principal method of campaigning.

In another story, the New York *Times* mentioned that a defense witness said the bombs were no more than firecrackers to attract attention, neglecting to point out that the leader of the group, Prof. Dyonisos Karayorgas, had been arrested in June 1969 when one of the "firecrackers" he was holding exploded and blew off his right hand, injuring his face as well. Thirteen time bombs were found in his possession.

Among other tourist spots, the Hilton hotel was one of the buildings at which bombs were exploded to help bring down the regime. This fact was also ignored in similar press accounts of the proceedings.

What was featured in the stories was the belief that those found guilty would receive the death penalty. No one did. Seven of the 34 were acquitted and seven others were given suspended sentences, but the thrust of the liberal press coverage throughout was that it was the Greek government on trial, not the bombmakers.

As further evidence of press bias, two announcements made by Prime Minister Papadopoulos on April 10 were either given scant attention or attacked as being the results of outside pressure. There is little doubt, in fact, that every move the Greek government now makes in its planned return to parliamentary government will be clarioned by the editorial writers of the New York *Times*, and their ilk, as being the efforts of leftist pressure from without.

One of the prime minister's announcements concerned the release of 350 political prisoners leaving approximately 1,100 still behind bars and the other declared the restoration of Article 10 of the Constitution, which protects citizens against arbitrary arrest.

Full freedom is returning to Greece according to plan. Greeks to whom I have spoken accept and believe that. They are not fools, knaves or puppets, and they understand the meaning of freedom better than most, having had to fight for it three times in the past 25 years. In my interview with Prime Minister Papadopoulos, he concluded with these words about the future of Greece:

"Here we believe in the formation of a state able to live according to the Constitution voted by the people. We are teaching this in our schools and doing our best to impart this philosophy to the public so as to enable it to live within the new state promised by the Constitution.

"Either the outside world will accept that we mean what we say, or they will consider that we are madmen, doing our best to train the public in something that we ourselves are against.

"We have not come to our job as politicians, but as dedicated Greeks, determined to prevent our country from sliding into the abyss. We have made some progress; we will continue to make more."

On letters mailed from Greece is stamped the message: "Come to Greece and Learn the Truth." This summer approximately two million tourists will go to Greece and presumably do just that. It is hoped that Reps. Don Edwards (D.-Calif.), Donald M. Fraser (D.-Minn.) and John Conyers (D.-Mich.), as well as Sen. Stephen M. Young (D.-Ohio), will take time off from inserting the critical remarks of other non-travelers to Greece into the *Congressional Record* and join these tourists for some truth-seeking themselves.

THE FUTURE OF SOCIAL SECURITY

Mr. TOWER. Mr. President, on April 14, Robert J. Myers, the Chief Actuary of the Social Security Administration, submitted his resignation to the Secretary of Health, Education, and Welfare. The loss of Dr. Myers' talents will be sorely felt, and the circumstances of his resignation have caused me considerable concern.

In an interview published in Nation's Business for March, Dr. Myers warned that continued expansion of the social security program would radically transform the original concept of the system and have serious indirect effects upon the economy and the Federal budget. Mr. President, I request that the text of this interview be printed in the RECORD at the conclusion of my remarks. Dr. Myers was especially concerned over the actions of certain social security officials who have been working in direct opposition to the expressed philosophy of the Nixon administration. While commending the President's social security proposals as a "progressive, forward step," soundly financed, he denounced those who, contrary to the views of the President, seek to enlarge the program and eliminate all private enterprise participation in the economic security area. In his letter to Secretary Finch, Dr. Myers stated that:

> It is my deeply held conviction . . . that these officials of the Social Security Administration have not—and will not—faithfully and vigorously serve the Nixon Administration. Rather, he said, they will exert their efforts to expand the Social Security program as much as possible by aiding and supporting any individuals and organizations that are of this expansionist conviction.

Mr. President, the social security program is at a crossroads. The so-called "expansionists" would increase cash benefit payments to a level sufficient to replace virtually the entire take-home earnings of 90 to 95 percent of the Nation's workers in the event of retirement because of old age or disability. The expansionists would also like to see all medical service either furnished directly by the Government, or paid by the Government. Under such a philosophy, Government would take over the entire job of providing economic security for the Nation's retired workers. Private insurance would have no role in such a system.

Mr. President, I believe that expansion of the social security program to this degree would be unwise. Philosophically I do not feel that the Government should have such a monopolistic influence; from a pragmatic standpoint, and on the basis of the past history of Government involvement in this area, I do not believe such expansion would represent an improvement. In his interview in Nation's Business, Dr. Myers discussed the results that would likely follow an over-expansion of social security. In personal terms, such a policy would have an adverse effect upon the freedom and individual responsibility of the American worker, resulting in more and more dependence upon the Government.

In economic terms, a decrease in private savings and insurance would alter radically the general investment market

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as we know it today. Without this source of financing, the needs of industry would, of necessity, have to be met by government, with its attendant redtape and control. Such action would also increase the amount of uncontrollable spending in the Federal budget, further restricting our fiscal flexibility.

Dr. Myers warns that such over-expansion of social security may result in drawbacks far exceeding the benefits gained. He is concerned that too many people believe that this is the only course that the program can take, and that alternatives to such a policy have not been adequately discussed. The American people should understand that increases in benefits must be accompanied by increases in taxes. We in the Congress have a responsibility to the American people to actively discuss the alternatives to runaway expansion of the social security program. I support the social security program. Dr. Myers, however, points out that the role of the program should be to provide a basic floor of economic protection, not an all-encompassing program of economic support. I concur in this viewpoint. There remains to be a vital role for private insurance, pension plans, and personal savings in providing economic security for the retired worker. Dr. Myers is a wise and experienced career civil servant. He has been Chief Actuary of social security since 1947. His counsel should not be ignored. The Finance Committee has just begun hearings on the House-passed Social Security Amendments of 1970. All of us in the Senate should familiarize ourselves with Dr. Myers' remarks, in anticipation of the upcoming discussion of social security.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Runaway Expansion of Social Security

Congress is taking another look at the Social Security program, along with the Administration's welfare proposal.

Robert J. Myers, a career civil servant in that program for more than 35 years and the Social Security Administration's longtime chief actuary, is a vigorous supporter of the program's role in economic security.

But, in this interview with NATION'S BUSINESS, he warns that mounting pressures for a huge enlargement of the program could radically transform the whole concept of the system, producing a federal near-monopoly in the pension field. He is concerned that the possible consequences of any such change be fully understood—in terms of cost, greater dependency of the individual on the federal government and undue government expansion.

Dr. Myers also warns there's another side of the bigger benefits coin: higher taxes.

You have expressed concern over the future direction of the Social Security program. What is the basis of your concern?

Too many people believe there is only one possible course for Social Security, namely, to expand the benefits until they take care of the entire economic security needs of the vast majority of the population. I do not believe other possible routes for the development of the program have been adequately put forth to the American people. I am expressing my views now so as to bring the discussion on both sides out into the open, so there can be orderly consideration of the matter:

Would you describe what's involved as a runaway expansion of Social Security?

To date, I would say there has not been any runaway expansion, but I believe that in the next few years those who advocate great expansion of the program—even runaway expansion—will be pressing their views more and more strongly, particularly if additional federal funds become available through the cessation of the war in Viet Nam.

How would you describe the ultimate goals of those who would expand the program?

They want a cash benefit level sufficient to replace virtually the entire take-home earnings of 90 to 95 per cent of the workers in the event the person retires because of old age or becomes disabled, or, in the event he dies, for his family.

The expansionists also would like to see all medical services paid for or furnished directly by the government, which you might say is socialized medicine, or else they would want a system of nationalized health insurance very much as is the case in Britain.

What would the government's role be then in the area of economic security?

It would be to take over the entire field. There would be virtually no role for the private sector, other than for the few very-highest-income people, and there would be no need for any forms of private insurance, private pension plans or private savings.

Through what steps would the expansionists' goals be achieved?

From a legislative standpoint, through the ratchet approach. Every step would be irreversible, and they would keep moving further and further.

Specifically, the real first step is to increase the maximum taxable earnings base under Social Security from the present level of $7,800 per year up to something like $15,000, $18,000 or even $20,000 in the near future, so as to cover the total earnings of practically all persons under Social Security. Then they would push toward raising the benefit level so that a person's benefits would be 60 to 80 per cent of his gross pay, and thus about equal to his take-home pay.

The painful question of financing would be largely hidden, so that people—particularly the younger and middle-aged workers, who might want to spend their money some other way—would not realize how costly it was. Specifically, the expansionists would finance a large portion of these changes through government subsidy, from general revenues.

It has also been suggested by one prominent expansionist, Wilbur J. Cohen, the last Secretary of Health, Education, and Welfare in the Johnson Administration, that employers should pay twice the rate that the employee pays, instead of on the equal matching basis that has been in effect since the program started.

Would federal subsidizing from general revenues be started all in one stroke?

No. The expansionists would follow the approach of gradualism because their real intent is to have a government subsidy of at least 50 per cent of the total taxes that the employers and employees pay.

If this were done all at one time it would mean an additional $15 to $20 billion a year, currently, which would be quite difficult to achieve. Instead, many expansionists propose to take a little bite at a time.

The first year they would have a government subsidy of 5 per cent of total taxes and the next year 10 per cent, building up eventually to 50 per cent or more. That way they think it would be painless.

Would the biggest single step be establishment of the principle of general revenue contribution?

Yes, I think that is very well put. You first establish a principle that does not seem to have much cost and then you say: "Well, now that the principle has been established, let's really build on it."

Is there any likelihood that this would endanger the economic system?

I am more concerned that the issue is not clearly put forth before the American public, that people understand that expansion of the Social Security system does not mean just more benefits but also, on the other side of the coin, more taxes. I think it also can produce very serious effects upon our national economy and our national psychology.

What would these effects be?

In the long run, people would feel more and more dependent on the government and less and less really free and individually responsible.

There are also some very serious side effects. If all private forms of savings and insurance were diminished, this would have a great effect on the general investment market. The private pension plans have over $100 billion in assets; insurance companies have large amounts of assets, too.

If industry needed money to expand and there were not this source of financing, there would be only one source, the government; and when the government grants loans, the element of control naturally enters.

More concretely, what would a sharp increase in the tax base mean to individual companies, say in terms of costs?

The tax burden would fall quite differently on different types of businesses. Obviously, it would not increase very much for a business that employed workers in the intermediate range of $6,000 or $7,000 per year and had only a few high-paid people; but in another type of industry, where the workers all were skilled and getting $10,000 to $14,000 a year, then it would increase very much. On the average, to go up to $15,000 as the taxable base would increase the tax burden of the workers and the employers by about 10 per cent.

Of course, the expansionists would solve this problem of unequal treatment of different employers very simply. They say tax the employer on his entire payroll; just put a maximum ceiling on the employee's tax.

Secretary Cohen left a pile of documents just as he was going out of office in which he said, among many other expansions, he would eliminate the maximum tax base on the employer so he'd pay on the full salary of each employee; second, he would double the employer tax rate relative to the employee rate, and, third, he would introduce government subsidies.

The subsidy would have to be financed somehow, and undoubtedly much of it would come from taxes on employers, although in the end these come down to the individual citizens. Employers cannot manufacture tax money out of thin air; they have to get it from sales of products.

What is this likely to mean in terms of rigidity of the federal budget? Every time they try to reduce spending, we hear about the high level of "uncontrollable" expenses.

This, of course, would be a very significant move much further in this direction, because certainly Social Security benefits are a cost that nobody in the Executive branch can put any control on.

What are the objections to private pension plans?

The expansionists believe that the government should take care of people and there should not be any inequities, which really means everybody should get the same. They say that some people get private pensions and others do not and that this is unfair, and they imply that, therefore, government should be the great equalizer.

Weren't there similar complaints about health insurance?

Yes, in the mid-Forties, when there was a big push for a national health insurance program administered by the government, the expansionists of those days were saying that private health insurance could never really take care of a very large proportion of the population. Yet we all know now that well over 80 per cent of the persons under age 65 are covered under some sort of private hospital insurance, and in almost all cases by quite an adequate plan.

In the same way, many people have been saying private pension plans just can't do the job. Actually, these plans are now doing a good job, and as the years go by they will probably do much more successfully the job they are intended to do. So it is entirely a matter of philosophy, and I think the expansionists will be proved factually wrong again as more people qualify for private pension plans and as those plans are improved and extended.

In your view, what is the proper long-range role of Social Security?

I want to make it very clear that I do not believe the program should stand absolutely still. It must recognize changing economic conditions, changing price levels and so forth. If new problems come up, Social Security must be flexible. But my point is that Social Security should provide a basic floor of economic protection, as it has, and there should be plenty of room for people to build on, either individually or collectively, to provide additional economic security.

"Floor of protection." What does that mean?

That means that if the vast majority of people can get along economically with what they have saved, with their home ownership, with private pensions and with Social Security benefits as the base on which all the rest has been built, then the system is performing adequately. Similarly, this means that if only a small proportion—say, 10 per cent—need supplementary public assistance, then the Social Security benefit level is adequate. And this is what the situation actually is now!

What currently is the ratio between the average monthly benefit and take-home pay?

The average benefit for a retired worker is about $115 per month, which may seem very low compared to the average wage of workers currently. However, this average is pulled down by quite a number of factors, such as that many people have qualified for relatively low benefits because of having been only part-time in the labor force, and that persons who retired before 65 have actuarially-reduced benefits.

I think the best comparison is to take a worker who is currently retiring at age 65 and who has been a more or less full-time worker. His benefit will be somewhere around one third of his average wage, and if he has a wife he would get up to about one half.

How about the proper principle of financing?

The principle that has been followed in the past, namely, that the system should be financed completely from the taxes of the employers and employees, is very desirable because it makes the cost quite apparent to everybody concerned. If government subsidy is introduced, then the system appears much less costly, with money—in a sense—that the people know what government is costing them, what they can expect from government, and what are their responsibilities as well as their rights.

Once you drop this financing principle, what happens?

I am afraid that the system would deteriorate in many ways. Beneficiaries would always want more benefits, and workers would not realize what they were paying. I think the expansionists see this, and they realize that at the moment many young and middle-aged workers are rebelling against increased tax rates. So the only way to reach their goal is to inject hidden money into the system.

Aside from Wilbur Cohen—and he's out of office—where is this big expansionist push coming from?

Well, outside of government, the pressure comes from the labor movement, such as the AFL–CIO and the United Auto Workers. It also comes from many of the social welfare groups and from certain lobbying organizations set up for senior citizen groups.

Another place where there are expansionists is in the government itself. There are, I think, many among Social Security Administration officials and staff members, and in some ways this is quite natural. Whatever activity you are engaged in, you always want it to be bigger and better. Then, too, the top staff was largely employed during the early days of the program and has grown up with it and tends to have this expansionist philosophy.

The political appointees who formulate Social Security policy by directing research and program evaluation have been retained by the present Administration.

I do not think that most such Social Security Administration employees take the balanced view that they are also working for the contributors. Of course, I believe in Social Security myself, but I believe it has a single role and not an all-encompassing one.

In my opinion, the vast majority of the people over 65 are quite satisfied with their Social Security benefits. Like the rest of us, they would like more money, but I believe they feel that Social Security has been quite a good deal. Of course, the ones you always hear about are the ones who say: "We want more so as to have all the luxuries of life," without realizing that this is not the purpose of the program.

Your perspective is slightly different, isn't it, in that you are an actuary?

Well, that's true. An actuary has to look at both sides of the situation. Some people will just look at the benefits side and say this is a good, noble cause—which it is—and say: "If it is good, let us have more of it," without realizing it has to be paid for.

I would not want to say that everybody in the Social Security Administration feels this way, or that those who do are the only ones in the federal government; but I think many of them always have had this personal philosophy. I do not say it is evil; I just say it is wrong. And this tends to be self-perpetuating, through the selection for promotion or hiring at the highest grades of people of like philosophy.

An inter-agency group was formed during the Johnson Administration to consider private pension plans, and most people on it were, I think, really opposed to private pension plans or, at best, lukewarm about them, because they had the philosophy of the government providing full economic security for the vast majority of people. So it was a case of the fox guarding the henhouse.

How about Capitol Hill?

Over the years, Congress has, on the whole, been very responsible, largely due to the committees involved, namely House Ways and Means and Senate Finance. Both are tax-writing committees, so they are quite cognizant of the who-pays aspect as well as the who-gets aspect.

Of course, some people in Congress believe very strongly that the program ought to be greatly expanded and, without explaining quite why, that the government ought to provide all people with full economic protection.

Isn't a lot of this embodied in a bill pending before Ways and Means?

There are a number of such bills, but I suppose you are referring to the one introduced by Congressman Gilbert of New York, who, when he introduced it, announced he was doing so with the support of the AFL–CIO and the National Council of Senior Citizens, which is an organization of persons over 65 that has been sponsored by the AFL–CIO.

This bill would be a very big step in the direction of expansionism because, among other things, it would increase the earnings base to $15,000, introduce a gradual government subsidy and increase benefits about 50 per cent. But it would leave out some proposals I mentioned, such as eliminating the maximum earnings base for the employers so they'd pay on their entire payroll, and it would not double the employer tax rate.

When Congress passed the 15 per cent benefit increase, as against the President's recommended 10 per cent, did that strike you as a sign of things to come?

I would not say so, necessarily. It was a bit more than the President recommended, and expansionists are trying for more in this session of Congress. But the real push is coming in the next few years. When the war ends, there will apparently be excess money available unless taxes are reduced. The expansionists will say: "Keep up the tax level and give us some of the money for a government subsidy to the Social Security program."

How would you summarize the Nixon Administration's position?

In my opinion, its proposals are definitely of the moderate school. Its views are "Let's take this out of politics. Let's make the benefits automatically adjusted, according to the changes in the cost of living, according to economic conditions, so that we do not get into a bargaining position every time legislation is considered."

You recall, when the President signed the bill with the 15 per cent increase, he pointed out that it would have been much better to have what he had originally proposed, a 10 per cent benefit increase now plus a guarantee to keep benefits up to date with the cost of living by future automatic adjustments.

TESTIMONY ON BIG THICKET IN SENATE HEARING AT BEAUMONT, TEX.

Mr. YARBOROUGH. Mr. President, on Friday, June 12, 1970, field hearings were held on S. 4, my bill to establish a 100,000-acre Big Thicket National Park. The distinguished senior Senator from Nevada (Mr. Bible), chairman of the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, conducted these hearings.

Senator Bible again demonstrated his great concern for preserving the Nation's natural heritage and also demonstrated his outstanding ability to conduct such hearings in a fair, efficient, and expeditious manner. On behalf of the people of Texas, I wish to extend to Senator Bible our thanks, gratitude, and appreciation for his holding these hearings and for the outstanding manner in which he conducted them. He afforded all witnesses the opportunity to present their views in full detail, while still observing a very demanding schedule which began at 8 a.m. and did not conclude until 8 p.m. The hearings were held from 8 a.m. until 3 p.m., and then a 5-hour tour of the Big Thicket by helicopter and automobile was conducted, which lasted until 8 p.m.

Mr. President, testimony at the hearings on the Big Thicket showed that vast

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areas of beauty and unique scientific and recreational value still exist in the Big Thicket. While civilization's advance is rapidly encroaching upon the virgin wilderness of the Big Thicket, there is still much to be saved.

More than 60,000 acres of virgin hardwood forests still remain in one area of the Neches River flood plain. Some 40,000 acres of beautiful forests remain in the Saratoga tract in Hardin County bounded by Highways 326, 105, and 770. Thousands of other acres of hardwood forests are found along the scenic riverways of the Big Thicket. These thousands of acres are in addition to the outstanding areas already designated as worthy of preservation in the "string of pearls" proposal upon which everyone is in agreement. The "pearls" of the Thicket include the Profile unit along Menard Creek of 15,499 acres; the Loblolly unit of 548 acres; the Palmetto unit of 762 acres; the Hickory Creek Savannah unit of 668 acres; the Beaumont unit of 5,137 acres; the Neches bottom unit of 3,320 acres; Jo's Lake unit of 3,781 acres; the Beech Creek unit of 4,856 acres; and the Clear Fork Bog unit of 401 acres.

Preservation of 100,000 acres of this beautiful area is a very modest and reasonable proposal. The preservation of these areas will not be detrimental to the lumber industry in the area which is primarily concerned with the production of pulp from pine trees. There exists extensive lands suitable for this production of pine without ruining the virgin hardwood forests.

The hearings on the Big Thicket National Park were a significant and encouraging legislative step toward accomplishing a long-sought goal. Since 1966 I have sought to preserve the Big Thicket for the enjoyment and education of all present and future citizens of this Nation. These are the first legislative hearings ever conducted on this proposal.

It was a great pleasure for me to have the opportunity to testify at these hearings on my bill. I would like to share my views on the need for the Big Ticket National Park with my colleagues.

Mr. President, I ask unanimous consent that my testimony on S. 4, before Senator Bible's Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, at the hearings held in Beaumont, Tex., on June 12, 1970, be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR RALPH W. YARBOROUGH

Mr. Chairman, it is a great pleasure to testify on my bill to establish a Big Thicket National Park. I request consent of the committee that my bill, S. 4, be printed at this point in the Record.

Mr. Chairman, this is a great day and a long awaited event for me. Being here in Beaumont, in my native East Texas, on the Neches River by whose banks I grew up, and testifying on my bill to establish a Big Thicket National Park, is a long-anticipated pleasure.

As a boy, I grew up in East Texas, between the Neches River and Kickapoo Creek in Henderson County, on the western edge of the eastern timber zone. That was my place of residence until I was 24 years of age. I watched the pileated woodpecker hammer away a big tree, saw the great flights of geese and ducks and blackbirds that filled the skies fifty years ago, hour after hour as they migrated in the Mississippi flyway. I marvelled as a boy at their numbers, these great numbers are gone today. The turtles, snakes, frogs, and alligators were near the borders of our sloughs and ponds, the gar and trout were near their surfaces. Herons, egrets and cranes waded the shores or perched on lookout points. Kingfishers and water turkeys sat on the bare boughs of dead trees over the water, more patient than human fishermen. The virgin hardwood forest was unfenced. I roamed these woods with only my fish hooks and dogs, watched the birds and fished for catfish and perch.

The forest fed me, with wild plums and mulberries in spring and summer, grapes in abundance in summer and fall, muscadines and persimmons, red haws and black haws, chinquapins and hickory nuts, mayhaws and the kernels of nettles. I ate from the field and forest and fried my fish on the river bank, carrying only salt with me. As I sat alone on the bank of spring branches or creeks and rivers, and fished and watched the birds and other wildlife, as free as an Indian boy, except for my store bought clothes, the wind rustled the leaves of trees, and I imagined, as a boy will, that the trees were talking to me. But the trees seemed to be saying Indian words, like I had read from Hiawatha, that I did not quite understand. Now I understand that they were crying out for the salvation of our trees, wildlife and rich heritage.

Now a fenced-up America has ended wild, free, open and uncrowded woods forever. I have worked for years to help save a part of this heritage, in the hopes that many generations yet to come can catch a glimpse of some part of the continent as it was when our ancestors first saw it. I feel akin to the things that I saw, hunted, lived with and loved in these East Texas woods a half century ago.

The feeling I have for this area is a very close and personal one, but the need to preserve its unique and varied beauty is founded on much more than one man's reminiscences. The Big Thicket is rich in plantlife, wildlife, history and culture. It is a great living treasure of nature which we cannot afford to let be killed. The people here today to testify will provide many details and reasons why the Big Thicket must be preserved.

This opportunity to preserve and make available for viewing one of the world's great remaining undestroyed natural living botanical developments and ecological wonder areas in my native East Texas means a great deal to me. The Big Thicket once extended over twelve Southeast Texas counties, covering about 3½ million acres. It has now shrunk to far less than four counties or parts of counties in area, or about 300,000 acres, in the face of the cutting and killing edge of advancing civilization. The urgency of preserving a portion of this magnificent forest of sandy soil and rolling terrain, with its rich wildlife, its tremendous variety of flowering trees, flowers and other native plants, has been sounded again and again. But man's relentless tendency to destroy that which is beautiful has not yet been halted.

For too many years this nation has counted its blessings in bounteous natural resources, without pausing to consider the future. Our natural resources have been the firm foundation for the nation's marvelous industrial structure which is the wonder of the entire world and a standard of living which is the envy of all.

Only recently have we begun to recognize and realize that there is a limit to all good things. Some of our natural resources are seen not to be limitless, but in some cases, to be reaching the stringent limitation of scarcity. The population explosion has over 205,000,000 Americans crowding the parks, lakes, rivers and scenic areas, gasping for fresh air, clean water, and a view of the primitive natural America that was. One of our most pressing obligations is to insure that our natural resources are sufficient, not only for our generation, but for those yet to come.

As the nation becomes more crowded and the vast majority of citizens live and work within the urban areas, the demand for a quiet, natural place for relaxation, recreation, and spiritual restoration becomes far more acute. There are over three and one half million people who live within 100 miles of the Big Thicket, and over 13 million within 250 miles, an easy day's drive. These millions of people, and millions of more throughout the nation, need natural recreation areas and are seeking places where they can enjoy the relaxing influence of a quiet forest, or a tree shaded place by running waters, filled with the wonders of nature.

Mr. Chairman, I originally introduced a bill substantially the same as this one in October of 1966, as S. 3929 of the 89th Congress, and reintroduced it again in January 1967, as S. 4 of the 90th Congress. It was presented as an integral part of my overall agenda for the conservation and preservation of our natural resources, and it followed the establishment of the Padre Island National Seashore in 1962 and the Guadalupe Mountains National Park in 1966. In this 91st Congress, this bill, S. 4, is the highest priority item on my conservation agenda, as it is on the agenda of many conservation organizations in Texas and the nation.

Since the introduction of the original bill in 1966, I have received a vast amount of support for such legislation. There is substantial agreement in all quarters that some form of preservation of the Big Thicket is needed—indeed, imperative. There is great concern that immediate action be taken to preserve at least some of this area, thereby saving a portion of one of the most stimulating and unique of our wilderness areas.

The Big Thicket is a beautiful and unique area of heavy rainfall and dense vegetation, which covers parts of Hardin, Polk, Tyler, Liberty, and San Jacinto Counties, near Beaumont, Texas. It is one of our country's most valuable regions of biological and ecological development. Until recently, this portion of the Texas gulf plains has remained an unspoiled refuge for rare species of plant and animal life. However, increasing development and exploitation of the area now threatens the existence of the Big Thicket as an identifiable ecological unity.

When first seen by Europeans, the Big Thicket, a forest barrier to pioneer travel, contained about 3½ million acres. Forty years ago, logging and agriculture had cut that original acreage to one and a half million acres. Now only a few hundred thousand acres remain; probably a 10 percent remnant of one of the most unique growths and areas in Texas.

Time is running out. We simply do not have the luxury to deal leisurely with this matter—or with any matter that concerns conservation of our natural resources. The Big Thicket is vanishing at the rate of some 50 acres per day. That does not leave us much time. And, we must remember, once we have depleted and destroyed the natural beauty of our wilderness, we can never again replace it. The process is—tragically—irreversible.

I have personally traveled through the Big Thicket area, viewing its huge trees and dense undergrowth at firsthand. The many rare and beautiful birds; water, land, trees, and air birds, including possibly the last ivory-billed woodpecker, over 300 species of birds in all; the wild animals such as the deer and wildcat; the fast vanishing alligator; plants, including the exotic wild orchids, azaleas, and gardenias—all make it a wonderful sight to behold. Its sloughs and creeks, magnolia trees, palmettos, and water plants create an aura of the primeval beginning of our world.

Four of the five carnivorous plants found in North America are in this Big Thicket. The largest living examples of three different species of American trees are found there. Sugar maples, and white beech from the far north, relics and residents left behind by the Ice Age grow here alongside sweet bay trees, flowering magnolias, 40-foot high wild peach trees, and flowering shrubs, climbing vines, and clinging Spanish moss.

As a whole, this unique phenomenon of ecological unity is irreplaceable but it will be lost forever unless immediate action is taken to preserve its many treasures for future generations to see.

Mr. Chairman, the proposal before this committee is to establish a Big Thicket National Park of at least 100,000 acres. A variety of other proposals have been submitted and will be discussed, among them the "string of pearls" proposal of about 35,000 acres. The primary argument for a small park—or no park at all—is that the economy of the area cannot afford to set aside such a large area. This argument is fallacious and based on unwarranted assumptions.

The implication of these arguments is that by designating an area a national park, it is forever closed to productive economic use. As a matter of fact, our national parks are extremely valuable economic entities in our nation's economy and a national park has a tremendously favorable economic impact upon the particular area in which it is located.

In a recent study sponsored by the National Park Service, conducted by Dr. Ernst S. Swanson, "Travel and the National Parks: An Economic Study" (1969), these conclusions were reached:

"The computations made show that national parks contribute as much as $6.4 billion to the sales of a multitude of firms throughout the nation. From this amount, personal income of $4,762,530,000 is generated . . . . Travel to the National Park System resulted in $952 million in taxes for the Federal Government in 1967."

"There results do not represent the further indirect effects upon regions in which National parks are located. *Over a period, other spending results from expansion of local activities directed toward creating attractions in addition to natural beauties and wonders of the region.*"

As an example, specialized provisions for hunting, fishing, boating, swimming, picnicking, and sightseeing on Indian Reservations are often undertaken through the stimilus of the flow of visitors to National parks. The study relates that economists in Colorado estimate that over $1.2 billion is generated from hunting and fishing alone.

The study concludes its summary with this comment:

"The National Park System with appropriations of around $102 million contributes at least 45 times this amount to the American people in the way of increased income—or more than 55 times the appropriations when income is stated as gross national product. Add to such amounts the indeterminable but probably large values growing out of the culture and historical contributions, as well as the stimulation of economic growth, we then see in our National Park System an asset structure few others may eclipse."

Another recent study prepared for the National Park Service is even more pertinent to the proposal before us today. This report is by Dr. William B. Beyers, *An Economic Impact Study of Mt. Rainier and Olympic National Parks,* February, 1970. These are rugged, forested areas and are probably comparable to the Big Thicket National Park in their attraction to visitors. The Big Thicket, of course, would have a much longer tourist season because of the favorable climate.

It was found that in 1968 visitors to these two parks spent $36.2 million dollars, $30.9 million of which was spent in Washington State. The two parks combined supported the annual equivalent of 4,800 jobs.

The study reported:

"In summary, these analyses indicated our National Parks, which were set aside as preserves for some of our most magnificent natural environments, also are of significant importance to our economy. In this growing nation, with increased leisure, affluence, population, and mobility, these Parklands probably will have an even more important economic impact and social value in the future, if we are able to preserve those qualities of Park landscapes which today attracts so many visitors . . . The magnitude of the impacts measured in this study suggests that it is economically desirable to be *sure* that we preserve our National Parklands for the benefit and enjoyment of future generations."

A recent study of Deep East Texas commented on the economy of the area:

"The Deep East Texas area being mostly rural in nature, has not received much economic benefit from the tremendous economic growth the state has experienced since World War II. Actually, this area has experienced a decline due to the vast migration of workers to the metropolitan areas."

The study also stated on page 16:

"Population in the Deep East Texas area will remain stable as long as there are the same number of jobs for people to gain their subsistence from. No community can grow without additional demands for employment. This area is beautiful, peaceful, and a very enjoyable place to live, work, to rear a family and to achieve educational, cultural, and social satisfaction. However, until such time as there are many jobs made available in the area, there will be no population increase." Deep East Texas Development Council, "Comprehensive Water and Sewer Plan," 1970.

Rather than injuring the economy of the area, based upon these studies, it is clear that having a national park in the area would give it a much needed boost, and would help in the development of a broader and stronger economic base rather than one founded primarily on lumbering.

Studies conducted for the National Park Service show that National Parks are a tremendously valuable asset in economic terms alone, aside from their esthetic and social values. Any argument that a 100,000 acre park will injure the economy is refuted by these facts.

This is a very modest proposal and the 100,000 acre figure must be seen in proper perspective. This represents only 3.3 per cent of the acreage of those countries affected.

The Big Thicket National Park has obtained tremendous support from many individuals and organizations.

The Big Thicket is a valuable and unique national treasure. The time to act to save it is here. Establishing this park is a very sound investment in our future and in the quality of life for future generations.

Mr. Chairman, the creation of the Big Thicket National Park is not primarily to benefit the plants, mammals, birds, reptiles, flowers, and other wild living things there; the park is for people, for people's lives to be enriched by the wild things they thrill to hear, see, smell, and sometimes taste and touch. The issue over this park is pulpwood versus the people. The issue is not taxes or profits, because if we create this park there will be more taxes, from the surrounding business that will grow up to support the steady tourist trade, than from an occasional crop of pulpwood, and there will be far more total profit for far more people who serve the coming tide of tourism, than the total profits of the few who must wait for years to harvest a crop of pulpood. This park will provide a new crop of tourists each year, without damage to the area, instead of having to wait 10 years for each crop of pulpwood.

If we decrease the motivation for creation of the park to a cold dollar and cents taxes and profits proposition, there are more taxes and profits for the counties involved in the creation of a National Park than in being condemned to a virtual no-growth pulpwood economy. It is pulpwood against the people and the things people have, and rights and justice demand that the people win.

CHESAPEAKE & OHIO CANAL NATIONAL HISTORICAL PARK LEGISLATION ENDORSED

Mr. MATHIAS. Mr. President, one very welcome piece of good news recently was the administration's strong endorsement of legislation to create the Chesapeake & Ohio Canal National Historical Park. Interior Secretary Walter J. Hickel's favorable report on this legislation was personally gratifying to me, since I have been sponsoring such bills for a full decade and have introduced the measure—S. 1859—now pending before the Committee on Interior and Insular Affairs. The Secretary's action was also most encouraging to the countless conservation groups, recreational associations, and individuals who have been urging for years that the historic canal should be restored and developed to its full potential for recreation.

The C. & O. Canal is one of the greatest recreational resources in the East—indeed, in the entire Nation. As the Washington Post noted in a recent editorial, the 185-mile canal "is an open door to green space" from the heart of the Nation's Capital. It is an ideal starting point for a real demonstration of recreational development and scenic preservation within easy reach of a major metropolitan area. It is the logical first step in expanding the recreational resources and preserving the scenic and natural heritage of the Potomac Valley.

I share the hope of the Washington Post that "Congress will not miss the opportunity" to enact the C. & O. Canal Park legislation this year. The Interior Department's formal endorsement of the bill should clear the way for congressional hearings, and I have asked the chairman of the Interior and Insular Affairs Committee and the chairman of the Subcommittee on Parks and Recreation to schedule public hearings on S. 1859 as soon as possible.

The Post editorial of May 30 is an excellent summary of the potential of the C. & O. Canal and the need for this legislation now. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

C. & O. Historical Park at Last?

Secretary Hickel's endorsement of the bill to convert the Chesapeake and Ohio Canal into a national historical park is a bow to the art of the possible. The secretary has indicated on various occasions that he has great interest in cleaning up the Potomac River and dedication of its shores to scenic and recreational use. No doubt the temptation was strong to ask Congress for funds to buy all the land that will be needed in the future for a major park along the Potomac. But the secretary was well aware of the opposition to such a project at this time and of the apathy in Congress. He has sensibly chosen to take a step at a time, and the logical first step is the enactment of the C & O Canal bill.

Washington is fortunate in having this thread-like park which stretches from Georgetown to Cumberland. It is an open door to green space, to woods and streams, to the habitat of birds and deer, to pleasant skies and a seemingly interminable winding trail—the towpath. In an era when we are increasingly concerned about our natural environment, it links the ghetto, the business district and the suburbs to the best wilderness that can be found in these parts. Most of what it has to offer is relief from hot streets and urban congestion, but the scenery at Great Falls and the region of the Paw Paw Tunnel bring it well within the national park category.

What is now proposed is that this National Monument be given the additional space and facilities needed to make it useful and enjoyable on a large scale. The 185-mile ribbon of land, including the old canal, now constitutes only 5,250 acres. The Mathias-Gude-Beall bill, now approved by the administration, with amendments, would expand the park to more than 20,000 acres, including 12,156 acres now in private ownership. The additional space is urgently required for picnicking, camping, parking, hiking and protection of scenic and recreational values. If this park can be brought to a high state of usefulness for an estimated outlay of $19,473,605 for land acquisition and $47 million for development, it will be a bargain of great significance to the community.

Enactment of the C & O Canal park bill at this session of Congress would be in line with the current emphasis on the expansion of recreational areas near the big cities. In the past Megalopolis has been denied its share of federal funds for open space and rejuvenative environment. The C & O Canal may well become an important demonstration of what can be done with scenic resources close to central population areas. We hope that Congress will not miss the opportunity.

EXECUTIVE AIRLINES LEADERSHIP

Mr. McINTYRE. Mr. President, initiative and foresight have been basic elements for progress in our Nation.

It is always a pleasure to be able to point to these attributes in one of our up and coming businesses.

Executive Airlines, a commuter airline service based in Boston, Mass., but serving many States in the Northeast, displays the kind of initiative that must be recognized. Executive Airlines has just been the subject of an article in the Air Transport World by Ansel Talbert regarding the leadership this airline has taken in providing ground training for its pilots. This training which is vital to the safety of an airline is being undertaken at the Link Training Center in Utica, New York.

It is expected that at some time in the not distant future the commuter airlines will be required by the Government to undergo such ground training. Executive Airlines, looking ahead, has not waited. It has moved.

Mr. President, I ask unanimous consent that the Air Transport World article about Executive Airlines and its vice president for operations, Terry Dennison, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COMMUTER TRAINING PROGRAM LOOKS GOOD

The heads of Mohawk Airlines' Edwin A. Link Training Center, and Executive Airlines' VP for operations, Terry Dennison, deserve congratulations for getting a new training program started. It's certain to have far-reaching effects on commuter airline safety and efficiency.

As of April 1, the FAA has been requiring commuter air carriers operating scheduled services, to have an initial ground training program and also carry out recurring ground training once a year.

Each captain must have an instrument flight check every six months.

Dennison and quite a few others in the commuter industry have sensed that it is likely to be only a matter of time before government regulatory agencies require the same standards of "third level" airlines as they do of trunk and regional carriers.

Dennison decided to get at the head of the parade and contacted Dave Hefferon and John Smart of the Link Training Center in Utica, N.Y.

This organization has specialized recently in offering training on the BAC–111 and the Fairchild F–227. But, Hefferon and Smart were greatly interested and visited Beech and de Havilland to get a better feel of the commuter equipment situation.

Result: The first initial training class for commuter operators of the Twin Otter already has been held, and a systems class refresher school for both Beech 99 and Twin Otter fleet personnel is next on the schedule.

The ground training costs $25 a day per person at Utica, and arrangements are underway to have flight instructors visit commuter carriers which don't want to do their own training.

The first five commuter airlines to sign contracts with the Link Training Center are Executive, Air North, Command Airways, Viking Airlines and Northern Airways. There has been such a rush of applications that the center has been forced to defer acceptance of many until it can secure some more top personnel.

Purchase of a Link GAT–2 turbine instrument simulator is in the works, and Mohawk and Ramada Inns are about to open a motel next door to the training center headquarters.

A good idea all around, and here's hoping it's crowned with the success it deserves!

THE MIDDLE EAST

Mr. TOWER. Mr. President, I read with great interest the remarks delivered on the Senate floor by the distinguished Senator from Oregon (Mr. HATFIELD) on June 16. In addition, the short colloquy between Senators HATFIELD, AIKEN, and HANSEN was most refreshing.

The compilation of the history of the Middle East which Senator HATFIELD placed in the CONGRESSIONAL RECORD should be read and studied by all Senators. It has been said many times before that current turmoil in the Middle East cannot be understood without a clear grasp and appreciation of the events which led to the situation now threatening world peace. I am afraid that it is this lack of historical appreciation which has contributed to the failures of past American policies to initiate action leading up to a settlement of this crisis situation.

I strongly feel that President Nixon in viewing the Middle East crisis in such a historical context. I applaud his diplomatic initiatives to encourage the lessening of tensions on both the part of the Arabs and Israelis. The United States cannot now be accused of instigating a situation comparable to that of June 1967. It is indeed sad that at a time when this Government outwardly seeks a peaceful settlement to the Arab-Israel situation, the Soviet Union promotes a policy whose obvious aims are quite to the contrary.

Recent Soviet endeavors in the Middle East must also be viewed in the context of a historical perspective. Acts of aggression across its Asian borders into the Middle East have been the longstanding policy of Russian governments, no matter what their makeup. Russia has always placed a higher foreign policy priority on the Middle East than the United States. This is a simple fact of history.

Now the Soviet Union has intensified its interests in the Middle East. The case can be made that the recent polarization on the part of both sides is directly attributed to the Soviet military build-up in many of the Arab countries. President Nixon has expressed his deep concern over recent Soviet action and has stated that the United States Government will take appropriate action to maintain a military balance of power in the Middle East Therefore, any American assistance given to the state of Israel should be taken as a direct reaction to the policies of the Soviet Union.

As we all know, the President of the United States is an astute reader of history. He realizes that maintenance of the balance of power will not alone lead to an eventual settlement of this crisis. The President's diplomatic initiatives have some possibility of success if the Arab governments recognize the Soviet threat to their own sovereignty. Again, the history of Soviet foreign policy in the Middle East bears this threat out.

We all pray that the President's initiatives meet with positive results. In the meantime, it should be our job as Americans to focus on the Soviet threat to peace in the Middle East. Furthermore, it cannot be said often enough that any military confrontation in the Middle East represents a dangerous threat to the peace and freedom of the world as a whole.

I ask unanimous consent to have printed in the RECORD an article relative to this overall situation, entitled "Israel and the Modern Jewish Identity Crisis," published in the June issue of Mideast. The author of the article, Dr. Alan R. Taylor, is an associate professor at the School of International Service of the American University in Washington. He is the author of "Prelude to Israel, An Analysis of Zionist Diplomacy, 1897–1947," and is considered one of America's leading experts on Middle East politics. Although I have some reservations concerning the contents of this article, I believe it is imperative that all views on this matter be fully expressed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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ISRAEL AND THE MODERN JEWISH IDENTITY CRISIS

(By Alan R. Taylor)

When Israel was established nearly 22 years ago, a unique political system came into being. The political dimensions of the new state exceed those of other nations and involve a more complex pattern of relationships. This is because Israel is not merely a national community within the global state system, but a specifically Jewish enclave which, though situated in the Middle East, assumes a special relationship to a larger Jewish community outside its borders and legal jurisdiction.

As a political system, Israel operates within the context of three distinct spheres. In one sense, it is an entity unto itself, a sovereign community with its own interests and political parties. It is also a Jewish and a Middle Eastern state. In the former role, because of its visionary ideological orientation, it considers itself in a position of leadershp and responsbility with regard to world Jewry. In the latter, it conducts a war relationship with the Arab world, in whose midst it exists and with which it must ultimately reach a reconciliation.

The threefold orientation of Israel forms the basis of its ambivalent inclinations. The founders of Zionism were transported by the magic of an idea. Their aim, formulated from a number of viewpoints, was to synthesize the ramified strands of Jewish experience in an organized utopian movement. Like many modern ideological movements, Zionism was galvanized by an activist clan which was geared simultaneously to archaic traditions and a futurist panacea. The banalities of the present were to be transmuted into a program of building a heroic Jewish state of tomorrow grounded in the virtues of a noble past.

The trouble with such ideological formulations is that they exaggerate the degree of continuity with an ancient age and overestimate the ability of planned programs to redress more recent problems. The realities of present experience and socio-political relationships are often overlooked or ignored, the focus of attention residing in other time dimensions. This is why so many modern ideologies resort to trenchant and inflexible stances as they confront the real world and try to deal with its evolving patterns of behavior.

Israel is a case in point. The idealist precepts of Zionism, largely derived from the extravagant and now suspect speculations of 19th Century Hegelian philosophy, comprehend the Jewish present in terms of an archaistic myth and a futurist dream. The major Zionist thinkers from Ahad Haam and A. D. Gordon to Herzl and Ben-Gurion, regarded themselves as heralds and agents of a great transformation in Jewish life. They constructed in their minds a subjective view of the Jew in history, seeking a distillation of past and modern attributes in order to form a new image for Jews to assume. This image comprised a composite of the heroic and humanistic traditions of the biblical age, the piety of Talmudic Judaism and the cosmopolitanism of the emancipation era. Consistent with the conjectural nature of Zionist thought, the program of Jewish regeneration was to be realized in the construction of a modernist commonwealth in an ancient site which had centuries before come under Arab tenure.

Paradoxically, the Zionist search for a synthesis of Jewish values and the establishment of the Jews as a model nation in the Middle East led to strife and factionalism, to walls of hostility and insoluble dilemmas. The Jewish world was torn by its simultaneous attachment to traditional customs and its inclination to participate in the more cosmopolitan facets of modern life. Zionism seemed to provide a synthetic path through which both predispositions could be realized. But this presumed character of Zionism was illustory. In actuality it had neither recaptured the Jewish past nor provided a flexible and expansive avenue for Jewish growth and development in the context of modern life. Furthermore, the Zionist project laid the foundations of an awkward system of relationships in the Middle East.

In the course of its ardent search for the establishment of a state in Palestine, Zionism lost touch with the past and present Jew and undermined the possibility of a peaceful Jewish presence in the area. Ancient tradition was accommodated to its political programs, and the psychological and social needs of the modern Jew were subordinated to its doctrinaire philosophy. Similarly, the Arab community in whose midst the state was founded by design and prowess was alienated to such a degree that the prospect of an endless armistice became an increasing certainty.

The widespread Jewish support of Israel is a misleading phenomenon. It is the result of intensive propaganda and of spontaneous affiliation in the context of heated and swift-moving events. The participation of Orthodox Jewry in a movement which has so clearly demonstrated its secular orientation is incongruous. Equally paradoxical is the attachment to a parochial Jewish state in the Middle East expressed by highly integrated and cosmopolitan Jewish communities in the West which indulge in romantic fancies about Israel without any profound involvement in the Zionist idea or any genuine communication with the *Yishuv* (the Jewish community in Palestine).

The truth is that the myths of Zionism do not accord with the realities of the constructed Jewish commonwealth in Palestine. The architects and successive leaders of modern Israel have established themselves in a charismatic position with regard to the Diasporan and Palestinian Jewish communities, which have accepted the relationship without fully comprehending its implications or endorsing it on the pragmatic level.

The support of Zionism and Israel by the Diaspora is based on premises reflecting the ideological commitments of diverse Jewish groups in the contemporary world. The religious element assumes that the underlying purpose of the State of Israel is the preservation and fulfillment of ancient heritage and prophecy through the reconstruction of corporate Jewish existence in Zion. The secularists take it for granted that modern Israel rests on the traditions of liberalism and provides a haven of security and a focus of cultural development. Implicit in both positions is the belief that Israel represents the respective views of its supporters and that there is no basic contradiction between the continuity of the Diaspora and the existence of a Jewish commonwealth in the Middle East, since both are aspects of a common Jewish endeavor.

In actuality, the premises upon which the Diaspora supports Israel are unfounded. The state pays lipservice to tradition through concessions to religious prerogative and suggestions of prophetic aim, while remaining essentially secular and often insensitive to the precepts of Judaism. Similarly, Israel has adopted an external stance of liberal cosmopolitanism, but pursues the policies of a colonial garrison state which operates on the principle that it is a law unto itself. Significantly, the severest criticisms of these untoward attributes have come from Jewish circles and from within Zionism itself. In the last analysis, the Diaspora has projected its self-image onto Israel and sees in the objective reality only the reflection of its own dream. At the same time, the leaders of Israel play fast and loose with the religious and political phraseologies which strike a responsive chord in the Jewish world outside and creates an appearance of common endeavor and compatibility which does not really exist.

The Israeli community is caught up in the myths and complexities of the same problem. The vision of Jewry reconstructed in the Land of Israel, which Zionism has propagated since its inception, anticipates a political commonwealth which is at the same time a center of Jewish renaissance, a model society and a catalyst of progress in the Middle East. The early ideologies predicted the establishment of a utopian Jewish state which would achieve the social and cultural emancipation of the Jews and assume a messianic historical function in the world.

In 1862, one of the first Zionist philosophers—Moses Hess—looked to a Jewish Palestine as the site of a synthesis of spiritual and material values, a cornerstone of the "Sabbath of History". Later, Theodor Herzl, in the novel *Altneuland*, imagined the future Israel as a "New Society" where Arab and Jew lived together in prosperity and love, a place where "old quarrels had been resolved into new harmonies". With regard to the Jewish question, Herzl's assumption was that the existence of a Jewish state would allow "Jews who wished to assimilate with other peoples . . . to do so openly, without cowardice or deception." The reason for this was that, "Only when the Jews, forming a majority in Palestine, showed themselves tolerant, [would they be] shown more tolerance in all other countries."

The premises of these speculations were in time to be refuted by the realities of Jewish nation-building in the Middle East. The occasional deference to Arab interests turned out to be a passing gesture by comparison with the preponderant Zionist indifference to the life and aspirations of the indigenous community. Judah Magnes, who was among the last of the consistent humanist Zionists, put the problem in concise terms:

"We seem to have thought of everything—except the Arabs. We have issued this and that publication and done other commendable things. But as to a consistent, clearly worked out, realistic, generous policy of political, social, economic, educational cooperation with the Arabs—the time never seems to be propitious.

"But the time has come for the Jews to take into account the Arab factor as the most important facing us. If we have a just cause, so have they. If promises were made to us, so were they to the Arabs. If we love the land and have a historical connection with it, so too the Arabs. . . . If we wish to live in this living space, we must live with the Arabs."

The sensitive perceptions of Dr. Magnes and his kind were relegated to the sphere of academic commentary by the majority of those involved in the political work of Zionist nationalism. The war of 1948 saw not only the passing of Magnes himself, but of his ideas as well. The Jewish forces precipitated a mass evacuation of the Arabs and established a state which exceeded the territorial intentions of the United Nations and was exclusively Jewish in character. In subsequent years, the remaining Arab population was subjected to military government, systematic confiscation and the disabilities of second-class citizenship. Ultimately, the validity of corporate Arab existence in Palestine was repudiated by the Minister of Information, Yisrael Galili, who asserted in 1969, "We do not regard the Palestinian Arabs as an ethnic category, as a distinct national community in this country." Later in the year, Premier Golda Meir established this position as official policy by stating in an interview, "There was no such thing as Palestinians. . . . They did not exist."

Concurrently, the Arab communities immediately neighboring Israel were placed under the threat of occupation, with the result that in 1967 the West Bank, the Golan Heights, the Gaza Strip and the Sinai Peninsula came under Israeli control, while southern Lebanon became an imminent target of Israeli design. The Zionist contention is that these forays are essentially defensive and designed to thwart the attempts of Arab irregulars to harass and extinguish the Jewish state. The more evident dimensions of the conflict, however, point to an initiatory and escalating Zionist intrusion and a consequent Arab reaction, first in the context of sporadic activity and more recently in the form of organized resistance. Perhaps the most significant indicator of fundamental realities at this stage is that while Israel is in command of the air and of Arab territories outside her borders, she has demanded greater supply of Phantom jets, which carry ten times the payload of Egypt's MIG 21s and are clearly offensive weapons.

What these particulars portend for the Jewish citizen of Israel is the perpetuation of isolation and embittered hostility in the Middle East. The ghetto existence of Europe in earlier days has been transposed to Palestine. But in the present case, the external community does not seek the isolation of the Jews, but their integration, as now proposed by the Palestinian liberation movement.

So it is that the Jewish problem has come full cycle: from a ghetto imposed to a ghetto self-established. The prophecies of equanimity, of Jewish cultural fulfillment and of a Jewish messianic role are now floundering between the Scylla of Israeli militancy and the Charybdis of the Palestinian resistance. Alongside the tragedy of the Palestine refugees stands the equally tragic image of the Israeli Jew, who is caught between the prescriptions of a political ideology he did not invent and the circumstances of a political world he needs to join. For paradoxically, only by becoming an integral part of the Middle East can the Jewish presence in Palestine provide the cultural center and the political haven which have been so central to the Zionist dream.

The resolution of these problems which Zionism has engendered depends on the regularization of Israel's relationship to the Jewish community in the world and the Arab milieu in which it exists. The symptoms of dislocation and disorientation are apparent enough.

The schizoid character of Israeli-Diasporan relations has come into the open through the developing controversy over what it is to be a Jew. The problem is rooted in Zionism's assumption that it represents the Jewish people and that Israel is *the* Jewish state, that it belongs to Jewry and to Judaism. This assumption glosses over the actuality that Zionism is only one of several Jewish social movements which grew up in 19th Century Europe and America in response to the transformation taking place in the western world. The integrationist tendencies which were set in motion by the French Revolution confronted the Jewish communities of Europe with perplexing problems of identity and participation, and established a need for modernist philosophies to cope with the issues at hand. Zionism was one of the subsequent movements which sought to create a synthesis of Jewish and western values so as to preserve a uniquely Jewish identity in the context of modern secular orientation. Reform Judaism and the Jewish trade unionism of eastern Europe represented parallel approaches to the common problem, while the continuation of traditional orthodoxy and the rise of Jewish cosmopolitanism formed the polarities of Jewish response to the emancipation era.

In the broadest sense, none of these groups can be said to represent the whole Jewish people or to have answered the problems before it, just as no single western ideology has been able to win a monolithic allegiance in Europe or the Americas. The reason for Zionism's ultimate ascendency in contemporary Jewish circles is that it has been able to blur the distinctions between secularism and religiosity through a charismatic and romantic appeal, and to interpret the circumstances of the inter-war period as a substantiation of its premises. But it remains that these premises are as open to question as those of any other ideological system, and perhaps the more so in view of the militancy and intolerance which have come to characterize political Zionism.

The specific problem of Jewish identity which Zionism raised has become increasingly apparent as an existential issue since the creation of the state. The Law of Return, which was enacted in 1950, established the right of all Jews to immediate citizenship without defining what it is to be a Jew. In practice, however, there has been a strong tendency to defer to the orthodox definition, which considers Jewish nationality indissolubly linked to religious commitment. Until the recent Shalit case, in which the Supreme Court of Israel conferred the status of "Jewish nationality" upon the children of a gentile mother and a Jewish atheist, only those born of a Jewish mother or a convert to Judaism could be considered Jewish in the national sense, and then only if the individual in question had not renounced the Jewish faith or adhered to another creed. It was in terms of this definition that in 1963 Father Daniel Rufeisen, a Catholic priest born of Jewish parents was denied immediate citizenship as a Jewish immigrant under the Law of Return, though the residence requirements of naturalization were minimized. It is also because the state tacitly accepts the position that religious affiliation is the basis of Jewish nationality that mixed marriages are not legally recognized in Israel, that Jewish sects which the rabbinate considers radical have been subjected to legal and institutional disabilities, and that public observance of the Sabbath is forced upon the entire population.

Considering the secular character of Zionism and of the great majority of Israelis, the deference to religious interpretations of Jewish nationality seems anachronistic. But it is really a logical development in the light of the myths which Zionism itself fostered. The architects of the Zionist creed sought to create an ecumenical ideology which would embrace the whole Jewish people in a comprehensive system. It was anticipated that this system would not only provide a panacea with respect to the Jewish problem, but that it would also effect a broadly representative Jewish renaissance. There remained, however, an imposing gulf between the handful of Zionist ideologists whose basic aim was "negation of the Diaspora" and the Jewish world they wanted to transform. This Jewish world was not only socially and intellectually diverse, but rooted in the very Diaspora which the Zionists so disparaged.

The events of the 1930's attracted many Jews to Zionism because it held out the prospect of permanent refuge and a focus of Jewish dignity. The question of "Ingathering" was another matter. While the creation of the state was welcomed by many Jews, the programmatic and doctrinaire aspects of Zionism were vigorously resisted. World Jewry today comprises about 14,000,000, and of these only 2,500,000 reside in Israel and share its citizenship. This ratio cannot be explained simply by the limited size of the state and the emigration restrictions in eastern Europe. It substantiates the basic but obscured fact that the vast majority of contemporary Jews have actually "affirmed" the Diaspora, that they have opted in favor of the broader and deeper dimensions of the world outside Israel. Their support and lip-service in behalf of the state does not diminish the more significant and profound reality that they instinctively resist the call to a diminutive Jewish polity. This is not to say that the Diaspora does not have its seamy side, too, but to point out that the modern Jewish world has come too far along to confine itself within a parochial vision.

In seeking to elaborate a program of allegiance which was at the same time comprehensively "Jewish" and existentially "national", the Zionists took recourse to the loosely defined concept of Jewish nationality implicit within Judaism as an ethnic religion and a communal culture. This was the only avenue through which they could forward their own essentially secular and normalizing populism in a Jewish world which remained as essentially resistant to such idealist prescriptions. The realities of this quixotic situation have been almost lost to view because of one of the most pervasive publicity campaigns ever launched in our time. The fact of divided purpose and interpretation, however, remains as the constant element in the modern Jewish dilemma, of which Zionism is the focus.

The question of what it is to be a Jew is elusive and complex as other questions of identity which involve the deeper problem of humanism. In its present context, the issue of Jewishness has been set in the microcosmic framework of a Levantine state. Whatever is decided by the institutional structure of Israel as to the status of this or that individual, the more profound problem of the relationship between Israel, Zionism and the Diaspora will remain. The recent endeavors in Israel to achieve a compromise by blurring and manipulating the distinction between Israeli citizenship and Jewish nationality will only protract and complicate the delicate matter at hand. The problem will never be solved, however, until there is a general recognition that Israel is not *the* Jewish state, but a *Jewish* community.

If the concept of Israel as a corporate entity with a life and being of its own should gain currency, the citizens of Israel would seek to engage in more constructive terms—the immediate world in which they live—the Arab Middle East. The parameters of such a future relationship have been drawn by the maverick Israeli politician, Uri Avnery.

Avnery's ideas are set forth in his recent book, *Israel Without Zionists*. He was one of many whose lives were gathered up and redirected by the Zionist movement. At the age of 10 he and his parents left Hitler's Germany and went to Palestine, where, in his words, "We declared our independence from our past . . . the world of our parents, their culture and their backgrounds." As a youth he attached himself to the Irgun but later became disillusioned and embarked on an odyssey of ideas and associations which reflected his frustration with the Zionist idea as formulated in the minds of Diasporan Jews. Ultimately, he was attracted to the poet Ratosh and the Canaanite movement. This school rejected the cultural traditions of the Diaspora and stressed the evolution of a "Hebrew" national renaissance in Palestine, the creation of a distinct Palestinian Jewish identity. It was anti-Zionist in a qualitative sense, rejecting the international Jewish orientation and leadership of the Zionist "establishment" and the notion of continuing umbilical ties between Israel and world Jewry. It retained, however, the essentially Zionist idea of a new Jewish image emerging from the soil of the ancestral land.

Semitic Action, which Uri Avnery now leads, is an outgrowth of the Canaanites. Its doctrines represent an increasingly significant reaction of contemporary Israelis to many of the dilemmas posed by the Zionist myth. Avnery is advocating a new "auto-emancipation", this time from the obsolete and burdensome concepts of an ideology which stems from nearly 100 years ago. In looking to the emergence of a non-Zionist Israel, he is expressing some very deep-seated feelings in many of his countrymen, who experience the intense loneliness of being an "object" of Jews who are absent and a stranger among neighbors who are present. The Israeli is like a child whose parents dote on him to the point of stifling his identity while he is trying to find his way in a world which his parents reject because they see it as a recapitulation of old enemies and a threat to the image in which they wish to cast their offspring.

Avnery understands the short-sightedness and distortions of traditional Zionism. He takes issue with Herzl's concept of a Jewish Palestine as "an outpost of culture against barbarism", and recognizes the nature of Ben-Gurion's Arabophobia. In a brilliant analysis, he portrays Moshe Dayan as an essentially pathological product of Zionism in Palestine, a "lone wolf" who cannot get close to anyone, who "never says what he really thinks", and who "was, is, and will always be an Arab-fighter". He also sees that Israeli campaigns are really reactions to the "new" Arab nationalism and that the continuing Arab-Israeli war is a product of a "vicious circle" of Zionist presumptions that the Arabs can only be dealt with by force.

These insights lend a useful new perspective to the problem, as does Avnery's proposal for a de-Zionized Israel which can integrate in the Middle East and become a partner to a *Pax Semitica*. But there remain three very serious problems in his outlook and program. The first is that the myths which Avnery exposes in the Zionists are also apparent in his own thought. The idea of a "Hebrew" renaissance is a fanciful archaism which glosses over the fact that an essentially western people is seeking an indigenous place in a non-western land. We can understand their feeling of isolation and their desire to "belong" in a cultural as well as a geographical sense. But it remains that the western Israeli is no more a real Middle Easterner than is the Boer in Capetown and Johannesburg a real African.

The second problem relates to the Zionist concept of "emancipation". If Avnery disparages the Diasporan ties and orientations of Zionism, he fully endorses the notion of Zionism as a "liberating" movement, freeing the Jews from their own stultifying past. Understandable as this may be in certain respects, it neglects the significance of the Judiac heritage and the broad dimensions of Jewish secular development in the modern age, both of which stand among the more notable achievements of man and have profoundly influenced the course of history. One cannot but question how a parochial neo-Hebraism would compare to these facets of Jewish experience.

The final problem with the Avnery thesis—and this is probably the most important in terms of a settlement to the current conflict—concerns his approach to the Arab question. His attitude toward the Arabs is rather condescending and academic. He sees the Arab national movement as initially "a simple idea . . . not faced with the immensely complicated problems which confronted Zionism". This is hardly true. The development and evolution of the national idea among the Arabs is as complex and involved as it has been in the case of other modernizing movements, whether they be Jewish, Russian, Indian, or Chinese. The Arabs, too, have problems of loyalty, identity, direction and becoming.

The *Pax Semitica* which Uri Avnery has in mind is basically Israeli-centric. It suggests the construction of a Palestinian state as Israel's first Arab ally, without considering the disadvantages to the Palestinians of accepting a "lesser" Palestine which would inevitably become a kind of satellite to the Jewish state in the more strategically-located and productive sectors. It also disregards the fact that the Palestinans, have now developed a national movement of their own which does not seek the eviction of the Jews, but the construction of a secular and pluralistic state. This is a challenge which Avnery does not even take into account, and considering the vast discrepancy in proportional population, it might be more appropriate to ask how Israel could fit into a broader *Pax Semitica* than how the Palestinians and the Arabs in general could accommodate to Israeli schemes for integration and peace.

These criticisms aside, Uri Avnery has made a contribution to deeper understanding of a problem which has so troubled Arabs, Israelis and the world. He is seeking a way around the dilemmas of the new Jewish presence in the Middle East, a way to escape the myths and brittle attitudes of Zionism in order to build a system of co-existence. He stands as a point of departure, a course with frailties to be reconsidered, but one which has essential merits. Should his reflections and ideas take any root, the possibilities of peace will be enhanced. The Arabs have a role to play, also, but we are so often reminded of what the Arabs must do and seldom of the gestures which Israel needs to make if it is to achieve a normal way of life in the Middle East.

The Arab-Israel conflict has been characterized by the encounter in Palestine of two mutually hostile national movements, both deeply influenced by larger affinitive communities outside. The prospects of settlement in the immediate future seem to depend on a pragmatic disengagement of the contending parties from their cultural sponsors. If the controversy can be isolated to this degree, the fundamentals will emerge in unequivocal terms as the meeting of two claims; one, asserting the right of Jews to establish a corporate existence in Palestine, the other maintaining the right of Palestinan Arabs to repatriation. In this context, exclusivist policies would tend to eclipse and conjointly the system of relationships in all dimensions would seek an appropriate structure. Pluralism in Palestine would reflect the actual pluralism of the Jewish and Arab communities and help to set the pace for a world already wearied by the struggle of one irredentism against another.

WORLD ENVIRONMENT

Mr. McINTYRE. Mr. President, the environment is a concern that has no boundaries. Pesticides have encircled the globe. The nations of the world together are beginning to pollute the oceans. An exploding world population is straining the resources of the earth. Each nation must establish priorities to meet the particular challenges it faces in the environmental crisis.

But the aim of a livable world will be met only with concerted, cooperative efforts involving all nations—the problem cannot be licked piecemeal. As just one instance, any one country could take unprecedented steps to end its pollution of the sea. But if others did not follow suit, it is almost inevitable that this priceless resource essential to life itself will be destroyed.

In a January speech setting out an environmental agenda for the 1970's, the distinguished Senator from Wisconsin (Mr. NELSON), a leading advocate of environmental action, said that winning the war against environmental problems is going to require on the part of all people a new assertion of environmental rights and the evolution of an ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.

He pointed out that such an ethic, in recognizing the common heritage and concern of men of all nations, may prove the surest road to removing the mistrust and mutual suspicions that have always seemed to stand in the way of world peace.

In a May 1970, article in War/Peace Report, Senator NELSON develops further this theme of the need for cooperative action worldwide to save the environment and proposes a major first step, the establishment of a World Commission to Preserve the Environment, which would be associated with the United Nations in the same way as are many other international agencies.

Mr. President, this proposal merits the consideration of all of us who share this concern about the deteriorating environment and the threat to the quality of human life. I ask unanimous consent that the excellent article of the Senator from Wisconsin be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE NEED A NEW GLOBAL AGENCY TO CONFRONT THE ENVIRONMENT CRISIS

(By Senator GAYLORD NELSON)

We all travel together, passengers on a little spaceship, dependent on its vulnerable supplies of air and soil; all committed for our safety to its security and peace, preserved from annihilation only by the care, work, and I will say the love we give our fragile craft.

With these words, uttered in Geneva in 1965, the year of his death, Adlai Stevenson put his finger on an impending crisis to which most citizens of the world were to wake up four and five years later.

He foresaw the day when we earth people could hopelessly foul the thin envelope of air that surrounds our planet with the exhaust from our cars, factories, office buildings and homes.

The possibility now looms that we can shave the trees from our rich forestlands, rub the land raw with our plows, spray it with deadly pesticides, rip it with surface mining, cover it with blankets or blacktop and strips of concrete, and choke it with oily fumes and poisonous gases.

We have gone a long way toward stifling the land that has under normal conditions been so provident, and we have not been treating the waters any better, gorging our rivers and seas with the ever-increasing effluence of an ever-more affluent society.

Environmental problems extend also to the problems of population, hunger, distribution of natural resources, solids disposal, radioactive and poison disposal, nuclear fallout, mineral depletion, noise and pesticides—in short, to virtually every problem in the world.

There is literally no portion of the earth that has escaped man's messes. The last breath of pure air is thought to have been ingested in Flagstaff, Arizona, six years ago. Penguins and seals in remote Antarctica show DDT in their tissues. Mountain streams where men can safely drink the water without treating it first are becoming harder to find. It is now commonly understood that massive measures must be taken if man is to restore and maintain a quality environment, but few persons outside the scientific and academic communities are aware that the very survival of man hangs in the balance.

The clearest indication that man can de-grade his environment enough to threaten his own existence is that already he has forced other species off the face of the earth. Dr. S. Dillon Ripley, secretary of the Smithsonian Institution, believes that in 25 years somewhere between 75 and 80 percent of all the species of living animals will be extinct.

Until recent years, species vanished at the rate of one per 1,000 years. At present, one species is dying out every year. For example, in just 100 years, we exterminated five billion passenger pigeons.

The World Health Organization estimates that in the last 100 years over 550 species of mammals, birds and reptiles have been pushed to the brink of extinction. Unlike the dinosaur, which died out over millions of years, endangered species today are being wiped out in a second of geologic time. One hundred and ten kinds of mammals have succumbed in the Christian era alone, 70 per cent of them in the last century.

Several forms of wildlife are today faced with extinction: the petrel of Bermuda, the bald eagle and peregrine falcon of America, the osprey and the blue shell crab are all threatened.

An alarming aspect of this situation is the insidious way in which these birds are eradicated. No one wishes for their deaths. The Bermuda petrel, a rare oceanic bird of the North Atlantic that has no contact with any land treated with insecticides, nevertheless lays eggs with 6.4 parts per million of DDT residues, acquired through eating contaminated sealife. Similarly, the eagle and the osprey face extinction because herbicides diminish their capacity to produce calcium and their eggs are no longer strong enough to contain the chicks.

The fate of these creatures cannot be decided through national legislation, because the birds pay no attention to boundary lines. Some countries, notably Sweden and Denmark, and recently Canada, have banned DDT. But that is just a beginning.

Soil erosion, the tide and the chain of life itself carry pesticides to the farthest reaches of the world without regard to boundaries. In Antarctica, as unpopulated a spot as there is in the world, 2,600 tons of DDT are estimated to have accumulated in the snow and ice.

The battle against pollution must overcome the jurisdictional boundary lines that carve the planet into separate sovereignties. The metropolitan area around Portland, Oregon, has 452 municipalities—local governments that under normal conditions operate without regard to one another; the problem of independent jurisdictions is compounded when applied to the international scene.

Some examples graphically point up the need for international solutions to pollution problems:

An oil tanker from Country X ruptures a seam, and oil gushes out to mar the beauty of Country Y's beaches and to kill off its sea fowl, marine life and underwater vegetation.

Rising acidity in rain and snow, attributed to wastes from Britain and possibly West Germany threaten to destroy fresh-water fish and forests in Norway if not controlled.

Radioactivity from an atom test in Country A spreads to far-off Country B, imperiling Country B's milk products.

Mustard gas containers dumped into the ocean at the end of World War II rust through, and the lethal gases begin to leak out.

Chemicals used by a large power at war in a small country create a fear that the chemicals may sterilize the land or at least drastically reduce its agricultural output for many years, or even permanently.

Dirty air from a large city drifts over a national border into another country.

Polluted water from Country C flows into Country D, rendering any attempts by Country D to keep its water clean futile.

THANT SUGGESTS CONTROLS

A report issued by U.N. Secretary General U Thant last May found that many pollution problems are global. The report outlined several areas in which international agreement offered the best or only protection of environmental concerns.

In addition to the new commonplace forms of air and water pollution, the report found a need for international agreement in the areas of radioactive fallout; protection across boundary lines for migratory birds, mammals and reptiles, and agreements in matters affecting weather and climate.

The report concluded: "Both at national and international levels, action programs and institutional measures to correct and prevent pollution of the air, of land, water and ocean resources, and of food, are urgently needed. So are legislative and administrative controls, in the interest of both social and economic objectives, on the use of pesticides and other chemicals which are essential in modern agriculture and industry but which, when wrongly used, can be harmful to man and his environment."

In the past, pollution has been mainly the problem of affluent nations, but that is not true any more. Even while pollution from the more industrialized nations blows and flows past borders into the less developed countries those countries are clamoring for what they see as the blessings of industrialization.

These international problems fall within the purview of the United Nations. They are non-ideological in nature, and they affect all the inhabitants of the world, human and otherwise. The U.N. Conference on Human Environment to be held in Stockholm in 1972 is a major first step toward making the U.N. work on international pollution problems.

Since time to cope with these problems is so short, I would hope that the international community would move with more celerity than is its wont in creating the necessary institutions. I would propose that there be established a World Commission to Preserve the Environment, which would be associated with the United Nations in much the same manner as are other international agencies. The commission would have to be created in such a way that its composition and voting procedures would properly reflect population and power distribution in the world. Its budget would be provided for through means similar to those used for other international organizations; each government would make an appropriation to it in accordance with the rules of the commission and that government's own procedures. The commission members would have to be named through a process of government consultations, but once appointed they should be free to vote their own minds and consciences.

At this stage in the development of international institutions, it does not seem likely that the World Commission to Preserve the Environment could be endowed with physical enforcement powers. However, it would not seem beyond the bounds of political possibility to empower the commission to set up a global monitoring system to oversee the environment. There is already a precedent for this in the U.N. Scientific Committee for Atomic Radiation, which was established by the General Assembly in 1955 and which has since then, with little fanfare, monitored the atmosphere for contamination by artificial radioactivity and made its findings available in annual reports. There are also many other U.N. agencies that deal one way or another with environmental problems, and the new commission could coordinate with their activities to achieve maximum effectiveness.

Whenever the commission found offenses against the environment—whether in the seabed, the ocean, the atmosphere, outer space, or even on land, when the pollutions were detected crossing international boundaries—the commission could initiate a cooperative effort to solve the problem. The prestige of the commission, combined with its authority to publicize its rulings widely, might allow it to be effective in getting compliance even though it might lack any legal means of enforcement. Various nongovernmental organizations ranging all the way from churches to citizens, conservation and youth groups, could be a powerful political force to help implement the commission's recommendations.

The commission could do more than monitor the environment, however. It could carry out research on all aspects of the environment and how to keep it unspoiled; it could act as a clearinghouse for the considerable data already existing. It could also undertake programs of education aimed at both ordinary citizens and leaders in industry to bring them into the campaign against pollution.

There are other avenues where international environmental matters can be discussed and solutions weighed. In part, the answers lie with the people themselves and require no action by governments. Individuals are slowly learning that what they do and don't do has direct consequences on their environment.

In the United States, the widespread support for and participation in Earth Day held April 22 can extend itself to international pollution problems. Youth and adults alike can say what they think about manufacturers making cars that send up blankets of carbon monoxide, about oil companies that drill holes into the ocean floor and spill oil that kills birds and marine life and that ruins the beaches for people, about governments that dump radioactive wastes on the ocean floor.

Any rational approach to worldwide pollution or conservation requires that national and local rivalries be set aside and that people the world over start to think of one another as brothers with common afflictions and common needs.

Whether it is worn by an American, an East Indian or an African, the button that says, "Give Earth a Chance," has the same meaning. We're all in the same boat, as the sailor says, and we must row together.

CAPTIVE NATIONS

Mr. TOWER. Mr. President, this week marks the 30th anniversary of the Soviet Union's ruthless takeover of the Baltic States—Lithuania, Estonia, and Latvia. In June of 1940, armed troops of the Soviet Union poured into the Baltic States and forcibly incorporated Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics. The Government of the United States has never recognized this forced annexation.

Elections were held in the usual Soviet style. The candidates were selected by Moscow, and Lithuanians, Letts, and Estonians were led at gunpoint to vote for their respective slates. Over the succeeding 30 years there has ensued a series of policies aimed at breaking down the ethnic and cultural character of the Baltic peoples. Thousands of Balts have been deported to Siberia; Russian institutions and Communist doctrine have been imposed on the Baltic peoples, as has the Russian language. No effort has been spared to rob the Baltic nations of their cultural heritage.

The people of Latvia, Lithuania, and Estonia have vigorously resisted Soviet domination. They resisted first by force of arms, incurring terrible losses. Since

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1952 the Balts have continued to resist passively.

The proud people of the Baltic countries have suffered a stormy and beleaguered history. From time immemorial Russian and Germanic forces have swept back and forth across their lands. But the present Soviet domination is the most brutally destructive that they have yet endured. Our solemn observation of this grim anniversary must serve to focus world opinion on the plight of the Baltic nations so that we shall stand with a renewed awareness against the imperialistic ambitions of the Soviet Union.

OBSERVATIONS ON UNFINISHED EDUCATIONAL TASKS

Mr. YARBOROUGH. Mr. President, for 3 years, there has served in the Office of Education one of the Nation's finest public servants and leading authorities on the education of the very young. He is James J. Gallagher, Deputy Assistant Secretary of Planning, Research, and Evaluation in the U.S. Office of Education.

Dr. Gallagher has witnessed, and participated in, an exciting era of public education. A great body of laws has been passed; new ideas have been generated and many brought into being.

He has been in the Office of Education long enough to experience some frustration that all of us experience with the performance of education programs. What happens between the time the first money is appropriated and the time the first child enters such a program? What happens after it has been in operation a year, or 2, or 3, or a dozen?

Dr. Gallagher is leaving the Department of Health, Education, and Welfare to become director of the Frank Porter Center at the University of North Carolina at Chapel Hill. Upon his departure, he has analyzed some of these questions, and come up with interesting and provocative answers.

Dr. Gallagher leaves behind not only a distinguished record of accomplishment at the Office of Education, but the benefit of his experience. Before coming to the Office of Education, he was director of psychological services, Dayton Hospital for Disturbed Children, Dayton, Ohio; assistant director of the phychological clinic at Michigan State University; assistant professor at the Institute for Research on Exceptional Children at the University of Illinois, and later its director. He has been a visiting adjunct professor, education improvement program at Duke University. He is the author of "The Tutoring of Brain Injured Mentally Retarded Children," published in 1960; of "Teaching the Gifted Child," published in 1964; "Teaching Gifted Students," published in 1965.

In a paper entitled "Unfinished Educational Tasks, Thoughts on Leaving Government Service," Dr. Gallagher tells some of the reasons why performance seems to fall short of promise in many educational activities.

He describes the layers of Federal bureaucracy that beset Office of Education plans. He outlines the need to reorganize education at all levels of government—local, State, and Federal. He suggests some areas of concentration and specialty that are most appropriate for Federal activity.

I know that Dr. Gallagher will continue to contribute to better education in America. His observations will be helpful to all of us who also plan to devote ourselves to better education in America. I ask unanimous consent to have the paper printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

UNFINISHED EDUCATIONAL TASKS

(By James J. Gallagher)

Since the news of my forthcoming resignation, I have had many requests or inquiries as to the principal reasons for my departure. In order to put incorrect speculation to rest, I issue this statement of personal conviction.

The problems that plague effective government action in education are many and center mainly upon *how* important decisions are made. I wish to state some of these problems and possible solutions as a final statement upon leaving Government Service.

In Washington, we still play the game of hero and villain, as the press testifies daily. However, villains in Washington are far fewer than most people believe. Many of the problems are imbedded, rather, in failure within the organization and system of government itself. These flaws extend beyond particular individuals in temporary leadership positions. Before major improvements can be made in the construction and implementation of sound educational policy, the Washington decision-making system must be corrected in a fundamental manner.

Four of these organizational problems have been major frustrations in our work and none of them seem to be getting much better:

EROSION OF AUTHORITY OF U.S. OFFICE OF EDUCATION

I believe that the U.S. Office of Education should be the major center for the development of national policy on education and the principal educational spokesman of the Federal Government, once the broad outlines of White House interests have been stated. At the present time, however, virtually all major educational policy decisions and statements are being made at other governmental levels with only perfunctory recognition of the existence or the role of the Office of Education. The Office has had only limited participation in the plans for desegregation of education, higher education, educational research and development, and other areas.

One of the consequences of that limited participation was the negative tone in the White House Messages on Education which appear more critical than constructive in their approach to education. Various administrative spokesmen, from the White House down, seem willing to make education and educators the scapegoat for a multitude of societal problems not of their making, but at the same time are not willing to provide the high priority and necessary resources to get needed educational tasks accomplished.

UNCERTAIN COMMITMENT TO RESEARCH AND DEVELOPMENT

One of the new thrusts of the new Administration which persuaded me to become the Deputy Assistant Secretary for Planning, Research and Evaluation was a major concern for meaningful advances in research and development as a means of improving American education. We started with high hopes. However, the treatment of the initial 1971 budget requests by the Bureau of the Budget in cutting existing research programs by over $15 million, while allowing modest starts for new efforts, was a distinct shock. It was the first, but not the last, indication that fiscal considerations and budget technicians often determine major educational policy decisions, no matter the rhetoric of the visible spokesmen for the Administration.

I am naturally pleased that the new program of *Experimental Schools*—designed to carefully test major new innovations—and the proposed *National Institute of Education*—designed to provide a major visible center of planning and action for educational research—are receiving favorable comment. Having worked hard to develop these new and promising concepts, I am gratified that they are receiving careful consideration. But these new programs alone do not make a total research program. Rather, the major efforts that began in 1966 under Title IV of the Elementary and Secondary Education Act should be the base upon which future educational research and development should be built.

If effective programs in existing Research and Development Centers and Educational Laboratories and other past innovative efforts are starved in order to feed new programs, American education will not profit. The 1972 budget is, of course, crucial and there will be strong temptation for those solely concerned with fiscal considerations to transfer or cut the more established programs, and transfer funds from those programs into new efforts by the National Institute of Education. Such a move could be accompanied by lofty statements of "exciting new advances in research," when, in fact, the total educational research money available may show little or no increase. Many concerned individuals and organizations will be watching the 1972 budget carefully to see if there is a genuine increase in research funds, or merely a transfer of funds from old to new programs.

The concept of the National Institute of Education, as a visible indication of our commitment to systematic improvement of educational programs, affords much promise in leading us into a new era for research and for the educational consumer. The National Institute can attract first-rate researchers from many disciplines such as psychology, economics, anthropology, etc., as well as talented educators. It could create a greatly improved environment for research administration and planning. It would be tragic if this promising agent for educational improvement became immersed in political or budgetary legerdemain. In this spirit, there is a strong need to keep the staffing patterns of the proposed National Institute as free from political influence as possible. The country deserves, and the educational community requires, the best from a National Institute, and the political affiliations of top staff are an irrelevancy.

CAN THE GOVERNMENT KEEP ITS PROMISE?

The credibility of the Federal Government is under serious and justified attack because of its failure to follow through on programs once they have begun. Title III of the Elementary and Secondary Education Act and the educational laboratories are only two of many programs that began with great expectations. In the second or third year of their efforts—their political glamour worn off—their favored place was taken in the Administration by new, bright, and shiny programs that are polished by hope and unsullied by experience.

The odds now seem to be against the realistic use of long-range educational planning for the foreseeable future at the Federal level. Although most everyone admits to the importance of planning in the abstract, the existing governmental organization or system is designed to inevitably frustrate it. There are simply too many persons, some at quite low levels in the hierarchy, who have the power to change the signals on previous commitments and long-range programs. The plans designed in past years become the victims of persons who have no sense of history, or respect for programs begun before their entry upon the scene, but who are eager to push their own pet projects to "make their own mark" in Washington.

Outside the Office of Education, at the present time, there are at least five or six major sources of policy review identifiable within the Executive Branch itself. Reviews by the Secretary's Office of Program Planning, by Evaluation, by the Department's budgetary analysts, by the staff of the HEW Secretary, by the Bureau of the Budget, by various parts of the White House staff, etc., lead to many amendments and modifications. The number of these people and their participation in policy decision-making appear to be increasing daily. Moreover, they do not hestitate to exercise veto power over these programs. The multiplication of people who have authority to change programs but who leave others to face the often negative consequences of their actions is one of the most severe morale problems in government. Even after programs run this gauntlet, they must be reviewed again by the Congress where another variety of special interests are brought to bear on the programs.

Government officials have often been accused of being inconsistent in their policy statements and program decisions. Often such inconsistency is the result of the swirl of shifting alliances of power groups within government that throw up new policies like corks on the waves, and just as easily submerge those not in current favor. It would be a miracle if consistent planning for priorities could survive such a chaotic operation—and miracles are currently out of style.

It seems to me that until fundamental changes are made in the *unlimited* power of myriads of people to change or manipulate programs, budgets, and priorities of the Office of Education every few months, it will be impossible to carry out a program with long-range goals and objectives. As we start new programs again, and paint our bright portrait of what those new programs will accomplish, is there any reason to believe that the same cycle of excitement-frustration-despair will not be repeated by the way in which we make our future decisions? I think not, unless we adopt specific changes in procedure, such as those detailed below.

NATIONAL NEGLECT AND THE HANDICAPPED STUDENT

My interest in joining the Office of Education three years ago was to direct the then new Bureau of Education for the Handicapped. Although some substantial progress has been made during this time, there remains a glaring gap between need and national action for handicapped children of school and pre-school ages. Over half of the estimated 7,000,000 handicapped children in our nation are still not receiving needed special education services in our schools. The United States stands in unfavorable comparison to most of the countries of the civilized world in our educational and health provisions for handicapped children. To rank below the top ten nations in the prevention of infant mortality is one of the many sad statistics for a proud nation.

What is needed is not just small percentage annual increments in a $100 million program (currently representing an average investment of less than $20 per student), but a dramatic increase, representing a doubling or trebling of effort in a program that has proven itself to be effective, and has demonstrated its ability to encourage States to increase their own efforts. This program is small enough to profit materially and visibly from a major influx of funds, whereas the same amount might disappear without a trace in larger programs.

The program for handicapped children always seems to be too small, on a fiscal basis, to ever merit a major priority role in the Office of Education's budget plans, even though Congress has been quite favorably disposed to programs for the handicapped. The notion that we might double or triple the Federal effort for the handicapped may seem dramatic, but actually represents much less money than has been regularly moved back and forth in the budget checker game with larger programs.

POSSIBLE SOLUTIONS

I would not mention these problems if I did not think there were ways to solve them. There are some constructive steps that can be taken.

1. The Establishment of a Department of Education

No other major country in the Western world tries to combine the immense fields of health, education, and welfare into a single cabinet-level department. After three years in the Department of Health, Education and Welfare, it is easy to see why few other nations have been tempted to follow this example. The attached table shows that the budget of the Office of Education already exceeds that of five cabinet departments (Interior, Post Office, Commerce, Justice and State). We actually have within Health, Education and Welfare three separate operating departments bound together only by a burgeoning bureaucracy at the Secretarial level. A total of over 2,000 persons now operates out the the Office of the Secretary, originally conceived as merely a coordination service between the operating agencies of Health, Education and Welfare.

Education's share in the budget of the Department of Health, Education and Welfare has dropped from approximately 33 percent to 18 percent in the time I have been in Washington. In real dollars, our 1971 budget level is below our budget back in 1966. There is the further fact that the proportion of Federal contribution to the total educational costs has fallen from 8 percent to 5.5 percent in the last three years despite the major financial crises felt at the local and State levels.

This is not to say that the money given to Health and Welfare is not appropriate. It merely points up the difficulty that education has in competing within a single HEW budget. The tasks of the Office of Education are becoming more and more complicated by the additional layers of bureaucracy that must be negotiated to achieve effective programs. I cannot think of a single important reason why these three unlikely companions (health, education and welfare) share the same Department. Moreover, there are many other educational efforts being mounted in a large number of agencies with little or no coordination with the Office of Education or HEW.

The earlier HEW goal to have all of the basic three elements of the Department work together to deliver total service to the individual was found to be not viable, and was essentially abandoned some time ago. With different regulations, different local and State agencies, different guidelines, it does not seem likely that we can work toward a coordination objective within the total HEW Department any better than if each element (health, education, and welfare) were in a separate department. A cabinet-level Deprtment of Education would allow for the effective bringing together of the many Federal efforts in the education domain.

2. Helping the Government keep its promises

There is little hope of saving the bright priorities of last year's programs unless some type of protective environment is established for long-range educational programs of high priority. This means that both the Executive Branch and Congress would need to give tacit approval to the concept that perhaps 20 percent of the budget be set aside annually for long-range goals, and not be thrown each year into the same gladiatorial arena that the rest of the programs face.

Such a formula would earn the special blessing of those constituents in the Nation's school systems, universities and educational industries who would have the chance to accomplish something effective with some consistency of Federal support over a period of time. These constituents now have to face constant uncertainty, anxiety, changed signals and radical budget adjustments.

This protection of priority programs would not be a request for a free ride for these programs. On the contrary, the most stringent criteria would be applied before putting a program into this protective category, and a careful review could be made at a given point in time before any long-term renewal. It does mean that we wouldn't be yanking up the fragile educational plant every six months just to see how the roots were growing.

3. The acceptances of special Federal responsibilities

As a general rule, we should continue to strive to give maximum flexibility to local school administrators to use Federal funds. Education is too complicated a field to think that any one neat solution such as *revenue sharing* will meet all of the existing tough problems.

There are many valid reasons why we should provide some system of general support funds to the beleaguered educational agencies that would improve the general delivery of educational services to all students. In addition, a special Federal role seems clearly indicated in strengthening those components of the total educational system that lie beyond local resources such as research, training, and educational communication.

Not every school system can develop its own mathematics curriculum or develop the specialized tests to measure its effectiveness in improving student attitude. My experience with research and its specialized requirements and broad applications has convinced me that a major Federal initiative is an absolute must. State and local educational administrators have shown their inability to support such items in the face of the immediate and overriding pressures to provide needed educational services.

Not every community nor every State can provide entirely for the specialized needs of blind, deaf, cerebral palsied, or multiple handicapped children. The evidence is clear that special Federal assistance is required to insure that no child with these handicaps suffers because of an accident of residence or geographical location. The handicapped have always represented a kind of proving ground for the development of new approaches in education such as individualized instruction, clear establishment of behavioral objectives, the creative use of media, pre-school education, etc. Providing Federal initiatives in this program is more than a moral issue—it is sound national educational policy.

A legitimate debate could be held about whether education's major barrier is lack of *imagination* or poor *transportation* of ideas. We have many examples of excellent practices and programs, but few examples of the technique of how to move them from one place to another. A clear responsibility of the Federal Government is to invest heavily in dissemination of better ideas and practices. The means by which we can transport new ideas and new practices in education are complex and still some-

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what obscure. We have some minor starts in small information systems, but there is a clear Federal responsibility to insure that good ideas and superior practices get from Portland to Austin, and from Long Beach to Utica. Programs of educational communication are not currently receiving more than token support—perhaps $10–$15 million in all.

I have occasionally felt that we in the government are actors in a badly written or badly produced play by a long-forgotten author. Good actors can disguise the flaws in the play for a while, while bad actors make them immediately apparent, but the flaws remain and merely changing the cast of characters doesn't help that much. We need to do something about the play, or in this instance the way in which decision-making occurs on educational matters in government. There will be few meaningful accomplishments in Federal education policy without this reform.

The President in his White House Message on Elementary and Secondary Education has called for educational reform, and well he might. A scattered and financially impoverished set of autonomous 20,000 local school districts was built for a bygone era, with simpler goals. We need to, as a nation, pull our educational system vigorously into the last half of the twentieth century. But we need educational reform at the Federal Government level as well.

Unless we can organize ourselves at the Federal level to keep our educational promises, to identify one clear spokesman for Federal education policy, to support and give leadership to special programs directly related to educational improvement (i.e., research, training, education communication, etc.) then the Federal Government may well be crying out for educational reform on the outside, when the needs for reform may be greatest on the inside of the Federal establishment.

CHART 1

1970 BUDGET AUTHORITY AND NUMBER OF PERMANENT PERSONNEL EMPLOYED AT THE END OF 1970 FOR CABINET-LEVEL DEPARTMENTS AND THE OFFICE OF EDUCATION

[Dollars in billions]

Departments and agencies	Fiscal year 1970 budget authority	Rank	Number of permanent personnel at end of 1970	Rank
Department of Defense	$74.5	1	[1] 1,196,600	1
Treasury	19.1	2	86,700	3
Agriculture	8.7	3	83,000	4
Transportation	7.9	4	63,600	5
Labor	4.9	5	10,300	11
Housing and Urban Development	4.6	6	14,900	10
Office of Education	3.8	7	3,030	12
Interior	1.8	8	59,300	6
Post Office	1.4	9	567,000	2
Commerce	1.0	10	25,600	8
Justice	.8	11	37,600	7
State	.4	12	23,900	9

[1] Includes 30,700 civilian and 1,165,900 military personnel.

EXTENDING PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND DELAYING DE-DESIGNATION OF COUNTIES

Mr. HARRIS. Mr. President, I support the extension for 1 year of the Public Works and Economic Development Act and a 1-year moratorium on the termination or modification of designations of areas or counties as redevelopment areas under that act. I strongly urge the passage, therefore, of Senate Joint Resolution 210, of which I am a cosponsor, and H.R. 15712.

Despite the fact that the Public Works and Economic Development Act has been funded considerably below the authorization level, it has been highly effective in my own State in giving communities the tools to work with toward needed economic development, toward building much needed new private jobs and other opportunities.

I believe that in the year which would follow the extension of this basic act, hearings can be held in more detail and improvements in the particular programs involved can be recommended.

But, Mr. President, at a time when national unemployment has risen to 5 percent, considerably higher among certain segments of our population and in certain underdeveloped areas of the country, this is not the time to allow this important economic development legislation to expire.

More particularly, this is not the time to dedesignate counties and areas of the country which have been, up to now, eligible for the special grants and loans and other programs available to them as redevelopment areas.

Five Oklahoma counties—Jefferson, Pittsburg, Pawnee, Wagoner, and Delaware—were among the counties dedesignated. On June 3, 1970, I wrote to the Secretary of Commerce, saying:

> I certainly hope that you will act favorably on the suggested moratorium on de-designation in order to avoid creating undue hardships in these counties which have worked so hard over the past few years to solve some of their economic ills.

Thereafter, on June 11, I joined with the distinguished Senator from Minnesota (Mr. MONDALE), and other Senators in the introduction of Senate Joint Resolution 210, which would establish such a moratorium.

On Tuesday, June 16, 1970, I conducted a special day-long hearing in Wagoner, Okla., to determine what the people themselves in the five counties affected by the dedesignation announcement thought about these programs and what the effect of such dedesignation, if allowed to stand, would be.

Mr. President, I was tremendously impressed by the number of people who took part in that hearing on such short notice, by the careful preparation which had gone into the statements they presented and by the judgment and wisdom of what they had to say.

Also, I appreciate very much the fact that Mr. Stewart McClure, a member of the professional staff of the Senate Public Works Committee, was able to attend this hearing in Oklahoma and hear these excellent and highly useful statements, and the ensuing discussion, firsthand. I am grateful to the committee for permitting Mr. McClure to do this, and I know that what he learned will be very helpful to the committee in its deliberations.

Economic development officials from across Oklahoma, county officials in the five counties involved and a group of State legislators, headed by Speaker of the House Rex Privett and including Senators Raymond Horn and Bob Medearis and State representatives Vol Odom and Wiley Sparkman, participated in the Wagoner hearing on the effectiveness of the EDA program and the need to keep it operating at least at its present level in Oklahoma.

The hearing focused on the economic development efforts now underway in the five Oklahoma counties which will be dedesignated at the end of this month unless the legislation pending before the committee is enacted.

During that day, statements were made by Mr. L. B. Earp, executive director, Northeast Oklahoma Economic Development District and a very impressive delegation from Delaware County; Bill Hill, director, Kiamichi Economic Development District, and a very impressive delegation from Pittsburg County; Col. Homer G. Snodgrass, Jr., executive director, South Central Oklahoma Economic Development District, and a very impressive delegation from Jefferson County; Earl Price, executive director, Central Oklahoma Economic Development District, and a very impressive delegation from Pawnee County; and Mr. L. V. Watkins, executive director, Eastern Oklahoma Economic Development District, and a very impressive delegation from Wagoner County.

I was very much pleased to be able to announce at the beginning of the hearings that the battle had already been half won, because of the announcement by the Department of Commerce that it was going to suspend dedesignation pending action by the Congress on the legislation at present before the Senate Public Works Committee. Now we need swift action on this legislation, which will give us a 1-year breather.

The hearing in Oklahoma—an effort on my part to bring the Federal Government home to the people, to listen and to allow the people who know the most about these matters to express their opinions—proved to be highly successful. I intend to hold other such hearings in other parts of the State and on other subjects.

Several conclusions emerged: First, it was obvious that, because of the Public Works and Economic Development Act and related programs, an immense amount of volunteer self-help effort was being put forth in each of these counties, that people had gotten together and organized themselves to do things for themselves, to build up their own communities, to improve employment and other opportunities. No price tag can be put on this effort, but it is obvious that this kind of Federal and local partnership is what this country needs a great deal more of. These local people and these local communities have been stimulated to take inventory of themselves, their problems and their assets, and they have gone to work to solve their problems and to capitalize on their assets—to achieve a better life for all their people.

Second, the programs involved in this act have had demonstrable effect in creating new private jobs. The testimony in the Oklahoma hearing gave specific instances of industries which had been built in communities because of water and sewerage facilities provided under this act or other such essentials for industrial development supplied as a result of it.

Third, it was strongly apparent that many communities would suffer greatly if their hopes and plans for economic and industrial development under this act were snuffed out because of dedesignation. In many instances, people had just begun to implement their carefully laid plans and this would all be to no avail if eligibility for this program is terminated.

But these hearings were important not only because of the specific legislation before the Senate Public Works Committee or the need to delay de-designation of these counties. It was also important for the suggestions which emerged that can be highly useful to the Congress as we consider changes and improvements in the basic law and programs in the future—after a 1-year extension of the law and of presently designated counties has been enacted.

There was highly worthwhile testimony concerning the need to more clearly announce national policy in favor of redistribution of people—that is, the need to improve opportunities throughout the Nation, not just in the cities, so that people can live where they want to live. Polls have indicated that a majority of Americans would rather live in smaller towns or cities, but less than one-third can do so because of the lack of opportunity to make a living there. L. V. Watkins, executive director, Northeast Oklahoma Economic Development District, spoke on this subject very eloquently, as did others.

Also, those who testified at the Oklahoma hearing made an incontrovertible case that the criteria for designating counties and areas must be changed. It was pointed out that rural counties are surveyed only once a year in regard to unemployment, and that this does not give a true picture of the situation. Moreover, since people in small communities pretty well know what the job opportunities are locally, they may not technically show up as an unemployed member of the "work force" because they have not applied for a job within 2 weeks prior to the time questioned. Census data, year old, is also not entirely satisfactory.

Suggestions were made for improvements in the law in regard to criteria used in designating redevelopment areas, and I believe that this testimony and these suggestions can be very helpful to Congress in the future, and I certainly commend them to the attention of Senators.

It was also suggested at the hearings that the designation of redevelopment areas should not be made on an annual basis. I agree that this period is unrealistic and that it undermines long-range planning. Further, it was pointed out that such annual reviews also have an adverse effect on the planning and programs of economic development districts, individual counties in which may be, from one year to the next, dedesignated.

The Oklahoma hearing was attended by more than 80 people. This shows the tremendous interest in these programs and the willingness of so many people to give their time and energies to the development of their own home communities. A tape recording was made of the full testimony and discussion at the Oklahoma hearing. When this has been transcribed, a copy will be furnished to the Senate Public Works Committee. In the meantime, Mr. President, I have the names of those from each county affected who made or presented statements at the Oklahoma hearing. I believe that these statements and the suggestions which they contain will be very helpful to this committee, and I ask unanimous consent that the agenda for the Oklahoma hearing, the names of those who made or presented statements and the prepared statements be printed in the RECORD at the conclusion of my remarks.

Mr. President, a large number of people in this country are out of work. Many of them in this country are working shorter hours. A lot of people are underemployed. This is not the time to slow down on the development of our human resources. This is not the time to slow down on economic and industrial development in the areas of the country which need it most. I, therefore, strongly recommended the extension of the Public Works and Economic Development Act for 1 year and a 1-year moratorium on dedesignation of any counties or areas presently designated as redevelopment areas, and, that in the future these programs be strengthened and improved.

I am sending a copy of this statement and attachments to each member of the Senate Public Works Committee, and I will present these Oklahoma views to the committee in person when hearings on this legislation are begun.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AGENDA

10:00. Opening statement by Senator Harris.

10:15. L. B. Earp, Executive Director, Northeast Oklahoma Economic Development District—Delegation from Delaware County.

11:00. Bill Hill, Director—Kiamichi Economic Development District—Delegation from Pittsburg County.

11:45–1:15. Lunch Break.

1:15. Colonel Snodgrass, Executive Director, South Central Oklahoma Economic Development District—Delegation from Jefferson County.

2:00. Earl Price, Executive Director, Central Oklahoma Economic Development District—Delegation from Pawnee County.

2:45. L. V. Watkins, Executive Director, Eastern Oklahoma Economic Development District—Delegation from Wagoner County.

3:00. Other witnesses and closing statement by Senator Harris.

WAGONER COUNTY

State Representative Vol Odom.

Mr. L. V. Watkins, Jr., Executive Director, Eastern Oklahoma Development District.

Mr. C. W. Woodward, President, Board of Education, Coweta Public Schools, Coweta, Oklahoma 74429.

Mr. H. E. Berry, Member of Board of Directors, Eastern Oklahoma Development District.

Mayor Bill Lancaster, Wagoner, Oklahoma.

Mr. Gerald Brown, County Commissioner, Wagoner, Oklahoma.

Mr. Jim Jamison, County Commissioner, Wagoner, Oklahoma.

Mr. J. T. Wood, County Commissioner, Wagoner, Oklahoma.

Mayor L. L. Nelms, City of Coweta, Oklahoma.

Mr. Cliff Dorsey, Member of Board of Directors, Eastern Oklahoma Development District, Wagoner, Oklahoma.

Mr. Fred L. Byers, Executive Director, Wa-Ro-Ma Tri-County Community, Action Foundation, Inc., Wagoner, Oklahoma.

STATEMENT BY L. V. WATKINS, JR., EXECUTIVE DIRECTOR, EASTERN OKLAHOMA DEVELOPMENT DISTRICT

Thank you Senator Harris for the opportunity to make our voice heard to the Senate of the United States. We may be wrong, but we feel that if the halls of Congress and the Dining Room of the White House could give the people more chances, like this, to speak on specific individual and related issues the country could move to a new level of understanding and achievement.

The subject you are here to discuss with us today is very close to the heart of many of our present social ills. The noted Economist, Alfred Marshall, made it clear as early as 1890 that the conditions of poverty intensity as population increases in congested areas and as population decreases in sparsely settled areas. It is simply a fact of resource allocation and income distribution.

Mr. Marshall's analysis has not been refuted to date, so I think it is about time we started addressing ourselves to its importance.

Once Congress addresses itself to the real causes of much of our present situation they will realize that there is an immediate necessity to help effectuate a more optimum allocation of people and economic activity over land space. They must help establish effective decision making capability to accomplish the task through legal and financial machinery.

Major tools for accomplishing this are as follows:

1. Changes in comparative advantages of rural areas to locate industry.

a. *Large public expenditures or investments.*

The alteration of resources through public expenditures can change the economic base and its attractiveness to industry of an area. Examples of this is the investment in the establishment of port and docking facilities along the Gulf Coast, and the development of the Tennessee, Arkansas, and Ohio River Valleys.

b. *Alteration of legal institutions.*

Public expenditures of this nature are not the only methods of altering the economic institutions that are effective in influencing industrial investments. The alteration of legal institutions affecting private investment that might be effective include a tax incentive for location or expansion of industry in rural areas. Another possibility is the differentiation of bank discount rates, for those areas not having sufficient industrial base to sustain themselves. Also, the availability of low interest capital loans or special investment tax credits would be an inducement for decentralizing economic activities.

2. Change the social environment.

The necessity for a minimum amount of social services and amenities to attract and hold industry makes necessary the availability of funds not only for the actual location of industry, but also for the providing of satisfactory infrastructure to attract managerial and skilled labor force.

3. District funding.

In order to carry out the comprehensive planning function and provide some professional capabilities for guiding, social, and economic development, funds must be made available to substate districts. Such funds will also enable the District to survive until it evolves into a self-sustaining unit of government.

All are essential and all must be continuous until a more optimum balance is achieved between people, economic activity and land space. The EDA act provides these basic tools but to participate, a County must be eligible. This is where the rub comes in.

Wagoner County has identified a port site and industrial district.

Wagoner County communities have chosen industrial sites.

Wagoner County has identified its target poverty groups.

Wagoner County has identified many of its needs for community improvement.

Wagoner County is now ready to act, but now the Government tells them that the EDA program was just a tease and hide behind some very artificial figures to leave the County in a precarious position.

The people of Wagoner County and the Eastern Oklahoma Economic Development District are ready to do something about their situation and make a contribution to solving our national problems. They can not do it as long as they are victims of a system that pulls offspring, friend and neighbors (symbolically screaming in protest) to the congested poverty sections of cities of California, Illinois, and Missouri. The Congress of the United States must hear the voice of the people who want to help themselves and giving them the tools to do something about it.

COWETA PUBLIC SCHOOLS,
Coweta, Okla.

TO WHOM IT MAY CONCERN!

I feel and I'm sure that the majority of the people of Coweta and Wagoner County are proud of the prosperity and progress our county has shown in the last year. But at this time, I feel that the evaluation is superficial and misleading. Due to the type work that has been in progress in our county the last year such as:

1. The Arkansas River Navigation project which crosses our county.
2. The Muskogee Turnpike project which crosses Wagoner County.
3. The Coweta Waterworks project.
4. The Coweta Sewer project.

This has been very good for our economy in the County but at this time, several of these projects have been completed and the other remaining are nearing the end. At this time, we have nothing to replace the employment that these projects have stimulated. Therefore, we feel that the evaluation at this time is misleading and to get a true evaluation, it would be necessary to wait at least a year.

Sincerely yours,

C. W. WOODWARD,
President of the Board of Education.

COWETA PUBLIC SCHOOLS,
Coweta, Okla.

TO WHOM IT MAY CONCERN!

The Coweta Public Schools are the sponsor of a Neighborhood Facilities Project now in progress for the youth and senior citizens of our community.

At this phase of the project, the people of the community have invested money, work and many hours of planning to this much needed project.

Any loss in EDA at this time would put the project in a financial crisis that could not be overcome by the people of the Coweta School District.

Sincerely yours,

C. W. WOODWARD,
President of the Board of Education.

To Senator Fred Harris.
Subject Designation of Wagoner County as a redevelopment county.
Date June 16, 1970.

The programs now in operation in this area are beginning to build a broad economic base for development. This process is not a short range project, but a long range program which must be continued to generate the benefits desired.

Wagoner County has enjoyed an increase in employment and high wages connected with the navigation system and adjoining roadway network. This has caused a temporary boost in the local economy which the data to be redesignate Wagoner County as a redevelopment county is based upon. Therefore as a member of the Board of Eastern Oklahoma Development District I hereby request E.D.A. to redesignate Wagoner County as a redevelopment area. This is vital to the development of projects now being planned and also to the area.

H. E. BERRY,
Member of Board of Directors, Eastern Oklahoma Development District.

CITY OF WAGONER,
Wagoner, Okla., June 15, 1970.

Senator FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: The need for the EDA assistance cannot be over-emphasized. The short time Wagoner County has been a redevelopment county and part of the Eastern Oklahoma Development District, it has not allowed for reorganizing and carrying out a full development program to completion. In the event the County is not redesignated. the development process will be greatly hampered. Several projects now in the development and planning stages will be set aside indefinitely.

Therefore, be it resolved that Wagoner County has had problems of unemployment, underemployment, and out-migration; and

Whereas, Wagoner County has commenced to be actively working for industrial and economic development; and

Whereas, Wagoner County does not have an adequate tax basis to finance projects for industrial development; and

Whereas, the Mayor of Wagoner hereby requests that Wagoner County be redesignated as a redevelopment county to receive the EDA funds to assist in the development process.

Yours sincerely.

BILL LANCASTER,
Mayor.

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF WAGONER COUNTY REQUESTING REDESIGNATION OF WAGONER COUNTY AS A REDEVELOPMENT COUNTY

The need for federal assistance on the many activities now coming to fruitation can not be overemphasized. The short time the county has been a redevelopment county has not allowed for organized and carrying out a sound development program to completion. In the event the county is not redesignated the development process will be greatly hampered. Several projects now in the planning stage must be set aside indefinitely. Other activities carried on by the Farmers Home Administration, the CAA program and EDA will be curtailed. Also this will affect business loans, new jobs and the economy in general.

Therefore be it resolved that Wagoner County has had problems of unemployment, underemployment and out migration, and;

Whereas; Wagoner County has commenced to actively work for industrial and economical development, and;

Whereas; Wagoner County does not have an adequate tax base to finance projects for development, and

Whereas; the figures used to compute criteria for a redevelopment county in Wagoner County have been affected by the construction of the waterway and roadways which is nearing completion, and the loss of, employment will adversely affect the economy of the county, and,

Whereas; the County Commissioners of Wagoner County hereby request to be redesignated as a redevelopment county to remain eligible for funds to assist in the development process,

Now, therefore, be it resolved by the Board of County Commissioners of Wagoner County that said board request Wagoner County to be redesignated as a redevelopment county.

Approved, this 15th day of June, 1970 by the Board of County Commissioners of Wagoner County.

GERALD BROWN,
JIM JAMISON,
J. T. WOOD

To: Senator Fred Harris.
From: City of Coweta, Okla.
Subject: Termination of Wagoner County designation in the EDA district.

The City of Coweta is currently being assisted by the Economic Development Administration in the construction of water treatment, storage and transmission facilities. It would have been very difficult, if not impossible, to complete this program of construction without the participation of the EDA.

In addition to the financial help we have received, the increase in the number of jobs in the Coweta Area and convenience offered to our lower income citizens have been a tremendous uplift to the community.

The development process is now beginning to help the people in Coweta, however the current data used as criteria to designate Wagoner County as a redevelopment county is greatly affected by the short term employment on the construction projects now taking place in the area. The growth and development of the county will be hampered should the county not be redesignated as an undeveloped area.

We respectfully request that you do all in your power to bring about a reconsideration of the decision to terminate the EDA designation in our area.

Respectfully,

Dr. L. L. NELMS,
Mayor, City of Coweta.

To: Senator Fred Harris.
Subject: Termination of Wagoner County designation in the EDA district.

The data used to compute the criteria for a redevelopment county does not affect the long-run economy because of the additional short term employment on the construction of the water-way and roadways in Wagoner County. When this construction is completed it will have an adverse affect on the employment rate and level of per capita income in the county. Therefore, I hereby request that Wagoner County be redesignated as a redevelopment county in order to continue the development process now under way.

Respectfully,

CLIFF DORSEY,
Member of Board of Directors From Wagoner County for Eastern Oklahoma
Porter, Okla., June 15, 1970.

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CITY OF PORTER,
Porter, Okla., June 15, 1970.
Senator FRED R. HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: On behalf of the City of Porter and the Mayor, Mr. Bill Kilpatrick, we feel that Wagoner County needs the continuation support of the Economic Development Administration. Anything you can do for us on this will be deeply appreciated.

Sincerely yours,
HELEN NEWBERRY,
City Clerk.

To Senator Fred Harris.
From WA-RO-MA Tri-County Community Action Foundation, Inc.
Subject, Termination of Wagoner County Designation in the EDA district.

WA-RO-MA Tri-County Community Action Foundation, Inc. serves Wagoner, Rogers and Mayes counties on all OEO programs. We firmly believe that construction work in Wagoner County on such projects as the Arkansas River navigation, the Broken Arrow-Muskogee Turnpike as well as several sewer and water projects have in the past year, given a false profile to the economy in this county. These projects are either now completed or nearing completion and our unemployment is again on the rise. Unless Wagoner County is redesignated as an EDA county, the present stability of the economy in the county will deteriorate and that badly needed new industry could not be attracted. This would also severely affect the services our agency performs in locating and placing underprivileged persons in new jobs. Also several projects now in the planning stage for which loans and grants will be necessary to finalize will be dropped if the EDA designation is terminated. Therefore we urge you to do everything in your power to see that this county is redesignated.

Yours truly,
FRED L. BYERS,
Executive Director, WA-RO-MA Tri-County Community Action Foundation, Inc.

DELAWARE COUNTY

Mr. L. B. Earp, Executive Director, Northeast Oklahoma Economic Development District.

Mr. H. A. Berkey, Chairman of Board of Directors for Northeast Oklahoma Economic Development District.

Mr. Richard Lock, Attorney, Delaware County.

State Senator Clem McSpadden.

Mr. Don Goins, President, Jay Chamber of Commerce.

Mr. Gene A. Davis, Attorney, Jay, Oklahoma.

Mr. Dan Draper, Colcord, Oklahoma.

Mr. Lloyd Osborn.

Mr. Elmer Allen, Jay, Oklahoma.

Mr. Benny Cooper, County Commissioner, Delaware County.

State Representative Wiley Sparkman.

Mr. Fletcher Baker, Mayes County Chairman for Economic Development District.

TESTIMONY BY MR. L. B. EARP

SENATOR HARRIS: The Northeast Counties of Oklahoma Economic Development Association has been notified by the U.S. Department of Commerce, Economic Development Administration, that Delaware County, Oklahoma a member county of this District will be dedesignated as a redevelopment county as of June 30, 1970. This will make the county ineligible for EDA loans and grants; it will reduce participation by HUD from ¾ to ⅔ eligibility on Neighborhood Facility projects, and will probably cause two such programs be shelved, one submitted and one being prepared for submission at this time. It will greatly affect the county in its industrial efforts, its social and environmental growth.

As you are aware, EDA has various criteria used to qualify counties as redevelopment areas, and the employment rate is a major factor. The Oklahoma Employment Security Division of the Department of Labor's statistics show the 1969 annual average unemployment rate for Delaware County to be 5.5% and 6.0% or more is required to maintain designation.

I, as the Executive Director of the Northeast Counties of Oklahoma Economic Development Association, question the validity of these statistics for the following reasons:

(1) The relationship between total labor force and the total population in Delaware County for 1969 was 21.5% in comparison with 38.3% for Ottawa and 30.0% for Mayes Counties, which adjoin Delaware County and both are Redevelopment Counties and members of the NECO District (see attached table.) We at NECO feel certain there are more employable persons in the county, but for various reasons they are not being counted or shown in the total labor force statistics.

(2) The total unemployment statistic may not be a true count because unemployed persons that have not worked for a covered employer may not show in the data prepared by the Oklahoma Employment Security Division.

(3) The county does not have an employment office, but once a week a representative from the Oklahoma Employment office from Pryor, Oklahoma, Mayes County, some 40 miles from the County Seat of Delaware County, visits the county to register those who have unemployment claims. They also take applications for employment, but these applicants are *not* counted even if they are unemployed unless they come under the Act.

(4) Many people living in Delaware County, Oklahoma have mailing addresses in towns immediately outside the county such as Siloam Springs and Mayesville in Arkansas; Southwest City and Tiff City in Missouri; and Salina in Mayes County, Oklahoma.

(I wonder how many people are lost from Delaware County because of the above. Especially when the projected population for Delaware County has been 14,100 and the preliminary U.S. Census shows 16,198. A difference of 2,098 people.)

Delaware County is one of the poorest and socially deprived counties in the State and we can not believe that it is the purpose or intent of the EDA criteria to *dedesignate* a county at this level of development.

I therefore, Senator Harris, recommend the passage of the Moratorium Amendment to the Public Works and Economic Development Act of 1965 which allows no counties to be designated after June 1, 1970 through June 30, 1971 unless the individual county government request the dedesignation action directly to the U.S. Department of Commerce.

L. B. EARP,
Executive Director.

TOTAL LABOR FORCE, 1969, PRELIMINARY COUNTY POPULATION, 1970, PERCENTAGE

County	Preliminary population census, 1970	Total labor force annual average, 1969	Labor force ratio to population (percent)
Craig	14,328	[1] 5,780	40.3
Delaware	16,794	3,620	21.55
Mayes	22,552	6,770	30.0
Nowata	9,481	2,560	27.0
Ottawa	29,561	11,350	38.3
Rogers	27,463	5,960	21.7

[1] Annual average not available; June 1969.

TESTIMONY BY H. A. BERKEY

Senator Harris: I am Harry Berkey, Chairman of the Board of Directors of the Northeast Counties of Oklahoma Economic Development Association and we are vitally interested in retaining the designation of Delaware County. Delaware County is part of our District and as with the other six counties forms an interlocking partnership for the well-being, advancement and progress of this Northeastern corner of Oklahoma. In addition this county with two others, border on the Eastern Oklahoma Development District with whom we cooperate and coordinate several of our activities.

The overall program for the seven-county NECO area has developed so broadly in so many sectors of the business, social and industrial life of the people and the District that there is continuous activity for staff members, board members and involved persons ranging from preliminary discussions of potentials and possibilities to either applications for assistance from state and Federal agencies or assistance in self-help programs in some situations.

Efforts in the District have been directed toward and through all Federal and state agencies. Coordination for maximum results of effort has become a byword in all our operations. Our major line of approach for the majority of our projects has been through the EDA Basic Grant. Often we have wished for more availability of EDA assistance where real need has and does exist, but eligibility is lacking for the town, city or county involved. There is a need for a longer time span after an area is started on the road to recovery prior to casting it loose without support. This sudden reduction of support can be a shock similar to reduction of care to a surgery patient. It is fine to stimulate growth, but it must be nurtured longer than is available in many cases.

Our efforts throughout the District also include a cooperative area wide Comprehensive Health Plan with Eastern Oklahoma Economic Development District; a district wide crime control coordination program; A Public Service Careers Program is in the proposal process; and a Farm Products Marketing Assistance Program is being formulated in cooperation with Mid-America, Inc. of Parsons, Kansas.

Stimulation of economy, increase in jobs is a fine goal if it continues through a longer span of time, but more important in some instances is increasing the *potentials* for jobs two to ten years in the future—in many cases for the sons and daughters of today's job seekers. Development on a long range basis will possibly reduce the reoccurance of a similar need for assistance ten to fifteen years from now.

In view of the foregoing paragraph, we are working desperately to bring our area Vo-Tech Centers into being. We hope to bring skills to the hands and minds of the students of these schools that will encourage industry and business to locate, remain and expand in the local area; thus, restoring the people so desperately needed—our young—energetic, ambitious and progressive.

The effects of NECO, EDA and other Federal agencies are coming to the fore more each day. This has been a period of education, coercion, example and plain everyday hard work. Effort expended over the past four years is showing greater results with the passage of time. Acceptance, support and utilization of NECO and its efforts is increasing throughout the seven county area. Skeptics are now boosters and see the advantages of EDA that were not apparent in the past. We feel that our hard work is paying off and that we are a valuable asset to both the District and EDA. Full utilization of the benefits of EDA and where possible other Federal agencies, to a still greater degree will be more important in the future if progressive, flexible and aggressive effort is maintained, in fact- broadened.

The loss of Delaware County would be a serious blow to the overall progress in the District. While there has been progress, this county has a long way to go before it is moving ahead as steadily as it should be. Growth and development of such rural areas with few centers of population require more tender care and nourishment than the more densely populated areas do. Effects are often not as noticeable and people are more easily lost, overlooked or forgotten. It is vital to both Delaware County and the District that the opportunity move forward is retained.

I could list the benefits we have received from EDA and related programs, and I could list the jobs created and saved, but this information is not necessary here. I do wish to stress that EDA has offered opportunity and solid assistance. We need more of the same and, if possible, on a broader more flexible scale. We are not satisfied with our accomplishments, simply because there is so much to be done. The need for assistance still exists and will continue to exist. Lessening of assistance or curtailment of effort will be detrimental almost to the state of catastrophe. The patient is improving, but is not yet well enough to stand alone.

We of NECO whole hearted support and recommend the proposed Moratorium that will retain a designated status for Delaware County and reiterate the need for the continuation, broadening and increase of emphasis of the EDA program.

Once again, please accept the thanks of our Board and myself for the opportunity to comment—to say "thanks" to EDA and to plead for continuation of the effort.

H. A. BERKEY,
Chairman, Northeast Counties of Oklahoma Economic Development Association.

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, DELAWARE COUNTY, STATE OF OKLAHOMA

Whereas, pursuant to the Public Works and Economic Development Act of 1965, the Department of Commerce has heretofore designated Delaware County, State of Oklahoma as a Title IV Redevelopment County.

Whereas, by being so designated, Delaware County, State of Oklahoma is now, and has been eligible, and has received grants for public works and development facilities, which has aided and is aiding in the economic development of said County.

Whereas, pursuant to notice heretofore received, Delaware County, State of Oklahoma will be dedesignated as a Title IV Redevelopment County on or about June 30, 1970.

Whereas, there is now pending in the Congress of the United States an amendment to the Public Works and Economic Development Act of 1965, which will extend the Act for one (1) year, and a further amendment to establish a moratorium on dedesignation, proving that no county shall be dedesignated after June 1, 1970 thru June 30, 1971.

Whereas, in light of the present economic situation facing our Nation of tight money, increased interest rates, rising unemployment, and a sagging economy, all of which factors are prevalent in Delaware County, State of Oklahoma, making it all the more necessary that Delaware County maintain its designation as a Title IV Redevelopment County.

Now therefore, be it resolved that the Congress of the United States of America be urged with utmost speed to enact appropriate legislation that will effectively maintain Delaware County's status as a Title IV Redevelopment County, so that the critical problems of employment, income and out migration may be alleviated through the continued use of those programs administered through EDA of which Delaware County is in such dire need.

Done in open meeting this 15th day of June, 1970.

BOARD OF COUNTY COMMISSIONERS, DELAWARE COUNTY, STATE OF OKLAHOMA,
STIRL L. POTTER, *Chairman.*

Attest:

SAM FIELDS,
County Clerk-Secretary.

TESTIMONY BY THE HONORABLE STATE SENATOR CLEM MCSPADDEN

Senator Harris: I am fully aware of the conditions, both economically and socially, of Delaware County and I am highly concerned as to the method of statistics gathered by the Department of Labor in a rural county such as Delaware County, where I personally know that you can visit the Kenwood Reserve, a heavily populated Indian reserve in Delaware County, and count more than 250 adults who are unemployed and that the Welfare roll has risen during the past year and I favorably recommend and endorse the Moratorium Amendment and favorable legislation be passed to continue the eligibility of Delaware County as a redevelopment county.

I challenge the statistics of the Department of Labor as to the number of unemployed people in Delaware County and any other rural county of the United States with similar geographic and population characteristics; one whereby there is no permanent employment office, one whereby there are not enough permanent jobs to create this rate of employment; one whereby seasonal jobs and temporary jobs exist to the minimum; one whereby the population has grown from 1960 to 1970 by approximately 3,000; one whereby 300 highschool seniors graduated in May with no new jobs or industries for them to enter and whereby the national trend of unemployment has risen from 3.6% in January of 1970 to 5% in May, 1970. Whereby two years ago in 1968 the unemployment statistics show the average of 5.6% unemployment and with a resurvey of the months of January through June of 1969 the average of unemployment raised to 8.8% for the month of June and for this six months period averaged 7.1% and whereby no appreciative new industries have been established in the county; I therefore, recommend to Senator Harris of the United States Senate from the State of Oklahoma that the methods by which counties are designated or dedesignated be challenged and a revamping or new methods be established that are more realistic in Rural America and if the Public Works and Economic Development Act of 1968 is extended, that the Moratorium Amendment be passed by the United States Legislature and that Delaware and the other four counties of Oklahoma continue their eligibility on the basis of a re-development county as defined by the Public Works and Economic Development Act of 1965.

CLEM MCSPADDEN,
Senator, Oklahoma State Legislature.
CHELSEA, OKLA.

TESTIMONY BY MR. DON GOINS

Senator Harris: As President of the Jay Chamber of Commerce, Jay, Oklahoma, I request you to do all in your power to extend the EDA Act for one year and that you use all energies and resources you can muster to retain Delaware County as an EDA designated county and that the Moratorium Amendment co-sponsored by you be passed.

The economic conditions of Jay and Delaware County are sick and deteriorating. I have seen the county from within as a business man in the building trade, and I am speaking with authority as to the conditions of Delaware County. We are steadily working to improve our county, but without the aid of EDA and other Federal agencies, our efforts will be stymied.

I therefore request and recommend that the Moratorium Amendment be passed and Delaware County remain eligible for the EDA program.

DON GOINS,
President, Jay Chamber of Commerce.
JAY, OKLA.

TESTIMONY BY GENE DAVIS

Senator Harris: Delaware County of Oklahoma is prematurely being cast upon its own resources if it is dedesignated as a redevelopment county. There have been gains and some improvement, but no visible evidence that the county can proceed without further assistance.

In checking statistics and forming a comparison utilizing the tables in *Handbook for Labor Force Data Selected Areas of Oklahoma,* Oklahoma Employment Security Commission the attached graph was formulated. Fluctuation indicates while there is some base of permanent employment, it is not sufficient to support the population of the area. The graph indicates seasonal and temporary employment for approximately 30% of those involved in the unemployment statistics. This is of course a fluid and flexible group. There is also other indications of residents commuting outside the county area for employment to Ottawa County (Miami area), Joplin, Missouri and several small areas in Arkansas.

The 1970 preliminary census figures indicate exactly 3,000 or 22.8% more population in Delaware County than there was in 1960. For statistical purposes approximately 20% of the population is apparently considered in the county labor force. When making comparisons in one example—1964 and 1965—a loss of 60 to the labor force was indicated. This would indicate that not only was there no average annual labor force again—it was in fact a loss of 120 to the labor force.

The above argument is not realistic nor sound, but it is included here to indicate that the basis upon which the assistance and welfare for several thousands of people is predicated is also unsound, unrealistic and unwieldy. It indicates that a more reasonable, flexible method of determining need for assistance, and value to the nation as a whole, is necessary.

There is no question that the need exists. There is a definite need for satisfying these people and thereby improving the state and in turn the county. The assistance rendered by EDA and other Federal programs in Delaware County is beginning to show results and is proving its worth. The problem is that the assistance is too narrowly applied and not continued on some basis until there is a firm solid foundation from which the area may continue.

Dedesignation of Delaware County will render any assistance to the county a mortal blow. Not only will EDA programs be nullified, but *every* federal program will be reduced or killed. There are many sources of effort being applied in the county and in some respect nearly all are dependent on EDA designation or assistance. To remove the designation at this time will be detrimental to every potential or possible gain this county has or can make.

I speak from experience and broad knowledge of the county and its residents. I am a member of the Grand Lake Planning Commission as well as a lawyer with a county-wide practice.

It is possible that the prospect for a new industry we are meeting with later today will not be able to locate in the county due to our inability to offer him the assistance he may need and we have been working for a year to develop a project.

When this program goes—there also goes several years of hard work for many people.

Efforts expended to bring the county to a level where it can begin to attract industry and commerce—will all go down the drain because we are not yet self sufficient nor able to do without assistance.

Mr. Senator, I appeal to you, and to others interested in our well being and progress, to not only make this Moratorium a fact, but to take positive action to bring about a new, broader, more flexible and progressive program for the future for Delaware County and other counties in similar situations. I suggest that the Economic Development District concept should be broadened to include the onestop service that is so vital to all our counties. The umbrella of information and assistance that we need should be available to us through one source if at all possible—if for no other reason than ease of access and reduction of time and cost, but whatever else is contemplated, we must have the assistance offered and promised and now apparently to be terminated before fruition.

GENE DAVIS,
Attorney at law.

JAY, OKLA.

PITTSBURG COUNTY

Mr. Bill Hill, Executive Director, Kiamichi Economic Development District.

Mr. Ed Long, Assistant City Manager, McAlester, Oklahoma.

Mr. Al Donnell, Division of McAlester Regional Heath Center Authority.

Mr. Joe Hauss, Assistant to Director of Model Cities Program, McAlester, Oklahoma.

Mr. Ray Curliss, Executive Director, Urban Renewal Authority.

Mr. Champ Hodgens, County Commissioner.

Mr. Bob Wright, Chamber of Commerce, McAlester, Oklahoma.

STATISTICAL INFORMATION CONCERNING THE SEVEN-COUNTY SOUTHEASTERN OKLAHOMA KEDDO AREA, PRESENTED BY BILL HILL

M'CURTAIN COUNTY

McCurtain County is a redevelopment area with a very low economic base. This is illustrated by several factors in the history of McCurtain County. The prime reason for the sagging economy is the lack of full utilization of its natural resources, of which water is the most important. Through improved industrial utilization of water throughout the county the economic base can be raised.

The population of McCurtain County in 1960 was 25,851. In 1966 it was 28,300, a gain of 2,499. Population figures from 1950 to 1960 show a decrease in population of 5,737 residents. The average and/or median income of the families in McCurtain County in 1960 was $2,455, compared to $3,890 in the State of Oklahoma. In 1965 this county had a 6.9% unemployment figure. In 1967 the unemployment figure dropped to 6.1%. These figures compare to national averages of a 4.6% unemployment rate and average annually family income of $5,660.

LEFLORE COUNTY

LeFlore County population in 1950 was 35,276; in 1960 the county showed 29,106 residents. These figures represent a loss of 6,170 people in a ten-year duration. The median family income for LeFlore County in 1960 was $2,648, compared to $3,890 in the State of Oklahoma.

In 1960 this county had an appalling unemployment rate of 9%. In 1967 the unemployment figure dropped to 7.7%. These statistics compare to national averages of 4.6% unemployment and average annual family income of $5,660.

CHOCTAW COUNTY

Choctaw County in 1950 had a population count of 20,405. In 1960 this county census showed population of 15,637, representing a loss of 24% of its people in one decade.

The average or median income of families in Choctaw County was $2,239 in 1960. This is 43% below the average family income for Oklahoma which, in itself, was below the national family income. In 1960 the county encountered a 7.1% unemployment statistic. In 1965 the unemployment increased to 8.9%, with a 4.6% unemployment nationally.

PUSHMATAHA COUNTY

Pushmataha County had 12,001 residents in 1950; 9,088 residents in 1960, representing a decrease in population of 24.3%. The population of Pushmataha County was estimated to be 9,200 in July 1967 by the Oklahoma Employment Security Commission. This represents a gain of 112 persons from the 1960 census.

The 1960 U.S. Census of Population figures indicate that Pushmataha County had 66.1% of its families earning under $3,000. The U.S. had 21.4% of its families earning under this same figure. The unemployment figure was 7.1% in 1965 according to the Oklahoma Security Commission. The national figure was 4.6% that same year.

LATIMER COUNTY

Latimer County is a redevelopment county which has an extremely low economic base. This is demonstrated by an extremely high unemployment rate of 10.7% in 1966, and an average annual family income of $2,618 in 1959. These figures compare to national averages of 4.6% unemployment rate and an average annual family income of $5,660.

Population in this county was estimated at 8,500 by the Oklahoma Security Commission in 1966. This represents an increase of 762 citizens in six years. The labor force in Latimer County is predominantly agriculturally oriented. These are unskilled people who exist on small unproductive acreages.

HASKELL COUNTY

In Haskell County the median family income in 1960 was $2,247. This county rated 72nd on median family income among the 77 counties in the State of Oklahoma.

In 1960 the population was 9,121; in 1950 it was 13,313, and in 1966 it was 9,500. In 1930 the median age was 19.1 and in 1960 it was 34.7. Unemployment in 1960 was 7.7%, and in 1965 it was estimated by the Oklahoma Security Commission at 15.1%.

SYNOPSIS

This report reveals an unusually high rate of unemployment and low per capita income within the KEDDO District. The overall economy of the District is substantially lower than our nation. This low economic base makes local development ineffective without the efforts and assistance of an overall coordinated local-state-national program.

MCALESTER CHAMBER OF COMMERCE & AGRICULTURE

(For Presentation to the Senate Public Works Committee in Washington, D.C.)

Subject: Possible termination of Pittsburg County, Okla., by the Economic Development Administration.

This statement is from the Pittsburg County Commissioners, The City of McAlester, McAlester Foundation and the McAlester Chamber of Commerce and Agriculture. It has been prepared by Chamber Manager Bob Wright in cooperation with County Commissioners Russell Benton, Jim Lewallen and Champ Hodgens; City Manager Don Grimes; McAlester Foundation President Dick Hefton and others who are directly involved in the economic development of Pittsburg County and the surrounding area.

This statement is for the following purposes:

1. To urge the Senate Public Works Committee to support Pittsburg County, Oklahoma as an E.D.A. County.

2. To urge thorough consideration of all facts contained, herein, which are based upon current surveys.

GENERAL STATEMENT

McAlester, which is the county seat of Pittsburg County, has been designated as the economic growth center of Southeastern Oklahoma, by E.D.A., although it is a community of less than 19,000 population according to the recent census figures. This is because the seven counties which make up the Economic Development District of K.E.D.D.O. are basically rural and economically underdeveloped.

Although much progress has been made in developing the economy of this area during the past several years, we are now at a point where it is definitely declining and the result is being felt throughout Southeastern Oklahoma because area people have depended upon industries of Pittsburg County for job opportunities in order to support their families.

The United States Naval Ammunition Depot, which is located just 8 miles south of McAlester, employed some 3,620 persons in January 1969. However, due to the deescalation of the Viet Nam War, the Department of Defense has reduced the number of employees to 2,563 as of this date, a loss of 1,057 jobs and according to D.O.D. projections there will only be 2,000 persons employed by March 1, 1971. This represents another loss of 563 jobs during the next 9 months, by one industry, alone.

Now we are faced with the possibility of an even greater cutback at the Naval Ammunition Depot, which could cause employment to drop as low as 1,169 by July of 1971. If this occurs The Depot's annual payroll will have been reduced in just 30 months, from a high of $22,500,000.00 to a low of $8,100,000.00 with a total loss of $14,400,000.00 in salaries and 2,451 jobs.

Both Lockheed and North American Rockwell Corporation have added greatly to the economy of Pittsburg County during the past 7 years, but both have been adversely affected recently by cancellation of contracts and cutbacks in government programs, to the point that both are far below normal employment. Some 140 jobs have been deleted by these companies.

Oklahoma Aerotronics, Inc., another Pittsburg County Industry, which is located in Hartshorne, Oklahoma, may close its doors because it, too, has been dependent upon defense oriented contracts. This will cost the county another 225 jobs.

Both the McAlester Foundation and the City's Industrial Trust Authority are nonprofit corporations which dedicate their entire efforts to industrial development. They are working together, at this time, for the development of a nearly 500 acre tract of land, into an industrial park. Purpose of the project is to attract new industry to this area in order to provide job opportunities for our citizens. E.D.A.'s help is much needed and our efforts will be lost without it.

McAlester's Model Cities Program will suffer greatly from lack of E.D.A. Funds and construction of a General Hospital which will be part of a health and social services complex for serving all of Southeastern Oklahoma will be severely delayed and possibly stopped, completely. Proposed E.D.A. participation is $3,500,000.00. A side effect from failure to construct the hospital would be the loss of a proposed Mental Health Center consisting of $1,000,000.00 construction project and a $900,000.00 annual payroll. (The latter would result from loss of E.D.A. Funds, coupled with efforts to drastically cut the National Institute of Mental Health 1970–71 budget.)

These cutbacks could cause loss of 600 direct jobs, numerous support jobs and general economic upgrading of the entire area. This would cost McAlester and Pittsburg County an estimated additional loss of $4,000,000.00 per year.

Availability of E.D.A. Funds will not only provide a stable source of employment op-

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portunity, but the center will be accessible to all citizens of Southeastern Oklahoma and will have tremendous impact upon the quality of mental health, public health and hospital services throughout KEDDO.

In rural Pittsburg County E.D.A. Funds have been available in the past for construction of water treatment plants and access roads to industrial properties. If this source of funding is eliminated thousands of our county residents will be deprived of a dependable source of clean drinking water, as well as reasonable access to industrial jobs when and if they are available.

Only two weeks ago today, a team of eleven persons from the Office of Economic Adjustment from Washington D.C. met with citizens of Pittsburg County to make an economic survey of the area. Their purpose was to determine what we could do to help ourselves in overcoming the terrific loss of jobs, which is now occurring and will continue for the next year at least. Although the final report of recommendations is yet to come, reference was constantly made to the possibility of acquiring funds from the Economic Development Administration to bring about the needed developments. We sincerely believe that reference would not have been made to E.D.A. if these gentlemen did not believe we were deserving of its benefits.

CONCLUSION

In behalf of the 36,684 some citizens of Pittsburg County we thank the members of the Senate Public Works Committee for hearing this testimony and urge them to do everything within their power to prolong the benefits of E.D.A. to Pittsburg County, because of the instability of its economy and constantly rising unemployment in the area, which now has reached 7.7 percent.

BOB WRIGHT,
Manager, McAlester Chamber of Commerce and Agriculture.

June 16, 1970.

JEFFERSON COUNTY

Mr. George L. Anderson.

Mr. Richard Chiles, Waurika Chamber of Commerce.

Mr. Donald J. Morrison, Waurika News Democrat.

Colonel Homer Snodgrass, Jr., Executive Director, South Central Oklahoma Economic Development District.

ASSOCIATION SOUTH CENTRAL
OKLAHOMA GOVERNMENTS,
Duncan, Okla., June 15, 1970.

Hon. FRED R. HARRIS,
U.S. Senator,
U.S. Capitol,
Washington, D.C.

DEAR SENATOR HARRIS: This relates to the recent decision at Departmental level to terminate the designation of Jefferson County, Oklahoma as a Title IV (depressed area) County, effective June 30, 1970.

The governing Board of County Commissioners of Jefferson County, to wit—A. L. Wagner, Ike Roberts, and I. E. Phelps, meeting in emergency session at 10:30 a.m., this date, asks that I speak for and in their behalf on the absolute necessity for retaining Jefferson County as a designated Title IV County.

The Association of South Central Oklahoma Governments was formed after more than two years of hard work on the part of dozens of interested and dedicated volunteer community leaders. The ASCOG district was officially recognized in April 1969 and designated as an EDA district in July 1969. Key to this designation was the fact that Jefferson County is one of two Title IV counties in the eight-county geographical area.

The notification that Jefferson County is losing its Title IV designation comes at a time when the census revealed a population loss of more than 16 percent during the last decade, when the average per capita income in the county is less than 50 percent of the national average, when the average weekly earnings are less than $56, when median age of the population is 10 years above the national average, and when the labor force participation rate is only 40 percent. This loss of designation decision is apparently based on unemployment data collected during the peak year of an inflation period; not upon evidences that this county has entered the mainstream of the Nation's economy or, for that matter, experienced any stable economic growth.

The picture painted by high out-migration and low incomes combined with a known reluctance to migrate is particularly disturbing. The economic distress is exemplified by the 10 women who commute 90 miles each day from Ringing in Jefferson County to work at minimum wages in a clothing factory in Marietta, Oklahoma. Outmigration comes only after all marginal job opportunities such as this example are exhausted.

The Economic Development District program is one of the most imaginative and innovative programs to be fostered and promoted at the national level. It provides a mechanism for the solution of local problems on a multi-county basis. But, this organization is also concerned that the fate of the district program is so tenuous as to be endangered by a change in the unemployment rate affecting as few as 35 to 40 people as exemplified by decision to dedesignate Jefferson County. The years of hard, dedicated efforts by several hundred people in this district which have gone into the organization, promotion, and stimulation of the program throughout this region and now face the fate of being wasted time and energy comes as a low blow. I submit that economic development is a long-term activity, and that the criteria for determining the need for continued assistance should be evidence of stable economic growth—not short-term fluctuations of the business cycle.

The district concept is new and challenges the local leadership and, consequently, has not always been easy to promote, but local interest has been aroused and favorable strides have been taken toward organizing the program and making it an effective "change agent" in this section of Oklahoma. Our initial successes with the EDA district program have been laudable. One indication has been the interest of local communities to communicate more closely with their neighbors and work together in areas where they have mutual interests or objectives.

The EDA program benefits have been of considerable assistance in designing an economic growth and development strategy and implementation program for the district—particularly the public works, business development, and technical assistance programs. However, the ease and flexibility of the district program in allowing and providing assistance to local communities for whatever development objectives they may undertake has been one of the greatest benefits to this section of rural Oklahoma.

Provision of a mechanism and organization through which local communities can function and cooperate on a regional basis is perhaps the greatest single benefit which has been acquired through EDA assistance. Conversely, these recent developments now threaten the organization's continued existence and this is of major concern to local leaders who have contributed to the development of this program.

The decision made to discontinue the designation of Jefferson County as a Title IV County, if permitted to stand, literally kills the ASCOG EDA district and in effect flushes more than two years of preparation for progress down the drain.

Insofar as Jefferson County's being a depressed area is concerned—a brief analysis of the attached fact sheet supports a conclusion that the county is resplendent with factors leading to decline and conversely, one sorely in need of seed money in the form of federal assistance to spark progress.

Sincerely,

HOMER G. SNODGRASS, Jr.,
Executive Director.

FACTS ABOUT JEFFERSON COUNTY

1. Between 1960 and 1970 the population of Jefferson County dropped from 8,192 to 6,887; this represents a 16% population loss.
2. Between 1960 and 1970 there were 900 births and 1,100 deaths in Jefferson County. It is truly extraordinary for deaths to exceed births in a county.
3. The median age of the Jefferson County population (40.3) is 10 years above the national average (29.5).
4. In 1962 the per capita income of Jefferson County was $1,112, which was $1,256 below the national average. In 1968, it was $1,568 or $1,853 below that average.
5. The 1960 Census of Housing showed that 41% of the Jefferson County housing units were not in sound condition. The national rate was 19%.
6. Per 100,000 live births in Jefferson County, there were 2,127 infant deaths in 1964, compared to a national norm of 1,700.
7. The average income cutoff distinguishing poor from non-poor stood at $2,529 in Jefferson County in 1966. Out of a total of 2,084 families in the county, 800 or 38.4% were poor by the above criterion. The national poverty rate was 15.1%.

ADDITIONAL THOUGHTS ON EDA DISTRICT PROGRAM

The Economic Development District program has provided a remarkable new mechanism for economic growth and progress in South Central Oklahoma, but serious inequities and shortcomings of the legislation and administrative guidelines endanger the program and hamstring, to some degree, a progressive ongoing development effort.

As has been exemplified by the impending loss of designation for Jefferson County, the longevity of the program and its potential impact on the area is tenuous by the simple fact that the redevelopment counties hang on a year-to-year existence. Even more amazing is the fact that this loss of designation, from our observations, is based upon 32 people, changing from an annual estimated unemployment of 130 (6.1 percent) in 1968 to an annual estimated unemployment of 100 (4.7) percent in 1969.

The procedure for determination of unemployment rates as prescribed by the U.S. Department of Labor are not reflective of the conditions as they exist in a rural area. Employees of the Oklahoma State Employment Service have advised that Jefferson County has always presented a problem due to the scarcity of Jobs in the labor force covered by the Employment Security Act. As well, the filing of unemployment claims appears to be the only tangible guide on which unemployment numbers and rates are evaluated. All other aspects of the determination are estimated based upon guidelines prescribed by the Department of Labor and these procedures are definitely designed more for an urban metropolitan area than for a rural agricultural economic base.

The Oklahoma State Employment Service has advised the U.S. Department of Labor that this procedure is inequitable when evaluating economic conditions in rural Oklahoma and can act in a very negative sense.

The instability of the county designations seriously endangers the Economic Development District for this area since two Title IV Redevelopment Areas are required for the formation and continuation of a District and these annual county designation changes place the existence of the ASCOG organization on a year-to-year basis.

A dynamic and progressive program of economic growth and development cannot be pursued on a year-to-year basis. The organization and the program must have some degree of longevity and credibility if it is to have significant effect upon the economic growth and development of the District.

It is therefore recommended that:

(1) No termination of eligibility be made for a county which is a participating signatory of a formally designated Economic Development District or until such time that the per capita income of the District equates to that of the national average and/or

(2) Make the entire area of a formally designated Economic Development District eligible for total EDA program eligibility with project approval and financing based upon need and impact.

CITY OF WAURIKA,
Waurika, Okla., June 15, 1970.
Senator FRED R. HARRIS,
Washington, D.C.

DEAR MR. HARRIS: The information that we have received concerning our county's dedesignation as a Title 4 eligible county has come to us as quite a surprise. The situation in Jefferson County, by almost any yard stick that you may desire to use, falls far short of the mainstream of either the State or National economy.

We have appreciated the economic assistance that has been available through EDA programs in the past and have been looking forward to its assistance in the future. We feel certain that if Waurika and Jefferson County is to lay a sound economic base and provide the jobs that our economy demands we must have EDA's continued support. Because of this we would like to ask that you support our efforts to maintain our present Title 4 status.

Very truly yours,
GEORGE S. ANDERSON,
Mayor, City of Waurika, Okla.

WAURIKA DEVELOPMENT TRUST,
Waurika, Okla., June 15, 1970.
Senator FRED R. HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: The Waurika Development Trust was shocked to learn that the title four designation of Jefferson County was about to be lost. Our organization working with the assistance of EDA and other agencies have made some very important gains during the last two years. Without the assistance that EDA gave it could not have been accomplished.

We now have two industries which we would not have had and even though the picture looks brighter we are still a long way from the mainstream of the nations economy. The job opportunity that this country must have for economic stability must have a much larger base.

The economic situation has been 20 years coming and it is hard to believe that anyone could believe that in two years it could possibly be turned around. There are all kinds of facts that we can give to prove our point but at this time we ask that you take every step possible to save our designation.

Sincerely,
PRYOR WAID, *Chairman.*

WAURIKA NEWS-DEMOCRAT,
Waurika, Okla., June 15, 1970.
To: The Honorable FRED R. HARRIS,
U.S. Senate.
From: Donald J. Morrison.

I regret very much that it will be impossible for me to be present for the hearing in Wagoner on June 16. It is extremely important that Jefferson county be continued on the Title IV eligibility list for Economic Development Administration loans and grants, and I trust that this written statement will carry just as much weight as an oral statement.

The people of Waurika are grateful for EDA loans and grants which, through a partnership approach made possible by local bond issues, have given this community and county a start toward diversification of our economy. The people of this community have voted for numerous bond issues in order to share in the cost of industrial spadework. But our financial resources are limited, and we must continue to rely heavily on federal programs designed to create job opportunities in rural America.

We know that over 100 jobs have been added locally, which would indicate that the 1970 census will show Waurika with a gain in population. But now we wonder if this will be the case, because the Census Bureau estimate for Jefferson county's population shows a loss from 8,192 in 1960 to 6,887 in 1970. We of course cannot continue to lose people without suffering economic distress. And the saddest fact of all is the one which tells us that to keep our own young people at home, we have a long way to go in providing the necessary job opportunities.

I remember writing in an economic impact report, several years ago, that rural America must be revitalized in order to shore up the weaknesses brought about by population shifts. This continues to be a need—for the sake of many aspects of our national life. The problems of metropolitan areas are being compounded by a rapidly mounting surplus of people, while the problems of rural areas are being compounded by the loss of people.

We have begun to benefit from the creation of some new jobs. But it is only a start. Economic stagnation did not happen overnight. Neither will it be quickly cured. Time will be required, also financial resources beyond our capability. That is why I earnestly seek the continuation of Jefferson county's eligibility for EDA loans and grants.

Thank you.

DONALD J. MORRISON.

WAURIKA CHAMBER OF COMMERCE,
Waurika, Okla., June 15, 1970.
Senator FRED R. HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: It is mild, to say the least, the surprise that we have with the recent efforts to do away with the eligibility of Jefferson County as a title four county. With the efforts that this county has made, the beginning signs of progress, and the long way that we still must go to change the direction our county is headed it is hard to believe that such a decision could be made.

Our county has only made a start and the assistance that we have received because of this designation has been of great importance in the two industries that we have obtained during the last couple of years. The direction of our economy has not yet been turned around and it is almost unbelievable that at this time our designation would be changed.

The decade that has just ended with our 16 percent decrease in population should prove my point. As people migrate from Jefferson county because of a lack of job opportunity they only increase the problems in the urban areas they move to. We ask that you do everything that you can to assist us in retaining this designation.

Sincerely:
RICHARD CHILES, *President.*

PAWNEE COUNTY

Mr. Earl Price, Executive Director, Central Oklahoma Economic Development District.

Representative Rex Privett.

Senator Raymond Horn.

Mayor Glen Wood, Pawnee, Oklahoma.

Mr. Orville Hicks, Businessman, Cleveland.

Mr. Glen Campbell, Businessman, Cleveland.

Mr. C. B. Giddens, Businessman, Cleveland.

Mr. Orville Smith.

TESTIMONY BY EARL PRICE, WAGGONER, OKLA., JUNE 16, 1970

Concerning Pawnee County: Senator Harris, let me say that it is a pleasure on behalf of myself and the delegation from Pawnee County to be invited to appear before you today to give you our "grass roots" opinion concerning the proposed legislation on delaying the dedesignation of qualified areas under the Economic Development and Public Works Act as introduced by the Honorable Ed Edmondson before the Public Works Committee of the House of Representatives.

It is our opinion that this piece of legislation is very timely, particularly in the light of the 1970 census data having just been completed but not yet tabulated. It was my pleasure two years ago to present testimony as President of the National Association of Development Organizations to the Senate Public Works Committee concerning this very subject. One of the two recommendations we made at that time which are a matter of record is as follows and I quote . . .

"To encourage change in the legislation concerning the criteria for determining a county's eligibility to be changed from unemployment to a system based upon family income, which more nearly reflects underemployment. This new statistical family income would be determined annually by the Federal Government on a county-by-county assessment of Internal Revenue Reports of income and social security payments."

I herewith submit for the record a complete transcript of that policy statement given to the Senate Public Works Committee two years ago, marked Exhibit "A".

Concerning the above recommendation, it is our opinion that Pawnee County is a good example of what is true throughout this country in the rural areas. The real problem in a designated area is per capita income and *underemployment* rather than *unemployment*. The method of computing unemployment in a rural area is not valid in determining the amount of the target population that has lagged the national average in sharing in the prosperity of this nation; and assuredly, it is not a valid method in determining the degree of poverty or pinpointing those people needing assistance in order that they may raise their per capita income.

Since the population of Pawnee County is relatively small and the *insured* work force is smaller yet, a very slight increase in the employment in the county can change the unemployment figures from slightly above six per cent to below six per cent, thereby disqualifying the area for EDA assistance. This slight employment, however, does not materially alter the average per capita income and, therefore, the economic base nor alleviate in any measurable way the degree of poverty.

As an example, take Pawnee County with a total population of 10,725 people with a total labor force of 2,930 people, an unemployment rate of 6.6, an estimate of unemployed in the amount of 193 people, and you can readily see that the employment of a mere 18 insured persons in this county would change the unemployment level to below six percent and thereby de-designate an otherwise designated area.

This example was taken from the actual county figures called to me yesterday by the Employment Security Office and exemplifies a typical case where a county is only .6 of 1% above six percent unemployment. If it had been a full 1% above 6%, the employment of 30 insured people would still have de-designated the county and supposedly indicate a healthy economic condition as far as the

EDA legislation is concerned. We think it is obvious from this example that neither the employment of 18 people nor the employment of 30 people would materially change the per capita income of 10,725 people, yet the present legislation assumes they are on an equal basis with the state or the nation as a whole.

To substantiate some of the figures given in our testimony today we are presenting to you (marked Exhibit "B") a few pages of excerpts from the Pawnee County Economic Base Report dated October, 1967 as prepared by the Oklahoma Employment Security Commission. The balance of the statistics reported in our testimony were called to my office yesterday afternoon by representatives of the Oklahoma Employment Security Commission, Department of Labor, from which the statistics for designating and de-designating Pawnee County were originated.

A great deal has been said in recent months in national publications, radio, and television by such public figures as Mayor Lindsay of New York, that *underemployment*, rather than unemployment, is the major factor in the poor ghetto areas of the major metropolitan cities. It, therefore, behooves the Congress to begin to develop a criteria to measure the degree of poverty by a method other than unemployment and, therefore, we endorse the above recommendation.

Senator Harris, it has been our pleasure to appear before this committee today to give our viewpoints and I would like to introduce for the purpose of making a statement, the following citizens of Pawnee County.

LABOR FORCE SUMMARIES

Item	1969	1966	1965
Labor force civilian	2,930	2,860	2,830
Unemployment	111	190	190
Percent of labor force	3.8	6.6	6.7
Employment	2,819	2,670	2,640

PAWNEE COUNTY ECONOMIC BASE REPORT, OCTOBER 1967

(By Clyde R. Hamm, chief, community employment development)

PREFACE

A Manpower Survey was conducted in Pawnee County by the Oklahoma Employment Security Commission in cooperation with the Pawnee County leaders. Initial contact was made by the Chief of the Community Employment Development and the Rural Area Representative with the Pawnee and Cleveland Chambers of Commerce, The Community Action Foundation, and the Pawnee Indian Agency. Later, the Rural Area Representative met with various groups of community leaders to explain the objectives and the procedures of the program. Additional information was carried by local newspapers. The cooperative attitude and interest of the community leaders in the promotion of economic progress led to the selection of Pawnee County for this survey.

This Economic Base Report contains the results of the Manpower Survey. The report was prepared for the use of the civic leaders of Pawnee County in utilizing natural and manpower resources in order to increase employment opportunities with the County.

Various civic groups, committees, agencies, and organizations were contacted for assistance and their help was greatly appreciated. The following is a list of those assisting in the formulation of the information in the Pawnee County Economic Base Report.

Pawnee

Chamber of Commerce—Mr. Don Johnson, Manager.

Mr. Glenn Wood, Mayor.

Pawnee Chief, Mr. Jo. O. Ferguson, Editor.

Rotary Club, Dr. P. R. Riemer, President.

Lions Club, Mr. Ernest C. Kelly, President.

Mr. John Lawrence and Mr. Glenn Lyon.

Cleveland

Chamber of Commerce: Mr. Tom Lunsford, President; Miss Emma Allison, Secretary.

Tiger's Tale High School Newspaper.

The Cleveland American—Larry Ferguson.

Cleveland Industrial Corporation—Mr. Glenn N. Cook, Secretary.

Indian Electric Cooperative—Mr. C. H. Culbertson.

Paul Bachman, Merchant.

Blackburn

Mrs. Fred Upshaw, Newspaper Correspondent.

Jennings

Mrs. F. C. Chapman, Newspaper Correspondent.

Hallett

Mrs. John Bejeck, Newspaper Correspondent.

Terlton

Mrs. Rosie Dietz, Newspaper Correspondent.

County

County Agent—Mr. Jack Pinkerton.

County Superintendent.

School Superintendents and Principals.

Pawnee-Noble Community Action Foundation, Inc.

Mr. Fred Staff, Director—Mrs. Pat Goff, Secretary.

Area

Central Oklahome Economic District.

Oklahoma

State Board For Vocational Education.

Historical Society.

United States

Bureau Of Indian Affairs—Pawnee Indian Agency—Mr. Robert Grover, Superintendent.

Soil Conservation Service—Mr. Russell A. Lewallen.

Weather Bureau—Mr. Stan Holbrook.

Bureau of Census.

The Manpower Survey was conducted during the period July 17 to September 22, 1967, in Pawnee County as the first step toward the promotion of the area's economic development and the effective occupational adjustment of the area's residents. The four specific objectives of the Community Development Program are:

1. Determine potential manpower resources of an area.
2. Help in evaluation of overall economic resources of an area.
3. Assist in formulation of a program of economic development.
4. Provide employment assistance to individuals of the area.

A mobile team of employment specialists, headquartering in both Pawnee and Cleveland, traveled throughout all Pawnee County covering each city and town as well as the rural area. During the approximately two months the mobile team was in the County, persons were interviewed as a representative sample of manpower potential and firms were surveyed concerning employment and wages.

All the persons interviewed were classified according to their work experience, interest, training, leisure time activity, and or their aptitude test results. All Employment Service techniques were applied to ascertain the potential manpower resources of Latimer County. The applicants' survey was made on work application forms, which were filed in the Ponca City office of the Oklahoma State Employment Service.

The Manpower Program was under the direction of Mr. Clyde R. Hamm, Chief of Community Employment Development. The mobile team was under the direct supervision of Mr. Edwin G. O'Day, Rural Area Representative. The preparation of Pawnee County's Economic Base Report was primarily the responsibility of Harry H. Revelle Jr.

EXHIBIT B—TABLE IV—LABOR FORCE SUMMARIES

Item	1966	1965
Labor force civilian	2,860	2,830
Unemployment	190	190
Percent of labor force	6.6	6.7
Employment:	2,670	2,640
Nonagricultural	1,760	1,710
Wholesale and retail trade	400	440
Government and schools	460	460
Manufacturing-mining-construction-finance-insurance-real estate-services-public-utility	620	530
Domestics	280	280
Agricultural	910	930

Source: Oklahoma State Employment Service

TAXES

Oklahoma tax structure is characterized by low-rate, broad-based taxes and there is no state ad valorem tax. Oklahoma does have a 2 percent state sales tax, 6.58 cent gasoline tax, and reasonable rates on other taxes. The Oklahoma Industrial and Park Department publication, "Oklahoma: Profile of People and Profits", describes the low Oklahoma State income tax:

"Corporations: The measure for corporate income taxes is the net income derived from Oklahoma property and business, applicable to business corporations. Rate: Flat 4%, federal income taxes deductible. For corporations in top federal tax

STATEMENT OF SENATOR RAYMOND L. HORN

Senator Harris, Speaker Privett, Gentlemen:

The recently announced decision by the Economic Development Administration to terminate Pawnee County has caused great concern on the part of many dedicated citizens.

Like most rural counties, Pawnee County has suffered declining population and economy during past years. However, great effort has been expended by many people to attempt to turn this cycle around. A start has been made, but it is only a start.

Many more jobs are needed for the unemployed and the underemployed in the County. Our population continued its decline in the recent census, although at a slower rate than in the 1950's and 1960's. We are in need of assistance from every possible source in this fight to improve our economy. Now is definitely not the time to cut off the valuable assistance provided by the Economic Development Administration in their programs.

Economic indicators in the County today show that we have a long way to go. People seeking employment remain at a high level. Those seeking commodities have increased, and the caseload in our welfare office has prompted them to ask for additional space. Many people, who have moved away, are returning to the County from jobs lost in metropolitan areas.

For these reasons, I strenuously urge that the bill to rescind the termination order, be passed through the Senate in this session of Congress.

STATEMENT OF CLEVELAND CHAMBER OF COMMERCE

It has come to our attention that Pawnee County has been designated as one of five counties in this area which will not be qualified to receive further benefits through the Economic Development Administration any longer, unless a bill recently passed by the House (and approved) is also approved by the Senate in forthcoming legislation.

Because of this situation, the Government of the City of Cleveland, of Pawnee County, Oklahoma, the Cleveland Chamber of Commerce, The local school administration, and other business leaders of our community, give the following reasons why we feel that there is an urgent need and necessity for Pawnee County to be re-instated as one of the counties which will be qualified for benefits.

Comparing figures with one year ago, our unemployment is on the increase, definitely, according to the increased number of applicants for unemployment compensation. We have many Pipe line construction workers and welders who make Cleveland their home, and who are normally gone away at this time of year on construction jobs. They say that there are no immediate prospects for work either.

Cleveland is a "bed-room" town for many industries over this part of the country—Hominy, Pawhuska, Sand Springs, Tulsa, and even Wichita where some of our people work in Aviation Industries, and because of "cutbacks" in production, or complete shut downs have occurred, they have been laid off and are idle. Hominy's muffler plant closed down, Emery Mills at Pawhuska is not in production, the building market is hampered by tight money and high interest rates. Cut backs in Aviation related industries in Tulsa and Wichita are affecting our economy here, as we have many who maintain homes here, and commute on week-ends. According to our County Commissioners, the demand for commodities has increased about 67% in recent months, and as a result of a decline in business volume in some of our retail stores, there have been several retail clerks laid-off and others on a part time basis.

We respectfully urge you to use your influence to assure passage of this important and vital legislation.

STATEMENT OF MAYOR GLENN WOOD, CITY OF PAWNEE

Senator Harris, gentlemen: As Mayor of the City of Pawnee, I am here today to testify concerning our need for continued designation under the Economic Development Administration programs.

We urgently feel that the bill under discussion today should be passed in this session of Congress.

We have not been told just what criteria were used in the determination to drop Pawnee County from the program, but the facts, as they exist today, are as follows:

1. The effects of the current recession are now beginning to affect our economy.

2. A check with our three-county CAP office shows an unchanging demand for more job opportunities. This demand is equal if not higher than that of previous years.

3. We have established one plant in the Pawnee area in recent years, and this has helped some, but we are still in need of many more job opportunities. Many of the people employed at this plant drive into the County from surrounding Counties.

4. A survey by the Pawnee County Commissioner of District 2 showed that 67 more people were receiving commodities today than in past years, and this represents only one-third of our County. Many of these new recipients are people who have been forced to move back home after losing their jobs in various metropolitan areas. Certainly, it would be to everyone's advantage to create local job opportunities for these individuals.

5. The 1970 census figures have not been released for cities the size of Pawnee and Cleveland, but the Pawnee County figure shows a decline of over 900. This is a smaller loss than that of the previous decade. However, the loss in population is still a matter of serious concern, clearly demonstrating the need for more job opportunities for our unemployed and our large number of underemployed.

For these reasons, we urge that every effort be made to continue the designation of Pawnee County under the Economic Development Administration programs.

DIRECT ELECTION OF THE PRESIDENT

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Maryland (Mr. TYDINGS) concerning the Tydings-Griffin proposed constitutional amendment providing for the direct election of the President.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOSEPH D. TYDINGS

The constitutional amendment providing for the direct election of the President (S.J. Res. 1) is designed to remedy a number of specific problems found in the present Electoral College system. These difficulties, when added together, have lead to a questioning of the rationality and legitimacy of our method of electing Presidents and, in 1968, raised the threat of a major constitutional crisis.

By providing for a direct popular election, S.J. Res. 1 eliminated the following faults of our present system:

1. The lack of legitimacy of a system in which a candidate with a plurality or majority could lose an election to a rival with an electoral majority.

2. The alleged bias towards (a) very big states because of the unit rule of state electors, and (b) towards very small states because of the three elector minimum per state.

3. The exaggerated majority in the electoral college, as compared to popular vote totals, giving a close winner an inflated victory.

4. The problem of the faithless elector.

5. The unequal weight accorded to voters in different sized states.

6. The general irrationality and anti-majoritarian aspects of this archaic institution which are difficult to justify in reasoned debate.

However, S.J. Res. 1 does not eliminate the Electoral College's most glaring and threatening weakness—the possibility of crisis due to a third-party candidacy. Under the Electoral College, third-party candidates are generally discouraged from running for the Presidency because of the unit rule; unless a splinter party leader can receive a majority of votes in a state, he will not receive any electoral college votes. This unit rule has thus successfully discouraged ideological third-parties. Regional candidates, also, are presented with significant barriers, although these barriers are only of national scope. At the regional level, candidates such as Wallace can attract state majorities and break into the Electoral College; yet chances of obtaining an ultimate majority in the Electoral College from such a base remain slim. The prospect of eventual failure serves to channel votes away from this type of candidate to "second choice" candidates because it becomes clear to the average third-party voter that his vote will be "wasted" if he votes for his first preference.

Yet in spite of the existing institutional barriers to third-parties, the prospect of continued third and fourth-party candidacies continues. This is a function of the "spoiler" role that a third-party candidate can play. Under our Electoral College, a third-party candidate has no effect upon the election outcome unless he can deny an Electoral College majority to the election winners. Because of the peculiarities of the Electoral College, this is a real possibility for sectional candidates. The possibility of triggering the unknown and awkward procedures of selecting the President in the House of Representatives is enough of a threat to any regular candidate's chance of victory and to the legitimacy of the entire election process, that the third-party candidate has extraordinary bargaining leverage. A refusal to deal with the outsider can mean defeat and/or crisis for the regular party candidates and the certainty of more wholesale political bargaining in the House.

Thus under the present Electoral College system, the mechanism of resorting to a House election, when the electoral college fails to produce a majority, is enough of an incentive to create meaningful third-party challenges and the threat of a constitutional crisis, in spite of the inhibiting unit rule of the states.

The provisions of S.J. Res. 1, although otherwise laudatory, create the very same problem of an incentive for third-party candidacies. In this case the trigger device is the 40 percent plurality required for direct election. A candidate outside the two regular parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. This incentive would apply to ideological as well as to regional candidates because there is no unit rule under the direct election scheme. The 20 percent figure becomes very much in reach of splinter parties when more than one outsider is running. The prospect of two candidates, one regional and one ideological, amassing 20 percent of the vote amongst them is quite realistic in the near future of American politics.

Under the direct election plan, the opportunity for crude political bargaining and threats are as available as under the Electoral College. In both, an outsider can offer to withdraw immediately preceding the election and attempt to swing his followers towards a would-be victor in return for a significant political concession. While the haunting threat of a debacle in the House does not offer itself under S.J. Res. 1, the maneuvering and dealing in a run-off race of the two surviving candidates would certainly be intense as they desperately wooed the disappointed followers of the third-party candidates. If experience under the French electoral system is any guide, the run-off makes the first election a test of bargaining strength leads to a further ideological hardening, and creates an atmosphere of shameless deals preceding the run-off. Given the fact that this kind of bargaining would take place under conditions of division and disappointment (It would be used only if no candidate has amassed 40% of the vote.) cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President.

It would appear that this incentive to use the 40 percent trigger and run-off is just as great as is the present temptation to deny an Electoral College majority and to the House. However, under S.J. Res. 1, the initial restraint of the states' unit rule is absent. Thus, the direct election amendment will increase the attractiveness of third-party Presidential candidacies. If present political trends continue, S.J. Res. 1 will bring a Constitutional crisis closer to reality.

Presidential election systems do not cause splinter parties, they merely encourage or discourage them. It is the underlying problems and conflicts in our society which create new parties and political movements. As our nation continues to feel the effects of both major domestic and foreign crises, it will no doubt experience greater pressure for splinter party groups. This is a function of the deep divisions in our society that have finally emerged and burst into the political area.

In part, this trend of political fragmentation reflects the increase in ideological and rigid political doctrines that threaten to drive the traditional American pragmatism

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and compromise into the past. No doubt the general politicization of issues in our society draws into the political fray fringe groups that previously suffered silently or remained dormant without hope of change. Perhaps the widespread frustration and malaise in the nation plus a feeling of inability to influence the events that shape our destiny, drives concerned groups into strong political movements. Certainly there is little hope in the next few decades that the major schisms and problems that confront our society will disappear; it is more likely that our political parties will be the ones to vanish.

For many, substantial weakening of the two-party system would be a serious, if not crippling blow to the functioning of the American political process. A stable dual party structure serves many vital tasks of our democracy. Two strong parties are essential to maintain the competition for office amongst leaders that provides the honesty and innovation in American politics. Two stable parties provide the continuity of program needed to accomplish major change in a relatively slow moving political process. Most important, with only two parties, there is a need to create a real majority or large plurality for electoral victory. This fact requires that each party provide a political program that attracts a broad spectrum of voters.

Thus in a two party system, the parties are forced to create programs that satisfy a broad range of groups and interests. In the United States, the two major political parties have become the central institutions for moderating and resolving conflicts in our society. Our conventions, faultridden as they may be, and party machinery serve to mitigate and lessen the divisions of the nation. Without these institutions, the whole burden of resolving conflict would be thrust into the legislature. Under a multi-party system dogmatic ideology would flourish and compromise disappear. Executive leadership would be difficult because there would be no institution to aggregate enough political support to form a majority President. If the example of modern European parliamentary systems is of any relevance, multi-party government means bitter conflict and governmental immobility.

Of course, ours is a society that is in desparate need of change and innovation of its policies and institutions. Many believe that the two-party system and barriers to third-parties have impeded these needed reforms. However, historical precedent seems convincing that reform, if it is to be successful, is best directed within a major party. Only the major parties offer the strength of broad support and the structure of continuity that is a prerequisite for meaningful change. This is not to say, however, that the parties do not require major internal reform in order to allow change and challenge from within.

It is difficult to gather the support of large and differing groups in any party for significant change; but this is the cost of governing by consent rather than decree. The only other alternative in such a diverse society as ours is political fragmentation. And fragmentation without coercion will be stagnation.

In short, our political system desperately needs all its institutions that moderate conflict and provide for the means to change. The enactment of S.J. Res. 1 would alter the Presidential elections to encourage third-parties and undermine one of the key institutions of conflict resolution and change in our system. We should change our electoral system, but in a way that avoids crisis and supports our two-party system.

Under the Tydings-Griffin amendment, the direct election system would continue unmodified in 99% of all Presidential elections since it is an historical rarity for the winning Presidential candidate to receive less than 40% of the popular vote.

In that rare case when no one received 40% of the popular vote, our amendment would first turn to the time honored electoral college system. If the front-runner receives a majority of votes in states which have a majority of electoral votes, he becomes President. In no case can the second place candidate in the popular vote win the Presidency. The reasons for this option are clear: if no one garners 40% of the popular vote, there will be no majority President. The question is one of selecting a minority President who has widespread support in a manner that has respect and legitimacy. The electoral system has such legitimacy, and it is a means of demonstrating great support in our states, which are important political units in our system.

Some have pointed out that any use of the discredited Electoral College system would raise questions of legitimacy. This does not seem to bear out analysis.

First, there is no possibility of either a faithless elector or the wholesale bargaining in the House (which would vote by state amongst all the candidates) two of the major objections to the present electoral college.

Second, the Electoral College, in spite of its faults, retains a tremendous amount of political legitimacy. Its use as an emergency provision would not seem to draw too deeply on the reservoir of legitimacy now available.

Third, this contingency would be employed rarely; and if it were used, it would be under conditions of division and dissent which would raise questions of legitimacy under any contingency plan. Under either the amended or unamended S.J. Res. 1, the contingency provisions only operate if the leading candidate has less than 40 percent of the vote. Thus large groups in the society will already have registered dissatisfaction with both regular parties.

Under a run-off, these splinter party voters are forced to vote for second choices or register their protect by abstentions. Further, the political bargaining inherent in this situation will further add to the mood of dissatisfaction and discontent. It must be conceded that this route of choosing a candidate who is the first choice of only a minority of voters will raise at least as much dissatisfaction with the method of selection as the Tydings-Griffin proposed alternative.

Fourth, only the popular vote winner could be elected under this modified electoral system.

If the leading candidate failed to receive 40 percent of the popular votes and failed to receive a majority of the electoral college, it would be clear that popular election mechanism is not enough, in itself, to select a minority President. For this reason, the Tydings-Griffin amendment would then turn to a special Joint Session of the newly elected Congress to select a President from the two front runners in the popular vote. Each Congressman would have one vote. No third- or fourth-place candidate would be eligible to become President.

The new Congress, reflecting the most recent manifestation of the popular will, would choose amongst the two leading minority Presidential candidates. The winner would have to receive the majority support of the representative branch of government. The winner would be assured of having the support of Congress.

Again, this provides a means of selecting a minority President with widespread support and by a legitimate institution.

The whole point of the change is that the Tydings-Griffin contingency, unlike the run-off in S.J. Res. 1 discourages its own use. Its success will be its preventative effect. Under this plan, no third-party candidate, ideological or sectional, has a chance of winning the Presidential election, unless he can amass an Electoral College majority and be front runner or unless he could receive a majority of votes in the new Congress. There is no incentive for the two front-runners to bargain with minor party candidates. The incentives for third-parties under this amendment to S.J. Res. 1 will be similar to those of an ideological party under our present system; there is little encouragement to run unless a third-party candidate can attract more votes than the two leading parties and an electoral college majority or if the third-party candidate can take second place in the popular vote to be eligible for election by the Joint Session of Congress. If third-party candidates come close to attracting 20 percent of the vote, the two leading candidates would merely switch to an election strategy aimed at an electoral college majority—the same strategy used today. This allows a genuine, national third-party movement such as the Bull Moose Party, to succeed, but discourages small sectional and ideological parties.

Thus under the Tydings-Griffin amendment, the loss of the unit rule in the states as a barrier to splinter parties is replaced with another support of the two-party system without the undesirable effects of the winner-take-all method except in rare cases.

The whole issue of the run-off vs. our plan revolves around the question of selecting a minority President. Neither of these alternatives will be used unless there is such division in our nation that no candidate can approach majority support. In this situation, we should seek a mechanism that will select a minority President who has enough widespread support so he can govern effectively. Such a selection mechanism should be legitimate in the eyes of our people. And such a mechanism should discourage its own use, thus bolstering a stable two-party system. I believe that only the Tydings-Griffin plan fulfills all three of these requirements.

40TH ANNUAL COMMENCEMENT EXERCISES, ATLANTA SCHOOL OF ART—ADDRESS BY PAUL DUNCAN

Mr. PELL. Mr. President, a few days ago the Atlanta School of Art held its 40th annual commencement exercises with Paul Duncan of Washington, D.C., as the commencement speaker.

I was much interested in Mr. Duncan's development of the close functional relationship of art to human affairs and the contributions art makes toward satisfying the total range of human needs and concerns.

The commencement exercises, held at the Atlanta Memorial Arts Center, recall to us the tragic plane crash in 1962 that took from Atlanta 122 of its leading citizens and sponsors of the city's cultural life. The arts center is an inspiring, living memorial to those who were lost. It is a unique achievement of the unity of art, bringing together music, drama and the visual arts, and the talented young graduates of the School of Art constantly replenish those who guide and enrich Atlanta's cultural and esthetic life.

I ask unanimous consent that the commencement address be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

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Commencement Address

It is a commonplace of American life, perhaps more than in other countries, to look with skepticism on the idea that art is a necessary and useful function in the conduct of human affairs.

We have been conditioned to regard art as a non-essential and frivolous product of man's surplus energy and wealth.

I'm sure you have learned by now that there's nothing frivolous about art. And this is true of the visual arts as with any other. Art is a difficult taskmaster—demanding its own commitment, imposing its own discipline, and exacting its own dedication and perseverance.

And as for its being non-essential, the fact is that art functions in every aspect of daily life.

It shapes and enriches everything we do: physical and utilitarian, emotional and psychological, social and political.

Evidence of the physical function of art is all round us, real and tangible. As David Pye said of the art of design:

"If anyone thinks it is important to civilization that a common ground between art and science shall be found, then he had better look for it in front of his nose. Everyone is exposed to it all day long. The man-made world, our environment, is a work of art. But not all of it is good."

Over and over again since Leonardo da Vinci we have seen the artist as a man ahead of his time, the forerunner and predicter of events, calling attention to human needs and offering solutions that we have too often ignored or been slow to pick up.

Perhaps the best expression of the interrelationship of art and science in the modern world is to be found in the ideas and applications of Buckminster Fuller. And who knows where art begins and technology ends inside the head of Bucky Fuller!

He is not content merely to design or build. His objective is to transform the total environment on what he calls Spaceship Earth, so that with our intelligent co-operation, the world will work for its inhabitants.

After 40 years, we are lucky that he has finally developed a language people can understand, and that people finally have become ready to listen.

Where Buckminster Fuller is now dealing with the total environment, the French architect Le Corbusier dealt with the urban environment. Unfortunately, we are still making only scant use of the flood of ideas that Le Corbusier expressed more than 30 years ago in his book, The Radiant City, for the intelligent use of light, air, and space in the metropolis. And this in spite of the critical problems and the *painful* spasms of the inner-city in America.

We are still drawing on the Bauhaus philosophy which 50 years ago recognized the role of good design in mass production. In advertising we still see the influence of Salvador Dali and Paul Klee. Television commercials hungrily consume poster art, music, films, and literature, and ideas of all kinds. I'm sure you noted the way TV commercials took ideas from the film, "Elvira Madigan," on the use of motion, soft camera focus, and even the selection of models.

This process was somewhat reversed when the originators of the children's program, "Seasame Street," studied TV commercials to learn effective techniques of communication.

No less important than the physical function of art, and perhaps more gratifying to us because it nourishes the spirit, is the personal and social function of art. Here we find art fulfilling another set of man's needs: for emotional and psychological expression, for social and political comment.

The social function of art not only serves to make life more pleasant and aesthetically enjoyable. Sometimes it does just the opposite—by asking uncomfortable questions and demanding critical self-examination. But these too, in the end, help to improve the human condition.

From the first cave paintings as part of religious ritual, art has helped to supply the emotional needs of man. The fine arts have always sought to express the inner self and to probe the mysteries of life and death. In the ranks of those who used their work for social and political comment, we find such a museum artist as Vincent van Gogh. The prints of Goya, the lithographs of Kathe Kollwitz are well known to you as the voices of social conscience at a time when they were so badly needed. In our own day we find Ben Shahn, Jack Levine, George Grosz, even the political cartoons of Herblock, serving this same purpose.

As students and practitioners of art—this pervasive influence of life—what tools and equipment has it given you for coping with today's world, with all the stresses and strains we read about every morning in the newspapers and watch every evening on television?

I would say first, that you are more fortunate than most of your fellow graduates. And second, because of this, that you have greater responsibilities.

Some of those who have analyzed these times of dissent and confusion among young people say that the underlying cause is not Viet Nam, or civil rights, or an uncertain future in a nuclear world. Instead, they say, young people are restless because they wonder whether they are really needed in a technological world. It is not Viet Nam but their place in society that is the issue.

Most of their protest has centered around the campuses, and this is natural, since it is education that prepares all of us for our place in the work of society.

Bruno Bettelheim, professor of psychology at the University of Chicago, expressed the problem in this way.

"If education today prepares us only to be replaceable items in the production machine, or to be program assistants in its computer systems, then it seems to prepare us not for a chance to emerge in importance as persons, but only to serve the machine better."

If this is truly the battleground, then let me say that it's well worth the struggle. Though I disagree profoundly with most of the strategy and tactics and goals that are now coming out of student Campaign Headquarters.

And if this is the battleground, then I say that you, trained in the field of art, are more fortunate than most of your fellow graduates.

I don't believe the artist is destined to compete with the computer in an automated world. Yours is the central, creative function that technology can expand and apply, but never replace.

Whether you go into advertising, graphics, industrial design, or teaching, or go into orbit like Buckminister Fuller, your contribution will be the generation of creative ideas, the use of the creative imagination—and this is the essential component of both art and technology.

Second, and more important, you have a greater responsibility than most of your fellow graduates.

If it is true that the extremists represent less than five percent of the student population, then you have a responsibility to work for better leadership and to replace those who now offer noise instead of communication, bitterness instead of compassion, and violence instead of reason.

I say this because you are already veterans in the search for self-expression. You possess as artists a greater sensitivity to human needs and concerns. You are talented and trained in the skills of communication.

And obviously, you've had experience at bridging the generation gap. For I would guess that four years ago, your parents needed to be convinced that the study of art was not just a cop-out to avoid taking up chemistry, or business administration, or law.

And as art students you have had another chastening and useful experience. You have been forced to stand by and have someone look at your work and say: "What does that represent?"

You understand in a very personal way the need not to render judgment before finding out what the other fellow is trying to say.

Let me urge on you the wisdom of doing this in your judgment of the Establishment, the System that seems to be bent on doing so many things in the wrong way.

You can even be indulgent of parents.

For who knows, we too may be marching to "the brave music of a distant drum."

And each of us is entitled to his own drummer.

RICHARD GARDNER ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in recent days I have been speaking to some of the legal objections to the Human Rights Treaties.

Today I invite the attention of the Senate to an article written by Mr. Richard N. Gardner, professor of law and international organization at Columbia University and former Assistant Secretary of State for International Organization Affairs. The article quite eloquently treats one of the major arguments of opponents of the Human Rights Treaties.

In an article entitled "The Three Human Rights Treaties: Good Law and Good Policy" in the International Lawyer, volume I, number 4, Mr. Gardner demonstrates quite conclusively that the United States can make treaties which involve its relations with its own citizens.

Mr. Gardner argues that:

> The relevant test laid down by the Supreme Court of the United States is whether a treaty deals with a matter "which is properly the subject of negotiation with a foreign country." *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890). Charles Evans Hughes laid down a similar standard when he declared that the treaty power can only be used to deal with matters of "international concern."

The first of the treaties on this list is the 1926 Slavery Convention ratified by the Hoover administration, which committed this country to abolish slavery and take measures to prevent forced labor from developing into conditions analogous to slavery.

As Mr. Gardner notes:

> Surely things which were within the treaty power 40 years ago cannot be outside the treaty power today.

I echo Mr. Gardner's thoughts and would hope that the Senate will be not long in ratifying the Conventions on Slavery, Forced Labor and Political Rights for Women.

I ask unanimous consent that portions of the first part of Mr. Gardner's article, "The Three Human Rights Treaties: Good Law and Good Policy," be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

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Surely things which were within the treaty power 40 years ago cannot be outside the treaty power today. Moreover, the United Nations Charter, itself a treaty obligation of the United States, commits us to take joint and separate action in cooperation with the Organization to promote human rights for people within the United States as well as overseas.

The list also includes conventions committing the United States to regulate the activities of American citizens within this country for purposes not relating to human rights—to control the production and internal traffic of certain drugs, to obtain statistics on causes of death, to prescribe rules of the road, and for conservation and wild life preservation. If the United States government can enter into a valid treaty commitment to restrain American citizens within this country from shooting non-migratory birds, it is difficult to see why the United States government cannot enter into a treaty commitment to restrain American citizens within this country from enslaving other Americans. I know of no constitutional provision which suggests or implies that birds are more important than people.

Are not slavery, forced labor, and the denial of basic women's rights of "international concern" in the year 1967?

Slavery and forced labor practiced abroad, in addition to breeding political and social tensions, can have a direct impact on the sales of American products in the United States and foreign markets.

The denial of basic rights to women, affecting one-half of the human resources of a less developed country, constitutes a major obstacle to progress in countries receiving large quantities of American aid.

What is or is not a matter of "international concern" and properly within the treaty power must be determined by contemporary fact—by reference to the effective protection of our country's interests in an increasingly interdependent world. It would be tragic if the American Bar Association were to give its support to a restrictive conception of the treaty power which would make us the only major country impotent to participate through treaties in the worldwide promotion of basic human rights whose implementation is vital to the achievement of our foreign policy objectives, including that of world peace. Such a restrictive interpretation of the treaty power might even prevent us from promoting the harmonization and unification of private laws affecting the activities of U.S. citizens and businessmen in foreign countries.

It should also be noted that the three conventions deal with matters wholly within the federal competence, so that no federal-state question is involved. None of them would require any change in existing American law. The provisions of the Force Labor Convention, together with its drafting history, confirm that punishment for illegal strikes or other illegal labor activities is not prohibited. Similarly, the provisions of the Political Rights of Women Convention, together with its drafting history, make clear that it applies only to public office and public functions established by national law, and that it does not apply to military service.

Mr. PROXMIRE. Mr. President, Mr. Gardner goes to observe:

> It is obvious that many matters involving the relations between a government and its own citizens can be of sufficient "international concern" to be included in treaties between the United States and other countries.

Mr. Gardner emphasizes this point by including a partial list of treaties to which the United States is already a party which regulate the activity of U.S. citizens within the United States. The list contains:

> 1. *1926 Slavery Convention (TS 778).*—States Parties undertake to prevent and suppress the slave trade and to bring about the complete abolition of slavery in all its forms in territorities under their jurisdiction. They also agree, subject to certain transitional provisions, to take all necessary measures to prevent forced or compulsory labor from developing into conditions analogous to slavery. Forced or compulsory labor may only be exacted for "public purposes."
>
> 2. *1912 Convention relating to the suppression of the abuse of opium and other drugs (TS 612).*—States parties agree, *inter alia,* to enact laws and regulations to control the production and distribution of raw opium, and to take measures for the suppression of the manufacture, internal traffic in and the use of prepared opium. The Convention also calls upon States parties to consider making it illegal to possess certain drugs.
>
> 3. *World Health Organization Regulations No. 1 (TIAS 3482), as amended (TIAS 3482 and 4409).*—States Members are to respect prescribed nomenclatures with regard to diseases and causes of death, are to maintain certain statistics, and are to use certain forms of medical certificates.
>
> 4. *1940 Convention on nature protection and wildlife preservation in the Western Hemisphere (TS 981).*—States parties are to consider establishing in their territories national parks, national reserves, nature monuments, and strict wilderness preserves. Resources of reserves are not to be subject to exploitation for commercial profit, and are to be protected against private hunting; States are to provide facilities for public recreation and education in national parks.
>
> 5. *1949 Road Traffic Convention (TIAS 2487).*—Contracting States agree to the use of their own roads for international traffic under detailed conditions set out in the Convention, which prescribes *inter alia* rules of the road.

20TH ANNIVERSARY OF ORGANIZED BABE RUTH BASEBALL LEAGUE PLAY

Mr. PELL. Mr. President, this week marks the 20th anniversary of organized Babe Ruth Baseball League play. It is an anniversary that I believe deserves recognition, because of the contributions this program has made to the healthy development of thousands of teenaged boys.

In my own State of Rhode Island, under the excellent leadership of Mr. Joseph Shea, of Newport, State director of Babe Ruth Leagues, 100 Babe Ruth Leagues will be in operation this year providing recreation, instruction, and experiences in sportsmanship to several thousand youths.

Mr. President, the Babe Ruth League is an excellent example of what our people can accomplish through volunteer efforts. Today I commend the hundreds of volunteers, coaches, businessmen, and sponsors who, working together, serve our young people and, ultimately our Nation, through the Babe Ruth Leagues. They have the satisfaction of knowing that their efforts not only provide a more enjoyable summer for the youths in their leagues, but also help these youths to develop into mature citizens with a sense of sportsmanship and fair play.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. Allen). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. Allen). The bill will be stated by title.

The Bill Clerk. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. Allen). Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Allen). The Senator will state it.

Mr. MANSFIELD. Mr. President, does the time limitation begin now?

The PRESIDING OFFICER (Mr. Allen) The controlled time begins at this time.

Mr. MANSFIELD. I understand that the time is equally divided between the distinguished Senator from Colorado (Mr. Dominick) and the distinguished Senator from Idaho (Mr. Church) and that the vote will occur at 2:45 this afternoon.

The PRESIDING OFFICER (Mr. Allen). The vote is to occur not later than 2:45.

Mr. GRIFFIN. Mr. President, I do not think this will be a problem, but as I recall it, the unanimous-consent agreement of yesterday was not worded as it appears on the printed card, which says not later than 2:45. The agreement was that we would actually vote at 2:45.

Mr. MANSFIELD. The Senator is correct. I wish to support what the acting minority leader has said.

The PRESIDING OFFICER (Mr. Allen). The Journal so shows. The vote is to occur at 2:45.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, I ask unanimous consent that we have a short quorum call, the time to be divided equally between the two sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The time will be equally divided between the two sides. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hughes). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

I think I should start by saying that the pending amendment, on which we are to vote at 2:45, is not an amendment to the so-called Church-Cooper amendment. It is an amendment to a different section: section 9 of the bill. It is designed, not to change the format which the Committee on Foreign Relations put into the bill, but to make that format more flexible.

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What we have done, through the action of the Foreign Relations Committee—and I think it makes sense—is try to gain some control over the type and amount of excess defense equipment which can be contributed to our allies. I do not change those controls.

As a matter of fact, I add additional controls, in order to provide for quarterly reports by the President on the type and quantity of equipment which will be contributed to our allies.

What I have done, however, is expand the limit which has been set by the Foreign Relations Committee, so that we can make better use, better utility, of the excess defense equipment which we now have.

We find ourselves—or could find ourselves, unless we do this—in the very uncomfortable and, in my opinion, untenable position whereby we have excess equipment which we are not permitted to give away, and which will cost us a lot of money to maintain, or which will have to be put into a scrap pile. It seems to me to make far more sense for us to deliver such equipment to our allies, so that they can enhance their own security and also ours by so doing, rather than add it to our scrap pile.

So, as I have said over and over again, I am not trying to do anything which will impede the controls which the Senate Committee on Foreign Relations has placed on this program. I am trying to save us some money from the point of view of operational and maintenance expense so far as the Defense Department and the taxpayer in general are concerned, and also trying to give further meaning to the President's Guam doctrine, in which he says that our objective in foreign policy will be to strengthen our allies' determination to help themselves and defend themselves, rather than to continue to inject American military power around the world directly, giving us a "lower profile," as he called it, around the world.

It seems obvious to me that if we are to do this, we must in turn be able to provide the mechanisms, at least in part, for those allies which are willing to help us in this way, whether it be, for example, Turkey, Iran or Israel, or whether it be Thailand or the Republic of China, or whatever country it may be.

At the same time, it is apparent that we do not want to give away any kind of sophisticated weaponry; so there is a requirement in my proposed amendment that prior to the delivery of any sophisticated weaponry, we must have certain information given to the Speaker of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate, so that we will know what is going on, and can exercise some effective judgment during that period.

Mr. President, I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I am interested in the amendment that the Senator from Colorado has proposed. I should like to ask him a few questions, to make certain that I understand the facts and the impact of his amendment. It seems to me to make sense, but I want to be sure of my grounds before I definitely say that it does.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

Mr. SPARKMAN. First of all, the Senator's amendment proposes, as I understand it, to remove the ceiling that is stated in the bill, or to increase that ceiling. The Senator does maintain a ceiling does he not?

Mr. DOMINICK. The Senator is totally correct. We are raising a ceiling which is established in the bill by the Committee on Foreign Relations, which in effect amounts to about $70 million of original acquisition cost to the Department of Defense, to $300 million, which is still $91 million less, even under my limit, than it was in fiscal 1969.

Mr. SPARKMAN. For what purpose does the Defense Department use equipment such as that covered by the Senator's amendment?

Mr. DOMINICK. The Defense Department would not be using this equipment at all. It would be outdated and obsolete as far as our own defense structure is concerned; so therefore they would either have to put it in the scrap pile, spend a lot of money maintaining it, or have the right to contribute it to some of our underdeveloped allies.

Mr. SPARKMAN. This equipment, as I understand, has already been paid for, and in effect has outlived its usefulness so far as the United States is concerned, but can still be effectively used by some of the other countries; is that right?

Mr. DOMINICK. The Senator is totally correct. This is the very heart of the amendment, so far as I am concerned.

We have many allies which have the ability, with very able labor at rather low cost, to maintain this equipment, or to make good use of some of the things that would be contributed to them through what we call cannibalism, which, as I think the Senator will recall, is making use of one item for spare parts for another similar item you already have.

By enabling other countries to do that, this measure could provide a lot of benefit to our allies at relatively low cost to us.

Mr. SPARKMAN. In other words, unless we do make some such use of the equipment as that, the practical result—of course, the Senator has mentioned two or three alternatives, but the practical result is that the equipment is scrapped; is it not?

Mr. DOMINICK. Yes, the Senator is correct. There is the other alternative, which would be even more expensive than simply scrapping it, of trying to maintain it in some kind of condition for some potential use, unknown and unanticipated by the Defense Department or any of our other agencies. But that would be very expensive.

Mr. SPARKMAN. This type of equipment, while it is included under the foreign military sales bill, in our Federal aid program of military assistance, is sometimes used in that way; but is it not true that in the past we have not put any such narrow limits on its use as this?

Mr. DOMINICK. The Senator is correct. This is the first time that controls such as those reported by the Committee on Foreign Relations have been so exercised.

I think there is reason why we should have some control. I just happen to feel that the limit they have put on, in terms of total amount, is totally unrealistic.

Mr. SPARKMAN. Let me ask the Senator this question. I do not know whether the Senator from Colorado knows the answer or not, but would any of this equipment be useful, for example, in South Korea?

Mr. DOMINICK. Yes, without any doubt. These would be in terms of small arms. It might be in terms of just simple things like kitchen equipment and a variety of things of this nature which are not armaments but which have been bought by the Defense Department and which then could be used as part of their own military force structure.

Mr. SPARKMAN. Necessary for any military operation.

Mr. DOMINICK. Yes.

Mr. SPARKMAN. I was in Korea last fall, and I visited one of the ROK divisions in the demilitarized zone. I saw the equipment they had, and our own military people there impressed upon me how antiquated a good bit of that equipment is, how badly they need it—some replacement and some building up. I came back fully convinced that we needed to do more to bolster the defenses of South Korea, which, after all, are part of our security; that we needed to do more than we have done in the past. It seems to me that if we could use this, for example, to help in cases such as that, by all means we should take advantage of the opportunity.

I thank the Senator for yielding.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

I sincerely thank the Senator for his support and for his questions, which I think clear the record.

One thing we might think about in analyzing this matter is this: The M–1 rifle, which we still have, is a pretty good rifle, but our troops are all equipped with the M–16, which is a much better rifle now that they have all the quirks and problems out of it. These M–1's would be of enormous utility to a great number of these underdeveloped countries in the effort to try to defend themselves. These are not countries that try to go across their border to attack someone else. They are trying to defend themselves and by so doing to be able to stabilize the situation in areas of the world where otherwise the United States might become involved. I hope we do not, but we might.

So it would seem to me that raising the limit to be able to utilize more of this excess equipment makes sense, and that is why I offer the amendment.

I sincerely appreciate the support of the Senator from Alabama.

Mr. COOPER. Mr. President, will the Senator yield me 2 minutes?

Mr. MANSFIELD. I yield the Senator as much time as he desires.

Mr. COOPER. I should like to ask

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the Senator from Colorado a question which goes beyond the amount made available for excess weapons and to the total of military aid that is provided in a number of bills.

I ask, first, is it not correct that in the foreign aid bill, grants of military aid totaling $350 million is available?

Mr. DOMINICK. I would presume that is true on a year-by-year basis. But, as the Senator knows, the foreign aid bill is under very sharp attack in an enormous number of areas and within the Senate itself. We do not know what it is going to be for the future, because we have not had the bill before us.

Mr. COOPER. I want to point out that in various bills a great deal more military aid is made available for other countries than just the funds for excess arms. As I recall, $350 million is made available in grants to other countries, for military aid in the Foreign Aid Act. Then, it is correct, is it not, that in the pending bill an additional $300 million is made available for credit sales to other countries?

Mr. DOMINICK. That is correct.

Mr. COOPER. And with easy terms of credit. I am not sure whether it is $300 or $350 million on the foreign aid bill. I will take the lower figure. The two items make $600 million. This bill makes available, as I recall, $70 million for the transfer of excess equipment.

Mr. DOMINICK. That is correct—as of original acquisition cost.

Mr. COOPER. The total would be $670 million.

Is it not also correct that in the foreign aid bill the President has authority to make available an additional $300 million of military aid upon his finding that it is essential to the interests of our country?

Mr. DOMINICK. I cannot answer that question. Frankly, I have not picked that up in the bill. It may be in here, but I do not know what provision it would be.

Mr. COOPER. I think I am correct. If I am in error as to the exact amount, I will correct my statement. I think I am correct in saying that in these four categories, the money provided for grants for military aid under the Foreign Aid Act, the $300 million that is provided in this bill for credit sales—the credit is very liberal—and the $70 million of transfer of excess equipment, and, finally, the $300 million of additional funds that the President has authority to provide a total of $970 million available in military aid to other countries.

Mr. DOMINICK. In this particular bill, would the Senator refer me to the last program about which he is talking?

Mr. COOPER. Does the Senator mean the additional $300 million available to the President?

Mr. DOMINICK. Yes.

Mr. COOPER. I will do so in a few moments. I will look up the section.

Mr. DOMINICK. I am not doubting the Senator's word at all. I am just wondering where it is. Without having the full language in front of us, it is hard to determine this.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield myself an additional 2 minutes.

With reference to what the Senator from Kentucky has pointed out, what we are dealing with in this particular section are not current armaments that we would be using and might find it advantageous to sell or on which to give a credit sale.

For example, the Israelis are trying to get F-4 Phantom jets. That is the best airplane we have in our inventory, because, unfortunately, for the last decade the Secretary of Defense, Mr. McNamara, refused to do anything about a new type of aircraft of any kind, so far as I can find out. In my opinion, it was a disaster so far as our aircraft procurement was concerned. Nevertheless, this is what they would like. A credit sale would probably handle that type of thing, if this is the way they wanted to go. But we are not dealing with that in this section. We are dealing with excess defense items that we do not need; and unless we do something about it, we either have to maintain them or throw them away.

Furthermore, under the MAP program, which is referred to in this $350 million, which sounds very big—as though they are going to use all that for armament—if past history is any kind of determinate, only between $70 and $80 million of that will be used for equipment, and the rest will be for training, personnel, advisers, maintenance, and things of that kind—not for defense items of equipment themselves. So I do not really think it deals with this problem.

One could lump them together, as the distinguished Senator from Idaho did yesterday, when he made a total parade of horrors out of what is going on in armament deliveries around the world by all the Pentagons in all the countries of the world, and this sounds very impressive. But it is not what we are dealing with here. We are dealing here with a very narrow subject, one that I hope will save us some money in the long run and certainly will enhance our security.

Mr. THURMOND and Mr. COOPER addressed the Chair.

Mr. DOMINICK. Mr. President, the Senator from South Carolina (Mr. THURMOND) asked me earlier if he could have 5 minutes, so I am delighted to yield to the Senator from South Carolina now, if that is all right with the Senator from Kentucky.

Mr. COOPER. Of course.

Mr. THURMOND. I shall take only 3 minutes, I believe.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, my distinguished colleague from Colorado has pointed out the need for improving legislative constraints on the value of excess defense articles that may be provided to foreign countries without reimbursement from either military assistance appropriations or from the recipient country's own funds. I agree that such constraints are indeed necessary. But it is also my belief that these limitations should not be so restraining as to deny to our friends and allies equipment which our forces no longer need, has been bought and paid for, and can be put to effective use in furthering the concept of collective security in the free world. If this equipment is not used for this purpose, it will be scrapped and sold for a small percentage of its true worth. Thus, useful defense assets will be wasted.

The amendment offered by my distinguished colleague from Colorado reflects a realistic limitation and a manner of calculating value that more nearly represents true worth. I also observe that the proposed amendment requires the President to inform the Committee on Foreign Relations and the Committee on Appropriations of each decision to furnish major weapons systems if these were not included in the program presented to Congress. Thus, the Congress will be informed long before any action is taken to deliver the equipment. Should such a decision raise any questions, there will be sufficient time for the Congress to explore the matter and to express its views.

Mr. President, it appears to me that the limitations and controls established by the proposed amendment are realistic. They give reasonable assurance that valuable defense assets will not be wasted but, at the same time, are sufficiently restraining to insure that these assets are used judiciously and in the best overall interest of the United States. Finally, I would note that it gives the Congress the opportunity it needs to exercise its responsibilities.

I join my able colleague from Colorado in urging adoption of the amendment.

Mr. DOMINICK. Mr. President, I thank the distinguished Senator from South Carolina.

Mr. COOPER. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Kentucky is recognized.

Mr. COOPER. I want to cite the provisions of the sections providing the total military aid which I mentioned a few minutes ago.

First, in the Foreign Assistance Act, section 504, authorization, which provides:

> There is authorized to be appropriated to the President to carry out the purposes of this part not to exceed $350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971.

This was authorized by Congress last year.

Mr. DOMINICK. Will the Senator tell me what the purpose is, how the wording goes?

Mr. COOPER. It is money provided to the President for military assistance, chapter 2, section 503:

> The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, . . .

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Mr. DOMINICK. I thank the Senator.

Mr. COOPER. Mr. President, $350 million was made available for fiscal year 1971.

Section 504 provides an authorization of $350 million.

Section 506, special authority, provides that,

> During the fiscal year 1970 and the fiscal year 1971 the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of part II, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in each of the fiscal years 1970 and 1971 shall not exceed $300,000,000.

That is a total of $650 million made available under the Foreign Assistance Act.

The pending bill provides an additional $300 million for credit sales and $70 million for transfer of excess property. So, there is available for fiscal 1971, $650 million of grant aid, $300 million of credit aid, and $70 million of excess sales, a total of $1,020 million.

Mr. DOMINICK. If the Senator from Kentucky will yield, on my own time, for a question——

Mr. COOPER. I yield.

Mr. DOMINICK. The money given to the President to use at his discretion is money to be given to them, is that correct? These are defense articles. It is money only under extraordinary circumstances that the committee expects the President to use. Is that correct?

Mr. COOPER. It is up to him entirely. If he determines it is vital to the security of the United States, his judgment cannot be questioned.

Mr. DOMINICK. Based on past history, though, he has not used this freely, has he, or any other President?

Mr. COOPER. I do not know.

Mr. DOMINICK. Second, under credit sales, that money is the sale of equipment or a credit designed to be repaid with interest, is that correct?

Mr. COOPER. That is correct.

Mr. DOMINICK. It is not a grant?

Mr. COOPER. Very liberal credit.

Mr. DOMINICK. Liberal credit.

Mr. COOPER. It is practically a gift.

Mr. DOMINICK. Have, in fact, such amounts that have been sold under those terms been repaid, does the Senator know?

Mr. COOPER. General Warren testified, I believe, on that, but I cannot recall. I would have to look at the record.

Mr. DOMINICK. So, the only provision we have that we are dealing with at all——

Mr. COOPER. I have just been informed that—if the Senator will excuse me—quite a bit has been repaid.

Mr. DOMINICK. I thank the Senator. The only provision on the excess defense items, which are an expense and a problem for us, is this particular section 9 that we are dealing with here.

Mr. COOPER. No. I believe that the President, under the Foreign Assistance Act, because those sections provide that he can draw upon the stocks of the military stocks of the United States, the same excess articles——

Mr. DOMINICK. The President can.

Mr. COOPER. Yes.

Mr. DOMINICK. That is right.

But we do not want to authorize the Department of Defense. The President has to signify that it is something special.

Mr. COOPER. The Senator is correct. Under the law dealing with excess articles, I believe the Department of Defense can make available, under present law, without limitation—if it decided it wanted to give away $1 or $2 billion of excess articles, the Department of Defense could do so. It has been stated that the Department of Defense could produce excess articles which the Department of Defense would not need so that such articles could be made available to be given away. I do not know whether that is correct. But there is no statutory limit on excess supplies which can be given away.

Mr. DOMINICK. Section 506, special authority, to which the Senator referred, called my attention to what the President can do:

> Subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance.

Mr. COOPER. Yes, that is correct.

For example, out of the $350 made available to the President under the Foreign Assistance Act, if he were to decide later that he wanted to go beyond that, it would have to be taken from whatever amount was appropriated in the following year.

I do not know whether the Appropriations Committee would add the amount to the appropriations or not. But the Senator is correct.

Mr. DOMINICK. Mr. President, I was interested in a point the Senator from South Carolina brought up yesterday in connection with his amendment. It is my recollection that he said Thailand would not be eligible under the military assistance program because it is actively involved in a fighting zone.

Mr. COOPER. That was the statement made by the Senator from South Carolina.

Mr. DOMINICK. Mr. President, assuming that is true, the so-called military assistance programs amounts that we have in the foreign aid bill would not be available to Thailand and, therefore, very little could be done in the way of assisting them with weapons.

Mr. COOPER. Mr. President, I am informed that the Senator is correct. A few days ago we had a colloquy, and I said, as I recall, that I did not think the President could make funds available to Cambodia because Cambodia was not among the countries listed in the bill.

In reading the general authority, it would seem to me that he could make assistance available.

Mr. DOMINICK. Under section 506?

Mr. COOPER. Under section 503.

It reads:

> The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance.

It provides ways in which it can be done. Section 504 authorizes $350 million for fiscal year 1970.

In this section, there is this proviso:

> *Provided further*, That none of the funds appropriated pursuant to this subsection shall be used to furnish sophisticated weapons systems, such a missile system and jet aircraft for military purpose, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Unless there is some language with which the Senator is familiar and with which I am not familiar, it would seem to me that under these two sections, the President has unlimited authority, to the total amount of $650 million. He would make the decision on his own determination which could not be questioned.

Mr. DOMINICK. Under that interpretation, what we have then with all of the restrictions is that this bill would be relatively useless. And I cannot believe that the committee has gone through an exercise in futility.

I have great confidence in their intelligence and their thoroughness of consideration in this field because I know how interested they are.

I asked a question on Thailand, and the Senator brought up Cambodia. I did that because I was very interested in what the Senator from South Carolina said. I understood that the Senator tended to agree with him.

Mr. COOPER. No. In looking at the language that I have just read, it would seem to me that under the language our President could make available to Thailand equipment up to the total of these two sums, which is $650 million.

It is correct, though, is it not, that under the defense authorization and appropriation bills, supplies and support funds are made available to Thailand.

Mr. DOMINICK. The Senator is correct.

Mr. COOPER. And Laos.

Mr. DOMINICK. The Senator is correct. That is with a limitation because the Armed Services Committee obtained jurisdiction, and at the request of the Foreign Relations Committee we put an overall budget limitation on how much of the funds authorized could be used in those areas.

Mr. COOPER. It was transferred to the Defense budget several years ago.

Mr. DOMINICK. The Senator is correct. I think this has been an interesting colloquy. An overall knowledge of the various difficult portions of this bill is going to be useful, I believe. I do not really think it deals with the specific subject we were talking about. That was the point I tried to make to begin with.

We are still talking about section 9 which specifically refers to excess defense articles. And what I am trying to do is retain the controls but also to raise the limit.

The PRESIDING OFFICER. Who yields time?

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Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hollings). On whose time?

Mr. COOPER. Mr. President, the time may be charged to the opponents.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair. In no event shall the recess last longer than 1 hour. That will leave 20 minutes for debate, 10 minutes to each side, for summation arguments prior to the scheduled vote at 2:45 p.m.

The PRESIDING OFFICER (Mr. Hollings). Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon (at 1 o'clock and 25 minutes p.m.) the Senate took a recess subject to the call of the Chair.

At 2 o'clock and 24 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. Cranston in the chair).

Mr. CHURCH. Mr. President, I suggest the absence of a quorum, the time being taken equally from both sides.

The PRESIDING OFFICER. The time will be charged equally. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. CHURCH. Mr. President, I yield myself as much remaining time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the Senator from Colorado would have the practical effect of nullifying the action taken by the Committee on Foreign Relations to impose a ceiling on the amounts of surplus arms that the Defense Department can give away to nations around the world.

Under the existing law there are no restrictions on the amount of surplus arms that can be given away. As a consequence, the Defense Department has used this program to circumvent the intent of the Congress in its intent to reduce the size of the military grant aid program. General Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, was quite frank with the committee on this score. In a hearing on May 11 on this bill, he said:

> A little over a year ago, we decided we had to get more surplus property into our grant-aid programs because our new obligational authority had been reduced considerably.

The purpose of the committee amendment is to prevent these end runs around the Congress.

The Congress has been hoodwinked on the use of the surplus program in other ways, too. Last year, for example, the Defense Department told the Congress that they expected to give away $79 million in surplus arms and equipment in fiscal 1970—valued at cost of acquisition. Now it appears that they will really give away about $667 million worth—over eight times the original estimate. Congress last year voted $350 million for grant military aid—so the effect of this C–5A size increase in the surplus program is to triple the military aid approved by the Congress.

Another example. The justification data presented to Congress last year estimated that $341,000 in surplus arms would be given to Taiwan. Senators will recall the dispute last year which ended with this body rejecting an additional $54.5 million in military aid to Taiwan for a jet fighter squadron. The Defense Department, not satisfied with this rejection, found a large number of "surplus"—and I use the word advisedly here—jets to give that country to salve her hurt feelings. As a consequence, instead of $341,000 estimated at the beginning of the year—we will end up giving Taiwan some $144 million of surplus arms. And the will of the Congress was thwarted again.

Mr. President, the committee's amendment does not set an inflexible ceiling of $35 million. It only says that 50 percent of the cost of any surplus arms given away above that amount must be charged against the appropriations for military aid. If the executive branch thinks a larger military aid program can be justified, to absorb the distribution of more surplus arms, let them come to the Congress and justify it. Any request for a supplemental authorization will be given thorough consideration by the committee.

But the committee was determined to stop the open-ended nature of the surplus program which has been used to flaunt the intent of Congress. The Senator from Colorado's amendment would gut the committee's restriction. For that reason, I urge that it be defeated.

Mr. President, I ask unanimous consent that certain newspaper articles which bear out what I have said appear in the Record following my remarks.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

There being no objection, the news articles were ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 29, 1970]

TAIWAN GIVEN MANY ARMS IN SECRET BY UNITED STATES IN 1969

(By John W. Finney)

Washington, March 28.—The United States secretly presented Nationalist China last year with fighter planes, cargo planes, destroyers, anti-aircraft missiles, tanks and rifles reportedly worth $157 million.

Except for approximately $1 million paid for four destroyers, the Government of President Chiang Kai-shek in Taiwan received the weapons free out of stocks that had been declared surplus by the Defense Department.

Such large-scale use of "surplus" weapons as an indirect form of military assistance is a relatively new development and is raising unresolved policy questions within the State Department and Congress.

With the reduction of the United States military forces and withdrawal of troops from South Vietnam, billions of dollars' worth of weapons are being declared surplus by the military services. A study by the staff of the Senate Foreign Relations Committee suggests that the total may come to $10 billion, although State Department officials believe this estimate is too high.

The Defense Department never announced, either publicly or to Congress, the transfer of the weapons to Taiwan, and the gift would probably have gone unnoticed if some questions had not been raised in a recent meeting of a House appropriations subcommittee by Representative Silvio O. Conte, Republican of Massachusetts.

At a closed-door hearing, Representative Otto E. Passman, Democrat of Louisiana, the subcommittee chairman, was once again raising the possibility of providing $54 million so the Government in Taiwan could buy a squadron of F–4 Phantom jet planes. A similar proposed grant in the military-assistance program was approved last year by the House, but blocked by the Senate.

As the debate in the foreign aid subcommittee warmed up, Lieut. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for military assistance and sales, broke in and was said to have observed: "I want you to know we have given them quite a bit." Then, under questioning by Mr. Conte, the details of the military goods supplied to the Chinese Nationalists were disclosed by General Warren.

During floor debate last week, when the House approved legislation lending three submarines to Taiwan, Mr. Conte listed some of the "military goodies" that were included in what he described as the "beautiful Christmas present" for the Chiang Government. In an interview, he listed additional items that had been included in the package.

ITEMS ARE LISTED

These included four 20-year-old destroyers that had been decommissioned by the Navy; equipment for a Nike Hercules missile battery that had been installed in Hawaii; more than 35 F–100 Super Saber jets, which are relatively old supersonic interceptors; more than 20 F–104 Starfighters, which are supersonic fighter planes still in use by the United States Air Force and the North Atlantic allies; more than 30 C–119 flying boxcars, which are 15-year-old troop and cargo transports; some 50 medium tanks, and about 120 howitzers and thousands of M–14 rifles.

On the basis of the Warren testimony, Mr. Conte placed the total cost of the package at $157-million.

In response to inquiries, the Defense Department declined to confirm or deny the details of the package described by Mr. Conte. The explanation offered by a department spokesman was that the Pentagon normally does not discuss the transfer of arms to foreign allies and furthermore that the information gets to "the order of battle" of the Chinese Nationalist armed forces.

State Department officials, who were not so reluctant to discuss the transaction, said the transfer had been worked out in negotiations last summer and fall. Confirming the general outlines of the package, these officials said the weapons were needed to modernize Taiwan's air defense and to replace obsolete ships in the navy.

SEOUL ALSO GOT ARMS

State Department officials described the transaction as part of a general program of using surplus arms to bolster the defenses of such "forward defense" countries as South Korea, Turkey and Taiwan. In recent months, for example, the Defense Department has transferred 790,000 used rifles, carbines and submachine guns to South Korea for use by its home defense reserve forces.

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Within the last year or so, the Pentagon has embarked on a major program to use surplus weapons to supplement its military assistance program, which has been sharply reduced in recent years.

This was a principal justification offered by State Department officials for the major shipment of surplus arms to Nationalist China.

Since the end of World War II, Nationalist China, known formally as the Republic of China, has received $2.7-billion in military assistance from the United States, primarily in arms provided as grants. But in recent years, this direct military assistance has been drastically curtailed, falling from $117-million in fiscal 1968 to about $25-million in the current fiscal year, which ends June 30.

"One reason we provided the Republic of China with so much in such a short time," a State Department official explained, "is that grant assistance was dropping drastically but at the same time China, as an exposed forward-defense country, had unfulfilled military requirements."

The policy question now being raised by the Senate Foreign Relations Committee is what controls, either by the executive branch or by Congress, are being exercised over the Pentagon's use of its growing stockpile of surplus weapons as a form of foreign military assistance.

In other areas of military assistance, Congress and the executive branch have established tight controls over the Pentagon.

Direct military grant assistance, for example, is subject to annual authorizations and appropriations by Congress, which thus sets a limit on how much aid can be provided country by country.

In the area of military sales—an area in which the Pentagon used to have complete latitude with its own "revolving fund" to finance credit sales of arms—Congress in the last three years has imposed tight controls. Under legislation first enacted in 1968 and now up for renewal, the Pentagon must obtain Congressional authorization for credit sales and Congress in turn imposes an annual ceiling on the amount of the sales.

As a result of an investigation by the Senate Foreign Relations Committee three years ago, the executive branch also ordered tighter interdepartmental coordination over Pentagon sales of arms. Such sales are now subject to formal approval by the State Department.

But in the disposal of surplus arms abroad—through sale or gift—the Pentagon needs no Congressional authorization and faces no Congressional limitation. The only requirement is that the Defense Department report the surplus arms transactions annually when it appears before Congress for its military-assistance appropriations, but as one Foreign Relations Committee staff member observed: "The reporting usually comes considerably after the fact."

Within the executive branch, the Pentagon in principle has to obtain State Department clearance for the disposal abroad of any major item of surplus equipment. But State Department officials acknowledge that the controls over surplus equipment are not as tight as those that have been worked out for sales of military equipment.

SYMINGTON HELD HEARINGS

One of the current efforts within the State Department's Bureau of Politico-Military Affairs, therefore, is to establish tighter interagency controls over the disposal of surplus weapons. A corresponding effort to establish stricter Congressional controls is certain to be made by the Senate Foreign Relations Committee as it considers extension of the military sales legislation, already approved by the House.

A foreign relations subcommittee, headed by Senator Stuart Symington, Democrat of Missouri, got its first insight into the Pentagon's growing use of surplus weapons as a form of military assistance when it held still-secret hearings last fall into United States military arrangements with Nationalist China.

One of the operations discovered by the subcommittee was that Maj. Gen. Richard G. Ciccelella, chief of the United States Military Assistance Advisory Group in Taiwan, had sent a special team to South Vietnam with the mission of finding used or damaged equipment that could be turned over to the Nationalist Government.

The subcommitte also determined, according to Congressional sources, that General Ciccolella had arranged for establishment of a military equipment repair facility in Taiwan.

The repair facility, according to these Congressional sources, was proving profitable to the Nationalist Government in two respects. First, it was receiving money to repair equipment under contracts with the Defense Department. Second, it was receiving free equipment by taking over weapons that had been declared irreparable by the United States.

General Ciccolella had been scheduled to testify before the Symington subcommittee last fall, but his appearance was postponed when he was hospitalized with a back ailment. The general has now been reassigned to Fort Meade in Maryland, and the subcommittee plans to have him testify before closing the Taiwan phase of its investigation.

WORLD ARMS BILL: TRILLION SINCE 1964; REPORT SAYS SPENDING RISES SHARPLY IN SMALL NATIONS

(By Robert M. Smith)

WASHINGTON, March 22.—More than a trillion dollars has been spent for arms and armed forces around the world over the last six years, the Arms Control and Disarmament Agency reports.

In a new study, the agency finds that the increase in arms expenditures of the big countries has slowed somewhat in the last two years while the amounts spent by the developing countries have increased sharply. The military budgets of the small countries seem to be growing at a rate twice as high as the world total.

The report also discloses that although the world's economic standard of living has improved little in real terms in the last six years, the per capita burden of military spending has increased.

The figures show that military spending last year averaged $56 for every person in the world. This breaks down to an average of $179 for every person in the developed countries and $10 for every person in the developing countries.

RATE OF INCREASE SLOWS

"The diversion of resources to military purposes had expanded in step with the world's capacity to produce," says the Arms Control Agency's fourth annual report on world military expenditure. The organization is an independent agency of the United States Government.

The one hopeful note in the 26-page report is that between 1965 and 1967, world military spending rose at the rate of 13 per cent a year; in 1968 and 1969, it rose only 5 per cent a year.

"If the pattern of the last two years continues," the report says, "it will mean some reduction in the ratio of military spending to world income."

"On the other hand," it continues, "it will take more than a diminished rate of increase to lessen significantly the heavy economic burden of world military expenditures. If recent spending patterns continue, the nations of the world by the end of the seventies will be devoting more than $300-billion a year to defense."

THE $200 BILLION SPENT IN 1969

The six-year total of world military spending took as much public money, according to the report, "as was spent by all governments on all forms of public education and health care."

Some $200-billion was spent on the world's arms and armies last year. The North Atlantic Treaty Organization accounted for $108-billion of this total; the Warsaw Pact nations, $63-billion.

Each bloc spent some $3-billion more than in 1968. Given inflation, however, this represents no increase. In fact, the NATO outlays went down $2-billion if inflation is considered.

On the other hand, the military budgets of countries outside these blocs accounted for an increasing proportion of the money the world spent on arms.

"Military budgets of these countries appeared to be growing at a rate more than twice that of the world total," the report says. This reflects "an accelerated arms race among the developing countries," it says.

COUNTRIES LISTED

The study also points out that it took half of all the people in the world to produce a share of all the world's goods and services equal to that devoted to military outlays.

The study reports that the following countries spent more than 10 per cent of their total output of goods and services, or gross national product, on their armed forces: Laos, United Arab Republic, North Vietnam, South Vietnam, Taiwan, Iraq, Jordan, North Korea, Syria, Saudi Arabia and Israel.

The following spent between 5 and 10 per cent of their gross product: Burma, Somali Republic, Cambodia, Mainland China, Albania, Iran, Mongolia, Portugal, Cuba, Poland, Soviet Union, France, United Kingdom, Kuwait, and United States.

Spending less than 1 per cent of their gross product were: Malawi, Nepal, Sierra Leone, Costa Rica, Peru, Jamaica, Mexico, Panama, Trinidad and Tobago, Japan and Iceland.

The data in the report came mostly from statistics prepared by the United States Agency for International Development and such international agencies as the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

Mr. DOMINICK. Mr. President, I yield myself 4 minutes.

I listened with interest to the Senator from Idaho, who gave us, as usual, a well-delivered and dramatic speech. One of the things he said was that my amendment would gut the provisions put in by the Senate Foreign Relations Committee. With all due deference, this just is not a fact. Not only do I not change any of the reporting provisions in that particular section, but I add another one requiring that quarterly reports be given as to the types of equipment that are going to be declared excess and delivered away, and requiring reports to the Speaker of the House, the Committee on Foreign Relations, and Committee on Foreign Affairs, the Committees on Defense Appropriations, in the event anybody decides that so-called sophisticated weapons systems are to be delivered to anybody. Of course, that is not in the provisions as they now stand.

So the only thing I am doing, in fact, is to raise the ceiling from $70 million up to $300 million in terms of original acquisition cost.

I hope my colleagues will keep in mind the fact that we are dealing with many weapons that were purchased 10 or 15 years ago. They are no longer of any use insofar as U.S. military requirements are concerned. The only choice we have is to spend a lot of money maintaining them or put them on the scrap heap. It seems to me it is better to deliver them to our allies and reinforce the Guam doctrine of President Nixon than to put them on the scrap heap or spend a lot of the taxpayers' money on maintaining something that is excess, not needed for our military requirements, and obsolete.

Those are the only points I am trying to bring out.

The distinguished Senator from Idaho talked about Taiwan.

Well, Taiwan has been very friendly to the United States. It has been under constant attack from Red China. It received a great deal of military aid for a long period of time. To the extent that its defenses were running down and we had surplus equipment, it would seem to me to be cutting off our nose to spite our face to cut out our aid to them. So I do not see anything particularly horrendous about that particular aspect.

We had a colloquy with the Senator from Kentucky concerning Thailand and Cambodia. Yesterday, in the process of discussing the amendment of the Senator from South Carolina (Mr. THURMOND), it was pointed out that those countries, engaged in fighting a war in Southeast Asia, allegedly came under the MAP program, and if they were to come under another program, that would give us the ability, outside the MAP program, to sell excess equipment to Thailand particularly. If that country were engaged in the fighting, I would see nothing wrong with that. It seems to me to make good sense to keep American forces out of the front lines and support our allies against attack—not to create an attack of our own, but to defend themselves against attack.

That is the reason why I have offered my amendment. That is the reason why I hope it will be adopted.

I reserve the remainder of my time.

Mr. CHURCH. Mr. President, in reply to the remarks of the distinguished Senator from Colorado, I recognize the inclusion in his amendment of an extra provision for reporting to the Congress. However, Members of the Senate should realize the futility of giving open-ended authority to the executive to deliver such quantities of arms as it chooses, to such governments as it chooses, and then to salve our conscience as it chooses, only after the act is completed, by reporting to the Congress what it has done.

By the time these formal reports are delivered, the recipient country has already been informed, in many cases in the local newspapers. By all stretches of the imagination, a reporting requirement, after the fact, is an idle and empty gesture.

Second, I ask Members of the Senate to remember that, under the present law, without any effective congressional ceiling, we are not even informed before the fact, on the basis of estimates that are given to us, of what the executive anticipates it will give away in the coming year. For example, I have here the latest estimate given to the Congress as a guideline to what the executive intends to do. It indicates that in the coming year programed excess surplus equipment to be given away totals $63,835,000. However, there is another item, labeled "Projected Additional Excess, Worldwide," with no allocation whatever. There is no indication as to where it is to go, or in what quantities. This total is $103 million.

Of course, the estimates are meaningless, providing no specific information or realistic projections.

I remind the Senate that last year, as illustrative of this situation, we estimated that $345,000 in equipment would be given to Taiwan. In fact, it came to $143 million. While we estimated that $9 million worth would be given to Greece, in fact it exceeded $20 million.

What we are pleading for, on behalf of the committee, is an effective ceiling which will permit the Congress to exercise meaningful control over a program that has become an open-ended method for circumventing the efforts of Congress to keep this giveaway program within reasonable bounds. That is the truth of it.

With the amendment of the Senator from Colorado, that ceiling would be lifted so high, that we would go into conference with the House with no negotiating position. We would have no opportunity to deal with their open-ended bill for the purpose of obtaining a reasonable ceiling somewhere between the position the committee has adopted and the position the House adopted.

In order to give Congress a meaningful control over the size of this giveaway program and in order to protect our own negotiating position in conference, I hope that the Senate will reject the amendment offered by the Senator from Colorado.

Mr. DOMINICK. Mr. President, I yield myself such time as I may require.

I am always delighted to have a discussion and debate with my friend from Idaho. It is always interesting, and every time I do so, I find we are talking about a whole bunch of different items that, in many cases, are not specifically involved in the issue with which we are dealing.

We have here a fiscal expenditure, in 1969, of $391 million. If we put in the amendment that I have offered, we will be $91 million a year less than was already done in 1969. We have here a situation that we are dealing with excess defense articles, not needed, and which we either have to scrap or spend a lot of money in trying to maintain.

It makes eminent sense to me to be able to give these items to increase the defensibility of our allies, and let them go ahead and modify the equipment, or change it, or do whatever is necessary at their own expense, rather than to have us have to do it.

Whom are we talking about? Well, we are talking about Turkey, we are talking about Iran—I am talking about the countries that this material went to in 1969; we cannot say where it will go now, unfortunately—but Turkey and Iran, two of our NATO allies at the southern flank, which is imminently threatened by the Soviet Union at this time; Taiwan, threatened by the Chinese; Thailand, threatened by North Vietnamese forces from the northeast and also by those which are in Cambodia.

We are talking about countries which are so-called free world countries, which would like to be of assistance in preventing us from being overrun. If we do not give them assistance, then we have the obligation, it would seem to me, under the commitments made by the Foreign Relations Committee, to come to their aid sooner than we might otherwise have to. It makes eminent good sense to me to pass this amendment, and give us the ability to get out from under some of these surplus stockpiles, and strengthen our allies at the same time.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. How much time is left, Mr. President?

The PRESIDING OFFICER. The Senator from Idaho has 1 minute remaining; the Senator from Colorado has 3.

Someone's minute is gone.

Mr. CHURCH. Mr. President, I move that the silence be attributed equally to both sides. [Laughter.]

The motion was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, on everyone's time.

The PRESIDING OFFICER. Do Senators yield back time equally for a quorum call?

Mr. DOMINICK. Mr. President, just a moment, before we do that.

The PRESIDING OFFICER. There are 2 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

I have here a letter from the Joint Chiefs of Staff, dated May 26, 1970, addressed to the distinguished Senator from Mississippi (Mr. STENNIS) as chairman of the Committee on Armed Services, supporting the principle of this amendment, and pointing out how important it would be.

I think it is worthwhile to emphasize at this point that this particular amendment is supported by both the State Department and the Defense Department. Any time we can get those two departments to agree on a single amendment, I think we have really accomplished something. So I certainly hope the amendment will be agreed to.

I ask unanimous consent that the letter to which I have referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE JOINT CHIEFS OF STAFF,
Washington, D.C., May 26, 1970.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On May 16, 1970, Secretary Laird wrote you concerning the serious effects which certain amendments to the Foreign Military Sales Act, now pending in the Senate, would have on the security of the United States. He made particular reference to those amendments which would severely limit the existing authority in the

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Foreign Assistance Act of 1961 to give excess defense articles to foreign countries (Section 9) and which would require a foreign country to pay, in its own currency, 50% of the value of military grant aid provided by the United States to that country (Section 10). Secretary Laird expressed the view that taken together these amendments would severely limit the effectiveness of our collective defense arrangements. I fully concur in this view and because of the nature of the military consequences which could flow from the proposed amendments, I am taking this opportunity to also urge your support in securing a modification to the current Bill.

For some twenty years the Military Assistance Program has been an important element in our national security policy. Through it, we have been able to strengthen our allies in those areas where we have mutual security interests, and we have thereby reduced the military requirements for our own forces. The Joint Chiefs of Staff have considered the Military Assistance and Sales Program to be an important aspect of the United States national security and weakening this program can weaken our security. Of particular concern to me are the serious consequences. which the proposed amendments could have upon the military capability of our Forward Defense Allies, such as the Republic of Korea and Turkey.

As you are aware, the Republic of Korea is a key element of the United States forward strategy in Northeast Asia. If the Republic of Korea is to maintain her responsibilities for her own self-defense against aggression, she must have enough modern military equipment to meet the military threat currently posed against her by the North Korean military forces. I had the opportunity to visit South Korea during October of last year and I saw first-hand the condition of the South Korean equipment. Their ground forces equipment is antiquated, and they lack adequate force mobility. Their Air Force needs additional resources, and their Navy needs additional surface units. If we are going to place a greater reliance on the indigenous forces of the Republic of Korea, we must be sure they can cope with the threats to their security, for their security is tied to the security of the free world. If United States military equipment, which would otherwise be scrapped, can be useful to enhance the capability of such indigenous forces, we ought not to permit these defense resources to be wasted. We ought not to take unnecessary risks by adding to our scrap heap instead of adding to an ally's strength.

One of the major objectives of our Military Assistance Program is also to assist such countries as Turkey so that she would be able to resist a general Warsaw Pact aggression. The Turkish military forces sit on the right flank of NATO, and they are exposed on two fronts. Turkey does not have the financial capability of equipping and maintaining a sufficiently modernized military force to cope with a Warsaw Pact forces attack against NATO unless the United States continues to provide her with military assistance. If the Turkish forces are to remain adequately equipped to cope with the threat to the right flank of NATO, the United States will have to continue to provide Turkey with a level of support essential to the effective implementation of the NATO strategies. Requiring Turkey and other Forward Defense nations to pay for grant aid would not promote the effective implementation of these strategies but, to the contrary, they would substantially weaken Turkey's military posture and hence weaken NATO and United States security.

The Military Assistance Program is a self-interest program. As we place a new and greater emphasis on the contribution of allied forces to the free world security—and hence to our security—we cannot allow it to wither away because of arbitrary ceilings on excess defense articles or by requiring foreign countries, who cannot afford to do so, to pay for grants. Because of the obvious serious consequences which the proposed amendments would have upon United States security, I join with Secretary Laird in urging your support on securing the modification of the proposed amendments along the lines suggested in his letter of May 16th.

Sincerely,

Earle G. Wheeler,
Chairman, Joint Chiefs of Staff.

Mr. CHURCH. Mr. President, I use the remainder of my time to emphasize that the effect of this amendment would be to increase fivefold the ceiling limitation on the giveaway surplus arms program. If the Dominick amendment is rejected, the Senate can go to conference with a meaningful negotiating position. We will be able to deal with those House conferees who will be arguing for an open-ended bill.

The PRESIDING OFFICER (Mr. Cranston). All time having expired, the question is on agreeing to the amendment of the Senator from Colorado (Mr. Dominick). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. HOLLINGS. On this vote I have a live pair with the Senator from Arkansas (Mr. Fulbright). If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SPONG. On this vote I have a pair with the Senator from Indiana (Mr. Bayh). If he were here, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. Russell), are necessarily absent.

On this vote, the Senator from Connecticut (Mr. Dodd) is paired with the Senator from Alaska (Mr. Gravel). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Alaska would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Florida (Mr. Gurney), the Senator from California (Mr. Murphy), the Senator from Oregon (Mr. Packwood), the Senator from Pennsylvania (Mr. Scott), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Illinois (Mr. Smith) is absent on official business.

If present and voting, the Senator from Florida (Mr. Gurney), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), and the Senator from Illinois (Mr. Smith) would each vote "yea."

The result was announced—yeas 38, nays 43, as follows:

[No. 159 Leg.]

YEAS—38

Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Hansen
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Miller
Pearson
Percy
Prouty
Saxbe
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—43

Aiken
Anderson
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Ellender
Goodell
Harris
Hart
Hatfield
Holland
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McCarthy
McGovern
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Symington
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Hollings, for.
Spong, for.

NOT VOTING—17

Bayh
Cannon
Cook
Dodd
Fulbright
Gore
Gravel
Gurney
Hartke
Moss
Mundt
Murphy
Packwood
Russell
Scott
Smith, Ill.
Stevens

So Mr. Dominick's amendment (No. 689) was rejected.

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 708

Mr. BYRD of West Virginia. Mr. President, I call up my amendment No. 708 at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. On page 5, between lines 18 and 19, strike the period and insert the following: "Including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield for a request associated with that amendment?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. Mr. President, because the amendment of the Senator from West Virginia inserts new language at the end of an amendment offered by the Senator from Montana and previously adopted, which has not appeared in print, I ask unanimous consent that a print of the bill, as amended, to date be made for the benefit of Members of the Senate.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

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The text of the bill as amended to date is as follows:

H.R. 15628

[Report No. 91-865]

(In the Senate of the United States, March 25, 1970; read twice and referred to the Committee on Foreign Relations, May 12, 1970. Reported by Mr. FULBRIGHT, with amendments.)

[Omit the part enclosed in black brackets and insert the part printed in italic]

An act to amend the Foreign Military Sales Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3 of the Foreign Military Sales Act (22 U.S.C. 2753(b)) is amended to read as follows:

"(b) No sales, credits, or guaranties shall be made or extended under this Act to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party."

SEC. 2. Section 31 of such Act (22 U.S.C. 2771) is amended—

(1) by striking out of subsection (a) "not to exceed $296,000,000 for the fiscal year 1969" and inserting in lieu thereof "not to exceed [$275,000,000 for the fiscal year 1970 and not to exceed $272,500,000 for each of the fiscal years 1971 and 1972";] *$250,000,000 for each of the fiscal years 1970 and 1971";* and

(2) by striking out of subsection (b) "during the fiscal year 1969 shall not exceed $296,000,000" and inserting in lieu thereof ["during the fiscal year 1970 shall not exceed $350,000,000 and during each of the fiscal years 1971 and 1972 shall not exceed $385,000,000".] *"shall not exceed $300,000,000 for each of the fiscal years 1970 and 1971".*

SEC. 3. Section 33 of such Act (22 U.S.C. 2773) is amended—

(1) by striking out of subsection (a) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year"; and

(2) by striking out of subsection (b) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year".

SEC. 4. The last paragraph of section 1 of such Act (22 U.S.C. 2751) is amended by striking out "denying social progress" and inserting in lieu thereof "denying the growth of fundamental rights or social progress".

SEC. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

SEC. 6. It is the sense of the Congress that—

(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

(2) the President should take such actions as may be appropriate—

(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialist Republics, Great Britain, France, West Germany, Italy, and other countries on the control of the worldwide trade in armaments.

(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction.

Sec. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

[*"Sec. 47. Prohibition of Assistance to Cambodia.—In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—*]

"Sec. 47. Limitations on United States Involvement in Cambodia.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Nothing contained in this section shall be deemed to impugn the Constitutional power of the President as Commander in Chief.

Sec. 8. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91-121 (relating to military procurement for fiscal year 1970 and other matters).

Sec. 9. (a) Subject to the provisions of subsection (b), the value of any excess defense article given to a foreign country or international organization during any fiscal year shall be considered to be an expenditure made from funds appropriated for that fiscal year to carry out the provisions of part II of the Foreign Assistance Act of 1961, and at the time of the delivery of that article a sum equal to the value thereof shall be withdrawn from such funds and deposited in the Treasury as miscellaneous receipts.

(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of all such articles so given during that year exceeds $35,000,000.

(c) For purposes of this section "value" means not less than 50 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

Sec. 10. (a) No excess defense article may be given, and no grant of military assistance may be made, to a foreign country unless the country agrees—

(1) to deposit in a special account established by that country the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 per centum of each such grant; and

(2) to make available to the United States Government, for use in paying obligations of the United States in that country and in financing international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, such portion of the special account of that country as may be determined, from time to time, by the President to be necessary for any such use.

(b) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section.

Sec. 11. (a) In considering a request for approval of any transfer of a defense article to another country under section 505 (a)(1) and (a)(4) of the Foreign Assistance Act of 1961, and section 3(a)(2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country.

(b) The President shall not consent to the transfer by any foreign country or person to a third or subsequent country or person of any defense article given, loaned, or sold by the United States, or the sale of which is financed by the United States (through credit, guaranty, or otherwise), unless the foreign country or person which is to make the transfer first obtains from the country or person to which the transfer is to be made an agreement that such country or person will not give, sell, loan, or otherwise transfer such article to any other foreign country or person (1) without the consent of the President, and (2) without agreeing to obtain from such other foreign country an agreement not to give, sell, loan, or otherwise transfer such article without the consent of the President.

Sec. 12 (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated [*for any purpose*] for foreign assistance including *foreign military sales shall be available for obligation or expenditure—*

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent thet legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or ex-

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penditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superceded except by a provision of law hereafter enacted which specifically repeals or modifies the provisions of this section.

Sec. 13. For purposes of sections 9, 10, and 11—

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644(d) and (g), respectively, of the Foreign Assistance Act of 1961; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

Amend the title so as to read: "An Act to amend the Foreign Military Sales Act, and for other purposes."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, rather than see the distinguished Senator from New Hampshire (Mr. COTTON) resign—and I speak, of course, in jest—the joint leadership has met to see if some consideration should not be given to the request of the Senator from New Hampshire. His services are too valuable and his absence would be too sorely missed, and as a result of the meeting with the acting minority leader, I should like to propose the following unanimous-consent request:

Mr. President, I ask unanimous consent that, beginning today, during further consideration of H.R. 15628, the foreign military sales measure, and until that measure is disposed of, it be in order each calendar day, beginning at about 5 p.m., to lay that measure aside temporarily for the consideration of bills and resolutions; and that, upon the Senate's reconvening each day, following its recess or adjournment, the Senate proceed to the consideration of the unfinished business, H.R. 15628, the foreign military sales measure, immediately or at the conclusion of morning hour, whichever is appropriate.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I want to say that I believe this is a very good move. I want to commend the distinguished majority leader. I shall not object. I hope there will be no objection.

Let me say quite candidly that there are many Senators who believe that this new procedure should commence on Monday because many Senators have already made plans, on the basis of previous indications that the pending business would not be laid aside; but, certainly, I will not object if it goes into effect tonight. I hope that there will be no objection to the unanimous-consent request.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—may I ask the distinguished majority leader if it is the intention to take up at the beginning, or almost at the beginning of this new practice, upon laying aside the pending business, the bill providing for appropriations for education?

Mr. MANSFIELD. Yes, indeed. I would hope that it would be the No. 1 item and that we could get to it this evening.

Mr. HOLLAND. I thank the majority leader.

Mr. JAVITS. Mr. President, the supplemental appropriation bill awaits action. One of its essential elements is conditioned upon money being made available before the end of this month. It is even more urgent in timing than the highly important and desirable bill that the Senator from New Hampshire has been speaking about. I therefore wonder whether we could have any views of the majority leader as to what could be done about that supplemental.

Mr. MANSFIELD. I would say——

Mr. COTTON. Will the Senator from Montana yield to me briefly?

Mr. MANSFIELD. Oh, yes.

Mr. COTTON. I thank the majority leader. I want to say that this has reference to the request of the distinguished Senator from New York; but first, I would like to express my very deep thanks to the distinguished majority leader and would hope that he would be willing to open the way to the consideration of the appropriations for education. I know that we will have the thanks of all the school officials, school boards, principals, teachers, and others who are charged with public education in this whole country. They certainly will appreciate action on this bill very much.

Naturally, I am most anxious to move forward on the appropriations for education. I think it is most imperative that it be taken up. The distinguished majority leader has been kind enough and considerate enough not only of his colleagues but also of the needs of the country to make this request.

Therefore, so far as I am concerned, I am perfectly willing to entrust to him the order in which the bills will be taken up. If he sees fit to dispose of the supplemental appropriation first and then take up the appropriations for education second, that is quite all right with me. I do not want to look a gift horse in the mouth, of course. I want to see this unanimous-consent request adopted.

Mr. MANSFIELD. I thank the distinguished Senator from New Hampshire. Let me say, in all honesty, that there is not a Member on either side of the aisle who would have allowed the Senator from New Hampshire to resign, even if he had entertained such an idea seriously.

Now, Mr. President, in response to the question raised by the distinguished Senator from New York, it is my understanding that because of the requests made recently, it will not be possible to reach the supplemental appropriation bill before Monday.

Therefore, in view of what has arisen, perhaps we could begin with S. 3074, a bill to provide minimum standards for guarantees covering consumer products which have electrical, mechanical, or thermal components, and for other purposes, concerning which the Senator from New Hampshire may have some amendments.

Mr. COTTON. Mr. President, the only thing I fear is that we would get into some controversial measure before we take up the appropriation bills.

I would hope that the appropriation bills would not be taken up until Monday.

I happen to know that the chairman of our subcommittee—without whose presence the education appropriations bill would be very difficult to handle—finds it impossible to be here because of long-standing commitments.

I would hope that we would not take up the bill until Monday. However, I still leave it to the judgment of the majority leader.

I am afraid that if we take up the guarantees bill, we will find ourselves in another hassle.

Mr. MANSFIELD. Mr. President, I understand what is involved respecting the supplemental appropriation bill. But what about the flammable fabrics bill? I understand the Senator from New Hampshire would have some amendments to that bill also. Could we take that up this evening?

Mr. MAGNUSON. Mr. President, the guarantees bill and the flammable fabrics bill, both out of our committee, will have amendments offered. However, they would not take too long.

Mr. COTTON. Mr. President, I have some amendments to offer. If we could get counsel over here, we could agree on a limitation of time.

Mr. HART. Mr. President, as one who is not responsible as chairman for any of the business that may come up, I would like to join my distinguished colleague, the junior Senator from Michigan (Mr. GRIFFIN), the acting minority leader, in the hope that perhaps the request can be modified so that it will become effective on Monday.

I happen not to have responsibility for any of the business that might be considered. The request is not made because of a personal problem. However, it does seem that many plans have been made not anticipating this very desirable procedure. If we could delay it for just another day, perhaps we would all be better off and would have a better idea of the schedule for next Monday.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from Michigan has stated. He makes very few requests of the leadership. He is most considerate and understanding.

In view of the situation which has developed concerning several bills, I ask unanimous consent that this proposed agreement go into effect Monday next and that all Senators be on notice that we mean business and that we would like to operate on this basis to help the administration.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I shall not object. I agree with the Senator from New Hampshire (Mr. COTTON). I am perfectly willing to leave it to the conscience and the discretion of the majority leader as to which bill he would call up first.

Mr. MANSFIELD. There will be the education bill on Monday.

Mr. JAVITS. Notwithstanding the fact that this supplemental bill would take a short time, I will agree with the Senator from West Virginia on a short time.

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Mr. MANSFIELD. Fine.

Mr. JAVITS. And the money to be provided in the bill is really needed. Otherwise, it would be of no use.

Mr. MANSFIELD. Fine. On that basis, the supplemental bill could be considered and then the education bill, and at some time the postal reform bill.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McGEE. Mr. President, the urgency is obvious. I would hope that we could proceed to the consideration of the postal reform bill with all expedition possible. If we can do it in the evening, we will be prepared.

Mr. MANSFIELD. Mr. President, if we can do so, we will. However, I must say that there is a hold or two on the bill. I am therefore unable to move the bill, even though I would like to.

Mr. GRIFFIN. Mr. President, would the Senator yield for a clarification of the unanimous-consent request?

Mr. MANSFIELD. Yes, indeed.

Mr. GRIFFIN. Mr. President, I would like to have it clear that the unanimous-consent request contemplates bills and resolutions on the calendar.

Mr. MANSFIELD. The Senator is correct.

Mr. GRIFFIN. And that if a bill is called up after 5 o'clock and the Senate is not able to complete action on the bill, the bill will be laid before the Senate as the unfinished business the following day after 5 o'clock.

Mr. MANSFIELD. The Senator is correct.

Mr. COTTON. Mr. President, again, I am not asking the majority leader to bind himself to anything.

Mr. MANSFIELD. I understand.

Mr. COTTON. But is it the general intention as of now to take up the supplemental bill first if there can be an agreement on a time limitation and then go on to the education bill?

Mr. MANSFIELD. The Senator is correct.

Mr. JAVITS. Mr. President, am I correct that this does not include any of the usual additions to unanimous-consent requests such as the germaneness rule and so forth? This just deals with the order of business.

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, the unanimous-consent request of the Senator from Montana is agreed to.

Mr. GOLDWATER. Mr. President, would it be out of order to ask unanimous consent that I may have the floor at the conclusion of the discussion of the Senator from West Virginia (Mr. BYRD) today? I have some remarks to make on the SST.

Mr. MANSFIELD. That would be all right.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from West Virginia (Mr. BYRD), I be recognized for not to exceed 20 minutes.

Mr. PROXMIRE. Mr. President, reserving the right to object, I ask unanimous consent that following the remarks of the Senator from Arizona (Mr. GOLDWATER), I be permitted to speak for 5 minutes.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, the unanimous-consent requests of the Senator from Arizona and the Senator from Wisconsin are agreed to.

Mr. MAGNUSON. Mr. President, I must go to a committee meeting. We are working on the HEW bill in committee. I am sorry that I cannot be present to get in between these discussions. However, I have very much work to do in that field. And when the Senator talks about priorities, I am going over now and establish some priorities.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, JUNE 19 TO MONDAY, JUNE 22, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 10 o'clock Monday morning next.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, and to emphasize the point, at approximately 5 o'clock on Monday next, we will take up the supplemental appropriations bill, conditions being in order as anticipated, and following that the other appropriation bills.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 70.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 70) authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774–1970), which was, after line 13, insert:

> SEC. 2. There is hereby authorized to be appropriated for the Joint Committee on Printing such sums as may be necessary for the employment of personnel and the payment of expenses to carry out the provisions of this Resolution.

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DISCLOSURE BY SENATOR JAVITS OF DIRECT OR INDIRECT FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, under the new Senate code of ethics, I filed last month with the Secretary of the Senate a formal "Statement of Contributions and Honorariums," in which I disclosed all substantial contributions or honorariums received by me during the last calendar year. The form is a public document to which the press has access.

In addition, I filed under the Senate rules a "Confidential Statement of Financial Interests," which includes lists of companies in which I have a direct or indirect financial interest. As that statement is filed with the Comptroller General under the rules of the Senate and is not open to public examination, I hereby publish a list of companies subject to some form of regulation by the Federal Government—or which I feel may be doing some appreciable business with the Federal Government—in each of which I have an interest, direct or indirect—generally in a family trust of which I am trustee—as of this date, in an amount exceeding $5,000.

These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly:

Abbott Labs, American & Foreign Securities Corp., Baxter Labs, Cenco Scientific Inst., Cities Service Corp., Control Data, Corinthian Broadcasting, Criterion Insurance Co., DuPont, Felmont Oil.

First National City Bank of New York, General Instrument, Government Employees Corp., Government Employees Financial Corp., Government Employees Insurance Co., Government Employees Life Insurance Co., South Carolina Electric & Gas Co., Southern Co., Transamerica Corp. of Delaware, Trans World Airlines, White Shield Oil & Gas.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, there will not be a vote on my amendment today.

ADDITIONAL COSPONSORS

Mr. President, by some mistake, the name of the Senator from Virginia (Mr. SPONG) was left off the printed amendment yesterday.

I therefore ask unanimous consent again that the name of the Senator from Virginia (Mr. SPONG) be added as a cosponsor of amendment No. 708, and that the names of the Senator from Alabama (Mr. ALLEN), the Senator from Illinois

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(Mr. PERCY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. GOLDWATER) be added as cosponsors of amendment No. 708.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, amendment No. 708, which I have offered in my own behalf and in behalf of the Senator from Michigan (Mr. GRIFFIN), the Senator from Virginia (Mr. SPONG), and other cosponsors whose names have now been stated, reads as follows:

> On page 5, between lines 18 and 19, strike the period and insert the following: ", including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

Mr. President, paragraph (1) of the Cooper-Church amendment now reads as follows: "retaining United States forces in Cambodia;".

Together with certain words in the preamble, the Cooper-Church language in paragraph (1) now states:

> No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—
>
> (1) retaining United States forces in Cambodia;

On June 3, I offered an amendment the purpose of which was to add the following words to the language of paragraph (1):

> Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate the withdrawal of United States forces from South Vietnam.

Mr. President, my perfecting language, when added to the Cooper-Church amendment, would then have read as follows, beginning at the comma on line 4 on page 5 of H.R. 15628.

> No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—
>
> (1) retaining United States forces in Cambodia, except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate withdrawal of United States forces from South Vietnam;

Mr. President, my amendment upon that occasion was cosponsored by Senators GRIFFIN, STENNIS, SCOTT, HANSEN, DOLE, ALLEN, BAKER, HOLLINGS, GOLDWATER, and THURMOND.

I sought in vain, on June 10, to modify my amendment, which has been given the number 667, star print, to read as follows:

> On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking only such action as is necessary in the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam; and the President is requested to consult with Congressional leaders prior to using any United States forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam;"

In view of the fact that the Senate had previously entered into a unanimous-consent agreement to vote on June 11 at 1 o'clock p.m., any modification by me of my amendment required unanimous consent. The able junior Senator from Arkansas (Mr. FULBRIGHT) objected to my unanimous-consent request that I be permitted to so modify my amendment. On June 11, during the 2 hours of debate preceding the vote at 1 o'clock p.m., on amendment No. 667, I attempted several times to modify my amendment to include the language that I have just quoted, but my unanimous-consent request was just as repeatedly objected to, and the vote at 1 o'clock p.m., occurred on amendment No. 667, star print, without the modification which I sought to make. The vote was 52 to 47 against my amendment.

Immediately following the defeat of my amendment on June 11, I announced my intention to renew, at a later date, my efforts to have the Senate consider and pass on a modified version of the amendment which had been rejected. The able majority leader then proceeded to call up an amendment to which he had referred just prior to the Senate vote rejecting my amendment. Senator MANSFIELD's amendment, adopted by a vote of 91 to 0, was as follows:

> On page 5, between lines 18 and 19, insert the following: Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

Mr. President, subsequent to the date of June 11, and over the past weekend in particular, I discussed various modified versions of my amendment with at least 50 Senators. I have had several discussions about a modified version with the able assistant Republican leader, who was the chief cosponsor of amendment 667, and also with the able junior Senator from Virginia (Mr. SPONG) whose observations and questions during the debate on amendment No. 667, star print, were most helpful and incisive, and which I think pointed to some weaknesses in the verbiage of that amendment.

I have personally visited with many Senators; I have talked with them on the telephone; I have talked with them in their offices and in my office; and a modification has been drawn, redrawn, drawn again, and redrawn a number of times until finally the modification which is before the Senate was agreed on. In the course of those discussions, I also discussed the modification with the able authors of the Cooper-Church amendment, and with the majority leader. I think that those discussions with the Senator from Kentucky (Mr. COOPER), the Senator from Idaho (Mr. CHURCH), and the Senator from Montana (Mr. MANSFIELD) were, indeed, exceedingly helpful in pointing the way to a modified version which, in the judgment of all of us, apparently will do what all of us want to do; namely, assure our fighting men in Vietnam, their relatives and friends in this country, the American people, in general, as well as the enemy that the Senate does not intend by anything it says or does to prevent whatever is necessary to be done to protect the lives of American servicemen wherever they are deployed.

We all want to do this; we all have wanted to do this from the beginning, but I think the version of the amendment which is now before the Senate, while it may not have the unanimous support of all Senators, is one which does represent a pretty fair consensus of viewpoints among Senators on both sides of the aisle and on both sides of the overall issue before the Senate with respect to the Cooper-Church amendment.

So yesterday, on behalf of the Senator from Michigan (Mr. GRIFFIN) and the Senator from Virginia (Mr. SPONG), I offered this modified version of my previously rejected amendment, and at that time I asked that the modified version be stated by the clerk, printed, and that it lie on the table. The modified version, which has been given the number 708, reads as follows, and I have read it, but I shall read it again:

> On page 5, between lines 18 and 19, strike the period and insert the following: ", including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

The amendment which I have now offered, if adopted by the Senate, when added to the verbiage contained in the Mansfield amendment—and they must be read together—would read as follows:

> "Nothing contained in this section"—referring to section 47 "prohibition of assistance to Cambodia," the so-called Cooper-Church amendment—"shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States armed forces wherever deployed."

Mr. President, I think it would be well—for the purpose of sketching a historical background into the overall context of my statement today—to insert in the RECORD my Senate floor speech of June 3, and I, therefore, ask unanimous consent to include that speech at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. BYRD of West Virginia.

* * * * *

Mr. President, Edward S. Corwin, in his book, "The President—Office and Powers, 1787–1957," made this statement:

"Actually, Congress has never adopted any legislation that would seriously cramp the style of a president attempting to break the resistance of an enemy or seeking to assure the safety of the national forces."

It is my opinion, Mr. President, that the Cooper-Church amendment, as now written, would, for the first time in history, dangerously "cramp" the President who seeks to "assure the safety" of American military forces stationed abroad and to expedite and

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facilitate their ultimate withdrawal from South Vietnam.

Consequently, I have today offered this amendment—No. 669, as modified—to the Cooper-Church language, so as to make it clear that the President, acting as Commander in Chief, will retain his full powers to act to "assure the safety" of our fighting men still stationed in Southeast Asia.

My amendment, I think, is quite clear in its intent. It is also quite clear in its meaning and should require but little explanation by me today. Before addressing my remarks to it, however, I wish to make some comments which I consider relevant to the subject of the constitutional powers of the Congress and the constitutional powers of the President in relation to this whole matter and with particular reference to the Cooper-Church amendment which I seek to change, in part.

For more than a decade now—and under four Presidents, representing both political parties—we have been involved, in varying degrees, in a war in South Vietnam. Our actual participation, insofar as the loss of American fighting men is concerned, dates back to March 1965—although our active involvement began earlier, as I have indicated. Our heaviest losses occurred during the years 1967 to 1968. In those years, we lost 27,569 men. American casualties—as well as those of the enemy—accelerated sharply during the Tet offensive in January 1968. In the month of March 1968, President Johnson made his surprise announcement that he would not be a candidate for reelection, and he announced a halt to the bombing over most of North Vietnam. The peak of American participation, with respect to total American personnel involvement, was 543,482 men—in the month of April 1969.

President Nixon, as did President Johnson before him, has made a sincere effort to enter into meaningful negotiations for peace, but, like his predecessor, has met with no measurable success in this regard. Meanwhile, Mr. Nixon has announced a policy of gradual withdrawal of military personnel, and, in pursuance of that announced policy, has reduced the number of American servicemen in Vietnam from 543,482 men in April 1969 to 428,050 men as of yesterday, June 2, 1970—a total reduction of 115,432 men. Only a few weeks ago, the President announced that 150,000 additional men would be withdrawn by the spring of 1971. President Nixon continues to support a policy leading to the Vietnamization of the war and to a decrease in American involvement. This policy has met with fairly general acceptance throughout the country, and in the Congress, apparently, if we are to judge by the diminution of rhetoric regarding the war in recent months. The President's April 30 televised announcement concerning the incursion into Cambodia triggered a sharp reaction and a mercurial escalation of both rhetoric and protests around the country, and particularly on some of the college and university campuses of the Nation.

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Here on the Senate floor we are witnessing a renewed and vigorous debate, which, for some weeks, has been centered upon the so-called Cooper-Church amendment to the Foreign Military Sales Act, H.R. 15628.

Before directing my attention to the Cooper-Church amendment, I wish briefly to state the position I have maintained during the years of American involvement in South Vietnam. Throughout my service in the Senate—the beginning of which service antedates the start of direct American participation in the fighting—I have said very little on the Senate floor or in West Virginia or anywhere else concerning the war in South Vietnam. I have considered myself neither "hawk" nor "dove," to use the common labels. I have, however, supported all appropriations bills providing for the support, the equipping, and the pay of American servicemen in Vietnam. If this makes me a "hawk," it would also characterize practically every sitting Senator as a "hawk" inasmuch as those Senators who have opposed appropriations for the conduct of the war can be numbered on the fingers of one hand, and at least two of these Senators were defeated in subsequent elections.

In supporting appropriations for the war in Vietnam, I have taken the position—and most Senators have apparently viewed the matter likewise—that as long as our country sends men to fight in a foreign land, we ought not be niggardly in appropriating adequate funds for clothing, military pay, ammunition, weapons, and other military hardware, because the least we can do in fulfilling our duty to those fighting men is to provide them with the kind of financial and military support that will enable them to fulfill their military responsibilities and to return home safely.

As to whether or not our country was right in becoming involved, perhaps only future historians will be able to render an objective and fair judgment. It was the view of our leaders—meaning the Chief Executive and his military and civilian advisers—in the previous administrations of Presidents Eisenhower, Kennedy, and Johnson, and now under the administration of President Nixon, that it was in America's best interest that South Vietnam not be taken over by the Communists. Our Government took the position that if South Vietnam were to fall to the Communists, then all of Southeast Asia could and probably would, eventually fall, thus turning over to the Communists a vast area of 200 million people and rich mineral resources.

It was the view of our leaders that the fall of Southeast Asia to the Communists would be a blow to the free world and that America should help to prevent this from happening.

It was also stated that if America did not act, the Communists would interpret this failure to act as a sign of weakness and that wars of so-called "national liberation" would break out in various other parts of the world.

Gen. Vo Nguyen Giap, the top commander of the North Vietnam military forces, was quoted as saying:

"South Vietnam is the model of the national liberation movement of our time. If the United States can be defeated in South Vietnam, it can be defeated everywhere in the world."

The Peiping Peoples Daily, the foremost Chinese Communist newspaper was quoted as saying that the Vietnamese conflict "is the focal point of the international class struggle" and is the "acid test for all political forces in the world." Thus, it was made to appear that South Vietnam was a "test" case, a landmark case.

The leaders of our Government, moreover, have proceeded on the premise that we had made commitments to go to the aid of South Vietnam. In 1954, President Eisenhower wrote to President Diem of South Vietnam assuring him of American assistance in "developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

* * * * *

The Southeast Asian treaty, which created the organization called SEATO was signed at Manila in September 1954 by the United States, Great Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines, and was approved by the U.S. Senate in 1955 by a vote of 82 to 1. That treaty protects against Communist aggression not only its members, but also anyone of the three non-Communist states growing out of former French Indochina which asks for protection.

Article IV of the SEATO treaty provides in section 1 as follows:

"ARTICLE IV

"1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations."

Section 2 of Article IV of the SEATO treaty states that—

"2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense."

Section 3 of Article IV of the SEATO treaty states:

"3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned."

Mr. President, the treaty provisions made it plain that the territory covered by the treaty embraced Southeast Asia.

A protocol was adopted by the Parties to the SEATO Treaty. The protocol states that—

"The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

"The parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

"This protocol shall enter into force simultaneously with the coming into force of the Treaty."

Thus, Mr. President, the protocol term "free territory under the jurisdiction of the State of Vietnam" describes and includes what we now refer to as South Vietnam. Cambodia withdrew from protocollory status by request of Prince Sihanouk in 1965.

Laos was withdrawn by the 1962 Geneva agreement.

I have quoted these excerpts from the SEATO Treaty in order to recall the background against which our leaders in various administrations under both political parties took the position that a binding commitment had been made to assist the Government of South Vietnam in meeting aggression and subversion endangering the peace of the treaty area.

On September 29, 1954, 3 weeks after the signing of the SEATO Treaty, the U.S. Department of State issued a communique concerning conversations conducted between representatives of the United States and France regarding Southeast Asia. Excerpts from that communique are as follows:

"Representatives of the two Governments have had very frank and useful talks which have shown the community of their views, and are in full agreement on the objectives to be attained.

"The conclusion of the Southeast Asia Collective Defense Treaty in Manila on September 8, 1954, has provided a firmer basis than heretofore to assist the free nations of Asia in developing and maintaining their independence and security. The representatives of France and the United States wish to reaffirm the support of their Governments for the principles of self-government, independence, justice and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.

"The representatives of France and the United States reaffirm the intention of their governments to support the complete independence of Cambodia, Laos, and Viet-Nam. Both France and the United States will continue to assist Cambodia, Laos, and Viet-Nam in their effort to safeguard their freedom and independence and to advance the welfare of their people."

So, Mr. President, the United States had, in the viewpoint of our national leaders, pledged its assistance to Viet-Nam, which assistance, in the course of history and events, took the form, first, of financial aid, and, eventually, of armed support for the Government and for the people of South Vietnam, the division of Vietnam having been formally accomplished through the Geneva accords of 1954.

Beginning in 1955 the U.S. Congress has appropriated moneys for economic and military assistance to South Vietnam, thus underwriting the pledge.

In 1960, Mr. Eisenhower again wrote to President Diem assuring him that—

"For so long as our strength can be useful, the United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead."

In 1961, the late President John F. Kennedy wrote to President Diem pledging that our government was "prepared to help the Republic of Vietnam to protect its people and to preserve its independence." President Kennedy went on to say that we would promptly increase our assistance to the defense effort of the Republic of Vietnam.

In August of 1964, Congress, by a combined vote of 504 to 2, passed the Gulf of Tonkin resolution expressing its support for actions by the President "including the use of armed force" to meet aggression in Southeast Asia.

These commitments were iterated and reiterated by President Lyndon B. Johnson.

Again, perhaps only future historians will be able to render a just and objective verdict as to whether or not these premises for American involvement were sound.

My position throughout the years has been not so much that of an advocate of these predicates for American involvement, but rather, it has been one of supporting our fighting men who are in South Vietnam—through no choice, in most cases, of their own—and also, I have consistently taken the position that although I may differ with the President on domestic matters, it was my duty—as long as I felt the President to be acting wisely, reasonably, and responsibly, based on the circumstances—to support him as Commander in Chief, regardless of his political party, in a situation involving the Nation at war. This is no place for partisan politics.

When our country is at war—and we are at war, even though not by a strictly formal declaration by the Congress—politics should end at the water's edge, and we should stand together as a nation and back up our leaders and our fighting men. It has always seemed to me that a policy of support for our leaders and a policy of support for our fighting men in time of war is a policy best calculated to shorten the war, keep down the casualties, and bring the fighting men home. This is not to say that I will agree with every tactical decision of the Commander in Chief. I probably will not. But I do not have the responsibility and the duty to make tactical decisions. The President carries this burden; I do not.

But, the price of disunity and division at home is loss of morale on the part of our troops in the field and, ultimately, the possible loss of whatever cause those American troops may be engaged in. A cardinal example of this principle can be seen, if we will but review recent history, in the failure of the French effort in Indochina.

France's defeat at Dienbienphu was characterized not only by the incompetence of the French high command, but also—and probably more so—by the monstrous indifference of a nation. It can be said of France that she showed the most complete indifference toward her army, and that, in the case of individuals, this crime of omission is known as "failure to assist persons in danger." Punishable by law in the case of ordinary citizens, it leads, when the whole nation is guilty, to that resignation from which a people never recovers, and which it pays for, sooner or later, with its own death.

There were reasons why Dienbienphu was a victory for the less well equipped of the two armies. At the bottom of everything was faith or the lack of faith, the will of a people or its decline. The corruption of conscience, the cowardice of Government leaders in the face of a truth which they refused to see because it would have called for virtues they did not practice—everything predisposed the unhappy country of France for one of the greatest abominations of the century. Napoleon could well have had such in mind when he said:

"In war, a great disaster always indicates a great culprit."

The French people—not the French armies—were the first culprits.

The Vietminh commander, General Giap, said to a French journalist in 1963 as he was leaving Hanoi for a visit to the old battleground at Dienbienphu:

"If you were defeated, you were defeated by yourselves."

I hope that General Giap will not be able to make a similar remark to an American writer some day—not that I expect victory in this war so much. It is just that defeat—or the essence of it—is not wholly beyond the pale of possibility.

Whether our involvement in Vietnam was, from the first, premised on a sound foundation, is not the question now. In retrospect, one may say that it was a mistake. Future historians may say, however—based upon the full consequences and the clear results, of which we are not privileged to see at this moment—that it was not a mistake. Our efforts may yet prove to have thwarted the Communists in their plan to take over South Vietnam. Our sacrifices, painful and written in blood as they have been and as they continue to be, may, in the judgment of history, have thwarted Communist conquest in Southeast Asia. It is difficult to see even the past clearly, at the present moment, to say nothing of what may lie beyond the present.

I am not a military man, but I suppose I can afford the luxury of expressing one man's opinion. It is this. We have already spent more than $100 billion and we have lost more than 40,000 American lives. From the beginning, we fought this war with one hand tied behind our back.

Perhaps that is the way we should have fought it. As I say, I am no military man. But, expressing one man's opinion, I think we should have hit the enemy with all our conventional power, with enough of it to have destroyed his dikes and to have forced him to negotiate in good faith.

Our fighting men did not ask to go to Vietnam. But having sent them, we should have done everything within the bounds of reason to give them every protection we could offer in order to get them back alive. I think that every parent in America who saw a son, and every grandparent in America who saw a grandson, go marching off to that war in South Vietnam, would certainly share this viewpoint, that, having sent those sons and grandsons, we should have done everything within the bounds of reason to give them every protection we could offer, in order to protect them and to get them back alive.

We did not do this. Not having done it, it sems to me that we should now support the President's policy, it makes no difference what his political party may be—the Commander in Chief's policy, may I say—of Vietnamization and gradual withdrawal, and we should get out of Vietnam.

In view of the fact that our country is so greatly divided on this question, and in view of the fact that it has demonstrated a lack of unified will, I believe that this is the only course that we can now follow. I believe we can yet extricate ourselves by gradually withdrawing as we continue to prepare the South Vietnamese to defend themselves. In the long run, perhaps a Communist takeover of Southeast Asia will have been prevented.

* * * * *

Mr. President, although there have been many questionable aspects of our involvement in Southeast Asia, there have also been a number of positive effects from our presence there, according to many observers, one of these effects being the increasingly successful Vietnamization effort.

Indonesia, moreover, overthrew its repressive Communist regime in 1965, a feat that many experts said could not have been accomplished without our presence in Southeast Asia. Our presence in South Vietnam has also enabled Thailand to build up its own defenses, and Burma has been able to strengthen its position of neutrality largely because of American troops fighting in South Vietnam.

Now, as to Cambodia. Several weeks ago, there were rumblings which indicated that the President might be called upon to make a decision with respect to going to the aid of the Cambodian Government following the ouster of Prince Norodom Sihanouk. I urged the President not to involve American fighting men in what I felt might become another Vietnam—in other words, a war to support the government of Cambodia. In a Senate floor speech on April 4, I stated:

"The United States should not become involved in the fighting in Cambodia. The new rulers of Cambodia have been hinting that they may seek American help in fighting the communists. For too long now, American troops and the American people have shouldered a heavy burden in fighting in Southeast Asia. To fight in Cambodia would only add to that burden."

Mr. President, I still feel today as I did on April 4. The United States should not become involved in fighting in Cambodia for Cambodia, or in support of any Cambodian Government.

Mr. President, on April 30, the President announced his decision to attack North Vietnamese and Vietcong sanctuaries along the Cambodian-South Vietnamese border. In a televised address to the Nation, the President stated that his purpose was to destroy the enemy's capability in inflicting, from nearby Cambodia, great casualties upon American troops and of hampering the pacification and Vietnamization programs. The President stated that the incursion into Cambodia on the part of American troops would only be temporary and that all American fighting men would be out of Cambodia by the end of June.

To date, I have not commented on the President's action. I am still opposed—I repeat—and will continue to be opposed to the use of American troops in Cambodia in any war to support any government of that country. Let Asians carry the manpower burden of keeping Asia free.

But the President's action, as he explained it, did not contemplate the use of American

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forces to fight for Cambodia. The invasion into Cambodia was, he said, for the limited purpose of giving protection to our men in South Vietnam, destroying enemy sanctuaries—some of which were within 35 miles of Saigon—and gaining additional time for South Vietnamese takeover of their own defense, thus enabling more Americans to return home.

And according to information furnished us, the Cambodian operation may have gone far in accomplishing the objectives sought.

Mr. President, as of yesterday June 2, 1970, 8,193 enemy bunkers had been destroyed; 15,199 individual weapons and 2,106 crew-served weapons had been captured; 133,721 antiaircraft rounds, 45,520 mortar rounds, 358 vehicles, 39,600 pounds of medical supplies, 3,925 mines, 34,768 grenades, 72,000 pounds of miscellaneous explosives, 10,178,088 rounds of small arms ammunition, 10,938,000 pounds of rice, 500 satchel charges, 1,515 large rocket rounds, 25,435 smaller rocket rounds, 21,555 recoilless rifle rounds, 40 boats, 36 generators, and 185 radios had been confiscated. The enemy had lost 10,906 men.

Can anyone say rightly, Mr. President, that this is not a serious setback to the enemy, or that it will not result in a major saving of American lives?

Let me go a step further. Allied sweeps into the Cambodian-Vietnam border area have located a number of major base complexes used by the North Vietnamese and Vietcong troops. One of the largest of these bases taken by allied forces was discovered by elements of the U.S. 1st Air Cavalry Division, on May 5, in the Cambodian Fishhook area. It is an immense complex, some 3 square kilometers in area, dubbed "The City" by U.S. cavalrymen.

A thorough analysis of what was found there now confirms that in overrunning this base, United States and South Vietnamese forces have dealt the enemy a serious blow.

The logistical part of "The City" was located in three separate areas and included approximately 182 storage bunkers. About 80 percent of the bunkers, each measuring 16 by 10 by 8 feet, were being utilized and contained enemy war supplies. Sixty percent or 87 of the 145 bunkers were filled to capacity. The bunkers contained munitions, weapons, food stocks, medical supplies, and quartermaster clothing and equipment.

While there were large stores of many kinds of materiel, the big find was ammunition—including more than 1½ million rounds for AK-47 rifles. Generally, all types of equipment and supplies were in an excellent state of preparation and in good operating condition when captured. All bunkers were serviced by bamboo matted trails from 3 to 8 feet in width. "The City" was well organized and was capable of rapid receipt and issuance of large quantities of supplies.

Judging from the general condition of the oldest bunkers and from captured supply documents found in the area, it appears that the storage depot had been in operation for some 2½ years.

The bunkers in the northern part of the complex appeared to have been constructed within the last 6 months. An analysis of the documents indicates that this complex was a supply depot with the primary mission of obtaining supplies and equipment within Cambodia and then delivering the supplies to Communist forces in South Vietnam.

In addition, this depot provided supplies to a number of training and headquarters elements. In addition to the logistical storage facilities, the complex contained a training area consisting of a large classroom, small arms firing range, and mess facilities to support the training area. Also located in the southeastern part of the complex was a small animal farm.

These facilities and these training aids, including silhouette targets and dummy grenades as well as a large stock of items of personal clothing and equipment, indicates that a portion of this base area was used to provide refresher and political training to recent replacements from Vietnam.

Colocated with the supply depot, the training center could also readily outfit the replacements by providing refresher training.

Can anyone deny, Mr. President, that the capture of "The City" was not a major blow to the enemy?

Can anyone deny or can anyone say that the capture of "The City" did not in the long run result in the saving of American limbs and of American lives?

An article by William J. Coughlin, a Los Angeles Times reporter in Saigon, tells us more.

He writes as follows:

"Communist forces, including two of North Vietnam's best divisions, are scattered, disorganized, and on the run, leaving behind them thousands of dead and a year's worth of arms, ammunition, and food.

"Since May 1 they have not been able to mount a single counteroffensive in either Cambodia or South Vietnam."

Continuing to read from Mr. Coughlin's Los Angeles Times article:

"More than in Vietnam, the initiative will remain with the allies since the North Vietnamese have no local popular support in Cambodia and the Vietcong can not hide its weapons and vanish among the population of Cambodia as it does in Vietnam."

Thus, in the face of the statistics and the various reports, the incursion has in the opinion of many, been very successful to date. Whether in the end we will have gained, remains to be seen. But it would appear, at the moment, that the mission's objective will have been accomplished in large part.

The President will address the Nation this evening on the progress of the Cambodian operation and the current status of the Vietnamization program. It is possible, because of the apparent success of the move into Cambodia, that the President will be able to announce plans for the withdrawal of American forces sooner than the original timetable called for. I cannot say that he will. I do not know. I would only hope so.

As to the Cooper-Church amendment to the Foreign Military Sales Act, the amendment provides, among other things, that "in order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam" no funds may be expended after June 30 for retention of U.S. ground forces in Cambodia or for conducting any air combat activity over Cambodia except to interdict the movement of enemy supplies or personnel into South Vietnam. This is, in essence, as I recall, the intent of the language.

I have listened to the debate on the amendment and have found no issue during my 12 years in the Senate to be more vexing, no decision to be more difficult. I have read the mail from constituents, and I have talked with as many of them as possible. I have carefully studied the issue in an effort to reach a judgment on this question which, to say the least, has troubled me greatly.

I do not question the sincerity of those who support the Cooper-Church amendment, and, in my judgment, most of the arguments in support of the amendment, though not altogether necessarily persuasive, are not without some substance.

Although I would not presume to substitute my judgment for that of others, I do have a responsibility as a Senator from the State of West Virginia to study the arguments on both sides, evaluate the facts, and reach a judgment and then to vote my convictions. It is each Senator's duty to act in the best interest of his country—as God gives him the wisdom to determine the direction in which those good interests lie.

I favor some of the provisions in the amendment. As a matter of fact, I favor most of the provisions in the amendment. I would like to vote for the Cooper-Church amendment, but I have reached a decision to vote against the amendment unless it can be changed to make it clear that the President has the power, the authority, and the flexibility to provide protection for our military forces still stationed in South Vietnam.

Proponents of the Cooper-Church amendment argue, I believe, that the limitations imposed by the amendment are no greater than what the President has already stated his intentions to be—to withdraw all American forces from Cambodia by June 30.

It is true that the President has said U.S. forces would be out of Cambodia by the end of June. It is also true that the enactment into law of the Cooper-Church amendment—if such enactment were to be successful—would provide for a June 30 deadline on the retention of U.S. troops in Cambodia. It is conceivable that circumstances could prevent the removal of the last American from Cambodia by the June 30 dateline, but I believe the President means to do this. The operation—in the opinion of many of the experts—has been successful in destroying vast stores of military provisions, weapons and materiel; the monsoon rains will begin to fall within a few days; and some of the U.S. personnel are already withdrawing and have already been withdrawn from Cambodia. The danger of the amendment, as it is now written, I believe, arises not so much from any effect it might have on the present operation, but, rather, it would appear to guarantee to the enemy complete freedom to return to the border sanctuaries without fear of future attack from U.S. ground forces. I do not believe that such immunity should ever be assured to the enemy as long as American fighting men are stationed in South Vietnam.

The President, as Commander in Chief, must retain a free hand to do what is necessary to protect American lives in Vietnam, and the President, as Commander in Chief, has a duty to do so. As presently written, the amendment would, therefore, appear or attempt to tie his hands to this extent, it seems to me.

The proponents also argue that the President should have consulted Congress before going into Cambodia, and I agree that it might have been better had he done so. I share the concern of those Senators who feel that congressional leaders should be consulted about such matters beforehand, but I can conceive of circumstances where the element of surprise may be considered vital to the success of such an operation as the incursion into Cambodia. The President may have felt that to have announced his plans to Congress far in advance of the action taken in this instance could have sacrificed this advantage of surprise, and, to that extent, the operation's chances of success might have been compromised. Yet, I believe that the President would have been spared certain criticisms had he consulted more than was done. We were informed just within the hour prior to his telecast to the American people.

Some people argue that the Cambodian operation constituted the invasion of a neutral country, and, thus, opened a new undeclared war. American forces did, indeed move into a country which had claimed neutrality. However, according to the principles of international law, any country claiming neutrality has a concomitant duty to prevent a belligerent from moving troops or supplies onto its territory. If the neutral country fails or is unable to prevent such movement of troops or supplies onto its territory, then another belligerent has a right, in its own defense, to invade the so-called neutral territory and to destroy the enemy.

For years, the North Vietnamese and Vietcong, had used Cambodia as a privileged sanctuary from which vicious attacks were repeatedly launched against American and South Vietnamese forces, but because of Cambodia's claimed neutrality, the enemy had enjoyed immunity from retaliation. But a duty rested upon Cambodia to resist the use of her territory by the North Vietanamese and Vietcong. For one reason or another—perhaps she was too weak to act—she did not do this. Consequently, the United States and South Vietnam had a right, under international law, to invade Cambodia in order to put an end to the use of Cambodian territory by the enemy.

As to the contention that a new war had been initiated without a congressional declaration, this is completely without substance. As far as U.S. forces are concerned, it is the same war and the same enemy. United States forces were not attacking Cambodia—they were but temporarily—according to the President—extending the battlefield in order to attack the same forces with which they had been engaged, and from whom they had suffered great casualties, for years.

Based on the President's statement, the Cambodian exercise, insofar as American troops are concerned, is meant to be only a temporary expansion of the South Vietnamese battleground. The operation has a limited objective, and the President so indicated, and that objective was and is to destroy the enemy's sanctuaries on the Cambodian-South Vietnamese border and his capability to wage war on American forces and their allies in South Vietnam. There is no escalation of the fighting in the overall sense—the only escalation being that of hitting the enemy in a privileged sanctuary heretofore immune from attack, but a sanctuary nevertheless from which the enemy has been able to inflict casualties upon American and South Vietnamese forces and from which the enemy has been able to harass and impede the pacification and Vietnamization effort.

For at least 5 years the North Vietnamese and the Vietcong have operated out of those privileged sanctuaries, moving freely back and forth across the Cambodia-South Vietnamese border, while Americans and their South Vietnamese allies have scrupulously stopped at that border. Nobody can say how many thousands of Americans have died during those years because of the fact that the border served better than any Maginot Line would have served as a protection for the enemy. The Cambodian action appears to have minimized the chances of any great numbers of Americans being killed by a sudden sally from the sanctuaries in the immediate months ahead, when the President is reducing or has reduced significantly the number of American fighting troops in South Vietnam.

Supporters of the Cooper-Church amendment say that its adoption is necessary to protect the United States from a deepening involvement in an expanding Indochina war. This argument is an appealing one. However, the President has, upon numerous occasions, announced his intention not to deepen the involvement but, rather, to gradually withdraw from involvement. The Cambodian exercise, according to the President, is meant to hasten American withdrawal from South Vietnam in the long run.

In reality, the amendment's adoption, as it is now written, could, in my judgment, have the undesired effect of making more difficult our withdrawal of troops over the long pull because it would in effect, appear to limit the President's power to protect American forces in South Vietnam.

The amendment's backers claim that Congress must reassert its constitutional authority to declare war and reestablish a constitutional balance in the division of powers between the legislative and the executive branches. This argument is a strong one. It is a cogent one. It is an appealing one.

According to the Constitution, only Congress can declare war. Down to the present, however, Congress has never exercised this prerogative, except as a consequence of the President's acts or recommendations. The President, who is designated in article II, section 2, of the U.S. Constitution as "Commander in Chief of the Army and Navy of the United States," has full control over the use of the Armed Forces.

On his own authority, the President may, and the President frequently has, acting as Commander in Chief, committed the Armed Forces to armed action in order to protect the national interest beyond the borders of the United States.

Historically, the President, without the prior approval of Congress, has utilized the Armed Forces in response to an immediate military situation. Occasionally, prior congressional approval has been sought. Thus, President Adams requested congressional approval before committing Armed Forces in the quasi-war with France, 1798–1800. President Wilson likewise requested congressional authorization in 1914 to occupy Vera Cruz, Mexico, but ordered the Armed Forces into action before Congress voted its approval. In other instances, commitments in the form of, or commitments based on, existing international treaties, or commitments deriving from membership in international organizations, have occasionally provided legal support for Executive action. United States interventions in Cuba, 1906–33, and actions of the United States in its capacity as the United Nations Command in Korea, 1950–53, fall into this category.

So the President has used his authority as Commander in Chief in a great variety of situations. He has ordered the Armed Forces to resist attacks against the national territory; he has ordered the American Forces to protect American lives and to protect American property in foreign countries; he has ordered the Armed Forces to suppress piracy at sea, to enforce collection of indemnities, to pursue lawless bands, and to combat Communist aggression.

The constitutional authority to formally declare a war has always rested with the Congress and it rests with the Congress now. I see nothing in the Cooper-Church amendment which would amount to a reassertion by Congress of its authority to declare war. In the first place, the action in Cambodia does not constitute a new war, as I have already said. It is the same war against the same enemy which our forces have been fighting for the past few years. Hence, there is no occasion for any declaration of war by the Congress in this situation. If the supporters of the amendment have in mind a declaration of war against North Vietnam, it would appear to be too late for a formal declaration, with no good purpose to be served whatsoever. One cannot repeal history, and, hopefully, we are on our way out of, rather than our way into, a very real war in which we have been directly engaged at least since early 1965 and indirectly engaged for years prior thereto.

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Mr. President, as to the reestablishment of a constitutional balance in the division of powers between the legislatve and executive branches, I feel that this is long overdue, especially in many of the domestic areas. But with respect to the constitutional authority of Congress to declare war, that authority has not been challenged by the President nor has it been usurped, as some people claim. "To declare war" is to be distinguished from "to make war." As I have already indicated, many Presidents have exercised authority "to make war" under their constitutional powers as Commander in Chief, and they have done so without any congressional declaration of war.

The Cooper-Church amendment, though paying recognition—and I say this with the utmost respect for the sponsors and authors of the amendment—to the idea that the Congress acts in conjunction and in cooperation with the President, actually seems to me to attempt to supervene the powers of the Congress into matters which are, by authority of the Constitution, the responsibility of the President as Commander in Chief. Although stating that such action is "in concert" with the President's objectives in Cambodia—to wit, of achieving certain tactical goals and then withdrawing U.S. forces—the Cooper-Church amendment goes beyond this and actually, in force and effect, places grave restrictions on the President's authority and powers as Commander in Chief of the Armed Forces of the United States.

The Cooper-Church amendment, it is recalled, prohibits as now modified, after June 30, 1970, the use of any appropriated funds for the purpose of, among other things, "retaining U.S. forces in Cambodia."

Some have said that the Cooper-Church amendment is "a small, but important step" in the direction of bringing the Vietnam war to an end. This objective—to end the war—is a laudable one that I share with the movers of that amendment. I also share with them the fervent hope and expectation that the hostilities will be brought to an end and that no more American blood will be shed on that already stained ground known as Southeast Asia. The question, however, is whether this is an effective way to end the war, and whether, in the light of the Constitution and our history, the Cooper-Church amendment makes the very mistake that some have charged against the President; namely, crossing the barrier that marks the division of powers between the executive and the legislative branches of our Government.

As I said a little earlier in my colloquy with the Senator from Kentucky (Mr. COOPER), no one doubts the authority of Congress to take the steps of cutting off funds as suggested by the Cooper-Church amendment, for Congress is specifically designated by the Constitution as having within its province the power "to pay the debts and provide for the common defence," as well as "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years." Further, Congress is empowered to "declare war," Congress is empowered to "provide and maintain a Navy," Congress is empowered to "make rules for the Government and regulation of the land and naval forces" and Congress is empowered "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." There can be no doubt at all, I repeat, of the power of Congress over the purse, whether for defense or for any other purpose.

Yet to urge the passage of this amendment on the ground that the President exceeded his own powers as Commander in Chief in moving U.S. forces into Cambodia—for the purpose of attacking and destroying certain enemy quarters, enemy supplies, and enemy troops—in my judgment, entirely misconceives the division of constitutional responsibilities as between Congress and the President.

Those provisions of the Constitution that are relevant to the matter under discussion are those vesting the executive power in the President, those making him Commander in Chief of the Army and Navy, and those enjoining him to "take care that the laws be faithfully executed." The President, as is also well known, is empowered to make treaties by and with the advice and consent of the Senate.

I think the President had every right to order U.S. Armed Forces into Cambodia for the purposes which he stated. I do not, by this, mean to applaud the fact that the Vietnam war has now spread—openly, even though temporarily as it is hoped—to another country. In fact, I deplore strongly the necessity for this development. But one may do that, and one may also concede the power of Congress to control the purse strings in this and in other matters, without having to yield to the argument that the President exceeded his powers in taking this action.

Despite the fact that during the Constitutional Convention, the phrase "make war" was changed to "declare war"—with the intention of leaving to the President only the power to repel sudden attacks—in truth the Constitution does not spell out at all under what circumstances forces can be sent into battle or by whose decision, when Congress has not declared war and when no State has been "actually invaded" or is in "such imminent danger as will not admit of delay." Note that under article I of the Constitution, even a State among the several States may engage in war, under certain conditions, without a declaration by Congress.

Indeed, the constitutional conception of declaring war has, in actuality, probably been outstripped by the age in which we live, keeping in mind the speed, the secrecy, and the techniques and technologies which are the realities of today. Ironically, it is some of these very factors, according to John Jay writing in the Federalist, which give certain advantages to placing the war-making power—as distinguished from war-declaring power—in the hands of the President—that is, the unity of the office, its capacity for secrecy and dispatch, and its superior sources of information. To this is added the fact that the executive office is always on hand and always ready for action, which may not be true of Congress during an adjournment. Thus, it is now widely conceded that the President may, without a declaration of war or other congressional action, use Armed Forces abroad to protect American lives and American property. No such consensus, however, has been reached with respect to the broader question of the President's authority to use such forces to protect American interests as such, or to promote U.S. foreign policy.

We need not, however, reach such a question here and now, since Congress itself has, long ago and on numerous occasions, affirmed its support of the South Vietnamese people and Government, rightly or wrongly. The President's actions in going into Cambodia may also rest on the conceded power which he has to "protect American lives," it having been recognized for several years past that the enemy was using that country of Cambodia as a haven and sanctuary in attacking United States and South Vietnamese forces.

The constitutional question before us, then, is not whether Congress has the authority to cut off funds for Cambodia, but the question is whether it shall choose to exercise that authority to cut off funds. By the same token, as I have indicated, it seems clear that the President, acting under his powers as Commander in Chief of the Armed Forces, was legally and constitutionally well within his rights in making the action he did. Beyond this, there is little doubt in my mind that, even without regard to the Constitution, the President, acting under the Gulf of Tonkin joint resolution, has been fully and completely supported by Congress in this latest action and in prior actions.

By way of review, Mr. President, on August 2, 1964, North Vietnamese, torpedo boats attacked a U.S. destroyer, the *Maddox*, operating in international waters, in the Gulf of Tonkin. The next day, the United States protested to the Hanoi regime, and President Johnson instructed the Navy to issue orders to the commanders of U.S. aircraft and the two U.S. destroyers in the vicinity—the *Maddox* and the *G. Turner Joy*—to attack and destroy any force that attacked them in international waters. When the two ships were again attacked by North Vietnamese PT boats on August 4, "at least" two of the attacking PT boats were promptly sunk and U.S. air action was taken against North Vietnamese "gunboats and supporting facilities."

President Lyndon Johnson informed the Nation of this action that night. The next day, August 5, he asked Congress for a resolution "expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia." The President recommended a resolution "expressing the support of Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty." He added that it could be based upon similar resolutions enacted by Congress to meet the threat to Formosa in 1955, the Middle East in 1957, and Cuba in 1962.

Congress responded on August 7, 1964, with a joint resolution—the so-called Gulf of Tonkin resolution—adopted unanimously in the House and by a vote of 88 to 2 in the Senate, that expressed the approval and support of "the determination of the President, as Commander in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It was signed into law by the President on August 10 and became Public Law 88-408.

Mr. President, the Gulf of Tonkin resolution was brief, and it was unambiguous. I shall read it in its entirety:

"JOINT RESOLUTION TO PROMOTE THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

"Whereas naval units of the Communist regime in Vietnam in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia, to protest their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

"*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonable assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

"Approved Aug. 10, 1964."

Public Law 88-408 has never been declared unconstitutional, and it has never been repealed or amended. The President, therefore, in sending American forces into Cambodia to protect American fighting men in South Vietnam from armed attack, acted within the present law which "approves and supports" the President in taking "all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Anyone reading the plain language of Public Law 88-408 would learly discern this fact. I am surprised to hear charges, even by Members of Congress, that the President acted illegally, or that he acted unconstitutionally, or that he usurped the powers of Congress in going into Cambodia under the circumstances as he explained them. The truth of the matter is that he acted with congressional approval given in advance.

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So, it is rather late in the day for anyone, especially those of us who voted for the Tonkin Gulf resolution, to say that the President acted without authority or that he usurped the power of Congress in this instance. Future historians might have charged him with being recreant in his duty if he had not acted to protect our fighting men.

There are those who believe that the President's action should have been taken a long time ago, but, of course, notwithstanding the sound principle that, under international law, the United States would have been acting appropriately and justifiably in attacking the Cambodian sanctuaries—the circumstances being as I have already explained with respect to the responsibility of a neutral power to prevent the use of its territory by a belligerent—the opportunity and the advisability of launching an attack upon the Cambodian-South Vietnamese border's sanctuaries were greatly enhanced by the overthrow of Prince Sihanouk a few weeks ago.

I share the deep concern of everyone at the course of events in Vietnam and Cambodia. Let there be no mistake about that. I would hope—and I urge—that the President take us into his confidence wherever possible, with the view that together the Congress and the President may deliberate and decide these momentous questions of war and peace. The function of Congress does, indeed, go beyond that of appropriating money.

I believe, however, that the Cooper-Church amendment represents perhaps an over-reaction to the former actions of Congress in supporting and authorizing various presidential moves in Vietnam and elsewhere. It seems to me that such a step as cutting off funds in the midst of a shooting war, and restricting the President from attacking the enemy in Cambodian sanctuaries should of necessity require it again in the future, not only is highly dangerous to the security of our armed forces in Vietnam and Cambodia, but also constitutes an act which though certainly within the power of Congress, is unwise in principle. It comes very close to a tactical direction of troops in wartime—a duty which can only rest with the Commander in Chief, under the Constitution, and one that must be carried out by him personally, in response to his own constitutional obligations. Obviously Congress, while constitutionally empowered to declare a formal war, cannot direct battlefield tactics—and the Founding Fathers never envisioned its role as such. To claim that 535 Members of the House and Senate could assume such a responsibility would be sheer folly. This responsibility was vested in one man—the President and he was given the title Commander in Chief.

There is another argument that says, or at least implies, that adoption of the Cooper-Church amendment is necessary to calm the unrest in our country. I personally would never vote for the amendment on such a dubious ground; namely, that it would calm the unrest on college campuses and elsewhere in the Nation. Congress must not be stampeded into unwise action in an attempt to appease mobs on campuses or anywhere else. To do so would be to capitulate to mob rule. I will never do this.

Moreover, it is a mistake to interpret the campus protests as being representative of majority thinking on the part of students and faculties. There is no doubt that all students are concerned about the war in Vietnam, but the students are not by themselves in this regard. Adults, too, are concerned. Parents are concerned. Grandparents are concerned. But, while the press makes a big thing out of a protest gathering on the Ellipse by an estimated 60,000 to 100,000 students—and those of us in public life who are accustomed to crowd estimates should know by now that such estimates nearly always tend to be substantially overblown—it should be remembered that there are 7 million students throughout the country in colleges and universities who did not come to the recent Washington demonstration.

We should not, therefore, allow ourselves to be influenced by demonstrations and acts of violence on the part of radical extremists. Of course this is not to imply that all persons who participate in these demonstrations are extremists.

I have been genuinely impressed by the concern expressed in letters received from students and other persons who have written earnestly and thoughtfully. But I have not been impressed or persuaded by the small minority of students and others who have written threateningly. If the Cooper-Church amendment is to be adopted, I say let it be approved on its merits, because only then will it stand the test of time. Let this Senate never be driven to act unwisely through threats of unrest and violence. We have laws and we have security forces which can be used to deal with those who engage in fomenting unrest and violence. Let the laws be enforced.

Mr. President, it was Clemenceau who warned us that, "War is much too serious a matter to be entrusted to the military"—which may have been a sound warning in his age and perhaps even more so in our own age.

But it was Walter Lippmann who cautioned those of us that, "War is too serious a matter to be entrusted to public opinion."

I have previously stated that I believe a vast majority of citizens, both adults and students alike, are in general agreement with the goals of our Nation, but even if that small minority of students bent on destroying our society were truly representative of public opinion in America, Mr. Lippmann's warning would still apply.

In his book "The Public Philosophy," the noted columnist called our attention to the "failure of public opinion in foreign affairs," and he said this:

"The unhappy truth is that the prevailing public opinion has been destructively wrong at the critical junctures. The people have imposed a veto upon the judgments of informed and responsible officials. They have compelled the governments, which usually knew what would have been wiser, or was necessary, to be too late with too little, or too long with too much."

Mr. President, Lippmann noted that public opinion "has required mounting power in this century," and he concluded that "It has shown itself to be a dangerous master of decisions when the stakes are life and death."

Mr. President, the stakes are life and death for the young Americans now fighting in Southeast Asia. My amendment is offered with the intention of allowing the President to retain the power to take whatever steps he deems necessary to protect those men.

Mr. President, there is a great deal of pressure from the small radical elements in our society for Congress to pass an extensive amendment that would serve to bind the President's hands not only in this present action in Cambodia but also in future actions that may be called for. There may be a certain temptation for some to accede to the reckless desires of this vocal minority. But again, if I may quote Mr. Lippmann, he warns against assigning "too much importance to the vocal minority. Relying too heavily on misguided public opinion," he says, "democratic officials have been compelled to make the big mistakes that public opinion has insisted upon." He continues that such total reliance "can be deadly to the very survival of the state as a free society if, when the great and hard issues of war and peace, of security and solvency, of revolution and order are up for decision, the executive and judicial departments, with their civil servants and technicians, have lost their power to decide."

When we attempt to take from the Commander in Chief his power to decide what action is needed to protect our fighting men, then we are, to a certain extent, threatening the security of our country, and to a larger extent we are giving a measure of security and comfort to the enemy.

Mr. President, I want, as much as anyone else to withdraw our men from South Vietnam. But they cannot be withdrawn overnight. This would be physically impossible. The President has been following a policy of gradual withdrawal, and I have supported that policy of gradual withdrawal. I have supported the President's policy of Vietnamization, a policy which will allow the South Vietnamese to take over the fighting as they more and more become able to do so. I have supported appropriations for training and equipping the South Vietnamese to defend themselves, so that our American fighting men can return home.

The President stated that it was to expedite this withdrawal that he decided on the Cambodian action. He felt that it would buy time for the South Vietnamese in which to prepare to defend themselves. He indicated that it would weaken the enemy along the Cambodian-South Vietnamese border, thus enhancing the prospects for success of the pacification of the countryside and for success of the Vietnamization program. He said that, by destroying the enemy sanctuaries, several months would be required, in view of the impending monsoons, for the North Vietnamese and Vietcong to rebuild those sanctuaries, and that, as a result, American casualties would be fewer in the long run, and American withdrawal of troops would be made more sure.

I hope that the President is right in his words and in his action. I certainly do not believe that it would be wise for the Senate to attempt to stay his hand in the protection of our men who are stationed in South Vietnam and in the President's desire to facilitate their eventual withdrawal from Southeast Asia

I think the President as Commander in Chief should be given a chance to accomplish his objectives. If he is able to do this, and if he is able to pull all American fighting men out of Cambodia by June 30, as he promised, the outlook for American withdrawal from South Vietnam, hopefully, will have been enhanced. If it ever becomes necessary to cut off funds to prohibit the use of U.S. forces in Cambodia, to fight for Cambodia, then we can do this later and at such time as it is evident that there is a clear and determined intention to involve American troops in a second and different Asian war in Cambodia and for Cambodia.

I would like to vote for other provisions that are included in the Cooper-Church amendment, but unless this restriction of the President's power to protect our own fighting men still stationed in South Vietnam is removed, I shall vote against it.

It is for this purpose, therefore, of eliminating such a restriction that I have offered this amendment today.

The Cooper-Church amendment states that, "unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended" for certain purposes which are set forth in four paragraphs numbered 1, 2, 3, and 4.

I personally have no great objections to paragraphs 2, 3, and 4, for the most part, and, in fact, I want to emphasize I would vote for the Cooper-Church amendment were its thrust confined to those three paragraphs. Senators will note that each of paragraphs 2, 3, and 4 ends with the phrase "in support of Cambodian forces," whereas paragraph 1 makes no reference to "support of Cambodian forces."

In other words, the Cooper-Church amendment prohibits the use of funds for purposes enumerated in paragraphs 2, 3, and 4, all of which purposes are "in support of Cambodian forces." This suits me fine because I do not want, for example, to provide funds to pay the compensation of any U.S. personnel in Cambodia who—in the language of paragraph 2—"engage in any combat activity in support of Cambodian forces." I emphasize the words "in support of Cambodian forces." This is what got us so deeply involved in Vietnam in the first place.

But, as I have stated, paragraph 1 omits the phrase "in support of Cambodian forces," so common to the other three paragraphs.

Paragraph 1 of the Cooper-Church amendment, is confined to the retention of U.S. forces in Cambodia. Simply stated, it prohibits the use of funds for the purpose of "retaining United States forces in Cambodia." Period. Nothing is said here about cutting off funds for retaining U.S. forces in Cambodia "in support of Cambodian forces"—and, parenthetically, I would be against the use of U.S. forces in Cambodia to support Cambodian forces. What is said here is that funds are prohibited for retaining U.S. forces in Cambodia for any purpose. For any purpose, I repeat, whatsoever. To put it another way, the Cooper-Church amendment says, in paragraph 1, that the President, acting as Commander in Chief, is forbidden from sending any American soldier, any American sailor, or any American marine across the boundary line between South Vietnam and Cambodia or up the Mekong River in Cambodia after June 30, no matter what the existing conditions may be at that time, no matter how necessary to the safety of our military forces in Vietnam such action may be. The North Vietnamese and the Viet Cong would, in effect, be given an open invitation after June 30 to rebuild the sanctuaries which have recently been destroyed, with assurance that they would not need fear a resumption of attacks in the future from American ground forces.

This paragraph—paragraph 1—goes too far, in my judgment, regardless of the good intent—and I do not question the good intent—of the Senators who are sponsoring it.

The amendment I am offering would modify paragraph 1—and paragraph 1 only—to make it clear that the Cooper-Church language would not preclude the President from taking such action as may be necessary to protect the lives of U.S. force in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

I believe mine is a reasonable amendment. I believe it is a necessary amendment. I do not see how anyone would want to oppose it, because surely every one of us wants to secure the full protection of our servicemen while they are stationed in Vietnam, and wants to facilitate and expedite the eventual withdrawal of every American serviceman from South Vietnam.

Frankly, Mr. President, any realistic evaluation of the parliamentary situation must lead to the conclusion that the Cooper-Church language, as presently written, will not likely become law.

At most, if it should clear the Senate as written, it will be but an expression of Senate sentiment—and a closely divided sentiment at that.

Even so, it could be wrongly interpreted by the enemy of our troops stationed in South Vietnam.

Mr. President, as of yesterday, Tuesday, June 2, 1970, there were still 428,050 U.S. servicemen in South Vietnam. I am quite sure that no Member of this body would like to subject even one of these men to the risk of further ventures by the enemy from Cambodian sanctuaries heretofore immune from attack by U.S. forces. The amendment which I have proposed aims to prevent that danger—it makes clear that the President is authorized to take action to protect the lives of those men or, in an effort to completely remove them from the hostilities, to take action to facilitate their withdrawal from South Vietnam. The amendment has no other purpose than this: its real goal is to assist in winding us up in South Vietnam, and in the meantime to protect the lives of our men who are still stationed there. And I urge its adoption.

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Mr. BYRD of West Virginia. Mr. President, with my June 3 Senate floor statement having been recalled for the purpose of a historical context, I wish now to repeat for the record certain observations which I made during the debate on the Byrd amendment, No. 667, star print, which was rejected by the Senate on June 11, the amendment having fallen short of adoption by only three votes. In other words, the amendment would have prevailed by a vote of 50 to 49, if only three opposing Senators had supported the amendment on the vote by which it was defeated.

Amendment No. 667 would only have affected paragraph (1) of the Cooper-Church language. Paragraph (1), when coupled with certain words in the preamble of the Cooper-Church amendment as I have already indicated, stated, in essence, that unless hereafter enacted by law, no funds authorized or appropriated in H.R. 15628, an act to amend the Foreign Military Sales Act, or in any other law, may be expended for the retention of U.S. forces in Cambodia after July 1 of this year. That language as written, if enacted, would, in my judgment—and there is disagreement in the Senate on this point—attempt to preclude the President from properly exercising his constitutional powers as Commander in Chief if it became necessary for him to again send U.S. troops into Cambodia for the protection of the lives of U.S. troops in South Vietnam. Amendment 667 would have made an exception to the thrust of paragraph (1) so as to make it clear that the provisions of paragraph (1) would not preclude the President from taking such action as may be necessary, in the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of U.S. forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

As I stated during the floor debate on the Byrd amendment, No. 667, the Cooper-Church language could not, in reality, add or subtract from the constitutional authority of the President as Commander in Chief.

I stated at that time that no language which we might write into the bill before us could in any any way add to or subtract from the consitutional authority of the President of the United States acting as Commander in Chief, but, as I also indicated at that time, I felt that the Congress, through a cutoff of funds, as indicated in paragraph (1) of the Cooper-Church language, could effectively restrict and abridge, not the constitutional authority of the President, but could effectively restrict and narrow, in my opinion, the effective exercise of his constitutional authority by the Commander in Chief. So the purpose of the Byrd amendment at that time was to make clear that the constitutional authority of the President to act for the protection of the lives of American servicemen in South Vietnam would not be restricted by the Cooper-Church language in paragraph (1). My amendment, if it had been adopted, as I repeatedly sought to explain, authorized nothing, added nothing, and could have added nothing to and could have subtracted nothing from, respectively, the constitutional authority of the President as Commander in Chief. The purpose of my amendment was to offset what I deemed to be the adverse effect of the Cooper-Church language in paragraph (1) upon the proper exercise of his constitutional authority by the President in taking action to protect the lives of American servicemen in South Vietnam.

Mr. President, I think it is important to the legislative history in connection with the amendment that is before us that I repeat certain observations which I made during that debate on amendment No. 667.

I said then that my amendment would not give the President any additional authority, period. I said I agreed that the President, if he were going to attempt to enter into any new commitment, ought to come to Congress and get its approval for such a new commitment. I repeat that expression of viewpoint now.

But I also said that if we view what has been said by the President and the experiences that have developed since April 30 in the context of the conditions that caused the President to take the action that he did on April 30, I believed—and I still believe—that we will have to recognize, first, that his action did not constitute a new war, that it was not a new commitment, that the operation was with respect to the same war and the same enemy, and that under the principles of international law, we were not, indeed, invading a neutral territory—we were just moving into another area of the war zone temporarily.

I stated my feeling that if the President acted in good faith—and I believe that he did—and we have got to have some faith in the President, regardless of what his name is or what his political party may be—I had faith—and I still have faith—that before he would attempt anything like a new commitment, he certainly would come before Congress and request consent, approval, and support.

I stated that paragraphs 2, 3, and 4 of the Cooper-Church amendment would go a long way toward expressing the clear sentiment of Congress, if those paragraphs are enacted into law, against any involvement of American manpower in any "new commitment" in any "new war"—in any war "for" Cambodia or "against" Cambodia, or for or against any other country in Southeast Asia—excepting North Vietnam—which country is already our enemy.

In so saying, I stated that those paragraphs go a long way toward achieving what the authors of the Cooper-Church amendment hope to achieve, and what we all want to achieve. But I stated my fear, and I reiterate my fear, that paragraph 1, to the extent that funds would be cut off, would do indirectly that which Congress cannot do directly, and that is to inhibit or infringe upon, or contravene or diminish, the constitutional authority of the President of the United States as Commander in Chief to act to protect the lives of our men in South Vietnam.

That language in amendment No. 667 made no attempt whatsoever to interpret the President's powers. It did not attempt to define them. It could not add to them, nor take away from them. It did not say what those constitutional powers of the President, acting as Commander in Chief, are. It merely sought to preclude the language in paragraph 1, when combined with language in the preamble, from appearing to circumvent—and in saying this, I do not mean for a moment to imply that the authors of the amendment sought to circumvent them—or restrict or diminish the President's constitutional powers, whatever they are.

None of the supporters of the amendment attempted to say what the President's powers are. As I indicated then and indicate now, those constitutional powers and the constitutional authority of the President of the United States are what they are, not by virtue of what we attempted to say in that amendment, not by what is said in the Cooper-Church language, or by what we may attempt to say in the amendment before the Senate now. They are simply what they are by virtue of what the Constitution says they are.

The language merely said, in essence, that whatever those constitutional powers are, whatever the constitutional authority of the President is when he acts as Commander in Chief, they remain just that.

That language in paragraph 1 was the only language which amendment No. 667 attempted to perfect. I expressed my support for paragraphs 2, 3, and 4 of the Cooper-Church language at that time, but I also stated repeatedly my concern anent paragraph 1.

I stated that Congress does have the power over the purse—that it can cut off funds for the military or for anything else that it wishes, in its wisdom, but that if it does that, if it does cut off funds for the protection of American troops, it could be just as effectively diminishing and restricting the constitutional authority of the President—by diminishing the proper exercise of that authority—as if it had amended the Constitution in a way which would subtract from or to negate that authority. And,

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of course, it would be impossible, under article V of the Constitution, for the Senate to do that. But the impact upon the proper exercise of the constitutional authority would be just as effectively brought about as if the Constitution itself had been amended.

I said also that I thought it would be unwise—conceding that Congress has the power of the purse—to cut off the money in the midst of a shooting war, when the lives of our soldiers are in danger in South Vietnam, for the President to use in the exercise of what he sees as his proper constitutional authority and duty, namely, the protection of the lives of American forces in South Vietnam.

I stated then and I reiterate today, Mr. President, that I would like to see our men brought home. I would like to see them come home tonight. I wish that they could have been brought home yesterday, or months ago, or could be brought home tomorrow or next week. But they cannot be brought home tonight, or 24 hours from now, or 48 hours or 3 days or 3 weeks from now. And I believe that as long as they are still stationed in South Vietnam, the President has a duty under the Constitution to do whatever he can to protect their lives. But if he does not have the money to perform this duty and execute this authority, and to do what he feels is clearly necessary to protect American lives, then he is prevented from doing so just as effectively as if his authority under the Constitution had been abrogated by constitutional amendment. And what good is authority if it cannot be used when needed?

Mr. President, I have already stated that I believe that the foregoing restatement of excerpts from my June 10 floor statement in support of the Byrd amendment—No. 667—will contribute to a better understanding of the amendment which I have today called up for consideration. Simply stated, my amendment which is now before the Senate, when coupled with the language of the Mansfield amendment—adopted on June 11—accomplishes, in my judgment, everything which was sought to be achieved by the Byrd amendment—No. 667—and, if anything, it might be considered slightly broader, at least with respect to the words "wherever deployed" in the amendment before us, as against the words "in South Vietnam" contained in the Byrd amendment—No. 667. It differs from the modification which I unsuccessfully sought to have the Senate consider on June 11, in that the modification "requested" that the President consult with the congressional leaders prior to using any United States forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

In response to the repeated statements of strong concern during the debate on the Byrd-Griffin amendment No. 667 as to what we feared the impact of the language of the Cooper-Church amendment in paragraph 1 might be on the effective exercise of the President's constitutional authority as Commander in Chief, the able and distinguished majority leader (Mr. Mansfield) offered his amendment, stating that nothing in the Cooper-Church amendment "shall be deemed to impugn the constitutional power of the President as Commander in Chief."

The word "power" and the word "authority" are sometimes used interchangeably with reference to the President of the United States, acting as Commander in Chief under the Constitution, when the two words, in reality, have separate and distinct meanings. However, the President's authority under the Constitution comprehends the complete universe of Presidential jurisdiction reposed in that office by the Constitution.

The word "power," when used separately, may or may not derive from the Constitution. It is possible that the President may utilize and exercise power which is not legally or constitutionally his to exert. He, nevertheless, may exercise power simply because the resources are at his command and there is no one to challenge him or to stop him from using such power. However, the word "power" as used by the majority leader in his amendment, in my judgment, is all-inclusive of both "authority" and "power" because the word "power" immediately follows the word "constitutional." So, the term "constitutional power," as used in the Mansfield amendment, must be taken to be inclusive of both power and authority, because the word "power" there has its locus in the authority of the Constitution.

The amendment which I have today offered in behalf of myself and Senators Griffin and Spong takes up the cause which the Byrd amendment, No. 667, sought to achieve. If it did not take up that cause, I would not be taking the time of the Senate at this moment. If it did not take up that cause, I would not have worked many hours with other Senators since the defeat of the earlier amendment. It takes up the cause which that amendment sought to achieve. The amendment now being considered makes it clear beyond reasonable doubt that nothing in the Cooper-Church language shall be deemed to "impugn"—which means to assail or to call in question or to cast doubt upon or to gainsay or deny—the proper exercise of the constitutional power of the President, as Commander in Chief, for the protection of the lives of U.S. Armed Forces wherever those Armed Forces are deployed. This includes South Vietnam.

Mr. President, I want, as zealously as does anyone, to guard the constitutional powers and prerogatives of the legislative branch. I am a member of the legislative branch, and for 24 years I have served as a member of the legislative branch of government—first in the lower house and in the upper house of State government, then later in the House of Representatives, and now in the U.S. Senate. I, therefore, compliment the authors of the Cooper-Church amendment on their efforts to redefine and to delineate those constitutional powers of the legislative branch, because I do not want to see those powers eroded and whittled away. So I stand just as foursquare as does any Senator in this body for the protection and the guarding of the constitutional powers and prerogatives of the legislative branch. But to redefine and delineate these powers is a difficult task, one which calls for the very finest of finite minds. I would say that the two authors of the Cooper-Church amendment meet that qualification, because theirs are among the finest of finite minds.

As I recently stated in Senate debate, the executive branch and the legislative branch are separate but equal under the Constitution. Each is supreme in its own sphere of consttutional authority. Yet, there are areas of responsibility where the two universes seem to merge and blend, or to overlap, with a sharing or dovetailing of powers—areas in which it is extremely difficult to determine the fine, tenuous line where the full swing of one's authority picks up and that of the other leaves off. To attempt to separate the two in this twilight zone is, as the Apostle said, to "see through a glass darkly."

Mr. President, one of such areas is that of the "war powers." Paragraph 11 of section 8, article I, states that the Congress shall have power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;"

Paragraphs 12, 13, 14, 15, 16, and 18 of section 8, article I, recite additional war powers of Congress, among which are:

> The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
>
> To provide and maintain a navy;
>
> To make rules for the government and regulation of the land and naval forces;
>
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; . . .

The above paragraphs, together with paragraph 1 of section II of article II, compromise the "War Power" of the United States, but are not, necessarily, the whole of it.

Paragraph 1, section II, article II, states as follows:

> (1) The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; . . .

Hamilton, in the Federalist No. 69, referred to the commander in chiefship as "the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy."

In 1850, Chief Justice Taney stated:

> His (the President's) duty and his power are purely military. As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States. . . .

To Congress is expressly granted, by the Constitution, the power to "declare war." However, war may come into existence as a fact without a formal declaration. In the Prize cases the Supreme

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Court has held that this existence of war as a fact may be recognized by the President, in advance of congressional declaration, and that he may thereupon take action, as, for example, the establishment of a blockade, which in time of peace he would not be constitutionally empowered to institute.

As to the war powers of the President, the Constitution makes no specific provision for the exercise by the President of exceptional powers in time of war, but the fact is nonetheless true that, in time of war, he is enabled to exercise his specifically given powers more vigorously than in time of peace, and Congress is, as a matter of expediency, compelled to grant him wide discretionary statutory powers.

Although, as far as Congress is concerned, the war in South Vietnam is an undeclared war, it is, nevertheless, a war, and I believe that the President, acting as Commander in Chief, must possess, in such a situation, if not the special and extraordinary powers which Presidents have exercised in formally declared wars, at the very least the authority and powers to decide questions of tactics and strategy and to act to protect the lives of members of the Armed Forces.

There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as Commander in Chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress.

As to his constitutional power to send U.S. forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt in the minds of many authorities, although it has been contended by some that the exercise of this discretion can be limited by congressional statute.

Congress has not seen fit expressly to authorize or to attempt to control the sending by the President of the U.S. forces outside the country, and, in fact, without deeming it necessary to obtain congressional consent, the President has frequently done this.

In 1900, during the Boxer troubles in China, United States troops participated in active and hostile military operations against the Chinese upon a considerable scale, but war between the United States and China was not recognized to exist. So also, war was not recognized to exist when U.S. troops were sent into Mexico by President Wilson.

American troops participated in the allied military operations at and near Archangel against certain bodies of Russian troops. At this time the United States was at war with Germany and Austria but not with Russia. The Archangel undertaking was, however, an integral part of the general military operations carried on by the allied and associated powers. Similar was the character of the military operations in eastern Siberia in which American troops participated. However, these Siberian operations continued for a considerable time after the general armistice of November 11, 1918. In fact, the United States did not withdraw its troops from Siberia until the spring of 1920.

U.S. troops, especially the Marine Corps, have frequently been sent to foreign countries in time of peace and have engaged there in active fighting for the attainment of specific and limited purposes, sometimes in pursuance of existing treaties and sometimes not.

Against this background of constitutional authority and precedent, I believe that the President, in moving ground forces into Cambodia on April 30, acted within his constitutional authority as Commander in Chief. He has a duty to protect the lives of American servicemen, and the President stated that the Cambodian incursion was necessitated by just such a consideration.

I regret that the cirumstances of the situation necessitated his doing this. But nevertheless the circumstances were there and were as he explained them. He had to make a decision. And that being the case, I think the President acted within his authority under the Constitution as Commander in Chief to protect our men in South Vietnam.

I do not agree, as I said before, with those who say that the President usurped the power of Congress to "declare war"; it was not a new war, but the same war which we have been fighting for several years.

It was not an "invasion" of a neutral country; it was but a temporary expansion of the battlefield brought about by the requirements of self-preservation and self-protection. Cambodian territory had become an arsenal for the same enemy which had inflicted casualties upon American forces over a period of years; and that same Cambodian territory, under the fiction of "neutrality," had served the enemy as a privileged sanctuary—immune from retaliatory attack.

As I have stated before, a country which claims neutrality has a duty to prevent a belligerent from moving forces or supplies onto its territory. And if that country which claims neutrality fails to perform that duty and fails to prevent the use of its territory by a belligerent—whether by inability to so prevent or by weakness or otherwise—then a second belligerent has the right under the principles of international law to move into the so-called neutral territory and destroy the enemy. And that was what occurred in the case of the Cambodian incursion announced to the people of the United States and to the world by the President on April 30.

So, I think the President was well within the ambit of his constitutional authority. This is not to say I do not believe that he should have consulted with congressional leaders prior to his action in ordering the movement into Cambodia. I maintain that he ought to have done so. At least the majority and minority leaders in both bodies, the President pro tempore of the Senate and the Speaker of the House of Representatives should have been advised. The President's failure to do this constituted a serious congressional relations mistake, and it subjected him to valid criticism throughout the country. I hope that future such emergencies will not arise, but if they do, I hope the President will spare himself such needless criticism.

But, in any event, he acted within his constitutional authority in ordering the Cambodian operation. And from all indications it has been a tactical military success. It appears that all American forces will be out of Cambodia by the June 30 deadline, as promised by the President, and I believe that the action will result in a saving of American lives in the long run as well as additional time for the South Vietnamese to prepare for a takeover of the combat operations in their own country, thus relieving more Americans of the task.

And, in my judgment, the sooner this can be done, the better it will be. And I would only express the hope that in the light of this military victory, the President can step up his schedule of withdrawal of American troops from South Vietnam.

I think that now is the time to make that decision to step up and to accelerate the withdrawal in the light of this military victory and especially in view of the fact that it could be a short-term military victory. There is no question that the North Vietnamese and the Vietcong can recoup their losses, regroup, and resupply themselves. As we have seen in the past, we have too often underestimated their capacity and ability to do this.

Their communications have been disrupted, their supply lines have been disrupted, their plans have been disrupted, but this will not be for long.

I hope the President will make the decision now and will take advantage of the fruits of this successful military tactical operation and accelerate the schedule of withdrawal and bring our men home. However, while they are there, Mr. President, it is our duty to protect their lives.

There are over 400,000 American servicemen in South Vietnam today. They did not have to go there, as I have said before. The U.S. Government sent them there.

They were sent there under Presidents who held office prior to the incumbent President, Mr. Nixon. This is a war that he inherited. Nevertheless, it is his duty to protect the lives of those servicemen while they are there.

I do not want to see this operation repeated. But who can foresee the future?

For this reason, I have thought it necessary that we attempt to spell out such protection in the Cooper-Church amendment.

This is why I attempted last week, with the help of those who cosponsored the amendment with me, particularly with the help of the able Republican assistant leader—and this is why we again join today—to seek to accomplish what we feel is a necessary objective.

I know, Mr. President, that legislative history can be valuable in the construction of a statute, particularly where the language of the statute is not clear and where it is necessary to go outside the four corners of the statute in order to properly construe the true intent of the legislature. The fundamental rule of construction of statutes is to give effect to the intention of the legislature as expressed in the statute. Another basic rule of construction is that the words of a statute will be interpreted according to their common and popular acceptation and import unless that interpretation will defeat the manifest intent of the legislature.

I now go to a further logical step in the rules governing construction. Where the language of a statute is unambiguous, it must be held to mean what it plainly expresses, and no room is left for construction.

Viewing these various rules of construction of statutes—and there are other important rules—I feel that the Cooper-Church language in paragraph (1) of the statute—assuming for the moment that the Cooper-Church language should become law, and I personally hope it will if the amendment before the Senate today is agreed to; and parenthetically, I think the chances of enactment may be considerably improved by such adoption—leaves unclear a matter which is of great concern to me and to others in this body, to say nothing of the American people and our servicemen in Vietnam. Just as important, the unclearness of the language in paragraph (1), it seems to me, can result in the wrong message being received by the North Vietnamese and the Vietcong. In other words, I feel that they could very well read this message into paragraph (1) of the Cooper-Church language: "Come on back into the sanctuaries, boys, after July 1 and we will not lay a hand on you."

I know that is not what the authors of the Cooper-Church amendment mean to convey, but I am afraid that might be the message received by the enemy.

To me, it is imperative that the law on its face not be ambiguous as to our intent to defend American servicemen in South Vietnam. The law should state on its face that we are resolved to do whatever is necessary to protect the lives of those men. It is for this reason that Senator GRIFFIN and I and others have again joined in an effort to make indubitably clear the fact that the constitutional authority of the President is still his as it always has been and that it will continue to be his in the future to properly exercise as Commander in Chief. The Mansfield amendment, to an extent, made this clear, but, in my humble opinion, not clear enough. I think it is important that we now take the second step and spell it out in the law. The Mansfield amendment says:

> Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

The Byrd-Griffin language adds these words—

> including the exercise of that constitutional power which may be necessary to protect the lives of United States armed forces wherever deployed.

Note that this amendment begins with the word "including." In other words, the Byrd amendment in no way detracts from or diminishes or negatives any of the implications embraced in the Mansfield amendment. The amendment simply specifies that the Mansfield amendment, in referring to the constitutional power of the President as Commander in Chief, embraces whatever the total universe of constitutional power may comprehend, but that whatever that constitutional power is or may be, it does include—as a part of the whole—"the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

Now, I think that most of us in this Chamber agree that the President has the duty to protect the lives of American servicemen and that his constitutional authority is wide enough and broad enough to allow him to effectively discharge that duty. But because the specific phraseology of paragraph (1) in the Cooper-Church amendment being what it is, I feel that there may be some question as to how far the President is going to be permitted to go in the exercise of that constitutional authority to protect our men notwithstanding the inclusion in the act of the Mansfield amendment.

Moreover, in light of the defeat of the Byrd amendment last week, I feel that that question has been highlighted and perhaps engraved more deeply in the minds of many people.

The defeat was interpreted as a rebuff of the President, as Commander in Chief—and that, to me, is far more serious than a rebuff to the President acting in his domestic role—a rebuff of the President as Commander in Chief, the "first general and admiral," to use Alexander Hamilton's words.

I think, therefore, there needs to be a reassurance that the Senate's action the other day was not meant to question the President's constitutional authority and power to protect our troops.

The amendment before the Senate today is calculated to remove any doubt that this "power" is included within the Mansfield amendment, and to remove such doubt, the amendment spells it out and lays it on the barrelhead—to wit, "including the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed," and this should not leave the locus of South Vietnam in doubt.

There may be some who would feel that this amendment is unnecessary because the words "constitutional power" in the Mansfield amendment are all inclusive. Of course, "constitutional power" is constitutional power. But none of us can precisely and nicely define the outer parameters of that constitutional power. Definition and interpretations of the term will differ and will vary from Senator to Senator and from President to President, and college professor to college professor. But there is no mistaking what it includes if, in plain English, we insert into the law, words of common understanding stating that it includes "the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

Congress is not presumed to do a useless act. Every word in a statute is presumed to have been placed there by Congress for an intended purpose. By adopting this amendment, the intent of Congress, in my judgment, cannot be misunderstood or misconstrued by friend or foe, because that intent will have been expressed in no uncertain terms in the statute itself—namely, that nothing in the Cooper-Church amendment shall be deemed to impugn the constitutional power of the President as Commander in Chief, "including the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

(The following colloquy, which occurred during the delivery of the address of the Senator from West Virginia (Mr. BYRD), is printed at this point in the RECORD by unanimous consent.)

Mr. SPONG. Mr. President, I am pleased to cosponsor this amendment. I would particularly like to thank the Senator from West Virginia for his gracious remarks with respect to me.

During the past few weeks it has been my purpose, and I believe that of a majority of the Senate, to draw up language that would not allow the war in Southeast Asia to be widened without congressional consent but would provide for the protection of U.S. troops who are deployed in Southeast Asia.

We have had a lengthy debate on this matter. On June 5, I inserted into the RECORD some questions concerning the constitutional authority which the President, as commander in chief, already has. I am pleased that Senators CHURCH, COOPER, and BYRD responded so fully to these questions. I believe these responses have provided some excellent, and needed, legislative history.

I, personally, would have preferred, in this particular instance, to spell out in the legislation the specific authorities which the President has under the Constitution. The amendment which I submitted to the Cooper-Church amendment on June 10 was an attempt to accomplish this.

I have, however, reviewed the Senate debate on the original Byrd amendment and on the Mansfield amendment, which I cosponsored. The legislative history, together with the Mansfield amendment and the modification which was offered June 17 by Senator BYRD and which I cosponsor, will, I believe, go far toward accomplishing the two purposes I mentioned: restricting a broadened war in Southeast Asia and protection of U.S. troops.

Mr. President, I commend the Senator from West Virginia for the diligence he has demonstrated in seeking his legislative objectives. It has been a privilege for me to consult with him in the past few days and I commend him for his efforts here today.

Mr. BYRD of West Virginia. I thank the Senator. Again I want to express my appreciation to him for the fine contribution he has made not only during the debate last week on amendment No. 667 but also in hammering out the verbiage which appears in the amendment now being considered.

XUM

Mr. SPONG. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator from West Virginia yield on that point?

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. I would like to say that the Senator from Virginia (Mr. SPONG) raised very important questions last week before the vote on the first Byrd amendment, in attempting to spell out the powers of the President to protect U.S. troops. I thought his work was a helpful and important contribution to the debate. It has made all of us look more closely at language. Also, in our colloquies with the Senator, we have agreed upon certain actions which without question the President is entitled to employ as Commander in Chief. Later, this afternoon, I want to comment on the Senator's speech. I want to say now that the Senator from West Virginia, Senator Byrd, began the discussion of the issue of the powers of the President as Commander in Chief. The sponsors of the Cooper-Church amendment thought the amendment proposed last week by the Senator too broad in its scope, and we opposed it very strongly. Later, today, I shall make some comments on the present language of the pending amendment.

Mr. SPONG. Mr. President, I would like to thank the distinguished Senator from Kentucky for his gracious remarks.

Mr. BYRD of West Virginia. May I say that the Senator from Kentucky is so gracious, as is the able senior Senator from Idaho (Mr. CHURCH), that while no one can say he cherishes defeat, I would have to say that one could lose to these two Senators and feel good in losing. This pretty aptly describes my feelings following the 52-to-47 vote last week.

I shall certainly welcome the comments of the able senior Senator from Kentucky on the language of the amendment now before the Senate.

(This marks the end of the colloquy which occurred during the address of the Senator from West Virginia (Mr. BYRD) and which, by unanimous consent, was ordered to be printed in the RECORD at this point.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. BRADEMAS, Mrs. MINK, Mr. REID of New York, and Mr. STEIGER of Wisconsin were appointed managers on the part of the House at the conference.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foregin Military Sales Act.

Mr. COOPER. Mr. President, I do not have a prepared speech. I have listened with a great deal of interest to the speech of the able Senator from West Virginia (Mr. BYRD). I want to comment on the explanatory statement he has made.

The Senate will recall that on last Thursday the Senate voted upon the original Byrd-Griffin amendment, amendment No. 667, star print. That amendment addressed itself to the language of the Church-Cooper amendment prohibiting funds for retention of U.S. forces in Cambodia after July 1. It would have been inserted after line 7. Line 7 reads as follows:

> (1) retaining United States forces in Cambodia—

I will quote the original Byrd amendment—

> except that the foregoing provision of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

It provided an exception—an escape clause, which could make the subsection (1) useless.

The sponsors of the Cooper-Church amendment opposed this original amendment of the Senator from West Virginia, No. 667, for two reasons.

First, we thought it unnecessary. It is agreed by all that the President has the power to protect the forces of the United States wherever they are, whether it is called "power" or whether it is called "authority." The writers usually refer to it as "power."

Second—and I want to make this very clear—because of the unfortunate experience of the Congress after the Tonkin Gulf resolution, we did not want to accept language which could be construed as providing to the President advance approval of any action he might take.

The sponsors of Church-Cooper do not assume the President will take action that is not clearly covered by his constitutional powers, but we have to envision any action that might be taken. Accepting the President's statements that the troops will be removed by June 30 the sponsors of the amendment were concerned that our force might be returned to Cambodia in the future and become a part of a larger war in Cambodia, in a new theater, or become the agents of the United States to support Cambodia, its government or its forces. We wrote the amendment specifically, knowing exactly what we were trying to do—that we were trying to protect our country from becoming involved in another war in Cambodia, or an extension of the Vietnam war after the sad experience of the war in South Vietnam.

Since that time, the Senator from West Virginia has worked upon various amendments, and he has described very clearly the amendment he introduced yesterday.

I will make a distinction between the pending amendment, and the first Byrd amendment which was not approved.

After the first Byrd amendment was voted upon, the Senator from Montana (Mr. MANSFIELD) offered an amendment which followed the body of our amendment. It provided that on page 5, between lines 18 and 19, the following language be added:

> Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

It states a fact, and I do not know that it was necessary, but in order to say clearly what we had been saying in our speeches, we agreed that that should be offered.

The Senator from West Virginia would add the language of his pending amendment to the language of the Mansfield amendment so that the Mansfield amendment would read as follows:

> Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief—

Then follows the present Byrd amendment:

> including the exercise of that constitutional power which may be necessary to protect the lives of United States forces wherever deployed.

Again, the sponsor of Cooper-Church have stated throughout the debate that the President of the United States has such power. While I do not think it is necessary to add the language to an amendment, I maintain that it does no more than state a constitutional power of the President in the general language as the amendment offered by the Senator from Montana (Mr. MANSFIELD) recognized the constitutional power of the President as Commander in Chief.

The language of the amendment if approved by the Senate and by the Congress could be interpreted in the way that the Senator has explained if all factors were included. He has given a very good explanation of the rules of construction—except there a factor of construction is lacking which the Senator did not mention. The missing factor is that language of his amendment must be construed in connection with other language. The language, if it becomes part of the amendment, has to be construed in connection with the rest of the language in the Cooper-Church amendment.

So I must say to the Senator—and the Senate because I want to be as clearly understood as I can—and I have listened with great interest to his statement—that I must state differently my understanding of the effect of his language on the Cooper-Church amendment. It would have to be construed in connection with all the language in the Cooper-Church amendment. My construction is that it expresses generally a power of the President to protect the forces wherever they are deployed. But as a part of the Cooper-Church amendment, the language of subsections (1), (2), (3), and (4) would still prevail and the President could not use his constitutional power in the absence of emergency, to protect the troops, to invade and nullify the purposes of subsections (1), (2), (3), and (4), without coming to the Congress for approval.

For example, let us consider subsection (1). As long as our forces are in Cambodia, 2 months from now, or 3 months, the President has the authority to protect them, without question. But if they are withdrawn before July 1, as I assume they will be, and the question should arise after that date. "Shall our forces be sent back into Cambodia," I would say, with a modification which I shall explain in a moment, that under our amendment, the President could not do so without coming to Congress for its consent.

There are clear powers of the President, which have been approved by action, by authorities and by Congress, from time to time in the years of our national existence. These powers rest upon the defense of troops. For example, if our forces in South Vietnam were attacked by troops coming across the border, of course the President could repel the attack. If forces entering from Cambodia, emanating from North Vietnam, or the Vietcong, came from Cambodia into South Vietnam, and were driven out by U.S. forces, and the use of the so-called hot pursuit were necessary, our force could follow the enemy forces across the line for a short distance. And there might be situations where the danger of an attack was imminent, and if it became necessary for the President, through his commanders, to take some offensive action to forestall that attack, I do not think any question would be raised.

But except for emergencies, which are immediate or impending, I want to make it clear that the President would have time to come to Congress. If the situation is so dangerous as to place our troops in immediate peril, the President must act; but except in such emergency cases as those which I have mentioned, there is time to come to Congress.

That is the thrust of our amendments. The Senator has spoken of the practice of Presidents in the past. He has mentioned many historic instances of the use of presidential power. I will not go through the cases again. The issue of the war-making powers of the President and the Congress has been argued throughout the history of our country. Congress was given not only the power to declare war, but to raise and support armies and navies. It has the power of appropriation, the power to provide or deny funds.

Throughout our early history, the distinction between the power of the executive as Commander in Chief and the authority of Congress was well recognized. But President Polk sent our forces into Mexico without the approval by Congress. Congress added to its resolution of approval a condemnation of President Polk for sending our forces into Mexico without the consent of Congress.

The Office of the President has expanded its use of power greatly in this century and it may be further expanded. The United States is a party to many treaties around the world, promising under certain circumstances to provide wartime assistance to 42 countries. These treaties to which the United States is a party, contain broad general language to the effect that if there is an attack upon these countries, or any of them, it will be considered a threat to the security of the signatories, and the parties including the United States promise to support the country attacked "according to its constitutional processes."

But that term is not defined. We are trying to affirm today that the "constitutional process" in those cases, except in the case of sudden attack, or except, of course, in the case of nuclear attack, attack upon the soil of this country or its forces wherever they are, that there is time to come to Congress before our Nation is thrown into wars all over this world.

I read this morning an article entitled "Congress, the President, and the Power To Commit Forces to Combat," again appearing in the 1968 Harvard Law Review, which contains this statement and which interests me very much:

> There are two possible reasons for requiring such a safeguard from the body most directly representative of popular sentiment. The first is that such a decision involves a risk of great economic and physical sacrifice not to be incurred without such approval. The second is that even in cases where no significant physical effort is likely to be required—as, for example, in a conflict with a weak nation unsupported by allies—the very act of using force against a foreign sovereign entails moral and legal consequences sufficiently significant to require an expression of popular approval.

So, Mr. President, I would like to say I concur completely with the statement of the Senator from West Virginia that his amendment spells out clearly that the President has the authority to protect the Armed Forces of the United States wherever they are deployed. It means Cambodia today. It means South Vietnam. It means Korea; it means many places in the world—every place American troops are deployed.

But I do not agree, and I will not agree, that by placing this statement of recognition of general power in the Cooper-Church amendment, it will invalidate sections (1), (2), and (3), and provide for the President with approval to ignore those sections and section (4), if he desires to do so. Our amendment denies no option to the President, but says nothing about the emergency power to protect our forces against sudden attack, to repel an attack, to take action against an imminent impending threat. In all other cases, he shall ask for joint action the consent of Congress.

I hold, unless there is an emergency which endangers our troops as to require him, for a time, to take immediate action to protect them—which power, of course, he has—that in all other cases he must come to Congress and ask for its approval before engaging in an operation which could lead this Nation, step by step, into support of Cambodia, or into an extension of the war in the larger theater in Cambodia—the process by which we became engaged in Vietnam.

I again express my admiration to the Senator from West Virginia for his persistence in believing and urging that we should have language in the bill which says clearly that our purpose is to insure that our troops are protected. I agree with him. I have said so since this debate began.

But the point of the Church-Cooper amendment and the point of the debate is that Congress—particularly the Senate today, as this measure is before us—will not agree in advance to the extension of a constitutional power beyond that which we believe was intended for the immediate protection of our troops.

We will not extend it in advance and approve a use which, though not intended, might take this country into a new theater of war, or into war in behalf of another country.

Mr. President, I say this with great respect. I know the purposes of the sponsors. All of us want to assure the safety of our troops. But it may be that some Senators are still not clear as to the intention of the sponsors of Church-Cooper as far as subsections (1), (2), (3), and (4) are concerned.

Mr. CHURCH. Mr. President——

Mr. COOPER. Let me say one more thing. Congress has limited in the past, and even in wartime, the authority of the President.

The present Selective Service Act, for example, in section 454 of title 50, provides that draftees cannot be sent outside the United States into war without at least 4 months' training and the act further provides "that no funds appropriated by the Congress shall be used for the purpose of transporting or maintaining in violation of the provisions of this paragraph any person inducted into, or enlisted, appointed or ordered to active duty in, the Armed Forces under the provisions of this title." Other precedents that we initiated last year in this body concerned the amendments relating to Laos and Thailand.

Mr. CHURCH. Mr. President, I wonder if it might be possible to reach agreement——

The PRESIDING OFFICER. Has the Senator from West Virginia yielded the floor?

Mr. BYRD of West Virginia. Yes, I yield the floor, Mr. President.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Arizona is to be recognized.

Mr. GOLDWATER. I am glad to yield to the Senator from Idaho.

Mr. CHURCH. I thank the Senator.

I was simply going to suggest that, inasmuch as we have had the benefit of an extensive debate upon the issues raised in the Byrd amendment last week and we are now reaching the end of the fifth week of debate on the Cooper-Church amendment, it might be possible to secure unanimous consent for a vote upon this new version of the Byrd amendment tomorrow. We will convene at 10 a.m. We would have ample time, I should think, to discuss the matter and to come to a vote, say, at 1 o'clock tomorrow afternoon.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. GOLDWATER. Reserving the right to object—and I do not intend to object—that hour would put a burden on some of us, not many of us. If it could be, say, 2 o'clock, I am sure many more Senators would be present.

Mr. CHURCH. I would be happy to oblige, if we could get it relatively early in the afternoon. I would not insist upon 1 o'clock, if we can agree to have a vote at 2 o'clock.

XUM

Mr. GRIFFIN. I must say to the Senator from Idaho that I wish it were possible to agree to a vote tomorrow. I am checking with some of the Members on this side of the aisle, who have left town and who have indicated that they hoped there would be no vote tomorrow, to see whether or not I can get agreement. As the Senator knows, it requires unanimous consent, and that means that everyone has to agree, and sometimes it is difficult to obtain unanimous consent. At this point, I am not in a position to give that unanimous consent and to protect some of the Senators who have given me instructions. But I will continue to work on it, to see whether there is some possibility that we might be able to reach agreement.

Mr. CHURCH. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Arizona yield briefly, so that I may respond to the comments by the Senator from Kentucky (Mr. COOPER)?

Mr. GOLDWATER. I yield.

Mr. BYRD of West Virginia. Mr. President, I share, with the able Senator from Kentucky, the belief that the President should not be given advance approval to enter into any new commitment or to enter into any new war. I would not want any statement I made to be interpreted to mean that the verbiage of the amendment before the Senate would extend such advance approval with respect to a new commitment or a new war.

I have tried to make clear my position to the effect that the President certainly should come to Congress and consult with Congress and get the consent of Congress before entering into any new war, any new commitment, or any involvement in support of or against the Government of Cambodia or the Government of Laos, et cetera.

I want the record to show that I also believe, as does the Senator from Kentucky, that except for those emergency situations which can arise and do arise in time of war—both de jure and de facto wars, if we want to use those terms—the President normally would have time to consult with Congress. I think he should do so. I think we agree that there can be, however, emergency situations wherein the President might have to take action very, very quickly, wherein there might be the element of time and/or the element of surprise, which might have a bearing upon the success of whatever tactical operation might be involved, and when the President might not be able to immediately consult with congressional leaders.

Parenthetically, I do not think that was the case in the instance of April 30. I think that some congressional leaders at least could have been consulted. But that is behind us now.

I do have a feeling that this debate is going to imprint this point so indelibly upon the minds of this President and future Presidents, as they will read the history of it, that every effort will be timely made to properly consult with the leaders of Congress before any action is taken, except in the most dire and impending urgency.

With respect to the language of this amendment, as against the language of the Byrd amendment No. 667: The appropriation of moneys is a positive act in either case. It cannot just flow automatically and without some positive act having been taken by the legislative branch. In the case of amendment No. 667, although it said something to the effect that the "foregoing provisions of this clause" shall not preclude the President from taking whatever action as may be necessary to protect the lives of American servicemen in South Vietnam, that language in and of itself did not tie and could not have tied the hands of Congress with respect to the appropriation of money. That requires a positive act. Regardless of the language of amendment 667, had it been incorporated and adopted and become law, Congress still would have had power over the purse strings; because, under the Constitution, Congress—and only Congress—shall have the power to raise money, to pay the debts, to raise and support armies, and so forth.

So nothing could have been said in the verbiage of that amendment—and there is nothing in the amendment now before the Senate—that could subtract one iota from the power of Congress over the purse.

Mr. GRIFFIN. Mr. President, will the Senator yield to me at that point?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I commend the Senator from West Virginia for his statement, and I wish to associate myself with it. By persevering and working very diligently, as I know he has, if he has struck on new verbiage which attracts more support, I applaud him very much; and I am very glad that the Senator from Kentucky finds it possible to support the new language.

I support it, very frankly, because I see no essential difference in terms of the substance as between the two. It may be that the Senator from Kentucky and others were somewhat concerned about the previous language. Perhaps they had questions about it. As I interpret it, the substance would have been essentially the same as the substance of the pending amendment; but, I am very glad that maybe the doubts have been erased.

Looking back on amendment No. 667, the star print, it would have added to subsection 1 the words "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam."

As I understood that, the Senator from West Virginia was not seeking to create or generate any new power that the President did not have, but was just making it clear by that language that action which did not preclude the President from exercising such power as he otherwise had, and whatever power the President otherwise had was his constitutional power.

Now, then, in the new language——

Mr. BYRD of West Virginia. At the same time, it was not challenging the authority of Congress——

Mr. GRIFFIN. That is right.

Mr. BYRD of West Virginia. To exercise its power over the purse.

Mr. GRIFFIN. Which was something aside from that.

Mr. BYRD of West Virginia. Exactly.

Mr. GRIFFIN. Right.

Now, then, in the new language, the Senator from West Virginia speaks in terms of including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed.

As I would read the language of the new amendment, it not only goes as far in terms of substances as the previous amendment, but, if anything, it may go a little further. But, by no means is it any more objectionable or to be questioned.

Certainly the troops we have outside South Vietnam are entitled to the constitutional protection which the Commander in Chief posseses as well as our troops who are in South Vietnam.

The new amendment makes that clear, that we are not talking only about troops in South Vietnam.

I like the new amendment better because it does not apply only—or does not make reference only—to subsection 1 of the Church-Cooper amendment. It applies to the whole of the Church-Cooper amendment and makes it clear that nothing in the Church-Cooper amendment in any way limits or detracts. It could not. We could not take away or detract from the President's powers, and we recognize that.

By my cosponsoring the previous amendment of the Senator from West Virginia, that was all I was trying to do. Perhaps others felt there was something else involved. I guess they did.

I think that the Senator from West Virginia tried to make it clear that that was the intent, as it was of the Senator from Michigan. But, if this is more acceptable in that regard, I am very, very glad for it, and I commend the distinguished Senator from West Virginia for coming up with the language.

Mr. BYRD of West Virginia. Will the distinguished Senator from Arizona further yield to me?

Mr. GOLDWATER. I yield.

Mr. BYRD of West Virginia. I think that the Senator has put his finger right on the gravamen of the problem which confronted the Senate at the time it voted on the original amendment. I think there was a misunderstanding, a misconception, as to just what that amendment sought to do.

There were Senators who thought it nullified the Cooper-Church amendment and created a new Gulf of Tonkin. I think they believed that, had that amendment been adopted, it would have impliedly had some negative impact upon the power of the Congress to appropriate money.

It could not possibly have had.

Although it said it would not preclude the President from properly exercising his constitutional authority to protect

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the lives of American troops, nothing in the amendment could possibly have eroded or taken away from Congress its authority to appropriate money or its power over the purse. I think that is where the problem was. There was a misunderstanding there.

But, having said that, now I say, with respect to this amendment, that here again the amendment does not and could not affect the constitutional authority and power of Congress to appropriate money for whatever purpose.

Thus, I think that here, as in the original amendment, we recognize the absolute power of the purse by Congress, while we, at the same time, recognize the fact that nothing we may do here can diminish or abridge the constitutional authority of the President as Commander in Chief. We are also saying that we do not question that the President as Commander in Chief has the constitutional power to protect the lives of the U.S. Armed Forces wherever deployed. We are saying this in such a way that the enemy will not get the wrong message.

The right message is that the President has that constitutional authority and duty. We recognize it. Congress has the power over the purse. Congress has that authority, but if the President is to perform his duties as expected, he must take whatever action is necessary to protect the lives of our servicemen in South Vietnam or wherever they are deployed.

It is imperative that we make this clear on the face of the law that, whatever we are doing here, we are not cutting down on or whittling away at the President's constitutional authority, power, and duty to protect the lives of our servicemen.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CHURCH). In accordance with the previous order, the distinguished Senator from Arizona (Mr. GOLDWATER) is now recognized for 20 minutes.

Mr. GOLDWATER. Mr. President, perhaps I should ask unanimous consent that I may now proceed for 20 minutes because I think my 20 minutes have been used up.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time of the Senator from Arizona begin running now, and I want to express my appreciation to him for allowing us to impose upon his time and his good nature to hold this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SST

Mr. GOLDWATER. Mr. President, for many years now we have in this body listened to liberal spokesmen advising us that we live in a changing world and that this Nation must spend the energy and money necessary to keep abreast.

Of course, nobody for 1 minute doubted the premise that we live in a changing world—no human being has ever lived in any other kind of a world. However, it must be conceded that alterations in technology, living standards, transportation and in all the material implements which mankind uses have gone on at an eccelerated pace in our lifetime. Most of the Members, I am sure, are acquainted with my sincere belief that the liberal community in this country once sanctified the idea of change to the point where any and all types of change were equated with good. I do not happen to agree that change for the sake of change always spells progress for mankind. As a conservative, I am convinced by the lessons of history that many proven values of the past absolutely must be maintained and continued. These fundamental values have just as much application to the problems of today and the challenges of tomorrow as they had in the annals of history.

Now I am sure that we all recall the great hue and cry that went up when this Nation was sitting smugly isolated and the demands of a shrinking world and the rise of totalitarianism dragged us kicking and screaming into an era of internationalism. We all know that the liberal community led the cry for worldwide involvement. We all recall that liberals led the way in pointing out that being protected by vast oceans off both our coasts was no longer sufficient to insulate the United States from either the problems or the wars of freedom-loving people in other areas. The liberals pointed to the airplane and told us, quite correctly, that the world was shrinking—that the continent of Europe was no longer 5 days by fast boat from our Eastern shore. And the arguments that were used to drown out the voices of isolationism prior to and immediately after our entry into World War II were the same arguments used in launching this Nation on a protracted $200 billion program of economic, technical and military assistance to other nations. We progressed from war-time lend-lease programs to post-war UNRRA, the Marshall plan, the Truman doctrine, economic foreign aid and the present-day AID.

Every attempt by the Congress to modify or improve or correct this vast internationalist program always met with strong opposition from our political liberals. We were reminded again and again and again that the world was changing—that there was in progress in the underdeveloped nations a process called "the revolution of rising expectations." We were reminded constantly, through every means of communications available to the liberals, that, as a leader of the world, this Nation had to take the responsibility, not only for keeping up with world progress, but actually for taking the lead in its development.

Mr. President, it is against this background of historical fact that I come today to my main topic of discussion. I purposely thought back and reviewed my own memory of this great thrust in the name of chance and progress because I am convinced for some reason it is coming to a deliberately designed end.

I have made many comments on the Senate floor about the tendency of this body to adopt a brand of foreign policy which can only be described as isolationism. Some people call it the "new isolationism." Others call it "neo-isolationism." For the life of me, after listening to the debate in this body on Vietnam, on our responsibilities to other members of the free world, on the subject of reneging on our treaty commitments, I see absolutely no reason to hyphenate the word "isolationism." When we find some members of this body attempting through every possible means to rationalize defaulting on our obligations in Asia and ending our involvement in the most heavily populated area of the world, there is only one name for it—it is isolationism. We are seeing here an attempt to turn back the clock to recapture a comfortable isolated posture of bygone years. We are seeing a deliberate attempt to force American disengagement from the affairs and concern of a vast portion of the world. And we are seeing a denial of the thesis that the United States has a responsibility to play in a world of change and a world of progress.

The word "progress" especially intrigues me at this particular time, because we are witnessing a growing number of liberals in the strange process of turning their backs on a major feature of progress in today's world of transportation.

My reference, Mr. President, is obviously to the supersonic transport plane. This is, without question, the latest development in the shrinking world process the liberals reminded us of so often after World War II.

There is no way to justify the opposition to development of an American SST program other than to describe it as a deliberate effort to hold back the wheels of progress which are already spinning rapidly in Russia, France, and Great Britain.

Cutting through all the arguments, ranging from noise pollution to cost, the fact remains that the world is going to have an SST. As a matter of fact, it already has two which are flying in Europe and which are successful enough to be predictably operational within the foreseeable future. But we are hearing arguments in this chamber these days which are part and parcel of a plea to abdicate our position as world leaders. Adding opposition to such a sure-fire transportation development as the SST to the arguments for our withdrawal from Asia and for our unilateral disarmament, it is plain to see that some Members apparently welcome the thought of the United States becoming a second rate or a third rate power in a far from peaceful world. The Russians already have surpassed us in the production of ICBM's; they outnumber our naval forces and are reaching for supremacy in almost every other area of military development and nuclear armaments. They are at least 5 years ahead of us in the development of a missile defense system which will prove to be a vital factor in any future balance of military power in the world. They also have a counterpart to our SST already flying which puts them one up on us in the area of domestic transportation.

Now, Mr. President, I plan to go into a rather detailed discussion of the merits of the proposal for spending $290 million at this time for the development of the SST. I further plan to answer some of the specific arguments raised by its opponents in the present Congress. But I do not want to move on to these specifics without emphasizing as strongly as I possibly can my belief that objections to the SST are part and parcel of a new attitude which spells a denial of progress and a rejection of needed change by some segments of the liberal community. Mr. President, this is "laissez-faire" with a vengence. This is not only "standpatism" but it is "head-in-the-sandism."

We hear an argument which says: OK, so that SST's are inevitable. What's the rush? Why can't we wait a few years until our economy is better able to withstand the expense?" The answer is simple enough. The rest of the world is not inclined to wait. The French and British and Russians are not about to call a halt to the development of their SST's to convenience a waiting policy by the United States. It would be like the Ford Motor Co. announcing that it had run into financial problems and was going to delay its 1971 model cars until things got straightened out. Far from following suit in such a situation, General Motors would move hard and fast to take advantage of it. The same thing applies to our development of an SST vis-a-vis efforts by European countries.

In this connection, Mr. President, the opponents of the SST are using the same type of arguments that were used in an effort to defeat the Safeguard ABM system last year. We are told, for example, that the French-British Concorde and the Russian TU-144—both SST prototypes—are not successful attempts in this area. We are told the same thing about the Russian ABM system called Galosh. Mr. President, I want to make it plain that I am not about to accept, without definite proof, the contentions that the technology of the French, British, and Russians is so deficient. But for the sake of argument, let us assume that the Concorde, the TU-144, and the Russian Galosh are entirely unworkable. This in itself would put them well ahead of the United States in strictly technological terms. At least they would have a good idea of what would not work and consequently have the data necessary for developing something that would.

They are our competitors and they are determined to reap the benefits from this tremendous new development in transportation as quickly as possible. They already have the jump on the United States and they undoubtedly will welcome any further delay on our part occasioned by a mistaken idea of national priorities.

I say a mistaken idea because development of the SST, to my way of thinking, provides one of the best answers to the major arguments that are being raised against it. Opponents claim that pressing domestic needs such as urban renewal and similar projects make the development of an SST a low-priority item, that the money for it should be rechanneled into attempts to solve some of our social requirements.

This is typical oversimplification. It lacks the correct conclusions which can be reached only through careful study and investigation of all the factors involved in the development of the SST. For example, industry estimates claim that the development of just a prototype program—the kind we are now being asked to approve—will provide direct employment for more than 20,000 persons in early 1971. What is more, the employment will not be entirely concentrated in any one section of the country. About half of the new jobs will be filled by persons working for subcontractors and material suppliers in many sections of the country. And this is only an initial employment figure. When the SST goes into commercial production, the program should employ in the neighborhood of 50,000 persons—half of which will again be employees of subcontractors and suppliers. Now, if the secondary—or what Government and industry officials refer to as the "multiplier"—effects are considered, the SST program should provide jobs for approximately 150,000 persons at its peak activity.

This number of jobs would have an enormous effect, and a beneficial effect on the kind of lagging economy which we are experiencing today.

And an important fact to bear in mind is that this money—for the prototype production, that is—is not a subsidy to private industry. It is an investment; an investment in the future; an investment in the beneficial dynamics of progress and change. Because the Government's share of the development costs will be repaid in full by the time 300 of the new planes have been sold. Not only that, but the Government investment will yield an additional $1 billion profit if sales should reach 500 planes.

Admittedly, there is a possibility that we will not produce the best supersonic transport to fill what is bound to be a tremendous worldwide demand. But on the basis of our record we stand the best chance. Again that old argument which starts out "any nation that can put a man on the moon and bring him back" certainly applies in this area of related technology. Arguments which say the SST should not be built because it probably would not work are self-defeating and stupid. By the same token, arguments to the effect that no such plane could ever be developed that would overcome the problem of airport noise, sonic booms and possible interference with atmospheric conditions must be made in the face of the kind of technology which perfected the Apollos 11 and 12. To a nation mindful of our accomplishments in the fields of nuclear fission, and space travel, the whole idea that American technology will be defeated by problems inherent in early considerations of supersonic travel has to appear ridiculous.

Mr. President, I think the opponents of the SST have been something less than honest with the American people when they contend that its development would produce sonic booms that would jolt entire communities and topple some flimsily built structures. The plain fact is that no one in the United States or any other populated area any place in the world will ever hear a sonic boom produced by an SST. The U.S. Department of Transportation has made that completely clear by assuring all critics that the SST will never be flown at supersonic speeds over populated areas. The entire SST program is based on the premise that the plane will only be accelerated through the sound barrier when it is over the ocean or over such unpopulated regions as the North Pole.

It may seem strange to people not acquainted with aviation that an aircraft designed to fly at over twice the speed of sound will actually fly at speeds much lower than the speed of sound. It has been my privilege to fly the SR-72 at mach 3.1, or faster than a rifle bullet, and in the final approach pattern the speed was lower than is used by any of our modern jets.

Seldom mentioned in speeches by the program's opponents is the fact that the SST's design is such that it can fly efficiently for hundreds of miles without ever exceeding the speed of sound. The plan is to prohibit an SST from exceeding supersonic speeds before it is 100 miles from the coast of any country from which it takes off. Actually, engineers estimate that at the cruise altitude of supersonic flight—60,000 to 70,000 feet—the boom created over the ocean would only be one twenty-fifth of the pressure required to break windows. So much for the arguments about sonic booms. Since no one in any American community will ever hear a sonic boom from an SST, the whole discussion is academic.

The problem of engine noise at the airport is another matter, however. The General Electric engines designed for the SST prototype will be the most powerful ever built. There will be 65,000 pounds of thrust in each engine. This is more horsepower than a full squadron of B-17's developed in World War II.

There can be no denial of the fact that at the present time they will create more noise than present engines. However, their enormous power will allow them to rise quickly on takeoff and the resultant engine sound will be less than today's jets at the same distance from the end of the airport. Engineers for the contracting company claim that using today's yardstick for the measurement of sound, the SST being designed for the United States would be significantly quieter than today's jets on both the climb-out and the approach path. They admit that the so-called sideline noise on the airport is still a problem. This is acknowledged by the Government, the Boeing Co., and General Electric, and all are concentrating intensive efforts on the development of new sound suppression devices. There is not a shred of doubt in my mind that American technical know-how will be equal to the task of overcoming this problem.

One of the arguments heard most frequently from the opponents of the SST poses the question of why private industry does not finance the investment entirely on its own and without help from the Government. The answer is that no private company has the kind of financial reserves that such a commitment would require. Development of two SST prototype planes will run about $1.5 billion. This is an amount equal to twice the net worth of the contracting company. The SST necessarily must be a joint venture with the Government, the

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manufacturer, and the airlines sharing both the risk and the reward. Present plans call for Government financing of about $1.2 billion. Boeing will commit $211 million for the prototype program, General Electric will put up $91 million and the airlines have invested $60 million. To provide a comparison, let me point out that Boeing's investment in the 707 prototype was only $16 million, but this was regarded as a tremendous risk to a private company years ago.

Mr. President, it might sound strange for a conservative to be arguing for Government assistance. But I remember reading that when the railroads were pushing west they did not have sufficient money and to entice them they were given every other section of land along the way, which remained in their possession and which constituted the greatest worth of the railroads in years. The Federal Government long has been a partner in the shipping industry and in other industries where it was impossible for companies to provide the initial financing.

But as I said earlier, we do live in a changing world. Progress and the implements of progress, like everything else, are selling on today's market at inflated prices. I might say we have our liberal friends to thank for this inflation because it resulted from the extravagance and inefficiency with which they operated the Federal Government for about three and a half decades.

Be that as it may, developments in transportation modes around the world are moving ahead at a pace which we cannot afford not to equal. It is sometimes argued that America does not need an SST; that subsonic jets are fast enough. The people using this are similar to those cynical Americans who in the early days of this century used to shout "get a horse" at every motorist they encountered. History shows that the traveling public has welcomed every new level of speed and comfort—from the fast, light "surrey with the fringe on top" to the 747 jet transport which is beginning to fly the "wide blue yonder" over America today. Flight times on long range over water routes will be cut by more than 50 percent when the SST becomes operational.

Our time-conscious travelers will welcome the increased speeds. They can be expected to demand it of airlines once supersonic travel becomes feasible anywhere in the world. So we can expect the principal world airlines, including those in the United States, to buy SSTs wherever they can get them in the near future. If only the British-French Concorde and the Russian TU-144 are available, then the biggest business ever placed by any transportation industry will go to foreign countries and not the United States. When you think of the amounts involved, this consideration becomes a factor in America's ailing balance-of-payments situation, in its employment picture, in its image as a world leader, as well as in its transportation capability.

Mr. PROXMIRE. Mr. President, I am delighted that I had a chance to be on the floor to hear the distinguished Senator from Arizona. He is a very fine person, he is always fair and thoughtful and considerate, and I think he makes an eloquent speech in support of the supersonic transport, which I, of course, strongly oppose.

I might say that, with all the eloquence of the Senator from Arizona—I think the real argument for the supersonic transport was made, in almost seconds, I would say, by the distinguished senior Senator from Washington a little earlier to day when I asked unanimous consent to take the floor for a few minutes after the Senator from Arizona yielded the floor. As I recall, the Senator from Washington said—and it was transparent what he was getting at—he could not be here, unfortunately. He could not stay to hear the speech on the supersonic transport because he had to be working on the HEW bill, and he said, "There is a lot of money in it for Wisconsin." The senior Senator from Washington and the junior Senator from Washington are the two best reasons for voting for the supersonic transport, and every Senator knows it. They are men of complete integrity. They are also men of great power and great authority. I think we all realize that they want the supersonic transport, and want it very badly. But I think we should be aware of the realities in this matter when we discuss the issue.

The second point I want to make, before I rebut some of the specific points made by the Senator from Arizona, is that it is interesting to hear the Senator from Arizona, who is the voice of conservatism in this body, and also in the country, and a very responsible and able voice, when he says the liberals are the ones who have their heads in the sand and are stand-patters and are opposing progress.

I might say that we have an ironic situation now which very few people in the press have discussed, and that is that the liberals are the ones who want to economize, who want to cut down spending in the areas where spending can be cut. The big expenditures for the past few years, and in fact, for some time, have been in the military area. The liberal Members of the Senate, by and large, are those who are opposed to wasteful and excessive military spending, who have introduced amendments, who have fought for cuts, who have voted to reduce spending proposals by the President, not only in the military area, not only in the SST area, but also in the space program and in many others.

On pages 4 and 5 of the speech which the Senator from Arizona has just delivered, he claims we should proceed with the SST because of its employment impact. He cites industry estimates that the SST will provide direct employment for more than 20,000 persons in 1971 and that ultimately, via the "multiplier effect," the number of jobs affected will exceed 150,000 at the peak—50,000 direct jobs, and 150,000 altogether.

The first answer to that is that if we are looking for a WPA job to put people to work, I would think that this would be a very expensive, inefficient way to do it. I think, with all due respect to the Senator from Arizona, the expert in this field is the Department of Labor. I wrote a letter to the Labor Department asking about the employment impact of the SST. I am going to ask permission to put that letter in the Record, but first let me quote briefly from it.

I asked the Department to give me an up-to-date estimate of the impact of proceeding with the SST on employment, in view of the changed employment situation, because when the Department of Labor gave the ad hoc committee an estimate in 1969, we had a different employment situation. At that time the Department said it was opposed to the SST, that the labor benefits would be insignificant; but I wanted the Department to bring that judgment up to date in view of the fact that unemployment has increased.

In the Department of Labor's letter to me of April 30, 1970, it said:

> While the employment situation has changed since I was involved in the evaluation of this program a year ago, we have no evidence which indicates much easing in the overall demand for professional and technical workers who might be involved in SST production.

The letter concludes with the statement that, No. 1, the net employment increase from the SST would be negligible; No. 2, the overall national demand for high-skilled professionals remains strong; and No. 3, SST production would do little to benefit those lower skill workers hardest hit by the current downturn.

Later on in his speech the Senator from Arizona stated that assuming the full goal of 500 planes sold is reached, the Government will recoup an additional $1 billion on its investment.

It is interesting to see what this $1 billion return really amounts to. It represents a 4.3-percent return on Government investment when we consider the number of years over which the investment is made and the rate at which the investment will be returned. I point out that the Federal Government is now paying 7 percent to 8 percent for its money. So a return of 4.3 percent, even if the optimum is achieved—and I challenge the assertion that we are going to have 500 planes in operation—even under the best circumstances the Government will not be getting its money in terms of what it has to pay to borrow money to finance the program.

Furthermore, what is more telling, when we compare the Government's return with the return of the private concerns that are involved here, we really see the injustice of the matter. While the Government is making 4.3 percent on those 500 planes, Boeing's return on its investment will be 15 percent, General Electric's will be 11.2 percent, and the airlines' will be 21.5 percent. This is some partnership. These figures are FAA figures, from a report issued in September 1969 by the Department of Transportation entitled "Summary of Current Economic Studies of the U.S. SST."

An estimate made by John Walgreen, former economist under Secretary McNamara, and now professor at Wheaton College, concludes that the Government's rate of return will be from 0 to 3 percent "unless large-scale sonic booms of heavily populated areas are expected to be acceptable."

Let me further point out that on page 7 of the speech by the Senator from

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Arizona he talks in terms of airlines sharing both the risk and the reward from this project.

First, it is incredible that any arrangement under which the Government pays 90 percent and private investors pay 10 percent can be considered a fair sharing of the risk. But what about reward? Does the Government at least get the lion's share of the profits? Of course not. Walgreen's paper works out some likely returns, based on varying assumptions.

Walgreen's analysis makes certain assumptions—that travel by air grows at 10 percent a year, which is the historic experience; that passengers value time at a rate equal to hourly earnings; that the SST's will cost about $40 million each and will weigh 675,000 pounds. Based on these assumptions, Walgreen estimates the number of planes sold at 139. If that number is sold, the Government will lose $1.183 billion on the project. At the same time, however, the private manufacturers will make a profit of $150 million on the SST. They would make a profit while the Government lost on the SST. Is this a fair sharing of the reward when the Government puts up 90 percent of the money?

Walgreen uses other assumptions and arrives at 225 planes sold and 443 planes sold, respectively. If 225 are sold, the Government will lose $552 million, while manufacturers will come out ahead $1.689 billion.

Finally, if 443 planes are sold, the Government comes out $1.05 billion ahead—this is where the FAA gets its estimate. But while the Government is struggling to make its $1 billion, the manufacturers are raking in a cool $6.495 billion. Some sharing.

So here is a heads I win, tails you lose proposition.

Furthermore, the main point, which I am not going to discuss in detail at all, has to do with environmental effects, which we found are increasingly dangerous, according to Mr. Train, former Interior Under Secretary, who is certainly one of the most widely recognized experts in the world on the environment.

But the main point is that what the Government can gain, what our society can gain, is so limited. The Senator from Arizona spoke about how we have competition with the Soviet Union, with the French, and with the English; but where is the benefit in this program?

Where is the benefit? It is true that a few people who fly overseas can save some time. They can save 3 or 4 hours, perhaps, in flying to London or Paris, or 8 or 10 hours if they fly to Asia. But this seems to be the sum and substance of the benefit. I have asked every witness—and we have had a number of them testifying in behalf of the SST—and they have come up with no real benefits. The Government would spend the substantial amount, this year, of $290 million, with no significant public benefit that we can find.

As we all know, President Nixon, in 1969, did appoint an ad hoc committee consisting of some of the outstanding members of his Cabinet and others—the Council of Economic Advisers, the Secretary of the Treasury, the Secretary of Labor, the President's Science Adviser, and many others—to give their judgment on the balance of payments.

Unanimously, they indicated that this was not a good investment. They were opposed to the investment. That is why I conclude reluctantly that while the distinguished Senators from Washington, though very fine and able men, have reasons which I think we can all understand to favor this program, it is a program which, it seems to me, it is very hard to justify.

Mr. President, I ask unanimous consent that the letters to which I have referred from the Department of Labor—there are two of them, one dated in 1969 and the other in 1970—be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., March 26, 1969.
Hon. JAMES M. BEGGS,
Under Secretary, Department of Transportation, Washington, D.C.

DEAR MR. BEGGS: As agreed at yesterday's meeting of the Ad Hoc Committee, this letter supersedes my letter of March 21. It is my understanding that the report of the Ad Hoc Review Committee on the SST will be made up of (a) the reports of the four working panels and (b) this and letters from other Committee members setting forth additional views and recommendations.

I wish to summarize for the record the oral comments which I made yesterday to Secretary Volpe as follows:

1. The range of uncertainty with respect to the economic benefits from the SST is such that no clear case can be made on economic grounds for proceeding with the SST development.

2. Technological spill over benefits appear to be negligible.

3. There are major environmental and social problems which have not been solved and which should be the subject of further intensive research before proceeding with prototype construction.

4. The effect of SST development on the balance of payments is likely to be negative because of the probable major increase in United States tourism abroad.

5. The net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels.

In addition, we would recommend that the responsibility for long term research and development activities related to supersonic flight should be shifted from the Federal Aviation Agency of the Department of Transportation to the National Aeronautics and Space Administration. The basic mission of the FAA, to insure safe and efficient commercial air travel, would appear to conflict with the responsibility for carrying out a major research and development program leading to the certification of a particular supersonic aircraft to be produced by a single commercial firm.

Finally, it would be our recommendation that currently available funds for SST development be applied in 1970 to further intensive research on the environmental hazards associated with the supersonic flight and to further refinement of the economic and market studies.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary of Manpower.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., April 30, 1970.
Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of April 14 in which you directed my attention once again to the supersonic transport program. While the employment situation has changed since I was involved in the evaluation of this program a year ago, we have no evidence which indicates much easing in the overall demand for professional and technical workers who might be involved in SST production. There has been, however, an increase in the supply of semiskilled and unskilled workers due to cutbacks in defense related industries and the space programs, among other industries. In the Seattle area, the cutbacks are beginning to include some professional and technical workers also.

Our field offices have indicated that workers with specialized aircraft skills and extensive experience—instrument, aircraft, and electrical engineers and other technicians—may remain unemployed for relatively long periods unless they migrate to, or seek jobs in, other areas. Workers in professional, technical, and scientific occupations will also suffer unemployment as a result of defense cutbacks in industry and Department of Defense installations, but these will be mostly in such areas as the Washington, D.C., suburbs and Albuquerque, New Mexico. These workers will generally be covered, at least initially, by unemployment insurance.

The local State employment offices are being encouraged to be more responsive to the job placement needs of the more highly skilled workers and of professional and technical workers, particularly to establish more precise procedures to compare job shortages and surpluses among the various labor market areas. The emphasis in recent years has been so heavily directed toward the disadvantaged workers that special capabilities will now have to be developed in some of the local employment offices to handle the needs of higher level workers.

Therefore, although the overall employment situation in the country has certainly shifted since last year, we would still conclude that,

(a) the net employment increase from the SST would be negligible;

(b) the overall national demand for high skill professionals remains strong, and

(c) SST production would do little to benefit those lower skill workers hardest hit by the current downturn.

As you know, the President, after weighing the entire range of views on the SST, has recommended to the Congress that development on an SST should proceed. Obviously, the employment effects of SST development were only one factor among many which he considered in making his final decision.

We have not been involved in any further review or discussions with respect to SST development since March of last year and are therefore in no position to comment on the status of other areas of concern which surfaced in that earlier review.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I listened very carefully to the statement of the distinguished Senator from Wisconsin. I do not think he has made an argument against the SST; I think his argument was against the financing.

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It may be that there are some inequities in the financing. However, I have seen figures completely opposite to the figures the Senator has used.

If there is opposition to the construction of this aircraft based on engineering or aerodynamics, or concerning the need, then I think we shall have to meet that some day; but if the Senator's figures merely show it is a bad financial deal for the Federal Government, and if that is true, then I would suggest that we can get together and figure out some other way to do it. But I have yet to hear anything that convinces me that this plane should not be built.

The Senator is asking for reasons; let me cite one. We now dominate the world's aircraft market, mainly because we have built faster and better airplanes since World War II.

The minute that some other country makes available a supersonic transport, our airlines are going to buy them. Airlines around the world are going to buy them; and once that happens, then our ability to control the so-called domestic-type market, the subsonic type market, is going to disappear; and while the Senator does not seem to show much interest in the unemployment created, we would have a real problem. I might say that, through the efforts of the distinguished Senator from Wisconsin, we have a large unemployment rate in the aircraft industry and the avionics industry today.

I do not argue that we should have a high rate of expenditures in the military or any other field just for the sake of keeping up employment, but I think it is a lot cheaper to keep a man on the job than to pay him unemployment compensation, regardless of whether you call it a WPA or not.

Mr. President, on the remark the Senator made about military spending, yesterday I put something in the Record that I want to read—it will take only a moment or two—that I think will sort of chase the bugaboo of military spending out the window.

In part, I said:

> Since President Nixon took office, our military spending has been declining. The projected military budget for fiscal 1971 is about 20 percent lower than the budget for similar expenditures in the last year under President Johnson. This makes allowance for the inflation of prices in that period. But no corresponding reduction has been made in other kinds of spending. For example, in the current 3-year period—fiscal year 1968 to fiscal year 1971—defense spending is being cut 9 percent, outlays for education and other social purposes boosted 47 percent, and all other Federal expenditures increased 21 percent. But the record of defense costs should probably be reviewed in a broader historical perspective:
>
> Immediately after World War II, the Military Establishment was largely dismantled and outlays fell precipitately from $80 billion in 1945 to between $11 and $13 billion annually from 1948 to 1950. This unilateral disarmament was one of the causes of the Korean action which shot defense costs up to $50 billion in 1953. Since that time, that is, between 1953 and fiscal year 1971 as proposed by the President, defense expenditures increased 49 percent—approximately equal to the simultaneous rate of price rise. Spending for health, education, welfare, and labor increase 944 percent; for all other functions 182 percent.
>
> More than half of the $129 billion increase in Federal expenditures between 1953 and 1971 was applied to social purposes, less than one-fifth to defense. Defense meanwhile shrank from 64 percent of the Federal budget to 36 percent, from 13.6 percent of gross national product to about 7.2 percent.

I mention that, Mr. President, because I have heard too often that military spending, for example, is the cause of inflation. It is not. It is the high rate of spending by the Federal Government in unrelated fields during a period of our economic history when we do not need a high rate of Federal spending, and we are now paying the piper.

This inflation we are going through was caused by the uncalled-for rate of spending in the Johnson administration; and thank goodness President Nixon is doing his best to cut it down, so that we can decrease the fires of inflation. But I deny the repeated statements made before the Committee on Foreign Relations by men who should know better that military spending is the cause of inflation.

I will be the first to admit that military spending can cause it. But it has not. Wars usually have as an aftermath inflation—I think mainly because we have not had the courage to adjust the price of gold at the end of each war period. We have not done it, and we have suffered inflation.

But I do not like military spending blamed for the inflation we have today. So I repeat, I hope during the continuing debate we will certainly have on this subject we can get a little more concrete opposition to what we are talking about, the SST. I would be very happy to sit down with my friend from Wisconsin at any time and talk about the financing, if he feels it is an unjust approach.

Mr. PROXMIRE. I see, Mr. President, that the hour is late. I shall try to be as concise as I can in responding to the Senator from Arizona; I have one or two other things I wish to put in the Record.

When we talk about the fact that military spending has been cut in the last couple of years, we have to recognize the fact that the Vietnam war has been deescalated. I think this administration deserves some credit for that, and I have tried to give them credit. We have withdrawn 115,000 troops, and eased up on our aggressive operations in Vietnam. The Secretary of Defense and others have indicated that we have cut spending there between $12 billion and $15 billion; but that peace dividend has evaporated by going into other military programs, apparently, because we certainly have not cut the military budget by $12 billion or $15 billion.

It is true that inflation is one reason why the military budget has not gone down as much as it should have. But when we talk about cutting overall spending, we cannot get away from the analysis by the Bureau of the Budget which showed that the kind of spending we can get at, the controllable spending, is limited to about $100 billion. The other $100 billion of our $200 billion budget is involved in interest on the national debt, in things like social security commitments and payments, contracts that we have to pay for, veterans' pensions, and that kind of thing.

Of that $100 billion that is controllable, between $70 billion and $75 billion of it is military spending. So we can talk about all these other programs which have passed the Senate, many of them unanimously or almost unanimously, like social security measures; but if we are going to talk about a realistic effort to cut back spending, we have to confront the fact that the military area is where the action is.

Mr. President, with relation to the SST, I am delighted to hear the Senator from Arizona—I think we made good progress this afternoon—say that he thinks we should sit down and discuss the financing and that he has an open mind on it. I would hope that he would then reserve his support for the SST when it comes before us, until we can have a good, hard look at that financing, to see whether it is fair to the Federal Government. I would hope that in the event he concludes that this allocation of profits and losses, which I have discussed in some detail this afternoon is true—if he finds that is true—he would then oppose the SST, or at least insist that before we appropriate $290 million for it, a fairer contract be worked out.

I might say that it is true that I confined my arguments on the SST to financing and labor costs. This was a rebuttal to parts of the very fine speech by the Senator from Arizona. It was not a comprehensive analysis of what is wrong with the SST. I did that a couple of weeks ago. I believe the Senator from Arizona was in the Chamber when I did it. I covered many areas—the environmental effect, the lack of purpose, the noise problem, which is so serious and which he discussed so ably and fairly today.

CONSUMER PRICE INDEX CONTINUES TO RISE

Mr. PROXMIRE. Mr. President, the Consumer Price Index—what is known as the cost-of-living index—for May has just been released.

Once again, consumer prices rose. They rose at an annual rate of 6 percent over the previous month of April. They are up 6.2 percent over a year ago.

Food prices, which ordinarily fall in May, are up by 0.4 percent over the previous month on a seasonably adjusted basis.

One other fact is very important in all of this. We hear a great deal of talk about how wages have pushed up prices. But the American wage earner—even with some large increases in hourly rates—is worse off today than he was 1 year ago. Figures just released indicate that average weekly earnings in real terms for a worker with three dependents have declined by 1.2 percent in May 1970 as against May of 1969.

These figures indicate that the anti-inflation policies have not worked. Prices continue to go up. The rate at which they are going up is not declining in any significant way. The wage earner, those on fixed incomes, the elderly, the poor, and the ordinary American citizens are taking it on the chin.

Even the big corporations are suffering. Corporate profits are down as costs have gone up. Stockholders have not only

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seen their dividends reduced, but also, as the market has fallen, their equity itself has declined.

In these circumstances, the President should act and act far more decisively than he indicated he would in his speech yesterday.

He should adopt stronger wage-price guidelines than he has indicated he will—as welcome as his initial program may be.

He should cut back dramatically on military spending, on space spending, and on unneeded items such as the SST. This would reduce spending, insure a Government surplus, reduce the pressures on interest rates, and restore confidence in the economy.

At the same time, the President must institute programs to channel a part of these funds into housing, antipollution and other programs to insure that those whose jobs are cut back by defense can be employed in these socially useful programs. This must be done with planning and intelligence.

At the moment, I see no indication that this job is being done and that there are any plans for the transition from a wartime to a peacetime economy.

I might point out that Mr. Herbert Stein, who is one of the members of the Council of Economic Advisers—and it is my understanding was given the principal responsibility or a responsibility of working for conversion from war to peace—indicated that there just is not any program that Congress or the people are going to be told about. The administration does not have a reconversion program. They do not have any program for putting to work people who are now in the military and who will be discharged, we hope, in future years.

I might also point out that the Joint Economic Committee unanimously—all the Republicans, all the Democrats, all the House Members, all the Senate Members—agreed that we should have a program, with jobs on the shelf, constructive jobs available, for people who will be thrown out of work or will be pushed out of work as we cut back in the military area, so that they can go to work.

There is an urgent need for a change in policies. We cannot continue attempting to stop inflation by inducing unemployment. That policy is wrong in itself. But it is also a failure, because it has not stopped or even slowed down inflation.

The time for action has come. The country will not continue to accept bad news month after month on both the job and the inflation fronts.

THE MAJORITY LEADER SPEAKS ON NATIONAL PRIORITIES

Mr. PROXMIRE. Mr. President, yesterday the members of the Subcommittee on Economy in Government of the Joint Economic Committee had the very real privilege of hearing the distinguished majority leader of the Senate, Senator Mansfield, outline his views on national priorities.

The great respect we all have for the majority leader is based on our recognition of him as a deeply thoughtful man, a man of conscience and conviction; in short, a true statesman. The majority leader is not a man to waste his words; when he speaks, he has something to say.

In his statement yesterday, Senator Mansfield had a great deal to say. First, he described the way in which we have poured resources into our Defense Establishment, wasting billions of dollars through sheer inefficiency and mismanagement in the process, while at the same time "we allowed the cities to rot—the slums to grow, and the ghettos to simmer and erupt." The majority leader then described the actions that the Congress, and the Senate in particular, have already taken to initiate a shift in spending priorities. Last year the Congress cut $5.6 billion from the administration's spending requests, with most of the cut taken from the military budget. At the same time, the Congress added money for health, education, manpower, and antipollution programs.

Yesterday, Senator Mansfield stated his conviction that this shift in national priorities must continue. In his succinct, yet nonetheless eloquent, words:

> The same measure of cooperation, dedication, and devotion that has characterized past investments in military programs and hardware must be applied with the same resolve and effect to the programs of human investment that are so vital now and in the future.

Mr. President, when the majority leader speaks, we listen, because we know that he is stating the conviction and the determination of the Democratic leadership in the Congress to do the job which must be done.

I ask unanimous consent to have printed in the Record the remarks of Senator Mansfield before the Subcommittee on Economy in Government.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR MIKE MANSFIELD

Gentleman, I first wish to thank you for extending me this opportunity. There is no single expert when it comes to assigning priorities or even for defining all of the various problems that confront us as a nation both at home and abroad. I do, however, profess certain notions about the order of things. And I prefer to look at them in terms of balance, of emphasis and choice.

Today we face perhaps the gravest choices of all. To be sure, militarily we are a strong nation. We are a nation that has produced a stockpile of weapons and weaponry sufficient to destroy the earth many times over. Since World War II, we have spent $1,250 billion on national defense. But the security of a nation cannot be measured solely by the amount of money spent on military hardware—even if each dollar spent were spent for weapons systems that worked. The decision to allocate so much of our resources for military might—in many cases purchasing military white elephants with a billion dollar price tag—has cost us dearly in terms of satisfying what to me are the essential ingredients of a healthy and secure society—good education and health, decent living conditions for all, a safe and clean environment and the absence of poverty. Over the years as we continued to build militarily, we allowed the cities to rot, we allowed the slums to grow and the ghettos to simmer and erupt. Only recently have we recognized that the whole fabric of our society has begun to unravel at the seams. Only recently have we begun to talk in terms of shifting the emphasis, of establishing a better balance with respect to these fundamental needs at home and our continuing involvements abroad.

It has been right here in this Committee, I might say, that much of the recognition was first indicated. It has been your efforts, Mr. Chairman and members of the Committee, that have done so much, I believe, to highlight the imbalance on the priorities scale. It is through your efforts that the public has become aware that out of $956 spent by our government for every man, woman and child, $400 goes to the Pentagon.

But size expenditure alone is not the only startling revelation; there is the immense waste that has accompanied our vast military disbursements and it is this gross inefficiency that has lent so much impetus to the struggle over priorities. For example, the additional $2 billion spent to correct wrong estimates on the C5-A cargo plane alone equalled almost all of the money spent on Health and Mental Health programs this year. It more than doubles the Administration request for federal urban renewal funds. It is more than eight times what the Administration requested last year for pollution control; more than eight times that requested for vocational education; more than 20 times that for education for the handicapped; and more than $600 million than was allocated last year for elementary and secondary education. And the C5-A is only one small example that tends to support the view of those who say that the Pentagon and its countless contractors have simply spilled money down the drain—enough wastage alone perhaps to fund adequately the needed pollution and environmental programs throughout the entire Federal Government. Maybe it overstates and over simplifies the matter but it clearly demonstrates the dilemma in which we find ourselves.

If my memory serves me correctly, the Chairman of this Committee made a statement a few months ago to the effect that the over-cost on weapon systems conservatively estimated and on the basis of information furnished by the General Accounting Office was somewhere in the vicinity of $21 billion. Now, one expects a certain amount of waste, but certainly when contracts are let which indicate such a tremendous over-cost and in some instances the Government going in and bailing out some of the contractors, then I think it is time for all of us to sit up and take notice.

That is not to say that the elimination of waste alone is enough. It is not. What is needed is change in basic attitude by government at all levels but especially at the federal level where the real meaning of a safe and healthy society must be considered anew.

The clear awareness that our resources are not unlimited, that our wealth is not endless is finally being understood. If it has proved anything, the war in Southeast Asia has established that fact beyond all doubt. That is why, also, the Congress last year went at least part of the way in attempting to respond both to the question of priorities and to the matter of our limited resources. First of all, it cut $5.6 billion from the President's overall budget requests for fiscal year 1970. Most of those cuts came out of programs sought by the Pentagon and the military requests for more weapons and weapon systems. It reduced the Foreign Air Program by the same sum—$1 billion. In turn, Congress added a small fraction of the savings—about $1 billion—to health and welfare needs, to education programs, to pollution programs, manpower programs and the like. This was not enough—not enough in terms of the areas where reductions were made or additions granted—but it was a beginning; it was an indication that the Congress and

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especially the Senate had begun to take the lead at long last in what I think is the right direction. Congress demonstrated that it was willing at least to face the issue of priorities.

But to complete the whole story, it should be said that not everyone was in agreement. After Congress had endeavored to face the question of priorities by slicing sharply the Defense budget and rechannelling a small fraction of the savings into health, welfare, education and environmental needs, the administration struck down the action with a veto of these vital additions to our most pressing domestic needs. That, gentlemen, is the real dilemma we in the Congress confront.

For it is one thing to grasp the question of balance and emphasis. It is another to implement a new order of priorities. We are only now recognizing those areas of domestic concern that have for too long been ignored in favor of a global concern based on a costly network of international agreements, commitments and policies established decades ago for circumstances that were then only marginally relevant and that today serve no purpose whatsoever. There are currently over 3 million Americans in uniform around the world. Secretary Laird recently stated that perhaps a one million man reduction could be achieved. There is simply no justification for the fact that about 1.5 million uniformed Americans are stationed overseas at more than 3,000 installations and bases. And with them are about 500,000 of their dependents. Take Western Europe alone. What is the sense of maintaining about 250,000 American troops there along with their dependents—25 years after World War II. This costs the taxpayer an exhorbitant amount—running into the billions each year.

As another example, since World War II we have spent $131 billion in total disbursements to foreign nations. In that same period we have spent little more than 1% of that sum in seeking the causes and prevention of crime. Yet today, I ask, what force is it that circumscribes our freedom of movement on the streets of every city in this nation? Certainly it is not a foreign power. It is crime right here at home. Crime is one of the most important issues facing our nation. Time and again our national advisory commissions on crime have warned that we must commit ourselves fully to winning the war on crime. But even this year there is budgeted only $480 million to help our states and local governments fight crime. That is about ¼ of the amount that was squandered on the C–5A cargo plane in cost overruns alone.

What I am saying is that as easily as we can recognize the problem areas, as clearly as we can point to the needs, we must be prepared as well to devote all that is needed to solve the problems and meet the needs. If we are told a missile system is necessary—but can't be assured it will work—we must be willing to judge independently its necessity and demand reasonable assurance of its operational capability or else be willing to eliminate it. If it means that a veto must be overridden, then we must override the veto. In any event the same measure of cooperation, dedication and devotion that has characterized past investments in military programs and hardware must be applied with the same resolve and effect to the porgrams of human investment that are so vital now and in the future.

With respect to our programs for education, health and poverty, we have always demanded that they prove effective or we eliminate the funds. In the case of a missile system that most feel will not work even if built to design, we insist that the money be spent regardless of the impediments. That can no longer be the practice. Let us apply the same standards in each case.

Let us as a nation make a contract to clean our rivers and our air, a contract to assure every American child a quality education, to assure every American pedestrian a safe street in which to walk, and a decent home in which to live. Let us assure all of the training and the skills needed for a decent job and then, Mr. Chairman, let us withstand the *overruns* on these contracts and commitments that will assuredly provide America with the security it has sought these past three decades. Thank you very much.

REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. PROXMIRE. Mr. President, I would like to add my voice to the growing cry for representation for the District of Columbia. It is tragic that Congress has for so long delayed action on such a vital issue as the right of all citizens to vote. This session marks the 20th time that the Congress has been faced with the pleas of the citizens of Washington that those citizens are victims of taxation without representation. Nineteen times—for 170 years these pleas have fallen on deaf ears.

Why has the Congress of the United States allowed its Capital City to remain a colony? What arguments can possibly be put forth which are more pressing, more significant than fundamental justice? For that is what is at issue here—when will we give all our citizens, the right to vote?

Who would deny that our Government must derive its powers from the consent of the governed? Yet for 170 years citizens of Washington have not been allowed to select those who make the laws under which they are governed. For 170 years citizens of Washington have had to fight and die in wars without having the fundamental democratic right to select representatives to Congress. For 170 years citizens of Washington have had to pay taxes which they have had no part in legitimizing. It is shameful that the Nation which considers itself to be the guardian of democracy should be the only democratic nation in the world whose capital is not represented in the national legislature. Here is our Capital where democracy should be strongest it is weakest. Here is our Capital where we should be setting an example for the free world we are caught up in meaningless delay.

Two tasks face Congress if we are ever to truly strengthen democracy in our Nation's Capital. First, we must give Washington full representation in Congress. And then, we must grant the District home rule. Today I take this time to urge my colleagues to undertake the first of these tasks—that of granting congressional representation to the District of Columbia.

Congressional representation for the District is a logical continuation of recent increased Government concern with voting rights. The abolition of the poll tax, the voting rights acts, the reapportionment decisions in the Supreme Court, and most recently the passage by Congress of the voting act which will give 18-year-olds the right to vote are all giant steps toward more equitable voting rights and procedures. Is it not about time that we extend these rights to the 815,000 potential voters in the District?

Mr. President, the League of Women Voters has gathered over a million and a quarter signatures from citiezns of all 50 of our States urging voting representation for District residents. The platforms of both the Democratic and Republican Parties in 1968 contained a plank supporting representation for the District. President Nixon in supporting such representation told Congress in a message last year:

> It should offend the democratic senses of this nation that the 850,000 citizens of its capital comprising a population larger than eleven of its states have no voice in Congress.

Groups with such diverse interests as the District Board of Trade, the American Civil Liberties Union, and the AFL–CIO are all united in their stand on the issue. Massive petitioning campaigns are underway here in the District. It would seem that conditions are finally ripe for a change that has been long overdue.

I urge my colleagues in the Senate to heed this growing public support and lend their support to the constitutional amendment now pending before the Judiciary Committee which would give the District of Columbia full representation. By full representation, I mean two Senators and as many Representatives as the District would be entitled if it were a State. There is no reason why residents of the District—as full citizens of this country—should have no or only partial representation in this Congress.

Of course, Mr. President, there are a whole series of arguments which have been used to rationalize the rejection of District representation plans. Some have claimed that since the District is not a State, it has no constitutional basis for electing a representative, others have said that its status as a unique Federal City must be protected or that many Washington residents are not permanent and could and should vote elsewhere. But Mr. President, all these arguments are dwarfed by a single major principle of the American Republic—that governments derive their power strictly and exclusively from the consent of the governed.

I would just like to take a moment to answer the toughest of the objections to District representation—the argument that the Founding Fathers did not intend for the District to be a State but rather envisioned a Federal City which had no right to congressional representation.

The Founding Fathers apparently spent little if any time discussing the future of the Nation's Capital. The fact is that an accident of history is the only reason the residents of Washington were disenfranchised. James Madison, one of the Constitution's principal architects, states in the Federalist, No. 43 that the Federal City should "of course, have their voice in the election of the Government which is to exercise authority over them." The Founding Fathers were not primarily concerned at the Constitutional Convention with a city that was but a series of cornfields, marshlands, alder bushes, and pasturelands. Besides, little could they have foreseen the large and complex city that Washington would become.

Today as one of the Nation's 10 largest cities, Washington is faced with the same overwhelming problems that face all American cities—crime, education, poverty, health, race, but Washington is the only city in the Nation that has no voice in attempting to solve its problems. While it is important that the District be given the right to seek local solutions to its problems in the form of home rule, it must at the very least be given a voice in the national effort to solve these problems in Congress.

Tragically 815,000 of our fellow citizens have no representatives to turn to with their concerns. If they turn to one of us we are not able to fully represent our constituents.

Periodically Washington citizens and newspapers have pleaded with Congress in the hope that this body would uphold the spirit of the Constitution and Declaration of Independence. One editorial supporting representation appeared in the Evening Star. It read in part:

> It is conceded that the best method by which Congress can regulate the capital as a city may vary somewhat in details, with altering circumstances, but there is no urgent, present necessity for a change in this respect. The more important question is, shall not the people of the District, who now largely exceed the number of persons represented by each member of the House, be admitted to the Union as citizens of a quasi-state, and be granted representation in the National Legislature, and the privilege of voting for President? Without disputing for the present the proposition, proved absurd by experience, that they do not need, as citizens of the District, distinct representation in the Congress as a local legislature because they are represented in that capacity by all Senators and Representatives, do they not, as citizens of the United States, assembled in sufficient numbers in a limited space and paying national taxes, require representation in the body which imposes and disburses these taxes?

It is tragic that Washington citizens have had to wait so long for simple, fundamental justice. It is tragic that the editorial I have just read was printed in 1888. Since 1888 Washington has obtained the privilege of voting for President. However, it still has no representation in Congress.

Mr. President, we would do best to remember that representative democracy exists only with the consent of the governed and that taxation without representation is tantamount to tyranny. How much longer will the citizens of Washington have to wait for their fundamental rights? Congress must act now to grant representation to the District of Columbia; 170 years is long enough.

PRESIDENT NIXON'S ADDRESS ON THE ECONOMY

Mr. PELL. Mr. President, I wish to respond briefly to President Nixon's message to the country on the condition of the economy and what his administration is—and is not—prepared to do about our steadily worsening condition. I will not attempt to comment in detail on his specific interpretations and proposals, which should be thoroughly and objectively analyzed before one makes decisions on the merits.

I agree fully with the President's position that there should be no attempt to play politics with the cost of living of the American people. It is because I agree that this issue is too important to the American people for partisan political approaches that I find the President's actual and implied criticisms of the Congress to be most unfortunate.

It has been said that the great weakness of government is postponement and delay. All too often action is deferred until is has needed doing for so long that, by the time we do move, it is already time to be doing something else. Certainly this may be said of economic policies during the past 18 months. For more than a year while inflation and unemployment climbed hand in hand—in itself a rare phenomenon—the President explicitly refused to use the educational powers of his office to urge restraint upon business and labor. He declined, he said, to engage in "jawboning." Others might have called it leadership.

From the beginning, the President and his advisers also rejected the voluntary guideposts devised through trial and error during the 8 years of the Kennedy-Johnson administrations.

"Our policies are working," they tell us. "In the long run, prices will come down." The trouble with such long-term policies, as the economist John Maynard Keynes once observed, is that "in the long run, we are all dead." How long can the American people be expected patiently to endure a situation which finds 5 percent of our labor force unemployed, the rate of inflation continuing at 6 percent or more a year, and interest rates at their highest level since the Civil War? How much proof does the administration need before it recognizes that something is drastically wrong with our economy and that something drastic must be done about it?

It is instructive to look at other efforts in recent decades to control inflation. We all remember, I am sure, that it was pressure from the White House which rolled back price increases on steel during President Kennedy's administration in 1962. Fewer recall, perhaps, that it was similar pressure a few weeks earlier which persuaded the steelworkers union to forego wage increases in a potentially inflationary economy.

We recall, too, that it was positive action from the White House in 1965 during President Johnson's administration which prevented sharp increases in the price of aluminum and copper. As more than one economic expert has observed, even evidence that the President is willing to act can have a powerful effect.

Experts may debate the exact degree to which the policies and actions of the two previous Democratic administrations contributed to actual control of inflation. But the inescapable fact is that action was taken—and the rate of inflation during those years was less than a third of what it is today. We cannot, of course, ignore the effects of Vietnam on our economy. But the troop buildup in Vietnam began in the summer of 1965, and 3½ years later, when President Nixon took office, the rate of inflation was still far less than half of what it is today.

The philosophy of "nixonomics" as some have termed it seems to be that if we can slow down business, stop the country's growth, and live with unemployment, then everything will become all right. Well, they have certainly achieved some of these objectives. Real growth in our gross national product has ceased entirely, if not actually declined. More and more experts agree that we are in the midst of a recession. The stock market is in the longest sustained slump since the 1930's. Unemployment continues to rise. Even without inflation, I would not call that "all right." But in the face of all this, inflation continues.

I congratulate the President, though, on bringing attention to the problem of productivity. Personally, I have always believed that the positive, constructive way to combat inflation is to increase productivity on the supply of goods in order to better sop up the available money. To my mind, this is a much more nationally advantageous policy than the raising of interest rates and, far worse, the encouragement of unemployment which are the present policies followed by the administration. Too many people forget that demand is only one-half of the demand-supply equation. Particularly at a time when unemployment is rising, and when there are indications that we are not using all of our productive capacity, more stress should be placed on increasing production.

There is much in the President's statement which will require careful study before one can hope to understand exactly what he intended to tell us. Unemployment, we were told, is the result of a nation in transition from war to peace. Inflation, however, is the result presumably of a wartime economy. But if the administration is in fact cutting-back on Government spending and rapidly reducing the level of warfare in Vietnam, why does not the rate of inflation go down as the rate of unemployment goes up? If, as the President suggests, the failure of this administration's policies results from underestimating "the inflationary thrust" of the 3 years preceding his taking office, why has it taken so long to make itself manifest? As I have already pointed out, the rate of inflation has been steadily increasing under this administration, in comparison with its predecessors.

The President informed us once more that he will not resort to public "denunciations" of individual companies or unions in the attempt to combat inflationary wage and price increases, but he tells us that the Council of Economic Advisers will now maintain an "inflation alert," citing outstanding specific cases of increases encouraging inflation and making those cases public knowledge.

I can only take this to mean that the President is opposed to "jaw-boning" because it does not work, but has ordered his Council of Economic Advisers to "jaw-bone."

The President asks the Congress, quite specifically, not to give him stand-by wage and price control authority. This, he suggests, would be "playing politics,"

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because the Congress knows that he would never exercise such authority, the implication is that we would be acting only to embarrass the President.

I think it is only fair to say that if the economic situation improves rapidly without controls, the President obviously will not be embarrassed. It is only if the economic situation continues to deteriorate, and the President then fails to use the authority granted to him by the Congress, that there will be embarrassment. Personally, what I am deeply interested in is seeing that the current inflationary spiral and the current downtrend in production and employment is ended.

As a member of the Foreign Relations Committee, I cannot refrain from speculating about how strong would be the President's objection to standby authority if the purpose of that authority were to give him a free hand to deploy troops in Asia.

The President expressed concern about the abandonment of our freedoms. When President Truman called for wage and price controls during the Korean war, the Senate Republican leader of that time stated that the program, if adopted, "probably means an end to economic freedom in the United States, perhaps forever." The country and the free enterprise system, however, survived the adoption of that program—and the Consumer Price Index, which rose 5.9 percent in 1951, gained less than 1 percent the following year. Indeed, it is entirely possible that the free enterprise system survived because of those controls, not despite them.

It seems to me that the time has come to act. I do not believe we can delay for a summer and fall of White House conferences and committee reports. We in this body, and our friends in the other house, have no power to force the President to act against his own judgment. Nor should we have. But we can give the President the authority and the power to impose selective wage and price controls, and I believe the time has come to do so. Whether he ultimately elects to use that power is a matter for his own conscience, his judgment, and the will of the American people.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon disposition of the reading of the Journal tomorrow, the able Senator from Ohio (Mr. Young) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER (Mr. Church). Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I make the following unanimous consent request:

Ordered, That the Senate proceed to vote at 2 p.m. on Monday, June 22, 1970, on the amendment of the Senator from West Virginia (Mr. Byrd), No. 708, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, with the debate after 1:00 p.m. on that date being equally divided and controlled by the Senator from West Virginia (Mr. Byrd) and the Senator from Idaho (Mr. Church), or their designees.

The PRESIDING OFFICER (Mr. Church). Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

STAR PRINTING OF S. 3941 AND ADDITIONAL COSPONSORS

Mr. GRIFFIN. Mr. President, through an inadvertence, a section of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings, introduced June 9 by the Senator from Pennsylvania (Mr. Schweiker), for himself and others, was omitted. I ask unanimous consent that a star print be made correcting this error. I also ask that at this printing the names of the Senator from Oregon (Mr. Hatfield), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. Mondale) and the Senator from Wisconsin (Mr. Nelson) be added as cosponsors.

The PRESIDING OFFICER (Mr. Church). Without objection, it is so ordered.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

PROPOSED AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR THE DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES—AMENDMENT

AMENDMENT NO. 711

Mr. GRIFFIN. On behalf of the senior Senator from Maryland and myself I submit an amendment to Senate Joint Resolution 1, the proposed constitutional amendment providing for the direct election of the President, which will replace the runoff election contingency. In the amendment as currently drafted, if the leading popular candidate fails to receive 40 percent of the vote, a second or runoff election must be held. This provision is a dangerous incentive to splinter party movements.

In order to gain tremendous political leverage, all that one or several splinter parties need do is attract 20 percent of the popular vote. Under the direct election amendment as written, the prospect of sectional or ideological parties crassly bargaining with the major parties in the first election or the runoff becomes too real. Widespread cynical dealing and permanent party fragmentation may cause the disappearance of our stable, two-party system as we know it today.

The amendment to be offered will help this possibility without in any way altering the popular vote concept of the direct election amendment. Under the amendment, if the frontrunner receives a majority of all the State's electoral votes he is elected President, even though he fails to gain 40 percent of the popular vote. No second- or third-place candidate in the popular vote can be elected this way; however, it allows a candidate who is the popular choice and who has widespread support amongst the States to win.

If the candidate leading in popular votes gathers neither 40 percent of the popular vote nor a majority of electoral votes, then the amendment would provide for a joint session of the newly chosen Congress to select the President from the two leading candidates in the popular election. Thus the new Congress, representing the most recent expression of the popular will and with each Representative and Senator having one vote, will openly choose one of the two major contenders.

The procedure provided by this amendment would provide for selection, just as accurately as in a runoff, a minority candidate for the President who has the widest base of popular support while it insures—as the runoff does not—that our party system will not crumble during times of stress.

Mr. President, I ask unanimous consent that separate views to the committee report as well as a summary analysis and the text of the amendment be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Church). The amendment will be received and printed and will lie on the table; and, without objection, the amendment, separate views, and summary analysis will be printed in the Record.

The amendment (No. 711) is as follows:

AMENDMENT NO. 711

Beginning with line 20, page 2, strike out all to and including line 4, page 3, and insert in lieu thereof the following:

"Sec. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress; such persons shall be declared elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die."

The separate views and summary analysis, presented by Mr. GRIFFIN, are as follows:

Report on the Direct Election Amendment to the Constitution—Separate Views of U.S. Senator Robert P. Griffin and U.S. Senator Joseph D. Tydings

Although we wholeheartedly endorse the direct election concept contained in S.J. Res. 1, we are concerned that the contingency for a runoff election in the event that the popular vote winner has less than 40 percent of the votes cast may encourage a proliferation of minor parties and consequently a breakdown of the two-party structure as we know it.

In order to preserve the framework of accommodation and compromise which has been the crucial unifying element in American politics, we offered an amendment in Committee retaining the basic popular vote concept while, at the same time, restricting the opportunity of minor party candidates to weaken significantly the two-party system. Essentially, our amendment substitutes an election by a Joint Session of Congress for the runoff contingency in S.J. Res. 1. However, the Congressional runoff we propose will occur only if the popular vote winner does not receive 40 percent of the popular vote or a majority of the electoral vote. The text of this proposal follows our statement.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 3, line 16, immediately after the period, insert the following new sentence: **"No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the third Tuesday after the first Monday in November of the year in which the election occurs."**

PROBLEMS WITH RUNOFF

In probing the justifications advanced for the popular runoff contingency in S.J. Res. 1, a number of disturbing, unanswered questions remain. How, for instance, do we account for the general consensus among political scientists that election of Governors and legislators by plurality vote, without a runoff, has definitely encouraged the two-party system? What relevance to the Committee proposal is there in the history of divisive, bitterly fought primary runoffs, particularly in the South, where the first election provides a testing ground for the strength of various ideologies? Even in statewide contests where only a plurality is required, four relatively strong parties have emerged in New York, thereby demonstrating the clout of minor parties.

While a runoff in the House of Representatives is possible under the present electoral system, the inhibiting effect of the unit rule has discouraged the proliferation of minor parties except for those having some type of regional base. Under the winner-take-all feature minor parties have thrown the election into the House only in the case of the 1824 election. Of the 46 Presidential elections since 1789, major third-party challenges have occurred in only eight contests.

Despite this record, popular vote totals in past elections are relied upon for formulating the 40 percent plurality requirement designed to minimize the possibility of runoffs. However, is the history of results under the present system, where a powerful deterrent exists to the entrance of minor parties on the political scene, good precedent for evaluating the success of an entirely new concept lacking the safeguards against ideological candidates?

These questions, in our opinion, can be satisfactorily answered only by altering the runoff contingency in order to strike a better balance between the need for direct public participation and the need for institutional stability.

Although it is possible for the present system to produce some peculiar and undesirable results as the Committee Report emphasizes, it is important not to lose sight of its strong points.

Since 1836 when the unit rule became the general standard in the States for allocating electoral votes, not one election has been sent to the House of Representatives due to the inability of any candidate to receive a majority of the electoral votes. The 1876 election went to the House only to determine which major party candidate should have received the 22 electoral votes in four States where the election returns were in dispute.

As emphasized during the Senate hearings by Professor Alexander Bickel of Yale Law School and former Presidntial assistant Richard Goodwin, the present electoral system restricts third party challenges to those candidates who have a strong regional base. The lack of such a base is illustrated by the demise of the Progressive Party. In 1924 Robert La Follette garnered 16.6 percent of the popular vote but carried only Wisconsin with its 13 electoral votes. Henry Wallace, running on the Progressive ticket in 1948, got 2.4 percent of the popular vote but won no electoral votes. That same year, Senator Thurmond, representing the regionally based States Rights Party, received the same percentage of the popular vote as Henry Wallace but collected 39 electoral votes. Of course, the impact of the States Rights Party can be seen today in George Wallace's American Independent Party.

The limitations of even solid regional support on a third party's efforts are strikingly demonstrated by going back to the 1860 election. Although the southern Democratic candidate, John Breckinridge, polled 72 electoral votes and John Bell of the constitutional Union Party polled 39, Abraham Lincoln won a mojority of the electoral vote with only 39.9 percent of the popular vote.

On the other hand, under the 40 percent plurality required for direct election, a minor party or combination of minor parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. The prospect of two minor party candidates, one regional and one ideological, amassing 20 percent of the vote is quite realistic in the near future of American politics.

In view of this attractive political framework, the direct election plan, as embodied in S.J. Res. 1, opens the door to public political bargaining with the most far-reaching consequences. Concessions wrung from major party candidates either before or after the first election would be made in a heated atmosphere conducive to the creation of public distrust. Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runner-up in the initial contest wins the runoff by wooing third-party support. In such a case, the question of legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

THE AMENDMENT

While we believe that the 40 percent requirement in S.J. Res. 1 has validity and provides a legitimate base of support, we are convinced that further protection is needed to insure that the 40 percent standard becomes the floor and not the ceiling for popular vote winners. At the same time, any move away from the runoff approach should be exercised with extreme care in order that the essential principle of direct election is not destroyed.

The amendment we propose is designed to accomplish these objectives. We are confident that, if adopted, it will not only strengthen the direct vote proposal but also will enhance its chances of being ratified by three-fourths of the State legislatures.

Importantly, our proposal does not differ from S.J. Res. 1 where at least one candidate receives 40 percent or more of the popular vote. However, instead of going immediately to a runoff election if no candidate polls the required 40 percent, the popular vote winner will still be elected provided he obtains a majority of the electoral vote. The contingency or runoff election before a Joint Session of Congress occurs only if the above conditions are not met.

Significantly, if this proposal had been incorporated in the Constitution from the outset, with all other things remaining equal, no Presidential election in our nation's history would have been decided by Congress. In fact, the popular vote winner would have become President in every election. Even under S.J. Res. 1, a popular vote runoff would have been required in the 1860 election where Abraham Lincoln received only 39.9 percent of the popular vote. Under our plan, Lincoln automatically would have become President since he received a majority of the electoral vote.

Two important functions are served by this amendment. First, it raises a substantial barrier to minor party candidates by requiring them to get at least 20 percent of the popular vote as well as requiring them to poll or divert enough electoral votes from the popular vote winner in order to prevent him from getting a majority of such vote. It does not offer the incentives of the present system where, under the Twelfth Amendment, a third party candidate participates in the contingent runoff election in the House of Representatives. *Under our proposal only the two highest vote getters will be considered in the election by a Joint Session of Congress.*

Second, the geographical base provided by a majority of the electoral vote will add a significant factor of legitimacy to the popular vote winner who receives less than 40 percent of the popular vote.

In considering this plan, it should be kept in mind that the electoral vote cannot put the popular vote loser or runner-up in the White House. In other words, a repeat of the 1888 election, where Benjamin Harrison became President with fewer popular votes than Grover Cleveland by having a majority of electoral votes, is not possible under our system.

Of course, it will still be true that Congress may elect the candidate with fewer popular votes than his opponent. But in such a case, it seems to us that the will of the people is more accurately reflected through the vote of their representatives than through the arbitrary allocation of electoral votes under the unit rule. In addition, where no candidate has a clear-cut preference among the voters, it would seem desirable that whoever is elected should start his term with at least a working majority in Congress.

Selection by the Congress in Joint Session with each member having one vote lessens the chance, we believe, of any maneuvering casting suspicion on the legitimacy of the outcome. In contrast to the present situation where each State has one vote in the House of Representatives, an independent obligation is placed on every member to exercise his vote in a reasonable manner.

In the event that Congress must elect the President, our amendment provides that the newly elected Congress shall meet in a Special Session on the first Monday in December. To do so will cut in half the time lag between the second election and the present November election date which would otherwise prevail if the Joint Session is held immediately after Congress assembles on January 3. A two-week period is provided from the November election before the results must be declared. This should be adequate time for completion of recounts and ballot challenges. If Congress determines that more time is needed, the initial election may be moved back from its traditional November date. By narrowing the time between the first and second elections, we are confident that the climate and opportunity for backroom bargaining will be substantially reduced. By moving the second runoff election to the first week in December the President-elect will be given more opportunity to organize his administration.

THREAT OF PARTY FRAGMENTATION

For many, substantial weakening of the two-party system would be a serious, if not crippling blow to the functioning of the American political process. A stable dual party structure serves many vital tasks of our democracy. Two stable parties provide the continuity of program needed to accomplish major change in a relatively slow-moving political process. Most important, with only two parties, there is a need to create a real majority or large plurality for electoral victory. This fact requires that each party provide a political program that attracts a broad spectrum of voters.

Of course, ours is a society that is in need of change and innovation in its policies and institutions. Many believe that the two-party system and barriers to third parties have impeded these needed reforms. However, historical precedent seems convincing that reform, if it is to be successful, is best directed within a major party. Only the major parties offer the strength of broad support and the structure of continuity that is a prerequisite for meaningful change. This is not to say, however, that the parties do not require major internal reform in order to allow change and challenge from within.

It is difficult to gather the support of large and differing groups in any party for significant change; but this is the cost of governing by consent rather than decree. The only other alternative in such a diverse society as ours is political fragmentation. And fragmentation without coercion will be stagnation.

In short, our political system desperately needs all its institutions that moderate conflict and provide for the means to change. The enactment of S.J. Res. 1 would alter the Presidential elections to encourage third parties and undermine one of the key institutions of conflict, resolution and change in our system. We believe our modification of S.J. Res. 1 combines the best features of the electoral and popular vote systems. It encourages accommodation while insuring that the President-elect directly reflects the vote of the people. While no Presidential election system can adequately encompass every interest in our complex society, we respectfully suggest that S.J. Res. 1 as amended by our proposal offers the best alternative.

SUMMARY ANALYSIS

The amendment retains the basic requirement in S.J. Res. 1 that a Presidential candidate must receive 40 percent of the popular vote in order to be elected. However, instead of having a popular runoff if no candidate gets the necessary 40 percent, the popular vote winner will be elected automatically if he wins a majority of the electoral vote.

If the popular vote winner does not receive 40 percent of the popular vote or a majority of the electoral vote then the newly elected Congress sitting in a Special Joint Session shall elect the President from among the two highest popular vote recipients. The Special Session will be held on the first Monday in December in the manner provided for by Congress. The election shall take place immediately after the assembling of Congress in Joint Session and after a quorum, consisting of three-fourths of the Members of Congress, has been attained. By a record vote the candidate receiving the most votes shall be elected President.

The Special Session shall be convened only for the purpose of electing the President and will not cut short any pending regular session or affect the powers or term of office of Members of Congress assembled for such a regular session.

An additional provision is included which allows Congress to set a Presidential election earlier, but not later, than the present date for such elections. In addition, the results of the popular election must be declared by the third Tuesday after the first Monday in November. Since Section 5 provides that a runoff election in Congress shall be held on the first Monday of December, at least a week will elapse between the formal declaration of the results and the second election. In the event that Congress determines there is not adequate time for recounts between the present November election date and the deadline for declaring the results an earlier date may be set for the initial election.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 19, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, June 18, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O keep my soul and deliver me; let me not be ashamed; for I put my trust in Thee. Psalm 25: 20.

Infinite and eternal God, whose way is life, whose work is truth, and whose will is love—let Thy presence abide in our hearts this day and all days, that seeking Thy life we may find it, searching for Thy truth we may discover it, and striving for Thy love we may possess it. Thus may we dwell together safely and securely, proving ourselves faithful to Thy trust in us.

We commend our country to Thy loving care and keeping. Guide our leaders in right paths and our people in true ways for Thy name's sake. Particularly do we pray for the men and women in our Armed Forces and for our prisoners of war. Strengthen them to endure what must be endured and give them hope for the end of conflict, for peace, and for a safe return to their loved ones.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

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The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3825. An act to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes.

LETTER FROM THE PRESIDENT OF THE REPUBLIC OF VENEZUELA

The SPEAKER laid before the House the following letter from the President of the Republic of Venezuela:

JUNE 8, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
Capitol Building, Washington, D.C.

MR. SPEAKER: On returning to Venezuela I wish to express my sincere gratitude for the generous reception you accorded me on the occasion of my visit to the Congress of the United States of America.

I can assure you, Mr. Speaker, that the privilege of having addressed the Joint Session of the Honorable Congress of your Nation, constitutes for me an unforgettable experience.

Cordially,

RAFAEL CALDERA.

THE HONORABLE ALLARD LOWENSTEIN

(Mr. TUNNEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TUNNEY. Mr. Speaker, since his election to the House of Representatives the gentleman from New York, AL LOWENSTEIN, has symbolized the type of leadership and vision that our country must have if it is going to be able to cope with the challenges that will confront us throughout the decade ahead.

The recent decision of the Oceanside Long Island High School Board not to allow him to speak at the high school commencement ceremonies, after the graduating class had indicated overwhelmingly that Congressman LOWENSTEIN was their choice, speaks volumes about the lack of understanding and commitment that the school board has to the generation of American youth that they are educating.

Congressman LOWENSTEIN has long been associated with the causes of progress and of hope that are of such passionate interest to our young people. He is a man of peace and of vision.

If we are ever to have true peace within our community of mankind, it will be brought about by the type of people who have been listening to what Congressman LOWENSTEIN and men of similar spirit have been saying.

The students at Oceanside High School will hear the Congressman, in a graduation ceremony that they have set up on their own.

The tragedy is that those who need to hear him the most, namely, the members of the school board, have refused even to listen.

OCEANSIDE SCHOOL BOARD MIGHT PROFIT FROM A HIGH SCHOOL CIVICS COURSE

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WALDIE. Mr. Speaker, a worse example of democracy in action could hardly have been demonstrated than the action that was taken by the Oceanside High School Board in Long Island, N.Y., when they rejected the results of a decision that had been extended to the student body of that high school to select a commencement speaker.

The student body voted overwhelmingly after being accorded the opportunity of determining the speaker they desired to address them at their commencement exercises, to invite the Congressman representing that district, the gentleman from New York (Mr. LOWENSTEIN).

The school board determined that the decision of the students involved a "controversial figure"; that "controversial figure" being the elected Representative of that particular district. They, therefore, denied their Congressman the opportunity to participate in the commencement exercises and denied the students their choice of speaker.

If there was ever a man in this country who has done more than any other to put out the fires of student violence and student unrest and to channel their energies into constructive channels and into the system, it is AL LOWENSTEIN.

He is noted and respected in the student community of this Nation for his counseling of nonviolence and for his urging students to enter into constructive channels to express their frustrations and their alienations and their dissent.

If AL LOWENSTEIN is "controversial" it is because the extremists who counsel violence and destruction find his opposition to their views to be too effective.

So it is regretful that the school board was so intolerant with the desire of the students and portrayed to them as miserable and as poor an example of the workings of democracy as their decision in this instance did.

Not only do the students who have been treated as children by their school board now have cause to believe the increasingly common charge that the system is in charge of timid and unresponsive people, but the Oceanside School Board has sided with the student extremists in this land who condemn the moderate counsel AL LOWENSTEIN has been giving on the campuses of this land.

SCHOOL BOARD REJECTS CONGRESSMAN LOWENSTEIN AS COMMENCEMENT DAY SPEAKER

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. I want to join with my colleagues today in deploring what happened at Oceanside school when the school board refused to allow the elected Representative from that area, Mr. ALLARD LOWENSTEIN to make the commencement address.

This is a man who is trying throughout the country to bring students into the system. For example, he was just awarded the Notre Dame Senior Fellow Award that is annually awarded by the Notre Dame senior class, to prominent Americans. He also addressed Harvard University this year on the occasion of their annual class day. The tragedy of this refusal is compounded by the fact that Mr. LOWENSTEIN is the elected Representative of the congressional district in which the school is located. How ridiculous to say he could be considered so controversial that the young people in his district should not listen to him. I think all of us in the House—liberals, conservatives, Republicans and Democrats, of whatever persuasion we may be—would find it to be a terrible thing if certain people in our districts were given the power to say that their elected Representative was someone who could not be heard on local public school property after the school had invited him to come. I hope this school board will reconsider its censorship of a fine public official, ALLARD K. LOWENSTEIN, of the Fifth District of New York.

THE CONTRIBUTIONS TO DOMESTIC TRANQUILLITY OF CONGRESSMAN ALLARD LOWENSTEIN

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, I would like to join in the expressions of esteem expressed here today for our colleague, ALLARD LOWENSTEIN.

This Nation has lately suffered a crisis in the loss of confidence of our youth in our Government and the laws that that Government administers. Hopefully, that crisis period is now ending as our young people turn to action within the system and turn away from those who urge rebellion against it.

Perhaps more than any one of the 537 elected national leaders that serve here—in the White House and in the Congress—AL LOWENSTEIN has been responsible for keeping the faith of millions of young people alive during these last several years of national debate and probing self-scrutiny. During a period when students have seen the successive assassinations of three great national leaders, AL has worked tirelessly and selflessly to preserve law and order on campuses all over the United States. He has counseled nonviolence and obedience to the law in places and circumstances where to do so involved far more than his credibility—indeed, his personal safety. Considering his conduct against the rigors and challenges of combat which some in this House have experienced, I think AL's leadership and courage during these past several years have been of the highest order. His example has been of immeasurable benefit to this Nation during a period we may one day view as being of an importance to our institutional survival comparable to those years between 1776 and 1789, or 1861 and 1865.

ROCKEFELLER FOR PRESIDENT

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr.

Speaker, today marks the 33d birthday of a man who is destined to be a future President of the United States.

West Virginia is proud of its young Secretary of State, the Honorable John D. Rockefeller IV. And as the rest of the Nation gets to know him better, I am confident they will recognize in him the qualities which are needed in a Chief Executive.

In 1966, Jay Rockefeller was elected to the house of delegates of the West Virginia State Legislature by a huge majority, and he led the ticket both in the primary and the general election. In 1968, in his first run for statewide office, Mr. Rockefeller amassed a vote of 433,142 to 277,877 against a formidable and respected opponent. I dare say that the action of the House of Representatives yesterday in sending the 18-year-old vote legislation to the White House will enhance Mr. Rockefeller's standing with voters everywhere, because of his very strong appeal to young people. In scores of appearances on high school and college campuses and before youth groups, his keen awareness of human problems and ability to recognize the winds of change have inspired the confidence of young people everywhere.

We should not overlook the fact that the qualities of a First Lady are clearly present in Mrs. Rockefeller, the lovely and talented daughter of U.S. Senator Charles Percy of Illinois.

Jay Rockefeller is as tall as Rogers Morton, he has the athletic build of Gerry Ford, the judicious spirit of Bill McCulloch, and the fearless attitude toward national priorities of Chuck Whalen and Pete McCloskey, but we are all proud on this side of the aisle of the fact that this Rockefeller is a Democrat.

So happy birthday to the future Governor of West Virginia, a future President of the United States, the Honorable John D. Rockefeller IV.

APPOINTMENT OF CONFEREES ON S. 1519, NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1519), to establish a National Commission on Libraries and Information Science, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. Perkins, Brademas, Mrs. Mink, and Messrs. Reid of New York and Steiger of Wisconsin.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON PUBLIC WORKS AND ATOMIC ENERGY APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Thursday, June 18, to file a privileged report on the Public Works and Atomic Energy Commission appropriation bill for the fiscal year 1971.

Mr. RHODES, of Arizona, reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MAKING IN ORDER CONSIDERATION OF JOINT RESOLUTION FOR CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day next week to consider a joint resolution making continuing appropriations for the fiscal year 1971.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, this appears to be an appropriate time to try to get some information as to what the future holds for the Members of the House of Representatives. I do not know how many continuing resolutions we will have this year. On occasion we hear that the desire is to adjourn at a reasonably early date so we can get to our districts. Every Member of the House has a campaign this year and a third of the Members of the other body have campaigns. I am interested in the House at the moment. Earlier this year it was reported that we would be out of here around Labor Day, and then a few days ago we were told we may very well be in session in December, or even January of next year, preceding the date of the convening of the 92d Congress.

Is there anyone who can give us any idea what we might logically look forward to as a matter of being in session? As long as we pass continuing resolutions, we are going to be in session, it seems to me. That has been the experience of the past.

I wonder if our distinguished majority leader could give us any indication at all as to what the future holds for us as to being in session.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I would like to give some brief background information on the status of the appropriation bills. I am certain the majority leader would also wish to respond.

STATUS OF THE APPROPRIATION BILLS

The Committee on Appropriations, this morning, reported the public works-AEC appropriation bill for 1971. Members can now get copies of the report and the bill from the committee rooms. It is scheduled, I believe, by the leadership for floor consideration next Wednesday.

That would mean we would, then, lack in the House, action on only two appropriation bills for fiscal 1971. One, the Labor-HEW bill—and we have already passed the education part. We expect to report that bill in the early part of July.

That would leave one more annual appropriation bill to be reported for 1971—Defense. There has been considerable controversy over the content of the defense authorization bill. The House has passed it, but the Senate has not. There is some considerable divergence of opinion between the House and the Senate committee. So, until the situation on the authorization is better clarified, it would seem unwise to bring in the defense appropriation bill—at least for a few weeks yet. I might add that the appropriation hearings in the House committee are completed.

Now, with respect to the position of the bills which have passed the House, the second supplemental appropriation bill for 1970, which contains in excess of $6 billion in addition to several important provisions otherwise, has been on the calendar of the other body since June 8.

The education appropriation bill for 1971, which passed the House April 14, has been on the calendar of the other body since May 15.

The District of Columbia appropriation bill for 1971, which passed the House on June 4, was I believe reported in the other body yesterday.

The Interior appropriation bill for 1971 is, I believe, scheduled for mark up in committee of the other body today.

On the agriculture appropriation bill for 1971, I am informed that committee hearings in the other body have been completed.

On the independent offices-Housing and Urban Development bill for 1971, I understand that committee hearings in the other body have been completed and that it is scheduled to be marked up in committee next week.

On the legislative and Treasury-Post Office appropriation bills for 1971, I understand that committee hearings in the other body are completed.

On the State-Justice-Commerce-judiciary bill for 1971, I understand that committee hearings in the other body may be about to conclude.

On the Labor-HEW bill for 1971, aside from the education items which are in a separate bill, I am advised that committee hearings in the other body began on Tuesday, June 16.

In respect to the Defense appropriation bill for 1971, I understand that committee hearings in the other body have been completed except perhaps for relatively brief hearings after the House acts on that bill.

On the public works-AEC appropriation bill for 1971, which as I indicated earlier the House will probably consider next Wednesday, I am advised that hearings are completed in committee in the other body except perhaps for a day or two or so after the House acts.

Three of the bills for 1971—foreign assistance, military construction, and transportation—are in committee in the other body. I have no information about the status of hearings on those bills.

But may I add, Mr. Speaker, that from the information which I have recited, it seems to me that the Committee on Appropriations in the other body is in position to make it highly possible that we shall see several of the bills cleared through conference in the month of July.

Mr. GROSS. Let me say to the distinguished chairman of the Appropriations Committee that I have no criticism of the Appropriations Committee, because it has this year expedited the bringing out of the appropriation bills. The criticism, if any, belongs to the other body, which up to this point has been dragging its feet in considering the bills that have been sent over the House—appropriation bills in particular.

I have no criticism of the Appropriations Committee.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield further.

Mr. MAHON. I appreciate the gentleman's attitude. I can understand it perfectly. I believe there is much wisdom in what the gentleman has said.

It is the thinking of the Committee on Appropriations—certainly, my thinking and my high hope—that the other body in July will very probably pass a considerable number of the appropriation bills, and if so, we hope that many of the appropriation bills will be finalized by Congress during July. We have thus recommended a continuing resolution for the month of July only.

I am sure the gentleman would like to hear, as we all would, from the majority leader as to the prospective date of adjournment.

Mr. GROSS. Yes.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the distinguished majority leader, who has had time to cogitate on this problem.

Mr. ALBERT. First I wish to join the gentleman from Iowa in emphasizing and reemphasizing the fact that there is certainly no quarrel with the Committee on Appropriations of the House. It has expedited its business. It has brought out bills regularly and on schedule. The only one which might be slightly delayed is the one on which authorization has not been agreed upon between the two bodies.

Beyond that, I would say to the gentleman that the key, of course, to getting out is the disposition of all appropriation bills in both bodies and through conference. I can only say that so far as I can see at this time I see no chance of adjourning the two Houses by Labor Day. I just do not think we will.

I should like to say, beyond that, that speculation, as to when the House will get through is always somewhat dangerous, but speculating as to when any other body will get through is completely disastrous.

Mr. GROSS. Would the distinguished majority leader think that there might be a recess in August, to permit the other body to improve its footwork in expediting legislation?

Mr. ALBERT. We are moving in that direction. My own judgment—and I still must speak with the Speaker and the distinguished minority leader on this subject—is I think we will work out an August recess.

Mr. GROSS. Of course, the distinguished majority leader knows it is impossible to lay out any plans for a recess in August unless we are given some advance notice.

Mr. ALBERT. If the gentleman will yield further, I hope when we announce the program today we can be a little more explicit.

Mr. GROSS. I thank the gentleman. I thank both gentlemen.

Mr. Speaker, I withdraw my reservation.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

STATUS OF 1971 APPROPRIATION BILLS

(Mr. BOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, as of today we have sent 11 of 14 1971 appropriation bills to the Senate as well as the second 1970 supplemental appropriation bill; all except public works, Labor-HEW, and Defense.

We hope to bring public works to the floor next week, Labor-HEW to the floor the week of July 6, and complete action on Defense as promptly as possible.

The Senate has reported only three bills to date—education, District of Columbia, and the second supplemental.

We hope to proceed with conferences as soon as the other body will complete their consideration of these three and the other bills.

In the meantime, the agencies of the Federal Government must continue to function. This continuing resolution will provide for this—nothing more—it is the traditional language and contains nothing new or unusual.

It provides for continued operation of the Federal Government through July 31. We hope that this date will serve to encourage the other body to act as promptly as possible.

OCEANSIDE SCHOOL DISTRICT REFUSAL TO PERMIT CONGRESSMAN LOWENSTEIN TO SPEAK AT COMMENCEMENT

(Mr. MIKVA asked and was given permission to address the House for 1 minute.)

Mr. MIKVA. Mr. Speaker, I was distressed to hear that the Oceanside School District found reason to "disinvite" our colleague, Congressman Lowenstein of New York, to speak at the commencement address at the high school, notwithstanding the fact that the overwhelming majority of the student body wanted his presence. I know of no better way to turn young people off about democracy than that kind of conduct on the part of the school board.

I would remind them to take some comfort from Milton, in his "Aeropagitica," when he reminded us that in a fair fight between truth and falsehood, truth will always win out.

Or, perhaps that is what worries the school board of Oceanside.

OCEANSIDE SCHOOL DISTRICT REFUSAL TO PERMIT CONGRESSMAN LOWENSTEIN TO SPEAK AT COMMENCEMENT

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, I rise on the same subject, and to express my concern about the occasion of our distinguished colleague, the gentleman from New York (Mr. Lowenstein), who had been invited to speak at the Oceanside High School at its graduation by a two-thirds vote of the members, being turned down at the instance of the school board.

The students were directed to submit a list of noncontroversial potential speakers on which the principal would make the final decision. I wonder from whom that group would be chosen—the silent majority? And should the speech consist of 15 minutes of courageous silence by the speaker at that graduation exercise? It seems to me that controversy is the basis of both of the two legs of our democratic system: that is representative democracy and the common law. It is only on the forge of controversy that truth is annealed and hammered out.

OCEANSIDE HIGH SCHOOL CONTROVERSY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I am disturbed over the recent action taken by Oceanside High School in New York. This school is in the district of my distinguished colleague, Mr. Lowenstein. A group of seniors at Oceanside asked the school administration to have Mr. Lowenstein speak at commencement exercises. At the request of the principal, a referendum was taken by the students who voted 386 to 204 to invite their Congressman.

In the wake of this vote, taken through the democratic processes that we encourage our young people to honor and respect, the principal changed his mind. He did so after a public meeting of the school board indicated that Mr. Lowenstein's presence would cause a controversy in the school district.

As a result of this series of events, the graduating class has decided to hold their own ceremony to which they have invited their Congressman.

Mr. Speaker, there is a much bigger issue here than just whether our colleague speaks at Oceanside. It affects all of us. Very simply, Oceanside's seniors have just had a lesson in "how government works." I think my colleagues know what their reaction will be when they are next told to work within the system. I deeply regret what happened and I hope this body is equally disturbed.

XUM

ANNUAL REPORT OF ACTIVITIES UNDER PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-352)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed with illustrations:

To the Congress of the United States:

The annual report on activities under Public Law 480—which I transmit herewith—reflects the efforts and progress made during 1969 toward the Food for Peace Program's dual goals of agricultural trade development and assistance.

Food for Peace, which completed its fifteenth year of operation during 1969, is a landmark among humanitarian efforts to improve diets in the developing areas of the world. It plays an important part in the work of developing nations to improve their own agricultural production, marketing, and distribution. Although many of these countries are becoming better able to feed their people the need for substantial food assistance continues.

The Food for Peace Program enables the United States to pursue its food assistance goals and development objectives in a number of ways: bilaterally, through concessional sales programs and government-administered donations programs; privately, through religious and charitable voluntary agencies such as CARE; multilaterally, through institutions such as the World Food Program.

In addition, local currencies generated through Title I concessional sales and received through repayments of earlier loans continue to provide balance of payments benefits to the United States by permitting expenditures of U.S.-owned currencies rather than dollars in many countries. Such currencies have also been used to finance projects undertaken to increase our commercial sales of agricultural commodities, and thereby helped to develop an increased market for U.S. agricultural products. These projects helped in 1969 to reverse the downward trend of U.S. farm exports in recent years.

The Food for Peace Program enables the enormous technological capability and productive capacity of American agriculture to be utilized to assist low income countries in developing their agricultural sectors, and in feeding their citizens while they still require outside help in doing so. This Administration pledges to continue its efforts toward achieving the goals of this program.

RICHARD NIXON.

THE WHITE HOUSE, *June 18, 1970.*

CALL OF THE HOUSE

Mr. CUNNINGHAM. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 178]

Adair
Anderson, Tenn.
Ashley
Beall, Md.
Bray
Brock
Burton, Utah
Bush
Celler
Chisholm
Clark
Cowger
Cramer
Daddario
Daniels, N.J.
Dawson
Dent
Erlenborn
Ford, William D.
Foreman
Fraser
Gallagher
Gaydos
Gilbert
Griffin
Hébert
Heckler, Mass.
Hull
Jones, Ala.
King
Kirwan
Lennon
Long, La.
McCarthy
McMillan
Mailliard
Minshall
Morton
Nedzi
O'Neal, Ga.
Ottinger
Pelly
Poage
Pollock
Powell
Preyer, N.C.
Roe
Rooney, N.Y.
Rosenthal
Roudebush
Roybal
Scheuer
Schwengel
Smith, Calif.
Springer
Stokes
Stratton
Stuckey
Ullman
Vander Jagt
Whalley
Wilson, Charles H.
Zablocki
Zion

The SPEAKER. On this rollcall 364 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17070, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday it had been agreed that section 102, ending on line 4, page 293, of the committee substitute, be considered as read and open to amendment at any point.

AMENDMENT OFFERED BY MR. OLSEN

Mr. OLSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN: On page 174, beginning in line 5, amend subsection (c) (1) of section 201, to read as follows:

"'(c) (1) Notwithstanding any other provision of this title or any provision of a collective bargaining agreement negotiated under subchapter II of this chapter, the provisions of title 5 relating to a "preference eligible", as that term is defined under section 2108(3) of title 5, as those provisions may from time to time be amended, shall apply to an applicant for appointment in the Postal Service in the same manner and under the same conditions required for an applicant for appointment to a position in the competitive service under title 5 and shall apply to an employee of the Postal Service in the same manner and under the same conditions as if the employee were in the competitive service and subject to the provisions of title 5. Without compromising its basic mission, the Postal Service shall pursue an employment policy designed to extend opportunity to the disadvantaged and the handicapped.'"

Mr. OLSEN. Mr. Chairman, the purpose of the amendment is to clarify and maintain all of the veterans' preference rights that presently exist in the law.

We want to clarify and maintain those right of veterans' rights after the employees in this new organization have been removed from the competitive civil service by the postal reorganization legislation.

The bill, as it stands now, is particularly and may be purposely, although I do not charge that—but it is particularly vague as to the rights of veterans entering the Postal Service.

Veterans applying for jobs in the Postal Service should have the same rights as veterans entering the regular competitive civil service in the Government.

If you believe in the preference rights of veterans as regards the Postal Service, in the matter of employment and reemployment and on returning from military service and the rights of appeal that veterans have concerning adverse actions and releasing of employees when reductions in the work force occur, then I urge that you support my amendment so the preference rights of postal service veterans cannot be negotiated away in future collective bargaining.

This amendment is purely and simply to maintain the present well-established preference rights of veterans.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. GRAY. I want to commend my distinguished friend, the gentleman from Montana, for offering this amendment and offer my support. We all want to support our veterans' preference.

Mr. OLSEN. I thank my colleague.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PURCELL

Mr. PURCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PURCELL: On page 177, delete lines 19 to 24, and on page 178 delete lines 1 to 3. Insert beginning on line 19, page 177, the following:

"It shall be the policy of the Postal Service to maintain compensation and benefits for all employees on a standard of camparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. Such policy may be applied on an area basis, in which event the Postal Service, consistent with subchapter II of this chapter and collective bargaining agreements, shall define the boundaries of any such wage area. It shall be the policy of the Postal Service to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and managerial employees."

Mr. PURCELL. Mr. Chairman, I rise to address myself to section 205 of the pending legislation entitled "Policy on Compensation and Benefits."

This amendment I have just offered would simply permit negotiation of area wage differentials through the collective bargaining process, rather than making such differentials statutory.

Under the present language of the bill, as reported out by the House Post Office and Civil Services Committee, area wage differentials would be mandatory, not permissive.

The pertinent language in the bill, without this amendment, reads:

> It shall be the policy of the Postal Service to maintain for each wage area compensation and benefits for all employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy in the corresponding wage area.

This amendment would change the pertinent language to read:

> It shall be the policy of the Postal Service to maintain compensation and benefits paid for comparable levels of work in the private sector of the economy. Such policy may be applied on an area basis, in which event the Postal Service, consistent with subchapter II of this Chapter and collective bargaining agreements, shall define the boundaries of any such wage area.

This amendment is a constructive one and I support it without reservation.

There can be little doubt, Mr. Chairman, that area wage differentials would go far toward resolving some of the inequities that brought about the recent mail work stoppage in New York and other urban areas.

During the depression years the job of postal clerk or postal letter carrier was envied and sought after because the wage—compared to wages paid in what was left of private enterprise—was extremely good.

But, for too long after that depression, wages stayed more or less where they were, while industrial salaries increased a great deal.

In some communities in this country, postmen are still regarded as making a fairly adequate wage. The reason, of course, is that the cost of living in those communities, though high, is not nearly as high as it is in some other parts of the country, in our sprawling metropolitan centers particularly.

I, for one, cannot conceive of how a letter carrier in New York, with a family of five, can possibly survive on $6,548 a year—which is the basic wage for a level 5 carrier, including the 6-percent raise recently enacted by the Congress.

This discrepancy in ability to pay for basic needs is a fundamental fault of the present postal system. The system is an anachronism and as out of date as it can be. I think it is as out of date as the 2-cent stamp.

So, I am much in favor of postal employees having the right to bargain for badly needed area wage scales.

But I do not believe that as a matter of law, the Department should be compelled to establish area wage systems in all areas of the country. I think it is a negotiable issue as to where such scales should be established and where they should not, as well as to what the area wage scale should be and where the boundaries should be on the area covered.

I urge each of my colleagues to support this amendment and the language on this issue, as I will do and I know many others will do.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Arizona.

Mr. UDALL. I want to commend the gentleman from Texas on offering his amendment, which strikes at a very vital area of the bill. It is the kind of middle ground I would expect the gentleman from Texas to take. Under the bill as now written you must have area wages. In the bill area wages are mandatory. The gentleman from Florida (Mr. Gibbons) I understand will offer a substitute which will say that in no place can you have area wages; in no part of the country, under any circumstances, may there be area wages. The gentleman's amendment takes the middle ground. This is an amendment that comes between the position of management and the position of the postal unions as to whether we will have area wages and, if so, where we will have them. I think this is a sensible middle ground, and I support the amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. McCormack, and by unanimous consent, Mr. Purcell was allowed to proceed for 3 additional minutes.)

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Chairman, I thank my illustrious colleague, the gentleman from Texas, for yielding, but I want to ask a couple questions.

First, since the gentleman from Arizona has stated that the bill under consideration, if enacted as written, would provide compulsory wage area determinations, may I ask the gentleman what the current and historical practice has been. Is it true that it is equal pay for equal work? In other words, the man doing the same work in Texas as his counterpart in San Francisco receives the same wage rate?

Mr. PURCELL. That is the present law.

Mr. GONZALEZ. Then may I ask another question. Did this committee take into consideration the long and sorry experience of area wage boards in the other categories of blue collar work in the civil service and in the wage board areas on the civilian payroll, such as the Navy wage boards and the Army Air Force wage boards? Is there any evidence—I did not see any in the committee report—that this committee studied the history and the terrible situation that exists now, and that two Presidents have indicated should be corrected, with respect to this precise question of wage board area determinations?

Mr. PURCELL. The committee certainly did study all aspects, I feel, of the wage problem that we had in all of the civil service matters, and as I indicated, as the board now is, it has this mandatory requirement.

Mr. GONZALEZ. True.

Mr. PURCELL. But this is the first time that we have had an opportunity for the organizations representing the members of the postal service to negotiate any kind of wages. So it is my belief and, I think, the belief of many on the committee who have studied this, that a permissive provision giving the opportunity to negotiate to the postal service and the negotiating bodies for the employees, when it appears this would be appropriate, would be more equitable and would give much more opportunity for the postal employees to be treated in the manner all of them would like to be treated in.

Mr. GONZALEZ. What I want to know is, did this committee take into consideration the Henderson committee's long investgation of the determination of the inadequacy of the wage board determinations in other areas?

Mr. PURCELL. Mr. Chairman, I yield to the gentleman from North Carolina, since his name was mentioned.

Mr. HENDERSON. Mr. Chairman, I would like to inform the Members of the House the full committee has reported out a wage board bill affecting the system the gentleman is talking about, that will embody an improved pay system for the wage board members.

I appreciate the gentleman yielding and I support the gentleman in the amendment he is offering.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Mr. Chairman, I would like to ask the gentleman from Texas (Mr. Purcell) to advise me whether his amendment would strike out all of section 205?

Mr. PURCELL. I do not have all of section 205 in front of me, but the amendment would strike the language I read that is presently in section 205, and then substitute for it the more adequate language that I also read.

Mr. CORBETT. I am particularly concerned about the fact that the wage differential for supervisors is in section 205, and if the gentleman's amendment strikes that out, then I would like to offer an amendment to the gentleman's amendment to restore that.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, it was my understanding, in preparation of the amendment, that while it strikes most of the section, it does not change the part the gentleman is interested in, but the rewrite of the section in the gentleman's amendment only deals with this one area in question and leaves the rest unchanged.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. Dulski, and by unanimous consent, Mr. Purcell was allowed to proceed for 1 additional minute.)

The CHAIRMAN. The Chair has come to the conclusion that the committee does not understand the amendment.

XUM

Without objection, the Clerk will reread the first part of the amendment.

There was no objection.

The Clerk reread the first part of the amendment.

Mr. CORBETT. Mr. Chairman, the amendment of the gentleman from Texas (Mr. PURCELL) therefore runs through just part of the sentence on line 3, page 178. It just knocks out a part of the sentence.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from New York.

Mr. DULSKI. This is a misprint. It should be to the end of line 13.

Mr. CORBETT. Then it would take out all the differential we wrote in in the committee on the supervisors' salaries.

Mr. DULSKI. That is correct.

Mr. CORBETT. I believe that is not the intent of the gentleman.

If the amendment were redrafted, it could be submitted later. I can agree with the amendment, but not just striking out the supervisor differential, which I am afraid would happen. We cannot make out for sure just what the amendment would do.

Mr. PURCELL. The intent of the amendment is to affect only the area wage negotiations, not to affect or change the supervisory provisions we did put in the bill.

AMENDMENT OFFERED BY MR. CORBETT TO THE AMENDMENT OFFERED BY MR. PURCELL

Mr. CORBETT. That has to be awfully clear, so, Mr. Chairman, I should like to offer an amendment to the amendment, so that the amendment will just extend to the period on line 2 and leave the rest of the section alone. That would accomplish the gentleman's purpose.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. CORBETT to the amendment offered by Mr. PURCELL: On page 177, delete lines 19 through 24, and on page 178, delete line 1 and through the period in line 2.

Mr. CORBETT. That is correct.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Arizona.

Mr. UDALL. That was my understanding of what the gentleman from Texas intended to do. For my purpose, I would certainly support the gentleman's amendment.

Mr. CORBETT. Does the gentleman not agree that this would make it absolutely clear?

Mr. UDALL. Yes.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Perhaps we could clarify this merely by having the gentleman from Texas accept the amendment.

Mr. PURCELL. So far as I am concerned, I do accept the amendment, because the intent was to do what we have now stated we are all trying to do.

I accept the amendment, and, Mr. Chairman, I ask unanimous consent that the deletion of lines end at the period on line 2, as referred to by the gentleman in his amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Texas (Mr. PURCELL) will be modified accordingly.

There was no objection.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, while area wages are a proper subject for collective bargaining, it would be unwise to require by law, as the committee bill does, that wages be negotiated on an area-by-area basis. The larger employee organizations have historically opposed area wages, and while this policy may well change in time, any such change should be determined by those most directly affected.

This amendment corrects this flaw in the committee bill by establishing the policy of comparability for both compensation and benefits and by permitting this policy to be carried out on an area-by-area basis consistent with the collective bargaining provisions of the act. The language of the amendment provides the flexibility which is necessary in collective bargaining. I fully support the principle of area wages and feel that the language of the amendment will properly promote this principle under the new Postal Service.

SUBSTITUTE AMENDMENT OFFERED BY MR. GIBBONS FOR THE AMENDMENT OFFERED BY MR. PURCELL

Mr. GIBBONS. Mr. Chairman, I offer a substitute amendment for the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS as a substitute for the amendment offered by Mr. PURCELL: On page 177, strike out line 19 and all that follows down through the period in line 2 on page 178 and insert in lieu thereof the following:

"it shall be the policy of the Postal Service to maintain compensation and benefits for all employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy; but there shall not be established, for any position or class of positions under the Postal Service situated in any specific area or location, a rate of compensation (including premium compensation) which is higher than the rate of compensation (including premium compensation) for the same position or class of positions in any other specific area or location."

On page 192, immediately after the period in line 9, insert the following: "No such agreement shall contain any provision which establishes, for any position or class of positions under the Postal Service situated in any specific area or location, a rate of compensation (including premium compensation) which is higher than the rate of compensation (including premium compensation) for the same position or class of position in any other specific area or location."

Mr. GIBBONS. Mr. Chairman, I am sure you know and all know that I am not a member of this committee and perhaps I should be a little cautious about standing up here and amending this very complex piece of legislation, but I do not think you have to be a member of this committee or that you have to be an expert in the post office operation to recognize one point, that is, this is really a very simple amendment.

This is an amendment that establishes the principle that for equal work you receive equal pay. It is an equal pay-equal work amendment. Wherever you live and wherever you reside in the United States we follow that great principle here in the U.S. Congress. We follow the principle in the U.S. Armed Forces. We follow that great principle in everything except in those jobs that are civilian jobs that mainly surround the military establishments that Mr. GONZALEZ talked about here where we have had so much trouble and where they discriminate as between the rates of pay for equal work.

All that this amendment of mine seeks to do is to establish the principle that no matter where an American citizen is employed and no matter what part of the United States he may live in, if he does the same kind of work and has the same kind of job for the same amount of hours, with the same amount of skill, he gets the same amount of pay.

That is what we ought to do. There should be no second-class area of this Nation. There should be no second-class citizens in this Nation. That is the only principle this amendment stands for.

If a person is not being paid adequately for the job, then the pay ought to be raised, but no matter what the job is it should receive equal pay anywhere in the United States. I know that there is some great American fiction that it is cheaper to live in some parts of the country than in others. I will explore that fiction, and while I do it let us try to destroy it as we go along.

One of the old pieces of fiction is that if you live in the South you can go out in your backyard and grow some sweet potatoes, a little corn, a little cotton, and take care of everything that you need. It just does not work that way. The citizens in my area cannot plow asphalt any better than the citizens in your area can. We buy the same cars that Detroit produces and we pay the same price or a little more where I live than the people in the North do. We buy the same meat and the same clothes and we all live in a common market. That is one of the things that have made this country great, that is, we have not had these artificial barriers of trade in restraint of trade. We ought to stick to this principle in this Congress that for equal work you receive equal pay no matter where that American lives in these 50 States.

I think the fundamental principle used in the amendment offered by the gentleman from Texas (Mr. PURCELL) is better than what the bill is based upon, but I believe mine goes further than that of the gentleman from Texas (Mr. PURCELL) and establishes the principle that for equal work, for an equal job, for an equal skill you get equal pay.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I wish to commend the gentleman from Florida for

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presenting this amendment, and wish to associate myself with the remarks made by the gentleman. I urge every Member here to support the gentleman's amendment.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I wish to associate myself with my distinguished colleague, the gentleman from Florida, (Mr. GIBBONS). This is one Government, one country, and one people, and all our people should be treated alike by our Government when in the same category. We in the South for decades have fought against pay discrimination against our people. We are making progress against such discrimination.

I hope that we are not going to pass legislation to strangle that progress. I support the amendment offered by the gentleman from Florida (Mr. GIBBONS).

Mr. GROSS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. GIBBONS). Let me quote to you from the present law. In subchapter 1, "Pay Comparability," section 5301:

> It is the policy of the Congress that federal pay fixing be based on the principles that (1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions, and (2) federal pay rates shall be comparable with private enterprise pay rates for the same levels of work.

That is the present law.

I am opposed to the provision in the bill providing for area pay determinations and the Purcell amendment that makes it a little less worse. In the first place, that provision was put in this bill at the last minute before the bill was voted out. Never was there serious committee consideration of it in the hearings or in the committee markup of the bill.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Chairman, with all due respect to what the gentleman from Iowa is now telling us, is it not a fact that the House committee put such a provision in the major pay bill in 1967?

Mr. GROSS. In the major pay bill?

Mr. WILLIAM D. FORD. The House did so. As a matter of fact, it was the Senate that took it out. In 1967 this House went on record overwhelmingly in favor of the concept of area-wage differential. In the bill there was an amendment offered by me, which was modified by the gentleman from Arizona (Mr. UDALL). The House adopted it by a 2-to-1 vote.

The gentleman is suggesting that this is a late afterthought of our committee. In our committee we have had extensive hearings and we have had an Assistant Postmaster General testify in favor of it.

Mr. GROSS. Just a minute. You did not have extensive hearings on the provision that went into this bill?

Mr. WILLIAM D. FORD. Well, no, that is true.

Mr. GROSS. All right, then.

Mr. WILLIAM D. FORD. On the specific language of this provision, we did not have extensive hearings. As a matter of fact, they played parliamentary games when this was put through the committee and they almost did not let us introduce it at all.

That is why we could not have debate on this and we could not discuss anything on this bill at that point.

Mr. GROSS. The gentleman will admit that this went into the bill almost at the last minute before the bill was reported out of the committee one evening.

Mr. WILLIAM D. FORD. That is correct. But, I disagree with the gentleman when he suggests that the committee has not considered the concept of area wages because this is not the first year that we considered it. We considered it several times and this House voted favorably on this principle.

Mr. GROSS. I ask the House in this instance and under the circumstances that exist to support the Gibbons amendment and stay with the law as we now have it until a wage formula can be worked out intelligently and reasonably.

Mr. HENDERSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I oppose the Gibbons substitute and support the amendment of the gentleman from Texas (Mr. PURCELL).

You have to understand what we are doing in this reorganization of the Post Office Department. With regards to employees' pay and fringe benefits, we are saying that this shall be set by negotiations between the employees, their organizations, and the new management.

It is true, historically, we have had area wages.

The bill, however, provides there must be area wages. In my opinion, the bill goes too far. The Gibbons amendment says that there cannot be negotiated area wages, and goes too far the other way.

By taking the amendment of the gentleman from Texas, area wages will be a negotiable item. If a majority of the workers through their organizations want to negotiate, then the management has the prerogative to decide whether it is in the best interest of the service, the users of the mail, and of the taxpayers; and they may negotiate area wages.

This gives them all the flexibility they need. It is in keeping with the theory of negotiation and those who would vigorously support the collective bargaining that is provided in this bill should certainly want great flexibility on the part of both management and of the employees to negotiate. The middle ground is provided by the Purcell amendment. I hope we will adopt his amendment and substitute it for the committee language.

We ought to vote down the Gibbons substitute.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Virginia, a member of the committee.

Mr. SCOTT. I am fearful that the people, who would have the most votes in the labor organizations from the metropolitan areas might dominate that decision—and question those who would look out for the country boys who do not have as many votes? Has the gentleman considered this phase of it.

Mr. HENDERSON. I certainly have. Of course, I know the gentleman recognizes that the district I represent is very similar to his, being a rural district. But I think we must look at what has happened recently and be realistic about the problems of the postal service.

I do not want to see area wages all over this Nation. But I think you need to give the management and the new postal system an opportunity to meet the problems as they arise in the metropolitan areas without disrupting, as I think the bill would do, all over the country.

I think the middle ground position is the best position that the House can take. We ought not to go to either extreme in my opinion.

Mr. SCOTT. How do you distinguish between area wages for post office employees and wages at the same scale throughout the country for all other white collar workers?

Mr. HENDERSON. I think there is a way. I am not one who wants to say that our people are not worth as much as others. But I think we are creating a new system, and the very essence of that new system is collective bargaining. A lot of Members, I feel, will vote against this entire package, primarily on that basis, but I am for postal reform and the general system as we have it in the bill. I think if we are going to have meaningful negotiations, we cannot tie their hands as to what they negotiate on. The committee bill states that it is not a negotiable item. It is a nonnegotiable item. I think if we really want good, meaningful, collective bargaining in the new service, we will adopt the Purcell amendment and not tie the hands of the new management of the Postal System.

Mr. CORBETT. Mr. Chairman, I rise in opposition to the substitute. As the gentleman from North Carolina has said, the substitute amendment would eliminate the possibility of negotiation, and that is exactly why the independent agency idea is being established. One of its purposes is to allow wages to be negotiated and, if need be, to go to binding arbitration. Under the system which the substitute would provide, that of comparability, would you compare with the high cost-of-living areas or the low cost-of-living areas? This issue must be subject to negotiation or we shall be in great trouble. Therefore, I strongly favor the Purcell amendment and strongly oppose the proposed substitute.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Florida.

Mr. GIBBONS. I am afraid the gentleman has not read my substitute amendment. My substitute would not strike out negotiations. It provides that when you negotiate, you have to negotiate for all Americans, and not merely for one of them in a city or one some place else. You have to treat them all alike.

Mr. CORBETT. I cannot yield further. The gentleman's amendment would result in maintaining the status quo. I did not read the gentleman's amendment, for I did not have a copy of it. However, I listened to what the gentleman said, and he said, "equal pay for equal work."

Mr. GIBBONS. That is right.

Mr. CORBETT. You did not say anything at all about the cost of living, and so on. Obviously it costs less to live in some parts of the country than it does in others. We have area wage boards for blue-collar workers now. The substitute does not impose area wage differentials. It merely makes them possible.

Mr. Chairman, I yield back the remainder of my time.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. WILLIAM D. FORD. Mr. Chairman, and members of the committee, I am surprised at Members reacting to this portion of the bill as if it were some new and extraordinary concept coming to the Federal Government. I know that all members of the Post Office and Civil Service Committee are aware of this concept. You noted that the gentleman who was using an example here a few moments ago was very careful to specify that he was drawing a contrast between the postal workers and "the other white-collar employees" of the Federal Government, because all of the blue-collar employees of the Federal Government are now under the system about which we are talking—800,000.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. Not at this time.

There are 800,000 people on Uncle Sam's payroll today, civilian employees, 80 percent of them working for the Defense Department, who are now working for wages that are set by wage boards, not on the basis of what the national level for a carpenter is, but on the basis of what a carpenter gets paid in any given area. A carpenter in Michigan, California, or New York does not get paid the same amount of money working for Uncle Sam as a carpenter working in Georgia or Alabama, if in fact the prevailing wage in the area of Alabama or within 50 miles of the installation upon which he works is substantially lower than the prevailing wage in the area in which he works in Michigan, California, or New York.

I might point out that in 1862 President Lincoln, if you please, whose Republicanism has not yet been attacked even by the gentleman from Georgia, was the one who put this policy into effect when he authorized the Secretary of the Navy to put all Navy civilian employees under this plan. Since 1862 in this country we have, in fact, and in spite of what my good friend from Florida says, been paying different wages in Michigan than we have been paying in Florida, if in fact there is a difference in the prevailing wages in those areas.

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield, I just want to remind the gentleman that in 1862 President Lincoln did not have any Navy employees in the South.

Mr. WILLIAM D. FORD. The gentleman has put his finger precisely on the point, but we are going to struggle to bring him back into the Union, kicking and screaming all the while.

Mr. GIBBONS. I hope when the gentleman brings us back in, he brings us back at the same rate of pay that all Americans get. I do not think anybody in any part of the country should be favored.

Mr. WILLIAM D. FORD. If the gentleman will help get rid of the right-to-work law in Florida so that a man can get a decent day's pay for a day's work, I will go along with the gentleman.

The CHAIRMAN. The Chair advises the guests in the gallery that under the rules of the House, no demonstrations—neither applause nor other forms of demonstrations—are permitted in the gallery.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Texas for another attack from below the Mason-Dixon line.

Mr. ROBERTS. If the gentleman is going to make this a self-supporting corporation, how is he going to adjust the price for stamps? If he pays the postal men $5 an hour in one place and $2 an hour in another place, how will the gentleman adjust the price of stamps?

Mr. WILLIAM D. FORD. Mr. Chairman, I would like to issue a warning about this bill, because the gentleman who recommended the creation of a Postal Corporation, Mr. Kappel, is on record with our committee as recommending exactly that sort of treatment of stamps. He says it should not cost the same to send a letter across the State of New York as it costs to send it across the country, and one thing the gentleman is going to have to watch for is a proposal that it would cost more to send a letter across the State of Texas than across the State of Rhode Island, because Texas is bigger.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is really quite a serious matter. Since I have been a member of the committee for 14 years, this has come up periodically. I remember Congressman Katherine St. George, who was a member of the committee for many years, was trying to push for this area wage differential in the Post Office Department. The unions were always opposed to it, because they felt that a man in Podunk, Iowa, should be paid the same as a man in New York City under the theory of equal pay for equal work, and that is the way I feel about it.

I can accept either the amendment offered by the gentleman from Florida (Mr. Gibbons), or the amendment offered by the gentleman from Texas (Mr. Purcell), but I do not want to accept and I will vote against what is in the committee bill now, that makes the area-wage differential mandatory.

This is a very peculiar thing to have such a fuss about. There are no other workers in the classified service who are paid a differential. If a stenographer works in Cedar Bluff, Nebr., at a certain grade, and another stenographer at that grade works in New York City, they both get the same pay. If a Congressman from Nebraska or a Congressman from California receive $42,500 a year should there be a differential and a Congressman from New York City receive a sizable salary above $42,500 a year. I think not.

Should there be such a differential between the salaries of Congressmen? Should we not all be paid the same? Do we not all work as hard?

We could extend this principle forever and ever and ever, and have great confusion.

I will say another thing. If we have a mandatory differential in pay among the various sections of the country we are likely to attract a large number of people into the big metropolitan centers, which are now having so many problems that they cannot solve them at this moment. There is a system of transfer within the Post Office Department where this could be accomplished.

So what are we going to do? We are going to have people flocking to the big major centers to get more money, perhaps, and we will just add to the urban problems.

I say that this differential should not be mandatory in the Post Office Department, as it is not mandatory or even considered in the classified service. It is not considered in the Congress of the United States.

We ought to stand on the principle of equal pay for equal work. I submit that a post office employee, in whichever grade he is, works just as hard in a little town in, say, the Midwest, the Far West or the South as does the same type of employee in a few large centers.

I could support either the Gibbons proposal or the Purcell proposal, but I personally feel I could more enthusiastically support the Gibbons proposal.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from South Carolina.

Mr. WATSON. I want to commend the gentleman on a very fine statement and a compelling argument. Those who are interested in fairness I believe will follow the suggestion of the gentleman. I am happy to associate myself with the remarks of the gentleman in the well.

Mr. CUNNINGHAM. I might also add that when this came up before we learned it is almost an impossible task to try to divide and make a line as to whether to pay x numbers of dollars to an employee on this side of the line and a lesser amount to employees on the other side. One can never decide where the dividing line should be. It will cause all kinds of trouble and great loss of morale in the Post Office Department.

Mr. BRASCO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when the committee began its deliberations some 13 months ago there were two purposes in mind. One was to provide more efficient mail service for the American public on a

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self-sustaining basis. The second was to break the economic chains that postal employees have been held in for so many years.

During the course of the deliberations in the Committee on Post Office and Civil Service the concept of the area wage came up not because it cost less to live in certain areas but because, as my good friend from Florida knows and as we have recognized on a national basis, it costs more to live in certain areas of our country, particularly in our large cities.

The pittance, the 8 percent we give in this bill, will be eaten up unless we can do something about it in terms of an area wage concept. That is why in New York City today more than 4,000 postal employees who are working full time are getting supplementary welfare checks, because it costs more to live in New York City.

That is why I vigorously oppose the amendment as suggested by the gentleman from Florida, because it would do away totally with the concept of area wage and would deny what we are trying to do in this legislation.

Now, with respect to the amendment offered by the gentleman from Texas (Mr. PURCELL), I have great friendship and great admiration for him.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. Not at this point.

I suggest that his amendment does the same thing as the Gibbons amendment, because if we make the concept of area wages permissible, we do the following: We all know that we are dealing with national exclusive organizations that have to bargain for everyone they represent across the country. If we make it permissible, we put those labor organizations in a box so that they will never be able to come to the question of area wages because to do so would be to divide their organizations by area. That is why I oppose your amendment and suggest that the committee language making area wage concepts mandatory is the correct way to do this thing.

Furthermore, let me suggest this to the gentleman from North Carolina (Mr. HENDERSON). In our bill which we passed, the Wage Board bill, do we not make it mandatory to use this concept in connection with all other Federal employees? If that be so, then why should we again single out the postal employee and say that he is not entitled to what other Federal employees are entitled to?

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. Yes; I am glad to yield.

Mr. HENDERSON. Historically, since the late 1800's we have had a wage board system for Wage Board employees, principally in the Defense Department and first in the Department of the Navy. The Wage Board bill that we reported out was an attempt to improve that system. Historically in the postal service we have had uniform pay. We are going to a system now that will provide basically for wages and benefits to be set by collective bargaining. So you have an entirely different situation here.

Mr. BRASCO. Except that people cannot eat history. If it is mandatory on the area wage in connection with all other Federal employees, notwithstanding the concept of collective bargaining for postal employees now, it should be mandatory with respect to them.

Let me conclude by saying this: On a different basis, do we not have differentials in pay for postmasters of first-second-, and third-class post offices doing the same work? We know it is on a different principle. It is not on cost of living. But they are doing the same work. However, based on the size of the post office they are getting a different rate of pay. Is that not a concept already in being?

Mr. HENDERSON. Will the gentleman yield further?

Mr. BRASCO. Yes. I yield.

Mr. HENDERSON. It is a concept that is based on the size of the office.

Mr. BRASCO. What would be the difference, then, in allowing that concept to prevail predicated on the cost of living?

Mr. HENDERSON. If the gentleman will yield further?

Mr. BRASCO. Yes.

Mr. HENDERSON. It is an entirely different proposition as I see it. Will the gentleman yield to let me ask him a question?

Mr. BRASCO. Certainly.

Mr. HENDERSON. It is true that the wage board system provides that if a differential exists, they can recognize it, but there is no collective bargaining on wages or benefits under the present system, nor would it be permitted under the bill that we reported. Is that not correct?

Mr. BRASCO. That is correct except for this: Do you not understand that when we have the several national organizations involved in collective bargaining there is going to be a restraint from within their own organizations effectively to deal with this question of area wages, because the same president is going to represent the letter carriers, the clerks, and the mail handlers all across the country? Unless we give him the mandate in this bill that it must be done because the Congress in its wisdom understands the problem, I do not believe that it will be done.

Mr. HENDERSON. Will the gentleman yield further?

Mr. BRASCO. Yes; I will yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRASCO. Mr. Chairman, I urge the committee to vote down both amendments.

Mr. ZWACH. Mr. Chairman, I rise in support of the Gibbons amendment.

Mr. Chairman, we are talking about a very fundamental principle here. You know what is happening in our country. We are stacking more and more and more of our people in less and less of our land. We are committing suicide in our country by this type of a policy. We are causing tremendous problems in the countryside and causing tremendous problems in our metropolitan areas.

Wage differentials are a basic cause, a major cause, perhaps the main cause of this type of a problem. To accentuate that problem by paying more in some areas for the same kind of work is totally unacceptable.

Let us say a man works for his Government for his lifetime and then comes his age of retirement. The man in the city has built up more of a retirement than the one in the country. The man in the country wants to live in the city in his old age, or the man in the city wants to retire to the countryside in his old age. We are setting up inequities here, injustices, making second-class citizens of people, that just must not be established. That is a principle which is basic and fundamental.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I want to commend my good friend, the gentleman from Minnesota, for the contribution he has made, and to join with the gentleman in what he has said. He is a farmer himself and knows the needs of our rural areas and small towns.

I would like to add one additional thought. Today in America we hear a lot about equal rights, and the importance of treating people equally. What is more equitable than equal pay for equal work? If a man is carrying the mail in a small town he is working just as long hours as the man who is carrying the mail in a large city, and he should get the same pay for it. When his family is ill, he must pay as much at the drugstore for medicine as his city cousin—if his children go to college they do not get reduced tuition.

Again I commend my good friend and support his argument.

Mr. ZWACH. Mr. Chairman, I thank the gentleman for his contribution.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ZWACH. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, there probably are not more than a dozen large cities that would benefit from this being mandatory, but the vast majority of the other Members of the House representing smaller communities and should be opposed to such mandatory area wage rates.

I would say to those Members outside of the large eastern cities that if they should vote against either the amendment offered by the gentleman from Florida (Mr. GIBBONS) or the amendment offered by the gentleman from Texas (Mr. PURCELL) that when they go home they are going to be in deep trouble with their postal employees.

Mr. ZWACH. Would not the gentleman agree that the way to attack the problem is not to accentuate the problems of our country, but to try to bring about more equality in the cost of living, which I certainly believe can be done, rather than to build up further inequities and accentuate further the problems of countryside America, and city America?

Mr. CUNNINGHAM. I agree with the gentleman.

Mr. ZWACH. Mr. Chairman, I yield back the balance of my time.

Mr. DULSKI. Mr. Chairman, I think we have had a full discussion on this subject, and I wonder if we can fix a time limit?

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Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 1:15 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Texas (Mr. Purcell) and all amendments thereto, close at 1:20 p.m.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Thompson).

PARLIAMENTARY INQUIRY

Mr. THOMPSON of Georgia. Mr. Chairman, I would like to propound a parliamentary inquiry before taking my time.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. THOMPSON of Georgia. Mr. Chairman, as I understand the present posture that we are in, we have the Purcell amendment amended by the Corbett amendment. Then there was a substitute for that by the gentleman from Florida (Mr. Gibbons); is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. THOMPSON of Georgia. The Corbett amendment does not apply to the Gibbons amendment.

The CHAIRMAN. The Corbett amendment was an amendment to the Purcell amendment.

Mr. THOMPSON of Georgia. Mr. Chairman, I have an amendment at the desk which does to the Gibbons amendment the same that the Corbett amendment did to the Purcell amendment. Is that in order at this time?

The CHAIRMAN. If it is an amendment to the substitute, it is in order.

Mr. THOMPSON of Georgia. It is, Mr. Chairman.

The CHAIRMAN. Does the gentleman offer the amendment?

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. GIBBONS

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Thompson of Georgia to the substitute amendment offered by Mr. Gibbons: After the second paragraph insert: "It shall further be the policy of the Postal Service to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and managerial employees. The Postal Service shall, in carrying out this policy, fix salary levels for the type of first line supervisors now in PFS 7 at a level which is not less than a level approximately as much higher as their rates of pay now exceed those in present grade PFS 5. There shall be appropriate and reasonable differentials between PFS 7 and 8 and between all higher grades similar to those in effect on the day immediately before the date of enactment of this section."

POINT OF ORDER

Mr. GIBBONS. Mr. Chairman, a point of order. The gentleman is amending something in mine that mine does not touch at all. He is trying to amend something that mine does not touch at all.

The CHAIRMAN. The gentleman has offered an amendment to the substitute amendment.

Mr. GIBBONS. Yes, sir; but he is trying to amend my substitute with something that is not germane. My substitute does not even touch that—I leave it alone.

The CHAIRMAN. Is the gentleman raising a point of order as to the germaneness?

Mr. THOMPSON of Georgia. Mr. Chairman, may I be heard?

The CHAIRMAN. The gentleman is recognized.

Mr. THOMPSON of Georgia. Mr. Chairman, the language that I inserted is the language which was in the original section which was stricken. It does not affect the area wage. It does provide that the supervisors will, in effect, be paid a greater wage than will the letter carriers or clerks because of their responsibilities.

Inasmuch as it was in the original section, it certainly should be germane to any amendment to the original section.

The CHAIRMAN. The Chair is ready to rule.

The Chair has read the language in the amendment and also in the substitute and the language deals exactly with the same section of the bill and touches on the same subjects.

Therefore, the Chair overrules the point of order.

Mr. GIBBONS. Mr. Chairman, I will accept the amendment if there is no argument about the situation.

The CHAIRMAN. Without objection, the amendment to the substitute amendment is accepted.

There was no objection.

Mr. THOMPSON of Georgia. Mr. Chairman, may I have time to speak before the Gibbons amendment is voted on?

The CHAIRMAN. The gentleman's time has expired. Time was limited by the committee.

The Chair recognizes the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Chairman, the whole issue has been blown out of proportion.

Please remember we are setting up a new postal service providing a labor-management vehicle heretofore unknown to the Federal service.

The language in the bill is mandatory. The Gibbons amendment is mandatory language. The Purcell amendment is the only language consistent with postal reform.

I urge the adoption of the Purcell amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Chairman, I ask unanimous consent that my time be yielded to the gentleman from Illinois (Mr. Derwinski).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DERWINSKI. Mr. Chairman, I reemphasize the only language now before us that is consistent with the entire intent of this legislation is the Purcell amendment. I suggest we vote down the Gibbons amendment and support the Purcell amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I support the Purcell amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Chairman, the debate on this amendment has been rather illuminating. I think the debate illustrates that the rural areas in general, and the South in particular, afford better opportunities for better living at a cheaper wage than do other areas of the country. Perhaps that is the reason people are tiring of living in such places and are moving to the South. We all know that those who retire always move South never North. We have plenty of room for these people who think that living costs are too much up North. Mr. Chairman, I support the Gibbons equal pay for equal work substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska (Mr. Cunningham).

Mr. CUNNINGHAM. Mr. Chairman, with no reflection intended, this is a very difficult discussion for Members who are not on the committee perhaps to really understand. But as I look around the Chamber, the majority of the Members I see represent rural areas and rural constituencies and small towns, and they ought to vote for the Gibbons amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Hanley).

Mr. HANLEY. Mr. Chairman, I rise in support of the committee language. Certainly there is no fiction associated with the cost-of-living differential which prevails throughout our Nation. This has evidenced itself time and time again. For example, we have recognized it in connection with our national medical program. The criteria associated with that program have been based on the differential in our cost of living throughout the United States.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. Olsen yielded his time to Mr. Hanley.)

Mr. HANLEY. One of the great problems that has plagued our postal system has been its inability to recruit the quality of personnel it needs in the metropolitan areas of our country. For example, in the District of Columbia we are trying to compete with employment in the private sector, and as an example, the D.C. Transit Co. with open arms asks for new employees at $6,800 a year. How can we compete with a lower wage scale?

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. McClure).

AMENDMENT OFFERED BY MR. M'CLURE TO THE AMENDMENT OFFERED BY MR. PURCELL

Mr. McCLURE. Mr. Chairman, I offer an amendment.

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The Clerk read as follows:

Amendment offered by Mr. McClure to the amendment offered by Mr. Purcell: At the end of the second sentence, strike the period, insert a comma, and add "and such policy shall be based upon a uniform system of basic pay plus cost-of-living allowances.'"

The CHAIRMAN. The gentleman from Idaho is recognized.

Mr. McCLURE. Mr. Chairman, this amendment is necessary to guarantee equity to those people who retire after having served years with the Federal Government in the postal service. If they do not have this kind of basic salary, then their retirement benefits could vary regardless of where they live after retirement. The amendment would guarantee equity in the retirement years of the people who have served in the postal service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. McClure), to the amendment offered by the gentleman from Texas (Mr. Purcell).

The amendment to the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Chairman, the issue here is very simple: Do we want to have mandatory area wages as provided for in the committee bill; do we want to have no area wages at all, as provided in the Gibbons substitute; or do we want to do what the leaders of the committee on both sides have suggested: Let this new collective bargaining system work it out, and that system can do what the gentleman from Idaho (Mr. McClure), just suggested. It can do any number of things. It will have that flexibility to put a sensible area wage system into effect if it can be justified.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Lukens).

(By unanimous consent, Mr. Lukens yielded his time to Mr. McClure.)

Mr. McCLURE. I thank the gentleman for yielding.

Mr. Chairman, I would hope that even though the amendment failed, there will be some legislative history made later that will guarantee this kind of equity which I think we are all seeking. It would be my purpose to build that legislative history. I rise in support of the Purcell amendment, but I do very strongly believe that we must avoid the possibility of a very grave injustice. The amendment of the gentleman from Texas (Mr. Purcell), certainly does not require that injustice, but neither does it prohibit that result. I offered my amendment to his amendment to make certain that this possibility could be foreclosed. I speak, of course, of the very intolerable result which would follow from differentials in basic wages. A man working in New York could receive a higher basic wage than one in Wickenburg, Ariz. Following the retirement of both, they could live side by side with differing pensions, both arising from identical employment. I think this is so clearly inequitable that it could not stand. We should prevent it now.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Lowenstein).

Mr. LOWENSTEIN. Mr. Chairman, it is wonderful that so many gentlemen are concerned about uniform wages when it comes to postal employees. How we could use their help when we are trying to get the minimum wage raised to an adequate level. Or when we are trying to establish fair labor laws to protect the rights of workers equally everywhere in the United States. But at times like those, concern for uniform wages tends to be inaudible among many of these same gentlemen.

Meanwhile, we are confronted with a simple fact: The cost of living is very different in different parts of the country, and postal employees must live in different parts of the country if the mail is to be delivered in different parts of the country. Why, then, should postal employees, almost uniquely, be denied the right to be paid according to wage scales where they live?

I hope my friends who are protesting so vigorously today about pay being lower in some communities than in others, will emerge from this discussion determined to help raise wage levels to livable standards for textile workers in South Carolina and tenant farmers in Mississippi and for all who labor in this prosperous land. As the wages in these occupations rise toward the national level so will the prosperity of their communities, and soon area wage differences will fade. But at this point, let it be clear that we do no injustice to postal employees anywhere when we insist that postal employees everywhere be paid enough to live decently wherever they may happen to be serving the public.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Chairman, I am afraid that the workers and some Members of this Congress have been duped, because they have not taken the fruits of the experience we have had over the years with the wage board determinations. They talk about the blessings of collective bargaining in this new bill, when the truth of the matter is this is not true collective bargaining, because they are talking about binding negotiations.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. William D. Ford).

Mr. WILLIAM D FORD. Mr. Chairman, I think it is important that we realize that the Gibbons substitute amends the present law which has, for a number of years, authorized the Civil Service Commission to establish differentials in pay for the purpose of meeting the need of recruiting employees.

If we turn away for a moment from this question from the point of view of the employee and think about it for a moment from the management point of view, we must realize that management is being asked in New York City to run a postal service which is having its burdens increased every single day, while they must compete with everybody else to get the people who are going to work for the post office. We should not make the postal service take what is left over when everybody else has had his pick.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the Purcell amendment primarily to focus attention on the need to maintain a standard of comparability in compensation and benefit structure, that compares favorably with comparable levels of work in private sector employment.

Many of these dedicated postal service career employees have literally given their lives to the service of their neighbors and their country. They must be rewarded with the contemplated pay increase but they must also have the assurance that the policy of the postal service shall be written into law, clearly spelling out comparability factor requirements. This amendment purports to do this.

Further, it is my hope that a basic livable wage level will be established with the additional cost-of-living adjustment for select higher living cost areas also established in the compensation and benefit criteria. In this way, the retirement benefits will maintain their equality, while at the same time recognizing the living cost differentials that exist in the various sections of the country.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. Henderson).

Mr. HENDERSON. Mr. Chairman, I urge that the Members vote down the Gibbons substitute and adopt the Purcell amendment. If we really believe in true collective bargaining in the postal system, the Purcell amendment would certainly restore it and insure that we accomplish this.

The other two positions are too extreme and would prevent meaningful negotiations.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Addabbo).

Mr. ADDABBO. Mr. Chairman, I rise in opposition to the pending amendments for we must have compulsory wage differential. I have urged this provision for over 10 years. The national unions have not been able to accomplish it. The Post Office deficit has been added to as a result of the fact that we have not been able to obtain help in the high cost of living areas because of the lower postal wages prevailing in those areas and has resulted in constant turnover and this tremendous wasteful cost.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Purcell).

Mr. PURCELL. Mr. Chairman, I would just like to point out there has been nothing in what has been said by the Members of the Post Office and Civil Service Committee today that would not insure the collective bargaining between employees and management in all areas.

On the other hand, those people in the low-wage areas have cheaper living costs, and we are not being fair when

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we say there should not be some differential made. This is not a popular stand to take, but if the Post Office is to be run efficiently, we must have this.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I rise in support of my equal-pay-for-equal-work amendment. We apply that principle to all Federal employees except a few who are vastly and harmfully discriminated against who work under the so-called Wage Board contract employment. It is a bad principle for them, and we should not extend it to other people.

My amendment will still allow collective bargaining, but I want that union when it bargains for one set of people to bargain for all the sets of people regardless of where they live.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I rise in opposition to both the Gibbons and the Purcell amendments. I think both of them do the very same thing and effectively kill off the concept of area bargaining.

What we would do is have the ironic situation that the Federal employees under the Wage Board schedule would have the concept of area wage, but the postal employees again would be segregated and would be dealt a severe blow by saying they would first have to collectively bargain for the concept of area wage.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI), to close debate on the amendments.

Mr. DULSKI. Mr. Chairman, I requested an open rule from the Rules Committee. Today the House is working its will.

I am opposed both to the Gibbons amendment and to the Purcell amendment. I feel that the language in the bill as reported is satisfactory.

PREFERENTIAL MOTION OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. THOMPSON of Georgia moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. THOMPSON of Georgia. Mr. Chairman, I regret having to take this maneuver in order to obtain this time. I certainly hope that the Members will not vote in favor of this particular motion for the House to rise and to strike the enacting clause.

The subject we are considering today is something that does require extensive debate. It is simply a question as to whether or not we are going to have a fragmented country or a uniform country.

The gentleman from Florida quoted the phrase, "equal pay for equal work." This certainly is the question, equal pay for equal work.

Mr. DERWINSKI. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DERWINSKI. Mr. Chairman, I make the point of order that the gentleman is not directing his remarks to his amendment.

The CHAIRMAN. The gentleman from Georgia has offered a motion to strike out the enacting clause. Therefore, the gentleman may speak on the whole bill.

Mr. THOMPSON of Georgia. Mr. Chairman, I will direct my remarks toward the amendment.

I should like to say this: Members should vote to strike the enacting clause if they intend to be unfair to any postal workers in the rural areas of this country by refusing to pay the postal workers in the rural areas of this country the same wages they would pay them in any other area.

I believe the Members should vote to strike the enacting clause if they do not intend to treat all Americans the same or to treat them fairly.

I believe the Members should vote to strike the enacting clause if they do not recognize that it costs a man in rural America as much money to buy an automobile as it costs a man to do so in Detroit, Mich.

Why should Members vote to strike the enacting clause? They should vote to strike the enacting clause if they feel that there is going to be discrimination evidenced against the workers in the rural areas.

Yes, this is a question of equal pay. I am sick and tired of people in the South and in other sections of the country receiving lower wages. I do not support the Wage Board concept. I should like to see that changed, because I want the people in my section of the country to receive the same wages, whether they are doing blue-collar work or white-collar work, or whatever it is, as are received in any other area of the country.

The gentleman from Minnesota made a very telling point when he said that the problems of the cities are being accentuated by people moving to the cities because of higher wages paid there. We can help to solve some of the urban problems if we will insist that equal wages be paid throughout the country for equal work. Then perhaps some of the people will migrate to the rural areas rather than to the urban areas.

Mr. Chairman, I yield back the remainder of my time.

Mr. CORBETT. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Georgia (Mr. THOMPSON).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GIBBONS) as amended, as a substitute for the amendment offered by the gentleman from Texas (Mr. PURCELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GIBBONS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GIBBONS and Mr. DULSKI.

The committee divided, and the tellers reported that there were—ayes 67, noes 124.

So the substitute amendment, as amended, was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PURCELL), as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DULSKI. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. PURCELL and Mr. DULSKI.

The committee again divided, and the tellers reported that there were—ayes 120, noes 59.

So the amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DERWINSKI: Strike all beginning on line 10, page 184 through line 4, page 186, and insert in lieu thereof—
>
> "(b) The Postal Service shall recognize an organization of supervisors that represents a majority of supervisory personnel. The organization of supervisors may include officers and employees who are not subject to collective-bargaining agreements under subchapter II of chapter 2 of this title. The organization shall have the right to participate directly in consultation with the Postal Service concerning matters affecting the responsibilities and conditions of employment of supervisory personnel.
>
> "(c) It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory personnel and to establish and continuously maintain a program for all supervisory personnel that reflects the essential importance of a well-trained and well-motivated supervisory force to the effectiveness of postal operations and that promotes the leadership status of the supervisor in respect to rank-and-file employees, recognizing that the supervisor's role in primary level management is particularly vital to the process of converting general postal policies into successful postal operations."
>
> Strike all beginning with the word "The" on line 6, page 178, through line 13, page 178.

Mr. DERWINSKI. Mr. Chairman, this amendment corrects a very serious mistake in the bill as reported out of committee. Subsections 208 (b) through (e) of the bill come very close to requiring collective bargaining, in effect, between postal supervisors on the one hand and top management of the postal service on the other. Such a requirement flies in the face of almost all labor relations experience and judgement in the non-Government sector. It is thoroughly inconsistent with the National Labor Relations Act as amended, which generally is to govern postal labor relations under this bill. It would constitute a major step backwards from Executive Order 11491, which has delineated supervisors as a part of management and treats them as such. But worst of all, it contradicts and might even foredoom to failure what is perhaps the most important single purpose of this historic

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postal reform legislation—that is, to provide for truly effective management in the postal service. If the postal service is to be managed well, it must be understood by all concerned that supervisors are a highly important—in some ways the most important—part of effective management. They are front line of management. And the success of the new organization turns in no small part on their being recognized as such. It would be seriously, if not fatally damaging to this concept to require the postal service to negotiate what would amount to a collective bargaining agreement with a supervisors' organization because the negotiation process would tend to polarize the interests of the supervisors and those of higher echelons, instead of bringing them together.

Nevertheless, it is of the utmost importance to the success of the new postal service that there be a well-trained and well-motivated supervisory force, for the supervisors' role is absolutely essential to the process of converting broad postal policies into successful day-to-day postal operations. This amendment recognizes this fact. It makes it a matter of basic postal policy for the postal service to establish compensation policies and conditions of employment that reflect the importance of a dedicated and effective supervisory force characterized by high motivation and high morale. It provides for assured implementation of this policy by requiring recognition for a supervisors' organization, which shall have the right to participate directly in consultation with the postal service concerning all matters affecting the responsibilities and conditions of employment of supervisory personnel.

In sum, this amendment replaces seriously disruptive provisions with affirmative assurances of a sound and beneficent policy for postal supervisors.

Mr. HANLEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized.

Mr. HANLEY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois and in support of the committee language. Throughout the proceedings in this committee there has been some misunderstanding with respect to the exact role of supervisory personnel in our postal establishment. We gave a great deal of attention to this subject, and the committee in its wisdom built into the legislation the provision we are now debating.

Supervisory personnel are not management in the sense that we know management in the private sector. They are not policymakers. They are not decisionmakers. They merely implement the mandate of executive management in the postal field service. All this organization seeks, or all the supervisors seek is the ability to retain their association of 55,000 supervisors throughout the system, evidencing their interest in this matter through their membership. They do not ask for any more than they have presently, and they would prefer that any privileges that they presently have be not taken away from them through this legislation. This is exactly what the intent of the committee was when it prepared the language associated with this part of the bill.

So in essence they are getting no more than they presently have and, hopefully, they are not going to have any less.

To support the gentleman from Illinois, you would be taking away from them this privilege. Let us give some attention to the important role that these people play in the postal system. Through their ambition and through their initiative they have risen in the ranks to supervisory level. They are not asking for anything more than they should get. So I would hope very much that the ability to be cohesive will not be destroyed by deleting from this legislation the language which the committee has included in the bill.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. The gentleman has made an excellent statement. I wonder if he would agree that if this amendment is adopted, it would in effect destroy the supervisors' organization by taking away from them the right to bargain?

Mr. HANLEY. The gentleman from Pennsylvania is absolutely correct. The effect of the gentleman's amendment would simply put that association out of business—I should not use the description "simply." It would put the association out of business, and I do not think that that would be the intent of any Member here today.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Iowa.

Mr. GROSS. I commend the gentleman for his statement, and I join him in opposition to the amendment.

Mr. HANLEY. I thank the gentleman.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to my colleague from New York.

Mr. BRASCO. I also would like to commend the gentleman on his statement and rise in opposition to the amendment.

Mr. HANLEY. I thank the gentleman again. I ask that you vote down the amendment of the gentleman from Illinois and support the committee language.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is an important amendment. It goes to the heart of what we are trying to do in this reform bill.

As Postmaster General, Larry O'Brien originally made the proposal that started us down this track. One of the things he said was that management does not have the tools to manage.

The supervisors are wonderful people. The supervisors have a whole corps to supervise, from 8 to 10 or up to 200 clerks and carriers in the postal service. They have always had a very close relationship with the Congress. In fact, most of the Democrats know several supervisors whose appointment or promotion they have recommended and have participated in.

In the past the supervisors have always looked to Congress for protection. Congress has helped them. Historically when we have had pay bills, there has been pressure to take all of the money that was available and give it to the lower-pay clerks and carriers and not to give it to management or the supervisory people.

Now it is contemplated we will have a new system, and the clerks and carriers will be protected by collective bargaining. It is felt and believed, and I believe, that unless the supervisors are made part of management, unless they look to management for their protection and not to the unions—which is what they have been doing in the past—we are going to really cripple and tie the hands of management.

Under the committee bill, if we are trying to run this post office, we would have to have what is the equivalent of collective bargaining with our own supervisors and foremen and managers. We would have to have it under the committee bill. Our own supervisors would be organized and coming in and demanding things of management.

I respect the supervisors. I have worked closely with them. I authored the provision that is now in the bill as a substitute for what was originally proposed, but it seems to me we can give management the tools in this new organization to really do the job and to really manage and to have supervisors as part of management, we will not have a really workable system. So I urge that the amendment be enacted. I urge support for it.

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. HANLEY. Mr. Chairman, the gentleman has suggested it would allow collective bargaining for supervisors. Can he explain that? I stated it absolutely does not.

Mr. UDALL. No; I said that it allows something close to collective bargaining. We set up in the committee bill a three-man panel who could take up grievances and report back to the Postmaster General on those grievances.

Mr. HANLEY. But in no sense is this collective bargaining per se. I am setting the record straight.

Mr. UDALL. It is not collective bargaining. I did not intend to leave that impression.

Let me state clearly—the supervisors under the amendment—let me say we have written in the bill a salary differential, and we have said for the supervisors—"you shall have a differential in pay," so we will not have the ridiculous position of the supervisors getting less than the men they supervise. It says in the event a supervisory organization shall exist and it shall be recognized and shall have consultation rights, the Postmaster General shall work with the supervisors. We have also provided in the bill for a voluntary dues check off, so the supervisors' organization will not go out of business, and it will continue to exist, but they will look fundamentally to management for protection with fundamental rights underwritten in the bill. I think this is the way to treat these fine gentlemen who serve as supervisors, and we should not have the language that is in the committee bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, is the gentleman for the amendment suggested by the gentleman from Illinois?

Mr. UDALL. When I arose, I said I support the Derwinski amendment. I think it is sound and it does the things we want.

Mr. GROSS. And the gentleman now disavows what he put in the committee bill?

Mr. UDALL. I think this is a far better way to treat the supervisors, and in totality with what we have done with other amendments, I think this is a better way to treat them.

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. HANLEY. Mr. Chairman, have we not already in the bill denied the supervisors the compression privileges which we have for all the other grades in the service? We cut them off at level 6 which in itself will be detering ambition.

Mr. UDALL. We do not provide specifically for their compression, but we say to the Postmaster General that he shall always have a reasonable and meaningful differential between the working people, between what they get, and what the supervisor gets.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am becoming more impressed with the versatility of the gentleman from Arizona (Mr. UDALL) and of the gentleman from Illinois (Mr. DERWINSKI). They were prepared to substitute a bill, the Udall-Derwinski bill, at the outset of the amending procedure. This was rejected out of hand by an overwhelming vote of the House.

Now today we see the Derwinski-Udall amendment offered here, and we have the added attraction of the gentleman from Arizona (Mr. UDALL) repudiating the provision that he put in the committee bill pending before the committee only a few weeks ago.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Surely. I yield to the gentleman from Arizona.

Mr. UDALL. The gentleman gave us some advice on Tuesday. He said, "Do not bring in this package; we do not want to consider the package."

Mr. GROSS. And the House agreed with me, did it not?

Mr. UDALL. It did, by a substantial margin.

Mr. GROSS. Or I agreed with the House.

Mr. UDALL. I am still licking my wounds. I hope the gentleman feels sorry for me.

Mr. GROSS. I will be glad to provide a little liniment or salve for the gentleman.

Mr. UDALL. Anything suggested might be helpful.

The gentleman suggested that we come in with amendments in separate form and offer them one at a time. Now we are castigated for trying to change the bill.

Mr. GROSS. No. I am just admiring the versatility of the Udall-Derwinski combine.

Mr. UDALL. I learned this in the Committee on Post Office and Civil Service at the gentleman's knee. He has taught me much of what I know.

Mr. GROSS. I do not know that I have had any hyphenated associations with the gentleman up to this point.

Let me say this: Now that we are reviewing a bit of history, I can remember that January day in 1970 when the distinguished gentleman from Arizona (Mr. UDALL) threw up his hands, when the committee rejected the offer he had to make from the Postmaster General. He threw up his hands and said, "I am through. This ends it."

But lo and behold, he tried in June to hand us another bill on the House floor.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman from Arizona.

Mr. UDALL. Hope springs eternal, and we all rebound from defeats.

The Postmaster General came to me. The postal clerks and carriers said, "Will you please make another try?" The mail users of America came in and said, "We need postal reform."

So I went back on my word and I brought in another bill. Maybe this will be the last one. Maybe we can complete action.

Mr. GROSS. I am glad the gentleman inserted "maybe."

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I want the gentleman to know that I accept with all the emotion I have his description of the gentleman from Arizona (Mr. UDALL) and myself as being men of versatility.

Mr. GROSS. What now concerns me is which one is speaking for the Postmaster General.

Mr. DERWINSKI. Both of us.

The point we wish to make is, if we are that versatile, perhaps the gentleman might see his way clear to support this amendment.

We are trying to provide something for which the committee has striven for a year and a half. This is management responsibility. The supervisor is the key to effective management of the postal service.

Consistent with the views of the administration and the postal unions, we offer this amendment from our substitute. If the Members will adopt this we will improve the bill.

Mr. GROSS. The distinguished gentleman from Illinois is in rare form this afternoon.

Again, I have been waiting with bated breath to see one or the other of these distinguished gentlemen introduce the postal rate increase bill that has been kicking around, but somehow or other the administration has not yet found a taker for that one.

Mr. Chairman, I hope that the amendment will be defeated.

Mr. GONZALEZ. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise to ask some questions of the distinguished gentleman from the committee who is the author of the pending amendment, Mr. DERWINSKI.

As I understand from reading the bill, the postal supervisors under its terms would have a right to organize.

It would have the right to process certain procedures such as fringe benefits, except pay, under the terms of the bill. Except pay. Is that correct?

Mr. DERWINSKI. I would rather direct my remarks to the amendment, because that is the issue before us. The amendment specifically states that this organization which is set up would have the right to participate directly in consultation with the postal service on matters affecting the individuals of the supervisory personnel, and then the amendment goes on and provides that it shall be the policy of the postal service compensation, working conditions, and career opportunities that will attract and retain qualified and able personnel. I could say to the House it is the intention of the Postmaster General, in keeping with the concept of a team relationship of supervisors to the postal service, to consistently grant them, as a part of management, the equivalent increases in fringe benefits and compensation that will be negotiated by the official unions representing the rank and file postal employees.

Mr. GONZALEZ. In other words, your amendment modifies this exception of the pay that is in the language of the bill?

Mr. DERWINSKI. My amendment provides the basic philosophy whereby the supervisors who receive all of the association and the strength of being part of management in fulfilling their responsibilities and they are protected in the wage differential from the people they supervise by language in another section of the bill.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Yes. I yield to the gentleman, because I would like to have it clarified. I do not feel the answer was responsive. The bill says that the supervisors organization shall bargain with the postal system for everything except wages. How does this amendment change it?

Mr. UDALL. That particular point is not changed at all. Nothing in the bill or in the amendment would permit them to have collective bargaining on wages.

Mr. GONZALEZ. Not that I am against it, but I wanted to know before I voted on the amendment what the net effect would be, because further on it says after all of these procedures, if there is no agreement, that then a three-man committee shall be appointed and, if that prevails and the Postmaster General does not care to follow the recommendations of that committee, then all he does is report that back to the Congress.

Mr. UDALL. That is right.

Mr. GONZALEZ. And that is all.

Mr. UDALL. That is right. This was designed as a committee compromise to try to give the supervisors at least some tools by which they could take a strong grievance to this panel, which panel would report back to their boss, the Postmaster General.

Mr. GONZALEZ. All you are saying is you are giving them moral support and that is all.

Mr. UDALL. We are not giving them the collective bargaining and arbitration that the line employees have. That is neither in the committee bill nor in the amendment.

Mr. CORBETT. Mr. Chairman, I rise in opposition to the amendment.

I simply want to ask the gentleman from Illinois whether he knows what he said in his remarks, namely, that the supervisors should be very happy with his amendment. Does he know of any supervisors who support his amendment?

Mr. DERWINSKI. If the gentleman will yield, yes. To help clarify the situation, the gentleman will find that across the country rank and file supervisors have no particular objection. Yet their officers in Washington have a very predictable objection.

Mr. CORBETT. Can the gentleman give us any evidence of that? I have not talked to the supervisors across the country. When did the gentleman get this done?

Mr. DERWINSKI. I spoke to individual supervisors in post offices in my district and consulted with officials of the Post Office Department who spoke at conventions of supervisors, that rank-and-filewise there is no particular objection to what we hope to do in the postal service, but naturally the Washington officials of the supervisors have a predictable objection.

Mr. CORBETT. And are they the elected representatives of the supervisors? Who else are we going to believe?

Mr. DERWINSKI. We can believe the supervisors themselves.

Mr. CORBETT. I can make the opposite statement that the gentleman made, and I will tell him that the supervisors are very, very strongly against this particular amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to my colleague from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I join my colleague from Pennsylvania in opposition to the amendment. The trouble with the amendment is that the poor supervisors are at the bottom of the totem pole in management. They are a most worthy group of employees, and are represented by an outstanding organization, the National Association of Supervisors, and this relationship needs to be continued. Under the language of the amendment this would not be so.

Might I ask the gentleman from Arizona (Mr. UDALL) what he meant by the phrase that this is very close to collective bargaining? What is very close? What does the gentleman mean? I come from the city of Pittsburgh, and very close to collective bargaining is not collective bargaining. It is something else.

What is it?

Mr. UDALL. Mr. Chairman, if the gentleman will yield, it is very clear that we do not give them collective bargaining, but we give them some consultation rights, some rights to sit down and present grievances.

I give them the right to exist as an organization.

So I say this is something close to collective bargaining, although it is not collective bargaining.

Mr. FULTON of Pennsylvania. The answer to it, then, is you give them the right for a talkfest, and yet no real rights otherwise. They can just be consulted, and if anybody wants to ignore them they can be ignored. Usually, with me I do not mind being ignored, but this seems to me to be giving opportunity to not even bothering to ignore them.

Mr. UDALL. If the gentleman will yield, does the gentleman think his administrative assistant ought to have collective bargaining rights in dealing with the gentleman? Does the gentleman know anywhere in private enterprise where supervisors are given collective bargaining?

Mr. CORBETT. Mr. Chairman, I have the floor. I want to say to the gentleman that the amendment as adopted by the committee is very satisfactory; it does not give collective bargaining rights for either.

Mr. LUKENS. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Ohio.

Mr. LUKENS. Mr. Chairman, I thank the gentleman for yielding. I just simply want to go on record as supporting this amendment. I am sorry at this time that I cannot join my distinguished minority leader of the committee in support of his opposition to the amendment. I believe this amendment is necessary and justified. I would also like to associate myself with the remarks of the gentleman from Illinois (Mr. DERWINSKI) and say that in my opinion the majority of the postal supervisors in the State of Ohio do join in support of this concept.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI). We have got a very difficult situation in here. There would be no debate whatsoever over this issue if you or I were starting a private corporation. Certainly we would expect the supervisors to be a part of management. But we want to recognize the historical role that the supervisors organization has had in the postal service. I know the postal supervisors and their national officers know that I have always been understanding of their problems and sympathetic to them. I expect to remain so. I believe that the majority of the Members of this House will take that same position, and regardless of what we write into the bill today the House committee and the full membership of the House are not going out of business. We will listen to the supervisors. They can come to us with their problems. And if this new organization does not work out then we will have to legislate more strenuously than I think we should at this time.

The present bill just goes too far, in my opinion, in extending the supervisors things they do not need, and perhaps should not have, certainly automatically by law, if they are a part of the management team—and they must be if we are to gain efficiency in the postal service, they have got to be brought into the management responsibility and really treated as a part of management. If they are going to participate in negotiations and discussions as a part of management then they should not be, in my opinion, guaranteed by law pay differentials for them, it seems to me, gives a built-in conflict of interest. If they know that whatever pay increases and other benefits the rank and file through their organizations are going to get, it seems to me that it would be very difficult to be completely openminded and impartial—and I know that they would want to be.

Now, if they are to be part of management in the field of negotiations, they must assume their responsibilities. But just as importantly and with all of the force at my command, I point out that management in the new system must treat the supervisors as management; they must give them the proper differential in pay and proper authority and back them up when they give them responsibility and truly make them essential parts of the management team.

I am just fearful that the committee language goes too far the other way. I believe that the Derwinski language will solve a very sticky problem. I believe that the new management will be challenged to make the supervisors far more a part of the management team than they have been in the past.

If we find that they are not being fairly treated and being given their proper role, then this Congress would be most sympathetic to respond and do something to correct the situation.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman.

Mr. CORBETT. I just want to ask a question of the chairman. I wonder if the chairman would not consider, since we have gone over this so much in committee and here, that we could cut off debate on this amendment in 10 minutes or so?

Mr. DULSKI. I intend to do that.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the gentleman.

Mr. SCOTT. I have a mimeographed sheet here that was put out by the National Association of Postal Supervisors. It indicates that the National Association of Postal Supervisors has never been treated as management and are not treated as management now.

I think this is an important question. Does the gentleman agree with the National Association of Postal Super-

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visors in this regard? Are they mistaken—that they are not a part of management?

Mr. HENDERSON. I am not satisfied and I have not been satisfied that they have been. In the new postal system they must be, if we are to have an efficient postal service and the line supervisors and the top supervisors are the people who really do the work.

If we are going to create this new and efficient service, the new management that comes in must give supervisors a proper role and status. I think if it does not happen, the Congress will legislate more stringent provisions.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that all debate on the amendment of the gentleman from Illinois (Mr. Derwinski), and all amendments thereto, end at 2:20 p.m.

The **CHAIRMAN.** Is there objection to the request of the gentleman from New York?

There was no objection.

The **CHAIRMAN.** The Chair has noted the names of Members standing when the unanimous-consent request was agreed to, and will recognize Members for approximately 1½ minutes each.

The Chair recognizes the gentleman from Nebraska (Mr. Cunningham).

Mr. CUNNINGHAM. Mr. Chairman, I know the Congress has been lobbied extensively by the supervisors against this amendment. But I am convinced that they should be a part of management. If they have not been in the past, they should be in the future. I honestly believe they will be much better off.

We have heard a lot of talk which amounts to kicking the Postmaster General around. But I hear no talk of kicking Larry O'Brien around, whom I admire for his part in bringing about postal reform. I hear no talk of kicking the leaders of the seven exclusive postal unions around including the Carriers & Clerks, and other responsible people who are for this type of amendment.

So it is an awful lot of fun for some people to kick the present Postmaster General around, but not to kick these other people around because they are afraid, I presume, of the backlash they will get from them—because I am confident they are in favor of this amendment as it has been presented.

The **CHAIRMAN.** The Chair recognizes the gentleman from New York (Mr. Brasco).

Mr. BRASCO. Mr. Chairman, I rise in opposition to the amendment. The concept that we have before the House today in the nature of postal reform is supposed to make management more efficient so that mail can be more efficiently delivered. It seems to me that management, in the nature of the postmaster should want to give to his field management, the supervisors, a vehicle by which they can make their voices heard in terms of getting more efficient management on both levels. Then the second half of the Derwinski amendment that would do away with the concept of wage differential, I suggest that when the amendment was adopted in the committee sponsored by the gentleman from Arizona (Mr. Udall) who so eloquently spoke about the divisiveness that is created among employees and supervisory personnel when the employee may be making more money than the supervisor, that there should be this wage differential.

It seems to me that the whole concept of the bill is a logical one and that Mr. Derwinski's amendment would do nothing but create havoc with a situation to which we are trying to bring some reasonable concept.

The **CHAIRMAN.** The Chair recognizes the gentleman from Texas (Mr. White).

Mr. WHITE. Mr. Chairman, I rise in opposition to the amendment. Traditionally, supervisors have been classified as a group unto themselves, with their own rules and their own mode of operation. I think we would destroy a certain esprit if we should adopt the Derwinski amendment.

There are 30,000 to 32,000 supervisors in the postal service today. This provision of the bill goes only to negotiating their conditions. It does not go to other employees. It does not allow them to negotiate their wages. Without an opportunity to arbitrate their conditions, the supervisors would be in limbo. I therefore ask that the Derwinski amendment be defeated.

The **CHAIRMAN.** The Chair recognizes the gentleman from New York (Mr. Hanley).

Mr. HANLEY. Mr. Chairman, I reiterate my opposition to the Derwinski amendment. I wish to make it very clear that in no sense of the word are we dealing with collective bargaining in this issue.

Again, let us assure ourselves that the supervisors are not to be compared with management in the private sector. So all we are providing for is the right of consultation. We are providing for the creation of a three-man board which will listen to their grievances and then make a recommendation to the Postmaster General.

So we are providing them with no more than they presently have, and hopefully no less than they should have. I ask that the Derwinski amendment be voted down.

The **CHAIRMAN.** The Chair recognizes the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the Derwinski amendment. If what the gentleman from New York (Mr. Hanley) has just said is true, that all he wants is the right of consultation by this association, he need have no fear at all about the Derwinski amendment, because, as I read it—and I have it here before me—those are the very words that are in the language of this amendment, that they shall have the right to participate directly in consultation with the Postal Service concerning matters affecting terms and conditions of employment.

But if we then turn to the language of the committee bill, we find something quite different. It is something quite different from mere consultation. It says they shall have the right to participate directly with the Postal Service in the formulation and implementation of the terms and conditions of employment. This is something far different, and I would submit that, as Mr. Udall, the gentleman from Arizona, has said, there is absolutely no precedent for our completely commingling the rights of management and labor as they would be by the terms of the committee bill. What you would do, instead of having a single management team, I think you would very clearly be putting the Postmaster General and his field supervisors in an adversary position. This is certainly not the way to bring about the efficient reorganization of the Postal Service that we desire.

I think the amendment should be supported.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I wish to associate myself with the remarks of the gentleman from Illinois. If we want to talk about the ability of the postal service to manage postal affairs, the only way we can do so effectively is to adopt the Derwinski amendment. I commend the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for his contribution.

The **CHAIRMAN.** The Chair recognizes the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Chairman, there are no finer people on earth than the 32,000 supervisors. They are apprehensive. They have always had to look to the Congress for protection. They are apprehensive about these new arrangements and where they are going to land. I want to assure you that if it does not work out as we represented it here today, if management does not accord to them the kind of rights they ought to have, I, for one, and I think every member of the committee, woud join in doing something about it.

Let me emphasize that even in the substitute, the Derwinski substitute, we give the supervisors for this large operation something that almost no supervisors have in private industry. They will have the right to exist as an organization; they will have absolute, guaranteed statutory consultation rights on everything that affects them, and they will have a dues check off. I think this is adequate protection which will give us both the benefits of management being able to manage and yet protect the rights of these fine people in the supervisory organization.

Mr. Chairman, I urge support of the Derwinski amendment.

This amendment corrects an overemphasis in the bill as reported out of committee. Subsections 208 (b) through (e) of the bill come very close to requiring collective bargaining, in effect, between postal supervisors on the one hand and top management of the postal service on the other. Such a requirement flies in the face of almost all labor relations experience and judgment in the non-Government sector. It is thoroughly inconsistent with the National Labor Relations Act, as amended, which generally is to

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govern postal labor relations under this bill. But worst of all, it contradicts what is perhaps the most important single purpose of this historic postal reform legislation—that is, to provide for truly effective management in the postal service. If the postal service is to be managed well, it must be understood by all concerned that supervisors are a highly important—in some ways the most important—part of effective management. They are the frontline of management. And the success of the new organization turns in no small part on their being recognized as such. The Derwinski amendment does exactly this. It would be seriously damaging to this concept to require the postal service to negotiate what would amount to a collective bargaining agreement with a supervisors' organization because the negotiation process would tend to polarize the interests of the supervisors and those of higher echelons, instead of bringing them together.

Nevertheless, it is of the utmost importance to the success of the new postal service that there be a well-trained and well-motivated supervisory force, for the supervisors' role is absolutely essential to the process of converting broad postal policies into successful day-to-day postal operations. This amendment recognizes this fact. It makes it a matter of basic postal policy for the postal service to establish compensation policies and conditions of employment that reflect the importance of a dedicated and effective supervisory force characterized of high motivation and high morale. It also requires recognition for a supervisors' organization, which shall have the right to participate directly in consultation with the postal service concerning all matters affecting the responsibilities and conditions of employment of supervsory personnel.

In sum, this amendment replaces seriously disruptive provisions with affirmative assurances of a sound and beneficent policy for postal supervisors.

Let me add that I intend to watch the new postal service closely as regards postal supervisors. If their treatment does not improve under this act, changes will be suggested by me. They can depend on this.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, let me emphasize this is a positive amendment. The purpose of it is to upgrade the relationship of the supervisors in relationship to management. It certainly is a departure from present procedure since what we are doing is to upgrade the postal service and to provide management techniques and labor-management relationships that are needed.

I emphasize that in this language I offer as an amendment we give to the individual supervisors status without depriving them of any of their individual rights, and they do have protection in the wage differential over the employees they will be supervising. This puts them solidly on the management team. It gives them the equivalent status that personnel of that type have in private industry. It just makes sense in this entire new concept of postal reform.

I especially emphasize that the Postmaster General feels this is a key amendment, and without this amendment we would endanger the efficiency of administration that they envisage.

I urge adoption of my amendment.

Mr. LUKENS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio.

Mr. LUKENS. Mr. Chairman, I thank the gentleman for yielding. I would like to add my comments in support of this section of the bill. It seems to me what we have before us is a bill that may or may not solve the problem of providing efficient postal service to the people of the United States. We really do not know. But, we do know it is difficult enough to be effective and efficient in delivering the mail. We also know the cost for mail delivery has gone up, and while the postal service faces competition from private enterprise, I think this is one provision that holds out promise for more effective operation of the Postal Department. I think we at least ought to try it. I support the gentleman's amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI) to close the debate on this amendment.

Mr. DULSKI. Mr. Chairman, the Derwinski amendment says the supervisors shall have the right to participate directly in consultations. Under the language of the amendment, although they have some kind of representation, if the Postmaster General does not agree with them they have no other recourse.

The committee bill, on the other hand, provides as follows on page 185:

> "(d) In the event the parties fail to reach an agreement under subsection (c) of this section, the dispute will be resolved by a panel consisting of three members, one appointed by the Chairman of the Civil Service Commission, one appointed by the Secretary of Labor, and one appointed by the Director of the Federal Mediation and Conciliation Service.

At least they have a means of recourse in the committee bill. But in the amendment proposed by the gentleman from Illinois (Mr. DERWINSKI) they have none.

I am opposed to the amendment. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DERWINSKI. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DERWINSKI and Mr. DULSKI.

The Committee divided, and the tellers reported that there were—ayes 84, noes 64.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HENDERSON: On page 219, section 660, lines 19 and 20, strike out the words "and the Sergeant at Arms of the Senate" and insert in lieu thereof the words "the Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, and the Clerk of the House of Representatives,".
>
> On page 220, section 660, line 4, strike out "or Sergeant at Arms of the Senate," and insert in lieu thereof ", Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, or Clerk of the House of Representatives,".

Mr. HENDERSON. Mr. Chairman, this is a very simple amendment. I understand the chairman will accept it. I will advise the Members of the effect of it.

It merely provides a franking privilege to the Sergeant at Arms of the House and to the Clerk of the House, as their counterparts have in the other body. Of course, they will pay for this privilege, as the Members of Congress do, but this ought to be put into the bill.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the chairman of the full committee.

Mr. DULSKI. I thank the gentleman for yielding.

I am in accord with the distinguished vice chairman of our committee. This is only corrective language. All it does is clarify the situation in the House.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I believe the amendment is acceptable for technical clarification. In the interest of the House it should be accepted.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am glad to yield to the Speaker.

Mr. McCORMACK. The purpose of this amendment is to give franking privileges to the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, and the Clerk of the House of Representatives. Is that right?

Mr. HENDERSON. It is my understanding that the Sergeant at Arms of the Senate and the Clerk of the Senate have this privilege. This amendment would extend it to the House officials.

Mr. McCORMACK. I am in agreement with that, but I am wondering whether you should have said "or the Clerk of the House of Representatives" instead of "and the Clerk of the House of Representatives" to be sure that the Clerk is included.

Mr. HENDERSON. I certainly want to be sure that he is, and if there is any doubt about this, we want to correct it before we adopt it.

Mr. McCORMACK. Because it might look as though you are giving it to the Sergeant at Arms or, in his absence, the Clerk of the House, but you want to have both the Sergeant at Arms of the House and the Clerk of the House to have it.

Mr. HENDERSON. The staff tells me that that is the intent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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Amendment offered by Mr. GROSS: On page 191, line 11, strike out "initiation fees, dues, and assessments" and insert in lieu thereof "dues".

Mr. GROSS. Mr. Chairman, I do not intend to take the 5 minutes.

Let me read section 226, to which this applies, as it appears on page 191 of the bill.

"§ 226. Deductions of dues

"(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective bargaining agreements has consultation rights under section 208 of this title, the Postal Service shall deduct the regular and periodic initiation fees, dues, and assessments of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

Now, under the Executive order promulgated by President Kennedy and renewed by President Johnson and by President Nixon, it is provided in section 21 as follows:

When a labor organization holds formal or exclusive recognition and the agency and the organization agree in writing to this course of action an agency may deduct the regular and periodic dues—dues—of the organization from the pay of members of the organization in the unit of recognition who make a voluntary allotment for that purpose and shall recover the costs of making these deductions.

The Executive order in effect under the last three Presidents says absolutely nothing about initiation fees and assessments.

Under the terms of this bill, assessments might be made for any purpose whatsoever. My amendment would simply strike out initiation fees and assessments, leaving dues that could be checked off if the employee agrees voluntarily that there shall be a deduction.

If this amendment is adopted, I expect to offer another amendment to provide, as the Executive order now provides, that the Government be reimbursed for the collection of the dues.

I might say that for the some 400,000 union members of the postal service, the costs of collection now are somewhere in the neighborhood of $130,000 to $140,000 a year. That is not an inconsequential amount.

I trust the Members will support the amendment to limit the checkoff only to dues.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have to bear in mind at all times in consideration of the labor-management portions of this bill that trying to compare this bill with what has been the practice in the past, or what is in the Executive orders, is like trying to mix apples and oranges.

The Postmaster General of the United States has spoken several times for the Nixon Administration on national TV saying that it is the policy of this administration to tender, by its support of this legislation, to the employees of the Post Office Department a new deal. That new deal will be a new collective-bargaining arrangement with new labor-management laws governing all the facets of collective bargaining.

Now, part of what is going to happen here is that employee organizations are going to change their character and function differently from what we have known in the past in the postal service; they are going to be, in fact, labor unions functioning in every respect like labor unions do in the private sector.

Now, the Ford Motor Co. does not attempt to determine how much it costs them to deduct dues from any particular employee's check, and there is no charge made back against either the employee or his union for this service.

Neither does General Motors, and no employer in the private sector has ever asked to have either the union membership or the employees bear the cost of this. For one reason, it would probably cost the employer more money to keep track of how much it costs to handle the dues of each employee than it would be worth, and the recordkeeping would probably cost more than the effort to make the actual deduction.

Now, no one has come before our committee and asked for this to be done. The Postmaster General, on behalf of management, has not asked for it. And it would be a mischievous amendment that the gentleman from Iowa is offering here now.

I am sure that our friends who are looking forward to what collective bargaining is going to be under this new law are not going to be very pleased if on the one hand we say they are going to have the same rights and be under the same restraints and restrictions as their brothers and sisters working for a private employer, but on the other hand we start making exceptions to treat them differently than if they were working for a private employer.

To restrict the postal service in the way the gentleman from Iowa would restrict the postal service from entering into the agreement with the agent for the employees, would be to treat them differently than they are treated in practice by private employers across the country.

Mr. GERALD R. FORD. Mr. Chairman, would the gentleman from Michigan yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, as I read this section, 226(a), it does provide for the deduction of regular and periodic initiation fees, dues, and assessments, and so forth. But then it also says, as I read the existing provision in the bill, before anyone or all of those can be deducted there must be written permission given by the individual union member. Is that correct?

Mr. WILLIAM D. FORD. That is correct. That would not be changed.

Mr. GERALD R. FORD. This individual permission once given is for 1 year, and it must be renewed after a year or it expires?

Mr. WILLIAM D. FORD. Yes, that is correct.

Mr. GERALD R. FORD. But if an individual wanted to give permission to the union for the deduction of fees and dues, but not assessments, that is his option?

Mr. WILLIAM D. FORD. That is correct.

It requires two things: First, the management and the union would have to have an agreement that management is going to deduct these assessments. Then, in addition, the individual employee from whose paycheck the deduction is then going to be made, would have had to execute the document authorizing the deduction.

Mr. GERALD R. FORD. Let me clarify one other point, if I may.

No agreements between management and the labor organizations in this case can preclude him from insisting that he has to give permission in one or all of the cases?

Mr. WILLIAM D. FORD. That is correct.

Mr. LUKENS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

I would simply like to make this observation. I think it is basic to the structure of our society that Government does differ somewhat from private employment in the outside world.

I believe we are going a step too far in our necessary responsibilities to the taxpayers of this country to say that we shall deduct union initiation fees, dues, and assessments—some assessments which would be used for political purposes and political aims of the unions and justifiably so.

I feel Government should at least try to compete with the benefits and rights and for private union membership, where they have functions and obligations outside of Federal employment.

I think this proposed deduction in this amendment offered by the gentleman from Iowa is sufficient. We do have a checkoff system for dues. It makes sense and I think it is a logical right and privilege due to the union and the membership.

But it is something else, however, while meeting our problem of reorganization to continue the service that the Government wants to provide for the people always at the cost of the general taxpayers and citizens.

Here we go once again thoroughly bureaucratizing an agency which so far is already bureaucratized too much.

I would like to see us trim this down simply for the postal service to a checkoff of union dues.

I think going into initiation fees and assessments for political purposes is a step beyond the proposed capability of our Government. We are already providing such services in too many directions. We should keep this within sensible limitations.

I think we have done enough for unions in this amendment, if we authorize the checkoff system of dues alone. I think it is up to the union membership and their leadership to sustain the cost and the additional responsibility for collecting the assessments, particularly political assessments which are beyond

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the financial capability of any administration.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman from Idaho.

Mr. McCLURE. I would just like to point out, we have been talking of giving these men the same rights that exist for other work under existing law.

Existing Federal law calls for the checkoff of dues. It does not provide for the checkoff of assessments or initiation fees.

If we are going to give them the kind of equity and the kind of even-handedness that we are talking about here without modifying the existing labor law, then we would confine this checkoff to dues and would adopt the amendment of the gentleman from Iowa.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. LUKENS. I yield to the gentleman.

Mr. WILLIAM D. FORD. The difficulty is that you gentlemen are talking about this as if we were mandating by this legislation that there would be an assessment of any kind.

There may never be an assessment collected in this way.

But what you are doing, if you follow the gentleman from Iowa, is preventing the management of this new corporation that we are setting up from ever entering into an agreement to collect the assessment if at some time in the future such a practice would be advisable.

All of our experience in the private sector indicates that many times the collection of something which is not technically dues would be proper and desirable and something that both labor and management would want to participate in.

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Mr. LUKENS. If I may intrude at this point, that is exactly why I have objected to this. I say to my friend, the gentleman from Michigan that this amendment goes far enough.

I think we would go far afield. If there is an additional assessment, it should be in the form of one the cost of which should be borne by the union.

Mr. WILLIAM D. FORD. Why do we not let management of the new corporation make that decision after they get into operation? Why should we restrict them and prevent them from having the opportunity to make that decision at the appropriate time?

Mr. LUKENS. Because I think it is one decision that this House can handle and be responsible for today. I would like to have this amendment voted on favorably. I would like to see it made the law of this land.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. William D. Ford) there were—ayes 59, noes 40.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 191, line 17, add a new sentence at the end of section 226 to read as follows: "The Postal Service shall recover the costs of making such deductions."

Mr. GROSS. Mr. Chairman, this is the amendment which I previously said I would offer in connection with section 226 of the bill. This amendment is designed to make section 226 conform with the provisions of the Labor Management Relations Act of 1957 with respect to dues deduction and to Executive Order 11491 as it presently applies. Neither the NLRA or the Executive order require management or the agency, as the case may be, to go beyond deducting dues. The Executive order requires the agency to recover the cost of deducting the dues, and this is all I propose, that the Government recover its cost of collecting dues under the terms of section 226 of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Dulski) there were—ayes 37, noes 52.

So the amendment was rejected.

Mr. ANNUNZIO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and thirty-five Members are present, a quorum.

AMENDMENT OFFERED BY MR. OLSEN

Mr. OLSEN. Mr. Chairman, I will offer two amendments, one after the other, and I will explain them if the Clerk will read them. They are to section 1201 on pages 262 and 263.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. Olsen: On pages 262 and 263, strike out all of subsection (e) and insert the following:

"'(e) An amount approximately equal to 10 per centum of the total costs of the Postal Service for each fiscal year shall be considered public service costs of the Postal Service to be paid from appropriated funds. In addition to amounts otherwise authorized to be appropriated to the Postal Service, the amounts of such public service costs, as estimated by the Postal Service, are authorized to be appropriated annually for the use of the Postal Service. The amount of such public service costs is to be in lieu of revenue lost on each category of free or reduced rate mail under section 1202 of this title and in recognition of any loss that may be incurred in maintaining a high quality of postal service at third- and fourth-class post offices and on rural or star routes."

Mr. OLSEN. Mr. Chairman, the purpose of this amendment is simply to preserve the authorized congressional appropriation to the postal service to make up its deficit in the handling of public service mail which goes at free or at reduced rates as designated by this Congress.

Presently the list of public service rates includes nonprofit organizations, libraries, books and records, classroom publications, in-county newspapers, free mail for the blind and the handicapped, the President-elect, former Presidents and their widows, 10 percent of the costs of third-class post offices and star routes and 20 percent of the fourth-class post offices and rural routes.

Last fiscal year, the cost of these services was $700 million on a Post Office budget of $7.2 billion. My amendment would preserve a 10-percent appropriation for public services, as contrasted with the administration's position that such costs should be phased out almost entirely by 1978, and if the services would continue at all, there would have to be a charge against other users of the mail or a phasing-out of the services.

These costs have been appropriated since 1958, and I think the Members will agree it is most essential to retain this service regardless of what we call the postal service. Whether we call it an authority or a corporation, we should maintain the services.

I might also note in conclusion that the Senate reform bill takes an approach very similar to my amendment.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I would like to ask a question of my good friend in the well, and I do support his amendment.

If the 10-percent public service amount is to maintain the small post offices and rural routes and other services, in the public interest, would this not reduce costs to those mailers who depend largely on the so-called uneconomic post offices and rural delivery for delivery of their mail? I have in mind local newspapers, nonprofit church and fraternal publications, and agricultural magazines under the preferred category.

Mr. OLSEN. That is correct. It is vitally necessary for more than 20,000 post offices. Of the 30,000, it is vitally necessary for 20,000 post offices, for them to be giving service at all.

Mr. ANDREWS of North Dakota. If the gentleman will yield further, is there any possibility that public services will eventually become a part of the institutional cost?

Mr. OLSEN. There is, unless we adopt this amendment. Either the service will be eliminated or the service will be charged against other users of the mail.

Mr. ANDREWS of North Dakota. I thank the gentleman for this explanation. I believe it illustrates clearly the need for the amendment offered by my distinguished colleague from Montana.

Mr. OLSEN. I thank the gentleman.

Mr. BUTTON. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from New York, but, first, I wish to say that the gentleman has fought hard for this kind of legislation in the committee, and I commend him for his efforts.

Mr. BUTTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Montana and strongly recommend its adoption.

H.R. 17070, in its present form, continues the existing categories of free and reduced-rate mail and provides that the preferential rates will not be changed except by Congress, unless—and this is an important proviso—unless the Congress fails to appropriate funds sufficient to cover the revenue forgone because of the rate preference. Should this happen, or should the appropriation fall short of the required amount, then the new postal service would be rquired to adjust the free- and reduced-mail rates to cover the shortfall in the appropriation.

Such a rate adjustment would not be subject to the congressional veto contemplated for the ratemaking machinery provided for regular classes of mail.

The amendment offered by the gentleman from Montana removes such a possibility by preserving and guaranteeing the authorized congressional appropriation to the postal service to make up its deficit in handling not only free- and reduced-rate mail but other public services as well.

The amendment also reserves to the Congress the power of deciding which categories of mail are to be mailed at free and reduced rates.

While it is likely that the present administration and the present Congress would feel obligated to make annual appropriations to cover the revenue forgone of reduced rate mail, experience with the appropriations process suggests that such a commitment could not be relied upon to govern actions of future Presidents and future Congresses.

As written, H.R. 17070 erects an annual obstacle course for nonprofit charitable, educational, and religious organizations along with other reduced rate categories. The temptation for some future President or Budget Bureau or Appropriations Committee to balance the budget by eliminating all or part of the annual reduced rate appropriation would be great.

I support the approach taken by the gentleman from Montana, for I believe, as he does, that the Post Office is a service organization and that those public services authorized by the Congress should be paid for with funds from the General Treasury

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. BUTTON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Is it not true, I should like to ask either the gentleman from New York or the gentleman from Montana, that the rate on nonprofit single-piece mail for the last 41 years has gone up only from 1 cent to 1.6 cents, that the volume of nonprofit mail has increased tremendously, that more and more organizations are getting in under the nonprofit umbrella and more and more mailings are being made of neckties, key chains, Christmas cards, and other items that are sent out, after which bills are sent out to collect?

Many of these items are really for the purpose of returning a profit to the so-called nonprofit organizations. I am wondering if the gentleman from New York or the gentleman from Montana would contemplate that this would increase the burden on the new Postal Service and represent a tremendous drain on it. The gap between costs of nonprofit mailings and revenues is widening. I hope this amendment is defeated, or the taxpayers will have to foot a tremendous bill.

Mr. OLSEN. Will the gentleman yield?

Mr. BUTTON. Yes. I yield to the gentleman.

Mr. OLSEN. In response to that, I think the volume of nonprofit charitable mail increased, but I do not think that the number of organizations that are taking advantage of it has increased very much.

The exact reason for the amendment is so that the burden will not be on the new corporation. The burden will be on the Congress to judge whether or not they will continue the nonprofit mail and that they will pay for it; that is, the Congress will pay for it. That is the present system and that is what we want to continue and that is the purpose of this amendment.

Mr. DULSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment.

Since I came to the Congress in 1958 the necessary funds were appropriated from the general revenues. I feel that this is the amendment that should be approved so that will continue following the same procedure we have had in the past.

So I want to compliment the gentleman from Montana and ask that this amendment be approved.

Mr. CORBETT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to compliment the gentleman for putting this amendment in. Very definitely when the Congress in its wisdom decides a certain class of mail should have preferential treatment the Government should pay that difference of the Postal Commission or whatever it will be called. When we do things here that are a built-in expense to the postal management, it is our job to pay for it, and it is not to be paid for by the users of the mail. I think this is a very clear point. In the event that the situation changes, the Congress can change this by simple statute. So I believe the amendment is a good safeguard and ought to be passed.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. Yes. I yield.

Mr. KAZEN. I thought the basic idea here was to get the Congress out of this business, and here you are putting us right back into it.

Mr. CORBETT. Just one minute. That is not the basic idea of some people, to get Congress out of it. If we remove the Congress entirely, we leave no protection for the general public and we leave no protection for the Crippled Children's Fund, for the Easter seals, and all the rest.

Mr. KAZEN. Yes, sir. Sears, Roebuck and the rest of them.

Mr. CORBETT. Sears, Roebuck does not get a preferential rate. I would like to point out to the gentleman that nothing but nonprofit organizations have ever been granted preferential rates.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am afraid that it may be a lonesome effort on my part, since when you oppose subsidized rates for Easter seals and all sorts of nonprofit groups, that puts you against motherhood, but I wish to set the record straight so that Members know what they are doing.

The proposal that the Postal Reorganization Act be amended to provide for a continuing subsidy equal to 10 percent of the costs of the postal establishment runs counter to a concept which lies at the very heart of postal reform—that management be required to operate the Postal Service in an efficient manner which provides service to all the public and puts an end to the massive drain on the Federal Treasury which postal operations have represented in recent years. This amendment would remove the most essential discipline for good management which exists in the reform proposal, a discipline which would require management to cut out the fat in the postal system, improve efficiency, and provide the kinds of postal services that the mail users want and will pay for, so that the system can ultimately be put on a pay-as-you-go basis. Providing the subsidy would amount to telling management and the public that we in Congress do not care whether costs are kept down.

A lax, sloppy, inefficient management—a management ready to make excuses and live with deficits and failure—can adjust to the subsidies proposed here today. Such a management would perish under the requirement that the costs of the Postal Service be brought into line with postal revenues over the next 8 years.

We are told that this amendment is needed to permit Congress to decide upon the categories of free and reduced mail which will continue to exist after reorganization. This is utter nonsense. The fact is that the bill we are considering as voted out of our committee preserves special preferences enacted by Congress and provides appropriations to cover them. In contrast, the bill recently voted out of the Senate Post Office and Civil Service Committee, which contains a provision similar to that proposed here for an on-going massive 10 percent subsidy, would abolish congressionally enacted preferences entirely and leave the establishment of specifically preferred classes of mail to a rate commission.

This amendment thus has nothing whatsoever to do with maintaining congressionally enacted preferred mail categories. What the bill does do, however, is to permit—indeed virtually require—the perpetuation of a discredited system in which certain users are forced to subsidize other users, without there having been any showing whatsoever that such subsidization is socially desirable. The people of this country are fed up with being forced through their taxes and postage rates to pay for the mailings of profitmaking organizations which can and ought to be paying more. Make no mistake about it—adoption of this amendment will not benefit the ordinary user who mails no more than a few letters a week. It will, however, massively benefit business mailers by inviting the perpetuation of a system which favors them.

The argument is also made that enactment of this subsidy will help maintain service at smaller post offices in rural areas. The costs of operating these small post offices are small, however, and the findings of the Kappel Commission and

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the testimony of Post Office Department witnesses have made it perfectly clear that smaller post offices are not viewed as losing operations, but as part of the overall system of providing mail service throughout the Nation. Mail service will continue to be provided everywhere—the statute requires it, management will be committed to it, and this Congress will enforce it. Given these realities, it is all the more clear that the subsidy proposed will not go to maintaining service which otherwise would be cut, but rather to perpetuating lower rates to business mailers who simply do not deserve or need to be subsidized.

What are we to tell our constituents if we should enact this unnecessary, undesirable, and harmful subsidy? Are we to tell them that in the face of overwhelming public demand for putting the Postal Service on a pay-as-you-go basis, we enacted a massive subsidy which blocked achievement of this objective? Are we to tell them that in the face of two Presidents and two Postmasters General imploring us to require the new Postal Service to manage its operations so that costs do not exceed revenues, we enacted a massive subsidy which removed this healthy incentive for good management?

Are we to tell our constituents that in the face of other pressing demands for tax revenue in areas such as housing, welfare, education, and medical care—areas where it is impossible for government efforts to be self-sustaining—we chose to spend precious tax dollars instead on postal services—services which all experts agree can be made self-sustaining? Are we to tell them that at a time when Government spending must be cut to fight inflation, we fed the inflationary fires unnecessarily, to the tune of an additional billion dollars a year?

Are we to tell our constituents that at a time when they are sick and tired of special postal preferences which primarily help bulk business mailers, we perpetuated a system which taxes the general public in order to assist these special user groups? Are we to tell them that at a time when confidence has been lost in the capacity of our institutions to change and to render honest service to the public, we created a system in which the stakes for exerting undue behind-the-scenes influence are extremely great? Are we to tell them that at a time when candor is required, we tried to kid them into thinking it costs less to support postal services through tax dollars than at the stamp window? In short, are we to tell them that at a time when the need for change is manifest, we lacked the courage to do what is necessary?

May I give you a few statistics? If we take the figures that the gentleman from Montana (Mr. Olsen) gave us, and which he stated that the 10 percent involved in his amendment would be an $800 million figure in 1971, I have figures from the Department which indicate that over the first 30 years of applying this proposed amendment by the gentleman from Montana (Mr. Olsen) the total cost would come to $53.7 billion under this provision.

And when it is said that Congress should bear the cost, what they are really saying is that the taxpayers are going to bear the cost because if you put into the new postal service this 10 percent subsidy figure, you are in effect asking the taxpayers to subsidize the mail in perpetuity.

I happen to have in my possession a telegram. I do not think it should have been delivered to me, but this is what it says:

> Following telegram sent to House leadership: Respectfully urge support of Congressman Olsen's postal reform amendments for ten percent public service appropriations and independent rate commission, and full opposition to amendment to grant postmaster general unlimited transitional postal rate authority.

That is over the signature of the name of the vice president of the Magazine Publishers Association.

Well, who are we legislating for this afternoon? The people of the country, or the Magazine Publishers Association?

I note also the reference to third- and fourth-class offices, and the need of this amendment to protect them. It does nothing of the kind, since of the possible $800 million subsidy which I referred to, only $118 million comes from the net cost of third- and fourth-class post offices. And it is a complete illusion to claim that this amendment is intended to protect rural service and protect the nonprofit operations that exist in many parts of the country.

I say that this amendment flies in the face of everything we are trying to do. It creates a built-in subsidy for the mass mailers of the country—and I have no objection to the mass mailers, I think they do a real fine job—but I think they ought to pay the rate. And I see no reason to have a 10-percent permanent subsidy. I reemphasize to the committee that it is the judgment of the Department that in the first 30 years of application of this amendment it would cost the taxpayers of the country $53.7 billion. And that is not anything to sneeze at.

Mr. CORBETT. Mr. Chairman, if the gentleman will yield, how does the gentleman compare over a 30-year period the cost of what any other department of the Government costs, particularly the Department of Labor——

Mr. DERWINSKI. There is a great deal of difference. After all, what we are speaking about here are postal rates, rates which would be paid by the user having his mail delivered. Let me point out that what we are doing in this whole subsidy scheme which is now so inherent in the postal operations, is that we are robbing Peter to pay Paul. I would prefer to contribute a few extra dollars to the Easter Seal Fund, than as a taxpayer have to be contributing to the subsidy they or any other group receive in the mail. And I would think that any charitable organization that is a proper not-for-profit organization, and that has an exemption from Federal income taxes, and so forth, should not mind paying a fair postage rate. I do not think we ought to saddle the overburdened taxpayers of the country with a staggering postal subsidy.

Mr. OLSEN. Mr. Chairman, if the gentleman will yield, I want to get straight the issue that is before us. We are not underwriting any kind of commercial group, the magazine publishers are not covered by this amendment whatsoever. The only people covered are the in-county publications, and the rest of the nonprofit and charitable organizations. And I will explain further that in the report of the Post Office itself there are listed the names of those classes that are taken care of in this amendment. Let us get it straight again that the mass mailers are not covered by this amendment. It is the nonprofit, charitable organizations, and in-county publications, and no others.

Mr. DERWINSKI. Will the gentleman from Montana explain to me why the mass mailers, then, sent out this telegram?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Olsen, and by unanimous consent, Mr. Derwinski was allowed to proceed for two additional minutes.)

Mr. DERWINSKI. Then why is the interest of the mass mailers involved in this amendment?

Mr. OLSEN. A second sentence in that telegram covers them if somebody is going to offer an amendment in their favor. But this amendment does not cover them whatsoever.

Mr. DERWINSKI. Well, then somebody has missed signals here.

Mr. OLSEN. I think somebody has, but I have not misled you in committee and I am not misleading you here. This amendment does not do anything for mass mailers.

Mr. DERWINSKI. Does the gentleman dispute the figures I quoted taken from the Department that within the first 30 years, your amendment would have the effect of creating a $53.7 billion cost to the Department?

Mr. OLSEN. What it will amount to is similar to the Senate bill, 10 percent of the cost of the Post Office is public service and the taxpayer will pay for the public service cost in the Post Office so that those public services are not eliminated.

Mr. DERWINSKI. Right, that is the point I want to make in opposition to this amendment. If the taxpayer is going to bear this burden, it would seem to me to be fair and more practicable that we should at least have the postal service charge a rate in relation to the cost of delivery.

Mr. UDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this important amendment goes to the heart of what is involved in postal reform.

My friend, the gentleman from Montana and I have had many arguments and disagreements on it, and you again find us in disagreement on this amendment. I believe the amendment ought to be defeated.

What are we trying to do here? Right

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now we have too many hands stirring the soup now.

We are trying to set up an independent establishment in the Federal Government which will be self-sustaining by 1975. After a transition period, we will have a revenue mix so that the Postal Service can come out even.

We recognize that the Congress is going to come along from time to time and provide free rates or reduced rates.

We provide right in the bill, you can find a list on page 266—free mail to the blind, and we give reduced rates to libraries and nonprofit organizations and different kinds of mailings that the Congress has always favored with a subsidy rate.

Then we say that they shall come in every year to the Congress and ask for that figure, whatever that figure is. This year the figure would be $300 million.

As against this rather precise statement which will measure the subsidy, Mr. Olsen's amendment says: Let us not worry about computing all of this. Let us just take the arbitrary figure of 10 percent. This year that is $800 million and with the increase in business of our post offices within just a couple of years, it will be $2 billion a year.

Let us not worry about figuring out what the subsidy is—let us take a flat 10 percent, and you will take from the general taxpayers a billion dollars.

He justifies it, very articulately, I might add, saying that these are the star routes and the little third- and fourth-class post offices—and the blind, and the Easter Seals, and all the rest.

Well, the figures this year on third- and fourth-class post offices and rural routes are about $800 million.

This $30 million—that is the net—that is on the list although $70 million is covered in the calculations.

The other subsidies we are talking about bring this total up to something around $300 million. So the gentleman says $800 million. What is the other $500 million going for?

Mr. OLSEN. Mr. Chairman, will the gentleman yield on those figures? You are wrong.

Mr. UDALL. The $500 million is money that we are asking the general taxpayers to throw into the pot to subsidize the big-piece mailers and to add 80 percent to first-class mail for the benefit of the third-class mailers so their rates will be lower. I believe this is the wrong way to go about it. We will be right back in the same difficulty we are in now, where the Congress must come up with a large appropriation. We would not get the new post offices, we would not get the good service we are entitled to.

If we are going to have a self-sustaining operation, we will have to defeat this amendment. If we are going to have the Postmaster General in control, we will have to defeat the amendment.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN. You said the cost of fourth-class post offices is $80 million. That is only part of the story. For third class, rural routes, and star routes added you come to $122 million.

Mr. UDALL. That is the total figure.

Mr. OLSEN. $122 million.

Mr. UDALL. Then you take from the $122 million the revenue that you get from these little post offices, so you have a net of around $70 million.

Mr. OLSEN. No; there is shown here $122,500,000.

Mr. UDALL. Why do you have seven times that figure?

Mr. OLSEN. Then we have another item, Special Services in the Post Office, such as registry, insurance, collecting on delivery, certified mail, and so forth. That is $116 million. The $111 million for books and educational material, $119 million for nonprofit publications, and so forth.

Mr. UDALL. Where is the $800 million?

Mr. OLSEN. It is $699 million, but that is the 1969 fiscal year we are talking about. Yes; it will come to $800 million. By what time? 1971.

Mr. UDALL. The gentleman is asking for an annual subsidy——

Mr. OLSEN. I am talking about nonprofit publications, which is a big item, amounting to about $119 million.

Mr. UDALL. We cover that in the bill now without the amendment.

Mr. OLSEN. No; you do not. In your bill you would cut 10 percent where it would be next year, and that is the $800 million. You say you will cut that down until finally in 1978 you will not have anything for public service, and you will charge me in first class for performing this service.

Mr. UDALL. No; the bill as now written will provide specifically for the Congress to appropriate money for these special and reduced rates under section 1202 of this bill. We make the decision of what we will subsidize. We name the dollar amount. We name the classes of mail. Then the Appropriation Committee can be requested to come up with that amount.

Mr. OLSEN. That is precisely what I seek to authorize in the amendment.

Mr. UDALL. No; take an arbitrary 10 percent.

Mr. OLSEN. Yes.

Mr. UDALL. Which this year is about 60 percent higher than what the true figure ought to be.

Mr. OLSEN. I do not think so. Furthermore, Congress can review the figures every year. This Congress will not quit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. OLSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Olsen and Mr. Udall.

The Committee divided, and the tellers reported that there were—ayes 41, noes 53.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Udall: On page 163, line 14, subsection (d) of section 108, after the word "attends", change the period to a comma and add the following: "up to a maximum of 30 meetings per year."

Mr. Chairman, if I may have the attention of my good friend, the gentleman from Iowa, he has persuaded me to offer an amendment on this subject, and I hope it will meet with his approval.

This deals with the Commission on Postal Costs and Revenues, the governing body of the new Postal Establishment. These are supposedly outstanding men who will set policy and make the major policy decisions. It is the governing body of the Postal Establishment.

The bill as now written provides these men will be paid a compensation of $10,000 per year, plus $300 for every meeting they attend. The gentleman from Iowa, before the Rules Committee, pointed out that theoretically they could meet 360 days a year and make $80,000, which is more than the Director of the Postal Service would make, or Cabinet members would make, or anyone else.

This adds the words "up to a maximum of 30 meetings a year." It would mean that in addition to the $10,000 basic salary, they could earn $9,000 by attending meetings, and the most they could earn in any 1 year would be $19,000.

Mr. Chairman, I know of no opposition to the amendment. I hope it will be agreed to.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I agree with the amendment offered by the gentleman from Arizona (Mr. Udall). I accept it on this side of the aisle.

AMENDMENT OFFERED BY MR. CORBETT TO THE AMENDMENT OFFERED BY MR. UDALL

Mr. CORBETT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Arizona (Mr. Udall).

The Clerk read as follows:

Amendment offered by Mr. Corbett to the amendment offered by Mr. Udall: On page 163, line 14, strike out the period and insert in lieu thereof the following: ", which compensation shall not be considered pay for the purposes of section 8344 of title 5."

Mr. CORBETT. Mr. Chairman, the amendment I have offered is relatively simple and, in effect, corrects what I consider an oversight in the drafting of both the original bill and the substitute.

Under the provisions of both measures the members of the Commission on Postal Costs and Revenues are appointed by the President with Senate confirmation for 9-year terms. Nevertheless, it is anticipated that their duties will be of an intermittent nature primarily for attendance at meetings. The proposed $10,000 compensation is certainly not designed for full-time employment and is more in the nature of a fee or honorarium similar to that paid to members of boards of directors.

Both bills specifically provide that "the presidentially appointed Commissioners may hold any other non-Federal office or employment."

Presumably, the President would search out and appoint to the Commission prominent persons with expertise in business, management, finance, research,

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and so forth, and in most cases these persons would already be lucratively employed in the private sector, and continue such employment in addition to receiving the compensation provided for the position of Commissioner.

However, serious inequity would result in the case of a retired Federal employee whom the President might wish to appoint to the Commission. And I might point out here that probably our best expertise in the entire field of postal affairs could come from persons who have retired from long careers in the Postal Service.

Such a person, if appointed, because of existing provisions of law, would be required to have his annuity reduced by the amount of compensation of the Commissioner, resulting in his performing the duties either without additional total compensation or at an extreme financial sacrifice. As I indicated earlier, no such requirement would apply to someone appointed from the private sector.

Mr. Chairman, I see no reason why any of our retired Federal employees should be so penalized if the President feels that their background and experience would contribute to the overall management of the new Postal Service. I urge the adoption of my amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Arizona.

Mr. UDALL. I have no objection to the amendment. It certainly carries out the intention.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. CORBETT. I yield to the minority leader.

Mr. GERALD R. FORD. The exclusion in the amendment includes retired pay for civilian employees who are retirees of the Federal Government, or does it include military retirees as well?

Mr. CORBETT. Just Federal retirees.

Mr. GERALD R. FORD. I know, but retirees from the military are Federal, too.

Mr. CORBETT. This just involves civilians.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Arizona.

Mr. UDALL. My understanding is that if a man is retired from the military, he is a civilian and drawing a pension. If he is a retired general, he could be put on this Commission and he could continue to draw his retirement.

Is that not the intention of the amendment?

Mr. CORBETT. Yes.

Mr. UDALL. It is my understanding that we would treat both civilian and military retirees the same way.

Mr. GERALD R. FORD. I believe they should be treated the same way. My recollection is that retired enlisted men or officers are still considered to be a part of the military, to a degree. I may be wrong, but that is my recollection of the existing law.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. GROSS. Mr. Chairman, the gentleman from Arizona (Mr. UDALL) said he was offering this amendment apparently because I raised some criticism of the original pay provision for the members of this newfangled Commission in the Post Office Department, and that I perhaps regarded members of the commission as greedy and evil men.

If they took the money at the rate of $10,000 a year plus $300 per day for each day they were in session, and if they were in session 182 days out of the year, they would draw $64,000, a year, plus expenses, as I originally pointed out. I would not accuse them of being greedy and evil for taking the money. I would consider it irresponsible on the part of those who brought out a bill with that kind of a pay formula in it.

I am curious to know why this sudden change in the bill. I am glad the gentleman has offered his amendment and has seen the error of his ways, as he has in the past in throwing up his hands with respect to this legislation.

This amendment emphasizes one thing which every Member of the House ought to understand; that this is to be a part-time commission operating the $7 billion annual business known as the Post Office Department. It is to be a part-time partisan commission, with 5 Republican and 4 Democrats, if the President can be depended upon to observe the usual political division. This is the authority that will run the Post Office Department, a part-time commission.

I support the amendment but it does not change the fact that part-time bosses will run the postal service, or what remains of it.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I join the gentleman in supporting the amendment of the gentleman from Arizona. On a very personal basis the gentleman did make reference to that gentleman. I merely point out that the gentleman from Arizona (Mr. UDALL) has rubbed elbows with the gentleman from Iowa, having served for so long on the committee, that he is starting to get a little fiscal responsibility.

That is the purpose of the amendment. A board of directors such as this group would be should not serve full time. Therefore, the amendment is in order.

Mr. GROSS. I would prefer to let the gentleman from Arizona speak for himself, so far as rubbing elbows is concerned.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. I credit the gentleman with furthering my education in many respects. Now, with the Corbett amendment being approved, hopefully, if the gentleman from Iowa and I are both defeated in the November elections, we could both serve on this commission at the same time, and get that $19,000.

Mr. GROSS. I want to say that $19,000 a year is quite a comedown from the $64,600 a year for going through the motions of working for 182 days.

Mr. UDALL. I will have some other economy amendments as we go along here, and I hope the gentleman will continue to support me in these efforts.

Mr. GROSS. I will be glad to do that.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but I do rise in opposition to the amendment offered by the gentleman from Pennsylvania. When the Chair sees fit to recognize me, I have an amendment to the bill which would eliminate dual compensation to the same extent that it is in all Government departments and makes the general law apply to the new postal service.

The amendment offered by the gentleman from Pennsylvania, as I understand it, would make an exception with regard to retired personnel both military and nonmilitary. I see no reason for a difference between the postal service and other Government agencies with regard to dual employment or dual compensation. Therefore I do urge the defeat of the amendment offered by the gentleman from Pennsylvania.

Mr. CORBETT. Will the gentleman yield?

Mr. SCOTT. I am glad to yield to the gentleman.

Mr. CORBETT. I just want to point out to the gentleman that this is not dual compensation. The amendment as it reads says that for the purposes of this bill and this action that this $10,300 should be regarded as an honorarium or something to that effect. It is not two jobs.

Mr. SCOTT. It seems to me that $19,000 maximum is a fairly good sized honorarium. I feel that the general laws that apply to all Government employees and to all Government agencies should apply in this instance. I see no reason at all to make an exception because we are creating a new type of governmental structure.

Mr. CORBETT. I might say to the gentleman there that we do not. These people will be retirees. They will not be holding two jobs.

I would hate to have the Post Office Department deprived of someone's services because it would cause too great a reduction in their annuity.

Mr. SCOTT. I appreciate the gentleman's concern. However, I do disagree with the conclusions that he reaches.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Idaho.

Mr. McCLURE. I thank the gentleman for yielding.

It is my understanding the amendment now pending only deals with retirement incomes and retired persons whereas the amendment that the gentleman from Virginia intends to offer deals with people who are presently employed by the Federal Government and the dual compensation feature.

Mr. SCOTT. That would deal with both. It would deal with anyone holding two jobs or getting income from two governmental sources. The Congress in its wisdom over the years has dealt with this proposition. I think we should have the same law in all governmental agencies and not have one law for the Post Office Department, by whatever name it is called, and another law for the rest of the Government.

Mr. McCLURE. In other words, you recognize the fact that the pending Corbett amendment deals with a narrower subject matter than what you are referring to, but you still desire to go into the area of retired pay. Is that correct?

Mr. SCOTT. I believe in the same treatment for all Government employees or retirees.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this discussion and this amendment, of course, deals with the commissioners who will establish not only the general policies but also will establish the rates subject to very little review, and that before the fact rather than after the fact. They may in turn subdelegate to a minor board of yet undetermined lineage, their function of the Federal trust.

I believe that even though I am not a lawyer, it is time to bring up the constitutionality of this Commission and particularly the reference to its ratemaking proclivities as set forth in the bill to the attention of the committee and our people.

Mr. Chairman, as H.R. 17070 finally emerges for us to work our will, it contains real constitutional difficulties or questions. These points have never been commented on by the committee, the Post Office Department, the Department of Justice, or anyone else, insofar as I can determine from reading the report.

The significance of these constitutional difficulties is that it is, in my opinion, whose qualifications are only that of an Ozark surgeon with a relatively high constitutional rating for preserving same; highly dubious whether the package of questionable constitutional provisions can merge successfully from a serious test of any high tribunal or our Supreme Court.

I think that if postal reform is to have a fair chance—and certainly we are working our will, and giving it many chances—it should not be based on the shaky principles set forth in this bill.

Now, what do I mean, Mr. Chairman? I mean that there are about four features of H.R. 17070 dealing with this Commission and its ratemaking procedures, each of which violates a universally acceptable constitutional principle.

One, the bill's delegation to the proposed Commission on Postal Costs and Revenues of totally unrestrictive legislative power to set postal rates without limitations or directives imposed by this Congress.

Two, the bill's omission of substantive judicial review.

Three, nullification of the meager judicial review provided.

Unless you think that is paradoxical when taken with item No. 2, I mean by requiring it to occur before a proposed rate becomes law, when no court would act.

And, four, the bill's reliance on a one-House congressional veto in reverse to correct these difficulties when such a veto could not remedy an unlawful delegation of legislative power, and would itself be unconstitutional in the context of postal ratemaking.

I can think of no better time to point this out than at a time when we are talking about the compensation of the Commissioners themselves.

I would like to repeat, Mr. Chairman, the constitutional objections are:

The bill delegates all ratemaking power to the new Commission on Postal Costs and Revenues about whose salaries the present amendment pertains. It does so without any restrictions, limitations or legislative standards controlling the Commission as set forth by the Congress. I ask wherein goes forthwith the constitutional principle that rates, trades, tariffs, and revenues for which our forefathers fought and had a tea party "without representation," for we delegate completely to some commission the Stamp Act and the ratemaking proclivities of the Congress?

Second, the bill makes the total delegation of legislative power to fix postal rates without providing substantive judicial review, and if so, before the fact.

And, third, the one-House "veto in reverse" which I abhor so strongly, as a long-time member of the Joint Commission on Reorganization of the Congress and its related agencies; which has failed to work, and for which there has never been a judicial determination, is abominable. Even if we exercise this, the one-House "veto in reverse" is an unconstitutional withdrawal of delegated legislative power never approved by a single court, and against the weight of prevailing opinion as to its validity.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Corbett) to the amendment offered by the gentleman from Arizona (Mr. Udall).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Scott: On page 170, line 4, strike out "sections 3333 and 5532" and insert in lieu thereof "section 3333, subchapter IV of chapter 55".

On page 174, beginning with line 18, strike out all of line 18 and all that follows down through the period in line 23.

Mr. SCOTT. Mr. Chairman, the purpose of my amendment would be to put employees of the postal service under the same laws insofar as dual pay and dual employment is concerned as officers and employees of the Government generally.

Such laws as we have relating to dual pay and to dual employment would apply under my amendment to the new postal service. It would provide at page 170 for striking out section 5532 and substituting for it the entire subsection (4) of the chapter 55 of title 5 of the Code that relates to dual pay and dual employment.

Then on page 174, and let me read you the committee provisions of subsection (d):

"Notwithstanding sections 5533, 5535, and 5536 of title 5, and any other provision of law, an officer, agent, or employee of the United States Government, is eligible to serve and receive the compensation both as such officer, agent, or employee and as officer, agent, or employee of the Postal Service other than as a member of the Commission."

Mr. Chairman, apparently this was written in the Post Office Department. I do not know the purpose in providing for dual pay and permitting someone to work for some other branch of the Government and also to work for the Postal Service. It seems like one of many bad features of this bill. I do hope the Committee will see fit to agree to the amendment and eliminate dual pay for employees of the new Postal Service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Scott).

The question was taken; and on a division (demanded by Mr. Scott), there were—ayes 28, noes 30.

Mr. SCOTT. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. OLSEN

Mr. OLSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Olsen: On page 267, amend subsections (a), (b), and (c) of section 1251 to read as follows:

" '(a) There is hereby established an independent Postal Rate Board consisting of five members appointed by the President, not more than three of whom shall be from one political party, and each member appointed to the Board shall be a recognized expert in one of the following fields: the legal profession, economics, cost accounting, engineering, management, or postal rates. One of the Board members shall be designated by the President as Chairman. The Board members shall be paid at the rate provided for level IV of the Executive Schedule, except that the compensation of the Chairman shall be $500 higher than the pay established for level IV. Appointments of succeeding Board members shall be made by the President as hereinbefore provided.

" '(b) The Board members shall serve for terms of six years except that—

" '(1) the terms of the Board members first taking office shall expire as designated by the President at the time of appointment of the first Board member, two at the end of two years, two at the end of four years, and one at the end of six years following their appointment; and

" '(2) any Board member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

For purposes of suspension and removal the Board members shall be deemed to be in the competitive service, and they may be suspended or removed only in accord with the procedures established in section 7521 of title 5.

" '(c) The Chairman of the Rate Board, subject to such rules and regulations as may be adopted by the Board, is authorized to—

" '(1) appoint and fix the duties of an Ex-

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ecutive Director who shall be paid at the rate provided for level V of the Executive Schedule;

"'(2) appoint such additional personnel as may be necessary to carry out the functions of the Board; and

"'(3) procure the services of experts and consultants under section 3109 of title 5, but at rates for individuals not to exceed the rate for GS–18 of the General Schedule.'"

On page 269, following line 24, add the following subsections to section 1251:

"'(g) Upon request of the Chairman, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions.

"'(h) The Administrator of the General Services, upon request of the Chairman, shall provide administrative support services for the Board on a reimbursable basis.

"'(i) The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.'"

Mr. OLSEN. Mr. Chairman, there are only two differences between my amendment and the provision of the bill to which it refers. First, under the bill the ratemaking board would be inhouse, it would be inside the Post Office Department. No monopoly in this country fixes its own rates. Every monopoly must go to some independent agency to have its rates fixed. My amendment would make it an independent agency.

Second, the bill provides that the board would be appointed from persons nominated as follows: two by the American Economic Association, whoever they are; two by the American Institute of Certified Public Accountants; two by the American Bar Association; and two by the Chairman of the Civil Service Commission. The American people would be dependent upon nominees from organizations about which they know nothing.

My amendment provides that the appointments would be by the President of people he recognizes as experts and for whom he must take full responsibility, people who are experts in the legal profession, economics, cost accounting, engineering, and management of postal rates.

The President would have to take full responsibility for his appointees. Again, let me say the appointees that he would make are to an independent Rate Board who, after having hearings on rates, would determine the rates. Then those rates would have to come to the Congress, and then the Congress would have 90 days in which to veto those rates in either House by a majority vote.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I have studied the gentleman's amendment, and I cannot foresee any strong objections to it. There is one problem I have with it, which is that it provides for a rate board of five members whereas in all the other arrangements we have had three members. It seems to me a smaller rate board would be more efficient.

Mr. OLSEN. Correction: The gentleman has eight in the bill.

Mr. UDALL. In the committee bill, on page 267, line 6, it says "Postal Rate Board consisting of three members."

Mr. OLSEN. Mr. Chairman, I stand corrected.

Mr. UDALL. Mr. Chairman, if the gentleman would reduce the number to three. I have been committed to support the package negotiated by the unions and the Postmaster General, but for myself, if we could stick with three members, I would support the gentleman's amendment.

Mr. OLSEN. Mr. Chairman, I will ask unanimous consent to make it three members.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that the gentleman's amendment on the second line be changed by striking "five" and inserting in lieu thereof "three".

The **CHAIRMAN.** Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. OLSEN. Mr. Chairman, I ask unanimous consent to correct also the following line, so that it will say "not more than two of whom shall be from one political party."

The **CHAIRMAN.** The Clerk will report the modification.

The Clerk read as follows:

On page 267, amend subsections (a), (b), and (c) of section 1251 to read as follows:

"'(a) There is hereby established an independent Postal Rate Board consisting of three members appointed by the President, not more than two of whom shall be from one political party,".

The **CHAIRMAN.** Is there objection to the amendment as it now stands?

Mr. McCLURE. Mr. Chairman, reserving the right to object, I just want to point out that there is a subsection (b) in regard to the terms of the appointees, which presumes the presence of five commissioners. I would think that the unanimous consent request to modify should include conforming changes in that language. If the author of the unanimous consent request would modify it to meet that problem, it does seem to me that it needs those changes.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, the gentleman is correct, and I could offer an amendment to the amendment to take care of it, if I would be recognized for that purpose.

The **CHAIRMAN.** Is there objection to the modification?

Mr. McCLURE. Mr. Chairman, I will withdraw my reservation to the unanimous consent request assuming that there will be these conforming changes in subsection (b).

There was no objection.

AMENDMENT OFFERED BY MR. UDALL TO THE AMENDMENT OFFERED BY MR. OLSEN

Mr. UDALL. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Montana (Mr. OLSEN).

The Clerk read as follows:

Amendment offered by Mr. UDALL to the amendment offered by Mr. OLSEN: Amend subsection (b)(1) to read as follows:

"'(1) the terms of the Board members first taking office shall expire as designated by the President at the time of appointment of the first Board member, one at the end of two years, one at the end of four years, and one at the end of six years following their appointment; and".

Mr. UDALL. Mr. Chairman, I ask unanimous consent that the amendment to the amendment be approved.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Arizona?

There was no objection.

So the amendment to the amendment was agreed to.

The amendment, as modified and amended, reads as follows:

On page 267, amend subsections (a), (b), and (c) of section 1251 to read as follows:

"'(a) There is hereby established an independent Postal Rate Board consisting of three members appointed by the President, not more than two of whom shall be from one political party, and each member appointed to the Board shall be a recognized expert in one of the following fields: the legal profession, economics, cost accounting, engineering, management, or postal rates. One of the Board members shall be designated by the President as Chairman. The Board members shall be paid at the rate provided for level IV of the Executive Schedule, except that the compensation of the Chairman shall be $500 higher than the pay established for level IV. Appointments of succeeding Board members shall be made by the President as hereinbefore provided.

"'(b) The Board members shall serve for terms of six years except that—

"'(1) the terms of the Board members first taking office shall expire as designated by the President at the time of appointment of the first Board member, one at the end of two years, one at the end of four years, and one at the end of six years following their appointment; and

"'(2) any Board member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

For purposes of suspension and removal the Board members shall be deemed to be in the competitive service, and they may be suspended or removed only in accord with the procedures established in section 7521 of title 5.

"'(c) The Chairman of the Rate Board, subject to such rules and regulations as may be adopted by the Board, is authorized to—

"'(1) appoint and fix the duties of an Executive Director who shall be paid at the rate provided for level V of the Executive Schedule;

"'(2) appoint such additional personnel as may be necessary to carry out the functions of the Board; and

"'(3) procure the services of experts and consultants under section 3109 of title 5, but at rates for individuals not to exceed the rate for GS–18 of the General Schedule."

On page 269, following line 24, add the following subsections to section 1251:

"'(g) Upon request of the Chairman, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions.

"'(h) The Administrator of the General Services, upon request of the Chairman, shall provide administrative support services for the Board on a reimbursable basis.

"'(i) The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.'"

Mr. DERWINSKI. Mr. Chairman, I have no objection to the amendment, but what we have really done now is revert to three members appointed, whereas there would have been five members under the committee bill. The only differ-

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ence, and I think really we should note this for legislative history, is the language in the bill would have had the Rate Commission within the postal service. This uses the term "independent." I think the end result would be the same. Therefore, I will support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN), as modified and amended.

The amendment, as modified and amended, was agreed to.

AMENDMENT OFFERED BY MR. OLSEN

Mr. OLSEN. Mr. Chairman, I offer a perfecting amendment which goes with the one just agreed to. It is to the following section.

The Clerk read as follows:

Amendment offered by Mr. OLSEN: On page 270, line 3, strike "Postal Service" and insert "Postal Rate Board."

On page 270, lines 9 and 10, strike "Rate Board in such form and manner as the Board may prescribe," and insert "Postal Service."

On pages 270 and 271, amend subsection (b) to read as follows:

"(b) If no party at interest files a timely objection to a proposed change or a request for a hearing thereon, the proposed changes shall become final subject to section 1254 of this title."

Mr. OLSEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. It is a very simple amendment, to change the words "Postal Service" to "Postal Rate Board" at the appropriate places as set forth.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Chairman, it is not necessary to take any time, because it is just a conforming amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I am always a little leery of simple conforming amendments. I should like to take a look at this one.

This is on page 270. Now, the final decision on a proposed rate change is made, as I understand it, by the commissioners who run the postal service. Does the gentleman's amendment not change the situation, so that the final decision would be made by the Postal Rate Board?

Mr. OLSEN. Yes. It is independent of the Post Office. It is a Postal Rate Board.

Mr. UDALL. This is a very fundamental change in procedure and a very fundamental change in philosophy, and I would have to oppose the amendment very strongly.

I was in agreement with the gentleman on the previous amendment, setting up in the independent Postal Rate Board, which is desirable. I was glad to make that change. If we are to do this, we will be taking from the postal service one of the final management functions; that is, some control in the final determination of rates. The final and ultimate judgment would be made by the Congress. This takes the managers of the postal service, the commissioners themselves, out of the decision. It is wrong, and I strongly oppose this amendment.

Mr. OLSEN. Mr. Chairman, the next amendment would be the one that would take the decision entirely away from any review by the directors of the Post Office. What is more, that is the sense of the independent rate board.

There is no utility in the United States where the board of directors fixes its own rates. That is the essence of the whole drive of these amendments, that the directors of the Post Office Department should not fix their own rates.

They can make every kind of appearance and every kind of recommendation, and present testimony, just as the utility companies now do, when they have to go to some ratemaking body. They do not fix their own rates. The railroads do not. The electric power companies do not. The telephone company does not. They have to go to a ratemaking commission to get their rates.

Under the committee bill the directors of the Post Office would have the final say on the rates. That is what I am contending for, an independent rate board.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I believe by the action taken earlier, that we agree with the gentleman on an independent rate board, to take the hearings and consider all the evidence and reach the first level of recommendation. We believe the governing body which manages the postal service ought to be able to transmit its recommendations based on the independent rate body being established, to the Congress for its final action. This is orderly procedure. We agree with the gentleman that the rates initially ought to be recommended by the independent board. I hope the gentleman will agree with us.

Mr. OLSEN. I cannot agree that they go to the board of directors of the Post Office Department to make the final decision.

Why, if the telephone company wants to get a new rate, they go to a State rate body if it is intrastate and to a Federal body if it is interstate, and that is where the rates are settled. Here they want to have the authority in the directors of the Post Office Department to have the final say on rates, and I do not think that is right. I think an independent agency ought to be determining the rates and the directors of a monopoly should not fix their own rates. That is the whole thrust of my amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman.

Mr. HECHLER of West Virginia. Would the gentleman from Montana clarify the relationship between the three-man board and the Advisory Council detailed in an earlier section, on page 166, where it is stated:

> The commission and the Postmaster General shall consult with and receive the advice of the Advisory Council regarding postal rates and services and compensation of employees.

I am not exactly clear on what that relationship is.

Mr. OLSEN. That is an Advisory Council on the Economics and Policy of the Post Office Department.

Mr. HECHLER of West Virginia. I see.

Mr. OLSEN. With regard to wages, they will negotiate the wages. With regard to rates, they will take advice from all kinds of mail users. Then, under my amendment, they have to go to an independent rate board and there get the rates fixed.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from North Carolina and the gentleman from Arizona properly directed attention to this issue. This is not quite as minor an adjustment as the previous amendment that we accepted. The effect here in this series of amendments—and, by the way, may I say I do not recall these as such being considered in the committee, and I now review the language, which puts us at a disadvantage, but what it does is free the postal service from the necessary involvement it must have in proposed changes in rates and classifications and instead it inserts the postal rate board in an area where the postal service should properly function.

This is a far-reaching amendment. It is certainly not a technical one. In view of the fact that we really have had no notice or idea of the total implications on rates as well as on the entire status of this postal service, I would strongly suggest we reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN).

The question was taken; and on a division (demanded by Mr. OLSEN) there were—ayes 12, noes 43.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'CLURE

Mr. McCLURE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCLURE: On page 265, on line 16, after the word "independent," add the word "certified".

Mr. McCLURE. Mr. Chairman, after the discussion we have just heard about one simple, little amendment that did not amount to much, I somewhat hesitate to say that this is a simple little noncontroversial amendment that is easily explained and does not have much impact on the bill. But, simply stated, there was an amendment adopted in committee to require an audit of the functions and operations of this postal service, and the language adopted in the committee said that this audit shall be performed by an independent public accountant.

I wish to change that to conform to the language that appears in the report on the bill that this be by independent certified public accountants, just inserting the word "certified."

I would hope that the amendment is agreeable.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Chairman, the gentleman is correct. We accept the amendment.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Idaho (Mr. McClure).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHNSON OF PENNSYLVANIA

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Johnson of Pennsylvania: on page 263, line 7, strike out all of lines 7 through 16.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, this bill creates a Postal Rate Board consisting of three members.

Section 1201 sets up standards they must go by in fixing rates for all classes of mail. Those standards are:

Reasonable and equitable rates and fees sufficient to enable the postal service, under honest, efficient, and economical management, to maintain and continue the development of postal service of the kind and quality adapted to the needs of the United States. Also sufficient to meet current and projected costs.

And what are these costs as defined by the bill?

They are: Operating expenses, depreciation, debt service, and reasonable provision for contingencies.

There is this further requirement:

Rates for classes of mail established shall cover at least those costs demonstrably related to the class of service of such mail, and shall not be borne by other users of the mail.

Here are some tempering factors:

There shall be take into account the financial impact of rates required, and this can be softened by spreading the increase over a period of time.

This would not be true, however, of fourth-class mail as the bill is written. It will mean a 33⅓ percent raise in rates at once for that class of mail.

The duty then to establish reasonable and equitable rates for each class of service is clear. However, the bill contains the provision that with respect to fourth-class mail, the mail must bear demonstrably related costs and all other costs of the service, so that the revenue from this service will not be less than the costs thereof by 4 percent, or greater than the costs by 4 percent.

My amendment strikes this requirement.

Under present law Congress fixes postal rates except that the Postmaster General fixes the fourth-class rates. So Congress did pass legislation requiring, in section 4539 of title 39, U.S.C.A., that following the fixing of fourth-class rates the Postmaster General must certify that he has reason to believe that the revenues on fourth-class mail will not be greater than the costs thereof, by more than 4 percent, and will not be less than 4 percent.

Costs, however, under present procedures are operating costs only. However, under the postal reform bill before us, costs for all classes of mail, including fourth class, will not only be operating expenses, but now for the first time depreciation, debt service, and allowance for contingencies.

In addition, under the bill, fourth-class mail must bear its portion of all other costs as well. This is an entirely new equation, and you can readily see what this could mean to fourth-class rates on the rigid basis of the present amendment of this bill.

We are now establishing a new Postal Service to establish a new organization to run the Post Office into the next century. I do not feel that the rate board should have their hands tied with respect to any class of mail.

Now, the purpose of this postal reform bill is to create a whole new management for our postal service. In the bill we say how rates shall be established for all classes of mail. But here is a provision singling out fourth-class mail for special treatment. Why is that special treatment in this bill? Because the long arm of vested interests reached into the committee, and because of strong influences they were able to get the amendment adopted.

Now this provision singling out fourth-class mail is totally inconsistent with the rest of the bill. It will unfairly burden the parcel post for ratemaking purposes and will tend to price it out of the market, contrary to the public interest.

The full allocation of all costs, as prescribed now under this bill, to fourth-class mail will mean the rate board will have to overlook the value of the service, the availability of alternative service, the elasticity of demand, the quality of service and would eliminate all the discretion entirely of the ratemakers.

This provision, namely, the 4-percent requirement in the law today has caused a constant diminution of the volume of fourth-class mail and has tended to concentrate fourth-class mail only in low revenue high costs areas and has caused the Post Office Department to repetitively increase the rates without regard to the impact on the users.

My district, like many of you people here, is essentially a rural area. By the postal service now, packages are delivered out onto the mud roads in the district, rain or shine, in deep snows, regardless of road conditions. Patrons can mail packages right from their rural homes as a result of daily postal deliveries. Hard-to-handle packages are always brought to your door.

This tightening of rates under this bill for fourth-class mail for the first time creates this new formula which will price this parcel service right out of business. This restrictive cost amendment would prevent the fourth-class rate with being credited with any part of the $900 million a year in public allowance as long as they continue to deliver their mail to the rural areas and serving nonprofit groups.

Face it: If we put this strait jacket on fourth-class mail, we will be ignoring results. Private competition wants the rates high. They can then price their services just under our rates. And the Post Office Department will be left with the least desirable parcel post traffic.

I plead with you people to give this rate board a chance. Give this postal reform system a chance. Do not put a strait jacket on this rate board. Let them fix the rates on fourth-class mail. That is the only way you will preserve fourth-class mail to be delivered along those mud roads and to the people up and down the hollows in your districts.

I plead with you for the adoption of this amendment.

Mr. HANLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I speak in opposition to the amendment offered by the gentleman from Pennsylvania and in support of the committee language as presented in the reported bill.

Again, this is an issue that was long debated in the committee. The committee in its wisdom recommends the language as contained in the bill reported to you.

The gentleman from Pennsylvania has suggested that the language is special interest in nature.

The only sense in whch we can look upon it as being of a special interest nature is the fact that we are considering here the plight of the first-class mailer, because if the amendment offered by the gentleman from Pennsylvania is adopted, we will be providing the parcel post user with a 48-percent subsidy.

Ninety percent of our parcel post volume is generated by the business community. What we are asking here is that we concur with the tradition of the Department with respect to rates assigned to parcel post and we are continuing the provisions of law that have been in effect since 1913 which require that parcel post pay its full cost.

I believe that this was the basic intent of the American people when they asked the Congress to move in the direction of postal reform—that each class of mail would pay its own way and that no class of mail would be afforded special treatment.

So this is exactly what we are doing here. It assures users of parcel post that they will not be called upon to pay costs that are more than a just share of the total cost. It assures other users of mail, principally first class, that they will not be called upon to pay for a subsidy to carry someone else's packages.

Adoption of this amendment in the long run would mean that first-class mailers will have to pick up the tab for this 48-percent subsidy.

Another interesting sidelight is that the business community happens to have the opportunity for a tax benefit here. It is an overhead cost which they enjoy through a tax benefit. The individual mail patron does not happen to enjoy that privilege. The average American patron pays the full amount without any tax benefit.

So I think the least we can do in return is to make sure that each class of mail pays its fair share. If anyone is going to gain from the amendment offered by the gentleman from Pennsylvania, it would be the large mail-order companies. They would be the beneficiaries as a result of adoption of the amendment offered by the gentleman from Pennsylvania.

XUM

Incidentally, just today the Postmaster General asked the Interstate Commerce Committee to approve parcel post rate increases averaging 15 percent. Furthermore, it is interesting to note in the testimony provided our committee that the Postmaster General concurred with the language contained in the committee bill, saying:

> We believe that the Postal Service should be prevented from competing unfairly with private carriers of parcels.

This happens to be the other side of the coin. We would place the system in a very advantageous position from the standpoint of competition with the private sector, and I do not think that that is the intent of the Congress.

The language assures that this multibillion-dollar organization cannot compete unfairly with the many businesses to which I have already referred. Certainly all we are doing here is retaining the principle of law that has stood the test of time for 57 years, dating back to 1913, and I do not believe we would want to void it through adoption of the amendment of the gentleman from Pennsylvania.

Mr. PURCELL. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. PURCELL. Mr. Chairman, today House Members are having to consider the same kind of difficult language that we on the committee have had to deal with. A great deal of this difficulty is brought about by the accounting methods that have always been practiced on the part of the Post Office Department.

I rise to support this amendment to strike paragraph 1201(f). This paragraph is totally unnecessary for postal reform. Parcel post is the only service that is totally available to my constituents and to the constituents of the majority of the Members. It is the only service for the handling of parcels that my constituents have, and I believe the constituents of nearly every Member of this body depend upon parcel post for the delivery of packages.

The paragraph to which I have referred was put into the bill by a narrow vote in the committee. Its main promoter has been the United Parcel Service. UPS is an efficient carrier of small packages. It serves primarily businesses in urban areas. It does not serve rural areas to any extent, and it does not serve vast geographic areas in this country. Housewives and the ordinary citizen, the ordinary user of the parcel-post type of operation, can only use parcel post unless they have need for the railway express service, which ordinarily carries larger and heavier packages. This paragraph will place an artificial charge immediately—and this I think is the key to all of this—immediately on the users of parcel post. Under the present language parcel post starts having to pay the added increase instead of waiting until 1978, when the other classes of mail will be required to be bearing all the cost.

I am no expert on post office economics, but I know that the people in my district do not want to pay higher parcel post costs simply to help a private corporation whose profits were increased by 60 percent in 1 year, according to a Wall Street Journal I have here.

Many of my colleagues in the committee supported paragraph 1201(f) under the erroneous conclusion, I believe, that it was simply preserving the status quo. It does not do that. Paragraph 1201(f) would require an immediate unwarranted rate increase for all parcel post, leading to the possibility of the destruction of the entire system.

So I would just like to reemphasize that if we are going to be fair to the receivers, I am not for any of the big mail order houses getting a bonanza, as was referred to by my very distinguished friend and a man whom I admire greatly, but the ones I am worrying about are the ones who will really be paying the charge on parcel post, and those are the constituents of the people in this body. They are the ones who will really pay it, because the other business concerns will be able to and will have to figure in all their costs on their business.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, from what the gentleman said, he is merely trying to treat this group the same as 1012(b), as all other major mailers are being treated?

Mr. PURCELL. Yes.

Mr. WHITE. He is trying to be fair to all, but this parcel post is being targeted for immediate payment, while the other major users have till 1978.

Mr. PURCELL. That is true.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I commend the gentleman on the fine statement he has made.

I support the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, the only universal parcel service which we have in this country is the U.S. mail. It is the only one in our rural areas and in the small towns by which we can have a parcel received.

What the amendment proposes to do is to treat the fourth class exactly the same as the other classes of mail, and to make sure it pays its way, as we will have the other classes do, and we do not single out in the amendment just one class of mail for special treatment. We are voting for a universal parcel post service for the people we represent if we support the amendment.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Chairman, I associate myself with the remarks of the gentleman in the well. I agree with him.

Mr. Chairman, I offer my support for the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, I hope the gentlemen from the rural constituencies, whom I opposed a little while ago, will notice I am leading the fight for their rural constituencies now.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the language in the committee passed by a very narrow margin, and I would like to set the record straight at this point.

The Johnson amendment—and this point was emphasized by the gentleman from Texas (Mr. PURCELL)—that the committee version would impede the flexibility needed for sound postal service, because H.R. 17070 as now written singles out fourth-class parcel post and requires fixing of rates to cover what amounts to between 96 percent and 104 percent of fully allocated costs.

Fourth-class mail is the most price-elastic of all the classes of mail. The committee bill would perpetuate the language now in the law that has made fourth-class uncompetitive. The reason our constituents do not receive better service in the Post Office on parcel post is because of the very language that is in the bill.

Due to the problems the Post Office now has in handling parcel post, they have had a steady decrease both in the volume of mail and in the pieces and pounds that they handle in fourth class. They tend to concentrate what service they provide in parcel post in low-revenue high-cost areas, and they have to ask unrealistic rate increases that do not make them competitive.

What we really are trying to do with this amendment is to give to the Post Office the necessary management flexibility to provide effective parcel post service in a greater volume, and through greater volume at a lesser cost. This is in the interest of the consumers of the Post Office Department across the country.

I support the amendment.

Mr. SCHERLE. Mr. Chairman, I move to strike the requisite number of words.

Since this matter of public service has been brought to the attention of the House, I would like to ask a member of the committee a particular question.

As background material, section 1202, subsection (e) of H.R. 17070 provides for reduced rates of postage for publication matter described in former section 4358. In 1967 we changed this section from "4358. Postage rates within county of publication." to "4358. Rates of postage; preferred."

The Chairman will recall that under certain conditions, such as "devoted to promoting the science of agriculture" and 70 percent furnished to "subscribers residing in rural areas", we included agricultural magazines mailed for delivery in zones 1 and 2 under section 4358.

My question is addressed either to the gentleman from Montana (Mr. OLSEN), or some other member of the committee. Is it still the intent of this legislation that agricultural magazines mailed for delivery in zones 1 and 2 under conditions prescribed in former section 4358 be considered preferred-rate publications for rate consideration?

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Montana.

Mr. OLSEN. Not under this bill as it is written now.

XUM

Mr. SCHERLE. Will the gentleman from Montana repeat his answer for legislative history?

Mr. Chairman, may we have order in the Chamber, please?

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. SCHERLE. Mr. Chairman, I am yielding to the gentleman from Montana, who is looking for the place in the bill.

Mr. OLSEN. I should like to know what page the gentleman is referring to.

Mr. SCHERLE. Page 263.

Mr. OLSEN. Page 253?

Mr. SCHERLE. Page 263.

The CHAIRMAN. The gentleman from Iowa has the floor and evidently is yielding for a reply to a question. Does any Member care to respond?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I will yield to any member of the committee who can answer that question.

Mr. UDALL. The gentleman from Montana is the chairman of the Postal Rates Subcommittee and is the real authority in this field. I am a member of the subcommittee.

My own answer to the question is that the preferred rates the gentleman refers to, for the small agricultural publications, are provided for in the bill to continue, but on page 266 it says that until changed by law these preferred rates probably will continue. Under the provisions of the bill the Postal Rate Board down the line someplace could make a change and could remove this preferred status. That would come to the Congress for a veto. I would join the gentleman, and I am sure the gentleman from Montana (Mr. OLSEN) would, in arranging for a veto.

There is no intention in the bill to change the category of preferred publications.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Montana.

Mr. OLSEN. The preferred category remains, but earlier here this afternoon it was stated 10 percent of the cost of the Post Office Department would be public service so that there would be a guarantee that this kind of business would be supported in a part of the public service. There is no guarantee to that except, as the gentleman from Arizona says, the Congress could retain these people in the preferred category. However, if the Congress fails to appropriate money for this and other preferred categories, then the Post Office Department, right now, the way we are reading it, could increase the rates if the Congress did not appropriate the money for this preferred class. However, right now in the law these people are still in there in a preferred class.

Mr. SCHERLE. In other words, the rate consideration will remain intact, but as far as the rate board is concerned, once this is established they will have the legal right to change the rates just as they would have in any other field.

Among the proposals in the postal reform package is an increase in postal rates for second-class mail of 48 percent. While the goal of making the postal services a viable self-supporting business enterprise is theoretically a good one, such a massive rise in postal rates would impose tremendous financial hardship on the chief users of second-class mail, the newspapers and magazines. The extra burden would be especially onerous for rural newspapers and farm magazines, which generally operate on the smallest of profit margins. Many would be forced to curtail service to outlying subscribers or go out of business entirely.

The rural press has historically performed an important function by keeping the farming community generally well informed and in the mainstream of the democratic process. It has served as a vital channel of communication between the farmer and his essential sources of new information in the scientific world. Farm magazines have kept the farmer abreast of new technological advances in agriculture, thus making him the most successful food producer in the world. Cut off his supply of information and you threaten his preeminence in his vocation.

This possibility endangers not only the farming profession but all those who depend on it—and that means everyone. Every citizen of this country, and citizens of many other nationalities the world over, reap the benefits of the American farmer's incredible technical expertise. If we want him to continue in the forefront of his profession, we cannot impair the communications network which has so ably assisted him to that position.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from New York (Mr. HANLEY), a question relative to the present law. As I understand it, from the beginging of the parcel post system many years ago the law stated that parcel post rates would be using revenues that would substantially cover the cost of providing the service. If that is so and if the Postmaster General had been given the authority to issue a certification that revenues within 4 percent above or below the cost of providing this parcel post operation would be used, then it seems to me what we are asking in this bill is just to keep in effect the law as we already have it.

Mr. HANLEY. Will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. HANLEY. That is absolutely correct. We are asking for no more than a continuation of the present law.

Mr. PICKLE. I could understand that there could be some controversy, particularly in rural areas, as between companies who deliver this type of mail. There is considerable competition on that point. But we are not talking about that point here, as I understand it. We are trying to decide will we continue the provision that parcel post ought to pay its own way and we do not give favoritism to one mode of transporting parcel post as against another privately owned system if they can operate at the same level.

Mr. HANLEY. The gentleman's interpretation is exactly accurate. What we are trying to do is maintain the status quo and prevent any unfair competitive advantage to the parcel post that would jeopardize free enterprise. The United Parcel Service has been singled out as one that might benefit by this legislation. The fact of the matter is it is not the beneficiary of it. It would be adversely affected, as would the hundreds and hundreds of other small trucking industries that operate in communities across the Nation should the provision of the gentleman from Pennsylvania prevail. So you have singled out that one particular carrier, and it happens to be there are probably in every metropolitan area and rural area of the country private small trucking firms that would be adversely affected by the enactment of the amendment offered by the gentleman from Pennsylvania.

Mr. PICKLE. May I add this: I know that there is competition between companies in the delivery of parcel post packages, and I know in matters appearing before the Interstate Commerce Commission there has been a decision as to whether they will allow it to go to United Parcel or some other type of service giving that service. I can say to you that I have looked with considerable concern on this large organization skimming off the cream of the best part of this business.

We are not talking about that problem here; we are talking about keeping parcel post at a level that the costs will cover the revenues, and that is what you are trying to achieve.

Mr. HANLEY. Exactly.

Mr. PICKLE. And you are trying to carry out in this bill the present law.

Mr. HANLEY. Exactly.

Mr. PICKLE. I thank the gentleman.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment.

Section 1201(f) does not do the things some have alleged here on the floor today. Let me read section 4559 of title 39, United States Code. It reads:

> The Postmaster General shall not withdraw from the general funds of the Treasury any funds appropriated to the Department for any fiscal year, until he has certified in writing to the Secretary of the Treasury that, No. 1, he has reason to believe that the revenues from the rates on postage on fourth-class mail (other than fourth-class mail for which the rates are prescribed by sections 4422, 4554, and 4651 to 4654 inclusive, of this title) will not be greater than the cost thereof by more than 4 percent and will not be less than the cost thereof by more than 4 percent; or he has filed with the Interstate Commerce Commission a request for the establishment of reformation of rates or other conditions on mailability, or both, in accordance with section 4558 of this title, with the objective that the revenues on such fourth-class mail will not be greater than the costs thereof by more than 4 percent or not less than the cost thereof by more than 4 percent.

That is the law today. We are trying to let parcel post pay its way.

I ask for the defeat of the amendment.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the author of the amendment a question about how he intends to compute the recovery rate of 96 percent for parcel post. It is my understanding that the factor of the real estate value, the buildings involved in handling parcel post, would have to be included as costs to recover the 96 percent; is that correct?

Mr. HANLEY. The gentleman from Pennsylvania (Mr. JOHNSON) is the author of the amendment. I will be delighted to answer the question.

Mr. WAGGONNER. Anyone who wants to try to answer the question will be satisfactory with me.

Mr. HANLEY. The cost is recovered through the institutional costs.

Mr. WAGGONNER. That means that all real estate involved in handling parcel post, the value of that real estate, will be a factor in the recovery cost. We are not just trying to recover the cost of actually handling the parcel post. We are trying to recover as well the cost of the buildings which are utilized in handling the parcel post.

Mr. HANLEY. All costs. If I might add that on that score it is interesting to know that in the original bill sponsored by the gentleman from Arizona there was included a more restrictive measure than is presently contained, for in the language of that bill was contained a provision for the recovery of an imputed charge for Federal, State, and local taxes. That was contained in the original bill. That is not contained in the language under consideration.

Mr. WAGGONNER. Of course, we do not pay Federal, State, or local taxes on federally owned property. The taxes the gentleman refers to would only be those taxes where we have a leased building, but not for federally owned buildings that are utilized in handling parcel post.

Mr. HANLEY. I described it as an imputed charge.

Mr. PURCELL. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. PURCELL. In an attempt to answer the question the gentleman has asked, I would say that the item you have referred to will be computed in the cost of parcel post and all other classes of mail when the postal service becomes fully self-sustaining and operative.

The point of the amendment by the gentleman from Pennsylvania—a point that I support and others support—is to not pick out parcel post now to be handled differently than other classes of mail.

Mr. WAGGONNER. That is exactly my point. I do not see why we apply these guidelines and these stringent rules to parcel post now and to other classes of mail later. It seems to me unfair in the instance of parcel post to do this.

Mr. PURCELL. The only thing to be accomplished by not having this amendment become law would be to force the public to look to these independent carriers to carry their parcels. Many of those carriers are efficient, but they do not cover all of the country. You would put parcel post at a deliberate disadvantage at this time if this amendment should fail.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. DERWINSKI. May I reemphasize that point.

The real effect of the language of the bill, unless we accept this pending amendment, is that when we take note of the constantly diminishing volume of parcel post and keep in mind the relationship the volume of each class of mail must bear to the demonstrably related costs within the postal service, the effect of retaining the committee language is to force higher rates on first-, second-, and third-class mail as fourth-class mail fails to draw the necessary volume to meet its share of the use of the facilities.

This amendment would give the necessary flexibility to provide rates by which through volume fourth-class mail would not only be provided service but would be bearing a very effective share of its relationship to the overall costs.

There is no reason to single out fourth-class mail for specific restrictions from which first-, second-, and third-class mail in this bill are excluded.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. McCLURE. It perhaps might be helpful to have some figures furnished to the Committee dealing with fourth-class parcel post under the general zone rate.

Mr. WAGGONNER. Will the gentleman cite the source of those figures?

Mr. McCLURE. These are from the Post Office Department, Bureau of Finance and Administration. They show revenues of $704.2 million of which $442.7 million have been assigned to the demonstrably related costs and $281.5 million are their contribution to institutional costs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLURE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just want to complete the statement on these cost figures so that the RECORD might be complete.

Of the $704.2 million—that was the revenue—the total cost, the fully allocated cost, of providing that service during the last fiscal year was $808.6 million. The cost recovery therefore was about 87 percent of the total cost of providing these services.

That is the reason why under existing law there is some adjustment of parcel post rates now being made to get that up to at least 96 percent—under the mandate of existing law.

The committee language in effect merely continues the law which is in effect now and the amendment would change the law which is in effect.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. JOHNSON of Pennsylvania. I would like to reply to the gentleman from Louisiana who posed the question to me.

As I understand the present law, I understand that fourth-class mail must meet its costs. The word "costs" is not defined in the statutes. Therefore, it is operating costs.

Under this bill, the ratemakers must first of all provide for the demonstrably related costs, and they are defined as operating expenses, debt service, depreciation and reasonable allowance for continuancies.

But this amendment that we are talking of, that we are trying to strike out, went even further so far as fourth-class mail is concerned and says in addition to all these other cost factors, they must bear the portion of other costs that are applicable. That is what is unreasonable about it. Fourth-class mail is singled out. I am speaking now for the rural people in my district who are fortunate to have the ability to send parcels out every day and get them back, and for the rural carrier to tell them tomorrow what it cost them to mail those packages out. I say that if this goes through, we will start losing our fourth-class mail in rural districts, and the people of my district are among those who will suffer. I am in favor of striking this out and will stand up to the ratemakers. Let them say what is fair for parcel post in rural districts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. JOHNSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 244, strike out line 4 and all that follows down through page 245, line 2.

Page 245, line 3, strike out "(b)" and insert in lieu thereof "(a)".

Page 245, line 6, strike out "mail" and insert in lieu thereof "persons, property, or mail".

Page 245, strike out line 21 and all that follows down through page 246, line 23.

Page 246, line 24, strike out "(d)" and insert in lieu thereof "(b)".

(Mr. STAGGERS asked and was given permission to revise and extend his remarks.)

Mr. STAGGERS. Mr. Chairman, before 1938 there occurred in this land a great to-do about corruption, cronyism, bribes, and what-have-you, connected with the airlines. At that time the Postmaster General had the authority that the Committee on Post Office and Civil Service is seeking to get again in order to bring back the same conditions—to negotiate contracts with the airlines without letting the proposals out for bid so the people of the country will know what is going on. The business will be carried on behind closed doors again. There will be contracts let "under the table," and money transferred in different ways. This should not be permitted.

The then chairman of Post Office Committee, Mr. Mead of New York, said at that time that this practice should stop. He appeared before the proper committee and said we should have unified control and administration of these rates. The then Postmaster General, James

Farley, appeared before the committee and said that this kind of thing should stop in America.

Now it is proposed that we go backward, and we would do so if we should leave this provision in the committee bill. We would go backward to those days when these practices were happening. In the hearings Chairman DULSKI himself asked the Postmaster General if it would be all right to go back to the original law and take this provision out of the bill. By his intimation, he wanted to do that, and let the proper committee that had jurisdiction take hold of it. The Postmaster General did not answer one way or the other. It seemed to me like he sort of evaded the issue. The ranking member of the Post Office and Civil Service Committee made the same suggestion.

I would take the time to read that testimony but I shall not do so because it is in the record. The Postmaster General again refused to make any comment on it. The Postmaster General never came to our committee. It was suggested to him that he come to our committee and present what was needed and we would consider his proposals. I have always said that we would consider them.

The supplemental airlines of America are doing a good job today. But before the act of 1963 this was not true.

Our committee held hearings and we said that only those that were safe were allowed to run, and only under certain conditions which we laid down.

As a result, some of the supplementals were not able to meet the conditions. The others were, and are doing a good job.

I am not saying they should not be allowed to carry the mails. I say the proper committee should make that decision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that the gentleman in the well be allowed to proceed for 5 additional minutes.

Mr. CORBETT. Mr. Chairman, reserving the right to object, as I said yesterday, I do not mind small extensions of time.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent that the gentleman from West Virginia be allowed to proceed for 3 additional minutes.

Mr. CORBETT. Mr. Chairman, I have no objection.

The CHAIRMAN. The gentleman from West Virginia is recognized for three additional minutes.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I compliment the gentleman from West Virginia on the position he has taken. The Subcommittee on Military Operations held extensive hearings on this same subject matter. I agree wholeheartedly with the gentleman, and if I could be recognized some time between now and midnight, I would like to speak on this in favor of the gentleman's position.

Mr. STAGGERS. I thank the gentleman from California.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I compliment the distinguished chairman of the House Committee on Interstate and Foreign Commerce for his amendment.

I would like to say I, too, have been waiting here for a long time trying to get some time to talk about the committee usurping the prerogatives of other House committees.

I want to ask the gentleman from West Virginia one question. Was the gentleman called before the House Committee on Post Office and Civil Service and asked to express his views concerning the taking away of this jurisdiction of his Committee on Interstate and Foreign Commerce?

Mr. STAGGERS. I was not.

Mr. GRAY. I can say that neither was any member of the House Committee on Public Works. We have seen 21 committee amendments adopted here today, with 15 more pending, and we have seen the exclusion of 400 other Members of the House who also feel that Members' rights ought to be protected.

Mr. Chairman, I commend the gentleman for offering his amendment, and I support it.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Chairman, I want to say the Post Office has problems too in giving service in some areas. For instance, in Montana there are not scheduled lines that would move the mail around in Montana, and there is not rapid service transporation, so the air taxi is the service they are using, and they put it out for bid. In any event we are getting service that way now. Would that service be eliminated by the gentleman's proposal?

Mr. STAGGERS. Not at all.

Mr. OLSEN. The only other item I have in mind is that we get service on a space available. The Post Office is having to pay 19 cents a ton-mile while other users of the same service on a space available basis only pay 9 cents a mile. Is the committee of the gentleman prepared to have hearings on such a subject as that and given the Post Office Department some kind of equal treatment?

Mr. STAGGERS. Certainly we would. I would like to say that according to actual airline receipts per ton-mile by type of transportation the airlines realize the following revenues:

[In cents per ton-mile]

Passengers	59.66
Express	33.57
Priority mail	28.25
Freight	20.88
Nonpriority mail	17.22

Thus, even under CAB fixed rates, airlines get less for transporting nonpriority mail than they do for transporting mail.

Mr. STAGGERS. In closing I should like to ask the gentleman from Montana if he will support my position on this bill?

Mr. OLSEN. I support your position.

Mr. STAGGERS. I thank the gentleman.

I should like to make a statement before I close.

Our committee has had hearings on a similar bill to this. When we found out the Committee on Post Office and Civil Service was in the business, we stopped. If they go ahead and pass this, we will have hearings and will bring it to this floor and ask the House to pass it, in the interest of the public service of America. We should provide equality for the passengers and the cargo that is carried over these lines. We have these airlines for people, too, we must remember, and we are concerned with their safety.

The Post Office Department has no safety department. The CAB does. If they are interfered with they cannot have equality.

We try to make it equal to run these airlines for the safety of the people of America and also to give service to the mails.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Washington.

Mr. ADAMS. We are holding hearings and did hold hearings on H.R. 16789, which was to set up a tariff system.

The present law requires that the airlines carry people and property, that they provide for the national defense, and that they provide for the postal services. At the present time the Postmaster can demand that any certified airline carry mail to any point on its route. He has a whole series of hours they can fly.

If we put this provision in we are going to see contracts with the supplementals, as the chairman mentioned, between New York and Chicago, and between Chicago and Los Angeles, and then he will have to come in with a bill that will say, "You are going to unhinge the postal service entirely from the airlines, because the airlines are required under Civil Aeronautics Board regulation to make a profit or to break even." They cannot break even carrying four or five or 10 letters to a small town, so they will have to stop.

SUBSTITUTE AMENDMENT OFFERED BY MR. CONTE FOR THE AMENDMENT OFFERED BY MR. STAGGERS

Mr. CONTE. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The Clerk read as follows:

Amendment offered by Mr. CONTE as a substitute for the amendment offered by Mr. STAGGERS: On page 229, at line 11, delete chapter 8 and everything thereafter through line 10, at page 248, and substitute therefor the following chapter 8:

"Notwithstanding any other provision of law, the Postal Service is authorized to purchase, by contract or otherwise, the transportation of mail by rail, highway, air, water or any combination of these modes at the lowest practicable cost consistent with the best possible service, and any person from whom such transportation services are purchased is authorized to provide such services."

Mr. BURTON of Utah. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my friend from Utah.

Mr. BURTON of Utah. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it has long been obvious that there is a pressing need for genuine postal reform legislation. I support such efforts.

However, I am deeply concerned over one major aspect of the bill now before us.

One of the fundamental principles upon which this Nation was founded was that of the basic rights of individuals.

In this Nation, we have always stressed the rights of citizens. We have the Bill of Rights, the right to vote, the right of a free choice, moral rights, civil rights. Always the word "right" is used. It has become an integral part of our heritage.

Mr. Chairman, I would like to discuss another one of our "rights" here today—the right to work for one's own Government without having to pay dues to a private organization.

The Post Office is a public service. It is now, and will be under this bill, financed in part by taxes. I do not believe that it ought to be subject, directly or indirectly, to rule of labor unions.

The right of a citizen to work for his own Government approaches an absolute right. It should not—it cannot—be conditioned upon payment of union dues.

It is this question that has delayed this legislation for so long. If the right of the postal employee "without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from such activity" had been incorporated in this bill originally, the measure would probably have become law by now.

Only the desire for compulsory unionism of the 750,000 postal workers has blocked passage of this legislation.

If this bill were to deny the right of the postal workers to join a union, it would also be wrong, and an amendment would be in order. Therefore it is equally just for us to retain the amendment to the bill to protect the right of the postal worker not to join a union.

In my mind, there can be no doubt that the amendment of this bill to preserve the right of freedom of choice by the postal worker is in the best interest of responsible unionism.

A responsible union will attract new members. An unresponsive or mismanaged union does not deserve our help to increase membership. A responsible union does not need that assistance.

The concept of a union shop in public employment has been repudiated by President Kennedy, by President Johnson, and by President Nixon. The right of a postal worker to not be forced to join a union was protected by an Executive order issued by President Kennedy in 1962. It was supported at the time by Arthur Goldberg, then Secretary of Labor, who once told a labor convention, and I quote:

> I know you will agree with me that the union shop and the closed shop are inappropriate to the federal government.

This right to refrain from union membership was preserved for postal employees through the Johnson administration and was endorsed by the Republican Party in its 1968 platform.

Now, in this legislation, we are forced to answer some basic questions—questions of basic rights. Shall the support of union leaders for compulsory unionism take precedent—through action of Congress—over the rights of the workers? Should the postal worker be the first in a chain of Federal employees to feel the sting of compulsion?

Let us not be fooled. If this measure is passed without protection of the freedom of choice of the postal workers, other Federal employees will then be in line for similar treatment. And after that, State, county, and local public employees will lose their right to voluntary unionism.

This has been made quite clear, in editorials in the AFL–CIO News, and in the words of George Meany, who said before the Post Office and Civil Service Committee that:

> We in the AFL–CIO hope to be back before this committee in the very near future, urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers of the government. We think this bill is only a beginning.

Mr Meany's goal is plain. He is not one to mince words.

This postal bill already does more for unions in the Government than any legislation until now. It officially recognizes unions as spokesmen for their members; it sets up a system for dealing with wages, working conditions, and grievances. Since it permits completely voluntary unionism, the section which permits compulsory unionism is neither needed nor good business.

I would like to add a comment which appeared in a newspaper in my home State of Utah. In the Deseret News, an afternoon newspaper in Salt Lake City, it states:

> As the House Post Office Committee opens hearings this week on President Nixon's plan to set up a new U.S. Postal Service, it needs to keep in mind that the cure must be better than the disease. That the Post Office Department is long overdue for reform is well documented.
>
> Letters mailed to an address fewer than 100 steps away take days to deliver; newspapers and magazines too often arrive days and even weeks after publication date; packages are often bruised and broken. . .
>
> One area of postal reform which has aroused considerable concern is the drive to deny postal workers protection against compulsory unionism. Postmaster General Winton Blount raised a storm of criticism last year when he suggested that the originally-proposed postal corporation be unionized. And he has declared that one of the four essentials for true postal reform is collective bargaining between postal management and employes to determine wages.

Mr. Chairman, the Deseret News editorial then goes on to state:

> Certainly the Post Office Department must be removed from politics if it is to allow for continuity of management. And it must drastically update its method of mail distribution by better methods and modern machinery. But no one has yet proved that taking away a government workers' right to either join a union or refrain without coercion will improve his efficiency or make the Post Office Department run smoother.

My mail is heavy on this issue. People are concerned. And they have every right to be.

The union shop—compulsory unionism—should not be negotiable for public employees. No worker should be forced to pay dues to any association in order to work for his government.

Mr. Chairman, may I summarize my feelings on this amendment.

Under the present law—a bipartisan policy which prevailed under Presidents Kennedy, Johnson, and Nixon—Federal employees have the right to join or refrain from joining a union without any fear of penalty. Without the Henderson amendment, postal administration officials and union leaders can negotiate contracts which would include compulsory unionization of postal workers.

The proposed amendment, which I urge that we retain, would merely retain the status quo—permit retention of the freedom of choice of postal workers with regard to union membership. I urge all of you to give sincere consideration to the justice of this amendment.

Mr. CONTE. Mr. Chairman, when Larry O'Brien appeared before our committee in 1967, Chairman STEED asked him the following question:

> Mr. STEED. General . . . would this be a fair summary: that at the present time, as the manager of the Post Office Department, you have no control over your workload, you have no control over the rates of revenue, you have no control over the pay rates of the employees that you employ, you have very little control over the conditions of the services of these employees, you have virtually no control, by the nature of it, of your physical facilities, and you have only a limited control, at best, over the transportation facilities that you are compelled to use—all of which adds up to a staggering amount of "no control" in terms of the duties you have to perform. . . .
>
> Mr. O'BRIEN. Mr. Chairman, I would have to generally agree with your premise . . . that is a staggering list of "no control." I don't know [whether] it has ever been put that succinctly to me. If it had been at an appropriate time, perhaps I wouldn't be sitting here.

After reading the transportation section of H.R. 17070, I do not think we will be improving the area of "no control" of the Postmaster General at all in the area of transportation. The Interstate Commerce Commission will still be setting the rates the Post Office has to pay for rail and truck transportation. The Civil Aeronautics Board will still be setting rates for air transportation. As a matter of fact, the Civil Aeronautics Board will be called upon to disapprove air transportation rates which would, in the terms of the bill, conflict with the orderly development of air transportation.

H.R. 17070 incorporates by reference practically all of the entire Civil Aeronautics Code and the regulations under it—sections 1301 to 1542 of title 49, as appears at line 14 of page 243 as section 856. That section of the bill would hamstring the Postmaster General and would prevent him from negotiating, and private shippers too, for air transportation at the lowest cost.

We have recently passed legislation which gave the airlines millions in new user charges. The Post Office should not serve as a means of financing the airlines. And certainly we ought not to be including higher transportation costs into H.R. 17070 in the name of postal reform.

The public interest, the taxpayers' interest, and better mail service will best be served by cutting postal transportation costs, by not hamstringing the Postmaster General and subjecting him to ICC and CAB jurisdiction.

I propose a very simple amendment which, in my judgment, will accomplish postal reform in transportation, save the taxpayers money, and help the post office operate efficiently. That amendment simply deletes the entire transportation section which begins on page 229 at line 11 and ends at line 10 on page 248 and substitutes therefor the following:

> Notwithstanding any other provision of law, the Postal Service is authorized to purchase, by contract or otherwise, the transportation of mail by rail, highway, air, water or any combination of these modes at the lowest practicable cost consistent with the best possible service, and any person from whom such transportation services are purchased is authorized to provide such services.

Now, what can be wrong with such a simple, logical, economical, feasible approach in the interest of the taxpayers of the United States?

A vote for this amendment is a vote for better postal service and economy. To vote against this amendment is a vote for postal transportation at higher prices. We are asking the Postmaster General to operate the Post Office economically, but when we include page after page of special interest transportation language which ties his hands and does not give him the control Larry O'Brien said he needed when he appeared before our Committee, we are defeating the purpose of postal reform.

I urge adoption of the substitute amendment.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. ADAMS. In answer to your question, you have put your finger on precisely what the problem is and why we of the Interstate Commerce Committee are here debating the point.

You have a series of regulated industries. In these regulated industries the postmaster is the shipper like anybody else and should be treated accordingly. If you put him in a special category of being able to contract, you will have him on a different basis than any other shipper in the Nation. We ship now by having tariffs for each regulated carrier. You go in and the regulatory agency sets the tariffs in the public interest; then the shipper buys it and he gets his transportation, and it is all over. The postmaster now receives this treatment plus having a series of special prerogatives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I strongly support Chairman STAGGERS' amendment to delete sections 853 (a) and (c) regarding the air transportation of mail from the postal reform legislation. This section is the cause of much concern to members of the House Interstate and Foreign Commerce Committee. It should also be cause for concern to all Members of Congress. Each of us has a vital stake in the fostering and development of a sound, viable, dynamic, air transport system—one responsible to the needs of our constituents and the overall public interest. The scheduled airlines represent one of our most important public utilities. It must be protected.

Responsibility for fostering and developing a sound air transport system rests solely with the House Interstate and Foreign Commerce Committee, and since the passage of the Civil Aeronautics Act of 1938, the Nation's air transport system has served this country in outstanding fashion under the regulatory system devised by the House Interstate and Foreign Commerce Committee. This Nation's scheduled airlines have made remarkable strides and progress. We are most dependent upon this system. We must continue to foster its development.

Today, via the recommendations of a committee which does not have primary responsibility for protecting the economic stability of the scheduled airlines, legislation has been proposed which—if permitted to pass—could jeopardize an air transport system which has been carefully developed to serve the needs of this country.

Simply put, the Postmaster General desires to have the broad authority to contract with scheduled and nonscheduled carriers for the carriage of mail—at rates lower than those established for good and sufficient reason by the Civil Aeronautics Board.

The Civil Aeronautics Board, since 1938, was directed and empowered to fix fair and reasonable rates of competition for the transportation of mail by air carriers. This regulatory rate system was enacted because of the rate wars which were rampant in the late thirties when the Post Office Department had the authority to award airmail contracts to the lowest bidder. Chaos resulted. Cutthroat competition was the order of the day. The net result was that the economic stability and health of the Nation's air transport system was drastically impaired. If the pending legislation is passed by this Congress, authorizing the Postmaster General to contract for mail transportation by air, I can assure you that this will ultimately lead to a resumption of the cutthroat competition which this Congress found detrimental to the air transport system and the public interest in 1938. There is absolutely no question that the rate aspects of sections 853 (a) and (c) contain the seeds for the introduction, once again, of uneconomic conditions into the air transportation industry—an industry which already faces great economic difficulties.

Congress has been down this road before. The Postmaster General, once again, seeks the contract authority he once had with the scheduled airlines. The Postmaster General, once again, seeks to exert substantial economic control over the airlines. This should not be permitted to happen. This is a disastrous path to take.

If the air carriers are forced into a competitive contract situation, carriers will be under extreme pressure in order to get this needed business, to price its mail service at less than full cost in order to underbid competitors. In doing so decreased mail revenue will mean increased cost to other classes of traffic in order to recoup revenue losses. Under the regulatory system inaugurated by the House Interstate and Foreign Commerce Committee, the Civil Aeronautics Board has jurisdiction over all classes of traffic and has the responsibility of maintaining a balanced revenue system with regard to passengers, freight, and mail. The Post Office Department, by law, does not have this responsibility nor will it under the proposed postal reform legislation. It only seeks the authority to find a way to cut costs of the transportation of mail by air—regardless of the outcome to the air transportation system.

If the Post Office Department is particularly desirous of seeking change regarding the air transportation of mail then such change must be sought through the advice and counsel of the House Interstate and Foreign Commerce Committee so ably guided by Chairman STAGGERS. Legislation which plants the seeds for further uneconomic conditions in the air transport industry and which could have far-reaching ramifications must not be permitted to pass without having been reviewed in depth by the House Interstate and Foreign Commerce Committee. The House Post Office and Civil Service Committee has done a remarkable job in this massive postal reform bill. However, reform of the overall air transport system is not the main thrust of the bill, nor is it a necessity. If there is a need to change the Federal Aviation Act, then the House Interstate and Foreign Commerce Committee stands ready to change the Federal Aviation Act to meet those needs. The Federal Aviation Act and its well designed regulatory procedures is designed to stabilize the air transport system; any legislation which would go outside this system, usurping the Civil Aeronautics Board's authority or the authority of the House Interstate and Foreign Commerce Committee would do just the opposite.

Mr. CONTE. If the gentleman will yield, is it not also true that if the passenger fares charged are too low, and do not carry their fair share of the load, then the mail users are being taxed for it?

Mr. SPRINGER. That is not true. They have always set the rates for passengers at a compensatory rate. They have always set the mail rates the same.

Mr. CONTE. Your airmail, or the users of the air?

Mr. SPRINGER. That is correct; they have had control, they have had the right to set the rates for both, but if you take either one of them away from them then they have to put it on the other one. That is exactly the way it works. It is mandatory, it is in the law, they have to do it. That is the reason they have to have control of the mail rates, they had to be sure the mail was carried at a rate that is commensurate with breaking even.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment offered by the

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gentleman from West Virginia (Mr. STAGGERS), and in opposition to the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. Chairman, I think that a bit of understanding on ratemaking, on the ratemaking structure, and what these two amendments do would be helpful here.

I rise in support of the amendment offered by my friend and chairman, the gentleman from West Virginia (Mr. STAGGERS), and I rise in vigorous opposition to the amendment offered by my good friend, the gentleman from Massachusetts (Mr. CONTE).

You know, we have worked a long time to build up a structure of sound regulatory agencies in this country which would assure that all persons, Government, corporate users, passengers, and other system of transportation, be treated fairly and be treated alike.

Our Committee on Interstate and Foreign Commerce has worked for years to assure that this system be as fair as possible, and to see to it that nowhere in the regulatory structure is there a place where an economic giant can come in and can destroy the rate structure and force rates down for his own benefit to the detriment and hazard of other users and to the detriment and destruction of the carriers.

The committee bill is very simple on these points. It says to the giant U.S. Post Office, one of the largest if not the largest shipper in the country, will be able, henceforth, to go in and use its bargaining power and the enormous leverage of the U.S. mail to force carriage and the cost of carriage of airmail down.

The Conte amendment is even a little broader. It says you can take the U.S. mail, if you are the Postmaster General, and use the terrifying bargaining power the mail contracts afford you to force down rates on all carriers for the carriage of the U.S. mail in your dealing with all carriers, via air, water, and land. That is very simply what it says.

What happens under the committee bill is that the carriers will not be hurt, because you have the regulatory structure which is going to take up the slack and raise other rates to keep up their profits. Under the CAB law the regulatory structure has got to come in and to make the other kinds and other users, passengers, freight shippers and other users pick up the slack and pay the additional cost.

So if the committee bill goes through, you can be sure that the third-class mailers, and the Postmaster General, and the first-class mailers are going to get a break.

But you can be absolutely certain that the passengers, the freight shippers, and other users of the airlines are going to get it right squarely in the neck, and be compelled to pay for mail shipment preference extorted by the Postmaster General on behalf of the mail users through the mail contracts.

If the Conte amendment goes through, you can be sure the users of any of our transportation systems including the airlines, water carriers, railroads, truck and business, are going to get it in the neck; and the U.S. Government is going to go in and seek preferential rates at their expense.

If you want to look at a bad system, look at section 22 preferences which are extended by the railroads to the Government in a similar situation. You will find it affords a widely used opportunity for rate preferences, for beating down the rates, and for getting highly preferential treatment for the Federal Government at the expense of other users.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I now yield to the gentleman; the gentleman wants to defend the committee bill and I think he ought to be afforded the opportunity. It is a bad bill but he should be given a chance to defend it.

Mr. UDALL. The gentleman does not want to leave the impression that some giant airline can come in and offer a cut rate without any control by anyone.

Mr. DINGELL. No, I said the Postmaster General could come in and start dickering between the airlines to get the best possible situation—and he would get it.

But the transportation users would get it in the neck unless the Staggers amendment is adopted.

I yield further to my colleague.

Mr. UDALL. Would the gentleman not agree that in the bill at page 244 every one of these negotiated contracts would have to go to the CAB and be disapproved if not in the public interest.

Mr. DINGELL. In a most remarkable fashion. These are not approved or considered in the standard fashion. These are simply given to the CAB after the deal is cut. Then the CAB gets a 90-day look at them to see whether or not they are in the public interest.

The CAB is a tremendously overworked institution. It does not have the time to handle these things on an ad hoc or case-after-case basis. It has an orderly procedure for assuring that the public interest is considered and the safety of the airline facility is fully provided for and to assure that rates for all classes of users are set at a fair and proper level under the law.

The committee bill would expressly negate this requirement of the law with regard to the CAB and would return to the highly obnoxious situation that pertained in the airline industry when we used to allow the Postmaster General the same power to extort, and I use the word advisedly—to extort highly preferential and extremely unfair rates on behalf of the Postmaster General and the Post Office to the detriment of other airline users.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Tennessee.

Mr. BLANTON. Would it not in fact if we do not adopt this amendment allow the Postmaster General not only to create new airlines and completely avoid CAB control but also allow him to create new trucklines and rail routes?

Mr. DINGELL. The gentleman is absolutely correct.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. DERWINSKI. Mr. Chairman, I cannot be as diplomatic as the gentleman who just addressed the House. But this is really an ambush of the bill. With all due respects to the gentlemen on the Interstate and Foreign Commerce Committee, I wish they would approach this with a bit more objectivity than merely maintaining committee jurisdiction. We are not processing postal reform to irritate the members of the Interstate and Foreign Commerce Committee. We are processing postal reform in the interest of all the citizens of the country.

I would suggest that the gentleman from Michigan who just spoke in effect gave us the answer by which we should defeat the Staggers amendment. In answer to the gentleman from Arizona, he pointed out the reason that the 90-day provision would not be satisfactory is that the CAB had such a tremendous overload but, we were told, for the last 30 years this committee has looked after the CAB and protected them.

What sort of job have you done? You have created a bureaucracy that could not function within the 90 days we envision under the bill. So I would suggest that the Members of the committee straighten out the CAB so they can provide service and then properly serve the postal service.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. MOSS. I would observe that the Committee on Interstate and Foreign Commerce has done at least a better job than has the Committee on Post Office and Civil Service. We are not here asking for a total reorganization of the area under our jurisdiction.

Mr. DERWINSKI. The reason for that is that the gentleman has no intention of giving up any jurisdiction. I realize our committee has been at a great disadvantage in not having the gentleman serve with us, but we have been trying to overcome that.

Mr. MOSS. Mr. Chairman, will the gentleman yield further?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. MOSS. I served 4 years upon the committee upon which the gentleman serves, I believe with some degree of distinction. I know the problems the committee has. But I also know that the Committee on Interstate and Foreign Commerce, one of the great committees of this House, does not have to apologize to the gentleman nor to any other Member of this body for the legislative record he has achieved or the oversight in his exercise.

Mr. DERWINSKI. Let me emphasize that I have the highest regard for your committee. I was merely quoting a statement that pointed out that the CAB was not in a position to effectively work within the 90-day period that our bill would provide.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the Chairman of the committee.

Mr. STAGGERS. In my presentation

I do not believe I spoke too much about committee jurisdiction. I spoke primarily about the public interest of this Nation. That is what I wish to emphasize. It would cut out something we have done. Let us rescind the language in the bill for the safety of the men and women who will fly on the airlines.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, the language of the bill is that—

> Each such contract shall be filed with the Civil Aeronautics Board for approval and shall become effective unless the Board, within 90 days after filing, disapproves the contract upon a finding that it is not consistent with the public interest.

If the term "consistent with the public interest," as provided by the law is not sufficient, the Interstate and Foreign Commerce Committee can amend it. We do not know exactly what the term "public interest" means, but we are willing for the contracts to be disapproved if they are not consistent with the public interest. We do not know what else we could do with this provision.

Mr. Chairman, in order to make legislative history I would point out that section 853(a) of the new title 39 contained in H.R. 17070 would authorize the Postal Service to contract with certificated air carriers for air transportation of mail between points between which the carrier is authorized by the CAB to engage in air transportation. This provision holds the promise of important flexibility in mail transportation and would contribute significantly to overall economies in postal service. Section 853(a) would require that each such contract be filed with the CAB for approval and that such contracts would become effective unless the Board, within 90 days after filing, disapproves the contract upon a finding that "it is not consistent with the public interest as provided by section 1302 of title 49 of the United States Code."

The standards thus prescribed for CAB disapproval are not as clear as they might be. Accordingly, it is important that the legislative history of this significant provision include clarification of just what we have in mind as criteria for the Board to follow in reviewing such contracts.

Section 1302 of title 49 sets forth very general guidelines for the Civil Aeronautics Board to follow in the exercise and performance of all its various powers and duties. Section 1302 refers to the "encouragement and development of an air-transportation system properly adapted to the needs of the United States," to the regulation of air transportation so as to "foster sound economic conditions" and "to improve the relations between air carriers," to "the promotion of air carrier service without unjust discriminations or undue preferences," to "the promotion, encouragement, and development of civil aeronautics," and so forth. Many of these guidelines—which as I have already noted, apply to all the various functions that the Board performs—will obviously have only marginal significance when it comes time for the Board to determine whether particular contracts for the air transportation of mail under 39 U.S.C. 853(a), as contained in H.R. 17070, should be disapproved. The primary focus of the Civil Aeronautics Board's inquiry should be on the question whether contracts entered into pursuant to section 853(a) are compensatory to the carrier. It is important that the Board be empowered to veto noncompensatory contracts because this power will permit the Board to insure that air carriers do not make contracts at prices below their out-of-pocket costs. Such contracts could result in losses on mail business indirectly resulting in charges against passenger and freight traffic, and that would be manifestly improper.

The Civil Aeronautics Board, in testifying on the postal reorganization bill, expressed concern over the possibility that cutthroat competition among air carriers might result from a provision authorizing the Postal Service to contract with such carriers, with the result that mail costs might be shifted to other classes of traffic. Under H.R. 17070, the CAB would have jurisdiction to prevent such below-cost contracts; and that is the purpose for which the authority vested in the Board by § 853(a) should be exercised.

As I have said, section 853(a) holds the promise of significant contributions to improvements in mail service, conjoined with overall economies in mail service. It is not intended that contracts freely entered into between air carriers and the postal service under this section should be overturned by the CAB on the basis of some vague apprehension that such contracts might not "preserve the inherent advantages" of air transportation, or might not be conducive to "the promotion of civil aeronautics," or might not otherwise jibe with some general preconception of the Board. Rather, we would expect Board disapproval only if it is clearly and definitely shown that a specific contract would be noncompensatory to the air carrier or demonstrably inconsistent with the public interest in some other definite and objectively provable respect. In short, we would expect CAB disapprovals of these contracts to be extremely rare. The basic decision to enter into these contracts is that of the air carrier and the postal service—not that of the CAB—and I make these remarks to be sure that the "legislative history" makes this clear to all.

Mr. DERWINSKI. I wish to reemphasize that we do not wish to invade the jurisdiction of the Interstate and Foreign Commerce Committee, but merely to provide "postal reform."

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and my distinguished colleagues, I like this combination of "Dingell to Derwinski to Dulski." I do not know how it will turn out.

After hearing some of this debate, I feel rather like a usurper, that our committee is trying to usurp some other committee's job. I am pretty sure our committee is as jealous of its prerogatives as is the Committee on Interstate and Foreign Commerce. I am sure the members of the Interstate and Foreign Commerce Committee are here expressing their views.

But I wish Members would appreciate the great complexity of the task and the bill that has been before our committee. I stand here before you and I make no apologies for section 853. I did not vote for the section in the committee, but I felt it was the wish of the President of the United States, as the Postmaster General testified before our committee. In his testimony he explained the need for flexible authority to obtain transportation of the mail. As the gentleman from Massachusetts (Mr. CONTE) said, the Postmaster General's hands were tied on many things such as financing and others.

So we thought it would be in the best interests of the public to have something in the bill to give flexibility to the Postmaster General. I am rather disappointed with some of the Members on the other side of the aisle who want postal reform, and I am saying I respect every Member of this House, but we have to realize that in order to have this flexibility, we have got to relax some of the powers.

Mr. Chairman, this amendment highlights yet another instance of postal problems resulting from the present division of authority among various agencies and committees which adversely affects the postal service.

I understand the value of the general public policy embodied in the Federal aviation laws and the desirability of improving air transportation facilities for the public at large.

However, I do not believe that the postal service—and especially the rapid and economical transportation of the mails—should or need be sacrificed in carrying out that policy.

The committee bill in no way damages our national air transportation policy. But it does revise the postal laws so as to reconcile the overruling need for improved mail transportation with our general air transportation policy.

The general mail transportation contracting authority in section 853(a), on page 244 of the committee bill, grants the postal service only the minimum authority to contract with air carriers that it must have to perform its duty to provide efficient and economical mail service to the public at large.

The final sentence of the subsection gives the CAB ample power to disapprove any contract proposed by the postal service if the CAB finds that the contract is not consistent with the public interest under section 1302 of the Federal Aviation Act.

This provision was placed in the bill by an amendment adopted in our committee by a 16-to-7 vote. With this language, the public necessity in terms of both general transportation facilities and efficient transportation of the mails will be served.

On the other hand, the amendment now before us would wipe out the most important postal transportation reforms

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recommended in the public interest by the President of the United States and approved by the Committee on Post Office and Civil Service.

I urge that the amendment be voted down.

Mr. Chairman, those are my views.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end at exactly a quarter to 6.

Mr. MOSS. Mr. Chairman, I object.

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end at 5:45.

Mr. MOSS. Mr. Chairman, a point of order. The gentleman from New York has just addressed the Committee for 5 minutes. He was recognized for that purpose and not for the purpose of moving a limitation of time.

The CHAIRMAN. The gentleman may make a motion whenever he gets the floor.

Mr. DULSKI. Mr. Chairman, I withdraw my motion.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment illustrates much of what is wrong with the present postal operation. Everyone stirs the soup.

The Postmaster General cannot move the mail. He is controlled and hedged and surrounded by so many restrictions he cannot really give us the kind of efficient postal service we need. This is an example.

I should like to see the Postmaster General have approximately the same flexibility that any other large commercial operation has for the moving of his product.

If one is working for A.T. & T., for Sears Roebuck, or for Woodward & Lothrop, and one has to get some boxes to Philadelphia, he shops around and asks, "Is there a truck going? Is there an airline? A railroad? A boat?" And he makes the best deal he can get.

So what did we do in the committee bill? We gave the Postmaster General in this new operation a choice of all the different options that he might get. We have said to him, in the airlines section, "Take your pick. You can go to the airline and demand, as a certificated carrier, that they move the mail, or you can go to that airline and you can ask what kind of a deal they will give to you. You can tell them that you have mail to move and ask them what they bid. If the airline agrees voluntarily to that negotiated contract, that contract then goes to the CAB and it must be sent there for approval."

We are not taking the CAB out of the picture. We leave the CAB in the picture.

In fact, philosophically I agree with the gentleman from Massachusetts (Mr. CONTE) and the gentleman from Oklahoma, (Mr. STEED) who perhaps know more about this subject than any other Member in the House. I believe it is extremely significant that the gentleman from Oklahoma is waiting recognition to support the Conte amendment.

The Conte amendment would enable the Postmaster General to ignore the CAB and to ignore any provision of law regarding railroads, and simply go out and contract for the carriage of mail in the best and cheapest way.

I emphasize this point: It is strange to me that this same contract authority to go out to shop around with the airlines, to see the best deal he can get for the public, for the mail users, has been extended by law to the railroads for the last 30 years. The committee wrote in the provision and gave him the same contract authority for trucks.

Now the Committee on Interstate and Foreign Commerce comes in. They do not object to this contract authority for the railroads. Not a whistle is heard about this contract authority for the trucks. But they come in and say, with respect to the airlines, it would be very bad to have this for the airlines, to allow the Postmaster General flexibility to go out to contact with the airlines, to see what he can do, even though he must come back to the CAB to get approval for that contract.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Washington.

Mr. ADAMS. I want very quickly to state to the gentleman that under the airline legislation, which is what we are dealing with here, there is no option for any type of contract or any kind of carrier, and the Postmaster General is in precisely the same position as any major shipper in the United States. He can select the route. He will get the same price for it. If the price is above what he thinks is right, he has a special right to go to the CAB to see if he can knock it down.

Mr. UDALL. Why does the gentleman object to letting the Postmaster General shop around to get a favorable contract, when the CAB will determine whether it is in the public interest?

Mr. ADAMS. Because what will happen is that then he will go out and make a contract with a supplemental carrier on the heavy route between New York and Chicago.

Mr. UDALL. Why should he not have authority to make such a contract, and then let the CAB disapprove it if as much of this occurs as the gentleman suggests?

Mr. ADAMS. Because the CAB would have to say to the airlines that they are no longer required, as they are now, only with the mail, to take it every place they land in the United States.

Mr. UDALL. No one looks out for the Post Office, but every one looks out for the airlines, everyone looks out for the United Parcel, everyone looks out for the people who deal with the Post Office. No one wants to give the Postmaster General the power to do the kinds of things anyone would want to do in a commercial operation.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I believe we are trying to look out for the people, not just the mail. I have emphasized time and time again that we are trying to look out for people. We believe the lives of people are a little more important than the mail.

Mr. UDALL. I agree with the gentleman.

Mr. STAGGERS. In 1948 the Honorable Lyle H. Boren, a member of the Committee on Interstate and Foreign Commerce, said that some bids had been opened by the Post Office Department. Some of them bid 30 cents, and some of them bid 1 mill. He said that the 30 cents was honest and that the 1 mill was not.

Mr. UDALL. The Civil Aeronautics Board can turn down the cheap bid.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, yesterday when we had an amendment offered by the distinguished gentleman from Texas (Mr. WRIGHT) I said that that was the solution to the worst can of worms that has ever been presented to this Congress, and that what we should do is give the postal employees an 8-percent raise and make it retroactive and forget about it.

Now, we have been standing here all day today debating on matters which have just shown how bad this bill is. If this committee would have done the proper thing, having invaded the jurisdiction of the Committee on Interstate and Foreign Commerce, they would have had the common courtesy to send this bill and that portion of it over to that committee, and ask them for their comments and their support. But, no, they do not do that; they completely disregard the rules of the House. They completely disregarded every rule of germaneness. They have just come in here and taken what they thought was necessary.

The gentleman from West Virginia has said what we are interested in in his amendment is people. It just shows we have an interest in people. Now let us support this amendment offered by the gentleman from West Virginia and defeat the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. GRAY. I thank my friend for yielding and merely point out that the Post Office and Civil Service Committee did the same thing with the Committee on Public Works as they did with the Committee on Interstate and Foreign Commerce.

Mr. UDALL. Will the gentleman yield?

Mr. SAYLOR. Yes. I yield to the gentleman.

Mr. UDALL. How in the name of heaven can you write a total postal reform if you do not take in the whole subject of the Post Office? We have a labor-management section which goes into the field of the Labor Committee. We have dealt with veterans' rights here, which goes to the Committee on Veterans' Affairs. We have dealt with appropriations, which goes to the Appropriations Com-

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mittee, and we have dealt with matters of finance, which go to the Committee on Banking and Currency.

Mr. SAYLOR. You have had your say. One of the reasons why you stood up here saying that you wanted congressional reform is that when a Member comes in the House he becomes an expert in a certain field dependent on the committee to which he is assigned. You on the Post Office and Civil Service Committee have in this case and in this bill tried to become experts on everything. We have people in the Committee on Education and Labor who are experts in their field. We have people in the Committee on Interstate and Foreign Commerce who are experts in their field. We have people on the Veterans' Committee that are experts in their field. You have ignored the Appropriations Committee, the Committee on Public Works, the Committee on Banking and Currency and their expertise. And you ignored them. You, Mr. UDALL, have ignored the very principle you are gaining national attention on your views on congressional reform. You have a hodgepodge in this bill, and the more amendments there are offered to it the more it proves how bad the entire bill is. The whole thing ought to be voted down. You ought to have taken the Wright amendment in the first instance. But if you must have a bill please adopt the Staggers amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of the Staggers amendment.

Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the House Interstate and Foreign Commerce Committee, which would strike section 853 from the bill.

Section 853 dealing with contracts for transportation of mail by air, would in effect amend the Federal Aviation Act of 1958, and would make it impossible for the Civil Aeronautics Board to properly perform its regulatory responsibilities and implement the commercial air transportation policy laid down by the Congress in its mandate to the Civil Aeronautics Board under that act.

Although under section 853 the Civil Aeronautics Board would still have some limited surveillance authority over contract rates to be established by the postal service for the transportation of mail by air, the CAB would be powerless to prevent the diversion of mail to nonscheduled air carriers which are not now authorized to carry mail, and which have no responsibility otherwise to serve the daily requirements of commerce and the public convenience and necessity, by providing regularly scheduled services over any route.

Any air carrier could perform the negotiated contracts proposed under section 853, with any kind of obsolete equipment, leased or otherwise. Such a policy controverts and does violence to our national objective of developing the most modern airlift capability possible to serve the requirements of commerce and the national defense.

The entire spectrum of CAB responsibility and regulatory authority for the development of adequate civil air transportation in the United States, would be seriously disrupted by the airmail contracting authority proposed for the postal service in the bill now before you. The CAB overview and ability to provide constructive competition and proper development of all types of services on air routes, to best serve the public interest, should not be crippled by permitting the postal service to indiscriminately divert mail to air carriers which are not authorized by the Civil Aeronautics Board to transport mail, and whose principal business is to conduct military charters and irregular charter services for occasional shippers, or for groups on vacations.

In considering the merits of permitting the now unauthorized nonscheduled carriers to carry the mail, attention may be directed to the fine record which these carriers, like other U.S. carriers, have made in participating in military airlift operations, and in the Civil Reserve Air Fleet. My Subcommittee on Military Operations has since 1958 made a comprehensive and continuing study of military airlift policies, and of the need for developing civil airlift capacity, as a necessary reserve for the military in wartime emergencies. I compliment the nonscheduled supplemental air carriers on their cooperation in this effort—but, I believe it is very important to point out at this time that by far the major dependence of the military for civil airlift in wartime must rest on the scheduled air carriers of the United States—of the approximately 371 long haul jet aircraft now in the Civil Reserve Air Fleet, that would be available to the military in a fully activated national emergency, 332 of these aircraft would be provided by the scheduled carriers. Included in these aircraft are 195 critically needed long-range jet cargo and convertible cargo aircraft, of which 156 would be provided by the scheduled carriers. The three scheduled all-cargo carriers alone, would provide as many of these long-range cargo aircraft to the military, as would all of the supplemental carriers combined.

I understand that the nonscheduled supplemental air carriers have committed all of their jet aircraft to the Civil Reserve Air Fleet—subject to call by the military in emergencies. This is most commendable, and it also puts these carriers in a better competitive position to receive a larger share of available military peacetime business, than would otherwise be possible under the incentive formula for such awards which has been established by the military contracting authorities. Having this 100-percent commitment from the supplemental carriers is of some advantage to the military authorities in planning for wartime emergencies—however, this would be a decided disadvantage to the mail service in a wartime economy. Mail contracts with supplemental air carriers must be subject to cancellation in national emergencies, and the mail involved in any such complex would have to be dumped back on the scheduled carriers, who in the meantime would likely have been forced to reduce their capacity to adequately handle the mail under such circumstances.

Last year, the U.S.-scheduled air carriers recorded their greatest decline in earnings in their history, when net income for these scheduled carriers fell to $55.3 million, from $216.1 million in 1968. Their rate of return on investment was 3.3 percent in 1969, compared with 5 percent in 1968. This unhappy trend has continued in 1970. The scheduled airline industry is currently committed to a $6.6-billion reequipment program, and if the low level of earnings continues, these airlines may be forced to reevaluate their equipment purchase plans—and perhaps make some cancellations. The scheduled air carrier industry has been hurt by major increases in operating costs, the repeal of the investment tax credit, reductions in mail rates, and growing competition from foreign airlines. This seems to be a most inappropriate time for the Government to propose and for the Congress to enact legislation which would authorize and encourage the diversion of U.S. mail from these carriers.

It would seem reasonable that the new postal service should have as a primary concern providing fast, dependable transportation of mail by air, at as reasonable rates as can be obtained consistent with sound air carrier operations—and as are so determined by the appropriately qualified Government agency which has been designated by the Congress in the Federal Aviation Act to make such determinations.

Mr. Chairman, section 853 of this bill cuts squarely across the jurisdiction of the Committee on Interstate and Foreign Commerce, and the Civil Aeronautics Board. This section could seriously impair national air transportation policy, and should be stricken from the bill.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I want to comment primarily at this time because of the comments made by the gentleman from Pennsylvania a moment ago.

Yesterday, as well as today, the gentleman has made fun of this bill. He has called it a "can of worms." I want you to know that this is a very complex bill; it has been worked on for a long time, and it is not a can of worms, but it does make some drastic changes.

I want to tell you this: it is no laughing matter. If this bill is not passed tonight, and then speedily passed by the Senate, you are going to have the worst strike that you have ever had in the history of this country in the mail service.

I say again it is no can of worms.

I am not going to talk about the amendment that is pending because I am a member of both the Post Office Committee and the Committee on Interstate and Foreign Commerce, but I will say we have members on our Post Office Committee who are on other committees. We have members who are on the Committee on Education and Labor—Mr. WILLIAM D. FORD is one. We have members on the Veterans' Committee. We have members on various committees other than the Post Office Committee.

But I implore you to take this debate seriously because you are treading on thin ice at this moment. If you do not

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take this seriously you will regret it. What we are doing is removing from the President's Cabinet a Cabinet position. We are making drastic changes that must be made if we are to avoid a complete breakdown in our postal system.

So there are going to be tempers raised and there are going to be people who are trying to make fun and laugh off some of the problems that they are not familiar with, but that the members of this committee are familiar with. So I say to you in all candor and honesty, please give this bill your honest consideration. I am not going to beg that you vote one way or the other. But do not say that this is a can of worms, because it is not—it is complex—that is true. But we are making a major departure from past procedures, and naturally there is going to be some confusion on the part of some Members of the House. If you do not pass this bill, and if it does not speedily pass the other body, you will regret the day that you ever voted against it.

Mr. STEED. Mr. Chairman, I move to strike out the last word and rise in support of the Conte amendment.

Mr. Chairman, I rise in support of the Conte amendment.

I think my colleagues will admit for one thing the adoption of the Conte amendment would certainly end this disagreement here about the jurisdiction of committees.

My purpose in making these remarks is that I believe while this discussion is very important and very interesting, we may be getting a little bit off of the track.

It seems to me what we are concerned with here today is the program that will permit the Post Office Department to collect and deliver mail to the American people.

This transportation section deals with probably the most difficult and the most critical part of the work of the Post Office Department in performing their duties.

I have been connected with the budget of the Post Office Department longer than any other Member of this Congress save one, and I think I have been involved in postal problems as long as most Members of the House.

Year after year one of the most difficult things we have had is to try to help the Post Office Department to meet the very complicated problems that come up in the field of transportation.

Let us see what we are talking about here. The bill this coming year for postal transportation is just a little $630 million. We are going to have in the postal budget next year a little deficit of $2,500,000,000 and maybe $2,800,000,000.

Do we want the Postmaster General to collect and deliver the mail or do we want to have him subsidize the transportation system of America?

Why should he not be given the freedom that he needs to meet the very complicated types of transportation problems that he has to meet?

He has to collect 84 billion pieces of mail and to distribute that mail through over 30,000 distribution points to people who live in 56 million different places—and he needs every kind of transportation facility that we have and some that we do not have.

Unless we think a bunch of rascals are going to be placed in charge of the Post Office Department, it seems to me the sensible thing for us to do in a ball game as important as this is, to give these managers of the Post Office Department a free hand to go into the field of transportation and to make the best deals that they can in the public interest and to try to get the mail delivered to the American people.

No one wants anybody to do business with the Post Office Department or anybody else at a loss. I do not believe that the responsible people who will be running the Post Office Department are going to be rascals and charlatans who are going to go out and try to destroy our airmail system, our railroad systems, or anything else.

Responsible people, if we keep putting them in a straitjacket as is proposed here on many of their problems, will not be able to do the job that postal reform has been planned to do for the people of this country, and which we hoped it would do. Just remember one thing, my friends. As big as the problem is now and as costly as it is now, it will never get any less. The projections for the next 10 or 20 years are staggering. If there ever was a time when our postal managers will need elbow room and freedom to cope with their problems, many of which have not yet been visualized, now is the time that we ought to give them that authority here, and the Conte amendment would do that. I believe that this is just good commonsense, if we are more interested in delivering the mail than we are in trying to subsidize some other type of operation.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to this debate with great interest, and I for one feel that the Post Office and Civil Service Committee has done an honest job in attempting to bring about much needed postal reform. I think their motivation in presenting the section of their bill currently in controversy has probably been to provide the most efficient and low-cost service the Postmaster General can get.

But I believe the committee has overlooked the old lesson contained in the story of "Robbing Peter To Pay Paul," or taking money from one pocket and conveying it to another.

Let me explain what I mean. Just a few moments ago I had a conversation with the ranking Republican member of the Interstate and Foreign Commerce Committee, the gentleman from Illinois (Mr. SPRINGER). He told me that, when he came to this Congress, almost every trunk airline in this nation was subsidized. As of today not a single trunk airline is subsidized by the taxpayers of the United States. He said that one of the reasons this has happened was the very law which would for all practical purposes be repealed by this section of the committee bill. It was the jungle, the chaos of the unregulated airline industry of those days which had to be corrected, and which was corrected in the law.

All this amendment would do, the Staggers amendment, would be to preserve the present law. And what does that law do for us? It gives us some semblance of order in the setting of rates.

Every time we pass a construction bill, every one of us votes in favor of adding the Davis-Bacon provisions to it, which say that prevailing wage rates shall be paid in Federal construction. Every single one of us never loses an opportunity to vote for prevailing wage rates and prevailing labor practices. We expect the Federal Government to pay what it costs to do business today. Why should the Post Office Department be an exception? These rates are set not for the profit of an individual company. They are set in the public interest. If you disturb the ratio or the balance which exists today, you are going to restore the chaos which gave us the airline subsidies, so obnoxious to the American taxpayer.

I suggest that CAB certification and CAB regulation is in the public interest, and if we chip away piecemeal, as we would do in this bill, we are taking a step away from the protection of the public interest. We are inviting fly-by-night operators who would buy an aircraft held together with baling wire, so to speak, and who will probably go broke before completing a contract.

This is a thing we should not toy with. I respectfully urge that we do not change the basic law under these circumstances, and that we let the appropriate committee study it carefully and come up with its recommendations. Remember, this only preserves the present law; the committee bill would emasculate it.

Mr. ADAMS. Mr. Chairman, I point out the gentleman has touched exactly on the point, that the Federal Government is expected to pay for the services it gets. For example, if we take mail from New York City to Chicago to the west coast, we have many little towns in between. At the present time the Postmaster General can select the route. He has a flat ton-mile rate throughout the United States. He pays for what he gets. If we go to this proposal we will have a contract from New York to Chicago where everyone will want to bid on it, but it will unhinge the others. The rates from New York to small towns will go up, and then pretty soon we will find the small-town service will deteriorate or will be nonexistent.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I point out this is the 23d amendment to be considered in 2 days. It is the second to be offered by a nonmember of the Post Office and Civil Service Committee. It is being offered to this committee by the express direction of the members of the Committee on Interstate and Foreign Commerce. There was no dissenting vote cast in directing the chairman of that committee to offer this amendment.

The Conte amendment would do even more violence to the orderly regulation

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of the common carriers and of transportation than would the committee amendment, but the committee amendment goes far beyond anything that should be considered by us here today under the conditions which prevail.

For one thing, it is quite faulty in its drafting. I do not know whether the CAB in considering a contract within this 90-day period would be required to give any notice or afford opportunity for hearing. The bill is silent on that. I do not think there is anyone who could tell us what the procedure might be that would be employed by the CAB in considering these contracts, but I do know that if the consideration was not completed in 90 days and the full impact measured upon the air transport service of this Nation, the contract would become effective.

I think it is extremely important in this House, if we are to have orderly legislative processes, that we respect the jurisdiction of the committees established by the Congress to handle the business of the Congress. The Committee on Interstate and Foreign Commerce in two instances this year has encountered legislation which did impinge upon the jurisdiction of other committees. The first was the automobile and highway safety legislation, and in that instance the Committee on Interstate and Foreign Commerce conferred with the chairman and the ranking minority member of the Committee on Public Works, and an agreement was worked out which did in no way impinge upon the jurisdiction of the Committee on Public Works.

When we had the airways legislation before us, it became necessary that we consider revenue measures. We did not undertake the jurisdiction of the Committee on Ways and Means, but a separate section was added to the bill, a section which was considered and written and reported by the Committee on Ways and Means.

That is the way we maintain the integrity of the jurisdiction of committees of this House and it is the way we prevent violence being done to institutions of Government which have been carefully and thoughtfully put together because of experience gained when they were not operating.

The CAB has its imperfections, but it does a fine job overall of regulating an extremely complex transportation system, one which is growing at an astronomical rate. To throw this sort of barrier or roadblock into the orderly development of commercial air transportation is to do great violence to the board.

I hope first the committee will vote down the Conte substitute, and then adopt the Staggers amendment, and get on with the business of writing a postal bill, and leave transportation to the committee with the appropriate jurisdiction.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am pleased to yield to the gentleman from Michigan.

Mr. DINGELL. One question which has not been answered today by the Committee on Post Office and Civil Service is why the Federal Government should be treated in any manner different from any other shipper.

Mr. DULSKI. Mr. Chairman, in order to get some sentiment with respect to time, I ask unanimous consent that all debate on section 102 of the committee amendment and all amendments thereto end at 7:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DINGELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that all debate on section 102 of the committee amendment and all amendments thereto end at 8 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS. Under the usual rules of the House, only those Members standing at the time a request is agreed to or a motion is made are later recognized for debate. This request, I understand, covers the whole remaining portion of the bill. Would that rule be in effect at the time of the request?

The CHAIRMAN. Members who are observed standing are considered to be giving evidence they desire to be heard on the amendment, and are heard. This does not preclude a Member from offering an amendment.

PARLIAMENTARY INQUIRY

Mr. TIERNAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TIERNAN. I should like to know whether or not the request by the chairman would cut off debate for all portions of the bill at 8 o'clock.

Mr. DULSKI. No.

The CHAIRMAN. The Chair understands the request relates only to section 102.

Mr. DULSKI. Which ends on page 293. Then we would consider section 103 of the bill.

Mr. TIERNAN. It would cover all other matters in the bill except pay, and debate would be concluded at 8 o'clock.

Mr. DULSKI. That is correct.

Mr. DINGELL. Mr. Chairman, reserving the right to object, may I ask how many amendments are pending at the desk? I believe fundamental fairness demands that Members be given consideration.

The CHAIRMAN. The Chair will state that there are 12 amendments at the desk.

Mr. GROSS. Mr. Chairman, reserving the right to object, I would suggest to the gentleman that he seek a limitation of debate on the amendments as they are offered. I believe that is a more orderly way to proceed. There would be a very unequal division of time, I suspect, if this request were agreed to.

Mr. DULSKI. Mr. Chairman, I withdraw my request.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, as a former member of the Committee on Post Office and Civil Service and as a present member of the Committee on Interstate and Foreign Commerce I believe I can see both sides of this question.

The basic question is whether or not the Civil Aeronautics Board will be able to continue to regulate all economic factors revolving around air transportation. It is absolutely essential that the CAB do this if we are to have a sound, safe air transportation system. The Civil Aeronautics Board is charged with this duty and responsibility.

Mr. Chairman, I certainly recognize the desire of the Post Office Department to transport mail at the lowest possible rate, but you must bear in mind there are also other agencies and other departments that would like to have the same privilege. In fact, there are many in the private sector that would like to be able to bid individually and separately with each airline for the transportation of their goods or their personnel. We have a large air express operation privately operated. Now, who establishes the rates for air express? The rates for air express are established by the CAB. They do it in order to maintain a stable economic situation within the airlines. If we are going to erode in this one area the authority of the CAB to maintain economic stability, then I think you are going to find there will be pressures in other areas. Certainly, with the many governmental agencies and the number of personnel traveling, why would it not be logical for the Veterans' Administration, for example, to be able to go to each individual airline and contract on an individual basis for the carriage of their people as they travel throughout the United States? They could probably save some money in doing so.

But I think that the gentleman from Washington, a member of the Committee on Interstate and Foreign Commerce, made a very telling point when he pointed out that the carriers, when they enter their bids, if they are going to bid on a competitive basis for mail service, are going to bid on the best routes. They are going to take the cream off the top. In those other areas no one will want to bid. Your long hauls are the ones they will want. If your airlines had a free choice today, they would not serve many cities in this country but would fly from Washington to Kansas City or from New York to Los Angeles or the long hauls, for example. They would not want to serve the small cities because it is a losing proposition for them to provide this public service. However, in order for them to provide a public service, the Civil Aeronautics Board has established uniform rates which are not just on passengers but are uniform rates on cargo and uniform rates on the carriage of mail. If we are going to carry airmail letters into Bradford, Pa., for example, we will have to have the CAB establish a rate which is fair to all concerned, because few carriers want to bid just on that particular segment. They would rather bid on the long hauls between here and Chicago and Los Angeles.

So, Mr. Chairman, basically we are dealing with a matter of whether it is wise for the CAB to maintain the economic stability of the airlines by having complete jurisdiction over all revenue matters that the airlines need and by which they derive their revenues.

Mr. Chairman, there is, of course, a jurisdictional question involved here. I regret that the chairman of the Post Office and Civil Service Committee did not work with the chairman of the Interstate and Foreign Commerce Committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from West Virginia (Mr. Staggers) and all amendments thereto end exactly at 6:10 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, the ratemaking authority of the CAB has never interfered with the ability of the Post Office Department to improve the efficiency of our postal service. The provision which provides for the special appeal within a limited period of time, that is, 90 days after the contract had been executed by the Postmaster General, merely creates another administrative burden for this regulatory agency.

We asked the question, in the hearings, of the representative of the Post Office Department if he felt that the CAB had been derelict or had failed to carry out the responsibilities either in the ratemaking process or in the delivery of mail, and the Post Office representative said no, not particularly.

We asked the Chairman of the Civil Aeronautics Board if there was any controversy or whether the Post Office had raised forms of complaints about their handling of the mail, and the chairman said no, he had not been advised of any controversy except of normal matters.

So there is no real controversy. Even the Post Office representative said that if jurisdiction did lie in this particular committee, the Interstate and Foreign Commerce Committee, then they had assumed it should have been routed to our particular committee. It was not.

And what we really will do if this amendment is not passed, is that we will delay the process. We will say to the CAB that they have got to, within 90 days, either say nothing, or go through the long administrative process under title V. This will delay the service of mail rather than improve it. The people have come to expect quick, efficient air mail service, and this amendment offered by our chairman will help keep it that way.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Adams).

Mr. ADAMS. Mr. Chairman, I take this time to put into the Record some facts so that there is no distortion as to what the airlines are getting, and what is going on in their relations with the Post Office Department.

In the first place, the cost of carrying mail has dropped from 42 cents per ton/mile in 1958 to 22 cents per ton/mile today. Out of the 10 cents that is paid for an airmail letter, do you know how much of this is allotted to the air transportation companies? Out of the 10 cents for a stamped letter, the transportation industry gets 0.6 cent. On a 6-cent stamp 5.85 cents goes to the Post Office, and 0.15 cent to the airline.

There are air freight rates, that are uniform throughout the entire United States, and in addition the Postmaster has a series of particular powers which allow him to go to any airline and if he does not like the way it is being carried he can go to the CAB and require them to carry it in a better fashion; he also can require any airline to take a letter to any point on some certified airline. He can go outside the certified airlines if he does not like the service and if there is an emergency he can go to a supplementary airline any time and contract with them. If he does not like what they do on service to a particular area he can hire an air taxi. At the present time there are 3,500 air taxies being used by the Postmaster General to supplement airline service.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, I, at the outset, want to state that when I offered my substitute to the amendment offered by the gentleman from West Virginia (Mr. Staggers), I did not realize that I was getting into a jurisdictional dispute. I certainly apologize if I have disappointed any members of that most important committee. I have nothing but the highest regard for them.

But I happen to sit on both the Treasury-Post Office Subcommittee and the Transportation Subcommittee of the Committee on Appropriations. I think I have dual jurisdiction here.

I have heard Postmasters General from Summerfield to Gronouski, Day, to O'Brien, and Blount before our subcommittee complaining that their hands were tied and that they could not move the mail the way they wanted to.

I would also like to point out how difficult it is to save the taxpayers any money in this body, whether it be the case of farm subsidies, rail subsidies, or what have you.

If you are for the mail users in the United States and for the taxpayers, then vote for my substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. Olsen).

Mr. OLSEN. Mr. Chairman, I would like to have the attention of the chairman of the Committee on Interstate and Foreign Commerce.

In a case of carriers not having a route to a particular locality, would the Postmaster General, without this authority in the bill, be able to contract out for a service in that instance?

Mr. STAGGERS. Yes, he would.

Mr. OLSEN. So if franchised carriers would not or could not give him a schedule to move the mail out of his post office, he would be able to contract out in that instance?

Mr. STAGGERS. That is right. But the scheduled airlines must carry the mail if the Postmaster General wants them to do it—that is part of their certification.

Mr. OLSEN. And they cannot leave the mail at the airport?

Mr. STAGGERS. No, sir; they cannot.

Mr. OLSEN. I thank the gentleman and I look with favor on his amendment.

Mr. STAGGERS. I thank the gentleman very much for his kind support.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. Udall).

Mr. UDALL. Mr. Chairman, these jurisdiction fights are always a little bit hair raising but I hope the Members will decide this issue not on whose jurisdiction is invaded or whose feelings are hurt, but on the merits.

This bill involves, if we are going to have real postal reform, spending hundreds of millions of dollars.

An important economic interest, as the gentleman from Massachusetts (Mr. Conte) says is involved. In nearly every instance, all are for postal reform. That has been the history for a year and one-half in our committee—all are for postal reform but they have to have one little amendment. This is to make sure that in any postal reform they have their own position protected and they have an extra advantage. I suggest that we have just as much jurisdiction in this field as any other committee.

After all, this is $600 million in transportation and this is all the Postmaster General's transportation jurisdiction.

This is only a small part of the jurisdiction of the Committee on Interstate and Foreign Commerce and it is only 1 percent I am told—1 percent of the airline revenues that are involved in this thing—but 100 percent of the Postmaster General's transportation problem that you are dealing with and the Conte amendment really ought to be approved.

If you cannot approve it, you ought to defeat the Staggers amendment and let the committee language stand.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Chairman, I echo the statement just made by the gentleman from Arizona and I would wish to reemphasize, at the risk of sounding innocent; remember, we are working on postal reform.

If we had parceled out this legislation to every committee that could have had any jurisdiction, we could never put the pieces together.

In order to have a total, comprehensive, effective, and manageable postal service, we hope to maintain the bill we have brought to the floor.

I do not see how anyone could argue with the Postmaster General for trying to get the type of service from the airlines that the mail user is entitled to.

Let us keep in mind that every household in the country is a customer of the postal service. Therefore, we are serving every citizen of the country through this bill, but we never can through fragmentation.

I suggest in the interest of legitimate postal reform and in the interest of commonsense legislation, that we maintain the committee bill at this point.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI) to close the debate on the pending amendment.

Mr. DULSKI. Mr. Chairman, I think that anything that anybody could say on this subject has been said. I wish to reiterate what I said before. We are not trying to usurp the rights of anybody's committee. We are up here trying to present a good postal reform bill. As I stated before the Rules Committee, and I am stating again, this bill is in the best interests of the public, and I urge that both amendments be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE) as a substitute for the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and on a division (demanded by Mr. UDALL) there were—ayes 94, noes 60.

So the amendment was agreed to.

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that debate be limited to 10 minutes on each amendment to section 102 of the committee amendment.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY: Page 166, line 20, immediately before "The" insert "(a)".

Page 168 after line 8 insert the following:

"(b) Notwithstanding paragraphs (5) and (6) of subsection (a) of this section, or any other provision of this title, or of the Postal Reorganization and Salary Adjustment Act of 1970 (including the amendments made by that Act) neither the United States Postal Service, the Postmaster General, nor any other officer, employee, or agent of such Service, or of the United States, shall expend any money from the Postal Service Fund established by section 1003 of this title to construct, alter, or acquire any building, facility, or other improvement, the construction, alteration or acquisition of which immediately prior to the date of enactment of the Postal Reorganization and Salary Adjustment Act of 1970 would have been subject to the Public Buildings Act of 1959, unless such construction, alteration or acquisition has been approved in accordance with such Public Buildings Act of 1959."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mr. GRAY. Mr. Chairman, getting time to speak on this bill reminds me of my childhood days when we had so many folks in the family that by the time we got the last one to bed, it was time to get the first one up. There has been so many committee members offering amendments to try and clean up this bill that no one else can speak.

All this amendment does is to say to the new postal corporation, you can go out and select a site for a post office building, or an alteration or modernization project. Work your will but submit to the Congerss a prospectus which can be looked over by the Members of this House and tell us whether or not the project is needed.

In 1959, when President Eisenhower was in the White House, we passed the Public Buildings Act of 1959. This has worked well. There has not been one single request of one Member on either side of the aisle that has been denied the authorization of a public building in his district.

But if the committee bill is adopted in its present form, all congressional control will be taken away for post office buildings. Let me give the Members one quick example of an incident that happened last week. There was a $194 million project requested in authorization from the Post Office Department to build two facilities in the city of New York. When Larry O'Brien was Postmaster General the Post Office Department acquired the property and moved the people out of this area; taxpayers spent $3½ million for this site, which has been allowed to lie dormant almost 4 years. Now the Postmaster General says he does not want to build a new building there at all, but he wants to go to New Jersey for the mail-handling facility. The gentleman who represents that district brought this matter to our attention. We held up the prospectus because the Post Office Department did not want to give back to the residents of New York the land taken from them. By having control we were able to work out a compromise to help the people of New York and the Post Office Department. This all took place in less than 1 week. When we approve a project, we will call the Member so he can make the release.

We know how it is with Commissions like the FCC, ICC, and FTC. We find out about a decision several days after it is made. I want the Members on both sides of the aisle to have something to do with the postal facilities in their districts.

I rise here today for 435 reasons—for each Member of this body. Our committee retains jurisdiction over all other Federal buildings, including courthouses, combination Federal buildings that house post offices, and other Government buildings.

That is all my amendment does. It says this new corporation can do what it wants to, but on post office projects it submits to the House Committee on Public Works and the Senate Committee on Public Works a plan for approval. That is all it does. I ask my friends on both sides of the aisle to protect their own interests.

I have built all the post office buildings I need in southern Illinois. It is your interest that is at stake. I realize you want reform, but this is no way to get it. Costs of construction will double if you lose control of these projects.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, the gentleman makes a good point, but can he tell me how to keep a post office building from being built now?

Mr. GRAY. If this committee bill becomes law, no prospectus can be inspected and we will have no control. If my amendment is not adopted, the gentleman's point is well taken, and we would have no control.

Mr. COLLIER. There is no real difference, Mr. Chairman.

Mr. DERWINSKI. Mr. Chairman, I rise to oppose the amendment. I will be brief and I will lay it on the line. This is a pork barrel amendment. It is the most brazen amendment that has been offered to this bill. All this amendment would do is perpetuate the pork barrel mentality in the construction of post office buildings. I do not think this House at this time wants to go on record as perpetuating the pork barrel approach. If the Members want proper postal reform, they will not accept this amendment.

Mr. GRAY. Mr. Chairman, if the gentleman will yield, does the gentleman not feel that all my amendment does is to maintain the law as it is today?

Mr. DERWINSKI. That is exactly why I make the statement I did, because the reason the postal service is in such sad shape is that too many people have their hands on it, and what we want in the postal service is the administrative flexibility we envision, and if we are to be clear through the Public Works Committee, we will have it back in the pork barrel days again.

Mr. UDALL. Mr. Chairman, if the gentleman will yield, let me say nothing illustrates more the need for postal reform than this amendment. I love the gentleman from Illinois, and he has been very kind to me, but when the Democrats were in power and they built a post office in my town, they called and asked who I wanted the architect to be. This was fine and I made some political friends.

I used to have my hand in as to where the post office was going to be located and then made all kinds of recommendations as to who ought to be assistant postmaster and supervisor.

The idea of this whole business is to get the politicians out of the business and to set up essentially a commercial enterprise and to let them move the mail.

Under this bill they have a provision which will allow them to go out to sell bonds and to build the kinds of new post offices they need, such as in Chicago at O'Hare Field instead of downtown where the trucks cannot get. Who will buy the bonds if the politicians have to approve the buildings? Who will get into the kind of management we need if we have this kind of restriction?

I seriously hope that this amendment will be defeated, because it detracts from one of the most important aspects of postal reform, the need for postal facilities.

Let us permit the committee of the

gentleman from Illinois (Mr. Gray), to go ahead with all Federal buildings, with all other kinds of buildings, but let us keep this separate as a quasi-commercial kind of operation designed to move the mail.

Let us change the existing order at least with regard to post office buildings.

Mr. DERWINSKI. Mr. Chairman, I merely wish to reemphasize that if the Members want the postal service to move the mail they will reject this amendment. If they want to keep the postal service stagnant they will accept the amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois. (Mr. Gray).

The question was taken; and on a division (demanded by Mr. Gray) there were—ayes 54, noes 80.

Mr. GRAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Gray and Mr. Dulski.

The Committee again divided, and the tellers reported that there were—ayes 61, noes 89.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Scott: On page 170, line 25, strike out the word "and".

On page 171, line 2, strike out the period and insert in lieu thereof "; and".

On page 171, following line 2, add a new paragraph (6) to read as follows:

"'(6) all provisions of title 5 governing appointments in the competitive civil service."

On page 173, beginning with line 3, strike out all of line 3 and all that follows down through the period in line 9, and insert in lieu thereof the following:

"'(a) The Postal Service may appoint and promote, in accordance with the provisions of title 5 governing appointments in the competitive civil service, such officers, attorneys, agents, and employees and vest them with such powers and duties as it deems necessary. All positions under the Postal Service (other than any position referred to in section 103, 105, 106, 108, or 110 of this title) shall be in and under the competitive civil service and shall not be removed or excepted from the competitive civil service."

On page 192, immediately after the period in line 9, insert the following: "No such agreement shall contain any provision which excepts or removes from the competitive civil service any position placed in the competitive civil service by section 201(a) of this title."

Mr. SCOTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT. Mr. Chairman, this amendment makes applicable to the Postal Service all provisions of law governing appointments in the competitive civil service. It states that appointments and promotions in the Postal Service of officers, attorneys, agents, and employees shall be made in accordance with the title V of the United States Code governing appointments in the competitive civil service. It further states that all positions under the Postal Service shall be in and under the competitive civil service and shall not be removed or excepted from the competitive civil service. It provides that collective bargaining agreements cannot affect the rights or the benefits of employees that they have under the civil service laws.

Now, Mr. Chairman, we are creating a quasi-governmental agency. Sometimes we call it a Service and sometimes a Corporation. It is sort of a hybrid thing. However, it seems to me that over the past 50 or 60 years we have built up a civil service merit system which is used as a pattern for many States and localities. I believe we should preserve the civil service merit system. One-quarter of all Government employees work for the Post Office Department and they would lose the legal protection now afforded them in the event this measure is adopted.

In effect, this bill would remove from the protection of civil service laws one-fourth of all Government civilian workers. I feel that that is the wrong thing to do. And the purpose of my amendment is to assure that the civil service rights of Government employees will be protected.

Mr. Chairman, I yield back the balance of my time.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am appreciative of what the gentleman from Virginia seeks to do here, but I would point out that this amendment was considered by our Committee on Post Office and Civil Service. We recognized that we are creating a new postal service; that the civil service competitive system for appointments in the future, once the new service is established, is just not the best way to manage the people and manage the postal service.

Again I come back to the point that I made earlier in debate today, that we are establishing a new postal service, and in that we are setting up collective bargaining. Once collective bargaining is established within the Postal Service, then these issues would be settled between the parties in their negotiations.

The problems in personnel with the Department today to a great extent have evolved around the civil service rules and regulations as they pertain to the employees, and prevents merit promotions. Once collective bargaining is established then the management and the employees can best solve the problems of the employees.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, in order that the Committee will have full knowledge of this amendment and the provisions of this bill insofar as it relates to employees, would the gentleman agree that under the new system the Postal Service can make appointments, determine working conditions, and hire and fire as they please, subject only to collective bargaining action, with free play between management and labor?

Mr. HENDERSON. The gentleman is right. I think the issue is a clear one. I know the gentleman would like to preserve the civil service system. And, of course, the gentleman understands that as a member of the Post Office and Civil Service Committee I have mixed emotions about this, but I think the House will agree in working its will, that the service needs to have free collective bargaining in the true sense of the word, and I think that has been made the major thrust of the legislation.

Mr. DERWINSKI. Mr. Chairman, if the gentleman will yield, I would point out that the gentleman from Virginia (Mr. Scott) represents a district adjacent to the Washington area, and has a great number of civil service employees, and the gentleman very ably represents them, and if he were to support the bill as it is now drawn it would be inconsistent with the interests of his constituents.

But in this collective bargaining we do set up proper provisions and I believe that the representatives of the union will certainly not negotiate away the basic benefits of the employees. As they transfer and certainly under no conditions will the employees of the Postal Service be any less secure in their positions than they are now.

Mr. HENDERSON. Mr. Chairman, further on that point, what we envision here is that the new management of the postal service, as I have indicated, would be willing to negotiate on these matters and perhaps even they can improve the conditions, rather than us writing it into the law, and otherwise tying their hands.

We know that the employees will want certain pay and fringe benefits, and these are, as I understand, very reasonable objectives, and we do not want to take away from the management the flexibility to bargain or to get certain concessions from the employee organizations.

I can say in all fairness that the major employee organizations would not like to see an amendment adopted that would hinder the negotiations in the collective bargaining process.

I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Scott).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gonzalez: On page 267, immediately below line 2, insert the following:

"'(f) Notwithstanding any provision of this title or of any other law, the rate of postage for each single postal card and for each portion of a double postal card, including the cost of manufacture, and for each post card and the initial portion of each double post card is 1 cent until otherwise provided by law. For the purposes of the preceding sentence—

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"'(1) a postal card is a card supplied by the Postal Service with a postage stamp printed or impressed on it for the transmission of messages, orders, notices, and other communication, either printed or written in pencil or ink; and

"'(2) a post card is a privately printed mailing card for the transmission of a message, and not larger than the size fixed by the Convention of the Universal Postal Union in effect, and of approximately the same form, quality, and weight as a postal card."

Mr. GONZALEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Chairman, this amendment merely provides for the restoration of what is commonly known as the "penny postcard," the 1-cent postal card.

The bill that has been called a reform bill here—and after hearing all of the discussions and all of the descriptions of this bill, I came to the conclusion that it is touted to everything from resolving the problem of slow mail to resolving all of the personnel conflicts that have plagued the Post Office and to strong hints of even curing carbuncles and maybe even fallen arches.

But this in all seriousness really underlines and brings to our attention the distressing fact that the postal service little by little has been permitted to get away from the common man—the plain common man.

Let me give you a little history about this penny postal card.

This is not to say that their use will take away from the sale of any other stamps.

The penny postal card was established in 1872 by an act of Congress. The Postmaster General, Crestwell, was very pleased because they would help meet the public demand. Appropriations were made the next year and the cards issued on May 1, 1873. The penny postal card had the stamp imprinted and the price paid for it covered its cost of manufacture. The 1873 annual report of the Post Office Department clearly showed their popularity. The first 2 months the number of cards bought was over 31 million, and the entire year's estimate of 100 million was more than realized.

The 1-cent postal card lived on until 1952, except for the World War I years when the rates went up to 2 cents. The year of 1951 marked its peak year for sales, during which over 4 billion postcards were purchased. It was the following year that the rate was increased to 2 cents; in 1959 it was increased to 3 cents, in 1963 to 4 cents, and in 1968 to 5 cents. As the rates increased, naturally the consumer was driven away from purchasing them as freely. During 1968 only a little over 1 billion cards were purchased and in 1969 the number dropped considerably to approximately 800 million.

The initial reason for issuing the postal cards was to supply a public want and this is the reason why I want to reinstate the penny postcard. In comparing the total number of postage stamps issued in 1968—almost 35 billion—to the number issued in 1969—approximately 27 billion—you will note a marked decline in purchases. Admittedly, the higher rates would seem to have kept some consumers from communicating through the mails. In view of the rising rates in postage, I am sure that the public want for a 1-cent postal card is and will continue to increase. This is not to say that their use will take away from the sale of other stamps, of course, because their utilization is limited, but at least their use will be more accessible to the common man who needs and wants to communicate and who wishes to just drop a line to a friend, his government officials, or some businesses, to a son in the service, and so forth.

In an age in which communication is emphasized, let us encourage it; in an age in which special interests seem to get all the breaks, let us give the average man a break; in an age in which opportunity is a key word, let us give the people an opportunity—and option—to use this form of communication. In order to assure the last vestige of service that will come as close as is possible to granting the American people the franking privilege and the type of service that should symbolize the postal service, I urge you to restore the penny postcard. Public demand clamors for at least a small break for the average man.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. UDALL. The gentleman's amendment fills me with nostalgia. No one would like more to bring back the penny postcard than I. In fact, I am in favor of the $20 suit, the $5 shoes, and the nickel beer. I wish we could bring all of them back.

But the net impact of this amendment would be drastic and disastrous in two or three respects. The present rate is 5 cents for a penny postcard. It costs the Government almost a nickel to handle and deliver it. Five cents just about covers its cost. By cutting the price of the card to 1 penny, $80 million in revenue would be wiped out, and we would have a postcard which could be used by anyone.

Let me tell you the first thing that would happen. You do not like junk mail? Now the junk mailer has to pay 5 cents to mail an advertising circular, and we barely break even on that. If the amendment were agreed to all they would have to do would be to put their sales message on a penny postcard. So if you are worried about subsidizing advertising circulars sent in third class, I say there would be no more third-class mail. Why should they pay the third-class rate when they could send first-class a penny postcard?

We are talking about losing $80 million in revenue. We would be opening a door so that all third-class mail and other classes of mail could simply shift to postcards, and you will have a deficit in the Post Office that will curl your hair.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. GONZALEZ. The gentleman talks about the calamity that would take place if we were to restore the penny postcard. In effect, we would afford an opportunity to the plain citizen to move his mail freely, to communicate with a serviceman or some religious organization.

Is it not true that you now have available presses that could turn these cards out at the rate of 250,000 an hour? Is that correct?

Mr. UDALL. I think that is correct, but that is not the problem. It is the cost of delivery.

Mr. GONZALEZ. One other question. You talk about the cost of delivery. What about the really large item of $630 million that you are paying now each year just for transportation?

Mr. UDALL. Part of that goes to most postcards, and if the postcard were a penny—and I do not oppose an $80 million subsidy for soldiers, widows, and sons to write their mothers and all that sort of thing—but what I am afraid of is that if we legitimize the penny postcard, everyone who wants to send a message, even the local utility company which sends out a bill, will use the penny postcard.

Mr. GONZALEZ. What is wrong with that?

Mr. UDALL. Because the subsidy will not then be $80 million. It will be $580 million or something else. Everyone would move to penny postcards.

Mr. GONZALEZ. The gentleman has touted this bill as bringing efficiency to the system and reducing rates.

Mr. UDALL. I believe it will.

Mr. GONZALEZ. Then we can use that efficiency and the new technological know-how that will come with the bill, if enacted, in order to provide that kind of service.

Mr. UDALL. You cannot cut 80 percent out of the cost of an item in this bill and expect to come out in the cost.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I hate to take issue with my colleague from Texas, but I think we are underestimating what the subsidy required would be if we reinstituted the 1-cent postcard. The shift from first-class mail and airmail back to postcards would make the present estimated loss for the present volume of postcards—which you estimate to be $80 million—look like chicken feed. It might result in $300, $400 or $500 million just in subsidies in the instance of postcards.

I, like the gentleman from Arizona, am not opposed to subsidies. I believe that there ought to be, to some extent, a subsidy for the users of the mails. But I think we are exaggerating it here.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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Amendment offered by Mr. Scott: On page 186, following line 25, add a new subsection (e) to section 209 to read as follows:

"'(e) The Postal Service shall appoint rural carriers in the postal career service by one of the two following methods which shall be applied in the following order of precedence:

"'(1) by selection (A) of a qualified career employee from within the postal career service, or (B) if no qualified career employee is available for, and willing to accept such an appointment, of a qualified substitute rural carrier who has at least three years of satisfactory service as a substitute rural carrier at the post office where a vacancy occurs, who shall acquire postal career service status upon being appointed as a rural carrier; or

"'(2) if no qualified employee serving in the Postal Service is available for, and willing to accept, appointment by the method described in paragraph (1), by procedures in accordance with section 201 of this title."

Mr. SCOTT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT. Mr. Chairman, this has to do with the appointment of rural carriers. In the event there is no career postal worker available to fill a vacancy in a rural carrier's job, it permits consideration of a substitute rural carrier who has had at least 3 years of service.

In my own neighborhood there was a carrier who had been a substitute for 17 years in which a vacancy occured. He was not eligible to be considered when the regular rural carrier became sick and was unable to continue in his position. I have talked with other Members of this body, and they have cited instances in which there have been substitute rural carriers for as long as 25 years. Even after this long period of service these substitutes are not eligible to be considered in the event of a vacancy in the regular rural carrier job for which they have been a substitute.

This amendment provides that after 3 years of qualified service as a substitute rural carrier and, in the event there was no qualified permanent employee to be considered, the substitute would be considered without having to take an examination for the job.

I think frankly, Mr. Chairman, it does justice to the substitute rural carriers.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Mr. Chairman, I commend the gentleman for introducing this amendment. I wish this had been the law long ago. There has been a great deal of injustice to individuals, so I am very much in support of the amendment.

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Pennsylvania.

Mr. Chairman, might I say that in the committee when we were marking up H.R. 4, which is not before this body, but was a previous similar bill, the committee agreed to an identical amendment. It is not a part of the present bill, however, and I do ask for favorable consideration.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment. I am not sure the amendment does any particular harm. The gentleman from Virginia is correct in stating it was adopted in connection with a previous bill, H.R. 4. However, in connection with the pending bill the committee rejected it by an overwhelming vote, as I recall. It seems to me that once we set up this new system of collective bargaining, the kinds of problems the gentleman raises here will not be involved to any great degree. I think in the light of this the amendment ought to be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Scott).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Eckhardt: On page 187, line 17, strike the word "provisions" and add the words "other sections."

Mr. ECKHARDT. Mr. Chairman, this amendment is simply to prevent a conflict between subsection (a) and subsection (b) of section 222 of subchapter II of the proposed act and to prevent the one from delimiting the other.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan (Mr. Ford).

Mr. WILLIAM D. FORD. Mr. Chairman, I support the amendment offered by the gentleman from Texas.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Is it true that the effect of the gentleman's amendment would be to negate the action of the House yesterday in adopting the amendment I offered, that would give the employees the right to join or not to join an organization?

Mr. ECKHARDT. The gentleman expressed that as the purpose of that amendment. I also stated yesterday that I felt that section (b) did nothing but restate section 7 of the Labor Act. Section 7 of the Labor Act is in almost the same language that the gentleman's amendment is in. In section 8(a)(3) of the Labor Act which is incorporated here, there are certain ameliatory provisions. I do not know what the gentleman was doing with his amendment, but I think if this amendment is adopted, it will be quite clear what the act does. It gives everybody in the postal service the same kind of rights that everybody in industry generally has.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield further?

Mr. ECKHARDT. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, would the gentleman agree if the amendment were accepted that a union shop could be negotiated or brought into under the compulsory arbitration provisions of the bill?

Mr. ECKHARDT. I think that might be so, but I think that might be so under the present structure of the bill.

Mr. HENDERSON. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment.

I would point out to the Members of the House that the effect of the adoption of this amendment would be to absolutely reverse the action the House took overwhelmingly yesterday to write into the bill a new section as to the right of the Federal employees in the postal service to join or not to join an organization, to have the right not to have to pay dues to hold a job in the new postal service.

It is my opinion and the opinion of counsel that the adoption of this amendment would have the opposite effect as to that of my amendment of yesterday. It would provide that the labor-management relations laws as originally brought out in the committee bill would be in effect, and the amendment adopted yesterday would be to no effect.

I know the House does not want to reverse the action of yesterday, and I urge defeat of the amendment.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Illinois.

Mr. DERWINSKI. May I remind the Members that until we passed the Henderson amendment yesterday the issue of right to work was so intense that it obscured our consideration of postal reform. Certainly we do not want to again reimpose this overriding issue. We have done a fine job this afternoon under difficult circumstances in moving along postal reform. I suggest, in the interest of expediting the procedure, that we reject the amendment.

Mr. HENDERSON. I believe the gentleman will agree with me, and I believe the gentleman from Iowa, to whom I will yield, will agree with me, that the adoption of this amendment would have the effect of killing postal reform.

Members will have an opportunity in a few minutes to vote to do that if they want to. This is not the way to do it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I do agree that everything the gentleman from North Carolina has said is completely accurate. This amendment would, for all practical purposes, gut the amendment which the gentleman from North Carolina was successful in having approved yesterday.

Mr. HENDERSON. I thank the gentleman.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am glad to yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I find myself in a position of not disagreeing with what the gentleman is saying in terms of the effect it would have if the language already adopted by the House did what he says it did. It clearly does not. The amendment did not go to the language of the National Labor Relations Act that would have to be amended to change section 7 of that act. The amendment adopted by the House is not inconsistent with that act.

At least the amendment of the gentleman from Texas (Mr. ECKHARDT) would make it clear one way or the other. The Eckhardt amendment makes legislative sense, because one can read that amendment and tell what part of the law is being amended.

The language we have adopted does not specifically amend any part of the National Labor Relations Act.

Mr. HENDERSON. I understand the gentleman.

Mr. WILLIAM D. FORD. I want the legislative history of this bill to show that many of us believe it does not constitute a so-called right to work provision at this time.

Mr. HENDERSON. I understand the gentleman takes that position, but I believe by the action of the House yesterday the intent was clear. The language which was adopted yesterday was clear. Of course, there is always doubt to be resolved by court action. I do not believe, from the advice I have, there is any doubt as to the result of the action on the language taken up by the House yesterday.

I desire to advise Members that if they adopt this amendment they will be reversing the clear intent of the House yesterday.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRANE: On page 283, strike out line 1 and all that follows down through the period in line 9 on page 284.

Mr. CRANE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Chairman, this amendment is probably the simplest, most readily understandable one that will be offered in the course of debate on the postal reform bill.

It repeals the present ban on the private carriage of first-class mail. It also removes the accompanying criminal penalty for the private carriage of first-class mail.

On Thursday, March 26, 1970, I took the well of the House to speak on the subject "why not competition for the Post Office?" In that speech I outlined what I considered to be the desirable effects of my bill, H.R. 16691. Today, I am introducing that bill as an amendment to the postal reform bill.

Since making that speech, I have given a great deal of further thought to this entire question. I have corresponded with the Citizens Committee for Postal Reform; I have examined the report of the Kappel Commission; and I have closely studied the pending legislation.

Let me take a moment to discuss each of these three areas: On April 27, I wrote Messrs. Morton and O'Brien, the cochairmen of the Citizens Committee for Postal Reform concerning their position on postal reform. Unfortunately, they were both out of the city; but the executive director of the committee, Mr. Claude J. Desautels, did respond promptly to my letter.

Permit me to quote a question that I asked Messrs. Morton and O'Brien:

Perhaps you can enlighten me: How exactly would this (their recommendations for postal reform) have prevented a strike?

The committee's response to this question was, in essence, that because "postal employees have been getting the short end of the stick for many, many years," a reform bill will improve their lot and make them less likely to strike in the future. As I pointed out in my letter, I do believe very firmly that postal reform is essential. But the postal reform must be meaningful. The current proposals would do little to improve the inefficiency of our postal service. It is no reform merely to transfer the postal bureaucracy from the Cabinet to an independent agency; it is no reform to raise postal rates while not improving services. And it is certainly no reform to permit postal employees to be required to join a union, or to allow them to strike against the public good.

One of the most needed reforms is to permit private competition with the Post Office, so that the innovative talents of the free enterprise system can be brought to bear on the problem of providing fast, efficient, and dependable postal service at the lowest possible cost. That is the purpose of this amendment.

I assume that some of my colleagues will raise the possibility that private carriers might indulge in "cream skimming" in the high-volume, high-value segments of the post office market. I do not believe that there is any validity to this concern for the following two reasons:

First. Some mail is simply not profitable. Let me specifically mention the case of "book rate" from Puerto Rico to Alaska—a service on which the Post Office loses money. Mr. Chairman, if the Congress determines that the shipment of books is a public service that should be subsidized by the taxpayer, let us have the courage of our convictions and vote to subsidize that category of our mail, whoever the carrier.

Second. It should be pointed out that under present arrangements, when a "common carrier," such as one of the private companies which deliver parcels, is authorized to serve a certain territory, they can be required to serve all points within that territory, not just those which are the most lucrative.

Another major point I wanted to make is that I have studied the report of the Kappel Commission, which is the basis for the entire postal reform movement and which suggested "the new approach" which we so desperately need for our postal service. The section of the Kappel report which deals with "the postal monopoly" is certainly one of the most superficial examinations of this question I have seen. In two hasty pages, the Commission concluded:

The postal monopoly provided by the Private Express Statutes should be preserved, although not necessarily in its present form. (Page 129, "Towards Postal Excellence," the Report of the President's Commission on Postal Organization, 1968.)

No case is made for that conclusion; indeed, the evidence against it is scarcely examined.

Mr. Chairman, I have also studied carefully the successive postal reform measures which have been introduced over the course of the 91st Congress. This includes H.R. 4, the original bill; H.R. 17070, the committee-passed bill; and H.R. 17966, the Udall-Derwinski substitute. All three of these measures have included in them a proposal for a 2-year study of the private carriage of first-class mail—a section that calls for "further study and evaluation in the light of changes in modern communications. The postal service is directed to submit to the President and the Congress a report within 2 years of the enactment of this act for the modernization of these provisions of the law."

Thus, it is clear all of these bills recognize that this area is one where change will be needed. Yet all three bills would have us delay the enactment of that change for at least a period of 2 years.

The Post Office Department has shown itself to be close-minded and unresponsive by its refusal to consider support for this approach to postal reform. Let me point out that the Post Office has not said there is anything wrong with my proposal. It has not said anything at all, despite the fact that the distinguished chairman of the Post Office Committee (Mr. DULSKI) has asked for its views of my bill. This is a request which I have repeated on several occasions myself. Apparently it is against departmental policy to consider any new approaches to postal service, even where no concrete objections can be made to a proposed innovation. I do not see how genuine reform can possibly result from an attitude that forbids consideration of new ideas.

This amendment does not address itself to the union shop argument. To those who share my view that the Nation cannot tolerate another postal strike, I would point out that the mere existence of alternative services will act as a deterrent to those who would violate the law—either existing or proposed—and withhold their services from the Government Post Office.

The postal strike showed us a number of things: For example, it showed us that the private sector, with little notice, could rise to the challenge of providing a new service. During that period, literally overnight, many different methods of delivering written communications developed. Some of them, admittedly, were of a makeshift nature that the participants would not desire to use again, but others indicated that the private sector will respond when given the opportunity.

I know that some of my colleagues will say that we cannot measure the impact of my amendment on the bill at this time. "Give us a chance to study it for the next 2 years, and then, perhaps, a change will be implemented," they say.

To this line of argument I must respond that no one can accurately foretell what

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the real impact of any part of this bill will be. Certainly we do not know what will result when the rest of this bill is enacted into law, if in fact it is.

I would further respond to any who raise this question that a sensible approach might be to try my amendment for a certain trial period—say 2 years—and determine if it is indeed conducive to better service to the public, or not.

I welcome the support of my colleagues for this amendment, and insert in the RECORD a number of items:

[From the Christian Science Monitor, Apr. 24, 1970]

POSTAL REFORM

TO THE CHRISTIAN SCIENCE MONITOR:

In the wake of the first strike in the 200-year history of the post office, you undoubtedly have been examining its causes and its significance. We, too, have been doing some evaluating. We have concluded that the self-supporting postal corporation-type of organization recommended by the Kappel commission would have prevented the strike, which was the consequence of an antiquated, inflexible postal system.

Especially in metropolitan areas where the cost of living is high, postal workers are frustrated by inadequate wages, by non-existent and obsolete equipment in high density mail centers, and by the futility of trying to earn promotions. A postal career is a dead end. There is no way for postal workers to negotiate their problems with management. Their leaders must resort to lobbying scores of congressmen and senators.

These are some of the frustrations that led to the illegal strike.

Complete postal reorganization along the lines of the Kappel commission would not only prevent strikes, but would in fact save the mail service from catastrophe.

LAWRENCE F. O'BRIEN,
THRUSTON B. MORTON,
Citizens Committee for Postal Reform, Inc.
WASHINGTON.

APRIL 27, 1970.

Hon. THRUSTON B. MORTON,
Hon. LAWRENCE F. O'BRIEN,
Citizens Committee for Postal Reform, Inc., Washington, D.C.

DEAR MESSRS. MORTON and O'BRIEN: I have read with interest your letter to the Editor of the *Christian Science Monitor* (April 24, 1970), in which you state that a reorganized postal corporation, along the lines recommended by the Kappel Commission, would have prevented the recent postal strike.

Perhaps you can enlighten me: How, exactly, would this have prevented a strike?

It is unfortunate that the reform advocated in H.R. 4 and now in H.R. 17070 does not effectively "solve" the problem of strikes by postal employees, any more than existing legislation effectively prohibits government employees from taking part in illegal strikes.

Nevertheless, it is quite true that postal reform is essential. I believe it would be far more effective to repeal certain sections of Titles 18 and 36 of the U.S. Code, removing the prohibitions on the private carriage of first class mail. If this were done, it would permit postal employees to seek alternative, and possibly more lucrative, sources of employment where they could utilize their skills and training outside of the monopoly, whether a government or quasi-government organization. In addition, the repeal of the specified sections of the U.S. Code would offer the individual American citizen the opportunity to select the form of mail delivery service best suited to his needs and his budget, rather than being forced to use the services of the existing or reorganized postal monopoly.

I would appreciate your comments on my bill (H.R. 16691), a copy of which is enclosed for your ready reference.

Cordially,

PHILIP M. CRANE,
Member of Congress.

CITIZENS COMMITTEE FOR
POSTAL REFORM, INC.,
Washington, D.C., April 29, 1970.

Hon. PHILIP M. CRANE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: In the absence from the city of our National Co-Chairmen, I am taking the liberty of acknowledging receipt of your letter of recent date relative to H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970.

As our National Co-Chairmen have stated: "The frustrations that have been bugging the postal workers are due to the system under which the Post Office is run."

And the solutions to the problems are found in the labor-management provisions of the O'Brien-Kappel-Johnson-Nixon-Blount Postal Reform proposals.

Let's face it, postal employees have been getting the short end of the stick for many, many years.

Their wages are below the levels where, in all conscience, they should be.

They cannot bargain collectively with the management of today's Post Office, while the right of collective bargaining has long been enjoyed by nearly all America's workers.

The conditions under which postal employees work, in many instances, are deplorably antiquated, and much of the equipment they work with is archaic, wasteful and inefficient.

The labor-management proposals of the Kappel Report are carefully designed to give postal workers the rights they want and deserve.

Among these rights as spelled out by these very important provisions:

1. Postal workers are guaranteed the right to bargain collectively with the postal management on wages and conditions.
2. In the event of a deadlock between the postal workers and the postal management, the workers are given the right to demand binding arbitration by a third party.
3. New opportunity for training and rights of advancement for qualified postal workers. Example—letter carriers or clerks could become postmasters on merit.

This kind of postal reform, as envisioned in the O'Brien-Kappel-Johnson-Nixon-Blount Postal Reform proposals is long over due. It would remove forever the possibility of a bitter stalemate which has lead some postal workers to desperate and illegal measures.

We appreciate you sending us your bill H.R. 16691. Although we are not familiar with its provisions, you may rest assured that it will receive our careful consideration.

With kind regards.

Sincerely yours,

CLAUDE J. DESAUTELS.

[From Newsweek, Oct. 9, 1967]

THE POST OFFICE

(By Milton Friedman)

Complaints on postal service sent to the Postmaster General are directed to the wrong address—that is like berating a dog for barking instead of purring. The Post Office is both a monopoly and a government bureau—so it should occasion no surprise that it is costly, inefficient and backward.

Even Postmaster General O'Brien has recognized this fact. He has proposed that the Post Office be converted into a nonprofit government corporation. But that would change only the form not the substance. As a monopoly, it would still be costly; as a government organization, it would still be inefficient and backward.

There is a simpler, more modest, yet more effective solution. Let Congress simply repeal provisions of the present law which prohibit private persons from competing with the U.S. Post Office (presently, private persons may provide mail service, but only if the letters also carry U.S. stamps).

WHY MONOPOLY?

The tyranny of the status quo leads most of us to take it for granted that the postal service must be a government monopoly. The facts are very different. There have been many private ventures—including the storied Pony Express, which failed when the telegraph line (also private) reached California and provided an even faster service. Many others succeeded—which was precisely what led postal officials to foster, over many decades, a succession of Congressional enactments to outlaw private mail delivery.

It will be objected that private firms would skim the cream by concentrating on first-class mail and especially local urban delivery—on which the Post Office makes a substantial profit—while leaving to the Post Office the mail on which it loses money.

But this is an argument for, not against, competition. Users of first-class mail are now being overcharged (taxed is the word we use in other contexts) to subsidize the distribution of newspapers, periodicals and junk mail. Similarly, local delivery subsidizes mail for remote areas.

If we want to subsidize the distribution of such material, we should do so openly and directly—by giving the originators of such mail a subsidy and letting them buy the services of distributing it as best they can. And we should finance the subsidy in accordance with the general canons of taxation, not by a special levy on the users of first-class mail.

Nonetheless, the argument is politically powerful. It explains why many a newspaper and periodical—even some staunch defenders of free markets in other connections—will defend the Post Office's monopoly. They will defend it because they favor subsidizing dissemination of information and educational matter—but doubt that they can persuade the public to do so directly and openly. They will be overimpressed by the importance of the subsidy to their pockets—because they will not allow fully for the improvements that competition would bring. It would be expensive for them to pay the full cost of the present inefficient delivery service—but the cost will be cut sharply by the more efficient service that would spring up.

In any event, I see no reason myself why readers of newspapers and periodicals, and distributors of junk mail, should not bear the full cost of distribution, whatever it may turn out to be—and I, for one, hope that it does not turn out to be so low as to encourage still more junk mail.

WHY NOT COMPETITION?

One obstacle to introducing competition is a lack of imagination. Our minds are not fertile enough to envisage the miracles that unfettered enterprise can accomplish, in mail service as in other areas—rapid delivery within a city by pneumatic tubes and between cities by facsimile wire, much more extensive use of traveling post offices instead of monuments to the political pull of the Postmaster General and the local congressman, and so on *ad infinitum*.

A more important obstacle to introducing competition is the nature of the political process. Competition would benefit the general public. But the general public has no effective lobby. It would benefit men and women who would find new business and employment opportunities. But few of them have any idea that they would be benefited, so they have no effective lobby. Competition might harm postal employees and big users of subsidized mail. As concentrated special-interest groups, they are well organized and do have an effective lobby. Their special interest, not the general interest, is therefore likely to shape the course of postal legislation. An oft-told tale.

[From the Indianapolis News, Apr. 2, 1970]

Why Not a Private Post Office?

(By John Chamberlain)

My friend Leonard Read, who runs the Foundation for Economic Education at Irvington-on-Hudson, New York, was telling us 20 years ago that the U.S. Postoffice should be liquidated and the job of carrying the mail turned over to private enterprisers. Many of us laughed at him, but we are laughing no longer.

If his advice had been taken, we would have been spared the postal crisis. Undoubtedly there would have been many entries into the postal service field, a few doing fast special delivery jobs, others catering to the delivery of publications, a handful of A.T. and T.'s of the business sticking primarily to first-class mail, and a residue—the scrap-iron dealers of the trade—handling stuff that has no particular urgency.

There would have been competition, of course, for labor among the private carriers. Quite possibly there would have been several unions. Before the rage for co-ordinating bargaining hit us, one or two of the unions would have negotiated good wage agreements with individual employers.

The wage level throughout the whole industry would have tended to rise; instead of a paltry $6,176-a-year beginning salary for a letter carrier, which is the figure that Congress in its infinite wisdom had never bothered to change as inflation galloped ahead, competition would surely have set the minimum at $8,500 or thereabouts way back in President Eisenhower's or Jack Kennedy's day. And surely veterans of the postal services would have been earning up to $12,000 or $15,000 a year under private auspices.

All this can be said with perfect assurance because it is what happened in a hundred other service industries that require no more and no less intelligence, endurance and ingenuity that is demanded of postal workers.

The reason the letter carriers never got their just due is that Congress is, to put it quite frankly, utterly incompetent to act as an employer, especially when it is trying to run something at one remove. A public postal corporation would be better, for it would not have a thousand things ranging from the Gulf of Tonkin Resolution to the investigation of subversive activities on its mind. But if the public corporation is to be a protected monopoly, which is what President Nixon wants, it will still have a hard time judging what a mailman is worth in the market.

If Leonard Read's counsel had been followed 20 years ago, who knows what technological marvels might have been developed in the area of postal service? The electronic age was only in its infancy in 1950.

Instead of mailing checks to suppliers and employes, companies might use a chosen communications company to signal the transfer of funds to individual accounts in a selected list of banks.

Maybe an ingenious enterpriser would have figured out a way of putting correspondence on tape, for instant transmission to receiver stations miles away. Our son, in distant Vietnam, keeps us informed of his experiences by speaking into a tape recorder and mailing us the results to be listened to in our living room. Is it impossible to visualize a time when the spoken word might go out over 8,000 miles, via a bounce-off satellite, to be taped instantaneously in a local "postoffice" in one's own home town?

I do not know whether I am dreaming or not, but I am sure that if such things could be made a reality it won't be done by a government monopoly.

Politically, a competing number of private mail corporations would be good insurance against revolution. When the letter carriers went on strike, they flouted the law which says that Federal employes must seek other means of publicizing their grievances. The law, when the postal crunch came, was meaningless.

Well, if uniformed employes in one branch of government can strike with impunity, then other men in uniform, the police, the army—might draw their own conclusions. When the Czar's army struck, Lenin walked in. My conclusion is that the fewer men in uniform the less the danger of a revolutionary force against the state.

[From Newsday, Mar. 24, 1970]

Private Mail Corporation Could Solve Postal Woes

(By Jeffrey St. John)

"There is no kind of dishonesty," observed the founder of the U.S. postal system, Ben Franklin, "into which otherwise good people more easily and frequently fall than that of defrauding the government."

The politicians who have been running the U.S. Post Office as if it were a personal payoff system have been defrauding the government and taxpayers these many decades. Now, the first postal workers strike in the service's history is generating official dishonest claims that the strike is solely over "poor pay for postal workers." The growing deterioration of mail service in recent years could cause some to conclude that postal employes are overpaid.

The fires of government-created inflation are at the heart of the strike; it's not difficult to understand how postal workers barely make ends meet. But behind the rhetoric are the troublemaking militants within Manhattan and Bronx Branch 36 of the National Association of Letter Carriers. In recent years both boroughs have shown a marked increase in agitation by black militants who were given jobs as political payoffs.

THEY LIT THE FUSE

Some of these finally managed to use real low wages to light the fuse that set off the wildcat walkout. Branch 36 militants managed to intimidate the union leadership, which had requested the postal workers to go back to work. The militants have been working for a long time to pull off this strike, which they reason could spread to the entire city and then to the nation, striking a crippling blow at "The System."

Politics in the postal system is nothing new; Andrew Jackson introduced the spoils system in 1829, and successive presidents have made it a dumping ground for incompetents and individuals in search of a soft touch or a featherbed. It takes $7.5 billion a year to keep the politically powerful government agency from breaking down entirely. The Nixon administration's recent attempts to create a public postal corporation to run the system like a business has met with unprecedented lobbying pressure from the postal union. Nixon's attempts for reform are going to fail unless he abandons his current efforts for a simple solution. What is required is competition from a private postal system to serve individuals and industry willing to pay.

THE PONY EXPRESS

"Were the postal system being started today," says the Keppel Commission that spent 15 months probing post office pitfalls, "it might well be operated by a privately owned, regulated corporation, not unlike the companies which operate communications and transportation systems in this country." The last time the U.S. postal system allowed competition was the Pony Express and it did such a superb job that the government introduced competitive transcontinental service, lost money and passed a law, still standing today, that forbids anyone else but the government from moving first class mail.

The strike and chaos in the postal system should move Congress to repeal this prohibition and allow private postal systems to operate. The Independent Postal Systems of America, based in Oklahoma City, is a current model that could be expanded. It is handling much of the so-called "junk mail" from business that the government says is contributing to a deficit operation.

Economist Milton Friedman has pointed out in arguing for a competitive private postal system: "Competition would quickly set modern technology to work in the transmission of the mail, and simultaneously lower the cost to the consumer. The government system would have to shape us or ship out."

Those who find the profit motive in private enterprise distasteful must now choose between profit or postal politics that will continue to create chaos and paralysis.

An Alternative to the Governmental Postal System

(By Yale Brozen, professor of business economics, Graduate School of Business, University of Chicago)

It is, of course, un-American to think of any alternative to a governmentally operated postal system. After all, Ben Franklin, a great patriot, was a founder and supporter of this governmental enterprise. Anyway, what sensible American would want to go into a business which loses as much money as the Post Office.

Believe it or not, a good many Americans seem to think that the postal business is worth entering. The Post Office investigates thirty to forty cases a year where it suspects that its monopoly is being infringed. It prosecutes fifteen to twenty cases a year.

First class mail is profitable for the U.S. Post Office and it is in this class of mail in which it has a legal monopoly. It has never bothered obtaining a legal monopoly of other classes of mail since it believed that it lost money on other classes and was glad to have anyone take these over who wished. But, of course, who would want to get a piece of a money losing business?

A number of people have evidently been anxious to move in on this money losing business—and some have done so. Tom Murray started a service in Oklahoma City where he offered to deliver third class mail for $25 a thousand, much less than the $43 a thousand the Post Office charged, and to guarantee that delivery within a specified time. The Post Office's habit of frequently delivering such mail after the event had already occurred that was being announced of course created many customers for Tom Murray, giving him the opportunity to lose even more money than the Post Office since he was charging less and giving better service. To everyone's amazement, he is making money. Others find the opportunity to compete with the P.O. on these terms so attractive that Mr. Murray has now franchised operators or is operating in sixty other cities under his Independent Postal System of America banner. His 1500 bonded carriers are serving 70 million people in these sixty cities in the U.S. and Canada, and he appears to be making money.

In the parcel post area, United Parcel Service is competing with the Post Office. Its service is enormously superior to that of the U.S. Post Office and its rates are lower. Where the Post Office charges $1.17 for a 10 lb. package mailed in San Francisco and delivered in Portland in eight to ten days, United Parcel charges 98¢ and delivers in two days.

Now these are services on which the Post Office claimed to be losing money, yet private operators are providing better service at less

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cost. Think of what private operators could do for first class mail service—which has deteriorated to the point of being ludicrous. The service is so poor that many companies pay the postage they are required to pay by law for first class mail but never let their mail get near a U.S. Post Office. They deliver the mail themselves rather than lose the time involved in letting a U.S. postal employee get his hands on their messages.

If we wish to improve our mail service and reduce its costs, we don't need to sell the Post Office. All we need to do is repeal the law monopolizing the carriage of first class mail for the U.S. Post Office and the law monopolizing the use of a householder's mail box. The would be competitors who are now being prosecuted for violating the law could operate. Also, the alternative services that would become available would greatly reduce our vulnerability to a postal strike.

At present, a large portion of the monopoly power in the hands of the U.S. Post Office accrues to the interest of the postal unions. The result has been that postal workers in the last ten years have been winning wage increases outstripping those of industrial workers. From 1959 to 1969, postal wage rates rose by 4.7% per year while industrial wage rates rose by 4.4% a year. You might never suspect that listening to the complaints of New York postmen. Given their recent success, a continuation of a monopoly Post Office is going to result in postal wage rates rising even more rapidly in the future. Simply setting up a U.S. Postal Service will not cure that situation, as has been demonstrated by the transportation unions. With competition from potential entrants to the common carrier transportation industry barred by the necessity to obtain a certificate of public convenience and necessity, the unions in the industry have a monopoly position which has enabled them to win wage increases well in excess of those won by other workers—and they win them at the expense of other workers. The Brotherhoods, the Teamsters, and the Air Line Pilots Association are a labor aristocracy engaging in wage setting activities which depress the wage rates of workers in other industries.

The alternative to the present proposals for reform of the Post Office, proposals which will do nothing to improve many aspects of the situation—is simply to repeal the law monopolizing the carriage and delivering first class mail and the law monopolizing the use of the householder's mail box.

[From the Dixon (Ill.) Telegraph,
Apr. 15, 1970]

Competition Urged To Cure Post Office Ills

Washington.—Efficient, dependable postal service at reasonable cost can be achieved only if the prohibitions on private competition with the Post Office are removed, Congressman Philip M. Crane, Republican of Illinois, has said.

Crane introduced legislation to repeal the legal prohibitions on private mail carriers, calling for an end to the government's monopoly of the postal service. "Private carriers should be permitted to enter into competition with the Post Office," Crane stated, "so that the carrier who provides the most efficient service at the most reasonable price may prevail."

"I believe it is time for the Congress to act to improve our postal system by providing for the Post Office the same stimulant that has brought American business and industry to its high peak of achievement: competition," the congressman continued.

Rep. Crane, whose district includes the northern Cook County suburbs of Chicago, a city hard hit by the recent wildcat walkout of postal employes, charged with neither the present system nor the proposed postal corporation can adequately guarantee improved mail service. He stressed the necessity of bringing the innovative abilities of the American private enterprise system into play to develop new and more efficient techniques for postal service. The widespread and immediate response of business and industry, he stated, to the urgent need for alternatives to the Post Office during the recent strike, indicates that the private sector is willing and able to meet the challenge that would be presented by this legislation.

Crane pointed out that the federal monopoly of the postal service is inconsistent with our national anti-trust policy. "Why," he asked, "should the government continue to exercise a monopoly over the area of postal service, when it would not permit private enterprise to exercise monopoly power over any other area of the economy?"

In response to the charge that free competition for mail service would leave to the U.S. Post Office only that portion of the mail unprofitable for private carriers to handle, Crane stated that "basic economics would dictate that we determine the real costs of those services, and see that individuals, businesses or other users are held responsible for paying them."

In introducing his legislation Crane called upon members of congress of both parties to put aside political and ideological differences and join in support of constructive change that will improve the mail service available to every American.

"This legislation," he said in summation, "will constitute an important step toward an efficient postal system, a system that will bring into play the energies and technological expertise of our dynamic private sector and permit the free, competitive market to operate: insuring for us all that our mail can be delivered with the maximum feasible speed and accuracy at minimum cost."

[From the Chicago Tribune, May 11, 1970]

Mail System Needs Competition: Crane

Improving the nation's postal system can best be accomplished by introducing competition, Rep. Philip Crane [R., Ill.] said last night during the Manion Radio Forum.

He discussed the reasons why he introduced a bill in the House of Representatives which calls for repealing United States code provisions that prohibit private carriage of mail.

"Passage of the bill would permit any corporation to compete for a share of the 'mail market' with the result that carriers providing the most efficient service at the most reasonable price would prevail," he said.

TECHNIQUES UNCHANGED

The present system as a monopoly does not allow for new, sophisticated techniques for delivery, Crane said, and "with the single exception of the airplane we are still using basically the same techniques used a century ago. The innovative talents of private enterprise could provide rapid development."

New handling methods would create, rather than eliminate, jobs, as automation has done, but if present methods are not improved, the demand for postal workers will far exceed the supply, he said.

With a free market to set their own postal rates and wages, private carriers would pay salaries greater than those of government employees, he said, and thus the major complaint that led to the recent strike would not exist.

"Further, if a strike of government postal workers did occur, the nation's economy would not be brought to a virtual standstill because private carriers would continue to operate," Crane said.

TRANSFERS MONOPOLY

"This assumes there would be no industry-wide union which is compulsory in the administration's current postal corporation proposal. This proposal merely transfers the monopoly from an existing governmental agency to a newly created quasi-governmental body. The monopoly and its natural inefficiency would still exist," he added.

This is not a scheme to "sell" the post office or to abolish it, Crane said, but merely to provide alternatives to it.

"The government agency would continue to exist, either in its present form or as a postal corporation. If by chance the private sector did not rise to the challenge, the post office would still be there to do the job it does now. But I believe that private enterprise would respond vigorously."

[From the Freeman, January 1970]

Private Mail Could Be a Public Boon

(By Melvin D. Barger)

The postman is figuratively ringing twice in a number of American cities these days. One of the rings could be sweet music to citizens angered by the growing problems of the Federal postal system.

The new courier on the scene is the Independent Postal System of America, making its appointed rounds now in many cities and soon to open services in more. IPSA, established in February, 1968, is an upstart in the communications field and an infant among corporations. But it has made a sensational start and has all the earmarks—or perhaps postmarks—of being the right idea at the right time.

One man who obviously thinks so is its founder, 42-year-old Tom Murray, who already pictures IPSA jetting ahead into the billion-dollar class. Murray, a restless, entrepreneurial type, could be accused of exaggeration, except for several interesting facts. One, IPSA has already landed enough sales to produce $1 million in profits during its first year of operation. Two, the potential market is there; postal services run into billions and could go much higher in the years ahead. Three, public opinion is turning bitterly against the U.S. Post Office Department, and the times are right for constructive change.

The last item may turn out to be a matter of considerable importance to IPSA's future. Until a few years ago, the public accepted the government postal monopoly as a fact of life; some people even seemed to believe that only government had the competence to carry mail. A suggestion that private corporations could handle postal services with greater efficiency and economy was often hooted down; it was like suggesting that a private company take over the Washington Monument or the U.S. Coast Guard.

But a number of things have made a private mail system more acceptable in the public mind. Postal service seems to be deteriorating, or at least not keeping up with the noticeable advances in other services (such as the telephone system). The yearly postal deficits are always well-publicized, causing people to wonder frequently "why the Post Office can't at least pay its own way." There have also been the annoying rate increases and raging legislative battles over proposed rate boosts for different classes of mail. Attempts to raise third-class rates have enraged business mailers, and efforts to change the admittedly low rates for publishers has probably contributed something to the bad press the Post Office has been getting.

There may also be some disillusionment over the frequent crusades to make the Post Office more businesslike, an effort that seems to be relieved with each change of administration. There was honest hope that Arthur E. Summerfield, a successful Michingan businessman, might succeed in this when he joined the Cabinet in 1953 as President Eisenhower's Postmaster General Summerfield did make some needed improvements in using private capital to provide for new post office building construction, but he also incurred the hostility of the postal unions and faced considerable political opposition to

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many of his plans. Summerfield's reign at the Post Office proved that the Department's problems couldn't be solved simply by putting an astute businessman in the head chair.

THE KAPPEL PROPOSAL

The lastest ploy in the attempt to buck up the faltering Post Office was the proposal by the Kappel Commission to put the Department under a government corporation. Mr. Kappel, the retired board chairman of the giant American Telephone and Telegraph Company, was doubtlessly chosen to study the Post Office because of his own impressive career in a related communications field. The Kappel proposal now has the endorsement and active backing of President Nixon, but it faces stiff opposition in Congress and from the postal unions. Right now the Kappel plan appears dead. If organized along lines suggested by Mr. Kappel, the Post Office might conceivably become better administered, with less interference from Congress and more control over its own operations. However, the Kappel recommendation is essentially an attempt to remedy the shortcomings of a socialistic enterprise by converting it to another organizational form; it still rests on the delusion that socialism can be made to work if only the right combination of management and organization can be found.

The question of private ownership of the Post Office did get an airing by Mr. Kappel, who dismissed the idea of selling the Post Office because, with the Post Office's deficit, liabilities, and investment needs, "you couldn't sell it to anybody."

The fact that the question of "selling" the Post Office was even asked shows that there's growing interest in a private postal system. Mr. Kappel's answer revealed the philosophical limitations of a man who has spent his own lifetime in a monopolistic enterprise, albeit a highly successful one. He did not seem to be thinking of the possibility that postal services could be supplied by new organizations, not just the one now in existence. He apparently could not bring himself to the point of proposing that anybody ought to be allowed to carry any class of mail, that mail deliveries should not be a legal monopoly of either a public or a private organization.

FROM BELLBOY TO MAILMAN

Against this background of mounting dissatisfaction with the Post Office, Tom Murray's Independent system has come into existence. Murray had no previous postal experience and would have had trouble getting a minor position in the Federal System. An Irish immigrant, he came to America in 1950 and began his business career as a bellboy in a Detroit hotel. Before long, however, he had become manager, and after that his rise was spectacular. The Mayor of Detroit actually proclaimed a "Tom Murray Day" in 1955, in recognition of Murray's outstanding service in community affairs. He was soon hotel owner as well as manager.

Murray's interest in hotels eventually took him to Oklahoma City where a conversation over a cup of coffee finally nudged him into the mailing business. A local businessman, Darrell Hinshaw, was complaining about his own growing difficulties with postal services. This was nothing new. But the complaints went a step further. Murray soon had some calculations and surveys which indicated that a private company might be able to carry third-class mail at lower rates than the government and still make a profit!

The figures fired Murray's imagination, particularly the business potential involved. Hotels and motels, as everybody knows, work in a field of fierce competition, with top limits on the growth that even the most successful firm can achieve. But here in the mailing field the potential field alone was in the billions. If a private company could break into the field and establish its own position, it could not only share this market but also participate in future growth of breathtaking proportions.

A LOOPHOLE FOR DELIVERIES

But how could a private firm enter the field when legislation prohibited it? Private mailing companies had actually flourished in early America, but by the middle of the last century had been driven out of business by the Federal Private Express Statutes. How could Murray work his way around statutes that had barred other businessmen from the mails for so long?

His door of entry was third-class mail, which has been shrilly condemned as "junk mail" in recent years and at times has been held responsible for many of the Post Office Department's problems. There's a fine line between "third-class" mail and circulars. A business firm for example, has the legal right to deliver printed material to residences, but not to use the mailboxes. Murray dashed off to a Third-class Mailers' convention, and listened to their gripes and problems, and also found them receptive to the idea of a private delivery system.

"I felt that the Third-class Mailers had made a major error in permitting their products to be labeled "junk," Murray says. "Third-class mail isn't junk, and it deserves its rightful place in the area of commerce."

Certain by now that he was on track, Murray found a group of backers who could put up $50,000 immediately and underwrite an additional $2 million for later expansion. By January, 1968, he had incorporated IPSA, opened offices in Oklahoma City, and announced plans to begin service in February. Deliveries would begin in the city, and then fan out to nearby states, with the long-range goal of becoming nationwide. As if to emphasize the nationwide goal, Murray chose an outline map of the U.S. for the system's trademark and insignia.

DISPOSABLE MAILBOXES

Announcement of the daring venture captured the public interest; yet it also seemed a too-risky exercise in audacity. *Newsweek* magazine called it a "showdown" with the Post Office, and hinted that Murray would be blocked by Federal authorities. Reporting that Murray had already signed delivery contracts with a rubber firm and an insurance company, *Newsweek* also cited a Post Office Department legal counsel's opinion to the effect that Murray's operations were illegal, that nobody but the Post Office has the right to carry any class of mail. The magazine also suggested that Murray would be courting real trouble when he began making delivery in home mailboxes.

If there was any showdown, nobody in IPSA's headquarters ever noticed, because the Independent System swung into operation on its announced starting date and was soon making almost routine coverage of most of Oklahoma City. Murray wisely avoided challenging the Post Office Department ruling on use of home mailboxes, and developed an attractive plastic container which can be suspended from most doorknobs. The container not only protects the mail and other articles, but one side also serves as an advertisement for the Independent System. The other side has been sold as an advertisement for other firms, actually making the plastic container a profit item instead of an additional cost burden. IPSA would still like to use private mailboxes and is currently trying to get approval of a dual-compartment type, but the plastic bag is doing very well for the time being.

Murray's customer list multiplied almost magically, and by the end of the first year the system had served more than 100 clients and was operating in every major Oklahoma city as well as communities in Texas, Missouri, Ohio, Arkansas, Alabama, Mississippi, Illinois, New York, and even Canada. The company was expanded rapidly by selling franchises, and received hundreds of inquiries from private individuals seeking their own postmasterships. At the same time, IPSA was getting remarkable press attention, almost all of it favorable. *Newsweek's* follow-up article after IPSA's first year was largely a success story and other publications such as *Saturday Review* and *Nation's Business* saw a bright future for the Independent System, the latter calling it a possible end to the "130-year-old Postal mess."

GUIDED BY THE MARKET

Surprisingly, however, many of the Independent System's operations seem to be similar to those of the Federal department. The couriers still travel on foot, and use vans closely resembling U.S. Postal vehicles. IPSA deliverymen and U.S. mailmen wear almost identical uniforms, walk the same routes, and are often chased by the same dogs. What innovations have given the Independent System an edge, allowing it to take business away from the government mails?

One advantage has been price. Generally, IPSA has been able to deliver third-class articles at about 90 per cent of the Federal rate. A 2½ ounce item, for example, can be delivered by IPSA for 3.3c versus 3.8c for the U.S. rate. More important, IPSA can guarantee a specific delivery date, which many business mailers such as local retailers must have in publicizing special sales and other events. The Independent System has no "first-class" mail taking precedence in employees' minds, and hence all mail is given the same attention.

Beyond that, IPSA's businesslike approach to problems may be winning them some clients. IPSA salesmen are making regular calls on large business mailers, such as Sears Roebuck, making it clear that their patronage is wanted and appreciated and offering to make service as attractive as possible. Until now, it has been the business mailer who has had to go hat-in-hand to deal with Postal bureaucrats and to be reminded of his product's inferior status in Post Office operations. It must be refreshing to most of them not to hear the term "junk" anymore.

Is IPSA actually handling third-class mail more economically than the government? Probably, although nobody can prove it because the Federal system has no systematic approach to its own costs and cannot say for certain that any class of mail is profitable or unprofitable. As a politicalized institution, the Post Office has simply carried the mail at rates established by Congress, then appealed to the same Congress to make up its annual "deficit." Even the deficit has been something of a myth, however, because the Department doesn't follow customary accounting practices for its overall operations and cannot really be compared with a corporation of similar size. For one thing, capital expenditures for the Post Office have been intolerably low almost every year and there are no indications that Congress will be willing to make them any higher.

THE UNCERTAIN FUTURE

Where will it all end? Will Murray's Independent System continue to flourish and grow until it replaces the Federal Post Office? Or will the two systems continue to operate side-by-side, with Murray's organization specializing in "third-class" and the U.S. Post Office carrying the rest of the mail?

Most likely, IPSA's growth and success will turn out to be a source of embarrassment to the Federal mail carriers. In time, the department might conceivably want to restrict IPSA's operations. But this would bring it into collision with public opinion, which wouldn't support favoring the government's Goliath at the expense of Murray's David. If anything, public opinion may veer in the direction of permitting Murray or anybody to haul *all* classes of mail. If so, this would be a tremendous victory for free enterprise, and would finally give libertarians a chance to prove on a wide basis what they have always contended: that private businessmen can deliver the mail for a profit and give the consumer the same efficient service he gets in the delivery of other items.

Some persons believe that a private competitor may cause the Federal system to bestir itself to more efficiency. But don't look for it. The faults with the U.S. Post Office are the basic shortcomings of a socialistic, politicalized bureaucracy, and the officials and others working in the system, even if somehow they could know what ought to be done, are powerless to make the necessary changes. They simply can't make and carry out the day-to-day adjustments and decisions necessary to a good business operation. That's no surprise; it is the nature of socialism to centralize authority, to distort the price signals of the market, to discourage individual incentive, and to subsidize incompetence. Ironically, most of the schemes for correcting socialistic excess—such as the Kappel plan for the Post Office—really involve creating some of the conditions that prevail as a matter of course in private, profit-minded corporations.

It is also unfortunate that most people think it will take Acts of Congress to give us better mail service. We could have it right now if Congress would only repeal some of the Acts it has already passed. We simply need the freedom *to let anybody carry mail.* Right now, Tom Murray seems to be doing a great job with the "junk" mail the U.S. Post Office doesn't want to handle. He might do even better if he could carry all classes of mail. And suppose a few other private carriers also got into the mail-carrying business? Who knows? Even Murray might do better under the lash of competition!

[From the Dixon (Ill.) Telegraph, Mar. 25, 1970]

WIRE TO FEDERAL OFFICIALS

President RICHARD M. NIXON,
The White House,
Washington, D.C.
Senator RALPH TYLER SMITH,
Senate Office Building,
Washington, D.C.
Senator CHARLES H. PERCY,
New Senate Office Building,
Washington, D.C.
Representative JOHN B. ANDERSON,
Longworth House Office Building,
Washington, D.C.:

Allow the post office department to pay what the union demands. The Postal Department should charge whatever is necessary to cover its cost of operation. Do not give the Post Office Department any subsidies to make up for their losses.

It is important to pass a law annulling the government monopoly on the delivery of mail. This is necessary if you are interested in cutting taxes and holding down inflation.

Allow anyone to deliver mail at whatever charge they desire. You will be surprised at what free enterprise will accomplish and the taxes it will save the people.

BEN T. SHAW,
Dixon Evening Telegraph.

The above telegram was sent today. It would help if many citizens would send a similar telegram, or, better yet, one expressing their own opinion.

The postal union leaders claim their members in the larger cities (Chicago, New York, etc.) need higher pay because living conditions in large cities cost more. Is pay based on living costs or one's ability to produce or a combination of both.

In reality the men working in the Dixon Post Office are much better educated and accomplish more than the employes in Chicago and New York.

Last summer the Readers Digest carried a frightening article on the waste and lawlessness of many of the post office employes in the city of New York. They probably are way overpaid now.

[From the Chicago Tribune, Mar. 28, 1970]

COMPETITION FOR THE POST OFFICE

Illinois' new Republican congressman, Philip Crane, has introduced a bill to repeal the monopoly now enjoyed by the United States postal service. The bill would subject the post office to the same free competition which the government itself insists upon to keep other businesses on their toes.

The proposal is hardly new; it has popped up periodically ever since 1843, when rising postal rates [6 cents a letter] and bad service spurred the growth of private express companies and aroused a clamor to abolish the government's "odious monopoly." Instead, Congress was persuaded to reinforce the monopoly with new laws against competition. The public, meanwhile, was appeased by imposing a statutory limit on the rate of postage. This willingness to subsidize the mails, plus normal bureaucratic inefficiency, has condemned the post office department to an almost perpetual deficit.

Mr. Crane's proposal comes at a more auspicious time than the earlier ones, however. The support for a government monopoly is weaker today than ever. The administration itself proposes to set up the post office as an independent agency, to be run like a business corporation—so why shouldn't it be subject to the same competitive pressures as a private corporation? After all, it is the consumer who benefits most from competition.

Nor is Postmaster General Blount in a good position to defend the government monopoly. As former president of the United States Chamber of Commerce, he was a champion exponent of the benefits of free enterprise and competition, and a steadfast critic of big government.

As for the postal workers, they angered a good many of, their voting customers by their recent illegal strike. And by violating their pledge as federal employes not to strike, they would also seem to have forfeited whatever claim they may have had, as federal employes, to protection from competition. Indeed the emergence of private competitors, presumably earning a profit, might well push up the wages of postal workers everywhere.

So Mr. Crane's proposal ought to be taken seriously. Not because we expect private enterprise to run the post office out of business very soon [the enormous investment in buildings and equipment gives the existing establishment an almost insuperable advantage] but because the stimulating effect of private competition would keep the postoffice on its toes. If service should slip, if rates should go too high, if politics should interfere, some private entrepreneur would be ready to move in—and the customers would be the beneficiaries, just as in the 1840s.

If the purpose of post office reorganization is to improve the efficiency of the service available to the public, Mr. Crane's proposal should be part of the package.

[From the Indianapolis News, Apr. 3, 1970]

POSTAL REFORM

Rep. Philip M. Crane of Illinois has introduced a bill amending U.S. postal regulations which could head off a recurrence of the recent crisis in the mails.

Crane's bill would eliminate provisions in the Federal law which prevent private carriers of mail from entering into competition with the Postoffice. This could be accomplished quite simply by repealing certain passages in two titles of the U.S. Code and by making slight amendments elsewhere. By a few strokes of the pen, Congress could restore sanity to our postal system in comparatively short order.

As Crane observes, the essential problem before us is that postal service is by and large a monopoly, and monopolies are inefficient. Insulated from competitive pressures of the market, they produce neither improvements nor quality service. Their protected status makes it impossible to determine appropriate rates for the services provided or fair compensation for their employes. And when the machinery stalls, there is no service at all.

"Private carriers should be permitted to enter into competition with the Postoffice," Crane says, "so that the carrier who provides the most efficient service at the most reasonable price may prevail. I believe it is time for the Congress to act to improve our postal system by providing for the Postoffice the same stimulant that has brought American business and industry to its high peak of achievement: competition."

The Illinois legislator goes on to note that support of monopoly goes counter to the professed ideas of the U.S. system. "Why should the government continue to exercise a monopoly power over the area of postal service," he asks, "when it would not permit private enterprise to exercise monopoly power over any other areas of the economy? Basic economics should dictate that we determine the real costs of those services and see that individuals, businesses or other users are held responsible for paying them."

If the monopoly status of the Postoffice were broken, competitors could insure that situations like last month's paralysis do not happen again. Innovations and improvements of service such as have occurred in countless other fields could be expected. Rates would be kept in line by the pressure of alternatives, while improved performance by more efficient methods would allow better compensation for employees.

Crane's proposal would benefit everyone concerned, the general public most of all. The only losers would be those who want to keep as many functions as possible under compulsory control. We urge Hoosier congressmen to support his bill.

[From the Milwaukee Sentinel, Apr. 4, 1970]

END MONOPOLY

The terms of the proposed settlement of the postal workers' strike merely confirms the belief we have held from the beginning. The government should end its monopoly over the delivery of mail.

The case for allowing private enterprise to compete in offering mail service is made all the more compelling by President Nixon's proposal to increase the cost of mailing a first class letter by 66⅔% to 10 cents.

This increase, Mr. Nixon says, is needed "to contribute to the efficiency of the postal system." That's a laugh. The first class mail rate has been raised before in the name of improved service, but postal efficiency remains something that is only promised, never delivered.

Moreover, if things are worked out as planned, the Post Office Department is going to become a monopoly within a monopoly. It appears that the postal unions are going to get something federal employe unions have never had—the right to compel a worker to join a union in order to hold his job.

Compulsory unionism is bad enough in the private sector, depriving as it does an individual of his freedom of choice. It is even worse in the public sector. A government of the people, by the people and for the people should be supreme. It is not supreme when a labor union with monopoly power has the right to strike against that government and to bargain with it.

The people—you, the consumers—should not be lulled into thinking that the postal mess is going to be cleaned up by the actions being arranged by the labor union

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bosses working with—or is it on?—Congress and the White House.

Instead, the people ought to demand that they get something in return for giving the postal unions monopoly powers and for having to pay higher taxes. That something in return could be a tradeoff—repeal of the government's monopoly on the private carriage of letters in exchange for the proposed whopping price increases to be brought about by the pay hikes and alleged reforms. This trade could be made simply by passing a bill introduced by Rep. Philip M. Crane (R.-Ill.).

If allowed to compete, private enterprise would, we believe, soon show that it is capable of providing more efficient mail service at a more reasonable price than the government can.

In fact, with the price of a first class letter at 10 cents, private enterprise may well prove it anyway, as the people find and use other ways to communicate.

[From the Dixon (Ill.) Telegraph, Apr. 15, 1970]

THE U.S. POST OFFICE

Who pays for it? Who pays for repairing the buildings and delivering the mail? The taxpayer does and yet our congressmen use it for their personal benefit. About 10 million dollars a year in free mailing privileges is just one of their many abuses.

President Richard Nixon has proposed the Post Office charge 10 cents for a first class letter. He also advocated reforms so that the postal department could be run as a business.

Democratic senators and representatives continue to throw roadblocks in the way. They now say that second and third class mail should carry its fair share of the expenses and demand a price increase on these items instead of increasing first class mail.

The boys in the rare atmosphere of Washington do not know what is going on. For instance, the Dixon Telegraph prints an advertising supplement to be mailed out through the local post office at 3.8 cents each, or nearly $400 per week. There is also additional expense to the paper in hauling and delivering it to the post office and various forms to be made out.

An independent service in Sterling says they will deliver these papers for 3.3 cents each and pick up at our plant. That's a saving of ½ cent per paper. This company states they will be ready to go as soon as they can get a little additional business in this area. The company is now operating in the larger cities, such as Rockford.

Give free enterprise a chance and we will be amazed at what free people can accomplish.

It would be a good thing if the government would raise the prices on mail to take care of all expenses. Perhaps people would be so indignant at the additional expense that they would back Phil Crane, Republican Representative from Illinois, who has proposed a bill in Congress to annul the monopoly our government now has on the delivery of mail. This would give anyone who desires to deliver mail the opportunity to do so.

The government says it is illegal for anyone else to put material in your mail box. Well, did the government buy and install your mail box? No, you did, and yet the government claims jurisdiction as if it was its personal property.

The Senate Democratic Policy Committee unanimously adopted a resolution barring an increase in first class mail. Now what will this actually accomplish? It means large business will receive the advantage of sending quantities of mail at a cheaper rate than if they had to pay the 10 cents postage on each letter. The government will have to pay the deficit created by this foolishness. They will not increase taxes for this deficit—therefore we will have more inflation. It is the people who are hit the hardest by any inflation.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at the present time and under present law the Post Office Department has a monopoly on sealed first-class mail.

This amendment would rescind that statute and would permit private companies, especially in the big cities, to go into competition with the United States mail. This is appealing on the face of it, but the fact is that the high-volume, low-cost mail, would be peeled off by the private carriers, and the Government would be left with the unprofitable business.

Also, as the gentleman from Illinois noted in his presentation a few months ago, the postal service recognizes that some day we may want to move in the direction of liberalizing this field of mail service under certain conditions where competition for sealed letters could be handled by private carriers. On page 294 of the bill there is a directive to the postal service by the Congress that requires the postal service to go ahead and make a study and to come back within 2 years with recommendations. That is the way to decide this, not at this late hour of the day in this hasty fashion.

Mr. Chairman, I strongly urge the rejection of the amendment.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I might refer first of all to the point the gentleman raised that the reason for justifying the carrying of the mail by the postal service is to guarantee the delivery of the mail. I say that this is done through the United Parcel Service to remote areas as well as to the urban centers. And I think that settles that question.

So far as the question the gentleman raises about the volume and the high margin of the better paying mail being carried by the private carriers and the Post Office being left with the undesirable mail, let me state that if any private carrier is going to go in competition with the postal service that he will not enjoy that high volume, if he could not improve and compete by providing better service, and at a lower cost, and pay taxes on top of that, and do it with a reduced volume, then if he can, I suggest we ought to examine the present efficiency of the Post Office Department.

Mr. UDALL. Mr. Chairman, as I say, I have sympathy with the gentleman's purpose.

I think that we should have a study made and then let the Congress form its judgment rather than here at this late time.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. Mr. Chairman, I thank the gentleman for yielding, and I agree with the gentleman 100 percent that to adopt an amendment like this at this time when we are starting on a whole new postal reform system, would in my mind be highly dangerous and most disadvantageous. When we get this law passed and operating, and the studies are completed, then that would be time enough for this committee to prepare a draft of legislation like that.

Mr. Chairman, I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. CRANE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: Page 178, line 2, after the period insert: "It shall be the policy of the Postal Service to pay cost-of-living allowances to employees stationed outside the continental United States or in Alaska which shall be not less than the cost-of-living allowances generally applicable under section 5941 of title 5 of the United States Code for employees stationed in the same area."

Mr. MATSUNAGA. Mr. Chairman, the amendment which I offer merely seeks to correct an inadvertent omission in the bill. It would merely continue existing law as it pertains to cost-of-living allowance for postal employees stationed in Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

I have conferred with both the majority and the minority members of the Post Office and Civil Service Committee and have been assured of their support of my amendment.

Mr. DULSKI. Mr. Chairman, if the gentleman will yield, we will be very happy to accept the amendment.

Mr. CORBETT. Mr. Chairman, if the gentleman will yield, I also find myself in complete agreement with the gentleman's amendment.

Mrs. MINK. Mr. Chairman, if the gentleman will yield, I would like to join my colleague and commend him for bringing this matter to the floor of the House. It is of vital concern to the postal service employees in our State and I urge its acceptance.

Mr. MATSUNAGA. Mr. Chairman, I thank my colleagues for their generous remarks and support. I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 258, after line 25, insert the following paragraph to section 1008(c), at the end thereof:

"The Postal Service is directed to promote modern and efficient operations and notwithstanding any other provision of this law; to refrain from expending any funds, engaging in any practice, or entering into any agreement or contract which restricts the use

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of new equipment or devices which may reduce the cost or improve the quality of the postal service, except where such restriction is necessary to insure safe and healthful employment conditions."

Mr. ANDERSON of Illinois. Mr. Chairman, I realize that we have arrived at a stage of the proceedings where the merits of an amendment are largely judged by the brevity with which the author can present his proposal.

But I would seriously hope that my amendment would be accepted with the same alacrity as was the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA).

The purpose of this bill, Mr. Chairman, is to reform the postal system. The gentleman from Arizona a few minutes ago when we were discussing the Gray amendment said that the great need of the Post Office today is for new technology, new facilities, and new equipment; you cannot accomplish a reform of the postal system if you have restrictive work practices and continue to use all outmoded equipment that might possibly be required if we got the wrong kind of collective bargaining agreement.

Let me point out that the postal service, because this bill in its present form would incorporate the National Labor Relations Act, it follows that the service will be required to bargain with the postal unions about any management decision with respect to any modernizing that affects wages, hours, and working conditions.

Then if an agreement, as I understand it, cannot be reached through the collective bargaining process, the dispute must be settled through arbitration.

All that I seek to do with this amendment is to assure that neither labor nor management will expend funds or enter into a contract or agreement that would have the effect of restricting the introduction and use of new equipment and new materials and of new devices that would bring about the efficiency which everyone says that we need if we would truly reform the postal system.

If there is anyone here this afternoon who thinks that this particular amendment is designed in any way to be an antilabor or an antiunion amendment, let me disabuse you of that idea right away by quoting to you very briefly from a speech that was delivered back in 1962 by a former distinguished Secretary of Labor, Arthur J. Goldberg, when he spoke in New York on March 3, 1962, before the United Federation of Teachers.

This is what he said then and I think it bears repeating on this section:

> The influence of employee organizations must never be used to block or impede measures designed to improve the efficiency of government operations, whether it is by the introduction of new machinery, the transfer of operations, or their termination. When such developments take place the proper role of employee organizations is to look after the readjustment of the employees affected, but never to prevent the development from taking place.

Obviously, with the adoption of this amendment, you would have the situation that the unions would still have every right to bargain over any possible effect of introducing new methods and new materials and new technology with respect to the readjustment that would be required and they would have complete and full bargaining rights, as they should. We are embarking in a very real sense, on new and uncharted waters, as we certify bargaining representatives for the 740,000 members of postal workers' unions to sit down across the table and hammer out by true collective bargaining the terms and conditions of employment.

It is important at this very crucial time that we, in the Congress, clearly indicate our intent and purpose that in these negotiations and in the agreement that is arrived at that we do not tolerate and will not countenance an agreement which will be restrictive so far as new technology and new methods are concerned. If we did tolerate it, then I think we would frustrate the very results we are trying to achieve by this reorganization.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from Pennsylvania.

Mr. CORBETT. You said at the outset that you hoped the amendment would be accepted with the alacrity that the gentleman from Hawaii had his amendment accepted.

Mr. ANDERSON of Illinois. The gentleman is correct.

Mr. CORBETT. I can only make this contribution: I will do so, and I hope the chairman will do so, also.

Mr. ANDERSON of Illinois. I thank the gentleman from Pennsylvania.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I ask the gentleman to yield for the purpose of clarifying the intent of the amendment. I would like to know whether or not it would be contrary to the spirit of your amendment if an agreement were made which provided for a period of transition. Let us say that some new equipment were devised which would reduce the costs, but which would also severely affect employment. Under your amendment would it be illegal for the negotiation of an agreement which would provide for a period of transition?

Mr. ANDERSON of Illinois. No, I think not. In answer to the gentleman's question, I think not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. WILLIAM D. FORD. If the gentleman from Illinois would remain in the well, I should like to ask him a question. Does the gentleman care to tell us whether or not he has solicited the opinion of the Postmaster General on this amendment, and whether or not the Postmaster General, who has been most intimately concerned with this whole problem, has a position?

Mr. ANDERSON of Illinois. No, I must confess to the gentleman from Michigan (Mr. WILLIAM D. FORD) that this is a matter solely of my own initiative. I have not solicited the views of the Postmaster General. But I would certainly think on the basis of every public statement that he has ever made during his tenure in office that he is interested in modernization of the postal system, and the introduction of new methods and new technology. His acceptance of the comprehensive recommendations of the Kappel Commission report, which carried the seeds of this whole movement for reform of the postal system, has been such that I cannot foresee he would have any objection to the language of the amendment.

Mr. WILLIAM D. FORD. I thank the gentleman. I think he would have to object to it if he is going to be consistent with the attempts he has made to sell this package ever since it was introduced about 15 months ago. Every postal employee has been bombarded with the faces of representatives of the postmaster on television saying, "You will have the same rights that people in private enterprise have. You will not lose any rights that you presently have. In fact, collective bargaining will be something greater than you have ever known it to be before."

The promise, the very firm promise from the beginning has always been that, "We will take the postal employee from where he is and improve his condition and not in any way put him under any kind of impediment."

Although the gentleman has said that he does not intend this to be an antilabor matter, the fact is that he would take away from the bargaining table one of the principal things that employees might want to be able to bargain for, because it will prohibit any kind of contract on the ground that it might interfere with the installation of some new equipment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAM D. FORD. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Have I not made it clear that I think there would still be every right to bargain over what the effects of new technology would be, so if a readjustment of some kind would be required, the employee would be taken care of. But does the gentleman seriously urge on the House this afternoon the proposition that it is in the interest of good, solid, sound collective bargaining, sitting down across the table, bargaining, and arriving at an agreement that would restrict the introduction of new methods, new technology?

Mr. WILLIAM D. FORD. Certainly I do not urge it. Let us not get all excited about restricting new technology. We also want them to be able to bargain so they will not have to work under unsafe working conditions, and that is where we have a difference of opinion. The Postmaster General may believe that a new machine is an excellent way

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to replace people, but it may endanger other people who are there using it. It might be the very thing they ought to question in a union contract.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAM D. FORD. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. The gentleman did not hear the language of the amendment, because I specifically included language to the effect, "except where such restriction is necessary to insure safe and healthful employment conditions." There is no attempt to install the kind of equipment which would be injurious.

Mr. WILLIAM D. FORD. Now the gentleman has me thoroughly convinced that the amendment is not as harmless as it first appeared, because if it were, he would not need the exception or the proviso the gentleman is talking about to get safety in the amendment. If the gentleman needs a proviso to get safety in the amendment, what is there to it?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAM D. FORD. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Does the gentleman want to offer an amendment to my amendment striking out the proviso, "except where such restriction is necessary to insure safe and healthful employment conditions"?

Mr. WILLIAM D. FORD. No, I want to defeat the amendment if we can possibly do so.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The question was taken; and on a division (demanded by Mr. WILLIAM D. FORD) there were—ayes 67, noes 32.

So the amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. WRIGHT moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. CORBETT. Mr. Chairman, a point of order. Has not such a motion already been introduced and defeated?

The CHAIRMAN. It has been, but other business has transpired since the first motion to rise and strike the enacting clause. The motion is in order, and the gentleman from Texas is recognized for 5 minutes.

Mr. WRIGHT. Mr. Chairman, the shape this bill is in, I think, is revealed in the fact that members on the committee that brought it to the House cannot agree among themselves either on the major provisions of the bill or on the amendments that have been offered. There have been some 35 amendments offered here on the floor. Most of them have been offered by members of the committee.

I am advised that in the committee most of the amendments that were considered were accepted or rejected by very close votes, sometimes 12-to-12 and frequently 12-to-13. I have been further advised that the entire bill finally was reported favorably by the committee on a very close vote, and perhaps I am mistaken, but I think it was 14-to-12.

That is not the essential evil of the bill, however, Mr. Chairman, nor is the essential evil of the bill the fact that it tramples upon the authority of the other committees of the House and invades their jurisdiction. The essential evil of this bill is that it gives away the authority of the Congress of the United States.

Mr. Chairman, I rather deeply resent, and I believe every Member of the House should resent, the implication that the only way to get reform in Government is for the Congress to sacrifice its responsibilities to some appointive group in the administrative branch. I do not believe that constitutes reform.

I rather deeply resent the implication that the Congress, the elected officials directly responsible to the people themselves, are more susceptible to unsavory political influence than some appointive officials downtown.

Mr. Chairman, I feel that the Congress, if it passes this bill tonight, will live to regret it. I believe most Members of the House will come bitterly to regret that we have given away the responsibility of the Congress to control postage rates, to control hours and conditions of work, to control salaries for work, and to promote service.

There is no reason to press this bill in its present form, unless we adopt the theory that the Congress, elected Representatives of the people, are incompetent to produce intelligent guidelines for the efficient conduct of the postal service. Unless we accept that premise there is no basis whatever to justify giving away so much of the authority and responsibility of the Congress.

Is there a man in this House who really believes that people downtown, appointed by some administrator, are going to be as responsive or as receptive to the needs and the wishes of the American people as he is? If so, he should vote for this bill.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I would prefer not to yield. I have been reasonably quiet today and have not asked other Members to yield to me, and I only have 5 minutes.

I will support a postal pay bill. I will support it today. I will support it retroactively. I hope there will be a recommital motion that will permit us to support those things, and yet not give away the responsibility of the Congress.

Do Members know that this bill will permit the very kind of thing that has been going on as to the denigration of postal service? That is what the post office is for, for service to the people. Do Members know what has been going on? The administration advocates of this plan have been discontinuing fourth-class post offices throughout the country. That is service, service to the remotest hamlets in this country. That is the purpose of the post office, and not whether it makes a profit or not. The question is whether it serves the people.

Do Members know what has been going on? The present administrators eliminated, as of last year, one daily delivery in every business section of America. In July of last year, if I am correctly informed, they eliminated the ABCD delivery system, which guaranteed the same day local delivery of business mail.

This is all we are asking for if we support this bill. We are asking for service to be reduced and for higher rates to be saddled upon the first-class users, and we are agreeing in advance that we shall have no redress to prevent that from occurring.

Members of the House, if you feel as I do about this, let us address ourselves to the demonstrable need for improving wages and working conditions, and then let us assume the responsibility the Congress always has had, and let us ask this committee to bring back to us the kinds of bills that will permit modernization, by all means. But let us not sacrifice the responsibility of the Congress in the name of the expedient and superficial appearance of reform.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BRASCO. Mr. Chairman, I rise in opposition to the preferential motion.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. BRASCO. Mr. Chairman, I like all the Members of the House, have great respect for this body. I do not take the floor of the House to chastise any individual Member or any committee.

Having been a two-term Member, perhaps I do not have enough standing to go back as long as many, to comment fully on what has happened to the Post Office Department in terms of service and the quality of life it offers its employees.

The Post Office people in the galleries have been around for a long time. Maybe they can tell us. Yes, we have done a great job. That great job we have done is we have these people starting out at $6,200 a year and after a big 21 years they make $8,400. We have 4,000 of them in New York City getting supplemental welfare checks, while Member after Member takes the floor of the House with slogans saying, "I fight poverty. I work." Well, they work. Yet when we come on the floor of the House with a bill that offers some kind of change and some kind of hope, all we have to offer to the American public, is that we engage in niceties concerning whose jurisdiction we are invading.

Then one Member took the floor of the House and even went back a little further when he said that what we are doing here is robbing Peter to pay Paul. What he does not know is that Peter never had anything to be stolen from him. That is what the Post Office employees have—nothing at all.

It is quite fantastic when the gentleman in the well, Mr. WRIGHT of Texas, talked about the responsibility of Congress. After exercising this responsibility, we have a $2 billion deficit, poor wages, poor working conditions, and poor mail service. What we have before us is the hope of self-financing better wages, better working conditions and better service. Why do we not give it a chance? All I hear is argument after argument after argument that we should not give the President or the Postmaster General the opportunity to choose who a postmaster in a particular area will be. Well, I will tell you something. I do not care who the postmaster in my area will be as long as he is good and efficient. I do not care where the post offices in my district will be built or which contractors will build them as long as they are built and they serve the American public.

Mr. Chairman, what we have here is no simple approach and it is a new one. That is why people resist it. It says to the American public that we must try to meet our commitment to them to get more efficient mail on a self-sustaining basis and we say to all of the workers sitting here all day and all night that we are willing to break the economic chains that we have kept them in for so many years; that we want to give them a break. That is the name of the game. I do not think we are fair with ourselves and the American public when we trifle in this bill over who should have jurisdiction over the airlines, the Postmaster General, the Committee on Post Office and Civil Service, or the Committee on Interstate and Foreign Commerce, or whether the Public Works Committee should have everything to say about every building that is built.

I suggest that none of those things have worked. I suggest that we should vote down the preferential motion and give this bill an opportunity to work and give the committee and the chairman of that committee, who worked so hard for 14 months the opportunity to continue to present this bill so that the House can consider it.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Texas (Mr. WRIGHT).

The preferential motion was rejected.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MIKVA: On page 286, after line 3, insert the following new section:
>
> "§ 1407. Privacy of letter mail originating outside the United States
>
> "Notwithstanding any provision of this title or any other provision of law, with respect to letter mail in sealed envelopes originating outside the United States the right of the people to be secure in their papers and effects shall not be violated, and no such letter mail shall be seized or detained except pursuant to warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the thing to be seized or detained."

Mr. MIKVA. Mr. Chairman, I offer this amendment to H.R. 17070 to insure that the traditional right of privacy that has always attached to citizen mail is preserved. The concern of this limited amendment is only with sealed letter mail originating outside the United States. Recent developments explain the need for this amendment. Prohibited, nonmailable matter originating outside the country often finds its way into the course of the mail. As a result, the Post Office and Bureau of Customs have concluded that more effective procedures are needed to detect and seize the contraband. The two departments have recently proposed new regulations to allow seizure and detention of incoming mail, including first-class mail.

The new regulations, however, would permit the Post Office to turn over for inspection by Customs officials, all foreign letter mail suspected of containing nonmailable matter. The Customs Bureau would be empowered to handle these letters as it does foreign nonletter mail. That is, officials would be expected to open the sealed letters to inspect their contents for prohibited matter.

Opening of sealed letter mail is, of course, a severe invasion of the privacy of correspondence. The courts have always sharply restricted Government activity in this field. As long ago as 1878 in Ex parte Jackson, the Supreme Court ruled that letters were immune from any inspection except as to outward form and weight. The Court held that sealed letter mail was to be treated as if it were retained by the party forwarding it in his own domicile. Therefore, letters may be opened and examined only pursuant to the fourth amendment guarantees against unreasonable search and seizure. The Court has always held that this requires a search warrant issued upon probable cause and an affirmation particularly describing the thing to be seized.

As the Court pointed out in 1878 and reaffirmed as recently as last March 23:

> No law of Congress can place in the hands of officials connected with the postal service any authority to invade secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment of the Constitution.

My amendment, then, will save the proposed new regulations from the courts. By embodying the firmly established constitutional guarantees, the amendment will permit the postal service to turn over to customs suspicious foreign letter mail. The customs officials will then be allowed to search the letter for contraband if, pursuant to this amendment, they obtain the necessary judicial warrant. If any other procedure is followed, the new regulations run the risk of being struck down as unconstitutional. Moreover, a fundamental liberty will have been sacrificed for the sake of a misguided expediency. It is somewhat ironic that Americans living abroad in countries where inviolability of the mails is not taken for granted have always been able to point proudly to America as a standard of comparison. Unless we are careful, that comparison will no longer be so favorable to us.

Still, it would be unfortunate if the Post Office were thwarted in its new attempt to police for nonmailable matter altogether. A Federal court in California just last September struck down the existing postal regulations regarding the seizure of incoming foreign mail. We can save the proposed new regulations so long as a warrant is required to open the letter. My amendment would do that.

I urge the adoption of the amendment.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, I thank the gentleman for yielding.

I would point out to the gentleman from Illinois that, according to Customs Service operation on our borders that "they can examine articles that they deem to be of a suspicious nature. They do not need to have a warrant to examine these, and I would ask the gentleman if that is not parallel to the right to withhold a letter from delivery and allow our postal or customs officials to examine it?

Mr. MIKVA. Allowing them to examine contraband and opening a letter are two different things. They know when they are searching for contraband, and that is different from going into one's private mail without a warrant. They cannot go into a man's house without a warrant and search. But as to first-class mail, what are people buying when they buy this first-class mail other than privacy? And that is what I am suggesting.

Mr. WHITE. But, they are buying the postage abroad, and it is coming into our country. Is not that different from a citizen in our country buying the postage in this country? Such postal inspection performed is protecting the people; the State has the right to protect the people of this country by preventing the infiltration of materials into this country that could be harmful to our country.

The police power is properly applied at that point of entry into the country.

Mr. MIKVA. But for a citizen of the United States who is exercising his rights to privacy and is using first-class mail, I think a warrant should be required to search his private mail. It is different as to packages—this does not apply to packages, I might add, I am talking about first-class mail which gives a person the right to privacy, and I am seeking to protect that right.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, is it not true that under the amendment the letter itself can be seized and held until it is properly processed?

Mr. MIKVA. That is right.

Mr. ECKHARDT. A car, of course, at the border could not be seized and held without great inconvenience. So it is inspected before it is permitted to be brought into the country. The letter, though, can quite conveniently be held until constitutional process can be complied with without such undue inconvenience.

Mr. MIKVA. That is correct. Nothing requires that letter to be delivered until customs is through with it, but they have to seek a proper warrant to open it, thus protecting the privacy of a U.S. citizen until the letter can be opened through a warrant. But before they open it they ought to have a warrant.

Mr. UDALL. Mr. Chairman. I rise in opposition to the amendment.

Mr. Chairman, I hope the Committee will vote down this amendment although I am in sympathy in general with some

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of the things that the gentleman from Illinois said.

There have been occasions where the authorities have invaded private mail coming in from outside the United States under circumstances where it was not warranted.

But our chairman, the gentleman from New York (Mr. DULSKI) received a letter from the Postmaster General dated June 1, 1970, dealing with this subject.

The argument made against this kind of legislation is that it would permit gold, for example fine gold, to be put in a first-class envelope—which is now subject to customs regulation—to be sent in 100, 200, or 500 envelopes. The same thing with reference to narcotics. The same with reference to small jewelry and similar items.

This is an important subject, but we are dealing here tonight with postal reform. What is the major structure of the new postal organization to be? It may well be that I could agree to a bill like this or similar to this if it were considered separately by our committee. But I would urge that this amendment be defeated here tonight and our committee take up this subject to see if there has been unreasonable administration presently in this respect.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. DERWINSKI. Mr. Chairman, I support the argument made by the gentleman from Arizona.

Going beyond the constitutional debate which we do not have the time for this afternoon, if this amendment were to be adopted, the problem of stopping the flow of narcotics and pornography would be greatly compounded.

I do not believe we want to legislate on such a major issue with just 10 minutes of debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BUTTON

Mr. BUTTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTON: On page 263, amend subsection (a) by striking out the second sentence beginning with the words "The rates" in line 22 down through line 6 on page 264.

On page 264, strike out subsections (b) and (c).

On page 266 beginning in line 1, strike out "but subject to subsections (a) and (c) of this section,"; and redesignate subsections (d) and (e) as (b) and (c), respectively.

On page 276, lines 22 and 23, strike "by section 1202(c) of this title and rate changes".

Mr. BUTTON. Mr. Chairman, this amendment to section 1202 is in place of the previous public service amendment.

This amendment removes provisions in the bill permitting the postal service to increase charges on free and reduced rate mail if Congress does not provide appropriations to subsidize such mail.

Congress would then continue to determine which mail users would be entitled to free and reduced rates under public service.

The free and reduced rates affected by this amendment include free mail for the blind; the nationwide uniform rate for books, educational films and tests, recordings, and other educational and cultural materials; the library rate for the interchange of materials between libraries and between libraries and their patrons; the special rate for charitable, educational, religious and other nonprofit organizations; and the rate for publications within the county of publication.

The public service involved in these rates varies from one to another and depends, of course, on the accounting system which will be used by the new postal service. The public service cost for some of these rates is quite modest. For example, on the special fourth-class rate for books and other educational materials the present rates now cover 88 percent of demonstrably related costs.

These rates play a very important educational and social role. The rate on books, for example, permits users of books—and they pay the postage—to obtain a book through the mails at the same postage cost whether they live in areas remote from the publishing centers or whether they live immediately adjacent to those centers. Thus, a school or a library buying books in California need only pay 18 cents on the typical 2-pound package. This has been in effect for 32 years; previously, books had to be shipped by zoned parcel post, which greatly penalized schools, libraries, and individuals far from the publishing centers.

The library rate greatly increases the efficiency of the country's library system by permitting the loan of specialized volumes by one library to another, and also in permitting libraries to serve by mail their patrons in rural areas. In my own State of New York the commissioner of education informs me that the difference between the special rate and zoned parcel post would cost libraries and educational institutions in the State at least $1 million annually. The cost to libraries and schools nationwide would be about $10 million.

The rate for charitable, educational, religious, and nonprofit institutions is the backbone of many important charitable activities such as Save the Children Foundation, Easter Seal Campaign, and many of the important Catholic, Protestant, and other religious charities. Since these activities are worthy in their own right and also constitute a direct saving to the taxpayer in taking over functions which would otherwise have to be handled by appropriation of public money, the encouragement of these activities is deserving of our fullest support.

Many educational, library, religious, and charitable organizations are supporting this amendment, including American Library Association, National Education Association, U.S. Catholic Conference, Protestant Church-Owned Publishers Association, the Evangelical Press Association, and the Associated Church Press.

I strongly urge support for the amendment.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. BUTTON. I yield to the distinguished chairman.

Mr. DULSKI. Mr. Chairman, the amendment offered by the gentleman from New York (Mr. BUTTON) deals with a problem I mentioned earlier.

I support fully the pending amendment to section 1202.

Congress has specified that certain classes of mail shall be handled at free or reduced rates. Nothing in this bill changes those congressional directives or rates.

But, the bill as written indirectly counteracts the congressional directives on these classes of mail by permitting increases in these rates up to the full regular rates if Congress fails to appropriate the funds.

This, therefore, is a contradiction. If Congress wants to change categories receiving free or reduced rates, it should do so in an affirmative manner, not indirectly.

I support fully the pending amendment.

Mr. BUTTON. I thank the distinguished chairman.

Mr. CORBETT. Mr. Chairman, will the gentleman yield?

Mr. BUTTON. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. I wish to commend the gentleman for having offered the amendment, and I recommend its adoption.

Mr. BUTTON. I thank the gentleman.

The CHAIRMAN. For what purpose does the gentleman from Montana rise?

Mr. OLSEN. Mr. Chairman, I rise in support of the amendment.

PARLIAMENTARY INQUIRY

Mr. DERWINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DERWINSKI. Under the limited-time arrangements we have been operating under, is it not customary that the time be at least divided between the proponents and the opponents of an amendment?

The CHAIRMAN. The Chair has attempted to so divide the time, and in almost every instance so far has done so. Is the gentleman from Illinois opposed to the amendment?

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, we have walked up this hill once before today on the Olsen amendment about 1:30 this afternoon. I would much prefer to be discussing the plight of the Washington Senators or the San Diego Padres than to be speaking against an amendment providing subsidized rates for libraries and other fine institutions. But the fact of life is that this amendment, which we turned back a few hours ago, flies in the face of the principle involved in reform. You and I, in attempting to do anything we can to support these wonderful institutions, certainly would much prefer making a direct contribu-

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tion to them, than as taxpayers, having to contribute to constant deficits in the Postal Service.

This is a noble amendment, but it is an unworkable amendment. It is inconsistent with everything we have struggled for in these last 3 days. I would suggest at this point that we show the great statesmanship that I have seen all afternoon by voting down this amendment, and then we shall not have to face a conflict with the principles that we have emphasized in this bill.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Idaho.

Mr. McCLURE. I thank the gentleman for yielding. I would just like to point out that I am sure each one of us supports some classes of preferred or less-than-full-cost-delivery mail category, such as the gentleman from New York referred to; but the proper way to meet that problem is to do as the bill provides at the present time, by meeting our responsibility, by making appropriations to cover those costs that are not fully covered by the revenue. We talk a great deal in this country about rights and corresponding responsibilities. We have a right as Members of Congress to establish preferred rates of mail, but we have a responsibility at the same time to pay the bill, and this simply sweeps that problem under the rug.

Mr. DERWINSKI. May I emphasize that our position taken on the bill should be consistent with the responsibility that the Appropriation Committee would have with regard to this Postal Service.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Chairman, I agree with the chairman of the committee, the gentleman from New York, (Mr. DULSKI), that this should be accepted, and we are in this position. If we do not accept the Button amendment, then we are going to have to march up this hill every year. If we accept the Button amendment, we will be voting for preferential mail, and henceforth we will vote appropriations to take care of the library mail and the charitable mail.

Mr. DERWINSKI. We will not have to march up the hill every year because any preferential rate we establish will be permanent. The annual appropriation will be made.

Mr. OLSEN. Not in the Button amendment.

Mr. DERWINSKI. If the gentleman will remember, we had this amendment and similar amendments in committee, and this amendment follows the very same principle which the gentleman offered earlier, which was rejected.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, are not most of these organizations already tax exempt? Are they not already receiving preferred tax treatment?

Mr. DERWINSKI. That was the point we made in earlier debate. The gentleman is correct.

Mr. THOMPSON of Georgia. So in effect they already have a subsidy from the rest of the taxpayers since they are in effect tax exempt.

Mr. DERWINSKI. They have a proper legal status.

Mr. THOMPSON of Georgia. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BUTTON).

The question was taken; and on a division (demanded by Mr. OLSEN) there were—ayes 44, noes 76.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HECHLER of West Virginia: Page 165, beginning in line 19, strike out "He shall appoint" and all that follows down through the period in line 5 on page 166, and insert on line 19 a comma and the phrase "a majority of whom shall be representative of the public at large."

Mr. HECHLER of West Virginia. Mr. Chairman, there is a potential sleeper in this bill in the Postal Service Advisory Council. The Postal Service Advisory Council, consisting of the Postmaster General and a Deputy Postmaster General and 11 Presidentially appointed members, has the power to advise on postal rates, services, and compensation.

The potential "sleeper" is the fact that these 11 members include four from postal labor, "four persons as representatives of major mail users," as is stated on page 165, and only "three persons as representatives of the public at large." So potentially we have a situation where there will be only three representatives of the public against eight specifically designated special interests.

All I am suggesting in my amendment very simply and clearly is that a majority of this advisory council include representatives of the general public.

What is the postal service for? What is this bill for? This bill is not for the benefit of those who work for the Post Office. Uncle Sam is a good employer already.

The purpose of the bill is to provide efficient, speedy, reliable, economic service for the public. The general public is the generator of the greatest volume of mail. Over half the mail is first class. The latest figures of the Post Office Department show that in 1969 there were 46.4 billion pieces of first-class mail handled. This represents 56.5 percent of the total mail volume. In 1969, first-class revenue totaled $3.1 billion, representing 50.1 percent of the total postal revenue.

It is deceptive to listen to the noise of the special interests—particularly the big junk mailers—and overlook the fact that we as representatives are here to speak for the public interest. All of us are serving the public interest, and for each of us the public interest is and must be paramount.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Texas.

Mr. WHITE. If this postal service is brought to the point of being self-sufficient for the future, is it not therefore important that we not load the advisory board with representatives of the major mail users, who might give benefit to themselves in preference to the general public?

Mr. HECHLER of West Virginia. The gentleman is absolutely right. The President is forced to appoint such special interest representatives, and his hands are tied in the language of the bill.

On page 165, lines 23 and 24 of the bill, it states specifically that there shall be "four persons as representatives of major mail users."

Why do we have to have those special interest mail users on this advisory council? Why not put at least a majority of representatives of the general public on the advisory council?

Mr. WHITE. In the first instance, we are substituting the advisory council for the Congress. Congress has always represented the public at large. Now the gentleman is suggesting that we have a majority represent the public at large in respect to rates, as an advisory council.

Mr. HECHLER of West Virginia. The gentleman from Texas is exactly right, and has stated my case very clearly and convincingly.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Does the gentleman understand that this advisory council is just that, advisory, and has no responsibility and authority?

Mr. HECHLER of West Virginia. I call the gentleman's attention to lines 9 through 12 of page 166:

> The Commission and the Postmaster General shall consult with and receive the advice of the Advisory Council regarding postal rates and services and compensation of employees.

It appears to me from that language that this advice might prove to be influential, and that is why I believe the Council must be public oriented rather than special interest oriented.

All I am asking is that the advice be given by a majority of people representing the general public. What could be more fair?

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

This advisory council is advisory only, and has no power. The decisions will all be made by people who do represent the public.

We are going to a brand new system under which the mail users of the country have come to the Congress and lobbied in the first instance, so they wanted to have some vehicle by which the major mail users could consult with the new organization, with the Postmaster General.

This advisory council will have three public members on it, but there are

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some provisions which require other members to be appointed from the various categories of those with special interest in the Post Office Department.

I do not believe the whole scheme will go down the drain if the amendment is adopted. Probably the President would do something like this in making the appointments. But we have promised that if we set up this new organization we would give the major users some forum in which they could be heard.

I urge the defeat of the amendment.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Hr. HALEY. I thank the gentleman for yielding.

Looking around here today I would say that of course down in my great State of Florida when we have an animal die we see these vultures gathering around sitting on dead limbs and dead trees.

I should like to say this, Mr. Chairman: I deeply resent the fact that today we have had here in the galleries of this Congress men who should be back taking care of their jobs.

I have been a friend of the postal people. I have voted for them. But I deeply resent the fact that they have come here from a place where we have had a strike, which has disrupted the mail facilities of this Nation, and they come here to put pressure on the Congress of the United States. I would advise them that they should go back home and take care of their jobs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

(Mr. CUNNINGHAM asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CUNNINGHAM. Mr. Chairman, when I hear some of these innuendes aimed at the Citizens Committee on Postal Reform, I am reminded that few questions are being raised about the National Right to Work Committee. I know all about the Citizens Committee for Postal Reform. I know Thruston Morton and Larry O'Brien, although Mr. O'Brien is not one of my party. Certainly the vice chairmen listed on the citizens committee letterhead are eminent Americans.

I do not find these men of the citizens committee making extravagant claims or charges about postal reform. They seem to stick close to the information and recommendations released by the Kappel Commission. Studies made by the Commission or its subcontractors documented the problems in our postal system. These reports reveal the poor working conditions, the lack of opportunities for our postal workers, the inefficiencies, and the archaic post office system. These are facts.

But I am not so certain about some of the statements coming from the National Right to Work Committee. In my own case, I know for certain, the committee made some comments that were highly inaccurate to say the least.

I read several weeks ago in Right to Work propaganda that this reform legislation contained compulsory unionism. This simply was not so. I read many other outlandish claims. Many seem to me to be pipedreams.

I am sure the National Right to Work Committee has found postal reform rewarding financially to them through their untrue statements mailed by the thousands to unsuspecting businessmen.

While some are making inquiries about the citizens committee, I would like to hear more about the National Right to Work Committee. It is time we have a full-scale investigation of this organization and its political lobbying activities which they are not allowed to do as a tax-exempt organization.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: Page 267, immediately below line 2, insert the following:

"(f) notwithstanding any provisions of this title or of any other law, the rate of postage of each single, personal, handwritten postal card shall not exceed the rates charged under second class mail."

Mr. GONZALEZ. Mr. Chairman, this amendment merely perfects my previous amendment so it now reads that any single personal handwritten postal card shall not have a rate of postage any higher than the postal rate for second-class material.

For the life of me I cannot see any logical, justifiable reason to oppose this. Why should the first-class postal card user have to pay the freight when, if it is a personally handwritten card, it will really serve the purposes of communication for just a plain, average American citizen.

I ask that this be given very serious consideration and that this provision be adopted before we pass this bill out.

Mr. DERWINSKI. Mr. Chairman, I rise, in opposition, reluctantly of course, to the amendment.

The gentleman from Texas is correct. It is a very important amendment. We did give it thought within the committee, and therefore it is not in the bill.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Texas.

Mr. GONZALEZ. Will the gentleman answer the question why the committee, if it entertained this particular suggestion on a single personal handwritten postal card, why it would reject the proposition that the rate of postage on that card should be higher than second-class mail?

Mr. DERWINSKI. First of all, because it is handled first class and, secondly, because the rate now charged second-class mail is abnormally low but will consistently be increased. And from the standpoint of practical utilization of the new postal service, the gentleman's amendment would create a monstrous deficit.

Mr. GONZALEZ. Well, now, it is not true that Life magazine pays about 2.7 cents for the mailing of a magazine from New York to San Francisco?

Mr. DERWINSKI. Yes. The gentleman is correct. But he has his targets reversed. He ought to be zeroing in on the Life rate and not lowering the card rate to the Life rate. In other words, two wrongs do not make a right.

Mr. GONZALEZ. I agree that two wrongs do not make a right, but these are two wrongs and I want to reduce by one. I am saying Life magazine does get this rate and I do not believe that we should be depriving the average citizen from using a postal card for ordinary purposes of communication by giving him a higher rate.

Mr. DERWINSKI. The gentleman should have said "let us make a right out of Life" by increasing their rate and not lowering this rate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The amendment was rejected.

Mr. McCLURE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to enter into an exchange with the gentleman from Arizona (Mr. UDALL) concerning a matter on which we had an exchange earlier in the day, that is, with regard to the wage differential or area differential.

Some suggestion was made earlier today under rather restricted time limits that the area differential was by way of a wage base for the entire Nation with the area cost-of-living increases. Is that the understanding of the gentleman from Arizona?

Mr. UDALL. Yes. It is left to collective bargaining. What I anticipate will happen in the final analysis is collective bargaining will be done on a national wage rate which will be fixed and there will be designations of 10, 12, or 15 high-cost areas to give them an additional cost-of-living allowance of some kind.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. The differential for this kind of a plan for increasing the basic wage is that there would be two kinds of considerations taken into account in preparing that basic wage in high-wage areas.

One would be the cost of living approach, which the gentleman has already mentioned, the other would be consideration of the cost of labor in that labor market, and that is what we recognize now in the law in the section that authorizes the Civil Service Commission to increase wages where there is a finding that the Post Office is unable to hire needed employees because of a high-wage market.

Mr. McCLURE. Mr. Chairman, I thank the gentleman for his contribution, but I want to point out one possible inequity that will arise if you have two men in different areas of the country doing identical work, working for the same length of time, and then retiring, and then changing their place of residence.

You might have somebody in New York City who has been working there, and who wants to retire, and live in Bullhead, Ariz., and going to Bullhead, Ariz., and

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living alongside a postal worker there who has done the same work for the same period of time, and who has a different pension rate based upon his earnings.

This is such a glaring inequity that I think Congress would be called upon to make some adjustment to it in the future. I will admit that this is something that can be taken care of in the collective-bargaining agreements under negotiations that set the basic wages in the first place, but I do think it is well that we have some written record of what our considerations were at the time we entered into this legislation.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I would also like to ask this question, and that is when you originally proposed this area wage, you stated that cost of living is a factor. What about the standard of living? It may very well be that in certain areas of the country the cost of living is higher, but the standard of living is also higher.

Did you contemplate considering the fact that in some of your metropolitan areas, where higher wages are found, that the cost of living may be higher, but that part of that higher cost of living is because they are maintaining a higher standard of living such as, for example, having colored television sets in their homes as opposed to black and white sets in the rural areas.

Mr. WILLIAM D. FORD. If the gentleman will yield, the difference in television sets may be an item, but I would rather use the example of indoor plumbing versus outdoor plumbing; things of that sort. That is a good example, of course.

We do not have, to the best of my knowledge, a measure for the standard of living, but we do have clearly acceptable measures of the cost of living, and we can tell in any standard statistical metropolitan area of the country how that place stacks up with respect to the rest of the country as far as living costs are concerned, and that would constitute a factor. Whether people in that particular section go out each Saturday night, or whether they go out Friday and Saturday nights, or how they live would not be relevant consideration of that at all.

Mr. McCLURE. Mr. Chairman, let me say in conclusion that indeed this colloquy underlines the difficulty at arriving at true equity in this kind of an adjustment, because we cannot write in law the exact limits by which equity is approached, and this will be done by the collective bargaining process.

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that all debate on section 102 of the committee amendment and all amendments thereto end at 8:10 p.m.

The motion was agreed to.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: Page 165, line 24, after "major mail users" insert "(including as major mail users mailers of moderate amounts of personal first class mail)".

Page 166, line 4, strike out "major postal users" and insert "such major mail users".

Mr. HECHLER of West Virginia. Mr. Chairman, the purpose of this amendment is to define "major mail users," as the phrase appears on page 165 of the bill in defining membership on the Advisory Council. The Advisory Council unfortunately is loaded to include an 8-to-3 majority against those who represent the public. What my amendment does is to recognize that major mail users does not necessarily represent third-class mailers. Since 56.5 percent of the total mail volume consists of first class mail, this is really the major form of mail. I have in mind by offering this amendment that the average person who moderate amounts of first-class mail deserves to be represented on this Advisory Council.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I am very happy to accept the amendment on this side.

Mr. HECHLER of West Virginia. I thank the gentleman from New York.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was agreed to.

The CHAIRMAN. When the motion to limit debate was agreed to, the Chair had noted the names of Members standing and seeking recognition.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. If there are no further amendments to section 102, the Clerk will read.

The Clerk read as follows:

LEGISLATIVE CONSTRUCTION

SEC. 103. An inference of a legislative construction is not to be drawn by reason of the chapter in title 39, United States Code, as set out in section 102 of this Act in which a section is placed nor by reason of the caption or catchline.

CROSS REFERENCE

SEC. 104. Whenever reference is made in another law to a law or part of law which was contained in title 39, United States Code, as it existed prior to the effective date of this section, it shall be considered to mean the appropriate section of title 39, United States Code, as revised by section 102 of this Act, unless no such section is included therein, and whenever reference is made in any other law to the Postmaster General or Post Office Department, the reference shall be considered to mean the Postmaster General and Postal Service provided for in this Act.

EFFECT OF REPEAL OF LAWS

SEC. 105. Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act, shall remain in force as rules or regulations of the Post Office Department as reorganized by this Act, to the extent it is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

OUTSTANDING ORDERS, RULES, AND REGULATIONS

SEC. 106. Orders, rules, and regulations in effect under provisions of law repealed, superseded, or amended by this title shall, to the extent they would have been authorized under this title, remain in force and effect as the regulations and orders under the provisions of this title and shall be administered and enforced under this title as nearly as may be until specifically repealed, amended, or revised by the Postal Service.

PRIVATE EXPRESS

SEC. 107. The Congress finds that the restrictions on the private carriage of letters and packets contained in chapter 14 of title 39, United States Code, and sections 1694–1696 of title 18, United States Code, are generally in the public interest, but that these sections need further study and evaluation in the light of changes in modern communications. The Postal Service shall submit to the President and the Congress within two years of the enactment of this Act a report and recommendation for the modernization of these provisions of law. In preparing this report the Commission on Postal Costs and Revenues is authorized to cause the Rate Board to conduct a rulemaking proceeding on the topic and to render an opinion to the Commission on whatever topics the Commission deems appropriate.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 108. Title 18, United States Code, is amended—

(1) by changing section 12 thereof to read as follows:

"§ 12. Postal Service defined

"The term 'Postal Service' and the term 'United States Postal Service', as used in this title, means the 'United States Postal Service' established by section 102 of title 39 and every employee thereof, whether or not he has taken the oath of office.";

(2) by striking out "Post Office Department" in section 441 and inserting in lieu thereof "United States Postal Service";

(3) by amending the first two paragraphs of section 500 thereof to read as follows:

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department, or by the United States Postal Service, or by any postmaster or agent thereof; or

"Whoever forges or counterfeits the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note or blank therefor provided or issued by or under the direction of the Post Office Department of the United States, or of the United States Postal Service, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or";

(4) by amending the last three paragraphs of section 501 thereof to read as follows:

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, or by the United States Postal Service, without the special authority and direction of said Department or Postal Service; or

"Whoever after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under

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the hand of the Postmaster General and the seal of the Post Office Department or the United States Postal Service, to receive it—

"Shall be fined not more than $500 or imprisoned not more than five years, or both.";

(5) by striking out "Post Office Department" in section 612, and inserting in lieu thereof "United States Postal Service";

(6) by striking out "Post Office Department" in section 876, wherever appearing therein and inserting in lieu thereof "United States Postal Service";

(7) by striking out "Post Office Department of the United States" wherever appearing in section 877, and inserting in lieu thereof "United States Postal Service";

(8) by striking out "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department," in section 1114, and inserting in lieu thereof "any postal inspector, any postmaster, officer, or employee in the field service of the United States Postal Service";

(9) by striking out "Post Office Department" in section 1341, and inserting in lieu thereof "United States Postal Service";

(10) by striking out "Post Office Department of the United States" in section 1342, and inserting in lieu thereof "United States Postal Service";

(11) by striking out "Postmaster General" in section 1463 and inserting in lieu thereof the "United States Postal Service";

(12) by striking out "section 500 of title 39" in section 1696 and inserting in lieu thereof "section 1401 of title 39";

(13) by striking out "Postmaster General" wherever appearing in section 1699 and inserting in lieu thereof "the United States Postal Service";

(14) by amending subsection (a) of section 1703 thereof to read as follows:

"(a) Whoever, being a postmaster or Postal Service employee, unlawfully detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the United States Postal Service; or secretes, or destroys any such letter, postal card, package, bag, or mail, shall be fined not more than $500 or imprisoned not more than five years, or both.";

(15) by amending section 1704 thereof to read as follows:

"§ 1704. Keys or locks stolen or reproduced

"Whoever steals, purloins, embezzles, or obtains by false pretense any key suited to any lock adopted by the Post Office Department or the United States Postal Service and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or

"Whoever knowingly and unlawfully makes, forges, or counterfeits any such key, or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or

"Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, delivers any finished or unfinished lock or the interior part thereof or key, used or designed for use by the Post Office Department or the United States Postal Service to any person not duly authorized under the hand of the Postmaster General and the seal of the Post Office Department or the United States Postal Service, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer—

"Shall be fined not more than $500 or imprisoned not more than ten years or both.";

(16) by amending section 1709 thereof to read as follows:

"§ 1709. Theft of mail matter by postmaster or employee

"Whoever, being a postmaster or Postal Service employee, embezzles any letter, postal card, package, bag, or mail or any article or thing contained therein entrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the United States Postal Service; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $2,000 or imprisoned not more than five years, or both.";

(17) by striking out "Post Office Department" in section 1711, and inserting in lieu thereof "United States Postal Service";

(18) by striking out "Postmaster General" wherever appearing in section 1711, and inserting in lieu thereof "Commission on Postal Costs and Revenues of the United States Postal Service";

(19) by striking out "Post Offic Department" in section 1712 and inserting in lieu thereof "United States Postal Service";

(20) by striking out "Postmaster General" wherever appearing in section 1715 and inserting in lieu thereof "United States Postal Service";

(21) (A) by amending the second, third, and fourth paragraphs of section 1716 thereof to read as follows:

"The Postal Service may permit the transmission in the mails under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force, dangerous or injurious to life, health, or property.

"The Postal Service is authorized and directed to permit the transmission in the mails, under regulations to be prescribed by it, of live scorpions, which are to be used for purposes of medical research or for the manufacture of anti-venom. Such regulations shall include such provisions with respect to the packaging of such live scorpions for transmission in the mails as the Postal Service deems necessary or desirable for the protection of Postal Service personnel and of the public generally and for ease of handling by such personnel and by any individual connected with such research or manufacture. Nothing contained in this paragraph shall be construed to authorize the transmission in the mails of live scorpions by means of aircraft engaged in the carriage of passengers for compensation or hire.

"The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipment of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians under such rules and regulations as it shall prescribe.";

(B) by striking out "Postmaster General" wherever else appearing in section 1716 thereof and inserting in lieu thereof "Postal Service";

(22) by striking out "Postmaster General" in section 1718 and inserting in lieu thereof "Postal Service";

(23) by striking out "Post Office Department" wherever appearing in section 1721 and inserting in lieu thereof "United States Postal Service";

(24) by striking out "Post Office Department" in section 1722 and inserting in lieu thereof "United States Postal Service";

(25) by striking out "the Postmaster General" in section 1723 and inserting in lieu thereof "a duly authorized officer of the Postal Service";

(26) by amending section 1724 thereof to read as follows:

"§ 1724. Postage on mail delivered by foreign vessels

"Except as otherwise provided by treaty or convention the Postal Service may require the transportation by any steamship of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postal Service or its representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance, until the collector or other officer of the port is informed by the Postal Service or its representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postal Service";

(27) by striking out "Postmaster General" in section 1725 and inserting in lieu thereof "Postal Service";

(28) by striking out "Postmaster General" in section 1729 and inserting in lieu thereof "Postal Service";

(29) by striking out "Postmaster General" in section 1730 and inserting in lieu thereof "Postal Service";

(30) (A) by amending section 1733 to read as follows:

"§ 1733. Mailing periodical publications without prepayment of postage

"Whoever, except as permitted by law, knowingly mails any periodical publication without the payment of postage, or being a postmaster or postal official knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined not more than $1,000, or imprisoned not more than one year, or both.";

(B) by amending the table of contents of chapter 83 by striking out—

"1733. Affidavits relating to second-class mail."

and inserting in lieu thereof—

"1733. Mailing periodical publications without prepayment of postage";

and

(31) by striking out in section 3061, "Postmaster General" and inserting in lieu thereof "Postal Service".

MISCELLANEOUS AMENDMENTS

SEC. 109. (a) Section 225(f) of the Act of December 16, 1967 (81 Stat. 643; 2 U.S.C. 356), is amended (1) by striking out the word "and" at the end of paragraph (C), (2) by striking out the period at the end of paragraph (D) and inserting in lieu thereof "; and", and (3) by adding following paragraph (D) a new paragraph (E) as follows:

"(E) the members of the Commission on Postal Costs and Revenues appointed pursuant to section 108(b) of title 39, United States Code.".

(b) Subsection (d)(1) of seciton 19 of title 3, United States Code, is amended by striking out "Postmaster General,".

(c) Section 101 of title 5, United States Code, is amended by striking out "The Post Office Department.".

(d)(1) Paragraph seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24 seventh), is further amended by inserting "or by the Postal Service" after "nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority".

(2) Section 602(c) of the Act of August 7, 1956 (70 Stat. 1113), as amended (12 U.S.C. 1701d-3(c)) is amended by striking out "section 306 of the Penalty Mail Act of 1948 (39 U.S.C. 321n)" and inserting in lieu thereof "section 654 of title 39, United States Code".

(3) Section 301(a) of the Housing Act of

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1948 (63 Stat. 431), as amended (12 U.S.C. 1701e(a)) is amended by striking out "39 United States Code 321n" and inserting in lieu thereof "39 United States Code 654".

(e) Section 8(b) of the Small Business Act, as amended by section 107 of the Act of October 11, 1967 (81 Stat. 269; 15 U.S.C. 637(b)(15)) is further amended by striking out "section 4154 of title 39, United States Code" which appears in paragraph 15 and inserting in lieu thereof "section 654 of title 39, United States Code".

(f) Section 2(f) of the Act of May 28, 1963 (77 Stat. 50; 16 U.S.C. 4601–1(f)), is amended by striking out "section 4154, title 39, United States Code", and inserting in lieu thereof "section 654 of title 39, United States Code".

(g) Section 8 of title 17, United States Code, is amended—

(1) by striking out "Postmaster General" and inserting in lieu thereof "Postal Service"; and

(2) by striking out "section 2506 of title 39" and inserting in lieu thereof "section 1610 of title 39".

(h) Section 1(d) of the Act of June 8, 1938 (52 Stat. 631), as amended (56 Stat. 250; 22 U.S.C. 611(d)), is further amended by striking out "file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended", and inserting in lieu thereof, "file with the Postal Service information in compliance with section 1609 of title 39, United States Code".

(i)(1) Section 2341(3) of title 28, United States Code, is amended by striking out paragraphs (B) and (C) and inserting in lieu thereof the following:

"(B) the Secretary when the order was entered by the Secretary of Agriculture;

"(C) the Administration, when the order was entered by the Maritime Administration; and

"(D) the Postal Service when the order was a decision rendered by the Postal Service."

(2) Section 2342 of title 28, United States Code, is amended by striking out subsections (3) and (4) and inserting in lieu thereof:

"(3) such final orders of the Federal Maritime Commission or the Maritime Administration entered under chapters 23 and 23A of title 46 as are subject to judicial review under section 830 of title 46;

"(4) all final orders of the Atomic Energy Commission made reviewable by section 2239 of title 42; and

"(5) all final decisions of the Postal Service made reviewable by section 1257 of title 39.".

(j)(1) The sixth subdivision of section 7 of the Act of July 31, 1894 (28 Stat. 206; 31 U.S.C. 72 Fifth), and the second proviso of section 10 of the Act of August 24, 1912 (37 Stat. 559; 31 U.S.C. 72 Fifth), are repealed.

(2) Section 1 of the Act of March 6, 1946 (60 Stat. 31), as amended (31 U.S.C. 129), is further amended by inserting after "Postmaster General," the following: "the Postal Service,".

(3) Section 1302 of the Act of July 27, 1956, as amended (31 U.S.C. 724a), is further amended by adding the following sentence thereto: "Notwithstanding the other provisions of this section judgments against the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to it.".

(4) Section 1 of the Act of September 30, 1890 (26 Stat. 511; 31 U.S.C. 1028) is hereby repealed.

(k)(1) Section 411(f) of the Public Buildings Act of 1949, as amended (68 Stat. 520; 40 U.S.C. 356(f)) is further amended by striking out in the third proviso "section 205 of the Post Office Department Property Act of 1954" and inserting in lieu thereof "section 1003 of title 39, United States Code".

(2) Item (15) of section 602(d) of the Act of June 30, 1949 (63 Stat. 401), as amended (40 U.S.C. 474 (15)) is further amended to read as follows:

"(15) The Postal Service;".

(3) Section 16 of the Act of September 9, 1959 (73 Stat. 483; 40 U.C.C. 615) is amended to read as follows:

"Sec. 16. Nothing in this Act shall be construed to limit or repeal—

"(1) existing authorizations for the leasing of buildings by and for the General Services Administration, or

"(2) the authority conferred by law on the Postal Service.".

(4) The third proviso of section 3 of the Act of August 10, 1939 (50 Stat. 479), as amended (40 U.S.C. 723) is further amended by striking out "insofar as such loss, destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended (U.S.C. 1934 edition, title 39, sec. 49)", and inserting in lieu thereof the following: "insofar as such loss, destruction or damage relates to property of the Postal Service chargeable to its officers or employees".

(5) Section 3a of the Government Losses in Shipment Act as added by section 2 of the Act of August 10, 1939 (53 Stat. 1358; 40 U.S.C. 724), is amended (A) by striking out the colon immediately preceding the proviso and inserting a period in lieu thereof; and (B) by striking out the proviso.

(l) Section 602(i) of the Act of August 20, 1964 (78 Stat. 529; 42 U.S.C. 2942(i)), is amended by striking out "section 4154 of title 39, United States Code" and inserting in lieu thereof "section 654 of title 39, United States Code".

(m) Section 405(i) of the Act of August 23, 1958 (72 Stat. 762; 49 U.S.C. 1375(i)), is hereby repealed.

SEPARABILITY OF PROVISIONS

Sec. 110. If a part of title 39, United States Code, as revised by section 102 of this Act is held invalid, the remainder of the title shall not be affected thereby; and if any other part of this Act is held to be invalid the remainder of the Act shall not be affected thereby.

TRANSITIONAL EXPENSES

Sec. 111. Expenses of the United States Postal Service as established by section 102 of this Act from the date of enactment of this Act until the date of commencement of operations of the Postal Service, shall be deemed to be necessary expenses of the administration of the Post Office Department as now constituted.

APPOINTMENT OF POSTMASTERS AND OTHER EMPLOYEES ON MERIT BASIS

Sec. 112. (a) Between the date of enactment of this Act and the effective date of section 102 of this Act, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service by one of the three following methods which shall be applied in the following order of precedence:

(1) by selection of a qualified employee serving at the post office where the vacancy occurs, including an acting postmaster who was serving on January 1, 1969, who shall acquire a competitive status upon being appointed postmaster;

(2) if no qualified employee serving at the post office where the vacancy occurs is available for, and willing to accept, appointment by method described in subparagraph (1), by selection of a qualified employee serving in the postal field service; or

(3) if no qualified employee is available for, and willing to accept, appointment by the methods described in subparagraph (1) or (2), by competitive examination in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service.

Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

(b)(1) In the selection, appointment, and promotion of employees of the Postal Service between the date of enactment of this Act and the effective date of section 102 of this Act, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Postal Service who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment.

SUPPLEMENTAL LEGISLATION

Sec. 113. It is the intent of the Congress that further legislation be enacted prior to the date of commencement of operations by the Postal Service as established by this Act, giving additional guidance to the Postal Service concerning the division of costs among the several classes of mail consistent with the provisions of this title.

EFFECTIVE DATES

Sec. 114. This section and sections 110 through 113 of this Act, and sections 108–110 of title 39, United States Code, as enacted by section 102 of this Act shall become effective on the date of enactment of this Act. Except as otherwise provided in this title, the other provisions of this title shall become effective on the date of the commencement of operations of the Postal Service as established by section 102 of this Act. The date of commencement of operations shall be fixed by the Commission on Postal Costs and Revenues and published by it in the Federal Register; such date shall be within one year after the enactment of this section.

TITLE II—SALARY ADJUSTMENT

COMPENSATION CHANGES

Sec. 201. (a) The Postmaster General, under regulations made by him, shall increase the rates of basic compensation and basic pay of employees of the Post Office Department so that such rates will equal, as nearly as practicable, 108 per centum of the rates of basic compensation and basic pay in effect immediately prior to the date of enactment of this Act. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970. This section does not apply to employees in positions in the Executive Schedule.

(b) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

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Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chaper 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government.

(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment.

TRANSITIONAL COLLECTIVE BARGAINING

SEC. 202. (a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations that as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than thirty days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster General to a labor organization. Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective bargaining representatives pursuant to subchapter II of chapter 2 of title 39.

(b) Any agreement negotiated pursuant to this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than eight years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

(c) An agreement made pursuant to this section may become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made pursuant to this section notwithstanding the provisions of any law other than title 39.

(d) If the parties fail to reach agreement within ninety days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of section 228(b) of title 39, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within one hundred and eighty days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 228(c) of title 39.

(e) Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provision of R.S. 3679, as amended (31 U.S.C. 665).

(f) For the purposes of this section only, "Title 39" means Title 39 of the United States Code as revised and reenacted by section 102 of this Act.

EFFECTIVE DATE

SEC. 203. The provisions of this title shall become effective upon enactment of this Act.

Mr. DULSKI (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment beginning on page 293, line 5, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: Strike out all of lines 6 through 17 on page 312 and insert in lieu thereof:

"SEC. 114. This section and sections 110 through 113 of this Act, and sections 108–110 and section 1251 of title 39, United States Code, as enacted by section 102 of this Act shall become effective on the date of enactment of this Act. Except as otherwise provided in this title, the other provisions of this title (including the provisions of title 39, United States Code, as enacted by section 102 of this Act) shall become effective within one year after the enactment of this Act on the date or dates established therefor by the Commission on Postal Costs and Revenues and published by it in the Federal Register."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, the schedule will be, if this bill passes and becomes law, for the President to appoint the commissioners and at some point within the year when they are ready, they will issue a proclamation and the new establishment will go into effect.

This amendment was cleared with the chairman of the committee and simply enables the President to also appoint at some time before they actually go into operation a Postal Rate Board. This is done so that they may get a staff up, hold preliminary hearings, and be ready to go on time.

I do not think there is any objection to the amendment.

Mr. HENDERSON. I think the amendment ought to be adopted. It is very necessary for the institution of and getting a new system underway.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. DULSKI. I understand this amendment makes no major change in the timetable for commencing operations of the new Postal Establishment. It simply permits the President to make all the major appointments to the Postal Rate Board far enough in advance of commencing operations so that they can do all the necessary preliminary work.

I see no reason to object to the amendment and am pleased to accept it.

The CHAIRMAN. For what purpose does the gentleman from Illinois (Mr. DERWINSKI) rise?

Mr. DERWINSKI. Mr. Chairman, we support the amendment on this side.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. JONAS. Since we are on this point, and I intended to take my own 5 minutes if I could be recognized to ask the committee members as to the economic effect of this bill which incorporates a pay increase but that does not carry concurrently with it an increase in revenues. How long does the committee anticipate it will be before increased revenues will be received to make up for the increased costs imposed in this legislation?

Mr. UDALL. The President has sent up a rate bill to the Congress asking for an 8-cent stamp. We discussed this yesterday during the debate. I made the point that the President had sent up this message asking for, oh I guess, a billion dollars worth of new revenue in this rate measure and not a single Member of the 435 Members could be found in this even numbered year to even introduce a bill.

I think most of us on the committee, however, have been waiting to see what happens to postal reform and to see whether there is going to be a pay raise.

The gentleman from Montana (Mr. OLSEN) held extensive hearings on rates and our committee is ready to move and carry out our responsibilities as soon as we see what the House and Senate are going to do on reform.

Mr. JONAS. If the gentleman will permit me, I am trying to get the committee to give the Committee of the Whole now sitting, its best estimate as to when increased revenues from any rate adjustments will catch up with the increased costs.

I understand that the increased costs in this bill over a period of 1 year will be about $1 billion. Is that correct?

Mr. UDALL. No, the actual pay raises carried in this bill would result in just under $500 million on an annual basis. When the compression goes into effect, there will be other increases. And we passed a 6-percent pay raise in April, which most of us voted for.

Mr. JONAS. I am not trying to fix any blame by discussing who voted for what. I am trying to get an estimate from the committee as to when is the earliest possible time increased revenues will catch up with the increased costs that this bill will bring about if it is passed.

Mr. UDALL. I have discharged my responsibilities, but I cannot speak for the chairman or any other member of the committee.

Mr. JONAS. Can anyone give me an estimate? The committee must have considered that point.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the Chairman.

Mr. DULSKI. The administration sent over a message on the subject, but no Member introduced legislation. The gentleman in the well wants me to answer when we will consider the subject. We have had extensive hearings on the proposal even though the bill was not introduced. The subcommittee chairman, Mr. OLSEN has been working. How can we count what the entire cost will be when this new agency does not go into effect for over a year?

We are ready to work further on rates as soon as we get a bill.

Mr. JONAS. We do not have to wait on the President to send up a bill, do we? Why does not the committee bring a bill out? I am just trying to get some estimate as to what the economic effect of this bill will be. I assumed the committee would have at least an estimate as to when the new ratemaking procedures set up in this bill may be expected to produce sufficient revenue to catch up with the new costs created by the bill.

Mr. UDALL. I feel sure that, if both Houses act expeditiously, we should get some interim financing during 1971.

In addition, we have some supplemental appropriations in this bill which will help out in the program Mr. JONAS asks about.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. JONAS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONAS. We estimate in the Committee on Appropriations that the postal deficit next year may be $2.5 billion. Part of that will be caused by the built-in cost increases in this bill. Before we get to a final vote on the bill, I would like to have the best estimate that anyone on the committee can make as to when we will catch up with the increased costs that are brought about as a result of this bill if it is enacted.

Mr. SAYLOR. The answer to that question is "Never."

Mr. JONAS. The only answer I get, and not from a member of the committee, is "Never."

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I wish to advise the gentleman that he is absolutely correct when he points to the problem, but he should keep in mind that in one of his final messages to Congress, President Johnson recommended a rate increase. It has not been acted upon, and neither has the one recommended to Congress by President Nixon. I would presume, if I do not misinterpret Chairman DULSKI, that once we get through this reform bill, we could turn our attention to the rate question. Certainly we could move much faster than the year and a half it took us to produce this reform bill. Otherwise, the machinery of this reform bill will go to work and match rates to expenses. The new Postal Service will be self-financing.

Mr. JONAS. I would like to say, without blaming anyone, that I, for one, wish the committee had incorporated in this reorganization and reform bill the necessary authority to assure that revenues will be increased sufficiently to cover the increased costs built into the postal operations by this bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 310, beginning with line 4, strike out all of the language to and including line 22 on page 311, and renumber the succeeding sections accordingly.

Mr. SAYLOR. Mr. Chairman, I would like to have the people on my right pay a little attention to this amendment because this is the only political amendment that has been offered here today, but this is a political amendment.

Mr. SAYLOR. Mr. Chairman, I would like to have the people on my right pay a little attention to this amendment, because this is the only political amendment that has ever been offered here today, and this is a political amendment, and I do not make any excuses for offering it.

From the time we have had a post office—and Ben Franklin established it—the party that controlled the White House controlled appointment of the postmasters. That was until January of last year, when the present administration took over and we got a Postmaster General who comes from down in Alabama. I call him the Trojan horse in our administration, because he changed the entire setup. What he did was to say his party in the White House had absolutely nothing to do with appointing postmasters.

This bill even gives that man who is now the Postmaster General another goodie. What does it do? It says until this Corporation comes into effect, the Postmaster General has the right to appoint 4,000 postmasters all over the country. All I am trying to do is say he does not have that right. He will not give that right to the members of the Republican Party. Maybe he will give it to the Democratic Members of Congress if this amendment is adopted.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I am sympathetic with the gentleman's amendment, but this gentleman has been Postmaster General for a long time, and I understand there are 3,000 vacancies and he has not appointed anybody.

Mr. SAYLOR. That is right, and he has not appointed anybody. All I am trying to say by this amendment that I am not going to give him the right to appoint anybody. I do not think he should.

Mr. HAYS. I think the gentleman will get pretty solid support on this side of the aisle.

Mr. SAYLOR. That is all I am asking for, because I doubt if I will get much support on my side of the aisle.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I want to advise the gentleman the latest cloakroom rumor is that after our dear Democratic friends have their battle for party leadership next January, the loser may get the post of Postmaster General.

Mr. SAYLOR. That may be, and I daresay he will treat we Republican Members of Congress a great deal better than the present Postmaster General.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Pennsylvania is an old friend of mine and I bleed for him. I would like to get him some patronage, but I do not have that much influence. I do not know what I can do about it, but I will bleed for him and sympathize with him a little bit.

Let me say to some of my friends on the Democratic side, before we vote—because there was a great deal of laughter, and I thought a murmur of support for this amendment—what the gentleman strikes out is an amendment offered by the gentleman from New Jersey (Mr. DANIELS). The thrust of the amendment which is in the bill and was authored by the gentleman from New Jersey (Mr. DANIELS), was to make sure the interim acting postmasters who were still in the office could be considered for these appointments by the Postmaster General along with career employees in those offices. Make no mistake about it, we make a big mistake if we vote for this amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Arizona.

Mr. HAYS. Mr. Chairman, did I understand the gentleman to say he could consider them?

Mr. UDALL. Yes.

Mr. HAYS. Does the gentleman think he will consider them?

Mr. UDALL. I do not think he will.

Mr. HAYS. The gentleman is pretty close to him, and the gentleman ought to know.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The question was taken; and on a division (demanded by Mr. SAYLOR) there were—ayes 51, noes 95.

So the amendment was rejected.

Mr. VANIK. Mr. Chairman, the Postal Reorganization and Salary Adjustment Act of 1970 constitutes a much-needed reform of a post office which now operates under many archaic and unduly restrictive rules. But as we speak of the need of greater efficiency of operation in the postal system, it is quite distressing to find that earlier this year the

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Post Office Department introduced a new cost-accounting report that is unusually vague and confusing. For the first time, the Post Office, in trying to determine how much it costs to move each class of mail, used a new "revenue and cost analysis system" that managed to completly juggle the postal records. The most shocking finding of the new system reveals that for fiscal year 1969, bulk third-class mail, always a big money-loser for the Post Office, brought the Post Office $595 million—4 cents an item—but only cost the office $299 million—2 cents an item—in variable expenses. However, under the old system—"cost ascertainment"—a long-respected and efficient analysis system, calculations for fiscal 1968 revealed that expenses for bulk mail totaled $822 million and yet revenue was $596 million for bulk mail. Thus third-class mail did not cover its costs. With such a remarkable discrepancy between the findings of the two systems, I can only wonder if the new revenue and cost analysis system is giving us a truly accurate portrayal.

In May 1970, Chief Justice Warren Burger remarked that—

> Today's merchandising methods, the plethora of mass mailing subsidized by low postal rates, and the growth of the sale of large mailing lists . . . have changed the mailman from a carrier of primarily private communications and has made him an adjunct of the mass mailer who sends unsolicited and often unwanted mail into every home. Every person's mail today is made up overwhelmingly of material he did not seek from persons he does not know.

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A large portion of third-class mail is commonly known as junk mail and has become a nuisance to many patrons. I find it difficult to characterize this largely unwanted mail as a public service.

Before we force the burdened taxpayer, or the Federal Government to continue paying for postal deficiencies through taxation or subsidies, the Nation deserves a more trustworthy and accurate accounting of the new revenue and cost-analysis system of the U.S. Post Office. According to an article concerning this new system, dated April 13, 1970, in the Wall Street Journal, postal officials "note that the variable cost data is based on a sophisticated statistical sampling system new to the Post Office," and it continues that officials "concede there may be room for improvement." Mr. Chairman, the Nation deserves to know immediately just how much improvement really is needed.

Reforms are needed. Postal pay is inadequate and must be related to the cost of living and comparability. Certain postal rates are far out of line and constitute too grave a burden on the general mail user.

I have grave concern over the establishment of separate corporate entities to carry on the public business and to exercise an important public trust. This may result in the establishment of multiple barriers between the public and the service. My fear is that this new juggernaut of administration may provide no better service at a substantially higher cost to the taxpayer. I hope I am wrong in these fears.

Mr. JONES of Tennessee. Mr. Chairman, the action of this body yesterday in passing the Henderson amendment to the Postal Reorganization Act of 1970 reaffirms my faith in the ultimate desire of Americans to maintain their personal freedom. Mr. Henderson's amendment assures that no American will be forced to join an organization and pay its dues against his will in order to be employed by his own Government.

The question raised by this amendment did not concern the desirability of labor union membership. Certainly, no one can deny that organized labor is responsible in large measure for the enormous elevation of our nation's standard of living during this century. The question that was raised by the amendment was whether or not we intend to preserve our personal freedom in this country.

By passing the amendment offered by the gentleman from North Carolina, this body has affirmed that Americans do have the right to work for their National Government while retaining their right either to join or not to join a labor organization. This action, Mr. Chairman, is a blow for personal freedom.

Mr. LANDGREBE. Mr. Chairman, I want to take this opportunity to comment on the current postal reorganization bill, H.R. 17070, now before us and to express my reasons for voting against it.

First, is the fact that the bill will destroy the traditional public service aspect of the post office, and thereby will make it unresponsive to the public will. The Congress, acting on behalf of the American people will thus lose control over the operations of this "public" institution, but in the end will be stuck with the bill for any deficits it will incur. In other words, the Congress with passage of the so-called postal reform, having relinquished all control of our Post Office Department, will be left with full responsibility for its success or for its failure. It is certain that postal rates will be increased considerably, that many current postal services will be discontinued, and, of course, nothing has been said about specific plans or goals for improved services and the true fate of postal employees now sheltered by the U.S. Civil Service Code is clouded, to say the least.

My most serious objection to this bill, however, is the additional obligation of our Federal Government to the tune of $10 billion to finance the construction of new post offices, new equipment, and for operating capital. In the end, it is the public who will be paying for this financing, not only through even higher postal rates, but also through a greater tax bite to provide the increased subsidies that appear to me to be imminent. In other words, I consider this to be a back-door method for increasing our national debt by $10 billion.

I continue to feel that true postal reform is possible within our present postal system. The true reform that I have in mind could be brought about through efficient management techniques and hiring practices, discouragement of junk mail through rate increases, total elimination of pornographic materials, and, generally, the establishment in the postal service of more efficient and businesslike methods and practices.

In conclusion, might I simply state that anyone who thinks that passage of H.R. 17070 removes our postal department from politics is totally out of touch with reality.

Mr. HAMILTON. Mr. Chairman, 2 years ago, the Kappel Commission on Postal Organization noted that—

> The postal service cannot keep pace with the demands of our society unless it is given a basic change in direction.

The Commission continued, commenting that—

> The benefits which would flow from the introduction of modern management practices include not only greatly improved mail service but the early elimination of the postal deficit and far better career opportunities and working conditions for the individual postal employee.

These benefits can be realized by enacting the current postal reform legislation before the House.

The reasons for my dissatisfaction with the present postal system are several in number. For one thing, I think the state of postal finances is depressing. There have only been 17 years since 1838 that revenues have exceeded expenditures. In fiscal year 1969, the accrued cost deficit for the Post Office Department was $1.023 billion.

Postal employment practices are another reason that causes me to be dissatisfied with the postal system as it is. The employee cannot earn a promotion on the basis of merit. His training opportunities are limited. He is trapped in a system which stifles his initiative and limits career opportunities. It is really astonishing to learn that 80 percent of the postal employees finish their careers in the same level in which they began their service.

I am not satisfied with the quality of postal service. I think every Member of Congress is familiar with his constituents' discontent on the quality of postal service.

I also believe that the postal system and service cost too much money. One of the findings of the Kappel Commission is that an estimated 20 percent of postal costs could be saved if postal management were really free to plan and finance operations and investments in accordance with needs.

I draw the same conclusions from these observations as do many of my colleagues. I believe basic flaws exist in the postal system. Stopgap measures to correct those flaws have been tried and found wanting and the major restructuring of the system is the only viable course. We ought to recognize the essential business nature of the postal system, and that it ought to be operated as a business and not as a Government agency.

The principal failure of the present system is one of management. It is just not reasonable to expect a manager of the Post Office Department to succeed in his task when he has little, if any, control over workload, revenue, pay rates, conditions of service, physical facilities, and many other important matters. I do not think substantial improvement in the postal system can be expected until postal managers are given the authority and the freedom of action they need to make the necessary changes.

In addition to the management problem, there are two other central defects: the postal system is tied too closely to the Federal budgetary process and cannot be operated like a business; politics are too deeply ingrained in the selection of postal officials, especially top management, postmasters, and rural carriers.

So long as the Post Office Department depends upon the Treasury it has to compete with other national priorities. The postal needs for capital financing and operations are going to rank low on the scale of national priorities, and I do not think it unreasonable to expect this low priority status to remain unchanged in the foreseeable future, given the kinds of challenges that we have in the Nation both at home and abroad.

The dependence on the Treasury has also decreased the incentive to be concerned about consumer and customer wants, and there is no economic incentive for postal officials to tailor their services to customer desires.

So long as partisan politics determine promotions for top management, postmasters, and rural carriers, a meritocracy in the postal service is difficult to achieve. Politically appointed personnel often will not have the respect of their peers and subordinates. There will be delays in the selection of top positions, a lack of confidence on the part of the public, and poor morale on the part of employees.

Because of the existence of these and other flaws in the operation of our present postal system, I am anxious for Congress to act affirmatively on the Postal Reorganization Act now before it. The bill provides for genuine postal reform—no stopgap measure this time. Its enactment into law will be of considerable benefit to employees and customers alike. Provisions of the bill include these:

First. The Post Office Department is abolished as a Cabinet-level Department. In its stead is created an independent establishment of the executive branch of the Government to own and operate the Nation's postal system, known as the U.S. Postal Service.

Second. The Postal Service is governed by an 11-man Commission on Postal Costs and Revenues: nine "public members" appointed by the President—with Senate confirmation with rotating 9-year terms; the 10th appointed as Postmaster General by the nine Presidentially appointed Commissioners; the 11th appointed as Deputy Postmaster General by the other 10.

Third. Officers and employees of the Postal Service will be in the postal career service and the Postal Service is required to establish procedures to assure its employees of meaningful opportunities for promotion and career development and of opportunity to be heard before adverse action is taken against them.

Fourth. Postal consideration, in respect to any appointment, promotion, assignment, transfer, or designation that relates to any office or position in the Postal Service, is prohibited. A person under consideration for such an appointment is also barred from soliciting any such recommendation.

Fifth. Labor-management relations are generally made subject to the National Labor Relations Act, as amended, which heretofore has applied only to the private sector. There is one principal exception, however: the existing ban on strikes by Federal employees is carried forward, and, consequently, binding arbitration is provided for in the event of a bargaining impasse between the parties.

Sixth. Section 14(b) of the National Labor Relations Act would, naturally, apply to labor-management relations in the postal service. This section states that—

> Nothing in this subchapter shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

Seventh. The Postal Service is authorized to borrow money and issue obligations up to $10 billion, but the net increase in any obligations for capital improvements may not exceed $1.5 billion in any 1 fiscal year and the net increase for the purpose of defraying operating expenses shall not exceed $500 million.

Eighth. The Postal Service is to become self-sustaining, thus eliminating the postal deficit, by January 1, 1978. Rates are to be set so that each class of service pays at least its own identifiable costs and so that revenues of the postal service as a whole meet its expenses.

Ninth. Rate changes that are significant service changes are initiated by postal management but cannot become effective until after public notice and hearing before a three-man Rate Board, which is independent of postal management.

Tenth. Collective bargaining must commence promptly after enactment of the bill into law, and must deal with wages, hours, and working conditions. Any resulting agreement must provide a wage schedule under which postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades.

This bill thus eliminates the defects mentioned previously by providing for, among other things, direct managerial participation in and regulation of postal operations, financial independence from the budgetary allocation of funds, and the elimination of political influence from personnel operations—with the exception of the Commission on Postal Costs and Revenues.

These are giant steps in the reform of the structure and operation of our postal service and are but three of the reasons why I support the Postal Reorganization Act. Reform of the Post Office Department is drastically needed, and must be initiated without further delay.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope and urge that this bill before us, H.R. 17070, to reorganize the Post Office Department, will, in strong substance, after full debate, be approved on a nonpartisan basis by a very great majority.

It has become increasingly apparent over these past several years, that there is a real and urgent need for wholesome, improved reforms in postal policies and operations and great numbers of ordinary citizens, businessmen and public officials have expressed grave concern about the unhappy condition of our postal system. I believe that public dissatisfaction with postal operations and service is wider and public desire for improvement is more insistent than ever before in the history of the postal department.

An extraordinary number of responsible and respected postal officials, employee spokesmen and independent authorities have given formal testimony of their very deep convictions that the Post Office Department must be reformed and modernized.

It is quite clear, from the testimony revealed here, that the postal department has not been able to keep pace with the advances of the national economy in recent years, and that the morale of the department employees is, understandably, very low because prospects for merited promotions and increased compensation are too restricted and working conditions are frequently very poor. It is further revealed and emphasized that the Department continually operates at a great deficit and postal rates are set by statute, requiring congressional action in a very technical cost area which very often and unfortunately invites public misunderstanding about the supposed influence of special interests in setting up postal rates.

All of the testimony given and the recommendations made by the recognized authorities indicate that the only overall cure for the many problems and shortcomings plagueing the Post Office Department is a structural reform that will put complete operating responsibility in a single place with sensible safeguards against abuse of that responsibility and appropriate assurances of proper congressional surveillance. I do not believe the Congress should abandon its own special responsibility of making certain that the American public is not required to pay clearly unfair and unreasonable postage rates.

In summary this measure before us will establish a political pressure-free Post Office Department within the executive branch of the Government; it will create a postal institution with the modern equipment necessary to provide expedient and efficient public service now and in the future; it will adjust the salaries of postal employees to more equitably compensate them for the restricted advancement to opportunities they have suffered from in the past; it will improve postal employee-management relations and insure that the employees have modern equipment in a wholesome surrounding that is essential to the realization of full productive potential.

Mr. Chairman, no one will pretend that this is a perfect bill that will completely satisfy every interest and promptly re-

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solve all the problems afflicting our existing postal system but it does, undoubtedly, represent a firm, forward step toward the long-needed conversion of the postal system into an efficient public service operation that will pay its own way and I most earnestly urge its adoption in the national interest.

Mr. BOLAND. Mr. Chairman, I rise in support of this legislation. Drafted with care and precision, the bill would reform the postal system from top to bottom and grant its workers the significant new pay increases they deserve. The need for this legislation is plain. An antiquated organization beset for decades by the most nettlesome financial and administrative problems, the Post Office Department simply cannot continue its mission without sweeping reforms. Delays and breakdowns in service—and, still more significantly, open restiveness among postal workers—are growing at an alarming pace.

The country must have a more efficient postal system. In an age when space flight is almost routine, the Post Office Department is working under horse-and-buggy procedures that were already anachronistic a generation ago. The bill now before us—despite several provisions I feel should be amended—promises to replace these unwieldy procedures with modern and efficient ones. The bill would, for example, allow the postal system to maintain at least its current scope of service in the face of staggering volume increases expected within the near future. It would clear away the cumbersome legislative, budgetary, financial and personnel policies now severely inhibiting service. It would permit swift and expeditious transportation of mail, grant postal workers better working conditions and pay, build a lasting foundation for a postal system than can meet the Nation's demands.

The strength of virtually every American institution—everything ranging from industry to education, from government to health care—hinges in large part upon an effective postal service.

The country cannot afford to continue the present postal system.

I urge passage of this bill.

Mr. FUQUA. Mr. Chairman, an attempt is being made to delude the American people with this measure which has been titled a "postal reform bill." In my opinion, it is not a reform measure, but merely transfers all of the old problems to a new form of management.

There has been a great deal said about the need to modernize and mechanize the postal system. There is no reason that this cannot be done by the Post Office Department.

It is said that one of the problems of the Department is political. The present administration has changed the method of appointment so that no Members of Congress are consulted on these appointments.

The present system allows for advancement from within the postal service and I support this concept.

Therefore, I think the argument that the problem of the Post Office Department is political is a little farfetched.

I do support the pay raise portion of this bill. It has long been recognized that the salary schedules of postal workers needed to be drastically revised.

I am also pleased at the adoption of the amendment which would prohibit compulsory unionism. It is my hope that we never see the day when a person must join a union in order to get a job with his Government.

But, I cannot in good conscience vote for this bill.

It will simply change the form of management and leave all of the old problems unsolved.

There have been plenty of recommendations made through the years which would solve a great many of these problems—and these could have been and can be accomplished with the present general structure of the Postal Department. The Department has been shackled with a lack of adequate funds and the lack of forceful leadership from the Postmaster General's office to begin modernization and mechanization. Such a move, in my opinion, would have the support of the vast majority of the American people and the employees of the Department.

Another problem has been the unwillingness to raise the rates for "junk mail" to the point where it would pay its way. I have never been able to understand why a first-class user or the taxpayer has to subsidize this class of mail.

If these rates were raised to a realistic level, it would have provided a portion of the funds needed for the upgrading of the postal service.

Mr. Chairman, the bill we are debating here today has been misrepresented to the American people. It is not a reform measure and will merely delay our getting on with the job that needs to be done.

It is my hope that the bill will be defeated and that the administration and postal officials will begin to put as much time and energy into doing something about the problems that we all know exist in the Department, as they have on this piece of legislation.

The Congress, the American people, and the dedicated men and women in the postal service would support such a move.

Mr. GILBERT. Mr. Chairman, it is with some relief that we finally see the postal reform bill before us today. This bill has been delayed too long in getting here and I would hope the House will act with dispatch in passing it.

We have much at stake here today. There is, of course, the issue of whether we shall keep our word and increase the absurdly low salaries of our postal workers. There is the question of union representation and whether all unions, now active, will be protected under the new bill.

But what is most important for this Nation at large is whether the Congress keeps faith with its citizens. Should we act unwisely, or fail to act at all, we would be rending a mortal blow to that trust which must exist between a government and the people it represents if a nation is to survive.

We saw last spring the effect upon this Nation when the mails do not move. We know the postal system must be modernized and made more efficient. We know that the moribund postal system must be changed from top to bottom if it is to operate well in a fast-paced technical age.

Yet all the innovations, all the proposed changes suggested in and out of Government regarding our mail service, will go for nothing if the basic trust between the Government, its employees, and the people of this Nation are abridged. We promised our Nation we would act with dispatch in order to avoid further strikes. We promised our workers we would act with compassion toward their plight so there would be no need for acrimony. On this pledge, the workers went back to work and the Nation began to breathe and function once more.

But what has Government done since the crisis was averted. We have not acted with dispatch nor, some would say, with compassion toward the workers who believed us at our word. We have delayed, and then delayed further.

I will vote for creation of an independent postal system because I believe the present system is outmoded. I do not know if an 11-man commission can operate this system efficiently but I am willing to give it an opportunity to do so. If it cannot, we can tinker with the system further as it needs adjustment.

But I am concerned with those thousands of postal workers who have waited so patiently for the 8 percent increase we offered them. Last spring, when our back was to the wall, we promised the raise quickly enough and implied it would be retroactive to last December.

With the heat off somewhat, we now have a bill before us that is retroactive only to last April 16. It is a minor change but as a symbol to the American worker, it only proves once again that the surest way to get what is promised is to keep the pressure on the throat at all times. When will we learn that man lives by his word and when it is not given faithfully, it is not given at all.

We also see attempts to break some of the existing unions by eliminating them from recognition under the new proposal. I cannot abide that and I would hope that provision is stricken from the bill before final passage.

We have an open rule on this bill before us today. I would suggest that as some amendments are given we all try to keep an open mind on the postal system and its people.

Mr. BIAGGI. Mr. Chairman, just 3 months ago, to the day, the National Association of Letter Carriers in New York City voted to go on strike. For the first time in its long history the Post Office Department was faced with a voluntary work stoppage brought on primarily because of the Government's refusal to respond to the needs of its employees.

The several days of frustration and apprehension caused by the strike was an unfortunate experience for postal employees, union representatives, the administration, and a great majority of the public. However, it brought into focus the plight of our postal workers and prodded Congress into making serious attempts to deal with the many problems facing the Post Office and its employees.

While the postal strike was a drain on our country, one factor must not be overlooked, Mr. Chairman, two clearly separate issues were involved in the postal debacle. One had to do with postal reorganization and the other with employee pay, benefits and working conditions. It is a pity that the administration saw fit to insist on combining these two potent issues. In effect, postal employees were held for ransom and were asked to sacrifice consideration of the postal pay issue until restructuring of the postal system was enacted.

Today we have deliberated long and hard to pass an acceptable postal reform bill. Whether we have accomplished our objective is open to question. The agonizing by members of this Committee for the past 2 days could well have been minimized had the pay issue been taken up and enacted separately. Cash benefits so sorely needed by our postal employees would long ago have been put to good use. Instead, we prolonged the disquieting rumblings of employees and their unions and added to the anxiety of a whole nation.

Mr. Chairman, my past efforts, made both to avert the postal strike and later to reach an early agreement once it started, were made with the hope that a modern and efficient postal system would eventually be established. But, more important, it was my hope that postal employees would be given the recognition they deserved and an adequate pay increase to bring them into line with prevailing salary levels in comparable jobs.

The postal bills and the numerous amendments considered in the past 2 days have attempted to deal with the multiple facets of postal reform as well as pay increases. Our final version tonight will in no way satisfy all of the interested parties of either issue. Yet, it is my hope, that in the interest of all, each of the groups will be willing to accept compromises so that the day when postal employees will finally start to enjoy the benefits of our labor will be so much closer at hand.

Mr. RARICK. Mr. Chairman, we have given away this and given away that and apparently we have become so calloused to giving away what belongs to others that there is no longer any resistance to being asked to give away what belongs to the American people and entrusted to our supervision.

The Constitution charges Congress with the delegated trust "to establish post offices and post roads"—one of the enumerated prerogatives of this body which we are now urged to just give to a private independent establishment.

In 1917, Congress delegated its power to coin money and regulate the value thereof to the Federal Reserve private bankers; last month this body surrendered to HEW our delegated power to tax our people—now we are asked to give away the postal service, the world's largest service organization. The many excuses offered for the most part can be traced to problems created by this body. We are already being encouraged to surrender the exclusive power of this body to legislate over the District of Columbia—there is not much left except to admit that we are not able to fulfill our trust to raise and support armies and provide and maintain a navy.

But even considering the persuasive arguments about a commission or a Soviet to run the postal service, who ever heard of a Government monopoly being granted the privilege to float bond issues? Not even TVA, FHA, or the Federal Reserve have such powers, yet we are here asked to grant the new postal authority the right to float a $10 billion bond issue. To pay what? Its present indebtedness or what it can be expected to lose before we are asked to take it over again at the additional loss to the American taxpayer?

I fear that if this bill is passed we will have given our people a real can of worms—this measure will prove to be the greatest fraud ever perpetrated upon the American people.

A pay raise—yes, for working and needed members of the postal service—I support that, but I cannot cast my people's vote against our constitutional mandate delegated by my people—a trust to this body to run and supervise the postal service.

Mr. RANDALL. Mr. Chairman, H.R. 17070 is not going to be accepted with great enthusiasm by very many Members even though a large majority will reluctantly support it on final passage. For my part I recognize the gigantic task that confronted our Post Office and Civil Service Committee under the widespread demand that there be some form of postal reorganization to improve postal service. Anything that may be said in severe criticism of portions of this bill should not be construed as personal criticism against the members of our committee.

I reluctantly support H.R. 17070 because it is all that is left to try to achieve some improvement in our mail service and also to provide a long needed increase in compensation for our faithful postal employees.

The bill is a complex measure containing 317 pages. Because of the length of the measure it has come in for criticism on the House floor that has bordered almost upon abuse. The bill was called a monstrosity and an abomination. The worst words that were used was to call the bill a can of worms.

I am not happy with many of the provisions of H.R. 17070. But name calling will not help much at this point. All of us are prone to mistakes. The only person who makes no mistake is one who does nothing. In my opinion the committee and the House made a grave mistake by not working more diligently and more perseveringly, early and late, to secure a conference on H.R. 13000. It is not for me to assess blame against the Chairman of the Post Office Committee in the other body but certainly he must share some of the blame for his failure to agree to a conference bill on H.R. 13000.

A much more palatable solution for improvement in the postal service would have been to proceed along the lines of H.R. 4 and concurrently try a little harder to agree on pay increases provided in H.R. 13000. In answer to the arguments that the Chief Executive would have vetoed such pay increases in the absence of a White House stamp of approval on its brand of postal reorganization. The reply is that if there had to be a veto, proceed to try to pass the pay raise over the veto.

By the foregoing procedures we could have proceeded with the kind of postal reorganization or reform, if you please, which would permit modernization of postal facilities, taken advantage of automation, go ahead with research for such devices to read addresses like a human, and to provide for funding by the issuance of bonds or debentures, rather than from annual appropriations. In other words, do all of those things which can be accomplished in this bill without turning the entire operation over to some unelected and perhaps unresponsive officials.

H.R. 4 or some other vehicle could have retained the Post Office Department within the present structure of Government and at the same time have provided just as well for the elimination of so-called politics or political influence as H.R. 17070.

Mr. Chairman, I have grave misgivings about the consequences of changing the postal structure from a service organization to a business operation. I am most apprehensive that postal rates may go sky high. Fortunately we have retained a safety valve as to this eventuality whereby one body of the Congress can veto an exorbitant postage rate increase, but it will take a two-thirds majority. I am also concerned that a board of appointed officials may choose to reduce the services to which all of our people have become accustomed, in the interest of conducting what they regard as a successful business operation. With control lost to the elected Members of Congress who is to stop this group of appointed officials from curtailing service as to the hours of pick-up and delivery or even how many deliveries per day or how many days per week?

With all that has been said about the fears of what may happen then why is it that a Member can find any way to support this kind of a bill? The answer is that now we have no chance to support an H.R. 4 type of bill which would provide all the advantages of reorganization but leave control vested within the elected and responsive Members of Congress. Moreover, we lost our chance to accord a pay raise separated from reorganization by the way we handled H.R. 13000.

The answer to why we must now most reluctantly, certainly not enthusiastically, and, almost unwillingly, support H.R. 17070, is because it is a fact that our mail service, due to the increasing volume of mail, has deteriorated. It has become so bad something must be tried. Service may get worse before it gets better. Nearly everyone is in agreement that the Post Office Department is presently so afflicted and so enfeebled that it calls for some bitter medicine to cure its ailments. H.R. 17070 is a bitter pill to swallow.

At the moment all I can say is that let us hope that the unelected persons that may be appointed to run the Department

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will not be altogether unresponsive to the interests of the public. There is one saving grace in voting for this bill and that is if some of the uncomplimentary descriptions that have been thrown at it are true then thank goodness that what the Congress does it can undo. As much as anyone else I hate to turn the operation of a time-honored service institution over to some appointees who may or may not do a good job. Hopefully, the other body will clean up or repair some of the mistakes we have made a part of our bill. We should not have to ask them to do that.

Finally the slowness of the mails at the present time have given those who have argued for reorganization the opportunity to validate their claims that some kind of a change had to be forthcoming. I shall vote for reorganization because service has recently been so bad that something must be tried to improve the situation. I predict after H.R. 17070 is given a trial and we see it in operation, assuming it passes the other body as we send it to them, that the plan will be repealed or repealed in part in the not-too-distant future. I support this bill to give it a trial, because it is the only available vehicle to give our postal people a long deserved pay raise.

Mr. WATSON. Mr. Chairman, I firmly believe in equal pay for equal work. A postal employee in my State of South Carolina works just as hard and just as long as one in New York or in another State, and there is absolutely no justification for telling the postal worker in South Carolina that he must receive less pay than his coworker in another State because living costs are supposedly higher.

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In the recent postal strike it was our faithful southern post office workers who stayed on the job. On the other hand, employees in many other States left their jobs. It would seem to me that in the consideration of the postal reform legislation, in regard to wage differentials, the disproportionate salary should be in favor of southern employees, although I don't believe any area is entitled to favorable treatment in connection with the wage structure for Federal employees. If advocates of this form of regional bias against the South feel that southern workers should receive less, then why not write a provision into the bill that would call for southerners paying less for postage stamps and other postal services?

I feel that I would be less than faithful to our loyal postal employees in South Carolina if I failed to support an amendment to eliminate the wage differential section of the bill. If the bill passes with this section intact it would open the door to regional discrimination in the matter of wages. I cannot support a bill that would give preferential treatment to one segment of the country.

It is amazing to me that there are some people who still feel that the South is not part of the Union; and therefore, can be treated like a stepchild whether it be in reference to the postal reform legislation, a voting rights bill, school desegregation or consideration of Supreme Court Justices.

Mr. BUTTON. Mr. Chairman, a great deal of attention has been focused on this Postal Reform Act with pros and cons offered from every conceivable interest. A good part of the debate over this bill involved the basic task of reform undertaken by our Post Office and Civil Service Committee, of which I am privileged to be a member. Our committee was faced with the task of making this country's postal system the best in the world, the most modern and the most efficient.

This legislation does exactly that. It is not perfect, but, then, what legislative efforts can claim to satisfy all divergent interests?

What this bill does is realistically meet the crucial need for reform in the best possible way, maintaining important protections for our Nation's 750,000 postal employees and guaranteeing the most efficient organizational structure possible.

This bill accomplishes four basic reforms:

First. It removes the Postmaster General from a Cabinet post to provide for continuity of management.

Second. It allows postal management to issue bonds to obtain badly needed funds.

Third. It provides for true collective bargaining between employees and management.

Fourth. It establishes a rate scheduling system to be set by postal management upon recommendation of a panel of rate commissioners.

It is curious that opinion on this bill covers a spectrum ranging from those who think the reform goes too far by creating a postal corporation, to those who think the reform does not go far enough.

Mr. Chairman, I believe that this bill is a happy compromise between these two extremes and will provide the kind of mail service needed by the American people. The committee worked a long time in drafting this legislation and, I feel, did a good job.

I grant that there are imperfections. One in particular is the lack of special rate considerations for educational, religious, and charitable organizations.

I attempted to change this during debate on H.R. 17070, but unsuccessfully. The impact of the loss of this free or reduced rate privilege currently in effect is little short of catastrophic for these groups and organizations.

I am grateful to New York State Commissioner of Education, Ewald B. Nyquist, for his support of my amendment.

In a letter sent to Members of the New York congressional delegation, Commissioner Nyquist underscored the need for this type of free or reduced rate privilege.

He said:

> Adverse effects in the postal rates for libraries and educational institutions in New York State will cost at least $1 million annually, the effect of this could mean a reduction in the availability of services and materials at a very inopportune time.

I also wish to thank the New York State Teachers Association for its support, with special thanks to G. Howard Goold, executive secretary of the association, for his endorsement of the amendment.

Mr. PRICE of Texas. Mr. Chairman, the U.S. Post Office stands in sore need of reform. Postal operations run at an annual deficit of well over $1 billion. Most postal equipment is 30 to 100 years old. Last year the Post Office handled about 82 billion pieces of mail. In another 10 years the figure will reach almost 110 billion pieces. Unless something drastic is done now, just imagine what the operating deficit will be in coming years.

For the past 14 months the House Post Office and Civil Service Committee has been laboring over postal reform. The product of their deliberations was the Postal Reorganization and Salary Adjustment Act of 1970. This act will provide many meaningful and economic reforms in our national postal system. The act converts the Post Office Department into an independent establishment in the executive branch of Government. It frees the Department from political pressures. Finally, and most importantly, it provides the means by which a truly superior mail service can be developed.

My main reservations about the legislation centered on my strong opposition to a provision which would have legalized the union shop in the Post Office Department. As badly as Post Office reform is needed, I would have voted against the act had the final version contained the union shop clause. No person should be forced to join a union as a precondition to working for his Government. Besides, I felt if this were allowed it would set a dangerous precedent, and unions would have made a giant step toward their stated goal of unionizing public employees at all levels of government. Fortunately, many other Members believed as I did; and together, we were able to remove the offensive provision from the act.

In the final analysis, Mr. Chairman, the Postal Reform Act is the biggest overhaul of the U.S. postal system since its inception. I am proud to be a member of the administration's team that worked to bring the idea of postal reform to fruition. Once, the act has passed Congress, however, it is up to Post Office officials to make it work. For several years Congress has been told the mail service would be greatly improved by certain reforms. The 91st Congress, under President Nixon's guidance, has substantially enacted these reforms. Only time will tell if the performance of the new post office meets our expectations.

Mr. CRAMER. Mr. Chairman, I support H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970, as amended on the House floor. It provides for long overdue reform and streamlining of our critically underfinanced and under-staffed Postal Department; provides for cost-of-living increases for our deserving, loyal and hard-working postal employees; and, as amended on the House floor, provides for preserving the right of a postal employee to join or not join a union as his or her conscience dictates, without threatening their civil service status.

I have consistently opposed the repeal

of 14-B, the right-to-work clause of the Taft-Hartley Act, and the House has properly preserved this right in H.R. 17070, in its present form.

I announce my support publicly, in that I would have voted "aye" had I not been unavoidably detained in Florida when the vote came.

Mrs. MINK. Mr. Chairman, I rise in opposition to H.R. 17070, the postal corporation bill.

Traditionally in this country, the Post Office has been a public service, with its duties prescribed and postal rates set by elected representatives of the people. It has been operated as a public service rather than a profitmaking enterprise. Congress has passed appropriations to pay for its operations in the belief that the unique service provided by the Post Office benefits all of our people and should, therefore, be paid for out of tax revenues.

Under the postal corporation bill, however, this historic concept will be changed. No longer will service to the people be the main concern of the postal system. Instead, decisions on what services to offer and what rates to charge will be made by administrators not responsible to the people and instead meeting behind closed corporate board rooms.

The guiding philosophy will be a strict bookkeeper's balance of the postal budget, with services cut or terminated and rates raised to whatever extent is necessary to achieve that single goal.

I am convinced that the people of Hawaii will be singled out for a greatly discriminatory burden if the corporation plan is put into effect.

Those sponsoring this legislation, and the Postmaster General of the United States, have neglected to inform us of the specific changes in service and rates which will be implemented once Congress gives up its responsibility for the postal system. Thus we can only conjecture as to what schemes might transpire under a business-type operation.

Presently your 6-cent stamp delivers your letter to any part of the United States, whether to a tiny town in Maine or just down the street. Under a corporation business concept you might well have to pay a higher rate to send a letter to Maine or New York from Hawaii than to California, as you do now for parcel post. If this occurs the people of Hawaii because of their distance from the mainland would have to pay a rate many times higher than rates for other States to send their letters to any city on the mainland.

I cannot in good conscience surrender my right and constitutional responsibilities to participate in postal ratemaking decisions unless there is absolute assurance that such a discriminatory burden will not be inflicted on Hawaii. The legislation before us contains no such assurances or guarantees of uniform postal rates.

We are already paying far more than others for parcel post, airfreight, telegrams, and telephone calls from the mainland. Why add letters to this list?

We are being asked to support, with no firm knowledge of the consequences, legislation which would allow radical decreases in the kind and quality of postal service now enjoyed uniformly by all our people. We have heard projections of 100,000 jobs to be eliminated, closing down of post offices particularly in suburbs and rural areas, and other potential drastic curtailments of service.

The service of two mail business deliveries per day, and Saturday window hours have already been eliminated in many areas. If this bill is passed, we will see vending machines installed and clerks fired with serious deterioration of the personal service which has been lengendary in the postal system.

Reportedly, a "5-year plan" has already been developed by the administration to be enforced as soon as this bill is passed. While details are being kept secret, we are informed that it includes elimination of all Saturday delivery service and window service, consolidation of existing postal facilities, curtailed mail delivery service to colleges and universities, reduced clerical hours, discontinued air taxi service, discontined airlift for first-class mail which is vital to Hawaii and numerous other cancellations of service.

Moreover, we already know that the administration wants a 10-cent first-class basic letter rate.

The only thing we can be sure of if this bill is passed is that service will go down and costs charged to our citizens will go up. I hardly think this is the kind of treatment we should inflict on the American public, and the people of Hawaii in particular, in the name of postal "reform."

We are told that this legislation will take the postal service out of politics, yet the postal corporation it establishes will be run by a politically appointed board.

We are told that it will help enable the Post Office to cope with the enormous increases in mail volume, yet there is no explanation of why buildings, mail handling equipment, and other facilities could not be modernized under the existing organization with adequate appropriations.

This legislation will allow the new postal corporation to borrow up to $10 billion to finance modernization. Why should we saddle postal users with millions of dollars in interest charges for these debts? This seems to be a backward step, not "reform" since the Post Office presently is operating on current revenues and legislative appropriations.

I am for modernization, mechanization, and greater efficiency, but we must not be fooled into thinking that just because a bill is called reform it must be passed without responsibility for the consequences.

Under this bill, mailings by charities for their fund drives, mailings of educational materials, mailings for the blind and other similar reduced-rate "public service" mailings will have to be assessed the same rate as all other mail of the same class, and reduction of these preferential rates can only be possible if Congress specifically appropriates a subsidy. The existence of many public charities depends upon low cost mail solicitations, and this bill places all of these in jeopardy.

Finally, under this bill, postal employees are removed from coverage under the regular Civil Service System. The new postal corporation will hire and fire as it determines without regard to present competitive Civil Service requirements. Employees will be subject to binding arbitration in any insoluble wage disputes and will have no opportunity to petition Congress for a decision on their grievances.

The Postal Corporation employees will be paid according to prevailing private sector wages in their area, with those from depressed wage areas paid less and those from high wage areas like New York City paid more. There will no longer be a uniform basic salary for each classification, so that postal employees will become another catgory of blue collar workers dependent on area wages.

As a result of an amendment offered by my colleague from Hawaii which I supported, the 15 percent cost-of-living allowance will be preserved for our postal employees. I hope it will be retained in conference. Still the basic wage to which the 15 percent will be applicable will be based on prevailing wages in the area, which will be an item for collective bargaining,

We in Congress will merely be allowed to accept or reject, without amendment, the rates set by the corporation. There will really be no choice, since the corporation will cut services and curtail pay raises if Congress rejects the rate proposals. Postal employees and the public will be at the absolute mercy of a corporate panel which has no direct responsibility to the public, and the Congress will have no way to effectively protest the curtailment of service which will undoubtedly occur, under the mandate that the postal system be self-supporting.

Public complaints to your elected representatives will be futile when this corporation is created. Have you ever tried to complain to the AEC, the SEC, FCC, the ICC, or the CAB? I have as a Member of Congress. Your complaint will merely be filed on a docket and probably never considered.

While registering these objections to the postal corporation bill, I want to emphasize that I favor true reform which would preserve the principle of public service. This Nation can and should provide more funds for the Post Office to modernize its facilities and to increase its efficiency.

There is no reason to turn the Post Office over to a corporation just to provide a pay raise for the employees. We should instead immediately adopt a retroactive pay raise of at least 8 percent for all of our loyal, hard-working postal employees, and initiate other long needed reforms in working conditions, hours, and greatly reduced length of service requirements for top grade pay. We should then work to reorganize the Department, initiate reforms like the ZIP code, and insist that it have the necessary funds to operate efficiently.

Congressman WRIGHT, of Texas, offered an amendment to provide an 8-percent pay raise retroactive to April and eliminate the postal corporation. I voted for

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this amendment. I intend to vote for the motion to recommit which will contain this same amendment. I believe with Mr. WRIGHT and others that from its very beginning the post office has existed not to make money but to serve people—all of the people—those who live in our largest cities as well as those who live in the remotest parts of our country without increasing the cost for this service for those who live in the far corners and reaches of our land.

Of all the institutions of American life the post office promotes the most humanizing and civilizing activity of all—the free flow of personal communications. Without this, the word "democracy" would have an incomplete meaning.

The Post Office is the oldest of Government functions, and the most personal. Before the writing of the Constitution, the Continental Congress authorized money for "post offices and post roads."

The Founding Fathers did not ask whether this service would return a profit to the Government. They no more expected the Post Office to return a profit than they expected the Army and the Navy to return a profit.

They knew it would not do so, except in the incalculable dividends of nationhood—the promotion of commerce and public enlightenment, and the invisible bands of national unity by which the people were able to tie themselves together into a nation.

I am afraid, if cost-matching-revenues is made the central thrust of postal reform, the State of Hawaii will have a new and vastly burdensome obstacle to full communications with, and equal participation in, the expanding vitality with the rest of the United States.

Today the prompt and efficient delivery of mail is the lifeblood of business and of inestimable importance to all of our citizens. This noble service, which daily delivers more mail than is delivered in all of the rest of the world combined, should not be saddled with fiscal requirements which will destroy its public character.

All Americans need and depend on postal service, and it belongs to us—not to some faceless board members in a corporation. The Congress should remain answerable to all of the people for its operation. Congress should not delegate this authority or responsibility. The problems are immense but I believe the Congress has the capacity to deal with them.

It is for these reasons that I am voting against H.R. 17070 and urge my colleagues to do likewise.

Mr. HOGAN. Mr. Chairman, as a member of the House Post Office and Civil Service Committee, during the course of the last year I have become aware of the need for sweeping reforms in postal policies and operations. The committee held extensive hearings resulting in 1,500 pages of testimony representing a myriad of viewpoints in support of postal reform and in support of and opposition to the proposals considered by the Committee. These were followed by long hours and lengthy consideration by the members of the committee to the need for postal reform and reorganization.

The major problems of the existing and very antiquated postal service were found to result in a chronic deficit operation while the quality of service has deteriorated under an evergrowing burden and costs to the American public continued to increase. On the internal side, the working conditions are very poor and sometimes primitive, and career prospects are bleak, resulting in extremely low morale among the employees. The committee found these problems arose from not a few but numerous circumstances which combined to deteriorate the postal service into its present state. There is no doubt in my mind that such deterioration will continue unless drastic changes are made.

The actual bill before the Members was transmitted to Congress by President Nixon on April 16, 1970, and was the result of the negotiations between the Postal officials and labor unions earlier this year. It should be noted that this bill incorporates many of the recommendations of the House Post Office and Civil Service Committee on H.R. 4.

Basically, H.R. 17070 would restructure the Post Office as an independent establishment within the executive branch of the Government to be known as the U.S. Postal Service. Although it would not be a Government corporation, it would have the authority and responsibility necessary to conduct the affairs of the U.S. Postal Service on a businesslike basis, and yet retain the public service character of the Nation's mail system.

The several amendments which the committee made to the bill are detailed in House Report 91–1104. However, I would like to briefly call to the Members' attention a few areas which I feel have been vastly improved upon by the committee.

The committee amended section 208 to require recognition of an organization of supervisors and administrative, professional and technical employees, levels PFS–17 and below, and permit them to participate in the formulation of all policies affecting the conditions of employment of that group, except for rates of pay.

Section 223 of the bill restricted collective bargaining units to national craft units. This amendment would have had a discriminatory and detrimental effect upon unions such as the National Postal Union and the National Alliance of Postal and Federal Employees whose memberships do not follow craft lines.

Furthermore, section 224(B) provides a savings clause for existing union agreements and supplements in effect upon enactment of this bill and section 226 was amended to continue in force existing agreements with organizations which provide for dues checkoff.

Section 1201 was amended to require that rates for fourth class parcel post be set so that the revenues therefrom would bear within 4 percent the cost of the service.

Section 112 of the committee bill would provide fair guidelines for the selection of postmasters during the interim period between the date of enactment and the effective date the new postal service begins.

The committee amended section 201, the section authorizing an 8-percent pay raise, to provide that the pay raise be effective retroactively to the first day of the first pay period beginning on or after April 16, 1970, remaining contingent upon enactment of H.R. 17070, however. Further, it provided for collective bargaining between postal management and the postal unions to begin promptly after enactment on wages, hours and working conditions.

I wholeheartedly support these amendments to the bill and feel there is only one major area which needs yet to be amended. That is the language in the bill which would permit the officials of the postal administration and the postal unions to negotiate union shop contracts which would require postal employees to join or pay dues to the union in order to keep their jobs. Under existing law, there can be no union shop or agency shop where Federal employees are concerned. This legislation would permit the extension of the provisions of the National Labor Relations Act for the very first time to Federal employment. I declare my intention to support an amendment on the floor which will guarantee each postal employee the right, without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from such activity. I am very hopeful that the Members will see the need for this protection clause for postal employees and join me in supporting this amendment when offered.

In summation, I feel the committee has done an outstanding job on this legislation, which, if enacted into law, will provide the necessary basis for a vastly improved and modernized postal service which is of vital importance to the continued growth and well-being of our Nation and its economy.

Mr. GUDE. Mr. Chairman, I rise in support of this greatly needed postal reform legislation. The administration is certainly to be commended for its willingness to come to grips with one of our biggest domestic problems of the day. The Post Office Department has been in serious trouble for years. Apart from the question of pay, the physical working conditions in many offices are poor; promotion opportunities are limited; and management has been unable to make improvements that have been brought about years before, in the private sector.

The legislation before us today provides a complete overhaul of a system that has long awaited such action. We can no longer subject the public to the increased delays, breakdowns, errors, and damage in a service that it pays for each day. Public dissatisfaction is more widespread and the demand for change has become more insistent than ever before.

It has now become apparent that all the shortcomings of the Post Office Department are bound up in the fact that management is shared. It is dispersed over a number of executive agencies and among several congressional committees. The only solution is fundamental reform which will put complete responsibility in a single place. Postal manage-

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ment must be given authority consistent with its responsibilities and the Department must be operated in a businesslike way. In so doing the postal employee will occupy the same position as workers in private industry.

I want to call your attention to an amendment that I am particularly pleased is a part of this legislation. Congressman McClure's proposal to guarantee that those persons who have religious conviction, particularly Seventh Day Adventists, to union membership will in no way be affected by the establishment of a postal corporation. Although I am a strong advocate of postal reform, I do not feel we can permit a postal reform bill to pass the House unless we have given the members of such faiths full assurance that their employment in the Post Office Department will not in any way be jeopardized as a result of the establishment of a postal corporation.

I firmly believe that our whole economy, as well as the postal patrons and postal employees, will benefit from a postal service which is able to operate in such a corporate framework as this legislation will provide.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to advise the House of the recommittal motion which I proposed to offer at the proper time.

Mr. Chairman, I was never more convinced of anything in my life than that there is dissatisfaction with the alleged reform provisions of the measure we have before us. The motion to recommit will be quite simple. It will provide for recommittal to the Post Office and Civil Service Committee of all provisions of the bill dealing with so-called postal reform. It will provide an 8-percent pay increase for all postal employees effective April 16, 1970, and will reduce the time in grade from the present 21 years to 8 years. This would be effective on January 1, 1971. That, in brief, will be the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. I believe the issue presented by the motion to recommit is a very clear-cut one.

The motion to recommit, if approved, would in effect give a pay increase, with the compression, and strip the whole committee action, and the Committee of the Whole action so far as reform is concerned.

A "yea" vote on the motion to recommit means in effect that we are abandoning the effort for any bona fide, legitimate postal reform. A "nay" vote means that we want to help to defeat just a pay increase, and a "nay" vote will mean, because there will be a subsequent vote on the final package, that we will vote for an 8-percent pay increase plus postal reform.

I hope the motion to recommit will be defeated, and I hope that in the final analysis we can vote for postal reform and a pay increase.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I should like to say to the gentleman I believe the motion to recommit makes some sense, because labeling something "reform" does not make it reform. One can put a label on a garbage can that says "reform" but it does not make the contents anything but garbage.

If Members think that turning the Post Office Department over to a commission which has proved time and time again that it cannot operate anything—we have got it in this—is reform, then they do not understand the word the way I understand it.

I believe the gentleman's motion will do exactly what this Congress ought to do: Give the postal employees a raise, and compact the time in which they can rise in grade. Then we can decide what the Post Office needs to do to carry the mails more efficiently.

It used to be, under the previous administration, it took 3 days to get a letter to my district 300 miles away. It takes 5 days now. If this bill goes through, I imagine the Pony Express would be faster.

Mr. GROSS. I appreciate the statement of the gentleman from Ohio. Let me say this, Mr. Chairman: I am for reasonable reform in the Post Office Department, but I am not for the unconscionable delegation of power that this bill would hand over to a commission of nine men in the Post Office Department.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the Minority Leader.

Mr. GERALD R. FORD. Every survey and every questionnaire, Mr. Chairman, have indicated that the American people want postal reform. The Committee on Post Office and Civil Service has made a bona fide, legitimate effort to come up with some reasonable, responsible, constructive postal reform.

The House in the Committee of the Whole has worked its will. I think it has improved the legislation, and we will have a clear-cut vote very shortly on whether you are going to have postal reform, which the American people want. I hope that the motion to recommit is defeated.

Mr. OLSEN. Mr. Chairman, I move to strike the last word.

Folks, I wish you would not get hysterical about this motion to recommit. Now, let us think on this and reflect a little bit.

We passed a pay increase for postal employees last October and it failed to get through the Senate. Then we had a strike and we had all kinds of turmoil. Finally, after much waiting they got a pay increase which was effective in January.

Now, I do not think that was very fair. With the kind of a delay that will occur with this motion to recommit, I think that would be even more unfair.

Let us be a little bit more sober in our reflection here. There are two things that are very necessary in this bill. One is a postal pay increase. That is vitally necessary. The other thing, especially if you visit with the Committee on Appropriations, which listened to the appropriation requests from the Post Office Department, is that they will tell you it is vitally necessary to have a financing program for expanding the facilities and the building program of the Post Office Department.

Now, I have shared the same experience that WAYNE HAYS talked about about the slowness of my service. When I first came to the Congress—and it was only 10 years ago—it only took 3 days to get a newspaper from my State of Montana to Washington. It now takes 5 days. But the real reason is not because my newspaper is in the hands of the post office for very long. We checked it out. Our waiter down there in the Members dining room is a postal clerk, and he checked it out for a period of 4 or 5 weeks. My newspaper did not stay in the Washington post office for more than 5 hours. My post office in Montana did not even see the newspaper because it was carried from the newspaper office to transportation.

That is where one of the real faults is. HARLEY STAGGERS said that he will help us with transportation. So do not blame this all on the post office. The post office does have to have increased facilities. To do that they have to finance facilities and buildings. The point I want to make here is I did not have my way here with several amendments, but this step has to be taken. We have to take this step. The best reason is to get a pay raise through for these men and their families, and the next best reason is because we need better facilities and we have to finance it in some way. This bill makes that possible.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Ohio.

Mr. HAYS. I think what the gentleman says about his newspaper makes a lot of sense. But I got a letter today, only today, saying that the Post Office Department under this present regime had made a study and they were canceling the mail cars between Pittsburgh and Indianapolis. They are going to carry it better. Well, you know that is ridiculous, because one of the reasons we have this trouble is because we do not have enough trains. They are going to put in a few more trucks and travel a circuitous route. In order to get a letter from here to my district, it has to go to Columbus and come back 100 miles by truck. These are the same managers you want to turn this whole thing over to now without any congressional supervision and pay them a fancy salary and let them go into the money market and borrow $10 billion and pay interest, all in the name of what? What about the other body? If they do not pass the bill, that is their fault.

Mr. OLSEN. I cannot yield further. I have to respond to the statement that the real problem on canceling mail cars is that when the mail car gets to some destination there is no connection with another piece of transportation. So there it waits on the dock.

And so the post office is stuck with having to find new transportation. That is the truth of the matter. The mail is not laying in the post office, your mail is delayed in transit, and we are going to have to get action, and the gentleman from West Virginia (Mr. STAGGERS) says

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we will get action out of the Commitee on Interstate and Foreign Commerce and get better transportation.

Now, let us get that straight. This motion to recommit is going to delay a pay increase—it is going to delay a pay increase, and that is why I am against the motion to recommit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that we are ready to vote on this, but let me make this one point, after I think very thorough debate, as I think the senior Members on this side, the gentleman from Montana (Mr. Olsen), who just spoke, our chairman, Mr. Dulski, the gentleman from North Carolina (Mr. Henderson), and myself all agree. Some of us do not like some of the things in the bill, but do believe this is a sound step toward postal reform. I talked with the leaders of the postal union, and asked "what do you want us to do on the motion to recommit?" and the answer is very clear—they oppose the motion to recommit, and urge their friends to vote against the motion to recommit. Year after year we have heard the same story that all they get is a pay raise; that is all they get—a pay raise. My subcommittee has recommended a pay raise almost every year. Still, each year the mail gets slower, the delivery gets worse, at least we are making a move to try something new. Maybe we can get some efficiency, maybe not, but the things cannot be any worse than they have been. Because certainly it is going to be easier for them to sit down and discuss their problems. The main thing is that the employee union people want collective bargaining. Up to now the unions have been merely lobbyists, they have been coming up begging with their hats in their hands, talking about getting a pay raise. Well, that is now out because they will have, in this bill, the machinery of acting with dignity, and they can sit down with management, an entirely new management, and say, "Here is what we need," through collective bargaining. "Here is comparability, here is what they are paying in the other sectors. We want this." They do not have to come around with their hat in their hand to Congress. If they do not come to an agreement, then they can say that they are going to binding arbitration, and they can go to binding arbitration.

So if you are for the postal workers, the clerks and the carriers, and for postal reform and for moving our mail better, you will vote down this motion to recommit and pass this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, I am not going to take the full 5 minutes, but I just want to comment on a couple of things.

The gentleman from Arizona said that he called the leaders of the union to find out what the men want. Well, that is probably the last place in the world you ought to call, because I think the history of the last few months in this country shows that most unions are not following their leaders.

Now, what these men want is a pay increase, and they do not want to be delivered to some political committee or commission who will say from here on out what they can do, and what they cannot do, how they will be hired, how they will be fired, and so forth.

And if you think you are taking this thing out of politics, let me tell you that you cannot take anything out of politics when somebody has to appoint a commission, and that somebody is in politics—I am sure you can guess who I am talking about.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Price of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, pursuant to House Resolution 1077, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment adopted in the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

MOTION TO RECOMMIT

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gross moves to recommit the bill, H.R. 17070, to the Committee on Post Office and Civil Service with instructions to report the same back forthwith with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

"Sec. 1. (a) The Postmaster General, under regulations made by him, shall increase the rates of basic compensation and basic pay of employees of the Post Office Department so that such rates will equal, as nearly as practicable, 108 per centum of the rates of basic compensation and basic pay in effect immediately prior to the date of enactment of this Act. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970. This section does not apply to employees in positions in the Executive Schedule.

"(b) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

"(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, for services rendered during such period; and

"(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, by an officer or employee who died during such period."

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government.

(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment.

Sec. 2. Section 3552(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

Sec. 3. Section 2 of this Act shall become effective on the first day of the first pay period which begins on or after January 1, 1971.

Mr. GROSS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER**. The question is on the motion to recommit.

Mr. **GROSS**. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 77, nays 307, not voting 45, as follows:

[Roll No. 179]

YEAS—77

Alexander
Anderson, Calif.
Annunzio
Ashbrook
Ashley
Baring
Barrett
Brooks
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Byrne, Pa.
Cabell
Carey
Carter
Casey
Culver
de la Garza
Delaney
Dingell
Edwards, Calif.
Eilberg
Flood
Ford, William D.
Gallagher
Giaimo
Gonzalez
Gray
Gross
Hanna
Hansen, Wash.
Hathaway
Hays
Holifield
Johnson, Calif.
Karth
Kazen
Kee
Landgrebe
Lowenstein
McEwen
Mikva
Miller, Ohio
Mink
Mollohan
Murphy, Ill.
Myers
Natcher
Patman
Perkins
Pickle
Poage
Price, Ill.
Pucinski
Rarick
Rees
Roberts
Rostenkowski
Ryan
Saylor
Scherle
Shipley
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Sullivan
Teague, Tex.
Thompson, N.J.
Vanik
Vigorito
Watson
Whitten
Wright
Yates
Young

NAYS—307

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Caffery
Camp
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Denney
Dennis
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gibbons
Gilbert
Goldwater
Goodling
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McClure
McCulloch
McDonald, Mich.
McFall
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Mills
Minish
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, N.Y.
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Pryor, Ark.
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Scott
Sebelius
Shriver
Sikes
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Bob
Winn
Wold
Wolff
Wydler
Wyman
Yatron
Zablocki
Zion
Zwach

NOT VOTING—45

Bray
Bush
Clark
Cowger
Cramer
Daddario
Daniels, N.J.
Dawson
Dellenback
Dent
Erlenborn
Farbstein
Foreman
Fuqua
Gaydos
Gettys
Griffiths
Hall
Hawkins
Hébert
Hull
Keith
King
Kirwan
Kluczynski
McCarthy
McCloskey
McDade
McMillan
MacGregor
Nedzi
Pelly
Pollock
Price, Tex.
Railsback
Rooney, N.Y.
Roudebush
Roybal
Schwengel
Stuckey
Ullman
Wiggins
Wilson, Charles H.
Wyatt
Wylie

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hall.
Mr. Ullman with Mr. Pelly.
Mr. Stuckey with Mr. Bray.
Mr. Dent with Mr. McDade.
Mr. Daniels of New Jersey with Mr. King.
Mr. Gettys with Mr. Price of Texas.
Mr. Farbstein with Mr. Pollock.
Mr. McMillan with Mr. Cowger.
Mr. Fuqua with Mr. Cramer.
Mr. Kluczynski with Mr. Erlenborn.
Mr. Hull with Mr. Foreman
Mr. McCarthy with Mr. Bush.
Mr. Clark with Mr. Keith.
Mr. Nedzi with MacGregor.
Mr. Daddario with Mr. Railsback.
Mr. Gaydos with Mr. Wylie.
Mrs. Griffiths with Mr. Wiggins.
Mr. Roybal with Mr. Schwengel.
Mr. Charles H. Wilson with Mr. Wyatt.
Mr. Kirwan with Mr. Roudebush.
Mr. Dellenback with Mr. McCloskey.
Mr. Dawson with Mr. Hawkins.

Messrs. **KARTH**, **EDWARDS** of California, and **PRICE** of Illinois changed their votes from "nay" to "yea."

Messrs. **HALPERN**, **PHILBIN**, and **BUTTON** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The **SPEAKER**. The question is on the passage of the bill.

Mr. **DULSKI**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 360, nays 24, not voting 45, as follows:

[Roll No. 180]

YEAS—360

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Crane
Culver
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denney
Dennis
Derwinski
Dickinson
Diggs
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
Madden
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rees
Reid, Ill.

Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ruppe
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Scheuer
Schneebeli
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Bob
Winn
Wold
Wolff
Wydler
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—24

Ashbrook
Brooks
Burleson, Tex.
Burton, Calif.
Cabell
Dingell
Gross
Landgrebe
Mahon
Mink
Patman
Poage
Rarick
Roberts
Ryan
Saylor
Scherle
Scott
Skubitz
Teague, Tex.
Watson
Whitten
Wright
Young

NOT VOTING—45

Bray
Bush
Clark
Cowger
Cramer
Daddario
Daniels, N.J.
Dawson
Dellenback
Dent
Devine
Erlenborn
Farbstein
Foreman
Fuqua
Gaydos
Gettys
Griffiths
Hall
Hawkins
Hébert
Hull
Keith
King
Kirwan
Kluczynski
McCarthy
McDade
McMillan
MacGregor
Nedzi
Pelly
Pollock
Price, Tex.
Railsback
Rooney, N.Y.
Roudebush
Roybal
Schwengel
Stuckey
Ullman
Wiggins
Wilson, Charles H.
Wyatt
Wylie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hall.
Mr. Ullman with Mr. Pelly.
Mr. Stuckey with Mr. Bray.
Mr. Dent with Mr. McDade.
Mr. Daniels of New Jersey with Mr. King.
Mr. Gettys with Mr. Price of Texas.
Mr. Farbstein with Mr. Pollock.
Mr. McMillan with Mr. Cowger.
Mr. Fuqua with Mr. Cramer.
Mr. Kluczynski with Mr. Erlenborn.
Mr. Hull with Mr. Foreman.
Mr. McCarthy with Mr. Bush.
Mr. Clark with Mr. Keith.
Mr. Nedzi with MacGregor.
Mr. Daddario with Mr. Railsback.
Mr. Gaydos with Mr. Wylie.
Mrs. Griffiths with Mr. Wiggins.
Mr. Roybal with Mr. Schwengel.
Mr. Charles H. Wilson with Mr. Wyatt.
Mr. Kirwan with Mr. Roudebush.
Mr. Dellenback with Mr. Devine.
Mr. Dawson with Mr. Hawkins.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CORRECTIONS IN ENGROSSMENT OF BILL H.R. 17070

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill, be authorized and directed to make such changes in section numbers, cross references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The **SPEAKER** pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

POSTAL REFORM, STEP FORWARD

(Mr. **DULSKI** asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DULSKI. Mr. Speaker, the action of the House today in passage of H.R. 17070 is a long step toward much-needed improvement in the postal service.

The bill creates a new independent agency which will have flexibility in management of the postal service. The postal service cannot operate effectively without the control of finances, control of transportation, and control of operational improvements, which are provided in this measure.

As I said in my remarks opening general debate on Tuesday, this is a most comprehensive matter. The extensive debate in our committee over 14 months and during 3 days on the House floor is clear evidence of the ramifications involved.

This bill is a pioneering step in the modification and improvement of the one public service which, like no other, affects every single citizen of our great country.

I am proud of the reform product which has been approved by the House.

An integral part of the measure is the well deserved combination 8-percent retroactive pay increase for the postal employees, plus a long overdue revision of the grade advancement system. Instead of 21 years, this bill would permit employees to reach the top of their grade in 8 years.

The final version of the legislation will be determined, of course, by the later action of the other body and a House-Senate conference, if necessary. I am hopeful for an early resolution of this vital matter by the Congress.

AMENDING SECTION 703(b) OF TITLE 10, UNITED STATES CODE, H.R. 16298

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16298) to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed srvices who voluntarily extend their tours of duty in hostile fire areas, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> On page 1, line 5, strike out "1971" and insert "1972".

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

(Mr. **PHILBIN** asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PHILBIN. Mr. Speaker, the action is necessary to correct a printer's error.

The bill as introduced and reported without amendment contained the date "June 30, 1972." The printer unfortunately set up the date as "June 30, 1971."

The House passed the bill on the Consent Calendar on June 15, 1970. The Senate, in acting on the House bill corrected the printer's error.

LEGISLATIVE PROGRAM

(Mr. **GERALD R. FORD** asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader about the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. In response to the inquiry of the distinguished minority leader, we have finished the program for the week and we will ask to go over until Monday upon the announcement of the program for next week.

The program for next week is as follows:

Monday is District Day. There are no District bills.

In addition to the bills listed on the program, the gentleman from Arkansas (Mr. MILLS) has advised that he will call up under unanimous consent bills previously announced and unanimously reported from the Committee on Ways and Means.

Those bills have been printed in the RECORD.

There are four conference reports that we expect to be called up Monday and for the benefit of Members, they have been listed on the whip notice. They are as follows:

H.R. 16516, National Aeronautics and Space Administration Act, 1971;

S. 743, to authorize the Touchet division, Walla Walla project, Oregon-Washington;

S. 2062, differentiation between private and public ownership of lands, Federal reclamation law; and

H.R. 17138, District of Columbia policemen, firemen, and teachers salary increases.

In addition to the conference reports, we have programed the bill (S. 2315) to restore the Golden Eagle program—under an open rule with 1 hour of debate.

On Tuesday there is scheduled H.R. 11833, Resource Recovery Act of 1970, under an open rule with 1 hour of debate.

We think this is the least controversial bill of the week and that is the day of the New York and other primaries.

On Wednesday we have scheduled:

House Joint Resolution 1264, continuing appropriations for fiscal year 1971; and

H.R. 18127, Public Works and Atomic Energy Commission appropriations bill, fiscal year 1971.

For Thursday and the balance of the week:

H.R. 17495, Emergency Home Finance Act of 1970 under an open rule with 2 hours of debate; and

H.R. 8298, water carrier freight mixing rule under an open rule with 2 hours of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, JUNE 22, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday Rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FOURTH OF JULY RECESS

Mr. ALBERT. Mr. Speaker, may I further advise the Members of the House that for the Fourth of July recess we shall adjourn at the close of business on the Wednesday preceding July 4, which is July 1, and we will reconvene at noon on Monday, July 6.

I had hoped to have more definite information about an August recess, but I am unable to say any more at this time. It depends partially on the status of our business. If the business of the House will allow, we do expect to have a recess during the last part of August and early September.

LESS TALK, MORE ACTION ON CAMPUS DISORDER

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, over the weekend, President Nixon announced the creation of another commission to study the causes of campus unrest. The people of this Nation are sick and tired of commissions, boards, and panels established to seek the causes of student disorders. They have waited long and patiently while one blue-ribbon committee after another met, investigated the problem and issued their reports. The American Bar Association appointed a panel to study it. Sol Linowitz headed a special educators' committee charged with investigating it. The President's own aides fanned out across the United States in a concerted effort to bring back firsthand impressions from the Nation's campuses. Numerous individual educators and experts on social relations have passed judgment on the situation. Congressional committees have heard volumes of testimony on the subject. Now we have another commission—why? Shelves are filled with reports, voluminous collections of facts and figures, gathering dust. Not one page of them tells what is really needed: A short, simple, four-letter word spelled g-u-t-s. Guts to discipline. Guts to expel.

We have had enough talk. The American public wants a tangible expression of authority and the determination to use it. In short, they want action. All the investigation, reflection, analysis, and publication of conclusions have not solved, and cannot erase, the problem of student unrest. It continues to grow unabated. The causes multiply, the occasions vary, but the tactics of the militants and the havoc they wreak remain the same. It should be clear to the administration by now just who and what is causing campus disorders and why. Another factfinding commission is just an excuse to procrastinate further and do nothing constructive to prevent future disturbances.

We do not yet know what conclusions this commission will reach. But a recent public statement by one of its newly appointed members, Joseph Rhodes, Jr., a 22-year-old Harvard student, gives some inkling of the way its biases may tend. He was quoted in the New York Times as saying that he wanted to know whether the law enforcement officers were "thinking about 'campus bums' when they pulled the trigger." Upon reading that, Vice President AGNEW demanded that Mr. Rhodes resign, saying he had impugned his own objectivity by that statement.

Whatever conclusions the commission may reach, they should not obscure the fundamental need for physical safety and security on the campus at a minimum, so that the university can conduct its proper business of education—not political revolution or social reform, but education—without debilitating and destructive disruptions.

I have proposed a bill to encourage colleges and universities to adopt rules governing the conduct of students, to assist such institutions in their efforts to prevent and control campus disorders. This legislation would simply require any institution of higher education which receives Federal aid to file with the Commissioner of Education a plan for dealing with them. Failing this, it would not be eligible for continued financial assistance from the Government.

The liberals, who feel that any such legislation is "inimical to the spirit of free inquiry,"—as if bombings, burnings, and strikes were not—oppose my bill. They are willing to bottle up badly needed higher education authorizations in order to prevent the attachment of such an amendment. It is unfortunate that a provision like this is necessary, but it is apparent that college administrators need stronger incentive to deal firmly with those who break the law on campus.

Timidity, appeasement, and capitulation on the part of lawful authorities only encourages further intimidation and blackmail and increased violence from the rebels. No one says, "No"—except the American people, and who speaks for them in the halls of academe? General laxity and permissiveness have brought shame and frustration on those who should know the qualities necessary to govern. Let those in a position of authority accept the responsibility that their titles demand and provide the—almost extinct—quality of leadership needed to preserve all that we consider worthwhile in education.

As responsible legislators, therefore, concerned for the future of higher education, we should supply the required incentive. We need not wait for the findings of the latest commission on campus disorder. We can scrap them. We know the facts. We must face the issue squarely and act now to preserve the peace and stability which alone are conducive to the spirit of free inquiry.

We would also do well to shift the focus of our attention on youth, in the news media, and at the official level, away from the minority of malcontents who disturb the peace, and back to the solid majority of law-abiding young people. We must deal firmly, even sternly, with those who make a career of violent protest, yes, but we should also remember the importance of the much larger numbers of people under 30 who never make the headlines. Sixty percent of our high school graduates do not attend college, but immediately join the ranks of the hard-working taxpayers. Many of them have families, fight in Vietnam, and assume all the responsibilities of adulthood which their college contemporaries defer. Why does no one inquire about their opinions, aspirations, and political philosophies? We might learn something from them about the future of America.

OCEANSIDE, LONG ISLAND, HIGH SCHOOL'S REFUSAL TO ALLOW CONGRESSMAN LOWENSTEIN TO SPEAK AT COMMENCEMENT EXERCISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 30 minutes.

(Mr. ROSENTHAL asked and was given permission to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, when I assumed the oath of office in the U.S.

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House of Representatives I sought out a guide of conduct that I might look to. The one I found most significant and most telling, and which I have felt would be a single light of advice and guidance to me was the remarks Edmund Burke made in the Parliament in 1774 when he considered the question of his responsibility of conscience in acting on behalf of his constituents and on behalf of what he felt was the national good. I would like briefly to read his remarks at that time:

EDMUND BURKE ON HIS CONSTITUENCY—1774

> Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion high respect; their business unremitted attention. It is his duty to sacrifice his response, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But, his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

And that, Mr. Speaker, is the end of a quote of very significant remarks. What it says in modern day parlance is that each of us has the singular responsibility to act according to his conscience and to have his conscience guide him in the affairs of state while at the same time taking into serious account the wishes and desires of his own constituency.

I find no higher order than to be able to suggest to my constituents the things that I have rendered judgment on and the issues which I have thought a great deal about. It seems to me the singular responsibility of a representative in this body to be able to speak to his constituents about issues on which he has a deep and undying commitment, issues which he has given a great deal of thought and attention to.

There is something, Mr. Speaker, that I do want to bring to your attention: The situation that has developed in the Fifth District of New York in Long Island that disturbs me very greatly, and I think should disturb the American people.

The chain of events began when a group of seniors at Oceanside High School in Congressman LOWENSTEIN's district asked the school administration to have Congressman LOWENSTEIN as the graduation speaker. The principal of the high school told the students to hold a referendum on the question of Congressman LOWENSTEIN speaking, and he indicated the results of the vote would be honored by the school administrator.

The students, as was their right and privilege and obligation, subsequently voted. The vote was 386 to 204 to invite the Congressman to speak to them upon the honor day of their graduation.

The school principal subsequently said that Congressman LOWENSTEIN could not speak at the graduation, and he did this on the pretext that the Congressman's presence, by virtue of his taking unique positions at times and controversial positions at other times, would cause a "disturbance" and a "controversy" in the school district. This turnabout resulted mainly from, I am told, pressure from the local school board, the same board that had earlier in the year refused to allow Congressman LOWENSTEIN to hold on school property one of the Congressman's biweekly educational forums, at which many Representatives of this body have appeared, and representatives of all shades of the political spectrum have been invited to discuss with the community their views on topics ranging from Vietnam to consumer affairs.

Subsequently the students were then directed to submit a list of noncontroversial potential speakers, from which the principal would then make the final selection.

Having had this taste of democracy, the students found it somewhat bitter, and the senior class officers, the class valedictorian and salutatorian, and a large majority of the class, are now holding a graduation ceremony of their own. As we might expect, they have invited Congressman LOWENSTEIN to speak, and he has graciously accepted their invitation.

Frankly, Mr. Speaker, it is very, very difficult for me to understand how a school board can refuse to allow its elected Representative of that district to speak to the district students, especially when the Congressman is well known, I might suggest, for his continued efforts to channel students' energies into working within what we call the system.

(Mr. O'NEILL of Massachusetts (at the request of Mr. ROSENTHAL) was granted permission to extend his remarks at this point in the RECORD.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, yesterday the Voting Rights Act was passed overwhelmingly by the House. Under your leadership and the leadership of the dean of the House, the chairman of the Judiciary Committee, we sent to the President a bill which would extend the franchise to 18-year-old citizens. I voted for this measure, as I am sure did most of my colleagues, because we have seen the intense interest of the young people of America in the political process and in policy decisions of our Government. They have asked for the right to participate fully as Americans in the decisions that affect all of us and future generations.

There has been much dissent, alienation, and dissatisfaction among the young people of our Nation. There has been some violence, and there are extremists on both sides, but the large majority of the Nation's youth is attempting to work within the system of government we now have and achieve desired goals through the constitutional means that govern us in our actions. I am sure everyone here has recently urged some high school group to participate fully in the political process, and work within our system for better programs and the changes that they favor. I know that I have done so, because I believe means are as important as ends, and because I affirm that things can be changed for the better by working within our political system.

It is for this reason that I am greatly distressed and disappointed that Oceanside High School on Long Island has chosen to thwart the will of its student body, and has refused our colleague, the gentleman from New York, the right to speak at graduation exercises there. The facts of the case have been adequately described. The students were told that they could have a vote on whether or not to invite Congressman LOWENSTEIN. They voted overwhelmingly to do so, and the principal reneged on his promise and refused to invite the representative of that district.

I am not particularly concerned about whose decision it was, although that is of some matter, but I am appalled by the hypocrisy of this action and the double standard that the school board officials or high school officials have chosen to adopt.

We are all concerned with the rights of majorities and minorities. I have heard many people decry the actions of small groups of individuals who deny a larger number of their fellows the right to hear certain speakers, to be interviewed by certain firms, to have or not to have ROTC, or to peacefully protest. There is merit in their arguments. We must at all times protect the rights of the individual, whether he is in the minority or the majority. But to promise a group of young people the right to choose their graduation speaker, and then to deny the overwhelming choice, is contrary to every principle of democracy that we hope our children learn in school.

What do we try to teach our children? That ours is a democracy, that the majority rules, while the rights of the minority are guaranteed, that the ballot is mightier than the bullet, that political activity is more productive than violent protest, and that the only reasonable and effective means of bringing about change or a desired result is by working with the tools provided by our democracy.

In 1775, Edmund Burke, trying to convince the British Parliament of the folly of its subjugation of the American colonies, said:

> Deny them this participation of freedom and you break that sole bond which originally made and must still preserve the unity of the empire.

Burke's words were proved right. He was concerned with retaining the loyalty of the Americans to the British Crown. I have no doubt, had his policy been adopted, there never would have been an American Revolution.

I am equally concerned that if we deny these freedoms to the young people of America, or to anyone in this land, we will lose their belief in our democratic system, and help to bring about a greater disruption than has been seen in this Nation since the Civil War.

A year earlier, Edmund Burke said of this same policy "it yields nothing but discontent, disorder, disobedience." Is not this an identical case? When we tell the students of America that the means exist for them to have a role in governing their own lives, and then withdraw that right, what will we engender except discontent, disorder, and disobedience?

We have here one man or a haudful of men denying a whole group the right to hear their elected Representative address them. If the adults of America, and particularly officials, do not practice democracy, it will do little good to preach democracy. All of our words will be in vain if our actions do not support them.

I am happy that the students of Oceanside High School will hold special commencement exercises so that they may hear Al Lowenstein's remarks. I know that in the past he has urged students to work within the system and has told them repeatedly that peaceful and legal participation are the only real means available to those who sought change.

In June of 1969, Al Lowenstein addressed the graduation class of Harvard. In that speech he decried violence. He said:

> America must not be forced to choose between the change that comes with violence and the violence that comes with no change.

He implored the students and adults there to work together within the means provided by our democracy.

I know that Al will continue to plead for democratic means, but the officials of Oceanside have made his task and ours much more difficult.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I am happy to yield to the gentleman from California.

Mr. McCLOSKEY. I should like to comment in that respect. I know of no Congressman in the United States, either in the House or the Senate, or no one at the White House, who has done more across this country in the last several years, as to trying to counsel students on many campuses which have been very troubled at the time to abide by the law and to continue their dissent within the law. It is inconceivable to me that any school board might consider the appearance of Al Lowenstein on any campus to cause a disturbance or to contribute to controversy. I am personally familiar with a number of instances in which his presence and his counsel have prevented disturbances, and where violence or other disturbances might have occurred had he not been present.

I want to commend the gentleman for his remarks and pay my personal respects to Congressman Lowenstein.

Mr. ROSENTHAL. I thank the gentleman.

Mr. Speaker, I want to tell my colleagues that within the past year Congressman Lowenstein has been invited to speak, and has spoken, among other places of varied points of view and student opinion, at Notre Dame, the University of Delaware, Harvard, West Point, Auburn, Pierce Junior College, Tulane, and Stanford.

It is mystifying that after the students have democratically chosen the Congressman as their preference for a commencement speaker the administration chose to ignore the wishes of the students. Frankly, their refusal seems to me at best to be a discredit to the democratic process and at worst an affront to the Congress of the United States, because the fact of the matter is that Congressman Lowenstein has the right every day to talk when the House is in session to all 435 of us on any subject he so desires, within the rules, as opportunity permits.

I consider the refusal of a public body, supported by public taxpayers, to permit a Member of this body to appear and speak to be a direct affront to the Congress of the United States.

That in itself is enough to make me most unhappy and find their decision regrettable. But, more than that, I believe, as the gentleman from California so eloquently pointed out, I know of no Member of this House who has more of a community of interest and working relationship with the students of America than our colleague Al Lowenstein.

He has gone the length and breadth of this land to preach nonviolence, to preach within the system, and to tell young people that this system can be made to work. Yet the incredible thing here is that the principal and school board of Oceanside, Long Island, who have, in my judgment, brought great discredit to the people of that community and to the State of New York, have told the young people that democracy cannot work, that their vote will be discounted, that their vote was not as good as that of the half a dozen members of the school board.

It is the most blatant example of exactly what we do not want in the United States. We want people to participate in a dialog.

My own judgment, from the things that I have done in my district, which was to try to bring people together of all views and persuasions, ideas and ideals, is that we have to find out how we can accomplish something to make this a greater nation by listening to the other fellow's point of view.

The principal at Oceanside said:

"We have a closed mind and we refuse to let our Representatives discuss the issues of the day, because we may have another point of view."

Frankly, Mr. Speaker, in my 8½ years of service in this Congress I know of no more serious affront to the Constitution of the United States and to the House of Representatives.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I am happy to yield to the gentleman from Minnesota (Mr. Fraser).

Mr. FRASER. Mr. Speaker, I wish to associate myself with the remarks of my colleague from New York about the incident at Oceanside High School.

Congressman Lowenstein has contributed greatly to the cause of orderly democratic government in this country by his own vigorous and reasoned participation in our established system. He has gained the admiration especially of the young people of our country by the effective advocacy of those ideals and extolled the idea of freedom, justice, and nonviolence.

To deny the young people of Oceanside High School the right to hear the gentleman from New York, after they had made their wishes known in a democratic function encouraged by the school's administration, is incomprehensible.

Congressman Lowenstein's advocacy of the highest goals of our Republic deserve ever wider audiences in our view, not fewer. We expect our young people to respect our governmental processes. Preeminent is our devotion to free speech which is enshrined in the first amendment to the Constitution. We have to show young people that we mean what we say. Incidents like the one at Oceanside show, unfortunately, that the students are right in their assessment of hypocrisy in the adult world. This event demeans not Congressman Lowenstein but those who prevented him from speaking.

I thank the gentleman for yielding to me.

Mr. JACOBS. Mr. Speaker, will the gentleman yield to me?

Mr. ROSENTHAL. I am glad to yield to the gentleman from Indiana.

Mr. JACOBS. I thank the gentleman for yielding and for having the devotion and decency to arrange this special order and speak out.

Mr. Speaker, Solon said:

> Civilized government is impossible unless the unconcerned are as outraged as the victim.

Mr. Speaker, "And crown thy good with brotherhood from sea to shining sea." What a pity that neither of those shining seas quite reaches Oceanside High School.

The senior class, by direction of their principal, takes a vote. The overwhelming majority chooses our colleague, the Honorable Allard Lowenstein, as their commencement speaker.

What a beautiful lesson in democracy. Put it to a vote. Accept the decision. Operate inside the system.

But, no. Apparently the high school principal tried an experiment in true democracy, but then decided to decide what was best himself—namely, the losing side.

> I believe in the capacity of democracy to surmount any trials that may lie ahead, provided only that we continue to practice it in our daily lives.

Those words were spoken by David E. Lilienthal in the now famous extemporaneous Credo of Democracy. But the lesson of democracy at Oceanside seems to be that students are people too and, therefore, they should have the right to vote on the question of who is to speak to them—so long as they vote right. And "right" apparently means whatever way the school principal chooses to point his view.

The yelling yippies who shout down the Member of Congress who is trying to speak publicly—are they really only distant cousins of narrow minded administrators who, by the stroke of a pen, prevent that Member of Congress from speaking publicly in the first place? Or are they, in fact, feuding blood brothers of his?

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I will be happy to yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I thank the gentleman for yielding, and I would like to commend the gentleman in the well for the very excellent remarks he has made on this subject and for having taken the special order on a subject which I think is of vital importance to the American people.

Mr. Speaker, I find it rather appalling to think in these days and times that a Member of the U.S. Congress has been denied the right to speak to a group of young people who have requested his appearance at a high school in this Nation.

If we look about our Nation today we might realize that the young people of today are perhaps a little more concerned than young people have been in the past. They are not willing to listen to everyone in this country today. Fortunately, on this occasion they chose a man who, in spite of the many inequities about the American system, still believes and is dedicated and wedded to working within that particular system.

I would think that the officials of the school should have been grateful and glad to have within the premises of that building a man who is still dedicated to working within the system and who has so often been challenged by many young people around the country on various campuses as to why he still believes in a system that has in many cases been an oppressive system; one that has been degrading in many respects, and yet here is a man who has been able to admit the many inequities of our system, but yet point to the many good things about the system under which we live; a man who still believes in and loves his country very much.

I for one want to say, Mr. Speaker, that I certainly hope that our colleague, Mr. LOWENSTEIN, will avail himself of the request of a part of this group of young people to come and speak to them at some other place.

As all of us know, one's graduation memories are something that linger with one over the years. Certainly the fact that democracy did not work in this instance will always be a reminder to these young people.

Mr. ROSENTHAL. Mr. Speaker, I thank the gentleman, and I now yield to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I should like to take this opportunity to commend the gentleman from New York (Mr. ROSENTHAL) for having brought to the attention of the House the indefensible action of the school principal and the school board in Oceanside, Long Island. It is hard to believe—in fact, it is incredible that constitutional freedoms would be abridged in such fashion; that the principal of a high school would deny an opportunity to speak to any citizen whose views were sought by the students, and particularly deny it to a Member of Congress who has shown throughout his years of service to his country, both before and since he joined us in the Congress, that he is dedicated to helping students understand what our democracy is all about, dedicated to working with them so that they will know that in our society there is a role for them to play in bringing about change, and to showing them how they can make their influence felt.

It is a travesty that the school officials have seen fit to suppress freedom of speech in this case, and prevent a distinguished Member of Congress from speaking. But I know that Congressman LOWENSTEIN, whom I have known for many years, will speak very eloquently at the time and place for which he has been invited, and that he will, as he does always, inspire those students to respect and honor the principles upon which this country was founded and to contribute in their future years, as the gentleman from New York (Mr. LOWENSTEIN) has done.

Mr. ROSENTHAL. I thank the gentleman.

Mr. Speaker, I now yield to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, I want to thank the gentleman from New York (Mr. ROSENTHAL) for yielding me this time.

Mr. Speaker, I want to join the other Members of my party in commending the distinguished gentleman from New York (Mr. ROSENTHAL) for bringing to our attention the affront to our colleague, Congressman ALLARD K. LOWENSTEIN, by the principal of Oceanside, Long Island, High School.

In recognition of Congressman LOWENSTEIN's many contributions to his country, he was suggested as their commencement speaker by a group of Oceanside High School graduates. The seniors then were permitted by the principal to vote as to whether or not Mr. LOWENSTEIN should be their speaker. They voted that he should by a 386-to-204 margin.

After this referendum the school administration then refused to honor the graduating class decision. The reason, according to the principal, was that Congressman LOWENSTEIN's commencement appearance might cause a "disturbance."

Mr. Speaker, this represents not only a denial of free speech but, more important, smacks of hypocrisy at a time when the gap between generations is growing. As station WCBS noted in a recent editorial: ". . . some young people have had a taste of democracy and found it bitter. They have been told to work within a system which, in this case, did not work for them."

As a Member of Congress, I am distressed at the Oceanside High School incident. Not because Congress, as an institution, has been affronted. Rather, because one of the basic tenets of our democracy—freedom of speech—has been denied a distinguished American.

Mr. BRASCO. Mr. Speaker, I am deeply disturbed by the fact that the Oceanside School Board chose to deny Congressman LOWENSTEIN the opportunity to address Oceanside students at their commencement exercise after these same students requested him to do so and solidified their request by a 2-to-1 vote.

Some school board members in Oceanside are quoted as referring to Mr. LOWENSTEIN as an extremist. This kind of smear is most unfortunate and inappropriate.

If he has been extreme it has only been in behalf of his ardent support of change in America's international and national policies, but only through the democratic process.

He has urged the change of many outmoded procedures in the House of Representatives—not in the streets—but on the floor of the House.

Since the expansion of the war into Cambodia, I have personally observed Congressman LOWENSTEIN urging the thousands of students who came to Capitol Hill to take their dissent off the streets and convert it into political action.

Mr. Speaker, if that's being an extremist, he's my kind of extremist. On the other hand the school board chose to speak before checking the facts; they chose to deny the request of the graduating students made after a democratic vote; they have conveniently overlooked the right to freedom of choice and freedom of speech. Thus they have widened the gap between young America and adult America.

Under these circumstances one would have to ask the question who is extreme, Mr. LOWENSTEIN or the Oceanside School Board?

Mr. KOCH. Mr. Speaker, the school board of Oceanside High School took an action against our colleague, ALLARD K. LOWENSTEIN, which while intended to reflect negatively upon this distinguished Member from New York in fact reflects adversely on the board and actually redounds to the credit of Mr. LOWENSTEIN. By denying to the senior class the right to invite Representative ALLARD LOWENSTEIN to its graduation program, the school board demonstrated why it is that the young people in our country have to such a great degree lost faith in their elders. Can it be that in our country today a Representative in Congress can be deemed "persona non grata" at a graduation exercise? It does not take a sage to grasp the underlying reason why the school board acted as it did: that board intended to deny a dissenting opinion being heard on the school grounds. It happens that I concur with Representative LOWENSTEIN's opinions in opposition to the war in Vietnam, but were his opinions to be totally adverse to mine I would oppose the action of the school board in denying him, upon invitation of the students, the opportunity to give voice to his opinions.

I have no doubt but that the students more correctly represent the opinions of the Oceanside community than do the apparently milk toast school board members, fearful of having dissent aired. Their decision is more regrettable because it adds fuel to the fire of those who say that our democratic system does not permit dissent. Obviously there are times when our democratic system is degraded as it was in Oceanside, and most sadly, in this case, by those who are elected to give leadership.

The members of that Oceanside School Board, were they to be graded in a class devoted to civics, would flunk.

Mr. SYMINGTON. Mr. Speaker, I am surprised to learn that our colleague, ALLARD LOWENSTEIN of New York, has been vetoed as commencement speaker by the Oceanside, N.Y., School Board.

The freedom not to listen has become precious in many quarters of the Nation today, but we should be careful not to exercise it too frequently. Indeed, I have observed that when Mr. LOWENSTEIN speaks in this House those of his colleagues who differ with him on various issues join those who agree in listening intently to what he has to say. I think this is chiefly because he never fails to speak with eloquence and deep feeling on matters of great concern to us all.

Never may his remarks be characterized as superficial. One must accept the autonomy of school boards and other worthy institutions dedicated to the Nation's welfare. But I would include the Congress among such institutions, and if Mr. LOWENSTEIN's ideas are important enough for the Congress to hear I should think they would also warrant a hearing by high school students in the district which sent him here.

Mr. VAN DEERLIN. Mr. Speaker, the school board in charge of the Oceanside, Long Island, High School, has embarked on a strange and self-defeating course in rejecting our colleague, AL LOWENSTEIN, as a commencement speaker.

Congressman LOWENSTEIN needs no defense from me, or anybody else. While others in high places encourage polarization, he has consistently sought to keep the young and the dispossessed within the "system," by offering them encouragement and empathy. His course is a far more difficult—and responsible—one than that taken by those many politicians who respond to the disenchantment of our youth with a deaf ear or a sneer.

But someone better come to the rescue of this small-minded school board.

Americans are an essentially fair-minded people. Rather than having hurt Mr. LOWENSTEIN as the board members may have hoped with their show of pettiness and bias, it is probable they have actually helped him politically.

I guess the students at Oceanside High will just have to suffer their school board until they become voting citizens and can help elect a better one. Meanwhile, graduating seniors have made the best of a bad situation by arranging a separate, unofficial ceremony to hear Mr. LOWENSTEIN.

And this "rump" commencement, doubtless, will be remembered far longer than the regular one.

Mr. REID of New York. Mr. Speaker, I have just heard about the decision of the Oceanside school board refusing to let Congressman LOWENSTEIN speak at the commencement exercises of the Oceanside High School.

It is my understanding that the chain of events began when a group of students asked the administration of the school to invite Congressman LOWENSTEIN to deliver their graduation address. The school administration indicated hesitation at this request, but urged the students to hold a vote on the matter, and indicated that the results of the vote would be upheld. A vote of the students was taken, and by a majority of almost 2 to 1 the Congressman was chosen as speaker.

In spite of the vote, however, the board once again refused to invite the Congressman to speak, and submitted a list of "noncontroversial" potential speakers from which the students were to choose, once again, their speaker.

In the meanwhile, the students, angered at the administration's broken promise, made arrangements for their own graduation ceremony at which the gentleman from New York (Mr. LOWENSTEIN) was to speak.

These students do not represent a tiny fringe of radicals—most likely a tiny fringe of radicals would not care to listen to a man who has dedicated his life to working within the framework of our Government for justice and equality.

Rather, these students represent a substantial majority of the graduating class at a high school in the fifth district of New York, represented by ALLARD K. LOWENSTEIN. All they were doing was working within the democratic system to choose a speaker, who happened to be their elected representative to the U.S. Congress—hardly a radical institution, although perhaps a controversial one.

I suggest that it is indeed a shame when those in a position of authority—the administration of a school, and the local school board—refuse to abide by an overwhelming majority of popular vote. Such arbitrariness offers little hope to those already questioning the responsiveness of the American system. AL LOWENSTEIN can offer them a good deal of hope, and I only wish that the school authorities could have the opportunity of hearing him.

If we are serious about encouraging young men and women to act constructively within the democratic process, we must make this possible. The alternative is alienation and divisiveness at a time when unity in this country is vitally needed.

Mr. WOLFF. Mr. Speaker, I have great respect for the young people of this Nation and their capacity to act responsibly. Thus it is that I am disappointed that the Oceanside, Long Island, School Board has denied a student request to have our colleague, the Congressman representing Oceanside, the gentleman from New York (Mr. LOWENSTEIN) speak at their high school graduation later this month.

I find it most regrettable that any Member of the Congress, whatever his political views and whether or not I happen to agree with him, should be denied the right to speak in circumstances such as these when asked by the graduating seniors. Certainly actions such as these make it more difficult to say to concerned young people that adults want an open dialog with them.

The point here is a simple one: a U.S. Congressman was invited by a group of his young constituents to speak at their high school graduation and then the school board denied that Congressman the right to speak. I am hard put to imagine any circumstances that could justify the decision of any group to deny a Congressman the right to speak in a situation such as this.

Mr. RIEGLE. Mr. Speaker, it is distressing to learn that a man of AL LOWENSTEIN's character and national stature should be denied the opportunity to address a graduating class that, by its own election sanctioned by the school principal, indicated that he was their choice for commencement speaker. Whenever a responsible Member of the U.S. Congress is denied access to a public forum, then the freedoms of all people are eroded.

The principal's excuse that Congressman LOWENSTEIN is a political figure whose remarks might cause a "disturbance" simply do not hold water when we look at his record. Since the day he was first elected to office in this body, AL has traveled extensively throughout our country to talk to students in an effort to develop constructive answers to student complaints. Everywhere he has appeared, he has encouraged reason and calm and has argued that violence has no place in our society. He is one of a very few people who has bridged the "credibility gap" to convince young people to work within our established system in order to effectuate the changes they think America needs.

Mr. Speaker, I think it would be appropriate at this point to insert into the CONGRESSIONAL RECORD an article which appeared in the Christian Science Monitor on May 20, 1969, that testifies to AL's ability to reach students and his dedication to nonviolence as the means for expressing dissent.

The article follows:

LOWENSTEIN TAKES FIGHT TO THE CAMPUSES

(By Lucia Mouat)

WASHINGTON.—"All I want to do is shake his hand—this guy's my hero you know."

Soon the University of Maryland student with the sideburns got his wish as freshman Rep. Allard K. Lowenstein (D) of New York came zipping out of his office in a last-minute dash to the airport. With one handshake and a brief greeting later, he was off for a speaking engagement at Notre Dame University.

As leader of the "Dump Johnson" movement and a longtime articulate critic of the Vietnam war, Mr. Lowenstein is an over-30 liberal with considerable under-30 appeal. But what he says as he speaks to college campuses this spring is not always what students expect.

He assures them that change is possible without violence and disruption. And he puts the message strongly. He refers to burning buildings and spitting at university presidents as "pointless nonsense" which will not bring the war to a close or solve the nation's domestic problems "one second sooner."

"There is something between Melvin Laird and the SDS," he tells his young audiences. (The Secretary of Defense and the Students for a Democratic Society are considered at opposite poles in their view on Vietnam.)

STANDING OVATIONS

As a politician Mr. Lowenstein admits it would be easier and more natural for him to denounce violence before civic groups or on the floor of the House. Instead, he decided to "take the fight where it's at" by going straight to the campuses.

While on-campus radicals predictably try to disrupt the speeches or at least make noisy exits, Mr. Lowenstein is often given a stand-

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ing ovation at the close of his remarks and often takes part in late-evening "bull sessions."

As a liberal, he carefully links his indictment of violent tactics with an impatient plea for social change. He charges that members of Congress are wasting vital time and energy by simply congratulating themselves on how virtuous they are because they are against violence and rioting.

If Congress is really eager to stamp out the disruption, he suggests, it would not allow itself to become preoccupied with cutting off scholarship aid to campus rebels but would hasten to solve some of the nation's most pressing problems.

"It's now more fashionable to denounce than approve," he says, "but if we don't get out of the current lockstep, present violence is going to get worse."

"ONLY SHOW IN TOWN"

The Congressman from Nassau County, who has taught variously at Stanford, North Carolina State University, and the City College of New York, sees his mission in campus speaking as reminding the "great majority" that they are not alone.

"There's great toleration for violence mainly because it's the only show in town," he remarked in the course of the hectic ride to the airport. "On no campus that I've visited does disruption by the Left have the support of any substantial number. But you've got to prove there are plenty of alternatives or it becomes the prevailing wind and the majority acquiesces."

He argues that the student majority, like the bulk of the American people, needs to be convinced that there is an effective choice between violence and parliamentary procedure.

"We can pull together the vast majority of Americans or we can split among ourselves and fight as to what's the acceptable way to bring change," he adds.

In this congressman's view—though he does not consider ending the war a cure-all—students around the country would do well to emulate Yale University's senior class this year in petitioning the administration to dedicate commencement activities around the goal of ending the war in Vietnam.

Mr. HARRINGTON. Mr. Speaker, it has been brought to my attention that the Oceanside, Long Island, School Board—despite the expressed wish of a majority of graduating high school seniors—has denied permission for U.S. Congressman Allard K. Lowenstein to be the principal commencement speaker.

The reason given was that Congressman Lowenstein, as a noted critic of Indochina policy, might be a "disruptive influence." The school board totally ignored Congressman Lowenstein's long record of service in State and National politics and government. The Congressman has done a great public service with his unflagging opposition to the misguided war in Vietnam.

In ignoring the results of a referendum among graduating seniors, the school board provides one more example of the kind of narrowness of viewpoint that has led to many of the problems we face with our youth today. What impression of the political system are high school students to be given when they are not allowed to invite their own Congressman to speak at their commencement? I join many other Members of the House in deploring this action.

Mr. ROSENTHAL. I thank the gentlemen.

Mr. Speaker, I hope that this, what seems at the moment to be a very sad and regrettable story, has a happy ending. My optimism within the system causes me to say that.

The only happy ending that can occur here is that the school principal and administration on Oceanside will have a change of heart and when they stop to think about the history of this country and the Declaration of Independence and the first 10 amendments to the Constitution and all the great things that this land and Nation stands for that they will make a reversal of that decision.

I guess the best way to sum that up is to say that they will open the doors and the windows of that very distinguished school in Oceanside and let a little sunshine come in and then we can all breathe a little easier and the young people in Oceanside will have a refreshing whiff of what the American dream is really all about.

GENERAL LEAVE TO EXTEND

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent that following my remarks other Members of the House may be permitted to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 20 minutes.

Mr. HOGAN. Mr. Speaker, on June 10, 1970, I introduced the "National Catastrophic Illness Protection Act of 1970," which would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which afford individuals extended health protection.

Eleven of my colleagues have joined with me today in reintroducing the bill. They are:

Mr. Beall of Maryland.
Mr. Bell of California.
Mr. Button of New York.
Mr. Dowdy of Texas.
Mr. Friedel of Maryland.
Mr. Gude of Maryland.
Mr. Hastings of New York.
Mr. Hawkins of California.
Mr. Kyros of Maine.
Mr. Podell of New York.
Mr. Roe of New Jersey.
Mr. Williams of Pennsylvania.

I am very pleased with the reactions thus far to this proposal, and I am sure that when the Members of the House fully understand it, they will agree that this is a very reasonable and economical approach by which the Federal Government can engender a private program to protect all Americans against insurmountable medical expenses.

The legislation I have proposed will go a long way toward mitigating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses should be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families who choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would only be when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families

would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable, especially as more and more of our citizens availed themselves of its protection.

A section-by-section analysis and the bill can be found on pages 19271–19276 of the CONGRESSIONAL RECORD of June 10, 1970.

Until the complex problems of rising medical costs are resolved, most families faced with extended illness or serious injury will continue to be financially wiped out.

I submit for the information of my colleagues, an article by Jack H. Morris, appearing in the Wall Street Journal of May 7, 1970, which illustrates one such situation:

[From the Wall Street Journal, May 7, 1970]

THE COST OF ILLNESS: STAGGERING MEDICAL BILL CAN MAKE GOING ROUGH EVEN FOR THE AFFLUENT

(By Jack H. Morris)

VIRGINIA BEACH, VA.—The high cost of illness has humbled John and Betty Baines.

An exuberant, outgoing couple, their life until a few years ago was a carefree blend of conspicuous consumption, frequent parties and financial security. John was a young executive on the rise, and Betty enjoyed the social standing that John's position afforded.

Then one day nearly four years ago their two-and-a-half-year-old daughter, Karen, was stung by a bee. That was the start of a financial nightmare.

The sting triggered a disorder in Karen's kidneys, and within days her body began to swell pitifully. The kidneys were allowing toxic substances to accumulate in her blood stream, while filtering out vitally needed protein. Doctors quickly diagnosed her illness as nephrosis. Since then Karen has spent a total of 21 months in the hospital, running up medical and related bills totaling $57,794. Her doctors say she faces yet another four years of costly medical care before she can return to normal life.

HARD-PRESSED MIDDLE CLASS

The Baineses are living with what medical authorities define as a "catastrophic illness"—one whose financial burden can be overwhelming. Such illnesses are proving increasingly painful to middle-class families, who are neither eligible for Government assistance nor financially able to meet the soaring cost of medical care on their own.

No one knows how many families face medical bills of this magnitude. But the Health Insurance Institute in New York notes that while 85% of all Americans under 65 have some medical insurance, fewer than half this number are protected by major medical policies covering prolonged illness. Furthermore, many families are covered by major medical policies that were written several years ago and carry maximum benefits of only $5,000 to $10,000—sums wholly inadequate to meet today's hospital costs, which reach $100 a day in many metropolitan areas.

To be sure, most Blue Cross plans and commercial insurance companies are upgrading their coverage whenever new policies are written. But they admit that their efforts haven't closed the gap. One reason is that most people are covered under group policies negotiated by unions and management. At contract time there generally is more pressure to provide broader coverage—for such things as semiprivate rooms, visits to a doctor's office or dental care—that would affect the many than to increase payments for catastrophic illnesses affecting the few.

"It never crossed my mind that I wasn't adequately insured," says John Baines, a craggy-faced, self-made man of 42. But as a vice president of Southern Materials Co., a large building materials concern, he confesses he faces a dilemma. "Now I know how much an illness like this can cost, but as part of management I also know we're limited in what we can pay for group insurance." As a result, he and other Southern Materials employes still are covered by a policy with a maximum of only $10,000.

PINCHING PENNIES

The Baineses found that most of their insurance was used up during the first year of Karen's illness. Their savings have long since been replaced by mounting debt, and even with John's salary of nearly $30,000 a year, the family has had to cut out many things to make ends meet.

"I never used to pinch pennies, and I'd look down my nose at those who did," says Betty Baines, a trim, dark-haired mother of three other children. "Lately, however, I think I'm the biggest penny-pincher in town."

Grocery bills have been pared by $50 a month, and Betty's Easter shoes this year cost $16, not the $40 or more she used to pay. The Baineses have withdrawn their three sons from private school, canceled memberships in four golf, beach and country clubs, and cut their entertaining expenses and charitable contributions. John, an antique car buff, sold his 1922 Model T Ford for $1,100 and applied the money against Karen's bills. He also has borrowed against his stock, cashed in his life insurance and no longer is the first to reach for the check when lunching with friends.

Their losses constitute a significant change in the Baineses' style of living. For instance, a neighbor and close friend who used to socialize and vacation with the Baineses says she no longer extends invitations to the couple. "It would just hurt their feelings to ask," she explains, noting that John and Betty would feel obligated to reciprocate.

Similarly, John finds his new austerity embarrassing while working with other businessmen on a committee to seek new industry for Virginia Beach or while serving as a vestryman at his Episcopal Church. He has also had to pass up a promotion that would have involved a move to Texas and a change of doctors for Karen.

THE BRIGHTER SIDE

The picture isn't entirely black, however. With a large house in one of the most fashionable areas of town, the Baineses readily admit they still live better than most families. Also, they're thankful for the care their daughter is receiving. "I also think we've grown closer together as a family," Betty adds.

In addition, they've been extremely lucky. John has wangled more money from his insurance company than he previously thought possible. The president of his company has helped him arrange loans at favorable rates. Friends and foundations have picked up some drug costs. The specialist who has worked most closely with Karen's case has never submitted a bill, and recently Johns Hopkins Hospital unexpectedly wrote off a substantial portion of the family's hospital charges.

It doesn't always work out that way, of course. The wife of a Philadelphia merchant, for example, had to transfer to a charity ward in the city hospital after her insurance benefits expired and a private hospital refused to continue her treatment. On the other hand, as hospital authorities point out, many families overwhelmed by medical bills simply refuse to pay at all. But for those families that do make the effort, a close look at the Baineses case shows the ordeal of balancing medical costs against the needs of the rest of the family.

When Karen was first admitted to the hospital in Jacksonville, Fla., where the family was then living, there was little to indicate that her stay would become a protracted one. Under terms of their insurance, the Baineses agreed to pay the first $10 of Karens hospital bill and 20% of anything above that. However, after six weeks of massive transfusions to replace the protein that was being lost through Karens damaged kidney, it became apparent that more extensive treatment was needed. Karen was transferred to the University of Florida hospital in Gainesville. After another six weeks of treatment her condition still remained poor, and her parents were beginning to realize that recovery would be an agonizingly slow, expensive process. Their out-of-pocket costs to Florida doctors and hospitals alone totaled about $4,800.

Through friends, the Baineses were introduced to Dr. Harriet Guild, a pediatrician at Johns Hopkins in Baltimore, who has devoted her life to the treatment of nephrosis. Karen was referred to Dr. Guild and Johns Hopkins. Like most patients referred to a major medical center, Karen entered the Baltimore hospital with what was by then recognized as a major illness, and with her insurance benefits, and her parents' resources, already seriously depleted.

Karen's first visit to Johns Hopkins lasted 11 months, six of them spent in isolation (not even her parents were permitted to see her). Then shortly after her release in September 1967, it was discovered that she was suffering side effects from the heavy doses of cortisone she was taking. She developed a diabetic condition and an allergy; cataracts formed in both eyes, causing total blindness.

Since then, Karen has been back to Johns Hopkins seven more times for stays of three to six weeks. Operations in the spring and fall of 1968 removed the cataracts, and with the aid of bifocals she has regained her sight. She is scheduled to return again later this month.

Financial records on her case at Johns Hopkins weigh five pounds and list charges totaling $29,814. Of this amount, insurance has paid $13,082. (The insurance company treated Karen's eye surgery as a separate ailment and then, after the $10,000 limit on the kidney ailment was reached, it allowed the Baineses to reinsure their daughter and collect another $1,000 a year).

The Baineses have paid another $6,056 to Johns Hopkins out of their pocket. This has been in the form of monthly installments to the hospital of $75 a month since 1967 as well as additional payments of $1,000 or so each year from income tax refunds or borrowings. On top of this they have paid out $3,500 to doctors in Baltimore and Virginia Beach and have been shelling out up to $130 a month for the 32 prescriptions Karen needs to control her illnesses or to counteract the drugs that do. (The Kidney Foundation, a national group that supplies some drugs to kidney patients without charge, and a friendly druggist who sells other prescriptions at wholesale combined recently to cut the Baineses' monthly drug bill in half).

There have been other less obvious costs. Because cortisone has left Karen highly susceptible to disease, the Baineses have spent $5,000 to install an electronic air filtering system, a humidifier and zoned heating and air-conditioning in their house. Before the illness they had a part-time maid; now they need a fulltime one (at $230 a month) to lift Karen and help her exercise. Long periods in bed and heavy drug use have weakened Karen's legs and left her overweight. Although now six years old, she is just learning to walk with the use of parallel bars and requires frequent physical therapy sessions. She also is getting special tutoring and will need more in the future.

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A few months ago the Baines were desperate. Betty, for instance, fretted over how they were going to afford college educations for their three sons, who are now aged 16, 14 and 9.

SOME LUCKY BREAKS

Then, without the Baines' knowledge, the Kidney Foundation wrote Johns Hopkins and solicited help from the hospital. By tapping a restricted endowment fund, Johns Hopkins promptly wrote off $8,850 of the Baines bill, leaving a remaining balance of only $1,826.

Thomas Barnes, Johns Hopkins treasurer, explains that an excessively large bill like the Baineses, which would have taken them more than 10 years to pay off even if Karen had needed no further treatment, is so discouraging that it often prompts families to quit paying altogether. So, whenever possible, the hospital uses its endowment funds to reduce bills to the point that the "guy can see some light at the end of the tunnel."

Mr. Barnes also was impressed by the way the Baineses had kept up their payments over the years without complaining about the size of Karen's bill. "Obviously we weren't dealing with some guy who was taking an irresponsible attitude toward his obligation," he says.

The write-off may not result in a loss for Johns Hopkins in the long run. Vows John Baines: "One of these days when all this is behind us, we hope we'll be in a position to help Johns Hopkins as they have helped us." The Baineses already are moving to repay their obligation to the Kidney Foundation by heading a drive to organize a local chapter in their area of Virginia.

Perhaps the Baineses' most generous benefactor, however, has been Dr. Guild, the specialist who has been Karen's principal doctor and who has never sent a bill. "If I got a bill from her for $20,000 tomorrow, I wouldn't say a word," John confesses. But Dr. Guild says she has made it her practice to charge her patients only that amount that she can collect from their insurance. And so she has marked the Baines account as paid although in four years of intensive care she has collected only $763.

GOVERNMENT AGENCY—CIVIL AERONAUTICS BOARD—PROTECTS INDUSTRY IT WAS ORGANIZED TO MONITOR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McDonald) is recognized for 10 minutes.

Mr. **McDONALD** of Michigan. Mr. Speaker, another Government agency has reared its inconsiderate head and taken steps to protect the industry it was organized to monitor. I am speaking of the Civil Aeronautics Board, and its recent, so-called temporary action which permits air carriers to round out our air ticket costs to the highest dollar. A recent Wall Street Journal article, in reporting on this action, used words to the effect that air travelers would not have to fuss any longer with odd dollars and cents. Well, Mr. Speaker, those odd dollars and cents amount to an additional $50 million annually from the pockets of those who use the airlines as a means of transportation.

This irresponsible action on the part of the CAB will be effective July 1, 9 months following a 6.35-percent fare increase in October and 16 months following a 3.8-percent fare increase in February 1969. On top of those increases, July 1 will see a 3-percent ticket tax increase go into effect.

I have several questions about this recent action. First, whatever happened to the board established to protect the rights of the public? And second, what sort of action is this which deliberately flaunts the policy of wage and price restraint requested Wednesday by our President?

I do not recall the President asking everyone to show restraint except the airline industry. Nor do I recall the CAB being constituted to act on the behalf of the airline idustry.

If the CAB is to provide ways and means for the airlines industry to increase its revenues, perhaps the airlines industry should reciprocate by taking over some of the burdensome cost of running this Federal agency.

The CAB's promise to limit the so-called rounding up increase to 60 days is not very convincing to me. Mr. Speaker, I feel very strongly that the CAB has acted capriciously and without any kind of objective investigation against the public interest.

For the benefit of my colleagues who may not have yet read a report of this act, I am including a copy of the Wall Street Journal account for printing in the Record.

I have no further remarks at this time, Mr. Speaker. Perhaps the next time we discuss the CAB and its cavalier attitude it will be during that agency's appropriation bill.

The item follows:

CAB Votes To Raise Odd-Sum Air Fares to Next Even Dollar

Washington.—Air travelers won't have to fuss any longer with paying fares with odd dollars and cents figures like $38.42. But they will have to pay a little bit extra to avoid worrying about the odd change.

Starting July 1, airlines will round the price, including tax, upward to the next highest dollar. The Civil Aeronautics Board approved a proposal by air carriers to make this upward adjustment, averaging 43 cents, or 0.9% more a ticket. The rounding-upward process will start the same day that the ticket tax goes up to 8% from 5% under the recently enacted Airport and Airways Improvement Act.

The board specified that the rounding-off increase would last for 60 days, through Aug. 31. The time limit was specified because the change is being allowed to take effect on unusually short notice. The airlines can file later for the right to carry on the rounding-upward process on a permanent basis, with longer notice given to permit comment by the public.

In all cases, rounding off will mean a boost; if the calculated fare comes out to $46.01, the passenger will pay $47.

The board voted three-to-two to approve the fare-rounding proposal. Chairman Secor D. Browne and members Whitney Gilliland and John G. Adams backed it, with members Robert T. Murphy and G. Joseph Minetti dissenting.

The proposal, submitted by American Airlines, was backed by other trunk line and local-service carriers. They argued that the additional revenue was needed to offset a new basic annual aircraft registration tax of $25 plus an added charge of 3.5 cents a pound for jets and two cents a pound for piston aircraft, applying to planes over 2,500 pounds. These charges were part of the new airport-airways package.

A CAB spokesman estimated that the 0.9% fare rise would add slightly less than $50 million to annual airline revenue, based on 1969 traffic.

Separately, the CAB is conducting a broad investigation of air fare structure to determine whether different levels and different approaches are in order. The board granted a 3.8% general fare increase in February 1969 and another averaging 6.35% last October. The investigation grew out of that latest boost, spurred by court action brought by a group of Congressmen protesting the increase.

OUR NEED FOR SOME CONCRETE INFORMATION ON SOUTHEAST ASIA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Feighan) is recognized for 10 minutes.

Mr. **FEIGHAN**. Mr. Speaker, the assigned mission of the Select Committee on U.S. Involvement in Southeast Asia is a most challenging one, and I wish the Members every possible success in their search for the information to lend some understanding of the problems at hand.

Central to all questions on Southeast Asia today is the situation in Vietnam. We have been involved there in the longest military conflict of our history. Controversy has surrounded this subject for years, and we need some clarification regarding the direction in which we are heading. This select committee in its fact finding will accomplish much in closing the present information gap on Vietnam if it can come up with some answers on the following subjects:

First. The state of training and equipping of South Vietnamese forces to ultimately displace the combat role of U.S. forces.

Second. The future prospects of the pacification program to assure stability in the villages, hamlets, and general rural areas to avoid or prevent subversion by the Vietcong cadre.

Third. Future prospects of the South Vietnam Army to successfully protect the sovereignty of a free South Vietnam Government.

An evaluation of other prospects in Vietnam, such as: First, the ability of a coalition government in Saigon to withstand political pressures, internal or external military pressures, subversion, and/or economic duress; second, the consequences, if any, of an immediate withdrawal of U.S. forces from Vietnam without endangering their security, or our role in Asia.

Some say that with our growing problems at home, there is increasing doubt that we can police the whole world, therefore, I believe we are in great need of some statement defining the strategic importance of Southeast Asia. This may clarify the basis for our being there, or not being there. Heretofore, many have been led to believe that our strategic interests in that remote area have been expressed only in terms of the geographic arc extending from Alaska, through the Aleutians, Japan, South Korea, Okinawa, Taiwan, the Philippines, and the Marianas to include Guam. This has been known as our Western Pacific strategic frontier. Do we now add all of Southeast Asia to this concept, or is Southeast Asia a strategic factor relating to an obligation under the Southeast Asia Treaty Organization?

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ON THE EVENTS AT LORTON CORRECTIONAL INSTITUTIONS ON MAY 22, 23, AND 24, 1970

(Mr. ADAMS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. ADAMS. Mr. Speaker, during the weekend of May 22–24, there were a number of disturbances at the Youth Center and the Correctional Complex at Lorton, Va. Much of the reason for the disruption at the Correctional Complex was due to a power failure which blacked out lighting, resulting in some escapes, destruction of property and fires.

Seen in perspective, the handling of these incidents was admirable. District of Columbia and local fire fighting and law enforcement personnel executed their responsibilities with a great deal of control. There was no excessive use of force and thus no danger of escalation of the disturbances. The staff and administrators of the Department of Corrections performed their duties in a cool, disciplined, and efficient fashion. Most inmates visibly resisted a minority of troublemakers by remaining noninvolved and peaceful.

Prosecutions or other disciplinary action, I have been assured by District officials, will be swift and effective.

Allegations with regard to discourtesy, misjudgment and "buck passing" on the part of Mr. John O. Boone, Superintendent of the Lorton Reformatory, are unfounded.

To place in proper perspective these incidents, I place the report to Mayor Walter Washington by Mr. Kenneth Hardy, Director, D.C. Department of Corrections, in the RECORD:

REPORT TO MAYOR WALTER E. WASHINGTON

(By Kenneth L. Hardy)

During the weekend of May 22–24, 1970, three disturbances occurred at two institutions of the District of Columbia Department of Corrections at Lorton; two of them at the Youth Center and the other at the Correctional Complex. These received widespread coverage by area news media.

Totally, fewer than 200 of the more than 1,800 inmates at both institutions who could have been involved were. Further, about only 90 actively participated in doing damage.

Thanks to good staff work and help from the Metropolitan Police Civil Disturbance Unit we have been able to identify 17 of the Youth Center leaders and their cohorts. Investigation will be continued to determine who other offenders are.

We will seek criminal prosecution where possible and take administrative disciplinary action in other cases where evidence justifies it. While the investigation is going on, most of the 17 will be transferred to the Maximum Security Unit at the Complex.

Preliminary estimates indicate damage amounted to $670,500 (see attachment).

All the facts and other evidence available to me, both by personal observation at the events and from reports from staff members, clearly show that from correctional officers on up to superintendents of the institutions everyone acted in a cool, effective and intelligent manner. Additionally, there were many acts of individual courage that went unreported and unrecorded, particularly in controlling and extinguishing the fires Saturday night at the Reformatory.

My headquarters staff worked with those of the institutions' superintendents in a well-coordinated manner, and all of them did so with very little sleep over the three days.

I express the highest regard and esteem for these men, as well as for those of the cooperating law enforcement and fire fighting units involved. All made significant contributions to the successful resolution of the disturbances.

It should be kept in mind that while any distruption of a penal institution's normal routine is often viewed and reported as a rather total extreme of violence, the number of inmates involved was minimal—30 to 40 at the Youth Center and a few more at the Reformatory—less than one percent of the total combined population of the institutions.

It would do us all well to view the weekend's activities in this perspective. To do so speaks not only well of the correctional personnel involved and the advanced and enlightened programs and policies of the Department, but of the exercise of restraint and self-discipline of most of the inmates. The preponderant number—virtually 99%—did not get involved in any incident. On the contrary, there were a number of examples of inmates protecting others and correctional personnel.

Every official connected with penal institutions knows that when there is a light and power system failure a large number of inmates will try to get out. Of the 1,340 inmates at the Lorton Reformatory, we could have expected 50 to 200 escapes. But only five tried and only two succeeded in evading immediate capture.

To substantiate this, I cite a California minimum security facility with a population of 400 where, in 1961, under similar circumstances, nearly half of the buildings were burned and more than a dozen inmates escaped. Comparatively, at the Lorton Reformatory only 7 of 63 buildings were damaged; three of them the Reformatory's canteen and officers' assembly, the clothing issue and administrative segregation buildings, were gutted by fire. Other damage not yet adequately estimated consisted of mattress fires, window breakage, and similar vandalism.

These weekend events, as serious as they were, should not be construed as a full-scale riot. The simple fact that only a very small minority was involved, and they were incapable of and consequently unsuccessful at enlisting the inmate population in their activities, is ample evidence of that.

There were very few injuries either to inmates or correctional personnel. Four officers at the Reformatory were injured. Each was treated at a hospital and released and while they may require further medical treatment none sustained a disabling injury. Superintendent Boone and I, both, were struck by bricks. No officer was injured at the Youth Center.

Three inmates were injured at the Correctional Complex; one broke his ankle when he jumped from a second story window to escape assault by other inmates, two others received facial lacerations when they were assaulted by fellow inmates. All received medical attention.

I am aware that some other officers were slightly injured, mainly cuts and bruises caused by rocks and bricks thrown by the inmates. As I will indicate later in this report, as soon as these and other facts are reported to me I, in turn, will report them.

The whole weekend's events can possibly be best understood from a factual recitation of the chronology:

YOUTH CENTER—FRIDAY, MAY 22, 1970

At approximately 10:50 p.m. Friday, May 22, four Youth Center inmates attempted to escape. They began scaling the fence between the main gate and another watch tower. Since these four were attempting escape, warning shots were fired. This resulted in one being captured inside the fence perimeter and two between the fences. One managed to escape. None was injured.

As a lieutenant and several correctional officers were escorting the would-be escapees to control cells over 100 inmates surrounded the group, but at a distance. They began verbally harassing the officers and, as the group neared the confinement area, throwing objects, all of which fell short. Here I should point out that while the distance between the escort group and the inmates was not long, the inmates could easily have struck the officers frequently, if that was their intention.

Concurrent with this was a rapidly spreading rumor that the shots fired killed one or more of the escapees. This, we believe, set off the activity of another 30 to 40 inmates who began tossing rocks and bricks at windows. Nearly 100 were broken. There was no other damage.

This disturbance lasted less than an hour during which Superintendent A. M. Schuman and his staff, mainly using verbal persuasion, got the inmates to return to their dormitories.

This accomplished, Mr. Schuman began, and is continuing, a detailed investigation of this and the subsequent Sunday evening occurrence.

Saturday and most of Sunday, the Center continued its normal operating procedure.

LORTON REFORMATORY—SATURDAY, MAY 23, 1970

At the Reformatory, too, everything proceeded normally until a thunderstorm struck at approximately 9:47 p.m. followed by a failure of the commercially supplied power source causing the lights to go out. A recently installed, but not yet finally tested, auxiliary system also failed, leaving the facility in darkness.

Shortly after the power failure and consequent darkness, an estimated 50 inmates began to loot, vandalize and set fires; five of them attempted escape, as I mentioned earlier.

Light was restored at 10:40 p.m., but failed again at 10:52 p.m. At 11:00 p.m. a fire was reported in the laundry and, 12 minutes later, an inmate was reported to have gone over the fence between Nos. 2 and 3 towers, some distance from the main gate (No. 1 tower) which was used as the control point all that night.

At 11:15 p.m. we received the first report of an officer injured in a dormitory. Subsequently, three other officers were reported to have suffered injuries, all of which were treated at hospitals. No other injuries have as yet been reported.

The next report of a fire came at 11:25 p.m. when a blaze was detected in the mail room of the administration building. It was at this time the inmate who suffered the broken ankle sustained the injury.

From this point on, a careful log was kept of all events. It is attached to this report.

Immediately after the disorder started, we asked for help from local law enforcement and fire fighting agencies: Fairfax County Virginia Law Enforcement and Fire officials, and the D. C. National Guard which brought a lighting unit.

When the need for additional manpower was clear, at 11:50 p.m. I requested dispatch of the Metropolitan Police Civil Disturbance Unit. It arrived at 12:52 a.m. and within minutes entered the institution as fire equipment escort and protection. Earlier, while preparing to go to Lorton, I called Civil Defense (at 10:27 p.m.) and asked for a portable emergency lighting unit. The District Fire Department responded at 10:44 p.m., at which time I agreed to meet the unit at the 14th Street Bridge and provide escort to Lorton. We arrived at 11:50 p.m., at which time I called for the Civil Disturbance Unit.

After 11:00 p.m., several events were taking place concurrently. I'll deal with them separately.

First, the matter of inmate disturbance. For some time (slightly more than two hours) inmates engaged in looting, vandalism and fire setting.

These activities resulted in destruction of three buildings: the canteen and officers' assembly, the inmate clothing issue, administrative segregation (the "punishment cells") buildings. The administrative segregation building where a number of inmates were confined was on fire. A special detail of officers went into the building and released the prisoners.

Lesser damage was done to the Control Center and Captain's office when some inmates attacked the building. Tear gas was used to disperse the attackers. Tear gas was also used to saturate the inmate Dining Hall to prevent inmates from entering it.

During the incident, a few shots were fired; once over the heads of inmates as a warning and, later, at the request of fire fighting officials, to break second-story windows to enable firemen to direct water through those windows.

Other damage included burned mattresses, broken windows and doors in dormitories and other buildings, paper and other materials in the print shop, two mail carts, television sets in the dormitories, a piece of equipment burned in the bakery and another in the laundry. Again, I am awaiting a precise dollars and cents evaluation of the damage. (See attachment).

Shortly before midnight and minutes after I arrived at 11:48 p.m., I suggested to Superintendent John Boone that he and his staff begin exhorting the inmates to go to the control area near the main gate. Immediately, almost 750 responded and subsequently the total rose to near 800.

The other 400 or so were milling about the dormitories area, apparently confused and apprehensive. Associate Superintendent Anderson McGruder and 14 officers, with the vocal encouragement of the assembled inmates, escorted this group to the athletic field.

The control of the inmate population was accomplished by 12:50 a.m. and done with cooperation of inmates and by outstanding performances by correctional personnel.

The institution thus secure, fire fighting equipment entered at 1:07 a.m. and began the difficult task of extinguishing the fires and preventing their spread.

The 1,340 inmates remained in the two areas the rest of the night. They were orderly.

A count was conducted at 9:00 a.m., May 24, when the fact was established that four had accomplished escape. (A fifth escapee had been apprehended earlier in the evening. He was captured by a Fairfax County officer.) Two of the four successful escapees were apprehended by Stafford County authorities Sunday morning. Two remain at large as of this report.

YOUTH CENTER—SUNDAY, MAY 24, 1970

We now turn to the events that occurred at the Youth Center Sunday evening, May 24.

The Sunday night movie ended at 9:00 p.m. and, shortly after that, 20 to 30 inmates began to roam about the compound attempting to set fires and break windows.

Immediately, Mr. Schuman called the Metropolitan Police Civil Disturbance Unit to the Center. They were able to respond in minutes because they had not yet returned to the city from the Correctional Complex. Tear gas was used in all unoccupied buildings to keep inmates out and so they could be assembled and counted on the athletic field. Order was restored within 30 minutes.

During the disturbance, inmates managed to set fire to a bulletin board in the school and to some clothing. The damage in this disturbance was minor—under $100—there were no injuries. The small fires were put out by Youth Center personnel almost as quickly as they were set.

That, in summary, and as I said, based on the information available to me at this time, is substantially what happened during the weekend at the two institutions.

I am vitally interested in getting the most complete as possible accounting of what happened on Friday, Saturday and Sunday. I have ordered my staff and those of the Superintendents to make a detailed and in-depth study and report. When that is available, I will make another report.

It is well to keep in mind that inmates in the institutions operated by the Department reflect and, in a large sense, are affected by many of the attitudes and actions in today's society. They read and see what is happening in America. They are young, many undereducated, many militant, many "anti-establishment."

Events such as those at Kent (Ohio) and Jackson (Mississippi) and Augusta (Georgia) are well known to the inmates. And yet I think it reflects credit on the Department's correctional staff and programs that only the tiny minority of inmates took to violence when the thunderstorm blacked out the Reformatory and an erroneous rumor upset some of the inmates at the Center.

This fact, that the disturbances were limited by both effective action on the part of correctional personnel and inmate cooperation, testifies to the fact the D.C. Department of Corrections has been successful in deterring inmate rioting.

District of Columbia Department of Corrections, Lorton Correctional Complex—Estimate of Damages in Disturbance, May 23, 1970

(Prepared May 26, 1970)

Control building (new roof, painting, etc.)	[1] $35,000
Canteen and officer assembly room building	[1] 175,000
Canteen stock	70,000
Canteen equipment	6,000
Lockers (200)	12,000
Officers clothing	50,000
Inmate clothing	30,000
Clothing issue building	[1] 100,000
Window damage	5,000
Mattresses and beds	3,000
Televisions	6,000
Industrial printshop building	[1] 50,000
Laundry building (water and fire)	10,000
Industries (miscellaneous damages)	2,000
Equipment	20,000
Transportation	2,000
Personnel enterprises (cigarette machine, pool table, television, cigars)	2,500
Subtotal	578,500
Correctional Industries:	
Industries inventory	7,000
Equipment industries	50,000
Supplies and row mats	10,000
Spare parts and miscellaneous	10,000
Paint and cleaner	10,000
Clothing shop	------
Rounded off	90,000
Clothing shop	1,000
Laundry—supplies and equipment	1,000
Subtotal	92,000
Grand total	670,500

[1] Preliminary rough estimate.

EXTENSION OF VOTING RIGHTS TO MILLIONS OF YOUNG CITIZENS

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of California. Mr. Speaker democracy is not a game.

Yesterday we achieved a milestone in American history—by approving the extension of voting rights to millions of young citizens.

I believe in our younger Americans, see in them an extraordinary dedication to the basic principles of freedom, liberty, and equity upon which this Nation was founded.

Therefore, I was upset to learn of the seemingly ridiculous "game" that is now going on in Oceanside, N.Y.

To put it bluntly, I cannot imagine a Member of this body being denied the privilege of addressing a commencement exercise in his own congressional district—no matter what political views may be held by that Member.

That itself is absurd enough.

But, what worries me more at this point is the sham perpetrated upon the Oceanside High School students who were first promised a voice in choosing their commencement speaker and then denied the chance to hear the person they wanted.

To me, the issue here is not simply ALLARD LOWENSTEIN'S personal and political philosophies. I believe Congressman LOWENSTEIN to be among the most forceful and energetic young leaders in this body. The feeble attempts by some persons and officials in Oceanside to link ALLARD LOWENSTEIN with violence and disruption must be written off as the work of mere crackpots; we all know how hard and diligently AL LOWENSTEIN has pressed for peace and nonviolence.

Yet, I would be just as upset if the students has chosen someone with political views completely opposed to those of ALLARD LOWENSTEIN and myself. At stake here is the principle, not the personality.

Democracy—the precious right to have a voice in the decisions affecting a person's life and the direction of his community and nation—cannot be a travesty. It cannot be granted, then pulled back whenever the decisions reached are not agreeable to the officials administering it.

I can only hope that the Oceanside students realize that democracy is—and can be—better than the perverted example they see today; I hope they do not become overly cynical about their future roles in our system.

And I urge the Oceanside officials to reconsider their position, and to very carefully analyze what they have done. The game they play benefits no one.

DIRE NEED TO UPGRADE ALL CORRECTIONAL INSTITUTIONS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the need for the Federal Government to provide minimum standards in the local city and State correctional institutions is dramatically pointed out in an article appearing in today's New York Times authored by Tom Wicker. I would hope that our colleagues reading that article would become cosponsors of H.R. 16794 originally introduced by our distinguished colleague from Chicago, ABNER MIKVA. The article follows:

IN THE NATION: DUE PROCESS FOR PRISONERS

(By Tom Wicker)

WASHINGTON.—The office of the Attorney General of the State of New York has informed Federal Judge Constance Baker Motley that one of her decisions, "unprecedented in almost every aspect," had caused so much unrest among prisoners that it might become necessary to close the Wallkill State Prison. This is a short-sighted response to a startling, perhaps historic decision.

Judge Motley held, in a suit brought by one Martin Sostre against various state officials, that "a prisoner carries with him to prison his right to procedural due process" before the imposition of severe punishment; that prisoners "do not lose all of their rights under the Constitution when sentenced to prison"; and that "basic constitutional rights cannot be sacrificed, even in the case of prisoners, in the interest of administrative efficiency."

JUDGE MOTLEY'S RULING

So holding, on May 14, Judge Motley awarded Sostre $25 a day for each of the 372 days he had been held in "punitive segregation" (known to movie fans as "solitary") in the Green Haven Prison; enjoined prison officials from returning him to solitary confinement without such procedural safeguards as written charges specifying the rules allegedly violated, a hearing before a "disinterested official" in which Sostre could have counsel, call witnesses and cross-examine, and a decision in writing that would include the legal basis for the punishment imposed.

CHARGE AGAINST SOSTRE

This may sound as if Judge Motley held that a prisoner could not be disciplined without a trial, and that if he was, he could be awarded damages. But in fact, Sostre, a Black Muslim serving a 30–40-year sentence, had been put into solitary confinement at Green Haven not for "violence, attempting to escape, incitement to riot, or any similar charge" but for attempting to mail legal papers he had prepared for a co-defendant who had not yet been tried. These papers were intercepted by the warden, who ordered Sostre confined in solitary from June 25, 1968, until July 2, 1969.

Under the laws of New York these 372 days of confinement also cost Sostre 124 days of "good time" credit against his original settlement. Judge Motley ruled also that solitary confinement for that long (when Sostre could not work or get training, and could have solitary recreation only after a "strip frisk" that included rectal examination) was "cruel and unusual punishment" in relation to the offense, and risked Sostre's sanity. She found that this sentence had been imposed, not because of any serious infraction of discipline, but because of Sostre's "legal and Black Muslim activities," including a threat to sue the warden. Finally, Sostre was not accorded any right at all to defend himself or appeal the confinement order, and his solitary incarceration was ended only by a Federal court order he finally obtained.

In light of these facts, it seems clear that Judge Motley, so far from attempting to give license to prisoners, was attempting to impose on prison officials some degree of fairness in their treatment of prisoners. Nor is she alone in this concern. Last March, for instance, in Rhode Island, Federal District Judge Raymond J. Pettine also came to the relief of prisoners, although not quite so sweepingly as Judge Motley was later to do.

In that case, the issue was a classification system for determining the conditions in which certain prisoners would be confined. A group held in the harshest of these conditions rebelled, and the N.A.A.C.P. Legal Defense Fund and Rhode Island legal services intervened on their behalf. As a result, Judge Pettine—in negotiations with the prisoners' counsel and prison officials—imposed a set of regulations on the administration of the classification system. These provided some degree of "due process" for prisoners before they could be severely punished.

FOR MINIMUM STANDARDS

These lower-court decisions, if sustained, ought to be welcomed, not attacked, by law enforcement officials like the Attorney General of New York. Nowhere, after all, is crime bred more certainly and grievously than in inhumane prisons, which all too many are; nowhere is the opportunity to rehabilitate and reshape the lives of criminals more often lost than in our ineffective and insensitive "correction" system; and if those who supposedly represent decent society in these institutions fail to observe minimum standards of law and order in their treatment of inmates, why should the latter develop any respect for those standards?

No doubt unrest among prisoners and apprehension among guards and officials have been caused. But if the Motley and Pettine rulings help eliminate punitive brutality and arbitrary punishment in the prisons, they will prove to be landmarks in the national effort to reduce the incidence of crime.

ONCE A BRIGHT HOPE—AEC BEGINS TO TAKE ITS "LUMPS"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, no longer can the Atomic Energy Commission and its congressional counterpart, the Joint Committee on Atomic Energy get away with its supersecret, ivory tower, public-be-damned attitude toward our national, natural, and human environment. As the first AEC Director has noted, "once a bright hope shared by all mankind, including myself, the rash proliferation of atomic powerplants has become one of the ugliest clouds hanging over America."

The cause of the loss of public prestige by the AEC—atomic establishment complex—is not because its 25-year-old public relations machinery is coming apart, rather, it is because the public is beginning to question the assumptions so easily and persuasively made regarding the role of nuclear power during the past two-plus decades. Safety is the big factor in the public's mind today—at last.

"We want safety" cries the public and the Atomic establishment complex answers with bigger and better advertisements. I refer you to the current two-page spread in Time magazine.

"We want safety" cries the public and yet the Atomic establishment complex does not explain why there was a delay in making public the fact that an explosion at the Enrico Fermi powerplant near Monroe, Mich., last month. In case our colleagues have forgotten, Mr. Speaker, the same plant has been shut down since 1966 because of a previous accident. And, in order to emphasize the extent of the power of the AEC in stifling bad news, I point out that the newspaper that prints "all the news that is fit to print" in its long article on the AEC of June 12 still had not mentioned the troubles at the Fermi plant.

"We want safety" cries the public and yet who can explain why so vitriolic a campaign has been launched by the Atomic establishment complex against two of the AEC's own scientists? The two scientists, Drs. John Gofman and Arthur Tamplin, have had the temerity to question the official line on radiation standards, stating in part, that if we proceed to contaminate the environment until we each receive the legally permissible dose of radiation, cancer would increase by 10 percent.

"We want safety" cries the public and the Atomic Establishment Complex does not deny that it stores radioactive wastes in less than safe containers. This startling revelation has only come to light in the past few weeks and is based on a study of AEC radioactive waste disposal facilities prepared in 1966. Part of the conclusion of the study by the National Acedemy of Sciences researchers was that AEC methods are woefully negligent.

"We want safety" cries the public and instead of giving the public safety, the Atomic Establishment Complex mounts a lobbying campaign in the halls of Congress to "convince" our colleagues and congressional staff personnel that during these many years of silence, the AEC has been primarily concerned with the safety of the public.

Mr. Speaker, there is no other Federal Government bureaucracy that has been granted so much quasi-official immunity from criticism as the AEC and its congressional counterpart. This era is coming to an end, thank the Lord. Perhaps now we can obtain a rational consideration of all the ramifications of the proper role of nuclear energy in our Nation's system of public priorities. One thing is for sure, Mr. Speaker, the time has passed when the public's cries for safety with nuclear material can be ignored.

ALABAMA JAYCEES ARE NO. 1

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BUCHANAN. Mr. Speaker, the Alabama Jaycees this year have been selected the top Jaycee chapter in the Nation, an honor fully merited because of the outstanding work these young men have done.

This is the first time in the 50 year history of the U.S. Jaycees, although I am sure it will not be the last, that the Alabama Junior Chamber of Commerce has received this award.

Our State chapter captured this recognition because of its community involvement, leadership training and membership growth and excellence of program.

Under the leadership of its dynamic and energetic president, Frank Parsons, and with the help and support of other Jaycees throughout the State, the Alabama Jaycees have undertaken a series of commendable programs.

Mr. Parsons, a native of Birmingham and a graduate of the University of Alabama and its law school, has been a Jaycee for 6 years as a member of

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the suburban Birmingham Eastwood Jaycees.

He has served in every local Jaycee office and has been on the national board of directors of the U.S. Jaycees.

Under his leadership the Eastwood Jaycees recently initiated a drug abuse education program which has been adopted by the State chapter.

I commend President Parsons and the Alabama Jaycees for their concern in this and other very vital issues.

One of their highly successful projects was a massive campaign on behalf of constitutional revision. Their efforts led to the establishment of a constitutional revision commission to study the 1901 Alabama constitution which is now heavily burdened with hundreds of amendments.

The Jaycees have raised $50,000 to establish a camp for mentally retarded youngsters and have completed a successful drive to assist the 1st Infantry Division in providing $1,500 scholarships for the children of 1st Division soldiers killed in Vietnam.

They are also to be commended for their membership drive which resulted, within the last year, in a doubling of the membership.

Mr. Speaker, I share the delight of all the people of Alabama that the Alabama Jaycees have earned and received this recognition. They have reflected credit upon our entire State.

Never in the history of the U.S. Jaycees, and this is its 50th anniversary, has a State won twice in a row. The Alabama Jaycees are, however, firmly determined to establish just such a record in 1971.

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PERSONAL STATEMENT ON SECURITIES INDUSTRIES TASK FORCE

(Mr. MOSS asked and was given permission to extend his remarks at this point in the Record.)

Mr. MOSS. Mr. Speaker, yesterday, I introduced H.R. 18109, the securities industry task force proposal to provide greater financial protection for customers of registered brokers and dealers and members of national securities exchanges. I introduced this bill solely for the purpose of having the proposal before the Congress, and my action should not be taken as an indication of endorsement of all of the provisions contained therein.

PERUVIAN UNIVERSITY PROVIDES STRONG LEADERSHIP

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it was my great privilege to attend a special early evening ceremony at the Peruvian Embassy on June 16 where an honorary doctorate from the Inca Garcilaso de la Vega University, of Lima, Peru, was conferred upon Ambassador Fernando Berckemeyer of Peru. This inspiring occasion served to highlight significant facts about the strong leadership of the university and its contributions during the recent crisis following the devastating earthquakes in Peru. The meeting also emphasized the importance of the warm friendship which has existed through the years between Peru and our own country.

The Ambassador spoke in moving terms of the magnificent help which the people and Government of the United States are rendering to the people of Peru in this tragic hour of their history, following the shattering earthquake which befell their country on May 31, 1970. This has been referred to by Peru's Minister of Health as "the worst catastrophe this country can remember."

Ambassador Berckemeyer further stated:

> It is a particular honor for me to accept this degree from a University which bears the name of a great and illustrious Peruvian, Garcilaso de la Vega. I appreciate the introductory remarks of Dr. Guillermo Ramirez y Berrios, who is an outstanding lawyer, and a great patriot and statesman of peru.
>
> The University, though only established 6 years ago, already has performed a tremendous service to Peru in supplying the country with technically trained and qualified young people, reared in the finest traditions of Peru, who are dedicating themselves to the needs of our country, especially acute in this tragic hour brought about by the violent earthquake which has befallen our beloved nation and people. I congratulate the Rector, Dr. Ezequiel Sanchez Soto and General Alfredo Tepada Lapoint, President of the Conselo Superior, of the University, for their magnificent leadership and dedication to this great cause of channeling the energies and talents of our youth in the direction of service to Peru.

The rector of the Inca Garcilaso de la Vega University, Dr. Ezequiel Sanchez Soto, the President of the Consejo Superior, General Alfredo Tejado Lapoint, and a distinguished Peruvian jurist, Dr. Guillermo Ramirez y Berrios, represented the university at the Embassy ceremony. Each of them spoke of their country's deep-felt gratitude for the immediate response of the people of the United States in assisting the earthquake victims.

The rector, in his remarks paid a glowing tribute to Ambassador Berckemeyer and to the outstanding service he has rendered his country and Latin America. He emphasized that the caliber of the youth at the university is consistent with the finest traditions of Peru. He stated the demands of the country for technical expertise is great, and it is planned to augment the facilities and student body so as to adequately meet the growing needs of Peru, especially now when so much reconstruction is crucially needed.

The university, devoted to developing the technical skills so sorely needed by Peru, especially now, stands for the principles of freedom and service of youth to country. At a time when many students throughout the world are unsure of their goals and unsure of their place in society, it is comforting to know that in Peru the Inca Garcilaso de la Vega University is turning out young citizens who know their goals, who know their roles in society and understand their responsibilities to their country. The University Inca Garcelaso de la Vega is unique among the great universities of Latin America.

It is indeed encouraging to note this evidence of useful leadership on the part of an important institution of learning in a neighbor country and the accompanying expressions of goodwill which are directed by its personnel and by others for the United States. It is my hope that a new chapter is unfolding in U.S.-Peruvian relations as a result of the great outpouring of good will from the hearts of the people of the United States during this period of great tragedy for our friends in Peru. The historically good relations between our two countries should be restored and fortified. As one who has a particular affection for the peoples of Latin America, I am delighted that this unfolding of traditional friendship appears to be taking place.

Mr. Speaker, I am today introducing a House resolution, expressing the sentiments of the House toward the people of Peru and commending the University Inca Garcilaso de la Vega, and the other great universities of Peru, on the record of achievement which its students and graduates are establishing in building a better future for their fellow citizens and their country. In this I am joined by the distinguished gentleman from California (Mr. Hanna). The text of the resolution is as follows:

H. Res. 1102

Resolved by the House of Representatives of the United States of America in Congress assembled,

Whereas, the people of our sister Republic, Peru, suffered a devastating blow as the result of an earthquake on May 31, 1970; and

Whereas, the earthquake caused the loss of thousands of lives and the destruction or devastation of many towns and villages, rendering homeless and destitute many thousands of people; and

Whereas, the people and government of the United States have opened their hearts and material resources to the needs of the people of Peru in their tragic hour of bereavement and suffering; and

Whereas, the University, Inca Garcilaso de la Vega, of Lima, Peru, and other universities and institutions of higher learning of Peru are playing an important part in meeting the reconstruction needs of that country through the full utilization of the technical skills which they have developed and through these services are demonstrating how the youth of a nation can rise to noble heights in service to their country: Therefore, be it

Resolved, That the House of Representatives extend its deepest sympathy to the President and the people of Peru in this dark hour of their suffering and distress.

Sec. 2. It is the sense of the House of Representatives that the Universidad Particular Inca Garcilaso de la Vega and other Peruvian universities and institutions of higher learning and their students, should be commended for their leadership in helping in the reconstruction of the devastated areas and in resettlement relief.

Sec. 3. It is further the sense of the House of Representatives that attention be directed in all appropriate Executive agencies to the needs of the country and the special role and requirements of the universities of Peru in rebuilding their country.

Sec. 4. Copies of the present resolution shall be distributed through appropriate channels to the President of Peru and to the heads of the universities of Peru.

GALLAGHER INTRODUCES BILL TO STRIKE "CLEARLY UNCONSTITUTIONAL LANGUAGE" FROM CIVIL SERVICE COMMISSION LAW

(Mr. GALLAGHER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. GALLAGHER. Mr. Speaker, I rise today to introduce legislation which will strike a line from the United States Code at title 5, section 8347(c). That language is:

> The decisions of the Commission concerning these matters are final and conclusive and are not subject to review.

"These matters" are the retirement of Federal employees because of disability and dependency and that sentence has often been quoted as the authority for closing avenues of legal relief to people aggrieved by Civil Service Commission decisions. My bill will strike that sentence and allow the individual to file court action, including a new and independent finding of the facts at the trial.

I regard the existing language as unconstitutional on its face. In several cases which have come to my attention, it has meant that if a Federal agency, most frequently within the Department of Defense, decides that a man is disabled and the review of the Civil Service Commission concurs, he cannot turn to the courts for relief. The most recent example occurred when that sentence was quoted on May 12, 1970, by Government lawyers as a reason to throw out the case of Mr. Kenneth Cook. Mr. Cook was a civilian employee of the Air Force and was a former top level weapons systems analyst. He contends that he was involuntarily retired on a 100-percent physical and mental disability because, among other reasons, he refused to alter data in a technical report he had prepared which could have been construed as being critical of the development of the current version of the ABM.

Mr. Speaker, it seems to me that this language which restricts a man's right to employment in the Federal service and can render him unable to work for defense contractors as well, may deny our country top-flight technical expertise of an innovative and independent nature. This can be a crushing blow to an individual and can be equally harmful to our Nation as well.

We should not allow the decisions of the Commission concerning these matters are final and conclusive are not subject to review to be final and conclusive. We must subject it to the review of a concerned Congress. It can, and probably has been, used to permit what I would call house lunacy proceeding in which unpopular opinions are an invitation to a finding of disability. I do not believe that the Congress intended the Civil Service Commission to have such absolute power. Let me add that it is not my intention to have every decision made by the Civil Service Commission become the subject of a court action and I would expect that the hearings conducted on my proposal before the Congressional committees having jurisdiction would make that clear.

Mr. Speaker, I believe my bill will correct a situation which denies constitutional protections to individuals simply because they work for the Federal Government. I insert a copy of my bill and the Government's plea of May 12, 1970, in the RECORD at this point:

H.R. 18118

A bill to amend title 5, United States Code, to provide for judicial review of decisions of the Civil Service Commission with respect to questions of disability and dependency under the civil service retirement program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8347(c) of title 5, United States Code, is amended—

(1) by inserting "(1)" immediately after "(c)";

(2) by striking out—

"The decisions of the Commission concerning these matters are final and conclusive and are not subject to review.";

and

(3) by adding at the end thereof—

"(2) Any person aggrieved by a decision of the Commission concerning a question of disability or dependency arising under this subchapter may, within 30 days after the date of that decision, file in a district court of the United States a petition for a review of that decision, including a determination de novo of the question of disability or dependency. The petition shall name the Commission as defendant and a copy thereof shall be served on the Commission. The Commission, through its chairman, shall file with the court an answer to the petition and shall participate in the proceedings before the court. When a copy of the petition is served on the Commission, it shall, through its chairman, certify and file with the court a transcript of the record on which the decision of the Commission is based.

"(3) On the filing of, or in its consideration of, the petition, the court may issue such order or injunction as it considers necessary. In its determination de novo of the question of dependency or disability the court shall decide all questions of law and fact.

"(4) The court shall issue such order or decree affirming, modifying, or setting aside the decision of the Commission, as the court considers appropriate.".

[U.S. District Court for the District of Columbia, Civil Action No. 2442–69]

KENNETH S. COOK, PLAINTIFF, *v.* ROBERT C. SEAMANS, ET AL., DEFENDANTS

DEFENDANTS' MOTION FOR PROTECTIVE ORDER AND OPPOSITION TO PLAINTIFF'S INTERROGATORIES TO DEFENDANTS SEAMANS AND HAMPTON

Come now defendants Seamans and Hampton by their attorney, the United States Attorney for the District of Columbia, and move the Court for a protective order under Rules 30(b) and 33, F.R.C.P., and oppose plaintiff's interrogatories to these defendants.

THOMAS A. FLANNERY,
U.S. Attorney.
JOSEPH H. HAMMON,
Assistant U.S. Attorney.
ARNOLD T. AIKENS,
Assistant U.S. Attorney.

[U.S. District Court for the District of Columbia, Civil action No. 2412–69]

KENNETH S. COOK, PLAINTIFF, *v.* ROBERT C. SEAMANS, ET AL., DEFENDANTS

DEFENDANT'S MOTION FOR PROTECTIVE ORDER AND OPPOSITION TO PLAINTIFF'S INTERROGATORIES TO DEFENDANTS SEAMANS AND HAMPTON

Come now defendants Seamans and Hampton by their attorney, the United States Attorney for the District of Columbia, and move the Court for a protective order under Rules 30(b) and 33, F.R.C.P., and oppose plaintiff's interrogatories to defendants for the following reasons.

This is a suit for declaratory judgment. Plaintiff alleges his involuntary retirement from a government position for disability is invalid. The Civil Service Commission's determination on matters of disability are "final and conclusive and are not subject to review." 5 U.S.C.A. 8347. See also *Ellmore* v. *Brucker*, 99 U.S. App. D.C. 1, 236 F. 2d 734 (1956), *cert. denied*, 352 U.S. 955; *Murphy* v. *Wilson*, 99 U.S. App. D.C. 4, 236 F. 2d 737 (1956), *cert. denied*, 352 U.S. 954.

The suit thus presents solely a question of law for determination by the Court. This Court, in the proper performance of its judicial review function, is limited to conducting its review on the basis of the certified record of the Civil Service Commission. The courts are not at liberty to conduct a *de novo* judicial trial of the facts or to consider evidence proffered *dehors* the administrative record. *Ellmore* v. *Brucker*, *supra*. See also *Dabney* v. *Freeman*, 123 U.S. App. D.C. 166, 358 F. 2d 533 (1965); *Goodman* v. *United States*, 123 U.S. App. D.C. 165, 358 F. 2d 532 (1966); *Couch* v. *Udall*, 265 F. Supp. 848, 849–850, *aff'd*, 404 F. 2d 99 (10th Cir. 1968).

Plaintiff's interrogatories are further objectionable for the reason that those addressed to defendant Hampton, Chairman of the Civil Service Commission, seek discovery into the Commission's decision-making process. This practice has been expressly rejected by the Supreme Court. *The Fourth Morgan Case*, (*United States* v. *Morgan*, 313 U.S. 409, 422) (1941). See also *Chung Wing Ping* v. *Kennedy*, 111 U.S. App. D.C. 106, 108, 294 F. 2d 735, 737–738, *cert. denied*, 368 U.S. 938 (1961). The interrogatories also seek the results of medical reports filed with the Commission. The Commission's refusal to disclose medical reports has been consistently upheld. *Ellmore* v. *Brucker*, *supra*, *Murphy* v. *Wilson*, *supra*; *Cerrano* v. *Fleishman*, 339 F. 2d 929 (2d Cir. 1964), *cert. denied*, 382 U.S. 855. See also this Court's earlier ruling on the same subject in this case, April 17, 1970 per Judge Hart.

Plaintiff's interrogatories to defendent Seamans are objectionable for the additional reason that they seek discovery as to the withdrawal of plaintiff's need-to-know security clearance. These matters are outside the scope of the present litigation. Plaintiff's previous attempts of discovery into these matters were rejected by the pre-trial examiner February 26, 1970. The pre-trial examiner's recommendations were sustained by this Court in its order of April 17, 1970.

For the foregoing reasons, it is respectfully requested that the Court grant defendants' motion for a protective order.

T. A. FLANNERY,
U.S. Attorney.
JOSEPH M. HANNON,
Assistant U.S. Attorney.
ARNOLD T. AIKENS,
Assistant U.S. Attorney.

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Defendants' Motion for Protective Order and Opposition to Plaintiff's Interrogatories to Defendants Seamans and Hampton has been made upon plaintiff by mailing a copy thereof to Warren Belmar, Esq., 1815 H Street, N.W., Washington, D.C. 20006, on this 12th day of May, 1970.

(S) ——— ———.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's

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great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest producer of soap. In 1966 the United States manufactured 525,300,000 metric tons of soap. This was 1½ times more than produced by the United Kingdom, the second-ranked nation.

MR. PATMAN PRAISES SENATOR SPARKMAN FOR THRIFT INSTITUTIONS STUDY—SAVINGS AND LOAN AND CREDIT UNIONS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, one of the great pleasures and rewards of serving as chairman of the Joint Economic Committee is the association with outstanding colleagues from both sides of the aisle and from both Houses of the Congress. It is with that thought that I would like to call the attention of this body to an excellent study of thrift institution development in Latin America prepared and issued by the Joint Economic Committee's Subcommittee on Inter-American Economic Relationships, which is chaired by my distinguished colleague, Senator John Sparkman. It is a most incisive and encouraging picture of Latin American possibilities for self-help that Senator Sparkman gives us in this study.

Savings and loan institutions are relatively new to Latin America and did not begin until the 1950's. By December of 1968, however, there were 105 savings and loans in various South American countries with three-quarters of a million savers, and these institutions have made loans exceeding one-third of a billion dollars.

The study shows how these associations help to improve the housing conditions of the urban middle classes and the lower middle class. Just as in other sections of the world, the cities of South America are drawing population from rural areas and they are faced with severe housing shortages in the cities. The affluent families are able to take care of their own borrowing from the banks and the very poor inhabitants get some help from subsidized public housing; but that whole range of people in between these two groups suffers from housing shortages and the thrift institutions are beginning to help them.

There are many interesting observations and insights in this fine study which I cannot discuss in detail today. I hope that my colleagues will look at Senator Sparkman's study. I would like to observe, however, that it points out the need for some change in the kind of aid we provide to stimulate savings and loans in Latin America. Up to now, we have followed a practice of giving "seed capital" to stimulate the growth of savings and loans in Latin America. This was obviously necessary to get them started but now the study concludes that continuation of "seed capital" loans from the United States may make such institutions too dependent on U.S. funds and discourage them from exercising initiative in seeking capital on their own. For this reason, it is concluded that emphasis on U.S. assistance be switched to financing technical assistance for training supervisors and strengthening the management of Latin American systems and guaranteeing loans from private U.S. lenders to Latin American savings and loans.

CREDIT UNIONS

The study analyzes the credit union movement in Latin America as well as the savings and loans. The achievements of the credit unions of Latin America are impressive—all the more so since depositors in these institutions generally come from the more impoverished income groups. At the end of 1968 there were approximately 2 million Latin American depositors in 4,600 credit unions with average savings of nearly $65 per depositor. When compared with the approximately $100 annual monetary income of these depositors, their capacity to save is truly impressive. When we consider this average against the annual monetary income of most of these depositors, we begin to realize how powerful a media the credit union is for these people. Moreover, they have drawn most of their depositors from the poor rural groups. This means that they are protected from the usurious moneylenders who abound in Latin American countries and often charge over 100 percent.

The loans go for housing improvements, consumer durables, educational expenses, or sometimes small business activities as well as for farm operation and improvement. Sometimes the credit unions give valuable technical assistance to farmers also.

Mr. Speaker, I commend my able colleague, Mr. Sparkman, for this very fine study and I submit for the record, a summary of the report prepared by the subcommittee, including its major conclusions.

A SUMMARY OF "THRIFT INSTITUTION DEVELOPMENT IN LATIN AMERICA," A STAFF STUDY ISSUED BY THE SUBCOMMITTEE ON INTER-AMERICAN ECONOMIC RELATIONSHIPS OF THE JOINT ECONOMIC SUBCOMMITTEE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the study first reviews efforts to foster savings and loan systems; the experiences of savings and loans in seven countries—Bolivia, Chile, the Dominican Republic, Ecuador, Peru, El Salvador, and Brazil—are then compared in detail. The second part of the study concentrates on the development of credit unions. Credit unions are examined less intensively because they are not as complex financially as savings and loans and because they vary less throughout Latin America.

SAVINGS AND LOAN ASSOCIATIONS

Savings and loan institutions were virtually unknown in Latin America at the beginning of 1960. But as of December 1968, 105 savings and loans have been established with 728,000 savers. These institutions had acquired over $220 million in net savings and had made loans exceeding $365 million.

Savings and loan associations have been founded primarily to improve the housing conditions of the urban middle and lower-middle class. As the cities have continue to draw population from rural areas, the urban housing shortage has become increasingly severe. More affluent families are generally able to afford the expensive housing credit extended by mortgage banks, and the poorest inhabitants are served by subsidized public housing programs. Thus, the middle class is the portion of the population suffering from housing shortages that is most capable of saving in thrift institutions to improve its own condition.

Throughout most of the 1960's, the United States followed a practice of giving "seed capital" loans to accelerate the growth of savings and loan systems in Latin America. If these institutions had been forced to wait for the gradual accumulation of deposits before granting housing loans to their depositors, enthusiasm towards regular saving would have built up much more slowly. But even with this assistance, the erosion of savings by inflation—in the absence of adequate protective devices—and the slow rate of mortgage repayments have tended to limit the resources of savings and loans on the one hand, and to rapidly exhaust their supplies of loanable funds on the other.

Most Latin American countries have taken a number of steps to encourage the growth of domestic savings and loan systems.

First, central housing banks have been established to supervise the activities of savings and loan systems and to distribute funds received from central governments or external lenders. Unfortunately, in many instances, the attention of these central housing banks has been diverted by charging them also with the responsibility of supervising housing assistance programs to low income classes.

Second, most countries provide insurance against bank insolvency and many have also established guidelines to readjust the value of savings deposits in an attempt to protect them from excessive rates of inflation. Generally, however, protection from inflation has been incomplete and savers have not been fully compensated for the losses they have suffered from declines in the purchasing power of their assets.

Third, a variety of attempts have been made to increase the attractiveness of mortgages as investments and to channel more funds into mortgage lending. For example, many countries are attempting to institute a standard nationwide mortgage document and to introduce systems for guaranteeing mortgages patterned after the activities of the U.S. Federal Housing Administration—FHA. Some governments are also supporting the secondary mortgage market to maintain its liquidity and encourage its development.

As a reflection of the U.S. experience, American advisers persuaded several Latin American countries to authorize

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only mutual savings and loan institutions. But in those countries where stockholder-owned institutions are also permitted, such as Brazil, El Salvador and Guatemala, superior management has frequently led to faster growth and greater numbers of homes financed.

The question remains unanswered whether depositors in savings and loan institutions will continue to save as a regular habit once they have qualified for housing loans. The inconclusive evidence available suggests that, as in the United States, these individuals will continue to save even after their single initial objective has been realized. Any such conclusion must be tentative, however, since in Latin America important deterrents to saving exist that are not present in the United States, including political instability, high rates of inflation, and higher returns from other competing opportunities for investment.

The experiences of Latin American savings and loan systems during the last decade conclusively indicate that a potential for mobilizing savings to improve housing conditions does exist and can be expanded with the aid of intelligent policies and proper reforms.

The portion of the study devoted to savings and loans concludes with a number of recommendations to achieve this end: guarantee the value of deposits in savings and loans against bank failure, establish correction mechanisms that will effectively protect these assets from inflation, and alter administrative regulations to permit savings and loans to compete more vigorously against other forms of banks; amend legislation to permit the formation of stock, as well as mutual, savings and loan associations, standardize mortgage documents, provide FHA-type guarantees for mortgages, and encourage the investment of capital generated by commercial banks, insurance companies, social security trust funds, and employers in secondary mortgage markets; lift responsibility for low-income social housing programs from Government banks charged with the administration of savings and loan systems.

Continued extension of "seed capital" loans from the United States to Latin American savings and loans institutions is likely to run increasing risks of making such institutions dependent on U.S. funds and discourage them from devising new methods to aggressively seek capital on their own. Therefore, the emphasis of U.S. activities should probably be shifted from "seed capital" lending to financing technical assistance for training supervisors and strengthening the management of Latin American systems and guaranteeing loans from private U.S. lenders to Latin America savings and loans.

CREDIT UNIONS

In many respects, the achievements of credit unions in Latin America are even more impressive than the gains made by savings and loan institutions, since the depositors in credit unions are generally from the lowest and most impoverished income groups. Nevertheless, these individuals have exhibited a surprising capability to save. At the end of 1968 there were approximately 2 million Latin American depositors in 4,600 credit unions with an average savings of nearly $65 per depositor. When compared with the approximately $100 annual monetary income of most of these depositors, their capacity to save is truly impressive.

In contrast to savings and loan institutions, credit unions have attracted the largest proportion of their depositors from rural areas. These organizations give their members the opportunity to avoid dependence upon usurious moneylenders charging annual rates from 50 to several hundred percent, to put their savings in a safe place, and to cooperate with other members of their community in mobilizing capital for socially useful purposes.

As with savings and loans, the initial inducement to save in a credit union is to qualify for a loan. In urban areas, these loans are largely for consumer durables, housing improvements, the educational expenses of children, or small business activities. Rural borrowers, while also interested in consumer durables and better housing, apparently use the largest portion of their borrowings to buy seed, fertilizer, tools, or other agricultural inputs. In some countries, the activities of rural credit unions have been combined with technical assistance to farmers, and loans have been made contingent upon the adoption of more productive farming methods.

A few members of almost any community can decide to start a credit union; all they need is a place to dispense the services of the union and a secretary-treasurer to collect funds and keep records. When a number of credit unions have been established in a country or region, they generally find it advantageous to form an association. Such an association can obtain advice on management methods and can pool their resources to lend among one another and to obtain funds from commercial banks.

Because credit unions are so easily established once people understand the benefits derived from these organizations, the chief problems of Latin American credit unions tend to be those of increasing their resources in pace with expanding demand for their services and of efficient management as they grow. Moreover, in rural areas where credit unions have concentrated on granting agricultural production credit in conjunction with technical assistance to farmers, severe shortages of qualified advisers have developed.

Thus, the problems of credit unions have stemmed directly from their successes. While AID has granted some "seed capital" loans for credit union expansion and has more recently introduced a program of guaranteeing loans by private U.S. institutions to Latin American credit unions, the surface of the underlying need has hardly been scratched. Approximately 100 million Latin Americans are potential savers in credit unions, but only about 2 million presently use them.

Members of the Subcommittee on Inter-American Economic Relationships:

Senators JOHN SPARKMAN, Democrat, of Alabama, chairman; J. W. FULBRIGHT, Democrat, of Arkansas; ABRAHAM RIBICOFF, Democrat, of Connecticut; JACOB K. JAVITS, Republican, of New York; and LEN B. JORDAN, Republican, of Idaho.

Representatives RICHARD BOLLING, Democrat, of Missouri; HALE BOGGS, Democrat, of Louisiana; MARTHA W. GRIFFITHS, Democrat, of Michigan; BARBER B. CONABLE, JR., Republican, of New York; and CLARENCE J. BROWN, Republican, of Ohio.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOW (at the request of Mr. GERALD R. FORD), from 5:30 p.m. today, on account of official business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), from 6 p.m. today for the balance of the week, on account of official business.

Mr. McDADE (at the request of Mr. GERALD R. FORD), from 8 p.m. today, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 60 minutes, on Tuesday and Wednesday, June 23 and 24, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. McCLOSKEY), to revise and extend their remarks and to include extraneous matter:)

Mr. HOGAN, today, for 20 minutes.

Mr. McDONALD of Michigan, today, for 10 minutes.

(The following Members (at the request of Mr. STOKES), to revise and extend their remarks and to include extraneous matter:)

Mr. FEIGHAN, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ADAMS.

Mr. CRANE, in the Committee of the Whole today, and to include extraneous material.

(The following Members (at the request of Mr. McCLOSKEY) and to include extraneous matter:)

Mr. DERWINSKI in two instances.
Mr. BROOMFIELD.
Mr. WYATT.
Mr. KEITH.
Mr. SCHERLE in three instances.
Mr. DUNCAN in two instances.
Mr. WYMAN in two instances.
Mr. GROVER.
Mr. RHODES.
Mr. McDADE.

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Mr. Steiger of Wisconsin.
Mr. Zwach.
Mr. Landgrebe.
Mr. Schneebeli.
Mr. Widnall.
Mr. Mayne.
Mr. Goldwater in three instances.
Mr. Price of Texas in three instances.
Mr. Michel.
Mr. Del Clawson.
Mr. Burke of Florida.
Mr. McClure.
Mr. Halpern.
Mr. Reid of New York.
Mr. Hogan in two instances.
Mr. Nelsen in two instances.
Mr. Bow in five instances.
Mr. Roth.
Mr. Lukens.
Mr. Robison in three instances.
Mr. Hall.
Mr. Riegle.
Mr. Harvey.
Mr. Whitehurst.
Mr. Anderson of Illinois.
Mr. Lujan.
Mr. Wydler.

(The following Members (at the request of Mr. Stokes) and to include extraneous matter:)

Mr. Mann in five instances.
Mr. Charles H. Wilson in two instances.
Mr. Fraser in two instances.
Mr. Hanna in two instances.
Mrs. Mink in two instances.
Mr. Addabbo.
Mr. Wright.
Mr. Anderson of California in three instances.
Mr. Helstoski in two instances.
Mr. Harrington in four instances.
Mr. Boland.
Mr. Moorhead in two instances.
Mr. Van Deerlin in two instances.
Mr. Wolff.
Mr. Ashley.
Mr. Boggs.
Mrs. Griffiths.
Mr. Delaney.
Mr. Kee in two instances.
Mr. Kastenmeier in two instances.
Mr. Gaydos in five instances.
Mr. Nichols in two instances.
Mr. Gonzalez in two instances.
Mr. Jones of Tennessee.
Mr. Koch in three instances.
Mr. Evins of Tennessee.
Mr. Rarick in five instances.
Mr. Pickle.
Mr. Diggs.
Mr. Hagan in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3825. An act to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4249. An act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes; and

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4249. To extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes; and

H.R. 16731. To amend the provisions of title 111 of the Federal Civil Defense Act of 1950, as amended.

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, June 22, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2136. A letter from the Secretary of the Export-Import Bank of the United States, transmitting a report of activities of the export expansion facility program (Public Law 90-390) during the quarter ended March 31, 1970; to the Committee on Banking and Currency.

RECEIVED FROM THE COMPTROLLER GENERAL

2137. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improvement in management of Government materials provided to overseas contractors by the Department of the Army and the Department of the Air Force; to the Committee on Government Operations.

2138. A letter from the Comptroller General of the United States, transmitting a report on inequitable charges for calibration services and the need for accounting improvements at the National Bureau of Standards, Department of Commerce; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KIRWAN: Committee on appropriations. H.R. 18127. A bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes. (Rept. No. 91-1219). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on appropriations. House Joint Resolution 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes. (Rept. No. 91-1220). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 3592. An act to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations. (Rept. No. 91-1221). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 18116. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHLEY (for himself, Mr. Rees and Mr. Stokes):

H.R. 18117. A bill to amend title 32 of the United States Code to establish a Commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. GALLAGHER:

H.R. 18118. A bill to amend title 5, United States Code, to provide for judicial review of decisions of the Civil Service Commission with respect to questions of disability and dependency under the civil service retirement program, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HENDERSON:

H.R. 18119. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. KUYKENDALL:

H.R. 18120. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Addabbo, Mr. Button, Mr. Cleveland, Mr. Annunzio, Mr. Moorhead, Mr. Moss, Mr. MacDonald of Massachusetts, Mr. Flynt, Mr. Scheuer, Mr. Hicks, Mr. Rosenthal, Mr. Mailliard, Mr. Ryan, Mr. McKneally, Mr. Rarick, Mr. Harrington, Mr. Powell, Mr. Koch, Mr. Friedel, Mr. Mann, and Mr. Bingham):

H.R. 18121. A bill requiring that each Member of Congress be notified of the intended disposition of federally owned real property in the district he represents; to the Committee on Government Operations.

By Mr. PASSMAN:

H.R. 18122. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 18123. A bill to establish a comprehensive midcareer development service program for middle-aged and older persons, to expand employment and educational opportunities for such persons, to expand Fed-

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eral employment opportunities for such persons, and for other purposes; to the Committee on Education and Labor.

By Mr. STAGGERS:

H.R. 18124. A bill to amend the Railroad Retirement Act of 1937 to provide a 5 percent and cost-of-living increase in annuities and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself, Mr. SPRINGER, and Mr. GERALD R. FORD):

H.R. 18125. A bill to authorize the Secretary of Transportation to guarantee loans to rail carriers to assist them in the performance of transportation services necessary to the maintenance of a national transportation system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 18126. A bill to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y.; to the Committee on the Judiciary.

By Mr. KIRWAN:

H.R. 18127. A bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. ESCH:

H.R. 18128. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. HANNA (for himself, and Mr. TUNNEY):

H.R. 18129. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservations of the California tule elk; to the Committee on Merchant Marine and Fisheries.

By Mr. KEE:

H.R. 18130. A bill to authorize a study for a waterway connecting the Kanawha River, W. Va., and the James River, Va., and for other purposes; to the Committee on Public Works.

By Mr. McCARTHY:

H.R. 18131. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 18132. A bill to amend title 10 of the United States Code to designate the medal of honor awarded for military heroism as the "Congressional Medal of Honor"; to the Committee on Armed Services.

H.R. 18133. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN:

H.R. 18134. A bill to name the Veterans' Administration hospital located in Clarksburg, W. Va., the "Louis A. Johnson Memorial Veterans' Hospital"; to the Committee on Veterans' Affairs.

By Mr. OBEY:

H.R. 18135. A bill to authorize emergency loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961 to mink farmers who suffer severe losses caused by economic conditions; to the Committee on Agriculture.

By Mr. POLLOCK:

H.R. 18136. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. QUIE:

H.R. 18137. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Affairs.

By Mr. WHITE:

H.R. 18138. A bill to permit public school teachers (and other public school employees) who do not have coverage pursuant to State agreement under the Federal old-age, survivors, and disability insurance system to elect coverage under such system as self-employed individuals; to the Committee on Ways and Means.

By Mr. ZION:

H.R. 18139. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. CHAMBERLAIN:

H.R. 18140. A bill to provide for orderly trade in sugar beet molasses, and for other purposes; to the Committee on Ways and Means.

By Mr. HATHAWAY:

H.R. 18141. A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank; to the Committee on Merchant Marine and Fisheries.

By Mr. HOGAN (for himself, Mr. BEALL of Maryand, Mr. BELL of California, Mr. BUTTON, Mr. DOWDY, Mr. FRIEDEL, Mr. GUDE, Mr. HASTINGS, Mr. HAWKINS, Mr. KYROS, Mr. PODELL, Mr. ROE, and Mr. WILLIAMS):

H.R. 18142. A bill to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 18143. A bill to recognize direct benefits to the United States from the construction of the Toledo Bend Dam and Reservoir project and exempt Sabine River Authority, State of Louisiana, and Sabine River Authority of Texas, from further charges for the use, occupancy, and enjoyment of certain lands of the United States within the Sabine National Forest, Tex.; to the Committee on Agriculture.

By Mr. TUNNEY:

H.R. 18144. A bill to promote environmental quality by providing Federal grants to allow for increased public education to encourage individual responsibility and decision with regard to parenthood and population growth; to the Committee on Education and Labor.

By Mr. MAHON:

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

By Mr. MATSUNAGA:

H.J. Res. 1265. Joint resolution to authorize the Foreign Claims Settlement Commission of the United States to settle certain claims of inhabitants of the Trust Territory of the Pacific Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H.J. Res. 1266. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PURCELL:

H.J. Res. 1267. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BURTON of Utah:

H. Res. 1098. Resolution creating a standing Committee on Small Business in the House of Representatives; to the Committee on Rules.

By Mr. FRIEDEL:

H. Res. 1099. Resolution providing for an annual reception day for former Members of the House of Representatives; to the Committee on Rules.

By Mr. McDADE:

H. Res. 1100. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. SYMINGTON, Mr. HECHLER of West Virginia, Mr. SCHEUER, Mr. FRASER, Mrs. CHISHOLM, Mr. NIX, Mr. LEGGETT, Mr. MOSS, and Mr. CAREY):

H. Res. 1101. Resolution to reestablish congressional responsibility in the determination of U.S. policy in Indochina; to the Committee on Foreign Affairs.

By Mr. SIKES (for himself and Mr. HANNA):

H. Res. 1102. Resolution expressing the sympathy and friendship of the House of Representatives to the people of Peru and commending their universities for services of reconstruction and relief; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EILBERG:

H.R. 18145. A bill for the relief of Leon Fogelman, his wife Shoshana Fogelman, and their children, Ester Fogelman and Yoram Fogelman; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 18146. A bill for the relief of Mrs. Marion Scolnick; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 18147. A bill for the relief of Tomas Ramos-Lopez; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 18148. A bill for the relief of Ralph Rocco D'Alessandro; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 18149. A bill for the relief of Beatrice Walsh Westover and Ralph F. Westover; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

408. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, ratifying an amendment to the Constitution of the United States providing that the rights of citizens to vote shall not be denied or abridged on account of sex, which was referred to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

THE FACTS ABOUT BEEF PRICES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. NICHOLS. Mr. Speaker, all of our people are very much concerned about the constantly increasing cost of living. Almost every month, the Government releases figures which show that prices have again gone up in our country.

One of the items which has received much attention in the discussion is rising prices of food and one food item discussed very frequently is meat. My State of Alabama has one of the Nation's fastest growing beef cattle industries. Alabama Cattlemens Association, consisting of some 12,000 members, is concerned about what it feels is some unfounded criticism of current beef prices. For that reason, it has published a pamphlet to be most interesting and I insert it in the RECORD at this point:

ABOUT BEEF PRICES—"LET'S TELL IT LIKE IT IS"

Alabama cattlemen are becoming increasingly alarmed and concerned over the attention that is being focused on beef prices. There appears to be a tendency in some quarters to blame beef prices for the inflation trend that has hit every area of the American economy—and certainly not beef alone.

Cattlemen in general feel it is time to "Tell it like it is"—to tell the consumer that the price of beef—like the price of a new car or tractor is the byproduce of inflation, *not its cause.*

When a cattleman is confronted with the statement, "Beef prices sure are high," he might well respond "Compared with what?"

The following facts might provide some of the answers:

1. Live cattle prices are now about the same as they were in 1951, while the cost of operating a cattle ranch or farm has increased more than 110 per cent during the same period.

2. Retail prices of beef are about the same now as they were in 1951—while the average take home pay for a worker has increased about 150 per cent in that 20 year period. Beef prices on the average have not increased more than 15 per cent at their highest peak in the last 19 years.

3. If live cattle prices had gone up as much as wages since 1952, American housewives would be paying about $3.00 per pound for steak.

4. The American housewife spends only 16½ per cent of her disposable income for food—the lowest in the history of the United States. In Europe she spends 30 per cent, while in Russia it is about 50 per cent.

5. Any increase in the price of beef has occurred for the same reasons prices have increased in every other industry in the country—inflation and labor.

6. One hour of labor in 1970 will buy seven pounds of ground beef, as compared to 4.2 pounds in 1951.

Cattlemen and farmers must make a profit or they no longer stay in business. The production of food and fiber is essential to every citizen. It is unfair to blame cattlemen and farmers for high prices. The cost of packaging, processing and retailing Beef has skyrocketed due to inflation. These costs represent a major portion of Beef prices at retail.

Beef provides one of the highest forms of protein, which every healthy person must have. Cattlemen offer no apology for their business. They pledge their best efforts to produce good wholesome beef in abundant supply—but they believe they are fair to expect a profit from their endeavor.

Cattlemen receive—and ask—no special favors. They believe strongly in free enterprise, receive no government aid, and constantly fight any forms of government controls, other than those concerning health and quality standards. Cattlemen believe strongly they can supply the country with an abundant supply of top grade beef at a reasonable price in keeping with the times.

All they ask is understanding and that the blame for beef prices be placed on inflation and not blame inflation on the price of beef.

A WORLD ECOLOGICAL SYSTEM

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, June 18, 1970

Mr. CHURCH. Mr. President, it is very important for us as a nation to maintain an interest and concern for our environment similar to that generated during the week surrounding Earth Day last April 22.

A Washington Post article of April 1, written by Richard N. Gardner, a Columbia University professor of law and international organization, serves to remind us of an added dimension to our ecological concerns—that is, the need for all nations to view the cleansing of the global environment as a common venture. Professor Gardner underscores the potential role of the United Nations in this truly worldwide program.

I ask unanimous consent that the article, entitled "Toward a World Ecological System," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 1, 1970]

TOWARD A WORLD ECOLOGICAL SYSTEM

(By Richard N. Gardner)

Our new concern with the environment has focused so far on domestic problems. We have largely neglected the international dimension. But we are finally beginning a systematic look at our global environment in a new U.N. committee preparing for a world conference in Stockholm in 1972.

A U.N. response to the environmental challenge is long overdue. While some measures to deal with the environment can be taken by individual nations alone, there are resources that do not belong entirely to any nation—the sea, certain lakes and rivers, migratory animals—whose effective management requires international cooperation. Even management of the environment within the confines of a single nation may benefit from the sharing of national experience.

Moreover, we are finally beginning to recognize that how a nation deals with its national environment is no longer its own and nobody else's business. We are beginning to comprehend the unity of the world's ecological system, which means that all nations may be affected by how any one of them treats its air, water, and land.

We are gradually awakening to the realization that all mankind depends on the same scarce and relatively shrinking resource pool, and therefore has an interest in the wise husbanding of resources wherever they may be located. And business firms around the world are beginning to argue that they cannot accept the additional costs of anti-pollution unless their overseas competitors do the same.

For all these reasons, the international community will be increasingly involved in environmental issues—even those that have hitherto been regarded as "domestic." Indeed, the most powerful impetus to world order may no longer be the threat of nuclear war, but rather the urgent necessity of new trans-national measures to protect the global environment.

President Kennedy asked the General Assembly in 1963 for a U.N. effort to deal with environmental problems—but nobody was listening. Although President Nixon mentioned the environment in his address to the Assembly last fall, his only proposals for international action have been made in NATO. As an organization of limited membership whose principal function is military defense, NATO is not well suited to be the centerpiece of our effort in this field.

The global environment concerns all nations, regardless of national, ideological, or racial differences. Some work on the environment can be usefully undertaken in regional agencies like OECD, but a universal problem needs a universal system of organizations to deal with it. The U.N. system, including its regional commissions and specialized agencies, is the nearest thing to a universal system we have. The Stockholm Conference provides an additional reason to make it more universal by admitting mainland China and divided states. At the very least, the U.N. should invite the Peking regime, the two Germanies, the two Vietnams and the two Koreas to participate in the Stockholm meeting.

What exactly can the U.N. do about environmental problems? To begin with, it could undertake a massive program to educate the world's people, particularly political leaders, on the problems of the environment; could sponsor joint research efforts and studies; and could finance the training of specialists to handle different environmental problems.

It could organize a world-wide observation network, using observation satellites and other new technology, to monitor the world's environment on a continuing basis, and it could operate a service for the evaluation and dissemination of this information for all nations.

It could encourage the negotiation of international agreements providing for firm anti-pollution and other environmental commitments so that nations and industries accepting their environmental responsibilities suffer no competitive disadvantages in international trade.

It could ensure that multilateral aid programs are carried forward with due regard for their environmental implications, and could encourage the application of environmental safeguards in bilateral aid. (Downstream erosion from the Aswan Dam, we now discover, may wash away as much productive farm land as is opened by the new irrigation systems around Lake Nasser.)

Finally it could establish a U.N. Program for the World Heritage, including scenic, historic and natural resources now in danger of destruction whose survival is a matter of concern to all mankind. Obviously, each nation would be free to decide whether or not to nominate a property within its territory for inclusion in such a U.N. program. At the same time, the community of nations would be free to decide whether or not to accept it.

Countries whose resources were included in the program would gain the advantage of international advice and financial aid in their development with consequent benefits to their economies as a whole. And the world community would be in a position to protect unique and irreplaceable properties—Venice, Angkor Vat, some of the great wildlife reserves of Africa—in whose survival all mankind has a common interest.

ARMS TALKS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 18, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a commentary captioned "Topics: Arms Talks and Mutual Verification," published in the New York Times of Saturday, June 13, 1970. The author is Adm. Lewis L. Strauss, of Brandy, Va.

Admiral Strauss, a former Chairman of the Atomic Energy Commission, is, in my judgment, one of the ablest and one of the most farsighted citizens of our Nation.

I have known Admiral Strauss well for many years. He has served his nation ably and unselfishly.

He was a close associate of former President Hoover; he was a trusted adviser and close friend of former President Eisenhower; and he is a friend and confidant of President Nixon.

Admiral Strauss has superb judgment, and I know of none more conscientious and more dedicated to the welfare of his nation.

While Admiral Strauss discusses several subjects in the article published below, I am particularly interested in his comment on the strategic arms limitation talks with the Soviet Union now being held in Vienna.

I am a member of a seven-man subcommittee of the Senate Armed Services Committee charged with the responsibility of keeping abreast of these talks. The chairman of the subcommittee is the able Senator from Washington (Mr. JACKSON).

I invite the attention of Senators to the thoughtful and provocative article by Lewis L. Strauss.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 13, 1970]

TOPICS: ARMS TALKS AND MUTUAL VERIFICATION

(By Lewis L. Strauss)

For the past twenty years—ever since we discovered that the Russians had developed the atomic bomb—we have lived in its shadow. The menace has grown so great that negotiations for arms limitations and control are the most crucial and urgent enterprise in which our Government is engaged.

In the pre-nuclear era, the incentive to negotiate was disarmament for the sweet sake of peace. Since Hiroshima, the incentive has become much more personal—disarmament for the sake of survival. It is safe to assume also that both sides of the negotiating table are now familiar with the consequences of continuing failure, a familiarity which may not have been equally apparent when we offered the Baruch Proposal in the United Nations in 1946.

The nature of atomic warfare also imposes a new consideration for the negotiations—a sense of urgency, for in this era surprise attack is possible in a manner which would make our experience at Pearl Harbor seem like an event in slow motion.

In his recent comprehensive report to the Congress on foreign policy, the President enumerated certain "clear principles" which the Administration would observe in future negotiations with the Communist states. These, he pointed out, were the result of "lessons" learned in postwar negotiations with them. Not included here in the report, though later named, was a principle which had been essential to our program prior to the Nuclear Test Ban Treaty in 1963.

INSISTENCE ON INSPECTION

That principle was emphasized by President Eisenhower during his last months in office when he said: "The United States has made proposal after proposal, each in good faith, in an effort to reduce tensions of the world and to lessen the economic burden of armaments. Moreover, we are prepared always to consider any reasonable proposal made by others. But on one point we must never waver—and that is our insistence that agreements toward disarmament be accompanied by sound methods of inspection and control. The absolute necessity of this caution is readily understood when one recalls that the government with which we must deal in these matters has, since 1945, broken an uncounted number of solemn agreements made with us and other nations of the free world."

Three years later, Ambassador Adlai Stevenson, representing the Kennedy Administration, told the General Assembly of the United Nations that "where national security is concerned, an open society cannot undertake with a closed society an arrangement which cannot be verified."

Yet the Test Ban Treaty which we ratified the following year lacked that provision. The history of that negotiation includes a "lesson," for, in its course, the principle of verification finally disappeared under steady whittling by the Soviets and concessions by us. Starting with our insistence upon unlimited inspection as a mutual right, it dwindled by stages to the point where we were willing to accept seven inspections a year—a number insufficient for effective verification in the large areas involved. Finally, with the Test Ban Treaty of 1963, the principle of mutual inspection for verification was abandoned.

Many will remember the jubilation with which ratification of the Test Ban Treaty was welcomed. President Kennedy expressed his pleasure and his confidence that the Treaty would "slow down the nuclear arms race." Yet since its ratification in September of 1963, there have been many subterranean nuclear tests by the Soviets and ourselves, and entire new weapons systems have evolved for the delivery of nuclear weapons on distant targets. The euphoria of 1963 was not warranted.

SECURITY FOR BOTH SIDES

The Strategic Arms Limitation Talks with the Soviet Union have reconvened in Vienna. A reasonableness which we may prayerfully hope was not "mere atmospherics" seems to have been evidenced in the prior rounds of talks. If so, the principle of verification, abandoned in 1963, ought now to be revived in mutual interest. President Nixon has stated that "An agreement to limit strategic arms can be lasting only if it enhances the sense of security of *both* sides."

And if it be true that the Russians are as distrustful of us as we are of them, then mutual verification would do more to allay mutual suspicion than any other provision of an arms limitation and control agreement, however solemnly covenanted.

A LITTLE GIRL IN LAOS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. LANDGREBE. Mr. Speaker, I would like to draw the attention of my colleagues in the Congress to an article that appeared in Twin Circle, a national Catholic magazine. It appeared in the June 7 issue below a picture of a very young Laotian girl and is an excellent commentary on the recent history and the present political and military situation in Southeast Asia and on our position with respect to it.

The article follows:

A LITTLE GIRL IN LAOS

The future of Laos is tied up with such little girls as this one adorning our cover. A Catholic in Vientiane, she is one of every four children born in Laos that live through early childhood. For Laos is not a "developing nation." It is not even underdeveloped. It is undeveloped. It lacks even one trained dentist and one veterinary. There are lots of economists, but that is part of the evil genius of American aid.

Laos is the most primitive nation in Asia, if you can call it a nation. Laos and Cambodia were set up arbitrarily as administrative units by the French. It is a large country, but most of it is empty. There are just 2 million people. Half of the territory is occupied by North Vietnamese Communists.

America talked other nations into giving up the defense of Laos in 1962. There were all kinds of reasons, *e.g.*, it was landlocked; Ho Chi Minh would pull out if we did; it was the wrong war in the wrong place at the wrong time, and so forth. Reasons, excuses, and lots of wishful thinking.

If ever the domino theory taught us a costly lesson, it was Laos. We and a number of other SEATO nations were fighting there, containing North Vietnam with a minimum of effort. We had only 12,000 troops, all advisers.

The late President in Saigon, Ngo Dinh Diem, wanted to keep troops in Laos to prevent them from coming down into South Vietnam. But President Kennedy vetoed the idea. Instead he got an agreement with Hanoi to pull out its troops if we pulled out ours. We took Hanoi at its word and pulled out our troops. Averell Harriman toured the United States for 2½ months, exclaiming: "We are going to have peace in Southeast Asia." Why? Because Hanoi had not only promised but signed!

South Vietnamese often warn Americans that the war will not be over if we just pull out. It will shift to another country and continue. That precisely is the lesson of Laos. By pulling out of Laos we enabled Hanoi to fight a bigger war in South Vietnam.

People who want to get out of Vietnam now, without forcing the enemy back to the North, are looking for peace at any price. But that is what encourages aggressors and

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leads to other wars. Without giving up Laos, the enemy could never have provoked a big war in South Vietnam. The border from North Vietnam to South is only 51 miles wide and could be effectively patrolled. But in giving up Laos we gave Hanoi a 400-mile border for entering South Vietnam.

Half of Laos is still free, the half the enemy doesn't need. Meanwhile, U.S. AID is pouring $250 per person annually into Laos, a record $500 million a year. We are bogged down in Southeast Asia, victims of our own indecision. The war will go on until we act decisively. The Cambodian operation is the first hopeful sign. Vietnamization can work, if we change our self-imposed rules. Heretofore we have gone about it wrong.

WOODROW WILSON SCHOLARS EXEMPLIFY TODAY'S YOUTH; TEXAS NO. 1 IN THE NATION

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, June 18, 1970

Mr. YARBOROUGH. Mr. President, our educational system in the United States today faces great turmoil as has been shown by the events of recent months on our college and university campuses. In the face of these trying times, it is heartwarming to read of the national accomplishments achieved by many of our students despite these trying times.

An outstanding example of the great accomplishments made by today's students in the State of Texas is their being named Woodrow Wilson Designates for 1970. Forty-two such students were named from my great State, and an additional 1,111 from across the Nation.

I am especially pleased that 100 students were selected for special study awards by the foundation and, of the 100 students selected, four attended universities within the University of Texas system. My alma mater, the University of Texas, led the Nation in the number of students receiving the special study awards.

An article in the Texas Times, a publication of the University of Texas system, for April–May 1970, describes the four top students and their aspirations, and I ask unanimous consent to have this article entitled "University of Texas System Leads the Nation" printed in the Extensions of Remarks today. In addition I respectfully request that the names of the additional Woodrow Wilson scholars from Texas be printed in the Extensions of Remarks.

There being no objection, the article and names were ordered to be printed in the RECORD, as follows:

[From the Texas Times, April-May 1970]

UNIVERSITY OF TEXAS SYSTEM LEADS NATION

The University of Texas System led the nation with four winners of Independent Study Awards from the Woodrow Wilson National Fellowship Foundation.

Three UT Austin students and one at UT El Paso were recipients of the $1,000 awards, the first of their kind ever given by the foundation.

Only 100 top seniors in U.S. and Canadian colleges and universities were selected for the awards. They were among the 1,153 Woodrow Wilson Designates named earlier this year.

FOR SUMMER WORK

Winners at UT Austin are John T. Pitts, Erin Christine Raschke and John Henry Zammito. The UT El Paso winner is Michael D. Miner.

They will use their awards for approved projects of study, research or travel this summer or next.

Miner plans to use his $1,000 during the summer of 1971 to travel to Athens, Greece, to do translations of modern Greek poetry. He is an English major. Miner's wife, Anna, is a native of Greece who came to the U.S. about five years ago to attend college. She is a January 1970 graduate of UT El Paso.

Pitts intends to use his Independent Study Award in Austin this summer, working in three major areas. He will study mathematics, specifically analysis and algebraic topology; continue his study of Russian and review his work in German, preparatory to taking the language exams at Princeton, where he will work toward a Ph.D. degree; pursue "fairly extensive" reading in the history and philosophy of science.

SERIES OF ESSAYS

Zammito will devote the summer to writing a series of essays in social theory, working primarily in Austin but also traveling a bit. He spent his junior year in the International Honors Program, traveling to Japan, India and Europe in a group of 32 students. They studied social modernization and wrote essays on the various countries and topics studied.

Miss Raschke will postpone implementation of her Independent Study Award until the summer of 1971. She probably will do research in biochemistry at the graduate school she will attend for the Ph.D. She has not yet made that decision.

WOODROW WILSON DESIGNATES—1970–71

TEXAS

[Name and undergraduate college]

Austin

Helfert, Michael Robert, University of Texas, Austin.

Pitts, Jon T., University of Texas, Austin.

Raschke, Erin Christine, University of Texas, Austin.

Seitz, William Alfred, Rice University.

Waide, Jack Boid, University of Texas, Austin.

Baytown

Howell, Elsie, University of Arkansas.

Swofford, Raymond Pierce III, Rice University.

Caldwell

Moore, Linda Ruth, University of Texas, Austin.

Corpus Christi

Booker, Diane Christine, Rice University.

Caldwell, Christine, Newcomb Coll. Tulane U.

Coleman, Paulette, Bensalem Coll. Fordham U.

Dallas

Daugherty, Gregory Neil, University of Richmond.

Grotevant, Harold Dennis, University of Texas, Austin.

Kaufman, Kay Louise, University of Michigan.

Sweet, Melvin Allen, Southern Methodist U.

Deer Park

Wheat, Ira David, Jr., Texas Technological U.

Denton

Hudson, Mrs. Ann Rylander, North Texas State U.

Logue, John Alan, University of Texas, Austin.

El Paso

Miner, Michael David, University of Texas, El Paso.

Fairfield

Ritter, Jack L., University of Houston.

Fort Worth

Sayre, Sandra Mitchell, College of Wooster.

Spurlock, Janis Leigh, Texas Christian U.

Galveston

Jameson, Elizabeth Ann, Antioch College.

Houston

Birkman, Sharon Lea, Columbia University.

Collins, Lee Anthony, Rice University.

Danziger, Sheldon H., Columbia University.

Frank, Steven I., University of Texas, Austin.

Kaplan, Mrs. Bari Watkins, Rice University.

Kaplan, Barry Alan, Rice University.

Martin, Daniel Wayne, University of Houston.

Irving

Cowan, Mr. Bainard, University of Dallas.

La Marque

Drouilhet, Sidney James II, Rice University.

Laredo

Zammito, John Henry, University of Texas, Austin.

Lovelady

Williams, Linda Faye, Rice University.

Monahans

Booth, John Allen, Rice University.

Nacogdoches

Blackmon, Wilbur Dee, Jr., University of Arkansas.

San Antonio

Zaumeyer, Gay Esther, Southwestern University.

de Leon, Irma, Incarnate Word College.

Keynon, Gary A., University of Texas, Austin.

Teague

Cox, Jeffrey Lee, Rice University.

Vernon

Munn, Miss Hanaba, Harding College.

Waco

Brown, Leo Dale, Baylor University.

OPPOSITION TO ANY PROPOSAL TO INCLUDE COAL AND OTHER FOSSIL FUELS UNDER THE ATOMIC ENERGY COMMISSION

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. KEE. Mr. Speaker, according to a recent article in the New York Times, the administration is reported to be considering the transfer of all the atomic weapons program for the Atomic Energy Commission to the Department of Defense. In addition, all matters relating to energy would be placed under the jurisdiction of the Atomic Energy Commission. President W. A. Boyle of the United Mine Workers of America has protested the inclusion of coal within the framework of the Atomic Energy Commission. It is that the pronuclear bias of the Atomic Energy Commission would result in a complete deemphasis of coal as an

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energy source. Certainly, Mr. Speaker, because of the record of the Atomic Energy Commission as an opponent of nonnuclear power, it must give reasonable men deep concern when considering the suggestion that the Atomic Energy Commission, as currently structured, should now become the Nation's energy agency. In any event, I believe Mr. Boyle's comments are worthy of note and am inserting them in the RECORD for the information of the Members of Congress:

OPPOSITION TO ANY PROPOSAL TO INCLUDE COAL AND OTHER FOSSIL FUELS UNDER THE ATOMIC ENERGY COMMISSION

The United Mine Workers of America today expressed complete opposition to any attempt to restructure the Atomic Energy Commission that would place coal and other fossil fuels under the agency's jurisdiction.

The union's opposition followed press reports of the Nixon Administration's intentions to turn the AEC into an agency concerned only with so-called peaceful uses of atomic energy and to give the new agency jurisdiction over other fuels. The UMW has long advocated the need for a unified energy policy which would meet America's power needs. The AEC, as presently constituted, is certainly not the agency to formulate and implement such an energy policy.

"The AEC is dedicated to the ascendency of atomic fuels over all other forms of energy, and is the deadly enemy of coal. Any transfer of coal into its jurisdiction will almost certainly result in the subordination of coal and coal research, no matter what kind of cosmetic job is done upon the agency," W. A. (Tony) Boyle, UMW president said.

Boyle added that the welfare of 200,000 members of his union, working and retired, is closely bound up with a rational national fuels policy. He added there is no such thing as a "peaceful atom" and warned that "promiscuous use" of this source of energy as sought by the AEC endangers the future of humanity.

"Only a few days ago, two AEC scientists warned that the energy is endangering the future of the human race with its frenetic attempt to foist atomic energy upon this nation. These scientists have estimated that there will be at least 32,000 extra deaths from cancer this year as a result of AEC approved standards for radiation from the 'peaceful' uses of atomic energy.

"Radiation represents only one aspect of the danger. Waste generated by the use of radioactive materials in the core of atomic power plants presents an even more gruesome threat. These atomic wastes are boiled down, sealed in steel drums and buried. These drums decay and must be dug up so that wastes may be transferred and reburied at least once every 15 years. There is grave danger of leakage of these highly radioactive wastes which, in some cases, will remain deadly poisonous to man and beast for thousands of years.

"There is no safe place to bury radioactive atomic wastes on land or in the seas and we are fast running out of land sites that the AEC calls safe. The National Science Foundation has called present burial sites poor geologic locations and there is no question that atomic waste burial is a major threat in the event of earthquakes or other geologic slippage.

"The AEC is playing Russian roulette with the lives and health of the American people and there is no justification, economic or social, for its present policies. This nation is blessed with a plentiful supply of fossil fuels which can be used safely and economically. Environmental problems resulting from the use of fossil fuels can be overcome through publicly supported research and the adoption of effective national standards for extraction," Boyle said.

TRIBUTE TO DR. JOHN C. VILLAUME

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. McDADE. Mr. Speaker, on Wednesday of next week Dr. John C. Villaume will retire as the president of the International Correspondence Schools, Scranton, Pa.

I doubt that any Member of this body has not heard of ICS which for many years has been the outstanding correspondence school in the whole world. Many Members of this body have studied the courses from ICS. Almost 10 percent of the presidents and board chairmen of American corporations can likewise claim ICS as their alma mater. It is a distinguished educational institution; and during the tenure of Dr. Villaume as its president, it achieved new distinctions. The seventh and eighth millionth students were enrolled at ICS under his presidency, and it is well on the way to enrolling its ninth millionth student.

Dr. Villaume is a graduate of Gettysburg College and holds a master's degree from Duke University as well as an honorary doctor of laws from the University of Scranton in Pennsylvania. He served during the Second World War in the Adjutant General's department; and was separated from service with the rank of captain.

He joined the staff of ICS shortly after his separation from service where he rose rapidly from the position of assistant director of the high school department to the presidency in 1959.

Since 1960 he has served, likewise, as a director of the International Textbook Corp., and of the International Correspondence Schools World Limited.

Dr. Villaume is a member of innumerable distinguished educational and management associations, as well as the author of several important texts in the field of personnel and management. He has lectured before learned audiences both here and abroad.

In choosing to retire at the early age of 54, Dr. Villaume is by no means looking forward to a sedentary life. His career as a lecturer will continue, and he will bring his countless talents now to the challenging field of university teaching at a time when there is a profound need for men of his quality in this field.

I know that all of my colleagues will join me in wishing Dr. Villaume well in his retirement. In a lifetime, he has served America well. He was a distinguished soldier in time of war; more significantly, he has been a distinguished servant of the people in time of peace, enriching the lives of countless Americans through his work at ICS.

I extend my own personal good wishes to John, both as a friend and as one who has seen the work he has done in our own community, to make that community a better place in which to live. I look forward with delight and anticipation to the work he will do in a new career. I am certain it will be as distinguished as the work he has done in the past.

MORE QUESTIONS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ZWACH. Mr. Speaker, I have said before that Mrs. Margery Burns, a farm housewife, is one of my favorite newspaper columnists. She writes for a number of our Minnesota rural newspapers with a professional's knowledge and perception.

With your permission, I would like to insert into the CONGRESSIONAL RECORD at this time Mrs. Burns' latest column, "More Questions."

I most emphatically recommend the reading of this column to my colleagues.

MORE QUESTIONS

It's hard for all of us to think about anything else these days except the war in Vietnam and the campus protests against that war. I don't believe anyone in the whole country is "for" the war in Vietnam. Or for any war. And a successful plan to get us out of Vietnam and end that war should be terrific news for all of us.

None of us can blame the students for protesting this endless war. Or any war. However, most of us don't go for senseless, violent protests by students and non-students because those are the same thing as the senseless violence of any war.

And there are some questions which keep coming up now concerning this whole problem of Vietnam. Maybe the protesters can answer them. Maybe you can answer them. Or maybe they'll raise even more questions.

For instance, with all the protests aimed at our getting out of Cambodia, why aren't the same protests aimed at North Vietnam getting out of there too? Why protest half the problem? Or is it all right for North Vietnam to invade a neutral country? Why don't students protest the treatment which our men are receiving as prisoners of North Vietnam? Why can't all those protests be aimed at the whole war over there? Wouldn't that kind of protest give Hanoi a real jolt?

All the protests from students, faculty and politicians concerning our being in Vietnam brings up the question of our helping Israel. The politicians seem willing to heat up the situation in Israel at the same time they are taking action against the situation in Vietnam. Wouldn't it be consistent if we pulled our help out of Vietnam, Israel, Europe, Korea and all the other countries where we have troops and arms? Or is it more moral for us to get involved in some countries than it is in others? And who decides?

Our Senators are going to pass laws now against expanding our military role in Vietnam, but why didn't they do this eight years ago? I think we can give the students credit for forcing more public awareness about these terrible problems. It's tragic that the students and other young people had to take it on the chin for these last eight years while the government pushed us into dangerous spots all over the world. Or should all of us, including the students, be even more concerned about the people in other countries? Where do we draw the line?

I hope the students will broaden their protests to include these questions. Our country needs their help. Our country has always needed help from all the people. And most of our young people should be smart enough to know the difference between help and hindrance.

THIRTY YEARS OF SLAVERY FOR THE BALTIC STATES

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ADDABBO. Mr. Speaker, June 15, 1940, witnessed the tragic invasion of Lithuania, Latvia, and Estonia by the Soviets and the resulting loss of independence and freedom for the Baltic States. It has been 30 years since the Soviet occupation of these States.

The sad and brutal events of the Soviet occupation of June 1940 constituted genocide and more than one-fourth of the entire population of these three States have been lost. Since the occupation, the Soviets have continued the policy of genocide and oppression of the people of the Baltic States. More than 30,000 Lithuanian freedom fighters have lost their lives in open resistance to the invading Soviets.

While the United States has refused to recognize the seizures of June 1940 and has maintained diplomatic relations with the former free governments, there is a need for additional action to bring the full force of world opinion to bear on this tragic example of oppression of a free people. The course of action recommended by the Congress is set forth in the language of House Concurrent Resolution 416, passed by the House of Representatives on June 21, 1965, by a record vote of 298 yeas to no nays and unanimously adopted by the Senate on October 22, 1966. I am placing the text of House Concurrent Resolution 416 in the RECORD at this point for the information of my colleagues and in the hope that the President of the United States will carry out the steps recommended by Congress in this measure:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

TOWARD HUMAN SOLIDARITY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HELSTOSKI. Mr. Speaker, at a meeting several weeks ago the National Conference of Catholic Bishops drafted a far-reaching statement in observance of the 25th anniversary of the United Nations. I am pleased to place it in the RECORD.

In so doing, I recommend the reading of it and the consideration of its several suggestions and proposals to every Member of this body for it has great significance for the United States and the world in its entirety.

The statement follows:

TOWARD HUMAN SOLIDARITY

(Statement on the 25th anniversary of the United Nations by the National Conference of Catholic Bishops)

Twenty-five years ago this month, while World War II was still an agonizing reality, representatives of 51 nations gathered in San Francisco. In the name of "the Peoples of the United Nations", "they pledged to unite their strength within a comprehensive new juridical and political world organization" to save succeeding generations from the scourge of war in accordance with principles of justice and international law.

The American Bishops declared a few months later that our country acted wisely in deciding to participate in this world organization. Concerned that the great powers were placed in a position "above the law" in matters relating to the maintenance of peace and security, they expressed the hope that a sound institution would develop from the recognition of the rights and duties of international society.

As the American Bishops meet now in 1970 in San Francisco, a city which bears the name of the patron of peace, we deem it appropriate to welcome the twenty-fifth anniversary year of the United Nations.

Even more important, however, this is a fitting occasion for an examination of conscience and a renewed resolve to unite, as both the Gospel and the times demand, to banish war and to make of the earth a peaceable kingdom.

We call upon American Catholics to join with us in appreciation of the noble purposes of the United Nations and of its innovative efforts and achievements in behalf of human solidarity, human development and peace, and we urge them to increase their knowledge and understanding of these efforts and achievements.

At the same time we recognize, as the United Nations itself is doing, how far it still is from meeting contemporary threats to and demands for that peace, justice and true human progress which are the theme of the anniversary year.

Common endeavors of the Member States of the United Nations, harmonizing national interests, have indeed deepened and broadened awareness of the reciprocal rights and obligations of states in international life. Some conflicts have been averted, contained or halted by its efforts.

The horrendous character of nuclear, chemical and biological warfare has been universally acknowledged, and treaties to limit or abolish the respective weapons have been concluded or initiated.

Numerous new states, formerly under colonial rule, have been assisted in the transition to independence and the new responsibilities thereof, and they have been welcomed to United Nations membership on terms of juridical equality.

The dignity and fundamental equality of all members of the human family, without regard to sex, race, color, religion or any other distinction, have been repeatedly affirmed and enhanced through formal declarations and treaties, through various educational campaigns and through positive action of a social nature.

Worldwide technical cooperation and other forms of mutual assistance are feeding the hungry, healing the sick, instructing the ignorant and sheltering the homeless.

A body of international law to cover existing and expanding relations in international life, which otherwise might lead to conflict, is being progressively developed.

Agreements to preserve outer space, the ocean bed and an uncontaminated environment as the peaceful patrimony of all mankind have been concluded or are in the making.

There can be no doubt that the United Nations could move to that higher dimension of community and authority demanded by the contemporary crises of peoples, which are, in fact, world crises, if men and states would take seriously the injunction of Pope Paul to the United Nations: "We must get used to thinking of man in a new way, of men's life in common in a new way, in a new way, too, of the paths of history and the destiny of the world."

In a world made one by the evolution of communications and transportation, this new way requires States to emerge from the anachronistic structures which enshrine old concepts of unlimited national sovereignty.

As Christians and as American citizens, we have a special responsibility to cherish and protect the life of men in community and to assist the United Nations to help us do so. As Americans we must acknowledge the reality of our massive power and take the lead in sharing it, strengthening the world organization.

This calls for acceleration in the delicate exchange in which the United States and other nations experience a limitation of the power to act unilaterally and an expansion of the obligation to share the responsibility of global peace and development.

This limitation of unilateral power occurs notably in the area of arms control which can effectively curb the power of any State to make war and the concomitant establishment of a UN peacekeeping system capable of speedy action to guarantee security. The success of the Strategic Arms Limitation Talks Between the United States and the USSR is a first and necessary step.

As to possibilities of peace-keeping, without which there will be no real or lasting arms control, in the words of Charles Yost, U.S. Ambassador to the United Nations: "We have only to glance at some of the key provisions of the Charter to see how far we have fallen short of making them living realities, how substantially we have failed to develop the institution and the sort of international society which the authors of

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the Charter had in mind. . . . The United Nations is still waiting for its members to give it the authority to settle disputes and to live up to its promises of peace."

The United States should not only take the lead in the new efforts to institutionalize a standby UN peacekeeping force and to set up fact finding, arbitration, mediation and conciliation mechanisms for settling political disputes, it should also take bold steps to substitute for the rule of force a rule of law. In the light of changed world conditions we encourage and shall promote wide public discussion of greater use by the United States of the long established but practically unemployed International Court of Justice for the settlement of disputes.

The compelling needs of mankind no less than the growing dangers to peace are an indictment of the untrammeled pursuit of national self-interest. There is evidence that our great country and its generous people, hold not the first but the eleventh place among the nations in percentage of our gross national product allotted to help in the development of poorer nations and peoples.

We welcome the new directions, outlined by the President's Task Force on International Development, which call for the reversal of the downward trend of such contributions and for greater use of international rather than national channels in distributing such aid. Only in this way can we share effectively in the promotion of global solidarity and increase the common stake of all nations in a strengthened United Nations.

Sympathetic exploration in the United Nations of an International Volunteer Corps should be given every encouragement.

The patterns and practices of international trade in which we are engaged also call for a serious assessment in light of the present needs and the future well-being of the world. Our country should provide a far more adequate response to those nations which suffer from the injustices of the present system in which we play a powerful role, the structures which support these injustices must be examined with a view to change.

All of our strivings for true human progress will be frustrated if we cannot honestly regard each of our brothers as another self, whose true vocation, like ours, is to love and to seek and embrace the good and the true, and thus attain that higher level of life which is his destiny. This regard must be expressed also in laws and institutions.

Of the many Conventions drafted since 1945 by the United Nations with the object of securing reciprocal commitment by all nations to protect and promote particular human rights, the United States has ratified but one.

We urge again, as we did in 1968, U.S. ratification of the Convention on Genocide and pledge ourselves to assist in the promotion of wide public dialogue, not only on these Conventions which have already been submitted to Congress, e.g. on forced labor and women's political rights, but also on others which should be so submitted, including those on racial discrimination and discrimination in education.

In any global approach to the problems of peace and human welfare, the real and potential magnitude of the Peoples Republic of China cannot be ignored. We commend the present Administration for continuing the efforts to develop workable relationship with the people of mainland China and encourage wide public discussion of this subject.

Informed and concientious participation in forming national policies is the surest way to promote change looking to greater international cooperation. The exercise of this right and duty should be ensured by continuing education. We must ask ourselves whether our schools, organizations and institutions are ministering to the formation of a global mentality or whether they are reinforcing outmoded nationalistic, and even chauvinistic, attitudes of the past.

In the development of a world public opinion, we would urge study of the possibilities inherent in the common interests and actions of the many international non-governmental organizations. Their experience is a contribution to the growth of world community and is so recognized in the consultative status granted to many of them by the UN Economic and Social Council.

In concluding, we recall the words of Pope Paul VI to the General Assembly of the United Nations in 1965: "This Organization represents the obligatory path of modern civilization and of world peace . . . Go forward." The path is obligatory because the world can no longer afford the luxury of completely autonomous and self-sustaining nation states.

In the United Nations, therefore, we see the beginnings of a new international order to replace the jealous sovereignty of States and the fragmenting forces of nationalism—a new international order in which mutual cooperation and respect for rights and duties will lead to that human solidarity which may be said to reflect the plan of the Creator who made mankind one that they might seek Him.

50TH ANNIVERSARY TRANSCONTINENTAL AIRMAIL SERVICE

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. SCHNEEBELI. Mr. Speaker, recently it was called to my attention that September 8, 1970, will mark the 50th anniversary of transcontinental airmail service in the United States.

The Silver Wings Fraternity, a national organization consisting of men and women aviators who have been flying more than 25 years, and among whose membership are several well-known public figures, plans to commemorate the occasion by flying between New York and San Francisco, making key stops inbetween. The fraternity is doing this entirely on its own, just as it did in 1960, to commemorate the 40th anniversary. At that time there were approximately 50 highly competent pilots who commanded new aircraft, and they were able to maintain better schedules than did the original pilots who flew the initial transcontinental flights. No air traffic problems were involved and the participants assumed full responsibility for their actions.

For the 50th anniversary, it is hoped these pilots will again be permitted to carry airmail, as they did in 1960, and transport it from one city to another. The Postmaster General now has under consideration the fraternity's official request for permission to carry airmail. Hopefully it will be approved. A reception is planned at each of the airports involved—postmasters and mayors are being invited to participate.

The plans described will commemorate a most significant milestone in our Nation's history and I should like to commend this fine group of pilots for their genuine interest in formally recognizing the event. I salute the Silver Wings Fraternity for the important role its profession has played in providing airmail service for our citizens and for its significant contributions to the field of aviation as well.

SAD ANNIVERSARY OF BALTIC PEOPLES

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. LUKENS. Mr. Speaker, this week marks the sad anniversary of the captivity of the Baltic peoples and their consequent loss of freedoms and loss of lives and great sufferings these brave people have had to and are going through.

Estonia, Lithuania, and Latvia lost their freedom and independence when the Soviets invaded and occupied these three peace-loving countries on June 15, 1940. After the Soviet's troops moved into the Baltic republics, one of the most brutal occupations of all time began. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

On June 21, 1965, a step in the right direction was taken. House Concurrent Resolution 416 was adopted by the House of Representatives by a record vote of 298 yeas to no nays, and unanimously passed by the U.S. Senate on October 22, 1966. The resolution states as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United

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States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it,

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

As a proud member of the Americans for Congressional Action To Free the Baltic States, a nationwide organization, I encourage each of you to join in with me in urging President Nixon to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations.

FORT WORTH WELCOMES AMERICAN TRAINING CENTER

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. WRIGHT. Mr. Speaker, I would like to take this opportunity to congratulate American Airlines on the dedication of its new Flight Academy and expanded Stewardess College in Fort Worth.

Located at Greater Southwest International Airport, these two schools make up the American Airlines Training Center, the largest and most advanced of its kind in the world. The center, dedicated yesterday is now open and ready for the challenging 1970's.

Particular congratulations rightfully go to three persons in the American Airlines family. The Honorable C. R. Smith was American's chief executive officer from 1934 to 1948 except for a period during World War II when, as a major general, he served as deputy commander of the U.S. Air Transport Command. He left the airline early in 1968 to serve as Secretary of Commerce under President Lyndon Johnson. In acknowledgment of Mr. Smith's contributions, the center is properly dedicated to him.

Further recognition goes to the multimillion-mile pilot, Capt. John H. Gibson, a vice president of American Airlines who will be managing the new Flight Academy, and to the lovely and distinguished Miss Millie Alford who will be directing the expanded Stewardess College. To Captain Gibson and Miss Alford and their staffs is entrusted the training of the pilots and stewardesses of the future.

While the original Stewardess College has been an outstanding member of the Fort Worth community for over a decade, I am proud to welcome the additions to the American Airlines Training Center and I am confident of its continued success.

PRESIDENT OFFERS NOTHING NEW

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HANNA. Mr. Speaker, after listening to the President's economic report yesterday, I was struck by the failure of Mr. Nixon to realize the need for new approaches to the problems in our economy. He has once again merely asked the American people for more time for his patently ineffective policies to take effect.

The two most significant crises confronting our economy today are unemployment and inflation. The President yesterday refused to address himself to these issues in any but a very cavalier fashion. Regarding unemployment, Mr. Nixon merely observed that "the number of Americans who have jobs is the highest in our history." This, to my mind, glosses over the simple fact that the number of Americans unemployed today is climbing to tragic levels.

Responding to the rampant inflation which is daily attacking the purchasing power of the dollar, the President first implied that a form of "jawboning" would be utilized—the Council of Economic Advisors' "inflation alert"—then categorically denied the use of such tactics. This contradictory approach can only serve to confuse and dislocate conscientious efforts by the members of the U.S. economic structure to exercise that elusive entity, "social responsibility." By refusing to define what he meant by that terminology, the President has made way for a veritable Pandora's Box of definitions, all of which are vulnerable to Presidential disclaim and discredit. No union or manufacturer can feel any responsive restraint under this enigmatic formula.

I think the people of this country have had enough rhetoric and not enough reality. The President has plied Americans with platitudes instead of solutions.

My most recent newsletter to my constituents deals specifically and explicitly with the economic ills of this country and, even more importantly, with what must be done to cure these ills in a responsible and timely manner.

Mr. Speaker, I include the text of that letter in the RECORD at this point:

CONGRESSMAN RICHARD T. HANNA REPORTS TO YOU

DEAR FRIEND: Although the news about the Indochina war has taken the major headlines recently, it has not obscured the worsening economic situation we are facing. Perhaps the most dramatic indication of the serious state of our financial structure has been the precipitous fall in the stock market. The market has declined almost 300 points since the end of 1968.

While the stock market itself is not the best indicator of the nation's economic health, it does have a strong relationship to the confidence investors have in the Administration's ability to deal with rising costs, unemployment, falling profits, and decreasing productivity. The economy of our local area has been particularly hurt.

These very specific problems are raising serious questions that are not being answered by the Administration. The point, of course, is that the present high interest, tight money policies of the Administration are causing more problems than they are solving. I believe it would be helpful if I review the present economic conditions and suggest alternatives to the present ineffective policies.

A RECESSION WITH INFLATION

The two things most Administration economists agreed could never happen, a recession with a high rate of inflation, are precisely the circumstances of our present situation. Let's take a look at some of the most recent economic indicators. They are anything but encouraging.

Unemployment nationally and in our area has been skyrocketing. The national adjusted rate of April is now 4.8%. The rate increase over March was the highest in 10 years. Earlier this year, the chief economic advisors to the President, Arthur Burns and Paul McCracken, both testified before my Committee that unemployment would probably not exceed 4.2%. Now they are saying 5%.

In our area, unemployment has risen by almost a third since March of 1969. At that time, the rate was about 4%. This past March, it had gone up to 5.3%, and we can expect, when the April figures are released, it will be much higher.

AEROSPACE AND CONSTRUCTION INDUSTRY UNEMPLOYMENT

Two vital industries have been very seriously hit with unemployment. Both the local aerospace and construction industries have been confronted with serious slowdowns and layoffs. Local aerospace jobs have declined almost 22% since their peak in December of 1967. At the end of March, almost 30% of our area's construction workers were unemployed.

From the standpoint of our local community, the layoffs, particularly in aerospace, have been very harmful. Thousands of engineers and scientists who have been working in the industry for years are now finding themselves unemployable. There is a real danger that the important North American Rockwell airframe development team may break up, thereby causing a serious loss to our national technological program. Dwindling Administration support for our scientific and technological communities are undermining not only our industrial competitive strength, but also our effective ability to deal with the problems in our environment and our cities. The cost of putting this expertise back together again will be immense.

PRICES STILL GOING UP

Despite the serious unemployment picture caused by the deliberate economic policies of the Administration, there has been almost no success in controlling inflation.

The overall price index rose by 6% during the first quarter of 1970. The cost of living index is still racing at an adjusted pace of over 7% nationally, close to 8% in our area.

What does this mean to you? It means, according to the U.S. Bureau of Labor Statistics, that if your family income is $10,000 a year you will pay $800 more this year, than last, for the exact same goods and services.

One of the biggest factors in the dramatic rise in the cost of living has been excessively high interest rates. In another deliberate, and most ill advised, move this Administration sent interest rates soaring to historic highs. This move, rather than controlling inflation, has helped spur it as well as sending the entire home building and finance industries into one of its deepest depressions in history.

HIGH INTEREST RATES AND THE HOME BUYER

Our community has suffered inordinately from this high interest policy. As I mentioned earlier, high interest rates have caused a steady downtrend in housing starts and have thrown thousands of local construction workers out of their jobs.

Growing families looking for new housing have found themselves having to pay more than one-third of their monthly incomes to meet the high mortgage payments.

Do you remember when you could get a 6½% mortgage on a new house? It wasn't that long ago. This time in 1968 you were able to get a conventional mortgage at around 6½%. Your monthly payments for principal and interest on a $25,000 house, on a 30 year mortgage, ran you about $156 in May of 1968. Today, just two years later, a mortgage on a $25,000 house will cost 8½% plus points, and your monthly payment will be $192 a month—$36 more a month just to pay the interest. And of course, inflation will make that $25,000 house in 1968 cost closer to $30,000 today.

Not only have the high interest rates caused your mortgages to cost more but also your property taxes. Necessary local needs such as sewer facilities, school buildings, and roads are financed by bonds sold by our local cities. Municipal bonds, when they can be marketed, are going at all-time high interest rates. And you know who pays the bill for these high rates—the property tax payer.

FALLING PROFITS AND PRODUCTIVITY

The most serious indicators reflecting a deepening recession are, of course, declining profits and the faltering gross national product.

A survey just completed by First National City Bank of New York reports "A steady stream of disappointing corporate reports, which showed earnings even lower than expected in the first quarter, was one of the factors that helped plunge stock prices to the lowest level in over six years . . ."

The report goes on to say that "The sharp reduction in profits—over 9 per cent from a year earlier—confirms earlier indications of a developing recession."

On the serious condition of our gross national product, the Wall Street Journal reported ". . . physical output of private and government goods and services—decreased at a 3% annual rate in the first quarter. This is almost twice as rapid a falloff as the 1.6% rate reported earlier, and is the steepest slide in real output since the same rate in 1960, a recognized period of recession."

The Wall Street Journal summed up America's deteriorating economy by reporting that:

"Industrial production resumed its long decline in April after a fillip in March.

"Personal income in April would have fallen for the first time in almost five years, but was saved by a surge in Social Security checks.

"Corporate profits fell sharply in the first quarter to the lowest level since late 1967.

"Overall inflation in the first quarter was much worse than reported earlier, while real output fell twice as fast as estimated originally.

"The U.S. balance of payments plunged deeply back into deficit in the first quarter."

WHAT MUST BE DONE NOW!

As early as 1968 I demonstrated my concern over the economic warning signals that were evident even then. I introduced legislation at that time to assist home building and keep interest rates stable. During 1969 and this year I have taken the floor repeatedly, written the President time and again, and have met with the President's leading economic advisors on numerous occasions to protest current policies and offer alternatives. I have co-authored six major pieces of legislation, one which has passed but has not been implemented by the President, and one which will soon pass. All of these bills, if implemented will lower interest rates, help curtail inflation, assist small businessmen, and save the homebuilding industry from complete collapse.

Strong measures are needed. Since 1969 I have advocated selective wage and price controls. A recent survey in our district suggests an overwhelming majority of the people favor such action. Even Mr. Burns, the Chairman of the Federal Reserve, believes the President must now move in this direction.

One of the bills I co-authored and helped pass permits the President to implement selective credit controls. He has failed to take advantage of this tool and as a result market interest rates keep rising and money flows away from highly productive areas such as homebuilding. These controls must be implemented now!

The President must insist on and create policies that will channel money into more productive areas—activities that create jobs and a strong turnover in capital.

We can no longer be satisfied with the bland reassurances from the Administration that their economic policies are "on schedule." One high Administration official sarcastically commented, "Sure we're on schedule: we're ahead of schedule in getting to high unemployment, and we're behind schedule in reducing excessive inflation. Just average those two things out and you can see we're on schedule."

The present policies have proved bankrupt. Almost every indicator clearly reflects the danger our economy is in. The program outlined above is a constructive alternative to the present damaging policies.

In my next report, I will update the situation and report on the progress being made.

HOW INFLATION AFFECTS YOUR PAYCHECK

	Spring, 1968	Latest	Change
Weekly pay, typical worker	$104.90	$117.55	[1] $12.00
Federal taxes (income and Social Security)	11.60	14.45	[1] 2.85
"Inflation tax", reflecting 11.5 percent increase in living costs in past 2 years		10.63	[1] 10.63
What's left	93.30	92.47	[2] .83

Source: U S Department of Labor.

[1] Up.

[2] Down.

A FATHER'S DAY TRIBUTE

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. GROVER. Mr. Speaker, a year ago a proud U.S. Marine wrote his last letter to his proud father. It was a Fathers Day greeting from Pfc. Daniel G. O'Connell, USMC, a dedicated young American, to Mr. Walter G. O'Connell, a loving father and distinguished educator, written on June 13, 1969. Daniel was killed in action in Vietnam 6 days later.

It is a short, simple letter, but its message is a moving, living tribute to the deep affection, the loyalty and warmth, mutual understanding and joy which is the base of the relationship of father to son and son to father. The letter follows:

JUNE 13, 1969.

DEAR DAD: This will be a little bit late, but I want you to know that I am thinking of you, and saying a special prayer for you, this Fathers Day. I hope that someday, I will be just as good in raising my children as you were in bringing up the six of us. God couldn't have given us a better Father.

You've given each one of us one or more of your unique traits, physically, mentally, and morally. We may not all have red hair, but we're all tall and handsome like you. We may not have been scholars in school, but we all have more brains and common sense than most to use outside of school where they are even more important. As far as morals go, we are all good Christians. We may not be angels all the time but we always try to do what's best in the eyes of God, and we do know right from wrong. My brothers and I know that we are better than the rest because our father is.

You have given us everything, Dad, and we will give you everything of ourselves in return. God Bless You on this very special Fathers Day, June 15, 1969.

Your proud and admiring son,

DANNY.

P.S.—Your Memorial Day address was the greatest yet, Dad.

BABE RUTH BASEBALL

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BURKE of Florida. Mr. Speaker, I want to join with my colleagues in the House in paying tribute to Babe Ruth Baseball.

It is not often that the Halls of the Congress echo with as many glowing tributes for a national hero as has been spoken in support of the great Babe Ruth and the ideals for which he stood. In my opinion, no American has been better loved in our history than the immortal Babe who rose from the tragic shadows of an orphan's life to become the idol of a nation for generations.

Surely no greater tribute can be paid to any man than has been done for Babe Ruth in the organizing some 19 years ago of Babe Ruth Baseball which perpetuates his memory in the way which he would have loved best—the training of young men in the American traditions of sportsmanship, understanding of teamwork, and competitive spirit.

Through the efforts of the organization which bears his name, Babe Ruth has helped to prevent delinquency and to provide greater moral foundations through recreation for young Americans and their families. Many of the youngsters who are a part of Babe Ruth Baseball were born long after the famed "Sultan of Swat" thrilled the world with his 714th and last home run in 1935, yet they are the beneficiaries of his great humanitarianism.

I commend all of those who have given so much of their time and efforts toward the enrichment of the lives of so many youngsters by their support of Ruth Baseball.

INFLATION—ARTHUR A. SMITH

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. COLLINS. Mr. Speaker, there are lots of Smith's in this country but there is only one Arthur A. Smith. He just wrote his final monthly newsletter on June 15 for the First National Bank. For 20 years we have all looked forward to Smith's salty, factual analysis of business and finance that comes out the first of each month.

Arthur Smith is an old friend of mine. For many years he was an economics professor at Southern Methodist University where the conservative economic principles he taught are being actively followed by successful alumni all over America.

Then he moved downtown to our nationally recognized First National Bank in Dallas. He became not only the economist but is now the senior vice president.

Read the solid analysis of inflation. It has ideas that speak plainly to us in Congress. This is Arthur Smith's final letter and it is a great one.

The newsletter follows:

NEWSLETTER BY ARTHUR A. SMITH

The Administration has asked Congress to raise the legal limit of the Federal debt by $18 billion to a record high of $395 billion. This is discouraging after a build-up of hope that Uncle Sam's finances would be subjected to greater discipline. It anticipates more budget deficits.

The statutory debt limit has been raised so many times that the word "limit" has lost its conventional meaning.

The debt limitation takes two forms: (1) permanent and (2) temporary. Be assured that the "permanent" isn't permanent! At present the limitation is a temporary one at $377 billion until June 30, 1970, when it reverts to the present "permanent" limit of $365 billion; then on June 30, 1971, the latter goes up to $380 billion. Now the Administration asks for a temporary increase of $18 billion from the present temporary limit of $377 billion because the amount presently outstanding subject to debt limitation is already close to $377 billion. You figure out the prospects of bringing this back to $365 billion in two weeks—dim prospects, for sure! You can bet that come June 30, 1971, the then "permanent" ceiling of $380 billion will not suffice either. Why do intelligent adults create such a diabolical delusion? Who is kidding whom?

After at least nine of the most prosperous years in our history (prosperous in the sense of highest economic level), you might wonder why the Federal Government was not able to reduce its indebtedness. Or you might ask: "If Uncle Sam cannot keep his fiscal house in order in the best of economic times, when will he ever do so?" Basically the answer is that there has been no real intention to control the debt—no serious thought of ever paying it off, or even reducing it very much.

On the contrary, the kind of fiscal policy deliberately followed since 1961 utilized deficit financing as a major stimulant to advance the economy—a policy not even suspended, let alone abandoned, when the Viet Nam war accelerated. And unlike the World War II period when about 60% of the military costs were financed on credit, we have not employed direct controls of any kind (wage, price, production, or rationing controls).

The above prodigal fiscal policy (the brainchild of the New Economists) has been almost entirely responsible for inflation—so much inflation in fact that the Government itself is now caught in its own trap since it must pay high prices for what it buys, the same as you and I, and must pay high interest on borrowed money—on the vast amount of refinanced debt constantly being rolled over as well as on new debt created by failure to balance the budget.

The following table shows how much the Federal interest-bearing debt has grown and how interest costs have mounted just since 1961:

End of fiscal year or month	Total interest-bearing public debt (billions)	Computed annual interest (billions)	Computed annual interest rate (percent)	Average maturity of the debt (months)
1961	$286	$8.8	3.072	54
1962	294	9.5	3.239	59
1963	302	10.1	3.360	61
1964	307	10.9	3.560	60
1965	313	11.5	3.678	64
1966	315	12.5	3.988	59
1967	322	13.0	4.039	55
1968	344	15.4	4.499	50
1969	352	17.1	4.891	48
1970 Mar	370	20.2	5.503	42

Source: Treasury Bulletin, April, 1970, pp. 23, 24.

It is not difficult to understand why political leaders of both major parties fell for such bad financial policy. Deficit financing was easier than raising enough taxes to cover bigger and bigger spending programs. Furthermore, the policy met with popular favor, even from industrial and financial leaders who should have known better. Surely they must have been sufficiently knowledgeable of history to realize that it would lead to serious economic trouble in time. Maybe they just did not care!

At any rate, the interest-bearing Federal debt increased $84.3 billion from June 30, 1961, to March 31, 1970. This was $84.3 billion that taxpayers did not have to pay, so to the unwary it might have seemed like a good thing, but since the whole process was inflationary (prices going up 28% in the period), inflation has eaten up far more than $84.3 billion and left us with a headache we are likely to have for a long time. And don't overlook the fact that annual interest costs on total debt increased from $8.8 billion on June 30, 1961, to $20.2 billion on March 31, 1970. It was a bad deal any way you look at it.

It was more especially a bad deal for the low- and middle-income classes since inflation hurts them far out of proportion to the amount of taxes they would have paid under balanced budgets. In other words, inflation has cost them much much more than their share of the taxes that would have been required under balanced budgets. Yet some of the principal perpetrators of the Great Society posed as friends of the little man, and now under a government whose Congress is Democratic and whose Administration is Republican, the chances of a different policy still seem remote. Few, if any, political leaders on either side care to impose the fiscal discipline essential to the restoration of confidence in the dollar's stability. Little wonder that so many people here and abroad adamantly refuse to believe inflation in the United States will be stopped any time in the foreseeable future.

A prominent St. Paul, Minnesota, attorney, surely well grounded in economics, wrote me at length recently pointing out that "a workable solution of our economic and social problems is frustrated by mixing with it a predominant factor of political expediency." And this is true. We see on every hand decisions that are motivated by political considerations primarily and by economic considerations only secondarily. A good example is the Federal budget. Despite all the fanfare in January about an anti-inflation budget for fiscal 1971, the budget as finally adopted was the highest in our history, calling for record spending. With its thoughts on this fall's Congressional election and on the Presidential election of 1972, Washington simply will not cut spending.

My correspondent in St. Paul is inclined to place much of the blame on the electorate who, after all, cannot escape responsibility in a representative democracy. He says: "The fact is the general mood of the public is to let inflation run, notwithstanding displeasure with mounting labor and commodity costs. The mood is reflected in Congressional actions which expand governmental outlays in almost every area of our social and economic affairs. We see the passage of a Welfare Bill, with a guaranteed annual wage, by an overwhelming vote of the House. Passage of the 1969 Tax Act did nothing to dampen the expectation of further inflation. We notice the relaxation of monetary and fiscal restraints by the Administration. The Federal Reserve Board reduces the marginal requirements for corporate stocks, a stimulation to speculation."

Most sobering is the reader's statement: "There is an undercurrent running in the lives of many today which is responsible for our economic predicament. It is propensity to get paid without furnishing a service—to enjoy prosperity without productive effort. There is growing unwillingness to recognize duties and the necessity of paying and serving for the privilege of living in an organized society. The economic and social virtue of prospering by one's own efforts seems outmoded. Instead there is a growing propensity to resort to legal plunder of property owners by political and governmental means—Inflation is one of the insidious methods of taxation to bring this about."

This is frightening, and all the more so because there appears to be no satisfactory, workable means of stopping a trend that can only destroy the system (political and economic) under which America rose to greatness. Private capitalism has not failed. Competitive free enterprise is not inherently evil. Under no form of government yet devised does the individual have greater liberty than under the democratic form. Yet with each passing generation there has been less appreciation of these institutions and an increasing inclination on the part of many individuals to blame the system for their own failures. Some people even would destroy the system without a single thought of an alternative.

Sometimes when I feel most depressed by our shortcomings, I take renewed hope by asking myself where I would go if I left the United States—or under what other system would I prefer to live. Maybe we should ask ourselves how many people elsewhere in the world would migrate to this country if we removed all immigration restrictions and *if the people were free to leave where they are!*

Finally, we can take greatest consolation, I believe, from America's history. Our country has had her share of crises before; and despite prophets of doom who predicted the nation would not survive, she, like Phoenix, the miraculous bird in Egyptian religion, fabled to live for 500 years, to be consumed in fire by its own acts, only to rise in youthful freshness and vigor from its own ashes, will endure and emerge greater. Someone, I have forgotten who, said that "democracy is like a raft upon rough seas—we always have our feet wet, but we don't sink."

XUM

EXPANDING POWER CAPACITY IN NEW ENGLAND, 1967–68

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. WYMAN. Mr. Speaker, I would like to call to the attention of the House the magnitude of the effort that the electric companies of New England are making to increase the electric power generating capacity of our region.

Since the year 1966, the electric companies of New England have ordered, installed, or placed under construction a total of 21 new plants or units, ranging from 340,000 to 1 million kilowatts in generating capacity, together representing a total of 12 million kilowatts of new power capacity for our region. The names, locations, capacity, and year of scheduled operation of each of these 21 new plants or units are as follows:

Year	State and location	Kilowatt
1967	Massachusetts: New Boston No. 2	400,000
1968	Connecticut:	
	Connecticut Yankee	575,000
	Bridgeport Harbor	390,000
1968	New Hampshire: Merrimac	340,000
1968	Massachusetts:	
	Canal No. 1	560,000
1969	Brayton Point No. 3	625,000
1970	Connecticut: Millstone Point No. 1	650,000
1971	Vermont: Vermont Yankee	540,000
	Massachusetts:	
1971	Pilgrim	650,000
1971	Northfield Mountain	1,000,000
1971	Montville	400,000
1972	Maine: Maine Yankee	855,000
	Massachusetts:	
1972	Salem Harbor	465,000
1973	Brayton Point No. 4	450,000
	Connecticut:	
1974	Millstone Point No. 2	830,000
1974	Undetermined location	400,000
1974	Massachusetts: Bear Swamp	600,000
1974	New Hampshire: Undetermined location	500,000
1975	Vermont: Vermont	400,000
1975	Massachusetts: Canal No. 2	560,000
1976	Connecticut: Southwest Connecticut	800,000

I should add that each of these new installations is or will be interconnected, one with the others, and with each of the other major power supply areas of the Northeast, by a new, high capacity extra-high-voltage transmission grid. Operations are being coordinated from a single, new central dispatching center in New England. The lower cost is being made available to all consumers in New England.

Mr. Speaker, this effort is both noteworthy and commendable. It should result in meaningfully lower rates for the consuming public.

ECONOMIC STABILITY IS NEAR

HON. WILEY MAYNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. MAYNE. Mr. Speaker, it is apparent that people are becoming impatient about inflation.

This is natural and to be expected. They want prompt results.

I would point out to such persons that while we are not yet out of the inflation woods, that, thanks to the Nixon administration's attack on the core of the problem, results are beginning to show.

Significant steps have been taken to cool the overheated economy. For one, fiscal policy and monetary policy are now in step, with the Federal Reserve System permitting only a slow rate of expansion in the money supply. The administration is working closely with the Federal Reserve toward the objective of cooling inflation. Moreover, economic indicators are turning. The weight of evidence suggests the current decline will not extend much beyond the midpoint of the year. Some of the factors sustaining this view include an advance of outlays by State and local governments; a slight revival in residential construction; and increase of consumer spending for some goods and services.

While there is no easy or painless way to achieve economic stability, we are making progress. Economic stability is nearer than most people are now willing to acknowledge.

THE CHALLENGE TO CHANGE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. McCLURE. Mr. Speaker, recently my good friend and colleague, DON H. CLAUSEN of California, delivered the commencement address to a high school graduating class in his congressional district. I have read the gentleman's remarks with great interest and believe they spell out a viable and meaningful challenge to the young people of our Nation.

In my judgment, Mr. CLAUSEN's excellent address merits the attention and consideration of everyone genuinely concerned about young America during the "decade of the 1970's," and it is for this reason that I am taking this opportunity to insert the full text of the gentleman's remarks in the RECORD:

COMMENCEMENT ADDRESS BY THE HONORABLE DON H. CLAUSEN

It is indeed a pleasure and an honor for me to address the Arcata High School graduating class of 1970.

I know you are glad for the occasion and so are we. Down deep you want to get that paraphernalia off and get a crack at life. It goes without saying that the world needs you. This is a time of change and the "Decade of the 70's" is "The Challenge of Change"—greater now than at any time in modern American history. There are *many* changes to be made and *you* are the ones to make them.

Like many generations before you, there is a natural and burning desire to make the world a *better* and *safer* place in which to live. This is commendable and to your great credit, for, if it did *not* exist within you, the world would surely be doomed.

During your high school years, you no doubt have come to realize one of the *strangest* of all human traits—I speak of man's inherent resistance and reluctance to change. Unfortunately, there are those in every society who are inclined to oppose *any* major changes, feeling it is a repudiation of the past. There are those who resist the "winds of change" feeling that "this too shall pass" and all will be calm again. Undoubtedly, you have heard those who say forthrightly: "There's nothing wrong with young people today that ten years, a family, a mortgage, and car payments won't cure."

Those who maintain this kind of "totally negative" attitude about young people today, have somehow failed to note the fact that times are changing. They fail to realize or consider that a high school valedictorian of 1938, would have trouble with passing the *entrance* exams at any modern college or university, today. And, one thing *you* should remember now is that much of the information that was current when you *arrived* at Arcata High School four years ago, is now comparatively obsolete!

You, after all, are the beneficiaries of an on-going scientific, technological and communications revolution. This generation is *really* "tuned in". The average pre-school child today is being exposed to about 4,000 hours of television. While each of you received approximately 12,000 hours of classroom exposure at Arcata High School, you were also subjected to about 15,000 hours of TV exposure during the same period. Within the confines of your living rooms, you have experienced on-the-spot combat in Vietnam, campus riots, assassination of political leaders, civil rights and peace demonstrations, the wide, wide world of sports, and man's first walk on the moon.

All I'm *really* saying is, that, conventional educational institutions do not have a monopoly on education or dispensing information. Students today are getting greater exposure to life as it really is—than ever before in history.

In recent years it has been popular in some circles to blame your parents and grandparents for all the ills of society—to blame them for the *failures* and to criticize them for the *shortcomings*.

Not long ago an educator from Northwestern University got together some facts about these two generations—your parents and grandparents—that I would like to share with you.

Within just five decades, from 1919–1969, these people have, by their toil *increased* your life expectancy by approximately 50%, while *cutting* the average work day by one third.

These are the people who have given you a far *healthier* world than they found. TB is now almost unheard of, dreaded polio is no longer a medical mystery, and we no longer have to fear wide-spread epidemics of flu, typhus, diptheria, smallpox, scarlet fever, measles or mumps.

Because of the vast improvements in food and nutritional technology, you are the tallest, healthiest, brightest, and probably the best looking generation to inhabit the land.

These are the people who fought man's grisliest war. They defeated the tyranny of Hitler and who, when it was over, had the *compassion* to spend billions of *their* tax dollars to help their former enemies rebuild their homelands.

They built literally thousands of new schools, trained and hired tens of thousands of teachers, made higher education a very real possibility for millions—where once it was a luxury reserved to the very wealthy.

They made a start, although a late one, in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation in this country new meaning, and they set aside land for you and your children to enjoy for generations to come.

And, while they have done all these things, they have had some setbacks. They have not yet found an alternative to war, nor for racial hatred. Perhaps you, of this graduating class, will perfect the necessary social mechanisms by which all people may follow their ambitions in peace and freedom.

But they—your parents and grandparents—made more progress by the sweat of their brows than in any previous era and if your generation can make as much progress, in as many fields, as they have, you should be able to solve a good many of the world's and the nation's remaining ills.

So, on this graduation day when we recognize the accomplishments of so many, I would like to recognize and commend your parents and grandparents here tonight, ask them to please stand, and I believe you will agree with me that they, too, deserve a resounding round of applause.

It has been said that "change is the sign of a growing society, a fertile mind, and a restless spirit." Change is not only good for society, it is *absolutely* essential if society, as we know it, is to survive and prosper. And, change is all about us. In New York, an IBM computer has been taught to play checkers so well that it has defeated the Connecticut State Champion five games to one. Automation is taking over 35,000 to 75,000 jobs each week—jobs previously held by people.

Change, however, should *not* be made just for the sake of change. There must be reason, purpose and need. Life, as you all know, is a continuing series of personal and social adjustments and, sometimes, it is *we* who must be ready and willing to change. In fact, as people, we must have the maturity to change *ourselves* if we can't change *things*, if we do not or cannot adjust to situations we soon find ourselves on a collision course where the irresistable force meets the immovable object.

WHAT IS TRUTH

One of the fundamental questions that has always bothered man and is *particularly* troubling to this generation of young people—is the age-old question of truth.

A modern song of the day, asks the question: "What is truth"?

The dictionary defines "truth" as—"the state of being the case"! But many people today are asking what the case *really* is—"what is truth?"

Speaking of the truth, I'm reminded of the recent high school graduate who was out looking for a job and, during an interview with a prospective employer, was asked: "Do you smoke?"

"No," said the young man.

"Do you drink?"

"No," he replied.

"Then your primary recreation must be going out with girls?"

"No," said the young fellow.

"Do you mean to tell me you don't have a single vice?"

"Oh yes," the young man admitted cheerfully. "I *lie* a lot!"

But, "what is truth"? John Collins called truth "the object of philosophy, but not always of philosophers". George Bernard Shaw said it was "the one thing that nobody will believe". John Dryden described truth as "the foundation of all knowledge and the *cement* of all societies".

In an age when there is so much condemnation of the so-called "Defense Establishment" in this country, let me read you what General MacArthur had to say about the truth:

"And in the end, through the long ages of our quest for light, it will be found that truth is still mightier than the sword. For out of the welter of human carnage, human sorrow and human suffering, the indestructible thing that will always live—is a sound idea."

Nowhere is the government being questioned today, more than the American involvement in Vietnam and Southeast Asia. And, one of the reasons for this, no doubt, has grown because of the Government's failure in the early 60's to *explain* our involvement in Southeast Asia in a way that people could understand, accept, and believe—they simply did not communicate properly and tell it like it was!

Today, the "gulf of alienation" in this country is so wide that increasing numbers of Americans are taking the attitude that all military matters "smack of evil," that there is *indeed* a dark conspiracy between the military and industry to spend the Nation into bankruptcy and to keep this country at war as long as possible. A strong wave of neo-isolationism is sweeping over America—a feeling that this country can and should crawl into a shell and just forget its role in global politics, which I might add, is consistent with what the Soviet Union would "like to see us do".

Yet, the truth is—that it was the leading and most prominent military leaders in this country that advised against sending large-scale American forces to Vietnam, including General Eisenhower, General MacArthur, General Taylor and General Ridgeway.

The shock and outrage with which some Americans view our presence in Southeast Asia, while understandable, comes at a time when Red China has developed and tested nuclear weapons and when the Soviet Union is seeking to broaden and make permanent its influence in the Middle East and Latin America.

Now, we find many Americans demanding a complete end to military spending in this country as their idea of how to keep America out of war in the future.

Yet the truth is—that it was this *same kind* of isolationist attitude back in the 1930's that laid America wide open to attack at Pearl Harbor in 1941.

Today, people cry out for us to admit our mistakes in Vietnam and to set aside "national honor" in favor of an immediate, unilateral withdrawal from Vietnam.

Yet the truth is—that many mistakes have been made in Vietnam and history may well record that the biggest of *all*, was getting involved militarily in Vietnam in the *first* place.

In my judgment, there just is no logic whatever in blaming the military for the tragedy in Vietnam. The responsibility must rest for the mistakes and the misjudgments with those at the policy levels of government who over-ruled military advice *not to get involved* with ground combat troops and get "mired down in a land war in Asia."

You will recall that I first spoke out in criticizing the way the Vietnam situation was being handled, as early as 1965. However, in my view, blatant criticism, by itself, is not enough—unless you have an alternative solution.

With this in mind, I advanced the "Phase-in/Phase-out concept through the creation of a Free Asian Regional Security Organization."

"Vietnamization" is underway and American men are being phased-out of the primary ground combat role, trained Free Asians are being phased in to key security positions and the withdrawal of Americans is proceeding on an announced schedule.

Over 120,000 men have returned home and 150,000 more are scheduled for withdrawal.

I wish the policy makers four to five years ago would have taken this approach—I'm convinced we'd be a lot closer to peace and security today.

Each day I receive letters which, in the main, tell me that the writer is "opposed to war and killing and destruction." One of the outgrowths of the present division in America over the war in Vietnam, is the *completely* false notion that *some* people *oppose* war and others support war.

Yet, the truth is—that, *anyone* who loves war, as Hilter said he did, or believes in war as an effective instrument for resolving international differences, is either *insane* or a *demagogue*. War is the *epitome* of man's inhumanity to man. This war and all wars are dirty, inhuman and *stupid*—just as a fist fight and riots are unproductive, damaging and stupid. Yet, history is filled with conflicts and disagreements among men and nations that end up in fights or war.

But, the truth is—you don't end a war by the wave of a pen, passing a bill, or painting a peace sign on the wall. Anyone who tells you that there is a bill pending in the United States Congress that gives any positive assurance of ending the war in Vietnam, is just *not* telling the truth or else he is totally unaware of the facts. There *is* no such bill, resolution or amendment and, if there were, every Member of Congress, would literally *stampede* to the floor of the House or the Senate in order to vote *for* it—if there was any guarantee that war would cease and the killing would stop.

The President of the United States has recognized and publicly stated that there is *no* military victory to be won for the United States in Vietnam in the classic sense, and, instead, he has begun the phased withdrawal of American forces from Vietnam. While the pace of that withdrawal may not satisfy everyone, I think it is important to point out to you that history is replete with examples of military withdrawals that ended in *disaster* for the people involved, not the least of which was Dunkirk, during World War II.

And the truth is—that, *nowhere*, does the Constitution make the *Congress* responsible for the lives and safety of American fighting men, *especially* during a withdrawal. This, my friends, is the responsibility and the *sole* responsibility of the President of the United States in his role as Commander-in-Chief of the Armed Forces and no amount of Congressional initiative toward ending the war, however laudable, can relieve the President of this clearly stated constitutional responsibility.

As your Representative in Congress, I want to make it indelibly clear that I want American troops out of Vietnam as quickly as possible. I want the war in Vietnam ended tomorrow, if possible—but, I want it ended in a way that will *prevent* future Vietnams from happening. I want peace here at home and abroad—but I want peace *with freedom*—not peace at any price!

AMERICA STANDS IN CRISIS

In attempting to speak the truth to you here tonight, I would be extremely remiss if I did not address myself to one of the many real crises in which our country and our people now find themselves.

Each of you, I'm sure, has formed your own personal opinion of the society in which you live and the policies of your government, both at home and abroad. Some of you, no doubt, are frightened by what is happening and unsure of the future and your role in a very *real* world, during this jet-nuclear-space era.

There is an atmosphere growing in this country that is, indeed, frightening. The militants of both the extreme left and the extreme right are forcing Americans to make a very narrow choice—and that choice is whether we are going to have *anarchy* or *repression* in this country.

History teaches us, and make no mistake about it—if that choice *must* be made, even with reluctance and misgivings, the American people will choose repression over anarchy.

Recently, the highly respected Senator from Maine, Margaret Chase Smith, had this to say:

"Twenty years ago, it was the anti-intellectuals who were spreading fear and suspicion around the country and out of that 'narrow choice' came the McCarthy Era of the so-called 'know-nothings'."

Today, it is the militant intellectuals who demand better communication but who, in effect, "hear nothing".

Speaking as a "Representative of all the people" I note with *particular* concern the division that is on the increase in the body politic. Americans are shifting from a centrist position to either the right or left and, rather than seeking to understand the causes and nature of our strife, we seek, instead, to cast blame! The extremists of both sides, growing stronger with each passing day, come into direct conflict with each other—first in verbal violence, then in the street.

The forces of division, unreason, hatred, suspicion, bitterness and fear are hard at work today, in a cleverly organized manner, on both sides of the political and philosophical spectrum—and unless and until we, as people, stop shouting and return to reason, I am *deeply* concerned for the future of our country.

LEAVING SCHOOL

In a very short while, you will be leaving Arcata High School—for some, never to return. For most of you, the last four years have been a transitional period. Your early precepts of life have been subject to constant change and revision. You've made friendships that will endure for an entire lifetime. You've been exposed to the greatest teachers and instructors this society has ever been able to produce. And you've gained a keen insight into what the real world, and your part in it, is all about.

For some of you, the total impact of leaving school, your friends, and the faculty—has yet to really hit and it probably won't until some time later. But, never fail, sooner or later you will come to the full realization of just how much Arcata High School really means to you, how much you actually learned here, and how much you are going to miss it.

Whatever you do and wherever you go—you will always be, and rightfully so, creatures of your own environment and I would like to leave you tonight with a few thoughts.

The world of tomorrow is what we make it today. We can build or we can destroy it—our ultimate success depends on that which we, as individuals contribute.

STOP THE WORLD

Many of you, as students, are being caught up in an upheaval which you played no part in making and over which you have very little control. More than anything else, however, you want to live and you want something to live *for*. Many of you are tired of trying to correct evil and injustice an inch at a time. You are tired of the fun and games, as well as the "Mickey Mouse" rules and goals of past generations.

Something has to be done. For 6,000 years people have marched onto the stage of life to play *their* part in the longest-running drama on record—"The Drama of the Ages". In so doing, man has read his lines, performed his part, and marched off to the unending rhythm of the unfinished symphony. But now the script calls for a finale and you, understandably, want to help write it.

A while back a Broadway play was produced with the intriguing title—"Stop the World, I Want To Get Off!"—no doubt a reflection of those who have grown weary of the viscious pace of life as it really is.

In all candor, I am in a very difficult and awkward spot—not sure whether I'm a member of the establishment in good standing, or obviously too outdated for the "*Now* Generation". But in either case, no one had to drag me into the "Decade of the 70's" under protest.

When I see the excitement, the challenge, and the opportunities that lie ahead for you, I am *more* inclined to want to say: "Stop the world, I want to get *on*"*!*

And, this is your cue. The world needs a change for something better. But, are you willing to *work* for that change? If I were to ask each one of you tonight what you felt to be the greatest change that is needed, I'm sure a vast majority would say: "PEACE"! And, you are right, without question.

But, man's search for peace did not begin with the first peace march in Washington and it won't come through rebellion, anarchy, violence or "pot."

Peace, in the *final* analysis, can *only* come about through a change in the hearts of men. Today's world needs more than social gospel and we can't extinguish a world going up in flames with a sprinkling can.

The truth of the matter is, we can't stop the world and "getting off" is a one-way trip to nowhere.

We are all *painfully* aware of the young people who have already rejected a society they believe offered them no faith, no dignity, and no hope. It is a pity that such young people were lost to themselves—and to us.

What we have left, however, is a large number of genuinely decent and intelligent young people who could become the elite of a very exciting future that is yet possible. They make no melodramatic gestures—they have thus far watched in silence and uncertainty. But, inwardly, they are by far the most discontented of all. Many of them are puzzled and bewildered by what they have witnessed in their communities, on their campuses, and in Southeast Asia and they are really sure of only one thing—they are *sick* of the whole mess!

It is not my intent tonight to try to dissuade you from standing up for what you believe is right. Nor, is it my intent to try to still the young voices of dissent that are being heard in the land today—for they are *free* voices in a *free* society and must *not* be stilled!

I do implore you, however, to keep an open mind and be true to yourselves. I beg you not to "fall in line" just because it's "the popular thing to do"—we must all maintain our idealism—but it must be balanced with an equal measure of realism.

There are serious problems in this country and you know what many of them are because you and your generation have literally become experts on the environment and on ecology. But, I would remind you, that there is also a spiritual ecology, a pollution of the heart, and a poverty of the spirit that, sooner or later, must be dealt with, before it is too late.

While your peers are consumed with the hopes and dreams that the "Age of Aquarius" is upon them, the simple truth is—that *no* past generation has ever witnessed or participated in the excitement and revolution of change as your generation. Never has a generation been called on to understand and define the limitations of change as yours has. And, no generation has ever faced the challenge of intiating change that yours has.

Many of you have participated in or observed a school play in your lifetime. For you, the "Class of 1970", the rehearsal is ending and the stage is being set. You are about to assume your role, in shaping history, in the upcoming "Drama of the Ages"—the longest running play on record. You are being called on now to recite your lines, perform your part, and march off to the never ending rhythm of the unfinished symphony. As you will learn, this script has no finale—it's been going on for 6,000 years.

Graduating Class of 1970—the stage is set—the curtain is rising—with a life full of challenges ahead—**YOU'RE ON!**

Good luck and God bless you.

TRIBUTE TO CHARLES J. TURRISI

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. WHITEHURST. Mr. Speaker, on this momentous day, as we make the most significant change in our postal system since its establishment by Benjamin Franklin, I would like to call to the attention of my colleagues the lifetime service of one man, Charles J. Turrisi.

Charlie Turrisi is going to retire shortly after nearly 50 years of postal service. He began his career on June 16, 1921, as a regular clerk. He was promoted to supervisor on August 15, 1943, and he is now general superintendent of mails in the Norfolk Post Office.

To know Charlie Turrisi is to love him. Few citizens can combine so much official and unofficial public service. He has always been active in the civic affairs of Norfolk, and he was the recipient of the Distinguished Service Award from the Junior Chamber of Commerce for outstanding civic activities.

He is a charter member and past president of the Civitans of Norfolk. On two occasions he was presented their Civic Achievement Award, and he was also given the Honor Key, the highest award of Civitans International.

Mr. Speaker, there are so many accolates that can be given to Charlie Turrisi, but I would like simply to insert an article that appeared in the Norfolk Ledger-Star on June 1, 1970, highlighting the distinguished career of this marvelous public servant.

I personally count him as a good friend, and I am proud to have him as a constituent in my district.

The article follows:

RETIREMENT WON'T SLOW HIM DOWN

(By Tom Laughlin)

NORFOLK.—Peppery little Charles J. Turrisi can now slow down.

But the chances are he won't.

"I don't want to wither on the vine," Turrisi said on the eve of his retirement after 49 years in the Post Office here.

Turrisi has to hold some record for perserverance and zeal in attacking problems he feels need righting.

And on a lower key, he has his roses and his Italian cooking to keep him fairly busy after his July retirement.

Turrisi, general superintendent of mails here, has become something of the resident authority on roses, and the gardens at his home on Azalea Garden Road have been a focal point for some of the most outstanding displays in the area.

And, both he and his wife are widely known as culinary artists, each vying with the other in friendly competition.

His wife Pearly, keeping the competition alive, has transcribed a special cheesecake recipe into shorthand, just to keep it away from her husband.

It is hard for a man who has, nearly all his life, "stayed on the bicycle," working tirelessly in a widely spread variety of endeavors, to pick an outstanding moment.

But sitting back in his office, his voice cascading words in spurts, Turrisi came up

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with the thing that has meant most to him in his long career.

It was when he scored a triumph as one of the leaders atttempting to get Public Law 68 passed, allowing supervisors in the Post Office to get increments in their pay scales.

Until that time—the law was passed in 1955—superintendents in the department, whether they had been in their position for one, ten or more years, were paid the same. The law set up incremental pay increases for time in service.

Turrisi began the fight in 1946, fighting opposition both from the federal government and the National Association of Postal Supervisors, in which he was active.

He went to Washington, D.C., almost straight from a hospital bed, in 1955, after almost ten years of fighting, to testify before Congress in support of the bill.

It was passed the next year.

Turrisi, has also involved himself in gaining recognition for people who don't believe in the statement, "I don't want to get involved."

As far back as 22 years ago, Turrisi, then president of the Norfolk Civitans, was a leader in having the Civitans move the unmarked grave of one Elwinn Hepple to one that was marked with a monument to his heroism.

Hepple was an Australian seaman who saved two Norfolk women who had fallen into the Elizabeth River, losing his life in the process.

And he is still working on getting Post Office recognition for a South Carolina rural mail carrier who saved a man from a burning truck, sustaining serious injuries himself. That was back in 1955.

The cudgels were taken up by Turrisi in 1956 when he met the injured mailman at Duke Hospital. Since that time, Turrisi has been at work trying to get recognition for the man, and seems to be on the verge now of success.

Now it's to the roses and the kitchen. And, in August, a visit to the family home in Sicily.

It seems probable that Turrisi will no more allow himself to "wither on the vine" than he would one of his lovely roses.

INVASION OF BALTIC STATES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. WOLFF. Mr. Speaker, this week marks a sad but very important anniversary in world history. It is the Soviet invasion of Lithuania, Latvia, and Estonia.

This day also signifies our necessity to reaffirm our dedication to bringing world peace to all captive nations.

Since the very beginning of Soviet Russian occupation, on June 15, 1940, the Balts have waged an intensive effort to bring freedom to their land. Although this struggle has not been graced with the fruits of victory, these people have never given up hope for a brighter future.

It is appalling to realize, moreover, that since 1940 these three nations have lost more than one-fourth of their population.

On this important anniversary, I would also like to bring to my colleagues' attention House Concurrent Resolution 416, which calls for freedom for Lithuania, Latvia, and Estonia.

As a Nation which has been founded on the precepts of democracy, we must maintain the spark of freedom in nations which face anguish under Soviet domination.

I would, therefore, like to extend my remarks today to honor our captive nations and to reaffirm our commitment to bringing peace to the entire world.

MRS. MARGARET WILSON—A LEADING LADY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. PICKLE. Mr. Speaker, at a time when women are clamoring for equal jobs, equal pay, and equal opportunity in the business world, it might be interesting to note that some of them have made it, and I present for the record the very attractive and dynamic head of one of Austin's leading department stores, Mrs. Margaret S. Wilson who is president of Scarbroughs. By her own admission, she is one of very few women presidents who head up sizable department stores. Mrs. Wilson has other "firsts" to her credit, too, as you will note from the story which ran in the New York Times and which I would like to reprint for the CONGRESSIONAL RECORD. I think you will agree with me that Mrs. Wilson does many things and does them well, combining motherhood and her career with exceptional agility and perhaps paving the way for other women with executive ability to follow:

FEMININE HAND GUIDES TEXAS RETAIL STORE

(By Elizabeth M. Fowler)

Women shoppers create the tempo in retailing, but men sit behind the desks in most top executive offices. In Austin, Tex., there is one notably attractive exception.

Men retailers do a double-take when they meet Mrs. Margaret S. Wilson, a photogenic 39-year-old mother because the number of women presidents of sizable department stores can be counted on a few fingers.

Mrs. Wilson, who heads Scarbroughs in the Texas capital, doesn't know any others except Geraldine Stutz, who heads Henri Bendel, which is more accurately described as a specialty store.

This year Mrs. Wilson became the first woman director of the National Retail Merchants Association, and she has quite a few other "firsts." For example, she is the first and only woman on the executive council of the National Industrial Conference Board, an economic research organization. Currently she is the only woman member of the Young President's Organization. Some weeks ago Bruce A. Gimbel, president of Gimbel Bros., was elected chairman of the American Retail Federation, and the chairman-elect for the following year is Mrs. Wilson.

Her retail career began "about age one" because her father headed the store founded by her grandfather in 1893.

"As a child I straightened the stock," she said. Later as a teenager she worked part time—summers, Saturdays and during Christmas holidays.

When the time for college arrived, she chose to go East to Smith College, Northampton, Mass., where she lived part of the time in French house, a dormitory where only that language is spoken among the students. Smith, like many other colleges, offers a junior year abroad, but she decided to spend hers "at home"—at the University of Texas, in Austin.

"I wanted the experience of a coed university," she explained, adding, "I also wanted to know more Texans, and I wanted to make more business contacts because I knew I was interested in the family business."

She decided to stay there her senior year studying business administration and received a bachelors degree.

Then she joined the store, spending her time as assistant to her father, the president. "One assignment proved a turning point for me," she said.

It involved the expansion and rejuvenation of the store's gift department, which she renamed the "home accent Department." From a simple gift center it became a much larger purveyor of ideas for the homemaker—tying in unusual furniture items, knickknacks and gifts for gracious living.

"We're a medium- to better-priced store," she explained, adding "We have some of Saks, Lord & Taylor and Bloomingdale's" in the store's make-up and approach.

Around the tree-lined corner where Scarbrough stands in downtown Austin is a lower-priced center operated by the store. The trees also were Mrs. Wilson's idea. She was invited to lunch with Mrs. Johnson at the White House during the Johnson Administration to discuss beautifying America.

Scarbroughs is a medium-sized store with volume of about $10-million yearly and returning about 2 per cent profit after taxes on sales.

"We have 100,000 square feet," she said. How much is that in terms of a store? To dramatize the point, Mrs. Wilson glanced around the vast Edwardian room of the Hotel Plaza where she was having lunch. "Each floor is about four times the size of this room and we have four floors."

Before she assumed the presidency in 1965, following the death of her father, Mrs. Wilson rounded out her apprenticeship working in personnel, finance and other administrative areas. In a highly competitive business such as retailing, this has helped give her a broad view from the executive office.

She lives a busy life, divided among her five-year-old daughter Nancy (Mrs. Wilson was divorced in 1966), occupying the president's office, and traveling around the country for her various commitments, looking in on other stores to see what they are showing and keeping up with new marketing ideas.

Discussing problems she confessed that like all retail stores Scarbroughs had been faced with heavy shrinkage losses, amounting to about 2 per cent of annual sales. Shrinkage is the trade term among retailers for theft either by customers or by staff members, and failure of internal systems and practices.

Still another problem is what to do about growth. Mrs. Wilson has chosen to follow the market to the suburbs. In 1971 Scarbroughs will open a large store in a shopping center at Austin's outskirts.

In the next five years she hopes to almost double current sales volume. "We're not interested in being acquired," she added. She is a strong believer that a well-managed, family-owned store with individuality can survive in the highly competitive, department store field. So does her mother, now in her sixties, an inactive owner of the business, and her brother Lem, who is a vice president.

Currently she is taking sides in the mini-versus-midi-battle in a striking way. She was dressed last week in a snappy two-piece navy-blue suit, midi length covering the tops of shiny boots.

"Our dress business is off sharply because of the fashion battle," she commented. Scarbroughs has not yet received midis in large volume. Meanwhile, Texas women have held back their dress buying, perhaps bothered also by the hot weather.

"Boots are not feasible in Texas during spring and summer," she noted.

For the store's fiscal first quarter—February through April—sales over-all held up well in comparison with last year, thanks to natural growth factors, but in May there was a noticeable drop. Even so the four months ran about level with 1969 sales for the period, a disappointment to the growth-minded president.

STEVE HAMAS—A GREAT ALL-AROUND ATHLETE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HELSTOSKI. Mr. Speaker, through the history of sports there have been very few great all-around athletes. One of these was Mr. Steve Hamas, a leading citizen of Wallington, N.J., in my congressional district.

In the golden era of sports, Steve excelled in basketball, football, track, and boxing at high school, college, and professional levels. In the 1925–35 era, his name and feats were well known to every sports fan in the Nation and in many areas of the world. His awards and accomplishments were many.

Now another honor has been bestowed upon Steve. He has been inducted into the New Jersey Boxing Hall of Fame. As a longtime friend and admirer of Steve, I am pleased to place in the RECORD a story from the Herald-News of Passaic, N.J., telling of the event and giving some of the sports and personal history of this great all-around athlete:

STEVE HAMAS—A GREAT ALL-AROUND ATHLETE

(By Mike Galos)

When Wallington's Steve Hamas jokingly said "sure" one day in 1927, he never imagined that his reply would have affected his life the way it did.

As a junior at Penn State University, Hamas began boxing because the Nittany Lions needed a heavyweight for the 1927 intercollegiate championships. On Sunday, more than 42 years later, Hamas along with Tony Galento, Mickey Dell and Willie Gradwell, will be inducted into the New Jersey Boxing Hall of Fame at the Greenbrier Restaurant, North Brunswick.

A letterman on the famous Passaic Wonder Team of the 20's, a team his late brother Mike starred on, Hamas moved to Wallington and graduated from East Rutherford High in 1925.

Hamas went on to earn All-East honors in basketball, honorable mention All-America as a halfback in football, and to participate in track at Penn State. Thanks to being in the right place at the right time, Hamas was the intercollegiate heavyweight boxing champion in 1927 and 1928.

AGREE TO FIGHT

Once basketball season ended, Hamas liked to stay in shape by working out daily at the campus gym. One afternoon, Nittany Lion boxing coach Leo Houck asked the versatile athlete if he would give his roommate a workout. Hamas' shared a room with Marty McAndrew, who at the time was intercollegiate lightweight champ.

Figuring his roommate wouldn't hit him too hard or too often, Hamas agreed, and managed to survive the sparring session. He thanked McAndrew for allowing him to "stay vertical," to which his buddy replied, "Steve, I really tried to knock your block off."

Hamas' showing prompted coach Houck's invitation to represent the school at the intercollegiate championships. Not taking the coach seriously, Hamas replied, "Sure, I'll clean house" and left the gym thinking his boxing days were behind him.

The next day the coach met Hamas who was smoking a cigarette on campus, and frantically asked what he was doing. How could he box if he was going to smoke? Realizing for the first time that the coach was serious, Hamas, "put out the cigarette and went to workout."

The intercollegiate boxing championships began the following Saturday at 2 o'clock in the afternoon. By the time the heavyweight bout rolled around it was past 2 a.m. Hamas was to meet Dynamite Joe Lavoti of host Syracuse University. All Lavoti had done was knockout seven opponents in a row, all in less than two minutes.

FIVE-YEAR CAREER

Since an injury suffered during football made his right hand useless, Hamas had to rely entirely on his left, and somehow he made it through the first round without tasting Lavoti's strong right hook.

Between rounds coach Houck asked Hamas if he had ever thought of trying to hit the man, so in the second he attempted a left jab and connected, drawing blood from Lavoti's nose. The fight continued this way and, much to Hamas' surprise, he got the decision.

After the fight, he went on to win his next bout and take the heavyweight crown. Hamas came back to successfully defend his crown the following season.

Born in Passaic, Hamas came from a family which included five boys and two girls, and the appeal of professional boxing and its big purses caused Hamas to enter the professional boxing world after graduation.

His career spanned only five years, but in 40 fights, Hamas won 31 bouts, lost three and had six draws.

Twenty-six of Hamas wins were by knockouts. His biggest victory was a 12 round decision over Max Schmeling in Philadelphia in 1935 in Schmeling's first fight after defeating Joe Louis.

Hamas' boxing career came to an abrupt end later in the year when Schmeling handed Hamas the only KO of his life in their return bout in Hamburg, Germany.

VERSATILE ATHLETE

Hamas was truly a versatile athlete, winning 13 letters in three years at Penn State in football, basketball, track and lacrosse.

He tried a year of pro football in Orange while teaching physical education at East Rutherford High School, his alma mater.

While at East Rutherford he introduced a program of boxing instruction.

One thing Hamas always hoped to do was repay his family for his education and finance his way through medical school. His career was an illustrious one and he estimates his total earnings from the ring to be approximately $50,000 in four and one-half years.

Even though he didn't get to medical school, boxing proved beneficial for Hamas and his induction to the Jersey Hall of Fame is a fitting climax. If he had the choice to make again, his reply would definitely be, "sure!"

A TIME FOR POLITICAL COURAGE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. MICHEL. Mr. Speaker, there is an old American saying: "Put your money where your mouth is." The President has reminded us that the principle behind that saying applies in politics: When a Congressman wants to spend money—the taxpayers' money—let him also show where that money is going to come from.

As the President said:

> The American people expect their elected officials to do their political arithmetic honestly.

This means those who seek to get votes by spend, spend, spend had better come up with ways in which that money is going to be found, found, found.

This is no time for politics as usual. It is time for political courage. If there is any critic of the President who can show how money can be found to pay for grandiose schemes, let him do so. But if he cannot, then let him join with the President in holding the line.

Let us do our political arithmetic honestly. It means we count the cost to the consumer instead of counting votes when it comes time to vote for spending bills. We have a President who has given us a magnificent example. Let us follow him.

SETTING THE PACE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HARVEY. Mr. Speaker, only last week, as this membership debated and then voted, 374 to 1, to provide for the most effective and complete program to improve the quality of the Nation's air, dramatic moments were recorded on this vital subject right in Saginaw, Mich., as the huge Saginaw Malleable Iron plant of the Central Foundry Division, General Motors Corp., started its new electric furnace which eliminates air pollution from cupolas.

At ceremonies in the largest city in our Eighth Congressional District, phase one of Malleable Iron's effort to prevent air pollution, was concluded at a cost of $6 million and phase two, which will cost an estimated $13 million was started.

Phase one, as thoroughly explained by Malleable plant manager, Arthur J. Karam, in the following articles which appeared in the June 8, 1970, edition of The Saginaw News, focused on the performance of a new 65-ton melting unit, the largest coreless electric induction furnace ever used.

The second phase will provide two more of the 65-ton coreless induction furnaces for daily operation, mental charge preheaters, auxiliary equipment, and a 65-ton spare furnace to supplement the operational units.

In the fine editorial which appeared in the June 10 issue of the News I would point out the statement by Central Foundry Division's Manager, Elmer E. Braun who said:

> We have, I believe, demonstrated by word and deed for almost a quarter of a century our determination to control the environmental problems created by our operations.

Saginaw Malleable Iron, by word and deed, certainly has proved it is an industrial good citizen and neighbor. It has set high standards and outstanding exam-

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ples for all industries and individuals to follow in the years ahead.

The articles follow:

Malleable Iron Good Industrial Neighbor

Foresight and a several-million-dollar outlay are among the marks which once again are proving that the Saginaw Malleable Iron plant is an industrial good citizen and neighbor.

Its new pollution-free electric furnace is the latest in a series of General Motors' Central Foundry Division antipollution moves, dating back to long before pollution became a national issue.

In 1946, the year after World War II ended, Central became one of the first foundry organizations in the nation to equip all cupolas with pollution-control devices. Constant efforts during the succeeding 24 years have kept Central among the country's antipollution leaders.

Saginaw Malleable's two-phase project, which began in 1968, is due to end in late 1972. Cost of the program is $19 million. When the operation is completed, pollution-producing cupolas will have been replaced entirely with effluent-free induction furnaces.

The transition is taking place a step at a time so melting operations can continue at a high level to keep from idling employes.

Also, it's worth pointing out, the entire program has been accomplished without federal funds.

Meanwhile, Malleable has not ignored water pollution or aesthetics.

Waste water from plant production flows into outdoor settling basins, is processed and recirculated into the plant.

Landscaping has turned the foundry's waterfront into an eye-pleasing green area, a sight far more welcome to river travelers than most other riverside industrial and commercial land.

And one of the things we like best, Central Foundry Division didn't wait to be told. Sure, it knew the tons of smoke billowing from its cupolas was wrong and admittedly it fouled the air for many years. But two decades before the current pollution crisis campaign, Central was developing technology to meet the need.

It started cleaning up after itself at a time when industrial smoke and soot were considered a sign of prosperity—or at worst, just a nuisance—and when waste water flowing into rivers was considered merely unsightly. This is not to say it had not been pressured—it had—but it could have slid along for years without action, as many others have. It is to the credit of Saginaw's Chevrolet Foundries Division, also, that it too is well along in an effort to control smoke emissions.

Central Foundry spent $14½ millilon for pollution-control facilities in the 1960s alone and will be spending much more, Division Manager Elmer E. Braum said this week.

"We have, I believe, demonstrated by word and deed for almost a quarter of a century our determination to control the environmental problems created by our operations," he said.

Not many other manufacturers started that early. With Central Foundry and Grey Iron's efforts, Saginaw is well on the way to solving its air pollution problems.

It will be many years before the rest of the country catches up . . . and this is a mighty good way to be a national leader.

Saginaw Malleable Starts Pollution-Free Furnace

Air pollution is on its way out at the Saginaw Malleable Iron plant here.

Brief ceremonies took place this morning marking the installation of a new electric furnace which eliminates the air pollution from cupolas.

The ceremony marked the end of phase one, costing $6 million and marked the start of phase two which will cost an estimated $13 million.

Guests of the Malleable Iron Plant and its parent Central Foundry Division were civic and governmental leaders and news media representatives. They saw an operation in sharp contrast to past foundry operations.

Speaking at the ceremony, Plant Manager Arthur J. Karam said phase one had seen the successful break-in performance of a new 65-ton melting unit, the largest coreless electric induction furnace ever used.

"We are very satisfied with the new furnace's performance," Karam said, "and are pleased with the significant improvement in effluent control resulting from electric melting."

The second phase will provide two more of the 65-ton coreless induction furnaces for daily operation mental charge pre-heaters, auxiliary equipment and a 65-ton spare furnace to supplement the operational units. Phase two also calls for a major building addition to house the three furnaces, new electrical and material handling systems, removal of a portion of the old melting equipment and renovation of some existing facilities.

"By late fall, 1972, we expect the plant to have three of the big furnaces in operation and a fourth which can be quickly placed in operation if needed,"' Karam said. lion and completed the program we an- "We will then have expended over $19 mil- nounced in February, 1968. If more molten iron is needed to meet our production requirements than these furnaces can provide, a third phase will then be added.

"Our program is costing more and taking longer than a conventional program to control the effluent created by cupolas," Karam continued, "and I would like to explain why.

"Our first objective, the replacing of our coke-fired melting units with modern, more flexible equipment, is to enable Saginaw Malleable to better fulfill our customers' casting requirements and thereby continue to serve the Saginaw community as a major employer. This, we believe, to be of primary importance to Saginaw as well as General Motors.

"Our second objective, by selecting electric induction furnaces as our primary melting equipment, is to achieve the ultimate form of emission control—elimination of the source. The electrical energy, which provides the heat for induction melting, produces no effluent, and that created in the melting process can be readily controlle'. We want to be a good neighbor and also consider this objective of prime importance.

"The transition from cupolas to induction furnaces is being made as rapidly as possible. Time is needed to procure the new equipment and construct the massive installations required to house the units. The transition can only be done a step at a time because melting operations must continue at a high level to keep from unnecessarily idling large numbers of employes."

Central Foundry Division Manager Elmer E. Braun said this morning, "We have effectively controlled any water pollution previously resulting from our manufacturing operations by building primary and secondary settling basins and recirculating the water used in our processes.

"We have installed the most efficient air cleaning equipment available on four of the division's operating cupolas and are proceeding with all practical speed to install similar controls on all cupolas to be retained.

"We are installing coreless electric induction furnaces, the most emission-free method of melting iron, wherever new iron melting systems are needed and in Saginaw as replacements of existing cupolas.

"We have in the past 10 years (1960 through 1969) spent $14½ million for pollution control facilities and will be spending much more."

Plant Emission Cure Near

Efforts of the Central Foundry Division to control water and air pollution were traced this morning by Thomas R. Wiltse, division works manager for civic and government leaders at the Malleable Iron Plant this morning.

Central Foundry Division's Malleable Iron Plant Manager Arthur J. Karam this morning announced the sucessful installation of a huge electric furnace which eliminates the cupola and the cupola air pollution.

The installation climaxes 25 years of trying to control the environmental problems created by the foundry's operation. Here is a chronological report on those efforts.

The coke-fired cupola has for more than 70 years been the most efficient and most commonly used device for melting raw materials to make iron. There are more than 450 cupolas in operation in Michigan alone. The very nature of cupola operation requires the exhaust of high velocity, high temperature, volumes of air which pick up and carry dust and small solid particles. Many efforts to control this emission have been made but few met with much success until recently.

Central Foundry's efforts here date back to 1946 when it was one of the first in the nation to equip all cupolas with the then new "wet cap" emission control units. With these controls, emissions from the cupola is forced to pass through a heavy curtain of water before reaching the atmosphere. The water removes up to 60 per cent of the particles from the effluent. Progressive improvements of this system has been made by increasing the volume of water used, and changes in design of the collectors.

In 1959, Central Foundry enlisted the aid of the General Motors Corp. Research Laboratories in developing a small experimental cupola gas scrubber. This led in 1960 to the installation of a low-energy wet Venturi scrubber for one cupola at the Malleable Iron plant here. This device has increased efficiency but proved to be somewhat unreliable with high maintenance costs.

The next effort came in 1963 at the Central Foundry's Danville, Ill., plant. This consisted of the design and installation of a recuperative dry-type fume collector. Hot gases collected from plant operations were to be used to heat the air being blasted into the cupola for melting purposes and thus provide some return on the investment.

However, after two years, the project was abandoned when a possible explosion hazard could not be satisfactorily resolved.

Central Foundry then experimented with extending the cupola stacks at Danville and Saginaw to provide space for gas after-burners which would more completely incinerate the emission. Four cupolas were changed and a further improvement in the emission resulted.

In 1966, a new type high-energy wet Venturi gas scrubber was installed at Central Foundry's new Defiance, Ohio, plant. This high-efficiency unit permits no more than five grains of solids per 100 standard cubic feet of cupola effluent with a steam plume being the only visible emission.

While highly effective, this new type of equipment required a capital expenditure of $1 million and considerable space. Current cupola emission control codes are being set using this equipment as a standard.

Central Foundry since has installed high-energy Venturi scrubbers on two of the three cupolas in the original Defiance plant and is preparing to install a unit on the third cupola. One of three cupolas at the Danville plant already has been equipped and plans include installation of Venturi scrubbers on all operating cupolas before the end of 1972.

Convinced that even larger furnaces were practical, Central Foundry in 1968 announced a five-year program of progressively replacing the three cupolas at its Saginaw Malleable Iron Plant with giant coreless elec-

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tric induction furnaces. Each furnace, with pre-heating of the material to be melted, was to have a melting rate of 40 tons per hour and a holding capacity of 65 tons. In addition to eliminating the plant's major emission problem, this ambitious program would provide modern, flexible melting systems as replacements for the cupola melting units.

ONE-SIDED REPORTING BY A NEWS AGENCY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. NICHOLS. Mr. Speaker, there has been a good bit of controversy lately over whether the news media in our country are giving us responsible, unbiased coverage of events. Many executives of the various organizations which operate newspapers, broadcasting stations, or other news-gathering agencies are extremely sensitive to any type of criticism of their performance.

The Honorable Earl Morgan, district attorney for Jefferson County, Ala., has called to my attention a good example of one-sided reporting by a news agency. The Associated Press recently moved the following story, which was carried in newspapers all over the country:

A $30 ROBBERY BRINGS NEGRO DEATH PENALTY

BIRMINGHAM, ALA.—An all-white jury has decreed the death penalty for a Negro convicted of robbing a white girl of $30 and a wrist watch.

The seven women and five men of the Circuit Court jury deliberated less than three hours Thursday night before returning the verdict against John Henry Jones Jr., 23.

Mr. Morgan has furnished me with the accurate facts in the case, and I would ask that they be printed in the RECORD. I sincerely hope that the Associated Press will see fit to issue an apology to the people of Alabama for this apparently deliberate slap at our State.

The statement follows:

STATEMENT BY EARL C MORGAN

On a Saturday afternoon last fall, a seventeen year old girl named Rose Marie Campisi was reported missing and was last seen at a local hospital where she had taken her brother for emergency treatment. Late that afternoon search parties were organized and throughout the following day search continued for this young girl. On Sunday morning, the members of her church, mostly young teenagers, organized a search party under the direction of the church priest and approximately 4 o'clock that afternoon, while searching an isolated and remote rural area, found a charred envelope with the young lady's name on it. An intensive search of the area revealed her automobile at the bottom of a 100 foot ravine over which it had been driven. Upon searching the automobile this young girl was found locked in the trunk compartment, disrobed, beaten and very seriously injured. She was taken to a hospital where she remained for several weeks and suffered permanent injuries from internal infections which developed in her body. Law enforcement agencies of state, county and several municipalities spent days and weeks searching out every possible lead in an attempt to find the culprit. In addition to having been beaten and run over by an automobile, there was every indication that she had been raped.

For months the case went unsolved until on January 1, 1970, a young Negro woman made a complaint to the Birmingham Police Department that she had been raped on the previous night. Similarities of description and mannerisms of the culprit in that case resulted in the arrest of John Henry Jones, Jr., and charges being placed against him arising out of offenses committed against both women. Rose Marie Campisi's wrist watch, which had been forcibly taken from her at or about the time of the rape, was recovered from a local pawn shop and John Henry Jones was identified by the operator as being the person who pawned the watch. When arrested, John Henry Jones had the pawn ticket for the watch on his person. Rose Capisi made a positive identification of this defendant from photographs and from personally viewing him among a large group of persons. Additionally, with full constitutional guarantees and the Miranda procedure followed, Jones made and signed a written statement admitting having forced the young girl into her automobile and leaving the hospital area with her but claimed not to remember subsequent events partly because of a high degree of intoxication.

Rose Marie Campisi testified that after the defendant abducted her at the hospital, he drove her to an isolated area in a rural community, where he stopped the car, dragged her from it, beat her with his fists, kicked her, stomped her, dragged her seventy feet into the woods, stripped her clothing from her and shot over her head as she struggled to try to prevent him from removing her panties. She further testified that he raped her, drug her back on to the roadway where he tied her hands and feet together, placed her in front of the car and ran the car over her arm and leg, she having succeeded in squirming out of the path of the wheels as they passed over a part of her body. She further testified that the defendant then put her in the trunk of the car in this bound condition, laughed at her, slammed the trunk door on her and she then knew the car was being driven into the ravine because of the crashing and bumping. She remained in the trunk of this automobile for approximately twenty-four hours, being conscious most of the time.

When the car was found it was substantiated that the defendant had obtained all available paper material in the car and set it on fire prior to running the car into the ravine.

John Henry Jones, Jr. was indicted in four separate cases for the offenses of Kidnapping, Assault With Intent To Murder, Rape and Robbery. Under Alabama law the offenses of Rape and Robbery are capital offenses, either one of which carry a penalty from ten years to a maximum penalty of death. Only one case can be tried at a time and the state elected to go to trial on the Robbery case first. Upon a trial of this case on the Robbery charge, the state was permitted to show all the acts of the defendant as set out herein.

PRESIDENT REASSURES THE NATION HE WILL WIN BATTLES AGAINST UNEMPLOYMENT AND INFLATION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. RHODES. Mr. Speaker, President Nixon's speech today was at once an assurance to the American people that he is determined to win the twin battles against unemployment and inflation and a challenge to the Congress to help him in those battles.

I believe we have an obligation to him and to the Nation to join with him in those efforts in a spirit that is both nonpartisan and bipartisan.

The President has said that this is the time for the Congress and the President to cooperate in a program specifically addressed to helping the people who need help most in a period of economic transition.

He has outlined that program and much of it is already before us in the form of proposals to strengthen the unemployment insurance system, to improve our manpower training, to tie social security benefits to the cost of living, to ease home financing, and to help small business.

In addition he intends to send new proposals to us immediately.

I would hope that both houses of Congress will join in meeting the President's challenge to us by acting expeditiously on these needed pieces of legislation.

If we do, the whole country will benefit.

TURKEY, FRANCE AND THE HEROIN TRAFFIC

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. KOCH. Mr. Speaker, with the thought that it might interest our colleagues, I am submitting for insertion in the record my letter of yesterday addressed to the President on the matter of Turkey's opium growing policies and the $40 million development loan approved for that country.

The letter follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 17, 1970.

HON. RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Today I spoke on the Floor of the House to express my concern over your approval of an AID development loan to Turkey while that country continues to permit the growth of opium in nine of its provinces.

Mr. President, I am sure that I need not tell you that in New York City, as well as in other parts of the country, we are faced with an acute heroin epidemic. The lives of thousands of our adolescents are being ruined by this drug addiction—and yet we continue to sanction the opium growing policies of Turkey which produces 80% of our heroin.

I believe that the time has come to put a stop to this, and I urge you to press the Turkish government during the negotiations over this $40 million loan to eliminate entirely the legalized growth of opium and to use what part of this loan is necessary to provide the facilities for crop conversion and police surveillance.

Furthermore, in view of the fact that much of this Turkish heroin is processed in the Port of Marseilles, I would respectfully urge you to have our Ambassador discuss with President Georges Pompidou the immediate closing of these death dealing factories. I

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realize that politics is an important consideration with regard to this issue in both of these countries, but we cannot afford to go on paying for the politics of Turkey and France with the lives of our children.

I am enclosing a copy of my remarks in the House.

Sincerely,

EDWARD I. KOCH.

SOVIET UNION IN VIOLATION OF INTERNATIONAL LAW

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. RHODES. Mr. Speaker, 30 years ago the Soviet Union in violation of international law invaded the independent Baltic Republics of Lithuania, Latvia, and Estonia. All three of these countries were forcibly "annexed" into the Soviet Union shortly after this invasion by illegally staged "elections," which were held under the auspices of the Red army's guns. The United States and many other nations of the world have refused to recognize this illegal "annexation."

It is appropriate to remind the world community that the historic legal and moral principles of equal rights and self-determination of peoples should be shared by the peoples of these Baltic Republics who were illegally deprived of their independence and self-determination by the Soviet Union.

It is also appropriate to reaffirm our dedication to the principles expressed in House Concurrent Resolution 416 calling for the freedom of these enslaved peoples. I urge the President to implement this legislation by bringing the issue of the Baltic States peoples to the United Nations. The resolution reads as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical cultural, and family ties between the peoples of the Baltic States and the American people; Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

SEAWEED, THE NATURAL FERTILIZER

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HANNA. Mr. Speaker, I commend to the attention of the Members of the House an excellent statement recently made by Mr. Per B. Ohrstrom, of Sea-Born Corp., before the Subcommittee on Departmental Operations of the House Committee on Agriculture, in connection with its hearings on June 8, 1970, on H.R. 15560 and H.R. 16576 to amend the Federal Insecticide, Fungicide, and Rodenticide Act.

As a member of the Subcommittee on Oceanography of the Merchant Marine and Fisheries Committee, I have for some time been very much impressed with the great potentials of the resources of the sea. Seaweed, a natural product of the sea, merits increased attention and use because of its nonpollutant qualities, especially at a time when the subject of pollution is of such great concern to mankind.

I would emphasize, Mr. Speaker, that the time is now for us to support the torrent of rhetoric by at least a trickle of practical steps toward the correction of conditions which contribute to creation of the problems we rail against. The record abounds with testimony that chemical phosphates and other compounds are already critically diminishing the oxygen content of rivers and streams and is dangerously destroying the marine life support in our estuaries.

It is in the hope that the Agriculture Committee will initiate appropriate action that I insert this important statement at this point in the RECORD:

STATEMENT OF SEA-BORN CORP., BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

Mr. Chairman and Members of the Subcommittee, my name is Per Bye Ohrstrom. I am General Manager of the Sea-Born Corporation, 3421 North Central Avenue, Chicago, Illinois.

Sea-Born Corporation is mindful of the initiative traditionally taken by the House Agriculture Committee on vital national and international matters affecting the agricultural community of our land and the American consumer, who depends on agriculture for his very existence. We therefore commend any move designed to protect the American consumer against hazardous, toxic and harmful pesticides and chemicals in agricultural or horticultural use. The emergency nature of this situation has been tersely described as follows:

"Chemical pollution of our soil (as of our air and waters and wildlife) is growing worse Fertilizers, herbicides, pesticides, chemicals of war threaten not just the good life, but life on this earth altogether."

("The Environmental Decade," House Report No. 91–1082, May 13, 1970, Committee on Government Operations, page 36).

The widespread use of poisonous chemicals for both the home trade and for commercial use is, hopefully, being successfully curtailed or even eliminated where required. Yet the need for control of disease and insects will increase as increased population places an increased demand on our foods and fibers. This is readily apparent when we examine the population statistics. The growth in the United States increased from 13 million in 1830 to 123 million in 1930. By the year 1990, it is expected to reach 300 million. Here, Mr. Chairman and Members of the Subcommittee, the products marketed by Sea-Born Corporation can render a great public service to our growing population in the highest and best traditions of enlightened American private enterprise. At the same time, we can point the way for other manufacturers of such products located in diverse areas of the United States. Indeed, the results can be revolutionary at a time when man and his environment cry out for new concepts to preserve the oldest instinct in man—survival. And we can be instrumental in creating and developing new industries, employing thousands of people throughout the land who will be engaged in producing, marketing and utilizing a safe, non-pollutant and effective product—seaweed.

There is nothing complicated about our products. They are made from Ascophyllum Nodosum seaweed, which is considered among the best variety offered by the sea. Seaweed is a natural product, non-toxic, non-poisonous, containing no harmful ingredients, safe on foods and completely harmless to children or animals. Our liquid seaweed, which is marketed under the "Sea-Born" label, for horticultural and agricultural use, is hydrolised under pressure and contains the breakdown products of the seaweed polymers together with the various elements which are included in sea plants.

Seaweed contains all the known elements essential to good plant nutrition. Due to its high level of organic matter, seaweed aids in retaining moisture in the soil, thereby improving the stabilization of the soil surface, and seaweed raises the bacteria count in such soil. These are qualities that are important to raise healthy crops, with improved resistance to insects and disease. Seaweed activates plant hormones which have an important effect on root development and general plant growth. An important property of seaweed is its possession of auxins and gibberellins which are important growth materials. Auxins give increased resistance to fungal disease.

For the last 12 years, our company has been actively engaged in research and marketing of ALGIT Norwegian Seaweed Meal, which is used as an animal feed supplement, and Sea-Born liquid and Granular Seaweed for horticultural use. "Seaweed," as marketed by us, is processed from the harvested plants which are either dried and ground or extracted with an absolute minimum use of any agents.

ALGIT, which is used as an animal feed supplement, is processed from the Ascophyllum Nodosum seaweed, alluded to earlier. Our product is manufactured by the leading seaweed produced in Norway and is the only Norwegian seaweed meal on the market which is quality controlled by the Norwegian Government Agricultural Control Institute.

Seaweed or Kelp (popular names for plants grown in salt water of the algae family) was approved as a feed additive by The Association of American Feed Control Officials, Inc. in 1961. There are actually no government-control problems in marketing this ALGIT product for animal feed supplements. It is interesting to point out that the U.S. Department of Wildlife & Fisheries has been using our ALGIT in their fish food for many years. One of their divisions in St. Paul, Minnesota, is using it in their trout food, and we have supplied this division for about 10 years. The feed, to which ALGIT is added as a supplement, is made by Glencoe Mills, Glencoe, Minnesota. However, in the case of the marketing of the SEA-BORN seaweed products in horticultural and agricultural use, there has developed a serious impediment to our operations. Under date of July 14, 1969, the Department of Agriculture, Pesticides Regulation Division, requested that if we were to continue to be exempt from the Federal Insecticide, Fungicide and Rodenticide Act, we would have to delete certain claims from our literature and in some cases not to use our literature at all. In a spirit of cooperation, Sea-Born Corporation agreed to this course of action. The results have been severe. Despite the fact that much research backed our claims, and despite the fact, as pointed out earlier in this statement, Sea-Born is non-poisonous, we informed the Pesticide Regulation Division that we were prepared to register our product under the Act. This we are not permitted to do, as it is claimed that the test plots for the research should have been located over wider geographical areas and that the research on which we rely is therefore insufficient.

Our experiments on vegetable crops were mainly carried on at Clemson. Extensive work with Sea-Born on peaches was carried on in South Carolina, New Jersey and Connecticut. Smaller experiments on apples were conducted in New Jersey and Connecticut. These tests on apples and peaches were carried on for five consecutive years, which we felt would be adequate for meaningful results.

The results from these tests show that Sea-Born significantly suppresses mite population in apple orchards and inhibits the development of some other insect pests.

The experiment on peaches definitely showed that Sea-Born significantly reduced rot in peaches and increased the marketable yields. Information from the Department of Agriculture clearly documents that millions of bushels of peaches are ruined by rot every year. This huge economic loss could be greatly reduced if these growers were permitted to be informed about our non-toxic and non-poisonous product and what it has accomplished for others.

The finding from the experiments in the United States show the same pattern as those from experiments in Europe. In this connection, we would like to refer to Proceedings of the Fifth International Seaweed Symposium, Halifax, Canada, 1965, and the Proceedings of the Sixth International Seaweed Symposium, Santiago de Compostela, Spain, 1968.

The last Symposium was attended by 290 scientists representing 34 nations. Some 110 scientific papers were presented. Among those from the U.S. taking part were scientists from Clemson University, Duke University, University of North Carolina, North Carolina State, University of California and University of Texas.

One of the best and most graphic descriptions on the qualities of seaweed, its present uses and its great potential for the future, appeared in The Washington Post of December 21, 1969, written by Nate Haseltine, Washington Post Staff Writer, which I include substantially in its entirety, as part of Sea-Born's statement. (Appendix I)

At a time when the special and vital role of small business is recognized and protected by our Government, thanks to the initiative of the Congress, it is inconceivable to us that we should be compelled virtually to go out of business for no valid reason. We recognize the topmost priority which should be placed on the protection of public health and the environment. And we applaud the efforts spearheaded by the Congress to bring our Administrative laws and regulations in line with this priority. It is precisely because of these considerations that our small company has spent literally thousands of dollars in research, conducted primarily at Clemson University, S.C., which has been doing such remarkable work in pioneering new and better agricultural products, free from contamination and disease. We commend the leadership of Dr. Robert C. Edwards, President of Clemson University, Dr. O. B. Garrison, Director of Agricultural Research, and Dr. T. L. Senn, head of the Horticulture Department of that great University, who have contributed so much to the research on seaweed. Research has also been done by many other U.S. scientists, including:

Dr. B. F. Driggers, Rutgers University.

Dr. Philip Garman, Connecticut Agricultural Experiment Station.

Dr. C. E. Caltagirone, University of California.

Dr. C. G. Forshey, Cornell University.

Dr. Preston Hunter, University of Georgia.

Dr. I. C. Anderson, Iowa State University.

A partial list of research papers is appended hereto. (Appendix II)

The results of this research have been truly remarkable and are worthy of a special hearing by this Subcommittee to listen to the Clemson story.

It is thus apparent that Sea-Born Corporation is not a Johnny-Come-Lately in the field of pollution and environmental control. Our desire to market a product free from toxicity, free from poison and free from pollutants in animal feed, horticulture and general agricultural use is precisely why we are in the seaweed business. We realize that had we devoted our efforts to chemical fertilizers and pesticides these past 12 years instead of the natural product, seaweed, we would have by now evolved into a big business, not a small one. We prefer, however, to remain a small business dealing in a natural and safe product such as seaweed.

All we ask is that the law be amended, if necessary, to permit us this choice. The essence of the amendment we urge the Subcommittee to adopt in the bills before you (or, indeed, in any other appropriate legislative vehicle available either to this Subcommittee or to the full Committee) is to exempt our product from the definition of an "economic poison" and the requirements of the Federal Insecticide, Fungicide and Rodenticide Act. If this is not feasible, then at least, that law should be amended or perhaps clarified in the Committee report so as to permit our product to be registered under the Act on the basis of our presently available research, accumulated over many years.

It is not our desire to criticize those who administer the Act, and our testimony is not to be interpreted in that light. It is the Act itself which is deficient, too flexible where it should be firm and too firm where it should be flexible. Clearly, we do not feel that the Congress in enacting the Federal Insecticide, Fungicide and Rodenticide Act, legislation which has been on the books for 20 years, had our type of product in mind. In view of the barrage of Congressional criticism leveled against deficiencies in administration of the Act (House Report No. 91–637, November 13, 1969), we can understand the concentration of effort by the Pesticides Regulation Division on tightening the administrative reins rather than concentrating on the encouragement of safe and efficient substitutes, like seaweed, for the noxious chemicals.

In summary, seaweed research in the United States and abroad has demonstrated that:

(1) Seaweed is a natural organic product, and is completely safe and harmless;

(2) Seaweed increases the population of beneficial soil organism;

(3) Seaweed increases seed germination and stimulates blossom and fruit development;

(4) Seaweed produces plant hormones which have an important effect on the root development and general growth;

(5) Seaweed increases the up-take of several trace elements;

(6) Seaweed permits the use of less chemical fertilizer;

(7) Seaweed serves as a repellant to insects;

(8) Seaweed permits the use of less insecticide;

(9) Seaweed improves the natural quality of a product on which it is applied through increased sugar content, starches, flavors and color;

(10) Seaweed increases marketable yields on all crops tested;

(11) Seaweed increases shelf life on fruits and vegetables.

We would not conclude this statement without mentioning the fact that research and development has been expanded and accelerated to find even more useful properties of seaweed.

Mr. Chairman and Members of the Subcommittee, we are confident that you will take the leadership in confirming officially what has been confirmed by a great body of national and international research and further confirmed by those who actually utilize seaweed in their farms, fields, gardens and orchards—that seaweed is the hope of the future and a healthy replacement for toxic, harmful and poisonous chemicals.

We recommend that the bills before you be amended so as to exempt seaweed from the requirements of the Federal Insecticide, Fungicide and Rodenticide Act. As a minimal alternate, we recommend inclusion of language in the Committee report that Sea-Born Corporation should be permitted to register under that Act on the basis of the research now readily available to us.

Thank you Mr. Chairman and Members of the Subcommittee for affording Sea-Born Corporation an opportunity to present its views on the important legislative proposals before you.

[From the Washington Post, Dec. 21, 1969]

APPENDIX I

STUDENTS OF SEAWEED GET THE LAST LAUGH—PLUS FUNDS

(By Nate Haseltine)

Nineteen years ago, they laughed at a research team at Clemson University in South Carolina that was testing dried Norwegian seaweed as an additive for crops. But now, everyone seems to be trying to get into the seaweed research act.

This year, the National Science Foundation is providing some $389,100 in matching federal grants under its Sea Research Program for expanded agricultural research into the seemingly miraculous powers of dried, powdered and liquefied seaweeds and other marine algae. Most of the grants are being matched with similar amounts by states and local universities.

Clemson's Drs. Senn and B. J. Skelton have been awarded a matching grant of $39,500 to expand their program of "testing extracts and meals of several marine algae for effects on growth and/or development of commercially higher plants."

This expanding research funding contrasts with the original $1,200 grant given the Clemson investigators by the producing company, the Sea-Born Mineral Division of Skod Co. and the Norwegian Export and Import Co. of Chicago, which furnished the seaweed product used in the initiating research.

The brown seaweed involved, Ascophyllum nodosum, has been shown to turn plant growth off and on by regulating plant me-

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tabolism—that is, the rates at which they take in oxygen and give off carbon dioxide. Used as a soil additive, it is either mixed with or sprayed on ordinary earth. A particular reason why the Clemson investigators were persuaded to take on the research was that South Carolina's soil is not the best in the agricultural United States, having been depleted of many growth-inducing minerals.

The original Clemson researchers included C. B. Garrison, then director of the Clemson Experiment Station and the university's agricultural research; Taze (Tee) L. Senn, presently the director, and research associates John A. Martin, Claude L. Darling and Robert J. Shelton. They started in 1950, and their reported results are now considered hallmarks of plant and crop improvement—the reason why everyone else is getting into the act.

FIVE-MONTH DORMANCY

Scientific reports accumulated since the start of the Clemson trials show that the seaweed meal added to the soil does some amazing tricks to growing plants.

One of the research assistants who joined the Clemson project later, Donald F. Fox, reported in 1960 to the American Society for Horticulture that the sea meal, spread over an acre of Bermuda grass, killed off all clovers and weeds. He reported that it left only the desired green grass in an almost ungrowing state and that the grass survived a hot summer without need of mowing.

Fox also reported to the same society that seaweed-treated tomato plants an inch and a half tall retained their size, without wilting or growing, for up to five months. Transplanted to normal soil after such apparent dormancy, they resumed normal growth and bore fruit, he said. Similarly treated plants, accidentally left out and exposed to frost, survived the chilling which killed off untreated (control) tomato plants, Fox reported.

When Clemson's pioneering research scientists set out to evaluate the nutritive values of seaweed for crops, they lacked the scientific equipment available today and painstakingly built a Rube Goldberg type of contraption called a "Continuous Recording Respirometer System."

Respiratory, or breathing, activity provides a means through which the investigator may study the complex enzymatic processes governing the quality of perishable horticultural products. In the respiration in storage of fruits and plants, the sugars are biologically oxidized to carbon dioxide and water by the living cells.

The scientists could tell by the looks, taste, feel and shelf life of seaweed-promoted products that they fared better than control plants—but such proofs are always open to question. So the scientists spent two years devising the machinery to convince other scientists that their work was valid. They ended up with a device that has a maze-like array of tubing, sample containers, solenoid valves and a dual-channel potentiometric recorder.

"It took us all that time to build it," mused Dr. Senn. "After all, we're plant physiologists, not electric engineers."

Today, the Clemson horticultural laboratories are equipped with space age electronic gear ranging upward to $2000 in cost when purchased commercially. These include an atomic absorption spectrophotometer and a recording print-out of a gas chromatograph.

FEEDING RACE HORSES

Because their institution is a land grant college, the Clemson investigators started their research on local crops, chiefly tomatoes and grasses. Since their initial successes, they have branched out to other South Carolina products, such as peaches, apples, sweet potatoes and okra. In all cases, they found out which concentrations produced the best results in both qualities and storage life. But they still don't know why, other than knowing it is associated with each particular plant's regulation of respiration.

Although almost nothing, scientifically, is known of the sea product's biological effects except that it is inert and harmless, testimonials have been given that meal made from the kelp is a good additive to horse and cattle feeds, producing national champions in both species, and that as an additive to turkey and other poultry feeds, makes for better tasting birds.

One of the testimonials, which await scientific confirmation, is by an Iowa breeder of Herefords who reported that Algit Norwegian Kelp Meal as an additive helps his cattle to "utilize their feed more efficiently." His breeding farm, he said, this year had five champions, one reserve champion and 24 first-place winners at cattle shows.

Still another testimonial was given by Bill Ballenger, manager and part owner of Virginia's Blue Ridge Farm, who said he raised two racing greats—Sword Dancer (1959 Horse of the Year) and Bowl of Flowers—in pasturage augmented with the Norwegian kelp.

Whether the seaweed adds to human nutritive values is another facet that remains to be studied. The company does sell compressed seaweed pills, in volumes of 500,000 to 700,000 a year, for the mineral values they contain, and this has been the bane of research on seaweed—keeping it out of the food faddist category.

It has been reported that this particular Norwegian kelp contains 60 elements, 21 amino acids and 12 vitamins. It is not considered a fertilizer because it contains no substantial amounts of nitrogen. The company has tagged it a micro-organism "balancer."

POSSIBLE FOOD SOURCE

In a scientific report of September, 1961, Dr. Senn noted evidence that "certain marine algae possess antibiotically active substances," but he didn't go as far as to credit these with the plant nutritive activity of this kelp.

The Senn report noted that large metal drums containing virgin South Carolina soil remained unchanged over years, but that other drums filled with soil to which kelp had been added in varying concentrations developed molds on the earth's surface.

For example, his report showed: One barrel with 5 per cent seaweed mixture had aspergillus, neurospora and penicillum growths; 10 and 20 per cent mixtures had mostly penicillum growth, and a 40 per cent mixture showed no mold growth.

In a recent interview, Dr. Senn attributed the growth-promoting factors in brown kelp to auxins, perhaps gibberellin, a plant fungus substance that acts as a growth enhancer. Auxins are plant hormones that promote cell extensions—growth.

Not only Norwegian kelp but also many other seaweed species, including some closer to American shores, need intensive study as possible major food source to help feed starving populations. Dr. Senn and his colleagues agreed. That is also one reason given by the Sea Resources Research programs financed by the National Science Foundation.

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XUM

EVERYONE WANTS TO SAVE THE ENVIRONMENT BUT NO ONE KNOWS QUITE WHAT TO DO

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in a recent issue of the Center magazine by Mr. Frank M. Potter, Jr., executive director of the Environmental Clearing House.

The Center magazine is the publication of the Center for the Study of Democratic Institutions and the article entitled "Everyone Wants To Save the Environment But No One Knows Quite What To Do" merits careful consideration by a race of men much troubled by environmental destruction in our land today:

EVERYONE WANTS TO SAVE THE ENVIRONMENT BUT NO ONE KNOWS QUITE WHAT TO DO

(By Frank M. Potter, Jr.)

It is difficult to find a newspaper today that doesn't have at least one story on environmental problems. People who read these stories react to them and, with increasing frequency, their reaction is sympathetic. Environmental concerns are no longer the private preserve of the birdwatchers: the same bell tolls for us all.

In 1969, the National Wildlife Federation commissioned two polling organizations to investigate American attitudes on environment. The polls reached the conclusion that most people are actively concerned about environmental problems and would prefer that a greater proportion of their taxes be devoted to the costs of solving them. The level of concern here rose with income and varied inversely with age. Over fifty per cent of those interviewed felt that the government was devoting insufficient attention to environmental problems and was providing insufficient funds to resolve them. Over eighty per cent felt a personal concern, and most of these registered "deep concern." What, then, keeps them from the barricades?

Apathy, one might think, but the surveys rule that out. The most significant inhibitor of action may be that we are too easily convinced of our own political impotence. The larger the grouping, the more difficult it is for any person to make a significant impact upon social decisions.

On the other hand, when they are really aroused, people can take and have taken effective action. For example, a coalition of citizens joined forces in 1969 to require a reluctant U.S. government to quadruple the amount of funds to be used for waste-water facilities. They did so by informing their elected representatives that this was a matter of specific, personal, and urgent priority; their representatives listened and responded. Again, a few years ago, a small group of citizens banded together against the largest utility in the United States, opposing plans to construct a major hydroelectric plant within fifty miles of New York City. They stopped the utility company in its tracks. That company was Consolidated Edison, the plant was the Storm King project. The Federal Power Commission, which must decide whether or not the plant should be built, has still not made its decision. The strong case made by the citizens depended in large measure on the fact that they were able to propose alternatives to the project and to support their case by a wealth of technical and engineering detail that showed New York's serious power problems could be met by less damaging methods. Although Con Edison has not yet given up the project, it has adopted the alternatives, and many sophisticated agency-watchers now consider it unlikely that the Storm King plant will ever be built.

Collective action, then, can make a difference. Individually or collectively, we are confronted with a clear option: Are we to live well only for a short period, or must we cut back economic growth in favor of long-term survival for the species? For the most part we appear to have adopted the former course of action, and it is by no means clear that we would act much differently if the choice were clearer. "*Après moi, le déluge*" is an attitude confined neither to France nor to the eighteenth century. As individuals, we tend to be somewhat ambivalent about the importance of what might be called an environmental conscience.

With very little effort, we could educate our children about the importance of environmental responsibility; yet it is the children who seem to be taking the lead in educating us. A national Environmental Teach-In is scheduled for April, 1970, in schools and colleges across the country, and there are signs that problems of pollution are occupying a rapidly increasing portion of the attention of young people.

It is important to distinguish between the actions and attitudes of individuals and those of the citizen groups organized to consider environmental problems. The biggest problem faced by such groups is seldom a lack of motivation; it is financial. It is still rare for anyone whose economic interests are involved to oppose a polluter; this means that concerned citizens must themselves assume these costs, although the financial burdens of speaking out and working against a powerful and well-financed industry or government agency may be great. The costs of carrying on a major controversy may exceed five hundred thousand dollars. We cannot reasonably expect any private group to bear such a burden, nor should we as long as the group is acting to protect assets that are common and valuable to all of us.

It is important to note, though, that even concerned citizens do not always organize themselves to protect the environmental system as a whole—one group may be interested only in visual pollution while another is interested in noise. It is an unfortunate fact of life that a normal resolution of a pollution problem often means pushing it into another area which may not be so vigorously defended. For example, the public concern with power-generation facilities producing air pollution in the form of coal dust, oil droplets, and increased sulphur dioxide emissions encouraged the building of nuclear plants, which involve none of these pollutants but may well present other problems in terms of radioactive and thermal pollution of cooling water.

To look to private business for solutions to pollution may be futile. Its horizons are deliberately limited to those factors which are considered to be of immediate importance, principally economic, and the hidden costs to the society at large tend to be ignored. These costs still exist, however, and they must be borne by everyone if not by the industry which creates them. A classic example would be a pulp processing plant which emits fumes of hydrogen sulphide, causing foul air and peeling paint for miles downwind. The resulting inconvenience, possible health hazards, and certain increases in maintenance costs have not traditionally been imposed upon the agency which created them. Instead, they have been borne by our whole society, regardless of the capability or willingness of individual members to bear them.

To be sure, some private companies have taken steps to limit the anti-social consequences of their operations and have done so at considerable cost, quite beyond what they have been required to assume by law. But a voluntary approach to reducing environmental problems, it is clear, is just not good enough. For one thing, the forces of competition tend to minimize such voluntary efforts. Few men or companies, however public-spirited they may be, are prepared to expend large sums on the internalization of indirect costs. Nor can they do so without incurring the wrath of profit-seeking stockholders, who are even further removed from the environmental mischief they have indirectly created.

Polluting industries have most often resisted pressure to clean up their operations by claiming that the measures proposed are unduly prohibitive or confiscatory. Their chief means of resistance has usually involved threats to pull up stakes and move elsewhere. This last resort has been adopted infrequently, if at all, and is only likely to occur where a producer has found himself impossibly squeezed between falling profits and rising costs. It has also been alleged that these are the marginal producers whom the next strong wind will blow away in any case, so that little lasting economic damage to the area ever occurs.

The mechanics for balancing social costs against economic values, then, must be found outside the private institutions themselves, and they are—this is a major function of government. The laissez-faire philosophy which at one time characterized the attitude of American government toward American industry won't work today. It is also apparent that the government is likely to expand its program in this area. Public attention has already been focused on air and water pollution. But there are other areas in which governmental action must be anticipated—among them, noise, solid-waste disposal, and the by-products of energy transfer are mentioned with increasing frequency.

Governmental over-view, if impartially and reasonably imposed, need not be hostile to the private sector; it may even be in its interest, both short-termed and long-termed. The National Association of Manufacturers has never been known as a hotbed of social activists, yet members of N.A.M. operating committees have endorsed proposals for a strong federal body to oversee environmental issues. Businessmen have to breathe, too, and most of them are prepared to accommodate themselves to the ecological imperative—as long as their competitors are subject to the same rules. We cannot assume, however, that increased governmental concern will take place without some economic disruption. Marginal producers will feel the pinch most strongly, and some may not survive. Nevertheless, the important consideration is that the rules must be enforced fairly and impartially upon all parties.

It is important to bear in mind that the mass of government workers—the *Lumpenbürokratie*—marches to a drumbeat that only it can hear. Higher levels of government, presumably more responsive to broad social needs, generally find their choices so circumscribed by business-as-usual decisions farther down the line that their options are dissipated by the inertia of the machinery. This is by no means peculiar to the solution of environmental problems, though these tend to be somewhat more acute because of the high stakes involved and because the new issues do not fit easily into the existing bureaucratic patterns.

In practically every agency of government, at almost every level, strong pressures to maintain the status quo are built up. As one progresses from local to national bureaucracy the inertia increases. A random example: early in the nineteen-fifties the Eisenhower Administration stated a strong preference for private power development as against public power, but it was not until the Kennedy Administration took office eight years later that the direction of bureaucratic thinking had changed enough to give effective support to the idea of private power. Nor could the Democrats reverse the trend.

There are also powerful personal influences that, in current bureaucratese, are "counterproductive." As one observer put it, "the paramount objective of the permanent bureaucracy is permanence." This contributes directly to the institutional resistance to change. Agency employees tend to react self-protectively. This was probably the principal roadblock encountered by Ralph Nader's "Raiders" in their government agency investigations during the past two summers. They often ran up against a bureaucratic wall which blocked the publication of several unfavorable agency reports on the controversial supersonic transport until the reports were wrenched from unwilling bureaucratic hands by actively concerned congressmen. To combat this reaction Congress passed the Freedom of Information Act, requiring disclosure of all but certain specified documents—a public law which has been honored far more in the breach than in the observance.

This problem is compounded by a frequent lack of clear policy guidance from the upper levels of government to the lower. New policies may be found in new regulations and pronunciamentos which either go unheeded or trickle down by word of mouth. This communications system serves as an efficient filter for any content that may fortuitously have crept into the public statements of the man or men at the top.

Such difficulties should not be ascribed solely to bureaucracy. The problem for bureaucrats is essentially the same as that of the private citizen: they are unable to relate everyday decisions to any specific action of the government machinery. Moreover, the results of yesterday's decisions are rarely communicated to the decision-makers as a corrective for tomorrow's programs. To be sure, there is enough feedback for everyone to know when a dam doesn't hold water (which happens), but when a dam destroys a delicate ecological balance and wreaks havoc in the local community, the mischief is rarely percieved as a genuine problem.

Still another troublesome aspect is that government agencies compete with one another. For decades, to cite an example, the Departments of the Interior and Agriculture have carried on a polite war; its prime casualties have frequently turned out to be considerations of the environment. Countless examples of this competition have been observed: timber-cutting practices on public lands and in national forests, pesticide regulation (if that is the correct term for it), dam building, and soil conservation are just a few. The same kind of competition may occasionally be found between the public and private sectors of the economy; once again, concern for the environment usually loses out.

In some respects, such competition is healthy. Occasionally, the public may even benefit from it. Several years ago, for instance, the Army Corps of Engineers conceived a plan to build a high dam on Alaska's Yukon River which would flood hundreds of thousands of acres of land in the process. The dam was successfully opposed by the Fish and Wildlife Service of the Interior Department on the ground that it would do untold damage to the wildlife in the region. The operative word here is "untold"; no one knew just how much damage would have been done and the Corps was not really interested in finding out.

There are other consequences of governmental competition. Although they operate with public funds, governmental agencies are under pressure to make the most of the funds they expend. The budgetary restrictions placed upon the head of a large operating government agency are no less severe than those upon the directors of a large corporation, and the body to which they report is no more aware of the importance of environmental factors than the average stockholder of American Telephone & Telegraph. This comparison ought not to be pressed, however, since while it will be difficult to improve the ecological understanding of the average citizen, it is not beyond our grasp to educate Congress.

The essential function of the Legislative Branch of government is to formulate and to review policy. In so doing, it operates under constitutional or other social restraints, and it must of necessity paint with a broad brush. Translating basic policy decisions into specific go and no-go decisions, never an easy task is often complicated by pressures within the Executive Branch to change the policy decisions themselves. More important, policy is only as good as the information upon which it is based, and this information tends to be biased, conflicting, fragmentary, and or out-of-date.

Consider the effect of the following factors upon the theoretical non-bias with which a congressional policy decision is supposed to be approached:

The nature of the proposal—Most legislation enacted by the Congress is originally proposed by agencies in the Executive Branch. (This, incidentally, may not be quite so common today; the legislative proposals of the present Administration have been criticized as somewhat sporadic. Many of the bills now before the Congress, however, are holdovers from earlier years, and the basic pattern seems to have changed very little.) Support for these measures tends to be channeled well in advance of their consideration—facts are marshaled, charts are drawn up, witnesses are prepared. A frequent result of this process is that the Congress may focus on the wrong issues.

The congressional committee structure—Committees of the Congress, and especially their ranking members, are among the principal focal points of power in Washington. This apparatus determines which bills are considered, whether testimony in opposition will be considered, and if so, how it will be rebutted. Unless the issue is getting the attention of the press and the public, or unless a maverick congressman digs in his heels, those controlling the committee have a relative free hand in developing the arguments for and against the bill; hence they control its future.

The bias of congressional leaders—The environmental crisis is a relatively new phenomenon, and the young are more concerned with the problems than their elders. This is as true in the Congress as elsewhere. The result is that many of the older members, who exercise greater control over legislative action than their younger colleagues, are less inclined to meet the new challenge. Exceptions can easily be found, but the general truth of this observation is not seriously questioned. There is, then, a bias favoring inaction. It ought not to be discounted.

The adequacy of the testimony itself—Assuming that the measure is reasonable and that the controlling committee is interested in developing the real issues, the witnesses called to testify may nonetheless not be the best available. Witnesses on environmental issues have tended to be the elder statesmen—established scientists and professionals whose views on new problems and on the need for new approaches have been colored by their own studies and viewpoints, which are frequently considerably out-of-date. A review of non-governmental scientific testimony over the past few years shows that several names pop up again and again; these individuals (who may be spectacularly well qualified in their own areas of competence) occasionally edge into areas in which they are not well qualified to speak, and they often seem to be responding to the unspoken needs of some committee members to be reassured that things are not all that bad, and somehow technology will find a way. Although not every expert witness falls into this category, it happens often enough to constitute a real problem. There is, consequently, a need to develop a base of scentific testimony available to the Congress on environmental issues and to see that younger scientists, whose factual knowledge is more current, are heard.

The context of the legislative decision—Another conflict, not at all restricted to environmental issues, faces the legislator who must decide whether to favor the good of his own constituency over national interests. Thus congressmen and senators from the West are generally inclined to favor legislative proposals to open public lands for development (mining, grazing, lumbering, oil exploration, etc.), whereas the interests of the entire country might seem to favor retaining these lands in a less exploited condition. How to measure the interests of local areas against those of society is a serious question. Resolving the conflict may be one of the most significant functions of government.

The broad nature of the authority and responsibility of the legislature may prevent it from exercising effective control over the actions of the organizations theoretically under its direction. The policies the legislators are called upon to define are so broad they cannot possibly be spelled out in detail, and yet it is in such details that the actions of government become manifest.

The legislative mechanism may also be criticized for its slow reaction time. The Congress is a highly conservative body—deliberate in adopting new courses of action, and slower to change them once they are adopted. This is, of course, a source of strength, preventing today's fad from becoming tomorrow's straitjacket. But it is also a real source of danger to the system. Science and technology have transformed the world of the mid-twentieth century into something that was quite unimaginable fifty years ago. The rate of change is accelerating, and it is is a brave man who will claim that he can predict the state of the world in the year 2000. Shrill voices may decry technology and demand that there be a halt to new technological development; they are no more likely to be heeded than were the machinery-wrecking Luddites of nineteenth-century England. Whether they are right or wrong is quite beside the point; barring massive catastrophe, technology will not be significantly curbed and the rate of technological change will almost certainly continue to speed up.

New technology creates new social conventions, which in turn affect legislative policy. Yet the mechanisms for determining that policy are keyed to technological considerations that may have already been out-of-date in 1800, and to decision-making processes that have remained essentially unchanged since the days of Roger Bacon.

Consider massive changes in climate. Scientists tell us that urban development and energy transfer now have a significant effect upon global weather patterns. We hear on the one hand of the "greenhouse effect," which tends to raise atmospheric temperature as a function of increased carbon dioxide production, and on the other of increased amounts of pollution in the air, which tend to lower atmospheric temperature by decreasing the amount of solar radiation reaching the earth's surface. Some scientists, extrapolating present activities, speculate that it would take ten years to decide which is the more powerful effect, and that by then large-scale climatic changes may be irreversible. This view is by no means commonly held, but it is under serious consideration by men whose voices ought to be heard. They are not given a hearing before Congress; if they were, they might well be outnumbered ten to one by men saying, "We are not certain, we do not know, and we should take no action until we do."

Our ecological problems, then, are not the exclusive province of the Congress; they are those of the scientific community and of all of us who have an interest in human survival. There seems as yet no way to force these problems to the forefront, conjoined as they are with an historically validated precedent for doing nothing—at least not yet.

Legislators tend to focus upon institutions rather than individuals—to see the needs of the larger groups whose existence depends upon traditional thought patterns and legal fictions. A water pollution problem is perceived as that of a municipality or an oil company, an air pollution problem as that of a manufacturer. Yet it is individual citizens whose favor the legislator must seek if he is to survive. This suggests in turn that if individuals can organize themselves to be heard as an institution concerned with environmental survival the legislators will respond. This has not yet happened generally. No significant environmental lobby has yet made its voice heard on the national level.

The courts exist to see that the written and unwritten rules of society are followed; that the policies formed by the people and their elected representatives are observed. Within narrow limits, the courts have been successful in this function. As a means of achieving rational decisions on environmental issues, however, the courts are usually ineffective. Their influence could increase, but this would require a significant departure from the usual legalistic approach. It would involve the recognition of a basic and alienable human right to a livable environment. Such a decision appears to be a remote possibility. Without this new constitutional approach, the courts will almost certainly be hamstrung by inadequate policies adopted by the legislature and by common-law rights which were defined centuries before the current environmental problems appeared.

Only in rare instances can the courts make decisions with more than local force and effect. The U.S. Court in southern New York may properly hold that the federal Department of Transportation must observe certain procedures specified by statute that may have escaped the Department's notice, and for this reason a highway shall not be built over the Hudson River. At the same time, the same Department favors the construction of longer runways into the Columbia River. Technically, the decision of the New York court is not binding in Oregon; the Oregon courts are free to disagree with their East Coast brethren and such disagreements are in no way uncommon. A means does exist for resolving interjudicial disputes—the Supreme Court of the United States. The Court, however, is already operating under a fearful load and can devote only a limited amount of its energies to environmental questions, however important they may appear to be.

The courts also lack the information upon which to base their decisions. The common-law system is grounded upon the adversary system, the theory being that each side will present the most favorable case it can and that the court will then resolve the dispute on the basis of the evidence before it. The environmental problems arising today are very complex—very different from the land disputes and tort actions of centuries ago. In theory, expert testimony ought to be available to both sides to support their cases; in practice, this simply does not work. Even if environmentalists can afford to hire experts (and often they cannot), experts cannot always be found. It is a rare electrical engineer who will agree to take the witness stand on behalf of opponents to a power plant or transmission line; he knows that other utilities may thereafter hesitate to contract with him for services even in circumstances that may be wholly unrelated to the present controversy. Conscientious men do exist and some may be found to testify, but it is not easy to find them. Cases have been lost and will continue to be lost for this reason alone. Without that interplay of expert testimony, the court is at a major disadvantage.

Even if experts can be found by all parties, the court's information problems are not thereby solved. Technical questions are already difficult, and they are growing more complex every day. Judges spring from different backgrounds, but the law operates according to the theory that their experience is essentially irrelevant to the issues that they must decide. Historically, ignorance has been a prime virtue, the court acting as the *tabula rasa* upon which the cases of the opposing parties may be written. This is a manifest absurdity, but it is the way the law grew, and it is a fact that lawyers with weak technical cases prefer judges with little technical competence.

Another weakness built into the judicial system is its tendency to delay decision. Combined judicial and administrative delays have postponed the Storm King decision by five years already. If the parties fight down to the wire, a longer delay is likely. In many respects this delay has worked in favor of the conservation group, but this happy state of affairs is not the rule. Citizens opposed to a particular proposal or project are usually forced to seek injunctive relief from the courts; they may and often do find that this relief cannot be obtained without their posting a substantial bond which is quite beyond their means. The result is that while they work their way through the courts, the opposition is busily building or digging or chopping down. By the time that the court is ready to decide, the essential question has become moot. Injunctive relief is typically the only possible hope for environmentalists, since the alternative is a damage suit, and it is a basic tenet of such organizations that money cannot replace what is threatened.

Constitutional revision has been proposed as a means of providing a clearer and more enforceable definition of our rights to a satisfactory environment. New York State has adopted such a program, and similar efforts have been mounted on a national level. An Environmental Bill of Rights would indeed be a valuable tool, but no such proposal has a chance of even being seriously considered without vastly increased pressure upon the Congress and upon the legislatures of the several states.

Pollution will be inevitable until we can develop adequate tools for dealing with it. The government will never do the job by itself. The solution seems to lie, rather, in putting stronger weapons into the hands of the public—helping it to bring about the necessary reforms through legislative and judicial channels.

THIRTIETH ANNIVERSARY OF SOVIET OCCUPATION OF THE BALTIC STATES—HOUSE CONCURRENT RESOLUTION 416

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. GOLDWATER. Mr. Speaker, 30 years ago this month, the Soviets invaded and occupied the Baltic States. Since then, the people of the Baltic States have been denied the right to live in independence and freedom. As a reminder of this sad anniversary, I wish to insert into the Record a copy of House Concurrent Resolution 416:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

HON. ALLARD K. LOWENSTEIN DENIED INVITATION TO SPEAK

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mrs. GRIFFITHS. Mr. Speaker, it has come to my attention that the majority of Oceanside High School seniors voted to invite Al Lowenstein to be their commencement speaker; that the principal of the school decided not to extend the invitation because Mr. Lowenstein was too controversial. What a great final lesson in democracy for graduating seniors. Now they know how the real world is run. I do hope the speaker chosen does not read the bill of rights. That is really controversial.

What an insult to the entire Congress and to the district which elected Mr. Lowenstein. There have been few young men ever enter this body who have arrived better equipped to be a Member of this body and who have worked as diligently through established changes for relevant changes.

XUM

THERE IS HOPE FOR THE FUTURE OF AMERICAN YOUTH

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. KEITH. Mr. Speaker, all too frequently it is the radical students, the minority of violent disrupters or the nihilist few that command the headlines concernng news from our college or high school campuses.

In fact, lately our high schools appear to be developing as training grounds for the militant college student who will now go on to higher education with a certain amount of expertise in burning buildings, destroying books and closing schools. This type of training will not make for a successful college student, of course—at least not academically.

However, I was recently pleased to come in contact with a fine high school student, Charles Andres, whose valedictory address to Berwick Academy gives me great hope for the future of American youth. At the same commencement services, the salutatory address of Samuel Sears May gave me additional reason to have continued faith in the upcoming generation.

I commend both speeches to my colleagues as fine examples of the thoughts of America's youth. Clearly, their traditions and spirit are in keeping with this country's nearly 200 years of history.

The speeches follow:

SALUTATORY ADDRESS BY SAMUEL SEARS MAYS AT BERWICK ACADEMY

In these troubled days, I feel that many of us are allowing ourselves to be completely submerged in thoughts and actions that are alien to our true selves. We look innocently around us and see men killing other men, nations developing nuclear weapons, and presidents and others who are not always truly receptive to the populace. We look about ourselves and we see not only these but many more crimes against nature (and we are part of nature though we may have forgotten). And to many these problems seem to be heralding in the end of the world either by the slow extermination of life by pollution or the sudden termination by a nuclear holocaust.

But the real danger I believe lies in that too many of us are always looking outward, witnessing the faults of the world and trying to do something to correct them, but completely neglecting ourselves, never looking inward and studying ourselves. We must not forsake our spirits, our souls, for then we will grow increasingly unstable and lopsided. A person can find everything he needs to know about his true self only by looking inward and as Henry David Thoreau said by listening to the beat of his own drummer. I quote from Walden:

"Why should we be in such desperate haste to succeed, and in such desperate enterprises? If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured and far away."

If we wish to be truely aware of ourselves and the world, we must also not let ourselves be too subjective for that will only harm and drown us in its turmoil. We must obtain a good education in all fields in order to be as objective as possible. The world cannot afford to have men divided up into specialists such as technicians and book-worms with no regard for the other members of the world. And this type of a world will get us nowhere, except to a world where technology is practiced solely for the purpose of technology and where books are read only as books, as a Third Estate not as thoughts that inspire.

And this is where institutions of learning come into focus. All types of institutions of learning cannot solely teach what has happened in the past without encouraging or at least expecting actions to arise in the future. Ralph Waldo Emerson discussed this with respect to American schools in an essay "The American Scholar." A quote follows:

"But they can only highly serve us when they aim not to drill, but to create; when they gather from far every ray of various genius to their hospital halls, and by the concentrated fires, set the hearts of their youth on flame."

Schools can only help to set the hearts of students on fire, but it can only be really accomplished with the will of the individual. Each person must set himself on fire before ever trying to set another person on fire. But the most important thing is to tend first to yourself, but not in a selfish way. Make sure that you yourself are aware of your surroundings, the present, and also of the past.

I feel that one of the major problems of today is that we feel that the contemporary problems have never before confronted man, and that we as conscientious human beings must eradicate them. But most of the problems of the present day have been problems of the past. William Faulkner said in 1950 when he accepted the Nobel Prize:

"There are no longer problems of the spirit. There is only the question: When will I be blown up? Because of this, the young man or woman . . . today has forgotten the problems of the human heart in conflict with itself which alone can make good . . . because only that is worth the agony and sweat."

We must not lose ourselves completely in the world without first having lost ourselves in ourselves. We must find our drummer and follow it; that will probably take a lifetime.

INTO THE SEVENTIES

(By Charles Andes)

Congressman KYROS, Captain Goodwin, Headmaster Burnham, faculty, parents, fellow classmates, students, and friends:

This is the first class that Berwick will graduate in the new decade of the 1970's. Its graduates and those of the coming years are going to live in a time when more problems, more difficult than those facing any of the previous generations are going to demand solutions more immediately. Some of the problems which threaten the very survival of man upon this plant will have to be solved in the next few years by this generation if humanity is to survive. The problems which we have created for ourselves include those related to the staggering amount of pollution each one of us pours forth every single day, the inconceivable growth rate of human beings, the political situations which have the power to annihilate the entire earth within the next fifteen minutes, and the fact that the quality of life upon this planet for the majority of its citizens is declining under the weight of the rest of these problems. Clearly, it is time to take a new look at these problems which face us now; most of which are strikingly different from those of even five years ago. It is time for us to reassess our values and goals; to change them to those ends expounded by the greatest of us throughout history.

First, we must put an end to all forms of war and violence before the weapons and hatred which now exist wipe us out completely. It has been estimated that if this does not occur in this century, there is less than a 50–50 chance for humanity to survive past the year 2000.

Second, we must change our values and type of living, especially in America, from one of "use it once and throw it away" to one where all homes are self-sufficient, self-contained entities where nothing is wasted or thrown away, but used over and over in endless cycle.

Third, we must educate the world so that we can eliminate superstition, uncontrolled birthrates, and teach all peoples the basic principles of life so that they may strike to become a contributing and useful addition to the global society as a whole.

If these three areas can be completely solved and kept under control, then the human race can once again be ready to progress toward learning as much as it can and to start to explore the ocean, the universe, and the world within ourselves. Each of the problems is solvable. But we must motivate enough concern among all of us so that we as a country and as a planet can devote our energies to ending the turmoil of the current situations. None of these problems can be solved by reverting back: neither back to old solutions, nor to a Neanderthal style of life, nor to tribal communes, nor to a society which does nothing to improve itself. All of these problems can be solved by two existing means: education and technology. By increasing both of these to the largest possible extent, we can go a long way toward reducing and eventually eliminating our current problems.

To attack the first problem, to end war, we are going to have to increase an understanding among all of us that we are all of one race living on one planet. We must comprehend that there is no real difference between blacks, whites, or orientals: no difference between Catholics, Jews, or Protestants, no difference between Chinese, Americans, French, Russians, or Africans. It is only when we realize that mankind is a single unit with no divisions except by those barriers which we have invented in our foolishness, that war among us can begin to subside. The energy which we have needlessly wasted for so long bent on self-destruction if put to the benefit of humanity would be sufficient to solve most if not all of our problems for a very long time.

The second problem, that of recycling waste materials and used products back to reusable substances has already been accomplished to a limited extent. The spacecraft which have been designed to date have gone a long way toward recycling the life supporting elements for the astronauts. Those spacecraft designed for deep space missions now on the drawing board, are expected to be almost totally self-sufficient. When the process reaches an extreme, there will no longer be a waste problem such as there is today. Recycling of all proteins, nutrients, and energy will virtually eliminate much if not all of the current pollution problems.

But the problems can only be attacked by accelerating our present technology to one which takes into account the delicate balances in nature. To do this, the engineers of tomorrow will have to face and eventually overcome the most difficult problems ever to confront man. But it is only through advanced technological methods that we can accomplish this end.

The problems of educating the entire world population is directly related to the problem of ending war by understanding that all men are truly of one species. There is only one feasible way to educate the world's masses. To do this, we must go into space with communication satellites on a scale which has been unequalled in the past. Already the U.S. Space Agency and India have made an agreement to use new communications satellites to reach the inaccessible portions of India, some of which do not even have roads leading to them.

The cost of four color television channels to school children via communication satellites is less than one dollar per pupil per year. Although the educational programs which will be transmitted over this system must be controlled so as not to provide bias

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from any one source, the technology to accomplish this form of instant communication throughout the earth is definitely needed if we are to survive as a unit. The education dealt out in the future should teach that all people must regard other humans as fellow earthlings, and the differences in customs, languages, and creeds are intangible.

The 1970's should hold a great period of change for us. Computers can enable us to gain more individuality than has ever before been possible because it is the only type of machine which can deal effectively with so many of us at once. It is the programmers and humans (who have in the past fit us into unnecessary stereotyped catagories and have threatened to end our individual identities. We will all be working much more closely with computers in the future, and should become familiar with dealing with them, starting on the secondary school level, as Berwick students have done in past years.

We are all passengers on the spaceship earth. The sooner that all of the world's people and leaders realize that we must work together for the betterment of mankind, the sooner we can realize some of the fantastic achievements that we as a single united race can accomplish. We are heading toward a time when our inventions and machinery will eliminate all of the jobs which are the drudgery and curse of man today. No longer will we need to work every day merely to survive. When that time comes, man will be far from idle. There will be so much for each of us to learn, research, and study, that it will be unlikely that we will ever completely leave educational institutions.

All knowledge is good. Too little knowledge can be dangerous but the more we know about ourselves and the universe, the better off we are and the more we can understand the problems which confront others.

Projects and discoveries made today which may seemingly be of no use as far as we can see may someday become of infinite importance. When we come to the time when work to survive is eliminated, we can best devote our strengths and energy to explore the unknown: to reach out and touch the stars at last. The use of technology as a tool to boldly go forth where none have gone before will feed the romantic, creative, and adventuresome spirit of man for eons. What will be more inspiring than to watch the first martian sunrise? To watch the moons of Jupiter in endless display of eclipse and alignment? To view the glory of Saturn's rings or to discover a way of life on a new and distant planet?

Man has proved to be almost infinitely adaptable. The forms which he will take on on other worlds cannot be imagined or foreseen. But we can always assume a place as the descendants and proponents of whatever man is to become. Now that he has taken his infinitely tiny first step, he has begun the quest of the universe from which there can be no end. Once he has landed upon other planets, has set up colonies and survives comfortably, even the eventual destruction of the Sun cannot terminate the human race. We will keep on existing, exploring, learning, and creating, a task which we were probably placed here to do anyway.

We who are graduating today and all of us who are going to live in this decade and the rest of this century will be entering the most critical time ever in the history of mankind. At no time in the past nor at any point in the distant future will there be a time when more crucial decisions will have to be made by all of us which will determine the very existence of all life as we know it. We must not turn away from technology, which is the only tool we have to get us out of this entanglement, but we must also remember that man is an individual being with feelings, emotions, and ideas. Machines should work, people should think.

This new decade is going to be confusing and different to many of us, but the sooner that we are aware of the fact that old solutions are not going to solve new problems, the sooner we can understand each other and comprehend the solutions which are necessary. *I say man will eventually learn, and when he finally does, he will triumph.*

Thank you for listening.

MILWAUKEE JOURNAL'S PAUL G. HAYES REPORTS ON THE WORLD ENVIRONMENT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. REUSS. Mr. Speaker, in recent years, as national and international concern with environmental quality has grown, a specialty reporting area in journalism has evolved concurrently: reporting environmental affairs.

Among the best reporters in this relatively new field of journalistic endeavor is Paul G. Hayes of the Milwaukee Journal.

A recent article by Mr. Hayes on the growing environmental threat to the European nations and Japan as it appeared in the Milwaukee Journal on June 14, 1970, follows:

DIRTY OLD WORLD GETS READY TO SCRUB

(By Paul G. Hayes)

The Europe that goes unreported in the travel brochures is the polluted Europe—those rivers that have been converted to sewers and the gases that cut down on the amount of sunshine that warms Paris in the springtime.

Germany, for example, has pollution problems in just the way the United States does. So does Japan. Pollution, in fact, seems the occupational disease of all industrialized, urban, affluent societies at the present stage of technological and social development.

There are some differences. Europeans aren't in the habit of littering, and great care generally is given to the preservation of historic and natural vistas. It is cosmetically, superficially, cleaner.

"In Europe, you almost never see anyone discard anything in the street," commented Richard D. Vaughan, director of the U.S. Bureau of Solid Waste Management, last summer. "In the United States I've seen 'Don't Litter' signs practically covered with litter."

EUROPE'S MESSY PAST

Vaughan's comments went to the heart of a different tradition. There was, in history, the Europe that littered, but that ended with overcrowding and the personal adjustments that were necessary on the part of individuals in densely packed cities.

Furthermore, those cities were huge and densely packed centuries ago. America's large cities are recent arrivals on the landscape, and we haven't, for the most part, made the necessary personal adjustments.

Our throwaway habits were formed partly because the New World appeared virtually limitless to the pioneers. Litter the East, then go West, young man.

Europe's slower awakening to its environmental deterioration might also be explained by the age of its cities. If you raise 10 generations of city folk on the banks of a polluted river, they won't expect that river to be useful for any purposes other than as a carrier of sewage, and of course, navigation.

On the other hand, the generations that swam or caught sport fish in the Milwaukee River beneath North Ave, still is alive. We have a national memory of the vast worth of clean water in our American cities and we want to return to that condition.

SOME BAD EXAMPLES

The pollution scorecard for industrial Europe and Japan is as full of horrors as the United States' record. Here are some examples gleaned from newspapers and periodicals over a six month period:

Paris has become permanently covered with a layer of gas which has reduced by 25% the strength of the sun's rays.

Last summer, 40 million fish—pollution, tolerant trash fish—died in the Rhine River in Germany, with pesticide poisoning the suspected killer. By the time the Rhine reaches the Dutch coast, 20% of its water is sewage and industrial effluent.

In a recent year, air pollution from steel mills damaged tulip fields in the Netherlands. Tulip growers were paid $200,000 in damages.

Doctors surveyed residents near a busy Tokyo intersection and found that they carried exceptionally high concentrations of lead from gasoline in their blood and urine.

Salmon shun the Thames River in England, although they once made an annual drive upstream. Now catches of 4 to 5 inch fish from the filthy river warrant comment by London's newspapers.

"No Bathing" signs, because of pollution, are up at beaches between Copenhagen and Elsinore, Denmark, one of Europe's loveliest drives.

Furthermore, the same contradictions that permeate American society are present in Europe. Pollution is deplored at the same time as the causes of pollution are willingly expanded.

A recent newsletter from the Swedish-International Press Bureau told of thermal pollution from nuclear power plants under study outside Stockholm, and new instruments for detecting mercury pollution.

The same issue told about plans to expand the capacity of the Volvo automobile plant at Ghent, Belgium, by some 30,000 cars a year.

Similarly, according to a dispatch from the Associated Press, Rawmarsh, England, is one of 23 places that refuses to enact the provisions of England's clean air act.

In Rawmarsh, every year, 62 tons of soot, grit and sulphur drop from coal smoke onto the town, which is in the heart of Yorkshire's coal mining district. The mayor, if not the residents, doesn't mind.

"There is nothing like a good coal fire," remarked Mayor Ernest Payne, a coal miner for 50 years. "I just do not believe that domestic coal causes damage to health."

To the south, however, conversion from coal burning helped dissipate the London fog, which, in one celebrated case, was fatal to hundreds of Londoners.

Now, more plant varieties can be grown in the gardens of London and the number of species of birds observed within the city has more than doubled in 10 years, to 138.

Japan has built the world's third largest industrial complex on the ruins of World War II, but it did so at a high price. Tokyo's air pollution problem is one of the world's worst.

The number of registered automobiles in Tokyo reached 1,880,000 in 1969 with the result that carbon monoxide levels doubled in two years in one busy section of the city.

"We have come to a point where we have got to choose between economic growth and control of our environment," a Japanese editor said, according to the New York Times. The same story also quoted Dr. Shigeto Tsuru,

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professor of economics at Hitotsubashi University:

"Surely we can afford to cut our annual growth rate from 10% down to 5 or 6%, and use the savings to promote environmental controls."

SWEDEN LEADS WAY

Concern about environmental pollution is on the increase in Europe although it does not seem to be accompanied by the fever that marked the days leading to the April "Earth Week" in the United States.

Sweden is leading the way in action. In 1967, the Swedish government brought forth a large package of laws for environmental protection. It was a Swedish resolution that led to plans for a United Nations Human Environment Conference to be held in Stockholm in 1972.

In 1970, environmental concerns have become the "third dimension" of the North Atlantic Treaty Organization—after defense (the first dimension) and nonmilitary cooperation (the second).

Last winter, NATO created the Committee on the Challenges of Modern Society. As explained by Manlio Brosio, secretary general, the committee will become deeply involved in the issue.

NATO'S FIRST PROJECT

Under a concept of pilot countries in which a single country takes the lead in studies of importance to all members, the committee hopes to develop information and programs of environmental protection.

In January, the NATO council approved the first round of projects. They included, among others, an air pollution project with the US and Turkey as pilots; open water pollution with Belgium, Portugal and France as pilots, and inland water pollution with Canada as pilot.

WILL CONGRESS SAVE THE "DELTA QUEEN"?

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. BOGGS. Mr. Speaker, the city of New Orleans is fortunate to lie near the mouth of the greatest navigable waterway in the world, the Mississippi River.

Fifteen hundred miles long, sometimes more than a mile in breadth, this great river was an indispensable factor in the building of our country. It is a rich part of our history, our literature, and our national life.

A century ago, the principal vehicle on the Mississippi was the packet or sternwheeler. There were hundreds of them, and every young American, including Samuel Clemens, yearned to be a riverboat pilot.

Today only one authentic example of a Mississippi riverboat remains in full operation. The *Delta Queen*, operated by the Greene Line of Cincinnati, is the last of these vessels which contributed so much to the commerce and growth and history of our Nation.

Regrettably, unless Congress acts soon, the *Delta Queen*, the last real packet plying the Mississippi, will have to tie up for the last time.

The plight of the *Delta Queen* and what Congress can do to save it is ably described in an article by Jenkin Lloyd Jones of the General Features syndicate. I am inserting it in the RECORD, and calling it to the attention of the Committee on Merchant Marine and Fisheries and to my colleagues in the House:

HISTORIC SHIP ENDANGERED—WILL CONGRESS SAVE THE "DELTA QUEEN"?

(By Jenkin Lloyd Jones)

Unless Congress does something between now and November 2, the *Delta Queen*, the last real packet on the Mississippi River system, gets the ax from Uncle Sam.

The reason is ridiculous. A government agency has decreed that the "safety-at-sea" regulations, which outlaw any ship carrying more than 50 overnight passengers if it is not built entirely out of steel, must apply to riverboats as well.

For four years the *Delta Queen* has been operating under a temporary congressional reprieve. The *Queen's* hull is steel. But its superstructure, in the tradition of riverboats, is wood. The noble curved staircase is mahogany trimmed with brass. The deck is handpegged ironwood. The 28-foot stern wheel is made of planking, and the cabins are paneled in oak.

The Greene Line of Cincinnati, which sends the *Delta Queen* on cruises down the Ohio and Mississippi and up the Tennessee and Cumberland, had made a valiant effort to meet the government demands.

Only two shipyards even bid on plans for an all-steel, diesel-electric monstrosity. The estimated cost was $10 million. Not many American river lovers could afford the fares necessary to amortize such an investment.

The safety-at-sea regulations were designed to protect passengers hundreds of miles from land and hours from help. A riverboat runs between river banks. Sure, there's some fire danger in a wooden superstructure. There is also a little danger in stacking up ten 707s over O'Hare on a night when the birds are walking. There's some danger in walking the streets of Washington in daylight.

To knock off the *Delta Queen* because of a law designed for ocean liners would be like pulling down the Tower of London because it doesn't meet city fire escape regulations for public places.

No one would think of allowing passengers to hang on the outside of a New York City bus, but people hang all over San Francisco's wonderful cable cars. If we are going to keep any flavor in America, somewhere there must be an area of common sense.

The *Delta Queen*, as all river buffs know, was not born to the inland rivers at all. She started life in 1926 on the overnight Sacramento-San Francisco run. Still, she looks like a riverboat except to us purists who would prefer the pilot house farther aft behind twin smokestacks abreast. She has a calliope, so she's really a hybrid of the *Eclipse* and the *Cotton Blossom*.

The *Delta Queen* goes eight miles an hour. She would drive the jet set bats. In his *Life on the Mississippi* Mark Twain claims that he served a pilot on the John J. Roe, a boat so slow that they changed watches three times in a five-mile stretch. When the boat finally sank, he swore it was five years before the owner heard of it.

Even the *Robert E. Lee*, in its record-breaking 1870 race with the *Natchez*, took three days, 18 hours and 14 minutes to run the 1,218 miles from New Orleans to St. Louis.

The river is not for speed, but for an experience unlike any other travel adventure. On a boat breasting a stiff current, go-go types glare at the banks and chew their nails. River-lovers are relaxed. Steamboat Capt. Fred Way puts it this way:

"They exist on a continent of their own, secure and steadfast; the boat is stationary; the shores do the moving, advancing, sliding by, retreating. The mountains slide apart and close again. You will wonder as you step ashore, suitcase in hand, whether you are entering the world of reality or departing from it."

I never rode the *Delta Queen*, although I've been aboard her at Cincinnati and New Orleans. But once I helped pilot 600 feet of gasoline barges from Louisville to Baton Rouge, and by the time the five days ended I was a mainline addict.

The Ohio and the Mississippi above Alton are a series of beautiful slack-water lakes divided by dams and locks. But the lower Mississippi is a fractious beast for which charts are useless—gnawing at Tennessee, building up Arkansas, eating islands, piling up reefs, cutting new chutes, leaving isolated oxbows.

Most of the time you float through utter wilderness, for the flood plain between the levees is chancy land, given over to cypress and cottonwood, mysterious pools and Spanish moss. Beyond the levees there may be cities and super roads and locomotive horns and people standing in line. The river hears only the call of the heron, the splash of the muskrat and the gurgle of brown waters around the snag.

We need these things.

God save the *Delta Queen*.

AMERICAN CASUALTY RATES HAVE DECLINED BY 54 PERCENT THIS YEAR

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. PRICE of Texas. Mr. Speaker, American casualty rates—both killed and wounded—have declined by 54 percent this year in the Vietnam war.

While any war deaths are too many, nevertheless, the decline this year compared with the first 5 months of last year, is a tribute to the President's efforts to bring about peace.

Pentagon officials say that the decline in casualties is due to having fewer men in combat, progress in the Vietnamization program, and a lower level of enemy action. All three of these reasons can be attributed to the President's policies.

I am sure that the military operation aimed at cleaning out the North Vietnamese sanctuaries in Cambodia will further reduce those casualties by making it possible to withdraw more Americans and by insuring against a major attack by the enemy as we withdraw.

Mr. Speaker, I believe it is becoming ever more clear that the President's policies in Vietnam are the correct ones and deserve the support of all the Members of this Congress.

THE AMERICAN PUBLIC'S VIEW OF THE INDOCHINA WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. FRASER. Mr. Speaker, there have recently come to my attention two fine analyses of American public opinion on the Southeast Asian war. One of these was sent to me by Jack Citrin and Lois Gold of the University of California, Berkeley. The other appear in the June 1970 issue of Scientific American. It is written by Philip E. Converse and Howard Schuman. I introduce both into the RECORD for the benefit of my colleagues:

"SILENT MAJORITIES" AND THE VIETNAM WAR

(By Philip E. Converse and Howard Schuman)

President Nixon has asserted that a "silent majority" supports his stand on the war in Vietnam. His critics respond that a majority of Americans want a quicker end to the war than the President offers. Each side seems able to cite opinion polls that appear to uphold its point of view. One is left wondering whether or not a national majority has in fact been identified and, if it has, what it favors.

At the Survey Research Center of the University of Michigan we have recently brought together a decade of the published results of polls on the Vietnam war. We have also subjected data from our own national surveys to a level of detailed analysis that goes well beyond the usual newspaper reports of public opinion. Although it would be reckless to claim that any simple or unequivocal picture emerges from this work, we can say that our findings do not present the kind of patchwork that defies coherent interpretation. At the very least they help to clarify what is accurate, as opposed to what is probably overdrawn, in either extreme of interpretation of the public mood on the war in Vietnam.

One fact is important to recognize at the outset. Although the standard national survey of some 1,500 interviews may seem far too small to represent a nation with an adult population exceeding 100 million, the procedures of the major reputable survey organizations are geared to mathematical sampling theory and can be expected to provide estimates of overall proportions that are accurate to within a few percentage points. It is true that there are practical problems in applying sampling theory to surveys of human populations, but the problems have to do not with size of sample but with failure to adequately represent all parts of the population. The main loss is unavoidable: some of the people who are selected refuse to be interviewed and others cannot be found during the interviewing period. The proportion missed in this way is often as large as 20 percent and could have serious effects on the results of a poll if such people differed consistently from the rest of the population. Fortunately studies of the characteristics of such "nonrespondents" indicate that omitting them has little effect on the conclusions one would draw about opinion on the Vietnam war. In any event these losses are similar in all surveys of opinion and so cannot serve to explain any seeming difference in the results.

It follows, then, that two national surveys of standard size taken at the same time by competent agencies should show results that differ from each other by no more than a small sampling error. We find this expectation is typically borne out, given one crucial proviso: the questions and the interviewing procedures must be identical or sufficiently similar. The difficulty is that this condition is met far less frequently than the casual observer might expect.

Where voting behavior is concerned there are not many different ways to assess voter intentions, and election polls can be compared readily. Most matters of public policy are not so easily approached. For the war in Vietnam the controversial aspects are almost innumerable. Each aspect requires a somewhat different question, which has its own unique meaning. Moreover, since polling agencies prefer to word their own questions, it is possible to obtain different results even when two agencies are examining essentially the same aspect of an issue. In the case of the war in Vietnam, for example, it is unusual to find instances where two national surveys were made at the same time with questions worded the same way.

The difficulties that can arise from differing questions are easily demonstrated. In the summer of 1966, for example, 70 percent of the people interviewed by the Gallup poll said they approved the bombing by the U.S. of oil storage dumps in Haiphong and Hanoi, 11 percent disapproved and the remainder had no opinion. Two months later the same organization sampled opinion about the demand of many "doves" that the U.S. submit the Vietnam problem to the United Nations "and agree to accept the decision, whatever it may be." In this case 51 percent of the sample thought the proposal was "a good idea" and only 32 percent disliked it. The reader who considered this result to be three to two in favor of the doves and compared it with the apparent majority of seven to one for the "hawks" a few weeks earlier might have had cause to wonder about the solidity of public opinion or the soundness of polling procedures. In actuality the confusion lies in too simplistic a view of the results, since the questions were quite different and could not be expected to give commensurate responses.

A more subtle problem is presented when questions identical in purpose differ markedly in wording or format. In June, 1969, the Gallup poll told respondents that the President had "ordered the withdrawal of 25,000 troops from Vietnam in the next three months" and asked for opinions on whether "troops should be withdrawn at a faster or a slower rate." "Faster" won over "Slower" by 42 percent to 16 percent, with 29 percent refusing the alternatives presented and instead spontaneously declaring agreement with the President. Scarcely three months later the Harris poll asked a similar question but presented three choices: "In general, do you feel the pace at which the President is withdrawing troops is too fast, too slow, or about right?" Again the equivalent of "faster" won over "slower," by 29 percent to 6 percent, but this time 49 percent approved the current rate. The key to the difference in the two results is that the Gallup format made it easier for respondents to disagree with the existing rate of withdrawal.

Several approaches are open to the observer who wants to avoid pitfalls of interpretation and make sense of majority opinion on Vietnam. One is to trace changes over a period of time in responses to a question, provided that the fundamental meaning of the question has not been altered by changes in the situation. A second approach is to pay strict attention to nuances in the wording of a number of questions presented at about the same time; in this way one can establish the broad boundaries of public opinion on the war in Vietnam and can isolate the ways that the wording of questions colors responses. A third approach is to explore differing reactions to the same question in various segments of the population.

The broadest trends in American opinion on the Vietnam war over the past decade appear clearly in all surveys. At the beginning of the period the attitude was one of inattentive tolerance toward the U.S. Government's actions in South Vietnam. For example, when respondents in a Survey Research Center poll in 1960 were asked to name the most important problem facing the country, only a tiny number mentioned the Vietnam war even indirectly. The war received 8 percent of first mentions in 1964, 45 percent in 1966 and 41 percent in 1968. This increased awareness was accompanied, particularly in its later phases, by a progressive disillusionment with the correctness of the U.S. commitment. Such disillusionment is best reflected by data published over a period of time by the Gallup poll.

Although it is clear that the public mood about the Vietnam war is now rather firmly negative, it does not follow that the public reaction to alternatives of policy can be as succinctly characterized. In particular, the simplistic grouping of respondents as hawks and doves breaks down rapidly. Hawks are supposed to believe the U.S. did the right thing in attempting to stem the tide of Communism in Southeast Asia and that the nation should now escalate its military efforts to achieve victory. Doves are supposed to rue the fact that American troops ever became involved in Vietnam and to demand their immediate withdrawal.

Equipped with no more than these definitions, an observer would derive the clear impression from the broad trends reflected by polls that the doves now constitute a majority. Indeed, the Gallup poll showed clearly a shift of doves from a minority to a majority between 1967 and 1969. From time to time the poll asked: "People are called 'hawks' if they want to step up our military effort in Vietnam. They are called 'doves' if they want to reduce our military effort in Vietnam. How would you describe yourself—as a hawk or a dove?"

Other data show that the impression given by these results is quite wide of the mark. A Survey Research Center finding in 1968 is a case in point. Respondents were asked not only if the commitment in Vietnam was a mistake but also which of three courses should be pursued: pulling out, preserving the *status quo* or escalating. As one would expect, there was a tendency for people who thought the invention was right to favor a stronger stand in the future and for people who deplored the intervention to favor withdrawal. Nonetheless, among those who viewed the war as a mistake almost as many favored escalation as were for withdrawal! All told, then, a five-to-three majority regretted the original intervention, but at the same time those calling for a "stronger stand even if it means invading North Vietnam" outnumbered those advocating complete withdrawal by about as large a margin.

How can the Gallup "dove" majority and the Survey Research Center results be reconciled? Some attention to the wording of the questions is rewarding. The description of "hawk" in the Gallup poll compares reasonably well with the "stronger stand" offered as an alternative by the Survey Research Center, and the proportions endorsing both positions at about the same time show no sharp discrepancy. The description of "dove," however, is more elusive. Whereas it was hardly Administration opinion in 1967, by 1969 even President Nixon was advocating a reduction of the U.S. military effort in Vietnam, thereby qualifying as a "dove" by the Gallup definitions. Nonetheless, his position was plainly different from that of the complete-withdrawal "doves" of the Survey Research Center question.

It is also illuminating to consider the trend of opinion from 1965 through 1969 on the President's handling of the Vietnam situation. The main trend is the sharp decline of confidence in President Johnson's management of the war. One further detail worth attention is the time lag before the decline set

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in. The Johnson electoral landslide in 1964 was seen in many quarters as a vote against escalating the U.S. involvement in Vietnam. The bombing of North Vietnam began only three months later, touching off the first highly vocal bitterness on college campuses because it was seen as exactly the policy of escalation just repudiated. Yet the confidence of the broad public in the President's handling of the situation seemed at first to be heightened. It did not begin to turn downward until a full year later. We shall return to this point.

President Nixon appears to have gained in public approval both over his predecessor and during the period since he took office. By last July he had acquired nearly as much support as President Johnson enjoyed in 1965. The President's announcement last November 3 of his plan for a progressive reduction of the nation's military activity in Vietnam appears to have increased his support still more, although this surge now seems to have passed its peak.

Thus at the turn of the year the President stood squarely aligned with several majorities: those regretting American involvement in Vietnam, those wanting to reduce the nation's commitment there and the large majority rejecting complete withdrawal as an alternative. How stable are these majorities? In what direction might they move under various plausible conditions? Any prognoses must rest to an uncomfortable extent on surmise and are subject to reversal by unforeseen events. It is possible, however, to probe somewhat more deeply into the structure of opinion on the Vietnam war in ways that provide further insights.

Among other things, one must consider the plasticity of opinion. It is widely recognized among workers on public opinion that some measured opinions are much softer, or less crystallized, than others. Soft opinions are likely to change dramatically in response to events, even minor ones, and to the pleas of esteemed leaders.

The evolution of opinion on Vietnam provides instances of the difference between soft and hard opinion. In March, 1968, for example, the Gallup poll noted that "the North Vietnamese have said that if we agree to stop the bombing of North Vietnam, they will agree to peace negotiations" and asked: "Should we stop the bombing or not?" The result was 40 percent for stopping and 51 percent against. Shortly afterward President Johnson announced his decision to stop the bombing, and in April the Gallup poll asked respondents if they approved; 64 percent did and 26 percent did not. It is safe to assume that the shift of some 25 percent in one month was largely due to the President's speech.

On the other hand, one can consider President Johnson's repeated attempts to keep the public believing that the commitment of troops to Vietnam had been necessary. The people accepted this judgment for a while, but events gradually convinced them that the Vietnam war was a mistake. It is likely that the President's later pleas to the contrary damaged his credibility more than it swayed what had become hard opinion.

In general, it is likely that crystallized opinion differs from soft opinion in being anchored more deeply in individual experience, information and motivation. Although there was a time when most Americans lacked enough information about Vietnam to form solid judgments on the nation's involvement there, experience has mounted steeply in terms of deaths, taxes and soldiers not home for Christmas. The end state, a satisfactory disengagement from Vietnam, has come rather clearly into the public's mind. As for the means of reaching that end, opinion is much more tentative. Moreover, there is no reason to believe it will ever become sharply crystallized. To a large degree the public entrusts officials to make the detailed policy decisions, although it may ultimately punish them at the polls if the selection of means turns out to have been unfortunate.

None of this is to say that all opinions favoring withdrawal or escalation are casual. Many of them are hard, and if the President succeeded in disengagement, there would surely be bitter recriminations from those whose preferences were slighted. Nor are even the deep regrets about the nation's involvemnt in the Vietnam war immutable. One can imagine circumstances, for instance a southward sweep by Communist China or the collapse of the Vietcong, when such regrets would be swept away as irrelevant. The important point is that if the basic elements of the situation remain as they are, it is likely that a successful disengagement by the President would probably win the strong approval of a vast majority, regardless of the means that might have seemed more sensible along the way.

This interpretation is supported by other observations about polls. People following polls have noted how the support of the President seems to rise after any new initiative, whether it is in the direction of escalation or a reduction of commitment. It is in this light that we interpret the rise in support for President Johnson after his decision to bomb North Vietnam. The support lasted until it became clear that the projected results had been illusory. Similarly, the reaction to President Nixon's speech of last November may chiefly reflect satisfaction that some kind of effort was being made to move the situation off dead center. The entry into Cambodia seemed to be received at first with a parallel surge of public support, in spite of sharp attacks on the policy by leading spokesmen.

What if there is no successful disengagement within a reasonable period of time? If our analysis is correct, we would expect strong public disapproval to set in. It would not be surprising if such a reaction gathered speed more swiftly than the comparable moods during the Korean war and the latter days of the Johnson Administration. In this sense the provisional timetable laid out in the speech of November 3 is a short fuse on the powder keg, much like the Johnson Administration's statements about having the troops home for Christmas of 1965. There is some evidence, for example, of considerable support for a faster withdrawal of troops than present policy envisions. Moreover, although support for immediate withdrawal has not been large in the past, by early this year there were signs that it might be growing significantly. A definite timetable of a year or so for withdrawal might well be a political platform that could attract widespread support.

It is instructive, in examining the structure of public opinion on Vietnam, to look closely at the segments of the population where support for or resistance to the war is particularly strong. In 1968 the Survey Research Center asked: "How much attention have you been paying to what is going on in Vietnam? A great deal, some, or not much?" When views on the Vietnam war are divided in this way, one finds that the most attentive persons seem to show the firmest support for the war. This relation is most notable in the responses to an additional question on whether or not the original intervention in Vietnam was right. We are aware that self-gauged interest is not necessarily a reliable indicator of how well informed the respondent may be. Nonetheless, the results seem surprising in the light of the association between the concern and the negative feeling about the Vietnam war that has been evident on the campuses of leading universities.

Although attitudes toward the Vietnam war have consistently shown less-distinct differences among various standard groups of the population than is true of many other political attitudes, two exceptions stand out. They are race and sex. Blacks and women have shown more disenchantment with the involvement in Vietnam than white males over the entire period when relevant samplings have been made. The patterns are not surprising. The war in Vietnam has been a notable focus of alienation in the development of black consciousness during the 1960's. Women have traditionally been unenthusiastic about war involvement, and the largest sex differences in responses emerge when policies involving strong military initiatives are at stake. Moreover, blacks and women, for different but obvious reasons, typically show less interest in political affairs than white males do. Therefore some of the association between interest and relatively hard attitudes on Vietnam probably arises from these background differences.

Another pattern, not quite as distinct, is a positive association between education and support for the nation's involvement in Vietnam. Respondents classed as "college-educated" register disproportionately among those who are most "hard-line," or least negative, about the Vietnam war. Here again, since there is typically a fairly strong relation between education and interest in public affairs, one sees a pattern that contributes to the association between attentiveness to the war and support for the nation's involvement.

The surprising feature of the relation between education and attitudes toward Vietnam, however, is that the pattern does not seem to be of a piece with the campus ferment against the war. Moreover, to compound the confusion, national surveys did not yield until recently any distinct relation between age and attitude toward Vietnam. The "generation gap" that one would have expected, wherein the young oppose the war and the old support it, simply failed to appear, and even now it is not very large. Indeed, putting these two findings together, it can be shown with Survey Research Center data as of 1968 that (among whites) college-educated people in their twenties were more likely than older people of grade school education both to justify the war and to favor an intensification of it. The differences are substantial, running to 20 percent or more.

We have subjected the relation between college training and support for the war to closer scrutiny, and the results are highly interesting. An obvious explanation of the seeming paradox is that most of the people who comprise the category of "college-educated" persons in poll results have been out of college for many years. Moreover, the "college-educated" group is a good deal more heterogeneous than one tends to think. It includes, for example, many people who attended a junior college or failed to complete the requirements for a degree at a four-year college.

It is plain that before the entry into Cambodia last month most of the vehement antiwar sentiment had appeared at a fairly small number of campuses usually classed as leading universities. Although these institutions are large and each of them awards many degrees, they are vastly outnumbered by the hundreds of smaller colleges in the nation. As a result, fewer than 25 percent of the college-educated members of the population have ever had contact with a university where the antiwar sentiment has been strong for some time, and for many of those who have had such an affiliation the connection ended long ago.

With these considerations in mind, we have grouped college-educated respondents in Survey Research Center samples according to a general quality rating of the universities they attended. The rating is based on data concerning faculty salaries and on other information reflecting the academic quality of student bodies. We have also set apart as a separate group the college graduates who did postgraduate work.

Within this framework we have examined the responses to a number of questions, such as the one about whether the respondent favors a stronger stand, preservation of the *status quo* or withdrawal from Vietnam. The reader will recall that responses to this question by the total population inched in a dovish direction between 1964 and 1966 and moved more rapidly in that direction between 1966 and 1968. In each of those years the college-educated group, taken as a whole, was slightly more hawkish than the noncollege population. Yet even by 1964 people with graduate training were more dovish than the noncollege group had become by 1968.

More detailed analyses show that women from the "quality" institutions were already quite negative about the war in 1964, although the males from those institutions were at the time thoroughly hawkish. By 1966, however, males with a background in the prominent universities (but without graduate training) had become more resistant than the noncollege population to a hard line in Vietnam.

Throughout the entire period from 1964 to 1968 alumni of the smaller colleges, although they came to see the war as a mistake, clung to a harder line than even the noncollege population. It is this constituency from smaller colleges more than any other that has served as the backbone of popular support for the war. Since this group is numerically the largest in the college-educated population, its views explain why national survey data show people of college background giving relatively strong support to the war. The spread of strong antiwar protest to smaller campuses in recent months, particularly in reaction to the Cambodian campaign, may be a forerunner of broader disillusionment with the war even within the more supportive segments of the public.

In any event these findings suggest rather clearly that feeling against the war has consisted up to now of two currents that are widely separated from each other. One current is made up of a tiny fraction of the population, but one that is highly educated, articulate and visible. The other group tends to be less educated than the national average and is much less politically visible, although it is far larger than the set of vocal critics—perhaps by a factor of 10 or more.

It is likely that the grounds for antiwar sentiment are quite disparate between the two currents. There is of course plain evidence of moral outrage in the more highly educated and articulate group. The polls have made little effort to illuminate the bases of negativism in the broader public, but signs of any moral overtones to this larger discontent are few. General reaction to the reports of the massacre at Mylai, as recorded in a Harris poll in January, can perhaps best be described as bland. Most disenchantment with the war seems pragmatic and can be summed up in the attitude that "we have not won and have little prospect of doing so."

This simple war-weariness has colored poll results for some time. One of the most negative responses to any policy proposal for the Vietnam war appeared when the Gallup poll asked in 1967 about a "suggestion" that "income taxes be raised to help pay for the war in Vietnam": 70 percent of the respondents were opposed. Almost any proposal to share or somehow unload the burden of the war wins strong approval. We have mentioned the positive response to the idea of submitting the issue to the UN. In view of the President's policy of "Vietnamization" it is interesting to note that as early as 1966 the Gallup poll showed 62 percent favoring the transfer of "more responsibility for the fighting of the war" to South Vietnam, with 22 percent opposed and the remainder uncertain. A year later the edge had risen to 77 to 11.

The failure of most commentators to recognize the profound differences between the two currents of opposition to the war may have led to much of the perplexity over the behavior of public opinion. People who oppose the war for moral reasons are little affected by new events that suggest victory or defeat, whereas those who oppose the war for pragmatic reasons are greatly influenced by just such events.

There is much reason to believe the two groups have little communication with each other. The smaller group is in the vanguard of protest against the war, and many of its members are among the militant protesters. The larger group, although it also regrets the war, shares at the same time the antipathy that most Americans have to any political dissent that goes beyond the confines of conventional debate. It is therefore not surprising that when the Survey Research Center asked respondents in 1968 to evaluate a wide range of political leaders and groups on a "feeling" scale, ranging from extremely negative to highly positive, reactions toward "Vietnam war protesters" were by a substantial amount the most negative in the set. Nearly 75 percent of the respondents rated protesters in the negative half of the scale and more than 33 percent placed them at the extreme negative point, which was not otherwise much employed. Indeed, 63 percent of those believing the war was a mistake viewed protesters negatively, and even of the group favoring complete withdrawal from Vietnam, 53 percent put the protesters on the negative side of the scale. Plainly opposition to the war and opposition to active protest against it go together for a significant part of the population.

These findings help to fill in a profile of public opinion on the war in Vietnam. They also lend credence to the proposition that the net effect of vigorous protest in the streets has been to shift mass opinion toward renewed support of the President. On the other hand, the role of highly visible dissent in keeping a wider range of options in the public eye and in encouraging dovish spokesmen in Congress or skeptical commentators in the mass media could be quite real.

THE AMERICAN PUBLIC'S VIEW OF THE INDOCHINA WAR

When the contours of public opinion are blurred and hard to establish, the advocates of competing policies often claim majority support and provide statistics from the polls as evidence of such support. So both President Johnson and his critics asserted that theirs was the voice of the majority of the American public; today, President Nixon and his critics are replaying this debate. Careful analysis of a series of polls on the public's attitudes towards the war in Vietnam should settle this dispute, for it tends to these definitive conclusions: 1. The war in Vietnam is extremely unpopular with most Americans and is becoming increasingly so; 2. Any specific proposal that promises a quick end to American military involvement in Indochina will be supported by a majority of the public; 3. This basic opposition to the war in Vietnam is shared by all strata of the population—by the old and the middle-aged as much as by the young, by the rich as much as by the poor, by Republicans as much as by Democrats.

Most Americans believe that the United States should never have become involved in Vietnam in the first place. An October 1969 Gallup poll showed that 58% of a national sample felt that the United States has made a mistake in sending troops to fight in Vietnam, while only 32% felt that sending troops had been the right decision. These figures represent the culmination of a steady, continuous trend in increasing opposition to the war, for in August 1965 only 24% of the public thought it had been a mistake to send American troops to fight in Vietnam, while 61% thought this the right decision. A December 1969 Harris poll reports even more impressive evidence of current opposition to the war in Vietnam. This poll showed that 52% of the American public agreed that "Anti-war demonstrators are right in saying the war is morally indefensible and it was a big mistake for the U.S. to be there." Only 37% disagreed with this statement, despite its reference to the often maligned and officially condemned antiwar demonstrators.

There has been a decisive shift in American public opinion towards opposition to American involvement in Vietnam and towards support for deescalation of the conflict. Furthermore, this shift in public attitude has been accompanied by increasing public concern about and knowledge of the Indochinese conflict. In other words, opposition to the war has increased as public awareness has grown and ignorance declined. A November 1969 Gallup poll showed that 55% of the American public preferred to describe themselves as "doves, favoring a policy of reducing our military effort in Vietnam" rather than "hawks, who favor stepping up our military effort in Vietnam". 31% did choose to describe themselves as "hawks," but as late as February 1968, the corresponding proportions had been only 24% "doves" and 60% "hawks." Similarly, while in February 1968 70% of the public felt that continuing the bombing of North Vietnam would improve the chances for meaningful peace talks, by March 1970 two-thirds of the public opposed a resumption of American bombing of North Vietnam despite the stalemate of the peace talks. Finally, support for the immediate withdrawal of American troops from Vietnam is also growing. In November 1969 only 21% of the American people opted for this most radical of "dove" positions, but by February 1970 fully 35% of the public were willing to endorse it.

As is well-known, a variety of Vietnam peace plans have been proposed, by Senators, Congressmen, and others. Whenever asked, the public has indicated majority support for any proposal that refers to a relatively quick, definite end to American military involvement in Indochina. The overwhelming majority of the American public have consistently favored proposals to minimize the combat responsibilities of American troops and to turn over more of the fighting to the South Vietnamese armed forces. As early as 1967, 61% of the public approved a plan that would give the South Vietnamese twelve months to build up and train their armed forces to take over *all* ground combat responsibilities from American troops. In the same year, a poll conducted by the National Opinion Research Center found that 88% of the public were willing to support negotiations with the Viet Cong, 54% supported free elections in South Vietnam even if it seemed the Viet Cong would win, and 52% were willing to support the formation of a coalition government in South Vietnam that included the Viet Cong. More recently, in October 1969, 56% of a national sample favored and only 30% opposed Senator Goodell's proposal that Congress pass legislation requiring the withdrawal of ALL United States troops from Vietnam by the end of 1970. In March 1970, approximately 50% of the public favored withdrawing all troops immediately or at least within eighteen months. Only 7% favored stepping up the fighting in Southeast Asia, a policy embodied for the short-run at least, in the President's Cambodian decision. Finally, a number of polls taken in California since American troops were ordered into Cambodia reveal continuing support for *any* and all peace proposals, provided they omit direct reference to an American defeat in Vietnam, 67% of an Alameda County sample, for example, supported a proposal calling for the United States to declare that it would cease firing in Vietnam immediately and prepare for the election of a new government in South Vietnam.

These results indicate a basic inconsistency of public purpose and not, as some have argued, confusion or illogical thinking. The American public wants to end the war in Vietnam as soon as possible. There is, as one might expect, considerable sympathy for American soldiers forced to fight overseas, but there is very little commitment to the view that the policy of fighting in South Vietnam is worthwhile or even necessary. Whenever the public is offered a proposal that calls for setting an early deadline to United States participation in the war, a majority supports that proposal regardless of whether or not such approval might be partially inconsistent with support of some other proposal similar in intent.

It is important to note that every stratum of the population shares this general outlook. To be sure, women are slightly more likely to oppose American involvement than are men, and blacks are somewhat more opposed than whites, but the differences between different segments of the population are not great. For example, 59% of the women and 54% of the men polled favored passage of Senator Goodell's proposal to withdraw all American troops by the end of 1970. 55% of those with professional or business occupations approved of this proposal, as did 59% of the manual workers polled. Of those under 39, 58% approved but so did 56% of those over 30. In fact, the young have never been more likely than those over 30 to consider the involvement of the United States in Vietnam a mistake. It is true that the youthful dissenters to the war in Vietnam have tended to be more articulate and vocal in their opposition, more likely to participate in organized demonstrations against the war. This youthful support for the goals of the activist opponents of the war has been growing, but as late as November 1969 relatively more citizens over 30 than those under 30 felt that the war was a mistake. So it is a mistake to view opposition to the war as the province of the youthful few. On the contrary, the public opinion polls repeatedly demonstrate that antipathy toward American involvement in Vietnam is widespread and not confined to any particular segment of the population.

Moreover, the widespread and growing opposition to the war in Vietnam among the general public is paralleled by the attitudes of many leading businessmen, academics, and public officials. The remarks of Mr. Louis B. Lundborg, Chairman of the Board of the Bank of America, to the Senate Foreign Relations Committee on April 15, 1970, are worth noting. Mr. Lundborg said:

"In my judgment the war in Vietnam is a tragic national mistake. No matter who initiated the first involvement or subsequent expansions, the rest of us have gone along pretty supinely. If anyone is to blame, it is people like me for not speaking up and speaking out sooner. In my judgment it is time for the shareholders of America . . . the people . . . to begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism."

Mr. Lundborg, Mr. Thomas Watson, Chairman of IBM, and other leading businessmen have also provided detailed evidence that the war in Vietnam has had disastrous consequences for the health of the economy. Small wonder then that Clark Clifford, former Secretary of Defense, could describe President Nixon's decision to send troops into Cambodia and expand the war as "reckless."

How, in the face of all this, can President Nixon claim that his policies have the support of the majority of the American people, of the increasingly less silent "silent majority." In support of his claim the President can point to public approval of the Vietnamization program. But this policy, designed to turn over the fighting in South Vietnam to South Vietnamese had the support of the public long before Mr. Nixon was elected President. It is approved by the public because it is seen as a means toward the quickest possible end of American involvement in the fighting. The President has also pointed to the results of polls showing that the majority of the public "approves of the way President Nixon is handling the situation in Vietnam." But this question is an inappropriate measure of support for a public policy, for it also taps generalized support for a public institution, the Presidency, partisan affiliation and/or attachment to the incumbent President for whom many respondents had voted. Even on this impure measure support for the Administration's policy has been declining and in April 1970 only 48% approved while 41% disapproved.

An examination of the public's view of the decision to invade Cambodia with American troops clarifies this issue. Shortly after the decision was made, a Gallup poll reported that 51% approved of the way in which President Nixon was handling the Cambodia situation. But when the public was asked whether they approved of "sending American troops to help Cambodia", a question that does not mention President Nixon, only 28% approved and 60% were opposed. In addition, the public was pessimistic about the outcome of the Cambodia invasion; less than a third believed that a major involvement there could be avoided and few shared the President's expectations for the results of his decision.

Moreover, even the most promising, (from the President's point of view) interpretation of this poll is unwarranted. Political scientists have identified a "rallying-around-the-flag" phenomenom which consists of large accretions of public support for and approval of the President in any major crisis. This phenomenon is the result of many citizens, sometimes as many as 15% of the general public, identifying themselves in times of crisis with a President they might otherwise oppose. This rallying of support typically occurs regardless of whether a President's actions prove successful, as in the case of the Cuban missile crisis, or disastrous, as in the case of the Bay of Pigs. The negligible increase in public approval of President Nixon after his critical Cambodian decision suggests either that he could not convince many of us to rally to his side or that his 51% approval rate includes some who have rallied to his side and therefore that his stable supporters are less than a majority of the people.

Other polls that asked for the public's response to the Cambodian decision confirm these conclusions. A number of polls in Northern California consistently showed about 60% opposed to the invasion of Cambodia. A nationwide telephone survey conducted by the Sindlinger Research Co. immediately after the President's decision showed only 33% supporting the President's move, with the rest either opposed or undecided. By the time the Harris poll of late May was conducted, there were few who remained undecided. Barely 50% approved of "President Nixon ordering troops into Cambodia" while 43% had serious doubts. In this instances, there were divisions between young and old, men and women, urban residents and rural dwellers, but these differences reflect, in the main, divergences in generalized approval of President Nixon. This same Harris poll indicated widespread skepticism about the President's public avowals and pledges. Most people (49% to 38%) did not believe that the President would make good on his promise to bring home 150,000 more combat troops by May, 1971; 56% envisioned U.S. fighting men in Cambodia six months from now; and most believed that the Cambodian invasion would widen the war into all of IndoChina rather than shorten the present conflict in Vietnam.

All of the evidence confirms our basic conclusions. The war in Vietnam is unpopular; official pronouncements of military success are not trusted; all proposals for a quick end to American involvement by withdrawing troops and deescalating the fighting win public approval. The public is anxious to support American fighting men; they would like to avoid the impression of an American defeat in Vietnam. But the overwhelming image is one of fatigue, frustration, and growing anger over a war that has long been considered a tragic blunder.

What support the President can muster for policies that are not policies of deescalation and withdrawal comes in large part from public backing for the Presidency as an institution. Nevertheless, such support is weakening and the evidence from public attitudes towards previous wars and earlier Presidents indicates that it will continue to diminish. The war in Vietnam has already cost America much. The country has lost many men, much material. The war has damaged the economy and sown intense divisions among us. It is increasingly obvious that the continuing American involvement in Vietnam has strengthened the advocates of isolationism and reduced the public's willingness to actively aid such countries as Israel whose democratic character cannot be questioned. The most serious long-term cost, however, is the erosion of respect for public institutions, a weakening of the legitimacy of the American system of government. By tying the Presidency too long to an unpopular, divisive and costly policy, Mr. Nixon is risking the public's respect and affection for the Presidency. In a democracy, major policies require the consent of a large majority of the people if they are to be sustained. The war in Vietnam and the invasion of Cambodia do not have this public backing; to persist in the Administration's current course is to risk the capacity of any future administration to govern effectively in a democratic fashion.

MINNESOTA STUDENT'S POEM UPLIFTS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. NELSEN. Mr. Speaker, Jane Plumhoff of St. James, Minn., a young lady in my congressional district, recently won second place in the grades four to six division of the State poetry contest sponsored by the Catholic Daughters of America in Minnesota. Jane is the daughter of Mr. and Mrs. Don Plumhoff of St. James, and a student at St. James Catholic school.

Certainly, with all the commotion that is going on in the world today, I found it very refreshing to read the beautiful sentiment expressed in Jane's little poem, which is called "God's Creation." I would like to share it with my colleagues:

GOD'S CREATION

(By Jane Plumhoff)

God made the stars, the sky, the moon,
He made the caterpillar, with its cocoon;
God made the fish, the flower, the trees,
He made the beautiful buzzing bees.
God made the rivers, lakes, and streams,
The big hot sun with its golden beams.
Above all these and more grand,
Is God's creation of man.

ESCALATION FEARED: WASHINGTON ORDERED NOT TO CROSS THE DELAWARE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. GOLDWATER. Mr. Speaker, the Indianapolis News recently ran what they said was a letter from the Foreign Affairs Committee of the Continental Congress to Gen. George Washington, urging that he not cross the Delaware River and expand the Revolutionary War into New Jersey. Although the letter is obviously tongue in cheek, there is a message in it for those hand-wringers who have been upset by our defensive actions in Cambodia. It is for these people that I insert the item into the RECORD:

ESCALATION FEARED: WASHINGTON ORDERED NOT TO CROSS THE DELAWARE

(EDITOR'S NOTE.—The following letter from the Continental Congress to Gen. Washington was recently discovered by the research staff of the Stephen Decatur Society.)

DECEMBER 12, 1776.

DEAR GENERAL WASHINGTON: Word has been received by the Continental Congress which has caused grave concern. We are informed that you are planning an expansion of the conflict into New Jersey. Rumor has it that you intend to cross the Delaware River and attack the enemy at Trenton.

You are advised that Congress has passed a resolution forbidding you from such a reckless adventure. You must be aware that a large percentage of our citizens do not favor your military approach to this war. Furthermore, you have already announced a major withdrawal of combat troops since the enlistment of about three-fourths of your 6,000 troops expires on Dec. 31. It seems highly unreasonable to expect these troops to reenter New Jersey less than 10 days prior to expiration of their enlistments.

It is the sentiment of the Congress that your pitiable supplies should be preserved and not expended on a maneuver of such debatable value. What can you possibly hope to accomplish? The British command the seas and will have no difficulty resupplying what little military equipment you may be able to destroy or capture.

We must also advise that should you disobey this command and attack Trenton, that all further monies and supplies will be stopped immediately. While we regret the inconvenience this may cause your army, we feel that control of the purse strings is the only effective tool which we have to force you to limit your ambitious programs.

We are further shocked that you should anticipate launching a surprise attack on Christmas Eve. This is traditionally a festive occasion on which it may be reasonably anticipated the British Army is not expecting to engage in combat. Perhaps this situation might be slightly altered if you had received a formal invitation from the duly constituted government of the colony of New Jersey to engage in such conduct. But we find nothing in the files of the Continental Congress's Committee on Foreign Affairs to indicate such an invitation.

We understand you have promised to leave New Jersey immediately following the Trenton operation. But how can we believe you? You have 4,500 militiamen who expect to be discharged on Dec. 31. What assurance do we have that you will not keep them in Trenton under some pretext of military necessity? How can we trust you? We relied on your leadership at Long Island, Throg's Neck, Pelham and White Plains and each time you lost. Now you say that this sneak attack on Trenton is not only militarily sound but might be the turning point in the war.

Finally, your proposed attack will only harden the attitude of King George III. Although we admit that for 10 years negotiations with King George have had no success beyond agreement on the shape of the conference table, still we must persist in seeking a political settlement. He may become even more intransigent when word of your affront reaches London.

After all, we really have no vital interest to protect in New Jersey. The Revolution can be won without New Jersey. Maybe you can win this war by catching Gen. Cornwallis at Yorktown in Virginia. Although this is admittedly speculation, under such a circumstance we could get along without retaking New Jersey.

In summary, Gen. Washington, you are hereby ordered to keep your troops on the Pennsylvania side of the Delaware until the Continental Congress's Foreign Affairs Committee decides to let you cross and, oh yes, be sure to have the Revolution terminated no later than Dec. 31, 1777.

THE 30TH ANNIVERSARY OF BRUTAL INVASION AND FORCIBLE OCCUPATION OF BALTIC NATIONS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. DELANEY. Mr. Speaker, this week marks the 30th anniversary of the brutal invasion and forcible occupation of Latvia, Lithuania, and Estonia by the predatory forces of the Soviet Army. For we who take freedom for granted, it is almost impossible to believe that the valiant peoples of these three Baltic nations have been suffering under Communist slavery for nearly half the allotted lifetime of the average person.

Following annexation by the Russians in June 1940, hundreds of thousands of Balts were forcibly exiled, banished to inhuman Siberian prison camps, and executed. Since June 15, 1940, these three countries have lost more than one-fourth of their entire population.

Throughout these years of enslavement, the brave Baltic people have waged a gallant fight for freedom. Between 1940–52, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. After cessation of guerrilla warfare in 1952, they resorted to passive resistance.

Despite massive efforts, the Soviet tyrants have never succeeded in smothering the flame of freedom that burns in the hearts of these noble and valiant people. They remain loyal to their national integrity, steadfast in their love for their native land, and devoted to personal and political liberty.

The heroic Baltic peoples know the fragility of freedom and the terror of tyranny. Their pleas for freedom will not be stilled. We share their fervent hope and prayer that these years of suffering will soon end, and democratic government will be restored to their lands.

QUESTIONNAIRE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. BOW. Mr. Speaker. I am including in the RECORD today for distribution to my constituents the tally of my recent questionnaire and the list of public bills I have sponsored in the 91st Congress:

BOW BILLS—91ST CONGRESS TO JUNE 15, 1970

H.R. 15—To permit development of SST with private investment only.

H.R. 165—Provide equity in immigration policy for Irish citizens.

H.R. 3330—Import quotas on steel and steel products.

H.R. 3855—Provide for new Hoover-type Commission for government.

H.R. 8652—Establish Commission on Revision of Anti-Trust Laws.

H.R. 8921—Establish additional National Cemetery to supplement Arlington.

H.R. 9244—Provide automatic cost-of-living increases for Social Security.

H.R. 9409—Expedite customs entry of private aircraft.

H.R. 10001—Establish National Armed Forces Historical Museum Park and Study Center in connection with Smithsonian Institution.

H.R. 10002—Revise police pay scale.

H.R. 11031—Prohibit use of mails to send obscene literature to minors.

H.R. 11032—Prohibit interstate shipment of obscene materials.

H.R. 11751—Reform the postal service.

H.R. 11975—National charter for United Daughters Civil War.

H.R. 12440—Increase production of timber.

H.R. 13983—Federal revenue sharing plan to aid State and local governments.

H.R. 14174—Welfare reform.

H.R. 14490—Release supply of nickel from stockpile.

H.R. 15420—Additions to the Smithsonian Institution, Washington, D.C.

H.R. 15425—Provide new program for expansion of American Merchant Marine.

H.R. 15429—Site for Smithsonian National Museum of Man.

H.R. 16038—Provide additional park and recreation areas nationwide.

H.R. 16039—Improve solid waste disposal and research.

H.R. 16040—Extend and strengthen the Clean Air Act.

H.R. 16041—Establish Environmental Financing Authority.

H.R. 16042—Increase funds for local waste treatment grants.

H.R. 16699—Strengthen laws regarding bombings, etc.

H.R. 16943—Strengthen U.S. international trade program.

H.J. Res. 306—Constitutional Amendment, Equal Rights for Women.

H.R. 17973—Expansion of trade.

H.R. 17974—Expansion of trade.

YOUR CONGRESSMAN FRANK T. BOW WOULD LIKE YOUR OPINION

DEAR FRIENDS: What promises to be a productive session of Congress is now preparing for votes on issues that will reshape the structure of our Federal Government in its relations with the states, cities and individual citizens. I seek your opinions and evaluation of some of these issues.

In some other years there has been criticism of Congressional questionnaires, not only my own, but those of other Members of Congress, based on the presentation of the issues. Some citizens have complained that more background and explanation should be included with the question, so that an individual who is not up-to-date on various proposals will have a basis of fact upon which to make a decision. Space does not permit detailed discussions of each of the issues, but I have endeavored to introduce a new format with this questionnaire, giving at least the outline of the issue at stake and some of the alternatives.

You will note that this form does not require an envelope for its return. Simply fold it so that my address is on the outside, affix a six cent stamp and put it in the mail.

In other years a great many people have stapled, glued or scotchtaped the questionnaire closed, apparently with the intent of keeping its contents confidential. This has meant hundreds of extra hours of labor to open and count the polls. I think it is quite reasonable to assume that no one in the mail service has time to open and read your comments. Confidentiality is assured without stapling or sealing. My small staff has its hands full keeping up with our daily work and when questionnaires come back by the mail sackfull, time in opening them must be held down.

Please feel free to call or write me whenever I can be of assistance with any Federal Government problem. Our new offices in the Citizens Savings Building on Central Plaza in Canton is open daily and the phone number there is 456-2896. The Washington phone number is area code 202-225-3876. The daily work of the Appropriations Committee and House debate may make it difficult to reach me personally by phone, so please feel free to state the nature of your problem or inquiry and you will be referred to the staff member who is expert in that particular field.

The largest possible return of these questionnaires will help me to represent your point of view on the issues of the day. I appreciate your willingness to take time to answer the question and return the form to me.

Sincerely yours,

Frank T. Bow,
Member of Congress.

TALLY OF FRANK T. BOW'S 1970 QUESTIONNAIRE

	Percent
1. Reform of the welfare system is being considered in Congress where most people agree that the present system after 30 years is a failure. It has not encouraged people to find work, it has contributed to the breakdown of family life, and it has created a growing group of persons who have no other way of life. Please check which of the following alternatives you favor (check only 1):	
(a) President Nixon has proposed a "basic minimum Federal payment" of $500 for each adult and $300 for each child in a family per year, a total of $1,600 for a family of 4, with the provision that the able-bodied head of the family accept either training for a job or a job if available. The plan would encourage families to improve themselves by working, continuing a portion of the Federal payment until total work and "workfare" payments totaled $3,920 for the family of 4. This would be done by permitting the family to retain $60 weekly in earnings and reducing the "workfare" payment by 50 cents for each $1 earned above that amount	77
(b) Substantially the same proposal put forth by the Democratic Policy Council which would provide the family of 4 a basic $3,600 (instead of $1,600) with $6,100 as the cutoff	14
(c) Other changes in the present system (specify)	10
2. On Aug. 15, 1969, President Nixon began the withdrawal of American combat forces from Vietnam. Since that date Vietnamese forces have been trained to take over many areas of the fighting and several large bases and naval forces have been turned over to Vietnam. By Apr. 15, 1970, 115,000 American combat troops will have returned to the United States and total troop strength will be 434,000 compared with 550,000 last August. Future rate of withdrawal is dependent upon success of Vietnamization of the war effort, enemy response, progress of peace negotiations, safety of American forces that will remain. Please indicate the alternative you prefer:	
(a) Continuation of the Nixon program described above, assuming withdrawal will continue as planned	56
(b) Withdrawal of all U.S. forces by September 1971, as proposed recently by the Democratic Policy Council	16
(c) Similar withdrawal by Jan. 1, 1971, as proposed by Senator Goodell and others	15
(d) Other (specify)	13
3. Congress has for consideration the report of the Presidential Commission recommending establishment of a volunteer Army and abolition of the draft. Please indicate your preference among the following alternatives (check 1):	
(a) An all-volunteer Army with increased pay and other incentives for career service, placing the draft on a standby basis for allout war only	56
(b) A new system of national military service under which every able-bodied man would be required to serve a minimum tour of duty for training with incentives for career service	22
(c) A new system of national service under which both young men and young women would be required to serve the Nation for a period of time, either military or nonmilitary	15
(d) Continuation of the present system	5
(e) Other (specify)	2
4. Inflation and the rising cost of living continue to be major issue. To control inflation please indicate which of the following will be helpful. (Check more than 1 if you wish):	
(a) Continued efforts to reduce Federal spending and balance the Federal budget without additional taxes	53
(b) Federal control of wages and prices	32
(c) Continued Federal Reserve Board restrictions on the money supply	10
(d) Other (specify)	5
5. There is increasing evidence of need for new labor-management relations law to help prevent or settle nationwide strikes that injure the economy. President Johnson promised such a proposal in 1967 but was not able to produce one. Among alternatives suggested are:	
(a) Referral of best offer of both sides to impartial panel which would set terms	55
(b) An "economic strike" during which labor would work for statutory minimum wage, management would be fined amount equal to total loss of earnings of labor, sums lost by workers and paid by management would go into trust fund and would be returnable to each on a decreasing scale as strike continued (90 percent 1st week, 80 percent 2d, etc.). Meanwhile, there could be neither a walkout nor a lockout	22
(c) Referral to a new National Labor Court empowered to consider the merits and impose settlements	13
(d) Other (specify)	10

THE FOLLOWING QUESTIONS ASK WHETHER YOU FAVOR OR OPPOSE EACH OF SEVERAL PROVISIONS IN PENDING LEGISLATION

	Percent	
	Favor	Oppose
6. President Nixon has sent Congress a 37-point environmental quality program which includes the following major provisions:		
(a) Federal matching funds at the rate of $1,000,000,000 yearly to assist communities (or regional areas) in construction of sewage treatment facilities—total cost $10,000,000,000 in 5 years	74	26
(b) A Federal Environmental Financing Authority to assure purchase of local bond issues for this work at a reasonable rate if private markets cannot absorb bonds	68	32
(c) Full appropriation of $371,000,000 in 1971 and similar amounts in succeeding years for acquisition and development of Federal, State, local parks and recreation areas	63	37
(d) Utilization, including donation to local governments, of surplus Federal lands for park and recreational purposes	84	16
(e) Federal rather than State quality standards for air and water	81	19
(f) Penalties up to $10,000 per day for violation of air and water quality standards	86	14
(g) Increasingly strict control of auto exhaust emission and development of Federal standards and control of fuel and fuel additives	92	8
7. The House of Representatives will soon consider amendments to the social security program including the following:		
(a) Placing all future social security benefit increases on an automatic basis so that an increase in benefits will follow closely upon increase in cost of living	82	18
(b) Increasing the maximum wage base on which social security tax is withheld from $7,800 to $9,000	48	52
(c) Eliminate earnings as part of the retirement test (remove earnings limitation)	62	38
(d) Retain earnings limit but raise it automatically as general wage levels rise	60	40
8. The President has recommended and the Senate has passed a drug control program including the following provisions:		
(a) Increasing penalties for the manufacture or sale of narcotics, including marihuana and hallucinatory drugs, by professional criminals (the "pushers"). Present penalty for 1st offense is 5 to 20 years and fine up to $20,000. New penalty would be 5 years to life imprisonment and fine up to $50,000	95	5
(b) Reducing penalties for casual use or possession of same. Present penalties are the same as for hardened criminals, 5 to 20 years and $20,000. New penalty for a 1st offense would be imprisonment up to 1 year and fine up to $5,000	60	40
(c) A "no-knock" warrant which could be issued by a court to police in a drug case. The warrant would permit the officers to enter a premises without warning. It could be issued only after the court had evidence that the incriminating evidence would be destroyed if the police gave warning of their visit	89	11
(d) Establishment of a Committee on Marihuana to make the 1st in-depth study on this subject	65	35

AMBASSADOR MOSBACHER GETS SPORTSMAN'S AWARD

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. REID of New York. Mr. Speaker, America is fortunate to have as its chief of protocol one of its most able and distinguished citizens. Ambassador Emil Mosbacher, Jr., most often accompanied by his gracious and lovely wife, Pat, is the first American to welcome officially, foreign visitors to our shores. He does so with a warmth and directness which reinforce a commitment to make their stay here both comfortable and reflective of the America way of life.

Many foreign officials have written to the Department of State to compliment Ambassador Mosbacher on the services rendered during their visits to this Nation. In addition, many distinguished American leaders, including President Nixon and Vice President AGNEW, have recognized the important contribution that "Bus" is making to American diplomacy and statesmanship.

I think the Members will be interested in reading some of these letters, and I am including a sample in the RECORD at this point:

EXCERPTS FROM LETTERS RECEIVED BY DEPARTMENT OF STATE

"The decision of community leaders across the Nation to present this year's Colonel

Eagan Sportsman's Award to Ambassador Emil Mosbacher, Jr., is most appropriate. For "Bus" Mosbacher follows in a distinguished line of outstanding sportsmen who have also given notable service to their communities and their country.

"As Chief of Protocol, Bus Mosbacher has displayed the same sense of precision, command, and grace under pressure that characterized his performance as a yachtsman. I am proud that he is now a "member of our crew"—and this his accomplishments are being recognized by you tonight. And I am especially happy that you are helping to further the fine work of the People-to-People Sports Committee. As Bus Mosbacher has amply proven, sportsmen are often our country's best ambassadors of good will."—Richard Nixon.

"The support which your office furnished during my Asian trip was efficiently rendered and very much appreciated. . . . My thanks to you and to all your people for a job well done."—Spiro T. Agnew.

"May I also say how grateful I was during my visit to Washington for all your kindness and help."—Prime Minister Harold Wilson.

"I have seen you in action in the State Department and in the White House and recently in the United Nations and you have given the Protocol Office of your government a new dignity which has won the respect and admiration of the friends and allies of your government."—Carlos P. Romulo, *The Secretary of Foreign Affairs, The Philippines*.

"It was one of the delights of our visit to meet you and your lovely wife. I can't honestly say that I ever had any doubts about the good judgment of the President and Mr. Rogers. But if I had entertained any they would have been dispelled by the consciousness that you and she had been specially chosen by them.

"I want to convey to you again, and to Mrs. Mosbacher, the deep appreciation of Mrs. Holyoake and myself for your gracious hospitality and assistance during our visit to Washington. That we found our stay immensely enjoyable, as well as profitable, was in considerable part due to your attention and kindness."—Keith Holyoake, *Prime Minister of New Zealand*.

"The Duchess and I want to thank you and Mrs. Mosbacher for all the good care you took of us during our recent visit to Washington for the President and Mrs. Nixon's dinner party at the White House.

"It was a most memorable occasion and it was very gracious of the Nixons to have paid us the compliment of inviting us."—Edward, *Duke of Windsor*.

"Prime Minister Sato, who left the United States feeling quite satisfied with the result of his recent talks with President Nixon, was deeply appreciative of your great assistance and thoughtful arrangements which made his visit to this country a most pleasant and constructive one."—Takeso Shimoda, *Ambassador of Japan*.

"Yesterday was a memorable day for all of us who were privileged to witness the moon shot in Florida . . . Our enjoyment of this historic occasion was increased by the most efficient and hospitable way in which you and your colleagues looked after your guests. You could not have been more considerate and we could not have been more comfortable."—A. E. Ritchie, *Ambassador of Canada*.

"Before leaving for home, I should like to express to you my sincere gratitude for the courtesy and hospitality extended to me throughout my stay in the United States.

"As I leave, I carry with me fond memories of a most delightful visit, and I know that this has been made possible in a good measure by you and your diligent aides who spared no effort to make my stay comfortable and happy."—Mrs. Golda Meir, *The Prime Minister of Israel*.

"Please accept my sincere gratitude for your kind attentions and your constant and helpful presence during the Presidential visit last week. Undoubtedly your assistance contributed to the brilliance and success of our mission to your great country."—Aristides Calvani, *Foreign Minister of Colombia*.

"May I take this opportunity to thank you very much for the great work the State Department has done to make the visit of Chancellor Willy Brandt in Washington a success. In more than twenty years of my diplomatic service I have never experienced a Protocol helping an Embassy more polite and friendly and more effectively than the Protocol of the State Department under Mr. Mosbacher. We appreciate this with great satisfaction and gratitude."—Rolf Pauls, *Ambassador of Germany*.

"I wish to take this opportunity to extend to you my deepest and heartfelt thanks for your wonderful cooperation, as well as the excellent arrangements which were made in connection with the visit of my August Sovereign, His Imperial Majesty the Shahanshah Aryamehr to Washington.

"The assistance and kindness extended by you and all your colleagues at the State Department were invaluable and highly appreciated."—Dr. A. Aslan Afshar, *Ambassador of Iran*.

"Before leaving for Tunisia—upon termination of my mission to your great country—I would like to extend to you my personal thanks for your courteous cooperation and to your department and its most able staff for the outstanding assistance given to me at all times in fulfilling my duties as Ambassador to the United States of America."—Rachid Driss, *Ambassador of Tunisia (former)*.

"Last Friday I made my diplomatic call on H.R.H. Prince Juan Carlos. He mentioned the high regard he holds for you. I got the feeling that the cordial reception he gave me, and the esteem he has for our country, were due in large measure to his personal friendship for you."—Robert C. Hill, *U.S. Ambassador to Spain*.

"On behalf of President Llera, his official party and on my own behalf, I wish to renew to you our deep gratitude for all your courtesies and valuable assistance during the visit to Washington and New York of our Chief of State.

"The many kindnesses we received from you and Mrs. Mosbacher went so far beyond the customary official courtesies, that they call forth our warmest feelings of appreciation and friendship."—Misael Pastrana, *former Ambassador of Venezuela*.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

INFLATION CURE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. WYATT. Mr. Speaker, O. Yale Lewis, Jr., a young attorney who is presently a law clerk to U.S. District Judge Alfred T. Goodwin, Portland, Oreg., who graduated from Harvard in economics and in law from the University of Virginia, has prepared a very persuasive analysis of our present economic situation, with his recommendations for action.

Because of the interest it may have for both the administration and my colleagues and because of my conviction that more aggressive action is necessary in the economic area, I am offering it herewith for the Record:

The Case for Consumer Credit Controls and Less Restrictive Monetary Policies

(By O. Yale Lewis, Jr.)

Because of the administration's misplaced hope that a balanced budget and "moderately" restrictive monetary policies will stop inflation, many Americans are suffering from both a rising cost of living and excessive unemployment. Moreover, because a "moderately" restricted money supply and "moderately" expensive credit will not stop inflation, inflation and rising unemployment will continue under present policies either until credit becomes so scarce that a severe economic recession produces enough unemployment to create deflation or until Congress or the President develops a better way to control inflation.

Price and wage controls are one possible way to stop inflation. However, price and wage controls disrupt the normal processes of the market economy and of collective bargaining, and do not correct the underlying causes of inflation. Therefore, they should be resorted to only when there is no alternative.

Reducing consumer purchasing power will also stop inflation. Two means of accomplishing the reduction are: (1) increasing personal income taxes; and (2) limiting the amount of credit available for consumer purchases. Increased taxes have already been attempted to a limited extent in conjunction with expensive credit. The results have not been encouraging. Additional increases in personal income taxes have been rejected by the Congress and, apparently, by the President. Now consumer credit controls must be considered.

Expensive credit is not halting inflation, because it has too little direct effect on consumer demand. Consumers are more concerned with the size of down payments and monthly payments than they are with finance charges. Consequently, high interest rates alone do not significantly impede installment sales. Similarly, higher prices have little effect on consumer purchasing, unless, as in housing and automobiles, the increase in total price becomes so large that down payments and monthly payments are increased significantly.

A contributing factor in the continuing flow of consumer credit is the banks' preference for retail contract paper. There are state statutory limits on maximum interest rates which banks and other lending institutions may charge on business and personal loans. In most states, the maximum annual interest rate on personal loans is 8% to 10%; on business loans 10% to 12%. However, in

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many states there is no limit on the service charge which may be charged by retailers on installment contract sales and on outstanding balances on charge accounts. The current rate in most instances is an annual 18%. Banks buy these installment contracts and retail accounts receivable at approximately face value, discounted for the statistical probability of default.

Since banks can realize such a substantially greater return on this type of commercial transaction than is possible on personal and business loans, it is to be expected that the commercial transaction will have priority over the personal or business loan.

The economic pattern of the past few years supports this analysis. The homebuilding industry was the first major nongovernment segment of the economy to be hit by the credit squeeze. Capital squeezes then disrupted the capital-intensive technological industries. Small businesses, with little economic leverage, have been hurt substantially. Now, general industrial groups are beginning to stagnate. However, banks continue to compete vigorously for good quality consumer debt.

As a result of this credit pattern, consumer retail credit purchasing will be the last part of the economy to respond to the restrictive monetary policies of the type in effect now.

Limiting the money supply and increasing the cost of credit is already placing credit beyond the reach of some employers and causing them to lay off employees. If carried far enough, this policy could eventually cause enough bankruptcy and unemployment to reduce over-all consumer purchasing power substantially. This could eventually stabilize prices. However, by that point the economy is likely to be in a recessionary spiral that will be difficult to reverse.

Presumably, the administration will not intentionally make credit so expensive and scarce that it causes a depression. The administration spokesmen originally stated that present monetary policies would stop inflation without causing more than 4.0 to 4.5% unemployment.

It is now apparent that we are in an economic recession, with rising unemployment that already exceeds the administration projection. Furthermore, since widespread unemployment is necessary to the effectiveness of an expensive-credit program that does not directly limit consumer purchasing power, the present balancing act will only prolong the present combination of inflation and economic stagnation, thereby causing unnecessary unemployment, unnecessary financial neglect of the environment, housing, education, and the poor, and an unnecessary weakening of America's long-run ability to compete economically with other nations.

Present monetary policies are not only ineffective as a means of stopping "demand-pull" inflation but they also contribute substantially to what is described as "cost-push" inflation. For example, high interest rates and an inadequate money supply directly increase the cost of housing, which is one of the major factors in the rising cost of living. High interest rates substantially increase the cost of government debt financing, placing upward pressures on state and local taxes. Manufacturers and service industries increase prices to compensate for higher production costs brought about, in part, by the rising cost of credit. Wage-earners and suppliers increase their demands to compensate for rising prices, taxes, and housing costs. This in turn causes further price increases, resulting in a spiraling inflation that is, in part, directly caused by high interest rates.

To stabilize the cost of living most effectively, consumer purchasing power must be reduced directly. Money and other industrial resources must be diverted from general consumption to housing and the capital goods industries. Both processes can be accomplished by requiring mandatory minimum down payments on the purchase of consumer goods. In addition, credit must be made less expensive and more available.

Mandatory down payments can be required now under existing legislation. They are a proven means of controlling inflation. They would cause substantially less unemployment than is caused by present policies. Their implementation would allow a prompt reduction in interest rates and make price and wage controls unnecessary.

MINIMUM DOWN PAYMENTS SHOULD BE REQUIRED ON CONSUMER GOODS AND SERVICES

A minimum down payment of thirty per cent should be required on all purchases of consumer goods and services that cost more than $10.00. Food, housing, medicine, health aids, medical services, and education should be exempt. Lending institutions should not be allowed to lend this down payment to the consumer. In addition, there should be limitations on the time over which the balance could be paid. Substantially equal installments should be required. The intervals between installments should be no longer than 30 days.

This program will counter inflation in three ways: (1) it will reduce demand for consumer goods and services; (2) it will lower the seller's cost of supplying those goods; (3) it will increase supply by diverting more capital into housing and capital goods industries.

(1) Reduce consumer demand

Increasing down payments will inhibit inflation because the consumer will have to defer purchases of the affected goods until he has accumulated the down payment. Initially, this will cause a sharp and immediate decrease in the effective demand for goods on which a down payment is necessary. Although demand will increase as various consumers accumulate down payments, it will remain lower than it was prior to the effective date of the down payment requirement. This occurs because many people are unable to save, and because prepayment requirements discourage nonessential purchases.

(2) Lower production costs

As consumers accumulate money in order to make down payments on selected items, they will have less money with which to purchase other goods and services. This will require them to be more selective in their other purchases. As this selectivity occurs, manufacturers of less desirable goods must either lower their prices or decrease their output. If they decrease their output they will compete less for the resources which go into those goods. This will lessen the overall demand for those resources, exert a downward pressure on their prices, and cause them to be diverted into the production of goods and services for which there is a stronger demand. Industries producing goods for which there is high demand will be able to pay less for the components of their products. Lower costs should be reflected in lower or at least stable prices for the finished products.

(3) Divert capital to building industries

Some existing savings might be used for down payments. However, most consumers will not deplete emergency funds for nonessential goods. Consequently, they will attempt to accumulate the necessary down payment. Much of this money is likely to be deposited with a lending institution. At the same time, the consumer's use of credit will be reduced by the down-payment requirement. Increased down payments will also reduce the retailer's need for credit. Through the natural interaction of supply and demand for credit, each of these developments will lessen the competition for credit and will make more money available for housing construction and for the capital goods industry. This will reduce the cost of credit to those industries.

Diversion of funds to housing is obviously desirable. Present policies impede new housing construction and greatly increase the cost of new mortgages on existing housing. This is a major element in the rising cost of living.

The desirability of increasing funds for expanding the capital goods industry is more controversial. However, to the extent that the rising cost of living is caused by excessive demand for consumer goods, increasing industrial capacity to supply that demand will eventually place more of the scarce goods on the market and thereby reduce the ability of sellers to raise prices.

THE CREDIT CONTROL ACT OF 1969 AUTHORIZES CONSUMER CREDIT CONTROLS AND WILL NOT PLACE AN UNDUE ADMINISTRATIVE BURDEN ON EITHER BUSINESSMEN OF THE GOVERNMENT

The Credit Control Act of 1969, tit. II. Pub. L. No. 91–151, 83 Stat. 371, gives the President discretionary authority to authorize the Federal Reserve Board to institute credit controls "whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume. . . ."

The proposals of this paper are well within the power authorized by this statute.

Moreover, the inspection procedures and business records which would be necessary for the enforcement of consumer credit controls are already provided for in Federal Reserve Board Regulation "Z", which implements the Truth in Lending Act of 1968, tit. II, Pub. L. No. 90–321, 82 Stat. 146. Consequently, consumer credit controls will not place an undue administrative burden on either businessmen or the government.

CONSUMER CREDIT CONTROLS ARE A PROVEN MEANS OF INFLATION CONTROL

The overwhelming success of Federal Reserve Board Regulation "W" as a means of controlling inflation during World War II demonstrates the effectiveness of minimum down-payment requirements as an anti-inflationary tool. The total consumer debt was reduced from $9.7 billion on September 1, 1941, the effect date of Regulation "W", to $5.8 billion on January 31, 1943. $1.0 billion of this reduction occurred within the first two months. Although other anti-inflation devices such as price and wage controls were in effect then, it is generally agreed that the mandatory down-payment program was primarily responsible for reducing existing consumer debt.

Operation of the New York Stock Exchange "margin system" provides another example of the close relationship between down payments and price.

OTHER ADVANTAGES OF CONSUMER CREDIT CONTROLS

During the first quarter of 1970, the ratio of outstanding consumer debt to the gross national product was 10.1%. In 1929, shortly before the stock market crash, the ratio was only 6.2%. The present high ratio is an extremely dangerous condition, which should be corrected promptly. It has been demonstrated before that a substantial economic downturn is likely to collapse an excessively large debt structure, changing recession into depression.

Consumer credit controls should be applied now while consumer demand is high. This would lessen the likelihood of economic disaster. It would also build a reserve of consumer demand which could be released in subsequent months if a severe recession should develop. This demand could also be released when it is needed to facilitate the economic transition from a wartime to a peacetime economy.

Because high interest rates discourage the expansion of industrial capacity without discouraging consumer-purchasing power, they are also exacerbating the existing imbalance between supply and demand. This is ironic because the condition of demand exceeding supply is one of the classic definitions of inflation. Furthermore, a continuation of present policies will seriously impede America's ability to restore her vanishing balance of international trade. Rising domestic prices and falling domestic output encourage imports and depress exports. Consumer credit controls have the opposite result. Cutting domestic consumption discourages imports. To the extent that it causes supply to exceed demand, it also encourages exports. Increasing industrial output has a similar effect.

Present monetary policies are increasing the cost of governmental debt financing at the same time taxable business profits and taxable personal income are decreasing. This tends to cause budget deficits, which are inflationary. Moreover, since more expensive credit causes higher prices, and since interest payments are deductible from federal income taxes, the government is, in effect, underwriting the inflation that is caused by high interest rates. Consumer credit controls can control inflation without requiring high interest rates. Consequently, implementation of the program outlined in this paper would allow the government to get out of the business of financing inflation.

High interest rates are making it difficult for all levels of government to fund needed social and environmental programs. These programs have been restricted so that the various levels of government can pay the rising cost of refinancing existing debt obligations. The federal government should not intentionally pursue monetary policies which, to be successful, must cause unemployment and which, at the same time, reduce the ability of state and local governments to provide help to the unemployed. Neither should local government be forced to ignore other social and environmental problems that weaken the nation. Consumer credit controls would reduce inflation without causing further deterioration in the quality of national life.

Another advantage of the program outlined in this paper is that it would not limit the availability of essentials such as food, housing, education, and health aids; nor would it limit the availability of essential services.

Consumer credit controls also avoid the problems associated with price and wage controls. It is true that many people speak of "price, wage, and credit controls" as an indivisible trinity. This, however, is nonsense. There are many obvious differences in the administrative nature and the effects of these tools. There is a great difference in the way in which they interfere with other institutions such as collective bargaining and the market economy.

Furthermore, it should be quite clear that through its manipulation of numerous other fiscal and monetary tools the federal government already manages the economy. More direct regulation of consumer credit would not be a radical departure from any previous policy of nonintervention. The decision to intervene has already been made. The choice is not between intervention and nonintervention. It is between various types of intervention. The policy outlined in this paper would be both more effective and less dangerous than present ones.

SOME LOOSENING OF MONETARY RESTRAINT IS NECESSARY TO PREVENT A CONTINUED RECESSION AND A DANGEROUS DETERIORATION OF INDUSTRIAL CAPACITY

Consumer credit controls should be accompanied by easier monetary policies, because present policies are causing a recession and are not stopping inflation. Furthermore, although they will cause less unemployment than would a continuation of present policies, consumer credit controls will cause some temporary unemployment as retail sales decline.

Lowering interest rates and increasing the money supply will create jobs rapidly in the building and aerospace industries. This alone should more than compensate for the unemployment caused by consumer credit controls. Moreover, an increased availability of less expensive credit would stimulate industrial expansion in parts of the economy that produce goods for which there is high demand. Such expansion would place more of the high-demand goods on the market and tend to stabilize their prices. Moreover, the expansion would provide jobs for some workers who are currently unemployed. American industry would be able to compete more effectively with foreign industry.

If recession becomes a greater danger than inflation, less restrictive monetary policies should precede consumer credit controls. Consumer credit controls could then be applied when unemployment begins to decrease or when retail sales begin to climb again, whichever comes first.

A 5% investment tax credit should be considered if the unemployment rate exceeds 4.8% on July 1, 1970. This measure would increase productivity and reduce unemployment. It would enhance America's competitive position in international trade.

CONCLUSION

Consumer credit controls are a proven means of controlling inflation that would be more effective and less burdensome than present policies. Implementing them would allow a quick return to less restrictive monetary policies. They could be easily administered under existing legislation. They avoid the problems associated with price and wage controls.

Consumer credit controls of this type do not deprive anyone of anything. They only defer purchases of less essential goods until the consumer can make a reasonable down payment. In comparison with the consequences of present policies, this is a relatively small price to pay for a stable cost of living and full employment.

STATEMENT ON CAMBODIA

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. MANN. Mr. Ben Bagwell, chairman, Social Ministry Committee, Saint Michael's Lutheran Church, Greenville, S.C., has communicated to me the concern of the members of his church over the statement of the board of ministry of the Lutheran Church in America concerning the Cambodian issue. The church council of Saint Michael's issued a statement on Cambodia, and wanted it to be known that there are certainly some Lutherans who believe that President Nixon is sincerely attempting to shorten the war. I offer the church council statement for the RECORD:

STATEMENT ON CAMBODIA

We the Church Council of St. Michael's Lutheran Church, Greenville, South Carolina, in session May 12, 1970, take exception to the position of the Board of Social Ministry in its statement of May 8, 1970 RE: Cambodia/Laos/Vietnam and responsible action by American Christians. We believe the Board of Social Ministry is failing to uphold the principles outlined in the Social Statement of Lutheran Church in America on Vietnam adopted by the Third Biennial Convention in June, 1966 where it states, (4) "To stand in compassion and understanding beside those to whom the conduct of national policy is entrusted, to pray for them and to support them, though not uncritically, in their efforts to solve the dilemmas they face." Further we as Lutherans feel President Nixon has done nothing regarding his Cambodian policy that merits our distrust and that he is, in our belief, trying to produce peace . . . not an expanded war. We note that President Nixon has also withdrawn American troops in accord with his earlier announcements and that until he fails to meet his promises he is worthy of our trust and prayers It should be further noted that President Nixon did not run as a "piece at any price" candidate, but promised during his campaign to produce "peace with honor." Since the American people elected him, it seems he should be given an opportunity to fulfill his pledge.

EDUCATION ACCOUNTABILITY

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. QUIE. Mr. Speaker, it is estimated that $65 billion is spent annually for education in the United States. Despite this expenditure, many schools are failing in their efforts to educate students, particularly at the elementary level.

More and more administrators and school boards are beginning to recognize that tools to evaluate the educational process and its products must be devised. One word which symbolizes this whole process is "accountability."

I submit an article by Ron Schwartz appearing in the June issue of Nation's Schools for the benefit of my colleagues. It is a concise statement of developments in this area:

ACCOUNTABILITY—PRODDED BY USOE OFFICIALS, CONGRESSMEN AND COST-CONSCIOUS CITIZENS ARE FOCUSING ON WHAT COMES OUT OF THEIR SCHOOLS—NOT WHAT GOES IN

(By Ron Schwartz)

When National Education Association president George D. Fischer appeared before the House general subcommittee on education last November, he was asked—of all things—to "give evidence that education is better at present than it was approximately 12 years ago".

"We now turn to you and say what . . . benchmarks do we have to show the vast improvements in education which we were told 12 years ago would be forthcoming if we put dollars in," asked Rep. John R. Dellenbeck (R-Ore.). After the hearing was over, Fischer provided for the subcommittee record five statistical exhibits:

(1) From 1958 to 1968, per pupil expenditures rose from $340 to $634; (2) the number of elementary teachers with bachelor's degrees jumped from 75.3 to 95.3 per cent; (3) teachers salaries rose from an annual average of $4,775 to $7,908; (4) the dropout rate has decreased and (5) the the number of individuals failing the selective service mental test has fallen.

Subcommittee member Albert H. Quie (R-Minn.) later indicated dissatisfaction with these benchmarks, and his thinking reflects that of the Nixon Administration: That educators have for too long stressed the input side of education—number of books, build-

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ing, master's degrees, etc. "We have, as a nation, too long avoided thinking of the productivity of schools," said President Nixon in his February message on education reform.

"I think we're going to demand accountability in education from now on in Congress," Rep. Quie told NATION'S SCHOOLS, and, as USOE associate commissioner Don Davies predicts: "'Accountability' will soon replace 'relevance' as the 'in' word among educators."

In its broadest sense, accountability in eductaion means that schools, administrators and teachers would be held responsible for the improvement, or lack of improvement, in the performance of their students.

PUSH FROM COLEMAN REPORT

The concept of accountability received a major push from the so-called Coleman report, "Equality of Educational Opportunity," which empirically indicated that input into schools is not an accurate measurement of how good they really are.

The Coleman report compared schools attended by whites and ones attended by Negroes, and it found that there was a disparity of skills among the two groups despite equal inputs, including per pupil expenditure, number of books per student, laboratory facilities, and audiovisual equipment.

The theory of accountability in education was, following the Coleman report, developed and refined by Leon M. Lessinger, Calloway professor of urban education at Georgia State University. The most vociferous spokesman, if not the father of accountability, Lessinger, as associate commissioner for elementary and secondary education at USOE until last January, grafted the concept of accountability onto federally funded projects under Titles VII and VIII of the Elementary-Secondary Education Act.

Lessinger initiated the study now underway at USOE in which 86 bilingual (Title VII) and dropout prevention (Title VIII) projects are subjected to program audits. Previously, federal education projects were only audited on a fiscal basis, in order to make sure that the federal money was spent according to the specifications of the law (see facing page).

In the 86 projects, "independent educational accomplishment auditors," trained by USOE, will pass judgement on the administration of the project by local officials, and they will monitor the project's success in meeting previously established student-performance goals. The auditors will submit their audit report twice a year, with the first project reports due this August. If this prototype audit program proves successful, USOE officials will probably expand the concept to include other projects and other Titles of ESEA.

PERFORMANCE TURN-KEYS

If Lessinger is remembered at USOE for his push in accountability, he will also be known for his effort to apply the performance contracting concept to accountability.

As defined by Lessinger in a "confidential and highly sensitive" memorandum to the White House last December, performance contracting is an "educational engineering" process "whereby a school contracts with private firms, chosen competitively, to remove educational deficiencies on a guaranteed performance basis or suffer penalties. Without being told what program is to be used, the contractor is encouraged to innovate in a responsible manner. Upon successful demonstration, the contractor's program is adopted by the school on a turnkey basis."

Since the first performance contract became a reality in October, 1969, in the Texarkana, Ark., schools, advocates of the concept have found themselves speaking and writing on it on numerous occasions. The attention generated by Texarkana was only natural, after large gains were spotted in reading and mathematics. In March, the first full scale standardized tests which were given after 60 to 80 hours of instruction prescribed in the performance contract showed the students gained, on the average, 1.4 grade levels in math and 2.2 grade levels in reading. These results surpassed the guarantee of the contractor, Dorsett Educational Systems, Inc., which had agreed to produce one grade level increase in math or reading in 80 hours. As Charles L. Blaschke, education consultant to the project, applied the concept to the Texarkana contract, the school system, if the program is successful, will build its own management structure for running the program and then buy out the project from Dorsett over a period of five years.

Although the early success of Texarkana has drawn attention to the performance contracting approach to accountability, it still lacks important converts, one being Rep. Quie, who fears that teaching companies would turn to the federal government for aid, if their performance contracts, and consequently their profits, fail. The situation, Quie adds, would be like Lockheed, a reference to the defense contractor who turned to the federal government for financial assistance after taking a beating on its C5-A bomber.

And, USOE commissioner, James E. Allen Jr., has yet to give more than an interested glance in the direction of performance contracting and industry involvement. "All of this is in the exploratory stage," says Allen. "We don't know yet whether this is the answer to . . . raising the level of education of the disadvantaged."

Allen feels that the best prospects for Texarkana-type projects rest in Title III of ESEA (the Texarkana program had been funded under Title VIII). "Here's a perfect place where some performance contracts can be worked out by states and local schools," Allen says.

However, the first effort of a school district to Apply Title III money to a performance contract was recently snagged at USOE, when officials announced there wasn't enough Title III money left in the Fiscal 1970 budget to fund it. Thinking that the money was in hand, the San Diego City schools announced that beginning in the fall of 1970, Educational Development Laboratories, would begin a guaranteed reading program for 9,600 elementary students reading below grade level. The cost would be $1.4 million over a three-year period. The school system also hoped to contract but on a non-performance basis with Science Research Associates, a subsidiary of IBM, for teaching 6,000 students in reading, language concepts, and arithmetic.

MORE HANDS IN THE ACT

While California schoolmen were trying to pry some money loose for the San Diego project, the Office of Economic Opportunity announced plans for its own performance contracting experiment. At the end of April, OEO asked that some 35 educational teaching firms submit proposals for teaching reading and mathematics in Grades 1 to 3 and 7 to 9 in 26 disadvantaged schools. Of these schools, to be selected by OEO, 24 would operate on performance contracting and two would use a standard reimbursement contract. Six companies will be chosen by June to participate in the $5.4 million experiment.

With OEO getting into the act, it appears as though performance contracting is an issue bigger than Allen's office. One of the steps in this direction came last December when Lessinger submitted his "confidential" memo to the White House in which he said, "the education engineering approach will make it possible for this Administration to extend its basic philosophy into the educational system."

A MEMORIAL DAY TRIBUTE

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. LUJAN. Mr. Speaker, I want to bring to the attention of my colleagues a most excellent address "A Memorial Day Tribute" delivered by a man of honor and courage who loves his country, Rear Adm. Ernst Ruth, Jr., U.S. Naval Reserve, retired, on Memorial Day, 1970, at the National Cemetery at Santa Fe, N. Mex.

Rear Admiral Ruth's remarks eloquently restate the greatness that is our country and clarify the issues facing the country. Mr. Ruth's remarks follow:

MEMORIAL DAY, 1970

As long as anyone of us here can remember on this day in May each year people gather together in just such groups as ours today. In every town, hamlet and city in this country to honor the memory of those men who have fought for our country and have died. We are gathered here in one of the national cemeteries, those hallowed plots of ground which the people have dedicated in so many places in this country and in foreign countries, where our soldiers and sailors can find a final resting place and having found their place of rest, we the living, can come to them to honor their memory. Many of you here today have dear ones, sons, fathers, husbands, brothers lying beneath these markers. All of us have friends to remember and together we honor the memory of their unselfish service to us. Memory. What do we remember? Why what we remember is history.

In our almost two hundred years as a nation we have been threatened many times by forces that would destroy our unity, take our territory, deny us access to the oceans of the world. At each of these threats we as a united people sent our armed men to put down these threats and the markers on these graves recite for us the chronicle of brave men who died that we may live as a nation. In these present days we are threatened from within by divisive forces that we do not fully understand. We do not understand the war in Viet Nam. We recall that in previous calls to arms the country was fully informed about the enemy and why we were in the conflict. In the Vietnam war we are resisting aggression against our country. We are maintaining access to the oceans of the world. We are resisting forces which would disrupt our unity

I say to you that three administrations have failed to adequately explain to the American people the nature of this war. I also say that previous administrations have failed to prosecute the war to the fullest capabilities of our Armed Forces and have failed to interdict the supplies going to the enemy which have served to prolong this conflict. We are unwilling to identify our adversaries. We use the word "communism" and "Communist" in generic context which no longer has the meaning that we intend in this context except that it is still analogous to world domination. Even within the so-called "Communist Countries" it has been redefined and continues to be defined and argued there. What we can be sure of is that our adversaries regardless of the label are Russia and China these are the countries that are threatening us. They try to impose their style of government on weak countries. Wherever in this world a powerful nation imposes its will on others by taking away freedom of action *our* nation is threatened because we do not have free access to

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the peoples and their products of commerce, to their ideas nor do such subject people have access to us. In Viet Nam it is not Hanoi who is the agressor it is Russia and China and we are fighting there to resist their aggression against our country. History tells us all too clearly that we *were* attacked in 1941 and our sailors lying at rest in the bowels of the USS Arizona in Pearl Harbor in our Sistor State Hawaii, their silent voices shout out to us that we were attacked by an agressive country from across the Pacific who also wished to extend its imposition of power on other countries as it had done in Manchuria and particularily to deny America access to the western oceans.

No independent nation can continue to exist and retain its power without having other nations or grouping of nations constantly looking for ways to weaken that power. For a moment let us consider the meaning of the word "power." We speak of America as the most powerful nation on earth. Power for America can be defined, and is best defined, as the ability to use all of our resources in concert to maintain the freedoms which our constitution guarantees. So if we are the most powerful nation this means that we are able to maintain more freedoms in America against all aggressions from inside or outside this country than any other country in the world. I say to you that I believe sincerely and adamantly that we are the most powerful country in the world and derive our power from the freedoms that we maintain, it seems timely and appropriate for the detractors of the power of our Constitutional systems in this country to be forced to prove their case rather than that the others of us should think we must write apologies or talk softly of justifications.

The face of happenings in the world where peoples freedoms are tampered with or taken away how can anyone of us in this country feel that we must apologize to any one. It is also timely and appropriate that our elected officials at all levels stand up to the maintenance of orderly processes of government and involve themselves directly in confrontation of the attacks on our freedoms. Power then in America comes from a multitude of sources and in the final confrontation with a nation who would challenge us we resort to military force and that is why we are here today to honor those who were called on to exert this kind of power. Military force has changed since the first men were laid to rest here. The weapons of the 1800s were overshadowed by the big berthas of the German army in WWI. These massive guns yielded to the "A" bomb of WWII and today the "H" bomb possessed by 5 countries all of whom can deliver it if they choose—the tools of war today are truly awful, truly terrible, truly monstrous. Are we to be deterred from protecting ourselves from aggressive threats because these weapons are monstrous. Are we to say to our adversaries, we will not maintain the best final military defense it is possible for us to do. We have not said this, our adversaries know that we will maintain any necessary defenses. They are now deploying additional naval forces and moving their air forces into strategic areas, confident that the stalemate of nuclear response has been established. They will use the more conventional weapons to gain their ends of aggression. To retain the power to protect our freedoms we must as a nation be ready to respond to aggressive actions no matter what form they take. These aggressive actions are not always in the form of military pressures. These actions may be and are taken in the realms of undermining our civil government. They can be effective when a few teachers or professors in our secondary schools or colleges teach the overthrow of our constitutional guarantees. Such aggressive actions are nurtured by college administrators who are either afraid of personal confrontation or are artlessly credulous or craftily naive. Not only do these administrators not protect our freedoms but they destroy the objectivity of colleges and universities. These institutions for learning can not function as such if they become centers of political agitation. The administrators and trustees of these institutions must expell the leaders of this rebellion and all of the rebellious members. At the centers of learning in America we must reestablish the freedoms so that those who are paying and struggling for an education to better confront this fast moving world can get on with learning. And I am not talking here of the freedom of expression, no, I maintain that any student if he has the time or desire may listen to poems or join the ROTC program, do anything that increases his knowledge, he must not be kept away from his classrooms or from any access that is normally and lawfully available to any student, and when there he will allow others full freedom of their expression. If these freedoms are not maintained why should any funds private or public be devoted to the maintenance of these institutions. You the parents of the children of this generation must try to understand what are the problems and hang ups that confront these children. These children are thrust into this present era wholly defenseless. When you were young you could go to your parents for counsel in the problems of your day, but today not only do the children not know the answers but neither do their parents. Your children beg you to interpret the new and terrible forces that are rampant in the world.

You must make it clear to them that only in the atmosphere of freedom and personal liberty can these young people unmask the hypocrisy of those in authority, or identify those enemies who would destroy us. They must understand that it is only by destroying our freedoms that we as a Nation can be destroyed. If you as parents do not counsel your children then they will learn from others and they may never know what our freedoms are. Above all you, you as a parent, must take a stand as these men lying beneath these markers took their stand.

I say to the young people here today and everywhere in this land, do not be mislead by those who tell you that history is for the birds. Every man lying in this cemetery whether he fought in the War of 1840, Korea or Viet Nam died for you. You young men and women did not suddenly appear on the scene as if never before was there anything, the creation happened only once but the drama of life has been played for Eons. Each succeeding generation has added its contribution to the script. It just happens that those writing the script in the last 30 years have interjected a whole array of new situations into this drama of life. The television that you stare at, the radio you listen to. The atom and hydrogen bombs were not invented by your parents. They simply put them together. If Sir Isaac Newton, or William Roentgen, or Marie Curie or Steinmetz or Gallileo, or Euclid or thousands of others in scientific history had not contributed their bit to unlocking the workings of the universe then your forbears could not have put these new elements into our life. But if our forbears has not assembled these things, then you young people would have had to do it. And believe me you would have and your children would wonder why and you would have to explain. There is a lot you will have to explain to your children and I say that you had better get on with it so that you do a better job than we are doing for you now. You young people of this generation have been pampered and are ill prepared for the toughness that you find in the world, and I believe that you are in revolt against this pampering. In your veins runs the blood of action, the excitement of the pioneer, physical action, in New Mexico people experienced these things only yesterday.

But today excitement must take a different direction, you are the generation which will set the new directions in America and therefore in the world. The measure of the success of your direction will be your understanding of history's lessons so don't waste your precious time protecting things you can't possibly understand unless you have spent your hours in study of the past. You should be Ralph Naders delving into the workings of our present forms of government. You should be studying the philosophical history of our country so that you could know the origin of our laws and our institutions. You have to know these things in order to change things for the better, you must not be surprised if you find violent opposition to the violence that is happening. And one other thing must be said, we hear that there is only a small minority of the youth in this country who are the radicals depending on force and destroying property.

And that the majority are too busy with their studies to confront these radical young people. I ask you to take the time to address the administrators of your colleges and universities the trustees and the alumni and petition them to expell the leaders of the rebellion otherwise you may well find that the public will no longer provide the funds that make it possible for you to pursue your education. If you are not willing to make the effort now it may be impossible to do later. The time has come to step forward out of the silent baffled majority and reclaim yourselves.

And so today we pay reverent tribute to these men lying here. They tell us that finally a nation maintains its strength, its fiber, its laws and its territory only thru armed men taking a stand.

I do not want to equate the sacrifice of these men with the confusion of terms we hear today. Words like, relevant and meaningful, miss the tone of their sacrifice. They gave their lives for that precious gift which transcends the senseless violence of the mob, the haughty hypocrisy of the official who refuses to be involved in real human problems, the stern arrogance of the young and the old when they refuse to appreciate mutual values. They died for the special God-given right we all possess. The right to seek our destiny independently but under the mantle of just laws. They died in the hope that all men would have the right to property, to liberty, to equal treatment, to redress for injury and the deep concern of the officials who represent them in the Nation's forums. These men die in vain if we here and throughout this broad land, become indolent in looking at our world. If we judge every student by his hair style rather than his life style. If we assume that those who take arms in the military services are evil because arms are evil. If we deny liberty because some use it beyond reasonable bounds. In effect if we think in such a shallow way that we can label everyone as exactly right or wrong, rather than recognize the infinite complexity and beauty of human life then we fail these men, for it is through indolence and intolerance and the negligence that these bring that the very heritage of these brave men will be threatened. God grant that it is never our lot to abandon that heritage.

PRESIDENT HAS CUT DOWN ON DEFENSE SPENDING

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. GOLDWATER. Mr. Speaker, the President has demonstrated that, despite

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the outcries from administration critics, he has cut down on defense spending. All of the recent criticism that attempts to show that the President has somehow or other been taking money away from domestic needs in order to bolster the defense industry has, by his speech, been forever silenced.

Yet the same critics who demand that there be less money spent on defense are precisely those who cry out because there has been a rise in unemployment.

I ask these critics: How can you cut back on defense spending without having unemployment among defense workers?

It is impossible. I call for a moratorium on criticism by those who want to eat their unemployment cake and have defense cutbacks, too.

We are in transition. It is a difficult period. It is a period when politics as usual just will not do. I urge all those who have wanted cutbacks without unemployment to honestly face the facts as the President has.

SLOVAK WORLD CONGRESS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. BROOMFIELD. Mr. Speaker, the Slovak World Congress with representatives of Slovak organizations from all parts of the free world will meet in New York City from June 19 to 21 to promote the following aims and objectives:

First. To aid and assist in the united effort of the Slovak people behind the Iron Curtain in the achievement of regaining their freedom, democracy, and independence.

Second. To promote among the Slovaks throughout the free world a concentrated effort in taking a greater part in the public life and contribute in every way possible of their talents to the countries of which they are now loyal citizens.

Third. To contribute to the continuing struggle of the free world in the protection against the Communist threat in all democratic countries.

Persons of Slovak descent are numbered among the Nations of Eastern Europe. For many years discussions were held concerning the independent state of Slovakia. In 1918 an effort was made by a Slovak organization in Pittsburgh to realize the dream of such an independent state.

The Slovaks have a history of long and determined struggle for freedom and independence. Their struggle is particularly courageous considering the victories attained were few and shortlived.

The Slovaks in their efforts to regain freedom, democracy, and independence seek only the right which is the prerogative of all men: the right to determine their own destiny.

I congratulate the members and representatives attending the Slovak World Congress and wish them success in their undertaking.

TRADE UNION RIGHTS IN SOUTH AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DIGGS. Mr. Speaker, several times during the past few months, I have included in the RECORD various data depicting the cancer of racism officially and formally manufactured by the Government of South Africa under the brand name of "apartheid." Discrimination under the evils of apartheid is aptly described in a paper entitled "Trade Union Rights in South Africa" reported by the ad hoc working groups of experts of the United Nations Commission on Human Rights. This group was requested by the Economic and Social Council in 1967 to investigate allegations of infringements of trade union rights in South Africa.

The paper referred to follows:

TRADE UNION RIGHTS IN SOUTH AFRICA

SUMMARY OF SOME RELEVANT LAWS

The basic laws concerning trade union rights and related labour matters in South Africa have been reproduced or analysed in the first and the second reports of the Group. They will be recalled briefly hereunder. In addition, some amendments or new legislation enacted or proposed since the issuance of the last report will be summarized.

The right to form and join trade unions

In accordance with the Industrial Conciliation Act, 1956, as amended, employees organizations (trade unions) may become body corporates and, as such institute lawsuits, acquire or alienate property, and perform any other acts which their constitutions permit them to do, only upon registration. Since Africans are excluded from the definition of "employees" under the Act, African trade unions—which in fact exist—may not be registered and may not function as body corporates.

The Industrial Conciliation Act contains several provisions which tend to discourage the establishment and functioning of "mixed" unions, consisting of "white" and "coloured" employees.

Participation in collective bargaining and settlement of labour disputes

Only registered trade unions may be represented on the Industrial Councils and Conciliation Boards established by the Industrial Conciliation Act for collective bargaining and the settlement of labour disputes. African trade unions may therefore play no part in those procedures.

The Bantu Labour (Settlement of Disputes) Act, 1953, as amended, established a procedure for the settlement of Bantu labour disputes in which, however, no elected Africans may take part with the right to vote.

The right to strike

In accordance with the Industrial Conciliation Act, strikes by "whites" and "coloured" employees are lawful, under certain conditions. Strikes by Africans are totally prohibited and are criminal offences under the Bantu Labour (Settlement of Disputes) Act.

Protection against anti-union discrimination

Under the Industrial Conciliation Act, victimization of "white" or "coloured" employees for their trade union membership or activities constitutes, under certain conditions, a criminal offence. Members of African trade unions do not enjoy such legal protection. They have some protection only as regards victimization for their participation in the election or operation of a Works Committee, a purely advisory body of African workers established by the Bantu Labour (Settlement of Disputes) Act. Furthermore, a number of statutes and regulations could be used to persecute or harass trade-unionists, particularly African trade-unionists, who do not enjoy the benefits conferred by registration. These laws are, in particular: the Suppression of Communism Act, 1950, as amended; the Unlawful Organizations Act, 1960; the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952; the Bantu (Urban Areas) Consolidation Act, 1945, as amended, as well as other provisions of the so-called influx control legislation, the effect of which may be, *inter alia*, to facilitate the removal from the area of their activity of African trade union leaders whose influence has become embarrassing for the Government; section 21 of the General Law Amendment Act, 1962, the so-called "Sabotage Act"; the Criminal Procedure Amendment Act, 1965, the so-called "180-day law"; and the Terrorism Act, 1967.

Equality of opportunity and treatment as regards employment and occupation

A number of types of employment are closed to Africans, irrespective of their qualification, under the system of "job reservations" established by section 77 of the Industrial Conciliation Act and other laws.

Provisions which may have the effect of subjecting workers to forced labour and slavery or to practices akin to forced labour and slavery

Under the Bantu (Urban Areas) Consolidation Act, 1945, as amended, no Bantu may remain for more than 72 hours in an urban area unless he was born there and has been residing in such area for long continuous periods, or he has been granted permission to remain in the area or to take up employment there. Provision is made for removing to their reserves or to resettlement areas of the Bantu found in urban areas who do not qualify for residence there. Under the Bantu Labour Regulations, 1965, every male Bantu over fifteen years of age who is unemployed in urban areas, and who qualifies for residence there, must seek employment with the local Bantu Labour Bureau. If he refuses without reasonable cause to accept the vacancies offered to him by the Bureau, he may, as an "idle" or "undesirable" person, be sent to his reserve or to various penal institutions, or be ordered to work for a private employer for a specified period. Bantu workers must always be in possession of, and show on demand, their "reference books", and failure to produce such book to any authorized officer is punishable with a fine or imprisonment for up to one month.

The Bantu Labour Regulations (Bantu Areas) which came into force on 1 April 1968 extend the system of labour control to the Bantu areas, except the Transkei.[1] The Regulations provide that every Bantu living in such areas should register for employment with tribal or territorial Labour Bureaux. Such bureaux should endeavour to place him in employment. Under penalties of a fine or imprisonment up to fourteen days no Bantu may leave such areas if his contract for employment outside the Bantu area provides for a period of service of more than one year. The effect of these Regulations would be to make it practically impossible for Africans to seek permanent work in urban areas, except for those who, for reason of birth or long continuous residence in such areas, qualify for such work.

The Bantu Laws Amendment Bill, as submitted by the Government to the House of Assembly in 1969, would have the effect of further reducing the freedom of African

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Footnotes at end of article.

workers to seek employment of their own choosing.[3] In accordance with section II of the bill, the following provision would be inserted in the Bantu Labour Act, 1964:

"20A. (1) Notwithstanding anything to the contrary contained in any law, the Minister may by notice in the Gazette prohibit the performance of work by or the employment or continued employment of a Bantu

"(a) in a specified area;

"(b) in a specified class of employment;

"(c) in a specified trade; or

"(d) in the service of a specified employer or class of employers.

"(2) A prohibition referred to in subsection (1) (b) (e) or (d) may be applied either in a specified area or generally.

"(3) A person who contravenes a prohibition referred to in subsection (1), shall be guilty of an offence."

It will be recalled that domestic and agricultural workers are still subject to the provisions of the old "Master and Servant Laws" which, *inter alia,* provide for severe criminal sanctions for breach of contract of employment.

It will further be recalled that the Coloured Cadets Training Act, 1967, establishes a system of compulsory training for coloured youth, with penal sanctions in case of failure to report for such training.

ANALYSIS OF EVIDENCE

The right to form and join trade unions

The attention of the *Ad Hoc* Working Group of Experts was drawn to the fifth special report of the Director-General of the International Labour Organization on the application of the Declaration concerning *Apartheid* in the Republic of South Africa by the ILO representative, Mr. Von Knorring. He told the Working Group that the immense majority of the workers, which is made up of African manpower, is excluded entirely from labour organizations. The above-mentioned ILO report noted that out of a total of some 2,200,000 workers employed in mining, manufacturing, construction, transport, communications and public authorities in 1968, only about 520,000, or less than a quarter, belonged to trade unions which could negotiate for wages and conditions of work on their behalf.

It was further mentioned in the ILO report that some fifteen African unions were in existence, with about 12,260 members. According to another source,[3] only about 2 per cent of African workers were organized in trade unions. As was noted earlier, African trade unions are not illegal as such, but they may not be registered and, therefore, they cannot participate in the bargaining machinery. The Working Group was informed by Mr. Shope[4] that the organizing of African trade unions still goes on in the country, but that unions were small and not powerful. They were small because employers and the Government make it impossible for people to organize. Witnesses indicated that several methods are being used by the Government of South Africa to interfere with the rights of workers, and particularly of African workers, to form and join trade unions: trade unionists are being arrested and persecuted daily in South Africa, some are detained *incommunicado,* tortured and murdered (see next subsection). Thus, as stressed in the ILO report, the South African Congress of Trade Unions (SACTU), which is an almost entirely African trade union co-ordinating body, is banned and is effectively prevented from carrying out any trade union activities as all its leaders have either left the country or are under banning orders. The Government's policy of maintaining an African migratory labour force also effectively prevents African workers from forming or joining trade unions. People who are prevented from settling in any given place for long periods, it was said, cannot organize themselves effectively into trade unions.

The evidence before the Group tends to confirm that the policy of discouraging the establishment of racially mixed unions is being actively pursued. The Group noted in particular the complaint dated 25 November 1968 from the International Federation of Commercial, Clerical and Technical Employees, Geneva (E/4613), according to which:

"On the occasion of its recent meeting, the Executive Committee of the International Federation of Commercial, Clerical and Technical Employees (FIET) accepted the affiliation requested of the National Union of Commercial and Allied Workers, South Africa.

"This new organization is composed entirely of coloured colleagues, who formerly were an integral part of a long-time FIET affiliate in South Africa—the National Union of Distributive Workers (NUDW).

"As a result of the abhorrent and repugnant *apartheid* policy of the South African Government, the NUDW was forced to separate its coloured membership and either let them suffer without adequate trade union protection and representation or assist them to establish a separate union to cater for their needs.

"In view of the above and in accepting the affiliation request, the FIET Executive Committee unanimously expressed sincere regret that the situation in South Africa had deteriorated to a point where separate unions had to be established for coloured colleagues. Likewise, it expressed utter condemnation of the system and the Government responsible for such a reprehensible state of affairs."

The representative of the ILO drew attention to information given in the above-mentioned ILO report concerning the decision taken by the Trade Union Congress of South Africa (TUCSA), on 19 February 1969, to exclude all unregistered—meaning African—unions from its ranks. In its last report, the Group had considered this matter and pointed out that this decision had been reached, under Government pressure, after a protracted struggle inside TUCSA. According to the ILO report, this new rule concerning membership in TUCSA is now entrenched; it may be altered only by the TUCSA General Conference by a card vote of not less than 80 per cent of the whole membership. Mr. Shope also commented on these recent developments concerning TUCSA.

The right of trade unions to function freely—Protection against anti-union discrimination

It was recalled in evidence by Mr. Shope that although South Africa does not expressly forbid the existence of African unions, it does refuse them all rights to participate in the machinery of labour relations and in collective bargaining. Although some African unions do exist in South Africa, in practice it is not possible for them to carry out trade union functions effectively. In addition to the legal and other impediments mentioned earlier that interfere with the right of African workers to exercise their trade union rights, African trade union leaders had been imprisoned, banned and "endorsed out" of urban and industrial areas.

Thus, in a communication dated 26 November 1969, the South African Congress of Trade Unions (SACTU), whose present provisional headquarters is in Tanzania, points out:

"The reports in the South African newspapers that 22 trade union and political militants, detained since early this year for their uncompromising resistance against fascist repression and terror by the South African authorities, will be brought to the Supreme Court, Pretoria, for summary trial on December 1st, 1969.

"This group of 22 is only part of over 100 detained since February this year and subjected to the most inhuman torture by the South African security police. Seven of them including the Vice-President of the South African Congress of Trade Unions, and General-Secretary of African Textiles Industrial Unions, brother of Caleb Mayekiso, died in prison as a result of such brutal torture.

"Among the 22 cited for trial is brother Lawrence Ndzanga, Secretary of the African Railway Workers Union, both of them members of the Witwatersrand Local Committee of SACTU."

The charges against the accused included, besides co-operating with the African National Congress and other banned organizations, "employing measures to conceal the activities of the organization" and "having informal discussions and issuing instructions in regard to conducting the affairs of the organization".[5]

Mr. Shope drew attention to the death in prison, under suspicious circumstances, of Mr. Caleb Mayekiso. Mr. Mayekiso had served a four-and-a-half-year jail term and, upon his release, was again arrested on 13 May 1969 under the "180-day law". On 1 June 1969, the police told his wife that he had died. Mrs. Mayekiso said that her husband looked well and healthy when he was arrested. According to the security police, he had died of natural causes. This case was reported to the Group also by the World Federation of Trade Unions in a letter dated 18 July 1969 and by several other organizations.

Mr. Shope gave statistical information concerning the number of persons arrested, imprisoned or fined for political offences. He said, in particular that during the period 1960–1967, about 4.5 million persons were arrested, imprisoned or fined under special racial laws, such as the pass laws: persons arrested and imprisoned for offences of "passive resistance", such as unlawful strikes, numbered about 120,000; persons arrested and detained without trial under the "180-day law" and other acts numbered 14,000; and persons imprisoned, *inter alia,* for attendance at unlawful meetings numbered about 1,000. Mr. Shope did not specify how many of the persons so detained were trade-unionists. It has been said, however, that many of the laws so mentioned could be used, and they were frequently alleged to have been used, in order to persecute trade-unionists, particularly African trade-unionists, and to paralyse African trade union activities.

It was further alleged that union offices are kept under surveillance and frequently raided by the Special Branch; officials are searched, organizers shadowed and their contacts interrogated; employers are warned to have no dealings with African unions and are informed of "dangerous elements" who should be dismissed, and landlords are advised to evict trade union tenants.[6]

It was also recalled that various laws prohibit almost entirely workers' meetings near their places of work; and that halls and other places for public meetings in urban areas are licensed for the use of whites only, while meetings in African townships are subject to permission by white officials. Furthermore, under section 9(3) of the Suppression of Communism Act, the Minister of Justice may prohibit any gathering if he deems it necessary to prevent the achievement of any of the—broadly defined—objects of "Communism."

The right to strike

Evidence was given to the Working Group that African workers are denied the right to strike and that a strike by African workers is an offense punishable by three years' imprisonment or £500 fine or both. Mr. Shope provided details of the dock strike in Durban in April 1969, when over 3,000 African dock workers, who work fourteen hours a day, went on strike demanding a wage increase from £3 per week to £7 per week. This witness indicated that all the striking dock workers were dismissed and endorsed out of Durban.

Footnotes at end of article.

XUM

Relationship of South African trade unions with international trade unions

Mr. Shope said that because of the restrictions imposed by the Government of South Africa, the assistance that the trade secretariat of the International Confederation of Free Trade Unions (ICFTU) and the trade union internationals of the World Federation of Trade Unions (WFTU) could provide African unions was largely confined to some legal and financial aid. As representatives of international trade unions operating outside South Africa were denied entry into that country, they could not, as in other countries, send in experts to help train African trade-unionists. International trade unions could not help organize African trade union seminars as Africans themselves cannot organize a trade union seminar on their own within their country. Restrictions on travel prevented Africans from access to ICFTU trade schools.

The right of everyone to equality of opportunity and treatment as regards his employment and occupation

(i) *Technical and vocational education.*—The information and statistics presented by Mr. Von Knorring showed the disparity that exists between the technical and vocational education provided for "whites" in South Africa with the same education provided for coloureds, Asians and Africans. An indication of the difficulty that non-whites have in obtaining equal opportunities as regard employment is revealed by the following figures of students enrolled in University Medical Faculties according to race groups.

Qualified as doctors (1967):	
Whites	328
Coloureds	17
Asians	31
Africans	11
Enrolled as students (1968):	
Whites	3, 137
Coloureds	131
Asians	312
Africans	135

(ii) *Access to employment.*—The power of the Minister of Labour to make "job reservations" for persons of a specified race, and to prohibit the replacement of employees of one race by those of another race was in the great majority of cases designed to protect "white" workers from "non-white" competition, the Working Group was informed. Four new job reservations were made in favour of "whites" in 1968 to reinforce the statutory colour bar in certain occupations. Mr. Von Knorring stated that a distinction must be drawn between two types of job reservations: one type which is traditional or customary that limits the access of Africans to higher and more skilled jobs and that is not governed by any legislative provision, and the other type that results from government regulation.

Mr. Shope drew attention to section 21 of the Bantu Laws Amendment Bill, submitted in 1969,[7] which would empower the Minister of Bantu Administration and Development to prevent African workers from doing any specific work for any specific employer in any specific place. He commented that this provision would make the Minister a virtual dictator of African labour and deprive the African worker of such little security of tenure as was left to him.

(iii) *Salaries.*—Miss McAnally supplied statistics concerning mining wages to show the inequality of salary levels between Africans and whites. The monthly average salary was:

Africans	$21
Whites	364

(iv) *Safety measures and workmen's compensation benefits.*—The attention of the Working group was drawn to the recent mine disaster at Buffelsfontein Gold Mines, Klerbsdorp, Transvaal, by a letter of 13 November 1969 from the Management Committee of SACTU. It was reported that sixty miners (fifty-eight Africans and two whites) had been buried alive. The communication from SACTU states:

"The following are the main disabilities that affect African miners:

"Lack of safety precautionary measures for African miners;

"Denial of trade union rights to African miners who would otherwise fight for improvement of their wages, working conditions and social security and benefits;

"In terms of *apartheid* laws, African families or dependents whose breadwinners have lost their lives in such accidents are left without compensation—except the £180 which is sometimes paid in lump sums—after which they are forced to remain without additional assistance for the rest of their lives. On the other hand, white miners' families get assistance not only from Chamber of Mines, but also from the State and the Special Fund of the White Mineworkers' Union.

"As we have pointed out time and time again in the past, the perpetrators of this inhuman system are nurtured and encouraged by foreign investments, mainly from the United Kingdom and the United States of America, whose main concentration is in the mining industry in South Africa.

"As you may be aware, the Unemployment Insurance Amendment Act No. 87 of 1968 raised the maximum level earnings, in respect of which contributions are payable to the Unemployment Insurance Fund, from R 3,120 a year to R 3,536. African mine workers and all African workers earning less than R 546 a year are excluded.

"Victims of accidents and tuberculosis and invalids are invariably sent back to the so-called 'Bantu Homelands' and those who glean any benefits at all receive it in very small amounts, and as soon as they die such payments are immediately abrogated.

"During the period of December 1967 to October 1968, the Government gazetted a list of persons, to whom sums of money had been owing for more than a year under the Workmen's Compensation Act, containing a record number of 19,200 names of people who could not be traced and 80 per cent of these were Africans."

The absence of any form of forced labour or slavery

The Group received detailed information on the labour conditions in the so-called "Native Reserves" or "Bantu Homelands" and on the system of migratory labour under which Africans are recruited from the reserves to work in industrial areas under temporary "contracts".

(i) *Employment opportunities and labour conditions in the reserves.*—Several witnesses, including Dr. Conco and Miss McAnally, pointed out that only 12 per cent of the land is reserved for "non-whites" who make up about 80 per cent of the population, and that most of the reserves are situated in barren, desolate areas where unemployment and poverty are prevalent.

According to various studies, the economy of the Transkei and other reserves rests in practice on subsistence farming, under difficult conditions [8] and on the earnings of migratory workers. According to the *Annual Report of the Transkei Government* for 1967 (page 45), there were during that year only 32,700 Africans gainfully employed in the Transkei, 46 per cent in Government offices, 28 per cent in domestic services and 17 per cent in commerce. Their total cash earnings per year were estimated at about R 4 million. The rest of the 257,586 Transkeians employed in the whole of the Republic of South Africa were migratory labourers temporarily outside the Transkei in the mines, sugar plantations and manufacturing industries.

(ii) *Border industries.*—Dr. Conco described the establishment of border industries on the white side of the borders of the "Bantu homelands" as having a dual purpose: to utilize the excess labour and to stop the influx of labour into the towns. The witness said that the reserves are meant to be reservoirs of cheap labour for border area industries. As an inducement to white entrepreneurs, those who establish industries in the border areas are given cheap loans, tax concessions, rail rebates and other concessions. Mr. Mbata stated that these border industries were not bound by wage determinations applicable to urban areas and accordingly paid Africans lower wages. Border industries also differed from urban industries in that they might not have the facilities for providing accommodation for the African workers, on the grounds that the Africans could commute daily. It was also said, however, that the distances between the reserves and the border industries varied but some were up to 200 miles apart, and that those workers who had to travel long distances to the border industries were reduced in fact to the status of migrant labourers.

(iii) *The migratory labour system.*—As explained in the ILO report and in Mr. Shope's testimony, under the Bantu Labour Regulations (Rural Areas) of 1968, every African in the reserves is compelled to register at a tribal Labour Bureau as a "work seeker". The tribal bureaux pool all "work seekers" in their respective areas and provide labour as and when resquested by employers in white areas. Mr. Shope described the operation of this system and said that an African worker is obliged to contract himself to an employer for a period of not more than twelve months or 364 shifts, and at the end of that time he is to return to his "homeland" where he has to reapply for a new contract. Even if his employer wanted to keep him in continuous employment, the policy of the Government denies the employer the right to keep an African worker for a continous period exceeding one year. The ILO report states that the aim of those regulations is to ensure that the reserves will continue to remain pools of cheap labour for the industrial areas, and at the same time, that the migratory labourers will not establish themselves permanently in urban areas.

According to Mr. Shope and other evidence,[9] several measures are taken to ensure that only the Africans who perform "useful" labour for whites and ultimately only African migratory workers remain in urban areas. It was recalled that, under section 10 of the Bantu (Urban Areas) Consolidation Act of 1945, as amended, no Bantu may remain for more than seventy-two hours in those areas unless he produces proof that he has since birth resided there continuously or that some other restrictive conditions are met. The unfit, the widows and some others may be disqualified otherwise under section 28 of the Act as "redundant Bantu". Further, even if the African meets the conditions laid down in section 10, he may be prohibited from living in an urban area as an "idle" or "undesirable" Bantu if he refuses without "reasonable cause" to accept employment offered by Labour Bureaux or on various other grounds (section 29). Any African who fails to show his reference book to any officer on demand, or whose reference book is not in order, may be also "endorsed out" of urban areas, under the Pass Laws. Mr. Shope stated that these laws are rigourously applied: by 24 August 1966, 193,985 Africans had been resettled in rural areas under the influx control laws, and from 1 July 1965 to 30 June 1966, about 850,000 Africans had been prosecuted under those laws. As explained in chapter XI of the report of the Working Group under resolution 21 (XXV), Africans expelled from urban areas are "resettled" in the reserves or in large numbers in transit camps. From these resettlement areas, they can subsist usually only by becoming migratory labourers under temporary contracts.

Several witnesses, in particular Dr. Dennis in his 1968 testimony and Mr. Shope have emphasized the elements of compulsion in the migratory labour system. Africans are compelled to seek work through the Labour Bureaux, and refusal to accept the employment offered, without reasonable cause (as determined by the Bureaux), leads to the African being declared an "idle" or "undesirable" person and, as such, to his possible detention in rural villages or other resettlement areas (transit camps) to perform labour (Bantu (Urban Areas) Consolidation Act, 1945, as amended, section 29).

(iv) *The condition of Africans in agricultural and domestic employment.*—It was said by Mr. Carstens that African workers in the white rural areas are reduced to virtual serfdom and cannot leave their place of employment without the permission of their employers. Mr. Shope also pointed out that under the Master and Servant Laws it was a criminal offence for an African who has agreed to take a job not to do so, or to take steps to change his occupation before the expiry of his contract. Once an African has taken a position, he has no right, even if he can be offered another job by another employer who pays better, to leave that post and he must work until his contract expires. In the year ending 30 June 1966, there were 22,800 Africans prosecuted for those offences.

FOOTNOTES

[1] Under the Transkei Constitution Act, labour matters fall within the "self-governing powers" of the Territory. However, says the fifth special report of the Director General of the ILO, "it may be supposed that special arrangements will also be concluded as regards the control of labour from the Transkei."

[2] The Bantu Laws Amendment Act was enacted in 1970, after the completion of the present report. (Editor).

[3] "*South Africa: Workers under Apartheid,*" by Alex Hepple, International Defence and Aid Fund, London 1969, page 72.

[4] A leader of the South African Congress of Trade Unions. (Editor).

[5] The case against the 22 Africans collapsed in February 1970. They were, however, detained immediately under the Terrorism Act. (Editor).

[6] "*South Africa: Workers under Apartheid,*" p. 74.

[7] The Bill was enacted in 1970.

[8] Gwendolyn Carter, *South African Transkei: the Policies of Domestic Colonialism*, London, Heinemann, 1967, p. 79.

[9] See, for instance, *South Africa: Resettlement, the New Violence to Africans* (International Defence and Aid Fund, 1969), p. 16.

THE U.N.—POVERTY AND POLLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. RARICK. Mr. Speaker, the UAW continues its international affiliation with the UNO in cosponsoring world poverty teach-ins—see my remarks of June 16, 1970, page 20062.

The international socialist's slogan of taking from those who have and giving to those nations who have not seems now to be converted into a world poverty program—so long as Americans pay and Americans lose.

Many Americans may question why a labor organization is funding and in league with the international combine. The answer may lie in the old maxim that the policies of the monarch are those of his creditors—it must apply to international labor organizations also.

I insert a newsclipping as follows:

POVERTY IS POLLUTANT, U.S. SYMPOSIUM TOLD

(By A. F. Mahan)

ONAWAY, MICH.—Poverty and deprivation are among the most dangerous forms of pollution and their elimination should be given high priority, an American labor leader told a United Nations' symposium on "man's environment" here today.

Leonard Woodcock, president of the United Auto Workers Union, also told the representatives of 27 nations that "without a vigorous push for an economy of equal opportunity and distributive justice, the chances for environmental sanity may well be lost."

Woodcock said much of what passes for environmental clean-up in the United States is limited to "the cosmetic approach for beautification."

He said sweeping of streets, picking up of litter and returning disposable bottles are wholesome pursuits, but do not go to the heart of the matter.

From the standpoint of the poor and deprived of the cities, he said, "such actions are frivolous, middle class evasions of the need to end deprivations and poverty."

He told the 110 U.N. delegates and labor leaders that the greatest hope for avoiding total disaster lies in the new generation. "Rather than attempting to silence them . . . we should prepare to join them in advancing toward a new way of perceiving and organizing the world community," he declared.

The UAW is cosponsor with the U.N. of the symposium, described as a prelude to the U.N.'s 1972 environmental conference in Stockholm, Sweden.

NONRECORD VOTES

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HARRINGTON. Mr. Speaker, in a very short time the House will consider the Legislative Reorganization Act of 1970. This bill will affect every piece of legislation this body considers for years to come.

In today's Wall Street Journal, Mr. Norman C. Miller, who has written some very fine articles on the subject of congressional reform and reorganization, addresses the subject of nonrecord votes. I think the article will be of interest to House Members.

The article follows:

SOME IN HOUSE SEEK TO END OLD PRACTICE OF NONRECORD VOTING—VOTE ON BID TO END ANONYMITY IS LIKELY TO BE ANONYMOUS; STUDENT GROUPS HIT PRACTICE

(By Norman C. Miller)

WASHINGTON.—In England centuries ago, members of Parliament fearful of the king's wrath developed a system of voting to mask their individual actions; votes were not recorded by name. In 1832, when Parliament no longer had reason to fear the king, the system was reformed to provide a public record of how individual members vote.

But the system of nonrecord voting, avoiding a roll call, lives on in the U.S. House of Representatives; the House borrowed its procedures from Parliament but never got around to copying reforms the British made 138 years ago. Today, crucial votes on such vital issues as the antiballistic missile, the supersonic transport and Vietnam policy are cast under various cloaks of anonymity, such as voice votes, that allow Congressmen to escape accountability to the public. In the Senate, by contrast, any member can force a roll call vote on any issue.

Now, however, there's a flurry of interest in proposals to force House members to cast record votes on all important matters before them. The move for change is enlisting Democrats and Republicans, liberals and conservatives.

Leaders of the Democratic Study Group, which includes more than 100 liberals, are promising an "all-out effort" to revise the voting system. "The whole question of nonrecord voting greatly disturbs me," says Michigan Rep. James O'Hara, a DSG leader who's advocating voting reforms as part of his campaign for the job of House Majority Leader. "We shouldn't have important amendments rejected without a record vote," he says.

Democratic Rep. Joe Waggonner of Louisiana, a conservative, says he favors more record votes because they would force House members "to become a bit more acquainted with the legislation under consideration and to give some thoughtful consideration to some of these good amendments."

A conservative Republican, Rep. Charles Gubser of California, says his interest in reform has been stimulated by student groups that complained about nonrecord votes. "The charge of secrecy is a valid one," he declares.

"RECEIVED YOUR STUPID LETTER"

As things stand now, votes are recorded by name on final House passage of a bill and on a motion to recommit a measure to committee, but only occasionally on a proposed amendment to legislation. Soon, when a Congressional reorganization bill reaches the House floor, a bipartisan reform group will seek to change House rules to require more record votes. But even if that move fails, lobbyists for peace groups, conservation organizations and other outfits plan to expand efforts to watch nonrecord votes on the House floor and to publicize unofficial records of individual members' positions. Howls of protest are likely to result.

Some Congressmen reacted furiously when antiwar lobbyists recently published their nonrecord votes on key amendments offered by doves to a defense bill. One lobbyist quotes this letter an outraged House member wrote to the group:

"I received your stupid letter in which you indicated that your snoopers who were sitting in the House gallery during debate on the military procurement bill recorded me as being absent on five different (nonrecord) votes. May I tell you that I was present for each of those votes and if these people were unable to identify me, then it is their own responsibility."

Perhaps significantly, the Congressman didn't take the opportunity to set the record straight on how he did vote. And under the current system, there's no way to be sure.

SITTING AS A COMMITTEE

The nonrecord voting occurs when the House is (technically) sitting as a committee while amending bills. This device is used to speed up proceedings, and no roll calls are taken. Instead, the amendments are decided by voice votes, by "divisions" in which members stand up to be counted or by "teller votes" in which members march up the center aisle in "yea" and "nay" lines. In no case is an official record made of how individuals vote.

If an amendment fails at this point, it's necessary to overcome difficult Parliamentary hurdles to obtain a later roll call vote when the House resumes its regular session before taking final action. As a practical matter, it's seldom possible to get a roll call vote on important amendments that are rejected during the House's "committee" deliberations. The system is heavily weighted against insurgents.

Moreover, the single roll call vote that is allowed on a motion to recommit a bill to committee has lost much of its meaning on several recent issues. In a recent floor fight over the ABM, the House GOP leadership arranged for a misleading recommittal motion that would have killed all funds for the missile system instead of just deployment funds—although deployment is the real issue. Predictably, the motion was snowed under because almost everyone favors continued ABM research funds, but the GOP leaders were happy because they had blocked an effort to have a vote on deployment funds alone.

The Parliamentary shrouds that cover many key votes in the House also allow members to abandon positions they have pledged publicly to support. "Everybody knows that there have been times when the leadership urged people to take a walk during a critical teller vote to prevent an amendment from being adopted," says Rep. Waggonner.

Furthermore, it isn't unusual for Congressmen who have publicly favored an amendment to vote against it during nonrecord proceedings in order to curry favor with powerful chairmen who oppose the amendment. And the lack of record voting encourages high absenteeism during the vital amending process; important proposals are frequently decided with less than 100 of the 435 members participating.

Even highly publicized issues can be settled by a relatively small number of Congressmen. Less than half the House members voted on a recent amendment proposing to kill funds for the SST; the amendment was defeated on a 107–86 teller vote. Some anti-SST Congressmen believed they would have won on a record vote, which presumably would have resulted in a bigger turnout.

"Every public-opinion poll shows that people are overwhelmingly opposed to the SST, and I am confident the House would have reflected that opposition on a record vote," says Democratic Rep. Henry Reuss of Wisconsin.

Whether or not record tallies would change some votes, a growing number of Congressmen are advocating rules changes that would provide the electorate with a better record of their Congressman's positions on issues. A group of 40 Republicans and Democrats proposed the other day that roll call votes be made mandatory if requested by 44 members after defeat of an amendment on a nonrecord vote.

Other reformers would simply adopt the British system of having clerks record names of members, rather than merely count "yeas" and "nays," as they pass through teller lines. This proposal would save some of the time consumed by roll calls, which can take up to 45 minutes each. Reformers estimate it would take less than 15 minutes to record teller votes.

Still, the reformers will have a difficult time changing the voting rules when a Congressional reorganization bill reaches the floor in a few weeks. The Rules Committee, in writing the bill behind closed doors, rejected proposals for more record voting. Thus the reformers will be laboring under an ironic handicap: The floor vote on the record-voting issue will be taken, at least initially, on a nonrecord basis, making it easier for guardians of the status quo to duck the issue.

But pressures being exerted on Congressmen could conceivably push a majority behind reform of the voting system.

Some House members fear that refusal to change would simply prompt more lobbying groups to watch the nonrecord votes from the galleries and publish possibly erroneous tabulations. Antiwar lobbyists say they do intend to continue vote-watching operations, and they profess unconcern about the possibility of error.

"Actually, the more mistakes we make, the more we bring home the point that record votes should be required," says one Congressional staffer who has been watching his bosses for a dovish group.

XUM

LOWERING THE VOTING AGE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ANDERSON of California. Mr. Speaker, I feel that the Congress has acted responsibly and constitutionally by lowering the voting age to 18. Not only the younger generation, but all of us, will be the better by conferring the vote to those below the age of 21. For many years, I have worked to lower the voting age—first in the State legislature and, more recently, since I entered the U.S. Congress. We need to channel the idealism, honesty, and their mature judgment into responsible political influences. By lowering the voting age to 18, we will encourage civic responsibility at an earlier age and thereby promote greater social involvement and political participation for our youth.

For many years, we have granted certain responsibilities to 18-year-olds. Many of these responsibilities are theirs without choice. They pay taxes, they marry, they make contracts, they drive cars, own guns; they are held criminally responsible like adults.

They go to war. At the very least, the opportunity to vote should be granted as a benefit in return for the risks an 18-year-old is obliged to assume when he is sent off to fight for his country. Approximately 30 percent of our forces in Vietnam are under 21. Over 19,000, or almost half of those who have died in action there, were under 21. What part did they play in the decision to fight in Indochina? Were they given an opportunity to express their views through the ballot? Obviously the answer in all but four States is no. Can anyone really maintain that these young men did not deserve the right to vote?

I realize that it is not the most politically expedient thing to do—especially when many older voters are fed up with occurrences such as Isla Vista—but by lowering the voting age, we are opening the decisionmaking process for many who now feel deeply frustrated. By being excluded from the process, our youth has had few alternatives to express their grievances. The young men and women of ages 18, 19, and 20—5 percent of our population—will be provided with a legitimate outlet for their concerns, while at the same time enabling them to participate in a mature manner within the established political framework of our Government.

THE PEOPLE VERSUS THE WAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. MIKVA. Mr. Speaker, the tradition of open debate has deep roots in the American way of life. As a Nation, we accept the proposition that the citizenry of a modern representative democracy is best able to decide any matter when there has been a clear-cut examination of the issues in an open forum by capable advocates for each point of view. Then the people can be the judge.

In my home city of Chicago, television station WMAQ–TV recently put this proposition to the test once more on the issue of the McGovern-Hatfield amendment, which I am cosponsoring in the House as House Resolution 985. The resolution would limit defense expenditures in Vietnam over the coming year to those amounts required to carry out the safe and orderly withdrawal of all American troops by June 30, 1971, and would prohibit expenditure of Defense Department funds for U.S. combat or support troops in Laos and Cambodia. It is popularly known, for good reason, as "the amendment to end the war."

On the evenings of Wednesday, May 13, and Friday, May 15, in each case at 10:30 p.m., WMAQ–TV broadcast, respectively, an editorial in support of the McGovern-Hatfield amendment, and then a rebuttal. Each broadcast was limited to a minute and one-half in length, and each invited viewers to write in to WMAQ–TV to express their opinions.

Over 11,000 persons responded, and their judgment was strikingly clear. Of a total of 11,094 responses, 10,425 or 94 percent supported the McGovern-Hatfield amendment. In my own Second Congressional District, 96 percent of the responses favored the amendment.

I find this unmistakable verdict against the war impressive but not surprising. I believe that the not-so-silent majority of our people wants an end to U.S. military involvement in Indochina at the earliest possible date.

I am inserting the WMAQ–TV letter of summary of this poll and their statistical analysis of the responses at this point in the RECORD:

JUNE 2, 1970.

Hon. ABNER J. MIKVA,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: Nearly twelve thousand persons sent us their opinons of the Hatfield-McGovern Amendment ("the Amendment to End the War in Southeast Asia") in response to a WMAQ–TV editorial and an editorial rebuttal.

We received a total of 11,094 responses in letters, cards and petitions. Of that number, 10,425, or 94%, supported the Hatfield-McGovern Amendment.

Our editorial on May 13 asked for mail in support of the Amendment. A rebuttal on May 15 by Attorney John Hayner of Ottawa, Illinois, asked for mail opposing the Amendment. Both the editorial and the rebuttal were a minute and a half in length. Each was broadcast only once, at 10:30 p.m.

We sorted the mail by congressional district in compliance with our promise to inform Senators and Representatives of the response from the areas they represent. The attached sheet shows a breakdown by district. All mail from our viewing area in Indiana was included as one category. Mail from Wisconsin, Michigan and other locations not in our viewing area made up another category.

The mail was made available to you or your representatives today at WMAQ-TV in the Merchandise Mart at 3:00 p.m. In the event that you were not able to pick up the mail today, you can do so at a time convenient to you.

Some viewers sent money, apparently meant for the Amendment to End the War Committee. The money, a total of $53.00, was forwarded to the Committee.

Sincerely,

BOB SMITH,
Editorial Director.

Congressional district	Total responses	Favor amendment	Oppose amendment	Percentage favoring amendment
1	290	290	0	100
2	730	701	29	96
3	323	309	14	96
4	657	593	64	91
5	280	254	26	91
6	398	373	25	94
7	128	123	5	96
8	256	243	13	95
9	1,451	1,419	32	98
10	924	882	42	95
11	1,416	1,370	46	97
12	738	680	58	92
13	1,674	1,587	87	95
14	706	643	63	91
15	418	332	86	79
17	182	155	27	85
Indiana	316	273	43	83
Miscellaneous (Wisconsin Michigan, downstate Illinois, other States	207	198	9	95
Total	11,094	10,425	669	94

SUMMARY OF POLL

This is a report on some mail response from our viewers. In a recent editorial, we endorsed the amendment proposed by Senators Hatfield and McGovern to gradually cut off military funds for the war in Southeast Asia. And in that editorial, we asked those viewers who agreed with our stand to send us a letter. We promised to make all the letters known to our Senators and Congressmen.

We also broadcast a rebuttal to the editorial. It was delivered by an attorney named John Hayner. He opposed the amendment and asked that those people who agreed with his position write to this station.

We have counted and sorted all the mail, and as you'll see here, representatives of Senators Charles Percy and Ralph Smith, and representatives of the Congressmen in this viewing area have acknowledged the mail and taken it to their offices.

And here's the final tally. There were 10,671 responses from Illinois. Of that total, only 622 people were opposed to the amendment. That means that 94% of the people who responded from this state are in favor of cutting off military funds to support the war.

We also got 423 responses from viewers in Wisconsin, Indiana and Michigan, and 89% of those people supported the amendment.

The Illinois Congressional District with the heaviest response was the north suburban 13th, represented by Congressman Phillip Crane. And, of the 1,674 people who wrote in from the 13th District, 95% favored the stop-the-war amendment.

In Chicago proper, the heaviest responses came from the north and northwest sides.

We are not pretending that this is a scientific sampling of anti-war feeling. But 94% of the people who cared enough to respond have made it clear that they've had enough of the war in Southeast Asia.

(This editorial was broadcast at various times on Friday, May 29 and Saturday, May 30, 1970).

STUDENT ESSAY ON AMERICANISM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. KASTENMEIER. Mr. Speaker, the profound concern of America's young citizens is shown by the following essay which I have been asked to insert in the RECORD. Entitled "This Is My Country," it is the winning Americanism essay of the American Legion Auxiliary, Department of Wisconsin for 1970. It is submitted by Louise Sjoerdsma, 527 North High St., Randolph, Wis. Louise is an 11th grade student at Meadow Wood High School, Randolph, Wis.:

THIS IS MY COUNTRY

"This is my country! Land of my birth!
This is my country! Grandest on earth!
This is my country! Land of my choice!
This is my country! Hear my proud voice"

The words of this song, written by Don Raye, carry a very important message, a message of love for and pride in the United States of America. Listening to these words, you can almost see the tear streaked and beaming face of an immigrant as he stands for the first time on American soil. Or rather, you may visualize a small boy, born and reared in the United States, struggling through his history lesson, his eyes opening wide in disbelief as he reads that not all children enjoy the same privileges that he enjoys. And suddenly you feel a deep sense of pride that you are an American.

What makes Americans feel such pride in their citizenship? Evidently they like freedom and self-government and the principle of right and justice upon which our country is founded. It makes them feel good to know that the government exists of them, and for them. They are proud to be called by the name of such a country.

Today, as never before, America is depending upon its citizens to help conquer seemingly insurmountable problems. America needs very capable leadership today. It is up to its citizens, who take pride in their country, to support and vote for, leaders who will act. The daily newspapers are proof enough that action must be taken soon. Destructive riots, racial prejudices, drug abuse, water and air pollution, rising crime rates, over-population, all of these and more, though not providing very pleasant reading, make headlines every day. America needs a concerned citizenry, a citizenry that will not only appreciate democratic government, but will work to preserve it. As John F. Kennedy once said, ". . . In a democracy, every citizen, regardless of his interest in politics, holds office; everyone of us is in a position of responsibility; and in the final analysis, the kind of government we get depends upon how we fulfill these responsibilities."

Will our children be able to assert their citizenship with the same pride that we assert ours today? Or are we going to fail America by sitting back, placidly watching the decline of the greatest and grandest nation on earth. It's time that we leave the ranks of the silent majority and speak out for our country. Now is the time to preserve the ideas for which our forefathers fought. Stand up and be counted. By accepting this challenge, all of us will be doing our part to make America an even greater nation than it is today, a nation respected and trusted by other countries. We can help build a nation that future generations will be proud to claim as their homeland. Yes, This Is My Country, *"to have and to hold!"*

KEYSERLING ON THE PENN CENTRAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DINGELL. Mr. Speaker, the Washington Post of June 16, 1970, carried a letter from Mr. Leon H. Keyserling in which the former Chairman of the Council of Economic Advisers discusses the Penn Central Railroad situation.

I found Mr. Keyserling's comments to be of great interest and I insert the text at this point in the CONGRESSIONAL RECORD:

KEYSERLING ON THE PENN CENTRAL

How right is your editorial of June 12, observing that the current Penn Central Railroad situation must "stimulate second thinking about the efficiency of mergers." The erroneous public decisions which approved this merger should prompt further consideration of the public interest, before a government which "cannot afford" to help adequately our public schools pumps about 200 million dollars into helping a 7 billion dollar corporation (which owns a tremendously costly new luxury resort at Boca Raton) to continue its wrongful course.

For several years beginning in 1961, I opposed the Penn Central merger before the ICC. I said that the alleged financial crisis of the two roads, while serious, was grossly exaggerated and accompanied by some legerdemain; that this financial trouble was due predominantly to bad management and could be rectified only by improved management and an about-face in railroad policy; that the so-called financial crisis was caused largely by the high sensitivity of rail traffic to economic stagnation and recession 1953–1960, and would be alleviated by an acceptable rate of economic growth (note such effects 1960–1966, and the converse 1966 to date); that the claim that the merger would rescue "weaker" roads, such as the New Haven, was star-gazing; that the merger was deliberately contrived to achieve spurious "savings" by drastic curtailment of service rather than to achieve the efficiencies and enlarged service which might justify a mammoth merger; and that approval of the merger would propitiate the very mistakes just listed.

The ICC approved the merger, accepting as gospel the findings of the two roads and their independent experts, even though, as of the date of approval, these findings had been discredited completely by actual events. So today, Penn Central is "broke"; management is discredited; passenger service is being ruinously suspended.

When the case first went to the Supreme Court, where I again appeared in opposition to the merger, the Court by a 5 to 4 vote sent the case back to the ICC for further consideration of the prime legislative standard of adequacy of service. But when the case came back to the Court, the merger was unanimously approved in an opinion so concerned about whether several contending railroads got a fair break that it barely dealt with the paramount issue of adequate service. Indeed, the Court could not have faced this issue and approved the merger, for the ICC's attention to this issue was fragmentary and farcical.

Today, the public interest needs champions. When I opposed the merger before the ICC, it was also opposed by the Department of Justice in a 288-page brief, the Council of Economics Advisers, an interdepartmental committee established by President Kennedy, the Railway Labor Executives Association, and in part by the Port of New York Authority. But finally before the Supreme Court, all this opposition changed to support, even though the financial condition of the roads had greatly improved. A book examining this great sea-change would provide a rare story of weakness and, in some instances, venality.

LEON H. KEYSERLING.

WASHINGTON.

SENATE AMENDMENTS TO VOTING RIGHTS ACT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. PICKLE. Mr. Speaker, yesterday in the consideration of House Resolution 914, the House voted in a package deal to lower the voting age to 18 and to adopt the other Senate amendments to the Voting Rights Act of 1965.

If the voting age is to be lowered—and I would favor some lowering of the age limit—it should be lowered by constitutional amendment. On the basis of the provisions of article I, section 2 of the Constitution, it has always been assumed that States held the constitutional authority to set voting age requirements and that the Federal Government could assume this power only on the strength of a constitutional amendment. While the Federal Government does have power under the 14th amendment to step in and alter State voting requirements found to deny "equal protection of the laws," whether denial of the vote to those citizens 18 through 20 years of age constitutes such an act of discrimination is certainly open to debate. This measure is, I am sure, headed for lengthy and complicated litigation in our courts. It should be considered in the courts immediately, and I am told, will be as all parties want a definite decision.

Moreover, the assumption of the Federal Government of this power over voting requirements serves to limit the free choice of the people of our States in deciding the issue for themselves.

Accordingly, in an effort to separate the voting age issue from the rest of the Senate amendments to the Voting Rights Act, I voted against the motion for the previous question. This could have allowed the two sections to be judged on their individual and separate merits.

When this failed, however, I did vote for the voting rights bill and the voting age section. The alternative was rather clear: It meant voting against the entire bill, which would have delayed and endangered passage of the Voting Rights Act as a whole. The 1965 act expires the first week of August.

Mr. Speaker, we needed the Voting Rights Act. And we need to allow the States the right to set their voting age limit. I would have preferred to allow the States to determine if that State wanted to lower its voting age.

I do not quarrel with the validity of the argument that our young people are better educated and more attuned to the times today than they were a generation ago. I do wonder about the magic of the age 18; I do wonder if perhaps we could have accomplished just as much at lowering the voting age to 19 or 20; and I still think it would have been better to allow the States to determine this limit. I question if Congress has the constitutional right to change this by statute. Hopefully, this can be brought before the courts in rapid order.

CAPTIVE NATIONS WEEK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HALPERN. Mr. Speaker, at the end of the last war all enslaved peoples in Europe hoped to regain their freedom and forget their sufferings. Some did attain their goal, but some 100,000,000 others were robbed of that most precious of their possessions by the men in the Kremlin. Since then the Soviet Government has become the captor and jailor, the oppressor and tormenter of these peoples in Central and Eastern Europe.

As a matter of historic fact, even before the end of that war, some peoples in Eastern Europe and in the Baltic countries had already been drawn within the Soviet Union's deadly network. But at the time both these victim peoples and their sympathizers in the West had hoped that soon after the war these peoples would be freed. Unfortunately, events took a decidedly different and ominous turn, and the western statesmen, instead of succeeding in their efforts to free these peoples, witnessed the enslavement of more millions of peoples behind the Iron Curtain erected between East and West by the Soviet Union. Then these helpless and unfortunate souls were effectively, once and for all cut off from the free world; they became Soviet satellites, the captive nations in Europe today.

For more than 25 years the statesmen of the West have made innumerable attempts to better the conditions under which these captive nations live, and have also worked through diplomatic negotiations for the welfare and well-being of these peoples. But all efforts to that end, often led by the Government of this Republic, have come up against the unbending and unreasonable stand of the Soviet Government. Even against such ill success, however, we have not ceased to work for the freedom and independence of these peoples. We have not allowed the world to forget that the Soviet Union is the cause of the suffering and enslavement of these peoples, and until their freedom, Soviet leaders do not have the right to speak in behalf of these oppressed peoples. We have vowed to continue our efforts in behalf of the captive nations. During the Captive Nations Week we will once more let the court of world public opinion know that the cause of these peoples is a sacred and humane one, and it is the duty of all free peoples to champion the righteous cause of all captive nations.

McKEESPORT, PA., TROOP 9

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. GAYDOS. Mr. Speaker, over the past 60 years millions upon millions of our Nation's youth have benefited from the training and guidance received as members of the Boy Scouts of America. The organization enjoys a well-deserved reputation for its service to God and country. But last month, in McKeesport, Pa., Troop 9 added a new luster to this outstanding record.

Troop 9 is sponsored by the Burt Foster Post 361, American Legion, in McKeesport, and it is comprised of mentally handicapped youths. Yet, on May 21, two of its members, Edward and Charles Hopper, sons of Mr. and Mrs. Edward Hopper of 1728 Federal Street, attained the highest rank in scouting—the Eagle award.

Mr. Roy Bramhall, scout commissioner for the Yohogania Area Scout Council with more than 20 years' service in scouting, believes it is the first time youths with this handicap have achieved the Eagle rank. "I have been in scouting 23 years," Mr. Bramhill said. "I know how hard a normal boy has to work to get the Eagle award. These boys spent twice as many hours and worked twice as hard. These boys only want a chance, not pity."

Mr. Speaker, certainly special recognition should be given Edward and Charles Hopper. They, and their parents, should be justifiably proud of what has been accomplished; not only because of their individual achievement but for the example they have set for other, less fortunate, youngsters. American Legion Post 361, under its commander, C. Elrod Lenhart, also should be commended for its interest and work with the handicapped youth. Troop 9, the Hopper brothers, the Scout leaders, and the sponsoring organization reflect credit upon the Boy Scouts of America, the American Legion and the American people.

The Legion Post organized Troop 9 in 1956 and since then 300 to 350 boys have come under the influence and guidance of men such as Mr. Bramhall, Robert Brant, Edwin Coulter, Donald Kovacevic, Edward Matwig, Charles Coulter, Frank Ulton, George Mellinger, and the father of the new Eagle Scouts, Edward Hopper, Sr.

XUM

Mr. Speaker, I cannot properly express the pride I feel that such men, and the youths they guide toward manhood, are representative of the caliber of people who live in my 20th Congressional District of Pennsylvania.

OLD GLORY SPEAKS

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 15, 1970

Mr. QUILLEN. Mr. Speaker, last Sunday millions of people across the country celebrated Flag Day in tribute to our flag.

In the Scottish Rite magazine, New Age, there appeared an inspiring tribute to the flag, by Amos F. Hurley, under the title, "Old Glory Speaks," which was reproduced in the Nashville Banner, Nashville, Tenn., on Saturday, June 13, 1970.

This is an excellent article and I would like for it to be reprinted for the benefit of readers of the RECORD:

OLD GLORY SPEAKS

I am the flag of the United States of America.

I was conceived in the dreams of liberty and in the hopes of freedom. I was designed by the hands of Betsy Ross and her sewing basket was my cradle. Though I was never an orphan, I was adopted by the Continental Congress in 1777 and proclaimed the national emblem of a Nation newly born on this continent, fighting valiantly for survival and destined to bring to all mankind a new concept of life, liberty and the pursuit of happiness.

I have been many places and have seen many things. I have witnessed every event of American history. I was there when they fired the shot heard 'round the world. I was there in the late twilight at Fort McHenry and inspired Francis Scott Key to write the immortal "Star-Spangled Banner," now our national anthem.

FIGHT FOR FREEDOM

I saw Molly Pitcher take the cannon swab from the hands of her dead husband and help carry on the fight for freedom. I felt the biting cold at Valley Forge, and gave warmth and comfort to General Washington and his tired and hungry Continental Army.

I rode with Ethan Allen and the Green Mountain Boys, saw the signal that started the midnight ride of Paul Revere.

I was flown above the decks of *Old Ironsides,* and from the masts of the Yankee and the China Clippers. I blazed the trail with Daniel Boone and Davy Crockett. I led the settlers coming West and crossed Death Valley in a covered wagon.

LINK OF CHAIN

I am many things to many people, I am an inseparable link in the chain that binds men to God and country each link welded in the fires of purity by the Sacred Hands of God, Himself. And because I am on the side of God, the godless would destroy me, but they dare not, because I am protected by the mighty land armies of the Nation, the powerful and deadly fleet of the Navy and the screaming eagles of the Air Force, watching and waiting to swoop down and destroy anything that could harm me.

To some, I am yesterday, today and tomorrow; to others I am a glorious child, to some a grand old man or a most gracious lady. I have several names, I am called the "Red, White and Blue," "The Star-Spangled Banner," "The Stars and Stripes," but I am most commonly known by a nickname given me by an old sea captain, who called me "Old Glory."

GLORY OF MARINES

I was carried through the Halls of Montezuma to the shores of Tripoli by the United States Marines. Once I fell to the ground at Custer's Last Stand and there were no living hands left to pick me up. I galloped up the slopes of San Juan Hill with Teddy Roosevelt and the Rough Riders. I stayed with the boys until it was over, over there, and on the battlefields of the Marne, Chateau-Thierry, St. Mihiel and the Argonne forest. I saw many of the youths and manhood of our Nation fall and lie still in deaths. They had given their last full measure of devotion. The war was over for them forever, and I kept my lonely vigil over their graves and stayed to watch the poppies grow amid the crosses, row on row, in Flanders Fields. I was raised by five brave men during the "Hell" of Iwo Jima. I waved farewell to the four immortal chaplains who went down with their ship and to honored glory.

I have not changed much in my one hundred and ninety-two years. I still have my original 13 stripes, but as each State came into the Union a new star was proudly added to the constellation of my blue field. It started with 13 stars, now there are 50.

Many more things I would like to tell you, but we haven't time, but I do want to see you again. I am easy to find. I am everywhere. I am in the homes of the poor, in the mansions of the rich, in Independence Hall with the Declaration of Independence and the Liberty Bell, I am in the White House with the President, I am in all the churches, cathedrals, and synagogues, in the Council of the Boy and Girl Scouts of America, in all the schools where they pledge allegiance to me.

I draped the caskets of our Nation's heroes, borne to their last resting place, the caskets of Presidents, generals, admirals, humble privates and the unknown soldier. Wherever free men gather, wherever there is justice, equality, faith, hope, charity, truth or brotherly love, there to, am I.

A short while ago I was flown over the Nation's Capitol, gazing proudly across the land of the free and waving to the homes of the brave; then I was lowered and given by a grateful Nation to a great Congressman, who brought me across the continent to the shores of the Pacific and presented me to a group of veterans of World War I at Patriotic Hall in the City of the Angels to become their official flag and with fitting ceremonies, was carried by tired old hands and posted in a place of honor near the Holy Bible and there I shall remain until (like the old soldier) I'll just fade away and be retired by time alone and may history never write my obituary for I am the Stars and Stripes forever.

I am Old Glory!

SELF-CONTROL NEEDED IN THIS PERIOD OF TRANSITION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DEL CLAWSON. Mr. Speaker, there is a mood in this country that seems to suggest that people can do things better if they are forced to do them. Those who urge wage and price controls are the chief prophets of that mood. They are convinced that only dogmatic, dictatorial, despotic wage and price controls can cure our economic ills.

I will not pause here to examine the psychological complexities involved in such suggestions. The problem is more suitable for the psychiatrist's couch than the legislative chamber.

But one thing is certain: the President in his speech on the economy has urged not wage and price controls—but old-fashioned self-control. It probably will come as a shock to many of our "new" economists, but self-control is still a powerful factor in human affairs. Until we are all controlled by computers, charts, and graphs, it is the human being's self-determined action that will make this a better world. And the President, scorning wage and price controls—which, aside from being dictatorial, never works—knows the American people. He knows that we can and will use self-control to ease ourselves through this period of transition.

CRUSADE FOR MORALITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ASHBROOK. Mr. Speaker, there is little need for me to comment on the contents of the following address; it says it all. The speaker, Martha Rountree, originator of the internationally known "Meet the Press" program and political commentator, delivered these fighting remarks to approximately 2,000 delegates of the national convention of the General Federation of Women's Clubs in San Antonio, Tex., on June 10 of this year. It would behoove the Members of Congress to note well the action taken by the delegates of this 11 million-member organization for they voted unanimously to invite all other organized women's groups to join in their mobilization of "women power" to fight crime and corruption in the United States. Such a coalition, appealing to women of all political persuasions on a moral-over-political basis, could zero in on a current moral issue with the staggering potential of an estimated 45 million votes.

I understand the address was received with a spontaneous and heartfelt enthusiasm.

I would wager, judging from the contents of the speech and its reception, that the ladies are fighting mad.

I would caution that one of their sighted targets is the Congress of the United States.

May they, with that same Divine assistance which guided our Founding Fathers, enjoy instant and increasing successes.

The address follows:

ADDRESS BY MARTHA ROUNTREE

Greeting: Madam President, honored guests, delegates, members of the General Federation of Women's Clubs of America and the world.

It is a privilege to be able to participate in this convention. I hope and I pray that I may be able to find the right words and the right inspiration to convey to you certain thoughts I have which I believe can make the big difference in the salvation of our country . . . at a time when I think you will all agree—we do have many serious problems.

Most of us remember the carefree days of our youth when the parks were fun places for the kids to play after school, when families looked forward to an evening at the movies, window shopping along the way back home, or a nice stroll after supper. These, and many other little innocent pleasures are not enjoyed by most of us who live in cities in this year 1970. We are afraid to be on the streets after dark.

CRIME

Last year there were—according to reports from police agencies throughout the United States—over 4,466,600 serious crimes in just the year 1968. These almost 4½ million crimes did not include close to a million automobile thefts. They did not include arson, petty larceny, burglaries which reached into the millions, robberies, aggravated assault and so on. They only included murders, rapes and brutalities. Kidnappings and hi-jackings came under additional statistics.

Police records show that a crime is committed every split second around the clock, day and night. And, as unbelievable as it may seem, the crime rate is getting worse, not better.

In 1968 the population rate here in the United States was up 11 percent, yet crime in the cities went up 122 percent. The chance of any of us becoming a victim of crime is much greater today than it was ten years ago. In fact, statistics show, as of this spring, that the risk of the American citizen becoming a victim of serious crime increased 16 percent in 1968 alone. 1970 is worse.

Home, often thought of as "Man's Castle" and looked upon as a sanctuary here in America can no longer be considered safe for women and children. It can be dangerous to be at home in 1970. Last year, 1969, daytime burglaries increased 247 percent over the 1960 figure. Kidnappings, rapes, murders, attacks on young children reached an all time high. Across the nation, small towns and big towns, few were exempt from danger.

This is unthinkable, unconscionable and unbelievable to most people. We have become so accustomed to reading about murder, rape, robberies, auto thefts, gangs, kidnappings, hi-jackings, wars, riots, communism, smut, dirt, pornography, dirty movies, dirty books, and even crime in the school house that we seem to have become immune to the very danger that lurks outside our own door. Or, could it be that decent people are suffering from a state of shock?

These things did not start happening all at once! They have been building gradually had plenty of warning but, like the warn- had plenty of warning but, like the warnings we have had about the danger of communism infiltrating our communities, our schools, our churches, our government, our industries, our courts and in some instances even our press, radio and television, we just could not believe it could happen here. We just seemed to take it for granted that in spite of all we read and all we heard that things were not really that bad. We preferred to believe that those who pled with us to listen were alarmists, extremists or crack-pots.

Certainly, it was an easy and excusable attitude to take in view of the fact the enemy is a past master in the art of propaganda. At every turn we have been brainwashed over the last 25 years—brainwashed into believing we were not and are not seeing what we are seeing. Ordinarily we are too smart to be told that what we see is not there, most especially if we can also feel it. But, when things seem so impossible and we feel so alone—what can one person do? We can't go out and single handedly take on City Hall. We feel an inner frustration, but so long as other people are just talking and no one is really doing anything, or so it seems, especially if there is no all out acion, we finally come to the conclusion it can't really be all that serious. It is a normal assumption to make.

YOUTH

For years now Mr. J. Edgar Hoover has been warning us of the dangers that threatened the youth of our nation. All that is going on now on the campus, on the streets, in gangs and mobs is the result of a buildup that was plotted and planned a long, long time ago by the enemy and Mr. Hoover's agency knew it and we were warned over and over again.

Fifteen years ago we were told definitely and positively that dope traffic escalation was headed for the United States and that the target was "the youth of America." No one believed it. At least not enough of us believed it to be able to stop it. Here again it was so easy for the average family in the average American town or city to look the other way. It was so easy to reassure ourselves that it just could not happen in our part of the country. With a shrug, most people thought to themselves—"it is to be expected from the other side of the railroad tracks or—in the big city slums, but not to us." We know now that there are two sides to the railroad tracks. And, that we can also be on the other side. We know it can happen anywhere, because it has been happening everywhere.

Here again, the warnings have been constant since 1945. Your congressmen and your senators were told and informed and they could have done something. But unfortunately they did not do anything and their constituents did not demand that they do anything. A few of them tried, but it takes a majority in Congress and for reasons hard to believe, the majority of our elected officials most generally seem to side with all that is bad for us. Frankly, in view of the record of so many of them today it is hard to believe it is all accidental.

NARCOTICS

I remember so well—Commissioner Harry Anslinger's warning to the Congress of the United States and to the public in the 50's—Mr. Anslinger was the United States Narcotics Commissioner. He kept pleading with those in power to do something about the narcotics threat to this nation. Under oath he testified before the U.S. Senate Judiciary Committee in 1955 and told them that "the enemy and most especially Red China, had singled out the United States as a primary target for its illicit traffic in opium and heroin. He told them that the way things stood at that time, that without drastic action, that not even the Army, the Navy, the Air Force and the Marines could stop the smuggling of narcotics into the United States." The United States Senate knew the danger, because the subcommittee that investigated the threat, told Congress the narcotic trafficking from the Chinese mainland and from North Korea was an insidious, calculated scheme of the Chinese Communist Regime to obtain operating funds and at the same time to spread the debauchery of narcotic addiction among the free nations, most especially the United States.

Our Government was warned. Congress was warned. We had all the evidence but no one would listen to Mr. Hoover, or to Mr. Anslinger. I have the proof of these warnings. In fact, I was editing a magazine at the time, and the entire story was published by our little magazine, but it got little coverage in the press. In fact, I cannot recall a single story being picked up on it, although we sent out hundreds of releases. We had expected it would be front page, and felt that we were really the Paul Revere of the year. I am sure many of you know the feeling—when you are aware of something and try to alert someone and it all falls on dead air. Actually, that is the story of our plight today. Dead, polluted air seems to block out communication.

And so today we have lived to see dope traffic become big business in the United States. And, there is good reason to believe that many elected officials in many towns and cities give organized crime the protection needed to keep it flowing. All the crimes listed on all the police blotters in the U.S.A. cannot compare to the crime that has been dealt our young people. They have been duped into dope. Many of them have been destroyed beyond redemption. Children as young as five and six years of age have become victims. It is said that these children, including some teenagers do not always know when they take the first dose. It can be put in a soft drink, a piece of candy, even the all American brownie. We have read about party refreshments being treated with LSD. Evil has no limitation once allowed to run rampant.

A PROMISE COMING TRUE

Perhaps by now you are thinking—why beat an old dog? We know this—so what is the answer? But I submit to you that what history does not teach it must repeat. We cannot find a solution to the ills that confront us and confound us unless we are willing to examine in detail the symptoms.

I am sure we all remember Nikita Khrushchev's threat to bury us. However, this was not original with him. Karl Marx was the author in his early "Blue Prints for Conquest of the Free World."

There is an even more important threat which has been made by the Soviets and one we should not ignore. Back in the 30's a member of the Soviet hierarchy by the name of Jerome Livshitz, boasted that they would destroy the United States and its capitalistic system one day without a war. That most Americans were so naive and so stupid it would not be necessary or economical to fight us in open combat. When pushed for the answer the Soviet official replied—"It won't hurt to tell you because you still won't believe it or understand. But, he continued—it is all so very simple. We will just make you rotten" . . . "Rotten to the core!"

And—ladies, look around us today. A lot of what we see is rotten. Look at the marquees over many of the local theatres throughout the United States—did you ever believe the time would come when you would feel like driving out of your way to avoid passing a neighborhood theater—because you did not want your children to see the pictures posted or the advertisements? Because they are so shocking!

Look at a great deal of the television fare today. A lot of it is not only unfit for young people, but disgustingly nauseating to decent citizens. I would be embarrassed to describe some of the things I have tuned in on recently. The early morning NBC "Today" program. An early evening program on Washington's Metromedia channel five . . . to just name two. On one early morning program a couple of weeks ago, Hugh Downs suggested that young children should leave the room. On the other program, which I mention as one out of many examples on TV today—there was a televised meeting in a nudists camp and the script was horrible, the action was shocking, and I can't describe it, and I am not so unsophisticated that I am not aware of such things, but I am civilized enough and decent enough to be revolted. Even the newspapers today have taken up the cudgels for smut and dirt. One story appeared on page two of a New York newspaper on sex experiments recently. I could not and would not dare even read the printed story aloud to you in this convention. Run down the list of the newly pub-

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lished books today and shudder. Read the reviews of some of the Broadway plays and other so called entertainment being offered the public. Read the national magazines and just check your newsstand and you will be shocked at the kind of filth and trash that is being offered for sale to anyone.

Everywhere we look and turn or look and read, we are finding smut, dirt, filth, vulgarity, perversion, homosexuality, abuses of every kind, crime, sadism, immorality and destruction of property and human values, dope is the kick of the times, vice has become respectable, young college girls and boys are cavorting on campus with the blessings of the faculties, David Susskind in NYC recently featured an hour program discussion between a group of young men and women, ages 18 to about 23 or 24 who were living together publicly and they were given the entire program time to explain why marriage was for the dopes. The list goes on and on. Only a month ago the Supreme Court ruled that a dirty movie which the people in Boston had ruled unfit to be shown there was legal and that it could be shown regardless of what the town folks thought. The list goes on and on and when and where it will end is going to depend on the action that is taken in the immediate months ahead.

You know when something starts rotting, the fibre rots too! In this case it is the moral fibre of our nation that is at stake. Is there anyone in his or her right mind who believes thousands and thousands of average American boys and girls from normal, healthy American homes in towns and cities from all over the United States, just all at once, all get the same identical impulse to start marching and throwing bricks, destroying and damaging public property, rioting and smoking pot, flaunting the enemy's flag and passing out L.S.D.? I don't believe it.

I believe it is happening—that is, that they are doing these things, but I do not believe it is the result of a mass impulse. I don't believe it is the signal for a revolution. I believe it is the end result of a concerted campaign staged by those who would destroy us, who have organized leaders going from campus to campus agitating and stirring up various groups to a point where the fever becomes contagious and the fact that everyone seems to be doing it at the time makes it all right to the immature and impressionable youth. The organizers know just how to arouse the kids. Regardless of whether the victims are actually guilty of wanting to do what they are doing—they are doing it. The result is the same. Along the way a lot of them get hurt, some permanently. The scars from dope and prison are ugly.

SUBVERSION

President Lyndon B. Johnson ordered an investigation of the ring leaders in the famed "March on the Pentagon" and the report revealed that most all of them were communists. The report was marked "Top Secret" and buried by the then Attorney General, Ramsey Clark. The reason given at the time was that he felt the revelation would just cause trouble. This report remains buried even today. Why?

The recent testimony of the F.B.I.'s Director, Mr. J. Edgar Hoover, reveals that most all of the leaders of the campus disturbances are either inspired communists or anarchists. It names and identifies these trouble makers. Yet these facts are not to be found in the press reports. Your congressmen and senators know, or should know, all about this and they should be doing something about it. A reprint of Mr. Hoover's testimony, taken under oath, before the House of Representatives Subcommittee on Appropriations, held March 5, 1970, was made public three and a half weeks ago. Few newspapers have seen fit to publish any of the shocking facts which this report contains. I have seen nothing about it on television. Yet, the so called youth movement, the rioting, the threat of the long hot summer ahead commands constant coverage. Because of this does it not seem rather strange to you that the cause of it all should be kept such a deep, dark secret?

Incidentally, as further proof of the enemies' effort to discredit law and order in the United States, and to show where this influence starts—my sixteen year old daughter tells me that Mr. Hoover and his FBI has had a real job done on them all along the way. My daughter, a high school senior, tells that most of her school mates are suspicious of everything Mr. Hoover says. The image of this wonderful man is being destroyed by the enemy in order to render him and his agency helpless to protect us.

The Chief Judge of the family court in Providence, Rhode Island, the Hon. Edward P. Gallogly, in writing for the FBI law enforcement bulletin this month says:

The Communist Manifesto openly declares that communist ends can be attained only by the favorable overthrow of all existing social conditions.

Thus, the technique is to attack the law, to encourage antilegal approaches to all problems, and to destroy what has become known as "the establishment".

All major institutions are vulnerable to attack and are being attacked—religion, family, school, and even motherhood.

Today he says we have what they call the new morality.

They refuse to listen to any one but themselves, yet demand the right to free speech, which they deny to others.

They refuse to swear to uphold the Constitution yet run to it for cover every time their liberty is challenged.

They find no good in the system but offer no alternatives. They disparage thrift, parental honor, motherhood, marriage, purity, and offer us debauchery, obscenity, homosexuality and free love. And we are now reaping the harvest from the attempted imposition of their new morality.

All crime, adult and juvenile, is on the increase. People are afraid to walk the streets, people are afraid in their own homes. Suicides and death from drug use among college students have risen alarmingly in the last four years.

Groups of our society are forming into armed camps. Filthy movies designed only to excite erotic behavior in the viewer are being shown in family theatres, and may soon invade your homes on the television screens.

Movie stars defy convention and live together without the formality of old fashioned barbaric tribal rites, as they call marriage.

College presidents are imprisoned, belittled, and spat upon because some rowdy element wants its "rights". The chief judge of the family court of Rhode Island asks—"Should we be concerned". . . and answers . . . "If, we are not, then we are truly a silent majority".

COMMUNIST PARTY—U.S.A.

In 1965 the Supreme Court of the United States ruled that the Smith Act was not legal. In fact it stated that "Communist Party members could invoke their constitutional privilege against self incrimination and refuse to register with the government as had been required by the Internal Security Act of 1950".

Result—the Communist Party considered this ruling a green light to become more active in mass agitation.

So, in June of 1966 the first 'out in the open', 'no holds barred' convention of the Communist Party U.S.A. was held at Webster Hall, 119 East 11th Street, N.Y.C. from 6/22 to 6/26 of that year. A transcript of that convention is a matter of congressional record and was reprinted in the Congressional Record and then made available to every single congressman and senator on Capitol Hill.

Communist speaker after speaker in that convention took to the podium to emphasize that the party must stride boldly into the area of political action, run candidates for public office, participate in community decisions, meet and influence noncommunists.

Briefly, but to give you a thumbnail outline of what was decided at that first open convention—resolutions were passed to:

1. Initiate intensive programs to increase its influence in the labor field. To quote a part of the resolution, it read: "We can anticipate that the party using the slogan 'labor is the key issue' will make every effort to increase its recruitment of industrial workers".

The report is long, direct, to the point and does not pull any punches. I have a copy of the convention proceedings and can arrange to have a copy made available to the Federation, if you are interested.

Other resolutions, to touch on just a few called for racial strife. Another to use the cry for peace as a weapon to weaken our cause for victory in Vietnam.

Also, and most importantly: A concerted effort to recruit Puerto Ricans and to agitate for their independence. Also, to enlarge the Spanish section in the communist newspaper printed in this country and elsewhere.

A resolution was passed to agitate for action by the Indians. To stir them up and make them demand what should be theirs. We have seen this happen. Only last week there was serious trouble, as reported in some of the newspapers.

The important resolution that was passed at this convention said they would: "Concentrate on the youth of America. Organize campus protests and generally get students involved in the communist work. They would incite riots. Stir up the public vs. Vietnam. Convince draft age young men they were brave not to be drafted".

There is much more. Everything they voted to do at that convention they have just about done. I have a copy of the convention, all the resolutions here and what I have told you is actually in these minutes—this is a verbatim transcript.

In view of all this, it is most difficult to understand how some of our United States congressmen and senators, men in offices of public trust, have the unadulterated nerve to get up and condone the so called student unrest and even attempt to justify it.

INACTIVE CONGRESS

It is true that the Supreme Court made it possible for this upsurge of communist power in this country, but Congress still could have done something to have avoided the things that we are now talking about. For one thing, if the Court could find a flaw or loophole in the Smith Act, Congress could have passed another law and made sure it did not have any loopholes. They could even have passed a law to make the law that was thrown out legal. They could have taken on the Court if they had wanted. There are a lot of good lawyers in Congress. The problem is, there are not a majority of good legislators. Congress has the most power of any body in this country, and it enjoys this power because we give it to them. It is about time some of them got it taken away. The time is this coming November.

We all remember the controversial Soviet Consular Treaty. Congress passed it, and with the Court's decision to declare it was unconstitutional to force communists to declare themselves by registering as foreign agents. . . . the enemy was now free to operate in the open. The grass roots of America became a ball park for Moscow. The increase in Soviet personnel in this country since 1966 has been unbelievable. The new figures on Soviet espionage and Soviet agents given in Mr. Hoover's report, which I showed you a few minutes ago, is shocking.

Here on the home scene, the President of the United States wrote a letter to the American Bar Association a few weeks ago asking for their help in trying to get some

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kind of legislation through Congress to curb crime. He asked Congress for this legislation at the beginning of his term in 1969. Nothing happened. In his letter to Mr. Bernard G. Segal, the head of the Bar Association, he said "No major crime bill had reached his desk for signature" and that 'the delay', as he put it 'was inexplicable'. He pled for help.

When the President took office he asked for a program which he felt met the needs of the time and one which he had promised the people in the United States. He was expected to deliver this program, yet no president can do anything if he is forced to wear congressional handcuffs.

1969 marks the only time in the history of this country when a president failed to get one single piece of the important legislation he asked Congress to give him. It is true a part of the draft bill got through, but not the reform bill he asked them to give him. It is true he got a small piece of legislation on crime, but nothing like the legislation that is needed to curb the crime that has enveloped this country.

Now it matters not whether you are a Democrat or a Republican—once an election is over the President of the United States' job is to serve the country first, and he cannot do this if his hands are tied by Congress. The President has asked for a major crime bill, over and over again. He asked for a draft reform bill, for electoral reform, postal reform, which we badly need, legislation to control the flow of narcotics, which should never have waited a single day, he asked for legislation to control the sale of pornography, smut and other allied commodities which need legal brakes. We asked for legislation to help the agricultural situation, for transportation, manpower sorely needed, welfare reform, social security geared to relate to inflation, manpower training, revenue sharing by states and so on. He got nothing. So, the American people got nothing.

For reasons which are hard to understand there are certain men in Congress who do not want to offend the radicals, the left, the right, the rioters and the members of organized crime. In the meantime things get worse. They are not going to get better until November. That is when the elections are held and after they get reelected some of them may make a few concessions. So Congress waits, but can we wait? Are we willing to wait? Will we wait? *The answer could be decided right here in San Antonio at this very convention.*

CONCLUSION

I did not come to San Antonio to talk politics but when the men we put into power are willing to pit that power against the welfare of the nation, then the issue becomes one of national emergency, not just politics.

I am a parent. My concern for the future of this country is two-fold, and I know that it is for everyone of you who has children or even grandchildren, and even if you are not fortunate enough to have children you are a part of a great country whose future is completely dependent upon our children today.

I know that your Federation has a number of important resolutions before this convention. Others are in various committees in your organization. They all deal with the very things I have been talking about this morning, and they are all so important it is difficult to know which one needs attention first. They all are uregntly needed.

This year marks the 50th Anniversary of the Women's Suffrage Movement. Fifty years ago this year women got the vote. It was a big thing according to the records. They were going to clean house. They were going to show the men how to right wrong. As far as I can determine from all records of the past and all I have seen during my adult life these past 50 years can be considered years of failure. Women have not exercised their vote properly. It could be the greatest weapon in the world against evil, but it has not even approached its potential.

Over the past fifty years we have lived through a second world war, emerged victorious against the enemy, rose to the position of the number one world power, and immediately began to forfeit it. We stood by and watched the Soviet Union, a broken and decimated nation in 1945 bluff us out of our position and responsibilities by slowly and gradually defeating us at every turn. We have watched one nation after another go down under the hammer and sickle. While the Soviet Union has been screaming colonialism to the free world they have been busy taking over as much of it as they can.

We need only look around the globe to see that every country in the world seems to be in some kind of serious trouble. We have two Koreas, two Berlins, two Chinas, two Vietnams and unless we are able to pry loose the wedge that seems to be slowly dividing this country we could live to see two U.S.A.'s. Consider the Berlin wall. The takeover of Cuba by Castro. The hi-jacking of the Pueblo. The price we have paid in both the Korean and Vietnam Wars. I have a brother in a veterans hospital as a result of the Korean War. He will never come home. There are American POWs in Chinese hellholes today left over and forgotten from the Korean War. The war we could have won and chose to regard as a conflict. The suffering of today's POWs as a result of the Vietnam War is beyond human understanding and human endurance. I choke on my food every time I think of someone over there at this very moment being tortured by monsters who have no regard for humans.

All of this has resulted because of a Congress that was not big enough to represent the people of America, and the women could have changed it if they had gotten together and tried.

We have lived to see the very essence of Americanism put in jeopardy. We have lived to see the youth of America the victim of our own weaknesses.

We have lived to see the things that made us great gradually whittled away.

Only last week a circuit court judge in Annapolis, Maryland barred enforcement of a new law requiring daily flag salute exercises in all Maryland schools pending a court test of the measure's constitutionality. For the past six or seven years the big debate has been—is God dead? The enemy would have us believe that he is. And if we can believe it then we should ignore all that is happening and let the world blow itself up. It would not be worth saving.

However, we know God does exist. There is so much proof all around us. And knowing this we then know that we will have the right kind of help in fighting for those things which are right. You cannot count the petals of a daisy, or check the mathematics of the stars, the perfection of nature, the unerring design of human beings, the order of the universe from human beings to the leaves on the trees—the way things are put together and the way they all follow a certain pattern, and not see and know God's foresight—his greatness and his knowledge. There is order and design which can be proved not only scientifically but to the naked eye, and we cannot stand by and let a godless enemy darken our perception towards the higher and worthier things in life. And with this knowledge must come faith. Faith that is needed by every woman in America. If we have faith and if we believe in the things that made us great, that brought us to the point where we even have a choice at this late hour then we can do something about the things which are troubling America and the world today.

First we can get your resolutions out in the open and we can get action on them. We can get action now.

You could not be meeting at a more propitious time in our history, here in San Antonio this week this convention has brought together the leaders in just about every community in America. And I understand from other parts of the world as well. You are here because you have been given a vote of trust by your membership back home. In short, you have influence. That influence may well be our salvation. Obviously there is no one else who is doing anything tangible about the problems under discussion. Business does not seem to want to take a position. It is bad for business. Why risk offending a customer? Politicians do not want to do anything right now, there is an election in November. Why offend a voter? The average man does not want to get involved. He might lose his job.

No one wants to offend the radicals, the hoodlums, the rioters, the dope peddlers, and all the other special interests, including organized crime. Everybody is so afraid of losing business, or votes or getting involved that those who would make us rotten have been able to stir up the biggest stink since the fall of the Roman Empire.

We read about the big Women's Liberation fight. Frankly I regard the movement as ridiculous. In fact, I feel like apologizing for being a woman. Today on TV they were marching in N.Y. and one woman was stark naked.

Even a decent liberation movement would seem silly. If women want any change of any kind they can get it very easily. They do not need to band together for a lot of foolish demands on men. All they need do is band together and put the right men in office. Men who will tell them the truth, protect their rights and vote the way they are told to vote. In short represent the people for a change.

And, if I seemed harsh on women earlier because they have not lived up to their promise 50 years ago, it is only because I believe that we have the most to lose and the most to gain by putting the responsibility of our vote ahead of every other interest outside of home and family, and here I believe the vote is the protector of the home.

I do not have a crystal ball, and I lay no claims to any unusual psychic powers. But, I do think you will admit that most women have pretty good intuition. That we can sense the urgency of a situation when it is really important. It was that kind of urgency which I felt when I received your invitation to speak here this morning. I felt I had to make this trip. I felt it and just seemed to know that if I could find the right words, if I could say the right things that perhaps I could convince you that you, the General Federation of Women's Clubs of America, are the only group in America who can save it. You can, right here in San Antonio this very week, call a special meeting or whatever your bylaws permit in case of extreme emergencies and you can start the wheels turning.

I have never before advocated or thought it a very good idea for women to organize against men. I have always been the first one to say "brains have no sex."

I have always regarded women, like men as people, and felt that it was silly to think in terms of pitting one against the other. I am proud to be married and the mother of two teenage daughters, who are not marching, or smoking pot. I am proud to be a woman and it has not interfered with a constructive and successful career.

But the time has come when I have come to one definite conclusion and I ask you to bear with me.

We rememeber the story of the women in Brazil in the early sixties when that country was on the verge of enemy takeover. At the 11th hour the women banded together and almost single handedly saved their country.

I think we have reached the 11th hour. I think it is time for women to mobilize and to band together, get on the telephone, ring door bells, appoint group captains in every section of every town and city, and to set up some new rules and list the things you want done and decide who can do it best in the field of politics and throw out the ones who can't and put in the ones who are willing to stand up and be counted and to do our bidding. This mobilized group of millions of women would also turn off the TV sets, initiate concerted drives against those things which are infecting our nation and in short—clean house. Once this is done we can then walk down the streets in safety, enjoy the parks, send our children off to school without fear and go back to enjoying being women.

Your Federation has made great strides in dealing with the problem of moral pollution. You have the guidelines set up. With the strength of your organization, and with the prospect of forming an alliance with every other women's organization in the United States, we could have a potential of over 45 million women working day and night to put the United States back on its feet.

I would like to think of such an effort as a "Crusade for Morality." Certainly your President, Mrs. Magee, has worked diligently to lay the groundwork.

It is possible to restore our country's greatness. It is possible to keep "In God We Trust" on our money. It is possible to keep our flag waving and to let our children pray. But only the organized efforts of millions of women are going to be able to do it. Women must "take a stand." The men can't and they won't. Those who want to and are in the minority should be invited to help us.

We can change things. It can only be done if you are willing to consider this an emergency. To be willing to raise your voices in unison so that our government hears it loud and clear. We need action. And we will get it if we band together and make those in power understand we will no longer tolerate do-nothingness about crime, corruption, narcotics, enemy inspired riots, and campus demonstrations. We want to eliminate moral pollution from the face of the United States of America. How many of you feel that something has to be done? How many feel that the time is now? That we cannot wait?

Are you willing to consider my plan? If you are, I am willing to put myself at your disposal whenever and wherever needed. I will use all the talent, expertise and energy I have to help you bring together every other women's group in the U.S. and later the world to accomplish our goals.

FREEDOM OF INQUIRY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, it has come to my attention that the gentleman from New York (Mr. LOWENSTEIN) has been denied the use of Oceanside High School's facilities for one of his congressional forums.

As one of those who has had the privilege of appearing in New York's Fifth District at a forum sponsored by Mr. LOWENSTEIN to discuss the volunteer army at Baldwin High School, I rise to simply state my disbelief at the events which have taken place at Oceanside High School. It is inconceivable to me that a Member of Congress would be classified as causing controversy, thus depriving him of public facilities and creating a confrontation with students and administrators.

I was pleased to have an opportunity to publicly discuss the difficult problems of a volunteer military at Mr. LOWENSTEIN's request and regret that Oceanside High School has taken the action they have.

Public discussion of issues is the essence of informed citizens in this Republic and should not be diminished or denied.

PUBLIC HAS NO OBLIGATION TO SUBSIDIZE PENN CENTRAL

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I place in the RECORD herewith an editorial from the Nashville Tennessean concerning the scheme to use the taxpayers' money to subsidize the Penn Central Railroad.

The editorial follows:

PUBLIC HAS NO OBLIGATION TO SUBSIDIZE PENN CENTRAL

The Nixon administration is planning to dump hundreds of millions of the taxpayers' dollars into an attempt to save the Penn Central railroad from bankruptcy.

Initially, the plan calls for the Defense Department to guarantee bank loans of up to $200 million for Penn Central. But in addition to this, the administration intends to ask Congress to authorize the Transportation Department to provide $750 million to Penn Central and some other financially troubled railroads.

The administration apparently does not need congressional authorization for the Defense Department to guarantee the $200 million loans. Thus there may be no way to prevent this almost certain give-away of taxpayers' money to prop up a railroad that is losing money steadily and heavily.

However, Congress can—and should—reject the effort to appropriate more tax money to throw away on a losing proposition. There is no reason why the taxpayers should have to put out one dime to subsidize a giant private corporation that is no longer making a big profit in open competition.

The Penn Central has run into hard times because of a number of factors—including horrible service to the public and constant bickering between top level executives of the two railroads, New York Central and Pennsylvania, which merged to form the Penn Central two years ago.

The railroad's service is so bad and indifferent that numerous big shippers have given up in disgust and turned to other forms of transportation.

For example, the traffic director of a large brewery in Cleveland said Penn Central's service today is the poorest he has seen in 35 years in the traffic management business, according to the Wall Street Journal. The traffic manager of B. F. Goodrich Co. said "if I can avoid using Penn Central under any circumstances, I am going to do it." The Pennsylvania public utility commissioner charged Penn Central with "a pattern of neglect bordering on contempt for the public."

These recommendations don't make the railroad appear as a sound investment for the taxpayers' dollars. The public money which the administration proposes to advance is represented as a loan. But only a dreamer would believe that this money could put Penn Central in the black and enable it to repay the loans. Any money put into the railroad would be simply a subsidy from the taxpayers to an unprofitable private industry.

Some members of the administration are puzzled over President Nixon's approval of this giveaway. One official expressed surprise that a Republican administration would bring government this close to "socialism" through subsidy arrrangements aimed at bailing out specific companies in trouble.

The answer requires an understanding of the political history of the Pennsylvania railroad, the dominant partner in the merger. The Pennsylvania has long been called "a Republican railroad" because its executives usually have been supporters of and heavy contributors to the Republican cause.

It seems likely the Republicans could swallow quite a bit of socialism in order to save this old friend and paragon of self-reliance and free enterprise efficiency. However, it is inconsiderate of the GOP to ask the public to pay off its own political debts and bail out a railroad that still displays a "public-be-damned" attitude.

SECRETARY HICKEL'S VISIT TO HELLS CANYON

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ULLMAN. Mr. Speaker, one of the most beautiful sections of the Second District of Oregon, and indeed, the Nation, is Wallowa County. This magnificent county, justifiably called the "American Alps," borders the breathtaking Hells Canyon of the great Snake River. This untamed stretch of the Snake River is the subject of controversy in my State because of conflicting plans for its future. On the one hand, a combine of public and private utility companies are proposing, pending a decision by the Federal Power Commission, to construct a new dam in this area. Many of the residents of Wallowa County support this proposal in the belief that the dam will generate sorely needed economic development. On the other hand, many Oregonians are seriously concerned that a new dam would detract from the natural beauty of the Hells Canyon and have a negative effect on the ecology of the river.

Recently, the Secretary of the Interior, Walter Hickel, visited the Hells Canyon to see the situation for himself. The visit of the Secretary, and the illustrious members of his party, Burl Ives and Arthur Godfrey, was most welcome. The trip should have provided an excellent opportunity for Secretary Hickel to hear both sides of the issue first-hand from those most concerned with the area's future. Unfortunately, this was not the

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happy result. I have received several letters from residents of Wallowa County, expressing dismay that despite their attempts to meet with the Secretary, they were turned away. I insert excerpts from these letters in the RECORD.

I greatly appreciate Secretary Hickel's interest in the future of Hells Canyon. I hope, however, that he will not consider that his trip was completely successful. Looking at the area of controversy is only one aspect of the investigation; listening to those most familiar with the country is certainly also a necessary part of the job.

The letters follow:

UNION, OREG., *June 1, 1970.*

Congressman AL ULLMAN,
House of Representatives,
Washington, D.C.

DEAR AL: While visiting in Wallowa County recently I was shocked to learn of the strange treatment given a group of the county's residents by Secretary of Interior Walter Hickel.

Upon learning of Secretary Hickel's schedule an attempt was made by the local people for an audience with him and his accompanying celebrities. This request was denied because Mr. Hickel did not want any power groups present. After it had been adequately explained this was not a power group they were denied an audience because three weeks' notice would be necessary for a security clearance. (It is very interesting to note the Hickel-Godfrey-Ives group visited with a group of Washington State University students who were conducting an environmental camp-in. I wonder if such a security check was made on this group.)

It is most disturbing that Secretary Hickel turned a deaf ear to local residents whose present and future depends so much on the decisions made by government officials. Certainly it is a sad situation when the Secretary of Interior completely ignores the judgment of the local residents before making his ill-advised decisions. In my opinion it was very thoughtless of him to completely deny them an audience.

One cannot help but compare this conduct with your kindness and consideration as demonstrated to the residents of this same area during your visit about two weeks ago.

I have visited with some of the local people regarding this situation and find they prefer the judgment of the residents of the area and their elected representative in Congress to the opinions of the Secretary's self-appointed "experts".

If my memory serves me correctly, only a few weeks ago Secretary Hickel was urging the President to listen to the voices of the disturbed college students. I am quite perplexed because it seems he did not show the same concern for the rights of Wallowa County people to be heard. Perhaps if we could visit with Secretary Hickel himself we might better understand his views.

Of course there is always the chance someone on the staff may have been overly protective and believed he was shielding Secretary Hickel from too many citizens demanding his attention.

This country was founded and has progressed through the years under the supposition that government is by the people and for the people. If our President believes this to be true he can do no less than advise Secretary Hickel of the obligations of his office to the people he is supposed to serve, and instruct the Secretary to meet with a Wallowa County delegation and listen to the views of the people most concerned.

Sincere wishes and best regards,

WILLIAM (BILL) COOPER.

WALLOWA COUNTY BOARD OF REALTORS,
May 27, 1970.

Representative AL ULLMAN,
U.S. House of Representatives,
Washington, D.C.

DEAR AL: As we talked this morning you are aware that we have only 6330 people in Wallowa County and that our income is the lowest per capita of any County in Oregon and that we neither have numbers or wealth to stop the rich from making a discriminatory playground out of around a third of our County and keeping any more Hydro electric Dam projects from being built on the Snake River. If we had the Mountain Sheep or Appalousa Dam built we would have enough power to ensure a continuing supply to an Industrialist that we have who has expressed interest in bringing in one or two payrolls in this County. You know we have lost all of our Sawmills except one and may loose it.

Friday afternoon and evening Mr. Walter Hickel, Secretary of the Interior, Arthur Godfrey, and Burl Ives were at the Lewis Clark Hotel in Lewiston, Idaho prior to going up the Snake River by boat. Several People asked that the Wallowa County Board of Realtors ask if they might bring a cross representative group of six people to Lewiston and talk with these gentlemen and bring them views of the people most effected by the proposed H.R. 15444. Sen. Packwood proposed Hells Canyon-Snake National River Bill, the 8 year no Hydro Development Moratorium on the Snake River, and your H.R. 16437 Hells Canyon Recreational Area Bill.

We were told no we could not come to talk with these gentlemen or attend the Social Hour or the Banquet. Mr. Floyd Harvey the man in charge who has chartered trips up the Snake said if the applications were in three weeks ago we may have been allowed to attend. (Three weeks ago no one here was aware of any forthcoming meeting of this type) He said "Wallowa County was represented, the Governor had been invited and some residents", when I asked him who he did not know who they were. No one seems to know anyone from Wallowa County that had an invitation.

Our Wallowa County Board of Realtors composed of members in Real Estate and Affiliate Members from many interests and Civic groups including County Court voted against the two Park Bills and the Moratorium on the Snake as they feel any one of the three would be detrimental to the economy of Wallowa County.

Since there are to few of us to march on anything or demand Godfrey or Ives homes be turned into exclusive playgrounds we asked all Citizens to help us defeat the 8 year Moratorium Bill on the Snake and the Park Bills.

Sincerely yours,

PEARL H. INGLE,
Secretary Treasurer.

ARE TEAR GAS AND HERBICIDES PERMITTED WEAPONS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. FRASER. Mr. Speaker, yesterday my esteemed colleague from Wisconsin (Mr. ZABLOCKI) and I discussed in separate statements the failure of the administration to place before the Senate as pledged the question of ratifying the 1925 Geneva protocol. The protocol prohibits the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare.

This delay in submitting the protocol to the Senate for advice and consent appears due, in part, to the administration's interpretation of the protocol. To hold that the protocol does not prohibit the use of tear gas and herbicides in war is controversial and a view held by a small minority of the signatories to the treaty. This is pointed out in the following comment by Jozef Goldblat which appeared in the April 1970 bulletin of the Atomic Scientists. Mr. Goldblat is presently a member of the Stockholm International Peace Research Institute in Stockholm.

The article follows:

ARE TEARGAS AND HERBICIDES PERMITTED WEAPONS?

(By Jozef Goldblat)

The present official position of the United States with regard to irritants such as tear (lachrymatory) gas, and chemicals affecting plants such as herbicides is, by and large, as follows:

1. The prohibition under the 1925 Geneva Protocol does not cover the use of tear gas in war.

2. The United States has been consistently opposed to such prohibition ever since the question arose.

3. Herbicides are not covered by the Geneva Protocol. The use of chemicals affecting plants is not prohibited. It was never seriously and conclusively discussed in international forums.

My purpose here is to examine whether these assertions are correct.

In 1924, a special Sub-Committee of the League of Nations Temporary Mixed Commission was set up to study the effects which would be produced by the use of chemical and bacteriological weapons and to give the public an accurate conception of the dangers which it had to fear.

The Sub-Committee consulted qualified experts—chemists, physiologists and bacteriologists from various countries including France, Italy, Germany, Belgium, Denmark and the United States—and received authoritative opinions. These were included in the report of the Temporary Mixed Commission of July 30, 1924, which stated that the agents used in chemical warfare could be classified according to their effect on the human body as (1) irritant (lachrymatory, sneeze-producing and blistering) agents, (2) suffocating or asphyxiating agents and (3) toxic agents.

The report was brought to the attention of governments by the Council of the League of Nations. It served as a basis for discussion at the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, convened at Geneva on May 4, 1925. No objection was voiced at that time to prohibiting chemical warfare in the sense given it by the Temporary Mixed Commission, and as classified by that Commission.

On June 17, 1925, the Conference adopted the Protocol prohibiting the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare. Since asphyxiating and poisonous gases were specifically mentioned, the word "other" could refer only to the third remaining category of chemical agents, namely irritant agents.

The first public controversy about tear gas started on December 2, 1930, at the twentieth meeting of the Sixth Session (Second Part) of the League of Nations Preparatory Commission for the Disarmament Conference, with the presentation of a memorandum by the British Delegation. Referring to the English text of the Geneva Protocol of 1925, it said: "Basing itself on this English text, the British Government have taken the view that the use of 'other' gases, including lachrymatory gases was prohibited."

The French stand, made known on the same day, was even more categorical. In a special note the French Delegation stated:

"I. All the texts at present in force or proposed in regard to the prohibition of the use in war of asphyxiating, poisonous or similar gases are identical. In the French delegation's opinion, they apply to all gases employed with a view to toxic action on the human organism, whether the effects of such action are a more or less temporary irritation of certain mucous membranes or whether they cause serious or even fatal lesions.

"II. The French military regulations, which refer to the undertaking not to use gas for warfare (gaz de combat) subject to reciprocity, classify such gases as suffocating, blistering, irritant and poisonous gases in general, and define irritant gases as those causing tears, sneezing, etc.

"III. The French Government therefore considers that the use of lachrymatory gases is covered by the prohibition arising out of the Geneva Protocol of 1925 or Chapter IV of the draft Convention.

"The fact that, for the maintenance of internal order, the police, when dealing with offenders against the law, sometimes use various appliances, discharging irritant gases cannot, in the French delegation's opinion, be adduced in a discussion on this point, since the Protocol or Convention in question relates only to the use of poisonous or similar gases in war."

The fact that the ban on the use of tear gases had been included in the French military regulations shows that the French government never entertained any doubt as to the applicability to such gases of the Geneva Protocol, which it was the first to ratify.

DIFFERENT VERSIONS

The dispute was ostensibly provoked by a discrepancy between the French and English versions of the text of the Protocol. The French word "similaires" (with reference to gases) appeared in the English text as "other." Thus the French version would have seemed more restrictive than the English. However, the French understanding of the word "similaires"—and it is this interpretation which must be considered authentic and therefore authoritative—is in fact all-embracing. In this particular case, "similaires" has the same meaning as "other."

Neither was there any doubt in the mind of other speakers at the same meeting of the Commission as to the correctness of the interpretation given in the British memorandum, namely that the use of tear gases was prohibited by the Protocol of 1925. The only exception was the U.S. Representative, Hugh Gibson, who said that there would be considerable hesitation on the part of many governments to bind themselves to refrain from the use in war, against an enemy, of agencies which they have adopted for peacetime use against their own population. And this in spite of the fact that the English version, accepted by the U.S. delegation in 1925 and containing the term "other," did not lend itself to ambiguity. If at the time of signing the Geneva Protocol the United States had wished to restrict the prohibition to lethal gases, it would have asked to employ an appropriate term in the text.

In any event, this was, to my knowledge, the only official U.S. statement, made before an international audience, admitting the possibility of use of tear gas in war, until American troops got involved in the Vietnam hostilities. A mere conjecture made in 1930, which the United States itself had subsequently discarded, took the shape of an ad hoc argument 36 years later when the U.S. representative at the twenty-first U.N. General Assembly spoke about the actual use of tear gas in Vietnam.

TEAR GAS BANNED

The record shows that after December 1930 a number of conclusions reached and resolutions adopted by the League of Nations bodies confirmed that tear gas was included in the category of banned weapons. The United States was no longer opposed to such an interpretation of the prohibition of chemical warfare and repeatedly stated that it was against the use of tear gas in war.

Further debate was concerned neither with the interpretation of the Protocol, which was clear to all, nor with altering its meaning, but rather with the strengthening of its provisions by extending the ban to cover the very possession of chemical weapons.

Divergencies arose only with regard to the question of whether the manufacture, import and export of substances suitable both for peaceful and warlike purposes, including tear gas, should and could be forbidden, or at least restricted within the framework of the then contemplated prohibition of preparations for chemical warfare. No one denied the right to use tear gas in time of peace for police operations.

The Special Committee of the Disarmament Conference in its Report of May 31, 1932, included in the definition of chemical weapons all substances having a harmful effect. No account was taken of the degree of harmfulness of these substances. The Committee accepted the U.S. view that the use of lachrymatory gases for police purposes could not be open to any objection, but was of the opinion that lachrymatory gases should not be considered separately from the point of view of their use in warfare.

Resolution I submitted by the Committee to the General Commission of the Disarmament Conference contained the declaration that "there should be included in qualitative disarmament the use, for the purpose of injuring an adversary, of all natural or synthetic noxious substances, whatever their state, whether solid, liquid or gaseous, whether toxic, asphyxiating, lachrymatory, irritant, vesicant, or capable in any way of producing harmful effects on the human or animal organism, whatever the method of their use." (Qualitative disarmament meant absolute prohibition of certain categories of weapons.)

On June 27, 1932, in the General Commission, the American representative read out a statement of the instructions issued by President Hoover to the U.S. Delegation to the Disarmament Conference. The program of disarmament presented to the Conference included a proposal for the abolition of all chemical warfare.

On November 8, 1932, in the course of the discussion on the report, submitted earlier by the Chairman of the Special Committee in the Bureau of the Conference, U.S. Representative Wilson said: "There was no question of its [tear gas] use in time of war, but the U.S. Delegation would have difficulty in undertaking to give up the preparation and employment of this gas for local police purposes." He also suggested the inclusion in the report of a provision authorizing the training of the police in the use of gas for local police purposes. (It was taken for granted that the training of armed forces in the use of tear gas should be forbidden.)

In the course of the discussion in the Special Committee on Chemical, Bacterial and Incendiary Weapons, meeting in November and December of 1932, the U.S. representative said that the American government was willing to forego the use of lachrymatory substances for military purposes in war time. While therefore in favor of prohibition in this sense, the U.S. representative urged that the use of lachrymatory gases for police purposes and for protecting private property should be permitted. He felt that special regulations could be introduced which would prevent abuse.

The French delegate then drew attention to the difficulty of regulating the use of lachrymatory substances. Thus, for instance, a lachrymatory substance used even before World War I by the French police in arresting dangerous criminals, was used for charging asphyxiating shells during the war. He stressed that in strong doses or when used under certain conditions, all lachrymatory gases could be poisonous, and some were even poisonous in small doses.

The Committee suggested that, in order to avoid abuse, a State wishing to use lachrymatory substances should be compelled to inform the Permanent Disarmament Commission. It should state the substances used, the implements which it proposed to employ and their number. The Commission would examine the question whether there was any disproportion between the arms notified and police requirements.

The U.S. Delegation did not object to the above suggestion. At the January 1933 meeting of the Bureau of the Conference, it questioned the requirement of submitting a list of lachrymatory substances and appliances, as imposing an extremely arduous task, but it was not opposed to the principle of restrictions.

U.K. CONVENTION

The United Kingdom Draft Convention, submitted to the General Commission of the Disarmament Conference on March 16, 1933, contained the following provision: "The prohibition of the use of chemical weapons shall apply to the use, by any method whatsoever, for the purpose of injuring an adversary, of any natural or synthetic substance harmful to the human or animal organism, whether solid, liquid or gaseous, such as toxic, asphyxiating, lachrymatory, irritant or vesicant substances."

It also stated: "The High Contracting Parties shall inform the Permanent Disarmament Commission of the lachrymatory substances intended to be used by their authorities for police operations as well as of the number of the various appliances by means of which they are to be utilized."

No opposition was voiced by the U.S. Delegation to the first provision. With regard to the second, the United States proposed the following amendment: "The High Contracting Parties undertake to inform the Permanent Disarmament Commission annually of the lachrymatory substances used by their Governmental agencies or instrumentalities for police operations, as well as of the number and character of the various appliances by which the said lachrymatory substances are utilized."

The proposed change again confirmed the readiness of the U.S. government to accept restrictions on the use of tear gas even for internal police operations.

Thus there is strong evidence that whatever changes it might have still undergone, the Draft Convention, when adopted, would have included clauses explicitly prohibiting the use of lachrymatory gas in war.

PLANTS AND ANIMALS

The above may apply to the use of chemicals harmful to plants.

In its Report of May 31, 1932, the Special Committee of the Disarmament Conference stated that the prohibition should extend not merely to substances harmful to human beings, but to those harmful to animals. The Committee explained that no special reference was made to vegetables because it was felt that in practice it would not be possible to employ, for the purpose of damaging vegetables, substances which were not also harmful to human beings or animals, or which were not likely to make the vegetables harmful to them.

The statement based on the level of science of the early thirties can hardly be interpreted as permitting the use of substances harmful only to plants. Any doubt on the subject will be dispelled on reading Resolution II adopted by the said Committee with regard to bacteriological weapons. The Committee declared:

That all methods for the projection, discharge, or dissemination in any manner, in places inhabited or not, of pathogenic microbes in whatever phase they may be (virulent or capable of becoming so), or of filter-passing viruses, or of infected substances, whether for the purpose of bringing them into contact with human beings, animals or plants, or for the purpose of affecting any of the latter in any indirect manner—for example, by polluting the atmosphere, water, foodstuffs, or any other objects—should be included in qualitative disarmament.

The resolution was adopted unanimously; the United States was a member. It would follow by straight analogy that the use of chemicals to destroy plants of the adversary was never considered permissible.

The aim of all the discussions on chemical and bacteriological weapons was to prevent the use of weapons directed solely against living organisms. Certain recently developed chemicals capable of damaging plants, even though harmless to people or animals, were unknown when the question was before the League of Nations. But it can be assumed that if they had existed, they would have been explicitly banned. What mattered was the target—men, animals, plants—irrespective of whether the means used were chemical or bacteriological.

More recent history has confirmed this approach. Protocol No. III, modifying and completing the Brussels Treaty of 1948, which was signed by the Members of the Western European Union in October 1954, defined chemical weapons as "any equipment or apparatus expressly designed to use, for military purposes, the asphyxiating, toxic, irritant, paralysant, growth-regulating, anti-lubricating or catalysing properties of any chemical substance." The term "irritant" has all along been understood to include tear gas. The term "growth-regulating" can apply only to plants.

The preceding analysis seems to provide sufficient evidence that the ban on the use of irritants such as tear gas and chemicals affecting plants such as herbicides constitutes part and parcel of the rule of international law prohibiting chemical warfare.

The opinion prevailing in the United Nations was best expressed by the U.N. Secretary-General. In his foreword to the report on chemical and bacteriological weapons and the effects of their possible use, issued in 1969, he urged the members of the United Nations "to make a clear affirmation that the prohibition contained in the Geneva Protocol applies to the use in war of all chemical, bacteriological and biological agents (including tear gas and other harassing agents), which now exist or may be developed in the future."

NO BETTER WAY TO GET FACTS THAN BY PERSONAL VISIT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DULSKI. Mr. Speaker, there is no better way to have an understanding of problems in the field than to go to the scene and see for yourself, talk with the people, talk with local experts, and obtain a true feeling of the atmosphere.

Millard C. Browne, editor of the editorial page for the Buffalo, N.Y., Evening News, has just returned from a tour of the Far East, in which he visited several key countries.

Mr. Browne is a distinguished editor and columnist who has won many awards for his perceptive writing on matters of local, national, and international concern.

His trip to the Far East has given him an insight into the difficult international problems of that area with which our country has become so intimately concerned.

No matter how many books you read, no matter how many periodicals you study, no matter how many television reports you watch, it is only by on-the-spot study and reporting that you can obtain the real feel of the conditions and understand the complexities of the geography, of the economics, of the politics, and of the national spirit of a community, a state, or county.

VALUE OF PERSONAL VISIT

Mr. Browne has set a fine example for his profession by taking the time to make this personal visit to the Far East. There can be no question of the value this information will be to himself and his readers.

Mr. Speaker, Mr. Browne already has a national reputation in the field of journalism, having been a repeated recipient of honors from the Freedom Foundation. He was a Nieman Fellow in 1942, and has been a member of the Pulitzer Prize jury for newspaper competition.

He is a former president of the National Conference of Editorial Writers, and as a longtime member of Sigma Delta Chi, he helped to found the Buffalo area chapter in 1966 and was its first president.

He is a member of the American Society of Newspaper Editors, and is chairman of the Right-to-Know Committee of the New York Society of Newspaper Editors.

He has been with the Buffalo Evening News since 1944, became its chief editorial writer in 1953, and recently was elevated to the position of editor of the editorial page. Mr. Speaker, Mr. Browne has begun a perceptive series of articles on his trip, and as a part of my remarks, I include the first two in the series:

WEALTHY HONG KONG IS DAZZLING BUT JITTERY IN EAST-WEST MARRIAGE

(By Millard C. Browne)

(NOTE.—The News editorial page editor has just returned from the International Press Institute Assembly in Hong Kong and a post-assembly IPI tour of Taiwan, Korea and Japan. Here is the first of his reports.)

HONG KONG.—A cartoon book that neatly captures the sights and sounds of this vast, bustling, spectacular shoppers' and shopkeepers' paradise of the Far East sums it up in one neat phrase:

"Hong Kong is a money-splendored thing."

It is that indeed. Despite inflation and an ever-rising flood of tourism, Hong Kong remains the world's most fabulous shopping mart. It has one of the world's most spectacular harbors, and it is still a most dazzling place for bug-eyed sightseeing.

But Hong Kong is also, at another level, a great marriage of convenience between the free world and Communist China. It is not only where East meets West culturally and commercially, but it is also a great two-way window for Red China to peer out at the rest of us, and for the outside world to peek as best it can into mainland China.

"CHINA WATCHING"

Diplomatically and journalistically, this has long been the No. 1 listening post for information about Communist China, the No. 1 headquarters for the highly specialized profession known as "China watching."

What impresses even the casual tourist, however, is how bold and blatant Red China's presence has become in this capitalist merchants' heaven. Right in the heart of Hong Kong, Communist Chinese run their own schools and propaganda movies. And in the midst of the Kowloon tourist center, between the swank Peninsula Hotel and its newer sister, the Hong Kong, one can spend a fascinated hour just wandering through a great shopping arcade called "China Arts and Crafts Ltd."

Here the smiling visage of Mao Tse-tung and his revolutionary exhortations, blazoned in red, stare at one from nearly every pillar. Here may be purchased—at prices competitive with any Hong Kong capitalist—every kind of Chinese artware from antique to modern.

NEW-STYLE GOODS

A few years ago, Americans had to beware of such lures, for nothing could be brought through customs without a certificate proving origin elsewhere than mainland China. But the Nixon administration has now somewhat eased this edict, so shoppers may buy at least the trinkets that catch their eye.

What they will quickly notice in this Peking showplace, however, is that most of the goods have been restyled in the revolutionary manner. In place of familiar lotus blossom figurines or jade Buddhas, one will find jade-carved Chinese peasants striking heroic poses, or a beautifully carved and inlayed lacquer chest with a worker astride a tractor, telling no doubt the story of Mao's revolution.

And in the book department, one will find 36 (count 'em) neat stacks of "Quotations from Chairman Mao Tse-tung," each published in a different language—from Swahili and Senegalese to Thai and Nepalese.

FABULOUS VIEW

For all its accent on the dollar ($1 U.S. equals $6 HK). Hong Kong is, to any tourist, a many-splendored thing with or without money. The view, from almost anywhere, is fabulous—whether circling in for a landing, or seeing Hong Kong (Victoria) Island silhouetted across the harbor from Kowloon, or seeing the Kowloon side from Hong Kong.

The picturesque harbor itself is one of the endlessly fascinating sights, with its junks and sampans, ferries and freighters, tugboats and passenger liners all criss-crossing every which way in an ever-shifting kaliedoscope—marred only by drifts of smog created by the newly-motorized junks.

TEEMING STREETS

Seen casually from the harbor, both Kowloon and Hong Kong look like very modern, western metropolises, except for neon-blazoned Chinese characters on many of the towering office buildings. But traveling through the streets, one quickly discovers that, for all of its very British facade, Hong Kong is at heart a swarming mass of Chinese humanity.

A Sunday stroll from the top of famous Cat Street down Ladder Street through alleyways bustling with literally thousands of Chinese shops is enough to make one wonder if this can be the same world one saw from the harbor. Only after a thorough saturation in the sights and smells, the clatter and clutter of these unbelievably crowded native streets do the population statistics begin to make sense.

XUM

They describe today's Hong Kong as a community of more than 4 million people, seven times as many as lived there in 1945. Only about 40,000 are British; some 98½ per cent are Chinese. That is for the entire Crown Colony which embraces 236 islands and a part of the mainland known as the New Territories.

Hong Kong depends for its very existence, of course, on water and food lifelines leading into Red China. Britain's 99-year lease with China for the New Territories, moreover, will expire in another 27 years. So all that has been invested there, including new housing for hundreds of thousands of refugees from the mainland, could theoretically revert to Peking control in another generation.

BUBBLE COULD BURST

But none of Hong Kong's busy merchants, bankers or tailors seems to be losing much sleep over that prospect. For if Hong Kong were not a "marriage of convenience"—one which suits Red China as much as it does the Western-oriented tourist and trading interests—the whole bubble could burst overnight, and everyone here knows it.

The fact is that Communist China draws many advantages from letting Hong Kong thrive as it is—including about half of its total dollar exchange. So Hong Kong continues one of the great free cities of the world.

And if the bargains aren't nearly as good as they were a few years ago—which they assuredly are not—don't blame it on the Communists. For they're competing here too, doing their bit to drive prices down. Blame it rather on your millions of fellow tourists, who have shopped so greedily that it will now cost you about two-thirds as much to have a good suit made here as it would cost to buy it off the rack at a first-class store in Buffalo.

Chiang Retains Dream, But Softens Rhetoric In More Relaxed Taiwan

(By Millard C. Browne)

Taipei, Taiwan.—This beautiful island which the first Portuguese explorers called Formosa but the Chinese call Taiwan, looks so peaceful and prosperous, and its people generally seem so happy, that it is easy to forget its special significance as the refugee capital of an aging Free China Army and government which has now lived more than 20 years in exile.

Most of Taiwan's 14 million people, in fact, weren't even born when Chiang Kai-shek brought the tattered and beaten remnants of his mainland army here to rebuild for another round in the Chinese civil war he has never for a moment admitted losing.

He has kept his dream of eventual reconquest of the mainland alive ever since 1949. But now, with Chiang himself nearing the middle 80s and his old soldiers long since turned into road-builders, craftsmen and bureaucrats, it's a much mellower dream than it was even a dozen years ago.

COULD BE MISLEADING

To a hasty visitor whose impressions of change are based on only one quick previous visit in 1958, a sense of contrast can easily be misleading. But both the people we've seen in Taiwan and the rhetoric of the officials seem made more relaxed now than then.

Gone are the fierce threats of imminent attack on the mainland and the bristling aura of military prepardness. In their place is a distinctly civilian air of thriving prosperity—but with a seeming undercurrent of uneasiness as if the present condition is a little too good to remain true.

For our touring International Press Institute group of editors and publishers from 40 free world countries Chiang Kai-shek himself struck the keynote at an hour-long tea reception. Standing erect and sprightly, the bald generalissimo challenged the world press to compare every aspect of life in the "model province of Taiwan" with conditions on the mainland.

OFFERS COMPARISON

"We know," he said, "the people on the mainland are fully convinced the day is coming when we shall return. All we have done here in 20 years is in preparation. We have built Taiwan as a model province for the new China, attuned to the three principles of peoples—nationalism, democracy and livelihood."

He invited comparison with Mao's regime on each count, noting repeatedly the "sharp contrast" between conditions on Taiwan and the way Mao had destroyed Chinese national customs and traditions in favor of internationalism; how Mao had used his so-called "new democracy" to deprive the people of all liberty in order to manipulate them for the regime's power, and how he had undermined the people's livelihood by depriving them of all personal freedom of action and movement.

Chiang posed the issue as "tyrannical government vs. a government of benevolence" and concluded: "Only a government of benevolence will reach the hearts of men." His hope of free China eventually returning to the mainland, he emphasized—in "sharp contrast" with the language his regime was using 12 years ago—rests "not primarily on military force but on political force as well as our national culture and spirit."

WORRISOME WEDGE

While a part of the IPI group spent one day inspecting the small heavily-armed and often-shelled island of Quemoy, just off the China coast, the rest were flown to see the magnificent new highway cut into the sides of the solid marble cliffs of Taroko Gorge near the east-coast village of Hualion.

The highway, an engineering marvel, had been built in three years by retired soldiers—that is, by the veterans of Chiang's famous "aging army." The ex-soldiers from the mainland have been put to work on many such special civilian-type enterprises. One we visited is a large marble quarry and plant where several hundred veterans turn out polished marble craft items.

Underlying the emphasis on veterans reemployment is some obvious anxiety about the wedge which mainland Communist propaganda keeps trying to drive between the native Taiwanese and the mainland Chinese refugees who still seem to hold most top jobs in the Free China government.

CHIANG DEFENSIVE?

Chiang himself referred somewhat defensively to the problem, terming the "so-called Formosa Independence movement" as "one of the most ulterior" of Communist propaganda efforts. The Chinese on Taiwan, he insisted, "are all one people—just ask any villager or shopkeeper."

While that was a fairly safe challenge, since we were all leaving the next morning and most of our English-speaking guides were mainlanders anyway, some "Old China hands" traveling with us thought that on this point Chiang was protesting a bit too much. They had no doubt that tensions between Taiwanese and mainland Chinese did exist, nor that most key figures in the national government were mainlanders.

As for the broader challenge to compare life under Chiang with life under Mao, our group of free-world journalists obviously had no credentials for attempting an objective evaluation, since Peking has issued no comparable visas or invitations.

MORE SECURE

All one can say, on the basis of a two-day guided glimpse of Taiwan, is that civilian life seems quite relaxed and prosperous. Also the old Chinese culture is very much in evidence, whether in neatly walled and gardened city neighborhoods or in the self-contained and tidy villages we saw. It was almost impressively on display at the National Palace Museum, a magnificent and ultramodern Taipei showplace.

While the military is still much in evidence, the signs of a police state are much less so than this writer remembered them in 1958. Chiang himself was conspicuously guarded, as was the long road to the beautiful Sun-Yat-sen memorial palace where we met him—but no more so than the Secret Service guard which typically surrounds our President.

All in all, this independent Chinese province of Taiwan seems both more secure than it once did, and less likely to try any foolish military escapades against the mainland. But what will happen after both Chiang and Mao depart is another question. They are the last of the World War II power figures still standing on the world stage. They can't have very long to go, and neither China, nationalist or Communist, will be the same without them.

HELP FOR COMMERCIAL FISHERMEN

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ASHLEY. Mr. Speaker, the discovery in April of extraordinary amounts of lethal chemical mercury in fish catches in Lake St. Clair and Lake Erie has further dramatized both the costliness and essential inequity of water pollution. The health hazard posed by the dumping of mercury-laden industrial wastes into lake waters led to banning of commercial fishing in these waters by Canadian, Michigan, and Ohio authorities, followed later by the granting of permission to fish under severely restricted conditions, including the confiscation of tens of thousands of pounds of contaminated fish.

The impact of these events on hundreds of hardy souls who engage in lake fishing for their livelihood has been nothing less than catastrophic and even more widespread injury to commercial fishermen—through no fault of their own—is likely because of the pollution of our waters which we have permitted and continue to permit. Even with vigorous pollution abatement programs and strict enforcement of water quality standards, we can expect more fishery failures in a number of domestic fishing areas for some time to come.

It is for these reasons, Mr. Speaker, that I have introduced a bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government, because of deterioration in the quality of the aquatic environment.

Specifically, the bill would establish a grant program to be administered by the Secretary of the Interior to help commercial fishermen meet the usual business expenses which, but for the economic loss caused by the imposition of restrictions, they ordinarily would be able to meet. The formula providing for payments not to exceed 70 percent of lost

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earnings parallels that which Canadian fishermen have received from their government in the past and which is again available as a result of restrictions adversely affecting their fishing activities in the Great Lakes stemming from the recent mercury contamination.

In accepting a grant under the program, a commercial fisherman would assign to the Secretary all rights to recover damages against any party for committing or failing to commit acts which resulted in the imposition of restrictions. Any damages recovered by the Secretary in excess of the amount of the grant and the administrative expenses of recovery would be paid to the fishermen. This provision, it should be noted, would not only increase the likelihood of collection of damages from the polluter but would make the entire program largely self-liquidating.

The bill would authorize appropriations of $4 million for fiscal year 1971 and of $5 million for each of the 4 succeeding years.

Mr. Speaker, equity requires prompt passage of this measure. A variety of assistance programs are offered to almost every segment of our economic community to help alleviate distress from natural and other forms of disasters but, as Secretary Hickle advises, no Federal support is presently available to help commercial fishermen cope with the consequences of industrial and other forms of pollution that poison our waters, destroy the fish, and deprive self-respecting men of the opportunity to pursue their livelihood.

GAS SUPPLY WOULD RISE WITH PRICE HIKE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. BOW. Mr. Speaker, I spoke to the House on May 27 relative to the serious shortage of natural gas.

This problem was called to my attention again this week when a major industry at Massilon was unable to obtain gas to supply a new plant addition. The industry must choose between expansion using another kind of fuel or moving to another location. What this means in terms of our economy should be obvious. It also has meaning in relation to the problem of pollution control. Industries that wish to do their part for the environment by changing to natural gas are not able to do so in Ohio.

The Oil and Gas Journal recently published an article which sheds some light on the situation, and I wish to include it with my remarks, as follows:

GAS SUPPLY WOULD RISE WITH PRICE HIKE

A sizable and immediate increase in wellhead prices will halt the decline in U.S. reserves of natural gas.

Even so, half or more of the increased demand for gas between now and 1980 will have to be supplied by supplemental sources. And these will be much more expensive than present domestic pipeline gas—by 10 to 20¢/Mcf.

These were the main points in a "positive program" for balancing supplies with demand presented by a producer witness in the southern Louisiana area-rate case before the Federal Power Commission.

Radford L. Shantz, vice-president of Foster Associates Inc., testified the reserves decline of the last 2 years could be halted. But to turn the trick, action must be taken quickly to boost rates, he warned. Increased incentives must be provided not only in southern Louisiana, he said, but throughout the U.S.

Shantz did not say how much incentive it will take to get the required drilling turnaround. But producers are known to be thinking of price increases amounting to several cents/Mcf. Specific figures will be introduced in current settlement efforts and in rate-design testimony later this year.

Big supplement needed. Shantz projected "an optimistic program" of supplemental gas supplies in the next decade, and even then said some potential consumer demand might be left unfilled.

By 1980, he estimated, the U.S. may be depending on supplements for as much as 6.6 trillion cu ft. This includes 1.6 trillion of Canadian gas (700 billion for the Great Lakes area, 900 billion for the West Coast), 2.3 trillion of foreign LNG (2 trillion on the East Coast, 300 billion on the West Coast), 300 billion cu ft of coal gas (all in the Great Lakes or midwest area), and 2.4 trillion of Alaskan gas (1.6 trillion in the Great Lakes, 800 billion on the West Coast).

The Alaskan volume might include some gas from Arctic Canada, and covers supplies shipped by tanker in the form of LNG as well as pipeline gas. In addition, the projection lists 200 billion in "other supplies" needed that year if demand forecast by the potential requirements committee is to be met. But Shantz doesn't claim to know where that is coming from.

Supplemental supplies will grow in three phases, according to his estimates. The first is from 1970 to 1972, when overland imports from western Canada will comprise the total supply supplement of base-load gas. This will rise from 800 billion—the current rate—to almost 1.1 trillion in 1972 with a further gradual rise to 1.6 trillion.

The second phase, 1973–76, will see imported LNG make a big impact, beginning at 100 billion in 1973 and rising to 1.3 trillion at the end of that period, then to 2.3 trillion 4 years later.

The third phase is 1976–80, with introduction of Alaskan and perhaps northern Canadian supplies. These are projected at 500 billion in 1976, with annual increases of 400 to 600 billion the next 4 years.

Supplements by 1980 then would account for 21.7% of total consumer demand of 30.4 trillion cu ft.

COST OF SUPPLEMENTS

Cost differentials between pipeline gas and other sources are controversial matters, and will be key issues in FPC's decision on new rates for wellhead domestic gas.

The Shantz estimates will probably add to the controversy, particularly where LNG is concerned, until an actual application before FPC sets forth firm prices.

Shantz declared foreign LNG to be "the best alternative and most viable supplemental supply of gas for the New York City market." He mentioned the El Paso Natural Gas Co. proposal for delivery of Algerian LNG to Columbia Gas, Texas Eastern, and Tenneco.

El Paso has reported the rough delivered cost at shipside at around 50–55¢/Mcf. Other sources have mentioned vaporization costs of 5¢/Mcf. Shantz, however, said the more likely price of vaporized Algerian gas delivered at the city gate of New York to be 70–80¢.

This compares with average city gate price for domestic supplies of 40.7¢/Mcf on July 1, 1968, and 41.6¢/Mcf as of July 1, 1969, including rates in effect subject to refund.

So whether the actual LNG price turns out to be 60, 70 or 80¢, the premium over current pipeline gas will still be large. Producers will argue that this leaves plenty of room for boosting domestic wellhead prices in order to expand U.S. supply and still save consumers money over the cheapest alternative.

The best alternative for the Chicago market, according to Shantz, is Canadian gas, and here the prices are better known. If pending applications are approved by U.S. and Canadian authorities without change, Canadian gas could be delivered this winter at 43¢/Mcf—well above the 29.1¢ average for domestic gas in Chicago last July 1.

Domestic reserves expansion. The producer witness predicted that southern Louisiana will continue to lead the rest of the nation in additions to reserves—if incentives are provided.

If this is done, Shantz said, this region could continue to provide 40% of the reserves additions as it has over the past 10 years. This is a tall order, the supply specialist acknowledged, in view of the fact that only in one year have south Louisiana reserves additions exceeded 8.4 trillion. That was in 1962 when 9.2 trillion was added.

Gas production in south Louisiana, under the reserves projections, would increase from 6.789 trillion cu ft in 1969 to 8.3 trillion in 1975 and 9.8 trillion in 1980.

Shantz started with an assumed reserves addition nationally of 21 trillion cu ft this year—optimistic in view of the 12 trillion and 8 trillion increments in 1968 and 1969.

From this point, he said, it is possible that reserves additions might be increased by 5%/year given appropriate price levels.

On this basis, reserves additions would reach 26.8 trillion cu ft by 1975 and 34.2 trillion by 1980. Even at that pace, Shantz pointed out, total reserves for continental U.S. would not regain the high-water mark of 289 trilion, achieved the end of 1967, until the year 1978.

This schedule of reserves increases, according to his calculations, would support production increases from 20.6 trillion cu ft in 1969 to 22.3 trillion in 1971. But, if the reserves-to-production ratio is held at 12:1 from that point on, production increases will be only modes, with levels rising to 23.2 trillion in 1975 and 25.8 trillion in 1980.

This would leave some unfulfilled consumer demand, starting in 1972 at 100 billion cu ft, rising to a peak of 2.2 trillion in 1975, and declining to 200 billion cu ft by 1980 as supplements move in.

Boosting production further by letting the ratio fall below 12:1, in Shantz' view, would run risks of deliverability failures in some areas. In fact, he cautioned, the 12:1 figure does not provide a minimum cushion.

GAS SUPPLY AND DEMAND IN THE UNITED STATES [1]

	Domestic production, trillion cubic feet				
	Consumer demand	South Louisiana	Other United States	Supplemental supplies [2]	Other supplies
1959	10.7	2.0	8.6	0.1	
1969	19.5	6.4	12.4	.7	
1980	30.4	9.0	14.6	6.6	.2
Increase:					
1959–69	8.8	4.4	3.8	.6	
1969–80	10.9	2.6	2.2	5.9	.2

[1] Excludes field use.

[2] Includes Alaska.

Source: Radford C. Shantz, Foster Associates.

City-gate price of prospective supplemental gas[1]

	¢/Mcf
Chicago market:[2]	
Average city-gate price of domestic gas supplies, as of July 1, 1969	29.1
Prospective price of imported Canadian gas delivered at city gate at 100% load factor	43.0
New York market: Average city-gate price of domestic gas supplies:	
As of July 1, 1968	40.7
As of July 1, 1969	[3] 41.6
Estimated price of prospective imported LNG produced in Algeria	70.0–80.0

[1] Estimated price of gas supplies compared with current price of domestic gas deliveries.

[2] Estimated prices of prospective receipts of lignite-gas and Alaskan gas are not shown because of uncertainties of cost estimates.

[3] The average price shown for New York City as of July 1, 1969 reflects rates in effect subject to refund in pending rate cases.

Source: Radford C. Shantz, Foster Associates.

THREE U.S. LINES WIN PERMIT TO IMPORT MORE CANADIAN GAS

The Federal Power Commission last week authorized three pipelines to import 248 MMcfd of Canadian natural gas into the Upper Midwest at the original contract price.

The commission reversed the hearing examiner who had recommended that the initial purchase price be lowered from 32 to 30c/Mcf. The unanimous commission opinion, written by Lawrence J. O'Connor, Jr., was the first major test of FPC's pricing policy toward Canadian gas in the current supply crisis and under present leadership.

FPC approved $50.7 million in new transmission facilities for Michigan Wisconsin Pipe Line Co., Great Lakes Gas Transmission Co., and Midwestern Gas Transmission Co. The gas will be purchased from Trans-Canada Pipe Lines Ltd.

The opinion held that the record shows the originally proposed 32c initial purchase price is consistent with the public interest. FPC went along with the examiner in approving the price escalation provision in the contract calling for 1.25c/Mcf each 5 years until the level reaches 37c.

In a previous price confrontation on Canadian gas, FPC—under former chairman Lee C. White—precipitated a crisis by cutting contract prices to a level unacceptable to Canadian authorities. The case, involving Westcoast Transmission Co. sales to El Paso Natural Gas Co., was later resolved by compromise settlement.

The commission said its prompt action would help in alleviating "a foreseen 1970 fuel shortage" in the Chicago area.

FPC said that while the staff contended it should not in effect give advance approval of periodic price increases, the increases proposed are modest and reasonable.

The escalations, it added, will not wholly cover Trans-Canada's foreseen cost increases.

Michigan Wisconsin will spend $33.8 million for pipeline facilities and import 50 MMcfd to be delivered at Marshfield, Wis. FPC previously authorized $37.3 million in facilities for the pipeline in Phase 1 of the proceeding.

Great Lakes will build $10 million in facilities to import an added 190.8 MMcfd for sale to Natural Gas Pipeline Co. of America, Michigan Wisconsin, and Inter-City Gas Ltd. Midwestern will install 11,900 hp in compressors costing $6.7 million to import 7.2 MMcfd for increased supplies and additional fuel.

Two pipelines filing exceptions to the examiner's decision had sought delay in FPC action pending resolution of rate issues. But FPC agreed with the examiner that there would be immediate public benefits from the additional gas supply.

SUPPORT FOR PRETRIAL DETENTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HOGAN. Mr. Speaker, I rise to call the attention of my colleagues to a story in today's Washington Star which confirms the necessity for the pretrial detention provision in the House version of the District of Columbia crime bill.

U.S. District Court Judge George L. Hart today testified before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee that the 1966 Bail Reform Act "has permitted rapes, armed robberies, and attempts at murder that otherwise could have been prevented."

The cases cited by Judge Hart demonstrate beyond question the need for the pretrial detention provision in the District of Columbia crime bill.

Existing law enables the violent criminal to walk the streets and terrorize innocent victims because the Bail Reform Act requires that a Federal judge consider only a suspect's likelihood of flight, not his dangerousness, in setting bail.

Judge Hart is not the first judicial official in the District of Columbia to uphold the urgent need for pretrial detention in violent cases. In December 1969, the Tydings advisory panel against armed violence, headed by Judge Alfred Burka of the District of Columbia Court of General Sessions, reached a similar conclusion. With one dissenting vote, the panel concluded that "pretrial detention offers an immediate response to armed violence and adds long-range rationality to our criminal justice system."

Other members of TYDINGS' panel included:

Frederick H. Evans, past president of the Washington Bar Association.

William T. Finley, Jr., former Assistant Deputy Attorney General of the United States.

Thomas A. Flannery, U.S. Attorney General for the District of Columbia.

Herbert J. Miller, Jr., chairman, 1966 President's Commission on Crime for the District of Columbia.

Paul Miller, dean, Howard University School of Law.

Luke Moore, former Chief Marshall for the District of Columbia.

H. Carl Moultrie, past president, NAACP, District of Columbia Chapter.

Tilmon O'Bryant, Deputy Chief of the Metropolitan Police Department.

William E. Rollow, secretary and general counsel, National Capital Area Council of Sportsmen, and president, District of Columbia Skeet Shooting Association.

James C. Slaughter, Director of the District of Columbia Human Relations Commission.

Quinn Tamm, executive director, International Association of Chiefs of Police.

Joseph P. Yeldell, member, District of Columbia City Council.

I commend the following section of the report of the advisory panel against armed violence to the House membership:

PRETRIAL DETENTION AND SPEEDY PROSECUTION

Armed violence in the District of Columbia is being aided and abetted by the inadequate operation of our criminal justice system.

At present, justice is neither swift nor certain. Persons who are apprehended for crimes of violence remain at liberty for eight months to a year. Many of them commit additional offenses with virtual impunity knowing that they will again be released on bail after the second or third offense, that the offense committed on bail will not be reached for trial for a year or so; that the sentence, if any, will probably be concurrent; and that fugitivity in the District of Columbia is a fairly secure status which can postpone the day of reckoning for many more months.

The net effect of these circumstances is tragic. The public is victimized again and again—almost without resource. The work of the police is undercut and correctional efforts are severely impeded.

Action is imperative. In the view of this panel, we cannot await long-range remedies. We must take steps which will have immediate effect in abating armed violence.

For reasons developed more fully below, we urge:

Enactment of bail legislation to permit pretrial detention of certain defendants who pose a danger to the community.

Accelerating the disposition of cases of armed violence by expanding the individual calendar program, by prompt indictment, by decreasing time for mental exams and by speedier sentencing procedures,

Expedited appeal in cases of persons charged with more than one crime of violence.

Development of better procedures to supervise persons on bail and to secure the return of persons who become fugitive, and

Enactment of court reorganization legislation together with the proposed increases in judicial manpower and the creation of a court executive.

PRETRIAL DETENTION

There is no doubt that accused felons free on bail while awaiting trial commit a significant part of the serious crimes in this city. Judicial Council Committee studies indicate that one of every 11 defendants who is indicted and released on bail is reindicted for another felony while awaiting trial. The police report that one out of every three armed robbery suspects released on bail is arrested for another offense before he comes to trial.

Further, it appears that persons involved in certain types of crime have a much higher rate of recidivism. Specifically, the District of Columbia Crime Commission found that persons charged with robbery, burglary and narcotics offenses were more frequently indicted for additional crimes on bail than were persons charged with other offenses.

Most recently, Police Chief Jerry Wilson has highlighted the bail problem. He reported to the President that there are about 100 professional hold-up men in the District of Columbia who are repeatedly released on bail and commit additional holdups. In his view, legislation authorizing pretrial detention of such persons is *item number one* on any list of action to abate armed violence. In fact, he states that if 300 dangerous criminals were removed from the streets, we could "almost cure" the problem of armed violence in Washington.

However, under existing law, there is virtually no way to remove these dangerous persons from the street in any less than eight months or a year. First, the Bail Reform Act of 1966 requires the release on bail of all defendants not involved in capital crimes no matter how dangerous. The only factor

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which the court may consider in setting bail is the likelihood that the defendant will flee. Second, the court system is so backlogged that crimes of violence cannot be prosecuted promptly. In fiscal 1968, it took an average of nine months for bank robbery cases to come to trial, an average of eight and one-half months for robbery cases to come to trial, an average of nine and one-half months for aggravated assault cases to come to trial, an average of ten months for second degree murder cases, and an average of fourteen months for first degree murder cases.

In view of this Panel, the only immediate recourse is enactment of legislation to authorize pretrial detention of certain persons who pose a serious danger to the community. We endorse legislation which will authorize pretrial detention of hard core dangerous criminals who are awaiting trial for armed crimes. Detention should be imposed in cases where the defendant's record for violence indicates high probability of additional crimes of violence if released on bail. Further, it is absolutely essential that any system of pretrial detention include all appropriate Constitutional safeguards. Finally, detention shall not exceed 60 days.

Pretrial detention is not a "cheap" solution to the crime problem. Properly limited, it is a Constitutional, realistic approach to our crime problem. First, it takes cognizance of the fact that even if speedy trials are provided, there are still persons who pose a great danger to the community if released on bail for any period of time. Second, it recognizes that our present system of justice will not be speeded up overnight. New facilities, new judges, etc., will be slow in coming. In addition to other personnel, an adequate public defender system should be established to insure adequate representation for the defendants. Finally, pretrial detention is a realistic way to deal with repeated crime in a system which encourages delay. Speedy trial efforts simply have limited efficacy in a system where delay is often the best trial strategy.

In sum, pretrial detention offers an immediate response to armed violence and adds long-range rationality to our criminal justice system.

Mr. Speaker, I call attention to these endorsements of the pretrial detention provision of the District of Columbia crime bill because the news media and even some members of this body, and of the other body, have disseminated so much misinformation about the provisions of this anticrime legislation that numerous citizens are being misguided as to its intent and effect. In this regard I would like to direct the attention of my colleagues to a recent WMAL editorial endorsing the pretrial detention provision and I applaud the Evening Star Broadcasting Co. for setting the record straight on this section of the legislation.

Mr. Speaker, I ask both the account of Judge Hart's testimony and the WMAL editorial will be printed at this point in the Record:

Ervin Hears Attack—Judge Raps Bail Reform Act

(By William Grigg)

Judge George L. Hart of the U.S. District Court here told Sen. Sam J. Ervin Jr. today that the senator's 1966 Bail Reform Act has permitted rapes, armed robberies and attempts at murder that otherwise could have been prevented.

The North Carolina Democrat's act requires that federal judges consider only a suspect's likelihood of flight, not his dangerousness, in setting bail.

Hart said this protected Kenneth H. Jackson, who was released on personal bond after he had been caught by police as he held up a man at knifepoint on 14th Street NW.

BACKS PRETRIAL DETENTION

But, the judge continued, it did not protect the rights of the 16-year-old girl who was beaten and raped three weeks later. Jackson was identified as one of the three attackers, was rearrested and again released on personal recognizance as required by the Bail Reform Act. He was subsequently found guilty of both the robbery and the rape, Hart said.

Hart backed pretrial detention in such violent cases, a change proposed by the Nixon administration.

Ervin, chairman of the Senate Judiciary subcommittee on constitutional rights, opposes the change.

But Hart said such a position can be reached if one considers only the rights of the accused and not the rights of the victims. He listed 14 cases in which persons were clearly identified in a violent crime but had to be released. The victims of their subsequent crimes, he said, included:

A woman who lived on 4th Street NW who was shot by a man she had previously identified as having pretended to be an apartment janitor, entered her apartment to make a repair and then bound her up at knifepoint and raped her. The man she identified was released under the Bail Reform Act.

The employes at a Safeway at 1731 7th St. NW who were held up by an armed man who had only two weeks before been caught escaping after an attempted armed robbery of a Northeast gas station but had been released under the Bail Reform Act pending his trial.

The employes of a Northeast food distributor who were held up by a man with a shotgun who had been arrested five weeks earlier for burglary, while already on bond for still another robbery, but was released under the Bail Reform Act.

Hart testified before Ervin's subcommittee as chairman of an 11-man committee appointed by the Judicial Council here to study the operation of Ervin's Bail Reform Act.

Ervin noted after the testimony that Hart's group had only backed pre-trial detention by vote of 6 to 5.

WMAL Editorial

A climate of hysteria is being attached to the D.C. Crime Bill before it even clears conference committee. Extreme statements about one section tend to drag down the entire much-needed bill. While we have previously expressed reservations about the no-knock clause, controversy over that one provision should not diminish the chances of the vital preventive detention section. There are deep philosophical splits over the wisdom of detaining individuals who may be a threat to the community. But the seriousness of the local crime situation demands action that will go beyond statistics and arguments. The conference committee should vote out the anti-crime bill with preventive detention immediately. If the legislation is unconstitutional, it will be decided quickly by the courts. The proper test is not in a hearing chamber or in statistical surveys . . . but by giving the anti-crime bill a chance.

NAUGATUCK AND BABE RUTH LEAGUE BASEBALL

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 17, 1970

Mr. MONAGAN. Mr. Speaker, I would like at this time to honor the world's largest regulation teenage baseball program, a program noted not only for its excellent quality of baseball, but for its basic ideals of good sportsmanship, fair play, and competitive spirit. Since its formation in 1951, Babe Ruth League baseball has provided valuable supervised recreation for thousands of young men. I would also like to congratulate our State championship baseball team, the Greyhounds of Naugatuck High. The town of Naugatuck, Conn., in my district, also has an excellent Babe Ruth League program, providing championship quality instruction every year.

The history of Babe Ruth baseball is one of steady growth, involving not only its ballplayers, but Government leaders, educators, recreation superintendents, and coaches. Almost 250,000 youngsters, from every State, participated in the 1969 season. The league also achieved international status, fielding teams in Europe, Guam, and Asia.

Named after the immortal Yankee great, the Babe Ruth League has successfully embodied the qualities of good baseball, physical fitness, and mental fitness. Babe Ruth baseball is played on regulation diamonds, within the framework of major league rules. Quality instruction provides youngsters with knowledge of and practice in baseball skills. Equally important, participants develop a genuine respect for accepted traditions of sportsmanship and competition. The Babe Ruth baseball program exists for young men. Through active group participation, Babe Ruth players develop not only their physical skills, but their character. They learn how to win, they learn how to accept defeat, and not to give up when faced with defeat.

Mr. Speaker, the Naugatuck High School baseball team has just recently shown how valuable such qualities can be. Behind 3 to 1 after eight full innings of play, the Greyhounds displayed their determination not to fold when the chips were down, and successfully pulled out a victory in the Connecticut State championship tournament. In their uphill win, the Naugy players displayed those same qualities which make Babe Ruth League baseball so valuable—a good knowledge of basic baseball principles, hustle, discipline, and the genuine character that team baseball helps develop.

Mr. Speaker, I would like to congratulate both the Babe Ruth League and the Connecticut champion Naugatuck High School Greyhounds for their excellent programs of organized baseball. Such programs successfully fulfill an important recreational need at this key stage in a young man's life.

I include an editorial comment on the Naugatuck championship team which recently appeared in the Naugatuck News:

It's Nice To Win

In a championship game to end a tournament, someone has to win and someone has to lose.

Naugatuck fans have found that it's nicer to win!

Wednesday evening the Naugatuck High School Greyhounds found themselves after eight full innings of play at the short end of the scoring, 3 to 1, which was just about opposite of the situation a year ago when the same Naugy nine was one pitch away from victory and the opponents came to life and won.

This year, however, the Greyhounds were not to be denied. After 21 straight victories to earn their way to the final game, the players didn't lose their poise when the chips were down.

Coaches Ray Legenza and Joe Bojko deserve votes of thanks from all Naugatuck—players, parents, fans and school administrators—for teaching that perseverance, intestinal fortitude, hard work, long hours of practice, the will to win, the determination to do a good job, etc., pays off to these 20 boys who made up the varsity squad that won the Class "A" title.

It was a long road—one that began back in early April—for the Greyhounds to go through 22 straight games without a defeat, making it only the second state high school team to accomplish the feat.

On that journey, the Naugy nine racked up opponents sometimes easily, sometimes finding the competition tough—but always coming out on top.

The 22 wins included the taking of the Naugatuck Valley League crown for the second year in a row without a defeat and the demolition of several opponents along the way, sometimes by astonishing scores.

The '70 Greyhounds will be remembered as a team that went through the 18-game regular season unbeaten and rolled over their foes by combined scores of 160 to 28, out-hitting them by a 172 to 85 margin. In the four additional tournament games, the Greyhounds out-scored their opponents by a 13 to 6 margin and barely out-hit them by a 19 to 18 mark.

Which latter fact brings up to a point we'd like to make: Players who go through the Naugatuck High School baseball mill (Coach Legenza has not been noted as an easy mentor to please) come out with infinitely more knowledge about the game than boys who play for less demanding coaches.

Naugy players know first-hand the meaning of discipline; the meaning of hustle; how to strive for perfection. They learn basic baseball at its finest; how to hit-and-run, advance the runners, worry the opposition, play hard—and to win.

We're mighty proud of our title-winning Greyhounds, and the whole town is bustin' with pride about 'em, too. We're proud to live in a town that takes its athletics seriously, knowing that team participation is a great moral and character-builder for the youth of our country.

But we can't help noting, as this season ended on a winning note, compared to last year's final-game loss, that it's a little bit nicer to win.

The successful season is a great tribute to a fine coach, a good athletic system at Naugatuck High School and to a great bunch of fine young men who will be our leaders of tomorrow, on and off the diamond.

SMALL BUSINESS MAN AN OLD FARM BOY

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HALL. Mr. Speaker, the Small Business Administration was created 17 years ago during the administration of President Dwight Eisenhower.

One of Mr. Eisenhower's first appointees to the SBA was Mr. C. I. Moyer. "C. I.," I am happy to report is still serving as the regional director for the four States of Missouri, Kansas, Iowa, and Nebraska. He still runs his Kansas City office with the affection and ability of a man dedicated to serving the needs of the people.

A recent feature story about C. I. Moyer that appeared in the Kansas City Star, reveals some most interesting sidelights, not only about Moyer the man, but also about Moyer the small business man, which makes him properly stand tall.

The article follows:

The Federal Beat—Small Business Man an Old Farm Boy

(By Bill Moore)

One of the things C. I. Moyer likes about his job is that his regular paid staff is augmented by about 200 gung-ho volunteers who stand by, ready to spring into action at a moment's notice and pull off a piece of work for his agency.

Moyer is regional director of the Small Business Administration; offices high up in the old Federal Office building at 911 Walnut street, with what would be a wonderful view from his window except that it looks straight into the back side of the big new Commerce Tower.

Mr. Moyer is a most friendly fellow and I have known him or at least known of him since his old political days out in Kansas and if I knew how to spell it I would set down his first name as it is known to all his friends. They pronounce his name as "sigh," which is, of course, a contraction of the initials, "C" and "I," but whether you would write it Ci, Sy, Sigh, or something else has never been determined.

As the federal government's Small Business man in Missouri, Kansas, Iowa and Nebraska, Mr. Moyer deals in money and is a man who is known to all the bankers and lenders, and a man to be consulted.

But money is a shadowy topic to me. All I know about money is that I have got a steady paycheck twice a month for a great many years and that the "deducts" keep getting larger. I am lost in talk of high finance.

I would rather say that almost 40 years ago I worked on a small newspaper in North Central Kansas and that there was a wheat farmer who dropped in once in a while to talk to the boss about politics. He wore blue denim overalls, blue denim shirt, and had a manner as though he was on the way up. I figured he was. His name was Frank Carlson.

And I think it was about that time I began to hear about another young fellow, not a whole lot older than me, who was believed to be on the way up and already making quite a figure in Republican politics. His name was Moyer.

C. I. or CI if you prefer, originated on a farm between Severance and Highland, Kans., and at an early age took to serving on township boards and such. In those days, if my memory serves, a chief function of a township board was to see to it that the dirt roads were kept graded. I did a little grading myself in those days. It was a dusty job, but not too demanding.

I suppose he must have been a Republican precinct committeeman. Anyhow with a law degree from the Univeristy of Kansas behind him and a farm and a record of community service as a power base, he got elected to the Kansas Legislature in 1938. Then he got elected to the Kansas Senate in 1940, served four years and made friends with everyone.

He was Ed Arn's campaign manager when Ed was elected governor in 1950 and again in 1952. And in 1952, Ci Moyer was one of the big men in Kansas close to Gen. Dwight Eisenhower. And as state Republican chairman when Ike took over as President, Ci Moyer was indeed on very solid ground.

He was appointed regional director of the SBA in October, 1953. He maintained his home in Kansas (still lives in Fairway) but the step across the state line, for business purposes, was not a hard one. Ci always had a lot of friends on the Missouri side.

Ci Moyer rode out the Democratic years and now that we again have a Republican administration his situation couldn't look better.

The Small Business administration has changed its complexion somewhat since Moyer took over the Kansas City office nearly 17 years ago. For one thing (and this probably was inevitable) the volume of loans which it has a finger in is more than 10 times that of 1953.

On the other hand the SBA has been getting out of the direct loan business. It is virtually out right now, Moyer says. What it does is tell the guy to go to the bank and borrow the money and the SBA will assure the bank that it will be safe enough just in case—just in the possible case—the guy won't be able to pay off as expeditiously as he hoped.

Of course, the loan client is checked out by the SBA before he is directed to the bank. The SBA tries to make certain that he's a reasonable sort of a risk.

The SBA does a lot of counseling with small business men these days; much more than it used to. If the small business man is having trouble the SBA tries to show him how he can maybe work himself out of it.

And finally those volunteers: They're members of the Service Corps of Retired Executives (SCORE, since the government is eternally searching for acronyms), and they are at the ready when it comes to giving management assistance to small business men in trouble. There's about 100 of these SCORE members in Iowa alone.

They serve pretty much for free, although it's said they are reimbursed for actual out-of-pocket expense.

Ci Moyer's grandfather homesteaded a tract of 80 acres which today is a part of the present 320-acre farm. On weekends you'll find our SBA man up there on the Doniphan County farm poking around among his cattle and looking down the corn rows.

THIRTY YEARS OF SUFFERING FOR THE BALTIC STATES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HALPERN. Mr. Speaker, the Baltic peoples have suffered under Soviet captivity for over 30 years. Lithuania, Latvia, and Estonia lost their freedom and independence when the Soviets invaded and occupied these peace-loving countries on June 15, 1940.

Last Monday, we as Members of Congress, marked this sad anniversary. However, the dream of liberty still remains for the beleaguered men and women in the Baltic nations. House Concurrent Resolution 416 was unanimously adopted by the House and Senate in 1966. It called for freedom for Lithuania, Latvia, and Estonia. Regretfully, the sense of this resolution has not as yet been fulfilled. The implementation of House Concurrent Resolution 416 is long overdue and I fervently urge that the President now take the initiative by bringing the issue of the liberation of the Baltic States to the United Nations:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation

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constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (*the Senate concurring*), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

TIPS ON FIGHTING POLLUTION

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. VAN DEERLIN. Mr. Speaker, an excellent essay on the causes and cures of pollution was published last June 7 in the San Diego Union under the title, "Giving the Earth a Chance."

Beverly Beyette, the writer, has thoroughly researched the multitude of threats to the environment, both generally and in the San Diego area. And Miss Beyette has done her usual superior work in reporting the story.

The article includes some suggestions on how anyone can help curb pollution. Among these tips:

Use only white paper products because dyes pollute the water.

Return metal coathangers to the cleaner.

Do not buy anything in a nonreturnable container.

Do not use DDT.

Use plastic garbage pails because they are quieter.

Ride the bus to work.

Use live Christmas trees and replant them.

If you want more than two children, adopt them.

While all of the above thoughts might not be well received by everybody, I am reasonably confident that anybody can find at least several items in the list that make sense to him. If we all would adopt even just a few of these proposals, I imagine the pollution problem would start to take care of itself.

Miss Beyette's account follows:

GIVING THE EARTH A CHANCE

(By Beverly Beyette)

The young, the first major group to take up the environmental crusade, have a slogan: "Give earth a chance."

In the broad sense, it is man, himself, for whom they seek a chance. Some believe it is his last.

Only now has man begun to realize that he does not have dominion over the earth and every creeping thing, that he is dependent on all of these for his very existence and that they, in turn, are dependent one on the other. Scientists call this interdependence, this delicately balanced web of life, ecology. Already, the word has been overworked. We will hear more and more of eco-systems, of eco-catastrophes.

We will hear, again and again, that man is doomed, that he may not survive beyond the year 2000. But man is a surprisingly adaptable creature. He has survived, and reproduced, in the most adverse of circumstances.

The future is somewhere between the prophets of doom with their dire predictions of the end of mankind and the smug complacency of those who know that technology, which got us into this mess, will get us out of it.

Was Earth Day—April 22, 1970—a fleeting salute to Mother Nature, or was it truly a mandate for environmental action?

This is the challenge to America.

Thus, we are embarked on the war against pollution. It is a unique battle in that it has had some success in bridging the generation gap. But it has also polarized whites and blacks, establishment and non-establishment, rich and poor. The "little people" have been quick to blame big business for pollution, even though it is the insatiable appetite of the "little people," as consumers, that has kept big business big.

Kahlil Gibran has written of "the lust for comfort, that stealthy thing that enters the house a guest, and then becomes a host, and then a master."

Where did it all start? There are those who would trace man's embattled relationship with his environment to his primeval urge to have, and to hoard, because things meant survival.

As time went on, technology gave him the means to produce even more of the things he needed and, eventually, those he did not need, but wanted. It was only a matter of time before his thing-oriented technology would overwhelm his environment.

To grow bigger and better crops, he tampered with the soil, he overloaded the environment with herbicides and pesticides. He cut down the forests, dumped industrial wastes into the rivers and contaminated the air with the byproducts of his treasured automobile and other creature comforts.

And, as he destroyed, he multiplied. Clearly, the basic environmental problem in the world today is too many people. Dr. Fred Singer, deputy secretary, U.S. Department of the Interior, sees the two as so inseparable that he calls it popullution.

Today, world population is estimated at 3.4 billion, heading for 7 billion by the year 2000. Projections are that, in the same 30-year period, U.S. population, now 204 million, will reach 300 million. As the United States grows, the great concentration of growth has been in Nevada, Arizona, Alaska, Hawaii, Florida—and, of course, California.

In 1910, there were 2.4 million people in California; in 1930, 5.6 million. By 1940, the Golden State had a population of 6.9 million. Today there are 20 million and the forecast for the year 2000 is 50 million.

This year the city of San Diego reached 711,000 giving it new status as the nation's 14th most populous city and the second largest in California—and giving local environmentalists added cause for alarm.

And on and on they come—1,000 people a day pouring into California. (Consider that, in 1940, San Diego had a population of 203,341). The state's new Environmental Quality Study Council has called for a moratorium on freeways and water projects in an effort to slow the state's dizzying growth and has termed "urgent" the immediate adoption of a population distribution policy.

The 1970 census is expected to show that almost half of the American people are under 30. "Our young are inheriting the earth," says former Interior Secretary Stewart Udall. "Their inheritance is a bitter one. On every hand, they see the ravages this affluent, industrial-technological society, built by previous generations has worked upon the natural order of our surroundings." It seems only appropriate that the young are the most committed.

The population problem is not a problem restricted to the poor. Bureau of the Census statistics shows that it is to the middle class that two thirds of the 3.5 million babies born in the United States each year are born. Some of the militant minorities resist birth control as a white racist plot. There is considerable opposition to the entire environmental thrust among Negroes who would prefer to see the money spent in the ghetto. The per capita consumption by Negroes, and thus the per capita pollution, is considerably lower than among whites.

Nonetheless, per capita income in the United States has doubled in the last 40 years through increased output which, in turn, has added to the environmental load.

There are two proposals by State Sen. Anthony Beilenson (D-Beverly Hills) before the state legislature that could have significant impact on the California population boom. One would legalize abortions as a matter of "individual conscience"; the other would provide tax incentives for small families by limiting state income tax deductions to two children. (Sen. Robert Packwood (R-Oregon), has introduced a bill to limit federal income tax deductions to three children.)

With two million illegal abortions performed in the United States in 1969, there is growing pressure for legalized abortion. The Abortion Counseling Service of San Diego County, a volunteer-staffed referral service that went into operation shortly after passage of the state's Therapeutic Abortion Act in late 1967, reports that it averages 50 inquiries a week.

In creating a Commission on Population Growth, President Nixon said, ". . . I believe that many of our present social problems may be related to the fact that we have had only 50 years in which to accommodate the second 100 million Americans . . . and now it appears that we will have to provide for a third 100 million Americans in a period of just 30 years."

Ecologists, like Stanford University biologist Dr. Paul Ehrlich, author of "The Population Bomb," say the world is doomed if population is not controlled. Ehrlich heads Zero Population Growth (ZPG), an organization dedicated to keeping the population stabilized by adding only enough citizens to replace those who die. The generally agreed upon family size for achieving this goal in the United States is 2.3 children.

Meanwhile, says Ehrlich, the United States, with a doubling time of 63 years, produces and consumes material goods at such a disproportionate rate that, if the trend continues, by 1990 Americans will be less than 1-15th of the world population, but may be consuming 80 per cent of its resources.

He asks, "Will other countries, many of them in the grip of starvation and anarchy, still happily supply these materials to a nation that cannot give them food?"

In their book, "Moment in the Sun," Robert and Leona Rienow write, "We are scarcely in a position to give the world lectures in population restraint. We have unflaggingly buttressed the sexual drive with billion-dollar commercial stimulation. Our ads belabor us day and night to keep ourselves bathed, pomaded and perfumed for the sole purpose of alluring the other sex. We work, drive, eat and play to the accompaniment of love ballads. Corn plasters, automobiles and beer have been endowed with sex appeal."

Biologist Barry Commoner of Washington University, St. Louis, has said that, if widespread famine is avoided, there will be 6 to 8 billion people on earth by 2000—and that the earth's absolute limit is 8 billion. He observes that people will voluntarily limit the size of their families only when they have the sense of security that comes from knowing they need not have as many offspring as possible to take care of them in their old age. This, says Commoner, means the "haves" among nations sharing with the "have nots."

Dr. Michael Soule, a UCSD biologist who was a student of Ehrlich at Stanford and is now collaborating with him on a textbook, suggests, "The government can tell us we can only have one wife. It can damned well tell us we can only have two children."

What are the sociologic and economic implications of a burgeoning population? In "Moment in the Sun," the Rienows see it this way: Every eight seconds a new American is born. He will want in 70 years: 56 million gallons of water, 21,000 gallons of gasoline, 10,150 lbs. of meat, 28,000 lbs. of milk and cream, 9,000 lbs. of wheat and 31,500 lbs. of pulpwood in paper products.

He will also have to be educated, clothed and fed. This will average out to $8,000 worth of schooling, $6,000 worth of clothing and $7,000 worth of furniture. Unless there is a devastating war, electric power production will increase five times by the year 2000, building will increase five times and there will be 244 million automobiles on America's roads.

Today the United States consumes half of the world's goods. The Rienows observe that Americans passed a milestone in the late 1960s: This became a nation in which spending of the after-tax dollar for luxuries exceeded spending for necessities. Conversely, our position in the world's market shifted in the '40s. We stopped producing as many raw materials as we were consuming.

San Diego Judge Hugo Fisher, former administrator of the state resources agency, has predicted that, within 15 years, the United States will have about 9.5 per cent of the world's population and will be consuming about 83 per cent of its raw materials and resources.

Historian Arthur A. Ekirch Jr. has said of the American nation: "Probably no people have ever so quickly subdued their natural environment."

Udall notes that each time the United States proclaims a small increase in the standard of living, the gross national product or the population, "We are really creating a large increase in industrial and human pollution and a large increase in the decay of the human condition."

Herein lies a dilemma: Jobs for the jobless means more production which, in turn, means more pollution.

To see the threat of mass starvation as the only threat in an overpopulated world is a misunderstanding, says George Wald of Harvard University, a Nobel prize winner in physiology and medicine. The point, says Wald, is not how many people can be fed, but what population can best fulfill its human potentialities. "One is not interested in the quantity, but in the quality of human life. From that point of view, the world is probably already overpopulated."

At the dedication of USCs' Seaver Science Center in January, Governor Reagan expressed optimism that Americans may "find the proper balance—the right mix—between technological progress and spiritual maturity, so that the two can walk in proper partnership."

The challenge, then, will be to find that mix. Kingsley Davis, director of international population and urban research at UC, Berkeley (and originator of the phrase "zero population growth",) says, "I see no value in the idea that we should reduce our level of living to that of India, just so that we can have as many people as India. If our drain on the world's resources is too great, I'd rather reduce the number of people than the level of living."

The Interior Department's Singer says, "We have to develop further technology to overcome the unwanted byproducts of our primary technology." His is the camp of environmentalists who argue that it is technology that allows us to reclaim waste water, to clean up the lakes, to search for a successor to the internal combustion engine.

University of Colorado's Kenneth Boulding, in "Economics of the Coming Spaceship Earth," voices concern that there are among us men who say, "Why worry about all this . . . let us eat, drink, spend, extract and pollute, and be as merry as we can, and let posterity worry about the spaceship earth." To them, there is but one answer, says Boulding: They must identify with some human community or society.

Dr. Rene Dubos of Rockefeller University, a renowned ecologist and Nobel Prize winner for his book, "So Human An Animal," says, "Until last year it was almost universally taken for granted that more and more technology doing more of the same faster and faster was the only way to improve human life."

He blames this on the long prevalent American attitude that man must conform to science and technology when, in reality, man should have been using science and technology to develop living conditions suited to his fundamental nature.

Says Boulding, "We probably know more about the economics of the environment, surprisingly enough than about its biology and physics. Thus, he points out, it is easy to develop environmental scares, but very hard to evaluate them.

While big business is bringing in environmental experts, these experts tend to demonstrate greater loyalty to their employer than to the public interest. Legal sanctions against polluters, both on local and national scales, tend to lack muscle. The Santa Barbara oil leak, for example, brought no penalties against Union Oil Co.

As man comes to grips with his environment, says Dubos, his concern is not that man is going to be destroyed ("human beings are incredibly adaptable,") but that "progressively we're becoming more and more tolerant of conditions which make life less and less human."

Unlike Ehrlich, Dubos does not see stabilization of the population in itself as the answer. He says a more immediate problem is our increasing use of energy (at a rate of 9 per cent annually). This, he says, cannot go on for another decade without ecological disaster from overheating of the natural systems.

Dr. Edward D. Goldberg of Scripps Institution of Oceanography believes that perhaps the most terrifying aspect of the ecological crisis is the absence of "appropriate institutions, either national or international, to cope on a continuing basis with the problems of an increasingly polluted environment."

The universities, says Goldberg, are too departmentalized and success in them "depends on doing terribly well in a specialty," while what is needed is an interdisciplinary attack by researchers who have made a fulltime commitment.

Government agencies, says Goldberg, each have their own goals and cling to them tenaciously. For example, the Interior Department's Bureau of Commercial Fisheries might lock horns with the World Health Organization over a ban on DDT.

As ethics and morality are involved in the pollution battle, says Goldberg, psychologists and sociologists are needed as well as scientists—the psychologists to predict and influence people's reactions, the sociologists to provide demographic input and make priority judgments such as whether to clean up air in the inner city before cleaning up air in the suburbs.

"The great scientists," says Goldberg, "are those who work on solvable problems." Among these problems he lists management of oil spills and pesticide control. "Clearly, we are going to have mass starvations," he says. "I don't consider that a solvable problem on a short-term basis."

Singer acknowledges that "the government does not now speak with one voice." While the Interior Department is promoting conservation, he says, the Department of Health, Education and Welfare is giving welfare bonuses to large families. One goal of the Nixon administration, says Singer, will be to establish a general plan. Interior Secretary Walter Hickel would like to see a U.S. Department of Natural Resources and Environment.

Environmental activists are concerned that enthusiasm for their crusade will dwindle when the crusade faces some of life's practical realities. Ehrlich says that if the battle is lost, it will be for two reasons: Nothing undeveloped can long stand in the face of the population explosion and most Americans clearly don't give a damn.

Dubos recognizes that, even though the over-30 generation may be "prisoners of their own lives," the environmental movement at the youth level is intense. He estimates that 20 per cent of today's college students will have a lifetime commitment and that today's high school students are being so conditioned that, as young adults, they will be able to effect an environmental reversion within 20 years. The earth movement, says Dubos, "is going to spread all over the world in the next five years."

The President, in his State of the Union address, said, "The great question of the '70's is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land and our water?" The President has established a cabinet committee on the environment and also a three-man Council on Environmental Quality. There is widespread concern, however, that the federal commitment can be no more than lip service so long as federal policies directly detrimental to the environment continue.

Commoner, author of "Science and Survival," has suggested that the President declare a national ecological emergency, that he increase federal support to the scientific research, halt development of the supersonic transport, stop exploitation of oil deposits in Alaska and off the California coast until a way is found to insure against ecological disaster.

Recently directing his efforts to the environment has been consumer advocate Ralph Nader, whose "Nader's Raiders" have been zeroing in on pesticides and on air and water pollution. Nader says corporate investment in development of pollutions controls should be required by law according to the amount of pollution initiated by the individual business or industry. He points out that, while General Motors grossed $24 billion in 1969, the company spent less than $15 million on vehicle and plant pollution research and development, even though its products and plants contribute some 35 percent of the nation's air pollution by tonnage.

Fortune magazine, in a recent issue on the environment, suggested the possibility of tax breaks or matching government grants for industrial pollution control. In the long range, said Fortune, pollution control could reduce industry's costs by making cities more livable so that employes would accept lower wages to work in them. By the same token, says Fortune, pollution abatement could increase the GNP through reduced absenteeism, fewer sick leave and death benefits, lower personnel turnover and lower accruent training costs. Industry, said the magazine, is going to have to put money on the environment instead of on fringe benefits and wage increases.

Society as a whole, says Fortune, is paying huge subsidies to those who pollute free air and water. It suggests a graduated federal tax on pollutants to stimulate them to develop anti-pollution techniques.

Nonetheless, while ecologists plead for a "quality of life" concept to replace the standard of living concept, Americans continue to buy. They buy automobiles and they buy electric toothbrushes and electric carving knives and electric shoe polishers. Christmas, says The Environmental Handbook, has become "a materialistic environmental rip-off."

Asks Commoner, "How many pairs of shoes does a man require? How much horsepower does he need in his car?"

But there is another side to the coin. Dr. Lee A. DuBridge, science adviser to the President, says, "I strongly reject the idea that we have to destroy our technological civilization, deflate and decrease the standard of living to improve the quality of life. There may be a few who would like to return to the days of the caveman, but most of us believe that men live healthier, more pleasant lives today than they did 10,000, or even 100 years ago." Many Americans would be quick to agree.

The consumer pays more than he realizes for the luxuries he buys, says Commoner. He estimates that industrial pollution adds about 25 per cent to the city dweller's electric bill in such hidden costs as laundry bills and doctor bills.

We are witnessing "the birth of the industrial-government-pollution complex," says SDSC zoologist Dr. John Todd. This is a complex, he says, that "may slow man's rate of extinction; it will not prevent it."

Todd believes that "fully 90 per cent of technology is phony and most objects break or are obsolete before they are off the assembly line. We must reject this out of hand. We must use only the valid 10 per cent like computers, generators, stereos, movie cameras and the Pill. These are extensions of our senses and they enrich our lives without jeopardizing our lifespaces."

There are students of the politics of ecology who argue that the destruction of the environment is not simply a byproduct of progress in an industrial-technological society, rather, that environmental deterioration is a product of an economic, cultural and social system that sustains itself through destruction of the physical world. They like to point out that the proportion of the federal budget spent on natural resources programs has declined since 1965—while the federal government subsidizes the SST and maintains the depletion allowance for offshore oil drilling.

How much will it cost to clean up the environment? Some studies indicate that costs over the next generation may go beyond $1,000 billion just to keep up with population growth. Sen. Nelson speaks of an expenditure of $275 billion by the year 2000, which would be roughly equivalent to defense spending for the next four years.

Lack of organization, as well as lack of funds, has caused some conservation groups to flounder. They have stubbed their toes because of their tendency to attack isolated problems while ignoring regional problems with far-reaching social and political implications.

California's Environmental Quality Study Council, in its recent recommendations, stated it will take "almost superhuman political will" to adopt policies good for the majority that will be unpopular with powerful vested interests.

Dr. Gordon J. MacDonald, vice chancellor, US-Santa Barbara, and a member of the President's Council on Environmental Quality, has called for a Presidential moratorium on all federal projects which affect the environment in any major way unless these projects are deemed essential to the public interest at this time. He advocates similar action by state governors—all designed to provide a breather until effective tools for dealing with environmental management can be developed.

Meanwhile, the environmentalists pass along a few tips on how you can help, among these: Use only white paper products (dyes pollute the water). Don't junk metal coathangers; return them to the cleaner. Don't buy anything in a nonreturnable container. Don't use DDT. Buy a plastic garbage pail (it's less noisy). Take a bus to work. Avoid disposable diapers. Use live Christmas trees and replant them. Put a brick in your toilet tank. If you want more than two children, adopt them.

People are doing something about pollution—that is the important thing.

UCSD's Bureau of Environmental Design is publishing a monthly Environmental Crisis Bulletin that tells people what to do about pollution, how to do it and who to turn to for help.

The San Diego County Department of Education has applied for a $15,000 federal grant to develop, in cooperation with Orange County schools, a program to assess the ecological problems of the state and to develop appropriate instructional materials for use in all of this county's 600 schools.

Citizens Coordinate for Century III, a revamped group that developed from the beautification-conscious Citizens Coordinate, is directing its efforts to citizen involvement in the whole broad scale of San Diego environmental problems. Smaller groups, like Ocean Beach Ecology Action, are zeroing in on localized problems.

Throughout the nation, college campuses are giving birth to groups such as Nature's Conspiracy, the North American Habitat Preservation Society and Group Against Smelter Pollution (better known as GASP).

Increasingly, pollution is becoming a legal issue. Students from U.S. law schools have formed a National Environmental Law Society to coordinate efforts of attorneys who are bringing suit on environmental issues and to assist groups working for environmental legislation.

Says Nader, "The forced consumption of industrial pollutants by 200 million Americans must lead to a recognition of legal rights in environmental control such as that which developed with civil rights for racial minorities over the last two decades."

Dedication of the few has been fervent. If the war against pollution is lost, it will be through indifference of the many.

VOTING RIGHTS LEGISLATION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. PRICE of Texas. Mr. Speaker, despite the fact that I personally feel the voting age should be lowered, I voted against the House proposal for two major reasons. First, the overwhelming majority of voters in the 18th District who have expressed an opinion on the subject oppose reducing the age limit. I base this conclusion on the letters, telegrams, phone calls, and personal conversations, I have had on the subject. These have generally tended to confirm the results of the voter opinion poll I conducted last summer. Second, I agree with President Nixon that any change in the voting age should be made by constitutional amendment and not mere statute. However, since Congress has made the change by statute, the constitutionality of its action is questionable, and for this reason, the legality of the 18-year-old vote will have to be tested in the courts.

Our Government is founded on laws, not men. Consequently, since the U.S. Constitution provides that States rather than the Federal Government have the primary authority to establish voting age limitations. I believe the Government ignores the Constitution and acts as the mood moves it, to that extent the sovereign rights of the 50 States are diminished. We have seen far too much erosion of States rights in recent years, the 91st Congress should not contribute further to this unfortunate trend toward centralized government.

The reasons why I voted against the proposal to lower the voting age, however, do not affect my personal evaluation of the concept itself. I believe persons old enough to fight for our country are old enough to vote. Throughout this century, young men have borne the brunt of our national defense. In Vietnam, this point has been driven home with stark clarity. With the aid of modern computers, for the first time casualties of war have been broken down in age groupings. According to the Department of Defense, 38,864 American soldiers were killed in action as of last September. In the 18-to-30 age group, the fatalities broke down as follows:

18	2,373
19	6,213
20	10,139
21	6,449
22	3,215
23	2,359
24	1,762
25	1,309
26	869
27	526
28	428
29	400
30	317

This means that of all the Americans killed in Vietnam as of the beginning of the 1969–70 school year, over 65 percent were between the ages of 18 and 21.

As of June 4, 1970, 42,534 Americans were killed in action, and 280,782 were wounded. It is safe to say that well over half of the individuals who made these sacrifices were too young to vote under present laws. They were not too young to fight, to die, to spend the rest of their lives crippled or lying in a veterans' home, but they were too young to vote. I believe this condition should be rectified.

I also believe that due to rising levels of education, youths of today are better qualified to vote than the youth of past

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generations. We all are well aware of instances of lawless behavior by some young people, particularly on college campuses, but we must not let the media blind us to our young. Over half of all 18- to 20-year-olds are not in college at all, instead they work and pay taxes—about 1 million serve in the Armed Forces, and more than 1 million are housewives. A presidential commission has reported that less than 2 percent of all college students can be classified as militants or radicals. The Justice Department has determined that many so-called hard-core campus radicals are over 21; for example, all of the infamous Chicago 7 are well over 21.

Mr. Speaker, in the main, the youth of today are responsible citizens who yearn to fully take part in the political processes that govern our country. I believe they are entitled to participate. I believe they should participate. But I do not believe the spirit of the Constitution should have been distorted to provide them this privilege.

This legislation also contained provisions extending the 1965 Voting Rights Act. In the first session of this Congress I voted for the administration's National Voting Rights Act which would have given voting rights protections to residents of the 50 States rather than focusing Federal regulation unfairly on our sister Southern States as does the 1965 act.

A FAMILY TRAGEDY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. KOCH. Mr. Speaker, a very tragic situation has developed concerning Alan and Margaret McSurely, a young husband and wife caught up in a process which makes them victims. It is described in detail in an article to be found in the Nation, December 30, 1968, and I recommend it to my colleagues. The article is timely now because the criminal proceedings arising out of the so-called contempt of Congress citation are to take place on Monday, June 22, 1970, in the U.S. district court in Washington, D.C.

The article follows:

Stripping Kentucky—The "Subversive" Poor

(By Gene L. Mason)

Lexington.—Eastern Kentucky is in the heartland of Appalachia and has all the attributes associated with that colonized poverty pocket. The state of Kentucky not only has 40 per cent of the nation's one-room schoolhouses but its children suffer the highest TB rate in the nation. Almost one-fourth of the east Kentucky population over 24 is illiterate.

During the Kennedy administration, numerous anti-poverty programs were pulled from the drawing tables. We all thought we had declared war on poverty and, to some extent, on the social system that perpetuates it. But aside from the fact that the national leadership gave the war in Vietnam priority over the war in Appalachia, other contradictions are inherent in any attempt by the federal government to destroy poverty.

In eastern Kentucky one of those contradictions is a reflection of the economic system. Coal is the basic industry, and the Tennessee Valley Authority is by far the single largest buyer. The poor people do not profit from the industry—they have been ruined by it. There is an estimated 35 billion tons of coal beneath the rocky, mountainous surface of eastern Kentucky, and only 2 billion tons of it have been mined in more than half a century. Yet ten of the twenty poorest counties in the nation are in eastern Kentucky. Pike County, the largest coal-producing county in this country, is among them. Last year, 18,267,200 tons of coal were mined in Pike County alone. Coal brings the mine owners from $3 to $15 per ton, depending on the grade. Even at the lowest rate, this one county produces $50 million worth of coal in one year.

That wealth has done almost nothing for the people of the county. In the words of Harry Caudill of Whitesburg, Ky., attorney and author, "Today welfare, not mining, provides most of the money spent by families in the nation's coal fields." To understand how such poverty can exist amid such wealth one must recognize the relationship between the owners of coal companies and the county power structure—they are virtually the same. Poverty in eastern Kentucky is a political problem. None of the federally funded anti-poverty programs officially recognize it as such, but some come closer than others.

Eighteen months ago the Appalachian Volunteers (AVs) hired as its training director Alan McSurely, a 30-year-old anti-poverty worker with an M.A. in psychology. He was fired three weeks later for his alleged manipulative and Leninist beliefs. McSurely had proposed various structural changes within the AV organization and had advocated direct political action as the only means to end poverty. He urged the staff to prepare itself for the day when federal money would be cut off if poor people in the mountains really began to get organized.

McSurely and his wife Margaret were then hired by the Southern Conference Educational Fund (SCEF), a Louisville-based civil rights and anti-poverty organization, and remained in the mountains to organize. The AV staff began its work that summer sharply split among militants, moderates and a few genuine conservatives. However, the first issue in which they all joined forces was not long in coming. By mid-June, 1967, they were all working to organize poor people against strip mining—the most brutal and destructive aspect of the economic system. [See "Strip-Mine Morality: The Landscaping of Hell" by Wendell Berry, *The Nation*, January 24, 1966.]

Forty million tons of coal were stripped from Kentucky's pock-marked mountains last year—and most of that was purchased by the TVA. James Curry, Reclamation Director for TVA, apparently finds this a satisfactory relationship. "Strip mining is part of the American way," he said. He quickly rephrased his comment to "Strip mining is an integral aspect of the American economy."

Strip mining is certainly not desired, however, by the poor people who live on and around the land that is stripped. By a curious legal device known as the broad form deed, owners of the coal under the ground have rights superior to those who own the land above. In the early part of this century, the rights to this coal were purchased for a pittance from people who were completely ignorant of their potential value. The Kentucky Court of Appeals has upheld the rights of those who own the coal to destroy this land. A law setting limits on the degree of slope permissible for stripping, and providing for certain measures of land restoration, was passed during Democratic Gov. Edward Breathitt's administration three years ago. Strip miners declared that such regulations would destroy the industry—but the acreage under strip mining continues to grow.

Not everyone is content, however. Periodically, strip miners discover that their equipment has been dynamited in the fields. In the hot summer months of 1967, night raiders blew up a $50,000 diesel-powered shovel of the Kentucky Oak Coal Company at its stripping site in Knott County. In August, 1968, $800,000 worth of stripping equipment was blasted in Bell County. Across the line in Tennessee, several bulldozers, an auger and a railroad car were dynamited the first week of December 1967. The total was more than $1 million of "creative" destruction. Mine guards go armed, and random shooting from both sides is not uncommon.

Even more dramatic was the action of an owner of land about to be stripped in the summer months of 1967. Jink Ray, supported by neighbors, AVs and SCEF workers, decided to stand in front of the bulldozer as it was pulling onto his land. He did, and refused to budge; the dozer went away. After a series of legal battles in which the local courts issued injunctions against Ray to prevent his interference with the stripping of his own land, Governor Breathitt came to his aid. He had the strip mine permit of the Puritan Coal Company revoked. Joe Mulloy, an AV and one of Ray's neighbors, said that "the Jink Ray victory had tremendous implications for the poor and working class in Appalachia. This was perhaps the first time since the heyday of the United Mine Workers that the operators had been challenged and defeated by the people. Ray's victory could serve as an inspiration to people all over the mountains to demand and take back what is theirs, the coal. The coal operators knew this all too well."

Meanwhile, the AVs were receiving threatening phone calls in the middle of the night. Then, during the last week of July, 1967, the Pike County sheriff, a representative of the Small Business Administration, and Robert Holcomb, president of the Pikeville Chamber of Commerce, visited the homes of McSurely and Mulloy. They questioned Mulloy generally about what he was doing in Pike County, and specifically about strip mining. Their stay was short but long enough to suggest subtly that he'd better be careful. That evening Holcomb called for a federal investigation of the AVs in Pike County.

Then, on August 11, 1967, eight days after the revocation of the Puritan Coal Company's strip mine permit, the power of the coal companies was brought to bear. Alan McSurely's home was invaded by Commonwealth Attorney Thomas Ratliff (former president of ICOA) and fifteen armed deputies. They combed every piece of printed or written material in the home for two hours—especially the research library on the coal industry that the McSurelys had collected—and confiscated all of it. When they discovered that Margaret McSurely had worked for SNCC in 1964, they arrested her as well as her husband. By midnight they had reached Mulloy's home and put him under arrest.

The following morning, these three anti-poverty workers were taken from their jail cells and arraigned. Bond was set at $5,000 for each of the two men. Margaret McSurely was six months pregnant; her bond was only $2,000. Southern Bell Telephone immediately disconnected the phones in both homes. Mulloy's auto insurance with a local agent was canceled, and he was unable to get insurance for the next six months.

The word began to spread that those arrested were Communists. Holcomb told reporters: "We know that these people are Communists. There are no ifs, ands or buts about it. . . . They intend to take over the county." Ratliff then arrested Carl Braden

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and his wife Ann, Executive Directors of SCEF, for attempting to overthrow the government of Pike County. Mrs. Braden had never set foot in the county, and her husband's only appearance there was to get McSurely and Mulloy out on bond.

Under the leadership of William Kunstler of Rutgers' Law Center for Constitutional Rights, the anti-poverty workers eventually managed to get the 1920 state sedition statute, which they had been charged with violating, declared unconstitutional. However, the local power structure had by then made plenty of political hay out of the matter.

Heavy pressure was put on Governor Breathitt to rid the state of AVs. Opposing the coal industry in Kentucky is risky politics. Breathitt succumbed and recommended to OEO Director Shriver that funds for AVs be cut off. On August 18, 1967, Shriver acted. He cut off all funds without a hearing and without notifying the AV director. Some funds were later reinstated, but the AVs have received no new funds from OEO.

A confidential OEO report laid the arrests principally to "obvious political interests." This corroborated an FBI report which stated that Ratliff's prime objective was "ridding Pike County of the anti-poverty workers." It added, "Ratliff's reasons for attacking the program are economic and political: (1) he has made a fortune out of the coal industry and still had coal interests; and (2) he is running for Lt. Governor on the Republican ticket and thinks it is a good issue." But despite an agreement with the three-judge federal court not to act until the court could reach a decision on the constitutionality of the state sedition law, Ratliff proceeded with a Pike County grand jury investigation of the McSurleys and Mulloy. The people of Pike County were thereby sufficiently informed of how these outsiders were disrupting "legitimate" community interests.

Having now the declaration of unconstitutionality, the poverty workers (who had been forced to expend virtually all their energies defending themselves against personal attacks) thought they could return to organizing. However, at that point the federal government decided to get involved. In October, 1967, the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations (the old Joe McCarthy committee), chaired by John McClellan, subpoenaed the McSurleys and the records Ratliff had seized on his midnight raid. The McClellan committee is at present charged with investigating the causes of urban riots, and McClellan has said that he has evidence that the SCEF workers were instrumental to the outbreak of riots in Nashville in April, 1967. (The SCEF staff had held its quarterly meeting there April 5 through 8. Stokely Carmichael had spoken at one of the sessions, probably providing the committee with the "evidence" it needed to link SCEF with the riots.)

The subpoenas were challenged in court as illegal, since they were the "fruit of a poison tree": the material had been taken illegally, under an unconstitutional law. The McClellan committee could not act until the material was returned to its rightful owners. (However, the committee's investigator had already made photostatic copies of all the material he wanted.)

After two trips had been made to the U.S. Supreme Court, the books and documents were finally returned last November. McClellan promptly served the McSurelys with new subpoenas, requiring that they appear in Washington with their material on January 14, 1969. The subpoena specifically requests only material pertaining to the Southern Students Organizing Committee (SSOC), the Student Nonviolent Coordinating Committee (SNCC), the Students for a Democratic Society (SDS), the National Conference for New Politics (NCNP), Vietnam Summer, the AVs, SCEF, and the United Planning Organization (UPO), an umbrella anti-poverty organization in Washington, D.C. The 1968 subpoena differed from the one issued in 1967 in only one respect: a request for materials relating to "all other Marxist-Leninist organizations" was deleted. It appears that the committee wishes to link in the public mind all of the very active civil rights and anti-poverty organizations with urban riots.

While the McSurelys were fighting the McClellan committee, Mulloy was fighting his draft board. (There was little time left to fight poverty.) Mulloy had attempted to apply for C.O. status after his 2–A classification had been revoked in the spring of 1967. His draft board in Louisville refused to reopen his case. In discussions with his board, he was questioned about his activities in eastern Kentucky, and the board kept a file of clippings on him and the AVs. (Somehow Mulloy's anti-poverty, anti-strip mining efforts seemed to be relevant to his draft status.) By refusing to reopen the file, the board in effect denied Mulloy the right to appeal. When it became apparent that he would be drafted, Mulloy decided to refuse induction. In April, 1968, he was given the maximum sentence. He spent six weeks in the county jail trying to get his bond lowered from $12,000. He is now free while his case is being appealed.

Between the time Mulloy informed the AVs of his decision to refuse induction and his trial, the AVs, by a vote of 20 to 19, decided to fire him. Mulloy had been told by other AVs that the draft and the war in Vietnam were not issues that concerned the poor, and that he had jeopardized their program by his actions. Mulloy and his wife Karen joined the McSurelys on the SCEF staff.

Despite this incredible series of redbaiting and riotbaiting tactics by the city, county and federal officials, the anti-poverty workers still hoped for success. They continued their effort to organize the poor. And some of the AVs were beginning to sense just how political poverty is. Edith Easterling, a long-time local resident, an AV and director of the Marrowbone Folk School—a cinder-block center for organizing in Pike County—put it this way:

"You should see the way some of those county officers treat the people in the hollers. A friend of mine went down to the high sheriff's office and wanted to make some complaints cause we hadn't been getting any law enforcement. One night a young guy got cut in a fight at a dance at the Folk School. My friend went to the high sheriff's office and asked for help. The deputy said she was just a Communist, and she works for the AVs; and as long as they were going to be Communist, then they couldn't have anybody from the sheriff's office coming out there."

As usual, the winter was difficult in the mountains of Kentucky. But, when the Kentucky legislature met in early 1968, things became still worse. Legislators swallowed what they were fed by the Pike County power structure. The Southern Conference Education Fund was surely a Communist front organization. So must be the AVs. The new Governor, Republican Louis B. Nunn, made a campaign promise to "run SCEF and organizations like it out of the state." He was to get ample help from Democratic and Republican state legislators. To implement his promise, a Kentucky Un-American Activities Committee (KUAC) was established. When a controversy arose as to the need and source of funds for this committee and its proposed staff of investigators, Nunn cleared the way. He generously provided $5,000 a month for KUAC (pronounced "Quack" by its opponents) from his contingency fund. The sum is greater than that received by all other committees of the state legislature combined.

The first KUAC hearings were held this summer in Frankfort and concerned the riot which erupted in Louisville during the spring. Only so-called friendly witnesses testified. The consequence of selective testimony was to blame the riots not on poverty and racist conditions that produced them but on certain outside agitators and on Carl Braden, the executive director of SCEF. KUAC next met in October, this time to investigate un-American activities in Pikeville. The investigation was formally requested by Robert Holcomb, two students at Pikeville College who thought the college administration had become too liberal, and two residents of Marrowbone Creek, the area of Pike County where anti-poverty workers had concentrated their efforts.

The AVs, SCEF workers, and a group of students from Pikeville College, who called themselves Kentucky Students Serving Kentucky (KSSK), were no longer working on strip mining. The central issue this fall has been a controversial proposed water district grant of $1,800,000 and a $270,000 loan—all from the federal government. Pure water is also a potent issue in Pike County for, according to a local grand jury report, 80 per cent of the wells are polluted. The AVs and the Pike County Citizens Association (PCCA), a group of poor people, contend that poor people cannot afford the $25-per-household fee required to hook into the proposed water system. They have suggested a rate schedule based on income in which those below the $3,000-a-year poverty line would not have to pay. The AVs and PCCA organized poor people to support their proposal. The result was that only sixteen of the required 700 signatures were obtained for the petition indicating that those signing were prepared to pay the fee for water service.

Pikeville Chamber of Commerce President Holcomb, proud of Pikeville's designation last year as an "All-American City, said KUAC's hearings prove that the AVs were trying to "sabotage" the water district money. He went on to say that the director of the Pike County AVs, Tom Ramsey, "wanted to control the money we would get from the government." Ramsey has a different view. He contends that the water district is not designed to benefit the poor—who suffer most from the polluted well water. "The basic underlying motive of the whole business" is to "turn Pike County into a tourist center"—which will hardly benefit those people isolated in the hollows:

Although no AVs testified at the Pikeville hearings on this matter, KUAC issued an interim report on November 29 on the evidence it had heard. It recommended in the strongest possible language that the Governor see to it that the AVs be permanently discontinued. It said that the AVs had been excessively funded and a "tremendous detriment to the deserving people of this region." The report concluded that the AVs "work apparently to create strife, rather than . . . to better conditions in the area itself." When questioned by a reporter, during the news conference announcing the report, as to whether or not KUAC discovered any un-American activities in Pike County, Chairman Scott Miller (R., Louisville) hedgingly concluded that "working against the health of the people was un-American." He said the question of communism will await future hearings.

The second series of hearings in Pikeville were held on December 3 and 4. One AV staff member, Mrs. Easterling, did testify this time. In a moment of tension and silence she opened her remarks to the committee with an apology. Bystanders in the packed courthouse room moved to the edge of their seats in anticipation of her exposing communism among the AVs. In strong and unequivocal language she apologized to the people of Pike County for having helped elect that "dirty courthouse bunch" headed by Ratliff.

Tension was further stirred when she complained to KUAC that her life had been threatened because of her work with the AVs. When one of the committee members asked what threats she had received, she replied that she had received threatening telephone calls and that windows of her home had been shot out. "I don't call that threats," scoffed Charles Upton, the KUAC member. Louisville's *Courier Journal* aptly replied in an editorial the next day that had Upton been in her position he would not likely confuse such gestures "with a visit from the Welcome Wagon." Approval by the Governor is needed for the AVs to continue to receive OEO funds. That decision must be made before the first of the year.

Redbaiting, riot-baiting, charges of sedition, the collusion of local, state and federal officials, TVA's support of strip mining—this is no war on poverty. In eastern Kentucky, it is a war on poverty workers, especially those who see poverty as basically a political matter. In the early morning of December 13, a bomb was thrown at the McSurely house from a passing car; no one was hurt. The following Monday they made a formal request for investigation by the U.S. District Attorney, but Alan McSurely says: "Nothing will come of it because the people who run this country don't give a damn about the poor people." The local power structure and the anti-poverty workers could hardly be further apart. Mrs. Easterling emphasized that "some of the people up in the mountains are so scared of the courthouse gang in Pikeville that they haven't been out of their hollers to go to town for twenty years. Most of them are disabled miners with the black lung and are afraid someone will take their checks." Holcomb views the overall picture quite differently: "There really aren't any big conflicts in Pike County. If you measure the people's actual physical needs, there isn't much poverty either."

FACTFINDING MISSION

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. HARRINGTON. Mr. Speaker, it is interesting to note from an article in the Wall Street Journal of June 16 that the members of the President's factfinding mission to Southeast Asia had relatively little difficulty in finding the facts. To a great extent this is because the facts had already been decided upon before the committee left Washington.

Peter R. Kann, in his article entitled "In Indochina, Factfinding at a Frenetic Pace," has outlined the 4-day itinerary of the VIP's who were entrusted with this onerous and difficult task. For instance, Kann reports:

> The VIP's inspected three armies (American, Vietnamese, Cambodian) in the course of a single day.

We can see in this episode a very intesting and useful method to drastically cut the amount of time that factfinding committees usually take before we have the benefit of their considered opinions. President Nixon has presented us with a solution which is as simple as it is novel—if you determine the conclusions to be reached by a committee and arrange a speedy exhibition of the facts which support those conclusions, you preclude the need for long deliberations, and the committee can provide you with the answers you want.

I find it difficult to understand why the committee had to leave Washington to report on its findings. I would also suggest to the President that the next time he might find an echo chamber more suited to his purposes.

The article follows:

IN INDOCHINA, FACTFINDING AT A FRENETIC PACE

(By Peter R. Kann)

SAIGON.—President Nixon's fact finding mission of Senators, governors, Congressmen and White House staffers returned to Washington recently after a four-day whirlwind tour of South Vietnam and allied-occupied bases in Cambodia. The group returned some optimistic conclusions to the President (with one dissenting opinion) but to a reporter who went along, the tour only confirmed a more basic impression: If facts, like captured documents and Communist corpses, are in abundant supply here, understanding is more elusive.

This VIP visit, like the many that have preceded it, had something of a "see Europe in seven days" quality about it. The VIPs inspected three armies (American, Vietnamese, Cambodian) in the course of a single day. They were briefed on Vietnamization, Cambodianization, military successes, pacification gains and political progress.

The group consisted of Senators John G. Tower, Howard M. Cannon, Thomas J. McIntyre, and George Murphy; Representatives Marvin Price, O. C. Fisher, G. William Whitehurst, and William Bray; governors Raymond Shafer, Robert McNair, and John Love; and White House staffers Bryce Harlow and Herbert Klein.

The Congressional delegates are all members of Senate and House Armed Services Committees and, with the notable exception of Sen. McIntyre, are Administration supporters on the war issue.

(At Shakey's Hill, an American fire support base on a muddy hilltop ten miles inside Cambodia, a young U.S. Army lieutenant looked over the names of the VIPs and commented: "Kind of looks like the President has preprogramed his feedback.")

SIRENS AND FLASHING LIGHTS

On their first of two days in the field the VIPs, outfitted in spanking new Army fatigues, visited the Mekong Delta south of Saigon to study Vietnamization and pacification. After a round of briefings at a Delta airbase, the VIP cavalcade—replete with screaming sirens and flashing red lights—roared through the squalid shantytown suburbs of Can Tho to a chieu hoi (defector) center where former Vietcong were lined up to give them three well orchestrated cheers.

The group then helicoptered to Huu Thanh village in Vinh Long province, a community destroyed during the 1968 Tet offensive, insecure for more than a year afterward, but recently pacified and rebuilt. Briefers several times told the VIPs that the village had been "100% destroyed by the VC." Local Vietnamese officials and American advisors noted privately that at least half the village had been destroyed by American airstrikes.

The local officials, however, agreed with the briefers that the military security and increasing prosperity of the pacified village were very real. "It's a showplace but there are others like it," said a local adviser.

At the forward headquarters of Delta Commander General Ngo Dzu the VIPs inspected neatly arranged mountains of captured weapons and were briefed—with the aid of flipcharts, colored map overlays and simultaneous translation—on ARVN exploits in Cambodia.

General Dzu assaulted one of the hills of captured weapons and plucked a Communist rifle for presentation to President Nixon. Mr. Harlow of the White House staff gave the General a Nixon tieclip in exchange.

The delegation later helicoptered into Cambodia, landing in a grass clearing on the outskirts of the Cambodian provincial capital of Kampong Trach. With General Dzu in the lead the VIPs reviewed ragtag elements of a Cambodian brigade.

Cambodian officials, including the provincial governor, were present in the clearing and indeed had prepared their own modest briefing, featuring a "liste des besoins" (list of needs) which, by circumstantial evidence, would be extensive. General Dzu never got around to asking the Cambodians to give their briefing. But the Cambodian brigade commandor later was invited to drink one of the coconuts he had provided for the VIPs.

The visitors' second day in the field was heavily devoted to briefings and weapons displays, but also included a visit to Shakey's Hill. The hill was first occupied by elements of the First Calvary Division Airmobile, and is named for an Air Cav soldier who died in the assault. The hill was laced with Communist weapons storage bunkers.

The crest of the hill, now occupied by elements of the Ninth Division, was a foot deep in reddish brown mud. The GIs were living in poncho-covered foxholes far more primitive than those holes which housed enemy supplies. Vietcong were operating a few kilometers away and American patrols had been making what briefers call "light contact"—one or two GIs dead or wounded every few days.

It seemed like a very typical fire support base—except for a few special preparations being made for the VIPs. Half an hour before the visitors arrived, combat troops were kneeling in the mud taping little VIP name tags on the backs of metal folding chairs which had been flown in for the occasion. Other GIs were putting finishing touches on an expanded latrine. And others were arranging a table of cake and cold drinks, also specically flown in by chopper. The GIs operating out of this base had mostly been living off C-rations.

Such preparations might have been obvious to perceptive VIPs. Others might not. The VIPs were not aware, for instance, that prior to their arrival Army barbers had arrived by helicopter to trim the GIs' hair and shave off their beards. This was an unpopular move. "Man, they shaved off my beard this morning. Now why they have to go and do that? I mean how is shaving off my beard gonna win this war?" says one of a group of GIs sitting on some sandbags awaiting the VIPs.

The men's fatigues are cleaner than might be expected given the surroundings. The GIs explain that clean fatigues had been flown in earlier that morning. "I ain't had a set of clean fatigues in over a month. They probably going to take these back soon as the Senators leave," says a GI whose fatigue insignia say he is Alvarez of the First Division. He explains that he is not Alvarez and that he's in the Ninth Division. "I don't know where they got these fatigues," adds the man labeled Alvarez.

The men have a lot of gripes. They say they were moved into this area of jungled hills from their normal operating area in the flat and open Mekong Delta and that they aren't trained to fight in this terrain.

The men say they were told on May 2 that they were going off on a three day operation; they haven't been back to their base since. "Morale is bad man, we're dragging," says one of a group of ten GIs. Others agree. "We are bushed and we're scared," says another.

Why don't they tell their gripes to the

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VIPs? "Higher up said we'd get article fifteen if we just walk up to those Senators and start saying something. They said we got to go through channels," explains one of the GIs.

MORALE IS "EXCEPTIONAL"

The VIP party arrives in a bevy of choppers. They are led to the briefing tent where they are told about the battle to occupy the hill and about the discovery of enemy arms caches. Questions are invited and Mr. Klein of the White House staff asks about the morale of the GIs. "Exceptional," says the colonel giving the briefing. The VIPs are then presented with captured Communist belts which, they discover, were made for Vietnamese size waists.

The visitors view captured weapons and exchange pleasantries with GI constituents who have been lined up behind little signs bearing the names of states the Senators and Congressmen represent.

An hour later in a forward brigade command post camp on the Vietnam side of the border, at least one Congressman, Mr. Whitehurst of Virginia, gets more than polite conversation from a GI lunch companion. "You get so tired humping in the mud, stuff on your back, they don't give you no rest, no it ain't right out there in the boonies at all," says PFC King Wright.

The VIPs see more captured Communist supplies, including some used bottles of blood plasma and bandages, and get a briefing in which Major General Edward Bautz Jr., commander of the 25th Division, announces that "we got part of COSVN headquarters."

One wonders whether COSVN (Communist Central Office for South Vietnam) has its own VIP visitors to contend with.

SOCIAL SECURITY VERSUS UNIVERSAL HEALTH INSURANCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. RARICK. Mr. Speaker, Robert J. Myers, F.S.A., until recently Chief Actuary of the Social Security Administration, has been trying to alert the American people and their leaders of the undermining of the social security system by those socialists who advocate equal Federal benefits to provide full economic security, including health care for almost everyone.

Because of the seriousness of the "Fedicare" conspiracy and the fact that the recent Social Security amendments passed by the House delegated additional powers to the Secretary of HEW, I include an article from Medical Economics, along with an article and speech by Mr. Myers, and a newsclipping from the local paper at this point:

[From Medical Economics, Jan. 5, 1970]

AN INSIDE VIEW OF THE GREAT FEDICARE CONSPIRACY

(By Ralph M. Thurlow)

When former H.E.W. Secretary Wilbur J. Cohen refused to increase the beneficiaries' contribution to the medical insurance part of Medicare, he raised the lid on a long smoldering feud. The feud, according to Social Security chief actuary Robert J. Myers, pits the "expansionists" against the "moderates" over the question of how extensive Social Security benefits should be: Specifically, Myers charges that Cohen's decision to maintain the then $4 contribution was one more expansionist effort to provide benefits "without making the increasing cost of those benefits readily apparent to the public." It was just the sort of move an expansionist would make, Myers says, to turn Medicare into the keystone of a system of nationalized health care.

"The Nixon Administration's decision to raise the contribution is a forthright recognition of the Social Security law's intent," Myers contends. He believes the efforts of the expansionists have been on the increase and that this may now seriously affect the program.

Who are these expansionists, what do they want, and how are they trying to get it? These are the questions this magazine put to Myers after he spoke on the subject at a recent symposium. Myers' answers add up to describe what might be called a great Fedicare conspiracy—one that could, if successful, dramatically change the way medical care is delivered in this country.

Expansionists, Myers says, are those in or out of Government who believe that Social Security should provide full economic security, including medical care, for about 95 per cent of the American people. Myers puts himself among the moderates. He contends that they believe the present system is reasonably adequate, needs only some updating, and should be no more than a floor under economic and health needs—leaving plenty of room for private enterprise in those areas.

In addition to former Secretary Cohen, Myers puts Social Security Commissioner Robert M. Ball, Walter P. Reuther, and many others in the expansionist camp. Their goals are attractive to a great many people, he maintains, if only because their overall intentions are concealed in a strategy that calls for piecemeal adoption of programs. "The ink is scarcely dry on a newly enacted amendment," Myers says, "before plans are already being developed for the next legislative effort."

Some idea of how the expansionists work, Myers claims, can be seen in their pursuit of higher Social Security cash-benefit objectives. They would nearly double the current maximum earnings base of $7,800, to $15,000 in 1970, instead of accepting the base the moderates are now proposing—$9,000 in 1972. If $15,000 were made the new base, according to Myers, the next step of the expansionists would be to work for increasing the Social Security payments to retirees and others by 50 per cent, then to twice the present level.

Such an increase, he believes, would make it unnecessary to have private pension plans and other forms of long-term private savings. Most people would be covered by the $15,000 base at a benefit level that would support them more than adequately. The result: a greatly diminished flow of money into private savings and pension plans that would drive private industry to the Federal Government for its investment capital. And that would be nothing compared to the effect the expansionists would have on medical care, according to Myers. Here's how he describes it:

Taking the gradual approach to their ultimate goal of Fedicare for everybody, the expansionists would first propose Kiddicare—prenatal, obstetrical, and infant care up to whatever age the lobby could obtain at the moment. The Kiddicare program would not only miss the basic problem of the environmental factor in infant mortality, but it would also reduce considerably the scope of private insurance. With fewer subscribers, the cost of private insurance would escalate, and critics would suggest that the Government program take over the entire load.

The same process could be applied to other areas of health care, and the resulting complete and comprehensive national insurance system would, says Myers, have a drastic effect. As Medicare now stands, it's possible to have private reimbursement standards against which program reimbursement bases can be measured. Under a complete coverage program, there would be no private-sector standard against which to measure the usual-and-customary charges of physicians. Accordingly, Myers claims, fees could be established only by agreement between the Government and the doctor, and the practice of medicine as it's known today would cease to exist.

"There's a very high likelihood then," Myers says, "that the Government, if it started to establish fees, would go on to establish capitation costs, and after that to put all doctors on salary. Following that, it could be argued logically by expansionists that the Government should also control the supply of physicians, and that would entail their education as well." The insidious thing about expansionist thinking, according to Myers, is that it has worthwhile goals; the trouble is that enormous Government programs are the only way expansionists see of achieving those goals.

Medicare, which operates well as a floor under the medical costs of the aged, he says, would have luxury carpeting over it, then walls and a ceiling, until it became a structure in itself, if the expansionists took over. What's the best way to avoid such a takeover? To Myers the answers are health insurance programs to which the public contributes, so people can see what their benefits are really costing them, and private medical care that gets the job done.

[From the Reader's Digest, April 1970]

SOCIAL SECURITY AT THE CROSSROADS

(By Robert J. Myers)

For the last 35 years it has been my job to provide federal policymakers, administrators and Congress with the cost forecasts essential to keeping the nation's Social Security program on a sound financial course. The assignment is above politics. However, in view of my experience with Social Security, I believe it is my duty to warn that powerful pressures are now building up, both within and outside our government, that could soon steer Social Security down a dangerously unsound financial course.

These pressures come from a wide range of people, from social planners to politicians, who are all too willing to boost retirement benefits without letting the public in on the economic consequences. They include, among others, some of my own associates in the Social Security Administration, certain Congressmen, theoreticians from the academic community, labor leaders, and lobbyists who parade as independent spokesmen for organized senior citizens. For example:

A State University of New York sociologist, Joseph H. Bunzel, tells the House Ways and Means Committee that the present minimum monthly payment should be quadrupled and that the taxable wage base should be rocketed from $7,800 to $100,000 a year.

Congress has before it a maze of proposals for vast new Social Security benefits. Many Congressmen want to provide the wherewithal by tapping general federal revenues—your tax dollars. One such advocate, Rep. Benjamin S. Rosenthal (D., N.Y.), calls for "financing the Social Security system through whatever general revenues are needed to keep it actuarially solvent."

Speaking for 22 private welfare organizations, Philip Bernstein urges a broad and costly new pattern of benefit increases to be paid for "by the total community rather than by payroll taxes."

Former Vice President Hubert H. Humphrey has called for a 50-percent increase in Social Security payouts, a plea echoed by former Secretary of Health, Education, and Welfare Wilbur J. Cohen.

Undoubtedly, these are sincere men. But they are united in promoting the delusion

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that we can forever expand the Social Security balloon—yet never fear that it will explode in our faces.

Thus, our Social Security system has come to a crossroads: Do we stay on the main, moderate road we have followed up to now? Or do we take the "high road" advocated by the expansionists (a tempting road, in an election year, for some politicians of both parties)?

Before answering, it might be wise to consider what Social Security originally set out to accomplish.

Floor of Protection. Unlike private insurance, which pays off from the investment of your premiums, Social Security chiefly transfers to non-working beneficiaries a tax collected on the payrolls of the nation's workers. These workers contribute in the reasonable expectation that there will be younger workers willing to do the same for them in years to come. Moderate legislators, who have sought to safeguard development of the system, have worked to limit Social Security to what initially was called a "basic floor of protection." This meant keeping costs low enough to encourage development of private savings and investment, while at the same time assuring Social Security benefits which, *when combined with these other anticipated resources*, would be high enough to enable most Americans to maintain at least an acceptable minimum standard of living on retiring or becoming permanently disabled.

The private investments that have resulted from this moderate approach speak for themselves. Individual Americans now own about 34 million homes, compared with 12 million 40 years ago. In that same period, their life insurance in force has climbed from $102 billion to $1300 billion; personal savings from $3 billion to more than $40 billion a year. The number of people with private hospital insurance has increased from just 12 million in 1940 to 170 million now. Today about 29 million individuals are protected by $125 billion invested in private pension and deferred profit-sharing plans. Only about seven percent of all our 25 million Social Security beneficiaries now require an additional check from public-welfare funds in order to meet their basic needs. Surely any Social Security setup that can accomplish this must be regarded as generally adequate.

Through the years this basic floor-of-protection concept has permitted benefit rises to keep up-to-date with economic changes. It has also permitted inequities to be ironed out and refinements to be made. This process should continue. For example, in an era of skilled-labor shortage there is certainly room for re-examination of that portion of the law which curtails or completely shuts off a man's Social Security benefits if he wants to continue working after his 65th birthday—and then requires him to continue to pay Social Security taxes. President Nixon has proposed certain improvements in this area.

Conflict of Philosophies. However, simple adjustments to keep the basic system up-to-date are not at all what the expansionists have in mind. The AFL–CIO, a prime source of expansion pressure, candidly states that between the moderates and the expansionists "the conflict is not a simple battle of numbers; it is a conflict of philosophies." In place of a basic floor of protection, the AFL–CIO argues that the Social Security system alone *"should provide the basic retirement system by which the elderly can live out their lives in dignity and economic security."*

In the past, Congress has held the expansionists in check, and thus kept the system actuarially sound. But by last year the expansionists were able to get the Senate to adopt, by a 48 to 41 vote, a so-called "Christmas tree" measure that nearly doubled the minimum Social Security payment—and jumped the taxable wage base from $7800 to $12,000. Only through compromise were the House-Senate conferees on this legislation, under the leadership of House Ways and Means Committee Chairman Wilbur D. Mills and his senior Republican associate, Rep. John W. Byrnes, able to slice away at some of the Senate innovations and send to the White House a bill which, for the time being, held the expansionists to a 15-percent across-the-board increase in current Social Security benefits.

Even so, this one piece of "emergency" legislation will necessitate $4.2 billion of additional outlays for 1970 alone. Over the years, this change will use up the actuarial surplus of the Social Security trust fund: that is, all of the taxes collected through the years that are in excess of required disbursements. President Nixon had intended that this surplus not only should finance his proposal for a ten-percent hike in benefits (which would have adequately offset increased living costs to date), but also should pay for his other proposed improvements: a better deal for people over 65 who want to continue working; equitable increases in widow's pensions; a temporary reduction in the Social Security tax rate that workers must pay; rescuing Medicare from a financial dilemma.

TORCH OF PROMISE

What now? Congress must reopen the entire Social Security package and find ways to bring in more money. President Nixon has already called for raising the taxable wage base to $9000 in 1971, 12 months earlier than he had previously recommended. But even this will not be enough to sufficiently bolster Medicare's seriously underfinanced hospital insurance—which at present levels of financing will go broke by late 1972.

Crisis or no crisis, however, the expanionists are back again at the Capitol, pulling and shoving to promote enormously expensive new schemes. No fewer than 892 bills to change Social Security were dropped into the House legislative hopper during the first session of this Congress. Many of these proposals would so balloon benefits that taxes would also have to soar. But one bill stands out as the expanionists' torch of promise. It was introduced by Rep. Jacob H. Gilbert of New York, and is backed by the National Council of Senior Citizens,[1] which has kept up an incessant clamor for ever larger Social Security payments as essential to combat what it considers to be "destitution." In fact, this nationwide lobby organization has boasted that Representative Gilbert "consulted with officers of the National Council in designing every feature of the bill."

If the Gilbert bill were to pass (which is highly unlikely), it would all by itself raise last year's Social Security benefits by about 50 percent. The minimum of $120 a month would go to many individuals who weren't part of the regular labor force but, as in the case of some wives and retired government employes (who are not covered by Social Security), have accepted temporary part-time jobs just to qualify for a minimum benefit. A retired couple who under last year's law could collect a maximum of $376 a month would take in as much as $805 instead; for a widow with one child the increase would be from $307 to $805. Doctors' calls and drugs from the neighborhood pharmacy would be largely free to all retirees; there would be no restraining premiums to pay.

All this is just the beginning. The ultimate aim of the expansionists, as disclosed by Walter P. Reuther, cochairman of the powerful Alliance for Labor Action, includes a Social Security annuity of as much as $10,000 a year, amounting to a full two thirds of a beneficiary's highest ten years of "covered" pre-retirement earnings.

What is astounding is that so little is said about the cost of this sort of expansion. The fact is that every additional benefit that is handed out to 25 million retirees must be paid for by taxing the 73 million persons who do work, along with their employers. By the end of the current decade, for example, the cost to the taxpayers for providing the benefits called for by the Gilbert bill would mount to about $135 *billion* a year. The taxable base would increase to $15,000 in 1972 and probably to about $20,400 by 1980. Direct Social Security taxes would be increased from a top of $920 a year now scheduled for 1987 to as much as $2448 by 1980, shared equally between employe and employer. (Self-employed persons would pay $1632 by 1980.) Even these colossal taxes would fall one-third—or $45 billion—short of paying the annual bill. Where, pray, would this additional cash come from?

The Greatest Dangers. Commissioner of Social Security Robert M. Ball has raised the question of "whether some of the additional financing should come from general revenues." This means that after you pay as high a Social Security tax as can be directly squeezed out of you, you'll have to hand over even bigger federal income and other taxes so as to provide a Social Security subsidy—a subsidy that will be as difficult to control as any other that finds its way into the federal bureaucracy.

And give heed to this. The march of these expansionists will not be halted simply by non-adoption of the current Gilbert bill or by failure of any other single piece of legislation. Their long-range strategy is to lay down a barrage of demands, win what they can through compromise, then, even before the ink is dry on the legislation, begin anew the advance which brings them ever closer to their goals.

What makes all this so important just now is that our Social Security system has virtually matured: that is, there is a good balance as between costs levied on the economy and the resulting benefits. Thus, we've arrived at a cross-roads for Social Security. It would seem a good time to heed the advice of the late Supreme Court Justice Louis Brandeis:

"Experience should teach us," he said, "to be most on our guard to protect liberty when the government's purposes are beneficent. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

Universal Health Insurance

(A Speech Presented by Robert J. Myers, F.S.A., Chief Actuary, Social Security Administration, to the Annual Convention of the Oklahoma State Medical Association, May 16, 1970)

(Note.—The views expressed here are those of the speaker and not necessarily those of the Social Security Administration.)

The motto of the actuarial profession is, in brief, "To substitute facts for impressions". In appearing before this Convention on such an important and complex subject as national health insurance and Medicare, I would certainly want to stay with the facts of the matter and not to bring in impressions and emotions, as do so many persons when they get into these areas.

To start off with, I woud disavow any claim to being a complete expert on all aspects of this subject. Rather, my experience has only been in the financing aspects. And most certainly, financing, although important, is by no means of primary importance, but rather the actual provision of medical care is paramount, and in that area you, my audience, have far more expertise. In fact, I

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[1] The National Council of Senior Citizens, Inc., bills itself as a "nonpartisan" group dedicated only to promoting the cause of the nation's elderly. In fact, it has been financed in part by the Democratic National Committe and the AFL–CIO.

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believe that this is the great weakness of many of the advocates of national health insurance—namely, that they do not have a real knowledge of many of the complex elements that go into providing high-quality medical care, much as they might claim that they do.

Before going any further, let me define what I believe the term "national health insurance" means, since nowadays many people are using it with quite different meanings. In my opinion, national health insurance means a program under which the entire population of the country, or virtually the entire population, would be provided all their medical care needs either directly by the Government through salaried physicians and other staff and through government-owned hospitals (socialized medicine), or else through private providers of service most of whose remuneration would come from government insurance programs (the Medicare or social insurance approach).

Other types of proposals are currently being made that are called national health insurance plans, but, in my opinion, they should be categorized differently. Some proposals would completely change—or it might be said, scrap—present methods of providing medical care. It would seem to many people that these would be catastrophic in effect if put into operation in the near future, and I think that many of the advocates realize this but are merely using the proposals for talking purposes. Other proposals would instead be harmonious with the present medical-care system, which, despite strident charges from some quarters, has not been remaining static but rather, in the desirable pattern of American democracy, has been gradually and steadily developing better and more efficient procedures as experience has indicated feasible.

The social insurance approach is taken in bills introduced by Senator Javits and Congresswoman Griffiths. Both bills are truly national health insurance, since they would apply to virtually the entire population and would provide virtually complete medical care, with the financing being through payroll taxes on workers and employers, plus a substantial matching government subsidy. The latter, of course, merely tends to hide some of the huge costs involved, since who else but workers and employers will provide the money for the general-revenues financing?

Within a few years, after the full range of comprehensive benefits are provided, the cost of these plans will be at least 10% of payroll, regardless of how it is divided up, and could well be as high as 15%. Actually, no precise cost estimates are possible—as they can be made for a cash-benefits program—because there are so many intangibles involved. For instance, there could be no certainty in the cost estimating process as to how the remuneration of physicians will be determined once there is a monopolistic, monolithic health insurance program. Nor is there any way to know how much services will be provided in such areas as hospitalization and drugs once the financial restrictions on patients have been largely removed.

At the one extreme, a national health insurance system can have a low cost by fiat of the Government if it merely allots a certain amount of money for health services and provides only what results therefrom—which has been very much the case under the British National Health Service. On the other hand, the financial sky would be the limit if a national health insurance plan provides all the services that people demand as readily and quickly available as possibly can be, without regard to whether this is medically necessary or desirable.

A quite different approach has been taken by Governor Rockefeller. He advocates, in essence, that employers must have insurance or other programs covering certain basic health needs of their employees and their families, with a separate governmentally-financed program of similar nature for non-employed persons. In many ways, this would change the existing system very little, since the vast majority of employees in the country already have reasonably adequate private health insurance.

Another type of proposal is to grant tax credits for those who purchase, on a voluntary basis, comprehensive health insurance coverage from private insurers. The amount of the tax credit would be inversely related to family income, so that the very low income groups would receive their insurance policies without cost to them. Then, there would be a gradual tapering off for higher incomes, until, after a certain point, there would be no government subsidy involved. Such proposals would, of course, be financed from general revenues and would therefore mean higher taxes from one source or another for the general taxpayer. Proposals along these lines have been made by the AMA and by Congressman Fulton and Senator Fannin.

A quite different approach has been suggested by Congressman Durward Hall. One part of his proposal would be to provide private health insurance policies for the medically indigent and thus would replace the Medicaid program. The second part of his proposal would cover truly catastrophic illness for the entire population, defining "catastrophic" in relation to the family's income. Through the latter procedure, families would obtain the very necessary economic protection in those rare instances where medical costs run far in excess of the maximum limits in most health insurance policies. The cost for this "catastrophic expense" plan would be met from general revenues, which seems a most desirable approach because of the relatively few cases involved—so that establishing any insurance system involving premium payments would be administratively inefficient.

One might well wonder why there is currently such a clamor for national health insurance or similar programs at this moment. Medical science has been making giant steps of progress, and the health and longevity of the American public is at an all-time high. Many different types of programs are being developed and put into effect to provide adequate health care for the very small minority of our population who are truly in poverty. And yet the advocates of socialized medicine are raising their voices ever louder to denigrate the existing medical situation. In turn, this causes more moderate groups to examine the situation and to come up with alternative proposals of their own. Undoubtedly, this debate in our democratic society has certain advantages, but it does seem somewhat strange that it is now occurring.

I think that there is a rather simple explanation of this occurrence—namely, the general inflation that we have been having for the last five years. As you well know, the price level has been rising at an annual rate of about 5%, while at the same time the general level of earning has been rising about 7% to 8% per year. At the same time, physician fees have also been rising at about 7% to 8% per year, while hospital costs have been increasing about 15% annually. The much sharper rise in medical costs than in the general price level has been brought home strongly to the American public. For one thing, there is the natural tendency that people object most strongly to rising prices for things that do not give them immediate personal pleasure—and most medical costs hardly fall in that category, even though over the long run they are primary in achieving personal enjoyment and satisfaction of living.

The advocates of socialized medicine have seized this particular opportunity to achieve their goals or advance toward them, since they believe that the public can be aroused by the sizable increases in medical-care costs. These advocates made a strong drive for national health insurance—preferably of the socialized medicine type—in the 1940's, but they failed to achieve their goal because of the general growth of private health insurance then (which they said could never achieve the success that it actually has).

After laying low for two decades, during which they sought to get the camel's nose in the tent through the enactment of Medicare, these advocates of socialized medicine are again out in the open in full force, using as their appealing argument the recent large increases in medical-care costs. As propagandists, they are quite willing to ignore and leave unmentioned several significant and crucial facts.

First, the largest increases in medical care costs have been for hospitalization—an area that is considered sacrosanct, because 95% of the short-stay hospital beds are in "nonprofit" institutions. Second, the *relative* trend of physician fees in the past five years has been almost exactly the same as it was in the preceding two decades—namely, increasing at about the same rate as the general earnings level.

Third, the illusion is fostered that, somehow or other, insurance is magic and has the inevitable effect of reducing costs. Actually, insurance does not reduce costs in the aggregate, but rather merely, although desirably, it spreads the costs among the insured group. Thus, none have extremely high costs, while others have little or no cost at all, but rather all persons have a uniform low or moderate cost (i.e. the premium rate).

In summary, on this point, it seems to me that the advocates of socialized medicine are trying to deceive the general public and sell them their old line of goods under a new guise—sharply rising medical costs which are unfairly blamed on physicians, when instead they are much more due to the rising general price and wage level and to the trend of hospital costs.

Now, let me turn to a subject on which I believe that I have considerably more expertise—namely, the financial status of the Medicare program, about which there has been much public misunderstanding. As you know, the Hospital Insurance program is financed predominantly by payroll taxes paid by and with respect to employed persons, whereas the Supplementary Medical Insurance program is financed by premiums from the enrollees and matching government payments.

The cost-estimating problems have been much greater for the HI program than for SMI. Under HI, the attempt is made to provide adequate financing over a 25-year period by establishing a proper schedule of contribution rates. On the other hand, under SMI, the premium rate is determined for only a short advance period, now annually.

The cost of the HI program over the next 25 years as now estimated is somewhat more than twice as high as the original estimate made in 1965, when the legislation was enacted. To say the least, this is a very professionally embarrassing situation. My actuarial colleagues in the private insurance sector in 1965 believed that my estimates were too low, but even their higher estimates are now only about half of what the cost apparently will be over the next 25 years.

What are the reasons that this very significant discrepancy occurred? The primary reason is the rapid and completely unexpected escalation of hospitalization costs that occurred in the past and that is quite likely to continue for at least a few more years in the future. Before 1965, hospitalization costs had been increasing about 7%

annually, and there seemed some indication that this rate would soon taper off. Instead, with the war in Viet Nam and the accompanying economic effects and, to some extent, with the introduction of the Medicare and Medicaid programs, hospitalization costs since 1965 have jumped by 15% annually. To the best of my knowledge, nobody in 1965 made any prediction that this could possibly happen.

The other factor—and a much less significant one—is the extent of hospital utilization. I had initially estimated utilization of about 3.2 days per person per year. And my insurance colleagues had estimated somewhat higher. But both of us were well below the current experience of about 4.0 days per person per year. My current cost estimates not only use this figure as a starting point, but they also allow for a small increase in hospital utilization each year for about the next decade.

Now turning to the SMI program, my actuarial cost estimates have been much closer to the mark. Once again, this is a point of evidence that contradicts the claim that physicians are largely, or even entirely, responsible for the costs of the Medicare program being much higher than anticipated! Specifically, the SMI premium rate is, by law, supposed to be determined so as to finance adequately the benefits and administrative expenses on an accrual basis. By the latter term is meant that the costs incurred in a certain period, even though payment therefor is made subsequently in some cases, is to be matched up against the income from premiums and government contributions for that period.

As the actual experience developed, the initial premium rate of $3.00 was too low, but only by about 7%. Although technically speaking, it might be said that this made the program financially insolvent, nonetheless it could continue to operate on a cash basis because of the inherent lag between the time when medical services are rendered and when the program makes payments therefor.

The premium rate was then changed to $4.00, in part because some new benefits were provided, in part to recognize that the initial rate had been too low, and in part to make allowance for likely future increases in physician fees and other costs covered by the program and in utilization of services by the enrollees. Once again, after the experience had developed and had been analyzed, it was found that the premium rate had been promulgated at too low a level—again by about 7%. Part of this small discrepancy was due to an influence epidemic and part was due to somewhat higher increases in fees than had been estimated. Still, the system was able to function on a cash basis for the reasons indicated previously, and there was a trust fund balance of several hundred million dollars.

Then, it became necessary in December 1968 to promulgate yet another premium rate, this time for the year beginning July 1969. Secretary Wilbur J. Cohen, who was to go out of office in a few weeks as a result of the election of President Nixon, had the legal authority to promulgate the premium rate at any amount which he determined, but the Congressional intent was that such rate should be based on actuarial analysis and computations. Nonetheless, Secretary Cohen ignored the actuarial recommendation of a rate of at least $4.40 and instead continued it at $4.00.

He took this action on the grounds that he would, in essence, freeze physician fees (but not other costs under the program) at the existing level—even though he would not be around to see that this was done! Moreover, he had the temerity to say that he was taking this action to help President Nixon, since this would mean less cost to the General Treasury for the matching contributions! Of course, what he did not say was that his action would virtually bankrupt the SMI Trust Fund—as it has actually done—and would therefore cause his successor greater embarrassment by forcing him to promulgate a much higher premium rate the next time.

And all this has actually occurred. The balance in the SMI Trust Fund at the end of next month will probably be only about $50 million, or the equivalent of only about one week's outgo. Secretary Finch found it necessary last December to promulgate the new premium rate, beginning in July, at $5.30 per month, and he forthrightly followed the actuarial recommendation despite the widespread political criticism it evoked.

Now let me turn briefly to the matter of the freezing of physician fees in the past. Let us also consider current proposals for the future, as the Nixon Administration has recommended and as the House Ways and Means Committee has adopted in a bill that it has recently reported out.

I do not claim to have the answer as to whether physician remuneration is too high or too low, but I am convinced that the recent *trend* in physician fees is entirely justifiable in relation to other prices and to salary levels in general. The justifications made by former Secretary Cohen for freezing physician fees for Medicare purposes do not seem to me to be in accordance with the intent of the law.

When Medicare was enacted, the principle was that reimbursement would be made on a reasonable-charges basis, as determined by the physician's customary charges to all the patients and by the prevailing level of physician charges in the locality. With respect to the latter element, I believe that there was the misconception that, in a given area, the vast majority of the physicians had about the same general charge structure and that only a few "society" physicians had much higher fees.

Assuming this to be the case—and I believe that, in actual practice, it is really not so—then the intent of considering prevailing charges was to reduce only the few instances of much-higher-than-average charges. In fact, the underlying intent of the legislation in this respect was that the SMI program should consider physician charges in the same manner as was, and still is, done by the large group insurance companies, who take a very flexible view of the situation and only reduce charges for reimbursement purposes when there are obviously excessive charges or fraudulent ones.

Instead, the administrative operation of the SMI program was established on a quite different basis, with painstaking and costly procedures devised so as to examine closely all charges. In my opinion, this advance planning was done solely for the eventual control of physician fees on a very stringent and different basis than was originally envisioned in the law. Some of this rigid control has already come to light, and some people would like to have much more of it in the future. And the apparatus has been constructed to do exactly this! Underlying all of this is a belief on the part of many of my colleagues that physicians now (and in the past as well) have exorbitantly large incomes and that their income should be reduced—or at least held down in the future as prices and other salaries rise. Some of these colleagues are civil-service employees, but incredibly, a few are political appointees of the Johnson Administration who have not been replaced by the Nixon Administration, despite their strong philosophical views favoring the former.

Some very stringent procedures, as well as the supporting "logic", were developed to justify the freeze of physician fees that former Secretary Cohen imposed and that Secretary Finch has been virtually compelled to continue. Actually, I am not certain that this freeze had any real effect. Like many other economic controls, it may have pushed in the inflationary balloon at one point, only to have it push out in a counteracting manner in another place (such as more utilization or such as charging for some items previously furnished without charge).

One might reasonably think that the term "customary charge" means that the physician is currently charging his patients, just as though he had a sign listing his fees posted in his office. Instead, the peculiar interpretation has been evolved which says, in essence, that a fee is not customary until it has been in effect for about 6 months, and then "custom" cannot change for another year. No such illogical limits prevail in other economic areas—as, for example, utilities being granted an increase in their rates on a certain date because they are economically justified, but then not being allowed to put them into effect for 18 months because of a "customary" provision. In the same way, such artificiality has been introduced in the "prevailing charges" concept, so that there too an 18-month lag is present.

A proposal has currently been made by Secretary Finch that, in the future, the prevailing-charge limits on whatever are determined to be the customary charges of a particular physician shall be the present allowable prevailing charges increased by an index made up partially of changes in the general level of wages and partially of the changes in the general cost level of living. Since the latter usually rises at a lower rate than the former, which rises at about the same rate as physician fees, this would mean that, over the course of time, the prevailing-charges limit would gradually apply completely to each physician, rather than his customary charges. So, there would eventually be a flat fee schedule under SMI for all physicians in a particular locality, determined by the Government. This is quite different from the original approach in the Medicare legislation of paying reasonable charges of physicians.

The physicians of this country have been neatly trapped by the social planners, who secretly envy their high incomes, whether real or only apparent, and thus criticize them on any possible grounds. The intent of the Medicare program was that persons aged 65 and over should pay the same physician fees as younger persons, and thus should not be second-class citizens by being given lower, "charity" rates. Now that the physicians have charged in this manner, they are severely criticized! If they had artificially held down their fees for Medicare patients, then they would have been subject to the danger that the social planners would have pointed out that Medicare was operating very well and at a low cost and that therefore it should be extended to the entire population. You can't win!

The only possible solution to this apparent dilemma would be the development of a feeling of mutual trust and confidence between the Government and the medical profession. This certainly does not exist now—and for good cause. It was quite understandable why this situation did not prevail under the Johnson Administration. It seems almost inexplicable that there has been no change in the current Administration. Perhaps the reason for this is the fact that a number of high-ranking political appointees of the Johnson Administration in the Social Security Administration and in the Public Health Service who develop policy, even though perhaps not finalizing it, have not yet been replaced.

I cannot conclude without saying a few words about the cash-benefits program, Old-

Age, Survivors, and Disability Insurance. I deeply believe that this is a very necessary and desirable program and that it is now, and has always been, soundly financed. I believe, as you may know from some of my writings, that there are grave potential dangers ahead because the political liberals, or expansionists, when they get in office again will make strenuous efforts to change the program so that it will no longer be a floor of protection.

Instead, these proponents wish to see the Government provide virtually complete financial security to non-working members of our society through governmental means. In the process, they would destroy almost completely all individual efforts through private savings, private insurance, and private pension plans. I believe that this would have catastrophic effects on people as individuals and, further, that it would have the side effect of greatly weakening or destroying our private enterprise system because of drying up much private investment capital.

The thing to beware of is the introduction of government subsidies into our social insurance systems that are now supported entirely by payroll taxes. Such subsidies give the appearance of being a painless way to expand greatly the benefits of the program, since nobody *appears* to have his pocketbook tapped therefor, whereas increases in payroll taxes are easily discernible and, accordingly, subject to taxpayer resistance.

[From the Washington Post, June 16, 1970]

AMA, Black Doctors' Group Join To Seek Health Insurance

(By Victor Cohn)

The American Medical Association and the far smaller predominantly black National Medical Association joined forces for the first time yesterday to seek a federally subsidized health insurance program to replace Medicaid.

Before a Senate Finance Subcommittee, they backed a plan much like one President Nixon proposed last week as a substitute for the present Medicaid help for low-income persons.

The President said he will submit a detailed plan in January to either buy health insurance or subsidize it, on a sliding scale, for between 5 and 6 million families with incomes below $5,620.

Yesterday AMA President Gerald D. Dorman (representing 223,000 doctors) and NMA President Julius W. Hill (representing 6,000) urged:

A federal certificate for every "low income" individual—defined as all who pay $300 or less in federal income tax—to buy a "qualified and comprehensive" health insurance policy at government expense.

Federal tax credits, on a sliding scale based on their income tax payments, to help the moderate or higher-incomed buy health plans. As one example, a family of four with $6,500 in income and a $493 federal income tax bill would get a 73 per cent credit toward health insurance.

The AMA has proposed what it calls this "Medicredit" plan in the past. But not until now has it had the backing of the NMA. The NMA long backed fully tax-paid government health insurance for all—on the Medicare principle—and generally has stood well to the left of the conservative AMA.

Yesterday, Dr. Hill, a Los Angeles physician, said the AMA-NMA proposal would work far better than Medicaid in the ghettos.

He strongly defended doctors who care for the poor against accusations that they have been profiteering under Medicare and Medicaid. Restrictions on doctors' fees—recommended in a Finance Subcommittee staff report—would only "make more acute" the ghettos' doctor shortage, he maintained. He called it "bitterly ironic" for that report to suggest that "to work 60 and more hours a week in the ghetto and be fairly paid" is "suddenly prima facie evidence of wrongdoing."

Dorman and Hill also urged statewide panels by which medical men themselves review the cost, quality and need for other doctors' services.

Both said doctors have been smeared by intimations that anyone earning $25,000 or more a year from federal health programs is profiting unduly.

SENATE—*Friday, June 19, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Creator Spirit, who at the beginning said, "Let there be light; and there was light," shine into and search out all the dark places of our time—the places of poverty, of injustice, of despair, and spiritual desolation. Reawaken us to the faith of our fathers, that people of all ages and all faiths may cherish all true values of the past and become alive to all redemptive measures for the future. Illuminate our personal lives by a fresh allegiance to Him who said, "You are the light of the world—Let your light so shine before men, that they may see your good works and glorify your Father." Give us strength and wisdom to do the good works which bring light and healing and redemption.

In the Master's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 19, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. **ALLEN** thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 18, 1970, be dispensed with.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 931, to skip No. 932, and then take up Calendar Nos. 933, 934, 935, and 938.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

RETIREMENT AGE FOR CAREER MINISTERS OF THE FOREIGN SERVICE

The bill, S. 3691, to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for foreign service officers who are career ministers was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 631 and 632 and the headings thereto of the Foreign Service Act of 1946 (22 U.S.C. 1001 and 1002) are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"SEC. 631. Any Foreign Service officer who is a career ambassador other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

"SEC. 632. Any participant in the Foreign Service retirement and disability system, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service."

SEC. 2. The amendment made by section 1 shall be effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service

Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

Retirement Schedule

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age sixty or over as of the date of enactment of this Act shall be retired at the end of the month which contains the midpoint between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age sixty or over shall be retired, and thereafter the amendment made by section 1 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

SUSPENSION OF DUTIES ON CERTAIN FORMS OF COPPER

The bill, H.R. 17241, to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper was considered, ordered to a third reading, read the third time, was passed.

SUSPENSION OF DUTIES ON MANGANESE ORE

The Senate proceeded to consider the bill, H.R. 14720, to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore—including ferruginous ore—and related products which had been reported from the Committee on Finance with an amendment at the top of page 2, insert a new section, as follows:

SEC. 2. (a)(1) Section 1006 of the Social Security Amendments of 1969 is amended by—

(A) inserting "(1)" immediately after "paid to any individual";

(B) striking out "(1)" and inserting in lieu thereof "(A)";

(C) striking out "(2)" and inserting in lieu thereof "(B)"; and

(D) by inserting immediately before the period at the end thereof the following: "; or (2) as annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, if such amount is paid in a lump-sum to carry out any retroactive increase in annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 brought about by reason of the enactment (after May 30, 1970 and prior to December 31, 1970) of any Act which increases, retroactively, the amount of such annuities or pensions".

(2) The heading to such section 1006 is amended by inserting immediately before the period at the end thereof the following: "AND OF RAILROAD RETIREMENT BENEFIT INCREASE".

(b)(1) Section 1007 of the Social Security Amendments of 1969 is amended by—

(A) striking out "July 1970" and inserting in lieu thereof "November 1970";

(B) inserting "(1)" immediately after "also receives in such month";

(C) inserting immediately before the period at the end thereof the following: ", or (2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 which is increased as a result of the enactment (after May 30, 1970, and before December 31, 1970) of any Act which provides general increases in the amount of the annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid or assistance received by him for such month, plus the monthly amount of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006), shall (except as otherwise provided in the succeeding sentence) exceed the sum of the aid or assistance which would have been received by him for such month under such plan as in effect for March 1970, plus the monthly annuity or pension which would have been received by him in such month without regard to the provisions of the Act enacted by such enactment, by an amount equal to $4 or (if less) to such increase in his monthly annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 (whether such excess is brought about by disregarding a portion of such annuity or pension or otherwise)"; and

(D) by adding at the end thereof the following sentence: "If, in the case of any individual, the provisions of both clauses (1) and (2) of the preceding sentence are applicable to him with respect to any month, any increase in the annuity or pension (referred to in clause (2) of the preceding sentence) of such individual for such month shall, for purposes of such sentence, be treated as an additional increase in the amount of his monthly insurance benefit under title II of the Social Security Act for such month in lieu of an increase for such month in his annuity or pension (as so referred to).".

(2) The heading to such section 1007 is amended by inserting "AND RAILROAD RETIREMENT RECIPIENTS" immediately after "RECIPIENTS".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore—including ferruginous ore—and related products, and for other purposes."

VETERANS' ADMINISTRATION REGIONAL OFFICE IN THE PHILIPPINES

The Senate proceeded to consider the bill, H.R. 16739, to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines which had been reported from the Committee on Finance with amendments in line 4, after the word "out", insert "June 30,"; and in line 5, after the word "thereof", strike out "'1980'" and insert "'July 3, 1974'".

The amendments were considered and agreed to en bloc.

The amendments were ordered to be engrossed and the bills as amended to be read a third time.

The bill as amended the third time, and passed.

The title was amended, so as to read: "An act to extend until July 3, 1974, the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines."

DEFERRAL OF WHEAT REFERENDUM

The Senate proceeded to consider the the bill, S. 3978, to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

Mr. YOUNG of North Dakota. Mr. President, our present farm price support program expires at the end of the current crop year. Unless new legislation is enacted during this session of Congress, we will revert to permanent legislation now on the statute books. In the case of wheat, this is the mandatory wheat certificate program.

This program involves the imposition of mandatory acreage controls on wheat producers if they approve them in a grower referendum. Under the law, that referendum must be held before August 1 of this year.

At the present time, every effort is being made to write new farm legislation. I am optimistic that these efforts will succeed. Because this has not yet been accomplished, however, the Department of Agriculture is faced with the necessity of calling a referendum before August 1.

There is a considerable amount of administrative detail that must be carried out before a referendum can be conducted. Ballots must be printed, information on the program must be made available to farmers and a public announcement of the referendum must be made. It is estimated that this work requires about 6 weeks time and would cost $2 million.

In order to remove the necessity of calling a referendum at this time, the Senate Agriculture Committee has approved this resolution delaying the deadline for a referendum from August 1 to October 15 or 30 days after the adjournment of this session of Congress, whichever occurs first.

Hopefully, during this period, new farm legislation will be enacted. If it is not, there would still be an opportunity for wheat farmers to decide in a referendum whether or not to accept the provisions of the mandatory program. This legislation has been requested by the Secretary of Agriculture. I feel this is a necessary move, Mr. President, and I hope it can be speedily approved.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, may be conducted not later than the earlier of the following: (1) thirty days after adjournment sine die of the second session of the Ninety-first Congress; or (2) October 15, 1970."

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ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is now recognized for not to exceed 20 minutes.

Before the Senator from Ohio begins his remarks, may the Chair inquire of the distinguished majority leader whether there is to be a period for the transaction of routine morning business following the remarks of the Senator from Ohio.

Mr. MANSFIELD. That is correct.

The ACTING PRESIDENT pro tempore. The Chair thanks the distinguished majority leader.

SINK THAT NERVE GAS TO THE BOTTOM OF THE PACIFIC

Mr. YOUNG of Ohio. Mr. President, it is outrageous that the Defense Department would contemplate shipping 13,000 tons of lethal nerve gas from our chemical stockpiles in Okinawa to Kodiak, Alaska, or to any other part of the continental United States.

The Pentagon should put its stockpiles of nerve gas and chemical weapons in tightly sealed air tanks and sink them to the bottom of the Pacific.

Pete Resoff, mayor of Kodiak, Alaska, a fishing town 250 miles southwest of Anchorage, has already announced his opposition to Pentagon's plans. He said that selection of Kodiak as a storage site for nerve gas would be like "getting a Christmas present of a sack full of snakes."

Mr. President, I think that mayor is a pretty smart fellow.

Deadly chemicals should not under any circumstances be transported to the United States. I am cosponsor of an amendment to the Foreign Military Sales Act (H.R. 15628) introduced by the distinguished Senator from Alaska (Mr. GRAVEL) that would prevent the shipment of lethal nerve gas to the continental United States. It is equally important that the nerve gas and chemical weapons should not remain on the island of Okinawa where they constitute a clear and present danger to the safety of the people who live there.

In Japan, the nerve gas issue is threatening to develop into a serious political problem. The Okinawan chapter of Japan's National Congress Against Atomic and Hydrogen Bombs has pledged to make an islandwide issue of the continued presence of the nerve gas.

At present, the gas on Okinawa is stored in the 276th Chemical Company, in a pine forest near Kadena Air Base. Within several miles of the depot are three of the five cities on the island, one with a population of 300,000 only 15 miles from the storage area.

President Nixon has the power to order the destruction of these lethal chemical weapons. He should immediately order the disposal of these deadly weapons which imperil the safety of millions of people.

Mr. President, it is unconscionable that the United States would continue to stockpile nerve gas. Indeed, we should never have had lethal nerve gas in the first place. We should put ourselves squarely on record against the use of nerve gas in international warfare, the most heinous form of man's inhumanity to man.

So I say, let us, without delay, sink all the nerve gas we have to the bottom of the Pacific.

ARMY DESERTERS

Mr. YOUNG of Ohio. Mr. President, with President Nixon expanding our undeclared war in Southeast Asia by invading Cambodia with 27,000 men of our Armed Forces and bombing Laos, another nation whose neutrality we had guaranteed, more Americans question our country's right to ask them to bear arms. More than 12 years ago military advisers were sent into Vietnam. No combat troops. At that time military service was an unchallenged institution among young Americans. Now, with an undeclared, immoral, unpopular war expanded by President Nixon's aggression or intrusion into Cambodia and around-the-clock bombing in Laos, millions of American youngsters are deeply troubled over Uncle Sam's call to the colors.

More startling than fine young men resisting the draft is the unparalleled rate of desertion among draftees. From May 1969 to April 30, 1970, more than 70,000 GI's deserted. Desertion means illegal absence from military duty for more than 30 days. Many boys AWOL for a week or so returned voluntarily, as do some deserters. Many do not. Of course, that 70,000 figure seems to be a tremendous number. But it is rather minimal when we contrast it with the more than 380,000 Vietnamese friendly troops—too friendly to fight—who have deserted from the armed forces of that country. The men who desert from our Armed Forces now that the war is being waged risk sentences up to 5 years in the stockade at hard labor. In a war declared by Congress the penalty for desertion could be death.

Where are these deserters? Some go underground in our own country, from one hiding place to another. Many flee to Canada and Sweden. Colonies of young Americans in Canada and Sweden are growing week after week. Many of these deserters may never return to our country. A large number already have planned to or have already become citizens of Sweden and Canada.

It is saddening to report that here is a grave loss sustained by our country. Many of these young men driven by conscience are among the cream of the younger generation. Future generations of Americans may well wonder at the madness and blindness of Presidents Johnson and Nixon which has led to this catastrophe. President Johnson brought the level of our combat troops in Vietnam to more than 550,000. Now President Nixon, instead of ending the war, has in truth and in fact expanded it so that it now covers the vast area of the old Indochinese colonial empire, including Cambodia and Laos. I am glad to report, however, that President Nixon has reduced the total number of American troops very markedly. I sincerely hope that he will continue this reduction, and I believe his statement that he intends to try to do that.

Mr. President, very definitely, Congress should consider granting amnesty to all youngsters of draft age and draftees who in good conscience were morally unable to participate in that undeclared war that we have been waging in Vietnam which has now spread into all the territory of the French Indochinese colonial empire.

THAT TRAGEDY AT KENT STATE UNIVERSITY

Mr. YOUNG of Ohio. Mr. President, directly after noon on Monday May 4, 1970, a beautiful sunshiny day, Ohio National Guardsmen ordered to Kent State University by Governor Rhodes on the previous Saturday hurled tear gas canisters into a crowd of girls and boys demonstrating on their own campus between classes then being held. Some of the students hurled back the partially filled tear gas canisters at the guardsmen. The distance between the students and the guardsmen was so great at that time that the half-filled canisters rolled on the ground close to the guardsmen, affecting some of them with their own tear gas.

The infuriated National Guard platoon fired a volley at pointblank range killing four students, two girls and two boys, none of whom had participated in any violent acts, and seriously wounded 10 other university students. Not one National Guardsman sustained an injury or even required first-aid treatment at any time from noon to 12:22 in the afternoon.

Men and women and college students throughout the United States were shocked. President Nixon in a statement to the American people said he proposed to appoint a high-level Commission to thoroughly investigate this tragedy. He has failed to do that.

A short time after this tragedy Vice President AGNEW stated when asked if he thought the guardsmen "went too far" in their response, "Oh yes, there is no question about that." I agree with his views. He went on to say, however:

> Where there is no premeditation but simply an over-response in the heat of anger that results in a killing, it's murder.

In Ohio it is second degree murder, not for guardsmen who obeyed orders, but for the officers who gave the orders and permitted the platoon of soldiers to fire that volley.

President Nixon to this good hour has failed to appoint a high-level commission to investigate and report whether murder was committed on the Kent State University commons early that afternoon.

A few days after the President made his first statement, local policemen in Jackson, Miss., at night without provocation or justification pumped bullets from their guns into a college dormitory housing black students, killing two students. This act was also murder. Did President Nixon, because of this, change his mind about establishing a high-level commis-

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sion similar to the Warren Commission? I say this because here is precisely what President Nixon did, instead of what he said he was going to do.

On June 15 President Nixon announced:

> (A) There is hereby established the President's Commission on Campus Unrest (Hereinafter referred to as the Commission).
>
> (B) The Commission shall be composed of a Chairman to be appointed by the President, and of so many other members as the President may appoint.
>
> Sec. 2. Functions of the Commission. The Commission shall study dissent, disorder, and violence on the campuses of institutions of higher learning or in connection with such institutions, and report its findings and recommendations to the President. The duties of the Commission shall include, but not be limited to, the following:
>
> (1) Identifying the principal causes of campus violence and the breakdown in the process of orderly expression of dissent on the campus.
>
> (2) Suggesting specific methods and procedures through which grievances can be resolved by means other than the exertion of force.
>
> (3) Suggesting ways to protect academic freedom, the right to obtain an education free from improper interference, and the right of peaceful dissent and protest.
>
> (4) Proposing practical steps which can be taken by government at all levels, by the administrations of institutions of higher learning, and by students, through student governments or otherwise, to minimize dangers attendant upon expressions of dissent.

As Chairman of this Commission on Campus Unrest he designated William W. Scranton, former governor of Pennsylvania. He appointed eight other members, including two city chiefs of police. In designating this Commission on Campus Unrest he only made passing reference to the tragedies at Kent State University and Jackson State College in Mississippi and he directed that the Commission report to him before the beginning of the coming academic year.

This procedure was a disappointment to me; I had higher expectations.

Mr. President, I report I feel deeply that the leadership of the Senate, the majority leader and the minority leader, should appoint a special committee of the U.S. Senate to investigate fully the killing of four students, including two girls, and the wounding of 10 other students at Kent State University on May 4 and the murder of two students at Jackson State College on May 15. Such special committee of the Senate should be granted the power to subpoena and to employ counsel, and should procede with an investigation without delay and then file their findings and report.

In fact, shortly after the murder of these four students on the campus of Kent State University I introduced Senate Resolution 404 to establish a Special Committee on the Kent State University Disorders. At that time I stated that there are many important questions which should be answered by such a committee. Who gave the guardsmen the order to carry live ammunition in their guns? Who, if anyone, gave guardsmen the right to fire at individual demonstrators? What kind of training did these young men have in controlling civil disorders? Could local and State policemen have done the job without help from the National Guard?

In Ohio it is my opinion that Governor Rhodes made a grave blunder in calling out the National Guard following disorder, rioting, and destruction of property by Kent State students in downtown Kent, a city of approximately 45,000.

On Friday and Saturday nights the students were demonstrating, a majority in a peaceful manner; a small minority when attacked by the local police burned the 21-year-old ROTC building, broke windows, and responded with violence to acts of violence on the part of the police.

That was a terrible thing to do. I have friends who could not have made it through college except for the ROTC. I think the ROTC does wonderful work for American youngsters. Any students who broke windows or did violence or burned buildings, even though responding to violence on the part of the police, should not only be expelled from the university but they should be prosecuted for the crimes they committed.

The mayor imposed an 8 o'clock curfew. As a result of that many boy and girl students particularly on Saturday night directly after 8 o'clock were arrested, taken to jail for violating the curfew, held all night and released on payment of $50 the following morning.

The Portage County sheriff failed to swear in additional special deputy sheriffs to help restore order. Governor Rhodes as early as Friday could have summoned hundreds of men of the Ohio State Highway Patrol to come into the city of Kent without delay and help restore order. In Ohio we have a very fine State highway patrol composed of hundreds of trained and experienced civil service employees and officials with a fine record and tradition of maintaining law and order and preventing criminal acts along our highways throughout the entire area of Ohio.

Unfortunately, the Governor called out the National Guard. His adjutant general, a political appointee, Sylvester Del Corso, made a poor choice by including in the selection of guardsmen the National Guard outfit which had been on duty in Cleveland at the teamsters wildcat strike and had been given a hard time by teamsters who stopped battling each other long enough to fight the guardsmen. Late at night they were dispatched directly from Cleveland to Kent and the platoon guilty of shooting and killing four students, two boys and two girls, and wounding 10 others on the following Monday afternoon was a platoon worn out by its arduous service in Cleveland.

Some years ago I was a member of the National Guard. We have a good National Guard in Ohio. But a bad choice was made for these tired and worn out National Guardsmen had been mauled around and some had been injured in Cleveland.

I realize, Mr. President, that hindsight is better than no foresight whatever, but in Ohio there were an abundance of National Guard companies enjoying inactive status which Governor Rhodes and the adjutant general could have and should have called on.

Also on May 6, the distinguished majority leader (Mr. MANSFIELD) called upon President Nixon to establish a high-level commission to investigate the Kent State tragedy. Either my proposal or that of the distinguished Senator from Montana (Mr. MANSFIELD)—and I would give preference to his proposal—would have provided an opportunity to investigate and make a complete and impartial determination of the facts of the killing of four students and wounding of 10 on the campus of Kent State University May 4, 1970, and of the unprovoked killing of two black students at Jackson State College in Mississippi by white policemen shooting volleys into the dormitory in the night.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President I ask unanimous consent that I may proceed for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, Americans were encouraged when, on May 24, Herbert Klein, the administration's director of communications, announced that the President would, indeed, appoint a blue ribbon panel to study the Kent slayings. Mr. Klein, appearing on the CBS television program "Face the Nation," said the commission would be "a group which has prestige and has the ability to look with a thorough and unquestioned investigative mind at all the facts in the case."

Some 3 weeks after the announcement by his assistant, President Nixon established a "President's Commission on Campus Unrest." He designated William Scranton, former governor of Pennsylvania, as Chairman and a group of eight citizens to this investigating committee, including two experienced and outstanding chiefs of police.

However, the duties of the commission are so broad that a serious and detailed analysis of the tragedy at Kent State University on May 14, I am afraid, may be sidetracked. According to the President's Executive order establishing the panel:

> The Commission shall study dissent, disorder, and violence on the campuses of institutions of higher learning or in connection with such institutions.

This sounds familiar. A few years ago the Kerner Commission made an extensive, in-depth study of riots and civil disorders. More recently, Father Hesburgh's Commission on Violence probed the causes and consequences of unrest. Both of these groups made thoughtful and valuable recommendations. For all practical purposes, they have been ignored in their entirety.

The only official investigations now in progress regarding the Kent State murders are those being conducted by the National Guard and the FBI. It would be ludicrous to believe that the National Guard could conduct an impartial objective investigation of itself.

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In this connection it is interesting to note that Adjutant General Del Corso, commanding officer of the National Guard, has alleged all along that a sniper from a rooftop had fired on the National Guardsmen shortly before the Guard fired a volley and killed and wounded boys and girls on the campus or commons at Kent State. The State Highway Patrol, which had at least seven helicopters in the air above the area throughout Monday, May 4, reported through the pilots of the planes that there was no sniper fire whatever. FBI investigators also made the same report, and finally Del Corso admits that his repeated allegations to the contrary were not factually correct. He now admits there was no sniper.

FBI investigators have been accumulating large volumes of information, but have shown only minimal interest in the activities of National Guardsmen on the day of the murders. Most of the FBI's efforts have been directed toward questioning students and faculty at Kent State about the teaching techniques and political beliefs of some professors. The killing of four innocent young people has been made the excuse for an inquisition of the Kent State faculty and students.

FBI Director, J. Edgar Hoover, recently congratulated former Kentucky Governor and baseball commissioner A. B. (Happy) Chandler for punching a student demonstrator. Given Director Hoover's predisposition against student demonstrators, it is very doubtful that the current FBI inquiry will result in anything more than a whitewash of the Ohio National Guardsmen or a mild slap on their wrists. At the same time it is fair to predict that J. Edgar Hoover's inquiry will try to show that the Kent students were inspired by leftist elements intent on creating violence. It is an old FBI technique reminiscent of the witch-hunting years of the 1950's, the days of "Joe McCarthyism."

Prompt action should be taken by the Senate to guarantee that a genuine investigation of the Kent State disorders is undertaken—an investigation with a specific purpose instead of a fancy title.

Furthermore, I again assert that the U.S. attorney for the northern district of Ohio should convene a Federal grand jury to investigate and determine whether murder was committed on the campus of Kent State University shortly after noon on May 4. I hope the recently appointed U.S. attorney for the northern district of Ohio, Robert B. Krupansky, who is a very able and experienced trial lawyer and a man of integrity, will convene a Federal grand jury to investigate thoroughly this tragedy of May 4. Or that officials of the Department of Justice in Washington will complete the investigation they have been making and then spearhead the prosecution of those guilty of murder at Kent State University. It is my judgment as a lawyer and former chief criminal prosecuting attorney that there is probable cause warranting a grand jury to determine whether or not Adjutant General Del Corso, Deputy Adjutant General Canterbury, and the officer who gave the order to fire a volley at the boys and girls on the campus of the university committed the crime of murder in the second degree.

Mr. President, this type of investigation would certainly be more meaningful than another vague exercise in research.

Mr. President, on May 15 less than 2 weeks after the Kent State slaying, two more young students were shot to death at Jackson State College in Mississippi. The circumstances surrounding these tragedies in Mississippi and Ohio were dissimilar. Local policemen shot up the dormitory of Jackson State University in the nighttime killing two black students who were asleep in their dormitory.

Of course, if President Nixon were to begin a serious and thorough investigation of the Kent State murders around noon of May 4 he would be obligated to do no less in regard to the killings at Jackson State College perpetrated during the darkness of night. Could it be that the President is fearful that the inevitable public disclosure of the facts surrounding the tragedy at Jackson State College would in some way be harmful to and impede his "southern strategy?"

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 16298) to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

ORDER OF BUSINESS

Mr. FANNIN. Mr. President, I ask unanimous consent that I be recognized for 20 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

PRESIDENTIAL POWERS

Mr. FANNIN. Mr. President, we have heard the supporters of the Cooper-Church amendment state that the amendment did not bind the authority of the President to act when necessary to protect the lives of Americans.

The dividing line is never easy to trace. In President Wilson's term, when we were dealing with a war in Europe, there were repeated incidents that threatened war with Mexico.

One of these incidents involved the Armed Forces under General Pershing in pursuit within Mexico of the bandit Villa. That thrust, called an intrusion involved a pursuit taken by American forces more than 300 miles into Mexican territory.

The intrusion of our troops in Cambodia has been restricted by President Nixon to a little more than 21 miles, and he already has withdrawn more than half the American troops from Cambodia, far ahead of his promised deadline.

I would like to read from a report made by Representative Claudius U. Stone, of Illinois, a member of the majority party, in 1916 concerning the Villa incident.

It illustrates how fundamental it is that "intrusion" and military acts to protect American soldiers and American lives must be within the discretion of the Executive.

If the Congress is to bind the President with rigid, inflexible rules, such restrictions can benefit only the enemy.

And if Congress is to reserve to itself any departure from such inflexible rules, the long deliberative process itself only further jeopardizes the American lives the President is charged with protecting.

In reading the report by Congressman Stone, I wish to emphasize that Congress, if given the same mood in which we face the Southeast Asian situation today, never would have authorized an intrusion that involved a 300-mile pursuit into Mexico. But President Wilson in his wisdom and with his flexibility avoided expanding the war into Mexico.

And it is noteworthy that President Nixon, under pressure of his critics, has felt it necessary to place himself and our American forces under a rigid 21-mile limitation, yet he is committed to the same determination of no expanding war:

> Venustiano Carranza had been the civil leader of the revolutionary movement which had come into control of the government at Mexico City upon Huerta's withdrawal. His chief military commander was Francisco Villa, who had made a brilliant record as a strategist and a leader of the Constitutionalist soldiers. They were jealous of one another, and Villa's recalcitrance was intensified by his belief that Carranza intended to relegate him to a subordinate position not in keeping with his achievements as a leader of the victorious army. Weeks passed, however, without an actual break between the two, and with Huerta gone, the United States had no reason to retain possession of Vera Cruz, so on November 23, 1914, the port was evacuated and turned over to the representatives of the new government at the Mexican capital.
>
> The Constitutionalist movement did not fulfill the bright promises which it had held out for the future of Mexico. Dissension and discord broke out within its ranks. The jealousy and envy which Villa and Carranza entertained for one another came to a head in a convention at Aguascalientes, which had been called to choose a provisional President pending a general election. Defeated in this convention, Villa withdrew and went to northern Mexico to organize the soldiers in that region who were loyal to him. Open warfare between the two divisions of the Constitutionalists followed, although Carranza remained in control of the capital and gradually gained other advantages over his opponent.
>
> #### CARRANZA'S RECOGNITION
>
> For a year the administration held aloof, playing no favorites in the matter of its control of shipments of arms into Mexico and hoping that the opposing factions would bring order out of chaos without any activities on the part of the United States. A year sufficed to disillusion the President and his advisers, however. Thereupon the administration consulted with the six ranking diplomatic representatives of the Latin-American countries as to the practicability of recognizing a government in Mexico. The Latin-American representatives and Secretary of State Lansing invited both Villa and

Carranza to participate in a conference designed to adjust their differences. The manner in which this invitation was received decided the conferees of the United States and the Latin-American countries. Villa's followers accepted, apparently without reference to the wishes of one another or their chieftain. Carranza's followers deferred to his wishes in the matter and indicated that they represented a united front. To the United States and the six Catholic countries engaged in the peace conference the inference was plain that the side which gave evidence of such superior organization, unity, and harmony, held out the brightest promise for Mexico's salvation. As a result, Carranza was recognized as head of the de facto government of Mexico by the United States and the countries with which we were advising.

Thereafter Carranza's campaign against Villa was more successful. Gradually Villa's disintegrated into independent bands, and the territory he controlled diminished. He became little more than a leader of bandits, who skulked in the mountains and in the thinly populated areas of Northern Mexico, where they were able to elude the forces of the de facto government.

Villa, hopeless of making headway against Carranza as things stood, adopted Huerta's policy of attempting to provoke American intervention. He hoped by arousing their national pride to rally to his standard many of Carranza's soldiers and to present himself to the ignorant Mexican people in the guise of their would-be savior from a foreign invader. The bandit leader went about his work with deadly earnestness. January 12, 1916, he caused the murder of 17 American citizens near Piedras Negras, Mexico. March 9 he personally led a raiding band across the border and attacked the town of Columbus, N. Mex., which was guarded by a detachment of American Cavalry.

The conscience of the American people demanded that the perpetrators of this outrage be given swift punishment. Villa's conspiracy to provoke intervention had fallen short of its goal, but he had brought about a situation wherein it was evident that the United States could not rely upon Carranza's soldiers, who were few in number along the international boundary, to suppress the brigands of northern Mexico. The President dealt with this situation in the same firm manner in which he had dealt with Huerta's offenses against American sovereignty. He ordered an adequate armed force under Gen. Pershing to pursue Villa into Mexico and to crush or disperse his lawless bands. Pershing's instructions also were to get Villa, if possible, dead or alive.

PROMPT PUNISHMENT

The Pershing column was ready in 10 days. It had to be a complete little army, equipped for any sort of emergency, for the danger existed that once on Mexican soil our forces might, through misconception of its purpose, be attacked from other quarters than by the followers of Villa.

President Wilson took all available means to convince the Mexican people that the Pershing expedition was directed solely against the persons responsible for the Columbus raid, and by careful handling he reduced to a minimum the possibilities of a rupture with the Carranza Government. Formal assurances were conveyed to Carranza that the sovereignty of Mexico was not to be trenched upon. So favorable was the impression made at Mexico City that the chief of the de facto government suggested the negotiation of a reciprocal agreement to provide for the pursuit of raiders across the border by either Government. In that tense period also the President reaped the harvest of the good seed which had been sown throughout Latin-America by his policy of cooperation. Carranza was encouraged to defer his efforts to procure the withdrawal of the Pershing expedition by the attitude of the Latin-American Governments and by the official utterances with which the President and the State Department followed up their first assurances to the Mexican Government. The propriety of the American policy was emphatically set forth in a statement made public by Secretary of State Lansing, March 13, in which it was said that "what is now being done is deliberately intended to preclude the possibility of intervention."

Meanwhile, the soldiers under Gen. Pershing engaged in a vigorous pursuit of Villa and his outlaws. Unassisted by the Carranza soldiers, the hard-riding American cavalry clashed frequently with bands of Villistas and drove them into the hills. Villa was wounded and sought refuge in some mountain retreat where he was enabled to avoid capture.

The pursuit had taken the American forces more than 300 miles into Mexican territory. As time passed without the capture of Villa, the Mexican populace became more and more restless, and it became evident that they regarded the expedition as an affront to their national pride. Events gradually assumed a more ominous aspect. The increasing suspicions and complaints of the Mexican people brought such pressure to bear upon Carranza that it looked as if his control of the executive authority would be lost unless he took steps to bring along Pershing's withdrawal. Carranza himself was forced to assume an attitude which seemed to indicate a total lack of appreciation of the patience and forbearance which the American Government had displayed in the past. He opened a series of interchanges which began with inquiries as to how long the American troops were to stay in Mexico, and culminated in a demand for their withdrawal. An attempt was made in May to work out an agreement for the joint patrol of the border through a series of conferences between Gen. Obregon and Gen. Scott, the Chief of Staff of the United States Army. Carranza repudiated the arrangement which these officers had agreed upon and returned to his note writing. In April word was conveyed by Gen. Trevino to the officers of the American forces that if they moved in any direction save toward the American border, their movement would be regarded as an unfriendly act. Pending some determination of the questions which Carranza had raised, the American troops were warned to avoid clashes, if possible, and to keep in mind "the single purpose of the expedition." The President was wholly intent on avoiding any mischance which might subject the future of relations between Mexico and the United States to its full influence.

THE CARRIZAL EPISODE

In March a body of American troopers had clashed with the inflamed inhabitants of Parral. The tension produced by this incident and by the attitude of the Mexican Government was increased to the breaking point on April 12, when an engagement occurred at Carrizal between a detachment of American Calvary, under Capt. Boyd, and a considerable number of Carranzista soldiers. Capt. Boyd was in pursuit of bandits. The engagement followed efforts by the Carranzista commander to prevail upon Boyd to turn back. The Mexican soldiers have steadily charged that Boyd provoked the fight through disobedience to his instructions. The American Government has never conceded the justification of this charge.

It looked like war for a while. Impassioned by the reports of the death of American troopers at Carrizal, the American people were prepared to make short shrift of Carranza's explanations. To the public mind there appeared but one proper method of dealing with the situation; it was to hold the Mexican Government to strict account for the acts of its soldiers, if it assumed responsibility for these acts. It was the course the President decided upon.

Delaying only long enough to get official information as to what had occurred, the President sent an ultimatum to Carranza, demanding the release of the American soldiers captured at Carrizal and the return of all their equipment and the property of the United States taken with them. At the same time he ordered the National Guard to the Mexican border and prepared to enforce his demands unless Carranza assented to them voluntarily.

The crisis was robbed of its acuteness by Carranza's yielding to the American ultimatum. He did release the prisoners and returned them to American territory, thus turning back the relations between his Government and the United States to their former status.

Mr. President, we have heard a great deal about the relationship between our two great countries, and this is just an instance where we did, through action that was necessary, afford the Republic of Mexico assistance that many considered was in violation of precedents that had been established in previous years as far as agreements were concerned.

However, I think the good relationship of our two countries today is illustrative of the requirement for the action to have been taken; and certainly we are proud that we do now have a wonderful association with our friends south of the border.

Mr. President, we have heard of dire consequences that would follow our action in Cambodia. Our critics have said it would drive Peking and Moscow together, and that it would enlarge the war in Southeast Asia.

Instead, Pravda has continued its denunciation of Mao, charging that the Red Chinese leader was trying to rule the world, or at least all Asia. And the Communist forces in Indochina have been disrupted and weakened, and their timetables torn asunder.

The best message that has been delivered to the Communists is that American moves cannot be predetermined by Marxist textbooks. They had relied on American principles of politeness even in warfare and upon the loud cries of American critics of any action in Southeast Asia to maintain the security of their Cambodian sanctuaries.

The last thing the Communists had counted upon was that American troops would be sent across the Cambodia border to oust those sanctuaries—created, of course, brazenly for years in violation of Cambodian neutrality. The decision was as unpredictable as President Truman's move to send troops to Korea in 1950.

The Communists will treat us more carefully hereafter, and they will learn that they cannot rely on the loudness of the vocal minority in the United States to determine American policy.

The Communists in Indochina are spread thin and hurting. It will be months before they can regain their Cambodian losses—and meanwhile, the South Vietnamese can gain needed time, strengthened by the gain in their own confidence to handle their own affairs and provide protection.

In addition, the all-Asian conferences can provide guidance and some assurance for a better and more peaceful future for Southeast Asia. Mr. Suharto of Indonesia learned in his U.S. visit that American policy does not run counter to the nationalist ambitions of the people of Asia.

Mr. President, I wish to read two newspaper articles—one, an Associated Press report from Phnom Perh, dated May 19, 1970, stating that a Communist source admits that the Cambodian venture may have set back the Communist timetable "possibly for years"; the other, an article by Orr Kelly writing in the May 17, 1970, issue of the Washington Star, providing an excellent response to those who belittle our objectives:

> A Communist source said today that the allied offensive in Cambodia might have upset Hanoi's timetable for Indochina.
>
> The source, who is in frequent contact with the North Vietnamese high command, said Communist intelligence learned of the allied plans several days in advance and all major units were out of the path long before allied air and ground forces hit.
>
> Reports from the field indicated that allied kill claims were overly optimistic but that North Vietcong casualties had been serious nonetheless, according to the source. The heaviest blow was the large amount of stockpiled weapons and food captured, plus a major disruption of Communist communications in the onetime sanctuaries of eastern Cambodia.
>
> If the North Vietnamese and Vietcong units had been conventional rather than guerrilla units, the allied thrust might have destroyed them. As it is, the source speculated, the Communists' timetable was considered to be knocked back possibly for years because of lost supplies and because the Communist-command troops now were fighting on more fronts.
>
> The source claimed that the advance Communist intelligence permitted East Bloc diplomats to inform Lon Nol one day before the invasion started. The Cambodian government was warned it was "playing with fire" if it went along with the invasion. The initial Cambodian reaction was to say any violation of its neutrality would be protested. Later the government gave tacit approval to the offensive.
>
> The source also said that East Bloc intelligence agents here closely investigated the March 18 coup that brought Lon Nol to power and concluded the United States played no part in it.

This is the article by Orr Kelly:

> Along with all its other troubles, the Nixon administration is taking a bum rap for the failure of American soldiers to find anything in the jungles of Cambodia that can be clearly labeled as enemy headquarters.
>
> What has evolved is an almost classic case of a credibility gap created by the press, with only modest help from the government.
>
> In effect, the argument goes like this: President Nixon and his advisers said American troops were going into Cambodia to find and destroy the enemy headquarters, known as COSVN, an acronym for Central Office for South Vietnam. COSVN has not been found. Therefore, the Cambodian operation has been a military failure.
>
> Somehow, the impression was created that the enemy had something as solid and visible as the Pentagon stashed away in the jungle with the letters COSVN chiseled in granite over the front door.
>
> It is instructive to go back to what the President and his advisers actually said they were seeking in the Cambodian operation. In his speech the night of April 30, Nixon said:
>
> "Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam. This key control center has been occupied by the North Vietnamese and Viet Cong for five years in blatant violation of Cambodia neutrality . . .
>
> "Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw."
>
> In the hour preceding the President's televised speech, a top White House official, who cannot be identified by name or quoted directly, talked over the purposes of the operation. In answer to a question, he said the targets in the Fishhook area were those often described as COSVN I and II.
>
> But he emphasized that the operation was directed against the base areas from which military activities are being conducted into South Vietnam and that American forces would remain only long enough to destroy supplies in those areas.
>
> The area contains major supply dumps and the communications network for the headquarters, he said. The personnel in the headquarters rotate around in the area, on both sides of the border.
>
> The purpose of the operation was not the personnel, but the supply depots and communications equipment.
>
> This was the goal of the operation, stated before it had been publicly announced.
>
> Two days after it began, in a Pentagon briefing, Col. F. H. Thrush, an operations briefer for the Pentagon joint staff, described the purpose this way:
>
> "These allied operations in the Fishhook and the Parrot's Beak areas will have a long-lasting effect on the enemy's aggressive operation in South Vietnam. Hopefully, it will destroy his political and military command posts, his supplies, base camps, training areas, and disrupt his lines of communications . . ."
>
> A week after the operation began, Defense Secretary Melvin R. Laird said the "primary mission is to destroy facilities so that they can't be used for six to eight months."
>
> The attention focused on the failure, at least in the early phase of the operation, has obscured the degree to which the operation has succeeded in achieving the goal of disrupting enemy activities for at least six months.
>
> Actually, some of the best-informed officials in the Pentagon believe that the time gained by the operation has been generally understated. Instead of the 6 to 10 months commonly mentioned, they think the attacks across the border may well have provided a breathing spell of at least 12 months, and perhaps as much as 18 months, for the South Vietnamese to take over their own defense.
>
> The price paid for this breathing spell has been fearful—in the cost of relations between the President and the Senate, and in the cost of relations with other countries.
>
> But, in assessing the long-term effects of the operation, the failure to find something clearly identifiable on COSVN should not lead to the conclusion that the operation itself was a failure. All the evidence, in fact, suggests that, from a strictly military point of view, it has been even more successful than might have been hoped.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

A BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PERCY (for himself and Mr. Proxmire):

S. 3992. A bill to amend title 23 of the United States Code to authorize the inclusion of the cost of providing replacement housing as part of the construction costs of federally aided highway projects; to the Committee on Public Works.

(The remarks of Mr. Percy when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3992—INTRODUCTION OF THE HOME CONSTRUCTION FUNDING BILL

Mr. PERCY. Mr. President, in meeting of the Joint Economic Committee on May 4, discussion turned to a problem that has been one of the most serious problems in the whole urban renewal program—that of destruction of housing due to Federal highway construction.

Today, on behalf of Senator Proxmire and myself, I am introducing legislation which effectively deals with and rectifies the problem.

Too often in the past, federally aided highway construction has pushed through cities, forcing many people out of their homes and literally into the streets.

Too often these people have had no home to go to and no shelter to replace their homes which had been destroyed so that highways could be constructed.

Certainly, the highways have been necessary; however, we seem to have put more concern in the construction of the highways than we did in the welfare of those people whose homes were destroyed. We provided the millions of dollars necessary for the concrete, and yet we have provided no funds to provide housing to replace that which has been destroyed.

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Far too few people are either aware of this problem or concerned about it. Yet, we all know that too frequently it is the poor man whose home is torn down. He has had too little opportunity to make known his very real problems. And it is this same poor man who must face the very real and difficult problem of finding a new home for his family.

When I visited in West Virginia a short while ago, I learned of families who had been put out on the street and had no place to go for shelter. Their homes were the victim of highway construction. This happens all across this country.

I decided then, and I reiterated by commitment May 4, to introduce legislation that would authorize the use of highway funds to construct housing where necessary in order to assure that there is a satisfactory, decent, safe, and sanitary house comparable to the one from which the person is being displaced before the program can go ahead.

The Government's right of eminent domain has long been recognized. It is time now that the Government face up to the responsibilities that this right imposes. The Government has the obligation to provide a house comparable to the one it destroys. No family should be forced to leave their home until it is provided with a suitable alternative.

Mr. President, this legislation which I introduce today would insure that the Government meet its responsibility. It provides that the funds needed to replace the housing would be included in the construction costs of federally aided highway projects.

I hope that we in the Congress will meet our responsibility and deal quickly and favorably with this much-needed legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER (Mr. Spong). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record, in accordance with the Senator's request.

The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3992) to amend title 23 of the United States Code to authorize the inclusion of the cost of providing replacement housing as part of the construction costs of federally aided highway projects; introduced by Mr. Percy (for himself and Mr. Proxmire), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 3992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 510 and 511 of title 23, United States Code, including all references to such sections, are redesignated as sections 511 and 512 respectively.

Sec. 2. (a) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§ 510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project under any Federal-aid program which he administers the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(b) The analysis of chapter 5 of such title is amended by inserting after the item describing the content of section 509 the following:

"510. Construction of replacement housing."

Sec. 3. The definition of the term "construction" in section 101 (a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), costs of rights-of-way, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

Mr. PERCY. Mr. President, I point out to my distinguished colleague from West Virginia (Mr. Byrd), who was necessarily engaged in conversation at the time I commented on his State, that the inspiration for this legislation, which is now cosponsored by the Senator from Wisconsin (Mr. Proxmire), came when I was in West Virginia last month at a housing conference, and saw for myself the disruption that the Federal Government can cause in the housing market when a Federal highway construction program puts many people out of their homes without adequate provision for rehousing them.

I believe this bill will take care of West Virginia as well as many other States with the same problem.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

SENATE RESOLUTION 420—TO PERMIT SENATOR McCLELLAN AND SENATE EMPLOYEES TO TESTIFY IN A CRIMINAL ACTION

Mr. McCLELLAN submitted a resolution (S. Res. 420) to permit Senator McClellan and Senate employees to testify in a criminal action, which was considered and agreed to.

(The remarks of Mr. McClellan when he submitted the resolution appear later in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT 708

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the names of the Senator from Arizona (Mr. Fannin) and the Senator from Arkansas (Mr. McClellan) be added as cosponsors of the Byrd-Griffin amendment 708.

The PRESIDING OFFICER (Mr. Spong). Without objection it is so ordered.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SAXBE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIMINAL JUSTICE—PRETRIAL DETENTION AND CRIME IN THE DISTRICT OF COLUMBIA

Mr. SAXBE. Mr. President, I hold some clippings in my hand concerning the shooting yesterday in Washington, D.C., of Ronald R. Watson.

I raise this matter at this time because it is particularly appropriate that we have before us in our committee a bill concerning the comprehensive reform of the criminal justice system in the District.

As a former attorney general, I am vitally interested in this subject and feel that I speak with some experience, in trying to improve and develop the police departments and systems of criminal justice in the State of Ohio.

I am now engaged in putting together what I hope will be a model State bill concerning the handling of criminal justice at every step of its development.

Mr. President, reform must include efforts to modernize and expand the role of the courts so that they can achieve new levels of efficiency and achieve the objective of speedier trials. It must include an adequate provision for counselors and public defenders so that every defendant will be guaranteed a full and fair representation in court.

True reform must also include revision of criminal procedures wherever revision is necessary.

The rule by which we administer criminal law must strike a fine balance between the rights of the individual and the rights of the public.

Patrolman Watson, now in the hospital fighting for his life, was shot as he attempted to apprehend two men who had robbed a liquor store and were fleeing.

The interesting thing is that if we had preventive detention in 1970 in Washington, Patrolman Watson probably would not be in that hospital today, because the man he shot, after he had been shot three times, had the following record.

He was convicted in December 1965 of assault on a police officer. He was sentenced from 15 to 45 months.

In June, 1967, he was paroled.

In August 1967 he was convicted of assault. On January 23 of this year, 1970, he was arrested for a $1,400 armed rob-

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bery in a hot pursuit chase. He was captured with a part of the proceeds. He was released prior to trial on a $150 cash deposit.

Subsequently he was indicted on this charge, and was again released on the same bond.

On June 1, 1970, this month, he was arrested when caught in the act of robbery. He was again released on a $2,000 bail.

If there is one thing that this record should call to our attention it is the fact that this man was a dangerous man. He was a danger to society, and so we come to the dread conflict of whether society is entitled to be protected against such people, taking into consideration the civil rights of the charge.

This man was released because the judge could not hold him under the present Bail Bond Act in the District of Columbia.

We have a number of legal and constitutional arguments as to the detention of a man prior to his actual trial.

The **PRESIDING OFFICER** (Mr. SPONG). The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SAXBE. Mr. President, one of the reasons that this is important is the fact that in many of our courts the time of trial is continued and continued until a man could be held in jail for a year without trial. This is abhorrent to all who are interested in the civil rights of people.

Mr. President, I am more firmly convinced than ever that pretrial detention in such cases as involved this man is necessary if we are going to do anything to control the crime rate in Washington, D.C.

I do not find a conflict with the constitutional rights of individuals if the man is given a speedy trial. This act calls for 60 days. I believe if it is known that men will be turned loose on the streets if they are not tried within 60 days, we will see a response and additional judges and an urgency to bring these men to trial within 60 days.

There is nothing automatic about this. The judge in his discretion can look at the record and at the individual and say that he, the judge, cannot release this man because he would be a danger to society.

There is pretty good evidence that this man was a narcotics addict. We know that persons who are narcotics addicts have to steal to support an expensive habit. It has been reported that even a moderate habit in the District of Columbia costs $50 a day. To support that habit, a man would have to steal $150 worth of merchandise because $50 would be the most that he could get for that merchandise.

We need only to look at the papers to see that not only armed robbery, but also burglary and other acts that are committed to secure money for this purpose are particularly prevalent in the District. I want to express at this time my strong support for the Court Reform and Criminal Procedures Act of 1970, as passed by the House. It is a measure which I believe incorporates the fundamental reforms of which I speak here this morning.

It is a comprehensive bill which provides for a comprehensive reorganization of the courts in the District of Columbia, increasing the number of judges, increasing their pay, and increasing their tenure.

Under this bill, speedy trials should become a reality, and delays of 9 months, which we find at the present, should become a thing of the past.

The District of Columbia crime bill provides for a full-fledged public defender service consisting of 50 attorneys for indigent defendants. It also expands the District of Columbia bail agency.

But other reforms are needed, and some of these reforms constitute revisions in criminal procedures.

One of these reforms is the provision by which courts may consider a defendant's danger to the community in setting conditions of pretrial release. And when no condition or combination of conditions of release will reasonably assure the safety of the community, then society should have the means to detain a dangerous defendant for a limited period before trial. The bill provides that.

For well over a year, the President of the United States has asked Congress to give courts the authority to hold hardcore recidivists for a limited period before trial. Everyone who has advocated this proposal has taken a great deal of heat.

A great deal of mythology has developed about safety and the trustworthiness of defendants before trial.

But my experience as an attorney general of one of the more populous States has been that in trying to raise the lot of police and the morale of police, I find it is a discouraging prospect to have policemen know, when they bring this man into court on one of these serious charges, that he is going to walk out of that court probably with the policeman or very shortly thereafter.

In at least 35 percent of the cases, he is going to commit another crime of the type that he was apprehended for. We do not know how many crimes he commits that he is not apprehended for.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 3 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SAXBE. Mr. President, the recidivist rate in the District of Columbia on felonies of the type that would be subject to this act is about 35 percent. That means that they have been again arrested. And we have no way of knowing how many crimes they commit that they are not apprehended for.

A search of the historical background of this matter, I believe, does not present a conflict. We know that most of these crimes, even if the eighth amendment of the Bill of Rights is to be considered as limiting in this area, were capital cases at the time this provision was written, and the Bill of Rights does not say that they are not bailable offenses, or limited or especially enumerated.

In the ordinance of 1787 and in the Judicial Act of 1789, it specifically sets out crimes that were not to be bailable. They did not do this in article VIII of the Bill of Rights. Therefore, they must have comprehended that there were certain areas in which the people demanded protection.

I feel that in this particular area and in this particular instance, if we are really serious—and I sometimes wonder if we are—about combating crime, we have to be very practical and pragmatic about it.

We must recognize that there are persons who are chronic criminals and who are dangerous to society. They must be kept off the streets and tried as soon as possible; and they must be held in such a manner as to protect society.

Patrolman Watson, as he lies in that hospital today, is one of the examples of what has happened in Washington, D.C., and what can happen all over the country if we break this down so that anybody who has the money to go into court can go free. With the emphasis here on seeing that everybody is bailed out, it means to me that we are not serious about combating crime. We are fascinated by the idea that somebody's civil rights are going to be invaded, and perhaps we should be, but I submit that the right of the public to enjoy the freedom of our streets and the sanctity of their homes must be protected.

I feel this act is one of the best ways to begin.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

The **PRESIDING OFFICER** (Mr. BYRD of West Virginia). The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I wish to commend the Senator from Ohio for focusing attention on the incident he has referred to, which illustrates so clearly the need for the legislation he has discussed.

The distinguished Senator from Ohio has served very ably as attorney general of the State of Ohio and he understands the crime problem very well. I did not hear his complete statement and I do not know whether he made reference to the fact that in Washington, D.C., studies have shown a 70-percent rearrest rate for indicted robbers released prior to trial.

All who commit robberies would not be denied bail under the legislation proposed. I understand it would apply only to those accused of a few enumerated crimes, the most violent crimes against the person. Earlier in our history all of crimes to which the legislation would apply were capital offenses.

If one realizes that the legislation would apply only to those violent crimes against the person, which at one time were capital offenses and which could be capital offenses again through legislative enactment, it is easier to understand and support a proposal under which bail could be denied for a period of 60 days.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. SAXBE. I think there is another element here that is significant, and that is because of the tremendous load in the courts many of these men who are arrested and rearrested will build up several felony cases against them and then be tried for only one felony, or given concurrent sentences when convicted. So the defendant says, "Well, I might as well be tried for three felonies as for one." It is crooked thinking and we know this, but when the man is released, as this man was, in connection with two felonies—one an indictment and the other a charge—then released again, he is probably thinking, "Well, I am going to be tried on two felonies, and I will take the chance on the third." It may be he has committed crimes daily and was not captured on them.

Mr. GRIFFIN. We might add further, that, some of the judges, in this jurisdiction particularly end up by ordering that the sentences of one who has been convicted of two felonies shall be served concurrently.

Mr. SAXBE. Yes; that is quite a common practice.

Mr. GRIFFIN. And as these people are aware of that they are not taking much risk.

The PRESIDING OFFICER (Mr. SPONG). The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, the legislation proposed is liberal in terms of the civil rights of the individual. I say that for this reason. If capital punishment were involved there would be no question but that a judge, without any adversary proceeding, could refuse bail and hold the accused in jail. Under this legislation, which would apply only to those violent crimes against the person, which were or could be capital offenses, there is a provision for an adversary proceeding in which evidence can be presented following which the judge must make a finding before he can order that the accused be held without bail.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. SAXBE. I think there is another aspect to this matter. How much of a favor would be done for this man or how much would his civil rights be protected? Here is a 23-year-old man with a drug habit who is dead. There is now no way they could treat this drug habit and he continued it and continued his ways until the point where he was finally killed by a policeman's bullet. There is a wasted life, where this life might have been saved, and certainly the policeman would not have been shot if the judge had had the power to hold this man, give him treatment, and try to break this drug habit. But no, supposedly to protect his civil rights, he is released and finally he meets death with the policeman's bullet.

Then, we have the bleeding hearts who say, "We must protect this man's civil rights and freedom." What freedom? Freedom to be killed? Because that was the ultimate end.

Mr. GRIFFIN. Mr. President, once again I wish to commend the Senator from Ohio for taking the floor and discussing this subject. I hope, as he does, that this legislation will soon be enacted into law. It is certainly needed.

Mr. SAXBE. Mr. President, at this point I ask unanimous consent to have printed in the RECORD the article from the Washington Post this morning reporting the shooting to which I have referred. I also ask unanimous consent to have printed in the RECORD the statements of the Deputy Attorney General which more fully sets out the conditions and terms that would prevail in connection with the proposed legislation.

There being no objection, the article and statements were ordered to be printed in the RECORD, as follows:

WOUNDED OFFICER KILLS HOLDUP SUSPECT

(By Alfred E. Lewis and Martin Weil)

A Washington policeman shot and killed a fleeing robbery suspect at New Jersey Avenue and K Street NW yesterday after the officer had been shot twice by the suspect, police said.

The officer, Ronald R. Watson, 25 of the traffic division, was shot in the neck and chest about 3:15 p.m. after he stopped a Volkswagen that matched the description of the getaway vehicle in a robbery that occurred minutes earlier, police said.

After being hit, Officer Watson fired six shots at two men who ran from the car, police said. They said three of the shots hit and killed Franklin E. Moyler, 23, of 1805 Belmont St. NW who, they said, had shot the officer.

Watson, a District Heights resident and a member of the force for four years, was reported in critical condition at Washington Hospital Center last night. He is married and the father of four.

A second suspect, a 23-year-old man, was arrested at 7th and S Streets NW and was being questioned by police late last night.

Moyler was pronounced dead at Rogers Memorial Hospital at 3:30 p.m. with gunshot wounds in the right shoulder, chest and right arm.

Police said Moyler was free on personal bond after being arrested June 1 on a charge of robbery and carrying a dangerous weapon.

They said he had previously been convicted of robbery and assault on an officer and of assault. Capsules suspected of being heroin were found in his pockets yesterday, police said. They said $918 was found in the car.

Police said Moyler, who collapsed about 30 feet from the southeast corner of New Jersey and K Street NW after being shot, had been identified by a witness as one of the two men who earlier yesterday held up the G and B Liquor Store a few blocks away at 300 Massachusetts Ave. NW.

The robbery of the liquor store, in which an undetermined amount of money was taken by two men, one armed, touched off the chase that led to the shootings, police officials said:

This is the account they gave:

As the robbers fled the store with the money, Adela Gotkin, co-owner, and one of four persons inside at the time of the robbery, ran from the store in pursuit.

She saw the pair come out of an alley in the 800 block of 4th Street NW in a light tan Volkswagen, with the license plate 697–468.

She returned to the vicinity of the store just in time to flag down three motorcycle officers that had just finished their 7 a.m. to 3 p.m. tours of duty.

Armed with Mrs. Gotkin's description of the getaway vehicle, the officers split up and fanned out through the neighborhood.

One of the three officers was Watson.

Shortly after starting north of 4th Street NW, police said, he caught sight of the alleged getaway vehicle.

At the intersection of New Jersey Avenue and K Street NW he caught up with the car and stopped it in the middle of the street.

Dismounting from his motorcycle, he approached the auto, gun drawn.

He told the driver to turn off the ignition and hand him the keys.

When the driver attempted to pull away, police said, Officer Watson grabbed for the keys.

At that point, police said, the man on the back seat of the car fired three shots at Officer Watson, hitting him twice.

Then, the two men bolted from the auto and ran south on New Jersey Avenue.

Hit in the neck and chest by the suspect's shots, Watson leaned against the left side of the Volkswagen's hood and fired six shots.

Moyler fell about 30 feet from the corner, in the driveway of a service station.

Two bullets hit the window and grill of a taxicab northbound on New Jersey Avenue NW, apparently causing no injury.

A revolver, which police said belonged to the dead suspect, was found in the intersection beside the opened door of the abandoned Volkswagen.

Police said that the wounded officer's prospects were improved at the hospital when 23 blood donors responded to a call for six donors of AB negative blood.

Yesterday's incident appears to mark the second year that a Washington police officer shot and killed a man in the line of duty.

The number of such killings declined last year to 6, from 13 in 1968, despite an increase in the size of the force.

After a brief civil disturbance followed one of the 1968 shootings and public outcry followed others, one of the city's actions was to issue new guidelines on the use of firearms by police.

The new guidelines state than an officer may fire at a fleeing suspect if the crime involved "an actual or threatened attack which the officer has reasonable cause to believe would result in death or serious injury."

STATEMENT OF RICHARD G. KLEINDIENST, DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE, MAY 22, 1970

Mr. Chairman and Members of the Subcommittee: The Administration has been anxious for some time to present its views on our pretrial detention bill before this subcommittee.

We have been anxious to testify because we believe the bill is constitutional, workable, and urgently needed, and that rather than transferring it "to some sort of Smithsonian Institution of legal curiosities," the Congress should incorporate it promptly into the U.S. Code.

We are also anxious to set the record straight about several misconceptions which have achieved notoriety in the public dialogue.

Since some members of the subcommittee

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have indicated that they perhaps hold views different from ours on the wisdom of this legislation, these hearings should provide a welcome opportunity to examine the issues squarely and honestly.

In 1965, Robert M. Cipes, a distinguished legal scholar, wrote in Moore's Federal Practice that:

"The formulation and expression of a public policy favoring pretrial release without pecuniary conditions, and the consequent pressure on traditional bail practices, may eventually require open consideration of preventive detention. As parole for the poor defendant increasingly becomes the rule, rather than the exception, the means of detaining the allegedly dangerous person will disappear. At the same time, the rate of recidivism of released defendants may give rise to counter-reform. . . ."

This brief quotation sums up precisely what has happened in the federal system. In 1966, under the leadership of Senator Ervin and members of the subcommittee, Congress approved the Bail Reform Act, a historic bill which sought to minimize the use of money bond as a means of detention and a barrier to freedom.

As we review that Act today, no one disputes the merit of its basic objectives.

As written by the Congress, however, and as interpreted by the courts, the Bail Reform Act absolutely precludes a trial judge from considering danger to the community in setting conditions of pretrial release in a non-capital case.

This development, together with the virtual elimination of money bond, has indeed put pressure on traditional bail practices; for, historically, danger to the community has been considered by trial judges who could manipulate money bond to effect detention.

We believe that bail manipulation for this purpose is undesirable, not because it successfully detains some dangerous defendants before trial, but because in practice it is unreliable, discriminatory, and utterly hypocritical. It provides no set standards or due process safeguards to protect a defendant under suspicion; and because it lacks an open, visible determination of dangerousness, it offers almost nothing for a court to review.

But eliminating money bond does not eliminate the social need to detain those persons who pose a serious threat to the public safety. This is the issue in pretrial detention.

Under the Bail Reform Act, every defendant charged with forcible rape, arson, kidnapping, armed robbery, burglary, bank robbery, mayhem, manslaughter, and assault with intent to kill has an absolute, unequivocal statutory right to *release* before trial, unless there is substantial evidence that he will attempt escape. The almost inevitable result of this statutory mandate has been an unacceptable incidence of pretrial recidivism among felony defendants who have been released.

The imperative necessity to deal with these dangerous defendants in federal courts, and the deep desire of this Administration to root out the hypocrisy of money bail in the legal system, impelled our sponsorship of this legislation.

Let me be explicit.

This Administration did not invent pretrial detention. It was considered by this subcommittee and by the House Judiciary Committee in the mid-1960s as a logical component of bail reform. At hearings before you in 1965, former Attorney General Ramsey Clark said that the Department of Justice had "given much consideration to legislation which would expressly permit preventive detention." He described a plan quite similar to our bill, saying:

"This is a straight-forward approach. It is similar to the system used in most parts of the world. It promotes candor, eliminates indirection, and abolishes money or lack of it as the determinant of release before trial . . . [I]t specifically authorizes the courts to hold a highly dangerous defendant who has adequate funds to meet any bail imposed."

Although Mr. Clark did not endorse the proposal, it should be noted that he spoke before the Bail Reform Act was passed and without the ability to foresee the appalling 122 percent increase in the District's serious crime since 1965.

In 1966, the President's Commission on Crime in the District of Columbia recommended that legislation be adopted to authorize the pretrial detention of those defendants who present "a truly high risk to the safety of the community." It further observed that, "After considering the opposing arguments, the majority concludes that the courts are presently capable of identifying those defendants who pose so great a threat to the community that they should not be released, and that a constitutionally sound statute authorizing detention in certain cases can be drawn."

In July of 1968, the D.C. Metropolitan Police Department undertook a study of 130 persons indicted for armed robbery and released during fiscal 1967. The department determined that 34.6 percent of those defendants were indicted for at least one felony while on bail.

In a later study, the United States Attorney's Office collected data on 557 robbery defendants indicted during calendar 1968. Some 70 percent of the 345 defendants released before trial were reportedly rearrested for a new crime.

Subsequently, the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia reviewed the U.S. Attorney's investigation. Taking a sample of 140 of the 557 robbery defendants, the Committee determined that 63.7 percent of the 105 defendants released were rearrested while on bail, thus confirming the substance of the original findings.

It is important to note that while these studies were confined to robbery defendants, they focused upon all the defendants indicted within a given category over the course of 12 months. One assumes that a study which considers the total number of defendants within a category will be more accurate than a study which considers only part of the number.

These studies and statistics prompted two distinguished members of the Judiciary Committee, Senator Joseph Tydings of Maryland and Senator Robert Byrd of West Virginia, to sponsor legislation on pretrial detention. Senator Byrd told the Subcommittee on February 4, 1969, that ". . . there has now been sufficient experience under the 1966 law to demonstrate certain of its weaknesses and the fact that it is proving a windfall to the chronic violent criminal." Senator Tydings testified that "Recidivism during bail is an especially acute problem in the District of Columbia."

This was the situation that confronted the new Administration when it assumed office 16 months ago. On the basis of the disturbing evidence before him, the President concluded, as Senator Tydings and Senator Byrd had concluded, that legislation was needed to authorize the limited pretrial detention of dangerous defendants.

Since the President's call for this legislation on January 31, 1969, two additional crime commissions—the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia and the Advisory Panel Against Armed Violence—have openly supported pretrial detention.

On April 7, 1970, the National Bureau of Standards published the preliminary report of its study of criminal court data relating to the pretrial release of defendants in the District of Columbia. This study was made to analyze what could be learned from criminal justice records about the rearrests of a small sample of defendants given pretrial release. It also analyzed the concept of "dangerousness" to the extent possible from the limited data collected.

The study focused on 426 defendants who were released before trial during four weeks in the first half of 1968. The Report revealed that 17 percent of 147 felony defendants were rearrested during pretrial release. Seventeen percent of the defendants charged with "violent crimes" and 25 percent of the defendants charged with "dangerous crimes" were rearrested on bail. Altogether, 11 percent of the 426 defendants, including those charged with misdemeanors, were rearrested for new offenses. If nothing else, the NBS Report confirms our contention that a substantial amount of crime is being committed by persons released on bail; correspondingly, it undermines the assertion that "offenses committed by persons released on bail are approximately 6 percent of the total crime figure."

Of special significance is the Report's estimate of recidivism as related to important crime factors that were beyond the scope of the study. The Report indicated that, given the low crime clearance rate by police (29 percent for the period covered) and the fact that some 30 percent more rearrests would have been identified had the analysts been able to extend their data search outside the District, the true recidivist rate would be much greater than that reported. The rate would approach 40 percent. Moreover, if the data could account for the amount of crime actually committed but not reported and for the amount of crime which would probably have been committed by the defendants in the study who were not released, the recidivism rate would be considerably higher than 40 percent. (A separate statement on the NBS Report is submitted to the subcommittee with this testimony.)

These figures are consistent with the experience in other cities. For example, officials in Philadelphia report that in 1969, 37 percent of the persons arrested on burglary charges were on bail at the time. Thirty-four percent of the suspects in robbery cases had been free on bail. Twenty-nine percent of the homicide suspects were free on bail at the time of the crime. (See Philadelphia Inquirer, April 20, 1970, at 31.)

However, we believe a compelling rationale exists for amending the Bail Reform Act without a panoply of studies and statistics. Accurate statistics on crime and recidivism would require complete reporting of criminal offenses, plus a police solution rate of 100 percent. They would also require a perfectly coordinated interchange of data among different jurisdictions. This we cannot provide.

On the basis of experience and common sense, we know that a small number of highly dangerous, recidivistic non-capital defendants exist in the federal system. Under present law, the Government of the United States is legally powerless to detain any of these non-capital defendants on grounds of dangerousness before trial.

A defendant charged with any of the serious non-capital offenses that were listed earlier has a statutory right to pretrial release. Thus, according to the language of the Bail Reform Act, a defendant could be caught in the middle of an armed robbery—he could shoot at citizens and police—he could be desperately addicted to heroin—and he could have a long record of violent crime—and he would still be entitled to pretrial release.

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Senator Scott observed recently that John Dillinger robbed at least 13 banks, three supermarkets, a mill, a drugstore, and a tavern before he was first captured in 1933. Today, under the Bail Reform Act, John Dillinger would be a guaranteed pretrial release in the District of Columbia.

Police have arrested a person charged with planting 35 bombs in buildings around New York City, including one that exploded in the Public Library. The man was purportedly apprehended while planting a bomb at an Army recruiting booth. At the present time, the federal government—though not the New York State government—has no power whatever to detain such a person on grounds of dangerousness pending trial.

Police in New York City are also said to be looking for a man suspected of giving repeated heroin injections to an 8-year-old girl as well as several of her classmates. In federal jurisdictions under the Bail Reform Act, a court would be forbidden to consider potential danger to the community in granting such a person pretrial release.

Without a change in the present law, the sudden abolition of capital punishment by legislative action or judicial decision would render the government incapable of detaining *any* defendant before trial, regardless of the threat he posed to others.

Society has the inherent right to protect its members, for limited periods through due process procedures, from persons who pose a serious threat to life and safety. It is unconscionable for the Congress of the United States to deny the federal government the legal authority to exercise this right.

No extensive studies were needed by this subcommittee five years ago when it authorized the pretrial detention of defendants charged with kidnapping and rape. Today, however, it is argued that our proposal to authorize the pretrial detention of these same offenders is "unconstitutional, unworkable, and unjustified" and "smacks of a police state." All that has transpired between then and now is the Supreme Court's decision in *United States* v. *Jackson*, 390 U.S. 570 (1968), which invalidated the statutory clause making kidnapping a capital offense.

As a consequence of the *Jackson* decision, rape cannot be punished capitally in the District of Columbia because the penalty provision in the District's rape statute is likewise invalid. It is my understanding that unless the Supreme Court reverses the decision of *Alford* v. *North Carolina*, 405 F. 2d 340 (4th Cir. 1968), the same result will obtain in North Carolina.

We reject the theory that governments are forbidden by the federal Constitution from making these serious, non-capital offenses bailable as a matter of sound judicial discretion rather than a matter of absolute right. New York courts have been vested with such discretion since colonial times.

There is little to indicate that speedy trials, by themselves, are a satisfactory answer to these recidivism problems. Of course, they will be helpful; but the type of person about whom we are concerned is not likely to suspend his criminal activity for 60 days while awaiting trial. On the contrary, the narcotics addict, the incorrigible troublemaker, the defendant who wishes to "bank roll" his family, and the man out for a "last fling" have every motive to accelerate their offenses. Any notion that a heroin addict, with a $100-a-day habit, is suddenly going to control himself for eight weeks is somewhat at odds with the real world.

There is a third rationale for pretrial detention. Even under the Bail Reform Act, many felony defendants are being detained before trial in the District of Columbia and perhaps elsewhere. Inasmuch as there is only one capital offense in the District (first degree murder) which permits the courts to deny bail, the great bulk of defendants not released are being detained through the historic expedient of setting money bond.

The United States Attorney's study of 557 robbery defendants in calendar 1968 revealed that 212 defendants were not released.

The National Bureau of Standards Report indicates that money bond was required of 52 percent of the 217 felony defendants eligible for release. Altogether, of the 654 defendants eligible for release, at least 186 were held in custody.

While there is no doubt whatever that many of the defendants thus detained were dangerous and should not have been released, the Bail Reform Act forbids detention on these grounds. Consequently, in every situation where a defendant was detained on grounds of dangerousness, the legal system was grossly dishonest.

As the Washington Post puts it, the Bail Reform Act is "a constant irritant in the judicial process." Today, federal judges are faced with an agonizing decision when a dangerous defendant stands before them. They must either disregard the mandate of the Bail Reform Act by setting bail beyond the defendant's means, or they must shut their eyes to community danger. One course perpetuates hypocrisy; the other course is hazardous to society.

Open pretrial detention would eliminate hypocrisy from the bail system. Under the legislation we propose, defendants would be afforded a due process hearing in which they would gain a significant measure of protection against arbitrary determinations.

The Administration is opposed to a system in which a rich dangerous defendant can gain his freedom but a poor non-dangerous defendant cannot.

CONSTITUTIONAL QUESTIONS

We find nothing in the Eighth Amendment or the Due Process clause of the Fifth Amendment that bars the enactment of pretrial detention.

The Eighth Amendment provides that "Excessive bail shall not be required. . . ." This language does not establish a right to bail; it forbids judges from requiring excessive bond in cases where the defendant has a statutory right to bail. In *Carlson* v. *Landon*, 342 U.S. 524 (1952), the Supreme Court stated that:

"The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus in criminal cases bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment fails to say all arrests must be bailable."

This interpretation was reaffirmed in the recent case of *United States ex rel. Covington* v. *Coparo*, 297 F. Supp. 203 (S.D. N.Y. 1969), in which the court said:

". . . Congress could, without running afoul of the Eighth Amendment, . . . provide . . . that persons accused of kidnapping, bank robbery with force and violence, or other serious non-capital crimes are not entitled to bail as a matter of right."

This view of the Amendment is supported by several considerations. For example, in 1789, when the Eighth Amendment was drafted, contemporary constitutions in Pennsylvania, North Carolina, and Vermont set out an absolute right to bail in non-capital cases. The right to bail language in these constitutions, in the Northwest Ordinance of 1787, and in the Judiciary Act of 1789 was familiar to the framers of the Bill of Rights, but it was not selected for the Eighth Amendment. Instead, the framers relied on the "excessive bail" language from the English Bill of Rights.

Every state except Illinois has an "excessive bail" clause in its state constitution. More than 35 states also have clauses which establish an absolute right to bail in non-capital cases. The likelihood that the men who wrote these constitutions intended the two bail clauses to mean exactly the same thing is remote. In any event an "excessive bail" clause has never been construed in any state to establish by itself a right to bail in non-capital cases. On the contrary, state court decisions are consistent with the interpretation advanced by the Supreme Court in *Carlson* v. *Landon*.

Historical research reveals that early American bail provisions all excepted capital offenses from a right to bail. This is significant, for at the time these measures were drafted, most serious offenses, including robbery, rape, and arson, *were* capital offenses and thus not bailable as a matter of right. See Mitchell, *Bail Reform and the Constitutionality of Pretrial Detention*, 55 Va. L. Rev. 1223 (1969). It passes belief to suppose that Congress must now retain its power to execute a dangerous rapist in order to hold him before trial. If this were what the Amendment required the easy way to skirt it would be to classify all serious offenses as capital offenses. No one would actually have to be executed to create the authority in courts to deny bail.

But if the Eighth Amendment really established a "right" to bail, it is hard to conceive how Congress could create exceptions to that right simply by penalizing offenses with death. Nowhere does the Eighth Amendment authorize exceptions for capital offenses. Nowhere does it authorize the denial of bail when witnesses or jurors are threatened, or when a defendant is charged with an offense during his parole, or when extradition proceedings are pending—yet these exceptions have frequently been approved.

If the Eighth Amendment established an absolute right to bail, one wonders how the American Law Institute, as far back as 1927, could have included a provision for pretrial detention in its Model Code of Criminal Procedure. One wonders how the American Bar Association today can advocate the revocation of bail when a defendant commits a crime during his pretrial release.

It has sometimes been argued that if Congress can determine which offenses are bailable and which offenses are not, then it could abolish the right to bail and the Eighth Amendment would become meaningless. But that is not the case. Although no one has ever contemplated abolishing the right to bail completely, the Due Process clause would certainly bar a total abolition, for such an extreme move could not be defended for *all* offenses. Even if bailable offenses were wholly abolished by Congress, judicial history demonstrates that courts would have inherent power to bail defendants. They have done so repeatedly throughout the country, even when expressly forbidden by statute.

The extreme interpretation of the Eighth Amendment favored by opponents of pretrial detention would have disastrous consequences if the Amendment were applied in the states. For example, the bail provision in the Michigan Constitution would be unconstitutional, for it authorizes the denial of bail to defendants accused of murder, although murder in Michigan is a non-capital offense. The bail provisions in the constitutions of Florida, Rhode Island, and Maine would be unconstitutional because they permit the denial of bail in certain non-capital cases. Voters in Oregon would be denied the right next week to approve Section 11 of the proposed Oregon Bill of Rights:

"Every person, before judgment of conviction, is entitled to bail by sufficient surety,

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but excessive bail shall not be required. Bail may be denied to a person charged with a crime or offense punishable capitally or by life imprisonment, giving due weight to the evidence and to the nature and circumstances of the event . . ."

These and other points, which are amply supported by authority, substantiate our position on the Eighth Amendment. And this is crucial. For if it is determined that Congress can create categories of offenses which are not automatically bailable, the Due Process objections begin to fail. The Due Process clause has not barred other instances of custody before trial. Given proper procedures, juveniles may be detained; sexual psychopaths and the mentally disturbed may be detained; aliens, addicts, parolees, and accused persons who have fled across state lines may be detained. The Bail Reform Act permits preventive detention to prevent flight. People may be detained in official custody if the interests of society so require.

What remains is a concern for the fairness and reasonableness of the procedures by which this detention is lawfully consummated.

Under the legislation we propose, no one will be held in pretrial detention unless (1) he comes within one of a group of carefully chosen categories of defendants who may pose a danger to society, (2) the judge finds that the defendant cannot be released on any condition that would reasonably assure the safety of the community, and (3) there is a "substantial probability" of the defendant's ultimate conviction.

Under S. 2600, the government must proceed against a defendant in a hearing of record. It must bear the burden of producing evidence and produce persuasion to a "substantial probability". At the hearing the defendant is entitled to counsel. He may present witnesses on his behalf and cross-examine witnesses against him. He will not be detained unless the court finds in writing that *no condition or combination of conditions of release will reasonably assure the safety of the community*—a decision that may be appealed.

If the defendant should be detained, he may not be held for more than 60 days. During his confinement, he is to be set apart from convicted offenders to the maximum feasible extent. He may have virtually unlimited access to counsel. He may be released for short periods in custody to secure witnesses and procure evidence. Every effort will be made by the prosecution and the courts to schedule and hold a speedy trial.

The soundness of the categories we have created is confirmed in the study by the NBS. Our theory was that persons in the "dangerous crimes" category were the most likely to be recidivists. The Report stated that "the evidence seems sufficient to conclude that those in the dangerous category can be expected to produce a much higher recidivism rate—about three or four times as much—than those in the non-dangerous category." The data also indicates that those in the "violent" category can be expected to produce a recidivism rate two times as great as those in the non-violent category. As the bill is drafted, detention of persons in the violent category requires definite additional evidence of recidivism.

Some critics have argued that the court's ruling that a defendant is dangerous and that no condition of release will reasonably assure the safety of the community makes the judge a prognosticator of future behavior—which is allegedly unprecedented and unreliable. But, in truth, the legal system has always called upon the trial judge to make predictions of future behavior, from the first appearance after arrest until final sentencing.

Under the Bail Reform Act, a judge is authorized to predict the likelihood of flight. In effect, he is authorized to predict whether the defendant is going to commit the offense of jumping bail. When a capital offense is charged, the judge is directed to take danger to the community into consideration and assess whether the defendant will present a threat to the community if released.

Moreover, every time a judge imposes or suspends a sentence or grants or denies probation he makes a prediction about future behavior and the possibility of rehabilitation. Less than six months ago, the Senate voted in S. 30 to permit a judge to sentence a "dangerous special offender" for up to 30 years in prison. This is permitted when "a period of confinement longer" than the period provided for by the felony statute under which the defendant is convicted "is required for the protection of the public from further criminal conduct by the defendant."

Balancing the interests of the individual and the public is a dilemma inherent in a free society. The choices are difficult for conscientious men. Today, as we reconcile the tensions between order and liberty, the pestilence of crime weighs heavily in the balance; for it threatens important liberties as well as our lives.

Mr. Chairman, S. 2600 is a thoughtfully considered, carefully drafted response to the serious problem of crime on bail. It is a small but essential part of the comprehensive legislative program against crime sponsored by this Administration. I urge the subcommittee to act favorably and promptly on this bill.

DEPARTMENT OF JUSTICE ANALYSIS OF THE RELATIONSHIP OF THE NATIONAL BUREAU OF STANDARDS STUDY TO THE DEPARTMENT'S PRETRIAL DETENTION PROPOSALS

The discussion following the April release of the National Bureau of Standards limited District of Columbia study of recidivism while on pretrial release suggests that additional perspective is necessary in assessing the report. The NBS study focuses primarily on some 426 defendants who were released prior to trial in 4 weeks of 1968. Let us step back a moment and view the larger crime problem confronting the country and this city today.

The FBI, in a release dated March 17, 1970, reported that serious crime in the United States increased 11%, forcible rape increased 16%, robbery increased 13%, aggravated assault 9%, murder 7%. Crimes against property increased 11% as a group. Compare this distressing resume with that of the District of Columbia:

UCR KNOWN OFFENSES, 1968 AND 1969

	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary-breaking or entering	Larceny $50 and over	Auto theft
Washington D.C.:							
1968	195	260	8,622	3,103	17,950	7,976	11,354
1969	287	336	12,423	3,621	22,992	11,548	11,364

While serious crime in the United States increased 11% in 1969, serious crime in the District of Columbia increased 27% in 1969, or 2½ times more than the national increase. This city has faced a horrendous crime burden that has manifested an intolerable upward trend.

This Administration has sought from the Congress a comprehensive package of resources and changes for the criminal justice system of the District of Columbia, of which pretrial detention is one. We sought more police resources so that, among other things, the low crime clearance rate of some 29% or less could be improved. We sought greater resources and responsibilities for the D.C. Bail Agency and D.C. Legal Aid Agency, the latter to be expanded into a Public Defender Service. We sought a major reorganization and upgrading of the local court system; and we sought more resources for this system and all supporting agencies. We sought also a carefully circumscribed procedure for pretrial detention of persons accused of certain crimes and posing a serious danger to the community if released awaiting trial.

These legislative objectives are essential to the goal of speedy and effective justice. No one of these proposals is itself sufficient to meet the needs of the community, nor have we suggested otherwise. The crime problem amply proves that it does not respond to staggered, or tentative, or piecemeal remedies. All parts of the criminal justice system must improve together and be made to respond together, for even modest gains in the war on crime.

Pretrial detention is only one component of this comprehensive approach, but, we contend, a most necessary and valuable component. We proposed pretrial detention provisions because we were convinced, by judgment, experience, and such studies, data and recommendations as are extant on the subject, that pretrial detention is justifiable, constitutional, workable and necessary, as indicated in my testimony. However, no rational and informed person would suggest that there has been, or is now, any sufficient body of data, or statistical analysis or predictive tools regarding criminal behavior, that can substitute for informed judgment and experience. It has not been demonstrated, either that data in the criminal justice system could be used for meaningful statistical analysis without major revision in the data system, nor that statistical analysis of data could resolve or "demonstrate" an issue of broad dimensions like recidivism. An evaluation of the feasibility of such data collection and statistical analysis was the primary purpose behind the commissioning of the National Bureau of Standards study by the National Institute of Law Enforcement and Criminal Justice: "This pilot study was commissioned to assemble and analyze a sample of the available data to determine if a full scale data collection and analysis effort would be worthwhile." (NBS Report, p. 1)

We state unequivocally that the NBS study could not, and of course did not, determine all of the facts of crime and recidivism which must be considered in resolving the policy issues in pretrial detention. Nor did anyone at the Department of Justice or the National Bureau of Standards assume otherwise. Indeed, the NBS Report explicitly notes its many limitations in terms of the larger crime problem that pretrial detention addresses, as follows.

(1) Studies conducted by the National Crime Commission indicated that only about half of all serious crimes committed are reported to the police. In the period covered by the NBS Report, data showed that police made arrests in only 29% of the offenses reported to them. It can be inferred, on the basis of these points, that police made arrests in D.C. in fewer than 15% of the crimes committed. There is no factual basis for directly equating rearrest during pretrial release with crime committed while on pretrial release. Rather, the most reasonable inference is that a great deal of crime, either unreported or not cleared, is committed by persons in a pretrial release status. The NBS Report suggests that if the defendants who were *not* arrested in over 71% of the cases were distributed between recidivist and non-recidivist cases in the same ratio as the sample,

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"then the true recidivist rate for pretrial detention would be much greater [than 11%]—approaching 40 percent." (Report, p. 110)

(2) The NBS study of persons on pretrial release, by definition, did not relate to a significant set of defendants who especially had in their number the persons for whom pretrial detention is specifically required—those charged with serious crime and dangerous to society if released. The study involved 654 defendants charged with offenses, 426 of whom were released prior to trial. Study records indicated that 176 defendants were never released and 10 others were probably not released. Thus, 29% of the sample of 654 were not released. By virtue of the scope of the study, many defendants in the sample to whom the criteria for pretrial detention would certainly apply were excluded from the study.

(3) NBS examined information from the FBI Crime Career record which indicated that approximately 30% of the offenses in the record occur in geographic jurisdictions other than the residence location. If this factor were applied to the NBS sample of released defendants, then the rearrest rate would increase from 11% to 14.3%. Moreover, this would increase the rearrest rate of persons charged with crimes of violence from 17% to 22%, and of persons charged with dangerous crimes from 25% to 33%. Therefore, if the important crime data factors in points (1)–(3), which were beyond the scope of the NBS study, were considered the true rate of recidivism for pretrial release cases would be considerably greater than 40%.

Finally, the Report notes that its data base is so small that the results of the study may not be representative of the current situation or even of the 1968 time period. NBS does not suggest, nor can anyone validly defend, the application of the percentages derived from the 4-week sample in 1968 to the years 1969 or 1970. It has already been noted that crime in the District of Columbia increased 27% in 1969, or 2½ times the national increase in 1969. Moreover, 1968 was an aberrant year statistically in D.C. because of the April riots. This induced NBS to select 4 weeks for its sample removed from the April riots' time period. The first two weeks in January and February occurred at a characteristically low crime-rate period. This is seen graphically in the FBI's Uniform Crime Report's charts for the year 1968 at pp. 20–21. The UCR charts also indicate peak crime periods for serious crimes (e.g., homicide, negligent manslaughter, forcible rape, aggravated assault, robbery, burglary) most of which occur at time periods different from those covered by the sample weeks. We note also that the last two sample weeks in May and June, occur at low points in the data curve graphed at p. 97 in the NBS Report.

All of this suggets that generalizations from the data cannot be validly and reliably made regarding 1970 and the current crime and residivism situation. Furthermore, if one were to suggest that the data in the NBS Report is applicable to other or larger sets of defendants, or criminals, or recidivists, even in the same time period (January-June, 1968), it would be incorrect to use the specific percentages appearing in the Report. NBS, when it released its preliminary Report, indicated confidence ranges for certain key percentages in the Report. Confidence ranges reflect a spread of percentages within which a similar sized but different sample of defendants are likely to fall. If the sample were enlarged, the ranges would spread.

The ranges are as follows:

(1) The overall rearrest rate of 11%, has a confidence range of 8–14%.

(2) The rearrest rate (of persons released after an initial felony charge) of 17% has a confidence range of 11–23%.

(3) The rearrest rate (of persons released after an initial violent crime charge) of 17% has a confidence range of 10–24%.

(4) The rearrest rate (of persons released after an initial dangerous crime charge) of 25% has a confidence range of 15–35%.

Because of the many limitations surrounding the study, it is folly to use individual percentages based on small numbers of defendants in the sample and generalize to a much larger population, such as, regarding the 5% figure on persons charged with violent crimes who were rearrested for a violent crime, to suggest that 5 in 100 or 1 in 20 persons can be expected to commit subsequent violent crimes if released. Failure to note these serious qualifications in using or relying on specific data would be the casual use of averages which NBS cautioned against throughout its Report.

The NBS study concludes that its data strongly support the "dangerous" criterion as a predictive device. It must be noted that there is no system anywhere for determining *in advance* that a given individual will engage in a specific form of behavior, be it criminal or non-criminal. Prediction devices at best *estimate probabilities*. Seat belts in autos are advised not because it is known in advance that an individual will be killed or injured if he doesn't wear them. Rather, they are advised because if the driver gets into an accident, and if the accident is serious enough, there is real danger (i.e., a degree of probability) that he *may* be killed or injured. This advice is premised on a combination of elements: *experience, judgment,* and *data*. These same elements, to the extent possible, have been brought to bear in the Administration's formulation of pretrial detention. We don't need statistics (although we seek and welcome them) to conclude that crime is a major threat to life, limb and property in our society and that it imposes intolerable social and economic burdens. There is ample evidence that every criminal justice system is a treadmill in which persons accused and convinced of crime reenter the system with tragic regularity.

The NBS Report states the Administration's definition of dangerous crime in our proposed amendment to the Bail Reform Act of 1966. It then states (at p. 70 of the Report):

"Such definitions, based upon experience and knowledge of officials in the Criminal Justice System, may well be necessary in lieu of more precise statistical formulations because of the limited data currently available upon which to base these formulations."

Significantly, the Report draws some general conclusions based on its various tests and analyses which materially support the Administration's judgment in developing its criteria of dangerousness in the proposed amendments. The Report states:

"The above data (at p. 113) strongly suggests that the 'dangerous' criterion is the best predictor of rearrest among the three criteria (felony, violent, dangerous); the evidence seems sufficient to conclude that those in the dangerous category can be expected to produce a much higher recidivism rate—about 3 to 4 times as much—than those in the non-dangerous category."

The NBS data also indicates that those in the violent category can be expected to produce a recidivism rate 2 times as great as those in the non-violent category. NBS's conclusions on the felony category are likewise meaningful:

"The rearrest rate for defendants on felony charges is much higher than that for misdemeanants—probably twice as high.

"Rearrest for the more serious charges is strongly associated with defendants inititially charged with felony. Thus, a recidivist on an initial felony charge is just about as likely to be charged again for a felony as for a misdeameanor, while recidivism by initial misdemeanants involved a felony in only about ¼ of such instances."

The NBS study sheds some perspective on the propensity of the sample defendants to be rearrested *over time*. Rearrests were calculated per 1,000 days of pretrial release after presentment for 10 periods of 28 days each. The data suggests that the longer a defendant is released the more crimes he is likely to commit, i.e., crime and duration of release are related. However, the data shows that crime occurs reguarly and without significant increases or decreases for the sample defendants from the *first period* of 28 days and thereafter. Hence, there is no period of time after release that is more "critical" than others, rather, the danger of crime exists upon release and continues throughout release. The obvious conclusion shown by the data is that the propensity for rearrest of the sample defendants is manifest immediately in the first 28 days and continues for subsequent periods.

Some have contended that the reason for crime after release is lack of a speedy trial, and have suggested that speedy trial will cure the bail recidivism problem. These contentions are unfounded. The NBS data indicates that the incidence of crime is not caused by delay of trial, and is not cured by a speedy trial, e.g., a trial in 30, or 60, or 120 days, because crime occurs in all periods, including the first 30 days after release. The data is also significant in showing that the overall average index of crime per 1,000 days of release for defendants classified *dangerous* is substantially higher than for those in any other category. These findings support the proposition that dangerous defendants should be detained immediately after charged and tried as quickly as possible.

STATEMENT OF RICHARD G. KLEINDIENST, DEPUTY ATTORNEY GENERAL DEPARTMENT OF JUSTICE, JUNE 17, 1970

Mr. Chairman and Members of the Subcommittee: During my appearance before the Subcommittee on May 22, Senator Bayh expressed doubt whether the Department of Justice had formulated a comprehensive program to reduce crime. Indeed, he implied in the statement he submitted for the record that pretrial detention was the Department's chief solution to the crime problem. He said in that statement:

"Other methods of dealing with the (crime) problem are available and they must be embodied in meaningful legislation."

This morning I would like to review briefly some of the crime legislation the Department has introduced or supported and some of the actions we have taken since January 1969. This review will demonstrate that the Department of Justice does have a comprehensive program against crime. It will also show that while pretrial detention is not the central feature in this program, it is an essential ingredient in any *complete* program to combat crime.

Crime is a product of complex social forces as well as individual propensities. Poverty, inadequate education and housing, and unemployment are causes of crime, but there are many others. They include family dissolution, boredom, urbanization, rootlessness, and moral decay. The breakdown of the criminal justice system is a cause of crime. And crime itself which aggravates existing social problems, sedulously fosters its own perpetuation.

The Department of Justice is primarily a law enforcement agency. We recognize the vital importance of treating and removing the causes of crime. But we recognize too that eliminating these causes does not always fall within our jurisdiction. Often it does not.

For example, the Department will prose-

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cute cases of discrimination in education, housing, and employment with vigor and determination. We will do whatever we can to minimize these factors as contributors to crime. But the major responsibility in these areas rests with other agencies, not the Department of Justice, for that is the way the government is organized.

From the beginning, the Department of Justice has been assigned the responsibility of enforcing the law, particularly the criminal law, as a mechanism of social order and of assuring the quality, efficacy, and fairness of institutions in the criminal justice system. This is our continuing mission today.

In his statement of May 22, Senator Bayh indicated his concern about the backlogs and delays in the federal judicial system. "Pretrial detention," he said, "won't help us shorten the time between arrest and trial—that is a reform the Administration should be pursuing with at least equal vigor."

As a matter of fact, the Department of Justice has addressed this problem on countless occasions. A desire to reduce lengthy delays in the system was the chief reason why we drafted our sweeping proposal for reorganization and expansion of the courts in the District of Columbia. It was also the main reason why the Administration supported the Omnibus Judgeship Bill, which the President recently signed into law. It is indisputable that the Department of Justice has been very active in court reform.

Senator Bayh also asserted that "Pretrial detention won't help us begin improving our absurd 17th Century prison facilities. . . ." This statement is true. But no inference can be drawn that the Administration is not active in the area of correctional reform. On the contrary, in mid-November, the President issued a 13-point directive to the Attorney General aimed at improving the federal correctional system. In the near future, the Attorney General will release a comprehensive report of his recommendations and plans to implement that directive. Where new legislation is required, new legislation will be forthcoming.

The President's Task Force on Prisoner Rehabilitation issued a valuable report several weeks ago. Plans are now being made to follow through on its recommendations.

The Department of Justice has expressed strong support for Senator Burdick's bill to authorize the use of residential community treatment centers by persons who are placed on probation, released on parole, or mandatorily released, as a means of easing their return to society.

In addition, the Administration has championed amendments to the Omnibus Crime Control and Safe Streets Act to allow the Law Enforcement Assistance Administration to make grants on the basis of need to State and local governments to modernize their correctional facilities. As the Attorney General noted in submitting these amendments to Congress: "The criteria for the awarding of grants . . . would require assurance that the programs and projects funded would incorporate advanced techniques in design and advanced practices in personnel standards and programs."

To improve operations in the federal judicial system, the Administration has pressed for additional Assistant U.S. Attorneys. In January 1969, 716 Assistants were on the job. Today, there are 800. We have requested an authorization of 900 Assistants for fiscal 1971. In the District of Columbia, 25 new Assistants have been secured, and more have been requested. Added manpower in the prosecutor's office is an absolute prerequisite to reduced backlogs in this jurisdiction.

In a parallel move, the Administration has introduced amendments to the Criminal Justice Act to increase the scope of legal services available to indigent defendants in federal criminal cases and to increase rates of compensation to appointed counsel. The D.C. Crime Bill provides for a full-fledged public defender service in the District of Columbia; and it expands the size and function of the D.C. Bail Agency as well.

After careful consideration, the Department of Justice has authored legislation to give the government an enlarged right to appeal adverse rulings in matters of law.

The federal government moves against street crime chiefly through its LEAA grants to the States and through its efforts in the District of Columbia. In fiscal 1969, LEAA's total budget was $63 million. In fiscal 1970, it is $268 million. For fiscal 1971, the Department has requested $480 million. Our desire is to increase these federal grants at a pace that assures their productive utilization, and no faster.

In the District of Columbia, the Department has encouraged a massive recruitment program to increase the Metropolitan Police Department to 5100. We have drafted a new, modern Juvenile Code. We have also revised some of the District's criminal procedure.

Organized crime is a serious problem. Our best estimate is that the various activities of organized crime gross $50 billion each year. To meet this challenge, the Administration worked closely with Senator McClellan and the Judiciary Committee on S. 30, the Organized Crime Control Act of 1970, which has passed the Senate and is now pending in the House.

With the help of Congress, the President has fulfilled his pledge to provide increased resources in money and manpower to the struggle against organized crime. The number of attorneys in the Organized Crime Section of our Criminal Division is expected to reach 100 by the end of this month. This is a 33 per cent increase over January 1969. Forty-one additional attorney positions have been requested for fiscal 1971.

Far from dismantling the strike forces developed during the previous administration, we have expanded them, so that there will be at least 20 fully staffed organized crime field offices operating by the end of fiscal 1971. More than 800 defendants were indicted in organized crime cases last year.

Last July, President Nixon submitted a 10-point program to Congress on the problem of narcotics. He called for a broad revision of the nation's patchwork laws regulating narcotics and dangerous drugs. The legislation he proposed, which passed the Senate January 28, attempts to remove harsh inconsistencies from present law. It aims to crack down on the professional narcotics pusher while easing up on the occasional user. It improves enforcement and control procedures but stresses education and research.

On other fronts, the Attorney General has submitted for the consideration of state lawmakers a model law on narcotics control for use at the state level.

For the first time, the United States has embarked on a major program of cooperation with concerned foreign governments to reduce the illegal importation of narcotics into this country. We have established good working relationships with France, Turkey, and Mexico in this regard. Locally, the Administration has committed unprecedented amounts of money to control the narcotics traffic and expand treatment facilities in the District of Columbia.

Unlike the previous Administration, the present Department of Justice has used the authority granted by Congress to engage in limited electronic surveillance as a weapon against the organized narcotics traffic and organized crime. The prudent use of this weapon has been instrumental in smashing several major narcotics operations in the District of Columbia.

We have introduced or supported other measures against crime, including bills on pornography and bombing.

This brief reveiw should dispel any notion that the Administration lacks a comprehensive program to combat crime. But the truth is, the federal government will best be able to contribute to a significant reduction in crime if the President's legislative program is enacted into law. That has not happened to date. In fact, not one major crime bill has been approved by the Congress. This interminable delay cannot continue if lawmakers expect us to make progress.

Assuming, however, that this entire legislative program is passed, there will still be a need for pretrial detention.

The Bail Reform Act provides that every defendant charged with a non-capital offense—that is, every defendant charged with forcible rape, arson, kidnapping, armed robbery, burglary, bank robbery, mayhem, manslaughter, and assault with intent to kill—has an absolute, unequivocal statutory right to *release* before trial, unless there is substantial evidence that he will attempt escape. The Act forbids the trial court from considering a non-capital defendant's danger to the community in setting conditions of pretrial release.

In *United States* v. *Leathers,* 412 F. 2d 169, 170–171 (D.C. Cir. 1969), the Court of Appeals said:

"The Bail Reform Act specifies mandatorily that conditions of release be set for defendants accused of non-capital offenses. When imposing these conditions, the sole concern of the judicial officer charged with this duty is in establishing the minimal conditions which will 'reasonably assure the appearance of the person for trial . . . .' The structure of the Act and its legislative history make it clear that in non-capital cases pretrial detention cannot be premised upon an assessment of danger to the public should the accused be released."

The Act thus commands that many dangerous defendants be released before trial. In considering this fact, let me quote from the testimony before this Subcommittee of James V. Bennett, former Director of the Federal Bureau of Prisons. While opposing parts of S. 2600 as drafted, Mr. Bennett nonetheless said:

"I am not so naive as to believe that everyone charged with crime can be released on his own recognizance. There are some so threatening, so dangerous, so unreliable they must be kept in custody until the case against them is speedily disposed of."

The great deficiency in the Bail Reform Act is that it mandates the release of obviously dangerous persons and strips society of the means to protect itself from such persons before trial. To risk the lives and safety of law abiding citizens on the alleged presumptive innocence of vicious criminals who may have been caught in the act, is madness.

Let me illustrate the type of person who should be detained and afforded a speedy trial.

The recent death of former Representative Clifford Davis brings to mind the tragic incident in the House of Representatives on March 1, 1954. Three radical extremists opened fire from the House gallery wounding five members of Congress. Clifford Davis was one of the victims. The three assailants were booked on charges of assault with intent to kill, a non-capital offense. Under the Bail Reform Act, those persons would be entitled to pretrial release.

Early this month, police in New York arrested Richard Robinson, an 18-year-old postal clerk who was identified by seven victims as the rapist who had terrorized West Side women for six months, slipping up behind them and forcing them at knifepoint into their apartments to be raped and robbed. Robinson was reportedly responsible for at least 25 sex crimes, and every victim was robbed. Under the Bail Reform Act, Robinson would be entitled to pretrial release and the trial court would be forbidden to consider

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his danger to the community. (See New York Daily News, June 5, 1970, at 21.)

In mid-May, police in Montgomery County, Maryland, arrested a construction worker in connection with the kidnapping of several small children. Among other things, the man was charged with abducting a 6-year-old girl near Buffalo, New York, driving her around in his car for several hours, then dropping her off a 30-foot bridge into a reservoir. (See Washington Post, May 15, 1970, at B1). In every federal jurisdiction, that suspect would be entitled to pretrial release because kidnapping is not a capital offense. Even the kidnappers of Barbara Mackle, who was buried underground for more than 80 hours would be eligible for release under federal law.

The Department of Justice has been attacked for its pretrial detention proposal time and time again. But we have yet to see a cogent rebuttal to our concern about the release of highly dangerous defendants before trial.

Speedy trials are not the whole answer to this problem. No matter how speedy a trial may be, there will still be a gap between arrest and trial.

Professional armed criminals whose sole occupation is to break into homes or stage holdups on the street will still commit crimes while awaiting trial.

Narcotics addicts who must commit crimes to support their habits will commit those crimes while awaiting trial.

Incorrigible troublemakers with a manifest streak of viciousness and violence will strike again while awaiting trial.

Compulsive sex offenders may lose control and commit new crimes while awaiting trial.

And there are other defendants who have a special motive to engage in crime. They may desire to "bankroll" their families for the time they are in prison. They may want to pay off a bondsman or a loan shark or a gambler. They may simply cut loose on a "last fling."

The Department of Justice is convinced after careful study that limited authority for pretrial detention is the only answer to these dangerous defendants. That is why pretrial detention is essential to any complete program of crime control. And that is why we respectfully urge the approval of S. 2600 by this Subcommittee.

SENATOR PERCY ANNOUNCES SUPPORT FOR NEW AMENDMENT

Mr. PERCY. Mr. President, on Monday the Senate votes on the new Byrd amendment to the Foreign Military Sales Act, an amendment which would make clear that the Senate in no way seeks to abridge the President's constitutional powers to protect American troops deployed abroad. The amendment, which should have wide support, and which has my own support and cosponsorship, can bring together Members of the Senate who support the Cooper-Church approach and those who oppose it.

In the many discussions which have led to the new language, I have been very much impressed with the sincerity of the participants and with the deep desire of all for an amendment which can, in effect, bring us together. I have particularly enjoyed my contacts with Senator Spong of Virginia, Senator Byrd of West Virginia, and Senator Cooper of Kentucky, all of whom have worked very hard to reach an agreement.

I had developed language which would have proposed exceptions to the prohibition against U.S. combat activity in Cambodia after July 1, 1970, in order to allow the repelling of clear and direct attacks across the Cambodian border upon U.S. forces in South Vietnam and to allow hot pursuit of enemy troops fleeing from South Vietnam into Cambodia.

Now I believe it is not necessary to pursue this approach, since the new Byrd language adequately emphasizes the need to protect the lives of U.S. forces in South Vietnam.

On Monday I will not be in the Chamber at the time of the vote, due to a previous speaking engagement scheduled in Chicago. Therefore, I wish to go on record now to indicate my satisfaction with the new Byrd amendment and my complete support for it.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I am glad to yield.

Mr. BYRD of West Virginia. First, I want to thank the Senator for his cosponsorship of the amendment.

Second, I wish to express regret that he will not be present on Monday to vote for the amendment.

Third, I wish to express my thanks to him for his pertinent and very incisive observations with respect to the amendment.

Finally, I want to share his hope that this language will indeed bring the two sides together and that we can get a very good vote in support of the amendment.

Mr. PERCY. I think my distinguished colleague, and I hope, furthermore, that this language and the colloquy on the floor of the Senate, which has been exceedingly informative, will make it perfectly clear to Hanoi that the Congress of the United States, and many of us in this body, clearly warn them ahead of time that if they go in and use those so-called sanctuary areas once again to build up and to launch an imminent attack upon our forces and start to move in that direction, we will stand foursquare behind the President of the United States as Commander in Chief of the Armed Forces in his responsibility and duty to protect the Armed Forces and to maintain the deescalation rate that he has planned for our withdrawal from South Vietnam, on an orderly basis, and I hope on an accelerated basis.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield further, his statement precisely states my position and the position I have held all along.

I want again to stress the fact that the able Senator from Illinois (Mr. Percy) has made exceedingly great contributions to the verbiage of this amendment.

The PRESIDING OFFICER (Mr. Griffin). The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I want to stress the fact that he has made great contributions to that verbiage and that I have had numerous discussions with him following the vote on June 11 by which the original Byrd-Griffin amendment was defeated. Out of those discussions with him and the Senator from Virginia (Mr. Spong), the three of us working together, over the telephone and otherwise, and working with other Senators, including the Senator from Michigan (Mr. Griffin) and other Senators who supported the previous amendment and some who opposed it, for example, Senators Church and Cooper, came this verbiage. I think it is the language we want, that the administration should have, that our men in South Vietnam want, and that the enemy needs so much to understand.

Mr. PERCY. Mr. President, I not only appreciate those words from my distinguished colleague, but also express appreciation to the Senator from Virginia (Mr. Spong), with whom I greatly enjoyed working on this matter.

This is not a partisan matter. This is not an ideological matter. We are all trying to protect the best interests of the United States of America and our responsibilities to the free world. I have found both of my distinguished colleagues working in close harmony in that respect.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield for 30 seconds, my reference to the administration was meant to be a reference to the President, acting as Commander in Chief, in whatever administration, and in whatever political party, he may serve.

Mr. President, I ask unanimous consent that the Senator may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. PERCY. Yes, I am delighted to yield.

Mr. SPONG. Initially, I should like to thank the Senator from Illinois for his gracious remarks about my participation in discussions concerning this new amendment. Since the vote of last week the Senator from Illinois has been diligent in talking with the sponsors of the Cooper-Church amendment, with the Senator from West Virginia (Mr. Byrd), with myself and others in order that we might agree on some language that would say to the people of the United States, and to Hanoi, that the President as Commander in Chief has authority to protect the troops in the field.

The Senator from Illinois and I, in our amendments, sought to do this in a more specific manner. I have enjoyed very much working with him, and I share his hope that Senators on either side of this question will be able to support the amendment.

Mr. PERCY. Mr. President, I appreciate the distinguished Senator's comments. I feel, once again, that the colloquy is very important so that we fully interpret the meaning of the Byrd amendment to encompass the authority that those of us in the Senate believe the Commander in Chief should have to protect American forces.

TEXTILE IMPORTS

Mr. PERCY. Mr. President, I have read with interest in this morning's newspapers that Foreign Minister Kichi Aichi of Japan is coming to this country with a Japanese delegation to try to resolve the question of textile imports into the United States from Japan.

I welcome this visit and welcome this friend of the United States to our country. I trust that his visit will lead to a voluntary agreement on textile imports from Japan. That would be far preferable to a legislated quota solution to this problem. But Japan must be prepared to bargain realistically. The real initiative is still with the Japanese to make a reasonable offer. If Japan does not make a realistic proposal, then there will be serious economic consequences for both the United States and Japan.

I have talked to Foreign Minister Aichi in the past and told him that Japan cannot have it both ways. Japan cannot expect unrestricted access to the American market and at the same time have very restrictive import and investment policies in its own country. Japan is one of the major industrial powers in the world but on the question of allowing imports and investment into its own country its acts like a developing country. Japan has an elaborate system of export preferences, restrictions on direct foreign investment, and a variety of nontariff trade barriers more appropriate to acountry that is in its initial stages of economic growth.

In fact, it is almost ludicrous when we consider the unrestricted access that Japan has to the steel market in this country. Japanese steel will be shipped into this country by such manufacturers as those which make refrigerators. The steel from Japan is embodied into those articles, and then when American manufacturers try to ship those refrigerators, which include Japanese steel from Japan, into that country, Japan restricts them from coming in under its particular restrictive system.

To repeat, I welcome the Japanese visit to this country and hope that it leads to a negotiated settlement to the textile problem. But Japan must be prepared to bargain realistically to settle this problem or there will be a severe blow to our mutual trade and continuing friendship and interdependence.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. McCLELLAN. Mr. President, I was not present in the Chamber yesterday when the unanimous-consent agreement was entered into for a vote on the amendment (No. 708) of the distinguished Senator from West Virginia (Mr. Byrd) at 2 o'clock next Monday afternoon. Had I been present, I would have urged that this vote not be taken until the following day, Tuesday, the 23d. I have a longstanding speaking engagement to address the National Sheriffs' Association, which is convening at Hot Springs, Ark., on Monday, the 22d, and I feel that I should keep that engagement, Mr. President.

However, from discussions and comments that I hear, I am persuaded that the amendment of the distinguished Senator from West Virginia will likely be adopted. I hope it will be. I cannot possibly support the Cooper-Church amendment as originally presented, or as modified up to this time. With the amendment of the distinguished Senator from West Virginia incorporated in the original Cooper-Church amendment, I might find it possible to vote for it. Anyway it will improve and make palatable the original amendment.

However, I reiterate at this time that I do not agree with the amendment in that I do not find there was or is any necessity for it. I think it was precipitated solely by the fact that the President, as Commander in Chief, took the action in ordering those sanctuaries in Cambodia cleared out. That action, I think, has contributed greatly to the security and protection of our troops in South Vietnam. It was an action that I think, had the President not taken, he would have been derelict in his duty as Commander in Chief; and I am not convinced yet that I should support the Cooper-Church amendment even if the Byrd amendment is adopted.

I can come nearer supporting it with the language that is proposed by the distinguished Senator from West Virginia. I shall still have time to consider my position before a final vote on the Cooper-Church amendment as amended. But in the meantime, the amendment as originally presented was, in my opinion, tantamount to an official censure of the President of the United States by the U.S. Senate. I want no part of it as long as it carries with it that connotation, or as long as it may be susceptible of that interpretation.

I do not know that our getting into the war in South Vietnam was a wise course. I feel constrained to believe, and have many times said, that we should not be over there in this war unless the rest of the free world is there also. The issue is either that big—that of Communist aggression against the free world, or a phase of Communist aggression against the free world—or it is not big enough to justify our presence there.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLELLAN. I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. However, we are there, Mr. President, and in my judgment the President of the United States, who inherited this war—it is not his war; he did not get us into it, but, in my judgment, is doing all he can do and the best he can do to extricate our forces from that conflict—He should have our support in that effort. He has already withdrawn a great number of troops. He promises to withdraw another 150,000 within the next year. Unless we just want to move out and risk another Dunkerque, or retreat in humiliation and disgrace, I think we need to support the President in the course he is pursuing, in the hope that ultimately, or during this period of time, the South Vietnamese can become strong enough to defend their own country.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. BYRD of West Virginia. I certainly want to thank the Senator for his very strong statement in support of the amendment, and I regret that he will not be here on Monday to vote for it; but I certainly can understand his absence, in view of the explanation he is making.

Mr. McCLELLAN. I thank the Senator. I authorize the Senator from West Virginia, if he can, to secure a live pair for me, so the Record will reflect my position at the time of the vote and the Record today, of course, will reflect the reasons why I shall be absent.

Mr. BYRD of West Virginia. I shall do everything I can to accommodate the Senator.

SENATE RESOLUTION 420—TO PERMIT SENATOR McCLELLAN AND SENATE EMPLOYEES TO TESTIFY IN A CRIMINAL ACTION

Mr. McCLELLAN. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Spong). The resolution will be stated.

The assistant legislative clerk proceeded to read the resolution.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with. I shall make a brief explanation of it.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCLELLAN. Sometime last year, during the course of conducting an investigation, the Senate Permanent Subcommittee on Investigations was confronted with two witnesses who defied the committee in refusing to comply with a subpena to present certain records and documents in their possession.

Thereafter, there was presented to and agreed to by this body an appropriate resolution charging those witnesses with contempt of the Senate. Thereafter, they were indicted in due course. That indictment is still pending, and the case has now been set for trial next Monday.

Certain members of the subcommittee staff named in the resolution have been subpenaed as witnesses, together with the chairman of the committee and certain other members of the subcommittee staff have been asked to appear by the request of the Government. This resolution is appropriate because the subcommittee has no authority to release these documents or its staff to appear in court without the permission of the Senate. This resolution is the routine procedure that is required in these cases, and I ask for its immediate adoption.

The resolution, Senate Resolution 420, was considered and agreed to, as follows:

Resolved, Whereas the case of the United States of America vs. Alan McSurely, Criminal Action No. 1376–69, and the case of the United States of America vs. Margaret McSurely, Criminal Action No. 1377–69, are pending in the United States District Court for the District of Columbia; and

Whereas subpoenas have been issued out of said court and addressed to Senator John J. McClellan and to John Brick, a staff employee of the Senate Permanent Subcommittee on Investigations; and

Whereas, the attorney for the United States has requested that the said Senator John L. McClellan and certain staff employees of the said Subcommittee, specifically the said John Brick, and LaVern J. Duffy, and Ruth Young Watt, appear as witnesses and testify during the trial of the aforementioned cases; and

Whereas by the privilege of the Senate and by Rule XXX of the Standing Rules of the Senate, information secured by staff employees of the Senate pursuant to their official duty as employees may not be revealed without the consent of the Senate; Therefore be it

Resolved, That Senator John L. McClellan, and the following staff employees of the Senate Permanent Subcommittee on Investigations, John Brick, LaVern J. Duffy, and Ruth Young Watt, be authorized to appear and testify at the aforementioned proceeding; and be it further

Resolved, That if it should appear by order of the court in the aforementioned proceeding that documentary evidence in the possession and under the control of the Senate is needful for use in said court of justice for the promotion of justice, the Senate authorizes such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That if the said court should determine that any of the papers or documents in the possession and under the control of the Senate have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and offical transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the Rules of the Senate, and, further, that such papers and documents are material and relevant to the issues pending before said court, then copies of such papers and documents in the possession or control of the aforementioned Senator John L. McClellan, or Jack Brick, or LaVern J. Duffy, or Ruth Young Watt, may be produced, excepting any other papers and documents which are within the privileges of the Senate.

THE CAMBODIA DEBATE AND THE ABM DEBATE

Mr. DOLE. Mr. President, last year, when the military procurement bill was considered, there was extensive debate in the Senate, commencing on July 7, 1969. This measure was finally passed by the Senate on September 18, 1969. A large part of that debate was consumed by discussion of the so-called ABM Safeguard system. Some suggested the discussion was, in fact, a filibuster.

While I am in accord with the unanimous-consent agreement reached yesterday by the majority leader and the acting minority leader, I would point out that last year, for some 60 days, this body debated the ABM Safeguard system without any such arrangement. There has been discussion of the so-called Church-Cooper amendment to the Foreign Military Sales Act, but limited by comparison to those spearheading the anti-ABM debate last year.

At this time, Mr. President, I ask unanimous consent to have printed in the Record the record votes taken during consideration of the ABM discussion last year, to emphasize that some little progress was made with other legislation.

I applaud the majority leader and the acting minority leader for reaching agreement to take up other business at 5 p.m. each day so long as debate on the Foreign Military Sales Act continues, as other measures are pending which should be dealt with expeditiously.

I again ask unanimous consent to have printed in the Record a list of the record votes between July 7, 1969, and September 18, 1969; I would add that a few other measures, upon which there were no record votes, were also considered during that period of time.

There being no objection, the list of record votes was ordered to be printed in the Record, as follows:

Record Votes, July 7, 1969 to September 18, 1969

Military Procurement (S-2546) taken up July 7, 1969. Passed September 18, 1969.

During that period the Senate passed the following measures by record vote:

July 8, 1969: National Stockpile—Release of Lead. Vote on House amendment striking Senate language Williams (Del.) amendment to require that sale of such lead be to "the highest responsible bidder," and authorizing sale by negotiation or otherwise. Yeas, 58; Nays, 32.

July 29, 1969: Carl J. Gilbert—Nomination to be Special Representative for Trade Negotiations with rank of Ambassador.

Nomination confirmed. Yeas, 61; Nays, 30.

July 31, 1969: Federal Unemployment—Accelerated Collection (H.R. 9951) Long amendment to extend the 10% income surtax through December 31, 1969. (Amendment agreed to.) Yeas, 51; Nays, 48.

July 31, 1969: Federal Unemployment Taxes—Accelerated Collection (H.R. 9951) William (Del.) amendment to extend the income surtax for the first 6 months of 1970 at the rate of 5 percent. (Amendment rejected.) Yeas, 41; Nays, 59.

July 31, 1969: Federal Unemployment Taxes—Accelerated Collection (H.R. 9951). Mansfield motion to table Williams (Del.) amendment to repeal the investment tax credit. (Motion to table agreed to.) Yeas, 66; Nays, 34.

July 31, 1969: Extension of Income Surtax through December 31, 1969; Federal Unemployment Taxes—Accelerated Collection (H.R. 9951). Yeas, 70; Nays, 30.

August 7, 1969: Pay Increases for the Vice President and Certain Officers of Congress (H.R. 7206).

Williams (Del.) et al. amendment to repeal provisions of Federal Salary Act of 1967, establishing Commission on Executive, Legislative, and Judicial Salaries. Yeas, 47; Nays, 50.

August 7, 1969: Pay Increases for the Vice President and Certain Officers of Congress (H.R. 7206).

Dirksen motion to table Williams (Del.) amendment striking from the bill all salary increases except that for the Vice President. Yeas, 68; Nays, 25.

August 12, 1969: Incentive Allowances for Lenders under Insured Student Loan Program; and Increased Authorizations for Student Loans and Grants.

Dominick amendment to strike provision that Secretary of HEW prescribe procedures to the effect that lenders eligible for interest subsidies under the bill did not, as a condition precedent or subsequent to making such loan, require a student or member of his family to carry out any other business activity with the lender. (Amendment rejected.) Yeas, 21; Nays, 72.

August 12, 1969: Incentive Allowances for Lenders under Insured Student Loan Program; and Increased Authorizations for Student Loans and Grants.

Dirksen amendment to strike the bill's increases of $295 million in authorization for the national defense student loan program, the educational opportunity grant program, and the work-study program. (Amendment rejected.) Yeas, 38; Nays, 56.

August 12, 1969: Incentive Allowances for Lenders under Insured Student Loan Program; and Increased Authorizations for Student Loans and Grants. Passage. Yeas, 92; Nays, 1.

August 12, 1969: Adjournment of Congress from August 13 to September 3, 1969 (H. Con. Res. 315).

Vote on agreeing to resolution. (Resolution agreed to.) Yeas, 76; Nays, 14.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, for several weeks the Senate has debated the meaning of the Cooper-Church amendment to the Foreign Military Sales Act. There have been many attempts to further alter the proposal to assure that its meaning is in congruence wtih the spirit and letter of the Constitution. Now, after listening to hours of debate on the measure, it seems reasonable to conclude that the differences between proponents and opponents are at most, minimal, and perhaps nonexistent.

Since the debate commenced on May 13, those who opposed this legislation in part, as an unwarranted challenge to Presidential authority have sought a full explanation of the true intent of the sponsors of the proposal. After reviewing the legislative history of the amended Cooper-Church amendment, I have concluded that many of the original implications in the language of the amendment have been resolved in favor of preserving the constitutional powers of the Commander in Chief.

As debate proceeded, the proponents and opponents have recognized the constitutional powers of the Chief Executive. They have recognized the necessity of upholding the President's power to protect American forces in Southeast Asia. In accordance with this determination, the distinguished Senator from Montana (Mr. Mansfield) stated on June 9:

> The President has unilateral Constitutional powers as Commander-in-Chief to take measures to protect the lives of U.S. Servicemen, not only in Vietnam, but also U.S. citizens, including servicemen, anywhere in the world. He does not need Congressional sanction for that purpose because he already has the power, authority and responsibility.

The Senator from Idaho (Mr. Church) one of the principal sponsors of the amendment, affirmed on June 10:

> 1. The Cooper-Church amendment does NOT prevent the U.S. airpower from attacking the sanctuary areas;
>
> 2. Retaliation or protection reaction . . .

> in response to enemy attacks originating from across the border, is not prohibited"; and
>
> 3. Hot pursuit of enemy forces, which cross into Cambodia, is not barred.

Mr. President, the proponents have gone further. On June 11 the Senator from Idaho (Mr. CHURCH), when questioned about an intrusion into Cambodia for the protection of American forces, answered that whatever authority the President has in that regard would be unaffected by the Cooper-Church amendment. This would include, the Senator from Idaho affirmed, air strikes and other military or tactical maneuvers, not simply those limited to the use of ground troops.

During the same exchange between the Senator from Idaho and the junior Senator from Kansas, the Senator from Idaho said:

> The legislative history of the amendment makes it clear that the Amendment does not attempt to reach the use of American airpower for the protection of our own forces, the interdiction of supplies, or for any purpose other than a purpose related to the support of Cambodian forces.

And on June 8, the Senator from Kentucky (Mr. COOPER) agreed that the amendment "provides that air power can be used—as well as artillery across the border"—again referring to the protection of American forces.

The Senator from Idaho had stated earlier, on May 26:

> Nothing in the amendment prevents the transfer of weapons to the Cambodian Government if the President should see fit to do so.

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In fact, the Senator from Idaho and other proponents of Cooper-Church have said, as does the language of the mansfield amendment as adopted, that the measure does not deny the President any of his powers to protect American forces. Further, the Senator from Idaho has said that the Cooper-Church amendment is prospective in nature. It does not, the Senator has admitted, question the constitutionality of President Nixon's limited operation in Cambodia.

Indeed, the original proponents of the Cooper-Church amendment have gradually admitted the constitutionality of the President's action. They have realized, after weeks of discussion, the futility of attempting an itemized list of the President's powers under the Constitution. Furthermore, they have agreed that the President's powers to protect Americans cannot be impaired in the future—whether he orders air support, artillery, or ground pursuit.

On June 11, an amendment to the Cooper-Church amendment, offered by the distinguished Senator from West Virginia (Mr. BYRD), was defeated by a vote of 47 to 52. It addressed itself to the power of the President to retain U.S. forces if necessary to protect American forces in South Vietnam. The Senate did not accept this provision. Both the Senator from Kentucky and the Senator from Idaho—the principal cosponsors of the Cooper-Church amendment—voted against the Byrd amendment.

Now, many who helped defeat the original Byrd amendment are apparently having second thoughts. The people of America are saying: "Support the determination and right of the President to protect American lives. Do not tie the President's hands." Many Senators, who voted against the more limited Byrd amendment on June 11, are now showing a favorable inclination toward the new, broader Byrd amendment—No. 708. Unlike the original amendment proposed by the Senator from West Virginia, which applied to South Vietnam alone, the pending amendment reaffirms the President's constitutional power to safeguard American forces, wherever in the world they may be deployed.

Mr. President, this is an important affirmation of the President's Constitutional powers. The American people strongly support such an affirmation. Americans are encouraging Senate support of the President's determination to protect American forces in whatever manner he, as Commander in Chief, deems appropriate.

I hope that a majority of this body will support the pending amendment. For its adoption will bring us one step closer to final agreement on the Foreign Military Sales Act.

Mr. President, there is no doubt in my mind that we have now come full circle in debate on the Cooper-Church amendment to the Foreign Military Sales Act. There has been a recognition by every Senator that Congress could not, if it wished, impair the rights and the powers of any President to protect American forces.

Therefore, I am pleased to join the Senator from West Virginia (Mr. BYRD) in his second effort to reaffirm that right, and to write specific language into the Cooper-Church amendment. This will be clearly understood, not by those in the Senate, because we understand it now, but by the American people and others; namely, that the Senate will not desert American forces and that Senators recognize the rights and the responsibilities of the President to protect American forces wherever they may be.

Accordingly, Mr. President, it seems obvious the debate has been meaningful and helpful. The 5 weeks of debate have been fruitful because now there appears to be complete accord in an important area which, 4 weeks ago, was rather clouded.

At that time some were saying only that the President had certain constitutional rights. Now many of these persons agree that this specifically includes the right to protect American forces.

This is encouraging to all for I am of the opinion that every Member of this body wants the President to protect American forces.

As stated many times, I question no one's motives on patriotism. I have and still do question the timing of the Cooper-Church amendment, because President Nixon is committed to disengagement in Southeast Asia.

The facts bear him out.

He has kept his word to the American people.

The facts bear him out.

He has reduced our troop level by 115,500 men since last June 8. He has kept the withdrawal schedule on time.

I have confidence that President Nixon will continue, as he has announced, to remove 50,000 men from Southeast Asia by October 1, and another 100,000 by next spring.

To me, that is tremendous progress. It is disengagement.

Let me close by saying that what we now need in the Senate and in the country is unified support of the President.

I believe that we are on the way out of Southeast Asia.

I applaud the President, the present occupant of the White House, for his efforts on behalf of all Americans.

JOE BARTLETT—A TRIBUTE

Mr. GRIFFIN. Mr. President, I understand that a voice, familiar to all of us—a personality we all respect and admire—will soon be missing.

But, happily, it is a pleasant leave-taking and a farewell only in the narrow sense of the word.

I speak of Joe Bartlett, the senior reading clerk of the House of Representatives, who has been a daily visitor to the Senate Chamber delivering to us various messages from the House.

In recognition of long and faithful services, Mr. Bartlett was recently elected by the House Republican conference to be the minority clerk of the House of Representatives which is the senior minority staff position. He is in the process of transition, and, to our regret, we will not be seeing him as regularly as in the past.

Many of us have known Mr. Bartlett for a long time. We know him as a friend, as an individual of great good humor, of tact, and of wisdom.

In fact, Mr. Bartlett's service in the House extends much longer than many of us can claim in Congress.

He came here more than 30 years ago as a House page, at the age of 14. That was in the months just before Pearl Harbor.

Mr. Bartlett graduated from the page school and later joined the Marine Corps in World War II.

When he returned from service in 1945, there was a vacancy in the position of chief page. Many thought that he was too young for the position—he was then 19—but the late Joe Martin, then the House Republican leader, appointed him to the position anyway.

Of course, no one was surprised when Mr. Bartlett carried out his duties with responsibility.

When the Korean war occurred, Mr. Bartlett once again demonstrated the patriotism, which is one of his chief characteristics, and served again in the Marine Corps.

When he returned, there was in the House a vacancy for which, of course, he was qualified. This was the position of reading clerk.

From among some 20 applicants, Mr. Bartlett was selected by a committee which had only one reservation—his age.

He received the position and over the years, as we all know, he has been doing an outstanding job.

So we rejoice with Mr. Bartlett as he assumes his new work. We are glad that he will remain close at hand and that we can look forward to many years of continued close association with a close and loyal friend.

ADDITIONAL STATEMENTS OF SENATORS

PANAMA CANAL MODERNIZATION: U.S. TREATY COMMITMENTS AND OBLIGATIONS

Mr. THURMOND. Mr. President, in June of 1967, the President of the United States and the President of Panama announced the completion of negotiations for three proposed new Panama Canal treaties. These agreements, negotiated without the authorization of Congress and in disregard of article IV, section 3, clause 2 of the U.S. Constitution vesting the power to dispose of territory and other property of the United States in Congress, provided for basic alterations in the juridical structure, ownership, management and protection of the Panama Canal. The projected changes include: First, surrendering by the United States to Panama of sovereignty over the Canal Zone; second, making that small and technologically primitive country a partner in the maintenance, operation, and defense of the canal; third, granting the United States an option on a site in Panama for a new canal of so-called sea level design; and fourth, eventually giving to Panama not only the existing canal but as well any new canal that may be constructed in that country, all without any compensation whatever.

In these connections, I invite attention to the fact that the taxpayers of the United States have a total net investment in the Panama Canal, including defense, of more than $5,000,000,000—a sum which, if converted into 1970 dollars, would be far greater.

Exposed as the result of journalistic initiative of the Chicago Tribune, the 1967 treaty proposals created national sensations in both the United States and Panama. Quoted by me in statements to the Senate in the CONGRESSIONAL RECORDS of July 17, 21, and 27, 1967, the indicated agreements armed hostile reactions in the Congress and in Panama and, for different reasons, were never signed.

Since that time significant political changes have occurred in Panama, including the election by an overwhelming majority and the inauguration on October 1, 1968, of Dr. Arnulfo Arias as President and his overthrow 3 days later by a military junta that is still in power. Notwithstanding these changes, pressure for resumption of treaty negotiations still exists and the treaties yet hang like a sword of Damocles over the strategic Panama Canal.

In addition, the last 3 years have witnessed a growing opposition by eminent scientists to the construction of a canal of the so-called sea level type because of the potentially disastrous effect that it would have on marine life of the nearby oceans and the sufficiency of food for human consumption as summarized by me in my statement to the Senate on April 15, 1970. Other scientists also oppose the use of nuclear explosives for its excavation, rendering even more remote the likelihood of any such construction project. In fact, because of these scientific findings, the Atlantic-Pacific Interoceanic Canal Study Commission, whose Chairman was also Chairman of our diplomatic negotiating team and agreed with the vicious treaty proposals previously mentioned, seems to have entirely abandoned the idea of a "sea level" canal.

Thus, with this ancient confusing issue out of the way, the road is clear for action on pending measures in both the Senate and House for the major modernization of the existing Panama Canal. The proposal embodied in these measures, known as the Terminal Lake-Third Locks plan, I would respectfully submit, is both timely and feasible, and can be undertaken with every assurance of success and without treaty involvements.

In this connection, Mr. President, I invite the attention of Senators to the fact that when the present program for the enlargement of Gaillard Cut is completed in 1971, this will mean a total of more than $157 million already spent toward such modernization: about $76 million mostly on lock site excavations at Gatun and Miraflores for the Third Locks project and over $81 million on Gaillard Cut. Moreover, the full modernization of the existing canal is the only satisfactory solution of the interoceanic canal problem; and, most importantly, no new treaty with Panama is required.

The above-enumerated facts make timely and pertinent an examination of our treaty commitments and obligations at Panama. The answers to these questions, including the rights of Great Britain and Colombia, have been supplied in two scholarly articles prepared in 1968 before the overthrow of President Arias by Dr. Donald M. Dozer, an eminent authority in Latin American policy and former State Department official. Because of their fundamental nature and authoritative documentation, they are just as applicable today as when written.

Mr. President, as these articles and the text of the pending measures for the Panama Canal Modernization Act will be of interest to all Members of Congress, officials of executive agencies of Government concerned with canal policy matters and the Nation at large, I ask unanimous consent that all three be printed in the RECORD.

I also ask unanimous consent that the recent article in the Baltimore Sun by Richard Basoco, entitled "Canal Report Will Lack Data on Atomic Blasting," be printed in the RECORD. This article again shows the problems of the sea level canal from a moral and ecological standpoint.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Oct. 6, 1968]

TREATY COMMITMENTS AND PANAMA CANAL

(By Donald M. Dozer)

What will Arnulfo Arias, the new president of Panama [inaugurated on Oct. 1], do with the treaties negotiated by President Robles with the Johnson administration and announced a year ago last June?

The treaties remain officially secret and are still unsigned. Will the new president accept them, or will he insist upon renegotiating them in order to obtain additional concessions from the United States? The concessions already made in the draft treaties, as published by THE CHICAGO TRIBUNE, not only abandon our former position in the Panama Canal Zone but seriously violate our international treaty obligations.

From the earliest date when the United States took a policy position on an interoceanic canal thru Central America, it envisaged such a canal as an international waterway serving all nations on an equal basis. This principle was asserted by Secretary of State Henry Clay in 1828; it underlay the provisions of the treaty which the United States concluded in 1846 with New Granada, now Colombia. . . .

In 1901, the United States concluded with Great Britain the so-called Hay-Pauncefote treaty, in which it agreed to assume the exclusive authority and responsibility for constructing a canal across the Central American isthmus and operating it in accordance with the rules prescribed for the free operation of the Suez canal in the convention of Constantinople of 1886. These rules, which the United States freely accepted, obligate this government to keep the canal "free and open to the vessels of commerce and of war of all nations . . . on terms of entire equality." They permit the United States to levy only "just and equitable" tolls on vessels using the canal. They provide that the United States alone must safeguard and maintain the neutrality of the canal. The rules also impose other assurances that the United States will operate the canal as an international public utility.

In the Spooner act of 1902, Congress stipulated that the United States, in order to discharge the international obligations it was preparing to assume, must acquire "perpetual control" over a canal zone across the isthmus. In the competition for the route, Panama gave the United States a grant in perpetuity of a strip of Panamanian territory in which the United States would possess and exercise "all the rights, power, and authority" which it would have "if it were the sovereign of the territory." In this Hay-Bunau-Varilla treaty, Panama assumed the same obligations as the United States for keeping the canal "neutral in perpetuity" and allowing it to be operated "in comformity with all the stipulations" of the Hay-Pauncefote treaty.

To an audience in Panama in 1910, President William Howard Taft said, "We are here to construct, maintain, operate, and defend a world canal, which runs thru the heart of your country, and you have given us the necessary sovereignty and jurisdiction over the part of your country occupied by that canal to enable us to do this effectively."

From the beginning, the United States recognized that the canal should be kept immune from belligerent action and free for impartial service to world shipping. This policy was reaffirmed as recently as Jan. 14, 1964, when President Lyndon Johnson ringingly declared: "The United States cannot allow the security of the Panama canal to be imperiled. We have a recognized obligation to operate the canal efficiently and securely, and we intend to honor that obligation in the interests of all who depend on it."

This was the last correct statement of our traditional interoceanic canal policy—a policy to which the United States had adhered for approximately 140 years. In September, 1964, President Johnson reversed himself and announced the opening of new negotiations with Panama which would abrogate the Hay-Bunau-Varilla treaty of 1903, repudiate the obligations of the United States in the operation and defense of the canal, and recognize Panama's sovereignty over the Canal Zone.

Three new treaties were subsequently negotiated in conformity with President Johnson's new guidlines. The treaties create a new joint United States-Panamanian administrative board for canal operations, consisting of five members appointed by the President of the United States and four appointed by the president of Panama. This board is expected to operate the canal under permission of "the Republic of Panama, as sovereign over the canal area."

The Johnson administration thus proposes to submit to the mercy of this board the shipping of the United States [which constitutes 72 per cent of the vessels transiting the canal] and to renounce our responsibility to operate the canal as a world service as established by treaty and by usage for more than 60 years.

If this board should impose discriminatory tolls upon the vessels of certain nations, or levy tolls which are not "just and equitable," could it be brought to account by a complaining nation for violation of a treaty? Obviously not, for it is not a party to any treaty. Would not the complaint of the aggrieved nation lie against the United States, which is entrusted with the responsibility of operating the canal and of complying with the treaty conditions laid down for its operation? Are we as a nation prepared to abandon our position of strength as defenders of treaty pledges and the law of nations?

[From the Chicago Tribune, Oct. 13, 1968]

The U.S. is Obligated to Keep Panama Canal

(By Donald M. Dozer)

Where large responsibility is vested, large authority is needed. British shipping interests have already mounted strenuous protests against the unilateral abdication by the United States of its authority over the Panama Canal. Vessels of British registry are the third largest users of the canal [after those of the United States and Norway].

"Now that Suez is closed," declares a spokesman for British shipping interests, "the Panama canal is definitely the world's No. 1 artery." The British have a large stake in the continued efficient and equitable operation of the Panama canal, and they possess adequate treaty rights to insist upon it.

Recent experience with the Suez canal proves that only a responsible nation can fulfill international obligations like those which the United States assumed in undertaking to build and operate the Panama canal. How can little Panama be expected to discharge those obligations?

Colombia has a direct and vital treaty interest at least equal to Great Britain's in the continued operation of the Panama canal under the sovereign control of the United States. In the Thomson-Urrutia treaty signed in 1914 and ratified in 1922, Colombia acknowledged that title to the Panama canal was "vested entirely and absolutely in the United States of America." But as the former territorial sovereign over Panama, she was able to gain recognition from the United States of large privileges in the use of the canal. These included the right to transport thru the canal her troops, materials of war, and ships of war without charge, and to enjoy preferential tariff treatment for her products when passing thru the canal or imported into the Canal Zone. In the event of interruption of canal traffic, the United States must transport free of charge Colombian coal, petroleum, and salt passing from one coast of Colombia to the other over the Panama railway.

Under the new treaties, the joint board charged with the administration of the canal is given power "to continue or discontinue any activity" now being conducted in the operation of the canal. Under this blanket authority the board obviously may, if it wishes, terminate the special privileges which Colombia now enjoys under treaty with the United States.

In that eventuality, can the United States sustain these concessions, having abandoned sovereignty over the canal and the Canal Zone? And if Panama chooses not to continue to grant the privileges to the nation against which she rebelled in 1903, would not Colombia have a valid claim against the United States? Her complaints would be directed against the only other co-signer of the Thomson-Urrutia treaty. And how could the United States fulfill its treaty obligation to transport Colombian products over the Panama railway if Panama exercises the option [given her in the new treaty] of discontinuing within two years the operation of the railroad as a common carrier?

Colombia has already officially served notice that she will not relinquish the rights and exemptions granted her in the Thomson-Urrutia treaty. Colombia understandably has failed to respond favorably to the suggestion by the United States ambassador in Bogota that if she wants to continue to enjoy her privileges she will have to conclude a new treaty with Panama. If the United States abrogates the Thomson-Urrutia treaty, Colombia would be no longer bound to recognize the independence of Panama, for Colombia's recognition of Panama was one of the conditions of that treaty. Colombia then could reassert her former sovereignty over Panama, under the principle of titular or residual sovereignty.

The increase in tolls provided for in the new treaties will bear with special hardship upon all the countries on the west coast of South America, the bulk of whose foreign commerce passes thru the Panama canal. The discouragement of this trade can only retard progress toward the Latin American common market which President Johnson indorsed in April, 1967.

The United States should neither expect nor allow any other nation or group of nations to assume the responsibility for the Panama canal which the United States itself is obligated to exercise under international law. Quite apart from our own large strategic interest in the canal, policy makers cannot flout with impunity our solemn treaty pledges to maintain the canal as an interoceanic highway of world commerce, now the most important in the world. For more than 60 years the United States has executed its trust with respect to the Panama canal.

But now, in its pusillanimous efforts to cater to Panamanian extremists, the United States is failing in its responsibilities to world shipping. The assumption of these responsibilities by Panama or even by Colombia can lead in the end only to another victory for soviet imperialism.

The United States can avoid formidable international complications by continuing to exercise over the Panama canal and the Canal Zone the measure of sovereign control to which it is entitled by treaty. Such control has been shown by experience to be necessary to operation and protection of the canal as a highway of world commerce for the use of all nations.

Because of the increasing demands of world commerce, Congress should proceed without delay to complete improvements in the canal authorized during World War II as a postwar project. This modernization plan can be carried thru without any new negotiations with Panama and would render the three Johnson treaties superfluous.

S. 2228

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the third locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following. elimination of the Pedro Miguel locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the provisions of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer in the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chair-

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man of the Board one of the members experienced and skilled in the science of engineering.

(4) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the third locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the third locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the third locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the third locks projects and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. Any provision of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any sum appropriated to carry out the provisions of section 2(a) shall remain available until expended.

[From the Baltimore Sun, Apr. 15, 1970]

CANAL REPORT WILL LACK DATA ON ATOMIC BLASTING

(By Richard Basoco)

WASHINGTON, April 14.—After five years of study and the expenditure of $22.5 million, the Atlantic-Pacific Inter-Ocean Canal Study Commission will be unable to suggest the feasibility of using nuclear excavation techniques when it submits its final report on a new canal through Central America.

John P. Sheffey, executive director of the canal commission, said today that "political constraints and budgetary problems" at the Atomic Energy Commission have made it impossible to collect the kind of data required to make a responsible recommendation regarding the use of nuclear explosions to create a "second" Panama Canal.

The AEC's nuclear cratering test program "has fallen behind the planned schedule so that the [canal] commission won't have enough information to find it either feasible or unfeasible," Mr. Sheffey said.

If construction of a canal across Panama—where two routes are under consideration—or across Colombia were deferred "for a large number of years," he said, the use of nuclear energy may be feasible, Mr. Sheffey said.

But, he added, if a decision were made to go ahead with a new canal project in the near future, "there is no question about it, it would have to be done through conventional excavation." A canal project would have to be delayed "a minimum of ten years" for nuclear blasting to become a realistic alternative, he said.

Created in September, 1964, the commission is scheduled to submit its final report to President Nixon by December 1, 1970. Congress charged it with the responsibility of recommending which of several possible routes for a new canal seemed preferable, and to consider, in reaching that conclusion, the feasibility of using nuclear excavation methods.

Mr. Sheffey said that the commission's total authorization for its work was $24 million and that he expected it would return some $1.5 million to the government. Most of the $22.5 million that will have been spent by December 1, he said, was allocated to extensive field surveys which probed the difficulties involved in the use of nuclear excavating techniques.

Most of the data required to assess conventional excavation methods was already available he said, but the possible use of the atom required studies of wind currents, the food chain from plant to animal to man, and the like.

But the Atomic Energy Commission was able to conduct only two significant tests, Mr. Sheffey said, when at least five had been anticipated and more than that preferred.

John Kelly, an AEC official involved in the testing program, said, "We are encouraged by what we've been able to do," but conceded that not enough experiments have been conducted to make realistic recommendations.

He said his agency has conducted about half a dozen nuclear cratering tests and "a substantial number" of cratering tests with conventional explosives, such as TNT.

SEVERAL MILLION PER TEST

But much more testing with higher yield nuclear blasts are required and they are more expensive, he said. There is no money for any excavation testing at all in the AEC's budget for fiscal 1971, he said, although the current budget had more than $7 million for that purpose.

Each of the tests conducted, Mr. Sheffey said, "runs several million dollars."

Both Mr. Kelly and Mr. Sheffey expressed the hope that the AEC's test program would continue, although Mr. Kelly suggested that one reason no funds were provided in next year's budget was that the data would not have been available for the canal commission anyway and the urgency for continuation of the testing had therefore melted away.

COMPARISON ESTIMATE

A new canal dug by conventional means would take some 10 to 15 years to complete at a cost of perhaps $3 billion, while, "if everything went perfectly," Mr. Sheffey said, nuclear excavation would take six to nine years and save about $1 billion.

The difficulties in negotiating the use of nuclear devices, however, could mean that the length of time from inception of the project to completion might not be any shorter than by conventional means, he added.

The present canal is reaching the point of saturation usage by shipping and is too small to accommodate either the large tankers or big aircraft carriers already afloat.

TEXTILE IMPORTS

Mr. TALMADGE. Mr. President, we are all familiar with the textile import problem. Pending in the Senate is legislation, of which I am a sponsor, to establish import quotas and slow down the excessive flow of cheap, foreign-produced goods—

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principally from Japan—into the United States. Moreover, in the House of Representatives, more than 250 Members have signed import control bills.

This is a tremendous show of force and concern about a problem that has reached critical proportions. It is a problem that cannot be ignored any longer.

The President recently indicated that he would withdraw his previous opposition to import control legislation. This was a very encouraging sign. It prompted the Atlanta Journal and the Atlanta Constitution to issue editorials favoring the President's apparent decision.

This means jobs to American citizens who are being put out of work because of foreign competition—at a time when unemployment in the United States already is becoming perilously high. The Atlanta Journal expressed it well in stating:

> We no longer are rich enough to sacrifice local payrolls for international ideals.

This is a problem that is particularly acute in Georgia. Textiles and apparel compose the State's largest employer, providing jobs for more than 180,000 people. So far this year, textile employment in Georgia is down nearly 5,000 from 1969.

I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal, June 15, 1970]

TEXTILES NEED HELP

The word from Washington is that President Nixon is favorable to the idea of quotas on textile imports.

This suits us.

It is a good idea as this is the leading Southern and Georgia industry. The textile payroll is basic to this state's economy and the textile industry is unhappy.

The chief reason is the entry into this country of foreign goods produced more cheaply than we can produce the same goods. Efforts to bring about voluntary restraint here have failed, due mainly to the Japanese refusal to voluntarily control their exports to us.

So? Voluntary controls having failed, the President is willing to go along with mandatory ones, a thing desired by textile men.

This is good if you think that what is good for textiles is good for this country, and at this time and from Georgia's point of view this is true.

However the move will be resisted by those in favor of freer trade to build up the economies of other nations and good will around the world for Uncle Sam.

The point of view of these people is thoroughly admirable, of course, and from the long term point of view they could be right.

However this view is a luxury only the rich can afford, and we no longer are rich enough to sacrifice local payrolls for international ideals. There also is the sound argument that Japan, the chief beneficiary of our generosity, may be in better economic shape today than we are.

There is also, of course, the political angle.

This administration seeks Southern favors, and this is a very good way to gain the friendship and gratitude of an important bloc of Southerners.

Textile employment in Georgia is off nearly 5,000 over this time last year. We'd all be very pleased to see these people back at work and hope these restrictions will help bring this about.

[From the Atlanta Constitution, June 16, 1970]

THE TEXTILE TRADE

The problems of international trade among nations are with us yet, ranging from Britain's possible entry into the Common Market to the current hassle over textile imports from Japan.

The textile controversy is particularly pertinent to Georgia; the textile industries are the state's number one employer, providing more than 180,000 jobs.

President Nixon indicated this week that he will likely withdraw opposition to action to restrain the flow of foreign textile goods—primarily from Japan—to this country. It means, probably, that Congress will indeed pass legislation limiting textile imports to this country.

It's our view that, in the long run, all such limitations on international trade are self-defeating.

That is, industries in this country must be able to compete on a cost basis with similar industries in other countries. Yet . . . and it should be said . . . objectively, there are situations in which some countries are able to compete because of their relatively low wage scale.

Mr. Nixon pledged during his campaign that, barring some voluntary agreement on the part of textile-exporting countries (like Japan), that he would go along with legislation to restrain the import into the United States of some textiles, primarily woolens and synthetics. (There are already such controls on cottons.)

Japan has refused to agree to any voluntary controls in this area. On this basis, we think President Nixon is right to withdraw his opposition to congressional action.

VICE PRESIDENT AGNEW'S REMARKS AT ITT SEMINAR

Mr. GRIFFIN. Mr. President, on Wednesday, June 17, Vice President AGNEW spoke at the annual ITT seminar here. I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

You have heard this morning some very perceptive and lively analyses of the nature of power and decision-making in Washington. This afternoon, you will consider some of the more urgent problems and several of the more controversial institutions of our government. My comments today will be addressed to what correlates the problems and the institutions—the governmental system. It is through the system that we ultimately bring together our problems, our people and our institutions in such a way as to make a resolution of our difficulties possible. I shall concentrate specifically on changes in the system, because the efficacy of the system is a topic of great importance to most Americans today, in particular, the young. There are a few who attack the system and demand its elimination, but I have been greatly encouraged in recent months by those students and other young people who have announced their resolve to work, as they put it, "within the system." Their task will not be easy. Indeed, most of them know this already, for many of them tried two years ago to get candidates of their choice elected, and they were defeated. But they have not given up, and I praise their willingness to try again.

It is not only their willingness to work within the system that I commend, but also their great desire to change that system for the better.

And here I should like to say that we in the Administration have also been trying to change the system for the better. We recognize that institutions and their relationships cannot remain rigid, that they must alter with the changing circumstances of those they serve or they will cease to serve.

To begin, this Administration has been particularly concerned with the relationship of the Federal government to the state and local governments. It is this relationship that is the fundament of our Nation's government, and for this reason President Nixon has made it the heart of his program, The New Federalism. Recognizing that too much power had over the years become centralized in Washington through the power of taxation, this Administration has proposed that a portion of its revenue be given back to the states and cities. Our federal system requires strong state and local governments, but they cannot meet their responsibilities if they do not have the adequate resources. We propose to give them those resources.

Revenue sharing is not the only program, however, through which we are trying to realign the balance between the state and local governments and Washington. In the Family Assistance Program there are provisions that put new emphasis on state and local management of manpower training efforts. Earlier Administrations tended to place the power and control of these programs in the hands of those in the Federal government. We are trying to reverse that trend.

On the other hand, we feel that in specific areas it's better if the Federal government take over certain functions earlier left to state and local government. In particular, this Administration was worried by the lack of equity in welfare payments, which varied widely from state to state. We felt that the Fedearl government had a responsibility to assure that all beneficiaries under this program received fair and equal treatment, no matter where they lived. Consequently, we are moving toward equalizing the benefits of the welfare program across the nation. We attempt this not through blind allegiance to any political ideology, but out of a desire to assist all the citizens of this country to become self-sufficient and productive.

A second area in which this Administration has worked to improve the governmental system is in the relationship of the individual citizen to his government. In the matter of welfare, for instance, the programs that had accumulated prior to this Administration were often degrading to the recipient, always confusing. President Nixon has taken bold steps to simplify the welfare program. He has proposed a minimum income for every family in America. He has proposed reform of the food-stamp, rent subsidy and other assistance programs. He has proposed a comprehensive package of health services for all poor families with children. He has done this in order to help the needy citizen to obtain the best assistance in the simplest way. And again I stress, he has done this not out of allegiance to some ideology, but in order to aid more effectively those who need help.

A totally different matter, yet one that also affects the relationship of a citizen to his government is the matter of the Electoral College. The President has pledged his support of Electoral College Reform, and he has demonstrated his willingness to compromise on methods which will achieve the desired result. He has done this because he knows that in order to have confidence in his government, every citizen must have confidence that his vote will be weighted equitably in the final tally.

One final topic can be mentioned here: the issue of the 18 year old vote. I have repeatedly said, and I continue to believe, that America's most valuable resource is her young people. The greatest challenge facing American government is to find ways to render that resource productive—ways which satisfy both the idealism of youth and the practical demands of governing the Republic. By lowering the voting age to 18, the Federal government can encourage young people to direct their tremendous energies toward constructive participation. The President has asked that a top-level study be conducted to determine how best to effectuate the extension of the franchise to this group of citizens.

As Governor of Maryland, I supported a Constitutional reform to allow 18 year olds to vote. My position on the issue has not changed. If a man is old enough to serve his nation at arms at 18, is he not old enough to vote? If a woman is considered mature enough to enter a lifetime contract of marriage at 18, is she not mature enough to vote? The voting age should be lowered, and I believe that once our young people can sound off at the polls, there will be less need to sound off in the streets. They'll have the chance to be counted where it counts.

These are changes that this Administration has already made or is considering presently. They are changes that affect the system as a system. They will alter the relationships at the Federal government to the state and local governments, and of the citizens to his government. Such changes are important.

But they will have little significance, if the citizens themselves show no concern. And that is why I am so encouraged by the positive involvement of most of the young people in this country. They are showing a spirit of inquiry and concern, a spirit that will not accept the institutions of the past unquestioned. They are proposing changes and they are working to effect those changes. They have shown an unprecedented interest in political affairs. They have revealed a determination to become active participants in our government. This activity is positioned on the assumption that politics is important and demands the attention of all citizens. It is a new attitude, a trend away from the traditional view that politics is a dirty business fit only for the politicians. I welcome it. I welcome this new interest in politics, and I should like to urge all citizens to join in the current examination of our government, to join in our efforts to reshape this one part of our American system.

These efforts are not easy, and I must add two words of caution to those who would bring change into our system. First, change comes slowly. This can be frustrating, especially to young people with high hopes. To those who believe in the rightness of their cause, the inertia of the system may appear to be a brutal weakness. But I submit that what appears to be a weakness is in reality a strength. I will concede that sometimes beneficial changes are impeded by the structures of our government, to the detriment of the Nation. But for every good proposal that is hindered, ten bad ones are sufficiently retarded that the citizens and their representatives can take the time to consider them and ultimately to reject them. That is why the men who wrote our constitution took great pains to build into our fundamental law impediments to rapid alteration, and the history of our Nation, guided by the concepts that form the oldest written constitution in the world, is proof that those men were wise.

My second word of caution refers to the principle on which our government is based, the principle of majority rule. In a democracy like ours change cannot come without majority consent. It is not enough to dissent if you want new laws, new structures, or new men. Concern about the issues and a desire for reform must be coupled with persuasion. Here it is that I must urge some of my countrymen to refrain from thinking that if they are not heeded, they have not been heard. It is one thing to be listened to, another to be obeyed. Those who are deeply concerned about substantive issues will often find that others disagree, not because these others do not understand, but because they feel honestly that a different path is better. The fair-minded man will recognize this fact. Nothing is more vital to the functioning of a democracy than a generous spirit of compromise, a willingness to yield to the wishes of the majority and to do so without rancor, without harboring the bitter thought that we have not been heard or understood.

It is vital that we retain a faith in the basic soundness of our governmental system, even when distressed by its decisions. And I refer not only to decisions of such a nature that no one can say with certainty that they are right or wrong. I refer even to decisions that are wrong. In 1920 our constitution was amended to forbid the sale of liquor in this country. In 1933 that act was nullified. Certainly one of those decisions was a bad one. But is there anyone who would therefore discard our constitution, because it proved a vehicle to error?

And that is the issue today. Will the critics of the war in Vietnam condemn our entire governmental system because of their belief that this war is wrong? I am confident that the majority of them will not, for they, as well as I, realize that it would be folly. I, for one, believe that our presence in Southeast Asia is warranted, is necessary, is moral. But let that pass. Much more do I believe that our system of government has proven itself to be the surest legal instrument to human welfare that the world has ever known. I do not say that it can give us happiness, for it cannot, and that is why I have called it a *legal* instrument to human welfare, for its laws provide the framework within which each one of us can pursue his own happiness. In our belief, this is the fundamental role of government, to give the citizen the greatest possible opportunity to lead his own life in a way that he sees fit. It is toward this end that our proposals for changes in the governmental system are aimed, and we believe that the energetic young people of this country who are dedicating themselves to working within the system, have the same goal that we do. We ask them to join us.

THE DEBT CEILING

Mr. BYRD of Virginia. Mr. President, on Thursday, June 18, Secretary of the Treasury Kennedy and the Budget Director, Mr. Mayo, testified before the Committee on Finance.

They advocated that the ceiling on the national debt be increased $18 billion—from the present $377 billion to $395 billion.

I ask unanimous consent that some of the questions put to them, and their replies, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Byrd. Thank you, Mr. Chairman.

Mr. Secretary, I think the debt ceiling is a very important tool that can be used to hold down government spending. I think this very hearing today is of considerable importance because it focuses, or should focus, attention on the fact that while the public has been given the impression that we are operating somewhere near a balanced budget, the government actually is operating under a very heavy deficit.

Now, am I not correct that your federal funds deficit for the fiscal year which ends the 30th of June, the end of this month, will approximate $11 billion.

Secretary Kennedy. That is right, Senator.

Senator Byrd. So the federal funds deficit will be $11 billion for this fiscal year which ends the 30th of June.

Secretary Kennedy. That is our present estimate, that is right.

Senator Byrd. Now, according to your estimate, as I understand it, the federal funds deficit for fiscal 1971 you estimate to be a little over $10 billion.

Secretary Kennedy. About $10 billion, that is right, Senator.

Senator Byrd. So this year we will have a deficit of 11 billion, next year we will have a deficit of more than $10 billion.

Secretary Kennedy. On a federal funds basis.

Senator Byrd. On a federal funds basis.

So I think it very important that the general public understand that, understand that we are nowhere near a balanced budget. The only way that we can be construed as being anywhere near a balanced budget is by taking the roughly $9 billion of surplus in the trust funds, and applying that against the federal funds, and yet the trust funds consist, for the most part, of social security funds and, secondly, of highway funds.

Now, if the Congress approves your request for an increase of 18 billion dollars in the debt ceiling, will this not mean that the debt ceiling has been increased by $30 billion within the last 15 months. Or to put it another way, did not the Congress increase the debt ceiling at your request last year by $12 billion?

Secretary Kennedy. That is right.

Senator Byrd. What month was that done, do you recall.

Secretary Kennedy. It was about this time of the year, but it was earlier than that April.

Senator Byrd. April.

Then in a matter of 15 months, assuming the Congress acts favorably on today's request, the debt ceiling will have been increased by $30 million in a matter of 15 months.

Secretary Kennedy. That is the peak debt ceiling, the peak to which we can go. The standard debt ceiling was not increased last year but we are proposing an increase this year.

Senator Byrd. Yes.

Well, in any case, does this not dramatize that the government is operating heavily in the red, that we are nowhere near a balanced budget? Does it not dramatize the fact that the government is spending way beyond its means, and is coming to the Congress to increase the debt ceiling so as, as you express it, to restore much needed confidence in the business community.

Secretary Kennedy. Under the standard or the definition that Congress has set for the debt limit we must have this kind of an increase with our budget prospects because the debt limit is, as it is on the statutes today, consistent with the federal funds basis. The other measure that you talk about, the trust funds, is a measure that determines the effect on the economy of the total of all government operations. It is a measure of whether the government itself, including the trust funds, is taking out of or putting into the economy funds. On that basis, we are in a position now in the budget of a slight deficit. On the basis of the statutory debt limit we are in a position of a larger, large deficit.

Senator Byrd. You stated that the enactment of this legislation would "restore much needed confidence in the business community."

Secretary Kennedy. Well, the point there, Senator, that I had in mind is that the confusion that we may have over not extending this, and what would happen if it were not extended would cause chaos in the financial markets because come June 30, when we are

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over the debt limit, we will actually be over the debt limit, we would not be able to finance in the market legally Treasury bills, notes or bonds and which would mean we would just not be able to pay bills.

Senator Byrd. I concur in that context of restoring confidence in the community, but it seems to me the very fact that you have to come here and seek an $18 billion increase in the debt limit, that you come here and point out, as you must do, that there will be an $11 billion deficit this year, and at least a $10 billion deficit next year in the federal funds, it seems to me that is not going to restore confidence in the business community. As a matter of fact, as these figures become better known, and I don't think they are known, as these figures become better known, it seems to me that it is going to decrease confidence in the business community.

Senator Byrd. May I ask the Budget Director this question: Mr. Mayo, the Department of Health, Education, and Welfare has sent to the Congress a new welfare program that is before this committee now. The cost will be, in round figures, approximately double the cost of the present welfare program.

My question to you is this: Do you think the Government can afford, at this particular time, to double the cost of welfare?

Mr. Mayo. We have a very serious problem in our welfare program. Although we are putting quite a bit of money, as you have suggested, into that program, we do not feel that in its present stage it is an equitable program, nor do we feel that it gives proper encouragement to the underprivileged who are working but are still in the poverty category, for them to get out of their present status.

We need to encourage them in many ways through manpower programs, child care centers, indeed to try to discourage breaking up of homes. That has been one of the unfortunate attributes of the present program.

This will require additional money. The major burden of it, because of even greater stresses at the state and local levels, the major burden must, if we are to do this, fall on the Federal Government.

As to whether we can afford it, I think the answer is, yes. If in the process of our need to do something like the Family Assistance program, our need to finance a huge water pollution abatement program, to meet dozens of other——

Senator Byrd. That is not part of the welfare program.

Mr. Mayo. No, no.

Senator Byrd. Let us stick to the welfare program.

Mr. Mayo. Let me finish my sentence, if I may. In order to finance the great needs that are being pressed upon us at this time, we have to reexamine our position and our revenue structure. I think we have to face up to just that in order to impress upon everyone in this country that if we want these things we must pay for them.

I am spiritually with you, Senator Byrd, that we do not want to get into the business of, well, we want these things, we do not want to pay for them, let us just go ahead and increase the debt some more.

Senator Byrd. I feel that our present welfare system is outmoded, outdated, needs to be modernized, it must be changed. But I feel that if we are going to change it, we want to be sure we change it for the better and not for the worse.

Mr. Mayo. Yes, sir; I agree with you.

Senator Byrd. I still am concerned as to whether, with the Government's finances being what they are, and in my judgment we are in bad shape fiscally, I have considerable doubt as to whether we should go into a welfare program that will cost double the present welfare program. I just wanted to get the view of the Budget Director as to whether, in his judgment, we can afford at this time, or should at this time, double the cost of welfare.

Mr. Mayo. My opinion is that we have to go ahead with the program such as this, Senator Byrd. I am one of those who wants to move cautiously here. I want to see us develop, just as you do, the best way of doing this, and I know you just do not like things better because they are postponed, but I will say that in fiscal 1971 we are not ready fiscally to go into this new program, nor are we ready on many other grounds.

I do not want to see us leap into something where we have not examined very carefully not only the philosophy but the operation of this program.

We are guilty in the United States in not just welfare but in so many other areas of being so perceptive that we see a problem, that is fine. But then we tend to stand up and throw money at it and hope that the problem will go away. This is one of the reasons why the President has felt so strongly that he must stress even more the management of the Government in the new office within the Executive Office of the President because if we do not get ahold of our delivery systems and make them work, we are indeed wasting billions of dollars of the taxpayers' money.

Senator Byrd. Let me ask you this question: How do you reverse the trend to the welfare state by increasing the welfare rolls from the 10 million persons to 24 million persons?

Mr. Mayo. Many of the additions to those rolls are purposely in trying to bring in further incentives to those in the poverty areas, to make it on their own either through manpower training, giving them some encouragement to try to give them some light at the end of the tunnel, not just pay more money. That is why we are doing it this way.

Senator Byrd. I received a letter from the Governor of California in which he said that under the present welfare system, 8 percent of the population of his state is on welfare, and if the Finch proposal is enacted, 14 percent will be on welfare. Here again I find it difficult to understand how we reverse the trend to the welfare state by so substantially increasing the welfare rolls.

Now, let me ask you this: You have started a new system which, I think, is a good one, where you list the total for the initiatives in the upcoming budget——

Mr. Mayo. Yes.

Senator Byrd (continuing). Of the 1971 budget, the one we are working on now; and then you carry that forward to 1975, which is a four-year period.

Mr. Mayo. Yes, sir.

Senator Byrd. I think that is very helpful.

Now, as I understand it, the initiatives, namely new programs, in the current budget, the budget Congress is now working on, fiscal 1971, will total $3 billion.

Mr. Mayo. That is correct.

Senator Byrd. And these same initiatives will grow to $18 billion in the next four years?

Mr. Mayo. That is our best estimate at this time. We thought it was high time, Senator Byrd, that we not only described the nose of the camel but the entire animal.

Senator Byrd. I think that is a very desirable thing to do, and very important and I, for one, am glad that you have done that.

It does show that in that four-year period that these new initiatives will increase say, 600 percent, from $3 billion to $18 billion and that, of course, is a very substantial increase and of considerable interest to the taxpayer.

Mr. Mayo. Yes, sir.

Senator Byrd. May I ask you the figure in the fiscal 1971 budget for the interest on the public debt, just in round figures?

Mr. Mayo. Yes. The figure, as I recall it, is $19 billion for the fiscal 1971 budget.

Senator Byrd. $19 billion.

Mr. Mayo. Yes. It is what it was when we made the estimate in January. It is now $20 billion even, I believe, with the revisions we published in May 19th.

Senator Byrd. Let me get this straight now. Fiscal 1971 will call for interest payment of $20 billion?

Mr. Mayo. I believe that is correct. Yes, $20 billion.

Senator Byrd. $20 billion. What were the interest payments for fiscal 1970?

Mr. Mayo. Let me see here. Current estimates, $19,350,000,000.

Senator Byrd. $19.3 billion. What have you for fiscal 1969?

Mr. Mayo. $16.6 billion.

Senator Byrd. Fiscal 1968?

Mr. Mayo. $14.6 billion.

Senator Byrd. So that in that four-year period—fiscal 1968 through fiscal 1971, that four-year period, the interest on the debt has increased from $14.6 billion to $20 billion?

Mr. Mayo. Yes, sir.

Senator Byrd. An increase of $5.4 billion or percentagewise in that short period of time it has increased about 40 percent.

Mr. Mayo. Yes; that is correct.

Senator Byrd. 40 percent in that short period of time.

So am I correct in this assertion that the $20 billion interest charge figure in the fiscal year 1971 budget will be the second highest non-defense item in the budget, the highest being for HEW?

Mr. Mayo. I think that is a correct statement, lumping it in that way.

Senator Byrd. And for that $20 billion the taxpayers get no programs, and they get nothing for that interest payment of $20 billion.

Mr. Mayo. Well, they are paying, in a sense, Senator Byrd, for programs that they wanted earlier before they could afford them.

Senator Byrd. They are paying out in interest charges, the wage earners are paying out in interest charges $20 billion, for which he receives no precise program other than the privilege of paying the interest on the debt. Some way or other we have got to get our fiscal house in order and, in my judgment, it is not in order.

SPEECH BY KENNETH N. DAVIS

Mr. THURMOND. Mr. President, in a speech delivered in New York on Thursday, June 18, 1970, Kenneth N. Davis, Assistant Secretary of Commerce for Domestic and International Business, stated that certain assistants to the President of the United States are doing a "disservice" to the President in the advice they are giving him in respect to the Mills bill. In doing this, Mr. Davis performed a courageous act.

This man, who has impeccable credentials as a businessman, felt that it was his obligation to stand up and to speak his mind concerning the political intrigue surrounding the efforts to curb excessive textile and footwear imports. He did this to alert the President, to make him aware. He did not do this to embarrass the President, but to help him.

Mr. President, I have a copy of the address that Mr. Davis gave in New York. It required courage to deliver this address, which was not an official statement but one of his own convictions.

I ask unanimous consent that Mr. Davis' speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

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THE CONSUMER, IMPORTS, AND THE U.S. ECONOMY

Gentlemen, this is the most difficult and important speech I have yet given since joining the Nixon Administration 15 months ago. Because, today I am trying to reach you, but I am also trying to reach the President. You have heard some Cabinet officers say they cannot reach him and you have heard his own staff say that he is accessible, but of course can't always see everyone who has a legitimate need to see him. The problem is obviously one of priorities, and Vietnam, Cambodia, and the Middle East have necessarily had first priority on the President's time schedule in recent months. But let me tell you, the big issues do get through, and when they do and are presented well, the right decisions are made. I have been in a lot of decision meetings during my business career—meetings like the ones you men know so well—and I've seen a lot of able executives at work running these meetings. I have also been in enough meetings with our President now to have tremendous respect for his ability to reach the right decision after he reviews all of the facts, opinions and estimates. This is why I have confidence that he made the right decision on the move into Cambodia—I have no greater military knowledge or competence than you, but I have seen how the President goes about making a decision. If it was humanly possible to make a right decision on Cambodia, I believe that the President made the right one.

A MAJOR ECONOMIC DECISION FOR THE PRESIDENT

In the next few days the President must make a decision in the field of foreign economic policy that relates most importantly to your consumer conference. He must decide whether to back the so-called Mills Bill, which would create Presidential authority to limit the imports of textiles, apparel, and footwear. This bill has been branded by a carefully organized opposition as an anti-consumer bill that is not in the national interest. I am here today to do my best to convince you, and through you, help convince the President that this should not be looked at as an anti-consumer bill at all, but rather as legislation that is of crucial importance to the well-being of the American economy. And a healthy economy is what we all need most, both as citizens and as consumers. After Vietnam, the overriding concern of the nation's leaders today is the state of the economy—you know how deeply the President feels about this from his statement yesterday.

I am convinced that one of the most important direct steps that must be taken if we are to preserve our economic strength is to stop the deterioration of those of our major domestic industries which are being unduly and unfairly impacted by foreign imports. I am referring to a few huge industries with hundreds of thousands of employees whose jobs are at stake. Textiles and apparel have 2.5 million workers (1 out of 9 of all U.S. factory employment) and these industries have lost 65,000 jobs in the last year rather than growing to provide the additional jobs the nation needs. Their workers are consumers just like all of us. An unemployed consumer is not a good customer for any company's product—domestic or imported. A U.S. economy with high unemployment cannot and should not be tolerated, particularly if an excessive flood of imports is a major cause.

THE ISSUES BEFORE THE PRESIDENT

Some press reports have played up the political and foreign relations aspects of the Mills Bill. They have said that in taking his position on this bill, the President must choose between southern textile interests on the one hand, and foreign relations interests with Japan, a vitally important friendly nation, on the other hand. Will he put the so-called "Southern Strategy" ahead of the best interests of the nation, they ask? This is not the real decision before him at all—I am convinced—and those in business and government who are playing up the political and foreign relations aspects of his decision are doing a serious disservice to the President. I want to say a bit more about these people whose campaign could mislead the President, but first let's examine the merits of the case.

MAJOR DOMESTIC INDUSTRIES—THEIR IMPORTANCE TO THE NATIONAL INTEREST

Earlier this week, Senator Norris Cotton of New Hampshire made a ringing statement in favor of the Mills Bill, and this rock-ribbed New Englander quite obviously is not a part of any "Southern Strategy." He is the Republican leader on the Senate Commerce Committee and one of the wisest and most experienced men in government, especially in the fields of business and the economy. The Senator noted that the international business world of the 1970's is a very different one from what we have known in the past—"We have entered a new era of world business competition," he said, and, he continued "There are strong foreign competitors in virtually every field. They have the factories, the labor force, and the financial resources to compete with us across the board. Instant communications, and jet aircraft make it easy for them to reach our markets." "Unfortunately," he said, "many other nations have lower working standards and wage rates than ours and they also have different government ground-rules such as lax anti-trust laws, subsidies, and non-tariff barriers to protect their own industries." In about as strong words as I have ever heard him use, he summed it up this way, "We can no longer afford to squander economic advantage for uncertain political or foreign relations gain. We should hesitate no longer in insisting on fair treatment in trading terms and conditions in all of our international dealings." The Senator went on to explain the seriousness of the U.S. balance of payments deficit and the threat it holds to the very strength of the dollar and the world monetary system. He referred to data which was presented at a major business conference at the Commerce Department last month. Five hundred of the nation's top business leaders met with Cabinet and sub-cabinet officers of Commerce, State, Treasury and with the President's Special Trade Representative to consider U.S. international business problems and prospects. There was no doubt at the end of that meeting that the nation does, in fact, have a serious problem in its international dealings particularly in foreign trade and especially in certain major industries. I have brought with me today the key chart that we used at that meeting.

U.S. TRADE BALANCE—FIVE MAJOR INDUSTRIES

Here you see that for 5 industries alone—automotive, steel, textiles and apparel, radios and TV, and shoes—we have gone from a one-half billion dollar surplus to a $4½ billion deficit between 1964 and 1969. This $5 billion deterioration has wiped out the surplus needed to cover overseas travel, foreign aid, and other government expenditures abroad, not to mention foreign investment by our companies. Foreigners are piling up more and more dollars which they could one day decide to cash in. With increasingly strident voices, foreign bankers are telling us that we must cure the U.S. balance of payments deficit if we are to maintain world confidence in the dollar and order in the international money markets. Put in another way, they might say, "How long can you expect us to give your consumers the benefit of low-priced imports while we pile up dollar holdings? The U.S. must earn as much as it spends just like everyone else, and do it soon."

Gentlemen, the best way to answer this charge is to "earn" more through technological innovation and increased exports. But it is clear to me, after being deeply involved in the extensive export promotion programs of the Commerce Department and studying the full range of American industry, that exports cannot be made to grow fast enough, nor our foreign income increased rapidly enough, nor new technology introduced quickly enough to offset the massive flood of imports which is engulfing these industries. The effect on employment is far too great. Conservatively estimated, if we had been able to retain the lost production represented by the $5 billion trade balance deterioration here in the United States, it would have meant another 400–500 thousand jobs for our economy. Fortunately, all that need be done is to moderate the growth rate—not turn back to the protectionism that ruined world trade in the 1930's. One point I want to underscore right here is this—every serious U.S. Government proposal including the Mills Bill—has called for foreigners to share with us fully in the growth of our market. The U.S. is by far the largest and most open market in the world. It is not "protectionism" —I repeat is not "protectionism"—to offer to share in the growth of our great market. This is the key point that the President should emphasize, I believe, in making his decision on the Mills Bill. He should feel no embarrassment at all in asking other countries to refrain from building factories on the assumption that we will close modern, efficient facilities here. He need not ask other countries to reduce their employment and they should not expect us to do so either. He should point out to these other nations that it will be to no one's advantage anywhere if the U.S. economy loses its vitality. Our market and our industry must continue to expand and prosper for the good of all of the world's producers and consumers.

I could give you many statistics to describe the situation in the textile, apparel, and footwear industries. Let me cite just a few. For example, in textiles and apparel there are 35,000 companies spread through all 50 States. There are big garment districts in New York, Los Angeles, and in many other cities. Their factories provide extensive employment opportunities to minority citizens, opportunities which are critically needed in these times which are so troublesome for our cities. The footwear industry actually faces an even more serious economic situation than textiles and apparel. Imports have skyrocketed in the last few years, increasing from a few million pairs of shoes in the early '60's to over 200 million pairs in 1969. Employment has been steadily declining in this industry of some 600 companies, even though the overall U.S. shoe market has been growing even faster than our population growth. In such areas as St. Louis and Boston, whole communities have been hard hit by the shoe industry's difficulties. The Mills Bill would by no means assure an easy future road for these industries. Instead it would only moderate the impact of foreign competition, which will inevitably continue to grow. It would give the industries and the government valuable time to work out ways to adjust to the new global marketplace.

THE OPPONENTS OF THE MILLS BILL

I referred earlier to the organized campaign against the Mills Bill and those whom I believe are doing the President a disservice in the way they are presenting the pros and cons of this legislation to him.

What about the organized campaign? Who is behind it and what are their interest? You need only review the list of witnesses before the recent Ways and Means Committee hearings to find out who is against the Bill. The strongest opposition has come from the so-called ECAT group—the Emergency Committee for American Trade. Here is one of their brochures which has been given wide distribution—"Trade War—No Power, No Glory, No Need." This group is composed mainly of international companies and banks

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which quite sincerely believe that any form of protection for domestic U.S. industry will injure their own interests in expanding their overseas busnesses. Much of this group's action has been acceptable, although very one-sided in its approach. However, some things they have done have seemed to me to be highly unfair. In particular, when this group engaged in talks with the Japanese government on possible solutions to the textile problem without including any member of the textile industry in their discussions, it seemed very wrong to me. The resulting publicity and confusion has hurt rather than helped to bring about a solution. If I were a member of the textile industry, I would have objected strenuously to this action as unjustified meddling in my business.

Another group that has been very active has been the U.S.-Japan Trade Council. You may have read that last week Congressman Byrnes, the ranking Republican on the Ways and Means Committee, labelled this organization as a "front" for Japanese interests. They had appeared before his Committee claiming to represent 800 companies, but failed to disclose that 98% of the funds which they spent for publicity, promotion, and lobbying in 1969 came from the Japanese government—a total of over $350,000 essentially for propaganda to convince the American public that unlimited Japanese imports should be permitted. Their so-called member companies pay only nominal $10 or $20 dues and do not participate in any way in running the Council. Here is some of their literature—"How much would textile quotas cost the United States?", the "U.S.-Japan Agricultural Newsletter" (showing an editorial opposing textile quotas in the first paragraph), and an American Retail Federation folder favoring unlimited imports which was given wide dissemination by the U.S.-Japan Trade Council. Gentlemen, I don't know how much impact this organization has had on the American consumer and farm groups which now oppose the Mills Bill. I do know that the American public does not like to be deceived; and that this organization has been far less than open-and-above-board in its recent conduct.

Just one more comment on how this issue has been presented to the President so far, and then I will conclude my statement to you. Unfortunately, the President's time is so limited that there has been only one opportunity for industry representatives to meet with him personally since he took office. The textile people met with him two weeks ago and the shoe industry almost a year ago. He has, of course had reports from the various agencies and from key White House Staff people. But from what I have seen of the material prepared for the President and from what I have observed in the actions and attitudes of many officials outside the Commerce Department, I do not believe that the fundamental economic issues which are at stake have been adequately presented to the President yet. I am hopeful that his review of what has gone on before the Ways and Means Committee and also statements like Senator Cotton's and my own to you here today will help him weigh these fundamental issues in reaching his final decision.

CONCLUSION

And now I want to close with a personal observation. Gentlemen, after 20 years of experience in a major international company and now with over a year to observe the problems of our great domestic industries, I have had a singular opportunity to judge the merits of their respective arguments—pro and con—on import restraints. I am convinced now that the future economic strength of our great nation requires some form of limitation on the rate of growth of imports for a very few key domestic U.S. industries. I am convinced that legislation along the lines of the Mills Bill is needed and I sincerely hope that the President will decide to back both the textile and shoe portions of that bill. Voluntary agreements are not enough to meet the situation. In 16 months we have been unable to obtain a voluntary agreement with the Japanese and we would still have many other countries to negotiate with even if Japan now accepted voluntary limitations.

This will be a most difficult decision for him to make, particulary in view of the unusual, special trip being made here by top-ranking Japanese government officials to dissuade the Administration and Mr. Mills from proceeding with the legislation. It is unfortunate that they may have to return home empty-handed, but it would be far more unfortunate for the United States and the world as a whole if we did not move firmly now to assure the continued strength of the U.S. economy.

MORE FUNDS NEEDED FOR PROVIDENCE VA HOSPITAL

Mr. PELL. Mr. President, I am alarmed by recent reports that the quality of patient care in our Nation's Veterans' Administration hospitals is deteriorating because of shortsighted and misguided efforts at economy by the Nixon administration.

I, for one, join the Senator from California (Mr. CRANSTON), chairman of the Subcommittee on Veterans, who recently held extensive hearings, and Representative OLIN E. TEAGUE, chairman of the House Veterans Affairs Committee, who has stated his determination not "to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans," in support of their effort to provide quality medical care for our Nation's veterans.

Chairman TEAGUE recently sent a questionnaire to the director of each of the Nation's 166 VA hospitals. The report he received from Dr. James A. Black, director of the Providence, R.I., VA hospital, is dismaying.

Here I must express my own regard for Dr. Black and respect for the way he is handling his job. I would add that I personally went through the hospital on an unscheduled visit and talked to more than half the patients there. They all had high regard for the care they were receiving. I can vouch, too, for the cleanliness of the rooms, wards, halls, and kitchens. Nevertheless, there is a funding deficiency of more than $650,000 at this 364-bed hospital in Providence, which is responsible for providing health services for 130,000 Rhode Island veterans.

What is more, this workload is expected to increase because many Vietnam veterans are expected to apply for benefits.

Shockingly, Dr. Black reported he will not fill certain presonnel vacancies—positions he terms "absolutely essential to the efficient operation of this hospital"—in an effort to save $161,000 to cover other expenses. Among these unfilled positions are 10 nurses and 12 nursing assistants. Not infrequently one nurse and one nurse's aide are expected to care for 43 to 45 acutely ill medical or surgical patients. This staff-to-patient ratio does not even meet the standards for a medicare approved nursing home, not to mention a hospital.

In addition, the morale of the professional staff is evidently on a downward trend. This is natural enough in view of the frustrations that arise when doctors, nurses, and technicians compare what needs to be done to give good care and what cannot be done because of understaffing.

While our Rhode Island Veterans' Administration Hospital has its problems, reports indicate that the problems of other veterans' hospitals around the country are far worse.

I am told we are approaching the point at which the dedicated physicians and nurses who have been willing to forego the financial rewards of private practice can no longer be recruited. That is simply because the intangible rewards of practicing the best kind of medicine in an environment in which money was not a principal consideration will no longer exist.

I think one further fact also should be brought out. Starving the VA hospitals can only result in veterans and their families losing confidence in them. With the advent of medicare and medicaid, these veterans now have other alternatives. They will seek treatment in private community hospitals at a cost of $60 to $75 a day, exclusive of medications, special treatment, and physicians fees. For the same care, the cost at VA hospitals is less than $50 a day.

The point is, the taxpayers pick up the bill in either case. So there is little economy in this economy move.

Mr. President, the evidence developed by Senator CRANSTON in 6 days of hearings in January shows clearly that the veterans hospitals need more money. Senator CRANSTON has asked the Senate Appropriations Committee for increased funds for the veterans hospitals, and I support him in these moves.

Our veterans hospitals face the same problems as the rest of the Nation's health care delivery system. Everywhere we turn there are shortages of doctors, nurses, medical equipment, physical facilities, and outpatient care. The situation in our veterans hospitals, however, is compounded by the needs of Vietnam veterans.

They are victims of what is probably the Nation's most crippling war. It is estimated that perhaps 10 percent of the men who survived serious wounds in Vietnam would have died in previous wars. Their lives were saved, but they will need for years to come, the care and rehabilitation services of VA hospitals.

I do not believe that returning veterans, or veterans of previous wars, should be volunteered for frontline duty in this administration's so-called war against inflation. I believe one tour of frontline duty is enough.

THE SUEZ CANAL: A LESSON FOR THE PANAMA CANAL

Mr. THURMOND. Mr. President, one of the vital truths that I have learned since undertaking this serious study of interoceanic canal problems is the interaction between the Suez and Panama

Canals. What occurred at one inevitably had its effect on the other.

The Suez Canal operated satisfactorily in both peace and war from its formal opening in 1869 until its first prolonged closure in 1956. The reason for this was that it was protected by British military forces based in the Suez Canal Zone.

When British troops were withdrawn in the early 1950's as the result of Egyptian demands, astute observers then clearly foresaw and predicted that there would be grave consequences involved. Egypt nationalized the Suez Canal in July 1956 and later the same year following the Anglo-French-Israel attack, closed it and the canal remained closed until April 1957.

Again, in the Arab-Israel war of 1967, it was closed a second time and yet remains blocked, causing enormous losses not only to Egypt but also to world commerce that used the canal. This closure has encouraged the construction of super vessels that can navigate around the Cape of Good Hope more economically than by transiting the Suez Canal and paying tolls. Thus the loss to the Suez Canal of much of its former traffic seems permanent regardless of whether it is opened in the future.

The great lesson to be derived from events at Suez is that vital interoceanic water lines should be controlled by strong powers capable of defending them. As well as anything I know, the experience of the Suez Canal has its lesson for the Panama Canal; the United States must never surrender its sovereign control over that key waterway and its protection frame of the Canal Zone. This is absolutely necessary not only for the defense of the Western Hemisphere, but also for the benefit of world shipping.

A recent summary of Suez Canal history by Noel Mostert should be of interest to all Members of Congress and others who are concerned with Panama Canal problems.

Mr. President, I ask unanimous consent that Mr. Mostert's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Reader's Digest, May 1970]

Suez Canal—The Broken Link

(By Noel Mostert)

Three years ago, it was thronged with ships in transit—the jugular vein of world commerce. Today it is a mere trench of war.

Nightfall on the Suez Canal. At Great Bitter Lake, 14 ships lie under the desert stars, their congregated lights a cheerful exclamation in the hostile dark. These, with an abandoned freighter on Lake Timsah, ten miles farther north are the only vessels afloat in Suez, an unhappy distinction they have held since June 6, 1967, when the Arab-Israeli Six Day War trapped them.

On the 10,000-ton British liner *Port Invercargill*, the maintenance crew of 11 men is assembling for a film show. As the credits start to roll, so comes a more ominous rumble. Heads turn. "Blimey, they're at it again!" says a young steward.

The roaring increases. Flares soar and light the sky. As the Egyptian and Israeli artillery hammer away at each other from their respective sides of the lake, the ships shudder from the impact of the reverberations. The firing dies at dawn, and the Suez Canal is still again from one end to the other—the fretful, watchful silence of war.

Less than three years ago, Suez was the world's greatest maritime junction. A magnificent achievement, one of the colossal works of man, it cut a broad blue sluice 100 miles long across the barren yellow of the desert isthmus separating the Mediterranean from the Red Sea and Indian Ocean. Thus it provided the shortest navigable distance between East and West, cutting the open-sea journey around the tip of Africa by more than half.

If ever the world could be said to have had a jugular vein, Suez was it, pumping immeasurable wealth across all seas, to all shores. Open, the canal was the axis upon which revolved the stability of world trade. Severed, it convulsed economies, threatened the fate of nations and the peace of the world. In 1966, the canal's last full year of operation, 21,250 ships carrying 242 million tons of cargo—including 40 percent of Europe's incoming oil—passed through Suez. Now it is as ruminatively empty as the tombs of the Pharoahs at Giza. Only the 14 ships (flying the flags of eight nations and ironically spawning an air of international camaraderie) remain patiently at anchor, their once smart paintwork rusty and faded, lingering ghosts of what used to be. Every so often they get up steam to keep the engines ticking over, raise anchor and navigate as far as a few slow turns of the screw will take them. A forlorn, despairing gesture, it is the only movement in Suez.

MAN OF PURPOSE

It was just 101 years ago, in 1869, that the canal opened—and Ferdinand de Lesseps, French diplomat and dreamer, was hailed, much as today's astronauts are hailed, for having changed the geography of the world, breached an impossible frontier.

Until then, passengers and mail had used an overland route between Alexandria and the port of Suez to reach connecting steamers. East-West trade was doubling every decade. But the idea of moving sea traffic across the isthmus (some geologists believe that it was once a strait that slowly silted up) remained dim and discounted—until de Lesseps, a man of astonishing resource, tenacity and charm, took on the Suez project in 1849, at the age of 44.

When Mohammed Said, an old friend of de Lesseps from the latter's days in the diplomatic service, became Khedive of Egypt in 1854, he granted the Frenchman a concession to build the canal. In de Lesseps' concept, the canal was to be a neutral waterway, open to all, and administered by the world's first truly international enterprise—named La Compagnie Universelle du Canal Maritime de Suez. Capital would be raised by selling 400,000 shares, with blocks reserved for the principal powers who used the canal. The concession would last 99 years from the date the canal opened, after which the waterway would revert to Egypt.

Far from pleasing the world, the proposed canal provoked suspicion and hostility. Britain, in particular, saw it as an open door to unfriendly navies challenging her supremacy in the East, refused to buy shares, and put pressure on the Turkish sultan (Egypt was still part of the Ottoman Empire) to quash the project. France refused official support, though more than half the shares were taken up by individual Frenchmen out to twist the British lion's tail.

DIGGING THE BIG DITCH

Undaunted, de Lesseps set about pushing the whole project himself: surveying the isthmus, assessing the complicated assembly of geological and engineering facts, planning the harbors and installations, conducting a diplomatic and publicity campaign, and managing the venture's finances.

At 11 digging stations established at regular intervals across the isthmus, 200 Europeans supervised up to 15,000 Egyptian *fellaheen* (peasants) conscripted by the Khedive to work on the project. They laboriously filled baskets and toted them away on mules or on their own backs. In this painfully literal sense, the canal was Egypt's own creation. The *fellaheen* swarmed across the desert like ants, bearing it away grain by grain, in scenes of wasteful human effort reminiscent of the construction of the Pyramids.

The actual engineering offered no great technical difficulties, except for sheer size. The course, following the natural depression between the two seas, ultimately connected the three large dry lakes, Timsah and the Bitter lakes. Next to building the harbor at Port Said, the biggest job was the transporting of food, water and equipment across the burning desert to the digging stations.

Then British agitation about the "forced labor" of the *fellaheen* brought an ultimatum from the Turkish sultan. All work stopped. But in arbitration proceedings de Lesseps was awarded a huge sum of money, which he used to recruit European workmen and to buy new machinery. Hundreds of dredgers and steam-driven excavators were soon laying a line of smoke across the isthmus—past the mid-point station at Ismailia, and up from the Red Sea exit at Port Tewfik, adjoining the town of Suez. In all, 97 million cubic yards of soil were removed, 19 million by hand. Finally, in August 1869, Red Sea waters were ceremoniously loosed into the Bitter lakes, to mingle with those of the Mediterranean.

HINGE OF THE HEMISPHERES

Despite a slow start, the canal soon flourished. A total of 486 ships used it the first year, but in five years traffic had quadrupled. In 1875—only a few years after she had spurned the venture—Great Britain bought all of the bankrupt Khedive's shares, thus becoming the majority stockholder in the company.

Until now, shipowners had largely stayed in sail, because, on the long route around the Cape, the wind was free and coal wasn't. But, with fuel costs cut by the canal, profit came to lie in steamers. Shipyards hummed, technology advanced, production rose. And, as ship decks widened and draught increased, the canal itself grew: it is now over three times as wide and twice as deep as de Lesseps' original waterway.

The canal soon acquired a romantic aura that lingers to this day. For every traveler the Suez passage was the most emotional and anticipated part of his voyage. When the Eastbound ship nosed into the Red Sea, the strange cultures, exotic landfalls and pungent smells of Asia lay ahead. Conversely, when the Westbound vessel slipped past the Port Said breakwater, the European was home. There was something uncanny about the canal's strange disoriented beauty, a sustained weirdness about moving through the desert aboard ship: a feeling that the blue sea had suddenly turned to sun-sizzled sand even as one continued to glide across it.

The array of shipping at either end of the canal waiting to enter was like no other; a dense composition of masts, funnels, fluttering ensigns; empty tankers as well as stylish liners; a confluence of commerce and craft and continents. All the proliferating imperial trade routes met in the canal: P & O liners, with their rich smell of curry, bearing the mails from India; white British troopships, all bunting and brass, bound for Hong Kong; cruisers, destroyers and gunboats watchfully on guard. When they passed lean, gray and purposeful, passengers of the liners rose from their teacups to stand respectfully and cheer them on.

The transit of every ship—whether an aging Greek tramp or a cruise liner—was one of the most brilliantly coordinated of all maritime operations. To anyone sipping an iced drink on the observation deck of a liner, the long blue ribbon of water reaching ahead, so comfortably wide, would seem to require nothing more than the simple caution of slow speed. Actually, navigating in a canal presents special complications. The trained pilot who took over from the ship's master knew that a brief misjudgment, or couple of seconds' hesitation, could veer a ship toward the bank and block the isthmus—with worldwide repercussions in losses to shippers and commodity markets. Visibility might be reduced to a quarter of a mile or less by *khamsin* winds blowing up sandstorms. (The canal provides mooring positions along its entire length for vessels to use in such emergencies.)

Ships passed through in convoys—after assembly at either end of the canal for assessment of "transit dues." The canal gave no credit: it was cash on the barrelhead, and in hard currency at that. Three convoys departed daily, two southbound one north. The last, most important because it was composed mostly of loaded tankers, sailed from Suez at 5 a.m. and proceeded directly to Port Said without stopping. The southbound convoys halted at fixed points to allow the northbound express to pass. Speed was rigorously controlled at seven or eight miles an hour by observers at 11 signal stations and, in the gleaming white Pilotage Building at Ismailia, the time and passing of each ship were noted on huge gold and green charts.

DIM, DISPUTED FUTURE

According to the terms of de Lesseps' concession, Egypt would have taken over the canal in 1968. But, as a British protectorate since World War I, Egypt feared that the canal had become a guarantee against its own independence—because the West felt that the Egyptians were not strong enough to run this installation upon which so many nations were economically dependent. In the 1950s, Egypt's demand that Britain withdraw its troops provoked an international crisis. President Nasser nationalized the canal in July 1956. French and British forces launched a military assault, but merely succeeded in closing down the waterway, which was what their exercise had been designed to prevent.

When Egypt reopened Suez in April 1957, the West predicted chaos—after all, the majority of skilled canal pilots and technicians had walked out, on orders of the Suez Canal Co. But, with a nucleus of Egyptian pilots, and others recruited from the Egyptian navy and abroad, a brilliant young engineer, Mahmoud Younes, kept ships moving. New pilots were trained in night and day sessions; the experienced worked double shifts. Ships trickled back reluctantly and doubtfully, to find the canal working as smoothly as ever.

Today, close to three years after the 1967 shutdown, ten wrecks and block ships obstruct the silent, useless waterway. Can no compromise be reached to restore this vital passage? "Let the Israelis pull back and we'll restore it fast enough," says an Egyptian spokesman. As if in rebuttal, one Israeli commander has said, "It's the finest antitank ditch in the world."

But couldn't the United Nations take over the canal, arranging a suitably wide strip on each bank to guarantee safe navigation? "Having lost so much of our territory, you want us to give up still more?" asks the Cairo spokesman impatiently. In Israel his opposite number says, "Our position is what it has always been. We want to use the canal like everyone else. After the 1956 Suez crisis, we got that guarantee, we thought; but later, when we sent a ship through, the Egyptians arrested it. This time we're going to be sure we get our rights."

London shipping experts estimate that it would take from six months to a year to restore Suez. Not so, declare the Egyptians: it should take no more than four months. Preliminary discussions have been held with a Dutch salvage firm, which proposes to raise the wrecked ships by pumping them full of billions of tiny pölystyrene balls whose buoyant pressure will lift them from the bottom.

Still, the question of whether the waterway has a commercial future is in doubt. The West's life-and-death reliance on the canal has finally been thrown off. Supertankers now bring oil around the Cape for less than the cost of a trip through Suez, with its tolls. But by 1972 about a third of the world's tankers, representing two thirds of the world's total tonnage, will be too large to use the Suez at its present size. Egypt had under way a giant expansion program, the "Nasser Plan," to double the canal's width and depth. This would be one of the biggest and most expensive engineering jobs in the world, and work had begun on it. But the long closure of the canal has meant loss of the two essentials; time and cash.

As the world for the first time actually contemplates living entirely without the canal, most Suez signal stations have been reduced to rubble by artillery fire; revetments are torn by shells. The men of the U.N. Observer Corps—assigned to police the Arab-Israeli "cease-fire"—huddle for shelter in dugouts as the apparently irreconcilable foes wage their artillery duels. "Not so long ago, busloads of visitors used to come down to the canal," one observer told me. "Soldiers moved around in full sight of one another. Now there's a sniper behind every rock, and nobody raises his head. There's water in Suez, but that's *all* that's left."

In Port Said and Suez, the bazaars and cafés that used to be crammed with tourists from passing liners lie gutted and blasted from Israeli shellfire. The hordes of merchants, postcard vendors, guides and conjurers who lived off the ships are there no more. Ismailia, prettiest of the three canal towns, is the saddest. The sun blazes upon empty streets; the wind riffles through gardens long gone to seed. The magnificent, 13-story Pilotage Building is shell-pocked. In the big operations room on the top floor, from where the convoys were controlled, the desert breeze blows through a shattered window and gently lifts the corners of those green and gold charts, which lie where they were left, marked with the positions of the last day's traffic.

OPENING STATEMENT ON THE SECOND SUPPLEMENTAL APPROPRIATION BILL, FISCAL YEAR 1970

Mr. BYRD of West Virginia. Mr. President, on Monday evening next, the Senate will consider the second supplemental appropriation bill, for fiscal year 1970. I shall make my opening statement now, as chairman of the subcommittee having immediate jurisdiction over the bill.

The first supplemental appropriation bill for fiscal year 1970 passed the Senate last December and was signed by the President on December 26, 1969. The bill which the Senate will consider next week passed the House of Representatives on May 7 and was received and referred in the Senate on May 11, 1970.

The bill was reported to the Senate on Monday, June 8, and recommends appropriations in the amount of $6,453,764,083. As the bill passed the House of Representatives in May, appropriations in the amount of $5,764,115,791 were recommended. The increase by the Senate committee over the House bill is $689,648,292.

As is the case in connection with all appropriation bills, since they originate in the House of Representatives the Senate committee invariably considers a budget estimate figure much higher than the budget estimate figure considered by the House. This is due to the fact that the administration submits supplemental budget estimates to the Senate after the bill has passed the House of Representatives. In this instance, the Senate committee considered in excess of $662 million in budget estimates which were not considered by the House of Representatives.

I will highlight the important changes which have been made in the bill by the Senate Committee on Appropriations, and I will be glad to try to answer any questions which Members may have with respect to any of the items in the bill.

The Senate committee increased the Federal payment to the District of Columbia by $4,042,000 and has allowed the 475 police positions requested to bring the force to a total of 5,100 men by the end of June. The committee has also increased the sum for capital outlay by $7,110,000, including $4.5 million for Federal City College and $1,890,000 for the Washington Technical Institute.

Pending in the Senate is H.R. 15628, the Foreign Military Credit Sales Act. It would authorize an appropriation of $250 million. At the request of the President, we have included $250 million in this bill, and the sum will be available only upon enactmnet into law of the authorizing legislation.

A supplemental request of $157,816,600 for payment to the civil service retirement and disability fund was considered favorably by the committee. These are mandatory payments to cover the additional unfunded liability created by the recent pay increase enactments and certain retirement credit amendments.

The committee is recommending an appropriation of $50 million for summer youth programs, to remain available until September 30, 1970. This will provide $35 million for about 80,000 additional job opportunities for disadvantaged youths and $15 million for a Neighborhood Youth Corps support program, to be administered by the Department of Labor in cooperation with the Bureau of Outdoor Recreation of the Department of the Interior.

The bill includes $8,703,078 to provide funds for some 35 selected hospital construction projects, which are listed on page 21 of the committee's report. There was no budget estimate for this item. However, several Senators brought to the attention of the committee the importance of making this appropriation at this time. These 35 hospitals had based their funding requirements on the assumption that the Hill-Burton hospital grant program would be continued at the 1969 level of $254 million. The 1970 appropriation of $172 million for hospital construction grants has resulted in a lower level of funding available to these hospitals than they had anticipated. The amount included in the bill is designed to provide for those hospitals that are already under contract for construction and that we are faced with funding deficits unless relief is provided.

In a supplemental budget estimate to the Senate—Senate Document 91–83—the President requested $150 million for

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emergency school assistance to meet the additional costs which will be encountered by approximately 1,000 school districts which are expected to desegregate by September 1970. The request for these funds was transmitted to the Senate on May 25, 1970, and obviously was not received in time for consideration by the House. The supplemental request is the first part of the President's announced plan to ask for a total of $1.5 billion for this purpose over the next 2 years. Senators will find on pages 22–23 of the committee report a rather complete explanation of this item. The committee recommends the full amount of the budget estimate.

By custom, the House does not consider requests for the Senate. The committee has included in the bill $4,645,574 for increased pay costs for Senate items under the "Senate" and "Architect of the Capitol" heads. The committee has also increased the amount in the bill for claims and judgments submitted to the Senate after passage of the bill in the House in the amount of $16,887,055.

The items I have mentioned total approximately $642 million of the overall increase by the committee of $689 million.

Under the Department of Defense, the House made a reduction of $102 million for increased pay costs. The committee considered the fact that the Department had previously absorbed in excess of $319 million of pay costs, and on the urgent request of the Department of Defense has increased the sum in the House bill by $41,020,000.

The committee has concurred with the House of Representatives and recommends an appropriation of $205,880,000 for the Inter-American Development Bank; $714,045,000 for the Veterans' Administration; $75 million for disaster relief; $70 million for homeownership and rental housing assistance; $50 million for unemployment compensation; and, in addition, the committee has concurred with the House and recommends appropriations of $4,402,375,389 for increased pay costs.

It will be recalled that in the second Supplemental Appropriation Act, signed into law a year ago, the Congress wrote into law a limitation on expenditures for fiscal year 1970. The ceiling in that law was $191.9 billion, with a provision for adjustments upward or downward depending upon the action or inaction of the Congress. Also included was a cushion of $2 billion for increases in uncontrollables over the revised April 1969 budget figures. The President and the Bureau of the Budget have brought to the attention of the Congress repeatedly that the increase in uncontrollable expenditures has made the limitation completely unrealistic. As early as February 1970, it was known that expenditures estimated at that time on uncontrollable programs appeared to be $4.3 billion higher than the estimate of April 1969. In the pending bill, the House has restated the language of this ceiling in last year's law, but has superseded the old ceiling with a new ceiling of $197.885 billion. In addition, the House has included a prudent management cushion of one-half of 1 percent, which amounts to approximately $1 billion, along with another $1 billion cushion for any further increases in uncontrollables—for a total of approximately $199.9 billion, excluding the effect of congressional changes. It appeared to the committee that the House bill was reasonable and the committee concurs in title IV of the bill.

With respect to title V of the bill, which is a limitation on fiscal year 1971 budget outlays, the committee believes the House provision to be too restrictive. The House provision placed a ceiling on expenditures in fiscal year 1971 of $200.771 billion. In addition, the House provided a $3 billion cushion for increases in uncontrollables. The ceiling placed in the bill by the House is the precise amount of the President's budget submitted on February 2, 1970. The committee has been advised that as of May 19 the uncontrollables had increased by $1.8 billion. Consequently, almost two-thirds of the cushion has evaporated prior to the beginning of the fiscal year. For these reasons, the committee has increased the amount of cushion for uncontrollables from $3 billion to a more realistic figure of $6 billion.

As has been the custom for several years, a validating clause has been included in the bill which will authorize the obligation of funds until July 1, 1970 or for 5 days following the date of approval of the second Supplemental Appropriation Act, whichever is later, together with language validating obligations incurred in anticipation of the act if the obligations are in conformance with the terms of the act.

This concludes my opening statement.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. HOLLAND). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. HOLLAND). The hour of 12 o'clock having arrived, and under the previous order, the Chair now lays before the Senate the unfinished business, which the clerk will state.

The BILL CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment, No. 708, offered by the Senator from West Virginia (Mr. BYRD) to the pending business, H.R. 15628.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to make the following statement with respect to the program for next week.

On Monday next, we will vote on the Byrd-Griffin amendment, No. 708, at 2 p.m. Time on the amendment will be controlled, beginning at 1 p.m.

Anent the evening meetings which have already been discussed by the majority leader, it is the plan of the joint leadership to consider, on Monday evening next, Calendar No. 918 (H.R. 17399), an act making supplemental appropriations for the fiscal year ending June 30, 1970.

On Tuesday evening, and possibly on Wednesday evening, in the event action is not completed on Tuesday evening, the Senate will consider Calendar No. 875 (H.R. 16919), a bill making appropriations for the Office of Education.

On Wednesday evening, next, the Senate will consider Calendar No. 878 (S. 3074), a bill to provide minimum standards for guaranties covering consumer products.

On Thursday evening next, the Senate will consider Calendar No. 892 (S. 3302), a bill to amend the Defense Production Act of 1950.

On Friday evening next, the Senate will take up Calendar No. 913 (S. 3842), a bill to establish the U.S. Postal Service.

Sometime during the week, the Senate will also consider Calendar No. 939, the bill (H.R. 17868) making appropriations for the government of the District of Columbia.

Mr. President, these are the scheduled dates for the consideration of the legislation which I have mentioned, as well as we can foresee the program as of now. It is possible that the sequence of the measures may be altered, depending upon the circumstances as we proceed with the business of the Senate next week. Of course, Senators are on notice that rollcalls will in all probability be occurring daily throughout next week.

ADJOURNMENT UNTIL MONDAY, JUNE 22, 1970, at 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 12 o'clock and 5 minutes p.m.) the Senate adjourned until Monday, June 22, 1970, at 10 a.m.

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EXTENSIONS OF REMARKS

DEDICATION OF THE LYNDON BAINES JOHNSON NATIONAL HISTORIC SITE

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. PATMAN. Mr. Speaker, it was my privilege last Saturday, June 13, to attend a very memorable historic event, the dedication of the Lyndon Baines Johnson National Historic Site. This splendid new addition to our national parks system was the birthplace and boyhood home of President Johnson, and the preservation of the Johnson home is a meaningful tribute to a dedicated and courageous former U.S. Representative, Senator, Vice President, and President.

During the ceremony dedicating the Johnson home, I recalled that President Truman once defined a "statesman" as a "politician who has been dead 200 years." It seems that we as a people are making progress in giving due recognition to the contributions of our outstanding Chief Executives. The American people are far ahead of Mr. Truman's timetable in honoring his own outstanding statesmanship, and last Saturday men of good will joined to dedicate, as a national historic site, the early home of a truly great American statesman, Lyndon Baines Johnson. The fact that we have acted to set aside his early home for future generations to enjoy and visit is evidence that Americans deeply appreciate the great accomplishments of this Texan who served so devotedly and dynamically as the 36th President of the United States.

Mr. Speaker, the Secretary of the Interior, the Honorable Walter J. Hickel, accepted the Johnson home on behalf of the American people, and I place in the RECORD the Secretary's fine statement upon that historic occasion:

REMARKS BY SECRETARY OF THE INTERIOR WALTER J. HICKEL AT THE DEDICATION OF LYNDON BAINES JOHNSON NATIONAL HISTORIC SITE, STONEWALL, TEX., JUNE 13, 1970

It is a great honor and a deep personal pleasure for me to accept on behalf of the people of the United States, the birthplace and boyhood home of President Lyndon Baines Johnson.

We all are indebted to the Johnson City Foundation, which recognized very early the historic significance of these properties and moved vigorously to restore and preserve them.

Thanks to the efforts of the Foundation, it will be possible for all Americans to visit these historic scenes associated with the formative years of President Johnson, and to learn about an important period and place in the history of our nation.

I would like also to express my appreciation to the Congress which last year approved legislation designating these buildings and grounds as a National Historic Site to be preserved and administered by the National Park Service.

This legislation was signed into law by President Nixon on December 2, 1969.

We in the Department of the Interior take very seriously our obligation to protect these historic properties for the millions of Americans who will visit here in the years to come.

The birthplaces and homes of many of our Presidents are preserved within our National Park System, beginning with the very first—George Washington.

The George Washington Birthplace National Monument, is located at Wakefield, Virginia, on the banks of the Potomac River.

And so here today, as we dedicate the birthplace and boyhood home of our most recent Ex-President, Lyndon B. Johnson, the Pedernales joins the Potomac as a Presidential river.

Other Presidential birth places that have become a part of the National Park System include those of Presidents Lincoln, Taft, Hoover, the two Roosevelts, and Kennedy.

This ceremony today is unique in one respect, at least. It is the first time that a Presidential birthplace has been established as a part of the National Park System and dedicated in the presence of the person so honored.

This speaks well to the increasing awareness of the American people in preserving sites of historical importance.

It has been said that "the land shapes us, even as we attempt to shape the land."

And so, there is no question in my mind that President Johnson's deep and abiding interest in conservation stems from this west Texas hill country where he was born and grew to manhood.

This land of vast open spaces and gently rolling hills has a rugged beauty and appeal. But it also is a land of fragile soil that requires care to make crops grow and to support livestock.

It is a land that demands industry, self-discipline and courage from the people who would live upon it.

And it molded these traits into the character and personality of the boy who was to become the 36th President of the United States.

It was little wonder then, that as President, Lyndon Johnson returned whenever he could, to his beloved West Texas hills.

And it was no surprise that he chose to come back here when he left the White House.

The National Historic Site we dedicated today will preserve the birthplace and the boyhood home as they were in the days when President Johnson was a young man.

It becomes an important new addition to the cultural heritage of our country.

It stands also as a monument to a public servant who has contributed much to the development of that heritage, during his long and faithful service to his country.

CAPTIVE NATIONS: FREEDOM DENIED

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 19, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, while we in America are able to enjoy many freedoms every day, there are over 100 million Europeans in nine captive nations who are denied by their respective governments these same freedoms. Ironically, the governments of these nations have adopted the United Nations Universal Declaration of Human Rights which guarantees political freedom, freedom of thought and expressions, freedom of religion, freedom of movement, the right to equal protection under the law, and other similar rights. In many of these countries all of the above freedoms are directly contradicted by the provisions of their constitutions.

It is a disgrace that millions of men are denied the right to have a choice in how they are governed, how they worship, and where they live. In each of the nine nations—Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania—people have been jailed, committed to asylums, or sentenced to hard labor for exercising freedoms we all too often take for granted. Citizens can be denied the right to travel if it is not considered to be in the interests of the state. Trials are secret and no equal protection is guaranteed. In all of these captive nations, religious leaders and followers are harrassed by diverse and extreme methods.

Yet despite these and many other horrible events, the spirit and the hope of these people to gain their freedom is still very much alive. No one wants to take action which might start another small- or full-scale war. The most effective nonviolent way to gain new freedoms for these people now is by the insistence of free countries and peoples that the Soviet Union adhere to the provisions of the Declaration of Human Rights. There must also be public exposure of the situation.

Public opinion is an effective force. It made us stop bombing North Vietnam. It can help restore to the people of the European captive nations their human rights.

MILLS IMPORT BILL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DORN. Mr. Speaker, the Mills bill is the answer to our textile import problem. It is not a protectionist bill, but one which will promote mutually advantageous trade and provide for our friends a huge American market. We should adopt the Mills bill without further delay.

Last evening the Honorable Kenneth N. Davis, Jr., Assistant Secretary of Commerce for Domestic and International Business, made an outstanding address in New York. I commend the following account of his speech, which appeared in the Washington Post, to the attention of my colleagues in the Congress and to the American people:

NIXON SEEN GETTING BAD ADVICE ON TRADE BILLS

(By Philip Greer)

NEW YORK, June 18.—White House aides and "a carefully organized opposition" are misinforming President Nixon on a bill that would restrict imports of apparel, textiles and footwear, a government trade official said here today.

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Kenneth N. Davis, Jr., assistant secretary of commerce for domestic and international business, said foreign affairs aide Henry A. Kissinger, presidential assistant Peter Flanigan and Council of Economic Advisers chairman Paul McCracken are doing the President a "disservice" in the advice they give him in respect to the so-called Mills bill, which would give the President authority to limit imports of the three commodities.

[It was learned in Washington that Davis had earlier submitted his resignation to Commerce Secretary Maurice Stans. There was no word last night on its acceptance.]

Davis said the organized opposition to the bill is led by the Emergency Committee for American Trade and its chairman, Donald M. Kendall of Pepsi Co., Inc., and the U.S.-Japan Trade Council which, he said, is guided by a Washington law firm, Stitt and Hemmendinger, of 1000 Connecticut Ave., N.W.

DIFFICULT SPEECH

Addressing a management research meeting here, Davis told his audience "this is the most difficult and important speech I have yet given. I am trying to reach you, but I am also trying to reach the President."

He expressed admiration for Mr. Nixon's ability to weigh advice and reach decisions, but, he added, "those in business and government who are playing up the political and foreign relations aspects of his decision are doing a serious disservice to the President."

Mr. Nixon is expected to decide next week whether to support the bill, sponsored by Rep. Wilbur Mills (D-Ark.). A Japanese trade mission is expected in Washington at that time to confer with government officials and Japanese Foreign Minister Kilichi Aichi will also be in the capital for meetings with Secretary of State William P. Rogers and Commerce Secretary Maurice Stans.

SUPPORTS BILL

Davis expressed all-out support of the bill, saying "I am convinced that one of the most important direct steps that must be taken if we are to preserve our economic strength is to stop the deterioration of those of our major domestic industries which are being unduly and unfairly impacted by foreign imports."

Denying that the bill is a protectionist measure, Davis said, "every serious U.S. government proposal including the Mills bill has called for foreigners to share with us fully in growth of our market. This is the key point that the President should emphasize, I believe, in making his decision on the Mills bill."

Davis charged that opponents of the bill have branded it an anti-consumer legislation. "I am here today to do my best to convince you, and through you, help convince the President that this should not be looked at as an anti-consumer bill at all, but rather as legislation that is of crucial importance to the well-being of the American economy."

Explaining that Kissinger advises the President on foreign trade policy and Flanigan on business affairs, Davis said, "from what I have seen of the material prepared for the President and from what I have observed in the actions and attitudes of many officials outside the Commerce Department, I do not believe that the fundamental economic issues which are at stake have been adequately presented to him yet."

[Congressional sources in Washington said there still is no firm date for Stans' testimony on a bill by Mills to impose mandatory quotas on textiles and shoes. Stans this week asked Mills to postpone his testimony until after talks with Japanese trade minister Kiichi Miyazawa.]

NATIONAL BUSINESS LEADERS URGE PROMPT VIETNAM WITHDRAWAL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mrs. MINK. Mr. Speaker, the chairman of the board of America's largest bank personally believes that the war in Vietnam is a tragic national mistake, and that it is time to end this "squandering of American blood."

The chairman of the board of IBM likewise personally wants "a prompt end to the Vietnam undertaking."

The patriotic views of these distinguished national business leaders were expressed in testimony before the Senate Committee on Foreign Relations during the committee's hearings on our blunder in Southeast Asia.

These leaders of commerce, like millions of other Americans in all walks of life, realize that our current policy of prolonged involvement will only continue to sap our strength and divide our people.

I join them in believing that the time has long passed for initiating a complete phaseout of our involvement. Because of the perception of their remarks, I include the testimony of Mr. Louis B. Lundborg, chairman of the board of the Bank of America, and Mr. Thomas J. Watson, Jr., chairman of the board and chief executive officer of the IBM Corp., at this point in the RECORD:

STATEMENT OF THOMAS J. WATSON, JR.

You have asked me to discuss the economic impact of the war in Vietnam on the United States, and my views on the state of the nation and the world. This is a large order, and I shall be brief. As a matter of fact, since I received your invitation, a number of very highly qualified persons have made their views known—in the press or before this Committee—and I'm not sure there is much left to be said.

This is a personal statement which in no way reflects the policy or opinion of the IBM Company. You certainly know that I'm a layman in politics and international affairs. The only special inputs I get are from a large number of IBM installations throughout the free world.

Increasingly over the past four years, I have been concerned about our nation's course in Southeast Asia, and its effects on our country—especially young people.

The key fact, as I see it, is this: 50 percent of the population of this country is under age 25; and the longer the war continues, the more it broadens the gap between the elder generation, sometimes called the establishment, and our young men and women, who will soon be responsible for the leadership and destiny of this country. Indeed, the prolongation of the war may well set up a continuing evoluation of our youth through which they may become sufficiently demoralized so that the progress of our country will be appreciably slowed.

So I have two main points for wanting a prompt end to the Vietnam undertaking. First I don't think we can afford not to heed the dissatisfaction of our youth. Second, it seems certain to me that continuing the war produces unacceptable costs: in the lives of our fighting men, in weakening of our institutions, and in the undermining of our national morale.

Furthermore, our actions in Vietnam are losing us valuable and traditional friends in the West. We present a picture of a terribly powerful, awe-inspiring nation unable to manage itself in a disciplined fashion.

Our prestige is suffering abroad. Let me illustrate the point concretely by giving you a rundown of actions against IBM properties in various parts of the world during the last six weeks. In West Berlin, nearly all the windows in one of our buildings were broken by young rioters. Then gasoline was poured about and it was set on fire. The windows in one of our Dutch facilities were broken by students. Our branch office in Cologne was attacked by protesters against the Vietnam War and the windows smashed. A powerful bomb was discovered just before it was timed to explode in an IBM Argentina office. Just a few days ago, we received bomb threats at our Amsterdam and Paris Data Centers.

And here at home, we've had many bomb threats and one actual bombing at 425 Park Avenue in New York City—our Eastern Regional Headquarters. It happened in the middle of the night and, fortunately, no one was hurt.

While I don't want to draw strong conclusions from random acts of unhappy young people around the world, I do think that if we don't draw some kind of conclusion from all of these things, we will be casting away facts which, if used correctly, can lead us to do intelligent things in the future to ameliorate the situation.

The President found this country in Vietnam and has pledged us to withdraw. I know, of course, of the deep concern and commitment he has to ending the bloodshed and the suffering. I applauded his decision for paced withdrawal as opposed to the earlier open-ended commitment. It is very important, I think, to recognize that once this policy of the President was announced to the country, the youth became quieter than at any time in the previous four years. It is significant that a plan for withdrawal brought about immediate calming and significant, too, that as soon as this timetable seemed to be interfered with by the Cambodian campaign, the violence flared up more strongly than ever before.

To continue as a great nation, our country must be drawn together again. I doubt that this can be done while we're in Vietnam. Once this is thoroughly understood, we can plan our strategy around this point.

Speaking first on the economic side, I want to make it clear that I see this country as the strongest country economically and in every other way that has ever been known to man. This is fundamentally as true today as it was a year ago or five years ago. We are just a bit out of gear. We have a crisis of confidence in ourselves. We wonder not only why we can't get out of Vietnam with dispatch, but how we ever got into it and stayed in it so long. Our children wonder about our leadership, and we wonder about their ideals.

The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one. Some years ago, many thought the United States could contain and support anti-Communist movements wherever they arose throughout the world and, at the same time, have an economy back here at home that would be almost unaffected. Obviously, this hasn't worked. The present economic prospects are discouraging. Inflation may be slowing down—though very slowly—but unemployment is up and rising, and businessmen are showing great caution and concern about the future.

Inflation always accompanies war and distorts an economy. Inevitably it must be corrected; and this brings about some difficulties for all and disasters for those of the labor force who lose their jobs and don't quickly find new ones. During the first two

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years of escalation in Vietnam (1965–1966), we were in a period of risinig prosperity. Sales and profits were strong, and the country was reaching full employment. The war and a very strong consumer market base at home combined to overcommit us economically. This overcommitment fueled inflationary pressures, and distortions began to occur. In short, we simply overtaxed our ability to produce, and since the supply of goods could not be increased sufficiently to avoid inflation, a way of cutting down on demand had to be found. Therefore, the Administration took courageous and very necessary fiscal and monetary steps—parts of the inevitable correction process. Nevertheless, as long as the demands on our economy from the Vietnam involvement remain, it will be difficult to contain inflation fully.

When we are completely out of Vietnam, much of our economic problem will be solved. But, in the meantime, inflation may progress, and wage settlements now being made in anticipation of future inflation or in an effort to catch up with the past loss of progress build an uncertainty which is hampering a turnaround. I would, therefore, suggest on the economic side that the Administration give serious consideration to resorting at once to the guideline approach to wages and prices that worked reasonably well in the early years of the Kennedy Administration. I know this method was not successful over the long-term period, but for two or three years, I think the record will show that the approach was helpful, and it has the advantage of being able to be put into effect at once.

In summary on the economic side, as long as our involvement in Vietnam continues, it will be a major obstacle to both the short and the long-term economic health of the country.

There are other important reasons other than economic for leaving Vietnam. In the past year, I have spent over one hundred hours talking to young people on college campuses and elsewhere. Just recently I spent a full day on the California Institute of Technology campus, talking first in private with the class officers of the graduating class, and then with students in their dormitories and at various campus gatherings. I've done the same thing at Brown, at Oberlin, and elsewhere. There is absolutely no question about the sincerity and intensity of the dissatisfaction of the vast majority of these young Americans with the direction in which we are going in Southeast Asia. World War II, with which I was intimately connected welded the large majority of our country—young and old, rich and poor—together. This war has only lukewarm support from some and varying degrees of dissent from others. Most of it is fairly hot. The dissention is largely between the young and the old, so that it not only fractionates and polarizes, but it does so at one of the fundamental roots of our society, the family.

Earlier this year at Oberlin in an open forum—a give and take session—I attempted to defend the United States, as so many of us do when we're talking to younger people. I said, "You young people are filled with criticism, but where on earth could you find a better country than the United States?" The answer was surprising and in some ways noble. It was simply this—"Of course the United States is the best place in the world, but do you argue with our desire and right to make it even better?"

A young man came into my office the other day to talk to me about a "Pause for Peace." This was an idea for getting people in the United States to stop whatever they were doing for a full hour to emphasize the great desire of most of America to get out of Vietnam rapidly. He spoke with such conviction and intelligence that I asked him to come back and address the whole management committee of IBM. In the course of his discussion, he said one thing that impressed all of us profoundly. He asked us: "How would you like to have a son killed during a paced withdrawal from a war which you had decided was a bad war in the first place?" I think this chap summarizes the reason for youth's current great dissatisfaction.

This intensity of feeling is a fact—one as real as body counts and defense budgets and the GNP. And it means simply this: As long as Vietnam continues, the polarization of youth and the elder generation will undoubtedly increase.

There will be more inevitable accidents which will engender still more violence. To quell this and keep the peace, more and more National Guard and military units will have to be called out. The longer we continue, the more chaotic the nation will become. The damage we have already seen will take decades to repair, and if we continue, I believe we will soon reach a point where much of the damage will be irreparable.

For all these reasons I believe we should withdraw all of our military activities, both operational and advisory, from Southeast Asia as soon as possible.

I'm sure this Committee has been given many specific suggested dates for complete withdrawal. I won't give a date—I'll simply say that I believe that time is running out and that the situation here at home deteriorates as each month goes by. Summer vacations may produce a misleading calm. Next fall the term may open on a cooler note because of the decision of a number of colleges to recess prior to elections to permit students to campaign for the candidates of their choice. And if it looks as though we really were getting out this fall, the situation on the campuses would be a good deal more peaceful. But if we're still there actively next spring, we'll see a heightened replay of this past spring's campus disorders. And if we remain in Vietnam through the fall of 1971, the situation will become more serious.

There's a syndrome in the United States which makes it very difficult for us to cope with a situation like Vietnam—Americans are efficient and orderly; and when those with responsibility try to find strategies and moves for the future, they try to find efficient and orderly ones. We do this same thing in business. It's impossible to figure out an efficient, orderly and dignified way of getting out of Vietnam. And therefore we continue year after year to compound the situation by staying there simply because we can't find a good, orderly way of disengaging.

There isn't any comfortable way to withdraw. It's always going to be easy for the Communists to interrupt our plans, to make us look ridiculous, and to profit through our loss.

Therefore, I believe we must exhaust every possibility—however novel, however imaginative—to disengage and save as many lives as possible in the process. It seems to me that there are two places we can start. We should take a hard look once again at the Paris negotiations to make certain that in our offers we have gone to the absolute outer limit of what we can give. If we can make a compromise there and succeed, we have the possibility of some dignity as we move out. I think it's vital that the Government assure itself that the truce efforts in Paris and the concessions being offered to North Vietnam are compatible with our aims. These concessions must in fact be balanced off against what we have to lose by a continued stay in South Vietnam or by a confused and chaotic withdrawal.

Combined with our efforts in Paris, we should make major new efforts to get the United Nations involved in the work of ending the war and preserving the peace in Southeast Asia. I think this kind of third party intervention is absolutely essential if we are to have any kind of orderly departure.

We've done a lot of things outside the United Nations in the past decade and so have our opponents. There may come a time when the strength of the U.N. will be directly connected with the survival of the world. So we must help build its strength. Here is a way to let the world know that we continue to believe in the U.N. I recognize, of course, that the Security Council could reject this proposal, but I think we should initiate it.

Now, if we find a successful approach which results in real progress towards withdrawal, what will the results be? First, would be the resurgence of faith of our young people.

Second, we would have a better relationship between the Administration and Congress. I am concerned about the various legislative proposals now being considered to restrict the President's ability to move with dispatch for the security of the country. I hope that the Administration and Congress can find a common course of action so that such bills would not be necessary, and we would preserve the President's traditional freedom of action.

Third, the United States would be sufficiently united by these actions so that our governmental processes would receive the support of most of the elements in our society.

Fourth, there would be a renewal of our military flexibility—of our capacity to defend areas critical to our national security, and importantly, a regaining of national respect for our military establishment.

Fifth, a renewed respect and understanding from our oldest and staunchest free world friends and allies.

In conclusion, I do not wish to criticize any of the three presidents—Kennedy, Johnson and Nixon—who have struggled with this immensely difficult problem. I have no doubt that President Nixon—like Presidents Kennedy, and Johnson before him—sincerely seeks peace in Southeast Asia. In appearing here today I wish to do just one thing: To voice one man's conviction that we stand at a crossroads of decision, with all comfortable routes closed off; that we must end this tragedy before it overwhelms us; and that we must therefore face up squarely to a tough decision and see it through with courage and dispatch.

Testimony by Louis B. Lundborg

(Following his testimony, Mr. Lundborg was asked by the Chairman if he would be willing to depart from his role as Chairman of the Board of Bank of America, and to express any further views on the Vietnam war that he might have as a private citizen. He agreed to do so and then made the following additional remarks:)

First, I would like to make absolutely clear that I am not now speaking for the Bank of America institutionally, nor for any of my colleagues. Rather, as you put it Senator, I am speaking as Louis B. Lundborg, private and concerned citizen.

Because I anticipated I might be called on to testify on a personal and private citizen basis, I have committed my thoughts to writing and am prepared to enter my personal testimony into the record.

In my judgment, the war in Vietnam is a tragic national mistake.

I see no profit to the country in trying to fix the blame for what is past. No matter who initiated the first involvement or subsequent expansions, the rest of us have gone along pretty supinely. If anyone is to blame, it is people like me for not speaking up and speaking out sooner—for not asking "What goes on here?"

The fact is that collectively, as a nation, we have made a mistake, a colossal one. In any context of life, when a mistake has been made—whether by a person, by a company, or by a nation—there is only one thing to do: face up to it. No amount of cover-up—rationalizing, alibiing, or ducking the facts—will avoid the inevitable day of reckoning: it only compounds the cost.

If a company in private business were guilty of making such a bad judgment as we have made in Vietnam; and then of pursuing that judgment until so large a part of its total resources were committed to the ill-starred project, the management of the company would be under attack by the directors and ultimately by the shareholders of the company.

In my judgment, it is time the shareholders of America—the people—begin to call for an end to the squandering of American blood, morale and resources on what is in essence and Asian war of nationalism.

Because many who have condemned our involvement in Vietnam have also wanted to abolish such things as ROTC—and because, consequently, many people have come to equate anti-Vietnam with military weakness, let me say that it is precisely because I want us to be strong—militarily as well as economically, politically, diplomatically—that I do not want to see us dissipate and squander that strength in such misguided ventures as this Vietnam war.

I want us to have military strength. I just don't want the use of it to be dictated entirely by the military.

The revulsion against our posture in Vietnam has been so strong that it has colored and distorted the attitude of our people, and particularly of our young people, toward military service of any kind. It is easy—too easy—to dismiss that as an indictment of our young people—as an evidence of the "weakening of their moral fibre."

It is sufficiently more complex than that, that I would not want to be equally guilty of over-simplifying in the opposite direction: but certainly the disillusionment of the young over our whole Vietnam experience *has* weakened their willingness to follow adult leadership in *anything*.

I shudder to think of our being confronted by a real military threat—a direct and immediate one—to our own national security while our youth are in this mood.

Unlike Korea, this does not represent the banding together of the major nations as a group, under the leadership of the UN, to protect any established principle. It is a unilateral action, in which we as self-appointed militia have seen fit to inject ourselves into an internal fight between two parts of a single country—to take sides in that fight and try to impose our views on the entire country. Even from an ideological viewpoint it was questionable, because we drove Ho Chi Minh into the arms of a Communist China that he hated.

The overriding question is this one—"Does the United States from either a practical or moral viewpoint have either the right or the might to set itself up as the unilateral policeman for the world?" My answer to that question is that such a position is morally indefensible and practically unsustainable.

Because I have had no reason to doubt the good faith of the withdrawal plans announced by the President, I might have continued to remain silent. But when I read 12 days ago that the President is under pressure to expand our military role in Asia, it seemed to me that the time had come to speak up and speak out, and to say "Our meddling has gone far enough."

Vietnam has had a corrosive effect on our country, on our society, on our national morale. Only in part because it has been the most divisive issue of our time—nothing in this generation has so divided our people.

Division per se would not necessarily be bad for us, if it were a good healthy controversy that people could argue about and try to resolve. But this has been an issue that has left our people confused and bewildered, with no clear sense of direction, no clear sense of national purpose, no confidence in the morality of such national directions as are apparent.

I suspect that a sense of national purpose is not a very active ingredient in the conscious daily life of the average citizen. And yet the lack of such a national purpose—or the existence of a distasteful one—can have a corrosive effect on the spirit of our people.

A parallel to private business may be pertinent: an employee may not spend many minutes of his life consciously saying to himself or to others "I am proud of the company I work for"—but if he isn't proud of it, it will show up in his work. The thing we call morale is variously defined, but by any definition it includes an element of pride in the job.

National morale is in no way different. If people are not proud of their country, their morale as citizens will suffer; and their worsened morale will ultimately damage their country.

So it is time that we took stock of ourselves, nationally, and asked ourselves if we are pursuing directions and purposes of which we can be proud.

Our country arrived so suddenly at the position of being the No. 1 nation that we have had difficulty in adjusting ourselves to our new role. Even more basic than that, we have had a hard time deciding and agreeing among ourselves as to just what our role is, or should be. When we were told, and told ourselves, after World War II that we were now the leader of the free world and that we had the obligations of leadership, I doubt that there was much of a consensus as to what those words really meant.

That is not surprising. It is hard enough for a single individual, or a single company, that arrives at affluence and prominence and respect, to know just how to use those assets—let alone a nation of 200 million persons. I have a view on what our posture should have been and should yet be; and since it is germane to the Vietnam issue, I would like to express it, if I may have your permission.

I can perhaps express it best by first drawing a parallel to my own business. It was about 25 years ago that we became the largest non-governmental bank—roughly the same time span as we are talking about in our nation's history. The question of how we should conduct ourselves, now that we are the biggest, has confronted us constantly since that day. If I told you that we had arrived at a rationale—a philosophy—I wouldn't want you to think that it was arrived at spontaneously or easily—without many hours of debate, many false starts, and a few barked shins along the way. It is far from perfect; but here, for whatever pertinence it may have to the question of our country's foreign policy, is the stance we have evolved:

We are vigorously competitive—we know that our customers, our shareholders and our competitors would expect that. So we do not neglect our corporate self-interest in any of the other things we do. But we know that it is in our self-interest—call it enlightened self-interest if you want—to see that our industry and the communities we serve, are also healthy and vital.

So we try to help to keep our trade associations strong and the communities we serve healthy both nationally and in California. We do not try to dominate those associations or communities in any way—we don't seek high office in the associations or the communities we serve, although we will accept those places if it is clear that we are needed for a special reason.

Do you see a parallel here, to the posture of our country? Our foreign policy must, of course, first protect and promote our national self-interest. That is the first duty of all governments, and particularly in their foreign relations. Then our enlightened self-interest dictates that we help other countries in their economic development—countries that can be expected to trade with us and to be generally cooperative **with us.**

But it does not dictate that we try to force upon them any of our political or social beliefs or practices. In fact, it does not dictate that we meddle at all in the internal affairs of another country.

Nor does it dictate that we set ourselves up as the self-appointed and solo policemen of the entire world. Quite apart from the fact that even our vast resources cannot stretch over every trouble spot on earth, our injecting ourselves into every conflict everywhere cannot help being resented, and thus ultimately defeating the very purpose of our intervening.

We must remind ourselves that, big and powerful as we are, we are only one nation among many.

This in essence is our mistake in Vietnam. We have somehow lost the vision to see that economics—not ideologies and not military operations—is the key to favorable world development in the latter third of the 20th Century. There is only one way out of our current dilemma and that is the elimination of the war in Vietnam.

SID MENDLOWITZ

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. GAYDOS. Mr. Speaker, it is with great, personal pleasure I call my colleagues' attention to a man recently honored by the citizens of Glassport, Pa. He is a man I have known for many years; one I am proud to call a friend in the truest sense of the word.

Sid Mendlowitz was selected by the Glassport Lions Club as its man of the year. He was acclaimed for his dedication in assisting people in time of need without personal consideration, for his numerous contributions to civic programs and projects, for his business leadership in the community, and for his many humanitarian deeds.

Mr. Speaker, no man deserves those accolades more than Sid Mendlowitz, a quiet, humble individual who would prefer his acts of charity and kindness go unheralded.

Born in Glassport, Sid worked as a youth on his father's dump truck, but in 1949 he began his own trucking business. Starting with one truck, he built the business into a large trucking and excavating operation. The success of the firm is visible evidence of Sid's belief in hard work as well as his business acumen.

But, it is the other side of Sid which has endeared him to so many people in and around Glassport. He has given food to the needy and jobs to the unemployed. He has contributed financially to many, many charitable organizations, including the United Jewish Appeal, the Boy

Scouts of America, the United Fund, Auberle Foundation, the Hillel Academy, and the Society of Mary, just to name a few.

He contributed his time and business equipment to dig the foundation for a new wing to the Samuel Weiss Community Library and later provided furniture for the new addition. He has donated his firm's trucks, and equipment, to help keep volunteer fire companies operable in times of emergency.

It was because of deeds such as these that more than 250 people attended the Lions testimonial dinner in Sid's honor. His wife, Beverly, and their four children must have been proud of the praise bestowed on their husband and father by Judge John P. Hester of the court of common pleas; Frank J. Cibrik, president of the Lions Club; Steve Orlando, the banquet chairman, and Dominic Borelli, mayor of the Glassport community.

Mr. Mendlowitz well deserves the recognition paid him for his demonstration of devotion and loyalty to his community. But the Glassport Lions Club also should be commended for bringing such a man and his accomplishments into the public light.

FIFTY-FIVE PERCENT APPROVE MOVE INTO CAMBODIA

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. SCHERLE. Mr. Speaker, out in Iowa, the people of that great State are solidly behind the President as he goes about the tough and, in some instances, thankless job of extricating the United States with honor from Vietnam.

The Iowa poll recently showed that 55 percent of Iowa approves of the President's move into Cambodia.

I insert the complete results of the poll into the RECORD:

FIFTY-FIVE PERCENT OF IOWANS APPROVE MOVE INTO CAMBODIA

A 55 per cent majority of Iowans approves President Nixon's movement of troops into Cambodia, with 35 per cent disapproving and 11 per cent expressing no opinion.

These views are shown in the latest statewide Iowa Poll, taken about two weeks after the Cambodian action was announced.

In spite of the Iowa support for the Cambodian action, an even larger majority of Iowans, 59 per cent, think the President is not fully informing the public about Cambodia; 29 per cent believe he is and 12 per cent give no opinion.

Fewer Iowans support the President now than last fall for his general handling of the Vietnam war. Fifty-one per cent approve, 37 per cent disapprove and 12 per cent give no opinion. Last November, 62 per cent approved,, 25 per cent disapproved and 13 per cent expressed no opinion.

Support for Nixon's Cambodian action tends to be based on reports of success of the mission to destroy enemy sanctuaries and end the war sooner. A 24-year-old Grand Junction housewife comments:

"A week ago I would have disapproved, but now it looks like he was right in his decision, as they really found a lot." A 55-year-old custodian reacts with: "If what he said was true—saving lives—then it was the thing to do."

Opposition to Nixon's decision is based mostly on the feeling it will escalate the war or that the United States should not be in Indochina at all. This and other reactions are reflected by the following:

A 45-year-old farm housewife from Tipton: "I'm afraid it will spread to other countries." The wife of a Des Moines factory worker: "We have enough trouble with Vietnam. We didn't need to start in Cambodia."

Among Republicans in the poll, 66 per cent approve, 24 per cent disapprove and 10 per cent have no opinion. Among Democrats, 45 per cent approve, 44 per cent disapprove and 11 per cent express no opinion. Independents divide 53 per cent approval, 35 per cent disapproval and 12 per cent no opinion.

Iowans were asked the following questions:

"Do you approve or disapprove of President Nixon's decision to send U.S. troops into Cambodia?"

[In percent]

	Total	Men	Women
Approve	55	60	49
Disapprove	34	32	36
No opinion	11	8	15

Those approving gave the following reasons:

	Percent
Destroys sanctuaries, supplies	38
Overdue, necessary action	23
End war sooner	20
Support President	13
Protect U.S. troops	5
Stop Communism	3
Miscellaneous	2
No opinion	3

Those disapproving gave the following reasons:

	Percent
Shouldn't be in Vietnam	28
Escalating war	27
Vietnam enough, shouldn't risk more	13
Causing domestic unrest	6
Should consult Congress	5
Don't like Nixon	5
Mission won't help	5
Miscellaneous	4
No opinion	6

(Above tables add to more than 100 percent because some gave more than one reason.)

"Do you think Nixon's decision to send U.S. troops into Cambodia is likely to lengthen the Vietnam war, shorten the war, or won't it make any difference?"

[In percent]

	Total	Men	Women
Lengthen war	20	18	22
Shorten war	41	45	37
No difference	26	27	25
No opinion	13	10	16

"Do you feel that the Nixon Administration is fully informing the American public about U.S. involvement in Cambodia?"

[In percent]

	Total	Men	Women
Yes	29	28	30
No	58	61	55
No opinion	12	8	15

"Do you approve or disapprove of the way the Nixon Administration is handling the war in Vietnam?"

[In percent]

	Total	Men	Women
Approve	51	54	48
Disapprove	37	37	37
No opinion	12	9	15

MORE RESPONSES FROM GOVERNORS ON CLEAN WATER NEEDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. DINGELL. Mr. Speaker, on May 5, 1970, I placed in the CONGRESSIONAL RECORD the responses I had received as of that date from some 30 Governors to my request for information on the needs of the various States for Federal assistance under the provisions of the Clean Water Restoration Act of 1970.

Since that time I have received several additional responses. For the information of my colleagues, I include these additional responses at the conclusion of these remarks:

STATE OF FLORIDA,
May 8, 1970.

Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for the opportunity of allowing me to comment upon Florida's crucial needs in the field of water pollution control funding. Florida's major problem in this field rests with the domestic sewage plant. A sizeable part of this problem has been with the lack of federal funding for this construction.

Florida's needs in providing its residents with adequate sewage collection, treatment and disposal are more than $1.8 billion for secondary treatment. If tertiary treatment is required, and it becomes evident daily that this may be a requirement in the not too distant future, these total costs will be more than $2.5 billion.

Assuming *maximum* federal financing, this means a need for $64.2 million for secondary treatment and $307.5 million for tertiary treatment for Florida alone—only from Public Law 660 funds which, as you know, can be spent only on treatment works. An additional $821.4 million would be required from the Department of Housing and Urban Development, again assuming maximum funding.

These figures are taken from a State of Florida Department of Air and Water Pollution Control report, "A Cursory View of Florida's Waste Treatment Plants and Future Needs" which has just been completed. A copy is enclosed in order that you can obtain a better picture of Florida's total estimated need. The staff of the Department stresses to me that the figures are "minimums" and that they are based on "today's costs."

Please feel free to call upon this office or Mr. Vincent Patton, Director of the Florida Department of Air and Water Pollution Control if you need any further information.

Sincerely,

CLAUDE R. KIRK, Jr.,
Governor.

STATE OF IDAHO,
Boise, Idaho, May 13, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Governor Samuelson has asked me to respond to your request regarding the municipal waste treatment needs here in Idaho, and how we are attempting to solve our pollution control problems.

The 1970 session of the State Legislature passed enabling and funding legislation to provide for State participation with the Federal Government in a waste treatment construction grant program. This legislation has created a tremendous amount of interest among the municipalities across the State and could be a major factor in a successful water quality improvement program. It would be nearly disastrous at this point if the matching grant program from the Federal level was curtailed or significantly altered so as to lessen the financial assistance to the communities.

The Idaho Legislature set up a water pollution abatement fund which continually receives money starting July 1, 1970, from the State Inheritance Tax receipts. This should amount to an excess of 1.2 million dollars each year for matching purposes. The Legislature also authorized the State Treasurer to sell 1.5 million dollars worth of State bonds. This is a one-time funding to assist in getting the matching grant program off to a good start.

I feel certain that as the waste treatment needs become more apparent, that the Idaho Legislature will fund this program as necessary to do the job. We anticipate during the next five years to stimulate between 6 and 8 million dollars worth of waste treatment construction projects. Assuming that the State of Idaho can come up with approximately 2 million dollars each year, approximately 4 million dollars allocated by the Federal Government would be necessary each year to keep our abatement program moving.

We feel that this Federal support is essential if we are to carry out our mutual water quality objectives.

Sincerely,

Melvin D. Alsager,
Chief, Water Pollution Control Section, Environmental Improvement Division.

Iowa State Department of Health,
Des Moines, Iowa, May 8, 1970.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Your letter of March 12, 1970, addressed to Governor Ray has been referred to this Department for reply. We wish to apologize for the delay in reply.

During the past years over 530 Iowa municipalities have constructed sewage treatment facilities. Therefore, with virtually 100% municipal treatment the needs of the State of Iowa for construction grants are not as great as many of the eastern states.

The State of Iowa has on hand construction grant applications for total eligible project costs totalling $18.2 million for the fiscal year 1970. It is anticipated that project costs for future years will not exceed $12–15 million annually to cover secondary treatment needs and expansion and replacement needs for existing plants.

The Iowa allocation from the $800 million appropriation for fiscal year 1970 is $12.2 million allocated to the state and will be returning up to half of the Iowa allocation to the Federal Treasury. Iowa would, therefore, not benefit from your proposed full funding of $1.25 billion authorized for fiscal year 1971 by the 1966 Act.

We wish to emphasize that municipal and industrial pollution are no longer a serious problem in the State of Iowa but that agricultural pollution, particularly with erosion and siltation, is the primary problem in the state today. Water quality of streams of the state and probably other midwestern states cannot be improved without the reduction of soil erosion through soil conservation practices. Funding to the Department of Agriculture through the Agricultural Stabilization Service and Soil Conservation Service has been reduced which will delay soil conservation practices dealing with our state's primary pollution problem. We would urge that serious consideration be given to allocation of the federal construction grant funds to the state on a block grant basis rather than a categorical grant basis to permit the individual states to use the appropriated water pollution control funds where there is the greatest need. In the meantime we urge that there be adequate funding of the cost sharing and technical assistance programs in the Department of Agriculture to reduce pollution by greater participation in good soil conservation practices. Probably more important than water pollution is the saving of our soil, our most valuable natural resource.

Very truly yours,

R. J. Schliekelman,
Director, Water Pollution Division.

State of Minnesota,
St. Paul, May 11, 1970.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Dingell: This is in response to your recent letter requesting information on the funding needs for the water pollution control and abatement program in Minnesota.

The funding needs of this state continue to be greater than the state's allocation of funds even with the increase from $3.9 to $14.9 million. To date approximately $13 million in grant requests have been certified to the Federal Water Pollution Control Administration for funding and the remaining $1.9 million probably will be certified for funding within the next month. This will result in some $3–4 million in grant requests which are presently proceeding under the reimbursement provisions of the Federal Act that cannot be certified for funding due to the lack of funds.

It is anticipated that the amount of grant requests for FY71 will be at least equal to and probably exceed the FY70 total grant request of $20.4 million. Including the grant requests which cannot be funded this fiscal year, it is estimated that Minnesota's funding needs in FY71 would be on the order of $25 million. We anticipate this level of grant requests for the next 2–3 fiscal years.

Under the present allocation method and a funding level of $1 billion, Minnesota's allotment would be $18,684,300. At a $1.25 billion level, it would be $23.4 million. The latter level more closely approximates our needs. If Minnesota enacted a state grant program, the Federal level of funding would have to be approximately $2.5 billion in order to fund the anticipated grant requests. A table summarizing Minnesota's construction needs is attached for your use.

However, I believe it is very important to recognize that in addition to the construction grants the supporting grants made to the states for administering the construction grants program also should be enlarged very considerably. Increased construction activity will require increased effort on the state's part in regard to plan review, plant surveillance, and many other aspects. I would recommend that the state program grants for water pollution control also should be correspondingly increased, at least by a factor of three to four times greater than current levels.

Your effort in securing at least full funding of the Clean Water Restoration Act for FY71 will be greatly appreciated. If you have any further questions, or if we can be of further assistance please let us know.

Sincerely,

Harold LeVander.

FEDERAL WATER POLLUTION CONTROL ACT ESTIMATED FISCAL YEAR 1971 FUNDING NEEDS—APR. 10, 1970

Fiscal year and level of funding	Minnesota's allocation	Grant requests (millions)	Grant requests not funded (millions)
Fiscal year 1970, $800,000,000	$14,928,100	$20.4	[1] $5.4
No State grant program:			
Fiscal year 1971, $1,000,000,000	18,684,300	25.0	6.3
Fiscal year 1971, $1,250,000,000	23,400,000	25.0	1.6
State grant program:			
Fiscal year 1971, $1,000,000,000	18,684,300	45.0	26.3
Fiscal year 1971, $1,250,000,000	23,400,000	45.0	21.6

[1] At this time approximately $3,000,000 in grant requests are now proceeding under the reimbursement provisions of the Federal Act.

State of Nebraska,
Lincoln, May 15, 1970.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman: Your letter of March 12, 1970 was referred to the Secretary of the Nebraska Water Pollution Control Council, Mr. T. A. Filipi. Mr. Filipi informed me that it took considerable effort to gather materials for a five-year plan, therefore we apologize for this delay.

It is anticipated that approximately $45,000,000 worth of construction will be needed to maintain and improve our waste water treatment facilities within the next five years. This is broken down as follows:

Fiscal year:	
1971	$15,000,000
1972	8,000,000
1973	5,000,000
1974	11,000,000
1975	6,000,000
Total	45,000,000

Of this amount, we are of course assuming that at least 33 per cent will be allocated from the Federal Water Pollution Control Program. Should the next legislature provide funds for matching purposes, then the federal portion would be 55 per cent of the amount.

The citizens of Nebraska are cognizant of the need for maintaining their environment and enhancing wherever possible. For this reason, I am sure that monies will be needed continuously and inasmuch as enhancement is a part of all of our programs, I see no way that effort can be released in urging municipalities, industries, and the individual for improving our environment by proper control of land pollution, water pollution, and air pollution.

Sincerely,

Norbert T. Tiemann.

State of New Jersey Department
of Environmental Protection,
June 5, 1970.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: Your letter of 12 March 1970 to Governor William T. Cahill has been referred here for response. It asks for information about New Jersey's requirement of Federal funds for sewage treatment plant construction for fiscal year 1971.

The aggregate estimated costs of New Jersey sewerage projects on which it is expected that construction permits will be issued by 30 June 1971 is $441 million.

These estimates are based on 1970 dollars.

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Experience indicates that actual costs run higher than original engineer's cost estimates.

The State of New Jersey has voted a bond issue in November 1969 making 25% State Grants available starting with fiscal year 1968 projects and forward from there.

Under the reimbursability provision of U.S. Public Law 660, as amended, the amount of Federal monies required to bring projects given grants for fiscal years 1968, 1969 and 1970 up to their maximum eligibility of 50 or 55 percent is about 25 million dollars.

Thank you for your interest in having the full allotment of $1.25 billion appropriated for 1971.

Very truly yours,

RICHARD J. SULLIVAN,
Commissioner.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
Providence, May 26, 1970.

Hon. JOHN D. DINGELL,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Please excuse my delay in replying to your letter concerning funding needs for water pollution control and abatement programs here in Rhode Island.

In accordance with your request, I am enclosing a copy of our municipal listings of eligible projects for Federal construction assistance for both one and five year projections.

If there is any way in which you believe I might be of further assistance, please do not hesitate to contact me.

Warm personal regards.

Sincerely,

FRANK LICHT,
Governor.

MUNICIPAL LISTING (1-YEAR LIST) (PLAN SECTION 4.4.2)—JUNE 1969, ROHDE ISLAND

Point ratings	Name of municipality	Location of facility: River basin (a)	Location of facility: Receiving stream (b)	Location of facility: Longitude/latitude or county (c)	Population served (thousands)	Type of water poll cont fac required	Estimated total cost (thousands)	State contributions to total cost (thousands)	Conform. w/reg pl.: Yes	Conform. w/reg pl.: No commission	Conform. w/reg pl.: No plan
44	BVSDC Mosh. Int	Moshassuck	Moshassuck	Providence	12.0	Interceptor	682	170	×		
40	Warren	Narragansett Bay	Warren River	Bristol	7.5	do	550	137	×		
39	Westerly	Pawcatuck	Pawcatuck	Washington	8.0	do	880	220	×		
53	BVSDC Cumb. Int	Blackstone	Blackstone	Providence	60.0	do	3,700	925	×		
38	Warwick	Pawtuxet	Pawtuxet	Kent	2.0	do	525	131	×		
54	BVSDC Tr. plant	Narragansett Bay	Seekonk	Providence	178.0	Secondary	8,250	2,063	×		
48	Narragansett-South Kingstown	Atlantic Ocean	Atlantic Ocean	Washington	30.0	do	5,780	1,445		×	
48	West Warwick	Pawtuxet	Pawtuxet	Kent	25.0	do	3,600	900		×	

MUNICIPAL LISTING (5-YEAR LIST) (PLAN SECTION 4.4.3)—JUNE 1969—RHODE ISLAND

[Period covered from 1970 to 1973]

Name of municipality	Location of facility: River basin	Location of facility: Receiving stream	Location of facility: Long/latitude or county	Population served (thousands)	Type of water poll cont fac required	Estimated total cost (thousands)	Estimated Date initiation of construction	Conformity with regional plan: Yes	Conformity with regional plan: No Reg Plan
Lincoln	Blackstone	Blackstone	Providence	6.0	Interceptors	3,220	1971	×	
Burrillville	do	Branch	do	8.0	Secondary	2,975	1972	×	
Coventry	Pawtuxet	Pawtuxet	Kent	35.0	do	4,080	1972	×	
Smithfield	Woonasquatucket	Woonasquatucket	Providence	23.0	do	4,800	1972	×	
Barrington	Narr. Bay	Prov. River	Bristol	25.0	Interceptors	1,800	1972	×	
East Providence	do	do	Providence	49.0	Secondary	3,000	1972	×	
Jamestown	do	Narr. Bay	Newport	2.5	Primary	500	1972	×	
Bristol	do	Bristol Harbor	Bristol	13.0	do	400	1972	×	
North Kingston	do	Narr. Bay	Washington	10.0	do	2,000	1972	×	
Tiverton	do	Sakonnet River	Newport	10.0	Secondary	2,000	1972	×	
East Greenwich	do	Hunts River	Kent	2.5	Interceptors	1,650	1971	×	
Woonsocket	Blackstone River	Blackstone River	Providence	45.0	Secondary	4,800	1971	×	

THE STATE OF TEXAS,
June 9, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: I am pleased to respond for the State of Texas on anticipated needs in regard to the Clean Water Restoration Act of 1966.

There are over 126 cities, river authorities, towns, and water districts in Texas that could apply for federal waste treatment construction grants in the next fiscal year. These projects would be to upgrade the wastewater handling facilities to meet State requirements.

Approximately 100 of these political jurisdictions are in the population grouping of less than 10,000 people. The cost of these improvements would probably range from $125,000 to $180,000 per installation. Therefore, the minimum-maximum total cost range for this group would be $12.5 to $18.0 million.

There are nearly 20 cities with a population grouping of 10,000 to 20,000 people. The estimated cost for facilities in these cities is $400,000 to $500,000 per installation. Thus, this grouping would result in a minimum-maximum cost of $8 to $10 million.

There are some 8 to 12 cities and river authorities serving populations in excess of 20,000 people. These entities will need installations ranging in cost from $1 to $8 million and thus resulting in an estimated minimum-maximum cost of $15 to $20 million.

In addition, experience indicates that approximately 18% to 21% of the construction costs is attributed to interceptor line construction for large cities and river authorities expanding their systems to areas within their treatment responsibiliy. These projects are not usually programmed by construction until coordination between municipalities has been completed.

However, this type of work, not yet scheduled would result in an estimated minimum-maximum cost of $6 to $10 million.

The total estimated cost of potential wastewater handling facilities in Texas for fiscal year 1971 thus ranges from a minimum of approximately $42 to $60 million. This amount can be anticipated to increase by 20% to 30% due to the State's aggressive enforcement of pollution control measures which my Administration is committed to continue.

In summary, the estimated funding needs of the State of Texas for wastewater treatment and pollution abatement will be $70 to $75 million for fiscal year 1971.

Thank you for the opportunity to comment on Congressional efforts to secure full funding for Public Law 89-753.

Sincerely,

PRESTON SMITH,
Governor.

COMMONWEALTH OF VIRGINIA,
Richmond, May 19, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In accordance with your request to Governor Holton, I am happy to provide you with information on the funding needs of the water pollution control and abatement program in Virginia. You will find enclosed a table of grant applications received by the State from the localities and the grants which the State has awarded over the past eight years, based on a grant of 30% or 33% only.

This year the General Assembly has appropriated $7.8 million in State grant matching money which will reduce the local share from 67% or 70% to 20% or 25%. There are no final figures at present on the grant applications which will be submitted, but it is projected that these grant requests for each of the next two years will approximate some $30 million for some 100 projects.

I hope that this information is of assistance to you.

Sincerely,

JOHN RITCHIE, Jr.,
Executive Assistant.

GRANT APPLICATIONS PROCESSED OVER THE PAST 8 YEARS IN VIRGINIA

Year	Number of grant requests	Total cost of proposed projects	Grants requested on eligible portions	Number of projects approved	Amount grant money available
1962-63	45	$33,000,000	$5,224,390	18	$1,852,920
1963-64	52	33,000,000	7,584,260	14	1,846,755
1964-65	49	30,000,000	6,302,704	16	2,050,150
1965-66	46	30,000,000	5,937,694	21	3,100,000
1966-67	66	54,000,000	11,965,835	13	4,150,600
1967-68	56	54,000,000	12,315,756	16	4,278,100
1968-69	75	74,000,000	18,946,889	33	4,448,400
1969-70	87	68,000,000	20,195,417	75	17,302,800

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MINING AND CONSERVATION

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. BURTON of Utah. Mr. Speaker, when most people think of conservation, they visualize our great national parks and perhaps recall an endangered species of fish or wildlife. Conservation does involve consideration of these, but it also includes recognizing that man is also a proper part of the environment, and by the very act of being alive we are altering the environment to some extent. What is done to make the best of this alteration is of vital importance.

I was encouraged, therefore, to read two articles in the Mining Congress Journal which illustrate that mine operators in increasing numbers are looking at the opportunities for reclaiming mined areas and turning them into useful, profitable and attractive areas. The articles follow:

MINING AND CONSERVATION

(By Charles B. Wurtz)

For somewhat more than 20 years I have been active in the study of the effects of industrial and municipal discharges on the aquatic life of lakes and rivers. From my own work during this time, as well as association with other pollution biologists and a continuing review of the literature, I have become acquainted with the multiplicity of environmental problems. This background resulted in my being asked to serve as one of three national judges for the selection of two National Gold Medal Awards for outstanding achievement by industry in the fight against water pollution.

So often industry is in the position described by Shakespeare: "The evil men do lives after them, the good is oft interred with their bones." One rarely hears about the real achievements of any industry as they relate to conservation.

MINING COMPANY EARNED FIRST GOLD MEDAL AWARD

The National Gold Medal Awards, first given in 1968, are sponsored by the Sports Foundation, Inc. Significantly, the first annual Gold Medal Award for the best program in one plant went to a mining company. Receiving the award was the Urad mine of Climax Molybdenum Co. division of American Metal Climax, Inc. I have yet to see this company's name emblazoned across the headlines of the nation for this singular achievement. Had the company killed a dozen fish, we would have heard it proclaimed from the rooftops.

Total entries in the competition for the Gold Medal Awards in 1968 were in excess of 200. Initial screening reduced these to 31. Of these, three were entries in the field of mining. The obvious conclusion is that the mining industry represents ten percent of our total national industry doing significant work in the field of environmental control.

CONSERVATION MEANS MORE THAN ENVIRONMENTAL CONTROL

Environmental control is a euphemism for pollution control as it relates to industrial activities. It is a component part of conservation. My experience has been that when most persons think of conservation they visualize our great national parks, occasionally they will recall some endangered species of bird or fish, and perhaps they may think of their nearest state park. This is a limited view. Of particular annoyance are those advocates of what I call narrow conservation who can think only of fish.

Conservation does include consideration of these items, but, more importantly, it also includes recognition of the fact that man is a proper part of the environment. In effect, man has as much right to live on the surface of the earth as does the whooping crane or pygmy rhinoceros. There are those who would disagree with me. The total environment, and all the material substances of the earth, must be used by all species. Further, by the very act of being alive we are altering the environment to some extent. Individually our personal wastes can be considered pollution.

Substances with biological origins are considered to be renewable natural resources. If a suitable environment is maintained, reproduction will replace the utilized material. This is most evident in field crops, but it is also obviously the case for fish and game. Man also belongs in this category. The Chinese recognize this when they claim they can expend millions of men in war.

Non-biological substances are commonly considered non-renewable. A pocket of ore taken from a deposit is not going to be replaced by self-generation. In time such materials are locally exhausted. However, these materials have not been destroyed. They have been distributed. The concern of conservationists does not usually rest in the exhaustion of the ore body but in the local environmental alteration associated with the removal of ore.

The mining industry does produce local environmental alterations, and mining has had a terrific impact on many geographic areas of the nation. This is particularly true in the case of surface mining. In the United States, three million acres have been affected by surface mining activity. Of these only a little over one-third have been reclaimed by reshaping the surface and replacing the vegetative cover. The 1.2 million acres that have been reclaimed have made a spectacular contribution to environmental improvement. Many of these acres are productive pasture, or yielding forest crops, or providing excellent fishing, etc. Such face-lifting operations on the land is a real contribution to conservation. In effect, a natural resource that had been discovered was exploited. During and after exploitation environmental control was exerted to restore a balanced ecological community. This resulted in benefits for future generations. This is conservation!

FOUR MAJOR AREAS OF INJURY TO ENVIRONMENT

The act of discovering a mineral resource may be simple or complex, but it has little impact on the environment. Impact begins with exploitation. During mining operations, there is the potential of injuring an environment by four major mechanisms. Not all of these are present for all mines, and none are unique to mining.

The first of these is erosion, which can transport overburden into streams and lakes and physically destroy them. Denuded surfaces are particularly vulnerable to erosion, but it can be controlled. The second is the rejection or diversion of unwanted water. This can increase runoff and erosion from an area. One advantage of continuous dewatering in the region of headwater streams is the stabilization of stream flow, but you rarely hear about this. The third item is the toxic effect associated with many materials. Toxicants may occur in water or solids and can be a real problem. This is especially aggravated with certain metals and acid water discharges. The fourth item is the disposal of overburden and tailings. Tailings can be unsightly and we must recognize that esthetic attractiveness is a part of conservation. Obviously, all four of these potential problems may be intimately interrelated at a given site. The effect of mining on these environmental mechanisms can perist after exploitation is concluded.

ECONOMICS MUST BE INCLUDED IN CONCEPTS OF CONSERVATION

It has been the uncontrolled, long-term, persistent environmental degradation associated with disturbed land surface that has most deeply stirred the nation. For example, people who never even think of potential toxic effects will rise up in arms over the sheer ugliness of a butchered landscape. I do myself; it is logical to expect others to do the same.

Dissatisfaction with the environment leads to the investigation of environmental effects stemming from some recognized source. The properly anticipated result of such investigations should be environmental improvement and control. These actions should lead to the enhancement of the environment to man's advantage. The advantage may be something that is as nebulous as esthetic attractiveness or as real as restored fishing.

Physical environmental control is a facet of conservation that can do much to enhance the world we live in. At the same time, such activities need not injure economic growth.

Unhappily, much of the adverse publicity about our environment is based on puerile emotionalism and fails to recognize that a multiplicity of factors, including economics, are a part of our environment. The reality of economics as a part of the world we inhabit must be included in the broadest concepts of conservation. Economic pressure on man is as great as predator pressure on rabbits I am sure.

PENNSYLVANIA LEGISLATION AIMED AT ACID MINE WATER CONTROL

I would like to illustrate some of my preceding comments by reference to coal mining in Pennsylvania. Many years ago the steel industry began developing in the Pittsburgh area. At the time, that industry apparently chose a geographic location based on economic factors. The industry could have located at the ore deposits and transported fuel. Instead, the industry decided to locate at the fuel deposits and transport ore. In those earlier days, no one recognized the debilitating effect of environmental degradation on public health or the limitations of a one-industry economy. And even if someone would have had the temerity to raise the issues, no one could have effectively resisted the men who ran their own railroads.

However, time passed. Today the body politic is well aware of environmental problems. Thus, in 1965, the Commonwealth of Pennsylvania held hearings on the effects of acid mine water discharge on the surface waters of the state. This resulted in new legislation designed to control the discharge of such acid mine waters. This was considered *ipso facto*, to be good conservation because it would lead to stream improvement. Nevertheless, I have some reservations about this.

In the overall picture of conservation, this law apparently was designed to consider only the aquatic life in affected surface waters of the state. Little or no attention was given, for example, to the disposal of those solids that inevitably result from neutralization techniques. And, of course, economic considerations were anathema. Anyone who had an interest in the industry and mentioned dollars was simply categorized as greedy.

I had occasion to give testimony at some of the hearings held at the time. In my testimony, I pointed out that Pennsylvania has more streams than any other state in the nation and that 4400 of these are large enough to be specifically named. The state's streams extend for approximately 50,000 miles. Bear in mind that under the best of conditions they are not all equally suitable

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for aquatic life. In 1964 the Pennsylvania Fish Commission recognized 2906 miles of streams affected to some extent by acid mine water discharge, i.e., about six percent of the total. At the time Pennsylvania was annually stocking 8700 miles of streams in its fishery program. This was the apparent limit of the commission's resources.

COST OF MINE DRAINAGE CONTROL IS ENORMOUS

Now consider the economics of the situation. At the time of the hearings, and when the law was enacted, the Pennsylvania State Health Department estimated that mine drainage control would cost $250 million. This would be an average cost of somewhat over $83,000 per mile of affected stream.

Two years later, in 1967, after the law was effective, the department revised its estimate and the newer costs were calculated to be $1 billion for an initial four-phase, ten-year program. This is more than $333,000 per mile of affected stream. In addition, after the initial investment, the new estimate included an annual maintenance cost of $40 million. This amounts to about $13,000 per mile of affected stream in perpetuity if costs remain constant. This is a frightening economic burden, and I'm not sure Pennsylvania can afford it.

It is most unlikely that the Pennsylvania program will go smoothly forward. I am not convinced that the technology exists that will permit us to control all acid discharges. I must admit, there may have been a quantum jump in this area within the past two or three years that I failed to notice, but I don't think so. About half the Pennsylvania acid waters are emanating from abandoned mines. Title to these rests with the state, and where it does not I would guess that it will quickly revert. The bothersome thing to me is the fact that the Philadelphia newspapers keep telling us that the state cannot properly feed our institutionalized aged. If this is correct, how can we afford to push corks into holes in the ground?

MARGINAL BENEFITS GAINED BY LARGE EXPENDITURES

But aside from these domestic concerns, let us assume that the Pennsylvania program can and does go smoothly forward at the 1967 cost estimates and that all streams are recovered. What has been gained? There would indeed be biological recovery of the affected streams, but this may mean little or nothing to the vast majority of Pennsylvanians. Many anglers who supported and fought for the legislation would be disappointed. The program simply would not open 2906 miles to fishing. Many of these streams are on private property and not accessible. Others are in scenically unattractive areas and would not be utilized. Some are much too small to support game fish or any sustained fishing pressure. And to top it off, stocking may be well beyond the resources of the Pennsylvania Fish Commission.

Only a half dozen main-stem streams with public access would be recovered for angling. These would be real recreational assets without doubt, but are they worth the price? In a broad conservation view, the money could probably be used to much better advantage in any number of other conservation projects. We are a long way removed from having adequate funds for the development and maintenance of our human resources alone. It is obvious that water quality control should have been undertaken from the time coal mining began in Pennsylvania in 1761. Had this been done, associated costs would have been incorporated into the product. I fear that in this area we may now be crying over spilled milk.

In general, our acid waters are not worse than those naturally occurring where coal outcrops. We simply have more of it. T. M. Morris discussed surface coal in western Pennsylvania many years ago. In writing about this region in 1803, he said: "But the spring water, issuing through fissures in the hills, which are only masses of coal, is so impregnated with bituminous and sulphurous particles as to be frequently nauseous to the taste and prejudicial to the health."

I suspect the narrow conservationists believe all western Pennsylvania waters should support fish. I would point out that this is unnatural. I doubt that the fight against acid mine discharge water in Pennsylvania can ever be completely successful, but it has been a good, albeit expensive, lesson.

ENVIRONMENTAL CONTROL SHOULD START WITH MINE DEVELOPMENT

The lesson we have learned after two centuries of coal mining is to provide for environmental control in the development of mining properties. The first scoop of overburden removed for the opening of any mine is the first step toward environmental alteration. This need not be, and should not be, a step toward environmental degradation. Modern mine development reflects this. Climax Molybdenum mentioned earlier exemplifies this. This company kept the U.S. Forest Service and the Colorado Game, Fish and Parks Department advised of their actions. All developmental and mining activities were carefully designed to avoid pollution of existing water courses. Not only was stream pollution avoided, but a new recreation area was developed. No better public relations program could be designed.

This type of forward thinking appears to characterize all responsible mining companies. Thus, at the new Rowland mine of Consolidation Coal Co. at Beckley, W. Va. (which will employ stripping, auguring, and continuous miners) all water used in washing is expected to be recirculated through settling impoundments. No water discharge into adjacent streams is expected.

Another example of forward thinking is the Missouri Lead Operating Co. at Boss, Mo. This company began ecological studies of the environment in 1965, long before actual mining operations began. This company practices regular ecological monitoring to assure itself and the state that adverse conditions in neighboring streams are not developing. To date, they have not. Further, because of the design of the operation, deleterious effects are not expected to occur at any time.

Although an extensive list could be made of areas where mine-caused environmental damage has occurred, it is encouraging to note that the list of controlled operations is continuing to grow. Always there will be questions raised that are not easily resolved. For example, in Minnesota, there has been considerable press furor and citizen discontent over the discharge of taconite tailings into Lake Superior from a location on the north shore. From very limited observation, I am of the opinion that the so-called damage is negligble. At the same time, others are convinced that the lake is afflicted with some monstrous creeping horror that will lead to extinction in another few years. I honestly believe there is more emotionalism involved here than potential damage. It will prove interesting to see what ultimate decisions are made in this case.

No business can afford to put environmental programs ahead of profit, but there is no reason why such programs should not accompany profit. As a matter of fact, it makes sense for all industry to indulge pollution control. It is far better for a mining company to control its environmental influence directly. Failure to do so simply forces governmental agencies to do it from tax dollars, and dollars suffer considerable abrasion in passing through the public till. The incorporation of pollution control in mine operation is far cheaper than spending money on reclamation. The Pennsylvania coal mining situation clearly demonstrates this. Last but not least, there is no sounder way to develop good public relations.

CONSERVATION IS ABSOLUTE NEED

Today we do not look on conservation as an amenity; it is an absolute need for the survival of man. We have long since passed the tooth and nail level of survival, and we must do more than drag our feet when we recognize more subtle, but no less real, threats. Happily, the leaders in the mining industry appear to be well aware of this. Let us hope they will not be discouraged by the absurdities mouthed by narrow conservationists who cannot see anything beyond a six-lb trout in a stream. The total environment is the real meat of conservation, and it is the total environment that will cause our extinction or permit our survival.

AFTER THE MINING—USEFUL LAND

(By Darnell M. Whitt)

The science of strip-mine reclamation is comparatively new and still developing.

Yet proof of achievement in this field lies in the hundreds of thousands of acres which are witness to the skills of the soil scientist, the agronomist, the wildlife specialist, the land use planner, and their associates. For over 30 years they have been guiding the changing of torn earth into useful and attractive pockets of countryside.

An equally encouraging word reflects the interest of the mining industry in responding to the growing national concern over the quality of the rural environment.

Two million acres could benefit from reclamation.

The National Surface Mine Study, under Public Law 89–4, turned up the information that 3.2 million acres in this country had been disturbed by surface mining. Of this, more than two million acres would benefit from conservation treatment to restore the disturbed areas to productive, stabilized, and attractive condition.

The remaining acreage—a little over a million—needs no treatment. Over half of this was reclaimed or stabilized through the efforts of the mining industry, individual owners, or some unit of government. Nature herself, with processes slow and methodical, took care of the rest, using her own adapted grasses, shrubs, and trees.

SOIL CONSERVATION SERVICE OFFERS ASSISTANCE

The Soil Conservation Service of the U.S. Department of Agriculture, which since the 1930's has been dealing with strip-mine reclamation along with its regular problems of soil erosion and land use, offers its assistance to owners of strip-mined land through the nation's 3000 soil and water conservation districts.

The districts, subdivisions of state government, have been carrying on their own effective campaign to restore surface-mined lands to usefulness and beauty. In the five-year period from 1960 to 1965, more than 5000 land owners and operators in 500 districts used SCS technical help, through the districts, to apply conservation to nearly 128,000 acres of surface-mined lands in 31 states.

The districts consider the restoration of strip-mined lands a part of the total soil and water conservation job, not a separate activity. Many mining firms, in cooperation with the conservation districts, have used the help available to solve strip-mine reclamation problems. Individual companies and their associations have reclaimed many thousands of surface-mined acres.

In the Appalachia region, reclamation associations have done reforestation and seeding on more than 74,000 acres. From 1961 to 1966, phosphate mine operators in Florida voluntarily restored 75 percent of the acreage mined. The National Sand and Gravel Association's members reclaimed more than half the land disturbed in 1965.

The National Coal Association, whose members account for over a third of the strip mining now being done, encourages its members to develop plans for reclamation before the mining machinery moves in. An Ohio coal mining company takes aerial photos of land to be mined. The negatives are projected on a plotter which traces contour lines on a map. A computer then reveals the amount of overburden that must be moved and indicates where it should be placed for both mining and reclamation work.

The Department of Agriculture, pushing ahead in its effort to raise the living standards of many of the nation's rural communities, looks at reclamation of strip-mined areas ties, one of its clear opportunities.

RECLAMATION FOR RECREATION IS ONE LAND USE OPTION

The SCS believes that more than a fourth of the disturbed land can be reclaimed for recreational uses. More than a third would support woodland plantings, and another third would serve well in range and pasture. Some of the remainder would be productive cropland and some would be desirable for residential, industrial, and institutional development.

Ponds and reservoirs, often a possibility in strip-mine reclamation, can be developed for a variety of uses.

Near Lakeland, Fla., a 740-acre tract turned over to Polk County by phosphate mining firms has been developed as Saddle Creek Park—an expanse of nature trails, camp sites, playgrounds, a marina and other facilities for water-based recreation. Another tract, leveled and filled according to a mining plan, is being developed for homesites. The companies cooperating with the Polk Soil and Water Conservation District have had technical help from the Soil Conservation Service.

Near Port Washington, N.Y., grading and planting have brought usefulness and beauty to many mined areas. In Missouri, a landowner built an attractive recreation area on 42 acres of strip-mined land he bought in 1953. The SCS, the U.S. Forest Service, and the Missouri Department of Conservation gave him a hand through the Callaway Soil and Water Conservation District. The Agricultural Conservation Program, another USDA activity, furnished trees and shrubs.

West Virginia soil conservation districts have been helping landowners restore surface-mined lands for many years. The districts employ crews experienced in planting grasses, shrubs and trees.

DISTURBED LAND EXISTS IN ALL STATES

All states have areas of land disturbed by strip mining and needing conservation work; although Hawaii, with 300 acres, barely qualifies for the list.

There are at least 13 states that have 50,000 or more acres needing reclamation. These are Pennsylvania with 229,500; Ohio-171,600; Florida-143,500; Texas-136,400; West Virginia-111,400; California-107,900; Illinois-88,700; Alabama-83,000; Kentucky-79,200; Minnesota-71,500; Tennessee-62,500; New York-50,200; and Kansas-50,000.

Information gathered by SCS shows that over nine-tenths of the mined acreage needing conservation treatment is in private ownership, most of it in small scattered parcels. The small tracts can usually best be treated along with the rest of the farmed area in a conservation farm plan.

Most of the mined areas are shown to be within five miles of communities of 200 or more residents. About 40 percent are more than five miles from towns of this size.

CONTROL OF POLLUTION OF MOUNTING IMPORTANCE

In the more than 50 Resource Conservation and Development Projects around the country, with the Soil Conservation Service giving technical help, unreclaimed strip-mine areas are inevitably examined by local planning groups for their potential uses.

It is the same in the national Small Watershed Program assisted by USDA. Land treatment gets priority rating as the conservationists seek out erosion and other sediment-producing sources.

With water pollution an increasing concern among conservationists, the control of pollution from mining sites is mounting in importance. Of sites surveyed by the national study, over half showed no pollution; 23 percent showed intermittent pollution and 21 percent showed substantial pollution.

The SCS reported that about a third of the mined areas needing conservation treatment should have some action to reduce offsite water pollution. This amounts to about 665,000 acres.

Of streams receiving direct runoff from surface-mined areas, nearly a third of those studied contained noticeable quantities of mineral precipitates. Another third or more showed water discoloration indicating chemical or physical pollution.

Of 14,000 miles of stream channels affected by surface mining, about half had water-carrying capacity reduced by sediment. An additional 4,500 miles of channels had capacity moderately reduced. Along 2,500 miles, channel capacity was only slightly affected.

INDUSTRY MOVING AHEAD OF REQUIREMENTS

The surface-mining industry is giving increasing attention to the restoration of mined areas and appears to be moving ahead of regulatory requirements. Operators in 22 states have formed the Mined Land Conservation Conference to promote reclamation of mined areas. These efforts appear to be producing impressive results.

Twenty states now have laws requiring mining operators to restore mined lands. Most such laws have been enacted within recent years. Reduction of pollution is high among the objectives of state laws. The trend in regulation is toward requiring that arrangements for restoring the mined area be made before license or permit to mine is granted.

Opportunity to turn mined areas into useful, profitable and attractive tracts, blending with the surrounding countryside, is claiming the attention of an increasing number of mine operators as well as that of conservationists and concerned communities. Experience has shown that most surface-mined areas offer great potential. This, with the development of new skills and materials in restoration work, can be expected to keep progress at least on a level with today's land use demands.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

TONY HART MAKES DREAMS COME TRUE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ROYBAL. Mr. Speaker, in the often turbulent and crisis-ridden world in which we live, it is truly an inspiration to meet a person who sets an example of care and genuine compassion for his fellow men.

Such a person is 28-year-old Tony Hart, of Los Angeles.

Tony has been called a "one-man Peace Corps" for the many blind, crippled, or deformed children he has helped during the past 9 years.

A full-time employee of the Los Angeles County Department of Public Social Services, Tony has spent much of his spare time arranging corrective surgery for crippled children, eye operations for blind or cross-eyed children, and plastic surgery for deformed children.

He also has arranged for such things as necessary transportation, food, clothing, and schooling for the children he helps.

Mr. Speaker, to tell a little more of the very moving and inspirational story of Tony Hart, I would like to include in the CONGRESSIONAL RECORD at this point an article by Pamela Davis which appeared in the May 15 edition of the Los Angeles County Employee magazine.

As the article states:

> The real story of Tony Hart is told in the shining eyes of a crippled child as he takes his first step, or in the tears of joy in a mother's eyes as her son walks into her arms. Tony Hart may never become rich and famous, but he is already a true success—just ask the children who will never forget him.

The article follows:

ONE-MAN PEACE CORPS: ANTHONY HART MAKES DREAMS COME TRUE

(By Pamela Davis)

Compassion for his fellow man is a quality Anthony Hart takes seriously, and so do the 18 blind, crippled or deformed children he has helped.

A clerk in the Metro-East office of DPSS, "Tony" is a 28-year-old bachelor who saw a need and decided to do something about it.

Tony's story began nine years ago when he climbed into a beat-up Oldsmobile and took a trip to Mexico. While there he met Alejandro Verde and his family.

During the next year Tony corresponded with his new friends through the help of a friend who wrote in Spanish.

The following summer Tony again visited the Verdes and noticed that one of the 14 children in the family was dragging himself around the dirt floor on twisted, match-stick legs.

FIRST OF MANY

"I just couldn't stand it," says Tony. And so 7-year-old Jose Verde, a victim of polio, became the first of many children to come in contact with this "one-man Peace Corps."

After much effort Tony arranged for Jose to enter Orthopaedic Hospital to begin corrective surgery. Today Jose can ride a bike, has his own paper route and is doing well in school.

Over the years Tony has arranged corrective surgery for crippled children, eye operations for blind or cross-eyed children and plastic surgery for deformed children. One of his current charges is a child who suffered a skull fracture, leaving him deaf and dumb.

In addition, Tony must arrange for the necessary transportation, food, clothing and schooling for the children in his care—sometimes as many as four at a time.

HELPING HANDS

"I couldn't do it without help," says Tony. Friends and fellow workers keep him supplied with food, clothes and donations for the children, and major groups such as the East Los Angeles Kiwanis, Catholic Welfare and the North Hollywood Congregational Church have also made financial contributions. The needy keep him supplied with letters asking for help.

He works with private hospitals such as Shriner's, Los Angeles Orthopaedic, Queen of Angels and White Memorial, who provide as much free medical care as possible. But expenses are still incurred, so bake sales, art shows, and white elephant sales are common activities for Tony.

Those wishing to help can mail contributions to the Community Service Organization for the Tony Hart Project, 714 California Ave., Venice.

Besides his work with the children themselves, Tony helped to raise funds needed to build a school in Sopelote, a community near Rosario, Mexico. The school is now completed, and funds are being raised to purchase enough livestock for a class in Animal Husbandry.

A documentary program, "And Who Is My Brother—The Tony Hart Story," was produced by NBC Television and shown on March 14. It will be televised again in June on Channel 4.

Tony was named "Man of the Year" by the Jewish War Veterans of the Los Angeles area and was also awarded a plaque for his work by Radio Station KABC.

His story has been told in many local newspapers and in the December issue of *Pace* magazine.

But the real story of Tony Hart is told in the shining eyes of a crippled child as he takes his first step, or in the tears of joy in a mother's eyes as her son walks into her arms.

Tony Hart may never become rich and famous, but he is already a true success—just ask the children who will never forget him.

HOUSE OF REPRESENTATIVES—*Monday, June 22, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lead me in Thy truth and teach me: for Thou art the God of my salvation: on Thee do I wait all the day.—Psalm 25:5.

O God and Father of all men, who changest not in a world of change, who art forever loving, forever forgiving, and forever patient, amid the tumult of these troubled times we would enter the peace of Thy presence, receive the strength of Thy spirit, and go forth to labor with Thee in making this planet a better place in which men can live together.

Help us to build on earth a rule of peace and good will, a reign of human rights where there shall be no hunger, no discrimination, no lack of education, and a realm where man can grow not only in body, but even more in mind and, best of all, in spirit.

"Set our feet on lofty places:
 Gird our lives that they may be
Armored with all Christ-like graces
 In the fight to set men free,
Grant us wisdom, grant us courage,
 That we fail not man nor Thee."

Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 18, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products; and

H.R. 16739. An act to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 70. Concurrent resolution authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774–1970).

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3691. An act to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers; and

S. 3978. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

A SWEET TAX BREAK

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, over the weekend it was reported that 60,000 cases of cyclamate-sweetened diet drink, donated by the Carnation Co., are being shipped to Laos as a gift.

It is absolutely absurd to send a low-calorie diet food or beverage to a starving people. It is ridiculous for the American taxpayer to pay through AID the cost of shipping 60,000 cases of a product which is banned for use in America.

This program is as insulting to the people of Laos as it is to the people of America. It is a gift of something which should be thrown away. As a member of the Ways and Means Committee, I fear that this gift is designed to provide a gift-tax deduction for the producer of a product declared to be unfit. It is a cheap and cruel expression of American generosity.

This is no small thing. It could provide the basis for a multimillion-dollar tax writeoff for the producing company. The writeoff could be worth many times the cost of producing the banned cyclamate gift. The gift deduction is based upon retail value. The loophole is big and permits producers of banned and defective lotions, potions, and drugs to unload their mischief at a profit.

I am preparing legislation to prevent the use of gift-tax deductions for the disposal of merchandise banned for sale in the United States.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN MANGANESE ORES

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6049) to amend the definition of "metal-bearing ores" in the Tariff Schedules of the United States, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object—I do so in order to yield to the gentleman from Arkansas, the chairman of the Committee on Ways and Means, for a brief explanation. I yield to the gentleman.

Mr. MILLS. I thank my friend from Wisconsin.

Mr. Speaker, as reported by the Committee on Ways and Means the purpose of the pending bill is to amend the definition of the term "metal-bearing ores" in the Tariff Schedules of the United States in order that imports of man-

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ganese ores which have been roasted and sintered will be classified as manganese ore under item 601.27 of the tariff schedules.

Under present law only manganese ore which is crude or which has been concentrated by crushing, flotation, washing, or by other physical or mechanical separation not involving chemical change is considered to be a metal-bearing ore. Such manganese ores and concentrates are dutiable under item 601.27 of the tariff schedules, and are temporarily free of duty. Imports of manganese ore which has been concentrated by roasting or sintering—generally involving chemical change—are considered to be dutiable as "other metal-bearing materials" under item 603.70 of the tariff schedules at the rate of duty of 10 percent ad valorem.

Ores of iron, lead, copper, and zinc which have been concentrated by roasting or sintering are defined and are dutiable as "metal-bearing ores." Thus H.R. 6049, which was introduced by our colleague on the Committee on Ways and Means, the Honorable HERMAN T. SCHNEEBELI, would provide for the same type of tariff treatment for manganese ores which have been concentrated by roasting or sintering as now is provided for such imported ores of iron, lead, copper, and zinc.

Favorable reports were received from the interested departments and agencies on this legislation, and the Committee on Ways and Means is unanimous in recommending its enactment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Does this country not have this ore available now?

Mr. MILLS. There is not sufficient manganese ore produced in the United States to take care of anything like our needs. The maximum, in World War II, was about 10 percent.

Mr. GROSS. Did we not sell a substantial amount from the government stockpile recently?

Mr. MILLS. Not maganese ore, so far as we were advised by the departments.

Mr. GROSS. Not manganese ore?

Mr. MILLS. No, so far as I am aware, but even if such was the case, I do not see that it is related to our views on this bill since our production is a very small percent of our consumption.

Mr. BYRNES of Wisconsin. Mr. Speaker, I might say to the gentleman that, as I understand it, about 95 percent of the manganese ore is imported as a new supply each year. So we are very definitely deficient in it.

Mr. MILLS. Very definitely.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, I support H.R. 6049, a bill to redefine, in the U.S. Tariff Schedules, manganese ores which have been concentrated by roasting or sintering.

Essentially, the bill would provide the same tariff treatment for these ores that are now provided for roasted and sintered ores of lead, zinc, copper, and iron.

Roasted or sintered managanese ores now are classified under item 603.70 of the tariff schedules, as "other metal-bearing materials." The bill would reclassify them under item 601.27 as "metal-bearing ores."

This would make them subject to a lower duty, but duties on imports of manganese ore are under temporary suspension.

The committee was informed that imports of manganese ore account for some 95 percent of total new supply in the United States, but that roasted or sintered ore shipments are very slight. Deposits of manganese ore which requires roasting or sintering are being developed in Mexico, the committee was told, and these deposits account for the current concern over the dutiable status of this item.

No objection to the bill was registered before the committee, which unanimously approved it.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the title of the bill.

H.R. 6049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That headnote 2(a) of part 1 of schedule 6 of the Tariff Schedules of the United States be amended by inserting between "copper," and "zinc concentrates," the following: "manganese."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That headnote 2(a) of part 1 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting 'manganese,' after 'copper,'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXEMPTING SHRIMP VESSELS FROM CERTAIN IMPORT DUTIES

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16745) to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipment purchased for, U.S. vessels in foreign countries, and for other purposes, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the bill as follows:

The **SPEAKER.** Is there objection to the request of the gentleman from ArArkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I do so in order to yield to the gentleman from Arkansas, the chairman of the committee for a brief explanation.

Mr. MILLS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the purpose of the pending bill, as reported by the Committee on Ways and Means, is to exempt U.S. vessels primarily used for the catching of shrimp from the 50-percent ad valorem duty imposed on repairs made to, and equipment purchased for, such vessels in foreign countries.

Under present law, a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, is required to pay an ad valorem duty of 50 percent on the cost of repairs made to, and equipment purchased for, such vessels in a foreign country. Vessels licensed solely for the purpose of engaging in the fisheries may not engage in foreign or coasting trade. However, if during a fishing voyage a vessel intends to touch and trade in a foreign port, it is required that a permit to touch and trade be obtained prior to departure of the vessel. Under such circumstances, the Department of the Treasury considers that such a vessel is documented to engage in foreign trade within the meaning of the above-described provisions of law during the particular voyage.

The Committee on Ways and Means was advised that the imposition of the 50-percent duty on the cost of repairs made to, and equipment purchased for, U.S. vessels engaged in the shrimp fishery is particularly onerous. The U.S. vessels which are engaged in the shrimp fishery off the northeast coast of South America land their catch at any of several South American ports, the catch then usually being transported to the United States as frozen raw headless shrimp.

It is the practice for shrimp vessels to remain on station for long periods of time—3 to 5 years. During this time, necessary repairs and equipment are obtained in nearby foreign ports. Under these circumstances, one of the purposes of existing law, to encourage and support American repair facilities, is not being served and at the same time, a penalty is being imposed on operations of U.S. shrimp fishing vessels.

The Committee on Ways and Means concluded that an exemption from the 50-percent ad valorem duty should be made for U.S. vessels primarily used for the catching of shrimp. As reported by the committee, H.R. 16745, which was introduced by our colleague on the Committee on Ways and Means, the Honorable SAM M. GIBBONS, would provide such an exemption, except that the exemption does not apply to the cost of fish nets and netting.

Favorable Departmental reports were received on this legislation, and the Committee on Ways and Means is unanimous in recommending its enactment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I am glad to yield to the gentleman.

Mr. GROSS. Was this legislation made necessary in any part by the attacks upon, the seizure of, and in certain cases the shooting up of shrimp boats?

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Mr. MILLS. No.

Mr. BYRNES of Wisconsin. Let me yield to the gentleman from Florida, who I think is probably as familiar as anybody with the problems involved because many of these ships do have their home port in Florida.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding.

I will be glad to respond to the gentleman. No, sir. That is not the cause of the legislation. This is just to correct a chronic problem. For many years shrimp boats, being small vessels, on occasion would get in trouble when far from port. Some of these boats have gone as far as South America to fish. For a long time the Bureau of Customs had to gloss over this. They started enforcing the law a few years ago and made it very difficult for these small boats and small fishermen to survive. It is something limited to shrimp boats and has nothing to do with our foreign problems and things of that sort.

Mr. GROSS. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 16745, a bill to exempt from duty certain repairs made abroad to American shrimp vessels.

These vessels must remain on station, usually off the South American coast, for as long as 5 years at a stretch, the committee was informed. During this time, necessary repairs have to be made at nearby foreign ports, because long voyages back to this country would be much too expensive.

For this reason, the committee agreed unanimously to recommend enactment of the exemption as provided by H.R. 16745.

It should be noted that the bill does not exempt a shrimp vessel from the responsibility of making entry on its first arrival back in the United States following repairs or purchases abroad. And the committee was told that the Customs Bureau will continue to check the logs of such vessels to verify expenditures.

The committee also amended the bill to remove the exemption for fish nets and netting.

Favorable reports on the measure were received from six executive departments, and an informative report was received from the Tariff Commission.

Mr. Speaker, I therefore urge enactment of this bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 16745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3114 of the Revised Statutes of the United States (19 U.S.C. 257) is amended by adding at the end thereof the following new sentence: "This section shall not apply with respect to any vessel which is primarily used for the catching of shrimp."

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry of any article—

(1) which was made after January 1, 1969, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry had been made on the day after the date of the enactment of this Act.

With the following committee amendment:

Page 1, strike out lines 3 through 7, and insert:

"That section 3114 of the Revised Statutes of the United States (19 U.S.C. 257) is amended by adding before the semicolon in the first sentence of that section the following: ', except that, in the case of any vessel primarily used for the catching of shrimp, such duty shall apply only with respect to so much of such cost as relates to fish nets and netting'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MANUFACTURERS CLAIMS FOR FLOOR STOCKS REFUNDS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17473), to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I do so in order to yield to the gentleman from Arkansas, the chairman of the committee, for a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 17473, which was introduced by our colleague on the Committee on Ways and Means, the Honorable JOHN W. BYRNES of Wisconsin, is to permit a manufacturer who complied with all the requirements of the Excise Tax Reduction Act of 1965 with regard to floor stock refunds, except that he did not file his claim within the time specified, to file a claim for refund by the 90th day after the date of enactment of this bill.

The Excise Tax Reduction Act of 1965—Public Law 89-44—repealed various manufacturers' excise taxes and provided for floor stock refunds for previously taxed items that dealers held for sale on the date the tax was repealed. It has been brought to the attention of the Committee on Ways and Means that in several instances the 40 days allowed by the act between the deadline for obtaining requests from dealers and the deadline for filing of refund claims by manufacturers was too short. In some instances, it appears that delay was occasioned by difficulties in properly classifying the dealers' requests in the available time, especially because of the large number of separate taxes that were repealed by the one act. The Committee on Ways and Means is of the opinion that additional time should be made available for filing claims for refund where all the other requirements had been met by the dates originally provided in the 1965 act.

The bill does not change existing law with regard to the obligation of the manufacturer to demonstrate his entitlement to a refund, which normally will constitute taxable income in the hands of the manufacturer since in most cases he deducted the excise tax as a business expense when it was paid.

The Treasury Department has indicated that it has no objection to this legislation, and the Committee on Ways and Means unanimously recommends its enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 17473, a bill increasing the time during which claims for floor stock refunds may be made under the Excise Tax Reduction Act of 1965.

Under the Excise Tax Reduction Act of 1965, Congress repealed or reduced various manufacturers' excise taxes, effective June 22, 1965, for most of the manufacturers' excise taxes, but effective January 1, 1966, for automobile parts, cutting oil, and electric light bulbs. Floor stock refunds were provided for items that dealers held for sale on the date that the tax was reduced—either June 22, 1965, or January 1, 1966. This was in accordance with past practice.

For the items on which the tax was reduced effective June 22, 1965, the manufacturer was required to file a claim for refund by February 10, 1966, based upon a request by the dealer submitted to the manufacturer before January 1, 1966. On or before February 10, 1966, the manufacturer was required to have reimbursed the dealer or secured his consent to a refund.

In the case of items on which the tax was reduced effective January 1, 1966, the same procedure was required, only the applicable date for securing dealer requests was July 1, 1966. Additionally, the dealer in these cases had to give his consent to a refund or be reimbursed by August 10, 1966, and the manufacturer's application for the refund also had to be filed by August 10, 1966.

The period between January 1, 1966, and February 10, 1966, and between July 1, 1966, and August 10, 1966, was unduly short and created a hardship on some manufacturers. As a consequence, the claims of some manufacturers were received by the Government after the February 10 or August 10 deadlines.

The 1965 Excise Tax Reduction Act

was the most comprehensive in the history of our excise taxes, and the refund claims therefore presented considerable problems for the manufacturers. In view of the variety of product lines and the variation within product lines that today's manufacturers produce, the recordkeeping and bookwork required to file these forms were fairly extensive. Manufacturers and their accountants were required to file their claims shortly after the first of the year, at a time when their tax work was the heaviest.

A particular hardship is imposed on some manufacturers who were unable to meet the February 10 or August 10 filing date. The manufacturer often reimbursed his dealers for the amount of the tax in accordance with congressional policy as expressed in the statute. If the manufacturer is unable to secure a refund, he will be out the amount of the tax twice—having paid the tax to the Government and also reimbursed the tax to the dealer.

The Treasury Department has reviewed this legislation and agrees that the bill addresses itself to an inequity that should be corrected. The committee was unanimous in reporting this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 17473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in applying section 209(b)(1)(A) of the Excise Tax Reduction Act of 1965 (relating to floor stocks refunds with respect to certain manufacturers excise taxes), a claim for credit or refund filed by the manufacturer, producer, or importer with the Secretary of the Treasury or his delegate on or before the ninetieth day after the date of the enactment of this Act shall be treated as satisfying the requirement of such section 209(b)(1)(A) of filing on or before February 10, 1966, or on or before August 10, 1966, as the case may be.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY FREE ENTRY OF ARTICLES REIMPORTED FOR FAILURE TO MEET SAMPLE OR SPECIFICATIONS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9183) to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, I reserve the right to object in order to yield to the gentleman from Arkansas for a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, I thank my friend, the gentleman from Wisconsin.

Mr. Speaker, the purpose of the pending bill is to provide that imported articles on which the duty has been paid and which are subsequently exported, but reimported for failure to meet sample or specifications abroad shall be accorded duty-free treatment in certain instances.

Under present law, insofar as articles exported and returned are concerned the Tariff Schedules of the United States provide that in the absence of a specific provision to the contrary, the tariff status of an article is not affected by the fact that it was previously imported and cleared through customs whether or not duty was paid upon such previous importation. There is no specific provision for imported articles, on which duties have been paid, which are subsequently exported and returned to the United States due to failure of the articles to meet sample or specifications in the foreign country.

The Committee on Ways and Means is of the opinion that the law should be changed, as proposed in H.R. 9183, which was introduced by our colleague, the Honorable JAMES G. O'HARA, to prevent double liability for duty payment on imported articles under these circumstances. Accordingly, H.R. 9183, as reported by the Committee on Ways and Means, would accomplish this purpose by inserting a new duty-free tariff classification provision, item 801.10, in schedule 8 of the Tariff Schedules of the United States. This provision would permit duty-free entry for articles, previously imported, with respect to which the duty was paid upon such previous importation, under certain stated conditions.

Favorable reports were received on this legislation from the Departments of Commerce, State, Treasury, Labor, and Agriculture, and the Office of the Special Representative for Trade Negotiations, as well as an informative report from the U.S. Tariff Commission. No objection to the bill was made known to the Committee on Ways and Means, which is unanimous in urging its enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 9183, a bill to provide for the duty-free entry of articles which are reimported for failure to meet sample or specifications.

The committee was informed that in at least one instance a shipment of articles was imported and the normal duty on it was paid. Subsequently the same articles were sold and exported to a foreign customer, who rejected them on the ground they did not meet specification. Upon return to this country, the articles were subject to duty again under U.S. tariff law.

The committee took the view that double liability for duty payment on imported articles in such circumstances should be avoided, and H.R. 9183 would accomplish this aim. Favorable reports on it were received from the Departments of Commerce, Interior, State, Treasury, Labor, and Agriculture, in addition to other agencies, and no opposition to it was registered before the committee.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 9183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 8, part 1, subpart A of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 801.00 the following new item:

"01.10	Articles, previously imported, with respect to which the duty was paid upon such previous importation and which were removed from continuous customs custody after such importation, if (1) exported within three years after the date of such previous importation, (2) reimported without having been advanced in value or improved in condition by any process of manufacture or other means at any time after such previous importation and before reimportation, (3) reimported for the reason that such articles do not conform to sample or specifications, and (4) reimported by or for the account of the person who imported them into, and exported them from, the United States.............	Free	Free".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles imported into the customs territory of the United States on or after the date of enactment of this Act and not exported or reimported before such date.

With the following committee amendment:

On page 2, strike out all of the matter appearing after line 2 down through line 7 and insert the following:

801.10	Articles, previously imported, with respect to which the duty was paid upon such previous importation if (1) exported within three years after the date of such previous importation, (2) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (3) reimported for the reason that such articles do not conform to sample or specifications, and (4) reimported by or for the account of the person who imported them into, and exported them from, the United States...	Free...	Free.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act and which had not previously been so entered or withdrawn before such date.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CEMETERY CORPORATIONS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16506) to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I do not intend to object—I do so only for the purpose of yielding to the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS), for a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, the purpose of the pending bill, which was introduced by our colleague on the Committee on Ways and Means, the Honorable BARBER B. CONABLE, is to extend the tax exempt status presently granted under the Internal Revenue Code to cemetery corporations which are chartered for burial purposes to cemetery corporations which operate a crematorium, either alone or in conjunction with their burial activities.

Present law provides tax exempt status to a cemetery corporation which is chartered solely for burial purposes if it is not permitted by its charter to engage in any business not necessarily incident to its burial purpose and if no part of the earnings of the corporation benefits any private individual. The Internal Revenue Service in 1969 ruled that the operation of a crematorium was not necessarily incident to a burial purpose and thus caused an exempt cemetery corporation operating a crematorium to lose its tax-exempt status.

The Committee on Ways and Means is of the opinion that the operation of a crematorium is of the same nature as the activity which an exempt cemetery corporation presently is permitted to carry on, and that it is not appropriate for the exempt status of a cemetery corporation to depend upon which of these methods of disposing of bodies it utilizes.

Accordingly, H.R. 16506, as reported by the Committee on Ways and Means, would modify the tax exemption provided by the Internal Revenue Code for cemetery corporations to bring within the scope of the exemption corporations chartered solely for the purpose of the disposal of human bodies by burial or cremation. As under existing law, a corporation of this type would not qualify for tax-exempt status unless it is not permitted to engage in any business not necessarily incident to the purpose for which it is created and unless no part of the net earnings of the corporation inures to the benefit of any private individual.

The Treasury Department has indicated that it has no objection to this legislation, and the Committee on Ways and Means is unanimous in urging its enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 16506, a bill amending the Internal Revenue Code to clarify the tax-exempt status of cemetery corporations.

Under present law, nonprofit cemetery corporations chartered solely for burial purposes and not permitted to engage in businesses not incidental to burial are exempt from taxation. However, the Internal Revenue Service has ruled that a cemetery corporation operating a crematorium is not exempt under the law, since a crematorium is not incidental to burial purposes.

It is common knowledge that many people prefer to dispose of bodies through cremation rather than by burial, and it does not make sense to predicate tax exemption on the particular form of disposal that is selected. This bill, therefore, will permit a cemetery corporation that meets all of the other qualifications for tax exemption to continue to be tax exempt even though it operates a crematorium.

The Treasury Department has reported favorably on this bill, and the committee was unanimous in recommending it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 13 of section 501(c) of the Internal Revenue Code of 1954 (relating to exempt organizations) be amended to read as follows:

"(13) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for burial purposes (including the disposal of bodies by cremation) as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual."

SEC. 2. The amendment made by the first section of this Act shall apply to taxable years ending after the date of enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That paragraph (13) of section 501(c) of the Internal Revenue Code of 1954 (relating to exempt organizations) is amended to read as follows:

"'(13) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for the purpose of the disposal of bodies by burial or cremation which is not permitted by its charter to engage in any business not necessarily incident to that purpose and no part of the net earnings of which inures to the benefit of any private shareholder or individual.'

"SEC. 2. The amendment made by the first section of this Act shall apply to taxable years ending after the date of enactment of this Act."

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTICLES INTENDED FOR PREVENTING CONCEPTION

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 4605) to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails, articles for preventing conception, and advertisements with respect to such articles, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object—I do so, Mr. Speaker, in order to yield to the chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS), for a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, I thank the distinguished gentleman from Wisconsin for yielding.

Mr. Speaker, the purpose of this legislation, which was introduced by the Honorable JAMES H. SCHEUER, and cosponsored by our colleague on the Committee on Ways and Means, the Honorable GEORGE BUSH, is to remove the prohibition against importing, transporting, and mailing in the U.S. mails articles for preventing conception.

Under the bill as reported by the Committee on Ways and Means, unsolicited mailing or articles for preventing conception would be limited to samples among certain authorized parties—manufacturers, dealers, and licensed physicians, nurses, pharmacists, and so forth—and the bill continues the prohibition against the mailing of advertisement with regard to such articles if unsolicited and not mailed to a licensed person such as those indicated above.

In connection with this legislation, the committee received reports from the Departments of Health, Education, and Welfare, Commerce, State, Labor, Treasury, and Post Office, all of which were favorable. Informative reports were also received from the U.S. Tariff Commission and the Department of Justice. The Committee on Ways and Means is unanimous in recommending enactment of H.R. 4605.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 4605, a bill to amend the Tariff Act of 1930 and the United

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States Code, to remove prohibitions against importing, transporting and mailing articles for preventing conception. The bill also would lift these bars against advertisements of such items.

Present law imposes severe penalties on the importation, transportation, and mailing of contraceptive articles and advertisements of such articles even where they are requested by doctors, nurses, or individuals working with clinics. These penalties range as high as $5,000 and 5 years imprisonment for the first offense and $10,000 and 10 years imprisonment for the second offense. Recognizing that the use of contraceptive devices is a matter of individual choice for each citizen, the severe penalties imposed by present law are removed subject to carefully developed safeguards. The penalties will still be applicable if unsolicited contraceptive articles or advertisements are mailed to any individual other than a dealer or manufacturer, a licensed physician, surgeon, nurse, pharmacist, druggist, hospital, or clinic. Except in these specific cases, unsolicited contraceptive materials will continue to be nonmailable under the law and subject to seizure and disposal by the Postmaster General.

The Department of Health, Education, and Welfare, in a letter approving the bill, stated:

> There no longer seems to be any justification for associating with the obscene and immoral the importation, transportation, and mailing of drugs and other articles for the prevention of conception, and information thereon.

The Postmaster General stated:

> In our view, existing statutory prohibitions against the deposit of contraceptive materials in the mails today merits reappraisal, in the light of court decisions and present attitudes.

Approvals also were received by the committee from the Departments of Commerce, State, Labor, and Treasury. With these endorsements, and in the absence of any objections to the bill, the committee reported it unanimously.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305(a)) is amended by striking out "for the prevention of conception or".

SEC. 2. Section 552 of title 18 of the United States Code is amended by striking out "preventing conception or".

SEC. 3. Section 1461 of title 18 of the United States Code is amended (1) by striking out "preventing conception or" each place it appears, (2) by striking out "conception may be prevented or" in the fourth paragraph thereof, and (3) by inserting "may be" before the word "produced" in the fourth paragraph thereof.

SEC. 4. Section 1462 of title 18 of the United States Code is amended by striking out "preventing conception, or".

SEC. 5. Section 4001 of title 39 of the United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

"(d) Every article or thing which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception, except unsolicited samples thereof, mailed between or to manufacturers thereof, dealers therein, licensed physicians and surgeons, nurses, pharmacists, druggists, hospitals, and clinics, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs."

SEC. 6. The amendments made by this Act shall take effect on the day after the date of the enactment of this Act.

With the following committee amendment:

Page 2, strike out line 9 and all that follows down through line 19, and insert:

"SEC. 5(a) Section 4001 of title 39 of the United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

"'(d)(1) Every article or thing which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs.

"'(2) Every advertisement of any article or thing which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs if the advertisment is unsolicited, unless the advertisement—

"'(A) is mailed to a manufacturer of such articles or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

"'(B) accompanies in the same parcel any such article or thing mailed under conditions permitted under paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive.'

"(b) The eighth paragraph of section 1461 of title 18 of the United States Code is amended by inserting 'or section 4001(d) of title 39' after 'this section'."

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception."

A motion to reconsider was laid on the table.

WITHHOLDING OF CITY INCOME TAXES ON FEDERAL EMPLOYEES

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2076) relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr Speaker, reserving the right to object—and I shall not object—I do so for the purpose of yielding to the chairman of the Committee on Ways and Means, the gentleman from Arkansas, for a brief explanation of the bill.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is my distinct impression that the legislation before us has as its underlying purpose the muting of criticism of city wage, commuter, or occupational license taxes, and particularly the vehement and outspoken opposition to such taxes as they are imposed on nonresidents and out-of-State residents. The Congress would surely have felt the strength of this protest directly if it had enacted the District of Columbia commuter tax as had been proposed by the city administration earlier in this Congress.

My colleague from Pennsylvania who is the sponsor of this legislation, the Honorable WILLIAM J. GREEN, represents a portion of the city of Philadelphia. I observe on page 3 of the committee report that the income tax rates imposed by a variety of cities in nine States which permit such taxation by their municipalities range from one-fourth to 1 percent to 3 percent. Ironically, the wage tax rate in the city of Philadelphia is perched at the top of the range—3 percent—and it might be added that it is 3 percent of one's gross earned income. Furthermore, the tax rate is the same for out-of-State residents and in-State nonresidents of the city as it is for city residents who benefit from all the city services 24 hours a day.

The gentleman must certainly be aware of an article that appeared in his hometown newspaper, the Philadelphia Inquirer, last October under the headline, "Revenue Emphasis Shifting To Wage Tax, Tate Declares." The article went on to point out that city officials predict the future revenue needs of the city—primarily for housing, education, and other such programs from which city residents alone benefit—would be met by increases in the wage tax rather than the real estate tax. The gentleman is further aware, no doubt, that since January of this year the newly established Nonresident Taxpayers Association of Pennsylvania and New Jersey has been organizing the longstanding opposition against the Philadelphia wage tax insofar as it applies to nonresidents of the city. The association's membership now represents residents in Pennsylvania, New York, New Jersey, Delaware, and Maryland and continues to grow daily.

It follows naturally as a trait of the proverbial "human nature" that if city taxes are allowed to be withheld from the compensation paid to Federal employees, persistent criticism to the taxes will drop off sharply. The very fact of withholding may best be likened to the "hidden tax" of inflation, for what one does not see he is not likely to miss. As for Philadelphia, allowing such withholding is tantamount to greasing the skids for further wage tax hikes. It is no doubt a valid argument that having to pay city income taxes in a lump sum is somewhat of a hardship on the individual taxpayer and imposes certain disciplines with respect to budgeting. I strongly contend, however, that the hardship toward which this measure is directed to relieving is that of the city officials who are responsible for the high level of taxes that now exist. I maintain that by letting the taxpayer know how much his government is costing him—to the extent that it hurts—the resulting pressure might well impose the same disciplines on governmental budgeting and management that are asked of the individual taxpayer.

I wonder if the gentleman would join me in urging the Judiciary Committee to undertake consideration of legislation I have introduced that addesses itself to the inequity of taxation by cities like Philadelphia between residents and out-of-State residents who work in those cities? The measure before us may well be supported by a majority of the Members of this body, but as I represent a large number of individuals who are unjustly taxed by the city of Philadelphia where they do not have representation, I am constrained to protest in their behalf by objecting to the consideration of this legislation under unanimous consent.

Mr. Speaker, I object.

The SPEAKER. Does the gentleman from New Jersey (Mr. HUNT) object?

Mr. HUNT. Yes, Mr. Speaker, I do object.

AGRICULTURE CREDIT INSURANCE FUND

Mr. MILLS. Mr. Speaker, I had intended to call next the bill H.R. 15979, but following our practice for the past several years, when notice is served that there will be objection to the bill, we are not calling it up at this time.

DISTILLED SPIRITS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10517) to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes, which was unanimously reported by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas (Mr. MILLS)?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I do not intend to object, I do so in order to ask the distinguished gentleman from Arkansas for an explanation of the bill.

But, before I yield for that explanation, I would like to inquire further of my chairman with respect to the bill, H.R. 15979.

Did I understand the gentleman was not going to call that bill up?

Mr. MILLS. That is correct, because we have been advised that there will be objection to the bill. It would be my purpose to ask the Speaker to include it on the list of bills that he will entertain for consideration under suspension of the rules on the next suspension day.

Mr. BYRNES of Wisconsin. The reason I raised this point is because this bill is vitally important to our smaller communities in moving ahead on their waste treatment and sewage disposal problems, as well as their efforts to develop a clean and adequate water supply. I am almost prompted to suggest that the gentleman who objects to this legislation ought to put his objection on the record, although I do realize we have the general understanding, Mr. Chairman, that we will not call up bills if we know they are going to be objected to. But I do want to make it crystal clear that H.R. 15979 is a most essential piece of legislation and I hope it can be scheduled and acted upon favorably at the very earliest opportunity, because otherwise we are delaying construction of sewer and waste treatment facilities urgently needed by smaller communities.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS. Let me assure my friend, the gentleman from Wisconsin, I agree with everything he has to say about the bill and as to its importance and we will seek to legislate just as promptly as we can on the subject matter.

Mr. BYRNES of Wisconsin. Mr. Speaker, with respect to the bill, H.R. 10517, which is currently before us, I yield to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I object to the bill on the ground that it would give substantial benefits to the liquor industry, and I object to it being brought up on the Consent Calendar.

The SPEAKER. Objection is heard.

Mr. MILLS. Mr. Speaker, that completes the call of the bills that we had intended to call up this morning.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the bills that I have called up and that have been passed today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

DRUG CONTROL

(Mr. POFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POFF. Mr. Speaker, for the American people, Congress should pause to express appreciation and to pay tribute today to Attorney General John Mitchell, to Mr. John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, to the Bureau's criminal enforcement officer, Mr. George Belk, and to the officers and agents under their supervision. Over the weekend, they delivered history's most stunning blow to the criminal drug apparatus in America.

So far, 135 suspects have been arrested and charged. Further arrests are anticipated momentarily. Contraband drugs valued at more than $8 million have been seized.

The figures are meaningless unless translated into human terms. Innocent citizens have been spared an $8 million property loss. Many have been spared the trauma and terror often associated with the burglary and robbery practiced by frantic addicts seeking the purchase price of the next fix. And the families of countless potential addicts have been spared the misery, hunger, privation, and heartache which addiction thrusts upon them.

Unquestionably, the ripple effects of Operation Eagle, which crippled nearly a third of the wholesale segment of the illicit trade, will benefit society for years to come.

Such success could not have been achieved without the wiretaps authorized by the Federal courts in Miami, Chicago, and New York. This single event vindicates the Congress in the passage of the 1968 Omnibus Crime Control Act. It also illustrates the nature and dimension of the drug problem in the United States and the need for new laws equal to the problem.

Everyone recognizes the jurisdictional difficulty which underlies the legislative progress of President Nixon's drug reform legislative package. However, that difficulty is not one which cannot be solved, and I earnestly hope that the House can complete action on the legislation already passed by the other body and send the bill to the President's desk sometime next month.

OIL POLLUTION AT SANTA BARBARA, CALIF.

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TEAGUE of California. Mr. Speaker, the gentleman from Colorado (Mr. ASPINALL), the gentleman from Pennsylvania (Mr. SAYLOR), and I have just introduced a bill to provide a partial solution to our continuing very serious oil pollution problem in the area near Santa Barbara, Calif. The bill does not go as far as I would like, but does create a sanctuary which I hope Congress will enlarge.

I would like to make two points, however: First, to thank Secretary Hickel and his staff members for the assistance they have provided in bringing the proposal this far. Another very important point is that some news media, in their preliminary stories, have misinterpreted this proposal. This is in no sense a something for nothing proposal. Oil companies which made bad leases and invested hundreds of millions or scores of millions of dollars in areas in which no oil is found or can be proved to exist will not get their money for that bad gamble. All they will get is the right to go to the Federal Government and prove such damages, if any, that they have suffered. This is a good start toward solving a very difficult problem, and I hope that the Members will study it, as we develop it further.

CONFERENCE REPORT ON H.R. 16516, NASA AUTHORIZATION, 1971

Mr. MILLER of California. Mr. Speaker, I call up the conference report on the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings on the House of June 15, 1970.)

Mr. MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement on the part of the managers of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, the managers on the part of the House bring back a conference report on H.R. 16516, the National Aeronautics and Space Administration Authorization Act for fiscal year 1971.

This bill passed the House on April 23, 1970, and was passed by the Senate on May 6, 1970.

In acting on the bill, the Senate struck all after the enacting clause and substituted new language.

The committee of conference agreed to accept the Senate amendment with certain substitute amendments and with certain stipulations insisted upon by the managers on the part of the House.

At the outset of the conference there were 17 items in disagreement, 13 of which involved amounts to be authorized for appropriations.

In conference the disagreeing votes were resolved in seven instances by compromise, by the House receding in five instances and the Senate receding in five instances.

We have brought back what we feel is a good conference report signed by all members of the conference on the part of the House and the Senate.

For fiscal year 1971, the National Aeronautics and Space Administration requested $3,333 million.

The House bill authorized $3,600,875,000.

The Senate-passed version of the bill authorized $3,315,950,000.

As a result of the conference, the total amount to be authorized was adjusted to $3,410,878,000 which is $188,997,000 less than passed by the House, and $94,928,000 more than passed by the Senate.

In broad terms the committee of conference has agreed to authorize research and development programs totaling $2,693,100,000; $34,478,000 for construction; and $683,300,000 for research and program management.

The conference report contains a detailed listing of the projects and programs and the amounts to be authorized for each as recommended by the committee of conference.

In addition to the projects and programs to be authorized, four general legislative amendments, all proposed in the Senate bill, were in disagreement as follows:

The Senate amendment added a provision to the House bill which established a monetary ceiling of $500,108,000 on the amount that NASA could spend on personnel compensation and benefits for fiscal year 1971.

The House bill contained no such provision.

The House conferees objected to this provision, contending that a reduction in force of over 1,600 personnel would be required under a restriction of this magnitude.

The committee of conference agreed to a ceiling of $506,108,000, and the bill was further amended accordingly.

The Senate amendment also placed a ceiling of $500,000 on the amount that NASA may expend for the fees of consultants and related expenses.

The House conferees, recognizing that some limit should be placed on this type of expense agreed to the Senate provision, but with a stipulation that the level be reevaluated when the fiscal year 1972 budget is considered.

The Senate amendment also included a provision which prohibited the transfer of funds into the personnel account.

The House conferees objected to this provision on the basis that the language was entirely too restrictive, removed all flexibility, and failed to take into account the impact of reduction-in-force procedures on test and evaluation activities, mission operations, and more particularly mission safety.

The conferees agreed to modified language which will permit NASA to transfer up to 1 percent of the total personnel ceiling into the personnel account if the Administrator determines that such action is necessary in the interest of mission safety.

Normal reporting procedures advising the Congress of such transfers would prevail.

The Senate amendment also revised the language contained in the fiscal year 1970 NASA Act requiring certain former employees of NASA and of aerospace contractors to submit specified data concerning prior affiliations.

This language was adopted by the committee of conference to make it conform more nearly to prior-passed legislation concerning Department of Defense employees.

Mr. Speaker, we consider that the House conferees have returned to the floor a good conference report on the fiscal year 1971 NASA bill.

The bill as modified in conference will permit the Nation's space effort to move forward.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from California for yielding. I will say to the gentleman that in my opinion about the best that can be said for this conference report is that the other body, the U.S. Senate, has become the economy body in Congress, because they cut this bill by approximately $190 million. I must commend the other body in this instance for its foresight in behalf of fiscal responsibility.

Mr. MILLER of California. In the interest of the space program and safety, I am very happy to say I am very proud to be a Member of this body.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to compliment the gentleman, the chairman of the Committee on Science and Astronautics, on his statement. I wish to state that there was unanimous agreement on the conference report by the Senate and the House after we had spent quite a bit of time discussing the various provisions and the items. Mr. Chairman, the conferees on the part of the House on the fiscal year 1971 NASA authorization have done a commendable job. The Members on both sides of the aisle who participated in the authorization hearings and in the conference with the other body deserve special commendation.

Unless those of us who are technically knowledgeable and competent, after some study, go into the details, it is a little difficult to say why there has been emphasis on certain items.

In broad terms, the results of the conference were that in the area of research and development a relatively small increase of $87 million above the administration's request was agreed to. A decrease of $100,000 was made in construction of facilities, and a decrease of $9 million in research and program management was made by the conferees of the two Houses. Legislative changes to the bill included the establishment of a personnel fund ceiling of $506,108,000. A limit of $500,000 on consultant fees and associated expenses was established. A prohibition on transfer of funds to the personnel account was included, except that 1 percent may be transferred for purposes of mission safety by the Administrator of NASA. Government contract employees are required to report former affiliations.

NASA requested $3,333,000,000 for the fiscal year 1971 space program. The House increased the NASA request for research and development to a level of $3,600,875,000. The House action was principally to add increased emphasis to the manned flight operations during this decade as was recommended in the President's Space Task Group study. The Senate approved the administration's request for research and development, made a slight reduction in the construction of facilities request, and made a $15 million reduction in the research and program management account. The Senate-passed version of the bill would have authorized $3,315,950,000.

In conference the conferees agreed to a recommended authorization level of $3,410,878,000. The amount agreed to in conference was $189,997,000 less than passed by the House and $94,928,000 more than passed by the Senate.

I feel that the Nation's space effort can move forward with the amounts that have been agreed to for authorization in conference. However, we recognize that the amount to be authorized by this conference report will be considerably short of what the President's Space Task Group recommended. With good, sound management and despite the austerity of the fiscal year 1971 NASA bill, I consider that the moneys to be authorized represent a good, well-rounded, safe and economic program for the forthcoming fiscal year.

The program as approved by the conferees will fall short of what we on the Science and Astronautics Commiteee consider to be an aggressive approach to our space flight efforts. For example, Apollo lunar exploration flights should be scheduled by NASA at the rate of three flights per year. The slippage in the Apollo program and anticipated level of funding for fiscal year 1971 will not permit the achievement of this objective. In my previous views added to prior NASA authorization bills, I have pointed out that two lunar flights or less per year would save expenditures only for the short term. In the long run this rate of launch is more expensive and increases the risk to the astronauts as well as adding to the probability of failures and loss of equipment.

Based upon extensive study and calculations, and using NASA figures, I believe that I have been able to prove that three launches per year for lunar exploration flights is an optimum, most efficient, and least expensive rate of operation. We must have sufficient operational activities within the NASA program to assure that our engineering and scientific talent, our space centers and their personnel, as well as contractor and subcontractor operations will be adequately used. Idle space equipment is an open invitation to obsolescence and deterioration. One factor that must be considered is that our astronauts, our finest young men, are held without space flight experience for a period of time by a launch rate of two Apollo lunar exploration flights per year. This is not only an unnecessary but also a more expensive and dangerous procedure.

Although austerity measures are being invoked because of other heavy demands upon our national resources, I believe that now is the time to begin planning and study of a new generation of boosters for the shuttle which will augment and follow on the Saturn V. These advances, as I have insisted for the past several years, will permit the Saturn V vehicle to take advantage of the latest technology and prevent its obsolescence. These same funds would also provide for the development of critical technologies as well as maintain modern reliable launch vehicles.

While these actions that I have contended for many years should proceed, I recognize that the present limits on annual budgets will prevent us from proceeding at this rate. I think we are being penny wise and pound foolish.

Prior to the start of full committee hearings on the fiscal year 1970 NASA authorization, the Subcommittee on Manned Space Flight conducted hearings in the field.

NASA requested $956,500,000 for continuation of the Apollo lunar exploration program in fiscal year 1971. The committee recommends an increase of $145,000,000 for the Apollo program for a total authorization of $1,101,500,000 for fiscal year 1971.

The NASA budget proposed for Apollo for fiscal year 1971 was $729,645,000 less than fiscal year 1970. This budget terminated Saturn V production and reduces launch rates to two lunar exploration flights per year until the Saturn V vehicles remaining are expended.

It was the view of the committee that the proposed level of funding fails to support the recommendations and proposed funding levels of the President's Space Task Group Report and, thus, fails to provide an adequate manned space flight program in the 1970's. The committee, therefore, recommended changes in the Apollo line.

Addition of $45,000,000 was for long-lead production of payloads for lunar exploration flights after 1973—Apollo 18 and 19. These flights would use the basic Apollo systems with the increased lunar stay time and augmented scientific payload components which are currently being developed. System improvements to permit greater scientific return plus the development of data for possible future lunar and planetary exploration would be incorporated only when considered desirable as a result of flight experience. Production of the spacecraft and science payloads for Apollo 20 would also be started.

The amount of $100,000,000 was added for long leadtime hardware and to permit the fabrication of improved Saturn V systems. This includes startup cost of vendors and subcontractors that have been phased out of the Saturn V program. Among Saturn V systems, engine funding would have the highest priority due to the long leadtime associated with their production.

In addition, to providing launch vehicles capable of orbiting nuclear flight stages, space station modules and other large payloads in the mid 1970's, continuation of Saturn V production would permit NASA sufficient flexibility to launch between two and three Saturn V flights per year. It is the view of the committee that launching Saturn V vehicles at a rate of two or less per year would significantly increase the risk to mission success. Consequently, this relatively small increase not only provides for Saturn V payload capability beyond 1974 but for reasonable probability of mission success in future launches.

NASA requested $515,200,000 for space flight operations in fiscal year 1971. The committee increased this by $155,000,000 for a total authorization of $670,200,000 for fiscal year 1971 for space flight operations.

The NASA budget proposed for space flight operations for fiscal year 1971 is $172,100,000 more than for fiscal year 1970. This increase reflects increases in funding required to support the development and flight preparations for launch of an orbital workshop—Skylab I—in 1972 and three planned visits to the workshop, utilizing three existing Saturn IB vehicles, in 1973. A second backup workshop is being fabricated so that if problems are encountered with the launch or flight of Skylab I a second workshop will be available. This line item also includes funds for support of detailed definition and design study for a low-cost, earth-to-orbit recoverable shuttle.

It was the view of the committee that the proposed administration level of funding failed to support the recommendations and proposed funding level of the President's Space Task Group report and thus fails to provide an adequate manned space flight program in the 1970's. The committee, therefore, made changes in the spaceflight operations line item.

The sum of $75,000,000 was added in order to augment the development and qualification effort on spacecraft and workshop subsystems for the long duration missions to provide increased assurance of mission success, and for initiating development of experiments which have been excluded from the program due to funding limitations. Experiment emphasis would be in the earth resources and medical areas. Preliminary design for a second mission will be initiated with special consideration given to incorporation of an artificial gravity capability.

Further, $80,000,000 was added for more extensive and inclusive trade-off analyses and additional engineering studies, long leadtime space station payload definition efforts, and advanced prototype effort for testing and verification of preliminary designs of selected high technology areas and support of technology development in those areas critical to the design and performance of both systems.

It was the committee's view that this will assist NASA and the Congress in subsequent years to reach adequate decisions on the future progress and timing of shuttle and space station development.

For fiscal year 1971 NASA requested $2,500,000 for advanced mission studies The committee decreased this amount by $1,500,000 for advanced missions for a total authorization of $1,000,000 for fiscal year 1971.

After a thorough review by the committee it was determined that none of the fiscal year 1970 advanced missions funds had been obligated. Considering the expected obligation rate for 1970 funds, it was the committee's view that $1,000,000 would adequately support

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NASA advanced missions studies requirements for fiscal year 1971.

These changes which I have outlined were considered at length and in great detail by the Subcommittee on Manned Space Flight and by the full committee.

In conference with the Senate, $38 million was added to the original request for the Apollo program. This action was taken for the express purpose of providing additional scientific payloads for later Apollo flights and is consistent with my original views and those of the committee that we must achieve a maximum scientific return from the remaining Apollo lunar exploration flights.

In the area of space flight operations, $50 million was added in conference to the original NASA request to be used for additional capability on the long duration missions planned for the orbital workshop, now called Skylab. This, again, is consistent with my own views and those of the committee that the Skylab, which is the forerunner of a major space station, should provide an opportunity to investigate not only scientific objectives but also utilize applications of manned earth satellites.

In the advanced missions studies area, it was apparent that NASA's projected rate of obligation for studies was less than originally outlined. Consequently, the conferees agreed to reduce by $1 million the NASA request of $2,500,000 for advanced missions studies. This is consistent with orderly advanced mission study development and will allow adequate funds for future planning in this area.

The conference report before us today presents a well-balanced NASA space program for fiscal year 1971. Funds are provided to support adequately the remaining lunar exploration flights. Thirty-eight million dollars were added to the Apollo line item above the administration's request to assure additional scientific payloads for the six remaining lunar exploration flights. I congratulate the gentleman from Texas (Mr. TEAGUE), who has supported me in urging the additions of these funds. With the additional money, it will be possible to get significantly greater scientific return on our remaining Apollo flights.

In the area of space flight operations, an additional $50 million were added to the administration's request in order that when the orbital workshop, Skylab, flies in 1972 we will gain the best performance and the most information from this effort. The Skylab program represents a forerunner to the development of a space station for scientific experimentation and utilitarian benefits here on earth. My efforts to assure adequate funding for that program are at least met in part by the addition of those funds.

We have said that we want to make sure of mission safety. I have criticized NASA from year to year, and have offered legislation, as well as amendments, to require that there be an independent office of Inspector General. NASA needs an Inspector General organization as there is in the Army, the Navy, the Air Force, Marine Corps, and Coast Guard. These various agencies use Inspector General organizations to see that safety is emphasized.

At the present time a man who is going to fly a mission can only complain. Our trouble is that the people who are on the receiving end of these complaints are restricted by program deadlines. They are all program people.

My feeling is, on Apollo 13, for example, that there should have been an Inspector General organization overseeing the program management. He could have watched these routines and could have shut down the program if proper inspection was not being done. An Inspector General could act on those components which did not live up to NASA specifications or the level of industry capability.

I think it should be pointed out that on page 4, Mr. Speaker, there is a provision with which you and I are both very familiar. Beginning in section 4, and further on down to subsection (b) on page 4, this provision states:

> (b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs, except that a transfer in the manner prescribed by this section of funds not to exceed 1 per centum of such amounts authorized may be made whenever the Administrator determines that such transfer is necessary for the safety of any mission.

As part of that amendment, the Administrator of NASA is allowed to transfer up to 1 percent, if necessary, for mission safety. This would permit the Administrator to transfer $5 million into the personnel account if safety risks so dictate. As all of us who have spent years with the space program know, no one can guarantee mission safety. In this period of NASA's reduction in force, it is important that the Administrator be able to assure that highly specialized and skilled technicians, engineers, and scientists are available to accomplish crucial tasks. The 1-percent transfer authority provides the means by which the Administrator can minimize risks to mission safety. It is possible at the design level, at the manufacturing level, and at the test and operation level that it may be essential for the Administrator of NASA to invoke this 1-percent provision. I am confident that he will do so, recognizing that as conferees we have noted the need for NASA to have flexibility in the area of mission safety.

Now, I emphasize the word "safety." I would like the legislative intent to show that it is the duty of the Administrator of NASA to provide for the safety not only of the personnel that are in a particular space flight but also ground personnel and likewise the suppliers' personnel and people who are in the traditional countdown role. We in the legislative branch should never incorporate language in authorization legislation which would preclude or prevent the Administrator from exercising the necessary authority to take every conceivable action to maintain the highest possible levels of operational and mission safety. Likewise it is necessary that we provide for safety in the matter of mechanical components such as parts, valves, fittings and, yes, even the capsules themselves. Safety itself, in this connotation, does not refer to human safety alone. It refers to a high standard of manufacturing that is above the ordinary and that must be observed. It is for these reasons that the Administrator of NASA needs a transfer authority to achieve some assurance that no mission shall fail because of defects and no mission shall fail because of lack of safety of the various kinds I have mentioned.

Webster's New International Dictionary, in the second edition, defines safety as "a condition or state of being safe; freedom from danger or hazard; exemption from hurt, injury, or loss; as a committee of safety."

Now, injury can occur to any one of these flights either on the part of workers, managers, components, equipment, instrumentation, or during the operational phase of the flight itself. So what we are providing is a mechanism whereby the Administrator has an opportunity to make a solid, sound judgment as a measure to assure that each of these missions shall receive all possible considerations necessary to mission success.

Would the chairman agree with that as to the legislative intent? Do you agree on the positions I have taken on the definition of the word "safety," that it shall be in the definition that the Administrator has the duty to make sure that within the limits of this authority no mission, manned or unmanned, shall fail?

Mr. **MILLER** of California. I fully agree with you, and I thank the gentleman for his statement.

Mr. **FULTON** of Pennsylvania. In other provisions of the bill, we have made some increases and some decreases. On balance, this is a good bill and deserves your support. The committee has worked diligently to arrive at a reasonable level for our space program for the coming year.

For many years I have advocated a strong national space program not only in current operational programs, but in basic research and development. The small but important budget for chemical propulsion in this bill will mean much to our national space program in the future. If time and funds permit, I shall work as I have in the past to see it become an even larger effort. This is equally true in the area of nuclear rocket development. It is in these areas that we will develop the propulsion necessary to undertake important new scientific exploration, and to reduce the cost of future national space efforts.

It was gratifying that the Senate conferees thoroughly agreed with the House in insisting on increased emphasis on aeronautical research by NASA. The increase in funds for that work was matched by an equal reduction in the tracking and data acquisition account, a modest $2.8 million.

We all know that flight operations have been severely aggravated in recent years by unacceptable congestion in the air that includes critical hazards. NASA, through the space technologies developed over the past 10 years, has the knowledge, the people, and the facilities to assist the Department of Transportation in attacking those problems. So, really the increased research emphasis on collision avoidance, clear air turbulence, engine noise, and sonic boom will make substantial contributions to the safety and welfare of our people. The gentleman from West Virginia, KEN HECHLER and his colleagues of the Advanced Research and Technology Subcommittee should be congratulated for continuing their persistent effort in that very vital area of committee responsibility.

May I say in conclusion that I strongly urge the passage of this conference report. It has been unanimously agreed to. It will give a real opportunity for the United States to remain first in space and to make progress in safety techniques and equipment available not only to the astronauts but to all people working in the space program.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, as a member of the committee of conference I commend the chairman of the Committee on Science and Astronautics and the House conferees on their decisions and in particular for the actions which were taken to strengthen aeronautical research.

This conference authorization increases the research and development funds available in three program areas by $2.3 million. These funds are to be used for such items as pilot warning indicators, wake and clear air turbulence, flight crew stress analysis and noise and combustion problems, all contributing to solutions to safety and pollution problems. These research projects were considered by the House committee to be of high priority and should proceed in the fiscal year 1971. The authorization also provides an increase of $500,000 for "Technology utilization" to speed the transfer of new NASA technology for the solution of urban development and environmental quality problems. I hasten to add, however, that the "Tracking and data acquisition" item was reduced by $2.8 million, the exact amount of the increase.

The Committee on Science and Astronautics and the Subcommittee Advanced Research and Technology which I chair have been particularly active in trying to realine the efforts in NASA to stress the importance of additional work in aeronautical research. The aeronautics portion of NASA's budget is still only 5.6 percent of the total and because of the emphasis on space activity, progress in aviation has about exhausted the store of basics available to our aircraft which is, of course, the industry's life blood.

We would like to see a proportionate research effort commensurate with the output of NASA's predecessor, the National Advisory Committee on Aeronautics. However, in the interest of economy and in an attempt to abstain from making serious modifications to the aeronautical research program in NASA, the increases recommended were modest and only involved flight safety items and pollution research in ther eduction of pollution emanating from aircraft. Each of these increases was designed to correct a specific deficiency which is stipulated in the conference report. The Senate members of the conference committee were in full agreement with these increases and they also support the purpose for which these amounts are designated.

In the "Research and program management" area the Senate conferees were in agreement with the need for NASA to correct the trend of the reducing number of younger aeronautical scientists being hired by NASA. However, the overriding demands of the Senate to reduce the Research and program management personnel account would not allow a comprise which stipulated that the $1.4 million approved in the House bill be held specifically for the personnel action called for in the House report on the bill. It was the opinion of the Committee on Science and Astronautics that an increase of $1.4 million would provide sufficient funds to allow NASA to hire 100 additional summer employees, provide 50 research fellowships and 100 graduate and undergraduate scholarships, all related to aeronautical research. The conference report instructs NASA to correct this uneven situation in Aeronautical personnel within the amount authorized for Research and program management, which totals $9 million less than the NASA request.

Mr. Speaker, it is mandatory that NASA continue a viable and forward looking aeronautical research program to keep our Nation foremost in this field. I urge my colleagues to support this conference report.

Mr. TEAGUE of Texas. Mr. Speaker as we consider the conference report on the fiscal year 1971 NASA authorization it does not represent a victory as far as our future national space program is concerned.

In the area of manned space flight small additions have been made in both the Apollo and space flight line items to improve the return on the investment that we are making in these programs by providing additional experimental capability and funds for studying future NASA programs.

A reduction was made in the advanced missions line item recognizing unobligated funds available in fiscal year 1970 will allow sufficient study effort. But these and similar actions do not go to the heart of the problem of our future in space. As the Members of this body know, our national space effort has shrunk from over 400,000 people 4 short years ago to less than 170,000 people throughout the United States today. We are closing major technological facilities which are the backbone of our test, research, and development capability in the aerospace field. Both through adversity and success our national space program has demonstrated its ability to meet its goals and develop that technology which is so necessary to the future growth and wellbeing of our Nation. Yet we seem bent on continuing the decline of our national space effort.

After 1974, as I have said a number of times on this floor, we will have no manned space flight program in near earth orbit or in deep space or anywhere else for that matter.

This year and next year represent the significant moment of decision on whether we choose to be a first-class technological Nation not only in space but in other fields. Technology, as we all know, is the bulwark of America's strength in commerce as well as in other fields. The employment in our aerospace industry in the past 2 years has declined at a precipitous rate. Upward of 4,000 to 5,000 personnel in industry per month have left our national space program. It has been necessary for NASA to reduce to a smaller but significant extent the personnel within NASA. This year, under the terms of this bill, it will be necessary again for NASA to reduce its work force within its inhouse laboratories, test, and launch facilities. These inhouse personnel represent the last strength of our space capability. Consequently, in an amendment in the bill, authority is provided such that up to 1 percent of the total funds within the research and program management area, or slightly over $5 million can be reprogramed by the Administrator of NASA when he determines that for any reason mission safety is jeopardized.

Mission safety as we all know is something that never can be guaranteed in programs as complex as those undertaken by NASA. In fact, mission safety can be affected at all levels and in all parts of the agency's effort. It is my hope that this authority will be used where necessary throughout the organization to assure that the key people in design, development, manufacturing, test, launch, and operations will be retained to minimize the risks to mission success and safety in future NASA activity.

If our Nation is to grow in the future, one of its strengths will be found in its technology and its contributions to our Nation during the decade of the 1970's. Support of the NASA effort and the development of its new programs during the next several years will measure the foresight and the determination of this body to maintain our position as a leader in the world community.

Mr. MILLER of California. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks with respect to the conference report just agreed to.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from California?

There was no objection.

DESIGNATING THE EVENING OF THE 24TH DAY OF JUNE 1970 AS "JOHN W. McCORMACK NIGHT"

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further

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consideration of House Resolution 1084, designating the evening of the 24th day of June 1970 as "John W. McCormack Night," and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the resolution as follows:

H. Res. 1084

Whereas the Honorable John W. McCormack, the beloved Speaker of the House of Representatives, is a true and loyal fan of the national pastime; and

Whereas the Speaker for the past decade has, through his leadership and support, encouraged American baseball in the American legislature; and

Whereas no annual congressional rollcall baseball night would be complete without the first pitch of the game being delivered by the distinguished gentleman from Massachusetts: Therefore be it

Resolved, That the evening of the 24th day of June 1970 is hereby designated as "John W. McCormack Night" at Robert Francis Kennedy Stadium in Washington, District of Columbia, with his good sportsmanship, kindness, and camaraderie engraved in our hearts henceforth.

Mr. CONTE. Mr. Speaker, I rise today to ask this body for its unanimous approval of House Resolution 1084, introduced by the distinguished gentleman from Pennsylvania (Mr. Clark) and myself.

My colleagues well know, Mr. Speaker, that we gather here today a mere 48 hours or so before the titanic annual baseball battle in which Members from both sides of the aisle will be represented on the diamond by their most vigorous, if not youngest, colleagues.

This year, the playing field of R. F. K. Stadium will again be the scene for the game, and 6:30 p.m. Wednesday will be the time.

In recent years the legitimacy and the spirit of this game has been greatly enhanced by the distinguished Speaker of the House, John W. McCormack, who has thrown out the first ball.

This year, Mr. Speaker, we wish to return the honor by designating the evening of June 24, 1970, as "John W. McCormack Night" at the stadium.

Not only has the distinguished Speaker been a true and loyal fan of baseball in general, and the congressional baseball game in particular, he also has been a true and loyal friend to all of us in this body.

This will be the last congressional baseball game that Speaker McCormack will preside over. After 42 years in this Chamber, after the second longest tenure as Speaker in history, and after constructing a luminous career as public servant, steadfast patriot and compassionate friend, the distinguished gentleman from Massachusetts is retiring.

We know that the burden of leadership is always heavy and often tedious. While he bore this burden and bore it well, however, he also found time to journey to the ball park each year to watch our version of the game he loves so well.

And while he was tactfully silent as to our prowess on the basepaths, he was always more than generous in his praise of our spirit and the vigor in which the game was played.

As manager of the Republican team, and with my counterpart for the Democrats, the gentleman from Pennsylvania, I urge this body to join its erstwhile athletes by granting unanimous approval for this resolution honoring Speaker John W. McCormack—a gentleman who boasts a pretty fair pitching arm at the ball park and an extremely good batting average in the Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CONTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON S. 743, TOUCHET DIVISION, WALLA-WALLA PROJECT, OREGON-WASHINGTON

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla-Walla project, Oregon-Washington, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970.)

Mr. ASPINALL. Mr. Speaker, there were two House amendments to S. 743 which were before the conference committee. The first of these consisted simply of a correction of a misspelled word in the Senate bill.

The second amendment was one of appreciable substance. The Senate bill contained customary language to authorize the necessary appropriations to the Secretary of the Interior with which to build the facilities authorized for the Touchet division. The House bill contained two separate authorizations of appropriations, the sum of which would be required to build the project. The first authorization provided by the House bill was to the Bureau of Sport Fisheries and Wildlife for sufficient money to cover that portion of the project cost relating to nonreimbursable anadromous fish enhancement. The secoond authorization provision was to the Bureau of Reclamation for the balance of the project.

The House provisions were based on the fact that the Touchet division was unique from the standpoint of being an exception to general law in two respects. In addition to fish and wildlife representing more than one-half the project, and thereby exceeding the generally permissible limits in that regard, the separable costs of anadromous fish are nonreimbursable.

These departures from general practice are sufficiently far-reaching as to distinguish the Touchet division from conventional reclamation programs and to suggest consideration of special funding procedures of the character set out in the House bill.

The committee of conference adopted the principle of the House bill but adjusted the language to make the authorization for funds for the anadromous fish aspects to the U.S. Fish and Wildlife Service. The Fish and Wildlife Service is the parent organization of the Bureau of Sport Fisheries, and is a broader based administrative entity in the fiscal sense. The amendment adopted by the conference committee conveys more budgetary latitude to the executive branch and would appropriately let both sports and commercial fish bureaus participate in the funding of the project.

The amendments are germane, and the amendments were agreed to unanimously.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to endorse what the gentleman from Colorado (Mr. Aspinall) has said relative to the bill and the conference report, and the reasons for the actions of the conferees, and urge the adoption of the conference report.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2062, DIFFERENTIATION BETWEEN PRIVATE AND PUBLIC OWNERSHIP OF LANDS, FEDERAL RECLAMATION LAW

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 16, 1970).

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Mr. ASPINALL. Mr. Speaker, there were two House amendments to S. 2062 which were before the conference committee. The conference committee agreed to retain the first amendment which permits the delivery of water to State-owned excess lands, without the payment of interest, in those few projects where interest payment for service to excess lands is required.

The second House amendment involved the question of whether State-owned lands might receive water from a Federal reclamation project if they are placed in leaseholds of not to exceed 160 acres. The House deleted a provision of S. 2062 which would have allowed such a delivery of water. The House position was based on the feeling that service to State-owned lands under lease to individual operators was not wholly in keeping with the basic purposes of the reclamation program, in that benefits from the program should flow to individuals as distinct from political subdivisions.

The conference committee adopted language which allows lessees of State-owned lands in amounts not to exceed 160 acres each to receive water service but only for a period not to exceed 25 years from the date of the act. Mr. Speaker, this amendment preserves the basic policy position of the House bill yet it avoids the difficulty that would be visited on a State by virtue of forced immediate divestiture of its lands. Under the conference language, administrators of State-owned lands can operate them in otherwise qualifying leaseholds while an orderly program is developed for disposing of them to private owners; thus avoiding the disruptive impact on public programs dependent upon such lands for operating revenue.

Mr. Speaker, the amendments in the report were agreed to unanimously, and they are germane to the legislation.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I will be glad to yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, I wish to endorse what the gentleman from Colorado has said relative to the bill, the action of the conferees and the reasons therefor, and to urge adoption of the conference report.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I will be delighted to yield to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Speaker, I should like to address a few remarks to the House concerning the conference report on S. 2062.

Part of the purpose of this legislation is to help resolve a longstanding problem involving Washington State school lands on the Columbia Basin project. State-owned lands aggregating slightly less than 3,500 irrigable acres make up about 30 farm units in platted irrigation blocks on the project. The State is presently entitled to a 160-acre nonexcess landholding in each of the three Columbia Basin irrigation districts. The remaining irrigable State lands are not entitled to receive project water unless covered under a valid recordable contract or sold at a price not in excess of the current fair market value without consideration to the construction of irrigation works. For the most part, this has precluded sale of irrigable State lands at public auction. It has also meant that these lands have not received irrigation water.

The preferred solution of the three irrigation districts was that the State be allowed to sell these dry lands at an irrigated land price to encourage the transfer of the lands into private ownership. This was the solution provided in the House version of S. 2062. The Senate version had differed in that it would exempt the State lands from the 160-acre restrictions, thus making the lands eligible for water delivery and permitting the State, at the same time, to retain ownership.

As these matters were finally resolved by the conference committee, the lessees of not to exceed 160 acres of State-owned lands may receive water for a period of 25 years from the date the bill is approved by the President. The conference report states:

> This arrangement will lessen the impact of immediate forced divestiture on State programs dependent upon income from State lands and permit an orderly and deliberate program to be developed for disposal of State-owned lands to private owners.

Mr. Speaker, I do regret the preferred solution was not the one finally adopted. However, it is good to have this matter finally dealt with in some manner because the present situation is the worst situation of all.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 17138, SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN, FIREMEN, AND TEACHERS

Mr. DOWDY. Mr. Speaker, I call up the conference report on the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 15, 1970.)

Mr. DOWDY (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DOWDY. Mr. Speaker, H.R. 17183, as reported by the conferees, will increase the salaries of District of Columbia policemen, firemen, and teachers, and other professional employees of the Board of Education.

The average overall increase in policemen's and firemen's salaries will be some 13 percent, and will take effect as of July 1, 1969. The beginning salary for privates will be increased from $8,000 to $8,500, and the top salary for privates is increased from $10,300 to $12,240. Substantial increases are provided also for officers, with the maximum salary of the chief being increased from $25,605 to $32,775.

The average increase in salaries for professional school employees is also 13 percent, and will become effective as of September 1, 1969. The starting salary for teachers with the bachelor's degree is increased from $7,000 to $7,800, and the maximum for such teachers from $12,040 to $13,000. Also, the time required for all teachers to attain the maximum salary level is reduced from 18 to 15 years. The salary of the superintendent is increased in the bill from $30,000 to $38,500. It is hoped that this will enable the Board of Education to attract a well-qualified person to fill this position, which is presently vacant.

The estimated net cost of these salary increases, for the 18-month period from January 1, 1970, through July 1, 1971, is approximately $30.8 million, which is funded by the provision in the bill increasing the personal income tax schedule for residents of the District of Columbia as of January 1, 1970. In addition, the net funds required for the increased salaries from their respective effective dates through December 31, 1969, is estimated at some $8.8 million, up to $8 million of which is provided in the bill as a one-time additional Federal payment to the District of Columbia. Thus, the bill is substantially funded.

The policemen, firemen, and teachers in the District of Columbia have not had an increase in salaries since 1968. Since that time, the salaries of the classified employees of the Federal and District of Columbia Governments, as well as the costs of living, have increased substantially. Also, during this 2-year period the salaries for policemen, firemen, and teachers in other cities of comparable size, as well as in the other jurisdictions of the Washington metropolitan area, have increased considerably, creating an increasingly difficult problem for the District as far as recruitment and retention of these vitally important employees is concerned.

In view of these facts, it is the opinion of the conferees on the part of the House that the provisions of H.R. 17183, as reported, are both justified and practical.

Following is a section-by-section summary of conference language of H.R. 17138, a bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes:

SECTION-BY-SECTION ANALYSIS

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

Section 101 cites title I and title II as the "District of Columbia Police and Firemen's Salary Act Amendments of 1970."

Section 102 establishes new salary schedule—the House schedule amended to increase pay in service steps 2, 3, and 4 in Class 10—for police and firemen, raising beginning privates pay from $8,000 to $8,500 per year and increasing salaries in all ranks an average 13 percent.

Section 103 establishes a single technician level, subclass (b), (1) and (2) in salary classes 1 and 2, combining present and subclasses (b) and (c) by upgrading lower level; (3) and (4) establishes classes 10 and 11 as separate classes for Assistant Chiefs and Chiefs, respectively; (5) increases additional compensation for dog handlers other than Privates from $580 to $595 per year, consistent with raise in additional compensation provided Privates assigned as technicians because they are dog handlers. Also includes U.S. Park Police dog handlers.

Section 104 revises salary step advancement provision for steps 1, 2 and 3 of Class 1 to reflect removal of subclass (c).

Section 105 changes method of determining step placement on promotion of technicians to permit assignment to the step of the higher class which exceeds by one step increase the rate received at the former salary step in subclass (b). Presently, technicians receiving promotions are assigned to the step of the higher class which exceeds by one step increase the rate shown for subclass (a) in the same step of the class from which promoted.

Section 106 conforms provisions relating to longevity step increases with the new salary schedule.

Section 107(a) adjusts the rates of basic compensation of officers and members in active service whose latest promotion occurred between January 6, 1963, and the bill's effective date, over and above any salary increase received under the new schedule, by determining step placement as though their promotions had occurred under the new schedule. This redetermination of step placement will eliminate or substantially reduce inequities in the higher classes that otherwise would occur in certain cases where individuals promoted after the legislation's effective date would be placed in higher steps than those previously promoted to the same class;

(b) Precludes salary reduction by reason of enactment of the section;

(c) Credits any individual receiving additional compensation as a result of enactment of the section with any active service in his previous salary step for subsequent step advancement purposes;

(d) Excludes individuals retired from active service prior to the date of enactment of the title from receiving an increase in their pension relief allowance or retirement compensation by reason of enactment of the section.

Section 108 assigns the rank of Assistant Chief to all retired policemen who at any time prior to October 1, 1956, held the rank of Assistant Superintendent for the purpose of computing retirement benefits payable on and after the effective date of this title. Such individuals presently hold the rank of Deputy Chief for benefits computation purposes.

Section 109 (a) and (b) sets forth standard provisions for the payment of retroactive salaries to the title's July 1, 1969, effective date.

Section 110 (a) and (b) advances any officer in longevity step 7 in class 6 who completes at least 14 years of continuous service in his class to longevity step 8. The section amends a provision of the 1966 Police and Firemen's Salary Act Amendments which pertained only to such officers in classes 5 and 8 but will take effect only as of the effective date of this title.

Section 111 limits the salary increases as they apply to group life insurance amounts to the date of enactment of the title.

Section 112 establishes the first day of the first pay period beginning on or after July 1, 1969, as the effective date of the title.

TITLE II—MISCELLANEOUS PROVISIONS RELATING TO CERTAIN POLICE MATTERS

Section 201 (a); (b) and (c) provides that the uniform of officers and members of the U.S. Park Police, Executive Protective Service, Capitol Police, and Metropolitan Police shall bear a distinctive patch, pin, or other emblem depicting the U.S. flag or colors thereof, effective 180 days after date of enactment of the title.

Section 202 changes "White House Police force" to "Executive Protective Service" in all U.S. laws in which the reference is made.

Section 203 provides that police and firemen may reside within a radius of 25 miles from the U.S. Capitol Building, and that the Police Chief and Fire Chief may grant exceptions to this limitation in cases which, in their judgment, merit such action.

TITLE III—SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS

Section 301 cites title as the "District of Columbia Teachers' Salary Act Amendments of 1970."

Section 302(1) establishes new salary schedule for teachers and school officers, raising beginning teachers' pay from $7,000 to $7,800 per year and increasing salaries in all classes an average 13 percent. Salary for the Superintendent has been increased from $30,000 to $38,500.

(2) establishes within salary class 15 of the schedule a "bachelor's degree plus 15 credit hours" category, designated as group A–1.

(3) (A) (B) allows teachers and school officers who complete the required two years in their salary class to become permanent, even though they may have served in more than one position. Presently, two years' service in the same position is required to complete the probationary period.

(3) (C) provides that a teacher or other employee in class 15 may be appointed to permanent status after one year as a probationary employee if he has completed at least two years of satisfactory service outside the D.C. public schools.

(4) allows teachers who possess a bachelor's degree plus 15 credit hours to be transferred to group A–1 of class 15.

(5) establishes a salary-saving provision for Teachers' Salary Act employees who, through no fault of their own, are moved to a lower salary class.

(6) eliminates longevity step X in class 15 and places in longevity step Y those employees who were in longevity step X and those in service step 13 who satisfactorily complete 15 years of creditable service.

(7) conforms the salary step advancement provision with the elimination of longevity step X.

(8) includes group A–1 in the provisions pertaining to promotions.

(9) increases pay rate of teachers and school officers in the summer school, evening school, adult education and veterans' summer school center program in the same relationship to increases in the new salary schedule.

(10) provides that the payment of additional compensation (with maximum rate of $1,000) to classroom teachers performing extra duty activities be made to all employees in salary class 15.

(11) provides that the payment of annual salaries to employees in class 15 be made in 20 or 24 semimonthly installments, at each employee's discretion, and to all other employees in 24 semimonthly installments. Teachers' Salary Act employees presently are paid monthly.

Section 303 restricts the salary increase for the Superintendent of Schools in class 1 to individuals employed in that position on or after date of enactment of the title.

Section 304 (a) and (b) conforms provisions pertaining to payment of salaries with the new semimonthly installments.

Section 305 (a) and (b) sets forth standard provisions for the payment of retroactive salaries to the title's September 1, 1969 effective date.

Section 306 establishes the first day of the first pay period beginning on or after September 1, 1969 as the effective date of the title.

TITLE IV—MISCELLANEOUS REVENUE PROVISIONS

Section 401 increases in 8 steps the individual income taxes of District residents, with taxes starting at 2% on the first $1,000 of taxable income, and reaching 10% at $25,000 and above.

Section 402 authorizes a one-time Federal payment or contribution, up to $8,000,000, for use in defraying the cost to the District of Columbia of the pay increases provided for by this Act for the period commencing July 1, 1969, and ending December 31, 1969. Such sum so authorized to be appropriated is to be in addition to any other sums authorized under any other law, and in addition to the increase in revenue from the income tax increases provided in Sec. 401.

TITLE V—PAY RATE FOR THE COMMANDING GENERAL OF THE MILITIA OF THE DISTRICT OF COLUMBIA

Sec. 501 provides for payment of the salary of the Commanding General of the District of Columbia National Guard by the Department of Defense (rather than by the D.C. Government as under present law).

Also it subjects such officer to the dual pay and dual employment provisions of title 5, U.S. Code.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. HARSHA. Mr. Speaker, I want to join the gentleman in urging the House to pass this conference report.

The conference report represents about 95 percent of what was in the House bill and, after a number of meetings I might add, the final report that we came up with is substantially the same as the bill introduced by the distinguished gentleman from Maryland (Mr. HOGAN).

The gentleman from Maryland (Mr. HOGAN) was one of the conferees on this bill and attended the meetings very religiously and was a pillar of strength in our debate with the Senate over the provisions and made a brilliant contribution to the House position. He was most persuasive in his arguments with the Senate and as a result we come to you with the House bill substantially in tact.

I might add that the gentleman from Virginia (Mr. BROYHILL) made a substantial contribution to this measure also.

The only major changes were the retroactive features which were extended from January 1, the period we had in the House provision, to July 1, 1969, for policemen—and September 1, 1969, for the teachers.

For that reason we did include a nominal Federal payment to cover any additional expenses over and above the tax measures the House adopted that may be needed to meet the expenses and costs of those retroactive provisions.

Mr. Speaker, I would urge the House to adopt this conference report.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. HOGAN. Mr. Speaker, I would like to thank the gentleman from Ohio for his kind remarks.

I would like to point out to the House that, although the retroactive feature is moved back to July 1 in the conference report, which is contrary to what was passed by this body, the teachers, policemen, and firemen have been waiting for over a year for this legislation. We are all aware of the continued inflation of the Nation's economy, particularly here in the Washington metropolitan area where we can all testify to the fact that costs of food, shelter, and clothing, as well as taxes, have gone up steeply during the past year. These increased costs have stretched thin the budgets of our policemen, firemen, and teachers. Because they have families to support and expenses to meet, these public servants are being forced to choose between their profession and the best interests of their families. In view of the vital areas of public service with which we are dealing, it is doubly important that competent personnel be encouraged to seek these positions and to remain in them by providing them a decent living. I think this bill, including the retroactive provision, is an equitable response to their need to keep up with the cost of living, and I urge that the conference report be approved.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 181]

Adair
Addabbo
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Barrett
Boggs
Bolling
Bow
Brademas
Brasco
Brock
Brooks
Burleson, Tex.
Carey
Carter
Cederberg
Celler
Chisholm
Clancy
Clark
Clay
Conyers
Corbett
Daddario
Daniels, N.J.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Diggs
Dingell
Downing
Dulski
Eckhardt
Erlenborn
Farbstein
Feighan
Fish
Fraser
Fulton, Tenn.
Gallagher
Gaydos
Giaimo
Gilbert
Gray
Griffiths
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hawkins
Howard
Keith
Kirwan
Kleppe
Koch
Kuykendall
Landrum
Long, La.
Lowenstein
McCarthy
McCloskey
McClure
McEwen
McKneally
McMillan
MacGregor
Marsh
Meskill
Minshall
Mollohan
Monagan
Montgomery
Morse
Morton
Murphy, N.Y.
O'Hara
Ottinger
Patman
Pelly
Pepper
Pike
Pirnie
Poage
Podell
Pollock
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Rarick
Reid, Ill.
Reid, N.Y.
Rivers
Robison
Rodino
Roe
Rooney, N.Y.
Roybal
St Germain
Sandman
Scheuer
Schwengel
Smith, Iowa
Springer
Stephens
Stratton
Symington
Taft
Thompson, N.J.
Tiernan
Ullman
Vigorito
Wampler
Watson
Weicker
Whalley
Wilson, Charles H.
Wold
Wright
Zwach

The SPEAKER. On this rollcall 299 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESTORING THE GOLDEN EAGLE PROGRAM TO THE LAND AND WATER CONSERVATION FUND ACT

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 953 and ask for its immedate consideration.

The Clerk read the resolution as follows:

H. RES. 953

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts, (Mr. O'NEILL), is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 953 provides an open rule with 2 hours of general debate for consideration of S. 2315 to restore the Golden Eagle program to the Land and Water Conservation Fund Act. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

S. 2315 temporarily renews the authority for the Golden Eagle passport. The program as it existed on March 31, 1970, will be maintained until December 31, 1971, except that the authorized limitation on the fee for the passport will be increased from $7 to $10.

The bill also extends the authority to enter into contracts for the purchase of lands authorized to be acquired prior to the appropriation of funds—commonly called the advance contract authority. The limitations placed on this authority are to remain binding on the extension. The statute clearly establishes that no contract shall be entered into for the acquisition of any property unless such acquisition is authorized by Federal law. It also limits the total contractual obligation for each fiscal year to no more than $30 million and requires the contracts to be liquidated from the moneys in the land and water conservation fund.

Mr. Speaker, I urge the adoption of House Resolution 953 in order that S. 2315 may be considered.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. EDMONDSON. I just want to thank the gentleman for giving a 2-hour rule for the discussion of this matter and thank the Committee on Rules for its usual consideration for those of us who have amendments to offer on this bill to make sure we have ample time for the discussion of the bill.

Mr. Speaker, I support the rule and support the bill. When we get an amendment or two in it, and get the eagle to fly right, I do not think there will be any votes against this bill.

Mr. O'NEILL of Massachusetts. I thank the gentleman.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Resolution 953, provides for an open rule with 2 hours of general debate on the bill, S. 2315.

The purpose of the bill is, first, to temporarily renew the authority for the annual entrance pass to our Federal parks and recreational areas—commonly known as the Golden Eagle pass—and, second, to extend existing authority for the Department of the Interior to enter into contracts for the purchase of lands authorized to be acquired prior to the actual appropriation of the necessary funds.

Under existing law the Golden Eagle pass authority expired on March 31 of this year. The program has not worked as its supporters had hoped; far less in pass purchase funds than was projected has been received by the land and water conservation fund, the depository for all such funds. There apparently are a number of reasons for this unexpectedly poor showing, including lack of publicity.

The committee bill recommends continuation of the program until December 1971 at an increased rate—from $7 to $10—for the annual Golden Eagle pass. During this extension period a complete study will be undertaken by the Department of the Interior, and new recommendations will be forthcoming. The increase in the cost of the permit is to make available additional funds to the land and water conservation fund.

The bill also extends existing "advance contract authority." This permits the

Department of the Interior to enter in purchase contracts on land it intends to acquire where the authorization has been signed into law but where the appropriated funds are not yet available. This authority is limited to no more than $30,000,000 in such contracts in each fiscal year.

The departments and agencies interested in the legislation generally support the bill as amended and reported.

Separate views are filed by seven Members. They believe that the cost of the Golden Eagle pass should remain at an annual charge of $7 rather than the increased charge of $10 as recommended in the bill.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2315) to restore the Golden Eagle program to the Land and Water Conservation Fund Act.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 2315, with Mr. MOORHEAD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado (Mr. ASPINALL) will be recognized for 1 hour and the gentleman from Pennsylvania (Mr. SAYLOR) will be recognized for 1 hour.

The Chair recognizes the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, I yield myself 15 minutes.

Mr. ASPINALL. Mr. Chairman, the purpose of the bill now before the House is essentially twofold: It seeks to revise and extend the program known as the Golden Eagle program through December 31, 1971; and it seeks to extend the provisions of law which authorize recreation land acquiring agencies to enter into contracts for the purchase of lands prior to the actual appropriation of funds.

GOLDEN EAGLE PROGRAM

Without going into too much detail, Mr. Chairman, I want to discuss the background of the Golden Eagle passport program. As most everyone will recall, when we originally considered the Land and Water Conservation Fund Act, there were three basic sources of revenue for the fund which it established: One source was the proceeds from the sale of surplus real property and related personal property; another was the revenues received from motorboat fuels taxes; and the third was to be from entrance and user fees.

A part of this third source consisted of the annual entrance permit now known as the Golden Eagle passport. This permit, which sold for $7, entitled the purchaser and everyone in his noncommercial vehicle to admission to virtually all federally administered outdoor recreation areas. Even though it was not enacted for that purpose, practically everyone realized what a potential bargain this program could be to the active recreationist. Based on this fact and on the belief that many people would want to contribute to the program, it was estimated that 36 million permits would be sold during the first 5 years after its establishment.

Although we were optimistic about the program at the outset, our optimism faded as the program matured. By 1968, it was clear that the program would probably never be as popular as anticipated nor produce the revenues estimated when the Land and Water Conservation Fund Act was enacted. Instead of sales in the neighborhood of $138,000,000, only slightly more than $12,000,000 accrued to the fund. On the basis of these discouraging returns, it was then decided that the program should be allowed to expire and that the agencies having outdoor recreation responsibilities should be allowed to develop their own fee system in accordance with the statutory authority which had been extended to them. As a result, Public Law 90–401 provided for the termination of the annual entrance fee program on March 31, 1970.

Had the program shown signs of renewed vigor prior to March 31, it might have been possible for your Committee on Interior and Insular Affairs to recommend its unlimited extension, but sales showed no dramatic increase. Instead, passport sales seemed to stabilize between 600,000 and 700,000 annually. The committee recognized that little could be expected of the program as it was operating, but time did not permit a substantial revision of it.

Our recommendations are easy to understand—

First, we recommend that the Secretary of the Interior be authorized to increase the price of the Golden Eagle passport from $7 to $10 if he deems such action appropriate.

Second, we recommend the extension of the status quo until December 31, 1971, in order to allow the program to be completely reviewed and revamped. Once these changes have been formulated and properly considered, the Congress would have another opportunity to pass on this issue.

Based largely on the correspondence on this subject, as well as on the preponderance of the testimony presented to the committee, we feel reasonably confident that passport sales at the increased price will not decline. Most people who wrote the committee indicating their views on the price of the passport stated that they felt an increase in the fee to $10 or more would be desirable. In terms of percentages, this represents a significant increase, but the increased price represents a substantial bargain for many recreationists who utilize Federal outdoor areas frequently.

Undoubtedly some will say that the program is a complete failure and that it should be abandoned. In all candor, we must admit our disappointment in it. As idealists are wont to do, I suppose, we expected too much from too many. We thought that those who profess such a keen interest in the environment would want to convert their philosophical notions into something more meaningful and tangible, but the sales of the Golden Eagle passport proved that they were not quite that interested unless they could put it to active use for their personal benefit.

Now, the question is not whether the program succeeded or failed, but whether there is any salvage value in it. We firmly believe that there is. We feel that a temporary extension of the program will allow us time to develop the reforms needed to make it more productive. Whether the original objective can ever be achieved or not, I am unable to predict, but we should be able to substantially improve the program.

ADVANCE CONTRACT AUTHORITY

The other important feature of the bill involves the extension of the Advance Contract Authority. In 1968, when the Congress initially approved this aspect of the Land and Water Conservation Fund program, we believed that substantial amounts of money could be saved in the acquisition of recreation lands if the time lag between the authorization of a project and the appropriation of funds could be reduced. We recognized that land price escalation increases rapidly once authorizing legislation is approved. To help bridge this gap, we recommended the Advance Contract Authority provision of Public Law 90–301.

By allowing the land acquiring agencies some authority to proceed with some of the preliminaries for the acquisition of lands and by permitting them to enter binding agreements prior to the appropriation of funds, we feel that some speculative ventures were short-circuited. I hasten to add, however, that the limitations imposed by law and by the legislative history with respect to this authority remain intact and have not been altered in any manner.

CONCLUSION

Mr. Chairman, in all likelihood some amendments to the bill will be offered. I do not wish to debate those questions at this time, but I do not want to urge the Members of the House to keep in mind the object of the programs which I have discussed. I sincerely feel that the recreationist, like any other user of Federal lands, should help pay his share of the cost of providing the benefit which he receives. While it may be unreasonable and more than likely inequitable in certain cases to establish a formula which would require him to pay the equivalent fair market value of these benefits, it would be equally unreasonable and inequitable to require the general taxpayer to unduly subsidize his individual recreation activities.

In conclusion, I want to say that a reasonable extension of the Golden Eagle program seems appropriate. Not only will it permit a thorough discussion of the alternatives, but it will also allow the committees and the Congress an opportunity to consider the recommendations of the Public Land Law Review Commission in this regard. I urge the Members to approve S. 2315, as recommended by the Committee on Interior and Insular Affairs.

In response to inquiries which I asked the staff to make, I am advised that the agencies contemplate the following action if S. 2315, as amended, is enacted.

Interior Department—Anticipates continued utilization of the annual permits issued by the respective agencies on an interchangeable basis for the balance of the calendar year 1970. This will preclude the issuance of a new pass for the balance of the recreation season, but the Golden Eagle, as such, will be issued in calendar year 1971. Since the agency annual permits will take the place of the Golden Eagle passport for this year, the revenues collected from these permits should be placed in the Land and Water Conservation Fund as if they were receipts from the Golden Eagle program.

Forest Service—In compliance with the suggested procedures mentioned, the Forest Service indicated that it would be advantageous to continue to utilize the annual permits already issued on an interchangeable basis.

Corps of Army Engineers—As recommended to the House, S. 2315 does not repeal section 210 of the Flood Control Act of 1968; consequently, no entrance or admission fees would be charged at these areas in any event; however, the Corps has advised that it has designated 63 developed campgrounds where user fees have been or are being imposed. User fees, of course, are not contemplated or included in the Golden Eagle admission fee program as originally authorized.

Mr. BARING. Mr. Chairman, will the gentleman yield to me?

Mr. ASPINALL. I yield to the gentleman.

Mr. BARING. Mr. Chairman, I wish to insert my statement in the proceedings today in regard to S. 2315, to restore the Golden Eagle passport program to the Land and Water Conservation Act.

I am in complete support of the contents of the bill and feel this is sound legislation to continue to provide a uniform admission fee system for tourists to purchase one passport annually for passage to all national parks and recreation areas.

I feel that the increase from $7 to $10 in the passport fee is fair to the vacationing public and will be a definite asset for the Federal Government which will assist the Department of Interior in keeping the parks and recreation sites clean and help further development of new parks and sites.

The traveling public overwhelmingly indicated its favor with the passport fee program so I do not believe the increase in fees would be against the general public welfare. The fact that additional funds would be available as revenue to continue to preserve the national park system and national recreation sites is a tremendous advancement for the further conservation of natural resources and the scenic beauty of America.

I also support the continuation of the Golden Eagle program through December 31, 1971 and the special study of the Secretary of the Interior to be initiated into the entry fee issue and all user fees regarding America's national park system and the recreation sites across this Nation.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield to me?

Mr. ASPINALL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Let me say first that I am very happy to hear the chairman say on the floor what he has just said about the working of this program and about his intentions in conference with the other body on the bill.

Do I understand the chairman correctly to say that at the present time entrance fees are not being collected at any of the outdoor recreation areas of the Army Corps of Engineers?

Mr. ASPINALL. The gentleman is correct in that regard.

Mr. EDMONDSON. Or of the Park Service with the exception of Jamestown. Is that not correct? With the national parks?

Mr. ASPINALL. I do not know whether Jamestown is specifically mentioned here or not. Yes, it is. The gentleman is correct. As far as entrance fees are concerned, he is correct. But the Park Service does intend to have an annual permit for entrance into the national park areas which will be honored at all park areas as soon as they can get their entrance passports ready.

Mr. EDMONDSON. If the gentleman will yield further, is it also a fact that at the present time the Forest Service is collecting a user fee for camping facilities and is not collecting an entrance fee? Is that correct?

Mr. ASPINALL. They are issuing an anual permit which, as they have always honored it, would be for a user fee rather than for an entrance fee.

Mr. EDMONDSON. I thank the chairman.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my good friend from Ohio.

Mr. HAYS. Do I understand that if this bill passes, the Park Service will go ahead and charge a user fee also?

Mr. ASPINALL. As I understand what they have in mind is that they have their annual permit which they will continue for the balance of the year and will give some credit on that annual permit for user fee purposes. It will not permit, however, an annual permit to be used, let us say, for 20 different nights in the park at the original price of the entrance fee.

Mr. HAYS. That is the point I am getting at, because, as I understand it, some of these people who can afford to pay $12,000, $15,000, or, as I understand it, as high as $20,000 for a mobile camper then buy one of these permits and go in there and hook up to the water and sewer and spend the summer. It does not seem right to me. The fellow who goes out with an occasional permit has to pay $1 or whatever it is for his entrance fee, but it seems to me the person spending the summer there and getting all of the benefits ought to pay a little bit more.

Mr. ASPINALL. The gentleman is reasonable, he is logical and he is rational, and a study that will be made in the future that is provided for under this legislation was taken into consideration, because what the gentleman from Ohio suggests was not intended to be a bonanza for such users of our recreation areas.

Mr. HAYS. Mr. Chairman, if the gentleman will yield further, if we vote for this now—and I hope to be able to vote for it—we can assume that there will be an additional fee for those who remain over long periods of time in the national parks?

Mr. ASPINALL. This is my understanding, I will say to my friend from Ohio.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am happy to yield to the distinguished gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of S. 2315, to restore the Golden Eagle passport program to the Land and Water Conservation Fund Act. If enacted, this legislation would renew the annual permit authority of the Golden Eagle program.

The annual $7 permit under the expired program entitled the purchaser, and anyone in his automobile, to enter several thousand designated Federal recreation areas without paying additional admission fees. The program, while it has not quite lived up to its revenue expectations, has brought in nearly $20 million in the past 5 years with the sale of almost 3 million passports.

Support for the program in the State of Oregon, with its many parks and recreation areas, has been particularly good, and I have received numerous letters urging the reinstatement of the program. None of them, incidently, objected to the $3 increase of the passport provided in this legislation.

Many of these letters have come from senior citizens and people with large families. The Golden Eagle has allowed them to visit Federal recreation areas as often as they like without additional cost. The retired people who live on fixed incomes find they are able to spend many more leisure hours enjoying the beauty of our forests and participating in recreational activities than they could before the Golden Eagle. With a passport they are not penalized with a "per visit" charge.

Large families also benefit from the program because they are not penalized by a "per person" charge. The program has encouraged family outings and family vacations. Reverting to a "per person per visit" system would be especially burdensome to these two groups and would discourage their visiting Federal recreation areas.

This would be a troubling thing for the Congress to do. As our society becomes more and more urbanized, our cities more and more crowded and polluted, we should do all we can to encourage trips to our national parks and shrines A visit to a Federal recreation area can be a refreshing escape for urban and suburban dwellers alike.

I urge my colleagues to permit our citizens to make full use of the Nation's natural wonders at minimal cost by passing this legislation.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation, as amended and reported by the Committee on Interior and Insular Affairs.

The principal purpose of this legislation is to restore the Golden Eagle passport program to the Land and Water Conservation Fund Act. This bill only restores that program through December 31, 1971, and provides that the Secretary of the Interior shall, on or before February 1, 1971, conduct and complete a survey as to the Federal policy to be implemented on entrance and user fees and report his findings to the appropriate committees of the House and Senate.

In addition, the bill as reported by the Committee on Interior and Insular Affairs provides for an increase in the amount the Secretary may charge for the annual fee. This increase is from the present $7 to not more than $10. The bill as amended also provides for an extension of the advance contract authority under the act from a limitation of 2 fiscal years to each fiscal year, but retains the $30,000,000 ceiling on the use of such authority.

In 1968, this body decided upon recommendation of the Committee on Interior and Insular Affairs that the Golden Eagle passport program should be terminated on March 31, 1970. I opposed the termination of the Golden Eagle program in the committee and on the floor. I opposed the termination of the program because the principal purpose for amending the Land and Water Conservation Fund Act was to increase the revenues into the fund as a means of reducing the $500 million backlog of authorizations demanded by the American people to meet the increasing need for outdoor recreation opportunities. The purpose was not to delete a revenue producing program from the act.

The reason the provisions deleting the Golden Eagle program were included in the 1968 amendments was because the anticonservationists were determined to have their pound of flesh. Much has been or will be said about how the revenues from the Golden Eagle program have not lived up to expectations under the Land and Water Conservation Fund Act. The committee report on this legislation attempts to show that the Golden Eagle program has been a failure by stating that revenues estimated at $180 million were expected based on a $5 annual permit and that in 1969 there were only $19,399,100 in revenues to the fund based on the $7 permit.

In some 20 years on the committee, I have repeatedly opposed the chipping, chopping, and undermining efforts of the anticonservationists. If the Golden Eagle program has been a failure, it is only because these anticonservationists were successful in undermining the Land and Water Conservation Fund Act by providing in section 7 of that act that "moneys derived from the sources listed in section 2 of the act shall not be available for publicity purposes."

The Land and Water Conservation Fund Act of 1965 set up a Federal program for financing Federal and State acquisitions for park and recreation programs. Yet the act, as passed, included a prohibition against using revenues to advertise and bring about public awareness of the program. How inconsistent can we be?

If the Golden Eagle program has been a failure, it was doomed at the outset by the handcuffs and handicaps placed upon the administrators by giving them a national program to administer but prohibiting their ability to spend money to advertise the program to the American people.

Let us look at what the American people have had to say about this program once they were given the opportunity to know something about it. My colleagues will recall that for some time prior to March 31, 1970, much of your mail was in the form of pleas from the American people and organizations in which they participated to retain or restore the Golden Eagle passport program. You will recall, gentlemen, that the mail was quite heavy and the plea came from both young and old Americans. These pleas resulted in approximately 48 Members of the House sponsoring legislation in support of the program and one measure was introduced in opposition to the program.

Unfortunately, the Committee on Interior and Insular Affairs in this body never got around to holding hearings on this legislation until approximately 30 days prior to the expiration of the program. A more meaningful bill in response to the plea of the American people passed the other body on September 24, 1969.

The opposition to this legislation not only comes from the anticonservationists, but also from the U.S. Army Corps of Engineers who, for reasons peculiar to their own interests, oppose the collection of fees at Corps of Engineers projects. Once again, the corps has strong opposition to this legislation because of their fear that this legislation interferes with their impregnable empire. In addition, part of the problem with this program has been the uncooperative attitude of certain other Federal agencies to work in concert for the establishment of a unified system because of the loopholes that have been purposely created in the law.

The passage of this legislation to restore the Golden Eagle program is imperative in response to the requests of the American people. Undoubtedly, a conference will be necessary to resolve differences in the bill passed by the other body and the bill this House passes today. I urge my colleagues to support the bill as passed by the Committee on Interior and Insular Affairs.

Mr. Chairman, it is important to note that in this bill we are asking the Secretary of the Interior to check with the Department of the Army, the Corps of Engineers, and with the Forest Service in preparing the report authorized in the bill.

Nobody should be misled to the effect that we do not expect the report of the Secretary of the Interior to cover all recreation areas.

Now, it may seem strange to you, but the Flood Control Act of 1936, the original Flood Control Act, has absolutely no reference whatsoever to recreation. The Flood Control Act of 1944 has no reference whatsoever to recreation. But the new and amended Flood Control Act which is on the books at the present time does authorize the Corps of Engineers to include recreation in their projects purposes.

One of the reasons for including that and requiring the Secretary to make a survey is contained in the report that the Senate made on this bill. The important thing to remember is that the Corps of Engineers, believe it or not, has almost as many recreation areas as the Park Service and Forest Service put together. Let us tell you, ladies and gentlemen of the Committee, some of them are in horrible shape. Very frankly they are not fit for use. The garbage is running out of the cans, they are not policing the areas, the people do not get around to take care of these matters, and if you ask the local engineer why, he looks at you and says, "Well, very frankly, we do not have enough money to take care of them. We do not have enough money to police these areas."

Yet, when the Corps of Engineers comes before the Congress and asks for an appropriation for their rivers and harbors and for flood control projects, believe it or not, it is justified on the basis of taking care of these areas. They ask for about 32 percent of all their appropriations for recreation.

Now, what has happened is that the Corps of Engineers wants it both ways. They want to get all the money they can for recreation and use it as an adjunct in justifying their projects. Yet these people who come here and tell you that you cannot charge an entrance fee when any one wants to go on a corps project, the reason given for it is very simple. They say the Federal Government paid for it.

Well, I want to know if there is anything that is used by the Forest Service that the Federal Government has not paid for. I want to know whether or not there is any unit in the National Park Service that the taxpayers have not bought and paid for. Nobody can show us, with one or two exceptions, areas which the Rockefellers have bought and given to the country, but that otherwise the taxpayers have paid for all of it.

These people have no objection to saying that you can charge an entrance fee at a national park, you can charge an entrance fee in certain units of the Forest Service, but you cannot charge the holy of holies, you cannot say a word about the Corps of Engineers.

Now, when this survey is made I expect there is going to be a report back recommending that in those areas there will be a fee collected that there be a charge for the Corps of Engineers' projects also.

Now, do not let anybody be misled to think that that is not going to be in the recommendations because very frankly I have talked to some of the ranking members of the Corps and they are frank to tell me that in certain areas they feel an entrance fee is justified. They have no objection to charging users' fees, and they are charging users' fees today. They have a suggestion, and this may be in the report which the Secretary of the Interior reports back, that the money would not all go into the land and water conservation fund, but that in those areas where in the Park Service they collect an entrance fee and user fee, that money would go then to the National Park Service; in the Forest Service where they collect user fees and entrance fees it would go to the Forest Service for the development of the recreation lands. And as far as the Corps of Engineers are concerned, where it is available, where it should be justified, they will recommend a fee, and that that money go then to the Corps of Engineers for the further development of recreation in these areas.

Now, I do not see how anyone can complain if that is the report, and from indications which have come to me from people in the Corps of Engineers this is what they expect to recommend.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman's statement, and that of the distinguished chairman before him. I do not quite agree with all of it, because I think there are a few additional postulates that for the purpose of legislative record ought to be made. I am sure neither the distinguished gentleman from Pennsylvania, and least of all the one from Missouri, wants to put preconceived words into the mind of this commission, or the Secretary of the Interior, that is going to report back. I am perfectly willing to do just what he has in mind and let them study this problem. I well realize that the Corps of Engineers does have more recreational areas than the other two that have been mentioned thus far, but it is not true, or probably not true, including the Bureau of Reclamation, but certainly as far as the National Park Service, the Department of the Interior, and the Department of Agriculture and Forest Service is concerned.

As to the exceptions, first of all the gentleman does agree with me that the present users' fees, which are quite small for the use being put on them, which was reimposed in six recreational areas in the Ozark Mountains of southwest Missouri and the Table Lake area this last week, serve no purpose in a true sense as being returned for improving of the sites which the gentleman says they should be, but at the present time they are not and continue to go into the land and water use fund for additional acquisition of land on the recommendations of the Bureau of Outdoor Recreation; is that not true?

Mr. SAYLOR. That is correct.

Mr. HALL. So that I would hope with the gentleman that any finding about user fees as differentiated from entrance or admission fees would, as the gentleman has said, be stipulated to come back to the improvement of the facilities which there is capital investment of the taxpayers' money.

The reason I asked the gentleman to yield was not just to agree with him, but to ask him if he would not agree with me that there is some additional reason for not charging entrance or admission fees to the people's own waters—plus the fact perhaps in the case of the National Parks or the gifts that he mentioned, which I know about, or in the forestry service the land was not acquired on the basis of a promise to the people that they would never be denied access?

This is certainly true in the case of land impoundments, the implication of the use of the law of eminent domain in the land acquisition of the Corps of Engineers and their practices.

This has been documented. I submitted it on two different occasions before the gentleman's unusually hardworking and well-informed committee. It is a reversal of a statement, if not a reversal of principle—and I would hope the committee would make it clear once and forever that where people were promised entrance or access, not to be denied the use of waters. At one time when you had to come in by helicopter or parachute to use the waters under any other circumstances there may have been a difference in the method of land acquisition, of one versus the other. Would the gentleman agree with that statement?

Mr. SAYLOR. I might say there may have been in the past some commitments made or attempted to be made by certain people in behalf of the Federal agency, particularly the Corps of Engineers.

I might call the attention of my colleague to the fact, that in practicing law I found on many occasions many people who represented agencies of the Federal Government made statements, and when we finally got to court we found a very unusual situation. The judge would say he was very sorry, but a local man could not bind the Federal Government—even though it was given in good faith.

You know years ago, we never had any income tax. A lot of people believed they would never have to pay any taxes.

The fact is when the original act was passed the Constitution was changed. I think you will find those who suggested or said that some day their income tax might get as high as 5 percent. Nobody believed it would ever get that high, even when we had the exemption of $2,500 for each one of your children. But things have changed and so has the Congress. As my friend knows, one Congress cannot bind the next Congress. Now we find out that instead of having a $2,500 exemption and a tax that might get to 5 percent, we are stuck with starting with a $600 exemption and a tax that starts with 20 percent and until this last change by the Committee on Ways and Means it could have gone as high as 98 percent.

So things are not always static. Recreation was not a part of the original bills upon which the Corps of Engineers was started. So I think we have to look at it in 1970 and not in 1936 or 1944 or 1956—when the last act was passed in regard to flood control. We have to look at it in 1970 for what we might expect in the years to come.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. HALL. I appreciate the gentleman's analogies—I do not particularly agree with them.

As the gentleman knows, I am not a lawyer or legally trained. When I take a person's pancreas out and promise them they are going to have sugar in their urine for the rest of their life, it is just liable to remain that way. I am not used to going back on my word or changing it. But be that as it may, and I am sorry to say it has happened on too many occasions. I appreciate the gentleman's argument. But we know those areas, talking about stopped rivers and impounded rivers which are, I believe, going back further than the gentleman asked us not to, under the law of 1796 which defined navigable streams, and in the pinch—our people have had a right, particularly the elderly and retired people, to go there and they use these rivers.

They have used them commercially, they have used them recreationally, and they have used them in their retirement just to fish. I can quote the gentleman, but I do not want to take more of his time, as to some of the pleasures of fishing in an Ozark stream, whether you are active at it or just trailing a string in the warm sunshine under the zephyrs. But be that as it may, a commitment was made, and I plead with the gentleman that principles do not change merely because usage changes. I am with him 100 percent as far as users' fees are concerned, especially if they inure to the improvement of that which we are using. I thank the gentleman.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. KYL. There was a time in our history when we had a different attitude toward the use of public lands of all sorts, when we gave the privilege to a commodity user to go on the lands almost without any charge, without any responsibility for what he might do to the land. Then we developed a little interim program permitting commodity groups to use them from the public lands, but with more stringent regulation. Now we are at a point at which we expect anyone who uses the public lands to pay for that use, whether they be miners, grazers, irrigators, or recreationists, because when one uses the public lands in any manner in which those lands are actually used, and in a manner which shows the results of use, then there should be some compensation for that use. Otherwise the resources which we

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have will disappear. That is the point which the gentleman from Pennsylvania has so aptly made here in this discussion.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I merely wanted to make certain that the record was accurate with regard to the question of Army Engineers spending for recreational purposes. The Senate committee report on the bill which we have before us makes reference to a 32-percent benefit from recreational purposes on Army Engineer projects, but I do not think in any project of which I have personal knowledge, certainly not anywhere near that figure would be allocated in the way of expenditures for recreational purposes on Army Engineer projects. You may spend $10 and get $100 in benefits back, or you may make a $500 investment and get $200 in benefits back. But the fact is that you have a project with a 32-percent recreational benefit, and that does not indicate that 32 percent of the Army Engineers money is being spent on recreation. I am sure the gentleman would agree with me on that analysis.

Mr. SAYLOR. I might say to my colleague that the subject is further covered in the Senate report in the following language:

> The Corps of Engineers places heavy reliance upon the use of recreational benefits to justify the construction of navigation and multiple-use dams and reservoirs. For example, Public Law 90–483, the River and Harbor and Flood Control Act, approved August 13, 1968, authorized the construction of 19 projects which included multiple-purpose reservoirs in the plan for development. Total benefits accruing to all project purposes would be $71,322,400 annually of which $22,781,090, representing 32 percent, would accrue to recreation or fish and wildlife enhancement.

I did not write that report. Certainly they were justified in much of their construction, not on flood control, but in these other two areas, and I do not find fault with that. The only thing I am saying is that if they are going to charge that amount for recreation benefits for fish and wildlife, then those people who use those features should be charged for them and should pay for them.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. KYL. There are a couple of other aspects that I would like to mention in order to complete the picture. In addition to the Corps of Engineer funds to build projects of the kind we are discussing, there are also inputs of money from other Federal sources as well as State sources. For example, in connection with a Corps of Engineers project there may be an addition of 1,000 acres of land which is purchased by the corps for development, either by the corps or through cooperation with the State, through both State funds, funds from fish and wildlife sources, funds from land and water conservation, the fund itself.

These additions of funds really add to the total amount of money which is put into these projects which are primarily for flood control and river stabilization, and both of us certainly want inclusion of recreational factors.

Mr. SAYLOR. That is correct.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Kansas.

Mr. SHRIVER. Mr. Chairman, I rise in support of this bill, S. 2315, which would restore the golden eagle program to the Land and Water Conservation Fund Act. I am sponsor of one of the bills, H.R. 12490, to continue the program.

There is strong support in my congressional district in Kansas for the restoration of this program, and I believe that the demand is sufficiently widespread throughout the country for the enactment of this restoration legislation.

We should take this action now to restore the program in time for many Americans who are planning inexpensive vacations.

Much of the mail I have received on this matter comes from retired people—senior citizens who have found a new way of spending their retirement years in the out of doors at a price they can afford. The golden eagle program also has encouraged family vacations.

Continuation of the golden eagle program is consistent with the national policy of requesting users of special public facilities to be responsible for paying their fair share of the costs.

The revenues from this program are used to expand the Nation's outdoor recreation opportunities. Not only are they used to help Federal agencies acquire needed recreation lands, but they also are made available to assist the States in improving or expanding their outdoor recreation base.

The only reservation I have in regard to S. 1315, as amended, is that it would increase the present passport fee from $7 to $10. I would prefer to see the Federal Government "hold the line" on its prices in this inflationary period. As stated previously, the golden eagle is a great benefit to retired Americans. These people are on fixed retirement incomes and are having a hard time with inflation today.

However, what is essential in our consideration of this legislation is that we continue the Golden Eagle program. It expired as of March 31, 1970. We should act now to extend it, as recommended by the committee, through December 31, 1971.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I rise in support of S. 2315, restoring the so-called golden eagle passport program to the Land and Water Conservation Fund Act.

I mention only three of the principal reasons for my support of this program and this bill.

First, it offers average citizens in our country the opportunity to visit our national parks and recreation areas in a way that many of them would otherwise be unable to do. Consider what this means for a retired or for young parents with a number of children. For a reasonable fee well within their capacity to pay, they can take their campers into our parks and recreation areas throughout the entire country. They are able to enjoy personally, or to give their growing family a chance to enjoy America's magnificent areas which are set aside for recreation. America is the richer for this being possible.

Second, the golden eagle passport retains, for those using it, the values that come from paying for something instead of receiving it completely free of charge. When one has to pay for something he is often more careful than if he gets it for nothing.

And, third, the economic potential to the Nation's recreational programs of the golden eagle passport is considerable. Spending reasonable amounts for advertising could well result in considerably increased total revenues. These increased revenues could help materially in the further development of other highly desirable projects throughout the Nation.

I urge the House to approve this important measure before us today.

Mr. BURTON of Utah. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Utah.

Mr. BURTON of Utah. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, for the past several weeks, I have received considerable mail from constituents inquiring whether the golden eagle is really dead or only in a state of suspended animation.

Today, we in this House have an opportunity to breathe new life into this venerable bird. This is an opportunity we should not fail to seize.

Today, with millions of Americans either on their way or getting ready to take vacations, the uncertainty over the fate of the golden eagle program has caused a great deal of confusion.

As all of you know, the Forest Service has initiated its own yearly use permit, with the sale price pegged at $7 annually, which allows persons to use recreational areas under the jurisdiction of that agency. This permit does not cover areas administered by the National Park Service, so that agency is charging $1 per day for use of facilities.

Even though the Forest Service has informed purchasers of the $7 permit that this can be used in national parks when, if Congress acts on the Golden Eagle program, the people of this Nation are understandably confused as to where they may go, how much they have to pay, and to whom.

We, in the West, and particularly in my home State of Utah have many scenic wonders of singular interest to the tourists and the vacationers. It is, in my opinion, important that we make these areas readily accessible to people who wish to see them, and, at the same time, keep the cost and inconvenience to a minimum.

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The golden eagle program is especially beneficial to our retired citizens, many of whom are now able to enjoy the time to travel and see the features of this country. Under this program, they can see the natural wonders of this great Nation at a significant reduction in cost. Without such a program, many retired citizens might not be able to see the things they have wanted to view for a long time.

I feel strongly that it is time we get a healthy golden eagle back on its perch. There can be no question as to the merit of this program. In 1965, when the program was initiated, 90,400 permits were issued—passports to our natural wonders. That figure was multiplied in 1969 to a total of 875,576, which attests to the popularity of this program with the touring public.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I rise in support of the legislation. However, I will be working to amend the legislation to maintain the section 210 of the Flood Control Act. This legislation can best be described as "must" legislation. Many of our traveling senior citizens and outdoor recreation facility users have become accustomed to the convenience of the golden eagle passport. Their plans are formulated but there is uncertainty hanging over them unless and until this bill extending the golden eagle passport program, actually passes.

At the urging of many of my constituents, I coauthored this legislation and am pleased to have been a member of the Interior Committee responsible for advancing it to the floor of the House here today.

We on the committee, realize that the great variance that exists, between agencies of Government, with regard to entrance and user fees, has caused confusion by users and in fact, has also created an administrative problem for all Federal employees.

Therefore, the complete survey by the Interior Secretary, as contained in section 4 of the House version, should bring about some policy recommendations that can and should clarify the situation. Meanwhile, I urge the passage of the bill before us.

Mr. DEL CLAWSON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California (Mr. DEL CLAWSON).

Mr. DEL CLAWSON. Mr. Chairman, as a sponsor of legislation to extend the golden eagle passport program, I speak for hundreds of constituents in the 23d Congressional District of California who have written expressing interest in the continuation of the program. These citizens, the youth and elderly, the laborer and bank president, will be pleased that we have provided the means for extending the program through the legislation before the House of Representatives today.

California, with its many miles of park lands, has a population which is particularly geared to the enjoyment of the natural beauty of our State and other areas in the United States as well. The enthusiastic support of conservation groups in California has been manifest from the inception of the golden eagle program. Increasing numbers of senior citizens have been making use of the passports as they rediscover in their leisure years the grandeur of our national recreation areas. Families with growing children have indicated how helpful the passports are in family outdoor vacations. As more and more emphasis is placed upon preservation of the natural environment, increasing numbers of Americans are turning their attention to the simple pleasures arising from enjoyment of the scenic beauty of America.

It would appear, judging from my mail, that this is a program which might well be expanded, perhaps with restructuring as indicated by the committee hearings, but which under no circumstances should be permitted to expire.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. As one of the original cosponsors of the legislation, of course, I support the bill.

I express my appreciation to the chairman and ranking Republican member and all members of the committee for bringing this bill to us.

Mr. Chairman, as you probably know, I introduced legislation similar to S. 2315, which would reinstate the Golden Eagle passport, on May 15 last year. At that time, my legislation was cosponsored by 31 other Members of the California delegation.

Although my bill would have extended the passport indefinitely, I think that the Interior Committee's amendments to the Senate measure which we are considering today are more than reasonable, and I urge everyone here to vote in favor of this legislation.

As you will recall, the reason for the development of the Golden Eagle passport was to provide maximum use of those Federal recreation and conservation areas by the elderly and the average lower- and middle-income families. Also, as I am sure you are aware, the program, if extended, would help lift the financial burden from those most affected by inflation and those who are substantially dependent on fixed incomes, who, like everyone else, are entitled to a pleasurable vacation.

Finally, Mr. Speaker, I would like to commend the House Interior and Insular Affairs Committee and its chairman, Representative WAYNE ASPINALL, for the concern shown in trying to provide American taxpayers with a means to inexpensively and frequently visit and explore those areas throughout the country which have been set aside because of their natural beauty and recreational value. Our parks and natural resources are their heritage and, as you realize, it is incumbent upon us in Congress to make it easier for the public to enjoy that heritage.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I am happy to see that the House is finally prepared to take up S. 2315, some 2½ months after the program with which the bill deals had officially expired.

I am sure that many of my colleagues are familiar with the administrative chaos which the House delay on this measure has caused. Some Federal recreation areas are collecting no fees at all, others on only a sporadic basis. While everyone is agreed that some sort of fee collection is desirable, it seems to me that this agreement should have led to speedier action on the measure now before us.

The House committee version of S. 2315 strikes out all of the Senate text after the enacting clause. Most importantly, as far as the current situation is concerned, instead of the Senate's unlimited extension of the Golden Eagle program, it imposes a new time limit for the expiration of the program—leaving the Departments of the Interior and Agriculture open to the same sort of administrative uncertainty as now exists.

It is significant to note in the various agency responses to the committee inquiry, that these departments, which are most intimately concerned with the administration of recreational fee areas, favor the unlimited extension proposed by the Senate. I also favor this type of extension, since the bill as written removes one of the major handicaps to the program as it previously existed—the lack of coordinated advertising and sales effort relating to the passport program. There is every reason to believe that, were such a coordinated program implemented, the sales and revenues from this program would increase dramatically.

Let us also consider the wishes of the American people. I have had hundreds of letters urging the continuation of the program. Many of the individuals have written that they consider the program of such value that they would participate at a fee level of $15 per year. Consider the situation of the millions of retired senior citizens, living on fixed incomes, who are allowed the pleasures of recreational travel at a minimal cost under the auspices of the Golden Eagle passport.

It is my hope, therefore, that in order to avoid further delay in the administration of this program, the House will pass S. 2315 today. It is my further hope that the conferees appointed will give favorable consideration to the Senate provision which repeals the time limitation on the golden eagle program, and not continue to subject this outstanding program to a further "Sword of Damocles" time limitation as continued in the House version.

Mr. ASPINALL. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, the

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Committee on Interior and Insular Affairs in my judgment is one of the best led committees in the House. I have always had a tremendous admiration and respect for the very able chairman of the committee, and I have always had a very high regard for my shipmate of bygone years, the ranking minority member of the committee, and I will make it very clear in the remarks I make here today that they do not reflect any difference in our committee as to the importance of the Land and Water Conservation Fund Act, or the very important mission which that bill has had in helping provide outdoor recreational opportunities for people, nor does it represent any very basic difference among the members of the committee with respect to the implementation of the so-called golden eagle program.

One of the things I have always admired about the chairman of our committee is his honesty and straightforwardness, and when we opened the hearings on this particular bill the chairman in an opening statement to the committee pointed out that the golden eagle program had three major objectives, and he put those three major objectives in the record, and then he went on and said that "anyone who is honest and candid must admit that the program as it has operated to date has failed on all three of these fronts."

The effort that our committee has made in the extension legislation that is before us has been to extend the golden eagle for a limited period of time and to require, under the amendment that was offered our committee by the gentleman from Pennsylvania, that a report be brought in speedily as to ways in which this program could be improved and made to work more effectively in the future.

I supported that amendment. I thought it was a very desirable addition to the bill.

The amendments which some of us in the committee offered and supported were further attempts to make the eagle fly right. That is my purpose today in bringing two amendments to the floor of the House that were considered in the committee. Neither one of them is new material so far as the committee is concerned.

One of them failed in the committee on a 9 to 9 vote, which gives the members some indication of the feeling in the committee about it and how well it was divided. The other failed on an 8 to 10 vote.

At the appropriate time I will offer those amendments.

The first of the amendments may provide Members with the only opportunity they will have in this Congress to cast a solid vote, with no mistake about it, against inflation. I do not know of any other opportunity we are going to get in this Congress to go solidly on record against price increases.

The bill passed in the other body and the bill before us right now is a bill that has a 42-percent increase in the price of a Golden Eagle permit, from $7 to $10. If Members want to take a stand for preservation of the status quo while this program is being studied, and if they want to take a stand for holding the line on prices—the President has been calling everybody into the White House and saying, "Let us hold the line on prices"—then they will vote for that amendment and vote against the $10 level which was passed in the other body and which is before us in the committee bill.

The first amendment that I will offer will be to strike out section 2 of the bill, which is the section that provides for the increase to $10.

The second amendment is an amendment to put into law something that already, for all practical purposes, is being done by the agencies and by the administration; that is, to limit the fees that are charged to the people who are going into these outdoor recreation areas, to actual user fees assessed against the users of highly developed facilities. This is to make it clear that the American people have the right to enter their own property, whether we call it a national forest or whether we call it a Bureau of Reclamation reservoir recreational area, or whether we call it an Army Engineer reservoir recreational area. It is to say to the American people, "We recognize that this facility belongs to you and that you are entitled to come into it, to look at it, to sit on the grass, to walk across it, without paying any uniformed collector for the privilege of doing just that."

Section 210 of the Flood Control Act of 1968 provided that there would be no entrance fees at Army Engineer reservoirs. I have been very pleased to hear from both the chairman of the committee and the ranking minority member their statements that they will fight to hold that provision in conference with the other body, because the other body elected to strike that provision which is in the law.

What the other amendment I will offer—that failed on a nine to nine vote in the committee—will do will be to say, in very simple words, that no entrance or admission fees shall be collected at any outdoor recreation facility or area other than the national parks where collection of such fees is found both practical and desirable.

I understand that the Park Service has already found at this time that there is only one area in the country at this time where entrance fees are being collected; that is the Jamestown historical area. At this time they are limiting their charges to user fees. The Park Service is doing the same thing in that regard that the Forest Service has been doing for quite a while.

I do not know of any Americans who object to a user fee for the use of a highly developed facility.

If they go into a highly developed park and use a campsite to stay overnight or for several days and plug in and use the juice and use the running water and other utilities, then I think the American people expect to pay for that kind of service and that kind of a facility. But I think there is a tremendous body of opinion across this country, in which 32 of the States concur, that there should be no charge for simple entrance to a park. I hope when we wind up with this debate into their own outdoor recreation areas amendments and will have declared as a principle the right of the people to enter into their own outdoor recreation areas without charge, limiting that right for an entrance fee to specially designed and specially equipped parks such as the Jamestown area where there might be some justification for concluding that it was both desirable and practical to have an entrance fee.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I will be glad to yield to my good friend from Pennsylvania.

Mr. SAYLOR. Am I correct that the gentleman from Oklahoma introduced both of those amendments in the Committee on Interior and Insular Affairs when this bill was being debated?

Mr. EDMONDSON. Yes.

Mr. SAYLOR. And both of those amendments were considered and debated fully and both were voted down?

Mr. EDMONDSON. One was voted down 9 to 9 and the other was voted down 10 to 8. The gentleman is correct.

Mr. SAYLOR. The important thing is that they were considered. I just want to make the record correct. These are not something new. The Interior and Insular Affairs Committee listened to all of the arguments that you have given here. You failed in that committee, and now you are going to try again. Is that correct?

Mr. EDMONDSON. I think I am going to have a little help on the floor today that I did not have in the committee on at least one of them, and I hope there will be a little help on the other.

Mr. SAYLOR. I would say to the gentleman that I do not see present here some of the people who voted for the amendment in the committee, so apparently the help that you had in the Interior and Insular Affairs Committee you are not going to have on the floor today.

Mr. EDMONDSON. If it will relieve the gentleman's mind about their not being here, the call to come over went out to them about 5 minutes ago. So if we can debate this thing for a few more minutes, I think we will see them all here.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from California.

Mr. GUBSER. Could the gentleman enlighten me as to the philosophy of user fees? Is the fee you pay when you enter a national park a fee for the use of the facilities or is it a permit to enter which could be revoked if and when you were guilty of disorderly conduct like some of the groups entering our national parks are today? Is it a fee for use, or is it a permit to enter?

Mr. EDMONDSON. Well, I think at the present time you have a mixed picture

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on that subject, because in the national parks today there is no charge being made to enter, and there has not been for the past week, except at one facility. I think it would be debatable as to just what it entails. Certainly, the person who pays a fee to enter and engages in disorderly conduct would be subject to expulsion, it seems to me, whether he paid the fee or not.

Mr. GUBSER. I do not have a personal view on the subject, but we are having troubles at some of our national parks with hippies and the like making it almost unlivable for decent people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASPINALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. EDMONDSON. I asked for the additional minute merely to comment upon what the gentleman has said.

I do not think improper conduct by any group needs to be condoned and accepted by Federal officers whether they have paid the fee or not. I doubt very seriously, from what I have observed, if the presence of an entrance fee in any situation would operate to prevent unpleasant incidents on occasion.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. Yes. I yield to the gentleman from Texas.

Mr. WRIGHT. I simply want to commend the gentleman for his comments and the statement he is making and associate myself with them.

Mr. EDMONDSON. I thank the gentleman very much.

Mr. Chairman, I yield back the balance of my time.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, the gentleman who just left the well was talking about the matter of inflation and the price for the golden eagle passport. As long as he has approached the subject from that direction, perhaps we ought to look at what kind of value some people have been getting for their $7 passport.

Mr. Chairman, one of the difficulties we have had in making this program work is that once an individual has bought a golden eagle passport, he can take a carload of people into any and all such areas where the passport applies, for as many days a year as he wants to, with as many people as he wants to carry and, consequently, we have had a situation in which one person with a passport can use a parking place and have the use of the facility every day, all summer long, or all year long if he wants to which makes a pretty good bargain.

If we are talking about inflation, instead of talking about a 40-percent increase in the cost of the passport, we ought to be able to pay a little attention to just what kind of a bargain these people have been getting. It has permitted them to use very expensive facilities for a very few cents for each user. This is a difficult program to administer, and because of the fact that it has not worked as it was originally contemplated that it would work, the committee has very wisely suggested a tentative program until we can come up with something better. It was originally the intent to let it lapse completely because it had not worked.

What we bring in today is not in any manner or means a permanent solution to the problem. The gentleman from California asked the question as to just what was the philosophy behind the collection of fees. Under the congressional formula the Federal Government is supposed to return to the Treasury as closely as possible the actual cost that it has in providing the service to the people.

Now, even if you are just going to enter a park area and look and visit, there is a cost to the Government. These are usually areas where it is expensive to build roads and if there are any public needs roads, those roads have to be maintained after construction. So, where it is possible to collect a fee without undue administrative burden or cost, the fee is collected. In the case of the land and water conservation fund, however, in this matter you have the philosophy involved in the cases where the money coming from those people who seek recreation on public lands and parks, and so on, that money goes back into a fund to provide more recreation for more people all over the country. In other words, the money from that fund is directed to purchasing in-holdings insofar as the Federal Government is concerned where the money is used by the Federal Government, but most of it is distributed to the States to provide on a 50-50 matching basis all kinds of recreation for more people where recreation areas do not exist. Of course, almost all of the national parks are located in our western areas. A lot of people cannot differentiate between a national park and a forest area insofar as the legal definition is concerned. They consider them as one thing. Since the tourists do go to those areas, it was considered as a new thought or philosophy to say if someone wants to use these facilities on public lands where we have few people but a lot of recreation areas we can generate a fund which will, in turn, provide for more recreation areas in Massachusetts, Burlington, Iowa, or anywhere else. I think it is a good philosophy because no particular department of Government gets the benefit of these fees which are collected because all of it goes into a fund to develop and acquire additional recreation facilities for people where they do not now have them. So, the philosophy is actually one of trying to expand recreation areas.

I say again I do not want anyone to have an idea that this is intended as a cure-all package of legislation or even a piece of legislation of great life because in and of itself it denies the existence after a certain date and, indeed, between the present and the time when this act expires we will have had an opportunity to talk to the Corps of Engineers, the Department of Defense, the Department of Agriculture's Forest Service, the Interior, and all the rest, to see if we cannot work out a program which will work better, and do the job which has been ascribed, than the present program.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, do I understand the gentleman to say that in effect an entrance fee is a variety of user fees to the extent that the person entering these recreational areas uses the roads and uses whatever other facilities are there?

Mr. KYL. There is no hard, firm policy which covers all cases, each case is considered on an individual basis.

Illustration: If the normal highway which you and I would use in going from one place to another goes through a park area or a national forest area, it is called a normal route of transportation, and, of course, no toll is ever charged for the use of that. If there is some unique value which attracts people, which is of benefit to the people who visit the area, and if it is easy to collect a fee without undue burden or administrative cost, without any other additional burden, then in some cases they have been charged, and they are a user fee only to the extent that it costs a lot of money to maintain these areas, let alone to acquire them in the beginning.

As a matter of fact, the amount we collect in user fees does not come close to paying the bill for annual administration of any of these areas.

And then in the third category that I would respond to, if the Government provides a facility which some people want to use and some do not, a place to park a trailer with electric outlets, perhaps sanitation facilities, and if there is a beach and pier to which they tie their boats then there is actually a user fee attached to any of those purposes, but each department has tried to make it reasonable in each instance.

Mr. SMITH of New York. I thank the gentleman for yielding.

Mr. KYL. Mr. Chairman, I yield back the balance of my time.

Mr. ASPINALL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CABELL).

Mr. CABELL. Mr. Chairman, I thank the gentleman from Colorado for yielding me this time. I wish to associate myself with the remarks of the gentleman from Oklahoma and urge your acceptance of the two amendments which he proposes to offer at the appropriate time.

Mr. Chairman, I would like to call the attention of this committee, if I may, to some rather glaring inequities that apply to the three Engineer-controlled lakes that are in the immediate area of my district, and in which the people of my district have a very deep interest.

These three lakes, in the first place, the people of the area feel that they have some equity as Federal taxpayers in the construction of the lakes, but that is not

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the important factor. The big factor is that these are water supply lakes; they are lakes that the municipalities involved have already pledged and paid in something over 50 percent of the total cost of those lakes for the water storage which they have. They are paying the cost of that lake through the water charges which they are paying, and this up charge over the cost of distribution and purifying this water serves to liquidate the revenue bonds for their portion or contribution to the construction of these lakes. They therefore feel, and feel I think quite properly, that a mere admission tax or admission fee is the equivalent or tantamount to a third area of taxation against them for the maintenance and operation of those lakes.

Now, believe me, I have no quarrel whatsoever with a use tax that provides access to heavy investment and to heavy maintenance such as campsites, running water, showers, any launching ramps that are not maintained by concessionnaires.

But I do feel that it is unfair and unjust. I am sure there are many other lakes in a comparable situation over the country where they have this equivalent of triple taxation.

I feel, to cite one particular instance at one of these lakes, which happens to be Grapevine Lake, there is a club, private property, paying a very heavy rental fee for boathouses in one particular cove. They built this road leading from their property to the cove wherein is located their boathouses. Then they have to pay a fee to travel on their own road to get access to their own boathouse.

I think the gentleman and ladies of this House will agree with me that that is an unfair type of taxation for a user fee that is not justified by the expense involved to the Government or to the engineers in providing them this access to these facilities to which they have already made a very major contribution toward the total cost.

Mr. Chairman, I urge this committee to vote for the amendments.

Mr. ASPINALL. Mr. Chairman, I yield 7 minutes to the gentleman from North Carolina (Mr. TAYLOR), the able chairman of the subcommittee handling the legislation.

Mr. TAYLOR. Mr. Chairman, I rise in support of this legislation. As the chairman of the Subcommittee on National Parks and Recreation, I want to assure the Members of the House that thorough hearings were held on this matter. Not only did we hear proponents of both aspects of the bill presently before us, but we heard witnesses opposed to some features of the bill. We looked not only at the short-term objectives, but at the long-term interest of the outdoor recreation program.

The purpose of the legislation is not difficult to explain. Essentially, it does two things. The emphasis has been on one.

First, it temporarily extends the authority for Federal outdoor recreation agencies to sell the uniform annual entrance permits which are commonly called golden eagle passports.

Second, it extends the provisions of the 1968 amendments to the Land and Water Conservation Fund Act with respect to the advance contract authority.

Most of the public interest in this legislation is concentrated on the first element. Recreationists across the country are interested in the future of the Golden Eagle program because it involves them directly. As a result of this interest, probably every Member of Congress has received some correspondence on this subject. Some of these letters have been most helpful and constructive; others reflect misinformation about, or a misunderstanding of, the program.

The subcommittee and the full committee considered the arguments raised in the testimony taken at the hearings on this subject and it weighed the views contained in the correspondence which it received. But in formulating the legislation which is now before you, it went one step further. It considered our experience with the program in terms of its problems and its original objective. We recognized that the Golden Eagle passport would be a great bargain to many people even if they paid two or three or four times the existing price. At the same time, we realized that the number of sales of the passport never reached the levels estimated when the program was established.

Since the basic purpose of the program was—and is—to create revenues for the Land and Water Conservation Fund, the subcommittee members did not feel that the unlimited extension of the existing passport program would serve any useful purpose. We generally favor the concept of the program, but we recognize that its success requires a substantive overhaul. Not only would it take time to formulate the terms of such legislation, but it was generally agreed that new hearings should be conducted prior to its consideration by the Congress.

On the basis of this conclusion, the Committee on Interior and Insular Affairs has recommended a temporary extension of the program essentially as it is. Nothing in the bill alters, in any way, the provisions of the Flood Control Act of 1968—for all intents and purposes the existing situation at all Corps of Army Engineers and TVA recreation areas will remain the same. While there is nothing in this legislation directing a change in the administration of areas within the national park system or the national forest system, we expect these agencies to begin immediately to establish reasonable guidelines for distinguishing between admission fees and camping fees. We also expect to receive greater participation and cooperation in this program by the Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife in the administration of recreation facilities under their jurisdiction.

The annual entrance permit, as everyone in this Chamber knows, terminated by operation of law on March 31, this year. If S. 2315, as recommended by the committee, is enacted, the program will be reinstated and will be extended through December 31, 1971. This is stopgap legislation. It will enable the Subcommittee on National Parks and Recreation to formulate a revised program, to conduct new hearings, and to submit new recommendations to the full committee and to the House.

Frankly, on the basis of the past performance of the program, we do not feel justified in recommending the unlimited extension of the Golden Eagle passport program, but we do feel that the concept behind it is essentially sound. For this reason we recommend its temporary extension so that we will have an opportunity to work out a more effective and equitable program. The Golden Eagle has failed as a source of revenue, producing only one-tenth of the amount estimated. Why? There has been a lack of uniform approach and application. Can this be corrected? Some people think that the collecting agencies should be given some of the financial benefits for operating costs. Would this improve collections? There should be separate admission and user fees as originally intended. The Golden Eagle is too big a bargain for some people. Should some of the funds be used for promotion of passport sales? Would this help sell the passports? These are some of the matters that we need to study.

Mr. Chairman, there is one other very important element in the measure before the House. It involves the advance contract authority granted by the Congress in its 1968 amendments to the Land and Water Conservation Fund Act. Unlike the other feature of S. 2315, this aspect of the legislation has not received a substantial amount of public attention. Notwithstanding this fact, it is an important feature of the bill, because it plays a significant role in the acquisition of needed outdoor recreation lands.

Initially, the advance contract authority was an experiment. At the time that the Congress authorized it:

It limited the annual contractual obligation permissible to $30 million;

It limited its use to the acquisition of properties authorized to be acquired by the Congress;

It limited the duration of the authority to fiscal years 1969 and 1970; and

It required each proposed contract to be submitted through the budgetary process for review and approved by the Appropriations Committees of the House and Senate.

No witness appeared to testify in opposition to the extension of this authority and the subcommittee is aware of no complaints about its use. We are advised that this is one of the most effective land acquisition tools available and we we believe that it is in the best public interest to extend it. All witnesses were for this section of the bill. It will permit timely and economic acquisition of desirable properties. The time to purchase land is when it's offered for sale—when a bargain appears.

In conclusion, Mr. Chairman, the members of the committee realize that

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there is a considerable amount of interest in the legislation before the House. We know that the enactment of temporary legislation is essential if the Golden Eagle program is to operate during the recreation season immediately ahead. While we recognize that there are some inequities and some problems with that program, we feel that affirmative action on a temporary extension will be in the best interests of the general public, the recreation users, and the administering agencies, as well as serving the interest of the overall outdoor recreation program.

In order to assure a reasonable period of time to review and revamp the program, the recommended bill calls upon the Secretary of the Interior to review the entire fee question and report his findings to the appropriate congressional committees no later than February 1, 1971. At that time, we fully expect to reconsider this entire question and we hope to develop a meaningful and equitable program.

That completes my remarks, Mr. Chairman. I urge all Members of the House to support the committee and enact S. 2315, as recommended.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, as the author of one of the House of Representatives bill to extend the provisions of the Golden Eagle passport program, I rise in support of S. 2315, a bill to accomplish this purpose, which we have before us today.

The bill would provide an annual motor vehicle permit which would entitle the purchaser, and anyone accompanying him in his private car, to enter some 3,000 designated national parks, national forests, or national wildlife refuges which are administered by the Department of Agriculture or the Department of the Interior. Should the Golden Eagle passport be allowed to die, it would impose a severe hardship on many people who now make regular visits to the fine parks and recreation areas which have been developed through the wisdom of the Congress of the United States by providing authorization and appropriations for these facilities. The only alternative is individual entrance fees which can add up to prohibitive amounts, especially when you consider the young father taking his family out for a day in the woods, or the retired couple seeking the peace of the outdoors.

Mr. Chairman, I recognize that the revenue from the Golden Eagle passport did not live up to its expectations. However, I do not believe that this fact alone should cause the death of the entire program. I believe that the record will show that in 1965, the first year of operation, some 90,000 Golden Eagle passports were issued. The following year, this increased by more than 400 percent. Then in 1967, the sales increased to 542,000 and in 1968 they increased another 150,000 to a total of 692,000 sales. A similar increase was reflected in the 1969 sales.

Mr. Chairman, as the representative of a congressional district which contains approximately 20 million acres of federally owned lands in great demand for recreational uses, including Death Valley, Mount Whitney, Yosemite, Lake Tahoe, Lassen Volcanic National Park, Lava Beds National Monument, the Whiskeytown-Shasta-Trinity National Recreation Area, the Trinity Alps, the historic Mother Lode region, plus millions of acres of national forest lands, I can assure you that the greatest recreation pressure occurs where water resources have been developed. Such areas include Friant, Exchequer, Don Pedro, New Hogan, Oroville, Black Butte, Shasta, Whiskeytown, and Clare Engle Reservoirs.

Under the original Golden Eagle passport program, a problem developed relative to the fees charged for boat launching. There was no uniformity in the user fees charged by the various agencies at boat launching ramps. In some cases, I find that one agency will assess a daily boat launching fee of $1 whereas another agency operating a similar facility nearby will make no charge. I have found that even at the same reservoir, charges are made at some boat launching ramps and not at others.

The daily fee imposed in many of the areas was excessive for people living in the immediate vicinity of these reservoirs. These people, as you can well imagine, use their reservoir facilities many times during the year.

If a pensioner were to go fishing with his rowboat or his small motorboat once or twice a week, as many used to do before launching fees were charged, you can well imagine what the cost in boat launching fees would amount to in just a year, even if the daily fee were only $1 as many of them are. For many of these pensioners and other low-income families, a day of sunshine and fishing on the nearby lake is the most healthy and, up until fees were imposed, the least expensive family recreational opportunity available to them. Since the establishment of these daily boat launching fees, these people simply have been unable to do this because the limited family budget will not permit repeated payments of the launching fee.

Certainly I agree that if an individual launches his boat at an unmanned ramp, he should not be assessed a fee, and I am happy that the legislation as now constituted corrects this situation. I urge my colleagues to support this legislation.

Thank you.

Mr. SAYLOR. Mr. Chairman, I yield whatever time he may consume to the gentleman from New York.

Mr. HALPERN. Mr. Chairman, let us pluck the golden eagle from the edge of extinction.

I refer not to the bird of that name, but to the outdoor recreation fund passport for admission to federally administered outdoor recreation areas.

The passport has been tremendously popular with many of those who make use of our natural recreational facilities. This success unfortunately has been clouded by overoptimistic predictions which were made at the time the passport was first authorized.

As a result of revenues from the sale of the golden eagle admission permits failing to meet inflated early goals, the Congress moved to terminate the program as of March 31, 1970. There were other reasons, of course, such as the controversy raised by the Corps of Engineers over charging for recreational use of water projects, and the high cost of administration for the program in some areas.

The Corps of Engineers has had its way so that there is no use of the golden Eagle passport at corps recreational areas.

Any program administered by the Federal Government on a nationwide basis is likely to have a few cases where operation of that program is not of the ultimate efficiency.

These are not, Mr. Chairman, reasons for us to discontinue an entire program, particularly when that program is well received and making progress toward the goal for which it was established. The golden eagle passport revenues were meant to go into a fund to purchase additional park lands at the Federal and at the State and local levels. The passport revenues are contributing to that fund. We should allow that contribution to be restored.

Admission fees from individual recreational areas will continue to flow into the fund, I realize. My thrust is to the point that the buyer should have available the opportunity to support that funding through the purchase of a single admission permit. This represents a considerable saving to the buyer not only in dollars and cents, but in time and convenience.

I support the increase in the authorized price of the passport from $7 to $10. I think that inflationary though such an increase may seem, it still represents a substantial bargain for the outdoor recreation public.

I do believe that we would be wise in extending the life of the permit for a period more in line with that recommended by the other body, or at least for a 5-year period rather than the year-and-a-half extension now before us for consideration.

Mr. MESKILL. Mr. Chairman, I am pleased to have the opportunity today to support the bill which I have introduced, S. 2315, to restore the Golden Eagle passport program.

We are fortunate that our National Government has looked ahead in planning for the recreation needs of future generations. Our Government has wisely recognized that it is important to conserve and preserve certain areas of our country endowed with particular beauty or historical significance. These lands have been set aside for public recreation use.

The bill that I rise in support of today deals with the public utilization of these national recreation areas. The bill is designed to extend and facilitate admis-

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sion and use of our national parks and recreation areas.

Five years ago, Congress instituted the Golden Eagle passport program as a part of the Land and Water Conservation Fund Act of 1965. Since then thousands of Americans have supported the program and enjoyed its benefits.

Yet in 1968, the Congress amended the act repealing authority for the Golden Eagle passport effective March 30, 1970. This action was taken in the face of two objections to the program which while important, seem to me to ignore the overall purpose and intent of the program.

First of all, however, permit me to explain the provisions of the bill which I support. The bill provides for the continuation of the Golden Eagle passport, reauthorizing the program through December 31, 1971. Second, it raises the maximum annual fee for the passport from not more than $7 to not more than $10.

The fees collected from the passport program go into the land and water conservation fund.

Mr. Chairman, as I recall, Congress amended the Land and Water Conservation Act of 1965 to repeal the Golden Eagle passport program for two reasons. Termination of the program stemmed from some complaints that not every national recreation area honored the Golden Eagle passport, and second, from the program's failure to live up to monetary expectations.

Some citizens complained that golden eagle passports were not honored at certain facilities under the administration and supervision of the Army Corps of Engineers. They protested that admission fees were established where none had been collected before.

If we are going to have a passport program to facilitate the use of our recreation facilities, it seems to me that it should be truly national and universal in coverage. This is an integral part of the whole concept of the program.

Mr. Chairman, I just want to add a final word in support of the golden age passport proposal. I believe this measure merits our special consideration. All too often our senior citizens have been treated as if they are our real forgotten Americans. The inflation in our economy has hit these citizens the hardest of any group. Retirement for our older citizens is often difficult, both emotionally and financially. The golden age passport makes it easier for retired persons to enjoy their retirement years. It would make it possible for them to enjoy the American outdoors upon payment of a lifetime fee. The program takes account of the fixed incomes of many of our senior citizens, and it encourages them to take advantage of the recreation areas available.

Mr. Chairman, I urge careful consideration of the advantages and opportunities that would be afforded to our citizens by the extension and expansion of this passport program and support its passage.

Mr. BROYHILL of Virginia. Mr. Chairman, I appreciate this opportunity to speak in favor of S. 2315, legislation to restore the golden eagle passport which was allowed to expire on March 31 of this year. Among the bills the Committee on Interior and Insular Affairs considered on this matter is one which I introduced in the Congress, H.R. 12311, on June 23, 1969, to continue this fine program so that more citizens can use the recreational facilities of the public lands at a reasonable fee. The golden eagle passport, of which 692,300 were issued between 1965 and 1968 and over 400,000 in fiscal 1969, permits the bearer and everyone within a private vehicle and attached camper or trailer, to use one or all of the over 3,000 national parks, forests, and refuges, as well as other federally operated recreational areas, with the payment of a single $7 fee.

I am convinced that the people in my district in Virginia, as well as the many hundreds of thousands of other Americans, who enjoy the wonders of our national parks, national forests, and other Federal recreation areas, the golden eagle passport is an unsurpassed bargain in outdoor recreation. I think there is no doubt as to the interest in preserving this simple method of collecting this fee, either for the Government or from its user citizens. This fee system is simple to administer and ought to be maintained as an example that all acts of this Government are not confusing and complicated. Not only does the golden eagle passport benefit the hundreds of thousands of our citizens who travel across the breadth of this land in campers and trailers, its users also put revenue into the land and water conservation fund. This revenue helps finance such projects as Federal acquisition of additional authorized areas, multipurpose metropolitan parks, snow-ski areas, campgrounds, swimming pools, and bicycling paths in all the 50 States, the District of Columbia, and our territories.

After a slow start in 1965, when only $633,600 in fees were collected, ever-increasing acceptance and demand had increased receipts in fiscal 1969 to over $5 million. The golden eagle passport has proved its value and popularity.

My prime interest in this legislation is to support the desires and wishes of my constituents who are vitally interested in seeing the golden eagle passport restored. The citizens of northern Virginia find the increase of the fee from $7 annually to $10 acceptable. They ask for but one consideration, that is, restore this fine program.

With the foregoing in mind, I urge the House to act favorably on S. 2315 to restore the golden eagle passport.

Mr. HAGAN. Mr. Chairman, today we will have under consideration a bill to restore the Golden Eagle program to the Land and Water Conservation Act. I am very interested in seeing this program continued and believe it is one that is of much value to a large number of our citizens.

I have received much mail from my district asking that the golden eagle passport be retained and indicating that an increase in the fee would be acceptable, if necessary, in order to keep the program going. This, in my opinion, speaks well for the program.

I am particularly concerned that this pass remain available to our young people, for our young families, so they can take advantage of the opportunity of traveling and yet be able to hold down some on expenses. Nothing is really inexpensive anymore. When there are three or four children admission fees can be a burden on the pocketbook when added to all the other expenses of family travel. These young folks need to be encouraged to visit our parks and to share the wonders and beauties of nature with their children. Family life in America is taking quite a beating these days and everything we can do to help them to grow and share together can only be in the best interest of the whole country. Many of our city-bound families need this outlet, and this great opportunity to help their children appreciate and enjoy the great outdoors.

In addition to the esthetic and educational value of our recreation areas, there is the practical aspect of the funds collected being used to help further develop parks and local community areas and other projects dealing with the outdoors.

I believe it is also worth mentioning that a great deal of the mail I have received is from our senior citizens explaining how very much they appreciate this program as they travel about the country. As we are aware, more and more retired people are taking advantage of the opportunity of seeing the country. Most of these folks are on fixed incomes and they are very grateful for the value they receive with the Golden Eagle passport.

I know there are many facts and figures to be considered on every program but I also know that we have to do all we can to encourage a wholesome life and an appreciation of the great outdoors by our old and young people particularly during these days when so many of our values are being downgraded and pushed aside and when some could not take vacations unless they could take advantage of a program such as that offered through this pass.

As you know, the program expired March 31, 1970, and a tentative program is presently in force. I strongly urge passage of this bill today.

Mr. HOGAN. Mr. Chairman, I would like to add my support to that already expressed today for a temporary extension of the Golden Eagle passport, the annual permit to Federal recreation areas which was authorized under the Land and Water Conservation Act of 1965. The funds anticipated from this and other sources designated under this act were to be used to help provide expanded local, State, and Federal outdoor recreational opportunities. Unfortunately, due to complaints from citizens regarding fees at Corps of Engineers reservoirs where fees were not previously collected, the fact that too few organizations actively promoted it, and the fact that the golden eagle passport did not receive the enthusiastic support of all Federal agencies involved, the program far from realized the monetary expectations of Congress which extended to $180 million by the end of 1969.

In spite of this, campers and outdoor enthusiasts, like myself, have embraced the program and deplore its expiration.

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I am very hopeful that Congress does realize the merit of the concept and by approving S. 2315 which will give the golden eagle a temporary extension while the congressional committees have an opportunity to redesign a program which will overcome the weaknesses of the golden eagle passport. By authorizing this temporary extension, the progress made heretofore will not be sacrificed while a worthwhile program equitable to recreationists and able to fulfill the needs of the Land and Water Conservation Act of 1965 can be developed.

On behalf of the campers and outdoorsmen of the Nation, I urge the Members support for this legislation.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of S. 2315, a bill which would restore the golden eagle passport program operated by the Bureau of Outdoor Recreation. If we do not restore this highly productive program, thousands of American families will not have the benefit of it as the summer vacation season approaches.

I think that the program would offer an incentive to millions of families, who normally might not take a summer vacation, to visit our national parks, seashores, national forests, wildlife refuges, and other Federal areas.

The modest annual fees collected from each participating family is earmarked for deposit in the land and water conservation fund for use in acquiring and developing more Federal recreation lands and waters and for deposit in matching funds to assist States in expanding their recreation programs. I urge my colleagues to support this bill so that many more families in our Nation will be able to take advantage of the exhaustive recreational resources offered in our park and coastal areas.

Mr. LONG of Maryland. Mr. Chairman, I want to express my support for the passage of S. 2315, to restore the golden eagle passport. Many constituents have told me that they use the passport and want it reinstated. Their statements demonstrate the value of the passport in providing economic admission to national parks and shrines. I should like to share some of their observations with my colleagues.

A member of the National Campers and Hikers Association wrote:

> The passport has made it possible for many Americans to visit our national parks and shrines. Without it, we may not be able to do this, as it would cost too much.

Another constituent wrote:

> I have purchased and used the pass since it was first issued. The pass permits me and my family to spend quiet weekends and vacations in natural surroundings.

A mother voiced her support:

> Our family of nine has visited and camped in most of these recreations areas . . . we, and our fellow campers, want to enjoy the areas as they are.

Other constituents expressed their views on the use of the passport fee:

> Since I am under the impression that the monies collected from the passports were used to purchase needed recreational lands and waters, I considered my money well spent. I am sure that many people purchase the Golden Eagle Passport not to save money but to help provide funds to purchase lands for our future use. Please do all you can to reinstate the Golden Eagle Passport.

Another outdoorsman wrote:

> We are campers and find the Golden Eagle important, and it helps support the National Parks.

Another advocate of the program wrote me:

> I have purchased and used the pass since it was first issued. The pass permits me and my famly to spend quiet week-ends and vacations in natural surroundings.

A supporter of the program, who has suggested to many friends that they purchase the passport, sums up the need for the program:

> With little or no bother . . . my friends and I were able to see the great West . . . With the rising price of accommodations . . . and the need to breathe in fresh air and see the majestic sights, more and more people are taking to the road in campers. I am sure if enough of these people were aware of the Golden Eagle Passport more than enough of them would support it.

Federal recreation areas offer rest and relaxation to urban and suburban residents—many of whom cannot afford high admission fees. By reinstating the golden eagle passport program we shall give our citizens continued access to the federally administered outdoor recreation areas.

Mr. HANNA. Mr. Chairman, as a coauthor of legislation providing for an indefinite extension of the golden eagle passport program, I speak today in support of S. 2315, a bill to extend the program only until December 31, 1971. I do so reluctantly yet with all optimism that in this allotted time means will be discovered for providing the patrons of this program the indefinite extension many of us desire.

I have received, in recent months, many letters from constituents urging my support of this program. These letters speak with a certain eloquence and urgency that is difficult to ignore. I therefore ask unanimous consent that the text of one of these letters be printed in the RECORD:

> We are writing in regards to the "Golden Eagle" Program.
>
> We are a family of five and enjoy the program as it is now. We understand that in order to keep the "Golden Eagle" card in existence, the fee will be raised to $10.00 a year. We support this issue and are willing to pay the increase of fee.
>
> We urge you to also support this program, as this is one way to keep—"Young Americans" beautiful in mind and spirit.
>
> Thank you.
>
> Mr. and Mrs. JAMES KEYS and family.
>
> Anaheim, Calif.

Mrs. MINK. Mr. Chairman, I rise in support of S. 2315, legislation to restore the golden eagle program.

I believe we should extend this program until such time as the Congress and the governmental agencies involved can agree on a permanent program to make low-cost access to our parks and recreational areas available to all our citizens. Any such program, in my view, should be at least as beneficial as the golden eagle program which has allowed citizens unlimited access to these facilities for a minimal charge of $7 per year.

Under this legislation, Congress will have until December 31, 1971, to develop a sound, permanent program. In the meantime our citizens will continue to be able to purchase and utilize golden eagle passports to our parks and recreational areas.

If the program that is developed does not fully meet the needs of our people, then I for one will support further legislation to extend the golden eagle program as it is now. I believe it is vital that these national facilities acquired and maintained by our Government for the use of the people should be made available as widely and as cheaply as possible.

The House Committee on Interior and Insular Affairs, of which I am a member, has acted cautiously in approving only the temporary extension contained in S. 2315 as amended.

Certainly this is the most minimal step that must be taken. I urge my colleagues to support this compromise step which will allow your committee time to work on a more favorable permanent alternative.

Mr. ROTH. Mr. Chariman, I rise in support of this legislation to restore the golden eagle program to the operations of the Land and Water Conservation Fund Act. The golden eagle passport, as it had been known, was an extremely popular feature of the Federal recreational program in recent years. By purchasing the passport, the holder and his family could enter any Federal recreation area at which an entrance fee was charged. The $7 passport represented a considerable cost saving to a family traveling from one national park or national forest recreation area to another.

S. 2315, which we are considering today, would extend the authority for the golden eagle passport until December 31, 1971, a move which would offset a previous amendment of the Land and Water Conservation Fund Act terminating that authority in March of this year.

S. 2315, would also increase the authorized limitation on the fee for the passport from $7 to $10.

The golden eagle passport users are, to my mind, confirming two outstanding American character traits—the desire to pay one's own way, and the eye for a bargain.

Mr. Chairman, America possesses a rich heritage of natural wonders and scenic delights. There are additional lands which we would be wise to add to our existing treasures. The funds derived from the sale of these recreational passports will go to acquire these needed additions. Certainly we should do all within our power to enable the users of our recreational lands to assist in acquiring more. Our approval of S. 2315, restoring the Golden Eagle program is a meaningful contribution to that goal.

Mr. VANIK. Mr. Chairman, I thoroughly support the golden eagle program. As you know, the program will provide an annual motor vehicle permit which would entitle its holder, and anyone accompanying him in his private car, to enter some 3,000 designated national parks, national forests, or national wildlife refuges. Public concern for our parks and forests and their future beauty and preservation is best generated by exposure to these historical sites. The Golden Eagle passport, with its great convenience and minimal cost, is the best means for that exposure.

In these days of increased urbanization and polluted city air, the continuation of this inexpensive opportunity to be out of the city means a great deal. A visit to these largely unpolluted parks and recreation areas is a constant reminder of what a clean environment can be like.

By their very definition, national parks are meant for general public use and it is essential that we keep access to them within the reach of all Americans who desire it. Should the passport be allowed to die, it would impose a severe hardship on many people who now make regular visits to the fine parks. For many families in this country, termination of the Passport would mean the end of frequent camping trips. In addition, senior citizens are solid supporters of the program and because of the fixed income of many of these citizens, the golden eagle program permits them to have vacations and yet hold down the costs.

At the same time, this program brings in a needed revenue to keep the many parks and sites open, clean, and enjoyable. Thousands of Americans have already benefited from the golden eagle program and with increased publicity for the program, the great upswing in camping as a pleasant and economical means of traveling, and more and more people traveling to these sites due to our Nation's population growth, the program will undoubtedly be extremely successful. Mr. Speaker, I strongly urge the passage of this legislation designed to restore the golden eagle passport.

Mr. HORTON. Mr. Chairman, the golden eagle passport program to encourage Americans to make use of national parks must be continued.

The key to the program, established in 1965, is the annual fee to allow use of national parks and forests without additional charge for each separate entry.

This program ended March 31 of this year and we are presently debating legislation to reinstate the golden eagle passport and its special conservation fund to expand State and Federal recreation lands.

Such a program is particularly important to those who have been able to take advantage of these recreational facilities at the reduced cost.

If we lose the fight to continue the golden eagle passport program, campers, families, young people, and the elderly will be deprived of the reduced rates and thus will not utilize these facilities. We would also eliminate the land and water conservation fund so vital to preserving and expanding our national parks and forest lands.

I strongly urge my colleagues to join me in support of the golden eagle passport program.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 1(d) of the Act of July 15, 1968 (Public Law 90–401, 82 Stat. 354), is amended by deleting "March 31, 1970." and inserting in lieu thereof "December 31, 1971."

Sec. 2. Section 2(a)(i) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5(a)(i)) is amended by deleting "not more than $7" and inserting in lieu thereof "not more than $10".

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edmondson: Page 3, lines 18 through 21, strike out section 2 of the proposed Committee amendment (raising the annual fee for the Golden Eagle from $7 to $10); and renumbering the succeeding sections accordingly.

Mr. EDMONDSON. Mr. Chairman, this is the first of the two amendments I discussed during general debate. It strikes section 2 of the bill as reported by the committee and holds the line at a $7 fee.

I mentioned in general debate the principal reason I had in mind for it. First was that it is, I think, counterinflationary, in that it does follow the wishes of the President and, I think, of the people all over the country to try to hold the line on this general trend toward price increases. This is a 42-percent increase, from $7 to $10, which I think is against the public interest on the grounds of its inflationary character, if for no other.

Aside and apart from that, I think the point is valid that we may very well get more revenue out of a $7 permit that is generally accepted than we will out of a $10 permit. There will be many people who will buy a $7 permit and hesitate to buy a $10 permit.

I am aware there are some people who said they do not have any objection, but if one will walk out on the street and take any 20 people at random and ask them if they would like to pay $7 or $10 for this permit, I will bet my salary against a hat that they will prefer to stay with the lower figure.

Mr. Chairman, I hope this amendment will be accepted, and accepted in the spirit of continuing this program as it presently is, while we study proposed changes in it.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I compliment the gentleman on his amendment. I would like to make an additional legislative record. While the gentleman is "betting his salary against a hat" particularly, would the gentleman not say that if he limited his poll to those areas where there is a heavy retired population, those who live on fixed income, that they particularly would be done a disservice by the increase in the fee, and vote almost unanimously against it?

Mr. EDMONDSON. Yes, I agree with the gentleman wholeheartedly.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, for the sake of the Record, would the gentleman also recall that one of our very large labor ogranizations testified before the committee that it had no objection at all to increasing the price of the Golden Eagle, but they did want us to retain the Golden Eagle?

Mr. EDMONDSON. I think we have had several witnesses along that line, and I am quite sure I have talked to some people who feel that way. I have talked to a great many more who would rather have it held at $7.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment.

Although the amendment of the gentleman from Oklahoma (Mr. Edmondson) sounds like a modern-day amendment to cut back on prices and inflation, it really does not amount to that at all, because the reason this amendment was brought up in the form it has, was because most of the users from whom we heard suggested they would be very pleased to pay more—$15 or $20.

Not only that, this is not a set fee of $10. It is entirely up to the President of the United States. If he sees fit to raise it to $10, or to raise it to $10 only under certain circumstances, he may do so. But it really is not inflationary at all. The thing we want to keep in mind is this, that the Golden Eagle pass as we have originally authorized it has been abused by many people, as the gentleman from Ohio (Mr. Hays) said when he questioned me during my presentation.

Also there is authority so that under the manner in which the act has been administered up to the present time, certain credits can be given, whether it be $7 or $10, and those credits can be shut off so far as users' fees are concerned.

Consequently this is what we want to take care of. I suggest to my colleagues when this legislation is passed, when they get their copies of the Public Land Law Review Commission's report, they will see what the Commission has to say about payment by all Americans for all uses of public lands.

That is really what is involved here. I would ask my colleagues to defeat the amendment and permit the increase if the President sees fit. He will have to make the determination as to whether or not it is necessary.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Pennsylvania.

Mr. SAYLOR. I should like to commend the chairman of the full committee for his statement. It is not compulsory that this go to $10; it is permissive. It is entirely up to the President and the Secretary of the Interior as to whether this fee shall be increased to $10.

Mr. ASPINALL. May I say to my friend, it is up to the President, who will be advised by the Secretary.

Mr. SAYLOR. I might say further, as the gentleman explained in the well in his opening speech, since there will be no fee this year it is a question to be up for consideration next year.

I certainly urge that the amendment be defeated.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Oklahoma.

Mr. EDMONDSON. The chairman if eminently correct in saying that authority is conferred to raise the fee, and it is not mandatory. I recall the same argument was made when we were setting a limit of $7 on it in 1965. All the discussion had been about a $5 fee. All the estimates had been about a $5 fee. When the fee was imposed it was imposed at the ceiling of $7.

Mr. ASPINALL. The gentleman's memory is correct, of course, at least to the extent of the amount of the fee.

I would say this is perhaps one reason why we have not been able to get this program off the ground. I doubt if there will be any attempt to raise the fee, whether we have it here or not. It just does not seem to me we can use it as an inflationary argument.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. RANDALL. Did I correctly understand the gentleman to say it is his contemplation that none of this would apply to the Corps of Engineers, throughout the Nation?

Mr. ASPINALL. The gentleman is correct 100 percent.

Mr. RANDALL. Nothing in here would permit it to apply?

Mr. ASPINALL. The gentleman is correct 100 percent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDMONDSON).

The question was taken; and on a division (demanded by Mr. EDMONDSON) there were—ayes 13, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Section 8 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–10a), is amended by deleting "of fiscal years 1969 and 1970" and inserting "fiscal year".

SEC. 4. On or before February 1, 1971, the Secretary of the Interior shall complete a survey as to the policy to be implemented with regard to entrance and user fees and report his findings to the Senate and House Committees on Interior and Insular Affairs.

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edmondson; Page 4, After line 5, insert the following new section:

"No entrance or admission fee shall be collected at any Federal outdoor recreational facility or area other than at National Parks where collection of such fees is found both practical and desirable."

Mr. EDMONDSON. Mr. Chairman, this is the second amendment referred to in general debate. It is an amendment which seeks to extend to the National Forest areas and to the Bureau of Reclamation recreation areas the same principle that is incorporated in section 210 of the Flood Control Act, which is that there shall be no entrance or admission fees to these recreational areas. In short, it would confine the fees that would be charged to user fees, which the debate, it seems to me, has made very clear are the fees which are generally considered to be the fairest, the easiest collected, the best in their return to the Government on the basis of collection expense.

Now, if you want to continue to have somebody at the gate 24 hours a day during recreational periods to collect these entrance fees at some of these areas regardless of whether it is economical or considered to be feasible, why, you can go ahead and vote for entrance fees and admission fees if you like. But personally I believe it is the consensus of this committee that we should go to the user fee system. This amendment takes us to a user fee system every place except in the national parks and only in national parks where such collection is found to be desirable and feasible would the entrance fee be collected.

I hope the amendment will be adopted. It had nine votes in the committee, and I hope it gets at least that many on the floor of the House today.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment.

The amendment is premature. This is one of the matters that must be taken care of in the study with which the department will report back to us.

I am sure, of course, that the gentleman from Oklahoma, in the enthusiasm of his argument, did not intend to lead any of us to believe that there are any places that are being kept open 24 hours a day for the collection of fees, not even in the Park Service as far as that is concerned. In most of the park areas, even under the old system, there was no charge made where charges were found to be infeasible and more costly than the revenues collected.

This argument sounds very good, but if you are thinking about recreation in the United States, I think you should keep in mind that there is some universality to this question of recreation, and to pick out the National Park Service at this time before the study is made, even with the argument that the gentleman from Oklahoma has made so forcefully, as far as the user fee is concerned, is just not, in my opinion, logical or rational.

I think the amendment offered by the gentleman ought to be defeated.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my good friend from Pennsylvania.

Mr. SAYLOR. I commend the chairman of the committee for his opposition to the amendment. The chairman and I have both assured the gentleman from Oklahoma that this legislation does not touch the Corps of Engineers projects. What he is trying to do here is to expand on that assurance and put in the Forest Service and recreation facilities of other departments.

Mr. ASPINALL. He wants to put in the Bureau of Land Management and also the wildlife refuges and anything else that might come up before the study was made. The suggestion is just untimely and that is all there is to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDMONDSON).

The amendment was rejected.

The CHAIRMAN. The question now occurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MOORHEAD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2315) to restore the Golden Eagle program to the Land and Water Conservation Fund Act, pursuant to House Resolution 953, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 314, nays 1, not voting 114, as follows:

[Roll No. 182]

YEAS—314

Abbitt
Abernethy
Adams
Alexander
Anderson, Ill.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley

Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kluczynski
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Poff
Price, Tex.
Pryor, Ark.
Quie
Randall
Rees
Reifel
Reuss
Rhodes
Riegle
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Ryan
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Waggonner
Waldie
Watkins
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion

NAYS—1

Thompson, Ga.

NOT VOTING—114

Adair
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Barrett
Bolling
Bow
Brasco
Brock
Brooks
Burleson, Tex.
Carey
Carter
Celler
Chisholm
Clancy
Cohelan
Conyers
Crane
Daddario
Daniels, N.J.
Dawson
de la Garza
Delaney
Dent
Diggs
Dingell
Downing
Dulski
Eckhardt
Erlenborn
Farbstein
Feighan
Fish
Fraser
Fulton, Tenn.
Gallagher
Gaydos
Giaimo
Gilbert
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hawkins
Hébert
Howard
Keith
Kirwan
Kleppe
Koch
Kuykendall
Landrum
Long, La.
Lukens
McCarthy
McClure
McEwen
McKneally
McMillan
MacGregor
Madden
Marsh
Meskill
Minshall
Mollohan
Monagan
Montgomery
Murphy, N.Y.
Ottinger
Pelly
Pirnie
Podell
Pollock
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quillen
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Rivers
Robison
Rodino
Roe
Rooney, N.Y.
Roybal
St Germain
Scheuer
Schwengel
Smith, Iowa
Snyder
Stephens
Stratton
Sullivan
Symington
Thompson, N.J.
Tiernan
Ullman
Vigorito
Wampler
Watson
Weicker
Whalley
Whitten
Wilson, Charles H.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Albert with Mr. Adair.

Mr. Feighan with Mr. Bow.

Mr. Carey with Mr. Pirnie.

Mr. Celler with Mr. McKneally.

Mr. Fulton of Tennessee with Mr. Kuykendall.

Mr. Rooney of North Carolina with Mr. Hastings.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Murphy of New York with Mr. Robison.

Mr. Price of Illinois with Mr. Clancy.

Mr. Delaney with Mr. Andrews of North Dakota.

Mr. Hanna with Mr. Carter.

Mr. Hanley with Mr. Fish.

Mr. McCarthy with Mr. Reid of New York.

Mr. Downing with Mr. Watson.

Mr. Stratton with Mr. McClure.

Mr. St Germain with Mr. Keith.

Mr. Pucinski with Mr. Erlenborn.

Mr. Dingell with Mr. Schwengel.

Mr. Gilbert with Mr. McEwen.

Mr. Hébert with Mrs. Reid of Illinois.

Mr. Giaimo with Mr. Hansen of Idaho.

Mr. Purcell with Mr. Pelly.

Mr. Stephens with Mr. Snyder.

Mr. Whitten with Mr. Whalley.

Mrs. Sullivan with Mr. Wampler.

Mr. Ullman with Mr. Zwach.

Mr. Thompson of New Jersey with Mr. Minshall.

Mr. Rarick with Mr. Crane.

Mr. Daddario with Mr. Meskill.

Mr. Madden with Mr. Kleppe.

Mr. Addabbo with Mr. Weicker.

Mr. Brooks with Mr. Pollock.

Mr. Daniels of New Jersey with Mr. Railsback.

Mr. Vigorito with Mr. Lukens.

Mr. Charles H. Wilson with Mr. MacGregor.

Mr. Burleson of Texas with Mr. Brock.

Mr. Anderson of California with Mr. Mollohan.

Mr. Brasco with Mr. Dent.

Mr. Conyers with Mr. Scheuer.

Mr. Diggs with Mr. Koch.

Mr. Podell with Mr. Hawkins.

Mr. Rivers with Mr. Smith of Iowa.

Mr. Roe with Mr. Montgomery.

Mr. Rodino with Mr. Marsh.

Mr. Landrum with Mr. Howard.

Mr. Barrett with Mr. Symington.

Mr. Cohelan with Mrs. Chisholm.

Mr. de la Garza with Mr. Eckhardt.

Mr. Dulski with Mr. Gaydos.

Mr. Gallagher with Mr. Tiernan.

Mr. Powell with Mr. Fraser.

Mr. Monagan with Mr. Farbstein.

Mr. Hamilton with Mr. Roybal.

Mr. Preyer of North Carolina with Mr. Harrington.

Mr. Ottinger with Mr. Kirwan.

Mr. McMillan with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may have 5 legislative days in which to extend his remarks on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The Speaker laid before the House the following communication; which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

JUNE 18, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture considered and unanimously approved the work plans transmitted to you by Executive Communication and referred to this Committee. The work plans involved are (by watershed, State, and Executive Communication number):

Beaverdam-Warrior Creeks, South Carolina, 1741, 91st Congress.

Fish Bayou, Arkansas, 1741, 91st Congress.

Lost-Duck Creeks, Oklahoma, 1741, 91st Congress.

North Fork Obion River, Tennessee, 1741, 91st Congress.

Swan Creek, Alabama, 1741, 91st Congress.

Yours sincerely,

W. R. POAGE,
Chairman.

RURAL DEVELOPMENT

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, in the past year, we have been made increasingly aware of environmental deterioration in this country. While we struggle to know more about what our resources can support and tolerate, a rapidly increasing population continues to exact a terrible toll on our resources, and to place a heavier burden on our land, our waters, and even the air we breathe.

Our population is spread unevenly and uncomfortably. Nearly three-fourths of our population now live on only 2 percent of our land area. By the year 2000, we will have added another 100 million to our population and 35 to 40 million of them will be jammed into existing urban areas.

We will have no new supplies of air, water, soil, trees, or mineral resources, but somehow we will have to support more and more Americans.

Our conservation efforts of the past are not, by themselves, going to meet the challenge. Isolated parks and game reserves, scattered scenic rivers and roads, and individual conservation projects will not save, or more importantly, replenish and develop what has been destroyed.

But, as bad as it all seems today, there are good reasons to be encouraged for tomorrow. The problems we now face are so great and so complex that they must be met with comprehensive and complete solutions.

The war on environmental decay is being waged in earnest by more Americans than ever before.

The farmers, who have long been our most active, working conservationists, are striving harder to restore their croplands and to awaken the potential of neglected acreage for usable recreational facilities.

During the past year, greater attention by the Federal Government and State governments has been given to enforcing existing laws for air and water quality standards.

The National Environmental Policy Act of 1969 gives recognition to the collective impact of growing population and economic development. It sets forth an essential policy of cooperation among Federal, State, and local governments to meet necessary high standards for better environment.

The aspect of the problem which particularly attracts my attention is that of the plight of our rural areas. It is in our rural areas where I see prospects for early and fruitful rewards. It is puzzling to me that the countryside, where the American dream was planted, where our resources were used by farmers to grow food and fiber, where we found our timber, our minerals and our peace and quiet, would be ignored and cast aside as mechanization and urbanization changed the character of the nation.

The hard-working farmer has always been an American hero, but as he finds himself unable to stay alive economically on a small farm, we seem to ignore his agonies and turn our attention to the more obvious problems in our cities. The consequences of allowing rural America to disintegrate touch everyone in this country more than we realize.

Mr. Speaker, young people who are well-educated and vital, those with the potential to rebuild our rural areas are leaving at an alarming rate. They are abandoning the countryside where they see only their parents' past and no future for themselves. They are attracted, understandably, by news that there are job opportunities in the large metropolitan areas.

Often these young people find that things are no better in the city. They add to the crowding, the unemployment rolls and the crime rate.

Mr. Speaker, it is in our rural areas that we can still find generous resources of clean air, clean water and living space to absorb people who would leave their city life behind in a minute if they knew that jobs, good transportation, educational and health facilities were available. It is in the rural areas that we have our greatest recreational potential, scenic beauty and tranquility. It is in the outlying areas that we can most readily and economically develop facilities for industry. It is there that we can most easily develop and preserve our natural resources as our population expands.

People in rural areas want to improve their lot. Rural development is a dedication of the strengths of these individuals through their own institutions—schools, churches, clubs, organizations, business and industry—to make more jobs, create more opportunities and to establish a better quality of life.

Legislation introduced in this Congress aimed at rural development could, in many instances, be very helpful. The bills designed to create tax-incentive programs for industry would help to create new job opportunities, would contribute to the needed job-training facilities and would provide not only incentives for rural people to stay where they are, but they would attract others to move out into the country.

The private industry of this Nation also must participate in the improvement of economic opportunity for rural America.

Existing laws and programs can be used most effectively. The U.S. Department of Agriculture has had for years a chain of organization and communication which ties together the effort of the Federal and State governments to aid the individual. The programs for soil and water conservation that exist and which have served us so well can be used more vitally in the future.

Since passage of the Watershed and Flood Prevention Act of 1954, 261 small watershed projects have been completed; 651 projects are under construction or are in preconstruction phases; 581 projects are in the planning stages; and there is potential for nearly 7,000 more projects.

Small watershed projects and those for resource conservation and development, conservation technical assistance, soil surveys, and river basin surveys have created better living, working, and recreational facilities, have offered more employment to rural people, and have added to the enjoyment of rural living.

They must be used to their fullest in the future.

There are still nearly 30,000 rural communities with no adequate water systems and nearly 45,000 without sewer systems.

By developing a sound economic base in the country we will simultaneously improve living conditions in rural areas and relieve much of the pressure of urban centers. We will slow outmigration from the country and create a better distribution of people and economic growth.

By saving and restoring our rural resources we will insure a stronger resource base for the future. The total benefit of this program will be a higher standard of living and a higher quality environment for all Americans.

CONTRACTS AWARDED BY THE NATIONAL SCIENCE FOUNDATION

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, we have accustomed ourselves to the daily reading of news releases which tell of increased fighting in Indochina, a record unemployment figure here at home and a proposal for increased taxation. It is seldom that a Member of Congress has the opportunity to read a news release that is humorous at best, while at the same time is the proverbial story of the American bureaucracy.

Many of my colleagues, I am sure, await with anticipation as I do for the daily arrival of the press notice announcing the grants and contracts awarded by the National Science Foundation.

The ingenuity the National Science Foundation displays in dreaming up outlandish ways to spend the taxpayer's money is truly a work of art. Last Friday they reached a new pinnacle of success in my estimation, as they announced a $60,000 grant to South Dakota State University to conduct a 24-month study on "Physiological and Behavioral Effect of Insecticides on Cormorants."

Webster's dictionary describes the cormorant as a "greedy, web-footed sea bird related to the pelican, having a wedge-shaped tail, a hooked beak, and a bare, distensible patch of skin at the upper throat."

Despite the fact that I have lived in South Dakota all my life, I defy anyone to show me one cormorant in the State, let alone one whose physiological and behavioral habits may have been affected by insecticides. There is not a cormorant within a thousand miles of South Dakota, and while this $60,000 grant is no doubt a boon to State University, it is a classic example of the Government's renowned ability to spend money foolishly.

Last month the House voted the National Science Foundation $497 million for the coming fiscal year to carry on this folly of funding project equally as worth while as the one I have just mentioned.

Who will deny the pressing urgency for the need to spend $28,000 in order to better understand the "Gene Expression in Sea Urchin Embryos?"

Show me a citizen in Slippery Rock, Pa., or Tulsa, Okla., who would say one discouraging word about the National Science Foundation shelling out $229,700 for two grants enabling "Collaborative Research on Hawaii Terrestrial Biology subprograms."

Yes, my distinguished colleagues, when I leave this august body at the end of the current session, one of the things I shall miss most of all will be the daily news releases of the National Science Foundation, boasting, if you please, of their success in pouring taxpayer's money down a rathole.

BLUE RIBBON BOARD CONFIRMS C-5 CAPABLE OF DOING JOB

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, last week I received a report from the blue ribbon scientific advisory board appointed by the Air Force to look into contentions that the C–5A may not perform the mission for which it was designed.

It was interesting, Mr. Speaker, that this scientific advisory board was headed by Dr. Raymond Bisplinghoff, dean of engineering of MIT. The report confirms that the C–5 will meet all of its performance requirements.

Because the special scientific advisory board has now rendered its report on the C–5 saying, in substance, that the massive aircraft will perform its mission requirements, the shrill voices of the alarmist should be quieted.

Certain persons have been doing not only Lockheed a disservice but the entire public by raising their voices in criticism of the performance of the C–5 when in fact every report indicates the aircraft will clearly perform the mission for which it was designed.

Now that the blue-ribbon panel headed by Dr. Raymond Bisplinghoff, of MIT, has reported, possibly those who have sought to bring about a division in the American public with regard to the so-called military-industrial complex will silence their voices insofar as the C–5 program is concerned.

One of the oldest tactics used to detroy a program is to subject it to constant harassment and criticism, whether warranted or not. It is obvious that the actions of certain people lead many to the conclusion that they are simply trying to bring about the cancellation of the entire C–5 program which would mean the weakening of America's military might and possibly the destruction of a great national concern.

In order to accomplish this cancellation, a great volume of words and phrases have been forthcoming and in my personal opinion, particularly after the report of the Bisplinghoff panel, these voices should be stilled and Lockheed allowed to get about the business of producing the desired number of aircraft with adequate compensation paid by the Government.

Mr. Speaker, perhaps one of the clearest reports of the findings of the commission is contained in the news release put out by Lockheed itself and I insert in the Record immediately following these remarks the text of this release:

Blue Ribbon Board Confirms C–5 Capable of Doing Job, Lockheed Notes

Atlanta, Ga.—The blue ribbon report on the C–5 submitted to the U.S. Air Force by a Scientific Advisory Board supports Lockheed's contentions that the massive airlifter will perform its mission with the Military Airlift Command, Lockheed-Georgia Company Vice President, Engineering, Robert Ormsby said today. The report confirms that no new wing is necessary.

Ormsby stated that the thorough and comprehensive review given the C–5 program by the board, which was headed by Dr. Raymond Bisplinghoff, dean of engineering of the Massachusetts Institute of Technology, served to point out areas of concern that Lockheed engineers were aware of as a result of extensive development and flight testing of the world's largest aircraft.

Flight testing of the C–5 as well as continuing testing of non-flying static and fatigue specimens now have the highest priority at Lockheed-Georgia and some areas of testing will be expedited to ensure that C–5s off the production line will perform as required and as indicated in the report, continued Ormsby.

Ormsby pointed out that the report identified no new problems with the C–5 and recommendations made were in line with action already being taken by company engineers.

"Specifically," Ormsby said, "we're now increasing our static test loadings beyond the 80 percent point and we're moving ahead with fatigue testing of the C–5. In any case, the difficulties we have encountered would ordinarily be considered normal in any aircraft development and testing program not subjected to the criticism given the C–5 program.

"Up to now," Ormsby indicated, "static tests on the C–5 wing have represented wing loadings 26 percent beyond those normally expected in flight operations. The C–5 wing in undergoing loading tests has had the wing bent upwards to where the wing tip was 16 feet above the level that is normal for a C–5 standing on a runway. Under the same loading conditions, the wing has been bent downwards to where the wing tip was 12 feet below the normal level. "Under our accelerated static test program," said Ormsby, "the wing will be subjected to increasingly severe loads that will bend the wing upwards and downwards over a range of 35 feet, representing a 50 percent load factor greater than the C–5 will ever experience in flight.

"Certain cost saving recommendations were made by the board, which suggested some changes in the over-all C–5 operational requirements," Ormsby said. These changes are primarily related to avionics or radar equipment developed especially for the C–5 and are now being proved. By using a less sophisticated radar system than was specified for the C–5 back in 1965, the Galaxy will still perform satisfactorily as the advisory board indicates.

"As for the recommended changes, it's solely a matter for the Air Force to decide after they weigh their operational requirements against system costs. In any event, Lockheed will cooperate fully with any decisions made by the Air Force in complying with recommendations of the advisory board."

"So far, the C–5s in flight test, those assigned to air crew training at Altus AFB, Okla., and the C–5 delivered for squadron operations at Charleston AFB, S.C., have been performing up to expectations and, in some cases, beyond," Ormsby said. The C–5 delivered to Charleston on June 6, for instance, has logged 71 hours of untroubled flight to date, including over water flights to Bermuda and Puerto Rico, Ormsby indicated. "This rate of usage only serves to indicate how anxious the Air Force is to have the C–5 in squadron strengths and how important it is to the Military Airlift Command," stated Ormsby.

The recommendations in the report are sound and in keeping with our own philosophy as to how to proceed with the program, said Ormsby, and we will certainly cooperate with the Air Force in implementing the positive recommendations of the report.

"Now that our own opinion of the C–5 has been confirmed by the Scientific Advisory Board," Ormsby continued, "we look forward to getting on with the job of delivering C–5s to the Military Airlift Command where we are confident it will have a successful career in the tradition of the C–130 and C–141 airlifters, but with the inherent improvements the C–5 offers MAC."

Commenting on the Scientific Advisory Board summary report on the independent study of the C–5 design and development, President Robert A. Fuhrman, of the Lockheed-Georgia Company, Wednesday, said:

"The previous speculation that the Scientific Advisory Board report would call for a new wing has been proved erroneous. The summary of this report confirms our own prediction that, on the basis of test measurements received to date, the C–5A Galaxy flight performance will meet its contract guarantees. The important thing is that the basic design and structure of the C–5 are sound.

"The suggestions made by the independent SAB deserve, and will receive, careful further study and analysis. It is possible, as the committee summary notes, that some modification to the wing structure may be needed as tests progress. Such modifications are typical of those needed and experienced in a normal aircraft development program."

SECRETARY DAVIS OUSTED?

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, the resignation "or firing" of Assistant Commerce Secretary Kenneth N. Davis, Jr., has been of great interest to those sponsoring the Mills textile-footwear import bill. It is passing strange that this event occurred at a crucial time in trade negotiations here in Washington with Japan and prior to an executive session of the Ways and Means Committee to consider this bill.

I have the very highest regard and respect for Secretary Maurice Stans. I trust and hope Secretary Stans and President Nixon will yet openly endorse the Mills bill as this bill will promote negotiations such as the high level conference now underway.

Recently the United States-Japan Trade Council here in Washington opposed in testimony before the Ways and Means Committee the Mills textile-footwear bill. Supposedly, the Council's chief interest was to promote trade between the United States and Japan. It came as a shock, that after the Council's testimony before the committee against the bill to learn that the United States-Japan Trade Council was financed largely by Japan.

I wish to commend our distinguished, able, beloved, and dedicated colleague, Johnny Byrnes, for exposing this fraud—this masquerade of the Council. Thus, Mr. Byrnes greatly contributed to an honest and fair evaluation of the merits of the Mills bill by exposing the under-the-table financing of the Council.

Mr. Speaker, these bizarre events and revelations point out the intrigue and procrastination of some who oppose fair, orderly trade legislation such as the one presently being considered by the Ways and Means Committee introduced by the gentleman from Arkansas (Mr. Mills) and 252 Members of the House of Representatives.

Mr. Speaker, I might remind my colleagues that the high level Japanese mission in Washington today would not be here were it not for the strength manifested by the House in support of Mills textile-footwear bill. Yes, Mr. Speaker, 253 Members have joined in introducing the bill. Yes, Mr. Speaker, 14 members of the Ways and Means Committee have introduced the bill. This is a clear majority. Now is the time to proceed with passage of the bill. Again, Mr. Speaker, the bill itself provides for negotiations.

Passing this bill will encourage negotiations and meaningful voluntary agreements.

SENIORS MAKE EXCELLENT SPEECHES

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGAN. Mr. Speaker, on May 31st I had the distinct pleasure of attending the Milton Hershey School graduation worship service at Hershey, Pa.

At this ceremony we heard addresses by three seniors and in all of my years in public service I have seldom heard remarks equaling the spiritual quality of these youths.

It is certainly comforting to know that in these very difficult and troubled times for today's young people that the Milton Hershey School is placing into the adult world young people with high spiritual values and constructive ideas. These young men, I am confident, will make a valid and outstanding contribution to the American way of life.

I, therefore, commend these three senior addresses to the attention of my colleagues:

SEEK AND YE SHALL FIND

(By Curtis Lohler)

There is a label on a cage in a certain zoo that states simply, "This animal is new to science." A discovery of such magnitude sends thousands of scientists scurrying to their labs to try and trace the ancestry of this animal. Eventually, after much searching, man places this poor creature in its proper place in the animal world.

There is a label on a cage in the minds of men which reads, "The force contained in this cage is extremely dangerous, handle with care." Another label on the same cage reads, "The force contained herein is highly communicable. Those infected will find a peace unlike any they have ever known." The force thus imprisoned is God, waiting as it were, proper classification. We hurry about, reading books, performing experiments, disproving the words set down in ages long since past. During all of this drive for knowledge, a timeless Patriarch sits waiting patiently for us to return to the simple acceptance and faith of our ancestors.

When a scientist wants to answer a question, he goes about finding his facts in an orderly way. Each experimental result is used to support his preliminary hypothesis.

When a doctor performs exploratory surgery, he is using his professional experience to attempt to discover the causes for his patient's illness.

When you form an opinion, it is the conglomeration of the thoughts and opinions of your friends and acquaintances. This human chain is forged daily by millions of people helping one another through sharing their ideas and opinions.

What do you consider as God? Put all of the thoughts and ideas you have heard away and do some independent thinking on this question. Is he a being similar to us, whose power is unlimited? Is he a spirit unseen by man? Is he just a force whose unavoidable presence is constantly watching our actions?

In the Bible it is written, "Seek ye first the Kingdom of God, and all these things shall be added unto you." But how do you seek God? Can it be done with a telescope, or a microscope? Will experimental results verify His presence? The only advice that can be given is that you search on your own. When you leave the cares and troubles of the world and close yourself into contact with your conscience, you will invariably reach a conclusion. Whatever you decide; whether to believe in a set doctrine or your "ownism," set your standards to this decision. Whether you feel the doctrine of God and Jesus Christ is your choice or whether or not you feel that there is an extraterrestrial force governing our actions is your own business, but once you do decide, stick to your decision, and respect those of others.

The majority of the convictions of men stem from the belief in a single, all-powerful diety. This power is constantly being defined and personified in written works: of which none are capable of being believed as fact, for each is only an extension of its own author's beliefs.

Each man must decide for himself how he will approach his God. Each must come on his own, in his own way; for no beaten path is accurate, no map is available.

I conclude my thoughts on choosing your path and your own spiritual guidance with these words written in 1693 and found in Old St. Paul's Church in Baltimore.

Go placidly amid the noise and haste and remember what peace there may be in silence! As far as possible, without surrender, be on good terms with all persons. If you compare yourself with others, you may become bitter or vain, for there will always be greater and lesser persons than yourself.

Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with dark imaginings. Many fears are born of fatigue and loneliness.

Beyond a wholesome discipline, be gentle with yourself. You are a child of the universe no less than the trees and the stars; you have a right to be here, and whether or not it is clear to you, no doubt the universe is unfolding as it should.

Therefore, be at peace with God, whatever you conceive Him to be. And whatever your labors and aspirations, in the noisy confusion of life, keep peace in your soul. With all its sham, drudgery and broken dreams, it is still a beautiful world!

RELIGION, AN ESSENTIAL TO GOOD DECISIONS

(By Kenneth Ornick)

Graduation means many things to many people, but for seniors it is a time when they must make some of the most important decisions in their lives. These decisions might be about attending college or entering one of the branches of our Armed Forces. But no matter who we are we must make choices.

When the time comes to make a decision how will we choose which way to go? What will we use as the basis for judgment?

Religion should play an essential role in our decision making, for it is in religion that our sense of right and wrong becomes clearly defined. Religion can give us a sense of direction.

What better way is there to make that all important decision, than to take a moment to think about it and quietly ask for divine help to answer it?

There are many stories that tell of how God has shown his way to those who have called upon him in earnest. There isn't time to go into all of them, but I would like to share with you one such story.

Two men stood atop a hill to make a decision. They had decided to split up and go their own ways. The one man asked the Lord for guidance and was told to let the other man have his way. The other man could choose his own way to go. If he chose the right the other would go left, and if he chose left the other would go right.

The two men made their decisions in different ways. One put greed and self-interest above everything in making his decision, while the other chose to follow the Lord's advice.

The two men went their ways and eventually the man who let greed sway his thinking fell victim to his choice. He had chosen to go with the wickedness and sin of Sodom and was lost. The man who had asked for and followed the Lord's advice prospered. He had turned away from the wickedness of Sodom and had flourished.

These men were Abraham and Lot. God had shown the way.

We have a choice because it is by making decisions that we learn. Choice makes us strong. As George Eliot once stated, "The strongest principle of growth lies in human choice."

We must not think of religion as a cure-all for our problems and minor frustrations, for the final choice is left up to us. We are free to arrive at any conclusion or follow any course of action that we wish. We were given the freedom of choice and we are free to exercise that privilege. There is no predetermined plan for us to follow because of the element of choice. We can stray from any pathway, but when we stumble we must remember that it was our choice.

If we call upon the Lord he will show us the right way. We can ignore him if we wish or we can follow the road he indicates, but we must remember that he only indicates the right direction.

Which way will we turn?

WHAT DOES GOD MEAN TO US?

(By Arthur Orcutt)

When we refer to God we think of him as being the supreme being, who sent forth his son to redeem our sins. But who is God? What is he? Is he a spirit in nature? Or is he just a person that we invented? Is God with us at all times when we are in need? Do we use God when we get in trouble and say if you get me out of this, I'll be a good Christian? And then when it's all over do we return to our old habits?

Some people contend that there is no God but what reason could they offer for the world's existence? When you get right down to it, all these questions would be pretty difficult to answer. Even if one could answer them all would you want to find out there is no God? For if there were no God what could we believe in? God, Man, World—what are these in relation to each other? God is first. He is what we believe in and depend upon. Men, others and myself would be included in this, no man could exist without the other for each is dependent on the other. As John Donne once said, "No man is an island," no man can stand alone. World, why are we here? We are here for the betterment of mankind, to give to our fellow man a richer and more meaningful way of life.

The late W. Allen Hammond, in his book, A Man and His Boys, felt that a boy should have a guide to follow, and that is, a conviction of loyalty to the best that is in him, and a determination to win, what he wills. From the three words God, Man, and World, Mr. Hammond drew a triangle with God at the top and Man and World at the two bottom corners. And in the center is the individual "I, the flower of creation and the potential child of God, a position which marks the significance and dignity of human personality."

What is transmitted from the individual towards God? It is basically an attitude of child-like dependence on Deity, a desire to know his will and purpose to serve him. "Faith without works is dead."

What should one's attitude be toward his fellow man? I think the Bible answers this best: "Love thy neighbor as thyself, and do unto others as you would have others do unto you."

What is the relationship between the individual and the things of the world? One must

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be in the world, but should not be of it. This is hard, for one tends to forget God, and his fellow man. When the going is tough prayers are frequent and when one starts to advance in economic and social life prayers are not said as often. The idea is to work hard, save what you can and to get ahead but let us not forget God.

God to me is someone I can go to in time of trouble and in time of need. God is someone that I can feel close to at all times whether good or bad. God to me is many things, he is trees and flowers, and animal life, for which without him none of this could exist.

I am glad God made me who I am and for this I am proud to serve him until and after I leave the earth.

A lot of people today are afraid to admit that they believe in God, for fear their friends and neighbors think of them as perhaps odd balls. But God is not one to be ashamed of knowing and with the help of God, one can move a mountain.

And when the day comes for God to call on me, I will remember Psalm 23 verse 4: "Yea, though I walk through the valley of the shadow of Death, I will fear no evil: for Thou are with me; Thy rod and Thy staff, they comfort me."

VETERANS FOR PEACE RETURN MEDALS TO GOVERNMENT

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, opposition to this country's continuing tragic adventurism in Southeast Asia comes from all quarters, but I do not think I have ever been so moved and impressed as when I participated in a San Francisco rally sponsored by Veterans for Peace in mid-April.

The men at that rally were not stateside and behind-the-lines soldiers; most of them had served in action in Vietnam. A number of them had earned the right to be called heroes.

Now they are bitterly opposed to American policy in Indochina. Their voices were hard, cynical.

These men felt as if they had been used, that they were pawns in a cruel, immoral, brutal game.

On April 15, they acted to cut off all their remaining links to the military system.

At the rally, over 50 of these veterans—some of them with service records stretching back through both Korea and World War II—renounced the medals and decorations they had received from the military.

Many of them also turned back their discharge papers and other official relics issued by the military.

For me, it was a tremendously emotional demonstration as the list of Purple Heart and Bronze and Silver Star winners grew.

Today, with peace no nearer than it was 3 to 4 years ago, I want very much to congratulate these Veterans for Peace on their courageous and patriotic efforts. Yet, as I do so, I must say again that the onus of responsibility for ending the needless slaughter in Southeast Asia lies directly upon this body, that there would be no need for Veterans for Peace if the Congress utilized its given powers to halt the war.

For each hero turning in a Purple Heart, how many more have died in Indochina to preserve the fantasies of a small group of scare merchants?

Veterans for peace know that the terror, the agony, the horror they endured was meaningless, for nothing. We must listen to them.

Mr. Speaker, at this point I would like to insert in the RECORD a letter from the Sacramento, Calif., Veterans for Peace plus a list of former and active servicemen turning in the medals they were awarded, an address by Kenneth E. Scott given at the April 15 rally, a series of letters and notes written by Veterans for Peace at that rally and given to me, and, finally, a list of the Veterans for Peace who turned in their medals at the rally.

The material referred to, follows:

SACRAMENTO, CALIF.,
March 15, 1970.

President RICHARD MILHOUS NIXON,
White House,
Washington, D.C.

DEAR SIR: In turning in these military decorations to you, we, as veterans of the armed forces of the United States of America, wish to disassociate ourselves with an effort we are undertaking in Vietnam by using our military might to impose a form of government upon a repressed people. Most of us served in Vietnam, and a goodly number of us volunteered for this duty. Not a few of us spent more than one tour of duty there. Our observations have led us to believe that we are pursuing an unjust and evil war, and that those of us who participated in this war are guilty of lending aid and abetting this criminal venture.

While we can not cancel out the past, and those of us who served in Vietnam can not cancel the aid, can not bring to life those we killed or assisted to be killed, can not rebuild that which we caused to be destroyed, and can not dismiss our complicity, we can—and hereby do—reject symbolically our ties, participation and acts while members of the military. The medals we were taught to value so highly weigh heavily upon us; the medals we were taught to value highly are not worth so much anymore. It is incumbent upon us to rid ourselves of these symbols, for to keep them in the face of what we know would be the greatest hypocrisy.

We have decided to send these medals to you, Mr. Nixon, because you are the commander in chief of the military, because you, who once promised that if elected would move to end the killing, have reneged on your promises and have continued the war, have continued to insure the existence of a repressive military tyranny in the name of freedom. We do not believe the government you support in Vietnam is worthy to be associated with the word "freedom", and our actions in that country are not worthy of our Nation.

Once again we urge you to begin substantive negotiation with all factions in Vietnam; to end the killing now; to withdraw from Vietnam as rapidly as possible; to insure the freedom of political and other prisoners in Vietnam; to bring unity and peace to this Nation.

(Names of signatories adjoined:)

NAME AND BRANCH OF SERVICE

Michael Barnes, Army; Ronald J. Carpenter, Army; John Nastal, Air Force; Gerard T. Kane, Army; Joseph W. Kirchner, Air Force; Lester Rasmussen, Navy; Frank Artenga, Air Force; David Cavert, Navy; Lewis A. Lopez, Army.

Robert Lucchesi, David C. Atkinson, Albert R. LeGault, Navy; F. H. Graham, Army; Tom Pavelchik, Army; Rees J. Williams, Navy; Roland Hoermann, Army; Susan Wilke, Army; Michael Oldham, Navy; Francis Teribile, Army; Michael McNeely, Navy.

Richard Paul, Army; James Silger, Army; Brandon Beedle, Army; Donna L. Pratt, Air Force; Dan Dinburg, Army; Ned Pierce, Navy; Martin McDonough, Army; James McKee, Marine Corps; Roger Thibault, Army; Wesley H. Osman.

General Rucker, Army; Frank Gibson, Marine Corps; Larry D. Licker, Army; Donna L. Barry, Air Force; Wayne B. Barry, Air Force; Paul L. Quandt, Air Force; William Sandness, Army; Craig J. Mathews, Army; Walter McClarin, Army.

Richard Stephens, Army; James Allen, Air Force; Steven Perkins, Army; Anonymous, U.S. Naval Reserve, active; Anonymous, U.S. Air Force, active; Michael Hayes, Army; Stephen C. Govedich, Air Force.

ADDRESS BY KENNETH E. SCOTT, SAN FRANCISCO, CALIF., APRIL 15, 1970

Military medals are supposed to be honors bestowed in recognition of personal acts of bravery and faithful service in defense of one's country. True bravery and valor are in themselves commendable. But what is the meaning of faithful service within a destructive institution perpetrating an unjust and immoral war? Faithful service is then direct support of unjust and immoral destruction. To accept and retain a medal honoring this destruction is to acquiesce in continued dishonor. No longer wishing to acquiesce in America's dishonorable intervention in Southeast Asia, the veterans gathered here today have requested the assistance of Congressman George Brown in returning their medals to the Commander-in-Chief, President Nixon. We cannot and would not attempt to escape our individual responsibility for the tragedy of America's intervention in Southeast Asia, but we wish to make it clear that we no longer tactily accept either the unnecessary and immoral destruction of the Southeast Asian people, their land and their culture—or America's repressive military institution of destruction.

TO THE PRESIDENT OF THE UNITED STATES:

I was awarded this Bronze Star medal and Purple Heart for my involuntary participation in the Viet Nam war, which I consider to be immoral, illegal, racist and senseless. I am therefore returning these medals because if I cannot look at them with pride, I would prefer not to have them at all. When I look at them I feel only shame, as someday this entire nation will surely feel about this war. I pray that the conscience of the American people will wake up before it is too late.

ALLISON BLAKELY.

I hereby relinquish my "achievement awards" from the Military-Industrial Complex since they represent to me the pain and suffering of millions of human beings in S.E. Asia. As an Annapolis graduate and Vietnam veteran, I take this opportunity to pubplicly display my moral repugnance for what I know to be our inhumane and grotesque military "adventure" in Vietnam, Laos and Cambodia. There are not sufficient words to express what anguish I feel for those unfortunate people who live under constant threat of extinction by the "mindless, obedient, war monster" and all its leaders hiding behind the color of their office or uniform who are responsible.

DAN LAVERY, *Annapolis 1964, Lieutenant, U.S.N.R.*

I am joining my fellow veterans in returning my military service ribbons as a protest against our Vietnam War policy. We have sacrificed over 40,000 American lives for the lies about the Gulf of Tonkin, My Lai, the tyrannical and graft-ridden Saigon government, Pacification and Vietnamization. Daily we dishonor our American ideals by our continued presence in Vietnam. The time to end the War is now.

STANLEY MANDELES,
Ex-Lieutenant junior grade, D. USNR.

I, Roy Dugger, ex S/Sgt. US Army and Air Force, at the Anti-War Rally in San Francisco, April 15, 1970, do hereby return the following seven medals representing eight awards, to the US Government:

1. Air Force Commendation Medal
2. United Nations Defense Medal (Korea)
3. US Korean Service Medal
4. National Defense Service Medal
5. Army of Occupation Medal (Germany and Japan)
6. World War II Victory Medal
7. Good Conduct Medal

It is impossible to give all the reasons for this action in a brief statement—it would take books. However, I feel the senseless slaughter of innocent men, women and children in Viet-Nam and other parts of Asia is insane. No matter what the political situation was in Viet-Nam, I do not believe that it was truly a threat to our National Security. A threat, perhaps, to a few vested financial interests, but not a threat to America. A threat to a few American financial interests certainly does not justify the deaths of from forty to fifty-thousand, and the wounding and maiming of hundreds of thousands of our own American boys.

Further, I believe that this is a racist war. I do not believe that the people of the United States would permit this same inhuman type war if we were waging it against Poland, or perhaps Ireland. Think of it. We are now hated around the world as Nazi Germany was.

However, this undeclared war in Viet-Nam has surely become a threat to America now. As the fighting enlarges and gets closer and closer to China, we are threatening them. In street terms, short of atomic annihilation in Viet-Nam, we cannot win the "war" there, now we're messing around with Red China!

Aside from the humanistic aspect, there is the expense. This so-called war is costing us billions and billions of dollars yearly. All this, not to mention shots to the Moon, that costs billions, plus billions and billions more programed for ABM systems that will not protect the people, all this while millions and millions of Americans live in dire poverty and want at home.

Just the other day the Government announced that there are a million more unemployed this year than last. As these figures soar, they do not include the nine to ten million on welfare. They do not include the many idle that are on neither welfare nor unemployment. They do not include the many in our jails and prisons, a great many of them incarcerated for the crime of being poor. They do not include the millions and millions who are employed but who still do not make a decent living wage. With automation, etc., these figures are all going to continue rising. Something must be done. Nixon's new proposed welfare program will never do it. *They do not have the jobs!!* It seems his entire program is based on the idiotic idea that these millions and millions simply are too lazy to work.

Now, I was for World War II. You might wonder why I'm turning in that medal. On the reverse of it is printed, "Freedom From Fear and Want." People are not free from fear and want in this country and that medal was cast over twenty-five years ago. It is a hoax. All over this "Richest Country on Earth" we see mass mistreatment of millions of poor people daily.

Just the other day I saw a TV advertisement pleading for donations to help the poor and starving children of Seoul, Korea. Supposedly, we fought over there to protect a Government so there could be freedom for her people. Freedom for who? Or should I ask, freedom for who to do what to who?

ROY DUGGER.

With this statement I renounce any right to wear any of the military decorations to which I am entitled. I would not serve in an Army which must fight an unjust and atrocious war such as that in Vietnam, nor do I want any of the honors which such an Army might grant.

JAMES W. MOORE.

DEAR MR. NIXON: Here are the medals that the army gave me for being in it and going to Viet Nam. They are common and ordinary, and the armed forces have given about one and a half million of them. To the government in Washington they will probably only represent a sub-micro percentage

To me they represent my involvement in the stupidest war that ever was. I believe that sacrificing the lives and limbs of American Soldiers to maintain the Theiu-Ky regime is counter to America's best interests. Legal, moral governments derive their power from the consent of the people they represent. That government in Viet Nam is killing the People it represents and ruling by terror.

Peace.

BERNARD R. GREENING.

I hereby renounce the Armed Forces Expeditionary Medal for Vietnam and the Nation Defense Services Medal awarded to me for service aboard the USS Richard S. Edwards from 1964 to 1966. In the four years since my discharge from active duty I have watched with horror as the war in southeast Asia intensified and expanded. I consider a major cause of this escalation and subsequent loss of life to be the illegal intervention of United States forces in that area, and I wish by this symbolic act to disavow that use of force and the policy that lies behind it. I do not believe that the foreign markets of U.S. business are worth the life of a single Cambodian, Vietnamese, or Laotian peasant.

G. R. HAMILTON.

MY DEAR MR. PRESIDENT: Unfortunately, I do not have at hand my National Defense Service Medeal; otherwise, I would turn it in to you along with the others that you are receiving from the Veterans for Peace. I hope that you will take this letter, instead, as symbolic of my opposition to maintaining or extending the war in Southeast Asia. Perhaps this will help to convince you that many patriotic and moderate citizens among the hitherto silent majority feel that you are not acting in the best interest of the country.

PAUL ROBERT WOLFSON.

I wish to renounce my medals because the concept of being awarded medals for involuntary servitude is repugnant to me. Many times during my two years in the Army I wondered what crime I had committed to occasion my being treated as a convicted felon. The United States policy of bombing and napalming Vietnamese peasants in the name of Democracy seems to me to be the arrogance of power carried to its logical absurdity. The fact that our "enemies" are Asians, and that American racial minorities and poor people are overrepresented in U.S. Infantry divisions, makes it clear to me that my country is engaged in a racial war.

American foreign policy, even at this late date, supports corrupt dictatorships where it should, on both moral and pragmatic grounds, be supporting the legitimate efforts of peoples' revolutionary forces. After we have laid S.E. Asia to waste, will we bomb, scorch and maim South America and Africa? I call upon the Nixon administration to abandon what has now become Nixon's War, to pull all U.S. Forces out of Vietnam immediately, to re-examine its support of repressive regimes wherever they may be, and to admit to the world that this country is guilty of an atrocity on the order of the Nazi war crimes of W. W. II. In view of the above, I cannot, in good conscience, retain my military medals.

WILLIAM R. SCHULTZE.

As a result of my government's actions, particularly it's military involvement in Asia, I feel that I must take some action which shows my opposition.

At this time I would like to turn back into the government all the medals that I received as a result of my military service. These medals include the Good Conduct medal and the Air Force Longevity Service Award.

With shame in my government,

CONRAD T. DODSON, Jr.

VETERANS FOR PEACE TURNING BACK MEDALS AT SAN FRANCISCO RALLY, APRIL 15, 1970

Name, service, and medals

Bruce Paul Phillips, Air Force, National Defense, Vietnam Service, Vietnam Campaign.

Charles Walter Weiss, Navy, National Defense.

Kenneth Edwin Scott, Navy, National Defense, Vietnam Service, Vietnam Campaign.

George R. Hamilton, Navy, National Defense, Armed Forces Expeditionary Medal.

Thomas Joseph Nunan, Army, National Defense, Vietnam Service, Vietnam Campaign, Army Commendation, Bronze Star.

James W. Moore, Army, Good Conduct.

Bernard Robert Greening, Army, National Defense, Vietnam Service, Vietnam Campaign, Sharpshooter.

Allison Blakely, Army, National Defense, Vietnam Service, Vietnam Campaign, Purple Heart, Bronze Star.

Harold O. Kammen, Army, Army of Occupation, Victory.

Andrew Paul Fisher, Army, National Defense, Vietnam Service, Vietnam Campaign, Army Commendation, Air Medal, Combat Infantryman Badge.

Robert Sylvester Hayes, Air Force, Good Conduct, Air Force Medal.

Roy Dugger, Army Air Force, Air Force Medal, United Nations Defense (Korea), Army of Occupation, Victory, Good Conduct.

Paul Robert Wolfson, Navy, National Defense.

William R. Schutze, Army, National Defense, Good Conduct.

Thomas J. Harriman, Jr., Army, National Defense, Vietnam Service, Vietnam Campaign.

Richard D. Orlando, Army, National Defense, Vietnam Service, Vietnam Campaign.

Timothy Eugene Reese, Army, National Defense, Vietnam Service, Vietnam Campaign, Combat Infantryman, Purple Heart.

Conrad T. Dodson, Jr., Air Force, Good Conduct, Air Force Longevity.

Steven Frederick Meadows, Army, National Defense, Vietnam Service, Vietnam Campaign.

Sherman Anthony Waring, Army, National Defense, Vietnam Service, Vietnam Campaign.

Stanley Mandeles, Navy, National Defense, Philippines Campaign, Victory.

Dan Lavery, Navy, National Defense, Vietnam Service, Vietnam Campaign.

Paul H. Shelley, Army, National Defense, Vietnam Service, Vietnam Campaign, Good Conduct, Presidential Unit Citation.

Charles Lutz, Navy, National Defense.

J. Morris Sigytas, Army, National Defense.

Greg M. Gottfried, Army, Vietnam Service, Purple Heart.

Robert W. Harman, Coast Guard, National Defense, Vietnam Service, Vietnam Campaign, Good Conduct, Navy Accommodation.

Loyd Parker, Army, National Defense, Vietnam Service, Vietnam Campaign.

Lee Thorn, Navy, National Defense, Vietnam Service, Vietnam Campaign, Presidential Unit Citation, Naval Unit Citation.

Orville O. Fulkerson, Marine Corps, Navy Cross, Purple Hart.

Michael Goldstein, Navy, National Defense.

Joseph Avilla, Army, National Defense, Vietnam Service, Vietnam Campaign, Purple Heart.

Douglas Paris, Air Force, Good Conduct, Unit Citations.

Steven Perrfmaan, Army, National Defense, Vietnam Service, Vietnam Campaign, Bronze Star.

Nicholas Schooch, Army, Bronze Star (2), Silver star, Distinguished Service Cross.

John Trischetti, Army, National Defense, Vietnam Service, Vietnam Campaign, Meritorious Unit Citation, Army Commendation.

Ace de Losada, Army, Victory, Bronze Star, Asiatic Campaign, Philippine Liberation.

George William Hooper, Army, National Defense, Vietnam Service, Vietnam Campaign, Army Commendation, Purple Heart, Combat Infantryman.

George Williams, Air Force, National Defense.

Thomas Powers, Army, National Defense, Vietnam Service Vietnam Campaign.

Richard Pearce, Marine Corps, National Defense, Vietnam Service, Vietnam Campaign.

William R. Whitmore, Navy, National Defense, Korean Campaign, Vietnam Service, Vietnam Campaign, Unit Citation.

Richard C. Webb, Navy, National Defense.

Kevin Smith, Army, Vietnam Campaign, Vietnam Service, Army Commendation, Bronze Star.

James Avillar, Army, Good Conduct.

John T. Reed, Air Force, Good Conduct.

William M. Lynch, Army.

Robert Meadows, Army, Good Conduct, National Defense.

Patrick R. Welch, Army, Meritorious Service, Bronze Star.

William M. Celestre, Marine Corps, National Defense.

Nels Estlund, Army, Purple Heart (3).

Robert M. Herhold, Army, Good Conduct, Victory.

James R. Connolly, Air Force, Air Force.

THE PENN CENTRAL CASE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is regrettable that today we are recording the Nation's largest commercial bankruptcy in history. It is tragic that the Penn Central Transportation Co. and its host of private lenders could not work out their mutual problems.

In recent days, much controversy has centered around a proposal to have the Federal Government—the taxpayers—step in and bail this corporation out of its financial difficulties. In other words, the Federal Government was expected to do what the private banks and other lenders would not do—place more capital in this massive corporation.

Mr. Speaker, I have been deeply concerned about the Penn Central case, and I have had it investigated from all angles. It is not a happy situation, but as a public official, I could not—on the evidence presented me—endorse the use of taxpayers' money to bail-out this $7 billion corporation.

There are five basic reasons for my opposition to the Federal Government participating in the bail-out as suggested by the administration:

First. The use of the Defense Production Act was improper; an unlawful use of an act designed to help small- and medium-sized defense contractors perform specific contracts to produce military hardware.

Second. The $200 million guarantee was almost certain to result in a sizable loss to the Federal Government and the taxpayers. In addition, the railroad was seeking at least $400 or $500 million more under new legislation and it appeared very likely that the Government would be expected to put up endless sums to correct the management mistakes of the corporation.

Third. The basic question of whether the Federal Government can and should be in the business of bailing out private investors and private lenders who have taken their own risks in a free enterprise system.

Fourth. The question of priorities of the Federal Government. With all the needs in housing and other areas of the economy, is it proper for the Government to allocate $200 million—and possibly $500 million more—to a $7 billion corporation?

Fifth. The problem of establishing a precedent for bail-outs of huge conglomerates and other big corporations who make management mistakes. If the Penn Central guarantee had been made in the manner suggested, we almost certainly would have seen a line-up of other corporations coming to the Federal Government for equal treatment and equal handouts. We might have committed billions of dollars of the taxpayers' money before the rush could have been stopped.

Mr. Speaker, over the past 48 hours, there has been much public discussion of meetings which I had Saturday afternoon with Penn Central officials. I have always kept my door open and I was happy to grant the officials' request and meet with them on their financial problems.

Since that meeting, some unnamed official of the railroad has issued some bitter and totally false comments. Some of the men who met with me have a large financial stake—a personal stake—in the railroad and I am sure that the difficulties of the past few days have been extremely hard on them. Under the circumstances, I am not surprised that some of these officials would make bitter comments—which at another time they would never utter.

The meeting in my office was an open, frank, and extremely courteous discussion of the issues involved. We listened to anything the railroad executives wanted to present; we did not limit their time or comments in any manner. We received much information from them, but they presented nothing which could justify the Federal Government's participation.

In fact, Mr. Speaker, the information presented at the meeting reinforced my belief that the Federal Government had no business in the middle of the Penn Central operations.

Some of the relevations were startling—highly disturbing.

For some time, I questioned Mr. Paul Gorman, the chairman of the Penn Central board, about the chances that the Federal Government would ever recover the $200 million.

Finally, Mr. Gorman admitted that the chances were very poor—almost nonexistent—unless the Congress also authorized legislation which would provide another $750 million in credit for Penn Central and other railroads. In other words, I was being asked to endorse a $200 million Government commitment contingent on something else possibly happening sometime and somewhere down the road. Otherwise, as Mr. Gorman readily admitted, the Government would undoubtedly be out the $200 million.

Under these circumstances, Mr. Speaker, I do not think there is a single Member of Congress who could go along with such a scheme—an outright gift of $200 million—and probably $500 million more—to a huge corporation. I know that I could not endorse such a plan. It was obvious that the Congress was supposed to endorse the original $200 million guarantee and then become lobbyists for the additional $750 million program in order to save the first $200 million.

During the course of the meeting, we asked for copies of the loan papers which the Defense Department told me it was approving last Friday. These too contained some highly disturbing information.

Among other things, they revealed that the Federal Government would have been thrown in the pot with all the rest of the unsecured creditors. The Federal Government would have been at the bottom with the least likely chance of recovery of its commitment. As I stated previously, the Government should never make such a commitment unless it has the preeminent rights over any assets of the corporation. I am shocked that the Nixon administration participated in the drafting of a loan guarantee which placed the Federal Government—the taxpayer—at the bottom of the heap.

Overall, the Penn Central officials could give us no real assurance for the future. There was no indication of when the officials thought the company could start operating in the black. To me, it seemed that we were perhaps being asked to pour money down a bottomless pit.

Mr. Speaker, the commitment of hundreds of millions of taxpayers' money is something that cannot be taken lightly and this is a fact that apparently escaped the executives of this giant railroad. Several times during the discussion Saturday, the officials commented that "it seemed that the Congress was always appropriating a hundred million dollars for some project or other." Several times they indicated that the $200 million was a small sum that they apparently felt the Federal Government would never miss.

One of them commented, "Why you couldn't build a highway for $200 million."

These officials were trying to be frank with me and I do not want to be unkind about their comments, but, such an at-

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titude about the taxpayers' money was not reassuring to me.

No one likes to see bankruptcies, but it is possible to successfully operate a railroad under reorganization and I hope maximum efforts are now turned to making this new structure workable in the public interest.

The filing under the Bankruptcy Act by Penn Central leaves many questions unanswered. It is obvious that all of the large banks in the Nation are deeply involved in the corporation. Many hold huge blocks of stock in their trust department, and many of these same banks also have heavy lines of credit out to the railroad. In addition, there have been and there remain massive interlocks between the commercial banks and the railroad.

It appears that there are a number of unsecured bank loans out to the corporation as well as massive sums of secured bank obligations. The banks are deeply involved in the bankruptcy of this corporation and it is essential that their role be investigated thoroughly. Such an investigation might well prevent another Penn Central somewhere else in the economy.

I hope that the bank supervisory agencies will also look closely at the banks' heavy involvement.

Mr. Speaker, the Philadelphia Inquirer, in its Sunday edition, carried a lengthy story which detailed some of the banks' involvement in Penn Central. I place a copy of this article in the RECORD:

BANKRUPTCY FEAR HOVERING AGAIN OVER PENN CENTRAL

(By Royal H. Plenty)

The specter of bankruptcy hovered again Saturday over the Penn Central after the scrapping of plans by the Nixon Administration to guarantee up to $200 million of bank loans for the financially troubled railroad and real estate complex.

In Washington, Secretary of Transportation John A. Volpe warned that the Penn Central was vital to the nation's transportation system.

"If the Penn Central would go down, other railroads would suffer seriously, and we would possibly see a collapse of our railroad system," Volpe said.

Throughout the financial community, concern rose over the effects failure of the Penn Central would have upon the economy and the stock market.

The financial community has a big stake in the Penn Central.

The holders of Penn Central's 23.1 million outstanding shares of common stock have already seen more than $1 billion of market value disappear in less than two years. There are more than 118,000 of these shareholders, including many of Penn Central's 94,000 employees.

Now the holders of more than $2 billion of Penn Central bonds and longterm debt, the banks that have lent it $500 million, and the institutions and other investors that have purchased more than $150 million of its commercial paper: all have cause for concern.

RECORDS CHECKED

Who are the stockholders and creditors who will suffer if the Penn Central is allowed to go under?

The company has refused to open its books, but some indication of how widespread and serious the effects of a financial disaster for the huge railroad and real estate complex would be on the financial community can be gleaned from an examination of public reports and other records.

The trust departments of banks, for example, have under their supervision or custody almost 10 million of the Penn Central's outstanding shares.

SINGLE HOLDER

Mutual funds and other investment companies hold more than 2 million of the line's shares.

A large proportion of its $2 billion in bonds and other debt obligations are in the hands of insurance companies.

The nation's railroads are required to file each year with the Interstate Commerce Commission the holdings of their 30 biggest stockholders. Penn Central Transportation Co. filed such a list with the ICC for Dec. 31, 1968. In 1969, however, the Penn Central Co. was formed, and it took over all of the transportation company's stock, leaving it with but one holder to report.

The 1968 report listed 31 holders.

The biggest block of stock registered. Four of Morgan Guaranty's nominees showed up on the list: Carson & Co., with 424,830 shares of Penn Central; Reing & Co., with 182,600 shares; Kelly & Co., with 121,911 shares, and Genoy & Co., with 119,944 shares.

Close behind Morgan Guaranty was Chemical Bank, New York, with two nominees on the list: C. A. England & Co., with 448,743 shares; and J. C. Orr & Co., with 162,37.

OTHER BANKS

Other banks with nominees on the list and their holding were:

Bank:	*Shares*
Bank of New York	522, 632
Bank of Delaware, Wilmington	500, 000
Manufacturers Hanover, New York	469, 439
Chase Manhattan Bank, New York	436, 659
Northwestern National Bank of Minneapolis	320, 000
Continental Illinois National Bank & Trust, Chicago	305, 600
State Street Bank & Trust, Boston	225, 350
First National Bank of Indianapolis	200, 000
National Shawmont Bank, Boston	141, 000
Irving Trust, New York	128, 500
Boston Safe Deposit & Trust	128, 500
Pittsburgh National Bank	127, 953
First National City Bank, New York	125, 802
U.S. Trust, New York	119, 944

There were two banks on the list reported holdings in their own names—Credit Suisse, Zurich, Switzerland, with 184,176 shares, and Brown Brothers, Harriman & Co., New York, with 109,508 shares.

Brown Brothers is also a broker and the shares it reported could represent holding of its customers "in street name."

BROKERS NOTED

Other brokers on the 1968 list were: Merrill Lynch, Pierce, Fenner and Smith, New York, with 498,401 shares; Butcher & Sherrerd, with 301,072 shares; Bache & Co., New York, with 259,750 shares; Cyrus J. Lawrence & Sons, New York, with 186,898 shares; Loeb, Rhodes & Co., New York, with 163,988 shares; and Paine, Webber, Jackson & Curtis, New York, with 135,682 shares.

The remaining four holders on the list of 31 were: The Helene Fuld House Foundation of Trenton, with 282,300 shares; the Thrift Plan-Penn Central Co., with 211,172, and Allegheny Corp., New York, with 196,195.

Another source of stock holdings in the Penn Central is its proxy statements and the statements of changes in stock holdings of directors that it must file with the Securities and Exchange Commission.

DIRECTORS' SHARES

Fred M. Kirby tops the list of Penn Central directors in stockholdings. He is coguardian of assets that include 390,130 shares. In addition, he is chairman of Allegheny Corp. and its holdings of 196,195 shares bring Kirby's interest to 586,325 shares.

John M. Seabrook, chairman and president of International Utilities, represents 505,850 shares, including 500,000 owned by International Utilities.

Walter H. Annenberg, who resigned as a Penn Central director early in 1969 to become ambassador to Great Britain, had approximately 189,000 shares at the time of his resignation. He has not been required to report his holdings since he left the board.

The only other director left on the Penn Central board with a sizable stock interest is R. Walter Graham Jr., a Baltimore physician, with 84,000 shares. Stuart T. Saunders, when he resigned June 8 as chairman, had 35,341 shares, and David C. Bevan, who also resigned, had 22,033 shares.

The holdings of the other directors range from 100 to 13,500 shares.

The reports of mutual funds on their stock holdings, which must be filed with the SEC, are another source of information on Penn Central stockholders.

These reports show holdings of more than 1 million shares in the hands of about 40 mutual funds.

The top 10 holdings at the end of the first quarter were:

Fund:	*Shares*
Investors Mutual	243, 200
Fidelity Capital Fund	231, 100
Fidelity Trend Fund	160, 000
Commonwealth International	80, 000
Chase Fund of Boston	60, 000
Value Line	50, 000
Corporate Leaders Trust	45, 271
Axe-Houghton B	45, 000
Hamilton Funds	36, 000
deVegh Mutual Fund	30, 000

The bond holders are a little more difficult to track down.

Insurance companies, however, must file reports on their investments with state commissions.

ENVIRONMENTAL CLEANUP: PART III—"ECONOMICS AND THE ENVIRONMENT"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, a few weeks ago, I called our colleagues' attention to a perceptive article by Edwin Dale dealing with the "economics of pollution." The purpose of that article was to set the scene for a series of my statements on the American business community's efforts to clean up the pollution caused by the production process.

Today I want to "set the scene" once again by bringing to your attention an interesting speech by the Honorable Murray L. Weidenbuam, Assistant Secretary of the Treasury for Economic Policy. The subject of his talk before the McGraw-Hill Conference on Industry and the Environment in New York on June 16 was "Economics and the Environment."

The substance of Economist Weidenbaum's speech is similar to a position I have held for a number of years; namely, that the cost of pollution abatement and pollution clean up must become a "cost" of doing business. Mr. Weidenbaum is right in saying that business should find ways to produce without creating so much pollution but he faces the fact of life that what is needed now is a recognition that polluters should bear the cost of their pollution.

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That is all well and good, and certainly we must strive in that direction, but let us not kid ourselves about the ultimate "cost" of the manufacturers' assumption of this responsibility. He will pass it on to the consumer.

I state for the record that this is not an entirely "bad" idea. Another way of saying this is that we are looking to transfer the cost of cleaning up America from the taxpayer to the consumer. What is the difference? There is no factual difference which I believe is worth mentioning. I can lead to this difference by use of a simplified look at the production-pollution-price circle.

If the costs of pollution abatement, control, and clean up were transferred to the manufacturing community, who in turn would transfer the cost to the consumer, there is no doubt in my mind that the cost of goods and services would be increased proportionally. By and large, such price increases would probably change the competitive position of manufacturer X. In order to improve or redress his competitive position, the manufacturer is going to be forced to put his "know how" to work on the problem of reducing the cost of doing business which was added with his assumption of the pollution abatement responsibility.

Right there is part of the goal we all seek—a way to make it economically feasible or (necessary!) for the manufacturer to control his pollution.

Realizing that the above account of the circle is stylized and oversimplified, it is nevertheless the path we should be following. The ultimate goal is to take care of and/or control pollution before it becomes an environmental, national, public problem. As it stands today we acknowledge the extent of the pollution and demand that Government—by use of the tax dollar—clean up the mess. One of these days, and I hope in the not too distant future, it will become apparent to all concerned that the time to lick the problem of pollution is before it occurs rather than after.

In my opinion, that is the direction we should be heading in the formulating of national policy regarding environmental pollution. I believe that is also the direction Murray Weidenbaum is very tentatively pointing and I recommend his speech to your careful attention with this in mind.

The speech follows:

Economics and the Environment

In any consideration of the environment and how to improve it, there seems to be a division of labor. Ecologists and other scientists are supposed to dramatically and vividly get across the notion that we have a severe pollution problem. Engineers and other more practical types are subsequently charged with coming up with ways of cleaning up the pollution and thus improving the quality of our environment. However, then the economists are expected to fill their unique role. We are supposed to get up and say why we cannot afford to do any of these desirable things.

I am going to try to depart from tradition today and not play the proverbial role of the wet-blanket. Rather, my task is to attempt to show how we can—not necessarily that we will—but how, using sensible solutions, we can very much afford to clean up our environment.

First of all, some perspective is useful. The Federal Government currently is embarking upon a major increase in expenditures for reducing pollution and otherwise improving the quality of the American environment. From a level of $644 million last year, we anticipate that such outlays are running at the rate of $785 million this year and will reach $1.1 billion in the fiscal year 1971. This more than 50 percent expansion during a two-year period is creating undoubtedly one of the major growth areas of the American economy. The 1971 figure represents a more than fivefold increase from a decade ago.

All indications point to a long-term continuation of the growth of government spending in the area of the environment. However, candor requires me to point out that very heavy pressures on the Federal budget are likely to dampen down the growth rate of any government spending program, no matter how worthy.

The Administration has announced revisions in the budget estimates for the fiscal years 1970 and 1971 which show small deficits rather than the small surpluses indicated earlier. The budget situation is likely to remain relatively tight for some time. Nevertheless, environmental planning is basically a long-term affair. Hence, I believe that it would be useful to focus on the period beyond the immediate short-run.

As a starting point for any long-term economic and financial analysis, I find it useful to refer to the innovative 5-year projections that the Administration economists prepared and which were included in the President's budget for the fiscal year 1971. These projections show that, by the fiscal year 1975, Federal revenues from the existing tax system will increase by about $64 billion from the current level. Of course, these and the other figures that I will present are based on a set of economic assumptions. Although I will not go into them, I think that you will find that they are quite reasonable.

On the other side of the ledger, when we cost out the future impact of the existing program structure of the Federal Government, we estimate that expenditures for all government programs in the fiscal year 1975 would be about $28 billion above the current level. The revenue growth of $64 billion, less the expenditure increase of $28 billion, would seem to provide a comfortable cushion of $36 billion for fiscal 1975.

I am afraid that, here, I am going to be, at least for awhile, the wet blanket. The Federal budget is not set in concrete; change will continue to be made in it. For example, the 1971 budget itself contains new initiatives—such as welfare reform and revenue sharing—which are estimated to cost $16 billion in the fiscal year 1975. At this point, I, of course, do not know what new initiatives will be undertaken in the fiscal year 1972, or 1973, or 1974, or 1975. But there is something that I can say with considerable assurance, and that is that there will be new initiatives over these years.

Clearly, several more sets of $16 billion a year in new initiatives would more than use up that $38 billion margin in the fiscal year 1975.

Hence, even though there is some room for flexibility in the Federal budget, it is quite clear to me that the existing revenue structure—which is not a particularly low one—does not permit too great a variety of ambitious and costly new undertakings in the years ahead. One rather simple reaction to this type of analysis, of course, is to blithely come up with large new tax programs to cover new expenditure recommendations (which I take to be quite a different matter from raising revenues to meet expenditure commitments which already have been made). New taxes may seem to be an easy financing approach for the proponents of a new spending program. However, I have failed in recent years to notice any ground swell of public opinion in favor of raising taxes substantially above their current levels. Indeed, while I have come across numbers of people who think that the other fellow may be undertaxed, I do not recall many complaining to the Treasury that their own tax bills were too low.

Hence, I think that we need to be thinking of some hard answers to the hard question of how are we going to finance the necessary improvements in the quality of our environment. Here I would think that an economist has something to say. It may not be pleasant, but I hope that it is useful.

As I survey the various estimates of the growing future costs of cleaning up the pollution which has not yet been created, but which is likely to occur on the basis of present practices, the economist in me is greatly stirred.

In a sense, I am offended by the prospect of our having to devote an even larger share of our national resources to cleaning up an even faster growing mountain of pollution. Rather, I am impressed by the desirability of all of us adopting methods of producing and consuming which are less polluting than our present practices.

The President was getting at this point in his environmental message of February 10, 1970. In discussing one particular aspect of the pollution problem, the disposal of solid waste, he said:

"One way to meet the problem of solid wastes is simply to surrender to it: to continue pouring more and more public money into collection and disposal of what happens to be privately produced and discarded."

However, President Nixon went on to state, "This is the old way; it amounts to a public subsidy of waste pollution." He pointed to a most constructive approach:

"If we are ever truly to gain control of the problem, our goal must be broader: to reduce the volume of wastes and the difficulty of their disposal, and to encourage their constructive re-use instead."

In that vein, as an economist, I find one general approach particularly appealing—to make the act of polluting more expensive to the polluter than not polluting, and sufficiently more expensive that he, she, or it will change their current ways of doing things.

Let us face it. Far too frequently, polluting is more profitable, or cheaper, or easier, than not polluting. The simple-minded solution that we hear far too often these days seems to be to tear down that capitalistic structure which is doing the polluting. To use the most scholarly and expressive language that I can marshal, that is pretty stupid. It is certainly hardly necessary for the purpose. For one thing, I am not aware of any highly advanced noncapitalistic society that has been able to avoid pollution on a large scale.

Here the economist, I think, does have a way out. The price system really does work to allocate resources efficiently, whether the society is capitalistic or socialistic. Hence, in order to make the price system work in the way that we want it—to discourage pollution—we need to attach some form of economic disincentive to the creation of pollution.

In a sense, the social cost of pollution now borne by society as a whole—whether in the form of smog or contaminated rivers—needs to be shifted back to the polluter himself. I do not mean this as a form of punishment but, rather, as a direct incentive to change to less polluting ways of doing things.

This is a critical point. If instead we are going the eleemosynary route and have society or the Treasury pick up the cost, we are not introducing any incentive to reduce pollution.

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Again, I would like to quote a pertinent section from the President's landmark message on the environment:

"The fight against pollution . . . is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men. . . . It results not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions."

The next passage, again, is not taken from the works of an economist—although many of us might like to be able to claim the authorship—but from the President's message:

"Quite inadvertently, by ignoring environmental costs, we have given an economic advantage to the careless polluter over his more conscientious rival. While adopting laws prohibiting injury to persons or property, we have freely allowed injury to our shared surroundings."

The basic idea is that a product should be valued partly in terms of its burden on the environment. At present, much of the "cost" of pollution is borne by the public at large. To the extent that individuals, business firms, or other organizations whose actions contribute to pollution can be forced to absorb some of these hitherto "external costs," the market can be made to work against, rather than for, pollution. Thus, producers will have more incentive to "economize" on pollution, similar to their developing methods of reducing labor and materiel costs.

There are a number of alternative ways of promoting this general approach. For example, a tax could be levied upon the legal act of polluting. Alternatively, regulatory actions could be instituted either separately or perhaps in connection with a related tax payment. At the other end of the spectrum is legal action to make certain types of pollution unlawful. Enforcement could include perhaps levying fines, or taking more drastic action if the polluting continues to be performed.

I do not mean to beg the question as to what level of pollution control or reduction to aim for. I merely leave that most important determination to others. However, I sense that, of necessity, we will have to stop substantially short of any simple-minded notion of totally eliminating pollution. Let me cite a small, personal example. I find that my office generally is cleaned once a day. I am sure that it would be cleaner if that were done hourly; but the inconvenience that it would cause me, plus the added cost, would not be worth it. In a crude sense, I also find a parallel with the concern over obtaining the best possible education. There used to be a running debate between some professional educators, who favored "the best possible education," and those of us more mercenary types who advocate high quality education but would stop somewhat short of devoting 100 percent of the GNP to education. In the case of environmental pollution, as well as other potential objects of government spending, we are going to have to consider determining where the costs begin to exceed the benefits and even where the margin of benefits over costs is less than that for other claims on our resources.

Getting back to taxes as an instrument for reducing pollution, I find an array of alternatives available. The tax might well be high enough to cover the cost of cleaning up the pollution. This would bring the social and private costs closer together.

One possible application is to the junk automobile, which we are "producing" in ever growing numbers. The rate of abandonment is increasing rapidly. Here in New York City, 2,500 cars were towed away as abandoned on the streets a decade ago. In 1964, 25,000 were towed away as abandoned; in 1969 the figure was more than 50,000.

The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it. The Council on Environmental Quality is now studying methods such as the bounty payment (financed by a special tax on auto production) to promote the prompt scrapping of all junk autos.

In many other cases, however, the tax could be sufficiently high that it becomes a type of protective tariff. That is, it does not really bring in any substantial amount of revenue. But by encouraging less polluting methods, the tax reduces the need for government expenditures to clean up the pollution. This latter approach, of course, is reinforced by the budget outlook analysis that I presented here earlier. But even if that were not the case—even if the budget situation were a happier one—I still would see great charm to a "birth control" approach to pollution, to the extent possible.

Even though I find this approach instinctively attractive, I doubt whether it will suffice. It is more likely to work on prospective new production and consumption facilities—which have not yet been built and paid for. However, it may be inappropriate or highly inequitable in the case of facilities which are already in existence and which were constructed in good faith under a different set of ground rules.

Hence, the case for some direct government expenditures and/or substantial tax benefits, particularly during a long transition period, may be quite strong.

However, I doubt whether the tax and expenditure systems by themselves will suffice as devices for achieving the desired level of improvement in the quality of our physical environment. Despite our general distaste for governmental controls, pollution control appears to be one of the necessary exceptions.

In many areas, strict standards and strict enforcement will be necessary, not only to insure compliance but also in fairness to those who have voluntarily assumed the often costly burden while their competitors or neighbors have not. Without effective government standards, industrial firms that spend the necessary money for pollution control may find themselves at a serious economic disadvantage as against their less conscientious competitors.

Similarly, without effective Federal standards, states and communities that require such controls may find themselves at a disadvantage in attracting industry, as against more permissive rivals. Air pollution, particularly, is no respecter of political boundaries. A community that sets and enforces strict standards may still find its air polluted from sources in another community or state.

To sum up, I do not believe that we will have available resources to clean up all of the pollution that could possibly be generated in the United States in the coming decade, much less in the period beyond that. The approach that is feasible and more economically desirable is to encourage business, government, and consumers alike to so change their ways of producing and consuming as to reduce the amount of pollution that is created in the first place.

As President Nixon stated in transmitting his message presenting a comprehensive program to reduce pollution, ". . . . We at last will succeed in restoring the kind of environment we deserve."

AN ANGRY MAN TALKS UP TO YOUTH

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I have received a copy of the now-famous letter which Dr. K. Ross Toole, professor of history at the University of Montana wrote and has been reprinted in various newspapers around the Nation. What he has said in this letter has long needed saying and I urge every responsible American to read it in its entirety. His letter follows:

HAMILTON, MONT.

I am forty-nine years old. It took me years of considerable anguish to get where I am, which isn't much of any place except exurbia. I was nurtured in the Depression: I lost four years to war; I have had one coronary; I am a "liberal," a square and a professor of history.

As such, I am supposed to have "liaison" with the young. But the fact is that I am fed up with hippies, Yippies, militants and nonsense.

I am also the father of seven children, ranging in age from seven to twenty-three. And I am beginning to wonder what the hell I am incubating as a "permissive" parent. Maybe, indeed, I am the fellow who is producing the "campus rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous, and the essence of arrogant tyranny—the tyranny of spoiled brats. Maybe all of this begins with me and my kind.

Wherever and however it begins, it is time to call a halt, time to live in an adult world where we belong and time to put these "children" in their places. We have come by what we have and become what we are through work, sweat, anguish and time. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point and respect when they deserve it. We do not owe them our souls, our privacy, our whole lives; and, above all, we do not owe them immunity from our mistakes or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, head-on, a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history. It has *begun* these things, not finished them. It has declared itself and committed itself and taxed itself and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation, or his father's, or his father's. Its greatest mistake is *not* Viet Nam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth and its sick preoccupation with the problems, the minds, and the psyches, the *raison d'être* of the young.

Since when have children ruled this country? By virtue of what right or what accomplishment should thousands of teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

Well, say the psychologists, the educators and preachers, the young are rebelling against our archaic mores and morals, our materialistic approach to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderdash!

Society hangs together by the stitching of many threads. No eighteen-year-old is simply the product of his eighteen years; he is the product of three thousand years of the de-

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velopment of mankind. And throughout those years, injustice has existed and has been fought; rules have grown outmoded and been changed; doom has hung over the heads of men and been avoided; unjust wars have occurred; pain has been the cost of progress. But man has persevered. Society is obviously an imperfect production, but each generation changes its direction just a little, and most of the time it works.

As a professor and father of seven, I have watched this new generation and concluded that *most* of them are fine. A minority are not. The trouble is that that minority genuinely threatens to tyrannize the majority and take over. I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used; I am appalled that I have participated thus far in condoning it. I speak partly as a historian, partly as a father and partly as one fed up, middle-aged and angry member of the so-called "Establishment"—which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society, it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down. They will not discuss but, like four-year-olds, they throw rocks and shout.

Wisdom is not precocity; it is an amalgam of experience, reading, thought and the slow development of perception. While age is no guarantor of wisdom, whatever else the young are, they are not wise, precisely because they are young. Too many of them mistake glibness for wisdom and emotion for thought.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance when it is without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises? It is not the police we need, it is an expression of our disgust and disdain. Yet we do more than permit it, we dignify it with introspective flagellation. Somehow it is *our* fault. Balderdash again!

Sensitivity is not the property of the young, nor was it invented in 1960. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the mind loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience, the sudden and complete expansion of the mind and the final fulfillment. It is one of the oldest, sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through violence, heroin, speed, LSD and other drugs? And shall we, permissively, let them poison themselves simply because we brought them into this world? Again, it is not police raids and tougher laws that we need; it is merely strength. The strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere but sure as hell not in drugs; that, in the meanwhile, they will ——— well cease and desist. And this we must explain early and hard—and then police it ourselves.

Society, "the Establishment," is not a foreign thing we seek to impose on the young. *We* know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have been only minimally successful is the story of *all* generations, as it will be the story of the generation coming up. Yet we *have* worked a number of wonders with it. We *have* changed it. We are deeply concerned about our failures. We have not solved the racial problem, but we have at least faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we *have* attacked these things. All our lives we have taken arms against our sea of troubles—and fought effectively. But we also have fought with a *rational* knowledge of the strength of our adversary; and, above all, we have known that the war is one of attrition in which the "unconditional surrender" of the forces of evil is not about to occur tomorrow. We win, if we win at all, slowly and painfully. That is the kind of war society has always fought because man and society are what they are.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be *no* change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance and instant gratification. That is not idealism; it is childish tyranny. And the worst of it is that we (professors and faculties in particular), go along in a paroxysm of self-abnegation and apology, abdicate, apologize as if we had personally created the ills of the world and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor I meet the activists and revolutionaries of this new generation every day. They are not only boorish, they are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevara becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse-tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. *They* are the pattern-makers for the SDS and the student militants. I have yet to talk to an "activist" who had read Crane Brinton's classic, *The Anatomy of Revolution* or who is familiar with the works of Jefferson, Washington, Paine, Adams, or even Marx or Engles. And I have yet to talk to a student militant who has read about racism elsewhere and/or who understands, even primitively, the long and wondrous struggle of the NAACP and the genius of Martin Luther King, whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the U.S. in the 1930's recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform let alone revolt their way out of a paper bag." But they can, because we let them, destroy our universities, make our parks untenable, make a shambles of our streets and insult our flag. I am not a conservative, I am a liberal. I am a concerned and fairly perceptive teacher and parent. I am neither blind to the ills of our society nor dedicated to the status quo.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antediluvian, not because we are middle-class materialists, but simply because we have failed to keep that generation in its place and have failed to put them back there when they got out of it. We have the power, we do not have the will; we have the right, we have not exercised it.

To the extent that we now rely on the police, mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail. What we need is a reappraisal of our own middle-class selves, our worth and our hard-won progress. We need to use disdain, not mace; we need to reassess a weapon we came by the hard way—firm authority as parents, teachers, businessmen, workers and politicians.

The vast majority of our children from one to twenty are fine kids. We need to back up this majority with authority and with the firm conviction that we owe it to them and to ourselves. Enough of apology, enough of analysis, enough of our abdication of our responsibility, enough of the denial of our own maturity and good sense.

The best place to start is at home. But the most practical and effective place, right now, is our campuses. This does not mean a flood of angry edicts, a sudden clampdown, a "new" policy. It simply means that faculties should stop playing chicken, that demonstrators should be met not with police but with expulsions. The power to expell (strangely unused) has been the legitimate recourse of universities since 1209.

More importantly, it means that at freshman orientation, whatever form it takes, the administration should set forth the ground rules—not belligerently but forthrightly.

A university is the microcosm of society itself. It cannot function without rules for conduct. I cannot, as society cannot, legislate morals. It is dealing with young men and women of eighteen to twenty-two. But it can and *must* promulgate rules. It cannot function without order; therefore, those who disrupt order must leave. It cannot permit the students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violation both of the law and its regulations, by "militants."

There is room within the university complex for basic student participation, but there is *no* room for slobs, disruption and violence. Therefore, the first obligation of the administration is to lay down the rules, early in the game, clearly and positively, and to attach to this statement the penalty for violation. It is profoundly simple, and the failure to state it in advance is the salient failure of university administrators in this age.

Expulsion is a dreaded verdict. The administration need not play Torquemada; it merely needs to make it clear, quite dispassionately, that expulsion is the inevitable consequence of the violation of the rules. And among the rules, even though it seems gratuitous, should be these:

1. Violence—armed or otherwise—the forceful occupation of buildings; the intimidation by covert or overt act of any student or faculty member or administrative personnel; the occupation of any university property, field, park, building, lot or other place, shall be cause for expulsion.

2. The disruption of any class, directly or indirectly by voice or presence; or the destruction of any university property, shall be cause for expulsion.

These two simple and clear-cut rules, with penalty attached, should be promulgated to every freshman as part of his general orientation and should be circulated by the means every university has to all upper classmen.

This is neither new nor revolutionary. It is merely the reassertion of an old, accepted and necessary right of the administration of *any* such institution. And the faculty should be informed, firmly, of this reassertion *before* trouble starts. This does *not* constitute provocation. It is one of the oldest rights and necessities of the university community. The failure of university administrators to use it is one of the mysteries of our permissive age, and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

And suppose the students refuse to recognize expulsions, suppose they march, riot, strike. The police? No. The matter, by prearrangement, publicly stated, should then

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pass to the courts. If buildings are occupied, the court enjoins the participating students; it has the awful power to declare them in contempt. If violence ensues, it is in violation of the court's order. Courts are not subject to pressures, not part of the action. And what militant will shout obscenities in court with contempt hanging over his head?

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those of us who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgiastic self-condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. Those of us over thirty, tax-ridden, harried, confused, weary, need to reassert our hard-won prerogatives. It is our country too. We have fought for it, bled for it, dreamed fcr it, and we love it. It is time to reclaim it.

MORE REASONS WHY DR. LUCAS SHOULD NOT BE CONFIRMED

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I have already sent a strong letter to the chairman of the Senate Interior and Insular Affairs Committee urging that the nomination of Dr. J. Richard Lucas not be confirmed. Additional evidence of a persuasive nature is contained in the following letter from the national chairman of Miners for Democracy, Mike Trbovich:

MINERS FOR DEMOCRACY,
Washington, June 10, 1970.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Committee, U.S. Senate, Washington, D.C.

DEAR SIR: On June 3, I sent a telegram to you urging the rejection of J. Richard Lucas as the nominee to the directorship of the Bureau of Mines. Speaking for the 45,000 coal miners who are represented by Miners for Democracy, let me reiterate our objections to confirmation. To date, the Bureau of Mines has failed to enforce the Mine Health and Safety Act of 1969, no doubt as a result of the lack of forceful and effective leadership which Mr. Jack O'Leary, the former director, has provided. We do not object to Mr. O'Leary's removal, but we are convinced that his successor must be a strong-willed individual dedicated to the full enforcement of the Mine Safety Act. We simply believe that Doctor Lucas is not the man for the job; nothing in his testimony or in his background suggests that he has either the administrative competence or the will to straighten out the chaotic situation now prevailing at the Bureau. At the very least, we implore the Committee to recall Doctor Lucas and to deny confirmation until he answers a number of important questions about the Act's enforcement and the Committee is satisfied that he is a man who will enforce it without fear or favor.

Let me review what has happened to the Mine Health and Safety Act since it was signed by the President. I am aware that this Committee has no jurisdiction over the Bureau's functions, but I am convinced that once the Committee becomes aware of the sad state of affairs that exists in the Bureau, it will agree that the new Director must have both the courage and the conviction to fully enforce the Coal Mine Health and Safety Act.

I. THE BUREAU'S FAILURE TO ENFORCE THE FEDERAL COAL MINE HEALTH AND SAFETY ACT

When 78 coal miners were killed at Farmington, West Virginia in the Fall of 1968, a public outcry and a rank and file coal miners' revolt convinced Congress that tough coal mine health and safety standards were required. The 1969 Coal Mine Health and Safety Act begins: "Congress declares that—the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner." Seventy-six coal miners still lie entombed at Consol No. 9, while the Bureau has re-ordered the priorities and undermined the Act which their deaths inspired.

The Bureau's shabby enforcement of the Act is readily apparent in the number of work-related fatalities in coal mines since its effective date. According to the Bureau's own statistics, work-related fatalities in the coal mining industry have *increased* in the two months that the new Act has been in effect. Last year, work-related deaths in April and May numbered 14 and 15, respectively. This April there were 19 work-related deaths in the industry, and while the May figures are still incomplete, there have been 15 such deaths already confirmed. Given the Bureau's callous disregard for the lives and limbs of coal miners and the will of Congress, illustrated below, it is surprising that fatalities are not even higher.

A. Section 103(i) of the Act reads: "Whenever the Secretary finds that a mine liberates excessive quantities of methane gas or other explosive gases during its operations, or that a methane or other gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine other especially hazardous conditions, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mines during every five working days at irregular intervals."

There are some 225 coal mines which fall within this "especially hazardous" category. Consequently, the Bureau is compelled to conduct some 225 spot inspections per week. In fact, the Bureau admits that it is presently conducting only *four* spot inspections per week. The excuse offered by the Bureau for deliberately flouting the law is that there are not enough inspectors to conduct the weekly inspections, but the Bureau has done nothing to recruit and train new inspectors. Surely, Bureau officials knew or should have known more than a year ago that the new Act would require more inspectors. Though it has sufficient funds to train and pay many new inspectors, the Bureau has not conducted a single open door exam nor has it engaged in any sort of a public relations campaign to recruit inspectors. The new Director of the Bureau must meet this problem head-on and solve it.

We believe the safety of America's coal miners is endangered by the Bureau's failure to conduct all of the legally required spot inspections. We further believe that the Bureau's failure to comply with the law may make the United States liable for millions of dollars in damages under the Federal Tort Claims Act. What is Dr. Lucas' position on the mandatory spot inspections? Does he intend to change Bureau policy and meet the requirements to this section as to each of these mines? Will he shock the Bureau out of its apathy and force it to respond to the emergencies created by the new Act?

B. Our members from all over the country advise us that the Bureau's regular inspections are not nearly as thorough nor as frequent under the new Act as they were under the old one. Perhaps this is because of the Bureau's new "partial but representative" inspection system. This method allows the Bureau's inspectors to check for violations in portions of all underground mines without taking the days or weeks normally required for a full mine inspection. While undoubtedly these once-overlightly inspections help to hide from public view the facts as to the Bureau's sorry inspection record, they do little to insure that miners can work in safety. Thus, on April 10 of this year one miner was killer and three injured in an explosion at the Helen Mining Co. in Homer City, Pennsylvania. Federal inspectors had completed a three-day "partial but representative" inspection there only two days earlier.

Furthermore, the Bureau has apparently abandoned its practice of making inspections of mines when there has been a fatality, near-fatality or gas ignition. In the past, the Federal and state inspectors usually came to the mine together after any of these incidents, but today, only the state inspectors view such mines. We are convinced that the Bureau has turned its back on us.

What is Dr. Lucas' position on these "partial but representative" inspections? Does he intend to return to the full-scale inspections which we believe are necessary? Has he any plans for improving the number and quality of the Bureau's inspectors?

C. The Bureau, in a series of incredible blunders, has failed to meet the administrative requirements necessary to the Act's enforcement. The Act established a number of mandatory safety standards for underground mines and authorized the Interior Department to establish, under very specific procedures, new and improved safety standards. Congress recognized that some established standards might need implementation, and, therefore, provided in Section 101(j) that regulations and other material carried over from the old act could, upon republication in the *Federal Register,* continue to exist until superseded, so long as such material was consistent with the new law.

Addressing himself to this question, the House manager stated (H. Conf. Rept. 91–761, p. 65) that the republication requirement is a "very minimal task for the Department to undertake and one that is quite important to both the operators and the miners, as they must know well in advance of the operative date of Titles II and III what interpretations, regulations and instructions will continue to apply" and therefore the carry-over regulations "should be published in the Federal Register as soon as possible after enactment." Ignoring this, the Department did not publish these regulations until one day *after* the effective date of Title III of the Act which relates to safety.

Implementing safety regulations for the new law were subject to the procedures of the Administrative Procedure Act in order to give the operators, miners and the public a chance to comment on them. Despite this specific requirement in the Act, the Department said it was "impracticable" to have rulemaking and published the new regulations on March 28, 1970, 48 hours before the congressionally established mandatory safety standards became effective.

D. Finally, there is the Bureau's debacle in the Virginia litigation. On April 23rd, United States District Judge H. E. Widener, Jr., of the Western District of Virginia entered a temporary restraining order against the Bureau enjoining it from enforcing regulations adopted contrary to the Administrative Procedure Act. This order applied only to the 77 plaintiffs who brought the suit. Though the Federal Rules of Civil Procedure require that a hearing be held within 10 days before such injunctions can be extended, the Bureau's lawyers waived a hearing and willingly consented to a five-month continuation of the temporary restraining order. (See, *Congr. Rec.* pages 13479 and17656.)

Willingly consenting to a serious curtailment of its powers was bad enough, but the Bureau was just beginning. First, it ordered all inspections to stop, but the next day it

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ordered inspections to resume. Then the Bureau made the astounding decision to consider the Virginia injunction binding on it all over the country and stopped enforcing the questioned regulations everywhere. There was absolutely no legal authority or justification for this move. Yet the Bureau persists in a negative, defensive approach to the whole matter. It could have requested the district court to hold a hearing without waiting until September, but more significantly, it could have undertaken a proper promulgation of new regulations, thereby mooting the issue before the Court. It has done neither.

Administrative indecisiveness at higher levels has affected the men who make the mine inspections. With the injunction also running against the Bureau's arbitrarily adopted fine schedule, inspectors have been reluctant to cite companies for violations (the fine for which would be determined after a hearing). Instead, federal mine inspectors are merely issuing "warnings." This, of course, is catastrophic; operators are violating the law willfully since there is no punishment for so doing.

Today, I was advised that no mines have begun to provide sanitary toilet facilities to the men working underground. I believe that this is characteristic of this industry, which is bent on destroying the legislation it could not defeat in Congress. There seems to be a concerted effort on the part of all coal operators to test the Bureau's willingness to enforce the Act by jointly refusing to comply with the sanitary facilities provision.

In light of all this, it is readily apparent that an extraordinary person is required for the job of Director of the Bureau of Mines. The new Director must be someone who has a thorough knowledge of the new law, a special sensitivity to the health and safety needs of America's coal miners, a man who can buck the extraordinary pressures being brought to bear on the Department by coal operators who do not wish to see the law enforced, a man who can offer the Bureau real leadership through this morass of conflicting and inaccurate administrative interpretation of the new Act. Our lives depend on there being appointed such a man.

II. DOCTOR LUCAS IS NOT QUALIFIED TO BE DIRECTOR OF THE BUREAU OF MINES

A. The Bureau has an annual budget of almost $125,000,000 and an employee complement of nearly 5,000. Even under ordinary circumstances, the Director would have to be a skilled administrator, able to coordinate the different functions and responsibilities of the Bureau. Nothing in Doctor Lucas' background even remotely suggests that he possesses the administrative capability to guide and lead the Bureau even in normal times. But these are not normal times; the largest area of the Bureau's responsibility—oversight of coal production—has been dramatically enlarged. The new Act has created turmoil at the Bureau. Dozens of the Bureau's policy-makers occupy only temporary positions and none of the difficult administrative decisions which are essential to full enforcement of the Act are being made. As I noted above, the Bureau has adopted no emergency plan to recruit and train urgently needed federal inspectors. Indeed, there is not a single individual assigned to this project on a full-time basis. The situation calls for a skilled administrator of proven merit; it calls for a man of immense strength and determination to move the Bureau out of its inertia; it requires an individual of compassion and great personal dynamism who can bring to the Bureau a sense of unyielding dedication to mine safety. Doctor Lucas has not thus far demonstrated any of these essential traits.

B. The only thing cited in his favor by his proponents is his academic background. But a close inspection reveals that Doctor Lucas' credentials are woefully inadequate. The Miners for Democracy staff in Washington has examined nearly all of Doctor Lucas' writings; the following is a summary of their analysis:

"We have read 22 of the 27 articles and other writings listed in Doctor Lucas' biography (pp. 16342–16343. May 20, 1970). Several of the articles are duplicated: *The Competitive Position of Coal* and *Fossil Hydrocarbon and Mineral Processing* are identical works, except that they have different titles, paragraph headnotes, and three paragraphs are rearranged.

"None of the writings suggest academic excellence. Those articles authored by Doctor Lucas are replete with superficial generalizations, more characteristic of a student, than a professor. Hardly a prolific author, considering that he has been a member of the academic world for almost two decades, the articles he has authored are unpersuasive proof of his academic ability."

C. Severe criticism of Doctor Lucas by former students and colleagues and the absence of enthusiasm or substantial support from the academic community for his appointment underscore our observations of his academic credentials. At the very least, the Committee should reopen the hearing to provide Doctor Lucas' critics with a forum to voice their concern with his ability to handle this most difficult position.

D. As working coal miners we are shocked at the possibility of a nominee with a substantial portfolio of mineral stocks being confirmed to run the government agency which has regulatory authority over the mining and mineral industry. Too many lesser officials in the Bureau are already casually aligned with the Industry. To permit Doctor Lucas to become Director without divestment of his mineral holdings would be tantamount to putting the proverbial fox in the chicken house.

E. Doctor Lucas' ties to the coal industry and its largest operators also raise grave questions about his willingness to enforce health and safety laws that these men oppose. His resume states that he has been a mining consultant and engineer from 1956 to the present and that he has "served as a consultant to mining firms, industrial firms and government agencies." Two firms he has consulted for are named: Bituminous Coal Research, Inc., an affiliate to The National Coal Association, and Union Carbide, a company with a substantial number of coal mines. Other firms are not listed. We urge the Committee to inquire into this area more thoroughly, to obtain the names of these firms, the nature, duration, and purpose of the consulting work performed, and the fees paid.

F. Finally, and most importantly, we are dismayed at Doctor Lucas' lack of concern for our safety. Nowhere, during the course of his testimony does he allude to the crisis in the Bureau and in the coal fields wrought by the passage of the 1969 Act. Nowhere, does he make a genuine commitment to enforce the Act. Last year, Congress said our health and safety was the Bureau's first priority, but Doctor Lucas has not echoed that concern. Surely, he is aware of the pressures exerted on it by the coal industry to nullify the will of Congress. But he makes no mention of what his approach will be. We implore the Committee to ascertain his position on these critical issues.

We worked long and hard for the passage of the Coal Mine Health and Safety Act. We feel we are entitled to have this Act enforced. Indeed, our very lives depend on its enforcement. We will not sit idly by and watch the Bureau ignore this Act and revert to its production-oriented policies. To this end we urge this Committee to give careful consideration to this nomination. As we have stated, we do not think that Dr. Lucas is qualified for the job, and we think further hearings by this Committee are desirable to determine exactly what course the nominee intends to follow with respect to the Coal Mine Health and Safety Act. Coal is, as everyone must admit, vitally important to our economy. But we will not continue to mine it at such a huge risks to our lives and health.

Very truly yours,

MIKE TRBOVICH,
National Chairman.

WEST VIRGINIA—THE CAMPAIGN TO PROTECT HER BEAUTY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, West Virginians are proud of the unspoiled beauty of the Mountain State, and our conservationists are in the forefront of the campaign to preserve that beauty in our forests, streams, mountains, and back country. There are always commercial exploiters eager to destroy nature for their profit.

I have introduced H.R. 17774 which will preserve and protect as wilderness three areas of the Monongahela National Forest. Among the leading proponents of the wilderness protection campaign is West Virginia's Secretary of State, the Honorable John D., "Jay," Rockefeller IV. Eloquent support for the protection and preservation of West Virginia's scenic beauty is voiced in the following letter to the editor of the Washington Post, printed this morning, June 22:

BAD NEWS ON OTTER CREEK

Last fall my wife, Sharon, and I hiked along Otter Creek in Randolph and Tucker counties, W. Va. We agreed that it was one of the most beautiful areas in the eastern United States—with its large, majestic trees; its lush undergrowth, and the crystal clear mountain stream rushing through sandstone boulders and over a series of waterfalls along the trail.

We recommend this hike to anyone who loves the mountains—and now with the rhododendron about to bloom is an ideal time. And we were proud that all of this was in West Virginia. We made a commitment then to work to preserve the Otter Creek we saw—largely untouched by the hand of man for nearly a century.

But there is already bad news. First, there was the talk of logging with the threat of clear-cutting. And now prospecting for coal—and the promise of ruin to the landscape that will mean.

The Forest Service has decided to permit logging in well over half of the Otter Creek area, over 10,000 acres in that part of the Monongahela National Forest. I think this was wrong. I applaud the efforts of the West Virginia Highlands Conservancy to spare from logging the entire 18,000 acres of the Otter Creek basin.

The federal government owns 808,000 acres of land in the Monongahela National Forest in eastern West Virginia. I believe that within this vast area we can afford to zone against logging and road building not only the 18,000 acres of the Otter Creek basin but also other areas such as Dolly Sods and the Cranberry back country. This can be done two ways. Congress can act, declaring national forests as wilderness areas, or the U.S. Forest Service can protect them by administrative decision.

In all of the United States east of the Mississippi River, Congress has declared only three wilderness areas. They are in North Carolina, New Jersey and New Hampshire. Surely Congress should protect some wilderness areas in the mid-Atlantic region, and the Otter Creek basin in West Virginia is a most accessible and suitable candidate. At the very least the Forset Service should protect the area by administrative decision.

The other current threat to Otter Creek is the mining of coal. This requires different action. The underlying minerals are privately owned. These should be acquired by the government and as soon as possible. I would urge that congressional appropriation or other funds be made available.

JOHN D. ROCKEFELLER IV.

CHARLESTON, W. VA.

FOUNDATION FOR CONSERVATIONIST OPPOSITION TO DICKEY-LINCOLN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, it is certainly gratifying to note that the Appropriations Committee's report on the public works appropriation bill for fiscal year 1971, H.R. 18127, clearly states:

> The water resources programs administered by the agencies funded in this year's appropriation bill reflect a new and added emphasis to be more responsive to the objectives of the National Environmental Policy Act of 1969.

It also states that "the committee has disallowed" all funds requested to resume planning of the Dickey-Lincoln hydroelectric project on the upper St. John River in northern Maine, House Report 1219, pages 3, 58.

Notwithstanding, a statement now is being circulated by one of the members urging the House to reject the committee's position on Dickey-Lincoln when H.R. 18127 comes up on the floor of the House. It states:

> Conservationists have voiced objection to the project, but their objections are without foundation.

Mr. Speaker, our colleague who is making that statement must not have heard my remarks on this floor on Thursday, June 11. I pointed out at that time Dickey-Lincoln is opposed by numerous national and regional conservation organizations, including the Appalachian Mountain Club, Maine Audubon Society, Maine Fish and Game Clubs, Massachusetts Audubon Society, National Wildlife Federation, Natural Resources Council of Maine, New England Advisory Board on Fish and Game Problems, Sierra Club, State Biologists Associations of Maine, and Wilderness Society.

The objections of these serious conservation groups are not without foundation, however. The foundation of their opposition is the Federal-State Inter-Agency Committee report on New England water resources, Senate Document 14, 85th Congress. It establishes that Dickey-Lincoln would:

Destroy what that committee reported is the only remaining unspoiled wilderness area in northeastern United States;

Flood out the most vibrant two-thirds, or 70 miles, of the upper St. John River which has provided generations with a caliber of outdoor adventure not found elsewhere in the Eastern United States;

Inflict severe, large, and permanent damage to fish and wildlife; and

Excavate one of the area's most outstanding scenic and recreation attractions, the Deboulie Mountain region—for its granitic rock, concrete aggregate, and select armor stone needed for Dickey Dam, according to the Army Engineers.

Mr. Speaker, in addition to the statement of the interagency report, I also discussed on the floor on Tuesday, June 16, a recent book by naturalist George Laycock entitled "The Diligent Destroyers." That book also highlighted the irreparable damage the Dickey-Lincoln project would cause to the Maine landscape and the ecology of the upper St. John region. I sincerely urge each Member of this body to give serious consideration to whether you will give more credence to the position taken by professional conservationists as to the impact of the Dickey-Lincoln project or whether you will give more credence to one of our own members who has a personal ax to grind.

Mr. Speaker, I and other conservationists commend the committee for again rejecting all funds for Dickey-Lincoln. There are far less destructive ways of producing power. I earnestly urge the House to support the committee position opposing any appropriation for Dickey-Lincoln when H.R. 18127 comes before the House Wednesday afternoon, June 24.

THREE DIED IN MISSISSIPPI: CHANEY, GOODMAN, AND SCHWERNER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it was a particularly poignant anniversary which was marked yesterday, and which I rise today to commemorate. Six years ago, on June 21, 1964, I rose in the well of the House to inform the Members that three young men were missing in the State of Mississippi, in the vicinity of Philadelphia, Neshoba County.

The news of the days following June 21, revealed the atrocity which had taken place. James Chaney, Andrew Goodman, and Michael Schwerner had been murdered—on American soil, by fellow Americans, in a struggle to secure basic rights for all American citizens.

In some ways, June 21, 1964 seems eons past. The convulsions of events have hurried us on to new crises. But, in the most tragic likenesses, June 21, 1964, is being replicated still. The deaths at Jackson State, the deaths in Augusta, the deaths at Kent State, all attest to the violence which is such ready response to individuals who espouse change, no matter how constructive that change may be.

Let me briefly recall 1964, and the three young men who lost their lives that year. Andrew Goodman and Michael Schwerner had gone to Mississippi to conduct voter registration drives and to open freedom schools under the auspices of the Council of Federal Organizations, an alliance of several civil rights groups—the Congress of Racial Equality, the Southern Christian Leadership Conference; the National Association for the Advancement of Colored People, and the Student Nonviolent Coordinating Committee.

Andrew Goodman and Michael Schwerner went to Mississippi with no naive idealism that wishing would make things so. They went there ready and prepared to do the hard and grinding work of helping their black brothers and sisters to gain the rights supposedly guaranteed them by the 14th amendment to the Constitution, 100 years earlier. They were ready and prepared to help the blacks of Mississippi win the reality behind those very simple, but very profound words in the Declaration of Independence—"all men are created equal."

In Mississippi, they, together with James Chaney, a young black man, were murdered. In the most perverse of ironies, these three—two whites and one black—proved by their deaths the very truth their murders sought to deny: they may not have lived the same—and that is America's shame and her guilt—but they did die the same.

We are one.

Six years later, the same truth survives. The four dead at Kent State and the two dead at Jackson State show that we are one, no matter how much some Americans resist and dispute that oneness. This is no solace to those who mourn. Nor is it any satisfaction to those who note the irony. But at least it should be a lesson to those who deny the truth.

Six years later, also, we can look back upon some of the most significant legislation ever to be enacted into Federal law: The Voting Rights Act of 1965, the Civil Rights Act of 1968; even the Civil Rights Act of 1964, for that had not yet been passed by Congress when Chaney, Goodman, and Schwerner were murdered.

This sixth anniversary of their deaths falls at a particularly significant time, for last week the House voted to accept the Senate version of the extension of the 1965 Voting Rights Act. It was this act which the three murders helped to spur into creation. It was the three young men's mission of voter registration which this act helped in truly amazing degree to meet. Where Chaney, Goodman, and Schwerner led the way into a hostile political environment, Federal registrars and election observers have followed, because of the Voting Rights Act of 1965.

The results of this legislation have been remarkable. In the seven Southern States which fell under the operative mechanism of the Voting Rights Act's language, 1,122,000 blacks were on the voting rolls in 1965. By the fall of 1969, the total of registered black voters in those States was 2,019,000—an increase

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of 897,000 in 4 years. In Mississippi, the State in which Chaney, Goodman, and Schwerner were murdered, only 8.3 percent of the eligible black voters were registered to vote in 1965. By the fall of 1969, the figure had risen to 66.5 percent.

Of course, there is much that remains to be done. Hundreds of thousands of blacks still are not registered. Few black officials have been elected. Effective political organization is still rare. But, I think no one can deny the vast importance of the Voting Rights Act of 1965. And the tragic deaths of James Chaney, Andrew Goodman, and Michael Schwerner at least served to spur the Congress to action to pass this legislation.

Today, 6 years after their death, the extension of the Voting Rights Act awaits Presidential signature. Despite the efforts of the administration to gut this law, and to strip it of its effectiveness, we have been successful in retaining its strength so that the registration of blacks may continue, and so that registered blacks will not be disenfranchised by new and invidious local voting requirements.

And, to that bold civil rights measure, we have added a provision extending the vote to our disenfranchised youth, 18 and older. They have fought our wars; they have paid their taxes; they have abided by the laws of the land which deem them adults. Finally, they are to be accorded the right—a right very long overdue—to have a voice in the political process, so that they may help decide what wars, if any, shall be fought; what taxes shall be levied; and what laws shall rule this land.

In a sense, the actions of James Chaney, Andrew Goodman, and Michael Schwerner had a part in this new and historic legislation, as well as in the civil rights legislation which followed their deaths. For they demonstrated, as did thousands of their coworkers, the commitment and dedication to equality and freedom which are perhaps the finest attributes of our youth. They demonstrated what so many young people today are showing—that injustice and inequality and bigotry need not be tolerated. That they are not just the way things are. That change is America's prerogative and her glory.

So, this year, 6 years after June 21, 1964, the anniversary of those deaths in Mississippi is especially meaningful. We are fulfilling the duty three young men left us. Some oppose us. Some dispute us. We do not do enough, nor do we do many things well enough. But James Chaney, Andrew Goodman, and Michael Schwerner goaded the slow to move more quickly, and movement, once begun, seldom stops. Let us press forward toward the fulfillment of the goals for which the three courageous civil rights workers gave their lives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MONTGOMERY (at the request of Mr. BOGGS), for today through July 14, on account of official business (Southeast Asia Investigating Committee).

Mr. SMITH of Iowa (at the request of Mr. BOGGS), for today through July 14, on account of official business (Southeast Asia Investigating Committee).

Mr. HAWKINS (at the request of Mr. BOGGS), for today through July 14, on account of official business (Southeast Asia Investigating Committee).

Mr. ANDERSON of Tennessee (at the request of Mr. BOGGS), for today through July 14, on account of official business (Southeast Asia Investigating Committee).

Mr. HAMILTON (at the request of Mr. BOGGS), for today through July 14, on account of official business (Southeast Asia Investigating Committee).

Mr. MOLLOHAN (at the request of Mr. BOGGS), for today through July 14, on account of official business (Southeast Asia Investigating Committee).

Mr. GAYDOS (at the request of Mr. MOORHEAD), for today and the balance of the week, on account of illness.

Mr. MCKNEALLY (at the request of Mr. GERALD R. FORD), for June 22 and June 23, on account of official business.

Mr. ROBISON (at the request of Mr. GERALD R. FORD), through July 14, on account of official business (Select Committee on Southeast Asia).

Mr. CLANCY (at the request of Mr. GERALD R. FORD), through July 14, on account of official business (Select Committee on Southeast Asia).

Mr. ADAIR (at the request of Mr. GERALD R. FORD), through July 14, on account of official business (Select Committee on Southeast Asia).

Mr. WATSON (at the request of Mr. GERALD R. FORD), through July 14, on account of official business (Select Committee on Southeast Asia).

Mr. KEITH (at the request of Mr. GERALD R. FORD), through July 14, on account of official business (Select Committee on Southeast Asia).

Mr. HANSEN of Idaho (at the request of Mr. GERALD R. FORD), through July 14, on account of official business (Select Committee on Southeast Asia).

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDONALD of Michigan) and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. FLOWERS) and to revise and extend their remarks and include extraneous matter:)

Mr. HARRINGTON, for 60 minutes, on June 23.

Mr. TUNNEY, for 15 minutes, on June 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BYRNES of Wisconsin to revise and extend his remarks on the bills called up by the Committee on Ways and Means today.

Mr. MILLS, to revise and extend his remarks with respect to the bills passed today.

Mr. MILLER of California in five instances and to include extraneous matter.

(The following Members (at the request of Mr. MCDONALD of Michigan), and to include extraneous matter:)

Mr. KEITH.

Mr. DERWINSKI in three instances.

Mr. ANDERSON of Illinois.

Mr. HOSMER in three instances.

Mr. BROWN of Ohio.

Mr. STEIGER of Wisconsin in two instances.

Mr. ROTH.

Mr. DUNCAN.

Mr. BRAY in three instances.

Mr. HOGAN in three instances.

Mr. HALPERN.

Mr. LANGEN.

Mr. DENNIS.

Mr. WYMAN in two instances.

Mr. SCHNEEBELI.

Mr. SMITH of New York.

Mr. ASHBROOK.

Mr. CONTE.

Mr. ROBISON.

Mr. SCHERLE.

Mr. SHRIVER.

Mrs. DWYER in five instances.

Mr. NELSEN.

Mr. BUSH.

Mr. COLLINS in three instances.

Mr. DON H. CLAUSEN.

Mr. WOLD.

Mr. AYRES.

(The following Members (at the request of Mr. FLOWERS), and to include extraneous matter:)

Mr. FRASER in two instances.

Mr. HAMILTON in 10 instances.

Mr. LONG of Maryland.

Mr. WALDIE in two instances.

Mr. JOHNSON of California in two instances.

Mr. O'HARA.

Mr. MINISH.

Mr. CULVER in two instances.

Mr. HANNA.

Mr. MOORHEAD.

Mr. GARMATZ in two instances.

Mr. MURPHY of Illinois in two instances.

Mr. HATHAWAY in three instances.

Mr. MCCORMACK.

Mr. GIAIMO in 10 instances.

Mr. BRADEMAS.

Mr. UDALL.

Mr. HARRINGTON.

Mr. FLOWERS in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3691. An act to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers; to the Committee on Foreign Affairs.

S. 3978. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; and

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 23, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2139. A communication from the President of the United States, transmitting a report on his disposition of the report of the Tariff Commission on its investigation No. TEA-I-16 under section 301(b)(1) of the Trade Expansion Act of 1962, pursuant to the provisions of section 351(a)(2)(A) of the act; to the Committee on Ways and Means.

2140. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 39 of the District of Columbia Code to provide for the pay, allowances, and benefits of the District of Columbia National Guard performing militia duty in the District of Columbia, and for other purposes; to the Committee on Armed Services.

2141. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army N. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, Gen. Lyman L. Lemnitzer, Gen. George S. Patton, Jr., and Gen. Joseph Stillwell; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9311. A bill to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington (Rept. No. 91-1222). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (for himself and Mr. Moorhead):

H.R. 18150. A bill to amend title 32 of the United States Code to establish a commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. BROCK:

H.R. 18151. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 18152. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act, to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT (for himself and Mr. Biaggi):

H.R. 18153. A bill to provide for the construction of a Veterans' Administration hospital of 1,400 beds in the county of the Bronx, New York State; to the Committee on Veterans' Affairs.

By Mr. HALPERN:

H.R. 18154. A bill to provide that the Federal Office Building at 26 Federal Plaza, New York, N.Y., shall be named the "Robert Francis Kennedy Federal Office Building" in memory of the late Robert F. Kennedy, Attorney General from 1961 to 1964 and a Member of the U.S. Senate from the State of New York from 1965 to 1968; to the Committee on Public Works.

By Mr. HANNA:

H.R. 18155. A bill to amend section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) to require that airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

By Mr. LANGEN:

H.R. 18156. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 18157. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMPSON of Georgia:

H.R. 18158. A bill to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes; to the Committee on Armed Services.

By Mr. ASPINALL (for himself, Mr. Saylor, and Mr. Teague of California):

H.R. 18159. A bill to terminate and to direct the Secretary of the Interior and the Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURTON of California (for himself, Mr. Brown of California, Mr. Conyers, Mr. Powell, and Mr. Scheuer):

H.R. 18160. A bill to promote the resolution of a labor conflict by regulating the distribution in interstate commerce of table grapes harvested and cultivated by nonunion workers; to the Committee on Education and Labor.

By Mr. BYRNE of Pennsylvania:

H.R. 18161. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SPRINGER:

H.R. 18162. A bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning; to the Committee on Interstate and Foreign Commerce.

H.R. 18163. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18164. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18165. A bill to amend the Public Health Service Act to extend for 3 years the programs of assistance for training in the allied health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18166. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 18167. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. JACOBS:

H.J. Res. 1268. Joint resolution authorizing the President to proclaim the second week of May of each year as "National Foot Health Week"; to the Committee on the Judiciary.

By Mr. WYDLER:

H.J. Res. 1269. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DADDARIO:

H. Con. Res. 664. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. MESKILL:

H. Con. Res. 665. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

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By Mr. BUSH:

H. Res. 1103. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on Rules.

By Mr. CORMAN:

H. Res. 1104. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. DICKINSON:

H. Res. 1105. Resolution recognizing the 100th anniversary of the practice of Free Masonry by the city of Florala, Ala.; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H. Res. 1106. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. HANNA:

H. Res. 1107. Resolution extending deepest sympathy to the President and people of Peru in this dark hour of their suffering and distress, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OLSEN (for himself, Mr. Adams, Mr. Daddario, Mr. Leggett, Mr. Reuss, Mr. Lukens, Mr. Obey, Mr. Brown of California, Mr. Powell, Mr. Koch, Mr. Udall, Mr. Gonzalez, Mr. William D. Ford, Mr. Moss, Mr. Halpern, Mr. Rodino, Mr. Edwards of California, Mr. Fish, Mr. Reid of New York, Mr. Miller of Ohio, Mr. Pettis, Mr. Ruppe, Mr. Harrington, Mr. Scheuer, and Mr. Roybal):

H. Res. 1108. Resolution to declare the sense of the House of Representatives with respect to the Federal administration of Indian Affairs; to the Committee on Interior and Insular Affairs.

By Mr. OLSEN (for himself, Mrs. Green of Oregon, and Mr. Hathaway):

H. Res. 1109. Resolution to declare the sense of the House of Representatives with respect to the Federal administration of Indian affairs; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 18168. A bill for the relief of Leonora Bascos Basconcillo and her children, Abelardo Basconcillo, Jr., and Maria Lourdes Basconcillo; to the Committee on the Judiciary.

H.R. 18169. A bill for the relief of Giuliano Trettel; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 18170. A bill for the relief of Lewis Vandiver; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 18171. A bill for the relief of Ruben N. Vitullo; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

409. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the issuance of a commemorative postage stamp in honor of Jedediah Smith, which was referred to the Committee on Post Office and Civil Service.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

514. By the SPEAKER: Petition of Chobyo Yara, Chief Executive, Government of the Ryukyu Islands, Naha, Okinawa, relative to the removal of poison gas weapons from Okinawa; to the Committe on Armed Services.

515. Also, petition of the Association of Chairmen of City, Town, and Village Assemblies in Okinawa, Naha, Okinawa, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

516. Also, petition of Henry Stoner, York, Pa., relative to stopping funds for the war in Indochina; to the Committee on Foreign Affairs.

SENATE—*Monday, June 22, 1970*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Reverend James E. Rogers, national chaplain, Disabled American Veterans, Columbia, S.C., offered the following prayer:

O God, before whose face the seasons find birth, we gather in this immense temple of freedom to acknowledge the touch of Thy eternal presence.

We speak of infinite time and space; we weigh the sun and saddle its heat, show us the way through the mystic chords of the better angels of our nature, how to drink deep from the living water, for therein is our salvation.

Be this day with those who search for the goblet of peace to lift to the parched lips of a crying humanity. Through Thy holy spirit distill into the cup a wisdom that shall overflow into the cisterns of the heart.

We pray Thee for our beloved country, our President, and our leaders. Share with them the sparkling waters of the good, the true, and the beautiful. And may their devotional love to Thee ever be a reflection of the soul of our country.

We pray through Him that commanded, "If any man thirst let him come unto me and drink." For He prescribes it and presides in it, Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 19, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there any morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

Thereupon, at 10:09 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 10:17 a.m., when called to order by the Presiding Officer (Mr. Cranston).

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRUTALITY BY NATIONAL GUARD AT KENT

Mr. YOUNG of Ohio. Mr. President, a terrible and absolutely unnecessary and uncalled-for tragedy occurred on the

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campus of Kent State University located at the edge of the city of Kent in northern Ohio a few minutes after the noon hour on a beautiful sunshiny day, May 4, 1970, when Ohio National Guardsmen shot and killed four students, two girls and two boys, and wounded 10 others, one of whom is paralyzed from the waist down and at least five of whom are still hospitalized due to the serious wounds they received. I have spoken out in the past and today I am again adverting to this uncalled-for tragedy.

Mr. President, since that sad day I have made a thorough investigation and in doing so took the statements of a large number of eye witnesses. Some of these statements were obtained at Kent State University by staff assistants. They were out there immediately following the killing and wounding of these students and they remained on the campus talking with students until the time came that the president closed the university and ordered all students to vacate the dormitories.

A large number of these statements were obtained by me personally from Kent State students at my residence and at my Senate office. Other statements also came to me from students in response to letters from me requesting the facts.

Among the statements of witnesses a statement made by Joseph B. Cullum which was received by me only last Saturday sets forth in simple direct language his experiences and what he witnessed on May 3 and 4. I ask unanimous consent that the letter of this young man be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CANTON, OHIO,
June 16, 1970.

Hon. STEPHEN M. YOUNG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YOUNG: I apologize for not responding to your initial letter. I was very busy attempting to complete the academic quarter at K.S.U. I, of course did not consider this to be of primary importance, but I had already made a statement to the F.B.I. and I assumed that if necessary you would have access to this. I may have been wrong. A combination of this doubt and your second letter prompted me to attempt to reconstruct some of my experiences on May 3 and 4 for your purposes.

I shall begin with some of the events of Sunday evening, May 3. I believe that an understanding of these events will help clarify some things that took place on the following day, Monday.

Around dusk on May 3 I left my apartment off campus after a phone call from one of my roommates. He said that there was a gathering on the Commons. I arrived at the Commons at about 8 o'clock to see only a few onlookers present. In a few minutes a crowd of students arrived on the Commons. After asking a few questions I learned that these students intended to purposely break the curfew in order to demonstrate that the curfew was an unnecessary infringement on the students' rights. It was the intention of these students to march off campus and peacefully march downtown with the express purpose of not causing a disruption, but demonstrating that the curfew was unnecessary. The students, myself included began to leave the Commons and march down Main St. toward the business district. The students were midway between Lincoln and Willow Sts. on Main St. when a line of local policemen began coming toward us. We turned and walked back to the campus area and sat down on Main St. just west of the intersection of Main and Lincoln.

A seemingly spontaneously formed group of students attempted to talk to the policeman in charge. It was announced that if the students would move off the street and onto University property the mayor of Kent and President White would come and meet with the students to discuss the curfew and some of the more primary problems on campus, including the status of R.O.T.C., the Liquid Crystals Institute, and the demands of the Black United Students. Being naive in this game most of the students moved onto the campus proper to wait for the city and University officials to appear. When after about thirty minutes the officials didn't appear the students became skeptical. Some tear gas was shot into a crowd of students about 100 yards west of the intersection. Some of those gassed came down to where the police and national guard were standing and expressed doubt that we could bargain in good faith only 100 yards from where our colleagues were gassed.

At this time it appeared to me that control of the situation was passed from the local police to the National Guard. A National Guard officer announced that we had five minutes to disperse. Within 30 seconds a line of National Guardsmen with billy clubs advanced into the ranks of students, most of whom were already dispersing. I was walking quickly away from the area when a National Guardsman actually ran after me to get into striking range and hit me in the back with a club.

I relate this incident on Sunday night in order to demonstrate two points. The first being that the peaceful attempts of concerned students to achieve a dialog was flagrantly ignored and secondly that the mood of the Guardsmen was not that of a seasoned veteran of civil disorder, it was certainly not one conducive to effective crowd control.

I will now attempt to relate to you my experiences concerning the death of my colleagues on May 4.

I attended a class in Bowman Hall from 11:00 to 11:50 on Monday. After that class I went to the Commons to see what would happen at the noon rally if there was one. With approximately 300 other students I stood by the victory bell as it was being rung. A student who I did recognize as being on campus in the past, but whose name I don't know, stood on top of the wall and announced that what he intended to do was try to determine if the students present wanted to follow the students at Princeton and participate in a national student strike against the Cambodian invasion and the war policy in Indochina in general. Before he could call for a vote a military vehicle with what appeared to be military and local officials inside, drove close to the students and told them to disperse. This act was greeted with boos, catcalls, and a few rocks, one of which bounced and hit the jeep.

The jeep returned to the area of the R.O.T.C. building and a number of National Guardsmen advanced, shooting tear gas canisters as they came. Some students threw the tear gas back at the Guardsmen and some threw rocks.

I ran up the hill to Taylor Hall and then into Prentice Hall to attempt to wash the gas out of my eyes. After I left Prentice Hall I saw that the Guardsmen were pursuing the students into a fenced off area, which was the practice football field. I tried to get the students to move north as the gas was moving in the direction they were running, which was west and they would be trapped against the fence. The students did move north and when the Guardsmen were in the football field it appeared that they ran out of tear gas canisters as they stopped firing them at us.

Some students threw stones at this time. I myself, out of frustration made a ludicrous attempt with two stones from about 75 yards, hitting only the ground. I saw no glass or railroad spikes as has been alleged in some sources.

The Guardsmen began to walk back toward Taylor Hall. Many students followed them chanting and occasionally throwing stones. At the time the Guardsmen reached the crest of the hill they suddenly turned and began to fire. At first I thought that they must have been shooting blanks because I was very close (approximately 40 yards) and I wasn't hit while it seemed that the Guardsmen were directing the fire right in the direction of where I was standing. I stood for the first five seconds of the firing and then impulsively dove to the ground. I was still sure that they were shooting blanks. However when I stood up I saw, at a distance of about 20 yards, a boy who I later learned was John Cleary, lying beside the sculpture. I ran to him and pulled up his shirt. He had a bullet wound in his chest and was badly bleeding. I applied pressure to the wound and began to yell for someone to get an ambulance.

No National Guardsman attempted to help any of the wounded and the final barbarism occurred when about 30 seconds after the shooting I saw two gas canisters land some 50 feet below me. When in a short time the first ambulance came a student told the men with the stretcher to forget the student on the driveway as he was already dead. This is the first time things became real to me, and the first time that I noticed any other wounded students. I went to the Ravanna Hospital in the ambulance with two wounded students and one other student who helped hold the stretcher on the seat. It was not until hours later that I heard on the radio that the student who lay dead on the driveway was my friend, Jeff Miller.

I hope that this account can be of some help to him and all of those that die at the hands of a tyrant.

Thank you for all you're doing.

Sincerely,

JOSEPH B. CULLUM.

Mr. YOUNG of Ohio. Mr. President, I have requested that the letter be printed in the RECORD for the benefit of my colleagues who I am sure are greatly interested in having the facts. Over many years as a trial lawyer in Ohio and at one time, for a period of 3 years, as chief criminal prosecuting attorney of Cuyahoga County, I have dealt with facts, as do all trial lawyers, and I believe that the letter of this student is worthy of consideration by all of my colleagues.

PRINCETON'S PRESIDENT GOHEEN—PIONEER

Mr. YOUNG of Ohio. Mr. President, Dr. Goheen, president of Princeton University, is a pioneer. He observed that among the students a vast majority had expressed their revulsion and infuriation over President Nixon's invasion of Cambodia with 27,000 American soldiers, and without authority from Congress. This in addition to our tremendous airpower. Four of five students feared expansion of our involvement in Vietnam throughout all Indochina. They expressed fears that invasion of Laos and Cambodia would result in more drafting of youth and more deaths of American GIs. They feared confrontation with Red China.

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The keen-minded, progressive president of Princeton announced that classes will be suspended for 2 weeks before the elections to give undergraduates the opportunity to work for the congressional candidates of their choice of the political parties of their choice.

President Goheen was careful to point out that this will not be "time off." Full academic schedules will be met by taking the time from summer vacation and from Thanksgiving and Christmas recesses. He states:

> We see this as a positive response to grave national problems, a response which facilitates constructive efforts by individuals working within the democratic system, while neither commiting the University to any particular political position nor interfering with its prime educational responsibility.

Students are happy to acquire political experience. Warhawk congressional candidates will feel the impact from a dozen to a hundred or more undergraduate young men and women ringing doorbells in their districts and presenting with evidence and sincerity reasons and arguments why this particular candidate should be defeated.

This approach is spreading like prairie fire, sponsored by faculty members of colleges throughout the country. This may become the most meaningful program ever undertaken by college students.

Just an added suggestion. If young men give up some length of their hair and perhaps shave their beards and don clean clothes, they may have greater influence and impact. Without doubt, the young women undergraduates will make effective and persuasive campaigners.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. CRANSTON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROVAL OF LOAN TO THE CENTRAL ELECTRIC POWER COOPERATIVE, INC., CAYCE, S.C.

A letter from the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, transmitting, pursuant to law, a report on the approval of a loan to the Central Electric Power Cooperative, Inc., of Cayce, S.C., for the financing of certain transmission facilities (with an accompanying report); to the Committee on Appropriations.

REPORT ON INVESTIGATION OF BARBERS' CHAIRS AND PARTS THEREOF

A letter from the President of the United States, reporting, pursuant to law, on an investigation of barbers' chairs and parts thereof (with accompanying papers); to the Committee on Finance.

REPORT UNDER SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

A letter from the Chairman, Subversive Activities Control Board, Washington, D.C., transmitting, pursuant to law, a report under the Subversive Activities Control Act of 1950, as amended (with an accompanying report); to the Committee on the Judiciary.

AUDIT REPORT OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

A letter from the executive vice president and director of the American Society of International Law, transmitting pursuant to law, the annual audit report of the society covering the period April 1, 1969, through March 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION NO. 36—RELATIVE TO FORT MACARTHUR

"Whereas, The Secretary of Defense has recently decided not to make cutbacks at Fort MacArthur in San Pedro as part of general cutbacks which will inactivate the only other Army installation in southern California, Fort Irwin; and

"Whereas, Fort MacArthur has adequate land for the service of military personnel in southern California and has the support of the San Pedro community; and

"Whereas, The designation of Fort MacArthur as a 'permanent' Army installation would permit the construction of certain new buildings for expanded operation in southern California and facilitate fundraising for a proposed military hospital; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States to designate Fort MacArthur as a 'permanent' Army installation; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Post Office and Civil Service:

"ASSEMBLY JOINT RESOLUTION NO. 30—RELATIVE TO ISSUANCE OF COMMEMORATIVE STAMP

"Whereas, Jedediah Smith was the leader of the first American trapping expedition to cross overland into California in 1826, and the first to cross the Sierras from west to east in 1827; and

"Whereas, He was the first American to traverse California from San Diego to Oregon; and

"Whereas, His exploration pioneered routes that later became main arteries of travel to California; now therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to authorize the issuance of a commemorative postage stamp in honor of Jedediah Smith; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 4—A CONCURRENT RESOLUTION

"Memorializing the Congress of the United States with respect to the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the power of Congress and the states to enact laws to prohibit sedition and criminal anarchy.

"Whereas, subversive elements present a clear and present danger to the governments of the United States, the state of Louisiana and other states; and

"Whereas, cognizant of this clear and present danger, most states, including the state of Louisiana, and the Congress of the United States have enacted criminal anarchy statutes, sedition statutes and subversive activity control statutes; and

"Whereas, the decision of the United States Supreme Court in the case of *Commonwealth of Pennsylvania v. Steve Nelson* (350 U.S. 497) rendered state sedition and criminal anarchy laws virtually inoperable on the grounds that Congress has occupied this field of legislation to the exclusion of parallel state legislation and that the dominant interest of the federal government precludes state intervention in cases of sedition against the United States; and

"Whereas, the federal legislation in this field, namely the Subversive Activities Control Act, was considered by the United States Supreme Court in the 1967 case of *United States v. Eugene Frank Robel* (389 U.S. 258) and was held to be unconstitutional insofar as this Act was used to prohibit the employment in a defense facility of active members of Communist action organizations who have the specific intent of furthering the unlawful goals of such organizations; and

"Whereas, the aforementioned decisions of the United States Supreme Court and other decisions of this Court in the field of control of subversive activities have for all practical purposes prohibited Congress and the various state legislatures from enacting laws prohibiting these criminal and seditious activities; and

"Whereas, it is urgent and essential and to the best interest of the citizens of this and all other states that subversive activity be prohibited.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate concurring herein, that, in conformity with Article V of the Constitution of the United States, application is hereby made by the Legislature of Louisiana to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States which shall read substantially as follows:

" 'Amendment ———

" 'The Congress may by law prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States by violence or other means. The Congress may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of

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the United States by violence or other means.

" 'Each state may by law, prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States or of such state by violence or other means. Each State may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of the United States or of such state by violence or other means.'

"Be it further resolved that duly attested copies of this Concurrent Resolution shall be transmitted immediately by the Secretary of State of Louisiana to the President and Secretary of the Senate of the Congress of the United States, to the Speaker and Clerk of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Louisiana.

"John S. Garrett,
"Speaker of the House of Representatives.
"——— ———,
"Lieutenant Governor and President of the Senate."

A concurrent resolution of the Legislature of the State of Louisiana; ordered to lie on the table:

"A Concurrent Resolution To Ratify, For the State of Louisiana, Amendment XIX to the Constitution of the United States, Providing That the Rights of Citizens To Vote Shall Not Be Denied or Abridged on Account of Sex

"Whereas, the Congress of the United States, by a two-thirds vote of both houses, deemed it essential to the rights of women to amend the Constitution of the United States to provide that the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex; and

"Whereas, the Constitution of the United States provides that amendments proposed by the Congress shall be valid when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths of the states; and

"Whereas, the above mentioned amendment of the Constitution of the United States was proposed to the legislatures of the several states by the Sixty-sixth Congress on the 5th day of June, 1919 and, by proclamation of the Secretary of State, dated the 26th day of August, 1920, the amendment was declared to have been ratified by three-fourths of the whole number of states in the United States and certified as valid to all intents and purposes as a part of the Constitution of the United States, and thereafter this amendment became Amendment XIX to the Constitution of the United States; and

"Whereas, the right of women to vote thus is universally recognized throughout the country and is so recognized in Louisiana; and

"Whereas, despite this fact the state of Louisiana, through its legislature, has not to this date taken action to ratify this important amendment to the United States Constitution, and it is important that our state be on record not only as recognizing and abiding by said amendment but as having taken formal action to ratify it.

"Be it further resolved that a copy of this Resolution shall be transmitted to the presiding officers of each of the Houses of the Congress of the United States and also to each of the members of the Louisiana Delegation in the Congress.

"John S. Garrett,
"Speaker of the House of Representatives.
"——— ———,
"Lieutenant Governor and President the Senate."

A resolution adopted by the Association of Chairmen of City, Town, and Village Assembles in Okinawa, requesting the immediate removal of all poison gas weapons from Okinawa; to the Committee on Armed Services.

A resolution adopted by the common council of the City of Madison, Wis., praying for the enactment of legislation to grant home rule to the District of Columbia; to the Committee on the District of Columbia.

A resolution adopted by the Province of Misamis Oriental Cagayan de Oro City, Republic of the Philippines, praying for the enactment of legislation to amend the Social Security Act to include all military forces of the Philippines who were in the service of the U.S. Army during World War II; to the Committee on Finance.

A resolution adopted by the common council of the City of Madison, Wis., praying for an end to the war, and to insure the safe and orderly return of our troops from Southeast Asia immediately; to the Committee on Foreign Relations.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CRANSTON:

S. 3993. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Cranston when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. THURMOND:

S. 3994. A bill for the relief of 1st Sgt. Albert F. Thompson, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. HARRIS:

S. 3995. A bill for the relief of certain air taxi mail transportation operators; to the Committee on Post Office and Civil Service.

By Mr. NELSON:

S. 3996. A bill to amend title 23 of the United States Code, relating to Federal-aid highways, in order to declare that upon completion of the National System of Interstate and Defense Highways amounts in the highway trust fund shall be made available for the development, construction, and improvement of transportation modes and facilities which supplement, complement, and provide alternatives to the highway and the automobile; to the Committee on Public Works, and when reported by that committee, to be referred to the Committee on Finance.

(The remarks of Mr. Nelson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. ALLOTT:

S. 3997. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission document numbered 349, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JORDAN of North Carolina:

S. 3998. A bill to amend section 5342 of title 5, United States Code, to provide for the adjustment, consistent with the public interest, of the pay of certain vessel employees engaged in fire protection; to the Committee on Post Office and Civil Service.

By Mr. PROUTY:

S.J. Res. 216. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

(The remarks of Mr. Prouty when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3993—INTRODUCTION OF A BILL TO CREATE THE CHANNEL ISLANDS NATIONAL PARK

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to create the Channel Islands National Park.

The channel islands off the coast of southern California are a unique marine resource of rolling hills and rocky cliffs. There are five islands: Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa. The two smallest, Anacapa and Santa Barbara, were established as the Channel Islands National Monument several decades ago. The westernmost island, San Miguel, is also owned by the Federal Government and administered by the Navy Department. The two largest islands, Santa Rosa and Santa Cruz, are in private ownership.

Each island is unique. Together they are a fascinating panorama of historical, archeological, paleontological, zoological, botanical, geological, and, of course, ecological resources and variations which thus far have not been degraded or destroyed by our society.

If we act soon, we can preserve the channel islands. I believe they should be preserved. Neither the progress nor the betterment of California requires that we build subdivisions or erect oil derricks on Santa Rosa or Santa Cruz. Yet unless something is done, the tide of California's relentless residential and commercial expansion will inexorably roll over the two largest and privately owned islands. Furthermore, we cannot allow vandals to continue to harrass and depredate the island's wildlife, particularly the marine mammals like the sea elephants, sea lions, sea otters, and fur seals.

In an Interior Department report issued several years ago, the National Park Service described the channel islands as "one of the finest opportunities in America to preserve a combination of island seashore, and related marine values in a reservation suitable for park use." Unless we take this opportunity soon, it will be lost to us.

While I introduce this bill with the personal conviction that it should be adopted, I do understand the various questions concerning the feasibility of the park proposal which have been raised by others. The tricky currents and sudden fogs of the channel have led some people to question the park idea. I am also concerned about the absence of a thorough, up-to-date appraisal of Santa Rosa and Santa Cruz Islands. Therefore, I am exploring the possibilities of reviewing the previous Department feasibility study including an appraisal with onsite inspection of the two islands. I expect to make a further proposal on these questions at a later date.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

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The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3993) to establish the Channel Islands National Park, in the State of California, and for other purposes, introduced by Mr. Cranston, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for the benefit of the people certain property in the State of California possessing unique scenic, scientific, and other natural values, there is hereby established the Channel Islands National Park. The national park, subject to valid existing rights, shall comprise the islands of Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa in the Channel Islands group, together with the lands, submerged lands, and waters within one nautical mile of the shoreline of such islands.

Sec. 2. Within the Channel Islands National Park the Secretary of the Interior is hereby authorized to procure lands and interests in lands, including submerged lands, by purchase, donation, purchase with donated funds, or otherwise. Lands and submerged lands owned by the State of California or any of its political subdivisions within the park may be acquired only with the consent of such owner. Notwithstanding any other provision of law, federally owned lands or waters lying within the park may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the park.

Sec. 3. Lands and submerged lands acquired by the Secretary of the Interior and those transferred to his administrative jurisdiction pursuant to section 2, together with the former Channel Islands National Monument, shall be preserved and administered by the Secretary of the Interior as the Channel Islands National Park in accordance with the provisions of the Act entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented, with special consideration for the conservation and protection of their existing marine fauna, bird life, and archeologic heritage.

Sec. 4. Any funds that may be available for the purposes of the Channel Islands National Monument shall hereafter be available to the Secretary for the purposes of the Channel Islands National Park.

Sec. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

S. 3996—INTRODUCTION OF A BILL RELATING TO TRANSPORTATION FOR PEOPLE

Mr. NELSON. Mr. President, I introduce a bill to amend title 23 of the United States Code, relating to Federal-aid highways, in order to declare that upon completion of the National System of Interstate and Defense Highways amounts in the highway trust fund shall be made available for the development, construction, and improvement of transportation modes and facilities which supplement, complement, and provide alternatives to the highway and the automobile.

The appropriate reference for this measure, the Parliamentarian informs me, will be to the Committee on Finance. Because of the overlapping interest and jurisdiction of the Committee on Public Works, I ask unanimous consent that the bill be referred to that committee for consideration prior to its referral to the Committee on Finance. It is, of course, contemplated that the bill will also be fully considered by the latter committee, which has the principal jurisdiction. The distinguished chairman of the Finance Committee (Mr. Long) has authorized me to state that there is no objection to this procedure on the part of that committee.

The PRESIDING OFFICER (Mr. Williams of New Jersey). The bill will be received and referred to the Committee on Public Works, without objection, as requested by the Senator from Wisconsin, and when reported by that committee, the bill will be referred to the Committee on Finance.

The bill (S. 3996) to amend title 23 of the United States Code, relating to Federal-aid highways, in order to declare that upon completion of the National System of Interstate and Defense Highways amounts in the highway trust fund shall be made available for the development, construction, and improvement of transportation modes and facilities which supplement, complement and provide alternatives to the highway and the automobile, introduced by Mr. Nelson, was received, read twice by its title, and, by unanimous consent, referred to the Committee on Public Works.

UNBALANCED TRANSPORTATION SPENDING

Mr. NELSON. Mr. President, Federal spending for transportation in the years 1947 through 1970 will total about $77.7 billion. Of that amount, $58 billion—75 percent—has gone for highways and $33 billion—over 42 percent—for the Interstate System Airways aid—including subsidies for the supersonic transport development—has accounted for 13 percent, airports for 1.7 percent, and airline subsidies for 1.5 percent. Waterways have received 8 percent.

In sad contrast, Federal spending for urban mass transit has been only $795 million—1 percent of the total. In even sadder contrast, appropriations under the High Speed Ground Transportation Act have been only $76 million—one-tenth of 1 percent.

The symbol—and a cause—of this unbalance is the highway trust fund. Established in 1956, this inflexible fiscal creation prohibits the expenditure of certain taxes collected from highway users from being spent for anything except highways. By comparable reasoning, taxes collected from drinkers could be spent only for bonded warehouses. Or perhaps, income tax revenues could be spent only for the benefit of persons paying income taxes.

It is time that we break the stranglehold of highways on the highway trust fund revenues from gasoline and other road user taxes. It is possible that the best way to accomplish that end will be simply to let the trust fund expire on its presently scheduled date, September 30, 1972, or sometime not long thereafter. On the other hand, it may yet prove to be administratively preferable or politically more feasible to retain the fund indefinitely. The bill introduced today makes the latter assumption, but it would provide for important changes in the nature of the fund. The moneys now being spent for the Interstate System—currently at the rate of $4 billion a year—will be made available to build other forms of transportation when the presently authorized interstate mileage is completed.

PREDICTABLE FAILURES BY UNDERFUNDING

Mr. President, this country has too long been deprived of needed change and improvements by the kind of reasoning and budgeting which give certain programs inadequate funds and then declare them unsound or unwanted because they have failed, with the inadequate funds, to achieve their objectives.

It is often argued by the highway interests that urban and interurban rail systems have failed because the people preferred cars and roads. Yet who can say what the results might have been if improved rail passenger services had received public financial aid on the scale of aviation let alone highways.

With this year's $4 billion, Federal spending on the Interstate Highway System will reach $33 billion, more or less. For the fiscal years 1966 through 1970 inclusive, total appropriations under the High Speed Ground Transportation Act have totalled only $76 million, although $127 million was authorized. Even that relatively tiny sum has helped bring the boon of the Metroliner service to New York-Washington travelers. The seme paltry appropriations have produced the northeast corridor transportation project studies and reports, which are dazzling in their promises and prospects for future transportation.

The Metroliner has shown that better rail service is wanted and will be used. Because of the improved service—and it is only a little improved over what was available before and far, far from what is possible—rail travel between Washington and New York in 1969 was up 46 percent over 1968, with more than half a million persons taking advantage of the faster trains. Travel by air aboard the "shuttle" rose less than 1 percent last year over 1968, compared with annual increases in prior years of up to 15 percent.

It is deplorable that high speed ground transportation in 5 years, has been funded at a level equal to less than half of the funding last year alone for work on two SST prototypes. It is deplorable that the funding of urban mass transit programs, in 6 years, has been less than one-fifth of the funding this year alone for the Interstate Highway System.

We must correct these distortions in our transportation values and priorities. It is proposed, in essence, that we build transportation for people during the next two decades on something that begins to approach the scale of our building of

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transportation for automobiles in the last two. It will of course be argued that the people are satisfied with what they have been getting and want only more of the same: cars and roads, roads and cars. Those making that argument should interrogate the people late for work in rush-hour traffic jams, the people who cannot get to jobs at all for lack of a car, the people whose shrubs are dying and whose lungs are blackened by automotive air pollution.

Mr. President, the $4 billion a year we are now spending on the Interstates may well be below the funding that is needed to build an efficient mass transportation system for the Nation. Nevertheless it would be a significant step in the right direction.

I ask unanimous consent to have printed in the Record at this point a table comparing the Federal expenditures for various transportation modes in the years 1947 through 1970 inclusive.

There being no objection, the table was ordered to be printed in the Record, as follows:

U.S. GOVERNMENT SPENDING FOR DOMESTIC TRANSPORTATION, 1947-70

[Dollars in million]

	Amount	Percent
Airways[1]	$10,107	13.0
Airports[2]	1,367	1.7
Cash subsidies to domestic airlines[3]	1,132	1.5
Subtotal, aviation	12,606	16.2
Highways[4]	58,101	74.7
Waterways[5]	6,175	8.0
Urban mass transit[6]	795	1.0
High speed ground transportation[7]	76	.1
Total, 1947-70	77,753	100.0

[1] Obligations for establishment, administration, maintenance and operations of the Federal Airways System, including flight and medical standards programs, years 1947 to date. Does not include costs of military facilities and funds transferred to the Civil Aeronautics Administration, the amounts of which could not be ascertained. Obligations of the Federal Aviation Agency for accelerated research and development programs for improving the national system of aviation facilities, including administrative expenditures for the program, are included for years 1958 through 1970. Research and development expenditures for "civil supersonic aircraft development" during the years 1962 through 1970 are included.

[2] Federal expenditures for civil airports under the Federal Airport Act of 1946. Includes grant agreements for the years 1947-69 and appropriations for 1970, plus expenditures for administration and research. Expenditures for development of Washington National ($48,000,000) and Dulles International (ultimately $175,000,000) airports, revenue-producing Federal facilities, not included. Note: State and local governments expended an additional $7,531,000,000 for airports during the period 1947-70.

[3] Includes domestic trunk, local service, and helicopter airlines. Subsidy payments to domestic airlines as distinguished from compensation for carrying mail not available separately for years prior to 1951 and were estimated by applying the subsidy ratio (59 percent), as determined by Civil Aeronautics Board for entire 1939-50 period, to the total mail payments for each year from 1947 through 1950. Subsidy payments for years 1961 to date include Alaskan and Hawaiian operations.

[4] Total Federal expenditures for highways, including grants to the States. Note: State and local governments expended an additional $191,000,000,000 for streets, roads and highways (including maintenance) during the period 1947-70.

[5] Includes inland waterways, intracoastal waterways, Great Lakes and coastal harbors—obligations for construction, operation and maintenance of channels and harbors, locks and dams, alterations of bridges over navigable rivers, advanced engineering and design, and other minor costs related to navigation. Expenditures by the Corps of Engineers exclude the navigation portion of multiple-purpose projects. The figure shown does not include construction and operating expenditures for navigation on the Tennessee River as reported by the Tennessee Valley Authority ($357,000,000 through fiscal 1969) and the U.S. portion of construction costs for the St. Lawrence Seaway ($132,000,000 through fiscal year 1970). Thus far at least, toll revenues on the Seaway have failed by a wide margin to cover total annual costs as contemplated by law. Expenditures by Coast Guard and subsidies for merchant marine not included. Note: State and local governments expended an additional $5,814,000,000 on waterways during the period 1947-1970.

[6] Total appropriations, 1965-70, for the Urban Mass Transportation Act of 1964. Funds actually obligated were $10,000,000 less. Funds authorized were $70,000,000 more.

[7] Total appropriations, 1966-70, for the High Speed Ground Transportation Act (1965). Funds authorized were $127,400,000.

Source: Figures for airways, airports, airline subsidies, highways, and waterways, including footnotes 1 through 5, derived and adapted by Senator Nelson's staff from tables in Association of American Railroads, Government Expenditures for Highway, Waterway, and Air Facilities and Private Expenditures for Railroad Facilities (April 1970). Totals all include estimates for 1970. Data for highways checked by staff to original official sources cited in the AAR report. Figure for urban mass transit, and additional data in footnote 6, derived by staff from Senate Banking and Currency Committee, Report to Accompany S. 3154, S. Rept. 91-633, p. 2 (Dec. 22, 1969) and from the Urban Mass Transportation Act of 1964, sec. 4(b), as amended; 49 U.S.C. 1603 (b). Figure for High Speed Ground Transportation Act appropriations obtained from Office of High Speed Ground Transportation, U.S. Department of Transportation; figure for HSGT authorizations, in footnote 7, obtained from High Speed Ground Transportation Act, sec. 11, as amended; 49 U.S.C. 1641.

SENATE JOINT RESOLUTION 216—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING "NATIONAL MACHINE TOOL WEEK"

Mr. PROUTY. Mr. President, today I introduce a joint resolution proclaiming September 20, 1970, to September 26, 1970, "National Machine Tool Week" and I ask unanimous consent that it be printed in the Record immediately following my remarks.

Mr. President, the machine tool industry represents the single most important reason for our Nation's standard of living.

Thanks to the machine tool industry other manufacturing industries efficiently turn out millions of automobiles, trucks, refrigerators, washing machines, typewriters, television sets, and a myriad of smaller and larger products which make our life more enjoyable.

No country can be a prosperous industrial nation without a strong machine tool industry. This still holds true for the United States or for any country that wishes to gain or retain a high standard of living. Through the use of modern machine tools, greater productivity of industrial and consumer goods can be attained. Higher productivity puts consumer goods within the buying power of more and more people—and enables manufacturers to pay better wages, giving employees more purchasing power.

Today, new machine tools, many of them electronically controlled, are revolutionizing manufacturing techniques. They make possible the production, at competitive prices, of hundreds of new products that did not exist 5 or 10 years ago.

Machine tools also continue to be essential to the success of our military and space programs. Thousands of vital parts in the Apollo spacecraft that took our astronauts safely to the moon and back were produced with amazing precision by advanced machine tools.

Vermont's machine tool industry builds about one-tenth of the Nation's metal-cutting machine tools. Through the use of Vermont-made machine tools in every industrial area, Vermont's machine-tool builders and their thousands of employees contribute to the health of the national and international economy.

Mr. President, I think that it is most fitting that the week of September 20 through September 26 be set aside as "National Machine Tool Week."

All of us in this country owe our affluence to many factors. But in any list of factors contributing to this Nation's affluence, the machine tool industry would be near the top of the list.

All of Vermont is proud for contributions its machine tool industry has made to the Nation and the world. Throughout the years names like Russell Jones, Silas Lamson, William Leroy Bryant, Ralph Flanders, Fred Lovejoy, Edwin Fellows, James Hartness, Frank Cone, to name a few, ring familiar whenever one traces the history of the Vermont machine tool industry. One of those, Mr. President, mentioned in the list of those who have made great contributions to the machine tool industry was our late colleague Ralph Flanders. I personally was proud to be elected to fill his seat in the Senate following his retirement of 1958. Prior to that time, and until his death last winter, I knew of Senator Flanders' dedication to the industry he had so helped to advance and grow.

I hope that all my colleagues will join with me in supporting this joint resolution which is so necessarily desired by the machine tool industry, and in many ways it is a small tribute to the late Ralph E. Flanders who served in this body with great distinction and wisdom as a Senator from Vermont.

The **PRESIDING OFFICER** (Mr. Hollings). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 216) to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week" introduced by Mr. Prouty, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 216

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the importance of the national machine tool industry to the American economy, in recognition of its efforts on behalf of the Nation in peace and for our national defense and with the realization of the role it must play in the development of the sophisticated machinery and equipment necessary to eliminate and prevent pollution, the President is authorized and requested to issue a proclamation designating the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

AMENDMENT OF THE DEFENSE PRODUCTION ACT OF 1950—AMENDMENTS

AMENDMENT NO. 712

Mr. PROXMIRE. Mr. President, the administration made a wise decision to cancel the Penn Central loan guarantee.

However, the proposed guarantee does point up a glaring weakness in the wording of the Defense Production Act which needs to be corrected by Congress. We cannot let this happen again.

The Defense Production Act was originally intended to help small defense contractors obtain credit in order to expand defense production. It was never intended to bail out large corporations from the consequences of their financial or managerial mistakes.

I was, therefore, distressed to learn that the Defense Department was planning to use the loan guarantee authority of the act to bail out the Penn Central Railroad. I wrote to Secretary Laird on June 13 asking for complete details on the transaction and a copy of the Department's determination that the guarantee was necessary to our national defense. Up to now, I have not received a shred of evidence from the Defense Department to justify the need for a loan guarantee. Moreover, repeated requests to obtain to copy of the Penn Central application for a loan guarantee have been denied.

The administration has acted rightly in yielding to congressional criticism on the proposed bailout of Penn Central. Nonetheless we need to make sure that this type of situation does not arise again. Barron's Weekly has warned that there are six other railroads who could probably make similar claims for Federal loan assistance.

The Justice Department has determined that the language of the Defense Production Act is broad enough to encompass a rescue type loan such as the one contemplated for the Penn Central Co. If this is the case, Congress needs to limit the authority so that it conforms to its original intent. It is too broad and too dangerous to be left in the hands of any President, Republican or Democrat, where it might be used for political or other purposes.

That is the reason I am submitting an amendment this morning intended to be proposed by me to the Defense Production Act, of which I am the author. That act does require cost accounting practices.

My amendment would prevent the loan guarantee authority of the Defense Production Act from being used primarily to prevent the financial insolvency or bankruptcy of any company unless the President certified that such insolvency or bankruptcy would have a substantially adverse effect upon the defense production. If he makes such a determination, he must send a copy of it together with a detailed justification thereof to the Congress at least 10 days prior to the use of the loan guarantee authority.

I believe this provision will confine the use of the act to legitimate defense purposes while not precluding its use in a genuine financial emergency, provided the President notified the Congress and provides it with adequate justification.

At a time when the President has called for restraint to fight inflation, we should not be risking $200 million of the taxpayer's money to bail out an ailing railroad.

It is my understanding that they contemplated over $600 million for the Penn Central Railroad as a guarantee and it might have gone up to $700 million before they were through.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed and will lie on the table.

ANNUAL REPORT ON MILITARY EXPENDITURES AND THE ECONOMY

AMENDMENT NO. 713

Mr. GOODELL. Mr. President, I submit today on behalf of myself and the Senator from Wisconsin (Mr. PROXMIRE) an amendment intended to be proposed by us, jointly, to the defense production bill (S. 3302) which would require the President to transmit to Congress an annual report on military expenditures and the economy.

As members of the Senate Banking and Currency Committee, the Senator from Wisconsin and I have been seeking ways to minimize the harmful effects of this inflationary economy and to stem the continuing tide of inflation. Senator Proxmire is also the vice chairman of the Joint Economic Committee, the committee whose jurisdiction it is to receive, evaluate, and report on the President's annual economic report.

At the outset, it should be understood that the report on military expenditures and the economy is to be distinct from the annual economic report of the President inasmuch as it will focus specifically on the impact of national defense expenditures on the economy. This new and additional report is to fill the void left in the economic report. It is to provide Congress with the information it needs in order to have a meaningful role in forging new priorities and in making the transition from a wartime economy to a peacetime economy.

Mr. President, with the Employment Act of 1946, Congress and the President made a commitment to take measures necessary for a healthy economy. To this end, the legislation called for an annual economic report of the President to review the economic policy of the Federal Government and economic conditions affecting employment, production, and purchasing power. The legislation also created a Council of Economic Advisers to assist the President in preparing the economic report and a Joint Economic Committee in Congress to assist Congress in matters pertaining to the economic report.

At the time of the great debate in 1945, on the need for such an annual economic report, Congress did not insist on having in the report specific requirements, such as, economic projections or a causal analysis of economic conditions. It was felt then that there was too little experience with economic analysis and projections to incorporate such requirements in a basic statute.

Today, however, we see more clearly than 25 years ago what information is required and what economic data is available to assist in decisions for a sound, healthy, and equitable economy.

Mr. President, a major influence on the state of the economy is Federal Government spending. Galloping inflation, which began in 1966, continues to plague our economy. Over and over again, economists have warned that war spending without adequate economic countermeasures would lead to an overheated economy. In April of this year, Louis Lundborg, chairman of the board of Bank of America, in testimony before the Senate Foreign Relations Committee stated plainly:

> The war is a major contributor to inflation—our most crucial domestic economic problem.

If Congress is to do something realistically about inflation, a starting point is information on the costs—past, current, and projected—of the Vietnam war. Over the years, Congress has been hampered in obtaining accurate information on Vietnam war spending. Over and over again, Congress has been presented with underestimations of the cost of the war by successive administrations. In addition, there has been conflicting congressional testimony on war costs by witnesses within successive administrations. For example, Congress was told that for fiscal year 1969 the cost of the Southeast Asia conflict—the official budgetary designation for Vietnam war costs—was $17 billion, or $25 billion, or $30 billion, or $32 billion depending on which cost-accounting method was used. This year the administration has decided to withhold from Congress the current cost of the war.

The President said last week:

> We must deal with the problems of a nation in transition from a wartime economy to a peacetime economy.

Mr. President, how are we to deal with these problems when we are not told what the war is costing now or what it will cost over the next several years? We have been told, and expect, that there will be a peace dividend from cutbacks in Vietnam war spending. These savings are then to be available for nondefense spending, that is, for domestic priorities. How are we to know the size of the peace dividend when we are not told how much war spending has been reduced? How are we to guard against erosion of any peace dividend to increases in defense spending when we are not told what is envisioned for future spending on weapons and military assistance?

Regarding economic conversion from war to peace, how are we to help minimize the disruptive effects of needed cutbacks in wasteful defense spending on local employment and the economy of local communities when we are not told where, and when, and what job sectors will be affected?

Mr. President, a look at the $200 billion Federal budget for fiscal year 1971 shows over $73 billion requested for national defense expenditures. Of the controllable dollars in the Federal budget, those that can be readily adjusted and redirected, nearly 75 percent are earmarked for defense spending. The sheer size of the defense budget coupled with its effects on inflation and the economy of local communities warrant the singular attention of Congress.

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Mr. President, today Members of Congress grope in a void of economic data while attempting to see a peace dividend, to make real strides in economic conversion, and to bring about a cooling off of the economy.

Mr. President, the report on military expenditures and the economy aims at filling this economic data void.

The purpose of the Goodell-Proxmire amendment requiring an annual report on military expenditures and the economy is to provide Congress with information over several fiscal years on the impact of national defense expenditures on wages, prices, employment, and the general state of the economy. Information is to include costs of the Vietnam war, the amount of the peace dividend, the costs of planned military assistance to Southeast Asian countries, and the level of overall weapons spending. In addition, the report is to contain programs and policies which the Federal Government proposes to institute to minimize the disruptive effects of reductions or increases in defense expenditures on local employment and the economy of local communities.

The information requested in the report is available to the administration. To date, however, specific information has been either withheld from Congress, such as the costs of the Vietnam war, or presented in peacemeal fashion. The lack of comprehensive data as well as interpretive analysis on the economic impact of defense expenditures can only continue to hamper Congress in performing its funding function wisely and in resolving questions of economic policy soundly.

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The report on military expenditures and the economy can be a significant source of information which Congress needs for decisions on economic conversion and toward a sound economy.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the Record.

The **PRESIDING OFFICER** (Mr. Cranston). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record, as requested.

The amendment (No. 713) is as follows:

On page —, line —, insert the following:

"REPORT ON MILITARY EXPENDITURES AND THE ECONOMY

"Sec. (a) The President shall transmit annually to the Congress a report to be known as the Report on Military Expenditures and the Economy setting forth—

"(1) national defense expenditures projected over the next five fiscal years;

"(2) the impact of national defense expenditures projected for the next two fiscal years on wages, prices, employment, and the general state of the economy;

"(3) past and current expenditures and appropriations for the Southeast Asia conflict; the projected expenditures and appropriations for the next two fiscal years based on the foreseeable schedule of troop replacements and troop withdrawals; and the projected expenditures and appropriations for the next two fiscal years of military assistance to Southeast Asian countries; provided, the cost accounting method or methods used to calculate these expenditures and appropriations shall be identified;

"(4) an itemization of current and anticipated reductions or increases in national defense expenditures for the next two fiscal years; and

"(5) specific programs and policies which the Federal Government proposes to institute to minimize the disruptive effects of reductions or increases in national defense expenditures on local employment and the economy of local communities.

The first of such Reports shall be transmitted to the Congress not later than sixty days after the date of enactment of this Act; thereafter, such Reports shall be transmitted to the Congress not later than March 20 of each year.

"(b) The President may transmit from time to time to the Congress reports supplementary to the Report on Military Expenditures and the Economy, each of which shall include such supplementary or revised information as he may deem necessary.

"(c) The report on Military Expenditures and the Economy, and all supplementary reports transmitted under subsection (b) of this section shall, when transmitted to Congress, be referred to the Joint Economic Committee.

"(d) Upon receipt of the Report on Military Expenditures and the Economy, the Joint Economic Committee shall evaluate the Report and issue its own report to the Congress not later than June 30 of each year."

Mr. **PROXMIRE**. Mr. President, I commend the distinguished Senator from New York on his leadership and initiative in this matter. I think it is a most important amendment.

Mr. President, I am delighted to join with the Senator from New York (Mr. Goodell) in submitting this amendment which requires the President to submit, before March 20 of each year, a report on military expenditures and the economy.

There are two very important points about this amendment, which I hope we can call up and pass when the Defense Production Act comes before the Senate shortly.

First of all, the information it asks for is fundamental, elementary, and necessary in any examination of where the economy is and where it may be going. It is difficult enough to make good judgments when we have all the facts. We do not now have them available to us in the Congress. We need them. We should have them.

Second, most of the information is available or can be supplied without placing great demands for time or resources on the Government machinery. In addition, that information which is not now available should be put together in an orderly way in any case.

We ask for the projection of national defense expenditures over the next 5 fiscal years. The Council of Economic Advisers now makes a 5-year projection for the economy as a whole. In making that projection they must of necessity project what national defense expenditures may be over the period. But that information is not now available to the Congress. We have asked them for it. They have it. We should get it.

We call for an analysis of the impact of national defense expenditures, projected over the next 2 fiscal years, on wages, prices, employment, and the general state of the economy. This request is vital. Defense spending plans are made that far in advance. We should know their economic consequences for the economy in order to plan for them.

Certainly, the business leaders in our country have a right to know what the Government is planning in the way of defense expenditures, because they can have a direct effect on our economy.

Our amendment calls for the past and current costs of the Southeast Asian conflict. That information has been given to us in the past. We need it now. The administration has it. This information cannot be withheld on grounds that it is vital to the enemy. If we tell them at what rate we are going to withdraw our troops, information as to the costs of the war can hardly be called classified information. We need this information. We should have it.

In addition to this general information, the amendment calls for the itemization of current and anticipated defense reductions or increases and the specific programs—the shelf of programs—which the Federal Government is to institute to minimize the disruptive effects of these reductions or increases on local employment and on the economy of local communities.

This information should be available now. Such plans and policies should be going into effect. But when I asked a Member of the Council of Economic Advisers only last week for their plans and programs to mitigate the hardships caused by the cutbacks in defense expenditures, he essentially replied that there were no specific plans for communities and areas available.

This request or requirement in our amendment is long overdue. Requiring it may make this administration or any administration think ahead and plan for the specific consequences of increases or decreases in defense expenditures.

We call for the first report 60 days after the act is passed. That means we should have a report by September 1, which is not yet too late for aid in our planning this year. Much of it should have been in the Economic Report last January. It was not. We need it. By calling for a specific report on the impact of defense expenditures, which makes up almost 75 percent of the controllable expenditures, we can plan in a way we have not been doing.

Mr. President, we had inadequate plans during the period of the rapid expansion of defense expenditures in the years 1965 to 1969. Much of our recent economic difficulties is due to the lack of information during that period.

Now defense expenditures are leveling off. We hope they will decline and decline significantly. We need plans for this period. We need to know both what the general effects on the economy may be and the policies and programs to meet them.

I am delighted to cosponsor this amendment. The information it calls for is long overdue.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENT NO. 714

Mr. **WILLIAMS** of Delaware (for himself and Mr. Ribicoff) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disablity insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 715

Mr. DOLE (for himself, Mr. Javits, Mr. Stevens, Mr. Cook, Mr. Goldwater, and Mr. Murphy) proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

(The remarks of Mr. Dole when he submitted the amendment appear later in the Record under the appropriate heading.)

AMENDMENT NO. 716

Mr. GRIFFIN submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

MINIMUM STANDARDS FOR CERTAIN GUARANTIES—AMENDMENTS

AMENDMENT NO. 717

Mr. COTTON. Mr. President, I submit amendments, intended to be proposed by me, to the bill (S. 3074) to provide minimum standards for guaranties covering consumer products which have electrical, mechanical, or thermal components, and for other purposes. I ask unanimous consent that the amendments be printed and lie on the table, to be offered at a later date. I do so since I am disturbed by the fact that the bill as reported has been expanded to undertake comprehensive Federal regulation of warranties and guaranties with respect to all consumer products.

As clearly indicated in the report accomanying the bill, the problems which suggest the desirability of Federal warranty and guaranty regulations are confined to warranties and guaranties relating to major household appliances and automobiles.

The principal task force reports upon which this legislation is bottomed are limited to problems associated with automobile and major household appliance warranties. The target area of this bill, as originally introduced, was limited to regulation of the warranty practices of the automobile and the household appliance industries. Hearings were similarly limited.

Nonetheless, our Committee on Commerce chose to report a bill regulating warranties and guaranties offered in connection with all consumer products. The broad reach of the bill is subject only to the parenthetical limitation of certain of its provisions to a consumer product—actually costing more than $5. Clearly such a limitation cannot rationally be said to limit the scope of the bill to household appliance and automobile warranties. Moreover, the incorporation of such a limitation in the bill denies to the purchasers of small household appliances the protection to which I believe they are entitled.

Mr. President, the hearing record on this legislation contains no indication that there are problems with respect to so-called soft goods warranties comparable to those associated with automobiles and appliance warranties, and I am aware of none. Moreover, suppliers of soft goods have not been afforded the courtesy of a hearing inasmuch as they were first brought within the purview of the legislation after the close of hearings on the original bill.

Accordingly, I believe this bill should be restricted to its original scope. The amendment which I plan to offer is designed to accomplish that purpose by defining a consumer product in terms of a product which contains electrical, mechanical, or thermal components. This definition and the succeeding ones have been taken verbatim from the bill as originally introduced with the exception of the proposed new section 2(5), which has been expanded to include definition of the term "malfunctioning" and section 2(6), which has been added to comport with the scheme of the bill as reported.

At the same time I believe the reach of the bill with respect to those items which it was originally intended to cover should be expanded to cover all such items regardless of purchase price. For this reason I have included within my amendment provisions to strike the $5 purchase price limitation wherever it occurs.

In conclusion, Mr. President, it is improper in my judgment to legislate regulation of business in the absence of a demonstrated need for regulation. It would be even more improper in my judgment to do so without affording the businesses to be regulated an opportunity to be heard with respect to the proposed legislation. Clearly no need has been demonstrated for so broad a bill as is presently before this body. Accordingly, it is my conviction that the scope of this bill should be confined to the consumer products which it was originally intended to cover and its provisions expanded to include all such consumer products regardless of purchase price.

The PRESIDING OFFICER (Mr. Hollings). The amendment will be received and printed, and will lie on the table.

OFFICE OF EDUCATION APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 718

Mr. CASE (for himself and Mr. Goodell) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON HOUSING AND URBAN DEVELOPMENT LEGISLATION

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Senate Banking and Currency Committee will begin hearings on 1970 housing and urban development legislation on July 13, 1970. The specific dates are as follows: July 13, 14, and 15; July 20 through 24; and July 27 and 28. The hearings will begin at 10 a.m. each day and will be held in room 5302, New Senat Office Building.

At the hearings, the subcommittee will hear testimony on the following proposed legislation:

S. 3639—The Housing and Urban Development Act of 1970.

S. 3640—Urban Growth and New Community Development Act of 1970.

S. 2855—A bill to permit sale of rural housing sites to or for the benefit of qualified lower income families in addition to participants in self-help housing programs.

S. 2901—Major Disaster Insurance Act of 1969.

S. 3025—Urban Land Improvement and Housing Assistance Act of 1969.

S. 3239—A bill to include FHA section 236 mortgages in those which the Government National Mortgage Association can purchase.

S. 3330—A bill to authorize farm housing loans to lessees of nonfarm rural land.

S. 3504—A bill to increase the maximum mortgage amount insurable under section 242 of the National Housing Act (Mortgage Insurance for Nonprofit Hospitals).

S. 3624—A bill to extend the farm housing program to include the use of mobile homes.

S. 3755—A bill to authorize rural housing loans to lessees of nonfarm rural land.

S. 3775—A bill to authorize the VA to make direct loans to veterans determined eligible for assistance in acquiring specially adapted housing.

S. 3786—A bill to authorize grants under title VII of the Housing and Urban Development Act of 1965 to communities and urban areas for street lighting facilities to aid in the prevention or reduction of crime.

S. 3824—A bill to amend title VII of the Housing and Urban Development Act of 1965 to assist in water and sewer needs.

S. 3938—Emergency Community Facilities Act of 1970.

S. 3941—Lead Paint Poisoning Penalties Act.

Testimony will also be heard on all other bills introduced up to and during the hearings.

Persons wishing to testify should contact Miss Dorrie Thomas, room 5228, New Senate Office Building; 225-6348.

Written statements, in lieu of personal appearances, are welcomed and may be submitted to the Housing and Urban Affairs Subcommittee, room 5226, New Senate Office Building.

NOTICE OF HEARINGS ON WATER POLLUTION IN THE NATIONAL CAPITAL REGION

Mr. McGOVERN. Mr. President, on behalf of the senior Senator from Maryland (Mr. Tydings), I ask to have printed at this point in the Record a statement by him relative to the scheduling of public hearings on water pollution in the National Capital region.

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There being no objection, the statement by Senator TYDINGS was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TYDINGS

Mr. President, as Chairman of the Senate District Committee I wish to announce that on Thursday, June 25 the Committee will reconvene public hearings on the problems of water pollution in the National Capital Region. These hearings are the result of questions raised at the Committee's hearings on March 25, 26, and April 8. At those hearings certain governmental witnesses were invited back in three months time to discuss the technical and financial aspects of enlarging the Blue Plains treatment facility as well as the best way to incorporate accurate population projections in water resources planning. In the meantime key decisions have been made by the Department of Interior, decisions that greatly affect pollution control in the Washington portion of the Potomac.

The witnesses requested to reappear are the U.S. Department of Interior, the District Government, the State of Maryland, the Washington Suburban Sanitary Commission, and the Maryland National Capital Park and Planning Commission. The hearings will start at 10:00 a.m. in Room 6226 of the New Senate Office Building. Anyone seeking additional information should get in touch with Mr. Terence Finn at 225-4524.

Written statements, from other witnesses, in lieu of personal appearance, are welcomed and should be submitted to the Staff Director, Room 6218, New Senate Office Building, Washington, D.C. 20510, for inclusion in the written record of the hearing.

AMERICAN PRISONERS OF WAR

Mr. HANSEN. Mr. President, over 1,400 American men are still held prisoner by the North Vietnamese Government under conditions that violate every safeguard of the Geneva Convention. Someone—Albert Schweitzer, I believe—said humanitarianism consists in never sacrificing a human being to a purpose. God help North Vietnam to see humanity not subservient to ideology, but as master to life itself.

A SALUTE TO THE SUMMER INTERNS

Mr. HANSEN. Mr. President, we are about to enter upon a new season of the year here in Washington, D.C. The season of the spring rains and the spring flowers has gone. We have just passed the summer solstice, the longest day of the year was yesterday, and from now on the days will become progressively shorter in length until once again we enter fall and the seasons continue their perpetual and welcome change. The leaves are now on all of the trees, the summer gardens are beginning to bloom, and the daily weather forecasts on the radio predict temperatures in the high 80's and 90's with thunderstorms, high humidity, and much need for air conditioning.

Most of our high schools and colleges have concluded their commencement ceremonies, and for the next 3 months there will be a sudden increase in the available labor force in this country.

In short, it looks like a long hot summer.

But perhaps I had better expand a little upon the term "long hot summer," for recent events may appear to cast these words into a new meaning as regards some of the young men and women now released from their campuses.

Such would hardly be a fair statement of what we expect from our young people. Involved they may be—probably more involved than ever before in the history of our country—but this, by and large, is a good thing, not a bad thing. We want them to be involved. We want them to understand our governmental processes and take part in the sometimes difficult solution to the many dilemmas, so much the same and yet so very different from ever before, which beset our country at this particular point in what we all hope is but part of the continuum of a long and beneficial history.

We have as a matter of fact an example of the very best of this sort of involvement right here with us in the Senate now. I refer to the Senate intern program, which came into being some years ago at the behest of young men and women desiring to come to Washington to learn about Capitol Hill, and which has now become established as a sort of unofficial beginning point for many aspiring young politicians and statesmen. Hundreds of young people have benefitted from their experiences as interns in the Senate every year. For a significant number of these young people, internship has opened the door to distinguished careers in Government service. I know I speak for everyone in this body in stating that we hope at least some of these interns who are beginning their summer careers in the Senate Office Building at this time will one day, be numbered among our future colleagues in this U.S. Senate.

Indeed, as they communicate with each other and with the offices and staff employees with whom they are working, these young people will find that the Senate is a heterogeneous place. Authority and responsibility are dispersed and in some cases rather subtly exercised. For example, each Senator for most purposes heads almost an autonomous operation, holding responsibility only to his constituents and his own conscience. But we politicians have found there must also be a party organization for efficient coordination of effort, and overlaying this a Senate organization for the proper conduct of affairs.

But interns will find that different Senators, members of the same party, will nevertheless take different approaches to public issues. I would hope they will take the trouble to try to understand some of the underlying reasons, either regional or emotional or historical, which impel these differences. Another thing they will discover is that Members of the Senate and their employees find it absolutely indispensable at all times to employ courtesy in their dealings with each other. Particularly, I would point out, this has become traditionally the case when, because of deep fundamental feelings, Senators are forced to disagree. Hopefully our young people will recognize that civility is not a sign of weakness, nor an indication of a lack of concern. Civility during disagreement is a sign of maturity, of respect for one's fellow man, particularly of respect for equally strong beliefs and opinions held by the party with whom the debate or the disagreement is at that time being held. There is, after all, far more honor and satisfaction attached to an intellectual victory over an adversary one respects—and who respects you—than over one with whom there is no mutual esteem.

The history of this body is replete with instances of deeply held convictions strongly supported, passionately advocated, but nevertheless all done under the basic understanding that intransigent behavior of even the mildest sort is in the fact inimical to the fundamental purpose of perceptively setting forth and soundly defending one's own ideas.

As we on this side of the aisle welcome the interns who will for the space of 2 months or more be our junior staffers and, in a sense, junior partners, I know I can speak for all Senators in extending to them our best wishes for a pleasant and productive summer. Though it may be hot outside, let it be cool inside. May our interns carry forth their obligations with sincerity and respect for each other, argue their convictions with deep feeling among their associates and even to their superiors, but above all keep uppermost in their minds their main purpose here in the Senate, in this Capital of the United States of America, and indeed in this stage of their lives. They are here to increase their experience, broaden their understanding, and better fit themselves for the 50 years or so of productive living which lie ahead. They are the envy of their fellows throughout the length and breadth of this land. May they make the most of the opportunities—and the duties—which lie before them.

Mr. MANSFIELD. Mr. President, first I commend the distinguished Senator from Wyoming for what he has just said concerning the question of civility. Civility all too often today is being looked upon as an old-fashioned virtue which has now become passe. Perhaps a restoration of some of the old-fashioned virtues like civility, responsibility, and the understanding of the other man's point of view would stand this country in good stead at this particular time.

May I say also that I appreciated what the Senator said with respect to how we operate in this body. Of course we have differences; that is why we have two parties. That is why we live in a democracy. But we can understand and appreciate what the man says who happens to oppose a particular view we are urging. Who knows; his position may be right, and those on the opposite side may be wrong. But in this Chamber, there is no need to assume a position which is "nonnegotiable" in the way of demands or anything else. I would hope that this civility which does mark the decorum, the dignity, and the well-being of this body would continue to be observed by all Members regardless of party and regardless of viewpoint.

I am sometimes disturbed by allegations lodged against Members of this body; and may I say that I would come to the defense of a Republican Senator, if his patriotism were impugned, if his integrity were questioned, or if his veracity were under fire, just as I would in the case of a Democrat. In short, we operate in the open. We have our differences, but at least we have an understanding of one another. Once the struggles are over, we

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are not sworn enemies, but friendly antagonists who have waged as good a fight as possible. We may have won or we may have lost, but whatever the result, we accept it; and that is the way this body operates.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. HANSEN. Mr. President, I deeply appreciate the very kind words that the distinguished majority leader has uttered. I can think of no one in this body who better typifies and emulates the sincerity of the message he has just given us than does the majority leader himself. It has been my pleasure to work with him for almost 4 years, but I can say that as quickly as I came here, I was assured by members of my party who had worked with the distinguished senior Senator from Montana that once Mike Mansfield gave you his word, or said that something would be some way, you could depend that it would be exactly that way.

So I commend him for having typified and continually demonstrated the kind of behavior, the sort of respect and courtesy, that makes it possible for people who may hold strong differences of opinion to disagree and yet not be disagreeable. He is typical of the mortar that holds this body together; and it is certainly, I am sure, evident to all of us, as we reflect upon the type of person he is and the type of leader he is, what a great contribution he has made to this body.

Last week I read and was delighted with, as were all of his colleagues, the very pertinent character study of the senior Senator from Montana, the majority leader, published in one of the local newspapers. As the article pointed out, he is first to discount the contribution he is making toward history, and yet those of us who know him must agree with the person who wrote the article that Mike Mansfield has indeed cast a very long shadow. It is one which, long past the time when he will no longer be here, will continue to be in evidence, because of the type of leadership he has given, because of the courtesy he demonstrates at all times, and because of the honesty which exemplifies the sort of man he is.

Mr. MANSFIELD. Mr. President, I deeply appreciate the remarks of the distinguished Senator from Wyoming. What he has said about me has been overemphasized. Surely if his remarks apply to me then they apply to all Members of this body on both sides of the aisle. We are all here representing our States to the best of our ability. We do the best we can under sometimes arduous, and increasingly arduous, circumstances.

I am deeply indebted for the kind words just uttered by the distinguished Senator.

Mr. President, I ask unanimous consent that I may proceed for about 6 or 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COOPER-CHURCH AMENDMENT

Mr. MANSFIELD. Mr. President, on Saturday last, I issued to the press a statement which I said I was going to deliver on the floor of the Senate on Monday, June 22, 1970, which is today.

The issue which confronts the Senate is not one to be resolved by lawyers' arguments. What we face is the question of the war in Indochina. Cooper-Church is an attempt to make a congressional contribution to curbing the U.S. involvement in that war. No additives will alter that intent.

The prolonged debate has had its uses. It would be my hope, however, that the Senate will not spend the next several weeks in trying to determine how many angels can stand on the head of a pin. The Senate ought not to waste daylight hours in pursuing constitutional apparitions in this legislation. Indeed, if there were any such ghosts, they should have long since been driven away by the Mansfield amendment which was adopted unanimously several days ago. At that time, the Senate made clear that Cooper-Church did not in any way impugn the constitutional powers of the President.

The proposed Byrd-Griffin amendment now seeks to specify this disavowal with reference to one of the constitutional powers of the President, that of Commander in Chief of the Armed Forces. I do not know that it hurts to make this specification, but I do not know that it adds very much. It may, of course, serve to reassure, if reassurance is necessary, that the Senate meant what it said when it asserted that Cooper-Church does not impugn the constitutional powers of the Presidency.

It would be possible, I suppose, to go on in that fashion and specify all of the President's constitutional powers. We could say, for example, that not only are the President's powers as Commander in Chief not impugned by Cooper-Church but neither are his powers to make treaties, to grant pardons, or to nominate ambassadors and other officers of the Government.

We could do so although the necessity for any such reference is obviously debatable. Indeed, how could the President's constitutional powers be superceded by any act of Congress? How can any act of Congress supersede the Constitution?

The separate powers of each branch stand as a constitutional barricade against the arbitrary, unilateral acts of the other—the constitutional powers of the Presidency against Congress and the constitutional powers of Congress against the Presidency. No act of Congress can change or alter that constitutional bedrock.

Cooper-Church is not concerned with the constitutional powers of the Presidency. Cooper-Church is an assertion of the constitutional responsibility of the Senate and Congress with regard to the war in Indochina and its evolving course. Cooper-Church seeks to reinforce the President's own expressed desire to avoid the spread of the Vietnamese war or a prolongation or repetition of the Cambodian adventure.

Cooper-Church does not and, I reinterate, cannot intrude on the constitutional powers of the President, as Commander in Chief, to direct U.S. forces wherever they are situated. Before Cooper-Church was even suggested, American forces had air bombed Cambodian border areas under that Presidential authority. Under the same authority, commanders of U.S. forces along the Vietnamese border had been given permission to cross the Cambodian border in hot pursuit and for similiar purposes of self-protection. These orders were followed under the previous administration as well as under the present administration.

I have questioned policies which have placed American forces in such an exposed position in Vietnam as to necessitate U.S. bombing or hot pursuit across an international border in order to try to protect them. However, I have not, nor has the Senate, questioned the President's constitutional authority as Commander in Chief, to give those orders.

By contrast, there are grave doubts as to the constitutional authority of the executive branch, unilaterally, to establish a course of action which produces a prolonged, vague, and indefinite military commitment—direct or indirect—in any other country without the concurrence of Congress. That is what the Senate, in effect, has already declared by overwhelming vote in the national commitments resolution. That is what Cooper-Church makes clear with regard to Cambodia. The Mansfield amendment, which has already been adopted, does not negate that purpose. The Byrd-Griffin amendment to the Mansfield amendment would not affect that fundamental assertion; nor, in my judgment, should any amendment be permitted to nullify that intent.

Cooper-Church interposes no bars to the protection of American forces as they are being withdrawn from Cambodia and Vietnam or anywhere else. It does and is intended to interpose the most serious inhibition on Executive actions which would lead this Nation without the consultation and sanction of Congress into another Vietnam in Cambodia—into another major military involvement, direct or indirect, at once or step-by-step—with additional losses of U.S. life and additional drains on our resources.

Mr. President, I ask unanimous consent that certain paragraphs of a speech given by the distinguished Senator from West Virginia (Mr. Byrd), the chief author of the amendment which will be the pending business at the conclusion of the morning hour, and with which I am substantially in agreement, contained in the Record of June 18, 1970, be printed in the Record. I am in general accord with these paragraphs, which the chief author of this amendment has stated to mean what he is endeavoring to do, because it indicates to me that there is no conflict and what we have with the Byrd-Griffin amendment will be not only the symbol but also the substance of what we are all trying to do—that is, to try once again to reassert the powers of the Senate and of Congress, without in any way impinging or impugning the constitutional responsibilities of the President of the United States either in that capacity or in his specific capacity as Commander in Chief.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

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STATEMENT OF SENATOR BYRD OF WEST VIRGINIA

Mr. **Byrd** of West Virginia. Mr. President, I share, with the able Senator from Kentucky, the belief that the President should not be given advance approval to enter into any new commitment or to enter into any new war. I would not want any statement I made to be interpreted to mean that the verbiage of the amendment before the Senate would extend such advance approval with respect to a new commitment or a new war.

I have tried to make clear my position to the effect that the President certainly should come to Congress and consult with Congress and get the consent of Congress before entering into any new war, any new commitment, or any involvement in support of or against the Government of Cambodia or the Government of Laos, et cetera.

I want the record to show that I also believe, as does the Senator from Kentucky, that except for those emergency situations which can arise and do arise in time of war—both de jure and de facto wars, if we want to use those terms—the President normally would have time to consult with Congress. I think he should do so. I think we agree that there can be, however, emergency situations wherein the President might have to take action very, very quickly, wherein there might be the element of time and/or the element of surprise, which might have a bearing upon the success of whatever tactical operation might be involved, and when the President might not be able to immediately consult with congressional leaders.

Parenthetically, I do not think that was the case in the instance of April 30. I think that some congressional leaders at least could have been consulted. But that is behind us now.

I do have a feeling that this debate is going to imprint this point so indelibly upon the minds of this President and future Presidents, as they will read the history of it, that every effort will be timely made to properly consult with the leaders of Congress before any action is taken, except in the most dire and impending urgency.

ADDITIONAL STATEMENTS OF SENATORS

AIR TRAFFIC CONTROLLERS' DISPUTE

Mr. **MANSFIELD.** Mr. President, it is a matter of national concern to me that the dispute between the air traffic controllers and the Federal Aviation Administration has still not been satisfactorily resolved. Beyond that, it is of particular concern to me, inasmuch as I have just learned that two employees of the Great Falls, Mont., Traffic Control Center were, on June 16, dismissed from their positions.

Without passing on the merits or justification for each of these dismissals, or whether this action was in retaliation for the union activities of these men, may I note that there seems to have been no sustained effort to solve this dispute, except through the medium of the courts. Regardless of the rights and wrongs, on both sides, and regardless of the merits of the individual cases, it seems to me that it would be in the interests, not only of the Government and the air traffic controllers, but of the public at large, to begin, now, to take appropriate steps to resolve this problem through an expression of good will and sincere bargaining efforts, on both sides.

At present, 16,000 air traffic controllers guide up to 12,800 planes at a time over the skies of the United States. The forecast is that in 1980 this operation will involve over 22,000 planes and in 1995, 54,000.

The Air Traffic Control Advisory Commission—the "Alexander Panel"—predicts 10 midair collisions in 1980, unless preventive steps are taken, both in the way of equipment and procedures. The President's Science Advisory Council, the "Garwin Council," has also been involved in this matter, in an effort to reconcile the problems.

Congress, in passing the Airport and Airways Development Act (S. 3108), has taken an important step toward meeting the challenge that increased air traffic presents. In the meantime, however, the Government must function with the facilities and personnel presently on hand.

In addition, in August of 1969, Secretary Volpe took the commendable step of appointing the Air Traffic Controller Career Committee, to inquire into questions concerning the air traffic controller career. Although the Committee published its report in January, to my knowledge thus far little has been done to implement the Committee's recommendations. The recent breakdown in employee-management relations between the Government and the air traffic controllers suggests that little progress is being made on this vital matter.

Although the report covers management failures in this area, it did not absolve the controllers of responsibility due to the role played by the Professional Air Traffic Controllers Organization—PATCO—in bringing about the present state of affairs. The grievances of the controllers are, however, not imagined, as illustrated by Federal District Judges Hart, of the District of Columbia, and Judd, of New York, both of whom touched on the fact that the controllers were, in effect, provoked into the "sick-out" action of the early spring.

Although, in the 17 jurisdictions where this matter has been taken before the Federal courts, disciplinary proceedings against controllers have been temporarily stopped, in other areas where the power of the courts has not been invoked, a pattern of suspensions or dismissals has been the fact. In many cases it would seem that the FAA has removed controllers whom it considers instigated the unrest, including some PATCO officers, and either reassigned these men to work not appropriate to their skills, or suspended or dismissed them. The latter, as I have already pointed out, is the situation with reference to the former employees in Great Falls.

As will be recalled, on January 17, 1962, President Kennedy issued Executive Order No. 10988, recognizing the right of Federal employees to form and join labor unions. On October 29, 1969, President Nixon issued Executive Order No. 11491, superseding Executive Order No. 10988, which continued this recognition of Federal employees' rights.

The order issued by President Nixon also established a Federal Service Impasses Panel and required the establishment of a Federal Labor Relations Service, to assist in mediating employee-managenment disputes. None of this new machinery, however, appears to have been used, during either the recent walkouts of postal employees or air controllers. There was no evidence that the new Federal Labor Relations Service was utilized for local negotiations or talks during these disputes, and Paul Barry, regional director of the service in Chicago, was quoted as saying that his office did nothing about these difficulties because he had no machinery for handling the problems at that level.

As already indicated, the air traffic controllers' dispute was handled through the courts, by the Justice Department filing suits to halt the work stoppage,

In addition to the above bodies, Executive Order No. 11491 established a Federal Labor Relations Council, to, among other things, oversee programs and decide major policies. Thus, under the Executive order, there are now available to the administration in the area of mediating employee-management disputes, a new council, a new panel and a new service; however, at least so far as I know, nothing is yet underway, except through the courts, to resolve the dispute with the air traffic controllers.

I wish to express the hope, and I have done so in a letter to Secretary Volpe, that steps will be taken as soon as possible by the administration to resolve this situation, in the spirit of amity and good will.

I do not believe that proceeding through the courts is going to add to the cooperation or good will, on either side, and I hope the administration will fully and quickly utilize any and all Government organizations, including those new ones created by Executive Order No. 11491, to settle the air traffic dispute, so that working relationships in that important employment area may return to normalcy.

I ask unanimous consent that certain materials be printed in the **Record.**

There being no objection, the material was ordered to be printed in the **Record,** as follows:

GREAT FALLS, MONT.,
May 22, 1970.

Mr. E. G. FAIRBANK,
Acting Chief, Great Falls ARTCC,
Malmstrom AFB, Mont.

DEAR MR. FAIRBANK: This letter is being written to answer the charges which you advise have been brought against me as set forth in your letter of May 8, 1970. I formally deny each and every one of the charges and specifications set forth in your letter and by way of an affirmative answer and defense to the charges allege that the charges, specifications and each of them have been filed against me because of the position I hold as an officer of PATCO and thus amount to political discrimination.

The facts and details upon which my denial of each of the specific charges and specifications are as follows:

Charge No. 1. Unauthorized absence.

Answer. All absences from work were necessitated by illness and approved in accordance with the designated and established procedure for sick leave as specified by the FAA and as administered by the Great Falls ARTCC.

Specification No. 1. Beginning at 1600, 27 March 1970, you failed to report for your scheduled tour of duty at the Great Falls ARTCC. Your absence continued to 31 March

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1970 for a total of five work days. This absence was not approved by proper authority.

Answer. At all times specified by absence from duty was due to illness and in accordance with the established and authorized procedure for sick leave. I requested sick leave for each of the days in question and this sick leave was approved. Prior to the commencement of my scheduled tour of duty on 27 March 1970, I telephoned Jack Hopkins, Watch Supervisor, and advised him that I was ill and wanted to be put on sick leave because I would be unable to report for duty at 1600 hours. Prior to my scheduled work shifts on each of the days from March 28 through March 31. I also telephoned the Watch Supervisor, advised him that I was ill and requested sick leave. This procedure is in accordance with the FAA regulations regarding sick leave and the past practices of the Great Falls ARTCC. My request for sick leave was never questioned during any of the telephone conversations and on each occasion either expressly or impliedly approved.

On 27 March 1970, I had severe diarrhea and stomach cramping and consulted my physician, L. R. Swan, M.D. Dr. Swan diagnosed my condition as being caused by an intestinal flue virus and prescribed medication to relieve the symptoms. The Symptoms continued and again on 30 March I consulted the doctor. He continued the medication. My regular days off were April 1 and 2 and on 2 April 1970 my distress subsided enough to permit me to report for work for my regular tour of duty on 3 April 1970.

During the time I was on sick leave and made the telephone requests for sick leave as above described, I also received various written communications from you. By letter dated 27 March 1970 you advised me that all personnel reporting ill would be expected to provide a medical report including a diagnosis from a physician concerning the illness upon return to duty or be considered absent without leave with appropriate disciplinary action. In accordance with past practice which I understood was the correct procedure, I intended to furnish you with the form SF–71 upon my return to duty. However, before I returned to duty, I received two identical letters from you, one dated 27 March 1970 and one dated 28 March 1970, the latter which was hand delivered to me, and by these letters you advised me that if my absence continued for more than 24 hours after receipt of the letter or if I failed within that time to furnish adequate medical proof of my illness, prompt action would be initiated to impose the sanctions provided by law and the rules and regulations of the Department of Transportation and Civil Service Commission. On March 28 when I received the first of these letters, I telephoned you and advised you that I had the physicians certificate SF–71 but did not feel good enough to bring it to your office that day and inquired if Monday, 30 March 1970, would be soon enough. You advised me that that would be all right. On 30 March 1970 I delivered the physician's certificate SF–71 to your office. This certificate was properly completed by Dr. Swan in accordance with the FAA regulations and past procedure at Great Falls ARTCC. The following day, 31 March 1970, you telephoned and advised me that the SF–71 was not adequate and that I should get a more detailed form and have the doctor complete it. That day I picked up the detailed form and delivered it to Dr. Swan. The doctor wrote a detailed explanation of my illness and consultation on his letterhead stationery and inadvertently dated the report 3 April 70 when in fact the report was written 2 April 70. I hand delivered this detailed report to your office. By letter dated 2 April 1970 you acknowledged receipt of the medical report submitted by Dr. Swan and advised me that you would consider that as having met the requirement to answer the charges in your letter of 30 March 1970 wherein you proposed to remove me from my position due to unauthorized absence. In your letter you further stated that if I must provide further answer to those charges, you would inform me in writing.

At no time during my sick leave was I advised of any procedure which I had violated in obtaining approval by proper authority for the absence due to my illness. My time and attendance card for the pay period eight was submitted by appropriate authority specifying my absence as sick leave. This approval was further ratified when I was paid for the specified pay period and pay for the days on which I was absent was acknowledged to be payment for sick leave. Not until May 8, 1970, at the time when your letter of proposed removal was delivered to me was any action taken with respect to classifying my absence other than sick leave. On that date you advised me that you were denying my request for sick leave for the period in question and that an amended T & A card was being submitted to place me on AWOL status for the days during which my request for sick leave had been denied. My request for sick leave was never denied and is supported by the properly completed SF–71 physician certificate and supplemented by my doctor's further detailed report in accordance with the request from you. I therefore strongly object to and question your authorty to retroactively designate properly authorized and documented sick leave as being AWOL.

Charge No. 2. Failure to comply with lawful order of officials of the United States Government.

Answer. I deny having failed to comply with a lawful order of officials of the United States Government.

Specification No. 1. You were informed by letter dated 27 March 1970 from me that the United States District Court for the District of Columbia had issued on 25 March 1970 a temporary restraining order restraining you from in any manner continuing, encouraging, ordering, aiding, engaging or taking any part in any work stoppage or slowdown or any interference with or obstruction to the movement or operation of any aircraft in air commerce or air transportation at any traffic facility operated by the FAA or interference with or obstruction to the application of the safety standards or procedures established by the FAA for the regulation and control of air traffic in the United States of America. By failing to report for duty at your facility and failing to perform your duty at your facility, you have failed to comply with this order.

Answer. As set forth in detail above in my answer to Charge No. 1, Specification No. 1, I was ill and in great distress and unable to perform my duties at the time the letter in question was received and physically unable to perform my duties. I therefore did not report to duty but in accordance with FAA regulations and in accordance with the specific instructions contained in the letter in question I furnished adequate medical proof of my illness and reported my need for sick leave on each day in question.

Specification No. 2. You were informed by letter dated 27 March 1970 from me to report to your place of duty within 24 hours or to submit within such period of time adequate medical proof of your illness. You failed to comply with the instructions in this letter.

Answer. It was impossible for me to comply with the terms of the letter of 27 March 1970 because I could not return to work due to my illness and although I had in my possession the certificate of physician SF–71 which Dr. Swan completed and executed on March 27, 1970, I was too ill to deliver it to your office. However, when I advised you of this situation by telephone, you verbally authorized me an extension of time until Monday, 30 March 1970 within which to furnish the requested medical proof. The form was delivered within the extended time.

Charge No. 3. Violation of 5 U.S. Code 7311 which states in pertinent part, "An individual may not accept or hold a position in the Government of the United States . . . if he . . . participates in a strike against the Government of the United States . . .".

Answer. I deny that I participated in any strike against the United States Government.

Specification No. 1. Beginning on or about 25 March 1970, you, in concert with others, participated in a strike against the Government of the United States by failing to report for duty and continuing to absent yourself from duty without approval of proper authority.

Answer. I deny that I individually or in concert with others participated in any strike against the Government of the United States and reiterate that my absence on 27 March 1970 and thereafter was due to my illness. That this absence was propertly authorized and documented sick leave which was approved by appropriate authority including yourself.

Charge No. 4. Leading employees in a concerted action to withhold their services from the Federal Government by absenting themselves from duty without approved leave.

Answer. I deny that I led any employees in concerted action or otherwise to withhold their services from the Federal Government by absenting themselves from duty without approved leave.

Specification No. 1. You occupied the position of Chairman of the Great Falls Center Chapter of the Professional Air Traffic Controllers Organization on 25 March 1970 when that organization led and fostered an illegal strike in violation of 5 USC 7311. As the Chairman of the Great Falls Center Chapter, you did not exercise your influence to prevent employees of the Great Falls ARTCC from engaging in an illegal strike.

Answer. I admit that I am the Chairman of the Great Falls Center Chapter of PATCO and occupied that position on 25 March 1970. I strenuously deny that the organization led or fostered an illegal strike in violation of 5 USC 7311. No such evidence of any action by that organization is set forth in your charge and no such evidence could be produced. I had no knowledge of any illegal strike by anyone at the Great Falls ARTCC and did specifically advise my fellow controllers if they were not sick or otherwise legitimately prohibited from performing their duties, they should report to work and perform their duties. I have no direct authority over any of my fellow air traffic controllers and any influence I may have by virtue of my office in PATCO was in fact used to encourage the employees to obey the laws and regulations applicable to their employment.

Specification No. 2. You called or otherwise arranged for a meeting of PATCO members of the Great Falls area to be held at your home during the evening of 24 March 1970. At this meeting, you led a discussion of plans to withhold optional air traffic control services within the Great Falls area in support of PATCO's nationwide strike action.

Answer. On 24 March 1970 a group of PATCO members met at my home. I deny that I led a discussion of plans to withhold optional air traffic control services within the Great Falls area and deny that PATCO instituted a nationwide strike action. No plans were formulated to withhold optional air traffic control services within the Great Falls area at the meeting in question and no such optional air traffic control services were in fact withheld.

Specification No. 3. As a facility officer of Professional Air Traffic Controllers Organization (PATCO), you did not comply with the direction of the 25 March 1970 temporary restraining order of the United States District

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Court for the District of Columbia to instruct immediately absentee PATCO members to resume their normal employment.

Answer. I advised every air traffic controller or PATCO member in the Great Falls ARTCC with whom I discussed the matter to resume or continue his normal employment if he was physically capable of doing so. I performed this service for the FAA and U.S. Government out of my concern for the safety of the air traffic moving in the United States and in accordance with the suggestion of PATCO national officers. This service did in fact comply with the direction of the restraining order in question but I am advised by my attorney that the letter I received informing me of the court order was not a valid service of such court order and that the court in question did not have jurisdiction to issue an order for the District of Montana. I have no authority to direct or demand that employees report to work. If in fact I did have such authority, I could not and would not order employees who were disabled from performing their duties to report to work.

Specification No. 4. As a facility officer of PATCO, you failed to take all action necessary to insure that the instructions included in the 25 March 1970 temporary restraining order of the United States District Court for the District of Columbia were carried out, including the posting of a copy of the temporary restraining order at the Great Falls ARTCC.

Answer. I was never served with a copy of the temporary restraining order in question and therefore could not post a copy of the order at the Great Falls ARTCC. I did in fact take all action that I could to insure that the instructions of which I was aware were contained in the restraining order were complied with. You have failed to specify any action which I could have taken and did not take to accomplish this. Never having seen the court order in question it is impossible for me to know what if any action was expected of me. Again, I have been advised by my attorney that the court order in question was not properly served upon me and the District Court which issued the order did not have jurisdiction in the Montana District.

As is set forth in various of the answers above, the charges and specifications which you listed against me are not specific enough to present more detailed answers. If in fact you have more specific details on which to base these charges, please furnish me with the details in writing and extend an additional 15 days thereafter for me to reply to the same.

I respectfully submit that the charges and specifications set forth in your letter of 8 May 1970 are unfounded and that these charges be dismissed.

Very truly yours,

CHARLES R. HALL.

THE MEDICAL-DENTAL CLINIC,
Great Falls, Mont., May 21, 1970.

Re Charles R. Hall
Mr. E. G. FAIRBANK,
Acting Chief, ARTCC,
Air Route Traffic Control Center,
Malmstrom AFB, Mont.

DEAR SIR: Mr. Charles Hall came to my office on 3/27/70 complaining of abdominal pain and diarrhea. I examined Mr. Hall and felt that he had contacted the viral gastroenteritis which at that time was very prevalent in our area. I prescribed Combid spansules and Lomotil for him and then rechecked him on 3/30/70. He still had symptoms of gastroenteritis and nervous stomach and he was continued on medication.

On 4/3/70 he had continued slight diarrhea, however, was feeling better and I felt he could return to work.

Sincerely,

LEE R. SWAN, M.D.

THE MEDICAL-DENTAL CLINIC,
Great Falls, Mont., April 3, 1970.

TO WHOM IT MAY CONCERN: Mr. Hall was seen in my office on 3/27/70 with symptoms of diarrhea and stomach cramping. After examination I felt he had an intestinal flu virus which has been prevelant in our area for some weeks. I prescribed Combid and Lomotil for him. He then returned on 3/30/70 with continued flu symptoms. His medication was continued and recheck now shows him to be improving. I feel he is able to return to work at any time.

LEE R. SWAN, M.D.

GEORGE B. EUSTERMAN, Jr., M.D.,
Great Falls, Mont., May 21, 1970.

Re Pat Herriges.
To Whom It May Concern:

The following is a summary of the medical examination and care of the above patient. He was first seen by me on the 2nd. of March complaining of low back pain with moderate amount of incapacity. Examination revealed definite spastic muscles of the lower right sacroiliac area (myositis). There was deep tenderness also of lipomas present in this area. Often times removal of these lipomas will relieve pain. He was put on a muscle relaxant and told to return.

He did quite well on the medication but was seen again on the 24th. stating that his pain and muscle spasm had returned, so further medication, exercise course, hard bed, etc., were given. On the 31st of March he was seen again for a progress evaluation and I requested that he go back to work on 4/7/70 which he did do. I do not feel that the patient was malingering because of two conditions; one is definite palpation of spastic inflamed muscles and the second is repeated definite location of pain especially of the areas of lipomas.

Very truly yours,

GEORGE B. EUSTERMAN, Jr., M.D.

1. Date of visit or consultation. Patient was seen by me regarding progressive low back pain on 3/2/70, 3/24/70 and 3/31/70.
2. Symptoms and/or complaints. Patient is complaining of progressive low back pain without traumatic history. Getting up from sitting or lying positions was difficult.
3. Results of examination in detail, including reports of laboratory tests.
4. Diagnosis.
5. Treatment prescribed, to include name, dosage and frequency of any medications.
6. Prognosis, to include date of recovery or date of expected recovery.

Continuing with symptoms and complaints: Bending over to wash face, difficult, lifting too difficult to carry out. No radiation of pain down the legs, no good history for early disc. Small lipomas present in the sacroiliac areas which may or may not be a factor. Complaint has been recurrent, jelling noted, bending limited, low back X-rays not taken for this complaint but may do so later. No laboratory tests indicated.

Diagnosis: Recurrent fibrositis, low back.

Treatment: Bed rest, exercises, given muscle relaxants with salicillates.

Prognosis: Good, expect to return to work 4/7/70.

Very truly yours,

GEORGE B. EUSTERMAN, Jr., M.D.

A BLATANT DISTORTION BY THE PRESS

Mr. ALLEN. Mr. President, Hon. Earl C. Morgan, district attorney for the 10th judicial circuit of Alabama—Birmingham—has called my attention to an Associated Press dispatch to which he rightfully takes objection.

In his letter, he stated that, "This is typical of the distorted news coverage we have so long received here in the South." I concur in his judgment that the incident should be brought to the attention of the Senate and of the public in general.

Before commenting further on the subject, I ask unanimous consent that the letter from Mr. Morgan to me, together with his résumé of the facts and circumstances relevant to the news dispatch by the Associated Press, and the dispatch itself be printed at this point in the RECORD.

There being no objection, the requested items were ordered to be printed in the RECORD, as follows:

JUNE 16, 1970.

Hon. JAMES ALLEN,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: Attached hereto is an Associated Press story which was printed in papers throughout this country and foreign countries as well regarding a case which was prosecuted by my office. As a result of this story, the Governor of Alabama, the Attorney General of Alabama, other officials and I have received many letters critical of our judicial system here in this state. All of these letters carry the same theme—injustice because the defendant was a Negro who robbed a white of $30.00 and a watch.

This is typical of the distorted news coverage we have so long received here in the South. The case in question was an extremely aggravated case involving severe physical injuries and rape as well as the robbery. A summary of the facts is attached hereto and all of these facts were brought before the jury upon the trial of this case.

I have filed a protest of this reporting with Mr. Wes Gallager, the General Manager of the Associated Press. I have called this incident to the attention of others throughout the country. I am sending this to each of our United States Senators with the thought that you would perhaps bring this incident to the attention of the Senate.

With kindest personal regards,

Yours very truly,

EARL C. MORGAN,
District Attorney.

$30 ROBBERY BRINGS NEGRO DEATH PENALTY

BIRMINGHAM, Ala. (AP)—An all-white jury has decreed the death penalty for a Negro convicted of robbing a white girl of $30 and a wrist watch.

The seven women and five men of the Circuit Court jury deliberated less than three hours Thursday night before returning the verdict against John Henry Jones Jr., 23.

RÉSUMÉ

On a Saturday afternoon last fall, a seventeen year old girl named Rose Marie Campisi was reported missing and was last seen at a local hospital where she had taken her brother for emergency treatment. Late that afternoon search parties were organized and throughout the following day search continued for this young girl. On Sunday morning, the members of her church, mostly young teenagers, organized a search party under the direction of the church priest and approximately 4 o'clock that afternoon, while searching an isolated and remote rural area, found a charred envelope with the young lady's name on it. An intensive search of the area revealed her automobile at the bottom of a 100 foot ravine over which it had been driven. Upon searching the automobile this young girl was found locked in the trunk compartment, disrobed, beaten and very seriously injured. She was taken to a hospital where she remained for several weeks and suffered permanent injuries from internal infections which developed in her body. Law enforcement agencies of state, county and several municipalities spent days

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and weeks searching out every possible lead in an attempt to find the culprit. In addition to having been beaten and run over by an automobile, there was every indication that she had been raped.

For months the case went unsolved until on January 1, 1970, a young Negro woman made a complaint to the Birmingham Police Department that she had been raped on the previous night. Similarities of description and mannerisms of the culprit in that case resulted in the arrest of John Henry Jones, Jr., and charges being placed against him arising out of offenses committed against both women. Rose Marie Campisi's wrist watch, which had been forcibly taken from her at or about the time of the rape, was recovered from a local pawn shop and John Henry Jones was identified by the operator as being the person who pawned the watch. When arrested, John Henry Jones had the pawn ticket for the watch on his person. Rose Campisi made a positive identification of this defendant from photographs and from personally viewing him among a large group of persons. Additionally, with full constitutional guarantees and the Miranda procedure followed, Jones made and signed a written statement admitting having forced the young girl into her automobile and leaving the hospital area with her but claimed not to remember subsequent events partly because of a high degree of intoxication.

Rose Marie Campisi testified that after the defendant abducted her at the hospital, he drove her to an isolated area in a rural community, where he stopped the car, drug her from it, beat her with his fists, kicked her, stomped her, dragged her seventy feet into the woods, stripped her clothing from her and shot over her head as she struggled to try to prevent him from removing her panties. She further testified that he raped her, drug her back on to the roadway where he tied her hands and feet together, placed her in front of the car and ran the car over her arm and leg, she having succeeded in squirming out of the path of the wheels as they passed over a part of her body. She further testified that the defendant then put her in the trunk of the car in this bound condition, laughed at her, slammed the trunk door on her and she then knew the car was being driven into the ravine because of the crashing and bumping. She remained in the trunk of this automobile for approximately twenty-four hours, being conscious most of the time.

When the car was found it was substantiated that the defendant had obtained all available paper material in the car and set it on fire prior to running the car into the ravine.

John Henry Jones, Jr. was indicted in four separate cases for the offenses of Kidnapping, Assault With Intent to Murder, Rape and Robbery. Under Alabama law the offenses of Rape and Robbery are capital offenses, either one of which carry a penalty from ten years to a maximum penalty of death. Only one case can be tried at a time and the state elected to go to trial on the Robbery case first. Upon a trial of this case on the Robbery charge, the state was permitted to show all the acts of the defendant as set out herein.

Mr. ALLEN. Mr. President, I believe that after reading the above material, fair-minded persons will agree that the Associated Press dispatch is grossly misleading. In the absence of background facts, a reader is led to believe that the defendant received the death penalty for the sole offense of robbery involving a wrist watch and $30. That is not true. But more than questions of accuracy and truth are involved here.

We read a lot today about polarization. Examine the racial implications in the above dispatch. Can anyone escape the conclusion that the story was deliberately slanted to project a picture of racial injustice and to reflect adversely upon the people of the South?

News reporting similar to the above example raises a question as to whether or not the medium is demonstrating symptoms of a projection complex. Is the medium accusing others of creating a credibility gap when that is perhaps one of its own most glaring faults?

Serious implications are involved when the public ceases to believe what it reads in the newspapers or what it hears on radio and television. For one thing distortions such as we are discussing create doubts which carry over to news dispatches originating elsewhere and particularly in the Far East and the Middle East. This can become a serious problem.

Not long ago, Andre Fontaine, professor of journalism at the Newhouse Communications Center, Syracuse, N.Y., criticized the mass media for not fulfilling either responsibilities to people because, among other things, he said, "People do not believe what they read." In an article prepared for publication in the American Academy of Political and Social Science, he said further:

> When journalists produce material that the readers reject, they are no longer in the communications business.

Mr. President, I believe implicitly in freedom of the press. Let the media report what they will and express any opinion they may chose, but I resent deliberate distortions of fact in the cause of blatant propaganda. And I resent it when such propaganda is directed against the people of Alabama and of the South, and our institutions of self-government.

CRISIS IN AMERICAN EDUCATION

Mr. GOLDWATER. Mr. President, on June 19, Dr. Roger A. Freeman, Special Assistant to the President of the United States, made an outstanding speech before the Washington State Research Council, in Seattle.

These remarks are so well thought out, so clearly presented on a problem that becomes a little more confused every day, that I thought Senators might enjoy reading it.

I ask unanimous consent, therefore, that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CRISIS IN AMERICAN EDUCATION

I cannot adequately tell you how thrilled I was when I received your invitation to serve as your speaker at this luncheon. I left the State of Washington nearly fifteen years ago and thought that I had long been forgotten here. While David Swenson's letter was still on my desk, bathing my face in its reflected glow, I began getting telephone calls from Herb Miller, Ben Ehrlichman and others, urging me to accept the invitation. So here I am.

Having spent some of the most precious and most exciting years of my life in the Pacific Northwest, I am humbly grateful to you for letting me know that I made some lasting friends during the decade I lived and worked here.

If I were at liberty to do what I feel like doing, then I would now recognize my old friends in the audience, reminiscing about our common exploits in the legislative wars of the 1950's and tell the new generation tales of battle scars that have long since healed.

But you did not come here for that. You came to hear me speak about the "Crisis in American Education." So, in fairness to you, my hosts, and to make sure that you don't make me pay for my own lunch, I shall address myself to the assigned subject.

But before I do so, I want to pay tribute to the man who brought me into public life here over twenty years ago, to whom I owe most of what I know about public affairs, and whom I served as an assistant for more than five years. I mean, of course, Governor Arthur B. Langlie whose untimely death was a severe blow and grievous loss to all of us. I am most happy to hear that a biography of this great man, the only man ever to be elected Governor of Washington three times, is now in preparation and will soon be published.

For as long as anyone of us can remember there has always been talk about a "crisis in education." Those within the educational establishment usually saw the crisis in financial terms, denounced the existing support level as lamentably inadequate and predicted dire consequences and disaster if available funds were not promptly multiplied.

That no such crisis ever developed does not necessarily mean that our educational spokesmen had only been crying "wolf." It may well be that because their warning came early enough and their appeal for remedial action was sufficiently forceful and effective, their crisis predictions never came true.

That experience caused me in past years to place a question mark behind the phrase "crisis in education" whenever I used it. Somehow I felt certain that our schools and colleges would turn the corner in fine shape before they reached the critical stage.

I no longer feel as confident as I once did, and I no longer place a question mark behind the term "crisis in education." For the first time in history it appears that the profound faith of the American people in their educational institutions has been shaken and their belief in the wisdom of our educational leaders and in the soundness of their goals or practices has turned to doubt and even to outright disapproval. If a vote of confidence were asked for today from the people across this nation in the management and policies of their educational institutions, it would in most states no longer be as favorable as it would have been twenty, ten or even five years ago. This is true above all in regard to some of our most prominent universities and colleges, but also of many high schools and elementary schools. This is evident not only from the growing number of failures of school tax and bond elections—which in most areas offer the people the only organized way in which they can vote their displeasure—but also from numerous independent polls, letters and many other sources. How are schools and colleges to weather the onslaught to which they are now subjected, how are they to cope with their current and future problems, to progress and prosper in the years ahead, if they can no longer count on the affection and trust of the great majority of the American people upon whom their very existence depends?

So far, the flow of funds into education has not declined and continues to show a healthy rate of growth. Yet there are many voices heard, mostly from inside the establishment, which assert that inadequate financial support is at the root of their trouble and that lack of money is the most urgent problem in education which could be solved by the addition of several billion dollars in federal funds. Congress is being criticized for not appropriating enough money for education and the President is attacked for having vetoed an education appropriation earlier this year and for not having proposed the new and expanded programs which his critics urge upon him.

The President stated his reasons clearly in the Veto Message of January 27, the Message on School Reform of March 3 and the Message on Higher Education of March 19. Let me summarize them briefly:

1. Inflationary pressures, generated largely by eight years of deficit spending to the tune of $57 billion, are still so intense that demands for federal funds for *all* purposes must be restrained and their total kept approximately within the frame of prospective revenues. To pursue an expansionary fiscal policy at this time would add fuel to the fires of inflation and could wreck serious harm, none the least on education.

2. Certain costly school programs introduced with great expectations a few years ago are not yielding the promised results. In fact, the entire concept of a clear-cut positive cost-quality relationship in education has been called into question by recent research.

3. The label "education" is not enough to justify claims for federal funds. There must be evidence that a proposed program offers the most effective solution available and a tangible return to the taxpayers.

The President criticized that "we are not getting as much as we should of the dollars we spend," recommended several programs to correct existing shortcomings and promised:

"As we get more education for the dollar, we will ask Congress for more dollars for education."

Some of our critics claim that the budget is tight only because military outlays have been tremendously increased and that arms swallow most of the federal tax revenue which otherwise could be allocated to education and other social purposes. The facts are to the contrary:

In the current three-year period—FY 1968 to FY 1971—defense spending is being cut 9 percent, outlays for education and other social purposes boosted 47 percent, all other federal expenditures increased 21 percent. But the record of defense costs should probably be reviewed in a broader historical perspective:

Immediately after World War II, the military establishment was largely dismantled and outlays fell precipitously from $80 billion in 1945 to between $12 and $13 billion annually from 1948–1950. This unilateral disarmament was one of the causes of the Korean action which shot defense costs up to $50 billion in 1953. Since that time—that is between 1953 and FY 1971 as proposed by the President—defense expenditures increased 49 percent—approximately equal to the simultaneous rate of price rise. Spending for health, education, welfare and labor increased 944 percent, for all other functions 182 percent.

More than half of the $129 billion increase in Federal expenditures between 1953 and 1971 was applied to social purposes, less than one-fifth to defense. Defense meanwhile shrank from 64 percent of the Federal budget to 36 percent, from 13.6 percent of Gross National Product to about 7.2 percent.

In other words, the share of Federal revenues and of the Gross National Product allocated to national defense has been cut almost in half since 1953. Most of the huge savings were applied to social purposes, with education one of the main gainers. To slash our badly depleted defense establishment even faster or further in this troubled and hostile world would risk the nation's very existence in an irresponsible manner and be an invitation rather than a deterrent to war.

With only 6 percent of the world's population and between one-fourth and one-third of its developed resources, the American people now invest in educational institutions annually almost as much as all other nations combined. Nothing testifies more eloquently to the American faith in education than the priority which the people have granted it in financial terms. Over the past twenty years the support of schools and colleges from all sources has multiplied about eight times while personal consumption expenditures or business or personal investment multiplied only slightly more than three times. Expressed in dollars of constant value, personal consumption doubled while educational spending expanded five-fold.

Over the same period, the number of employees in private industry increased 38 percent while it tripled (+203 percent in public education). In the rest of government, manpower grew 87 percent. These are impressive facts which make charges of neglect or starvation of education look plain silly.

FEDERAL EXPENDITURES, 1953 AND 1971

[In billions]

	National defense	HEW-Labor	All other	Total
1953	$49.4	$7.1	$20.4	$77.0
1971[1]	73.6	74.3	57.6	205.6
Increase in percent	+49	+944	+182	+167

INCREASE IN FEDERAL EXPENDITURES, 1953-71

[Dollar amounts in billions]

	Amount	Percent
National defense	$24.2	19
Health, education, welfare, labor	67.2	52
All other	37.2	29
Total	128.6	100

[1] President's proposals as revised May 19, 1970.

To be sure: school enrollment grew faster than the population as a whole. Twenty years ago the impending "tidal wave" of postwar babies faced the schools with a grave challenge. Would schools be able to obtain the resources required to expand their staffs and facilities in proportion to students? Would the American people be willing to provide the huge funds by traditional methods? Few observers thought at the time that the job could be done without a massive intervention of the federal government.

The task was truly stupendous: Between 1950 and 1970 public school enrollment nearly doubled, jumping from 25 million to 47 million pupils (= +88 percent). Nobody expected in 1950 that school support would multiply seven-fold in the succeeding 20 years, from $5.4 billion to $38.5 billion; but it did. Expressed in constant dollars, the increase equalled 350 percent—while enrollment, as mentioned, went up 88 percent, national income or product 125 percent.

What did this accomplish? While enrollment grew 88 percent, the instructional staff expanded 131 percent: classroom teachers +119 percent, non-teaching professional staff such as administrators, counselors, psychologists, nurses, librarians, etc., +358 percent. The ratio of the instructional staff to pupils was reduced from 1:26.1 to 1:21.3, which means that there are now 4.8 fewer pupils per teacher in the public schools than there were in 1950.

In his first education message in 1961 President Kennedy, in proposing federal school construction aid, suggested that 600,000 classrooms ought to be built during the 1960s to take care of all needs and that state and local governments would be unable to meet that goal unaided. Actually, about 700,000 new classrooms were constructed in the 1960s—*without a federal construction aid program*. There are now about five children fewer per classroom than there were in the early 1950s. The most amazing fact is not that these reductions in class size took place in a short number of years but that this was accomplished during the time of the sharpest enrollment expansion that America's public schools ever experienced, and that it was done largely by action of the people themselves, in thousands of tax and bond elections.

Of the $33 billion that were added to the support of the public schools over the past twenty years, 93 percent came from state and local governments which were then as now alleged to be "hanging on their financial ropes." No program of general federal aid for school operations or construction was enacted, in spite of truly heroic efforts of its protagonists, in a campaign begun well over a century ago. Nothing testifies more clearly to the continued effectiveness of the traditional American way of government by the consent of the governed. In the current school year, 1969–70, the federal government supplied only 6.4 percent of the public school support, according to the National Education Association,[1] with most of it closely earmarked for special programs and little available for general support.

The time of enrollment growth in the public schools is over. Current projections suggest little or no increase in the 1970s—unless mass closings are forced on the private schools which still accommodate almost 6 million children. Barring such a development, the task of providing adequate support for the public schools should be far easier in the 1970s than it has been for several decades. There is one big IF in this expectation: IF the public schools can retain—or, in many cases, regain—the confidence and goodwill of the communities they serve.

So far we have recorded only the "input" into the schools: dollars, teachers, classrooms. It has always been customary to measure educational progress and quality by "input" factors—such as dollars expenditure per pupil or teacher-pupil ratio—not by "output" factors, that is improved skills and knowledge of the students.

Unfortunately, we have no record of "output" because school administrators have always strenuously resisted demands to introduce qualitative yardsticks into the schools by which the progress of students in essential skills and knowledge could be measured, recorded and compared.

In his School Reform Message, the President stressed the need for objective measurement of educational results. He added:

"For years the fear of 'national standards' has been one of the bugaboos of education . . . The problem is that in opposing some mythical threat of 'national standards' what we have too often been doing is avoiding accountability for our own local performance. We have, as a nation, too long avoided thinking of the productivity of the schools."

Many years ago we had at least a tentative gauge in the percentage of pupils held back. But the practice of having lagging pupils repeat a grade was largely abandoned when the schools discovered the secret of perpetual promotion.

Achievement test data on pupil skills in the 3Rs are now available only from research projects and from a few cities. James S. Coleman of Johns Hopkins University, who in 1965/66 headed the largest and most thorough examination of American public schools ever undertaken, was amazed to find: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out of it." He concluded that "if it were otherwise we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

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[1] According to other sources, 8%.

Reviewing the ensuing national debate in the *New York Times Magazine* of August 10, 1969, Christopher Jencks of the Harvard School of Education, summarized his conclusions: "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied."

The most detailed report now available on any city school system (*New York City School Fact Book*, City University of New York 1969) found:

"The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance . . . ." Statistical data in that report show that reading and arithmetic achievements in the highest expenditures schools ($1100 per pupil and up, median $1330) average between 5 and 7 months *behind* those in the schools with the lowest expenditures (below $600 per pupil, median $551). The teacher-pupil ratio was 1.25.9 in the high-achievement schools, 1:12.3 in the low-achievement schools.

But the belief in the educational magic of the dollar dies hard. Five years ago Congress enacted a $1¼ billion-a-year program to raise the achievement level of millions of children from low-income backgrounds who were reported to lag one or several years behind national norms (averages) in basic skills. Title I of the Elementary and Secondary Education Act of 1965 for "compensatory education" and a few related programs now account for about half of all federal school funds.

Two years ago the *Associated Press* found in a nationwide survey: "Title I, the federal project on which $3 billion has been spent in the hope of answering the educational needs of deprived children, is not working out. On this point, critics and supporters alike are agreed."

After reviewing the major "compensatory education" programs since 1957 the U.S. Civil Rights Commission found that "none of the programs seems to have raised significantly the achievements of participating pupils."

In his Message on School Feform, the President reported that:

The best evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up . . . Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs under Title 1 of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19 percent of the children in such programs improve their reading significantly; 13 percent appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart Program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similar poor backgrounds.

The record of thousands of projects from "Higher Horizons" and "More Effective Schools" in New York to "Banneker" in St. Louis, from "Madison" in Syracuse to the Berkeley schools—all of them started with great enthusiasm—tells a story of consistent failure to produce the educational improvement among so-called "deprived children" which their sponsors hoped for and promised.

What this adds up to is, of course, not that we should quit increasing school resources every year. The President made that abundantly clear—he recommended, in fact, several programs to bolster school support in certain critical areas besides proposing a system of federal revenue-sharing which will aid state and local governments generally.

The basic approach of the School Reform Message is: let us pursue methods, through research, that will accomplish what we are aiming at. But let us not go overboard until we know how what will work with children from slum backgrounds. Just spending billions of taxpayers money is no adequate substitute for tangible achievements.

The New York City Master Plan (1969) declared: "The plain fact is that no one yet knows how to make a ghetto school work."[2] This has not kept New York City from multiplying its outlays generally, but particularly in schools in poverty areas, to the point where it now spends on the average about twice as much per pupil as other large cities. But students in New York City schools lag, on the average, far behind national norms—and they slipped back another two months in reading last year. What was the Board of Education's response? It demanded a 30 percent increase in operating funds—$380 million—for next year (1970/71) besides a $600 million appropriation for new construction. Not surprisingly, New York City authorities expect this to be paid by the rest of the country.

Most compensatory and similar programs for educational improvement place their main emphasis on reducing class size, although it has long been known from hundreds of research studies that there is no correlation between class size and pupil achievement. The ***Encyclopedia of Educational Research*** reported twenty years ago that: On the whole, the statistical findings definitely favor large classes at every level of instruction except the kindergarten . . . the general trend of evidence places the burden of proof squarely upon the proponents of small classes.

Three years ago the Coleman report found that the teacher-pupil ratio "showed a consistent lack of relation to achievements among all groups under all conditions". But the myth that pupils learn more in smaller classes still flourishes and the demand for cutting class sizes continues while resistance to technological progress, such as programmed learning with the help of machines or television and films grows. Could the explanation lie in a fact brought out by the Bureau of Labor Statistics last year? Commissioner Geoffrey H. Moore reported at a Congressional hearing last December that "the aggregate supply of trained teachers is expected to significantly exceed demand, if recent entry patterns in the occupation continue." He projected job openings between 1968 and 1980 at 2.4 million, the new supply of teachers at 4.2 million.

Youth unemployment has long been severe—one out of seven people between 16 and 21 is out of a job, and one out of four among non-white youths. In no other industrial country in the world is there a comparable problem of youth unemployment. But we have so far failed to study why we do so badly. Since the belief that education is the best answer to poverty has virtually become part of the American Creed, we might well look to the schools for a remedy.

Among the country's worst school systems by any yardstick save expenditures per pupil are the District of Columbia schools. But, there are exceptions. For example, Bell Vocational High School, 60 years old and almost all black, has little if any of the troubles that beset most other Washington schools and its graduates have no difficulty in landing jobs. So what does the Board of Education plan to do about it? You guessed it—it intends to abolish Bell and the other four vocational high schools.

There used to be an excellent academic high school in Washington, Dunbar. Some twenty years ago eighty percent of its graduates, almost all black, went to college. Reorganized under more recent rules. Dunbar is now as bad as Washington's other high schools. I should mention that my son has been attending a Washington public high school this past year.

Amidon was among the country's best schools—and many D.C. schools maintained at least a semblance of good education under the four-track system. The four-track system was abolished, Amidon was equalized with other D.C. schools—equal, that is, to the lowest schools in the country measured by pupil achievements.

It has widely been suggested that schooling should be started earlier so that disadvantaged children do not lag behind others when they reach first grade. Results of the massive Headstart program have so far not been convincing and efforts have been started to begin schooling even earlier, e.g., at three years. The number of 3 to 4 year olds in school has risen from 800,000 five years ago to 1.2 million—with the attendance among whites 15% and among non-whites 21%. This may be all to the good. Would it help the educational process to begin at birth, as some have suggested? Nobody knows. Available studies have shown that the I.Q.'s of adopted children correlate with their natural parents from whom they have been separated since birth and bear little relationship to the foster home. Also, the I.Q.'s of identical twins reared apart are almost as closely correlated as the I.Q.'s of identical twins reared together. This seems to suggest that intervention at birth may come about nine months late.

Several research projects are now being sponsored by the Office of Economic Opportunity and the Department of Health, Education, and Welfare which aim to find and identify methods of teaching "disadvantaged children" effectively. One project farms out the teaching of reading and other core subjects to independent contractors whose compensation varies according to the measurable progress of the students. Another project provides parents with vouchers, giving them a freedom of choice among schools, public or private, which they wish their children to attend.

Ventures of this type aim to stimulate imagination and, above all, competition among schools, which has so sadly been lacking under a system of virtual monopoly that left parents and students no practicable choice. How would you like to shop if there existed just one grocery store for your neighborhood and your only recourse were a complaint to a distant and quite independent board of grocery store supervisors? How good would service and values be under such a system?

To expand, intensify and systematize educational research, the President recommended to Congress the formation of a National Institute of Education. It will sponsor projects at schools, colleges and research centers as well as of individual scholars and also have some studies conducted by its resident staff. Ideas about improved education, no matter how attractive, must be tested before they are translated into huge undertakings. Some ventures in recent years did more harm than merely waste money. They were like the psychoanalyst who blamed his patient's appendicitis on early life experiences and tried to cure it on the couch.

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[2] My colleague, Daniel P. Moynihan, commented on this a few months ago: "The plain fact is that nobody knows how to make a real ghetto school—that is one made of up European Jewish students—*not* work."

Lavish promises to parents and taxpayers about improvement in educational achievements which went unredeemed have aroused widespread disappointment and deep unhappiness. Bitterness and recriminations have in many locations led to violence and senseless mob action whose consequences will plague us—and the affected children—for years. In numerous cities, well-intentioned men and women have raised demands or taken steps which not only split communities and multiplied civic strife and hatred but permanently damaged the education of millions of youngsters. Such action was often encouraged, sponsored or carried out by governmental authorities. I am reminded of a warning that Mr. Justice Brandeis gave more than four decades ago:

> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding. (*Olmstead* v. *United States,* 277 U.S. 478)

In many locations, action intended to improve the education of large numbers of children has actually worked to retard their progress, to create conflict and chaos and to alienate large numbers of residents from the public schools. Some schools have been virtually ruined and some cities could be destroyed in the process if it continues much longer.

There is dynamite all over the place and if we do not "cool it," if we permit it to heat up more, it may blow up in a major conflagration. The main losers then might be the schools but the victims will be the children whose hope for the future depends on getting an education in schools that can operate only if there is no disruption or turmoil.

I have always been a great believer in community control in education and in other public services. This is why I regret that neighborhood control of schools was never given a fair chance in the sections of New York City where it was intended to be tried out. Intensified scientific research for finding more effective methods combined with greater influence of the parents on school policies might well offer the most promising solution. Actions and policies strongly opposed by the parents or leading to a diminishing role of the parents in school affairs are unlikely to help the children. By pursuing a course that alienates their communities, some public schools may well be sawing off the branch on which they are sitting.

Grave problems loom ahead for the schools, public and private, and some of those problems are of a financial nature. This is why the President established by Executive Order a Commission on School Finance, which will report to him within two years. But the financial problems of the public schools don't amount to a crisis—unless the schools themselves, by their actions further weaken the affection and confidence of the parents and taxpayers upon whom their support inescapably depends. At this time, the danger of a deep and lasting split between the American public and its school system is present, but not immediately threatening. It is imminent and grave in the case of universities and colleges. I will therefore devote my remaining time to the ominous developments on campuses from coast to coast, which jeopardize the future of higher education in the United States.

The administrators of colleges and universities no less than those of elementary and high schools tend to view finances as their most pressing problem. "The most critical question facing higher education today is how to find sufficient resources", declared the Association of American Universities in April 1968. Considering the growing wave of campus revolts in recent years, some of us may doubt that finding sufficient resources truly is "the most critical question facing higher education today". Finding leaders capable of coping with the violent uprising could be more crucial.

Enrollment at Institutions of Higher Learning (IHL) multiplied about three times over the past twenty years, revenues ten times. With the rate of enrollment growth certain to diminish in the years ahead, the task of obtaining sufficient income should also turn easier. In all likelihood though, it will not.

While enrollment was about evenly divided between public and private institutions until about 1950, there has since been a decided shift evident toward public IHL; seventy-five percent of the new students now enroll at state and city colleges, largely because of the ever-widening tuition gap. State institutions now charge less than one-fourth of the tuitions of private colleges. The latter depend on private donations to make up the difference between instructional costs and charges. But their gift receipts have not been rising as rapidly as the state taxes which support public IHL. If present trends continue, most of the 1500 private colleges—about two-thirds of all IHL in the country—may within the next two decades have to close their doors or turn public. This would, to all appearances, not break the heart of those who set the tuition policy of public colleges.

General operational support of all IHL, from Federal or state sources is unlikely to materialize because two-thirds of all private IHL are church-connected. This raises constitutional questions that have so far proven insuperable. To provide federal funds only for the operation of public IHL would, of course, sound the death knell for the private colleges which Congress most assuredly does not want to do.

This is one major reason why the President in his Higher Education Message of March 19th stressed aid to students rather than to institutions. In his presidential campaign and in earlier years, Mr. Nixon has strongly advocated tax credits, for donations and for tuitions, as a means of aiding higher education. The Senate adopted such proposals on several occasions and a bill of that type could pass Congress any time with broad bipartisan support. The President has not changed his views on educational tax credits but has not pushed the proposal because higher education associations, with some exceptions, have taken an equivocal, and in some case a negative attitude. Heads of institutions prefer direct grants which enable them to spend the sums according to their own judgment; they dislike indirect aid such as tax credits which would confer on parents and other college supporters greater powers in the decision-making process. Sponsors of educational tax credit plans, though they constitute a commanding majority, according to several polls, have so far not effectively organized to get their program adopted.

In recent years the urgency of pleas for the grant of direct federal funds to institutions has sharply intensified. This expresses the fear of the heads of institutions that their established supporters have become increasingly disillusioned and alienated and can no longer be depended upon to increase the funds as rapidly and as unquestioningly in future years, as they have in the past. Mass riots, violence and wanton destruction that have taken place on about 500 campuses over the past six years—the most serious ones within the past two years—the forcible disruption of studies and abject surrender of orderly administration that have occurred and been permitted to continue, have seriously eroded the respect, affection and genuine pride which the American people have traditionally accorded higher education and its leaders. Outright hostility shown by faculty and students on many major campuses toward all efforts that would tend to strengthen the defense capacity of the United States, and violent action against defense research and ROTC activities, have widened the chasm between town and gown and turned admiration into suspicion, antagonism and scorn.

I can obviously not, in this context, adequately discuss the record and far-reaching implications of the campus revolt that started in Berkeley six years ago. But, neither can I avoid talking about the impact these events are likely to have on the future support of colleges and universities.

Several polls within the past few months suggest that the American public disapproves, with a ratio of between 3:1 and 5:1, of the student disruptions or closing down of colleges and universities by mobs of students, faculty and outsiders, that it favors the calling of law enforcement agencies and the National Guard on campus where college and administrators are unable to maintain orderly operations.

According to a Gallup Poll in March 1969, 84% of the public wants Federal aid withdrawn from campus lawbreakers. Administrators were not listening.

Possibly the most significant indicator of the public's resentment was expressed in a Gallup Poll on May 13–14 for *Newsweek* (May 25) in which respondents were asked who was primarily responsible for the deaths of four students at Kent State University: 11% blamed the National Guard, 58% the demonstrating students, 31% gave no opinion. Since the facts at Kent State are not yet fully known—the President has appointed a commission to investigate the tragedy—the vote expresses the "gut reaction" or basic attitude of the public more than its judgment in the particular case.

The public sentiment is also being reflected in adverse votes on education issues on state and local ballots and is beginning to show in a diminished flow of incoming gifts. Sooner or later it may also be reflected in the treatment that colleges and universities can expect at the hands of state legislators who, after all, must shape their votes to conform with the wishes of their constituents, if they want to continue in public office.

This is why administrators look increasingly to the federal government for funds. But the prevailing sentiment in Congress bodes no good. According to latest reports, the President's recommendations and other proposals to aid higher education may not be acted upon by the 91st Congress—except for the establishment of a secondary market in guaranteed student loans—largely because of the campus revolt.

The public's ire is directed at the militants who have engaged in orgies of vandalism and destruction, but also at trustees, administrators and faculty members who have permitted them to do so with impunity. Those campus authorities have defaulted on their duty to protect the civil rights of other students and faculty, an overwhelming majority, to pursue their education, teaching and research without being subjected to coercion, intimidation, and physical assault.

It is difficult to recall now that the campus revolution started as a movement purportedly for free speech. Before long it manifested itself in preventing all who would disagree with the militants—faculty, students or public officials—from speaking. High officials of the U.S. government, such as then Vice President Humphrey and Secretaries Rusk and McNamara, were physically attacked when they tried to speak. Neither the President nor his top advisers would now be able to speak on most major U.S. cam-

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puses. Is this an example of dialogue or free speech?

Does anybody really believe that the student revolt would end or abate if the war in Vietnam and Cambodia ended tomorrow? The leaders of the action would invent some other cause. They do not want reform—they seek bigger ends.

The President of Stanford University and the president of its student body have recently acknowledged that behind most action is a small hard-core of revolutionaries who are "bent on nothing less than the destruction of the university, primarily as a way of bringing down the society itself."

Acts of arson, burglary and vandalism were committed on the Stanford campus in recent months. 45 policemen were injured in just two nights. The beautiful building in which my office is located—completed less than three years ago—was and still is partially wrecked. But it is in a better shape than the nearby Center for Advanced Studies in the Behavioral Sciences which was firebombed. An Indian scholar's life work there was destroyed. More than 30 ROTC buildings were fire-bombed and many other structures burnt on various campuses. Non-conforming faculty and staff were beaten up.

There are laws against such acts on the books of every state, imposing long prison sentences. Are the criminals who committed these acts now serving time in penitentiaries? How many of the faculty and students who participated have been expelled? Blackmail and violence have often been rewarded by college administrators with concessions and surrender. Most of the time, little effort was exerted to apprehend offenders and if identified they were usually granted amnesty. Small wonder that a reign of terror continues on campuses. Nor will it end until either the presidents and trustees of colleges and universities live up to their responsibilities—or somebody else does the job for them, which would, of course, be far less desirable.

Nobody questions the right of students, faculty or administrators to make their individual disagreements known with any action of the U.S. government, foreign or domestic. But a university which takes a stand on a political issue—and a violent stand at that—destroys its value and forfeits its claim to be a center for impartial study and teaching. It transgresses upon the rights of the members of the academic community with different views. It is too often forgotten that most parents send their children to college to learn, not to decide public policy. If students were mature enough to exercise such judgments, they would not need to go to college. But even if all seven million students on U.S. campuses disagreed with official U.S. policy—which, of course, they do not—what makes anybody think that they would have the right to force the hand of the lawful government and the duly-elected representatives of 205 million Americans? What makes the dissidents think that they can run the country—without subjecting themselves to the inconveniences of having to run for elective office to gain the consent of the governed before they try to usurp the right to govern? What the leaders of this movement really want is, of course, not to run the country but to ruin it. Shall we let them do it?

A society that does not defend itself is bound to destroy itself. To yield to mob rule is to end government by the people.

Less than two months ago I spent a week of discussions in Moscow. Soviet officials were quite frank in saying that they expect American foreign policy to be influenced and largely governed by domestic events, including violent mob action on our campuses. The Soviets expect that they can sit back and wait until we give in. They are, I believe, mistaken. But I am not surprised that they feel this way.

There are now signs that the patience of the American people is wearing thin. If aroused groups resorted to vigilante action as their last resort, as some did in New York a few weeks ago, the results could be tragic for our colleges and the free institutions we cherish. A "backlash" could gravely harm our system of higher education, built up by the dedicated efforts of generations of Americans in more than three hundred years. Let us not forget that Rome was built in seven centuries, destroyed in a few days. There is still time to keep our higher education institutions from going down. I hope and trust that it will be used well.

MISS JEANETTE RANKIN

Mr. MANSFIELD. Mr. President, on Thursday, June 11, friends and admirers of Miss Jeanette Rankin gathered together in Washington to pay tribute to this great lady on her 90th birthday.

During the course of the evening a number of fine tributes were given to Miss Rankin honoring her for her many years of public service and devotion to peace and tranquility in the world. Among the finest tributes was the one given by my able colleague from Montana (Mr. METCALF). I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR METCALF

As one who also represented the Montana Congressional district Miss Rankin represented so well, it is a real privilege to join tonight in honoring one of the truly great ladies of the world, Miss Jeannette Rankin. Perhaps she is best known for her votes against our entry into two world wars, it is my deep feeling that we honor tonight a woman, young in heart, who not only has survived a generation gap but has jumped over a couple of generations and is now shoulder-to-shoulder with the youngsters of today who are seeking peace.

She was far ahead of her time in other areas which also concern us today. She spoke for disarmament—and what she called "a militant crusade against the whole war system, beginning here in America and taken up by the peace-loving nations." She spoke for the consumer. The Helena Daily Independent, published in Helena, Montana, quoted Miss Rankin as saying to the Montana Legislature: "It is beautiful and right that a mother should nurse her child through typhoid fever, but it is also beautiful and right that she should have a voice in regulating the milk supply from which typhoid resulted." The date of that news story was February 2, 1911. That might have come from a Virginia Knauer news release this week.

She spoke for child welfare, of industrial and labor problems, of economic maladjustments, their need for raw materials, the interdependence of all nations in distribution of the world's goods, the pressure of growing populations, social injustice, racial prejudice. She believed in freedom for our First American—the American Indian—and of his needs for education and recognition. She was interested in the development of the public lands, including our national parks, which are a part of our national heritage. Her advocacy of the direct election of the President is a matter of public record. These all sound like a reading of the calendar of issues before the Congress today.

4. Think of the proposals Miss Rankin espoused that have become part of the body of American law: Suffrage for women, support for dependents of enlisted men, free postage for members of armed forces, granting to American women married to aliens the right to retain their citizenship, creation of a water-power board. And then think that just three years ago Miss Rankin, as her own contractor, built a cooperative homestead for unemployed women.

Such is only a bare outline of a truly *incredible* career which has extended for 60 years, since she became a social worker in Seattle, Washington, in 1909.

I have dwelt on what Miss Rankin has accomplished in her long life. They say, better than I can, what she is: a saver with a great heart, a builder, a trail blazer and an example to all legislators who would have the courage of their convictions.

I salute Jeannette Rankin for her effective interest in Western problems that have influenced global civilization. It was easier to represent the First District of Montana independently because of her example.

On Miss Rankin's birthday, I wish her many more years as one of the great leaders of our time and one of the great leaders of all time.

LOWERING THE VOTING AGE BY STATUTE, SUPPORT OF CONFERENCE OF MAYORS

Mr. KENNEDY. Mr. President, at its annual meeting in Denver last week, the U.S. Conference of Mayors adopted a resolution strongly supporting the Senate-passed version of the voting rights, including the provision lowering the voting age to 18. The resolution, which was offered by Mayor Sam Massell of Atlanta, was initially approved by the resolutions committee on Saturday, June 13, and was approved by the full membership of the Conference of Mayors on Wednesday June 17.

On the same day that the Conference of Mayors approved the resolution, the House of Representatives agreed in a historic vote to accept the Senate bill.

Mr. President, the resolution adopted by the Conference of Mayors is strong new support for extending the Voting Rights Act and lowering the voting age to 18, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CONFERENCE OF MAYORS

RESOLUTION NO. 22—VOTING RIGHTS

ADOPTED JUNE 17, 1970

Whereas, the voting rights of every American citizen are guaranteed under the Constitution and the protection of these rights is essential to the preservation of our form of government; and

Whereas, in 1965 the Congress of the United States passed the Voting Rights Act to insure that these rights would be delivered to all citizens, regardless of race, creed or national origin; and

Whereas, the enforcement of the Voting Rights Act has resulted in the delivery of this right to millions of citizens for the first time; and

Whereas, this Act must now be extended by the Congress, and any weakening of its provisions could seriously jeopardize rights that have been safeguarded; and

Whereas, the United States Senate has acted to strengthen the Voting Rights Act, including an amendment providing for voting rights to be extended to 18 year olds; and

Whereas, the youth of this nation are deeply concerned over the effectiveness of the political system, and are entitled to greater participation through their concern and their service to their country:

Now, therefore, be it resolved, that the

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United States Conference of Mayors urges the Congress of the United States to adopt the Senate version of the Voting Rights Act, including the provision for the 18 year old vote.

INDUSTRY CALL TO ACTION ON PRIVACY AND COMPUTERS

Mr. ERVIN. Mr. President, at a time when the private sector of our economy is increasingly dominated and affected by the hardware and the software companies which make up our Nation's computer technology resources, it is good to learn that some in the industry are becoming concerned with one of the vital problems of our time. This is the problem of how to assure individual privacy and rights in the computer age and still meet the management needs of Government.

Mr. Robert Henderson, vice president and general manager of the electronic data processing division of Honeywell, Inc., provided unique insight into this problem in a speech this week before a national symposium of the National Archives and Record Service—GSA—in Washington. With the perspective of one versed in the capacities and potentials of computer technology, he has outlined the great benefits which society stands to gain on the wise application of computer knowhow. He has also pointed to dangerous side effects which could threaten individual freedom and has suggested steps to avoid the perversion of computer technology. He calls for new technical safeguards in system design and in information delivery. He also points to the need for self-restraint in the recording of information on the one hand, and the need for relinquishing it and erasing it when the purpose for it has expired, on the other hand.

For two major reasons, I believe the presence or absence of such restraint should concern every citizen, every government official and every computer specialist. First is the fact that virtually every day some amazing new technological breakthrough makes it possible for computers to remember and digest ever more information in ever more complex forms. Second is the growing trend in time sharing among Federal agencies, especially on State or regional levels. While admittedly economical, this trend will at the same time make it more difficult for any one agency or official to exercise such self-restraints conscientiously. I make this observation because, without Federal restraints, it is unlikely that there will be a meeting of minds among civil servants or an identity of interest among agencies about what information should be acquired or retained on the individual citizens whose programs they administer. Mr. Henderson reaches the wise conclusion that new legislation is needed in this area and that our old legal framework may not be adequate to defend our privacy against new techniques of data collection and recordkeeping.

Mr. President, this is a conclusion which I have also reached on the basis of my own study and on the basis of the Constitutional Rights Subcommittee investigation of some Federal data bank programs and their impact on individual rights. I wholeheartedly endorse this call for action and commend Mr. Henderson's speech to those in the computer industry as well as those concerned with the problem in Congress. I ask unanimous consent that the text of his address be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY ROBERT P. HENDERSON

It is a great pleasure to be here with all of you today, and to have this opportunity to discuss some of the problems and opportunities that we share in this very vital area of "Recordkeeping in the Space Age."

Space age? Yes, we have indeed entered this most adventurous era in man's history. But I can't help feeling that an even more meaningful description of the time in which we now live is "The Computer Age."

I don't say that just because computers are my field and my overriding interest. I say it because I think that the computer already exerts—and will increasingly exert—a more compelling influence on the life of the average citizen than the exploration of space—as thrilling as that may be. In fact, it hardly needs saying that there would *not* be any space program without the technological advances which we loosely lump under the heading of "computers."

Precisely because the computer's potential effects on society are so important, it has generated a good deal of controversy.

On the one hand the computer is seen as the great servant of mankind. It has come along just when it is most needed to help solve many of the complex social and economic problems which threaten to overwhelm us today. It is a miraculous extension of man's intellect, with implications so broad that no one can even begin to predict its ultimate uses.

That's one view of the computer—but by no means the only one.

The man on the street, with only a vague comprehension of it as some sort of mechanial brain, may regard it as a threat to his job. Or he may see it as an impersonal compounder of errors that show up from time to time on various printed statements—an inhuman device designed to frustrate him by his inability to get past it to the very human person who is really responsible for the mistakes.

If that sort of view represented the only criticism of the computer, there wouldn't be too much for us to worry about. It is easy to demonstrate that computers create far more jobs than they eliminate. And the errors blamed on them are indeed chargeable to people who probably would have committed them even if the computer had never been invented.

There is criticism, however, of an entirely different sort that *does* worry me. It comes from some very learned and thoughtful people. They don't see the computer as a monster, which it is not. They don't see it as the ultimate master of mankind, which it will never be. They see it, rather, as facilitating a radical realignment of knowledge—and therefore of power. This they regard as a very dangerous possibility—and so do I: a new sort of computerized power politics. But I don't regard it as *inevitable*, so what I'd like to get across to you today are some personal observations about future computer developments in four areas:

first, the great benefits that lie ahead of us;

second, the dangerous side effects that could threaten some of our prized individual freedoms;

third, what can be done—and *must* be done—to avoid that sort of perversion of computer technology;

and fourth, steps already being taken to insure that the computer always serves the individual and never the other way around.

In their potential benefit to society, computers today are ready to take off in a big way. Most of our ideas about them in the '60s needs to be discarded or at least radically revised. Arthur Humphreys, managing director of International Computers, Limited, in England, has pointed out that we must stop thinking of computers merely as a way to *save money*. In their ability to perform far more demanding and complex assignments than they have ever been given, computers have become a means of *making* money—of creating new wealth.

In the past a great deal of effort has been directed toward making the most efficient use of computers *as they existed*. This was fine for miscellaneous back office applications, but now managers must think of *developing* computer systems that are specifically geared to *their needs* and the needs of the people who work for them. It is the decision-making process that should receive major attention. Some observers—including Mr. Humphreys—even foresee the old functions of programming passing from the picture.

How will this happen? We will see systems analysts working directly with individual line managers. By learning to understand managers' problems in the light of practical day-to-day business, the analysts can evolve appropriate solutions through the establishment and manipulation of data by computer.

Thus it will be people who best understand management's problems who see a data system through from conception to implementation. With this close user involvement, there will be little or no need for intervening technical or programming specialists.

Up to now the computer industry has had very limited success in persuading management to utilize computer-processed data in their decision making. And I think much of management's resistance has been because they didn't know how to change the way they called for information. New management information systems will be more practical. They will conform to the reality of the human beings they are devised to serve. And the result will be an invaluable data base for an organization's operational and planning activities. In fact, I would hope to see it providing information on day-to-day operations to a point where managers feel unable to function efficiently without constant updating of the data base.

In this way the computer will become a true management innovation, giving executives the time for deeper and more astute consideration of their decisions. You might say it will even put them a bit on the spot—by relieving them of any excuses for not exercising the highest degree of creative thinking and good judgment. Flying by the seat of your pants will be *out*.

Another extremely significant development in the '70s will be the linking together of the isolated and independent computer systems of the last decade. Data and programs will begin to flow together in enormous national—and even international—data grids.

This becomes possible through two important advances in computer technology:

first, new time-sharing potential permits simultaneous on-line access to many users at remotely located terminals;

second, mass memories are becoming available with a capacity for files of almost unlimited size.

One of the great benefits of these large new computer systems will be their ready access to many people in both a physical and intellectual way. Terminal devices through which people can communicate with the computer systems will enable them to converse with the data bank as easily and familiarly as with their human colleagues. In effect, each man will be able to use the computer as a means of building upon the work of others. Just as he will use data generated by the activities of others, he can generate his own data for their use.

The result can be an eventual pyramiding of man's knowledge and intellectual accomplishment that is staggering to consider. There are those who even foresee a time—we are no longer speaking of the '70s, of course—when all of the information available in the world can be stored and constantly updated in computer memory. From terminals in every large city in every country scholars and others could query the computer to search its memory on any subject—and thereby instantly find and receive the required information. Where a Harvard graduate student, for example, now enjoys the privileged position of working within that institution's great library stacks, that same capability—and even better—would become available to anyone who wanted it wherever he might be.

In a modest way, this sort of thing is already being done. The Library of Congress provides computerized bibliography service on its some 70 million books and documents. The Smithsonian Institution now keeps track of its multitude of exhibits and specimens by computer. Aspen Systems has the legal statutes of all 50 states computerized by subject matter and can provide immediate summaries for any jurisdiction.

Today a brilliant lawyer may diligently track down some remote case history that will favor his side in a trial. Tomorrow vast computerized legal files could produce such histories quickly and easily for all lawyers, freeing their time for other constructive activities. The result could not only help to clarify our laws and their interpretation. It could reduce the costs of cases and relieve our overtaxed court facilities by enabling them to dispense justice more rapidly and efficiently.

Another important area of our lives where computer data banks can benefit us in the maintenance of our health. Every citizen's complete medical history can be recorded within a national data network. Wherever he may go, from coast to coast, this history will always be immediately available to any doctor or any hospital should he suffer an accident or illness. No more mistakes involving blood type or allergy to certain drugs or lack of information on past disabilities. And oceans of correspondence and paper work in triplicate will be eliminated from the burden carried by our overworked medical profession.

Doctors may also use data banks to assist them in making a patient diagnosis, in much the same way that lawyers could obtain help in plotting a case. Today if you take a complaint of illness to your doctor, he will make his diagnosis by running through his memory to search out similarity of symptoms. He may refer to certain books in his library or call in other consultants who can search through their memories and thereby assist him with *their* experience.

But suppose we have a vast computerized file of case histories at your doctor's disposal. Within minutes the computer can search *its* memory against a given set of symptoms and list every possible diagnosis for the doctor's consideration. This is not to say that the computer will make the diagnosis. That will always remain a human function, but as an extension of the human memory, the computer can play an invaluable role.

Since I don't want to spend all of my time with you today in presenting the positive benefits available to us through rapidly advancing computer technology, I will mention only one more example—in education.

Even the most gifted teacher cannot simultaneously satisfy the individual needs of each student in a class—particularly when the student population explosion gives us classes of from 30 to 100 or more. But consider a computerized instructional system which supplies each student with material controlled by a program specifically suited to his needs. Again we are not replacing people with computers. But we are giving the teacher the equivalent of dozens of personal assistants whose work with students can be monitored by the teacher and modified as he may deem necessary. At the same time the teacher would have more time to give direct help to students as required.

In considering all the benefits of a computerized society, we must remember that they depend primarily upon two developments: vastly increasing the capacity, complexity and *accessibility* of computer systems; and, storing within their memories not only an infinite amount of academic information, but also a great deal of highly personal information about *us*—the people who will be looking to these new systems for assistance.

For example, we obviously cannot solve a problem such as poverty without maintaining extensive records about the recipients of welfare programs, job training programs, educational programs. And only a computer can take records of such size and scope and help us reach coordinated decisions and conclusions.

At the same time, there is a natural human dislike of becoming a statistic—particularly when the statistic grows into a lengthy dossier providing more or less intimate details about one's person and one's daily living habits. And even more particularly when that dossier is secreted within a vast, impersonal, electronic information system to which any number of unknown persons may have access for any number of unknown reasons.

Privacy is one of our most precious human rights, and in today's crowded and disorderly environment, it may be one of the hardest to maintain. Long before the pressures of 1970, Louis Brandeis described privacy as "the right to be let alone, the most comprehensive of rights and the right most valued by civilized man."

The computer does not in itself create any invasion of privacy. Its role is no more active in this respect than the old-fashioned filing cabinet. The threat to privacy posed by surveillance and recordkeeping has been a fact of life for centuries.

The only new element introduced into this picture by the computer is fantastic efficiency. I believe that is what people really fear, and that is the problem that must be faced. For there is no way to halt computerization any more than the Luddites of 19th century England could halt the Industrial Revolution.

As Professor Robert Fano of MIT has said, "You can never stop these things. It is like trying to prevent a river from flowing to the sea. What you have to do is to build dams, to build waterworks, to control the flow."

It is toward building those dams and controlling that flow of information that I want to address the rest of my remarks. Because I feel very deeply that computer manufacturers are among those who must assume heavy responsibility in this matter, responsibility which needs to be defined and implemented.

We have too many examples around us today of how technology failed to look ahead at problems which it might accelerate, even if it did not really create them. Pollution of our environment is one, and now we must reckon with the human consequences of pollution of privacy.

The computer industry cannot solve the problem alone, but there is a great deal that it can do, both technically and ethically.

Technically we can build safeguards into system design. We can make it possible to limit those who are allowed to put information into a system. We can even have the machines check data against a given set of values and reject questionable information. In fact, all input could be classified as it is received, ranging from material of public record to top secret. Sensitive information then could be encoded during the input process.

Similarly, there can be ingenious safeguards in the delivery of information. The computer can require a password or answers to a series of questions before printing out. It could require several persons to be present, each possessing separate parts of a code. According to the password a person possessed, the computer could limit access to a specific type of information. It could have intelligence built in to detect any unusual pattern of access request—hesitation, for example. It could record each request so as to pinpoint blame later if information is misused. It could be constructed to read badges and other forms of physical identification—or even compare the user's voice to a "voice print" stored within it.

There are many more possible examples of technical security systems which I might describe—not to mention increasingly ingenious ones which may be developed in years to come. Yes, our machines can do a lot to protect the privacy of computerized records—particularly if you compare them to a flimsily locked filing cabinet or even a safe. But really determined men, unfortunately, can find ways to get around the best security systems. Practically speaking, we regard Fort Knox as inviolable. In an absolute sense, of course, it is not. The late author Ian Fleming, even wrote a James Bond thriller, I recall, suggesting an imaginative means of attack.

So we must consider more than physical safeguards. Obviously the trustworthiness of the operating personnel is an important factor, and management should exercise sensitive control here. What goes into files is also a management decision, and perhaps the question needs to be asked more frequently, "Is this information really necessary?" Do employers, for example, really need to know all about the emotions, personal habits, attitudes and beliefs of other employees—or could they be satisfied to judge their work performance objectively?

The burden of answering questions from all sides is growing for the average man. All of us are leaving a longer and longer trail behind us of information gained by birth records, employment records, Social Security, Selective Service, police, hospitals, credit bureaus, Internal Revenue Service, the Census

Credit cards establish in the checkless society where we eat and shop and how much we spend. In the cashless society to come, even the smallest transactions may be fed instantly into central computers to put every detail of our daily life on record. If you knock off work mid-afternoon to take in a movie or go out to the golf course, that tiny transgression may be irrefutably noted when your account card is processed at the box office or club house.

If we cannot stop this relentless flow of information about ourselves into central files, we can do as Professor Fano suggests—build a dam here, a filtering system there to control it. For example, trivial information—such as that visit to the movie or the golf course—could be recorded on independent data systems which are periodically erased. A time limit on *all* personal data might be a good idea—so that a youthful indiscretion wouldn't haunt a man's records for the rest of his life.

Frankly I feel that we will need some new legislation in this area. Our old legal framework may not be adequate to defend our privacy against these new techniques of data collection and recordkeeping.

Perhaps the most important new legal safeguard would provide a citizen with the ability to challenge in court the release of private data about him without his consent. *Without his consent.* These are very meaningful words.

Professor Alan Westin, in his widely read book "Privacy and Freedom," has defined privacy as "the claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others . . . (although he adds.) The individual's desire for privacy is never absolute, since participation in society is an equally powerful desire."

Professor Westin's point is that circumstances may determine whether a man wants to share or withhold information about himself—even information which may be stored in some remote computer system. If he is to have any control, he must be aware that it is there and have the right to examine it and challenge it. He must be able to know who has access to the information and to what outside agents it may be released.

These are some of the things, I believe, that would have to be covered by new legislation. Such legislation might make personal information a property right, with all of the protections and guarantees of due process that our laws have devised for our property. This could involve criminal penalties for improper conduct in gathering, storing or releasing personal information.

In addition to new statutory laws, there is one other area which deserves our attention. You might call this "public education" in a very broad sense. This may sound strange, coming from a representative of the computer industry, but I believe that it is important to get the general public involved in thinking about and discussing the problems generated by computerized recordkeeping.

The weight of public opinion can do a great deal toward influencing constructive public policies, voluntary ethical codes among users of computer systems, and standards of practice among businesses, government agencies, labor unions, universities, research projects and various other organizations.

Happily there are some strong, constructive forces already at work. The Russell Sage Foundation is funding several projects including an in-depth study on data banks and personal privacy by the National Academy of Sciences. Professor Westin is directing the project assisted by a distinguished group of advisers.

The Business Equipment Manufacturers Association has a new Committee on Matters of Privacy and Security which is actively seeking to find feasible solutions to the problems. For we are concerned and want to contribute positively to resolving these complex issues which can have such a profound effect on our personal freedom and the operation of our society. As members of the world's fastest growing industry, there is no reason why we cannot exert a strong influence on the ethical standards governing the use of our products.

Very simply, there are two directions in which computerized and centralized information systems can take us. One would lead us to a rigid, automated bureaucracy with great knowledge and power but little regard for the human consequences of its programs.

The other would enlist the power of computers in the service of individuals, enabling them to cope more successfully with the complexities of modern life and increasing the opportunities for successful fulfillment of their talents.

It is never enough just to invent something—the printing press, the automobile, television, or computers. It is how we use these products that counts. Technological advances must be adapted to serve *people,* and good intentions will not suffice.

If the time ever comes when the misuse of computerized recordkeeping leads man to fear being curious, daring, and willing to deviate from the norm in order to experiment, it would not be a case of the machine triumphing over man, as some people fear. It would be a case of man *becoming* the machine.

May I say again that the computer manufacturing industry feels a heavy responsibility in this regard. We believe that society has no choice but to use computer aids in relieving the tensions and solving the problems of our age. We are thankful that our products now have the capacity to help achieve these beneficial results. And we see no reason why personal privacy and human dignity should be sacrificed in the process.

Thank you.

T. H. BELL: QUALIFIED FOR EDUCATION POST

Mr. BENNETT. Mr. President, the Ogden, Utah, Standard Examiner, in an editorial on June 17, states:

> The quality of the federal government's educational programs would be enhanced if the appointment of Dr. T. H. (Ted) Bell as acting U.S. Commissioner of Education is made permanent.

I agree wholeheartedly with the editorial. I also would like to report that I have once again contacted the White House and the new Secretary-designate of Health, Education, and Welfare, Elliot Richardson, and assured them of my interest and support for his permanent appointment as Commissioner to fill the vacancy created by the resignation of Dr. James E. Allen, Jr.

All of us from Utah were thrilled when Secretary Finch agreed with me that Dr. Bell should temporarily fill the vacancy, and I have always looked upon the interim appointment as merely a first step toward making it permanent.

Dr. Bell has been Associate Commissioner in the Office of Regional Office Coordination in the U.S. Office of Education since last February. Previously, he served as Utah Superintendent of Public Instruction for 7 years.

As I told Secretary-designate Richardson, I have known Dr. Bell for a good many years and can report that he is a fine man, completely dedicated to education, and I am confident he will do an excellent job. I do not hesitate in any way in recommending his name to the Senate for the permanent position of U.S. Commissioner of Education.

I commend the Ogden Standard Examiner for this excellent, well-written statement, and I wholeheartedly associate myself with it.

So that my colleagues may be aware of the Ogden Standard's warm endorsement of Dr. Bell, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

T. H. BELL: QUALIFIED FOR EDUCATION POST

> The quality of the federal government's educational programs would be enhanced if the appointment of Dr. T. H. (Ted) Bell as acting U.S. Commissioner of Education is made permanent.
>
> Dr. Bell, former Weber County superintendent of schools, was temporarily named to the position Monday to replace Dr. James E. Allen, Jr., fired last week at the climax of a policy disagreement with the Nixon administration.
>
> The Utahan has been in Washington for the last two months, since he resigned as Utah superintendent of public instruction, serving as an associate commissioner in charge of coordinating regional offices of the U.S. Office of Education.
>
> The selection of the 47-year-old native of Lava Hot Springs, Idaho, as Dr. Allen's acting successor came as Robert H. Finch was leaving his position as Secretary of Health, Education and Welfare to join the White House staff. Secretary Finch is being replaced by Elliott L. Richardson, former under-secretary of state.
>
> It will be up to Secretary Richardson, in consultation with President Nixon, to make the permanent appointment as commissioner of education.
>
> In selecting the man to fill this vital office, Secretary Richardson should be able to check Dr. Bell's credentials easily and quickly.
>
> He will find that "our" Ted Bell may be small in physical stature but he's a giant in the field of education.
>
> The innovative processes he introduced into the Weber County school system while superintendent have made our county district one of the most progressive educational units in the nation. He also had an extraordinarily fine ability to pick capable educators for positions on his staff, as demonstrated by the record shown by his successors in the Weber district.
>
> He did the same thing, on a statewide level, during his seven years in Salt Lake City as head of the Utah school system.
>
> Members of the Utah congressional delegation have already begun a campaign, on a non-partisan basis, to make Dr. Bell's appointment as commissioner of education permanent. They are being joined by Gov. Calvin L. Rampton and spokesmen for the Utah Education Association and the Utah School Boards Association. He also has the endorsement of Dr. Sterling M. McMurrin, dean of the University of Utah graduate school who served as U.S. Commissioner of Education in 1961 and 1962.
>
> Dr. Bell would be a credit to the Mountain States that he has always called home—and to the nation at large—if he were made permanent commissioner at this crucial hour in the history of our country's educational program.

THE BIGGEST LITTLE MUSEUM IN THE UNITED STATES

Mr. SYMINGTON. Mr. President, during the past 9 years the community-supported Springfield, Mo., Art Museum has moved into national prominence with its annual exhibit and competition, "Watercolor USA." Recognized as one of the top watercolor shows in the United States, it is the most widely representative display of American watercolorists in the Nation.

The 1970 "Watercolor USA" attracted 1,220 entries from 680 artists in 48 States and the District of Columbia. Thirty-two of the 123 paintings selected for exhibit were winners of the total $10,175 in awards. In the exhibit's first year there were only nine awards, totaling $2,250. Businesses and individuals participate in the success of the exhibit through donations of these purchase awards.

Under the able direction of Mr. Kenneth M. Shuck, the Springfield Art Museum has acquired a permanent collection of 45 paintings, on continuous display in city, county, State, and Federal offices. From this year's show there will be two traveling exhibits, 20 paintings each, which will tour Missouri under the sponsorship of the Missouri Council on the Arts.

The Honorable Carl Stillwell, mayor of the city of Springfield, has declared the week of June 28, 1970, as "Springfield Art Museum Week," a week of tribute to Mr. Shuck and to Mr. Jack Taylor, chairman of the art museum board, the museum employees, and the members of the board. Mayor Stillwell has also declared June 29 as "Kenneth Shuck Day" and June 30 as "Jack Taylor Day."

In recognition of this tribute and the city's contribution in the field of the arts, I ask unanimous consent that Mayor Stillwell's proclamation be printed in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

PROCLAMATION

Whereas, Watercolor U.S.A. has brought outstanding prominence to the City of Springfield and the State of Missouri in the field of art and has made an extraordinary contribution to the advancement and betterment of the arts and humanities on a national basis; and

Whereas, Mr. Kenneth M. Shuck, Director of the Springfield Art Museum has been the prominent figure in the establishment and successful exhibition of Watercolor U.S.A., displayed in Springfield, and Mr. Shuck has been supported by the City Council of the City of Springfield and has had overwhelming cooperation from the members of the Springfield Art Museum Board and local citizens;

Now therefore be it proclaimed that I, Carl Stillwell, as Mayor of Springfield, declare the week of June 28, 1970, as Springfield Art Museum Week.

Be it further proclaimed that Kenneth M. Shuck, Director of the Museum, Jack Taylor, Chairman of the Art Museum Board, all employees of the Museum, and board members consider this a week of tribute from the citizens of Springfield to them in their efforts to promote Springfield nationally in the arts and humanities.

Furthermore, the day of June 29, 1970, is to be Kenneth Shuck Day in the City of Springfield, with June 30, 1970, recognized as Jack Taylor Day.

Respectfully submitted.

CARL STILLWELL,
Mayor.

TWO HUNDRED AND ELEVEN DAYS WITH NO ACTION IN THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, it is now 211 days since I originally wrote to Attorney General Mitchell requesting an investigation of the intimidation and firing of Ernest Fitzgerald. It has been more than 3 months since the only reply from the Justice Department. But still no action.

Mr. President, what is the Justice Department waiting for? How long must we wait for the Criminal Code to be enforced? Is the Criminal Code only for certain citizens and not for others?

Mr. President, when does the Justice Department intend to act?

RESULTS OF THE CAMBODIAN SANCTUARY OPERATIONS

Mr. HANSEN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operation, as of 8 a.m., June 22, 1970, be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

RESULTS OF CAMBODIAN OPERATIONS, JUNE 22, 1970

Individual weapons	20,412	+121
Crew-served weapons	2,438	+5
Bunkers/structures destroyed	10,744	+166
Machinegun rounds	4,047,817	[1] +39,307
Rifle rounds	9,351,204	+670
Total small arms ammunition (machinegun and rifle rounds)	13,399,021	+39,977
Grenades	53,364	+18
Mines	5,419	+4
Miscellaneous explosives (pounds) (includes satchel charges)	81,000	(2)
Anti-aircraft rounds	184,245	(2)
Mortar rounds	64,590	(2)
Large rocket rounds	2,106	+36
Smaller rocket rounds	40,267	+127
Recoilless rifle rounds	27,721	+4
Rice (pounds)	13,684,000	+124,000
Man months	301,048	+2,728
Vehicles	416	+4
Boats	117	(2)
Generators	36	(2)
Radios	241	+3
Medical supplies (pounds)	54,000	(2)
Enemy KIA	10,728	+218
POW's (includes detainees)	2,244	(2)

[1] Field adjustment.

[2] Unchanged.

Note: Figures do not include 70 tons of assorted ammunition.

PRESIDENT NIXON IS URGED BY SENATOR RANDOLPH TO SIGN VOTING RIGHTS BILL

Mr. RANDOLPH. Mr. President, I have today sent a telegram to the President of the United States urging him to sign the bill extending the Voting Rights Act of 1965 and lowering the voting age in all elections to 18.

This legislation will provide for the inclusion of responsible Americans who have been denied the right of full citizenship for a variety of reasons. Particularly it embraces a new segment within the electoral process—18-, 19-, and 20-year-olds. Through this legislation we are endeavoring to insure the continuation of a responsive democracy in today's society.

Mr. President, I ask unanimous consent that my telegram to the President be printed in the Record along with a telegram to the President from the 1970 YMCA youth governors. They are meeting in Washington and have adopted a resolution recommending Presidential approval of this legislation.

There being no objection, the items were ordered to be printed in the Record, as follows:

JUNE 22, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: I respectfully urge you to sign the recently approved voting rights legislation which extends the Voting Rights Act of 1965 and lowers the voting age to 18. It is my firm belief that the measure as approved by Congress provides for the effective continuation of our effort to enfranchise Americans who have been denied the ballot.

I understand your concern and questions over the statutory approach to a lower voting age. However, I supported this approach because such a change is so necessary and because we have provided for immediate court tests. This legislation will bring into the elective process many Americans who have earned the right of expression at the ballot box and it will further our goal of broadening the base of our democracy.

JENNINGS RANDOLPH,
U.S. Senator.

[Telegram sent on Sunday night, June 21, 1970]

RICHARD M. NIXON,
The White House.

DEAR MR. PRESIDENT: This is to inform you that the 1970 YMCA Youth Governors' Conference, presently assembled in Washington, has passed a resolution urging your support and signing of the pending bill to reduce the voting age in our nation to eighteen years. The vote was twenty-five for and six against. As representative, elected youth of the various states, we urge your early action on this bill.

Respectfully yours,
THE 1970 YMCA YOUTH GOVERNORS.

THE CAMBODIA CAMPAIGN

Mr. SCOTT. Mr. President, the Altoona Mirror recently published an editorial on the situation in Cambodia which merits the attention of all Americans. The editorial poses questions which cry out for replies, and it makes points which should be taken to heart by all concerned with the U.S. position in Indochina. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WHAT HAPPENS TO GOOD NEWS

The campaign against Red bases inside Cambodia is a marked military success, an outstanding victory for the U.S. and South Vietnam. A White House announcement dated May 15 reported that during the first two weeks of the Cambodian campaign 5,600 of the enemy have been killed and 1,400 captured.

In addition, said the executive announcement, U.S. and South Vietnamese troops captured more than 8,500,000 rounds of ammunition, more than had been seized in a year of operations in Vietnam. It was estimated that this "exceeds the enemy requirement for ammunition throughout South Vietnam in a six-month period."

The announcement also reported that an estimated 8,100 individual and 1,000 crew-served weapons were captured in this period. This would be enough to equip 15 full-strength North Vietnamese Communist infantry battalions at currently estimated strength levels, it was said.

The U.S. and allies also captured 500,000 pounds of rice, enough to feed more than 120,000 Communist soldiers for a month at full rations. This rice is being allocated for use by refugees, said the White House announcement.

"We have disrupted the enemy's logistics network and lines of communication. We have struck a heavy blow at his offensive capability. American forces are already starting to withdraw and all will be out of the sanctuaries by June 30."

The announcement, signed by Herbert G. Klein, director of communications for the executive branch, White House, concluded, "Results from the first two weeks, which I have only highlighted here, leave no doubt that the Cambodian mission already is an enormous success."

> Sen. Hugh Scott announced that more enemy equipment had been seized than had been captured before in the last 16 months. He said enough enemy ammunition had been captured for "3,632 attacks at the enemy rate of fire of recent weeks."
>
> Apparently, the U.S. and South Vietnamese forces are accomplishing what they set out to do.
>
> A question which intrigues us at the news desk level of American journalism is what happened to this victory in the news dispatches that have been coming through?
>
> A United Press International dispatch dated Saigon, published in the Altoona Mirror May 14, announced that "U.S. Combat Deaths Highest in 8 Months. American Toll Set at 168 Last Week."
>
> The day before, the Mirror headline on a UPI Saigon dispatch reported, "N. Viets Attack U.S. Gunbase in Cambodia. American General Killed."
>
> What happens to the U.S. and South Viet victories in the American press? Enemy casualties are based, said the Pentagon, on "body count." The White House report of enemy casualties and war equipment lost should rate top news position. But, it seems to have become lost or buried someplace along the line.
>
> "Telling it like it is," it would seem, hardly could overlook such a White House announcement, or fail to give it at least equal prominence with the routine sameness of news leads which marks so much of the Vietnam war news.

PROF. PHILIP B. KURLAND'S VIEWS ON STUDENT DISORDERS

Mr. ERVIN. Mr. President, because of my deep concern for the future of this Nation's universities I should like to call to the attention of the Senate a speech given by Prof. Philip B. Kurland, professor of law at the University of Chicago. It merits the careful reading of every Member of Congress.

In his speech before the Women's Bar Association of Illinois on June 4, Professor Kurland expressed his opinion that acquiescence to the demands of violence and force will destroy academic freedom and hinder the worthy pursuit of knowledge. He stated that the politicization of our universities and colleges will result in the distintegration of our institutions of higher education and, therefore, the loss of academic freedom.

As Professor Kurland so aptly stated:

> A university cannot be both a political force and an institution dedicated to the search for knowledge and its dissemination. As a university makes a political commitment it destroys its claim to academic freedom. And without academic freedom, the search for and dissemination of knowledge becomes more shadow than substance.

There are two facets of the politicization of a university, one being internal, the other external. The external forces are readily visible; that is, the encouragement of students by some public officials, the press, and some university faculty members to pursue political activities instead of academic activities while in school. In explaining the internal facet, Professor Kurland draws on a speech given by Prof. Gardner Ackley of the economics department of the University of Michigan who was at one time Chairman of the Council of Economic Advisers. In his speech to his faculty colleagues, Professor Ackley made the following observations about their particular situation:

> The year began with the bookstore dispute—a more ridiculous issue is hard to imagine. But its supporters were willing to disrupt and destroy. The University was unwilling or unable to resist or punish the destroyers. In the end, the Regents backed down, and precious resources were allocated . . ."
>
> Whatever the issue, these lessons were taught and learned:
>
> That violence and disruption either cannot or will not be punished by the University;
>
> That the big lie, loudly pronounced can become the truth;
>
> That the desire of the overwhelming majority of students—who want to learn and of the overwhelming majority of the faculty—who only want to teach and investigate—count for nothing.

Professor Ackley continues his discussion by recounting the vandalism, ransacking and burglarizing which occurred, and the lack of punishment for these criminal offenses. He noted how decisions of the faculty were made on the basis of fear:

> Last Wednesday I watched the faculty of my own department, assembled in the Chairman's office, discuss a demand that all classes in our building be shut down, *or else*. We discussed this while the entrances to the building were sealed, and while the halls outside the room in which we were meeting were patrolled by men carrying pipes and clubs . . .
>
> That day, the truth lay in those clubs.

Professor Kurland opposes student participation in the governance of the university. This objection stems mainly from the threefold purpose he sees as the mission of the university. First, to administer; second, to aid in the search for knowledge and its dissemination; and third, to engage in the use of reason, not force, as the sole means of discourse. The university is not there to exercise power, or to provide social services, to engage in political activities, or to afford therapeutic psychological experiences for students or faculty.

With these ideas of Professor Kurland, I wholeheartedly agree.

With students refusing to attend classes, demanding credit for classes not attended, and having those demands catered to by their faculties, I can only foresee the destruction of our educational institutions. Turning students into faculty-led lobbyists can serve no purpose other than the disintegration of higher education.

Students and faculties interested in the pursuit of knowledge have found themselves caught up in the present atmosphere of the universities, and, as a result of faculty and administrative inaction, find themselves having to adapt to their new environment. In this type of institution, to quote Professor Kurland, "indoctrination will replace education."

Professor Kurland's closing statement shocks us with its alarming prophecy on the effect of such disorders on our college campuses. He concludes:

> This is the price that America will pay for the cowardice of its university faculties. It may not be too high a price. After all, what would be the function of an old-fashioned kind of university in 1984 except to breed critics of orthodoxy. And in 1984 who will need critics of orthodoxy?

The success of this Nation has been nurtured by its thirst and quest for knowledge and freedom. Without academic freedom both are lost. The future of this great Nation is dependent upon the knowledge and education of America's youth. That knowledge and education is dependent upon the preservation of academic freedom in our universities and colleges, not to be intimidated by threats of force or violence.

Mr. President, I ask unanimous consent that the speech by Prof. Philip B. Kurland before the Women's Bar Association of Illinois be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE POLITICIZATION OF THE ACADEMY

Your invitation to speak here tonight was a most flattering one. I was told that my speech before the Chicago Bar Association of last January had so impressed some members of your hierarchy that they wished me to repeat it here. Much as I like to hear myself talk, however, even I don't like to listen to the same words in the same sequences. And so, if I don't have any new ideas to offer on the subject—as I expect your committee knew—I am prepared to offer the old ones in new garb.

Moreover, times have changed since January. What was forecast then has become fact now. In January, I could say that the universities of this country were in danger of being politicized. Today I can report that they have been politicized. The catalyst for this change has been the senseless, illegal war destroying lives and resources at a profligate rate with no apparent objective except to permit us to choose between alternative nefarious governments for a people not particularly anxious for one or the other. Among the casualties of the Vietnam war may well be the once free American universities.

The war has contributed to the destruction of the universities not directly by removal of students and faculty from the campuses. Instead, the war has afforded an emotional rallying point around which those bent on the destruction of American institutions could coalesce sufficient numbers of faculty and students to accomplish their unworthy ends. The essence of the academy is disinterestedness. Its justification is disinterestedness. A university cannot be both a political force and an institution dedicated to the search for knowledge and its dissemination. As a university makes a political commitment it destroys its claim to academic freedom. And without academic freedom, the search for and dissemination of knowledge becomes more shadow than substance. If research begins with commitment to an answer, it should not be surprising that the expected answer is forthcoming. This is especially true in the so-called social sciences and the humanities. It is only slightly less true in the physical and biological sciences, as the Nazi and Communist biologists—the forerunners of our current breed—have so well demonstrated. The "Aryanization of physics" and the "Bolshevization of biology" are among the lessons of history that contemporary academics prefer to ignore. The "winter of our discontent" that I described in January has had no York to turn it into "glorious summer." That which was nightmare has become reality.

I suggested earlier that politicization of a university has two facets, internal and external. I will proceed to each in turn. The example of internal politicization that I offer you comes to you second hand. But it comes from an unimpeachable source. He is Professor Gardner Ackley of the economics department of the University of Michigan, one time chairman of the Council of Economic Advisers. His testimony, which I quote at length, is by way of a speech to his faculty colleagues. The last political issue of the season at Michigan was whether the University should treat blacks as different—by implication as intellectually inferior—by admitting them not on the basis of their qualifications for higher education but rather on the basis of a fixed quota. Whether this is a "racist" position, I leave for you to judge. The faculty of Michigan didn't have to make a choice, for it wasn't given a choice. Here is what Professor Ackley said to his colleagues, themselves participants in and witnesses to the events:

"This has been a tragic year in the life of the University of Michigan—a year that has begun the destruction of this University as a great center of learning—destroyed not so much by outside force, as by the actions of its own faculty and administration.

"This conclusion is independent of the outcome of the current crisis.

"We are sometimes told that teaching is a lost art—great teachers are no more. But the University of Michigan has, this year, taught one lesson so inescapably, so clearly, that it will be long remembered.

"It is that, however ridiculous or worthy the cause, however miniscule or substantial its support, it will win in proportion to the willingness of its supporters to disrupt the life of the University.

"The year began with the bookstore dispute—a more ridiculous issue is hard to imagine. But its supporters were willing to disrupt and destroy. The University was unwilling or unable to resist or punish the destroyers. In the end, the Regents backed down, and precious resources were allocated to make possible the symbolic saving of pennies by the affluent students who pay for their own books—resources which we now know could have been allocated to a far more vital use.

"This was an issue on which an objective, empirical analysis of costs and benefits would have been quite simple and quite revealing. But no one asked for such an analysis and no one volunteered it. No one cared. Rather, the 'truth' was more transcendental: it could be heard in the tramp of marching feet and the tinkle of broken glass.

After that, the issues succeeded one another in bewildering variety: Vietnam, ROTC, corporate recruiting, University research, tenants' rights, teaching fellow demands, pollution, University investments, 'repression,' the Chicago 7, black admissions and support.

"Whatever the issue, these lessons were taught and learned:

"That violence and disruption either cannot or will not be punished by the University;

"That the big lie, loudly pronounced, can become the truth.

"That the desires of the overwhelming majority of sudents—who only want to learn—and of the overwhelming majority of the faculty—who only want to teach and investigate—count for little or nothing.

"*And so:* The SDS, acknowledged to be dedicated to the destruction of the University, is still, so far as I know, an officially-recognized student organization. So far as I know, none of its members has been suspended. Its discipline has been entrusted to the Student Judiciary—which is like asking the Mafia to investigate organized crime.

"*And so:* teaching fellows strike against their students and are not punished but reappointed. Other students who engage in the destruction of University property are retained and reappointed in University employment.

"*And so:* our libraries are vandalized, faculty and administrative files are ransacked and burglarized, faculty members are (physically) struck while performing their duties. In many cases, the perpetrators are known but have not been punished by the University. The investigation of the attack on Professor Young has been turned over not to the Administrative Board but to the Student Judiciary. I predict there will be no meaningful investigation, and no penalties.

"*And so:* last Wednesday I watched the faculty of my own department, assembled in the Chairman's office, discuss a demand that all classes in our building be shut down, *or else.* We discussed this while the entrances to the building were sealed, and while the halls outside the room in which we were meeting were patrolled by men carrying pipes and clubs. We sought guidance from the College, and were told: 'Do what you think best; you will have no protection.' And so we cravenly capitulated, in fear—if not for our own safety—for that of our students and employees.

"*That day, the truth lay in those clubs.* Today, it lies in those chanting, marching columns. And if there is not truth enough in those, there are still the clubs—and who knows what else.

"*And so:* we will now submit in one way or another to all the demands of the BAM. In so doing, we will admit, explicitly or implicitly, that we are indeed a repressive, racist institution. BUT THAT IS STILL A LIE!

"My first appointment to this faculty was in 1940—thirty years ago. Since then I have seen much happen at this University. In the mid-1950's—the McCarthy era—I was a Department Chairman and President of the Michigan chapter of AAUP. More than once I was ashamed of actions—or inaction—by my University.

"But I was never so ashamed as I was this morning, at 9 o'clock, and again at 11, when my students came to me to ask why we were not having class.

"I didn't know what to tell them.

"I still don't. Unless it is this:

"There is no reason.

"There is only power."

In fairness to Professor Ackley, it should be noted that as the events have receded into the past and the possibility of better perspective has become available, he has had a return of hope that his University may yet reject the rule of force and strive for the return of the rule of reason. If Michigan were unique, I could join him. But because the same tactics have repeatedly brought about the same results in other universities throughout the land, I am less sanguine than he about the return of reason to the American campus.

A few weeks ago I spoke to my colleagues on the Council of the Senate of The University of Chicago. I opposed student participation in the governance of the University. I said then:

"I think a majority of this faculty has a shared notion of the mission of this university. There are ideas that I think the faculty share among themselves but not with a majority of students. First, that the function of this university's governance is not the exercise of power but the provision of administrative services so that this university may go about its proper business of searching for and disseminating knowledge. Second, that the search for knowledge and its dissemination are the sole functions of this university. It is not this university's function—whatever individual obligations may be—to provide social services, to engage in political activities, or to afford therapeutic psychological experiences for students or faculty. Third, that the sole means of discourse within this university must be reason, that the utilization of force as a means of persuasion is anathema . . . it is on these precepts and these precepts alone that the idea of academic freedom depends. Surrender them or endanger them and you have surrendered or endangered the reason for the continued existence of the university."

I should like now to confess error. For I was wrong in saying that these were ideals that were shared by the faculty. I am now convinced that a majority of my faculty no longer regards these as appropriate values for a modern academic institution. The mission of the university is now to do good as a majority of its members decide it to be. The decision of what is good will, of course, be made after the faculty is subjected to the threat or fact of violence.

So far as the internal governance of universities is concerned, the proper understanding from Charles Dickens' description in *Barnaby Rudge* of the Lord George Gordon riots in London: "The crowd was the law, and never was the law held in greater dread." So much then for the internal politicization of universities.

At the risk of proving Mencken's dictum—that "confession may be good for the soul, but it doesn't get one much reputation for sense"—I would confess still another error. In my talk to the Chicago Bar Association last January, I spoke of the politicization of the university in its external aspect. I said: ". . . this means the attempt to capture the university as a pressure group to affect national policies. At this level, the objective is ludicrous, for it is grounded on two absurd premises. First, that the university is a monolith, indeed that all universities combined are monolithic. Second, that the universities are capable of being a strong pressure group for bringing about change in national policy about anything."

The first part of this proposition has already been disproved by the monolithic entry of the American universities on the political scene in the Spring of 1970. The story begins in New Haven, Connecticut, where students, upset at the trial of a Black Panther for the alleged murder of another Black Panther, convened a national caucus of college students to protest. It is not clear whether the students regarded such a killing not to be a criminal act or as an act of a foreign sovereign immune from the processes of American law. All that was clear was that the Yale students, the president of their university, and the thousands of guests accommodated by the university so that they might voice their protest, wanted to prevent the trial from going forward. At this meeting, a call issued by a member of the Chicago 7, a founder of SDS, for a national student strike to "free political prisoners," to end the war, and for sundry other unimpeachable objectives. Whether the call would have had much success had the Ohio National Guard not wantonly killed four students at Kent State University is anybody's guess. The fact is that a "student strike" took place, to a greater or lesser degree, on every major campus in the country.

Except for its effect on the business of a university, of course, a student strike can never be more than a symbolic gesture. The absence of students and faculty from classes could only prove what needed no proof to so many, that the world proceeds apace whether students are in class or not. A student strike re-emphasizes questions about the need for or desirability of so-called higher education, but by itself it is likely to affect neither the war effort nor trials of Black Panthers. It was not the strike but the alternative uses to which the students and faculties put their time that marked the emergencies of the universities as a punitive political force. In lieu of classes, students and faculty organized political workshops and Washington lobbying efforts. The first mimicked the Teamsters Union and the U.A.W. indoctrination of their memberships for political goals. The lobbying effort was imitative of a combination of Coxey's army and the oil lobby. Kingman Brewster led 75 faculty and 1,000 Yale students in their lobbying efforts in Congress to end the war. A similar stand was made by the president of Brandeis and 600 students. The entire student body and faculty of Haverford College descended on Washington for the same purpose. Eight hundred students came from the University of North Carolina.

Certainly the goal was a worthy one. And so, the effort was applauded by the press and university officials as teaching the students to work within the system. Some Senators and Congressmen also applauded the actions as they envisioned new recruits for their own campaigns. Some legislators enjoyed the spectacle as proof that universities were political institutions. For they knew that political institutions will be dealt with as political institutions, bereft of tax exemptions for income and gifts, subject to grants for research and scholarship conditioned on political fealty or, better yet, no grants at all.

Sophisticated students and faculties suddenly discovered that they were citizens. They discovered something more, that the exercise of citizenship functions was inconsistent with pursuit of scholarship. To underline the political nature of the venture, university after university adopted the "Princeton plan" to adapt their calendars so that students would have two weeks vacation immediately prior to the national elections to engage in partisan political activities.

The students, of course, enjoyed what they hoped would be new-found political power. They believed that they were now a national political force. Nevertheless, they insisted on and were granted special privileges. True they abstained from classes, but they wanted credit for the courses that they did not attend. And universities gave it to them. They wanted credit for political indoctrination. And the universities gave it to them. They wanted transportation costs and housing and stationery and duplicating machines and long-distance phones. And the universities provided them. They wanted time for political activities next year, without impairing their access to classes if they chose to go. And the universities gave it to them. The faculties expected to be paid for not teaching classes while engaged in political activities. And they were. Reminiscent of Orwell's *Animal Farm*, the faculties and students asserted their political equality with other Americans, except that they recognized that they were more equal than others. Those familiar with Orwell's little book may well ask, "Will the real pigs please stand up?"

Patently I was in error, when I suggested that the universities could not be made to behave as a monolithic political force. But it is still not clear that the political force will prove effective, except in its destruction of the university. The recent assault on Congress has not yet shown any affirmative results. Whether it will deprive the universities, already so hard-pressed for funds, of much of their governmental support and, indeed, of some of their private support which is dependent on tax deductions, remains to be seen.

The students are certain to be disillusioned if, as is to be expected, the instant results that they always demand are not forthcoming. The faculty members who led them, properly, will be regarded as Pied Pipers. But this will probably mean not a return to academic life but a further estrangement from it.

Meanwhile, the faculty members and students who believe in the notion of the university as a place for the disinterested discovery and dissemination of knowledge find themselves with no place to go. And so they remain to adapt to the world of the new political university. It's possible. Political universities have proved viable in South America. Some faculty will escape. We may see the rise of the places, like the Institute for Advanced Studies at Princeton, where the disinterested search for knowledge may be carried on, where the dissemination of knowledge will take place through publications. But the universities we have known will essentially become caretaker institutions. Answers will be substituted for questions. Indoctrination will replace education. The colleges and universities may become political institutions, but when they do, they will no longer be able to serve as anything more than elementary educational institutions from which only a very select few will ever enter the world of higher education.

This is the price that America will pay for the cowardice of its university faculties. It may not be too high a price. After all, what would be the function of an old-fashioned kind of university in 1984 except breed critics of orthodoxy. And in 1984 who will need critics of orthodoxy?

I am sorry to have sung such a sad song for my supper. You may take such solace as you can from the words of Ralph Waldo Emerson, who said in 1864 when we were in the midst of another holocaust: "These times of ours are serious and full of calamity, but all times are essentially alike."

THE ENVIRONMENTAL PROTECTION ACT

Mr. HARRIS. Mr. President, the Washington Post, in an editorial Saturday, June 6, discussed an important aspect of the continuing effort to provide the tools for combating pollution.

While this is an important bill, the editorial tends, by omission, to relegate to a level of lesser importance the large amount of environmental legislation that is being processed in Congress. It also ignores the contributions over the years by Members of Congress in addition to those who were properly commended for their environmental concern.

In the Senate Committee on Public Works, which has the principal jurisdiction over environmental legislation in that body, leaders like the chairman (Mr. RANDOLPH), and Senators COOPER, MUSKIE, BOGGS, and MONTOYA have long been active and have contributed substantially to legislation now law. Senators JACKSON and MAGNUSON likewise are in the thick of the environmental battle through their chairmanships of the Interior and Commerce Committees, respectively, and their own personal commitments.

More than a dozen bills directly involving the environment are pending in the Public Works Committee. Hearings have been underway since early in the year on air and water pollution, and solid waste disposal. The committee also is reviewing the environmental implications of highway construction in another series of hearings.

Ten existing major laws dealing with the environment have been through this committee since 1963.

The right of citizens to seek relief from the courts when they feel their surroundings are being degraded, as provided for in the Environmental Protection Act, is an essential element in the arsenal of legal weapons being developed by Congress. It should also be noted that citizen action is included in both air and water pollution legislation pending before the Public Works Committee.

The protection and enhancement of the world we live in is a formidable challenge, and much of the responsibility rests with the Congress. The concern is widespread among both the Senate and the House of Representatives, a concern that greatly enhances the probability of strong, effective legislation being passed. The credit, therefore, should be spread wider, where it is not only due but richly deserved.

FEDERAL TRADE COMMISSION

Mr. TOWER. Mr. President, on Friday, June 19, the Federal Trade Commission proposed regulations outlawing the shipment of merchandise which has not been requested by the recipient. The proposed ruling is similar to legislation which I introduced last summer. Except for free samples and items shipped by charitable organizations, the shipment of all unordered merchandise would constitute a violation of laws against deceptive business practices. When finalized, the rules would allow the recipient of such merchandise to consider it a gift from the sender, with no responsibility to return it or pay for it.

I became aware of this problem as a result of complaints from constituents. I only recently received a letter from a Texas woman who complained about just such practices as would be made illegal under my bill and under the proposed regulations. This lady had suffered a loss in the family when she received in the mail the obituary notice clipped from the newspaper, sealed in plastic, and asking for a dollar. In this case, the sum of money involved was not large. Certainly, however, such a practice preys upon the sympathies of the individual and represents a form of commercial exploitation. In addition, potential consumers have received a wide assortment of unsolicited merchandise. Although laws restricting such practices now exist in 30 States, the consumer is often unaware of his legal rights. Some recipients have been told that failure to pay will affect their credit ratings.

The legislation which I proposed last summer, S. 2719, would go further than the FTC ruling. Both would exempt free samples and merchandise sent by certain nonprofit organizations. In addition to prohibiting unsolicited mailing of such merchandise, my bill would authorize suit for triple damages for injuries resulting from potentially harmful merchandise transmitted through the mail in violation of the bill's provisions. I included this section to provide effective relief for accidents which may occur when children come into contact with items such as drugs or pesticides which may have been sent through the mails in violation of the bill.

I am primarily interested in insuring that individuals cannot be held responsible for the purchase of unsolicited merchandise, simply because the individual takes no action to return the merchandise or otherwise reply to the sender within a specified time. My bill would achieve that objective. The proposed FTC rule apparently would also achieve that objective. If the FTC rule is finalized and proves effective, passage of my bill may

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not be necessary. Until the FTC rule is applied and does prove effective, however, I will continue to urge the Congress to proceed with active consideration of my bill. The bill is currently before the Senate Post Office and Civil Service Committee. I hope that the committee will consider it. I applaud the action of the FTC in proposing restrictions against the mailing of unsolicited merchandise. I feel that enactment of the legislation which I introduced last summer would provide the best means to accomplish the objective, but the consumer will nonetheless benefit from the proposed FTC regulation.

POLICY ARGUMENTS IN FAVOR OF THE HUMAN RIGHTS COMMITTEE

Mr. PROXMIRE. Mr. President, in recent days I have been emphasizing to the Senate the lack of persuasive legal arguments against the human rights treaties. While refuting opponents' arguments I have not meant to suggest that there are no positive reasons for supporting ratification. There are in fact several very good policy reasons for this country to ratify the conventions.

In the article entitled "The Three Human Rights Treaties: Good Law and Good Policy," by Richard N. Gardner, which I quoted from last week, are several excellent policy arguments in favor of ratification of the U.N. human rights conventions.

Mr. Gardner notes that refusal to ratify the conventions has increasingly become a diplomatic embarrassment to this country.

> Our friends cannot understand it. Our adversaries exploit it. It is a costly anachronism which should be eliminated without delay.

Mr. Gardner goes on to explain:

> Nobody, of course, believes that words on paper are enough in themselves. Nobody thinks that signing a human rights convention brings automatic improvement in the condition of people around the world. The positive consequences of U.S. adherence are hard to measure and long term. Nevertheless they are very real.

Mr. Gardner's article suggests four major policy reasons why the United States should ratify the conventions. They are:

> 1. Ratification by the United States will encourage other nations to adhere to these conventions and implement their provisions in their own territories. This is particularly true of newly independent countries that frequently take U.N. conventions as a model. Ambassador Goldberg has put this point sharply: "Without the support of the United States, these agreements may appear insignificant to many other countries. If we do not consider it important to sign the conventions, why should they? Or, more importantly, why should they implement the conventions?"
>
> 2. Ratification will put the United States in a better legal and moral position to protest infringement of these human rights in countries that have ratified the conventions but failed to implement them in practice.
>
> 3. Ratification will increase United States influence in the continuing U.N. process of drafting legal norms in the field of human rights. As long as the United States fails to ratify human rights conventions, its view will carry less weight than they deserve.
>
> 4. Ratification will dissipate the embarrassing contradiction between our failure to ratify these conventions and our traditional support of the basic human rights with which they are concerned.

Mr. President the human rights treaties are both "good law and good policy." It is time that we ratified them.

ALABAMA JAYCEES TOPS IN THE NATION

Mr. ALLEN. Mr. President, the Jaycee program is 50 years old this year and its code of community service has enriched the lives of many of today's leaders in the business of this Nation.

Numerous Jaycees of yesterday are now to be found in every phase of American life. Yes, I am sure that even this assembly may count among its members men who were Jaycees just a few years ago.

I am tremendously proud to tell the Senate that the Alabama Jaycee chapter has just achieved a milestone in its 50-year history of affiliation with the national Jaycees by being selected the outstanding Jaycee chapter in the United States. On this coming Wednesday in St. Louis, Mo., the Alabama Jaycee chapter will be recognized for the Number One rating by leading a giant parade which will be held in connection with the annual convention of the national Jaycees.

The wonderful growth and outstanding accomplishments of the Alabama Jaycees during the past year may, in large measure, be attributed to the effective and inspiring leadership of its president, Frank Parsons. A native of Birmingham and practicing attorney there, Mr. Parsons has served in every local Jaycee office as a member of the Birmingham Eastwood Jaycee Chapter and has been on the national board of directors of the U.S. Jaycees.

It was under the leadership of Mr. Parsons that the Eastwood Jaycees developed and put into action a dynamic drug abuse education program which was subsequently adopted by the State chapter. The Alabama Jaycees were indeed fortunate to have Frank Parsons and his leadership at the helm during their banner year. I am confident that under their new president, Dr. Don Horne of Lafayette, the Alabama Jaycees will continue their splendid growth and make many more outstanding contributions to Alabama.

Mr. President, thousands of young men in Alabama have benefited from the guidance received as members of the Alabama Jaycees. They have given of themselves time and again to community and other public-spirited causes which have been felt throughout the length and breadth of Alabama. The Jaycees of Alabama have taken their rightful place in the life of Alabama and the organization is recognized throughout the State as one of our greatest assets. I am thankful that we have in Alabama an organization which is so dedicated to community service and citizenship training of so many of our young men.

Yes, Mr. President, the Alabama Jaycess have done a magnificent job through the years and are deserving of the honor and recognition which will be accorded them at the U.S. Jaycee annual convention in St. Louis. I salute and congratulate President Parsons and the Alabama Jaycees in their great achievement.

The Alabama Jaycees have issued the warning through the junior Senator from Alabama that they fully intend to be the No. 1 Jaycee chapter again during the coming year.

REPORT OF THE TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES

Mr. GOODELL. Mr. President, this country has been preoccupied with theories of freedom and human right since the days before the American Revolution. Tragically, theory often has not led to practice. As a result, black people have had to suffer the indignity and humiliation of a second-class citizenry. Another group of people—women—have had to suffer the injustices of an imposed inferior status. American women are now becoming increasingly aware and restive over the denial to them of equal opportunity, equal responsibility and even equal protection of the laws.

The Senate has begun to respond to this awareness. The junior Senator from Indiana (Mr. BAYH) has held hearings in the Senate Judiciary subcommittee on Constitutional Amendments on Senate Joint Resolution 61, the equal rights for women amendment to the Constitution. I had the opportunity to testify before the subcommittee where I strongly supported ratification of this amendment guaranteeing equal rights regardless of sex under the Constitution. Ratification would also serve as a dramatic and dynamic symbol of a new era for women's rights and responsibilities.

I fully support the concept of the amendment, but I cautioned in my testimony that ratification must be accompanied by implementing legislation which will create the opportunities for real choice. Unless such legislation is passed, the new amendment will be devoid of substance and lasting effect.

Last week the report of the President's Task Force on Women's Rights and Responsibilities was released. The members of the task force concluded, after 2½ months of research and deliberation, that the United States lags behind other enlightened and indeed some newly emerging countries, in the role it ascribes to women.

The task force has recommended a national program to attack the inequality of women—an inequality linked to many broader questions of social justice. To be implemented, strong leadership from the President and the Congress must be exercised.

Not surprisingly, one of the major recommendations was passage of the equal rights amendment to the Constitution. The report presents a very succinct statement of the need for such legislative action as follows:

> It is ironic that the basic rights women seek through this amendment are guaranteed all citizens under the Constitution. The applicability of the 5th and 14th amendments in parallel cases involving racial bias has been repeatedly tested and sustained, a process which has taken years and has cost millions of dollars.

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The Supreme Court, however, has thus far not accorded the protection of those amendments to female citizens. It has upheld or refused to review laws and practices making discriminatory distinctions based on sex.

These include the practice of excluding women from State universities, a law requiring longer prison sentences for women than for men for the same offense, and a law prohibiting women from working as bartenders (but not in the less lucrative jobs as waitresses in bars).

At the State level there are numerous laws regulating marriage, guardianship, dependents, property ownership, independent business ownership, dower rights, and domicile, which clearly discriminate against women as autonomous, mature persons.

A number of discriminatory State laws have in the past four years been declared unconstitutional by the lower courts, but no case has reached the Supreme Court.

A constitutional amendment is needed to secure justice expeditiously and to avoid the time, expense, uncertainties, and practical difficulties of a case-by-case, State-by-State procedure.

More importantly, the task force has recommended a government program which would put "teeth" into the equal rights amendment. This, I believe, is the most important contribution the task force has made to the dialogue on women's rights. For the benefit of my colleagues I ask unanimous consent that the full text of the proposals be printed in the RECORD.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

PROPOSALS

1. Establish an Office of Women's Rights and Responsibilities, whose director would serve as a special assistant reporting directly to the President.

2. Call a White House conference on women's rights and responsibilities in 1970, the fiftieth anniversay of the ratification of the suffrage amendment and establishment of the Women's Bureau.

3. Send a message to the Congress citing the widespread discriminations against women, proposing legislation to remedy these inequities, asserting Federal leadership, recommending prompt State action as a corollary, and calling upon the private sector to follow suit.

The message should recommend the following legislation necessary to ensure full legal equality for women:

a. Passage of a joint resolution proposing the equal rights amendment to the Constitution.

b. Amendment of Title VII of the Civil Rights Act of 1964 to (1) remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and (2) extend coverage to State and local governments and to teachers.

c. Amendment of Titles IV and IX of the Civil Rights Act of 1964 to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex.

d. Amendment of Title II of the Civil Rights Act of 1964 to prohibit discrimination because of sex in public accommodations.

e. Amendment of the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.

f. Amendment of the Fair Labor Standards Act to extend coverage of its equal pay provisions to executive, administrative, and professional employees.

g. Amendment of the Social Security Act to (1) provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and (2) provide more equitable retirement benefits for families with working wives.

h. Adoption of the liberalized provisions for child care in the family assistance plan and authorization of Federal aid for child care for families not covered by the family assistance plan.

i. Enactment of legislation to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain.

j. Amendment of the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amount paid to a housekeeper, nurse, or institution for care of children or disabled dependents.

k. Enactment of legislation authorizing Federal grants on a matching basis for financing State commissions on the status of women.

4. The executive branch of the Federal government should be as seriously concerned. with sex discrimination as with race discrimination, and with women in poverty as with men in poverty.

Implementation of such a policy will require the following Cabinet-level actions:

a. Immediate issuance by the Secretary of Labor of guidelines to carry out the prohibition against sex discrimination by government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented.

b. Establishment by the Secretary of Labor of priorities, as sensitive to sex discrimination as to race discrimination, for manpower training programs and in referral to training and employment.

c. Initiation by the Attorney General of legal actions in cases of sex discrimination under section 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs by the Attorney General in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparities based on sex.

d. Establishment of a women's unit in the Office of Education to lead efforts to end discrimination in education because of sex.

e. Collection, tabulation, and publication of all economic and social data collected by the Federal government by sex as well as race.

f. Establishment of a high priority for training for household employment by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

5. The President should appoint more women to positions of top responsibility in all branches of the Federal government, to achieve a more equitable ratio of men and women. Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Mr. GOODELL. Secretary of Labor George Shultz has taken immediate steps to implement one recommendation by establishing guidelines to Executive Order 11246 which prohibits sex discrimination in employment by Government contractors. Although this Executive order was announced in September of 1965, it has remained virtually ignored and unenforced since that time. I do commend Secretary Shultz, however, for his willingness to make the order effective, and I ask unanimous consent that a June 9 Washington Post article entitled "United States Bars Sex Bias in Federal Projects," written by Elizabeth Shelton, which describes the new guidelines, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES BARS SEX BIAS IN FEDERAL PROJECTS

(By Elizabeth Shelton)

Secretary of Labor George P. Shultz yesterday issued guidelines, effective immediately, to assure that federal contractors and subcontractors do not discriminate against women workers.

The guidelines, which have been in the works since September, 1968, were announced as the White House released the long-awaited report of the President's Task Force on Women's Rights and Responsibilities.

Elizabeth Duncan Koontz, director of the Women's Bureau of the Labor Department, in announcing the guidelines at a White House briefing, called them "a giant step forward for those Americans whose talents have too often been wasted simply because they are women."

Under the guidelines federal contractors must maintain written personnel policies expressly indicating that there shall be no discrimination against employees on account of sex, and union contracts must be consistent with the guidelines.

The guidelines apply to companies with contracts of $50,000 or more or those that employ more than 50 people. The rules are supervised by the Labor Department's Office of Federal Contract Compliance.

Employers are prohibited from:

Making any distinction based upon sex in employment opportunities, wages, hours, or other conditions of employment.

Advertising for workers in newspaper columns headed "Male" or "Female" unless sex is a bona fide occupational qualification.

Denying employment to women with young children unless the same exclusionary policy exists for men.

Making any distinction between married and unmarried persons of one sex unless the same distinctions are made between married and unmarried persons of the opposite sex.

Penalizing women in their conditions of employment because they require time away from work for childbearing. Whether or not the employer has a leave policy, childbearing must be considered a justification for leave of absence for a reasonable length of time.

Maintaining seniority lists based solely on sex.

Discriminatorily restricting one sex to certain job classifications and departments.

Specifiying any differences on the basis of sex in either mandatory or optional retirement age.

Denying a female employee the right to any job that she is qualified to perform in reliance upon a state "protective" law.

The guidelines require contractors to take affirmative action to recruit women for jobs from which they have been previously excluded.

Release of the task force report, titled "A Matter of Simple Justice," and issuance of the guidelines, which the report recommended, were timed to coincide with the 50th anniversary this week of the Women's Bureau. The anniversary will be observed this weekend during a conference at the Washington Hilton Hotel.

The other recommendations in the report, according to Mrs. Koontz, are now under study by pertinent departments and agencies of the government. The report was accompanied by no presidential comment, but Nixon assistant Leonard Garment said that he has read its recommendations.

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They include:

Establishment of an Office of Women's Rights and Responsibilities headed by a woman who would be a special assistant to the President.

Convening a 1970 White House Conference on Women's Rights and Responsibilities to study ways to improve the status of American women.

Enactment of an amendment to the Constitution to assure men and women equal protection under laws relating to marriage, guardianship, dependents, property ownership, business ownership, dower rights and domicile.

President Nixon included support of the amendment in his 1960 and 1968 campaign platforms, but did not reiterate his support yesterday.

Passage by Congress of a legislative package that would equalize educational opportunities, access to public accommodation, benefits under Social Security and professional salaries. (Women professionals, executives and administrators are excluded from the equal provisions of the Fair Labor Standards Act.)

Establishment as a national goal of a system of well-run child care centers available to all preschool children and after-school activities for school-age children, priority to be given to the needs of low-income working mothers.

Establishment of a special Women's Unit in the U.S. Office of Education to end discrimination against women in higher education and to improve the counseling of girls and women.

Mr. GOODELL. Doubtless many of the expressed inequalities require a fundamental change of basic cultural attitudes. A change can only begin to take place if the Government exercises leadership for new attitudes.

As the task force report states:

> Social attitudes are slow to change. So widespread and pervasive are discriminatory practices against women they have come to be regarded, more often than not, as normal. Unless there is clear indication of Administration concern at the highest level, it is unlikely that significant progress can be made in correcting ancient, entrenched injustices.

Many of the recommendations of the task force are under consideration by the appropriate Federal agencies and departments. I urge the President and his Cabinet to send these recommendations to the Congress so that the 1970's will be the decade of equality for all Americans—men and women.

TO LIVE IN AN ADULT WORLD

Mr. McGEE. Mr. President, K. Ross Toole, a professor of history at the University of Montana at Missoula, recently authored an essay in which he called on the universities of America, indeed on our entire society, to start living in an adult world. Many newspapers have reprinted Professor Toole's essay, which is a gripping article with much sense in it. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FED-UP PROF. STRIKES BACK

(By K. Ross Toole)

I am 49 years old. It took me many years and considerable anguish to get where I am—which isn't much of any place except exurbia. I was nurtured in depression, lost four years to war, am invested with sweat, have had one coronary, am a "liberal," a square and a professor. I am sick of the "young generation," hippies, Yippies, militants and nonsense.

I am a professor of history at the University of Montana and I am supposed to have "liaison" with the young. Worse still, I am father of seven children. They range in age from 7 to 23.

I am tired of being blamed, maimed and contrite; I am tired of tolerance and the reaching out (which is always my function) for understanding. I am sick of the total irrationality of the campus "rebel," whose bearded visage, dirty hair, body odor and "tactics" are childish but brutal, naive but dangerous and the essence of arrogant tyranny, the tyranny of spoiled brats.

I am terribly disturbed that I may be incubating more of the same. Our household is permissive, our approach to discipline is an apology and a retreat from standards, usually accompanied by gift in cash or kind.

It is time to call a halt; time to live in an adult world where we belong and time to put these people in their places. We owe the "younger generation" what all "older generations" have owed younger generations—love, protection to a point and respect when souls, our privacy, our whole lives, and above all, we do not owe them immunity from our mistakes, or their own.

Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth; it has tackled, head-on, a racial problem which no nation in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the greatest social and economic revolution in man's history.

It has begun these things, not finished them. It has declared itself and committed itself, and taxed itself and damn near run itself into the ground in the cause of social justice and reform.

Its mistakes are fewer than my father's generation—or his father's, or his. Its greatest mistake is not Vietnam; it is the abdication of its first responsibility, its pusillanimous capitulation to its youth and its sick preoccupation with the problems of the young.

WHO'S IN CHARGE HERE?

Since when have children ruled this country? By virtue of what right, by what accomplishment should thousands of teenagers, wet behind the ears and utterly without the benefit of having lived long enough to have either judgment or wisdom, become the sages of our time?

The psychologists, the educators and preachers say the young are rebelling against our archaic mores and morals, our materialistic approaches to life, our failures in diplomacy, our terrible ineptitude in racial matters, our narrowness as parents, our blindness to the root ills of society. Balderbash!

Society hangs together by the stitching of many threads. No 18-year-old is simply the product of his 18 years; he is the product of 3,000 years of the development of mankind—and throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred; pain has been the cost of progress—and man has persevered.

As a professor and the father of seven, I have watched this new generation and concluded that most of them are fine. A minority are not—and the trouble is that this minority threatens to tyrannize the majority and take over. I dislike that minority; I am aghast that the majority "takes" it and allows itself to be used. And I address myself to both the minority and the majority. I speak partly as a historian, partly as a father and partly as one fed-up, middle-aged and angry member of the so-called "establishment," which, by the way, is nothing but a euphemism for "society."

Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society; it is the heart of the pie. Too many "youngsters" are egocentric boors. They will not listen, they will only shout down.

Arrogance is obnoxious; it is also destructive. Society has classically ostracized arrogance without the backing of demonstrable accomplishment. Why, then, do we tolerate arrogant slobs who occupy our homes, our administration buildings, our streets and parks, urinating on our beliefs and defiling our premises? It is not the police we need it is an expression of our disgust and disdain. Yet we do more than permit; we dignify it with introspective flagellation! Somehow it is our fault. Balderbash again!

Sensitivity is not the property of the young, nor was it invented in 1950. The young of any generation have felt the same impulse to grow, to reach out, to touch stars, to live freely and to let the minds loose along unexplored corridors. Young men and young women have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is one of the oldest sweetest and most bitter experiences of mankind.

Today's young people did not invent it; they do not own it. And what they seek to attain, all mankind has sought to attain throughout the ages. Shall we, therefore, approve the presumed attainment of it through heroin, speed, LSD and other drugs? And shall we, permissively, let them poison themselves simply because, as in most other respects, we feel vaguely guilty because we brought them into this world?

Again, it is not police raids and tougher laws that we need; it is merely strength—the strength to explain, in our potty, middle-aged way, that what they seek, we sought; that it is somewhere, but not here and sure as hell not in drugs; that, in the meanwhile, they will cease and desist the poison game. And this we must explain early and hard—and then police it ourselves.

WE ARE NOT BLIND

Society, "The Establishment," is not a foreign thing we seek to impose on the young. We know it is far from perfect. We did not make it; we have only sought to change it. The fact that we have only been minimally successful is the story of all generations—as it will be the story of the generation coming up.

Yet we have worked a number of wonders. We have changed it. We are deeply concerned about our failures; we have not solved the racial problem but we have faced it; we are terribly worried about the degradation of our environment, about injustices, inequities, the military-industrial complex and bureaucracy. But we have attacked these things.

We have, all our lives, taken arms against our sea of troubles—and fought effectively. But we also have fought with a rational knowledge of the strength of our adversary and, above all, knowing that the war is one of attrition in which the "unconditional surrender" of forces of evil is not about to occur. We win, if we win at all, slowly, and painfully. That is the kind of war society has always fought—because man is what he is.

Knowing this, why do we listen subserviently to the violent tacticians of the new generation? Either they have total victory by Wednesday next or burn down our carefully built barricades in adolescent pique; either they win now or flee off to a commune and quit; either they solve all problems this week or join a wrecking crew of paranoids.

Youth has always been characterized by impatient idealism. If it were not, there would be no change. But impatient idealism does not extend to guns, fire bombs, riots, vicious arrogance and instant gratification. That is not idealism; it is childish tyranny. The worst of it is that we (professors and faculties in particular), in a paroxysm of self-abnegation and apology, go along, abdicate, apologize as if we had personally created the ills of the world—and thus lend ourselves to chaos. We are the led, not the leaders. And we are fools.

As a professor, I meet the activists and revolutionaries every day. They are inexcusably ignorant. If you want to make a revolution, do you not study the ways to do it? Of course not! Che Guevara becomes their hero. He failed; he died in the jungles of Bolivia with an army of six. His every move was a miscalculation and a mistake. Mao Tse-tung and Ho Chi Minh led revolutions based on a peasantry and an overwhelmingly ancient rural economy. And yet they are the pattern makers for the SDS and the student militants in our modern, technological society.

I have yet to talk to an "activist" who has read Crane Brinton's "The Anatomy of Revolution," or who is familiar with the works of Jefferson, Washington, Paine, Adams or even Marx or Engels. And I have yet to talk to a student militant who has read about racism elsewhere or who understands, even primitively, the long and wondrous struggle of the NAACP and the genius of Dr. Martin Luther King Jr., whose name they invariably take in vain.

An old and scarred member of the wars of organized labor in the United States in the 1930s recently remarked to me: "These 'radicals' couldn't organize well enough to produce a sensible platform, let alone revolt their way out of a paper bag." But they can, because we let them destroy our universities, make our parks untenable, make a shambles of our streets and insult our flag.

I assert that we are in trouble with this younger generation not because we have failed our country, not because of affluence or stupidity, not because we are antediluvian, not because we are middle-class materialists—but simply because we have failed to keep that generation in place and we have failed to put them back there when they got out of it. We have the power; we do not have the will. We have the right, we have not exercised it.

REAPPRAISAL NEEDED

To the extent that we now rely on the police, Mace, the National Guard, tear gas, steel fences and a wringing of hands, we will fail.

What we need is a reappraisal of our own middle-class selves: our worth and our hard-won progress. We need to use disdain, not Mace; we need to assess a weapon we came by the hard way, by travail and labor firm authority as parents, teachers, businessmen, workers and politicians.

The best place to start is at home. But the most practical and effective place right now is our campuses. This does not mean a flood of angry edicts, a sudden clampdown, a "new" policy. It simply means that faculties should stop playing chicken, the demonstrators should be met not with police but with expulsions. The power to expel (strangely unused) has been the legitimate recourse of universities since 1209.

A university cannot function without rules for conduct. It cannot, as society cannot, legislate morals. It is dealing with young men and women, 18 to 22. But it can and must promulgate rules. It cannot function without order—and therefore, who disrupts order must leave. It cannot permit students to determine when, what and where they shall be taught; it cannot permit the occupation of its premises, in violations both of the law and its regulation, by "militants."

There is room within the university complex for basic student participation but there is no room for slobs, disruption and violence. The first obligation of the administration is to lay down the rules early, clearly and positively and to attach to this statement the penalty for violation. It is profoundly simple—and the failure to state it, in advance, is the salient failure of university adminstrators in this age.

This is neither new nor revolutionary. Expulsion is merely the reassertion of an old, accepted and necessary right of the administration of any institution. The failure of university administrators to use it is one of the mysteries of our permissive age—and the blame must fall largely on faculties because they have consistently pressured administrators not to act.

Suppose the students refuse to recognize expulsions; suppose they march, riot, strike? The police? No. The matter by prearrangement, publicly stated, should then pass to the courts. If buildings are occupied, the court enjoins the participating students. It has the lawful power to declare them in contempt. If violence ensues, it is in violation of the court's order.

Too simple? Not at all. Merely an old process which we seem to have forgotten. It is too direct for those who seek to employ Freudian analysis, too positive for "academic senates" who long for philosophical debate and too prosaic for those who seek orgiastic self-condemnation.

This is a country full of decent, worried people like myself. It is also a country full of people fed up with nonsense. We need, those of us over 30, tax-ridden, harried, confused, weary and beat-up, to reassert our hard-won prerogatives. It is our country, too. We have fought for it, bled for it, dreamed for it and we love it. It is time to reclaim it.

THE PROBLEMS OF THE PRIVATE FOUNDATIONS

Mr. HARRIS. Mr. President, a short time ago the distinguished junior Senator from California (Mr. CRANSTON) spoke before the Council on Foundations. At that time, he very lucidly described many of the problems which presently confront America's private foundations.

The contributions of private foundations to the enhancement of America's and the world's health, welfare, and peace are immense. And as the Senator from California correctly perceives, it is in the best interest of both the American people and the private foundation that steps be taken to insure the continued viability and effectiveness of an institution which has in the past and which will certainly in the future add much to the progress without which our Nation cannot continue to grow and prosper.

Mr. President, I ask unanimous consent that the text of Senator CRANSTON's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ALAN CRANSTON

Just a few years ago, our children and grandchildren were miraculously freed from the terrible scourge of polio that has wracked and worried our own generation and centuries of generations before us.

Remember how relieved and thankful we parents and grandparents felt at the time?

Remember, too, how there were signs of relief among our children, who felt that one of the many, many threats to their sense of security had vanished?

And remember how we felt especially grateful to the young genius who developed the vaccine that had made the miracle possible?

But while we were thankful to Dr. Jonas Salk, he, in turn, was giving much of the credit for his success to philanthropy. Dr. Salk told me—and he told the Senate Finance Committee last year that he was able to succeed only because of "the American system of private philanthropy." He said the foundation grants he received enabled him to work in ways "that would not have been possible" if private philanthropy did not exist and he either had to do without or depend solely on government tax money.

Actually, he went even further. He said that, in many ways, government was more of a hindrance than a help to him when he was engaged in the work that led to his great discovery.

Now Dr. Salk is engaged in new research in Californa that may lead to the conquest of cancer. This work, too, is being made possible only by philanthropy, through our American system of foundations.

You and I know the many great accomplishments of foundations—but there would be no purpose served by my reciting that record, and congratulating you for it tonight. I would like to take this opportunity to be more constructive.

I believe as you do that private foundations as private enterprises should not be unduly restricted. Foundations form an essential part of the private sector in a free society. Their growth and creativity should be encouraged by the government, not thwarted.

I want to share with you some thoughts concerning some of the problems foundations now face, and some of the criticism from the Congress and the public which foundations must overcome if they are to continue to play their unique and constructive role in American life. My observations are based in large measure upon what I saw and heard during my participation in the struggle on Capitol Hill over last year's Tax Reform Act. They are, I might add, the observations of a legislator who is a sympathetic supporter of foundations, but who is gravely concerned that foundations seem to be unaware of the degree to which they have become detached from and out of touch with the public which provides them—through law—their unique status, and which benefits so largely from their activities.

Much of the criticism directed towards foundations is being leveled now, as in the past, by those to whom the whole concept of private foundations is anathema.

Their views are so fixed, so steeped in self-righteous denunciation, and so familiar to all of you that I won't go into them here. Since their conversion to the cause of foundations is unlikely it suffices to note in passing that they exist, that they are powerful, and that they are actively seeking—and presently winning—new allies.

The battle in Washington—and in the country—is far from over. A few days ago, Congressman Wright Patman introduced a bill entitled the "Emergency Home Finance Act of 1970." This bill would require foundations to use 2½ per cent of their assets to buy bonds from a proposed "National Development Bank." Predictably there will be other bills coming in the days ahead that will be of concern to foundations.

But there are new voices in the chorus of foundation criticism—voices which foundations should not ignore.

Responsible and respected citizens are genuinely concerned by the failure of foundations to regulate themselves adequately. As you well know, a handful of foundation founders and executives have taken advantage of their privileges to make a quick buck. And there are unfortunately an equally small number of foundations which have been established as tax dodges, or to proselytize fanatic causes.

There have been a number of reasons advanced—by some foundations—seeking to explain why foundations cannot effectively regulate themselves:

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Because of their diversity in size and function;

Because of the dichotomy between foundations which function in only one area and those which serve in another;

And finally because it is not good manners for one foundation to criticize another.

These arguments are not really helpful to the cause of foundations. They are not convincing to the American public, and they are not convincing on Capitol Hill.

The indiscretions of a few foundations threaten the whole foundation community and their vitally important work in our country.

These are not breaches of etiquette in some exclusive club. They are, at worst, examples of white collar criminality, and, at least, flagrant breaches of public trust.

No gentlemen's code of *omerta* can long be tolerated in a democratic society. Gentlemen who forget this imperil the institutions they seek to strengthen and defend.

The susceptibility of the new tax laws and regulations to onerous application has already been proven.

I'm told—frankly, I don't know the precise facts—that the Internal Revenue Service recently attempted to impose on a newly created legal foundation the condition that the foundation had to obtain I.R.S. approval of any lawsuits before they were filed. If this is indeed true, this constitutes an intolerable invasion of the lawyer-client relationship, and is not consistent with the canons of judicial ethics.

The intimate connection between the work of foundations and the work of government makes extensive government regulation of foundation activities undesirable. Such regulation is too susceptible to political influences. But if foundations are to be free of increasingly extensive government regulation, they will have to devise policies and procedures to regulate their own activities. I hope you will seriously consider what steps you can take collectively to set standards and procedures of your own to single out foundations which are irresponsible.

Whether the framework now exists for self-regulation, or whether the foundations will have to begin from scratch is something you know better than I. There is much, surely, that existing organizations can do. The Council on Foundations might consider developing a code of ethics to which foundations could voluntarily subscribe. The Foundation Center could, in the words of one official, "make its studies and publications more pointedly critical of certain foundation practices."

Perhaps what's in order is the creation of entirely new organizations, along the lines of the "Advisory Board on Philanthropic Policy" recommended in the Peterson Commission Report.

In short, the foundations must not give up on self-regulation as one means of winning back that part of the public that's been lost. You, more than any others, realize how high the stakes are. If standards cannot be developed by the foundation community they will almost certainly be developed and enacted into law by future Congresses. And Congressman Patman has shown us what kind of regulations those will be.

If foundations rise to the challenge of self-regulation, then we who are sympathetic to the work of foundations may be able to revise the tax laws to eliminate some of the more onerous restrictions recently imposed.

I believe that one of the most useful functions that foundations could perform is to supply Congress with information in fields of their special expertise. Organizations like the American Academy for the Advancement of Science, the Ecological Society of America, the American Academy for Political and Social Sciences, and many other scientific, academic or professional organizations are composed of some of the most knowledgeable persons in our society. Such foundations should be allowed and encouraged to participate in the legislative process—not barred from doing so. Information and opinions from these foundations would be of great assistance in formulating legislation and policy at all levels of government. But now, foundations which engage in such informational activity forfeit their right to receive tax deductible contributions. It is incongruous that the tax laws allow private businesses to deduct the expense of lobbying on behalf of a program like the supersonic aircraft from their taxes, but deny a foundation the right to use tax-deductible contributions for such purposes.

There's another problem I want to discuss with you.

There's mounting evidence, I think, that the foundation community has lost adequate contact with the public it serves.

Jack Tuthill, our former ambassador to Brazil, noted once that when a group grows to more than 500 individuals it begins to believe it has no need to communicate with outsiders. Foundations may be a case in point, for they have failed to make their activities and their contributions to the public welfare clear to the public.

Many foundations published no annual reports at all in the past. And those which were published were so turgid, statistical, and complacent that they would turn off the average non-foundation reader within moments. The desire for anonymity on the part of so many foundation leaders also serves to separate foundations farther from the public than is wise. We are not far removed from the time when a foundation executive explained that members of his foundation would not meet with members of the press because this would be "inconsistent with our announced desire of remaining anonymous."

In short, foundations have done a bad job of letting the public know what they are doing, and how well they are doing it. There are in this country three great institutions of accountability—the press, the Congress, and the public. The foundations have been lax in their responsibilities to all three.

The foundations must make a real effort to keep the working press informed of their activities. If the press isn't informed so it can keep the people informed, then the people are going to be inclined to believe that foundations are doing nothing.

Foundations are just as much to blame for their relations with Congress. From my vantage point on Capitol Hill, one of the shocking things about last year's Congressional hearings was the disarray of the foundations in the early stages of the struggle when it came to organizing support and presenting testimony.

You have to supply Congressmen with the right information, and acquaint them with the problems you face, if you want Congress to act in your best interest. It seems to me the foundations must live with that fact, and design their relationship with Congress accordingly.

But, of course, the ultimate form of accountability involves the public, and nowhere have the foundations been as glaringly deficient. The precise statistics on annual reports reveal that before last year's Tax Reform Act less than 200 of our 22,000 foundations published them on a regular basis. Now all foundations will be required by law to publish them. They could be powerful tools for bringing the foundations accomplishments to the people, and real efforts should be made to circulate them widely to the communities and groups each foundation serves. If these groups, rather than the immediate foundation community, become the audience, I am sure the annual reports will become more readable, more informative, and above all more topical. And, obviously, there are many other ways of communicating that are more effective than annual reports.

Last year's legislation was by no means the end of the legislative process.

It could be just the beginning of a process which will hem in foundations and restrict their activities. The ball is in your court; I urge you to become much more aggressive in bringing your case to the public.

But improved communications imply more than improved public relations effort. You need, I think, to broaden your base, not in terms of the people you seek to aid with your programs, but in terms of those involved in your own internal processes. As Alan Pifer recently noted, you are drawn too much "from the same social class, the same age group, the same professions, the same educational background, the same race and the same sex."

You are not representative enough of the society which permits your institutions to exist, and I'm convinced that many members of the public resent this. Many foundations are making efforts to broaden the memberships of their boards and their personnel.

I urge you to intensify these efforts. You would all be well advised to seek out man and women with different backgrounds, different life patterns, different professional experiences to serve with you as foundation trustees and executives.

Such new blood might enable foundations to avoid some of the mistakes they have made in recent years.

I recognize that foundations, like other institutions, generate controversy because in troubled times like these all our institutions and all our assumptions are being challenged. Foundations cannot be neutral in today's highly charged atmosphere. Our country is in crisis. It is engaging, perhaps, in what will be looked back upon as a second reconstruction.

Some sectors of public opinion react negatively to foundation experiments in ghetto education, others will oppose efforts in public housing, and for peace, and countless other causes.

I would urge you not to shy away from new activities merely because they generate this sort of controversy.

So many areas of need cry out for your attention—Mexican-Americans in the Southwest, Indians—lost in the big city and isolated on the reservations, and so many other Americans and so many other causes.

It would be a great mistake to interpret those provisions of the Tax Reform Bill which relate to foundations as a warning to foundations to shy away from working on the tough social issues troubling our society.

The conference report on the bill states that it was not intended to prevent foundations from commenting upon policy problems and broad social issues. And the language of the statute itself clearly allows foundations to make available the results of non-partisan research and analysis of such issues. I am sure the treasury will take all this legislative history into account when outlining new guidelines for you.

Good judgment and common sense should be ever present, however, when considering how foundations should become involved. I suspect your best contributions are in research and in innovative new programs which test new theories and expand our knowledge. As Representative Hugh L. Carey of New York stated during the tax reform hearings before the House Ways and Means Committee in February, 1969:

"It is . . . the role of private philanthropy to lead where government agencies might rightly fear to tread; to assist those individual and community experiments whose potential is not determinable short of actual experience; to try five schemes where only one may succeed; and thus to give to the Congress and the Administration a surer sense of what can work and what may not, of where the limited funds we appropriate may best be spent."

But foundations will be gravely damaged if ill-advised programs are instituted which create the impression that any of them are merely talent banks or halfway houses for an intellectual praetorian guard of either political party. America has succeeded as a society because we have with notable exceptions encouraged diversity and flexibility in our economic, political, and social life. We have had, up to now, a mutual respect and a tolerance for the opinions and the convictions of others.

The idea of private foundations and the role of foundations in American life illustrate this tolerance for diversity, and a willingness to create institutions which foster that diversity. We are immensely richer as a people because of our foundations.

Yet we live in dangerous and trying times. We are, as a people, looking inward upon our spiritual and moral values to determine what we are, what we want to be, and how we can turn the frustrations of today into the promises of tomorrow. Quite recently we have begun to grope towards institutional reforms intended to return the power of government more closely to the people directly affected by the actions of government. We realize more acutely than ever before that what seems the one right move to a bureaucrat in Washington might be considered wrong for three different reasons by people in California or Georgia or Utah who stand to lose a friendly stream or valley or neighborhood if they are not effectively consulted and involved in the decision making process.

We have, in short, concluded that we need more diversity in government decision making.

It would be tragic if at the historical moment when governmental reforms are being instituted, the private foundations, which have provided so much diversity and experimentation, proved unable to open up their procedures and processes to the people of our land who can contribute to their further richness and capacity.

I am confident that you can meet this challenge—and the others you face.

I urge you to get on with it—while you still have the opportunity.

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ACADEMIC COMMUNITY SUPPORTS THE PRESIDENT

Mr. ALLOTT. Mr. President, in the course of our current debate the constant flow of outstanding letters and memoranda from members of the academic community has continued. And I continue to profit by exposure to the reflective judgments they contain.

I repeat, this flow of communications should put to rest the fallacious notion that the academic community is united in opposition to the President's position regarding the necessary and proper and constitutional powers of the President when acting as Commander in Chief. This should be heartening to all Americans, regardless of political persuasion. After all, what would be more alarming than to discover that all our colleages and universities were in the grip of a monolithic orthodoxy covering all important questions of public policy?

Fortunately, as the great outpouring of academic support for the President indicates, there is a rich diversity of views within the academic community. That is as it should be.

It is fortunate that I have been able to share with all Senators the reflective letters and memorandums. Today I want to share some more. Today I want to survey some more letters that have come to me from men in academic life.

Prof. Charles S. Hyneman of the department of political science at the University of Indiana writes as follows:

> Whether we should or should not have a continuing military involvement in Indochina is no longer a debatable question. Surely virtually every American citizen wants an early withdrawal. The questions are: On what terms shall we withdraw, and what interests shall we sacrifice in order to speed the withdrawal? On this, for me, the prime question is: Am I willing for some time ahead to trust the judgments of the President? I am. I expect his judgments to be challenged by Congressmen, informed publics, and persons with high emotional involvements; and I expect him to take those challenges into account. I have no doubt that he does this. Therefore I give him my support. His decisions about combat in Viet Nam, about a lateral movement into Cambodia, about the terms and pace of negotiation in Paris—all have my support.

Prof. Jeffrey Hart of Dartmouth College writes to endorse the President's position in these words:

> I hope you will be successful in your efforts to prevent the Senate from passing any of the several measures designed to restrict the President's options in Southeast Asia.
>
> The tactical situation there requires that he possess maximum flexibility of maneuver. The sudden panic of some segments of our population over the Cambodian thrust should not be permitted to affect considered military and diplomatic moves. The whole spirit of our constitutional structure militates against government by popular enthusiasm, or even by temporary majorities.

Prof. John P. East of the department of political science at East Carolina University is anxious to make clear that the President has considerable support within the academic community. He says this:

> As a member of the academic community, I would like to inform you and any other members of the United States Senate who share our common concern for the state of affairs in southeast Asia, that I stand squarely behind the President on his current policy, and I feel the current sweep through Cambodia is fully warranted. Furthermore, I feel it would be a serious mistake for the United States Senate to pass any resolution at this time that would restrict the President's options. In particular, I feel the Senate should reject the Cooper-Church resolution or any modified form of it. To pass such resolutions is certain to give encouragement to the Communist forces in southeast Asia, and, consequently, will actually prolong the war rather than shorten it. In brief, such resolutions would be counter-productive.
>
> One further point. Members of the United States Senate ought not to be misled into believing that the academic community, faculty and student, is united in its opposition to the President's policy. That is not true. Many students and faculty do support the President, and they deeply regret that the national news media are not as charitable in presenting their point of view as they are in presenting that of the opposition.

Prof. Francis G. Wilson is also very concerned lest people in public life get a distorted view of the diversity of opinions in the academic community. Professor Wilson, who is a member of the political science department at C. W. Post College at Long Island University, and who is professor emeritus of the University of Illinois, writes these words:

> I am writing this letter to urge you to support the authority and the policy of President Nixon. In this area faculty groups are dominated by liberals and thus they can pass resolutions against the war in Vietnam. Such a resolution was recently passed and sent to the President, but it can hardly be called a proper expression of faculty opinion. It is, as is so often the case, the expression of the ideas of a dominant liberal oligarchy. Certainly, there is no way of saying that such a resolution expresses the opinion of the faculty of Long Island University (C. W. Post Center).
>
> I believe that as more and more people become activated in support of the President and the honor of the United States, it will become apparent that the war protesters do not represent the larger and deeper sentiment of the American people. Slowly but surely it will also be shown that well-organized revolutionary groups are manipulating the unsophisticated idealism of many young people. On the other hand, if such young people let themselves be used by agitators who stay in the background all kinds of incidents will occur in the protection of the rights of Americans, including even the unhappy loss of life of so-called students. I am not even sure to what extent we should provide educational opportunities for those who destroy such opportunities by violence.

Prudent forbearance is the theme of the advice offered by Prof. George Carey. Professor Carey is a distinguished student of constitutional law. He is a member of the political science department at Georgetown University. He urges Congress to avoid tampering with settled constitutional practices. These are Professor Carey's words:

> As a political scientist who has considerable knowledge of the American Constitution and our tradition, I urge you at this time to vote against any measure that would infringe upon the President's commander in chief powers. I urge the same on the part of your colleagues, both Republican and Democrat.
>
> I grant that the Congress does undeniably possess the constitutional authority to restrict presidential powers and discretion through its powers of appropriation. I grant, also, that there is a compelling need to explore in some depth the entire question of presidential-congressional relations, a matter which you have in the past brought to public attention. However, present circumstances are clearly such that this perennial problem cannot be handled within the confines of our constitutional morality which clearly calls for delay, deliberation, and sober thought apart from the partisan issues of the moment. Put another way, it would be most unfortunate if the Senate were to set a precedent that future generations would live to regret.
>
> I well understand that most arguments will take place on the constitutional grounds I have indicated. I fear that some of these arguments will not take into account the constitutional morality given to us by *The Federalist*—each branch of government should show a forbearance lest the whole structure come tumbling to the ground.

Two members of the political science department at St. John's University in New York have written to me to express their grave concern about the attempts to tamper with the traditional role of the President acting as Commander in Chief. Prof. Raymond L. Carol, chairman of the political science department, is disturbed by what he considers a massive reversal of position on the part of some public figures. Professor Carol says this:

> As a Professor of Political Science I must express my support of you against the people inside and outside of the Senate who never before have denounced the prerogatives of the President. Indeed, in years past as the records will show, they supported Presidential power when it was leading the country in a direction which they wanted it to take.

Prof. Gerald E. Fitzgerald, also of the St. John's University Department of Political Science, doubts the soundness of the sudden spate of questioning of the President's traditional powers as Commander in Chief. Professor Fitzgerald is convinced that two articles of the U.S. Constitution, as well as a doctrine of International law, all support the propriety, constitutional and otherwise, of the President's sensible decision to clean out the sanctuaries along the Cambodia-South Vietnam border. This is how professor Fitzgerald puts his case:

> Article II, Section 2, of the Constitution provides that the "President shall be Commander in Chief of the Army and Navy of the United States. . . ." The use of the Armed Forces by the President without a formal declaration of war has occurred in the past in a number of instances. President Polk sent forces into Mexican Territory, President Wilson authorized a punitive expedition into Mexico, The Barbary states were the subject of American military attack when pirates preyed upon American shipping, and President Truman ordered the American forces into Korea to resist Communist aggression. Other instances of the use of the armed forces by the commander in chief, without congressional action can be cited, including President Theodore Roosevelt's order to the fleet to sail halfway around the world, even though Congress failed to authorize the funds for this purpose. President Franklin D. Roosevelt's action in ordering the U.S. Navy to patrol the North Atlantic and to sink U-boats is also relevant. The latter's occupation of Greenland, prior to a declaration of war may also be cited.
>
> Article VI, the "supremacy article", declares the Constitution and treaties to be the supreme law of the land. Any action by the President, in fulfilling treaty obligations of the United States, would appear to be legitimate use of this article.
>
> It occurs to me that the doctrine of hot pursuit would also have application in the international sphere to the action of the President in pursuing enemy troops into Cambodia.

Mr. President, I am particularly interested in Professor Fitzgerald's comment about the doctrine of "hot pursuit." In this regard, I have come upon a most interesting argument. It is contained in a classic volume on law, "A Treatise on the Law of War," by Cornelius van Bynkershoek.

Bynkershoek was a great Dutch lawyer of the 18th century.

The Treatise is the first book of Bynkershoek's Questiones Juris Publici. The first edition of this classic was published in 1759, and the first English language translation of it was rendered in 1810 by Peter Stephen Du Ponceau, chancellor at law of the Supreme Court of the United States.

The question of "hot pursuit" is hardly a new question in law and practical politics. And one need not puzzle long to imagine how this problem concerned many nations—and not least of all the United States—in 1810. The doctrine of "hot pursuit" was useful in enabling nations to defend their shipping from marauding pirates and other seaborne forces.

Such illegal forces could wage a kind of nautical guerrilla warfare. They could make a swift foray out from a neutral port and then quickly scurry back to the sanctuary of that port. Obviously no great nation could or would long tolerate this kind of attack. No sensible nation would feel called upon to allow such injuries. No sensible nation would allow its citizens, military and otherwise, to face an enemy that could strike and run with impunity.

Mr. President, it would be nice for all Senators to have the pleasure of reading Bynkershoek's argument with regard to the point Professor Fitzgerald raises—the problem of "hot pursuit" against an enemy using sanctuaries. Therefore I ask unanimous consent for chapter eight of his "Treatise on the Law of War"—"Of Hostilities in a Neutral Port or Territory"—to be printed in the RECORD at the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, I should now like to move two centuries from the problems of 18th century pirates to the problems of 20th century extremist protest. Unfortunately, the move seems distressingly plausible at times.

I have received a most illuminating—and, in fact, entertaining—memorandum from Prof. Walter Darnell Jacobs of the department of government and politics at the University of Maryland.

As I am sure we all remember, the University of Maryland was one of the campuses hit hardest by what we euphemistically call "dissent" about the President's decision to move against the Cambodian sanctuaries. Professor Jacobs has seen the campus "dissent" up close, and he has no illusions about it. I particularly enjoyed reading the paragraphs with which he began the memorandum he prepared for me. These are the paragraphs:

> Fascist Cambodian lackey!
>
> This was one of the venomous epithets hurled by student rioters at a state trooper during the May Day "confrontation" at the University of Maryland. The trooper was so confused by the angry invective which came his way that he asked his antagonist, "What's a lackey—and what's a Cambodian?" He might also have asked what a fascist was but his bearded accuser had moved on, perhaps to accuse another trooper of being a hireling and running dog of the imperialist war machine.
>
> About three weeks later, on May 22, the aging sex symbol, Jane Fonda, addressed a rally of students (described by her as "lethargic") and others on the College Park campus. According to the *Washington Post,* Miss Fonda pleaded, "Please, all of you, don't let the kind of momentum that is building up all over this country on campuses die out." The *Post* report went on to say, "Even if President Nixon brings the troops back from Cambodia next month, or even if he ended the American effort in Vietnam, the problem's still not over," she added.

Professor Jacobs frankly admits that it is virtually impossible to engage in rational discourse with many of the most rabid radicals currently enjoying the status of "dissenters" on campuses. But Professor Jacobs does feel it is still imperative and easy to defend the President's position against the current attacks. He says this:

> The specific charges can be answered. For example, in sending troops into Cambodia the President moved to save American lives and to speed the day when American troops could be deployed home. His action was taken against command and supply centers which had long been prepared and operated not only by "guerrillas" but also by North Vietnamese regulars. These "guerrillas" and regulars have been supplied both by the Chinese and the Soviets. Neither Moscow nor Peking has concealed its aid to the Viet Cong and the North Vietnamese regulars. Moscow and Peking have openly and continuously boasted about this aid. The new revolutionaries, who are so abscercant and omniscient about American or South Vietnamese action and intentions, are completely struthious about the actions of Hanoi, Peking, and Moscow.
>
> President Nixon has operated in Indochina under rules of engagement inherited from his predecessors. These rules prohibited attacks on North Vietnamese targets and severely limited engagement of other targets. The President's observance of these crippling restrictions has gained him no credit with the new revolutionaries. Instead, when he makes an alteration in order to protect American lives and in order to hasten US withdrawal from the peninsula, the new revolutionaries—after first closing their ears to the President's arguments and to his logically constructed case—rush into the street, burn buildings, stone officers, and demand to be heard. The new revolutionaries demand that force and violence be declared to be greater wisdom and more deserving of a hearing than the reasoned arguments of the President.
>
> When the American-Vietnamese action against the Cambodian sanctuaries of the Viet Cong and North Vietnamese regulars began to succeed, the new revolutionaries ignored the successes and raised the question of the constitutional right of the Commander in Chief to order the troops into the Cambodian nation. This legalism was never raised when North Vietnam freely violated the borders of Laos and Cambodia. It was raised only when U.S. and ARVN troops demonstrated that the sanctuaries in Cambodia were just what the President had said they were—a vast network of command posts and supply points which represented an immediate threat to the security of US troops in Vietnam. After it was clear that the thrust into the Cambodian sanctuaries had found and destroyed numerous 122mm rockets (of Soviet manufacture), 107mm rockets (Chinese), B-40 and B-41 rockets, 7.62mm carbines, and much, much more equipment and armament, some of the new revolutionaries in the United States found it appropriate to challenge the constitutionality of the President's action and to threaten to cut off funds for military operations in Indochina.
>
> The President, of course, has the constitutional right—indeed, obligation—to safeguard American lives. The new revolutionaries ignore this or attempt to submerge it in a rhetorical avalanche.
>
> The constitutional position of the President can, of course, be argued on more specific grounds. There is really little need to do so, however, because the arguments would not be heard by the new revolutionaries who have their anti-Nixon filters entirely operational while they seem to be unable to handle their much advertised two-way receivers.
>
> The specific charges of the new revolutionaries against the Cambodian action can be answered—or can at least be argued amidst rational persons. The point is, however, that the answer will not be heard, will not be considered, and is not desired.

Professor Jacobs thinks it is time for the movement against the President to put its own house in order. He recognizes that honorable men of good will can and do disagree with the President's position concerning the powers of the Commander in Chief, and concerning the best way to achieve an honorable disengagement in South Vietnam.

Further, Professor Jacobs realizes that the contingent of rancid revolutionaries is only a part of the group that is critical of the President. But Professor Jacobs does feel that it is the duty of all honorable men of good will to associate only with other honorable men of good will. Professor Jacobs has had ample opportunity to examine the utterings of these rancid revolutionaries and this is what he says:

> The new revolutionaries . . . do not respect the system, they ridicule its institutions, they attempt to deny its members the right to speak, and they do not engage in debate or exchange of opinions. The new revolutionaries are determined to destroy the system.
>
> The President, who is devoted to preserving the system and to responding to complaints, is stigmatized while, in some circles, the new revolutionaries are defended and are put forth as persons who should be listened to.
>
> Most Americans, including most persons on the faculties and in the student bodies of our universities, suggest that it is time for the critics of the President to examine the nature of his opposition within the new revolutionary movement.

Mr. President, it is heartening to hear from men such as Professor Jacobs. Such men demonstrate the continuing vigor of the President's support within the academic community. This support is not confined to any region.

From Prof. James L. Busey, chairman of the department of political science at the Cragmor Division of the University of Colorado in Colorado Springs came this expression of support for the President:

> I confess it can be argued, possibly with success, that the President might theoretically use his constitutional powers as Commander in Chief in such manner as to conflict with and disrupt the exercise of other constitutional powers. For example, he might order the troops to close down the Congress, which in my judgment would be clearly unconstitutional, since the Constitution provides for the establishment and functioning of a Congress. Some might even contend that in some instances a massive new deployment of U.S. troops abroad, which would threaten the constitutional order of the United States, might be in this unconstitutional category.
>
> But the situation under which the President is commanding troops in southeast Asia is of an entirely different order. The fact is that when he came into office, some 500,000 American troops were already deployed in Vietnam. The fact is that the President is their Commander in Chief, and that it is his duty to command them in such manner as he deems most appropriate for the ending of this Southeast Asian involvement as expeditiously and successfully as possible. If he considers that an elimination of Communist materiel depots and command posts in Cambodia is essential to the accomplishment of that task, then it is the President, and the President alone, who has the constitutional duty and the responsibility to give the commands which will accomplish that end. Once finding ourselves in our present military situation, the President would be derelict as Commander in Chief of the Army and Navy, and as defender of the Constitution of the United States (Art. II, Sec. 1, Cl. 8), if he did not issue the commands which would get us out of it with as little harm as possible to our troops abroad and our citizens at home.

In his letter to me, Professor Busey gives a careful and detailed consideration of the difficulties facing the President as he tries to achieve an honorable solution to the war he inherited. After surveying the difficulties, Professor Busey says this:

> All the above leads me to my conclusion: That if the President believes, on the basis of expert advice available to him, that a cleaning out of Communist sanctuaries in Vietnam will facilitate our safer departure as well as the more effective Vietnamization of the war, and if he is persuaded that this massive U.S. effort in Cambodia can be ended by July, then I am convinced that every support should be given him in the accomplishment of this objective. Under these circumstances, to deny him that support is to play into the hands of the enemy—in the words of Churchill, to grasp defeat from the jaws of victory, at least in the sense of accomplishment of our immediate objectives of an orderly departure from southeast Asia.
>
> What some people seem to want is a disorderly departure from southeast Asia—a hysterical flight to the boats, so to speak, without effective defense of those troops who cannot scramble aboard in the first rush, and without assurance that even South Vietnam can be saved from Communist-bloc aggression. It seems to me that our present action in Cambodia, which is designed to wipe out the enemy's capability for effective military effort during the next several months, is the essential *sine qua non* if our departure is to be hastened, South Vietnam is to be put into a viable posture of defense, and we are to be saved at home from inestimable panic and dismay.
>
> But I will not plead for any further delay in our withdrawal from southeast Asia. If I support the President in this matter, it is because I think that such support is essential if further delay is to be avoided.

A most interesting and sobering point is made in a letter I have received from Prof. James M. Buchanan, director of the Center for Study of Public Choice at Virginia Polytechnic Institute. Professor Buchanan thinks that restrictions on Presidential flexibility cannot be confined to Presidential actions in a particular region. This is what Professor Buchanan says:

> The United States should not, and I think will not, allow Israel to be destroyed. Yet explicit restrictions on presidential flexibility of action in the Far East would surely be interpreted by the Soviet Union as a general unwillingness of the United States to intervene *anywhere* on behalf of friendly nations. To tie the president's hands in the Far East amounts to an open invitation for Soviet domination of the Middle East, with all of its consequences.

Another interesting expression of support for the President comes from Prof. Robert J. Markle, acting chairman of the department of political science at the College of New Rochelle. Professor Markle is a specialist in urban affairs. He is interested in but—not convinced by—the arguments that suggest we should curb the President in order to end the war, all in order to get on with solving the problems of the cities. He thinks this argument is misguided in suggesting that a constitutional crisis over Presidential power can be useful in helping the cities. Nor does he think we can achieve domestic tranquillity by means of an unprecedented challenge to the powers of the Commander in Chief. Professor Markle says this:

> It seems to me that tranquillity can best be promoted by agreement between President and Congress on a withdrawal policy. Battle with the President by the Senate will add to the inflamed national atmosphere, particularly on the college campus (where unfortunate people like myself are often caught in the middle—physically as well as intellectually). As I've tried to indicate, the great urban problems we face need long term solutions, and to use them as a stick to beat the President out of Cambodia is (forgive me) to display terrible ignorance of their complexities.

Professor Markle thinks the veracity of the President is being impugned by the current moves to curb traditional Presidential latitude. He says this:

> It seems a fair assumption that the President intends to carry out a staged withdrawal of American troops from South Vietnam. This is supported not only by public statements but through troop withdrawals already carried out. It seems clear that American activities, directly or indirectly, in both Laos and Cambodia, are meant to meet incursions into those adjacent areas by the enemy war machine. American forces, and our allies, are battling in South Vietnam. It is the open use of combat troops in Cambodia, of course, which has signaled the recent domestic tempest here.
>
> But if that involvement were meant to be the beginning of a wider war of conquest then it is inconsistent that the President should have reduced troop levels and announced his intention to continue doing so.
>
> If the Senate votes to place a definite time limit on withdrawals from Cambodia, and even Vietnam, then it is doing something more serious than simply calling Mr. Nixon a liar; it is also branding the President and the military as incompetent, given the withdrawals and their impact on our future power, as well as undermining the institution of the Presidency in a time of crisis.

Professor Markle concludes with this warning:

> It may be that imposing deadlines on the President will punish Richard Nixon, and will have minimal impact on the United States domestically and in foreign affairs. But, if we are frank with each other in terms of your practical understanding of politics and my theoretical work, I think it is clear that such action will have an impact. I fear that in punishing Richard Nixon the Senate will harm the United States.

Mr. President, it is important that we understand how much harm the Nation would have suffered at various points in its history had the Commander in Chief not enjoyed the latitude guaranteed for him by the Founding Fathers. In this regard I have received an interesting letter from Mr. Kermit Staggers II, who is currently completing his doctoral work in history at the University of Idaho. Mr. Staggers calls attention to the historical dimension of the current argument. He says this:

> The Cooper-Church amendment would prevent the President from using U.S. forces in Cambodia in order to protect American troops. Throughout history the right to self protection has been asserted. Today it is generally recognized that Israel has the right to move into Arab countries to destroy Arab guerrilla bases which threaten Israel security. Why shouldn't U.S. troops have a right to protection?
>
> President Washington in 1794 recognized the elemental right of Americans to protec-

> tion. When General Wayne was taking defensive measures against the Indians, President Washington authorized General Wayne to destroy a British fort that was twenty miles inside of U.S. territory if he was threatened. Wayne was not threatened and the British fort was not destroyed. President Washington's instructions clearly indicate that he felt defensive measures were sometimes needed to protect U.S. citizens.
>
> In 1818 President Monroe continued the precedent established by President Washington. Monroe allowed General Jackson to take defensive measures against the ravaging Indians by permitting him to enter into Spanish Florida in "hot pursuit." Monroe stated: "When the authority of Spain ceases to exist there, the United States has a right to pursue their enemy on a principle of self defense."
>
> One-Hundred years later President Wilson also asserted the right to pursue an enemy into a foreign country on the principle of self defense. The occasion arose with the forays of Villa in the United States.
>
> Most recently the right to self protection was proclaimed by President Kennedy during the Cuban Missile Crisis of 1962. With Soviet missiles pointed at the United States, Kennedy contemplated a defensive measure of sending an air strike to Cuba to destroy the missile sites. This concern that Presidents Kennedy, Wilson, Monroe, and Washington have shown to protect U.S. citizens by defensive measures, must also be provided for our servicemen in Vietnam.

One of Mr. Staggers' closest friends has been severely wounded in the fighting in South Vietnam. Mr. Staggers has no love for war. He is anxious to see an honorable disengagement from the current conflict. But he has no illusions about this being an easy task. And his study of history, and his study of the current situation, leads him to conclude that his friend, and others like him, stand to benefit from prudent exercises of Presidential latitude. That is why he supports the President's decision to order a limited incursion into the Cambodian sanctuaries.

Mr. Staggers says this about the so-called neutrality on the part of Cambodia in which the late and unlamented sanctuaries were located:

> This blatant disregard of Cambodia's neutrality was recognized two years ago by Canada according to Canadian Foreign Minister, Mitchell Sharp. Canada who is a member of the 1954 Geneva Conference in charge of the enforcement of peace in Indochina called upon the two other members, India and Poland, to have the commission undertake investigations into the presence of North Vietnamese and Viet Cong troops in Cambodia. India and Poland, however, refused to see any need for action.
>
> With an international commission unable to maintain Cambodia's neutrality, it became imperative that the United States insure Cambodian neutrality in order to protect U.S. troops. U.S. action in Cambodia has been praised by the Cambodian government who desires that U.S. troops remain to protect Cambodia from the North Vietnamese and Viet Cong.
>
> Praise for the U.S. action has also come from the Englishman, Sir Robert Thompson. Sir Robert Thompson who was in charge of defeating the Communist guerrillas in Malaya in the early 1950s is an expert on guerrilla warfare. Three weeks ago Sir Robert stated that if the North Vietnamese had been allowed to continue in their Cambodian sancturay the whole South Vietnamese situation would have been very vulnerable. Thompson states: "It would have made withdrawal of United States troops from South Vietnam quite unlikely. As a matter of fact, it would have placed the withdrawal itself in jeopardy."

Prof. Louis A. Fanning of the history department at the State University of New York, Farmingdale, also calls upon history to make a point. He says this:

> Surely, the Roman decision to destroy Hannibal's Italian army by striking at its main supply base in Spain was a valid one. Further, in 1944, what legal French government invited the Allies to "invade" France to destroy the hated Nazi?

Prof. Joseph Dunner of the department of political science at Yeshiva University recalls some more recent history which is relevant to the question of presidential power. He says this:

> Some fifteen years ago I published a brief pleading for the defeat of the Bricker Amendment. I was in full agreement with Senator Bricker in his criticism of the Yalta Agreement signed by F.D.R. in February 1945. In fact, long before Senator Bricker took the initiative, I had denounced the Yalta Agreement as a sell-out of vital free world interests and a surrender to the forces of Communist totalitarianism for which in view of our military strength in 1945 there was no need whatsoever. But I disassociated myself from Senator Bricker's stress on states' rights in foreign policy and I was opposed to his attempt to place serious limitations on the constitutional powers of the President. Under our Constitution the President is Commander-in-Chief of the armed forces. In this capacity he is authorized to carry out the commitments of the U.S.A. under international agreements and to resort to the use of force for the protection of American lives and interests abroad. Literally as well as legally, Congress can let him down if action by Congress, particularly appropriations, is in any way involved. But to do so must result in the humiliation of the Presidential office which, in turn, is bound to cause irreparable harm to the position of the U.S.A. in international politics.

Mr. President, all the letters I have been discussing thus far today come from members of the academic community. But before I conclude I would like to share with Senators three other communications from men who are not academicians. One is from a distingushed newspaperman. The second is from a decorated Marine who is a veteran of the Vietnam conflict. The third is from a noted authority on military matters.

The newspaperman is Anthony H. Harrigan, assistant editor of the Charleston, S.C., News and Courier. Mr. Harrigan is incoming executive vice president of the Southern States Industrial Council, and is a frequent writer and lecturer on international affairs. He is the author of six books on foreign and military affairs, including "A Guide to the War in Vietnam." His writings have appeared in the Royal United Service Institution Journal, England; NATO's Fifteen Nations, the Netherlands; the Catholic World; National Review; the New Leader; Revue Militaire Generale, France; Proceedings of the U.S. Naval Institute; the New York Times; Canada Month; and many other publications. For several years he was a research associate of the Georgetown University Center of Strategic and International Studies. He is a former member of the Institute of Strategic Studies, London, and occasional lecturer at the National War College.

Mr. Harrigan has written to me as follows:

> The current efforts in the U.S. Senate to restrict the President's authority as Commander in Chief and architect of American foreign policy create a serious threat to the constitutional division of powers and, if successful, would gravely hinder future chief executives in performance of their constitutional duties.
>
> While the authors of the U.S. Constitution provided for the advice and consent of the Senate in important matters, it clearly was *not* their intention to give direction of foreign policy or control of the armed forces to the national legislature. Indeed even in that day of poor communications and slow transport, it was apparent to wise men that the executive authority required flexibility in meeting crises and in conducting foreign relations.
>
> Through the history of the United States, the presidential authority has been exercised in operations similar to the incursion into Cambodia ordered by President Nixon. President Wilson authorized numerous military operations in the Caribbean in defense of vital U.S. interests. President Hoover did likewise. President Roosevelt transferred U.S. Navy destroyers to Great Britain without a specific congressional mandate. These and innumerable similar operations were accepted by the American people, albeit with some degree of dissent, over many decades. The people, in their wisdom, realized that the leadership of the country in critical security crises could not be entrusted to any committee of the Congress or any other body of citizens.
>
> Acceptance of this fact has embraced people in both great political parties. Republicans accepted President Truman's decision to send military advisers into Greece during the Greek Civil War when communists threatened to take over that country. Democrats accepted the action of President Eisenhower in sending troops into Lebanon to prevent that crisis blowing up into a global confrontation.
>
> The need for unity on the vital principle of presidential leadership is greater than ever, for that principle is threatened as a result of the mass hysteria in the country over the Cambodian operation ordered by President Nixon.
>
> The United States could not long exist if the presidential authority were undermined by congressional action. Indeed if the Soviet Union saw that the President no longer possessed freedom of action to defend American interests, the leadership of the USSR undoubtedly would be strongly tempted to take bold action to its own advantage, possibly in the Middle East.
>
> Thus it would be appalling—from the standpoint of America's national interest and peace-keeping in the world—to tie the hands of the President by setting any cut-off date for funds necessary to support American troops in the field. As a concerned citizen and a student of foreign policy, I certainly hope that the Senate will support the President of the United States and will reject unconstitutional and unwise demands that his proper and legitimate authority be restricted. Now is the time for all thoughtful Americans to give their support to the nation's Chief Executive and Commander in Chief.

The next writer whose thoughts deserve Senate consideration is Maj. O. M. Whipple, Jr. Major Whipple has seen the grim reality of Vietnam from a vantage point different from that of those of us in Washington. He has been in the field, and has been decorated for his valor.

Major Whipple is currently at the Department of Defense Computer Institute. He has written to me the following:

> Speaking from an infantry man's point of view, the President's decision will have far reaching gains. I have believed for years

> that our efforts in RVN have been severely constrained by allowing the North Vietnamese privileged sanctuaries so close to the war zone. One of the basic principles of waging a counter guerrilla or counter revolutionary war is to deny the enemy any opportunity to rest and recover from the rigors of combat operations. You must constantly pursue the enemy, never allowing him to regain strength. For all too long a period of time this fact has been ignored. Now that we have been able to move against their sanctuaries, and have been able to capture or destroy vast quantities of enemy weapons, ammunition, foodstuffs, medical supplies, etc., we will surely see signs of decreased enemy actions. Additionally, the enemy's knowledge that we might move against these sanctuaries again, will greatly assist our planned withdrawals.
>
> Particularly significant in this regard has been the capture of thousands of communist rockets and millions of rounds of .51 caliber anti-aircraft ammunition. Without these rockets the enemy will not possess the continuing capability to periodically rocket the civilian population which has characteristically undermined our attempts at pacification. Most assuredly we have not captured all the enemy's rockets, but we have definitely reduced his inventory. The capture of the .51 caliber ammunition, while its importance has not been played down by the news media, has an extremely important impact on our offensive operations. True, the .51 caliber is not used by the enemy ground troops against our infantry, it is however, the main caliber used against our helicopters. The enemy has been very successful in shooting down helicopters, and it must be remembered that each helicopter shot down means the possible loss of three of five men being killed or wounded, and the possible loss of the helicopter itself. This has far reaching ramifications, particularly in the propaganda value to the enemy.
>
> Perhaps one other aspect of our venture into Cambodia should be mentioned; i.e., as a means to actively demonstrate support for the Lon Nol regime at a time when it needed support and to help relieve some of the tactical pressure being exerted by the NVA against the Cambodian Armed Forces. The Lon Nol regimen is struggling to maintain itself against a recognized Communist aggression which has ebbed and flowed across Cambodia for years. If our operation in the border areas can buy some time for the Cambodian Armed Forces to become more modernly equipped and trained, and if, as a result, they in turn can effectively resist the Communists and actively assist in precluding the reestablishment of sanctuaries, then we can make our ultimate withdrawal from RVN more expeditiously, and with an increased margin of safety for that portion of our forces which will remain to assist in the Vietnamization program.
>
> For the above reasons, I wholeheartedly support President Nixon's move into Cambodia. If, as I feel it will, it allows us to extradite ourselves from Vietnam more expeditiously, then he has been successful in this venture.

Mr. President, in conclusion, I want to share with the Senate some of the thoughts of George Fielding Eliot.

Mr. Eliot is one of the Nation's most respected and honored writers on military matters. He has been kind enough to send me his ideas on the current situation in Southeast Asia, and on the importance of Presidential latitude in achieving an honorable resolution of the conflict in that region. He says this:

> For nearly five years, the Cambodain government of Prince Sihanouk has allowed the North Vietnamese and Vietcong to use Cambodian territory as a secure neutral sanctuary, where they could store their weapons and supplies, from which they could launch surprise attacks against U.S. and South Vietnamese at their good pleasure, and to which they could withdraw and find perfect safety from pursuit.
>
> To call this by the name of neutrality is a bitter irony. For American political leaders to accuse President Nixon of doing violence to the sacred laws of neutrality when he determines to put an end to this state of affairs—which has already been cruelly wasteful of the lives of American servicemen—is beyond the understanding of those who wear the uniform of the United States, and, one hopes, of the great majority of American citizens.
>
> We have to keep firmly in mind the hard central fact of Hanoi's military ability to conquer South Vietnam which can only be attempted by using supposedly neutral territory in Cambodia and Laos in order to get at the power-centers of the Saigon government. If the neutrality of Cambodia and Laos had been firmly upheld by strong local governments from the very first, North Vietnam could have had no means of supporting the guerrilla insurrectional forces which Hanoi had been developing in South Vietnam for years. The military intervention of the United States by sea and air would have rung down the curtain on the whole Communist effort in a matter of months, had that effort been confined to the short frontier along the so-called Demilitarized zone bethween North and South Vietnam.
>
> With American military intervention imminent, Hanoi began hostilities by an end-run through eastern Laos and northeastern Camobdia. Their immediate aim was to move their well-trained regular army south and bring it into action in South Vietnam before the American troops level became too strong for them. They soon found that the collection of jungle paths known as the Ho Chih Minh trail through Laos and a corner of Cambodia could not supply sustained operations against the southern part of South Vietnam as well as in the northern and central parts of that country. So they worked out a deal with Prince Sihanouk's Cambodian government to use the Cambodian seaport of Sihanoukville for Red Chinese supply ships carrying arms, munitions and supplies which were then moved from that port over Cambodian roads to the Communist military base areas on the South Vietnamese frontier. This operation went steadily on from late 1965 until President Nixon blew the whistle on it a few weeks ago. It is now in course of being brought to an end by the destruction of its forward supply bases and by blockade of the Cambodian coast by U.S. and SVN naval units.
>
> Since the U.S. government is committed to a gradual withdrawal of U.S. ground forces from South Vietnam by the end of 1971, the only means of establishing secure conditions for such a withdrawal, and for the takeover of the defense of South Vietnam by that country's own forces, is to deprive Hanoi of the illegal use of the territory of supposedly neutral states such as Cambodia and Laos. This President Nixon is proceeding to accomplish by military means while he still has something like adequate means in Southeast Asia to do the job. Failure to make use of the time thus at his disposal would be a dereliction of his duty as Commander-in-Chief to safeguard the security of American (and allied) forces now in action against a hard-fighting enemy.
>
> It is the Cambodian government of Prince Sihanouk, not the U.S. government of Richard Nixon, which has consistently disregarded Cambodian neutrality. The time has now arrived when no American President can longer afford to pay serious attention to that outworn fiction.

Mr. Eliot has also communicated to me his impression, gained from his own study and from discussions with American military men, of the real importance of preserving the power traditionally exercised by the Commander in Chief. He says the following:

> The views expressed to this writer by experienced military friends on the subject of Congressional attempts to place artificial limits on President Nixon's use of his Presidential authority as Commander in Chief to deal with the critical situation which has developed in Cambodia may be summarized as follows:
>
> "We do not believe that Congress can find means of bringing the Presidentially-directed military operations in Cambodia to a full stop. We do believe that the Congressional attempts to do this may result in enough obstruction, delay and home-front misunderstanding to make the difference between victory and stalemate: and in this case, in which time is the all-important military factor, stalemate is virtually the equivalent of defeat and will be so exploited by the enemy."
>
> It was precisely to avoid political interference with the freedom of action of future Presidents in dealing with emergency situations that the Constitutional provision making the President the Commander-in-Chief of the armed forces was written into the Constitution without any specified limitation on his exercise of authority in that capacity: such as the requirement of "advice and consent" by the Senate which modifies the President's authority to make treaties with foreign states or to appoint judges and other high officials.
>
> *The President's authority as Commander-in-Chief is the only power granted him by the founding fathers without any specific limitation.* This was done despite very earnest attempts by anxious members of the Constitutional Convention to establish such limitations.
>
> The principal reason for this failure of these attempts appears to have been the quiet but unyielding attitude of General Washington, the only man at that time who had had the experience of commanding the armies of the United States in the field.
>
> Based on this experience, General Washington doubted the capacity of human foresight to anticipate the nature of the emergencies which might confront future Presidents: except that some of these emergencies would certainly be unforeseeable in character. He therefore preferred to put his trust in the wisdom of the electorate to choose Presidents of strong character and sound judgment, and he considered specific limitations on the freedom of action of future Presidents in their capacity as Commanders in Chief to be a far greater threat to the National security of the United States than to trust the President for the time being to use his powers with wisdom and restraint.
>
> The records of the thirty-seven men who have held the Presidential office—including Mr. Nixon—bear testimony to the sound judgment of General Washington on this subject. Some Presidents have shown outstanding ability, others perhaps have been less gifted than the best, but none have proven unworthy of the trust bestowed upon them by their fellow citizens.
>
> All have had the same authority as Commanders-in-Chief, though their exercise of that authority has varied according to their views of their responsibility and of the nation's needs. It is quite ridiculous of President Nixon's opponents to clamor for "the restoration of the Constitutional balance in reaching vital decisions on war and peace". No such "balance" was written into the Constitution, and for that we may thank the wisdom and the foresight of George Washington.

Mr. President, today I have shared with the Senate some of the many communications I have received supporting the President's position with regard to

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powers that should be permitted, and are constitutionally permitted, to the Commander in Chief. I think the arguments advanced in these communications, and in the similar communications I have been sharing with the Senate during the weeks of this current debate, are conclusive.

There is no such thing as a good time to tamper with proven constitutional arrangements. For that reason, I conclude that this is not a good time—and that there will never be a good time—to pass any measure which attempts to usurp the powers traditionally exercised by every Commander in Chief since President Washington.

Exhibit 1

Cornelius van Bynkershoek, A Treatise on the Law of War

CHAPTER VIII. OF HOSTILITIES IN A NEUTRAL PORT OR TERRITORY

We only exercise the rights of war in our own territory, in the enemy's, or in a territory which belongs to no one. If we take the enemy in our own territory, and he has come to it without a safe conduct, there is nothing that prohibits our treating him in a hostile manner. To enter the territory of an enemy, and there to make captures, is permitted by the law of war. The same may lawfully be done on the high seas, as being the territory of no one. But he who commits hostilities on the territory of a friend to both parties, makes war upon the sovereign who governs there, and who by his laws coerces every violence, by whomsoever it may be committed. Therefore the *Carthaginians,* though with a superior naval force, did not dare to attack the *Romans* in a port of the king of *Numidia,* as *Grotius* (after *Livy*[1]) relates in 1. 3., *De Fur. Bell. ac. Pac.* c. 4. § 8. n. 2., and *Zouch, De Fur. Fec.* part 2 § 9 Q. 7., transscribes it out of *Grotius. Zouch* there states some contrary arguments, but *Grotius* had already mentioned and refuted them.

But as all the publicists (without any exception that I know of) prohibit the use of force in the dominions of another, it deserves to be considered, whether the usage of nations and the edicts of our princes[2] and states[3] are conformable to this opinion, and whether on this subject the right to pursue ought to be distinguished from the right to attack? To begin with the princes. *Philip* II. king of *Spain,*[4] in the nautical laws which he gave to the *Belgians* on the last day of *October* 1563, (title 1, § 27.) ordered, on pain of death, that no violence should be done on the sea, by reason of war or for any other cause, on his subjects or allies, or on *foreigners,* within sight from land or from a port. He therefore understood the dominion of the continent to be extended as far as the sight can reach from the shore, and there are authors who are of that opinion. But I have shewn this to be too vague, in the second chapter of my Dissertation *de Domino Maris,* being of opinion that the dominion of land ends where the power of arms terminates. And that the states-general and the state of *Holland* were of the same opinion, I think I have sufficiently proved by the two decrees made concerning the salute at sea, quoted in the said chapter 2, and also in chapter 4.[5]

Certainly it is by no means lawful to attack or take an enemy in the port of a neutral who is in amity with both parties. If it be done, it is the duty of the neutral state to cause the thing taken to be restored, either at its own expense or at the expense of the injured party. That it should be done at the expense of the latter has been agreed by the twenty-second article of the treaty of peace between the commonwealth of *England* and the states-general of the 5th of *April* 1654, the twenty-first article of the treaty of peace between the king of *England* and the states-general of the 14th of *September* 1662 and again by the 29th article of the treaty of peace between the same powers of the 31st of *July* 1667.

The same is stipulated by the forty-eighth article of the commercial treaty between the king of *France* and the states-general of the 27th *April* 1662, but there is no mention made therein of the expenses being to be borne by the injured party, which appears to me to be very unjust, as it is the duty of the sovereign of the territory to revenge the injury done to himself, for it is an injury done to him to violate a port which is equally open to all his friends. And what if he who committed the violence goes away immediately? Is the individual, whose vessel, perhaps, has been taken, to make war at his own expense? Therefore the mention of the expense is properly omitted in the thirty-fifth article of the treaty of commerce which was made between the same powers on the 10th of *August* 1678, in the fortieth article of the treaty of commerce between same of the 20th of *September* 1697, and again in the thirty-ninth article of the treaty of commerce between the same of the 11th of *April* 1713, for later treaties are generally without any further examination copied from the former ones, as we have seen just now to have been the case with the *English.* Those articles of treaties between *France* and the states-general only stipulate that the sovereign of the port, bay or river in which a prize shall be made from a friend, shall use his utmost endeavours that the captured property be fairly and justly restored. If it be the duty of the sovereign to use his utmost endeavours to effect that purpose, it follows that he must do it at his own expense, nay, by going to war, if other means are not sufficient. Such is the law which is observed among all nations, and there is no other reason for it than that it is not lawful to commit violence within the territory of another, and that ports, *bays,*[6] and river, are also within the territory of the sovereign county. Thus the grand duke of *Tuscany,* in the year 1695, caused the *French,* who had taken near the port of *Leghorn* a ship of the powers allied against *France,* who were friends to the grand duke, and carried her into that port, to restore her immediately; for, as I have said, the sea which is near to the ports of a sovereign is a part of his territory. These principles may easily be applied to the following cases:

In the year 1639, while admiral *van Tromp* was blockading in the *Downs* the fleet of the *Spaniards,* who were in amity with *England,* the states-general, on the 21st and 30th of *September* 1639, issued decrees by which they ordered him "to destroy the *Spanish* fleet, without paying any regard to the harbours, roads, or bays of the kingdoms where it might be found, even though the *English* should make resistance," and the admiral immediately carried that order into execution, and was praised and approved for it by the states-general, as is commemorated by *Aitzema* in various places.[7]

This can hardly be defended, neither can the conduct of the *English,* who, on the 12th of *August* 1665, took some ships of our *East India* company, in the port of *Bergen,* in *Norway,*[8] not without great indignation in the *Danes,* who repelled the *English* with all their might. In order, however, that the case of *van Tromp* may not be considered as too outrageous, two things are to be attended to; the one, that the *English,* in the year 1627, had taken out of *Holland* a ship of the king of *France,* then at war with *England,* but in amity with the states-general; [9] the other, that the *Spaniards* themselves, in the year 1631, were charged with having committed hostilities against the ships of the states-general, in the ports of the king of *Denmark,* then a common friend to both, as I read in *Aitzema.*[10] Otherwise, if nothing can be charged that gives just cause to exercise the right of retaliation,[11] it is manifestly unjust to attack an enemy in the port of a common friend. And thus, the states-general decreed in the year 1623,[12] on a memorial of the *English* ambassador. The ships of the states-general had committed hostilities against the ships of *England,* in the river *Elbe,* a neutral river. Great complaints were made on this subject, not only by the *English,* but by the *Hamburghers,* and various ambassadors of the *Germanic* empire.[13] As to the complaints of the *English,* they could easily have been silenced, by reminding them of what had happened the preceding year at *Bergen,* in *Norway,* but it was not so with the others, for this aggression was solely founded on the right of retaliation. Nor can it be doubted that the *French* acted very unjustly, when in the year 1693 they set fire to certain *Dutch* ships in the port of *Lisbon,* at that time neutral, which the king of *Portugal* would not either permit to be fired at nor to be taken away. This fact I assert from my own memory.

It might be more doubted, whether it is lawful to pursue in the heat of battle an enemy met with on the high seas, into a neutral river, station, port or bay? The weight of argument is in favour of permitting it, on taking certain precautions which I shall enumerate by and by. Such certainly was the opinion of the states-general in the year 1623,[14] when they answered to the *English* ambassador that it was not lawful to commit violence in a neutral port, "with this understanding, however, that it was hoped his majesty would not take it amiss, if any *Dunkirkers* were met with on the high seas, that they might be pursued even along the king's coasts and into the king's ports." The same opinion of the states-general appears expressed in their decree of the 10th of *October* 1652,[15] but so, however, as is very properly added in it, that the castles of neutrals be spared, even though violence should be committed from them, and that the enemies also be spared, if they should have already entered the neutral ports. Both of these exceptions are right, for it is better to suffer within the dominions of another than to act, and if we act, we are to be very careful that the force used against our enemy shall not hurt our friend. If therefore two fleets fight in the open sea, I do not pretend that the conqueror may not justly pursue the conquered fleet, even though it should be driven to the territory of a neutral. But I approve the direction of the states-general in their decree of the 10th of *October* 1652, to abstain from violence in the port itself, because violence could not be done there without danger to the neutral. On this principle it is not lawful to begin an attack on the sea near the land, within shot of the cannon from the fortresses, but it is lawful to continue an attack already commenced, and pursue the enemy into a jurisdictional sea even close to the land, or into a river, bay or creek, provided we spare the fortresses, though they should assist the enemy, and provided there be no kind of danger to our friends.

From facts which afterwards took place, the states-general appear to have approved even thus much; for when in the year 1654 a *Dutch* commander met an *English* vessel on the high seas and pursued her flying into the port of *Leghorn,* where he took her at the moment she was coming to anchor, the grand duke of *Tuscany* complained of it to the states-general, but we read that he complained in vain.[16] He, however, afterwards took satisfaction, by condemning the *Dutch* vessel that had made the pursuit and occasioned the capture of the *English* one.[17] Again, when the *Ostenders* had fired at a *Dutch* ship which was pursuing an *English* vessel into the port of *Ostend,* the states-general[18] complained of it to the court of *Spain* as of an illegal act, because the *Dutch* ship had not fired at the *English* vessel in the port of *Ostend.* But this reason is not good, except to aggravate the injury done to the *Ostenders,* for its is not of any conse-

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Footnotes at end of article.

quence what kind of hostility you commit on your enemy, but whether you attack him in a hostile manner. Upon the whole, it appears that the states-general approved both the pursuits that I have mentioned, because the force was begun before, and was only continued.

FOOTNOTES

[1] *Liv* 1. 28. c. 17.

[2] The counts of *Holland*, who were the sovereigns of that province before the *Dutch* revolution.

[3] The states-general of the *United Netherlands*, and the provincial states of *Holland*.

[4] Who was also *count of Holland*, and sovereign under different titles of the seventeen provinces of the *Netherlands*.

[5] The states of *Holland* decreed on the 3d of *January* 1671, that their ships of war should salute those of other sovereigns on their coasts within reach of the cannon of batteries and forts, precisely in such manner as the government of the country should require, leaving it entirely to its discretion to return or not the salute; adding, that every government is sovereign within its own jurisdiction, and every foreigner is a subject there. *Bynk. de Dom. Mar.* c. 2. On the 16th of *May* 1670 the same states decreed that the *Danish* fort of *Croneburg* situate on the shores of the sound in the *Baltic sea*, should be saluted in such manner as the king of *Denmark* should require. *Ibid.* c. 4.

[6] In the year 1793 the *British* ship *Grange* was captured by the *French* frigate *L'Ambuscade*, in the waters of the bay of *Delaware*, and brought into the port of *Philadelphia*, to which she was bound. The *British* minister demanded her restitution of the government of the *United States*. In vain did the *French* minister, *M. Ternant*, allege that the bay of *Delaware* was an open sea, not subject to the exclusive jurisdiction of the *American* government. His arguments had no effect, and the *Grange* was very properly restored.

[7] Aitz. 1.19.

[8] Ibid. 1.45, 6, 7.

[9] Ibid. 1. 7. 9. 19. 20.

[10] Ibid. 1. 11.

[11] But see page 33, where our author justly contends that retaliation is only to be exercised directly against the enemy, and never through the injury of a friend.

[12] Aitz. 1. 3.

[13] Ibid. 1. 45, 6, 7.

[14] Ibid. 1.3.

[15] Aitz. 1. 32.

[16] Aitz. 1. 4.

[17] Ibid.

[18] Aitz. 1. 45.

THE PENN CENTRAL DECLARATION OF BANKRUPTCY

Mr. HARTKE. Mr. President, the action of the Penn Central Transportation Co. yesterday—a Sunday—in filing a petition in bankruptcy climaxes a series of bizarre events that demand congressional scrutiny.

For several weeks past we were aware that Penn Central executives were spending a good deal of time in Washington attempting to obtain some unspecified kind of financial assistance. Then we learned that a $100 million bond issue at 10.5 percent was aborted for lack of takers. Suddenly a special meeting of the company's board of directors deposed most of the leadership of the Penn Central. The very next day the Nixon administration sent its emissaries to Congress to inform us that it intended to provide loan guarantees under, of all things, the Defense Production Act. The plan, we were told, was for $200 million to be provided in that fashion, but the plight of this $7 billion corporation is such that another $400 to $500 million in loans would have to be underwritten by the Federal Government before the railroad would be completely out of trouble. No indication was given as to what the administration thought the Government should require in return; help would come with few questions asked.

The administration has now wisely backed away from this scheme to provide immediate, no-strings-attached assistance under the Defense Production Act. But Congress will still apparently be asked to cast aside the basic principles of the free enterprise system in order to pass a special relief bill for a railroad turned conglomerate.

We are led to believe that transportation services are of prime concern in this grossly irregular procedure. But when we had a chance to look at the bill it quickly became clear that it was designed not for the purpose of preserving or improving the transportation services of this organization but rather for the purpose of shoring up the banks to which the Penn Central is in debt in the amount of some $2 billion.

Moreover, we have only the sketchiest idea of who, precisely, we will be helping if we approve such a measure. Federal records at the Interstate Commerce Commission and the Securities and Exchange Commission raise more questions than they answer: most of the Penn Central creditors and all of its stockholders are anonymous. At a minimum, Congress has the duty to find out who stands to benefit from Government largesse before we hand out millions of dollars of the taxpayers' money.

There are also some basic policy issues at stake. We need to know, for example, whether the Penn Central's railroad business—important for the national defense—has brought it to these difficult financial straits, or whether instead its problems have been caused by its practice of diverting assets and management time into investment adventures unrelated to rail service.

In this connection, it is common knowledge that passenger and freight service alike have deteriorated since the merger of the New York Central and the Pennsylvania Railroad. Just recently the traffic manager of the B. F. Goodrich Co. was quoted in Newsweek as saying:

> If I can avoid using the Penn Central under any circumstances, I am going to do it.

And the complaints of Penn Central passengers are legion. Yet during the time since the merger, the Penn Central has pursued real estate schemes in Florida, Texas, and Georgia, and has started million-dollar renovation projects in Manhattan hotels.

If the U.S. Government intends to bail out a failing company, it must demand at the very least that this company is indeed serving the public interest. We are not an openhanded guarantor of private corporate investment schemes. We have a duty to find out what the priorities are at the Penn Central—whether it is feeding its transportation business or bleeding it—before we subscribe a penny of public money to the venture.

Mr. President, I have barely touched on only a few of the salient issues which confront us as the bankruptcy proceedings go forward and the administration readies a relief bill. It is vitally important that the Congress look into all these questions in an orderly and thorough way, beginning with the negotiations that led to the merger of the New York Central and the Pennsylvania, and following through to the immediate causes of the Penn Central's present financial disarray. Without such an inquiry we will be unable to act as responsibly as the public interest demands.

Accordingly, I have today directed the staff of the Subcommittee on Surface Transportation to begin preparations for conducting a full-scale review of these matters. It is my hope that we will be able to proceed expeditiously to develop the kind of information and understanding that will enable the Congress to meet its responsibilities to the transportation industry, to the financial community, and above all to the American people whose interests will be so vitally affected by the decisions we must inevitably make.

TREND OF POLITICIZATION AND UPSURGE OF VIOLENCE

Mr. McGEE. Mr. President, not every professor and college or university administrator is taking the trend of politicization and the upsurge of violence on campuses across America sitting down. Some, we can be thankful, are speaking out, giving us hope that reason will finally prevail on the campuses of our educational institutions. James J. Kilpatrick, in his column published in the Washington Sunday Star of June 21, 1970, addressed himself to the comments of three educators whose remarks are well worth noting. I ask unanimous consent that Mr. Kilpatrick's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REFRESHING SOUNDS FROM ACADEMIC GROVES

(By James J. Kilpatrick)

It seems too good to be true—it may yet prove too good to be true—but signs keep appearing of a changing wind in academic groves. For the first time since the dark night of campus destruction began three years ago, respected liberals openly are denouncing their irresponsible colleagues and demanding a return to reason.

Let me single out three such voices: Nathan M. Pusey, president of Harvard; Philip B. Kurland, professor of law at the University of Chicago; and Gardner Ackley, professor of economics at the University of Michigan. Each of them is a certified intellectual; each of them comes to the forum with impeccable credentials in higher education.

Pusey's eloquent address at a recent Harvard baccalaureate service has been widely quoted, but it will do no harm to underscore his charge of latter-day McCarthyism against the New Leftists. Among their number are "some faculty who for reasons not quite clear to me would like to see our colleges and universities denigrated, maligned, and even shut down."

"It is a shameful state of affairs," Pusey said. And he went on to speak of those militants and their techniques in words that cracked like whips: hateful, cunning, deceitful, ignorant, intolerant, sickening. He closed with his own confession of error. The inroads into academic life could not have grown so deep, he said, "had all of us to whom they are deeply repulsive been more ready to oppose them."

Kurland spoke on June 4 to the Women's Bar Association of Illinois. His theme was the politicization of the academy—the growing movement by which students and professors involve themselves actively in public affairs in the fashion of "Coxey's army and the oil lobby." Kurland denounced the process:

> The essence of the academy is disinterestedness. Its justification is disinterestedness. A university cannot be both a political force and an institution dedicated to the search for knowledge and its dissemination. As a university makes a political commitment it destroys its claim to academic freedom. And without academic freedom, the search for and dissemination of knowledge becomes more shadow than substance."

Kurland is bitter. He sees ahead nothing but the destruction of universities as America traditionally has known them. In the "caretaker institutions" of the future, "answers will be substituted for questions, and indoctrination will replace education." This is the price, he said, "that America will pay for the cowardice of its university faculties."

Ackley, at Michigan, is no coward. In a recent address, he spoke scathingly of the weakness and permissiveness of Michigan's "own faculty and administration." The past academic year has taught the lesson, he said, "that violence and disruption either cannot or will not be punished by the university." Striking teachers are not punished; they are reappointed. Student vandals are not expelled; they are retained.

"Last Wednesday," said Ackley, "I watched the faculty of my own department, assembled in the chairman's office, discuss a demand that all classes in our building be shut down, or else. We discussed this while the entrances to the building were sealed, and while the halls outside the rooms in which we were meeting were patrolled by men carrying pipes and clubs. We sought guidance from the college, and were told: 'Do what you think best; you will have no protection.' And so we cravenly capitulated, in fear—if not for our own safety—for that of our students and employes. That day the truth lay in those clubs."

Pusey, Kurland and Ackley are not alone. One of the most powerful voices for reason in academia is being raised by Yale's Professor Alexander M. Bickel in the New Republic. Doubtless there are others; and in them lies the only hope for recovery of our tormented institutions.

It may be too late, as Kurland fears, to undo the damage. If so, the pusillanimous faculties must bear much of the blame. But if it is not too late, a rescue operation must be mounted swiftly by great teachers speaking to a great tradition, clearly, and unafraid.

ISSUES AND ANSWERS, SUNDAY, JUNE 21, 1970

Mr. ALLEN. Mr. President, yesterday, June 21, 1970, "Issues and Answers" presented a most interesting and informative program dealing with the conditions in Southeast Asia and the participation by the United States in military activities there.

On the program, the distinguished Senators from West Virginia (Mr. Byrd), Arizona (Mr. Goldwater), New York (Mr. Javits), and South Dakota (Mr. McGovern) participated. In the belief that the views expressed by the Senators are relevant to the issue under debate in the Senate, I ask unanimous consent that the text of the script of the program be printed in the Record.

There being no objection, the script was ordered to be printed in the Record, as follows:

Issues and Answers, Sunday, June 21, 1970

Guests: Senator Robert C. Byrd (D. West Virginia), Senator Barry M. Goldwater (R. Arizona), Senator Jacob Javits (R. New York), Senator George McGovern (D. South Dakota).

Moderators: Bob Clark, ABC Capitol Hill Correspondent; John Scali, ABC News Diplomatic Correspondent.

Mr. Scali. Gentlemen, welcome to Issues and Answers.

This will not be a formal debate, but more or less an informal discussion with each of you being encouraged to speak up on various subjects whenever you feel you have something to say.

Bob Clark and I will serve more or less as those who throw up the question and make sure that all of you have an ample opportunity to make your views known.

Let's start off by talking about topic number one, Cambodia.

In nine days, President Nixon has promised that all American troops will be out of Cambodia as per promise. From all signs they will be pulled out at a time when the government of Cambodia, the Lon Nol government, is increasing pressure from Communist forces which are threatening to encircle the capital and perhaps even overthrow that government. In view of this, will we have to send more American troops into Cambodia at some later date?

Senator Goldwater. No, I don't think we will have to. I think the Cambodian army, together with the South Vietnamese army, with help from Thailand, can cope with the problem. I think the President has made it abundantly clear that we will not send additional American forces in there.

I think the decision to go in was a wise one. I think it should have been made years ago, because, in effect, we have been harassed more from Cambodia than we have from South Vietnam, and I wouldn't expect that we would have to send any more forces. We might have to give some tactical air support, and I would not oppose that; that it just might be that the Southern Vietnamese air force could supply this. But that remains to be seen.

Senator Javits. Well, I think that the whole concept that we are under in Vietnam is that we are on our way out, not on our way in. And the President agrees with that. Congress seems generally to agree with that. We are not underwriting Cambodia or any other place in South Vietnam, now. We are withdrawing at the earliest time, even taking the President's word that Vietnamization will permit, to wit, reasonable readiness by South Vietnamese forces and the fact that the North Vietnamese will not unduly press us any more than they have. So I think that rules out Cambodia, no matter what happens to these amendments that are pending. And I hope very much that the Congress will, generally speaking, let the President know that that is what they want by adopting the Cooper-Church Amendment.

Mr. Scali. Senator Byrd, do you feel the same way?

Senator Byrd. I do. The United States has no commitments to Cambodia. The President and the Secretary of State have made this clear. I am sure the President understands the feeling of the Congress and the feeling of the American people, and I am confident that the President joins with members of Congress and the people of the United States in their determination to stay out of any war for Cambodia. And with no commitments having been made to Cambodia, I see no reason why we would have to get involved.

Senator McGovern. I don't think we should have gone in in the first place, Mr. Scali. I think it was a great mistake. I hope we don't go back in. But that is not to imply that I think we have won any great victory by what we have done in Cambodia. As I look at the situation, at the time we went in there there were Communist forces scattered along the border of Cambodia but the rest of the country was largely free from military operations. Today, virtually half the country has fallen to Communist control. I think what we did was to go in there and dump over a beehive, and the bees have spread out all over the country, and we now have an area almost the size of South Vietnam in Cambodia that is now part of the war effort. So I think the whole thing was a mistake. I hope we won't repeat it.

Mr. Clark. Senator Goldwater, you endorse the idea of using South Vietnamese and Thai forces in Cambodia.

Senator Goldwater. Yes.

Mr. Clark. And possibly using American tactical air support. All of these things would be barred by the Cooper-Church amendment, be prohibited by that amendment in its present form, would they not?

Senator Goldwater. That is why I am opposed to the Cooper-Church amendment idea. I don't think the Congress should, by legislative means, try to tamper with the Constitutional powers of the President as Commander in Chief.

Now, if we want to do this—and there may be a desire on the part of the American people to do this—I would suggest doing it by Constitutional amendment. I think it is wrong to try and legislate on the floor of the Senate as we are trying, today, to put a fence around what the President, as Commander in Chief, can do. And there has never been any question about his powers. It has never been questioned in the courts, it has never been questioned except occasionally by the Congress. And I think we are making a very, very serious mistake by trying to do what the Cooper-Church amendment hopes to accomplish.

Senator Javits. I would like to try to make a comment on that, if I may, Barry.

I do think we have a right to deal with what the President should do, that it is long over due, and that this war showed it up. We have been there now since 1965 in a combat role on a Congressional resolution passed at the end of 1964 which nobody, not its sponsors, not anything that was said about it, thought would mean anything more than the rebuff of forces which were imperilling—and there is a lot of argument about it; let's forget the argument—our naval forces in the Gulf of Tonkin. Under that we have had 40,000 deaths, 250,000 wounded, oceans of treasure, about $100 billion.

Now, the American people never contemplated giving one man, even if he was President, that kind of power, and that is why the Constitution gives Congress the right to declare war, to make rules for the army and navy and air force and so on. It only uses one word as to the President: He is "Commander in Chief," quote. And I think it is high time that we screened that out and decided whether we have any control over this at all, or whether any President, defining his own powers as he will, because he has the physical command of the armed forces, can put us in war and keep us in war. And if that is right, if what you say is right, then it can be five years or ten years or fifty years, and I don't think that was ever contemplated or that the people want it.

Senator Goldwater. Let me say in answer to that that I find myself in agreement. But the Constitution gives the power of Commander in Chief to the President. He can go to war, as we have done—we have been in 137 different military engagements. Only five of them have been declared wars. Now, this may be right or it may be wrong, but the fact that the Congress has the right to declare war is one thing. The fact that the President is the only body that can go to war is another thing. We can't go to war as a Congress. We can declare it. Only the President can engage in war. And as I say, this may be wrong, and I have a strong feeling that there is a question about it amongst the people of our country, but we should decide it by a Constitutional amendment, not by trying to pass legislation on the Floor of the Senate as we are trying to do today.

I think that there is great ambiguity between the statement of the Constitution on the powers of the Congress to raise armies, to pay for the armies, to provide this, that and the other thing, and that Constitutional powers of the President as Commander in Chief. There is nothing in the Constitution that says that he even has to consult with us. This is why I think we are working in a very dangerous way.

Senator McGovern. The Constitution, though, makes it perfectly clear that the Congress of the United States controls the appropriation of funds for military purposes, and it can describe what those military purposes should be. The Constitution requires that the Congress at least every two years review military appropriations to see whether the purposes for which that money is being funded meets the will of the Congress. There is nothing in the Constitution that gives the President a free hand to commit American forces abroad indefinitely. By precedent he can act in emergency situations, but the Congress has some responsibility, and I don't think we need any Constitutional amendment to make that clear. Our power comes as—

Senator Goldwater. Just one point there. I agree with you. When you are talking about the Constitutional powers of the purse, we do have that power, and if we want to stop the President in any war, all we have to do is deny him appropriations.

Senator McGovern. That is what we are trying to do, Senator.

Senator Goldwater. It is not that way. This is not the exact language of the Cooper-Church amendment. If we want to do that all we have to do in the forthcoming authorization bill and appropriations bill for armed services is say, "We are sorry, no money." I won't argue with that.

Senator McGovern. That is my amendment.

Senator Goldwater. There is nothing in the Constitution that prevents the President from going to war when he wants to or there is nothing in the Constitution that says the President shall confer with the Congress. I think he would be very very wise to do that, and I would like to see a Constitutional amendment suggested along these lines.

(Announcements.)

Mr. Scali. Senator Byrd, as part of the great debate on Cambodia, the Senate is scheduled to vote tomorrow on your latest amendment, which would affirm the President's Constitutional authority to protect American troops wherever they are deployed. Does your amendment give the President the right to send American troops back into the Cambodian sanctuaries to clean them out again without advance approval of the Congress?

Senator Byrd. John, may I comment on something that my good colleague from South Daokta said, first?

In response to my colleague's statement with respect to a victory in Cambodia, I don't think the President has ever intended to go into Cambodia to win a victory, and I don't think we need look at Cambodia to determine the success of the operation there. I think if we do that we would find that it has been a great military, tactical success. I think that what we have to do to determine the success of the operation in Cambodia is to see what happens in South Vietnam, whether or not we have enhanced the withdrawal of American forces from South Vietnam, whether or not the Vietnamization program is going to be enhanced, and so on. And I feel if we look here we will find that the operation in Cambodia will have been very beneficial. Furthermore, I don't think that the President committed us to a new war. I think it was the same war, with the same enemy. I think we merely went into a different part of the war zone which the men had established, itself, by setting up an arsenal into Cambodian sanctuaries.

Senator McGovern. Before the Senator leaves that to go on to another point, could I just say, it is my fear that at least half of Cambodia and maybe the entire country may be taken over by the Communists. Now, I think that is a serious matter.

Senator Byrd. It is.

Senator McGovern. The President described the move into Cambodia as the greatest victory of the war. That was his phrase, not mine. He described it as a great military victory. I don't think it was. I think it was a military and political disaster that is going to complicate shortening the war in Vietnam. We have already committed tens of thousands of South Vietanamese forces that are in Cambodia. We don't know whether they are coming out, we don't know how many American resources will be diverted trying to help them. We know that several hundred young Americans died in Cambodia, that our casualties are at the highest rate in Southeast Asia that they have been in the last eleven months. I don't regard that as a sign of victory.

Senator Byrd. Well, that is the Senator's judgment, and he has a right to it. But I think it has been indicated that the third and fourth corps areas, which were subject to attacks from the Cambodian sanctuaries, have experienced a diminishing degree of attacks upon those areas since the Cambodian incursion began. Now, I don't think that it was a mistake. I think the President acted within his Constitutional authority to do this. I think he had a duty to protect American lives in South Vietnam. He indicated that this is why he went in. I think he had the responsibility to fulfill this duty. I think he did the right thing, and he indicated that he was going to withdraw our troops from South Vietnam by July 1. I think he is going to do this. We only have 10,000 in now, whereas we had 31,000 at one point. So I think that the President is going to show that he is going to keep his promise, and I think that in the long run he will have saved American lives. That was his duty to do that, and that is what he hopes to accomplish.

Mr. Scali. Could we get to your amendment? Under your amendment, would American troops be allowed back into Cambodia if the President decides it is necessary in order to protect Vietnamization or anything else?

Senator Byrd. No, not to protect Vietnamization or "anything else," to quote you, John. My amendment, the thrust of this goes to paragraph 11 of the Cooper-Church amendment, and may I say in this respect I favor paragraphs 2, 3 and 4 of the Cooper-Church language because I think they are calculated to keep us from getting involved in a new war and from making a new commitment in a war for Cambodia or against Cambodia or to prop up Cambodia. I am against that, and therefore, I am for paragraphs 2, 3 and 4.

Mr. Clark. That would mean that you would disagree with Senator Goldwater about financing the operations of Thais or South Vietnamese——

Senator Goldwater. I didn't say finances. I said the Thais might offer support as they have given us support in South Vietnam. I was in Bangkok the night the decision was made back in 1965, I believe it was, to send a battalion of Thai troops, and it was done under the wishes of the Thai government. We had nothing to do with it.

Mr. Clark. But you would concede, Senator, that most of the military operations of the Thai government as well as the South Vietnamese, are heavily financed by the United States, and this would apparently be banned by Cooper-Church?

Senator Goldwater. I won't admit that, because I am not sure. But even if they are, this is not unusual, for the United States to help an ally.

Senator Byrd. I understood my able colleague from Arizona to indicate that we might give air support to the Cambodian government. I am against giving anything to the Cambodian government. Any kind of support. Air support, troop support, any kind of personnel support from the United States to the Cambodian government. We don't have any commitments to that government, and I don't think we ought to get involved.

Mr. Clark. How about military supplies?

Senator Byrd. The President has indicated that Asians should take on the burden of fighting for Asia, and in accordance with his doctrine, which was promulgated at Guam, we would supply. We would supply equipment, small arms, et cetera, but no men.

Senator Javits. The real thing it seems to me, Bob—and please correct me if I am wrong—is that we are really skirting around the issue. Whatever the President was thinking about when he made his speech, whether he had half an idea that we help this Cambodian government, that is over; that is out. It almost ruined this country. Let alone what happened over there—there is some argument over that between Senator Goldwater and Senator McGovern.

I think the important thing, now, is that we must now pursue a policy of getting out. We have made that decision. We are over that bridge.

Senator Byrd. I agree with that.

Senator Javits. What your amendment now seeks to do, as I understand it—and I am speaking now in a sense as a Constitutional lawyer—is that we are not taking away any of the President's power as Commander in Chief to protect American troops when they are committed to hostilities, lawfully in accordance with the procedures and laws of the nation. Now, it seems to me that circumscribes his activity tremendously. And if we don't like what he is doing, as everybody agrees, we can cut off the money.

I think we can do more than that, and I would like to quote from the Constitution. The Constitution says, in Article I, section 8, that the Congress has not only the power to declare war, but "to make rules for the government and regulation of the land and naval forces," and we have done it. We did it in the reformation of the whole Defense Department, when we eliminated the separate chiefs of services and made them subordinate to the Secretary of Defense. We did it in the Selective Service Act in 1940, when we said our troops who were drafted couldn't go to certain places in the world. We can do it if we want to. The only answer, Barry, to what you said a while ago is, sure, it is true the President can make war, but we can stop it. We can stop him by money, and we can stop him by direct order. And I don't think you need any amendment to the Constitution for that.

Senator Goldwater. If he would yield on that point, I think you do, Jack. I don't believe that the words you just read of the Constitution give us the right in the Congress to make strategic and tactical determinations. I think we can get at it by controlling the purse, but only that way. I don't think that we can go around the President's power to go to war and say that you can do this or you can do that and you can't do this. I think, frankly, he could tell us to go to hell.

(Announcements.)

Mr. Clark. Senator Byrd, because this does appear to be a critical issue in the Cooper amendment, and the question of how it will finally emerge in the Senate, would your

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amendment which will be voted on tomorrow permit the President to send American forces back into Cambodia to clear out the sanctuaries, again, if there was some emergency, and could he do this without going back to Congress for further approval?

Senator Byrd. Only if he deemed it to be a very critical emergency and absolutely necessary to protect the lives of American servicemen in South Vietnam. That is the intent of the Byrd amendment. To have a clear understanding, if I might hope to get a clear understanding of this amendment, let me say this: Paragraph 1 of the Cooper-Church language says that, in essence, no funds will be spent to retain United States forces in Cambodia after July 1, and the key word is "retaining," "for retaining the United States forces in Cambodia after July 1." And as the two authors of that amendment have explained time and time again on the Senate Floor, they mean for that word to be the key word. That it is meant to cut off funds if any forces remain in Cambodia after July 1. But they themselves agree that in an emergency situation, where the lives of U.S. servicemen are in danger, where there might be a concentration of the enemy in the sanctuaries, and there is an impending attack about to occur upon U.S. servicemen in South Vietnam, that the President might not have time to come back to the Congress, and in this event, his constitutional authority and power as Commander in Chief would authorize him to make a quick strike of short duration and withdraw, without coming back to the Congress.

Mr. Scali. This doesn't restrict him one whit more than previous restrictions, does it?

Senator Javits. I think you are right about that, and I think Bob's explanation is right, that it doesn't restrict him, that he can go back. It does restrict, however, the size of his operation if he does go back, and resolves the doubt that he will not go back for two purposes: (1) to aid the new Cambodian government in some kind of an operation to assist them, and (2) to assist others who might be assisting them.

If Cooper-Church passes, with Senator Byrd's amendment, that, in my judgment, is what is accomplished. And I believe that is a real and substantial accomplishment, because right now—and I think Senator Goldwater is very right about this—all these questions are very much up in the air. That is why I have felt it necessary to introduce a bill, myself, to try to define the powers of the Congress at long last, historically. But right now they are up for grabs. We can put the pressure on him for money which comes after the fact. We can write a bill which he may not choose to sign unless we pass it over his veto to specify his powers according to law by the regulation of the armed forces, which I am trying to do.

Senator Byrd can try to define what he means to say that he is Commander in Chief, but we are in the amorphous state now where the Commander in Chief, the Executive, has tremendous authority, except that the Congress can hold him to account as a matter of good faith, and so can the people.

Mr. Clark. Senator McGovern, are you willing to grant the President the emergency authority under the Byrd amendment to go back in and clean out the sanctuaries again without Congressional approval?

Senator McGovern. I am not, Mr. Clark. I will probably vote against Senator Byrd's amendment. I don't think the amendment is necessary, but what I object to in the language of that amendment is that it seems to imply that our principal concern, now, is to reinforce the power of the President as Commander in Chief, and I think the great need is to reassert the power of the Congress. That is what has been eroded. That is what has been neglected. It is probably not the President's fault. It is probably the fault of the Congress. That for the last 20 years we have permitted military decisions to be made almost exclusively by the President of the United States. Not just this President, but by Republicans and Democrats alike. And what I am interested in is not language that underscores again the power of the President of the United States in committing American forces. I want language that reasserts the responsibility and the power of the Congress in areas of war and peace. I don't know how else to end this war. I regard the wars as a disastrous mistake. I think most Americans feel that way. I want to see their elected representatives in the House and the Senate asserting their responsibility and their powers to try to bring this war to an end as quickly as possible. If I were President of the United States I would welcome that, to share these decisions of war and peace with the Congress. This is going to be a very difficult series of decisions. Let's share it between the Executive and the Congress.

Senator Javits. This is one of the most important things of all, because if we get out of Vietnam—and we are getting out—things may go very wrong there, and you may have a deep resentment in this country and a great body of opinion which is very angry. And unless the President and the Congress have shared the responsibility, we may be in for infinitely more trouble than we have had up to date.

(Announcements.)

Mr. Scali. Gentlemen, last night, as most of you know, Vice President Agnew assailed half a dozen Democrats who have been critical of the Vietnam War, including Senator McGovern, who he said is "'among those who apparently have developed a psychological addiction to American defeat because they have called for retreat so often."

Senator McGovern, I am going to ask you about that in just a second, but first I would like to ask Senator Javits if he shares that view?

Senator Javits. No, I do not. I think that Senator McGovern and his colleagues, though I am not a co-sponsor of the McGovern amendment, and though I shall probably vote for it in due course, as I deeply believe that they are in the process of revising it the way it ought to be. Change is, I think, urgently needed. But I do not agree. I think the assertion of the power of the Congress and the raising of that question by Senators McGovern, Goodell, Hatfield, Hughes and Scranton, was very desirable, and I think this only shows that the Congress can and must find a way to get out once we get in. We cannot be irrevocably committed to this war. And it raises one other point which I think is critically important, and that is this illusion about winning and losing, or this illusion about honor or about defeat. We went into Vietnam to help a small nation get self-determination. It has self-determination. That is what everybody argues about. They say the government is good, bad, indifferent, but it actually had an election and this is their elected government. They have an elected assembly functioning, et cetera. Now, do you have to stay in forever and be their guardian? Is there any national honor or national victory or defeat in that, or is it only a disguised way to destroy yourself in your own country, which is what we are doing, economically, incidentally, beyond anything else, and to paralyze ourselves from being able to conduct a policy of vigor, which will bring peace—we are in terrible trouble in the Middle East right now—in the world.

Mr. Scali. Senator McGovern, since you have been singled out by the Vice President, what do you have to say in reply?

Senator McGovern. The first thing I have to say is that I regard the Vice President's conduct ever since he has been in office as disgraceful. I think he has done more to divide and weaken the country, perhaps, than our enemies in Hanoi have done. He is undercutting the whole possibility for a unified American people. He is a divisive, damaging influence on the people of this country.

Now what is he talking about on being addicted to defeat? Does that mean he thinks we are going to score some kind of victory in Vietnam? The President does not hold to that view. He is not talking about military victory. He is talking about getting out. He is talking about withdrawing forces. That is not the way to victory. We wouldn't be withdrawing if we didn't know we had made a mistake in going, and I suspect 90 percent of the Congress wishes we weren't involved in Vietnam. What I am addicted to is peace and to ending this war.

The President talks about us being a pitiful giant. Well, we are pitiful in the sense that we are a gigantic country with one foot in a trap, and that trap is the jungle of Southeast Asia. We are not even in the main arena there. We are tied down by a fourth-rate power, and it is weakening this country, and that is the situation. I want it to end. I am not advocating defeat.

Mr. Clark. Is there someone on this side who would like to say a kind word about the Vice President?

Senator Goldwater. Yes, I will defend the Vice President in this case.

I really think that not intentionally but inadvertently men like Senator Fulbright and others have been doing damage to our country. Now, let's look beyond South Vietnam. I think we are all agreed the country doesn't like the war, we don't like the war, we would like to get out of it.

I disagree that the Congress can create peace. We can't. We have no power to do it. The President can do that. But what about our commitments in Europe? Seventeen countries. We are committed to go to war to defend if they are in trouble. I have yet to hear Senator Fulbright say anything about this, although I have tried time after time on the Floor of the Senate to get him to set some time when the American people might hear before the Foreign Relations Committee how far that committee feels we are committed. I think we are committed to 17 wars if they care to call us to those. We have 40 or 41 other treaties around this world, and these are the things that bother me. Not South Vietnam. Getting out of there—I think we are going to be out of there within a year or maybe 14 or 16 months, following the President's program.

To answer Senator Javits' suggestion about what is honor, well what happens to the opinion of some other countries who might be enemy to us, or enemy to one of our friends when they say, "Oh, well, the United States is not going to commit its forces to the protection of that country. It is obvious by the statements made by the Chairman of the Foreign Policy Committee of the Senate and by others." And I think Vice President Agnew is doing a service—not necessarily to individuals, but I think he is doing a service in calling attention to the fact that we in the Senate can say too much. We can say things that hurt our country.

Senator McGovern. Do you think Vice Presidents can say too much, Senator?

Senator Goldwater. Yes, I think Vice Presidents can say too much. I can think of some that have.

Senator Javits. I think that this kind of a broad scale calling of the roll as it were as to whom is more patriotic than somebody else—

Senator Goldwater. I didn't use the word "patriotic."

Senator Javits. No, you didn't, but that is the implication in Vice President Agnew's speech.

Senator Goldwater. I don't see that at all.

Senator Javits. Well, I do, and I think that is the way to suffocate rather than develop discussion, which is essential to the country and the hearts of people like Senator McGovern. Just as essentially as Vice President Agnew. And frankly, Barry—and I would like to answer your other point—about this matter of national honor: It is inconceivable to me. What is your quotient as to how many lives have to be lost and how many people have to be dead and how much treasure has to be spent and how deeply this country has to be divided to prove to our allies in Europe, who haven't lifted a finger in this fight, that we will defend them? It seems to me we have proved that every year for the last five or six years since we have been in there, in a way which no other nation on earth would dream of doing. I don't think we need to prove it any more. If we haven't proved it to them now, they will never believe us.

Senator GOLDWATER. Well, I happen to be one who had arguments five years ago about getting out of this war and never getting into it, and had people listened to me then, I don't think we would be in war in South Vietnam, and we would have maintained the position that we have to maintain as world leader. Whether you or I like it or not, we are either going to be the world leader or we are not, and this requires strength. You asked the question about how many lives. I say not a one; but we have committed ourselves, and that is something we have to remember. We are in war. We don't like it. Our job is to get out of that war. I think the President is doing it. I don't think we need ever have gone into that war. It was not started by your party and mine, it was started by the opposite party.

Senator JAVITS. One of the most improvident commitments we have ever made in the history of our country.

Senator GOLDWATER. I couldn't agree with you more.

Senator MCGOVERN. I think one of the most encouraging things I have heard is people trying to figure out who to blame this war on, because it means all of us are ashamed of it, we all know it has been a disaster. It is robbing the economy of this country right now. We talk about the young American life that is lost and that, of course, is the principal cost. But I don't know how we can go on month after month with this wartime inflation eating up the purchasing power of the American people, preventing people from buying homes, slowing down our whole economy. We have raised interest rates in an effort to deal with this wartime inflation to the point where it is almost prohibitive to start a business or buy a home. Every housewife when she buys those groceries pays another 25 percent, because of this wartime inflation. And all of this says nothing about the divisive impact of the war on our whole body politic.

I think the question we have to ask now is not so much whether we can save South Vietnam: Can we save our own country?

Senator GOLDWATER. I think we are committed to getting out of this war. I don't think this is any longer a question. But I would like to make one comment about your statement on this wartime inflation. It is true that wars can and generally do precede inflation, but our inflation, today, has been caused by an unusually high rate of federal spending. Our military spending is going to be down this year nine percent. It is the lowest it has ever been in comparison to the gross national product. Yet other spending is up nearly 1,000 percent as we go across the board.

Senator JAVITS. The answer, Barry, is that the other spending was absolutely indispensable to the health of this country.

Senator GOLDWATER. Oh, I wouldn't say that, Jack.

Senator JAVITS. Well, I think so.

Senator GOLDWATER. Do you think that our high cost of agriculture programs is needed to keep this country going?

Senator JAVITS. No. I don't want to say 100 percent, but when you deal with the problems of health, education, welfare, hunger, I think added expenditures from this country were essential, and they should not have been jeopardized by this $30-billion that we have been spending for the Vietnam war. We made them anyhow, and we weren't ready to face the reality of taxation which goes with war, or of controls which go with war. That was all swept under the rug by the previous Administration. It is true. But it was. And when we didn't face it, we have now reaped the whirlwind.

(Announcements.)

Mr. CLARK. Senator McGovern, if the Senate ever finishes debating the Cooper-Church amendment it will eventually get on to the McGovern-Hatfield amendment. Perhaps we should ask you at this point to explain it more fully to us. Just how would it end the war?

Senator MCGOVERN. Well, of course it is a much more far-reaching amendment than the Cooper-Church amendment. It does basically three things. It would end American involvement in Cambodia 30 days after passage. Now that is now a moot point. That part of the amendment I assume we don't have to debate.

The second part of it would terminate American military operations, including American military advisors, if any, in Laos, by the end of this year, by December 30.

The most important part of this amendment, though, goes to the central war in Vietnam. As Senator Byrd said a while ago, that is the central conflict. And what this amendment does is to say that, beginning the first of next year, January 1st, no funds can be spent in South Vietnam for any purpose other than arranging the safe and systematic withdrawal of U.S. forces, and that that process should be completed by June 30 of 1979, just about a year from this date.

Now, it provides that funds in addition to the withdrawal of our forces can be used to pay any costs involved in arranging the exchange of prisoners, or to provide asylum in friendly countries for those Vietnamese who might feel endangered by our withdrawal.

Mr. CLARK. Senator Byrd, you are probably the only member of the Democratic leadership in the Senate who will not vote for the McGovern-Hatfield amendment. Would you like to offer your comments on it?

Senator BYRD. Yes.

First of all, I accord to Senator McGovern every degree of sincerity and good faith. I think he wants—he thinks he is doing the right thing. He wants peace. I want peace just as much as he does. He has no monopoly on this desire for peace. I respect him for his efforts,-although I disagree with the thrust of his efforts, sometimes.

Now, I do not support this amendment, because I think, first of all, it would be unworkable. I think it would be a real booby trap for American forces in South Vietnam. Why do I say that?

First of all, it sets a date for the withdrawal of all American forces from South Vietnam. I want to see those forces out of South Vietnam. I hope they can be out by July 1 of 1971. But I think we would make a very grave mistake if we stated the timetable—I think it is all right for us to have one, but for us to publicly state a timetable, I think that we play into the hands of the enemy. I think we undermine the efforts of our people at the peace table to negotiate. And secondly, I think all the enemy would have to do is just sit and wait until that date has passed and then move in.

Now, why do I say it is unworkable? In the first place, your amendment would say that after December 31st of this year, no money could be spent, no money could be spent for any purpose, quote: "any purpose," involving military conflict.

Well, this would mean, in my judgment, that our troops, who would have six months beyond December 31 of this year under your amendment, to stay in South Vietnam, would be sitting there defenseless, because we couldn't spend one dollar for any purpose connected with military conflict, I believe your amendment says.

And secondly, your amendment provides that after December 31st of this year we could not spend any funds for aerial interdiction of movement of enemy men and supplies in Laos, because it says "no funds for military operations by United States forces in or over Laos." Therefore, we couldn't interdict the movement of enemy manpower and supplies.

And the worst feature is, George, in my judgment, it says that 30 days after the passage of your amendment we would be unable to spend any money whatsoever for military operations by United States forces in or over Cambodia, which means that 30 days after the passage of your amendment we could not spend one dollar for the aerial interdiction of the movement of enemy manpower and supplies in Cambodia. This to me would render our troops defenseless, it would enable the North Vietnamese and VietCong to move back into the Cambodian sanctuaries. We would virtually be saying, "All right boys, come on back in within 30 days and we won't lay a hand on you."

I don't think the Senate is going to pass this. I don't think it is practicable to think that the Senate or the House will enact this into law. And I think when we speak of it, with all due respect to my colleague, when we refer to this amendment as an amendment to end the war, this amendment is not going to end the war, and nobody should know this better than the senators themselves. Because in the first place, it is not going to be enacted into law, and in the second place, it would tie down our troops rather than making it possible for them to be withdrawn.

Senator MCGOVERN. Part of what the Senator has said is an accurate description of the amendment, but it makes perfectly clear that our commanders are authorized under that amendment to take what steps are necessary to arrange the safe and systematic withdrawal of our forces. That is spelled out very clearly. I have discussed the language with some of our most respected military men, and they say that there is no problem in arranging for the withdrawal of American forces, with a minimum danger to those forces within the context of that amendment. Now, you can't carry on offensive operations, but you can carry on what defensive methods are needed to provide a cover for our forces during the withdrawal. And I think the other side would welcome that kind of a staged withdrawal.

What would be the interest on their part in intervening with it? Because the amendment states that if as we approach the end of this withdrawal period the President finds that in order to stay on that schedule our troops would be jeopardized, he can come back to the Congress and ask for verification of his finding, and then an additional extension can be given.

Senator BYRD. I think, George, you know how difficult it would be for the President to come back to the Conress and get that additional time that he might need.

Senator MCGOVERN. I don't think it would be difficult. If we get back to the Constitution, when Presidents used to confer with the Congress once in a while—

Senator JAVITS. As a practical matter, this amendment is not going to be passed in this form, anyhow.

Senator BYRD. Exactly. Absolutely.

Senator JAVITS. We know that. But it is very important that Congress assert its right to tell the President: "Look, Mr. President, we have had it in Vietnam. You have given us a very uncertain time table. Our time table is the first of July 1971. Now, what can you do about it?

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Now, I think the Administration has to be forthcoming on that. Senator McGovern doesn't have to concede a thing. I am not the author of it. I am not a sponsor of it.

If the President came to the Congress and gave them reasonable assurance that he is getting out of Vietnam on or about July 1, 1971, you wouldn't need the amendment, and they wouldn't push the amendment. Everybody knows that. But somehow or other we have got to solve this Constitutional dilemma.

Now I say—I have got a law in which tries to deal with it in terms of the future. Leave out the Vietnam war. Because Nixon found the Vietnam war. He says he is getting out of it.

Senator Byrd. He inherited it.

Senator Javits. The only question now is one of timetable. You can deal with my law for permanent policy, or any variant of it, but you can only settle this way: The Congress somehow must find a way to tell the President, "Look, Mr. President, after all these years, this is our idea." Unless the Administration is forthcoming, if this country gets sick enough of this war they may tie this around his neck. It might not be very good, but he leaves them no alternative.

Senator Byrd. I would hope the President would have a time table, but I think it would be a mistake to announce it. He said last June I believe it was he was going to withdraw 25,000 men; in September, 35,000 men; in December 50,000 men, and he has kept his promises. I hope he has a time table, but I think it would be a mistake to announce it.

(Announcements.)

Mr. Scali. Senator McGovern, what do you say in answer to Senator Byrd's view that it would be a mistake to announce a timetable for withdrawal?

Senator McGovern. Well, Mr. Scali, I think you have to evaluate that against the alternative, which is the President's so-called Vietnamization policy. Vietnamization, as I understand it, if it works, will have another 150,000 troops out of Vietnam a year from now. But that still leaves 284,000 American troops stuck in Vietnam a year from this date, with no indication of when they are coming out. Now, I think if Vietnamization is to work—and what I understand that to mean is to turn the war over to the Vietnamese—we have to give them a definite notice that we are coming out at such and such a time. I don't think that government in Saigon is going to begin taking the steps either to win the support of its own people or to assume the major burden for directing their own country until they know they can't depend on American help indefinitely.

The President is saying in effect now, as I understand it: We are going to stay for whatever time is necessary to permit the government in Saigon to assume the burden of this war.

Well, I think as long as we give them that assurance they are going to let us carry the burden indefinitely.

Senator Byrd. Well, George, let me concede that I think it would be a good idea for us to do something more than we have already done, to indicate to the South Vietnamese that we are definitely going to get out of there at some point in time, without announcing the exact date.

I should think that in view of the fact that the President indicated on April 20 that he expected to withdraw 150,000 men by next Spring, that now in the light of the tactical success of the Cambodian operation and the cleaning out of those sanctuaries that he might be able to accelerate this movement and have 150,000 out before next spring. If he indicated this, it seems to me this would stimulate the South Vietnamese to put forth the greater effort to take over the burden.

Senator Goldwater. May I point out something? When he removes another 150,000 combat troops—and this is what he is aiming at; we are not talking about support troops—in effect all we will have left in South Vietnam with rifles will be those people needed to guard what installations we will have left, air bases, communications and so forth. So I think the time table has been set. South Vietnam has been told that they are not going to have any more ground support from our ground forces. Now, we haven't said that about air, and the great bulk of the 250 to 280 thousand who will be left will be Air Force air, Army air, Navy air, and communications. So in effect, unless we say: No more air, then we can't say that we have a time table to bring the air forces home, and we haven't said that.

Senator Javits. I would like to make a practical suggestion. You don't like the date. Senator McGovern feels you have to have a date. The real nubbin of the thing is if the President sticks to the idea that we are getting out, conditioned on Vietnamization by the Vietnamese forces, that is their ability to take over, and conditioned by the amount of pressure or lack of it which the North Vietnamese put on us, he is giving both Hanoi and Saigon a veto over any time table. If the President will strip his policy of those conditions, the United States is getting out on a time table—I have communicated that time table to the most trusted people in the Congress—or even if he hasn't, just that there are no conditions, that we are getting out according to what we need, not according to what they have, then you may have a solution. Otherwise, you constantly run up against the proposition that he won't do it because his own conditions are going to keep him from doing it, himself.

Mr. Scali. What do you think of that, Senator Goldwater?

Senator Goldwater. I think he has already done it, frankly. I think he has put the victory monkey, if there is such a thing, on the backs of the South Vietnamese. He has told them, We are pulling out our ground forces—we have already pulled the ground Marines out. 150,000 more infantry men out of that war; we will have only people left to perform guard duty. Now, whether or not he has some plan for the air forces, I don't know. He has never talked to me about it. I don't think he has talked to anyboody else about it. But I think as long as the North Vietnamese are allowed to bring supplies in through Laos and Cambodia to harass the South Vietnamese, I think we are probably going to have to provide tactical and strategic air support. They just don't have the equipment nor the training to do it.

Mr. Scali. For how long, Senator?

Senator Goldwater. Well, that is up to him. I don't know. I wouldn't want to hazard a guess.

Senator Javits. Barry, you will never know what they are able to do or what they will do, politically or militarily, unless you tell them, We are getting out, ready or not.

Senator Goldwater. We have a pretty good idea of what the air forces can and can't do. I have been in the middle of that, been over there to see it. I have watched them train. There are some things, Jack, they cannot do. They cannot handle our heavy tactical aircraft.

Mr. Clark. Senator Byrd, we are about out of time. Are you convinced everybody here is certain just what the Senate will be saying if it approves your amendment as expected tomorrow?

Senator Byrd. My amendment simply states clearly that the President has the Constitutional power and may exercise it to protect the lives of American servicemen in South Vietnam. And I want this written into the law. We have over 400,000 men in South Vietnam there now. They didn't ask to go there. Our government sent them there, it has a duty to protect them. And I think that is what my amendment does. It writes it into the law so the enemy as well as everybody else gets the message that the President is not going to be prohibited or precluded from using his Constitutional power to protect our men.

Mr. Clark. I believe I count the vote here as three to one for your amendment tomorrow, Senator Byrd.

Thank you very much, gentlemen, all of you, for being with us on Issues and Answers.

THE STUDENT ASSISTANCE AMENDMENT

Mr. KENNEDY. Mr. President, it was Aristotle, more than 2,000 years ago, who said:

> The neglect of education ruins the constitution of the country.

The point holds equally true today. And it underscores the importance of adequate funding of our Federal student assistance programs.

I have sponsored amendment No. 645 to H.R. 16916, the education apropriations bill, to increase the three direct student-aid programs by $47.9 million.

Under the educational opportunity grant program, grants of not more than $1,000 nor less than $200 per year are made through institutions to qualified full-time undergraduates who, because of exceptional financial need, would be unable to attend the institution without the award. Initial year grants are customarily renewed for the 4 years of college. The grant must be matched by other assistance.

Under the national defense student loan program, loans of not more than $1,000 per year for undergraduates and $2,500 per year for graduate students are made through institutions to students who evidence a need for financial assistance. The loan is repayable over a 10-year period at an interest rate of 3 percent, commencing upon completion of school.

Under the college work-study program, part-time employment at the college or in public or private nonprofit organizations is paid for through institutions to needy undergraduate or graduate students. Students may work up to an average of 15 hours per week during the semester and up to 40 hours per week during the summer.

Amendment 645 provides increases over the figures passed by the House and reported by the Appropriations Committee of $17.9 million for educational opportunity grants, $14 million for national defense student loans, and $16 million for the college work-study program. It would help an additional 65,300 students compared to the bill as reported. It would bring the total fiscal 1971 appropriation for these three programs to $604.6 million, compared to the $547.6 million appropriated and $514.2 million actually spent in fiscal 1970.

Especially during this time of economic pressure. Federal student assistance is critically needed. Inflation means family budgets are more strapped than usual. Rising deficits and growing enrollments leave colleges with less money available for scholarships. It is becoming more dif-

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ficult to receive guaranteed student loans, and the current shortage of jobs is cutting students out of outside work to help finance their studies.

Amendment 645 is a partial step toward restoring the relative level of funding of student assistance in earlier years:

It would fund 76 percent of approved requests in fiscal 1971, compared to 91 percent in fiscal 1967 and 83 percent in fiscal 1968.

It would fund 62 percent of authorizations in fiscal 1971, compared to 90 percent in fiscal 1967 and 83 percent in fiscal 1968.

It would aid 138,600 of the 833,000 increased student enrollment in the last 3 years, compared to 73,300 under the present bill.

Passage of the amendment would help low-income students move toward equal educational opportunity. This need is highlighted by the estimate of the Carnegie Commission that 48 percent of college students come from the top income quartile while only 7 percent come from the lowest income quartile.

Passage would also bring badly needed assistance to students from middle-income families as well, through national defense student loans and by freeing up institutional scholarship money which would otherwise be needed for low-income students.

When we consider that the return in Federal taxes is an estimated 14 times greater than the total Federal cost of sending a person through 4 years of college, this is a worthwhile investment indeed.

Mr. President, last August the Senate voted 56–38 in favor of an amendment increasing fiscal 1971 authorizations for these three programs by $170 million. A total increase of $140 milion was authorized in the final legislation, after conference with the House of Representatives. The increased appropriations sought under amendment 645 provide an opportunity to follow through on our earlier commitment.

I might add that the amendment is supported by virtually all higher education organizations, including: the American Council on Education, the National Association of State Universities and Land-Grant Colleges, the American Association of Junior Colleges, the College Entrance Examination Board, the American Association of State Colleges and Colleges, the Association of American Universities, the American Association for Higher Education, and others.

I have also heard from over 100 college and university presidents and financial aid officers from over 30 States in support of the increases.

For the benefit of Senators, I have prepared a short fact sheet, a longer memorandum and a State-by-State breakdown of where the increased funds for each program would be spent.

I ask unanimous consent that these materials, along with the important correspondence I have received, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET—STUDENT ASSISTANCE AMENDMENT (NO. 645)

[Amendment 645 increases fiscal year 1971 appropriations for the 3 direct Federal student assistance programs by $47,900,000]

[In millions]

	Fiscal year 1970 (appropriation)	Fiscal year 1971 (estimated HEW approved requests)	Fiscal year 1971 (authorized)	Fiscal year 1971		Increase
				H.R. 16916	Amendment	
Educational opportunity grants	$164.6	$250.0	[1] $278.6 (170.0)	$167.7	$185.6	$17.9
National defense student loans	229.0 [2] (195.6)	286.0	[1] 381.5 (375.0)	229.0	243.0	14.0
College work-study	154.0	260.0	320.0	160.0	176.0	16.0
Totals	547.6 [2] (514.2)	796.0	980.1	556.7	604.6	47.9

[1] Authorizations for EOG and NDSL include amounts appropriated for "such sums as may be necessary."

[2] $33,300,000 of NDSL appropriation for fiscal year 1970 was unspent as part of 2 percent cut.

1. *Applications.* Passage of this amendment would permit funding of 885,600 of the 1,121,000 requests *approved* by HEW regional panels for FY 1971—helping an additional 65,300 students compared to the present bill.

2. *Relative Funding of Earlier Years.* Amendment represents 28% increase in funds since FY 1968, compared to approximately 31% increase in enrollment (12.7%) and costs due to inflation and tuition rises (18%).

Amendment funds 76% of approved requests in FY 1971, compared to 91% in FY 1967 and 83% in FY 1968.

Amendment funds 62% of authorization in FY 1971, compared to 90% in FY 1967 and 83% in FY 1968.

Amendment aids 138,600 of the 833,000 increased student enrollment in last three years, compared to 73,300 under the present bill.

3. *Growing Shortage of Other Assistance.* Current economic crisis reduces ability of families and students to finance higher education. (a) With over 6% inflation, other costs leave families with less for education. (b) It is predicted that banks may have to cut back on guaranteed student loans. (c) Rising unemployment and shortage of jobs reduces outside work for students. (d) With growing deficits, colleges have less money available for scholarships.

4. *Middle-income Students.* Passage of the amendment would help middle-income students through National Defense Student Loans and by freeing up institutional scholarship money that would otherwise be needed for low-income students.

5. *Enrollment-Cost Increases.* Amendment increase of 10.5% ($57 million) over FY 1970 appropriation—17.5% ($90.3 million) over amount actually spent—is offset by combined rise of over 11% in enrollment (4%) and costs (7%).

6. *Federal Dividend from Education.* The return in federal taxes is 14 times greater than the total federal cost of sending a person through four years of college.

7. *Failure to Achieve Equal Educational Opportunity.* 48% of college students come from the top income quartile while only 7% come from the lowest income quartile.

8. *Earlier Senate Support.* Last August the Senate voted 56–38 in favor of an amendment to increase FY 1971 authorizations for these three programs by $170 million.

BACKGROUND MEMORANDUM ON KENNEDY-HATFIELD-MONDALE AMENDMENT (NUMBER 645) TO H.R. 16916—INCREASING APPROPRIATIONS FOR FEDERAL STUDENT ASSISTANCE BY $47.9 MILLION

SUMMARY OF AMENDMENT

Amendment 645 increases fiscal 1971 appropriations for the three direct federal assistance programs by $47.9 million, as follows:

[In millions]

	Fiscal year 1970 (appropriation)	Fiscal year 1971 (estimated approved requests)	Fiscal year 1971 (authorized)	Fiscal year 1971		Increase
				H.R. 16916	Amendment	
Educational opportunity grants	$164.6	$250.0	$278.6 (170.0)	$167.7	$185.6	$17.9
National defense student loans	229.0	286.0	381.5 (375.0)	229.0	243.0	14.0
College work-study	154.0	260.0	320.0	160.0	176.0	16.0
Total	547.6	796.0	980.1	556.7	604.6	47.9

Note: Authorizations for EOG and NDSL include amounts appropriated for "such sums as may be necessary." $33,300,000 of NDSL appropriation for fiscal year 1970 was unspent.

This brings appropriations for Educational Opportunity Grants to the level requested by the Administration. In general, the increase for each of the three programs is about one-quarter of the difference between present levels in the bill and institutional requests approved by HEW regional panels.

APPLICATIONS

Passage of this amendment would permit funding of 885,600 of the 1,121,000 requests *approved* by HEW regional panels for FY 1971—helping an additional 65,300 students compared to the present bill.

Passage of this amendment would permit funding of $604.6 million of the $789.5 million institutional requests *approved* by HEW regional panels (of the $956.1 million total requests)—an additional $47.9 compared to the present bill.

RELATIVE FUNDING OF EARLIER YEARS

1. *Approved Requests.* Congress funded 91% of approved requests in FY 1967 and 83% in FY 1968; under this amendment they would be funded at 76% in FY 1971.

	Percent
Fiscal year 1967	91
Fiscal year 1968	83
Fiscal year 1969	55
Fiscal year 1970	69
Fiscal year 1971 H.R. 16916	70
Amendment	76

2. *Authorization.* Congress funded 90% of authorization in FY 1967 and 83% in FY 1968; under this amendment they would be funded at 62%.

	Percent
Fiscal year 1967	90
Fiscal year 1968	83
Fiscal year 1969	76
Fiscal year 1970	61
Fiscal year 1971 H.R. 16916	57
Amendment	62

3. *Students.* Total student enrollment has risen by 833,000 from FY 1968 to FY 1971. Under this amendment, the accompanying increase in number of students receiving assistance would be 138,600—compared to 73,300 under the present bill.

ENROLLMENT—COST INCREASE

The amendment is an increase of 10.5% ($57.0 million) over what Congress appropriated for FY 1970. (Also, $33.3 million of the FY 1970 appropriation for National Defense Student Loans was unspent.) But even this increase is offset by the combined rise of over 11% in enrollment (4%) and costs (7%).

GROWING SHORTAGE OF OTHER ASSISTANCE

College Resources for Scholarships. Colleges and universities are operating with growing deficits. In general, costs of higher education institutions have tripled in the last decade. And they are expected to double again in the next six or seven years—to over $40 billion by FY 1977.

In addition, although inflation and expansion are driving costs up, federal assistance for capital construction—even with passage of the Case amendment—is way down.

Also, the increase of an estimated one quarter of a million students from the lowest income quartile in the last 3 years has placed additional pressure on scholarship funds.

As a result, colleges have *less* to lend or grant to worthy, needy students.

Family Budget. With inflation rising at an annual rate of over 6%, other costs leave families with less money available to help finance their children's education.

Pinch on Guaranteed Student Loans. Last year the Guaranteed Student Loan program provided almost as much assistance as these three direct federal programs combined. And guaranteed loans help middle-income families (gross income below about $17,000) as well as the poorest families.

But business conditions suggest—and many financial aid officers predict—that guaranteed loans may be in shorter supply this fall than they were even a year ago if lending agencies find that they must reduce these loans the only alternate source of credit would be even greater expansion of the National Defense Student Loan program.

Job Shortage for Working Students. With the present unemployment and demand for jobs, students are having great difficulty finding supplementary work in the private market to help finance college. College Work-Study programs would help to partially fill the gap. In addition, modest expansion would enable more students in the $5,000 to $10,000 bracket to participate.

FEDERAL DIVIDEND FROM EDUCATION

The return in federal taxes is 14 times greater than the total cost of sending a person through four years of college.

According to HEW's FY 1971 budget justification:

"The most important return on the government's investment in young men and women is, of course, in those benefits to individuals and to the Nation that are not readily qualified. It can be shown, however, that there is a fair return on investment even in terms of tax receipts. It costs about a billion dollars in Federal funds to help 413,000 students through four years of college. It is estimated that they will earn about $72,000,000,000 more during their life times than if they had not gone to college. Federal taxes on these increased earnings would amount to at least 20 percent or $14,400,000,000."

FAILURE TO ACHIEVE EQUAL EDUCATIONAL OPPORTUNITY

According to the Carnegie Commission on Higher Education:

Of our college students, only 7 percent come from families in the lowest income quartile. 48 percent—seven times as many—come from families in the top income quartile.

In the highest socioeconomic quartile, only one out of 20 top-ranking students fails to go to college. A staggering 10 times as many top-ranking students in the lowest quartile are denied a college education.

GROWTH IN NUMBER OF STUDENTS

1. Enrollments in higher education have more than doubled in the last decade.

2. In FY 1971, there will be an estimated 7,181,000 graduate and undergraduate students enrolled on a full-time equivalent basis—an increase of approximately 4% over FY 1970.

3. Undergraduate enrollment in FY 1971 will be an estimated 6.6 million. The Carnegie Commission on Higher Education estimates that undergraduate enrollment will pass 8 million by 1976, and that this figure may rise to 9 million if student assistance programs are adequately funded.

4. A century ago, 2% of young Americans entered college. Now the figure is over 40% and still rising.

INCREASED COSTS

1. Over the last 5 years, tuition and fees have been rising at an annual rate of about 6–8%.

2. According to HEW's FY 1971 budget justification sent to Congress:

"During the past decade, student costs (tuition, fees, room and board) increased about 38 percent at public institutions and about 70 percent at private schools. During the same period, enrollment more than doubled. *These trends seem likely to continue, and thus the need for student financial aid will grow year by year.*"

3. The American Council on Education estimates that average costs at public colleges and universities are about $2000 (plus another $600 for out-of-staters) and about $3600 at private colleges and universities.

4. The cost of attending college is now the second largest expenditure a family will make and, unlike the cost of a home which is the largest expenditure, falls due in a period of only four or five years.

EARLIER SENATE SUPPORT

Last August 12 the Senate supported an increase of $170 million in authorizations for these three programs by a vote of 56 to 38. The increases were based on estimated institutional requests.

Those estimates have turned out to be low, and in any case, even under this amendment the programs would still only be funded at 62% of authorization. But because of present budgetary pressures, the amendment increase has been kept to under $50 million—less than 35% of the authorization increase which Congress voted last year.

PRESIDENT'S MESSAGE

In his message to Congress on March 19, President Nixon said:

"No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now."

We wholeheartedly endorse that view. And if we are serious about achieving that goal "now," Congress must appropriate the needed funds now. This amendment is still not enough, but it is an important start.

EDUCATIONAL SUPPORT

The amendment is supported by virtually all higher education organizations, including:

American Council on Education.

American Association of Junior Colleges.

College Entrance Examination Board.

American Association of State Colleges and Universities.

Association of American Colleges.

Association of American Universities.

American Association for Higher Education.

The amendment's sponsors have heard from over 100 college presidents and financial aid officers from over 30 states in support of the amendment.

EDUCATIONAL OPPORTUNITY GRANTS

Fiscal year 1971 estimates	Administration proposal	House allowances	Difference
Total	$185,600,000	$167,700,000	$17,900,000
Alabama	3,702,140	3,425,513	276,627
Alaska	120,381	111,253	9,128
Arizona	1,800,823	1,611,761	189,062
Arkansas	1,745,698	1,590,595	155,103
California	17,104,736	15,177,318	1,927,418
Colorado	2,443,044	2,183,115	259,929
Connecticut	2,166,477	1,930,128	236,349
Delaware	412,566	371,017	41,549
District of Columbia	1,295,289	1,159,824	135,465
Florida	4,739,594	4,247,415	492,179
Georgia	3,592,639	3,281,638	311,001
Hawaii	488,896	418,959	70,027
Idaho	712,659	636,455	76,204
Illinois	9,167,154	8,272,247	894,907
Indiana	5,270,235	4,797,498	472,737
Iowa	3,747,623	3,426,559	321,064
Kansas	3,173,483	2,911,809	261,674
Kentucky	3,045,657	2,785,152	260,505
Louisiana	3,146,705	2,841,466	305,239
Maine	825,442	751,327	74,115
Maryland	2,356,942	2,080,296	276,646
Massachusetts	6,524,558	5,866,416	658,142
Michigan	7,403,147	6,609,047	794,100
Minnesota	4,754,872	4,353,423	401,449
Mississippi	2,870,763	2,660,134	210,629
Missouri	4,242,744	3,823,550	419,194
Montana	929,120	851,019	78,101
Nebraska	$1,635,520	$1,465,511	$170,009
Nevada	226,979	199,460	27,519
New Hampshire	826,034	748,780	77,254
New Jersey	3,591,980	3,274,073	317,907
New Mexico	1,115,397	1,016,274	99,123
New York	16,144,549	14,701,942	1,442,607
North Carolina	5,225,413	4,794,373	431,040
North Dakota	1,037,796	952,794	85,002
Ohio	8,454,785	7,603,161	851,624
Oklahoma	2,789,981	2,508,811	281,170
Oregon	2,529,278	2,280,867	248,411
Pennsylvania	8,856,683	7,961,706	894,977
Rhode Island	1,029,880	935,339	94,541
South Carolina	1,773,526	1,608,010	165,516
South Dakota	1,110,631	1,026,251	84,380
Tennessee	4,192,352	3,853,795	338,557
Texas	9,586,621	8,662,820	963,801
Utah	1,545,562	1,360,812	184,750
Vermont	635,452	578,606	56,846
Virginia	3,184,798	2,875,512	309,286
Washington	3,156,047	2,794,578	361,469
West Virginia	1,748,207	1,579,021	169,186
Wisconsin	5,210,768	4,749,911	460,857
Wyoming	488,672	451,740	36,932
U.S. Service Schools			
Canal Zone			
Guam	20,696	17,600	3,096
Puerto Rico	1,691,253	1,556,770	134,483
Virgin Islands	7,663	6,549	1,114

COLLEGE WORK-STUDY PROGRAM

Fiscal year 1971 estimated State allotment	Based on $176,000,000	Based on $158,400,000	Difference
Total	$176, 000, 000	$158, 400, 000	$17, 600, 000
Alabama	4, 320, 484	3, 888, 436	432, 048
Alaska	160, 202	144, 182	16, 020
Arizona	1, 548, 486	1, 393, 728	154, 858
Arkansas	2, 511, 783	2, 260, 604	251, 179
California	14, 305, 238	12, 874, 714	1, 430, 524
Colorado	1, 952, 618	1, 757, 356	195, 262
Connecticut	1, 847, 997	1, 663, 197	184, 800
Delaware	383, 998	345, 598	38, 407
District of Columbia	806, 969	726, 272	80, 690
Florida	5, 091, 050	4, 581, 945	509, 106
Georgia	4, 874, 665	4, 387, 199	487, 465
Hawaii	609, 660	548, 694	60, 965
Idaho	674, 554	607, 099	67, 456
Illinois	7, 671, 670	6, 904, 502	767, 168
Indiana	3, 960, 741	3, 564, 667	396, 074
Iowa	2, 891, 277	2, 602, 150	289, 127
Kansas	2, 124, 945	1, 912, 450	212, 495
Kentucky	3, 546, 564	3, 191, 907	354, 657
Louisiana	4, 191, 330	3, 772, 197	419, 133
Maine	865, 152	778, 637	86, 515
Maryland	2, 660, 122	2, 394, 110	266, 012
Massachusetts	4, 452, 286	4, 007, 058	445, 228
Michigan	6, 758, 558	6, 082, 703	675, 855
Minnesota	3, 525, 557	3, 173, 001	352, 556
Mississippi	3, 632, 123	3, 268, 911	363, 212
Missouri	4, 045, 294	3, 640, 765	404, 529
Montana	697, 835	628, 051	69, 784
Nebraska	$1, 499, 163	$1, 349, 246	$149, 917
Nevada	243, 620	219, 258	24, 362
New Hampshire	565, 535	508, 982	56, 553
New Jersey	3, 761, 834	3, 385, 651	376, 183
New Mexico	1, 151, 862	1, 036, 676	115, 186
New York	12, 552, 511	11, 297, 260	1, 255, 251
North Carolina	6, 069, 615	5, 462, 654	606, 961
North Dakota	790, 855	711, 769	79, 086
Ohio	7, 778, 821	7, 000, 938	777, 883
Oklahoma	2, 660, 577	2, 394, 519	266, 058
Oregon	1, 797, 863	1, 618, 077	179, 786
Pennsylvania	8, 955, 483	8, 059, 935	895, 548
Rhode Island	731, 776	658, 598	73, 178
South Carolina	3, 327, 221	2, 994, 499	332, 722
South Dakota	893, 475	804, 128	89, 347
Tennessee	4, 420, 479	3, 978, 431	442, 048
Texas	10, 413, 681	9, 372, 313	1, 041, 368
Utah	1, 130, 128	1, 017, 115	113, 013
Vermont	460, 668	414, 601	46, 067
Virginia	4, 183, 260	3, 764, 934	418, 326
Washington	2, 733, 574	2, 460, 216	273, 358
West Virginia	2, 213, 506	1, 992, 155	221, 351
Wisconsin	3, 717, 949	3, 346, 154	371, 795
Wyoming	315, 286	283, 758	31, 528
U.S. Service schools			
Canal Zone			
Guam	3, 520, 000	3, 168, 000	352, 000
Puerto Rico			
Virgin Islands			

NDSL FEDERAL CAPITAL CONTRIBUTION

1971 estimates	Based on total program of—		Differences
	$243, 000, 000	$229, 000, 000	
Total	$236, 500, 000	$222, 500, 000	$14, 000, 000
Alabama	3, 708, 869	3, 464, 114	244, 755
Alaska	88, 830	88, 830	0
Arizona	2, 591, 951	2, 420, 904	171, 047
Arkansas	2, 105, 388	1, 966, 451	138, 937
California	26, 522, 343	24, 772, 095	1, 750, 248
Colorado	3, 566, 102	3, 330, 770	235, 332
Connecticut	3, 246, 873	3, 032, 607	214, 266
Delaware	487, 148	487, 148	0
District of Columbia	1, 856, 775	1, 734, 244	122, 531
Florida	6, 743, 536	6, 298, 519	445, 017
Georgia	4, 214, 334	3, 936, 224	278, 110
Hawaii	529, 432	529, 432	0
Idaho	924, 501	924, 501	0
Illinois	12, 218, 444	11, 412, 130	806, 314
Indiana	6, 420, 938	5, 997, 211	423, 727
Iowa	4, 347, 650	4, 060, 741	288, 909
Kansas	3, 534, 095	3, 300, 875	233, 220
Kentucky	3, 527, 216	3, 294, 450	232, 766
Louisiana	4, 011, 407	3, 891, 033	120, 374
Maine	1, 006, 719	940, 284	66, 435
Maryland	3, 144, 603	3, 144, 603	0
Massachusetts	9, 002, 828	8, 408, 717	594, 111
Michigan	10, 899, 378	10, 180, 112	719, 266
Minnesota	5, 430, 782	5, 072, 397	358, 385
Mississippi	2, 819, 929	2, 633, 838	186, 091
Missouri	5, 727, 409	5, 349, 449	377, 960
Montana	1, 056, 227	986, 524	69, 703
Nebraska	$2, 329, 484	$2, 175, 758	$153, 726
Nevada	260, 550	260, 550	0
New Hampshire	1, 052, 063	982, 635	69, 428
New Jersey	4, 314, 193	4, 029, 493	284, 700
New Mexico	1, 345, 506	1, 256, 715	88, 791
New York	20, 348, 336	19, 005, 519	1, 342, 817
North Carolina	5, 821, 698	5, 437, 515	384, 183
North Dakota	1, 147, 474	1, 071, 751	75, 723
Ohio	11, 648, 544	10, 879, 839	768, 705
Oklahoma	3, 845, 974	3, 592, 172	253, 802
Oregon	3, 378, 367	3, 155, 422	222, 945
Pennsylvania	12, 243, 761	11, 435, 776	807, 985
Rhode Island	1, 285, 984	1, 201, 120	84, 864
South Carolina	2, 253, 724	2, 104, 997	148, 727
South Dakota	1, 132, 782	1, 058, 030	74, 752
Tennessee	4, 565, 709	4, 264, 411	301, 298
Texas	8, 595, 652	8, 595, 652	0
Utah	1, 706, 333	1, 706, 333	0
Vermont	771, 955	721, 012	50, 940
Virginia	3, 758, 677	3, 758, 677	3
Washington	4, 978, 055	4, 649, 545	328, 510
West Virginia	2, 193, 588	2, 156, 396	37, 190
Wisconsin	6, 253, 838	5, 841, 138	412, 702
Wyoming	495, 592	462, 887	32, 705
U.S. service schools			
Canal Zone	0	0	0
Guam	0	0	0
Puerto Rico	1, 034, 767	1, 034, 767	0
Virgin Islands	3, 687	3, 687	0

Note: States which show no increase at the higher level are already funded at 100 percent of approved requests.

COLLEGES WHICH HAVE WRITTEN TO SENATOR EDWARD M. KENNEDY IN SUPPORT OF AMENDMENT FOR INCREASED STUDENT ASSISTANCE

ALABAMA

Spring Hill College.
Troy State College.

CALIFORNIA

California State College at Long Beach.
California State College at San Bernardino.
Claremont University Center.
La Verne College.
Loma Linda University.
Loyola University of Los Angeles.
Northrop Institute of Technology.
Occidental College.
San Fernando Valley State College.
University of Redlands.
Whittier College.

DISTRICT OF COLUMBIA

Catholic University of America.

FLORIDA

Barry College.
Florida Institute of Technology.
Florida Presbyterian College.
Miami-Dade College.
New College.
St. Leo College.

GEORGIA

Emory University.

INDIANA

Notre Dame University.
St. Joseph's College.

ILLINOIS

Blackburn College.
College of Dupage.
Central YMCA Community College.
Loyola University.
Loyola University Medical Center.
Roosevelt University.
Rosary College.
Western Illinois University.

IOWA

Iowa Wesleyan College.
Mt. Mercy College.
Ottumwa College.
William Penn College.

KANSAS

Marymount College.
St. Benedict's College.

KENTUCKY

Alice Lloyd College.
Cumberland College.
Thomas More College.

MARYLAND

Community College of Baltimore.
Catonsville Cummunity College.
Villa Julia College.

MASSACHUSETTS

Anna Maria College.
Boston College.
Massasoit Community College.
Pine Manor Junior College.
Wheelock College.

MICHIGAN

Delta Community College.
Quinas College.

MINNESOTA

College of St. Catherine.
College of St. Teresa.
College of St. Thomas.
Macalester College.
St. Olaf College.

MISSISSIPPI

Tougaloo College.

MONTANA

College of Great Falls.

NEBRASKA

Creighton University.
Middeland Lutheran University.

NEW JERSEY

Bloomfield College.
Caldwell College for Women.
Centenary College for Women.
Glassboro State College.
Patterson State College.
Princeton University.

NEW MEXICO

University of New Mexico.

NEW YORK

Adelphi University.
Barnard College.
Bennett College.
Colgate University.
Finch College.
Hartwick College.
Pace College.
Polytechnic Institute of Brooklyn.
Rensselaer Polytechnic Institute.
SUNY at Albany.
SUNY at Brockport.
SUNY at Plattsburg.
SUC of NY at New Paltz.
St. Lawrence University.
Syracuse University.

NORTH CAROLINA

Guilford College.
Livingstone College.

OHIO

Capital University.
College of Mt. St. Joseph.
John Carroll University.
Malone College.
Notre Dame College.

PENNSYLVANIA

Bucknell University.
Cabrini College.
Cedar Crest College.
Chatham College.
Keuka College.
Lafayette College.
Marywood College.
Ursinus College.

RHODE ISLAND

Rhode Island School of Design.

SOUTH DAKOTA

Augustana College.

TENNESSEE

Carson-Newman College.

TEXAS

Trinity University.
University of St. Thomas.

VERMONT

University of Vermont.

VIRGIN ISLANDS

College of the Virgin Islands.

VIRGINIA

Shenandoah College.

WEST VIRGINIA

Alderson-Broaddus College.

SAMPLE OF LETTERS RECEIVED BY SENATOR EDWARD M. KENNEDY ON THE NEED FOR INCREASED STUDENT ASSISTANCE

SPRING HILL COLLEGE,
Mobile, Ala., May 27, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR KENNEDY: This is written to urge you to do all in your power to amend the Education Appropriations Act, which is scheduled to come to the Senate floor soon, so that the Basic student aid programs may be increased by the following amounts:

Educational opportunity grants	$17,900,000
Work-study	16,000,000
National defense student loans	14,000,000

The students of Spring Hill College and those of many other colleges with which I am familiar are suffering several hardships from the deficiencies in these funds. Please do whatever you can to help them and the institutions which rely so heavily on these funds in their financial aid programs for students.

Sincerely,
WILLIAM J. RIMES, S.J.,
President.

CLAREMONT UNIVERSITY CENTER,
Claremont, Calif., May 28, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR KENNEDY: I understand that the Appropriations Act for the Office of Education will reach the Senate floor in the next few days. The higher educational community is deeply concerned about this bill—particularly about two amendments, one of which would add $28 million to provide funds for academic facilities for four-year institutions, and the other of which would add substantial sums to the Educational Opportunity grants, the Work-Study program, and the National Defense Student Loans. I should like to urge your support of these two amendments.

The higher educational community is in extraordinarily difficult financial situation. We are being asked to carry an ever-increasing load at the same time that we are confronted with inflation and declining sources of income. Assistance in the area of building and student aid is urgently needed. Your support for these amendments will be of great help and encouragement at a most difficult time.

Yours sincerely,
HOWARD R. BOWEN,
Acting President and President-elect.

WHITTIER COLLEGE,
Whittier, Calif., May 26, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: As one representative college from the private education sector, Whittier wishes to express to you and Senators Case and Mondale our hearty endorsement of your proposed amendments to the Education Appropriations Act.

We are convinced these pieces of legislation are critically important factors in the maintenance and expansion of our educational system. We want you and your fellow legislators to know we are now, and will be in future, active in behalf of your education proposals.

Our best wishes are with you in your defense of higher education.

Sincerely,
FREDERICK M. BINDER.

WHITTIER COLLEGE,
Whittier, Calif., May 26, 1970.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SIR: We at Whittier College have a deep concern and interest in the Office of Education Appropriations Act which, we understand, is scheduled for Senate consideration in the immediate future.

Of particular import to us, and to all educational institutions, public and private, are two amendments to the Act:

First, the Senator Clifford P. Case Amendment, which will seek to add 28 million dollars to the Appropriations Committee recommendations; hereby extending to the four-year institutions assistance restricted in the original Bill to the two-year community colleges. We are poignantly aware of the academic facility needs of our sister two-year colleges and strongly endorse legislation which will assist in this area, but we are equally cognizant of the identical requirements facing four-year institutions. We therefore ask your support of the expanded appropriation to meet the full spectrum of requirements.

Second, the amendment sponsored by Senators Kennedy and Mondale, which will add funds to E.O.G., Work Study and National Defense Student Loans. In the past, Whittier College has been the grateful recipient of funds from all three of these programs. This assistance has made possible, among other activities, our Mexican Program, our library expansion, as well as increased scholarship grants for deserving students. A restriction of this assistance would seriously curtail our current and projected programs. We urgently request your careful consideration and active participation on behalf of the amendment's passage.

Your legislative activities in the past on behalf of higher education in California, as well as across the nation, have clearly demonstrated your deep and continuing concern that our youth be given excellent schooling opportunities. In light of this, we are convinced these amendments warrant your vote of approval.

Sincerely,
FREDERICK M. BINDER.

CENTRAL YMCA COMMUNITY COLLEGE,
Chicago, Ill., May 26, 1970.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I fully believe that your emphasis on the Educational Opportunity Grant and the College Work-Study Program is making possible a viable American democracy. Any other course, in my opinion, would only exacerbate the problems of poverty and manpower, as well as racism and the urban confrontation. For example, this one modest Junior college alone provides educational opportunities for more than 400 inner-city youth now on a poverty or below poverty level of life. E.O.G. and C.W.S.P. are essential ingredients of the program. Their continuation and enhancement can be the government's best investment possible in future tax dollars to be collected, let alone the human welfare benefits.

Your efforts are to be commended. We are urging others to support your position, for we believe that we are not over dramatic when we state that our country's future is at stake.

Cordially yours,
DONALD A. CANAR,
President.

COLLEGE OF DUPAGE,
Glen Ellyn, Ill., June 10, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am writing to you with regard to the Education Improvements Act and especially as it concerns at least two of the amendments which are of considerable importance to higher education.

In my opinion, it is extremely important that we not jeopardize the Higher Education Facilities Act in order that we may satisfy the crucial need for student aid funds. At the present rate of borrowings from local banks under the guaranteed student loan program, it is unlikely that these lending institutions can continue their present level of activity.

Thank you for your consideration in this matter.

Sincerely,
STEPHEN J. GROSZOS, PH.D.

ROOSEVELT UNIVERSITY,
Chicago, Ill., May 22, 1970.

Hon. EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I understand that you are preparing to introduce an amend-

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ment to the Office of Education Appropriations Act which would increase the appropriations for the basic programs of student financial aid. I want to indicate to you my support of such an amendment and to tell you how important these programs of student financial aid are to the students of Roosevelt University.

The Guaranteed Loan Program is not adequate to insure that all qualified students will have an opportunity to study at the college or university of their choice. But the Educational Opportunity Grants Program, the College Work-Study Program, and the National Defense Student Loan Program make this a reality. Without the added funding which would be appropriated by your amendment, we might well have to turn away economically disadvantaged students who are educationally qualified to enter Roosevelt University.

I have written to the Senators from Illinois urging them to support your amendment.

Sincerely yours,
ROLF A. WEIL, *President.*

SAINT BENEDICT'S COLLEGE,
Atchison, Kans., May 26, 1970.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: It was with a great deal of pleasure that I learned that you as well as Senator Mondale are seeking to have funds added to the three basic student aid programs.

It was with dismay that I received recently "unofficial" notice from the Office of Education of my college's allocations for FY 1971. In all three programs there were reductions which, as in past years, further reduces the effectiveness of these programs for the students whom we serve.

This is my fifth year in the area of financial aid administration. During this period I have seen the erosion of higher education's ability to help the needy and disadvantaged, the middle-income student, and the rural poor.

Apparently the Federal Government, and the Nixon administration specifically, is not willing to reverse this trend. Thus I find your efforts very gratifying.

I stand ready to assist you in whatever possible.

Sincerely,
EDWARD S. DOUGHERTY,
Director of Financial Aids.

THOMAS MORE COLLEGE,
Covington, Ky., June 1, 1970.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Recently I learned of your efforts to increase the allocation of funds for student aid programs. As a college financial aid officer I have experienced the difficulty of attempting to stretch extremely limited funds to assist students in getting a college education. As enrollment and costs continue to spiral, the conditions become even more critical. The ability and willingness of lending institutions to expand lending under the Guaranteed Loan Program is in jeopardy, due to current economic conditions. Many banks are unwilling to participate even on a limited basis.

Your continued efforts to increase assistance to help the nation's young people to help themselves will certainly be appreciated, both now and in the future when these men and women will be the mainstay of the country.

This brings my best wishes and active support for your efforts in this matter.

Sincerely,
MICHAEL L. MARLOWE,
Director of Financial Aid and Placement.

BOSTON COLLEGE,
Chestnut Hill, Mass., June 3, 1970.
U.S. Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I am writing to you to tell you that you have the unqualified support of everyone associated with Boston College in your efforts to increase appropriations for all three basic student aid programs by adding $14 million to the National Defense Student Loan Program; $16 million to the College Work-Study Program, and $17.9 million to the Educational Opportunity Grant Program. We hope that the Senate sees its way clear to act favorably on these desperately-needed proposals.

This year Boston College requested and substantiated a National Defense Student Loan of $1,750,000. But, because of reduced appropriations, we will get only about one-half of that amount which means that, in a period of skyrocketing costs on all sides, the majority of our students will receive less than they are eligible for (and, indeed, far less than they need) to pay for their education. In addition, because of lack of funds, graduate students have been eliminated by administrative memorandum from the National Defense Student Loan Program which we think is a grave injustice. (One has the feeling that there will be absolutely no federal support for graduate student fellowships or traineeships on an institutional basis in the near future. This would be a disaster for graduate student education and unless the situation is remedied soon, there is no question but that graduate education will take many years to recover from this nutritional deficiency). Also, since a large part of our loan funds must be used to match grants-in-aid for low income students, there is little left to help the students from middle income families who, too, are feeling the economic squeeze.

In this calendar year, Boston College has been given approval for $586,000 for its College Work-Study Program. This is the smallest amount we have received in three years, in spite of the fact that this Program not only helps our students to earn part of their college costs but also enables them to contribute their talents in a constructive way for the social benefit of the off-campus community.

As you well know, Educational Opportunity Grants must be matched by scholarships or by funds from The National Defense Student Loan, The College Work-Study or other related federal programs. Uncertainties about financing other federal programs restrict us in developing as effective an Educational Opportunity Grant Program as we would like. As a result we have not been able to use fully the funds provided in the program to help minority and other students from low income areas. Thus, while we need more money for the Educational Opportunity Grant Program, the efficient use of such funds depends on more adequate financing of The College Work-Study Program and the National Defense Student Loan Program.

In the last three years, the availability of these three basic student aid programs has enabled Boston College to carry out the spirit of the law and express national values by bringing to our campus students from low income urban areas. Because of federal support we also have been encouraged to contribute generously of our own resources to this end. (In this regard it must be kept in mind that we are not using endowments, which we do not have, to help the disadvantaged. We are using money from operating expenses.) In the light of our present financial situation, however, we can support such important programs only if they receive adequate financial assistance from the federal government.

To give you an idea of our financial problem, we would like you to know that, for the present fiscal year, operating expenses at Boston College exceed income by an estimated $4.2 million. To meet part of this deficit we have just announced a tuition increase of $240 effective this coming September. This is on top of $400 tuition increase last year. In addition, board and room costs will increase by $300 at the opening of the fall term.

In the light of the critical financial situation in which Boston College and, in fact, all private colleges and universities find themselves, I hope that the Senate approves the $47.9 million total increase in the National Defense Student Loan Program, College Work-Study Program and the Educational Opportunity Grant Program. The need for enlarging these basic programs is more crucial than ever since there is grave doubt that the banks can sustain their present level of lending under the Guaranteed Loan Program.

We are most grateful for your continued interest in the problems of private colleges and universities.

Sincerely yours,
Rev. W. SEAVEY JOYCE, S.J.
President.

MASSASOIT COMMUNITY COLLEGE,
West Bridgewater, June 2, 1970.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: I understand from John F. Morse, Director, Office of Education Appropriations, American Council on Education that you and Senator Walter F. Mondale (D. Minn.) are seeking to add funds to all three basic student aid programs: Educational Opportunity Grants, $17.9 million; Work-Study, $16 million; National Defense Student Loans, $14 million, and further, that Senator Clifford P. Case (R. N.J.) will seek to add $28 million, the same amount appropriated this year, to provide funds for academic facilities for four-year institutions.

May I express my full appreciation for your assistance in these matters. It would appear that the future of the Higher Education Facilities Act may be in jeopardy, and the need for additional student aid funds is even more crucial, since there is considerable doubt that the banks can sustain their present level of lending under the Guaranteed Loan Program.

Very truly yours,
JOHN W. MUSSELMAN,
President.

WHEELOCK COLLEGE,
Boston, Mass., May 28, 1970.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I want to commend you and support you in your efforts to add funds to the Educational Opportunity Grants, Work Study, and National Defense Student Loans sections of the Pending Appropriations Act for the Office of Education.

As the cost of higher education increases, tuition increases seem inevitable. With tuition increases, a college degree is increasingly distant from many Americans without substantial financial aid.

We appreciate deeply all that you are doing in the support of higher education. The financial stress upon us is growing every day.

Sincerely yours,
Mrs. ROBERT W. MERRY,
President.

BAY CITY, MICH.,
June 1, 1970.
Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, D.C.

Delta Community College has been a participant in the Educational Grants Program,

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the National Defense Loan Program and the College Work Study Program for several years. In that time we have been able to help many students from low income homes to earn a college education. Most of these students would never have received an education beyond high school had it not been for the Financial Aids Program. Many came from minority groups and rural areas. For this reason we support the Kennedy-Mondale amendments. The Financial Aids Programs of the Higher Education Act of 1965 has truly equalized educational opportunities for many disadvantaged students. We hope they will be fully supported by the Congress.

DONALD J. CARLYON,
President, Delta College.

THE COLLEGE OF ST. CATHERINE,
St. Paul, Minn.

EDWARD M. KENNEDY,
Old Senate Office Building,
Washington, D.C.

HONORABLE SIR: As Dean of Students directing Financial Aid to students of lower income (anywhere from nothing for some independent girls whose parents cannot or will not help them) as well as middle incomes (up to $10,000) I am intensely interested in the Educational Appropriations Act which is coming up on the floor soon.

Most of these students are working to help themselves through college on a campus where they feel they can get the best education for their particular needs. Some of them are getting state scholarships but the amount of state funding in Minnesota is considerably lower than that of many other states. I know most of these students personally or have extensive information about them. I know that the money we have loaned to students under NDEA, NDSL, or NSL has been repaid promptly and that these graduates are grateful for the loans they have received.

I know that one national goal is to help VERY low income students but motivation to help the nation and fellow men is higher among the middle income group and it will be another generation before the aims of the poverty oriented programs can show results. Just getting students to college is not the answer to our problems. A college education is only going to be an advantage to the nation if the students getting it are motivated and prepared, not just milling around a campus for four years to get a magic piece of paper. This latter condition now does exist in some places and these so-called students are easily influenced by agitators.

NDSL was hailed as such a great thing but here we are this year with only a fourth of what we need for loans and banks telling the students they cannot lend as they once thought they might. EOG is urgently needed, and Work-Study is excellent experience for young people. A combination of these three aids properly placed will do more to supply us with level headed students than riot squads.

Please do support the three basic student aids and direct them where they can do most good.

Sincerely,

SISTER MARIE JAMES.

GLASSBORO STATE COLLEGE,
Glassboro, N.J., June 2, 1970.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I wish to lend my support to those who endorse your efforts to amend the Office of Education Appropriations Act.

We are in the process of determining student financial aid awards for next year. Unless we receive additional support from the Federal Government, we will have many students laboring under unnecessary hardships. Even federally-supported higher education loans are becoming increasingly difficult to obtain. Many lending institutions are reluctant to commit their funds to students during this period of economic turmoil. In addition no one has to belabor the problems the college student will face this year when he attempts to secure a summer job. This lack of financial support compounded by a lack of financial aid is going to cause many a deserving student to terminate his education prematurely.

Contrary to popular belief, it is not always the financial aid student who causes campus disturbances. In fact it can be unequivocally stated that one of the most important reasons for this campus remaining open during a recent crisis may be directly attributed to the efforts of some of our financial aid recipients. Their admonishments to their fellow students concerning the importance of their college education had a direct bearing on the course of action for this institution—*it remained open.*

If we want to keep all deserving students in school regardless of their economic background, then it is imperative that colleges receive additional federal financial aid support. Glassboro is no exception.

Sincerely,

WILLIAM L. MURPHY,
Director of Financial Aid.

THE UNIVERSITY OF NEW MEXICO,
Albuquerque, N. Mex., June 2, 1970.

Hon. EDWARD M. KENNEDY,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: We are advised by the American Council on Education of your proposal to amend the Office of Education Appropriations Act to add funds to the Educational Opportunity Grants, Work-Study, and National Defense Student Loans programs. May we wish you all success with this undertaking.

The situation with respect to resources for student aids at the University of New Mexico is acute. As of this date, we are over-committed approximately $38,000 in Educational Opportunity Grants for freshmen for next fall and, inasmuch as these grants are typically matched on a one-to-one ratio with National Defense Student Loans, we are over-committed a like amount in that category. Applications continue to come in. Unless there is some relief, many prospective freshmen will have to be denied assistance and will probably not enroll in September.

The higher educational institutions in New Mexico have evolved a work-study program called the New Mexico Plan for the coming summer. Under this Plan, prospective students will be able to find appropriate emplyoment with the institutions supplying 80% of the funds and the balance to be provided by eligible agencies. We have thought very highly of this Plan because it enables the student, while living at home, to work and save money for school expenses in the ensuing year. The Plan will be implemented this summer on a reduced scale, but the University of New Mexico has reluctantly concluded that it cannot afford to participate at all.

Costs of higher education continue to rise despite all efforts to hold them in check; student living expenses are, of course, inflated as are those of all other citizens. It seems tragic that those, especially from lower income families, who are qualified to undertake higher education and who desire it must be forced into the ranks of the unemployed.

Sincerely yours,

FERREL HEADY,
President.

BENNETT COLLEGE,
Millbrook, N.Y., May 26, 1970.

Senator EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: We wish to add our support to the amendment sponsored by you and Senator Mondale to add funds to all three basic student aid programs.

Cuts in the funding of Educational Opportunity Grants and the College Work Study Program have made it necessary for us to use more of our limited financial aid budget for the disadvantaged students. As a result, we are able to help very few of the students in the middle income bracket.

We also heartily disagree with the proposals of the present administration to shift the burden of payment for education to the student by increased dependence on loans, when there is grave doubt that the banks can sustain their present level of lending under the Guaranteed Loan Program.

Students who are forced to borrow heavily to pay for higher education will not only be seriously handicapped for years after graduation, but may also be more apt to be disillusioned with the present priorities of the American society while on campus.

Sincerely yours,

RUTH I. GIFFORD,
Financial Aid Officer.

STATE UNIVERSITY COLLEGE OF
ARTS AND SCIENCE,
Plattsburgh, N.Y., June 4, 1970.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: It is with utmost concern that I ask your support of the Office of Education Appropriations Act in which you and Senator Mondale are seeking to add funds to all three basic student aid programs. Nearly all colleges in the Country have felt the impact of the recent cuts in budgets in the National Defense Student Loan, Educational Opportunity Grant and College Work-Study Programs. This campus is no exception.

The 52% cut in New York State for the Initial Year Educational Opportunity Grant Program is presenting a most disturbing situation. With a new program for the disadvantaged on our campus and the acceptance of many other disadvantaged students who will not be in the Special Program, the amount allocated will not be enough to aid these needy students. It is necessary to transfer over one half of the Initial Year Educational Opportunity Grant (which also received a cut) in order to meet the needs of the past Educational Opportunity Grant recipients.

Therefore, only 20 of 102 eligible Educational Opportunity Grant students will be able to receive aid from this program. We need more National Defense Student Loan and College Work-Study Program funds to aid the many other students in need of financial aid.

To understand the seriousness of this request it is important to know that approximately 30% of all of our students at Plattsburgh come from homes which have a net taxable income of $1,800 or less. I think you can see why we consider the need for additional student funds is crucial.

Sincerely,

GEORGE W. ANGELL,
President.

RENSSELAER POLYTECHNIC INSTITUTE,
Troy, N.Y., June 2, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: We are very much interested in the Office of Education Appropriations Act which is scheduled for debate in the Senate this week, and wish to comment on the need for passage of amendments you and Senators Mondale and Case are presenting to provide (1) an increase in student-aid programs and (2) for academic facilities for four-year colleges and universities.

Perhaps the most significant development of the mid-20th Century in respect to education has been the deep concern and consequent supportive legislative actions of the

Federal Congress. It becomes, therefore, the more trying when we realize our government's leaders must test the question of participation in the educational situation and act in the presence of many other economic and social factors, both national and international.

Events of the past year clearly point out that the citizen of tomorrow will be living in an America that is difficult to imagine, and that it is the responsibility of educational institutions to develop programs and an environment that will shape his education and his contributions to society. Rensselaer Polytechnic Institute has, through the years, accepted this responsibility to provide an education centered in science and engineering; not neglecting the humanities and the social sciences.

As for the need by Congress to act on additional financial aid to students, we would like to point out that private colleges are not inherently more expensive to operate than are public colleges; nor are they available only to the wealthy. In recent years, the percentage of Rensselaer applicants with financial need has increased steadily to the point where more than 80% of our applicants now demonstrate need. The undergraduate scholarship budget for Rensselaer has increased from less than one half million dollars to nearly two million dollars annually in the past decade.

Problems of direct student support require expansion, not contraction, of grant and loan programs—for all lower and middle income students, but especially for the disadvantaged. Present programs are unrealistic both in number of students to be assisted and in the support per student. We urge you to give thorough study and support to amendments that seek to add funds to the Educational Opportunity Grants, the Work-Study Program, and the National Defense Student Loans.

Sincerely,

R. G. Folsom.

Livingstone College,
Salisbury, N.C., May 29, 1970.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: Livingstone College, Salisbury, N.C., a privately owned, fully accredited four-year college engaged in training poor black students, is intensively interested in your proposed amendment to HR 16916 soon to be voted on by the United States Senate.

Our students come from low-income families and are unable to pay the costs for attending college and must depend upon assistance from the Federal Government. We strongly support the Kennedy-Mondale Amendment to add funds to all three basic student aid programs in the following amounts: Educational Opportunity Grants, $17.9 million; Work-Study, $16 million; and National Defense Student Loan, $14 million.

From our point of view these funds are the life-blood of our student financial aid programs, and merit the most favorable consideration. We support your amendment 100 percent.

Very truly yours,

F. George Shipman,
President.

Notre Dame College,
Cleveland, Ohio, June 1, 1970.

Hon. Edward M. Kennedy,
Senate Office Building
Washington, D.C.

Dear Senator Kennedy: I am writing this to ask your support for increased appropriations for three student aid programs. Without increased funds for the Educational Opportunity Grants, the Work Study Programs and the National Defense Student Loans, our ability to help the underprivileged students now attending Notre Dame College, will be seriously handicapped.

In the past, these student aid programs, combined with our financial contributions, have made it possible to educate many economically disadvantaged students who otherwise would have not received college educations.

The cut back in these programs has certainly hindered our program to help the underprivileged students and unless additional funds are received, we may have to severely curtail our efforts to help educate students from lower income families.

Your assistance in increasing funds for these student aid programs will certainly be appreciated.

Cordially yours,

Sister Mary Luke, S.N.D.,
President.

Bucknell Univerity,
Lewisburg, Pa., May 29, 1970.

Hon. Edward M. Kennedy,
Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: I am writing in appreciation and support of your effort to increase the appropriations for Educational Opportunity Grants, the College Work-Study Program, and National Defense Student Loan Fund. These three sources of financial aid constitute a fine national program, which is flexible and balanced, and which makes possible the application of financial help in forms and packages that effectively meet student needs.

There can be no question of the importance of this program to the young people and the colleges of our nation, and the need to increase the funding as all costs across the land increase can hardly be overstated. In this one relatively small college, lack of financial aid funds made it necessary for us to deny aid to 115 entering freshmen whose combined need was slightly more than $164,000. Among our currently enrolled students, 94, with a combined need of over $140,000, will have to be denied financial aid for next year. This situation exists in spite of our reasonably successful and continuing efforts to obtain scholarship funds from industry, business, foundations and individuals. Cleraly, any reduction in the federal funds for student financial aid allocated to Bucknell will certainly result in the interruption—if not the termination—of higher education for more than a few of our students.

Be assured the University and its students very much appreciate, and strongly support, all efforts to increase the appropriations for student aid programs.

Sincerely,

John C. Hayward,
Director of Financial Aid.

Marywood College,
Scranton, Pa., May 26, 1970.

Hon. Edward M. Kennedy,
Senate Office Building,
Washington, D.C.

My Dear Senator Kennedy: The Administration of Marywood College, Scranton, Pennsylvania wishes to express its support for the action which you intend to take within the next few weeks in regard to the Office of Education Appropriations Act. I am sure that at this point it is not necessary for colleges to send you statistics to demonstrate the need which they have for additional funds in all three basic student aid programs: Educational Opportunity Grants, Work Study, and National Defense Student Loans.

It should be made clear that in addition to the aid being received through these channels, our college students are carrying jobs in order to assist their families to meet the rising cost of living as well as the rising cost of college education. Your basic belief in the need to preserve the concept of a pluralistic society with the educational choices which that implies, will motivate you to assist both private and public educational institutions to receive additional appropriations.

In our own case, over 90% of our students would not be able to attend college without the assistance of the three basic student aid programs referred to above. We sincerely appreciate the energy you have expended in seeking to augment appropriations for education and want you to know of our support in this endeavor.

Sincerely yours,

Sister M. Michel, I.H.M.,
Vice President for Academic Affairs.

Rhode Island School of Design,
Providence, R.I., May 27, 1970.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: Independent colleges and universities are being asked, in many cases forced, to carry a burden of responsibility which is beyond their strength, and unless substantial help comes soon, most, if not all of these institutions will die. These institutions are expected to solve, currently with minimal help, one of the most important and most expensive national problems we have: they are expected to make available equally to all who qualify, and in many instances even to those who don't, their particular kinds and qualities of education regardless of the candidate's ability to pay for the ever increasing costs of the education offered.

At this stage in their effort to carry this burden many independent colleges and universities are being forced to give financial aid where the greatest pressure is, that is to the disadvantaged candidates from minority social groups. The result of course is that the middle-income candidate, who needs partial aid, is being deprived and forced to drop out. This pattern will inevitably result in unhealthy student populations, consisting of a large majority from affluent backgrounds and a small minority from poverty backgrounds. Candidates from middle-income families ($10,000–$20,000) will not have the equality of opportunity which the other two groups will have—they will be forced to attend state universities, if they can afford even the lower costs of those institutions.

The independent colleges and universities, which of course play an enormous part in establishing the standards of education throughout the country cannot continue to carry the increasing burden of making it financially possible for all young people in the nation to receive higher education. The amounts of money needed are far beyond the capacities of college endowments, contributions from foundations and industry, and the proceeds from fund-raising drives. Only the federal government has the vast resources needed to attack this problem.

At Rhode Island School of Design our conscientious commitment made two years ago to recruit and offer full financial aid to increased numbers of candidates from disadvantaged minority groups has already forced us to reduce substantially the number of candidates from middle-income backgrounds to whom we can offer financial aid. Furthermore the financial squeeze arising from this commitment has placed us in a position where we are unable to make needed improvements in facilities, premises, and personnel.

The portents of all this are extremely ominous, and therefore I urge that the appropriations recommended by Senators Clifford P. Case and Edward M. Kennedy be supported with all possible strength. I must add, however, that the amounts recommended, especially those for EOG, Work-

Study, and NDSL are far below the amounts which will be needed if the independent colleges and universities are to be saved.

Sincerely,

DONALD M. LAY, Jr.,
Dean of the College.

CARSON-NEWMAN COLLEGE,
Jefferson City, Tenn., May 26, 1970.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Carson-Newman College continues to live, serve and progress in this important Appalachian region. Over 50% of our students are receiving various types of financial aid. Educational Opportunity Grants, Work-study, and National Defense Student Loans have played major roles in making education available to deserving young people of this area.

We are wholeheartedly in support of efforts to add funds to all three of these basic student aid programs. Our continued service to this region greatly depends on these programs.

Thank you.

Cordially,

WILLIAM I. POWELL,
Director of Development.

BURLINGTON, VT.

Senator EDWARD KENNEDY,
Washington, D.C.:

It is our understanding that when the Office of Education appropriation bill H.R. 16916 reaches the Senate floor later this month you will cosponsor with Sen. Walter Mondale an amendment to add funds for student assistance programs. We wholeheartedly support this effort to provide more money for student aid. It is especially important to the University of Vermont that the amount recommended for educational opportunity grants be increased beyond the House allowance of $167 million. To further reduce the availability of already inadequate grant funds causes students to rely heavily on loans. Being forced to borrow the full cost of their higher education would close the door to many students. A similar telegram is being sent to Senator Mondale and copies forwarded to Senators Aiken and Prouty.

President LYMAN S. ROWELL,
President-Elect EDWARD C. ANDREWS,
University of Vermont.

THE NATIONAL GUARD—FASHIONABLE WHIPPING-BOYS

Mr. ALLOTT. Mr. President, it seems that one of the fashionable whipping-boys for certain vociferous elements in the Nation is the National Guard.

It is alarming—and somewhat irritating—to hear ill-informed persons giving harsh and mean-minded judgments about the many men who comprise our National Guard. Fortunately, someone with high qualifications and a sense of civic duty has come forward to give a few relevant facts. The man is George Fielding Eliot, one of the Nation's most respected and honored military experts.

Mr. Eliot has been kind enough to send me a copy of a short, incisive article he has written on the subject of the National Guard. He deals judiciously with the Guard's difficult tasks and honorable record. I would call particular attention to this paragraph:

> During the period Jan. 1, 1968, to April 30, 1970—a total of 28 months—National Guard units were called to active service in support of the civil authority on 191 separate occasions, involving 224,500 Guardsmen. There is no established case where a single fatal civilian casualty resulted from these National Guard operations. That is a record of which any professional law-enforcement agency—or any professional army—might well be proud of. The National Guard is very proud of it indeed.

Mr. Eliot has provided some facts. They are much needed if we are going to lay to rest vicious derogation of the National Guard.

So that all Senators may profit from Mr. Eliot's wisdom, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NATIONAL GUARD AND LAW ENFORCEMENT

(By George Fielding Eliot)

On the continent of Europe it is customary for governments to maintain strong forces of armed semi-military police (French gendarmerie, Spanish Guardia Civil, Italian Caribinieri, West German border and regional police, etc., etc.) for the purpose of reinforcing local police in case of serious public disorders. In the United States and Great Britain, the principal dependence in such cases is on citizen militia-type forces composed of volunteers, subject to call to active duty in emergencies: of which the National Guard is the American version.

There is a profound difference between a full-time professional national police force and which is composed of citizen-volunteers motivated by a willingness to devote time and effort to training in emergency law-enforcement duties.

That this difference exists is generally recognized in this country, but occasionally when strong emotions are aroused in the course of the performance of this duty, we tend to forget the basic facts. Such an instance, unhappily, has arisen in connection with the cruel tragedy which occurred on May 4 at Kent State University in Ohio, where young people have died under circumstances which are now under investigation by civil and military authorities.

The emotional reactions aroused by this unhappy affair have resulted in a storm of abuse in the press and other news media against the National Guard. It would be highly objectionable for the Army or the National Guard Association to make any definite official statement until the facts have been fully examined in the official inquiry now in progress, and conclusions reached as to the lodgment of responsibility. There is nothing, however, to deter the military authorities from referring to the recent record of the National Guard regarding civilian casualties.

That record is impressive. During the racial disturbances of 1967, it became apparent that the National Guard needed additional training in riot-control if it was to deal effectively with nation-wide disorders on such a scale and of such intensity—especially at a period in which much of the effective Active Army was preoccupied with a foreign military operation. In consequence, a special training program in riot control (32 hours per year) was instituted, with a backup 16-hour program of studies. By Jan. 1, 1968, every unit of the Army National Guard and selected units of the Air National Guard had undergone this training, which was thereafter continued in 1968 and 1969.

During the period Jan. 1, 1968, to April 30, 1970—a total of 28 months—National Guard units were called to active service in support of the civil authority on 191 separate occasions, involving 224,500 Guardsmen. There is no established case where a single fatal civilian casualty resulted from these National Guard operations. That is a record of which any professional law-enforcement agency—or any professional army—might well be proud of. The National Guard is very proud of it indeed.

It might help us all to retain some sense of proportion if we keep this record in mind. It does not justify such terms as trigger-happy, panicky, poorly trained—terms which have, since May 4, been freely applied to the National Guard as a whole as well as to the two Ohio National Guard units which were actually involved. We can be confident that the official investigation will lay the facts on the line. Neither the Army nor the National Guard Bureau can afford to have it otherwise.

We might also remind ourselves that the draft laws may be on the way out, and that the draft is one very strong incentive to National Guard recruiting. If we prefer a citizen-type emergency force to the European professional gendarmeries, we had better give some thought to encouraging voluntary enlistments without the stimulus of the draft. We do not do that when we allow ourselves to indulge in such public abuse as has recently been showered on the Guard.

HOSPITAL CONSTRUCTION VETO AGAINST BEST INTERESTS OF THE AMERICAN PEOPLE

Mr. EAGLETON. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), who is at present attending the International Labor Organization Conference in Geneva, Switzerland, I ask unanimous consent that his statement be printed in the RECORD:

STATEMENT OF SENATOR YARBOROUGH

The President's veto of the hospital construction bill of 1970 is a slap in the face of every sick American needing hospitalization and every family who will need hospitalization in the years to come.

The health of the American people should be foremost among all national priorities.

The state officials of the 50 states have certified to the Federal Government that $16,500,000,000 is needed now to construct new hospitals and expand and remodel the old hospitals. That money is needed now. The modest bill passed by the U.S. Congress provided for less than a billion dollars a year for the next three years. It is a rock-bottom, minimum bill if we are to protect the health of the American people.

The two big bills vetoed by the President since he took office have been bills to help the health and education of the people of the United States. By this second veto of a major health bill in less than 12 months the President has shown a strange insensitivity to the illness and suffering of the people of the United States.

With the high infant mortality rate pulling us down in health status in the world it is no time to deny the American people health care.

THE ELECTION IN BRITAIN

Mr. THURMOND. Mr. President, last week's electoral results in Great Britain constitute one of the most significant such contests in recent times. Contrary to all the expectations of the critics and the political observers, the conservative government of Edward Heath won a smashing victory.

This victory will have profound effects not only in Great Britain, but also throughout the world. The foreign policy of the United States and Great Britain have been very closely joined in many of the key areas of the world and we shall now have to assess the affect which new policies of Great Britain will have on our policies.

In reading much of the comment on this election, most of the critics seem to be displaying the same sense of obtuseness which they displayed before their upset. However, I invite two worthy items of comment. The first of these appeared Saturday on the editorial page of the Charleston News and Courier. The News and Courier says:

While Edward Heath is the leader of the Conservative Party and will be asked by the Queen to form the new government, the mantle of party leadership in time, we believe, will rest on the shoulders of Enoch Powell.

In this regard, the News and Courier, next to its editorial page, presented excerpts from a recent speech by Mr. Powell in which he sets forth his views of the threat to Britain. Since Mr. Powell's views have not been reported in detail but only with a broad brush, the dignity and statesmanship of his statements make interesting reading.

It will be noted that his chief concern is with the growing anarchy and disrespect for authority throughout the Western world. His remarks are of key interest to the United States, for he cites the unrest present at many of our universities.

The other comment on the British elections was by Joseph Alsop in the Washington Post. Mr. Alsop correctly points out that the rise of the Conservative Party may very well prevent the collapse of Western interests in the Mideast, because of the Conservative government's announced position of maintaining a military presence east of Suez.

Mr. President, I ask unanimous consent that the editorial entitled "Election in Britain," published in the Charleston News and Courier of Saturday, June 20, 1970, be printed in the Record, along with the excerpts from Mr. Powell's speech printed in the same newspaper, with editor's note. I also ask unanimous consent that the column by Joseph Alsop, entitled "British Voting Pleases Nixon as Sign of Shift to the Right," from the Washington Post, follow in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

ELECTION IN BRITAIN

The Conservative Party victory in Britain's parliamentary election Thursday was not just another political upset. If we judge correctly, it marks the beginning of an important change in the attitude of British voters toward the problems of their nation.

While Edward Heath is the leader of the Conservative Party and will be asked by the Queen to form the new government, the mantle of party leadership in time, we believe, will rest on the shoulders of Enoch Powell. The news media, which did such a poor job of reporting British public opinion, no doubt will continue to castigate Mr. Powell because of his outspoken views on immigration and race relations. The fact is that Mr. Powell's speeches provided the real interest in the campaign. He was returned to Parliament with twice the vote he received in the last General Election. Like the press, the public opinion polls were far off the mark in assessing the voters' views.

Mr. Heath is on record as saying Mr. Powell won't be given a place in a Conservative Cabinet. The new Prime Minister will find it difficult to bar the man who has captured the imagination of so many voters in Great Britain. The truth is that Edward Heath has been an efficient custodian, holding the Conservative Party together during its years in the wilderness. Mr. Powell is the man with the brilliance and the oratorical gift—another Winston Churchill, perhaps.

Elsewhere on this page today we reprint portions of the dramatic speech Mr. Powell delivered last week which may have had a great deal to do with the outcome of the election. We recommend a close reading of these excerpts. They apply almost as much to America as to Britain.

Irrespective of Mr. Powell's place in the Conservative Party, the new government is likely to assume a different international posture in several respects. The Conservatives pledged to resume defense cooperation with the Republic of South Africa and to maintain a military presence east of Suez.

On the home front, the Conservative Party is likely to continue the welfare state programs developed by the Laborites, as the Nixon administration is continuing the Johnson administration programs.

The issue with the greatest of meaning and drama for Britain is the immigration issue. It is on this issue that the sentiment of the Conservative Party and the nation will be tested most thoroughly. The world will be watching to see whether Anglo-Saxon civilization retains its survival instinct.

POWELL'S VIEW: THE THREAT TO BRITAIN

(Editor's Note.—The following is a part of a speech delivered June 13 by Enoch Powell, M.P., in Birmingham, England. Mr. Powell is a graduate of Cambridge University and author of numerous books on Greece and the classical world. He was Minister of Health in the last Conservative government in Great Britain.)

When we think of an enemy, we still visualize him in the shape of armored divisions, or squadrons of aircraft, or packs of submarines. But a nation's existence is not always threatened in the same way. The future of Britain is as much at risk now as in the years when Imperial Germany was building dreadnoughts, or Nazism rearming.

Indeed the danger is greater today, just because the enemy is invisible or disguised, so that his preparations and advances go on hardly observed. When Czechoslovakia was dismembered or Austria annexed or Poland invaded, at least one could see that a shift of power had taken place; but in the last three years events every whit as pregnant with peril have given no such physical signal.

As we prepare to elect a new Parliament, the menace is growing, as such dangers do, at an accelerating pace. Other nations before now have remained blind and supine before a rising danger from within until it was too late for them to save themselves. If we are to escape the same fate, it is high time we opened our eyes; for the first condition of self-defense is to see what it is we have to fear.

In the past three or four years we have seen the universities of America being destroyed. Those institutions are now not merely the permanent scene of violence and disorder, but they only exist and are administered upon terms dictated by the enemy; they have passed out of the control of authority. In the same period we have seen the same enemy in this student manifestation not only terrorize one European city after another, but bring down one of the strongest European Governments. In this country we have seen the institutes of learning systematically threatened, browbeaten and held up to ridicule by the organisers of disorder.

We have seen in this country in the last few weeks how the menace of organized disorder could threaten the morale of the police and wield the authority of the state itself not in favour of the peaceable citizen but against him. When the Prince of Wales and the Repulse disappeared beneath the waters of the Gulf of Siam, at least we knew that Britain had suffered a defeat. We suffered no less decisive a defeat when Britain's Home Secretary surrendered the rule of law in order to buy off demonstrations; but do we know that it was defeat, or are people so foolish as to suppose that such an event is the end of a humiliating story, and not rather the beginning?

People observing the advance of anarchy call for more police, more punishment, more force. These may indeed be necessary; but in themselves they are important—in fact, they can become additional weapons in the enemy's armoury—unless, the battle is simultaneously fought and won in the moral sphere. The decisive act is to put sense and nonsense, truth and absurdity, back into their right places; and that act is already so difficult that conventional wisdom and polite society have come to regard it as impossible.

Have you ever wondered, perhaps, why opinions which the majority of people quite naturally hold are, if anyone dares express them publicly, denounced as "controversial," "extremist," "explosive," "disgraceful," and overwhelmed with a violence and venom quite unknown to debate on mere political issues? It is because the whole power of the aggressor depends upon preventing people from seeing what is happening and from saying what they see.

The most perfect and the most dangerous, example of this process is the subject miscalled, and deliberately miscalled, "race." The people of this country are told that they must feel neither alarm nor objection to a West Indian, African and Asian population which will rise to several millions being introduced into this country. If they do, they are "prejudiced," "racialist," "un-Christian" and "failing to show an example to the rest of the world."

A current situation, and a future prospect, which only a few years ago would have appeared to everyone not merely intolerable but frankly incredible, has to be represented as if welcomed by all rational and right—thinking people. The public are literally made to say that black is white.

Newspapers like the Sunday Times denounced it as "spouting the fantasies of racial purity" to say that a child born of English parents in Peking is not Chinese but English, or that a child born of Indian parents in Birmingham is not English but Indian. It is even heresy to assert the plain fact that the English are a white nation.

Whether those who take part know it or not, this process of brainwashing by repitition of manifest absurdities is a sinister and deadly weapon. In the end, it renders the majority, who are marked down to be the victims of violence, or revolution, or tyranny incapable of self-defense by depriving them of their wits and convincing them that what they thought was right is wrong.

It may have been a happy chance that this particular triumph of organized disorder and anarchist brainwashing coincided with the commencement of this General Election campaign. For many people it lifted a corner of the veil; for the first time they caught a glimpse of the enemy and his power.

XUM

British Voting Pleases Nixon as Sign of Shift to the Right

(By Joseph Alsop)

Besides making fools of the pollsters and the forecasters, the British election gave pleasure to Richard M. Nixon. Reportedly, the President had himself wakened several times during the night, to get the latest returns. And he was openly delighted by the Tory party's surprise victory.

One reason for the President's pleasure, of course, was that the election in some sense confirmed his own hunch about the trend of popular opinion. He has been betting heavily on a rightward trend in this country. He can be expected to bet much more heavily before our off-year election in November.

Nowadays, however, the western nations seem to move in much the same directions, and also to suffer from much the same afflictions, more or less in step together. All of them, for instance, have violent student dissent at the moment, although only the U.S. has the Vietnam war to provide an easy explanation.

Thus the victory of Edward Heath and his Conservatives, and Britain's resulting move to the right, can be taken as indications that the President has rightly judged our own situation. President Nixon is known to read the tea-leaves in just that way, except that he believes the rightward trend in this country is very much stronger than the trend that showed up in Britain.

There was another much more practical reason, however, for the President's pleasure in the British result. In brief, the British electorate has probably altered the prospects in the Middle East in a radical manner, and may even have changed the outlook in the Far East.

Prime Minister Harold Wilson and his chief colleagues have long been dead set on recalling all British troops and liquidating all British military commitments "East of Suez." President Kennedy, President Johnson and President Nixon successively warned of the dangers of this policy, but the three Presidents made no dent at all.

Until Friday morning, therefore, all U.S. planning had to be on the basis that the Labor Party plan would be carried out by the announced date, which was 1971, for total, final withdrawal. Where this was due to hurt most—far, far more than in Singapore—was in the Persian Gulf, with all its oil riches.

It is ridiculous, but it is a fact, that the few thousand British troops at the head of the Persian Gulf are a major stabilizing factor. After their withdrawal, almost everything was expected to happen in the gulf, perhaps even including the invasion of the immensely wealthy sheikhdom of Kuwait by the Kremlin's Arab clients in Iraq.

All kinds of jerry-built plans were being attempted by the U.S. government, against the evil day expected in 1971. The Shah of Iran, for instance, was being urged to act as a new stabilizing factor, replacing the British, even although Iran has always had its own claims in the Persian Gulf.

Yet the jerry-built character of the plans was glaringly apparent, even to the U.S. policy-makers who were attempting to execute them. In sum, the nightmare was always in every informed person's mind, of the British obstinately leaving a complete power-political vacuum in one of the most tempting and vulnerable areas in the whole world.

Now, however, there is a much better than even chance that the new Heath government will reverse the Wilson government's policy of withdrawal. That will mean that the long term outlook will be altered in a major way.

It has in truth been obvious for months that the Soviets were preparing to exploit the British departure from the Persian Gulf, just as soon as it occurred. The direct military intervention in Egypt is the clearest proof that the Kremlin has adopted a forward, and pershaps even a high risk policy in the Middle East. In any case, it would have been an enormous temptation to the Kremlin to take major advantage of the power-political vacuum that was anticipated after the British departure. And obscure moves in Iraq and elsewhere clearly indicated the Soviets were eager to yield to the temptation.

Hopefully, therefore, this extra, really ghastly complication of the ghastly middle eastern crisis has now been crossed off the futures lost. It is one less thing to worry about, but of course it will not solve the crisis itself.

At the moment, while pursuing their forward policy on the ground, the Soviets are sweet-talking U.S. policy-makers about the Middle East in the best manner of Ambassador Anatoli Dobrynin. The chances are very heavy that the sweet talk is an intentional deception. But one must wait and see about that; and one less thing to worry about is certainly something to be thankful for, nowadays.

SENATOR MURPHY ADDRESSES BIENNIAL CONVENTION OF AMERICAN ASSOCIATION OF RETIRED PERSONS

Mr. MURPHY. Mr. President, on May 20, I had the great pleasure of addressing the American Association of Retired Persons at their biennial convention, which was held in Oklahoma City, Okla. I ask unanimous consent that the text of my remarks be printed in the RECORD.

Mr. President, in addition, a report of the Special Committee on Aging was recently filed in the Senate, and I was pleased to join with the minority members in making some much-needed recommendations to help our senior citizens.

I ask unanimous consent that a condensed version of this report be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Statement of Senator Murphy

You have offered me a forum tonight for which I am truly grateful. The pleasure is heightened because you, as members of the American Association of Retired Persons, and I share common purposes.

With your indulgence, I would like to reach beyond you tonight and make an appeal to all ages.

The time has come, in my judgment, for new recognition of older Americans as an "in" generation. Key to a new "in" status are three "in" words—individuals, involvement and independence.

I shall also have comments on two "in" phrases important to older persons—incomes adequate for decent living standards and inflation control to preserve the resources that retirees have.

Pertinent to all of this is my belief that we need to develop a new concept of what retirement should be.

That this challenge should be issued before you is most appropriate. You and your association have demonstrated that you are "in" people. No organization has shown more clearly that the needs of society are the concern of all citizens and not just the young.

Development of my theme on behalf of older Americans does require reference to the young of the past and present.

Forty-three years ago today Charles A. Lindbergh began his non-stop solo flight from New York to Paris. None of you need to be reminded of the response to his victory over the elements. Nothing since has so captured the hearts and imagination of the world until the astronauts began their venture into space.

Even as the wings of his plane dipped to within a few feet of the ocean's waves, millions of people prayed for the lone eagle and cheered his exploit.

Four decades later, pulses were quickened all over the world as Neil Armstrong became the first man to set foot on the moon.

Five weeks ago, millions of people were personally involved, through hope, fear and pride, as the three members of the Apollo 13 crew faced up to possible tragedy some 200 million miles from earth.

It might well be asked what all this has to do with a new status for older Americans. The answer is simple. Nothing strikes a more responsive chord than persons. Nothing is more important in our Nation than its individual citizens.

Proud as we were of the national effort which made the moonlanding possible, conscious as we were of the thousands of technicians on whom its success depended, our hearts went out to the men on the mission, to the individuals involved. Paramount in our minds was the prayer that these men, in success or momentary failure, would come home safely.

Man's interest in the individual is manifest in lesser pursuits. It is the achievement of a Babe Ruth or a Sandy Koufax that we remember far more than even the teams on which they played.

Our nation has become great because of opportunities given to individuals, day in and day out, to contribute to the good of all through personal responsibility and inititative.

The greatest danger in aging today is the national tendency to think of the elderly as all being the same—a statistical block creating a common problem for the young. How tragic it will be if this rejection of the individually of older Americans is allowed to persist.

As my good friend and your illustrious founder, the late Dr. Ethel Percy Andrus, said: "It is not enough to see man as an individual in the same way as is an individual man in an army or a crowd. The difference is so great that there is a special word for an individual man, a word of power and importance; the word is "person."

Today there are over 20 million persons in the United States past 65. No other group has had such a variety of wisdom and talent-producing experience as these persons. The longer one lives the more forks a person has met on life's highway; the more clearly he or she becomes different from his or her fellows. It is small wonder then that oldesters cherish their individuality so much. In this regard, the "in" generation of youth can hardly hold a candle to the "in" generation of age.

Individualism, in its finest sense, calls for involvement—our second key "in" word. No one knows this better than you.

I believe that the greatest need among older persons today is for unlimited opportunity for involvement in the life of family, community and nation.

I speak of unlimited opportunity. Obviously my concern is with removal of artificial restrictions imposed by society—limitations unrelated to individual capacity and desire.

We all recognize that there are sharp differences from person to person. It is, however, patently ridiculous to assume that a person has lost his economic or social value simply because he has reached the age of 65, 75 or 85. Yet this is the assumption on which our society acts in its treatment of older persons.

A poll was taken several years ago to determine who Americans regarded as the "outstanding man of the 20th century." The winner, hands down, was Winston Churchill.

If a poll had been taken when Churchill

was 65, he would only have qualified as a flamboyant failure. His record of greatness was made after the age when millions of Americans are forced onto the shelf.

Our own Dr. Andrus made great contributions throughout her lifetime, but an argument might be made that her greatest impact may have been after her retirement from her chosen profession. This would be especially true if such judgment were made of Dr. Andrus as a national figure.

Among my most prized possessions are several paintings by Grandma Moses. Do you recall why she became a painter—and hence famous throughout the world?

Grandma Moses began to paint at the age of 80 because her arthritis made it impossible for her to continue her hobby of needlework. But her indomitable spirit—another "in" word—demanded that she continue her involvement in worthwhile activity.

Such examples could be cited for hours. Why should such privilege be accorded only to the famous? You of A.A.R.P. and N.R.T.A. have demonstrated it need not be so. Yet for each public figure, there are tens of thousands who retain their productive ability well into the so-called senior years without opportunity to use it.

Why should any age be designated as a cutoff time? Why should anyone, from the lowest to the highest station, be denied opportunity for involvement commensurate with his or her ability and psychological or emotional need? These are questions to which this nation must face up.

These are questions which will become even more important in the future. If life is extended to an average of 90 or 100 years, as many scientists predict, how can we possibly continue our policy of enforced idleness or severely restricted activities by citizens who reach the age of 60, 70 or 80?

I believe the time has come for a new approach to retirement. Much of this approach can be modeled on the pioneering work done by A.A.R.P. and N.R.T.A.

Expansion of choices should be inherent in a new concept of retirement. The pattern of all retirement in the future, as it is under ideal circumstances today, should be both flexible and graceful.

It should embody opportunities for employment, part or full-time. It should offer expanded avenues of voluntary service for those whose economic situation and personal preferences make second careers of this kind appealing. It should afford full opportunity for learning and growth—and then no doors should be closed for use of such new-found talents.

So much of the work done by the American Association of Retired Persons has been directed at these objectives that an entire speech could be devoted to their review. I shall cite but two examples—your Institutes of Lifetime Learning and your new Mature Temps program.

I have been most favorably impressed by what I know of the Institutes of Lifetime Learning in Long Beach, California, and Washington, D.C. Your decision to create a "Home Study" Institute which will make courses available to members regardless of where they may live is certainly a welcome one. All of us with a special concern for older persons will watch its development with great interest.

Mature Temps, as you know, takes a different approach. It is especially appealing to those whose lifetimes have been so involved with their employment that they prefer a job to volunteer service and to those whose talents may be better suited to vocation than to avocation.

It is my understanding that there are now 11 cities with Mature Temps offices offering temporary job opportunities for older persons in 6 states. I am confident that your plans for expansion to many more cities in 1970 will succeed.

I heartily agree with your President, George Schluderberg. Mr. Schluderberg said: "The waste of precious human talent is evil. We applaud Mature Temps for providing specialized employment service for mature persons."

My own observations and contacts with older Americans convinced me long ago how important work is to many. This is confirmed in the Associated Press story which quotes Joseph Kastenholz, director of the New York Mature Temps office: "Some want to supplement their retirement incomes and want to earn only enough so that their Social Security payments won't be cut. On the other hand, many don't care about the money, but just want something to do."

I am particularly struck by Mr. Kastenholz's reference to loss of Social Security benefits. I believe most emphatically that we should completely eliminate the Social Security earnings test.

Many older persons who want to work and are fully capable of substantial contribution to the economy are fearful of re-entering the labor market, either part-time or full-time, because of what it may do to their Social Security payments.

Many older Americans are working at jobs at reduced pay in order to stay within the $1680 limit of earnings they may have without penalty.

Let me tell you what would have happened in my state last year to a single man, drawing average Social Security benefits of $1,392 a year, if he accepted a job paying $4,000 a year. He would pay $162 Social Security tax, $381 Federal income tax, and $15 State income tax. Probably $500 would be taken by costs of transportation, meals and other incidental to his employment. In addition, he would lose all $1,329 of his Social Security.

Instead of income totaling $5,392—hardly a staggering sum—he would net only $2,942.

If this man were self-employed, as might be the case if he were a real estate salesman or engaged in odd-job work such as carpentry or mechanics, the Social Security taxes and the expenses would be higher.

Continuation of this extremely high tax on those between 65 and 72 who choose to work is unthinkable. It is a special tax on aging which singles out persons with low or middle incomes as its primary targets.

This illustration speaks for itself, but there is more. The Federal Government quite properly is developing programs to increase job opportunities for older people.

In testimony earlier this month before the Senate Special Committee on Aging, we learned that the Green Thumb On-the-Job Training Program, under Labor Department auspices, is placing men past 65 in jobs averaging $4,700 a year. In almost every case, this means total loss of Social Security benefits.

At the same time, other individuals may have incomes of $47,000 a year or more from investments and not lose a nickel of Social Security.

You and I know of retirees who want to work, but do not because of penalties imposed against their Social Security. There are others who work at depressed wages because of this provision. There have been instances, too, of people working and being so penalized that their net gain from employment has been zero.

I believe this is wrong and should be changed.

Numerous other legislative items deserve favorable action, including your and my proposals to reinstate full deductibility of medical expenses from income taxes paid by persons past 65 and to cover teachers under Medicare. A.A.R.P. and N.R.T.A., as a matter of fact, have a list of over 40 important recommendations.

Highest on my priority list are other improvements in the Social Security system. Among these are across-the-board increases to provide a more adequate floor of protection, payment of 100 percent benefits to widows, and automatic adjustments based on rising living costs.

Automatic increases tied to the price index are especially important in giving at least minimal protection to retirees against the ravages of inflation.

You do not need to be reminded that the hidden tax imposed by inflation hits retirees harder than any other group. The instant relief afforded by the automatic increase would eliminate delays which have often occurred because Congress is slow to act. Regrettable as it is, many older people simply cannot wait. Nor should they have to.

Adoption of cost-of-living increases in Social Security, however, is only part of an adequate response to rising prices.

Inflation control, one of our "in" phrases, must remain at the top of our list of domestic policy objectives.

We are reminded of Lewis Carroll's book, "Through the Looking Glass" and what Alice in Wonderland heard from the Queen. Said the Queen. "It takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"

This not only applies to inflation, but also to our efforts at improving the quality of life among retired persons. If nothing else, the increasing life-span makes it imperative that we heed the Queen's advice.

Inflation control can only be achieved on a base of spending policies which separate the wheat from the chaff in Federal programs. We see today how difficult it is to solve this problem after a 10-year spending spree which often gave little regard to human priorities and committed the government to continuing expenditures without reference to their true merit.

Inflation control will take time. It will only come when the Congress establishes priorities based on real needs of the people and eliminates the non-essential fat from appropriations. One example of such fat which I have always opposed are the excesses of our foreign aid appropriations.

Inflation control will only come when we reduce the waste and inefficiency in governmental programs. Heavens knows how great that waste is. And you don't have to come to Washington to see it.

Beyond all this, we need to give new attention to income adequacy for all older Americans. This nation is too rich, and its obligation too great, to allow any older person to suffer want.

An Older Americans Income Assurance Plan, outside of the public assistance programs, in my judgment needs to be developed to afford at least minimum living standards of decency to all the elderly.

Such a program should provide income supplements sufficient to meet needs of the elderly regardless of their Social Security status. Many retirees suffering the greatest want have never had the opportunity for Social Security coverage. Among them are thousands of retired state employees, teachers, firemen, police officers and others who have made great contributions—often at personal sacrifice—to our nation's safety, well-being and growth.

An Older Americans Income Assurance Plan should be so designed that it eliminates the need for older persons to go on the welfare rolls. It should prevent economic hardship among the elderly with the dignity to which they are entitled.

The third "in" word of which I spoke at the beginning of these remarks is—independence.

Independence is the most precious possession our nation can offer its older persons. I believe that full opportunity for independence is the right of every citizen past 65.

Independence to choose how one shall live in his or her later years should be the keystone of our national policy in aging. Nothing is more important to older Americans than choices—choices which are now so often denied.

Choices hopefully will encourage involvement in the mainstream of America's life and full expression of individual responsibility and initiative. The choices should, however, permit leisure to those who prefer it after a lifetime of toil.

Income adequacy, whether through employment, pensions, savings, or governmental support is, of course, essential to independence.

Hopefully we can meet this need for independence through a new flexible and graceful concept of retirement, responsive to the economic, social, psychological and spiritual needs of an expanding senior population.

Abandonment of outmoded compulsory retirement practices, elimination of job discrimination on the basis of age, proliferation of new opportunities for jobs, full-time or part-time, and a sound governmental income support base will all be part of this new approach to aging.

New avenues for community service should be opened, such as the Retired Senior Volunteers Program—R.S.V.P.—authorized in the Older Americans Act 1969 Amendments which I had the privilege of introducing in the last session of Congress.

For the future we will also need the benefit of better understanding of the aging process. This calls for research such as conducted by the Ethel Percy Andrus Gerontology Center at the University of Southern California. Your association's work in promoting this splendid project deserves the highest commendation. My own feeling is reflected in my authorship of a Joint Resolution to express the sense of the Congress that this Center and others like it should receive Federal financial support.

In closing, I would lke again to call on the spirit of Dr. Andrus, who said: The "process of depersonalization, so at variance with everything that we call the American tradition of respect for the individual, ignores the basic truth that what has made America great has been man's self-reliance, his personal feeling of liberty and of choice, and the conviction of individual independence."

These are the elements of which improvements in the quality of life for older Americans will be made.

When I think of the accomplishments of Dr. Andrus during her seventies and eighties, and the no less significant contributions being made today by members of the American Association of Retired Persons and the National Retired Teachers Association, I can only conclude that America can ill afford policies and practices which reject so many of its older citizens. I am certain that you, under the leadership of your incoming president, Fred Fassen, will carry on your good fight to bring any such rejection to an end. The time has truly come for people of all ages and all stations of life to recognize that older Americans can be and should be an "in" generation—individually involved and independent.

CONDENSATION OF MINORITY VIEWS OF MESSRS. PROUTY, FONG, MILLER, HANSEN, MURPHY, FANNIN, GURNEY, SAXBE, AND SMITH OF ILLINOIS

INTRODUCTION

Few challenges facing America in the 1970's are as important as a new policy on aging—one leading to decent living standards, independence, and meaningful retirement years for all older Americans.

Multiplications of choices open to each older person in his or her continuing pursuit of rewarding experiences is essential.

National policy should encourage older Americans to make full use of their growing potential for economic, spiritual and social involvement in family, community and national life.

Solutions to problems of senior citizens must relate to changing patterns in the aging process. Life expectancy will continue to lengthen, not shorten. Individual physical and mental abilities will grow, not decline. Reasonable needs for income to afford necessities and niceties of life will expand, not contract. Capacity and desire to take care of one's own needs, and demands for more diversified opportunities to do so, will increase, not diminish.

If society continues to ignore dynamic progress in aging, it will compound an already serious problem.

Creation of sound national approaches to aging will require many changes in attitudes. Imaginative and intelligent responses will be required by all elements of society, including, senior citizens themselves.

Modification of retirement patterns and employment rules in recognition of expanding capacities and desires of many older Americans for active participation, full or part time, in the Nation's economic life should be a major ingredient.

Development of adequate community service opportunities for older persons whose retirement brings a desire for new socially oriented careers should play an important part.

Society's responses to individual needs at all ages should recognize that most people will grow old. One preventive measure deserving of high priority is expansion of work opportunities for persons who have not reached retirement age, but are denied jobs because of age. They are thus forced into situations which make their retirement years a prospect of social and economic deprivation.

Obviously improvements in Social Security, private pension plans and other sources of financial support designed to assure adequate retirement incomes are imperative. These should offer greater flexibility so as to increase individual options.

Achievement of a golden age in aging will take time. No one knows this better than the older American who has been misled by overly optimistic promises or suffered dashed hopes as he competes unsuccessfully with other demands on our Nation's resources.

The magnitude of the problem, however, is no excuse for delay. Certain actions should be taken now. As a minimum, therefore, we urgently recommend early action by the Congress which will look to:

1. Automatic cost-of-living increases in Social Security benefits to prevent hardships due to inflation.

2. Across-the-board increases in Social Security benefits.[1]

3. One hundred percent of primary Social Security benefits to older widows.

4. Major liberalization of the Social Security earnings test so as to prevent discrimination against those who continue to work, full or part time, especially those with relatively low Social Security benefits.

5. Upward adjustments, actuarially determined, in Social Security benefits for those who defer retirement beyond 65, so that their continuation in the work force will not be penalized.

6. An Older Americans Income Assurance Program offering income supplements to the elderly who otherwise would not be able to attain a decent standard of living or would be forced onto public assistance.

7. Medicare coverage for persons past 65 not presently covered and in need of such coverage.

8. Improvements in medicare service and financing which will reduce excessive burdens improved by current deficiencies.

9. Updating of retirement income tax credit provisions of the Internal Revenue Code.

10. Exclusion, subject to a reasonable ceiling, of medical and drug expenses from older persons income subject to Federal taxation.

11. Adequate financing for research in aging.

12. Sound governmental policies which will help bring inflation, the most universally serious problem for older Americans, under control.

NATIONAL POLICY IN AGING—A LONG VIEW

If we are to achieve the valid objectives of today's older Americans and acceptable roles for those who grow old in the future, it is necessary to develop broad new national policies in aging that recognize how outdated are 19th century stereotypes of older persons.

Implementation of humane and realistic policies will require major changes in attitudes toward aging on the part of government, business, education and all other elements of society including older persons themselves.

Recognition must be given to the expanded ability of persons at all ages to participate as fully as they desire in the Nation's economic and social life and to the growing emotional need of people in their sixties, seventies, and even their eighties of involvement in the mainstream of life.

There should be a reversal of social and economic patterns which force millions of older Americans, usually against their wills, into situations of rejection and dependence.

Rejection as first-class citizens capable of full participation in the responsibilities and rewards of active life is incompatible with the competence which most older people can bring to the challenges facing the Nation.

Dependence for many older Americans is especially abhorrent when, as is often the case, such dependence means inadequate opportunities.

In a nation where demand for skills, wisdom, and experience increases almost daily, it is totally inconsistent to erect barriers which restrict opportunities for individuals possessing such talents from making them available as fully as possible, either for hire or as volunteers.

There should be compassion toward older persons in need, but few older Americans really want compassion. They want to receive what is their's by right. First among these rights is the right to choose.

Maximization of choices open to each older person should be the objective of a new national policy on aging—choices with dignity and independence to which all senior Americans are entitled.

It is to be hoped that the 1971 White House Conference on Aging will seriously address itself to this question. It can be especially important because it is unrealistic to assume that creation of maximum choices can come overnight or without a massive, concerted effort. We cannot, however, ignore immediate consideration of present impediments to decent opportunities for older Americans. Their problems are too serious, too important.

Obviously there is no meaningful choice when millions of older Americans, through no fault of their own, are unable to pay for the barest necessities of life. Correction of this situation deserves highest congressional priority.

There is no choice when individuals are forced against their wills to leave their employment at an arbitrary age without regard for their abilities or desires. Compulsory retirement policies need careful reexamination by every individual and organization with responsibility for employment practices.

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[1] Senator Miller notes that a 15-percent increase in benefits went into effect on Jan. 1, 1970, as that an automatice increase in benefits to keep pace with increases in the cost of living should be adequate, with exceptions to be covered by an Older Americans Income Assurance Program. (see recommendation 6.)

XUM

There is little choice in retirement when policies of employers and even Federal programs, such as Social Security, prevent or discourage individual efforts to supplement income with part-time employment.

It is not uncommon for persons to enter retirement with the prospect of 20, 25, or more years remaining in their lives. Most, if not all of these years, may be accompanied by a zest for living which mitigates against nonparticipation.

Many other Americans have concluded that part-time work is essential to their own happy retirement and have accordingly maintained or resumed a modified role in the work force. Many more, particularly men, have been denied opportunities for such participation because of employer attitudes, or have passed up what they regard as desirable opportunities because of their fears as to the effect such work would have on their Social Security benefits.

We believe it is accurate to say that a high percentage of those now past 65 believe a comprehensive review of the Nation's retirement attitude is in order. We believe that such reappraisal, looking at all factors, including economic, social, physical, emotional, spiritual and psychological, should make full use of what retirees themselves think as well as the results of research in these areas.

Countless other items of significance to the future of aging and older Americans deserve review. The time to begin reexamination and change of attitudes is now.

The next three decades, if available evidence is even partially reliable will see further increases in length of life, in physical and mental abilities, and in social and economic appetites among older people as a result of continuing progress.

Serious students of the physiology of aging predict that by A.D. 2000 average life expectancy may be 90 or 100 years. Some researchers suggest even more dramatic shifts. In a century such as this, with serious plans developing for trips to Mars, who can ignore the optimism of science?

If an increase of 20 or 30 years in life expectancy is accompanied by probably improved levels of health and physical-mental potentials at all ages, it is obvious that present attitudes in aging, particularly regarding the proper patterns of retirement, will be completely inadequate. There is serious question as to whether many are not already out of date.

Recent years have seen emergence of a curious paradox in aging. Better health and education are raising abilities of older persons to participate in the Nation's mainstream—and their desire to do so. Simultaneously there has been a marked increase in pre-65 retirement.

If this were proof of America's success in solving the retirement income problem, there would be no grounds for complaint. Such is not the case. If, on the other hand, it represents a failure of society to meet the needs of a revolution in aging, it takes little imagination to see that additional increases in life expectancy will but compound an already serious problem.

Data reviewed by this committee shows that much of early retirement is by persons with lowest incomes—lowest incomes both before and after retirement. Decisions of many persons to "retire" have resulted from loss of jobs and inability to obtain other suitable employment. More have been encouraged to retire by suasions of various retirement programs, reinforced by social pressures to quit, even though personally reluctant to do so. Many, both underprivileged and affluent, have been forced out of their life work prematurely by rigid retirement policies.

Many older Americans have been and are resentful of the negative compulsion applied to them by society during their sixties and seventies. They rightfully feel they should have more choices as long as they live and are capable of enjoying the responsibilities and rewards of life.

Successful response to the highly varied economic, social, physical, and psychological needs of tens of millions of older Americans requires study, thought and imagination. Expansion of choices for each individual should be the objective.

Complexity of the problem, however, in no way justifies delay in congressional action on problems that are obvious and immediate.

SOCIAL SECURITY

As has always been the case, the greatest problem for older Americans is income. Large numbers of persons past 65 obviously do not have the money necessary to meet the costs of decent standards of living. Others have experienced severe losses in purchasing power because of inflation during the last 10 years. Many who retired in comfort now find themselves in or near straitened circumstances.

Our Nation's most immediate goal should be steps to assure all older Americans at least a decent minimum standard of living.

This effort calls for improvements in private pension programs, successful implementation of President Nixon's campaign to bring inflation under control, expansion of opportunities for individuals to supplement retirement income through their own efforts, and a variety of other measures.

Few congressional actions would have more widespread immediate effect, of course, than improvements in Social Security.

The recently adopted 15-percent increase in benefits is commendable, but it only represents a begining in necessary upgrading of the Social Security system.

One improvement which minority members of the Committee on Aging and the Republican Party have long advocated is provision for an automatic cost-of-living increase in benefits to provide immediate response to rising price levels when they occur.

As when introduced first in the Senate by Senator Jack Miller of Iowa, such an automatic escalation in benefits requires no increase in the Social Security tax rates. It would obviate the game of "catch-up" which has characterized Social Security since its inception, a game in which beneficiaries have been consistent losers.

Adoption of this proposal would give assurances to younger potential beneficiaries that their benefits would be payable in amounts at least equivalent to the dollars they are paying in current taxes. This becomes important to the whole system's integrity as evidence grows of reluctance on the part of younger people to support rising costs of the Social Security program.

It is time to quit playing political football with Social Security and the needs of the aging. Too often past increases, actually amounting to no more than living-cost adjustments, have been voted by the Congress only after delay has forced many beneficiaries into inexcusable financial difficulties. Such increases could have been made automatically within the fiscal competence of the Social Security system when the aging needed them most rather than when they offered political advantage to Members of Congress. It is such immediate responses to needs of beneficiaries that is recommended through the proposal for automatic living-cost adjustments.

Precedent has been set for such a policy in other federally supported pension programs. Why should it not be extended at once to the mass of older Americans relying on Social Security?

While living-cost increases are important in modernization of Social Security, they are not a substitute for increasing the overall adequacy of the system in its design to provide income for older Americans. There is also need for across-the-board increases.[2]

The plight of widows and discrimination against them in the Social Security benefit structure likewise deserve prompt attention.

Elsewhere in this Committee on Aging report and repeatedly in those published in the past, it has been observed that no group among the elderly is subject to more severe economic handicap than aged widows. One contributing factor is failure to pay the same Social Security benefits to surviving wives as is paid to surviving husbands. Normally the latter receive 100 percent of primary Social Security benefit on the death of their spouse; the widow, however, receives only 82½ percent. There seems to be no excuse for such discrimination and we recommend its prompt correction.

Two other changes in the Social Security system are of pressing importance if we are to increase choices available to older Americans.

The first of these relates to limitations on earnings by a beneficiary.

Current limitations of $1,680 per year on the amount one can earn without penalty is totally unrealistic. The provision that a beneficiary lose only half of earned income between $1,680 and $2,880 is awkward and cumbersome.

The present limitation discourages many who would like to supplement pension payments with income from part-time work. In times of inflation this can be most important. The restriction virtually prohibits gainful full-time employment by others, often including those whose incomes are lowest and those who derive their greatest satisfaction from employment.

There is evidence the earnings limitation sometimes reduces the amount paid to those who insist on working. Without it, they would receive more money for the same work.

It should be noted, too, that while a person may receive large income from other sources without penalty, the earnings limitation applies as much to those receiving minimum Social Security benefits of $64 a month as to persons receiving maximum benefits.

In any event, this earnings limitation as now applied is seriously and properly objected to by older Americans. Its substantial liberalization would be a major step in increasing choices available to them. We recommend early consideration of such a change.

A second step which would increase choices open to Social Security beneficiaries would be through expanding the program's flexibility for those who choose to continue work after 65.

Without flexibility in the system, it is difficult for individuals to tailor it to personal situations they face in later years of life.

Some flexibility has been gained by changes which permit persons to elect receipt of benefits before age 65. Lower payments are received when such election is made.

When a person elects to defer benefits until age 66 or 68 or 70, however, he gains virtually nothing. Indeed, without increasing his benefits, he is actually required to pay additional Social Security taxes. The inequity of such a practice is obvious.

This discrimination against the person who desires to continue employment not only goes against the personal preference of many senior citizens, but also against professional opinion as to what is best for older persons.

We advocate consideration of improvement in the Social Security system which would permit realistic annual increments in benefits for persons electing to postpone retirement to ages beyond 65.

INCOME ASSURANCE PROGRAM

Important as improvements in Social Security may be, it must be recognized that they have their limitations.

For this reason we urge that Congress give most careful consideration to development of an Older Americans Income Assurance Program, outside the welfare pattern, which will assure at least minimum income, through governmental supplements, to all the elderly who otherwise would not be able to receive a decent standard of living.

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[2] See footnote 1.

Whether such a program should be completely financed and administered by the Federal Government, or involve a combination of Federal and State funds may be subject to argument. The fact remains, however, that some such approach appears necessary if this Nation is to meet its obligation that all older persons enjoy decent standards of living.

One such proposal was offered in the 90th Congress and with modifications again in the 91st Congress by Senator Winston Prouty of Vermont. Senator Prouty's bill, S. 3554, provides that there be a Federal supplement to bring the total income of each unmarried person over 65 up to $1,800 a year and each married couple up to $2,400. The amount of subsidy would be the difference between other income of the individual or couple and the $1,800 and $2,400, respectively.

Some mechanism such as this seems to be the one way that the problem of income inadequacy can be met at a cost in keeping with the willingness of younger people to pay the bill, and this is particularly true if financing occurs out of the general fund rather than through Social Security taxes.

As an income supplement program, the cost to the taxpayer would be substantially lower than that required by any effort to raise Social Security minimum benefits to comparable levels. This is extremely important because there appears to be little disposition on the part of the Congress to raise minimums to such levels in the near future. Congressional reluctance is undoubtedly inspired by the feeling of younger people who must pay the taxes necessary for any Federal program which is financed through Social Security taxes.

Senator William B. Saxbe of Ohio has approached it in another way by offering an amendment to the Administration's proposed Family Assistance Act which would provide for supplements to a minimum of $155 monthly for persons age 72 or over.

However desirable it might be to promise older Americans that their basic economic needs can be met through raising Social Security minimum benefits now to $125 or $150 a month or more, it is grossly unfair to do so. Nothing in the 35-year history of Social Security suggests that Congress will take such dramatic action, regardless of how badly it might be needed. The obvious reason that such promises are unrealistic is the cost and destruction of the concept of Social Security as "insurance" rather than a welfare program.

Sympathetic as they may be to the importance of caring for their seniors, young workers appear unwilling to pay the increased Social Security taxes necessary to support such minimum Social Security benefits. Their attitudes are reflected in the hesitancy of the Congress to pass such proposals.

It is a fact that many young Americans, struggling to meet immediate family expenses, are paying Social Security taxes greater than their Federal income tax liability. Simultaneously, as much as 40 percent of income subject to Federal income taxes is exempt from Social Security taxation, much of it in the hands of persons most able to pay.

For the present, however, the one approach which would be responsive to the needs of the aged and do so with a price tag which could be borne by the young appears to be that offered by an income assurance plan. This could help those who need help most without creating a windfall for those now able to take care of their own financial needs.

A general income supplement program would also serve the many persons not now covered by Social Security, such as some school teachers, State and Federal government employees, and others whose employment is not or was not covered in the past by Social Security. Large numbers of these persons are among those with lowest incomes.

Efforts to provide some protection to persons not covered by Social Security began in 1965 with the Prouty amendment which authorized payments in the amount of $35 monthly (now $46) to such persons age 72 and over who had no other pensions. Even with all the limiting amendments imposed by Congress on this proposal, the problem's magnitude is indicated by the fact that over 600,000 persons qualified. For many it was the only source of cash income.

It should be noted that an income supplement program, however devised, would have an advantage as a mechanism to eliminate abject poverty among the elderly because it would avoid unearned increments to persons, some of them wealthy, who are not in need.

This is why the total net cost to the taxpayer, important to favorable consideration for any proposal, would be much lower than a comparable Social Security minimum benefit.

MEDICARE

After 3 years of operation, the Medicare program obviously is beset by numerous problems. Since these are now under examination by congressional committees with legislative responsibility in these areas, it is unnecessary here to review the numerous shortcomings which have been encountered. Even with Medicaid as a supplement, however, it appears necessary for revisions in delivery of medical care under programs supported entirely or in part by Federal funds to see that they more satisfactorily meet the most critical medical needs of the aged.

Financial and service delivery problems are making it increasingly difficult for Medicare to fulfill promises made for the program. Simultaneously there have been numerous complaints from beneficiaries because of service inadequacies. Difficult as the task may be, it is evident that attention first must be given to correction of these deficiencies as a prelude to broadening provisions of the law. Such revisions should recognize, however, that there are many serious unmet medical needs among the elderly to which careful attention should be given.

One problem of particular concern to us is provision of long-term care to older persons with varying degrees of disability and illness. We believe it imperative that Congress address itself most carefully to this problem so as to ease the heavy burdens now imposed by protracted terminal illness and highly expensive, irreversible chronic disease.

The percentage of older persons, whose disability and illness needs can efficiently be met through institutional care such as offered in homes for the aged, nursing homes and similar institutions, is small. None-the-less the cost of their care remains one of the most frightening possibilities facing older Americans and their families.

We recommend, further, that Medicare be extended to all persons over 65, regardless of Social Security status, who are in need of such coverage. Many persons not now covered have financial need as great as those who are beneficiaries. Financing of such coverage should come from the general fund of the Treasury, otherwise those who pay Social Security taxes will be paying for a program not primarily designed as "Insurance."

TAXATION

One serious problem facing many older persons, as revealed repeatedly in Committee on Aging hearings, is that created by rising taxes.

There are at least two other areas which are clearly subject to effective Federal tax relief.

We recommend updating of retirement income tax credit provisions of the Internal Revenue Code. The retirement income credit section of the code was enacted in 1954. It established for certain retirees a tax benefit similar to that other have by means of the tax-free income they received from Social Security. The retirement income credit was computed on the maximum Social Security benefit. By the language of the tax code, however, the tax base still stands at $1,524 which was the appropriate figure 8 years ago. Since that time there have been several Social Security increases, but no comparable adjustment in the retirement income credit provision. The Congress should consider updating section 37 of the 1954 Internal Revenue Code to provide as nearly as possible equal tax treatment for all retirement income.

We urge action further to simplify that portion of tax return forms related to retirement income credit in recognition of the fact that its present complexity results in many older persons paying taxes in excess of the law's requirements.

We also recommend that medical and drug expenses of older people, including those related to dental services, be made deductible subject to a reasonable ceiling, from income subject to Federal taxation. This could be a reinstatement of deductibility for persons past 65 as applied to Federal income tax prior to 1967.

RESEARCH IN AGING

If our objectives for all older Americans are to be achieved with reasonable speed, the Nation needs facts—facts about the present and facts about what may be in the future.

We strongly recommend increased support, financial and otherwise, for immediate expansion of research in the field of aging.

Doubtless almost all basic and applied scientific research is of benefit to the old as well as the young. There needs to be more careful determination, however, of how the products of such research may be applied to the particular problems of those in middle and later years.

There is need, too, for more effective research directed specifically at the implications of age in order to develop realistic and flexible national policies and attitudes toward aging which can more satisfactorily meet the needs of people.

Obviously the Nation needs more distinguished scholarship such as the work at the University of South Florida, University of Iowa, Drake University, Duke University and the Ethel Percy Andrus Gerontology Center at the University of Southern California. That it be the sense of the Congress that such gerontological centers be encouraged has been called for in Senate Concurrent Resolution 24 introduced by Senator George Murphy of California for himself and other minority members.

Research obviously should range far beyond the physical sciences. Possibly the greatest need may be for research in the economic and social aspects of the aging phenomenon.

Practical research should also permit full expression by older Americans themselves about their problems, desires and estimates of what is needed for the future.

INFLATION

No review of today's needs of older Americans would be complete without reference to the most serious and universal economic problem they face—inflation.

President Nixon deserves highest commendation for placing control of inflation at the top of his domestic objectives.

Any effort to preserve the value of the older American's fixed income should be applauded. We urge the Congress to give the President full support in this campaign.

Minority members of this committee have repeatedly taken the lead in recognizing that the most universal and serious sources of problems of older Americans is the massive loss of real income through inflation.

We have maintained, with wide support from economic experts, that control of inflation can only be achieved through Federal policies which are fiscally sound and by roll call votes of Members of Congress which are consistent with such policies.

We reiterate our concern for reduction in and postponement of unjustifiable or low-priority Federal expenditures. It is essential that those in control of the Congress face up to their responsibilities and put an end to rising public deficits and debt, which lay the foundation for inflation and high interest rates.

Previous minority reports of this committee have discussed how inflation injures the worker in factory, shop, office, or on the farm. The facts are too evident to require repetition here now. The truth is all citizens, save possibly the very rich, are hurt by rising living costs. None suffer more, however, than older persons.

SUMMARY OF RECOMMENDATIONS, MINORITY VIEWS, SENATE SPECIAL COMMITTEE ON AGING

The following are the *Minority Recommendations, Senate Special Committee on Aging*, as they appear in the introduction of Minority views signed by Senators Prouty, Fong, Miller, Hansen, Murphy, Fannin, Gurney, Saxbe and Smith (Ill.):

1. Automatic cost-of-living increases in Social Security benefits to prevent hardships due to inflation.
2. Across-the-board increases in Social Security benefits.[1]
3. One hundred percent of primary Social Security benefits to older widows.
4. Major liberalization of the Social Security earnings test so as to prevent discrimination against those who continue to work, full or part time, especially those with relatively low Social Security benefits.
5. Upward adjustments, actuarially determined, in Social Security benefits for those who defer retirement beyond 65, so that their continuation in the work force will not be penalized.
6. An Older Americans Income Assurance Program offering income supplements to the elderly who otherwise would not be able to attain a decent standard of living or would be forced onto public assistance.
7. Medicare coverage for persons past 65 not presently covered and in need of such coverage.
8. Improvements in medicare service and financing which will reduce excessive burdens imposed by current deficiencies.
9. Updating of retirement income tax credit provisions of the Internal Revenue Code.
10. Exclusion, subject to a reasonable ceiling, of medical and drug expenses from older persons income subject to Federal taxation.
11. Adequate financing for research in aging.
12. Sound governmental policies which will help bring inflation, the most universally serious problem for older Americans, under control.

WHITE HOUSE CELLAR BOOK OF CALIFORNIA WINES

Mr. MURPHY. Mr. President, Representative DON CLAUSEN and Representative B. F. SISK, both of California, and I recently had the honor, with Mr. Harry Serlis, president of Wine Institute, of presenting to President Nixon a White House Cellar Book of California Wines. The book represented a gift from the Wine Growers of California to the wine cellar of the White House. Wine growing in California is completing its bicentennial celebration, and it is entirely fitting that these excellent wines, the result of 200 years of care and skill, take their proud place in American hospitality.

As the third century of California wines begins, we recognize that wine has been a part of civilized dining for thousands of years, it is a food, a unique beverage, a gentle relaxer and promoter of sociability. It has been praised and honored by great men of the present and the past. It is healthful, moderate, tasteful, and refreshing. As a natural product of the soil, it is directly identified with agriculture as a food.

Americans everywhere can be proud of the recognition and respect that California wines receive from throughout the world. English connoisseurs are considered touchstones in the field of wine because theirs is not a wine growing country. Their reactions in the past few years have provided a superlative accolade for the wines of California.

British writer Hugh Johnson, author of "Wine"—Simon and Shuster, 1965—a standard text in the field, wrote then:

> California's best wines are comparable with the classic wines of Europe.

Mr. Johnson completed a short trip to California earlier this year and reported in the New York Post, April 2:

> It's like somebody discovered a new France; I spend all my time looking for good wines and suddenly I've discovered a wonderland!

British Wine magazine editor K. D. Bourke, after her extensive California visit in 1967, wrote:

> We tried some of their 1963 Chardonnay which connoisseurs swear by and indeed this was a fruity, delicious, rounded, highly individual wine of great character.

Harry Waugh, a director of Chateau Latour, also is well known as a British wine writer. Among his many comments praising California wines is, "How splendid these fine California red wines are."

An English writer, Alec Waugh, has commented:

> California wines are superb—a great achievement for the world of wine.

This is not to say that wine-producing countries have not been highly complimentary concerning our wines. Numerous experts from long-established wine growing countries have praised California wines highly.

A group of Bordeaux wine officials visited California last March, tasted hundreds of wines and found them excellent.

Further evidence of the international respect held for our wines is that each year students and wine industry professionals from around the world came to visit, to study, and to learn from our vintners and from our famed California schools of viticulture and enology. Many of the enological innovations pioneered and proved by Californians have now been adopted in some of the most highly regarded foreign wineries.

Therefore, it was only natural that at the presentation our President expressed his appreciation of the wines of his native State and assured us that for reasons of diplomacy or for other considerations foreign wines are sometimes served; American wines are served proudly at the White House.

SENATOR MURPHY JOINS REPUBLICAN WOMAN IN URGING THE ENACTMENT OF SENATE JOINT RESOLUTION 61

Mr. MURPHY. Mr. President, Mrs. Gladys O'Donnel, a fellow Californian and a close friend of mine, is at present the able president of the National Federation of Republican Women, an organization of half a million dedicated women.

On May 7, in testimony to the Judiciary Subcommittee on Constitutional Amendments, she strongly and forcefully argued for the enactment of Senate Joint Resolution 61, the proposed equal rights amendment. I am a coauthor of this amendment, and along with Mrs. O'Donnell believe that it is indeed time for Congress to take this basic constitutional step to provide equal rights to women across this land.

Mr. President, this year marks the 50th anniversary of the ratification of the 19th amendment to the Constitution, which extended to women the precious right to vote. In those 50 years, women have contributed so much to our political process and to making democracy work. Yet, there remains discrimination against women today. I ask unanimous consent that the complete text of Mrs. O'Donnell's statement be printed in the RECORD. I certainly agree that "favorable action on this simple request could bring historic distinction to Congress and earn for it the lasting gratitude of American women."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MRS. GLADYS O'DONNELL

On behalf of our Board of Directors and half million members I express appreciation for the opportunity to present the following statement for the National Federation of Republican Women.

The Equal Rights Amendment has long been supported by our organization, and on January 23rd, 1970, to reemphasize our endorsement, it was again approved by a unanimous vote of our Board of Directors.

The extraordinary anachronism of this hearing is that it is taking place in the early twilight of the twentieth century; that it finds women still struggling for equality in an enlightened, libertarian society. One hundred and ninety-four years ago the Declaration of Independence set forth the philosophical tenets of a young nation—"we hold these truths to be self-evident, that all men are created equal, . . ."

Beyond all doubt the word "men" is used in its generic sense and women were not excluded, but we must admit that men are much more "equal" than women.

It has been my privilege to hear two days of testimony in this hearing. Witnesses established with professional skill and clarity the framework for legal and economic consideration of the Equal Rights Amendment. The women who made the presentations deserve profound admiration.

The hearings also provided an unbelievable defense of discrimination against women, first through Biblical quotations to prove their inferiority, and secondly by a slide presentation of chairs, tools and other industrial devices to show that they are not suitable for women's anatomy. Neither quality nor excellence is a matter of size or shape. The opposite poles of this argument could be the late, great Babe Didrickson and Tiny Tim.

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[1] Senator Miller notes that a 15-percent increase in benefits went into effect on Jan. 1, 1970, so that an automatic increase in benefits to keep pace with increases in the cost of living should be adequate, with exceptions to be covered by an Older Americans Income Assurance Program. (See recommendation 6.)

In this presentation it is my wish to approach the subject as a matter of the heart and spirit and then as a political reality.

This year we celebrate the 50th Anniversary of the 19th Amendment which gave women the right to vote. Last year we honored the State of Wyoming which, as a territory, gave this recognition to women 100 years ago. Mrs. Esther Hobart Morris of South Pass, Wyoming, guided the victory. Shortly thereafter she was appointed justice of the peace of South Pass, the highest honor the West could bestow for a quality it admires most—true grit.

As we prepared a suitable tribute to the women pioneers who carried the crusade for the right to vote, we did considerable research. To know their story is to be acutely aware of the enormity of their legacy; the unwavering, single-minded purpose; the courage of heroic measure. Will we never know women like this again—magnificent women who bring a lump to our throats?

The settlement of the west, or any other part of this country for that matter, owes more to the endless toil of these pioneer women than to all other factors in its history. A character in Edna Ferber's *Cimarron* tells it this way:

"You can't read the history of the United States, my friend . . . without learning of the great story of those thousands of unnamed women . . . women in mud caked boots and calico dresses and sunbonnets, crossing the prairie and the desert mountains, enduring hardship and privation. Good women with a terrible and rigid goodness that comes of work and self-denial. Nothing picturesque or romantic about them, I suppose. . . . No, their story's never really been told, but it's there just the same. And if it's ever told straight, you'll know it's the sunbonnet and not the sombrero that's settled this country."

The greatest of all observers of the American scene mid-nineteenth century, Alexis de Tocqueville, said, "If I were asked . . . to what the singular prosperity and growing strength of the United States ought mainly to be attributed, I should have to reply 'To the superiority of its women'."

The first national convention for women's suffrage was held in Seneca, New York, in 1848. Seventy-two years later, in 1920, the 19th Amendment was passed. It was just a step in a long journey—the struggle continues.

Granddaughters and great great-granddaughters of the pioneers are now in the forefront. Their quest is for the Equal Rights Amendment. It has been before Congress for 47 years. In this interim women have been more quiescent, but now the tide is rising and the mood changing. Predictably the old bromides and cliches are being dusted off. We have heard many of them at this meeting. There is a very special concern about legislation protecting women. If I read the evidence correctly there is a large question about *who* is getting the protection. Too often it turns out to be not protection but insulation—a buffer between women and opportunity, higher wages, faster promotion and positions of leadership.

This is not what women want. We reject it. Women want to be accepted as people, free independent human beings. As such we would have the coinciding benefits—equal opportunity, compensation, recognition and inclusion at policymaking levels. Collectively and individually we would like to be in on some of the take-offs since we are always there for the crash landings.

Women do not desire to dominate what man has so long considered his private domain, and which he is loath to share. We just wonder why man needs so much defense of his masculinity. The great majority of women are happy as homemakers. But those of us who choose a career want to be accepted and treated as equals.

Women make up 40% of the workforce, represent 51% of the population. We have expanded beyond the four walls and roof that once defined our province, and are escaping the psychological conditioning of inferiority that has been imposed upon us since time began.

Varying figures place the preponderance of women over men in the United States at 4½ to 7 millions (voting age). These are politically significant figures and it is ironic that we are here today endeavoring to justify a plea for an Equal Rights Amendment that we should have had long ago as a matter of simple justice. We are tired of being the silenced majority.

Looking back across the years since the 19th Amendment we can see where women erred. Winning the vote was accepted as an end in itself, which it was not. Having won political power, women have never used it. Therein lies our failure.

It is the opinion of many astute women in politics that we will not get any place until we elect more women to high office. This is a major goal of our Federation. We are urging State Federations to seek out qualified women of character, stability and training to become candidates. Once they have been nominated, either by primary election or convention, we will assist in every way in the general election.

Where we do not have women candidates we will screen the potential men who are anxious to run and encourage those who are sympathetic in matters of concern to women. This is in the best political tradition—the way in which every group achieves its political objectives. It is time that women used a little of their abundant political moxie.

The proliferation of women's activist groups across the nation speaks eloquently and sometimes stridently for itself. Approaches vary widely, as at this hearing, but the goal is the same—equal rights and protection under the law, acceptance as persons, and recognition based on individual merit.

How little this is to ask after centuries of patient, enduring servitude and imposed inferiority.

Women can be a powerful force, acting collectively on an issue generating as much heat and polarization as the Equal Rights Amendment. A determined mood long absent from women's groups is spreading—its emotional logic is that nothing less than militancy is effective. We hope this is not true.

Years of experience and costly legal procedures have proved that the 5th and 14th Amendments and Title VII of the Civil Rights Act are not the answer to our need. The void in our Constitution concerning women should be bridged by an Amendment in clear, simple language which recognizes us as first class citizens with equal rights and protection under the Constitution.

Favorable action on this simple request could bring historic distinction to this Congress and earn for it the lasting gratitude of American women. And how wise and ingenious it would be to magnanimously grant this recognition now—while there is still time!

In closing there should be no clearer summation of the objectives of proponents of the Equal Rights Amendment than the slogan of those early pioneers in the movement for women's rights—"Principles, not policy; justice, not favor; men, their rights and nothing more; women, their rights and nothing less."

JUSTICE DEPARTMENT LAUNCHES PILOT PROGRAM TO CONTROL WILD MARIHUANA IN THE UNITED STATES

Mr. GRIFFIN. Mr. President, the Department of Justice today announced initiation of a nationwide program to identify and control the growth of wild marihuana within the United States.

This news is still another indication of the firm resolve of the Nixon administration to deal effectively with the overall drug menace which has afflicted countless thousands of people, particularly the young.

Mr. President, I ask unanimous consent that a news release, issued today by the Department of Justice, be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE OF DEPARTMENT OF JUSTICE

A nationwide program aimed at the identification and control of wild marihuana during the current growing season was highlighted today by the Department of Justice.

In making the announcement, Attorney General John N. Mitchell pointed to the extensive efforts currently underway by the Federal Government to suppress foreign sources of supply, and cited disturbing reports that marihuana traffickers will increase their efforts to harvest wild growth of domestic marihuana as a replacement. The problem of domestic infestation has been largely attributed to the World War II era when marihuana was cultivated as a substitute for Manila hemp, although subsequently abandoned as a commercial crop.

This board program has been developed as a joint effort by the Bureau of Narcotics and Dangerous Drugs and the Extension Service of the Department of Agriculture. The Department of the Interior and Defense will also participate to ensure coverage of Federally-owned lands.

As part of the overall program, a pilot experimental project has been designed for twenty counties in ten States which are considered representative of the broad central area where marihuana growth is believed to be most prevalent. Those counties selected are: Henderson and Cook (Illinois); Kosciusko and Jasper (Indiana); Mitchell and Adams (Iowa); Jessamine and Fayette (Kentucky); Berrien and Cass (Michigan); Meeker and Blue Earth (Minnesota); Ray and Andrew (Missouri); Warren and Licking (Ohio); Walworth and Columbia (Wisconsin); and Marshall and Riley (Kansas).

Approximately thirty weed control specialists and County Extension Agents from the aforementioned States will meet with representatives of the Departments of Justice and Agriculture in St. Louis, Missouri on June 23 to map final plans for implementation of the program. R. Richards Rolapp, Special Assistant to the Deputy Attorney General and George H. Gaffney, Special Assistant to the Director, Bureau of Narcotics and Dangerous Drugs, will represent the Justice Department at these meetings.

Voluntary support and participation on the part of farmers, ranchers and other land owners, together with agricultural and civic organization, is regarded as the keystone of the project.

THE REAL ENEMY IS HANOI

Mr. HANSEN. Mr. President, the Washington Post carried a story this morning quoting the junior Senator from

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South Dakota (Mr. McGovern) as saying the Vice President of the United States of America, "has done more to divide and weaken the country, perhaps, than our enemies in Hanoi have done."

This is one of the most remarkable statements of the week.

I am sure that the junior Senator from South Dakota does not mean to imply that the killing of over 42,000 American men by "our enemies in Hanoi" is of less consequence than the call to patriotism by Vice President Agnew.

And I cannot believe that the junior Senator from South Dakota really intends to equate a few harsh words directed at him by the Vice President, with 141,000 Americans wounded by "our enemies in Hanoi."

I am sure the junior Senator from South Dakota would agree that if there is to be unity, it should be unity of the Nation as a whole rather than unity only on the grounds laid down by the demonstrators, the critics, and those who refuse to support the President of the United States.

Given the opportunity, Mr. President, I am sure the junior Senator from South Dakota would express himself in more temperate terms.

A REALISTIC APPRAISAL OF YOUTH ACTIVISM

Mr. PELL. Mr. President, in the past few months we have heard much commentary from high officials in the executive branch regarding the social and moral condition of their chief critics, the Nation's youth.

This past week a former official of the executive branch, who has recently returned from visits in 10 foreign countries, wrote a very perceptive article on the place of the young in our troubled society.

He makes what I consider to be a very realistic evaluation of the activist movement in the country. Thus, I would recommend his excellent article and his fine suggestions on youth involvement to the Senate.

I ask unanimous consent that an article entitled: "Youth Confronts the System," written by Joseph A. Califano, Jr., and published in the New Leader of June 8, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Thinking Aloud: Youth Confronts the System

(By Joseph A. Califano, Jr.)

There are as many views on student unrest as there are parents, alumni, professors, school administrators, and students themselves. We hear campus activists characterized as nymphomaniacs, because of their appetite for reform; agitators, owing to their penchant for confrontation; adolescent children, for their endless bickering; anarchist revolutionaries, with respect to politics; and amoral, in terms of sexual behavior. At the same time, they are called the most idealistic youth of the century; the most dedicated to the public good, and offended at the superficial materialism of modern-day society; the most intelligent, informed and politically aware generation in our nation's history.

Despite the obvious contradictions, there is some truth in virtually all of these comments. On the whole, though, I find the revolutionary trend, particularly where it touches large numbers of young people, to be a healthy force. The student movement is at a high emotional pitch, but it is also at an ambivalent crossroads. With some intelligence, a wise measure of understanding from the adult Establishment, and a good dose of staying power from the energetic young, it can become one of the most progressive and enduring catalysts in the last quarter of the century.

This feeling was reinforced by my observations last year in 10 foreign countries. While it must be stressed that my study was impressionistic rather than scientific, I found several common elements among students in the postindustrial countries.

1. The number of hard-core radicals was invariably quite small, rarely exceeding 1–2 per cent. In Japan, for example, with 1.5 million college students, no more than 20,000 could be called radicals; of those, 12,000 were relatively old-line Communists, and only 8,000 qualified as Maoists or anarchists.

2. The radicals' objectives were fuzzy and ill-defined, but their energies were directed at the whole fabric of modern society, not merely the university. Most radicals oppose representative democracy and Communism as inherently violent systems, insisting that both are more or less equally sophisticated in disguising this fact. Their confrontation tactics, argued the radical hard core, merely served to bring that violence into the open.

3. While radicals verbally reflect the influence of the romantic notions of Mao, Castro, Guevara, and Marcuse, they are, in a very real sense, undergoing a crisis of belief.

4. Affluence is unquestionably a significant factor in student unrest. The generally well-to-do society provides greater freedom from work for the young. Perhaps more important, the psychological and spiritual impact of prosperity on their parents—especially its failure to satisfy the purpose of their parents' lives—provides one of the key points of attack and frustration for the young.

(In this connection, we should be clear that "youth" alone is not what is happening to our own country. The median age—that national demographic benchmark—was 16.7 years in 1820. It was 29.2 in 1960, and the Census Bureau does not expect a sharp change following this year's count. But in 1820 the United States did not have 7 million college students; most 16-year-olds were already at work.)

5. In asserting the need for more individual freedom from the complexities of technological, urbanized life, the students have struck an immensely appealing chord across postindustrial societies around the world. Bureaucracy is everywhere—in big government, big business, big labor—and most adults are as offended as the young by its dehumanizing and often humiliating impact.

6. University conditions are generally abominable in Western Europe and Japan. Most universities bear a closer resemblance to our dilapidated and filthy metropolitan high schools than to our institutions of higher learning.

7. The traditional Left, Center and Right parties have failed grievously in two respects. They have virtually abandoned the student as an object of serious political interest, and they have refused to give the universities the resources needed to meet the demands of the population explosion.

8. The immediate conditions which precipitate riots are remarkably similar. A small group of hard-core radical students constantly probes for an issue to broaden its base of support. Instant communications, at least within the relevant geographical area, provide a big assist once this is found. Then the established authorities make a mistake, usually involving unfair discipline. For a first-class donnybrook, it helps to have a few radical professors bring the university's decisionmaking machinery to a state of indecision.

9. I found no international conspiracy among the students. The enormous similarity in their tactics is striking, but I believe it is attributable to the mass media, particularly television, and to the increase in student travel. There were, of course, the occasional assertions that Red Chinese funds are working their way into student movements, but I was unable to find any strong evidence of this.

Traveling from the postindustrial countries to such preindustrial countries as Kenya, Tanzania and, to a large degree, India—or, for that matter, to preoccupied nations like Israel and Czechoslovakia—one is struck by how little student unrest there is as we know it in the United States, Europe and Japan. Students are much more nationalistic, and activism is directed toward traditional concepts of constructive change. "We have a country to build and defend," explained one Israeli student. "We have no time for such nonsense." A Czechoslovakian student in England put it another way: "I cannot understand what the ferment in the Western world is all about. We are fighting for liberty; they seem to be abusing the liberty they have."

If the similarities between the student situation in the United States and the other postindustrial countries are hardly surprising, the differences are certainly striking. To begin with, there were no black-white racial questions at the universities I visited abroad, largely due to the absence of a significant number of black students. Even in France, where many blacks study, they are mostly from Africa and are not pressing to become a part of French society; they intend to return to their own countries, armed with the skills they have acquired at the Sorbonne. Although England is beginning to have its racial problems, black and white students, including South African radicals of both races, are working side by side for change at the London School of Economics.

Second, there is little or no drug problem at the universities abroad, and no significant hippie movement. Mod dress, long hair, dungarees, and fatigue jackets are common, to be sure; but the few instances of drug abuse are mostly attributed to the influence of American students.

Third, the ubiquitous Vietnam issue is not aggravated abroad by an unfair draft which, in our country, alienates the students and contributes significantly to the reluctance of university administrators to expel violent radicals.

Finally, there is no marked tendency among adults abroad—whether parents or politicians—to look upon their student unrest as part of some international (or even national) conspiracy.

Radical students the world over firmly believe the Establishment is involved in some sort of plot against the individual. They see it everywhere: in the military-industrial complex; in the Defense Department research contracts of universities and professors; in the correspondence files they rifle; in the power elite popularized by C. Wright Mills; in the lack of ideologically dominated and divergent political parties.

On the adult side of the equation, it is difficult to discuss student rebels in America at a suburban cocktail party without becoming involved in a discussion of conspiracy and Communism. Abroad, the subject virtually never arises. And when I myself brought it up, the listener was quick to dismiss it and contend that the issue is not whether there are some Communists among the students, but rather why so many bright young people turn to Mao, Trotsky or Marcuse rather than Jefferson, Lincoln or de Tocqueville.

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The point is an important one, however much we might like to ignore it. First and foremost, I think, we must recognize that young Americans are experiencing a profound crisis of belief—a crisis many adults share, and for which they are at least partly responsible. For years our students have been subjected in school and at home to a relentless and not always healthy skepticism. As one professor recently explained it, "We have destroyed as myths the political, moral and religious doctrines of Western civilization, and we have failed to provide any substitute."

The crisis of belief goes far beyond radical students, questions about the relevancy of universities and their courses, or arguments on the legitimacy of individual professors to teach and of higher education institutions to continue in their present form. It even goes beyond the validity of existing political and social institutions. For many of our young people it goes to the very purpose of life.

Unlike many of their parents, who have abandoned the search, the students are desperately seeking answers to provide meaning to their existence. A few turn to bizarre life styles revolving around witchcraft, astrology, sorcery, Zen, and Teilhard de Chardin's Omega point. Father Andrew Greeley at the University of Chicago was surprised to learn that they are respected by their peers. The key lies in the comments of one of his students:

"They really believe what they say is true. They really believe that they do have the answer and that they know what is ideologically right and ideologically wrong. It is hard to avoid being affected by their enthusiasm after you have been in a school which really isn't sure what is right or what is wrong."

This crisis of belief is a chord politically radical students can strike with great effectiveness. Rendering harsh but subjectively sure judgments on everything from the university to the world to God, the radicals feel they know what is morally right and are acting sincerely, according to what their consciences dictate as the only acceptable course.

The crisis stems in many ways from the confusion students behold in the minds of their parents and teachers. This disorder of philosophy is more profoundly disturbing to them than the physical violence they witness on the streets, to which some are willing to resort. They are particularly horrified at what they look upon as hypocrisy in the lives of the adults around them.

They see it in professors more interested in consulting the government and corporations than in teaching; more interested in writing books and articles than spending time with individual students; more interested in the esteem of their colleagues than the respect of their students. Outside the university, they see it in political leaders who state that cities must be rebuilt or that law and order must be maintained, but fail to serve up humane programs or sufficient resources to do the job; in businessmen and labor leaders who do not live up to policies they publicly urge on others; in their own liberal white parents, who preach equality for all and yet live in white suburbia and oppose any tax increases.

Adults, in turn, detect at least as much hypocrisy in the young as the young attribute to the Establishment. They feel that the students' rhetorical determination to eliminate poverty, bring peace to the world, and accord justice to all Americans is rarely matched with the kind of personal involvement necessary to accomplish these aims. They note that the young can say, "We don't care about careers; we care about ideals," because adults have made society so affluent the youthful idealists will be able to eat and drink no matter what they do.

The result is backlash, a kind of adult adolescence. Now adolescence is understandable in teenagers; it is difficult to justify in an adult. But it is evident in legislative proposals to outlaw demonstrations or withdraw funds from students who engage in them; on boards of university trustees that fail to understand the complex problems facing their college presidents; among college alumni who threaten to withdraw financial support unless "something is done" about radical students. It is even apparent among university professors who begin to question their own legitimacy, their own authority to teach, merely because their fallible human nature—their very humanity—makes them realize they cannot live up to every single precept they are teaching.

And where immature behavior is reciprocal, it leads too often to superficial concerns and slogans on both sides. What is worse, it creates an enormous area of mutual suspicion far exceeding anything I found abroad. Under such circumstances, the trust essential for the resolution of any difficult problem between students and the Establishment is simply not present. Without that, it is perhaps possible through shrewd tactics to achieve temporary amelioration, but nothing more. Thus the first step toward improving the situation may be to identify some basic level of values the generations can share—a recognition by each, for example, that the other is at least in part finally seeking honest answers and is entitled to some measure of respect.

The proximate, if not ideal, catalyst for this effort could well be the faculties of our universities, particularly the younger faculty members. For they bear a high responsibility in this area and must fulfill it with a special wisdom. A few—small in number, but potent in impact—have failed grievously in this respect. These are the vicarious revolutionaries, who allow their healthy skepticism about society and its institutions as they now exist to degenerate into indiscriminate attacks devoid of proposals for constructive change. Too often, they deflect the disorder the student feels in his own mind onto the problems of society as a whole.

It then becomes a relatively short step for the student to follow this reasoning to its logical conclusion. With youthful energy as his main weapon, he begins—sometimes quite literally—to tear down many of the institutions and ideals that are critical to the functioning of a free society. There is no room in our nation today for the vicarious revolutionary—whether he is on the campus as a young instructor, or on television as a racist demagogue. Too much vital work remains to be done for men of talent to stand aside, egging on others to an essentially nihilist fray.

One of the central problems with the vicarious revolutionary is the ease with which he leaves the mainstream of society. In a relatively short time he is aloof from the real battle, involved only to the extent of the words he spoke or wrote, or the encouragement he gave to the young student. The vicious transformation of his utterances into violent action is something he can greet with a Pontius Pilate attitude. Yet the professor who becomes a vicarious revolutionary can no more wash his hands of responsibility for the student who dynamites a corporate office that he has been taught is a symbol of corrupt capitalism, than the Vice President of the United States can wash his hands of the brutal attack on black school children in Lamar, South Carolina. Both can issue exculpatory statements after the fact, but both must live with whatever they said to help make the fact. The First Amendment protects them legally (as it should); it does not, however, offer moral absolution.

This brings me to several brief suggestions concerning America's youth. I believe students must be given a greater measure of real control over their lives. I would place a young American on every draft board in the country, place students on boards of college trustees, and turn all parietal and disciplinary rules over to student bodies, short of a large demonstration or disorder (where the universities should reserve the right to move in, just as the Federal government does with the states). I would also appoint student assistants to the Secretary of Health, Education and Welfare and the Commissioner of Education, as has been done in France, and I would give students a chance to run at least one or two government programs, such as VISTA. Recent events may make it difficult to find students willing to be associated with the current Administration, but I believe a real effort should be made to get them involved. Indeed, both major political parties need to focus more energy and attention on the students.

As a nation, we must face the fact that a four-year university education is not appropriate, necessary, or fulfilling for every American boy and girl. In many cases it can be counterproductive for the student, not to mention destructive for society. As for those who argue that the university is the place to socialize our young, they are distorting its purpose as grossly as parents who believe the university should do for their children what they themselves failed to do over the first 17–18 years of their children's lives. Finally, I believe the government—Federal, state and local—must provide the resources necessary to finance the burdens placed on universities, high schools and elementary schools by the current student population explosion.

But what does this mean for the survival of the system? It means, above all else, that the rhetorical commitment of the American Establishment must be made real. By action and sacrifice, the Establishment must demonstrate that it believes its own words, for the youth of our nation will no longer be assuaged merely by platitudes and crisis amelioration. There are only so many protest marches, and petitions signed by hundreds of thousands; only so many lobbying and political education efforts that well-educated young America will produce before its energetic impatience turns to significantly worse violence than we have seen to date. And youth's charge of indifference and hypocrisy has greater merit than most adults would like to admit. However magnificent the Establishment's rhetoric of commitment, it is not the language of American reality.

Our most solemn commitments are found in the Declaration of Independence and the Constitution, the Proclamations and Executive Orders of our Presidents, and the preambles and sections of the legislative programs of the late 1960s—for housing, education, manpower training, health, and a host of other urgent domestic problems. Let me cite a few examples, taken from laws enacted by Congress.

Housing.—The Housing Act of 1949 declared that the "general welfare and security of the nation require the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization . . . of a decent home and suitable living environment for every American family. . . ." In the 1968 Housing and Urban Development Act, Congress recognized that for 20 years the promise had not been kept, noted the failure "a matter of grave national concern," and rededicated itself to "the elimination of all substandard housing in a decade." Yet what has been done to fulfill that commitment to the 26 million Americans who still live in housing unfit for human habitation?

The Cities.—The 1966 Model Cities legislation affirmed that "improving the quality of urban life is the most critical domestic problem facing the United States. . . ." Its stated

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purpose was to provide "financial and technical assistance to enable cities of all sizes . . . to plan, develop and carry out locally-prepared . . . programs . . . to rebuild and revitalize large slums and blighted areas." Nevertheless, we continue to stand by while the physical plant of most of our cities further decays or moves toward obsolescence and the postwar suburbs of the '40s enter the first stages of severe deterioration.

Antipoverty—The Economic Opportunity Act of 1964 declared it "the policy of the United States to eliminate the paradox of poverty in the midst of plenty in this nation by opening to everyone the opportunity for education and training, the opportunity to work and the opportunity to live in decency and dignity." Six years later, some 25 million Americans are still locked in poverty.

Crime Control.—The Omnibus Crime Control and Safe Streets Act of 1968 recognized the urgency of the nation's crime problem, calling it a matter that threatens "the peace, security and general welfare of its citizens." The Act made it "the declared policy of the Congress to assist state and local governments in strengthening and improving law enforcement at every level by national assistance." But year after year the crime rate continues its persistent rise, while the Safe Streets Act is funded at 50 percent of its programmed level and the American public is presented with a series of preposterous assurances that preventive detention, no-knock laws and increased wire-tapping will help reduce street crime.

Clearly, young America has good reason to believe our national security is at stake in our domestic problems; Congress has literally legislated that judgment in the bills it has passed. And recent events have, if anything, validated the verdict. Furthermore, our youth has equally sound cause to believe the Establishment does not mean what it has said, since Congress and the Executive have repeatedly refused to furnish the resources needed to take the decisive action required for solving our troubles at home.

Contrast this attitude with the Establishment's reaction when our security is threatened from abroad. We repeatedly hear in the halls of Congress and in the White House how the United States must fulfill its military obligations, and of the need for this or that weapons system, for some base or other here or overseas, for an extra division to make certain that we can meet the "commitments" we have made around the world. There are commitments to our nighbors, commitment for Spanish bases, SEATO commitments, commitments to the United Nations, commitments involving the Organization of American States. And never have we hesitated to provide the resources or make the sacrifices considered necessary to protect our national security from foreign dangers. Yet time after time, we have failed to provide the resources and make the sacrifices that are necessary for all Americans to live at a minimal level of human dignity and spiritual tranquility.

This is what our youth instinctively senses, and articulates inadequately through slogans about the military-industrial complex, the Black revolution and "power to the people." In increasing numbers, they recognize that failure to deal with domestic questions of survival is not due to lack of wealth. Toward the end of this year, the nation is expected to have a Gross National Product (GNP) of $1 trillion. The Federal budget of some $200 billion represents only about 20 per cent of this figure, and the defense budget, even at the current level of roughly $75 billion, is less than 10 per cent. State and local governments, for their part, spend around $100 billion in the public sector. The nation's total commitment for its public needs, therefore, is approximately 30 per cent of the GNP, which is not only far less than we require, but also way below what most European countries expend. England, for example, disburses about 38 per cent of its GNP in the public sector. Were we to do the same, we would have an additional $80 billion a year at our disposal for domestic needs.

So many responsible leaders in both political parties have talked about the inadequacy of funds devoted to urgent domestic problems that I hesitate to repeat their findings here. Still, some brief illustrations are in order.

The Federal government estimates the cost of implementing the Kerner Commission proposals on crime to be at least $30 billion a year more than is now being spent.

The President's Commission on Rural Poverty said we must increase present expenditures by $40 billion if we are to eliminate the condition.

The Violence Commission, merely as a start, recommended that $20 billion be transferred promptly from the Defense Department's budget to the domestic public sector.

To provide funds for the full development of only the domestic programs in existence at the end of the Johnson Administration, plus a few modest new ones, would cost $37.7 billion by the next fiscal year—more than twice the real savings anticipated through ending the Vietnam war. This is not a projection of dreamers, but a careful calculation contained in a December 1968 report to the President, signed by the then Secretaries of the Treasury, Defense, Commerce, and Labor, the Director of the Budget, and the Chairman of the Council of Economic Advisers—the very men who made up the Presidential Committee on Post-Vietnam Planning. As the report expressed it:

"The end of the struggle in Vietnam, together with increased tax revenues resulting from economic growth, will make a sizable volume of real resources available to deal with these [domestic] problems. But for years and years ahead, the peace-and-growth dividend is dwarfed by the magnitude of these needs."

I am not suggesting any large segment of our youth knows, with even the rough precision I have used here, the amount of money required to deal with our public problems. I do contend, though, that they sense that affluent America has become short-sighted and selfish, that general prosperity has somehow debilitated our willingness to sacrifice where our own problems are involved. In short, they feel the ease of life in America has led too many of its citizens to believe its difficulties will be solved without pain by someone else, or will perhaps simply vanish.

These are not idle comments or the concerns of an alarmist group of young people. Our troubles at home represent a greater danger to the survival of the system than any peril from abroad, and it will take more than another repetition of the rhetoric of the past to help us survive.

To turn our declared commitments into *de facto* achievements—the only way we will make them real to the sophisticated young—we must divert literally scores of billions of dollars from the private to the public sector, and react to our domestic needs as we have in the past reacted to foreign threats to our national security. We must begin to establish four- five- or 10-year plans to tackle some of our most urgent problems at home, and commit the funds necessary to make these programs more than marginal. That means we must begin seriously to consider not only wage and price controls, but also sharp tax increases.

This is usually dismissed as impossible by our political leaders, who insist the American people are so fed up with taxes they will not pay any more. A roll call of governors and mayors who have raised taxes and then promptly lost elections is read to illustrate the point, and for further proof, the shocking loss of revenue needed to get relatively modest tax reforms through Congress last year is cited. Yet there is no other reasonable alternative, no cheap and easy way to solve our problems and replace the dream evoked by our national rhetoric with the reality of a national commitment.

In its own cacaphonic style, America's protesting young are beginning to sound this simple theme: The paramount danger we face today is from within, not without. History is on their side; from Edward Gibbon to Arnold Toynbee, historians have warned of the internal doom of great civilizations. As Toynbee noted: "In all the cases reviewed the most that an alien enemy has achieved has been to give an expiring suicide his coup de grace."

It is surely ironic that the only total commitments our nation has been able to make have been in times of war. The two world wars provide classic examples of how economic and human resources and institutional innovation can be harnessed to meet the task of survival. Since the problems we now face at home present no less a peril to our very existence, it is time for America to turn once again to the tools of commitment that brought it through the two largest conflicts in the history of mankind. Applying tax and other economic measures approaching those we use in periods of war may well be the only way to liberate the genius of American science, medicine, industry, labor, agriculture, and all the myriad skills we have developed, on the scale required to solve our problems before it is too late. Conceivably, institutional changes will be impossible under traditional, jealous bureaucracies, operating on a business-as-usual basis. In that case, we have to create, at least on a temporary basis, national and regional powers and institutions that will not be inhibited by artificial state boundaries drawn by settlers of another age.

There may of course be other, less drastic means to deal with our problems, but I have yet to come across any. Perhaps the greatest mistake our leaders can make is to continue to imply that there are cheap and easy ways to solve our financially and socially costly difficulties in housing, health, poverty, the environment, and transportation. The end of the Vietnam war will not provide sufficient funds to cure our material domestic ills. Surely it must be stopped—but there is little gold at the end of that rainbow. Our history indicates that after both world wars and Korea, the assets devoted to the hostilities were promptly returned to the beer and lipstick sector of the economy, not applied to pressing public needs at home.

In any event, substantially more funds than those available from Vietnam, or from cuts of a few billion dollars in the defense budget, are urgently required. To tell our youth and our older citizens that anything short of considerable sacrifice will suffice is to toy with the very survival of our democratic system. My greatest hope for young Americans is that as they take the reins of power, and become makers rather than victims of history, they will muster the courage to face our problems with realism, abandoning at last the mere rhetoric we have known.

PENN CENTRAL RAILROAD

Mr. PERCY. Mr. President, the events of the past 2 weeks with respect to the Penn Central Railroad have been the subject of extensive newspaper and governmental comments. These comments have attributed the Penn Central's problems to the difficulties inherent in mergers, the diversification of the railroad, the great magnitude of the operation, and to a problem of teamwork within the management. Investigation may suggest that these factors are the crucial ones as the cause of the current difficulties.

However, there is a much broader and more valid set of causes, and it is to these other causes that transportation leaders in and out of Government should promptly consider resolving through meaningful reform. Thoughtful students of the railroad industry for the past 20 years have repeatedly and consistently concluded that the industry's problems were basic and would eventually bring us to the point when it would be necessary to ask whether we prefer meaningful reform or Government ownership. They have concluded that reform is necessary, feasible, and far preferable to the consequences of nationalization of the railroad industry, and I strongly concur with this.

The basic problems are in the relationship of the industry to Federal and State government, the relationship to organized labor, and the challenge of attracting large amounts of urgently needed capital for modernization and technological improvement in spite of very poor earnings in terms of return on investment. With these three basic relationships presenting the difficulty, and continuing to be unresolved, the impact of inflation and the so-called crisis in liquidity combined to bring Penn Central into bankruptcy. It is no exaggeration to say that Penn Central and its two big predecessors have already experienced in great concentration and degree practically all of the difficulties and problems of the railroad industry.

Regulations drawn up originally to deal with different competitive circumstances must be modernized to reflect the plain fact that railroads are now highly competitive, not monopolies. Second, public financing of transportation facilities, such as airways, highways, and waterways must be extended also on an equitable and balanced basis to railways. Public financing for transportation facilities has exceeded $15 billion annually for at least 15 years, with virtually no such public financing for railways. Railroad managements, if we are to leave them in private enterprise and subject them to the disciplines of our economic system, must be given a degree of freedom of management consistent with the financial responsibility which we expect them to carry.

This means that there must be a new relationship worked out between the railroads and their Government, so that they can respond to the challenges of our full economy in much the same fashion as managers of other businesses, rather than with restraints more appropriate to the old monopoly days which are long gone.

The public interest requires that we in Government direct our early attention to progress on the basic problems and remember that there are quite a number of major railroads in serious financial difficulty even though they have not merged, have not diversified, and in the judgment of most experts are not afflicted with undue size or poor management. The public interest also requires us to act promptly on a major reform program that will hopefully maintain our railroad industry in private enterprise on a basis which will permit it to once again resume its historic role of major carriers growing with the country and preparing to do its full share in an efficient and balanced transportation system.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 10:56 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 12 noon, when called to order by the Presiding Officer (Mr. Talmadge).

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. Talmadge). The hour of 12 noon having arrived, the Chair lays before the Senate the unfinished business which the clerk will state.

The Bill Clerk. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The Senate resumed consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER (Mr. Talmadge). Without objection, it is so ordered.

Thereupon, at 12:01 p.m., the Senate took a recess subject to the call of the Chair.

At 12:40 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. Nelson).

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

AMENDMENT NO. 708

Mr. FULBRIGHT. Mr. President, I wish to say a word or two about the pending amendment. I intend to ask to have printed in the Record an article published in the Washington Post of yesterday by Mr. Paul Warnke and Mr. Townsend Hoopes, both of whom were formerly Assistant Secretaries of Defense, and have written an interpretation of what the recent developments in Vietnam and Cambodia mean.

But first, with regard to the pending amendment offered by the Senator from West Virginia (Mr. Byrd), I regret that I am unable to vote for it. I shall ask the indulgence of the Senate and vote "Present," not because I attribute to the language the meaning which I am sure some will attribute to it, that it nullifies and neutralizes the Church-Cooper amendment, but because I think it will inevitably lead to misunderstanding and confusion.

It is generally assumed that the Senate—a body which is of some significance under our constitutional system—does not engage in idle gestures or spend many hours debating language which is of no significance; so I am sure that people will search for some significance in this language. They will try to attribute to it some meaning. If there is any meaning to it, it is certainly intended to water down the Church-Cooper amendment.

That, of course, was the purpose of the original Byrd amendment upon which we voted about 10 days or 2 weeks ago; it sought to neutralize the first section of the Church-Cooper amendment—in other words, to leave the President free to reenter Cambodia at any time he pleased.

This was how it was interpreted at the time. I think the significance of the vote in the Senate was that we did not wish to do that.

It is said by some who have agreed to accept the present Byrd amendment that it does not affect the power of the purse, that is, the appropriation of money. But I can imagine, if we adopt it, particularly the last two words of it, it will be interpreted that the President, as Commander in Chief, has the constitutional power to deploy the troops wherever he wishes. That is not written into it, but that is a possible interpretation.

I still believe that a return to the constitutional roles of the executive and the legislative branches is the only hope for the reestablishment of order in this country. Therefore I do not wish to vote for something that can be said to be meaningless, and yet will also be interpreted by others, who wish to so interpret it, as having some significance. It is generally felt, after all, that we do not engage in attaching amendments which have no meaning.

The Constitution speaks for itself. An amendment of this kind cannot change the Constitution. To try to redefine what the constitutional powers of the President are in an amendment of this kind is certainly, in my view, an act of futility. Therefore, I want the Record to be very clear that I do not regard this language, which I am told will be accepted, as having any substantive effect upon the Cooper-Church amendment. I would vote for it, except that I am afraid my vote would be misunderstood by those who read only the headlines, or read only how we voted. I am afraid that my own constituents and others might interpret my vote to mean that I have changed my mind, in voting for an amendment which is, after all, essentially the same amendment which I participated in defeating 10 days ago.

I do not wish to confuse or influence others who interpret it in a different way; therefore, I ask that I be permitted to vote "present." I shall not vote against it only out of consideration for some of my colleagues who differ with me as to what it means. If it means nothing, it should not be agreed to. If it means something, it means that of which I do not approve.

Mr. President, the article which I mentioned a moment ago, while it does not relate to the Byrd amendment, most definitely does relate to the Cambodian affair. It relates to the sum and substance of that with which the Church-Cooper amendement is intended to deal. Therefore, I make a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. **FULBRIGHT**. At what point does one draw the line as to what is germane and what is not? The article I have in mind, on which I wish to comment, deals with the substance of the Church-Cooper amendment. Does that make it germane or not?

The **PRESIDING OFFICER** (Mr. Nelson). The Chair would have to hear what the substance of the article was, in order to make the ruling.

Mr. **FULBRIGHT**. Well, we have a rule. It seems to me that under the rule, the Chair must rule as to whether it is germane or not germane. In my own view, it is germane because it deals with the subject matter of the Church-Cooper amendment. The Church-Cooper amendment is concerned with keeping the President from ordering troops back into Cambodia. Therefore, it is concerned with whether or not this war can be brought ultimately to a conclusion by a negotiated settlement, and whether or not the expansion of the war in Cambodia is a real expansion of the war, and an enlargement of it. Therefore, it seems to me an article dealing directly with that question would be germane.

Mr. **BYRD** of West Virginia. Mr. President, will the Senator yield?

Mr. **FULBRIGHT**. Certainly.

Mr. **BYRD** of West Virginia. Mr. President, based on what the able Senator has said, I do not think there is any Senator who would be inclined to question the germaneness of whatever he wishes to insert in the Record. Therefore, I intend to interpose no objection.

Mr. **FULBRIGHT**. Very well. Mr. President, in the Washington Post of June 21, there appeared what I consider to be a germane and profound discussion of the administration's policy in Southeast Asia. Mr. Townsend Hoopes and Mr. Paul Warnke are well informed about the situation in Southeast Asia, both having spent a number of years studying it as Assistant Secretaries of Defense. They are now, however, free of the restraint which a member of the administration feels, and are free to speak frankly about the matter.

The discussion demonstrates that the present actions in Southeast Asia are not designed to achieve a disengagement and an end to the war on a negotiated basis, but, on the contrary, that they are intended to make the war acceptable and tolerable to the American people, and to continue it indefinitely.

Therefore, I ask unanimous consent to have printed in the Record the article entitled "Nixon Is Really Just Digging In," written by Townsend Hoopes and Paul C. Warnke, and published in the Washington Post of Sunday, June 21, 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon Is Really Just Digging In

(By Townsend Hoopes and Paul C. Warnke)

President Nixon's speech of June 3 has now made undisguisably clear the aim of his Vietnam policy. It is not a total withdrawal of U.S. forces in the next 12 to 18 months, or even in the foreseeable future; nor does it involve a willingness to accept the consequences of the free play of political forces in Indochina. Mr. Nixon's Vietnam policy involves three basic elements:

Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically acceptable to American public opinion.

Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

Behind a smokescreen of ambiguity, that is now the clear shape of the Nixon policy. It is confirmed by the surfacing of U.S.-subsidized Thai "volunteers" for Cambodia and by the lack of administration resistance to indications that ARVN will continue its Cambodian operations indefinitely.

It has been supposed that of the three major considerations said to have produced the April 30 Cambodia decision, what counted most was the concern that continued American force withdrawals depended on "cleaning out the sanctuaries." Even in that context, the Cambodian border crossings were pre-emptive strikes designed not to meet an immediate threat but to reduce enemy capabilities in the area for four to six months, thereby buying time for the "further strengthening" of ARVN.

No doubt that was the thrust of Gen. Creighton Abrams' view (which suggests how unreliable and unpromising ARVN is really regarded by the U.S. command, beneath all the chamber of commerce ebullience about Vietnamization). The President on June 3 made this view his own official explanation for the decision to strike Cambodia.

However, this explanation looks like an after-the-fact rationalization invented by Defense Secretary Melvin Laird. For as Stewart Alsop's look at the President's yellow pad (Newsweek, June 1) made quite clear, Mr. Nixon is still tilting with "international communism" in Southeast Asia and his chief concern on April 30 was that Cambodia might go Communist.

The most revealing point on the yellow pad was the Nixon concern that, if neither side moved, an "ambiguous situation" might arise in Cambodia which would make it very difficult for the United States to hit the sanctuaries—i.e., we would be charged by international opinion with attacking a neutral convention and the degree of disarray special scrutiny.

Specifically his conclusion on June 3 that activities in the Cambodian sanctuaries between April 20 and April 30 "posed an unacceptable threat to our remaining forces in South Vietnam" is belied by Laird's statement to newsmen that the attacks represented "an opportunity" because the North Vietnamese in Cambodia, unsettled by the Lon Nol coup, were at that time facing west. More generally, his concern to act precipitately would seem to reflect a failure to understand that in limited war, there are sanctuaries by definition.

Why attack Cambodia rather than Laos or across the DMZ? Why refuse to acknowledge that a certain mutual respect for sanctuaries is what has kept U.S. air bases in Thailand essentially free from sapper attacks?

There is a further point. One would have supposed that a President who had publicly eschewed the prospect of military victory and who was conducting a strategic withdrawal had long since made the judgment that the particular coloration of petty nongovernments in Southeast Asia did not affect the serious interests of the United States. A statesman who had in fact decided that a genuine U.S. extrication from the area was necesssary would indeed be at pains to foster "ambiguous situations." He would go out of his way to avoid a clear-cut Communist-anti-Communist polarization.

THAT "JUST PEACE"

Mr. Nixon's quite opposite concerns and actions tell us something very important. With respect to Vietnamization, Secretary of State William P. Rogers and Laird have consistently run ahead of the President with their clear implication that the program is primarily a vehicle for total U.S. extrication (even though the war might continue after our forces were gone). Mr. Nixon, however, has always insisted that Vietnamization will lead to a "just peace" and an end to the war.

On June 3, he said categorically: "I have pledged to end this war. I shall keep that pledge." These have been puzzling assertions, since all signs indicate that even successful Vietnamization (i.e., a transfer of the entire military burden to ARVN) could produce nothing better than interminable war. The speech of June 3 and the revelations of the yellow pad now make these assertions a good deal less puzzling.

They show that what Mr. Nixon means by a "just peace" is Hanoi's recognition of a permanent position of U.S.-ARVN military strength in South Vietnam. Since even the White House has in various ways revealed that it has no illusions about ARVN's ability to go it alone, it is a fair inference from a series of official statements that a "just peace" will require the indefinite retention of something in the neighborhood of 200,000 U.S. troops as well as indefinite support for the Thieu regime.

How Mr. Nixon plans to make these requirements politically palatable at home is not yet clear. Until recently he had kept both his aims and his formulations artfully vague, but now the fig leaf has fallen away.

The difficulty with this vision of the future is that it is a gossamer dream on at least two counts: (1) On all the evidence, the American people are not prepared to sustain a sizable military commitment in Vietnam for an indefinite period, especially under conditions that require our forces to go on winning victory after meaningless victory in the pattern of the past five years; and (2) there is absolutely nothing in the history of the Vietnam war (or in the present or prospective power balance there) to indicate that Hanoi will come to terms with the Thieu regime.

If Mr. Nixon and his advisers really believe that they can force a settlement in Paris on present U.S. terms, then they remain deluded about the most fundamental political-military realities in Vietnam; they also fail to grasp how very narrow are the margins of domestic tolerance for their conduct of the old war, not to mention the new and wider war they have now arranged.

Negotiations in Paris have failed chiefly because our political aims exceed our bargaining power. Hanoi is not prepared to accept arrangements for elections worked out under the auspices of the Thieu government and in which the winner would take all; and the U.S.-ARVN military position, even at the point of its maximum strength, was not sufficient to compel Hanoi to bargain on our terms. The departure of 110,000 U.S. troops and the promised withdrawal of another 150,000 hardly strengthen our military position.

A VULNERABLE PROCESS

Thus strapped to a negotiating position that cannot succeed, Mr. Nixon is thrown back upon Vietnamization. But owing to the very uncertain qualities of ARVN and to the President's unstated (but now undisguisable) insistence that our proxy regime must be permanently secured, the process of American withdrawal is necessarily slow and ambiguous.

Its lingering nature makes it vulnerable to unanticipated intervening events, like the Lon Nol coup, which knock it off balance and create new pressures for compensatory military action—pressures which Mr. Nixon promptly translates into "opportunities" in the permanent holy war against communism. Its conditional nature—the unspoken determination to hang in there until we have ended the war in a "just peace"—precludes a negotiated settlement and also works against a tacit understanding with the other side with regard to lowering the level of violence.

In this mushy situation, the war is considerably enlarged, and with it, American responsibility for the Cambodian government. The setting in motion of imponderable new political forces (in Phnom Penh, Vientiane, Bangkok, Saigon, Hanoi, Peking, Moscow and Washington) indicates that the struggle in Cambodia will be protracted, will probably spread, will reopen old tribal hatreds and will continue to involve us in situations which the American presence can aggravate but can do nothing to resolve.

Meanwhile, American force withdrawals continue, impelled by domestic pressures. As they do, the truth is borne in upon the administration that the gradual and unnegotiated character of the reductions cannot, below certain levels, assure the safety of the remaining forces.

This unfolding denouncement requires that the American people wake up to the self-deception and bankruptcy of the Nixon policy in Vietnam, for it is now a matter of the utmost urgency to bring policy into accord with realities both in Indochina and at home. Our transcendent need at this juncture is for leadership in the White House—and if that is not possible, then in Congress—with the scale of mind and the inner firmness to explain the real choices facing the country.

The task is to lead public opinion toward an understanding that a Vietnam policy based upon these realities is consistent with our national interest, can be carried forward without a traumatic loss of self-confidence and need not cause a lapse into mindless isolation—above all, that such action is infinitely preferable to continued self-deception.

PERSISTENT RHETORIC

We are not getting that leadership. President Nixon seems somewhere between believing in the essential rightness of the war and understanding that the American interest requires its liquidation. He has evolved a policy of substantially reducing, but not ending, the American role.

At the same time, he has been unwilling to abandon the rhetoric that supported our intervention in the first place. One must conclude that either he genuinely believes the rhetoric or is afraid to risk, through candor, even a transient loss of national prestige for the sake of a healthy adjustment to the facts.

Viewed in the light of the political situation in the United States and the military situation in Indochina, the Nixon policy is a grab bag of contradictions, illusions and expedient actions. It seeks objectives that are unattainable while warning that acceptance of anything less would mean "humiliation and defeat for the United States." The increasingly visible gulf between this martial bravado and the known facts is producing a form of official schizophrenia; if unchecked, it could lead to a national nervous breakdown.

Worse still, if the President really does believe his own rhetoric, there is the predictable danger that he will feel compelled to take action more drastic than the Cambodian strikes in certain foreseeable situations—e.g., after U.S. forces have been further reduced but there has been no corresponding improvement of ARVN and no corresponding deterioration of North Vietnamese capability. Indeed, the looming probability of just such a crunch is what makes it imperative for the country to face the realities now while there is still time for dignified, rational, deliberate choice.

If we continue down Mr. Nixon's path, we could easily reach a situation which seriously threatens the safety of our remaining forces. At that point, we would face a constricted choice between immediate escalation and immediate liquidation. Can anyone believe a wise decision could be made in such circumstances? Given the divisiveness, the frayed nerves and the general distemper that now define our national mood, does anyone have confidence that our political system would not be grievously shaken by the consequences of either choice?

THREE MAJOR POINTS

It is now obvious that Mr. Nixon missed a golden opportunity, during the honeymoon period of early 1969, to lead the country firmly away from a decade of self-deception by beginning to uncoil the contradictions and restore the national balance. He could have taken definitive steps toward liquidating the war and binding up the national wounds.

He could have done this without political risk to himself and indeed with positive benefit for his party and the cause of national unity. Though time is running out, it is still not too late for someone—preferably, of course, the President—to take up this vital task. Three points need to be explained to the American people with absolute clarity.

1. That after five years of major combat, we have done about as much as any outside power could do to shore up the government of South Vietnam;

2. That the tangled political issues which divide Vietnam, growing as they do out of long colonial repression and the ensuing struggle to define a national identity, can only be settled among the Vietnamese themselves;

3. That, contrary to the erroneous assumption on which U.S. military intervention was based, the particular constitutional form and the particular ideological orientation of Vietnamese (and Indochinese) politics do not affect the vital interest of the United States.

Adoption of such a posture would lead directly (a) to a policy of deliberate, orderly, unswerving and total withdrawal of U.S. forces to be completed not later than the end of 1971; and (b) thus to circumstances that could bring about a serious negotiation based on our declared intention to depart.

This kind of negotiation would not be unconditional. We would require the return of our prisoners and the safe withdrawal of all our forces; we would seek at the same time to provide, with Russian and other outside assistance, for the restoration of neutrality at least in Cambodia and Laos, and hopefully in Vietnam as well. This approach is fully consistent with plans put forward at different times by Averell Harriman and Clark Clifford.

It must be faced, however, that the Nixon decision to strike Cambodia has moved us further away from the chances of political settlement. For that act has surely deepened Hanoi's suspicion that we do not intend to leave while it has reinforced Saigon's natural resistance to compromise. In addition, of course, it has put into our laps the problem of working out the political future of yet another country.

GIANT IN QUICKSAND

Nevertheless, it does not seem impossible that steady, candid, clearheaded leadership, based squarely upon the three points set down above, could steer the American Leviathan through the dangerous transition without running the ship aground or producing general hysteria. For one thing, there is really no choice about leaving Vietnam; for another, there are enormous advantages ahead if we can by skill and steady nerves make a safe and sane passage.

To change the metaphor, Mr. Nixon's "pitiful giant" of April 30 is pitiful chiefly because his leg is in quicksand up to the midthigh and because he is unresolved about its extrication. But the military, economic and psychological advantages of removing the leg are demonstrable.

With two feet on solid ground again, the country would regain its global poise. Our influence and power would not evaporate. We would not be rendered incapable of defining and defending our legitimate interests. On the contrary, our ability to reassure our NATO and Japanese treaty partners, and our capacity to exert a steadying influence on the smoldering situation in the Middle East, could only be enhanced. Our industrial, technical and cultural achievements would continue to astound and attract the world.

At home, we desperately need a breathing space in which to redefine our vital interests, our military strategy, our basic relationships with the rest of the world. We are still operating essentially within the frame of a foreign policy worked out in the late 1940s.

The main tenets of that policy were strong and valid for their time, but they are now badly in need of revision; among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot construct a reasoned self-appraisal until the Indochina enterprise is liquidated.

It is important that the American people understand what is going on so that they can effectively assert their right to a policy consistent with their interests.

Mr. COOPER. Mr. President, may I have the attention of the Senator from West Virginia?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a quorum call, with the understanding that he not lose his right to the floor?

Mr. COOPER. Yes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I have heard the remarks of the distinguished Senator from Arkansas (Mr. FULBRIGHT), and I can understand that the questions he has voiced have arisen in the minds of many Senators about the pending amendment. I shall develop at this time the history of the debate which has brought us to a vote on this amendment.

Mr. President, the question before the Senate today is whether the second Byrd amendment, now pending, should be adopted. In my view, support of the amendment by the sponsors and supporters of the Cooper-Church amendment, which the second Byrd amendment would amend, depends upon its interpretation and the effect which its sponsors intend that it shall have upon the purposes of the Cooper-Church-Aiken-Mansfield amendment.

I shall try to narrow this issue as simply as I can by reviewing the background of the debate in the Senate over Cooper-Church.

A principal purpose of the Cooper-Church amendment, as its sponsors have declared so often, is to prevent the United States from being engaged in a new war in Southeast Asia for the protection of Cambodia—a country to which the United States owes no obligation of any kind.

A second purpose is to prevent the United States from becoming engaged in an expanded Vietnam war—in a new country and new theater—Cambodia, when the announced policy of the United States is to disengage.

I assume that the Members of the Senate support the President's declared purpose to end American participation in the war in Vietnam. Many of us support his policy of ending American participation in the war, either through negotiation or by Vietnamization.

The sponsors of Cooper-Church drew the amendment to become effective July 1, 1970, the day following President Nixon's announced schedule for the withdrawal of all American forces from Cambodia. Our amendment is not intended to affect and could not affect in any way the U.S. military operation in Cambodia until July 1, 1970. But I want to make it clear again that our amendment intends that after July 1, 1970, there shall be no entry of U.S. forces, or other forces employed by the United States, into Cambodia to extend the Vietnam war into Cambodia or engage in a new war for Cambodia without the consent of Congress.

We are asserting the constitutional authority of Congress. We do not deny categorically that it is possible that the United States might become engaged in combat activities in Cambodia. We only say that the United States shall not become so engaged again in combat activities without the approval of Congress.

The opponents of Cooper-Church have asserted one chief argument during the debate. The argument is basically that the Cooper-Church amendment denies to the President his constitutional authority to protect the Armed Forces of the United States. This argument is contradictory on its face, for his authority as Commander in Chief to protect the Armed Forces of the United States is constitutional; Congress cannot take away this right.

The sponsors of the Cooper-Church amendment know as well as its opponents that the President, as Commander in Chief, has constitutional authority to protect the Armed Forces of the United States in the United States, on or under the seas, in the air, in Vietnam, in Cambodia, or wherever they are, and we have stated our recognition of this authority during the debate. But we have insisted, and insist now, that the opponents of our amendment or others shall not attempt to use language, or the interpretation of language, as the means of giving advance approval to any decision the President might make beyond his constitutional right and duty of protecting our forces.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I should like to finish my remarks, because this is the only chance I will have to finish my statement. I will yield, however.

Mr. FULBRIGHT. I did not know whether the Senator was going to finish.

I wanted to pay some attention to this aspect of the matter: Granted that this amendment does not have any effect upon the Constitution in the constitutional sense, if it is adopted, it will be used by its sponsors in influencing the opinion of Senators and Congress on the question of appropriations. The final sanction for the Cooper-Church amendment or any other amendment really is the appropriation of funds.

Mr. COOPER. That is correct; it depends on the denial of appropriation of funds.

Mr. FULBRIGHT. What is happening here is that this phraseology is being used to make it appear—and some are saying—that it has no constitutional significance, and so forth. But it has political significance, and it obviously is intended to nullify, so far as it can, the Cooper-Church amendment. How will that be? Not because of some professor in Harvard ruling that it has no constitutional effect, but by votes that take place in the Senate and in the House. By voting for it unanimously, as some papers say you are going to, you are laying the groundwork for the next step, which is that you cannot possibly deny the money for this operation, when that vote comes up, when you voted unanimously that it was not to interfere with what they say is the President's right to protect the troops. The right to protect the troops is not the issue at all. The issue is the expansion of the war into a neutral country, and they evade that issue altogether.

Mr. COOPER. That is what I am saying.

Mr. FULBRIGHT. But the political effect is that the capacity—the will—of the Senate and the House to deny funds for this purpose will be destroyed if the President does not accept the spirit of it.

Mr. COOPER. I will proceed. I intend to discuss the questions which the Senator has raised. I have said from the beginning of the debate, that the purpose of our amendment is to prohibit the use of authority, whether express or implied to invade a jointly held authority with Congress, to determine whether or not the United States shall enter into a new war for Cambodia or expand this war in Vietnam.

We insist that a decision to engage the United States in a new war for Cambodia, or the extension of the Vietnam war in Cambodia, requires the approval of the Congress.

It is a joint right—of the President and Congress—in which both must share the responsibility of further committing the resources—material, and men in war.

The distinguished Senator from West Virginia has stated in his very scholarly speech that he did not intend that his original Byrd amendment should be construed to provide authority to the President to engage the United States in a new war in Cambodia for Cambodia or to make new commitment with respect to the Vietnamese war. I respect his statement. Nevertheless, the sponsors of the Cooper-Church amendment believed that the amendment was so worded that it could be interpreted as authorizing the President to make such a determination, and that the Senate and the Congress would be approving in advance—any determination that was made—even though it was one which otherwise would have required the consent of the Congress.

We have made it clear that we do not suggest or assume that the President will engage the United States in a new war for Cambodia. We simply assert that the Congress, as the President, has its constitutional authority and duty to join in warmaking decisions beyond those relating to the immediate protection of our Armed Forces in Indochina.

The Senator from West Virginia, Senator BYRD, will recall that his first amendment was attached to subsection (1), of Cooper-Church, which provides that troops shall not be retained in Cambodia after July 1. His first amendment provided "an exception to subsection (1) that it should not preclude the President from making such determination as he might decide necessary for the protection of the troops."

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CHURCH. Is it not true that the first Byrd amendment took the form of an exception to the limitation on the use of funds?

Mr. COOPER. That is correct.

Mr. CHURCH. And it is the use of funds which the Cooper-Church amendment seeks to limit. This is the power of Congress we are seeking to assert, and the substance of the Cooper-Church amendment prohibits the use of funds after July 1 for the purpose of retaining American forces in Cambodia, or for the

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other listed purposes in subsections (2), (3), and (4). Is that correct?

Mr. COOPER. That is correct.

Mr. CHURCH. And the new Byrd amendment is not an exception to the limitation on the use of funds, which clearly is within the power of Congress. It is, rather, an explicit statement, attached to the Mansfield amendment of last week, dealing with the President's constitutional powers as Commander in Chief, is that not correct?

Mr. COOPER. That is correct.

Mr. CHURCH. The Mansfield amendment states that nothing in the Church-Cooper amendment is intended to impugn the President's constitutional authority as Commander in Chief.

Mr. COOPER. That is correct. I will now deal with this subject.

The PRESIDING OFFICER (Mr. Nelson). The hour of 1 o'clock having arrived, the time between now and 2 p.m. is under control.

Who yields time?

Mr. CHURCH. Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, after Byrd amendment No. 1 was defeated on June 11, several supporters of the Byrd amendment and of the Cooper-Church amendments expressed a desire to see included in the Cooper-Church amendment language recognizing the constitutional authority of the President as Commander in Chief to protect the Armed Forces. Several Members, among them Senator Spong of Virginia, Senator Percy of Illinois, Senator Dole of Kansas, made valuable contributions through amendments and discussion on the floor toward specifying recognized powers of the President to protect the Armed Forces of the United States.

I believe all agreed that it is difficult to specifically define these powers, for much depends upon the circumstances under which they would be determined. Nevertheless, the discussion pointed out that the powers are essentially defensive—to repel attack sudden and impending—to retaliate, to employ hot pursuit, and take other emergency action. The power of the President and the Congress overlap in a gray area, but I do not believe those who oppose the Cooper-Church amendment or those who support the pending Byrd amendment can correctly argue that the Executive has authority to engage in a new war for Cambodia, or extend the Vietnam war into Cambodia.

Senator Byrd has continued his work to develop an amendment which would recognize the authority of the President to protect the U.S. Armed Forces and he has done so in a very systematic and scholarly fashion.

He developed and submitted to the sponsors of the Cooper-Church amendment at least three amendments—the third being the one pending. The amendment now pending is an amendment to the Mansfield amendment which was adopted on June 11 by the unanimous vote of those present.

I shall read the language of the Mansfield amendment:

> Nothing contained in the Section shall be deemed to impugn the Constitutional power of the President as Commander in Chief.

If the Byrd amendment is approved, his language will read as follows:

> Including the exercise of that Constitutional power which may be necessary to protect the lives of United States forces wherever deployed.

The original language of the Mansfield amendment is general. It recognizes the constitutional authority of the President—express and implied. The pending Byrd amendment would become a part of the Mansfield amendment, recognizing one of the constitutional powers of the President.

It is correct that the President of the United States has the constitutional authority to protect the Armed Forces of the United States around the world—wherever they are deployed.

Sponsors and opponents of the Cooper-Church amendment asked that the power be recognized. In our talks with the distinguished Senator from West Virginia, Senator Church and I stated that we would not agree to any language which could be interpreted as negating subsections, 1, 2, and 3, or 4.

The pending Byrd amendment is not attached to subsection 1 as was the first Byrd amendment. It does not provide an escape clause to subsection 1 through the word "except" as did Byrd amendment No. 1.

It is a part of the Mansfield amendment—expressing and stating a general power of the President.

That is the way the sponsors of Cooper-Church interpret the pending Byrd amendment, and I believe it is the way Senator Byrd—who developed the amendment—interprets it. I call attention to his statement on page 20417, column 2 of the Congressional Record of June 18, following the introduction of the pending amendment, and in answer to a statement I had made giving my interpretation of his amendment. I ask unanimous consent to insert his statement in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> Mr. Byrd of West Virginia. Mr. President, I share, with the able Senator from Kentucky, the belief that the President should not be given advance approval to enter into any new commitment or to enter into any new war. I would not want any statement I made to be interpreted to mean that the verbiage of the amendment before the Senate would extend such advance approval with respect to a new commitment or a new war.
>
> I have tried to make clear my position to the effect that the President certainly should come to Congress and consult with Congress and get the consent of Congress before entering into any new war, any new commitment, or any involvement in support of or against the Government of Cambodia or the Government of Laos, et cetera.
>
> I want the record to show that I also believe, as does the Senator from Kentucky, that except for those emergency situations which can arise and do arise in time of war—both de jure and de facto wars, if we want to use those terms—the President normally would have time to consult with Congress. I think he should do so. I think we agree that there can be, however, emergency situations wherein the President might have to take action very, very quickly, wherein there might be the element of time and/or the element of surprise, which might have a bearing upon the success of whatever tactical operation might be involved, and when the President might not be able to immediately consult with congressional leaders.
>
> Parenthetically, I do not think that was the case in the instance of April 30. I think that some congressional leaders at least could have been consulted. But that is behind us now.
>
> I do have a feeling that this debate is going to imprint this point so indelibly upon the minds of this President and future Presidents, as they will read the history of it, that every effort will be timely made to properly consult with the leaders of Congress before any action is taken, except in the most dire and impending urgency.
>
> With respect to the language of this amendment, as against the language of the Byrd amendment No. 667: The appropriation of moneys is a positive act in either case. It cannot just flow automatically and without some positive act having been taken by the legislative branch. In the case of amendment No. 667, although it said something to the effect that the "foregoing provisions of this clause" shall not preclude the President from taking whatever action as may be necessary to protect the lives of American servicemen in South Vietnam, that language in and of itself did not tie and could not have tied the hands of Congress with respect to the appropriation of money. That requires a positive act. Regardless of the language of amendment 667, had it been incorporated and adopted and become law, Congress still would have had power over the purse strings; because, under the Constitution, Congress—and only Congress—shall have the power to raise money, to pay the debts, to raise and support armies, and so forth.
>
> So nothing could have been said in the verbiage of that amendment—and there is nothing in the amendment now before the Senate—that could subtract one iota from the power of Congress over the purse.

Mr. COOPER. Mr. President, I am assured by the interpretation of the distinguished Senator from West Virginia, who, over a week ago, and after several drafts, proposed the amendment before us. I must say some of its cosponsors and supporters have interpreted it in the most extreme and inaccurate way.

Here, let me say that I hope the cosponsors will not interpret the Byrd amendment, which is a statement of a recognized general power of the President to protect our troops wherever they are, as a means, or as an instrument which can be used far beyond the constitutional powers of the President, to engage the United States in a new war or an extension of the war in Cambodia.

I do not assert that the President intends to do so. He has said, in fact, that he would not; but it is our duty to look at our own constitutional responsibility and authority.

I have talked with the Senator from West Virginia before and after his amendment was introduced, most recently today, and have advised him that if the sponsors of the amendment stretch its interpretation to the point which was never intended by the Senator from West Virginia, who developed it, I would not feel myself bound to vote for it.

Mr. President, there has been much discussion in the Senate and in the news media about the purpose and effect of the Cooper-Church amendment. I believe that it has had the effect of caus-

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ing the Senate and the country to think seriously of the most effective use of the constitutional powers of the President and the Congress to protect American forces, to prevent an expansion of war in Vietnam, a new war in Cambodia, and to arrive at means to assist in the extrication of American forces from Vietnam and Southeast Asia. I believe the administration has given thought to our amendment, for it has been the subject of consultation between the administration and the Senate.

Language may be interpreted in different ways, but I think it clear that the purpose of our amendment is to assert and protect the responsibility of the Congress to participate with the President in decisions which would call for further demands upon the resources of the United States—both in material and manpower. The language of the pending Byrd amendment must be interpreted as a part of the language of the Cooper-Church amendment. It is a part of the Mansfield amendment, expressing the general authority and power of the President as Commander in Chief. It must be interpreted in its relation to subsections (1), (2), (3), and (4). It cannot be used to deny the authority of the Congress to participate in any decision which would approve a new war for Cambodia or an extension of the Vietnam war into Cambodia.

We continue to hope that the war may be ended in a just way, and we believe our amendment is a constructive and constitutional means of achieving that objective.

Mr. CHURCH. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The **PRESIDING OFFICER.** The Senator from South Dakota is recognized for 5 minutes.

REAFFIRMING THE CONSTITUTIONAL POWERS OF CONGRESS

Mr. McGOVERN. Mr. President, when President Nixon on April 30 suddenly and without the slightest consultation with Congress ordered American forces into Cambodia, there were two courses suggested by alarmed Members of Congress: First, to bring impeachment proceedings; or, second, to assert the constitutional powers of the Congress to place certain checks on the Chief Executive.

The first course seemed too extreme to me, largely because it implied that the President was solely reponsible for the arbitrary manner in which the Cambodian invasion was ordered. The truth is that the Congress has invited this kind of arbitrary one-man rule by permitting its own powers to be assumed by the President.

The Church-Cooper amendment is one small step toward restoring our tripartite constitutional system of government. It would give the Congress at least some limited voice in deciding whether or not American forces could be ordered into Cambodia again.

Frankly, I am surprised that every Senator has not quickly seized upon this limited first step toward the restoration of constitutional government. Why are Senators so reluctant to exercise their own constitutional responsibility for war or peace? Why are Senators so eager to transfer that responsibility to the President? Why do Senators talk so much about the powers of the Commander in Chief and so little about their own powers?

It is not the power of the President that has been weakened in the last 30 years. It is the power of Congress that has been neglected. That is not because we have a new Constitution; it is because we in the Congress have not been big enough men to share with the President the burden of decision and responsibility for the great issues of war and peace. That is not what the constitutional fathers intended. The whole thrust of the Constitution was to create a system of checks and balances in which Congress, Court, and President would share the obligations of government and especially matters of war and peace.

I believe the reaction of those who tremble before the mild language of the Church-Cooper amendment is a reaction born of constant surrender of congressional responsibility to the Chief Executive. I believe it is the reaction of congressional weakness and irresponsibility. It is a reaction which sends us whimpering to the President, petitioning him to save us from the burden of decision.

Senators have fretted and filibustered for 6 weeks trying to reaffirm the power of the President over the lives of American young men. But that is not the real issue. The President's powers have been growing enormously in recent decades because he has assumed more and more power. It is the power and the courage of Congress that is in question. What we need is language to make clear that nothing shall in the future impugn the constitutional powers of the Congress.

To those Senators who worry about placing some restraint on the President, I say that the Constitution intended there to be some congressional restraint on the President. That is the difference between an American President and a dictator. I realize that the Byrd amendment is being accepted by the sponsors of the Church-Cooper amendment—not because they like it, but because they regard it as a symbolic reiteration of powers the President already has. I respect this judgment. But I shall cast a symbolic vote against the Byrd amendment because it further proclaims the already recognized power of the President and is silent about the alarming failure of the Congress to exercise its own constitutional powers.

I regard the war in Indochina as the greatest military, political, economic, and moral blunder in our national history. That blunder was compounded by the reckless move into Cambodia. Each new plunge in this long and bloody conflict has given us a wider war and a more troublesome enemy response.

Prior to the fall of Prince Sihanouk and our sudden plunge into Cambodia, the Communist forces in that country were located in a few areas along the Vietnamese border, but since the fall of Sihanouk and our effort to dislodge the Communist sanctuaries, enemy forces have spread out across the face of Cambodia until they now threaten the entire country. We have lost another 1,000 Americans since this unfortunate Cambodian chase began. For that, we have taken in return a few piles of rice and ammunition that will be quickly replaced. And we have sent the Communists out of their border hangouts into a rampage across the country.

Meanwhile, the war goes on in Vietnam with the United States suffering the heaviest casualties in Indochina that we have experienced in the past 11 months.

We had better liquidate this ill-advised venture soon, or it will bankrupt our entire Nation. The war has not only claimed 50,000 of our sons and wounded another 275,000; it has brought us a ruinous inflation, painfully high interest rates, a distorted economy with rising unemployment, and a postponement of such urgently needed efforts as housing, health, education, and antipollution. The war is weakening our Nation and playing into the hands of our enemies. It must be ended now, and that is a decision we should not ask the President to carry alone.

The best way for Congress to protect the lives of American troops is not by giving the President a free hand to send them into battle as he pleases; the way to save our troops is to bring them home from this foolish and hopeless crusade in Asia. Let us worry less about saving the President's face and worry more about saving the lives of young Americans.

Let us not be mental and moral midgets whimpering about the President's responsibility to decide. Let us stand up as men elected by the people of our States and share with the President the burden and the glory of exercising power and responsibility.

Let us pass the Church-Cooper amendment without further dilution and then get on as soon as possible with the amendment I have introduced with the cosponsorship of 24 Senators—the amendment to end the war. The time is long overdue for the Congress to reclaim constitutional government.

The **PRESIDING OFFICER.** Who yields time?

Mr. BYRD of West Virginia. Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER.** The Senator from West Virginia is recognized for 5 minutes.

Mr. BYRD of West Virginia. Mr. President, I have listened very carefully to the statement of the able senior Senator from Kentucky. And in many respects I feel that the Senator's statement expresses not only his interpretation of the Byrd amendment, but also my own interpretation.

The Senator stated: "A principal purpose of the Cooper-Church amendment, as its sponsors have declared so often, is to prevent the United States from being engaged in a new war in Southeast Asia for the protection of Cambodia—a country to which the United States owes no obligation of any kind."

I believe that to be a principal purpose of the Cooper-Church amendment, Mr. President. And I share the viewpoint of the able Senator from Kentucky that the United States owes no obligation of any kind to Cambodia.

The President has indicated, and the Secretary of State has indicated, that we have no commitments to Cambodia.

And as far as I am concerned, I am not interested in entering into any commitments to Cambodia.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I do not yield at this time.

Mr. FULBRIGHT. The Senator was hesitating.

Mr. BYRD of West Virginia. Mr. President, I may continue to hesitate. The Senator will allow me to do that as long as it is on my own time. I shall be glad to yield later.

Mr. FULBRIGHT. Mr. President, I withdraw the request.

Mr. BYRD of West Virginia. Mr. President, the able Senator from Kentucky states in his remarks as follows:

> We have insisted and insist now that the opponents of our amendment or others shall not attempt to use language, or the interpretation of language, as the means of giving advance approval to any decision the President might make beyond his constitutional right and duty of protecting our forces. We insist that a decision to engage the United States in a new war for Cambodia . . . requires the approval of the Congress.

Mr. President, I agree that any decision to engage the United States in a new war for Cambodia would require the prior approval of Congress.

Mr. President, I do not mean for the Byrd amendment to be interpreted as any advance approval for the President to enter into any new commitment or to enter into any new war.

Again, the able Senator from Kentucky states as follows:

> The distinguished Senator from West Virginia has stated in his very scholarly speech that he did not intend that his original Byrd amendment should be construed to provide authority to the President of the United States to engage the United States in a new war in Cambodia for Cambodia . . .

That is correct. It was not the intention of the cosponsors of the original amendment that the amendment be construed to provide authority to the President to engage the United States in a new war in Cambodia for Cambodia.

Mr. President, the same is true with the amendment presently pending before the Senate.

Mr. President, I sought in the debate with respect to the original amendment to convey clearly that it was not intended in any way to cover or modify paragraphs 2, 3, and 4 of the Cooper-Church amendment.

The able Senator today in his statement has made reference again to subsections, as he calls them, 1, 2, and 3.

Mr. President, as I shall state in a few minutes, my interpretation of this amendment, in fact, does not go to paragraphs 2, 3, and 4 at all.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Finally, the able Senator said—and I can appreciate his feeling this way about it—that some persons reportedly have tried to stretch the meaning of the amendment and that he would not feel bound to support it.

Mr. President, some persons have reportedly indicated that the Byrd amendment is meaningless. It is not meaningless, as the able Senator from Arkansas (Mr. FULBRIGHT) has already stated. It is not meant to be an empty gesture.

Anyone who says that it is meaningless simply has not read it carefully or thought about it carefully, but has probably listened to the advice of an aide.

Mr. President, I will attempt in a minute to state why the amendment is not meaningless.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I now yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I was going to ask the Senator if he would be as precise as possible as to what it does mean. I would appreciate it very much.

Mr. BYRD of West Virginia. Mr. President, I will be very glad to do that.

Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 15 minutes.

Mr. BYRD of West Virginia. Mr. President, on June 11, the Senate rejected, by a vote of 52 to 47 the so-called Byrd amendment, No. 667, which I had introduced in behalf of myself and Senators GRIFFIN, STENNIS, SCOTT, HANSEN, DOLE, ALLEN, BAKER, HOLLINGS, GOLDWATER, and THURMOND.

That amendment reads as follows:

> Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from Vietnam.

The Byrd amendment, when added to the Cooper-Church amendment, would then have read as follows, beginning at the comma on line 4 on page 5 of H.R. 15628:

> No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—
>
> (1) retaining United States forces in Cambodia, except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from Vietnam.

Following the defeat of my amendment No. 667, on June 11, the able majority leader offered an amendment to the Cooper-Church amendment. Senator MANSFIELD's amendment, adopted by a vote of 91 to 0, was as follows:

> Nothing contained in this Section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

Amendment No. 708, the new Byrd-Griffin amendment, is before the Senate this afternoon, and a vote will occur at 2 o'clock thereon. The amendment reads as follows:

> On page 5, between lines 18 and 19, strike the period and insert the following: ", including the exercise of that constitutional power which may be necessary to protect the lives of United States armed forces wherever deployed."

This amendment, if adopted by the Senate, when added to the verbiage contained in the Mansfield amendment—and they must be read together—would read as follows:

> Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States armed forces wherever deployed.

There are differences as well as similarities between the two Byrd amendments, No. 667, which was rejected by the Senate a few days ago, and No. 708, upon which we are about to vote.

Significant differences are as follows:

First. The first Byrd amendment contained the words "shall not preclude the President from taking such action as may be necessary to protect the lives," and so forth. The words "such action" were intended by me to be grounded in the President's constitutional authority but, as written, they were not confined to that authority. They very well could have been interpreted to derive from the Gulf of Tonkin resolution, Public Law 88–408. As a matter of fact, I think, in looking back, it could rightly be argued that they did not require any specific legal or constitutional authority as an organic base. Rather, they might have been interpreted as constituting a self-generating authority within themselves, because they authorized the President to take "such action as may be necessary." The only qualifications upon the action which could be taken was that it be an action considered "necessary to protect the lives of United States forces," and so forth. I am sure that neither I nor any of the cosponsors meant for the words to be as broadly interpreted and as freewheeling as they might have appeared, but, admittedly, that construction could have been placed upon them were it not for the legislative history which the cosponsors of the amendment laid down. The verbiage of the new Byrd amendment is clear on this point in that it confines any such action to that which derives from the President's "constitutional power," so that we get clearly away from the Gulf of Tonkin resolution or any other wholly statutory or self-generating authorization of power and we depend alone upon the power and authority emanating from the Constitution to be exercised by the President as Commander in Chief.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. If the Senator will allow me, I would prefer to complete my remarks first.

Mr. FULBRIGHT. Very well. I thought the Senator had said he would yield.

Mr. BYRD of West Virginia. I intend to yield after I have completed my statement.

Mr. FULBRIGHT. I wanted to ask about this particular point.

Mr. BYRD of West Virginia. After I have completed my remarks perhaps I shall have explained it. I shall be glad to yield shortly.

Mr. President, I was discussing significant differences.

Second. A second distinction between the two Byrd amendments lies in the fact that the one on which we will vote today specifically refers to U.S. "armed" forces rather than U.S. "forces" as stated in the first Byrd amendment. The word "forces," as used in the rejected amendment, could very well include CIA people, technical advisers, and perhaps even civilian employees of the military—although it was not intended to be so interpreted—whereas U.S. "Armed Forces" is a more limited term and clearly refers to military personnel, and it is more consonant with the "constitutional power" of the Commander in Chief.

Third. The words "in South Vietnam," as used in the first Byrd amendment were more restrictive than the words "wherever deployed" which appear in the amendment before us. In other words, the words "wherever deployed" are inclusive of South Vietnam but are not limited thereto. I think it is only logical that if the President has the constitutional power—and I say that he does have—to act when necessary to protect the lives of U.S. Armed Forces in South Vietnam, he has the constitutional power to do so elsewhere.

Fourth. A minor distinction—which is really a distinction without a difference—lies in the fact that amendment No. 708 goes to the entire "section," whereas the original Byrd amendment specifically dealt only with paragraph (1) of the Cooper-Church amendment. As far as I am concerned, however, the amendment on which we are about to vote, for all intents and purposes, is, in reality, confined in its thrust to paragraph (1) just as if paragraph (1) had been clearly specified, and that paragraph only. I say this because nobody contends that the President has "constitutional power" to pay the "compensation * * * of United States personnel in Cambodia, who furnish military instruction to Cambodian forces * * * in support of Cambodian forces," as referred to in paragraph (2); he has no "consitutional power" to enter into any "contract * * * to provide military instruction in Cambodia * * * in support of Cambodian forces," as mentioned in paragraph (3); and he has no 'constitutional power," as such, to conduct "combat activity in the air above Cambodia in support of Cambodian forces," as referred to in paragraph (4) of the Cooper-Church language.

So much for the significant distinctions between the two Byrd amendments.

Now, as to the similarities. The basic similarity is one of substance. While the first Byrd amendment used the words "shall not preclude" as an affirmative expression with respect to Presidential action to protect the lives of servicemen, the new Byrd amendment does the same thing by clear implication.

Amendment No. 708, upon which we shall shortly vote, must be coupled with the Mansfield amendment in order to get its full meaning. The Mansfield amendment says that "nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief." Webster indicates that the word "impugn" means to assail, to deny, to question, to cast doubt upon. Hence, the Mansfield amendment may be said to state that nothing contained in the Cooper-Church language shall be deemed to cast doubt upon or to question or to deny the constitutional power of the President as Commander in Chief. The Mansfield amendment states that we do not impugn the "constitutional power" of the President, but that is not enough. It does not say what power we do not "impugn." It does not specificate. I want to spell it out. The Mansfield language goes part way. Of course, implicit in the words "constitutional power as Commander in Chief" the President has all such power, whatever the bounds of that power which the Constitution reposes in him or imposes on him. But the Mansfield language standing alone fails to state explicitly the most important aspect of that constitutional power and the aspect with which we are most concerned at this time; namely, the constitutional power which may be necessary "to protect the lives of U.S. armed forces wherever deployed"—which includes South Vietnam.

The Byrd-Griffin amendment, No. 708, spells it out in the four corners of the statute, if the Cooper-Chruch amendment should become law.

Moreover, the Mansfield amendment merely recognizes the possession—and I emphasize the possession—of constitutional power by the President as Commander in Chief. The Byrd amendment recognizes not only the possession but also the "exercise" of constitutional power to protect the lives of U.S. Armed Forces.

A key word in the Byrd amendment, therefore, is "exercise." Ergo, looking at the first and second Byrd amendments, I feel that the second Byrd amendment, when coupled with the Mansfield language, achieves in substance the goal which was sought by the sponsors, or at least by the sponsor, of the first Byrd amendment, but it is more clear as to its intent in that it bottoms any exercise of power by the President clearly on the Constitution, and it also presents the other distinctive refinements which I have alluded to already.

One might ask, then, why it is necessary to write into law anything at all with regard to the constitutional power of the President.

Admittedly, the Senate cannot add to or subtract from the constitutional power of the President by anything we might write into any statute. Nonetheless, in consideration of the whole context of the Cooper-Church amendment, those of us who support the Byrd amendment feel that it is absolutely necessary to indicate in the four corners of the law that there indeed is a limitation on what paragraph (1) of the Cooper-Church amendment may appear to do.

Even the authors of the Cooper-Church amendment have said that paragraph (1) is not completely prohibitive in every respect, but I think that the limitation must be explicitly set forth in the cold letters of the statute. I think the President would be under some strain, otherwise, because he would have to go into the legislative history in order to find that there is indeed a limitation.

What is the limitation that we have been talking about all along? I quote from page 19182 of the CONGRESSIONAL RECORD of June 10, 1970. I read the words of the Senator from Idaho (Mr. CHURCH):

> Mr. CHURCH. Mr. President, the key word is "retaining." That word was used advisedly. The amendment provides that funds are not available to retain American forces in Cambodia after the end of June.

Then again:

> Mr. CHURCH. The word "retain," as the debate has clarified, was used to serve two objectives: First, to make it clear that the Congress believed American troops should not stay in Cambodia after the end of June; and, second, to allow for those particular occasions that might arise where the President, in the exercise of his constitutional authority as Commander in Chief, might have to make a sudden strike into Cambodia in order to effectively protect American troops near the border.

On page 19156 the Senator from Idaho (Mr. CHURCH) said as follows:

> The key word in the Cooper-Church amendment is "retaining." Subsection 1 of the amendment prohibits the retention of America forces in Cambodia after June 30. I agree with the Senator from Kentucky that our amendment is intended to prohibit a permanent or quasi-permanent occupation of a buffer zone within Cambodia for an extended period of time.
>
> However, if it were to happen that the enemy suddenly utilized a staging area, and there was a concentration of enemy troops and equipment obviously intended to be used against South Vietnam beyond the border, we would agree that the President, as Commander in Chief, has the constitutional authority to order his field officers to strike at and destroy such a base to protect American troops in South Vietnam. This would, however, be in the nature of a sudden strike and withdrawal operation.

The able Senator from Kentucky (Mr. COOPER) stated, as appears in the same June 10 CONGRESSIONAL RECORD, at page 19156 as follows:

> It has been interpreted as the power to repel sudden attack. I believe it would include the authority of "hot pursuit." If an emergency should arise near or upon the border between Cambodia and South Vietnam which should cause the President, as Commander in Chief, to think it necessary to take limited action to protect troops, I would agree that he could and should protect our men.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield myself 3 additional minutes.

In the middle column on the same page, the Senator from Kentucky (Mr. COOPER) is quoted as saying:

> As to the question whether there is continuing authority to enter Cambodia in a zone 20 miles in width, I would say our amendment does not recognize such authority. That is my judgment. But if an emergency situation should arise where our troops were in danger, I think the President, in his good judgment, would have the power to defend our troops against attack.
>
> I cannot set out a line in terms of miles. I am trying to base the authority on steps against a sudden attack, repelling sudden attack, or in case of an emergency, such action as is necessary to protect the troops.

So the authors of the Cooper-Church language have themselves indicated that paragraph (1) is not completely prohibitive in every respect. As I say, I think the limitation must be explicitly set forth in the cold letters of the statute.

I think there is some satisfaction to be gained from the fact that most of the legislative history in which reference is made to such a limitation grew out of the debate on the first Byrd amendment. Without that debate, I am just not sure that even the legislative history would have indicated that the intent of paragraph (1) of the Cooper-Church amendment leaves some room for the exercise of constitutional power by the President to act in an emergency situation, without prior consultation with Congress, to protect the lives of American servicemen. So, I think it will be reassuring to the President—to any President in any administration under any political party—to see it spelled out in the law that the President does have some flexibility in the exercise of his constitutional power to act in an emergency situation to protect the lives of American servicemen, and without prior consultation with Congress.

Moreover, and perhaps even more important than this, it seems to me it is imperative that the North Vietnamese and the Vietcong not be left under any illusions as to what the intent of the Cooper-Church amendment will be if enacted. I think if the Byrd amendment is incorporated in the statute, the enemy will not be as prone to miscalculate, or to misconstrue and misinterpret the intent of the Congress as might otherwise be the case without the Byrd amendment.

Additionally, I think the American people, and especially the parents and relatives of American servicemen—to say nothing of the servicemen themselves—will feel better about our action if the Byrd-Griffin amendment is incorporated into the Act.

Now, I want to make it clear beyond reasonable doubt that the Byrd amendment is not intended to relieve the President of the necessity of consulting with the Congress whenever it is possible to do so before taking what might otherwise be a controversial action—even though he may have the constitutional power and authority to do so. As I have said repeatedly, I believe that the President's failure to consult with Congressional leaders in advance of the April 30 Cambodian operation was an error of political judgment. It was a congressional relations mistake, and it subjected him, quite rightfully, to some of the criticism which has been directed at him following the action he took. I do not believe, however, that his action to protect the lives of American servicemen in South Vietnam was an abuse of constitutional authority, but that is a little bit beside the point. The point I am making here and now is that the President should consult with Congress about these matters whenever it is possible for him to do so, and, in looking back, I think that it was possible in respect of the Cambodian operation.

The Byrd amendment is not intended to relieve him in this regard. I must be frank to say that I do not think he is bound, by the Constitution or otherwise, to consult with congressional leaders every time he makes a tactical decision as Commander in Chief. For him to be so bound would be to hamper and restrict him in the proper exercise of his constitutional duty to protect the lives of American forces. In a critical emergency situation, he may have to act with great speed. The element of surprise may be a vital factor. So, I do not view it the constitutional prerogative of the Congress to require that the President first clear every such action with the legislative branch, because this could very easily compromise the success of any tactical action designed to save lives of American Armed Forces.

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, I yield myself 2 minutes.

But it is not intended by this amendment to relieve the President of what is a very clear responsibility of his, in my judgment, to consult with the Congress and to get its approval and its support before entering into any new war or any new commitment. Here, I think the constitutional authority of the legislative branch to declare war, to raise and support armies, to provide and maintain a navy, to make rules for the Government and regulation of the land and naval forces, and so forth, clearly reposes in Congress, and in Congress alone, the authority to enter into new commitments and into new wars, for example, a war in support of Cambodia. In other words, I cannot envision it to be the constitutional power or authority of the President to enter into a new war or into a new commitment to fight for another country without prior consent of Congress as being necessary to save the lives of American servicemen, except in the ultimate extreme, and a suddenly developing situation which would require—hopefully it would never happen—pressing the nuclear button as the absolute last resort to preserve the lives of American servicemen from instant annihilation by a hostile nuclear power.

So, let there be no misunderstanding and intent of the cosponsors of the Byrd amendment. We do not intend it to provide a loophole for new commitments or for entrance into new wars. But we do intend that it be a recognition of that constitutional power and authority which it seems to me everyone should agree is reposed in the President to take action which may be necessary to protect U.S. Armed Forces in perilous and dangerous situations, and to do so without the requirement of consultation when it would be impracticable and unreasonable to expect consultation.

Of course, it is the Commander in Chief who would decide when such an emergency situation exists.

So, I think that the Byrd amendment rounds out the whole of the equation. The Cooper-Church amendment goes a long way toward avoiding new involvements in new wars without prior approval of Congress. But the Byrd amendment, when coupled with the Mansfield language, fills in the rest of the picture and recognizes the authority and duty of the Commander in Chief to play his proper role as the protector of our troops without undue, unreasonable, or impracticable restrictions placed upon him in emergency situations which can and do arise in wars, whether those wars be de jure or de facto, or whether those wars be undeclared or formally declared. And frankly, I do not want any more wars of either kind.

One final point should be made. It is wrong to say that the Byrd amendment is unnecessary, and it is even a greater mistake to imagine—as some have indicated—that it is meaningless. To do so is to indicate that one has not carefully read and studied the amendment. It goes as far as the first Byrd amendment was intended by its cosponsors to go, it achieves what the cosponsors of that amendment endeavored to achieve, but, in my judgment, it is an improved amendment over that phraseology—an improvement which has come with debate, with conference and with study.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I yield myself 1 minute.

Mr. FULBRIGHT. Mr. President, will the Senator keep 1 minute for a question?

Mr. BYRD of West Virginia. We will not vote until 2 o'clock. Perhaps the Senator will yield to me on his time.

Mr. FULBRIGHT. I do not have any time yet.

Mr. BYRD of West Virginia. As I said in my June 18 Senate speech on this amendment, constitutional power is constitutional power. But definition and interpretation of the term will differ and will vary from Senator to Senator and from President to President. But there is no mistaking what it means if, in plain English, we insert into the law words of common understanding, stating that it includes 'the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

As the able Senator from Arkansas has said, Congress is not presumed to do a useless act. Every word in a statute is presumed to have been placed there by Congress for an intended purpose. By adopting this amendment, the intent of Congress, in my judgment, cannot be misunderstood or misconstrued by friend or foe, because that intent will have been expressed in no uncertain terms in the statute itself—namely, that nothing in the Cooper-Church amendment shall be deemed to impugn or question the constitutional power of the President as Com-

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mander in Chief "including the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I am pleased to yield 2 minutes to the distinguished chairman of the committee.

Mr. FULBRIGHT. Mr. President, I said a moment ago I would vote "present." After hearing the Senator from West Virginia speak, I shall vote "nay."

I wanted to ask the Senator what he understood the effect of his amendment to be, but he was not inclined to yield. I intended to ask the Senator whether he believes it changes the Constitution.

This is not a constitutional amendment. This is what I would call a political maneuver. It is similar to the Gulf of Tonkin resolution, which did not give the President any power he did not have, as President Johnson readily admitted. What it did do was remove the freedom of action of the Senate and the House of Representatives. It was a political trick to neutralize the efforts of Congress to assert its constitutional power.

This amendment does not give the President any power. Its sponsors say it is just empty verbiage. It is not empty, however, in this sense: It will make all Senators who vote for it feel that they are committed, when it comes time for appropriations, not to deny appropriations. The only real, serious, unquestionable power of Congress to stop the war or to limit it is to cut off the money.

This amendment, while it will not have a constitutional effect nor a legal effect, will, I think, have a psychological effect. Furthermore, it is very unlikely that this whole matter will pass the House of Representatives and go to the President. Everyone recognizes that. But the Cooper-Church amendment is very significant as an expression of the Senate's views about Cambodia, and it ought to be taken into consideration as such by any President.

The evil of the kind of verbiage contained in the pending amendment, which, on the one hand, some say means nothing, but which on the other hand does mean something, as the Senator from West Virginia has stated, is that it has a very questionable political effect, and I do not wish to be a party to it.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I am happy to yield 2 minutes to the Senator from Indiana (Mr. BAYH).

Mr. BAYH. Mr. President, I thank my distinguished colleague from Idaho.

Inasmuch as the hour is late and time is running out, I shall be brief. It is interesting to observe how two such well-intentioned, interested, and studied Senators as the distinguished Senator from West Virginia and the distinguished Senator from Arkansas can vary in their interpretation of this language. Perhaps my interpretation differs a bit from that of either of the distinguished Senators, but I certainly concur in the remarks of the Senator from Arkansas that it is indispensable, that the representatives of the people reassert their constitutional powers under article I, section 8, which we have permitted to lapse, or at least to lie dormant for too long.

Rather than read the speech which I have prepared discussing the constitutional aspects of the Byrd amendment, I ask unanimous consent that I be permitted to have it printed in the RECORD. It is a brief discussion of the constitutional questions raised by the exercise of Congressional authority to declare war and to raise armies and the exercise of the President's powers as Commander in Chief. This is the question we find ourselves debating in the final analysis.

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I shall not object—I have no objection to the Senator's request, but I do object to one expression he used, and that is the constitutional power of Congress has lapsed. It has not lapsed; we may not have asserted it, but it certainly has not lapsed.

There being no objection, the statement by Senator BAYH was ordered to be printed in the RECORD, as follows:

MR. BAYH. The original Byrd amendment would have added to the Cooper-Church proposal an exception, approved by Congress in advance that: The foregoing provisions of this clause [Cooper-Church] shall not preclude the President from taking such action as may be necessary to protect the lives of the United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

On June 10, 1070, in a statement on the Senate floor, I pointed out that if the Byrd amendment was intended simply as a restatement of the President's constitutional powers as Commander-in-Chief, then it was unnecessary.

Congress cannot legislate restrictions on the President's authority as Commander-in-Chief; nor can it expand those powers by statute. We are all agreed that the President has the responsibility to protect our forces in the field. To do so, however, he does not require advance Congressional approval. For that reason, the Senate saw no need to hedge on the restriction adopted last year on American combat operations in Laos and Thailand.

The original Byrd amendment, however, did leave unanswered the critical question of whether its adoption would constitute another blank check from a pliant Congress—similar to the disastrous Gulf of Tonkin Resolution—sanctioning any actions the President might take in Southeast Asia. Because there was some doubt as to its meaning, I voted against the Byrd amendment.

The defeat of the Byrd amendment raised, in some minds, the question of whether the Senate was attempting to infringe on the President's constitutional authority. In order to allay these unfounded fears, the distinguished Minority Leader [Mr. Mansfield] offered an amendment that sought to clarify the Senate's action. The Mansfield amendment, approved 91–0, was a general statement of intent. It said:

"Nothing contained in this section shall be deemed to impugn the Constitutional powers of the President as Commander-in-Chief."

The distinguished Senator from West Virginia [Senator Byrd] is now seeking to amend the Mansfield language by adding: "including the exercise of that constitutional power which may be necessary to protect the lives of the United States Armed Forces wherever deployed."

The addition of this language, it seems to me, in no way alters the substantive provisions of the Cooper-Church amendment. It merely makes more explicit the statement of Congressional intent already approved by the Senate.

I will vote for the amendment offered by my distinguished colleague from West Virginia [Mr. Byrd]. But I want to restate my firm belief that the substantive provisions of the Cooper-Church amendment will remain intact and be binding on the President. The new Byrd amendment should not be mistaken for Congressional approval of future Presidential actions in Southeast Asia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. May I have 1 minute?

Mr. CHURCH. I yield the Senator 1 additional minute.

Mr. BAYH. I think if the Senator from Arkansas had listened carefully, he would have heard me change "lapse" to "lie dormant," which I think he will agree is a more accurate expression.

I also ask unanimous consent to have printed in the RECORD two or three quotations from the concurring opinion of Justice Jackson in the case of Youngstown Sheet & Tube Co. against Sawyer, back in 1952. This involved a constitutional question as to whether the President, acting as Commander in Chief, had the right to take possession of the steel mills during the Korean war. I think in that opinion there is as cogent a discussion of the war powers of Congress and the President as I have seen. I believe that it may be useful to someone who may be trying to sort out the issues we are discussing here to review the statement I made on June 10, prior to the vote on the original Byrd amendment, incorporating Justice Jackson's opinion.

There being no objection, the requested matter was ordered to be printed in the RECORD, as follows:

The President, as Commander-in-Chief, is responsible for the conduct of military activities once war has been declared and clearly he also has the power to repel any attacks on the United States. As Commander-in-Chief, the President alone is responsible for implementing military policy—in much the same way the President alone is responsible for seeing that "the laws be faithfully executed."

But the President's power as Commander-in-Chief no more warrants the conclusion that he alone has the power to formulate military policy than does his obligation to enforce the law imply that he alone can make laws. As Justice Black pointed out in the steel seizure case:

"The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control. . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good times and bad."

Youngstown Sheet and Tube Co. v. *Sawyer*, 343 US 587 (1952) I believe the lawmaking powers of Congress apply to the formulation of military policy as well, as is so clearly spelled out in Article I, Section 8. And it was upon that grant of authority, I want to remind my colleagues, that congress acted so wisely last year to prohibit the use of funds for the introduction of American forces in Laos.

The introduction of American forces into a country where they have previously been restricted from venturing for fear of widening the war, despite the pleas of the military, is clearly a major policy decision. At the very least, it seems to me, the Constitution requires that such a decision should have been shared by the people's representatives in Congress.

The concern of the Framers of the Constitution, moreover, was not simply limited to dividing the war power between the Congress and the President. They specifically provided that Congressional authority was to be insulated from Presidential encroachment by a constitutional requirement that military appropriations could not be for longer than two years. Alexander Hamilton, himself an ardent advocate of a strong executive, explained the importance of the two-year limitation in *Federalist Paper No. 26:*

"The legislature of the United States will be obliged by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter by a formal vote in the face of their constituents. They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence."

The specific purpose of the two-year limitation was to act as a brake on the growth of a standing army, which at that time was considered the major threat to constitutional processes. The larger import of the appropriations limitation, however, is that Congress is required to fully review and pass on our military posture before the expenditure of additional money. The Congressional appropriations power as it relates to military policy, therefore, was clearly intended as an important constitutional check on both the President and the armed forces.

That Congress, after many years of simply acquiescing to executive leadership in military and foreign affairs, has recently chosen to exercise its constitutional powers seems to have startled some people. That Congress has not acted so forcefully for so long, of course, in no way affected its authority to act last year in regard to Laos and similarly does not affect its authority for acting now to prohibit American combat troops from fighting in Cambodia after July 1, 1970. As Justice Black said, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good times and bad." That Congress retains this power today is obvious.

That Congress should exercise this power to limit future American military operations in Cambodia, of course, is a different and more delicate question. And I want to reemphasize the term "to limit future American military operations in Cambodia." I did not say "to limit the President." For, contrary to the message opponents of the amendment are intent upon conveying, it is not designed to—nor could it—limit the President's powers as Commander-in-Chief. These powers are constitutional and Congress cannot legislate away or infringe upon the President's constitutional authority.

But Congress can—and should—exercise its own constitutional authority to legislate the limits of American military policy in Southeast Asia. Rejecting the view that the Commander-in-Chief clause supports "any Presidential action, internal or external, involving the use of force," Justice Robert Jackson wrote:

"Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means they shall be spent for military and naval procurement."

And in further attempting to define the precarious constitutional balance between the President as Commander-in-Chief and the Congress' lawmaking power, Justice Jackson pointed out:

"Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb . . . Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting on the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for, what is at stake, is the equilibrium established by our constitutional system."

Precisely, what is at stake is the integrity of our constitutional process. And because the stakes are so high, it is necessary for Congress to act. As the New Yorker magazine has said, in explaining the larger implications of this breakdown in our governmental system:

"If the United States government fails to honor the freedom of its own people, who are protected by the American Constitution, it will not honor the freedom of any people. This is the true relationship between the invasion of Cambodia and the survival of the free institutions that President Nixon mentioned in his speech, and for this reason the invasion of Cambodia and its consequences within America are the urgent concern not only of Americans but of all mankind."

Mr. CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I shall take my 2 minutes to ask a question of the distinguished author of the amendment.

The Senator from Arkansas (Mr. FULBRIGHT) has stated that he does not see anything in this amendment but "color." I see more in it than color, and it worries me. The Senator from West Virginia, in his amendment, includes the language "that exercise of constitutional power which may be necessary," and so on.

In short, this whole question of power is undefined, both as to that of the President and that of Congress. We are defining it. The idea that we are defining it to include whatever constitutional power is necessary to protect the lives of U.S. Armed Forces, wherever deployed, is a very attractive concept. But, question: A Commander in Chief can sacrifice 20 men to save a million. That is the right which the amendment discusses. But is there no limit on this whatever? Or is this another Gulf of Tonkin resolution? I think we ought to know that. Suppose Congress, in its majesty, does not assent to 6 years of war to save 50 American troops. Are we conceding that the definition of the President's constitutional authority is solely what he defines it to be? That is the question I ask the proponent of the amendment. Does he construe this as a finding or definition by us which in any way excludes the power of Congress, whatever it may be under the Constitution, to also determine whether it does or does not wish to sacrifice whatever lives may be necessary, as is often the case in war, in order to save many more? What is the concept of the proponent of the amendment on this subject?

Mr. BYRD of West Virginia. Mr. President, Congress and the President share the war powers. The amendment clearly does not express our approval of any new commitment or new war.

The PRESIDING OFFICER. The Senator has 1 more minute.

Mr. JAVITS. So the Senator defines his amendment as stating that he does not intend thereby to define—not create; we cannot create anything by law as it affects the Constitution—but to define his language to mean that Congress still retains whatever power it has under the Constitution, even to stop a President, or whatever power it has with relation to the saving of American lives wherever deployed? We have a right in that, too, as well as the President. Does the Senator define his amendment that way?

Mr. BYRD of West Virginia. Mr. President, the amendment recognizes the war powers of Congress and the power of the President, as Commander in Chief under the Constitution.

Mr. JAVITS. I understand. In other words, the Senator does not feel that he is curtailing in any way the power of Congress on the same subject?

Mr. BYRD of West Virginia. Nor am I curtailing the constitutional power of the President.

Mr. JAVITS. Neither one? Is the answer to that "Yes?"

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Can the Senator yield time for an answer to that question?

Mr. CHURCH. Mr. President, my time is nearly exhausted.

Mr. JAVITS. Can the Senator say "yes" or "no" to the question?

Mr. BYRD of West Virginia. I think I have.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself whatever time I have remaining.

In recent days, I have heard the junior Senator from West Virginia compare the powers of the Congress and the powers of the President to two separate vessels, each filled by separate grants of power under the Constitution. It is, I believe, an apppropriate analogy. Congress cannot, by passage of a mere bill, add to or detract from the President's own constitutional powers. But it can, through the exercise of its own constitutional powers, withhold the means, in this case, the money, for certain actions which the President might otherwise deem to be within the scope of his authority. That is what our system of checks and balances is all about.

Congress, of course, can permit its constitutional power to erode away, or accrete to the President through inaction and acquiescence. Most Presidents have been inclined to seize these opportunities to extend the reach of the executive branch at the expense of a weak and docile Congress.

Unfortunately, there have been all too many constitutional red herrings strewn along the path of the debate on the Cooper-Church amendment. It has been alleged repeatedly that the amendment is an attempt to usurp the constitutional powers of the President, particularly his powers as Commander in Chief.

The Cooper-Church amendment does not address itself to the powers of the President but to the powers of Congress. It says, in effect, "Mr. President, after July 1, 1970, there will be no funds available to you for retaining U.S. forces in Cambodia; for sending U.S. military advisers into Cambodia to instruct or assist Cambodian forces; for hiring military advisers or combat forces of third

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countries to assist Cambodia; or for U.S. air suport to Cambodian forces."

As the record of this debate clearly shows, the sponsors of the amendment have always contended that the amendment is in no way intended—nor is it possible for it—to affect the Constitutional power of the President as Commander in Chief to protect American troops in the field. The amendment is addressed to the powers of Congress, in particular, the power of controlling the purse. Let me repeat, first, what the amendment does not do, and then what it does do.

The Cooper-Church amendment does not prevent use of U.S. air power to attack the sanctuary areas in Cambodia.

The amendment does not prohibit retaliatory sorties across the Cambodian border—or protective reaction as Secretary Laird might call it—in response to enemy attacks on our troops in South Vietnam originating from across the border.

The amendment does not bar hot pursuit of enemy forces which cross into Cambodia.

The amendment does not prevent such action as may be necessary to repulse an immediate attack on our forces in South Vietnam even if it means striking a blow across the Cambodian border.

Finally, the amendment does not, in any way, restrict the President in the constitutional use of his discretionary power as Commander in Chief to take action of an emergency nature to protect the lives of American forces.

The amendment offered last week by the majority leader, and approved 91 to 0, said all of this implicitly. Now the amendment offered by the Senator from West Virginia says it explicitly. But the new Byrd amendment neither confers additional authority to the President nor creates a loophole by way of an exception to the limitations contained in subsections (1), (2), (3), and (4) of the Cooper-Church amendment. These all relate to the expenditure of money, over which Congress has exclusive powers.

It is simply a more explicit statement of what this body unanimously agreed upon last week. It is a far cry, in my judgment, from the previous Byrd amendment rejected by the Senate which would, in effect, have excepted from the monetary restriction contained in the Cooper-Church amendment any action the President later decided to take in Cambodia, as long as it was done in the name of protecting U.S. troops in South Vietnam, or in the name of expediting their withdrawal from that country.

Now that I have recited what the Cooper-Church amendment does not do, let me spell out what it will do.

The amendment denies congressional endorsement in advance to any future action that the President might take in Cambodia in the name of either protecting our forces in Vietnam or expediting their withdrawal from that country. In any future military actions in Cambodia, the President would have to act within the limits of his constitutional power as Commander in Chief, not under any claimed authority of a congressional waiver, as tendered by the original Byrd amendment.

The Cooper-Church amendment prohibits use of funds to retain American troops in Cambodia after July 1, without congressional approval. The word "retaining" was chosen very carefully and means just that—the prohibition was clearly meant to exempt limited emergency operations along the border, such as those in hot pursuit of the enemy.

The amendment will prevent involvement by U.S. personnel, military or civilian, in combat activities with, or in rendering advisory services, to Cambodian forces.

The amendment will prohibit the use of U.S. funds for hiring third-country mercenaries to fight in Cambodia, or for engaging in those other activities in behalf of the Cambodian Government which U.S. personnel are prohibited from doing directly.

Finally, in summary, the basic objective of the Cooper-Church amendment is to prevent the United States from becoming involved in a war in Cambodia, or from becoming tied to the defense of the new Cambodian Government without the approval of Congress.

Although Congress cannot directly add to or diminish the President's constitutional power as Commander in Chief, it does have the right and the responsibility, principally through the congressional control of the purse strings, to affect the exercise of the President's power. To have it otherwise would permit a President to take any action, no matter how preposterous, in the name of protecting American troops, and thus bind Congress to furnish automatically whatever amount of money was needed to pay for the adventure. Ours is still a system of checks and balances and the congressional key to the Treasury is a valid restraint—if used—on the President's exercise of his power as Commander in Chief.

Alexander Hamilton, an advocate of strong executive power, wrote in the Federalist Papers:

> The President is to be commander in chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

I repeat Hamilton's words that—

> The raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Throughout our Nation's history, some Presidents have exercised their power as Commander in Chief in a most aggressive manner, reaching further, in certain cases, than constitutional scholars believe proper. The Supreme Court itself has struck down, in an least two cases, what is regarded as the proper exercise by the President of his constitutional powers as Commander in Chief. In most of these cases, however, Congress has chosen to acquiesce. As a consequence, the congressional prerogative, which the Nation's Founding Fathers intended to control the use of the Armed Forces, has been permitted to atrophy.

The Cooper-Church amendment does not address itself to the question of whether the President had either constitutional power or congressional sanction to order U.S. troops into Cambodia on April 30—or whether the action was necessary, wise, or justified. At that time, it is clear, Congress had laid no restraints upon the President as to his use of public funds appropriated for the purpose of financing the war. Therefore, that question is irrelevant to the issue now before the Senate.

I believe Congress has the duty to use its power of the purse to guarantee against our involvement in a wider war in Southeast Asia. But Congress must make it clear that it intends to exercise its power of the purse if it expects the executive branch to respect that intention. "The tools belong to the man that can use them," Napoleon is reputed to have said. Only Congress, by exercising its Constitutional powers, can prevent them from passing into other hands.

The Cooper-Church amendment is but an effort to utilize the long dormant and rusty tools available to the Congress. The Constitution wisely divided the power of our Government among many men and several institutions in order to forestall that concentration of power which leads to tyranny.

Prof. Ruhl Bartlett of the Fletcher School of Law and Diplomacy in testimony before the Foreign Relations Committee 3 years ago, stated the issues embodied in the Cooper-Church amendment. He said:

> Perhaps in conclusion I may be allowed a judgment on the basis of my study of human affairs and of American history. It is that the greatest danger of democracy in the United States and to the freedom of its people and to their welfare—as far as foreign affairs are concerned—is the erosion of legislative authority and oversight and the growth of a vast pyramid of centralized power in the executive branch of the Government. The fear of the framers of the Constitution that executive power unless properly curbed could develop along monarchical lines was fully justified, but they provided curbs. There is no constitutional basis for the assumption that substantive powers were conferred on the President as the Executive. As one Supreme Court Justice remarked, if this were true no human intelligence could "define the fields of the President's permissible activities. A masked battery of constructural powers would complete the destruction of liberty." The same kind of comment applies to the idea that the President has authority as Commander-in-Chief to replace the authority of the Congress to declare war or to determine the use of the Armed Forces, or that he has the authority to define and execute treaties in any way he desires. The arguments of immediacy, expertness, superior information, and greater wisdom are equally fallacious as bases for enlarged Presidential authority. The framers of the Constitution bequeathed to the American people a great heritage, that of a constitutional, Federal, representative Government, with its powers limited in scope and divided among its three separate branches, and this system was devised not because it would produce efficiency or world dominion, but because it offered the greatest hope of preventing tyranny.

The concentration of authority over matters of war and peace in the hands of the President has thrown the carefully devised system Prof. Ruhl Bartlett spoke of so eloquently severely out of balance. The Cooper-Church amendment will help to right that balance.

Only a year ago this month, the Senate by a vote of 70 to 16 passed a national commitments resolution as a step toward restoring the Senate's proper role in the making of foreign policy. Six months ago, by a vote of 80 to 9, the Senate passed an amendment—supported by the administration—to prohibit the sending of U.S. ground troops into Laos or Thailand without congressional approval.

In approaching the issue of the Cooper-Church amendment Senators should set aside the events of the long years of this war—and especially those of the last 2 months—and view the amendment as the institutional question it is. Make no mistake about it—the Senate as an institution is on trial here. I hope that in voting on the Cooper-Church amendment, the Senate will live up to the great expectations of the authors of the Constitution, who saw Congress as the people's bulwark against one-man rule.

Mr. President, in summary, if the Senate adopts the present Byrd amendment every substantive subsection of the Cooper-Church amendment, dealing with restrictions on the use of public funds, will remain intact. The Byrd addition to the Mansfield amendment explicitly recognizes the President's powers as Commander in Chief. These are not within the reach of Congress. Yet, money is within the reach of Congress, and the limitations imposed by the four subsections of the Cooper-Church amendment remain intact, operative, and whole.

The Cooper-Church amendment is a valid assertion of congressional power to prevent the United States from becoming engaged in a new war in Cambodia, for Cambodia. This was the original objective of our amendment 6 weeks ago and continues to be what we seek.

For these reasons, Mr. President, I see no objection to the amendment, in its new form, offered by the Senator from West Virginia. It is consistent with the action the Senate took more than a week ago when it adopted the Mansfield amendment by a unanimous vote of 91–0. I will, therefore, cast my vote in favor of the new Byrd amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH: I yield.

Mr. MANSFIELD. Mr. President, I wish to join my distinguished colleague, the senior Senator from Idaho, in what he has just said.

To me, what the Byrd-Griffin amendment does is in no way comparable to the Gulf of Tonkin resolution. If I had even the slightest suspicion that that would be the result of this amendment to the Cooper-Church amendment, I would vote against it unhesitatingly.

On the basis of the explanation made by the distinguished Senator from West Virginia (Mr. BYRD) and because of the different questions that have been raised here and answered, and because of the statements made by the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Idaho (Mr. CHURCH), it appears to me that we have no fear that this will impinge on or impugn in any way the President's constitutional responsibilities as President, including those of Commander in Chief.

What Cooper-Church with the Byrd amendment does say is that the Senate and Congress have a part to play, have a constitutional responsibility in connection with preventing the spread of the war into Cambodia. What we are endeavoring to do in the Cooper-Church amendment is to try to revive something which I think has lapsed, something which I think has lain dormant, and something for which I think we have been responsible.

What we are endeavoring to do is to extend the hand of cooperation, to strengthen the position of the President with regard to terminating the U.S. involvement in the war in Indochina, even though there are Members in this Chamber who will not believe it. I think Cooper-Church with the proposed Byrd amendment is one way it can be done, one way it should be done, and I unhesitatingly favor the adoption of the pending amendment.

Mr. JAVITS. Mr. President, will the Senator allow me to finish a question that the Senator from West Virginia did not answer?

Mr. CHURCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. CHURCH. I yield 4 minutes to the Senator from New York.

Mr. JAVITS. I should like to restate the question to the Senator from West Virginia. Is there anything in his amendment, in his judgment, which will impugn or abridge the authority of Congress with regard to the preservation of the lives of American troops, wherever deployed?

Mr. BYRD of West Virginia. No. At the same time, it recognizes that the Commander in Chief has authority, constitutionally given, to act to protect American lives in emergency situations and in some situations which would be so dire and immediate as to rule out any prior consultation with Congress.

Mr. JAVITS. But whatever authority Congress has, it keeps. Is that correct?

Mr. BYRD of West Virginia. Of course.

Mr. JACKSON. Mr. President, I shall join the sponsors of the Cooper-Church amendment, and the Senator from West Virginia, in voting for the pending amendment.

I am at a loss to discover why such an amendment is necessary. Surely no one in the Congress would vote for an amendment that attempted to restrict the constitutional power of the President, any more than one would vote for an amendment to increase the power of the President beyond that laid down in the Constitution.

However, it hardly seems appropriate to oppose language expressing the constitutional authority of the President to protect the lives of U.S. Armed Forces. For this reason I am able to join in this amendment. I am disturbed, however, at the considerable potential for discord and dispute that may well arise out of the interpretation of the Cooper-Church amendment—a potential for more, rather than less, rhetoric that is in no way diminished by the pending amendment.

Mr. President, it is one thing for the Congress to debate the wisdom of Presidential action and quite another to debate the legality of action taken by the Commander in Chief.

Debate over the wisdom of the President's action in Southeast Asia, with the best possible arguments put forward on both sides, is a central responsibility of the Congress. So is the exercise of constitutionally sound limitations on the discretionary power of the President. But I am convinced, Mr. President, that an extended debate on the floor as to the legality of Presidential action—which could well result from varying interpretations of the Cooper-Church amendment, serves neither the development of wise policies nor the resolution of the deep and divisive differences that cloud the search for wise and prudent policies.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. BYRD of West Virginia. Mr. President, may I express appreciation to the authors of the Cooper-Church amendment. I have discussed this amendment with them. Never at any time did I seek to have them believe that I was about to offer meaningless verbiage. They knew of my concerns, and I knew theirs. Together, we think we have come up wth language which protects the proper exercise of constitutional powers by both the President and the Congress.

In summing up, the able Senator from Idaho has said that the Cooper-Church language addresses itself to the powers of Congress. It does. Yet, by implication, I think it could be interpreted in a way that would contravene the constitutional power of the Commander in Chief to act in emergency situations to protect the lives of American troops. The Byrd amendment would not convey any authority to enter into any new commitment or any new war. It merely recognizes that the President, as Commander in Chief, may act in emergency situations to protect the lives of American forces, and, admittedly, he would decide—he would be the one to decide—when such an emergency situation existed which made it impracticable for him to first consult with Congress. He is the Commander in Chief, and to him would be left that decision.

The PRESIDING OFFICER. Does the Senator from Idaho wish to yield back the remainder of his time?

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

ADDITIONAL COSPONSOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the name of the distinguished Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of the pending amendment.

All time on the amendment has now been yielded back.

The PRESIDING OFFICER (Mr. HOLLINGS). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment, No. 708, of the Senator from West Virginia (Mr. BYRD).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. RIBICOFF (after having voted in the negative). On this vote I have a live pair with the Senator from Rhode Island (Mr. PASTORE). If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from Georgia (Mr. RUSSELL), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee, Mr. GORE), the Senator from Nevada (Mr. CANNON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Illinois (Mr. PERCY) is absent on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), and the Senator from Illinois (Mr. PERCY) would each vote "'yea."

The result was announced—yeas 79, nays 5, as follows:

[No. 160 Leg.]

YEAS—79

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Nelson
Pearson
Pell
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—5

Fulbright
Goodell
Hughes
Javits
McGovern

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Ribicoff, against.

NOT VOTING—15

Bible
Cannon
Dodd
Dominick
Gore
Hatfield
McClellan
McIntyre
Mundt
Muskie
Packwood
Pastore
Percy
Russell
Yarborough

So the amendment of Mr. BYRD of West Virginia (No. 708) was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet Division, Walla Walla project, Oregon-Washington, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; and

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

AMENDMENT NO. 718

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

AMENDMENT NO. 718

On page 9, insert after line 21, the following new section:

"SEC. 14. The joint resolution entitled 'Joint resolution to promote the maintenance of international peace and security in Southeast Asia', approved August 10, 1964 (78 Stat. 384; Public Law 88–408), is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned."

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, as debate on the Foreign Military Sales Act has progressed over the past weeks one point has emerged upon which there has been nearly universal agreement. That point is the superfluous nature and irrelevancy of the so-called Tonkin Gulf resolution.

The Tonkin Gulf resolution is inappropriate to today's realities in Southeast Asia. It is a vehicle of escalation and widening involvement, whereas U.S. operations in Southeast Asia are today directed toward deescalation and reduced involvement in combat. It is the policy device of a previous administration which sought to expand the American presence in Vietnam; whereas the Nixon administration has never relied upon nor invoked the Tonkin Gulf resolution in policy.

The Tonkin Gulf was variously and inconsistently interpreted after its adoption. Some saw it as a purely defensive and narrow-ranged response to a specific incident. Others saw it as a carte blanche mandate with which to enmesh the United States in a full-scale commitment to the South Vietnamese Government. Some considered it a virtual declaration of war.

In the wake of these differing interpretations, the Tonkin Gulf resolution now stands as an obsolete and unused vestige of our foreign policy. It has been rejected by the Nixon administration, and it serves no useful purpose other

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than as a reminder of its past abuses and their consequences.

Since the resolution was subjected to such abusive interpretation, it's presence on the statute books presents a clear and not altogether fanciful danger that some other and equally vexatious reading might be given it in the future.

Recent Senate debate has repeatedly emphasized the responsibility of Congress to assume its obligations in the formulation and conduct of foreign policy. While care should be taken to avoid actions which would appear to limit or transgress upon the President's prerogatives in this field, Congress, the Senate in particular, has a significant role to play in establishing policy objectives and guidelines. By repealing the Tonkin Gulf resolution we can exercise our powers and fulfill our responsibilities in a positive and meaningful way. Having provided the peg upon which the Vietnam escalation was hung, we can make a start at exerting congressional influence and wisdom by removing that peg and clearing the way for other worthwhile achievements in defining foreign policy and national priorities.

Several Senators addressed the Chair.

Mr. DOLE. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, first, if the Senator is willing, I would like to be joined as a cosponsor of his amendment.

Mr. DOLE. Mr. President I ask unanimous consent that the name of the Senator from New York be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. DOLE. I yield.

Mr. JAVITS. Mr. President, this Gulf of Tonkin termination measure was reported by the Committee on Foreign Relations, based upon a measure introduced by the Senator from Maryland, (Mr. MATHIAS) and the Senator from Montana (Mr. MANSFIELD) and a measure introduced also by the Senator from Rhode Island (Mr. PELL) and me.

This measure is eminently deserving and essential to what we are about. The only really questionable point of difference on the Byrd amendment—which we have just decided so overwhelmingly, and I understand it perfectly—is the question of what is the division of constitutional power between Congress and the President.

In view of the fact it is only the Gulf of Tonkin resolution which stands in the way of a resolution of that question on the merits—because that is the only authority Congress has given, and the President agrees it is obsolete and he is not using it; if President Johnson had felt the same way our lives would have been simplified and he may have been a candidate for President—I welcome very much the utilization of the vehicle of this bill, which has taken so much debate already. The Gulf of Tonkin resolution stands next in line.

I see the distinguished majority leader on his feet and I shall complete my remarks in 30 seconds.

I hope very much the Senate will do what must be done to clear the decks and then we can deal with the Vietnam war on its merits. In that way we can proceed to the most critical question before our country: What is the definition of the power of the President and what is the definition of the power of Congress in respect of the power of making war.

I think the Senator from Kansas, especially because of his position on the Cooper-Church amendment, has rendered a real service in enabling us to terminate the Gulf of Tonkin resolution. I thank the Senator for adding my name as a cosponsor of the amendment.

Mr. DOLE. I thank the Senator from New York.

Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I commend the Senator from Kansas for offering this amendment. He is putting into practice what he has said repeatedly with respect to his intentions about the repeal of the Gulf of Tonkin resolution. I would like to express the hope, if I may, that instead of making it operative at the end of the second session of this Congress that it should be made operative upon the enactment of the pending bill. That would be facing up to the issue without delay and also, I believe, it would be more in accord with what the distinguished Senator from Maryland (Mr. MATHIAS) had in mind when he took the lead in offering a similar resolution which was reported unanimously by the Committee on Foreign Relations.

Mr. DOLE. I took the language reported by the Committee on Foreign Relations, I would change it; but it is the precise language in the repealer approved by the Committee on Foreign Relations.

Mr. MANSFIELD. Then, I was under a misapprehension because I thought the Mathias resolution was applicable on the date of enactment. Still, I think it would be a good idea to bring it up to date rather than to wait until the end of the session.

Mr. President, I commend the Senator from Kansas for a good job. I am glad at long last the Senate is facing up to this situation.

Mr. DOLE. Mr. President, I thank the Senator.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I request of the Senator from Kansas that my name be added to the cosponsors of his amendment.

I wish to say that frankly I am sorry the Senator's amendment does not go as far as the original Mathias measure which not only would have repealed the Gulf of Tonkin resolution but also would have repealed the resolution of this Congress in regard to Taiwan, Cuba, and the Middle East, because I feel what we do when we repeal this measure, in essence, is reacting rather than acting. I think it is incumbent on the Senate to act. I hope in the future the Senate will give serious consideration to the repeal of all such resolutions presently on the books so that we can put ourselves in a position of acting and not reacting after a situation has occurred.

Not too long ago I placed in the RECORD a statement that the Gulf of Tonkin resolution was passed overwhelmingly by Congress by a vote of 502 to 2. I am sure that with the words of praise I have heard for this amendment that we are standing in a position now to react to what occurred in 1964. While we are reacting we might look at the books and reread the debates made at the time of the Gulf of Tonkin resolution of 1964 to see the other outstanding resolutions on the books that give the President an absolute commitment to commit Armed Forces of the United States under the authority he has already, into many other sections of the world which are presently in a state of turmoil.

Mr. DOLE. I thank the Senator.

Mr. President, I ask unanimous consent to add as cosponsors of the amendment the names of the Senator from Alaska (Mr. STEVENS), the Senator from Kentucky (Mr. COOK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from California (Mr. MURPHY).

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so dered.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the senior Senator from Kentucky.

Mr. COOPER. Mr. President, I am repeating what the distinguished Senator from New York has said, but the resolution was introduced by the Senator from Maryland (Mr. MATHIAS) on the floor, and in it, he asked for the repeal of Tonkin Bay and several other resolutions.

I remember he was joined immediately by the Senator from Montana (Mr. MANSFIELD). The resolution came before the Senate Foreign Relations Committee. It was finally decided that various resolutions which were sought to be repealed would be separated, and the reported concurrent resolution repealing the Tonkin Bay resolution was sponsored by Senators MATHIAS and MANSFIELD, and JAVITS, and PELL, who had introduced a similar proposal to repeal the Tonkin Bay resolution.

I want to pay particular tribute to the Senator from Maryland (Mr. MATHIAS), who first presented the proposal on the floor of the Senate and in the Foreign Relations Committee hearings. I commend, also the Senator from Kansas for this initiative.

It has been said several times during this debate that the pending bill would never become law if the Cooper-Church amendment is maintained. I do not know whether this is correct, but in the event it does not become law, we proceed with the resolution reported by the Foreign Relations Committee.

I want to make a statement in connection with the repeal of the Tonkin Gulf resolution. I appreciate what my colleague the Senator from Kentucky said about reaction and action. I have never said that I did not understand the import of the Tonkin Gulf resolution. I doubt that any of us in the Senate at that time, foresaw its consequences, and believed that we would be drawn into a great war in Vietnam.

But I cannot claim any exemption from knowledge at the time that it was possible that we could be brought into such a war. I said on the floor of the Senate during the debate that it was

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possible that we could be brought into a large war, that we would invade North Vietnam, that we would bomb North Vietnam. While I hoped we would not become involved in such a way, I knew that the Tonkin Gulf resolution could be used by President Johnson as authority for such future action. I make this statement in connection with this movement.

I turn to the amendment which has been before us, the Cooper-Church amendment. No matter what was said about its effect today, I hardly think it will be denied that its chief purpose was and is to prevent the United States from being bogged down in another war in Cambodia, in the way we became involved in war in Vietnam.

I hope very much, before we consider the necessity of repealing the Tonkin Gulf resolution, Members of this body will realize that we are trying, in the introduction and passage of the so-called Cooper-Church amendment, to prevent a similar involvement in Cambodia.

Mr. DOLE. Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Kansas, author of the amendment that is now before us, for yielding to me. I think much meat was contained in the observations made by the distinguished junior Senator from Kentucky (Mr. COOK), also, when he said that presenting the Senate with an opportunity to act upon the repeal of the resolution gives us an opportunity to act rather than to react, as I believe he stated. If I misquoted him, I apologize, but I think he was saying that it is very easy to look back and see what mistakes we have made in the past; it is far more difficult to look ahead and project what can be the results of actions which we now take that, in all good conscience, we believe will be in the best interests of the United States.

With that particular thought in my mind, I should like to read from an editorial which appeared in the National Observer, June 22, 1970, because I think it addresses itself to the very point that has been touched upon by a number of Senators this afternoon, including the distinguished junior Senator from Kentucky. The editorial in the National Observer reads:

BUTTING IN, BUTTING OUT

> This newspaper is neither pro-Israel nor anti-Israel. We believe that America's national interest is the only basis upon which American foreign policy should be made. If what is good for the United States is also good for Israel, that is well and good. If what is good for the United States is bad for Israel, that reality is acceptable. There is no reason to believe that American and Israeli interests are always the same or even similar.
>
> Public officials and commentators are well aware of the energetic Israel lobby in this country. Any statement or suggestion that seems even remotely contrary to Israeli interests is set upon with passion. This newspaper recently received scores of hostile letters after publishing a news report about Zionist activities in the United States. Many letters charged us with anti-Semitism.
>
> While we appreciate the emotional ties some of our countrymen have with Israel, we don't think such ties are a sound basis for making public policy. As for the anti-Semitism charge: Name calling is a practice preferred by those without a sound and rational argument.
>
> As we see it, there are two important differences between the situation in Southeast Asia and the situation in the Middle East. First of all, Israel has asked to buy arms from the United States—it has not asked for free help and it has not asked for American military personnel. Secondly, the Israeli government is considered "liberal" whereas the governments of Arab countries and indeed those of South Vietnam and Cambodia are considered "conservative."
>
> As for the first difference we feel reasonably confident that as time goes on and if events go against Israel, that country would eventually ask for any kind of American help that would save it from defeat. If that proposition is baseless, it would be useful if Israel's friends in this country were to explain why.
>
> With regard to the second difference, is the real issue among American liberals one of war or peace—as they have so steadfastly claimed—or is it rather a political matter? Should the United States have one foreign policy for liberal countries and another for conservative ones?
>
> The ways of the political left in America are getting curiouser and curiouser. Many members of the dove contingent of the United States have signed a letter to Secretary of State Rogers urging that more fighter planes be sent to Israel forthwith.

Let me digress from the editorial to say that I also joined in that letter. I joined in it because I felt it was something we could do in this country to help maintain the balance of power between the so-called nations of the Free World and those countries of the Communist World. I do not back up one bit for my having urged, along with 70-odd other Senators, that we should supply planes to Israel. I want to make that clear.

But, to continue with the editorial:

> This move is enthusiastically championed even though it represents another step toward a direct U.S.-Soviet confrontation in the Middle East.
>
> After all the liberal oratory about the urgency of winding down the war in Indochina, we find it peculiar that the same peace-lovers are so ardent in their desire to see the United States escalate the war in the Middle East.
>
> We find it equally peculiar that many liberals automatically assume America's interests would be better served by helping Israel rather than in maintaining and improving America's relations with the Arab countries.
>
> It is true, of course, that Russia is leading the escalation spiral by supplying equipment and some military personnel to Egypt. But Russia also has been supplying aid to the Vietnamese Communists, and when the United States responded to that challenge the doves ignored the Moscow-Peking escalation and simply rallied against the American reaction to it.
>
> Some questions suggest themselves.
>
> If, as the liberals contend, the United States' vital security would not be hurt by disinvolvement in Indochina, wouldn't the same conclusion apply to the Middle East?
>
> Does the United States have more to fear from the Arab states than from the Indochina Communists? What have the Arab countries done to America to deserve the hostility of so many U.S. senators?
>
> Would it be wise, considering the passion for peace within the United States, to stumble out of one war only to stumble into another? How far are the liberals prepared to see America go in defending Israel?
>
> It seems obvious to us that America's national interest would not be served by deliberately alienating the entire Arab world. Beyond that it would be reckless indeed to get involved in another society-rending foreign war. And it would be utter madness to proceed to a final confrontation with Russia in Russia's back yard because of a local feud between countries that pose no threat to American security.
>
> Regarding the frequently heard assertion that the United States has a "moral" obligation to protect Israel, we would simply suggest that if the liberals are right in denying an American moral obligation toward the non-Communist countries of Indochina, the same position is entirely applicable in relation to Israel. Did the United States approve the establishment of the state of Israel? Yes, just as in another fashion it in fact approved the establishment of the state of South Vietnam. We fail to see why that fact—assuming, which is debatable, that it should have approved those establishments—in either case commits the United States to help protect those countries indefinitely.
>
> Perhaps we're wrong, but we somehow recall many American liberals saying that it is no longer realistic for the United States to consider itself the world's policeman. The statement, although difficult for many people to accept, does reflect the actualities of international politics in the 1970s.
>
> Nor is there an absolute "rightness" in Israel's cause to which the United States must give ultimate priority. There are, after all, hundreds of thousands of Palestinian refugees who were made homeless when a group of non-Arab countries took it upon themselves to create a non-Arab state in the heart of the Arab world.
>
> Make no mistake about it. We do not wish to see the end of the state of Israel; we do not take glee in its plight. It would be a poor student of human history who didn't appreciate its people's claim to an eminent place in the story of civilization; it would be hard to discount the bravery and industry of its people.
>
> But we believe Israel has misguidedly followed a policy that can only be called expansionist since the Six Day War. Its policies are militant and dangerous, threatening a Soviet-U.S. holocaust. There is ample room, we believe, for Arab-Israeli conciliation and political settlement. It is in this direction that the United States should move—not in further escalating the situation.
>
> However much the hard realities distress many of our countrymen, it would be worse than absurd for America to butt into the Middle East at the very time it is trying so hard to butt out of Southeast Asia.

That concludes my reading of the editorial. I should like to add in summation that it seems to me that the editorial has raised some questions that may be difficult for some of the so-called doves in this country to answer. If it is true, as we are encouraged to believe it is, that the real danger in the Middle East comes not from the warmaking desires of the Arab countries, but rather from the Communist support that Soviet Russia is believed to be contributing to those countries—in fact, the challenge is posed by communism, by Communist Russia—I would simply point out that I think that is the same country that we have considered to be our antagonist in Southeast Asia.

So I hope that as we continue the debate, we may have the courage, the insight, and the candor to face up forthrightly to the question: Whom are we fighting? Is the enemy in Southeast Asia different from the enemy we are fighting in the Arab world? Then we should try, in the context of that sort of question, to ask ourselves: What should be our policy? To go back to what the distinguished Senator from Kentucky (Mr. Cooper) said, should we act or should we react? If we can identify who our potential foes are, we may then be better able to avert the miscalculations of history that have caused us such pain in the past. We might then hope to be better guided by a policy or a plan that will serve America's interests first.

In saying that, I should also say that I have been most sympathetic to the valiant efforts made by Israel. I joined in the letter to the President asking that planes be made available to Israel, because I thought it was clearly and abundantly demonstrated by Russia's actions that Russia sought to upset the balance of power that has existed in the Middle East.

I thank the distinguished Senator from Kansas for yielding.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I should like to contribute to the discussion begun by the distinguished Senator from Kansas (Mr. Dole), who I think is performing a highly useful service to the Senate by bringing up his suggestion to repeal the Tonkin Gulf joint resolution at this point in the debate on the Cooper-Church amendment.

As the Senate will recall, I have long been an advocate of repealing the Tonkin Gulf joint resolution and had formally proposed such action in a package of foreign policy actions to be considered by the Senate in Senate Joint Resolution 166, which is cosponsored by the majority leader, the distinguished Senator from Montana (Mr. Mansfield). But I think that the proposal made today by the Senator from Kansas has the virtue of being both timely and entirely consistent with the tenor of this debate. So I believe that the Senator from Kansas should be supported. I think his amendment contributes much. I hope that the other body will agree that the Tonkin Gulf joint resolution should, indeed, be repealed.

I would suggest, however, that there should be one difference in the language which the Senator from Kansas has offered, which, as he has read in his speech to the Senate, was adopted from the language of the concurrent resolution reported to the Senate by the Committe on Foreign Relations and provides that the termination of the Tonkin Gulf joint resolution should be upon the date when the second session of the 91st Congress is adjourned.

The legislative history of that language is, of course, that it apply to the first proposals in this area, not only to the Tonkin Gulf joint resolution, but also to the other resolutions which were also the subjects of Senate Joint Resolution 166—the Formosa, the Lebanon, and the Cuba resolutions.

In view of the fact that this was a major foreign policy development, it was felt, when these repealers were first offered, that it was desirable to allow an interim period in which the Executive might be permitted to propose alternative policies which might be required. It seems to me that that situation is not operative here.

Therefore, I ask unanimous consent that the amendment offered by the Senator from Kansas may be modified so that the words following the word "upon" be striken and that the words "the date of enactment of this act" be substituted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. HOLLAND. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MATHIAS. Mr. President, I think it is unfortunate that we cannot proceed to make this amendment effective immediately upon enactment, because I think that serves the whole purpose and direction of this debate. I think, however, that if we succeed in the repealer which is effective at the conclusion of the 91st Congress, the message will be perfectly clear to the whole world. I sincerely hope that the amendment will be adopted.

Mr. DOLE. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Kansas for yielding.

Mr. ERVIN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Can the Senator hold the floor and give other Senators permission to speak? Is that not the prerogative of the Chair?

The PRESIDING OFFICER. Under the rule, if the regular order is called for, the Senator from Kansas cannot yield except for a question.

Mr. ERVIN. I do not want to call for the regular order with respect to the Senator from Kansas, but I think that some Senators might want to obtain the floor under the rules of the Senate rather than by permission of the distinguished Senator from Kansas.

Mr. DOLE. Let me respond to the distinguished Senator from North Carolina. I will yield very briefly to the Senator from Iowa, and then I will yield the floor.

I yield to the Senator from Iowa for a question.

Mr. MILLER. Mr. President, I thank the Senator from Kansas for yielding. I do have some questions.

I support the pending amendment to repeal the Gulf of Tonkin resolution. I want to remind my colleagues that back on March 7, 1968, while most of the Senators were present in this Chamber, we had a rather long discussion about the way the war was going and something about the Gulf of Tonkin resolution, which we had passed some years before.

As shown in the Congressional Record, volume 114, part 5, page 5646, the distinguished Senator from Arkansas (Mr. Fulbright) yielded, and I stated:

> Mr. Miller. Mr. President, I thank the Senator.
>
> At the time we had before us the Gulf of Tonkin resolution I cast my vote in favor of it and I did so on the assumption that the military action taken by the President of the United States in the conduct of a war would be according to the best traditions of our military service. If at that time someone had told me that the conduct of a war after the Gulf of Tonkin resolution would be a prolonged war strategy, and if someone had told me that the Preparedness Investigating Subcommittee 2 years later would have found in 1966 that of the thousands of sorties flown over North Vietnam less than 1 percent would be directed at key chief of staff targets, I would not have supported the Gulf of Tonkin resolution.
>
> Mr. President, there may have been reasons for the prolonged war strategy. No doubt there were. But, periodically and publicly, I called upon the former President to take the American people into his confidence and tell them why he was using a prolonged war strategy. I warned that the longer the war went on, the more casualties there would be and the more problems there would be. I regret to say that my plea never was heeded.

I feel the same way today as I felt at the time of the remarks I have just quoted from the Record. As a matter of protest to the way the war was conducted for nearly 5 years after the Gulf of Tonkin resolution, I propose to vote for the repeal of the Gulf of Tonkin resolution, which is the pending amendment.

There is another point to be made. There is some language in the Gulf of Tonkin resolution with respect to which I would trust that action on this amendment would not constitute a repudiation. In the first place, we have a treaty on the books known as the SEATO Treaty, and that is the supreme law of the land. It was duly negotiated and ratified by a two-thirds vote of the Senate; and it is my understanding that we cannot just out of hand repeal the SEATO Treaty, certainly by a simple majority vote in the Senate. The Gulf of Tonkin resolution recites that pursuant to the authority and the commitment made in the SEATO Treaty, Congress resolves to support the President in whatever his determination and his actions may be with respect to the situation in Southeast Asia.

I recall that at the time this was being debated, the Senator from Kentucky (Mr. Cooper) asked the manager of the Gulf of Tonkin resolution, the distinguished chairman of the Committee on Foreign Relations, whether the authority granted in this resolution could lead to a war; and the response from the distinguished chairman of the Foreign Relations Committee was: "That is the way I would interpret it."

With this legislative history, plus the wording of the Gulf of Tonkin resolution, I do not have any question that there has been a de facto declaration of war by Congress. The Constitution requires that Congress declare a war, and what really counts is that Congress express its will. The Constitution does not say that it has to be a formal declaration, with a lot of ribbons on it. The Constitution certainly makes clear that Congress must indicate its will, and that was done with the overwhelming vote in favor of the Gulf of Tonkin resolution, plus the legislative history to which I have just referred.

Now that we are in a war and we

have had a de facto declaration of war indicated by the overwhelming vote by Congress, my question to the Senator from Kansas is whether or not he thinks that by adopting his amendment, we can undeclare the war.

Mr. DOLE. I invite the Senator from Iowa's attention to section 3 of the Gulf of Tonkin resolution, approved by Congress on August 10, 1964, which reads:

> This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

The proposed legislative action would be more effective and more meaningful than a concurrent resolution. It is provided specifically in the Gulf of Tonkin resolution that, of course, Congress "may" do what it wishes by appropriate action not just by concurrent resolution.

With the President indicating his support for repeal of the Gulf of Tonkin resolution, since it is no longer used for a vehicle of escalation; since he is deescalating the war in Southeast Asia and South Vietnam; that we have every right, in fact the responsibility, if we intend to do as we say to share the burden and responsibility with the President. I happen to believe that this is one way we in the Senate can indicate we share the President's view with reference to deescalation.

Therefore, I answer the Senator's question in the affirmative.

Mr. MILLER. Does not the Senator agree, whether we like it or not, that we are in a war and it has been duly declared, at least de facto, by Congress, and that the Commander in Chief now has troops to lead in the field of battle, and that a simple repeal of a declaration of war by Congress does not mean that the Commander in Chief's powers under the Constitution are thereby abolished and that he has no power in the field?

Mr. DOLE. That is another reason it can be safely repealed. We have discussed this for 35 days now, as to the rights and powers of the President vis-a-vis the rights and powers of Congress. Certainly the President had powers prior to the adoption of the Gulf of Tonkin resolution. He had those same powers, on the same day that resolution was adopted as he had the day before. The resolution did not add or detract from those powers one iota.

I therefore feel that repeal of the Gulf of Tonkin resolution would have no effect except that it would be an indication by Congress of its interest in and its intent and hope that at least we are really on the way out of Southeast Asia.

Mr. MILLER. Let me tell my distinguished friend from Kansas why I shall support his amendment. I am not going to support it with the idea that it is just an empty gesture, that it more or less indicates we would like to have the war shortened and ended on an honorable basis as soon as possible. I do not think we need to engage in floor activity here for that purpose because, I would guess, all 100 Senators feel that way and have said so many times.

As I indicated, I shall vote for the Senator's amendment because this will be the first chance I have had legislatively to indicate my protest over the way the war was conducted for nearly 5 years following adoption of the Gulf of Tonkin resolution by Congress—conducted according to a strategy which prolonged the war and, in my judgment, a war which could have been ended much sooner.

I want to make it clear that just because I vote to repeal a de facto declaration of war does not mean that the constitutional powers of the President are altered thereby. He still has these powers as Commander in Chief, with a war on his hands which he inherited, to try to dispose of the war as effectively as possible. I am sure there is no intention on the part of the distinguished Senator from Kansas to change that policy.

Mr. DOLE. Let me reassure the distinguished Senator from Iowa that there is no intention on my part to change that policy. I would underscore that policy and that power that any President may have.

I would add that at the time the Gulf of Tonkin resolution was being considered in Congress, I was serving in the other body. It passed there 414 to 0 and it passed in the Senate by 88 to 2. At the time, there was a need to underscore the rights and powers of the President and, at that time also, to escalate the war if necessary, to defend America's interests and to protect American troops.

Mr. President, at this point, I ask unanimous consent to have the Gulf of Tonkin resolution printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA RESOLUTION[1]

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. DOLE. Mr. President, the text of the Gulf of Tonkin resolution provides a clearer explanation of what was intended at that time by Congress and by the President, in a proper sharing of responsibility.

Now, almost 6 years later, we are under different circumstances insofar as the war is concerned, but not insofar as the President's powers and rights are concerned. They are unchanged. They are as valid today as they were on August 10, 1964.

The debate here for the past 35 days has been most meaningful in that regard because there has been an indication by nearly everyone that the President is the Commander in Chief; that he is in charge of tactics on any battlefield, and certainly there is nothing intended by offering repeal of the Gulf of Tonkin resolution to add or detract from those Presidential powers under the Constitution.

Mr. MILLER. On a somewhat different subject, I would hope that a favorable vote on this amendment would not be interpreted by the proponent of the amendment, the distinguished Senator from Kansas, to indicate any legislative disagreement with certain recitals in the Gulf of Tonkin resolution.

For example, one recital is,

> Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

I trust that the Senator does not intend favorable action on his amendment to repudiate that statement.

Mr. DOLE. That certainly is not the intention of the Senator from Kansas.

Mr. MILLER. I thank the Senator. Also, there is the further statement in the Gulf of Tonkin resolution.

> Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way;

I trust that there is no implication in a favorable vote on the amendment to indicate congressional disfavor with that.

Mr. DOLE. Again the sponsor of the amendment, the junior Senator from Kansas, would state that during the past month we have underscored the opposite intent and meaning.

However, repeal would not, insofar as the junior Senator from Kansas is concerned, have that effect.

Mr. MILLER. I appreciate that response because I think that action on this amendment should be in that perspective, and, if it is in that perspective, then our friends and people in that part of the world who have relied upon our treaty commitments would understand that we are not reneging on our treaty commitments, but——

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[1] Text of Public Law 88–408 [H.J. Res. 1145], 78 Stat. 384, approved Aug. 10, 1964.

Mr. ERVIN. Mr. President, will the Senator from Kansas yield?

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Kansas has the floor.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from North Carolina.

Mr. ERVIN. I was going to ask the Senator if he does not know that under the SEATO Treaty, the United States does not obligate itself to come to the armed defense of anyone over there except in the exercise of its constitutional principles——

Mr. MANSFIELD. Dual constitutional processes.

Mr. ERVIN. Under its constitutional processes. The Gulf of Tonkin resolution was an exercise of one of our constitutional processes, the power of Congress to declare a state of war. If we were to repeal that Gulf of Tonkin resolution, we would repeal the authority Congress gave the President to put our troops in combat in Southeast Asia.

The SEATO Treaty put no obligation upon the United States to do that. So the Senator's amendment, if adopted, would be a repeal of the authority of the President to command our troops in combat in that area of the world.

Mr. STENNIS. Mr. President, will the Senator from Kansas yield briefly? I have an emergency telephone call to take.

Mr. DOLE. I yield.

Mr. STENNIS. I should like to put my statement in the form of a question, but first preface it by asking: Does the Senator from Kansas propose—I could not be here on the floor before—to add as an amendment to the Cooper-Church amendment words that will in effect repeal the Gulf of Tonkin resolution?

Mr. DOLE. In reply to the Senator from Mississippi, the Senator from Kansas would state that he offered an amendment or a new section to the Military Sales Act, section 14, which does have that effect.

Mr. STENNIS. A new section. Is it not a fact that we have pending now on the calendar a resolution that would reach the same end and that that resolution has been considered and reported by the Finance Committee with a report? Is that a correct statement?

Mr. DOLE. That is a fact; yes.

Mr. STENNIS. Does not the Senator think this is such an important matter that it would be better to take it up in the regular course of business so that it could be considered, testimony could be presented in the proper way, those who were opposed could present their views, and the matter acted on? Would that not be a better way to consider the subject?

Mr. DOLE. Mr. President, let me say that it occurs to me that since we have been discussing this very subject for 5 weeks, we have perhaps covered about every aspect.

This would be a way to expedite the business of the Senate. It was offered in that spirit. I made mention of that possibility two or three times in the past 30 days.

I would hope when debate is included on the Cooper-Church amendment, the bill can be passed by the Senate and the Senate can move on to some other business.

I am not attempting to usurp the powers of anyone in the Senate. I believe the amendment is a proper amendment and the Senate can work its will.

I happen to believe that the Tonkin Gulf resolution should be repealed and am prepared to vote for repeal today.

Mr. STENNIS. The Tonkin Gulf resolution was passed by an almost unanimous vote in the Senate, and it was used by the President of the United States as a basis for his action in Vietnam. And that action was generally accepted as being within the purview of that language.

The resolution was not agreed to by everyone. There was dissent. But for a long while there was no real effort made to change it or to repeal it. And now, having gone for all these years, at least on a partial basis for about 4 years by former President Johnson and for a year and a half by the present President, President Nixon, it seems to me that before the whole world and before a great majority of our people, it is looked upon as at least constituting a major part of the basis for the authority under which we have acted.

With respect to saying that that matter is a debatable question, it seems to me, with all respect, that we would be far from exercising a sound judgment if we were to jerk it up here now at the last minute, after a fairly minor bill, the Military Sales Act, has been pending here for all these weeks and add a major policy of this kind as an amendment to a minor bill. It would jerk the rug out from under the authority that has been exercised for all of these years, in a way, and lives have been lost in battle under that authority. In part, that resolution was at least the considered basis for the authority for this war.

I am not trying to dodge the issue. We have a responsible committee that has weighed the evidence and considered this matter. The committee respectfully made its recommendations and has come forward with a responsible report on the resolution. It is certainly a debatable matter. It involves a major policy matter. As I say, we have fought a war pursuant to this authority.

I respectfully submit that I hope the Senate will not consider this as being so small a matter or so minor or so significant as to warrant being added on as an amendment to the bill.

Frankly, my judgment would be that the President would not want it handled in that way. However, I have no communication with the White House. I do not speak for him. I do not know why all of a sudden it is proposed here. However, apart from all those things, I hope that the Senate will see fit to reject the amendment.

For my part, I would be ready then to proceed immediately in the proper way so that this matter of repealing the resolution could be weighed by the press, by the people, and by the Members of the Senate.

I am most grateful to the Senator for yielding to me.

Mr. DOLE. Mr. President, I have great respect, as the Senator knows, for his judgment. Certainly, as the Senator indicated earlier, I have offered it now to expedite the business.

I realize that there are many experts on the committee. The matter can be debated, and there is no effort on my part to rush this matter through the Senate without full and complete debate.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. COTTON. Mr. President, the Senator from New Hampshire has carefully refrained from participating in this debate all these weeks. However, he does want to say a word on this amendment.

The Senator from New Hampshire finds himself—with the great respect that he has for the Senator from Mississippi—completely of a contrary opinion.

Mr. President, 6 years ago at the request of the President of the United States, the Senate, with rather brief debate, approved the so-called Tonkin resolution. And that resolution has remained in effect for 6 years as the only formal, official action on the part of Congress in regard to the hostilities in South Vietnam, with the possible exception of some restriction in an appropriations bill regarding Laos.

Mr. President, the Senator from New Hampshire was present and was one of 88 Senators to vote for that resolution.

The Senator from New Hampshire as long as 3 or 4 years ago publicly, in sackcloth and ashes, expressed his repentance.

If the Senator from New Hampshire were compelled to mention the one vote that he regretted the most in the 16 years he has served in the Senate, he would have to say that it was the vote he cast for the Tonkin Gulf resolution.

I have been waiting now for 3 years for a chance to vote to repeal the measure.

It is no excuse or comfort for the Senator from New Hampshire to say that 87 other Senators also voted in favor of the resolution. The Senator from New Hampshire thinks they made the same mistake he did. It is no excuse for any Senator to say that he did not realize or understand that that resolution gave the approval of Congress to practically unlimited actions by the President of the United States.

We can all read. The resolution provided that the President could take such measures as he saw fit to protect American interests in Southeast Asia.

I suppose we, in reading that, fixed our attention on it and believe it had to do with action that would be taken in regard to the attack on one of our naval vessels.

But the resolution went on to say, "to keep the peace in Southeast Asia."

In my book, it is not the unilateral duty of the United States of America to keep the peace in Southeast Asia. In fact, I must say frankly, with all due respect to my President, the present President, that when I was listening to

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his news conference not long ago, I shuddered when I heard him—perhaps not calculatingly—refer to us as the peacekeeper in Southeast Asia.

It seemed to me that the logical, first step to have been taken by the Senate and by the House of Representatives when this problem was highlighted and brought to the attention of Congress and the people in such a sharp way by the action in Cambodia, was to repeal the Tonkin resolution which has remained for 6 years as a formal expression of approval by Congress for almost any kind of action in Southeast Asia. That should have been the first step before we proceeded to the consideration of the more drastic step or expedient of exercising our power of the purse and attempting to shut off, under a given set of circumstances, the pay, the support, the arming, and the protection of American troops serving in Southeast Asia.

Therefore, I am glad that the able Senator from Kansas has offered this proposal as an independent amendment to the Military Sales Act, not attached, as I understand it, in any way to the so-called Cooper-Church amendment.

I hope we will be given an opportunity to vote on this measure. I shall most certainly vote to repeal the Gulf of Tonkin resolution and thereby seek to rectify the error that I consider I made and have bitterly regretted since that resolution was originally adopted.

I do not mean to claim that such action represents the whole solution for the problem now before us, or necessarily that it discharges the full duty of Congress or the Senate to deal with that situation. But I am saying it is the logical first step and I would like to see it taken. I think it is both logical and reasonable that we take that step before we go on to the consideration of the Cooper-Church amendment or any other amendment that has to do with control of the situation in Southeast Asia by the control of the purse strings.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DOLE. I have the floor. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I am in accord with what the distinguished Senator from New Hampshire has said. I would point out we have had a measure reported unanimously by the Committee on Foreign Relations seeking in a concurrent resolution to bring about rescinding of the Gulf of Tonkin resolution. There is some feeling that the concurrent resolution should be given consideration because it had been considered in committee and it has been on the calendar for some weeks.

As far as I am concerned I intend to vote for the Dole amendment and I intend at some time to call up the concurrent resolution so that we will have two shots at it to make absolutely sure the Gulf of Tonkin resolution, which I think was carried to an extreme under a previous administration, is liquidated once and for all.

Mr. COTTON. I thank the distinguished majority leader.

Mr. President, I shall be only a moment.

Mr. FULBRIGHT. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. BELLMON). The Senator from Kansas has the floor.

Mr. FULBRIGHT. Is he yielding for a question?

Mr. DOLE. Yes; I am waiting for it.

Mr. COTTON. I shall ask the question in just a moment.

Mr. President, I am thoroughly in accord with what the distinguished majority leader has said. I have only one reservation, and I would ask the majority leader if this is not a reasonable reservation so that I will not be violating the rules of the Senate. If we could dispose of this matter now by adopting the Dole amendment, then we do not run the risk, when we have finally voted on the Cooper-Church amendment, of having to start all over again to deal with the Gulf of Tonkin resolution.

Mr. DOLE. Mr. President, I share the views of the Senator from New Hampshire.

Since there has been some reference to the committee report, I wish to read from the committee report:

> The Committee on Foreign Relations, to which was referred the concurrent resolution (S. Con. Res. 64) to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States, having considered the same, reports favorably thereon with an amendment and recommends that the concurrent resolution, as amended, do pass.

That is the extent of the committee statement in the report. That language is followed by a recitation of the committee amendment and the recitation of other amendments offered by a number of other Senators, and this is followed by comments from the Department of State with respect to the various resolutions.

I would say to those who indicate that perhaps we should set this aside and discuss what might be in the committee report, the statement which has just been referred to by the junior Senator from Kansas is the total statement of the committee.

But I share the views expressed by the distinguished majority leader and so expressed myself before.

Mr. President, because of the importance of the debate on the Gulf of Tonkin resolution, I ask unanimous consent that it be printed in its entirety in the RECORD.

Mr. FULBRIGHT. Mr. President, reserving the right to object, is the Senator referring to the report?

Mr. DOLE. I refer to the Senate debate on the Gulf of Tonkin resolution on August 6 and 7, 1964.

Mr. FULBRIGHT. I shall not object. I wish to inquire of the Senator if he is planning to hold the floor all afternoon.

Mr. DOLE. No. I am ready to yield the floor in about 1 minute.

Mr. FULBRIGHT. I do not object.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Aug. 6, 1964]

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, I ask that the Vietnam resolution be laid before the Senate. It has been cleared with the chairmen of the Committee on Foreign Relations and the Committee on Armed Services, with the ranking members of those committees, with the distinguished minority leader [Mr. DIRKSEN], and with the distinguished senior Senator from Oregon [Mr. MORSE], who is interested in the subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, is it agreed that a vote on the treaty with Belgium will be had at 2 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, is it further understood that it is the intention to call up the so-called Vietnam resolution following the vote on the treaty?

Mr. MANSFIELD. Mr. President, I wish to make a few remarks on the Vietnam resolution.

The President has acted against repeated Communist provocations in the Tonkin Gulf. He has acted in the hope of preventing an expansion of the conflict in Asia, in the hope of minimizing the American involvement on that continent.

He has weighed the degree of military response to the degree of military provocation. He has taken military steps for legitimate defense and, at the same time, he has brought the matter to the conference tables of the United Nations, as a matter of urgency in connection with the maintenance of world peace.

He has counseled with the congressional leadership, the relevant committee chairmen and ranking minority members and the Republican candidate for President. Two nights ago he informed the entire Nation of his action.

The President, in short, has acted with a cool head and a steady hand in a most critical situation. He has acted as the leader of a great free nation, fully aware of a great nation's responsibilities to itself, to freedom, and to the peace of the world.

Let no man make light of what has been done in the past 72 hours. What has been done is no automatic or certain solution to the difficulties. A reasoned approach to this situation on our part is no assurance that others will have the same capacity. Our own restraint is no guarantee of the restraint of others. Our wish for peace is not necessarily the wish of others.

But the President has acted in the hope of restraining the dogs of war. It remains to be seen, now, whether others will act in the same fashion. Escalators go up as well as down and, in this instance, our hand is not the only hand on the control. We hope for the best. But let us also be prepared for the worst. The situation may well become more critical—far more critical—before its resolution becomes visible.

One would hope that those who have acted with provocation will now cease so to act. One would hope that the United Nations will be helpful. One would hope that those nations deeply concerned but not directly involved in Indochina will redouble their efforts to find a peaceful solution to all of the difficulties which have beset the peninsula for almost two decades and ourselves for 10 years.

But those are matters which are not in our own hands alone. For us, it is sufficient at this time to know that the President has set a course for the best interests of the Nation, for Democrats and Republicans alike, for the Government and people of the United States. He asks for and he will have, in this endeavor, the support of the Congress and the people of the United States. Let there be no doubt of that in any nation in Asia or in any part of the world. What needs to be done to defend ourselves will be done. What can be done by us to give human freedom a chance in southeast Asia will be done. It will be done not alone by the President. It will be done not alone by the armed services which he commands. It will be done not alone by Democrats or by Republicans. It will be done by an entire Nation united in their trust and in their support of the President of the United States.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to correct the text of the resolution. There was a technical mistake, an omission on line 10, page 2, as follows, following the words "consonant with the Constitution," the words "of the United States" were inadvertently left out. It is perfectly obvious that it was the Constitution of the United States that was being referred to. I ask unanimous consent that it be corrected.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. FULBRIGHT. Mr. President, pursuant to the order of the Senate on yesterday, the Committee on Armed Forces, headed by the distinguished Senator from Georgia [Mr. RUSSELL], and the Committee on Foreign Relations met jointly this morning to take testimony on Senate Joint Resolution 189.

Mr. President, I recommend the prompt and overwhelming endorsement of the resolution now before the Senate. The resolution, which has been approved by the Committees on Foreign Relations and Armed Services with only one dissenting vote, endorses the wise and necessary action of President Johnson in ordering the 7th fleet and its air units to take appropriate measures in response to the unprovoked attacks on American naval vessels by North Vietnamese torpedo boats. The resolution further expresses the approval and support of the Congress for the determination of the President to take such action as may be necessary, now and in the future, to restrain or repel Communist aggression in southeast Asia,

The action taken by the United States in retaliation for the North Vietnamese torpedo boat attacks must be understood both in terms of the immediate situation and in terms of the broader pattern of Communist military and subversive activities in southeast Asia over the past 10 years. On both levels the North Vietnamese regime is patently guilty of military aggression and demonstrably in contempt of international law.

As stated in the report of the joint committee on the resolution:

"The North Vietnamese campaign against the South has increased in scope and tempo. It has added a new dimension to traditional concepts of warfare and aggression—the dimension of subversion and terror on a planned, centrally directed, and coordinated basis. This new kind of aggression is not symbolized by armies marching across frontiers with bands playing and flags waving. But it is no less outrageous international behavior."

The facts of the immediate situation are clear. On August 2 the U.S. destroyer *Maddox* was attacked without provocation by North Vietnamese torpedo boats in international waters in the Gulf of Tonkin. The American vessel, with the support of aircraft from the U.S.S. *Ticonderoga*, fired back in self-defense and drove off the attackers. The United States thereupon warned the Hanoi regime of "grave consequences" in the event of further military attacks on American forces. On August 4 the *Maddox* and another destroyer, the *C. Turner Joy*, were again attacked by North Vietnamese torpedo boats in international waters. The attack, which lasted for over 2 hours, was without any doubt a calculated act of military aggression. The United States thereupon responded with air strikes against North Vietnamese torpedo boats and their supporting facilities at various points on the coast of North Vietnam.

The American action was limited and measured in proportion to the provocation which gave rise to it. It was an act of self-defense wholly consistent with article 51 of the United Nations Charter and an act of limited retaliation wholly consistent with the international law of reprisal. The single, most notable fact about the American action was its great restraint as an act of retaliation taken by a great power in response to the provocation of a small power.

The action taken by the United States was appropriate as policy as well as justified in law. An act of unambiguous aggression cannot be tolerated or ignored without inviting further provocations, especially when the act is committed by a regime which has been engaged in consistent and repeated aggression against its neighbor states.

Had the attacks on the *Maddox* and the *C. Turner Joy* been isolated occurrences it might have been appropriate to respond by a lesser act of force than that employed, or even by measures short of force. This, however, is not the case. The North Vietnamese regime has made an international career of aggression almost since its inception in 1954. Certainly supported and quite possibly incited by Communist China, North Vietnam has persistently engaged in subversion and more direct hostilities against the duly constituted governments of both Laos and South Vietnam. It has done these things in gross violation of the Geneva Agreement of 1954 and of the Geneva Agreement of 1962 pertaining to Laos. It has done these things in violation of international law, in contempt of the United Nations Charter, in malice toward its neighbors, and in reckless disregard of the requirements of peace in southeast Asia.

Under these circumstances, it was incumbent upon the United States to act, as it did, in a manner proportionate to the provocation. Viewed in the context of the immediate provocation, the retaliatory measures taken by the United States were necessary and justified. Viewed in the context of a decade of reckless and irresponsible behavior on the part of the North Vietnamese regime, the action taken by the United States was the minimum consistent with its own vital interests and with its obligations to its allies and partners in southeast Asia.

The situation in southeast Asia illustrates an extremely important principle of foreign policy—that the challenges which confronts us in the world are widely varying in character and intensity and must be dealt with accordingly by a wide variety of instruments and policies. Just as it is a mistake to assert that force is the only proper response to every challenge of Communist power, it is no less a mistake to assert that military action is never a necessary instrument of policy. Whatever the outcome of the present crisis in southeast Asia, it is important for us to refrain from making sweeping generalizations as to both the provocation and our response to it. Special combinations of circumstances suggest special patterns of response, which may or may not be valid in different situations.

The point which I wish to make is that while we must be consistent in the objectives of our foreign policy, we must be flexible in the instruments we use to attain them. We must bear in mind that military force is not an end but an instrument, a dangerous and repugnant one which is never desirable but sometimes essential. It is equally unwise to assume that force must never be used and to assume that its successful use in one instance warrants its use in any or all others.

The current crisis in southeast Asia, I believe, is one in which the use of limited American force has been necessary and may be necessary again. It is essential, however, that we evaluate this crisis in its global context. That context is one in which hopeful tendencies toward peace are on the rise despite events in crisis areas such as Vietnam. It would be a great mistake to allow our optimism about promising developments in our relations with the Soviet Union and Eastern Europe to lead us to any illusions about the aggressive designs of North Vietnam and its Chinese Communist sponsor. It would be no less a mistake to allow our concern with baleful events in southeast Asia to drive us to actions and attitudes which would undermine current progress toward the relaxation of tensions with the Soviet Union and the European Communist regimes. At all times, but especially at this moment of crisis, we must be extremely clear about the different policies pursued by different Communist regimes, about the different challenges which they pose and the different responses which they warrant. We must have the wisdom and the discrimination to be able, when necessary, to engage simultaneously in the local prosecution of hostilities and the global pursuit of world peace.

In southeast Asia itself, we must leave no doubt in the minds of both adversaries and friends as to what our objectives are and what they are not. It should be clear to all concerned that our purpose is to uphold and strengthen the Geneva Agreements of 1954 and 1962—that is to say, to establish viable, independent states in Indochina and elsewhere in southeast Asia, states which will be free of and secure from the domination of Communist China and Communist North Vietnam. It should be emphasized that we wish the nations of southeast Asia to be free of and secure from domination by Peiping and Hanoi, but not necessarily hostile to these regimes. It should be further emphasized to all concerned that our objective is not to establish our own military power in Indochina or in any way to bring the nations of Indochina under our domination or even to bring them into an American "sphere of influence."

It should be made clear to the Communist powers of Asia, if it is not yet sufficiently clear, that they can enjoy peace and security as long—but only as long as they confine their ambitions within their own frontiers. It should also be made clear that whenever the Communist powers show a willingness to settle the problems of southeast Asia by peaceful and lawful means, these problems can then be placed largely or entirely under the jurisdiction of the United Nations. It should be made equally clear to these regimes, if it is not yet sufficiently clear, that their aggressive and expansionist ambitions, wherever advanced, will meet precisely that degree of American opposition which is necessary to frustrate them. The resolution now before the Senate is designed to shatter whatever illusions our adversaries may harbor about the determination of the United States to act promptly and vigorously against aggression. For this reason, Mr. President, I urge its prompt and overwhelming adoption by the Senate.

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Mr. President, in addition to the strong support of the Congress, there have been expressions of widespread support for the President's action in the country and in the press. I ask unanimous consent that there be inserted in the RECORD at his point a number of newspaper editorials which are illustrative of the general support for President Johnson's actions in southeast Asia.

There being no objection, the editorials were ordered to be printed in the RECORD.

[From the Philadelphia Inquirer, Aug. 6, 1964]

A NATION UNITED

In this grim, dark hour—when the issue of peace or war hangs precariously in the balance—President Johnson has called upon the American people to meet the test of courage and determination that has been thrust suddenly and irrevocably upon us all by a treacherous foe.

The Nation must stand firm and united in unwavering support of the President at this crucial juncture in the history of mankind.

We are confident that Americans, irrespective of political party, shall do so—in keeping with the highest traditions of this country in times of crisis.

In his solemn address to the world on Wednesday, at Syracuse, Mr. Johnson reiterated and expanded upon points he made late Tuesday night in his report on the swift succession of ominous events in southeast Asia.

The President is right, beyond any question in making it clear to the leaders of Communist North Vietnam, and to any other government bent on unprovoked aggression, that America's earnest desire for peace is not to be misconstrued as weakness.

Delivering one of the finest addresses of his long career in public service, Mr. Johnson summed up the situation succinctly at Syracuse in these terse phrases: "The attacks were deliberate. The attacks were unprovoked. The attacks have been answered."

After the North Vietnamese torpedo boats had opened fire against U.S. naval craft in international waters, for the second time in 3 days, it was unmistakably clear that the American reply, in action as well as words, needed to be prompt and appropriately forceful—commensurate with the seriousness of the North Vietnamese challenge and the flagrant disregard they showed for the rights of our vessels to sail the seas without interference.

These rights have been hard won, over many years, by valiant Americans. Freedom of movement on the oceans must be defended.

Retaliatory U.S. air strikes against North Vietnamese torpedo boat bases and other installations, as reported by Defense Secretary McNamara, unfortunately have resulted in the loss of American planes and, possibly, American lives. This sorrowful and tragic development underlines not only the perils that must be faced in the battle zone but the sacrifices that all of us must be prepared to accept.

"Aggression unchallenged is aggression unleashed," the President said at Syracuse. This is undeniable truth. To retreat from or even to tolerate, armed attack against vessels of the U.S. Navy would be to invite steadily bolder assaults that would lead us surely and inevitably down the path of war.

Mr. Johnson's notation of broken promises made by the North Vietnamese Government, in pacts signed by them in 1954 and 1962, is a timely reminder of the demonstrated untrustworthiness of the Red regime in Hanoi. It is fitting also that the President, while reaffirming this country's commitments to allies, has reminded those allies that the fight for freedom ought not to be the sole burden of any one nation but should be a collective responsibility. Our allies—in NATO, in the Far East, and elsewhere—can help the cause of peace by giving unqualified endorsement to U.S. action against North Vietnam.

Freedom and peace remain our goals—but let those forces of enslavement and armed aggression abroad who have unleashed their fire against us give pause. They will do well to show a healthy respect for America's resolve to defend, by whatever means necessary, our rights on the high seas and to carry out, by whatever action required, our obligations abroad in the struggle against Communist aggression.

[From the Washington Post, Aug. 6, 1964]

STERN CRISIS

President Johnson has earned the gratitude of the free world as well as of the Nation for his careful and effective handling of the Vietnam crisis. The paramount need was to show the North Vietnamese aggressors their self-defeating folly in ignoring an unequivocal American warning and again attacking the American Navy on the high seas. This Mr. Johnson did by means of a severe but measured response deftly fitted to the aggression: retaliation against the boats and bases used in the attack.

The air strikes did not merely decimate Hanoi's fleet, leaving it unable to defend its own coast, and demonstrate North Vietnam's vulnerability to American power. The counterattack smashed the "paper tiger" myth, providing the U.S. readiness to use whatever means necessary to stand up for its interests in the Far East and underlining the reliability of its commitment to its friends there.

Most immediately, the reprisal rendered obsolete the old terms of the debate on whether to carry the guerrilla war in South Vietnam back to the aggressors in the North. Long reluctant to do this itself on the ground, or to have Saigon forces do it, the United States has now acted alone, by sea and air. Whatever restraint has previously been exercised through lack of precedent or provocation has been removed by the events in the Tonkin Gulf. No one can tell at this point the precise form which the Vietnam war will take, but it is bound to be a new form, and the newness would seem inevitably to be on the side of more direct American participation and more direct action against the North.

To a capital and a world sensitive to the uses of power by an American President, the crisis—the first major foreign-policy crisis faced by President Johnson—has found him not wanting in toughness or in nuance. But the crisis has also pointed up the office of the Presidency as the single center of control and responsibility for American power. It is worth remarking that this respect for the Presidency has been conveyed even by those who believe that, for instance, local military commanders should be given discretion for important decisions in the field.

Military measures were only a part of President Johnson's response. He coordinated them with the other constituencies and communities of which he is the leader. He asked and got from Senator GOLDWATER a promise of nonpartisanship. The Senator, like the patriot he is, instantly foresook politics and stood by his side. He also went calmly, to the people, both American and foreign, offering information and reassurance in appropriate degrees.

The President went to Congress too for a resolution of national unity and support, and to the United Nations, for international backing. The request to Congress, like his approach to Senator GOLDWATER, may later affect the election campaign, but the seriousness of the situation warrants these expressions of confidence and cooperation. The U.N. plea forces the Soviet Union to a climactic choice between the conflicting interests in the Communist and Western worlds. But regardless of the Security Council's stance on the torpedo attacks, a condign response has already been meted out to Hanoi.

The impressive orchestration of American policies contrasts revealingly with the fragmented and tardy reactions of the different communist states. This broken pattern, including the fact that Premier Khrushchev was out in the Soviet hinterlands, suggests how unexpected Hanoi's attacks were to some Communists and how unexpected Washington's reprisals were to others. There is still no convincing explanation of why Hanoi would challenge the United States under conditions so patently unfavorable to it. One notes, however, that there is in Hanoi a war weariness conducive to desperate heroics; that Hanoi has seemed to share Peiping's distorted vision of the American "paper tiger"; and that the Tuesday attack fell on the anniversary of the test ban, a Soviet-American agreement based on the fact that the "paper tiger" has nuclear teeth.

This element of uncertainty in Hanoi's intentions is what makes the crisis potentially dangerous. The fear is, of course, that Hanoi's harassments may be a prelude to escalation of the war in Vietnam, perhaps drawing in Peiping. It was the President's awareness of these ominous possibilities than made his management of the crisis so significant and correct.

[From the New York Herald Tribune, Aug. 6, 1964]

THE RIGHT RESPONSE

President Johnson spoke clearly and acted with prompt decision in reply to the second torpedo attack on American ships in the Tonkin Gulf. The reasons behind the wanton North Vietnamese provocations are still mysterious, but there is nothing obscure about Mr. Johnson's firm statement that "there can be no peace by aggression and no immunity from reply"—especially against the background of the sharp and effective American air assault on the North Vietnamese naval bases.

The United States has a chain of sentries around the world; lonely men in Korean trenches, lonely planes over the Arctic wastes, lonely ships in distant seas. They keep watch over an uncertain peace. But their vigil would have no meaning if it were not that power stands leashed behind them, power ready to be used swiftly and with vigor for peace. That power, and the equally essential will to use it, found expression in the action ordered by President Johnson against North Vietnam.

The power was still on leash. The air action against the aggressor's bases was a limited action. And in that fact, no less than in the speed and efficiency of the response, lies much of the effectiveness of the policy put into effect by the President. As he said, the overall strength of the United States is "vast and awesome." But it is not a monolithic mass, like the European armies before World War I, impossible to guide or check by diplomacy once the initial impetus is given. It is not just "the button," whose rejoinder must be nuclear war or supineness. It can be used to pinpoint and punish the immediate offenders—in this case, the North Vietnamese mosquito fleet.

Thus, whoever planned the torpedo-boat attacks, for whatever purpose stand warned. If they were probing the intentions of the United States, of Red China, of the Soviet Union, they at least know that the United States will resist aggression, and that it has the capability of doing so.

At the same time, the rest of the world knows that this capability will be used with restraint; that force will be used in proportion to the need. The United States can, as Mr. Johnson said, welcome and invite the scrutiny of all men who seek peace, "for peace is the only purpose of the course we pursue."

The controlled force of the American counterblow has clearly made its impact on the world. From its friends, this country has received such congratulations as that of

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Japan (very directly concerned with the problem of Communist expansion in Asia) and such encouragement as that of Britain in the Security Council. From the Soviet Union has come denunciation—but it is oddly perfunctory. In asking that North Vietnam come to the United Nations, even the Soviet delegate on the Security Council seemed to be trying, in some earnestness, to find out what has been going on in the Tonkin Gulf.

The United States, too, is puzzled by much of what has been happening in southeast Asia. But it stands as one behind the President's action. The hearteningly prompt support given Mr. Johnson's course by Senator GOLDWATER is only the most striking of many evidences of the unity of Americans in the face of this strange kind of terrorism on the high seas.

[From the New York Times, Aug. 6, 1964]

WIDER WAR

On July 24, President Johnson said that "the United States seeks no wider war" in Vietnam, but he warned that "provocation could force a response." That provocation—twice repeated—now has brought a response that has been, in the President's words, "limited and fitting." Whether this ends the incident now is up to North Vietnam and to Communist China. The United States plans no further military strikes if there are no further Communist attacks. President Johnson has made it clear that "we still want no wider war."

Whether or not the confrontation stops there, the crisis in southeast Asia has been altered in fundamental ways—all involving great uncertainties and even greater dangers.

The United States has become a direct combatant on a significant scale, even if only briefly. The sword, once drawn in anger, will tend to be unsheathed more easily in the future.

Congressional authority for future military action will, in effect, be delegated to the President by the joint resolution scheduled to be voted today. The President has rightly asked that the resolution express a determination that "all necessary measures" be taken.

The concept of a Communist "privileged sanctuary," heeded hitherto both in Korea and Indochina, has been breached. The circumstances under which North Vietnam may be struck again remain undefined. But the rules of the war have undergone a basic change—a change that applies to Communist China as well as to Hanoi. President Johnson was clearly addressing Peiping when he warned "any who may be tempted to support—or to widen—the present aggression" that "there can be no peace by aggression and no immunity from reply."

Hanoi's sea patrol fleet largely has been wiped out and, lacking an air force, North Vietnam has been shown to be virtually open to hostile air attack. Hanoi's willing allies in Peiping are now under pressure to provide new means for sea and air protection—and even, perhaps, to intervene directly. Hanoi's reluctant allies in Moscow are under pressure, as yesterday's Soviet statement showed to demonstrate their backing for North Vietnam before world Communist opinion.

Ranks have been closed in the United States with Senator GOLDWATER's open support for administration action. If Hanoi's attacks were an attempt to exploit political and racial division in the United States, the American reaction has proved this futile. Vietnam, in fact, has been taken out of the presidential campaign for the moment. The attempt to keep it out, by retaining Republican support, means that President Johnson henceforth will find firmness politically easier to emphasize than restraint.

American reluctance to go to an Indochina peace conference, as urged by President de Gaulle, is strongly reinforced. If Hanoi's purpose was to force such a conference, it could not have been more poorly advised.

These are some of the political and military realities after the Tonkin Gulf exchange. The lines have hardened. A highly dangerous period has opened. It is a time that calls for coolness, as well as determination, for restraint as well as firmness.

We still have no real idea of what prompted the North Vietnamese to launch their potentially suicidal adventure. The Nation's united confidence in its Chief Executive is vital. No one else can play the hand. That confidence will be best maintained by a continued adherence to the principles the President himself has enunciated of firmness but a firmness that will always be measured—a firmness whose mission is peace.

[From the Baltimore Sun, Aug. 6, 1964]

PEACE THE PURPOSE

At Syracuse University yesterday, while the world waited for further developments in southeast Asia, President Johnson set forth the central concern of this Nation for all to see. "We welcome—and we invite—the scrutiny of all men who seek peace, for peace is the only purpose of the course we pursue." Only hours before, after a second Communist attack on American naval vessels, the President had ordered an air strike against the torpedo-boat bases along the coast of North Vietnam. The attack had been carried out, and the bases lay in ruins. Two American airmen had been lost. In its promise to repulse aggressors the United States had not been bluffing. Of that there could no longer be any doubt.

It is not an easy thing to loose even a small fraction of the military power available to the Commander in Chief, but in this case there was no choice. "Aggression unchallenged," the President said, "is aggression unleashed." In striking back at a time of grave provocation, the United States hoped not to spread the fighting but to pinch it off before it got out of hand. To reasonable governments the message should be clear, but American forces are being deployed in such a way as to respond appropriately if somewhere there is a misreading. That, too, is a statement of American purpose.

If there has been a suspicion abroad that the American people are dangerously disunited, this episode is proof to the contrary. Crisis always draws Americans together, and on this issue support for President Johnson is without reservation. Senator GOLDWATER set the pattern for his party, and congressional leaders, briefed early at the White House, have responded with the traditional closing of ranks. When the Nation is under the gun, politics loses all coloration. The quick rush of support from America's allies also has been gratifying.

None can foretell the perils that lie ahead. North Vietnam is an annoyance, but it is not the major consideration. The key to peace in Asia is hidden in Communist China, in the course it may essay alone, or with the encouragement of Moscow. Yesterday's convoking of a United Nations session was intended not only as a report to the nations but as an assessment of the intentions of the Soviet bloc. Whatever the dangers, the United States will face them with the courage possessed only by those who are both free and strong.

Mr. McGOVERN. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. McGOVERN. Without in any way casting any doubt on the wisdom of the resolution, there are a few brief questions that I should like to address to the Senator from his comments, if he would be willing to comment.

All of us have been puzzled, if not baffled, as to why a little state such as North Vietnam should seek a deliberate naval conflict with the United States with the overwhelming naval and air power that we have in that area. In an effort possibly to throw some possible light on that question. Mr. Murrey Marder, in his column in the Washington Post yesterday, made the following statement in the closing paragraph of his column:

"North Vietnam on Sunday charged that the United States and South Vietnam had sent warships 'to shell the Hon Me and Hon Ngu islands in the territorial waters' of North Vietnam. Those islands are near the area where the *Maddox* was attacked Sunday. Hon Me is used as a naval base, American sources said, and Communist PT boats have been seen in the area.

"The United States has denied that any of its warships shelled the islands of Hon Me and Hon Ngu. However, despite some reports published yesterday, the State Department denial did not equally exculpate South Vietnam. It only denied American participation.

"SPECULATION ON ATTACK

"There are some indications, however, that the South Vietnamese may in fact have attacked the two islands. American officials have declined to discuss that, although U.S. warships on occasion reportedly have escorted South Vietnam vessels part way to their targets."

I wonder if the Senator from Arkansas could shed any light on the possible explanation for the North Vietnamese attack.

Mr. FULBRIGHT. In dealing with warfare, which essentially is an irrational business, it is dangerous to speculate as to the motives of one's enemies or adversaries. However, in this case, first, the Secretary of Defense himself stated, after the first attack on the *Maddox*, that he did not expect a repetition of the attack. He made that statement publicly. That showed how wrong he was. He said he could see no motive for it, and none of us at the first meeting we had on the question could explain why that kind of attack by a few torpedo boats against the elements of the 7th Fleet should take place, whether it was an isolated action or an impulsive action by the local commander.

But after the action was repeated, it was shown to be clearly calculated. It is my understanding, as best I can interpret what actually happened, that there were some South Vietnamese raids, if they might be so-called—coastal raids—by South Vietnamese junks or naval vessels—the only kind of naval vessels they have. My information is that they have relatively small PT boats, comparable to those of North Vietnam, plus what are called motorized junks, and those from time to time have engaged in what are called hit-and-run raids, none of them of a major nature, by South Vietnamese boats with South Vietnamese crews.

Our own naval vessels, such as the *Maddox* and other associated vessels, have never engaged in any attacks on those islands or anywhere else in North Vietnam.

The best information that I have from high officials in our Government in this field is to the effect that our boats did not convoy or support or backup any South Vietnamese naval vessels that were engaged in such attacks.

Mr. McGOVERN. The Senator would say the implication of the article is probably in error?

Mr. FULBRIGHT. It has been asserted by others that the *Maddox* was backing up or convoying the smaller vessels of the Vietnamese.

The testimony I am familiar with shows that this is not a fact.

I am reminded also that it was asked whether or not the junks of the South Vietnamese had American personnel in the nature of advisers or otherwise. We were advised they did not, that they were manned by non-Americans in all cases. In other words, the patrol duty by such ships as the *C. Turner Joy* and the *Maddox* was an operation for patrol, to keep our own forces informed about the activities in this very critical area, and was entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted.

Mr. McGovern. I should like to put one other question to the Senator Over the past few days, possibly the past 2 or 3 weeks, there have been statements in the press quoting General Khanh, the South Vietnamese leader, as saying that the war had to be won by carrying it to North Vietnam. Almost simultaneously our administration leaders have been quoted as saying that the only way the war can be won is by taking on the guerrillas in South Vietnam, and that our policy is not one of extending the war to the north; quite to the contrary, that the victory must be had in the south and that we will take all reasonable steps to confine the war to South Vietnam.

Does the Senator think there is any danger in this resolution that we may be surrendering to General Khanh's position our attitude as to where the war should be fought?

Mr. Fulbright. I do not think there is any danger of that. There is, of course, a danger in this whole area, and there has been for 10 years. It is dangerous. The policy of our Government not to expand the war still holds. That is not inconsistent with any response to attacks on our vessels on the high seas where they have a right to be.

Mr. McGovern. I agree.

Mr. Fulbright. I do not think the policy that the war be confined to South Vietnam has changed. I think it is still the policy. I think it is the correct one. What causes difficulty is that fact that this is a new type of war. It is not a war in the orthodox sense. This is subversion, inspired and conducted through infiltration of supplies and men by a neighboring country without a declaration of war. It does not fit the pattern of the traditional way we think of war. It is, nevertheless, aggression—a modernized, specialized kind of aggression, brought to a high degree of perfection by the leader of the Chinese Communists, Mao Tse-tung, who established the basic theory of how to conduct this type of warfare.

It is difficult to adjust our concepts to warfare of this kind. I think it is just as savage and as much in violation of international good behavior and law as is an overt invasion by troops. I tried to make this point in my remarks. North Vietnam has been an aggressor against South Vietnam; and I do not think so merely because of the testimony in the past 2 or 3 days. Over several years, we have received testimony about what the North Vietnamese were doing in Laos and to a much higher degree in South Vietnam.

They had two major ways of approaching South Vietnam, one by sea, and one by ground. The sea approach was the easiest way to supply the Mekong Delta. So we helped the South Vietnam Government try to interrupt the transfer of men and supplies to the Mekong Delta. Junks were built up for that purpose. The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping South Vietnam arm itself. I do not know about the specific boats.

I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for many years.

Mr. McGovern. I am inclined to agree with the Senator. I did not want my remarks to be interpreted as prejudicing the case for aid——

Mr. Fulbright. I am glad to try to clarify the situation. It is difficult and confusing.

Mr. McGovern. There have been references in the press to the effect that General Khanh was in political trouble and that one way he thought he could get out of it was to divert attention from failure in the conduct of the war in the south to some kind of strike in the north, presumably largely underwritten by the United States. It was because of my concern with that possibility that I raised these questions.

I thank the Senator for yielding.

Mr. Ellender. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Ellender. The Senator has stated that in the last 2 or 3 days the committee has had some hearings. Can he tell us how long these ships of ours have been in that area?

Mr. Fulbright. On patrol?

Mr. Ellender. On patrol, yes and at whose request?

Mr. Fulbright. We have had patrols in the Tonkin Gulf for about 18 months.

Mr. Ellender. At whose request were these patrols made?

Mr. Fulbright. These are international waters. Our assistance to South Vietnam is at the request of the South Vietnamese Government. The particular measures we may take in connection with that request are our own responsibility. The particular ships on this particular patrol are there at our own decision.

Mr. Ellender. Are they part of the 7th Fleet, which protects Formosa?

Mr. Fulbright. Yes.

Mr. Ellender. The Senator says our ships have been in that area for a year and a half.

Mr. Fulbright. Yes.

Mr. Ellender. In the Gulf of Tonkin?

Mr. Fulbright. In the Gulf of Tonkin. I can be corrected on this by the distinguished chairman of the Armed Services Committee. My recollection is that they have been in that particular area a year and a half.

Mr. Russell. Mr. President, elements of our fleet have been in this gulf periodically for about 1½ years.

Mr. Ellender. Why?

Mr. Russell. These waters are the high seas. If in our general patrolling throughout the world and in the movements of our fleet on the high seas everywhere we saw fit to send our ships there. Certainly no foreign nation has a right to challenge our use of the high seas. We have a right to be there.

Mr. Ellender. Was any action taken by any of our ships to prevent the carrying of war materiel to the Mekong Delta?

Mr. Fulbright. Does the Senator mean ships flying our flag and manned by our personnel?

Mr. Ellender. Why?

Mr. Fulbright. It is my understanding that that operation was conducted entirely by Vietnamese ships and personnel.

Mr. Ellender. Were we there to protect them?

Mr. Fulbright. No; what happened here happened on patrol duty. As the Senator from Georgia has said, these ships were there in accordance with our responsibility and our rights in this general area. The ships were not assigned to protect anyone. They were conducting patrol duty. That question was asked specifically of the highest authority, the Secretary of Defense and the Secretary of State.

They stated without equivocation that these ships, the *Maddox* and the *C. Turner Joy*, were not on convoy duty. They had no connection whatever with any Vietnamese ships that might have been operating in the same general area.

Mr. Ellender. Was their presence in the delta area at the request or suggestion of the South Vietnamese Government?

Mr. Fulbright. They were not in the delta area. Does the Senator mean in the Gulf of Tonkin area?

Mr. Ellender. I understood that this—

Mr. Fulbright. The delta area is north of the gulf area.

Mr. Ellender. I am trying to discover if our forces could have done anything which might have provoked these attacks. You say the ships were not engaged in any activity near the Mekong Delta?

Mr. Fulbright. No; where they were is hundreds of miles north of the delta area.

Mr. Ellender. The ships that were attacked?

Mr. Fulbright. Yes.

Mr. Ellender. The patrols carried out in the delta area were to give protection or confidence to the junks and patrol boats that were there to prevent the North Vietnamese from carrying materials of war to the South Vietnamese. Is that correct?

Mr. Fulbright. That was not the duty of the *Maddox* or the *C. Turner Joy*. They were on patrol duty in the Gulf of Tonkin—not near the Mekong Delta. They had nothing to do with the interruption of such traffic as may be carried on between North Vietnam and the delta. This duty was assigned to a fleet of junks and small craft of the South Vietnamese Navy. That is still their function. They stop and examine thousands of people in order to identify them and see what they are up to. They have found a good many North Vietnamese who were coming down to carry on guerrilla warfare.

Mr. Ellender. Is the Senator satisfied from the evidence presented to the committee that our Armed Forces, that is, our naval forces, did nothing to invite the attack that was made in the last few days?

Mr. Fulbright. Nothing that they are not entitled to do. Their very presence in the Gulf of Tonkin could be said by someone to invite an attack, but they had every right to be there, and they were not shelling the coast or intervening in any of the legitimate operations of the Government of North Vietnam. In an area in which there is tension and in which there has been this very bloody kind of guerrilla warfare or irregular warfare, one might say, broadly speaking, that their presence could be a provocation. I do not think so. I do not believe that can be rightfully said. They had every legitimate right to be there.

Mr. Ellender. I do not question that fact at all. My question was directed to whether or not the evidence showed any act on our part which might have provoked this attack.

Mr. Fulbright. I would say categorically that that was not shown. Whatever provocation there may have been arose, if it did arise, from the activity of the North Vietnamese ships.

Mr. Brewster. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Brewster. I had the opportunity to see warfare not so very far from this area, and it was very mean. I would look with great dismay on a situation involving the landing of large land armies on the continent of Asia. So my question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.

Mr. Fulbright. There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. This kind of question should more properly be addressed to the chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia; that our power is sea and air, and that this

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is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.

Mr. Brewster. I thank the distinguished chairman.

Mr. Morton. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Morton. Mr. President, first I say to the distinguished Senator from Arkansas that I approve the action that has been taken, and I approve this resolution. On the matter which was the subject of the colloquy between the chairman of the Foreign Relations Committee and the distinguished Senator from Louisiana, can we not associate our presence in the Gulf of Tonkin to a degree with our own interpretation of our obligations under the SEATO Treaty?

Mr. Fulbright. Yes. I made mention of it. That is a further responsibility that we undertook in alining ourselves with other countries in trying to bring peace and stability into this area. That was another obligation which we undertook. It fortifies our right or responsibility for being in the Gulf of Tonkin.

Mr. Morton. I believe the action taken by the President helps to avoid any miscalculation on the part of either the North Vietnamese or the Chinese Communists. I believe the joint resolution gives that policy further strength. In my opinion, the three major wars in which we have been involved in this century have come about by miscalculation on the part of the aggressor.

I believe Congress should speak loud and clear and make it plain to any would-be aggressor that we intend to stand here. If we make that clear, we will avoid war, and not have to land vast land armies on the shores of Asia. In that connection I share the apprehension of my friend the Senator from Maryland [Mr. Brewster].

Mr. Fulbright. The Senator has put it very clearly. I interpret the joint resolution in the same way. This action is limited, but very sharp. It is the best action that I can think of to deter an escalation or enlargement of the war. If we did not take such action, it might spread further. If we went further, and ruthlessly bombed Hanoi and other places, we would be guilty of bad judgment, both on humanitarian grounds and on policy grounds, because then we would certainly inspire further retaliation.

This situation has been handled in the best way possible under the circumstances, so as to calm the situation, and not escalate it into a major war.

Mr. Morton. I thank the Senator from Arkansas.

Mr. Fulbright. I yield to the Senator from Ohio.

Mr. Lausche. I should like to add something to the answer that was given to the Senator from Louisiana [Mr. Ellender]. In my opinion, the evidence is very clear that our Government did not design or manipulate a situation which would precipitate violence. The proof shows clearly that the commander of the *Maddox*, when the patrol boats were following it, called the commander of the *Ticonderoga* and informed him that the North Vietnamese patrol boats were following him and were indicating all the purposes of violence. It was not until the patrol boats fired upon the *Maddox* that the *Maddox* took any action. We waited; and no action was taken by our Government until the torpedoes were set into motion. Our ship turned seaward.

Second, the island of Hainan is in the gulf. Chinese aircraft and military bases are on that island. Our ships were patrolling the gulf, surveying the activities that were going on in the gulf. My answer is that not to have been there would have been a disservice to our country. We were where we had a right to be. We did nothing to precipitate this unwarranted action. The action of violence was not on the part of our Government, but on the part of the North Vietnamese against us.

What were we to do? Were we to allow them to fire at us and take no action? The commander of the *Maddox*, when he contacted the commander of the *Ticonderoga*, acted with complete restraint and indicated no purpose of engaging in violence. Not until we were fired upon did we fire back.

Furthermore, to conclude that we developed a design to precipitate this violence is not supported by any testimony whatsoever. To make the pronouncement that we manipulated the situation, that we designed a set of circumstances that would give us an excuse to fire, is wholly unwarranted. Not one syllable of testimony supports that conclusion.

Mr. Fulbright. Will the Senator from Ohio allow me to answer questions? Then he may speak on his own time.

Mr. Lausche. Just half a second more.

Mr. Fulbright. I thought the Senator wished to ask a question. But I have no objection to his concluding his statement.

Mr. Lausche. I wanted to give my understanding of this very important, crucial aspect of the dispute. I repeat: There is not a single bit of testimony warranting the conclusion that we manipulated or designed the situation.

Mr. Ellender. Mr. President, I was questioning the Senator from Arkansas merely to seek assurance that the evidence shows there was no possibility that our forces took any action, even accidentally which might have provoked an attack. Certainly I did not intend to intimate that the commanders of our ships were at fault, or that we were looking for an excuse to attack North Vietnam.

Mr. Lausche. I understand, Mr. President. I merely wanted to make plain that our forces were not at fault in any way; that our ships had a perfect right to be in those waters, and that there is absolutely no evidence of any design or manipulation involved in the chain of events which took place. I did not wish to allow that impression to stand in the Record.

Mr. Javits. Mr. President, will the Senator yield? I wish to ask a question.

Mr. Fulbright. I should like to yield the floor.

Mr. Javits. I wish to ask a question, and a rather serious one.

I shall support the resolution, because I think we must defend freedom in that area, or else see the balance of a large segment of the population of the world tipped against freedom. The degree of our resistance under the action that may be taken in southeast Asia, under the resolution, will determine not only future events in Vietnam, but also the freedom of Malaysia, India, Pakistan, and Indonesia, and perhaps even Australia and New Zealand.

My question is this: To the extent that the Senator may know—and be permitted to disclose—are we not implementing the Southeast Asia Collective Defense Treaty? This treaty has eight countries who are parties to it including the United States—three in the area, the rest in Europe, Australia, and New Zealand, and ourselves. The inclusion of Cambodia, Laos, and Vietnam is by protocol. That is, the protection of the treaty is extended to them, though they are not parties to it.

The question I address to the Senator is this: Are we to assume that the action which the President has taken with respect to reacting to the attack on American vessels is the result of a consultation with our allies who are parties to the Southeast Asia Collective Defense Treaty? If it is, what are we to assume with respect to the future progress of the action which we authorize under the resolution, which is admittedly a broad action? Is it that the President may take all necessary steps, including the use of Armed Forces, to assist any member or protocol state, which would include Laos, Cambodia, and Vietnam, in the Southeast Asia Collective Defense Treaty, that may request assistance in defense of its freedom?

What I wish to know from the Senator is, first: Have we consulted with our allies? Second, what are we to look to from our allies in the way of assistance, aid, comfort, partnership, and the future implementation of the resolution? It is one thing to stand alone; it is another thing to stand with seven other countries, three of them in the area, implementing a solemn commitment, which is just as binding on them as it is on us. I am sometimes inclined to agree with those who say that we cannot be the policeman or guardian of the whole world. We cannot lead it by the hand. We can be the linch pin; but what are we to accept from the others?

Mr. Fulbright. That is quite a question. It has several facets, all of them of pertinent interest.

First, this particular action was not taken in consultation with the other signatories of the Southeast Asia Treaty. It was an act for which we took the responsibility. It had nothing to do with the treaty. The fact that we are present in the area grows, at least in part, out of our obligations under the treaty. That is one of the reasons why we are in the area, and have been for a number of years. But we would have the right to be there without the treaty.

As to the contribution of the protocol states—there are three, as the Senator from New York has said. Under the Laotian Agreement of 1962, Laos is out of the treaty. Cambodia has renounced any desire to be protected by the United States. So actually this is a technical way of saying that we are assisting South Vietnam, because that country is all that is left. That phrase means South Vietnam.

As to contributions by other members of SEATO, they have been too little. There has been consultation in the past on numerous occasions, in an effort to persuade the other countries to bear a greater share of the burden. The question has been asked, "What are the others doing"? We were informed as late as this morning, and on other occasions in the past several days, that they are not doing very much. Pakistan is preoccupied with its own problems with India, so I do not believe Pakistan is doing anything.

The French are doing a good deal in the way of investment. France has a traditional relationship there. France supplies some personnel, but the major part of her contribution is in the form of investment.

Australia's contribution has been small, but Australia is building up her contribution of advisory and military personnel and some contribution of technical assistance. The same is true of New Zealand. The Thai, of course, are there in the area and they are, I am sure, anxious to do what they can. Who else is there?

Mr. Javits. The Philippines and the United Kingdom.

Mr. Fulbright. The Philippines have not made a large contribution. The United Kingdom has been more than occupied with its responsibilities in Malaysia and has made no contribution.

Mr. Javits. That is in the right direction——

Mr. Fulbright. An indirect contribution, yes; but it is in Malaysia. The greater part of the burden has been borne by this country. Unfortunately, we find this to be true in other areas as well. Until recently, within the past several years, we were the only major free country capable of doing it. Now the other countries that are becoming more capable have not yet assumed what I consider to be their proper part of an overall effort to defend free countries.

Mr. JAVITS. I should like to ask one follow-up question of the Senator from Arkansas.

Mr. FULBRIGHT. I am ready to yield the floor so that the distinguished Senator from Georgia [Mr. RUSSELL] can give the Senate much more light on the situation, but I am glad to yield to the Senator from New York.

Mr. JAVITS. I believe that the Senator will agree that we are dealing with pretty substantial matters.

Mr. FULBRIGHT. They are very important. I consider this situation to be a facet of the most important matter now before the country.

Mr. JAVITS. I agree with the Senator. Let me ask one further question: May a Senator voting for the resolution assume that the United States, with all its means, diplomatic and otherwise, will continue, first, to keep the SEATO Treaty in effect by continuing consultations even if for the moment it does not get enough assistance from our partners; second, it will continue to press for maximum contributions compatible with their own capabilities and their own national security from their other partners; third, that it will continue to utilize all the organs for international peace which are mentioned here, including the United Nations, in order to secure freedom in that area. And because the President gets the resolution, we are not going to vote on that one proposal and make everything else perfunctory.

Mr. FULBRIGHT. We have had positive assurance from the Secretary of State about the very matter the Senator is discussing. I approve of that policy. Much has been said about bringing the United Nations into it. I am sympathetic to that. One of the Members of this body has had a great deal to say about that. I approve of it, with this reservation, or this qualification, that it is not timely, when one is in dire straits, to turn over a situation such as this to a body which is not equipped to assert the kind of power I believe to be necessary to stabilize the area.

At the present time, this is not a quarrel in which a "yes" or "no" to the United Nations would bring them in to control and direct this effort. Having assumed this burden, and the situation having deteriorated as it has, I believe that we have to establish some sort of stability before we can say to the United Nations, "You take it."

I look forward to the time when this can be done. I believe that if we could ever stabilize the situation and there were some reasonable assurance that North Vietnam and the Chinese would leave these people alone, we could take it to the United Nations with some assurance that it would work.

Mr. JAVITS. With the thoughts and the principles I have laid out, can the Senator commit himself, as chairman of the Foreign Relations Committee, to bring our "sentinel," to follow through on these matters, after the joint resolution is passed.

Mr. FULBRIGHT. I shall do everything I can, within the limits of my capacity and my position on the Senate Foreign Relations Committee, because I really agree with this philosophy. I am not looking for an expansion of war. I am looking, in any way that I can, to bring in with us both our allies and the United Nations, when and if conditions can be created that that would be a feasible procedure to follow. I believe that this particular action is well designed to help stabilize the entire area.

Mr. JAVITS. I agree with the Senator, provided we would have some feeling in our heart that there will be a really manful follow-through, which we have sometimes lacked before.

Mr. FULBRIGHT. The Senator did not ask me this precisely, but I must say that the Secretary of State has performed extremely well.

Mr. JAVITS. I agree with the Senator.

Mr. FULBRIGHT. The Secretary of State is an indefatigable worker. He has consulted with the members of SEATO on numerous occasions. The Senator has read about it in the past. I do not know how he stands up under the constant schedule of visits and consultations that he has endured during the past 3 years. I believe that he is committed to the proposition the Senator has stated. I certainly am. I hope that we can work this problem out. I believe that we have had some success in the past. We tend to forget every instance of success in working with countries on situations somewhat like this one—perhaps not quite so threatening, but we have had some bad ones, and they have faded into the past.

Mr. JAVITS. The Senator is correct.

Mr. FULBRIGHT. The combined judgment of the military and the civilian branches of the Government has worked extremely well in this instance. They all seem to be in agreement. The Chairman of the Joint Chiefs testified that they were unanimous in their recommendation. There seems to be no division within the highest circles of our Government. I thought it was very encouraging.

Mr. JAVITS. I shall detain the Senator no longer. I shall vote with the Senator from Arkansas on this basis.

Mr. MILLER. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I am glad to yield to the Senator from Iowa.

Mr. MILLER. I also support the resolution. However, there is some phraseology in the resolution which troubles me somewhat. I should like to ask a question about it. On page 2 of the resolution, there is a clause which reads:

"That the Congress approves and supports the determination of the President * * * to prevent further aggression."

I was wondering whether there was any particular design in the wording of that clause, or if we intend to not only talk about further aggression, but also the President's determination to put an end to present aggression?

Mr. FULBRIGHT. That whole phrase reads—

"* * * to take all necessary measures to repel any armed attack—"

That is one we have just had—

"against the forces of the United States and to prevent further aggression."

I am sure that we took action calculated to prevent further aggression, because it was a very good, positive, and affirmative action.

Mr. MILLER. It is left open. It does not say aggression against whom. It is broad enough so that it could mean aggression against the United States, or aggression against the South Vietnamese Government, which I would suggest certainly fits in with the President's determination——

Mr. FULBRIGHT. I believe that both are included in that phrase.

Mr. MILLER. I would hope so.

Mr. FULBRIGHT. I would so take it.

Mr. MILLER. If that is so, then we are talking about further aggression against the South Vietnamese, but it seems to me that we should be talking about present aggressive action. We should be talking about the President's determination to put an end to present aggression as well as further aggression. I am sure that this is his determination, but I do not believe that we have said it. I merely call this to the attention of the Senator from Arkansas, because I thought it was perhaps——

Mr. FULBRIGHT. I do not believe that the Senator should look solely at that part. Section 2 is important and is related to this question.

Mr. MILLER. Section 2—it covers it very well. My own regret is that we do not also cover it in the first part of the resolution.

Mr. FULBRIGHT. Would that not be unduly repetitive and make the resolution longer than necessary? The original resolution proposed to certain members of both committees was quite long and involved. On the advice of members of the committee, the Department cooperated in reducing the resolution to what we thought would be its bare essentials, both as to its "whereas" clauses and to the resolution itself. We thought it would be much clearer and more positive to make it as concise and limited as possible. If there is fault to be found with the resolution because it is too limited, I believe that I, along with some of my colleagues, must bear a part of that responsibility.

Mr. MILLER. I know that it is difficult to draft a resolution of this kind to satisfy everyone and keep it concise. I know that conciseness is a virtue, but all I should like to do is to point out what I have done and, also, to inquire whether there will be any change in the resolution. I leave that up to the distinguished chairman of the committee. I affirm the opinion of the Senator from Arkansas that we are supporting the President's determination not only to prevent further aggression, but also to put an end to present aggression. I would appreciate his expression on that policy.

Mr. FULBRIGHT. Section 1 deals, in general, with the attacks on U.S. forces and the aggression against us. Section 2 deals with the attacks on SEATO, of which we are a part. We have a dual role. We are a sovereign power. Our forces are in the Gulf of Tonkin, and the aggression there is one thing. We are also part of SEATO. This is not spelled out, but that is the general idea, I believe, that is expressed in the two sections.

Mr. MILLER. But there is no intention expressed other than to prevent further aggression and stop the present aggression in southeast Asia.

Mr. FULBRIGHT. That is correct.

Mr. MILLER. I did not think there was. But I wanted to make that crystal clear.

Mr. FULBRIGHT. The Senator is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I would be glad to yield. But I am embarrassed not to turn the floor over to the Senator from Georgia [Mr. RUSSELL].

Mr. RUSSELL. The Senator need not be embarrassed. He can handle the situation.

Mr. HOLLAND. Mr. President, if either of the two questions that I shall ask concerns matters that the distinguished Senator from Arkansas [Mr. FULBRIGHT] thinks the Senator from Georgia [Mr. RUSSELL] should answer, I shall be glad to refer them to the Senator from Georgia.

My first question is, Based upon the knowledge that we all have, that Malaysia has a long frontier with Indonesia and Burma with Red China, am I correct in my understanding that neither Malaysia nor Burma is a party to or a protocol state of the Southeast Asia Collective Defense Treaty?

Mr. FULBRIGHT. That is correct. In the report, on page 3, there is a statement with regard to the SEATO and protocol members. A statement was made about the protocol members.

Mr. HOLLAND. I heard the statement. I want the record to be very clear that Congress is not being asked by the joint resolution to make any advance commitment relative to these two states.

Mr. FULBRIGHT. The Senator is absolutely correct in his statement. In the preliminary meeting which was concerned with the drafting of the resolution, this very point was brought up. This language does not cover either Malaysia or Burma.

Mr. HOLLAND. I thank the Senator. I have one more question. I note in section 3, with interest and with approval, if I correctly understand it, the provision that, in effect, Congress reserves the right to terminate any advance expression or commitment in this field by the passage of a concurrent resolution upon which the President would not have to pass. Am I correct in that understanding?

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Mr. FULBRIGHT. That is correct. This whole joint resolution can be terminated at any time by a concurrent resolution of the Congress. That is taken verbatim, I believe, from the Mideast resolution.

Mr. HOLLAND. Mr. President, I thank the Senator. I believe that is a very proper matter to be included here. It shows clearly that while Congress is giving various assurances and approval of certain acts, if necessary, by the President in the fields covered by the resolution, it delimits those fields clearly. Then it further reserves to itself the right to terminate, for any cause sufficient to itself, this advance expression or commitment.

Mr. FULBRIGHT. The Senator is correct. That was put there for that purpose.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. NELSON. I could not hear all the colloquy between the Senator from Arkansas [Mr. FULBRIGHT] and the Senator from Iowa [Mr. MILLER]. I heard a part of it.

As I understand, the mission of the United States in South Vietnam for the past 10 years, stating it in the negative, has not been to take over the Government of South Vietnam, and has not been to provide military forces to do battle in place of South Vietnamese forces. To state it in the positive sense, our mission has been to supply a military cadre for training personnel, and advisory military personnel as well as equipment and materiel—our objective being to help in the establishment of an independent stable regime. And, if my memory is right, we had about 1,000 troops there the first 5 or 6 years, up to 1960. There are now approximately 16,000 troops there. In addition, it is now proposed that this number be expanded to, I believe, 21,000.

Looking at sentence 6 of the resolution, I understand it to be the position of the Senator from Iowa [Mr. MILLER] that Congress is saying to the President that we would approve the use of any might necessary in order to prevent further aggression. Am I to understand that it is the sense of Congress that we are saying to the executive branch: "If it becomes necessary to prevent further aggression, we agree now, in advance, that you may land as many divisions as deemed necessary, and engage in a direct military assault on North Vietnam if it becomes the judgment of the Executive, the Commander in Chief, that this is the only way to prevent further aggression"?

Mr. FULBRIGHT. As I stated, section 1 is intended to deal primarily with aggression against our forces. "That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

This means to me that it is with regard to our own forces. I believe section 2 deals with the SEATO area, which we are committed to protect under our treaties, particularly when they ask for our assistance.

If the situation should deteriorate to such an extent that the only way to save it from going completely under to the Communists would be action such as the Senator suggests, then that would be a grave decision on the part of our country as to whether we should confine our activities to very limited personnel on land and the extensive use of naval and air power, or whether we should go further and use more manpower.

I personally feel it would be very unwise under any circumstances to put a large land army on the Asian Continent.

It has been a sort of article of faith ever since I have been in the Senate, that we should never be bogged down. We particularly stated that after Korea. We are mobile, we are powerful on the land and on the sea. But when we try to confine ourselves and say that this resolution either prohibits or authorizes such action by the Commander in Chief in defense of this country, I believe that is carrying it a little further than I would care to go.

I do not know what the limits are. I do not think this resolution can be determinative of that fact. I think it would indicate that he would take reasonable means first to prevent any further aggression, or repel further aggression against our own forces, and that he will live up to our obligations under the SEATO treaty and with regard to the protocol states.

I do not know how to answer the Senator's question and give him an absolute assurance that large numbers of troops would not be put ashore. I would deplore it. And I hope the conditions do not justify it now.

Mr. NELSON. We may very well not be able to nor attempt to control the discretion that is vested in the Commander in Chief. But the joint resolution is before the Senate, sent to us, I assume, at the request of the executive branch.

Mr. FULBRIGHT. The Senator is correct.

Mr. NELSON. It was sent to the Congress in order to ascertain the sense of the Congress on the question. I intend to support the joint resolution. I do not think, however, that Congress should leave the impression that it consents to a radical change in our mission or objective in South Vietnam. That mission there for 10 years as I have understood it, has been to aid in the establishment of a viable, independent regime which can manage its own affairs, so that ultimately we can withdraw from South Vietnam.

Mr. President, we have been at the task for 10 years. I am not criticizing the original decision to go into South Vietnam. I do not know how long that commitment should be kept in the event we are unable to accomplish our mission. And I would not wish to make a judgment on that question now. But I would be most concerned if the Congress should say that we intend by the joint resolution to authorize a complete change in the mission which we have had in South Vietnam for the past 10 years, and which we have repeatedly stated was not a commitment to engage in a direct land confrontation with our Army as a substitute for the South Vietnam Army or as a substantially reinforced U.S. Army to be joined with the South Vietnam Army in a war against North Vietnam and possibly China.

Mr. FULBRIGHT. Mr. President, it seems to me that the joint resolution would be consistent with what we have been doing. We have been assisting the countries in southeast Asia in pursuance of the treaty. But in all frankness I cannot say to the Senator that I think the joint resolution would in any way be a deterent, a prohibition, a limitation, or an expansion of the President's power to use the Armed Forces in a different way or more extensively than he is now using them. In a broad sense, the joint resolution states that we approve of the action taken with regard to the attack on our own ships, and that we also approve of our country's effort to maintain the independence of South Vietnam.

The Senator from Wisconsin prompts me to make a remark which perhaps I should not make. He has said that we might be mistaken in our action. If any mistake has been made—and I do not assert that it has been—the only questionable area is whether or not we should ever have become involved. That question goes back to the beginning of action in this area, and I do not believe it is particularly pertinent or proper to the debate, because in fact we have become involved. However, the Senator has mentioned it. As an academic matter, the question might be raised. But having gone as far as we have in 10 years, it seems to me that the question now is, How are we to control the situation in the best interest of our own security and that of our allies? I believe that what we did was appropriate. The joint resolution is appropriate, because it would fortify the strength of the Executive and the Government. It would put the Congress on record—and we are the most representative body that we have under our system—as supporting the action. If anything will deter aggression on the part of the North Vietnamese and the Chinese, I believe it would be the action taken together with the joint resolution supporting the action. That is the best I can do about justification of the resolution: In frankness, I do not believe the joint resolution would substantially alter the President's power to use whatever means seemed appropriate under the circumstances. Our recourse in Congress would be that if the action were too inappropriate, we could terminate the joint resolution, by a concurrent resolution, and that would precipitate a great controversy between the Executive and the Congress. As a practical question, that could be done.

Mr. NELSON. I have a couple of additional questions. But first I wish to say that I did not suggest that by the use of hindsight I would now conclude that the intervention in 1954 was wrong. I do not know. I understand the necessity for the United States, since it is the leader of the free world, to do all it can in furtherance of the protection of the idea of freedom and independence, and that, to do so, we must take gambles. We shall lose some; we shall win some. I believe the public is slow to recognize that we have vast responsibilities, and they expect to win every gamble that we take. I do not expect that. And I do not now rise here to criticize the original decision.

But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.

Mr. NELSON. Did I correctly understand the Senator from Arkansas to say a while ago that the language of the resolution is aimed at the problem of further aggression against our ships and our naval facilities?

Mr. FULBRIGHT. I think that is the logical way to interpret the language. It makes reference to the armed attack against the forces of the United States which has just taken place, and to prevention of further aggression against our forces. Then the joint resolution passes on to our obligations under the treaty, which involves other countries.

I believe also that it is implicit, if not explicit, in the next section that the intent is to prevent the continuing aggression that now exists against South Vietnam.

Mr. NELSON. If the Senator would permit, I should like to ask a few brief additional questions. I could not hear the colloquy between the Senator from Arkansas and the Senator from Louisiana. In relation to international boundary waters, can the Senator tell me what distance offshore we recognize in respect to North Vietnam and Red China?

Mr. FULBRIGHT. Three miles is the established principle that we recognize.

There is some difference among countries. Some countries try to assert a distance greater than that. Some assert a greater distance for reasons such as the ownership of minerals, for example, but do not assert it for political reasons, such as control of the surface of waters. They agree that another country has the right to be there.

Recently an effort has been made to divide the North Sea for purposes of exploration for oil. It is not being divided in the sense that we would be excluded from crossing the North Sea. It is still the high seas.

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But we recognize the 3-mile limit for political purposes. We might recognize a boundary a greater distance from a country if that country wished to drill for oil. We have done so in other places.

One of the reasons given for sending the *Maddox* in closer than 12 miles from the shore was that in doing so the action would demonstrate that we do not recognize the 12-mile limit.

Mr. Nelson. That was to be my next question. Does the Senator know how close to the North Vietnam coast or the Red China coast our ships were patrolling?

Mr. Fulbright. It was testified that they went in at least 11 miles in order to show that we do not recognize a 12-mile limit, which I believe North Vietnam had asserted.

Mr. Nelson. The patrolling was for the purpose of demonstrating to the North Vietnamese that we did not recognize a 12-mile limit?

Mr. Fulbright. That was one reason given for going in to a point 11 miles from the coast. The patrolling as such was not for that purpose. That action was in execution of our mission and our responsibility in that area under the SEATO treaty. As I said a moment ago, we have a right to go where we like on the high seas. The reason we are in this particular area is that we have assumed responsibilities under the treaty as well as bilaterally with South Vietnam.

Mr. Nelson. Recognizing, as we all do, the great sensitivity of all countries, especially enemies, or those hostile to each other, what purpose in the promotion of our mission in South Vietnam is served by having our ships go within 11 miles of the North Vietnam coast?

Mr. Fulbright. This strikes me as a question that raises a difficult problem, with which I tried to deal in describing modern war. The Senator refers to the sensitivities of the North Vietnamese. What about the fact that the North Vietnamese have for years been sending in trained personnel, material, guns, and ammunition, to attack their neighbor? Why should the United States be so careful about the sensitivities of North Vietnam? Of course, we were there for the purpose of observation of what went on in that area, because our people felt it necessary as a part of our activities in protecting and helping to protect South Vietnam.

The problem is difficult. Who is the aggressor in this area? It has been asserted on the floor, and elsewhere, that the United States is the provocateur, the aggressor, and that we ought to be ashamed of ourselves. I do not subscribe to that view. I know it is difficult to go into a person's motives. There is a rule about doing so on the Senate floor. So far as I know of this situation, we have been trying, in good faith, to help these countries establish their own independence.

I have no doubt in my own mind that the moving party in this matter has been North Vietnam, supported by Red China. They feel this is an area over which they should have domination. It is an area over which many centuries ago they did. I have no doubt that in the long run it is an area where they will have great influence. We do not profess or expect to dominate that country or annex it or control it in any way.

We have adopted the principle that we shall do what we can to enable the people there to have an independent life and control their own affairs. We have tried, in good faith, to do it in this area. We have been interferred with, in a most material and vicious and savage way. The program of terror has been almost unprecedented. I suppose there has been some precedent for it, but it has been long continued, violent, and vicious.

We have tried our best to control this situation. We have supported the Government of South Vietnam. We had every right to have patrols in the Gulf of Tonkin to see what was going on and to be informed about any movements—the usual function of patrol in a critical area. I do not see why we should be so responsive to the sensitivities of the North Vietnamese. I am sure that the presence of our ships there is bothersome and irritating to them, but they brought it on themselves. For my part,. I do not apologize for it at all. I do not believe they are in any position to question our right to be in the Gulf of Tonkin, or in any position to question our right to assist South Vietnam, however irritating it may be to Ho Chi Minh.

Mr. Nelson. Let me repeat that I presently intend to support the joint resolution. I do not think we should give up recognized international rights. I do not suggest that we need to apologize to anybody. I do suggest—and this is what I do not understand—if patrolling that close has no necessary bearing upon the mission we have insisted we have in South Vietnam, it would seem to me that perhaps it is not the exercise of our best judgment to do it.

Let me put the question another way.

Mr. Fulbright. I apologize to the Senator. I was diverted for just a moment. I did not hear what he said.

Mr. Nelson. What I said was that, recognizing what we assert to be our rights, I am suggesting that if patrolling that close does not have a direct, necessary bearing upon the accomplishment of our mission, I am wondering whether we should be taking the risk of the sinking of our ships.

Mr. Fulbright. That is a legitimate question. All I can say is that, from the best information I have, it most certainly has an important relevance to our mission in the observation of the traffic that goes through the area.

Whenever there is a state of tension such as exists between us and South Vietnam on the one hand, and North Vietnam, on the other, I think it is traditional that the activities of the adversary be observed as closely as possible. This is one of the principal sea routes for the supplying of North Vietnam. The information we would normally find there is important.

I do not see how the Senator could believe that this was not relevant to our efforts to assist South Vietnam, or, to put it another way, to restrain the activities of North Vietnam, and especially to be forewarned if there were a possibility of a major blow.

Mr. Russell. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Russell. May I say to the distinguished Senator from Arkansas that it is extremely irritating to me, and I believe to millions of American citizens, that Soviet Russian ships should patrol the waters and sail in the waters off our coast, 3 miles from our shores, near some of the most sensitive installations we possess. It irritates me no end, but I have not advocated, and very few Americans have advocated violating international law by moving out and making attacks on those Russian ships because they are in highly sensitive areas for us. This kind of activity is carried out by all nations of the world that have any navy worthy of the name. If it is not done by warships, it is done by ships in other guise, to try to get information. The mere fact that to have a ship of a nation one does not like, within international waters, off that country's shores, is irritating, seems to me to be scanty excuse for the attacks in these two cases. It so happens that in the second attack, as I understand it, the ship was 60 miles offshore.

Mr. Fulbright. Mr. President, I would like to yield the floor.

Mr. Scott. Mr. President, will the Senator yield to me before he yields the floor?

Mr. Nelson. Mr. President, I simply am asking questions to be sure I am adequately informed.

Mr. Fulbright. I understand. I do not quarrel with the Senator at all. He is perfectly within his rights to ask for information.

Mr. Nelson. I would conclude by saying that no two situations are comparable, but it would be mightly risky, if Cuban PT boats were firing on Florida, for Russian armed ships or destroyers to be patrolling between us and Cuba, 11 miles out. It would be a grave risk for her to be testing our viewpoint about her patrolling that close when Cuban boats were firing on Florida. So the question was whether the patrolling that close was really necessary to the accomplishment of our mission. We are, after all, dealing with the possibility of incinerating the whole world.

Mr. Fulbright. As the Senator from Georgia pointed out, Russian ships come within 4 or 5 miles, although not within 3 miles, of our shores.

Mr. Nelson. I referred to the assumption of Cuban boats firing on Florida.

Mr. Fulbright. We are not firing on Cuba, nor they on us. I do not see how the case is analogous. There is a new state of modern warfare that is not orthodox. It is subversion and guerrilla warfare. These people are, for all practical purposes, engaged in a war, without a declaration of war, that is going on between South and North Vietnam.

Mr. Nelson. I have taken enough time. I merely wish to add that it is not quite correct to say that we are not firing on North Vietnam.

Mr. Fulbright. We are not firing on Cuba, I said.

Mr. Nelson. I said assume a situation in which Cuba was firing on the coast of Florida with PT boats. It would be a risky thing for Russia to be out there testing our viewpoint about their patrols within 11 miles of our coast.

Mr. Fulbright. I do not deny that it is risky. The whole operation is risky. It is full of risks.

Mr. Nelson. I hope we do not take risks that are unnecessary for the achievement of an objective that we have asserted to be ours for the past 10 years.

Mr. Fulbright. I hope so.

Mr. Scott. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Scott. I support the resolution. I was glad to hear the chairman say that there is nothing in the resolution which limits the right of the President to repel any attack or prevent further aggression within the areas described in the resolution.

Mr. Fulbright. That is correct.

Mr. Scott. That is one of the reasons I support the resolution. As I understand it, the question of so-called privilege sanctuaries has always been a question of how long such sanctuaries remain privileged if the security of the United States is menaced by vessels operating out of such privileged sanctuaries. I believe the President has quite properly and rightly announced that the United States is authorized and seeks approval of Congress to continue to act to defend the United States, even if it be against a so-called or hitherto described privileged sanctuary. Is that not correct?

Mr. Fulbright. I think that is correct. The retaliatory action taken against the bases from which these ships came fits that description.

Mr. Scott. I do not have the experience that the distinguished Senator from Arkansas has. However, I have heard the President, in off-the-record discussions, refer to the pros and cons of privileged sanctuaries generally, without reference to a specific country.

I understand he is doing now what he was

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at any time prepared to do if in his judgment it was necessary to do it.

Mr. FULBRIGHT. It was wise and proper to do it. It is difficult to generalize about these matters. I believe that under the circumstances which existed in this situation he was wise. The action was well calculated and designed to achieve his purpose. I hesitate to generalize too far, because the conditions under which these things are done must be understood. We should not ruthlessly attack a country under different circumstances, perhaps, than these. I have reference to the Greek rebellion. Senators will remember that we had forces there seeking to maintain the independence of Greece. The Communists had a sanctuary across the border. By persistence we finally brought the affair to a successful conclusion. When that border was closed, the rebellion stopped, and Greece went on its way quite successfully as an independent country. That is what we hope to bring about here.

Mr. SCOTT. I believe we all have confidence that the President was right under international law to do what he did, whether it be called hot pursuit or anything else, in order to protect this country.

Is it not a fact that our naval planes, in the course of reconnaisance along the Chinese mainland, have received—and this is not classified information, and it has been published in the newspapers—numerous warnings and, in fact, a series of warnings, for having proceeded within the 12-mile zone, which, of course, we do not recognize, but these warnings were based on our penetrating what the Communists call a 12-mile zone. That is nothing new. There have been a whole series of similar objections. However, we have been engaged in this process for the purpose of protecting the 7th Fleet and protecting our lines of communication and protecting our roles and missions and protecting the security of the United States.

Our vessels had every right to be where they were within the 12-mile limit and without the 3-mile limit. That is what I understood the Senator to have said.

Mr. FULBRIGHT. I said it so happens—I say this to keep the record straight—that the actual attack, according to my information, took place far beyond the 12-mile limit. The first attack was approximately 25 miles out, and the second was about 60 miles.

Mr. RUSSELL. I believe it was 30 and 60 miles.

Mr. FULBRIGHT. Yes.

Mr. RUSSELL. I might add that our vessels had turned away from the South Vietnam shore and were making for the middle of the gulf, where there could be no question, at the time they were attacked.

Mr. FULBRIGHT. At the time of the first attack they were steaming away from the shoreline. The second attack came at night. The first one was in the daytime. Our ships were not within the 12-mile limit, so called, at the time of the attack. I have stated that from time to time we did go deliberately within the 12-mile limit simply to emphasize our nonrecognition of the 12-mile limit, or, to put it another way to establish and reaffirm our right to go there.

Mr. SCOTT. That clarifies the situation. I am glad the President has acted. The action was very much indicated. I believe it helps to make our Nation more secure. I intend to support the resolution.

Mr. COOPER. Mr. President, will the Senator yield for two questions?

Mr. FULBRIGHT. Yes.

Mr. COOPER. I know the Senator has been on his feet for a long time.

Mr. FULBRIGHT. It is not that. The Senator from Georgia would like to say something.

Mr. RUSSELL. My remarks will be very brief.

Mr. FULBRIGHT. I am perfectly willing to continue. I believe the Senator from Georgia should have an opportunity to say something.

Mr. COOPER. I thank the Senator. I ask these questions for two reasons: One is to get the opinion of the chairman of the Foreign Relations Committee and of the chairman of the Armed Services Committee as to the extent of the powers that are given to the President under the resolution. The second is to distinguish between a situation in which we act in defense of our own forces, in which without question we would risk war, and the commitment to defend South Vietnam.

My first question goes to the first section of the resolution—the operative part which, as the chairman has said, applies to any armed attack or any aggression directed against the forces of the United States.

Mr. FULBRIGHT. That is correct.

Mr. COOPER. In that case, of course, we confirm the power that the President now has to defend our forces against an immediate attack.

Mr. FULBRIGHT. The Senator is a very distinguished lawyer, and I therefore hesitate to engage in a discussion with him on the separation of powers and the powers of the President. We are not giving to the President any powers he has under the Constitution as Commander in Chief. We are in effect approving of his use of the powers that he has. That is the way I feel about it.

Mr. COOPER. I understand that, too. In the first section we are confirming the powers.

Mr. FULBRIGHT. We are approving them. I do not know that we give him anything that he does not already have. Perhaps we are quibbling over words.

Mr. COOPER. We support and approve his judgment.

Mr. RUSSELL. Approve and support.

Mr. FULBRIGHT. Approve and support the use he has made of his powers.

Mr. COOPER. The second section of the resolution goes, as the Senator said, to steps the President might take concerning the parties to the Southeast Asia Collective Defense Treaty and the countries under the protocol—which are, of course, Laos, Cambodia, and South Vietnam. The Senator will remember that the SEATO Treaty, in article IV, provides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam, and its defense, or with respect to the defense of any other country included in the treaty?

Mr. FULBRIGHT. I think that is correct.

Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?

Mr. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. That is the reason for the third section.

Mr. COOPER. I ask these questions——

Mr. FULBRIGHT. The Senator is properly asking these questions.

Mr. COOPER. I ask these questions because it is well for the country and all of us to know what is being undertaken.

Following up the question I have just asked and the Senator's answer, I present two situations that might arise.

Under the first section of the joint resolution, the President is supported and approved in action he may take "to repel any armed attack against the forces of the United States and to prevent further aggression."

It has been reported that we have already sent our planes against certain ports in North Vietnam. I am sure that the reason is "to repel armed attack and to prevent further aggression" against U.S. forces.

Under section 2, are we now providing the President, if he determines it necessary, the authority to attack cities and ports in North Vietnam, not primarily to prevent an attack upon our forces but, as he might see fit, to prevent any further aggression against South Vietnam?

Mr. FULBRIGHT. One of the reasons for the procedure provided in this joint resolution, and also in the Formosa and Middle East instances, is in response, let us say, to the new developments in the field of warfare. In the old days, when war usually resulted from a formal declaration of war—and that is what the Founding Fathers contemplated when they included that provision in the Constitution—there was time in which to act. Things moved slowly, and things could be seen developing. Congress could participate in that way.

Under modern conditions of warfare—and I have tried to describe them, including the way the Second World War developed—it is necessary to anticipate what may occur. Things move so rapidly that this is the way in which we must respond to the new developments. That is why this provision is necessary or important. Does the Senator agree with me that this is so?

Mr. COOPER. Yes, warfare today is different. Time is of the essence. But the power provided the President in section 2 is great.

Mr. FULBRIGHT. This provision is intended to give clearance to the President to use his discretion. We all hope and believe that the President will not use this discretion arbitrarily or irresponsibly. We know that he is accustomed to consulting with the Joint Chiefs of Staff and with congressional leaders. But he does not have to do that.

Mr. COOPER. I understand, and believe that the President will use this vast power with judgment.

Mr. FULBRIGHT. He intends to do it, and he has done it.

Mr. COOPER. I do not wish to take more time now, because the distinguished Senator from Georgia wishes to speak, and I want to hear him.

Mr. FULBRIGHT. I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.

Mr. COOPER. I will speak further later in the day. I wish to say this now: I know it is understood and agreed that in the defense of our own ships and forces any action we might take to repel attacks could lead to war, if the Vietnamese or the Chinese Communist continued to engage in attacks against our forces. I hope they will be deterred by the prompt action of the President.

We accept this first duty of security and honor. But I would feel untrue to my own convictions if I did not say that a different situation obtains with respect to South Vietnam. I know that a progression of events for 10 years has carried us to this crisis. Ten years have passed and perhaps the events are inevitable now, no one can tell. But as long as there is hope and the possibility of avoiding with honor a war in Southeast Asia—a conflagration which, I must say, could lead into war with Communist China, and perhaps to a third world war with consequences one can scarcely contemplate today—I hope the President will use this power wisely with respect to our commitments in South Vietnam, and that he will use all other honorable means which may be available, such as consultations in the United Nations, and even with the Geneva powers.

We have confidence in the President and in his good judgment. But I believe we have the obligation of undersanding fully that there is a distinction between defending our own forces, and taking offensive measures in South Vietnam which could lead progressively to a third world war.

Mr. FULBRIGHT. The question concerns the kind of actions taken in this instance. I think the President took action that is designed to accomplish the objective the Senator from Kentucky has stated. That is what I have tried to make clear. I join in the Senator's hope that all-out war can be avoided.

Mr. McGOVERN. Mr. President, will the Senator yield for one question?

Mr. FULBRIGHT. I shall yield for one question; then I shall yield the floor.

Mr. McGOVERN. The Senator may recall that about 10 years ago, on December 2, 1954, the United States signed with the Nationalist Chinese Government a mutual defense treaty. In effect, we committed ourselves to joint defense for security interests in the western Pacific.

Shortly after that agreement was signed, there was a considerable amount of anxiety expressed in the United States that perhaps we in effect had surrendered control of our foreign policy in that part of the world to the Nationalist Chinese. Partly to offset that anxiety, there was an exchange of notes between Secretary Dulles and the Nationalist Chinese Minister of Foreign Affair, in which the two gentlemen agreed in effect that if there were to be any action by military forces on the part of either the Nationalist Chinese Government or ourselves in the western Pacific, the two countries would consult with each other, and that any such action would be taken only after mutual agreement.

I am wondering whether there is any similar protection written into the security arrangements that we have with reference to South Vietnam. Is that kind of protection, for example, written into the SEATO agreement, or in any of the notes which have been exchanged between our Governments, so that we would not, in effect, be surrendering control of our actions in southeast Asia to the Government of South Vietnam?

Mr. FULBRIGHT. I do not believe we are surrendering control to them. Under the SEATO Treaty, as I recall it, we take our own actions according to our constitutional processes. I do not believe that we have surrendered control of our actions. However, as a practical matter our influence upon the Government of South Vietnam is a matter of relations between our Ambassador and General Khanh. We consult daily, I believe, with regard to the conduct of our mutual affairs in that area. To give a short answer, I know of no exchange of notes, or anything of that kind. I do not recall any testimony on the precise point the Senator has brought up.

Mr. McGOVERN. What I am getting at is, suppose the Government of South Vietnam, for whatever reason, should decide to launch a major military attack on North Vietnam, would we be obligated in any kind of arrangement we have with South Vietnam?

Mr. FULBRIGHT. No. We have no obligation to follow through with a situation which we believe to be unwise, stupid, or silly. We could disavow it and withdraw and have nothing to do with it. We have no treaty agreement or any other agreement that I know of that binds us to follow through with that.

Mr. LAUSCHE. The southeast Asia treaty provides specifically that it is applicable only when aggressions are committed against members of the treaty, and is not applicable should members of the treaty commit aggressions against countries other than those who are members of the treaty. That is written into the treaty.

Mr. FULBRIGHT. I believe that it also applies only to aggression from Communist countries.

Mr. MORSE. It covers the protocol countries.

Mr. McGOVERN. I was not a Member of the Senate at the time, and I know that the Senator from Arkansas knows infinitely more about it than I do, but when the Formosa resolution was approved by Congress early in 1955, I believe that the approval for that resolution was secured partly because of the exchanges of notes which had taken place months before, in which both Nationalist China and the United States agreed that neither country would undertake any kind of military action in the Pacific without making it a joint action. It is on the basis of that assurance that the Formosa resolution was approved. So that is why I rose to ask my question.

Mr. FULBRIGHT. I know of no exchanges in this case.

Mr. McGOVERN. I thank the Senator.

Mr. FULBRIGHT. Mr. President, I yield the floor.

Mr. RUSSELL. Mr. President, I shall be very brief in my comments in support of this resolution

Mr. STENNIS. Mr. President, would the Senator from Georgia wish to suggest the absence of a quorum?

Mr. RUSSELL. I do not think so. I thank the Senator, however for his thoughtfulness.

Mr. President, this resolution has precedents in those that were adopted at the time of the crisis in Formosa, at the time of the crisis in the Middle East, and also in connection with Cuba. These other resolutions will be remembered by many Members of the Senate.

Some reservation has been expressed about the grant of power—which is broad power—to the President. The language that grants this power to the present President of the United States is almost identical with the language used in granting similar power to President Dwight D. Eisenhower in the case of Formosa and Matsu and Quemoy—the two islands just off the Chinese mainland held by Chiang Kai-shek against the wishes of Red China. The Red Chinese had been shelling those islands intermittently and there was great apprehension that they were about to launch an attack to capture them.

Congress granted President Eisenhower almost the identical power that would be granted in section 2 of this resolution, to enable him to protect those islands, in the event that he concluded they were important and vital to the maintenance of international peace and security, and the vital interests of the United States.

What became of that power?

It is in existence at this very moment.

Senators refer to the new power which is being granted today. But the power granted to President Eisenhower existed during the tenure in office of John Fitzgerald Kennedy, and resides at this very moment in Lyndon Baines Johnson at the White House—power which is very similar, except for the geographic area involved, to that which we propose to grant today in the case of North Vietnam.

The same is true with respect to the Middle East resolution. We granted certain power to President Eisenhower in March of 1957, in connection with the situation in the Middle East, by approving a resolution that reads:

"The President is authorized to undertake in the general area of the Middle East military assistance programs with any nation or group of nations in that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use Armed Forces to assist any such nation or group of nations requesting assistance against armed aggression from any country controlled by international communism."

What became of that power?

It is in existence today. It has never been terminated or annulled by the means set forth in the resolution. The same situation is true in the case of the Cuban resolution. The power that was originally granted to President Kennedy, the assurance of support from the Congress, is in existence today and resides in the Chief Executive.

Unless some steps should be taken to cancel it, the power granted in this resolution with respect to the vast difficulties in Vietnam—and I do not underestimate them, neither do I undertake to underrate them—will continue for whoever is elected President in November.

Mr. President, the spirit of crisis and impending danger that hung over this Chamber when we were considering the Formosa resolution was far greater than it is at this very hour. But in that instance, and when we approved the other similar resolutions, our national solidarity and our steadfastness in the face of crisis prevented much more serious and much broader military action.

I am sure that all of us who intend to vote for the joint resolution pray that the adoption of the resolution, and the action that may be taken pursuant to it, will achieve the same purpose and avoid any broadening of war, or any escalation of danger.

This resolution does not alter the constitutional separation of responsibility for the conduct of foreign relations for the command of our Armed Forces and for the establishment and maintenance of our Armed Forces. Instead, the resolution is intended to demonstrate that Congress approves the retaliatory action that has been taken in defense of our flag and our Armed Forces, and that Congress shares in the determination that this country will do everything necessary to defend our national interests, wherever they may be endangered.

The events that bring the resolution before us are too well known to require detailed repetition. Suffice it to say that U.S. naval vessels have been attacked while in international waters. The President has authorized a response. That response was, in a way, commensurate with the attacks up to this point. If there is further unprovoked military action against our forces, response under this resolution will undoubtedly be tailored to fit the facts and needs of that situation.

There is, of course, the hope that the outrageous attack which gave rise to this resolution is only a spontaneous, irresponsible action by the North Vietnamese without the direction and approval of any of their Communist associates. The rulers of North Vietnam must know that any further belligerency toward us or our forces can lead to their destruction. If they prove to be so irresponsible as to continue these unprovoked attacks, they will be inviting consequences of the direct sort.

In the present circumstances, it will serve no useful purpose to debate the wisdom of our original decision to go into Vietnam. It is unnecessary for me to state that I had grave doubts about the wisdom of that decision. It would certainly do no good to dwell on those doubts here today. Indeed, second guesses about our foreign policy, and what it should be in that area, or whether our support to South Vietnam has been too much, or has been too little, are not involved directly in the question before us. What is involved is our right as an independent state to operate our vessels upon international waters that have been recognized as free to all states for many centuries. Involved also is our national honor. Our national honor is at stake. We cannot and we will not shrink from defending it. No sovereign nation would be entitled to the respect of other nations, or, indeed, could maintain its self respect, if it accepted the acts that have been committed against us without undertaking to make some response.

Our Armed Forces are capable of a broad

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range of reaction. In the instant case, the President selected one so limited that no reasonable and objective observer could assume a desire on our part to escalate the war or to broaden its scope. I shall say, however, that if future events demand a more vigorous response, this Nation has the power, and I believe our people have the will, to use that power. The portents of this resolution are great. No action whatever can be taken in the field of international relations in today's troubled world that does not involve some danger. But I submit to this body the view that I firmly believe there is much more danger in ignoring aggressive acts than there is in pursuing a course of calculated retaliation that shows we are prepared to defend our rights.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Mr. President, unfortunately I have been at a legislative appropriation conference. I have not heard all of the discussion. But I know that the chairman of the Committee on Foreign Relations and the chairman of the Committee on Armed Services have gone into the broad aspects of this problem very thoroughly. I join the Senator from Iowa and with the two committee chairmen in sponsoring this resolution. I believe it is of fundamental importance to our prestige in the world today and to the prestige of our armed services.

Mr. President, from the beginning of our Nation, Massachusetts men have always gone down to the sea in ships. We are proud of our Navy. We know its strength and effectiveness in preserving our country and our defenses.

Its prestige and the prestige of our country in the eyes of the world is at stake.

It is the responsibility of the President to take immediate action to defend our country when he believes that it is under attack in one way or another.

As the representative of all our people, he now asks Congress to support him in the position he has taken in this instance where our Navy had been fired upon. He made the decision to retaliate for the attack.

The resolution before us today lends support to the President's decision to defend our Navy and to build up and to maintain its prestige in the eyes of the world.

I support it wholeheartedly and hope that the Senate will adopt it by an overwhelming vote. Because I believe in the sentiments and principles set forth in the resolution, I joined in sponsoring it.

I believe it is one of the most fundamental propositions to come before the Senate since I have been a Member of this body and I hope there will be little opposition to it.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from Missouri, who happens to be the only Member who serves on both committees that met jointly to consider the resolution today.

Mr. SYMINGTON. Mr. President, I have listened with great interest to the remarks of the distinguished senior Senator from Georgia, the leading civilian military authority in this town today. I would associate myself with his remarks, as well as with those of the distinguished chairman of the Committee on Foreign Relations, one of the truly great scholars of those matters having to do with foreign affairs.

It seems to me this is a relatively simple matter we are discussing this afternoon.

I would agree that it is not as serious as other recent crises and most certainly it is not as serious as the Cuban confrontation, where a possible aggressor had nuclear weapons.

The matter for decision is whether the United States accepts an attack on one of its ships 65 miles offshore or should defend itself against this clearly planned aggression.

If we allow these attacks to proceed without any response, the position, the prestige of the United States abroad in that part of the world, very possibly in all other parts of the world, would suffer a serious loss of respect. The free world continues free today because of the physical, economic, and above all spiritual strength of the United States, although we welcome any and all support from our allies. It is a privilege to be on the floor of the Senate and hear my chairman once again express his pride and confidence in the future of America. It is also a privilege to associate myself with his remarks.

Mr. RUSSELL. I thank the distinguished Senator for his very kind words.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. RUSSELL. I shall yield first to the Senator from Louisiana, and then I shall be glad to yield to the Senator from Iowa, who is a member of the Foreign Relations Committee.

Mr. ELLENDER. Mr. President, I am in thorough agreement with the views expressed by my friend the senior Senator from Georgia (Mr. RUSSELL).

I should like to ask whether or not the Senator knows if any effort has been made by us in the last few days or in the past to get our allies to join us in our effort, and whether any insistence has been made by his committee in order to effectuate that endeavor.

Mr. RUSSELL. Mr. President, that question is not primarily within the purview and jurisdiction of the Armed Services Committee, but I may say to my distinguished friend that no one feels more deeply than I do—about the fact that when the United States intervenes, many others who have equal responsibility have tended to say, "Let Uncle Sam do it." I will say that I have been assured by both the Secretary of State and the Secretary of Defense that they have endeavored to get assistance. The Senator is familiar, of course, with the peculiar conditions that exist with respect to France at the present time.

France is a nation that had more familiarity with this area of the old colonial days than any of the other nations of the Western World. Great Britain is a tried and trusted friend. But they are engaged at the present time in the Malaysian operations. Their armed forces are not as large as I should like them to be. But their military strength is on a standby status under the threats that have been issued by Sukarno against the new state of Malaysia.

Australia has increased its assistance in Vietnam within the past 6 or 8 months. They actually have personnel in the field now as advisers with military units, just as American military personnel serve with those units.

I do not make any of those statements to indicate that I think our associates are doing as much as they can or as much as they should. But there has been some increase at least, and I hope and earnestly pray that this will be a harbinger of willingness to assume a fairer share of the great responsibility of protecting the free world from domination by international communism.

Mr. ELLENDER. Does not the Senator think that it is incumbent upon us as members of the SEATO organization to make every effort to get assistance from the members of SEATO? As I understand, France, the United Kingdom, Pakistan, New Zealand, Australia, the United States, the Philippines, and Thailand are members of SEATO. Is it not incumbent upon us to have a meeting of SEATO before we go too far? The reason I make that statement is that I fear that we shall once again be left holding the bag alone, unless we do something along those lines.

Mr. RUSSELL. I share the Senator's feeling. The Senator knows that SEATO meets at regular intervals. We have been assured that our representatives have urged increasing assistance. The question is important, not only from a military standpoint, but also from a psychological standpoint. It is important that all countries associated in SEATO make a more substantial contribution to this deplorable condition that exists in Vietnam.

As I said at the outset, the question is one which is more within the jurisdiction of the Foreign Relations Committee than that of the Armed Services Committee, but I have been concerned about it. I have done what I could to encourage our representatives to insist upon greater participation.

Mr. ELLENDER. I express the hope that action will be taken soon, and that we shall not have a repetition of what happened in South Korea. As the Senator knows, we carried most of the burden there—in fact, over 90 percent of it—and in excess of 90 percent of the soldiers who died in South Korea, other than South Koreans, were American.

Mr. RUSSELL. We carried more than 90 percent of the financial and logistical cost.

Mr. ELLENDER. Yes, indeed, we did. Unless we take action now to try to get our allies to assist, the chances are that the burden will fall upon us.

Mr. RUSSELL. I thank the Senator. I now yield to the distinguished Senator from Iowa.

Mr. HICKENLOOPER. Mr. President I thank the distinguished Senator from Georgia. I shall not repeat the philosophical and political arguments that have taken place on the floor of the Senate in support of the resolution. They have been amply presented by the Senator from Georgia, the chairman of the Armed Services Committee, and by the Senator from Arkansas, the chairman of the Foreign Relations Committee. As one of the cosponsors of the joint resolution, I merely wish to approve the basic arguments underlying the submission of the joint resolution and its purposes, its necessity, and its justification.

We are in a serious situation. Any time a question of this kind comes up it is of the utmost seriousness. I shall not go far enough to say that it is a question of extreme situation. I do not know whether I dare use that word or not. But it is of the greatest seriousness. I will say that. Therefore we must act, not only in defense of the national honor and the prestige of the United States, but also in defense of the basic principles which we will either defend or see destroyed and eroded away by our inaction.

I have always felt that it was a little bit silly, if a fire started in one of the main buildings of a town or in someone's house, to call a meeting of the town council to determine whether the fire department should be called. Meanwhile, the fire is burning down the building. Someone must get a bucket or a hose and put out the fire.

We are up against much the same situation here on the question with which we are confronted. As the Senator from Georgia has pointed out, the proposed action is not without precedent. In my experience, which has encompassed the various resolutions to which the Senator has referred in his argument, we have joined with the President on various occasions in certain defined areas of the world for the purpose of protecting the interests of the United States and the protection of freedom. On certain principles involved in Presidential action, involving force, I am not in full agreement with all of my colleagues; I am in agreement with some and in disagreement with others as to the inherent power of the President or the extent of such power.

In this case there is not the slightest question in my mind that the President not only has full authority, but has a responsibility, to protect American institutions and interests when they are attacked, without having to come to the Congress for that authority.

At a future date, the question of use of

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American force may give rise to some persuasive arguments, perhaps on both sides of the question. However, a resolution of this kind forecloses that argument and joins the Congress with the President of the United States in unity in saying that when our forces are attacked, when we are endangered, we are united, not only in repelling, but, if necessary, in attacking the source of that infection or difficulty that is threatening us. That is why I say it is our responsibility. That is why I have joined as a cosponsor of the resolution.

I, as I am sure every Member of the Senate, regret that we must take this action, but we must let not only our enemies but our friends in the world know that there is a line beyond which the United States will not tolerate destruction or endangering of freedom.

If we are to survive in a world of freedom—if that is to be our objective—we will keep our commitments and hold our heads high, as we always have, and defend our liberties and rights.

While this issue could become emotional, I hope we are approaching it with considerable calmness and objectivity. I am sure the overwhelming majority of the Members of this body are approaching it with objectivity and calmness, but sincere determination and unity on any issue must be shown not only to our enemies, but to our friends.

I join the Senator from Louisiana in the earnest hope and desire that our allies and associates will come in with us. That is very true. But again, if someone is drowning and another has the power to save him, he does not say, "I won't jump in and get you out unless you and you and you also jump in with me and help me get the person out of durance vile and a state of extremus."

When something like that happens, we have a responsibility to ourselves, to our civilization, and to the cause of freedom, to do something about it. I think that is the way we are approaching the issue here.

We must invite and urge all freedom-loving nations to join with us, if possible, but a dangerous situation exists now. That is why the resolution is urgent and essential. It is why I support it. As the President pointed out, similar authority exists in other areas, and it will only enlarge those powers for this section of the world, under the circumstances which exist there.

I congratulate the Senator from Georgia for the clarity of the statement he has made.

Mr. RUSSELL. I thank the Senator from Iowa. I have been privilged to serve with him for many years. He approaches these problems without the slightest hint of partisanship. He is a great patriot and Senator. No more loyal or dedicated patriot has ever served in the Senate.

Mr. GRUENING. Mr. President, it is always difficult not to accede to a request from the President of the United States especially one which is couched in terms of high principle and national interest. I have no doubt that the President fervently believes that the course he is pursuing in southeast Asia is in the best interests of the Nation.

By long established practice, the Executive conducts the Nation's foreign policy. But the Congress and particularly, by constitutional mandate, the Senate has a right and duty in these premises to "advise and consent." Especially is this true when it is specifically called upon by the Executive, as is the case now, for its participation in momentous decisions of foreign policy. Therefore we in the Senate would be derelict in our duty if we did not individually express our views if those views embody doubt or dissent, and where a vote is called for, to cast that vote as our conscience directs.

As early as March 10, nearly 5 months ago, I took the floor and in an address of considerable length urged that the United States get out of South Vietnam, at least to the extent of participation by our soldiery. Since that time, I have discussed U.S. participation in this area of the world repeatedly. I have stated and restated my view that this was not our war; that we were wholly misguided in picking up the burden abandoned by France 10 years ago after the French had suffered staggering losses running into tens of thousands of French young lives and vast sums of money to which the United States contributed heavily, and thereupon entering upon a policy which would be bound to result, as it has resulted, in the sacrificing of the lives of our young Americans in an area, and in a cause that in my reasoned judgment poses no threat to our national security.

I have repeatedly called attention to the pertinent fact that we, the United States, are going it all alone; that our SEATO allies, the United Kingdom, France, Australia, New Zealand, the Philippines, Pakistan, and Thailand, are not taking part, despite our earnest pleas for them to do so, which pleas may, in recent days, have resulted in a few slight token gestures which are wholly insignificant. I have called attention to the fact, and do again, that whereas American boys are dying in combat although presumably they are there as advisers, no British boys are on the firing line; no French boys are any longer at the front, they appear to have learned their lesson; no Australian youths are being killed; no New Zealand youngsters are being sacrificed; no Philippine casualties are being incurred; and the same may be said for the Pakistanis, despite the fact that we have given them close to a billion dollars in military aid.

In any event, I am convinced that peace will not be established by military means. Sooner or later the issue is bound to be settled at the conference table. Eventually, why not now?

While I am deeply convinced that American security is not involved, the allegation that we are supporting freedom in South Vietnam has a hollow sound. We have been supporting corrupt and unpopular puppet dictatorships which owe their temporary sojourn in power to our massive support. They have scant support from their own people, who have shown little disposition to fight. Hence our steadily increasing involvement. Yet we have persistently alleged that the war cannot be won except by the South Vietnamese. It is not happenning nor will it.

Some weeks ago I urged on the floor of the Senate that the United States take the lead in seeking a cease-fire, and that this be accompanied and implemented by a United Nations police force, as has been done in the Congo and is being done in the formerly troublesome border between Israel and Egypt. It has worked there. It has largely put an end to border strife and killing. Why not try it in South Vietnam, where the cost in lives has already proved infinitely greater?

But the United States has not pursued peace as it has pursued and carried out armed intervention on an ever-increasing scale.

The latest episode—the attack by North Vietnam vessels—on U.S. naval vessels, I consider an inevitable development of the U.S. steady escalation of our own military activities in southeast Asia in recent weeks. I do not justify or condone that attack on our ships. It was both stupid and outrageous. I do not at all disagree with the administration's policy of countering this attack and of not merely repelling the attackers but destroying them and giving them the same medicine which they seek to inflict on our vessels.

But that does not mean that I can approve the whole U.S. policy of active, unilateral military intervention in southeast Asia, and I have expressed myself repeatedly to that effect in the Senate.

I repeat now that I do not consider this our war and that I feel that all Vietnam is not worth the life of a single American boy. We inherited this putrid mess from past administrations, and we should have made, and should now make, every effort to disengage ourselves. We have lost altogether too many American lives already. Unless we reverse our policy, their number will steadily increase.

I regret, and consider it a pity, that both our political parties appear now to be committed to a policy of war in southeast Asia. Yet American public opinion, judged by my mail, is overwhelmingly committed to a different policy—a policy of peace. It apparently at this time has no spokesman in the high councils of either major political party. My mail pours in with virtual unanimity on this subject. It comes from all over the country. It comes from a truly representative cross section of the American people. It includes bishops, deans of schools and colleges, university professors, business executives, teachers, retired Army officers, and it comes from every State of the Union.

The case against the pending proposal to endorse our southeast Asian policy of steadily increasingly escalation, which despite the President's expressed desire not to extend the war, has taken place and will take place inevitably, the case against this pending resolution, was admirably, and in my view—wholly convincingly—set forth in great detail yesterday by the distinguished senior Senator from Oregon, WAYNE MORSE.

I would hope that every Member of this body would have read his comprehensive analysis of how the situation has reached its present tragic involvement before each casts his vote. No one, in the Senate, or elsewhere, can consider himself fully informed to pass judgment on the momentous decision we are asked to make and its involvement of our country without hearing both sides of the argument. The press has given very little of this other side.

Senator MORSE has presented the case for not voting approval of the administration's course. I have long supported a similar view. I do suppport enthusiastically the taking of the latest episode; namely, the attack by North Vietnamese vessels on U.S. naval vessels, and our reprisal, to the United Nations.

But not merely this serious incident which is a part of the undeclared war in southeast Asia, should be considered. The United Nations should not be limited to consideration of that incident by itself. I do not see how it can logically do so. Let us hope—and I do hope—that out of this may come a complete investigation by the United Nations of the whole southeast Asian situation, and that from this may emerge a referral of that situation to the council table.

The joint resolution, Senate Joint Resolution 189, which we are considering in section 2, bases its case in part on the charter of the United Nations. The drafters of this resolution seem to have disregarded several other provisions of the United Nations Charter, which seem to me highly pertinent, indeed far more pertinent.

Article 33 provides:

"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

I submit, Mr. President, that the United States, as well as North and South Vietnam, have totally ignored this specific mandate. Have any of these three parties to this dispute, as this article requires, sought "a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice"?

Mr. President, I ask this question:

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Has the United States, has South Vietnam, has North Vietnam, obviously parties to the long-standing dispute, or have any of our SEATO presumed allies, following the clear prescription of article 33 of the United Nations Charter, sought "first of all"—let me note that the charter says "first of all"—a solution by negotiation?

Have they sought a solution by inquiry?

Have they sought a solution by mediation?

Have they sought a solution by conciliation?

Have they sought a solution by arbitration?

Have they sought a solution by judicial settlement?

Have they sought a solution by "resort to regional agencies or arrangements"?

Have they sought a solution by resort to "other peaceful means of their own choice"?

Obviously, they have not. Obviously, none of the parties to the dispute, "the continuance of which" is certainly "likely to endanger the maintenance of international peace and security," sought any one of the eight means which the United Nations Charter spells out so clearly.

The United States has not only not done so. It has not even attempted to do so.

South Vietnam, whose policies and very existence the U.S. controls, has not done so.

North Vietnam has not done so.

Obviously, the United States, far from being, as Senate Joint Resolution 189 asserts in section 2, "consonant with the Charter of the United Nations," has flagrantly disregarded it.

But to have done otherwise, to have resorted to these peaceful means, namely, "first of all" to "seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means," would have been precisely the policy which I deeply believe we should have followed.

At the very least we should have tried.

But, instead, we have become more and more enmeshed in the folly of an inherited policy, with steady enlargement of the area, of conflict, a steady increase in American participation, and a mounting loss of American lives.

Despite the President's declared worthy purpose not to expand the conflict, the conflict has been and is being steadily expanded. We are adding more advisers, and we are increasing our participation by all three branches of the service—Air Force, Navy, and Army. And with these increases, there will be inevitably an increasing loss of American lives.

It is a difficult and painful decision for me to make, but in good conscience I cannot do other than to vote "no" on the pending resolution.

Mr. Kuchel. Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 189 be printed in the Record at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military, or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

Mr. Kuchel. By way of emphasis I wish to read section 2 of the resolution, as follows:

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. President, this is not the first time that the legislative branch of our Government has been called upon to recognize and to confirm in the President the authority, the duty, and the responsibility resting in him to take such steps as he deems appropriate under our Constitution, to defend our country and our people, and to discharge America's solemn obligations as they may arise through our agreements for collective security with like-minded free nations all around the globe.

I remember the Middle East resolution. I remember the Formosa resolution. Both came to Congress from President Eisenhower. Both were requested so that all might know that the people's representatives in this branch of the Government agreed with the Chief Executive of the United States with respect to the authority he possessed and the circumstances under which he would be compelled to utilize his power.

Those two resolutions demonstrated to all the world the unity, dedication, and solidarity of purpose not only among the representatives of the people in Congress and the President, but among the people of our country as well.

Once again a storm is gathering over a long tormented area of this weary world. Ominous and ugly are the threat and thrust of communism in southeast Asia. The storm may yet be dissipated, but only if the Red regime unmistakably understands that the United States will honor its pledge and assist her SEATO allies in time of peril.

That is the plain intent of the joint resolution now about to be passed by Congress. Let friend and foe alike understand that we—America—shall keep the faith. Our country stands together in the fact of danger. That is the clear meaning of our message. If Communist Asia, even at this late time, carefully assesses the high cost of her contemplated marauding aggressions, peace can return to the lands of her peaceloving neighbors, and the sun will shine again.

Mr. Church obtained the floor.

Mr. Stennis. Mr. President, will the Senator yield?

Mr. Church. Mr. President, without losing my right to the floor, I yield to the distinguished Senator from Mississippi.

Mr. Stennis. I thank the Senator for yielding.

Few persons have had more concern than I during the last 10 years about the growing menace and threat by the Communists to freedom in Vietnam. I have recently taken sworn testimony, classified, from some of our pilots who have been on duty in Vietnam during the last 2 years. I can say with solemnity, but with certainty, that a grave and serious situation already exists on the mainland of Vietnam. We are involved to an appreciable degree.

Someone has suggested that the conditions necessitating this joint resolution are not nearly so serious as those which confronted us when the Formosa joint resolution was before Congress. On the whole, I suppose I would agree. Still, I believe we would make a great mistake if we minimized in any degree the graveness and seriousness of the situation confronting us now.

I do not believe the American people have been sufficiently warned and informed about the gravity of conditions there.

I remember that when the Formosa resolution was before the Senate for consideration a few years ago, a Member of this body, who is no longer with us, said he believed that if the resolution were passed, the United States would be at war in 90 days. That prediction proved to be erroneous. On the contrary, I believe the Formosa resolution helped us to avoid war. I believe this one will, too. That is one of the major reasons why it deserves support.

Today we have no choice. Our flag has been attacked, and our country has been challenged in international waters—on the high seas—where we had a right to be. Our flag and our men have been fired upon. Many hundreds, if not thousands, of our naval personnel could have lost their lives had the torpedoes been more accurately aimed and hit one or more of the destroyers.

We properly gave the aggressors fair warning after the first shot. Then they hit us again. Very properly, we then struck back.

The matter has now been referred to Congress, to see what we will do; whether or not we believe the action taken was right; whether we shall stand on that realistic policy in the future; and whether we are united. Either we must stand our ground or run away. That may be oversimplicity; but if we do not send such a message as that, we are in reality inviting another attack from any nation, large or small, who might wish to push us around.

We have already struck the aggressors a severe blow. Section 1 of the resolution merely expresses the attitude of Congress that we will stand by it and will strike again, if necessary. I believe this firm course, if we take it, may be our last or only chance to avoid what could quickly develop into full-scale war. The joint resolution shows our unity as well as our determination. It also shows that no one dares to attack us without paying a heavy price therefor.

I emphasize that the situation is serious; but it will become far worse if we show the slightest weakness or hesitation. If we must have a showdown, it is far better that it comes before Red China obtains nuclear weapons. Our honor, our safety, and our security are at stake.

For these reasons, I shall vote for and support the resolution. None of us are happy about the situation in Vietnam and about our position there. But that bridge has long since been crossed. We are already there. We dare not run away, certainly not while we

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are under attack. I am sure the people will support this position. They will be given the opportunity to understand more about what is happening in Vietnam.

I commend the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Russell), the Senator from California (Mr. Kuchel), and other Senators for their remarks and their position on this grave matter and endorse their position.

Mr. Church. Mr. President, the ominous events that have taken place in the Gulf of Tonkin merely serve to emphasize how close we are living to the fuse of war. Whether those events have lighted that fuse remains for the future to disclose.

None of us has any doubt about why this joint resolution is before the Senate. It results directly from the Communist attack on the American destroyers. Those ships, when attacked, were on the high seas, where they had a legal right to be. Those ships, from all that we have been told, were not engaged in any aggressive action directed against the shores of North Vietnam.

Our reply to the first attack upon the *Maddox* was confined to the immediate defensive needs of the destroyer. When a second, clearly premeditated attack upon the President chose not to confine over counteraction to the immediate defenses of the ships involved, but to retaliate in kind. Having twice been stung by bees, he chose to strike back at the hive itself. Still the retaliation was limited to the PT base on the North Vietnamese coast, and to the petroleum tanks that fueled the PT boats themselves.

The President is to be commended for the restraint, as well as for the promptness and effectiveness of the American retaliation.

In the narrowest sense, the joint resolution could be supported on grounds of ratifying the action already taken, our right to free access to the seas, and our duty to defend ourselves, in appropriate ways, against attacks upon us.

Mr. President (Mr. Salinger in the chair), I believe that on such grounds alone Congress would be justified in its support of the joint resolution, upon the principle that the punishment was fitted to the crime.

The President has emphasized—and I believe properly so—that in the retaliatory action we have taken, there is not to be read any change of purpose on the part of the United States. He has stated that it is not our policy or our purpose to expand the war. If that expansion occurs, then it will be the choice of others—not our own. I am in wholehearted agreement with the emphasis he has given to the peaceful goals we hope to serve, and to the fact that it is not the policy of the United States to extend the war in southeast Asia.

But, Mr. President, it would not be either candid nor correct to consider this resolution on such narrow grounds.

It is necessary to recognize that our situation today must be viewed within the context of American policy in the Far East; otherwise, our ships would not be in the Gulf of Tonkin, and the serious events of the past few days would not have occurred.

I have had doubts about American policy in southeast Asia. I have expressed those doubts from time to time, in this Chamber, in interviews for publication in newspapers, and in magazine articles I have written. My doubts have not been eradicated by the attacks made upon American destroyers in the Gulf of Tonkin. My misgivings have not been dissipated by the ominous events of the past few days. Rather, they have been intensified. Because who can say that these events are not the natural consequence of the hazards we have assumed by the policy we have adopted in this part of the world?

We had every reason to expect that some such incident might occur. It is a risk we assumed, necessarily, when we chose to intervene, following the defeat of the French, in that great peninsula which was once French Indochina—when we assumed an American responsibility for the future of this remote region of the world.

I have entertained and continue to entertain, serious misgivings about the correctness of American policy in southeast Asia. It seems to me that this policy is more the product of our own addiction to an ideological view of world affairs—an affliction which affects us as well as the Communists—rather than a policy based upon a detached and pragmatic view of our real national interests.

However, my dissent, to the extent that I hold it, and to the degree that I have been able to define it, is not appropriate for this occasion. This is not a time to decry the policy. A country must live with the policy it adopts, whether it be wise or foolish.

We have adopted the policy. It was initiated under the Eisenhower administration, when the original decision was made for the United States to intervene actively in South Vietnam. It has been inherited and upheld by the Kennedy administration, and by the Johnson administration, in the years which have followed.

Congress shares its responsibility for that policy. If we have not formulated it, we have funded it, from year to year, with our votes. Who is there to say that we have not acquiesced in it down through the years?

So, Mr. President, we must accept the consequences of our own actions. We must now face the fact that the difficulties in which we find ourselves are our responsibility, in having chosen to pursue a course of action which exposed us to such hazards.

It is in this spirit that I approach the pending joint resolution. Under the circumstances, we must unite behind the President.

The attack upon us cannot be justified. It was an act of aggression. When this country, or its ships, or its military personnel are made targets of attack, then Congress will uphold whatever action the President takes in defense of American interests and American lives.

I shall vote for the joint resolution in the belief that President Johnson will wisely use the authority conferred by the resolution, and that he will have the same attitude toward it that he has displayed in other crises; namely, an attitude of reason, responsibility, and restraint.

I believe that President Johnson is a man of peace. I believe that he is sincerely interested in doing everything possible to keep the war from spreading, in this seething and dangerous area of the world.

At the same time, I believe that he will uphold the honor and the good name of the United States against any nation that would make itself our enemy.

Mr. President, it is with a heavy heart, with a genuine concern about the future of American policy in Asia, and with a zealous desire that we might examine all of its tenets in the days ahead, that I shall vote for the joint resolution, confident that in a time of crisis the President's hand must be upheld, and that the lives and interests of the U.S. citizens must be protected against all her enemies.

Mr. Gore. Mr. President, will the Senator from Idaho yield?

Mr. Church. I yield.

Mr. Gore. I wish to congratulate the Senator upon an able, candid, courageous, and eloquent address.

With him, I have attended many executive sessions of the Senate Foreign Relations Committee for the past few years in which the subject of U.S. policy and action in the Indo-Chinese Peninsula was under discussion.

The able Senator has lucidly put forward his reservations and doubts. Although I have not publicly voiced my doubts, as has the Senator from Idaho, nevertheless, in the performance of the duty of a Senator to advise and consent, I have, in the executive sessions of the committee, expressed deep concern and I have raised critical questions as the Senator from Idaho will recall, about U.S. policy in Vietnam.

Perhaps I was remiss in not giving public expression to these views. But every Member of this body performs his duty as he sees it. It had been my view that I could perform best and most responsively in executive sessions of the committee.

Now, however, when U.S. forces have been attacked repeatedly upon the high seas, as I said immediately upon the convening of the Senate after the second attack, whatever doubts one may have entertained are water over the dam. Freedom of the seas must be preserved. Aggression against our forces must be repulsed.

I compliment the Senator and associate myself with almost all the sentiments he has expressed.

To go further back, I was one of those who did not think it wise for the United States to undertake this burden after the fall of Dienbienphu. That, too, is history. We must act today in light of facts today.

I join the Senator in the conclusion he reaches in support of the joint resolution. I join him, too, in confidence that President Johnson will act with prudence, caution, and wisdom, and with the courage necessary for the eventualities that may come.

Mr. Church. I thank the Senator very much for his remarks. I appreciate them more than I can say.

VICTORY AND PEACE IN SOUTHEAST ASIA

Mr. Simpson. Mr. President, whatever the reasons may be for some Senators opposing either the language or the purpose of the resolution before the Senate, I am sure that there can be no disagreement on one point—that party lines cease to exist on issues affecting the national security of the United States and of the free world. I rise to lend my whole-hearted support to this resolution. I was heartened by the decision to strike against the naval bases from which the unprovoked attacks on our naval ships were launched. At long last perhaps here is the beginning of the initiative that has been totally lacking in our southeast Asian effort, for it is our purpose not only to "assist in defense," as the resolution states, but to assist in achieving victory against an avaricious enemy bent upon the total conquest of all of southeast Asia.

Mr. President, I support this resolution because in Vietnam there is a crisis in which politics has no part. But, let me say that I sincerely hope that the next time Soviet missiles are implanted in Cuba or the next time Cuban exiles attempt to exercise their rightful prerogatives in fighting for the freedom of what was once known as the Pearl of Antilles the United States will act with spontaneity, enthusiasm, and force comparable to what we have done in Vietnam.

It is tragic that a response as dramatic as our destruction of naval bases upon the territory of a sovereign Asian state was not executed in our own hemisphere in October of 1962 or even earlier—in April of 1961. Had we responded then with arms as well as metaphors, we could have struck a significant blow for freedom and independence in our own hemisphere.

I support wholeheartedly the military action of this Government against the North Vietnamese naval bases, and I support this resolution in the sincere and reverent hope that it indicates an end of our policies of indecision, vacillation, and compromise, and heralds the beginning of that measure of commitment which will forge victory from the Communist-fomented chaos of southeast Asia.

Mr. Pell. Mr. President, I support the pending resolution.

Not only is it important to stand behind our President in this time of tension, when unity is above partisan debate, but I have confidence in President Johnson's prudence and in his determination to avoid any unnecessary widening or escalation of military clashes.

I have full confidence that the President with his wide experience and his intimate knowledge today of the facts of this situation will even further strengthen our efforts toward peace as he seeks to avoid any weakening of our position and purpose.

Still, let us think ahead as we support this resolution. Ho Chi Minh's action cannot have been by error or accident. Therefore, let us practice prudence and play our hand with reason and calmness. If we over-respond, we can, by destroying installations considered vital by Communist China to her national interest, induce an outpouring of Red Chinese soldiers as happened in Korea.

In the days and weeks ahead, this current crisis may—and probably will—worsen. Let us act—and wisely. And, let us resolve here and now, today, in wisdom, and for the sake of our people and Nation, to keep this issue removed from the arena of political conflict and ambition. Rather, let us support this issue in the reasoning place of men's minds which have helped establish for this purpose—the United Nations.

I would hope, too, that other freedom-loving Asian nations, particularly Pakistan, the Philippines, and Japan, might help us carry some of the burdens for keeping the peace in the Far East. It is also their responsibility to participate in this endeavor, which is vital to their safety and security as well. It is my hope that such a sharing of the load may also emerge from the United Nations Security Council.

This country's policy cannot, and must not, be pummeled for the sake of political gain. As an American, I urge leaders of both political parties to exert every effort to keep Vietnam out of this campaign.

I trust the people and press of the world will be aware that as the world's strongest nation and defender of freedom, we will not stand for unprovoked attack or aggression, but at the same time be aware we do not seek material or territorial gain. We only desire freedom, for ourselves, and for peoples of other nations.

Mr. Morse. Mr. President, I suggest the absence of a quorum.

The Presiding Officer. Will the Senator withdraw that request?

Mr. Morse. I shall withdraw it on the condition that the Senator from Kentucky [Mr. Cooper] asks for a quorum call at the close of his remarks, unless I am back on the floor.

Mr. Cooper. That is agreeable.

Mr. Morse. Mr. President, I withdraw the request for a quorum call.

Mr. Cooper. Mr. President, I appreciate the courtesy of the Senator from Oregon.

A few moments ago I directed several questions to the chairman of the Foreign Relations Committee, and I spoke briefly on the joint resolution. I wish now to raise some considerations which I know have addressed themselves to the President of the United States, but which we have the duty, in this debate, to convey to the President of the United States.

I intend to vote for the joint resolution. I shall vote for it not merely because we are required to do so because of recent events. I shall vote for it because it expresses the unity of one purpose to defend our country.

The first section of the resolution supports the President and approves his determination to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression. That is his right and authority. If we have any power to confirm it, we do confirm it. We support him in his power to protect the security of our country and its honor. I join other Senators wholeheartedly in asserting our support of the President.

Earlier, I raised questions about the second section of the joint resolution, although I know it is practically impossible to separate the objectives of the first section from those of the second section. In response to my questions, the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. Fulbright], and I believe, the chairman of the Armed Services Committee, the Senator from Georgia [Mr. Russell], confirmed my viewpoint that in passing this joint resolution we would satisfy the conditions of the SEATO treaty, and would exercise our constitutional function to give the President of the United States authority to do what he determines may be proper and necessary with respect to any situation which affects our security in South Vietnam.

I believe that is the essence of the second section. At least that was the meaning and interpretation given to it by the chairman of the Foreign Relations Committee.

There is no choice so far as the first section of the joint resolution is concerned. If there is any attack upon our troops, our vessels, or our installations, we have the duty, for our security and our honor, to defend our own forces.

Mr. Morse. Mr. President, will the Senator yield?

Mr. Cooper. I am glad to yield.

Mr. Morse. I am not sure I understand the meaning of the Senator's comment on the SEATO treaty. Is the Senator arguing that the SEATO treaty gives us the authority to do what we have done in South Vietnam?

Mr. Cooper. No. What I said is that article IV of the SEATO treaty provides that in the event of an armed attack upon one of the parties to the SEATO treaty, or upon the countries such as South Vietnam included in the protocol, the United States, or any party to the treaty, could take action after resorting to its constitutional processes—which I would assume would mean coming to the Congress for authority.

Earlier today I asked the chairman of the Foreign Relations Committee and the chairman of the Armed Services Committee whether they considered that, by enacting the resolution, the Congress would be exercising its constitutional process, providing to the President power to take such action as he determined proper in South Vietnam in the future?

Mr. Morse. I shall not interrupt the Senator further. I shall discuss the point in detail later. I only wish the Senator to know that, in my opinion, we have violated the United Nations Charter time and time again in South Vietnam, and that we cannot justify it on the basis of carrying out the SEATO treaty.

Mr. Cooper. A few minutes ago the Senator from Mississippi [Mr. Stennis] said that the situation is not simple. We are in a crisis.

I hope that this joint resolution, connected with the resolute action the President has taken, will have effect in bringing the North Vietnamese and the Communist Chinese to their senses, and that they will know that to continue to take aggressive measures could lead to consequences which can hardly be contemplated. And we must know for ourselves the extent of the determinations we are making. Whether we dislike saying it—and there is a tendency to dislike making the statement—it must be said that there is great danger in the situation. The two attacks upon our destroyers indicate a system in the action of North Vietnam or the Communist Chinese.

We remember that, during the early days of the Korean war, the threats of Communist China were not believed—but they were carrid out. We must contemplate, hoping that it will not be true, the possibility of an expanded war. And with an expanded war, which again we hope will not occur, there is the possibility of a great war.

I make this statement because the President has, with respect to our action in South Vietnam, a certain maneuverability, and avenues of negotiation which should be assiduously used, however they may be received.

I have confidence in President Johnson. I know that he is a man of good judgment. I know that he speaks truly when he says it is not our intention to expand the war except as it would be in our own defense. And I know that he is a man of peace. But I hope very much that he will continue to make every effort to find, if it is possible, some solution for the situation in South Vietnam, without the choice of war.

I may not be joined by others in the statement I am about to make, but I have not believed that southeast Asia is the chief area of interest to the United States. We are committed in Europe and believe our chief interest is in the Western Hemisphere and Europe. In the Pacific we are committed to the defense of Formosa, Korea, Japan, and the Philippines. I do not know how widely we can spread our resources and our men in the military forces. It may be argued that this decision has been made, because for 10 years we have been on the present course, in South Vietnam. But I shall still emphasize my hope that the President of the United States will use all of the great powers of his office and of our country to find some peaceful and just solution in South Vietnam, slender as the chance may be.

The Senator from Oregon has argued the subject for months; I have spoken on it. There is still the possibility of reference to the United Nations. There is still the possibility of action through the Geneva powers; and these courses must not be overlooked.

Like many other Senators, I have had some experience in war, an experience which I value above all others. Anyone who has had such experience knows, awesome as it is, that it does not make one less afraid or less courageous. It makes one determined to protect the security and honor of his country. But it makes one also more determined and more thoughtful about seeking out every honorable and just course to avoid the possibility of a great war, and the awful eventuality of a nuclear war with all the sorrow and disaster it would bring to our country and humanity.

I am hopeful that the joint resolution and the President's action will bring reason to the North Vietnamese and the Communist Chinese, and that they will cease their aggressions. But I state my conviction that the President and the Congress have the responsibility to continue to work for ways, consonant with our honor and security, to avoid the great catastrophe of war. If we cannot do so, we stand together to defend, at whatever cost, our country and freedom.

Mr. Javits. Mr. President, I should like to support the position just enunciated, with his usual heart and humanity, as well as wisdom, by my colleague from Kentucky. I rise not necessarily because he needs any support. His word is strong enough in the Chamber and in the world. I rise only because the discussion ties in so closely with the questioning of the Senator from Arkansas on the real meaning and implication of the Southeast Asia Collective Defense Treaty. We who support the joint resolution do so with full knowledge of its seriousness and with the understanding that we are voting a resolution which means life or the loss of it for who know how many hundreds or thousands? Who knows what destruc-

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tion and despair this action may bring in the name of freedom? I hope we shall be very sober in our judgment, as befits the great historic tradition of this body.

We have a right to expect from the President of the United States, who will receive this great grant of confidence, which I am sure the Senate will give by an overwhelming vote, and from the Foreign Relations Committee, which has direct charge of these matters in this body, as vigorous a diplomatic effort as we are authorizing in the other field. We have every right to believe that the nations in the SEATO treaty have interests in this region as great as ours. They may not be able to muster the military power we can, but they certainly can muster some help which will give them a sense of participation. We know they can muster great moral strength. There is a great population in that area. Pakistan has a population of more than 100 million. India, though in dire trouble, is still the counterweight to Communist China. She has a profound interest in what happens in that area. Indonesia, Malaysia, and Thailand have considerable influence. All those strengths must be mustered, in a physical and moral sense. The same is true of France, Great Britain, and others.

I thoroughly agree with the Senator from Oregon [Mr. MORSE] as to the moral strength—although I do not agree with him as to what we have to do in this situation—that must be mustered by the United States, constantly and continuously, to appeal to the conscience of the world, in order to give the world an opportunity to bring about a sense of justice and morality, and an opportunity to act in its own freedom.

In fundamental aspect, the prize that the Chinese Communists are seeking is the possession of the great arsenal of production in Asia, including Japan. The aim of Communist China in respect of Japan is parallel to that which the Soviet Union, in its worst Stalinist days, had toward Germany. They seek a ready-made arsenal in order to develop it quickly——

Mr. LAUSCHE. Mr. President, will the Senator yield? Will he repeat what he just said? I think it is important.

Mr. JAVITS. I thank the Senator. The objective of the Chinese Communists is the great arsenal of production which is Japan, just as the objective of the Soviet Union in its Stalinist days—and probably still is—was the great arsenal of production which was Germany. They are the main bases which the Communists are seeking to capture.

We must understand the deep feeling of every American and every American family on this question. I have already received in my office, as I am sure all other Senators have, numerous telegrams since yesterday on this subject. I was awakened three times between 12 o'clock and 3 in the morning—and I do not complain; I understand the feelings of the families involved—by people in New York telling me how deeply concerned they were and with what prayer and devotion I must determine how to act on the joint resolution.

For those people we have a pledge to use every instrument of diplomacy, as we are willing to use every element of force, necessary to preserve freedom.

We have also another pledge. The Senator from Kentucky [Mr. COOPER] said it was expected that these means should be used with the greatest moderation and understanding of the vital issue with which we are dealing.

Also, and finally, we have the sad duty which generals have in war, of comparing the number of casualties we are willing to endure in order to achieve an objective which will save even greater casualties. Does anyone think that President Truman had an easy decision to make about dropping the bomb on Hiroshima? Yet history records that a million or more lives were saved, devastating as the dropping of that bomb was.

These are dread decisions which great powers must make. They must make them with morality, and with a willingness to walk the extra 10 miles—to paraphrase President Eisenhower—and consider every avenue that means an "out," even if we have to swallow a little pride, in dedicating ourselves to using every means of diplomacy and persuasion on the people of the world, while they have yet time to exercise a choice.

I hope the joint resolution will be administered in that spirit by the President and by the Foreign Relations Committee, which also bears a heavy responsibility as the trustee of all of us here.

It is under those conditions that I shall, with deep knowledge and notice of what I am doing, cast my vote for the joint resolution.

Mr. LAUSCHE. Mr. President, I wish to make some comments with respect to what was said by the Senator from New York dealing with what we obligate ourselves to do by this resolution. Earlier today the Senator from New York made some inquiries on this subject. Other inquires have been made by other Senators.

Under the first section of the resolution, we commit ourselves and authorize the Commander in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

In other words, under the first section, we contemplate that our Government shall repel any armed attack against the forces of the United States and will take such action as is necessary to prevent further aggression.

Section 2 has been rather widely discussed this afternoon. I wish at this time to call attention to certain articles of that section. It deals solely with the Southeast Asia Collective Defense Treaty, SEATO. It empowers the President to determine, limited by the authority of SEATO, what action we shall take in protecting the rights of the members of SEATO. Our obligations under SEATO are divided into two parts.

Part I, in substance, declares that the Government of the United States will join in the protection of its fellow members against any aggression. I wish to emphasize that under the first part of article IV of the SEATO Treaty our Government is only obligated to lend its military forces in instances in which our allies are attacked and such attack endangers the security of our country. I wish to read the first part of article IV, which is applicable to the statements which I have thus far made:

Each party—

That means each party that has subscribed to the SEATO Treaty—

recognizes that aggression—

I emphasize the word "aggression"—"by means of armed attack in the treaty area against any of the parties or against any State or Territory which the parties by unanimous agreement may hereinafter designate, would endanger its own peace and safety, and agrees that it will in that event—"

The question is, What event? The answer is in the event of attack and that in addition thereto it endangers the security of the United States of America, our country will—"act to meet the common danger in conformity with its constitutional processes."

Under article IV of SEATO we are obligated only to give military help to our allied members of SEATO when they are attacked from without. We are not obligated to give them help if they attack nations which are not members of SEATO.

The first half of article IV makes it abundantly clear that under the SEATO Treaty our Government is not obligated to come to the aid of any country unless that country, a member of SEATO, has been attacked by an enemy and that attack endangers our security. Probably I ought to add that the treaty makes it conditional that the countries which attack, and upon which we are allowed to impose our military strength, are Communist countries.

Now we come to the second half of article IV of the SEATO Treaty. The second half deals with no attack upon members. It deals with conduct that does not constitute an attack but which endangers the security of the member countries.

I read the provisions of the second half of article IV:

"If, in the opinon of any of the parties, the inviolability or the integrity of the territory or sovereignty or political independence of any party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this article from time to time apply, is threatened—"

I wish to repeat that—

"is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the parties shall consult immediately in order to agree on measures which should be taken for the common defense."

The second half of this article, dealing with our obligations, provides, in effect, that if one of our allies is not attacked but is subjected to threats and conduct that endanger the security of the country and ourselves, we do not have the obligation to impose our Armed Forces in order to secure a settlement of that threat.

In the second instance, our obligation is only to sit down with the members and consult. We say to the members in that consultation: "None of us has been attacked. Therefore, there is no obligation to impose our arms according to our constitutional processes." In effect, it is further stated that, though we have not been attacked, the practices and the activities to which we have been subjected are a danger to the security of the individual and the composite countries.

In the second half of the section, the members are obligated to consult and determine what the course shall be.

Now I get down to what I term to be the significant aspect of section 2 of the resolution. To the President, Congress assigns the rights that are vested in Congress itself. In the event there is an attack upon an allied country, the United States is obligated to come to its aid against that attack (provided such an attack in the opinion of the United States endangers the security of the United States). In the event there is no attack, we have no obligation whatsoever, except the obligation to consult. I have discussed this aspect of the problem, because today a number of Senators asked questions implying that it was their belief that if South Vietnam attacked North Vietnam, under the SEATO treaty we were obligated to give South Vietnam help. That is not true. We are not obligated at all. We are obligated only when an attack has been made by North Vietnam on South Vietnam. That attack must be in an offensive and, of course, belligerent nature.

I ask unanimous consent that articles IV and the second part of article XI be made a part of the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

"ARTICLE IV

"1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

"2. If, in the opinion of any of the Parties the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

"UNDERSTANDING OF THE UNITED STATES OF AMERICA

"The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2."

Mr. LAUSCHE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, there is no reluctance and no reservation in my support for the pending resolution. The President of the United States has acted with firmness and wisdom. The course of action followed—and apparently decreed for the immediate future as well—has the merit also of embracing directness and objectivity without involving the danger of unlimited hostile activity. There should be maximum unity within the Government on this issue—and this degree of unity is as incumbent on the Congress as on the executive branch.

I believe the President was right in requesting that there be an emphasis in the resolution—indeed, an expressed determination that "all necessary measures" be taken. In effect, congressional authority for future military action in southeast Asia would be delegated to the President—and properly so—by this resolution.

Columnist David Lawrence calls attention today to U.S. Ambassador Adlai Stevenson's speech in the United Nations Security Council yesterday in which he said the attacks on the U.S. Navy vessels in international waters of the Tonkin Gulf were "part of a larger pattern with a larger purpose."

And, as the New York Times this morning declared editorially:

"The lines have hardened. A highly dangerous period has opened. It is a time that calls for coolness as well as determination, for restraint as well as firmness."

Although we can suspect, as Ambassador Stevenson indicated, that the attacks were part of a larger pattern with a larger purpose, I agree with the Times' further editorial comment:

"We still have no real idea of what prompted the North Vietnamese to launch their potentially suicidal adventure. The Nation's united confidence in its Chief Executive is vital. No one else can play the hand. That confidence will be best maintained by a continued adherence to the principles the President himself has enunciated of firmness, but a firmness that will always be measured—a firmness whose mission is peace."

Mr. THURMOND. Mr. President, I rise in support of the resolution which is the pending business before this body.

It is not the United States of America which is the aggressor in southeast Asia. The Communist aggressors launched the attack on U.S. Navy forces in the Bay of Tonkin, and they are the aggressors in Laos and in Vietnam. The United States had no alternative but to retaliate against the unwarranted and unprovoked attack by North Vietnamese on U.S. destroyers.

It is fitting that the Congress express its approval and its support of the determination of the President to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Mr. President, the approval and support which the Congress now expresses for the President to take necessary measures to repel any armed attack against the forces of the United States is not new. This authority the President now has, and, indeed, he has been exercising this authority as well as the authority to assist our southeast Asian allies to repeal armed attacks against their nations and their armed forces.

The resolution which we are considering today does approve a new element which has not, prior to this week, been exercised, and that is the taking of all necessary measures to prevent further aggression. I sincerely hope that the President will take all necessary measures to prevent further aggression, not only against our own military forces, but also to prevent further aggression against our southeast Asian allies. If he does so, it will mean that we are at last abandoning our purely defensive posture in favor of a "win policy" in the war which the Communist aggressors have initiated and are continuing.

It is imperative that victory, not stalemate, be our objective in dealing with Communist aggression in southeast Asia.

Mr. HUMPHREY. Mr. President, I wish to state my support of the joint resolution before the Senate, Senate Joint Resolution 189. I know that this matter is of serious consequence, but I also know that the precedent of a joint resolution to promote the maintenance of international peace and security is well established. I well recall, as I am sure other Senators have in the debate, that in the instance of the Formosa crisis, and in the instance of the Middle East crisis, Congress joined the President in a statement of national security policy relating to our national security interests in those areas. The joint resolution before us follows very much the same guidelines and the same form as the other resolutions to which I have referred.

It is my view that the President has the authority under the Constitution to order the Armed Forces of the United States to protect the vital interests of this country whenever those interests are threatened. In other words, the President was acting fully within his authority when orders were given to the destroyer *Maddox* to repel the PT boat attack from the North Vietnamese.

The President, as Comander in Chief, not only has the authority under the Constitution to use the Armed Forces of the United States for the protection of our freedom and security; he has the duty to do so. In the day and age in which we are living, attacks upon our country often come swiftly. They frequently come at a time and a place in which only a swift response will achieve the purpose of the action. Delayed response would be of no avail.

We live at a time when communications make it possible for an enemy to strike serious blows at our country and to adversely affect our vital interests, and to do it so rapidly and so decisively that unless we can respond quickly, we shall suffer defeat before we even have an opportunity to evaluate what has happened.

So I believe that President Lyndon B. Johnson, in ordering our aircraft to destroy certain facilities of the North Vietnamese regime, facilities which have been used to harass American shipping and to attack units of the American fleet, did what he should have done. He is to be commended for having done it, and is to be respected for the manner in which he took this decision action.

The joint resolution now before the Senate, in the "whereas" clauses, states the facts. It reads:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no teritorial, military, or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it"

All those statements in the "whereas" clauses are facts—known facts of foreign policy and known facts of international life.

This Nation has an obligation to fulfill its treaty responsibilities. This Nation, as a leader of peoples in the free world and of free nations in the world, has the responsibility of assuming the heavy burdens of leadership, which at times includes the defense of helpless people, the defense of defenseless people.

Therefore, Mr. President (Mr. BREWSTER in the chair), the joint resolution before the Senate makes note of the fact "that the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

I do not believe that anyone would disagree that such measures are necessary.

Surely, we cannot permit an unprovoked attack upon the forces of the United States without response. Surely, the Congress would not condone a pattern of international conduct that would deny the fleet of the United States the use of international waters. It is a part of our national history and our national heritage to support freedom of the seas—from the time of George Washington, through the administration of Thomas Jefferson and the incidents with the Barbary pirates, up to this very hour. As a great maritime power, we must insist upon a strict application of international law, insofar as the high seas and international waters are concerned.

Therefore, the attack which was made upon our vessels had to be repulsed; and in repulsing that attack it was essential that the particular facilities in the haven from whence the attack took place should be destroyed.

The second section of the resolution recites once again what has been the policy of this Nation since 1954, insofar as Southeast Asia is concerned.

It states very directly and simply for all to understand.

"The United States regards as vital to the national interest and to world peace the maintenance of international peace and security in southeast Asia."

We are signatories to the SEATO treaty. The South Vietnamese Government—the government of a free country—has asked for our assistance. We have a mutual assistance pact with them. We have given assurances, since the days of the Eisenhower administration, through the Kennedy administration, and now into the Johnson administration, that the obligations of the mutual assistance agreement will be fulfilled.

It is my view that the minute we back away from commitments we have made in the defense of freedom, where the Communist powers are guilty of outright subversion and aggression on that day the strength, the freedom and the honor of the United States starts to be eroded.

I remember a Senator once saying in this Chamber that he doubted very much whether the Communist nations intended to blow the world to pieces; that he thought possibly they intended to pick it up piece by piece.

The more I think of that expression, the more truth there seems to be in it.

The aggressor seeks to bite off piece by piece the areas of freedom. They seek to do it through terror, subversion, and persistent aggression.

We have seen this happen in our own hemisphere. We have watched, for example, how the Castro Communist regime in Cuba used every conceivable means to destroy the free government of Venezuela through subversion, terrorism, assassination, propaganda—every conceivable method, military, economic, and political.

I am of the opinion that what is going on in southeast Asia is a persistent attack on the part of the Communist forces to nibble away at certain areas in southeast Asia which we can call free and independent, to take them one by one—this would include Laos, Cambodia, Vietnam, in the southeast Asia peninsula.

Let us not forget for a single moment that only a few months ago an international agreement was arrived at in reference to the country of Laos, and a man by the name of Souvanna Phouma, who was a neutralist, was elected as the Premier. I can recall when Souvanna Phouma was looked upon as less than desirable to the Government of the United States. But he is the Premier of Laos, and he is attempting to keep the obligations and to fulfill the commitments of the international agreement. All the forces in that little country were supposed to have come together and were supposed to follow the commitments and the terms of the agreement—the rightist forces, the neutralist forces, and the Pathet Lao.

What has happened?

The Pathet Lao, the Communist forces, have waged a relentless attack upon the established regime. Were it not for the Government of the United States resisting, were it not for the Government of the United States attempting to maintain the strength of the established regime and government of Souvanna Phouma, Laos today would be only another Communist-bloc country.

I do not believe that we show any love of peace by letting the Communists take the world over piece by piece. We show no love of peace by permitting unprovoked and unadulterated aggression to take place against friendly and peace-loving nations, or against the Armed Forces of the United States.

What this joint resolution does is to place the elected representatives of the American people in Congress assembled on record as supporting the actions of the Commander in Chief in defense of American sovereignty, in defense of American Armed Forces, and in fulfillment of our treaty obligations and commitments.

A great power must be an honorable power. A great nation must be willing at times to make great and difficult decisions. I would be the last to say that this decision did not have within it the possibilities of even greater troubles ahead. But I do not believe that we can duck these troubles. I do not believe that we can avoid them by pretending they are not there.

I do not believe, if the fleet had been withdrawn from Tonkin Bay area where it was attacked, that it would have made the Chinese any more peaceful, or the North Vietnamese any more considerate of the legitimate rights of the people of South Vietnam. On the contrary, I believe that were we to have withdrawn, or had we pretended it was nothing more than a little incident, all it would have done would have been to feed the beast of aggression. North Vietnam, in concert with the Communist Chinese regime, would have continued to build up its airfields, its depots, its supply lines, and its bases.

So we did what we had to do.

Mr. CHURCH. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CHURCH. Would not the Senator agree with me that there is a proper time to question the merits of a national policy, whether it be in southeast Asia or anywhere else in the world? One of the functions of the Senate is to keep our foreign policy under continuing surveillance.

There is a time to question the route of the flag, and there is a time to rally around it, lest it be routed. This is the time for the latter course, and in our pursuit of it, a time for all of us to unify.

Mr. HUMPHREY. Mr. President, the Senator from Idaho, in his usual and brilliant manner, has stated the case precisely and succinctly. There is not only a time, but there is an obligation on the part of Members of this body to question policy, to express concern if we have a doubt, or to express approval. That is what the Senate of the United States is for. That is why we have the committee structure. That is why we have committee hearings and testimony. There is a time when we can get up and say that the policy ought to go in another direction, and suggest alternatives. And Senators have done so.

But there comes a time when the aggressor may feel that because of our discussions, we are disunited, and he then could launch an attack.

The power that we have today is to be used for the cause of peace and justice. The power that the American people have in their great military establishment is to help other people as well as ourselves in their pursuit of freedom and in their pursuit of national independence and national dignity.

I believe that we are using it for this purpose. I commend the President of the United States, not only the present President, but the others—the late beloved President Kennedy, and former President General Eisenhower—not only because they were at times willing to use the power, but also because they had the moral character to restrain the use of power that was in their hands when that restraint was necessary.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CARLSON. Mr. President, the Senator from Idaho [Mr. CHURCH] has just made a statement. I think I would be less than frank if I did not state, as a member of the Committee on Foreign Relations, that I had several times questioned the policy of this country in southeast Asia.

It seems to me that that time has passed. It seems to me that the President has a responsibility, and that Congress has the duty to insist that our Nation's rights of protection on the high seas be observed, that none of our vessels are fired on, and, that we defend ourselves by retaliatory action.

It seems to me that in dealing with international problems, we must show firmness. We must show strength. For that reason, I support the President's decision in this matter. I shall vote for the resolution.

I had hoped that there would have been some way that we could have arrived at an arrangement in southeast Asia without continually seeming to be escalating the war.

I have watched the progression of this situation for about 10 years. I know that every other member of the Committee on Foreign Relations has, too. It has concerned me greatly. It seems that we take step after step that involves us in a situation from which it is most difficult to extricate ourselves, even by conferences in the United Nations, or meetings in any other area of the country that we might select.

I associate myself with the remarks of the Senator from Idaho. We have reached a place where we have not only to support the President, because he has the responsibility, but we have a duty and a privilege today, and we should exercise it.

Mr. HUMPHREY. Mr. President, I thank the Senator from Kansas. Lest I be misunderstood, I, too, on occasion have expressed concern over certain aspects of our policy in southeast Asia. I have tried to make at times what I thought were constructive suggestions to modify, to complement, or strengthen that policy.

I believe that this must be done. Our objective must be made crystal clear. Our Government is not attempting to accelerate a conflict. Our objective is to achieve stability in the area so that we can then go to the conference table. But we ought to make it clear to the world that we do not intend to sit at the conference table with a Communist gun at our heads.

We do not intend to sit at the conference table while the Communist forces continue acts of aggression against ourselves or against our allies. The Communists must learn sometime that the United States of America and other nations associated with it are not going to be blackmailed by Communist subversion, Communist aggression, and Communist power tactics. They must learn that we are perfectly willing to assume the role at the conference table of negotiation and diplomacy, but only under circumstances in which there is a respect for law and order, and in which there is a respect for national sovereignty.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. I think we can all subscribe to the views expressed by the Senator from Idaho (Mr. CHURCH) as affirmed by the Senator from Kansas (Mr. CARLSON). Of course, we are not supposed merely to take things without questioning. The thought occurred to me that down in the Foreign Relations Committee, where we meet so often, we exercise the power of questioning. When we have briefings and conferences, the individual members of the committee express themselves and ask questions. Most of the time we gain a pretty fair understanding among ourselves and the representatives of the State Department, the executive department, and the military who come before us. I do not know of any problem that has been considered more frequently and more vigorously than the problem of southeast Asia, not merely Vietnam, but also Laos, Cambodia, Thailand, and the entire area of southeast Asia, but particularly the Indochina states.

It has not been one that we merely accepted. Some of the thoughts that have been exchanged in the Foreign Relations Committee have been helpful to the State Department and the Defense Department in trying to meet the problems. I fully agree with the Senator from Kansas that this is a responsibility of the President. When Presi-

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dent Eisenhower proposed, in 1953, the Formosa Straits resolution, I spoke on the floor of the Senate regarding that resolution. At that time I said that the resolution was not necessary, that the President had full power and authority to pronounce this policy and to carry it out. I related it back to the Truman doctrine in the Greece-Turkey situation in 1947. The Senator will remember that President Truman came before Congress and said, "This is what I have done. This is the program. I wish you to appropriate the money to carry out."

I have always felt that the President had such power. However, I supported President Eisenhower's resolution on the Formosa Straits issue, and I supported the resolution on the issue involving the Near East, because the President made it clear, as it is made clear at the present time, that what he wanted was a show of unification on the part of the country. Such an expression is provided in the joint resolution before the Senate. It is inherent in it, and it certainly has been in the expressions of the President.

There is one provision in the joint resolution which particularly pleases me, and it follows up closely the resolution relating to the Formosa Straits, the Near East resolution proposed by President Eisenhower, and the Cuban resolution proposed by President Kennedy. It recognizes the power of the President to do these things in defense of our country on the high seas. But it calls for support from the Congress and from the people of the United States. For that reason I believe it is a good resolution, and I think it fully complies with the requirements that all of us would expect.

Mr. Humphrey. I say to the Senator from Alabama that the analysis of the joint resolution and the work of the Foreign Relations Committee, not only at times in the offering of such resolutions or in passing upon them, is exactly my understanding of the constitutional powers of the President and the reason for this type of joint resolution. The President does have the power. The joint resolution in no way would weaken his constitutional prerogatives or powers, but it would place behind the President, as a demonstration to the American people, and to the world the fact that the Congress of the United States, representing the people of the United States, supports the action that has been taken. Indeed it not only supports it but, is strongly behind it.

I think that is very important. I call to the attention of the Senate the fact that the Communists have a way throughout history of engaging in aggressive attacks during our election years.

They have some sort of feeling that possibly the country is disunited. One of the most revealing experiences each time is how, regardless of party preference or individual views, the American Congress and the people of our country unite. That has been true in the present instance. The President of the United States consulted and spoke with members of both parties who were called to the White House. Officials of the Government have been to the Congress. The President of the United States was in contact with the standard bearer of the Republican Party. All united in support of the action that was taken and the joint resolution.

Mr. Sparkman. It is a mobilization of the strength of democracy.

Mr. Humphrey. Mr. President, I should like to yield to the Senator from Montana.

ORDER FOR LIMITATION OF DEBATE

Mr. Mansfield. Mr. President, I ask unanimous consent that there be a time limitation of 3 hours on the pending joint resolution, 2 hours to be given to the Senator from Oregon [Mr. Morse], and 1 hour to be divided between the majority leader and the minority leader, and that a vote on the joint resolution occur at 1 o'clock tomorrow afternoon.

I ask unanimous consent that the provisions of rule XII, clause 3, requiring a quorum call, be waived.

The Presiding Officer. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

"Unanimous-Consent Agreement

"*Ordered,* That effective at 10 a.m. on Friday, August 7, 1964, debate on the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia shall be limited to 3 hours, of which 2 hours shall be allocated to the Senator from Oregon [Mr. Morse], and 1 hour to the majority and minority leaders, and that a vote on the passage of the said joint resolution shall be taken at the hour of 1 p.m. on said day, August 7, 1964.

Mr. Bartlett. Mr. President, will the Senator yield?

Mr. Humphrey. I yield to the Senator from Alaska.

Mr. Bartlett. I have had deep doubts about the wisdom of our policy in Indochina, with particular reference to Vietnam. I have expressed those doubts many times on the floor of the Senate and elsewhere.

I have feared that there might be an escalation of the war, but I never dreamed that its possibility would come from such causes as have been noted during the past several days.

Mr. President, it has seemed to me that the basic need—that of inspiring the people of South Vietnam to fight for their freedom, to bring into being a government of stability, a government that would be free of Communist influence—has been too often lacking, despite the massive help that we have given in that far-off land.

The distance between the United States and southeast Asia has been one of the basic difficulties we have encountered. It has been said repeatedly that that part of the world is vital to our national security. There can be doubt on that point. I have never felt, that the proposal as advanced by President de Gaulle, that the war in southeast Asia should be negotiated, was worthy of derision from us or from anyone else. I thought that the proposal should be considered carefully. I believe that; and I have had no reason to change that view, that in the long run the only satisfactory one of concluding what is a desperate situation, not only for the South Vietnamese, but also for us, could be arrived at around the conference table. But it has been apparent from the start—so far as I was concerned at least—that we should not go to the negotiating table from a stance of weakness. We must, first, set up a system there through military strength, through desire on the part of the South Vietnamese themselves, where negotiations might be conducted on a basis of equality.

But whatever my views or the views of others on this sorry situation may have been, the fact remains that they now must be considered in the light of what has happened this week. For me there will be no difficulty in voting for the joint resolution which is now being considered by the Senate. All Americans must unite behind their President and behind their Government in the hope, as the President has so frequently expressed during the past few days, that there will be no further developments in the war, that the strikes which we have made, after acts of aggression have been committed against us, will constitute a sufficient warning, and that even now, in this hour of crisis, the dangers will be resolved, and that at a date not too far distant, peace may be restored to those unhappy lands.

Meanwhile, it is my intention to vote tomorrow for the joint resolution.

For me, there is no alternative.

I wish we had never committed ourselves to the course of action upon which we embarked several years ago. But we did. And now we have been attacked. Our honor, our integrity, our vital interests are assuredly now at issue. We can do but one thing as I see it—unite behind the President.

Mr. Humphrey. Mr. President, I thank the Senator from Alaska for his comments. I conclude by saying that the Senator from Minnesota will vote for the joint resolution.

I invite the attention of our countrymen to the fact that the desire of the Government is for peace with justice; the desire of the Government is for the cessation of hostilities in any part of the world; the desire of the Government is not to extend or to expand the struggle or the war in southeast Asia; the desire of the Government is to have nations live by their commitments, their treaty obligations, and to respect the sovereignty and independence of the nations in that area. This Government has as its objective the fulfillment of its treaty obligations; and our action in southeast Asia is directed toward that purpose.

I commend the President and hope that the joint resolution will be overwhelmingly supported.

Mr. Byrd of West Virginia. Mr. President, I rise to support the joint resolution to promote the maintenance of international peace and security in southeast Asia. The deliberate and unprovoked military attacks by the North Vietnamese upon our naval vessels created a situation in which the President was forced to take immediate and firm action. The action was taken, and all Americans can be proud of the firmness which our military forces have displayed. It has been a firmness, without giving the appearance of being tough, and I feel that the exercise of restraint, in the use of the overwhelming power which we possess in the area immediately affected, has created a very favorable impression throughout the free world.

While the initial incident appeared at first to be an isolated event, subsequent aggressive action by the North Vietnamese indicated that the attacks were planned and carried out for purposes concerning which we are not fully aware even at this moment. For the United States to have vacillated or hesitated would have encouraged further acts of aggression, and, in my judgment, we had only one course to pursue in the upholding of our country's honor and in the protection of its immediate and long-term security. That course was taken. We should be under no illusions as to the grave consequences which may follow in the train of events which have recently transpired. We may be confronted with an escalating Vietnamese war, and the danger of deeper U.S. involvement must be faced up to. We know not what lies ahead. We do not know what the next Red move may be, but we can hope that the resoluteness and determination which have already been displayed by our Commander in Chief and our military forces will duly impress the North Vietnamese and Red China and indeed the Soviet Union, and that the Communist regimes in those countries will not dare to discount the danger to world peace involved in further provocative behavior.

The people of America share with other freedom-loving nations the fervent hope that reason will prevail and that peace can be restored in the Far East. Nonetheless, the unity and determination of the American people, through their representatives in Congress, should be manifested in terms which are certain and clear. It is imperative that the resolution be adopted unanimously and with promptitude. As a member of the Senate Committee on Armed Services. I voted this morning to favorably report the resolution, and I am now ready to support its adoption

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by the Senate. Our country is not interested in the plunder of aggrandizement, but our country is bound to resist every peril to our security and the security of the free world. Action, not words, should be the order of the day.

Mr. MORSE. Mr. President, as the record of the Senate already shows, the majority leader and I had a conference a few moments ago, in which a unanimous-consent agreement was reached that the Senate would resume tomorrow morning at 10 o'clock, that we would vote at 1 o'clock tomorrow afternoon, that the senior Senator from Oregon would be allowed 2 hours of that time, and that the other hour would be divided equally between the majority and minority leaders.

I shall make my major rebuttal speech at that time, but for just a few moments tonight there are certain facts I want to put into the RECORD, so that they will be in the RECORD tomorrow.

Yesterday I made a major speech in opposition to the pending resolution. I now incorporate that speech by reference and stand on every word I uttered.

In that speech I said the United States was a provocateur, along with South Vietnam, North Vietnam, Red China, and the Pathet Lao in Laos, and possibly on some occasions, Cambodia, and that the United States must assume and be charged with its share of responsibility for a series of provocations that have led to the crisis which now exists in Southeast Asia.

I repeat it tonight. I am satisfied that there is no question about it.

Mr. President, we have stood in violation of the United Nations Charter for years in South Vietnam. Even the neutral commission composed of representatives from India, Canada, and Poland found North Vietnam and South Vietnam in violation of the articles of the Geneva accords. The South Vietnam violation was due to the military operations of the United States in South Vietnam. That is our provocation.

As will be seen before I finish these brief remarks tonight, we have not reported our military buildup in South Vietnam to the United Nations under article 51, which is a clear treaty obligation of the United States. We have never done it, Mr. President.

So the senior Senator from Oregon does not modify in one iota his charge that contrary to its treaty obligations, the United States has been a provocateur in southeast Asia along with South Vietnam, North Vietnam, Red China, the Pathet Lao in Laos, and possibly Cambodia.

No one can possibly justify the attack on American ships in Tonkin Bay off North Vietnam. The senior Senator from Oregon, from the very beginning, has been highly critical of it and has condemned it.

As in domestic criminal law, crimes are committed, but they are sometimes committed under provocation. The provocation is taken into account by a wise judge in imposing sentence.

Some provocative factors were involved, which I mentioned yesterday, but I want to mention them again tonight for the record. On Friday, July 31, South Vietnamese naval vessels—not junks but armed vessels of the PT boat type made available to South Vietnam by way of our aid program—had bombed two North Vietnamese islands. One island is approximately 3 miles and one approximately 5 miles from the main coast of North Vietnam.

As I made clear this morning in the committee meeting, the United States did not act in a vacuum with respect to that bombing. The United States knew that the bombing was going to take place. The United States has been in close advisory relationship with the military dictatorship we have been supporting as a military protectorate in South Vietnam for quite some time. We knew for quite some time that the dictator of South Vietnam has wanted to go north. We know that recently there was a big demonstration in Saigon, staged pretty much by students, but there were others, and in response to a speech made by Dictator Khanh, the cry was, "Go north, go north, go north," which meant that the cry was for escalating the war into North Vietnam.

We also know that as a result of that incident, which ended in an incident of some riot proportions, in that the rioters pulled down some memorials which had been erected to the French dead in Saigon, General Khanh and Ambassador Taylor had some diplomatic conversations. Most Senators have read that the latest diplomatic conversation had taken place at a party out in the country, at an estate, which Khanh and the Ambassador had attended. The stories which came out of that meeting were to the effect that they had resolved their differences and that there was a recognition on the part of the general that the United States would not favor an extension and expansion of the war to the north.

On Friday, July 31, the war was escalated to the north. That is not a matter of junks seeking to bring in supplies. That is not a matter of South Vietnamese intelligence people being slipped into North Vietnam or of North Vietnamese intelligence agents being slipped into South Vietnam. This was a well thought out military operation. These islands were bombed.

When these islands were bombed American destroyers were on patrol in Tonkin Bay, and they were not 60 or 65 miles away. What I am about to say I can say without revealing the source and without violating any secrecy.

It is undeniable that in the patrolling operations of our destroyers in Tonkin Bay the destroyers have patrolled within 11 miles and not more than 3 miles off the coast of North Vietnam. The reason that these are the figures is that there is a conflict between the United States and North Vietnam. North Vietnam claims that her national waters go out to 12 miles. She is not the only country in the world that claims it. The United States takes the position that national waters extend only 3 miles. I believe our position is absolutely right. I believe the weight of international law is in favor of us. I think the so-called exceptions which are often cited in international law cases, which certain proponents seek to use to throw doubt over the whole principle, are exceptions which apply in geographic locations in the world and are special in their nature. Some Latin American neighbors claim not only 12 miles, but, in some instances, more than 12 miles, particularly when they think extending the national waters beyond 12 miles may give them great commercial advantages in respect to fishing rights.

I only mention it in passing to show that this fact is a point of international law which is frequently under considerable dispute and controversy.

I repeat my premise. There is no question about the fact American naval vessels, in their legitimate rights of patrol in Tonkin Bay, patrolled within an area of 3 miles for 11 miles in extent.

They patrolled under 12 miles to demonstrate that we did not recognize any 12-mile limit, and stayed beyond 3 miles to make it clear that we respected and abided by what we thought was the international law right of North Vietnam.

We had the international right to do that. The senior Senator from Oregon has never taken the position that we have no right to patrol in Tonkin Bay in international waters. It ought to be done with discretion. If we wish to argue in one breath that we are against escalating the war, we have a little difficulty in the next breath justifying, in my judgment, the course of action that we followed in respect to South Vietnamese bombing of the two islands 3 to 5 miles off the coast of North Vietnam, and then having American naval vessels, a part of our Navy, so close to the North Vietnamese coast, although in international waters, as they were on Friday, July 31, when the bombing took place.

Oh, Mr. President, the Pentagon and the State Department throw up their hands in aggrievement if anyone suggests, as I did in my speech yesterday, that their very presence there is subject to the interpretation that they were a backstop. All the protestations on the part of the State Department and the Pentagon cannot change a physical fact. The Presence of those ships in that proximity to the North Vietnamese coast, while an act of war was being committed against North Vietnamese coast by the bombings of those islands, was bound to implicate us. We are implicated.

One can deny, deny, and deny, but the fact that the ships were that close while the bombing took place is bound to be interpreted as a provocation, and also must be considered when we look at the matter of the reaction to it as an extenuating fact.

Mr. President, I do not know exactly the mileage location of the American naval vessels while the bombing took place. I do not know whether it was 4 miles, 11 miles, or 20 miles. But the very fact that these ships were in that general area of Tonkin Bay, where they could have given, if it became necessary, protection, in my judgment implicates the United States.

It is bound to be looked upon by our enemies as an act of provocation; and it makes us a provocateur under the circumstances.

It is difficult to find out exactly what happened in regard to the ultimate attack on the *Maddox* on Sunday. The bombing took place on Friday. But I think I violate no privilege or no secrecy if I say that subsequent to the bombing, and apparently because there was some concern about some intelligence that we are getting, our ships took out to sea; that is, they changed their course, instead of remaining close to the mainland of North Vietnam, as they had a perfect right under international law to do. But as a result of the concern that was caused by the bombardment by the South Vietnamese—our ships went a considerably greater distance from the shores of North Vietnam. Approximately 60 miles offshore was the point at which the attack by the North Vietnamese PT boats took place.

That was an act of aggression on their part against the United States. There is no question that we were clearly within our rights in replying with force and sinking their ships, if we could. Apparently we did sink one of their ships. That closed that incident.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. MORSE. I shall be glad to yield.

Mr. LAUSCHE. The Senator just made the statement that, on the basis of certain intelligence received by, I assume, the commander of the *Maddox*——

Mr. MORSE. I am not going to comment on that. I think I have said all that I have a right to say within the proprieties.

Mr. LAUSCHE. There has been no proof of any kind whatsoever that any intelligence was received, except as to the pursuit by the PT boats of our *Maddox*. So my question is, On what basis does the Senator from Oregon say that we received certain intelligence that our ships were being attacked?

Mr. MORSE. I did not say that. Read the record. Have the record read back.

Mr. LAUSCHE. Will the Senator please state, then, what his understanding——

Mr. MORSE. If it will help the Senator, I will repeat what I said. I had pointed out that after the bombardment of the islands,

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the American ships, from the point where they were, took out to sea a greater distance.

Then I made the comment that it was my understanding that on the basis of intelligence reports there was some concern about the situation. I did not say what the Senator said I said. I do not think I should say it. I do not believe the Senator from Ohio should say it, either.

Mr. LAUSCHE. I am glad to have the Senator's information.

Mr. MORSE. I do not think the Senator from Ohio should say it either; but on the basis of intelligence reports, a decision was made that our ships should go farther out to sea. That is all I have said.

Mr. LAUSCHE. Does the Senator mean on the basis of knowledge, or on the basis——

Mr. MORSE. It is on the basis of what the Senator from Ohio and I heard in a secret session of the committee. I think I have said all I should say. I merely say that there was a change in our patrol policy, that our patrol boats went farther out to sea and were followed by the PT boats of North Vietnam.

Finally, on Sunday, they were close enough together for the engagement to take place.

Mr. LAUSCHE. So that we may have an understanding, our *Maddox* did go out to sea; but according to my recollection, that had no relationship to what had happened on the islands. It had a relationship to the pursuit that was being made by the PT boats of our *Maddox*.

Mr. MORSE. I have not said it had a relationship to what had happened in the islands. I am merely saying—the conclusion I am about to make in a moment is—that we had naval craft in the area of Tonkin Bay, where the enemy, in my judgment, had good reason to believe that there was a cause-to-effect relationship between the bombardment and our naval boats, and that our authorities knew of the bombardment. It does not make any difference whether the *Maddox* knew of the bombardment. Our authorities had the right to put the *Maddox* wherever they wanted to put her. The fact is that our authorities knew of the plans for the bombardment. The conclusion I was about to make is that they made a great mistake, in my judgment, in having our ships as close as they were to the mainland of North Vietnam when that bombardment took place, for they assisted the North Vietnamese to draw the conclusion that there was a relationship between the American patrol boats and the boats bombarding the islands. I think that was the only interpretation we could expect the North Vietnamese to make; and it would be exactly the same interpretation the United States would make under reverse circumstances.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield further?

Mr. MORSE. I yield.

Mr. LAUSCHE. The exchange of our words will not solve this problem. However, I am obliged to say that my recollection of what has been testified to is completely inconsistent with what the Senator from Oregon has stated.

Mr. MORSE. The Senator from Ohio is entitled to his interpretation of what we both heard. I am satisfied that my interpretation is unquestionably correct as to what happened to those ships.

The point the Senaor from Oregon is making is that if we had knowledge—and we did have knowledge—that there was to be a South Vietnamese bombardment of the islands, we should not have had our ships anywhere in the area. In my judgment, we ought to have had them well beyond the 60 miles where the engagement finally took place. But there is no question that they were much closer to the North Vietnamese coast before that engagement took place. In fact, they were trailed out to 65 miles by the PT boats.

My point is, if we are to talk about provocation, that the United States was a provocateur by having any ships anywhere within striking distance or bombing distance; and the South Vietnamese boats did bomb those islands. We should have been completely out of the scene.

If Senators want my opinion, a "snow-job" is being done on us by the Pentagon and the State Department in regard to that bombardment. Not only had we full knowledge of it, but it was being done with our tacit approval. If we did not want to escalate the war into North Vietnam, that was the time for the United States to stop escalating.

Mr. LAUSCHE. I recognize the absolute sincerity of the Senator from Oregon in the statement he had made. I hope that he will also recognize that I am trying to be sincere.

Mr. MORSE. No one could be more sincere than the Senator from Ohio. We are just poles apart in regard to what our obligations and actions ought to be in South Vietnam. The Senator from Ohio favors the program that we are following, which, in my judgment, is a historic mistake. I oppose it. Two men could not be more sincere.

Mr. LAUSCHE. I should like to state my judgment as to what the evidence shows. Our Government had no knowledge of any nature about the attacks which were made upon the two islands by the North Vietnamese. The *Maddox* was miles——

Mr. MORSE. Do not talk about the *Maddox;* talk about our American officialdom in Saigon, and our American officialdom in the Pentagon and the State Department. I state categorically that they knew the bombardment was going to take place before the ships ever moved up there.

Mr. LAUSCHE. Let me state to the Senator from Oregon that there is not a syllable of such testimony in the record which has been taken in the several days we have been listening to witnesses supporting the declaration made by the Senator from Oregon.

Mr. MORSE. There was complete admission that that was known.

Mr. LAUSCHE. It is the judgment of——

Mr. MORSE. It was written out in cold print.

Mr. LAUSCHE. It is the judgment of the Senator from Oregon based in a measure upon his wish that that happened, because that is in conformity with the position that he has taken. There is no testimony in the——

Mr. MORSE. I shall ignore the——

Mr. LAUSCHE. Of any kind that——

Mr. MORSE. I shall ignore the implications of that snide remark.

Mr. LAUSCHE. That is not a snide remark.

Mr. MORSE. It certainly is a snide remark, but I shall ignore the implications of it and state categorically that high officials of this Government have admitted on the record that they were aware of plans for the bombardment, but that they had nothing to do with it, they said—but they were aware of it.

Mr. LAUSCHE. There is no testimony to that effect whatsoever. That is an inference made by the Senator from Oregon as to the——

Mr. MORSE. Get permission of the State Department or the Pentagon to publicly release the whole of the transcript without a single word deleted and let the country know what they said.

Mr. LAUSCHE. I should like to discuss this subject a little further, but we shall not reach any conclusion, except I must say that I disagree fully with the statements made by the Senator from Oregon.

Mr. MORSE. I know that the Senator from Ohio has good hearing, but on that occasion I do not believe that he was hearing very well.

I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. I shall be brief.

I shall be unavoidably absent from Washington tomorrow, having been of the view that the vote on this resolution would take place tonight. I have been unable to change my plans.

I state for the record that I strongly support the pending joint resolution. Were I present here, I would vote for it. I dislike to make the statement to the distinguished Senator from Oregon (Mr. MORSE) that my prognosis is that the resolution will pass.

Mr. MORSE. The resolution will pass, and Senators who vote for it will live to regret it.

Mr. President, to pick up where I left off, the point I am making is that I believe that when the United States became aware of the fact that South Vietnamese planned to bomb the two islands, the United States should have moved in and done everything it could to prevent an escalation of the war.

In my judgment, that act constituted a major escalation of this war. The escalation has been speeding up at an increased tempo ever since. I had made the point that there were naval boats in Tonkin Bay in much closer proximity to the two islands, 3 to 5 miles from Vietnam, than the 60- to 65-mile location which the *Maddox* had reached on Sunday when the attack took place, the bombardment taking place on Friday.

Mr. President, I wish to make it clear that it is quite irrelevant and immaterial whether the captain of the *Maddox* knew anything about the bombardment of the island. He was not conducting a war. He was under orders. I am taking the criticism that, in my judgment, American armed vessels should not have been as close to the islands as they were on Friday, July 31. In my judgment, that gave cause for the North Vietnamese to assume that there was a cause-and-effect relationship between the bombardment by the South Vietnamese vessels and the presence of the American naval patrol boats in Tonkin Bay at the location where they then were.

I repeat that I believe we not only had every right, but we had the clear obligation to protect our men aboard, to protect the vessels, and proceed with the military action by way of the response that our vessels gave to the PT boats of the North Vietnamese who were attempting to torpedo them.

On Tuesday, the next incident occurred. I agree with those who have expressed perplexity as to why the North Vietnamese on Tuesday night in a storm after 9 o'clock, apparently at night, attempted another armed attack on our vessels.

It certainly was within our right, and I believe our clear duty in order to protect the men aboard and the vessels, to respond with military action designed to sink the attacking vessels.

Mr. President, that action on both Sunday and Saturday night was completely within the realm of international law. We were completely engaged in acts of self-defense. We had every right to respond with force.

I now come to the delicate question. I come to the one, Mr. President—and I make the statement respectfully—about which many people wave the flag into tatters. That is the subsequent action, when our ships were not under fire, in which the United States escalated the war to the mainland of North Vietnam, and the United States selected for itself targets on the mainland of North Vietnam to bomb. We know that that was substantial bombing. We know that that involved the bombing of the areas where their naval vessels were harbored, and that it involved the bombing of ammunition dumps and oil locations.

I do not care how one tries to spell it. I do not care with how much political fervor by way of semantics we attempt to describe it. The fact is that the United States was not protecting any ships at that time.

Mr. President, we either believe in settling

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international disputes by resort to the procedures of international law or by resort to war. We cannot cut this one both ways. After the second attack in defense of our ships in which we engaged, unless we expect to be charged with engaging in acts of aggression, we should have immediately laid our case under the United Nations Charter before the Security Council of the United Nations. In my judgment, we were dead wrong in proceeding to bomb the establishments on the mainland of North Vietnam and then out of the corners of our mouths saying, "Well, we are not seeking to expand the war. We do not want to widen the war. We are just going to defend ourselves."

Mr. President, bombing those sites was not necessary for self-defense at that point. At that point the United States was guilty of an act of aggression. The United States could no longer after that say that the war was being escalated only by South Vietnam, for the United States then escalated the war into North Vietnam. It is my judgment that it violated its obligations under the United Nations Charter, for there is nothing in the United Nations Charter that justifies such an act of aggression under those circumstances.

What a much stronger position we would be in keeping with our oft-repeated professing that we believe in the substitution of the rule of law for the jungle war of military might as a means of settling disputes between nations.

Mr. President, we should have resorted to the United Nations then.

Oh, say some in their patriotic speeches, that would have been putting our tail between our legs and running.

What nonsense. I should like to use an argument by analogy in the field of domestic law. We lawyers know that there are few controversies between people that can be more heated than a dispute over a boundary line between property owners. The lawbooks are full of remarkable accounts of what human frailties cause people to do sometimes over a dispute involving boundary lines. So let us take my farmers A and B. They have one rough argument over a boundary line. The disputes took place for some time. Finally one day A and B met in the area of the disputed boundary. A pulled a gun on B, shot at him, and missed him. B, exercising his right to defense, knocks him down, takes the gun away from him and beats him up, and B goes back home. On his way back home he says, "I have more guns."

Now, A was in the right and B was in the wrong. B was the aggressor; A was the aggressed upon, and he had a just cause for assault or a more serious crime—assault with intent to kill. Instead of taking his charge to the courts, going down and getting the sheriff to take jurisdiction and proceeding to take the course of judicial process, suppose A decided he would invade B's home and destroy the guns that he might have in his home. We know what would happen under domestic law to Mr. B under those circumstances. In the second case he would now be the aggressor.

I use the analogy, but I do not apply it beyond the point that I now make, and that is that after the second attack, there is no question that we had North Vietnam dead to rights in any charge we might bring before the United Nations. And that is where we should have gone. Let us face the foreign policy that we decided to follow. That is what I meant yesterday when I pointed out that apparently the line of American foreign policy in southeast Asia is the line that we shall demonstrate to them that we shall use force, and that there will be more force to come if they do not desist from violations of their international obligations. When I say "they," I mean North Vietnam, Red China, the Pathet Lao, and others on that side of this war.

That is the policy that the United States apparently has been trying to get away with. It is a policy that asserts that if we merely use enough force, and make clear by way of enough threats that it will be pretty bad and hard on them if they do not fold and yield to our threats—if we follow that course of action, we shall avert the danger of war. Under that policy we greatly increase the risk of a full-scale war in Asia. But whether we did or not, that policy cannot be justified as a matter of principle, because that policy cannot be reconciled with our obligations under the United Nations Charter. In my judgment, we ought to abide by our treaty obligations.

Although I know the point I have just made is highly unpopular with those who think we ought to do just as we please under the circumstances and then, after we dominate the battlefield, go to the United Nations, and that that is the policy of my Government. It is dead wrong. It is wrong in principle. It is wrong in morality. It is wrong also because it cannot be reconciled with our professing that we do not believe in the use of military might as the weapons to be used to settle disputes that threaten the peace of the world. To the contrary, we claim a belief in a resort to the rules of reason as they are embodied in treaties we have signed, such as the United Nations Charter.

So I say we are a provocateur. My colleagues become excited and seem to think I am guilty of some heinous accusation without any substantiation in fact. We would have been in a stronger position before the eyes of the world tonight if, after we had responded, as we had a right to respond Tuesday night, to the attack on our ships, we had on Wednesday laid that issue before the United Nations and asked the United Nations to proceed to take action encompassed under the jurisdiction of the United Nations. Oh, no. We had to proceed to bomb the mainland of North Vietnam on the basis that we had the right to do it in self-defense because they had attacked our ships on the high seas.

We have a right to do it if we want to make war, but then we should not deny that we have a policy of war when we say we are seeking peace. It is hypocrisy to say out of one side of one's mouth, "We only want peace," but to say from the other side of the mouth, "But we are justified in committing acts of war."

Issues of international litigation are involved in this case. There would not be a system of justice on the domestic front if we allowed people to shoot each other up while a trial was being conducted to determine whether the shooting of A by B was justified.

Mr. President, other arguments were made today. Several Senators think they help their case by voting for the joint resolution if they make statements in the RECORD such as were made today, to the effect "We want it understood that, although we are going to vote for this resolution, it is very important that we make clear to our allies that they come in under the SEATO Treaty and be of help to us."

They asked questions as to whether or not the resolution gives assurance of it. There is not a word of it in the resolution. There is not a word in the resolution that involves any commitment by anybody that there is going to be any help under the SEATO Treaty. All we say is that, because of the SEATO Treaty, we are going to do certain things.

It was said by one of my good colleagues that Great Britain was involved elsewhere, and that Pakistan and India are involved elsewhere. With hundreds of millions of dollars of American military aid under the foreign aid of past years, they are maneuvering themselves into a position where they can conduct a war against each other—with American equipment—if somebody pulls the trigger and a battle starts over Kashmir.

As I have been heard to say on the floor in recent weeks, even the foreign minister of Pakistan stood up in the Press Club in Washington, D.C., and publicly stated that they had no intention of helping us in South Vietnam. As the CONGRESSIONAL RECORD will show, I made the statement that we should make it clear that we are cutting off military assistance. That would be a good thing, anyway, from the standpoint of maintaining peace between India and Pakistan, because they could not carry on a war very long if the United States did not constitute to pour millions of dollars of the American taxpayers' money into those countries by way of foreign aid.

We were told that Australia is stepping up its assistance and that she is going to increase the number of men she has sent there. He forgot to say that the offer of Australia was to increase the manpower contribution to the war in Vietnam from 30 to 60. Mr. President, do not think you misunderstood me. That is the figure—from 30 to 60 men.

As I said to the Secretary of State when he made the announcement some weeks ago, he insulted my intelligence and the intelligence of the American people.

There was one other condition in that great offer on the part of Australia to expand its contribution and help in South Vietnam. Perhaps, in 4 months, they may be able to have six cargo planes available.

Of course, if there is one thing we can get along without, it is cargo planes. We have our own surplus of them.

Mr. President, when we run down the list of allies, we find none of them offering to send boys to do any of the dying in South Vietnam. The dying will have to be done by American boys and South Vietnamese boys.

If any Senator thinks he is a face saver, in connection with a vote from this joint resolution, on the basis that the resolution is going to help increase the cooperation of our allies under SEATO in the conduct of the operations in South Vietnam, I say there is not a word in the resolution that would justify any such hope or implication.

Another Senator thought, in the early part of the debate, that this course would not broaden the power of the President to engage in a land war if he decided that he wanted to apply the resolution in that way.

That Senator was taking great consolation in the then held belief that, if he voted for the resolution, it would give no authority to the President to send many troops into Asia. I am sure he was quite disappointed to finally learn, because it took a little time to get the matter cleared, that the resolution places no restriction on the President in that respect. If he is still in doubt, let him read the language on page 2, lines 3 to 6, and page 2, lines 11 to 17. The first reads:

"The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

It does not say he is limited in regard to the sending of ground forces. It does not limit that authority. That is why I have called it a predated declaration of war, in clear violation of article I, section 8 of the Constitution, which vests the power to declare war in the Congress, and not in the President.

What is proposed is to authorize the President of the United States, without a declaration of war, to commit acts of war.

It is not a new position for the senior Senator from Oregon. I opposed the Formosa resolution in 1955. I opposed the Middle East resolution in 1957. I will say something about those resolutions in a moment.

Let us go to section 2 of the pending joint resolution. Line 9 reads:

"Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia collective defense treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed forces—"

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It does not say "excluding the use of the Army." It does not say "including the use only of the Navy." It does not say "including the use of the Air Force." It says, "including the use of armed force." That is all branches of the Military Establishment, and nuclear as well as conventional weapons "to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. President, it is as broad as the Military Establishment. A Senator cannot get any consolation out of that by hoping that, if he votes for it, the President cannot send out large numbers of ground forces.

U.S. FORCES TO BE COVERED INCLUDE THOSE IN SOUTH VIETNAM

I was very much interested in the comments of several Senators in the debate this afternoon in regard to the SEATO Treaty. I say most respectfully that the SEATO Treaty will not help any Senator, either. The resolution supports "all necessary measures to repel any armed attack against the forces of the United States."

We have forces of the United States in South Vietnam. I should like to ask the proponents of the joint resolution, before the debate is over, to tell us whether the language "all necessary measures to repel any armed attack against the forces of the United States" includes our Armed Forces in South Vietnam, which now include troops, vehicles, tanks, and aircraft. Apparently we are pouring more in. There is no question that we have more than 20,000 troops there tonight. Does this language mean an authorization to become full combatants in the civil war if there is an attack on any segment of our forces in South Vietnam?

Let us face the issue. I do not believe there is any doubt that we are being engaged, in an increasing tempo, in escalating this war into North Vietnam. I am not sure that we shall be able to stop there. We may take it into Red China before we are through. I am also satisfied that we shall become combatants along with the South Vietnamese in the civil war. That is exactly what they would like.

They have done a very poor job settling their own civil war.

Here is a country, as I stated in my speech last night, of 15 million population. Here is a country, with its armed forces of 400,000 to 450,000 men, engaged in a civil war with a group of Vietcongs—South Vietnamese, too—of not more than 35,000. The testimony before our committee is that it is probably in the neighborhood of 25,000. Fifteen million people, with an armed force of 400,000 to 450,000 soldiers, cannot bring under subjugation a dissident group of 25,000 or 35,000 people, in spite of the fact that the American taxpayer has poured $3½ billion into South Vietnam. Whom do they think they are fooling? They will not fool the American people indefinitely.

The French Government tried that. For 8 long bloody years they did a pretty good job of fooling the French people. But after 240,000 casualties, including 90,000 killed, and thousands upon thousands badly wounded, the French people pulled down the government. They said, "We have had enough. We are not going to sacrifice any more French manhood."

Unpopular as it is, I am perfectly willing to make the statement for history that if we follow a course of action that bogs down thousands of American boys in Asia, the administration responsible for it will be rejected and repudiated by the American people. It should be.

Mr. President, this problem in Asia cannot be settled by war. The problem in Asia requires a political and economic settlement. It requires a negotiated settlement. It requires a conference table settlement. It requires the application of reason, not bullets.

I cannot understand what is happening to my country. I cannot understand what makes people think that way. There are not many at the grassroots of America who think that way. People in positions in Government think that we can entrench ourselves as a military power in Asia and bring about a peaceful solution of the problem. The result will be that the yellow race will hate us more than it hates us already. If the yellow race has not made clear to the white man that Asia is not his fort, I do not know what the white man has to learn by way of an additional lesson.

The place to settle this controversy is not by way of the proposed predated declaration of war, giving to the President the power to make war without a declaration of war. The place to settle it is around the conference table, the only hope mankind has for peace; namely, the United Nations.

With all its shortcomings, if we destroy it—and we would destroy it with a war—not much hope will be left.

NO LIMITS ON WORDS "FURTHER AGGRESSION"

Before the debate is over tomorrow I should like to have the proponents of the resolution comment on the fact that the resolution continues with the words "and to prevent further aggression."

I should like to have the proponents spell that out. Further aggression against whom? Further aggression by whom?

I should like to have them spell out the provisions of the SEATO Treaty and the United Nations Charter with which our actions are consonant. If we are engaged in helping South Vietnam repel an armed attack, we are obliged under the SEATO Treaty and under article 51 of the U.N. Charter to report it to the Security Council. We have not done that through all the years.

Some of my colleagues in the Senate object to my calling the United States a provocateur. Our constant, repetitious violation of our treaty obligations under the U.N. Charter, which I set out by documentation yesterday in my speech on the floor of the Senate, is clear provocation. We have said to our potential enemies, "We are going to do what we want to do, and you can like it or not." Not so many weeks ago Adlai Stevenson lent his lips in the Security Council to say, in effect—in my judgment to his historic discredit, and it would have been better if he had resigned as Ambassador—as the representative of the United States at the United Nations that the United States was going to do what it wanted to do in Asia, and they could like it or not.

That is not the world statesman for whom I campaigned in 1952. No, Mr. President; we are a provocateur nation. We have provoked trouble because we have not even kept our commitments, either under SEATO or article 51 of the United Nations Charter, by carrying out the requirement of the reports that we are pledged to make, and by placing the issue before the U.N.

Yet we are saying to the world, "All we want is peace." Our Secretary of State says that we will have peace if the countries of North and South Vietnam will do exactly what we want them to do. In essence, that is what the position of the Secretary of State adds up to. There would not be lawsuits, either, if one of the parties would do what the other wanted him to do. That is what the controversy is all about.

FIRST OBLIGATION IS TO FOLLOW U.N. CHARTER

I do not agree with the North Vietnamese. I do not agree with the Vietcong. But we must face up to the fact that they, too, have their international rights; and the place to settle the controversy over international rights and obligations in this modern day is not on a battlefield, but around the conference table, where the procedures or authorities that set forth the rules of international adjudication will prevail.

The great Senator from Alaska [Mr. GRUENING] in his speech this afternoon, cited that important article of the United Nations Charter that places upon every signatory thereto the obligation, first—that is spelled "f-i-r-s-t"—to seek to resolve disputes by way of adjudication or mediation or arbitration or conciliation or negotiation. In that great speech, the Senator from Alaska cited the disputes, and then, in one rhetorical question after another, asked: Have we taken it to arbitration? Have we taken it to conciliation? Have we taken it to mediation? Have we taken it to negotiation? Have we taken it to conference? The answer is that the United States has a grade of zero on that examination. We have flunked the course.

To Senators who object to my suggesting that the United States is a provocateur nation, I say we have a dismal record—so dismal that it spells out the word "provocateur." I listened to a couple of my colleagues on television last night. They had heard the senior Senator from Oregon charge that we are a provocateur nation. So I was all ears. I thought I was going to hear the case that we are not. But there was no case.

It is so easy to say that these things should not be said; that they create disunity and misunderstanding. So long as there is any hope to win a peace and stop a war, the senior Senator from Oregon will state the facts as he honestly believes them to be. When those facts involve misdoings of my own country, it is all the more important that they be stated.

Mr. President, we have a great historic opportunity to strengthen the cause of the rule of law in the world. But we cannot strengthen it and make war at the same time.

The Senator from Alaska [Mr. GRUENING] said again today, as he said a few weeks ago, that what is needed is an agreement to enter into a cease-fire order. Why have we not proposed it? That is the kind of speech Adlai Stevenson should be making at the United Nations. I am greatly disappointed that the other signatories to the United Nations Charter have not been proposing it.

Are we so powerful that they dare not bring up a case to which we are party without our consent? I am exceedingly disappointed that North Vietnam, South Vietnam, the Pathet Lao, the United States, and Red China have not had the rules applied to them in connection with the war in southeast Asia, because that war cannot be reconciled with the United Nations Charter and the obligations in respect thereto by the signatories thereof.

But, say Senators, Red China is not a member of the United Nations. Red China does not have to be a member of the United Nations for the signatories thereto to take jurisdiction over a threat to peace of the world. Where do Senators get the idea that the United Nations does not go into action unless all the countries involved in a threat to the peace of the world are members of the United Nations? Senators should re-read the Charter of the United Nations. I have read it for the benefit of the Senate. It has occurred time and time again during the last 5 months.

I say with great sadness in my heart that many of the signatories to the United Charter have failed mankind by not having brought before the United Nations this threat to the peace of the world in Asia, in all of its aspects.

Some Senators said to me today, "What is the matter with you, WAYNE? Don't you know that we now have this situation in Tonkin Bay before the Security Council?"

Certainly. We had another one before the Security Council a while back, when the little prince in Cambodia kicked us out of Cambodia, and said, "We have had enough of you. Get out. We don't want any more of your aid." Then he filed charges against us for violating his borders, after we had been caught redhanded and had a helicopter shot down after it had dropped a fire bomb and burned a village, killing 16 civilians. Unfortunately, the American boy who was flying that helicopter was sacrificed. We quickly apologized. But, as I have said does anyone think that that apology would have been forthcoming if we had not been caught? We would not have heard about the incident. I am satisfied that that was not the only violation of Cambodia's borders by both South Vietnam and the United States. We heard about this one only because we got caught.

What about all the threats and actions and incidents that preceded that in the Gulf of Tonkin? Why have they never been submitted to the Security Council?

Here we are about to authorize the President of the United States to do whatever he wishes and use any armed force he likes, not in the Gulf of Tonkin, but anywhere in southeast Asia. But there is no "southeast Asia" question before the U.N.

Why not? If there is not a breach of the peace and a threat to international peace and security there, I do not know what is.

All of South Vietnam for the last 3 years has been a threat to the peace. Why is not that situation placed before the U.N.?

We do not get much consolation out of our sorry record of not having reported our courses of action under article 51 of the United Nations Charter. I hope some Senators tomorrow will have something to say about that. I have a long list of interesting fallacious arguments and exhibitions of wishful thinking that were expressed in the debate this afternoon; but I shall reserve them for tomorrow.

Mr. President (Mr. HART in the chair), I close by commenting only on previous resolutions passed in the Senate: Formosa, the Middle East, and Vietnam.

I ask unanimous consent to have printed in the RECORD in parallel column form, as shown in the paper which I hold in my hand, a comparison of those resolutions.

There being no objection, the statement was ordered to be printed in the RECORD.

VIETNAM	CUBA	FORMOSA	MIDDLE EAST
Whereas naval units of the Communist regime in Vietnam, in violation of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area but desires only that they should be left in peace to work out their own destinies in their own way; now, therefore, be it	Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and	Whereas the primary purpose of the United States in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and	
	Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any state against an American state shall be considered as an attack against all the American states, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and	Whereas certain territories in the west Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores, Whereas such armed attack if continued would gravely endanger the peace and security of the west Pacific area and particularly of Formosa and the Pescadores; and	
	Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from contracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union; and Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it	Whereas the secure possession by friendly governments of the western Pacific island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States and the Republic of China, which recognizes that an armed attack in the west Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it	
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.	*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States is determined— (a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere; (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and	*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.	*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.

VIETNAM—continued	CUBA—continued	FORMOSA—continued	MIDDLE EAST—continued
SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any protocol or member state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.	(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.		SEC. 2. The President is authorized to undertake in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace and preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed force to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism; *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.
This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress, except that it may be terminated earlier by a concurrent resolution of the two Houses.		This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.	This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

Mr. MORSE. Mr. President, in connection with these resolutions, several Senators stated this afternoon that the United States was not asking for any more in the resolution now before the Senate than has already been asked for in the past, as though that were a sound argument. What has that to do with whether or not we pass the pending joint resolution? If we made mistakes in the past—as we have done, in my judgment—we should not make another one now.

I did not make those mistakes. With that great liberal, the former Senator from New York, Herbert Lehman, who in my 20 years of service in the Senate has had no peer, I joined in 1955 in opposition to the Formosa resolution. At that time, I pointed out, as I have done in the course of this debate, that it, too, was a preventive war resolution. By a preventive war resolution at that time, we meant that it was a resolution that, first, sought to give the Secretary of State and the Chairman of the Joint Chiefs of Staff the authority to make a strike against the mainland of China before an act of aggression had been committed by China against the United States.

As a result of the argument in committee over that statement, Mr. President, the Senate will remember that we received the famous Eisenhower White House statement, in the course of that debate, to the effect that the President and he alone, would make the decision as to what course of action would be followed under the resolution.

I stated that that was not good enough for me. I do not intend to give to any President the power to make war by way of a predated declaration of war. I argued then, as I have argued in this historic debate, that the power to make war is vested in the Congress and not in the President. I voted against it.

With reference to the Formosa resolution there was a reference to the President, and I quote from it:

"That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

The same principle is embodied in the pending joint resolution.

The Middle East resolution was another predated or undated declaration of war resolution, giving to President Eisenhower predated declaration of war power in the Middle East. That will be found in the Middle East resolution:

"Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end if the President determines the necessity thereof, the United States is prepared to use Armed Forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism."

Clear authorization of what I stated at the time, and repeat tonight, was an unconstitutional power to be vested in the President of the United States.

CUBAN RESOLUTION DELEGATED NO POWER TO PRESIDENT

Now we come to the Cuban resolution. The interesting thing is that the Cuban resolution was not a resolution designed to vest any power in the President. That fact has been lost sight of in debate this afternoon. Senators have stated that we did this in the Cuban resolution. The answer is that we did not.

I voted for the Cuban resolution. I voted for the Cuban resolution because that constitutional power of Congress was not delegated to the President in that resolution.

In a statement I wrote to my constituents on October 2, 1962, discussing my vote on that Cuban resolution, I stated:

"On September 21, I joined 85 other Senators in voting for the following resolution on our relations with Cuba: 'The United States is determined (a) by whatever means necessary, including the use of arms, to prevent the Marxist-Leninist regime in Cuba from extending, by force or threat of force, its aggressive or subversive activities to any part of this hemisphere; (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and (c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.'

"Earlier, I had joined in signing a unanimous joint report from the Foreign Relations and Armed Services Committees, recommending adoption of this resolution. The report was made following hearings at which we heard from Secretary of State Rusk and William P. Bundy, Director of the Office of International Security Affairs of the Defense Department.

"They described in some detail, in closed session, the nature and technique of the sea and air surveillance we maintain over Cuba, and over activities on this narrow island. It was from this observation that they were able to say that the military activities in Cuba are still of a defensive nature and not now an offensive threat to the United States.

"The resolution, unlike the Formosa and Middle East resolutions, is not a delegation of warmaking power to the President. It is a statement of U.S. foreign policy. It is one I heartily endorse, and one which should be read carefully and with sober consideration in both Havana and Moscow."

Mr. President, I close by reading the full language of the Cuban resolution. I have just made a distinction between the Cuban resolution, the Formosa and the Middle East resolutions—and now the southeast Asia resolution, which is as different as night from day.

The Cuban resolution provided:

"Whereas President James Monroe, an-

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nouncing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers 'to extend their system to any portion of this hemisphere as dangerous to our peace and safety'; and

"Whereas in the Rio Treaty of 1947 the parties agreed that 'an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations'; and

"Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: 'The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union'; and

"Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

"(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

"(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

"(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

Mr. President, there is not one word authorizing any power to be vested in the President of the United States.

Senators have forgotten the record made when we debated, in connection with the Cuban resolution, what is proposed under the southeast Asian resolution. That question was debated on the floor of the Senate.

I say with sadness, in view of the situation in the Senate tonight, that when the Cuban resolution was being considered, a substantial number of Senators served clear notice that they would not vote for it if it sought to authorize any power in the President of the United States.

Out of deep affection and great love for President Kennedy, I say that President Kennedy did not ask to have any authority authorized in that resolution as far as the Presidency was concerned. I have no quarrel with that statement of foreign policy. I would have no quarrel with that statement of foreign policy applied to southeast Asia.

Under that statement of policy, doors are left open and the obligations remain clear, to resort to the peaceful procedures set forth in the United Nations treaty, and set forth in our other treaty obligations.

I close, Mr. President, by saying, sad as I find it to be to have to say it, that in my judgment there is no course of action that I could possibly follow in keeping with my conscience and my convictions in regard to my constitutional obligation under the oath that I took four times when I came into this body, but to vote against the joint resolution tomorrow. In my judgment, this resolution, no matter what semantics are used, spells out the ugly words: "Undated declaration of war power to be vested in the President of the United States."

Congress has no constitutional power to grant such authority to the President of the United States. The only difficulty is that under our constitutional system, I know of no way that we can get it before the Supreme Court for a constitutional determination.

Mr. President, I yield the floor.

[From the Congressional Record, Aug. 7, 1964]

Maintenance of International Peace and Security in Southeast Asia

The Senate resumed the consideration of the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia.

Mr. Mansfield. Mr. President, yielding myself still more time under the limited arrangement, I ask unanimous consent to have printed in the Record a telegram sent by Joseph J. Lombardo, commander in chief of the Veterans of Foreign Wars of the United States, to President Johnson on August 5, on the subject of action in the Tonkin Bay; a telegram sent to President Johnson by E. H. Reeder, rear admiral and national president of the Reserve Officers Association on August 5; and a copy of a WTOP editorial, which was broadcast on August 5.

There being no objection, the telegrams and broadcast were ordered to be printed in the Record.

The President,
The White House,
Washington, D.C.:

I take this occasion to express to you the unreserved support of the Veterans of Foreign Wars of the United States for your decision to take prompt retaliatory naval action against vessels and supporting installations in Communist North Vietnam. Such deliberate Red attacks on our ships in international waters were a threat to our national security and our Nation's prestige that could not go unchallenged. The V.F.W., with a membership of 1,300,000 oversea combat veterans, firmly believes that the only language Communist aggressors understand is the language of power. Thus your decision to retaliate against the Communist bases should have a sobering effect on the Red leadership seeking to destroy freedom in southeast Asia and undermine the security of the United States.

Joseph J. Lombardo,
Commander in Chief, Veterans of Foreign Wars of the United States.

The Honorable Lyndon B. Johnson,
President of the United States,
The White House,
Washington, D.C.

My Dear Mr. President: The Reserve Officers Association of the United States wishes to convey to you the unqualified support of its members in the courageous action you have taken in defense of our Nation's position in Vietnam.

E. H. Reeder,
Rear Admiral, USNR,
National President.

Editorial Broadcast, August 5, 1964, Over WTOP Television and Radio

This is a WTOP editorial.

The aggravated crisis in the Far East may very well be a corollary to the recent pattern of events in that part of the world. During the last several months the United States has assumed an increasingly active role in the defense of South Vietnam, with an ever-greater application of military strength. Everything that has been said recently by highly placed American officials indicates a growing unwillingness to tolerate any prospect of defeat. The defense of the free areas of southeast Asia has become a vital American interest, and the war in South Vietnam is not a major—not a subsidiary—American effort.

It can be speculated that these changed circumstances have drawn a deliberate Communist response in the Gulf of Tonkin. There, the attacks on American destroyers might be interpreted to a Communist probe to learn whether, in southeast Asia, we really mean what we say and whether our policy has turned a good deal tougher. Under this reasoning the incidents in the international waters of North Vietnam are a test of the credibility of our intentions.

If this is the case, the U.S. actions this week ought to be wholly convincing—perhaps more convincing than Hanoi and Peiping bargained for. President Johnson, with bipartisan concurrence, ordered a sharp counterattack on a limited number of North Vietnamese shore installations. And by so doing, the President—faced with his first serious international flareup—has proved his readiness to use force when force is required.

Of course, this is a risky business, as international confrontations always are. But there are occasions when an act of war can be a step toward peace. And as President Johnson has told the Nation, "Our mission is peace"—that, and the defense of American commitments which cannot be abandoned.

This was a WTOP editorial, Jack Jurey speaking for WTOP.

Maintenance of International Peace and Security in Southeast Asia

The Senate resumed the consideration of the joint resolution (S.J. Res. 189) to promote the maintenance of international peace and security in southeast Asia.

Mr. Mansfield. Mr. President, on my own time, I suggest the absence of a quorum.

The Acting President pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Mansfield. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The President Office (Mr. Salinger in the chair). Without objection, it is so ordered.

Mr. Morse. Mr. President, I shall proceed to discuss briefly the points that I did not cover in detail last night with regard to the pending joint resolution.

The Presiding Officer. How much time does the senior Senator from Oregon wish to yield himself?

Mr. Morse. I yield myself such time as I may need.

Mr. President, in view of the debate which took place last night, which we did not contemplate at the time we entered into the unanimous-consent agreement, as I have stated to the majority leader, I wish now that we had fixed the time to vote at 12 o'clock today. There is little remaining to add, by way of rebuttal, to what I said last night, except the points that I shall cover this morning. However, I do want to discuss in some detail the predated declaration of war aspects of this unfortunate resolution.

I hope, as I said to the majority leader, that the defenders of this unfortunate resolution will come to the floor of the Senate and give a defense of it in answer to the points that I made in rebuttal last night and shall amplify this morning. I am waiting for their replies.

I have a little reply of my own to make this morning to the Washington Post. There is a very fallacious editorial in this morning's Washington Post entitled "Democracy's Response." I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

"DEMOCRACY'S RESPONSE

"Congress is responding with commendable promptness and with an almost unanimous voice to President Johnson't request for support in the Southeast Asian crisis. The

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President consulted the leaders of both Houses and then asked for a supporting resolution not only because he felt the necessity for congressional approval of what is being done, but also because he wished to demonstrate before the world the unity of the American people in resisting communist aggression. The unity has been demonstrated despite the reckless and querulous disent of Senator Morse.

"There is no substance in Senator Morse's charge that the resolution amounts to a 'predated declaration of war.' On the contrary, it reaffirms the longstanding policy of the United States of aiding the States covered by the Southeast Asia Collective Defense Treaty in the protection of their freedom as a contribution to international peace. It pledges military action only to resist aggresion against American forces in that area. Of course, the President has authority to respond to attacks upon American forces without any approval in advance by Congress. So the resolution means only a recommitment of the Nation to the policy it has been following—an almost unanimous recommitment in the fact of the inexplicable North Vietnamese challenge.

"This means of reasserting the national will, far short of a declaration of war, follows sound precedents set in other crises. President Johnson noted in his message to Congress that similar resolutions had been passed at the request of President Eisenhowever in connection with the threat to Formosa in 1955 and the threat to the Middle East in 1957. The same course was followed in 1962 at the request of President Kennedy to meet the missile threat in Cuba. None of these emergencies led to war. Rather, the firm action that this country took interrupted Communist maneuvers that might otherwise have led to war.

"Congress ought to be very pleased with the now firm establishment of this mechanism for meeting an emergency with a united front. Reliance solely upon the power of Congress to declare war as a last resort would not be appropriate in these days of repeated crises short of war. A resolution of support for the executive arm in meeting an emergency has all the virtue of rallying national strength behind a firm policy—without taking the calamitous step of war in this nuclear age. We surmise that the almost unanimous sentiment behind this resolution on Capitol Hill reflects appreciation for the President's sharing of responsibility as well as support for the tough punishment for aggression that he initiated."

Mr. Morse. The Washington Post has demonstrated in editorial after editorial that it does not have a good constitutional lawyer on its editorial staff. The editorials published in the newspaper demonstrated that fact constantly. In an editorial which appeared in this morning's issue of the newspaper there appears the following statement:

"There is no substance in Senator Morse's charge that the resolution amounts to a 'predated declaration of war.' "

One wonders whether or not the editorial writer has ever read the joint resolution. No one can read the joint resolution and the authority proposed to be given the President in the joint resolution without recognizing that it would clearly authorize the President to proceed to follow whatever courses of action are necessary in his opinion; and such action would constitute authority to conduct war.

I should like to make an additional comment on a statement in the editorial in reference to resolutions passed by previous Congress. In the body of the editorial the statement is made:

"President Johnson noted in his message to Congress that similar resolutions have been passed at the request of President Eisenhower in connection with the threat to Formosa in 1955 and the threat to the Middle East in 1957. The same course was followed in 1962 at the request of President Kennedy to meet the missile threat in Cuba."

The editorial writer apparently had not read, or certainly had not read recently before he wrote that editorial, the Cuban resolution, for there is no similarity between the Cuban resolution on the one hand and the Formosa, the Middle East, and the pending resolutions on the other hand.

But returning to the comment of the Washington Post that there is no substance in Senator Morse's charge that the resolution amounts to a "predated declaration of war," I should like to read for the benefit of that unenlightened editorial writer of the Washington Post page 2 of the joint resolution:

"*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President."

Not the Congress, but of the President—"as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

The joint resolution thus gives the President warmaking power.

I shall come to another section of the resolution—same item in a moment. The Commander in Chief, the President of the United States, has the inherent constitutional power immediately to defend the United States in case of an attack, but he does not have the inherent power after that immediate defense to proceed to make war. That is the distinction which this unenlightened editorial writer of the Washington Post has never grasped.

Mr. President, the right of immediate defense is something quite different from the right to proceed to lay out a campaign of war. Under the joint resolution the President would be given the authority to go beyond immediate self-defense of the United States and proceed with a war campaign. That is why I say today, as I said in 1955, and as I said at the time of the Middle East resolution, that such resolutions constitute a predated declaration of war. The Washington Post editorial writers ought to consult with Senators who occupy high positions in the Senate on the other side of the issue in connection with the defense activities of the country. They might be surprised to learn that they are not quarreling with the Senator from Oregon in regard to the effect of the joint resolution. The joint resolution does propose to give to the President of the United States authority beyond the inherent authority that he already possesses to act immediately in national self-defense.

Mr. President, that is a very important distinction in constitutional law. The Senator from Oregon repeats that, under the Constitution, the President has no power to wage war until a declaration of war is passed by the Congress. The joint resolution is a contravention of article I, section 8, of the Constitution, just as the Formosa resolution and the Middle East resolution were contraventions of the Constitution and caused the senior Senator from Oregon in the debate on those two resolutions to take a stand in opposition. As one of the Armed Services Committee leaders of the Senate told me this morning, "Wayne, there is no difference between the position that you are taking today and the position that you have taken consistently with regard to the other resolutions. No one can really quarrel with your conclusion that the joint resolution does go beyond the inherent authority of the President to act in the self-defense of our country and does vest in him authority to proceed to carry out a campaign that amounts in fact to the waging of war."

Mr. President, I do not believe we should do it. It is not necessary to do it. There is inherent power in the President as Commander in Chief under the Constitution to meet an attack immediately, and then come to the Congress of the United States asking for a declaration of war. We should require those steps, rather than give the President blanket authority under the joint resolution to proceed to wage war without a declaration of war.

Ah, but it may be said, and is said, by some in conversations with me, "But, Wayne, a President would not do that for very long."

I do not care whether he does it for a short time or a long time. It is not necessary for him to do it, so long as he has the inherent authority to meet attack with immediate self-defense actions.

As I said in 1955, I believe it is important in these trying times that we not extend and expand the authority of the President of the United States beyond the limits of the Constitution.

It may be said that if the President should commit an unconstitutional act under the joint resolution, or if the joint resolution in effect, as argued by the Senator from Oregon, is an attempt to give to the President an unconstitutional power, he can be checked. I wish I could say that he could be. The difficulty in relation to these constitutional questions as they involve the Presidency of the United States is that we do not have a procedure for having them tested in the U.S. Supreme Court. That has been the subject of great discussion, concern, and debate among constitutional lawyers for many decades. It is difficult to bring the President of the United States before the U.S. Supreme Court. Our constitutional fathers provided for other procedural checks upon the President of the United States, one of which is impeachment, which, of course, is unthinkable when we have a President who seeks only in the exercise of his powers—though he may be mistaken in regard to having exceeded an inherent power—to protect the interest of the United States. But that is a check that is provided in the Constitution. Then, of course, we check the President in regard to the purse strings by way of appropriations.

We have the authority, of course, to check the President by way of appropriations, with his ancillary check on Congress of the veto. It is not impossible to eventually get a case before the Supreme Court involving the warmaking powers of the President, but the legal road could be long and tortuous. The time consumed would make the question moot by the time it was decided as far as the emergency is concerned will give rise to the issue in the first instance.

When Congress passes a joint resolution such as this, it is practically impossible—in fact, I think it impracticable—procedurally to have the power checked, on constitutional grounds, before the U.S. Supreme Court. I do not know, and I know of no constitutional lawyer who has ever been able to point out, a procedure by which we could bring the President before the Court on the charge that he was making war unconstitutionally. I can hear the Court, in refusing jurisdiction, say, "Congress will have to follow the procedures set out in the Constitution for checking the President."

So I am concerned about the resolution in respect to its giving to the President what I honestly and sincerely believe is an unconstitutional power—that is, the power to make war without a declaration of war. It feeds a political trend in this country that needs to be checked. For some time past in this Republic we have been moving in the direction of a government by executive supremacy.

It is very interesting to listen to the arguments that one hears for extending and expanding the power of the White House. It is extremely important—and I speak soberly and out of a depth of great sincerity—that we never grant a single power to any President, I care not who he is, that in any way cannot be reconciled with that precious fundamental foundation of our Republic; namely, a system of three coordinate and coequal branches of Government.

It is dangerous to the freedoms and liberties of the American people to vest in any President, at any time, under any circumstances, power that exceeds the constitutional concept of three coordinate and coequal branches of Government.

The American people will quickly lose their liberty if you do not stop feeding the trend toward Government by executive supremacy. In my opinion, the joint resolution would do just exactly that. It would give to the President of the United States an authority which, in my judgment, he does not need, by any stretch of the imagination. He has inherent power to react, in the self-defense of this Republic, in the event of an immediate attack.

It is particularly essential that we continue to require a President of the United States to conform to article I, section 8, of the Constitution, in regard to making war, and that we continue to hold any President—I care not who he is—under the strictest restraint with regard to the making of war.

We have entered an era of civilization in which an unconstitutional act of war on the part of a President of the United States can lead to nuclear war and the end of this Republic, no matter how sincere a President may be in his intentions in respect to exercising the power to make war.

We need to be on guard in respect to vesting power in the White House. The White House has plenty of power under the Constitution. I am for giving the White House no more power than the Constitution gives him.

I have heard sincere colleagues on the floor of the Senate—and I respect them—differ with me in regard to the effect of the joint resolution. There are also colleagues on the other side of the issue who have come to me and said, as did one who discussed it with me this morning, "WAYNE, there is no doubt as to the effect of the resolution that you are pointing out, and that you pointed out in 1955. It bothered me in 1955; but we have every reason to count on the fact that the President of the United States will not abuse the power."

Mr. President, I do not think he would deliberately abuse the power, but he could most sincerely exercise the power in a manner that would result in great damage to this Republic.

There is an elementary rule of law which states that when we come to deal with procedural matters, if a procedure is subject to abuse we had better change the procedure.

My majority leader, who always is courteous to me and was exceedingly courteous to me in arranging the format for this debate, has heard me say many times as we have served together in this body that we should never forget that our substantive rights are never any better, and can never be any better, than our procedural rights. Our procedural rights determine our substantive rights. There are no substantive rights unless there are procedures for implementing them.

I have said many times—and the statement should be applied to this issue, because it is applicable—let me determine the procedure of any human institution or the administration of any law, and I will determine all the substantive rights anyone may have under that law, that tribunal, or that administrative body. Let me determine the procedure of any courtroom, and I will determine all the substantive rights that can be adjudicated in that courtroom."

Although some critics will say that this principle involves a legalistic abstraction, nevertheless the great principles of so-called legalistic abstraction are principles that determine, in the last analysis, whether one remains a free man or not. This is true because the procedures of our Government written into the Constitution and the laws of our country determine our substantive rights as free men.

In my judgment, the pending joint resolution tinkers with and impairs the great procedural rights of the American people written in article I, section 8 of the Constitution—namely, that the power and the right to declare war is vested in the Congress, and not in the President of the United States.

War cannot be declared speculatively; war cannot be declared in futuro under article I, section 8 of the Constitution. War cannot be declared to meet hypothetical situations yet to arise on the horizons of the world. War is declared in relation to existing operative facts of the moment of the call for a declaration of war.

In the resolution before the Senate—and I shall read the section to which I have referred and another section momentarily—the President of the United States would be given power to make war in relation to operative facts not now in existence, but which may come into existence in futuro. That cannot be reconciled with article I, section 8 of the Constitution.

For the education of the unenlightened editor of the Washington Post who wrote the ignorant editorial in respect to this constitutional point, I hope he will reread article I, section 8 of the Constitution, and that he will read again—assuming that he ever read the resolution before he wrote the editorial—the section to which I have referred and read, and which I repeat. That part of the joint resolution reads:

"The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

Let us analyze that sentence for a moment. Let us analyze that part of the sentence that deals with the inherent power of any commander in chief, any President, to react immediately in the defense of this Republic. That part of the sentence is not needed. He has that power now. If there is to be read into that part of the sentence which starts on line 4—"to take all necessary measures to repel any armed attack against the forces of the United States"—authority to commit an act of aggression, preventive in nature, it goes beyond the Constitution.

That was my argument in 1955. How well I remember it. In 1955 I participated in the same format of committee organization in which I took part yesterday; namely, a joint meeting of the Armed Services Committee and the Foreign Relations Committee. I opposed the Formosa resolution. My recollection is that in committee in 1955 two of us took that position. When we came to the floor of the Senate, my recollection is that I was supported by a third member, as I said last night, the great Senator from New York, Herbert Lehman; and I believe we ended in 1955 with three Senators voting against the resolution. As I remember my opening speech in 1955—and the RECORD will speak for itself—I said, as I say now, that I was standing in a position on the floor of the Senate in which a few other liberals had stood throughout the history of this great parliamentary body. Like them I was confronted with the choice of telling the American people what I was satisfied they were entitled to know about their foreign policy, and run the risk of violating the rules of secrecy of the Senate, thereby risking the discipline of the Senate, or failing in my obligation to tell the American people things that I thought they were entitled to know in regard to the foreign policy of the country and avoid running the risk of being disciplined by the Senate.

If Senators will read that speech they will see that I said I thought I could give the American people what they should be warned about within the rules of the Senate, without subjecting myself to Senate discipline. Senators will find that I said—I paraphrase the speech, but accurately:

"I wish to tell the American people that this is a preventive war resolution; and if any Senator has any question about it, let him go to the Foreign Relations Committee on the floor below and read the testimony of the Secretary of State"—

Who was then John Foster Dulles—"and the testimony of the Chairman of the Joint Chiefs of Staff of the Military Establishment"—

Who was then Admiral Radford.

I said:

"If Senators will read that testimony, they will know that behind this resolution is the proposal that the Military Establishment and those in charge of American foreign policy are to be given the authority to make a strike against the mainland of China before China makes a strike against the United States. Such a strike would be an act of aggression. Such a strike would be an act of war. Authorization for such a strike in the Formosa resolution amounts to seeking to give to the Military Establishment, without a declaration of war, the power to make war. Senators will find that clear power in the resolution."

Senators will remember that in 1955 the senior Senator from Oregon took that position in the hearing before the committee. My position became known. After I took that position the chairman of the committees sitting jointly, Mr. Walter George, of Georgia, declared a recess, and announced that he would go to the White House for the purpose of discussing with the President the argument that I had made in committee. He went to the White House. Out of that conference came the famous White House pronouncement with respect to the Formosa resolution, in which President Eisenhower announced that he, and he alone, would make the decision under that resolution as to what course of action this Government would follow in implementing the Formosa resolution.

Senator George came back and had a conference with me. He thanked me for what he considered to be the service I had rendered. He said, "It was a very important service. I would not support the resolution in the absence of the White House announcement." He said, "WAYNE, I hope you will work with me now to help get the resolution through the Senate."

I said to the chairman of the Foreign Relations Committee, who served on that occasion as chairman of the committees sitting jointly, "That does not make it any better so far as I am concerned. You missed the point of my objection. Although the testimony in committee would have left the impression that the Secretary of State and the military officials could have made the decision, they will still be making the decision, because the President will follow their advice." I said, "I would not vote for it if they had no voice in it at all, because I will not vote to give to any President this power, because the Congress of the United States must jealously guard its prerogatives under article I, section 8 of the Constitution. All that the President needs to do is to come before Congress and ask for a declaration of war. He has inherent authority to meet an emergency that requires national self-defense action prior to the time he gets to the Congress."

Senators will note in the RECORD that I used the beginning of the war with Japan as a precedent. I said, "After the strike at Pearl Harbor, Franklin Delano Roosevelt exercised the power as Commander in Chief to defend this country in national self-defense, but he came to Congress for a declaration of war.

I made that argument in 1955. I repeated it in summary form at the time of the middle East difficulty, and I am summarizing it again in this historic debate.

I have heard no answer in all the intervening years to the constitutional point that I now raise, and of which the editor of the Washington Post who wrote the editorial this morning is abysmally ignorant.

Mr. President, this joint resolution is not needed for the defense of the Republic. It should not be used to make an end run around article I, section 8, of the Constitution. So long as an attack is in progress, the President has the inherent power to protect the Republic in self-defense. But there is reserved to Congress, under the Constitution, the responsibility of passing judgment on whether or not even an attack calls for our declaring war. It may very well be that after a response to an attack, the attacking party may start diplomatic maneuvers into motion—to surrender, to capitulate, to ask for a negotiated settlement, or to resort to the rule of law—which might cause Congress, in exercising its authority under the Constitution, to check the President and cause him to decide not to make war at that time. It is an important procedural check.

It is easy, understandable, and natural in a time of high national emotion, in a time of strong patriotic fervor, to say, "Give 'em the works." It is also true that in such an hour of high national emotion and hysteria, we who sit in seats of responsibility, so far as the legislative process is concerned, can say, "Let us wait. Let us first analyze the situation on the facts, and then vote the authority that is needed to protect the country. Sincere and honest men can differ as to the procedural form that the grant of such authority shall take."

In 1955 and again in 1957 the senior Senator from Oregon took the position, as he does in the instance of this resolution, that the Middle East resolution and the Formosa resolution would be grants of authority to the President to exercise power which would amount to predated declarations of war. That should not be done. It is not necessary. All the world knows that any country that attacks the United States will be met immediately with the exercise of the inherent power of the President, under the Constitution, to defend the Republic. All the world knows that if any country continues an attack upon this country, the President will come before this body and quickly, as the great Roosevelt did after Pearl Harbor, in 1941, obtain from Congress a declaration of war. What more is needed?

A constitutional principle is involved. It is dangerous to give to any Persident an unchecked power, after the passage of a joint resolution to make war. Consider the procedural complications that could develop if Congress decided that the President was making serious mistakes in the conduct of a personal war—for it would be a Presidential war at that point. How would the President be stopped? He could not be stopped. Consider what would happen to this Republic if we got into that kind of conflict with the President in carrying out the joint resolution.

But, say some, see what the end of section 3 provides:

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

That would create a nice mess, would it not? That would be a nice portrait of the United States to paint before the eyes of the world. What havoc of disunity that kind of procedure would encompass.

What is wrong with letting the Constitution operate as written by our constitutional fathers? Why this indirect amendment of the Constitution? There are Senators, for whom I have deep affection, who become a little shaken, in our private conversations, when I say, "What you are really seeking to do is to get around the amending process of the Constitution. In effect, you are trying to get around article I, section 8, by amending the Constitution by way of a joint resolution."

I do not believe we ought to establish any more precedents of this kind. I do not accept the argument that because we have made two mistakes in the past—we made no mistake in connection with the Cuban resolution; and I shall speak of that later—because we made mistakes in the Formosa and the Middle East joint resolutions, we can make another one. Even a repetition of mistakes does not create a legal right in the President. I do not believe it is good legislative process to repeat mistakes. We ought to stop making them.

In effect, this joint resolution constitutes an amendment of article I, section 8, of the Constitution, in that it would give the President, in practice and effect, the power to make war in the absence of a declaration of war. It is also important to demonstrate to the world, including the free nations, that the Constitution of the United States is not an instrument to be tinkered with; that the Constitution is a precious, sacred document, so far as our form of government is concerned, and is not subject to subversion in the legislative process. We should never miss an opportunity to demonstrate this principle to the totalitarian nations of the world. We should never forget that under Fascist or Communist regimes there are no rights and liberties of the persons.

It is proposed, by this joint resolution, to subvert the Constitution. We are engaging in a subterfuge, so far as article I, section 8, is concerned. We should not do that. We should not in any resolution tinker with the Constitution in respect to the powers and prerogatives of the President, and the limitations upon such powers and prerogatives.

Going back to section 1 of the resolution, I assert again that in the language "to take all necessary measures to repel any armed attack against the forces of the United States," there is no question about the inherent power of the President to do so without a resolution.

I have stated that if this proposed grant of power implies that the right of the President of the United States to take all the necessary measures to "repel any armed attack against the forces of the United States"—which former Secretary of State Dulles and Admiral Radford asked for in 1954—includes the authority to commit an act of aggression before an act of aggression is committed against the United States, on the basis of the theory of a preventive war, that is a dangerous doctrine. It cannot possibly be reconciled with the Constitution; nor can it be reconciled with sound national policy.

I remember that in 1955 former Secretary of State Dulles said to me, "Would you wait for the Red Chinese to strike?"

My reply was that when I thought of the billions of dollars I had joined in voting for the defense of my country, including great sums of money for intelligence service, if there were particular concern about a Red Chinese air base closest to the coast of Alaska and our intelligence agency had given us reports as to what it had found in regard to the size of that Communist air armada, I would wish to believe that when the first Red Chinese plane left the ground and started for Alaska, our alerting stations and our intelligence would be such that our planes would meet it before it ever reached Alaska.

At that time, I also made perfectly clear to former Secretary of State Dulles and former Chairman of the Joint Chiefs of Staff Admiral Radford, that under international law we could not possibly justify our being an aggressor in the first instance. I frankly stated that it was a risk which we must run in order to remain in a sound constitutional framework under our system of government.

Why should we give arbitrary discretion to mere men who happen to hold office at a given time, when the American people and their lives are at the mercy of the discretion of those mere men?

One of the great protections that the American people have in constitutional theory, under our form of government, is that we are a government of laws and not of men. Granted, we are a government of laws, it is also true that those laws must be administered by men. Human failings being what they are, we must always keep a check on the exercise of the discretion of mere men who administer government, or we shall constantly run the risk of being victimized by arbitrary and capricious discretion.

In 1955, I made clear that I had observed too frequently the psychology of trigger-happy military men, and the psychology of diplomats who convince themselves that it is necessary to pull the trigger before an act of war has been committed against us.

Mr. President, we like to boast—and for the most part our glorious history sustains the boast—that we are not an aggressor nation. Resolutions such as the pending joint resolution, as well as the Formosa resolution and the Middle East resolution, frequently raise grave doubts among our friends in the free world as to whether there are not great differences between our theory and our practice.

So, then as now, on the constitutional grounds to which I objected in the Formosa resolution, I voted against it—as I shall vote against the pending joint resolution today.

I repeat this, so that there can be no misunderstanding of my position: So far as the inherent right of the President to meet an aggression in the self-defense of the Republic is concerned, the pending resolution is not needed. The President has that inherent right now, under the Constitution. But, so far as having any right to commit an act of war in the absence of an aggression, he does not have that right under the Constitution. The pending resolution cannot give it to him under the Constitution.

Of course, we can sanction his exercise of that unconstitutional right. That is what the Senate will be doing today in adopting the pending resolution.

In constitutional effect, the Congress is saying to the President, "You can go ahead and act unconstitutionally and we will look the other way," because it is known that there is no existing procedure which would be effective by which we can check the President. Once the pending resolution is adopted, the Senate thereby will sanction such conduct. There is no way to check it by taking the case before the U.S. Supreme Court for final determination of the constitutionality of this course of action in time to be effective.

I am asked, "Should we not amend the Constitution in this respect?"

I believe that we should amend it by clearly denying to the Congress the power to pass such a resolution as this one. Because the past situations such as are present in this case are such rarities, so extraordinary and so novel, I am enough of a political realist to know that we shall never get anywhere with that kind of constitutional amendment. The only time we become interested in it is when a crisis such as this exists. When a crisis exists, it is so serious that people are not going to become interested in a very important constitutional abstraction, even though it is a constitutional abstraction which after all, is determinative, in the last analysis, of their rights as free men.

In times of hysteria and high national emotionalism, it is only human for most people, particularly those not sitting in the seats of legislative responsibility, to be willing to look the other way on such questions as I raise in this debate again this year. But I believe it is so dangerous to establish another precedent toward the creation of a government by

Executive supremacy in the United States, that I am willing to stand up and oppose the overwhelming majority against me, and take all the castigation and criticism which is bound to be heaped upon my head, for a constitutional principle that I am sincerely convinced is vital to the very preservation of this Republic.

I am satisfied that if we continue to build up a wall, brick by brick, precedent by precedent, which separates the executive branch of the Government from the people, resulting in making the executive branch of the Government more and more inaccessible to direct control, we shall endanger the very survival and preservation of the Republic and our constitutional system upon which it is based.

Mr. President, if it is self-defense we are concerned about, we do not need this resolution. If it is to empower the President to commit an act of aggression before an act of aggression is committed upon us, as was the program in 1955, and as was openly testified to, let me say—I can say it now—as the transcript will show, by the Secretary of State and the Chairman of the Joint Chiefs of Staff at the time, it is a dangerous precedent, a power that never should be given, never should have been granted by the Congress, and should not be granted now under the pending resolution.

Turning to the language I have read, "to repel any armed attack against the forces of the United States," does that mean that the attack must have started, or does it mean that all the President and his advisers have to conclude is that in all probability an attack may be made.

That is preventive war. There is no power in the Constitution for the President of the United States to wage a preventive war. I cannot imagine a set of hypothetical facts which would cause the President of the United States, the Congress, the Department of State, and those in the Pentagon Building to become alarmed about the danger of an attack against the United States that cannot be taken immediately to existing channels of international law. The right of national self-defense would still vest in the inherent constitutional power of the President.

The fact that we are not doing very much about using those channels of international law does not excuse us. And as we use those channels of international law, the inherent power of the President to defend this country continues. With all the military might of this country at the present time, the world knows that that power of self-defense is adequate to protect the security interests of this country until the processes of international law can run their course.

There is no question about the meaning of the next four words on line 6 of page 2 clearly authorize—"to prevent further aggression."

That is when the whole realm of judgment upon the part of the President of the United States comes into play. That is when we substitute the President for article I, section 8 of the Constitution. That is when we say to the President, "You can go beyond acts of immediate self-defense of the Republic. You do not have to come to the Congress, as Franklin Roosevelt did after Pearl Harbor, and ask for a declaration of war. You can proceed in the exercise of your judgment to prevent further aggression."

The uninformed, unenlightened editor of the Washington Post who wrote that stupid editorial in this morning's paper has not the slightest conception of the meaning of those words. If he had, he would not have written in his editorial:

"There is no substance in Senator MORSE's charge that the resolution amounts to a 'predated declaration of war.' "

That is exactly what those words mean. It is incontrovertible. The President would not have to come and ask for a declaration of war. He would be given sanction by Congress to make war without a declaration of war. It will be noted that I do say "the authority," for the authority cannot be granted by Congress. Congress cannot amend the Constitution in this way. This does not conform to the amendment processes of the Constitution. It is proposed that Congress sanction the action of the President in making war if, in his judgment, he thinks making war is necessary to prevent further aggression. I shall come to that point later. But that is why I said last night that so many want to turn away from the most delicate question involved in the debate. That is why I said last night—and shall discuss it at greater length today—that the President and our country were quite right in meeting the attack on the destroyers last Tuesday night. But, in my judgment, that did not empower him, under the right of self-defense, to try to proceed beyond protecting those ships, and strike the mainland of North Vietnam. In my judgment, that constituted an act of war—not an act of self-defense.

Mr. President, at that point, under our treaty commitments, our allegations in regard to the absolutely inexcusable and illegal attack on our ships on the high seas by the North Vietnamese forces should have been taken immediately to the United Nations. As to that attack we had an unassailable case. They attacked us on the high seas and we responded in self-defense.

We were clearly within our international law rights. Unfortunately we did not stop there. We then went beyond our rights of self-defense and proceeded to bomb the mainland of North Vietnam.

We either support a rule of law procedure or we ignore it. We ignored it. We had an irrefutable case of violation of international law by North Vietnam in connection with their attack on our ships. We would have a hard time, under international law, supporting our subsequent attack on North Vietnam in the absence of a declaration of war. There will be those who will say that that is cutting the line pretty fine. Nevertheless, the difference is between acting within the Constitution and acting outside of it. It is the difference between staying within our rights of self-defense and proceeding to turn ourselves into an aggressive warmaking power.

No one despises, hates, and repudiates more than does the senior Senator from Oregon, communism, Communist regimes, including North Vietnam, Red China, Cuba, Red Russia, and all of the rest. But I do not propose to allow my hatred, my detestation, my complete disgust with the police state methods of a Communist regime to cause me to give support to a proposal to go outside the constitutional guarantees of our system of government. I want to keep my Government in an impregnable position, so that we can go before any international tribunal and establish our case, and not have thrown back in our teeth a showing to establish a series of allegations in regard to the exercise of power and military might on the part of the United States that takes us outside the framework of international law.

There is no doubt that the language, "to prevent further aggression," rouses all the objections that I made in 1955 to the Formosa resolution. This proposal seeks to vest in the President of the United States the power to carry on a so-called preventive war. By preventive war, we mean making a war against another country because it is assumed that that country is about to make war, or contemplates making war, against the United States. Such authority is not to be found in the Constitution. The Congress cannot give such authority to the President of the United States as far as the Constitution is concerned. It can sanction the exercise of the authority but the exercise of the authority would still be just as much outside the Constitution as though the President acted without the joint resolution. The joint resolution could never make legal the exercise of such authority by the President of the United States.

That is not the only place in the resolution in which we would give to the President a preventive war authority. I refer the Senate to section 2, line 7, which provides—

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution—"

It has been agreed, by way of an amendment to the joint resolution, that that means the Constitution of the United States—"and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member of protocol, state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Mr. President, that is an awful power to give to a President. If the Washington Post does not think that that is a predated declaration of war, the editor ought to start asking himself some questions about certain hypothetical situations.

Shall we allow any President of the United States to decide, with no check—that is, no check for immediate application—to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom?

We had better pause long enough to take a look at the nature of some of the countries involved, because many of the countries are not free countries. Many of those countries are totalitarian countries. Many of those countries are dictatorships. It is wishful thinking to assume that it would be safe to give the President of the United States unchecked authority to proceed to use American boys in defense of those countries on the basis of claims that acts of aggression are being committed against them by some other country, without a congressional check. Have we reached the point in American foreign policy where we are going to permit the President to send American boys to their death in the defense of military dictatorships, monarchies, and fascist regimes around the world with which we have entered into treaty obligations involving mutual security, no matter what the provocation and no matter what wrongs they may have committed that cause an attack upon them? Are we going to do that without a check of Congress by way of a declaration of war? What are we thinking of? What time factor would justify such precipitate action?

Mr. President, this Senator will never vote to send an American boy to his death anywhere in the world under any such language as is contained in that part of the joint resolution. It is of utmost importance that we surround that language with a congressional check. And there is none.

One could say, as I said a few moments ago, "But, Mr. Senator, the Congress can terminate this authority by a concurrent resolution."

I have already pointed out the kind of hassle that such a situation would create, and the kind of disunity that such action would produce. The American people should be protected from a possible abuse of the authority. So long as abuse of a procedure is possible, the procedure should be modified to prevent the possibility of the abuse.

Mr. President, that is why it is so important that we hold any President—I care not who he is—to Article I, section 8, of the Constitution in the carrying out of mutual security agreements. We should hold him to the approval of the Congress before the fact and not after the fact.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRUENING. I wish the Senator would discuss what seems to me the obvious escalation of the war by the authority granted in section 2 of the joint resolution—

"To assist any member or protocol state of the Southeast Asia Collective Defense Treaty."

Mr. MORSE. I was about to do so.

Mr. GRUENING. Hitherto we have been dealing wholly with South Vietnam. The President has stated his purpose, which is quite evident—not to extend the war.

In the section to which I referred we are including a number of additional nations into which we could send our Armed Forces. The joint resolution would extend the prospective war all over southeast Asia, would it not?

Mr. MORSE. It certainly would, with no check on it.

Mr. GRUENING. In other words, in effect, the Congress would authorize an escalation of the war to Thailand, Laos, Cambodia, North Vietnam, South Vietnam—and what else?

Mr. MORSE. Pakistan.

Mr. GRUENING. I have in my possession, which I intend to present when the foreign aid bill comes before the Senate, a statement from a high official of Pakistan indicating that his government has no intention of using the nearly $1 billion in military aid that we have given to Pakistan to help out our cause because it is needed in their prospective difficulties with India.

Mr. MORSE. The Foreign Minister of Pakistan in effect made that statement in Washington, D.C., when he addressed the Press Club not so many weeks ago. He was asked by a newspaperman at the meeting to state whether or not Pakistan could be counted upon to be of assistance in southeast Asia. He said, "No."

He gave his reason. His reason was Pakistan's involvement with India. Pakistan has no intention of responding to any calls to SEATO members.

I yield further.

Mr. GRUENING. It seems to me that the joint resolution presents an unlimited authorization for war anywhere in southeast Asia, including Pakistan, which is really not in southeast Asia, but which is in south central Asia, and it seems to me a very dangerous, unwarranted, and unprecedented action.

Mr. MORSE. Do not forget, Pakistan is a member of SEATO; its obligations to South Vietnam are the same as ours.

Mr. GRUENING. Yes; but it has shown no disposition whatever to carry out its obligations under that treaty.

Mr. MORSE. That is correct; but, she being a SEATO member; we would be obligated to go to her assistance.

Mr. GRUENING. This resolution, in effect, is an authorization which would be the equivalent of a declaration of war by the Congress. Would it not be?

Mr. MORSE. I think so.

Mr. GRUENING. That is one thing I am very apprehensive about. If we should get into an all-out war, which I fear may happen, this resolution would be considered the authorization by the Congress to so proceed. Would it not?

Mr. MORSE. That is correct.

Mr. GRUENING. I expressed my views on it yesterday. I do not at all criticize the President—in fact, I think the President was correct—for repelling the assault, whatever may be the background, on American vessels and destroying the attackers. I approve of that action, but the resolution goes far beyond such action, which apparently precipitated the request by the President for such a resolution, and covers the whole of the southeast Asia area. I distinctly disagree with the administration policy.

As I have stated repeatedly, this was a policy which the President inherited, and from which I hoped he would disengage himself. He inherited it from the Eisenhower administration, from John Foster Dulles, when we picked up the fiasco the French had engaged in with the loss of over 100,000 young lives. We contributed vast sums of money to that operation. It was obviously a failure.

Now we have escalated it, as could be foreseen, and as I in fact did foretell, and as the Senator from Oregon foretold, into an all-out war in southeast Asia. Regrettably, the end is not yet. I am extremely fearful about the situation.

This is a moment when patriotic passions are aroused, and it seems indicated that we should do whatever the President asks.

It is very painful for those of us who disagree with the policy. I felt it was wrong in the beginning and have repeatedly stated for 5 months that I thought it was wrong, and that we should continue to try to find a peaceful solution; that we should take the issue to the United Nations, and seek a cease fire. It is, as I have said, painful not to support the President, but I cannot do so in good conscience under the blanket terms of this resolution.

Mr. MORSE. As the Senator knows, last night it was impossible for him, because of a previous appointment, to be present when I paid him my high respects to him for his courage, statesmanship, and leadership in this matter for many months past. I said last night that the Senator from Alaska had put the issue squarely.

Now, in a very few moments, the Senator from Alaska has summarized succinctly the major points of the address I have been making on the floor of the Senate the last hour and 15 minutes. I wish to formalize those points before I come to the next major issue which I shall discuss in my speech.

What I have said expresses my views as to the power that would be granted to the President in the resolution. It is what I have called an undated declaration of war. I summarize the points as follows:

First, the unlimited language of the resolution would authorize acts of war without specifying countries, places, or times. That language cannot be reconciled with article I, section 8 of the Constitution. It amounts, in fact as well as in law, to a predated declaration of war.

Next, as I said last night, we have armed forces in South Vietnam, some 20,000, or more, apparently, with the number increasing by planeload after planeload.

Senators can bemoan and warn against a land war in Asia, but the resolution would put the United States in the middle of the Vietnam civil war, which is basically a land war.

Under the resolution Congress would give to the President of the United States great authority, without coming to the Congress and obtaining approval by way of a declaration of war, to carry on a land war in South Vietnam. The choice is left up to him.

As I said last night, the interesting thing is that South Vietnam, with a population of 15 million, and an armed force of 400,000 to 450,000 men, has been unable, through all the years of the holocaust in South Vietnam, to put down a Vietcong force of a maximum of 35,000 men. The Pentagon and the State Department, in testifying before the committee, say the number probably does not exceed 25,000. We have to have more than 20,000 American boys over there, to die in whatever numbers they are killed, in an attempt to win that war. And for whom?

Mr. President, the leaders of this Government keep talking about freedom in South Vietnam. There is not one iota of freedom in South Vietnam, for the South Vietnamese people, by and large, do not know what the word means. I quoted, in a speech the day before yesterday, a letter I received from a Republican member of Congress, in full support of the position I have taken on this issue. I paraphrase it, although the quotation is already in the RECORD. He said that the average man of North or South Vietnam would not know what democracy looked like if he met it on the main street of Saigon. The difference between their governments is like the difference between tweedledum and tweedledee. But both are interested in the next bowl of rice.

That is why this Senator has been pleading for years, in connection with foreign policy, that the great need of the United States in the field of foreign policy is to export economic freedom, and to stop exporting military aid, for our military aid makes Communists. Prepare the seedbeds of economic freedom for the masses of the people of any country and we prepare for the growth of freedom. Unless the people are first economically free, they cannot be politically free; and, what is more important, they will never understand political freedom until they are first economically free.

There is great danger now that Congress will give to the President of the United States power to carry on whatever type of war he wishes to wage in southeast Asia. That is why I said, in answer to an argument that was made on the floor of the Senate yesterday, apparently some colleagues are laboring under the illusion that perhaps the resolution would reduce the danger of fighting a land war in Asia. There is not a word in the resolution that has any bearing on the subject. To the contrary, the broad, sweeping, sanction of power—note my language, because it cannot be done legally—the broad, arbitrary, sweeping power Congress is sanctioning for the President would in no way stop him from sending as many American boys as he wants to send into South Vietnam to make war.

As the Senator from Alaska has said over and over again, and as I have joined him in saying, all South Vietnam is not worth the life of a single American boy; and the killing of a single American boy in South Vietnam is an unjustified killing. It ought to stop. It is not going to stop until we turn our war-making policy into a peacekeeping policy. It is not going to stop until we insist that our alleged allies in SEATO come in with as many divisions of peacekeeping units as are necessary to keep the belligerents apart. It is not going to stop until the United Nations, under the procedures of international law, can come in and keep the peace and set up whatever controls are needed, by way of United Nations trusteeships if necessary, to bring that war to an end.

This result will not be achieved by unilateral military action. It makes me sad to have to say it, but I am satisfied that history will record this horrendous mistake of the United States in its false assumption in the year 1964 that it could supplant in South Vietnam military control by Asiatics with military control by the United States.

We could never win such a year. We might win military victory after military victory. If we did not stop the escalation, we would kill millions of people, because the escalation, step by step, would lead to all-out bombing of North Vietnam and Red Chinese cities. When we were through, we should have killed millions, and won military victory after military victory, but we should still have lost the war.

The United States can never dominate and control Asia, with 800 million people in China alone. That kind of war would create a hatred for the United States and for the white man generally that would persist for centuries. Dominating Asia, after destroying her cities and killing her millions by bombings—that is the danger that we are walking into—would not make the white man supreme in Asia, but only hated.

We know what the floods of human history do. Eventually the white man will be engulfed in that Asiatic flood and drowned.

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I do not know why we should be so shortsighted. It is difficult to follow the processes of international law. I suppose the saddest announcement that has been made recently is that of the Secretary General of the United Nations, Mr. U Thant, from Burma, who is not even a shadow of the great world statesman who preceded him. Dag Hammarskjold. He announced in Washington yesterday his grave doubts as to whether the Security Council could help resolve the matter.

Mr. President, we will never know until such procedures are tried. The Secretary General should have been using his voice and his influence to persuade the Security Council to carry out its obligations under the charter. Not a word has been heard from the Secretary General in regard to the power and authority of the General Assembly of the United Nations.

The Secretary General knows the power of the General Assembly if the Security Council is incapacitated by a Russian veto. I repeat what I have said for many months past on the floor of the Senate. I wish to put Russia on the spot. Let her exercise her veto, if she dares. The rest of the world will be her judge. We did not find her following that course in the Middle East, or in Cyprus, or in the Congo.

I was highly disappointed by what I considered to be the abdication of leadership and responsibility on the part of the Secretary General of the United Nations in the unfortunate statement he made in Washington yesterday.

The next point I wish to make, by way of summary, is that the fear expressed by some Senators in this debate against involvement in a land war means no more than the reservation expressed in 1954, that we should not become militarily involved in South Vietnam. We did not intend then to do any of the things we are now doing in South Vietnam, but we have done them. That pious expression of intention in 1954 came to naught. This policy is sucking us into military involvement deeper and deeper, and will continue to suck us in, under this resolution, deeper and deeper.

Mr. President, you and I will be gone in a few years; but I am satisfied that the end of the road that we are traveling today will be the engulfment and drowning in world history of the influence of the white man in Asia, if we follow this course of action.

I despair frequently at the fact that so often people in positions of responsibility are inclined to think only of the present, and not a century hence. Yet, when we are dealing with matters of foreign policy and the roots of peace or war, we need to remember that the seed we plant today, be it a seed of peace or seed of war, is the seed that will finally come to fruition in a blossoming plant perhaps a 100 years hence.

I say most respectfully and sadly that in my judgment, in this resolution, we are planting seeds not of peace, but of war. Those who will follow us in the years to come will cry out in anguish and despair in criticism over the mistake that was made in 1964 when the joint resolution was passed.

Why do we do it? I do not know. We are dealing here basically with a civil war between conflicting forces in South Vietnam. So many in this debate have overlooked the geographic problem. Let us not forget that prior to the Geneva accord of 1954 North Vietnam and South Vietnam were one people. One could go into North Vietnam today, after he had been in Saigon, and think that he was still in South Vietnam. He would feel the same way if he first went to North Vietnam and then to Saigon. They are the same people. Unfortunately, as a result of the partition under the Geneva accord in 1954, they were divided into two countries, North Vietnam and South Vietnam.

Many of the people in South Vietnam who are involved in this civil war have close relatives in North Vietnam. One reason why the military dictator-puppet whom we are supporting in South Vietnam, Khanh, is having so much difficulty with the mass of the people—and he is having a serious difficulty—is his insistence that he must stage a blood bath in North Vietnam. He will never get the support of the people, because a blood bath would kill the relatives of hundreds of thousands of people in South Vietnam; and vice versa.

It is a tragedy that the Vietcongs try to subvert South Vietnam, but that is a reality. The solution is not the exercise of military might. As a critic of De Gaulle on many points, I say that the sad fact is that the De Gaulle solution is far superior to the American solution. The solution is a political and economic solution, not a military solution. De Gaulle is right. We should go to the conference table. We should not take the American position that we will go to the conference table only after we dominate the battlefield.

If we ever establish that principle, we shall have assassinated the rule of law as an instrumentality for settling disputes among nations. If we ever take the position that we must first dominate the battlefield, that we must be in control, that our orders must be carried out, then going to a conference table will mean only that the dominating authority tells the others at the conference table what, in effect, Adlai Stevenson unfortunately said in the sad speech he made some weeks ago before the Security Council—that, in effect, we are going to do what we think is necessary, and the others can like it or not. When he did that, as I said, he extinguished his lamp of world statesmanship.

We cannot follow the theory that underlies the present policy of our Government; namely, that until we first dominate the battlefield, we will not follow De Gaulle's suggestion to settle this dispute at the conference table. De Gaulle is right. This problem will never be settled except by a political and economic settlement. It can never be settled by the imposition of the military might of the United States upon Asia.

Mr. GRUENING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I am glad to yield to the Senator from Alaska.

Mr. GRUENING. As I have said on previous occasions, my mail has been running several hundred to one in favor of withdrawal; in favor of the policies I have urged. Only this morning, I am in receipt of a number of telegrams which relate to the pending joint resolution. I shall read one of them into the RECORD. It comes from Oakland, Calif.:

OAKLAND, CALIF., *August 6, 1964.*

Senator ERNEST GRUENING,
Washington, D.C.:

The statement of policy of Oakland's Women for Peace representing 400 women in regard to Vietnam. Because U.S. military involvement in Vietnam endangers world peace and because the American people have not been properly informed about the magnitude and significance of our involvement, therefore we urge full public discussion and congressional debate to explore nonmilitary alternatives to the problems. We urge that the United Nations be employed to negotiate settlement and we urge that the 14-nation committee set up by the Geneva conference be reconvened to implement the United Nations settlement.

OAKLAND WOMEN FOR PEACE.

Mr. President, I have a number of other messages, which if time permits, should be in the RECORD. They are from Palo Alto, Calif., Van Nuys, Calif., from a professor at Denison University, from New York City, from Cambridge, Mass., from Fresno, Calif., from Richmond, Calif., several from Washington, D.C., from South Kortright, N.Y., from Framingham, Mass., from Berkeley, Calif., from Kemberton, Pa., from Baltimore, Md., from Fairlawn, N.J., from South Laguna Beach, Calif., from Null Valley, Calif., from Flushing, N.Y., from Ann Arbor, Mich.

Mr. MORSE. Mr. President, will the Senator from Alaska yield, to enable me to clarify the procedural situation?

Mr. GRUENING. I yield.

Mr. MORSE. I wish to yield the floor and save the remaining time for the Senator from Alaska to use for the final rebuttal, after the proponents of the joint resolution have used their hour. We have only 8 minutes left.

The telegrams are important. Senators will find in the RECORD 10 pages of telegrams that I received yesterday in response to the speech I delivered the night before last in opposition to the joint resolution.

I am satisfied that at the grassroots of America the people are overwhelmingly with the Senator from Alaska and the Senator from Oregon. My mail is running more than 100 to 1 in support of our position.

I shall yield the floor; and later, at the close of the debate, the Senator from Alaska will make the final statement.

Senators who are pleading for the passage of the joint resolution are thinking of President Johnson. I yield to no one in that respect. I have complete confidence in and high regard for President Johnson, and shall campaign with all my heart for his reelection next November. I merely think he is dead wrong on this issue. The most loyal service I can render any President is to disagree with him when I think he is wrong and to try to correct his mistaken course of action.

Mr. President, on yesterday I asked unanimous consent to insert in the RECORD a cross section of the messages that I had received in connection with the position I had taken on the predated declaration of war resolution in respect to Asia which passed just a few minutes ago.

I said that they were all favorable except two. Two of them had questioned the human source of my paternity. I did not think that under those circumstances they would be very fitting messages to insert in the RECORD.

* * * * *

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

Mr. KEATING. Mr. President, the unprovoked attacks on U.S. vessels in international waters by armed PT boats from North Vietnam rightly led to a strong reaction on the part of the United States. Although there had been some suggestion from the Department of State that the first attack might be an isolated incident, there was no doubt whatsoever that the second attack 2 days later by an undetermined number of North Vietnamese PT boats in the early evening signaled a new course of action by Vietnam Communists, perhaps a calculated effort to escalate the conflict in Asia or perhaps a probing operation to test the strength of the U.S. reaction.

President Johnson's strong and unequivocal statement followed by the action now taken should answer some of the questions that may be asked by our friends and enemies around the world as to what the United States will do. Even more specifically the retaliation against coastal facilities in North Vietnam which supported the raiding PT boats should make clear to them that Communist forces in Asia are embarked upon a collision course in which, if necessary, the full strength of the U.S. military will be brought to bear. This resolution confirms the support of Congress for a firm policy of resistance to Communist aggression in southeast Asia.

It is curious, and perhaps something more than a coincidence, that in recent years the greatest cold war crises have come in the months immediately preceding an American election. The process of free elections and political campaigns is alien to Communist experience, and it may be that the Communists misinterpret the sharp revival of partisan political activity as a sign of division and mistrust on the part of the American people. In my judgment, the members of the Republican Party have a particularly heavy responsibility to make clear at this time their full support and bipartisan backing for the action undertaken by the President of the United States in defense of free world interests. This the leaders of the Republican Party have done. For my part, I should like to make perfectly clear that I stand 100 percent behind the President. He has my prayers for the heavy responsibility he bears at this time and my assistance and support in whatever way can be most useful to our Nation's security.

Mr. President, there are and will always be differences of opinion as to the wisdom of the policies which have brought us to the present impasse. There are, and always will be, differences as to the future direction and detail of American policy in southeast Asia. But when the moment arrives that it is necessary to order the Armed Forces of the United States into action, the President is Commander in Chief. The allegiance of the Nation is to him. And the entire Nation joins in mourning the American airmen lost in action during this crisis.

Mr. President, there can be no doubt that these actions pose the threat of expanded military operations in Asia. What should the long-term policy of the United States be if we should be faced with the prospect of conflict with Red China? I do not believe the conflict is upon us today, but undoubtedly the situation today is more explosive and more dangerous than it was a week ago. The guns of August have again resounded through the world and none can tell the final result. Prompt retaliation was necessary.

But in the long run, American policies toward Asia, both the free nations of Asia and the Communist aggressors, must not be determined merely by speedy reaction to Communist offensives. For the future, the United States must determine whether we will defend the independence of the nations of southeast Asia at any cost and with any force, or whether our military and political policies will be strictly limited. This will be a major international issue for years to come. It should be thoroughly explored not only within the executive branch of the Government but in full coordination and consultation with Members of Congress and with the full knowledge and understanding of the people of the United States.

Mr. President, I have complete confidence in the ability of our Government to handle any immediate crisis in southeast Asia, but the long-term crisis must be settled only after long-term and penetrating analysis in which all of the factors are thoroughly weighed by all of those who bear a part of the responsibility for the defense of freedom and the future of our Nation.

Through this resolution the Congress is making clear its present support for our Commander in Chief at the moment of conflict. It is a vote of confidence in the action that has been taken, but it is not a blank check for policies that might in future be carried on by the executive branch of the Government in other cases, without full consultation by the Congress. It is not a blank check authorizing U.S. military actions against Red China, nor is it a blank check authorizing guerrilla activities or other actions on the part of the Government of South Vietnam. It is not a blank check authorizing other nations in Asia to pursue independent military actions which are not in clear defense of their own territories.

In sort, Mr. President, this resolution expresses the determination of the United States to resist aggression against our forces or our allies in Asia. It reemphasizes the principles of the U.N. Charter condemning aggression. It should also be used as a clear call for support from our allies in Asia and elsewhere who should not be slow to recognize that any attack upon the U.S. 7th Fleet is indeed an attack upon every free nation in Asia that looks to U.S. naval forces for help and security.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. KEATING. I have only 5 minutes. I wish to complete my statement. The Senator from Alaska will have time in his own right to reply.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. KEATING. Help and coordination of policies with other free nations of Asia are important steps in the search for long-term peace in the area. In the immediate crisis, the long-term problems and needs must not be neglected.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask that the time for the calling of the quorum be charged to me.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 4 minutes on the resolution to the Senator from Vermont (Mr. AIKEN).

The PRESIDING OFFICER. The Senator from Vermont is recognized for 4 minutes.

Mr. AIKEN. Mr. President, for some months it has appeared to me that an expansion of military operations in southeast Asia was inevitable. I have been skeptical of the repeated assurances of high government officials that no such expansion was contemplated.

I have repeatedly stated to those officials, including the President of the United States, that I was opposed to an expansion of the. war.

The decision, however, was not mine to make. The decision, and also the responsibility for expanding such military operations, rest squarely with the President, under the authority delegated to him by the Congress over the years.

The President has now made such a decision and has assumed the responsibility.

Mr. President, I am still apprehensive over the outcome of his decision. But, since it has been made, I feel that I, as an American citizen, can do no less than support the President in his capacity as leader of our Nation.

I believe that our country will be in greater jeopardy if we do not now support his decision.

I sincerely hope that the fears I have entertained over the past few months may prove to have been groundless. I sincerely hope that the President's action, taken evidently in the belief that vigorous action now will save more lives than it will cost, will prove to be correct.

Mr. President, I shall support the joint resolution even though I still regard the decision of President Johnson with misgivings. It is a very difficult decision to make, but I do not believe that any of us can afford to take a position opposing the President of the United States for exercising the power which we, under our form of government and through our legislative bodies, have delegated to his office.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask again that the time for the calling of a quorum be charged to me.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I note the presence in the Chamber of the Senator from Arkansas [Mr. FULBRIGHT]. We almost exhausted him yesterday by keeping him on the floor to answer questions.

I believe that a very important question is raised by Mr. Reston's article in the New York Times of this morning in respect to our relationship with the South Vietnamese Premier, General Khanh. Mr. Reston writes of the pattern which we followed in respect to the Formosa resolution in 1954. I know the inhibitions of secrecy and the effects upon national policy in all these respects. We may assume that our Government is taking the necessary precautions so that the broad support—to use a judicial term—which we would give to the President in respect to the extended operations of a military character in this area of the world, is not an action by which our freedom of control may be taken away by actions to which the Khanh regime may commit us for practical purposes. But we would have a right to assume in voting the joint resolution that our Government is taking the necessary precautions to see that whatever commitment we undertake is our own, and that we shall not be forced into a position of broadening that commitment against our will because the country in whose interest we are working so hard will commit us beyond what we wish to be committed to as a practical matter.

In short, to be very practical, suppose we are faced with a situation in which the South Vietnamese position should be jeopardized by its own extension of the struggle beyond its own capacity to wage a successful war in North Vietnam. Then what would happen in terms of our commitment and the commitment which our President is empowered to undertake anyhow, but which we would support in the joint resolution?

Mr. FULBRIGHT. As a practical question, there is the closet cooperation between the Government of South Vietnam and our representatives, particularly our Ambassador, General Taylor. I do not believe there is any probability, or even a possibility, that they can commit us beyond what our people believe to be in the interest of our common effort.

There is some distinction between the present situation and the declared policy of Chiang Kai-shek during the time of the Formosa resolution. As the Senator well knows, it was—and perhaps it still is—his declared intention to retake the mainland of China. That was a question of considerable concern. That Government had quite a large army of its own, and perhaps had greater capacities than presently exist in South Vietnam.

I do not believe there is any substance to the fear that the Vietnamese could involve us beyond the point where we ourselves wish to be involved. I do not think a full scale or a substantial invasion or extension of the war without our approval and assistance could be mounted. No such invasion has been mounted. I do not know that there is any prospect of it. That is a question which I believe is in the field of tactics, on which I am not competent to comment at the moment. But on the political aspect of the question, I do not think there is any substance to the fear that the South Vietnamese may lead us down a road that we do not wish to travel. It is a question of judgment as to what is the wise road to follow, of course.

The question will remain one of great difficulty until it can be settled. I do not believe there is any reason for such a fear at the present time.

I share with the Senator, as we all do, nervousness over these resolutions. I think it is caused by nervousness about war in general. It is not because of the specific individual involved. We are all nervous about the expansion of the war. I know the President is.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield 2 additional minutes to me, so that I might finish my colloquy with the Senator from Arkansas?

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. FULBRIGHT. I am sure the President shares our concern. Great concern and apprehension are always created by the breaking out of violence in these areas.

Mr. JAVITS. I should like to ask the Senator whether we have a right to feel satisfied that our Government has taken necessary precautions to see that we shall not be committed beyond the extent to which we wish to be committed by the local Government of South Vietnam itself.

Mr. FULBRIGHT. I believe we have, both in the past and presently. I do not believe that there is any probability of their going off and involving us where we do not wish to be involved. I believe we can maintain complete control over our own commitments.

Mr. JAVITS. I believe that is a definitive answer. I accept it as such. I believe other Senators will do likewise. Again I appeal to the Senator from Arkansas with respect to the role of the foreign Relations Committee on the question, which, in my judgment, begins rather than ends when we pass the joint resolution. I hope that, before the debate is over, the Senator will give us some definitive statement of his own feeling, so that, within the proper area of legislative oversight, those of us who wish to vote yea on the resolution may look to the Foreign Relations Committee to keep its hands on the controls, as far as the Constitution and the practice of the Congress allows, in respect to the troublesome questions which we have raised in the debate, such as the present one with respect to General Khanh and his regime and the concurrence of our allies, continuous consultation, and the other questions.

Mr. FULBRIGHT. I should like to make two statements which I believe are appropriate. First, both the present administration and the previous administration have been very good about reporting to us and briefing us about the situation. I do not believe there has been any tendency to withhold anything. I do not believe that at any time when representatives of the administration came to brief us and we requested information they have refused to divulge it. In many cases they themselves have initiated such a request as far as the information goes.

Second, the more important point in this case, I believe, is the fact that the administration went to great lengths to find the best equipped and qualified men to send to Vietnam. I personally felt great satisfaction in the selection of U. Alexis Johnson to be our civilian representative. He is one of the most experienced men we have. I know of no one who does not have a high regard for General Taylor. After all, on these difficult subjects there is no way of enacting a law or promulgating a rule which would be self-executing. We must rely to a great extent upon the wisdom, judgment, and experience of those actually in charge. I believe that is the most reassuring aspect of the question. The Government has sent two of the best ment available into this very critical area.

Mr. JAVITS. Will the Foreign Relations Committee continue to play an active role in respect of the question? I believe an affirmative answer would be a real assurance to all of us.

Mr. FULBRIGHT. I do not wish to mislead anyone. As the Senator knows, our role is one of an advisory nature. Information is submitted to the committee. The administration has never held anything back to my knowledge. It has been frank. We have an opportunity to advise them, and that is all. We cannot direct or force them. Even within the committee, as the Senator knows, there are some very sharp differences of opinion. So all we can do is to advise with them, which we have done.

On questions of importance, the administration has consulted, in addition to the committee or the senior members of the committee, and the leadership of both Houses. We have the further assurance of the majority leader, the minority leader, the whips, and senior members of the committees of both Houses.

Mr. JAVITS. If information is not volunteered, will the chairman of the committee call and get it?

Mr. FULBRIGHT. Yes; we have and do.

Mr. JAVITS. I thank the Senator.

Mr. NELSON. Mr President, will the Senator from Arkansas yield some time to the Senator from Wisconsin?

Mr. FULBRIGHT. I shall be glad to do so. How much time does the Senator wish?

Mr. President, how much time have we remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 9 minutes.

Mr. FULBRIGHT. How much time would the Senator like?

Mr. NELSON. I do not understand the Chair's response. I thought 30 minutes were left.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there is a time limitation. The Senator from Oregon has 23 minutes, and the Senator from Arkansas 9 minutes.

Mr. MORSE. Mr. President, I should like all that extra time, but I want to be fair. I do not have that much time. I would be glad to use it, but I want to be fair. The time started running at 10 o'clock. I finished at 7 minutes to 11, I believe. I will take the time if the Senator from Arkansas does not want it.

Mr. NELSON. I have an amendment to suggest. If the Senator from Arkansas accepted it, I would vote for the resolution. If it were not accepted, I might not. So whose time should I take?

Mr. FULBRIGHT. I am perfectly willing to yield the Senator time.

Mr. President, does the Chair have the time reversed?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the Senator from Arkansas has 7 minutes left.

Mr. NELSON. Mr. President, not to take up all the time, would the Senator from Oregon yield me 5 minutes?

Mr. MORSE. Mr. President, I understand the Senator from Wisconsin has an amendment to offer which might make the joint resolution a little better, but still unacceptable so far as I am concerned.

Mr. President, how much time have I?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. MORSE. For the good of the cause, I will yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, I ask unanimous consent that at the conclusion of my remarks and any colloquy I may have with the Senator from Arkansas there be printed in the RECORD excerpts from the President's address, a column from this morning's Washington Post by Chalmers Roberts, a column from today's New York Times by James Reston, a column from the Washington Post by Marquis Childs, and a reprint of an editorial from the Milwaukee Journal.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, I have read the RECORD. There was some colloquy on the floor yesterday. I noticed that every Senator who spoke had his own personal interpretation of what the joint resolution means.

One Senator yesterday stated for the RECORD that he understands the resolution to mean that there will be no more privileged sanctuaries.

Another Senator interprets the resolution to mean that it would authorize the Chief Executive to eliminate any aggression, future and present. Some Senators interpret this language to mean aggression against South Vietnam; others interpret it to mean aggression directly against our military forces.

Another Senator interpreted the joint resolution to mean that it is the sense of Congress that no change is suggested by Congress in the present mission in South Vietnam—the mission that has been ours for 10 years, which is to supply advisers, technical advice, and materiel, for the purpose of attempting to encourage the establishment of an independent, viable regime, so that we can withdraw our forces; and that it has not been our mission in the past 10 years to substitute our military forces for the South Vietnamese forces, nor to join with them in a land war, nor to fight their battle for them, nor to substitute our Government for theirs.

This 10-year-old limited mission can be legitimately defended as a responsibility of ours to assist free and independent nations; and it can be legitimately questioned, too, because of the geographic location of that mission.

In any event, I am most disturbed to see that there is no agreement in the Senate on what the joint resolution means. I would like to see it clarified.

If we are telling the public by this resolution that it is our responsibility to use our forces to win a war in Southeast Asia——

The PRESIDING OFFICER. The 5 minutes of the Senator from Wisconsin have expired.

Mr. NELSON. I ask the Senator from Oregon to yield me some time.

Mr. MORSE. Mr. President, I am willing to make a deal with the Senator from Arkansas. If I yield the Senator 4 minutes, will the Senator from Arkansas yield him some time?

Mr. FULBRIGHT. We have only 7 minutes.

Mr. DIRKSEN. All the time for the quorum calls came out of our time.

Mr. MORSE. I did not ask that it come out of the time on the other side. I did not ask for any quorum call. I am willing to enter into a unanimous-consent agreement that the time taken for the quorum calls be not counted.

Mr. DIRKSEN. Perhaps we should find out how the timekeeper can change the record.

Mr. MORSE. I specifically said I would reserve time to yield to the Senator from Alaska.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Is it the understanding of the Chair that the last hour was to be equally divided between the two leaders for dispositions as they saw fit; and is it also correct that the time for the quorum calls was taken out of our time?

The PRESIDING OFFICER. Under the unanimous-consent agreement, 1 hour was to be divided between the leadership. Under the unanimous-consent agreement, at the request of the Senator from Montana, the

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time used during the quorum calls was taken out of that 1 hour.

Mr. Gore. I say most respectfully that quorum calls were asked for by the proponents of the bill.

Mr. Dirksen. What happened to my half hour?

Mr. Morse. The proponents did not have any speakers for the resolution. That is why they suggested the absence of a quorum. Let us be frank about it. We have speakers against the resolution. I shall not deny my colleague from Alaska an opportunity to close the debate on the resolution. It is now 20 minutes to 1. Do Senators still wish to vote at 1 o'clock? How much time have I remaining?

The Presiding Officer. The Senator from Oregon has 15 minutes remaining. Very briefly let the Chair state that 1 hour was allotted to the majority leader and the minority leader. It was not understood that the time was to be divided between them.

Mr. Morse. I will reserve 10 minutes of my time for the Senator from Alaska [Mr. Gruening]. The Senators from Arkansas and Illinois may have the rest of the time and use it as they see fit.

Mr. Dirksen. Out of whose time is that to come?

Mr. Morse. I have 15 minutes. I am reserving for the Senator from Alaska.

Mr. Fulbright. We have 7 minutes.

Mr. Morse. I will give the Senator 5 minutes of my time.

Mr. Nelson. I wonder if the Senator would accept an amendment.

Mr. Morse. I yield 5 minutes to the Senator from Wisconsin, with the understanding that the time that I have reserved for the Senator from Alaska will be protected.

The Presiding Officer. The Senator from Wisconsin is recognized for 5 minutes.

Mr. Nelson. In view of the differing interpretations which have been put upon the joint resolution with respect to what the sense of Congress is, I should like to have this point clarified. I have great confidence in the President. However, my concern is that we in Congress could give the impression to the public that we are prepared at this time to change our mission and substantially expand our commitment. If that is what the sense of Congress is, I am opposed to the resolution. I therefore ask the distinguished Senator from Arkansas if he would consent to accept an amendment, a copy of which I have supplied him. I shall read it into the Record:

"On page 2, line 3, after the word 'That' insert '(a)'.

"On page 2, between lines 6 and 7, insert the following:

" '(b) The Congress also approves and supports the efforts of the President to bring the problem of peace in southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is 'limited and fitting'. Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to greater responses, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict.' "

This amendment is not an interference with the exercise of the President's constitutional rights. It is merely an expression of the sense of Congress. Would the Senator accept the amendment?

Mr. Fulbright. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated. In other words, it states that our responses as "respond to provocation in a manner that is limited and fitting," and so forth. We do not wish any political or military bases there. We are not seeking to gain a colony. We seek to insure the capacity of these people to develop along the lines of their own desires, independent of domination by communism.

The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take responsibility for delaying matters.

I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy.

Mr. Nelson. Judging by the Record of yesterday, many Senators do not interpret the resolution in the same way.

Mr. Fulbright. Senators are entitled to have different views. However, most members of the committee, with one or two exceptions, interpret it the same way.

The Presiding Officer. The time of the Senator from Wisconsin has expired.

Mr. Fulbright. Differences of interpretation are necessarily always present. I think the Senator's statement is a fair statement.

EXHIBIT 1

[From the New York Times, Aug. 4, 1964]

THE PRESIDENT'S ADDRESS

My fellow Americans, as President and Commander in Chief, it is my duty to the American people to report that renewed hostile actions against U.S. ships on the high seas in the Gulf of Tonkin have today required me to order the military forces of the United States to take action in reply.

The initial attack on the destroyer *Maddox* on August 2 was repeated today by a number of hostile vessels attacking two U.S. destroyers with torpedoes.

The destroyers and supporting aircraft acted at once on the orders I gave after the initial act of aggression.

We believe at least two of the attacking boats were sunk. There were no U.S. losses.

The performance of commanders and crews in this engagement is in the highest tradition of the U.S. Navy.

But repeated acts of violence against the Armed Forces of the United States must be met not only with alert defense but with positive reply.

ACTION NOW IN EXECUTION

That reply is being given, as I speak to you tonight. Air action is now in execution against gunboats and certain supporting facilities in North Vietnam which have been used in these hostile operations.

In the larger sense, this new act of aggression aimed directly at our own forces again brings home to all of us in the United States the importance of the struggle for peace and security in southeast Asia.

Aggression by terror against the peaceful villages of South Vietnam has now been joined by open aggression on the high seas against the United States of America.

The determination of all Americans to carry out our full commitment to the people and to the Government of South Vietnam will be redoubled by this outrage. Yet our response for the present will be limited and fitting.

We Americans know—although others appear to forget—the risk of spreading conflict.

We still seek no wider war. I have instructed the Secretary of State to make this position totally clear to friends and to adversaries and, indeed, to all.

I have instructed Ambassador Stevenson to raise this matter immediately and urgently before the Security Council of the United Nations.

CONGRESSIONAL RESOLUTION ASKED

Finally, I have today met with the leaders of both parties in the Congress of the United States and I have informed them that I shall immediately request the Congress to pass a resolution making it clear that our Government is united in its determination to take all necessary measures in support of freedom and in defense of peace in southeast Asia.

I have been given encouraging assurance by these leaders of both parties that such a resolution will be promptly introduced freely and expeditiously debated, and passed with overwhelming support.

And just a few minutes ago I was able to reach Senator Goldwater and I am glad to say that he has expressed his support of the statement that I am making to you tonight.

It is a solemn responsibility to have to order even limited military action by forces whose overall strength is as vast and as awesome as those of the United States of America.

But it is my considered conviction, shared throughout your Government, that firmness in the right is indispensable today for peace.

That firmness will always be measured. Its mission is peace.

[From the Washington Post, Aug. 7, 1964]

LAND WAR FEARED—CONGRESSIONAL DOUBTS STRONG DESPITE ACCORD

(By Chalmers M. Roberts)

The Congress is about to pass a resolution upholding the President's hand in a foreign crisis but once again what the resolution says isn't everything that is in congressional minds.

Back in 1955 the Senate was so unhappy over the prospects of war with China that the then Chairman of the Foreign Relations Committee, Senator Walter George, of Georgia, had to give a public assurance that the Formosa resolution gave no power to Adm. Arthur Radford, then Chairman of the Joint Chiefs of Staff, that only President Eisenhower would act under its terms.

This year a Democratic Congress will uphold a Democratic President, and the Republicans, now held by a man who wants victory in Vietnam, will back him, too.

LAND WAR FEARED

The Senate debate yesterday made amply clear that what Members fear now is escalation of the current crisis to a point where President Johnson might decide to send American troops to fight a land war in Asia.

That, said Foreign Relations Committee Chairman J. William Fulbright, is "the last thing we would want to do." But, rightly, he could give no assurance that it would not happen.

The probability, however, is that it will not happen, no matter what the Communists in either Hanoi or Peiping now decide to do. At first glance that may seem encouraging but, in fact, it means a limitation on the options that would be open to the President.

There has been a lot of talk around Washington for a long time about the "Never Again Club," a term applied to those, chiefly in the military but also among civilian leaders outside the Pentagon, who say we should never again face Red China in a land war as we did in Korea. To some, there also is an implication that nuclear weapons should be used next time.

SENATORIAL MEMBERS

It sounded yesterday as though the club has a lot of senatorial members, too, on the anti-land-war point though no one was advocating the use of nuclear weapons.

But if massed armies are ruled out—and the thousands of American soldiers we already have in South Vietnam are not such an army—the United States has only air and seapower to apply against the Communists whose strength, as demonstrated in Korea, lies in massed armies.

We do not yet know what Hanoi and Peiping will do but it would be very surprising if they accepted the American reprisal without response. Their ability to respond, given limited air power and minor sea power, most probably would have to be in the form of land army action unless it were limited to harassment, murder, and sabotage in South Vietnam against Americans and American installations.

In short, while Congress is worrying about the United States being bogged down in a land war in Asia, the very avoidance of that—given a major Communist response—could lead to major American air and naval assaults on Communist territory.

MILITARY OR DIPLOMATIC?

Unraveling the tangle of events that led to the North Vietnamese torpedo boat attacks is, for the moment, something for the historians, since the story goes back a decade and more.

The immediate problem facing the Johnson administration is whether, if there is a major Communist retort, the United States should increase the fury of its response or whether it should attempt to find some diplomatic solution.

It is questionable, however, whether United Nations Secretary General U Thant's new suggestions will be any more attractive than General de Gaulle's earlier ones, given the total Asian Communist hostility toward the United States.

The exultation of victory, even in small doses, is a heady business. Anyone now inclined to exaltation had better think twice because there are unlikely to be any meaningful cheap victories in Asia in a military sense.

The signs of concern that showed yesterday in the Senate Chamber, rather than the overwhelming votes expected today for the resolution itself, will have to be taken into account by the President and his associates at the White House, the State Department, and the Pentagon.

[From the New York Times, Aug. 7, 1964]

SOME FUNDAMENTAL QUESTIONS ABOUT VIETNAM

(By James Reston)

WASHINGTON, August 6.—The Nation has united quickly behind the President's strong military action in Vietnam, but unity and speed, important as they are in the present crisis, should not muffle some fundamental questions about the future political and military relationships in that area.

First, should there not be a formal public undertaking by the South Vietnamese Government that the military weapons supplied by the United States will not be used in offensive measures against Communist North Vietnam without the advance consent of the United States?

Second, should not the United States give a similar formal undertaking to the Government of South Vietnam?

Third, is the mission of the United States in South Vietnam to provide arms and advice to the Government of South Vietnam, as stated officially in the past, or is President Johnson now asking for a congressional resolution that would authorize him to take any military measures he pleases in all of southeast Asia at the request of any southeast Asian ally?

THE FORMOSA PRECEDENT

The official view here is that it is not helpful to raise such questions when the United States must act together in a hurry, but the President, as Commander in Chief, has the power to repel any new sudden attack, as he did last weekend, and it may be wise to take a day or two to analyze where we are and where we are going.

Obviously, no formal agreement between the United States and South Vietnam could be permitted to interfere with each government's right of self-defense. No American destroyer captain under Communist attack is going to be asked to wireless Saigon for permission to defend himself, and no South Vietnamese military unit defending South Vietnam is going to be asked to get permission from the United States before firing on its attackers.

However, any attack on North Vietnam by either the United States or the South Vietnamese clearly involves the possibility of retaliation by the Communists on both, and thus should be launched only by joint agreement.

This principle of joint action in mutual danger was appended to the Mutual Defense Treaty between the United States and the Republic of China signed here in December of 1954.

At that time, Secretary of State Dulles and Ambassador George K. C. Yeh, of the Chinese Republic, exchanged letters, the key paragraph of which read as follows:

"In view of the obligations of the two parties under the said treaty, and of the fact that the use of force from either of these areas (Formosa or the offshore islands) by either of the parties affects the other, it is agreed that such use of force will be a matter of joint agreement, subject to action of an emergency character which is clearly an exercise of the inherent right of self-defense."

It is stated here officially that there is already an "understanding" with the South Vietnamese Premier, Maj. Gen. Nguyen Khanh, that he will not attack North Vietnam without our consent, and, of course, the United States controls the arms and the gasoline necessary for any prolonged attack, but since General Khanh has recently been waging an open propaganda campaign for an attack on the North, it is not clear why the existing understanding should not be stated formally and publicly.

After all, even fairness to the South Vietnamese requires advance consultation, at least, before any assault on the enemy's territory.

JOHNSON'S POWERS

The proposed congressional resolution, as it now stands, is a more delicate matter. It could easily be amended to include the principle of joint agreement on any attack on the North, but amending it to restrict the President's action further is more difficult, and maybe it should not be done.

But it should at least be recognized what the resolution now authorizes. It says that the United States regards the maintenance of peace and security in southeast Asia as vital to its national interest and to world peace. And it adds:

"The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This is a little different from merely sending arms and "advisers" to South Vietnam. It would approve any military action as the President determines in any part of southeast Asia, including military action in support of any nation in the Southeast Asia Treaty (whose military support of South Vietnam has been virtually nil), provided our military action were sought and the President approved.

Maybe this is what the country wants and there is a good case to be made for it, but even in the hurry to get the resolution passed there shouldn't be much objection to looking at what it says and what it doesn't say.

[From the Washington Post, Aug. 7, 1964]

VIETNAM OF 1964 RECALLS KOREA OF 1950

(By Marquis Childs)

The really deep trouble in Vietnam lies outside the scope of American sea and air power. The great question is whether the South Vietnamese Army has the will to go on fighting on the ground against Communist guerrillas after 17 years of almost unremitting warfare.

Before the naval action in the Gulf of Tonkin, evidence was accumulating that war weariness and political dissension in Saigon had raised grave doubts about the future. Hints were coming from the military clique headed by Gen. Nguyen Khanh that the United States would have to take a much larger share of the burden, including even direct participation in combat.

On the recommendation of Gen. Maxwell D. Taylor, the new Ambassador in Saigon, Washington moved to increase the number of American military advisers from 16,000 to 22,000. They were, it was reported, empowered to fire back if fired on. No on can say whether this will be enough.

At the same time, disturbing rumors have circulated in Saigon about a new coup to replace General Khanh. If the worst should happen, the Johnson administration faces an awesome choice—sending in large numbers of American combat troops or expanding the war with massive bombing in the north. The risks in either course are incalculable. To get out, a third choice, seems impossible in view of what has gone before and in the light of politics in the presidential year.

The beginning of the Korean war 14 years ago comes vividly to mind. The atmosphere then was very much what it is today. Republicans and Democrats were rallying around President Truman and promising him support against Communist aggression. Robert A. Taft, minority leader in the Senate, gave reluctant assent despite his strong isolationist convictions. It was a moment of patriotic ferver in which Mr. Truman, by almost unanimous opinion, emerged as a strong and decisive President.

But that mood quickly altered. As the woefully untrained American troops that were rushed from Japan were pushed back almost off the Korean Peninsula with fearful casualties, it became "Truman's war."

By the 1952 campaign and the disaster resulting from the massive Chinese invasion, this was the chief line of Republican attack. General Eisenhower could say at the University of Illinois that Midwestern farm boys should stay at home and let Asians fight Asians.

Mr. Truman had resisted the demand to bomb the privileged sanctuary across the Yalu River. He had shown marked restraint out of concern that the war would be enlarged to a global scale. He was damned from hell to breakfast for that restraint.

There is one important difference today. In 1950, Mr. Truman went to the United Nations before responding to the North Korean attack. By a piece of luck, the Soviet delegate was absent, so that the Security Council could pass a resolution calling on the U.N. to join in resisting aggression. This time the United States struck first.

Except for the Communist nations, almost every U.N. member approved a joint defense of Korea. Even neutralist India sent an ambulance unit. If a widened conflict develops in Vietnam, this country will find it hard to rally support. It will have the look of a war waged by white men against Asians.

This is, in effect, what President de Gaulle has been saying—that the war, as it is currently being fought, cannot be won. The

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French tried for nearly 7 years, beginning in 1947, and they sacrificed the cream of St. Cyr, their West Point, in the vain effort. Unhappily, De Gaulle's prescription for ending the war has been based on a formula of neutralization that sounds like surrender.

The long-term consequences of a greatly enlarged war in Asia, if it comes to that, are unforeseeable. The most important single event of the last 2 to 3 years has been the split between, the Soviet Union and China, with reverberations throughout the Communist world. In recent weeks that split has seemed to be irreconcilable. It could be healed by a war between the United States and China. Expert opinion here is that Moscow would stop short with condemnation of American moves.

But that is conjecture. As often in the past, the most baffling and frustrating element in the new crisis is the enigma of Red China. American policy has walled off a nation of 600 or 700 million people and what goes on in the fastness of Peiping is as mysterious as what may be happening on Mars. That may have been inevitable after Korea. But it is today a tragic commentary on the darkness that cloaks the dubious future in Asia.

[From a Milwaukee Journal editorial, Aug. 6, 1964, as reported in the New York Times]

APPEAL FOR RESTRAINT

It may be that the North Vietnamese, with the backing of Communist China, were testing the American will. If so, they have their answer.

There is some danger that this country may tend to overreact to North Vietnamese stings because of our political situation. President Johnson has been under attack for what opponents call a "no win" policy in southeast Asia. He has been unwisely urged to escalate the war.

Under such circumstances, a President can be handicapped in making vital decisions. President Johnson will need courage and patience and restraint to keep the Nation from the wider war that he—and all who realize what modern war is—wish to avoid.

Mr. NELSON. Mr. President, has my time expired?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. In fairness to the Senator from Alaska, I cannot yield any more time.

Mr. MCNAMARA. Mr. President, I suggest the absence of a quorum, with the time not to be charged to either side.

Mr. FULBRIGHT. Mr. President, will the Senator withhold that suggestion?

Mr. MCNAMARA. I withhold it.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Since the House has passed a joint resolution which I understand is identical to our resolution, by a vote of 414 to 0, with one Member voting present, and the House joint resolution has now been received by the Senate, is it proper to ask unanimous consent to take up the House joint resolution and substitute it for the Senate joint resolution?

The PRESIDING OFFICER. It is proper to ask unanimous consent to take up the House joint resolution, and to vote on the House joint resolution in lieu of the Senate joint resolution.

Mr. MORSE. Temporarily, I shall have to object. When the time has been exhausted, if the Senator wishes to renew his request, I may not object. I do not wish to sacrifice any more of our time. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes remaining.

Mr. FULBRIGHT. What happened to my 7 minutes? Every time I inquire as to how much time I have left, the time goes down by 5 minutes. I was not talking on my time. I was responding to a question by the Senator from Wisconsin. I did not yield myself any time to respond to the question. I do not see how I can possibly have used any time.

The PRESIDING OFFICER. The Chair's statement as to the remaining time is based on what the Parliamentarian advises the Chair.

Mr. FULBRIGHT. Perhaps his watch——

The PRESIDING OFFICER. All these discussions take a great deal of time.

Mr. DIRKSEN. It depends on whose time it is. The Senator from Arkansas did not yield any time.

Mr. MORSE. This is becoming ridiculous. I ask unanimous consent that the agreement be extended for an additional 10 minutes, with that time made available to the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. I yield 1 minute to the Senator from Florida.

Mr. SMATHERS. Mr. President, I voted for this resolution in the Foreign Relations Committee yesterday, and I expect to support it when we vote in the Senate today.

In the committee I had the occasion to commend the Secretary of State Dean Rusk, Secretary of Defense Robert McNamara, the Chairman of the Joint Chiefs of Staff, General Wheeler, and—of course—the President of the United States, on the action which they took in response to the unprovoked, premeditated, and deliberate attacks made on our naval ships on the 2d of August and again on the night of the 4th of August.

The facts are indisputable. At the time of the first attack by the North Vietnamese PT boats on the U.S.S. *Maddox* on August 2, the U.S.S. *Maddox* was something in the neighborhood of 25 to 30 miles offshore operating in international waters in the Gulf of Tonkin. According to the testimony, the commander of the U.S.S. *Maddox* had some information that this attack might develop and he was seeking to avoid any contact with the PT boats, yet they pursued and overtook him, firing torpedoes at his ship and subsequently coming alongside and strafing him with .50-caliber machineguns.

The U.S.S. *Maddox* returned the fire; damaging seriously one of the PT boats. It was shortly after this occasion that we were briefed by the Department of Defense as to just what had transpired. Secretary McNamara told us of plans to continue to operate our naval ships in the international waters in the Gulf of Tonkin, and said that now the President had given orders for the ships and men not only to defend themselves, but to shoot to destroy. It was shortly after these orders went out that we were called to the White House and told of the second attack by a host of North Vietnamese PT boats against not only the U.S.S. *Maddox*, but the destroyer *C. Turner Joy* which was operating in conjunction with the *Maddox* some 65 miles from the nearest coast.

After all the facts were presented to us no responsible persons could arrive at any other conclusion than that the attacks were deliberate and intended to be provocative. When the President told us of his orders in response to the attack, it was agreed by all those present that our retaliation was appropriate. It was decisive; it was thorough; it was quick, and yet it was restrained and it was measured. The punishment fit the crime.

By such action the President of the United States made it clear that the United States was not going to have its ships, its men, or its flag, shot at or attacked anywhere in the world where we had a legal right to be without quick and decisive response. This action is, figuratively speaking, language which the Communists understand. If they made a miscalculation with respect to whether or not the United States was in truth and in fact, as their propaganda had insisted, a "paper tiger," they no longer suffer from such disillusionment. They now know for a certainty that we will respond totally and completely if necessary, to any unwarranted action they may take against us.

They now understand that we are concerned in Southeast Asia through our membership in the SEATO Organization; and that our commitments there are totally concerned with protecting the newly independent countries of Southeast Asia and assisting them in achieving freedom and democracy. They now know that we are not going to be bluffed or bullied out of our commitments to our friends and allies in that area of the world.

I, along with others, approved of this action by the President of the United States because I believe it signifies a long needed change in policy. It, in effect, states that there will never again be a haven behind which the Communists can hide after they have made attacks on us, such as existed in Korea, north of the 38th parallel.

If we should become involved in stepped-military action in the Asiatic theater, and we of course hope and pray that we do not, but if we do, the Communists must understand that there will be no sanctuary from which their military forces can operate with impunity.

I hope and trust that those who would make these momentous decisions for the Communist world, would understand that the policy has changed.

Mr. President, I shall not delay the Senate longer. I am sure each Senator has his mind already made up. I am certain that a vast majority of Members of Congress on both sides of the aisle stand wholeheartedly behind this action taken by the President of the United States.

I am certain that every Member of the United States Congress who votes for this resolution recognizes that if we do not make such response—as we did in this recent instance against the North Vietnamese—there will be other more serious aggressions against us, and others in the free world. And the time would come when we would be forced out of international waters, and forced to retreat and run from our friends and allies around the face of the globe. This resolution makes it clear that we stand behind the President in a firm resolve to give whatever is required in time, substance, money or lives to the protection of those ideals of freedom which we hold so dear and for which this Nation has so long stood. I feel that each Senator who supports this resolution recognizes that in being true to our heritage we have no other course.

Mr. FULBRIGHT. I yield 5 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, last night I read in one of the local newspapers a speculative article which undertook to give this subject something of a partisan cast. One of the expressions used was, "The President has done it again." That is an unfortunate speculation, because that was not involved in any of the discussions we have had about the joint resolution.

I attended the briefing at the White House. It lasted for almost an hour and a half. The whole case was laid on the table by the President, by the Director of the Central Intelligence Agency, by the Secretary of Defense, and by the Secretary of State. Thereafter, there was no limit on the amount of discussion or on the questions that any member of the joint leadership from both the House and Senate might have wished to propound, whether they were addressed to the Secretaries or to the President.

When the meeting was over, we discussed the content of a resolution, with the understanding that the resolution could be modified and simplified, if that were necessary or deemed desirable. That was the whole story.

Before we left the Cabinet room, the President asked every Member who was present whether he would give support to the resolution. Every Member responded. I am rather proud of the fact that every Republican who responded said that, speaking for himself and, hopefully, for the party, he would support the President in his determination to meet the crisis now before us in the South Pacific.

This is in line with every policy statement that the minority policy committee and the minority party have made with respect to foreign affairs. We have constantly emphasized that all we ask, when a decision is pending or a crisis is upon us, is to be consulted, to have an opportunity to offer alternative proposals and substitutes. When we have had our day in court and the decision has been made, we are prepared to abide by the decision and to demonstrate to the whole wide world that there is no division between the Executive and Congress in repelling aggression aimed at our forces wherever we are under protocol or treaty obligations. We have religiously adhered to that posture and that policy ever since.

The President could have taken this action in his own right as the Commander in Chief. He does not have to ask Congress about the deployment of troops, submarines, bombers, and fighter planes.

What is involved is a demonstration that the executive and legislative branches of the Government stand together in an hour of need and threat, and when there is peril in a section of the world that could easily jeopardize the entire free world.

I wished to make clear how the minority stands, and how it stood in that briefing session, and also when this subject was before the various committees of the Senate and House.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I wish to affirm what the distinguished minority leader has said. I was present at the briefings. There was not the slightest indication of any kind of partisanship in any sense. Back through the years, when similar resolutions have been under consideration, this has also been true. It was true when there was a Republican administration.

I cannot resist paying a compliment to the distinguished Senator from Illinois [Mr. DIRKSEN]. While on certain matters he is a great partisan leader, nevertheless, on all matters affecting the security of this country, matters which are comparable to this kind of situation, I have never seen him be partisan, either on the floor or off the floor of the Senate. He always rises above partisanship in dealing with problems that directly involve our security and reserve his partisanship, as all of us do, for less profound subjects than those which threaten the security of our country. This is, of course, normal and demonstrates the distinction between foreign relations and domestic relations.

I did not see any such article as that to which the Senator from Illinois has referred; but if there was such an article, it was entirely in error, because there was no partisanship, and none is involved in this measure.

Now I wish to say a word or two about the House joint resolution. It passed the House by a vote of 414 to 0. I do not believe that in a democracy unanimity is always necessary. Certainly, it is not necessary when we are dealing with matters of substance involving domestic legislation, or even legislation dealing with foreign relations. However, in the expression of an advisory opinion of broad policy, which this resolution is, it is a happy and fortunate circumstance if there can be a high degree of unanimity. So I am much pleased by the House action. I hope the Senate will approach that unanimity, if possible.

I realize that we all have our apprehensions about what may happen in South Vietnam or elsewhere. But fundamentally, under our system, it is the President, as our representative in these activities, who must necessarily have the dominant role, however, jealous we may be of our own privileges—and we rightly should be in many areas. But in dealing with the Nation's security or with threatened warfare, we must rely to a great extent on the decisions of the Executive. We always have a reserve power, when we see that the President has made a mistake. We can always later impeach him, if we like, if we believe that he has so far departed from the sense of duty that he has betrayed the interests of our country.

But essentially the joint resolution is an exhibition of solidarity in regard to the will and determination of this country as a whole, as represented in Congress, to support the broad policies that have been well announced and well described in the words of the President, both recently and in past months. We are exhibiting a desire to support those policies. That will have a strong psychological effect upon our adversaries, wherever they may be.

I believe the joint resolution is calculated to prevent the spread of the war, rather than to spread it, as has been alleged by some critics of the resolution. I have considered every possible alternative, both those that have been suggested on the floor of the Senate and elsewhere, and I still have come back to my own conclusion that the action that was taken; the resistance that was made in the Gulf of Tonkin; the joint resolution adopted in committee; and all our actions in this connection, are best designed to contribute to the deterrence of the spread of war.

No one knows, in this uncertain world, whether the war will spread. It could easily spread because of the determination of our adversaries, in spite of anything we might do. But I sincerely believe that this action, taken with such general support by both Houses of Congress, will result in deterring any ambitions or reckless adventuresome spirit on the part of the Communist Chinese. So I ask and hope that Members of this body will support the joint resolution.

* * * * *

Mr. MORSE. Mr. President, I yield the remainder of my time to the great statesman from Alaska [Mr. GRUENING].

Mr. GRUENING. Mr. President, yesterday, I made my views on the pending resolution known on the floor of the Senate, and they appear in the CONGRESSIONAL RECORD. There is no need to add to them, except to reaffirm them. It is a matter of deep regret for me that I cannot, on this major issue, support the resolution drafted by the Foreign Relations and Armed Services Committees in response to a message from the President to the Congress requesting such support.

I believe that President Johnson in his more than 8 months in office has shown himself to be a great President. I find myself in warm accord with most of his actions and declarations of policy. I intend to campaign for him after the adjournment of Congress.

Regrettably, I find myself in disagreement with his southeast Asian policy, and have repeatedly voiced my disagreement in the Chamber. The serious events of the past few days, the attack by North Vietnamese vessels on American warships and our reprisal, strikes me as the inevitable and foreseeable concomitant and consequence of U.S. unilateral military aggressive policy in southeast Asia.

I consider the action of the North Vietnamese in attacking our vessels as utterly stupid and outrageous, and our prompt retaliation justifiable and proper. But this is precisely the kind of episode that our unilateral and aggressive policy in southeast Asia would inevitably bring forth. That incident has in turn brought about the President's message and the responding resolution by Congress.

If this resolution merely affirmed its approval of the President's declared policy and action to respond to attacks on our fleet when in international waters, as he has responded, that would be one thing. I would gladly approve of such a resolution, as I approve of his action. But this resolution now before us, goes far beyond that. It not only endorses all our Government has done to date in southeast Asia, but also gives the President a blank check, not merely to do whatever he likes in South Vietnam, but, to quote the text of the resolution:

"To take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

That is, in effect, a predated declaration of war, if and when the Executive chooses, and war not merely in South Vietnam but in all southeast Asia.

Is that what the Congress intends?

That is what the Congress is doing.

We now are about to authorize the President if he sees fit to move our Armed Forces—that is, the Army, Air Force, Navy, and Marine Corps—not only into South Vietnam, but also into North Vietnam, Laos, Cambodia, Thailand, and of course the authorization includes all the rest of the SEATO nations.

That means sending our American boys into combat in a war in which we have no business, which is not our war, into which we have been misguidedly drawn, which is steadily being escalated. This resolution is a further authorization for escalation unlimited.

I am opposed to sacrificing a single American boy in this venture. We have lost far too many already.

I have repeatedly expressed my view which I now reiterate. That we should have been waging peace with the same energy and fervor with which we have been waging war.

I have asked, and ask again now, that instead of multiplying our Armed Forces and the resulting casualties, we request a ceasefire and seek, instead of hostile military action, a peacekeeping United Nations police force. I should be happy to see Americans as a part of that peacekeeping police force.

This procedure, as I have pointed out, has been successfully used on the Israel-Egypt border, and in the Congo. Why not try it in South Vietnam?

My time being short, I can only call attention to my earlier statement on this resolution and repeat that I cannot in good conscience support the pending resolution which opens the door to unlimited unilateral war by our country in an area and for a cause which pose no threat to our national security, and in which no more American lives should be sacrificed.

Mr. MORSE. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from Oregon has 8 minutes remaining.

Mr. MORSE. Mr. President, I shall not use all of that time. I wish only to correct a misapprehension that I was not able to cover in my speech earlier, but I wish to add one further point which I overlooked.

I was commenting on a Washington Post editorial which cited the Cuban resolution as being comparable to the pending resolution.

Last night, I pointed out that they are quite different resolutions.

I ask Senators to turn in the CONGRESSIONAL RECORD to volume 110, part 14, page 18429, where I inserted the Cuban resolution. It will be recalled that in discussion of the Cuban resolution the point was made, both in committee and on the floor of the Senate,

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that the resolution differed from the Middle East resolution and the Formosa resolution, in that it made no reference whatever to authorizing any power to the President of the United States. It was because of that that we were able to get support for the resolution. At the time of the Cuban resolution if there had been an attempt to give war making authority to the President, the resolution would not have received the votes it did. Some Senators announced that they would not support the resolution with such a clause in it. If we examine the resolution, we see that all it does is to set out the opinion of Congress as to what American foreign policy should be, vis-a-vis Cuba.

That is quite a different thing from giving the President any authority for a predated declaration of war in respect to Cuba, as this resolution does in respect to Asiatic problems.

I believe that history will record that we have made a great mistake in subverting and circumventing the Constitution of the United States, article I, section 8, thereof by means of this resolution.

As I argued earlier today at some length, we are in effect giving the President of the United States warmaking powers in the absence of a declaration of war.

I believe that to be a historic mistake. I believe that within the next century, future generations will look with dismay and great disappointment upon a Congress which is now about to make such a historic mistake.

Our constitutional rights are no better than the preservation of our procedural guarantees under the Constitution.

We are seeking by indirection to circumvent article I, section 8 of the Constitution. Senators know as well as I do that we cannot obtain a test before the U.S. Supreme Court of that attempt to grant warmaking powers to a President by a resolution because under this set of facts we cannot hail the President of the United States before the Supreme Court for a determination of such a question as to the unconstitutionality of the pending resolution.

I am sorry, but I believe that Congress is not protecting the procedural, constitutional rights of the American people, under article I, section 8 of the Constitution.

If the President of the United States, after Pearl Harbor, could exercise his inherent power in defense of this country, as every President has the right to do and then come before the Congress and ask for a declaration of war as Roosevelt did, then the pending regulation is not necessary. The President can come to Congress and ask for a declaration of war, as was done against Japan at that time. The President of the United States can now do likewise, if the time ever comes when the President must ask for a declaration of war against a country in Asia or anywhere else.

For the reasons I have set forth, I shall vote against the resolution.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, the senior Senator from Pennsylvania (Mr. CLARK) is necessarily absent today but has asked that he be recorded in favor of the resolution supporting the President's policies in Vietnam. The Senator would state, if he were here, that the United States was the victim of unnecessary provocation and that the United States was compelled to respond and, he would add, that it is essential for the country to unite behind the President at this time of crisis.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 1145, as a substitute for the Senate joint resolution.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution coming over from the House, which will be stated by title.

The joint resolution (H.J. Res. 1145) was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the House joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there is no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was read the third time.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the House joint resolution.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from South Carolina [Mr. JOHNSTON] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Missouri [Mr. SYMINGTON], the Senator from Texas Mr. [YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Pennsylvania [Mr. CLARK] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Pennsylvania [Mr. SCOTT] is necessarily absent and, if present and voting, would vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 520 Leg.]

YEAS—88

Aiken, Allott, Bartlett, Bayh, Beall, Bennett, Bible, Boggs.

Brewster, Burdick, Byrd, Va., Byrd, W. Va., Carlson, Case, Church, Cooper.

Cotton, Curtis, Dirksen, Dodd, Dominick, Douglas, Eastland, Ellender, Ervin, Fong, Fulbright, Goldwater, Gore, Hart, Hartke, Hayden, Hickenlooper, Hill, Holland, Hruska, Humphrey, Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Keating, Kuchel, Lausche, Long, Mo., Long, La.; Magnuson, Mansfield, McCarthy, McClellan, McGee, McGovern, McIntyre, McNamara, Mechem, Metcalf, Miller, Monroney, Morton, Moss, Mundt, Muskie, Nelson, Neuberger, Pastore, Pearson, Pell, Prouty, Proxmire, Randolph, Ribicoff, Robertson, Russell, Salinger, Saltonstall, Simpson, Smathers, Smith, Sparkman, Stennis, Thurmond, Tower, Walters, Williams, N.J., Williams, Del., Young, N. Dak., Young, Ohio.

NAYS—2

Gruening, Morse.

NOT VOTING—10

Anderson, Cannon, Clark, Edmondson, Johnston, Kennedy, Scott, Symington, Talmadge, Yarborough.

So the joint resolution (H.J. Res. 1145) was passed as follows:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of Southeast Asia to protect their political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

***"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.**

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

The preamble was agreed to.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that Senate Joint Resolution 189 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it occurs to me this is a very important amendment. The original Gulf of Tonkin joint resolution was enacted by Congress after brief debate. There was some reason for urgency at the time. Action on it was expedited through the House and through the Senate. It was approved on August 10, 1964. In effect, we have debated Southeast Asia, if not specifically the Gulf of Tonkin resolution and its repeal, for over 30 days on this floor, compared with 2 days when it was enacted in 1964, almost 6 years ago. By virtue of the Gulf of Tonkin resolution, which I voted for as a Member of the other body, and which every Member of the Senate who was there at that time voted for as Members of this body, the war has been escalated.

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As I said at the outset, the present occupant of the White House, President Nixon, has indicated no need for the Gulf of Tonkin resolution. I would guess that the majority of the Members of the Senate and the House of Representatives would indicate no need for the Gulf of Tonkin resolution. I would say, in conclusion, that the earlier we can repeal the Gulf of Tonkin resolution the better.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield the floor.

Mr. ERVIN. Mr. President, I ask that I be recognized.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, it is a most surprising development that the President would seek to defeat the Cooper-Church amendment which merely undertakes to put limits upon his power to wage war in Cambodia and Laos, and then have his spokesmen propose to the Senate an amendment which would not only take away his power to act in Cambodia and Laos, but also take away his power to act in South Vietnam. That is exactly what this amendment does.

It is true that when Congress passed the Gulf of Tonkin resolution it inserted a section in which it said, among other things, that Congress could repeal the Gulf of Tonkin resolution by a concurrent resolution. Congress reserved the right to repeal by concurrent resolution. But here the proposal, instead of repealing it by concurrent resolution, would repeal it by an amendment to an act of Congress having no connection with the subject.

The Senate is getting itself in a rather perplexing state.

The Constitution is not as abstruse on the question of the power to make war as has been suggested. To my mind, the Constitution is very clear with respect to that matter. It has three relevant provisions. One of the provisions is found in article I, section 8, clause 11. Another is found in article I, section 10, clause 3. The third is found in article IV, section 4.

These three sections make it as clear as the noonday sun in a cloudless sky that the men who wrote and ratified the Constitution recognized that there are two different kinds of war, one an offensive war and the other a defensive war. The provisions of the Constitution relating to a defensive war appear in article I, section 10, clause 3 and article IV, section 4.

The first of these that I shall call to the attention of the Senate, article I, section 10, clause 3, puts certain limitations upon the powers of the separate States. It says:

> No State shall, without the consent of Congress . . . engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

In other words, this provision of the Constitution recognizes that in times of great emergency, when there is not time for the National Government to come to its assistance, a State, without waiting for the consent of Congress, may, under emergency conditions, actually undertake to defend itself against invasion. In that case, of course, there is no necessity for a declaration of war, because the State is authorized to fight a defensive war.

Then, article IV, section 4, provides:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion . . .

This provision is a recognition that the United States has a right to defend itself against invasion, without a declaration of war. Under it, the President of the United States has undoubted constitutional power to use the Armed Forces of the Nation to repel an invasion which involves the United States in a defensive war.

The other section is article I, section 8, clause 11. That provision says that the Congress shall have power to declare war.

The President of the United States has no capacity, under the Constitution, to put the United States at war in an offensive war—that is, a war which is not necessary for the defense of this country—without a declaration of war from the Congress or the equivalent of a congressional declaration of war.

Some mention has been made of the SEATO Treaty. The SEATO Treaty provides in express language that it does not obligate the United States to use armed forces in Southeast Asia in defense of any of the countries of Southeast Asia except by an observance of its constitutional processes—that, is, a declaration of war on the part of the Congress.

The United States has no power, under the SEATO Treaty, apart from the Tonkin Gulf resolution, to be engaged in armed aggressive attacks in Southeast Asia. When the Gulf of Tonkin resolution was passed, it was, as I contended on the floor of the Senate some time ago, tantamount to a declaration of war. It expressly states that the President may use the Armed Forces of the United States to resist aggression from North Vietnam. It was under that power that the SEATO Treaty obligation was accepted by the United States. It was under that power that the United States undertook to wage war in Southeast Asia. It was the Gulf of Tonkin resolution which gave the President the power as Commander in Chief to invade the sanctuaries in Cambodia.

There is not a syllable in the Constitution outside of the provisions which I have just read to the Senate that gives the President the power to wage war without the consent of Congress where the defense of the United States is not involved; and no one can rightly contend that the defense of the United States is involved in our operations in Southeast Asia.

I have stood by the President during this debate up to this point because Congress gave him authority to use the Armed Forces of the United States in combat in Southeast Asia, by the Tonkin Gulf resolution. Since article II, section 2 of the Constitution makes him the Commander in Chief of the Armed Forces of the United States, and Congress has authorized him to act as such in combat in Southeast Asia he had the authority to order the incursion into Cambodia as a part of his powers as Commander in Chief.

I do not know what the position of our boys in Southeast Asia will be if we repeal the Tonkin Gulf resolution, because the President of the United States has no power whatsoever to act as Commander in Chief in that part of the world with the exception of withdrawing the troops, if this repeal carries. It is true that he might have the inherent power to protect them as they withdraw. Manifestly, his power would extend no further than that. So why should the Congress becloud their situation by repeal of the Tonkin Gulf resolution?

I cannot view it as anything but intellectual and constitutional schizophrenia that the administration should stand here and fight the Church-Cooper amendment for all these weeks and then make through its spokesman the proposal on the floor of the Senate that the Senate repeal the only action taken by Congress which gives the President authority to use the Armed Forces of this country in combat in Southeast Asia.

This matter has no place as an amendment to this bill. The Foreign Relations Committee has reported a resolution, which is on the calendar, which is the orderly way to deal with this matter, and which is consistent with the Gulf of Tonkin resolution, that expressly reserves to the Congress power to repeal the Tonkin Gulf resolution by concurrent resolution of the Congress. That is the way the matter ought to be handled, and not in this unexpected way on the floor of the Senate at this late stage in the consideration of the pending measure.

Mr. ALLEN. Mr. President, I was not a Member of either body of Congress when the Gulf of Tonkin resolution was adopted. I do not know how I would have voted on that resolution. In all likelihood, I would have been swept along by the appeal to our national interest and by the appeal that it was necessary to protect a small nation from the aggression of a Communist nation.

I regret, however, that the Gulf of Tonkin resolution was adopted, because I believe that that resolution was used as a vehicle by the President of the United States at the time to accelerate and escalate our participation in the Vietnam conflict. Our participation in that conflict has been one of the greatest tragedies in which this country has ever been engaged.

But the Gulf of Tonkin resolution was adopted. It did become part of our foreign policy. It did become part of the law of the land. It was used by President Johnson to escalate the Vietnam war. It justifies now our continued participation in that conflict.

Let us examine some of the wording of the Gulf of Tonkin resolution. I remind Senators that if we repeal it, the recitals of the preamble will be repealed as well as the body of the resolution.

Referring to the attacks, or alleged attacks, at that time by the North Vietnamese on the United States, the preamble in part reads:

> Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam

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> has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and
>
> Whereas the United States is assisting the peoples of Southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these people should be left in peace to work out their own destinies in their own way: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives*—

I do not think we would want to take back any of those recitals; but that is what the repeal of this resolution would do. It would withdraw those recitals as being the thoughts, and sentiments of the Members of the Senate and the House of Representatives with regard to the conditions that exist in Southeast Asia.

But, going on with the body of the resolution itself, it reads:

> *Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

I do not believe the Senate would like to withdraw that determination or that resolve, as expressed in this resolution.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. ERVIN. Would not its repeal withdraw that provision that says the President could use force to protect American forces?

Mr. ALLEN. Yes; it would repeal every part of the preamble and the body of the resolution.

> SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia.

It would seem to the Senator from Alabama that if we withdraw these recitals as being the opinion of the Members of the House of Representatives and the Senate, as part of our foreign policy, as part of the law of the land, we will have cut the ground out from under the President's position and the position of the United States as it fights in Vietnam and in Cambodia to protect a small nation from aggression by a Communist nation.

So, Mr. President, it would seem to me that this amendment offered by the distinguished junior Senator from Kansas is more damaging and more detrimental to the President's position and to the position of our Armed Forces in Cambodia and South Vietnam than are the provisions of the Cooper-Church amendment. It would seem to me that the President would have no further authority to continue the conflict in Cambodia or to continue the conflict in South Vietnam, if the very vehicle that was used to engage the forces of the United States in that conflict should be repealed.

I have, on the floor of the Senate, spoken in opposition to the Cooper-Church amendment, and I have admired the able efforts of the distinguished junior Senator from Kansas in leading the fight against the adoption of the Cooper-Church amendment, which is now embodied, of course, in the committee amendment. But, with all due respect to the distinguished Senator from Kansas, it seems to me that he has walked into a boobytrap of his own making in proposing this amendment to the bill under consideration ; and as evidence supporting that feeling, I noticed that the distinguished majority leader very quickly embraced the Dole amendment to the bill under consideration.

Mr. President, it is my feeling that we have certainly adopted the proper position in spending as much time as we have in debating the Cooper-Church amendment, and it is to be hoped that when it comes to a final vote, it will be defeated. But as I say, it seems to me that the present amendment offered by the distinguished Senator from Kansas is more damaging and more detrimental to the President's position and the position of our Armed Forces in Vietnam and Cambodia than is the Cooper-Church amendment, and I am at something of a loss to understand why the distinguished Senator from Kansas would oppose the one and advocate the other. I hope that the amendment will be defeated, either by a motion to table or by a direct vote on the merits of the amendment.

Mr. FULBRIGHT. Mr. President, I say to the Senator from Alabama that at the conclusion of some brief remarks I intend to move to table this amendment, because I think it is improper in this form. As has already been pointed out, the Committee on Foreign Relations has reported a resolution to repeal the Tonkin Gulf resolution. I believe it was reported with the concurrence of all those present—or I think possibly with one dissenting vote; I have forgotten, but the vote was practically unanimous; 13 to 1, I believe it was—and the resolution to repeal is in proper form; it is a part of the resolution submitted last year by the distinguished Senator from Maryland, Mr. Mathias, and he resubmitted it in the form of a concurrent resolution. It will be presented, the majority leader has assured me on two or three occasions, at the earliest opportunity after disposal of the bill which is now the pending business. He has one or two domestic matters involving, I think, appropriations, and then he will take up the concurrent resolution to repeal the Tonkin Gulf resolution, and it will be debated in its proper form. At that time, its merits and its background can be discussed, as the Senator from Alabama and the Senator from North Carolina have already pointed out.

Whatever the merits of it, I think this procedure, without notice, without discussion, at least so far as are available in connection with this bill—is a bad procedure.

Because it has been brought up in this fashion, however, I want to say one or two things with regard to the remarks of the Senator from Alabama. So that the record may be clear, I want to quote a statement that President Johnson made in 1967, on August 18, in a news conference. This is in our report. He stated:

> We stated then—

That is President Johnson speaking—

> and we repeat now, we did not think the resolution was necessary to do what we did and what we're doing. But we thought it was desirable and we thought if we were going to ask them [Congress] to stay the whole route and if we expected them to be there on the landing we ought to ask them to be there on the takeoff.

Mr. Kenneth O'Donnell served with President Johnson and with President Kennedy. I have a letter from him, a memo, which I shall use a little later. I anticipate using it in the Tonkin Gulf debate. Mr. O'Donnell discussed the background of the request for the resolution. This is what he reports the President and his people thought at the time. What they wanted the resolution for was to neutralize, to hamstring the Congress. They wanted to get all the Republicans as well as the Democrats on the line so that they could not criticize the administration. This was a political gimmick.

In addition, the story they told us—McNamara and Rusk, President Johnson's spokesmen—was untrue. Much of the recitation about the aggressive attacks upon our ships on the high seas just did not happen. This was a figment of their imagination. It suited their purposes, that is all.

I say to the Senator from North Carolina, who is a distinguished jurist, the most distinguished in the Senate, that I vaguely recall that in contracts procured by fraud there is something about their not being binding. I think this is not unlike that, so far as I am concerned.

I admit that I was taken in, as was everyone else. I have apologized, just as the Senator from New Hampshire did a moment ago, most abjectly, for his vote. The Senator from Alabama is free from that taint. He was not a Member of the Senate at that time and did not have an opportunity to vote. But the Senator from New Hampshire voted. He, of course, was relying upon what members of the committee, including me, told the Senate, which had been told to us by the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff.

I was not suspicious. I have a natural inclination, in the first instance, until proved otherwise, to believe a Secretary of State, a Secretary of Defense, or even a President. I do not start off assuming that they are misleading you or telling you untruths. It is only after one has had long experience with them that one begins to develop a certain skepticism.

After all, those who have achieved the Presidency did other things before becoming President. They were not born to be President. Some of them have even been Senators, and when they were we do not accord them the divine right of kings. We do not consider that they are infallible when they are Senators, and I am unable to see how moving 16 blocks from here endows a man with infallibility and assures that he knows all the answers. Yet, that seems to be the attitude of many people in this country—that because a man moves into the White House, he knows all the answers and it is the duty of everybody else to get behind him, regardless of the merits of an issue. They do not even want to hear a discussion of the merits. We just ought to get behind him.

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Mr. ALLEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ALLEN. I wish to invite the attention of the distinguished Senator from Arkansas to the fact that the junior Senator from Alabama, in reading into the Record some of the preamble, did not read verbatim the recital having to do with the attacks on our ships.

The Senator from Alabama referred to those attacks as alleged attacks, and that verbiage was used partly because of the explanation given on the floor of the Senate from time to time by the distinguished Senator from Arkansas, because the junior Senator from Alabama has considerable doubt as to the accuracy of the first section of the preamble of the resolution.

Mr. FULBRIGHT. I thank the Senator. I did not mean to tax him with verifying that.

In addition to the Committee on Foreign Relations hearings and anything that I or members of the committee have said, a book has been published recently, after exhaustive investigation and interviews of nearly every member of the crew of the *Maddox* and the *Turner Joy*. This book confirms, I think, the committee's findings—and, in fact, goes much further. The committee did not have the time or the inclination to make its life work the interviewing of the members of the crew. That would have been another year's work. We believe, and I believe, that to a reasonable man's satisfaction we have proved that the attack upon which they based this statement did not occur. That was as far as I thought we were justified in taking up the committee's time.

But the position of President Johnson was that he did not feel that he was relying upon the Tonkin Gulf resolution. He did not make it clear—I say to the Senator from North Carolina—just what he was relying on. I assume that he was relying on this theory, which I never before have seen seriously advanced, that as Commander in Chief he could do what he pleased with the Army—send them where he pleased, under any circumstances.

I agree completely with what the Senator from North Carolina said a moment ago about what the Constitution authorizes. It makes a clear and unequivocal distinction between the repelling of an invasion—in other words, responding to attack, an emergency—and, as the Senator called it, offensive war—that is, a deliberate, planned action, the sending of an army. In that case, I do not think there is any serious and responsible authority that does not say that there should be a declaration of war and that Congress has that responsibility.

I say this not only with respect to the words of the Constitution but also with respect to the discussion of it by such people as Jefferson and Hamilton—Hamilton in particular. We might say that the legislative history of the Constitution is very clear on such responsibility.

I think the Senator from North Carolina, as he always does in talking about the Constitution, had it exactly right, and that is all we are trying to do—as in the commitments resolution and in the other cases—to reestablish a proper relationship of responsibility between the Congress and the President. Nobody is trying to infringe upon his responsibilities at all. We are just trying to reestablish the rights and responsibilities of the Congress.

One other aspect of the present situation: I had intended to use all this and I will, of course, refer to it again when the Gulf of Tonkin resolution reported by the committee comes up, and I believe it will come up, because I think that is a proper procedure. The present President, President Nixon, does not rely upon the Gulf of Tonkin resolution to do what he is doing. This is again pertinent to what the Senator from North Carolina said a moment ago as to what the President's authority is. President Nixon does not say that the Gulf of Tonkin resolution is his authority for what he is doing in Southeast Asia. His authority apparently is this theory, of which the protection of our troops seems to be an integral part.

When he puts it on that basis, one would naturally assume that what he means is to protect the troops, of course, as long as they are there, but one would not assume that implies that he intends to enlarge the war and to go into another country. This is one of the things that shocked my committee and others so much when the President sent our troops into Cambodia.

As for the administration's position on the Tonkin Gulf resolution, I want to read from a State Department letter; in his letter to me of March 12, 1970, Mr. Torbert, the then Acting Assistant Secretary of State for Congressional Relations, stated that the administration does not depend on the Tonkin Gulf resolution or similar resolutions "as legal or constitutional authority for its present conduct of foreign relations or its contingency plans."

This is the administration's latest expression of how it regards this resolution. There was a previous letter to the same effect, and it was put in the Record.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield to me for a question?

Mr. FULBRIGHT. Of course, but I intend to move, before I yield the floor, for a motion to table this amendment——

Mr. ERVIN. That letter was sent out in the committee report, was it not—the report of the Foreign Relations Committee?

Mr. FULBRIGHT. The letter which I just referred to is in the committee report on the repeal of the Tonkin Gulf resolution.

Mr. ERVIN. It is a reaffirmation of assertions made in the first place without citing any authority sustaining the assertions.

Mr. FULBRIGHT. I think that is right.

I wanted to say to the Senator from Florida (Mr. Holland) that I intend to move to table this amendment at this time, unless he wishes to ask me a question. I believe he indicated that he did. But I cannot give up the floor without making the motion, since I do not know that I can get the floor again.

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator for yielding.

In the first place, I think it would be correct parliamentary procedure, as well as an expression of courtesy to the Committee on Foreign Relations, that both require the discussion of this very matter in connection with the concurrent resolution which has been reported by his committee.

I think, two, that the matter is of such grave importance that under no consideration should we, after only brief debate, consider—at least with any wisdom—placing this in the bill providing for the sale of arms, a bill which has already grown far beyond the scope which I think it was intended to serve. I would not want to see it grow still larger by this addition.

Three, I would like to say that while I understood in the Gulf of Tonkin debate, and I think it was made clear in that debate by some of its sponsors, that the wording of the Gulf of Tonkin resolution was broad enough to allow the then President, at his discretion, in the event he felt the situations required it, to do battle on the mainland of Southeast Asia, I thought it was relied upon by the former administration at the time he did that. Certainly, there was no requirement for any resolution or any authority to be given by Congress to the Commander in Chief which authorized the naval units that were fired upon to defend themselves and to defend themselves against any attacks made upon them on the open sea.

Thus, I thought it was well understood in that debate on the Gulf of Tonkin resolution that we were, in effect, giving the President his head to do just what he did later.

Like the Senator from Arkansas, I have wondered sometimes whether we did the wise thing; but I think that there is no question of our having gone that far.

The next point I would like to make is that I think the succeeding President, now President Nixon, is in an entirely different situation. He does not have to rely upon the Gulf of Tonkin resolution or upon anything else to defend our troops, whom he found when he came into power and came into authority, against annihilation, attack, or destruction, and to do anything in his discretion that was necessary to protect the lives of American soldiers.

I have always thought that that included the authority to protect against the long exposed flank along the Cambodian front where there were sanctuaries just a few miles within the flank.

What occurs to me at this stage is the untimeliness of this proposed amendment. Second, if the amendment is adopted in its present form, I would fully expect it to be followed by another one, requiring the President to remove all troops by then under the authority which expires, because we would require the authority, such as it is, that is given by the Gulf of Tonkin resolution to expire

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by a fixed time, which is the end of the life of this Congress.

Third, this is one of the things that, to me, is most disagreeable as I contemplate this situation.

I think we would guarantee this issue's becoming about the liveliest political issue in the campaigns this fall because, in effect, we would be saying, "All authority given by Congress in this matter expires with this Congress and the new Congress is the one which will have to decide what, if anything, will be done by Congress from then on."

I think we would find a real spate of campaigns erupting all over the country on the question of what should be done when the new Congress takes over.

We are not all sure of being here next year. Some will retire. The distinguished Senator from Delaware (Mr. WILLIAMS) has announced his retirement. The Senator from Florida has announced his retirement. For other reasons, many other Senators will not be here next year. I hope there will not be many who will be defeated. I have no desire to see any of my colleagues defeated, but we all know that these times are uncertain. So that there may be enough new personnel here next year to make a balance of power when it comes to this particular question.

My own feeling is that if we want to plunge the country into politics on this one question above every other that would be involved in this November's election, then the way to do it is to adopt this amendment to a bill which has nothing whatever to do with the subject matter of this amendment at this time, and with this slender debate, and without even giving a chance to Senators to read the report the Committee has considered on the Gulf of Tonkin resolution, much less giving Senators who reported out the concurrent resolution from the Committee on Foreign Relations a chance to show the reasoning which they followed in reporting that very important concurrent resolution.

Thus, the Senator from Florida, on all the grounds mentioned, would certainly hope that this particular amendment shall not be adopted.

The Senator from Florida has been following the Senator from Kansas, the Senator from Michigan, and other Senators on this side of the aisle who have opposed the Cooper-Church amendment, not because of any feeling of loyalty to those Senators but because the Senator from Florida believes, with them, that the Cooper-Church amendment is unwise; but, he finds himself now at the end of his rope, and he cannot follow in this new desire to complicate this whole issue by bringing in something completely unrelated to the subject matter of the arms supply bill, without giving any respect to or any chance to be heard from the committee members who have studied the subject and made an able report on it, and which report has not even been heard by Members of the Senate at this time.

The Senator from Florida hopes that the motion to lay on the table, if the distinguished Senator from Arkansas intends to make that motion, will prevail, and the Senator from Florida will vote for it.

If it does not pass, the Senator from Florida thinks that Senators on the other side of the aisle are beclouding this whole issue by offering this particular amendment at this particular time.

I thank the Senator from Arkansas for yielding to me.

Mr. FULBRIGHT. I thank the distinguished Senator from Florida for his contribution.

Mr. COOK. Mr. President, will the Senator from Florida yield?

Mr. FULBRIGHT. I yield.

Mr. COOK. I might say to the distinguished chairman of the Committee on Foreign Relations that I will not support his motion to table but wonder, in relation to the activities of the committee in the future, whether it is the intention of the committee to bring before this body not only Tonkin Bay, which has already been reported, but also the Cuban resolution of October 3, 1962, the Formosa resolution of January 29, 1955, and the Middle East resolution of March 9, 1957, so that we might have an opportunity to debate further the commitments which have been given to previous Presidents to commit American troops without any further authority of Congress.

If that be the case, has that now been so construed?

Mr. FULBRIGHT. Let me say to the Seantor from Kentucky that insofar as the Middle East resolution is concerned, that was originally reported to be repealed along with Gulf of Tonkin resolution, but because of the tense situation in the Middle East, the majority leader and certain other Members suggested that its repeal might be misunderstood. And they asked us to reconsider that action and to separate the two. That was thought to be the wiser course of action and the Committee did it.

On the other hand, we are still considering all of these emergency-type resolutions, not only the ones that the Senator mentioned, but all of them connected with commitments.

The Senator from Missouri (Mr. SYMINGTON) last year was made chairman of an ad hoc committee to go into all of our commitments abroad, particularly those which are the most active, cost us the most money, cause the most trouble and create the most turmoil. He has held hearings on almost all of them. They are practically finished.

The Senator from Missouri has held hearings on the Philippines, Laos, Thailand, Taiwan, Ethiopia, Greece, Europe in general and others.

I anticipate that after we have had an opportunity to consider all of those hearings, an effort will be made to terminate some of the commitments. And I shall certainly support most of them, but I would not want to preclude decisions on all of them. I am sure that a number of them will have been proven to be obsolete.

We have already, I think, had a substantial economic drain because of the Spanish bases agreement, for example. The administration was getting ready last year to renew an extension of all our bases there, with a 5-year agreement that involved several hundreds of millions of dollars. As a result of the committee's work, the time period was cut to two years and the amount was reduced considerably. It is being reconsidered further. I hope that we will get out of this without any greater drain on our pocketbooks.

The purpose of the Symington Subcommittee is to review all commitments and see whether we can cut them down and eventually bring home the troops and stop the drain on our economy which the Senator from Missouri, as strongly as anyone, feels is about to bankrupt this country.

I read an article in this morning's paper on the bankruptcy of the largest and richest railroad in America. I think that the Senator from Missouri makes a very persuasive case. If we do not do anything about these ventures, including that in Vietnam, we will go bankrupt.

The subcommittee has pursued this matter actively; it has held very extensive hearings; and they have involved a great deal of work for the members. I am a member of the subcommittee, and I have attended nearly every hearing.

Mr. COOK. Mr. President, may I read to the Senator from Mr. Torbert's letter to the Senator under date of March 12, 1970, in regard to the Middle East resolution:

> Much of the Middle East resolution of March 9, 1957, is no longer relevant. That portion of section 2 of the resolution giving congressional approval for the President to undertake military assistance programs has now been overtaken by the Foreign Assistance Act. Similarly, section 3 of the resolution authorizing the President to expend funds during fiscal year 1957 is no longer relevant. Section 4, authorizing the President to furnish assistance to the United Nations Emergency Force, has no current applicability since UNEF no longer exists.
>
> The resolution's statement, in section 2, that "the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism" plays a role in U.S. bilateral agreements with Iran, Pakistan, and Turkey. Article I of those agreements, which is common to all three of them, says that "in cases of aggression against (Iran, Pakistan, Turkey), the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the joint resolution to promote peace and stability in the Middle East, in order to assist the Government of (Iran, Pakistan, Turkey) at its request." Repeal of the resolution would in no way affect the continuing validity of these bilateral agreements. On the other hand, if the resolution is not repealed, the administration would not construe it as a source of authority for any decisions which might involve the United States in a conflict in that area.

Does the Senator from Arkansas agree with that language?

Mr. FULBRIGHT. I think it ought to be repealed. I said that the committee voted favorably to repeal the Middle East resolution. I thought that I made myself clear. But, because of the Middle East situation, it was thought later that such actions might be misunderstood. The majority leaders and others

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requested that the Tonkin Gulf and Middle East resolutions be handled separately and not reported together.

The committee will give more consideration to the repeal of the Middle East resolution, and I think it will vote again to repeal it, perhaps when the situation in the Middle East is not so difficult.

I do not know what will happen. But I agree with the language which the Senator read, and I agree with the language in that same letter about the Tonkin Gulf resolution.

Mr. COOK. I do, too. May I ask the Senator whether there would be any misunderstanding on the part of the chairman of the Foreign Relations Committee in regard to this language if the repeal of the Mideast resolution were to take place. There would be no inconsistency between that repeal and the letter signed by many of us and sent to the President a few days ago.

Mr. FULBRIGHT. I do not think so. The Senator refers to an inconsistency?

Mr. COOK. That is correct.

Mr. FULBRIGHT. No. As long as we know what we are doing. It is not inconsistent with this. I think that what the State Department said is correct.

However, a number of the Members of the Senate do not want to consider the Middle East resolution at this time. I am not one of them, but there are a number of Senators who do not want to consider it now. And this was taken into consideration in the decision not to press at this time on the decision with respect to the Middle East resolution.

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Mr. COOK. Mr. President, I might ask the Senator with respect to the Formosa resolution whether he agrees with the following language:

> This resolution is now 15 years old. In the event of a new crisis in the Formosa Strait, this administration would not view the continued existence of the Formosa resolution as a source of congressional authority.

Mr. FULBRIGHT. I think the Formosa resolution ought to be repealed. I would approve it, and if the administration wants to take action there, I think it ought to come to Congress.

This, in my view, is consistent with the spirit of the commitments resolution which the Senate passed last year and which requires affirmative action by both the executive and legislative branches before a national commitment can be made to a foreign government.

Mr. COOK. With reference to the Cuban resolution, does the Senator from Arkansas agree with the following language:

> The Cuban resolution of October 3, 1962, was above all a statement of U.S. policy toward Cuba. It was not intended to add to the President's powers or to authorize any particular action he might take in the future. Consequently, we do not consider that the Cuban resolution in any way affects the powers of the executive and legislative branches. It has never been relied upon by the executive as the legal basis for any action.

Mr. FULBRIGHT. Mr. President, I certainly agree with that. And I think that along with the rest of this debris, it should be swept into the ashcan. We ought to consider these in the light of what the conditions are today.

Mr. COOK. Mr. President, I do not intend to vote in favor of the motion to table the Tonkin Gulf resolution. But I would hope that the Senator would bring up the Tonkin Gulf resolution repeal pending on the calendar when it is available to be brought before the Senate, because at that time it is my intention to propose an amendment to add the resolutions that the distinguished Senator from Arkansas and I have been discussing because if, in fact, these resolutions are no longer effective and if in fact the position stated by the Acting Under Secretary of State for Congressional Affairs was correct in his letter to the chairman of the Committee on Foreign Relations, then I think if the Senate, in its power over foreign relations of this Nation is going to act instead of react, it should clear the decks. If it is going to clear the decks then I think we should not only clear the decks of the Gulf of Tonkin resolution but also the resolutions on Formosa, and the Pescadores, the Middle East resolution, and the Cuban resolution.

I would like to discuss further when that debate continues the Korean resolution and the South American resolution because if this be the case, if we have a resolution in effect that could be construed to give the President the authority and he takes it, and we raise the question that he has not consulted with Congress after Congress gave the authority, it is incumbent on Congress to act before it reacts.

I thank the Senator for yielding.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the senior Senator from Kentucky.

Mr. COOPER. Mr. President, I wish to go back to the Gulf of Tonkin resolution. I would like to have the attention of the distinguished Senator from North Caroline, our constitutional expert, and the Senator from Kansas.

Section 3 of the resolution states:

> This resolution shall expire when the President shall determine that peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. FULBRIGHT. That is right.

Mr. COOPER. Does that prescribe the only two methods by which this resolution could be terminated?

Mr. FULBRIGHT. By its terms. That is the reason we had the Senator from Maryland resubmit it in the form of a concurrent resolution. This one and the Middle East resolution provide specifically for repeal by a concurrent resolution. The others, I presume, would require presidential joinder. A joint resolution would be the normal way to do it. But as a matter of procedure the Senator is correct. It has been reported by the committee now. That resolution is on the calendar; it is ready for action. The majority leader intends to bring it up soon after the completion of action on the present bill. If this bill had not been subjected to this long filibuster of 6 weeks it would have been disposed of long before now. However, it is not for me to complain about filibusters. I have approved of them since I have been in the Senate. I only point out that that is the reason this matter has not come up. It cannot come up as long as this matter is filibustered.

Mr. COOPER. Then, this method, in the Senator's view, is a proper procedure?

Mr. FULBRIGHT. I think the Tonkin Gulf resolution ought to be repealed by a concurrent resolution. President Johnson and his advisers thought they were making a gesture to Congress when they said in effect, it might be repealed "without my approval." It was a little public relations gimmick. President Johnson was saying, "You do not have to have my approval to repeal it."

Several Senators addressed the Chair.

Mr. FULBRIGHT. Mr. President, I have promised to yield to the Senator from Kansas.

Mr. DOLE. I thank the Senator for yielding.

While the resolution states how it should be terminated, it does not preclude termination in some other day. The word "may" is used; it is permissive. It does not say only by concurrent resolution of Congress. I respectfully suggest the method of the Senator from Kansas is stronger because it does require the President's signature and it has been indicated he does not rely on the Gulf of Tonkin resolution.

I recognize no reason is needed to table an amendment, but I ask the Senator from Arkansas—and he is for the repeal of the Gulf of Tonkin resolution—why should it not be disposed of in this fashion today? We have had only 30 days debate.

Mr. FULBRIGHT. I shall reply by asking a further question. Can the Senator assure me that if this is placed in the bill and the Cooper-Church amendment is in the bill, the President will sign it? Does the Senator have any assurance that the President will sign the military sales bill with these items in it?

Mr. DOLE. I do not have any such assurance from the President.

Mr. FULBRIGHT. If the Cooper-Church amendment is in it?

Mr. DOLE. It is not a part of the Cooper-Church amendment; it is a part of the Foreign Military Sales Act.

Mr. FULBRIGHT. It is a part of the bill. I do not think it necessarily means it cannot be done by joinders, but it specifically provides it may be done by concurrent resolution, which is a lesser legislative act, and that is the way the Committee on Foreign Relations and the leadership on this side chose to deal with it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Also, debate will take place on the resolution. I think it is a very casual and inappropriate procedure to do it the way the Senator from Kansas has proposed.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Is the Senator's question on this point? I was yielding to the Senator from Kansas.

Mr. HOLLAND. Yes. I was going to ask the distinguished Senator if he did not think it is a much stronger basis, from the standpoint of maintaining and retaining congressional jurisdiction, to deal with this matter through a concurrent resolution in which we do not ask the Executive to join?

Mr. FULBRIGHT. I do. But I recognize that others do not find appeal for the congressional role in government and prefer the Presidential role. It is more glamourous, and many people think the only duty of Congress is to get behind the President. That is the only way they can think of Congress, and it keeps them from assuming responsibility. The Senator is quite right.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. I am seeking clarification. The Senator from Arkansas said one time before he was for the Gulf of Tonkin resolution and he is now against it; and he has often spoken of the need for having it repealed and getting rid of it. We have now given him this first chance. We cannot be sure he would ever have quite as good a chance again. I wonder why he would be inclined to avoid an opportunity to be heard on this repeal, which I am prepared to support.

Mr. FULBRIGHT. The Senator has very close association with the President. Can he give any assurance that the President will approve of the pending bill if the Cooper-Church amendment is in it?

Mr. SCOTT. I will say this particular amendment does not turn on the outcome of the Cooper-Church amendment.

Mr. FULBRIGHT. If you are attaching it to this bill it would not be a separate bill. The President could not veto it by items, could he?

Mr. SCOTT. My only inclination, and I am quite serious, is to believe that by the time we are through with this bill it will be in a shape which the President can sign and, therefore, I think after both Houses have worked their will the President will be in a position to accept the bill. He might not entirely approve everything which one body has done but after the sanctifying effect of that body, which springs directly from the people and springs back at them every 2 years, and is closed to the people because of this double spring effect, perhaps we should assume it would be in proper legislative shape and that the President, I would assume, would sign it.

Mr. DOLE. Mr. President, will the Senator yield for a qustion?

Mr. FULBRIGHT. I yield for a question.

Mr. DOLE. I understand the Senator does not object to the repeal of the Gulf of Tonkin resolution.

Mr. FULBRIGHT. I favor its repeal.

Mr. DOLE. But not today.

Mr. FULBRIGHT. Not according to the procedure the Senator from Kansas suggests. I think it is wrong and that it is untimely. I said I favor repealing it, and I stated why a moment ago.

Mr. DOLE. I read the committee report. There are only six lines in the committee statement on the Gulf of Tonkin resolution. It states, in effect, "as amended, we recommend it do pass." I guess this could be debated 2 or 3 weeks and another conclusion could be reached.

We have been debating the general issue of Southeast Asia and the effect of the Gulf of Tonkin resolution. The President has made it clear that he does not rely on the Tonkin Gulf resolution. The Senator from Arkansas and other Senators have made it clear that they do not rely on the Tonkin Gulf resolution now. It seems an appropriate time to act now.

I apologize if I have trespassed on the rights of any Member or any committee. That was not the purpose of my amendment. We were debating a measure relating to the Tonkin Gulf resolution, not trying to deal lightly with it. I may say the Tonkin Gulf resolution passed, after a brief debate, by a vote of 88 to 2. Because of passage, the war escalated until there were approximately 550,000 troops there. Perhaps it was dealt lightly with at the time the resolution was passed. I do not pass judgment on that. But now that we have expressed ourselves many times, why is it inappropriate to act now? This is an appropriate time to pass on the proposition. If it fails, we still have the concurrent resolution. This procedure will give the President an opportunity, by appending his signature to it, to affirm that he favors repeal of the Gulf of Tonkin resolution.

Mr. FULBRIGHT. Mr. President, I cannot say any more than I have as to why the Senator's amendment is inappropriate. It departs from the usual procedure. The Senator from Florida made an eloquent argument for my position on the inappropriateness of it. I do not know what I can say to add to what both the Senator from North Carolina and the Senator from Florida have said. I can only conclude that the Senator has not listened very carefully and has not observed what the proper procedures are. After he has been here a while, I think he will come to appreciate the procedures of the Senate. One of the important parts of the procedures of the Senate is following the committee procedure. In fact, following the proper procedure is very relevant to our democratic form of government. One does not override the established procedures of a body like this and still reach any kind of result.

I do not blame the Senator, in view of his brief attendance here, for not having learned all of the proper procedures.

Both the Senator from Florida and the Senator from North Carolina described, in very eloquent language, the same point I was making. I thought it would be acceptable to the Senator from Kansas to go along with it. I do not know what more I can say to the Senator from Kansas—his amendment does not accord with the proper procedure.

Mr. DOLE. The Senator is not saying he is against repeal. Is he?

Mr. FULBRIGHT. I am against the procedure you have suggested. The Senator has evidently not been here long enough. He is not a committee chairman. And I do not believe he has any great experience in this area.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. DOLE. Is it a rule of the Senate that one must clear everything with the Senator from Arkansas?

Mr. FULBRIGHT. No; there is no rule that one has to clear anything with me, but all of the standing committees have a function to play in this body. If the Senator will read the rules of the Senate, he will see each committee has certain jurisdictions. The Senator can make any motion he wants to. Of course he can. That does not mean we have to accept it. I am not saying the Senator cannot make a motion. I am going to move to table the motion, because the procedure proposed by the Senator is highly improper. The Senator is not, however, out of order——

Mr. DOLE. I was going to say, if I was out of order perhaps the Senator should make a point of it.

Mr. FULBRIGHT. The Senator is not out of order. He can make any motion that he wants to. It is up to him.

Mr. DOLE. I might add that I appeared before the Senator's committee on a relevant amendment, as did about 20 other Senators on related business before the committee. The Senator from Kansas testified and appreciated the opportunity to become enlightened by the Senate committee, but I did not know it extended to the point where a Senator could not offer an amendment on the floor because other Senators have been here longer than the Senator offering an amendment. If I have transgressed any rule, I should know about it, because it occurs to me the amendment is timely now. We have been debating this question now for about 35 days. As the Senator has suggested, it may have a taint of a filibuster.

Mr. FULBRIGHT. Does the Senator have any doubt that it is a filibuster?

Mr. DOLE. I do not know. I have not been around here long enough to recognize one.

Mr. FULBRIGHT. I can assure the Senator that it is a filibuster. It is not becoming for me to say that one should not filibuster, and I am not saying that. I will say that a good precedent has been set for filibustering other bills that may be coming up later in the year. We had a very good filibuster last year.

Mr. DOLE. I learned a lot last year from the Senator from Arkansas, as well as from other Senators, on the ABM debate.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I have the floor. I am sorry. Mr. President, I am ready to make a motion, but, first, I had promised to yield for one moment to the Senator from Maryland (Mr. MATHIAS), who is really the sponsor of the concurrent resolution to repeal the Tonkin Gulf resolution. He introduced last year a resolution which carried the repeal of the Tonkin Gulf resolution. It was by action of the committee that it was separated from the other parts of the resolution. So certainly he is, in a sense, sponsor of the repeal resolution.

I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee for his generous words. I do not know that there is any monopoly of glory in this matter.

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I think if we can get the job done, there will be glory enough to spread around for everyone. But I am concerned with one of the propositions that was placed before the Senate by the distinguished Senator from North Carolina, in that if we simply repealed the Gulf of Tonkin resolution, we would create a vacuum, and within that vacuum, the Executive could operate without congressional policy direction.

The question I wanted to propose to the chairman of the committee was, regardless of what we may do here this afternoon, if he did not feel that it is necessary to return to the work already done by his committee, in the consideration of a further policy question as to what the Congress wants to see happen in Southeast Asia, not simply leaving a vacuum in which the Executive has a hunting license to operate without policy direction from the Congress, and to ask the chairman if it would be his intention to pursue this question, as I think he began to explore it with the Senator from Kentucky a few moments ago.

Mr. FULBRIGHT. Mr. President, I was going to say it seems to me that both Senators from Kentucky, in two different ways, and also the Senator from Idaho, have been moving into the area of setting some foreign policy guidelines, which I think is the proper function of the Congress in this area.

The Church-Cooper amendment is a step in the direction of expressing our view as to the war in Cambodia. It has become involved in a lot of controversy as to what it does. I would be in favor of any formula we could find that would be useful and helpful to the President in his declared intention of ending the war. I know the Senator from Maryland wants to assist in that effort. The members of the Foreign Relations Committee have been searching for ways to help bring the war to an end. Most of us, if it is not unanimous, are eager to get the war over with.

But there seems to be the assumption by the administration that it does not need any help from the Congress. And associated with this is the belief that the President can do anything he pleases as Commander in Chief—so long as he does it in the name of protecting American troops.

What I think caused such a great shock was the expansion of the war into Cambodia. That has created very deep skepticism in many circles as to just what is going on.

Mr. MATHIAS. If the distinguished Senator will recall, in the original draft of Senate Joint Resolution 166, the Mansfield-Mathias resolution, we did provide for an express congressional policy supporting the President's withdrawal of ali troops from Vietnam, and it seems to me, as I say, that whatever we do today, we have to move in that direction in order to provide those guidelines.

Mr. FULBRIGHT. As the Senator knows, there are several pending amendments and resolutions devoted to the very purpose the Senator is talking about.

This extended debate, or, in somewhat more frank language, filibuster, has delayed getting to those other amendments and resolutions. I hope this bill will be disposed of quickly, although I offer no criticism of the Senator from Kansas for carrying on an extended debate. I have done it myself. There is always a difference of opinion as to whether the pending business is important or unimportant. I am ready to make the motion.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for one question.

Mr. ERVIN. The Senator mentions following the President. I backed the President as Commander in Chief in the Cambodian incursion on the basis of the Tonkin Gulf resolution. Now the President's spokesman says he wants to repeal the Tonkin Gulf resolution. I suggest to the Senator from Arkansas that it is getting to be impossible to follow the President, because the President is emulating the character in the novel who is reputed to have jumped on his horse and galloped wildly off in all directions.

Mr. FULBRIGHT. The Senator spoke of the President's spokesman. I hope he was not referring to me?

Mr. ERVIN. No; I referred to the distinguished Senator from Kansas. I exonerate the Senator from Arkansas from that role.

Mr. FULBRIGHT. Mr. President, I move to lay on the table the amendment of the Senator from Kansas.

Mr. DOLE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Fannin). The question is on agreeing to the motion of the Senator from Arkansas (Mr. Fulbright) to lay on the table the amendment offered by the Senator from Kansas (Mr. Dole). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Bill Clerk. On the quorum?

The PRESIDING OFFICER. On the quorum.

The bill clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll for the vote on the motion.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Oklahoma (Mr. Harris), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) and the Senator from Nevada (Mr. Cannon) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Senators from Oregon (Mr. Hatfield and Mr. Packwood) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from California (Mr. Murphy) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), the Senator from Califonia (Mr. Murphy), and the Senator from Illinois (Mr. Percy) would have each voted "nay."

The result was announced—yeas 15, nays 67, as follows:

[No. 161 Leg.]

YEAS—15

Allen
Anderson
Bayh
Ellender
Ervin
Fulbright
Gravel
Holland
Hollings
Jordan, N.C.
McCarthy
McGee
Sparkman
Stennis
Talmadge

NAYS—67

Aiken
Allott
Baker
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Fannin
Fong
Goldwater
Goodell
Griffin
Gurney
Hansen
Hart
Hartke
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGovern
Miller
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stevens
Symington
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—18

Bible
Cannon
Dodd
Dominick
Gore
Harris
Hatfield
McClellan
McIntyre
Metcalf
Mundt
Murphy
Muskie
Packwood
Percy
Russell
Tydings
Yarborough

So Mr. Fulbright's motion to table Mr. Dole's amendment was rejected.

The PRESIDING OFFICER (Mr. Griffin). The question now recurs on agreeing to the amendment offered by the Senator from Kansas (Mr. Dole).

Mr. HANSEN. Mr. President, I gathered from the colloquy which has taken place before the vote, that what the distinguished chairman of the Committee on Foreign Relations was saying was that he did not object to the thrust of the Dole amendment but he did object to the manner in which this proposition was being placed before the Senate. I would like to ask if I am right about that.

Mr. FULBRIGHT. The Senator is correct. The Committee on Foreign Relations had the Mathias resolution before it, of which this is a part. We reported that by a vote of 13 to 1, with only one dissent in the committee. It is on the calendar now and has been there since April 10, I believe, ready for action. It was in the form of a concurrent resolution.

The original Gulf of Tonkin resolution, by its terms, stated that it may be repealed by a concurrent resolution. That is the form which the resolution we reported is in. That is the orderly way to do it. It is the Mathias resolution. It seems to me that this is a disorderly way. The fate of the bill before us is uncertain because it is not a concurrent resolution as Senators know, which does not have to go to the White House. It may or may not be accepted, but it may or may not be accepted in the House because of other issues; specifically, the matter of the Church-Cooper amendment. The Senator knows how controversial that has been. It has been filibustered here for 6 weeks. Thus, the purpose is procedural. I favor, of course, repeal of the Gulf of Tonkin resolution. I voted for the one reported by the committee. It is in a form which I think is the proper form and the right way to do it.

Mr. HANSEN. I thank the distinguished Senator from Arkansas.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. FULBRIGHT. Mr. President, let me say to the Senate that I hope they are under no illusions, because I have got a speech to make on the substance. We have to vote on supporting repeal. I am not going to yield for a vote right now.

Mr. MANSFIELD. Mr. President——

Mr. STENNIS. Mr. President——

The PRESIDING OFFICER (Mr. GURNEY). The Senator from Montana is recognized.

SECOND SUPPLEMENTAL APPROPRIATION, 1970

Mr. MANSFIELD. Mr. President, I can recognize a delay, a stall, a filibuster. It is my purpose, inasmuch as we are not going to be allowed to vote now—and that is unfortunate—to ask that the Senate proceed to the consideration of Calendar No. 918, H.R. 17399, the second supplemental appropriation bill, 1970, and that it be laid down and made the pending business for this evening.

Mr. HOLLAND. Mr. President——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, only for tonight, and that the Senate proceed to the bill I have just designated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. FULBRIGHT. Mr. President, reserving the right to object—what is that bill?

Mr. MANSFIELD. It is the second supplemental appropriation bill for 1970.

Mr. HOLLAND. Mr. President, my understanding is that under the unanimous consent already given, the majority leader is within his right now to put the Senate into the matter of the consideration of one of the appropriation bills, the time now being past 5 o'clock.

The PRESIDING OFFICER (Mr. GURNEY). Without objection, the Senate will proceed to the consideration of the bill, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 918, H.R. 17399, making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Mr. MANSFIELD. Mr. President, before we start on the temporary pending business——

The PRESIDING OFFICER (Mr. GURNEY). The Senator from Montana will suspend. The Senate will come to order so that the majority leader may be heard.

Mr. MANSFIELD. Mr. President, I believe that the distinguished Senator from New Mexico (Mr. ANDERSON) has a conference report.

NASA AUTHORIZATION BILL FOR FISCAL YEAR 1971—CONFERENCE REPORT

Mr. ANDERSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GURNEY). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of June 15, 1970, pp. 19705–19707, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ANDERSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a comparative tabulation showing the amounts requested by the National Aeronautics and Space Administration, the House action, the Senate action and the conference action.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

SUMMARY OF ACTION OF CONFEREES ON H.R. 16516 NASA AUTHORIZATION FOR FISCAL YEAR 1971

[In thousands of dollars]

	Budget request	House action	Senate action	Conference action
Research and development:				
Apollo	956, 500	1, 087, 000	956, 500	994, 500
Space flight operations	515, 200	654, 700	515, 200	565, 200
Advanced missions	2, 500	1, 000	2, 500	1, 500
Physics and astronomy	116, 000	110, 400	116, 000	116, 000
Lunar and planetary exploration	144, 900	144, 900	144, 900	144, 900
Bioscience	12, 900	12, 900	12, 900	12, 900
Space applications	167, 000	172, 600	167, 000	167, 000
Launch vehicle procurement	124, 900	124, 900	124, 900	124, 900
Space vehicle systems	30, 000	30, 000	30, 000	30, 000
Electronics systems	22. 400	23, 900	22, 400	23, 900
Human factor systems	17, 900	18, 300	17, 900	18, 300
Basic research	17, 600	18, 000	17, 600	18, 000
Space power and electric propulsion systems	30, 900	30, 900	30, 900	30, 900
Nuclear rockets	38, 000	38, 000	38, 000	38, 000
Chemical propulsion	20, 300	20, 300	20, 300	20, 300
Aeronautical vehicles	87, 100	87, 100	87, 010	87, 100
Tracking and data acquisition	298, 000	293, 800	298, 000	295, 200
Technology utilization	4, 000	4, 500	4, 000	4, 500
Total	2, 606, 100	2, 873, 200	2, 606, 100	2, 693, 100
Construction of facilities:				
Ames Research Center	1, 525	1, 525	1, 525	1,525
Goddard Space Flight Center	2, 050	2, 050	0	1,928
Jet Propulsion Laboratory	1, 950	1, 950	1, 950	1,950
John F. Kennedy Space Center	575	575	575	575
Manned Spacecraft Center	900	900	900	900
Marshall Space Flight Center	525	525	525	525
Nuclear Rocket Development Station	3, 500	3, 500	3, 500	3, 500
Various locations	18, 575	17, 950	18, 575	18, 575
Facility planning and design	5, 000	5, 000	5, 000	5, 000
Total	34, 600	33, 975	32, 550	34, 478
Research and program management	692, 300	693, 700	677, 300	683, 300
Grand total	3, 333, 000	3, 600, 875	3, 315, 950	3, 410, 878

Mr. ANDERSON. Mr. President, the total authorization request for the National Aeronautics and Space Administration for fiscal year 1971 was $3,333,000,000. The House approved a total authorization of $3,600,875,000. The Senate in its action on the authorization bill amended H.R. 16516, approving a total of $3,315,950,000, an amount $284,925,000 less than provided by the House bill. The conferees are recommending a total authorization of $3,410,878,000. This amount is $77,878,000 above the NASA request, $189,997,000 below the House bill and $94,928,000 above the amount approved by the Senate.

RESEARCH AND DEVELOPMENT

Mr. President, in adjusting the difference between the Senate and House-passed versions of H.R. 16516, the conferees agreed as follows:

For Research and Development the House had authorized a total of $2,873,200,000 for 18 programs. The Senate had authorized $2,606,100,000 for the same programs, or $267,100,000 less than the House. The conferees agreed to a total of $2,693,100,000 which is $180,100,000 less than provided by the House bill and $87,000,000 more than provided by the Senate.

In reaching this amount for research and development, the conferees agreed to an authorization of $994,500,000 for the Apollo program, which is $92,500,000 less than the amount authorized by the House and $38,000,000 more than the amount authorized by the Senate. This $38,000,000 addition would be for the production of long leadtime items for scientific payloads for Apollo lunar exploration flight after 1973.

The conferees agreed to an authorization of $565,200,000 for the space flight operations program, which is $89,500,000 less than the amount provided by the House and $50,000,000 more than the amount provided by the Senate. The additional $50,000,000 would be applied to the Apollo applications —recently designated "Skylab"—project, now in the hardware phase, to augment the development and qualification effort on spacecraft and workshop subsystems.

For advanced missions the House had authorized $1,000,000 and the Senate $2,500,000. The conferees agreed to the amount of $1,500,000.

Small offsetting adjustments were made in some of the other research and development programs which did not involve any changes in the total funding by the House or Senate.

CONSTRUCTION OF FACILITIES

For construction of facilities the House provided a total of $33,975,000 and the Senate authorized a total of $32,550,000. The principal difference was a $2,050,000 item for an earth resources technology laboratory at the Goddard Space Fight Center which had been cut out by the Senate. While the Senate approved of the earth resources program it was felt that the administration had not done sufficient long-range planning for an operational earth resources survey satellite system which would be utilized by many of the departments and agencies of the Government. The Senate agreed to restore $1,928,000, which is the current estimated cost of this laboratory resulting from design changes by NASA subsequent to its original budget presentation, in order that the experimental portion of the program can be continued, but the conferees agreed that strong language would be placed in the statement of managers indicating that both Houses believe that the administration should initiate immediately long-range planning examining the management, technical, and other aspects of an operational program. The conferees further agreed that operational facilities should not be built until the benefits of surveys can be assessed and determinations made that an operational system should be built. Mr. President, I ask unanimous consent that a copy of the language agreed to be printed in the Record at this point.

There being no objection, the language was ordered to be printed in the Record, as follows:

Language on Goddard Facility

It is clear that several federal agencies will have a need for the kind of information that will be provided by earth resources satellites. In fact, NASA is designing the data collection and return systems of the Earth Resources Technology Satellites (ERTS) so as to maximize their usefulness for the prospective user agencies. It is equally clear, however, that insufficient attention has been given to the organizational aspects of an operational system which are compounded by the very nature of the multiple interests that would be served. In addition, there are international ramifications to an operating ERTS system that have not been adequately considered.

The Conferees agree, therefore, that the Executive Branch and particularly NASA and the Office of Management and Budget should give prompt and careful study to the problem of how an operational earth resources survey satellite system would be structured both in terms of the many federal agency interests that will be involved and in terms of its international aspects. However, in view of the current developmental status of the NASA experimental project, operational facilities for an earth resources survey satellite system should not be built until such time that the benefits of continuing satellite surveys can be assessed and a determination made that an operational earth resources satellite system should be built.

Mr. ANDERSON. Mr. President, in addition, the House had authorized a total of $17,950,000 for various locations and the Senate had authorized $18,575,000, or an amount $625,000 above the House authorization. This amount was to be used for preservative-type rehabilitation work at the Michoud assembly facility and at the Mississippi test facility. The House receded from its disagreement to the Senate figure and agreed to the additional $625,000.

RESEARCH AND PROGRAM MANAGEMENT

For research and program management, the House had authorized a total of $693,700,000 and the Senate had authorized $677,300,000, which was $16,400,000 less than the House authorization. In addition, the Senate specified that a ceiling of not to exceed $500,108,000 of such authorization be available for personnel and related costs. The Senate further provided that NASA authority to transfer funds should not be construed to authorize the expenditure of amounts for personnel and related costs in excess of the ceiling established by the Senate for such costs.

In conference a total of $683,300,000 was agreed to for research and program management of which not more than $506,108,000 shall be used for personnel and related costs. This represents a $9 million reduction in personnel costs from the NASA budget request. The conferees agreed to the ceiling on personnel costs passed by the Senate with a proviso that the funding for personnel costs might be increased 1 percent in the event the Administrator determines such an increase is necessary for the safety of any mission.

The House in its bill had added $1.4 million to the research and program management budget stipulating that the increase was for research fellowships, additional summer jobs, and graduate and undergraduate fellowships in the field of aeronautics. The Senate amendment to the House bill contained no such provision. The conferees agreed that there is an urgent need for encouraging young people trained in the aeronautical sciences to accept research positions in NASA so as to help maintain a position of leadership for the United States in the field of aeronautics. Therefore, the conferees agreed that NASA should initiate, within the amount authorized for research and program management, an educational program directed to the aeronautical sciences.

OTHER LEGISLATIVE AMENDMENTS

The Senate bill included two other legislative changes which were not in the House-passed bill. One provision would place a ceiling of $500,000 on appropriated funds to be used by NASA for the payment of services, per diem, travel, and other expenses of experts and consultants. The House conferees agreed to this amendment. The Senate bill also included a legislative amendment to section 6 of the House Authorization Act, 1970, which would make certain minor and generally nonsubstantive changes in that section so that NASA and DOD can issue uniform regulations relative to the submission of certain specified data relating to employees and former employees of both NASA and the DOD. The House conferees agreed to this amendment.

Mr. President, there was a good deal of give and take in the conference committee which brought the House and Senate into agreement on this bill, H.R. 16516. I would like to congratulate all of the conferees—both the House and the Senate—for their fine participation. However, I think no one deserves more credit for the report I am presenting to the Senate today than the senior Senator from Maine (Mrs. Smith). As usual, she was there for every minute of the conference, was thoroughly prepared and supported the Senate's position with determination and vigor. It is a pleasure to have served on the conference committee with her.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chamber be cleared of all unauthorized personnel.

The PRESIDING OFFICER (Mr. Gurney). The Sergeant at Arms will clear the Chamber of all unauthorized personnel.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. PASTORE. Mr. President, I would like to know now that we have laid new business before the Senate whether the Pastore rule of germaneness for 3 hours obtains.

The PRESIDING OFFICER. The Chair announces that the 3 hours for germaneness has elapsed.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. Mr. President, may I express the hope to the Senate, on behalf of the joint leadership, that at least an informal adherence to the Pastore rule of germaneness might be applicable on the second measure we are considering today so that we might get on to the business at hand.

We have a morning hour which will allow the inclusion of morning business at any time during the course of the day. But in the interest of expediting our labors today, we might give consideration to the request of the Senator from Rhode Island.

Mr. BYRD of West Virginia. Mr. President, on Friday I made an opening statement on the second supplemental appropriations bill for 1970. The statement is in the RECORD. I have no further comments to make at this point.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, after the word "exceed", strike out "$597,000" and insert "$425,000".

On page 2, after line 21, insert:

"FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

"For an additional amount for 'Federal payment to the District of Columbia', to be paid to the general fund of the District of Columbia, $4,042,000."

On page 3, line 10, after the word "expenses", strike out "$2,675" and insert "$174,675".

On page 3, line 16, after the word "vehicle", strike out "$2,370,500" and insert "$3,966,485".

On page 3, line 22, strike out "$47,300" and insert "$171,750".

On page 3, after line 22, insert:

"SETTLEMENT OF CLAIMS AND SUITS

"For payment of property damage claims in excess of $500 and of personal injury claims in excess of $1,000, approved by the Commission in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), $20,000, payable from the general fund."

On page 4, line 7, after the word "expended", strike out "$1,658,000" and insert "$8,768,000"; and, after the amendment just above stated, insert a colon and "*Provided*, That $374,500 shall be available for construction services by the Director of General Services or by contract for architectural engineering services, as may be determined by the Commissioner.".

On page 4, after line 18, insert:

"FOREIGN ASSISTANCE

"FOREIGN MILITARY CREDIT SALES

"For expenses, not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, as amended, $250,000,000: *Provided*, That this paragraph shall be effective only upon the enactment into law of H.R. 15628, Ninety-first Congress, or similar legislation: *Provided further*, That such funds shall remain available until thirty days after the date of approval of this Act, or of H.R. 15628, Ninety-first Congress, or similar legislation, whichever is later."

On page 5, after line 19, insert:

"PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

"For an additional amount for 'Payment to civil service retirement and disability fund', as authorized by 5 U.S.C. 8348, $157,816,600, to be credited to the civil service retirement and disability fund."

On page 6, after line 7, insert:

"GENERAL SERVICES ADMINISTRATION

"REAL PROPERTY ACTIVITIES

"SITE AND EXPENSES, PUBLIC BUILDING PROJECTS

"For an additional amount for 'Sites and expenses, public buildings projects', $371,000, to remain available until expended."

On page 6, line 17, strike out "$7,000,000" and insert "$7,433,000".

On page 7, after line 4, strike out:

"COUNCIL ON ENVIRONMENTAL QUALITY

"SALARIES AND EXPENSES

"For expenses necessary for the Council on Environmental Quality in carrying out its functions under the National Environmental Policy Act of 1969 (Public Law 91190), including hire of passenger motor vehicles and partial support of the cabinet committee on environmental quality, and the Citizens' Advisory Committee on Environment Quality established by Executive Order 11472 of May 29, 1969, or any amendatory order, $100,000."

And, in lieu thereof, insert:

"COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

"SALARIES AND EXPENSES

"For expenses necessary for the Council on Enviornmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91–190) and the Environmental Quality Improvement Act of 1970 (Public Law 91–224), including hire of passenger vehicles, and partial support of the Cabinet Committee on the Environment and the Citizen's Advisory Committee on Environmental Quality, established by Executive Order 11472 of May 29, 1969, as amended by Executive Order 11514 of March 5, 1970, $200,000."

On page 10, after line 12, insert:

"GEOLOGICAL SURVEY

"SURVEYS, INVESTIGATIONS, AND RESEARCH

"For an additional amount for 'Surveys, investigations, and research', $225,000."

On page 10, line 20, after the word "Protection", strike out "$850,000" and insert "$775,000".

On page 11, line 6, after the word "management", strike out "$21,000,000' and insert "$21,172,000"; and, after the amendment just above stated, insert a comma and "including $172,000 to remain available until expended."

On page 12, after line 2, insert:

"MANPOWER ADMINISTRATION

"MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For an additional amount for manpower and development training activities, to carry out the provisions of section 102 of the Manpower Development Training Act of 1962, as amended, $50,000,000 to remain available until September 30, 1970: *Provided*, That this appropriation shall not be available for the purposes of sections 106(d) and 309(b) of said Act."

On page 12, after line 16, insert:

"TRADE ADJUSTMENT ACTIVITIES

"For an additional amount for 'Trade Adjustment Activities', $2,330,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for these expenses for any period subsequent to March 31 of the current year."

On page 14, after line 2, insert:

"HOSPITAL MODERNIZATION AND CONSTRUCTION

"For an additional amount for grants or loans for hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, $8,703,078."

On page 14, after line 6, insert:

"OFFICE OF EDUCATION

"EMERGENCY SCHOOL ASSISTANCE

"For providing emergency assistance to desegregating school districts under part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $150,000,000 to remain available until September 30, 1970: *Provided*, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be included as part of the amounts appropriated for the purpose of determining allocations for each purpose set forth in clauses (1) through (8) of section 102(b) of the Economic Opportunity Amendments of 1969: *Provided further*, That funds appropriated for administrative expenses shall remain available until June 30, 1971."

On page 15, after line 13, insert:

"SENATE

"CONTINGENT EXPENSES OF THE SENATE

"INQUIRIES AND INVESTIGATIONS

"For an additional amount for 'Inquiries and Investigations', fiscal year 1970, $345,000, to be derived by transfer from the appropriation, 'Salaries, Officers and Employees', fiscal year 1970."

On page 17, after line 7, insert:

"LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

"FEES AND EXPENSES OF WITNESSES

"For an additional amount for 'Fees and expenses of witnesses', $500,000."

On page 17, after line 15, insert:

"FEDERAL PRISON SYSTEM

"Support of United States Prisoners

For an additional amount for 'Support of United States prisoners', $850,000."

On page 19, after line 10, insert:

"MARITIME ADMINISTRATION

"STATE MARINE SCHOOLS

"For an additional amount for 'State Marine Schools', for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, $145,000."

On page 19, after line 10, insert:

"DEPARTMENT OF HEALTH, EDUCATION AND WELFARE"

On page 19, line 22, after the word "pay", strike out "$1,250,000" and insert "$1,000,000".

On page 20, after line 12, insert:

"BUREAU OF ACCOUNTS

"SALARIES AND EXPENSES

"For an additional amount for, 'Salaries and expenses', $1,300,000".

On page 20, line 20, after the word "debt", strike out "$3,250,000" and insert "$3,600,000".

On page 20, line 24, after the word "Transportation", strike out "$10,700,000" and insert "$10,600,000".

On page 21, line 5, strike out "$83,000" and insert "$67,000".

On page 21, line 13, after the word "Congress", insert a comma and "and Senate Document numbered 91–86 Ninety-first Congress"; and, in line 14, after the amendment just above stated, strike out "$6,591,406" and insert "$23,478,461".

On page 22, after line 6, insert:

"SENATE

" 'Compensation of the Vice President and Senators', $10,835;

" 'Salaries, officers and employees', $3,634,674;

" 'Office of the Legislative Counsel of the Senate', $39,120;

"Contingent expenses of the Senate:

" 'Senate policy committees', $47,120;

" 'Automobiles and maintenance', $4,140;

" 'Inquiries and investigations', $662,515; including $23,695 for the Committee on Appropriations;

" 'Folding documents', $4,660;

" 'Miscellaneous items', $92,810;

On page 24, line 5, after the world "Committee", strike out "$44,490" and insert "$43,475".

On page 24, after line 20, insert: "Senate office buildings", $146,300;".

On page 24, after line 21, insert: "Senate garage", $3,400;".

On page 32, line 10, after the word "Force", strike out "$485,000,000" and insert "$502,500,000".

On page 32, line 20, after the word "Army," strike out "$196,480,000" and insert "$206,900,000".

On page 32, line 22, after the word "Navy", strike out "$157,800,000" and insert "$166,100,000".

On page 33, line 1, after the word "agencies", strike out "$70,400,000" and insert "$74,200,000".

On page 33, line 4, strike out "$43,800,000" and insert "$14,800,000".

On page 43, after line 6, insert:

"FEDERAL PRISON INDUSTRIES, INCORPORATED

"LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

XUM

"In addition to the amount heretofore made available under this heading for administrative expenses, $55,000 shall be available for such expenses during the current fiscal year."

On page 46, after line 1, strike out:

"INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO."

And, in lieu thereof, insert:

"International Boundary and Water Commission, United States and Mexico:"

On page 46, after line 5, strike out: " 'Salaries and expenses,' $81,000;".

And, in lieu thereof, insert: " 'Salaries and expenses,' $81,000;".

On page 46, after line 7, strike out:

" 'Operation and maintenance,' $175,000;".

And, in lieu thereof, insert: " 'Operation and maintenance,' $175,000;".

On page 48, line 19, after the word "expenses", strike out "$1,740,000" and insert "$1,940,000"; and, in the same line, after the amendment just above stated, insert a colon and "*Provided*, That $200,000 of this appropriation shall be available only upon enactment into law of S. 2694, Ninety-first Congress, or similar legislation;".

On page 51, after line 22, insert:

"APPALACHIAN REGIONAL COMMISSION

" 'Salaries and expenses', $42,000, to be derived by transfer from the appropriation for 'Appalachian regional development programs';".

On page 53, line 19, after the word "expenses", strike out "$1,932,000" and insert "$2,229,000".

On page 53, line 20, after the word "safety", strike out "$1,780,000" and insert "$2,324,000".

On page 53, line 22, after the word "recreation", strike out "$652,000" and insert "$899,000".

On page 53, line 23, after the word "welfare", strike out "$4,478,000" and insert "$4,624,000".

On page 54, line 2, after the word "engineering", strike out "$1,096,000" and insert "$1,905,000".

On page 54, line 5, after the word "follows", strike out "$10,332,000" and insert "$12,191,000"; in line 6, after the word "fund", strike out "$533,000" and insert "$535,000"; in line 8, after the word "parking", strike out "$375,000" and insert "$468,000"; and, at the beginning of line 9, strike out "$250,000" and insert "$339,000".

On page 62, line 13, after the word "exceed", strike out "$3,000,000,000" and insert "$6,000,000,000".

On page 63, after line 12, insert a new section, as follows:

"SEC. 604. Funds appropriated, or otherwise made available, by this Act for the fiscal year 1970, shall remain available for obligation until July 1, 1970, or for five days after the date of approval of this Act, whichever is later, unless a longer period is specifically provided: *Provided*, That all obligations incurred in anticipation of such appropriations and authority for the fiscal year 1970 as well as those for longer periods as set forth herein are hereby ratified and confirmed if in accordance with the terms hereof."

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, I simply want to say that the able Senator from Nebraska (Mr. HRUSKA) is the ranking minority member of the subcommittee. While I have made my opening statement, I point out that he may wish to make an opening statement.

I therefore would like to yield to him at this time for that purpose.

Mr. HRUSKA. Mr. President, I thank the Senator from West Virginia. My statement will be short. It will review some of the high points of the second supplemental appropriations bill for 1970.

Mr. President, the second supplemental appropriation for 1970 is a big, complicated and important enactment. It has been the subject of long and serious deliberation by the committee, and much hard work by the committee staff. I take this opportunity to compliment them and particularly our hard-working and efficient chairman, the junior Senator from West Virginia. Throughout the hearings and the consideration of the measure, Senator BYRD rendered a superb service.

This bill, Mr. President, is notable for several reasons:

First, it contains almost six and a half billion dollars in new obligational authority. Of this $4.3 billion is due to the costs of pay increases, the balance being partly for uncontrollable items and partly for new emphasis or new directions on selected Government activities.

Second, the bill contains $150 billion for emergency assistance to school districts which are expected to desegregate by September of this year. This is in the nature of a stopgap to solve an immediate problem; the President has informed us of his intention to continue the program on a more regular basis, by amending the 1971 budget and including funds in the 1972 budget. Legislative authorization has been requested in the form of the proposed "Emergency School Aid Act of 1970" presently being considered in committee as S. 3883. The amount projected as needed during the next 2 years is $1.5 billion.

Third, the bill contains language, in titles IV and V, to adjust the 1970 and 1971 expenditure ceilings. The revised ceilings reflect a more realistic estimate of budget outlays for the current year, and gives the President needed flexibility for 1971. In this connection, it should be noted that the issue is not one of thrift or profligacy on the part of the administration. Rather, it is the question of how accurate it is possible to be about the pace of expenditures caused by prior commitments of the Government and appropriations by the Congress. The administration would prefer that the expenditure limitation be eliminated altogether, but believes that the flexibility provided in this bill will be a workable substitute for such action. That is to say that uncontrollable items may total up to $6 billion without requiring further congressional service.

Fourth, the bill contains $50 million proposed by the administration, to support a program of summer employment for disadvantaged youth. These extra funds will permit useful and stimulating work experiences for young people during the summer months. This is a program of great importance and it should be supported at the highest possible level. The administration has advised the committee that the $50 million contained in the bill is the limit of what can be effectively and efficiently used.

Mr. President, the supplemental bill contains other items of special interest to the people of Nebraska and of many other States across the Nation. For example, the bill contains $8.7 million for hospital construction, to permit work to continue on 35 selected hospital projects already underway. The reduced appropriation for 1970, from the 1969 level of $254 million, caught these hospitals with construction contracts, made in good faith, without funds to liquidate them. The amounts included in the bill will avoid funding deficits in these essential projects. Three of these hospitals were in Nebraska; the Mary Lanning Hospital, in Hastings, and the St. Elizabeth's Hospital, and Madonna Nursing Home in Lincoln. These three projects require $292,000 to meet the obligations I have mentioned, and that amount is included in the supplemental.

Mr. President, I would also like to call attention to the increased amounts in this bill for homeownership and rental housing assistance for those whose income levels make most difficult the purchase or rental of adequate housing. The bill contains increases of $35 million for programs under sections 235 of the Housing Act, and an identical amount for section 236 programs. These additional amounts will help to ease the housing shortage, particularly for our most needy families.

Mr. President, it is my earnest hope that the Senate will be able to move with dispatch on this important matter. The fiscal year to which it applies is almost over, and the bill includes items not yet formally considered by the House of Representatives. I believe this is a good bill and I recommend its speedy approval.

Mr. PASTORE. Mr. President, do I understand that the bill is open to amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

"URBAN RENEWAL PROGRAMS

"For grants for urban renewal, fiscal year 1970, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.) and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $587,500,000, to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor."

Mr. PASTORE. Mr. President, the Senate will recall that last November when the regular bill making appropriations for housing came before the Senate, I was the manager of the bill. At that time an amendment was offered to add to the bill the $587,500,000; that is in the amendment before us today. It was an increase over the estimate and is the balance of the authorization for fiscal year 1970. The difficulty then was not in the merit but in the matter of timing.

I cautioned the Members of the Senate at that time that it was not the proper time to bring up the amendment and that I thought it should be brought up on the supplemental bill.

We had a vote at that time on that amendment. It was rejected by only two votes. This strong support was because there was a strong feeling that our cities were in such a state of decay that something needed to be done—many of us felt a priority to do something about urban renewal.

Since that time, a number of very concerned mayors appeared before our committee. They have made the very strong assertion that if we will bring up the authorization for urban renewal and make these funds available, they will eliminate the ghettos of this country within a period of 5 years. They may be slightly overoptimistic but they deserve our support and I think it is a step in the right direction.

I repeat that when the amendment last came up, I resisted it purely on the grounds that it was not the proper time to bring it up. And I fear that because I was the manager of the bill and made that statement, that might have been the reason it did not carry especially since it lost by only two votes.

I hope that the amendment will carry this time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD of West Virginia. Mr. President, I wonder if the Senator would withhold his request for the yeas and nays. I would like to accept the amendment. I have discussed this with the able Senator from Rhode Island. I think he has a very meritorious amendment.

As chairman of the subcommittee which regularly handles this item, there is no inclination on my part or, on the part of anyone else I know of to oppose the amendment. I think it would save some time if we could agree to the amendment without the yeas and nays.

Mr. PASTORE. Mr. President, I would be perfectly willing to do that under ordinary circumstances. However, the thing that disturbs me concerns the weight of this measure in conference. I believe that if we can get a strong sentiment recorded by the Senate then the Senator from West Virginia would have a strong argument and a more effective hand to use in the conference.

I feel we ought to have the yeas and nays. We could have a fast vote.

Mr. BYRD of West Virginia. Mr. President, the Senator has a right to ask for the yeas and nays. However, I wish he would not so that we might save time.

Mr. PASTORE. Mr. President, I ask for the yeas and nays, and this is not to hurt the Senator from West Virginia but to help him in conference.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I was the sponsor of the losing amendment.

Mr. PASTORE. The Senator is correct.

Mr. JAVITS. I am delighted that the Senator has taken this action. I think it is entirely fitting that he should be the one to do it.

I can affirm that this is the key to the problem relating to the debilitation and wreckage of our cities. This will help enormously to correct many problems in the housing area.

Mr. PASTORE. Mr. President, I made the promise last time that I would do exactly what I am doing. I am carrying out my promise. I am keeping my word.

The PRESIDING OFFICER (Mr. Gurney). The question is on agreeing to the amendment of the Senator from Rhode Island. On this question the yeas and nays have been ordered, and the clerk will call the role.

The assistant legislative clerk called the role.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Okahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre), the Senator from Oklahoma (Mr. Harris), and the Senator from Nevada (Mr. Cannon) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Senators from Oregon (Mr. Hatfield and Mr. Packwood) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from California (Mr. Murphy) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), and the Senator from California (Mr. Murphy) would each vote "yea."

The result was announced—yeas 70, nays 12, as follows:

[No. 162 Leg.]

YEAS—70

Aiken
Allott
Anderson
Baker
Bayh
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Eastland
Ellender
Ervin
Fong
Fulbright
Goodell
Gravel
Griffin
Hart
Hartke
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Williams, N.J.
Young, N. Dak.
Young, Ohio

NAYS—12

Allen
Bellmon
Bennett
Cotton
Curtis
Fannin
Goldwater
Gurney
Hansen
Thurmond
Tower
Williams, Del

NOT VOTING—18

Bible
Cannon
Dodd
Dominick
Gore
Harris
Hatfield
Hollings
McCarthy
McClellan
McIntyre
Metcalf
Mundt
Murphy
Packwood
Russell
Tydings
Yarborough

So Mr. Pastore's amendment was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, may we have order, so everyone can hear what the majority leader has to say?

Mr. MANSFIELD. Mr. President, there will be further votes this evening. Some of them may well be rollcall votes. I would urge all Members of the Senate to stay as close to the floor as possible so that we can dispose of these amendments as they come along, and not be forced to wait for Senators who, through no fault of their own, may be delayed.

Mr. ELLENDER. Mr. President, I send an amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Louisiana will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 2, after line 12, insert the following:

"FOOD AND NUTRITION SERVICE FOOD STAMP PROGRAM

"For necessary expenses of the Food Stamp Program pursuant to the Food Stamp Act of 1964, as amended, for the period July 1, 1970, to September 30, 1970, $300,000,000, to be charged to the amount appropriated under this head in H.R. 17923, when enacted."

Mr. ELLENDER. Mr. President, it will be recalled that last September the Senate passed the food stamp program, in which it was provided——

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair require Senators to take our seats, and Senators' aides to take seats in the rear of the Chamber or leave the Chamber.

The PRESIDING OFFICER (Mr. Williams of New Jersey). The Sergeant at Arms is so ordered. Senators and aides will take their respective seats.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, as I just stated, last September the Senate passed the food stamp bill, in which it provided $1.250 billion for fiscal 1970 and $2 billion for fiscal 1971.

Under the present law, the authorization for the first 6 months of fiscal year 1971 is only $170 million.

Last week Mr. Richard Lyng, Assistant Secretary of Agriculture, appeared before the Select Committee on Nutrition and Human Needs and stated that the food stamp program was progressing at an expenditure rate of about $87 million to $90 million a month.

I understand that the Subcommittee on Appropriations for Agriculture of the House of Representatives has included in its appropriation bill for fiscal year 1971 $1.250 billion for the food stamp program. That, of course, would be subject to the passage by Congress of the authorization bill.

In anticipation of the food stamp program being enacted by the House of Representatives, the House committee has recommended an appropriation of $1.250 billion for fiscal 1971.

Since the present law provides for an authorization of only $170 million for the entire 6 months beginning on July 1st, and since we are spending now at the rate of about $90 million a month, it is necessary that we provide more funds so as to continue the food stamp program as outlined by Secretary Lyng.

The cost of the program under the present law would probably go up to from $90 to $95 million a month, and the purpose of my amendment is simply to provide funds for July, August, and September at a rate of not more than $100 million a month, with the understanding that such funds be restored from the amount to be approved by Congress, for the Department of Agriculture for fiscal year 1971.

I urge that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. ELLENDER. I consulted with my good friend the Senator from West Virginia (Mr. Byrd), and also with the Senator from Florida (Mr. Holland), who handles the appropriation bills for agriculture, and both agree that they have no objection to the amendment.

Mr. BYRD of West Virginia. Mr. President, the Senator from Louisiana states the case precisely. We have discussed the amendment, and I am willing to accept it.

Mr. HRUSKA. Mr. President, I concur in that statement of the Senator from West Virginia, and also the statement of the Senator from Louisiana. As I understand it, the amendment would simply anticipate the amount that would normally fall within fiscal year 1971, and is within the authorization as already approved by this body.

Mr. ELLENDER. It is a little less.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Montana (Mr. Mansfield) proposes an amendment as follows:

On page 6 after line 13, insert the following:

"National Science Foundation

"SALARIES AND EXPENSES

"For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $8,800,000, to remain available until expended."

Mr. MANSFIELD. Mr. President, the pending amendment seeks to add $8.8 million to the Supplemental Appropriations Act for the National Science Foundation. It is the intent of this amendment to give to the National Science Foundation an amount of funds—determined by the General Accounting Office in its report received in my office today—equivalent to those eliminated by the Department of Defense by the application of section 203 of the Military Procurement Authorization Act of 1970.

Section 203 provides that the Department of Defense will limit itself to the funding of research which has a direct and apparent relationship to a mission or function of that Department. It was enacted by the Congress on its own initiative and without the prior approval of the Department of Defense. The intent of section 203 was not to limit the Federal contribution for basic science but to rechannel the sponsorship to civilian agencies. The National Science Foundation was created in 1950 specifically for the purpose of sponsoring basic research at our universities. The report from the General Accounting Office dated June 23, 1970, attributes cuts by Defense of $8.8 million directly to this amendment during the fiscal year 1970. The research community especially at the universities has voiced no complaint to the philosophy or thrust of this amendment but hopes that Congress will fulfill its stated intention of providing the necessary funds to the National Science Foundation that are attributable to the application of this law. The $8.8 million of this amendment does provide those additional funds for basic research; in addition its passage will serve as a symbol to the academic and research communities that Congress intends to fulfill the purpose of the amendment by effecting a transfer of the resources to the National Science Foundation.

It is important to stress that the effect of section 203 covered by this amendment is solely for funds cut during fiscal year 1970. The impact of section 203 for the following fiscal years has not yet been determined. It has been estimated that the reduction in sponsorship of basic research by the Federal Government this past year due to general budgetary cutbacks has been of the order of magnitude of $40 to $60 million. That sum as well as any others that may be cut for the coming fiscal year from mission oriented agencies should be compensated for in the regular appropriations to the National Science Foundation. I think it is very important for the Senate to keep its word and to compensate during this fiscal year for the effects of section 203 directly attributable to it during this fiscal year. As the sponsor of section 203 on the military procurement bill of last year, I feel that I have a particular responsibility in seeking the addition of these funds this year to this Supplemental Appropriations Act. I urge the adoption of this amendment.

Mr. President, I ask unanimous consent to have printed in the Record at this point a letter addressed by me to the Senator from West Virginia, the chairman of the Supplemental Appropriations Subcommittee (Mr. Byrd), dated April 24, 1970. The report of the General Accounting Office dated June 23, 1970, will be a public record and the information upon which the figure is based may be obtained from that public report.

There being no objection, the letter was ordered to be printed in the Record, as follows:

April 24, 1970.

Hon. Robert C. Byrd,
Chairman, Supplemental Appropriations Subcommittee, Senate Committee on Appropriations.

Dear Bob: In the military authorization for FY 1970, Public Law 91–121, the Senate took an important step towards reducing the dependence of American science upon military appropriations. Section 203 of the Act specified:

None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such a project or study has a direct or apparent relationship to a specific military function or operations.

The principle of this amendment was strongly endorsed by the Appropriations Committee last year in its Committee report on the Defense Appropriations.

An underlying purpose in introducing Section 203 was to decouple the work of our scientists, particularly in colleges and universities, from military appropriations and to achieve a redistribution of Federal funds for research among other agencies so that the Defense Department would no longer be subject to the criticism of being a second National Science Foundation.

Since the authorization became law, the Defense Department has made a major review of its research projects to test them against Section 203. The latest information I have indicates that the Defense Department has so far disqualified somewhat more than 400 research projects with a total funding of over $8 million.

Secretary Laird has accepted the principle of Section 203, that research not relevant to military programs should be eliminated. In testimony on February 20, 1970 before the Senate Armed Services and Appropriations Committees he indicated Defense was complying but went on to express his concern for the continuation of high-quality research affected by Section 203. He called for arrangements for its continued support by other agencies.

The General Accounting Office, at my request, has monitored Defense compliance with Section 203. From what the GAO reports, I am satisfied that the Department is taking Section 203 seriously. The Defense Department is doing its part. I believe that the Congress should do its part. There is general concern and even apprehension within the research community both at the Universities and at other research centers that there is an effort to diminish the Federal commitment to basic research which has contributed so much to the technological base which has given this country economic supremacy in the world. To reduce this research is not the aim of Section 203; to rechannel much of the research through the National Science Foundation is its aim.

It is important that our leading research teams and their facilities that are current and viable maintain their capacity, but more importantly that they maintain the confidence in the Congress that there is no diminution of the Federal commitment to research. By adding funds to the NSF corresponding to that amount eliminated by DOD this year, the Congress would be establishing its commitment to basic science and carrying out the promise of the principle of Section 203.

I hope that as Chairman of the Subcommittee on Supplemental Appropriations, you can favorably consider the addition to the supplemental appropriations for FY 1970 of $8 million for the National Science Foundation. These funds should be restricted to funding of research projects under the auspices of National Science Foundation. Since the present NSF authorization under Public Law 91–120 is $477,605,000 while the appropriations for FY 1970 is $438,000,000, no further authorization is needed.

By making this modest supplemental appropriation to the NSF, the Congress will demonstrate a perspective that will restore some confidence in the research community. Perhaps more important than the dollars involved, it will also reaffirm Congressional support for the work of our leading scientists; that confidence is important, for in the years ahead we will need their efforts more than ever.

Sincerely yours,

MIKE MANSFIELD.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

Mr. BYRD of West Virginia. Mr. President, I had intended to insert in the RECORD the letter addressed to me on April 24 which has now been put in the RECORD by the able majority leader. I am glad that he has done so.

Through inadvertence, I did not have any hearings conducted on this request. I was embarrassed because, through inadvertence, I failed to go into the matter. I brought the matter to the attention of the full committee during markup, but it was without the statement of the majority leader at that time, since he was not able to be present upon that occasion.

I would certainly want to see the Senate accept this amendment. I think it is a very meritorious one, and I am inclined to urge the Senate to approve it. Again, I express my apologies to the majority leader for not looking into the matter while we had hearings.

Mr. MANSFIELD. The Senator need not apologize. He has always been more than kind and cooperative to me as well as to other Members of this body. All of us lose things from time to time, but it is rare when the Senator from West Virginia does so.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, for fiscal 1971, the National Science Foundation has asked for $511 million. The House of Representatives cut that amount by $16 million. Their representative has appeared before our committee, asking for restoration of the $16 million. I think he made a meritorious case. I realize there has been a burden placed upon the National Science Foundation because of the Mansfield amendment, because many of the research contracts which cannot now be undertaken by the Department of Defense are being turned over to the National Science Foundation, and it creates new problems. I think there is tremendous merit in the amendment, and I support it.

Mr. ALLOTT. Mr. President, first of all, I think the chairman of the committee ought to be exonerated from any responsibility in this matter, because at the time the matter was brought up, at the markup of the bill, I was not aware of the situation, and also the distinguished Senator from Rhode Island, who is chairman of the Subcommittee on Independent Offices, was not present at that time, being away on official duties.

I have only one thing to say about this matter: I shall not oppose the amendment, but since it does take up certain things that have been considered in the request that is being made by the National Science Foundation, I think it is only fair to say that we ought to adjust and will attempt to adjust the National Science Foundation appropriation accordingly when the subcommittee meets tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Mr. President, I agree with the distinguished chairman. As I say, I think it is very fair. It allows us to meet a need for this fiscal year, and to keep faith with the representations that were made last year when section 203 became the law. The general level of funding of the National Science Foundation should consider not only the direct effects of section 203, but also the reduction in the Federal contribution to the sponsorship of basic science generally, caused primarily by the budgetary squeeze throughout the Federal Establishment. The level of basic research sponsored by the Federal Government should not be reduced but the emphasis for channeling these funds should be shifted from Defense to the National Science Foundation.

Mr. KENNEDY. Mr. President, I want to support the Mansfield amendment to the second supplemental appropriation bill. This amendment will help ease the present crisis in basic scientific research, a crisis which gravely concerns the scientific community and should concern all Americans.

I should like to point out, however, that this amendment is only a first step. It is meant to offset section 203 of the 1970 Defense Procurement Authorization Act which prohibited the Department of Defense from supporting research not directly related to a specific military function or operation. But, contrary to popular belief, section 203 is not by itself responsible for most of the recent cuts in Federal support for basic research. The Department of Defense in fiscal year 1970 has reduced its support for academic research by about $25 million, and less than $9 million of this is attributable to section 203. Furthermore, NASA and the AEC have reduced their research support programs by a total of about $35 million, even though section 203 does not apply to them at all.

In other words, the Federal Government in fiscal year 1970 reduced its support for basic research by about $60 million. The amendment today offsets only a fraction of that cutback. If academic science is not to be severely crippled more must be done. It is for that reason that as chairman of the Special Subcommittee on the NSF I have requested a $50 million increase in the NSF authorization for fiscal year 1971. The Labor and Public Welfare Committee has approved this increase and I hope the Senate will do the same when the authorization bill comes to the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to lay that mation on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, shortly I intend to offer three amendments directed at the emergency assistance desegregation program appearing on page 14 of H.R. 17399, the second supplemental appropriations bill. Before doing so, I ask unanimous consent that I may yield to the Senator from Rhode Island

(Mr. PELL) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, as chairman of the Education Subcommittee of the Committee on Labor and Public Welfare, I am aware of and concerned about the special problems of school districts carrying out desegregation plans. Indeed, the subcommittee is presently considering legislation to deal with these very problems. It is my hope that, if possible, the Committee on Labor and Public Welfare will bring legislation on this matter before the Senate this session.

My concern with the appropriation proposed by the Committee on Appropriations stems from the fact that this recommendation is before the Senate without proper legislative authority, and without due consideration by the substantive committee charged by the rules of the Senate with responsibility over the subject matter of the appropriation.

At this time, rather than raise a question respecting a point of order against the appropriation, I would prefer having a clarification of this matter. I choose this procedure, because it would appear that if the intent of the committee is made more precise than has already been expressed, it is possible that a point of order would not be necessary. Therefore, I would like to express my support for the Senator from Minnesota (Mr. MONDALE), in his efforts to pinpoint the situation and to make a brief statement outlining the scope of the activities which would be funded under the appropriation in a manner consistent with the authorizing legislation, thereby bringing the committee amendment within the limits of the rules of the Senate.

First, I would hope that the manager of the bill would make absolutely clear that the activities funded from the appropriation will be only those authorized by substantive law, in accordance with the terms of the authorizing legislation, and without regard to the statement of intent on page 22 of the report of the Committee on Appropriations on this bill. Specifically, the report states that these funds will be used for hiring teachers without limitation. A review of the authorizing legislation indicates that schoolteachers may be hired with Federal funds only as a part of a specific project authorized by law.

Second, I would hope that it would be made clear that this appropriation does not constitute a precedent. Otherwise, the whole function of substantive committees will be subverted by the appropriation process. It is my belief that the Senate ought not lend itself to a procedure too often used by this administration, whereby the normal rules are bypassed in favor of shortcuts for political reasons. If this administration finds that it can, as a matter of course, come to the Appropriations Committee for emergency appropriations whether or not an emergency exists, there will be no reason for submitting legislation to substantive committees. If we accede to this procedure, Congress will, in domestic affairs, have divested itself of its responsibility in much the same way as has been the case in the past with our Nation's defense.

I would address this question to the Senator from West Virginia, as to whether or not he can give up these two assurances: One, that the money would be spent only on programs that are already authorized by substantive law.

Mr. BYRD of West Virginia. The answer is "Yes."

Mr. PELL. Second, this would not be considered as a precedent for future legislation in this field.

Mr. BYRD of West Virginia. It would not be, as I understand it, because we have been advised by the General Counsel of the Department of HEW that this request has already been authorized, and the authorization sources are set forth in the bill, on page 14.

Mr. PELL. Coming to those sources, with respect to title II of the Economic Opportunity Act, $100 million, and then the other $50 million from title IV of the Civil Rights Act, the Cooperative Research Act, the dropout prevention program in the Elementary and Secondary Education Act and the Education Professions Development Act, I wonder whether the Senator could inform us—or if it could be submitted later in the RECORD—as to how much money is to be appropriated under each of these programs? I think we should know the authority under which we are appropriating funds.

Mr. BYRD of West Virginia. In answer to the question by the able Senator from Rhode Island (Mr. PELL), $115 million would be for special educational personnel and students' programs, $15 million for community participation programs, $17.9 million for equipment and minor remodeling, and $2.1 million for Federal administration and technical assistance, making a total of $150 million.

Mr. PELL. I should like to press the point as to the source of the funds. Of the $50 million that comes out of the four different authorities, is there anywhere available a breakdown of how much will come out of each of those authorities?

Mr. BYRD of West Virginia. This precise information was not supplied to the committee. The Department of Health, Education and Welfare has asked for some flexibility in this regard, but for nothing that would exceed the existing authority as set out in the bill.

Mr. PELL. The thing that concerns me is to leave to HEW the authority to take the whole $50 million out of one of the 4 programs or to divide it up on a fairly equitable basis. I think we are being very generous with the authority we give the executive branch. How does the Senator feel about that?

Mr. BYRD of West Virginia. As I have said, the Department wanted to have the flexibility that it thought it would need, and the basic authorizing legislation has been passed heretofore. The appropriations request is grounded in the legislative authority that has already been granted by Congress and would come from several different authorities as set forth in the bill and detail in the justification.

This is the first part of the $1.5 billion which the President has envisioned as being needed in his program for the desegregation of public schools, and this $150 million would come out of that, leaving $1.350 billion as an amount yet to be authorized and requested. So we can either appropriate it now or we can appropriate it later.

Mr. PELL. I am concerned with the intent of Congress in passing these authorization items, for specific programs. If the money can be appropriated under the authority of one program and not all four, it would mean that we give the administration far too much discretion to gut a program. I would like some sort of assurance, as chairman of the authorizing subcommittee, to the effect that the money would be fairly evenly used in all four programs.

Mr. BYRD of West Virginia. I think the money would be evenly withdrawn. It would be spread around among the various authorities, and I do not think any one of the authorities would be gutted, to use the able Senator's term. This was the testimony the committee received from the Department and this is what their justification implys.

Mr. MONDALE. Might I pursue the questioning offered by the Senator from Rhode Island to the floor manager of this bill. Do I correctly understand that the floor manager is not in a position to advise the Senate as to the sources from which this $150 million would be obtained or the amount of money that would be taken from any such sources, whatever they might be?

Mr. BYRD of West Virginia. The $100 million would come out of title 2 of the OEO authority, and the remaining $50 million would be spread out through the programs I have already enumerated—community participation program, equipment and minor remodeling, and Federal administration and technical assistance, under the Office of Education. Let me state further that funds would be allocated on the basis of approved applications—under this circumstance, absolute determination is difficult to ascertain at this time.

Mr. MONDALE. My question is not directed at this point to the authorities through which this appropriated money would be spent, but, rather, to the question of the sources from which the $150 million would be derived.

Mr. BYRD of West Virginia. I think I have already indicated that in answer to the earlier question by the Senator from Rhode Island.

Mr. MONDALE. What was the answer?

Mr. BYRD of West Virginia. The answer was that we were not supplied with that information and until applications for the funds are received and approved by the Commissioner of Education this is a determination that is difficult to make. However, an estimate of needs would indicate that funds would come from the various authorities set forth by the Department.

Mr. MONDALE. We do not know where this $150 million will be found?

XUM

Mr. PELL. $50 million.

Mr. MONDALE. $50 million or $150 million?

Mr. PELL. We do not know where the $50 million comes from. We know where the $100 million comes from. The $50 million is a sort of shell game.

Mr. MONDALE. Can the Senator advise me as to how much of the $150 million would be spent through part D of the Education Professions Development Act?

Mr. BYRD of West Virginia. I beg the Senator's pardon for not being able to respond promptly. If I recall correctly—the Senator may be in a position to correct me if I am wrong—the first indication I had had from the Senator that he intended to raise any questions whatsoever about this matter came on the day we were marking up the bill in the full committee.

I ask unanimous consent to insert in the RECORD at this point a breakdown on how the distribution of funds are to be made according to the justification.

There being no objection, the justification was ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION, EMERGENCY SCHOOL ASSISTANCE

	1970					
	Presently available		Revised estimate		Increase	
	Position	Amount	Position	Amount	Position	Amount
Special educational personnel and student programs				$115,000,000		+$115,000,000
Community participation program				15,000,000		+15,000,000
Equipment and minor remodeling				17,900,000		+17,900,000
Federal administration and technical assistance			100	2,100,000	+100	+2,100,000
Total obligations			100	150,000,000	+100	+150,000,000

GENERAL STATEMENT

School districts will be encouraged to review carefully the local problems anticipated during the desegregation process, identifying programs and resources to overcome their problems. Funding will be based upon each district's needs rather than a standard program. School districts will be required to carefully plan their programs and build in evaluation components designed to assess the program's effectiveness in meeting stated objectives. State and Federal personnel will be available to provide assistance in the identification of problems, the development of program requirements, and the management of the program.

The following estimates by program activity represent a rough approximation of how the supplemental request will be used. It is based upon the judgments of present Office of Education staff who have been working closely with southern school superintendents. Although needs will vary from one school district to another, it is expected that approvable projects will need to be both large enough and comprehensive enough to make a difference. If the objective of this program—to maintain quality education during desegregation—is to be realized, projects will have to be multi-faceted. Community participation, special personnel and services, administrative and logistical help, and technical assistance are all important elements of a successful program.

A supplemental appropriation of $150 million would provide an average of $150,000 for each of the approximately 1,000 eligible school districts. Assuming an average of 10 schools per school district, this would mean about $15,000 per school.

In total, the target population includes about 7.2 million students, of whom 2.5 million are minority students, and approximately 335,000 educational personnel.

Presently available, ———.
Revised estimate, $115,000,000.
Increase, +$115,000,000.

1. Special educational personnel and student programs:

The following activities would be supported:

A. SPECIAL PERSONNEL

Temporary teachers—to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during summer for principals.

B. STUDENT SERVICES

Remedial programs—to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue their education.

Health and nutrition services—to provide specialized personnel and services for students having health and nutrition deficiencies.

Dropout prevention programs.

Student relations to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

C. EDUCATIONAL PERSONNEL DEVELOPMENT

Seminars on problems incident to desegregation to provide training with skilled experts in the area of human relations so as to minimize problems incident to desegregation.

Seminars on teacher interpersonal relationships—to facilitate positive interpersonal relations among educational personnel through training by skilled professionals in an intercultural understanding.

Utilization of university expertise through institutes and inservice programs to deal with such problems as:

Teaching bilingual children.

Teaching children with speech and dialect deficiencies.

Attitudes and problems of teachers, parents and students involved in the desegregation process.

Upgrading basic skills and instructional methodologies of teachers in English, math, science, social sciences, language arts, etc.

D. CURRICULUM DEVELOPMENT

Utilization of expert consultants to shape and design new curricula approaches and to introduce curriculum innovations that would serve children with multi-ethnic backgrounds.

New and varied instructional materials.

Improved evaluation and assessment of student progress.

E. SPECIAL DEMONSTRATION PROJECTS

Projects for introduction of innovative instructional methodologies which will improve the quality of education in the desegregated school:

Individualized instruction.
Master teachers.
Team teaching.
Non-graded programs.

Special projects involving community agencies and parents—to develop joint projects between special-interest and civic groups, parents and the schools which would promote understanding among citizens. Such projects could include sponsoring citywide and countywide art and music festivals, public meetings on relevant school problems (drug abuse, behavior, etc.).

Exemplary instructional practices—to operate pilot projects which would demonstrate exemplary instructional practices suitable for systemwide replication and for other school districts involved in the desegregation process.

F. STATE AND LOCAL PLANNING AND ADMINISTRATION

Expand technical assistance capabilities at the State education agency level—to provide additional personnel to assist the local education agency in planning for desegregation.

Temporary staff at the local level to handle administrative details and clerical duties—to provide additional temporary staff to deal with the logistics of changing from a dual to a unitary system. For example, rescheduling of students and teachers, redrawing transportation routes, supervision of necessary physical changes (moving of equipment, building renovation, etc.).

Staff at the local level for planning and supervising the implementation of the desegregation plan.

2. Community participation programs:
Presently available ---------- ----------
Revised estimate ---------- $15,000,000
Increase ---------- +15,000,000

The following activities would be supported:

A. PUBLIC INFORMATION ACTIVITIES

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

Public information coordinator—to provide for a person on superintendent's staff to promote public information activities.

B. COMMUNITY PROGRAMS

Establishment and support of a biracial committee.

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e. PTA, Education Emphasis Week, etc.

Community-relations coordinator—to provide a person on superintendent's staff to plan, organize and implement programs for students and parents involved in the desegregation process.

Special demonstration projects designed to keep communication open, build understanding and develop community support.

3. Equipment and minor remodeling:

Presently Available	------------
Revised Estimate	$17,900,000
Increase	+$17,900,000

The following activities would be supported:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility including painting, modernizing, and partitioning.

	Presently available		Revised estimate		Increase	
	Position	Amount	Position	Amount	Position	Amount
Federal administration and technical assistance:						
Personnel compensation and benefits			100	$1,397,000	+100	+$1,397,000
Other expenses			--------	703,000	----------	+703,000
Total			100	2,100,000	+100	+2,100,000

An amount of $2.1 million and 100 positions is requested to administer the Emergency School Assistance Program. This new effort will require:

Developing entirely new procedures and regulations which will allow the Office of Education to administer a unified, coordinated program within the six separate authorities under which funds are being requested. This will include notices to potential grantees of the terms and conditions under which grants will be available, unified application forms, regulation notices in the Federal Register, and review, approval, award and accounting procedures.

Assisting schools and other interested parties in the development of applications.

Reviewing and monitoring an estimated 1,000-1,500 projects for assistance.

Providing program assistance and disseminating information to hundreds of State and local school officials.

In addition to these direct program services, a small supporting staff will be necessary in Washington and the regional offices to coordinate program activities, provide general guidance and other necessary administrative functions such as accounting, grants management and personnel.

Of the 100 additional positions requested, 82 will be professional staff and 18 will be secretarial and clerical positions. Eighty-one will be located in the three southern HEW regional offices with 19 in Washington, D.C.

The additional professional positions are required for the following specific purposes:

Project development, review, monitoring and evaluation, add 50 positions.

Fifty education program specialists will be required to handle the several phases of the some 1,000 project applications anticipated. This will mean that each specialist will be handling approximately 20 projects of varying size and scope. Because of the short lead-time involved and the unfamiliarity of many of the target school districts with developing proposals, it is expected that this workload will be quite demanding and fully justify the additional staff requested. Program specialists will need to go out and talk with local school officials, inform them of the assistance available, help them develop acceptable applications, help them with devising educationally sound programs, help with the installation of evaluation components and finally, monitor projects throughout the year, helping to make modifications as plans change and programs develop.

Development of program guidelines, program models and evaluation techniques, add 12 positions.

Twelve program development specialists will help develop materials which can be used by education program specialists in working with local school officials. This will include information on successful projects in other States and communities. The program guidelines and models will indicate, for example, what goes into making a successful guidance and counseling program, bilingual education program, special reading program, etc. These specialists will be educators who have a sound background in these special fields.

Developing uniform grant and contract terms and conditions, add 8 positions.

Eight specialists will be required to help develop common rules and regulations for the award of grants and contracts. These will include such subjects as the disposition and accountability of equipment, determination of allowable costs, etc. This is an extremely important task in view of the several legislative authorities involved. It will be important to develop a common set of rules which will satisfy all the authorities involved.

Management and administrative overhead, add 12 positions.

The above staff will in turn require certain central support in both the regions and Washington. This will include persons in administrative services, accounting, personnel operations, and management. Eight of these positions will be in the regional offices.

It is important to emphasize that while certain minimum Federal requirements on accountability of funds and other matters must be met by all school districts, the program assistance and development will be strictly optional at the discretion of local school officials. There is no intention of having the Office of Education offering gratuitous advice. It is expected, however, that many schools will welcome whatever help is available. Many of the staff involved will be drawn from the local region and will be selected for their judgment, maturity, and experience as well as professional competence.

Even though the program funds will have to be obligated by September 30, 1970, most projects will probably continue throughout the school year. For this reason, a special provision has been included in the appropriation language which will make funds for administrative activities available through June 30, 1971. To launch this program as soon as possible, it is expected that some existing staff will be diverted to start up the program. For this reason, it is expected that the 100 new positions will be on board for approximately 85 percent of the fiscal year.

ADMINISTRATIVE FUNDS FOR EMERGENCY SCHOOL ASSISTANCE PROGRAM

Personnel compensation:	
Permanent	$1,200,000
Positions other than permanent	100,000
Other personnel compensation	----------
Subtotal, personnel compensation	1,300,000
Personnel benefits (7.5 percent)	97,000
Travel and transportation of persons (71 employees times $50 per diem times 90 days)	313,000
Transportation of things	----------
Rent, communication, and utilities	207,000
(GSA, 100 employees times $900 lapsed 15 percent)	(77,000)
(Utilities—100 employees times $1,300)	(130,000)
Printing and reproduction (100 employees times $420)	42,000
Other services (100 employees times $900 lapsed 15 percent)	77,000
Supplies and materials (100 employees times $140)	14,000
Equipment (100 times $500)	50,000
Total	2,100,000
Total number of permanent employees	100
Full-time equivalent of others	12
Average number of all employees	97
Average cost per man year	$14,410

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION—EMERGENCY SCHOOL ASSISTANCE

Positions	Grade	Number	Annual salary
Education program officer	GS-15	5	$114,425
Education program specialist	GS-14	16	314,288
Program analyst	GS-14	3	58,929
Education program specialist	GS-13	20	335,200
Grants and contract specialist	GS-13	1	16,760
Education program specialist	GS-12	14	198,688
Grants and contract specialist	GS-12	6	85,152
Education program specialist	GS-11	2	23,810
Management analyst	GS-11	2	23,810
Grants and contract specialist	GS-11	1	11,905
Budget analyst	GS-11	1	11,905
Education program specialist	GS-9	6	59,286
Do	GS-7	2	16,178
Personnel staffing assistant	GS-7	1	8,089
Accounting technician	GS-7	2	16,178
Secretary	GS-6	5	36,470
Do	GS-5	8	52,384
Clerk-typist	GS-4	3	17,559
Do	GS-2	2	9,242
Total		100	1,410,258

Mr. MONDALE. Can the Senator tell me how much will be spent through the Cooperative Research Act?

Mr. BYRD of West Virginia. As I indicated earlier, we just do not have that breakdown with respect to the authority. If the Senator is going to go down though each item—what authority is this from, what authority is that from—as I have already indicated, the committee does not have that information and it is contingent upon approved applications.

Mr. MONDALE. In other words, we do not know from which programs the $150 million will be derived, nor do we know in what amounts the $150 million will be spent through the respective authorities.

Mr. BYRD of West Virginia. We only know that the Department indicated it wanted some flexibility, and that it would be spread out in an even and fair manner. That is all I can say to the Senator.

Mr. MONDALE. Thus, it would be fair to say, since we do not know where the money is coming from, or what amounts will be spent under which titles, that we have given them all the authority they could possibly ask for.

Mr. BYRD of West Virginia. That is the Senator's judgment, and I would not challenge it.

Mr. MONDALE. Mr. President, I am pleased to say that the three amendments which I shall shortly be calling up are supported by the administration in a letter which I received today from Secretary Finch which I ask unanimous consent to have printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
Washington, D.C., June 19, 1970.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: This is in response to your request for the Department's views on the proposed amendments 702, 703 and 704 to the Second Supplemental Appropriations Bill.

These amendments refer to the appropriation of $150 million included in the Bill for emergency assistance to desegregating school systems.

Amendment No. 702 provides that no funds may be extended to school districts which have transferred property or services to private schools that practice discrimination on the basis of race, color, or national origin.

Amendment No. 703 prohibits the use of appropriated funds to supplant funding from non-Federal sources which has been reduced as a result of desegregation. Also, the amendment provides that assistance under the appropriation could only be used to supplement State and local funds which would otherwise be made available to support educational programs in the affected school districts.

Amendment No. 704 would make clear that any school district in the process of implementing a Federal court order for desegregation would be eligible for assistance under the appropriation. In addition, school districts desegregating pursuant to a State court order would be eligible for assistance providing that such orders are being implemented and that as a minimum they provide for the elimination of practice prohibited under Title VI of the Civil Rights Act of 1954.

The Department believes that the amendments are consistent with the purpose of the appropriation, which is to assist school districts meet their responsibilities under the law.

With kind regards, I am
Sincerely,
Robert H. Finch,
Secretary.

Mr. PELL. Will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. PELL. My arithmetic is not of the best but I did get some figures which I think are accurate. The problem is that the $150 million is not divided up on a relatively even basis. It could, I suppose, completely overpower at least two of the programs for which the appropriation would be made because the total appropriation for the dropout prevention program is $5.8 million and the total appropriation for planning and evaluation is $13 million. Thus, I think that the Senator from West Virginia can see that, if these funds are appropriated for this purpose instead of that authorized, those programs could well be wiped out. That is why I think we are giving greater authority to the executive branch and have abnegated the congressional responsibility.

There are two reasons why I think we go along with it. One, we recognize that there is a real problem in moving ahead with desegregation this coming school year; and, second, we think the authorizing subcommittee will handle the remainder of the bill, the other $1.350 billion in the coming week—we hope.

But it is, to my mind, wrong and bad procedure, one which I believe a point of order could be made to—although I do not intend to do that, because the only ones who will suffer will be the young people in our Nation's schools.

Mr. STENNIS. Mr. President, would it be convenient for the Senator from Minnesota to yield to me so that I may ask a few questions of the Senator from West Virginia? Inquiry has been made as to where the authorization has come from, and now I want to ask a few questions as to where the money is going. So that we can get it in the record in the same place.

Mr. MONDALE. That is correct. I asked the same questions and I will be glad to listen to the answers.

Mr. STENNIS. The Senator has already asked those questions?

Mr. MONDALE. No. Proceed. I am glad to yield to the Senator from Mississippi.

Mr. STENNIS. I appreciate the Senator's courtesy. I invite attention to page 14 of the bill where the language with respect to the emergency school assistance fund is found, the $150 million in question that is in the bill. Reference has already been made as to where the authorization originates.

My question is, where is this money going to?

Who is going to be eligible to get it?

Is all the money to be earmarked for the South or are the northern schools entitled to share in it?

If the nothern and eastern schools share in it, will they have to desegregate in order to get the money, or are we going to pay it to them without desegregating?

Would the Senator inform me about that?

Mr. BYRD of West Virginia. Mr. President, the allocation of these funds would be going to the 17 Southern and border States—whatever that means. I am not trying to be impertinent, but I said that as I did because I asked the same thing of the HEW.

Mr. STENNIS. Yes.

Mr. BYRD of West Virginia. I said, "What do you mean by border State? Is West Virginia a border State? Is Delaware a border State? Is Oklahoma a border State? And so forth. They indicated to me that they would rather not try to answer that question and hoped that I would not persist in asking it.

Mr. STENNIS. What reason did they give for not allocating any money to the Northern, Eastern, and Western States?

Mr. BYRD of West Virginia. They said: "In the 17 Southern and border States." I think I would have to take issue with part of that, at least, that is where most of the problems lay anent de jure segregation as to the entire amount of $150 million.

Mr. Allen, former Commissioner of Education, who appeared before the subcommittee, said that it represented a rough guess as to the amount. I was not satisfied with that kind of answer, that it was a rough guess, and I so stated. I also stated that I did not feel the subcommittee should be asked to appropriate $150 million on the basis of a rough guess.

Here are a few items, if I may enumerate some of them. They are the activities that will be supported by these moneys:

Under special personnel, temporary teachers, to provide release times for regulation instructional personnel participation in desegregated workshop activities.

Teacher aids. To reduce teacher ratios in order to give more attention to individual students.

Special guidance, counseling and testing staff. To assist in counseling principals, teachers, and students, in order to provide educational programs that will remedy student deficiencies.

Crossing guards. To provide staff that will maximize safety precautions for children taking new and different routes to school.

Administrative and clerical staff, to provide additional personnel and time for implimentation of desegregation plans; for example, an additional month of employment during summer for principal.

Under student services, remedial programs, to provide specialist books and supplies. For remediation in all subject areas in which students are deficient.

Guidance and counseling, to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from desegregation process.

Diagnostic and evaluation and testing programs.

Work study programs.

Health and nutrition services.

Dropout prevention programs.

Under educational personnel development, seminars on problems incident to desegregation, to provide training with skilled experts in the area of human relations, to minimize problems incident to desegregation.

Seminars on teachers interpersonal relationships.

Youth organization and university expertise through institute and inservice programs, to deal with such problems as teaching bilingual children.

Teaching children with speech and dialect deficiencies.

Problems of teachers, parents, and students involved in the desegregation process.

Upgrading basic skills and methodology of teachers in mathematics, social sciences, and so forth.

Mr. STENNIS. Does the Senator consider that sufficient?

Mr. BYRD of West Virginia. No; I think the Senator asked a very important question, and I think it should be answered to the very best of my ability. I want to say also that a part of this would be for curriculum development. I think the Senator has a right to ask the question, and he has the right to know. I am attempting to state for him the information given to the subcommittee as to what activities would be supported by these funds such as special demonstration projects, special projects involving community agencies and parents, and exemplary instructional practices. Then there was another category, which is called planning and administration. And there are community participation programs, and so on, and so on. This enumeration has been inserted into the RECORD for the purpose of classification.

Mr. STENNIS. Mr. President, I thank the Senator. Is it true that the justification was based entirely on the Southern States and the so-called border States?

Mr. BYRD of West Virginia. Mr. President, I cannot recall any exceptions.

Mr. STENNIS. What was said about the rest of the $1.5 billion? Are the Southern and the border States going to get all of the $1.5 billion? I have not heard that point covered.

Mr. BYRD of West Virginia. Mr. President, my impression is that they will get most of the rest of it, but that it would not be confined to that.

As I understand it—and others were present at the hearings—this is going to be utilized to treat the problems of de jure segregation. As I further understand it, most of that problem is confined to the Southern and border States. However, nothing more than the $150 million we are now considering has been authorized and the $1.350 billion will have to be approved by the Congress.

Mr. STENNIS. Did any of the witnesses, according to the Senator's information, actually come out and say that the $1.5 billion was going to be spent solely on the so-called de jure segregation question or situation? In fact, I cannot conceive of plans to give the South $1.5 billion and not give any to any other area of the country.

I see no signs whatsoever that they are trying to desegregate any other part of the country than the South. So I think that we ought to have an understanding here as to where this money is going and what the pattern is for the spending of the rest of the $1.5 billion.

Mr. BYRD of West Virginia. Mr. President, I do not think that the witnesses stated that the moneys would be used for that purpose only. I do not think that this is the intention.

Mr. STENNIS. The Senator is talking about the $150 million or the $1.5 billion?

Mr. BYRD of West Virginia. I am talking about the $1.5 billion.

Mr. STENNIS. And there was no suggestion that a part of that money would be spent in the North and East and the Far West, and, if there ever was, under what conditions it would be spent.

My point is that I see no real plan to desegregate the schools outside the South. However, I do see evidence of plans for about $1 billion to go to those schools, whether they desegregate or not. That is the point I raise.

Of course, the Senator agrees that this is relevant.

Mr. BYRD of West Virginia. It surely is; yes.

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Mr. STENNIS. Mr. President, I do not believe that this plan has gotten beyond the newspaper stage, except for the $150 million.

Mr. BYRD of West Virginia. I think the Senator is right. The $1,350 million would have to be authorized by the legislative committee; and I think they would have to go into it very thoroughly.

Mr. STENNIS. I think the Senator is correct. But I wanted to inquire about the plans so far as they are developed now. As a matter of fact, I have the record here. The Department of Justice has been in on six cases since 1964 outside of the Southern and the border States.

Mr. BYRD of West Virginia. Practically speaking, that is the impression that I have.

Mr. STENNIS. The HEW has really proceeded in only 14 cases outside of the Southern and border States and has not cut off money for any schools outside the South as yet. That is my information. There has not been a real cutoff.

So I want to know now if they are going to get a part of this $1.5 billion or are going to be required to desegregate or continue as they are at the present time.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield first to the Senator from Nebraska and will then yield to the Senator from Colorado.

Mr. HRUSKA. Mr. President, that subject was touched upon in the President's message of March 24, 1970.

I read those words:

> In order to give substance to these commitments, I shall ask Congress to divert $500 million from my original budget request for other domestic programs for fiscal year 1971, to be put instead into programs for improving education in racially impacted areas, North and South. And for assisting school districts in meeting special problems incident to court ordered desegregation for fiscal year 1972, I have ordered that $1 billion be budgeted for the same purposes.

The bill authorizing the $1.5 billion has not been considered by Congress. It will be for Congress to decide if it is necessary to limit or to expand the purposes for that requested authorization.

No one can say with absolute certainty to what uses these moneys will be put, until the authorizing legislation has been enacted.

We do have an explanation of what the President's ideas on the subject are, and what he proposes. But, it is Congress that disposes, and we do not know what that disposition will be.

Mr. STENNIS. Mr. President, I do not want to take too much of the Senator's time. I will conclude in a moment, if I may continue.

Mr. President, that was my point. It has never been said definitely by the President or by Congress where this money is going or whether they are going to require these schools to desegregate.

We know what they will require in the South. But the President has never said that he will require them to desegregate in the North. He says it will be used for the benefit of schools in racially impacted areas.

Mr. HRUSKA. North and South.

Mr. STENNIS. The Senator is correct. So that means that in Chicago, the schools are racially impacted, I suppose. When we talk about 80 percent of the Negro students there who are attending schools that are between 99 percent and 100 percent Negro racial composition, I judge that is racially impacted. They would be eligible for this money. That is my point.

There is no plan to desegregate those schools, so far as the Federal Government is concerned. My prediction is that we will be asked to vote the $1.5 billion here for the benefit of schools generally, without any requirement whatsoever for desegregation of the schools. That is the point I make.

I just want to bring it out. I thank the Senator very much for yielding.

Mr. MONDALE. Mr. President, I thank the Senator from Mississippi. I agree with the Senator's observation about the reach of this $150 million.

In its presentation before the Appropriations Subcommittee, the administration said that the $150 million requested in this supplemental appropriation would provide immediate assistance to the approximately 994 de jure school districts in 17 Southern and border States which recently developed and which must develop its desegregation plans by September 1970.

I see no reason for limiting the scope of this matter to any such definition.

My third amendment, No. 704, would assure that school districts desegregating under legal requirement across the Nation would be eligible for assistance under this appropriation.

Mr. STENNIS. Mr. President, I commend the Senator. It was on my motion that the language in the report which applied to the South and the border States alone was stricken. I made the point that we had no right to limit the application of this money to any area.

I did point out with respect to justifying the expenditure of this money for the benefit of any schools that there are no plans now to do anything about desegregating any schools except in the South or maybe the so-called border States.

Mr. MONDALE. Mr. President, we will have an opportunity to vote on that measure in my third amendment, which I hope very much will help to give this appropriation a national effect.

May I say that the proposed legislation for assisting desegregating school districts, which is before the Education Subcommittee ably chaired by the Senator from Rhode Island (Mr. PELL), is now under serious consideration.

Speaking for myself, I would very much hope that some of the thrust in terms of both this appropriation and the proposed legislation can to be directed on a national basis.

Mr. STENNIS. If they desegregate, I agree with the Senator.

Mr. MONDALE. We are very desirous, or at least I am very desirous, that the effort we are now undertaking be national in character and not limited to any one area. My amendment, number 704, seeks to make these funds available to any school districts desegregating under law—regardless of their location or the source of the legal requirement.

Mr. STENNIS. I agree they are entitled to the money if they are desegregated. I say the plan is they are going to give it to them if they are desegregated or not, if they are in racially impacted areas.

Mr. MONDALE. I thank the Senator for his observations.

Mr PELL. Mr President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PELL. Under the definitions of the objectives of S. 3883, the bill introduced by the senior Senator from New York (Mr. Javits) and cosponsored by me, the definitions do not apply to any geographical area, just North, South, East, and West, which, when met, would bring in eligibility for funds under this act.

The point that worries me is that once the bill has been enacted, we leave it to the wisdom and discretion of the Secretary of Health, Education, and Welfare as to how he allocates the money, and he can allocate it all in one State or in one section of the country, if he wishes. The amendment of the Senator from Minnesota spreads it around a bit more effectively.

Mr. MONDALE. I thank the Senator from Rhode Island, and I concur enthusiastically in the observation he has made.

Mr. President, I shall be returning shortly to the third amendment I am going to offer to give this measure national direction. However, at this point I wish to return to my first amendment, which is designed to deal with the problem of school districts that use public buildings, school buses, faculties, curriculum, and other property and assets to support privately segregated academies, as they are called, which are springing up in many parts of the country as the answer to court-ordered desegregation. These academies are all white. Some of them, according to the testimony, have been the recipients of public school buildings which have been sold to them at token prices—in some cases $10 and $15—and some of them have used and are using public school buses. Some of them have had public textbooks loaned to them. In one case, the NEA reported a peculiar arrangement was developed which had the effect of lending publicly salaried faculty members to privately segregated academies.

Obviously, if this kind of circumvention and escape from duly issued court orders is permitted, or if we have a system by which public moneys directly or indirectly end up supporting privately segregated educational institutions, the goal of the country for quality education will be frustrated.

For this reason, I have proposed the amendment which I now send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 15, line 2, insert before the period a colon and the following: "*Provided further,* That no part of the funds contained in this appropriation shall be used to assist a school district which, has engaged in the gift, lease, or sale of real or personal property, or services, to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin."

Mr. MONDALE. Mr. President, I call up for myself, Mr. Case, Mr. Kennedy, Mr. Javits, Mr. Bayh, Mr. Brooke, Mr. Pell, Mr. Muskie, Mr. Cranston, Mr. Hart, Mr. Hughes, Mr. McGovern, Mr. Ribicoff, Mr. Williams of New Jersey, Mr. McGee, Mr. Young of Ohio, Mr. Goodell, Mr. Schweiker, Mr. Nelson, Mr. Harris, and Mr. Eagleton a revision of amendment No. 702 to H.R. 17399, second supplemental appropriations bill.

This bill, which was reported by the Appropriations Committee on June 8, contains the $150 million that the administration seeks under existing legislative authority to assist school desegregation this summer and throughout the 1970–71 school year.

These funds represent the initial portion of the President's desegregation proposal. They would be added to the following programs: Part D of the Educations Professions Development Act, the Cooperative Research Act, title IV of the Civil Rights Act of 1964, sections 402 and 807 of the Elementary and Secondary Education Act, and title II of the Economic Opportunity Act. The administration will request additional funds under its proposed Emergency School Aid Act of 1970 following congressional action on the bill.

Amendment No. 702 as revised would prohibit assistance under this appropriation to school districts which have transferred property, services or equipment to nonpublic schools that practice discrimination on the basis of race, color or national origin. This amendment seeks to prevent indirect Federal subsidies of private segregated academies in cases, such as those described in a report by the National Education Association, where a "public school, opened in 1947, was declared surplus by school officials in June 1969 and sold to an individual, using sealed bids, for $1,500, and team members learned that the purchaser, in turn, sold it to a private group for $10,"—where "former public school buses, also declared surplus and put up for bid, have been obtained and are now being used to transport the students to the school"—where "localities 'surplus' public school furniture has been sold to private schools," or where "some equipment purchased with title I funds disappeared from the public school in one county."

Amendment No. 702, like amendment No. 703 which I will call up shortly, is designed to clarify and make explicit existing authority and responsibility vested in the Secretary of HEW to prevent funds under this appropriation from being granted to schools and school districts that are practicing a form of token desegregation or paper compliance while discriminating within schools.

Unfortunately, there are numerous examples of ways in which the desegregation process is being abused and distorted. The Select Committee on Equal Educational Opportunity has received testimony from several individuals and organizations documenting the existence of token or paper compliance with desegregation requirements. For instance, we have learned about desegregated schools which:

Retain totally segregated classes;

Are still operating under illegal freedom of choice plans;

Are transferring their facilities and equipment to private segregated academies;

Are in districts which have reduced the level of local or state financial aid for schools when desegregation has occured in order to ease the financial burden of parents whose children attend these segregated academies;

Have discriminatorily fired or demoted black faculty;

Have segregated extracurricular activities including, for example, the exclusion of Negroes from organized athletics, student government, proms, dances, cheerleading, or have operated separate and overlapping bus routes for blacks and whites;

Or in other ways have abused and circumvented the goal or quality integrated education.

The Select Committee on Equal Educational Opportunity has heard, for example, about cases in which the students are segregated within "desegregated" schools, in one high school white students were housed in one wing of the building, black students in another. This "desegregated" school has staggered and segregated lunch periods, and a dual system of bells so that whites and blacks do not come into contact in the corridors between classes. We have heard of another "desegregated" school in which black students are taught in segregated classrooms by black teachers, and in which high school commencement exercises were segregated, with white and black students seated on opposite sides of the football field and blacks receiving their degrees from a recently fired black principal, rather than from the white school superintendent.

In my judgment, it is absolutely essential that schools such as the two I have described, or schools which are abusing the desegregation process in any of the ways I listed above, are prohibited from receiving funds under this appropriation. I am personally convinced that under the 14th amendment, and title VI of the Civil Rights Act of 1964, the Secretary of Health, Education, and Welfare already has the authority and responsibility to prohibit Federal funding of schools or school districts which are practicing any of the kinds of discrimination I have described. I am pleased that Secretary Finch, and Mr. Stanley Pottinger, Director of the Office of Civil Rights in HEW, share this view. During a recent joint hearing of the Education Subcommittee and the Select Committee on Equal Educational Opportunity, I read this same list of abuses to Secretary Finch and asked him if districts engaging in this token and misleading form of "desegregation" would be entitled to the assistance under this appropriation or under the proposed Emergency School Aid Act of 1970. The Secretary responded that "under no circumstances" will districts abusing the desegregation process through mere technical or cosmetic compliance receive funding. He said, and I quote:

> We, *under no circumstances*, will fund districts out of compliance with Title VI, those who fire or demote anyone on the basis of race or with segregated classrooms, or with other basic things that you have mentioned.

I respect and support the existing authority which prohibits Federal funding to districts practicing the kinds of racal discrimination I have listed, and I heartily congratulate the Secretary of Health, Education, and Welfare, for his commitment and promise to assure that no districts abusing the desegregation process in these or other ways will receive funding under this appropriation. There may be disagreement on the part of some observers, however, about whether title VI or the 14th amendment reach the specific abuses concerning assistance to private segregated academies or the supplanting of State and local funds.

We have introduced amendments No. 702 and 703 in order to remove any such ambiguity. These amendments are specifically designed to clarify and make explicit the authority of the Secretary to fullfill his commitment in those cases where desegregation abuses involve direct support of private segregated academies or the supplanting or reduction of State and local aid for public schools. We have not introduced amendments to cover each of the other specific examples of the abuses because there is no doubt that the 14th amendment and title VI of the Civil Rights Act already prohibit funding of districts practicing these abuses.

I hope these amendments will be adopted. I think they represent the minimum necessary to help assure that the $150 million supplemental appropriations for desegregation is used properly.

But even with the adoption of these amendments, I am still extremely skeptical about whether this emergency appropriation can and will be spent properly and effectively. I am skeptical for several reasons.

First, while I have read the administration's justification of this request, and the committee report describing it, I am not convinced that an adequate case has been made to support the need for these funds. The committee report states that this money is sought "to meet the additional costs" of desegregation. Yet a number of witnesses before the Select Committee on Equal Educational Opportunity have stated that the elimination of the dual school system often saves money rather than costs money because it frequently reduces the extent of busing and offers the advantages of economies realized from the unified system. While I believe that funds can be used creatively to improve the quality of education in an integrated environment, I am not at all sure that this appropriations request has either identified or limited the use of funds to these creative and useful activities.

Second, I am extremely concerned about where this money is coming from. As I understand it, this $150 million request is the initial portion of the $500 million the President is committed to seek to assist school desegregation in the school year 1971. The other $350 million for fiscal year 1971 and the entire $1 billion for fiscal year 1972 are to be sought under the proposed Emergency School Aid Act of 1970. What concerns me is the President's initial statement in which he described the source of these initial funds. In his March 24 statement on desegregation the President said:

> I shall ask Congress to divert $500 million from my previous request for other domestic problems for fiscal year 1971.

I am concerned that this $150 million may be diverted or reprogramed from other equally essential domestic programs, such as Headstart, food stamps, welfare reform, legal services, or needed education programs.

Third, I am skeptical about whether a program of this magnitude can be effectively mounted and implemented in such a short period of time. How can $150 million be allocated effectively during the months of July, August and September, when specific guidelines do not yet exist, when personnel will need to be attracted and trained, and when nearly 1,000 separate school districts will be eligible for assistance? HEW was quite candid about the difficulties of this administrative task in presenting its justification for the $150 million supplemental appropriations to the Appropriations Committee. It indicated, for example, that $2.1 million and 100 positions are required to administer this program. HEW said further that—

> This new effort will require: developing entirely new procedures and regulations which will allow the Office of Education to administer a unified coordinated program within the six separate authorities under which funds are being requested. This will include notices to potential grantees of the terms and conditions under which grants will be available, unified application forms, regular notices in the Federal Register, and review approval or award of accounting procedures.

I wonder if these and other tasks can be accomplished effectively in 3 months.

Fourth, despite the Secretary's significant and sincere commitments, and despite, hopefully, the adoption of these amendments, I am extremely concerned about the possibility that portions of this money will still be made available to school districts which will abuse the desegregation process.

We have become painfully aware of the abuses which are now taking place in some "desegregated schools"—such as segregated classrooms, dismissal and demotion of black faculty members, and the other examples I listed earlier—despite the fact that title VI of the Civil Rights Act clearly prohibits Federal assistance to school districts practicing this kind of token or technical compliance. In short, since HEW and the Department of Justice are not now effectively enforcing existing prohibitions against these abuses, I remain very skeptical about the prospect that they will be able to prohibit funds under this new appropriation from going to districts engaging in this kind of paper compliance. My skepticism is increased by the fact that no part of this $150 million emergency appropriation for desegregation is provided to increase the enforcement capability of the Office for Civil Rights in HEW.

Fifth, I am concerned about this appropriations request because it appears to represent legislation on an appropriations bill. By dealing with contingencies, and placing additional burdens on the executive agencies which will administer this program, I fear that this request represents legislation on an appropriations bill. I am concerned about this question not only because I am opposed to the idea of legislating on an appropriations bill, but also because this form of legislation makes it extremely difficult, if not impossible, to write in the necessary kinds of administrative and policy safeguards and criteria that are essential for such a new and large program.

For these and other reasons, I remain skeptical about this appropriation. Despite the skepticism, I am willing, on balance, to give the administration a chance to provide these funds fairly and properly to assist districts which are desegregating their schools. If these amendments are adopted, I will support this appropriations request in an effort to give the Secretary an opportunity to deliver on his commitments and prevent funding of districts engaged in paper compliance.

I will, however, be watching very closely to see exactly how these funds are spent. The manner in which these funds are distributed, and the purposes to which they are spent, will influence the position I take in regard to the administration's proposed Emergency School Aid Act of 1970.

I hope that these amendments, coupled with the administration's commitment to prevent abuses, can help assure that the funds under this appropriation are granted to districts that are making honest efforts to desegregate their schools under legal requirement, regardless of their location. I hope that they will help assure that the funds are distributed equitably and among districts with legitimate needs. I hope that they can help prevent a Federal subsidy of paper compliance.

I am pleased to announce that the administration supports these amendments and that the Leadership Conference on Civil Rights supports them as necessary to assure the $150 million appropriation is used properly. The National Education Association has also endorsed these amendments.

I ask unanimous consent that copies of the amendments Nos. 703, 704, and a copy of the letter from Secretary Finch be printed at this point.

There being no objection, the amendments and the letter were ordered to be printed in the RECORD, as follows:

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AMENDMENT No. 703

On page 15, line 2, insert before the period a colon and the following: "*Provided further*, That no part of the funds contained in this appropriation shall be used to supplant funding from non-Federal sources, which has been reduced as the result of desegregation or the availability of funding under this section."

AMENDMENT No. 704

On page 15, line 2, insert before the period a colon and the following: "*Provided further*, That no part of the funds contained in this appropriation shall be made available to carry out any program or activity under any policy, procedure, or practice denying funds to any school district legally required to desegregate schools, on the basis of geography or the source of the legal requirement."

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon. WALTER F. MONDALE,
U. S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is in response to your request for the Department's views on the proposed amendments 702, 703 and 704 to the Second Supplemental Appropriations Bill.

These amendments refer to the appropriation of $150 million included in the Bill for emergency assistance to desegregating school systems.

Amendment No. 702 provides that no funds may be extended to school districts which have transferred property or services to private schools that practice discrimination on the basis of race, color, or national origin.

Amendment No. 703 prohibits the use of appropriated funds to supplant funding from non-Federal sources which has been reduced as a result of desegregation. Also, the amendment provides that assistance under the appropriation could only be used to supplement State and local funds which would otherwise be made available to support educational programs in the affected school districts.

Amendment No. 704 would make clear that any school district in the process of implementing a Federal court order for desegregation would be eligible for assistance under the appropriation. In addition, school districts desegregating pursuant to a State court order would be eligible for assistance providing that such orders are being implemented and that as a minimum they provide for the elimination of practices prohibited under Title VI of the Civil Rights Act of 1964.

The Department believes that the amendments are consistent with the purpose of the appropriation, which is to assist school districts meet their responsibilities under the law.

With kind regards, I am
Sincerely,
ROBERT H. FINCH,
Secretary.

Mr. MONDALE. Mr. President, at this point I yield to the cosponsor of the proposed legislation, the distinguished Senator from New Jersey who was instrumental in the development of this amendment.

Mr. CASE. I thank my colleague, the Senator from Minnesota. I am indeed very happy to join him and other colleagues in this amendment and two others which will follow on the same general subject.

These amendments are the result of concern that the other sponsors and I have about abuses which are possible if the money provided in this bill for school desegregation is not dispensed with great care.

The administration has asked for inclusion in this bill of $150 million to assist local school districts to carry out their desegregation plans.

Secretary Finch of the Department of Health, Education, and Welfare, when he testified recently before a joint hearing of the Education Subcommittee and the Select Committee on Equal Educational Opportunity, assured the Senate the "under no circumstances" will these funds be used to assist districts which are in mere technical compliance with the law or which otherwise abuse the intent of the law.

The three amendments we have introduced propose to provide the Secretary with explicit authority to fulfill this commitment.

Past experience with civil rights legislation shows that the administration's task is made more difficult and delays are encountered when the Secretary's authority is not explicitly stated in the law. It is the intent of these amendments to avoid confusion over the intent of Congress in making these funds available to assist school districts throughout the Nation attain quality integrated education.

In response to my request for the Department's views on these amendments, Secretary Finch said they are "consistent with the purpose of the appropriation, which is to assist school districts to meet their responsibilities under the law."

While these amendments do not deal with all possible areas of abuse, they cover those that most readily come to mind. It is within the discretion of the Secretary to handle others and I am confident that he will do so. However, we will watch closely the development of this program and will bolster the legislative authority of the Secretary should this become necessary.

What specifically would these amendments do?

Amendment 702 provides that no funds may be extended to school districts which have transferred property or services to private schools that practice discrimination on the basis of race, color or national origin.

This amendment seeks to prevent the money provided in this bill from being used to support abuses such as one described in a recent report by the National Education Association. The NEA described one situation in which a public school was declared surplus by school officials in June 1969, and sold to an individual, using sealed bids, for $1,500. The purchaser, in turn, sold the school to a private group for $10 and it then was turned into a private segregated school.

Our amendment would make it clear that school districts which have engaged in this type of practice are not entitled to seek assistance under the programs which will be funded under this bill.

Amendment 703 prohibits the use of funds appropriated under this bill to supplant funds from non-Federal sources which has been reduced as a result of desegregation.

It is the intent of this amendment to require that the funds contained in this bill will be used only to supplement State and local funds which would otherwise be made available to support education programs in the affected school districts.

Amendment 704 would make clear that any school district in the process of desegregating under a legal requirement—wherever the district is located and regardless of whether the requirement is imposed by State or Federal law—would be eligible for assistance under this appropriation so long as its desegregation plan is being implemented and meets the requirements of title VI of the Civil Rights Act of 1964 at a minimum.

The administration originally testified that assistance provided under this appropriation would be available only to school districts in the 17 Southern and Border States. We believe that any school district which is desegregating according to the standards of Federal law should be eligible to receive assistance.

Mr. MONDALE. I thank the Senator for his continued leadership in this matter. I know of no other Member of the Senate who has worked with more dedication toward the achievement of a quality integrated society than the Senator from New Jersey and, as always, I am proud to join him in this proposal.

Mr. KENNEDY. Mr. President, as a sponsor of amendments 702, 703, and 704, I feel that their adoption is important if the Senate is serious about giving effective aid to desegregation efforts with the $150 million requested in this supplemental appropriations. For the Department of Health, Education, and Welfare should understand that Congress expects it to vigorously prohibit misuse of desegregation funds—including the abuses mentioned in these amendments and other familiar abuses carried out in the name of desegregation.

Amendment 702 would prohibit funds to schools which this year have sold or leased property, equipment, or services to segregated private academies. Amendment 703 would prohibit funds to schools which would use them to supplant State and local money which would otherwise be available. And amendment 704 would insure that desegregation funds would be potentially open to all schools legally compelled to desegregate—whether by Federal or State order, or Federal or State law.

Certainly I support giving Federal assistance to schools which are genuinely desegregating. In 1966 I myself introduced legislation which would have authorized Federal expenditures for this very purpose.

I have several reservations however, about this $150 million appropriation.

First, as a member of the authorizing committee, I am disturbed by this legislating on an appropriation bill. The Subcommittee on Education has recently been conducting hearings on the whole question of desegregation assistance. We are working on legislation, and trying to do a thorough and responsible job.

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But instead, Congress is now being asked to just appropriate $150 million at the last minute, in a rush, before we even act on authorization.

Second, I have serious doubts whether the Department of Health, Education, and Welfare—or anyone else—can set up the administrative machinery to handle these funds quickly and well. They must hire and train staff. They must develop procedures for screening, filing, and monitoring applications. They must set up a whole new administrative operation for a brand new program. Yet they are expected to complete the main part of the job, the obligating of funds, by the end of September.

Third, I am extremely concerned about the potential for abuse. Testimony before the Select Committee on Equal Educational Opportunity, numerous reports I have seen and persons I have talked with indicate the whole range of abuses which have occurred in supposedly desegregating school districts. To cite some examples, there are cases where:

Schools are desegregated but blacks are kept in segregated classes, segregated cafeterias, segregated buses.

Blacks are excluded from extracurricular activities.

Well-constructed, modern black schools are closed as an alternative to sending white students there.

Mobile or portable classrooms are used to supplant good black schools which are closed.

Tax deductions are given to parents who take their children out of desegregating schools and send them to all-white private academies.

Black teachers, principals or administrators are demoted or fired while less qualified whites are kept.

Schools are operated under an old freedom of choice plan which has not been updated or revised under court order.

The list goes on and on. And it includes discrimination against Indian-Americans, Mexican-Americans, Eskimos, and other minorities as well.

Amendments 702 and 703 mention two such abuses. It is my understanding that they are prohibited by title VI of the Civil Rights Act of 1964, which clearly states that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." These amendments make the matter clear in these two cases. And further amendments to cover other abuses are unnecessary, because there is general agreement that title VI already prohibits them also.

I support the $150 million with the understanding that full legal action will be taken when funds are illegally misused, including:

Bringing school boards to court for contempt action;

Suing for the restitution of misused funds;

Criminal suits under the Federal false statements statute, and other appropriate Federal laws.

If we have learned anything from our experience with title I of the Elementary and Secondary Education Act, it is that we must make vigorous, thorough, Federal monitoring efforts—right from the start—if the money is to be spent as intended by Congress.

Amendment 704—which makes assistance with the $150 million available to all school districts which are under legal compulsion to desegregate—recognizes that the burden of forced desegregation is equally heavy no matter what the source of the requirement.

I myself favor broader expenditure of funds to include schools which voluntarily undertake to desegregate. They may have just as many burdens and may need the Federal assistance just as badly.

Mr. President, I am willing to take a chance if we write in some safeguards. I think that the last minute, unauthorized $150 million in a supplemental appropriation is a poor way to take legislative action, but I recognize that the problem is pressing and immediate. I am not optimistic that the rushed appropriation and hurried program will be effective, but we must take a first step.

In this context, the protections spelled out in these amendments—and guaranteed under title VI—are essential. I urge adoption of all three amendments.

Mr. STENNIS. Mr. President, will the Senator yield to me on one point?

Mr. MONDALE. I am glad to yield.

Mr. STENNIS. Mr. President, may we have order? I believe every Member in the Chamber would be interested in this colloquy.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, I appreciate the Senator yielding to me.

I direct attention to lines 4 and 5 of the present amendment, the words "subsequent to the beginning of the 1969–1970 school year."

Mr. MONDALE. If I may interrupt the Senator at that point, I wish to point out that in the amendment I sent to the desk that phrase was stricken. It was stricken for the reason that the Parliamentarian advised us that with that phrase the amendment would be subject to a point of order on the grounds that it is legislation on an appropriations bill.

Mr. STENNIS. Yes.

Mr. MONDALE. Nevertheless, I would expect it might be construed by the administration roughly along the lines of the omitted phrase, but that would be up to the administration.

Mr. STENNIS. What was the Senator's point? The Senator struck out the words "subsequent to the beginning of the 1969–1970 school year." My point was going to be that that is punitive in nature and it is retroactive in application. I was going to ask the Senator if he would not consider that and let his amendment, if it passes, be as of the date it becomes law.

I do not know of any school that has done these acts, but in a year of upheaval, adjustment, and change in the midterm adjustments were made. They were makeshift and they had to do everything they could, whereas they will have fair notice about this and I do not think it will reoccur.

Mr. MONDALE. I have been advised by the Parliamentarian that any reference of that kind would make the amendment subject to a point of order and that is the reason I struck the phrase which appeared in original amendment No. 702, when I sent it to the desk.

For that reason and also on the merits, I would have trouble accepting that. I concede the fairness of the Senator's statement. The Senator does not want it to apply retroactively.

Mr. STENNIS. That is correct.

Mr. MONDALE. I commend the Senator for that position. My feeling is that transfer of public property for these purposes is so clearly unconstitutional that it would not be unfair to apply the prohibition retroactively from the beginning. I would not be able to accept such a modification and if we did modify it in that manner it would be subject to a point of order.

Mr. STENNIS. What is the Senator's interpretation of his amendment when these words have been stricken out? The Senator said something about the department having certain discretion.

Mr. MONDALE. The amendment would have to be construed by the Department. As it now reads, it provides that—

> No part of the funds contained in this appropriation shall be used to assist a school district which has engaged in the gift, lease, or sale of real or personal property, or services, to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin.

It would have to stand on its own terms.

Mr. STENNIS. Would not the Senator be willing to let it read, "has engaged subsequent to the passage of this Act" in any of these matters? I would support his amendment if he would modify it that way.

Mr. MONDALE. On the merits, I personally could not accept it, because, as I said earlier, I believe the practice is so obviously unconstitutional, and would have been at the time it occurred, that it would not be unfair to retroactively apply it that way.

For practical purposes, the abuse did not start until last fall, when the Supreme Court issued its decision requiring immediate elimination of de jure segregation, so that its retroactive sweep is only of a limited nature in any event.

Mr. STENNIS. The Senator has eliminated the language "subsequent to the beginning of the 1969–70 school year"?

Mr. MONDALE. The Senator is correct. I have eliminated that phrase.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BAKER. It is my understanding, from the colloquy, that the language, on lines 4 and 5, "subsequent to the beginning of the 1969–70 school year" has been stricken from the amendment.

Mr. MONDALE. That is correct.

Mr. BAKER. Is my further understanding correct that the reason why it was stricken is that it would create a condition precedent or a situation that extends into the future as a condition precedent?

Mr. MONDALE. I am not thoroughly familiar with the grounds, except that the Parliamentarian has advised me that that phrase would make the amendment subject to a point of order.

Mr. BAKER. The point I am making is that I wonder if I understood, as the Senator from Mississippi understands is implicit, if the words "subsequent to the beginning of the 1969–70 school year" are eliminated, is it not necessary to conform the rest of the language to that intent by using the conforming language "is engaging" instead of "has engaged in" because otherwise it would be retroactive.

Mr. STENNIS. That is correct.

Mr. BAKER. Would the Senator mind putting that inquiry to the Chair?

Mr. MONDALE. Mr. President, I ask unanimous consent that I may ask for a quorum call without losing my right to the floor at the conclusion thereof.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I would be willing to modify my amendment to reinclude the deleted phrase which reads "subsequent to the beginning of the 1969–70 school year," if by so doing we could have unanimous consent that that phrase would not be subject to a point of order. That would have the advantage of being retroactive only to the beginning of the past school year, and not running back further than that.

The PRESIDING OFFICER. Is the Senator asking unanimous consent that it be in order?

Mr. MONDALE. Perhaps we could have a little colloquy.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, reserving the right to object, as I said, I know of no particular school that has violated these terms, but to pass a law now to make it retroactive in application is contrary to the American system. It is unfair. Suppose they made a sale, according to the Senator's amendment, and got the money. There is nothing invalid about that. Certainly, we ought not to go back to penalize them. Suppose they got market value? According to the Senator's terms, they would not be eligible for any of this money.

The Senator has a great motive and design, but the way the amendment is written, it is retroactive, without notice, and would apply to the just and the unjust.

Mr. MONDALE. Perhaps I may respond to that statement. I can only repeat the point I made earlier, that the practice of donating school buildings, schoolbuses, textbooks, lending faculty, flowered right after the Supreme Court decided that desegregation of de jure situations must be eliminated immediately. That is why the proposed amendment originally included the phrase, referring in time to the beginning of the current school year, and prohibited the expenditure of any part of the $150 million for school districts which had engaged in any of those practices from that time on.

I would be glad to include in the amendment a provision as well, that the sale to which we make reference is a sale for less than value to the school district. In other words, what we are trying to get at is a subsidy——

Mr. STENNIS. Mr. President, with all deference to the Senator's amendment, I think, being retroactive in application, it would be an ex post facto law, and I object to the modification requested.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BAKER. Mr. President, I shall not detain the Senate long on this point, because it is my intention to support the amendment, provided we can arrive at certain modifications to make it fair in its application.

I agree with the Senator that it is a deplorable practice to dispose of school property for discriminatory purposes, as I am sure most of our fellow Senators do.

The modification would delete that section of the amendment in lines 4 and 5 which reads "subsequent to the beginning of the 1969–70 school year" has engaged in the gift, lease, or sale, et cetera. That, in effect, creates an absolute situation where a school district which has done this prior to this time is forever precluded from having Federal assistance under these programs, which seems to be, as the distinguished Senator from Mississippi has stated, retroactive, and certainly, to say the least, unfair.

I would suggest, if the Senator would consider it, that the amendment be modified by striking from lines 4 and 5 the words "subsequent to the beginning of the 1969–70 school year" and also striking the words "has engaged" on line 5 and inserting instead the word "engages," which makes it prospective in effect; and I think, by the example and the colloquy here, this encounter today will serve notice that we do not intend to condone and do not condone any sort of subterfuge of this type.

Mr. MONDALE. Mr. President, I have two problems with that. One is this widespread engagement in such practices recently, and the prospective amendment would not reach that problem. Second, I have been advised by the Parliamentarian that such language would be subject to a point of order because it would create a contingency under rule XVI.

For both reasons, I feel prohibited from responding affirmatively to the suggestion of the Senator from Tennessee.

Mr. BAKER. Mr. President, will the Senator yield so I may put to the Chair a parliamentary inquiry as to the propriety of that proposal?

Mr. MONDALE. I am happy to yield, with the unanimous-consent request that I be recognized following the Chair's response to the parliamentary inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee will state his parliamentary inquiry.

Mr. BAKER. Mr. President, I put this inquiry to the Chair: If amendment No. 702 were modified by striking from line 4, beginning with the word "subsequent" through line 5 ending with the word "engaged" and substituting the word "engages," would the amendment as modified be subject to a point of order?

The PRESIDING OFFICER (Mr. PROXMIRE). The Parliamentarian advises the Chair that such an amendment would appear to be in order.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BAKER. Mr. President, will the Senator from Minnesota yield further? I really support the purpose of his amendment. Since the Parliamentarian has advised me that it would not be subject to a point of order, and since I think it accomplishes the Senator's purpose, and I believe there would be no objection to it, I urge that the Senator reconsider accepting that modification.

Mr. MONDALE. Mr. President, I still have the problem of dealing with school districts which gave away their school buildings, their schoolbuses, their textbooks, and the rest, in response to the Supreme Court order of last year requiring immediate desegregation. The language proposed by the Senator from Tennessee is prospective, and would not reach those school districts.

Mr. BAKER. Will the Senator yield further?

Mr. MONDALE. I yield.

Mr. BAKER. I think that practice is deplorable, and I agree with the Senator; but I think the proposal would be subject to a point of order if we, as a part of the legislative branch, tried to spell out under what circumstances a gift was legal or illegal. I think it would be within our rights to make it illegal to do that, and then submit to the judiciary the question of whether or not they did it in an attempt to interfere with desegregation. But if we try to spell it out and say "it is illegal because you did it," it would be subject to a point of order as being unconstitutional. I think there is a way to do it, but I think the judiciary is the proper forum.

Mr. MONDALE. Mr. President, I cannot agree with the observation offered by the Senator from Tennessee to this extent: When property was donated by public school systems to private, segregated academies following the decision of the Supreme Court, I think they knew full well what they were doing, and it was to donate public properties to an allegedly private institution for an unconstitutional purpose. I think it would be wrong to come along now and reward such a school district with a payment as proposed under this pending appropriations proposal. I would much prefer that the time frame to which my original amendment made reference could be included, but I was advised by the Parliamentarian that that would be contrary to rule XVI.

At this time, I should like to propound to the Chair a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. If my amendment read exactly the same as amendment 702, containing the phrase "subsequent

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to the beginning of the 1969–70 school year," would that be subject to a point of order?

The PRESIDING OFFICER (Mr. PROXMIRE). It seems to leave a contingency, because there would be an indefinite circumstance, ad infinitum.

Mr. MONDALE. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. If the phrase referred to were substituted by a phrase reading "engages or has unlawfully engaged in" would that phrase be subject to a point of order?

The PRESIDING OFFICER. The Parliamentarian suggests that the suggested language be submitted in writing, so the Chair can take it under consideration.

Mr. MONDALE. I would ask the Senator from Tennessee if such language, which, in effect, begs the question of whether an illegal transfer has occurred, would meet his objection.

Mr. BAKER. Mr. President, if the Senator will yield there, I think it probably would. I wonder if I might ask unanimous consent that I could ask for a quorum call, without the distinguished Senator from Minnesota losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, as far as I am concerned——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. MONDALE. I yield.

Mr. BAKER. As far as the Senator from Tennessee is concerned, the language suggested by the Senator from Minnesota, as I understood it, is satisfactory. The Senator's language was "engages or has unlawfully engaged in"; is that correct?

Mr. MONDALE. The Senator is correct.

Mr. BAKER. It is my understanding that this would be an effort to make the statute prospective by the word "engages" and retroactive, but with a judicial determination by the phrase "unlawfully engaged in." Is that correct?

Mr. MONDALE. I agree with the Senator from Tennessee, except in one respect. A determination would have to be made by the administrating agency that the transfer of property that is retrospective was an unlawful one. Otherwise, insofar as the retrospective reach is concerned, it would not apply.

Mr. BAKER. I have no objection to the language.

Mr. MONDALE. Mr. President, I modify my amendment to provide after the word "which," on line 4, the words "engages or has unlawfully engaged," and so forth.

The PRESIDING OFFICER. The amendment will be so modified, and the clerk will so state the amendment.

Mr. MONDALE. Before so modifying, I ask for a parliamentary ruling on whether this is consistent and in order under rule XVI.

The PRESIDING OFFICER. In the opinion of the Chair, it would appear to be in order, as the Senator from Minnesota has proposed to modify it.

The clerk will read the amendment as modified.

The bill clerk read as follows:

On line 5, after the word "has" insert "engages or has".

Mr. MONDALE. "Or has unlawfully engaged."

The PRESIDING OFFICER. Will the Senator send his written amendment to the desk?

Mr. MONDALE. I send it to the desk.

The bill clerk read as follows:

On line 5, after the word "year," which is stricken, insert "engages or", and after the word "has" insert "unlawfully".

Mr. MONDALE. Mr. President, I so modify the amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

Mr. BYRD of West Virginia and Mr. ERVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. CASE. May we ask for the yeas and nays?

Mr. MONDALE. I ask for the yeas and nays.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Will the Senator yield for a question, first?

Mr. MONDALE. I am glad to yield to the Senator from West Virginia.

The PRESIDING OFFICER. Does the Senator withdraw temporarily his request for the yeas and nays?

Mr. MONDALE. Yes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, with the understanding that he will not lose his right to the floor, so that I might make a parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. MONDALE. I yield.

The PRESIDING OFFICER. The Senator from West Virginia will state his parliamentary inquiry.

Mr. BYRD of West Virginia. Mr. President, if I understand the changes by which the Senator has modified his amendment, the amendment reads as follows: "engages or has unlawfully engaged." Does not the fact that the words "unlawfully engaged" will of necessity, place an additional responsibility upon the Secretary of the Department of Health, Education, and Welfare thereby increase his responsibilities and as a result thereof constitute legislation on an appropriation bill?

Mr. MONDALE. Mr. President, before the Chair rules, may I make an observation with respect to the question raised by the Senator from West Virginia?

Mr. President, if I could have the attention of the Parliamentarian, I would like to make a comment on the question raised by the Senator from West Virginia, before the Chair rules. I should like the attention of the Presiding Officer and the Parliamentarian.

The PRESIDING OFFICER. The Parliamentarian will give the Senator from Minnesota his attention, and the Presiding officer will also give the Senator from Minnesota his undivided attention.

Mr. MONDALE. Thank you, Mr. President.

The burden imposed on HEW by amendment 702 as modified is already imposed by title VI of the Civil Rights Act of 1964. Therefore, the amendment is not subject to a point of order under rule XVI, paragraph 2, as subjecting the Department to a burden not already imposed by existing law.

This amendment prohibits funding under the emergency appropriation of school districts which have given assistance to racially segregated private schools. The Supreme Court has plainly ruled in the tuition grant cases that assistance by public agencies to private segregated schools is racially discriminatory, in violation of the 14th amendment, and I have shown those authorities to the Parliamentarian. See, e.g., *Poindexter* v. *Louisiana Financial System Commission*, 296 F. Supp. 686, *aff'd* 393 U.S. 17 (1968); *Brown* v. *South Carolina State Board of Education*, 296 F. Supp. 199, *aff'd* 393 U.S. 22 (1968).

It is, therefore, also violative of title 6 of the Civil Rights Act of 1964, which applies to nondiscrimination and applies the 14th amendment to programs receiving Federal financial assistance. *Taylor* v. *Cohen*, 405 F. 2d 277 (4th Cir., *en banc*, 1968).

Therefore, it is my opinion that the amendment is not subject to a point of order under rule XVI.

The PRESIDING OFFICER. The Senator is correct. These duties already have been imposed by the law.

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

Mr. BYRD of West Virginia. Mr. President, before the Senator asks for the yeas and nays——

Mr. MONDALE. I ask the Presiding Officer whether the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MONDALE. I ask for the yeas and nays.

Mr. BYRD of West Virginia. Does the Senator want to shut me out from attempting to——

Mr. MONDALE. I deeply apologize to the Senator from West Virginia.

Mr. BYRD of West Virginia. The Senator owes me no apology.

Mr. President, the amendment as presently constituted, even with the modification that has already been ordered, would be difficult to enforce, because it is not tied to the disposition of federally funded property, but would apply to any and all property or services.

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HEW now has policies and administrative enforcement mechanisms in effect and under development which could carry out the intent of the amendment so far as Federal funds are concerned. But the amendment would prohibit the gift, the lease, or the sale of all property and services whether or not they have been federally funded. In other words, it is all encompassing. It includes all property or services.

In the first place, I think HEW would have difficulty in obtaining reliable information concerning the sale of nonfederally funded property or of services. Certainly, an assurance of compliance could be, and probably should be, required; but only a careful auditing of financial transactions and of the use of instructional staff time would reveal the prohibited practices if a school district wished to conceal them.

In view of the fact that this is emergency assistance, with a September 30, 1970, deadline for obligation, it seems to me that this provision would be almost impossible to implement effectively. Therefore, I wonder whether the Senator would be willing to modify his amendment by adding on line 6, following the second comma, after the word "services," the following phrase, "supported by Federal funds." So that it would be confined to those gifts, leases and sale of property and services supported by Federal funds.

Mr. MONDALE. I thank the Senator from West Virginia for that suggestion. However, I must respectfully decline it, for two reasons.

First, it does not impose on additional responsibility upon the Department of Health, Education, and Welfare. The 14th amendment does not draw any distinction between Federal, State, and local properties. The distinction is between public and private property. Therefore, contrary to the suggestion of the Senator from West Virginia, I do not believe that any additional burden is imposed upon the Department.

Second, I refer specifically to the letter I received today from Secretary of Health, Education, and Welfare Finch, in which he supports amendment No. 702. Therefore, both in terms of legal theory and the administration's position, I cannot accept the proposal of the Senator from West Virginia. Moreover, if the distinction were drawn on the basis of the source school district property, on whether the source is Federal, State, or local, this distinction would be utterly unadministrable and would subvert and destroy any effort to achieve desegregation. Therefore, I must reluctantly decline the suggestion made by the Senator from West Virginia.

Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. MONDALE. Mr. President, I ask unanimous consent, without losing my right to the floor, that there be a quorum call——

Mr. MANSFIELD. Mr. President, will the Senator withhold that request?

Mr. ERVIN. Mr. President, I object.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President I am prepared to vote at this point.

Mr. ERVIN. Mr. President, I should like to be heard for 30 seconds.

The PRESIDING OFFICER (Mr. PROXMIRE). The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, under this amendment as modified, an integrated school district would be denied Federal funds if it made a sale to a nonracially mixed school even though the sale was to the advantage of the school district.

Is that not going some, even for an effort to continue the reconstruction of the South?

In other words, it would prohibit a district receiving funds appropriated by the bill even if the sale it made was to its advantage.

Mr. BYRD of West Virginia. Mr. President; I now call up my amendment at the desk and ask that it be stated by the clerk.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the amendment be stated by the clerk first.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MUSKIE). The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On line 6 of the Mondale amendment, No. 702, after the word "services," insert the words "supported by Federal funds."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota will state it.

Mr. MONDALE. Mr. President, as I understand it, this is a modification proposed by the Senator from West Virginia which would limit the reach of amendment No. 702 only to property, given away by local school districts unlawfully, or in other ways, to private segregated schools, which is owned by the Federal Government and would not include any restrictions on State owned or locally owned public property given to such private segregated organizations. Do I understand that amendment correctly?

Mr. BYRD of West Virginia. The amendment would place into effect the modification which I had hoped the Senator would accept earlier. The words are, "supported by Federal funds."

As I have indicated, this is emergency assistance with a deadline for obligation of September 30, 1970. It seems to me that this provision as now written would be almost impossible to effectuate. I think it would impose a heavy administrative burden upon the Department of HEW. I feel that these gifts of property, services, and property, should be confined to federally supported—to those properties and services supported by Federal funds.

That is the import of the amendment I have offered to the Senator's amendment and I hope that the Senate will accept my amendment.

Mr. MONDALE. Mr. President, I should like to ask the Senator from West Virginia if I might have a moment or two to look at the amendment as proposed before voting on it.

Mr. BYRD of West Virginia. Of course.

Mr. STENNIS. Mr. President, may I ask the Senator from West Virginia a question?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Let me ask the Senator from West Virginia whether his amendment applies only to the words "or services" in line 6?

Mr. BYRD of West Virginia. No, sir. It modifies the language of line 5 also.

Mr. STENNIS. I thank the Senator.

Mr. BYRD of West Virginia. As to "gift, lease, or sale of property, and services, supported by Federal funds."

Mr. MONDALE. Mr. President, will the Senator consent to proposing his amendment not at the point on line 6 as suggested, but at the point on line 4 following the word "district," so that it will refer to "school district" rather than to "gift, lease, or sale of real or personal property, or services"?

Mr. BYRD of West Virginia. No, because I want to get at the heart of the problem. The Senator's amendment would apply to any property, all property; any services, or all services; and would not be confined to federally funded property and services. I think it should be so confined. That is the purpose of my amendment. I will ask for a vote on this amendment at the appropriate time.

Mr. MONDALE. Mr. President, I ask for the yeas and nays on the amendment as offered by the Senator from West Virginia.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, let me simply say this, that the 14th amendment has never drawn a distinction on the basis of which government, Federal, State, or local, has title to property. The 14th amendment reaches all public property. It is that law which entitles——

Mr. BYRD of West Virginia. I am sorry to interrupt the Senator, but we are not talking about which government has title. We are talking about what kind of property is going to be disposed of.

Mr. MONDALE. That is correct.

Mr. BYRD of West Virginia. And whether it is federally supported or not.

Mr. MONDALE. The Senator is correct, but the constitutional prohibition prohibits any public property from being given to a privately segregated organization.

That is what the amendment is designed to discourage, by withholding public money under this appropriation to public schools which violate the constitutional prohibition. It does not impose any new responsibility under title VI. It is the law now, as declared by the Supreme Court. It merely makes it clear that the money is not in fact to be turned over. It would be the modification proposed by the Senator from West Virginia that would create a new and difficult technicality which, in my opinion, would greatly encourage the establishment of privately segregated academies, unbelievably, through the use of public prop-

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erty and through Federal subsidies. I therefore oppose his amendment.

Mr. BYRD of West Virginia. Mr. President, I repeat, that between now and September 30, 1970, it would be impossible to enforce the amendment as the Senator from Minnesota has offered it. So I think from the standpoint of enforcement alone, my amendment is on solid ground.

I say again that the Senator's amendment would apply to all property, all services. My amendment would confine it to federally supported property and services.

Mr. MONDALE. Mr. President, may I say to the Senator from West Virginia that I think there are very profound problems about administering any of this money in the time frame that is offered. But if we cannot enforce anything as elementary as prohibiting Federal funds to school districts that are giving away some of their funds and property, then I say that we ought not to do it.

Mr. HRUSKA. Mr. President, I rise to support the amendment of the Senator from West Virginia. It has been said that it would be satisfactory to submit assurance of compliance in regard to this particular section.

That would not quite do the job, because, to be effective at all, it would be necessary to have an auditing of the transactions engaged in by a particular school district.

It is at that point that the objections voiced by the Senator from West Virginia would become pertinent.

Such an audit would be extended. It would be detailed. It would have to take into consideration the records of many of the transactions of the school district itself, the origins of which are not in the possession of the Department of Health, Education, and Welfare. Nor would they be readily available.

There are no procedures to go through such an audit of this kind. If the matter were limited to property obtained in federally supported programs the procedures and records of the Department of HEW could be of substantial help.

From that standpoint, it would seem that limiting the prohibition to property obtained in federally supported programs would be in order. The amendment of the Senator from West Virginia should be approved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia to the amendment of the Senator from Minnesota. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr Gore), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), and the Senator from Oklahoma (Mr. Harris), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Senators from Oregon (Mr. Hatfield and Mr. Packwood) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Hampshire (Mr. Cotton), and the Senator from Arizona (Mr. Goldwater) are detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay."

On this vote, the Senator from South Dakota (Mr. Mundt) is paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 32, nays 48, as follows:

[No. 163 Leg.]

YEAS—32

Allen
Allott
Bellmon
Bennett
Byrd, Va.
Byrd, W. Va.
Curtis
Eastland
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Murphy
Randolph
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—48

Aiken
Anderson
Baker
Bayh
Boggs
Brooke
Burdick
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Fong
Goodell
Gravel
Griffin
Hart
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Stevens
Symington
Williams, N.J.

NOT VOTING—20

Bible
Cannon
Cotton
Dodd
Dominick
Goldwater
Gore
Harris
Hartke
Hatfield
Kennedy
McCarthy
McClellan
McIntyre
Mundt
Packwood
Russell
Tydings
Yarborough
Young, Ohio

So the amendment of Mr. Byrd of West Virginia to Mr. Mondale's amendment was rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE and Mr. ALLOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, I understand that the floor manager would agree to a time limitation on the remaining two amendments, following the vote on the recurring amendment.

Mr. BYRD of West Virginia. Mr. President, speaking for myself, I would be agreeable to a time limitation on each of the remaining two amendments offered by the able Senator.

Mr. STENNIS. Mr. President, would the Senator state his amendments?

Mr. MONDALE. In addition to what I assume will be a final vote on amendment 702 which I offered, there are two other amendments. One amendment would make the $150 million available nationally to school destricts desegregating under legal requirement and not restrict funding to one region of the country. I understand this amendment may have the support or at least the sympathy of the Senator from Mississippi; the second amendment is an amendment which would prohibit the use of money under this appropriation for school districts which supplant those moneys by diverting local funds and using them for other purposes.

Those are the two amendments to which I refer.

Mr. STENNIS. Mr. President, who has the floor?

Mr. MONDALE. Mr. President, I propounded a question to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I answered the question insofar as possible at this time.

Mr. MONDALE. Mr. President, if the majority leader is here, I would like to ask——

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. MONDALE. I am trying to determine whether we can agree on a time limit, so that our colleagues will know the schedule under which we are operating.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. THURMOND. Let me ask first if he will accept this amendment——

Mr. ALLOTT. No, I will not agree to that.

Mr. BYRD of West Virginia. Mr. President, in an effort to reach an agreement on the remaining two amendments which are going to be offered by the Senator from Minnesota, Nos. 703 and 704, I ask unanimous consent that all time on each amendment and amendments thereto and appeals, with the exception of motions to lay on the table, be limited to 10 minutes to the side, the time to be equally divided between the able Senator from Minnesota——

Mr. EASTLAND. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLOTT. Mr. President, I have a very simple amendment, which I think can be disposed of promptly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota as offered.

Mr. ALLOTT. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Minnesota. The yeas and nays have been ordered.

Mr. BYRD of West Virginia. Mr. President, was the unanimous-consent request objected to?

The PRESIDING OFFICER. It was objected to.

Mr. BYRD of West Virginia. Can it be objected to without the Senator's rising and addressing the Chair?

Mr. EASTLAND. Mr. President, I object.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Minnesota.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that the Senator from Nevada (Mr. BIBLE) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), and the Senator from Oklahoma (Mr. HARRIS), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea".

The result was announced—yeas 63, nays 19, as follows:

[No. 164 Leg.]

YEAS—63

Aiken
Anderson
Baker
Bayh
Bellmon
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stevens
Symington
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—19

Allen
Allott
Bennett
Byrd, Va.
Cotton
Curtis
Eastland
Ellender
Ervin
Fannin
Holland
Hollings
Jordan, N.C.
Long
Sparkman
Stennis
Talmadge
Thurmond
Tower

NOT VOTING—18

Bible
Cannon
Dodd
Dominick
Goldwater
Gore
Harris
Hatfield
Kennedy
McCarthy
McClellan
McIntyre
Mundt
Packwood
Russell
Tydings
Yarborough
Young, Ohio

So Mr. MONDALE's amendment was agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. STENNIS. Mr. President, will the Senator from Minnesota yield to me for the purpose of making a point of order?

Mr. MONDALE. I am glad to yield to the Senator from Mississippi for that purpose.

Mr. STENNIS. I thank the Senator. Mr. President, I direct the attention of the Chair now to page 14, line 7, and on through lines 1 and 2 on page 15.

When the debate started, I made inquiry about the authorization for this amount of money, Mr. President, but I have learned since then that this authorization really is taken from several authorization acts that are listed on page 14, beginning with the Education Professions Development Act, the Higher Education Act of 1965, the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the elementary and secondary education amendments of 1967, and the Economic Opportunity Act of 1964, on down through line 17 and including the figure "$150,000,000" on line 18, where we find this language: "to remain available until September 30, 1970."

Mr. President, my point of order is that the remaining language in line 18, plus "1970" on line 19, is legislation on an appropriation bill. I repeat those words: "to remain available until September 30, 1970," and the proviso beginning on line 19 down through line 2 on page 15, is legislation in a general appropriation bill. Therefore, I make the point of order, Mr. President, that this is an appropriation that extends beyond existing law—that is, from June 30 until September 30, 1970—and that we have no authorization for this appropriation for the period I have just designated and the effect of the proviso beginning on line 19 is to amend the earmarking in the authorization act.

Just to make sure I have made it clear, I repeat: I raise the point of order that these words beginning on line 19, page 14 of the bill, are purely legislation on an appropriation bill, and, therefore, I make the point of order that the entire section, beginning on line 7, page 14, down to and through line 2 on page 15, should be stricken from the bill as being legislation on a general appropriation bill.

The PRESIDING OFFICER (Mr. MUSKIE). The Chair will state that the point of order is well taken. As advised by the parliamentarian, under the precedents of the Senate, this is obviously legislation on a general appropriation and not in order under rule XVI, paragraph 4.

Mr. STENNIS. Mr. President, I am a member of the Committee on Appropriations. I want to say to the Senate that I did not realize that that language was legislation on an appropriation bill during full committee markup.

I thank the Senator for yielding.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Do I correctly understand that the Chair has just ruled that the section entitled "Office of Education, Emergency School Assistance," appearing on page 14 of the pending bill, starting on line 7 through line 2 of page 15, is subject to the point of order that it is violative of rule XVI?

The PRESIDING OFFICER. Rule XVI, paragraph 4.

Mr. MONDALE. Has that point of order been made?

The PRESIDING OFFICER. The point of order has been made and sustained that the language on line 18 of page 14 of the bill, "to remain available until September 30, 1970," the provision beginning on line 19 and the language on lines 1 and 2 of page 15 of the bill, "expenses shall remain available until June 30, 1971," is legislation on an appropriation bill, and the point of order is well taken.

Mr. MONDALE. Do I correctly understand, then, that that is no longer a part of the matter now before the Senate?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. MONDALE. I thank the Chair.

Mr. ALLOTT. Mr. President, I send to the desk an amendment sponsored by myself and the Senator from Washington (Mr. JACKSON), the Senator from Nebraska (Mr. HRUSKA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Maine (Mr. MUSKIE), the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), and the Senator from Kentucky (Mr. COOPER), and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> On page 8, line 5, delete "$200,000" and insert "$400,000".

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOTT. Mr. President, if I may have the attention of the Senate, this is a very simple amendment.

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After this bill had passed the House, a supplemental estimate was given to the Senate of $600,000. What we have done in this particular case is to add a small amount in the Senate of $100,000, which was recommended by the House, and we have forgiven $200,000 which was to be paid back to the President's emergency fund.

What they need this money for, in very simple language, is to have the money to run their office until the first of the fiscal year, including $140,000 for a grant to conduct a research project in programs in which the Environmental Quality Council has particular responsibility. So what I have proposed here, which I understand is agreeable to the chairman of the subcommittee, is to appropriate $140,000 to contract for the monitoring, evaluation, and prediction of environmental factors, air and water pollution, and $60,000 for the first annual environmental quality report required by the National Environmental Policy Act of 1969, which was, as the Presiding Officer well recognizes, S. 1075. So this will simply add $200,000 to the amount to enable them to get going, and the remainder will be taken care of in the Independent Offices appropriations.

I believe that the distinguished Senator from West Virginia has agreed to this and is willing to take this amendment.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. BYRD of West Virginia. Mr. President, I have discussed this matter with the able Senator from Colorado, and I am willing to accept the amendment. I believe this also has been discussed with the ranking minority Member.

Mr. ALLOTT. As a matter of fact, the distinguished Senator from Nebraska is a coauthor of the amendment, and he is agreeable.

Mr. BYRD of West Virginia. I am willing to accept the amendment, Mr. President.

Mr. MUSKIE. Mr. President, I am pleased to support the amendment under consideration to add $200,000 to the supplemental appropriation for the Council on Environmental Quality and the Office of Environmental Quality.

As the author of the act creating the Office and as a supporter of the act creating the Council, I know the necessity of these additional funds. The intent of the Congress in creating both the Office and the Council was to provide a viable organization to guide our efforts to improve the quality of the environment. One of the first and most important tasks facing the Office and the Council is the assessment of data presently available that indicate the state of our environment. All the efforts of the Council and the Office for the next several years depend on this assessment.

The birth of an important new organization is no time to subject it to financial malnutrition. This is a small but important step in the preservation and enhancement of our natural resources.

I urge Senators to support the amendment.

The PRESIDING OFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOGGS, Mr. BENNETT, and Mr. BYRD of West Virginia moved to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 699

Mr. JAVITS. Mr. President, I call up my amendment No. 699 for myself and for Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Goodell, Mr. Hart, Mr. Hatfield, Mr. Kennedy, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Scott, and Mr. Williams of New Jersey.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 12, line 8, strike out "$50,000,000" and insert in lieu thereof "$100,000,000".

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I shall be very brief. I promised the majority leader that I would be brief. This situation can be pictured very quickly.

Under my amendment a total supplemental appropriation in the amount of $100 million would be provided for Neighborhood Youth Corps summer programs, rather than the $50 million supplemental appropriation recommended by the Appropriation Committee.

The United States Conference of Mayors has reported that if funds were made available the Nation's cities require and could effectively provide 227,173 additional opportunities for youths between 14 and 21 years of age in the Neighborhood Youth Corps programs, to supplement to the 330,000 opportunities which will be available under the $147,900,000 appropriated for the program under the Labor-HEW Appropriations bill for fiscal year 1970.

The conference reported that in the Nation's 50 largest cities alone an additional 165,298 slots can effectively be used. For example, in New York City more than 37,081 additional positions over and above the 25,419 now proposed, could be put to effective use this summer.

At this year's cost of $445 per opportunity, a total supplemental appropriation of $100 million is required to meet this need.

Mr. President, we are in a grave situation on the question of youth unemployment this summer. The administration recognizes it; everybody recognizes it. The question is, what should we do about it? The dimensions of the problem are indicated by the fact that the administration itself has specified enough money for 893,000 job opportunities. The market to be filled is 1,700,000. I ask unanimous consent that a letter to that effect from the Department of Labor, dated June 18, 1970, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Labor,
Washington, D.C., June 15, 1970.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: This relates to your conversation with Joe Pichler regarding the estimate of 1.7 million as the current "universe of need" for youth manpower programs.

The estimate is based on the March 1968 CPS survey which found 2.7 million poor 16 through 21-year-olds. The downward adjustment takes account of the subsequent overall decline in the poor population, of the relatively small proportion of women in this age group whose major activity is keeping house, and of the component who, although poor, work year-round.

The estimate relates to 16 through 21-year-olds, since, as you know, this is primarily the age group served by Job Corps and Neighborhood Youth Corps. It is important to note, however, that in planning our youth programs we must keep in mind the capabilities of existing sponsors to effectively provide manpower sevices as well as the "universe of need."

Sincerely,

Arnold R. Weber,
Assistant Secretary for Manpower.

Mr. JAVITS. Mr. President, the 893,000 job opportunities indicated by the administrator, for which $671.8 million is provided, compares with 837,000 job opportunities made available last year with total funding of $617.8 million. That would look like an increase of $54 million in money and an increase of 56,000 opportunities over last year.

The difficulty with these figures is that the level of jobs announced by the administration omits two factors: First, it omits the extent to which the National Alliance of Businessmen will hire youths this year as contrasted with last year. This is the voluntary organization of business leaders which is responsible for a major part of the youth employment program during the summer. Last year they hired 192,000. This year they have pledged for only 100,000.

Mr. President, so that there may be no question about it, I ask unanimous consent to have printed in the Record a letter from the National Alliance of Businessmen dated today, in which they make this statement:

As of June 19, 1970, NAB's metro offices had received firm offers from private employers for approximately 100,000 summer jobs for disadvantaged youth.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Alliance of Businessmen,
Washington, D.C., June 22, 1970.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Dear Mr. Javits: We are happy to respond to your request for a report on the current status of the National Alliance of Businessmen's efforts to find jobs for disadvantaged young people this summer.

As of June 19, 1970, NAB's metro offices had received firm offers from private employers for approximately 100,000 summer jobs for disadvantaged youth.

Our metro offices are continuing their efforts to find additional job opportunities for disadvantaged young people this summer. Several large cities have not yet submitted pledge results of their Summer '70 campaign.

Sincerely yours,

RICHARD E. HAAS,
Vice President, Operations.

Mr. JAVITS. Accordingly, we have a shortfall of 92,000 jobs coming out of private business according to the statement I have just asked to have printed in the Record.

The second factor is the twofold situation which surrounds employment this year as contrasted with last year.

In the first place, the target market for summer youth employment has increased from 1,500,000 last year to 1,700,000 for this summer—an increase of 14 percent. The reason that we have this situation is that a small increase in average unemployment in the United States represents a major increase among the youth in our cities because the nature of the youth to be reached by this summer employment program represents a major increase in the kind of unemployment from which the ghetto and slum children suffer.

I emphasize, notwithstanding the statement made in the committee report, that the benefit of an increased appropriation will go especially to the 100 larger cities, that there is absolutely no idea of any kind, in my mind; there is nothing in the law or in the legislation, which does anything to inhibit problems of rural unemployment, or unemployment in the small towns. I assume, as they have before, that the Department of Labor will apportion the slots based upon their overall judgment as to the total unemployment for youth, no matter where they come from, the urban areas, the small towns, or the large towns.

However, speaking for the largest city in the country, I want to be the first to affirm that that is the way it is and that is the way it will be.

Mr. AIKEN. Will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I want to thank the Senator form New York for making it clear that there is nothing in the proviso that is intended to discriminate against the small cities in the rural areas of the country.

I would like to ask him one additional question: What ages would youth be eligible to take advantage of this program?

Mr. JAVITS. Fourteen to 21.

Mr. AIKEN. The Senator is sure of that? It is not 16 to 18?

Mr. JAVITS. Fourteen to 21. This is the Neighborhood Youth Corps summer program and it covers the age group 14 to 21.

Mr. AIKEN. I thank the Senator from New York twice.

Mr. JAVITS. I thank my colleague very much.

It is only fair to pay a special tribute to the distinguished Senator from West Virginia (Mr. Byrd). He was most forthcoming in recognizing the need here. He cannot be faulted for the way in which the bill comes to the Senate floor. So far as he was concerned, he has done nothing but his manifest duty. He had a request from the Department of Labor that they could use a given number of additional slots, 80,000 to be exact, and he met that request to the letter. He could do no more. What else can be done depends on the Senate, because the administration has come to him and made representations to him and he is bound by that.

The case, in my judgment, becomes one of policy because we want to meet the needs which are represented to us, or as nearly as we can, by the mayors of the country; nor will we rest content with the estimates of the administration which were made in balancing the many financial factors, and the incendiary city factors.

The Senator from West Virginia (Mr. Byrd)—and we can pay him any tribute we can think of and it will be deserved—has done all he can. The rest is up to the Senate.

The mayors of this country certify to us that they, too, feel that we should effectively and adequately fill the 227,173 job slots for the purposes of giving necessary opportunities for the needs of the youths in a particular community. Again, I cite examples which indicate that it is not just a matter of the big cities alone. To give my colleagues a few examples:

In Little Rock, Ark., 200 additional slots.

In New Haven, Conn., 550.

In Des Moines, Iowa, 100.

In Charleston, S.C., 300.

They give other figures for larger cities but it is certainly clear that every effort is being made to reach all the cities in the country.

Thus, Mr. President, the question is this: Will the Senate, in its wisdom—looking at the job market for this particular purpose of 1,700,000 youths, in the face of the increased unemployment bulge with youth especially hard hit and, as I pointed out, with unemployment going up in poverty areas from something like 20.9 percent to almost one-third or 32.7 percent—will the Senate exercise its wisdom and judgment and its discretion and add $50 million to what has been recommended by the committee?

Again I repeat, the Senator from West Virginia (Mr. Byrd) has done everything that anyone could possibly do to help in this situation.

Now, will the Senate add the $50 million in order to come as close as it can to meet the problem as placed before us by the mayors of the country?

Mr. President, I ask unanimous consent that a letter from the Conference of Mayors, indicating the needs, be included in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 7, 1970.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,
Executive Director

I hope that it will. I considered it my duty to present the matter to the Senate.

Mr. COTTON. Mr. President——

Mr. PERCY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PERCY. Is it true that if we appropriate the $50 million additional, the Department of Labor would only be required to use the amount it felt could sensibly be used?

Mr. JAVITS. There is no question about that. As a matter of fact, considering the lateness of the hour, I ascertained that very carefully and the Department intends to use, if we give them $100 million, to use $15 million for recreation, which I think is slightly different from the way the mayors want it, but is intelligent and, indeed, the committee itself thought that was an intelligent way to proceed.

Mr. BYRD of West Virginia. Mr. President, if the Senator from New York would yield right there, he means that $15 million would be used for recreation?

Mr. JAVITS. No. Of course not. It would be used in support of recreation programs, thus giving additional job slots for the program for youth which would be employed in the recreation program. Absolutely correct.

Now, the second point is that the length of time for individual jobs would be cut to 8½ weeks rather than 10 weeks, and that the $85 million could be profitably and effectively used for that purpose.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the statement of purpose of the $15 million, submitted to the committee by the Department of Labor, be inserted in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

SUPPORT PROGRAM FOR SUMMER YOUTH

The $15,000,000 requested for the Neighborhood Youth Corps Summer Support Program will be administered by the Labor Department in cooperation with the Department of Interior's Bureau of Outdoor Recreation. The funds will provide support for recreation facilities to be provided for approximately 800,000 poverty youth aged 6–13 years. This support will consist of supervisory personnel, transportation, hot lunches, insurance and program supplies to conduct the recreation activities, but will not provide any additional job opportunities for the disadvantaged youth aged 14–21 who will participate in the regular NYC summer program. However, in the regular program of 80,000 job opportunities for

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which $35,000,000 is requested many of these opportunities will be used to provide summer recreation aids and camp counselors for the younger youth.

The "Operation Clean Waters 1970" program referred to in the President's Council on Youth Opportunity Report on 1970 Summer Youth Programs is not a part of the NYC Summer Support Program.

Mr. PERCY. May I ask one additional question: In the studies made on civil disorders in the cities across the country, beginning with Watts 5 years ago, was it quite apparent to the investigators that among those youth who wanted to work and who were frustrated because they could not achieve useful work during the hot summer months, idleness was a contributing factor to the disorders?

Mr. JAVITS. There is no question about that. In addition, let me add—I am aware here of the desire to curtail this discussion and I shall be brief—that where we have learned a lot about the kind of summer jobs, to do what we want done, I think we are profiting from it considerably.

Mr. PERCY. Mr. President, I support the amendment of the distinguished Senator from New York.

Now, Mr. President, the issue that we are currently discussing is related to a program that has been one of the most constructive that we in this Chamber have had the opportunity to be a part of. The Neighborhood Youth Corps summer jobs program, under the direction of the Department of Labor, has provided much needed employment opportunities to many of the youth of this Nation who otherwise would have been unable to find employment in the summer.

The benefits of this program have been many. Invaluable on-the-job training has been provided to our youth. They have had possibly their first taste of what may turn out to be a lifetime career work. At the same time, this chance to work has provided many with the opportunity to earn needed money of their own which may go for their further education lessening the need for public and private scholarship assistance. By the operation of this program, the Congress has carried out its duty to provide this needed employment and experience to many of our Nation's youth.

This program has also been responsible for giving many young people something constructive to do. Instead of idleness, many young people have had the satisfaction of performing a meaningful job.

So what we are discussing this evening is not the value of this program, for its value has been proven. What we are discussing is how much money could effectively be used in the employment of our young people this summer. In official language, what we are discussing is the number of annual training slots that could be effectively funded. The cost of these slots—which provide for 10 weeks work experience—has risen from $413 in the summer of 1969 to $445 for this summer. The Department of Labor has indicated that 76,036 slots could be utilized this summer. This was the result, evidently, of information received through the Department's regional offices. However, we know that training costs have gone up, and that the program is underfunded when compared with last year's appropriations. Even with $100 million, the program would still fall short of last summer's target group of 1.5 million youths. Thus, there is going to be no significant expansion of the program.

In a study by the Conference of Mayors, it was indicated that 227,173 additional slots could be used nationwide this summer if funds were made available. Chicago, for example, could use more than 19,000 additional slots. If the Conference of Mayors' estimate is correct, the additional money required will be in the neighborhood of $100 million, which would be provided for by the amendment under consideration.

Before we make our decision on this matter, we should make one more distinction. That is to point out the obvious, that each one of these slots is a young person, looking for something to do this summer. As the senior Senator from New York pointed out in his testimony before the committee, the teenage jobless rate for April was 15.7 percent. But more critically, the unemployment rate among black teenagers during the first quarter of this year was 32.7 percent, approximately one-third.

What this means is that in our large cities, there are going to be a great number of black youths in the ghettos sweating out this summer with nothing to do. As James Farmer of HEW pointed out just the other day, this Nation is poised upon a racial tinderbox that could easily explode this summer. Need I remind anyone that it was just 5 years ago that the riots in Watts occurred, and a very large factor was the fact that there was no useful and constructive work for frustrated youths. This frustration turned to anger, and that anger burst into flames that burned block upon block of Los Angeles and later in many other cities.

Mr. President, as much as anyone in this chamber, I am anxious to see that we do not frivolously appropriate money for useless purposes. I want to see each dollar that we appropriate spent as effectively as possible. However, I do not want to deny to any youth the opportunity of a good and productive job this summer.

It is my understanding that even though the summer has already started, the Department of Labor could effectively use more than just the $50 million asked for in this program. Thus, I would rather appropriate the additional money needed for this most worthwhile program, firmly believing that the Department of Labor will spend only the amount that it feels it can allocate wisely and effectively.

Mr. President, I believe we should make the extra effort to provide to this underfunded program the additional money that is needed so that as many of our youth as possible will have an opportunity to spend a productive and what I hope will be a cool summer.

Mr. JAVITS. Mr. President, does the Senator from New Hampshire desire me to yield to him at this time?

Mr. COTTON. No. I shall wait and seek the floor in my own right.

Mr. CRANSTON. Mr. President, I rise to express my very strong support of the amendment, of which I am a cosponsor, submitted by the distinguished Senator from New York (Mr. JAVITS), to provide a meaningful level of Neighborhood Youth Corps summer job opportunities for disadvantaged youth this summer. In a time of rapidly rising unemployment, when there is every indication that the terrible unemployment rates in our inner cities—as high as 43 percent among black youth in central Los Angeles—will continue their strong upward trend for many months, we must insure that the Federal Government will play a truly meaningful role in the provision of summer jobs this year.

The funds which our amendment seeks to add to the second supplemental appropriation bill to H.R. 17399—will bring the total number of NYC job opportunities to be supported in public and private nonprofit organizations to 550,000. That we should meet this target figure seems to me irrefutable, when we realize that even that number of job opportunities will meet the needs of only one-third of the estimated 1.7 million eligible youths this summer.

In my own State of California, these needs can be amply demonstrated. Los Angeles has an estimated 135,000 eligible youths, but will be able to provide only 10,000 jobs with its present allocation of public funds, both Federal and local. The mayor of San Diego, who is president of the National League of Cities, has wired me that present Neighborhood Youth Corps funding is "grossly inadequate," and has estimated the number of disadvantaged 16- to 21-year-old youth in San Diego needing jobs as 11,000. The mayor of San Jose has informed me that of the 5,000 eligible disadvantaged young people, approximately 80 percent will not be able to find work this summer, and the mayors of San Francisco, San Bernardino, and numerous other California cities have expressed similar grave concern.

I congratulate the administration for its initiative in requesting the additional $50 million contained in H.R. 17399, of which $35 million is intended for the Neighborhood Youth Corps summer job program. I strongly believe, however, that the need for the additional $50 million which would be added by the amendment now before us can hardly be overstated.

We might not be in this situation if the economy were stronger and private industry were able to play a greater part in the total summer job program. However, the private sector finds itself in the doubly unfortunate position of having no job to offer the son who has just seen his father laid off.

Even the goal of 192,000 summer hires through the National Alliance of Businessmen had been only 45 percent pledged as of May 31. That means industry may be providing as few as 86,000 jobs to disadvantaged youths this summer, and in that situation—brought on by the administration's fiscal and monetary policies for fighting inflation—the Federal Government has an obligation to move in a significant way to take up the slack.

Otherwise, the already great frustra-

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tion in our inner city ghettoes may well result in a volatile and explosive situation in the heat of the summer if adequate work, recreation and cultural activities are not available for young people. The basic conditions of poverty, unequal opportunity and hopelessness which have permeated the inner cities continue to exist. Although some progress has been made in alleviating these intolerable conditions, the record of this administration over the last year and a half has indicated a highly questionable and vacillating commitment—at best—to fight against these conditions. That many leaders of civil rights and poverty organizations and communities see the administration as being indifferent to their problems tends to further exacerbate an already tenuous and dangerous situation.

The comparatively small amount of extra money we are seeking—$50 million—offers a very tangible and symbolic way of saying to our young and our disadvantaged that we are willing to commit needed resources to offer them a real opportunity within the system. To turn away from this urgent need for further Federal support for summer jobs is to turn our backs on the aspirations of many young men and women in our poverty communities. Such disregard can serve only to strengthen the efforts of those who decry the lack of responsiveness of the system and advocate its overthrow.

This point is eloquently made in the following quotations which were made by disadvantaged youngsters who attended a youth rally on June 13 in the Los Angeles Board of Supervisors hearing room:

Christopher Campbell of Long Beach: "In 6 days more than ¾ of a million teenagers will be on the streets. Of these, 135,000 are in the poverty level. The outlook is bleak. There are only about 10 or 11,000 federal jobs. There is a need. I guess the government has something more important to do than get jobs for youth. But there is nothing more important. The proposed 50 million for youth will mean more jobs and opportunities but it won't be enough. The trend today is to go into the streets, but this meeting shows that appeals can be made to our government through peaceful means. We have shown we care . . . I say to the Congressmen—will you?"

Chip Atilano of Compton: "We all say the same things. No jobs. We are pleading with the establishment. More jobs. I don't have to repeat. The problem is so bad. I had a year of college and got a job this summer as a ditch digger, but lots of kids didn't get that chance. We plead with you to establish more jobs."

Michael Garrett of Los Angeles: "We are trying to do something in a peaceful way, to get summer jobs for kids. We are here to support our Congressmen and Senators to get us jobs. If we don't get them, many of us won't be able to return to school. With 60,000 adults out of jobs it puts more pressure on us. We are willing and waiting to have our chance in life. The government can't afford to have summers like the past ones. We will do our part. Will you do yours?"

Nancy Carillo of San Pedro: "If there were enough jobs there wouldn't be so much dope and stuff. If we had jobs we would not be looking for stuff to get loaded on. When there aren't enough jobs kids just walk around looking for things to do. If there were jobs, crime and narcotics would go down. Instead of using the money for more officers they would give it for jobs and they wouldn't need so many officers. A lot of kids if they had jobs wouldn't be in the camps and those other places."

While it is true that some of the work done by NYC summer enrollees has and will continue to be make-work designed to keep out-of-school youths occupied somewhat more constructively than simply walking the streets from morning until night, it is also true that the Neighborhood Youth Corps can provide truly useful job experience and work orientation, as well as a small income which can make a crucial difference to an out-of-school youth. In its May 1, 1970, release on summer jobs, the Department of Labor stressed that its guidelines for the 1970 summer program "emphasize the placing of enrollees in jobs that will broaden their experience and provide an introduction to possible careers or to skills useful in obtaining post-high school employment."

Though we may wish to see more effective, less short-term approaches to the problems of youth unemployment, I believe it is morally indefensible to give up on several hundred thousand disadvantaged youth while we look for those better approaches. In the context of the billions of dollars spent on weapons of destruction, the addition of $50 million for summer jobs is a small investment to make in opportunity and hope for the youth of our inner cities. I urge my colleagues to make that investment in youth and the stability of our inner cities.

Mr. WILLIAMS of New Jersey. Mr. President, I rise to join in urging the Senate to adopt the urgently needed amendment that is now before us.

Skyrocketing unemployment has hit hardest in our large cities, especially among teenagers. In May, the unemployment rate among teenagers was nearly triple the national average.

City officials from New Jersey have alerted me that they face mammoth problems this summer if idle young people cannot be directed to productive and meaningful pursuits.

In New Jersey, the city of Newark alone requires at least another 9,293 more NYC job slots this summer. Jersey City needs 741.

With the cutback in the Job Corps program, it is doubly important that we adopt this amendment.

The Neighborhood Youth Corps is one of our most demonstrably effective manpower programs. I urge the Senate to give it the support it needs. We cannot be content with halfway measures.

Mr. MURPHY. Mr. President, I would be glad to join the distinguished Senator from New York and echo the sentiments expressed by my colleague from California.

I think this is a pressing question. There is a great need. It is something that has to be taken care of immediately because the time is now upon us.

I, of course, in the past have wondered about the possibility of a special classification of jobs for young people. There is great need and with the minimum wage problem facing us, young people cannot possibly earn that amount.

In the absence of anything to rectify that situation, I enthusiastically join the Senator from New York and endorse the amendment he offered and support it.

Mr. JAVITS. Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I shall take only a moment.

The able Senator from New York appeared before the subcommittee and presented the request by the Conference of Mayors for $100 million.

At that point the subcommittee had received no request from the administration for funds. There was no budget estimate. The able Senator from New York was present and presented information from the Department of Labor which indicated that the Secretary had said that he could feasibly and effectively use $33.9 million.

When the subcommittee met to mark up the bill, it decided to recommend to the full committee the full amount the Secretary of Labor said he could utilize—the $33.9 million.

By the time the full committee marked up the bill, the budget estimate had been received from the Bureau of the Budget in the amount of $50 million. So, the full committee recommended an appropriation of the full amount of the budget estimate.

Mr. President, I think that the able Senator from New York has presented a very fine case. He did an exemplary job before the committee. And I think that he performed a great service, because up to that point we had received no request from anyone for these funds.

Mr. President, I think the importance of continuing the Neighborhood Youth Corps program should be recognized. It was established in 1964 under the Economic Opportunity Act, and since that time—as the manpower report of the President recently transmitted to the Congress notes—more than 2 million young people have benefited by the programs of the NYC since its inception. The summer program, which we are now considering, is one of several important components of the Neighborhood Youth Corps.

It is the Government's principle effort to assist disadvantaged youth. The need is great. More than one-half million teenagers drop out of school each year, and join the ranks of the unemployed. In fact, the unemployment rate for teenagers remains around 13 percent, far above the national average for all workers. Other programs of the NYC include an "in-school" program which assisted 134,000 young people in fiscal year 1969. This program provided a source of income to those youths, who otherwise would have to work full time to support themselves and their families.

The "out-of-school" program is planned for school dropouts who need work experience and remedial education to successfully enter into the job market. In fiscal year 1969, 120,000 young people were enrolled in this project.

On the average, the participants were 18 years of age, and had completed their sophomore year in high school.

For the 16- and 17-year-olds, the "out-of-school" program will provide inten-

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sive prevocational training with both academic and occupational content.

This program is conducted under authority of section 102 of the Manpower Development and Training Act of 1962, and supplements the summer programs delegated to the Department of Labor from the Office of Economic Opportunity. It is administered by the Manpower Administration. The National Alliance of Businessmen assists in locating employment opportunities. This is an admirable example of the benefits which can accrue when Government and business work together for a common goal. I congratulate this organization for its outstanding assistance in finding these jobs in the business community, and hope that the businessmen of our country will continue their meritorious efforts.

The success of this program, for the most part, has been great. Many of the participants were given the opportunity to find personal achievement, and, more important, their own place in society. Others have reported, however, that this program is just another means of public support affording little in the way of meaningful work experience, and having little effect in lowering the school dropout rate. I am glad to note that the President's Council on Youth Opportunity is aware of these problems, and is redefining the approach taken by developing a more individually oriented program, so that the results will be more beneficial both to the participant and to his community.

I salute the Senator from New York for the service he has rendered. I will interpose no objection to the additional $50 million. We do have to go to conference. It may be well that we have $100 million when we go to conference.

I would prefer to leave that to the will of the Senate. I will not interpose any objection to the amendment which would increase the amount from $50 million to $100 million.

Mr. President, I am ready to vote. I would just as soon have a voice vote. But, of course, the yeas and nays have been ordered.

Mr. COTTON. Mr. President, I have no doubt whatsoever that the amendment offered by the distinguished Senator from New York is a very meritorious amendment. And I am perfectly willing to vote for it.

I think it is for an excellent cause. The increasing of appropriations from $50 million to $100 million will not break the Government. And the human values involved no doubt justify this action.

Mr. President, I regret that the distinguished Senator from Arkansas is not here. The Senator from New Hampshire just cannot refrain from commenting on the interesting developments and contrasts that can take place in this remarkable body in the space of a couple of hours.

Earlier today, I sat here and listened to the distinguished Senator from Arkansas, the very, very able chairman of our Foreign Relations Committee, lecture the Senator from Kansas (Mr. DOLE).

I heard him tell the Senator from Kansas that because of the fact that he had not been here long, he had not come to realize the real values and traditions of this noble body which, said the Senator from Arkansas, reposed in the committee, and that the audacity that the distinguished Senator from Kansas in his youthful exuberance had displayed in daring to offer an amendment on the floor that had not been considered in the great Committee on Foreign Relations was something that clearly needed to be rebuked.

I was amused as I listened to that remarkable speech. I did not expect, however, Mr. President, to have it refuted so definitely and overwhelmingly and strikingly in the course of a few hours.

Certainly I am glad to vote for this amendment. But I hold in my hand a whole set of amendments brought to the floor of the Senate and offered to the supplemental appropriations bill.

I do not know where these distinguished Senators were when the committee was in session. I am not a member of that subcommitttee. But I was present in the full committee. And I do not recall that these amendments were brought up or were discussed. And I know my friends who are on this subcommittee well enough that I know they would have certainly informed the full committee if these amendments had been presented.

I wish the distinguished Senator from Arkansas were here to see the great respect and reverence paid to the Committee on Appropriations. What do we have a Committee on Appropriations for?

In the first breath after this bill was laid before the Senate, they added more than half a billion dollars to it. And it may be that it was justified.

I am sure of one thing, however. It never received in my hearing—and I was present—any discussion in the Committee on Appropriations.

Then one by one, we have had all of these amendments. And I do not doubt that they are worthy amendments. Like Brutus, they are all honorable, but I do so wish that the distinguished Senator from Arkansas, who undertook to rebuke and to look down his nose at the poor young Senator from Kansas who dared to offer an amendment on the floor of this body that had not been offered and considered by the Committee on Foreign Relations, were here. As a matter of fact, it had been considered by the great, sanctified Committee on Foreign Relations. I wish the Senator from Arkansas were here, because I wonder if he has served for all of these years in the Senate and if he has been so absorbed in his whole thought and introspection that he has not seen the Senate throw down the committees and ignore their recommendations time after time after time.

I cannot understand it.

My heart went out to the poor young Senator from Kansas who was being rebuked for his audacity in daring to offer an amendment without bowing down to that great committee.

Why, to hear the speech of the distinguished Senator from Arkansas, one would think there was something sacred about the committees.

How about this performance in offering these amendments? How about this?

I am going to vote for the amendment of the Senator from New York, but I want to know why we did not hear about it in the committee.

I am going to vote for some of these [laughter] I guess.

I certainly want to see the cities taken care of; I certainly want to see New York taken care of; I certainly want to see Philadelphia taken care of; I certainly want to see Chicago taken care of; and I want these poor city people to have everything they need. I want to pacify them so that they will not revolt and riot. Of course, I am not going to worry about some of the people eking out a livelihood in my own rural State which I represent. [Laughter.]

But I am going to suggest that in all the years I have been here I have never heard a speech on the floor of the Senate rebuking so overwhelmingly as that remarkable plea made by the distinguished Senator whom I greatly respect and admire, the Senator from Arkansas, when he just jumped on the young Senator from Kansas because he had not been here long enough to learn you must—you must—respect your committees.

This is the way respect is shown for the Committee on Appropriations. Why do we want a Committee on Appropriations?

Oh, there is another thing the Senator from Arkansas said. He suggested the Senator from Kansas was doing this to get himself in the newspapers, to get himself some notoriety.

I would not suggest for a minute that my city friends here have waited until [laughter] they come to the floor of the Senate instead of quietly taking up amendments before the Committee on Appropriations. I would not suggest for 1 minute it is done for the purpose of publicity at all, despite all that is exchanged back and forth, the stroking of backs, and the patting of each other.

But nevertheless, as a member of the Committee on Appropriations, and having great respect for the distinguished Senator from West Virginia, the Senator from Rhode Island, and the Senator from Nebraska, I am just wondering why we did not hear about some of these amendments. And I am wondering what is the use of sitting day after day trying desperately to make both ends meet and to make the resources we have at our disposal in this country stretch as widely and justly as we can. What is the use of your Committee on Appropriations laboring on this and then coming in and having the floodgates opened up with amendment after amendment—and each one of them is a beauty, each one of them is good, as in the case of this amendment that I am perfectly willing to vote for.

Nevertheless, in the aggregate they just open up the floodgates. I hope Senators will take that into consideration because, after all, this story that, "We will take it to conference," why, Mr. President, what sins have been committed under that wonderful familiar term. We take it to conference and, well, some of us have seen some of our cherished hopes perish in conference. But I have noticed that they never come back from conference with a figure that is any less;

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they can under the rule but they never come back with any less figure.

So, Mr. President, I merely suggest why I am going to vote for the bill. Please do not listen any more when someone gets up and says that a Senator should not, under the traditions of this great body, offer anything until he has offered it in committee. I have never seen these amendments before; I hope I never see them again.

Mr. JAVITS. Mr. President, it is a rare opportunity to be able to plead pure as the driven snow. I did offer this amendment before the subcommittee. The Senator from West Virginia (Mr. Byrd) affirms that. I think it was the best course. One cannot always do that for many reasons, but I agree with the Senator from New Hampshire that it is highly desirable. I hope the vote on this amendment demonstrates it is.

Mr. SCOTT. Mr. President, I support the amendments to H.R. 17499, the second supplemental appropriation bill, which are designed to allocate $100 million for the Neighborhood Youth Corps program. If these amendments are given congressional and Presidential approval, Philadelphia would be able to fund an extra 9,120 job opportunities, while Pittsburgh would stand to gain 1,528.

The Neighborhood Youth Corps program, administered by the Department of Labor since 1965, has provided disadvantaged American youths with over 971,000 job opportunities. These 14- to 21-year-olds are encouraged to stay in school, and perhaps acquire a job skill useful just a few years later. Most of the work is performed in conjunction with public and private nonprofit organizations.

We are now but 1 day into the summer of 1970. We have all heard the dire predictions of what we may expect during the long, hot summer. While not joining in at this point, I do know of the problems confronting our great urban areas, and see in these amendments the means of correcting them.

I am pleased that the administration has already requested an additional $50 million. But we must do more. A recent survey by the U.S. Conference of Mayors indicated that our cities will have great numbers of idle youths spending their summers with nothing to do. The survey showed, for example, that Philadelphia could use an additional 9,120 job opportunities above the 12,500 already proposed. Similarly, Pittsburgh needs to fill another 1,528 positions above its proposed level of 3,366.

Mr. President, disadvantaged youths all over the country are crying out for help. Most of them sincerely wish to lead productive lives. We must give them the opportunity to fulfill those wishes. The additional $100 million proposed in these amendments for the Neighborhood Youth Corps will be money well spent, for we are, in a sense, investing in our Nation's most valuable potential resource, our youth. For this reason, I urge the Senate to favorably consider this proposal.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The question is on agreeing to the amendment of the Senator from New York (Mr. Javits). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Tennessee (Mr. Gore), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) and the Senators from Oregon (Mr. Hatfield and Mr. Packwood) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Colorado would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 51, nays 29, as follows:

[No. 165 Leg.]

YEAS—51

Aiken
Bayh
Boggs
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cotton
Cranston
Dole
Eagleton
Fong
Fulbright
Goodell
Gravel
Griffin
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
McGee
McGovern
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Ill.
Spong
Stevens
Symington
Williams, N.J.

NAYS—29

Allen
Allott
Anderson
Baker
Bellmon
Bennett
Byrd, Va.
Cook
Curtis
Ellender
Ervin
Fannin
Gurney
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Miller
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—20

Bible
Cannon
Dodd
Dominick
Eastland
Goldwater
Gore
Harris
Hatfield
Kennedy
McCarthy
McClellan
McIntyre
Metcalf
Mundt
Packwood
Russell
Tydings
Yarborough
Young, Ohio

So the amendment offered by Mr. Javits for himself and other Senators was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I have an amendment at the desk which I call up and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The Bill Clerk. The Senator from Delaware (Mr. Williams) proposes an amendment as follows:

> On page 60, beginning with the language after the words Section 501. (a) strike out all down to and including line 19 on page 62 and insert in lieu thereof the following:
>
> "General Limitation on Expenditures and Net Lending.—Expenditures and net lending during the fiscal year ending June 30, 1971, under the Budget of the United States Government House Document 91–240—Part 1 shall not exceed the $200,771,000,000 as being the total of such expenditures and net lending except by expenditures and net lending—
>
> "(1) for interest in excess of the amounts estimated therefor by the Director of the Bureau of the Budget
>
> "(2) for veterans' benefits and services in excess of the amounts estimated therefor by such revision, and
>
> "(3) for payments from trust funds in excess of the amounts estimated therefor.
>
> If hostilities in Vietnam cease during the fiscal year, the figure of $200,771,000,000 in the preceding sentence shall be reduced by the amount of any decrease in Defense Department expenditures during the fiscal year occurring on account of such cessation of hostilities.
>
> "(b) Application of Limitation to Programs.—In the administration of any program as to which—
>
> "(1) the amount of expenditures is limited pursuant to section 3, and
>
> "(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,
>
> the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula."

Mr. WILLIAMS of Delaware. Mr. President, this amendment is a substitute for title 5, which is the so-called expenditure control ceiling provision in this bill. The amendment which I am offering is a reproduction of the expenditure controls that were enacted in 1968 as a part of the surcharge tax bill.

The so-called expenditure control ceilings in the bill are somewhat similar to the farcical expenditure control that was enacted last year by Congress, which, as every Member knows, in effect accomplished nothing. I quote from the language of the pending bill. First it says:

> Expenditures . . . of the Federal Government during the fiscal year ending June 30, 1971, shall not exceed $200,771,000,000: *Provided,* That whenever action, or inaction, by

the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the Budget for 1971 (H. Doc. 91-240, part 1), the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on budget outlays, and the limitation set forth herein shall be correspondingly adjusted:

I shall not read the rest of it. But it goes on and elaborates how the ceiling can automatically be raised without further congressional action.

What this means is that under the committee bill we are allegedly putting a ceiling of $200,771,000,000 on expenditures for fiscal 1971, which is the amount in the budget as submitted by the President, but then we are saying we are floating this ceiling on pontoons so that as either Congress or the administration increases the spending it automatically raises the debt ceiling to take care of it.

For example, on this particular bill the Senate has added a total of $645,800,000 by rollcall votes this afternoon. That does not count the $300 million which was added by the Senator from Louisiana on the school lunch program, which is automatically to be deducted from next year's appropriation, so I have eliminated that item. But I repeat, the Senate has appropriated $645,800,000 more than was in the bill when it was reported by the committee.

The bill as reported by the committee was $126 million below the budget figure, so that means we have already added $519 million to the bill. That means that the ceiling is automatically raised $519 million to take care of these increases, and any other increases that are voted on other appropriation bills throughout the remainder of this year or the first half of next year would likewise automatically raise the expenditure ceiling. This so-called ceiling in this pending bill has by Senate votes already been increased by over $500 million.

Therefore, we have a ceiling in name only, a ceiling that has no effect whatsoever. It does not control expenditures by Congress, and it does not control the executive branch. It is a farce, and I will not support such hypocrisy.

I think either we ought to have a ceiling, or else we ought to cut out the complete farce of pretending we are having one.

As an example of how this loose procedure worked last year, President Johnson submitted his budget to Congress and recommended expenditures of $196.9 billion. President Nixon revised that figure down to around $195 billion, and then Congress put on a ceiling of $191.9 billion. The American taxpayers were told that we were really going to cut spending.

But the ceiling as approved last year contained this same clause, that whenever Congress increases spending the ceiling would automatically increase. The result is that we are going to spend more money this year—around $198 to $200 billion—under a $191 billion ceiling, and Congress has never had to take any action. Just automatically, as Congress increased appropriations, the ceiling raised. For example, the next appropriation bill is an education bill, which I understand is $500 million above the budget; under this farce, called a ceiling, that would automatically, if it were approved by Congress as reported, raise the ceiling another $500 million.

So, as I say, we shall have a ceiling in name only. My argument is that if we are going to have a ceiling on expenditures let us put one on that means something. This amendment was drafted along lines approved by Congress in 1968 as part of the surtax bill. It is true that Congress, by legislative action, did later exempt many of the agencies, and Congress could do it again. But we would have to do it by legislative action and do it openly and knowingly; otherwise, the ceiling would be binding.

My amendment does exempt the interest on the national debt, which certainly cannot be controlled. It exempts veterans' benefit payments and services which are obligated by law, and I realize we cannot limit those because we might have more disabled veterans than contemplated as a result of the action in Vietnam, and certainly we are not going to limit those payments obligated by law.

Likewise, the amendment does not limit payments under trust funds, over which we have no control, because if an unusual number of older people retire and start drawing more retirement benefits than estimated, they must be paid. They have a right to draw those payments under the law. By the same token, if there is more unemployment than contemplated those payments have to be paid from a trust fund, and the same is true with respect to pension payments under the railroad retirement. But all other operations of Government would be controlled under this amendment; and if, for example, Congress and the administration together raised expenditures $1 billion or $100 million in X agency, we would automatically have to offset that in some other agency, and if Congress did not do it the President would have to do it.

I hope this amendment will be accepted by the manager of the bill.

Surely the Senate wants a realistic ceiling on expenditures.

Mr. BYRD of West Virginia. Mr. President, I am constrained to state that the Senator's amendment is in the nature of a substitute, and a point of order would lie against it, and I therefore make that point of order.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The amendment obviously imposes legislation on a general appropriation bill, which is not in order under rule XVI, paragraph 4. The Chair sustains the point of order.

Mr. WILLIAMS of Delaware. Mr. President, I shall be brief. I concede that the amendment is legislation. However, I point out that the language in the bill that came over from the House of Representatives is likewise legislation, and it would seem that amending a legislative proposal would be in order.

I could appeal from the decision of the Chair, and I think make a fairly good argument on it, but I am not going to do it. I do notify the Senate now that in my judgment, and I think it will be generally agreed, this so-called ceiling in this bill is not worth the paper it is written on. It is a complete farce. It misleads the American people into thinking that we are doing something when in reality we are not.

In the next few days it is expected that Congress will be voting on the question of raising the debt ceiling to finance some of the expenditures that are in this bill and these other appropriation bills. That bill will be before the Senate in the next few days, and this amendment will be offered as a part of that bill. I want the Senate to be on notice. I shall accept the point of order not so very reluctantly, because I point out that I shall be a conferee on the next bill on which this amendment will be riding, and I think I shall be just as well placed.

Mr. BYRD of West Virginia. The Senator is correct. The House opened the door when it wrote language into the appropriation bill, and the Senate amended that language, the door already having been opened. But in view of the fact that the Senator's amendment is in the nature of a substitute, a point of order would lie against it. The Senator could force us to a vote and raise the question of germaneness. The Senator has stated his intention to bring this matter before the Senate again at a later date, and he has the vehicle upon which he can do that. I appreciate the fact that he is not going to force this to a vote.

I make the point of order, Mr. President.

Mr. WILLIAMS of Delaware. I appreciate the position of the Senator. I think if we are going to have a ceiling on expenditures it should be in advance of our action on other appropriation bills for the 1971 fiscal year. By serving notice now that this amendment will be offered, and since we will have to vote on the bill dealing with the debt ceiling before July 1, Congress will have a chance to be on record as to whether we really want bona fide expenditure controls or whether we just want to go through the farce another year of putting on a flexible ceiling which serves no purpose except that we can brag to our constituents about how we voted for a ceiling. But the so-called ceiling in this bill is on pontoons, so that as the tide (or expenditures) rises the ceiling floats higher.

The PRESIDING OFFICER. The point of order has been sustained.

INTER-AMERICAN DEVELOPMENT BANK STAFF LOANS AMENDMENT

Mr. FONG. Mr. President, I should like to propound a question to the distinguished Senator from Wyoming (Mr. McGEE), who is chairman of the Subcommittee on Foreign Aid Appropriations.

Is it true that section 603 of the bill which provides that "None of the funds contained in this Act available to the Inter-American Development Bank shall be used directly or indirectly as grants or loans to officers or members of the staff of the Inter-American Development Bank" would require the United States to qualify its subscription to the callable capital of that Bank?

Mr. McGEE. Mr. President, let me say to my colleague from Hawaii, who is the

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ranking minority member of the subcommittee, that it is now the judgment of the expert consultants on the language of the bill that it would not. Since the issue at stake was the proposal in the amendment to regulate loans to staff members in the Inter-American Bank, if this does not affect the U.S. operations within the Bank, and does not call into question its ability to back up the subscriptions in the Bank, our judgment is that we can, indeed, go along with and support the committee's amendment that is already written into the pending legislation.

The purpose of section 603 is to bring to the attention of the executive branch and the Bank our concern about the Inter-American Development Bank staff loan program. While the Appropriations Committee believes that this program should be re-examined in the context of the Executive Board of the Bank with a view toward making changes in it, section 603 would not require the United States to qualify its subscription to the Bank. There are two reasons for this: First, the appropriation is for the purpose of allowing the United States to subscribe to the Bank's callable capital and involves no expenditure of funds. The callable capital stands behind the Bank's borrowings in capital markets and it is highly unlikely that the capital subscription will ever be called and result in actual use of the appropriated funds. Second, under article II, section 4(a)(ii) of the Bank's charter, the callable capital of the Bank is subject to call only when required to meet the obligations of the Bank to its bondholders and holders of Bank guarantees. There is no other purpose for which the callable capital subscription could be used under the Bank's charter.

Thus, the Bank's charter assures complete compliance with the requirements of section 603 that the funds appropriated not be used directly or indirectly for loans to the staff and no qualification of our subscription is necessary.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment to the bill which is in the nature of correction of a technical error. I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 14, strike lines 4 through 6, insert in lieu thereof:
>
> "For an additional amount for grants or loans for specific hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, $8,703,078; without regard to the allotments and priority provisions of Title VI of the Public Health Service Act."

Mr. PROXMIRE. Mr. President, before I explain why this is a technical correction. I would like to express my sincere appreciation to the distinguished chairman of the Deficiencies and Supplementals Subcommittee, the Senator from West Virginia (Mr. Byrd), the members of his subcommittee, and my colleagues on the full Appropriations Committee for including with H.R. 17399, the supplemental appropriations bill, financial assistance for 35 health facilities in nine States that have been the accidental victims of cutback in funding for the Hill-Burton program's modernization and construction activities.

The committee's decision to adopt this amendment for inclusion in the 1970 supplemental bill signals a recognition of the Federal commitment to provide assistance to those health facilities that are in desperate need of financial aid. I ask unanimous consent that the list of projects under construction with commitments from State Hill-Burton agencies be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. The General Counsel of the Department of Health, Education, and Welfare has today ruled that the $8,703,078 included in the bill for the financing of 35 hospitals in a number of States has to be allocated among all 50 States under the language currently contained in the bill. It was the Appropriations Committee's intent to assist just these 35 hospitals—hospitals whose construction was begun only after the Federal Government had committed itself to sharing the cost of completion. The 35 installations are in particularly difficult straits because State and local governments as well as private citizens have pledged themselves to provide part of the financing, construction has been begun, and now the Federal Government has reneged, leaving States, localities, and private citizens holding the bag.

So that the Appropriations Committee's intent can be fulfilled, I move that my amendment, which permits these funds to be spent on just the 35 hospitals rather than allocated among all the 50 States, be accepted. The alternatives would be to appropriate a far greater amount—I might say a prohibitive amount in terms of a supplemental appropriations bill—or to let these 35 installations; many of which are virtually completed and stand idle.

Mr. President, for years I have spoken out against excessive Federal spending when I have felt such spending was not in the public interest. I believe, however, that funding for the health facilities in these nine States is in the public interest. Let me explain why.

Construction of these facilities was begun as the result of Federal grants and in the belief, anchored by a moral commitment on the part of the Federal Government, that additional Federal assistance would be forthcoming. Without this assistance, construction in all likelihood would not have been undertaken. Let me give an example.

In 1966, in order to replace an inadequate facility which could not meet the needs of 75,000 residents, the Beloit, Wis., hospital board approached the State Hill-Burton agency and was granted a pledge of Federal aid for 40 percent of the total cost of construction. On the basis of this pledge, the community raised $3.5 million in private donations, and sold $5.4 million in municipal bonds. Hospital construction began in November of 1967. During the 2½ years of construction, 76 contractors, and 200 workers were engaged in building this structure.

However, the administration has simply not included sufficient funds in its fiscal 1970 or 1971 budgets to meet its obligations in this area. As a result the Beloit Hospital is now over $1.5 million in the red. If the funds are not forthcoming from the Federal Government, liens will be placed on the building. Expensive refinancing will be the only alternative. As a result the entire community will be seriously and adversely affected.

Multiply the Beloit experience by 35 and you will understand the full significance of the cutback of Hill-Burton funds on health facilities throughout the Nation.

Some have questioned whether or not there is a legal commitment on the part of the Federal Government under the Hill-Burton Act to provide funds in this area. My distinguished colleague, the Senator from Nebraska (Mr. Curtis), has supplied me with a copy of a contract for the Madonna Nursing Home at Lincoln, Nebr., which shows in no uncertain terms that in this case a legal commitment was made on the part of the Federal Government.

My colleague from Nebraska also sent me a copy of his letter to Representative Robert Michel explaining the legal obligation. In that letter, Senator Curtis stated:

> I cannot speak for the other 34 projects in the amendment, but I do have in my possession a copy of such a contract for the Madonna Nursing Home at Lincoln, Nebraska, which I am attaching for your information and study. I feel that a signed, sealed and delivered contract obligating Fiscal 1970 funds for the completion of a project is a commitment.
>
> On Page 2 you will note the contract states that the Surgeon General certified "final approval of the application for Federal funds—and, on behalf of the United States, hereby obligates for such project out of appropriated funds allotted to the State of Nebraska for Fiscal years 1968, 1969, and 1970 the total sum of $999,425.97." The contract was signed on November 26, 1969 by the Regional Health Director of HEW for the Surgeon General.
>
> The Madonna Home received $500,000 in Part IV Hill-Burton funds from Fiscal 1968 and 1969 appropriations. The balance of $499,429.97 was to have been received from Fiscal 1970 appropriations. The commitment was made and the contract signed to provide the balance under the Continuing Resolution which resulted from the long delay last year in passage of the Fiscal 1970 HEW appropriations bill. When the appropriations finally were passed, they fell short of the promise made in the Continuing Resolution. Nebraska's total allocation was only $447,909 for Part IV, leaving a balance owed by the Federal Government for the Madonna Home project in the amount of $51,516.97.
>
> The facts are: (1) The Department of Health, Education and Welfare proceeded in good faith to enter into a contract to pay a given amount within a given period of time on the basis of a Continuing Resolution passed by the Congress; (2) The contract constituted a promise by the Federal Government to bear a given amount of the cost of a construction project which was allowed to proceed as a result; and (3) The Congress broke this promise by appropriating

less funds than the Continuing Resolution provided.

Thus, fulfillment of the Federal funds pledged to the Madonna Home project in Lincoln does not constitute forward funding but rather past funding of a commitment due under signed contract.

Mr. President, I hope that this information will be of assistance to the distinguished Senator from West Virginia (Mr. BYRD) in pressing for this amendment in conference.

Mr. President, before closing I would like to make one additional comment. Contained within the supplemental appropriations bill is a $57,000 item for increased pay costs for the Subversive Activities Control Board.

The Subversive Activities Control Board has been in existence for 20 years. During this time the Board has achieved exactly nothing. It has had its statutory duties reduced to zero by a succession of court decisions. It literally has nothing to do.

Since the fiscal year is almost at an end, I will not oppose this item. I would like to serve notice, however, that I fully intend to offer an amendment to the fiscal 1971 State-Justice-Commerce appropriations bill to strike out the $401,-100 appropriations request for the SACB.

I believe it is an insult to the American taxpayer to continue financing the inactivities of this do-nothing Board.

EXHIBIT 1

LIST OF PROJECTS UNDER CONSTRUCTION WITH COMMITMENT FROM STATE HILL-BURTON AGENCY, WHICH ARE AFFECTED BY REDUCED FISCAL APPROPRIATION

State and name of hospital	Location	Amount
New Hampshire: Grafton County Nursing Home	Haverhill	$2,524
Maryland:		
Baltimore City Hospital, "A" building	Baltimore	43,218
Dorchester County Public Health Center	Cambridge	16,731
Total		59,949
North Carolina: North Carolina Baptist Hospital	Winston-Salem	386,356
Wisconsin:		
St. Mary's Hosptial	Wausau	50,000
Vernon Memorial Hospital	Viroqua	17,214
St. Michael's Hospital	Stevens Point	330,100
Beloit Memorial Hospital	Beloit	1,020,575
Victory Memorial Hospital	Stanley	34,397
Total		1,452,286
Indiana:		
St. Mary Mercy Hospital	Gary	250,443
Union Hospital	Terre Haute	
Kansas:		
St. Francis Hospital	Topeka	288,496
St. John's Hospital	Salina	68,328
Mount Carmel Hospital	Pittsburg	273,312
St. Luke's Hospital	Wellington	129,064
McPherson County Hospital	McPherson	219,349
Wyandotte Health Center	Kansas City	146,233
Northwest Medical Center	Goodland	5,463
Total, Kansas		1,130,245
Nebraska:		
Mary Lanning Hospital	Hastings	$140,000
St. Elizabeth's Hospital	Lincoln	100,000
Madonna Nursing Home	do	52,000
Total, Nebraska		292,000
Oklahoma:		
Alva General Hospital	Alva	55,000
Norman Municipal Hospital	Norman	500,000
Oklahoma City-County Health Department	Oklahoma City	650,000
Hillcrest Medical Center	Tulsa	1,250,000
Newman Memorial Hospital	Shattuck	20,000
Purcell Municipal Hospital	Purcell	5,000
Southwestern Memorial Hospital	Weatherford	255,000
Okfuskee Memorial Hospital	Okemah	30,000
Deaconess Hospital	Oklahoma City	324,275
Central State Hospital Children's Unit	Norman	225,000
Arkview Hospital	El Reno	600,000
Cimarron Memorial Hospital	Boise City	15,000
Total, Oklahoma		3,929,275
Arkansas:		
St. Vincent's Hospital	Little Rock	200,000
Baptist Medical Center	do	1,000,000
Total, Arkansas		1,200,000
Grand total		8,703,078

Mr. PROXMIRE. Mr. President, I move that this amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. EAGLETON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 25, strike "$4,042,000" and substitute in lieu thereof "$5,831,000."

On page 3, between lines 16 and 17, insert the following:

"For an additional amount for 'Public Safety' as may be necessary to assist in meeting costs associated with salary increases for policemen and firemen for the period July 1, 1969, to December 31, 1969, $1,789,000."

The PRESIDING OFFICER. Does the Senator from Missouri wish his amendments considered en bloc?

Mr. EAGLETON. Yes. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the amendments.

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold that request?

Mr. EAGLETON. I withhold the request.

Mr. BYRD of West Virginia. Mr. President, the hour is 9 o'clock, and I would hope that we would not be here too much longer. Certainly, it is my determination to complete this bill tonight and not let it lie overnight to come back tomorrow and start all over again. I would hope that the Senator would not ask for the yeas and nays. If he will not, I will be willing to accept his amendments.

Mr. EAGLETON. That is perfectly fine with me. Shall I explain the amendment, just briefly?

Mr. BYRD of West Virginia. Please do.

Mr. COOK. Mr. President, do I correctly understand that the figure on line 19 is increased from $100,000 to $1,100,000?

The PRESIDING OFFICER. The clerk will state the amendments again.

The assistant legislative clerk read as follows:

On page 2, line 25, strike "$4,042,000" and substitute in lieu thereof $5,831,000."

On page 3, between lines 16 and 17, insert the following:

"For an additional amount for 'Public Safety' as may be necessary to assist in meeting costs associated with salary increases for policemen and firemen for the period July 1, 1969, to December 31, 1969, $1,789,000."

Mr. COOK. I thank the Chair.

Mr. EAGLETON. Mr. President, this amendment relates to the District of Columbia and concerns itself with the funding of retroactive pay for policemen and firemen in the District of Columbia.

Last year's Federal payment to the District was $110 million. Of that amount, $1,789,000 remains unappropriated. The policemen's, firemen's, and teachers' pay raise bill already acted upon by the Senate, and the conference report thereon passed today by the House and scheduled for Senate action on Wednesday, contains $10,800,000 in retroactive pay for the policemen, firemen, and teachers in the District.

Of this amount, the bill authorizes a Federal contribution of only $8 million. Thus, there is a short fall of $2.8 million that will have to be picked up by the District government.

If this amendment is adopted, $1,789,-000 of that short fall would be taken care of by appropriating the remaining portion of the annual Federal payment authorized for fiscal year 1970. Since Congress is imposing these retroactive pay provisions on the city government without providing sufficient funds to pay for them, I think the only fair way to utilize the remainder of the funds which would otherwise lapse by June 30 is the payment of this retroactive pay. Mr. President, that is the purpose of my amendment.

Mr. BYRD of West Virginia. Mr. President, I laud the Senator on what he seeks to do here. I appreciate the fact that he is not going to ask for the yeas and nays. I, therefore, am willing to accept the amendment. I do not see the ranking minority member in the Chamber at the moment, but I feel that I can speak for him as well.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, I send to the desk an amendment which will provide for an additional $322,000 for the U.S. Park Police, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

NATIONAL PARK SERVICE

On page 41, line 21, strike: "$3,359,000" and insert in lieu thereof: "$3,681,000".

Mr. BYRD of West Virginia. There is presently pending before the President the bill, S. 2694, which provides an average 11.4-percent pay raise for the U.S. Park Police retroactive to July 12, 1969. Obviously, this late in the fiscal year, it is not possible for this sum to be absorbed by the National Park Service.

I ask that the justification prepared by Mr. George B. Hartzog, Director of the National Park Service, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
National Park Service,
Washington, D.C.
Washington, D.C. June 18, 1970.

Hon. Robert C. Byrd,
Chairman, Subcommittee on Deficiencies and Supplementals, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Senator Byrd: S. 2694, which is now pending approval of the President, provides an average 11.4 percent pay raise for the United States Park Police retroactive to July 12, 1969. The estimated cost, most of which has already accrued under the retroactive feature of the bill, totals $322,000. Due to the late congressional action on this bill, it was not possible to have a supplemental estimate presented for congressional consideration prior to Senate Appropriations Committee action on H.R. 17399, making supplemental appropriations for the fiscal year ending June 30, 1970. Due to the lateness in the fiscal year, it will not be possible for the National Park Service to make the retroactive payments within its remaining fund resources. Accordingly, it is of utmost importance that provision be made in H.R. 17399 to provide the additional funds required.

We understand your staff has discussed this matter with the Bureau of the Budget. The additional funds could be provided by an amendment to H.R. 17399 as follows: Page 41, line 21, delete $3,359,000 and insert in lieu thereof $3,681,000.

Your cooperation and assistance are much appreciated.

Sincerely yours,
George B. Hartzog, Jr.,
Director.

Mr. BYRD of West Virginia. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator of West Virginia.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, on page 4 of the second supplemental appropriation bill, there will be found a Senate committee amendment making an appropriation of $250 million for foreign military credit sales. On page 13 of the report from the committee, which I filed on this bill on June 8, 1970, it is made clear that the authorization for this appropriation had not been enacted into law and that the committee had included language which provided that these funds would only become available upon the enactment of the Foreign Military Credit Sales Authorization Act, H.R. 15628, or similar legislation.

I have been advised that the chairman of the Committee on Foreign Relations of the Senate objects to these funds being included in this bill prior to the enactment of authorizing legislation so, consequently, I make a point of order against the amendment as being legislation on an appropriation bill.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The Chair would advise the Senator from West Virginia that this involves legislation on a general appropriation bill and under Rule XVI, paragraph 4, is not in order. The point of order is sustained.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

Mr. President, I ask unanimous consent that any technical changes which may be authorized in the language, be included in the engrossment of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered and all technical amendments will be included in the engrossment of the bill.

Mr. BYRD of West Virginia. Mr. President, so far as I know, there are no further amendments to be offered at this time.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Jordan of North Carolina). The bill having been read the third time, the question is, Shall the bill pass?

On question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Mississippi (Mr. Eastland), the Senator from Tennessee (Mr. Gore), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Seantor from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that the Senator from Nevada (Mr. Bible) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), the Senator from Texas (Mr. Yarborough), and the Senator from New Hampshire (Mr. McIntyre) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Dr. Dominick) and the Senators from Oregon (Mr. Hatfield and Mr. Packwood) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cooper), the Senator from Arizona (Mr. Goldwater) and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Oregon(Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 76, nays 2, as follows:

[No. 166 Leg.]

YEAS—76

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cranston
Curtis
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, N.J.
Young, N. Dak.

NAYS—2

Cotton
Williams, Del.

NOT VOTING—22

Bible
Cannon
Cooper
Dodd
Dominick
Eastland
Goldwater
Gore
Harris
Hatfield
Kennedy
McCarthy
McClellan
McIntyre
Metcalf
Mundt
Packwood
Russell
Tower
Tydings
Yarborough
Young, Ohio

So the bill (H.R. 17399) was passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Jordan of North Carolina) appointed Mr. Byrd of West Virginia, Mr. Pastore, Mr. Holland, Mr. Ellender, Mr. McClellan, Mr. Magnuson, Mr. Stennis, Mr. Hruska, Mr. Young of North Dakota, Mrs. Smith of Maine, and Mr. Allott conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, no

words can express adequately the respect and admiration I have for the distinguished Senator from West Virginia (Mr. BYRD). His superb handling of this supplemental funding measure was unexcelled. His complete understanding of every last detail of this proposal was truly outstanding.

I must say that the Senate's quick and overwhelming acceptance of this measure is action typically accorded to proposals handled by Senator BYRD. Indeed, earlier today as I recall, the Senate voted overwhelmingly to accept the Byrd amendment to the then pending Cooper-Church amendment. His thorough preparation and full explanation as always was joined by the able advocacy that has characterized Senator BYRD's endeavors in this body throughout the years. I applaud him for this great achievement. It adds another fine accomplishment to an already abundant record.

Let me just say that I appreciate especially Senator BYRD's efforts with regard to the amendment dealing with funds for the National Science Foundation. It is this type of action I might say that has made Senator BYRD a legislator whose effectiveness and ability to get things done are unexcelled in this body.

To Senator HRUSKA who filled in so ably for Senator MUNDT who is recuperating, I also offer the thanks of a grateful Senate. His support and assistance were absolutely vital to this great success.

To the Senate, I especially am grateful. Our action in passing this measure tonight demonstrates beyond all doubt the great effects that stem directly from the cooperation that prevails in this body. I say this in all sincerity. Each Senator cooperated by remaining on the subject of this vitally important measure until it was disposed of just now. By so honoring the spirit of the so-called germaneness rule we have made a great deal of progress. I hope this action sets the tone for the remainder of the week; if not, of the entire session. I personally am deeply grateful.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, prior to reporting this bill to the Senate, the subcommittee was advised that an article in the Washington Post on Saturday, May 30, 1970, indicated that Police Chief Jerry Wilson could not hire sufficient men to reach the goal of 5,100 by the end of June unless he received final action by Congress on the new level by Monday, June 1, 1970. In view of the urgency of this matter, Senator HRUSKA, who is the acting ranking minority member of the subcommittee, and I, in my capacity as subcommittee chairman, agreed that the full Appropriations Committee should be polled to determine whether they would approve the appropriation, which was contained in the bill as it came from the House, for 475 police positions to bring the force to a total of 5,100 men; $363,000 in pay costs for the month of June was involved.

The results of the polling of the full committee were favorable to this item and the Chief was so advised. I ask unanimous consent to have printed in the RECORD the copy of the telegram which was sent to Chief Wilson from the subcommittee chairman and Senator HRUSKA, as well as the response received by the committee from Chief Wilson.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT,
June 9, 1970.

Hon. ROBERT C. BYRD,
Chairman, Subcommittee on Deficiencies and Supplementals Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: Thank you for your telegram of June 1st, advising me that your Committee authorizes this Department to proceed with the 5,100 recruitment figure by the end of June. I have noted your decision and we optimistically look forward to reaching that goal by the end of June.

Thank you for your excellent cooperation on this and previous occasions.

Sincerely yours,
JERRY V. WILSON,
Chief of Police.

JUNE 1, 1970.

Chief of Police JERRY V. WILSON,
Metropolitan Police Department,
Washington, D.C.:

We desire to refer to the Washington Post story on Saturday, May 30, 1970, which stated: "Police Chief Jerry V. Wilson said yesterday he could not hire enough men to reach 5,100 by the end of June unless he got final action by Congress on the new level by Monday." The undersigned, representing the full Senate Committee on Appropriations, after having polled the Committee, authorize you to proceed with the 5,100 recruitment figure by the end of June. The Committee insists that the highest mental, moral and physical standards be maintained by the Department in achieving your announced goal.

ROBERT C. BYRD,
Subcommittee on Deficiencies and Supplementals Appropriations.
ROMAN L. HRUSKA,
Acting Ranking Minority Member, Subcommittee on Deficiencies and Supplementals Appropriations, Committee on Appropriations, U.S. Senate.

THE PENN CENTRAL DEBACLE

Mr. PELL. Mr. President, I would like to take a few minutes to comment briefly on the Penn Central bankruptcy.

For many years I have been concerned about the fate of the railroads on the east coast. This recent crisis leads me to make a number of observations.

First, the immediate cause of the Penn Central's bankruptcy is the unwise and untimely tight money policy of the Nixon administration. It has caused a corporation in a conglomerate worth $7 billion to go bankrupt for the lack of operating capital.

Second, one of the main causes for the Penn Central's bankruptcy can be traced back many years to a very unfortunate milking of the railroad's assets for investments in other than rail transportation. In years when the railroads that now have merged into the Penn Central should have reinvested their profits into capital improvements for passenger and freight service, those funds were being drained into other ventures.

Third, the Penn Central merger which was hailed as the panacea for the east coast rail problems created a constipated monster. Instead of the predicted economies of scale, the merger resulted in confusion and retrenchment of enormous proportions. Freight service worsened. Freight in transit from the Great Lakes to the east coast was frequently lost or damaged and passenger service was cut back.

Fourth, the Federal Government's unbalanced transportation policy aggravated the Penn Central's passenger train losses. Running parallel to nearly all of the Penn Central's main passenger line, interstate highways were constructed. These highways together with Penn Central's desire to eliminate much of the passenger service nailed the coffin shut for passenger service.

It seems to me that this situation demands that a number of steps be taken.

First, to the degree that profits have drained from Penn Central's rail interests to develop its other conglomerate activities, Penn Central should be required to liquidate those assets to meet its rail transportation obligations.

Second, the Penn Central passenger service should then be broken up into a number of regional nonprofit corporations. Regional nonprofit corporations should be formed for the urban corridors within Penn Central's jurisdiction, as I have suggested in recent legislation. The Interstate Commerce Commission should be temporarily relieved of its responsibility for Penn Central's passenger service until this reorganization is completed.

Third, the Congress should proceed forthwith with enactment of the Rail Passenger Service Act of 1970 which passed the Senate this past month. I hope the House will pass this bill in the form of my substitute bill which Congressman TIERNAN has introduced in the House.

Fourth, since all railroads are facing liquidity problems, the Congress should consider assuming ownership of the rail rights-of-way and signaling system. This would relieve the railroads of a major debt and tax burden, and would not demand a flow of Federal moneys from the Treasury. A railroad trust fund based on user charges should then be established for maintenance of the roadbeds.

Mr. President, the Penn Central's bankruptcy is truly a result of a monumental collection of errors and of drift on the part of all concerned. The public deserves better. I would hope that the bankruptcy court, the Department of Transportation, and the Interstate Commerce Commission will heed these suggestions and resolve the east coast rail problem once and for all.

STATEMENT BY THE PRESIDENT UPON SIGNING THE EXTENSION OF THE VOTING RIGHTS ACT OF 1965

Mr. GRIFFIN. Mr. President, today President Nixon signed a bill extending and amending the so-called Voting Rights Act of 1965. I ask unanimous consent that the statement issued by the President be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by the President

On Wednesday, Congress completed action on a bill extending and amending the Voting Rights Act of 1965, and sent it to me for signature. As passed, the bill contained a "rider" which I believe to be unconstitutional: a provision lowering the voting age to 18 in Federal, State and local elections. Although I strongly favor the 18-year-old vote, I believe—along with most of the nation's leading Constitutional scholars—that Congress has no power to enact it by simple statute, but rather it requires a Constitutional amendment.

Despite my misgivings about the Constitutionality of this one provision, I have today signed the bill. I have directed the Attorney General to cooperate fully in expediting a swift court test of the constitutionality of the 18-year-old provision.

An early test is essential because of the confusion and uncertainty surrounding an act of doubtful constitutionality that purports to extend the franchise. Until this uncertainty is resolved, any elections—including primary elections, and even local referenda on such questions as school bond issues—could have their results clouded by legal doubt.

If I were to veto, I would have to veto the entire bill—voting rights and all. If the courts hold the voting-age provisions unconstitutional, however, only that one section of the Act will be affected. Because the basic provisions of this Act are of great importance, therefore, I am giving it my approval and leaving the decision on the disputed provision to what I hope will be a swift resolution by the courts.

The Voting Rights Act of 1965 has opened participation in the political process. Although this bill does not include all of the Administration's recommendations, it does incorporate improvements which extend its reach still further, suspending literacy tests nationwide and also putting an end to the present welter of state residency requirements for voting for President and Vice President. Now, for the first time, citizens who move between elections may vote without long residency requirements.

In the five years since its enactment, close to 1 million Negroes have been registered to vote for the first time and more than 400 Negro officials have been elected to local and state offices. These are more than election statistics; they are statistics of hope, and dramatic evidence that the American system works. They stand as an answer to those who claim that there is no recourse except to the streets.

The time has also come to give 18-year-olds the vote, as I have long urged. The way to do this is by amending the Constitution. Because of the likelihood that the 18-year-old vote provision of this law will not survive its court test, the Constitutional amendment pending before the Congress should go forward to the states for ratification now.

I therefore call upon the Congress to act now upon the Constitutional amendment to avoid undue delay in its approval by the states should this provision of the new law be held unconstitutional.

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow upon the disposition of the reading of the Journal the able Senator from Arizona (Mr. Fannin) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOLE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow upon the completion of the remarks of the Senator from Arizona the able Senator from Kansas (Mr. Dole) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3908. An act for the relief of Elizabeth B. Borgnino (Rept. No. 91–938).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ALLEN (for himself, Mr. Sparkman and Mr. Bayh):

S. 3999. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to Greene County, Alabama; to the Committee on Public Works.

By Mr. GRIFFIN (for himself, Mr. Bennett, Mr. Cranston, Mr. Hatfield, Mr. Hruska, Mr. Inouye, Mr. Jordan of Idaho, Mr. Moss, Mr. Murphy, Mr. Packwood, Mr. Percy, Mr. Proxmire, and Mrs. Smith of Maine):

S. 4000. A bill to compensate certain growers, manufacturers, packers and distributors for damages sustained by them as a result of their good faith reliance on the official listing of cyclamates as generally recognized as safe for use in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks; to the Committee on the Judiciary.

(The remarks of Mr. Griffin when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MURPHY:

S.J. Res. 217. Joint resolution to authorize the President to proclaim June 22, 1970, as Army and Air Force Motion Picture Day; to the Committee on the Judiciary.

S. 4000—INTRODUCTION OF A BILL TO PROVIDE COMPENSATION FOR CERTAIN LOSSES INCURRED BY THE BAN ON CYCLAMATES

Mr. GRIFFIN. Mr. President, prior to October 18, 1969, cyclamates were officially declared by the Food and Drug Administration to be "generally recognized as safe" for use in food products.

Suddenly, on that date, Secretary Finch announced a ban on the use of cyclamates in the processing and manufacture of food products. He explained that ingestion by rats of very large doses of cyclamates over their entire life span had led to cancer in such animals. He explained that, under the Delaney clause of the Federal Food, Drug, and Cosmetic Act—section 609(c)(3)(A)—he was required to issue such an order banning the use of cyclamates.

However, in doing so, Secretary Finch also stated:

> Let me emphasize in the strongest possible terms that we have no evidence at this point that cyclamates have indeed caused cancer in humans.

As a direct result of this sudden action by the Government banning the use of cyclamates, severe losses were suffered by many engaged in the processing, producing, or distribution of food, who had relied in good faith on the Government's official listing of cyclamates as safe for use in food.

Mr. President, on behalf of myself and the Senator from Utah (Mr. Bennett), the Senator from California (Mr. Cranston), the Senator from Oregon (Mr. Hatfield), the Senator from Nebraska (Mr. Hruska), the Senator from Hawaii (Mr. Inouye), the Senator from Idaho (Mr. Jordan), the Senator from Utah (Mr. Moss), the Senator from California (Mr. Murphy), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), the Senator from Wisconsin (Mr. Proxmire), and the Senator from Maine (Mrs. Smith), I introduce legislation to provide for partial recovery of such losses.

As a result of the Government's unexpected action, severe financial losses were suffered, resulting for the most part because of inventories of foods containing cyclamates, and extensive inventories of packaging, labeling, and other materials prepared for such foods.

Mr. President, it seems grossly inequitable that those who relied in good faith upon official Government approval of cyclamates should bear the full brunt of such losses and be required, as some do, to face crippling injury or economic destruction. Under the circumstances, it seems reasonable that some relief should be provided for those who can demonstrate that they suffered loss as a result of the Government's unexpected action.

Recognizing that losses suffered by small processors, distributors, and packers are most likely to precipitate economic hardship or failure, the bill establishes reasonable limits on the amounts recoverable which those distributors, packers, and processors, most of whom can least afford the loss, can receive.

Let me emphasize that any recovery would not include loss of profits. Payments would only provide partial indemnity of losses resulting from carrying inventories of foods containing cyclamates and packaging, labeling, and other materials prepared for such foods.

These inventories had been maintained prior to October 18, 1969, in the good faith that cyclamates were listed by the Federal Food and Drug Administration as "generally recognized as safe" for use in food products.

In order to understand the justification for this legislation, I believe it is important to understand why, and on what basis, the food industry, prior to

October 18, 1969, included cyclamates in various food products.

USE OF ARTIFICIAL SWEETENERS IN FOOD

Artificial, nonnutritive sweetners have been used in food for many years. Saccharin was discovered in 1879, and has been in use in foods since shortly after that time. Cyclamates were discovered in the 1940's and were introduced into commercial use in about 1950. The unique sweetening power of these substances, which have many times the sweetness of an equivalent weight of sugar, caused them to gain wide use in the food industry for products marketed to diabetics and others concerned with weight control. Use of these substances made possible significant advances in the formulation of special dietary foods which were both palatable and nutritionally acceptable.

The cyclamates were, prior to October 18, 1969, listed by the Federal Food and Drug Administration of the Department of Health, Education, and Welfare as an ingredient that was considered by the FDA to be "generally recognized as safe" for use in food products—21 C.F.R. sec. 121.101(d)(4). Indeed, a number of food products—particularly canned fruits—covered by standards of identity promulgated by the FDA explicitly permitted the use of cyclamates as artificial sweeteners—for example, 21 S.F.R. secs. 27.6, 27.128. It was thus clear that the FDA at that time regarded cyclamates as being of unquestioned safety.

On the basis of scientific reports indicating that further research on cyclamates should be undertaken, the Food and Drug Administration on April 5, 1969, published a proposed regulation that would have authorized the continued use of cyclamates in food products, but which would have established a maximum total daily intake of 50 milligrams per kilogram of body weight. This limitation was understood to be purely precautionary for it was extremely unusual for any individual to consume a sufficient amount of cyclamates even to approach this level of daily intake.

It seems reasonable that one might properly conclude as a result of this proposed regulation that the FDA approved the continued use of cyclamates at present levels in food products, and that no question of safety of the use of cyclamates within some levels was contemplated by the proposed regulation. In fact, although some comments on the proposed regulation suggested that the available data justified an even higher daily intake level of cyclamates, most raised no objections to the proposed regulation. Food manufacturers could reasonably regard the regulation, whether or not they agreed with the proposed maximum level, at least as justification for the continued use of cyclamates at present levels in their products.

Thus, until Secretary Finch's press conference and order of October 18, 1969, canners and packers had every reason to believe—in reliance on the continued FDA listing as generally recognized as safe, the explicit recognition of cyclamates as ingredients in several standardized foods, and the proposed regulation contemplating the continued use of cyclamates at present levels—that use of cyclamates in food products was entirely safe and proper. The published assurances of safety by the FDA, as well as wide demand for products containing cyclamates, made it an entirely commercially reasonable decision for manufacturers to manufacture products containing cyclamates and to have in stock reasonable inventories of such products.

Some food processors, due to the seasonal nature of the foods which they produce, are required to pack products as they reach maturity during the growing season and maintain an inventory of such products which are scheduled for sale throughout the ensuing year and into the next packing season. This is particularly true of artificially sweetened canned fruits.

In a number of such cases, food processors had just completed an entire year's packing prior to the October 18 announcement.

DESCRIPTION OF THE HEW ACTIONS RELATING TO CYCLAMATES

On October 18, 1969, HEW Secretary Finch announced the discovery that ingestion by rats of the cyclamates at very high levels over their entire life span led to formation of bladder cancer. In view of the absolute language of the Delaney Clause in the Federal Food, Drug, and Cosmetic Act, section 409(c)(3)(A), stating that a food additive cannot be deemed safe "if it is found to induce cancer when ingested by man or animal" the Secretary stated that he was required to ban the manufacture of all foods containing cyclamates.

The statements made by Secretary Finch and Deputy Assistant Secretary for Health Steinfeld indicated, however, that there was no evidence that cyclamates presented any hazard to humans. Secretary Finch stated that his decision "in no sense should be interpreted as a 'life saving' or emergency measure." He also stated:

> Let me emphasize in the strongest possible terms that we have no evidence at this point that cyclamates have indeed caused cancer in humans.

Dr. Steinfeld confirmed this position in his statement that:

> There is absolutely no evidence to demonstrate in any way that the use of cyclamates has caused cancer in man.

Dr. Steinfeld also noted:

> We have no indication that human bladder cancer from whatever cause is increasing to any significant degree. . . . We can in no way at this time extrapolate the new data from rat experiments to human beings.

The Medical Advisory Group on Cyclamates subsequently appointed by Secretary Finch submitted recommendations which confirmed the Secretary's statements that cyclamates present no hazard to humans. While the advisory group recognized the "possibility for harm" based on the available animal data it concluded that this possibility was outweighed by the potential benefit of using cyclamates by persons who medically required them. The advisory group, therefore, recommended that products containing cyclamates be available to such persons on a nonprescription basis with labeling including the cyclamate content in each serving.

Subsequent data has shown that cyclamates can cause cancer in rats at somewhat less extreme conditions than in the original data, but I should emphasize that there still is absolutely no evidence that cyclamates cause cancer in humans.

In spite of Secretary Finch's statement that the Delaney Clause required the immediate ban of the production of foods containing cyclamates, because of the rat tests, the Secretary nonetheless concluded that he had sufficient discretionary authority to permit the continued marketing of existing stocks and inventories that had been packed in good faith prior to October 18, and that this limited continuing marketing presented no health hazard. Indeed, the initially announced dates of January 1 for drinks and drink bases and February 1 for all other foods were subsequently extended by the Secretary as to some foods. The January 1 date was extended until September 1, 1970, for fruit juice concentrates, and juice drinks normally consumed with meals. The February 1 date was extended to September 1, 1970, for canned fruits and vegetables containing cyclamates, to July 1 for vitamin pills containing cyclamates, to April 1 for jams, jellies, preserves, and desserts containing cyclamates.

EFFECT OF THE HEW ACTIONS

Although Secretary Finch had indicated that sale of existing inventories of foods containing cyclamates presented no health hazard and the extensions granted by HEW for continued sale of some of these foods, the impact of the Secretary's order and announcement on October 18, 1969, which received extraordinarily wide coverage in the news media, was to render many products containing cyclamates unsalable overnight. As public reaction caused retail sales to fall off, most stores held up delivery on all shipments and indeed began to return products containing cyclamates to warehouses, and wholesalers in turn canceled shipment orders. Despite some limited recovery of the market after the immediate public reaction had died down, it is reliably estimated that the sales volume of products containing cyclamates still permitted to be sold was only about 25 percent of the normal sales volume in prior years. In the case of canned foods, for example, products containing cyclamates may be sold as presently labeled until September 1, 1970, but before that date some of the 1970 packs of reformulated dietetic canned fruits—not containing cyclamates, will come on to the market and almost certainly put an end to the already substantially reduced sales of the 1969 pack containing cyclamates.

As a result of their good faith reliance on the FDA listing of cyclamates as generally recognized as safe for use in food, food processors are faced with large stocks of foods containing cyclamates. The impact on the affected companies will of course vary: Some face damages substantially in excess of $10 million; some have lost a major portion of their sales; and all will suffer financial injury;

some will find it impossible to continue in business unless some means of reparation can be found.

REASONS FOR GRANTING INDEMNIFICATION OF LOSSES CAUSED BY THE CYCLAMATE ORDERS

Under the circumstances, it seems totally inequitable for food processors to absorb in full the direct losses which resulted from the Government's announcements of October 18, 1969. Food and drug producers, in using cyclamates in their products, explicitly relied on FDA's published determination that cyclamates were not only safe but "generally recognized to be safe under the conditions of their intended use among experts qualified by scientific training and experience to evaluate their safety." See Federal Food, Drug, and Cosmetic Act, section 201(s), 21 U.S.C. § 321(s).

As I have noted, processors, particularly those of artificially sweetened canned fruits, also relied on food standards promulgated by the FDA under the Federal Food, Drug and Cosmetic Act, which explicitly recognized and permitted the use of cyclamates.

If the HEW actions which rendered products containing cyclamates unmarketable or less valuable were deemed to be necessary in the public interest, or were mandated by the Delaney Clause, it is totally inequitable to require that affected canners, processors and packers shoulder the entire economic losses. This is particularly the case where the losses resulting from the Government's action were in no way attributable to any improper or unwarranted action by canners, processors and packers of cyclamates.

Although existing inventories of products containing cyclamates were permitted to be sold for various periods of time after the October 18 announcements, the effect of the announcements was such that the periods allowed were of little practical benefit to the canners, processors and packers. The public reaction to the HEW announcements in many cases made it impossible to continue any sale of products containing cyclamates. Even where such sale was possible, the sales volume achieved was only a small fraction of the normal sales volume for such products.

Mr. President, under these circumstances, I believe it is appropriate that there should be some sharing of the net losses incurred directly as a result of reliance on the FDA listing of cyclamates as safe, and the subsequent reversal of this position on October 18, 1969.

SIMILAR SITUATIONS IN WHICH INDUSTRY'S LOSSES WERE INDEMNIFIED BY THE GOVERNMENT

In several instances in recent years the Government has acted to compensate those suffering losses under similar situations. The best known of these instances is the cranberry incident in 1959.

There are a number of parallels between that situation and the present one with cyclamates. In each case, an announcement by the Secretary of Health, Education, and Welfare destroyed public confidence in a safe and wholesome food product, requiring its destruction because of unmarketability. In each case there was evidence dealing with possible cancer hazard, but that hazard was remote or nonexistent as to most of the food which was destroyed or rendered unmarketable.

The present situation, if anything, is more worthy of compensation than the cranberry situation because all of the products containing cyclamates which have been rendered unmarketable were made in accordance with FDA regulations. The cranberry incident involved the misuse of a pesticide in violation of the regulations by a small minority of the cranberry growers. Losses due to Secretary Fleming's cranberry announcement were compensated in the amount of $10 million under a payment program instituted by the Department of Agriculture using appropriated section 32 funds.

At about the same time as the cranberry incident, there was another incident involving the use of stilbestrol on certain poultry products. Again, Congress approved the use of section 32 funds to compensate for losses incurred.

In 1964, Congress added a provision to the Economic Opportunity Act of 1964 authorizing the payment of indemnity to dairy farmers unable to sell milk because of pesticide chemical residues. Pub. L. 88-452, § 331, 78 Stat. 525 (codified at 42 U.S.C. § 2881) (1964). Such indemnity payments have been continued up to the present time. Recently, the House Agriculture Committee recommended that this indemnity provision be extended for at least another year. In this situation, as with use of cyclamates, losses clearly are not the fault of either the Government or the dairy farmers. It simply was determined that the Government should bear the cost of actions taken in the public interest to remove cost of actions taken in the public interest to remove contaminated milk from the marketplace.

DESCRIPTION OF THE BILL

Under the legislation introduced today, the U.S. Court of Claims would have jurisdiction to determine the amount of losses resulting from the HEW actions with respect to cyclamates and to render limited judgments.

Those entitled to damages would be growers, processors, packers or distributors that had products, packaging, labeling, and other materials rendered unmarketable or of less value by reason of the HEW actions.

The bill would limit payments so as to provide full recovery only for actual losses up to $100,000. Seventy-five percent of losses in excess of $100,000 but less than $200,000, and 50 percent of losses in excess of $200,000 would be recoverable. Irrespective of the amount of the claimed loss, however, the bill provides for a maximum recovery of $300,000.

Obviously the legislation would not adequately indemnify all claimants for all losses—only those most likely to precipitate business failure or extreme economic hardship.

In most cases, it should be remembered that losses resulting from HEW action on cyclamates are deductible for tax purposes—and, as such, serve to offset taxable income. Under the bill, however, any claim would be reduced by any such tax benefit related to a cyclamate loss.

Payments of limited judgments under the bill would be in the same manner as in the case of other claims over which the U.S. Court of Claims has jurisdiction. The bill specifically requires that any claim for recovery be filed within a 1-year period following its enactment.

Mr. President, I urge prompt consideration of this legislation in the Senate. I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4000) to compensate certain growers, manufacturers, packers and distributors for damages sustained by them as a result of their good faith reliance on the official listing of cyclamates as generally recognized as safe for use in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks, introduced by Mr. GRIFFIN, for himself and other Senators, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claim of any growers, manufacturers, packers and distributors against the United States for compensation for losses sustained by them by reason of certain actions taken by the United States on October 18, 1969 (and thereafter), under the Federal Food, Drug and Cosmetic Act, relating to cyclamic acids and its salts. In determining the amount of loss with respect to any claim filed pursuant to this Act, the Court of Claims shall determine the net loss, not including lost profits but including direct and indirect costs and damages and the costs associated with thereafter returned merchandise containing cyclamates, as a result of the aforementioned actions of the United States and shall render judgment in favor of such claimant against the United States in the amount so determined reduced by any tax benefit related thereto other than a net operating loss deduction which is a net operating loss carryover as defined in § 172 of the Internal Revenue Code of 1954 or any comparable provision of state or local law; except that in no case shall judgment in the case of any claimant exceed an amount equal to—

(1) 100 percentum of the amount of any such loss so determined up to but not exceeding $100,000; plus

(2) 75 per centum of the amount of any such loss so determined in excess of $100,000 but not in excess of $200,000; plus

(3) 50 per centum of the amount of any loss so determined in excess of $200,000.

Provided, however, that judgment shall not be rendered under authority of this Act in the case of any claimant on any such loss determined in accordance with such schedule in an amount in excess of $300,000, and *provided further*, that judgments may be entered and payments made to associations

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of producers [as defined in Sec. 1 of the Capper-Volstead Act of February 18, 1922, 7 U.S.C. §§ 291–292] without regard to the foregoing limitations on the amount of the judgment but no individual member thereof may receive a payment in excess of such limitations.

SEC. 2. Suit upon any such claim shall be instituted at any time within one year after the date of the enactment of this Act. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment thereon shall be had in the same manner as in the case of claims over which such Court has jurisdiction under section 1491 of title 28 of the United States Code.

ADDITIONAL COSPONSOR OF A BILL

S. 3354

Mr. JACKSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. McGOVERN) be added as a cosponsor of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a national land use policy.

The PRESIDING OFFICER (Mr. MUSKIE). Without objection, it is so ordered.

PROPOSED 3-YEAR EXTENSION OF PERIOD DURING WHICH CERTAIN DYEING AND TANNING MATERIALS MAY BE IMPORTED FREE OF DUTY—AMENDMENT

AMENDMENT NO. 719

Mr. MILLER submitted an amendment intended to be proposed by him, to the bill (H.R. 14956) to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty, which was ordered to lie on the table and to be printed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 720

Mr. STEVENS (for himself and Mr. GRAVEL) submitted an amendment intended to be proposed by them, jointly to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

AMENDMENTS NOS. 721 THROUGH 725

Mr. CRANSTON submitted five amendments, intended to be proposed by him, to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

AMENDMENT NO. 726

Mr. CRANSTON (for himself and Mr. KENNEDY) submitted an amendment, intended to be proposed by them, jointly, to S. 3867, supra, which was referred to the Committee on Labor and Public Welfare and ordered to be printed.

GLEN CANYON NATIONAL RECREATION AREA IN THE STATES OF ARIZONA AND UTAH—AMENDMENT

AMENDMENT NO. 727

Mr. MOSS submitted an amendment intended to be proposed by him, to the bill (S. 27) to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 648

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. HARTKE), I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. MOSS) be added as a cosponsor of amendment No. 648 to H.R. 15628, the bill to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 23, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 1970:

DEPARTMENT OF LABOR

Laurence H. Silberman, of Hawaii, to be Under Secretary of Labor, vice James D. Hodgson.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be captain

Kenneth A. MacDonald
Edwin K. McCaffrey
Richard H. Houlder

To be lieutenant commander

Leonard E. Pickens
Otto F. Steffin

To be lieutenant

James A. Buscher
Roland W. Garwood, Jr.
Tom Gryalewicz
Pressley L. Campbell
Gerald B. Mills
David J. Goehler
John H. Detweiler
William C. Bartusek

To be lieutenant (junior grade)

Gregory Holloway
James C. Bishop, Jr.
Robert C. Husted, Jr.
Kenneth E. Lilly, Jr.
Charles R. Condon
Richard D. Olson
Richard S. Moody, Jr.
Gerald J. Cinpinski
Floyd K. Thomas
Richard L. Baker

To be ensign

Russell C. Arnold
Gregory R. Bass
Thomas E. Brown
Abram Y. Bryson, Jr.
Jerry S. Crowley
Peter S. Hudes
Leslie R. Lemon
Larry J. Oliver
Carl A. Pearson
Nicholas A. Prahl
William T. Turnbull

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. For permanent promotion:

To be medical director

Charles M. Bowyer
Lamar A. Byers
Donald R. Chadwick
William M. Dixon
Leonard J. Duhl
Walter H. Freygang
Louis A. Gaul
Henry M. Gelfand
Jean R. Goorman
David Horwitz
William B. Kannel
Wallace P. Rowe
Cameron L. Self
Sam Silbergeld
Eugene W. Veverka
Phillip T. Waalkes
Patricia A. Webb
Margaret S. Wheeler
Martha R. Wilson
Carter J. Wright

To be senior surgeon

Donald E. Bedingfeld
Peter J. T. Beeton
George M. Berg
Richard J. Bouchard
Philip S. Brachman
William A. Cherry
Jerome G. Green
Donald A. Henderson
Jean R. L. Herdt
Kenneth H. Hyatt
Marcus M. Key, Jr.
William C. Larsen
John F. Lee, Jr.
Donald P. MacDonald
John E. Manire
John R. McDonough
James W. Mosley
Alan H. Nicol
Joseph J. Noya
John T. Schwartz
Maurice E. Snyder
James D. Tovey
Robert Vanhoek
Harry W. Weller

To be surgeon

David E. Anderson
Costan W. Berard
Paul W. Brown
Larry H. Dizmang
John M. Dyer, Jr.
Jack T. Ellis
Spencer Foreman
Earl V. Gear, Jr.
Robert A. Gotshall, Jr.
Robert J. Griep
Frederick C. Hoesly
Albert C. Kolbye, Jr.
James B. Lucas
Larry J. Matthews
Joseph F. Piffat
James C. Prescott
Peter L. Putnam
Arnold L. Schroeter
Charles R. Stark
Emanuel Stein
Donald A. Swetter
Carl F. Szuter
Leo H. Voneuler
Spencer A. Ward

To be dental director

Viron L. Diefenbach
James L. Field
Harold M. Fullmer
Richard L. Hayes
Norman W. Littleton
Stanley Lotzkar

To be senior dental surgeon

Charles H. Davis
George E. Garrinton
Francis J. Kendrick
Ernest C. Leatherwood, Jr.
James T. Lovett
Thomas A. McDermott
George E. Mitchell
Joseph Plumbo
Dale E. Smith
Charles S. Stitt, Jr.
Lawrence E. Vankirk, J

To be dental surgeon

William F. Bird
Wililam B. Bock
Edward B. Dowd
Thomas C. Francis
Paul D. Frazier
Lester B. Hilborn
John S. Huling, Jr.
Winslow B. Lee
Rollie W. Lyman
Martin L. MacIntyre
Gerald S. Morrill
John H. Reiber
Emil L. Rigg
Glenn W. Smith
Thomas M. Tarpley, Jr.
Blair W. Thurgood

To be nurse director

Margaret F. Carroll
Meral J. Loewus
Marjorie E. Myren
Jimmie F. Poplar
Gladys M. Ray
Anastasia M. Zahler

To be senior nurse officer

Margaret M. Ahern
Invelda M. Artz
Thomas G. Carodiskey
Jean C. Casey
Elizabeth Edwards
Mary L. Lane
Jane A. Lee
Marjory E. Lewis
Audrey M. Lindgren
Agnes Malec

Elizabeth G. Hasselmeyer
Mary R. A. Kennedy
Shirley A. Middleton
Mary T. Shea
Mary B. Twiner

To be nurse officer

Jerry L. Weston

To be sanitary engineer director

William E. Bell

To be senior sanitary engineer

Paul H. Bedrosian
Albert E. Bertram
Edgar A. Jeffrey
Bernd Kahn
Dean S. Mathews
Jerrold L. Michael
Charles W. Northington
Warren F. Smith

To be sanitary engineer

James R. Buchtel
Richard A. Coddington
Donald G. Fox
John A. Frierson
Floyd L. Galpin
Joseph M. Hans, Jr.
Charles D. Larson
Rodger L. Leupold
Lee R. Lunsford
Jeremiah R. Lynch
Donald W. Mantay
Ronald A. Popkin
John T. Talty
Ronald A. Venezia
William L. Wagner

To be senior assistant sanitary engineer

Theodore Levin
Darryl D. Tyler
Ronald J. Vanmersbergen

To be scientist director

Sidney S. Chernick
Maxwell J. Wilcomb, Jr.

To be senior scientist

Adolph R. Brazis
Virgil R. Carlson
Eskin Huff
Rosyln Q. Robinson
Kenneth K. Takemoto
Ronald H. Thompson

To be scientist

Melvin J. Meketon
Frank A. Pedersen
Kenneth O. Phifer

To be sanitarian director

John H. Fritz
Morgan S. Seal

To be senior sanitarian

James A. Clark, Jr.
Edward J. Cowan
David H. Flora
John W. Greenley
Samuel W. Hoover
John E. Laplante
Arthur B. McIntyre, Jr
George Morrison
Steadman M. Overman

To be sanitarian

James M. Cox
Bobby F. Craft
Thomas A. Ford, Jr.
Richard W. Gillespie
Robert M. Hallisey
Frank W. Mackison
Wendell C. McElwee
David B. Moses
Stephen J. Pijar
Corwin D. Strong

To be senior pharmacist

Donald E. Baker
Mario C. Baratta
Bertram J. Baughman
Peter L. Bogarosh
John M. Folmer
Salvatore D. Gasdia
Albert B. Ripley
Joseph N. Salvino
Billy G. Wells

To be pharmacist

Fred Angres
Norman L. Dunfee
Wesley R. Gladhart, Jr.
John J. Lucas
Donald E. Mabry
William M. Mashburn
William A. Millar, II
Thomas B. Poux
Roger W. Tenney
Clair G. Wetmore

To be senior assistant pharmacist

Charles W. Cook
Gayle R. Dolecek
Vincent J. Fierro
James A. Keene
Daniel F. Sullivan

To be veterinary director

Frederick W. Clayton
Robert T. Habermann

To be senior veterinary officer

Thomas P. Cameron
James R. Ganaway
Robert H. Huffaker
Richard L. Parker

To be veterinary officer

George L. Clarke
Arnold F. Kaufmann
Robert G. Scholtens
William G. Winkler

To be dietitian director

Genevieve L. Casalaspro

To be senior dietitian

Ernestina Bou
Martha E. Clark
Marguerite M. Smith

To be dietitian

Elizabeth H. Allsworth
Eileen A. Murnin
Elizabeth K. Witter

To be senior therapist

Josef Hoog
Janeva I. Porter
Joseph K. Reed, Jr.
Robert N. Zimmerman

To be therapist

Douglas C. Billion
Kingsley M. Miner
Herbert R. Pruett
Ronnie E. Townsend
Frank H. Troske, Jr.
James L. Witt

To be senior assistant therapist

Robert K. Baus
Roger M. Nelson

To be health services director

Ernest G. McDaniel
Joseph A. Staton
Maria Zalduondo

To be senior health services officer

Stanley E. Crawfort
Douglas K. Hilliard
William B. Parsons
Robert M. Pennington
Francis F. Reierson
Robert J. Savard
Walter R. Sceery

To be health services officer

Robert F. Hickman
Peter E. Kauffman
William P. Kirk, II
Ralph D. Myhre
Robert A. Polcari
Roger H. Schneider
Ronald L. Shearin
Richard L. Varner

To be senior assistant health services officer

Steven A. Coppola

In the Army

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be captain

Abercrombie, Thomas, 419523734.
Aberg, Eric Thomas, 474448234.
Abney, Robert O., 373405885.
Adair, William H., 567507450.
Adams, Doye W., 224502719.
Adams, James L., 218368412.
Adams, John, 278323029.
Adams, William R., 462660103.
Akin, Kenneth A., Jr., 406560828.
Alden, William M., 456742807.
Alitz, Douglas A., 122309391.
Allen, Cornelius A., 449626574.
Allen, Ralph L., 434561461.
Allison, William F., 511367305.
Allman, Douglas D., 563549231.
Allman, Gary W., 498445132.
Alt, Emile A., Jr., 435564819.
Ames, Robert A., 065348196.
Amos, Albert R., Jr., 416503691.
Amrine, Robert M., 286369370.
Anderson, Aggrey V., 215380530.
Anderson, Dean R., 253647558.
Anderson, Martin S., 563540752.
Anderson, Norman L., 474464082.
Anderson, Randall J., 477421587.
Anderson, Robert L., 310301661.
Anderson, Stephen M., 527569791.
Anderson, Wolfgang, 535406216.
Andrae, Raymond R., 389345958.
Andrews, Andrew E., 551588258.
Ankrom, Charles B., 283323283.
Annan, William M., 213400685.
Antonoplos, David J., 171303200.
Armistead, Joseph D., 465661097.
Armour, Richard J., 064345083.
Armstrong, Henry J., 417504404.
Armstrong William, 441388089.
Arnold, Edward D., 416542266.
Arnold, Joseph C., 110349619.
Arnold, Richard L., 343321190.
Arrington, John W., 241621068.
Arrington, Theron R., 456565958.
Ashbrook, Lonnie R., 286386750.
Ashworth, Jimmy P., 459528319.
Askew, Arthur M., III, 263644226.
Atcheson, Donald W., 139325669.
Atkins, Ronald L., 509405731.
Austin, Lavern M., 543389920.
Ayers, James E., 305449522.
Bachman, Howard F., 293365384.
Bachman, James H., 316405176.
Badger, Thomas A., 225526516.
Baggett, John A., 424403332.
Baggott, Francis M., 578584639.
Bagley, Philip J., 227544945.
Bailey, Charles R., 463583164.
Bailey, Dalene G., 548542498.
Bailey, Harvey J., 446405262.
Bain, Seavy A., Jr., 239644917.
Baisden, Edward D., 267608732.
Baker, Robert G., 354342283.
Balderson, Robert A., 101349484.
Baldwin, Roger L., 286365972.
Ball, Francisco Jr., 460621298.
Ballagh, Robert S. Jr., 521444388.
Baratto, David J., 555524047.
Barnes, Charles W., 230544302.
Barnhart, Robert N., 514369403.
Baron, David V., 375380188.
Barr, Douglas H., 538386590.
Barrett, Robert E., 131283232.
Barrett, Robert W., 511404329.
Barrett, Thomas P., 423528382.
Barrie, Jeffrey E., 125309242.
Barry, David A. Jr., 068345347.
Bartholomew, Daniel, 171321562.
Bartz, Richard C., 150327385.
Bashore, John F., 454569141.
Basile, Domenic F., 209326645.
Bassett, Lionel T., 165343970.
Bateman, Billy B., 459626554.
Bates, Jared L., 060349134.
Battilega, John A., 542486542.
Batts, William M. II, 462688371.
Baucum, Tommy A., 457584430.
Baukert, Frank P., 348329154.
Bawell, Walter A., 182326047.
Bayer, William K., II, 162342976.
Beale, Richard E., Jr., 577583919.
Beall, Marshall D., 529543732.
Beasley, Clifford M., 226527290.
Bechtold, Earl E., 201320211.
Beck, William R., 216409702.
Becker, Loren L., 505403747.
Bedell, Larry L., 465621510.
Bedford, Ralph L., 030303857.
Behr, Steven, 069344795.
Beierschmitt, James, 207325931.
Beiler, George W., 175329538.
Bell, David G., 428788153.
Bell, Richard A., II, 459645548.
Bell, Robert J., 483480174.
Benavides, Gustavo, 463627830.
Bender, Michael J., 228486817.
Bennett, John L., 048326053.
Bennett, Leon L., 247705961.
Bergen, John D., Jr., 094321206.
Bergeron, Paul R., 035265996.
Bergman, David M., 440406658.
Berner, Robert L., 267602725.
Berrong, Larry B., 259649931.
Berry, Larry G., 232646927.
Besselieu, William, 261580075.
Best, Billy B., 237607912.
Best, Thomas W., 166326481.
Bettner, Steven M., 309443153.
Bianco, Charles, 032280110.
Biank, Samuel A., Jr., 161343070.
Bickel, Charles W., 308380862.
Bidwell, Robert L., 262640674.
Biege, Richard A., 285389333.
Bigelow, James E., II, 110349478.
Bills, Ray W., 529445316.
Binkley, Russell W., 515409299.
Bircher, John E., III, 162329809.
Bird, Lawrence M., Jr., 126329489.
Bischoff, Eric L., 301362050.
Bissey, Trevor E., 333348391.
Bizzarro, Richard M., 021281068.
Black, Bruce R., 261624978.
Black, Gorham L., III, 539409791.

Black, Jerry L., 303387150.
Black, Robert G., 253545519.
Blackwell, James R., 453560698.
Blakely, William M., 255602468.
Blanks, John R., Jr., 252643976.
Blaylock, James R., 484369848.
Bloodhart, Raymond, 567563768.
Bloomfield, Kenneth, 373360668.
Bluhm, Raymond K., 354325474.
Bobar, Robert L., 019324003.
Bock, James W. E., 289309607.
Boesch, Carl R., 036264625.
Boettcher, Wolfgang, 46645660.
Bohm, John A., 381388249.
Bohnak, Anthony J., 355349610.
Boley, Steven K., 532406624.
Bombel, George A., 527485002.
Bond, Leroy M., 50242901.
Bonine, Larry S., 409606923.
Booher, Samuel W., 195327311.
Boone, Howard E., 460669644.
Booth, Clinton A., 033282851.
Bordenet, John P., 537381386.
Born, Howard P., 225529394.
Boroff, Michael A., 363405079.
Boterweg, Conrad II, 256602273.
Boukalis, Peter C., 187322733.
Bourgault, Bruce A., 533386661.
Bowen, Dennis M., 495980024.
Bowen, Jerry W., 429788828.
Bowman, Gary F., 518409969.
Bowman, Thomas E., 226542417.
Bowman, Thomas E., 161341366.
Boyd, Clinton B., 457707389.
Boyd, Gary A., 544466239.
Boyd, Hugh F., III, 230549697.
Boyd, Joel D., 448388820.
Bradley, John, 113343890.
Brake, Perry F., 534384297.
Bramlett, David A., 561589889.
Bramlette, Larry J., 574144114.
Branch, David D., Jr., 219264171.
Branch, William A., 142344893.
Brandon, James C., 411642504.
Brandon, Ramey J., 456660231.
Brauch, Gilbert M. F., 243606015.
Bray, William G., Jr., 448360995.
Brazee, Frederick E., 231546169.
Brennan, Mark F., Jr., 230542966.
Brett, Thomas H., 228563604.
Brewer, Lance O., 450582579.
Brewer, Larry K., 452641551.
Bridgewater, Gary L., 495402723.
Brierly, William F., 423525977.
Bright, Willard R., 250563413.
Brinkman, Edward P., 113323829.
Brodsky, William M., 144324398.
Brogdon, James M., II, 442364239.
Brokaw, Milton J., 231525754.
Brominski, Emil J., 360326509.
Brosnahan, Patrick, 342262994.
Brown, Charles Q., 457563836.
Brown, David R., 257563127.
Brown, Gerald C., 006369394.
Brown, Harvey E., 446427311.
Brown, James F., 418505593.
Brown, Robert B., 234641670.
Brown, Roger J., 066323106.
Brown, Thomas E., 150308437.
Brown, Victor A., 256628679.
Brown, William C., 442380735.
Brown, William C., 245680045.
Broyles, William L., 19380267.
Bruce, Robert J., 001303102.
Brucker, Willis H., 079346505.
Brunner, George S. N., 459645069.
Bryan, Edward R., III, 247628333.
Bryan, Hardy W., III, 265583383.
Bryan, Larry A., 512420823.
Bryce, Ronald H., 571501782.
Buchly, Howard L., 525929672.
Buchta, Bernard R., 507521738.
Buckley, Kurt F., 566562258.
Buckner, Roy C., 117324092.
Buehler, Christian, 216384327.
Bugielski, Dennis E., 338344292.
Bullard, Charles N., 431607951.
Bureili, Robert C., 167344389.
Burke, James W., 254563466.
Burke, John C., III, 492441031.
Burkett, Lawrence A., 283364082.
Burney, Samuel M., Jr., 565569492.
Burrell, Victor F., 247749238.
Busbee, Walter L., 252547577.
Butcher, James D., II, 314409404.
Butler, Charles A., 492380853.
Butler, Francis P., 214425793.
Byers, Ronald W., 366367999.
Byrd, Wayne W., 417567901.
Byrkit, Richard D., 348286939.
Cademartori, James, 015304828.
Cadigan, Peter Y., 007365051.
Cady, Donald F., 146329209.
Cagle, Daryl R., 450581098.
Caldwell, Milton L., 257505601.
Camp, Terrence J., 184347687.
Campbell, Delwin M., 493445191.
Campbell, James L., 178328282.
Canady, Morgan E., 420508445.
Carawan, Larry B., 240603446.
Cardinali, Richard, 037241675.
Carle, James F., 445442329.
Carlotti, Stephen J., 038266685.
Carlson, Albert E., 555544006.
Carlson, James R., 532382303.
Carpenter, George A., 121328699.
Carpenter, Thomas B., 439547055.
Carson, James M., Jr., 110349624.
Carter, Edward E., 241588920.
Caruso, Joseph G., 144301239.
Cary, John R., 410648670.
Case, Melvin E., 215385851.
Casey, Bernard J., 037261884.
Cate, Paul E., Jr., 410688871.
Cauble, John M., 530247999.
Caudill, Watson G. Jr., 579541338.
Cavanaugh, Edward W., 256546247.
Cavedo, John R., 229486070.
Cebula, Joseph A., 167302426.
Cecchine, Gary A., 161349670.
Cembor, William G., 140327007.
Cesarski, William V., 145346332.
Chadderdon, Robert, 284343529.
Chambers, Howard L., 266521176.
Chandler, Rual M., Jr., 265581440.
Chapman, James H., 523505549.
Chapman, Jesse L. R., 442422773.
Chapman, Keith E., 492400377.
Chapman, Thomas W., 303449429.
Charbonneau, Maurice, 003309186.
Charlesworth, Russell, 160327548.
Charlton, Darrel T., 517404124.
Charron, Leo D., Jr., 044322908.
Chase, Michael T., 572544823.
Chastain, William M., 461605555.
Cherry, John E., 262566853.
Chescavage, William, 110349578.
Chien, Kenneth, 103325511.
Chilcoat, Richard A., 212360462.
Childress, Richard, 280364152.
Chirichigno, Luis G., 61661623.
Chirico, Frank M., 267540424.
Chmielak, Jerome A., 110349642.
Christensen, Alan N., 253646783.
Christensen, David, 542425045.
Christensen, Marth, 394402601.
Chubb, William A., 277385596.
Church, Billy R., 413608308.
Cidras, Joseph M., 128326532.
Ciz-Madia, Joseph, 288361427.
Clark, Marion F., II, 267566546.
Clark, Ray K., 447361072.
Clark, Solomon C., 259506479.
Clausen, Linden E. Jr., 538382381.
Clayton, Robert O. Jr., 418522423.
Clearwaters, Boyd L., 532402746.
Cleveland, Russell, 561609498.
Coakley, Stephen, 023323034.
Cobbs, James S., 419527350.
Coburn, John G., 364383232.
Coester, Jan W., 491402667.
Coke, Alfred M., 426804244.
Colburn, Neville, 575421657.
Coleman, Fredrick W., 578541234.
Collins, Charles E., 218403940.
Collins, David R., 454609751.
Collins, Francis J., 034307045.
Collins, Ronald S., 130327984.
Collyer, Douglas C., 385400166.
Compton, Otha H., 414668718.
Condon, Thomas B., 017327943.
Confer, Kenneth T. Jr., 193300796.
Conley, Manuel A., 328309797.
Conner, Vernon L., 304369808.
Connolly, Robert B., 267546692.
Connor, William M. Jr., 575422772.
Conrad, Joseph C., 037263460.
Cook, James H., 408723818.
Cook, Michael R., 490467861.
Cooke, Harold L., 460580727.
Cookinham, John L. I., 038267152.
Cooper, Norman G., 220403158.
Cope, John A., Jr., 040343971.
Copes, Ronald A., 048306236.
Coppedge, Raleigh E., 459586597.
Coradine, Arthur J., 145303292.
Corbett, David A., 432765828.
Corcoran, Edward J., 219385822.
Corey, Joseph J., Jr., 016306305.
Corley, Bruce R., 226502469.
Cornell, James E., 099321540.
Corrigan, Dennis M., 151309158.
Corrigan, Robert E., 226564525.
Coschignano, Maximi, 157284429.
Cothren, Sanford D., 430729542.
Couch, Jacob B., Jr., 418543528.
Cousins, Lawrence F., 257664847.
Couture, Paul E., 046321476.
Covalucci, Robert J., 011327130.
Covington, Terrell, 247665703.
Cowgill, Perry B., 215387193.
Cox, Jimmy D., 458606109.
Cox, Walter T., Jr., 247662110.
Coyner, William L., 233563531.
Craig, David B., 447381136.
Craighill, Robert R., 009284141.
Cramer, Walter E., II, 260561791.
Crawford, William C., 490466597.
Crissman, Kearney W., 110349625.
Critchfield, John B., 260585258.
Crites, Richard J., 299382345.
Cromartie, George D., 242602252.
Croom, Oliver L., Jr., 241649953.
Cross, Edwin L., Jr., 126349741.
Cross, Ronald M., 110349623.
Crouch, William W., 530264224.
Crowder, Lewis H., 429783133.
Crummey, Peter F., 044304004.
Culp, Dennis K., Jr., 571541155.
Culp, Sidney T., 449668883.
Cummings, Francis J., 047326755.
Cunneen, Dennis M., 342321082.
Cunniff, Schuyler N., 095308858.
Cunningham, David A., 127321628.
Cunningham, Thomas, 110349640.
Cunningham, William, 512405011.
Curran, John R., 224544207.
Curran, Thomas M., 474440973.
Curtis, Danny D., 485508882.
Cushing, Kerry B. M., 213402038.
Cusick, John J., 196324700.
Cutshaw, Charles Q., 423527466.
Dahl, Gary M., 501443719.
Dalton, Robert B., 226444659.
Daly, Thomas H., Jr., 322328652.
Dandridge, Harold T., 495464735.
Daniel, Eugene L., 457600604.
Darrow, John H., 110349581.
Dash, Michael E., 564587639.
Daugherty, James R., 474429956.
Davis, Garry L., 517383385.
Davis, Larry J., 422603321.
Davis, Richard W., Jr., 424547243.
Davis, Stewart P., 226565769.
Davis, Walter W., Jr., 491461735.
Davison, Michael S., 422547141.
Davy, Douglas C., 257641228.
Daxe, Arnold, Jr., 052322694.
Day, James R., 375385072.
DeCaro, Francis R., 016304171.
DeGon, Kenneth M., 122324047.
DeHart, Wallace K., 306424121.
DePalo, William A., 155304137.
DeVivo, Ronald C., 028281102.
Dean, Charles M., 135325512.
Dean, David E., 134305971.
Dean, Wallace R., 006380869.
Dean, William R., Jr., 254582506.
Deane, Peter J., 031284183.
Decoteau, Glynn T., 435600062.
Deka, David J., 304441471.
Delp, Steven P., 164340878.
Dent, Dewitt R., 257489903.

Denton, Jesse H., 441368282.
Deputy, Thomas M., 308427596.
Derrah, Donald W., 004407928.
Deter, Daniel E., 412649260.
Dethorn, John R., 140326335.
Dewitt, Emmit D., 435502126.
Dexter, Richard P., 361326521.
Dexter, Thomas H., 297362069.
Di Lizio, Stephen, 197324125.
Dobbs, John R., 499425014.
Dodson, Richard M., 493427129.
Doerfler, Donald W., 313345389.
Doering, Archie M., 504500723.
Dollar, William M., 260622261.
Domas, George J., Jr., 433601380.
Donaldson, Guy II, 423504048.
Donnelly, Joseph J., 056340216.
Dooley, Thomas F., 012305005.
Dorton, James M., 419548783.
Dow, Thomas M., 131301172.
Downey, James P., 209285727.
Doyle, David E., 458607686.
Draper, Jerry Y., 230463238.
Draper, Stephen E., 110349580.
Drexler, Arthur J., 203329282.
Drinkard, Thomas R., 421547423.
Duble, Kirk H., 143320636.
Duda, Robert J., 158344478.
Due, William F., Jr., 459505169.
Duerr, Hans, 226506195.
Duffy, George G., 477444786.
Duggan, Robert M., 230440328.
Dunlap, David W., 568607927.
Duplessis, Troy L., 437625597.
Durbin, Harlin N., Jr., 446407299.
Durfee, Thomas J., 498448266.
Durgin, Peter., 006389222.
Dye, Carl Ecolaiva, 110349643.
Dykes, Andrew A., 076349894.
Efird, Crayon C., 110349618.
Egan, Peter F., 149328379.
Ehrlich, Martin L., 096321088.
Eichenlaub, Alfred, 170342725.
Ekvall, Charles J., 415660518.
Elder, James H., 466706581.
Eliades, Milton L., 265567676.
Elliott, Randall T., 265564385.
Ellison, John S., 359344577.
Elson, Peter M., 293369649.
Ely, Douglas C., 231526982.
Emigh, Donald B., 519467606.
Erdmann, Thomas J., 390409165.
Erickson, Richard, 275361322.
Estep, James L., 255629341.
Eudy, Spencer M., Jr., 453508787.
Evans, Daniel M., Jr., 097347487.
Evans, Richard F., 111280410.
Everngam, Michael H., 219365093.
Faddis, Roy J., 052349549.
Fairman, Larry L., 500406906.
Falkenrath, James H., 397388364.
Feddo, Peter A., 093327101.
Feliciano, Jose R., 118300153.
Felis, Owen J., 423502812.
Fernandez, Carlos M., 260607838.
Ferry, Bernard A., Jr., 018327127.
Fillingame, Billy W., 427829185.
Findeisen, Edgar J., 460667730.
Finger, George H., 183323550.
Finno, Roy S., 092342126.
Fiore, Leonard A., 029308640.
Firestone, Dennis E., 496444188.
Fischer, Ronald E., 231567801.
Fishback, David M., 525786879.
Fisher, George A., Jr., 238644034.
Fitch, John A., 403509514.
Flint, Charles K., II, 450669461.
Flippo, Dean D., 372423698.
Floody, Harold V., 038241571.
Fly, Francis L., Jr., 415642643.
Flynn, Harold D., Jr., 560564378.
Foley, William J., 137324254.
Ford, David R., 485427348.
Ford, Thomas J., Jr., 264602279.
Fore, Calvin R., 432769581.
Forepaugh, Vance B., 168329676.
Forrest, Gerald B., 005444889.
Forrest, Harold R., 448369587.
Fortunato, Edward T., 051364093.
Foster, Joe B., 259580086.
Foster, Robert B., 441426594.
Fournier, Joseph Le, 004406342.
Foutter, Richard R., 020280494.
Fox, David W., 234602441.
Foye, David M., 244644900.
Fracker, Stanley S., 376429756.
Fraley, Robert W., 248684458.
Francisco, John R., 339342997.
Franklin, Robert B., 525786491.
Franklin, William W., 426845788.
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Fraser, George D., 009285764.
Frazee, Robert M., 475423967.
Frazier, Thomas J., 458641727.
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Freund, Robert J., 20389193.
Friday, Vernon W., 447348812.
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Fritz, Allan J., 141343533.
Fritz, Stanley G., 352263395.
Frye, Richard H., 478382501.
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Fuller, Edwin A., 041344443.
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Fulton, James G., 186324409.
Futernick, Allan J., 132328277.
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Galster, Robert W., 213385119.
Gamble, Stephen J., 101320647.
Gambolati, Ronald L., 043322294.
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Gardiner, Jan P., 217387050.
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Garnett, Bruce M., 226544725.
Garris, Jack R., 255728608.
Garrison, David C., 494400648.
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Gibson, William D., 516428451.
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Gleszer, Peter E., 575420777.
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Gray, Richard L., 576401199.
Gray, Sam A., 445387533.
Green, Gary A., 464623698.
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Greenwald, Donald P., 391364105.
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Gregson, Robert M., 536402132.
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Kessel, Mark, 065320352.
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Kidd, John C., II, 256603481.
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Kotouch, James H., 278367244.
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Kratz, Paul J., 529525231.
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Kugler, Roger K., 539329243.
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Lamkin, Fletcher M., 110349472.
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Latimer, David M., Jr., 249684153.
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Leavitt, Thomas P., 034326324.
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Lee, Dwayne G., 454567368.
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Legare, Ben W., Jr., 224525960.
Legare, Francis Y., 230488896.
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Leigh, Fredric H., 294346977.
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Morin, Dennis L., 511427067.
Morris, Alton D., 452603427.
Morris, Charles Thompson, 263569399.
Morris, John F., 406567252.
Morris, William G., 226526861.
Morrison, Ronald E., 399384155.
Morrow, Garcia E., 009285887.
Morse, Michael M., 458586694.
Mortimer, Stanley M., 432821772.
Morton, Hugh P., 312349851.
Moser, John T., 459627806.
Moss, Jackson S., III, 449701398.
Moss, Jesse, Jr., 462603577.
Moss, Robert V., 563589249.
Mountz, Robert E., II, 304382092.
Mouris, Paul C., 048327536.
Mowe, Stephen F., 347321102.
Mozden, James P., 121345511.
Mudarra, Pedro M., 266623936.
Muir, James I., III, 161325746.
Mullins, Cager W., 429723130.
Munera, Antoin, III, 580869964.
Muratti, Jose A., 215409031.
Murdy, William F., II, 464661326.
Murray, David J., 464688840.
Murray, George T., 526389777.
Murray, John F., 258643611.
Mycock, James S., 044282213.
Myers, Jesse W., Jr., 240643325.
Nahas, Nicholas M., 110349481.
Nash, Kenneth H., 509381358.
Naylor, Robert H., Jr., 426849859.
Neeb, Randall, 094340118.
Needham, Thomas H., 022323854.
Nevers, David G., 126324974.
Newkirk, Louis T., Jr., 266588399.
Newman, Jerrol M., 458608983.
Newman, Ray D., 439589632.
Nichols, Harwood S., 226562591.
Nieman, Lowell T., 496559360.
Niemczuk, John N., Jr., 143309131.
Niford, Chester R., Jr., 474489924.
Nischwitz, John A., 490463948.
Noble, John A., 253541630.
Nolan, William K., 461520101.
Nolte, Juergen, 452664543.
Norman, Neal E., 333309969.
Norris, Donald G., 441443132.
Norris, Ronald A., 032302236.
Nosker, James F., 212408112.
Novack, Conrad A., 379388086.
Nowak, Richard A., 032304387.
Nunemaker, John E., 269329994.
Nunn, Jack H., 509427819.
Nunnally, Robert A., 446385641.
O'Brien, Charles J., 075328492.
O'Brien, Daniel T., 472460779.
O'Brien, Lewis B., 728128426.
O'Brien, Thomas J., Jr., 374381827.
O'Brien, William A., 288386679.
O'Connor, Dennis J., 247523957.
Odom, Ronald G., 058324555.
O'Donnell, James E., 125323859.
O'Donnell, Robert M., 263607126.
O'Ehrlein, Richard V., 110349479.
O'Hall, Carl J., 048585297.
Olmstead, James L., 366445267.
Olszewski, Walter A., 202328424.
O'Neal, Douglas P., 571540555.
O'Neil, James W., 535406048.
Orell, Seth R., 525964412.
Orndorff, Christoph, 404569195.
Orr, Robert H., 165321331.
Orsini, Fuldo E., 042327455.
Osborne, John S., 404543022.
Ostertag, William J., 136328347.
Otjen, John P., 390380891.
Oxford, Barry T., 451608405.
Pachler, Francis T., 226540952.
Pagonis, William G., 182327343.
Pahris, James M., 252588324.
Painter, Dan H., 218388663.
Palm, Harald E., Jr., 187321609.
Palmer, Allyn J., 110349469.
Palumbo, Guy B., 051364850.
Paris, Howard S., 131288488.
Parker, Arthur E., 089323139.
Patch, George E., 156325217.
Pate, Francis M., Jr., 443409740.
Paterson, Theodore B., 532389983.
Patterson, Alexande, 255642456.
Patterson, Michael, 284343771.
Payne, William B., 236607572.
Peck, Millard A., 298342663.
Peckett, Jack E., 094341157.
Pedersen, James H., 329343127.
Peeler, William R., 548508916.
Pelfrey, Kenneth R., 274320552.
Pells, Russel K., 214382532.
Pendleton, Richard, 180300982.
Peters, Donald G., 495460145.
Peters, Frederick, 434580221.
Peters, Joseph F., 504481653.
Peters, Roosevelt, 439603416.
Pettit, Roland L., 258648825.
Pezzillo, Frank M., Jr., 162347516.
Pfeiff, William P., 507525004.
Phelps, Harvey A., 049346389.
Phillips, Frederick, 194309953.
Picard, James D., 465607276.
Pickett, George E., Jr., 419584962.
Piersall, Grady C., 520425262.
Pierson, James Terry, 537383993.
Pierson, John C., 409681558.
Pignato, John C., 033261878.
Pigue, Larry M., 429584057.
Pinsky, Martin J., 171344794.
Pinson, James W., 249747845.
Pitt, Alan B., 470445382.
Pittman, James T., 110349655.
Pittson, Eugene R., 536383716.
Plaut, Peter K., 141363419.
Poage, William H., 497446752.
Pocreva, Michael A., 173324711.
Polliard, John C., 449660499.
Pongonis, James A., 24280646.
Poole, Barry G., 406547697.
Pope, Frederick M., 397381473.
Popham, Roger E., 261624840.
Popp, James L., 393362459.
Porch, David B., 2626217334.
Potochny, Richard, 170324805.
Potter, Clifton A., 451607605.
Powell, Robert B., 223569245.
Power, John R., Jr., 023309745.
Powers, James W., 110349528.
Pray, David E., 316367785.
Premo, David D., 390342420.
Price, Jerry C., 458068581.
Price, John S., 110349527.
Priest, James H., 421561031.
Pritikin, Frederick, 339360674.
Prokopowicz, John H., 052325567.
Propp, Carl R., Jr., 537381751.
Prothero, Michael B., 527521054.
Przybylski, John J., 214402527.
Pulsts, Peteris, 097325743.
Pulver, William C., Jr., 383342561.
Quann, Brendan T., 102320677.
Quinones, Joseph M., 079304237.
Quintrell, Wallace, 255626155.
Rast, Thomas E., 233620930.
Rayburn, James L., 417563048.
Readling, Charles W., 245548251.

Reaves, Donald W., 430785090.
Redish, Stephen, Jr., 197283786.
Redmond, James P., 122329851.
Redmond, Robert C., 191308306.
Reed, Burwin P., Jr., 453567422.
Reed, Ira M., Jr., 500429844.
Reed, Podge M., Jr., 437607228.
Reese, Thomas R., 110349470.
Reese, Thomas S., 214363921.
Regner, John C., 330329922.
Reich, Robert M., 195324999.
Reid, Michael J., 226528634.
Reilly, Philip H., 042343823.
Renfro, Don L., 463605120.
Rerecich, John A., 061329532.
Reth, Thomas B., 067328772.
Revie, Charles D., 260627117.
Reynolds, Mack D., 422445834.
Reynolds, William J., 295343074.
Rezek, Ronald E., 342347208.
Rhame, Thomas G., 434649086.
Richards, James A., 555480591.
Richards, John L., 077345369.
Richardson, Edwin W., 062329530.
Richardson, Lawrence, 059348112.
Richardson, Obrene, 407542788.
Riley, Daniel C., Jr., 416520513.
Riley, Richard D., 298320301.
Rintamaki, John M., 371423468.
Rishell, Donald C., 206307671.
Ritter, James W., 402443425.
Robbins, Bryan L., 428806721.
Robbins, John E., 425883963.
Roberson, Carlton F., 257581521.
Roberts, Alfred H., 307360820.
Roberts, Donald B., 448388924.
Roberts, Norman L., Jr., 419507285.
Roberts, Thurman M., 217383261.
Robertson, Jarrett, 495461459.
Robertson, Michael, 462546998.
Robertson, William, 110349630.
Robinson, Cleo W., Jr., 496444582.
Robinson, John S., 251583251.
Robinson, Karl W., 228543400.
Robinson, Robert R., 529584442.
Robison, Arthur C., 283345056.
Roby, Edward F., 082345519.
Rocco, Domenic P., Jr., 163303015.
Roche, Robert, 028325935.
Rodgers, Roland F., 210321954.
Rodriguez, Arturo, 582589651.
Roerty, Dennis F., 154325380.
Roesler, David E., 503484147.
Rogan, Donald M., 119307126.
Roller, Barry J., 135325565.
Roller John F., Jr., 170323030.
Rooker, Lester W., 427761740.
Ropp, Robert H., 250542243.
Rosenstock, Louis A., 223548633.
Rosenthal, Sidney D., 459661038.
Roskowski, Raymond, 145326174.
Rosson, Allen K., 515366541.
Roths, Melvin L., 509365197.
Rovansek, Raymond J., 521502861.
Rudy, James J., 127305506.
Rush, Wayne A., 549542636.
Rusnak, Terrence J., 327362574.
Russell, W. Arthur, Jr., 086327977.
Russo, Alan M., 147322358.
Rutland, Jackie E., 462506033.
Saffold, Albert W., 228541226.
Salzer, James R., 520484848.
Sam, John R. E., 228543619.
Samuels, Charles W., 413662039.
Sanborn, Robert L., 009283713.
Sanchez, Washington, 266620984.
Sanders, John D., 518427189.
Sanders, Ross I., 412703053.
Sanderson, Michael, 226562645.
Sanford, Teddy H., Jr., 576464079.
Santone, Karl L., 303345690.
Sarantakes, John E., 450605539.
Sarratt, Robert R., 248706604.
Sasser, Howell C., 261444832.
Sauter, Fred E., 328340840.
Savoy, Wallace J., 434549975.
Sawyer, David R., 011302348.
Sayers, Larry L., 485523321.
Scannell, Michael J., 019323513.
Scarboro, James H., 262545107.
Schaaf, Clifford C., 491448330.
Schaefer, Dennis W., 369422517.
Schaible, Dennis J., 298341701.
Schandl, John, 018303229.
Scharff, Ronald E., 519440151.
Scharnberg, Ronald, 432741711.
Schiek, Robert A., 179346518.
Schillo, Edward C., Jr., 204308487.
Schmeelk, Peter F., 110349498.
Schmidt, Ernest R., 340306491.
Schodowski, Leonard, 363409958.
Schoening, Klaus D., 249668224.
Schoonover, James F., 525941240.
Schou, Dirck T., 104349410.
Schramm, James D., 371409903.
Schroeder, James M., 361306739.
Schucker, David R., 208302027.
Schwartz, Thomas M., 230563974.
Schwartz, Wayne E., 568503337.
Schwartz, William W., 579504124.
Scotnicki, John P., Jr., 202324179.
Scott, Billy L., 428709370.
Scott, James T., 463682186.
Scott, Richard P., Jr., 162323955.
Scott, William A., 519387863.
Scussel, James T., 527586747.
Seeber, Joseph G., 098329212.
Seelig, Louis C., 092347417.
Seely, William H., II, 560565662.
Segler, Roger L., 442425419.
Seiler, Dennis L., 195324645.
Seip, Walter L., II, 160341808.
Sellers, Tony M., 463509608.
Senkus, Neal J., 238609296.
Sepanski, Stephen J., 118325919.
Sessums, Robert B., 428783704.
Setikas, Algimantas, 123324631.
Seybold, Calvin C., 351343231.
Shaler, Michael D., 564509043.
Sharpe, Gerald W., 521569552.
Shaughnessey, Peter, 525882421.
Shaw, Dallas A., 266483133.
Sheak, Jack C., 178327576.
Sheehan, Richard F., 014303671.
Sheffield, Sherwood, 460461649.
Sheffield, William, 247664381.
Shelton, Henry H., 240684698.
Shepherd, David A., 270380628.
Sherburne, John R., 457627503.
Shields, John E., 558449472.
Shive, Donald W., Jr., 110349525.
Shoemaker, David J., 226582192.
Shoemaker, Philip H., 189329936.
Sholly, Robert H., 460583110.
Shore, Christian M., 528544241.
Shuler, Lucius, Jr., 157288672.
Shumway, Walter A., 265522768.
Sielinski, Peter E., 033302603.
Sierra, Michael J., 461603491.
Sills, Kenneth F., 374407041.
Simmons, Earnest L., 239602706.
Simmons, Richard P., 236643975.
Simpkins, Dale L., 328300626.
Sims, Eddie R., 410604077.
Sinclair, Robert B., 419549232.
Singer, George D., 531409974.
Singhaus, Robert L., 294347250.
Sisco, Bruce L., Jr., 089322392.
Slabaugh, Bryce L., 304385207.
Slagle, Benny L., 451526228.
Slayton, A. G., 431564061.
Sligar, Norman F., 519381418.
Smay, Donald R., 185340224.
Smith, Bruce E., 003304434.
Smith, Cecil C. W., 248620879.
Smith, Charles T., 433620238.
Smith, Charlie W., 254600602.
Smith, David D., 498427241.
Smith, Freddie G., 284342180.
Smith, George F., 436580036.
Smith, James L., 530226979.
Smith, James W., 458680735.
Smith, Ray T., 542425340.
Smith, Richard G., 433589471.
Smith, Robert H., 457640414.
Smith, Walton N., 256645167.
Smith, William B., 490404802.
Snider, Thomas H., 289344249.
Snodgrass, Wilder M., 254461480.
Snow, Joseph T., 015324046.
Solomon, Steven R., 175323219.
Sonricker, William, 451608730.
Sorensen, Kenneth C., 529500344.
Sornson, Roger L., 479404242.
Soron, Vitold J., 129326872.
Sorrentini, Hector, 258686610.
Spagnoli, Joseph B., 203305856.
Sparkman, Ira H., 412665035.
Speedy, John C., 110349626.
Spells, John D., 248727277.
Spinosa, Ray D., 021327531.
Spohn, David B., 161345617.
Sprague, Kenneth E., 528469155.
Stafford, Billy W., 286363265.
Stanford, James E., 427726551.
Stanger, Rodney T., 431806766.
Stanko, John R., 187346369.
Stanton, James W., 058325546.
Stapleton, James B., 093323220.
Steadman, Robert P., 411624523.
Steinberg, Barry P., 223544505.
Steiner, Frederick, 422488079.
Steinmetz, Karl, 294340248.
Stephens, Charles D., 419522770.
Stephens, Jeffrey L., 215409115.
Stephens, Robert F. 205285773.
Stephenson, Francis, 426848409.
Stephenson, Hartwel, 228467286.
Sternberg, Ben, Jr., 110349494.
Stewart, Donald P., 290343822.
Stewart, George D., 463584517.
Stewart, Robert L., 27900242.
Stewart, Thomas W., 530222453.
Stiglich, Gerald F., 387400597.
Stisitis, Robert P., 044326676.
Stock, Mark W., 465662190.
Stocker, Ralph F., 363384102.
Stone, Edmund C., III, 233660938.
Stone, Frank D., 415648874.
Stone, Haskel P., Jr., 234661104.
Stonecipher, Roy L., 526465760.
Strassburger, Gusta, 390364576.
Stratton, John W., 012323263.
Stringer, Hugh L., Jr., 262621293.
Strom, Roger C., 519409194.
Strommer, Mathias A., 297360340.
Stubbs, Richard C., 248647446.
Studdard, Walter C., 420541233.
Stunkard, Larry E., 346322468.
Suddath, James F., 063349596.
Sullivan, Darr F., Jr., 249685966.
Sullivan, David E., 479383554.
Summerfeldt, David, 136308924.
Surgent, Joseph R., 147323252.
Sutcliffe, Edwin H., 037264157.
Sutton, Boyd D., 230544227.
Sutton, Melvin J., 233666299.
Sweet, Worth A., Jr., 238580121.
Swink, Terry E., 413626991.
Sylvester, Louis A., 423503097.
Szymanski, Ronald F., 143328052.
Tanaka, Richard M., 518441205.
Tanner, Kenneth P., 262545715.
Taylor, Edwin L., 534305713.
Taylor, Erle A., Jr., 241664156.
Taylor, Frederick C., 005409711.
Taylor, John M., Jr., 256526506.
Taylor, John R., 255627746.
Taylor, John W., Jr., 140349722.
Taylor, William E., 375404071.
Tazik, Cyril M., Jr., 327363976.
Tedesco, Vincent J., 056341066.
Terrell, Richard H., 454588166.
Terry, Robert B., Jr., 253667457.
Tetu, Robert G., Jr., 230547411.
Thackston, Bruce J., 089342520.
Theriault, Alfred J., 036260123.
Therrell, Brock M., 413681621.
Thomas, James M., 118301698.
Thomas, John S., 448424684.
Thomas, Robert M., 498428590.
Thomas, Thomas N., 391384248.
Thompson, Fred B., II, 254583480.
Thomson, John M., 140304972.
Timian, Robert C., 391429416.
Tivol, Edwin A., 495425303.
Todd, Timothy O., 542385211.
Togashi, Theodore I., 576386323.
Tomlin, James E., 459628104.
Toney, Elijah, 219383288.
Totten, Michael W., 008325617.
Tower, Jonathan R., 071349851.
Tracz, William J., 083343495.

Trapnell, Franklin, 559543617.
Tratensek, Milivoj, 327328403.
Traylor, John A., 252664848.
Trifiletti, Anthony, 272367320.
Trimble, Richard S., 545485565.
Trimble, William L., 009324921.
Tripler, David J., 367424018.
Truesdell, John C., 149323529.
Tschanz, Arnold T., 067343026.
Tsutsui, Setsuo, 575347082.
Tubb, Albert H., 425800339.
Tucker, Edwin H., 525985932.
Tugwell, Tyler, 220407139.
Turchiano, Nicholas, 067345326.
Turcotte, Paul J., 024304110.
Turner, Lewis T., 299467767.
Turner, Richard W., 494445828.
Turner, Vance L., 500341091.
Tuttle, Herbert M., 039248475.
Tyson, Robert K., 166301611.
Uecke, John W., 444409416.
Ullman, Donald F., 113320839.
Underwood, Alan K., 509408855.
Usrey, Elgan H., 415620800.
Vail, Leslie B., Jr., 157309143.
Valentine, Kit J., 219386041.
Van Newkirk, William, 218402981.
Van Steenburg, Robert, 267608570.
Vance, John D., 402546657.
Vander, Naald James, 104320082.
Vaughan, Herbert G., 551563415.
Vaughn, James C., Jr., 247689450.
Vaught, John L., 306385607.
Veen, Robert A., 502404875.
Velezis, James A., 049281211.
Verdel, Thomas H., II, 426786447.
Vernon, Edwin T., 423440042.
Verrier, Thomas L., 014307963.
Viall, Charles C., Jr., 036266332.
Vilcoq, Paul M., II, 452663319.
Villasenor, Antonio, 525823287.
Vititoe, John N., 403545153.
Vlasak, Walter R., 292343216.
Vlk, James F., 302369502.
Voelz, James H., 394381311.
Vonderahe, Thomas A., 276360417.
Vondruska, George B., 281369854.
Vooys, Daniel F., 114341094.
Wade, David C., III, 241647240.
Wagner, Frank J., Jr., 227466980.
Wahl, William E., 521564580.
Waldrop, Kenneth M., 456648564.
Walk, Gary J., 110349636.
Walker, Clyde E., 274405112.
Walker, Patrick E., 442440691.
Walker, Richard B., 307386738.
Wallace, James C., 534409539.
Walters, Robert J., 226542210.
Wamsher, Richard C., 516405036.
Ward, Franklin M., 221240376.
Ward, John H., 110349486.
Wargo, Peter M., 545569457.
Warman, Cletis M., 429764931.
Warner, Jeffrey K., 110349490.
Warner, John D., 267605701.
Warner, Westford D., 230502446.
Warren, Dennis M., 430689437.
Warvai, Harold E., 101321594.
Wass de Czege, Huba, 263621074.
Watkins, George H., 531387125.
Watson, Gordon E., 521568560.
Watson, Raymon L., 447405490.
Watson, Wyckliffe T., 251626325.
Watz, James H., 075340020.
Wauford, Raymond J., 415621261.
Weary, Robert W., Jr., 164302919.
Weathers, Robert L., 402561716.
Weaver, John W., 231469864.
Weaver, Noel L., 450505363.
Webb, Alfred N., Jr., 110349513.
Weber, Gary L., 466648202.
Weber, John P., 208322879.
Weeks, Henry T., 052842296.
Weigand, James R., 260360351.
Weisel, Stephen L., 080349672
Weisman, Donald E., 303445444.
Welte, Ronald F., 564560018.
Wengert, Walter D., 099327956.
Wenners, Edward B., 033280694.
Werner, Gerald C., 390384440.
Wernert, Joseph G., 284383581.
West, Arthur L., III, 446403961.
Westfall, Grover D., 448380116.
Wettack, John T., III, 510407680.
Wharton, Richard W., 226466750.
Wheeler, Wayne R., 016320477.
Whipple, Robert E., 027309540.
Whitaker, James P., 467626571.
Whitcomb, Richard G., 537381944.
White, David E., 500409699.
White, Ernest K., Jr., 111305108.
White, George C., III, 139320835.
White, Lowell, 267520549.
White, Steven L., 267601215.
Whitehorne, Joseph, 003320626.
Whitney, Douglas W., 521469165.
Wicks, Bruce J., 033308376.
Wiener, William, 098324865.
Wigdahl, Leroy C., 502408651.
Wikan, Michael E., 110349524.
Wilde, Gary D., 534383663.
Wilde, Ronnie L., 458641729.
Wiley, David D., 543463141.
Wiley, Howard L., 007387395.
Wilkerson, James V., 459541055.
Williams, Albert C., 110349512.
Williams, Gene R., 532329365.
Williams, George M., 291367199.
Williams, Oler P., Jr., 431763286.
Williams, Richard G., 110349628.
Williams, Rowdy L., 441385547.
Williams, Walter L., 555488008.
Williams, William J., 258482061.
Williford, Sherman, 224503744.
Willis, Edward J., Jr., 106345494.
Wilson, George E., 097264293.
Winarski, Stanley T., 142303786.
Wing, Raymond A., 007407113.
Winmill, John I., 028285456.
Winslow, Wendelin W., 537368622.
Winston, Albert P., 444360813.
Winters, David R., 164320360.
Winton, Harold R., 110349629.
Wiser, James W., 400544505.
Wishart, Ronald K., 154322248.
Wissinger, Thomas R., 166345740.
Wolfson, Joel, 011286143.
Woodbury, Kenneth M., 044328153.
Woods, Jackie W., 234581826.
Woods, Leroy, 099326689.
Woolsey, George T., 110349631.
Work, Samuel C., 197346408.
Wresche, Dee V., 430723030.
Wright, Johnny F., 253621662.
Wright, Richard H., 252567098.
Wurm, Charles M., 131300597.
Wynn, Robert E., 413628028.
Wyrick, James L., 520341359.
Xenakis, John J., 025301606.
Yamada, Earl M., 576403202.
Yancy, Jimmy B., 428809577.
Yando, Arthur N., 009268465.
Yankoupe, Roger F., 50342846.
Yedinak, Steven M., Jr., 531364621.
Young, Alvin D., 427709977.
Young, Robert F., Jr., 577547740.
Youngblood, Norman, 230547499.
Yourtee, Leon R., III, 223548587.
Zana, Donald D., 204325904.
Ziegler, William A., 216422137.
Zimmerman, Henry H., 337342302.
Zimmerman, James E., 521547021.
Zleit, William E., 497401279.

CHAPLAIN

To be captain

Bischoff, Jerome F., 543388662.
Guenther, Raymond J., 150241826.
Sullivan, Luke F., 055287527.

WOMEN'S ARMY CORPS

To be captain

Bransford, Ann H., 129287114.
Cain, Carolyn H., 147285882.
Clark, Doris M., II, 105326545.
De Lora, Jo Ann, 569566021.
Emmons, Mary A., 015303897.
Hery, Te Ata R., 223524776.
Redman, Gloria D., 556563367.
Zimmerman, Mary-Lou, 133507678.

MEDICAL CORPS

To be captain

Coppin, Thomas D., 29484764.
Dunnington, Glenn W., 522526859.
Knieser, Martial R., 080341541.
Modarelli, Robert O., 146325651.
Myers, William D., 231580029.
Segal, Herbert E., 148321739.
Webber, George R., 408660360.
Willoughby, Cole B., 279388764.
Woodall, John B., 461608513.
Young, Edward J., 131301459.

DENTAL CORPS

To be captain

Gares, William M., Jr., 228546322.
Goodman, John T., 460649331.

VETERINARY CORPS

To be captain

Billups, Leonard H., 228463539.
Johnson, Howard C., 454586567.
Lumpkin, William L., 434584778.
Mellick, Paul W., 292346528.
Moch, Ronald W., 492448739.
Oldham, Larry S., 512407111.

MEDICAL SERVICE CORPS

To be captain

Adams, Thomas H., 225549481.
Barrett, Richard A., 273363179.
Baumiller, Charles, 187306736.
Bazany, James L., 343302959.
Billbe, Dean A., 487445118.
Boyd, Raymond D., 219383615.
Brady, Thomas F., 036242035.
Bulla, Bill F., 515402876.
Bullock, Thomas G., 377369762.
Case, Harry M., 309423797.
Clapp, Charles R., 515382970.
Coble, George T., Jr., 498369698.
Cole, Edward G., II, 161325379.
Cole, Ronald M., 414620439.
Conway, John W., 519380565.
Day, Doel D., 242584120.
Dorsey, Philip L., 485462119.
Durand, William B., 137264641.
Durey, Richard A., 460348910.
Ely, Thomas L., 452624169.
Ethington, William, 259685481.
Fairfield, Louis D., 315382042.
Fechner, Robert F., 499442311.
Feldman, Arnold, 204241800.
Freeman, Harry T., 429525394.
Freeman, Joseph B., 223462596.
Frew, William D., 402524300.
Galey, James H., 444347570.
Gensler, Jay D., 453586386.
Giblin, Daniel E., 338300598.
Gilman, Wayne A., 502422845.
Goriup, Franklin J., 220364903.
Grosshans, John H., 533369292.
Hall, Jack C., 501265684.
Hammond, George E., Jr., 260528838.
Harrell, Henry C., Jr., 454560546.
Hawkins, James W., Jr., 232665087.
Hay, Eugene F., 292288151.
Hedrick, David R., 266647779.
Helmbold, Richard F., 257627308.
Hermanutz, Robert J., 394402469.
Hill, Anthony W., 212406080.
Hopkins, Clarence E., 252609103.
Huntington, Bobby N., 450585867.
Isgrig, Frederick A., 429724502.
Italiano, Angelo J., 300306852.
Jacoby, Thomas G., 200326374.
Jargowsky, Robert A., 136260016.
Jordan, Charles O., Jr., 515386026.
Jorlett, Joel, 219383653.
Kelley, Randall R., 408722604.
Kelly, Robert W., 542440384.
Larsen, James H., 517325604.
Leach, Paul J., 563504329.
Letchworth, James R., 447427706.
Libby, Glidden N., 389361316.
Lohmiller, William, 397382661.
Maykuth, Paul B., 518444434.
McClinton, Gaylon, 464620535.
McWatters, Jack W., 123326763.
Meuth, Michael L., 405522628.

Micek, Jerome J., 505502691.
Moore, James F., 406528987.
Moore, William E., 225527646.
Mora, Edward A., 466645681.
Mortensen, Eugene P., 140321105.
Nelson, Larry L., 503504429.
Newborn, James L., 257687409.
Olihovik, Paul L., 025308757.
Pleasants, James L., 238627562.
Poe, Gerald D., 432648752.
Pollard, David E., 267629123.
Purcell, Jackson D., 375428675.
Redington, Bryce C., 483481350.
Reichard, Lawrence, 156308028.
Reineck, Theodore C., 398347319.
Ribotto, Joe W., Jr., 528488941.
Richards, Robert E., 181347586.
Sandidge, William M., 228508415.
Sawyer, James R., 256641667.
Schlenker, Austin C., 097225046.
Schlenker, Patrick, 126327182.
Schott, Thomas A., 487361619.
Schwicker, Dale H., 551502276.
Selby, Jackie L., 234645047.
Severson, Richard W., 504466365.
Sowder, Norman G., 432667496.
Spille, Robert M., 476427049.
Stingle, Norbert A., 399423232.
Stockmoe, Lyle D., 501288187.
Suit, Larry R., 496429414.
Sutton, William L., 240445312.
Vorpahl, Kenneth W., 475405492.
Waters, Henry J., 240681962.
Weeks, Hershel E., 419545451.
Weiser, Philip C., 536389695.
Wiley, Roger W., 353326915.
Wilson, Claude L., 446407333.
Wood, Robert T., 461341701.
Wright, Frederick L., 509360479.

ARMY NURSE CORPS

To be captain

Anderson, Luke R., 257480193.
Baca, Richard C., 522527086.
Banks, William C., II, 028301134.
Bennett, Mary M., 039267902.
Bouleau, Paul J., 034289297.
Bowman, Linda A., 579563430.
Brodkey, Caroline G., 265604781.
Chaussee, Daniel L., 502421724.
Cogswell, Gail D., 515385084.
Couch, Kenneth R., 528481496.
Devin, Kathleen, 572546084.
Dodds, Carol M., 194225958.
Edwards, Carolyn L., 266744042.
Ehrhart, Marjorie K., 288326345.
Ellis, Merlan O., 518428714.
Freeman, William E., 231383089.
Gaynor, Mary E., 173284571.
Gordon, Jacqueline, 533345030.
Gouldthorpe, Barbara, 230488801.
Gramkow, Nancy V., 279329930.
Grantham, Norma J., 507428731.
Griebling, Harry W., 302320287.
Griess, Lorna L., 550549771.
Hammann, Amy D., 153282479.
Herrington, Joyce, 042343941.
Jaquez, Virginia, 526481539.
Jerney, Charlotte O., 390403495.
Johnston, Zula J., 194306626.
Jones, Royce E., 523508274.
Katilus, Joseph P., 040346730.
Kuklinski, Joanna L., 429760995.
Lambert, Sharon L., 474467183.
Lotspeich, Angela P., 160301875.
Mangold, Kathleen H., 387402881.
Matson, Erland G., 370349704.
McCasland, Nickey, 460584000.
Messerschmidt, Mary, 296328018.
Moriarty, Francis M., 023328708.
Nenninger, Ann J., 493568195.
Pearce, Maurice C., 366368163.
Ryan, Mary H., 324282786.
Schmoker, Arthur W., 183283818.
Stemm, Patricia A., 301287343.
Temple, Charles L., 492383549.
Thompson, Marilee, 503502060.
Underhill, Lilburn, 261529747.
Victor, Joseph A., 211329515.
Wachowski, Regina E., 160269330.
Weir, Patricia A., 484640961.
Wolf, Jo E., 272388761.
Zahn, Karen E., 064347767.
Zanto, Raymond L., 394322895.
Zuelke, David H., 393386717.

ARMY MEDICAL SPECIALIST CORPS

To be captain

Davis, Benjamin S., 264467559.
Donaghue, Daniel A., 368369184.
Mayberry, John D., 566224773.
Meyer, Nancy A., 366446394.
Moore, John W., 048309042.
Selman, Sherley A., 258667348.
Thomes, Linwood J., 267707777.

EXTENSIONS OF REMARKS

THE AMERICAN FLAG—ARTICLE BY DR. WOODROW W. HAYZLETT

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 22, 1970

Mr. BYRD of Virginia. Mr. President, the June 12 edition of the Hopewell News included an inspiring article on the American flag, written by Dr. Woodrow W. Hayzlett, pastor of the First United Methodist Church in Hopewell, Va.

In a time when some radicals think it is fashionable to desecrate the flag, the words of Dr. Hayzlett are particularly appropriate.

June 14 marked the retirement of Dr. Hayzlett from his pastorate after 33 years of dedicated service. His many friends in Hopewell honored him for his service on the occasion of his retirement on June 14, Flag Day, which was the inspiration for his article.

I ask unanimous consent that his article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES THE FLAG STILL WAVE OVER LAND OF THE FREE, BRAVE

(By Woodrow W. Hayzlett)

June the 14th will mark the 193rd anniversary of the ad option by the Continental Congress, of the red, white and blue flag of the United States of America. At the time of its adoption, George Washington and his thin ranks of the Continental Army were engaged in our war of liberation from the tyranny of George III of England.

It first flew over a land battle on August 16, 1777, when troops under John Stark fought in the Battle of Bennington in Southwestern Vermont. It was first carried on a U.S. Navy ship on November 1, 1777, when John Paul Jones left Portsmouth, New Hampshire in the Ranger.

The piece of red, white and blue bunting should be loved by every citizen of this country and respected by every country on the face of this earth.

Red in the flag, is for hardiness and courage. The history of the United States of America is resplendent with stories of a people who by hardiness and courage, carved out this land and made it what it is.

The white in the flag is for purity and innocence. The government and the people of the United States of America have never had designs on the territory or the possessions of any other people.

Whenever our flag has been carried into battle on foreign soil it has been in the interest of freedom and not for any personal gain to our country or its people. Witness the millions of do'lars poured into the Philippines after the Spanish American War and the billions for Reconstruction after World War I and the added billions of the Marshall Plan after World War II and the monies spent in South Korea and in South Vietnam.

Blue is for vigilance, perseverance and justice. Our forefathers learned to live with danger, "they kept their powder dry." Dare we relax and be indifferent at a time when the United States of America is engaged in a battle without and within to determine whether "a government of the people, for the people and by the people" shall perish from the face of this earth?

This is not a time for weakness. We must "be strong and in the power of His might. We must put on the whole armor of God that we might withstand the wiles of the Devil." Initiative and finishitive are equally important. In our struggle to preserve our way of life, we must be like Captain John Paul Jones on his sinking ship, "I have just begun to fight." At the same time we must be on guard, lest we be so occupied that the smallest act of injustice go unnoticed and not corrected.

The flag code or set of rules for displaying and honoring our flag are guide lines given to us to show our patriotism and respect for our flag and the country for which it stands.

During these turbulent times our flag has been disgraced by being used as a garment, by being burned, by being dragged in the filth of the street and by being torn by the lawless on our streets and college and university campuses.

When this is done, not only is our flag desecrated but our country insulted, every red blooded American slapped in the face but more than all this, over one million men and women who have given their lives in all our country's wars, have had their graves and memories scarred by those who would tear down and destroy their sacred heritage.

You might say that life in our country today is a paradox, from rags to riches thence to rags in four generations. The first generation worked hard to carve out this land and make it. The second generation tries to consolidate and enhance it. The third generation tries its best to dissipate, to tear down and destroy. The fourth generation must begin all over again.

Will we never learn?

In the light of what is taking place in the United States of America today there are many serious-minded people who wake each morning, as did Francis Scott Key and ask, "Does the flag still wave o'er the land of the free and the home of the brave."

My fellow Americans it's high time this country has a new birth of freedom. It begins when we feel a tug at our heart, a lump in our throat and a tear in our eye as we look at old Glory and say:

"I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

WASHINGTON ORDERED NOT TO CROSS THE DELAWARE—ESCALATION FEARED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HOSMER. Mr. Speaker, we hear a great deal of sober-sided warnings these days about "widening the war" in Vietnam, 99 percent of it from armchair strategists who have never been close to Vietnam, or who have spent at most a week or two there on what some are pleased to call "factfinding" trips. The Republican Congressional Committee's weekly Newsletter for June 22 publishes a letter which the Continental Congress might have addressed to George Washington were it moved by the kind of debate we are hearing today in Congress. The letter, which follows, appeared first in the Indianapolis News:

DECEMBER 12, 1776.

DEAR GENERAL WASHINGTON: Word has been received by the Continental Congress which has caused grave concern. We are informed that you are planning an expansion of the conflict into New Jersey. Rumor has it that you intend to cross the Delaware River and attack the enemy at Trenton.

You are advised that Congress has passed a resolution forbidding you from such a reckless adventure. You must be aware that a large percentage of our citizens do not favor your military approach to this war. Furthermore, you have already announced a major withdrawal of combat troops since the enlistment of about three-fourths of your 6,000 troops expires on December 31. It seems highly unreasonable to expect these troops to re-enter New Jersey less than 10 days prior to expiration of their enlistments.

It is the sentiment of the Congress that your pitiable supplies should be preserved and not expended on a maneuver of such debatable value. What can you possibly hope to accomplish? The British command the seas and will have no difficulty resupplying what little military equipment you may be able to destroy or capture.

We must also advise that should you disobey this command and attack Trenton, that all further monies and supplies will be stopped immediately. While we regret the inconvenience this may cause to your Army, we feel that control of the purse strings is the only effective tool which we have to force you to limit your ambitious programs.

We are further shocked that you should anticipate launching a surprise attack on Christmas Eve. This is traditionally a festive occasion on which it may be reasonably anticipated the British Army is not expecting to engage in combat. Perhaps this situation might be slightly altered if you had received a formal invitation from the duly constituted government of the colony of New Jersey to engage in such conduct. But we find nothing in the files of the Continental Congress' Committee on Foreign Affairs to indicate such an invitation.

We understand you have promised to leave New Jersey immediately following the Trenton operation. But how can we believe you? You have 4,500 militiamen who expect to be discharged on December 31. What assurance do we have that you will not keep them in Trenton under some pretext of military necessity? How can we trust you? We relied on your leadership at Long Island, Throg's Neck, Pelham and White Plains and each time you lost. Now you say that this sneak attack on Trenton is not only militarily sound but might be the turning point in the war.

Finally, your proposed attack will only harden the attitude of King George III. Although we admit that for 10 years negotiations with King George have had no success beyond agreement on the shape of the conference table, still we must persist in seeking a political settlement. He may become even more intransigent when word of your affront reaches London.

After all, we really have no vital interest to protect in New Jersey. The Revolution can be won without New Jersey. Maybe you can win this war by catching General Cornwallis at Yorktown in Virginia. Although this is admittedly speculation, under such a circumstance we could get along without retaking New Jersey.

In summary, General Washington, you are hereby ordered to keep your troops on the Pennsylvania side of the Delaware until the Continental Congress' Foreign Affairs Committee decides to let you cross and, oh yes, be sure to have the Revolution terminated no later than Dec. 31, 1777.

Very truly yours,

CONTINENTAL CONGRESS.

CAPTAIN EAGAR PRESENTED NAVY COMMENDATION MEDAL WITH COMBAT "V"

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. McCORMACK. Mr. Speaker, at a recent informal ceremony at the Washington, D.C., Navy Yard, Mr. Edward R. Eagar, Jr., who is employed by the House of Representatives as a clerk to our Official Reporters of Debate, was awarded the Navy Commendation Medal with Combat V for Valor.

Mr. Eagar, one of our heroes, was awarded the Medal for Meritorious Service while serving in the Republic of Vietnam as a captain in the U.S. Marine Corps.

I extend to Mr. Eagar my congratulations on his receipt of this distinguished citation, which he earned by his outstanding service in times of armed conflict, a copy of which I herewith enclose:

The Secretary of the Navy takes pleasure in presenting the Navy Commendation Medal to First Lieutenant Edward R. Eagar, United States Marine Corps Reserve, for service as set forth in the following citation:

"For meritorious service while serving as Hospital Projects Officer and Division Personal Response Officer, G-5 Section, Headquarters, Third Marine Division in connection with combat operations against the enemy in the Republic of Vietnam from 24 October 1968 to 17 September 1969. Throughout this period, First Lieutenant Eagar performed his duties in an exemplary and highly professional manner. Joining the command at a time when the Third Marine Division Memorial Children's Hospital was still in the planning stages, he worked tirelessly to procure the necessary funds for its construction and, by his diligent supervision, ensured its completion within a short period of time, thereby materially enhancing Vietnamese-American relations. By his fluency in the Vietnamese language and his courage in traveling alone through enemy-controlled territory to remote villages, he contributed significantly to the Personal Response Program. As a result of his diligent and resourceful efforts, the operational effectiveness of the G-5 Section was greatly enhanced. By his initiative, superb professionalism, and loyal devotion to duty, First Lieutenant Eagar earned the respect of all who served with him and upheld the finest traditions of the Marine Corps and of the United States Naval Service."

The Combat Distinguishing Device is authorized.

H. W. BUSE, Jr.,
Lieutenant General, U.S. Marine Corps, Commanding General, Fleet Marine Force, Pacific
(For the Secretary of the Navy).

I AM AN AMERICAN

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. SCHNEEBELI. Mr. Speaker, one of my good friends and constituents, Mr. Richard G. Schuck, prothonotary and clerk of courts in Middleburg, Pa., has composed a very moving and thought-provoking creed entitled "I Am an American." Because of its timely message, I share it with my colleagues in the House of Representatives:

I AM AN AMERICAN

(By Richard G. Schuck)

I am an American who is deeply concerned about events taking place in my beloved country today.

I am an American who knows no other country has given so much to so many throughout the world while still trying to face its problems at home.

I am an American who believes that my country is the only one in the world that gives those living in suppression—such as in Hungary and Czechoslovakia—to name a few—the hope that someday they too can be free.

I am an American who knows that my country has more immigrants annually than any other nation—and a waiting list of many thousands—because my country is still considered the land of opportunity and the land of the free.

I am an American who knows my country forgave her enemies after the World Wars and assisted them in rebuilding their countries.

I am an American who knows that my country owes no debts to other nations but many nations are indebted to my country—including Russia for arms we supplied that country to defend themselves against the Germans.

I am an American who is concerned about the dissenters who recognize only the faults of my country and fail to "thank the Lord" for being able to live in a country which has given them the right to dissent.

I am an American who believes all the people of my country have rights—but none have the right to perform in such a manner so as to interfere with the rights of others.

I am an American who knows there are those who think that freedom means the right to obey only the laws of the land they are willing to obey—and scream "brutality" when they violate a law they aren't willing to obey.

I am an American who knows many in my country preach "PEACE" but turn their heads when those in their group use violence.

I am an American who knows that those in my country with the dirty appearance—including those with the untrimmed beard and hair—wouldn't purchase a new automobile that had an interior comparable to their exterior.

I am an American who knows that my forefathers worked toward bettering my country—knowing it would take many sacrifices with slow results.

I am an American who knows that past generations have solved many problems confronting my country through sweat, hard work, strenuous studying and research.

I am an American who knows that the faults of my country can only be corrected by finding solutions—not by dissent without sense.

I am an American who resents those who teach in our schools and colleges that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed.

I am an American who resents those who say they wouldn't mind living under Communism while at the same time are enjoying the fruits that no other country could give or would allow them to have.

I am an American who despises those who set impossible standards for my country but never apply the same to other countries.

I am an American who cannot recognize those who criticize my country but fail to "raise their voices" against other countries who force their will on millions of people who want to be free and self-governing.

I am an American who knows my country isn't always right—but then I know no one country, group or person is always right either.

I am an American who gets a lump in my throat when I hear the "Star Spangled Banner" and tears in my eyes when I see them burn the flag of my country.

I am an American who knows that those who gave their life in the wars of my country won't be remembered by those who rip, burn or stamp on Old Glory.

I am an American who is damn proud of it because I still believe my country is the greatest in the world despite its faults.

BONDS OF FRIENDSHIP STRENGTHENED

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HANNA. Mr. Speaker, in the last 4 weeks, we have witnessed once again the cohesiveness of the human community. I refer specifically to the outpouring of sympathy and material assistance from the American people in the aftermath of the tragic earthquake which struck Peru on May 31 of this year.

I am, as all are, aware of the misunderstandings and unhappiness which has in the past marred the relations between the United States and Peru. However, I must believe that the bonds of friendship which tie these countries together can endure and overcome the petty, day-to-day problems which confront all nations from time to time. We do, after all, share the same continent and thus have a natural and logical concern over the welfare of our fellow American nations.

It is in this spirit that I today introduce a resolution applauding the reaction of this country to the recent disaster and the manner in which this response was received in Peru. The prompt and strong response of our people clearly indicated a willingness to help alleviate the suffering of the Peruvian people. The appreciation evidenced by Peru and its people was deep and immediate. This is moving testimony of the strength of the bonds between our countries. This resolution recognizes and pays tribute to the enduring nature of this relationship.

THE EFFORT TO SAVE THE O'NEILL HOME

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. WALDIE. Mr. Speaker, a community effort to preserve the former home of the great American playwright, Eugene O'Neill, has been gaining momentum since the first of the year.

Originally conceived by a small group of residents of Contra Costa County, Calif., this effort has now attracted the attention of many residents of the San Francisco Bay area and O'Neill admirers around the Nation.

Petitions bearing thousands of signatures of citizens advocating the preservation of this historic house and the surrounding land which inspired O'Neill to create some of his most outstanding work have been sent to my office.

The community effort continues. I wish to include in the RECORD a recent editorial in the Contra Costa Times which tells of the activities of the people interested in saving this historic area.

The editorial follows:

WRITERS CAN HELP SAVE EUGENE O'NEIL'S HOME

Recently The Times carried a story explaining that Sen. Alan Cranston (D-California) introduced Senate Bill 3667, a companion measure to Rep. Jerome Waldie's House Resolution 8986, urging government acquisition of the Eugene O'Neill residence in Danville.

Unfortunately, many Contra Costans believe that is the end of it. Actually, this is only the beginning if the only home ever built by the famous Nobel and Pulitzer Prize-winning dramatist and playwright along with its 1,005 acres is to be preserved for posterity.

What is envisioned by supporters of the two legislative actions is the creation of the Eugene O'Neill National Historic Site as part of the Las Trampas Ridge running north and south from Alamo to Danville, bounded on the west and north by Bollinger Canyon and Rossmoor Valley. Establishment of Las Trampas Ridge National Park with 4,000 acres is part of the proposal.

Cranston said the O'Neill bill has been referred to the subcommittee on Parks and Recreation of the Senate Interior Committee. He has asked that the subcommittee request a departmental report from the Department of Interior as the first step toward conducting hearings. As a rule, committees will not hold hearings on a bill until the Administration position has been received.

So now O'Neill Historic Site backers are seeking letters from concerned citizens throughout the county. They suggest they be written to President Nixon and Secretary of Interior Walter J. Hickel, urging the Administration present a favorable report, and to Sen. Alan Bible, subcommittee chairman, asking him to schedule hearings as soon as the Administration report is received.

For to what better use could "Tao House," O'Neill's home and harbor from 1937 to 1944, be put than as open space for conservation and recreation in an area 15 miles from the urban core area of Oakland and Alameda . . . open hills of oak, mountain laurel and native plants.

Supporters believe the Cranston and Waldie moves are particularly timely and in tune with President Nixon's program to develop national parks and recreation areas in close proximity to large urban population areas.

But, right now, letters are what they need most—to the President, Hickel and Bible, hopefully in that order with the original to Mr. Nixon and copies to Hickel and Bible. It only takes a little time and a 6-cent stamp. The benefits to this area's future are certain to be enormous.

THE COLEMAN CO. OF WICHITA, KANS.—STORY OF SUCCESS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. SHRIVER. Mr. Speaker, at a time when there is concern over the economy and unemployment in the Nation, it is refreshing to point to a company in my congressional district which has recorded a period of remarkable growth and success and looks forward to the future with considerable optimism.

I cite the Coleman Co., headquartered in Wichita, Kans., which is a leader in the manufacture of recreation and outdoor products and heating and air conditioning for mobile, modular, and residential housing. While Coleman is not dependent solely upon Government contracts for its survival, it has long served the defense needs of the United States by producing the famous Coleman lantern for military use around the world.

Recently, Mr. Sheldon Coleman, president and chairman of the board, submitted his report at the annual stockholders meeting which demonstrates the company's progress during a period of economic crisis for the Nation.

In 1969, the company set significant records, split its stock two-for-one, increased its dividend rate and completed four acquisitions. In the first quarter of 1970, it was able to report continued growth. While unemployment is a growing problem in many parts of the Nation, Coleman has been gradually adding to its work force and its employees obtain seniority status at the end of 90 days. Not a single seniority employee in Wichita had been laid off in 9 years.

Under the leave to extend my remarks in the RECORD, it seems appropriate to include excerpts from Mr. Coleman's report:

As your company began 1970, we recognized five factors would have an important bearing on our ability to perform well during the year. These are the following:

1. The economy has slowed down;
2. Industries we serve as a supplier are having a sharply reduced rate of growth or are below 1969;
3. Our interest costs are more than double due to high interest rates and increased borrowing;
4. We are bringing on stream new factories with their attendant start-up costs;
5. Tooling costs, which we expense each year, have increased over 100 percent due to new products resulting from research.

In spite of these circumstances, we had an excellent first quarter in 1970, substantially exceeding our goal of a 15-percent increase in sales and earnings, and we surpassed the record-setting levels of 1969 in each of the following areas:

NET SALES—FIRST QUARTER

Net sales in the first quarter reached a record level of $34.2 million compared to $27.8 million for the same period in 1969, a 23-percent increase.

NET INCOME—FIRST QUARTER

Net income for the first quarter was $2 million, up 26 percent over the $1.6 million recorded during the same period of 1968. Once again this was a new record for a first quarter and represents a 5.75-percent return on net sales. We are approaching our corporate objective of a 6-percent return in this area.

EARNINGS PER SHARE OF COMMON STOCK—FIRST QUARTER

Earnings per share in the first quarter of 1969 were 34 cents, another record, and compares with 27 cents in the first three months of last year.

To correctly analyze this result, it is important to understand that it was a balanced performance by all major segments of our business. All groups—Outing Products, Special Products and Canadian Coleman—contributed their full share, recording a substantial improvement over last year. This included product lines we supply to the recreational vehicle and mobile home industries.

We have not taken one course of action advocated by some to improve 1970 results. Coleman will not reduce expenses on important projects for the sake of expediency. We are continuing to proceed on worthwhile projects, looking toward the future.

There are two aspects of Coleman which directly relate to the sucess which your Company enjoys. These are your Company's research and development efforts and our manufacturing facilities.

Coleman intends to continue to grow. The main thrust behind our progress will be provided by internal research and development.

I would like to quite briefly provide to you a resume of where our factories are currently located, the products produced at each, and major changes that are planned.

In Wichita, your Company currently operates two manufacturing facilities: a downtown location and the north plant. All product lines for the Outing Products Group, with the exception of tents, sleeping bags, camping trailers and snowmobiles, come from these plants. The situation is similar for the Special Products Group. Their total merchandise lines, with the exception of certain items for the recreational vehicle industry, are the result of Wichita-based manufacturing.

In addition, we are currently constructing two new facilities. One of approximately 121,000 sq. ft. will serve the Special Products Group with particular emphasis on increasing our capacity to serve the mobile home industry. Adjacent to our north plant, this new building, together with its machinery and equipment, will cost approximately $3.5 million.

Further, we are constructing on a 163-acre site, located at the southeast corner of Hydraulic and 37th Street North, a 200,000-sq.-ft. outing products facility to be known as our northeast plant. It will serve as a manufacturing, warehousing and distribution center, requiring a capital expenditure of approximately $3.7 million.

We are today announcing plans for the construction of a new, highly mechanized air conditioning plant for the Special Products Group to be located in McPherson, Kansas. Construction of this facility, covering 150,000 sq. ft., has tentatively been set for 1971 and will require an ultimate investment approaching $4 million.

The Canadian Coleman Company operates a manufacturing facility in Etobicoke, Ontario, a suburb of Toronto. This major unit manufactures many product lines for the Canadian and export markets.

The Canadian Coleman Company is presently constructing a 22,000-sq.-ft. addition to their existing manufacturing plant. Total cost for this project, including equipment, will be $250,000.

We operate two manufacturing facilities in Santa Fe Springs, California, responsible for our production of lighting, water system components, ranges and ovens for the recreational vehicle industry.

Cedar City, Utah, is the production site of tents and sleeping bags for western markets.

Our Somerset, Pennsylvania, location serves two functions: as a headquarters for the Sports Vehicle Division, and as a manufacturing facility for tents, sleeping bags and camping trailers.

In Wickham, Quebec, your company produces Skiroule snowmobiles. At the present time, this facility has been doubled in size to 252,000 sq. ft., with a capital expenditure of approximately $2 million for plant and equipment.

In summary, today your Company operates nine manufacturing facilities across North America. They cover approximately 2.7 million sq. ft. and today your Company employs over 4,000 people. In 1970, we will invest over $10 million in capital expenditures, a major percentage of which will be for plant and equipment.

We feel this investment will pay a fine dividend enabling your Company to capitalize on the fruits of our research and development efforts. I hope I have been successful in portraying to you the impact these factors have had on the sustained growth rate which your Company has experienced.

We have felt their potency in the first four months of 1970. The challenges presented by the current adverse economic climate have been met, with a more viable and competitive company the result.

Through April 30, sales are at a record level. During the same period, earnings have continued a pattern of increasing at a rate faster than sales.

Although the results are of record-setting proportions, we could do better for the year as a whole than we did in the first one-third of 1970 should the industries we serve and the general economy show improvement later this year.

APPROPRIATIONS HEARINGS VOLUMES RELEASED

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. MAHON. Mr. Speaker, the Committee on Appropriations has recently released the following committee hearings volumes:

BILL, VOLUME, DATE RELEASED

Military construction, part 3, Defense agencies, and so forth, Monday, June 8.

Labor-HEW, part 2, Food and Drug Administration and health items, Friday, June 12.

Public works-AEC, part 4, AEC, TVA, and Panama Canal, Tuesday, June 16.

Public works-AEC, part 5, Members of Congress and other public witnesses, Thursday, June 18.

Labor-HEW, part 3, National Institutes of Health, Monday, June 22.

During the current week, the committee expects to release two additional volumes—one relating to the Labor-HEW appropriation bill and one relating to the Department of Defense appropriation bill.

When released, copies are available to Members and others at the committee room, H-218, Capitol Building, extension 2771, as long as the supply lasts.

BABE RUTH BASEBALL VITAL LINK TO WORLD CITIZENSHIP

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. JOHNSON of California. Mr. Speaker, in thinking of the late and great Babe Ruth and his contribution to the world of sports, I would reflect back several years to the summer Olympics in Mexico City where one of the most inspirational scenes one could hope to witness took place, and I would like to recall it to you now.

On the last day of the grueling but thrilling competition, nation against nation, after the last race was run, the various feats of strength and skill demonstrated and judged, awards and presentations bestowed upon the winners, and the Olympic torch extinguished, the track surrounding the arena was suddenly converged upon by tens of thousands of young people, including the Olympic athletes, victors and losers.

This mass of life began marching vibrantly around the track with linked arms, black with white, German with Englishman, Hungarian with Swede, and Russian with American. Many were dressed in their native costumes and were singing each other's national anthem as they circled the field again and again, waving to the enthusiastic and cheering spectators, and clinging to each other in a desperate attempt to prevent this last night from coming to an end, their wide smiles dampened by their tears. It was an electrifying experience to say the least, and the security forces were unsuccessful in their attempt to clear the track.

After what must have been at least an hour, the participants did clear the track, only to make way for the parade of national flags representing each of their homelands; but one could not hear the anthems for the ovations of the crowd. It was obvious that these young men and women would return to their homelands not untouched by what had happened here, and there was a faint glimmer of

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hope that perhaps the Olympic torch had not been extinguished after all.

Certainly this display of what began with the wholesome sports competition between nations and resulted with the finale described here can begin to teach us something. I feel sure the Babe's heart would have swelled with pride if he could have been there to witness this overwhelming and unforgettable sight, for it exemplifies completely those principles which he strived so hard to create during his lifetime and which we must keep alive and nourish for every generation of young people, rich, poor, black, and white, because a healthy mind and body are not the least of those vitalities which must combine in order for us to understand and work with our fellows.

It is, then, this spirit of wholesome competition and teamwork, encouraged by the Babe, which contributes not only to the citizenship of a nation, but to the fellowship of the world.

Babe Ruth Baseball is a vital link by which we can, with the help of our young people, work toward this fellowship, and it is an extension of the ideals for which the Babe lived.

SECRETARY OF TRANSPORTATION JOHN A. VOLPE'S COMMENCEMENT ADDRESS AT NIAGARA UNIVERSITY

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. SMITH of New York. Mr. Speaker, you and my colleagues may recall that I have often discussed with you and with pride of the establishment of a new institution of higher learning, the Institute of Transportation, Travel, and Tourism—TTT—at Niagara University, Niagara Falls, N.Y. The first class to graduate at the new institute consisted of 46 young men and women and it took place on May 30, 1970.

It was my privilege to attend that commencement and to hear the principal address delivered by Hon. John A. Volpe, U.S. Secretary of Transportation on Memorial Day, Saturday, May 30. Over 3,000 faculty, students, and friends attended. The institute has the only academic-internship program of its kind in the world and is located in the 40th Congressional District, which I have the honor to represent.

Appropriately, when the first 46 students received the first Bachelor of Science degrees with specialization in transportation, travel, and tourism from the Very Reverend Dr. Kenneth F. Slattery, C.M., Niagara University president, Secretary Volpe shook hands and warmly greeted each one, as did the institute's founder and chairman, Dr. Samuel I. Porrath.

The Secretary was granted an honorary Doctor of Laws degree during the commencement ceremonies and was cited by Father Slattery for devotion "of a lifetime of social activity and public dedication." Asking some reasons why we confer on him one of our honors this afternoon, the imagination is not strained when confronted with one of his former titles: Architect of the interstate highway program.

Father Slattery continued:

> We are grateful for and admiring of his national interest and generosity, but we feel his benevolence closer and more personally this afternoon as we recall his interest in and enthusiasm for the program of Niagara University which is directly related to his own talents.
>
> Indeed there is no mere token appropriateness, in the fact that as Niagara University confers it first degrees on students from its Institute of Transportation, Travel and Tourism (TTT), it confers the degree of Doctor of Laws on John A. Volpe.

The TTT students who received their degrees with Secretary Volpe are the first to have completed the institute's innovative 2-year program designed for junior and senior students at the university in preparation for supervisory and management positions in any phase of the transportation, travel, and tourism field, which TTT Institute regards as the world's largest single amalgam industry.

The institute strives to provide the increasingly sophisticated and complex fields of transportation, travel, and tourism with the qualified, academically trained personnel who have gained an overview of the social, technical, and operational problems involved in the rapidly growing TTT industry, according to Dr. Samuel I. Porrath, chairman of the institute, who established the program in 1968.

In his address to the graduating class, Secretary Volpe noted that:

> If we are to achieve an environment that is truly safe, clean, healthy, and fun to live in, we will have to modify some of our most deeply held beliefs about transportation.
>
> We have to start thinking in terms of an overall, balanced system of transportation to provide this country with the mobility it demands in an age of expanding leisure, recreation, travel and tourism. This will be our biggest growth industry in the next 10 to 15 years, according to the Wall Street Journal.
>
> That is why I am personally delighted that Niagara University has set up an Institute for the study of Transportation, Travel and Tourism. There is nothing like it in the academic world. The Institute can perform a valuable service by training eneregtic young people in the skills of this growing industry which is so full of potential for world peace and understanding.

He declared:

> I believe, that the initiative shown by Dr. Porrath and his colleagues will be emulated during this decade by other universities, public as well as private. Those of you who are getting your degrees from the TTT Institute today will play a central role as transportation experts in the coming years.
>
> The next 10 years will be exciting ones in transportation. In the past, we accepted an ideology of growth for its own sake—more cars, more planes and so on. But that can no longer be the answer in an overdeveloped nation like ours. That is why we in the Department of Transportation are strongly emphasizing new methods to move people.

Dr. Porrath acknowledged the assistance given by the U.S. Department of Transportation during the first two formative years of the Institute's unique academic-internship curriculum. Members of Secretary Volpe's department, specialists in various phases of transportation and urban planning, have been participants in the forums and seminars that have become part of the institute's program and have lectured to individual classes. They have aided in enchancing and strengthening the curriculum. He said:

> Mr. Volpe's efforts to develop a balanced transportation policy for the United States, since his Presidential appointment as transportation secretary in January 1969, have been completely compatible with the Institute's emphasis on exposing students to an overall view of the entire interrelated TTT industry and its currrent problems. The administration and faculty are most appreciative of the support and cooperation provided by the U.S. Department of Transportation.

The innovative TTT curriculum, in addition to academic training, permits students to utilize their classroom knowledge in employment situations that have the cooperation of TTT industry employers and receive full academic credit for their internship. This type of laboratory experience exposes students to the social, technical, and operational problems involved in the TTT industry.

Nearly half of the current graduating class members plan to further their education by working toward master's degrees in TTT-related areas, such as transportation law, education, public relations, corporate management and business administration, industrial psychology and transportation.

Others in this first graduating class have secured positions in industrial traffic management, advertising, public relations, hotel and motel management, motor carriers, chambers of commerce, city planning, travel agencies, and goods distribution.

TTT Institute, which was opened with an enrollment of 60 students, tripled its enrollment in the academic year just concluded. Another increase in enrollment is anticipated for the fall semester.

I am proud of the institute which has been founded in my district, and of my friendly relations with its head, Dr. Porrath, who has guided it through to such fine achievements. With Secretary Volpe I, too, say the initiative shown by Dr. Porrath and his colleagues will be emulated during this decade by other universities, public as well as private.

I include the full text of Secretary Volpe's address so that my colleagues may enjoy reading it. Mr. Volpe received a long, standing ovation from the student body and friends, and was enthusiastically applauded during his speech several times. I point this out because these days, as we watch students' reactions on campus, we should be encouraged to note that our Secretary of Transportation is able to reach the hearts of the young students.

The address follows:

REMARKS BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE

I would begin by acknowledging my gratitude for being invited to attend these ceremonies today at Niagara. I feel deeply honored to celebrate commencement with you.

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I must say I share your sense of accomplishment at this major turning point in your lives and I am indeed privileged to join this company of distinguished honorees.

I might add that my satisfaction is shared by my wife. She trained as a nurse, and has kept in touch with the profession, and was delighted to hear that you are planning major expansion of your excellent nursing program.

Niagara indeed has proven itself to be a great institution. This is a good place to get a good education.

However, what we sometimes forget is that as William Raspberry, the Washingtor columnist put it recently, "education is the solution only to the degree that ignorance is the problem." He meant that it takes more than mere facts to live the sensible life. It takes judgment, hope, and a sense of moral and spiritual values. That is what you have really learned here at Niagara—you have received an education that is ennobled by truth and purpose.

I believe that Niagara University has a special mission to preserve eternal truths in a time of spreading social and moral unrest. For the graduates of the school know who they are and where they stand. I felt a sense of hope and optimism the minute I walked onto this campus—one I wish I could share with young people and adults throughout our country.

This atmosphere must grow from that common sense philosophy of St. Vincent de Paul which is quoted on the first page of the Niagara Undergraduate Catalog: "Perfection does not lie in ecstasies," St. Vincent said, "But in doing well the will of God."

I can't imagine a better interpretation of Christian duty in the secular world. It reminds public servants like myself, of course, that they have a twofold responsibility—to be a dual servant of God and of the people, to know what belongs to Caesar and what to Christ.

As for yourselves, imbued with this principle of Christian action, you can make a great impact on the world of public affairs. You can be timely and yet timeless, open to change yet rooted in certainty. You will be committed to learning and living creatively—without rancor, bewilderment or greed.

And that learning must continue with a vengeance. As Bob Dylan put it, "If you're not busy being born, you're busy dying." That's a poetic truth and also a practical one.

So what have we been doing in the two decades or so of your lifetimes? We have tamed the atom as a source of electrical energy, built vast computer systems, made enormous advances in medicine, spread television throughout the land and twice landed men on the moon.

What is the meaning of these and other developments? Is their significance merely technical? During your lifetime have we been busy being born? Or have we, as some would have us believe, been busy dying? I would say we are being born, born to understanding.

For the work of science reveals again and again the presence of a Divine Intelligence behind the impersonal facts of the material world.

Look at this earth. If it moved one percent closer to the sun we would burn to a crisp. If it moved one percent further away we would freeze.

We are here solely because of a divine plan. And we have only seen the merest beginning of the unfolding of that plan. One central fact guarantees further change in human affairs—the fact that 90 percent of all the scientists in human history are alive today, and their work will utterly transform this planet.

The most radical change of all is that we are beginning to apply our democratic principles in positive action programs to improve society. And we have begun to see that we can't build a decent society for individuals simply by encouraging them to indulge themselves. We see the consequences of selfishness all around us in a landscape that often looks like a dump or a battlefield.

Let's face it, we have used this country as if the land would last forever, as if the frontier would never fade. But we are beginning to learn that we must build a society on human values, not narrowly commercial ones.

We have learned from the ecologists that we must have a greater reverence for life and for the earth. We have learned from the blacks that we must have a greater concern for those who have not had a fair shake. And we have learned from the students—from you and your contemporaries—that we must come up with better answers to larger questions.

Frustrated by the pace of social reform, some young people turn to violence. But it's not the answer—if for no other reason than that it always generates a reaction. I am convinced that the young people of today want to work for change within the system, not destroy it.

We must not only be brought together, we must work together as well. The main question then, is—what can we do as partners? Rene Dubos, the great microbiologist, points out that we have fulfilled only one-half of God's command in Genesis. He did indeed command man to go forth and subdue the earth and populate it. But the second chapter of Genesis states that man, after he was placed in the Garden of Eden, was instructed by God to "dress it and keep it."

And remember the prayer of St. Francis: "Praised be my Lord for our brother the wind, and for air and cloud, . . . and all weathers by which thou upholdest life in all creatures." Indeed, I wonder if St. Francis should not become the patron saint of all ecologists and ecology-minded laymen.

One thing is certain—our style of life must change. Perhaps we will have to get along without the no-return bottle, without lingering pesticides, without leaded gasoline, without phosphate detergents. We definitely will have to penalize the polluters of our life-giving air and waters. We'll have to get noise under control because it has risen three thousand percent since 1939 and poses a real threat to the human nervous system and major organs.

I know we can reach these goals. Just in my Department of Transportation alone, for example, we have two contracts underway to find out how to suppress jet engine noise. We have reached agreement with the airlines to bring about speedy retrofitting of jet engines to cut pollution. We are working closely with Detroit and major universities to reduce auto pollution by modifying engines and exhaust systems.

With Health, Education and Welfare, we are establishing standards that in the next two to five years will drastically cut air pollution. And we intend to enforce them. We have encouraged the move to get the lead out—of gasoline, that is. We are pushing support of new technology which can sharply reduce bus fumes, and make engines quieter. And we have helped buy low-pollution buses for cities in California and in Washington, D.C.

Before long all buses could be equipped with these breakthrough devices. Your pressure as citizens can speed the day. Make your views known.

Yes, if we are ever to achieve an environment that is truly safe, clean, healthy and fun to live in, we will have to modify some of our most deeply held beliefs about transportation.

We have to start thinking in terms of an overall, balanced system of transportation to provide this country with the mobility it demands in an age of expanding leisure, recreation, travel, and tourism. This will be our biggest growth industry in the next 10 to 15 years, according to the Wall Street Journal.

That's why I am personally delighted that Niagara has set up an institute for the study of transportation, travel and tourism. There is nothing like it in the academic world. The institute can perform a valuable service by training energetic young people in the skills of this growing industry which is so full of potential for world peace and understanding.

I believe that the initiative shown by Dr. Porrath and his colleagues will be emulated during this decade by other universities, public as well as private. Those of you who are getting your degrees from the transportation institute today will play a central role as transportation experts in the coming years.

The next 10 years will be exciting ones in transportation. In the past, we accepted an ideology of growth for its own sake—more cars, more planes, and so on. But that can no longer be the answer in an overdeveloped nation like ours.

That's why we in the Department of Transportation are strongly emphasizing new methods to move people. We are looking at the high speed trains in the Northeast Corridor, the tracked air cushion vehicle which we'll start to build soon, the vertical and short-take-off planes for medium distance journeys, and even such concepts as the tube train, the dial-a-bus, and the gravitrain.

You people are going to be living in a new age of mobility that will make ours look pretty antiquated. But you will not be a generation which confuses motion with direction, or speed with progress. You graduates of 1970 are going to make a difference, more than any generation before you. Whatever else you become, you will not be a careless generation. Not after attending to the words of Simon and Garfunkel . . . "People talking without speaking—people hearing without listening . . ."

I believe your generation will speak the truth and live the truth and repudiate those who do not have the courage or the faith to work within the system.

Our problems are not those of a failing society; they flow from the conscience of an expanding one. Our descendants—generations in the future—could look back on 1970 as the fulcrum of history—the time when an ancient people known as the Americans accepted their responsibility to lead the human race toward a new epoch in its endless progress.

The path has already been blazed by men of extraordinary foresight like Joseph Wood Krutch, the scholar and former drama critic who quit Manhattan 20 years ago to live with his books and his thoughts in an adobe hut in the desert outside Tucson. He became an enthusiast for nature and a defender of the American environment long before it was a public issue.

Just a few weeks before his recent death, Krutch wrote a prophetic letter to the Arizona Star. He said, "The 70's may be the beginning of the end, or the beginning of a new civilization. If . . . the latter, it will not be because we have walked on the moon or learned how to tinker with the genes . . ., but because we have come to realize that wealth, power, even knowledge—are not good in themselves, but only instruments of good or evil."

What profound wisdom there is in these simple Christian words. Their meaning is obvious. Your generation will have the power to destroy all life. Or it can create a garden of serenity.

I hope you will always strive to be equal to this dream of perfection. Certainly those who have been educated here at Niagara will never surrender to the forces of commercial-

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ism or cheap and deadly sensations. Keep your commitment to learning, retain your passion for love and truth. Have confidence in yourself, hope in mankind, and faith in God.

Do not forget what it means to be young, and to have counted. My best wishes for coming years of triumph.

POSTAL REFORM—PATH TO OTHER REFORM

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. WOLD. Mr. Speaker, never was I more proud to be a Member of this body than last week, when despite serious and substantial obstacles, the House of Representatives passed the postal reform bill. Truly it was a milestone.

We all recognize that the bill, despite its imperfections is a vast improvement over current law governing operation of the postal system. It will do much to increase the speed and efficiency of the mails. It will improve working conditions and wages for postal employees. These are all tangible benefits, that in themselves, made imperative passage of the bill.

I think the passage of the reform bill was significant for another equally important reason.

Many Americans believe our institutions and values can no longer cope with the problems, crises and needs of today and tomorrow. Almost all of us recognize the need for substantial, if not major, reforms in many of our institutions. Despite the talk and many studies that have been commissioned little has been done.

The passage of the postal reform bill offers new hope. Perhaps of all governmental institutions in the Nation, the Post Office has gone the longest without change. It stands as the classic example of a hidebound institution, stodgy, and resistant to change.

Yet we passed a bill that not only will change the operation of the postal system—it literally will revolutionize the postal system.

I do not think we can overestimate the impact of the action. It can restore faith in our ability to update and make relevant our social and governmental institutions. The implications are staggering and lead all the way to reform of the Congress itself.

The task of postal reform, however, still is not finished. The bill needs the concurring action of the other body before it becomes law. I realize the other body is considered to be more deliberative than this one is. I realize that postal reform is a complex issue and that different men, all of good intention, can hold different views on the path postal reform should take.

Nonetheless I would urge the other body to take up the bill we passed with all due haste. The reasons are overwhelming and date far beyond the postal strike of last March.

In an editorial, the New York Times, June 20, 1970, emphasized some reasons why the other body should act. The editorial, entitled "Road to Better Mail Service" gives compelling reasons why the other body should join us in passing the postal reform measure.

For the benefit of Congress, I insert the editorial at this point:

ROAD TO BETTER MAIL SERVICE

The overwhelming passage by the House of a bill to modernize the postal service brings halfway to realization a major governmental reform. The wrangle over the bill's labor provisions obscured the fundamental nature of the contribution the measure can make to increasing the speed and efficiency of the mails.

If the Senate gives approval to a parallel bill, the way will be clear for establishment next year of an agency run by an independent commission to operate the postal system, set postal rates, bargain collectively on wages and other issues and sell bonds to finance modernization. Practices that have remained unchanged since Benjamin Franklin's day will be finally brought into the automation age. There is even basis for hope that overnight mail delivery between cities in most parts of the country will become a reasonable expectation, rather than a minor miracle.

The strike threats and other union pressures that hung over the House in its consideration of the reform bill underscore the desirability of moving the postal service to a less political orbit. These pressures were chiefly responsible for the decision to make the promised 8 per cent pay increase for mailmen retroactive to April 16.

However, the inflationary impact of that concession can scarcely be considered crucial; a much worse jolt to the Federal budget will be inflicted by the obvious intention on both sides of Capitol Hill to ignore the need for immediate increases in postal rates to cover the $500-million first-year cost of the pay boost.

The House did well on most other labor aspects of the reorganization plan. It kept alive the right of independent postal unions in New York and other centers to preserve their long-established representation authority. These rights would have been snuffed out under the deal made by Postmaster General Blount and the national postal unions after the March strike.

The House wisely left the door open for bargaining on regional pay differentials to take cognizance of higher living costs in major cities. The strike made plain the injustice of applying uniform pay scales in hamlets and metropolitan areas. At this stage of postal labor relations, the legislators also showed sound judgment in keeping unchanged the ban on union shop or other forms of compulsory union membership.

The important thing now is swift action in the Senate, where a compatible measure already has received committee approval. What ever differences emerge in the Senate version should present no serious problem in conference unless union power plays again muddy the legislative process. The national need for postal reform is too great to permit such an upset.

I also believe the other body should consider the importance of the postal reform bill to the second matter I have mentioned—the willingness of Congress to initiate reform in hitherto "sacred" areas.

In a sense passage of this bill will prove that Congress is not, as has been charged, a creature doomed to extinction. It will show that Congress can make the adaptations necessary to heed the needs of a new era.

THE IMPERILED ENVIRONMENT

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. CULVER. Mr. Speaker, the damage which man is inflicting upon himself by polluting his environment poses one of the major problems facing the United States and all the nations of the world in the 1970's. With greater and greater clarity we are beginning to see the tremendous costs involved in our present methods of disposing of waste products. The earth is literally choking on the pollutants we dump into our air and water.

To a large extent pollution is a domestic problem. Americans bear most of the discomfort of eye-stinging air and the fouled waterways which they create. They also are the ones who consume the DDT they have released upon their land.

In many ways, however, pollution is an international problem, because all areas of the earth are ecologically interdependent, and because pollutants often cross international borders, affecting the lives of peoples in other countries.

A recent article by Robert Humphries in "Vista" a magazine published by the United Nations Association, vividly describes the condition of our environment and the steps which are being taken to convene a United Nations conference on the human environment in Stockholm in 1972. I ask that excerpts be inserted in the RECORD at this point:

THE IMPERILED ENVIRONMENT

(By Robert Humphries)

I have recently journeyed into one of the world's more hauntingly beautiful pieces of real estate—the high mountain spine of Norway. I had never been there before but my guide was thoroughly knowledgeable of the region. At the same time he was one who surely must be counted among the most prescient of human beings.

My guide in this remarkable journey in place and time was Rolf Edberg, now governor of the province of Värmland, Sweden; a former editor, member of the Swedish parliament, and representative of his country in a number of diplomatic posts including the United Nations. In 1966 he published in Sweden his highly perceptive study of the role of the human race in the cosmos and analysis of man in the mid-twentieth century under the title "Spillran av ett moln," published by Norstedt &t Söner. After ten printings in Europe his book finally made its way to the United States where it was published in English last summer by the University of Alabama Press under the title "On the Shred of a Cloud."

A little book—just under two hundred pages—it has already had a remarkable influence in the course of human affairs, having inspired the Swedish ambassador to the United Nations, Sverker Astrom, to put forward his government's proposals for a United Nations Conference on the Human Environment to be held in Stockholm in 1972.

In a rare display of unanimity, with all nations conceding that the impairment of air, water and soil was a problem that was neither automatically solved by communism nor incurable under capitalism, the Swedish resolution was passed by the General Assembly unanimously and with a minimum of debate. In a follow-up sober 66 page report on the Problems of the Human Environment, the Secretary-General outlined with a sense of extreme urgency the things man is doing to his environmetn by "air and water pollution, erosion and other forms of soil deterioration, secondary effects of biocides, water and noise." Included in the report is the chilling statement that "if current trends continue, the future of life on earth could be endangered."

As the evidence mounts as to the damage man is doing to his environment and thus to himself, the words ecology and pollution raise ever bleaker spectres and images. But these very words may yet become common ground on which the youth of the world and their elders, standing now viewing each other across the "generation gap", may meet on meaningful terms. For it is the youth of the world who seem to have taken most to heart the problem of what kind of a home, if any, they are going to inherit. They have spent their entire life in a world over which constantly looms the threat of the mushroom cloud; they see, by satellite TV, instantaneously and simultaneously, what happens on the other side of the world; for $1300 they can jet around the world in a day; they have never known a day when, either in their living room or on the field they have not witnessed the ravages of war; they sense and feel the damage that is being done to their environment everywhere. They are well aware that whereas previous civilizations or groups of people, having befouled their nest, could and did move on to untrammeled lands, this escape mechanism is no longer possible in a world already bulging with three and a half billion people, a number that is predicted to double in just thirty years. In short, they *know* that in their lifetime a world community has been established for the first time in mankind's evolution. They know, too, that since this is all new and happened in their lifetime that there are no guidelines or even guides for the future. As they state it: The Future Is Now. Once these very real considerations seep upwards into the very fibre and makeup of their elders and they, in turn, admit that it really is a new world, then, just then, might the generations work together.

Meanwhile, the evidence of the damage man is doing to his environment mounts at an ever accelerating pace. Every country can present scores of horrifying examples:

Lake Erie can no longer cope with the torrents of pickling acids from the great steel works that line its shore nor with the torrents of sewage and detergents dumped into it by the millions of people who live on its shores. The benevolent micro-organisms which once could cope with reasonable amounts of organic matter have lost the battle to anaerobic organisms which need no oxygen but give off foul smells warning that the lake as a source of potable water is well on its way to the obituary column. The task of cleaning it up has been estimated at 40 billion dollars and the time required to return it to its purity of only 25 years ago, provided all pollution is stopped, at 50 to 500 years.

Cleveland's Cuyahoga River. So polluted with oil waste that it is officially designated a fire hazard and, in fact, did erupt in flames last year, burning two bridges.

The tuna fleet working off the oil refining center of Fos, near Marseilles, recently had to dump a catch because it smelled of petroleum. In the same waters experts report that out of 13 species of food fish that were plentiful before World War II, nine have disappeared, while the remaining four have become scarce. A combination of petroleum, detergents and pesticides is considered the cause of disappearance.

The foundering of the Torrey Canyon. One of the largest ships in the world foundered on Pollard Rock, off Land's End, England—a place that no ship that size should ever have been—and dumped 118,000 tons of crude oil into the sea, befouling the beaches, and bird, animal and plant life.

The fissuring of sub-surface seams by oil drilling rigs working off Santa Barbara, California which vented tons of oil onto Santa Barbara's beaches.

The report by Thor Heyerdahl that on his recent journey on the Ra, great globs of black oil were now visible far out to sea.

"Black snow", caused by combustion pollutants with a high content of sulphuric acid coming from air over the Ruhr Valley and falling on eastern Norway and western Sweden.

The Aswan High Dam was built to provide a regular supply of water for irrigation, to prevent floods and to supply electrical power—all worthy purposes. But one of its side effects was to interrupt the annual transfer of rich nutrients to the eastern Mediterranean Sea. The annual bloom of phytoplankton which depended on these nutrients no longer occurs and the time-immemorial food chain has been broken, which has led to a 90 percent or more drop in the yield of sardines.

The list could be expanded ad infinitum and ad nauseum by anyone with a pair of good eyes—or lungs. No one industry can be singled out above others, nor one nation. The visible pollutants would include the 142 million tons of smoke and noxious fumes that are emitted into the air over the United States in just one year; the 7 million automobiles that are discarded each year along with 20 million tons of paper and paper boxes, 48 billion cans, 26 billion bottles and jars, 3 billion tons of rock and mill tailings, the 50 trillion tons of hot water carrying a witch's brew of acids and muck. Other industrial nations make comparable contributions of debris and toxic materials.

The invisible ways by which man is destroying his environment are even more insidious; they are hard to see and comprehend and thus it becomes difficult to arouse people to take action against them.

The reliance of modern technology upon the combustion of fossil fuels has brought about a ten percent increase in the carbon dioxide of the atmosphere over the past century. And we keep adding to the ways in which this content is increased; for example, a modern trans-atlantic jet liner puts a hundred tons of carbon dioxide into the atmosphere each time it crosses the Atlantic Ocean and one crosses every six minutes day and night. With increased rates of consumption of fossil fuels, the Secretary-General reports that the amount of carbon dioxide could increase by 25 percent by the year 2000. The consequences of such an increase upon world weather and climate are uncertain but eventually could become catastrophic. Carbon dioxide is, of course, indispensable for the growth of plants and is therefore a source of life. Under Nature's usual system of checks and balances the CO_2 that plants do not use is absorbed by the world's oceans. So great is the excess now that it is taxing the absorption ability of plants and the oceans and may well be on the way to disturbing the heat balance of the earth because of what is known as the "greenhouse effect". A greenhouse lets in the sun's rays and retains the heat. So, too, does a layer of carbon dioxide. As Mr. Daniel Moynihan recently put it—"It is perfectly possible that we will raise the temperature of the earth's atmosphere by seven degrees in the next 25 years. If we do, this will raise the level of the seas ten feet and Philadelphia will be under water."

The quest for even higher yields of foods and foodstuffs by the use of potent chemical pesticides and fertilizers has effects upon the ecological balance of Nature which are still but vaguely, and disturbingly, understood. Heavy concentrations of chemical fertilizers, high in nitrogen, phosphorous and phosphate content, leach from farmlands into brooks, rivers, lakes and ponds. The resulting heavy increase in nitrites, nitrates, and phosphates in these water bodies provides excellent food for certain algae whose concentrations literally explode with a consequent marked decrease in the oxygen content of the waters. Other plants and edible fish life then decline or die out because of the lack of oxygen. The growing use of detergents to make dishes sparkle and clothes whiter has a similar result; eventually the oxygen decreases—eutrophication, the scientists call it—and the body of water into which the detergents finally make their way is on its way to early death.

DDT (short for Dichloro-diphenyl-trichloro-ethane), was first synthesized by a German chemist in 1874, but its properties as an insecticide were not discovered until 1939. It was almost immediately hailed as a means of stamping out insect-borne disease and winning the farmers' war against crop pests. Since then, as reported by the Secretary-General, man has dumped a billion pounds of DDT into the environment and is adding an estimated 100 million pounds per year. It was not until Rachel Carson published "Silent Spring" in 1962 that the world woke up to the lethal side effects of DDT and similar pesticides. The use of DDT has now been forbidden in Sweden and it is rapidly being phased out of use in the United States; but it is still used with abandon in most of the rest of the world. Among its side effects, it has been learned, is the fact that it inhibits the process of photosynthesis in algae by as much as 75 percent. And, it has been learned, it is stored in ever heavier concentration as one progresses up the "food chain" from simple one-celled organisms to complex mammals, including man. Only after millions of tons of it and similar pesticides such as aldrin, endrin, dieldrin had been dumped on an unsuspecting world were the deadly effects of these chemicals on the liver and nervous systems of animals discovered. So persistent are these chemicals that in the Antarctic where they were never allowed to be introduced, concentrations of them have been found in all animals who call these regions home.

So, too, are radioactive particles instruments of either cosmic and instant death or slow killing and long lasting. The rain of radioactive particles after the detonation of an atomic bomb continues for years and decades after detonation. They fall on foodcrops and on pastures where they are eaten by cattle, later to get into milk or meat and then into the human bloodstream, bones, testicles and ovaries with either fast results as on the members of the crew of the "Lucky Dragon" or with unpredictable results on genes and thus future generations. As increasing reliance is placed on nuclear energy for power even its peacetime use leads to complications in the environment. What if the Torrey Canyon had been nuclear powered or the bombs in the Palomares incident had not been recovered and the soil over which they spread their particles had not been removed and buried in nuclear storage "farms"? What if the containers that store nuclear wastes from the atomic plants should split and spill out their contents? Radioactive isotopes have a far longer life than any container yet devised and they affect everyone with cosmic impartiality.

Nobody knows how many people the earth can support—ten billion, or fifty billion or more. But what clearly is already at stake is the *quality of life* that can be maintained for everyone. Is every human to have enough food, clear air and clean water, and space to make for a pleasant existence or is everyone eventually to live like battery chickens? Already there is a feeling of "too many people", a feeling that is heightened by the tendency of people to congregate in urban areas and the choicest parcels of real estate.

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As the Secretary-General's report puts it: "Forty percent of the world's people now live in urban areas. In somewhat more than half a century, urbanization will have reached its maximum and the great majority of people will live in cities or towns. The rate of urbanization is more rapid in the developing nations. In 1920, the urban population was estimated at 100 million in these countries. By the year 2000, it may well have increased twenty-fold. In the developed nations, the urban population in the same period will have increased four-fold. . . . The need is for new facilities greater in size and extent than all existing facilities."

Many of the causes of the ravaged environment are, of course, national or local and will or will not be solved on those levels. It is to the causes and problems that cut across national borders to become international issues that the UN will have to address itself. And as Dr. Lars Lund, the senior research chemist of the Norwegian Institute of Air Research, states: "The international question is the difficult one because it requires so many separate political decisions, and it takes so long to get around to doing anything. If you have a national problem you just pass local laws to clear it up. This is why we must push so hard on the international question now."

International issues which can only be handled by international organizations include the rising level of atmospheric carbon dioxide, the spread of radioactive isotopes (hence the importance of the test-ban treaty and the nuclear non-proliferation treaty), the destruction of the ozone layer by rockets and high altitude aircraft which could lead to a "frizzling" effect because it is the ozone layer which screens out the ultra-violet rays; air pollution crossing national boundaries; noise from international aircraft, the use of satellites and orbiting laboratories; destruction of the world's treasure houses of monuments and wilderness areas by mass tourism; the use of pesticides and herbicides whose effects are carried beyond their place of use; overfishing of the oceans by one or more countries; the extraction of minerals from sea water and the side effects of such extraction; the installation of military devices on the seabed; leakage from off-shore drilling; the dumping of wastes into the oceans.

The UN system is becoming increasingly involved in ways to stem the "population explosion". Until 1965 its activities were limited largely to research and demographic and statistical studies. This hands-off policy was a result of both political pressure from Catholic countries and the fact that the UN bodies were not equipped for large-scale participation in population control programs. In 1967 the Secretary-General decided to create the United Nations Population Trust Fund to supplement financing of the five-year expanded population program approved by the Population Commission. The Trust Fund undertakes experimental field projects and plays a role in providing birth control services in developing countries. A level of expenditure of $100 million dollars per year by the year 1972 has been suggested. The United Nations Development Programme now administers this fund and it is expected that a senior officer in charge of all population programs of the UN will be appointed shortly.

In other ways, too, the UN system has taken certain actions in the problems of the global environment. The Intergovernmental Maritime Consultative Organization (IMCO) has recently made recommendations which, when approved by a majority of the governments, will lessen the risk of damage to coastlines and beaches from oil slicks, a first step toward cleaning the world's oceans and keeping them clean. In 1968 UNESCO held an intergovernmental conference on the "Scientific Basis for the Rational Use and Conservation of the Resources of the Biosphere" which managed to throw a certain amount of light on the subject. So, too, with other UN agencies who have done research in such areas as fishery production, the management of arid and humid lands and so on.

The word environment refers to the *totality* of relationships among all living organisms. Hence the need for the Stockholm conference to give everyone an idea of the intricate relationships of the environment and what man is doing to his globe under the impact of technology and rising populations and thus to give us all an idea of where we're going and what should be done.

THE SITUATION IN GREECE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. DERWINSKI. Mr. Speaker, the complications in the Mediterranean are of special interest to us and, unfortunately, the overall picture in that area is not promising. However, it was most interesting to note a very detailed and objective commentary of the situation in Greece and the foreign policy views of the officials of that Government carried in a report by the Washington bureau chief of the Copley News Service, Ray McHugh, in the June 3 San Diego Union.

May I add that Mr. McHugh is a veteran observer of the complications in the Mediterranean and he has a reputation as a very penetrating news analyst.

The commentary follows:

Greek Premier George Papadopoulos is sometimes described by critics as a simple, uneducated man.

These are not necessarily faults.

In an interview with the short, well-groomed former army colonel in his huge, high-ceilinged office on Constitution Square, and in meetings with key members of his cabinet, answers come in confident, straightforward terms. Sometimes the words are so blunt that they startle.

"Those who are attempting to undermine President Nixon's policy in Southeast Asia are at best dupes, at worst tools of Communism," says Papadopoulos. And he means it in the context of the Greek experience.

Here on the strategic western edge of the violence-ridden Middle East, with Soviet warships—and now Bulgarian naval units—multiplying along Greek coasts and sea-lanes, and with nervous Balkan neighbors to the North, the choices have become few and the dangers very real.

When a door opens or closes in the Kremlin, the draft is felt on this threshold to the Communist world.

"The Soviets are trying to control the Middle East, the Mediterranean and the Persian Gulf," said Papadopoulos. "If they can consolidate bases on the north coast of Africa they will link up with radical regimes in central Africa to dominate the northern half of that continent.

"Once that has happened, Europe will be finished. The United States will be isolated."

Washington, Papadopoulos argues, must be the key to thwarting this Russian design, "although even President Nixon must have allies."

While other European chiefs of state have agonized over the American drive into Cambodia, Papadopoulos sees President Nixon's move as crucial reinforcement of the North Atlantic Treaty Organization and U.S. power in the Mediterranean and Middle East.

"I do not separate the problems of this region, or the problems of Indochina, or the problems of Africa," he said. "They are not isolated affairs.

"Tension in any area is directly linked to all other parts of the world, simply because the confrontation between communism and free nations is global. Because of history and geography we Greeks understand this better than most.

"We vigorously approve President Nixon's policy in Indochina because we know it is aimed at restoring peace and stability in that area. If he is successful the hope for stability in the Mediterranean is automatically increased.

"Too many people refuse to understand that the United States must take a decisive and leading role if we are to survive. And it needs support.

"We all are threatened by a barbarism that comes from two colossi (Russia and China). No one nation, not even the United States, can face them alone.

"We understand the American dilemma. Events have made the United States the commander on a global battlefield. It did not seek this role. It is spending its treasure and the blood of its youth, but the battle is essential. It is tragic that some who have the most at stake refuse to realize this."

Both Southeast Asia and the Middle East conflicts, Papadopoulos said, are key elements in a Russian plan to dominate the northern half of Africa. The move into Cambodia, he said, deals this strategy a major blow.

"It demonstrates that the American President understands the nature of the struggle and will not allow the Communists to violate international law, establish sanctuaries and mock the principle of neutrality."

But, he warned, American hopes of complete disengagement from Southeast Asia are illusory.

"You can extricate yourself from the fighting, but you must keep your power in the area," he said.

In another exclusive interview, Greek Foreign Minister Panayotis Pipinelis called the Cambodain campaign "a victory for American credibility."

"The lesson will not be lost on Moscow," predicted the old career diplomat, who has spent almost half a century in the embassies and chanceries of Europe.

"Your credibility is indivisible. If your position is stronger in the Far East, it is stronger in the Mediterranean and in Europe."

Americans in Athens, including embassy officials, are almost embarrassed by the outspoken pro-U.S. attitudes of the Greek Government. But both Papadopoulos and Pipinelis wave aside suggestions that they are flattering Washington to reinforce their own position.

"Our policy is consistent," said Pipinelis. "We do not delude ourselves. We do not try to be provocative, but we are firm. Our commitment is on the side of NATO and the United States.

"When we say we will implement our obligations to the Atlantic Alliance, we mean it in the full sense of the word. We have no mental reservations."

Pipinelis and Minister of Coordination Nicholas Makarezos also tied the always volatile Balkans to Middle East and Mediterranean problems.

"Four times in one generation Greece has fought invasions from the North," said Makarezos. "Now we see 60 Russian warships and some Bulgarian warships in the Mediterranean. We see the Soviets posing threats even to Communist countries like Romania, Yugoslavia and Albania.

"Imagine if we were returned to the spring of 1967, before the revolution, when demon-

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strators in Athens were waving 'get out of NATO' and 'out with America' signs! How long could Greece survive in such a climate?"

Makarezos cited growing Yugoslav concern, too. He pointed to an April Belgrade analysis that concluded that the U.S.-Soviet confrontation in the Mediterranean has passed from the political to the military phase.

"Why do you think Yugoslav President (Josip Broz) Tito's Defense Minister is in Paris trying to buy arms?" he asked. "Who do you suppose the Yugoslavs fear?"

Pipinelis, who two years ago accurately predicted the Soviet invasion of Czechoslovakia, said, "I would not exclude more Czechoslovakias."

"Russia is obviously nervous about its buffer states," he said, "particularly Romania and Yugoslavia.

"She knows that every day, as progress is made in all the satellite countries, the trend toward independence grows. Russia cannot accept this trend and the satellite peoples cannot accept tight Soviet control.

"It is a dangerous situation.

"That is another reason I pray for U.S. credibility to be constant. I put great hopes and expectations in President Nixon."

SUPPORT FOR CREATING A SELECT COMMITTEE ON NURSING HOMES AND HOMES FOR THE AGED

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, every Member of this body is aware of the work which our colleague, the gentleman from Arkansas (Mr. PRYOR), and others have done to highlight the deplorable conditions which exist in some of our Nation's nursing homes.

In February I joined my colleague in sponsoring legislation to create a Select Committee on Nursing Homes and Homes for the Aged in the House.

An article in the June–July 1970 issue of Modern Maturity, published by the American Association of Retired Persons, relates there are many good nursing homes which work tirelessly to provide quality care for their patients. I am fortunate to have several in my district. But conditions at the poor homes victimize countless of our senior citizens and give the whole nursing home industry a bad name. This is why a select committee of the House is needed.

I think my colleagues will find the Modern Maturity article of interest. The complete text follows:

THE NURSING-HOME SCANDAL

(By Bernard E. Nash)

"Nursing Home" is a phrase that has never fitted happily into our vocabulary. For many elderly people, nursing homes have seemed to be frightening and melancholy places, synonymous with loneliness, boredom, separation from familiar patterns, and loved ones—a nightmare of not being needed.

There are many good—some excellent—nursing homes which work tirelessly to dispel this dread. Also, of course, there have been too many poorly run homes which enforce it. But the situation has come to crisis proportions in an unexpected way: Federal subsidy through Medicare triggered the building of thousands of new nursing homes. But however genuine the need, people both qualified and properly motivated to meet it were not that numerous.

Many of the new facilities became primarily investments, operating more as housing units than as integral parts of a health program. And the result has been the sometime callous, sometimes merely uncomprehending breakdown in warm, humane care for the patients.

The unpleasant facts must be faced. Stories are coming to light of neglect, of nonprofessional personnel and underpaid staffs, of inhumane disregard for even minimal health care, and of thoughtlessness about the personal dignity of patients. These stories are painful to hear. But they must be brought into the open for the sake of the neglected patients.

Credit must be given to crusading reporters, local and state health and welfare investigators, as well as congressmen who have lifted the lid off this horror story.

In February, Representative David Pryor (D-Ark.) demanded a no-holds-barred investigation of the nursing-home industry. He called for the adoption of a firm government policy toward the nation's 24,000 nursing homes.

Speaking on the floor of the House, Representative Pryor high-lighted his text with first-hand evidence he had gathered by working on weekends as an anonymous volunteer aide in nursing homes in Virginia, Maryland, and the District of Columbia.

IRRESISTIBLE LURE IN FEDERAL TAX DOLLARS

Pryor stressed the need for stricter uniform nursing home standards and for the adoption of rigid licensing and inspection regulations corroborating recommendations made by the Subcommittee on Long-Term Care of the Special Senate Committee on Aging. This subcommittee, chaired by Senator Frank Moss (D-Utah), had heard earlier testimony provided by AARP's legislative staff.

The nursing-home situation has been under investigation in Congress by nine panels. Several individual senators and Congressmen have undertaken their own studies of various aspects of nursing-home conditions.

Congressman Pryor, "on behalf of the 20 million older citizens of this country," underscored his discussion of the dehumanizing aspects of nursing-home care with extensive comments about his experiences as a nursing-home aide. He spoke of elderly people tied into their wheelchairs, of a stricken heart patient lying untended because it was Sunday and no doctor should be called on Sunday, of unchanged beds and watered-down soup, and of patients drugged so they would not cause trouble. He spoke of harassed underpaid and untrained staff.

All this evidence points to a human disaster of major proportion. Before remedies can be taken, it is necessary to analyze briefly some of the reasons why this situation has developed.

The current crisis in nursing-home care can be traced to an interpretation by the Social Security Administration that Medicare patients would include patients who required long-term extended care. That decision was based on the belief that many elderly patients who were occupying expensive hospital rooms could be provided with necessary care in nursing homes at less expense. Referral of such patients to nursing homes by their doctors was deemed a prudent economy that would cut the soaring Medicare hospital bills.

Ironically, however, this decision signaled the beginning of a mushrooming nursing-home industry. There was an irresistible lure in the $2 billion Federal tax dollars annually being channeled into nursing-home operation with few regulatory strings attached. In 1968, writing in her nationally-syndicated column, "Your Money's Worth," Sylvia Porter reported that nursing-home investments had become "glamour stocks." In 1969, 40 companies had been incorporated to construct nursing homes; chains of nursing homes some of them with striking architectural designs, spilled out across the country. Sales of stock rose to $340 million in 1968. Nursing homes increased in number from 12,000 in 1966 to 24,000 in 1969. Three new homes were reported opening their doors daily in 1969.

Unconcerned with trained medical and administrative staffing, naive about compassionate treatment of the elderly patients, the nursing-home operators had no reason to increase their operating costs by catering to the needs of the patients. Federal and state regulations gave them little interference. Although a patient's nursing-home bills might be paid by Medicare, there were no standards and regulations to protect him.

Compounding the situation are the population statistics. Medical strides have extended the life expectancy to the point where the number of persons over 65 years of age is increasing by approximately 800 persons daily. One out of 10 Americans is 65 years or older. As the average life span lengthens, there are more potential candidates for nursing-home care.

Government agencies have been caught off-guard: There is now no single policy or identifiable national goal in the nursing-home care of the aging.

Of course, some control regulations have been attempted. Medicare and Medicaid agencies, operating under the Department of Health, Education, and Welfare, have issued standards for nursing homes. But enforcement has been less than adequate.

Medicaid, administered by state offices in cooperation with local welfare agencies, often approves nursing homes on the basis of reports of the local county authorities. Quality of care becomes a matter of individual and regional interpretation.

Although the Social and Rehabilitation Service is the Federal administrative agency for Medicaid, it does not control the quality of its surveys. When a complaint is received by HEW offices, it is ultimately referred back to the state agency and from there to the county official who is responsible for the local nursing home in question. The complaint goes full circle; the condition being criticized usually remains unchanged.

The Social Security Administration (SSA) must approve the nursing homes providing extended care under Medicare. However, a recent hearing of the Committee on Government Operations revealed that SSA officials have no information about the qualifications of those who make the inspections.

CONTROL OF NURSING HOMES IS MIRED IN BUREAUCRATIC PROCEDURE

Fragmentary attempts to put some sort of order into the nursing-home situation also have been made by Federal agencies not familiar with the nursing-home care of the aging.

Numerous other Government bodies have made studies of certain, limited aspects of the nursing-home operation. But little coordination of such efforts was even attempted. For example, the Small Business Administration is concerned with applying its own criteria for making loans for the construction of the homes. The Securities and Exchange Commission focuses its attention on the supervision of stock issues of corporate bodies that have entered the nursing-home investment field. The National Banking and Currency Committee of the House of Representatives deals with sections of the National Housing Act that provide mortgage insurance for various types of nursing homes. This is but a partial list.

Politicians, Federal Government officials, physicians, the operators of many good nursing homes, and experts in the field of old-age care have come forth with suggestions to improve the nursing-home industry. These, as well as other aspects of the nursing-home situation, will be discussed in detail in future issues of your Association magazine, Modern Maturity.

Two suggestions worth brief mention here are: (1) upgrading of the geriatric training of administrative nursing-home personnel; and (2) the development of alternatives to nursing-home care such as day-care centers for the aged, foster homes, visiting services, sheltered workshops, and sheltered low-cost supervised housing.

Recognizing that a solution to the complex nursing-home problem cannot be found overnight, Congressman Pryor has stressed the importance that a beginning be made. He has proposed the establishment of a nine-member Select Committee on Nursing Homes and Homes for the Aged in the House of Representatives.

As Executive Director of AARP, I enclose Representative Pryor's plea for immediate action and I urge each AARP member to support his proposal by writing or wiring his or her Congressman.

We have been concerned here with the overall national picture of nursing homes. I don't think I need to remind each of you that the quality of the nursing-home care in your area should be of priority concern to you. No one can tell when someone close to you might suddenly require the best possible nursing-home care. Possibly a talk with your mayor or the news editor on your local radio station or newspaper will stimulate community awareness about the nursing-home situation in your town or city.

As an association of older persons, it is our responsibility to stand together in support of any program dedicated to the improvement of conditions in the nation's nursing homes.

A BILL TO PROVIDE CRIMINAL PENALTIES FOR ANYONE WHO DISRUPTS A JUDICIAL PROCEEDING

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. LANGEN. Mr. Speaker, I am submitting today a bill that would provide criminal penalties for persons who deliberately interfere with the administration of justice by disrupting courtroom and other judicial proceedings. My bill would provide up to a $5,000 fine or 5 years in prison, or both, for anyone who disrupts a judicial proceeding with noisy outbursts, obscenities, insults, or other similar disgraceful conduct.

In reflecting upon events of recent times, we have witnessed all too often attempts by belligerent antisocial individuals and groups to reduce our system of jurisprudence to a shouting match and to turn government into the law of the streets. If we stand by and permit this to continue, we will be contributing to the destruction of our judicial system as we knew it. And in spite of the moaning of those bleeding-heart critics to the contrary, our system is still a model for other nations to follow. Once this system is destroyed, the rights of all American citizens will become meaningless and indeed nonexistent.

The time has come to take a stand on this crucial matter—I invite the support of my colleagues in enacting this important piece of legislation.

A MOTHER SPEAKS TO HER COLLEGE DAUGHTER

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. BRAY. Mr. Speaker, I have received quite a bit of mail, as have all of us, concerning troubles on campus. An exceptionally thoughtful and perceptive letter came from Mrs. Robert J. Myers, of Indianapolis, and with it Mrs. Myers sent me a copy of a letter to her daughter, a student at Dartmouth.

Mrs. Myers graciously gave permission to have both letters inserted in the RECORD, and I wish to include them at this time:

MAY 23, 1970.

DEAR MR. BRAY: I have recently received several letters from college students stating their position on the various "crisis" that have come up on campus this year and they have urged me to write my congressman and express my opinion. I do not support them or sympathize with them but I will answer their letters in rebuttal and present to them my views as a taxpayer. I will also tell them that I have written my congressman and asked him to support our President. With the knowledge he has at his command, I feel that he is far better qualified to determine the safest and quickest means to end the war. We all want Peace!

I feel that these kids have a right to question, inquire, and disagree as part of their maturing and educational process—but not to demand, protest, and disrupt. It is like biting the hand that feeds them. When they have absorbed all the education they want and are ready to take their place in our society and contribute to it—by their talents and their taxes—then they will have a right to speak and if they have anything to say, people will listen. They may be getting a good lesson in political science but I wonder how much they know about economics.

I am also concerned with the ability of many private schools to survive when many affluent alumni are so opposed to the students views and withdrawing their financial support. I wonder if they consider that. There was an interesting article in the paper this morning that suggested that maybe we ought to close all the universities for a year and let them pursue their courses on their own. The man had some interesting thoughts. I will enclose the article.

Thank you, Mr. Bray, for the job you are doing in congress and listening to the voice of America. I hope more of the silent majority speak out.

Sincerely,

MRS. ROBERT J. MYERS.

—

MAY 23, 1970.

DEAR HOLLY: Your letter was very informative and I am glad you wrote to us. It was refreshing and hopeful because you urged us to write our congressman even if we did not support your stand, and you probably know that we don't. I have written to our congressman, Mr. Bray, and I am glad you spurred me on to do it. I hope you will awaken more of the great silent majority and get them to be heard also.

I will agree that you are getting a great lesson in political science but when do you take your course in economics? I feel that the colleges and universities are to provide an education and when you have gone as far as you want to go—then you put that knowledge to work and take your place in our society as a mature adult and contribute both your talents and your taxes. Part of this tax money supports these schools where the kids are demanding, protesting and disrupting classes and I don't approve.

One main concern—in addition to the national economy—is with private educational institutions and their ability to survive when many affluent alumni are so violently opposed to the present student thinking and therefore withdraw their financial support. Many of our private school friends here in Indianapolis have done just that!

Are you protesting against phosphates in soap and pollution? Do you know why they are in there? They contribute to the reduction of germs in clothes and reduce the danger of infection. As long ago as 1966, companies have been doing research for a substitute. They must be careful that a new substance will not be even more harmful or had any adverse effects on the health of the people or on the ecology of the country. A new material has been found which could possibly be used but it is not available in the necessary quantities so they must find ways to increase its production. There are many reasons why they just can't eliminate phosphates immediately and I feel this also true of President Nixon's handling of the war. There are many facts he knows that we don't and by pulling out of Viet Nam right now we might be much worse off in the long run.

United We Stand—Divided We Fall. I say lets get behind the President and give him our full support and confidence.

—

MAY 24.

HOLLY: I am grateful that your protest action at Dartmouth was peaceful and without incident. We love you kids and want to keep the lines of communication open. I don't believe in the generation gap. There is no more of a gap now than there ever has been between parent and child when they do communicate.

The killings at Kent State were very unfortunate but do point out to us that not all people on the college campuses are registered students and sincere in their efforts to get an education. This influence is what frightens me and is what we must watch out for. I was at the Herron Art Museum the day they were carrying four caskets around and around in protest—and they were not all art students that were participating.

We haven't mentioned the subject of dope. Yes, there is much in this world to be concerned about and we do care what is happening. We must all try in our own way to do something about it.

Come see us when you are home this summer. I would like to hear more about your week of soul searching and the results it produced.

With Love,

PRIVATE ENTERPRISE AND THE POSTAL SERVICE

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. DENNIS. Mr. Speaker, one of the most interesting, and perhaps one of the most potentially promising, amendments offered during the recent debate on the postal reform bill was that offered by the gentleman from Illinois (Mr. Crane), which would have permitted private enterprise to undertake the delivery of first-class mail. Since this would be a new departure in postal service, and no hearings had been held on the subject, it was not to be expected that Mr. Crane's amendment would be adopted at this time.

Nevertheless, the proposal of the gentleman from Illinois is thought provoking and deserves further and serious consideration. The record of private enterprise, as is well known, is generally one of ever lower costs and wider and more efficient service; the record of the Post Office, on the other hand, is unfortunately quite to the contrary. There would seem to be nothing in the nature of things which would prevent successful private carriage of the mail, and Mr. Crane's proposal merits serious study and consideration by the Committee on the Post Office and Civil Service.

DISTORTION OF NO-KNOCK PROVISION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HOGAN. Mr. Speaker, it has been a continuing source of concern to me that so many individuals and organizations have been distorting the contents of the District of Columbia crime bill, which is now pending before House-Senate Conferees. One of the provisions in the bill which has been subjected to the most misunderstanding and distortion has been the so-called no-knock provision.

Individuals and organizations which should know better have aroused citizen opposition to this provision without explaining that the proposed legislation limits the authority which police already have under this aspect of the law. Under Supreme Court decisions, police officers already have authority to enter premises without knocking when certain exigent circumstances are present. At the present time, the police officer himself in these exigent circumstances makes a decision on his own as to whether or not he has the authority to enter without knocking. Under the proposed bill, when the officer knows of these circumstances, he is required to appear before a judicial officer to seek specific authority in a warrant to enter the premises without knocking.

The bill set forth the general requirement that an officer must announce his identity and purpose before entering the premises to arrest or serve a warrant. The bill then sets forth the exceptions—already recognized under Supreme Court decisions—when he may enter without announcing in advance.

These circumstances are: First, when his life or the life of a third party is in danger, second, when evidence is likely to be destroyed if he announces in advance or, third, if it would be a useless gesture—it would be a "useless gesture" for a police officer, when pursuing a felon, to pause at a door slammed in his face and knock and indicate his identity which would already be known to the individual fleeing.

Citizens who fear that their own doors might be broken into by officers have no real cause for fear. It should be recognized that in these instances, as in all other instances of serving search or arrest warrants, the officer must have "probable cause."

The overwhelming majority of authorities who have taken the trouble to understand what the proposal really involves support it. Those in favor are:

The District of Columbia Government;

The Washington Board of Trade;

The American Bar Association;

The District of Columbia Bankers Association;

The District of Columbia Bar Association—February 1970 referendum; and

The U.S. attorney for the District of Columbia.

Five States have no-knock statutes including New York after which the bill was modeled. Twenty-nine States allow no-knock entries either by statute or case decision.

The Senate has approved the no-knock provision twice—in the Federal drug bill by vote of 70 to 15 and in its own version of the District of Columbia bill by unanimous consent. The House specifically approved the no-knock provision in its District of Columbia bill by a vote of 120 to 52.

The U.S. Supreme Court has specifically upheld no-knock entries. The proposal in the District of Columbia crime bill clarifies existing no-knock case law and provides additional safeguards to citizens by setting forth specific guidelines to regulate police conduct and requiring them to obtain a warrant in advance when the exigent circumstances are known in advance.

Make no mistake about it, Mr. Speaker, in spite of the hue and cry of the misinformed, no-knock entries are necessary to combat organized gambling and narcotics traffic and they are necessary in certain circumstances to protect the life of the officer.

An article recently was published in the Washington Post concerning the District of Columbia crime bill, which I felt compelled to respond to. I, therefore, include this column and my letter of response at this point in the Record:

The District of Columbia Crime Bill: A Problem of Separating Wheat From the Chaff

(By William Raspberry)

It may be that the worst thing about the incredibly bad D.C. crime bill now being considered in House-Senate conference is what it does to the "good guys"—responsible liberals and civil libertarians.

The omnibus proposal contains a good many provisions that are, in my view at least, clearly irresponsible. Many, though by no means all, of them are proposals of the administration. But the bill also contains some extremely worthwhile provisions.

That, really, is the liberal's dilemma. He cannot easily declare himself in steadfast opposition to the bill because of its more repressive provisions without appearing to be unconcerned about crime in the District of Columbia.

And crime in this city, despite some encouraging signs that things may be getting a little better, is still too serious a matter to let it become the pawn in an ideological fight, with the good guys on the wrong side.

Opposition to crime has no business becoming the exclusive property of the racists, reactionaries and demagogues, who suffer least from the effects of crime.

The victims of crime are, first and foremost, poor inner-city blacks. But the victims also include, disproportionately, white liberals who, for reasons of personal commitment, choose to live in or near the inner city. It affects least of all the wealthy who can largely isolate themselves (with distance and whiteness) from its effects.

So while crime really is everybody's business, it should be particularly the business of precisely those who are most adamant in their opposition to the D.C. crime bill.

The problem for responsible liberals is that it is possible to be opposed both to crime and to repressive measures for combatting it. Demagogues don't have that problem.

The woman whose home was broken into (she alleges) because the police got a bad tip from an informer hates crime at least as much as the members of Congress who are pushing for no-knock searches.

But don't expect her to testify in favor of no-knock. For her, the only difference between having her home wrecked by a burglar and having it wrecked by the police is that she can sue the police, as she is now doing.

What some concerned citizens are wondering is why our officials are seeking such questionable power as no-knock, expanded wiretapping authority and preventive detention when they have not used the powers they already have to deal with the problem.

Nothing prevents the authorities from placing conditions on pretrial releases to minimize their danger to the community. Nothing prevents the courts from assigning priority to cases involving violent crime.

Nothing prevents the vast expansion of rehabilitation programs (or even civil commitments) for drug addicts, if they constitute the crime problem we believe they do.

But instead of spending the money to expand and staff these worthwhile efforts, some of our legislators prefer to spend their time legislating garbage.

That isn't to suggest, however, that the D.C. crime bill is all garbage. Some of its provisions could go a long way toward making a serious dent in the city's crime problem: massive expansion of the courts, instituting a workable public defender system, expanding the bail agency, assigning a court administrator whose chief function it would be to make the courts more efficient.

The need for that last provision becomes clear when it is realized that while we now have far more crime than we had 10 years ago, the courts are adjudicating approximately the same number of cases now as then.

In a saner world, there would be a recognition of the fact that there is much in the crime bill that can be agreed on by all concerned, and there would be an effort to separate out and enact those provisions, leaving the controversial and questionable titles for later.

At least that way we would be in a position to do *something* about crime. As it is now, some conscientious lawmakers would prefer to enact nothing than to lend their support to repression masquerading as a war on crime.

As a sponsor of the D.C. Crime Bill, one of the House conferees on the bill, and one who has been working hard for enactment of this vitally needed legislation, I am both disappointed and distressed by William Raspberry's column of June 1, on the D.C. Crime Bill. I am disappointed because the inaccurate and misleading information in the column is inconsistent with Mr. Raspberry's usual high quality work. I am distressed because this information may have an unfortunate effect upon the many residents of metropolitan Washington who place great trust and confidence in Mr. Raspberry's observations.

It is obviously not true, as Mr. Raspberry suggests, that only "racists, reactionaries and demagogues" support the pretrial detention, no-knock, and wiretapping provisions in the D.C. Crime Bill. Nor is it accurate to suggest that all inner-city blacks and white liberals are against these measures. Indeed, Mr. Raspberry himself has recently stated he has little doubt that black people in Washington would favor pretrial detention.

During the past few years, at least six grand juries in the District of Columbia have complained to Congress, to the President, and to the courts about the release before trial of dangerous defendants charged with violent crime who have committed additional serious crimes while free on bail. These grand jurors are intimately familiar with local crime problems; for two months, they do nothing but listen to the sad, sordid tales of innocent victims of crime and study the criminal records of the persons charged with these crimes. The racial composition of D.C. grand juries is 60 to 75 per cent black. It is these grand jurors, these inner-city residents who are, as Mr. Raspberry correctly recognizes, the principal victims of crime. They have the most to fear from the pretrial release of dangerous criminals. Rather than oppose limited pretrial detention, they have demanded it.

As to no-knock, Mr. Raspberry's sources of information failed to apprise him of two critical facts. First, the alleged incident in which the police reportedly broke into a woman's home without knocking to execute a search warrant took place under existing law recognized by the Supreme Court and the vast majority of the states. The no-knock authority provided in the D.C. bill is therefore not, as Mr. Raspberry suggests, a new tool for the police. In fact, it has existed since the common law in England.

Second, the no-knock entry was made by the police acting upon their own discretion without the prior judicial approval required by the administration's no-knock bill. Under present law, the police do not need prior judicial approval to enter people's homes. The requirement of prior judicial approval is in keeping with the spirit and purpose of the Fourth Amendment to the Constitution. For this reason, the no-knock provision in the D.C. Crime Bill, which actually limits the discretion the police now have to enter homes without announcing their identity and purpose, should receive Mr. Raspberry's blessing rather than his curse. It is a provision which inner-city blacks, who most fear unrestrained police action, should applaud.

A final point: Mr. Raspberry complains about the failure of "the authorities" to help drug addicts. One obvious way to help drug addicts is to reduce or eliminate the illicit drug traffic which causes their addiction. Nowhere in Mr. Raspberry's article did I read about the highly successful use of the federal wiretapping law which has led to the most significant arrests and indictments of large numbers of important drug pushers in years in the District of Columbia. Mr. Raspberry's assertion that the authorities have not been using the tools they already have is simply inaccurate. The available tools have been used, and with great success. The reason for the wiretapping provision is to permit limited wiretapping for such nonfederal, local organized crimes as burglary, "fencing" and gambling, crimes which plague inner-city residents most.

The D.C. Crime Bill is not hostile to inner-city residents. The purpose of the bill is to give all citizens of Washington security and protection from lawless, criminal elements in society. Because inner-city residents are the principal victims of these lawless criminal elements, they are the ones who stand to benefit most from this increased security and protection.

LAWRENCE J. HOGAN,
Member of Congress.

WASHINGTON.

CONFERENCE ON MATERIALS FOR IMPROVED FIRE SAFETY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. MILLER of California. Mr. Speaker, the House has heard for many years of the enormous benefits that our space program is generating for the welfare and security of the American people. Those benefits have been the product of outstanding scientific research that has produced many times over unique and unexpected applied technologies.

Of eminent interest to the House is, no doubt, the recent developments that have come from NASA that will make possible the massive assault against the most cruel hazard of civilization, fire.

On May 6 and 7 of this year a conference was held by NASA in Houston, Tex., dealing with materials for improved fire safety. The report on that conference and the information it contains is really eyeopening. Its purpose is to pass on the latest means of drastically reducing the casualties and losses presently being experienced by our country. I urge every Member who certainly must be personally concerned with the aspect of fire and its destruction upon his constituents to read and think long about the report of the conference, which I wish to include here for the RECORD. I am sure each Member will find much illuminating information which will be of untold aid to the communities which he represents.

The conference report follows:

CONFERENCE ON MATERIALS FOR IMPROVED FIRE SAFETY

After the Apollo fire early in 1967, NASA took a leading role in the development of materials for improved fire safety. Last month a conference was held in Houston, Texas, to pass on what we have learned to commercial, government, and professional organizations.

The interest in this conference was extraordinary. There were 587 attendees, representing 290 organizations. They spent two days listening to detailed technical discussions and observing practical demonstrations. Among those attending were representatives from: 7 federal agencies concerned with fire protection; 11 airlines; 59 aerospace companies; 15 insurance companies; 6 construction companies; 42 manufacturers of steel, electronic, glass, and paper products; 3 manufacturers of tires; 69 chemical manufacturers; 5 manufacturers of automobiles; 17 textile manufacturers; 9 small aircraft firms; 41 research companies; 16 universities; 11 international firms; and 5 oceanographic firms.

Examples of fire safety materials that were discussed and demonstrated include:

Fabrics that will not burn;

Paints that protect the surface beneath them;

Nonflammable electrical switches, circuit breakers, and wiring;

Spray coatings that prevent combustion on protected surfaces;

Noncombustible plastic foams used for insulation; and

Paper products that are nonflammable.

Commercial, household, and military applications of these new nonflammable materials were discussed, including clothing, bedding, carpeting, upholstery, and automobiles and aircraft furnishings and accessories.

The response to the conference has been overwhelming. Some representative reactions were:

An airline official has stated, "You have accomplished more in a few years than has been done over many years in the past." NASA will assist this airline in the search for nonflammable substitutes or processes for aircraft interior materials, and will instruct airline personnel in the application of nonflammable coatings to aircraft interiors.

The Air Force has requested support for "adapting some of the flameproofing techniques used by the Apollo Program in operational USAF aircraft."

The International Association of Firefighters has asked for help in developing protective clothing for firemen. NASA is already developing an improved protective garment for the fire department at the Manned Spacecraft Center in Houston, Texas.

The National Association of Homebuilders is seeking applications to home construction.

The Department of Housing and Urban Development has requested further detailed information in their technology utilization program.

NASA has stopped procurement of Nomex flight coveralls for pilot and astronaut personnel in favor of coveralls made of Durette material, which has improved fire resistant qualities.

A manufacturer of wall paper is attempting to obtain American rights to a nonflammable paper developed for possible use in Apollo by a firm in the Federal Republic of Germany.

The Downtown Airpark of Oklahoma City is refurbishing an Aero Commander with a nonflammable material.

These are only a few examples of the requests for help we have received, and applications that are already underway. NASA will provide additional information and support to all who have a bona fide need for these direct benefits from our space program.

HIGHER SOCIAL SECURITY PAYMENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD a copy of the letter I am sending to the good people of the 27th Congressional District of Pennsylvania alerting them of the new changes now being made in the social security system.

This letter concerns the 15-percent increase in social security benefits beginning January 1, 1970 which has now been passed by the U.S. Congress.

I feel that this advice to my constituents, as their Congressman, will show them the new benefits which were effective on January 1, 1970 so that they can check to see whether their individual social security accounts are being correctly calculated.

The letter follows:

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[Public document—official business]

HIGHER SOCIAL SECURITY PAYMENTS

DEAR FOLKS: It is vital to every person, old, or young, in our District, to be kept advised of the great new changes now being made in our U.S. Social Security System. The 15% increase in benefits has now been passed by us in Congress, and is now the law. I have tried to get enough pamphlets to show you your new benefits beginning Jan. 1, 1970. But as a new second increased social security bill is now on the way thru Congress, no new pamphlets are available on the present law.

To show you your new benefits which began Jan. 1, 1970, I have personally had these pamphlets printed, to be sure you are taken care of. Write me if you need help—send me your name, address, and social security number. I will be glad to check your account for you.

Congressman JIM FULTON.

P.S.—I will advise you when the new bill becomes law.

JIM.

DEAR FOLKS: Make sure you are actually getting the 15% increase in social security benefits under the new rates set by U.S. Congress, which are effective January 1, 1970.

EXAMPLES OF MONTHLY CASH PAYMENTS

This table shows examples of monthly cash social security payments. The amounts include the 15 percent increase recently signed into law. The new rates are effective January 1, 1970. The first checks in the new amount will be sent out April 3 covering payments for the month of March. A separate check in the amount of the benefit increase for the months of January and February will be sent out later in April. People who get benefits will get the increase automatically. They do not have to take any action themselves.

Did you get both checks for increased payments?

Average yearly earnings after 1950[1]	$923 or less	$1,800	$3,000	$4,200	$5,400	$6,600	$7,800
Retired worker—65 or older, disabled worker—under 65	64.00	101.70	132.30	161.50	189.80	218.04	250.70
Wife 65 or older	32.00	50.90	66.20	80.80	94.90	109.20	125.40
Retired worker at 62	51.20	81.40	105.90	129.20	151.90	174.80	200.60
Wife at 62, no child	24.00	38.20	49.70	60.60	71.20	81.90	94.10
Widow at 62 or older	64.00	84.00	109.20	133.30	156.60	180.20	206.90
Widow at 60, no child	55.50	72.80	94.70	115.60	135.80	156.20	179.40
Disabled widow at 50, no child	38.90	51.00	66.30	80.90	95.00	109.30	125.50

Average yearly earnings after 1950[1]	$923 or less	$1,800	$3,000	$4,200	$5,400	$6,700	$6,800
Wife under 65 and 1 child	32.00	51.00	70.20	119.40	164.60	177.20	183.80
Widow under 62 and 1 child	96.00	152.60	198.60	242.40	284.80	327.60	376.20
Widow under 62 and 2 children	96.00	152.60	202.40	280.80	354.40	395.70	434.40
1 child of retired or disabled worker	32.00	50.90	66.20	80.80	94.90	109.20	125.40
1 surviving child	64.00	76.30	99.30	121.20	142.40	163.80	188.10
Maximum family payment	96.00	152.60	202.40	280.80	354.40	395.60	434.40

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[1] Generally, average earnings are figured over the period from 1950 until the worker reaches retirement age, becomes disabled, or dies. Up to 5 years of low earnings or no earnings can be excluded. The maximum earnings creditable for social security are $3,600 for 1951-54; $4,200 for 1955-58; $4,800 for 1959-65; and $6,600 for 1966-67. The maximum creditable in 1968 and after is $7,800, but average earnings cannot reach this amount until later. Because of this, the benefits shown in the last column on the right generally will not be payable until later. When a person is entitled to more than 1 benefit, the amount actually payable is limited to the larger of the benefits.

COMMUNITY ACTION TO FIGHT POVERTY ADVANTAGEOUS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. BROWN of Ohio. Mr. Speaker, one of the advantages in using locally based community action agencies to fight poverty is that the local organizations are best able to mobilize the various resources within the community.

An example of this can be found in the Marion, Ohio, area. An article in a recent issue of the Conveyor, the in-house magazine of the Whirlpool Corp., in Marion, discusses the many projects of the Marion-Crawford Community Action Commission and how forces in the community work together to provide better social services for the needy.

The activities of this Office of Economic Opportunity-funded community action agency can be summarized by saying that the agency is helping low-income people to help and support themselves. I would like to place this article in the RECORD at this time:

THE CATALYTIC ACTION

(By Don Shanahan)

In chemistry, a catalyst is a substance used to speed up a chemical reaction. In the Marion area, we have a "catalyst" helping to speed progress in community development. It's called the Marion-Crawford Community Action Commission (MCCAC). As defined by Don Shanahan, MCCAC executive director, Community Action seeks to mobilize existing community resources for the elimination of impoverished conditions in our community through the use of federal funds. The Commission causes positive action to be taken through these programs: Neighborhood Youth Corps, Manpower, housing, food distribution, senior citizens, and the Community Action Centers in addition to the Arnold T. Johnson Multiphasic Medical Screening Clinic.

The Commission, now in its fifth year, is made up of public officials, representatives from low income areas, churches, industry and minority groups. Funds for the various programs of the Commission are based on population and come from the Office of Economic Opportunity. Last year, over $150,000 came into our two-county area for the various programs. In addition to the government funds, local contributions in the form of goods and services are used to run the program.

The Commission operates two Neighborhood Centers—one in Crestline; the other in Marion at the Lee Street Presbyterian Church. Activities of the Center include employment counseling, books and jobs, Mothers' Club, Senior Citizens' Club, family services counseling, surplus food distribution, health education lectures, and physical fitness to name but a few. New programs are constantly being added as the needs become known. Mrs. Mary Houston is the Marion Center director.

SCREENING CLINIC

The Arnold T. Johnson Multiphasic Medical Screening Clinic started operating a little over a year ago, and in eleven months, over 500 individuals have received a variety of medical tests such as tests for diabetes, glacouma, hearing, tuberculosis, blood pressure, cholesterol, and others. The primary purpose of the clinic is the early detection of chronic diseases. Of those tested, a number of suspected diseases have been found. Those taking part in the program are asked for a $1.00 donation if they can afford it.

Whirlpool and Eaton were instrumental in developing this clinic. The doctors and nurses who participate in the program donate their time. Helen Geckle, a full-time R.N. assigned to the clinic, is the only paid employee and her salary comes from the State Department of Health, through the Marion County Health Department. Any clients with suspected cases of a disease are referred to local doctors. Over 50 cases of suspected tuberculosis have been referred to the Public Health Office and 41 people were found to be diabetic, 107 were found to have high blood pressure and 256 were found to be either overweight or underweight.

Manpower Coordinator, Jack Brown, works in both Marion and Crawford counties. His job is to counsel with low income people and attempt to place them in various industries and social agencies. He works with senior citizen groups in the Marion and Crawford Centers in developing small businesses which provide a little extra income for those on retirement. At the present time, 20 different articles are being made for sale by the Crawford County Senior Citizens Group.

TONS OF FOOD DISTRIBUTED

The food and aging co-ordinator for the Commission is Cara Hewetson and last year she co-ordinated the distribution of over 341 tons of food. The food, basically cereal foods donated by Quaker Oats, went to over 600 families in the two-county area, representing 2,500 hungry people. The wholesale cost of food distributed in the two counties was $40,000. Some of the food is also distributed through Community Action Centers outside of the two-county area. The food and aging co-ordinator also works with senior citizen groups in both communities. The senior citizens, often called the forgotten group, living on a fixed income find that making items for bazaars and other fund-raising projects is a good way to supplement their various programs. Activities for the senior citizens now being planned include a trip to the Ohio State Fair and a senior citizens' forum to be held May 7 in Marion.

HOUSING PROBLEMS TACKLED

Housing in Marion has been critical for several years. A little over one year ago, a housing specialist, John Mills, was hired by the Commission. Mr. Mills works with city and county governments to help them become more aware of state and federal housing programs that are available and to help them in securing funds. A Marion County Housing Advisory Council has been established to help review the housing needs for our community. This 15-member committee reviews the situations and problems and then suggests solutions for housing needs. This council recommended the Jaycees to be the non-profit organization sponsoring the Fairview housing development.

A Crawford Metropolitan Housing Authority was developed last December to qualify for federal housing funds. This group is used to get the quality of housing up to standard. They can rehabilitate houses and lease them back to low income families, or order the demolition of houses which are unsafe and beyond repair. Through the housing authority, slum areas can be cleared and better housing provided. It is hoped that Marion County, like Crawford County, can develop a housing authority.

The Neighborhood Youth Corps, now in its

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fourth year, was set up to recruit young people from low income areas and to place them in jobs throughout our community. Their work assignments range from custodial to clerical, to teachers aids, to airport aids. This summer, 90 high school young people will be placed on jobs throughout the community. They will not only be working in industries (like our Job Opportunities for Youth [JOY] program) but in schools, the Red Cross, the Recreation Department, hospitals and in City Hall. Through this meaningful work, the young people gain job experience and learn to work with other people, thus helping to close the generation gap.

HEAD START IN SIXTH YEAR

One final area of activity for the MCCAC is that of the Summer Head Start Program. This summer, approximately 120 youngsters in Marion will be participating in the program. Darl Gatchell of the Marion City Schools, will be coordinating this program which provides many medical and dental services as well as psychological tests and some academic training. The City Schools have operated the Head Start Program for six years.

Don Shanahan, Executive director, summarized that the activity of the Commission is not welfare. It is helping the low income people of our community learn to help and support themselves.

PRIVATE PROFIT OR PUBLIC GOOD: WHAT THE PRIVATE UTILITIES REALLY WANT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HATHAWAY. Mr. Speaker, a front page article in the June 21 Washington Post accurately suggests that the onus for steadily worsening electric power conditions in the United States belongs almost exclusively to investor-owned utilities, which in the face of increased consumer demand for their important product, have blindly emphasized power sales over power supply and reliability. In so doing, they have put profit before the public good.

This week, the Members of this House will vote on an issue that could help make the private electric utilities face up to their public responsibilities—appropriation of $807,000 requested by the administration for continued preconstruction planning of the proposed Dickey-Lincoln School hydroelectric power project in northern Maine.

The proposal's potential is great, and includes, among other things, the promise of a 1.9-to-1 benefit-to-cost ratio and a number of impressive environmental and recreational uses. But perhaps most significant—certainly most worrisome to its detractors—would be its provision of a so-called power yardstick.

This is the measurement by which private power consumers in the New England and adjacent areas would be made aware of the disparity between private and public prices. It would help keep private power prices at a more reasonable level. It could prove to be both a potent consumer weapon in the hands of millions of deserving northeasterners, and a very large thorn in the side of private power producers.

Currently, power consumers in New England pay the highest rates in the country for what may well be the least reliable electricity anywhere. The Dickey-Lincoln yardstick is clearly needed. I urge my colleagues to help provide it.

The Washington Post article follows:

U.S. AGENCIES CUT USE OF POWER IN FACE OF EXPECTED SHORTAGES

The giant wind tunnel at the space agency's Langley Research Center and the huge drydock pumps at the Norfolk Naval Station will be run only at night this summer.

Further to the west, the Atomic Energy Commission's mammoth diffusion plants at Paducah, Ky., and Portsmouth, Ohio, will cut their production of enriched uranium this summer by more than 10 per cent, a move that's expected to save more than 300,000 kilowatts of power.

In Washington, the Veterans' Administration is replacing manual switches with timers that automatically turn off the office lights at the end of the day, and the Pentagon has issued an order for all base commanders on the East Coast to turn off the barracks air conditioning during the daylight hours when most of their men are on duty.

These attempts to save electricity are all parts of a government drive to conserve power this summer, which electricity experts across the country think of as the greatest period of crisis in their industry since Thomas Edison lit the first lamps in New York in 1882.

"We're producing more electricity than at any time in our history," says S. David Freeman, director of energy policy at the White House Office of Science and Technology, "but we have a runaway market in energy. It seems that everybody in the country wants more electricity."

The nation generates more than 325 million kilowatts of electricity, but it now consumes almost two trillion kilowatt-hours a year—a classic case of demand that is taxing the capacity of the country's power companies right to the limit.

The Federal Power Commission estimates that 39 of the nation's 181 largest utilities are short of electricity, a condition that is at least partly to blame for the nine power failures that have already hit the country since May 1.

The Office of Emergency Preparedness went so far last month as to call conditions in the East and Midwest "tight," and cited as "potential electrical trouble spots" the cities of New York, St. Louis, Chicago and Minneapolis. Jacksonville, Fla., was also mentioned.

While utility executives in these cities played down such warnings, at least one of them admitted that things are too close for comfort.

"There's a good chance we'll get through the summer without having to reduce or reject load," said D. W. Angland, group vice president of the Northern States Power Co. in Minneapolis, "but only if the weather isn't too hot and we don't have any breakdowns."

How did it happen? How did the world's most abundant producer of cheap electricity come on such hard times?

To begin with, it wasn't sudden. Power shortages began cropping up in 1965. There were eight summer power failures in 1966, 23 in 1967, 28 in 1968 and 34 a year ago, all of them helped along by a widening power shortage.

One reason for the shortage is that utilities underestimated the growth in demand. For years electrical usage grew at an unwavering 3 per cent a year, but in 1965 it jumped to 5 per cent. It was 5 per cent in 1966 and again in 1967 and then leaped to 9 percent in 1968 and almost 10 per cent last year.

"The economy was partly to blame, since it kept exceeding everybody's expectations," is the way it's put by the White House's Freeman, "but there are other reasons, like the widespread acceptance of electrical appliances and air conditioners that utilities should have been able to forecast. If we get brownouts this summer because too many air conditioners are in use, we may be witnessing the victory of utility sales departments over their production departments."

Experts believe utilities badly underestimated the growth of two industries that use vast amounts of electricity—light metals and electronic computers.

The Federal Power Commission says that magnesium and aluminum production is increasing in the United States at a rate of about 10 per cent a year, and since the plants that make these metals operate 24 hours a day they consume huge amounts of power. A new aluminum plant near Fredericksburg, Va., uses 100,000 kilowatts of power, enough for a city of 50,000 people.

COMPUTERS PLAY ROLE

Computers are something else. There are now more than 60,000 computers in use throughout the U.S., 10 times as many as there were 10 years ago. The big computers need three times as much electricity as a residential house, and must also be kept in air conditioned rooms.

"A human being goes right on working in 90 degree heat," said one computer expert, "but a computer quits right there."

Possibly the biggest mistake utilities made was in their estimates of air conditioning growth.

There are now almost 40 million room air conditioners in use in the U.S., a phenomenon responsible for as much as 40 per cent of electrical use on a hot summer's day.

"Ten years ago, peak load was always the week before Christmas," says Sol Burstein, senior vice president of Wisconsin Electric Power Co. "Now the high loads are in the summer, with peaks running for four months instead of one week. If there are storms during this time we have a real bear by the tail."

Most utilities in the Northeast no longer advertise air conditioning, but an irony of it all is that they still promote all-electric living and things like outdoor appliances at a very time when they're straining to meet the summer's demands.

Another problem has been the trouble utilities have had getting new generators into production, trouble that ranges from a shortage of skilled construction labor to the growing fight by conservationists to halt power plant construction because they pollute the air and water.

CONSERVATIONISTS BLAMED

Utilities see the conservationists as their toughest adversary and blame them for electric power shortages in Florida, California, New York, Illinois, Michigan and Minnesota.

Northern States Power claims that it would not be in such dire straits if its nuclear power plant on Monticello Island outside Minneapolis had not been held up in court by conservationists who want to put it under stricter controls for radiation discharge.

As it turns out, says vice president D. W. Angland, the company must now buy 325,000 kilowatts of power from the Bureau of Reclamation, the Upper Mississippi Valley Power Pool and the Manitoba Hydroelectric Board in Canada if it is to get safely through the summer.

Atomic power plants aren't the only ones under conservationist attack. Southern California Edison was forced to abandon plans to install two gas-burning plants at Huntington Beach, and North Carolina's Duke Power Co. recently turned to low-sulphur oil for fuel in

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some of its plants, a move that is forcing a rate increase of almost 20 per cent.

There seems little doubt that there is an electricity shortage in the country, but power experts claim this summer's shortage is only the beginning of an ever-worsening crisis.

The reason they believe it will get worse is that the nation is short of the sources of electrical energy, the coal, oil and gas that is burned by power companies to create steam and spin the turbines that power the generators.

The coal shortage is the worst, partly because utilities burn so much (more than half the coal mined in the U.S.) of it. Power company coal stocks are now less than 50 million tons, down from 55 million tons a year ago and about two-thirds as much coal as they would like to have on hand.

FEWER MINES OPERATING

The reasons for the coal shortage are many, starting with the notion that atomic energy was oversold to the nation's businessmen in the past decade. The result was that coal mine operators underestimated coal demand and are down today to less than 6,000 operating coal mines from 7,600 as recently as 1964.

A second reason is the Coal Mine Safety Act passed last year by Congress, a bill that many coal mine owners claim will close some mines.

If anything, coal supplies are likely to dwindle still further as the summer's heat takes its toll.

The Tennessee Valley Authority says that a shortage of railroad cars is causing a lag in its coal deliveries of up to 150,000 tons a week. One TVA plant has a coal supply of only six days, and when a TVA official asked the railroad to step up deliveries he was told that the railroad couldn't do so because it was unprofitable to haul coal.

In the next 20 years, the crisis is likely to worsen.

The White House Office of Science and Technology estimates that 255 new sites will have to be found for power plants if future power demands are to be met.

The money alone needed to finance future growth is staggering. Utility experts figure it will cost as much as $350 billion to construct enough new plants to produce the 1.1 billion kilowatts the U.S. will need by 1990, an expansion that will require enough transmission lines to circle the earth four times.

AN EDUCATOR SPEAKS OUT

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, during the trying and tense period immediately following the President's decision to move against Communist sanctuaries in Cambodia and amid the tumult and turmoil on our college campuses, a noted educator in my congressional district prepared and circulated a letter addressed "To my friends in the academic community."

This letter, by Dr. Jacqueline R. Kasun, associate professor of economics at Humboldt State College in Arcata, Calif., is an outstanding historical account of America's involvement in and commitment to South Vietnam. In the main, it is a logical, factual, and noninflammatory statement. Beyond that however, it portrays the kind of historical perspective that is so often totally lacking in the current rhetoric regarding the war in Vietnam and the events that led up to U.S. involvement in that conflict.

While I do not know Dr. Kasun personally, it is very obvious to me that she is a woman of great insight and courage. Her letter "To my friends in the academic community" has gained the support and endorsement of many of her colleagues, as well as students, at Humboldt State College.

Since this statement by Dr. Kasun contains a message seldom heard from our educational institutions these days, and because I believe it merits the widest possible dissemination, I am including the full text of Dr. Kasun's letter in the CONGRESSIONAL RECORD at this point:

To my friends in the academic community:

On November 20, 1941, the Ambassador of Japan submitted to the Secretary of State of the United States a note which demanded that the United States end all its opposition to the new Japanese empire in Asia and place the product of the vast American economy at the disposal of the Japanese, including a so-called "required quantity of oil," that requirement to be determined by the Japanese. The United States was told that if it did not place its economy and resources at the disposal of the Japanese empire in Asia, it could "face the consequences." Those consequences, which began within three weeks when 2,000 young Americans were buried alive in their ships at Pearl Harbor, were, as some of us remember, the holocaust of World War II, in which 25 million human beings lost their lives.

In the decade preceding Pearl Harbor, the United States had a thousand chances to pose a limited resistance to the cumulating aggression and subversion. A measured, limited response on our part in Manchuria, or in Ethiopia, or the Rhineland, or Shanghai, or Czechoslovakia, might well have averted that tragic conflict. But that was the decade of "peace." The shouting, hysterical "peace" groups of that decade had their way, and the United States did not resist at any point from Manchuria through Munich to Pearl Harbor. And at Pearl Harbor we had only two options left—to surrender to the makers of the gas ovens and their friends, or endure the holocaust.

My beloved countrymen, have we forgotten these lessons so soon? We thought we learned in World War II that the wisest answer to cumulative subversion and aggression lies in collective security arrangements whereby all come to the assistance of each threatened commonwealth, hopefully early enough so that no great use of force would be required. We hoped to implement this principle through the United Nations but our hopes have thus far, though we trust not permanently, been frustrated.

A relatively small but growing and threatening aggression has been carried out by the North Viet Namese in Indo-China for some years now. This aggression has been reported by a majority of the International Control Commission. It has been common knowledge for weeks that our troop withdrawals from that area have been answered not by a cooling down of that aggression but by its thrust into Laos, Cambodia, and Thailand.

Now our president has ordered a limited military response to these new enemy initiatives, before the aggressors have gained an empire and a vast military machine with which to confront us and demand that we choose between surrender or the consequences which in the technology of 1970–75 might be very dreadful indeed.

It is not immoral for the people of Laos, Cambodia, and Thailand to try to defend themselves against the North Vietnamese, who have no legitimate claims to their lands, and it is not immoral for us to help them defend themselves.

Our allies in Southeast Asia—the Australians, the Koreans, the people of New Zealand, Thailand, Cambodia, the Philippines—cannot stand without us, but our commitment need not be and is not very large. Statistically speaking, a young American is safer in our forces in Vietnam than he is in his car on our highways. Contrary to the claims of interested parties, it is not the cost of war which is prohibiting desirable social programs in this country. Economically speaking, we can easily afford this war along with many important domestic improvements.

Some have suggested that we just dig into our fortified places and remain doggedly in Vietnam until the North Vietnamese tire of the conflict and go away. This may be a real option in the future, but during the past few weeks while we have pulled into our fortifications in preparations for our withdrawal, the North Vietnamese have begun to swallow the untrained Cambodians and the neutralized Laotians and the outnumbered Thias bite by bite. This meal digested, they can polish off our fortifications at their leisure, one Dien Bien Phu after another, so to speak.

The most difficult thing that we must learn is that we are not free to choose between instant peace through withdrawal, on the one hand, or war on the other. These are not our options. However much we might wish it otherwise, *there is not the flimsiest evidence that immediate withdrawal will lead to peace.* Instead we must choose between a limited, reasoned commitment probably lasting over a considerable period of time, on the one hand, and, on the other a series of withdrawals and surrenders which will eventually lead to the same desperate choices which faced us in 1941.

We have no quarrel with peaceful communism, as our millions of dollars in aid to Yugoslavia testifies. Our only quarrel is with aggression, open or covert, because by its nature it threatens our existence. So soon as the North Viet Namese begin to behave like peaceful Yugoslav communists, we should begin to treat them accordingly.

We have not tried to prevent a genuine revolution in Viet Nam. Rightly or wrongly, we did not interfere when Ho Chi Minh imposed his will by force upon his own people at the cost of thousands of their lives. But we have insisted that he not export that revolution of unwilling people in the rest of Indo-China.

We should not expect a victory; just a tie will do—a stand-off, to give us time for more negotiations, more peaceful competition, more strengthening of international peace machinery.

The fondest hope of aggressors everywhere is a neutralized America. My dear friends, let us not accommodate them by neutralizing ourselves by our internal dissensions over this mistaken "peace" movement. The peace movement of our time makes about as much sense as the prohibition movement. It was by way of the peace movement that we backed into World War II.

We must continue to make it clear that we have no quarrel with peaceful communism, that we will send representatives anywhere to negotiate, that we will cooperate with anyone to achieve peaceful economic and social progress for all peoples. But we will not neutralize ourselves—or should I say castrate ourselves—on the demands of any foreign militarists or any domestic militants.

As the great democratic socialist Willy Brandt has said, humanity has a real chance to survive, civilization has a real chance to endure, if we will only refuse to panic, and will learn to wait patiently for our opportunities, which will surely come. If we can learn patience and restraint, if we can discipline ourselves to many a dark night of uncertain waiting, if we can learn to live through years of ambiguous improvising on persistent and recalcitrant issues, our children—and I mean all the children of the world—will yet live in prosperity and peace.

JACQUELINE R. KASUN, Ph. D., A.B.,
Associate Professor of Economics, Humboldt State College.

THE SST SCRAMBLER

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. LOWENSTEIN. Mr. Speaker, so many things we are doing these days lend themselves to lampooning that we may be giving rise to the golden age of American satire. A good example of the genre, inspired by the SST folly, appeared recently in Newsday.

THE SST SCRAMBLER

(By Marvin Kitman)

Among the claims being made for the SST—which isn't one of those new miracle pesticides but what the scientific writers call an *airplane*—is that it will increase air pollution, intensify noise pollution and maybe blot out the sun. But I'm against the supersonic transport because it sounds like it will be bad for television.

While most viewers have been sitting at home not thinking about the SST, the plane's designers haven't been worrying much about the way the SST will be interfering with television reception.

As far as I've been able to learn, the SST will cause a sort of air turbulence in the sky that will get the channels mixed up. You will be sitting there watching Walter Cronkite when all of a sudden David Brinkley will appear on your screen. That's not anything to get alarmed about, since most of those commentators basically have the same liberal ideas anyway. But someday in 1972 or 1973, when the SST is expected to be operational, Vice President Agnew may be on the "Art Linkletter Show" explaining why we will be pulling the troops out of Cambodia any day now—and you suddenly might hear the canned laughter from the sound track of "I Love Lucy."

The scrambling of audio and video waves thus destroys one of the basic rights we are fighting for in Asia: the free choice of television viewers to watch programs as the networks send them out. Why should the government, then, want to get involved in a pie-in-the-sky project like the SST? It may be that it's good for business.

One of the corporations financially involved in the SST is General Electric. They are putting up three per cent of the research cost, which doesn't seem like much compared to Boeing's seven per cent and the taxpayers' 90 per cent. All the experts have been saying that the SST is like throwing money up the flue; it will never pay off. My sources say the real reason GE is hanging in there is that SST will help sell more TV sets.

The first year or so after the SST starts flying, a lot of people will notice that their TV sets are going on the blink (because of those airplanes whooshing through the air waves). The TV repairmen will fix them time after time; they never like to admit they don't know what's wrong with a set. Eventually you will conclude there's something seriously wrong and buy a new set.

GE will get its usual share of the new set market. But the really big money is in the special accessory-receivers which will prevent interference with reception by sonic booms or SST-airport noise no matter how close you live to the airport. The GE model, I've been told, has a headpiece and will come in seven styles and decorator colors, and will sell for approximately $3,000. The SST will sell for $60,000,000, if you'd rather have on of those.

Other manufacturers will get into the newly-created market by making accessory-receivers featuring the electronic wonder, wider-range ultra-volume controls. The sales advantage here is that TV can be heard over SST take-off noise, which is 50 times as loud as the jumbo jets.

There is no stopping progress. Still more research should be done on the impact of the SST on television. What will happen if the sonic boom topples a TV antenna right in the middle of primetime? Nothing good, I'm sure.

When the government and private industry start messing around with the air waves, a free society is in trouble. Look what happened to the young generation once the government and the chemical industry started putting fluorides into water.

THE CONSUMER PROTECTION ACT OF 1970, H.R. 18067

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mrs. DWYER. Mr. Speaker, the road has been long and rocky, but I believe the establishment of an effective statutory consumer protection organization in the Federal Government is at last in sight. Having labored so long in this endeavor, it is difficult to fully express my pleasure at having the Consumer Protection Act—H.R. 18067—reported to the full House Government Operations Committee last week.

In one sense, this bill may be considered a compromise. And, I am proud to label it as such because it represents the true spirit of the legislative process where members of different parties and exponents of differing political philosophies cooperate together to devise the best means of protecting the public interest. In this regard, Congressman ROSENTHAL deserves a special mark of gratitude. He has been in the forefront of the consumer protection fight in the House for a number of years now and, although discouragement must have visited him more than once, he has remained undaunted in his efforts to move this necessary legislation forward. In like fashion, Congressmen JOHN BLATNIK, the subcommittee chairman, CHET HOLIFIELD, the acting chairman of the full committee, JOHN ERLENBORN, the ranking Republican on the subcommittee, CLARENCE BROWN, and PAUL FINDLEY all devoted many hours of their talents and time to putting this legislation together. I am grateful to them all, as I am to the more than 60 Members on both sides of the aisle who cosponsored my original bill.

As much as H.R. 18067 is a compromise, it is also an amalgamation of the best ideas contained in the principal consumer legislation that was before the subcommittee: the Rosenthal bill, the Dwyer bill, and the bill proposed by the administration which I also introduced.

During our third round of hearings in April of this year, I stated:

> If we are to have [consumer] legislation, it will have to come through compromise or . . . amalgamation. But I believe we can devise a compromise so desirable that it will actually be an improvement over any of the bills individually.

That is exactly what I feel the reported bill represents, especially in the sense of legislation which will be effectual and which can be passed.

To the Office of Consumer Affairs, located in the Executive Office of the President, there is granted the key functions of first, encouraging and assisting in the development and implementation of consumer programs and activities within the Federal Government; second, coordinating Federal consumer programs and activities; third, assuring that the interests of consumers are considered and implemented by Federal agencies; fourth, recommending improvements in Federal programs and operations; fifth, conducting conferences, surveys, and investigations; sixth, encouraging, initiating, coordinating, and supporting consumer education, research, and studies; seventh, cooperating and assisting State and local governments and private enterprise; and eighth, publishing and distributing a consumer register.

To the independently established Consumer Protection Agency is granted the vital functions of representing the interests of consumers before Federal agencies and courts and assuming the consumer safety responsibilities of the National Commission on Product Safety whose tenure will soon lapse.

To both agencies is given the task of receiving, evaluating, acting upon, and transmitting consumer complaints; and developing and disseminating consumer information, including test results.

Those of us who drafted H.R. 18067 see this division of responsibility not as some form of divided or duplicative authority. To the contrary, after hearing testimony from dozens of leading consumer specialists and after deliberating amongst ourselves for many hours, it was the opinion of all of us that different functions may be best performed by separate organizations under different settings.

Thus, the Office of Consumer Affairs can employ the influences of the White House to encourage Federal agencies to improve their consumer protection functions, to knock heads together until improved operations and coordination develop, and to better assure the interests of consumers are adequately considered by the Federal agencies. This Office could be located nowhere else, in my opinion, and perform its duties as effectively as it could in the Executive Office of the President with the prestige of the President behind it.

By the same token, the consensus of opinion developed that the functions of representing the interest of consumers before Federal agencies and courts and performing consumer safety functions should best be entrusted to an independent agency which would be free of conflicting influences and which could take continuing action without embarrassing the President or forcing him to choose sides at the routine operating—nonpolicy—level between Federal agencies or between alternative public obligations.

There are those who may feel that a certain amount of duplication has been built into this legislation, particularly in extending the consumer complaint and information functions to both agencies. The fact is that although the general authority in these two cases has been granted to both consumer units, the statutory language spells out the intention that the units effectively coordinate their responsibilities to prevent duplication. In the case of the Agency's right to request other agencies to perform tests, such tests may only be conducted in support of the Agency's designated responsibilities. In this regard, I want to state clearly that neither the Office nor the Agency is authorized to engage in product testing itself. Federal agencies, in turn, are to be compensated for the testing services so performed.

This consumer bill also gives birth to two additional legislative provisions which, if administered effectively, could greatly benefit consumers.

One provides that every Federal agency which takes action which may substantially affect the interests of consumers, such as the promulgation of rules and regulations, the formulation of policy decisions, or the issuance of orders or decrees, shall take the interests of consumers into consideration when so acting, provide public notice of the action so taken, and indicate publicly the manner in which such action shall affect the consumer interest and the means by which the consumer interest is to be protected. By forcing Federal agencies to zero in on the consumer interest when engaging in their regular activities and to publicly disclose the bases for their actions, it is hoped that this will induce a greater awareness of consumer needs and commitment to consumer protection within the Government.

The other new innovation is the attempt to create a Consumer Advisory Council which is independent of the agency or operation it is acting as an adviser to and which is capable and willing to perform a critical and intelligent evaluation, review, and oversight in regard to such agency—in this case both the Office and Agency. I fully recognize that we have witnessed the creation and atrophying of multitudes of advisory councils, commissions, and boards over the years. I retain the faith, however, that such an organization can be effective in discharging its responsibilities if dedicated individuals are selected, if proper responsibility is conferred, and if adequate staff and facilities are made available to the council for it to use as it deems proper. That is precisely what we have sought to do in the case of the advisory council.

Finally, let me express some concern that I have felt in recent days over certain press reports that the Rosenthal-Dwyer bill constitutes a rejection of the administration's proposed consumer protection legislation. Nothing could be farther from the truth. Indeed, the President himself publicly expressed his willingness to accept a reasonable compromise.

This legislation, as reported represents just such a compromise or amalgamation, as I have indicated earlier. No one bill predominates; no one author exists. Those items in each bill deemed most worthwhile and important were selected consistent with the subcommittee's overall concept of what is needed and possible. The administration's bill was considered and utilized as were the other two bills. Separation of the policy, coordinating and implementation functions from the agency representation and safety functions was as much in support of what the administration wanted as it was in support of Congressman ROSENTHAL's interests. Elimination of the consumer unit's authority to conduct tests and the limitation in the purposes for which testing may be conducted also constitutes an effort to comply with the views of the administration and the establishment of a permanent Office of Consumer Affairs in the Executive Office of the President was a central feature of both the administration and the Dwyer bills. Moreover, one need only examine the administration's bill to see how many provisions contained in that bill have been incorporated into the reported legislation.

In conclusion, let me stress that the members of the subcommittee laid aside their differences and put together a better bill, in my opinion, than any of those pending and did so not merely to be doing something, or to be nice fellows, but rather to establish within the Government, at long last, an effective means of safeguarding the consumer interest. The fact that the subcommittee vote was unanimous testifies to the depth of our commitment to that objective.

The text of the bill follows:

H.R. 18067

A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Act of 1970".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that the interests of the American consumer are inadequately represented and protected within the Federal Government; and that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

TITLE I—OFFICE OF CONSUMER AFFAIRS

ESTABLISHMENT

SEC. 101. (a) There is established in the Executive Office of the President the Office of Consumer Affairs.

(b) The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

POWERS AND DUTIES OF THE DIRECTOR

SEC. 102. (a) The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Director is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rate authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint, without regard to the provisions of title 5, United States Code, advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this title, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Director, compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement thereof;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Director may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(8) adopt an official seal, which shall be judicially noticed; and

(9) designate representatives to serve or assist on such committees as the Director may determine to be necessary to maintain effective liaison with Federal executive agencies and with State and local agencies carrying out programs and activities related to the protection of the interests of consumers.

(c) Upon request made by the Director, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent

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within its capability to the Office in the performance of its functions; and

(2) except where explicitly prohibited by law, Executive orders, and rules relating to the classification of information in the interest of national security, to furnish to the Office such information, data, estimates, and statistics, and to allow access to all information in its possession, as the Director may determine to be necessary for the performance of the functions of the Office.

(d) The Director shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs.

FUNCTIONS OF THE OFFICE

SEC. 103. It shall be the function of the Office to—

(1) coordinate the programs and activities of all Federal executive agencies relating to the interests of consumers in order to achieve effectiveness, avoid duplications and inconsistencies, and to promote the purposes of this title;

(2) encourage and assist in the development and implementation of consumer programs and activities in the Federal Government;

(3) assure that the interests of consumers are taken into consideration by appropriate Federal executive agencies both in the formulation of policies with respect to consumers and in the operation of programs that may affect consumer interests;

(4) cooperate with and, when requested, provide assistance to the Administrator of the Consumer Protection Agency in carrying out its functions under title II of this Act;

(5) advise and make recommendations to all Federal executive agencies with respect to general policy matters concerning the effectiveness of programs and activities relating to the interests of consumers;

(6) submit recommendations to the Congress and the President on the means by which programs and activities relating to the interests of consumers can be improved;

(7) pursuant to section 205 of this Act, receive, evaluate, act on, and transmit complaints to the appropriate Federal or other agency concerning actions or practices which may be detrimental to the consumer interest;

(8) conduct conferences, surveys, and investigations, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal agencies;

(9) encourage, initiate, coordinate, and participate in consumer education and counseling programs (including credit counseling);

(10) encourage, initiate, support, and coordinate research and studies leading to improved products, services, and consumer information;

(11) cooperate with and give technical assistance to State and local governments in the promotion and protection of consumer interests, including programs relating to the arbitration of disputes between consumers and businessmen and producers;

(12) cooperate with and assist private enterprise in the promotion and protection of consumer interests;

(13) pursuant to section 206 of this Act, develop information and from other Federal agencies, other public sources, and private sources which is of benefit to consumers, including—

(A) test results and analyses of consumer products and services, and

(B) information concerning commercial and trade practices and practices of Federal, State, and local governments which adversely affect consumers, and to disseminate such information in the most efficacious manner possible, including the publication and distribution of printed materials which will in easily understandable form inform consumers of matters of interest to them;

(14) publish and distribute in a Consumer Register material which will include notices of Federal hearings, proposed and final rules and orders, and other useful information, translated from its technical form into language which is understandable by the public; and

(15) keep the appropriate committees of the Congress fully and currently informed of all its activities.

TRANSFER OF FUNCTIONS

SEC. 104. (a) The functions of the Special Assistant to the President for Consumer Affairs and the functions of the President's Committee on Consumer Interests, established pursuant to Executive Order 11136, issued January 3, 1964, amended by Executive Order 11349, issued May 1, 1967, are transferred to the Director.

(b) The functions of the Consumer Advisory Council, established pursuant to the above listed Executive Orders, are transferred to the Consumer Advisory Council established by section 301 of this Act.

(c) All personnel, assets, liabilities, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred by subsections (a) and (b) are transferred respectively to the Office or to the Council established by section 301 of this Act.

TITLE II—CONSUMER PROTECTION AGENCY

SEC. 201. (a) There is hereby established as an independent agency within the executive branch of the Government the Consumer Protection Agency. The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Agency a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions, powers, and duties as may be prescribed from time to time by the Administrator and shall act for, and exercise the powers of, the Administrator during the absence or disability of, or in the event of a vacancy in the office of, the Administrator.

(b) No employee of the Agency while serving in such position may engage in any business, vocation, or other employment or have other interests which are inconsistent with his official responsibilities.

POWERS AND DUTIES OF THE ADMINISTRATOR

SEC. 202. (a) The Administrator shall be responsible for the exercise of the powers and the discharge of the duties of the Agency, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this title, the Administrator is authorized, in carrying out his functions under this title, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and fix the compensation of such officers and employees as are necessary to carry out the provisions of this title and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint, without regard to the provisions of title 5, United States Code, advisory committees composed of such private citizens and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Agency, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities with or without reimbursement thereof;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Agency and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code.

(8) adopt an official seal, which shall be judicially noticed.

(c) Upon request made by the Administrator, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available, with or without reimbursement to the greatest practicable extent within its capability to the Agency in the performance of its functions; and

(2) except where explicitly prohibited by law, Executive orders, and rules relating to the classification of information in the interest of national security, to furnish to the Agency such information, data, estimates, and statistics, and to allow such access to all information in its possession as the Administrator may determine to be necessary for the performance of the functions of the Agency.

(d) The Administrator shall transmit to the Congress and the President in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Agency during the preceding calendar year including a summary of consumer complaints received and actions taken thereon and such recommendations for additional legislation as he may determine to be necessary or desirable to protect the interests of consumers within the United States. Each such report shall include a summary and evaluation of selected major consumer programs of each Federal agency, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination,

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administration, or enforcement of such programs.

FUNCTIONS OF THE AGENCY

SEC. 203. (a) The Agency shall, in the performance of its functions, advise the Congress and the President as to matters affecting the interests of consumers; and protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Agency shall be to—

(1) formally represent the interests of consumers in proceedings before Federal agencies and courts to the extent authorized by this title;

(2) pursuant to section 205 of this title, receive, evaluate, act on, and transmit complaints to the appropriate Federal or other agency concerning actions or practices which may be detrimental to the consumer interest;

(3) pursuant to section 206 of this title, develop information from other Federal agencies, other public sources, and private sources which is of benefit to consumers, including—

(A) test results and analysis of consumer products and services, and

(B) information concerning commercial and trade practices and practices of Federal, State and local governments which adversely affect consumers, and to disseminate such information in the most efficacious manner possible, including the publication and distribution of printed material which will in easily understandable form inform consumers of matters of interest to them;

(4) in the exercise of its responsibilities under sections 204 and 208 of this title, encourage, initiate and support, research, studies and testing leading to a better understanding of consumer products and to improved products, services, and consumer information;

(5) submit recommendations annually to the Congress and the President on measures to improve the operation of the Federal Government in the protection and promotion of the consumer interest;

(6) publish and distribute material developed pursuant to carrying out its responsibilities under this Act which will inform consumers of matters of interest to them;

(7) continue the work of the National Commission on Product Safety as authorized by this Act;

(8) conduct conferences, surveys, and investigations, including economic surveys, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal agencies; and, for the purpose of conducting such conferences, surveys and investigations, the Agency shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act, except that the Agency may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of such section 9 without first obtaining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the act or omission of any person, partnership, or corporation with regard to any subpena, order, requirement, or information of the Agency to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement, or with reference to like information, of the Federal Trade Commission;

(9) keep the appropriate committees of Congress fully and currently informed of all its activities; and

(10) cooperate with and, when requested, provide assistance to the Director of the Office in the carrying out of his functions.

REPRESENTATION OF CONSUMERS

SEC. 204. (a) Whenever there is pending in or before any Federal agency of the United States any investigation, hearing, or other proceeding which does not solely involve an adjudication for the purpose of imposing a fine, penalty, or forfeiture for an alleged violation, by any defendant or respondent therein, of any statute of the United States, or any rule, order, or decree promulgated thereunder, and the Agency finds that—

(1) the result of such investigation, hearing, or other proceeding may substantially affect the interests of consumers; and

(2) such interests may not be adequately protected unless the Agency intervenes,

the Agency shall be entitled as a matter of right to intervene and, pursuant to the rules of practice and procedure of that agency, to enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Whenever—

(1) there is pending before any Federal agency any investigation, hearing, or proceeding which involves an adjudication for the sole purpose of imposing a fine, penalty, or forfeiture for an alleged violation, by any defendant or respondent therein, of any statute of the United States or any rule, order, or decree promulgated thereunder, or

(2) there is pending before any district or appellate court of the United States any matter or proceeding to which the United States or any Federal agency is a party, other than that to which subsection (a) is applicable, and which may, in the opinion of the Agency, substantially affect the interests of consumers within the United States,

the Agency upon its own motion, or upon written request made by the officer or employee of the United States or such agency who is charged with the duty of presenting the case for the Federal agency in the matter of proceeding, may transmit to such officer or employee all evidence and information in the possession of the Agency relevant to the matter or proceeding, and may, in the discretion of the agency or court, appear as amicus curiae and present written or oral argument to such agency or court.

(c) The Agency is authorized to assert the interests of consumers in any proceeding in a court of the United States involving the review of an action of a Federal agency, to which the Agency had intervened as a party, and to this end may institute such a proceeding, when a right of review is otherwise accorded by statute.

(d) Whenever the Administrator determines it to be in the consumer interest, he may request the Federal agency concerned to initiate such appropriate investigation, hearing, or other proceeding as may be authorized by law with respect to such agency.

(e) Upon undertaking any action authorized in subsection (a), (b), or (c) above, the Agency shall present to the agency or court subject to the rules of practice and procedure thereof, such evidence, briefs, and oral arguments as appropriate as it shall determine to be necessary for the effective representation of the interests of consumers. The Administrator, or any other representative of the Agency specially designated by him for that purpose, shall be entitled to enter an appearance on behalf of the Agency before any court of the United States (except the United States Supreme Court) or Federal agency, without other compliance with any requirement for admission to practice before such court or agency, for the purpose of taking action which is authorized by this section.

(f) This section does not authorize intervention by the Agency before State regulatory bodies.

CONSUMER COMPLAINTS

SEC. 205. (a) Whenever the Agency or the Office receives from any source, or develops on its own initiative, any complaint or other information disclosing a probable violation of—

(1) any law of the United States,

(2) any rule or order of any administrative officer or Federal agency,

(3) any judgment, decree, or order of any court of the United States involving a Federal matter, or

(4) any other commercial or trade practice or practices of Federal, State, or local governments, affecting the consumer interest,

it shall take such action within its authority as may be desirable, including the proposal of legislation, or shall transmit promptly to the Federal or other agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information.

(b) The Agency and the Office shall ascertain the nature and extent of action taken with regard to the respective complaints and other information transmitted by each of them under subsection (a) of this section.

(c) The Agency and the Office shall promptly notify producers, distributors, retailers or suppliers of goods and services of all complaints concerning them received or developed under this section.

(d) The Agency and the Office shall each maintain in a public document room for public inspection and copying an up-to-date listing of consumer complaints, arranged in meaningful and useful categories, together with annotations of actions taken by it, as well as copies of complaints received by it pursuant to this section: *Provided*, That a complaint may be made available for public inspection only with the permission of the complainant and only after the party complained against has had a reasonable time but not less than sixty days to comment on such complaint and the agency to which the complaint has been referred has indicated how it intends to handle the complaint.

(e) The Office and Agency shall develop policies and procedures designed to avoid duplication in the receipt and handling of complaints, including coordination at such intervals as may be necessary for the purpose of determining if any duplicate complaints or other information have been received or developed by them. The Agency and the Office shall agree as to which of them will assume responsibility for taking such further action under this section as may be appropriate with respect to any duplicate complaint or item of information.

CONSUMER INFORMATION AND SERVICES

SEC. 206. (a) The Agency and the Office shall develop on their own initiative, gather from other Federal agencies and non-Federal sources, and disseminate to the public in such manner, at such times, and in such form as they determine to be most effective, information, statistics, and other data concerning—

(1) the functions and duties of the Agency and Office; and

(2) problems encountered by consumers generally with the United States, including particular commercial, trade, and Federal, State and local practices which are detrimental to the interests of such consumers.

(b) With respect to information relating to results of product tests, surveys, and studies in the possession of Federal agencies, the Agency shall gather, develop, and disseminate such information to consumers; except that if the Director of the Office finds that there is information of this type which is useful to consumers and available from Federal agencies but which is not otherwise being disseminated, the Director shall compile and disseminate such information.

(c) In the dissemination of any test results which disclose product names, it shall be

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made clear, if such is the case, that not all products of a competitive nature have been tested and that there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality over those not tested.

(d) All Federal agencies which, in the judgment of the Administrator and Director, possess information which would be useful to consumers are authorized and directed to cooperate with the Agency in making such information available to the public.

(e) The Agency and the Office shall (in a manner meaningful and useful to consumers) disseminate to the public, on a continuing and systematic basis, information which is developed or received pursuant to carrying out their respective functions under this Act, and the Agency and the Office shall avoid duplicating the consumer informational services of each other and of other Federal agencies.

SEC. 207. (a) The Agency shall, in the exercise of its functions—

(1) encourage, initiate and support methods for testing materials, mechanisms, and structures used in consumer products and for improving consumer services;

(2) make recommendations to the other Federal agencies with respect to research, studies, analyses, and other information within their authority which would be useful and beneficial to consumers; and

(3) investigate and report to Congress on the desirability and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting, information tag program (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a nonperishable consumer product to be sold at retail could be authorized to attach to each copy of such product a tag, standard in form, containing information, based on uniform standards, relating to the performance, safety, durability, and care of the product.

(b) All Federal agencies which, in the judgment of the Administrator, possess testing facilities and staff expertise relating to the performance of consumer products and services, are authorized and directed to perform promptly such tests as the Administrator may request regarding the content, purity, safety, durability, performance, and other characteristics of a product offered for sale or intended for sale by a manufactuer. In providing facilities and staff expertise upon request made in writing by the Administrator, Federal agencies—

(1) shall charge for the services performed under the authority of this section and such charges shall be based on both direct and indirect costs, and the appropriation or fund bearing the cost of the services may be reimbursed or the head of the agency involved may require advance payment subject to such adjustments on completion of the work as may be agreed upon;

(2) may perform functions under this section without regard to section 529 of title 31, United States Code;

(3) may request any other Federal agency to supply such statistics, data, progress reports, and other information as it deems necessary to carry out his functions under this section and any such other agency is authorized and directed to cooperate to the extent permitted by law, by furnishing such materials; and

(4) may, to the extent necessary, acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section.

(c) Neither a Federal agency nor the Administrator shall declare one product to be better, or a better buy, than any other product.

(d) The Administrator shall periodically review products which have been tested to assure that such products and information disseminated about them conform to the test results.

CONSUMER SAFETY

SEC. 208. (a) The Agency shall carry out on a continuing basis the functions and duties which on January 1, 1970, were exercised by the National Commission on Product Safety, except that the Agency may not carry out such functions and responsibilities at a time earlier than the date on which the National Commission on Product Safety will by law cease to exist. At such time as the Agency commences such functions and responsibilities, all property, unexpended appropriations, and information and data developed by the National Commission on Product Safety shall be transferred to the Agency.

(b) The Agency may design and develop improved safety features for categories of consumer products which are deemed unsafe.

(c) The Agency shall not publish such information in a form which would separately disclose the business transactions of any person, trade secrets, or names of customers, which shall be held confidential.

TITLE III—CONSUMER ADVISORY COUNCIL; PROTECTION OF CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS; MISCELLANEOUS AMENDMENTS

CONSUMER ADVISORY COUNCIL

SEC. 301. (a) There is hereby established the Consumer Advisory Council (hereafter referred to in this section as the "Council") to be composed of fifteen members appointed by the President for terms of five years. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed, and critical judgment.

(b)(1) Of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of two years, three shall be appointed for a term of four years, and three shall be appointed for a term of five years, as designated by the appointing power at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates not in excess of the maximum rate of pay for a GS–18, including traveltime and while so serving away from their homes or regular places or business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman or at the call of a majority of the members of the Council. The Director and Administrator shall be an ex officio member of the Council.

(d) The Council shall—

(1) advise the Administrator and Director on matters relating to the consumer interest including means for improving the effectiveness of the Agency and the Office; and

(2) review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest and make recommendations thereto, including the—

(A) administration of existing consumer protection laws and the need to enact new laws;

(B) coordination of consumer programs and operations among the Federal agencies, and between the Federal Government, State and local governments and private enterprise;

(C) consideration of consumer interests by decisionmaking Federal agencies;

(D) attention devoted to the consumer problems of the poor;

(E) availability of information necessary for the making of intelligent consumer decisions;

(F) existing consumer protection agencies; and

(G) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

(e) The Council shall have the right of access to information in the possession of the Office and the Agency and shall have the right to request either the Office or the Agency to obtain or develop such other information as it may desire. The Administrator shall serve as the Executive Secretary of the Council and shall make available to the Council such staff and facilities as may be required; and the Office and Agency shall endeavor to extend such other assistance to the Council as may be reasonable and required.

PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS

SEC. 302. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services including, but not limited to—

(1) the promulgation of rules, regulations, or guidelines,

(2) the formulation of policy decisions, or

(3) the issuance of orders, decrees, or standards,

shall—

(a) provide specific notice of such action to the Office and Agency at such time as notice of the action is given to the public; and

(b) take such action in a manner calculated to give due consideration to the valid interests of consumers in terms of price, quality, safety, accuracy effectiveness, dependability, information and choice.

In taking any action under paragraph (b), the agency concerned shall indicate concisely in a public announcement of such action the effect that its action or decision is likely to have on the consumer interest and the basis upon which the action was taken in keeping with the interests of consumers.

SAVING PROVISION

SEC. 303. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)), or of any provisions of the antitrust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

(b) Nothing contained in this Act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the American consumer.

DEFINITIONS

SEC. 304. As used in this Act—

(1) The terms "commerce" and "corporation" have the meaning given in such terms, respectively, by section 4 of the Federal Trade Commission Act (15 U.S.C. 44).

(2) The term "Federal agency" means any

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department or agency in the executive branch of the Government and any independent board, commission, corporation, or other instrumentality of the Government charged with the administration of any statute of the United States.

(3) The term "State" includes any State or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(4) The term "Agency" means the Consumer Protection Agency.

(5) The term "Office" means the Office of Consumer Affairs.

CONFORMING AMENDMENTS

SEC. 305. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Director, Office of Consumer Affairs.

"(21) Administrator, Consumer Protection Agency."

(b) Section 5315 of such title is amended by adding at the end thereof the following:

"(93) Deputy Director, Office of Consumer Affairs.

"(94) Deputy Administrator, Consumer Protection Agency."

APPROPRIATIONS

SEC. 306. There are hereby authorized to be appropriated to the Agency such sums as may be required to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 307. (a) This Act shall take effect ninety calendar days following the date on which this Act is approved, or on such earlier date as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of the enactment of this Act. Such officers shall be compensated from the date they first take office at the rates provided for in this Act.

COMMITTEE FOR EFFECTIVE CRIME CONTROL STRESSES VIEWS REGARDING EXPLOSIVES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. NELSEN. Mr. Speaker, the Committee for Effective Crime Control, a group representing more than 250,000 Minnesota sportsmen, has sent me a copy of its statement on control of explosives. So that my colleagues may be aware of the views of the Committee for Effective Crime Control on this matter, I insert the text of the committee's statement at this point in the CONGRESSIONAL RECORD:

STATEMENT OF THE COMMITTEE FOR EFFECTIVE CRIME CONTROL ON THE CONTROL OF EXPLOSIVES

Terrorist bombings have produced a call for further controls over explosives. We believe that legislation should be directed toward controlling access to high explosives, blasting caps, and detonators. The wording of any legislation, however, must be sufficiently discriminating so that criminal elements rather than honest citizens will bear the burden of the law.

A thoughtful and discriminating approach must recognize that there is a great deal of difference between propellants and high explosives. Gunpowder, be it black or smokeless, is relatively ineffective for bombs and consequently is rarely used. Gunpowder is, however, absolutely essential to sportsmen. A terrorist could make a crude gunpowder from commonly available materials. Gunpower for sportsmen, however must be manufactured with such qualities as granulation and burning time carefully regulated. Inflated prices of factory loaded cartridges have increasingly forced sportsmen to take up hand loading of ammunition. Black powder shooters, whose antique-type firearms were quite properly left untouched by the Gun Control Act of 1968, are in danger of having their sport crippled or eliminated. A per capita exemption on purchase and possession is not the answer, for shooters of antique-type muzzle-loading cannons need black powder in quantity. Though few congressmen may be aware they exist, a number of cannon shooting groups, including the Minneapolis-based Midwest Cannon Shooters Association, are active around the country.

Among Minnesota's most famous cannon groups is the battery at New Ulm. The four cannons, six limbers, and three caissons sent for defense of New Ulm during the Sioux Uprising in 1862 have been carefully preserved and are displayed and demonstrated on various occasions. Powder possession restrictions would hurt these shooters, for they burn a pound of powder per shot. Minnesota has other batteries as well. Many of them compete at the annual July 4 cannon shoot at Mayer. This is one of the largest shoots in the nation and has been nationally televised. These sportsmen are honest citizens whose interest in historical ordnance is for the public good.

Legislation should not stifle legitimate activities. We urge the Congress to exempt all smokeless and black powders from regulation. Do not set up a quota system that will destroy the sport of cannon shooting. Do not make 3/32-inch cannon fuse inaccessible. (Remember that bomb makers almost exclusively use electrical or chemical detonation.) Do not define a "bomb" so loosely that a citizen who enters a post office with a cartridge or a firecracker in his pocket is as guilty as a criminal who plants a dynamite bomb. Do not pass vague and inclusive legislation with unclear exemptions, lest honest citizens be harassed by federal agents, as they were after passage of the Gun Control Act of 1968. Do not allow federal enforcement agencies to allow felons and perpetrators of felonious acts to go uncharged, as has been the case under the Gun Control Act of 1968. Such action, or lack of it, makes a mockery of congressional intent.

A TRIBUTE TO AKRON UNIVERSITY

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. AYRES. Mr. Speaker, this year of 1970 culminates 100 years of progressive higher education in my home of Akron, Ohio. For it is this year that the University of Akron celebrates its centennial anniversary. Growing from a small land-grant college to the fifth largest State university in Ohio today, Akron University has maintained a steady and profound course of both academic and physical development in an unparalleled era of turmoil and strife.

Through a culmination of efforts on the part of a spirited and dedicated student body of 17,000, an excellent faculty, and a most able board of trustees, the university community has truly set about meeting the challenge of the 1970's. It has been, however, in the labor and dedication of Norman P. Auburn, Akron University's president and chief administrative officer that all of our hopes and expectations for a true citadel of knowledge have come to fruition.

On Sunday, June 14, 1970, I was honored at the university's 98th commencement, along with two very good friends and colleagues in Government, Mayor John S. Ballard of Akron and Ohio State Senator Oliver Ocasek, in receiving the University's Centennial Medallion. The speaker at the commencement of the largest class in the university's history, was the Honorable John W. Gardner, former Secretary of Health, Education, and Welfare, and now Chairman of the National Urban Coalition. I would like to call to the attention of my colleagues and the Nation, the content of Dr. Gardner's remarks at Akron University, at this point in the RECORD:

REMARKS BY JOHN W. GARDNER, CHAIRMAN, NATIONAL URBAN COALITION

It is a great privilege for me to be a part of this ceremony today. And I'm grateful to my friend Norman Auburn for making it possible. I offer my congratulations to the recipients of degrees and awards, and my respects to the University on its Centennial celebration.

I spend my days working on some of the toughest, grimiest problems of our society—the problems involved in the urban crisis—problems of poverty, of inadequate housing, of racial conflict, of crime and drugs and human misery. I spend a great deal of time persuading comfortable Americans to pay attention to those tough problems. Many of you know my views on those subjects—and know also my strong views on the war.

But today—with your indulgence—I'm going to depart from those vital subjects. I want to talk to you in the graduating class not about how you relate to a troubled world, but how you relate to yourselves. On all other days of the year you will hear me talking about that troubled world, and I do not want you to neglect it, but neither do I want you, as Matthew Arnold put it, to "See all sights from pole to pole And glance and nod and bustle by And never once possess your soul Before you die."

Dag Hammarskjold said, "The more faithfully you listen to the voice within you, the better you will hear what is sounding outside. And only he who listens can speak."

Thirty years from now the commencement speakers who today are middle-aged people like me will be middle-aged people like you. No doubt many of you who are here today will find yourselves standing, as I am now standing, trying to say something to a graduating class that may or may not be listening. That might be early in the Twenty-first Century.

You will have found that those young people of the Twenty-first Century are somewhat scornful of people your age, and you will be tempted to tell them that your generation is neither as stupid nor as hypocritical as they believe it to be, and that they are not as everlastingly right as they think they are.

Forget it. They'll never buy it. And in any case, you will have more constructive things to tell them—I hope.

You are bright young people. And there are thousands of others like you graduating this month throughout the land. You already know a great deal that is worth communicating. Surely given a quarter of a century of living you will have much more that is worth communicating. So I expect that 25 or 35 years from now commencement speeches will take on a depth and brilliance that they have notoriously lacked. Or will they?

I am interested in the path you will travel from where you are now to where you will be then. I am interested in whether you will be sufficiently alive intellectually to have something to say.

But first let's consider where you are now. You are now adults, for better or worse.

In your mid-teens you became old enough so that your parents could stop punishing you. Now you are old enough to stop punishing your parents.

Somewhere between seven and 11 you were old enough to begin saying clever things. Now you are old enough to desist from saying clever things.

At 16 you were made self-conscious by the apparent attention of others. Now you are old enough to know that most people aren't studying you critically; they are thinking about themselves.

It's a melancholy thing to reflect on what you gain and what you lose as you grow up. When I was 17 I had the ability to look into a man's eyes and say instantly whether he was a hero or a bum. But then at 18 I lost it.

At 16 you were old enough to doubt. Now you are old enough to believe again and to bring doubt and belief into some kind of productive balance.

You learned very early that we react to our environment. You know that in some measure each of us creates his own environment. You may not yet grasp the power of that truth to change your life.

But I'm less interested at this point in the lessons you have learned than I am in the lessons you are going to learn And the thing that interests me most of all is how long you will keep the *capacity* to learn.

Some people keep it as long as they live. Until the day they die they keep a sense of wonder, of curiosity, of zest. They care about things. They reach out. They enjoy. They risk failure. They discover new things about themselves.

You are very sure now that you'll be that kind of person. But to estimate your chances more objectively, have a look at the people you know who are 20 to 30 years older than you. How many would you count as individuals who are still learning and growing? Or to reverse the question, how many seem to have lost their zest for life? Or their curiosity? Or their capacity to care? Or their willingness to learn new ways? How many are trapped in fixed attitudes and habits, like gnarled tree trunks hardened into set positions?

Now as to those who ceased somewhere along the line to be vital, growing human beings, do you suppose they wanted it to be that way? Or do you suppose that they were once as eager and open and ready to learn as you, confident that they would never be otherwise? Could it be that what life did to them it will do also to you?

My answer is that it need not Believe me I have the most profound respect for the blows and defeats that life can administer. And if you do not now have such respect you will have. From this point every step along the road will give you a more tolerant understanding of those who have not made of their life what they had hoped to make of it.

But you don't need to run down like an unwound clock. You need not die before you are dead. You *can* stay alive in every sense of the word, until you fail physically. I feel so strongly about this that I wrote a book about it—a book called *Self-Renewal.* I won't repeat here what I said there because I wouldn't want to spoil your enjoyment of the book.

I pointed out in the book that we build our own prisons and serve as our own jailkeepers. And despite your youth, most of you have been building your prisons for some years now. The prisons are constructed of habit, apathy, fear, selfishness and self-deception. But if we build them ourselves, we could tear them down ourselves. We could free ourselves of the habits and attitudes that prevent self-renewal.

Self-renewal depends on your capacity to remain versatile and adaptive, not to be trapped in techniques, procedures and routines, not to be imprisoned by your own pet theories, comfortable habits and customary ways. The self-renewing person keeps a certain flexibility of mind, a willingness to listen and learn, an eagerness to try a new way.

You are very sure now that you will be that kind of adult. But when you reach the age of 30 ask yourself how long since you've developed a new interest. At the age of 40 ask yourself how long since you've made a new friend. At the age of 50 ask yourself how long since you've gotten into an argument with someone of fundamentally different views and come out thinking the other person was right. It should happen occasionally. (I wonder if any parents are listening—or any faculty members.)

Self-renewal depends also on your capacity to continue throughout your life the process of self-discovery. It is sad but true that most human beings go through their lives only partially aware of the full range of their abilities. The self-renewing person is always exploring his own interests and capacities, always trying new things. He doesn't mind a failure now and then as long as he's learning and growing.

At the age of 40 you may want to ask yourself how long it is since you have failed at anything. If it is long, you are in poor shape. If you are sufficiently adventurous, sufficiently willing to try new things, you will stumble fairly often. It's the price of growth.

Finally self-renewal depends on your motivation. Have you ever noticed the enthusiasm and energy of people who love what they're doing, or believe in what they're doing? They never seem to tire. Now obviously all of us cannot spend all of our time pursuing our deepest convictions. But everyone either in his career or in his part-time activity—his afterwork activity—should be doing something about which he cares deeply, something that is related to his deepest values.

One of the enemies of sound, lifelong motivation is a rather childish conception we have of the kinds of rewards life has to offer. We insist on imagining that there is some tangible, concrete, finite, describable goal toward which our efforts drive us. We want to believe that there is a point at which we can feel that we have arrived. We want a scoring system that tells us when we've piled up enough points to count ourselves successful.

So you scramble and sweat and climb to reach what you thought was the goal. And when you get to the top you stand up and look around and chances are you feel a little empty. Maybe more than a little empty.

You wonder whether you climbed the wrong mountain.

But it is wrong to think that life is a mountain that has a summit. It isn't and it hasn't. Nor is it—as some suppose—a riddle that has an answer. Nor a puzzle that has a solution. Nor a game that has a final score.

Life is process and the meaning is in the process. The really important tasks are never finished—interrupted perhaps, but never finished—and all the significant goals recede before one. In other words, with respect to life's deepest goals, you never really arrive. If you think you've arrived, it can only mean that you are thinking in terms of fairly shallow goals.

Life is an endless unfolding, and if we wish it to be, an endless process of self-discovery, an endless and unpredictable dialogue between our own potentialities and the life situations in which we find ourselves, And by potentialities I mean not just intellectual gifts but the full range of one's capacities for learning, sensing, wondering, understanding, loving and aspiring.

The conventional thing for me to do in closing would be to wish you success. But success as the world measures it is too easy. I would like to wish you something that is harder to come by. So I am going to wish you meaning in your life. And meaning is not something you stumble across, like the answer to a riddle or the prize in a treasure hunt. Meaning is something you build into your life, starting fairly early and working at it fairly hard. You build it out of your own past, out of your affections and loyalties, out of the experience of mankind as it is passed on to you, out of your own talent and understanding, out of the things you believe in, out of the things and people you love, out of the values for whch you are willing to sacrifice something. The ingredients are there. You are the only one who can put them together into that unique pattern that will be your life. Let it be a life that has dignity and meaning for you. If it does, then the yardstick by which the world measures success will hardly be relevant.

LOOK AT KOREA, EXPO 70

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. DULSKI. Mr. Speaker, the uneasy truce in Korea is the subject of the third article by Millard C. Browne, editor of the editorial page of the Buffalo, N.Y., Evening News.

Mr. Browne has just returned from a tour of the Far East with the International Press Institute. Following is the text of his article on Korea, also his look at Expo 70 in Japan:

UNEASY TRUCE PREVAILS IN KOREAN BUFFER ZONE 17 YEARS AFTER WAR

(By Millard C. Browne)

SEOUL, KOREA.—It's a weird world we live in, and Panmunjon is undoubtedly one of the weirdest places in it.

It's like the eye of a hurricane, a tiny zone of tense neutrality at the exact center of a war that still sputters occasionally and simmers constantly 17 years after an armistice supposedly ended the fighting.

The closest comparison to it on the other side of the world is probably the Berlin Wall. But Panmunjom is a far spookier place because it is so much more remote and so much more charged with the atmosphere of a war zone that is only temporarily quiescent between battles.

A visitor gets the first real hint of this phenomenon after driving some 20 miles north from Seoul through the rice-paddied, thatch-roofed Korean countryside—at the approach of "Freedom Bridge" over the broad Imjim river some 15 miles south of Panmunjom.

ONE-WAY TRAFFIC

Here was once a twinned span, like the Grand Island bridges. But since one span was destroyed in the war and never replaced, all traffic is a one-lane, one-way trickle over the remaining span, which has been stripped ready for instant destruction after a swift evacuation.

The road beyond is something one has to see in a rainstorm to believe—a slippery, muddy mess which, after 17 years of armistice, still looks as if it was built yesterday for abandonment tomorrow.

The soggy day on which our buses arrived the road was at its worst. It was in fact so bad that an order had gone out to intercept our party of touring editors and to cancel the visit. But the message didn't get through, so there we were—with one bus already stuck in the mud and three others waiting for military escort "up to the front."

"AGGRESSIVE, ARROGANT"

The army, adding a tow truck to our armed jeep escort, finally decided to give us the full tour—limited by agreement to no more than 100 Panmunjom visitors a day from each side.

At a briefing in the U.N. command's joint security area (manned mostly by Americans plus a few South Koreans), we were matter-of-factly told that this whole area had been and still was the scene of many armed confrontations with the North Koreans, "an aggressive, arrogant bunch" who had started heating up the dormant war in 1966.

In 1968, over 325 North Korean infiltrators had been killed and there had been some 200 allied casualties. Last year, 250 North Koreans died trying to infiltrate the south, and so far this year, there have been eight major incidents with 15 North Koreans killed within or near the demilitarized zone along the armistice line.

Moving on up from the security area toward the DMZ, we passed the security fence 16 feet high, tangled barbed wire on top, heavily mined on the cleared ground on both sides, heavily patrolled and intermittently searchlighted and stretching the entire width of the Korean Peninsula.

TRAINED BINOCULARS

From there, armed jeeps bristling with machine guns led us on into the DMZ, past two spots where we were grimly told U.S. armed vehicles had been ambushed and all personnel gunned down, one of them only last fall.

Passing into the neutralized Panmunjom zone itself, our first glimpse was of "Freedom Village" in which 200 South Korean farmers from the DMZ area live a fairly normal life, and, a half mile in the distance, a North Korean counterpart that our men call "Propaganda Village."

The next view was of a North Korean sentry post from which peered three sets of binoculars, giving our bus as thorough a looking-over as we gave back. Then on to a cluster of blue and white painted shacks astride the armistice line itself.

TOUGH LOOKING GI'S

Theoretically, any authorized personnel from either side could go any place within the armstice zone itself. Actually, we were told in tones only half-joking that if any of us entered one of the white buildings, officials would assume we had defected.

Only a few days ago, we were told, one American strayed a bit far from his group and found himself in the company of four North Korean sentries who were edging him toward their headquarters area. A burly American sergeant moved in and retrieved the stray visitor but got his nose bloodied in the encounter.

The uniformed U.S. and North Korean personnel we saw generally clustered in twos and threes and kept a discreet few yards apart from each other. The Americans, incidentally, were an obviously hand-picked sentry group—some of the biggest, toughest, most competent-looking GI's we'd ever seen.

RESUMPTION OF WAR

From an observation tower, we looked down into a valley where, perhaps a half mile distant, stood the famous "Bridge of No Return," where Koreans at the time of the 1953 armistice made their irrevocable choice of sides and where, more recently, the members of the U.S. Pueblo crew crossed back to freedom.

The temporary nature of Panmunjom became even more vivid by the evidence that the expectation of the Korean war's resumption is a more dominant reality than the Korean armistice in the minds of the U.S. and Republic of Korea (ROK) security forces stationed there.

After 17 years, the entire forward area has the uneasy feel of a zone marked for instant evacuation, while further down the road to Seoul defenses bristle from every hilltop.

While lately South Korea as a whole is enjoying a civilian-oriented economic boom and one of the Far East's fastest economic growth rates (15 per cent last year), the nearer one gets to the uneasy border with North Korea, the more obvious is the preparedness against any new attack.

ROK IN VIETNAM

If an invasion comes, how ready are the ROK's to take care of their own country? Against a North Korea actively backed by Peking, Moscow or both, they probably wouldn't have much chance without U.S. help—and they might be quickly demoralized by withdrawal of the 63,000 U.S. personnel still stationed in South Korea.

But against the North Koreans alone, the word we heard from some U.S. military personnel who should know was that the South Koreans could probably handle themselves very well indeed. The present ROK army was described as a far tougher, more seasoned and battle-ready force than any ROK force in the Korean War. What has made the difference is the constant rotation of some 50,000 South Korean forces between fighting in the jungles of Vietnam returning to Korea as training cadres.

South Korea's role in Indochina, in short, is not just tokenism or a case of one ally helping another; it is, for the beleaguered ROK's a very practical training exercise, and one which may be doing its part to keep the shaky truce of Panmunjom—by convincing the North Koreans that their southern brothers are no pushovers.

COLORFUL, COSMOPOLITAN EXPO 70: JAPANESE COMING-OF-AGE PARTY

(By Millard C. Browne)

OSAKA, JAPAN.—After seeing Montreal's Expo 67 and New York's 1964 World Fair, the temptation is to say of Japan's Expo 70: "If you've seen one world's fair, you've seen 'em all."

That, in fact, is the most common comment by sophisticated western travelers here. But it's an unfair judgment on Expo 70 for at least three reasons.

First, most of the millions attending this fair have not seen anything even remotely like it ever before, and this one, to them, is a dazzling fantasy world. For a blase visitor, it's enough just to watch the thrilled hordes of Japanese school children, thousands upon thousands of neatly uniformed, well disciplined groups of them hungrily taking it all in.

Second, even those who have seen much the same kind of show at Expo 67 have never seen a world's fair in Oriental garb or Far Eastern context. And this alone has to make Expo 70 a brand new experience—at one far richer and more truly worldwide in what is being exhibited, and infinitely more picturesque, colorful and cosmopolitan as a place for crowd-watching and culture-sampling.

Finally, there is an East-meets-West motif here that makes Expo 70 unique. This starts with the theme itself, "Progress and Harmony for Mankind," since progress is an essentially western concept now being eagerly copied in the Far East, while harmony is a long-hallowed Oriental life style in which the more materialistic West is taking ever greater interest.

ARTISTIC MIXTURE

The East-meets-West theme comes through in many little touches as well as in the over-all effect, perhaps, in the Gallery of Fine Arts where displays are beautifully grouped by subject or chronology but with country-of-origin deliberately mixed so that a work you'd swear was Chinese or Persian turns out to be early Italian, or a modern painting by a Japanese artist looks like a Jackson Pollock. Here, for example, some great religious art—Buddhist, Christian, Moslem Hindu—is all displayed together in a vast room for "Sacred Images" which notes that "prayer is the innermost voice of mankind."

As at Expo 67, no one in a day or two can see all of Expo 70 or do more than mere sampling. Without a press card to bypass the longest queues, in fact, no more than two or three of the most popular pavilions can be visited in any day, for the waiting lines range from two or three hours at the Russian and British pavilion to as much as six hours at the American. (And how the people in those patient lines must resent seeing the privileged few walk blithely through the special "Press-VIP" entrance!)

MOST POPULAR—U.S., U.S.S.R.

The two pavilions that have caused the most talk, of course—here as in Montreal—are the Soviets and American. In part it is because they offer such a marked contrast—quite literally the highest and the lowest "profiles" at the fair, and also the most blatantly overstated and most modestly understated propaganda pitches.

The U.S. show at Expo 70 gets the same mixed notices its Expo 67 counterpart received in Montreal. Once again the American presence is lighthearted and, to many American visitors, seems altogether lightweight. Oddly, it got the best notices from some of the European editors and publishers touring it with our international press group.

But while the U.S. pavilion drew visitors who liked its subtle understatement, the Russians assuredly attracted larger crowds to see their far more massive glorifications of everything from Lenin's career to Soviet education and technology.

MOON ROCK, RUTH'S LOCKER

Since both pavilions had endless waiting lines, the only reason the U.S.S.R. could show more of its wares to more people is that it has more floor space and shoves customers through faster.

The U.S. pavillion's star attraction, of course, is a moon rock. It gets little comment or buildup and needs none. Otherwise, the U.S. pavillion features none of our technological achievements but has a fine collection of modern photography and paintings, folk art, architecture and every sort of off-beat cultural item. Catering to Japanese interest in American-style athletics, it has a marvelous sports exhibit featuring everything from a Harlem Globetrotter movie to Babe Ruth's locker.

Over-all, the biggest surprise at first seeing Expo is its sheer magnitude. Covering 185 acres, it has 116 pavillions with far more nations (77) participating than at any other world's fair. For those who want to suit their sampling to their own interests, special tours for ladies, gourmets and art-lovers are suggested, as are a "peace-and-quiet" tour of Expo gardens, a "children's tour" of playground, zoos and such, and a tour of the weird and unusual."

"O-SAK-IT-TO-YOU"

Nearly every pavillion fits that category in one way or another, featuring some form of multi-screen, multi-dimensional movie, usually accompanied with a dazzling assault of color, light and sound on one's eyeballs and

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eardrums. All this flair was foreshadowed at New York and Montreal, but at Osaka they really, in one wag's words, "O-Sak-it-to-you."

But the people, especially the throngs of eager Japanese children, seem to love it. Of the 50 or 60 million total attendance expected, about 1 million will come from overseas and the vast majority of the others are Japanese. They come from every corner of the small Japanese empire, usually staying three or four days.

This exposition is, above all, Japan's own national coming-of-age party—a display for all the world, but most of all for the Japanese people. And so, for visitors, it is a great place to see not only the pavilions but Japan's interesting people of every age, custom, and style of dress.

IMPORT QUOTAS ON SHOES AND TEXTILES

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. KEITH. Mr. Speaker, a majority of my colleagues in the House have cosponsored legislation to provide quotas on the importation of shoes and textiles.

Often in committee and floor discussion of such trade issues, the emphasis is on the technical and legal aspects of these measures. The human dimension is occasionally lost sight of. However, Ken Chace of New Bedford's Berkshire Hathaway Co. has, in a recent letter to me, brought this aspect of the problem into clear focus. To bring the seriousness of the situation in just one plant in one city to my colleagues' attention, I include Mr. Chace's letter at this point in the RECORD:

BERKSHIRE HATHAWAY, INC.,
New Bedford, Mass., June 11, 1970.

Hon. HASTINGS KEITH,
Rayburn House Office Building,
Washington, D.C.

DEAR HASTINGS: As our Congressman, I thought you would like to know about the business situation and employment at our plant in New Bedford. As you know, we have operated our textile mills in New Bedford for over 80 years. Last year because of business conditions and the high level of imports of gingham, we were forced to discontinue that part of our operation. This involved the permanent displacement of about 800 workers. We have continued with our two other divisions which make home furnishings fabrics and lining for men's suits. In these two divisions, we employ 1100 people. Both the home furnishings and the linings are made of blends of man-made fibers.

Out of the last 13 weeks, we have been forced to close for a total of four weeks. Later this month we will shut down for an extended vacation period of three weeks. Normally, we shut down one week and occasionally two weeks. Following this vacation period, we will operate about one-third of our plant until August 17, 1970. At that time, we are hoping to resume a full five-day schedule for all our production workers.

I want you to have these facts because you have sponsored a textile-shoe import quota bill identical to that introduced by Chairman Mills of the Ways and Means Committee.

There are various causes for this lack of business. The state of the economy is a factor. As you know, the unemployment rate in New Bedford in April was over 8% and probably higher now. However, in the case of textiles there is another reason contributing to slow business and low earnings and that is the continued growth of imports.

As you know, imports of man-made fiber textiles and apparel made from such textiles more than doubled from 1967 to 1969 and so far this year is 104% above the corresponding period last year.

We acknowledge your support and would appreciate your assistance in explaining to other members of the House that these problems are not theoretical but real, not only in the Twelfth District, but in other areas of the country as well.

We want to continue successful operations in New Bedford. We feel that President Nixon's support for the textile-shoe quota legislation, which you and over 250 other members of the House have sponsored, is essential. Anything that you can do to persuade the Administration to support the Bill will be greatly appreciated.

Sincerely yours,

K. V. CHACE,
President.

NATIONWIDE SHORTAGE OF MEDICAL PERSONNEL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HOGAN. Mr. Speaker, I recently had occasion to examine in some detail the shortage of medical manpower in the State of Maryland—particularly as it relates to the high cost of medical care.

I would like to share with my colleagues the information I found.

It is my sincere belief that our Nation may very well be in serious trouble unless we act to provide the support which is required to encourage young men and women to enter the medical field.

The information follows:

SUMMARY OF MEDICAL MANPOWER INFORMATION

In my own State of Maryland the shortage of physicians was recognized several years ago and in the 1964 session of the Legislature a Governor's Commission was authorized to study the shortage of physicians in Maryland, especially the shortage of general practitioners.

This Commission made its report February 24, 1965, and it stated in its conclusions the following:

I. The number of general practitioners in the State of Maryland is decreasing annually at an alarming rate. In April, 1964, there were 803 general practitioners under the age of 65 practicing in this State. There were 173 general practitioners over the age of 65 still in practice, but some of these have died or ceased practice in the interim since the last authoritative count was made.

The number of specialists on the other hand has increased three-fold in the past 15 years. There are now 1,920 specialists of all kinds in practice in Maryland, of whom only 165 are over the age of 65 years.

II. The ranks of the general practitioner cannot be expected to be increased materially under present conditions inasmuch as fewer medical students each year make general practice a medical career choice. In a study made in 1963 at the University of Maryland School of Medicine, only 18 percent of all the students completing the four year medical course had indicated interest in general practice as a career choice.

III. General practice is not a career choice because the medical schools do virtually nothing to enhance the image of the family physician. No trained general practitioners are serving as members of the full-time faculties at either of Maryland's medical schools (The Johns Hopkins University and the University of Maryland). Hospital privileges are gradually being withdrawn from, or not granted to, general practitioners.

IV. The dropping of the rotating two-year internship has further diminished the young physician's opportunity to learn the satisfactions to be derived from comprehensive medical care.

V. No financial inducement is offered students interested in general practice to help subsidize their education in this field. Nor are subsidies available to enable the medical graduate to set up general practice in deprived areas where a general practitioner is urgently needed, but where the community may be unable to provide a satisfactory living for the first three or five years. Yet these are the very areas where the family physician may practice with the greatest personal satisfaction and become a part of the community.

VI. Only a very few medical students currently are enabled through the cooperation of the Maryland Academy of General Practice to experience a preceptorship arrangement by which the student lives and studies for six weeks with a qualified general practitioner during the course of his medical education. Some 40 medical schools in other states have adopted such preceptorship programs with significant increase in interest in general practice on the part of the students.

VII. General practitioners are being sought in communities throughout Maryland. The Medical and Chirurgical Faculty of the State of Maryland reports almost daily urgent requests from practicing family physicians who can offer associate privileges to qualified physicians who will help alleviate the shortage in their areas. The Commission from its study and reports knows that a minimum of 200 general practitioners could be absorbed immediately and still leave room for many more.

VIII. Unless and until the vanishing ranks of the generalist are replenished, Maryland will suffer increasing demands on the emergency rooms of all hospitals—demands which the hospitals cannot meet.

Most important the Maryland resident eventually will find it impossible to have his everyday medical needs attended to unless he is willing to travel increasing distances to seek medical aid.

The Commission made seven specific recommendations. I have received a report this year from John Sargeant, Executive Secretary of the Medical and Chirurgical Faculty of the State of Maryland concerning these seven recommendations. I will list these recommendations, and following each the report from Mr. Sargeant as to the action taken in each case.

I. A large-scale Preceptorship program in General Practice shall be instituted by the State Board of Regents and the University of Maryland School of Medicine in the academic curriculum of the medical student. Such a Preceptorship program would be administered with the cooperation of the Maryland Academy of General Practice which would provide ample, well-qualified preceptors.

Action Taken: Started on a part-time basis in 1968, full-time in 1969. The Department of Family Practice is now in full swing at the University of Maryland School of Medicine.

As an offshoot, there is a Family Practice Club sponsored jointly by Maryland Academy of GP and Family Practice Department at the University of Maryland School of Medicine. This meets every month, and has attendance of anywhere from 100–200 medical students each session.

J. Roy Guyther, M.D., St. Mary's County, is sponsor of this latter idea. William L.

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Stewart, M.D., of Carroll County, is in charge of Family Practice Department at the University of Maryland. Both are GPs.

II. The number of medical students accepted by Maryland's two medical schools should be increased as much and as soon as possible. It is urged that the Board of Regents take prompt steps to enlarge the enrollment of the University of Maryland School of Medicine to 150–160 entering students by 1969, rather than 1971 as currently contemplated. The Johns Hopkins University Medical School admission of at least 90 students a year should be maintained and hopefully increased to 100–110 by 1969. The Commission feels that an increase in medical students will have a direct influence on a corresponding increase in the number of general practitioners who become available.

Action Taken: Maryland University has increased its enrollment to the current figure of 145 in the first year class; is seeking to still increase it. Hopkins has made no change as yet.

III. It is recommended that ten (10) full-tuition scholarships be provided by the State of Maryland to medical students with the strict stipulation that they must then enter general practice in a Maryland area where there is a substantiated need for family physicians, such a practice to be maintained in these areas for a period of no less than three years. The scholarships are recommended as being by Maryland Senatorial appointment.

Action Taken: Tuition-free scholarships were established in 1966. All are taken, so that currently there are 40 such students now at the School of Medicine. The first such student is now taking an internship and will start practice in July, 1970, in Hagerstown. Educational activity is being directed to the current scholarship recipients to ensure that they are considering entering areas of local need on graduation.

IV. It is further recommended that the two-year rotating internship be reestablished in all Maryland hospitals which have been approved for residency training.

Action Taken: No action as yet.

V. It is recommended that two-year general practice residencies be instituted for those who are attracted to general practice after this opportunity to survey the entire field of medicine has been afforded. Qualified general practitioners selected with the aid and cooperation of the Maryland Academy of General Practice should be appointed to the full-time faculties of the two medical schools.

Action Taken: University of Maryland Hospital now has the two-year GP residency.

VI. It is further recommended that State of Maryland grants-in-aid of no less than $12,000 and no more than $15,000 shall be made available annually for periods of three to five years to those general practitioners who set up practice in specific areas where a need has been shown. This stipend should not be affected by the gross or net income of the family physician during this period, and shall be a permanent program until there is no longer a shortage of general practitioners in Maryland.

Action Taken: No action as yet, although the Hospital Council has a full-time person involved in this manpower recruitment. Also, the State has recently completed a one-day conference at College Park on this subject of utilizing returning veterans in all fields, including health care fields.

VII. It is urged that the State of Maryland establish an office of Health Professions Education for the purpose of recruitment, guidance and placement of young people in health careers. This office should maintain liaison with the medical schools, State Department of Health, and State Department of Education. But it should be a distinct and separate agency. While this agency could maintain control over scholarship programs set up to broaden the source of potential physicians, its primary responsibility would be to increase the supply of general practitioners in Maryland.

Action Taken: No action as yet.

I commend the medical schools and physicians of Maryland as well as the government officials who have all worked together to implement these recommendations and increase the supply of physicians in our State. The fact that the Legislature and medical society looked at this situation is something for which we can all be very grateful.

On a national scale, I am advised that both the AMA and the Association of American Medical Colleges have committed themselves to meet what they describe as "the urgent and critical need for more physicians if national expectations for health services are to be realized."

Both of these national medical groups have endorsed the position that "all medical schools should now accept as a goal the expansion of their collective enrollments to a level that permits all qualified applicants to be admitted. As a nation, we should address the task of realizing this policy goal with a sense of great urgency".

I am advised that most medical schools have been increasing enrollments, but some have not. Of the 85 U.S. medical schools in 1957, 67 graduated more physicians in 1969 than they did in 1957. But 18 schools graduated fewer or the same number of physicians in 1969 as they did 12 years earlier in 1957.

The reasons medical schools are not increasing enrollments vary from school to school. Some need more faculty or more operational funds, or both. Some need to expand existing facilities.

I believe it is of interest to examine the increase and the number of first year medical students in this country. The figures supplied me by the AMA show the following:

Number of first-year medical students

Year:	*Number*
1962–63	8, 642
1969–70	10, 264
1973–74 (est.)	12, 088

The Federal Government has provided loans and scholarships for medical students since the middle 1960's, although the emphasis today is on loans rather than scholarships. In addition, the Federal Government is providing a substantial amount of money toward the construction of new medical schools and the construction of facilities so that existing schools can expand their enrollment. During the 1967–1968 school year, I am advised that sources of funds for construction of medical school buildings were as follows:

(Figures in millions)

Federal (39.0%)	$192. 5
State (29.0%)	143. 7
University (19.0%)	95. 2
Private (7.1%)	34. 9
Other (5.9%)	28. 8

Finally, I would like to report that there is substantial interest in the establishment of new health careers and the use of the physician's assistant to serve two needs: (1) relieve the physician of some of his routine duties, thus allowing each physician to treat more patients per day, and (2) provide an entry point into the health care system in rural areas where there is no health practioner now.

I am advised that across the United States there are 370 certified medical assistants, 100 having earned certification during the last year. In the past, the physician's assistant has most commonly been trained and employed in a hospital setting, although many officials feel the greatest need is in the community.

New types of health professionals are being trained in more than 20 current programs. Two of the best known are at Duke University and the University of Washington. Since 1965 when the Duke program started, the school has certified 17 physician assistants; 23 more are in training. The Duke graduates have tended to gravitate toward a hospital setting, but the new University of Washington program—called Medex—is pointing toward using the physician assistants in a small town setting to relieve the over-worked general practitioner.

Other programs are being carried out at the Cleveland Clinic Hospital, Alderson-Broaddus College, University of Colorado, Pacific Medical Center in San Francisco, Bowman Gray School of Medicine, Emory University, Grady Memorial Hospital in Atlanta, Baylor College of Medicine, University of Pittsburgh, and Ohio State University.

The Department of HEW has established an Office of New Careers with a top priority of developing programs for returning Vietnam medical corpsmen. It is estimated that 30,000 servicemen with some form of medical training leave the Armed Forces annually. At least 6,000 of these have received valuable experience delivering primary medical care during tours at remote duty stations, or at sea.

The AMA Council on Health Manpower has adopted national training guidelines for new health occupations. An HEW official has pointed out that evaluation of substantial numbers of these special types of medical workers, under appropriate supervision and over a five year period, is necessary to determine if they are indeed a permanent answer or simply a plug for the gap between supply and demand in health services. The AMA coincidentally has a five year project to mobilize and significantly expand the nation's health manpower working force, and has joined the National Medical Association in urging and approving action programs.

Increased manpower alone will not solve our health problems. But we will never solve them unless we have an increase in health manpower. That is the first step. We then must face such issues as what type of delivery system is best suited for our problem areas, such as the crowded cities and the rural poverty areas. We must experiment with changes in curriculum in medical schools to see if more students can be produced. We must continue to experiment with new health careers so that we can find out the best ways of using the skills of the physicians and other trained members of the health team in the most efficient manner, relieving them of routine jobs that can be done by others.

PEACEMAKER ON CAMPUS PANEL—JOSEPH RHODES, JR.

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. MOORHEAD. Mr. Speaker, Mr. Joseph Rhodes, Jr., a native of my city of Pittsburgh, was recently named by President Nixon to the commission which will investigate campus disorders.

The President is to be congratulated on his appointment of Mr. Rhodes, a very dynamic, aggressive, 22-year-old youth whose most recent achievement prior to his presidential appointment, was his nomination as a junior fellow to Harvard.

Mr. Rhodes has been widely quoted as to what role he will pursue on the panel, which is made up of men many years his senior.

His directness and honesty has already elicited some fire from expected sources,

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but Mr. Rhodes' candor augurs well that the commission's efforts will be useful and meaningful.

Joseph Rhodes, one of five children of Mr. and Mrs. Joseph Rhodes, Sr., who live in my district, has done many things to earn the respect and admiration of the people of Pittsburgh and elsewhere. His work with the President's commission can only add to his sterling list of successes.

In his own words, Mr. Rhodes believes in "revolutionary change without violence."

I would like to introduce in the RECORD newspaper articles from the New York Times, the Washington Post, and the Pittsburgh Press, telling of Mr. Rhodes' appointment. And I would like to add my name to the roster of those who are justifiably proud of his accomplishments.

The articles follow:

PEACEMAKER ON CAMPUS PANEL—JOSEPH RHODES JR.

(By Robert Reinhold)

CAMBRIDGE, MASS.—To those who know him well, Joseph Rhodes Jr. is a complex, altruistic youth who is endowed with an extraordinary ability to come up with inspiring new ideas and get other people to carry them out. He is, they say, rather oblivious to the amenities of life, does not like to dance and sometimes even eats candy bars for breakfast. His friends and enemies describe him with such adjectives as "charismatic," "brilliant," "visionary" and "particulate" and say he is possessed of a leadership ability that he feels—not always very modestly—must be put to great use.

"He really feels he has a mission in this world," said Janet Stapel, an old friend of Mr. Rhodes at the California Institute of Technology, where he was a student president for two years before coming to Harvard as a junior fellow, one of the youngest men ever to receive that honor.

On Saturday, he was appointed by President Nixon to a commission to investigate campus unrest, a post that Vice President Agnew asked him to resign today because of remarks that he made in an interview on Sunday.

At 22 years of age, Mr. Rhodes has accomplished more than many men twice his age. At Caltech he led what Prof. Lyman Bonner, director of student relations, calls the "Rhodes Revolution."

This was an entirely peaceful series of changes at the school by which students were placed on all decision-making bodies and an independent student-directed research center was set up.

"I did everything to make Caltech a place of revolutionary change without violence," Mr. Rhodes said at an interview in his suite at Harvard, cluttered with old school mementoes, and uncollected trash.

AN EMINENT MODERATE

In fact, he is given much credit by the Caltech administration and faculty for the fact that the school has had no student disruptions. They say he was an eminent moderate, despised by the radicals and black militants, and they express surprise over Vice President Agnew's attack.

He was regarded as a peacemaker, a role he wishes to continue in as a member of the President's commission on campus unrest, and he has vowed to get at the truth even if it hurts the Administration.

He acknowledges that some feel he's "copping out" to the Administration, "but I can't afford that kind of pride when people are being killed."

Mr. Rhodes, who speaks quietly but rapidly and usually dresses conservatively in a blue blazer, drops names so often that one is at first tempted to call him pretentious were it not clear that he is on very close terms with men in high places.

He has served as consultant to various Government agencies, often speaking with John D. Ehrlichman, President Nixon's assistant. He also directs a $95,000 independent study project funded by the Ford Foundation.

He was born in Pittsburgh on Aug. 14, 1947, the son of a black steel worker ("I guess that makes me working class") and an Oriental woman his father met in the Philippines during the war.

He has four brothers and sisters who are no less precocious. A brother, Eduardo, 24, was graduated magna cum laude from Princeton and is an officer in the Navy off Vietnam. Manuel, 19, is a sophomore at Harvard, and Ernesto, 12, will attend a prep school in Massachusetts this fall on a scholarship. And Teresita, his 10-year-old sister, dances with the Pittsburgh Ballet.

The driving force behind this family is his mother, Iphigenia, or Penny, as most call her. The day Mr. Rhodes was appointed to the panel, she called to encourage him. "A lot of people in Pittsburgh don't like the murders on campus," she said.

JOSEPH RHODES: WHAT'S IN A COMMISSION?

The President is to be commended for overriding Vice President Agnew's apparently unsolicited advice on the fitness of Joseph Rhodes Jr. to serve on the White House commission investigating campus violence. Like the trustees of Yale University, to whom Kingman Brewster must account, Mr.Nixon evidently is not inclined to let Mr. Agnew start firing his appointees in public on his own motion. Mr. Rhodes, a 22-year-old Negro, is a junior fellow at Harvard and he is given much credit for the peaceful institutional change (as distinct from violent upheaval) that occurred at Cal Tech while he was student body president there. Since then Mr. Rhodes has been in some kind of frank and doubtless mutually useful discourse with the White House, and there is no reason to believe that John Ehrlichman or anyone else who dealt with him before his appointment to the presidential commission thought Mr. Rhodes a shy or inarticulate exponent of student grievances. Upon his stating that he wished to explore any possible connection between recent killings on campus and hostile administration comment on the subject of student protest, Mr. Rhodes came in for immediate vice presidential attention. The remarks, Mr. Agnew said, displayed "a transparent bias that will make him counterproductive to the work of the commission." He therefore called for Mr. Rhodes's resignation.

Transparent bias? The principle is a pretty chancy one to invoke where commission-making is concerned. Under it, we suspect, neither Senator Tower nor Senator Murphy could have made it onto Mr. Nixon's Cambodian "fact-finding" mission. And given the Vice President's own remarks in Jackson, Miss., last fall concerning the school cases then before the Supreme Court, it could get you to wondering what Mr. Agnew himself is doing at the head of the committee designated by the President to oversee the manner in which the court's subsequent decision in those cases (desegregate *now*) is being carried out. But it is plain from Mr. Nixon's own actions and from Governor Scranton's remarks yesterday that the President understands in this case, as Mr. Agnew apparently does not, a good bit about the composition and the potential usefulness of the commissions that are strewn across our political landscape.

Where the ordinary institutional processes of investigation come into play—as would be the case with the Kent State and Jackson State killings—such a commission could prove in one sense superfluous, but in another it could serve as a useful corroborator of official findings or, should the thing turn out that way, as an equally useful source of skepticism. That is, such a commission has a highly valuable role to play in relation to public confidence in official procedures and conclusions, and it could hardly do so if its own findings did not have to pass muster with men and women representing the various sides of the larger political and/or social issues at stake.

Sometimes, of course, all this merely results in the kind of tacit stalemate that is reflected though not acknowledged, in the namby-pamby, on-the-other-hand prose we have come to regard as commissionese. But often these commissions have turned up some surprising conversions and have produced some invaluable exchange and agreement between members who came to them poles apart. It depends on the way the commission is mandated and run and on the caliber of its individual members. We think Mr. Nixon's action in appointing this young man and retaining him bodes well for the first of these conditions and that Mr. Rhodes's own remarkable record of independence (which has got him into disfavor with the hash-and-smash left) bodes equally well for meeting the second.

"RHODES SCHOLARS" MAKE MARK—JOE SETS A FAST FAMILY PACE

(By Al Donalson)

The Big Man on Campus at 1527 Oberlin St. these days is Joseph Rhodes, Jr.

But he has three brothers and a sister who might soon force him to share the spotlight.

Rhodes is the 22-year-old student who was alternately honored and damned last week by the nation's two leading citizens.

A week ago yesterday, President Nixon appointed him to a nine-member panel to study violence on the nation's campuses and to recommend ways in which student dissent can be kept peaceful.

Three days later Vice President Agnew called for Rhodes' resignation accusing him of lacking the "maturity, the objectivity and the judgment to serve on a fact-finding body of national importance."

RECORDS IMPRESSIVE

Rhodes' brothers and sisters aren't quite ready to move in such fast company, but a look at their records show they might soon be.

For example, Eduardo, 24, is a magna cum laude graduate of Princeton University, where he was a scholarship student.

Presently serving a hitch as a naval officer in Japan, he majored in political science, graduating in 1968.

Then there is Manuel, 19, a sophomore scholarship student at Harvard University, where he is majoring in Far Eastern philosophy.

He has spent two summers studying in England at Cambridge University and has recently produced documentaries on drugs and communes for a local television station.

Coming on fast is Ernesto, 13, who will be attending highly regarded Cambridge School of Weston, Mass., as a scholarship student this fall.

Showing great promise in mathematics Ernesto has been attending Allderdice High School here.

TEACHES BALLET

Finally there is Teresita, 11, who attends Colfax School. Highly artistic, she dances with the Pittsburgh Ballet Co. and is already teaching ballet to younger students.

Perhaps most remarkable of all though are the parents, Mr. and Mrs. Joseph Rhodes, Sr.

Father Rhodes, a black steelworker, met his wife Efigina while serving in the Philippines during World War II. Called Penny by her husband and friends, Mrs. Rhodes is

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described by the family as "three-quarters Chinese and one-quarter Filipino."

The elder Rhodes completed 10th grade in Alabama and Mrs. Rhodes completed the third grade in the Philippines.

Realizing the value of education, they encouraged their children to extend themselves scholastically.

PARENTS LAUDED

"We're very lucky to have parents like ours. They gave us spankings to study, spankings to practice our music lessons and wouldn't allow us to play in the streets as much as the other kids," says Manuel.

"Sometimes we didn't understand, but now we appreciate it because we see where their motivation has paid off."

The family lives in a comfortably furnished 15-year-old home in a middle class black neighborhood in East Liberty.

However, Joe is still the big man, and he brings a most impressive list of credentials to his presidential appointment.

While a high school student at Westinghouse, he was a member of that school's championship football team and was concert master of the All-City High School Orchestra.

At age 16, he spent a summer working on a nuclear reactor at the University of Virginia. Later, he matriculated at California Institute of Technology, studying physics.

COUNCIL PRESIDENT

Within a year he had made his presence felt to the extent that the student council bylaws were changed to permit his election as student body president. Formerly, only seniors could run for that office.

He was the first black and the first sophomore elected president in the school's history.

Using his office as a power base, he is credited with persuading the school officials to place students in all important decision-making bodies at the university, and talked the students into setting up an independent research center.

His abilities came to the attention of Wilbur Cohen, secretary of Health, Education and Welfare during the Johnson administration. Cohen appointed Rhodes to a consulting post.

When the Nixon administration took over he kept his job and started working with Robert Finch.

EXPERIENCE CITED

Shifting into high gear, he also started consulting for the U.S. Office of Education, the Rockefeller Foundation, the University of Massachusetts School of Education and the White House Fellows and was lecturing throughout the country to business executives and college administrators.

He also assumed the directorship of a $95,000 Ford Foundation study project.

Since his extracurricular activities were encroaching upon his studies, he accepted a three-year Junior Fellowship at Harvard University last September.

Worth $5,000 annually, junior fellowships at Harvard are normally for those who already have or are about to get PhDs. Rhodes is believed to be the first undergraduate and the youngest fellow in the program's history.

He is now able to pursue scholarly research free from academic regulations—leaving him time for his extracurricular activities.

Rhodes has powerful political friends, such as White House aide John D. Erhlichman, who recommended his appointment to the violence panel, and influential social friends like Prince Bernhard of The Netherlands.

He was a personal guest of the prince at a Zurich, Switzerland, foreign relations symposium two months ago.

Rhodes is described by friends as a "charismatic," "brilliant" and "visionary" idea man with a highly persuasive manner. He attributes his powers of persuasion to his teenage door-to-door soliciting for the Jehovah's Witnesses.

RESOLUTIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE DELAWARE STATE ASSEMBLY ASKING THAT A STAMP BE PRINTED TO COMMEMORATE THE 50TH ANNIVERSARY OF THE DISABLED AMERICAN VETERANS

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. ROTH. Mr. Speaker, I have recently received resolutions from the 125th General Assembly of the State of Delaware. I commend them to your attention.

The resolutions note that the Disabled American Veterans is celebrating its 50th anniversary, and ask that a commemorative stamp be printed by the U.S. Post Office Department. I heartily endorse these sentiments, and have written a letter to the Department asking that such a stamp be designed and printed.

It is my pleasure at this time to commend to all Members the full text of the resolutions which follow:

HOUSE OF REPRESENTATIVES, 125TH GENERAL ASSEMBLY, SECOND SESSION, HOUSE RESOLUTION NO. 126

Urging the Honorable United States Senators John J. Williams and J. Caleb Boggs and the Honorable United States Representative William V. Roth, Jr. to request of James M. Henderson, Special Assistant to Postmaster General Winton M. Blount, and the Citizens Advisory Committee that a commemorative stamp commemorating the fiftieth anniversary of the Disabled American Veterans be designed and printed

Whereas, it has come to the attention of the members of the House of Representatives of the 125th General Assembly of the State of Delaware that the Disabled American Veterans is celebrating its fiftieth anniversary; and

Whereas, the Disabled American Veterans was organized in 1920 for the purpose of serving and assisting wartime disabled veterans, their widows and orphans; and

Whereas, the Citizens' Stamp Advisory Committee headed by the Special Assistant to the Postmaster General is responsible for the Department's stamp program; and

Whereas, the members of the House of Representatives are desirous of having a commemorative stamp commemorating the fiftieth anniversary of the Disabled American Veterans printed by the United States Post Office Department:

Now therefore, be it resolved by the House of Representatives of the 125th General Assembly of the State of Delaware that the Honorable United States Senators John J. Williams and J. Caleb Boggs and the Honorable United States Representative William V. Roth, Jr. are hereby urged to request of James M. Henderson, Special Assistant to Postmaster General Winton M. Blount, and the Citizens' Advisory Committee that a commemorative stamp commemorating the fiftieth anniversary of the Disabled American Veterans be designed and printed.

Be it further resolved that a copy of this Resolution be sent to United States Senators John J. Williams and J. Caleb Boggs and United States Representative William V. Roth, Jr.

Be it further resolved that the text of this Resolution be made a part of the Journal of the House of Representatives of the 125th General Assembly of the State of Delaware.

DELAWARE STATE SENATE, 125TH GENERAL ASSEMBLY, SENATE RESOLUTION NO. 131

Relative to the two Members of the Senate of the United States and the Member of the House of Representatives of the United States from the State of Delaware urging them to request the Citizens' Stamp Advisory Committee and James M. Henderson, Special Assistant to Postmaster General, Winton M. Blount to adopt a commemorative stamp commemorating the fiftieth anniversary of the disabled American veteran

Whereas, it has come to the attention of the Members of the Senate of the 125th General Assembly of the State of Delaware that the Disabled American Veterans is celebrating its fiftieth anniversary; and

Whereas, the Disabled American Veterans was organized in 1920 for the purpose of serving and assisting wartime disabled veterans, their widows and orphans; and

Whereas, the Citizens' Stamp Advisory Committee headed by the Special Assistant to the Postmaster General is responsible for the Department's stamp program; and

Whereas, the Members of the Senate are desirous of having a commemorative stamp commemorating the fiftieth anniversary of the Disabled American Veterans printed by the United States Post Office Department.

Now, therefore: be it resolved by the Senate of the 125th General Assembly of the State of Delaware that the two members of the Senate of the United States and the member of the House of Representatives of the United States request the Citizens' Stamp Advisory Committee and the Special Assistant to the Postmaster General to adopt a commemorative stamp commemorating the fiftieth anniversary of Disabled American Veterans.

Be it further resolved that a copy of this Resolution be sent to the two members of the Senate of the United States from Delaware and the member of the House of Representatives of the United States from Delaware.

Be it further resolved that the text of this Resolution be made a part of the Journal of the Senate of the 125th General Assembly.

LOVE YOUR CLIENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. ASHBROOK. Mr. Speaker, William Kunstler, the controversial lawyer for the Chicago 7 whose standing in the profession is already subject to question, has recently come under fire from the American Bar Association Journal for espousing a philosophy of the practice of law that is totally alien to traditional ideals.

The ABA Journal bases its criticism on the following statement attributed to Kunstler:

> I only defend those whose goal I share. I'm not a lawyer for hire. I only defend those I love.

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In its lead editorial in the June 1970 issue, the ABA Journal says:

> A lawyer for hire is available to the bad and the ugly, the scorned and the outcast. We know from long collective experience that many will go without legal defense or representation if they must depend upon finding a lawyer who "loves" them.

Some of the law's greatest milestones have been set by lawyers willing to take unpopular clients. If the interests of justice are to be served, it could not be otherwise.

If those in other professions were to take their cue from Kunstler—admittedly a not very unlikely occurrence—a man could die for lack of medical treatment because he could not find a physician who loved him; the unloved penitent would remain bereft of sacraments; the student without charisma would remain ignorant, and so on ad absurdum.

The ABA Journal's excellent editorial, "A Lawyer for Hire," follows:

A Lawyer for Hire

It is tempting to pass over the seemingly endless public statements of William Kunstler, a member of the New York Bar, as ill-considered indiscretions. His condonation of the mob murder of a policeman is only the most flagrant of an increasing flow of inflammatory remarks.

But unfortunately Mr. Kunstler is developing a cult of admirers rivaling—in behavior and, one suspects, intelligence—the teenage mobs who used to swarm around Elvis Presley and the Beatles. He is more and more the spokesman for an approach to human problems that is anti-intellectual, frantically impatient, defiantly nonobjective and intolerant, and eager for violence. And, sad to say, a member of the Harvard Law School faculty has been quoted as encouraging students to look to Mr. Kunstler as their idol. One suspects, and fears, that other faculty members of American law schools are urging similar nonprofessional attitudes.

In addition to his views on other aspects of law and society, Mr. Kunstler has made an interesting observation on his role as a lawyer. The following is quoted from *The New York Times Magazine*, April 19, 1970, page 92:

"In Philadelphia, when he was asked if he would defend the Minutemen on the same grounds that he defended the Panthers (i.e. the right to violent 'self-defense') he said, 'No, I wouldn't defend them at all. I only defend those whose goal I share. I'm not a lawyer for hire. I only defend those I love.' "

One can easily imagine the ringing romantic appeal of these words to a young, or at least inexperienced, excited and thoughtless audience. It has all of the right prose and jargon—"shared goals", "love" and "not for hire". It plays on the absurdity of which the New Left seems so fond, namely, that any cruelty or injustice or social destruction is all right and even commendable, provided only that it is committed for motives other than money—like neurotic vainglory or hatred of successful people. But most of all, to a lawyer the statement is antiprofessional because it scorns the "lawyer for hire" and suggests that it is noble for a lawyer to limit his clientele to those he "loves".

All lawyers who can afford it do a certain amount of selection of their clients and causes undertaken. Most lawyers prefer to represent popular causes and prosperous clients, but as a profession and individually we know that our ideal is to provide competent counsel for any person with a legitimate cause. And the pressure for improvement of the profession's service to society has been constantly in the direction of more nearly achieving this ideal. But with respect to representing unpopular persons, not just poor ones, to be a "lawyer for hire" is a badge of honor. To hold otherwise is to take a reactionary direction and cast aside centuries of human experience and striving. A lawyer for hire is available to the bad and the ugly, the scorned and the outcast. We know from long collective experience that many will go without legal defense or representation if they must depend upon finding a lawyer who "loves" them.

FORTY ASK DDT SUSPENSION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. OBEY. Mr. Speaker, I would like my colleagues to be aware of the fact that the following letter has been sent to President Nixon requesting him to instruct Secretary of Agriculture Clifford Hardin to accept a U.S. court of appeals order to suspend the registration of DDT and to drop the Department's opposition to banning the use of this product.

Thirty-nine of my colleagues have either signed the letter or have indicated that they agree with its sentiment and would have signed if time permitted.

I would hope that the Secretary of Agriculture would follow the excellent lead of Secretary of the Interior Walter Hickel who last Thursday banned the use on public lands of 16 pesticides including DDT, dieldrin, and mercury compounds.

There is now an excellent opportunity for Secretary Hardin to ban DDT. I would hope that any other colleagues who are in favor of such action would indicate this to the President.

A copy of the letter and the cosigners follows:

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: On November 3, 1969, a number of my colleagues in the House of Representatives and I wrote to you asking that you ban the use of DDT, except in cases where it may be absolutely necessary to protect the public health and safety.

On November 20, 1969, the U.S. Department of Agriculture announced that the use of DDT would be prohibited for a number of uses, including its use on tobacco, on shade tree pests, for pests in aquatic areas, and for house and garden pests. At the same time, the U.S.D.A. announced that all uses of DDT would be phased out by December 30, 1970, except for essential uses for which no alternative is available.

Despite that announcement, Mr. President, the use of DDT has not been curtailed because of a long and complex series of appeal procedures which are allowing pesticide manufacturers to continue to sell this pesticide in interstate commerce. It is believed by many of us, however, that the Department can ban the use of this pesticide immediately because there is a section of the law which would allow the U.S.D.A. to do so if, in its opinion, the pesticide presents an "imminent hazard to the public."

While the U.S.D.A. chose not to act under this section of the law, several conservation groups decided to take the case of DDT to court. Their task was to show that DDT was in fact an imminent hazard to the public and ought to be banned immediately.

The evidence they presented in their brief was extensive, and in many cases similar to the evidence presented to you in our letter of November 3rd: for example, that available scientific findings, some dating as far back as 1947, found increased incidence of liver tumors in rats which were fed DDT; that the National Cancer Institute recently reported that DDT added to the diets of mice quadrupled the frequency of tumors of the liver and lungs; that research by Hungarian scientists found similar results concerning the relationship of DDT and the development of leukemia; and that the DDT level of human milk exceeds the maximum level allowed by the F.D.A. in cow's milk.

The U.S. Court of Appeals which heard this case announced on May 28, 1970, that Agriculture Secretary Clifford Hardin must either suspend the registration of DDT and stop the shipment of it through interstate commerce or explain to the court within 30 days why he should not do so.

Mr. President, with that Court pronouncement, an executive decision can now be made which would effectively stop the use of DDT in this nation.

In 1963, and again in 1965, the President's Science Advisory Committee advocated a substantial reduction in the use or the elimination of persistent and toxic peticides such as DDT. The recently published Mark Commission on Pesticides and their Relationship to Environmental Health made recommendations similar to those of the Presidential Committee.

Of great significance also, Mr. President, are the findings just announced after extensive hearings by the Wisconsin Department of Natural Resources on the subject of DDT.

As you may know, hearings were held in Wisconsin by that agency to determine whether DDT should be classified as a water pollutant and therefore subject to regulations under the state water quality act. After reviewing thousands of pages of hearing testimony, the hearing examiner for the Department of Natural Resources has announced that while "ingestion and dosage [of DDT] cannot be controlled," minute amounts of the chemical "have biochemical, pharmacological and neurophysiological effects of public health significance."

In short, he has ruled after much consideration that DDT is harmful to humans, as well as to fish, and as a result has ruled that this chemical and one or more of its related chemicals is an environmental pollutant under the law.

We know that DDT is found in many samples of drinking water. It is extremely harmful to the environment, to birds, fish and wildlife. And of great importance is the fact that effective and economical alternatives to its use are available.

Mr. President, in your environment message to the Congress in February you said that "The time has come when we can wait no longer to repair the damage already done, and to establish new criteria to guide us in the future." There is no single act which could better reverse past abuses and establish new criteria for the enhancement of our environment than a decision by you and the Secretary of Agriculture to delay no further an immediate end to the use of DDT in this country. The decision is in your hands and we urge that you make it in favor of environmental protection.

Sincerely yours,

David R. Obey, Henry Reuss (D–Wis), Emilio Daddario (D–Conn.), James Delaney (D–N.Y.), Thomas O'Neill (D–Mass), Joseph Vigorito (D–Pa.), Ogden Reid (R–N.Y.), Benjamin Rosenthal (D–N.Y.), Michael Harrington (D–Mass.,), George Brown, Jr. (D–Calif.), Wm. Clay (D–Mo.), Edward Koch (D–N.Y.), Charles Wilson (D–Calif.), Daniel Button (R–N.Y.), James O'Hara (D–Mich), Leonard Farbstein (D–N.Y.), Wm. Ryan (D–N.Y.), Wm. Hathaway (D–Maine), Abner Mikva (D–Ill.), Frank Thompson (D–N.J.), Joseph Karth (D–Minn.), Peter Rodino, Jr. (D–N.J.), Wm. Moorhead (D–Pa.), Allard Lowenstein (D–N.Y.), Don Fraser (D–Minn.), Joshua Eilberg (D–Pa.), Richard Ottinger (D–N.Y.), Donald Lukens (R–Ohio), Gus Yatron (D–Pa.), Thomas Rees (D–Calif.), Jonathan Bingham (D–N.Y.), James Scheuer (D–N.Y.), Arnold Olsen, Jr. (D–Mont.), Paul McCloskey (R–Calif.), Frank Brasco (D–N.Y.), Jerome Waldie (D–Calif.), Seymour Halpern (R–N.Y.), Frank Horton (R–N.Y.), Don Edwards (D–Calif.), Henry Helstoski (D–N.J.),

Members of Congress.

PATIENCE WHILE THE BOAT COASTS IN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. DERWINSKI. Mr. Speaker, a very forthright and constructive analysis of the President's report to the Nation on the status of the economy was carried in the Thursday, June 18, Chicago Sun Times. It is so easy for us to fall into immediate criticism or praise of a Presidential statement so that a truly balanced opinion such as contained in this editorial is worth reviewing.

The editorial follows:

PATIENCE WHILE THE BOAT COASTS IN

President Nixon optimistically looks forward to the year 1975 when the nation will enjoy a halcyon, peacetime consumer economy in which every American will have one-fifth more of life's good things than he has now.

But how about the weeks and months still left in 1970 and next year as prices continue to rise at an annual rate of 6 per cent? If this continues, a $20 bag of groceries will cost $26.76 by 1975 and $114 in 30 years.

Patience, Mr. Nixon counsels. His plans are working out.

Mr. Nixon says his program to bring inflation under control simply needs more time. The mess he inherited will take more time to clean up. In fact, he noted, some of the restraints on the heated economy have been eased and the nation is coasting in to the dock of price stability.

To satisfy those who think he should be doing more than counsel patience, Mr. Nixon used his economic report yesterday to announce a somewhat mild program of "jawboning."

A special committee will study productivity; somehow we are reminded of Wendell Willkie's banner, "Only the productive can be strong and only the strong can be free."

The President's Council of Economic Advisers will set up an "inflation alert", a term that seems to be borrowed from the weather bureau's tornado alert. The council will call public attention to significant wage and price increases; such jawboning hasn't had much effect in the past.

And a new board will review government purchasing and import policies and regulations to see whether they can be adjusted to help the inflation fight.

These innovations, if such they are, could have been done at any time and are hardly dramatic. The President obviously is still depending on the slow grind of his fiscal policy and the now easing tight money policy to take effect. He did, in fact, use a large part of his time to chide and prod Congress to take action on measures he has asked for to ease the transition from the supercharged war period to the peace period, which is producing more unemployment.

These included a bill to strengthen the unemployment insurance system, a bill tieing social security benefits to the cost of living, a bill for more job training funds, and the Emergency Home Fnancing Act to stimulate the housing industry.

Mr. Nixon thus turns the political spotlight back on Congress where there has been grumbling that the President ought to slap on price and wage controls. This he would never do, he said, and talk on the hill of giving him the power to do so is merely political posturing. We think he's right on both scores and for tossing the ball back to Congress on the other issues.

So the nation is still in the continued price pain and uncertainty as Mr. Nixon guides his coasting boat to dock. But there are a few signs he may turn out to be right, for which thanks be. There has been a slowing in the rate of increase in wholesale food prices and a downturn in the prices of 13 industrial raw materials.

It will be many months before such factors may have an effect on the prices in the supermarket, but Mr. Nixon thinks he sees a light at the far end of the tunnel. Just be patient.

GOOD INTENTIONS NO BARRIER TO TRAFFICKERS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. ROBISON. Mr. Speaker, the fourth in the series of articles appearing in the Christian Science Monitor describing the international narcotics traffic outlines the problem of competition in heroin production. In this article, John Hughes indicates that even when a country attempts to stop its opium production, it may suffer serious economic setbacks when its neighbors pick up the slack in the market left by its departure. Mr. Hughes' message is clear: In order to effectively stop the growing of opium and the production of heroin, there must be international cooperation and renewed emphasis on the enforcement of existing drug laws.

The article follows:

GOOD INTENTIONS NO BARRIER TO TRAFFICKERS

(By John Hughes)

TEHRAN, IRAN.—As the first light of day streaked the Persian sky, the prisoners were led out. There were 10 of them: An Army captain, two lieutenants, seven civilians. Grim faced, they took their last look at the soft hills around them, still swathed in morning mist.

The firing squad was drawn up. At a sharp order, the soldiers leveled their rifles. Another order, and the shots rang out.

The first traffickers to face punishment under Iran's tough new laws against narcotics smuggling had been executed.

Under this law, anyone in Iran caught carrying more than two kilos of opium, or more than 10 grams of heroin, morphine or cocaine, is subject to capital punishment.

The soldiers had been stopped with a massive load of opium—272 kilos—hidden in their Army jeep. Then they tried to shoot it out with gendarmes, who arrested them.

"THEY'LL ALL GET THE SAME TREATMENT; IT'S A MATTER OF LIFE AND DEATH"

Since the execution of this first group of offenders, the Iranian Government has had more than two dozen narcotics traffickers shot. More cases are pending.

Says a Foreign Ministry official: "We are very serious about this. We're going to execute every one of them we catch. We've caught a woman smuggler. And we've caught foreigners. They'll all get the same treatment. It's a matter of life and death."

The severity of the punishment underlines the Iranian Government's intention, since it passed its new laws last year, to deal harshly with narcotics traffickers.

Yet ironically, Iran is one of the countries international experts are most concerned about as they ponder sources of illegal drugs in the years ahead. For hand in hand with its new crackdown on smuggling, the government authorized peasants to start growing opium after a 13-year ban. This apparently anomalous decision could lead to massive production again in a country which was once among the world's leading growers and exporters of opium.

The green light has been given only for legal opium production. This is opium which will be sold to the state, to be used for Iran's own registered addicts, and ultimately for export for medicinal purposes.

But, critics argue, there is always leakage from legalized production. The United Nations Commission on Narcotic Drugs says it is "very disturbed" about the Iranian decision, which it terms a "sharp disappointment."

Harry J. Anslinger, a former chief of the American Bureau of Narcotics, is similarly outspoken. He says that Iran has a "moral obligation" not to produce opium. He describes the Iranian decision to resume as the "greatest blow to narcotics control" he has ever known. This regret is echoed by Jean Nepote, chief of Interpol, the international police organization. He terms the Iranian action a "retrogressive step."

Mr. Anslinger declares bluntly Iran's good name has been "put in jeopardy" by its decision to grow opium again. To this international criticism, Iranians are highly sensitive. They argue they are taking careful measures to control production. Only government-licensed farmers will be allowed to grow opium. Police will supervise the harvesting. The entire crop will be sold to a state-run monopoly.

For illicit cultivation or withholding, the government will impose strict penalties. And as it has already shown, it will take extreme action against illegal traffickers.

Foreign critics, however, argue that despite Iran's good intentions, a substantial amount will seep away onto the illegal market. Turkey has a similar system of controls on its licit opium production—yet Turkey is a major source of illegal opium. Any increase in opium production anywhere, say narcotics agents, spells more trouble for them.

So far there is little evidence that the newly grown opium in Iran is finding its way in quantity onto the international market. But as yet the crop is small.

"WE HAVE PAID A VERY HIGH PRICE FOR BANNING OPIUM PRODUCTION"

Last year the government authorized opium growing on only 4,200 hectares. The result was about nine tons of opium. This year the government authorized an additional 6,000 hectares. With 10,000 hectares under opium, this nation is already back to almost half the acreage it had under opium in the boom years of the 1950's. On that acreage Iran was producing between 900 and 1,200 tons of opium a year.

Beyond the prospect of new Iranian opium seeping onto the illegal market, there is another, and ominous aspect.

The Iranian crop presumably will make surplus about 300 tons of opium a year which has been flooding into Iran from its neighboring countries of Turkey on the one side and Afghanistan on the other. If the Iranian market dries up, here is another 300 tons of opium each year available to international buyers at cut-rate prices.

It was pique with its neighbors, particularly Turkey, that motivated Iran's decision to get in the opium business again. Prior to 1955, Iran was a major producer, with 25,000 hectares under opium poppy cultivation. In its last year of cultivation—1955—Iran produced 1,180 tons of opium. Legally, and for medical purposes, it exported about 100 tons a year.

The opium business was profitable for some. Several wealthy landowners made $50,000 a year from it. But it was degradation and hopelessness for many thousands more. Iran had a staggering opium addiction problem of its own. According to the Iran Medical Association, some 1.5 million Iranians (in a population which then stood around 20 million) were addicts.

Outraged and concerned, Shah Mohammad Reza Pahlaiv in 1955 banned opium production outright. His decision won worldwide acclaim. In Iran it cut back addiction. The Iranian Medical Association says that, though the population has increased, the number of drug addicts has dropped from 1.5 million to half a million.

But 500,000 addicts still need a lot of opium. And tragically there has been a substantial shift to heroin, made in illegal laboratories from illegally imported opium.

The smug and conscienceless exploiters of this situation have been the Turkish and Afghan junk merchants who have poured their opium into Iran, even as Iran outlawed its own production. Flocks of sheep, with opium blocks sewn into their skin, have been herded across Iran's borders. Wild Afghan horsemen have come whooping over with opium-filled saddlebags. Whole convoys of pack animals have been led across in darkness.

Of course, Iranians are in the business, too. In 1968, 15 illegal heroin laboratories were destroyed. Many more went undiscovered. The ownership of some is said to extend into the highest ranks of the Shah's government.

But the police are active in combating the narcotics traffic. Even prior to the country's tough new narcotics laws, they were picking up some 18,000 people a year for drug operations. In 1968 they seized 3,600 kilos of opium, and in the first half of last year alone, 8,840 kilos. There are wild gun battles as Iranian gendarmes tangle with lawless smugglers trying to shoot their way across the country's borders with loads of opium. In some, Iranian law officers have been killed.

It is this smuggling from Turkey and Afghanistan, and a real loss in hard cash, that caused the exasperated Shah to rescind his ban on opium production last year. One Foreign Official, Undersecretary Fereydoun Hoveyda, calculated that illicit purchase of Turkish and Afghan opium lost Iran $10 million a year in foreign exchange. Prior to the 1955 ban, Iran had been earning $40 million from opium. Dr. M. H. Sahez-Zamain, chief of the Iranian Mental Health Commission, sets the loss higher at $15 million a year.

One problem: The smugglers demand payment in gold. Thus the smuggling of opium has generated another smuggling racket, gold. The buyer must get gold to get opium.

"WE GIVE THIS UNDERTAKING: THE DAY OTHERS STOP PRODUCING OPIUM, WE WILL"

"We have," says another Foreign Office official, "paid a very high price for banning opium production. But our neighbors simply replaced us in the world market. Now we've started again. But we give this undertaking: The day others stop producing, we will."

The Iranian newspaper Kayhan reflects official thinking. Says the newspaper editorially:

"Iran has waited 13 years, during which international agencies and neighboring countries have done nothing to desist. Iran has lost a substantial market for medicinal opium. It loses millions of dollars in gold, which leaves the country to pay for illegally imported opium. And drug addicts have turned to heroin."

The newspaper approves of renewed Iranian production, with strict controls over growing, collection, marketing, and export. "We will cease," says Kayhan, "when our neighbors do so."

That prospect is not likely. The Turkish Government is on record with its intention to get out of the opium business, but illegal production in Turkey will certainly continue.

The capacity of the Afghan Government to curb opium production and smuggling is limited. Even given the will, the Kabul government is powerless to enforce such a decision throughout great swaths of the country where wild tribesmen reign independent.

So Iranian production will continue and increase, and with it a mounting opportunity for diversion to the illegal market.

If a halt to production is unlikely, one way to keep the crop down would be to reduce the number of Iran's addicts, and therefore the demand. But despite brave words, Iran's addiction problem looks like one of some duration.

The government has allocated $8 million for the treatment of young addicts. Dr. H. A. Azarakhch, one of the country's leading narcotics experts and a delegate to the United Nations Commission on Narcotic Drugs, says 10 percent of all hospital beds are reserved for addicts.

Even so, Seyd Mohammad Tabatabai, secretary-general of the Iranian Medical Association, estimates that with existing facilities it would take 104 years to wipe out drug addiction in Iran. He thinks much more urgent measures are required. He suggests the government should use the money it will make from opium sales to finance addiction treatment centers.

The government certainly appears eager to reduce the number of addicts. Only people over 60 years of age, and those considered to have a medical need, are permitted to buy opium, at 23 cents a gram, on a quota basis from government-licensed shops. Their registration, which has been taking place this year, is a pitiful business.

One 65-year-old woman staged a sit-in at a registration center because clerks refused to issue her an opium permit without a photo. "I'm a servant," she cried, "I can't work without eating opium every morning."

"I HAVE SMOKED OPIUM SINCE I WAS 20, AND I'LL DO IT UNTIL I DIE"

An elderly man said he had been an addict for 45 years. "I have smoked opium," he said, "since I was 20. And I'll do it until I die."

With others, the government is taking a tougher line. Addicts in government service have been given a deadline to break the habit. A government official who remains on narcotics stands to lose his job. He may also lose his property and lands.

The result is that many Iranian drug users are hiding their addiction. They are not registering as addicts for fear of government retaliation. By March of this year, only 32,000 addicts had appeared for registration throughout the entire country. Dr. Azarakhch thinks the figure may go as high as 100,000.

Even so, that would leave another 400,000 Iranians who until recently were drug addicts. Either they have suddenly cured their problem or, more likely, they are acquiring drugs illegally.

Thus the prospect for a curb opium production in Iran is not bright.

Some foreign observers hold that the Iranian Government has not thoroughly considered the implications of its decision. For instance, the government talks of exporting opium for medicinal purposes. This presumably means selling it at around $10 a kilo. Yet the cost of opium to the Iranian Government is much higher than that.

According to Dr. Azarakhch, the government is currently paying opium farmers about $90 a kilo for opium latex which is still impure, with about 30 percent moisture in it. On this basis, export is a money-losing venture.

Some of these foreign observers feel that if a graceful opportunity afforded itself, the Iranian Government would even now opt out of the opium business again. But with the acreage under opium doubling up each year, Iran is heading fast into big-time production.

The somber prospect is that the international traffickers will get their claws deep into the country's opium business before the Shah can get his country out of it.

DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. GAYDOS. Mr. Speaker, time and time again small, but active minority groups have captured the Nation's news headlines with their acts of violence and disrespect toward the United States and its flag. We have read and seen where the flag has been burned, spat upon, or used as articles of clothing.

But little is said about organizations who work constantly to instill in their members and their families a love for their country and its flag. The programs and projects such groups sponsor are not sensational enough to make the headlines.

One such organization is the Daughters of the American Revolution and its many local chapters, including the Queen Alliquippa Chapter in my 20th Congressional District. This organization has undertaken many fine programs, benefiting the youths and the adults in the district.

On Saturday, June 13, the Queen Alliquippa Chapter held its traditional Flag Day observance and Mrs. W. Donald Watson, retiring as the chapter's regent, aptly summed up what the flag is and its relationship to the DAR.

She said:

> It (the Flag) is revered, not so much as a mere symbol as for the principles for which it stands. It is our duty to pass these principles on to our children and our children's children. What we need most today is a show of strength for those principles of democracy and for that one nation, indivisible, with liberty and justice for all.

In conjunction with the Flag Day ceremony, the Queen Alliquippa Chapter installed newly elected officers and the incoming regent, Mrs. William R. White, outlined new means of passing on the principles mentioned by her predecessor. She announced the start of a study group concentrating on American arts, crafts, history and music. The chapter also will sponsor a naturalization court July 10 in

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Pittsburgh for persons becoming citizens of this great land.

The national DAR this past year sponsored a contest, "Justice, Americanism and Character Yesterday, Today and Tomorrow", under its Junior American Citizens program. Queen Alliquippa Chapter participated in this project and I am happy to report a number of sixth grade students in my area won State and National recognition. These youngsters were Raymond Garafolo, Jeffrey Allen, Mark Karlinchak, Denise Gubanic, all of Grandview School; Howard Leskowitz of Lincoln School; and Toni Cyd Stockton of Eleventh Ward School. The contest in the McKeesport schools was conducted by Miss Carol Reigard, Mrs. Edith Reigard and Mrs. Mary Lou McCain, working in cooperation with Mrs. Harry L. Carlson, Queen Alliquippa's JAC chairman, and Mrs. Homer Snedden, the DAR State JAC chairman.

Mr. Speaker, the JAC project is just one of many worthy undertakings of the Queen Alliquippa Chapter and the DAR. I believe they should be commended for their efforts and interest in keeping alive the spirit which has made America the greatest Nation on the face of the earth.

HOUSE OF REPRESENTATIVES—*Tuesday, June 23, 1970*

The House met at 12 o'clock noon.

The Reverend Stephen E. Schullery, pastor, St. Peter's Evangelical Lutheran Church, Lancaster, Ohio, offered the following prayer:

I love the Lord, because He hath heard my voice and my supplications. Because He hath inclined His ear unto me, therefore will I call upon Him as long as I live.—Psalms 116: 1–2.

Almighty God, our Heavenly Father and fountain of all wisdom, assist us mercifully in these our supplications and prayers. Keep us ever mindful of our godly heritage. Teach us to put to good account whatever talents Thou hast lent us.

In all humility, O Lord, we pray for all the nations of the human race. We are tired of war, cruelty, oppression, and ignorance. Grant unto every land the blessings of peace and order, justice, and spiritual knowledge.

In all humility, O Lord, we pray for all the people of this Nation, of the great cities and the quiet country places. Cleanse our national life from besetting sins by filling our hearts with Thy love and our homes with Thy peace.

In all humility, O Lord, we pray for Thy honored servants in this national House. Be Thou their strength and sure defense. Grant them a generous measure of Thy sustaining presence. May they be faithful in the discharge of their high duty before mankind and history and Thy divine judgment that Thy kingdom may come and Thy will be done. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17399. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17399) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Byrd of West Virginia, Mr. Pastore, Mr. Holland, Mr. Ellender, Mr. McClellan, Mr. Magnuson, Mr. Stennis, Mr. Hruska, Mr. Young of North Dakota, Mrs. Smith of Maine, and Mr. Allott to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16516) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes."

APPRECIATION TO REV. STEPHEN E. SCHULLERY

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Ohio. Mr. Speaker, I would like to take this opportunity to express our appreciation to Rev. Stephen E. Schullery for offering the opening prayer today in the House of Representatives.

Reverend Schullery became a resident of the 10th District of Ohio in 1963 upon assuming the pastorate of St. Peter's Evangelical Lutheran Church in Lancaster, Ohio. A native of Hazleton, Pa., Reverend Schullery attained his B.D. degree at Mount Airy Lutheran Theological Seminary in Philadelphia and has worked in parishes in Virginia, Pennsylvania, Texas, and Alabama before accepting his first pastorate at St. Stephen's Lutheran Church in Warren, Mich., where he organized the congregation.

As a distinguished mission developer of his church, Reverend Schullery is indeed a dedicated man and has been an inspiration to the people with whom he has worked across our country. I am pleased to have him with us today and hope he can return again in the near future.

AN OVERALL COMPREHENSIVE AGREEMENT NEEDED WITH JAPAN IN TRADE NEGOTIATIONS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, yesterday, my distinguished colleague, the gentleman from South Carolina (Mr. Dorn), commented on this floor with reference to the resignation or firing of Assistant Commerce Secretary Kenneth N. Davis, Jr. He noted that this event occurred at a crucial time in trade negotiations going on at this very moment here in Washington with the Japanese. Today, I note from the morning papers that Secretary Stans reports some progress in yesterday's negotiations. There is an ominous ring to these developments. I hope it does not suggest the possibility that the administration's position with respect to textile imports may be weakening and that the free traders are again in control.

In view of the fact that 253 Members of the House have cosponsored the Mills bill which is currently before the Ways and Means Committee, it would be shocking if the administration is thinking in terms of an agreement with the Japanese which could prove wholly inadequate to cope with the problem. Since the Mills bill provides for negotiations with foreign countries, it cannot in any way impair the ability of the administration to negotiate. Rather, passage of the Mills bill at the earliest possible moment will encourage negotiations not only with the Japanese, but with other exporters of cheap textile products to the United States. While the Japanese are the principal exporters, similar arrangements must be concluded with a number of other countries if the program is to be effective.

Mr. Speaker, if Japanese delegates are here to offer an incomplete category-by-category agreement, it must be borne in mind that this is totally unacceptable as a meaningful approach to the textile import problem. No agreement can possibly be effective which does not provide for overall comprehensive agreement including woolen, worsted, manmade fibers, and filament yarn.

CONCERN FOR AMERICAN PRISONERS OF WAR

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, people throughout our country are beginning to show their genuine concern for American prisoners of war and those missing in action in Southeast Asia. I would like to call to the attention of the Congress the efforts of one community in my congressional district to point out the plight of these men. The mayor of Prattville, Ala., proclaimed Saturday, June 20, as POW and MIA Day in Prattville. On that day, volunteers manned booths throughout town to gather signatures in support of these heroic Americans.

On Sunday, June 21, churches of Prattville held appropriate services to mark this occasion. The people of Prattville are to be commended for this public display of concern for our prisoners of war. I congratulate them and hope that more of our communities will hold similar observances in the future. We must not allow these Americans to be forgotten.

Mr. Speaker, also I am inserting in the Extensions of Remarks of today's RECORD several articles from the June issue of Air Force and Space Digest pertaining to our POW's and MIA's. These articles are very revealing and I hope each Member of Congress will take time to read them.

VOTING RIGHTS ACT SIGNED

(Mr. **RIEGLE** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **RIEGLE**. Mr. Speaker, I rise today to salute President Nixon for his decision yesterday to sign the Voting Rights Act and to lower the voting age to 18.

This positive action by the President is a vital symbol of hope, particularly for black Americans and young Americans. But this step is more than symbolic, it is a massive practical breakthrough that enfranchises millions of our citizens and insures an opportunity for their full participation in the process of self-government.

There has been much debate and disagreement on this important question, but the issue is now resolved as a matter of law.

As is well known, there are complex constitutional questions to be resolved concerning the lower voting age. Certainly, the President acted properly in seeking an early judicial ruling on this issue.

I warmly commend the President for his affirmative leadership in signing this historic bill. His decision, and that of the Congress, will serve to unify our people and truly help to bring the country together.

THE VOTE ON THE SST

(Mr. **BUSH** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BUSH**. Mr. Speaker, there has been a lot of talk about the House vote on the SST. One of the Washington papers ran a lengthy story describing the rollcall vote on the previous question as the vote on the SST. In my view, this interpretation of the vote on the previous question is incorrect.

There was only one vote on the SST. That was the teller vote on the Yates amendment which, regrettably, was defeated 86 to 102. Unfortunately, the rules of the House prevented a rollcall vote on the Yates amendment. I do not approve of this procedure and have introduced legislation to change it. But the fact remains that the SST funds were only one part of the overall bill and that the question of SST funds had been disposed of by the House before the vote on the previous question. The vote on the previous question was a procedural one. It clearly was not a vote on the SST.

I am opposed to the SST. I have consistently opposed it. I would have supported deletion of SST funds in a recommittal motion. In this time of budgetary deficits, I cannot see any reason to support this program with so many serious environmental questions surrounding it. Perhaps in the future things will change so that I can support SST but today, no.

REQUEST FOR PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT TOMORROW AFTERNOON

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be allowed to sit tomorrow afternoon for consideration of a special bill.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

Mr. **MOSS**. Mr. Speaker, reserving the right to object, is it my understanding that the gentleman wants the Committee on Interstate and Foreign Commerce to sit for the purpose of considering the request for the $750 million loan authority requested by the Department of Transportation?

Mr. **STAGGERS**. In response to the gentleman from California, that is correct. At a meeting yesterday afternoon the chairman of the committee agreed to try to hold hearings as expeditiously as possible, and having under consideration some important bills in executive session, it was decided that we would try to hold those hearings in the afternoon in order to accommodate the request.

Mr. **MOSS**. There are other very important items of legislation before that committee that should be heard.

I wish to take this opportunity of complimenting the distinguished gentleman from West Virginia for the great volume of legislation which has been heard and reported by the Committee on Interstate and Foreign Commerce. But I am cognizant of the fact that broker-dealer insurance corporation legislation, upon which hearings have not been completed is, in my judgment, every bit as important to the economy of this Nation as the transportation loan authority.

I think we ought to proceed in an orderly fashion. After all, the situation with Penn Central and the railroads did not suddenly emerge. It has been well known for some time. There has been adequate opportunity to come to Congress long before now, but coming here under great pressure and asking us to resort to these unusual procedures is not proper, therefore—Mr. Speaker, I feel constrained to object.

Mr. **GERALD R. FORD**. Mr. Speaker, will the gentleman yield?

Mr. **MOSS**. I yield to the gentleman from Michigan.

Mr. **GERALD R. FORD**. Mr. Speaker, I wish to compliment the chairman of the Committee on Interstate and Foreign Commerce for seeking permission so his committee may meet Wednesday and Thursday afternoons to hear the justification for this very important legislation.

I agree that the Committee on Interstate and Foreign Commerce has had a heavy legislative program, and they have worked hard on a number of things over the past month. Despite their efforts, they have a number of other important legislative programs that are of high priority, but this particular legislation—which would consider the reenactment, I think it is, of part 5 of the 1958 act or some version of it—is of crucial importance. A failure to have such hearings can precipitate a very serious situation where we might have, despite the Penn Central going into bankruptcy, a termination of services that would inconvenience thousands of commuters, that would result in 96,000 employees not being paid, and that could result in a number of services being stopped as far as shipment of perishables is concerned.

I think it is of the greatest importance that the committee hear the justification in order to ward off these serious consequences.

Mr. **MOSS**. Mr. Speaker, having served on the committee for the last 14 years, I am very conversant with the nature and magnitude of the problems. They extend to other modes of transportation and they extend to other important segments of the commerce of this Nation, and to the securities industry and to the mutual fund industry. I happen to chair the Subcommittee on Commerce and Finance, and I am very conversant with the very urgent nature of the problems. To give to one item a priority over the others, in my judgment, is not sound, and I am perfectly willing to accept the responsibility of interposing objection, and, Mr. Speaker, I do object.

Mr. **ARENDS**. Mr. Speaker, will the gentleman yield?

The **SPEAKER**. Will the gentleman from California withdraw his reservation of objection and yield to the gentleman from Illinois?

Mr. **MOSS**. I will, but without prejudice to my right to object.

Mr. **ARENDS**. Mr. Chairman, the House has been lenient this year in letting all the committees sit on important legislation before their respective committees. I would hope we might continue that practice, and I would say to the gentleman with all due respect I would hope he would not put us in the position of having to curtail all requests for permission for all the legislative committees on legislation on which sometimes the hearings cannot be completed before noon.

Mr. **MOSS**. Mr. Speaker, let me say to the gentleman the business on the floor of this House is important too, and participation in the debate on the floor of the House is of importance. Those of us who serve on the Committee on Interstate and Foreign Commerce would be denied the right to participate in this

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debate. It is for that reason and also because of cognizance of the extreme importance of the legislation that I urge we must move with caution and only after having the fullest economic studies available to the committee. Those are not available, and it is for that reason that I do object to this unanimous-consent request.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I would like to ask the able gentleman from California if he would be willing to consider, so that the House can adopt this procedure to make this loan of $750 million to this $6.5 billion corporation, that the President might charge the House with fiscal irresponsibility, as he did when he vetoed yesterday the bill extending the Hill-Burton hospital construction program?

Mr. MOSS. Mr. Speaker, I object to the request of the gentleman from West Virginia.

The SPEAKER. Objection is heard.

TEXTILE-FOOTWEAR IMPORT NEGOTIATIONS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, negotiations are underway in Washington at this very moment. No 1-year agreement with Japan to voluntarily limit her textile and footwear exports to the United States will provide any real relief for these sorely pressed industries. No partial category by category voluntary agreement will provide any meaningful relief. Any agreement, Mr. Speaker, to be effective must be an overall comprehensive agreement covering all categories including wool, worsted, manmade fibers, and filament yarn.

A 1-year agreement with limitations only on certain categories could do more harm than good causing uncertainty, fluctuations, and even chaos in the market, thus preventing long-term planning and stability. Let us pass the Mills bill now. We have the votes here in the Congress and we have the support of a vast majority of the American people. Further procrastination, fruitless discussion and delay will result in more unemployment and depression.

Again, Mr. Speaker, the Mills bill introduced by the distinguished chairman of the Ways and Means Committee and 252 of his colleagues provides for negotiations and voluntary agreements. The Mills bill is a liberal trade bill and should be passed without any further delay.

ADMINISTRATION SHOULD STAND BEHIND 1968 PROMISE TO TEXTILE INDUSTRY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, over the past weekend this Nation was rather surprised to hear that the Assistant Secretary of Commerce, the Honorable Kenneth Davis, had resigned from his position. This apparently was brought about as a result of his courageous talk given in New York City last Thursday, when he pointed out the economic problems this Nation was facing as a result of accelerating imports.

This week in Washington, D.C., we have a committee from the Japanese Government who are visiting here and discussing import problems.

I hope that the Secretary of Commerce will back up the commitment and promises made by President Nixon during the 1968 campaign to the textile industry, that he would bring about a resolution of their problem.

This is no time for this Nation of ours to listen to a lot of glib promises that are merely made for the purpose of stagnating legislation which is about to be reported. The legislation now before the House Ways and Means Committee, filed by the honorable chairman, Wilbur Mills, is fair and equitable legislation. I believe that we should stand by our position and not listen to a lot of promises that are just made hoping that the legislation will be dropped.

I promise you, Mr. Speaker, and the Members of the House that so far as I am concerned that bill is going to be passed. There are 350 Members of this House who have either a textile firm or a shoe factory or a tannery in their district. There is no reason why we should capitulate at this time as a result of this visit of this group, who are not meeting in a Government building but who are meeting down there in the lush quarters of the Watergate Apartments.

I say to you, Mr. Speaker, that we expect the Government to keep its word. We expect this administration to meet its commitments made in 1968.

CONTROL OF TEXTILE IMPORTS

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, the President of the United States is committed to save the textile industry, the shoe industry, and the other industries that are being run out of business by the uncontrolled competition coming in from other parts of the world.

The textile industry is on the ropes, it cannot survive this continued unfair and uncontrolled competition.

We have legislation pending before the great Ways and Means Committee, sponsored by some 253 Members of this body, to save our industry. We are only asking the Nation to do for America what Japan and others are doing for their people.

At this moment Japan's highest level representatives are here.

These people have come to make promises designed to sidetrack the Mills bill and to lull this Congress and this Nation into a false sense of security. They want this legislation either killed or delayed. It will be suicidal if President Nixon falls for such assurances.

Maurice Stans, the Secretary of Commerce, wants to protect our industries, and if they will leave him alone, he will do it.

Mr. Speaker, we should pass this legislation. I do not care what promises are forthcoming from the Department of Commerce, the Department of State, or the White House or Japan. It is our responsibility to save what is left of American competition.

Mr. BURKE of Massachusetts. Will the gentleman yield for a moment for an observation?

Mr. RIVERS. If I have any time. I would like to finish.

Mr. BURKE of Massachusetts. Is it not true that Japan today enjoys less than 1 percent unemployment?

Mr. RIVERS. Why, of course. Everybody knows that, just as the gentleman says. I thank him. We owe this to our workers, we owe it to our industry, we owe it to America, and it is just plain commonsense—the President should carry out his promises solemnly made. I hope that those who are advising him will make no impact on him, because, Mr. Speaker, this is just wrong. I predict that the great Committee on Ways and Means will forthwith report this bill, and I know it will pass this overwhelmingly.

ON THE FORTHCOMING VETO MESSAGE ON HOSPITAL CONSTRUCTION

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I have to return to my district in a few minutes, so I would like to make a statement at this time.

I am informed that a Presidential message will soon be read regarding yesterday's veto by President Nixon on H.R. 11102 extending the Hill-Burton hospital construction program. For me this veto is totally incomprehensible.

The Hill-Burton program has been one of the most successful efforts ever made by Congress in the field of health care. For 25 years it has enjoyed the support of the medical profession, the American people, and of both parties in Congress, and in the executive branch.

It is significant, I think, that when this legislation came before the House and Senate, both as a bill and later as a conference report, not a single dissenting vote was cast in either Chamber. We are now informed that the White House has vetoed it, at a time when this country's hospital needs are greater than they have ever been in our history.

The Committee on Ways and Means, of which I am a member, has just completed a study of medicare and medicaid. In the course of the committee's investigation much attention was given to this country's desperate shortage of hospital beds. It is estimated that we presently need 85,000 acute care beds and 165,000 long-term care beds, just to satisfy the current demand. An additional 455,000 hospital beds, it is said, are in buildings critically in need of modernization.

XUM

There has been no program more successful in meeting these needs than the Hill-Burton program, and I hope that when this matter is brought to the floor this House of Representatives will properly override the veto.

NIXON ADMINISTRATION'S PRIORITIES ARE SHOWING

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, it seems to me pretty obvious that the Nixon administration's priorities are showing. As the gentleman who preceded me said, the President has vetoed the Hill-Burton Act extension which would build more hospitals that we need in this country, but at the same time the administration is trying to ram through this House legislation to bail out the Penn Central Railroad, which last year paid the chairman of their board $308,000 to mismanage the railroad into bankruptcy. Now, if that is the way we are going to spend the taxpayers' money in this country, it seems time somebody called it to the taxpayers' attention, because the same crew—they have shifted them around a little bit and let a couple of them go—but the same bunch who mismanaged this railroad into bankruptcy will mismanage whatever millions they get from the Federal Government. I feel we ought to be putting money into hospitals and into medical research. I feel this very poignantly this morning, because I got word at 8:30 this morning that one of my closest and best friends out home had died of cancer. If we had more money in cancer research he and thousands of others would be living today.

LESSON IN PHILOLOGY

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, I might add that 900 Americans die of cancer every day.

Mr. Speaker, we are now bringing you a lesson in philology.

DEFINITIONS

Fiscal responsibility: Firing cost accountant A. Ernest Fitzgerald from the Pentagon because he revealed to the American taxpayers that they were being overcharged $2 billion on one airplane contract.

Fiscal irresponsibility: $1.2 billion Hill-Burton hospital construction funds for 200 million Americans.

The gospel according to the powers that be.

LEGISLATIVE ROUTE MUST BE FOLLOWED IN TEXTILE NEGOTIATIONS WITH JAPAN

(Mr. GETTYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GETTYS. Mr. Speaker, I am convinced the legislative route is the only method by which a meaningful agreement can be reached between the United States and Japan on the necessity for placing limitations on textile imports.

The morning newspaper reports that the Japanese Prime Minister has sent to President Nixon an appeal for a voluntary agreement on textile imports to head off quotas that would be set by a bill sponsored by Chairman Mills of the Ways and Means Committee and by 252 other Members of the House.

Passage of the Mills bill will insure a reasonable solution to this critical problem which affects the jobs of many thousands of textile workers in South Carolina and elsewhere.

The dismissal last week of Assistant Secretary of Commerce Kenneth N. Davis, Jr., an all-out supporter of the Mills bill, is alarming and the requested delay of a scheduled appearance by Secretary Stans before the committee on the bill is also alarming. I fear that perhaps the opponents of the legislation within the administration are gaining support even though the President himself has promised the industry relief from an admittedly unfair competitive situation.

Mr. Speaker, I congratulate the distinguished chairman of the Ways and Means Committee (Mr. Mills) and the other 250-plus Members who have sponsored this much needed legislation for the relief of the harassed textile and shoe industries. I urge Chairman Mills to go forward with dispatch toward the enactment of his bill into law.

The thrust of the Mills bill lies in its encouragement to a solution by negotiation and only if negotiation that fails does it provide for mandatory imposition of quotas.

THE PENN CENTRAL

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, in connection with the two committees currently investigating the Penn Central bankruptcy, I hope that the area of investigation will include a study of the tax advantages of the merger, the loss of tax revenues to the Treasury, and the manner in which a subsidiary can go bankrupt and yet keep the tremendous multibillion dollar assets of the holding company immune from the debt and the foreclosure proceedings. The bankruptcy looks more like an appendectomy than the loss of a limb.

I think the record will show that the American taxpayer has been taken for quite enough already without assuming any further loan guarantees.

LEGISLATIVE ROUTE MUST BE FOLLOWED IN TEXTILE NEGOTIATIONS WITH JAPAN

(Mr. FLYNT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FLYNT. Mr. Speaker, 253 Members of the House of Representatives, including the chairman of the Committee on Ways and Means, has introduced badly needed legislation which would impose import quotas on certain manufactured products, including textiles and shoes, in order to prevent the textile and shoe industries from suffering more serious economic harm and detriment.

The news today that negotiations are taking place downtown and may result in delay of the House working its will on the legislation is alarming to many of us.

We feel that the Government of Japan and the textile industry of Japan have had ample time within which to enter into meaningful voluntary negotiations. These meaningful negotiations have not come about. Many of us feel that if this legislation which is now pending before the Committee on Ways and Means was enacted, we might already have had meaningful negotiations to limit certain textile and shoe imports.

Mr. Speaker, I would request the distinguished chairman and the members of the Committee on Ways and Means to report out the legislation now pending before that committee so that the American negotiators will be permitted to negotiate from strength instead of being compelled to negotiate from weakness.

VETO OF MEDICAL FACILITIES AND MODERNIZATION AMENDMENTS ACT OF 1970

(Mr. SPRINGER asked and was given permission to addres the House for 1 minute and to revise and extend his remarks.)

Mr. SPRINGER. Mr. Speaker, the matter has been raised here on the floor of the House of the veto of the President of June 22 of H.R. 11102, the medical facilities construction and modernization amendments of 1970, more commonly known formally as the Hill-Burton Act.

The problem presented to the President by his veto was that that bill contained: First, $350 million in excess of the budget figures which have been presented for the fiscal year 1971. Second, that it would restrict his options of managing the Federal expenditures.

I think the third provision was this, that it would interfere with his ability to comply with the limitation on total 1971 spending.

As most of you recall, that a spending limitation has already passed the House of Representaitves and has now been reported from the Senate committee. I think most everyone on this floor voted for that limitation on spending. So his problem was he no longer had any authority to reduce this bill and to keep it in line with the budget figure which was prescribed by this House in that limitation for 1971.

It seems to me it is impossible for us to have it both ways. We put a limitation on the President's spending which we voted for in this House; we then put a limitation on expenditures and force him to comply with it. Then we come up with something that is $350 million in excess of the limitation.

So this puts us in a rather opposing position, it seems to me, inasmuch as if we come up with something in excess of the spending limitation are we acting in good faith.

I merely call this to the attention of the House in order that there may be some understanding of the reasons that the President gave for his veto and I suggest to all of my colleagues the reading of this release by the President of the reasons for his veto.

I think this gives at least some understanding that this was not done without the President feeling that there was a major and good reason for his veto in the light of what actually took place.

Now may I say, secondly, to the credit of the House that we did not have that compulsory feature in these when it came out of our committee on the floor of the House and you voted for the Hill-Burton bill, it did not have that compulsory feature. Your vote did not put us beyond the budget. It did not force the President to violate our mandate to him to hold the spending at a definite figure. That was in the Senate version. In the conference between the House and the Senate, the Senate won on that point.

I opposed it myself in the conference between the House and Senate and I shall oppose it when the Senate does it in the future.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 183]

Adair
Adams
Addabbo
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Baring
Barrett
Beall, Md.
Bingham
Blackburn
Blanton
Bow
Brasco
Brock
Byrnes, Wis.
Caffery
Carey
Celler
Chisholm
Clancy
Clark
Clay
Conable
Conyers
Daddario
Daniels, N.J.
Dawson
de la Garza
Delaney
Dent
Diggs
Dulski
Erlenborn
Esch
Eshleman
Farbstein
Feighan
Fish
Ford, William D.
Galifianakis
Gallagher
Gaydos
Gilbert
Green, Oreg.
Grover
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hastings
Hawkins
Howard
Keith
Kirwan
Koch
Landrum
Lowenstein
McCarthy
McDonald, Mich.
McEwen
McKneally
McMillan
MacGregor
Mailliard
May, Wash.
Meskill
Mikva
Mollohan
Montgomery
Moorhead
Murphy, N.Y.
O'Neal, Ga.
Ottinger
Podell
Pollock
Powell
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Reid, N.Y.
Robison
Rooney, N.Y.
Rosenthal
Roth
Roybal
Ryan
Scheuer
Smith, Iowa
Steiger, Wis.
Stratton
Teague, Tex.
Watson
Weicker
Wilson, Charles H.
Wolff
Wydler
Yates
Young

The **SPEAKER.** On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

JUNE 22, 1970.

The Honorable SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelop from the White House, received in the Clerk's Office 4:25 p.m. on Monday, June 22, 1970, said to contain H.R. 11102, An Act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such Act, and for other purposes, and a veto message thereon.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-353)

The **SPEAKER** laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning without my approval H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970. My reason for this veto is basic: H.R. 11102 is a long step down the road of fiscal irresponsibility, and we should not take that road.

This bill authorizes direct grants which are more than $350 million in excess of the budget which I presented to the Congress for Fiscal Year 1971. More than that, it would 1) significantly restrict Presidential options in managing Federal expenditures, 2) isolate the financing of one group of Federal programs as untouchable without assessing its merits against the financial needs for other programs, and 3) encourage pressures to extend this provision to other areas—thereby further complicating management of the Federal budget.

One of the most unacceptable provisions of the bill is in Section 601. Here, the Congress insists that funds appropriated for any fiscal year through 1973 to carry out the programs involved must be spent. In addition to restricting flexibility in management of Federal expenditures, this provision would interfere with my ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives and has been reported by the Senate Appropriations Committee. The amount of money involved is large; Section 601 would affect $2.5 billion of my budget request for the Department of Health, Education, and Welfare for 1971. This kind of provision puts the Congress in the position of withdrawing with one hand the authority necessary to do what it requires with the other. I ask the Congress to eliminate Section 601.

Looking to other deficiencies in H.R. 11102, I ask the Congress to remove the authorization for hospital construction grants and to reduce the remaining excessively high authorizations in the bill which are not designed to meet contemporary needs.

The major requirements today are to modernize existing but obsolete hospitals, particularly in the inner cities, and, in the face of sky-rocketing medical costs, to expand other types of medical facilities which can serve as more efficient and economic alternatives to hospital care.

Given these factors, I proposed in April, 1969, that the medical facilities construction program be redirected—away from emphasis on additional hospital beds through direct Federal grants-in-aid. Instead, I proposed Federal guarantees for loans obtained in the private sector to modernize obsolete hospitals and construct additional hospital beds where population pressures so require. I further proposed a bloc grant to the States to help construct facilities for ambulatory care, long-term care and rehabilitation—alternatives to hospitalization.

My proposal clearly faced the need to determine priorities in the use of limited Federal dollars. H.R. 11102 avoids facing up to the choice that has to be made. It would add the new program of guaranteed loans on top of an expanded program of grants for construction and modernization of medical facilities. This bill authorizes grants totalling $402 million in 1971; $422 million in 1972 and $437 million in 1973. The public and the medical care industry interpret authorization levels as an appropriation commitment. Yet it is certain that we shall not be able to appropriate such large sums.

The health needs of the nation and the imminent expiration of the existing authorizations make it imperative that the Congress act quickly to correct the shortcomings of this measure. There are many excellent provisions in this bill and I shall be happy to approve a financially responsible bill without delay.

Let no one interpret this veto as in any way lowering the high priority that this Administration has placed on the very important field of health. Health outlays for 1971 will be almost 28 percent higher than in 1969.

We have proposed:

—a new program concept of Family Health Insurance which will benefit more than four million poor families as part of the family assistance program.

—substantial increases in high priority areas of biomedical research; such as heart and cancer.

—revision of Medicare to enable the aged to take advantage of the more comprehensive and efficient operation of pre-paid group practice arrangements.

—significant expansion of programs to alleviate the major national problems of alcoholism and drug abuse.

—expansion of family planning programs to provide counselling and assistance to millions of women who want but cannot afford such services.

—major increases in funds to curb air pollution.

In these times there is no room in this massive program—or in any other program—for the kind of needless and misdirected spending represented in H.R. 11102. I again call upon the Congress to join me in holding down Government spending to avoid a large budget deficit in fiscal year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *June 22, 1970.*

The **SPEAKER**. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

POSTPONING CONSIDERATION OF VETO MESSAGE UNTIL THURSDAY, JUNE 25

MOTION OFFERED BY MR. STAGGERS OF WEST VIRGINIA

Mr. **STAGGERS**. Mr. Speaker, I move that further consideration of the veto message of the President be postponed until Thursday, June 25, 1970.

Mr. Speaker, the reason I ask for this postponement is to serve notice on all Members of the House and to give everyone an opportunity to study the veto message and to participate in what I think is a highly important matter.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The **SPEAKER**. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

A motion to reconsider was laid on the table.

AMERICA'S NEED FOR HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION

(Mr. **ALBERT** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ALBERT**. Mr. Speaker, yesterday's veto by President Nixon of H.R. 11102 extending the Hill-Burton hospital construction program is nothing short of astounding. The Hill-Burton program has from its very inception a quarter of a century ago, enjoyed widespread support by the medical profession and the public at large. Here in the Congress there has been no program which has been more bipartisan in character. The vetoed measure, the Hospital and Medical Facilities Construction and Modernization Amendments of 1970, was truly a bipartisan congressional product. With almost no guidance or assistance from the administration our Committee on Interstate and Foreign Commerce under the able leadership of the gentleman from West Virginia (Mr. STAGGERS), evolved H.R. 11102 as a measure acceptable to all groups. It was hailed by all as a far-reaching comprehensive health measure. It passed the House on June 4, 1969, on a rollcall vote of 351 to 0. In the other body the bill received the same type of widespread support having been approved on April 7, 1970, by a rollcall vote of 79 to 0. The conference report was approved by the Senate without controversy by a voice vote on June 8 of this year, while the House gave its final approval 2 days later by a rollcall vote of 377 to 0.

President Nixon's veto of H.R. 11102, should it be sustained, would bring to naught the labors of the Congress over the past 18 months in the area of vitally needed hospital construction. President Nixon's rejection of the needs of the sick who need hospitalization stands in sharp contrast to his statement last July that the Nation faced a health crisis and that the problem was one of not enough doctors and hospital beds. The President's ill-advised veto, if permitted to stand, would make certain a continuation of that shortage of hospital beds and thus compound the health crisis facing the Nation.

Mr. Speaker, the veto of the Hill-Burton extension once again clearly demonstrates the fundamental difference on the part of the Republican administration and the Democratic 91st Congress as to what this Nation's priorities must be during the 1970's. The President has seen fit to characterize H.R. 11102 as a "long step down the road of fiscal irresponsibility." Mr. President, I say your veto constitutes a long step down the road of health irresponsibility.

Mr. Speaker, when the Presidential veto is voted on by the House it is my hope that it will be unanimously overridden.

THE PRESIDENT'S VETO

(Mr. **NELSEN** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **NELSEN**. Mr. Speaker, regarding the veto of the bill that was just discussed, may I call to the attention of Members of the House of Representatives the major objection of the President which pertains to the requisite in the bill that any money appropriated in certain catgories must be spent. This was objected to unanimously by all members of the conferees on the part of the House of Representatives. It was not in the bill as passed in the House, but it was insisted upon by the conferees on the part of the other body.

At this time there is already some thought being given on the part of both sides, Republicans and Democrats, to reintroduction of the bill striking this very objectionable part and repassing the bill. I think we ought to do it.

As to the dollar figure, it is only an authorization. The Appropriations Committee will make the decision as to the total dollars that will be allocated anyway, and I feel the wise thing now is that rather than make a political issue of this, we should proceed to correct the bill and repass it. I think all of us felt that when we started saying to the President or to any administration, "You must spend exactly a certain dollar figure," we then moved into an area that is not our prerogative. It should never have been in the bill.

In the conference committee our conferees objected to it, but we seemed to run into an impasse that we were unable to solve.

A VITAL AMERICAN INDUSTRY

(Mr. **ANDERSON** of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ANDERSON** of Illinois. Mr. Speaker, in passing House Joint Resolution 1194 this afternoon, the House gave due recognition to a vital American industry. The products of the machine tool industry are basic to the progress and prosperity of the entire American economy. By authorizing the President to designate the week of September 20 through 26 as "National Machine Tool Week," we have shown that we recognize and honor the vital role played by the thousands of men and women who make the tools that keep our economy going and growing.

As a U.S. Representative from Rockford, Ill., it gives me special pride to be associated with this measure, for Rockford has long been the center and hub of this vital American industry. Those whom I have the honor to represent can be justly proud of their contribution to our national economy. I would hope that the Senate will swiftly pass this bill, and that it will go to the President for signing well before the National Association of Machine Tool Builders meets in Chicago in September. Their annual meeting will be presided over by the able Burnell Gustafson, president of the association and executive vice president of Sundstrand Corp., one of the Nation's leading machine tool manufacturers.

CONGRESS SHOULD OVERRIDE PRESIDENT'S VETO OF HOSPITAL FACILITIES

(Mr. **PEPPER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **PEPPER**. Mr. Speaker, I wish to associate myself with the remarks of the very able gentleman from Oklahoma, the distinguished majority leader, in respect to the President's message vetoing the hospital construction extension program yesterday.

The President said in his message that he asked the Congress to strike from the bill the Federal grant-in-aid program for the building of hospitals. Under that program 45 percent—generally that or a little larger percentage in particular cases—may be granted by the Federal

Government for the construction of hospitals.

Mr. Speaker, this is a bipartisan program, originated by a Democrat, the able Senator from Alabama, (Mr. HILL), a Republican and the able Senator from Ohio (Mr. BURTON) who went on to become an Associate Justice of the Supreme Court, but it has continued to be a bipartisan program and has been one of the most popular programs the Congress has ever adopted. It helps not only public hospitals but also private hospitals built and operated by religious institutions.

The President's program to provide funds for hospital construction by the Federal Government guaranteeing loans made by the builders of hospitals can only lead to increased hospital costs by patients when hospital costs are already burdensome or in some case prohibitively high.

The President's proposal now for a sudden stoppage and the killing of that program is a shocking reversal of policy on the part of the President.

It has made possible the construction of thousands of hospital rooms over the country, immeasurably contributing to the health and well-being of millions of the people of this country. It certainly is a paradox that this very day when we received the President's veto of the hospital construction program, we received a request from the President that the Government provide a $750 million loan to a $64 billion corporation.

I certainly hope this House will respond to the humanitarian appeals of our country and our people who sorely need more hospitals and more hospital expansion and will override the President's veto.

RESOURCE RECOVERY ACT OF 1970

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up H.R. 1068 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1068

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1068 provides an open rule with 1 hour of general debate for consideration of H.R. 11833, the Resource Recovery Act of 1970. The resolution further provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purposes of H.R. 11833 are: First, to expand and intensify the development of new technologies for solid waste disposal; second, to promote greater initiative on the part of the States in assuming increasing responsibilities for solid waste disposal programs; third, to stimulate the construction by States and municipalities of pilot facilities utilizing new and improved waste disposal technologies; and fourth, to conduct studies to determine economical means of and appropriate incentives for recovering useful materials and energy from solid waste and reducing the amount of such waste and facilitating the disposability thereof through improved production and packaging practices.

The objectives are to be achieved through studies, investigations, and demonstration projects conducted by the Secretary of Health, Education, and Welfare and construction grants to State and municipalities as well as interstate and intermunicipal agencies to contribute to the financing of pilot facilities.

Appropriations would be authorized to the Secretary of Health, Education, and Welfare for fiscal year 1971 in the amount of not more than $83 million, for fiscal year 1972 not more than $152 million and for fiscal year 1973 not more than $216 million.

Appropriations would be authorized to the Secretary of the Interior for fiscal year 1971 in the amount of not more than $17.5 million, for fiscal year 1972 not more than $20 million and for fiscal year 1973 not more than $22.5 million.

Mr. Speaker, I urge the adoption of House Resolution 1068.

Mr. LATTA. Mr. Speaker, as the able gentleman from Florida has stated, House Resolution 1068 provides an open rule, 1 hour of debate on the bill, H.R. 11833, the Resource Recovery Act of 1970. The rule also makes in order the committee substitute as an original bill for the purpose of amendment.

The purpose of the bill is to amend the Solid Waste Disposal Act in a number of significant areas. The bill will: First, expand and intensify the development of new techniques for solid waste disposal; second, stimulate the construction by the several States and municipalities of pilot projects utilizing new and improved waste disposal technologies; and, third, provide for conducting studies to determine economical means of and appropriate incentives for recovering useful materials and energy from solid waste and a way to reduce the amounts of such waste which should be disposed of.

Studies, demonstrations, and pilot projects will be funded through grants from the Secretary of Health, Education, and Welfare. Construction grants to States and municipalities are also available to enable these agencies to construct and improve waste disposal facilities. The United States generates approximately 360 million tons of industrial, municipal, and commercial waste, each year. We spend $4.5 billion annually to dispose of it and yet we are not doing a satisfactory job. New techniques must be developed to dispose of waste and reclaim from it valuable products and sources of energy. In order to develop new techniques, pilot projects must be undertaken. The bill funds such projects.

The authorization covers 3 years, fiscal years 1971 through 1973. Total authorizations for 1971 are $100.5 million; for 1972, $172 million and for 1973, $238.5 million.

I support the rule and the bill.

I compliment the committee for bringing this bill forward.

Mr. Speaker, I have no requests for time, and reserve the remainder of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11833, with Mr. ABERNETHY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is outstanding need for this legislation. This Nation is generating approximately 360 million tons of industrial, municipal, and commercial solid waste. This amount is ex-

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pected to double by 1980. To manage this waste, we spend $4.5 billion annually. While these expenditures are increasing steadily, we are failing to do a satisfactory job. The greatest amount of the moneys spent goes for collecting solid waste and transporting it to some place where it may be dumped or burned.

The most prevalent method for disposing of solid waste is open dumping. Yet, 94 percent of the open dumping facilities used are inadequate, since the dumped waste either is not covered daily with dirt as it properly should, or is being burned, or creates water pollution problems. Incineration is the second most frequently employed method. Yet, 75 percent of all muncipal incinerators are inadequate because they are inefficient in reducing solid wastes, or create air pollution problems, or both. If present collection methods are not improved we shall not be able to build and operate enough trucks to collect the growing volume of waste materials.

Improved collection and disposal methods, however, will not suffice to take care of the steadily growing volume of solid waste materials. We shall have to develop new technologies for reclaiming and recycling usable materials and energy from such solid waste. We shall also have to improve production and packaging methods of products which end up as solid waste so as to reduce the amount of such waste and to facilitate the disposal thereof.

The development of such technologies is difficult and costly. The present level of funding of research to take care of a $4.5 billion problem is entirely inadequate. One such technology which holds out the greatest promise is the generating of electric power from solid wastes and adequate funds should be made available promptly to reduce the leadtime in the case of this particular technology as much as possible. Beyond the development of such technologies, however, we shall have to provide adequate economic incentives to make the recapture and recycling of useful materials and energy attractive to those private industries which produce the products which are not used up but end up as solid waste.

Additionally, the responsibility for the development of improved solid waste disposal programs cannot be left to individual municipalities, small and large, which traditionally have shouldered the responsibility for solid waste disposal, but the States must demonstrate increasing concern in this area. Prior to 1965, the year when the Solid Waste Disposal Act first was enacted by the Congress, few States assumed any responsibility for formulating solid waste disposal programs. While the number of States which have been willing to develop action programs has increased greatly since that year, the time now has come to stimulate through a highly selective grant program the construction of advanced disposal facilities designed to carry out such State plans on an area-by-area basis.

The legislation reported by your committee is designed to further all of these various objectives, and only through the pursuit of these several objectives is there any hope that the steadily mounting problem of solid waste management can be dealt with successfully.

In summary then, the purposes of the legislation are, first, to expand and intensify the development of new technologies for solid waste disposal; second, to promote greater initative on the part of the State in assuming increasing responsibilities for solid waste disposal programs; third, to stimulate the construction by States and municipalities of pilot facilities utilizing new and improved waste disposal technologies; and fourth, to conduct studies to determine economical means of and appropriate incentives for, first, recovering useful materials and energy from solid waste and, second, reducing the amount of such waste and facilitating the disposability thereof through improved production and packaging practices.

These objectives are to be achieved through, first, studies, investigations, and demonstration projects conducted by the Secretary of Health, Education, and Welfare, and, second, construction grants to States and municipalities as well as interstate and intermunicipal agencies to contribute to the financing of pilot facilities utilizing new and improved technologies if the construction of such facilities is part of a State or interstate plan setting forth a comprehensive plan for solid waste disposal in the particular area or areas involved.

This is the second piece of environmental legislation which the Interstate and Foreign Commerce Committee is bringing to the floor immediately following the Clean Air Act amendments. Solid waste disposal programs are not anywhere near as far advanced as the clean air program. The need however is urgent and we shall have to make fast progress. The legislation therefore provides for a steep increase in authorized funds through the fiscal year 1973. The legislation authorizes funds for two Departments which share responsibilities under this legislation—the Department of Health, Education, and Welfare and the Department of the Interior.

The bill provides for HEW not to exceed $83 million for the fiscal year ending June 30, 1971, not to exceed $152 million for the fiscal year ending June 30, 1972, and not to exceed $216 million for the fiscal year ending June 30, 1973.

For the Department of the Interior it provides sums not to exceed $17,500,000 for the fiscal year ending June 30, 1971, not to exceed $20 million for the fiscal year ending June 30, 1972, and not to exceed $22,500,000 for the fiscal year ending June 30, 1973.

Mr. Chairman, I hope the House will support this legislation which will greatly benefit the American people. I might say that when it came out of the committee the vote was 21 to 1. The one vote in opposition was because of some particular aspect of the bill.

Now, Mr. Chairman, there are many products that can be reclaimed in this solid waste disposal program and one of the most important of these is the generating of electric energy which would be generated by a new technique which they are developing by burning waste materials. Certainly, Mr. Chairman, many other products can be reclaimed from these waste products.

Mr. Chairman, in my opinion the bill has been fully considered by the subcommittee and by the full committee and the House should pass the bill.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to my friend, the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Is there any provision in this bill to the effect that they must spend the money that is authorized?

Mr. STAGGERS. No, I would say in response to the question of the gentleman from Minnesota; there is not.

Mr. NELSEN. I thank the gentleman from West Virginia.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as concerned as we are about the air we breathe and its effect on public health, we stand a good chance of being engulfed by a tidal wave of trash before air pollution gets to us. Our way of life has brought about a flood of convenient packages which can neither be consumed or successfully disposed of. Solid waste disposal systems are primitive at best and certainly were never designed to cope with the sophisticated trash we now impose on them. We are presently in the predicament of the Australian who went crazy trying to throw away his old boomerang.

Having come to the point where present methods are patently inadequate and alternatives seem to be few we must reach out for completely new aproaches. The thrust of the bill before us today is in exactly that direction. In addition to searching for and trying new methods of collecting and disposing of solid waste it contemplates efforts to reduce the amount of solid waste and the recycling and reuse of whatever useful substances might be extracted from it. First of all it calls for studies along all of these lines with reports to the President and to Congress.

If any good ideas are developed in the course of the studies the Secretary is authorized to give them a whirl in the form of demonstration projects to test and show off the new techniques.

Recognizing that not all good ideas come from the top and that the eventual operation of waste disposal systems will be local, the bill provides for planning grants to States, municipalities, or combinations of either. These grants will pay up to two-thirds of the cost of planning activities by a single municipality or three-fourths of the cost where a combination of entities is involved. If plans are developed, continuing 50–50 grants will be available to implement them and then oversee the operations.

It is one thing to make plans and it is another to carry them out with the necessary physical facilities. Waste disposal presumes equipment and even large installations, particularly where resources are to be salvaged for reuse. So where plans have been successfully made and new techniques are available there is good reason to encourage the use of these techniques. Communities which are willing to make use of them and apply their own resources to the effort can get grant assistance in the actual construction of facilities. It is not a general grant program with allocations to all States on a formula basis but rather one which rewards the acceptance of responsibility and willingness to take on the new ideas. The Secretary is given fairly wide discretion in the acceptance of applications to see that the projects funded are also contributing something to the overall progress in solid waste disposal and are consistent with the aims of the act as well as consistent with all other environmental considerations. Limitations upon the amount available for any one project will insure against undue concentration of the funds provided. As knowledge is gained standards can be set for disposal systems, and it is contemplated that this will be done starting within the next 18 months.

Two departments of the Federal Government are vitally interested in solid waste disposal, and the authorizations contained in the bill recognize this fact. The Department of Interior is responsible for programs involving minerals and fossil fuels. The Department of Health, Education, and Welfare has the large responsibility of working with the communities and administering the grants. These authorizations amount to $83 million for fiscal 1971, $152 million for fiscal 1972 and $216 million for fiscal 1973.

This legislation is necessary and in my opinion well designed to make an impact upon the problem in the shortest possible time. We must gain on the trash soon. This should do it. I recommend the bill to the House.

Mr. McCLURE. Mr. Chairman, if the gentleman will yield.

I notice there is a provision here for an appropriation both to the Department of Health, Education, and Welfare, and the Department of the Interior.

Is there anything in this legislation which would prohibit interdepartmental agreements which would allow the Department of Agriculture, for instance, to use a portion of those funds on ongoing programs which the U.S. Forest Service has in this field.

Mr. SPRINGER. May I say, I will yield to the gentleman from North Carolina on that point. He had a proposed amendment this morning which I am not sure he introduced, but nevertheless he has gone into this in detail and perhaps can answer the gentleman.

Mr. BROYHILL of North Carolina. I will discuss this matter later.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. GROSS. I am surprised not to find any departmental reports in this report accompanying the bill. Why are there no departmental reports?

Mr. SPRINGER. I am unable to answer the gentleman on that particular point. Perhaps the chairman of the subcommittee can answer the question of the gentleman from Iowa.

Mr. GROSS. I will say it becomes a pretty acute problem.

Mr. JARMAN. Mr. Chairman, if the gentleman will yield further so that I may respond to the gentleman, the administration bill was an open-ended provision and simply provided for such funds as may be needed.

The figures to which you refer are figures the committee put into the bill as the program.

Mr. GROSS. Well, let me ask the gentleman this question.

Did the committee attempt to ascertain from the Bureau of the Budget the amount of funds that they thought would be necessary or should be used for this purpose and does this bill have the support of the administration?

Mr. SPRINGER. It did.

Mr. GROSS. Perhaps someone else can elucidate further.

Mr. JARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in looking at our environmental problems, the Subcommittee on Public Health and Welfare determined that next to air pollution control, the problem of solid waste disposal and recycling was the most important problem to which the Congress should give its attention. Tremendously large sums are spent annually; namely, $4.5 billion, to manage solid waste. Such waste is generated by industry, by households and by commercial establishments. At the present time, the methods of solid waste disposal and the collecting of solid waste are entirely inadequate. Most of this waste is either dumped or burned.

Therefore, it is imperative that we develop new and improved disposal methods as well as methods designed to reclaim usable materials or energy from such solid waste.

Our committee first became concerned with the problems of solid waste disposal in 1965 and, as a result of this concern, Congress enacted during that year the Solid Waste Disposal Act. While under this act a small beginning has been made, we must now push ahead much faster because if present collection and disposal methods are not improved, we shall not be able to dispose of solid waste which is expected to double by 1980.

Since the able chairman of our full committee, the gentleman from West Virginia (Mr. STAGGERS), has already touched on the highlights of this legislation, let me concentrate on some of the important provisions contained in this legislation. The bill calls for a special study and demonstration projects on recovery of useful energy and materials. Section 4 directs the Secretary of Health, Education, and Welfare to carry out an investigation and study to determine:

First, economical means of recovering useful materials from solid waste, recommended uses of such materials for national or international welfare, and the market impact of such recovery;

Second, appropriate incentive programs—including tax incentives—to assist in solving the problems of solid waste disposal;

Third, practicable changes in current production and packaging practices which would reduce the amount of solid waste; and

Fourth, practicable methods of collection and containerization which will encourage efficient utilization of facilities and contribute to more effective programs of reduction, reuse, or disposal of wastes.

The Secretary is directed to report the results of such investigation and study to the President and the Congress.

The Secretary is authorized to carry out demonstration projects to test and demonstrate techniques developed as a result of the study. The provisions contained in section 204 of the act relating to patents and information resulting from Government-financed research activities are applicable to such demonstration projects.

Next, the legislation would authorize planning grants to State, interstate, municipal, and intermunicipal agencies as well as metropolitan, regional, or district councils of government of not to exceed 66⅔ percent in the case of a project serving an area which does not include more than one municipality and not to exceed 75 percent in any other case, and not to exceed 50 percent of the cost of overseeing the implementation, enforcement and modification of such plans. Such planning grants are to be available for making surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies and developing solid waste disposal plans as part of regional environmental protection systems for such areas, including planning for the reuse, as appropriate, of solid waste disposal areas and studies of the effect and relationship of solid waste disposal practices on areas adjacent to waste disposal site.

To qualify for planning grants, an applicant must meet the following conditions:

First, designate or establish a single agency as the sole agency to discharge for the area involved the responsibilities contemplated by this section;

Second, indicate how an areawide planning of effective solid waste disposal programs provision will be made for the consideration of such public health factors as population growth, urban and metropolitan development, land use planning, water and air pollution control, and the feasibility of regional disposal programs;

Third, set forth how the grant will be expended so as to carry out the purposes of this section;

Fourth, provide for submission of a final report by the agency on its activities, and for submission of such other reports and information as the Secretary may prescribe; and

Fifth, provide for appropriate fiscal control and accounting procedures.

Grants under this section shall be made only if the Secretary finds that the planning will not duplicate, but will be coordinated with, other related planning activities.

Perhaps the most important provisions of this legislation are those authorizing construction grants to any State, munic-

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ipality or interstate or intermunicipal agency for the construction of projects utilizing new and improved techniques of demonstrated usefulness in reducing the environmental impact of solid waste disposal, promoting the recovery of energy or resources, or the recycling of useful materials.

The program contemplated by this section is not a general grant-in-aid program entitling each State to a share in available grant funds. The program is an experimental one designed to assist in the financing of advanced solid waste disposal facilities within those States which have demonstrated a willingness to assume responsibilities for formulating comprehensive solid waste disposal programs for intrastate or interstate areas within their territories. Within the framework of such plans, municipalities may apply singly or jointly for grants for pilot projects utilizing new and improved techniques of solid waste disposal. Since it can reasonably be expected that different techniques will be suitable for municipalities of different sizes, in different locales and having different characteristics, such comprehensive State plans are expected to call for a number of different facilities to be constructed concurrently. If more than 10 eligible projects are applied for, the funds are to be distributed among at least 10 applicants. If grants for fewer than 10 such projects are applied for, the Secretary may use the funds for those eligible municipalities which have applied.

In the case of construction grants to a single municipality, the amounts of such grants shall not exceed 50 percent of the estimated reasonable cost of the project as determined by the Secretary. In the case of construction grants to more than one municipality, the amounts may be increased by an additional 25 percent of such cost. In either case, however, grants shall be made only if—

First, the applicant is unable to obtain such amounts from other sources upon terms and conditions equally favorable;

Second, the applicant has made provision satisfactory to the Secretary for proper and efficient operation and maintenance of the project after completion; and

Third, the project is consistent with the purposes of the Federal Water Pollution Control Act and the Clean Air Act.

The Secretary may impose such additional conditions as he deems necessary to carry out his functions pursuant to this act.

In determining the desirability of projects and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of the project to the public interest and to the public necessity for the project and the use by the applicant of comprehensive regional or metropolitan area planning.

Not more than 15 percent of the total of funds appropriated for the purpose of this section in any fiscal year shall be granted for projects in any one State, and not more than 10 percent of the allotment to the State for any one project—except that if fewer than 10 applicants apply, each applicant must receive at least 10 percent. In the case of a grant for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant which is chargeable to the percentage limitation under this subsection for each State into which such area extends.

In order to make possible these new programs, the legislation authorizes substantially increased appropriations for the two departments which have responsibilities under this legislation—the Secretary of Health, Education, and Welfare and the Secretary of Interior. The Secretary of Health, Education, and Welfare has been given the primary responsibility for dealing with solid waste disposal problems. The Secretary of the Interior's responsibilities are limited to "problems of solid waste resulting from the extraction, processing, or utilization of minerals or fossil fuels where the generation, production or reuse of such waste is or may be controlled within the extraction, processing, or utilization facility or facilities and where such control is a feature of the technology or economy of the operation of such facility or facilities."

The amounts authorized to be appropriated to the Secretary of Health, Education, and Welfare are as follows: For the fiscal year ending June 30, 1971, not to exceed $83 million; for the fiscal year ending June 30, 1972, not to exceed $152 million; for the fiscal year ending June 30, 1973, not to exceed $216 million.

The amounts authorized to be appropriated for the Secretary of Interior are as follows: For the fiscal year ending June 30, 1971, not to exceed $17.5 million; for the fiscal year ending June 30, 1972, not to exceed $20 million; for the fiscal year ending June 30, 1973, not to exceed $22.5 million.

I hope the House will support this important environmental legislation because the problems presented by the tremendous increase in solid waste which our economy generates have to be met if our communities and our people are not to face disaster during the next decade. Unlike the Clean Air Act, this is not regulatory legislation. It is legislation pure and simple to generate new technologies at the earliest possible date for disposing of solid waste and for recycling useable wastes and to build pilot plants where these new technologies can be demonstrated. Our subcommittee has worked hard on this legislation and I believe it merits the full support of this House.

Mr. SPRINGER. Mr. Chairman, I yield as much time as he might consume to the gentleman from North Carolina (Mr. BROYHILL).

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. BROYHILL of North Carolina. Mr. Chairman and members of the committee, I rise in support of this legislation, which can go a long way and do a great deal in helping to shed light on this problem of coming up with ways to reclaim waste material. Of the 50 or more millions of tons of paper and paperboard which are produced in the United States each year, only a very small percentage is reclaimed or recycled. The amount which is reclaimed and recycled today is largely the paper material which is clean, homogeneous, and concentrated in one place, such as an industrial location or what we might call commercial wastepaper. There is almost no paper reclaimed from municipal use, although half of such refuse consists of paper products.

I have figures before me which show that doubling the reuse of wastepaper alone, we could save 15 million cords of wood per year or the annual growth of 15 million acres of timberland. Of course, millions of tons of wood from urban sources are also discarded annually and systems for recovering and reusing these resources should be devised.

I would like to describe to the committee a project which is now going on at the Forest Products Laboratory in Madison, Wis. This is a cooperative project of the Department of Agriculture, the Department of the Interior, and the Department of Health, Education, and Welfare. This project is aimed at recycling wastepaper from raw urban solid waste through the development of more efficient recovery processes and, of course, trying to come up with a wider variety of end-product uses.

As I said, the Department of the Interior is cooperating in this project, the Department of HEW is cooperating with it, and work is being done at the Forest Products Laboratory at Madison, Wis.

I have in my hand a sheet of paper. Thirty percent of the fibers which were used to make this sheet of paper came from the Madison, Wis., city dump. It was reclaimed by the Forest Service research project there at Madison, and it was combined with the regular pulpmaking process.

I would like to have the attention of the gentleman from Oklahoma and the gentleman from Florida (Mr. ROGERS) to comment on the role that the Department of Agriculture will be playing in this program.

The gentleman from Idaho has already been on his feet and has called to our attention the fact that the Department of Agriculture is not included by name in this legislation. Both in the old act as well as in the legislation we are considering today, it seems to me the Department of Agriculture should have a role to play because solid wastes are of great concern to agriculture and rural areas. I have described here a program in which the Department of Agriculture is cooperating with the two departments named in the bill. The Department of Agriculture does have a role to play, they are, of course, vitally interested in the producing and processing and transportation and marketing of farm and forest products, as well as in the viability and attractiveness of farm communities below 5,000 in population, as well as in

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the public health and well-being of the population in rural areas.

There are many areas in which the Department of Agriculture would be interested in the waste disposal program. One example is the urban disposal system which is in use in so many cities today, which is to get landfill sites out of sight into the countryside, and this, of course, is of great concern to rural America.

I would hope we could add an amendment to this bill which would give the Department of Agriculture its rightful recognition so they could share in some of the appropriations that will be made possible by this bill.

I will yield now to the gentleman from Florida for any comments he might wish to make.

Mr. ROGERS of Florida. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman has made some very valid points. We had discussed this before the debate began and had come to substantial agreement that the Department of Agriculture does play a very substantial role in trying to meet this problem of solid waste disposal.

I would refer the gentleman to the intent of the committee which is in the original law in section 204(a) regarding research, demonstrations, training, and other activities. Here it states that the Secretary of HEW will cooperate and will consult and try to work together not only with Agriculture but also with other departments of Government which are involved in trying to help solve this problem. For instance, as I am sure the gentleman knows, it will include not only HEW, but also Interior, which is involved, and Agriculture, and the Department of Housing and Urban Development, as well as the Department of Commerce and the Department of State, and the Department of Defense, and some other departments.

What we said in the original bill certainly does make clear the intent that we expect the Secretary to consult with the Secretary of Agriculture as well as the Secretary of Defense and these other departments to try to have a coordinated attack.

We have centered responsibility in the Secretary of HEW, and we allow Interior to come in on it, but still HEW is the central force, and he is to consult, as the gentleman has suggested, and it should be well to recognize the role of the Department of Agriculture also.

Mr. BROYHILL of North Carolina. I thank the gentleman for his comments.

Mr. Chairman, earlier I obtained permission to include extraneous matter with my remarks, and I include at this point material setting forth the role of the Department of Agriculture in this overall area, listing the number of projects they have ongoing at this time and their tremendous interest in and the tremendous amount of work they do in this area. Also I include the Department of Agriculture testimony before the Senate Committee on Public Works in regard to a similar Senate bill.

The material referred to follows:

Agriculture Related Solid Wastes

Solid wastes are of great significance to agriculture—to producing, processing, transporting, and marketing farm and forest products; to the viability and attractiveness of rural communities; to public health and well being; to recreation; and to the utility and esthetic quality of the countryside. In addition to the vast quantities of solid waste resulting from agriculture and agribusiness, the urban disposal system with its many sites being in the countryside is a concern of rural America.

Programs of USDA and its cooperators at State and local levels relating to solid wastes include programs of research, education and information, technical assistance, cost-sharing and loans and grants. In addition, the Department deals with growing solid waste problems due to increased use of the Federal lands and facilities the Department administers. The Department's cooperative programs relate to (1) urban and industrial wastes produced in communities under 5,500 population, (2) wastes from industrial processing of raw agricultural and forestry products, (3) agricultural wastes associated with farm, forest and ranch production processes; e.g., animal wastes, forest and crop residues, and pesticide containers, and (4) urban and industrial wastes from which raw agricultural materials may be reclaimed. In addition to these activities oriented to agriculture-derived wastes, USDA has (5) a broad base of technical competence for dealing with land management aspects of rural disposal sites receiving solid wastes from all sources.

The Department's long-standing cooperative research programs with land grant colleges and universities and other institutions include studies of ways to reduce, control, use or dispose of such solid wastes as animal manure, forest slash and excess straw and wastes from plants which process raw agricultural commodities. In addition, research is underway on ways to economically recover agricultural raw materials from urban solid wastes; e.g., wood fibers from discarded paper products. The research includes studies of effective means for returning wastes to the soil where they are produced and the disposal of processing wastes in areas away from the processing plants. These programs also include the development of information leading to new and improved processing methods to more fully utilize raw materials and byproducts. Associated with the farm, forest, and processing plant approaches are efforts to modify the inherent characteristics of raw agricultural commodities to reduce solid wastes originating with those commodities.

USDA and State education and information programs utilize a nationwide agricultural extension service organization to bring the latest knowledge and methodology to enterprises and individuals whose activities or ownerships lead to solid wastes production.

Technical assistance in resource development and use is provided nationwide. In many situations this includes help for developing solid waste disposal practices. This assistance is available to local communities; cooperatives; nonprofit associations; landowners and operators in Soil and Water Conservation Districts; State and private forests; and food and fiber processing plants.

Project measures included in Resource Conservation and Development Projects often involve the problems of solid waste disposal. The Department provides technical assistance in the interpretation of soil survey information for use in locating suitable disposal sites.

The Department may share up to 50 percent of the cost of basic facilities required for health, safety, use and access to public recreation and fish and wildlife developments in small watershed projects. This may include facilities for collection and disposal of solid waste such as trash and garbage. All sanitary and waste disposal facilities must comply with State and local health standards and regulations.

Some of the practices cost-shared under the Agricultural Conservation Program are useful to farmers in the safe management of animal wastes. Many vegetative cover practices and erosion control structures can serve multiple purposes by helping to use up such wastes when they are diverted to or spread on the land. Or erosion control or water management structures may divert wastes away from streams. Among such ACP practices are the establishment of buffer or filter strips and fields, terrace systems, or diversions into erosion control or water spreading structures and areas or into woodland.

The Department of Agriculture has requested authority to use some Agricultural Conservation Program funds for pollution control practices which also have soil or water conservation benefits. This authority was granted by P.L. 91–127. Related authority was included in P.L. 91–118.

The Department of Agriculture makes and insures loans and grants to associations, including corporations not operated for profit, and public and quasi-public agencies to provide for the installation or improvement of waste disposal facilities in rural areas. These loans and grants may include facilities for the collection, treatment, or disposal of human, animal, and other wastes. They may involve collection lines, treatment plants, outfall lines, disposal fields, stabilization ponds, storm sewers, garbage trucks and equipment, sanitary landfills, and incinerators. Rural areas are defined as areas which do not include any area in any city or town which has a population in excess of 5,500 inhabitants.

Financial assistance is also provided in the form of loans to individuals to purchase equipment and install facilities to properly dispose of domestic, animal, and crop and forest residues.

The Department of Agriculture now has an on going program whereby grant assistance can be provided in amounts up to 50 percent of the development cost of a waste disposal system. Since this authority was granted in 1965, more than 700 waste disposal systems requiring approximately $125 million in loans and $40 million in grants, have been financed by the Department of Agriculture. USDA also has an on going grant program for comprehensive area planning of the development of water and sewer systems in rural areas. Grants authorized by this Department can be made up to 100 percent of the cost of water and sewer planning.

The Department has more than 3000 county offices throughout the United States. The employees in these offices know the community leaders and their problems and are trained to provide assistance in developing waste disposal facilities and coordinating their development with the development of other facilities in the area. With its many years of experience in working with rural communities, and with the many Department representatives available to help local people solve their problems, the Department of Agriculture is in a better position to provide technical and financial assistance for waste disposal facilities needed in rural areas than any other agency.

The Department's authority and responsibility for research, education, and action programs concern the countryside—the people and renewable resources of rural America. In addition, those programs concern several aspects of urban America, such as erosion control and drainage in new housing and industrial developments and the many types of vegetation that enhance our streets, lawns, and parks. USDA programs vitally affect the conservation and management of the bulk of the Nation's land, water, and related biological, recreational, and esthetic resources.

Solid waste problems associated with or related to agriculture and the countryside fall into three distinct categories:

1. Those wastes originating on farms and in rural communities.
2. Those wastes originating in urban areas but which are disposed of in the countryside.
3. Urban and industrial wastes (derived from agricultural raw materials) that can be recycled and reused.

Ultimately the greatest need for all these wastes is the recycling and reuse of them to the fullest extent possible.

The most pressing problems of concern to the Department of Agriculture include:

1. Animal wastes;
2. Sediment, a waste in solid form when it comes to rest;
3. Wastes from industrial processing of raw agricultural products;
4. Urban and industrial wastes from which agricultural materials may be reclaimed or used;
5. Waste disposal sites;
6. Solid wastes from rural communities;
7. Forest and crop residues;
8. Trash and garbage discarded indiscriminately in the countryside; and
9. Unusable pesticides and containers.

USDA objectives are to prevent or minimize production of agriculture-related wastes, and to improve the handling, treating, storing, and disposal of these wastes. We want to use, reclaim, and reuse as much waste material as is possible. Underlying the objectives is the goal of minimizing the adverse impact of solid wastes on the environment, and enhancing the environment wherever possible.

The U.S. Department of Agriculture has competency in solution of many of these waste problems among which are the following:

1. Handling animal wastes in such a way as to keep them out of lakes, streams and other unwanted areas and to control odors and other esthetic problems.
2. Preventing sedimentation and other erosional debris which creates serious waste disposal problems in rural and urban areas alike.
3. Managing solid wastes arising from processing of raw agricultural products.
4. Recovering and reusing agriculturally-derived raw materials from urban and industrial wastes; e.g., wood fiber from the more than half of such trash that is paper.
5. Site or facility selection and development, management and rehabilitation of landfills, lagoons and other means of disposing of solid wastes in the soils of the countryside. This includes soil survey, analysis, and interpretation to determine assimilative capacity of various soil types of solid wastes without serious contamination.
6. Minimizing damage from burning or otherwise disposing of forest and crop residues and other organic refuse.

APPROPRIATE SOLID WASTE ROLE FOR THE DEPARTMENT OF AGRICULTURE

USDA's appropriate role in dealing with solid waste problems is to cooperate with and assist State and local governments and their agencies and institutions, quasi public agencies, cooperatives, nonprofit associations, industry, and private citizens by providing the following:

Results of research and development (*R&D*);

Extension education (*Edn.*);

Technical assistance (*Tech Asst.*);

Financial assistance (*Fin. Asst*): Cost-sharing, Grants, and Loans; and

Criteria for developing standards (Based on R&D and experience gained through action programs).

Further, the Department will continue to deal with solid waste aspects of managing the Federally-owned lands under its jurisdiction (*Mgmt. Fed. lands*).

Department of Agricultural Solid Waste Programs and Responsibilities

USDA solid waste programs relate to:

Animal wastes (R&D, End., Tech. Asst., Fin. Asst.);

Forest and crop residues (R&D, Edn., Tech. Asst., Fin. Asst., Mgmt. Fed. Lands);

Wastes from industrial processing of raw agricultural materials (R&D, Tech. Asst.);

Urban and industrial wastes produced in communities under 5,500 population (Fin. Asst.);

Discarded products derived from raw agricultural materials (R&D);

Unusuable pesticides and containers (R&D);

Site or facility selection and development, management and rehabilitation from landfills, lagoons and other means of disposing of solid wastes in the countryside (R&D, Edn., Tech. Asst., Fin. Asst., Mgt. Fed lands);

Trash, garbage, and other people wastes deposited in the countryside (End., Tech. Asst., Fin. Asst., Mgmt. Fed. lands); and

Sediment, as a waste in solid form when it comes to rest (R&D, Edn., Tech. Asst., Fin. Asst., Mgmt. Fed. Lands).

Objectives of these activities are:

Preventing or minimizing production of agriculture-related solid wastes;

Handling, treating, or storing agriculture-related solid wastes or those from small communities and the countryside;

Utilizing agriculture-related solid wastes from all sources: a. Directly; and b. Reclamation and reuse of agricultural raw materials.

Disposing of all kinds of solid wastes with minimum assault upon the environment or with the potential of enhancing it; and

Preventing or minimizing erosion from all sources to control sediment deposition.

The Problems that USDA programs address themselves to are described briefly:

Animal Wastes.—The volume of wastes from livestock, and poultry production is estimated at 1.7 billion tons annually. Increasingly, animals are produced in large feedlots and other points of concentration raising major waste handling and disposal problems. Animal wastes are a concern in the abatement of water, air, and soil pollution. They may be associated with pollution of lakes, fishkills, nitrate contamination of soil and aquifers, off flavors, annoying odors and dusts, dissemination of infectious agents to animals and man, depreciation of recreational values of land and streams and reproduction of insect pests.

Forest and Crop Residues.—The annual accumulation of forest and crop residues has been estimated to be about 575 million tons. These residues result from harvesting operation and natural accumulations, including pest damage and natural deterioration. Forest and crop residues can be serious contributors to air, soil, and water pollution. They serve as reservoirs of plant diseases, insects and rodents, and, if burned, contribute great quantities of smoke.

Wastes from Industrial Processing of Raw Agricultural Materials.—The total load of pollutants produced by the agricultural and forestry processing industries of food, textiles, leather, pulp, paper, wood products, and industrial chemicals is estimated at 25 to 50 percent of the raw materials entering the plant. Large amounts of the solid portions of these wastes are returned to the land, often times with the land serving as a convenient nearby sink. The effectiveness of available methods and equipment for processing the total raw materials and often the nature of the raw materials themselves have much to do with the value and marketability of raw agricultural materials.

Urban and Industrial Wastes Produced in Communities under 5,500 Population.—The well being and development potential of small rural communities are closely linked with the adequacy of basic community services. Financial and other assistance is needed for meeting the solid waste problems of rural communities that lack adequate resources to do the full job.

Discarded Products Derived from Raw Agricultural Materials.—A major portion of the nation's solid wastes are products derived from raw agricultural materials. Recycling of these materials has great significance as an approach to solid waste problem. Wood fiber is a case in point.

Fifty million tons of wood fiber in the form of waste paper products are discarded in municipal trash each year in the United States. Eighty percent of this is disposed of by incineration, composting or landfill resulting in a waste of a potential source of wood fiber, and the pollution of air, water, and land with a particular impact on potential agricultural land. The Department of Agriculture has a vital interest in re-using this paper to abate pollution, enhance our economy and self-sufficiency and to conserve timber. The annual volume of unused waste paper in the U.S. is equivalent to 80 million cords of wood or the annual growth of from 80 million acres of timber land.

Unusable Pesticides and Containers.—Large concentrations of industrial pesticide wastes and smaller amounts of despoiled pesticides pose extremely difficult disposal problems. Likewise, millions of empty pesticide containers add to the potential for polluting the environment. Decontamination, destruction or other disposal of unusable pesticides and containers are major unsolved problems.

Site or Facility Selection and Development, Management and Rehabilitation of Landfills, Lagoons, and other Means of Disposing of Solid Wastes in the Countryside.—There are numerous examples of a lack of adequate technical assistance for locating, constructing, and operating solid waste disposal systems in the countryside. Failure to take into account inherent soil characteristics and other definable environmental considerations and the lack of comprehensive land use plans usually lead to unsightliness and pollution, with undesirable consequences for surrounding areas.

Trash, Garbage and Other People Wastes Deposited in the Countryside.—Ever growing numbers of people are visiting the countryside—national forests, lakes, streams and other scenic and recreational areas and facilities. These ever-increasing activities add to solid waste accumulations. These require organized collection and disposal efforts.

Sediment as a Waste in Solid Form When It Comes to Rest.—Sediment is defined as solid material, both mineral and organic, that has been moved from site of origin by water, ice, air or gravity. When sediment comes to rest in unwanted places, it becomes a solid waste. On the average 4 billion tons of soil material are moved from place to place each year. A major portion of it comes to rest in areas where it is considered a harmful solid waste material.

In quantity sediment constitutes the Nation's greatest single solid waste material. To control it means keeping soil in place.

Statement of Ned D. Bayley, Director of Agriculture, Before the Subcommittee on Air and Water Pollution, Committee on Public Works, United States Senate, on S. 2005, Resource Recovery Act of 1969, on October 1, 1969

Mr. Chairman and Members of the Committee:

Solid waste disposal and natural resource recovery are of vital concern to the programs and responsibilities of the Department of Agriculture. Thank you for this opportunity to present the views of USDA as part of your consideration of S. 2005 and related legislation.

Although the Department of Agriculture supports the objectives of S. 2005, we recommend that only an extension of the present authorities in the Solid Waste Act be enacted. Because our responsibilities for nonrenewable materials are limited, we have no comment on proposed Amendment No. 153 to S. 2005. The report of the Department of Agriculture on S. 2005 points out that we believe existing authorities available to USDA and other Federal Departments generally can give appropriate emphasis to solid waste disposal.

I would like to describe for you the ongoing solid waste efforts of the Department of Agriculture, and briefly discuss our various waste disposal programs.

The Department of Agriculture is the principal Federal Department with authority and responsibility for programs concerned with Rural America—its people and its resources. We are charged not only with assuring a continuing supply of food and fiber to meet America's needs, but with maintaining a healthful, viable and attractive countryside for the benefit of urban and rural people alike.

This mandate directly involves us in the solid waste problem. The production, processing, transportation, and marketing of farm and forest products creates vast quantities of solid wastes. Disposal of these wastes, and those brought to the countryside from urban areas, directly affects the beauty and utility of rural areas.

There are several kinds of solid wastes and related pollutants we have to deal with.

According to our understanding of the definition of solid wastes as set forth in the Solid Waste Act, the most pressing problems of concern to the Department of Agriculture include:

1. Forest and crop residues;
2. Waste from industrial processing of raw agricultural products;
3. Animal wastes;
4. Unusable pesticides and containers;
5. Solid wastes from rural communities;
6. Trash and garbage discarded in the countryside;
7. Urban and industrial wastes from which agricultural materials may be reclaimed or used; and
8. Waste disposal sites.

Our objectives are to prevent or minimize production of agriculture-related wastes, and to improve the handling, treating, storing, and disposal of these wastes. We want to use, reclaim, and reuse as much waste material as is possible. Underlying the objectives is the goal of minimizing the adverse impact of solid wastes on the environment, and enhancing the environment wherever possible.

We use various mechanisms in carrying out our solid waste disposal programs. There are both direct and cooperative programs of research, as well as education, information, technical and financial assistance including cost sharing. Under our financial assistance authorities, loans and grants have been made to local communities, non-profit associations and others in rural areas for solid waste handling and disposal. We also deal directly with growing solid waste problems arising from lands and facilities administered by the Department of Agriculture—including the 187 million acre National Forest System.

Most of our solid waste programs are described in the appendix to our report on S. 2005. I will highlight a few of these for you to illustrate how we are using the various program mechanisms to solve specific solid waste problems.

Forest and Crop Residues.—The annual accumulation of forest and crop residues has been estimated to be about 575 million tons. These residues result from harvesting operations and natural accumulations, such as pest damage and natural deterioration. Forest and crop residues can be serious contributors to air, soil, and water pollution. They serve as reservoirs of plant diseases, insects and rodents.

Our research on this solid waste problem includes: breeding of crop and tree varieties and improvement of culture practices to minimize residues; methods of decomposition of crop residues; more efficient methods for disposal of logging waste; and ways to use greater amounts of logging and wood manufacturing wastes.

Our action program on disposal of forest and crop residues includes: prescribed burning of residues in National Forests to prevent wildfire; cost sharing conservation measures which utilize crop residues; and education and information activities—instruction, training, publications and visual aids—that combine up-to-date technology with day-to-day agricultural practices.

We are assisting victims of hurricane Camille through the Emergency Conservation Program by providing financial assistance up to 80 percent of the cost for removing debris from crop and pasture lands, orchards, and forests.

Animal Wastes.—The animal waste problem is massive. It involves land, water, and air pollution. Corrective technology must not only meet increasingly stringent environmental quality criteria and assure no interference with product wholesomeness but it also must be within production costs that the consumer is willing to pay.

Some of our cooperative USDA and State Agricultural Experiment Station research is directed to the development of needed new technology. We are working on the disposal of wastes from swine, poultry, beef, and dairy operations. We are investigating means by which greater use may be made of agricultural cropland and other land sources in the disposal of animal wastes. Other uses of animal wastes are also being explored.

Within our overall financial assistant programs, we have made loans and grants for animal waste disposal systems. Our educational and technical assistance programs involving such agencies as the Cooperative Extension Service and the Soil Conservation Service have been working closely with livestock producers and pollution control officials to bring about ameliorization of pollution through existing technology.

Solid Wastes From Rural Communities.—The well-being and development potential of small rural communities are closely linked with the adequacy of basic community services. In planning and developing these services for communities lacking adequate resources to do the full job on their own, we consider the need for financial and other assistance to meet solid waste problems.

USDA grant assistance can be provided to communities under 5,500 population in amounts up to 50 percent of the development cost of a waste disposal system. Grants can also be made up to 100 percent of the cost of comprehensive area planning of development of water and sewer systems in rural areas. To dovetail Federal waste disposal assistance programs, we joined other Departments in developing an effective coordination system. This includes the use of a common, uniform grant application form that not only simplifies grant applications but avoids overlapping and duplication of various agency programs.

Reclaiming Raw Materials.—Fifty million tons of wood fiber in the form of waste paper products are discarded in municipal trash each year in the United States. Eighty percent of this is disposed of by incineration, composting or landfill resulting in a waste of a potential source of wood fiber, and the pollution of air, water, and land with a particular impact on potential agricultural land. The Department of Agriculture has a vital interest in re-using this paper to abate pollution, enhance our economy and self-sufficiency and to conserve timber. The annual volume of unused waste paper in the United States is equivalent to 80 million cords of wood or the annual growth of from 80 million acres of timber land.

Our research program is developing practical ways to recover usable wood fiber from waste paper in municipal trash. The proposed system consists of shredding and pulping raw unsorted trash as it comes from the home to the collection point. This research, in its beginning stages, is proving workable and useful in complementary research activities of HEW and the Bureau of Mines. Research has also developed comprehensive knowledge of the physical nature and mechanical properties of packaging and other materials derived from agriculture and forestry. We also have the capabilities to study decomposability and destructability of these materials.

I hope these few examples and the information in our report on S. 2005 will be useful to your Committee.

Agricultural and forestry enterprises have always borne the cost of disposing of wastes such as manure and forest slash. To the extent that these activities are intensified or new constraints are involved, our Nation must have new technology in order not to place undue burdens on production costs and on the ultimate costs to consumers. Capital investment requirements for some pollution abatement and solid waste agricultural and forestry handling operations have necessitated Federal assistance programs in the past and this need will grow in the future. Research programs must be properly oriented and supported to meet the resource management and recovery demands of the future.

I believe that I have described the involvement of the Department of Agriculture in conducting, planning, and coordinating the Federal solid wastes program. The Department is represented on a Solid Wastes Committee that was recently created by President Nixon's Environmental Quality Council. Through the mechanisms of this committee and other working groups, we are contributing our resources and talents in the solid wastes field to a total Federal effort directed at this pressing environmental problem.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I commend the gentleman for raising the issue which I had some reference to earlier in calling to the attention of the House the role which the Department of Agriculture through the United States Forest Service and the Forest Products Laboratory at Madison, Wis., has been playing in the development of techniques by which wastes can be recycled. I have been to the laboratory and have seen the work they have been doing and have been told of other experimental work which includes automatic mechanical separation of waste products in the ordinary run of garbage going to the disposal site and the separation of those parts of it which are susceptible of recycling into paper.

The example the gentleman gives and the paper he showed the House just now is the result of that kind of very forward looking research on the part of the Forest Products Lab in Madison, Wis.

It strikes me that the rather advanced technology which they have done on a rather experimental basis at that laboratory should have been recognized by specific appropriation to the Department of Agriculture. I am aware, as the gentleman from Florida stated, that there is a general provision in this bill for cooperation with other agencies by the Secretary of HEW, but there is a certain amount of realism necessary in respect to parochial jealousies between Departments of the Federal Government which may not bode well for the rather advanced role I believe the Department of Agriculture is capable of playing.

Again I commend the gentleman from North Carolina for bringing this matter to the attention of the House. It is a very significant contribution on his part.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am delighted to yield to the gentleman from Texas.

Mr. WHITE. I should like to call attention to what may be an omission in the bill.

On page 6 of the report there is language relating to communities and States wherein there are not at least 10 applications. The language reads:

> If more than 10 eligible projects are applied for, the funds are to be distributed among at least 10 applicants. If grants for fewer than 10 such projects are applied for, the Secretary may use the funds for those eligible municipalities which have applied.

Then going over to page 14 of the report of the committee, which relates to section 208, subsection (d)(2) it says:

> Of the sum granted for projects in any one State in any fiscal year, not more than 10 per centum shall be granted in such year for any single project in such State; except that in the case of a State for which less than 10 project applications which meet the requirements of this section have been submitted (prior to such date as the Secretary shall prescribe) for a fiscal year, at least 10 per centum of such sum shall be granted for each such project.

I believe that the committee has failed to put in there that in such event there are fewer than ten applications in such a State then the amount shall be divided among the applicants, instead of limiting it to 10 percent. In the case of, let us say, Nevada or Wyoming, where they do not have many large communities, there may be only three or four applications. If we confine them to 10 percent, with only three applications there would be 70 percent of the funds sitting there that could not be used in that State for the particular period.

Mr. BROYHILL of North Carolina. I appreciate the gentleman's contribution. I should like to yield the floor and let the gentleman from Florida, the gentleman from Oklahoma and the gentleman from West Virginia respond.

Mr. WHITE. I believe the intention is probably set forth in the descriptive language earlier in the report, and that the intention is to divide it, but I believe it needs to be in the language of the bill.

Mr. BROYHILL of North Carolina. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

In response to the gentleman from Texas, I should like to say I thank him for making legislative history on the bill. This was put into the report to amplify the provision in the bill:

> If grants for fewer than 10 such projects are applied for, the Secretary may use the funds for those eligible municipalities which have applied.

This particular problem was referred to in committee by the gentleman from Illinois. I believe he used Chicago as an example. He wanted to prevent Chicago from taking all the funds, without other applicants getting any. We amended the bill and we agreed to add this language in the report.

Mr. WHITE. The gentleman does not feel it needs to be in the language of the bill?

Mr. STAGGERS. No; I do not.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this legislation. I believe Members will find that the public in their districts feel that this is one of the most significant pieces of legislation this Congress will pass.

We have not yet realized in this country, although a realization is coming about very quickly, the significance and the extent of the solid waste problem. We annually throw away in this country over 3.6 billion tons of waste, and it is costing us over $4.5 billion a year. We must have new techniques because we are simply running out of places and ways to handle the waste.

The administration testified that we can expect to double the amount of waste thrown away in this Nation within 8 to 10 years and there will be so much that we will not be able to build enough trucks to cart it away. So it is a very pressing problems that lives with every family in this Nation every day.

Now, there may be some areas in the Nation where they do not have too much of an air pollution problem, there may be some places in the Nation where they do not have too much of a water pollution problem—there may be no water or lakes around them—but you can be certain in every part of the Nation there is a problem of solid waste disposal.

We know that if we do not dump untreated wastes into our waters and if we halt runoff, then water pollution will stop. And we have the technology to greatly cut back on air pollution.

But as to this point in time, we do not have the technology to make our garbage disappear without leaving some unsavory byproduct. We still dump, burn or bury our solid waste. And we are running out of places to do this.

H.R. 11833 amends the Resource Recovery Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs in the realm of solid waste disposal and recycling methods, to establish special study and demonstration projects on recovery of useful energy and materials which have been discarded as solid waste, and to establish standards for solid waste collection and disposal systems.

Mr. Chairman and colleagues, it is estimated that more than 3.5 billion tons of solid wastes are being thrown away in this country every year and that the annual cost of handling and disposing of these wastes amounts to $4.5 billion. Annually, more than 360 million tons of industrial, municipal, and commercial solid waste are being generated and this amount is expected to double by 1980. It is also estimated that within a few years, Americans will discard each year more than 30 million tons of paper, 4 million tons of plastics, 48 billion cans, and 26 billion bottles.

During the past 30 years, solid wastes have been deposited by mining, milling, and processing to the extent that some 7,000 square miles of land have been covered or damaged—an area six times the size of Rhode Island.

In the most advanced, prosperous society man has ever known, I find it at best ironic and at worst inexcusable that at this point in time we are a nation capable of aiming rockets at the moon while we stand knee deep in garbage, surrounded by polluted air and water—all of which we have created ourselves.

We have in effect, conquered the atom and outer space, but we are still stumped by the tin can and plastic bottle. American ingenuity has found it financially beneficial to involve itself with heavy packaging of its products and commodities so that often, the amount of material used in the packaging takes up more space than the product enclosed. We have dish detergents for a week's use in the kitchen, packaged in plastic containers which apparently may outlive all of us unless we develop more sophisticated methods of disposing and recycling solid wastes.

We may be passing the age of packaging drinks in returnable bottles which could be reused, and now are in the phase of throwaway bottles and flip-top cans. This trend toward convenience packaging is creating new problems for solid waste disposal which has changed the overall picture in our Nation in regards to the effectiveness of our present law in dealing with the problems. In every State of the Union, garbage and solid waste is being carted off as best as possible considering the present form of the law, and present methods of disposal. But, we have reached the point where we must find a major breakthrough in our handling of the problem if we want to live in a clean environment.

Most of the $4.5 billion spent annually in our Nation goes for collecting solid waste and transporting it to some place where it is dumped or burned, and most of the disposed solid waste goes to open dumps. Ninety-four percent of these dumps are inadequate to handle the large volume of wastes. Since the dumps are not always covered daily with dirt, they contribute extensively to water pollution of nearby streams, lakes, and rivers. Their burning of wastes also contributes heavily to air pollution, as does the municipal incinerator, which usually does not have antipollution devices, on its smokestacks. It is estimated that 75 percent of our municipal incinerators are inadequate to handle the disposal of the large volume of solid wastes.

If present collection and disposal methods are not improved, we will never solve our Nation's pollution problems. We must develop new technologies for disposing, reclaiming, and recycling materials in solid waste. We must also investigate the possibility of using solid wastes as a possible source of energy. We must also develop new methods of product packaging in order to reduce the amount of such waste disposed and to facilitate the disposal thereof.

Research and the development of new technologies to handle the problems of solid waste disposal is costly and our present level of funding for these programs is grossly inadequate to meet the needs of the problem.

The purpose of H.R. 11833 is: First, to expand and intensify the development of new technologies for solid waste disposal; second, to promote greater initiative on the part of the States in assuming increasing responsibilities for solid waste disposal programs; third, to stimulate the construction by States and municipalities of pilot facilities utilizing new and improved waste disposal technologies, and fourth, to conduct studies to determine economical means of and appropriate incentives for recovering useful materials and energy from solid waste, reducing the amount of such waste and facilitating the disposability of that waste through improved production and packaging practices.

The solid waste bill now on the floor will achieve these objectives through: First, studies, investigations, and demonstration projects conducted by the Secretary of Health, Education, and Welfare; and second, by construction grants to States and municipalities as well as interstate and intermunicipal agencies to contribute to the financing of pilot facilities utilizing new and improved technologies if the construction of such facilities is part of a State or interstate plan for solid waste disposal and is included in any comprehensive plan for the particular area or areas involved.

H.R. 11833 authorizes appropriations for a 3-year extension of the Solid Waste Disposal Act. Sums are authorized to be appropriated to the Secretary of Health, Education, and Welfare in amounts up to $83 million for fiscal 1971, $152 million for fiscal 1972, and $216 million for fiscal 1973. Sums are authorized to be appropriated to the Secretary of the Interior in amounts up to $17.5 million for fiscal 1971, $20 million for fiscal 1972, and $22.5 for fiscal 1973.

These sums represent drastically needed authorization levels to effectively meet the problems encountered by solid waste disposal. These sums are to be used for research, special study and demonstration projects, interstate and intermunicipal projects for solid waste disposal, grants for local, State, and interstate planning, and major construction grants to States, municipalities, or interstate and intermunicipal agencies to be used to build solid waste disposal and resource recovery facilities or to expand and improve existing facilities.

H.R. 11833 embodies several new sections to accomplish the purposes I have stated a few minutes ago. Section 205 would direct the Secretary of Health, Education, and Welfare to establish special study and demonstration projects on recovery of useful energy and materials, and to report the results of these investigations to the President and the Congress. Also new, section 207 authorizes planning grants to State, interstate, municipal, and intermunicipal agencies. These grants can be made for up to two-thirds of the costs for a project serving an area which does not include more than one municipality and up to three-fourths of the cost of a project which serves an area of two or more municipalities. An amount up to 50 percent of the cost of overseeing the implementation, enforcement, and modification of any project plan or proposal is authorized, in this section. Grants under this section are to be made if the Secretary of Health, Education, and Welfare finds that planning will not duplicate, but will be coordinated with other related planning activities.

Another new section is section 208 of the act which will provide grants to any State, municipality, or interstate or intermunicipal agency for the construction of projects utilizing new and improved techniques of demonstrated usefulness in reducing the environmental impact of solid waste disposal, promoting the recovery of energy or resources, or the recycling of useful materials. Such grants to a single municipality can be made up to 50 percent of the estimated cost of the project as determined by the Secretary and can be increased by an additional 25 percent in the case of more than one municipality sharing or benefitting from the project.

An additional very important new section is section 209 which directs the Secretary of Health, Education, and Welfare, within 18 months following enactment of this act, to recommend to the appropriate agencies standards for the collecting and disposing of solid waste materials, including systems for private use, which are consistent with health, air, and water pollution standards and which can be adopted to applicable land use plans. These standards are to be developed in cooperation with appropriate State, interstate, regional, and local agencies.

If future generations of Americans are to inherit adequate, economical supplies of our natural resources, we must find new methods of disposing of solid waste materials more efficiently and more safely so that our environment will not be harmed during the disposal process. We must also encourage new design of material in packaging from a disposable standpoint. Lastly, we must realize that we are the source of solid waste; we are the litterers and polluters; and only we can help solve the problems of solid waste pollution and other forms of pollution by our attitudes and awareness of the problem. The individual must do what he can in an effort to refrain from adding to the solid waste problem. Congress at the same time, must give the Nation a comprehensive and effective program, and finances to support that program, to act as a means to enable our cities and rural areas to maintain a clean and safe environment for us to live in.

This bill is trying to solve that problem in a realistic manner. I urge the support of this measure.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I will be glad to yield to the gentleman.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding and I appreciate his statement.

I think that whether we call this the Reclamation and Recycling Act or the Resource Recovery Act or the Solid Waste Disposal Act—or whatever we call it—we do need to do some study and research to determine whether we are going to burn it up, or plow it under, or recycle it, or use it again like the Chinese have for hundreds of centuries, or whatnot. There is much good about this bill, and I want that understood before I comment further.

I think I have determined after careful review of the hearings and the committee report, why there are no departmental views in the report. This is simply because we are considering H.R. 11833 instead of H.R. 15847 or H.R. 15848. There is much deposition and there are many statements about different bills all through the hearings, as the gentleman himself pointed out to me on page 2. Then it refers to what the Surgeon General of the United States said; however, when you turn to that, he was not referring to solid waste disposal at all, but referring to the Clean Air Act. Then you turn to what the former Secretary of Health, Education, and Welfare stated, and he was not referring to this bill at all, but he was referring to the bill H.R. 15847.

Now, I do not want to quibble over words or testimony, but there is a great deal of difference in the administration's views which are missing in the committee report, and there is a question about the budget as well as the moneys that are capable of being expended. Nowhere in the hearings does it say that this is budgeted or is within the capability of either the Department of the Interior or the Department of Health, Education, and Welfare to expend wisely in the first year, second year, or whatever the authorization of these funds. It does say that they will continue as authorized until expended. The committee very wisely limited in the next 3 years the amounts that shall be spent unless, indeed, they are excessive. We have no testimony to the contrary from any of the departments.

Could the gentleman from Florida explain whether or not there was in fact any testimony or departmental views or Bureau of the Budget statement at any time about H.R. 11833 as such?

Mr. ROGERS of Florida. Well, actually they had prepared their statement on H.R. 15847, which Mr. Finch presented to the committee on page 284. This covered the whole subject. He also, of course, talks about other bills, but mainly it is geared to this testimony on H.R. 15847—Solid Waste Disposal—and H.R. 15848—the Clean Air Act.

These bills were considered at the same time and dealt with the subject of clean air and solid waste. We received the statements on both of these bills for the convenience of the Department at one time. We have covered the Department's position in the testimony of the witnesses, and it is extensive testimony that I think the gentleman will find in the hearings for developing the program. Also, we asked the Department to present how the moneys would be spent. Now they have presented this information to the committee, some of which is found in the report.

So they have outlined for us how this money would be spent, what could be done, and it has been gone into, I feel, very thoroughly. I think the gentleman from Missouri will be pleased with the legislation. It is necessary. It is a continuation, I am sure the gentleman knows, of ongoing programs.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I, too, have read in detail the page cited by the gentleman, which is directed toward H.R. 15847 and which deals with solid waste disposal, while H.R. 15848 deals with clean air.

Mr. ROGERS of Florida. That is exactly what I said. I said the Department presented the two statements together.

Mr. HALL. Well, then, would the gentleman please outline for me the total differences between H.R. 15847 and H.R. 11833, or tell me there is no difference?

Mr. ROGERS of Florida. Well, there are some differences. The committee wrote the bill it wanted. We did not accept all of the administration's recommendations.

Mr. HALL. But the gentleman is not willing to delineate what the differences are, if any, inasmuch as the testimony from the Department is all in favor of one bill and you come out with a predated bill?

Mr. ROGERS of Florida. The Department had no construction program in the administration bill at all—no construction grants—and there is in the committee bill such grants in order to permit new techniques to be developed as was explained by the gentleman from Illinois (Mr. SPRINGER) in his discussion of exactly what the bill does. I would say that is the major difference. It is, however, not the intention of the committee that grants be used to duplicate techniques which private industry has already developed and operating in a reasonable and feasible manner.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, then it does follow, of necessity, that the committee is seeking a comment on the later bill, H.R. 15847, which it did not accept, but used its own predated bill, H.R. 11833, which added the construction and "brick and mortar" portion on which the Departments have not commented; is that a correct statement?

Mr. ROGERS of Florida. I think the gentleman will find there was a discussion with witnesses of all this, as to what needed to be done.

I might say for the enlightenment of the gentleman that the Secretary himself did not appear, unfortunately, but he did have his Department people appear. In my opinion the committee has gone into a thorough discussion with all the experts in the field.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I am willing to admit—and I am not being just the Devil's advocate; I am simply trying to learn, because as I said in the beginning, I think I am in favor of this bill, but, we do not want any more legerdemain that will lead to a possible vote coming up here as the result of quick action at a sparsely attended session of the Committee of the Whole House on the State of the Union. I am simply trying to find out because the Secretary himself did not testify, although I am willing to accept Mr. Veneman's testimony as substitute testimony on behalf of the Secretary before this distinguished committee. However, he simply ends up by saying he wants to reaffirm the passage of the administration bill which does not contain "brick and mortar," and therefore we end up in the same position we are in otherwise, a dubious one at best.

Mr. ROGERS of Florida. Well, that is basically the difference. I might say this—that the committee in the bricks and mortar section tried to stress that there should be new techniques, and not just the old way of going out and burning in an open field, but to try to bring in new technologies.

Mr. HALL. I am familiar with some of the new techniques. Could the gentleman tell us how much difference there is in the funding of the committee bill, H.R. 11833, and that on which the Secretary testified, H.R. 15847?

Mr. ROGERS of Florida. I thought the point had been made earlier, but I will restate it: The Department is open ended, and they do not have any figure, just as much as they want, but our committee does not operate that way.

Mr. HALL. But you do not have the bricks and mortar here.

Mr. ROGERS of Florida. But inasmuch as their program is open ended in all that they ask for, what we have done is put in a limitation. And we do this in our committee because, rather than coming to the House and saying it is going to be open ended, and whatever the Department wants it may have, we do not believe in operating that way. And I think the gentleman feels that we certainly should not, and therefore the committee put on a limitation, and we can let them come back to us and explain what they are doing, and whether they need to go over the limitation, or if it is not used, then we can reduce it at a later time. That is the approach we try to take.

Mr. HALL. I agree with the point that the gentleman makes that it should never be open ended, and I am sure personally that we should not say that the funds should be authorized until expended.

Mr. ROGERS of Florida. I think the gentleman is correct on that statement also.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I thank the gentleman for yielding, and I want to thank the gentleman for the assurances that were made a few moments ago with respect to interdepartmental cooperation that would guarantee further support for the on-going efforts of the U.S. Forest Service and the Forest Products Laboratory at Madison, Wis., and other programs of the Department of Agriculture. I would like to ask a few questions on another subject. Was the committee able to conclude or draw any conclusion from the testimony as to at what point in the cycle assistance can best be given in the recovery of scrap automobiles?

Mr. ROGERS of Florida. Yes; this was gone into, and I think we are making considerable progress in this regard. There have been a number of companies that have developed a machine that can crush the automobiles. Some of the techniques first strip the automobiles and then crush them so that they can be reused by the steel industry. This is now being done.

Also there is work going on to try to remove copper. Some of the copper that is used in the automobiles, which really prevents the automobiles from being crushed down and used right off by the steel industry. To remove copper from autos will reduce the cost of reclaiming autos because the steel industry says that too much copper in the waste material is harmful to their process. So they are doing research now, very active research in trying to see if this problem can be answered. We are making great progress into new methods to get to the problem of disposing of automobiles, and this bill I think will advance this very rapidly.

Mr. McCLURE. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Florida. I yield further to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I would thank the gentleman for yielding me this additional time, and then state to the gentleman that I have spent a good deal of time in the last several months studying this problem, and the economics of scrap recovery from used automobiles, such as the problem of transportation, the problem of capital investment in the baler or crusher, as well as the shredder, and also the capital investment required for the smelting and refining process.

The Bureau of Mines has recently come up with a new burning process that is said to eliminate the threat of air pollution, and which would require, however, the capital investment that is inherent in any such procedure. It struck me that there are a number of critical points, one being transportation, one being capital investment, and one the technology itself, which can yield the highest degree of recovery with the least amount of side effects such as aid pollution. I am hopeful that this program that is outlined in this bill will lead to pinpointing the points at which the Government can stimulate the economic activities to indeed get these junkyards cleaned up and get the scrap materials back into the mainstream of industry.

Mr. ROGERS of Florida. I thank the gentleman and I want to assure him that it is the intent of the legislation.

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Mr. McCLURE. I thank the gentleman.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Texas, a member of the committee.

Mr. PICKLE. Mr. Chairman, I rise in support of the bill, H.R. 11833.

Mr. Chairman, this legislation today bears the imprint and the thought of the Interstate and Foreign Commerce Committee. Throughout the hearings and during the executive sessions, I have been privileged, as a member of the committee, to work with a group of dedicated legislators who can readily translate their concern for the environment into legislative action.

This bill today is one of several that have originated within our committee. In the last few weeks, we have enacted legislation setting up the Joint Committee on Environment, which I cosponsored, and the Clean Air Act.

This Resource Recovery Act was successfully drafted with the same intent as the other bills. We need this bill we are considering today. By our action, we are amending the Solid Waste Disposal Act so that funds will be provided for the construction of solid waste disposal facilities—and for much needed research programs.

Through the Department of Health, Education, and Welfare, we have the opportunity to use this legislation to reach our objectives. We can set up study programs, investigations and demonstration projects. Then, we can supplement what we learn in these projects with the construction grants to State, regional and local governments. In this way, the Federal Government is directly sharing the responsibility to finance pilot projects using our new-found technology.

Just perhaps through the machinery set up in this bill, just perhaps we can find a use for some of the 369 million tons of solid waste materials. We had better, because our waste tonnage is expected to double by 1980.

Mr. Chairman, this legislation is tangible proof that the Commerce Committee is not content to talk about the problems of our environment. Rather, we are actively engaged in finding solutions.

Ironically, in this age of such technological skills available through computers, too many look at the stars and try and count them on their fingers. To my thinking, we have plugged in some long-needed technical help today.

Mr. BENNETT. Mr. Chairman, I rise in support of this measure, and congratulate the gentleman from Florida (Mr. ROGERS), for his leadership in this important field of disposal of solid wastes; a problem which has long needed closer scrutiny by our Government. The challenge is to eliminate the solid wastes, to reuse the natural resources involved, and to cut the costs now being experienced in the abortive procedures that are now being used in this field. Hopefully all of these objectives can be achieved by the legislation before us. I was one of the original introducers of legislation in this field and I sincerely hope that this perfected legislation may become law.

Mr. SKUBITZ. Mr. Chairman, solid waste disposal has emerged in the last few years as a major problem both from the standpoint of the environment and the economy. Local governments are more and more finding themselves incapable of coping with the vastly increased volume of solid waste. All of the known and tried methods of handling trash are out of date and inadequate. Landfills and incinerators create as many problems as they solve. Junked automobiles, throw-away containers, and plastic packages are substances which defy disintegration. Aluminum beer cans loom in the headlights of automobiles forever after.

The bill before us today, H.R. 11833, is aimed at reducing the amount of solid waste, finding new ways to handle it and perhaps recover useful material therefrom. To do any of these things we must first of all know considerably more about the problem than we do today. The bill, therefore, provides for a comprehensive study which will explore the means of recovering useful materials from discarded items. It will also include a study of better packaging methods and ways to create incentives for research, industries, and governments to handle the problems more effectively.

As new methods emerge, demonstration projects will be carried out by the Federal Government to take the kinks out of them. Money will be available to States and cities if they will make serious efforts at planning waste disposal programs. All of these things thus far described will not happen overnight and there is no point in assisting or encouraging the methods which today are not working.

As methods become available and plans are made, grants will be available to cities or combinations of cities to build installations using these new methods. The bill does provide that funds for construction grants may not be concentrated in any one area and that not more than 15 percent of available funds may go to any one State. Within one State the money must be spread around if there are several suitable projects worthy of assistance.

The bill divides the authorizations in two parts. The Department of the Interior gets funds to use in the area of minerals and fossil fuels. This amounts to $60 million over a 3-year period. The Department of Health, Education, and Welfare which will administer the bulk of the grant programs I have described will be authorized to request a total of $451 million over the 3-year period.

This program like others to protect and preserve our environment must go forward. Unlike many such programs this one does not deal with invisible and insidious dangers but with readily evident and increasingly annoying junk. As a member of the Committee on Interstate and Foreign Commerce from which this bill was reported I want to lend my support, and recommend it to the House.

Mr. TIERNAN. Mr. Chairman, to date, Americans have shown too little concern for the preservation of the natural resources that God gave us in such abundance. We have polluted our air and our water and now we are threatened with being buried in our own solid waste. We are in desperate need of innovative outlooks on the problem of resource recovery and solid waste disposal.

We have passed the time for debate and dialog on this issue; we must now take action to insure that technology is put to use to reclaim and recycle usable materials and energy from such solid waste. Back in 1969, I introduced a bill on solid waste very similar to H.R. 11833. At that time there was little interest for this type of innovative bill. Today I hope we better understand the dimensions of the problem.

The figures are overwhelming. It is estimated that Americans, in a typical year, throw away 48 billion cans, 26 billion bottles, 100 million rubber tires, 30 million tons of paper, and 4 million tons of plastic. In addition, more and more items are coming in plastics which do not decompose and cause noxious fumes when they are burned.

H.R. 11833 is aimed at finding the best ways to reuse solid waste material. Try as we might, we cannot continue indefinitely to burn, bury, or throw away our solid waste material. Effective management of this problem is absolutely necessary. By recycling our solid waste products, we might eventually live in a junkless civilization. We buy, we use, and we throw away. If we continue with this same process, we will soon drown in our own trash.

I support H.R. 11833, for it attempts to expand and intensify the development of new technologies for solid waste disposal and attempts to promote greater initiative on the part of the States in assuming increasing responsibilities for solid waste disposal programs. In addition, the bill will try to stimulate the construction by States and municipalities of pilot facilities utilizing new and improved waste disposal technologies.

The time has come for us to devise new and more effective means of resource recovery. This bill is a step in that direction and can serve as the vehicle which may save us from our own lack of foresight. Billions of dollars in raw materials are now being wasted. We can no longer afford this waste. This bill will help us meet this pressing problem. I urge my colleagues to join with me in supporting this vital legislation.

Mr. MINISH. Mr. Chairman, I strongly advocate passage of the Resource Recovery Act before the House today.

This measure amends the Solid Waste Disposal Act to stimulate pilot facilities using improved waste disposal technologies, in addition to expanding technologies appropriate for solid waste disposal and developing incentive programs for the recovery and recycling of solid waste into energy and usable matter.

Although this Nation is generating solid waste at a rate estimated to be 360 million tons, we are told that this amount will double within the next decade. Moreover, although we are spending $4.5 billion annually to manage this waste, the sum is inadequate to cope with the problem.

Presently, expenditures serve mainly to provide for solid waste collection and transportation. While open dumping is

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the most prevalent method for disposing of solid waste, studies have indicated that 94 percent of the open dumping facilities are inadequate since the waste is either improperly covered or else creates a water pollution problem. Incineration, the second most frequently used method employs municipal incinerators, 75 percent of which are estimated to be inadequate, or air polluters or both.

A new approach and new technology may prove to be the answer; it is doubtful that more trucks or land-fill areas can suffice for long.

The Congress recognized the need for a concerted program in 1965 when it enacted the Solid Waste Disposal Act to accompany efforts to reduce air pollution. The legislation we are considering today would amend the 1965 legislation by strengthening it by providing more funds to regions of the country requiring assistance, and by increasing the percentage of Federal money for relevant projects and construction grants. Moreover, today's legislation calls for appropriate standards for the development of solid waste collection and disposal systems by the Secretary of Health, Education, and Welfare within 18 months following enactment of this measure. Private systems would be included. Such standards would be consistent with health, air, and water pollution standards. Additionally, the Health, Education, and Welfare Secretary would be authorized to recommend model codes to implement such recommendations.

In order to contend with the growing amount of solid waste we must not only develop and apply new methods to collection and disposal, but must discover how to process and recover usable energy and materials as well. The only way to reduce the amount of waste and unsalvageable materials is to recover and utilize the resources within solid waste. This legislation is a step in the right direction.

It is important that we act swiftly, for the rate of solid waste increment seems to rise geometrically and there is no time to lose.

Mr. NELSEN. Mr. Chairman, I sincerely hope that every Member of Congress has had the opportunity to read the report which accompanies H.R. 11833, the Resource Recovery Act of 1970, to the House floor today.

The facts brought out in this report, compiled by the House Interstate and Foreign Commerce Committee on which I serve, point compellingly to the need for the type of legislation which we are recommending. As the report indicates, the United States is generating some 360 million tons of industrial, municipal, and commercial solid waste, an amount that is expected to double by 1980. It is costing the Nation $4.5 billion annually in an effort to treat this waste, primarily by burial or burning.

Yet, alarmingly, present modes of solid waste treatment are not adequate, and are often inferior. Insofar as open dumping facilities are concerned, for example, 94 percent are considered substandard, tending to worsen air and water pollution through ineffective burning or burial techniques. As to municipal incineration, 75 percent of all municipal incinerators have been found to be inadequate due to inefficiency in reducing solid wastes to ashes as well as to resultant air pollution.

As our population grows, the present system of disposal for garbage, trash, and other solid wastes will obviously worsen unless new techniques and technologies can be developed. New ways must be found to recycle and reuse those materials, such as wood, metal, and plastics, which can be salvaged.

In order to carry out these urgent objectives, the Resource Recovery Act is designed to expand and intensify research and construction of experimental pilot programs connected with solid waste disposal, and to promote greater initiative within the 50 States in meeting solid waste pollution problems.

There is great awareness throughout the Nation of the need to move diligently to clean up our polluted environment. The measure before you today is one of the means required to do the job with any degree of success. As such, it is of major importance to the American people. I am proud of the role played in its development by the public health and welfare subcommittee on which I serve as ranking minority member, and I urge your support for its provisions.

Mr. MONAGAN. Mr. Chairman, I support H.R. 11833, the Resource Recovery Act of 1970. I have long been concerned with the threat presented by the problem of the disposal of solid wastes, and I view with increasing alarm the danger these pose to our environment and to our national health. Earlier in this session of Congress I pointed out that our present high standard of living is dependent upon the capacity of the American people to consume products, and the consumption of those products necessarily generates wastes. As our level of affluence rises, and greater sums are spent to purchase more and more goods, the net result is the creation of even larger amounts of trash and garbage.

The United States generates approximately 360 million tons of solid waste every year. Every man, woman, and child in this country creates 5.3 pounds of garbage a day, and that figure is expected to rise to 8 pounds per day by 1980. In my own State of Connecticut, the production of solid waste will almost double in the next decade, rising from 2,970,000 tons this year to an estimated 5,573,000 tons in 1980. In our attempt to eliminate this avalanche of rubbish we in the United States spend $4.5 billion per year on the collection and disposal of waste materials; despite this vast expenditure we only rid ourselves of half the waste we produce, and existing disposal methods are extremely harmful to the environment. By burying our garbage, we have corrupted our soil to the extent that an area almost one and one-half times as large as my own State of Connecticut has been rendered near useless by garbage dumpings.

Buried garbage seeps into underground streams, polluting our waters as well. If current projections are correct, it will soon be very difficult to dump any garbage at all, for within the next 5 to 10 years our major cities will have completely used up their garbage burial areas. Because the burning of rubbish is one of the major causes of air pollution in the United States today, incineration presents no real practical solution to the problem. Garbage is thus finding its way into our air, our soil, our streams and rivers, and by destroying our environment it is directly affecting our physical well-being. The U.S. Public Health Service has established that a direct link exists between solid waste materials and 22 human diseases. Solid wastes present a clear and present danger to the Nation's health, and the immediacy of the danger demands the development of new techniques and methods to bring about its elimination.

To combat the danger I have several times urged that the Federal Government, in conjunction with State and local governments, take positive steps toward finding a true solution to the problem of solid waste disposal. I have recommended that a solid waste management program to coordinate all research now being done on that subject be established under the aegis of the Secretary of Health, Education, and Welfare. I have asked, too, that the Secretary be requested to compile a national inventory of both solid waste management needs and problems of solid waste management technology. Title III of my H.R. 13826 provided for the establishment of just such a coordinating effort.

I feel that H.R. 11833 is a further step in the right direction. First of all, it confronts the problem with the most effective weapon which this Government can wield—the use of funds. As I have often pointed out in the past, the only true solution to the problem of pollution is the allocation of moneys with which new programs may be undertaken, and new methods devised. H.R. 11833 accomplishes both of these objectives.

By authorizing the spending of $800 million over a 5-year period, it provides a firm financial base upon which to construct research and development programs to tackle the problem head on. The research programs proposed in the bill encompass all three aspects of the solid waste situation. First, in what may be called an attempt at preventive medicine, it authorizes studies to determine how the enormous amount of waste produced each year might be decreased; secondly, it provides for the examination of new techniques which would improve both the collection and the efficient and safe disposal of what waste matter does exist; finally, it sets up investigations into the possibilities of utilizing waste materials as a source of fuel and raw materials for industry. Research alone is not enough, however; programs are required to put into effect those methods which the research has brought forth. To this end, H.R. 11833 also provides for Federal grants to States and municipalities which seek to establish programs and projects designed to test out new and improved techniques of solid waste disposal. Most importantly, too, the bill directs the Secretary of Health, Education, and Welfare to create uniform national standards for solid waste collection and disposal.

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The answer to the entire problem of waste disposal lies in the ultimate reuse of most of what is discarded today, and I am pleased that this bill focuses on that key point. If we are successful in devising a system in which solid wastes are recycled into reusable raw materials, we not only will have met a serious threat to the Nation's health, but at the same time we will have done much to preserve the natural resources of the Nation for generations to come.

In accordance, therefore, with my previously set forth position of supporting legislation which will repair and protect our natural environment, and which will safeguard our health, I applaud H.R. 11833, and urge its prompt and speedy passage.

Mr. RYAN. Mr. Chairman, it has been estimated that in the 35-year period between 1965 and the year 2000, 10 billion tons of solid wastes will have been accumulated. Refuse, already at a level of 100 pounds per capita daily from all sources, will continue to increase as our population grows and our economy permits our citizens to acquire even more consumer goods.

Recognizing the seriousness of the problem, Congress in 1965 passed the Solid Waste Disposal Act, which authorized research, demonstration, training, and planning grants. However, it did not include grants for the construction of solid waste disposal facilities.

Since 1965, public awareness about the problem of solid wastes has vastly increased. Americans are now aware of the devastation of quality of their environment. They have begun to realize that there is a total responsibility—of the Nation as a whole—for the condition of our earth; that garbage and refuse in the streets, in the parks, in the waters, and elsewhere is the result of an unwillingness to make the commitment necessary to end pollution.

The 1965 act was not enough. For this reason, I introduced legislation to provide grants for planning and also to provide Federal financial assistance to municipal, intermunicipal, State, and interstate agencies for the construction of solid waste disposal facilities. In the 91st Congress, it is H.R. 642.

H.R. 642 recognizes the problem of solid waste disposal as a regional one. As with the problem of air pollution, the solid waste situation cannot be resolved by one political jurisdiction exclusive of its neighbor. With literally thousands of municipalities growing up next to each other, it is impossible in this day and age to use the town next door as a trash dump. Instead, areawide planning is necessary.

My bill assists local governments in developing solid waste disposal plans, but it requires them to cooperate with each other in establishing an areawide solution.

My bill aims at another problem of solid waste disposal—the fact that too many of our existing solid waste facilities are far from adequate. According to the Bureau of Solid Waste Management, today "approximately 12 percent of the residential population receives no formalized collection services, and that another 11 percent only partial service."

My bill provides for the Secretary of Health, Education, and Welfare to make grants for the construction of solid waste disposal facilities, including the completion and improvement of existing ones.

The two most common methods of disposal are dumping and incineration. Only 6 percent of the sites used for dumping can qualify for the term "sanitary landfill"—which means that there is a daily covering of dirt, no open burning, and no water pollution problems. If the rest of the Nation's landfills were to be upgraded, it is estimated that some $244 million of capital funds would have to be invested over a period of 10 years for equipment alone.

Incinerators present a picture that is not much brighter. Three-fourths of the municipal incinerators are inadequate from an air pollution standpoint or from the point of being reducers of masses of solid wastes.

H.R. 11833, the bill reported out of the Committee on Interstate and Foreign Commerce, which is before us today, is similar to H.R. 642 in that it takes an areawide approach and provides grants for planning. However, the construction grant program contemplated by the bill is too limited.

H.R. 11833 requires that a grant shall be made for a project "only if it utilizes new and improved techniques of demonstrated usefulness" for solid waste disposal, resource recovery, or recycling.

The language of the report—Report No. 91-1155—shows that the committee intends to restrict the construction grant program to pilot facilities utilizing new and improved technologies. The report speaks of a "highly selective grant program" to stimulate the construction of advanced disposal facilities—page 4. It states that the program is not a general grant-in-aid program but "an experimental one designed to assist in the financing of advanced solid waste facilities"—page 5.

While I believe the most advanced technology should be utilized, I do not believe this should be only a pilot or experimental program. Adequate technology is at hand so that perfectly acceptable facilities can be constructed for general use.

As my bill, H.R. 642 provides, there should be a Federal grant-in-aid program to assist in the cost of constructing solid waste disposal facilities, including completion and improvement of existing facilities.

The committee bill would authorize construction grants up to 50 percent of the cost of a project. Our local governments today are in severe financial straits. Many of them are virtually unable to make up 50 percent of such construction costs. Rising interest rates, dwindling municipal bond markets, and soaring construction costs make it very difficult for municipalities to come up with the needed matching funds. For this reason, my bill provided that the Federal Government would pay up to 66⅔ percent of the construction cost. Although our cities still would have a difficult time making up the difference, I think the 66⅔-percent approach is far more realistic. In addition, both my bill and the committee bill provide Federal matching up to 75 percent if a project serves more than one municipality.

Unfortunately, the committee bill contains an unfair 15-percent restriction on the amount of funds which may be granted for projects in any one State. Such percentage limitations discriminate against the large industrial States with the most serious problems and should not be included in this or any other legislation.

Lastly, my legislation authorizes expenditures of $219 million more in fiscal years 1971 and 1972 than the committee bill—almost twice as much. Once again, we have the problem of whether Congress is going to back up its legislation with needed funds.

It is essential in solving the solid waste problem to spend the type of money that is necessary to tackle the problem. We must make that commitment if future generations are not to inherit a nation of garbage.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in strong support of the legislation now before the House, the Resource Recovery Act of 1970.

The disposal of solid waste materials is placing a fantastic economic burden on local government—a burden, by the way, that few local governmental units can afford at this point in time.

We can and must provide the means whereby space-age technology can be employed to relieve the tremendous burden of solid waste disposal. Present facilities and methods are simply ineffectual and inadequate.

Each year, we are told, this Nation develops over 360 million tons of solid waste and we spend nearly $4½ billion annually to dispose of it. And yet, even with this tremendous expenditure, we are still doing an inadequate job of disposal.

We are polluting the air with the smoke from open burning and polluting the water by dumping in open areas and covering with dirt.

This is obviously totally unwise and unacceptable.

The majority of the funds expended for solid waste disposal are for collection and transportation of the waste to a dumping or burning area. We must now change the priorities and allocate sufficient funds to increase the current level of research into reclaiming and recycling of solid waste materials.

In addition, we must provide adequate economic incentives to make these activities attractive to private sector enterprises who manufacture those materials that end up as solid waste.

New and expanding technological advances can have a tremendous effect on the improvement of our environment for future living. This legislation, along with the Clean Air Act extension passed by the House 2 weeks ago, can be the catalysts that translate words into action proposals.

Each and every one of us have recognized the vital needs to clean up our environment, but all too often, we fail

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to provide the ways and means to accomplish those programs we espouse.

We have before us an opportunity to meet the commitment of assuring all Americans safe, healthful, productive, and aesthetically pleasing surroundings.

In the final analysis, we must, by our action here today, renew our dedication to creating an environment worthy of this and future generations.

Mr. **SPRINGER**. Mr. Chairman, I have no further requests for time.

Mr. **STAGGERS**. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN**. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Resource Recovery Act of 1970".

SEC. 2. Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

"(7) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the disposal of solid wastes."

SEC. 3. (a) Section 204(a) of the Solid Waste Disposal Act is amended by striking out all that follows "solid-waste disposal programs," in such subsection and inserting in lieu thereof the following: "the reduction of the amount of such waste and unsalvageable waste materials, and the development and application of new and improved methods of collecting and disposing of solid waste and processing and of recovering usable energy and materials from solid waste (including devices and facilities therefor)."

(b) Section 204(d) of such Act is repealed.

SEC. 4. (a) The Solid Waste Disposal Act is amended by striking out section 206, by redesignating section 205 as 206, and by inserting after section 204 the following new section:

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON RECOVERY OF USEFUL ENERGY AND MATERIALS

"SEC. 205. (a) The Secretary of Health, Education and Welfare shall carry out an investigation and study to determine—

"(1) economical means of recovering useful energy and materials from solid waste, recommended uses of such energy and materials for national or international welfare, and the market impact of such recovery;

"(2) appropriate incentive programs (including tax incentives) to assist in solving the problems of solid waste disposal;

"(3) practicable changes in current production and packaging practices which would reduce the amount of solid waste; and

"(4) practicable methods of collection and containerization which will encourage efficient utilization of facilities and contribute to more effective programs of reduction, reuse, or disposal of wastes.

The Secretary shall from time to time, but not less frequently than annually, report the results of such investigation and study to the President and the Congress.

"(b) The Secretary is also authorized to carry out demonstration projects to test and demonstrate methods and techniques developed pursuant to subsection (a).

"(c) Section 204 (b) and (c) shall be applicable to investigations, studies, and projects carried out under this section."

(b) The Solid Waste Disposal Act is amended by redesignating sections 207 through 210 as sections 210 through 213, respectively, and by inserting after section 206 (as so redesignated by subsection (a) of this section) the following new sections:

"GRANTS FOR STATE, INTERSTATE, AND LOCAL PLANNING

"SEC. 207. (a) The Secretary of Health, Education, and Welfare may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State, interstate, municipal, and intermunicipal agencies, and organizations composed of public officials which are eligible for assistance under section 701(g) of the Housing Act of 1954, of—

"(1) not to exceed 66⅔ per centum of the cost in the case of an application with respect to an area including only one municipality, and not to exceed 75 per centum of the cost in any other case, of—

"(A) making surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies and

"(B) developing solid waste disposal plans as part of regional environmental protection systems for such areas, including planning for the reuse, as appropriate, of solid waste disposal areas and studies of the effect and relationship of solid waste disposal practices on areas adjacent to waste disposal sites; and

"(2) not to exceed 50 per centum of the cost of overseeing the implementation, including enforcement, and modification of plans developed under paragraph (1)(B).

"(b) Grants pursuant to this section shall be made upon application therefor which—

"(1) designates or establishes a single agency as the sole agency for carrying out the purposes of this section for the area involved;

"(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to areawide planning for proper and effective solid waste disposal consistent with the protection of the public health, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal programs;

"(3) sets forth plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

"(4) provides for submission of a final report of the activities of the agency in carrying out the purposes of this section, and for the submission of such other reports, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports; and

"(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the agency under this section.

"(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid waste disposal will be coordinated, so far as practicable, with, and not duplicative of, other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

"GRANTS FOR CONSTRUCTION

"SEC. 208. (a) The Secretary of Health, Education, and Welfare is authorized to make grants pursuant to this section to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal and resource recovery facilities, including improvement of existing facilities.

"(b) Any such grant—

"(1) shall be made for a project only if—

"(A) a State or interstate plan for solid waste disposal has been adopted which applies to the area involved, and the project is consistent with such plan, is included in a comprehensive plan for the area involved which is satisfactory to the Secretary for the purposes of this Act, and is consistent with any standards developed pursuant to section 209, and

"(B) it utilizes new and improved techniques of demonstrated usefulness in reducing the environmental impact of solid waste disposal, in achieving recovery of energy or resources, or in recycling useful materials.;

"(2) shall be made (A) in amounts not exceeding 50 per centum of the estimated reasonable cost of the project as determined by the Secretary in the case of a project serving an area which includes only one municipality and not exceeding 75 per centum of such cost in any other case, and (B) only if the applicant is unable to obtain such amounts from other sources upon terms and conditions equally favorable;

"(3) shall not be made until the applicant has made provision satisfactory to the Secretary for proper and efficient operation and maintenance of the project after completion;

"(4) shall not be made unless such project is consistent with the purposes of the Federal Water Pollution Control Act and the Clean Air Act; and

"(5) may be made subject to such conditions and requirements, in addition to those provided in this section, as the Secretary may require to properly carry out his functions pursuant to this Act.

"(c) In determining the desirability of projects and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of the project to the public interest and to the public necessity for the project, and the use by the applicant of comprehensive regional or metropolitan area planning.

"(d)(1) Not more than 15 per centum of the total of funds appropriated for any fiscal year and available for purposes of this section shall be granted for projects in any one State.

"(2) Of the sums granted for projects in any one State in any fiscal year, not more than 10 per centum shall be granted in such year for any single project in such State; except that, in the case of a State for which less than 10 project applications which meet the requirements of this section have been submitted (prior to such date as the Secretary shall prescribe) for a fiscal year, at least 10 per centum of such sums shall be granted for each such project.

"(3) The Secretary shall prescribe by regulation the manner in which this subsection shall apply to a grant under this section for a project in an area which includes all or part of more than one State.

"RECOMMENDED STANDARDS

"SEC. 209. (a) The Secretary of Health, Education, and Welfare shall, in cooperation with appropriate State, interstate, and regional and local agencies, within eighteen months following the date of enactment of the Resource Recovery Act of 1970, recommend to appropriate agencies standards for solid waste collection and disposal systems (including systems for private use) which are consistent with health, air, and water pollution standards and can be adapted to applicable land use plans.

"(b) In addition, the Secretary of Health, Education, and Welfare shall, as soon as practicable, recommend model codes, ordinances, and statutes which are designed to implement this section and the purposes of this Act."

SEC. 5. (a) Section 213(a) of the Solid Waste Disposal Act (as so redesignated by this Act) is amended by striking out "and" after "1969," and by inserting before the period at the end thereof the following: ", not to exceed $83,000,000 for the fiscal year ending June 30, 1971, not to exceed $152,000,000 for the fiscal year ending June 30, 1972, and not to exceed $216,000,000 for the fiscal year ending June 30, 1973. The sums so appropriated shall remain available until expended".

(b) Section 213(b) of such Act (as so redesignated) is amended by striking out "and" after "1969," and by inserting before the period at the end thereof the following: ", not to exceed $17,500,000 for the fiscal year ending June 30, 1971, not to exceed $20,000,000 for the fiscal year ending June 30, 1972, and not to exceed $22,500,000 for the fiscal year ending June 30, 1973".

(c) Section 213 of such Act (as so designated) is further amended by adding at the end thereof the following new subsection:

"(c) Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants, or contracts) of any program authorized by this title."

SEC. 6. The amendments made by this Act shall be effective for fiscal years beginning after June 30, 1970.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to get one thing completely clear from someone on this committee—and that is, whether the Bureau of the Budget approves the spending contained in this bill?

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. STAGGERS. The Bureau of the Budget does not express themselves one way or the other on the spending in this bill.

All of the views that were given and all of the testimony was generally on the administration bill as introduced by myself and the gentleman from Illinois (Mr. SPRINGER).

After hearing all of the witnesses and all of the testimony, the subcommittee came up with a new bill which they thought would be in the best interest of the Nation. That was done after hearing all of the testimony.

So the Bureau of the Budget did not express themselves one way or another.

Mr. GROSS. Yes, and that seems perfectly obvious even from a casual reading of the hearings. The Committee considered H.R. 15847 and H.R. 15848 and then came back to H.R. 11833 and brought that bill to the House floor.

Mr. STAGGERS. That is what the subcommittee did after their deliberations and it was certainly within their rights to do so after hearing all of the testimony and deciding that it was the best bill to bring to the floor, I am sure, in this instance.

Mr. GROSS. Well, we do not know whether events in the future will dictate a veto of this bill, on the basis that it exceeds the budget. We do not know what the future holds for this legislation in the way of acceptance at the White House.

Mr. STAGGERS. We have no indication of any such thing as a veto. We have consulted with the administration about the bill and I would certainly not think there would be a veto.

Mr. GROSS. Well, pollution and environment are fast becoming sacred cows. I would not know what to look forward to in the future.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee substitute amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, pursuant to H.R. 1068, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 339, nays 0, not voting 90, as follows:

[Roll No. 184]

YEAS—339

Abbitt
Abernethy
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boland
Bolling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Cabell
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Davis, Ga.
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McFall
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Monagan
Moorhead
Morse
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rostenkowski
Roudebush
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—90

Adair
Addabbo
Anderson, Tenn.
Andrews, N. Dak.
Arends
Beall, Md.
Bingham
Blackburn
Boggs
Bow
Brasco
Brock
Byrnes, Wis.
Caffery
Carey
Celler
Chisholm
Clancy
Conable
Conyers
Daddario
Daniels, N.J.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Dulski
Erlenborn
Eshleman
Farbstein

XUM

Feighan
Fish
Ford, Gerald R.
Gaydos
Gilbert
Gray
Green, Oreg.
Grover
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hastings
Hawkins
Howard
Keith
Kirwan
Koch
Landrum
Lowenstein
McCarthy
McDonald, Mich.
McEwen
McKneally
McMillan
MacGregor
Meskill
Michel
Mikva
Minshall
Mollohan
Montgomery
Morgan
Murphy, N.Y.
O'Neal, Ga.
Ottinger
Podell
Pollock
Powell
Price, Ill.
Purcell
Reid, N.Y.
Robison
Rooney, N.Y.
Rosenthal
Roth
Roybal
Ryan
Scheuer
Slack
Smith, Iowa
Stratton
Watson
Weicker
Wilson, Charles H.
Wolff
Wydler
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Gerald R. Ford.
Mr. Delaney with Mr. Arends.
Mr. Price of Illinois with Mr. Adair.
Mr. Murphy with Mr. Grover.
Mr. Mikva with Mr. Michel.
Mr. Daddario with Mr. Meskill.
Mr. Hanley with Mr. McKneally.
Mr. Wolff with Mr. Wydler.
Mr. Addabbo with Mr. Weicker.
Mr. Dulski with Mr. McEwen.
Mr. Young with Mr. Byrnes of Wisconsin.
Mr. Rooney of New York with Mr. Bow.
Mr. Stratton with Mr. Hastings.
Mr. Podell with Mr. Reid of New York.
Mr. Slack with Mr. Beall.
Mr. Gaydos with Mr. Eshleman.
Mr. McCarthy with Mr. Fish.
Mr. Anderson of Tennessee with Mr. Hansen of Idaho.
Mr. Landrum with Mr. Hammerschmidt.
Mr. Celler with Mr. Robison.
Mr. Hamilton with Mr. McDonald of Michigan.
Mr. Daniels of New Jersey with Mr. Clancy.
Mr. McMillan with Mr. Davis of Wisconsin.
Mr. Howard with Mr. Erlenborn.
Mr. Smith of Iowa with Mr. Keith.
Mr. Carey with Mr. Conable.
Mr. Morgan with Mr. Watson.
Mr. Gray with Mr. Pollock.
Mr. Gilbert with Mr. Minshall.
Mr. Brasco with Mr. Roth.
Mr. Montgomery with Mr. MacGregor.
Mrs. Green of Oregon with Mr. Andrews of North Dakota.
Mr. Hanna with Mr. Brock.
Mr. O'Neal of Georgia with Mr. Blackburn.
Mr. Bingham with Mr. Conyers.
Mr. Hawkins with Mr. Ottinger.
Mr. de la Garza with Mr. Caffery.
Mr. Dent with Mr. Farbstein.
Mr. Purcell with Mr. Feighan.
Mr. Roybal with Mr. Powell.
Mr. Kirwan with Mrs. Chisholm.
Mr. Koch with Mr. Lowenstein.
Mr. Dawson with Mr. Rosenthal.
Mr. Scheuer with Mr. Ryan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENTS OF CONFEREES ON H.R. 17399, SUPPLEMENTAL APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, EVINS of Tennessee, NATCHER, FLOOD, STEED, Mrs. HANSEN of Washington, and Messrs. JONAS, CEDERBERG, MICHEL, and LANGEN.

NATIONAL MACHINE TOOL WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1194) to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the gentleman is this National Machine Tool Week with or without widgets?

Mr. ROGERS of Colorado. It should be; it could be.

Mr. HALL. That is, anything to support National Machine Tool Week?

Mr. ROGERS of Colorado. Yes.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

Mr. GROSS. Further reserving the right to object, I wonder if the gentleman thinks this is important enough that we ought to have a rollcall vote on its passage?

Mr. ROGERS of Colorado. I am sure that we could get by without it. This is important, and we do have a number of sponsors of this resolution.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1194

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the importance of the national machine tool industry to the American economy, in recognition of its efforts on behalf of the Nation in peace and for our national defense and with the realization of the role it must play in the development of the sophisticated machinery and equipment necessary to eliminate and prevent pollution, the President is authorized and requested to issue a proclamation designating the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL RETAILING WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1255) to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado.

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1255

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the retailers and in recognition of the 60th Annual Convention of the National Retail Merchants Association to be held in New York, New York, during the period January 10, 1971, through January 13, 1971, the President is authorized and requested to issue a proclamation designating that period as "National Retailing Week" and calling upon the people of the United States and interested groups and organizations to observe such period with approriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HAZARD: NUCLEAR POWERPLANTS

(Mr. FLOOD asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous material.)

Mr. FLOOD. Mr. Speaker, none of us here have objection to progress, and I am concerned at this time with that part of progress which deals in the realm of nuclear power and nuclear materials. We have had several examples of where those scientists and persons in charge of these programs have suggested and spoken a great deal about such programs, only to abandon them or withdraw them.

There is proposed, and talked of at least, for construction in the town of Meshopper, while not in my district, is adjacent and contiguous thereto. We have heard from our own technicians that the proposals there are largely in the realm of talk because of the nature of the breeder concerned.

I have made some statements on this and we will perhaps with the help of our own technicians proceed further to examine the potential of this plant before it is ever built. We think it is largely talk and out of an abundance of caution we must take care of ourselves.

Mr. Speaker, again I must voice concern regarding the activities of Atomic Energy Commission personnel and their evident small concern for the lives and property of fellow Americans.

Having assumed the shibboleth of "nuclear scientist," and occupying positions which are completely free from personal liability, these people have already gone far toward effectively negating our national defense by strategically placing many large nuclear power reactors in heavily populated industrial localities.

We are now confronted with the fact that some 27 of these huge repositories of radioactive poisons have been built, with another hundred planned. The smallest of these enlarged submarine-type nuclear power reactors, at full fission product inventory, is more potentially lethal than all of the chemical warfare gases ever manufactured—and there is no doubt that expert saboteurs could destroy any power reactor at will, because neither the AEC nor the public utility owner is required by law to build in such a fashion as to defend against sabotage and/or against conventional enemy action.

It is logical to assume that these monstrous containers of poison would constitute the initial targets of conventional weapons in the event of enemy action. The surprise demolition of even one of these nuclear power reactors on the densely populated Eastern Seaboard would force tens of millions of Americans to promptly evacuate their homes and to flee inland, abandoning industrial complexes upon which we depend to support our national defense. The imagination is overwhelmed in contemplating the problem of defending this continent against a resourceful and determined enemy, following the demolition of several strategically located nuclear reactors, with the attendant widespread radioactive contamination.

Mr. Speaker, in order to illustrate how demonstrably impractical and dangerous AEC planning has been in the past, I offer the following example, in which I took a considerable personal interest: It was just 11 years ago that I brought to the attention of my colleagues here on this floor, the wild proposal of the Atomic Energy Commission to "produce vast quantities of oil" by subjecting Rocky Mountain oil shale to nuclear blasting, as advertised in literally hundreds of glowing press releases.

My lone opposition to the horrendous AEC fantasy of 1959, ably assisted by the technical support of Mr. Morgan G. Huntington of Galesville, Md., was entirely successful. The AEC, whose personnel suffered many ruffled feathers, finally backed down and canceled that oil shale blasting project, the date and location of which had been fixed for more than a year, in collaboration with another technical agency, whose personnel also failed to stop and think.

Remarks made during my solo opposition to that 1959 AEC project, along with technical arguments presented by Mr. Huntington, are recorded on pages 1479 through 1484 of the CONGRESSIONAL RECORD for February 2, 1959 and page A1884 through A1887 of the March 9, 1959, RECORD.

The magnitude and gravity of that incredible 1959 AEC blunder are summarized on page 1483 of the February 2, 1959, RECORD, as "Operation Desolation Denver," which was written in a letter by Mr. Huntington to the Denver Chamber of Commerce.

Before long, I shall have more to say about the Atomic Energy Commission, its premature promotion of nuclear power generating technology and its dangerous placement of these experimental power reactors, and I shall dwell further upon this evident prelude to catastrophe as planned by our experts.

For the moment, I will extend these remarks by inserting into the RECORD an interesting editorial on the subjects of nuclear power reactors and the scarcity of fuel therefor. This editorial is written by this same Mr. Huntington of Galesville, Md., and it is published in the March 1970 issue of the South Anne Arundel Lions Club Bulletin, and I quote it as follows:

EDITORIAL

In the October issue of this Bulletin we reported certain extremely serious objections to the operation of *any* large experimental nuclear reactor within a heavily populated area. More specifically, we recited reasons given by experts for strenuously opposing the construction of the two enormous experimental units now a-building forty miles southeast of our Nation's Capital.

The chief cause for alarm at this promotion of the Atomic Energy Commission, as cited by authorities on nuclear fission, is the quite obvious vulnerability of nuclear reactors to destruction by conventional explosives, coupled with the fact that *each* of the Calvert Cliffs experimental reactors will contain large quantities of ultra-deadly radioactive poisons vastly greater in people-killing potential than the total of all the chemical warfare poisons yet produced on Earth.

That neither the Atomic Energy Commission nor the Baltimore Gas and Electric Company has the legal responsibility to build in such a fashion as to defend against sabotage is disturbing and difficult to understand. Even more frightening is the history of AEC hearings relating to nuclear reactor hazards: In not one instance has the AEC or any electric power company admitted to the agenda for discussion, a study of the probable effect upon the surrounding population should Enemy action demolish and scatter a nuclear reactor installation by conventional explosives. We cannot but wonder why State Governors remain coolly indifferent to this monstrously careless threat to our lives and property, in neglecting to carefully weigh the potential danger of these modern Trojan Horses and by failing to thoroughly evaluate the usefulness of nuclear fission technology as presently developed.

Should one of our more courageous State Governors undertake a detailed analysis of what the AEC is urging upon the people of his State, experts in nuclear fission predict that the Governor's findings will include these several conclusions:

1. In the light of presently developed technology, such as that to be employed at Calvert Cliffs, America's total uranium ore reserve comprises an insignificant energy supplement (less than one percent) to that of our coal, and, therefore, the nuclear power reactors projected for Calvert Cliffs do not constitute a useful means of generating electric energy from uranium.

2. The hundred-odd huge experimental power reactors currently being constructed in the United States of America will completely exhaust our known uranium ore within fifteen years—So woefully poor is our present reactor technology that if all of our uranium ore were converted to electric energy by the Calvert Cliffs type of plant, it would equate to no more than the amount of coal which was mined and burned in the USA during the past twelve years.

3. The building of any additional experimental boiling water and/or pressurized water reactors after 1960 serves no useful purpose. No important improvement in uranium economy has been made over the past fifteen years employing this particular technology and no significant improvement is expected. Adequate operating data for process evaluation are available from those several power reactors which were put into operation prior to 1960—Quite plainly, the Atomic Energy Commission is recommending investment in a technology for which fuel cannot be supplied in sufficient quantity to amortize that investment.

4. Pressurized water reactors are neatly useful for powering submarines and other ships of war, but make little sense when put to use in central electric energy generating stations because of their sadly inefficient utilization of uranium.

5. Although the AEC has spent some $20 *billion* on nuclear reactor research and development over a period of twenty years, the operation of a "fast breeder" reactor for the production of plutonium fuel has yet to be demonstrated. However, were the commercial manufacture of plutonium 239 from uranium 238 an accomplished technique, no pressurized water reactor is safely controllable if fueled by plutonium—which shoots down the final specious argument in favor of building the Calvert Cliffs plant and others like it.

6. In order to make uranium fission a truly significant energy source, the AEC will be forced to pick up a more promising technology where it left off around 1950 and to authorize its development on an accelerated basis.

7. The maximum credible effect of the demolition of the two Calvert Cliffs reactors at full fission product inventory, with repeated bombing and scattering of the debris during on-shore winds would promptly eliminate, for generations to come, essentially all of the State of Maryland, the District of Columbia and a large part of Virginia as habitable areas. To this may be added the estimated effect of similar demolition by Enemy action of the coastally exposed nuclear reactors in Florida, New Jersey, New York and Connecticut.

Many in our Federal Government have been persuaded that these huge, shamefully wasteful, devastatingly dangerous Trojan Horses are good for us.—Hopefully, perhaps some State Governor will read this humble editorial, become concerned and take appropriate investigative action.

MORGAN G. HUNTINGTON.

To make us all feel better about everything almost immediately, we recommend the following editorial placebo which appeared in the *Washington Star* January 10 and which we herebelow set forth verbatim:

"GREEN LIGHT AT CALVERT CLIFFS"

"The nuclear power plant being built at Calvert Cliffs in Maryland now has been fully endorsed in a voluminous report drafted by a special investigating group named some time ago by Governor Marvin Mandel. The Governor, to his credit, has been quick to concur in the report's findings. These findings are to the effect that there are no real ecological or other dangers involved in the project.

XUM

"Mandel's affirmative position adds up to an act of considerable political courage in the teeth of the massive and often emotional opposition that had been organized against the plant by conservationists and other groups. It adds up, also, to an act of reason and simple common sense. For there is no doubt in the judgment of the experts—including particularly the exceptionally knowledgeable experts of the Atomic Energy Commission—that what the Baltimore Gas & Electric Company is building at Calvert Cliffs will in no way imperil the 'health, safety or economy' of Maryland and its citizens.

"Beyond that, since the $387-million plant will occupy a 1,135-acre site on the Chesapeake Bay about 45 miles southeast of this Capital City, the experts give assurances that it will endanger nobody—no person, no living thing—in our own immediate environment here in the District and its suburbs. In short, all will be as safe as any conventional electricity-producing facility, whether powered by oil, gas or falling water. In fact, it may be safer—and certainly cleaner. Furthermore, believe it or not, it conceivably may help to increase the supply of shellfish and other aquatic life in the Bay. (CEPA, note.)

"This is a fact to be kept in mind not only by Marylanders but all Americans. For the whole Nation is moving into a future where the need for electricity will double every decade, and that need will require the building of many more nuclear plants all across the country. Calvert Cliffs is just part of the beginning. Senseless fears about the harnessed atom ought to be subjected to the clear light of reason."

Now, isn't *that* nice & comforting? Perhaps we should call the *Star's* persuasive editorial to the attention of Vice President Spiro Agnew, who seems to suspect that our benevolent, omniscient National Press isn't always so actively in there, diligently sifting out and emphasizing all those things which are really *good* for us.—MGH.

I also quote from a bulletin by Mr. Huntington entitled "Quantitative Estimate of the Electric Energy Currently Derived From Uranium," as follows:

QUANTITATIVE ESTIMATE OF THE ELECTRIC ENERGY CURRENTLY DERIVED FROM URANIUM

The nuclear fission of a single gram of uranium-235 yields some 74 million Btu of heat, which is the amount of heat generated in burning three tons of coal.—As is well known, an impressively destructible explosion (Hiroshima-size) results from banging together two handfuls of this fissionable isotope of uranium.

Not nearly so impressive, however, is the disappointingly small amount of electric energy that is realized from uranium through presently developed nuclear reactor technology. In fueling the reactors actively promoted by the Atomic Energy Commission, such as those under construction at Calvert Cliffs, Maryland, one ton of uranium oxide originally extracted from its ores equates to about 2400 tons of coal, in terms of the electric energy generated.—Currently, electric energy realization is only about one-thousandth part of the total potential energy of uranium. All of the 99.9% balance of energy is irrecoverably and forever lost as is herebelow explained in this fully labeled heat rate equation:

Grams of U-235 per short ton of natural uranium
Fuel reprocessing efficiency (0.3 percent burnup, 3 percent processing loss)
Efficiency of U-235 enrichment
Units of $U_{235}+U_{238}$ fissioned with full Pu recycle
Fuel nonfission absorption factor
B.t.u. heat yield per gram fissioned
Efficiency, thermal-electric
Uranium content of U_3O_8

$$\frac{6{,}200\times0.1\times0.9\times(1+3)\times0.703\times74\times10^6\times0.25\times0.85}{3{,}413 \text{ B.t.u. per kilowatt hour electric}}=7{,}290{,}000 \text{ Kwh per short ton uranium oxide}$$

The projected 100-million kilowatts of nuclear-electric generating capacity will completely dissipate America's 510,000 tons of $60,000-a-ton uranium oxide in about four years.

In modern plants, one ton of dry, ash-free coal produces 3000 kilowatt hours of electric energy. Therefore, uranium oxide at $60,000 a net ton is equivalent to coal at $25 a net ton, maf.

Furthermore, by this same nuclear technology, America's 510,000 reserve of $60,000-a-ton uranium oxide is equivalent to 1.22 billion tons of coal, which is an amount normally consumed in the United States each three years.

Following the imminent exhaustion of America's "cheap" uranium ore, the production cost of U_3O_8 can be expected to rise sharply by a factor of perhaps 100 and the *second* half million tons of uranium oxide will probably cost in the order of $6,000,000 a ton.

At this writing, there is no significant amount of uranium reserved exclusively for Naval and Military fuel.—It would be prudent to set aside at least 300,000 tons of this essential fuel for military purposes other than the manufacture of weapons.

Whether the personnel of the Atomic Energy Commission will one day be adjudged guilty of shocking incompetence for so systematically jeopardizing the national defense; whether these people will be found guilty of fraud for advising public utility companies to invest heavily in a half-baked electric energy generating technology for which no significant amount of fuel can be provided, is not for us here to decide. However, it is clear to me that all further funds for this agency must be withheld pending a full explanation of this extremely serious matter.

Mr. Speaker, we are at war, and this Vietnam action is probably the most expensive war in our history in both lives and materials. Therefore, in view of the very dangerous situation which faces us now, it becomes imperative that all nuclear power reactors and all fuel reprocessing plants that may be considered vulnerable to demolition by conventional weapons, be deactivated at once.

BANNING USE OF 16 PESTICIDES ON DEPARTMENT OF INTERIOR LANDS

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I would like to take this opportunity to congratulate Secretary of the Interior Walter Hickel on his recent move to ban the use of 16 pesticides on Department of Interior lands. It is my sincere hope that the Secretary of Agriculture will follow the fine example set by his Cabinet colleague.

Secretary Hickel's action is precisely the kind of responsiveness which is needed in government today. Not only did the Secretary ban the use of DDT and other pesticides which are threatening the existence of fish and wildlife, and even finding their way into public drinking water supplies, but he has directed the Department of the Interior officials to use nonchemical means of pest control whenever it is feasible. Certainly this is the kind of action which ought to be followed by other agencies of Government.

As beneficial as Secretary Hickel's action was, its effects can only go so far unless it is followed by the Department of Agriculture because it is that Department which registers pesticides which are then allowed for use by other Government agencies, by farmers and by home gardeners.

I strongly urge Secretary of Agriculture Hardin to take the same action which Secretary Hickel has taken, at least as far as DDT is concerned. The evidence indicating that this chemical is a hazard to the environment is overwhelming, and the fact that it is a hazard to the public health and welfare is becoming increasingly clear as well. By banning now the use of DDT, the Secretary of Agriculture would be doing a service to the consumers which his Department is supposed to protect and to the farmers who find with increasing frequency that they are the economic victims when excessive amounts of DDT or other pesticide residues prevent their products from being sold on the market.

Our laws regarding pesticides are so full of loopholes that even officials at the USDA have recently told the Congress that these laws must be tightened. That attitude by the Department of Agriculture is very encouraging, but action by the Congress will not come within the next week or even the next month. The Secretary of Agriculture can act against DDT, and he can do so immediately by suspending the registration of this chemical. It would be to the advantage of everyone if he did so.

LET US FLIP THE LIGHT SWITCH ON THE PUBLIC BUSINESS

(Mr. KAZEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, one of the most common charges leveled by the average citizen against the various Government bodies, is the secrecy surrounding their proceedings and the lack of information describing the nature of their actions.

I am proud to say that in my home State of Texas, our legislature several years ago enacted an open meeting law aimed at curbing the objectionable practice of closed sessions for the transacting of public matters.

Nevertheless, it is nigh an impossible task for the average citizen to be able to attend all of the sessions of the local government entities. Likewise, even the media faces a comparable difficulty in seeking to adequately cover all such activities. Thus, even in reporting the meetings covered, time and space limit their making a detailed and lengthy report.

In this respect, some of my constituents suggest a broad-scale publications law as recommended in a recent editorial published by the Seguin Gazette of Seguin, Tex. I find this a most interesting and novel solution, and I request permission to insert it in the RECORD so that my colleagues may have an opportunity to acquaint themselves with this proposal.

LET'S FLIP THE LIGHT SWITCH!

Managing the public's business in secrecy is as much responsible for the breakdown of confidence in government as the lack of sunshine is for the breakdown of physical health.

Texas laws, unfortunately, are among the most liberal in the U.S. regarding government's activities which are never made known to the public. And the multitude of abuses that have resulted are almost inestimable.

A break in this bleak picture occurred in Texas within the past year with the adoption of the so-called "open meetings" requirement of various government bodies. But this break is only minor, of course, as the public at large would never be able to attend all of the sessions of even their local body governments.

The press itself, in most cases, is unable to adequately cover all meetings of local government.

Which means that the only clear way of re-instilling near complete public confidence in government as well as to protect the public's interest is for Texas to adopt a broadscale publications law.

Every act, in fact every meeting, of our bodies of government should be recorded and immedately published, word for word, for public consumption.

Newspapers going on the stump for such a broadscale publications law are often accused of having only interests in the publishing revenues, a shallow accusation that nevertheless causes other newspapers not to enter the campaign.

But this charge is a ridiculous red herring inserted by lobbyists to oppose such a publications law. They are hired to protect those who profiteer on government secrecy.

It's undoubtedly true that some of the newspaper community are subsidized by political interests believing them to be a key to their successful career in office. But the general newspaper family would gain little from these legal publications.

Most of the principal opponents of a general publications law are fighting to shield clients from the public spotlight.

Only recently, for example, an unsuccessful attempt was made to require that foreclosure notices on a man's home or property be published in a newspaper two weeks before such foreclosures took place.

It has not been a rare thing to see a man's lifetime efforts be gobbled up by foreclosure just because the victim didn't know the foreclosure notice had been "published" on the back door of the courthouse. And this is just one of the evils involved in this matter.

Discerning newspapers and the Texas Press Association itself, which represents some 600 newspapers, brought the matter before a committee of the Texas House of Representatives.

But the silver-tongued oratory of highly paid lobbyists representing dissenting interests won that day by easily capturing the votes of the young Representatives on that committee.

There are some hard battles ahead to install any kind of general publications law at all in our State.

But we don't need any more examples than we've already been shown to demonstrate any more clearly the great and absolute need for such a law.

The public should have the opportunity to read and study the session-by-session, word-by-word actions of its various elected and appointed officials. They might discover some of those officials never do anything. Or that they do too much. Or vote contrary to the wishes of their constituency.

Yes, the public should have the opportunity to know because, after all, the public is paying for government itself. The public deserves the right to know what it's getting for its money.

DR. WAYNE C. GROVER, THIRD ARCHIVIST OF THE UNITED STATES

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, a man who truly believed that the past is prolog and who spent his adult life trying to make the American past better known has left us. I would like to take a few minutes to talk about him and what he did.

The man was Dr. Wayne C. Grover, third Archivist of the United States, who died in his home in Silver Spring, Md., on June 8—struck down by cancer.

Those who knew him will remember him as a short, stocky man with a quiet manner and low voice that accompanied a sharp wit and a ready grin.

He came to Washington from Utah where his ancestors had settled after the great Mormon trek of the early 19th century. Wayne C. Grover had a background as a newspaperman when he arrived in Washington, but he became intensely interested in the records of the past and he gave up newspapering.

He was one of that small band of men who joined the National Archives shortly after it was established in the mid-thirties and began the almost overwhelming task of organizing 150 years of valuable records which had been scattered throughout Government agencies.

If that was not enough of a task, along came the paperwork explosions of the late thirties and of World War II and, as Dr. Grover later wrote, members of the small staff "found themselves giving an increasing amount of their precious time to emergency outpatient service for the records of the present."

Wayne Grover worked hard at his job and he continued his education, earning a master's degree and then a doctorate. In the Army during World War II, he was Chief of the Records Management Branch and was awarded the Legion of Merit for his work. He returned to the National Archives after the war and his abilities and accomplishments led to his appointment as Archivist of the United States in 1948. Dr. Grover held that demanding position longer than both of his predecessors combined, until his retirement in 1965.

The years after World War II were turbulent ones for Federal archivists and records managers. The proliferation of records made it imperative that the Government streamline procedures and keep costs down. The old National Archives establishment became part of the newly created General Services Administration and its responsibilities increased.

Under Wayne Grover, the National Archives and Records Service established a network of Federal records centers throughout the country to provide economical storage and quick service for records still in frequent use. And NARS, as the GSA service became known, had the continuing job of furnishing records management assistance to other Federal activities. The Federal Government saved and continues to save millions of dollars because of those records center and records management programs.

At the same time, as Archivist, Dr. Grover was in charge of the expanding Presidential Library System which administers individual libraries and museums for the papers and artifacts of modern Presidents starting with Herbert Hoover. And as Chairman of the National Historical Publications Commission he played a major role in encouraging the publication of the source materials of American history. He also served as chairman of the administrative committee of the Federal Register.

In the midst of these responsibilities and despite the pulls and tugs on his time, he never failed to give attention to his preeminent duty: seeing to it that the permanently valuable records of the U.S. Government were properly preserved and made available for research.

As a member of the Independent Offices Subcommittee on Appropriations that funds the National Archives, I had the pleasure of knowing, meeting, and listening to Dr. Grover over the past dozen years. His knowledge of his job and his persuasive and pleasing personality were a joy to behold. It can truly be said that no one did more to improve and preserve the records of our national heritage than Dr. Grover. For his dedication to his task and the results he accomplished, the Nation owes him a debt of gratitude.

Dr. Wayne Grover had an active and rewarding life. He is remembered with respect by his colleagues, in and out of government, at home and abroad. He is mourned by a close family including his wife, four daughters and seven grandchildren. I know that all of his family can find comfort in the high esteem and respect in which Dr. Grover was held by all who were privileged to know him.

CARRIER URGED AS DRUG CENTER

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. O'NEILL of Massachusetts. Mr.

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Speaker, there appears in the Boston Herald Traveler today a very interesting article.

The headline says "Carrier Urged as Drug Center."

The article reads, in part, as follows:

> The famed "fighting lady" of World War II, the 27,000-ton aircraft carrier *Yorktown*, now berthed in Boston Navy Yard, would be reconverted into a massive drug rehabilitation center under a proposal now being weighed by the Navy.
>
> It is scheduled to be decommissioned Saturday and sent to the moth ball fleet in Philadelphia.
>
> A plea that the carrier be given this peacetime mission of mercy instead of retirement has been made to the Navy by a Greater Boston group headed by District Attorney George G. Burke of Norfolk County.
>
> District Attorney Burke said the idea of converting the carrier, with its accommodations for about 2,500 persons, originated with naval CPO John McCartney of 13 Saratoga Street, North Quincy, who has been active in the organization of youth groups on the South Shore.
>
> McCartney envisions the Yorktown "fighting the country's new problem—drug abuses—after conquering the old problems so valiantly in World War II and in Korea."
>
> He and others supporting the idea consider the Yorktown's "built-in facilities," such as dormitories, dining and medical quarters as ready made and ideal. He would have the carrier be the scene of not only treatment of drug addiction, but also of rehabilitation of the victims through trade courses. The flight deck would be converted into a "play area."

Mr. Speaker, I had heard of Chief Petty Officer McCartney's proposal a few days ago. He appeared on a Boston television program and made a wonderful case for his proposal. I have had my office check into the best method by which this can be accomplished. I think the idea of Chief Petty Officer McCartney is an excellent one and I am happy to bring it to the attention of my colleagues.

It seems to me that this is a particularly good time to try to make a great ship into a hospital center. President Nixon yesterday vetoed the Hill-Burton Act extension. This bill would have provided much-needed funds for hospital construction. There is a serious crisis in medical care in our Nation and the President has vetoed the bill which would have done a great deal to end that crisis.

Many Members have stated here today that more hospitals are desperately needed. I agree, and I think the President's priorities are wrong.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I shall be glad to yield to the gentleman from South Carolina.

Mr. RIVERS. The reason this ship will be available is because we are laying up over 180 ships this year. Yet, Russia is expanding their fleet. America will soon be a second-class naval power. So it is just as well to use this ship for something such as this because they plan to lay it up, along with other ships that should not be laid up.

Mr. O'NEILL of Massachusetts. It is gratifying that I have the support of the powerful chairman of the Armed Services Committee and I know that the distinguished gentleman will extend every possible aid he can to turn this great ship with its great battle history into a worthwhile project.

The article is as follows:

[From the Boston Herald Traveler, June 23, 1970]

CARRIER URGED AS DRUG CENTER

(By Arthur Stratton)

The famed "Fighting Lady" of World War II, the 27,000-ton aircraft carrier Yorktown, now berthed in Boston Navy Yard, would be reconverted into a massive drug rehabilitation center under a proposal now being weighed by the Navy.

It is scheduled to be decommissioned Saturday and sent to the mothball fleet in Philadelphia.

A plea that the carrier be given this peacetime mission of mercy instead of retirement has been made to the Navy by a Greater Boston group headed by Dist. Atty. George G. Burke of Norfolk County.

President Nixon and Sens. Edward W. Brooke and Edward M. Kennedy, in turn, have passed along the appeal to the Navy Department. A decision is sought in time to keep the Yorktown here after its official deactivation at ceremonies at the South Boston Naval Annex on Saturday.

Dist. Atty. Burke said the idea of converting the carrier, with its accommodations for about 2,500 persons, originated with Navy Chief Petty Officer John McCartney of 13 Saratoga St., North Quincy, who has been active in the organization of youth groups on the South Shore.

McCartney had a similar idea for the decommissioned aircraft carrier Essex last year, but he did not act in time on that occasion. The thought occurred to him as he saw the 41,000-ton flattop being towed out of Boston harbor last October on its way to the Atlantic Reserve Fleet in Philadelphia.

McCartney envisions the Yorktown "fighting the country's new problem—drug abuses—after conquering the old problems so valiantly in World War II and in Korea."

He and others supporting the idea consider the Yorktown's "built-in facilities" such as dormitories, dining and medical quarters as ready made and ideal. He would have the carrier be the scene of not only treatment of drug addiction, but also of rehabilitation of the victims through trade courses. The flight deck would be converted into a "play area."

Dist. Atty. Burke said that one of the big problems in providing treatment for drug addicts and drug addiction has been lack of bed space. He believes a minimum cost would convert the carrier into an adequate facility, and would have it serve a constructive purpose instead of resting in a reserve fleet.

The Yorktown was taken out of mothballs once before. That was May 17, 1951, when she was given modernization for a tour of duty with naval forces off Korea.

The men who served on the Yorktown are proud of her, and they have maintained contact with each other since her fighting days. They plan a big reunion aboard the carrier Friday and Saturday during her last hours.

Her battle history was depicted in the movie "The Fighting Lady" and it warmed the hearts of those who had fought aboard her. But a few years later she was "made up" to look like a Japanese ship for another movie, and the hue and cry from her former crew, and from members of Congress, did not die down for months.

In December, 1968, the Yorktown was the recovery ship for the flight of Apollo 8.

INVOLVEMENT IN SOUTHEAST ASIA

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, since the inception of America's involvement in Southeast Asia, a drumbeat of dissent has been rolling across our Nation. It started as a voice in the wilderness and today it has grown into an ear-piercing crescendo. While I do not agree with all that is being said, nevertheless the right of dissent, the right to express one's concern is what has made this country great.

And yet, in Russia, where the Communist military machine has been grinding out its influence in the Middle East at a rate which any day now could result in a direct confrontation with Israel, hardly a word of complaint is being voiced from any source. Oh, a few brave souls speak up now and then, but their fate is already a predrawn conclusion—banishment to Siberia.

Mr. Speaker, why cannot those who think "communism isn't so bad" understand the difference between a free country and one in which the people are enslaved?

On June 18, 1970, the Christian Science Monitor carried an editorial which I believe most candidly dramatizes the polarized difference regarding dissention in the United States and Russia today. I hereby submit this editorial for the RECORD:

DECISIVE CONTRAST

How often the Pentagon must look towards its Russian counterpart, the Ministry of Defense, and sigh—enviously. For one of the sharpest contrasts in the world is the ease with which the Soviet military machine is now operating outside Russia's borders and the growing criticism and difficulty which surrounds American military activity in Southeast Asia.

As needs no underlining, Moscow has become increasingly involved in the bolstering of Egypt's military defenses. Not only is this a costly venture for the Soviet Union but such defense participation has now reached a point where, at any moment, it could involve Russia in war with Israel. There have even been Russian casualties. Yet not a single word of complaint or opposition about this growing and perilous involvement is heard from any source whatsoever in the Soviet Union.

Contrast this with the crashing drumfire of complaint in the United States over Southeast Asia, with nationwide demonstrations, with moves in Congress to limit American military action. The difference is as day from night.

And that is, of course, exactly what it is—the difference between the daylight of democracy, with its harsh but illuminating light, an the darkness of totalitarianism where no probing brilliance is allowed. Indeed few other comparisons show more starkly the unbridgeable contrast between the rights of free men and the thralldom of the unfree than this difference between the American public's right to protest over Southeast Asia and the Russian public's lack-right to comment on their nation's works in Egypt.

Millions of Americans may not like what the nation is now doing in Southeast Asia (indeed, millions of Americans abhor it). But how infinitely better it is to be able to express that opposition openly and to make that opposition felt. And indeed it is felt. It was felt by President Johnson in 1968. It is equally felt by President Nixon as he pursues his systematic withdrawal of American

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forces from Vietnam. It is felt in the United States Senate's consideration of a proposal to curb the President's power to use military might in Cambodia.

While, outwardly, the Soviet's ability to operate in Egypt as it does, without the slightest regard to public opinion, may seem to confer strength and maneuverability, actually, in the long run it is a fatal weakness. For what is needed is not the military's ability to act as it wills but the public's ability to rule a nation's acts.

PERU EARTHQUAKE TRAGEDY

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. FASCELL. Mr. Speaker, during the past 3 weeks, the people of Peru, with the assistance from friends abroad, have been engaged in a monumental task of mending the damage caused by a severe earthquake which shattered a large part of that country.

Although the situation is still too chaotic to provide any firm statistics, it appears that the disaster area covered some 83,000 square kilometers, equivalent to the size of Belgium, Netherlands, and part of Denmark. The area affected by the earthquake has a population of about 700,000 people of whom 300,000 were left homeless. The number of people who died or were injured by the earthquake is estimated to run as high as 50,000.

The Peruvian nation has responded with great determination and energy to this awesome tragedy. Peru's many friends abroad have also extended a helping hand.

The U.S. Government has taken a number of steps to assist in alleviating the suffering caused by the earthquake. Many private groups and organizations throughout our country also responded to this challenge.

In the thought that it will prove of interest to the Members of the House, I wish to place in the Record a report on the status of U.S. assistance to the victims of the earthquake in Peru, prepared by Mr. Stephen R. Tripp, Disaster Relief Coordinator, Department of State/Agency for International Development, on June 15, 1970.

I also want to take this opportunity to express my deepest sympathy to the people of Peru and to commend the many individuals, groups, and private organizations in the United States which have given generously of their time and resources to help the victims of the earthquake. Their humanitarian actions are an inspiration to all of us.

The report follows:

Peru Earthquake Report

The spontaneous response of the American people to the needs of the earthquake victims through the US Government and the private sector has continued to grow daily in volume. Disaster supplies and medical attention are reaching the disaster areas. A recent message from the American Embassy indicates that the emergency phase of the disaster may soon stabilize. Long range recovery and rehabilitation needs are many and great. Years may pass before the destruction caused is repaired and reconstruction completed. President Nixon stated that the USG offer of assistance to the Peruvian Government over and above emergency relief includes $7.4 million for rehabilitation.

The "USS Guam" which was diverted from the Caribbean arrived at Chimbote, Peru, on June 11. The diversion was requested by the Department of State approved by DOD and arrangements made with DOD for its diversion by AID, which is financing cost of the ship's relief activities. On board were placed additional medical teams, one 60-bed "clearing" hospital, transportable to base location by helicopters. It also carried with it for rescue and relief operations 15 helicopters (11 large "Chinook" type and 4 smaller "Hueys"). Large tents and other relief supplies from the AID/US SOUTHCOM Panama stockpile were also on loaded. While at Panama added communications facilities were set up for the ship. Estimated cost to AID for this operation was placed at $700,000. On June 12, 13, 14, the "birds" from the "Quam" carried out mercy missions and strategic placement of medical teams in Callejon de Huaylas area. Teams were located at 26 population centers by June 13. Injured people were brought back to the ship or to Peruvian hospitals for emergency treatment. Communications teams were placed in the valley to facilitate the flights and establish contact with the coordination center and the USS Guam.

Because AID/DRC has not had the time to get out disaster memos on events and relief activities as they occurred, we will try to recap the available information in this disaster memo.

THE SITUATION

The situation is still too chaotic to provide any firm statistics on number of deaths, injuries. The disaster covered an area 83,000 square kilometers, equivalent to the size of Belgium, Netherlands and part of Denmark. The area affected had a population of about 700,000 including both coastal and mountain areas and it is estimated that 300,000 people were left homeless.

PROBLEMS ENCOUNTERED

The American Embassy, Lima, has outlined in graphic form the heroic efforts of the Peruvian authorities and people to take care of their own disaster victims. They were confronted by unprecedented and unsolvable transportation and communications problems. Peruvian government and private authorities initiated immediate action to rescue people and relieve suffering and to evacuate survivors. The tremendous mountains turned back all efforts to reach the Callejon de Huaylas. After the earthquake had moved an entire mountain, impenetrable dust mixed with mist and clouds prevented helicopters and airplanes from landing in the valley. Even though helicopters and C–130, C–123 and C–118 aircraft had been provided by the U.S., they could not land. As soon as the area was visible, airdrops were made. Some smaller Peruvian planes landed at places where parts of airfields or clearings existed. As soon as visibility came, U.S. and Peruvian helicopters flew in emergency supplies. To get to the Callejon de Huaylas they had to go up over 14,000 feet to clear the mountains and carry enough fuel for a 200-mile round trip. Road clearing operations into the valley were delayed and frustrated by unstable slopes and slides—opening the road one day only to have it closed the next. Extreme efforts were made to get into the valley. From air drops of materiel, landing strips were improved until more and larger planes could land. Radio communications equipment were dropped to make set ups for the planes and helicopters. The first rescue missions found that the valley roads were destroyed so trucks and wagons could not go between villages. The water from the broken dams mixed with the sliding earth, sent down floods of mud that actually buried whole villages. Along the Coast, north and south of Chimbote, emergency aid was sent by ship and rapid relief could reach the destroyed towns and people. The coastal roads were opened within a week and temporary repairs had some traffic moving.

USG INITIAL RESPONSE

By June 1, a few hours after the earthquake, American Ambassador Taylor G. Belcher, had extended sympathy in the name of the people of the USA and offered U.S. assistance. He immediately turned over one million soles ($24,000) to the Junta de Assistencia National (JAN) for local action. He requested assistance from AID/DRC in Washington. By midnight, June 1, items from the AID/USSOUTHCOM disaster reserve stocks and the Disaster Assistance and Survey Team (DAST) were being readied for departure from Howard Air Force Base, starting around 6 AM the morning of June 2.

USG PERSONNEL

American Embassy, USAID, USIS, U.S. Military, Peace Corps and other USG personnel in Peru have been working on relief operations to the point of exhaustion and illness. From June 1 onward, the American Embassy established special communications to assist Peruvian authorities in coordinating rescue and relief efforts.

George Beauchamp of AID/DRC staff/Washington arrived in Lima on June 2 to assist in the coordination work of the Embassy, while Carson Crocker, consultant for AID/DRC, arrived in Peru to work directly in the disaster area on Saturday, June 6. State/AID personnel in Washington assigned to work with AID/DRC have also been working on an around-the-clock basis. Stephen R. Tripp, Disaster Relief Coordinator appeared today on Channel 5 Panorama program to report on the assistance being given to Peru earthquake victims by the American people. Three medical teams (about 50 persons each) from the USS "Guam" are in the disaster area. Dr. David Sencer and Dr. Robert L. Price and Mr. Leonard Board from the US Public Health Service, CDCC Atlanta, Georgia, and Dr. Charles Williams of Pan American Health Organization, arrived in Peru to assist Peruvian Health authorities on Public Health matters. The U.S. Geological Survey sent a team of three geologists and engineers to make a study of geologic effects of the earthquake and related phenomena and to identify and make recommendations concerning immediate dangers from possible geologic factors.

Back in 1967 when the civilian type disaster supplies were first stockpiled in Panama under a joint AID/DOD arrangement action was also taken by the USSOUTHCOM to set up a Disaster Assistance and Survey Team (DAST) that could respond and go immediately to any disaster occurring in Latin America to provide an effective relief action. This team consists of US Military personnel on duty in Panama and includes all the basic skills needed to assist in restoring communication breakdowns and to provide medical, sanitary, laboratory, engineering, maintenance, supply and administration expertise. This DAST team consisting of 24 persons was mobilized the night of June 1 and left Panama for Lima on military aircraft the morning of June 2. By June 11 there were 135 military personnel assisting on direct disaster relief operations in Peru.

AIRCRAFT SUPPLIED BY U.S. MILITARY

C–130 Hercules Cargo Aircraft carried 2 CH–1(HUEY) helicopters.
2 C–130 with supplies and personnel.
1 C–123.
1 C–118.
1 C–141 with fuel and supplies (10 tons).
2 C–133.

2 Huey helicopters.
11 HGO helicopters (Chinook type).
2 CH-HF large Chinook helicopters.

(NOTE.—Two of the above U.S. Army helicopters (one CH-47 Chinook and one UH-1) crashed with no deaths and two serious injuries. Also one Peruvian helicopter crashed with one Peruvian and 4 Argentine relief personnel on board killed. It has just been reported that a third U.S. helicopter crashed.)

COMMERCIAL CHARTER FLIGHTS

10 charter airlifts by Braniff and PanAm plus arrangements for the eleventh airlift by TWA have brought 990,000 pounds of tents, cots, blankets, and other disaster supplies from the United States. Cost of this transportation is $245,000. All of the arrangements for these charter flights were made by D. S. Paulsen of AID Resources Transportation Division working with AID/DRC.

DISASTER SUPPLIES

USG supplies airlifted or carried by USS Guam from AID Panama Reserve and U.S. Military stock, airlifted from the United States or on order or enroute:

7,149 tents, 43,250 blankets, 3,740 cots, 2,200 sleeping bags, 3,000 plastic knife, fork, spoon sets, 100 army type cooking outfits, including pots and pans, 2,325 flashlights, 12 water purification units, 200 parachutes to make airdrop of supplies, 40 rain jackets, 600 entrenching tools, 1,000 serving trays, 500 5-gallon water cans, 100 to 120 5-gallon gas cans for stoves, 1 million doses of anti-typhoid vaccine, 500,000 water purification tablets, 2 packaged disaster hospitals.

Estimated cost of USG disaster supplies, diversions of USS Guam, use of U.S. military helicopters, commercial and U.S. military airlift, travel, per diem and expenses of USG medical, scientific and disaster teams, $2,000,000.

U.S. GOVERNMENT PUBLIC LAW 480, TITLE II FOOD COMMODITIES

Diverted from ongoing shipments of Catholic Relief Services as they were leaving the gulf ports. Expected arrival Peru June 13 and 15: 200,000 pounds nonfat dry milk, 150,000 lbs cooking oil, 80,000 lbs bulgur wheat, 100,000 lbs wheat flour. Estimated market value above commodities, $81,400.

Additional foodstuffs to assist the earthquake victims in the months ahead are under consideration.

We do not have complete reports of assistance by U.S. Voluntary agencies and private US donations but can report the following to date: (most of these items are in Peru or are en route.)

AMERICAN NATIONAL RED CROSS

Cash, $25,000; 1700 blankets, $5,525; blood transfusion equipment, 1136 containers for blood and 2,300 serum transfusers and 384 containers for plasma, $3,800; 8 Red Cross team members, $12,000; 5,000 cans baby food, 62,500 lbs, $11,408; 50,000 comfort sets, valued at $150,000; Freeze Dried foods, $123,000; total, $330,733.

CARE

Cash for local purchase of 11 tons of galvanized, corrugated sheeting which victims can use for emergency cover and later for use in rebuilding houses, and for 228 hammers, 330 picks and 171 saws, $5,000.

Supplies already shipped from US: 5,315 blankets, $16,050; 999 cartons black bean soup, $2,997; 488 cartons multivitamins, $22,800; total, $41,847.

Supplies ready for shipment: 10,520 cartons mutivitamins, $483,920; 680 cartons Protein Space Sticks, $57,644; total, $541,564. Grand total $588,411.

CHURCH WORLD SERVICE

111,500 lbs clothing, $111,500; Medicines, needles; 1,500,000 water purification tablets, $1,500; 110 tents, $9,724; 50,000 doses antibiotics; 7,000 blankets, $50,250; total, $172,974.

LUTHERAN WORLD RELIEF THROUGH CWS

Cash donation, $3,000.

CATHOLIC RELIEF SERVICES

Antibiotics, medical supplies, 120 tons of clothing, 22,000 blankets, bed sheets, food, other supplies, valued at over $900,000.

PROJECT HOPE

15,000 lbs pharmaceuticals, 1,000 lbs of penicillin, 500 lbs serum (tetanus, typhoid, typhus), 1,000 lbs ointment, 20-man team, $100,000.

SEVENTH-DAY ADVENTIST WELFARE SERVICE

300 tents, $22,500; 2,000 blankets, $7,000; 500 bales (125 lbs each) clothing, $60,000; total $89,500.

SALVATION ARMY

5 tons clothing plus tools, picks, and blankets, valued at $140,000.

WORLD VISION

4,500 hygiene and sewing kits, estimated value, $5,000.

DIRECT RELIEF FOUNDATION

30,000 lbs of medical supplies. Another shipment is being readied for departure this week, $275,000.

TEXAS PARTNERS

Reported ready to send medicines, medical supplies, electric generators, hospital beds and springs and a medical team. (312 small electric generators delivered by Braniff Int'l space available).

No value reported.

PRIVATE DONATIONS

This office has received many calls by individuals and organizations on donations of supplies, clothing and money. These have been referred to the Peruvian authorities and to some of above registered voluntary agencies who are able to accept and make deliveries on such donations. Quantities and value of these donations are not available.

BRANIFF AND PAN AM

While both these airlines have made charter airlifts of supplies to Peru which are being paid by the USG, they have also contributed free airlift for some of the supplies donated by U.S. voluntary agencies. As yet we do not know how many pounds of free airlift were delivered or the value.

Total value to date by U.S. voluntary agencies, $2,604,318.

INTERNATIONAL ORGANIZATIONS

Pan American Health Organization—40,000 doses of tetanus toxoid serium and 50,000 vials penicillin (1,000,000 units/vial), no value reported.

BOLIVIA

500 blankets.
400 vials serum.
100 blood transfusion sets.
Typhoid vaccine.
5 physicians.

BRAZIL

2 Hercules Aircraft.
2 helicopters with crew.

CANADA

5 Caribou Aircraft.
1 C-130 with 2 support Caribou aircraft.
$25,000 cash.

CHILE

10,000 blankets.
30,000 pieces of clothing.
250 family packages (included blankets, clothing, canned foods, aspirins).
60 bed hospital.
6 trained first aides in mobile units.

ECUADOR

1 plane load of assistance.

JAMAICA (AVAILABLE)

Frozen food.
Clothing.
Medical supplies: Sent 1 PHS MD, 1 surgeon, 1 pharmacil, 1 PH nurse, 2 clinical nurses, 1 technician. Sent with aspirin, bandages, etc.

SWITZERLAND

$100,000.00.

BELGIUM

5 million Belgian francs.

HOLLAND

720,000 guilders.
277,000 guilders worth in food and medicine.
170,000 guilders Peace Corps.
170,000 guilders to Peruvian Government.

ARGENTINA

2 plane loads of tents, food and clothing.
1 hospital plane.
33 specialists.

MEXICO

6 tons clothing.

NEW ZEALAND

4 Prefab housing units.

USSR

1,000 blankets.
50 tents.
Clothing, cloth, medicine.

VENEZUELA

30,000 doses anti-typhoid.
25,000 doses tetanus vaccine.

RESPONSE TO LICROSS APPEAL

BRITISH RED CROSS

25,000 British Pounds sent to Am Cross to purchase tents and other supplies.

CHINESE RED CROSS (PEKING)

$600,000.00 (U.S.).

PANAMA RED CROSS

3 boxes blankets.
31 boxes clothing.
70,500 lbs rice.
16 boxes food for children.
16 bundles diverse medicine.
1 box tetanus serum.

TEXTILE CENTER OF THE WORLD

(Mr. MANN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, I am sure by now that all Members of this distinguished body are aware that I represent the textile center of the world—the Fourth District of the State of South Carolina. I rise to share some further thoughts with my colleagues concerning the problem of the textile industry throughout America.

Today my great concern is that the Japanese may be about to make an "end run" around meaningful import limitations and that it may be assisted in its game by the Nixon administration.

The Mills bill, H.R. 16920, has attracted the attention of the Japanese. Like the mule which needed the attention-getting attributes of a firmly applied two-by-four, the Japanese needed the matter "explained" to them by the determined gentleman from Arkansas (Mr. MILLS) and by the more than 250 Congressmen who cosponsored his bill. Secretary of Commerce Stans had been trying to get the attention of the Japanese for 16 months and had failed. I had tried to get their attention and had failed. I visited Japan last year, in August. I talked with

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some of her textile leaders and Government officials about the import problem.

What impressed me most about the Japanese was their uncanny ability to evaluate the political situation in the United States. They indicated that they did not believe the United States would place any limitations upon them last year. They were correct. Now, again this year they have correctly assessed the mood of the American people and this Congress. They know that the American public supports swift and effective action by Congress. So the previously recalcitrant Japanese have now agreed to negotiate and to make "concessions," because they realize that their bluff has run out—their "jig is up"—unless they can save it by getting the best end of the deal at the bargaining table.

The Japanese realize that the Mills bill will afford meaningful relief to the American textile industry—they fear its passage—they think they can get a better deal from the administration. I would like to point out that the Mills bill is not punitive legislation. It is a "live and let live" bill. It would fix import quotas on quantitative import levels based on average imports during the years of 1967 and 1968. The bill includes a provision for the importing countries to participate in increases in domestic U.S. consumption on a straight proportionate basis. Mr. Speaker, it is a fair bill, and it represents a fair solution to the dilemma which confronts our textile economy, and our Nation's economy.

Much argument has and will be heard that forced legislative import quotas will damage the political and economic relations between the United States and other countries. The Mills bill provides for voluntary agreements by negotiation. Any country that wants to be fair about the matter may negotiate voluntary agreements with the United States, and then no involuntary quota would be imposed. A country that does not choose to be fair, a country that insists upon serving its own interests while disrupting jobs, investments, and markets in this country certainly has no right to complain that involuntary quotas are unfair—economic and political relations between it and the United States would already have been damaged—by that country's own independent action.

Mr. Speaker, I urge President Nixon and his representatives not be duped by the sudden desire of the Japanese to negotiate. I am not suggesting that we refuse to negotiate, but I am strongly suggesting that the administration beware of settling for half-way measures that will not solve the critical problem of the textile industry. Half-way measures may scuttle our current legislative efforts, and a great disservice will have been done to the American people.

Our domestic textile industry needs and deserves the full support of both the administration and the Congress. Halfhearted action, inaction, and further delays will do irreparable damage. I ask the administration to carefully assess its position and its actions, and I urge that nothing short of the criteria established by the Mills bill should be acceptable.

DICKEY-LINCOLN PROJECT

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I submit for the RECORD an article by Mr. Crosby S. Noyes which was published in the June 20 edition of the Washington Star.

Mr. Noyes feels strongly that the Dickey-Lincoln School hydroelectric power project should be supported, funded and completed. So do I.

On Wednesday, June 24, when the House takes up the Public Works Appropriations bill, our colleague, BILL HATHAWAY of Maine, will move to include $807,000 for the Dickey project.

His motion will provide an opportunity for us to take positive action to reduce high electric power rates in the Northeastern United States, to reduce the incidence of voltage reductions and brownouts, and to provide a measure of protection against the possibility of blackouts.

I urge my colleagues to support the Dickey project on Wednesday. The comments of Mr. Noyes, which follow, should encourage such action:

APATHY ON MAINE POWER PROJECT NEARS SCANDAL

(By Crosby S. Noyes)

You might suppose that at a time when the nation is facing an acute shortage of electric power everywhere, Congress would show something more than massive indifference to the problem.

And you might be wrong. A vote that will be coming up in the House on Tuesday may well reflect an almost abysmal lack of concern over the electric power crisis. Or rather, it may reflect a subservience to the private power interests that is little short of scandalous.

The vote, in all probability, will attract precious little attention. Who ever even heard of the Dickey-Lincoln School hydro-electric power project anyway? And who will give much of a hoot if the piddling sum of $807,000 to get the project off the ground is voted down again, as it has been with regularity since Dickey-Lincoln was authorized over four years ago?

The answer is that most of the people who live in the northeastern part of the United States should care very much. And it is in terms of their interests that the indifference of the Congress is so hard to explain.

A word of background here is in order.

The Dickey-Lincoln project, planned for the St. John River in northern Maine, is no penny-ante proposition. The original plan, authorized by Congress over bitter opposition from the private power companies, called for expenditures of about $245 million over a six-year period. The cost, if construction were started this year, would undoubtedly be higher.

As a federal power project comparable to the Tennessee Valley Authority or the Hoover Dam, it is by no means a local issue. It would provide an important power reserve for all of New England, which now faces the most critical power shortage in the nation. The 1965 power failure which blacked out a 30,000-square-mile area as far south as New York City resulted from a breakdown of the existing power resources. Another more serious failure could occur at any time.

The cost of electric power in New England, furthermore, is outrageous. Many customers pay almost 35 percent more than the national average; industrial users over 60 percent more, with an inevitable flight of industry from the region. The Dickey-Lincoln project, it is estimated by its supporters, would save consumers more than $9 million a year.

Finally, at a time when evironmental pollution problems are becoming a national issue, the advantages of developing the nation's hydroelectric resources would seem to be only too obvious. As compared with coal or oil-burning plants—or even atomic facilities—water-produced electricity is by far the cleanest source of power that exists.

In view of the foregoing and many other highly cogent arguments advanced by such supporters of the project as Maine Congressman William D. Hathaway, the apathy in Congress over Dickey-Lincoln is curious. Not surprisingly, the Maine delegations in both the House and Senate are solidly in favor. But among New England members of the House, only nine of the 16 Democrats support the project, and only one of nine Republicans.

On the other hand, there is nothing at all mysterious about the relentless opposition of the various private power companies who presently enjoy a monopoly in New England. So far as they are concerned, any introduction of public power into the area is pure anathema. And they are able to back their self-serving convictions with an impressive display of arm-twisting on Capitol Hill.

The private companies contend that they can provide enough additional power to meet the need at a lower initial cost and sell it at a price comparable to that projected for Dickey-Lincoln. They are, however, doing nothing of the sort today. And their record of concern for the public interest has not been such as to inspire much confidence for the future.

And what of the politicians?

On Tuesday, when the issue comes to a vote, it may seem to many members of the House that they have little to lose by voting down a project with a ridiculous name planned for the wilds of northern Maine. In November, particularly if there are more disastrous power failures this summer, things may look different. Who knows? It's possible that Dickey-Lincoln could become a household word yet.

COMPLIMENTS TO RECORD CLERKS

(Mr. RANDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANDALL. Mr. Speaker, yesterday I made a request similar to the one just made in the well. I asked consent for two insertions in the body of the RECORD and for some space in the Extension of Remarks section. Then I proceeded to prepare some material for entry in the RECORD. For some reason none of my comments could be found in today's RECORD.

Rather than being critical of the mistake or omission of anyone connected with the staff or our RECORD clerks here, I think such a rare failure should become an occasion to commend and compliment these RECORD clerks who admitted their mistake. In my 12 years here so far as I can recall this is the first time such a mistake has ever happened.

My comments were not of such great importance they could be hurt by 1 day's delay. As we make request again for the same insertions as yesterday, I am delighted to call attention to the long record of good work by the RECORD clerks—one mistake in 12 years is not too bad.

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DR. LEWIS M. ROUSSELOT

(Mr. HALL asked and was given permission to address the House for 1 minute.)

Mr. HALL. Mr. Speaker, it gives me personal pride to announce to the House that the President has today sent to that other body of the Congress the nomination of Dr. Lewis M. Rousselot to be the new Assistant Secretary of Defense for health and environmental matters.

Mr. Speaker, this is an important new position brought about by the action of this body on recommendation of the Committee on Armed Services, re-establishing this position as one of the seven assistant secretariats in order to amplify and emphasize the need of continuing quality health care of all of our service personnel.

Dr. Rousselot is eminently qualified and has been serving as Assistant to the Personnel Officer for the Secretary of Defense and in Installation and Logistics for sometime. To be the first reconstituted Assistant Secretary for Health with the additional duties of ecological environmental matters as they affect the Department of Defense is certainly a feather in his cap, and as a worthy successor to Dr. Frank Barry, who was in this same position before it was downgraded in the last several years, is erstwhile and well deserved. Dr. Rousselot has shown a great ability to coordinate the staff functions of the three Surgeons General in this position. I predict that this gentleman who comes from Columbia University and Presbyterian Hospital in New York and was an able successor to doctors such as the great Surgeon Whipple, having also served in his inimical operations on the pancreas, will assure quality care for all of the members whether they are sick and wounded or whether they are nonbattle casualties or accidents of the armed services.

I commend the President for this action and I bespeak a hope for early confirmation by the other body.

THE MILLS BILL

(Mr. JONAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONAS. Mr. Speaker, for 16 months now our Government has diligently attempted to negotiate an agreement with Japan to establish reasonable restraints on the future growth of textile imports into the United States. It was not until recently that the Japanese showed any disposition to negotiate. A high level Japanese mission is in Washington today and has been discussing this subject with Secretary of Commerce Stans.

But in the meantime Mr. Speaker, many Members of Congress, aware of the disaster that faces the U.S. textile industry if the flood of imports of foreign produced textile products continues, became disillusioned with the unwillingness of the Japanese to negotiate in a meaningful way, and determined that if this industry is to be saved it will have to be through legislation.

As a result of this determination, Representative Wilbur Mills on April 13, 1970, introduced a bill which is designed to control the growth of future textile imports. He was immediately joined by 55 Members who introduced the same bill. Subsequently other Members introduced similar legislation and today more than 250 Members have cosponsored this legislation, including 14 members of the Ways and Means Committee. This is a clear majority of the House membership and indicates the widespread concern around the country with this growing threat to the welfare of one of the most important industries of the country.

Contrary to what is claimed by some who oppose this legislation, the Mills bill is not a protectionist measure but is designed to encourage negotiated agreements. It imposes import limitations only on those foreign producing nations which do not enter into agreements with the United States, and it provides that agreements negotiated before and after the bill is passed will be honored. Only those countries which refuse to negotiate agreements will be subject to specific limitations on their shipments to the United States of textiles, apparel, and footwear.

Mr. Speaker, this is a reasonable approach to a very serious and growing problem. Those of us who sponsor this legislation do not advocate building a high tariff wall around the United States. On the contrary, we believe in reciprocal trade and would much prefer to see reasonable import restrictions imposed by negotiation than by legislation. But I think we have gone too far to turn around now, and rise today to suggest that it is time now to proceed with the legislation which has such wide support in Congress. To do this would not jeopardize the negotiations now underway because, as previously stated, any agreements that may be negotiated before or after the bill is passed will be honored. The passage of the legislation, therefore, should not preclude the working out of a negotiated agreement if the Japanese are really interested in negotiating one.

LEGISLATION TO PROVIDE LOW COST MEALS FOR ELDERLY PERSONS IN A SOCIAL SETTING

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, I am concerned about the problem of proper nutrition among our older citizens. Too many elderly people cannot afford to eat adequately, elderly men living alone often do not know how to prepare meals providing a balanced diet, and many older persons just do not have the incentive to prepare a meal and eat it alone.

The legislation which is being introduced today would establish a nationwide program providing nutritious low cost meals in places convenient to older persons and where they could eat together, such as community centers, senior citizens centers, schools, and centers run by private nonprofit organizations.

The elderly need proper nutrition; they need social contacts. This program will give them some help in both areas.

For many of our citizens old age becomes a time of poverty and increasing isolation. But older persons endure their problems in silence. The strident demands of other groups in America receive wide-spread attention. The needs of the elderly too often go unheeded. Demands less urgent, but better publicized, are listened to. I want to see action on some effective programs for our senior citizens.

This bill implements the recommendation of the White House Conference on Food, Nutrition, and Health that the Federal Government provide nutritional meals for the elderly and preferably in a situation where they can meet and can eat together.

Demonstration projects involving a comprehensive nutrition program in a social setting have already been conducted with great success during a 3-year period by the Administration on Aging under title IV of the Older Americans Act. Thus, the value and feasibility of this type of program has already been proven.

In my own State of Rhode Island we have had some experience in providing meals for older persons in a social setting. While these programs have been very limited, they have given a promising indication of what could be done if this legislation were enacted.

The centers offering this nutrition program would provide at least one hot meal per day, 5 or more days a week. The program would be financed by Federal grants with matching State and local funds. It would be money well-spent.

HEALTH FACILITIES AND PRIORITIES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I am certain that my colleagues share my surprise at the President's action to veto the Medical Facilities Construction and Modernization Amendments.

As a matter of fact, I am certain that the members of the President's own party, who not 2 weeks ago voted unanimously for this bill, are even more surprised by the veto than I am.

This bill passed the House 377 to 0 on June 10. Now you would think that if the administration aimed to veto the bill, the minority would have at least raised some small hint about their concern. Perhaps they did not know his position. This seems impossible, for the bill had long consideration before this Congress—better than a year in fact. Moreover, they have breakfast at the White House every week. And the administration has a platoon of men to watch legislation as it moves through Congress, and those men are supposed to know the administrations views and convey those views to the minority leadership, if to no one else.

It is inconceivable to me that in this town it was impossible for the minority leadership to know its own President's position literally from one day to the

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next. After all, there are telephones hanging from every desk in Washington, and from many a lamppost as well. And even if they should happen to be in cars, administration spokesmen can use their handy radiotelephones, and their lobbyists are wired for sound as well. If all these modern instruments of communication should fail, HEW is after all within hailing distance of the Capitol. And if everyone down there had laryngitis, they still could communicate with us, by semaphore if necessary.

But no, we heard only the sounds of traffic, and early in the mornings, the songs of birds—nothing about this bill. So we voted, Republicans and Democrats alike, with not a dissent, to approve H.R. 11102 on June 10. Today it lies vetoed.

How is the House to gage the administration position, when there are signs nowhere, and when its own leadership is left in the lurch?

Perhaps the branches are too separate these days. Perhaps the administration is separate from its own departments so much that there is no sure way of knowing from one day to the next what will be acceptable and what will not.

Aside from all that, however, we are left to wonder just what are our national priorities.

Here we have a $6 billion backlog in requirements for hospital beds and modernization, not to mention enormous requirements for other facilities. And here we have—or had—a bill that would have met about half that need. Now we are told that this is inflationary.

If it is inflationary just to authorize money, it must really be fantastic to spend it.

Besides, the Nation heard a year ago that inflation was coming under control. We heard about how price increases were slackening, and how policies were working. But today, of course, the prices are going up faster than ever, business is off, unemployment is up, and interest rates are higher than ever. And we have just witnessed the biggest stock market slide in history, and the biggest commercial bankruptcy in history. The anti-inflation policies are working, all right.

Congress was told by the President that the Nation is in the midst of a health care crisis. We took action to meet that crisis—and now we are told that our action is inflationary.

The administration asked for about one-tenth the amount actually needed for hospital construction in the coming fiscal year—but then wanted to commit four times that much to bail railroads out of trouble.

Where are our priorities?

Is it inflationary to care for the sick people, but not inflationary to rescue sick railroads?

Is there a medical care crisis, or is there not?

We are told that hospitals ought to go out and borrow money to build their facilities. But interest rates have never been higher than they are now and as far as I know, money has never been so scarce as it is now for long-term loans. If a $7 billion railroad empire cannot borrow a thin dime, where do nonprofit hospitals have a chance to find mortgage money?

Mr. Speaker, we used to hear about those fuzzy minded liberals. But the fuzzy minds seem to me to be downtown, if this performance is any indication of how national priorities are to be ordered, and how even the minority leadership itself has no idea whatever of what its own administration will or will not accept.

THE IMPENDING CRISIS IN MEDICAL CARE

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, the President's announcement yesterday of his veto of the Hill-Burton Hospital Construction Act is further evidence of the low priority the current administration places on meeting the urgent health needs of the American people. I earnestly hope that the House of Representatives will vote to override this shortsighted veto.

At the commencement exercises of the Holy Cross School of Nursing in South Bend, Ind., on Sunday, June 14, I delivered an address on the alarming situation of the medical care system in this country. It is clear to me that we are facing a national crisis in the provision of medical care to our citizens. At this point in the RECORD I would like to insert the remarks I made to the graduating class of the Holy Cross School of Nursing:

HEALTH AND MEDICAL CARE: AN IMPENDING NATIONAL CRISIS

I am honored to have this opportunity to speak to you at the eighteenth commencement exercises of the Holy Cross School of Nursing.

Because I had the good fortune to teach at Saint Mary's College before becoming a Member of Congress, I feel a close sense of kinship with the Sisters of the Holy Cross and a deep sense of admiration for their work both at this college and at the Holy Cross School of Nursing and Saint Joseph's Hospital.

Today's events symbolize your formal entry into the body of professional men and women whose purpose, and whose formidable challenge, is to provide high quality medical care to the people of America. You are following and replacing a generation of capable professionals who can take great pride in the impressive advances of medical research and practice during their careers.

By your choice of education and vocation, you have shown yourselves eager to become engaged in one of the crucial tasks facing us as a nation—that of making good on the commitment we have accepted to provide every American, as a birthright rather than a luxury, the joy of, and opportunity for, the best level of health, that modern medical science can achieve.

CRISIS IN MEDICAL CARE

I do not need to emphasize before this audience the severity of the crisis in medical care today. You are as familiar as I am with problems like these:

15 other nations have lower infant mortality rates than the United States, and 15 have longer average life expectancies.

22 million American citizens are limited in their physical activity by such afflictions as heart disease, arthritis, and rheumatism.

Even among our children, between 20 and 40 per cent suffer from such chronic health problems as impaired vision, speech impediment, poor hearing, mental retardation and emotional disturbance.

Perhaps most critically, there is a shortage of 50,000 medical doctors in this country, and this shortage is growing worse every year. We need 141,000 more nurses, and 18,000 dentists right now!

The costs of medical care are rising faster than any other item in the family's budget and leading the inflationary tide. While the cost of living has risen 25% in the last ten years, hospital daily service charges have shot up 150% and physicians services 50%

Our medical schools currently graduate about 9,000 future physicians each year, but we import an equal number of doctors from overseas. One-half the residencies and internships in our nation's hospitals are now filled by foreign-born doctors. Since 1962, approximately 72,000 foreign physicians have come to work in this country, many if not most of them from those very nations which we have been trying to assist to meet their own desperate demands, like the Philippines, South Korea, Thailand, and countries of the Near East and South America.

I could use all of my time this afternoon reciting this common litany of indictments of our shortcomings as a nation in meeting these urgent pressures on our system of providing health care.

As your Representative in Congress, I wish I could tell you today that the American people, and their Government, had firmly declared their willingness to join you in meeting this challenge.

SOME AREAS OF PROGRESS

And there are areas in which we have made significant progress:

The list of health legislation that Congress has passed in the last 5 years is a long and impressive one. I cite to you:

The Medicare Act of 1965, with its allied Medicaid program designed to bring medical care within reach of the poor.

The Partnership for Health Act of 1966, to encourage better use of our health resources through comprehensive health planning.

The Health Service Act of 1968, extending the regional medical programs designed to make more available the advances of medical science against heart disease, cancer, and stroke.

The Mental Health and Mental Retardation Amendments of 1967, authorizing expansion of research and treatment facilities with strong roots in local communities.

The Health Manpower Act of 1968, to increase the critically short supply of doctors, nurses, and medical technicians.

And just this past week, by unanimous vote, the House of Representatives voted to extend for three years the Hill-Burton program of grants for hospital construction, adding new forms of Federal assistance in the form of guaranteed loans with interest subsidies, and placing new emphasis on modernization of hospital emergency rooms.

GREATER COMMITMENT NEEDED

But as a Congressman who worked for and supported every one of these programs, I feel no sense of satisfaction that we have yet made the progress in meeting the health crisis we must make if we are to call ourselves a truly humane and civilized society.

Let me quote to you a statement President Nixon made on July 10, 1969, on the occasion of a report to him on the state of the nation's health from HEW Secretary Finch: "I will say first that I realized when the Administration came in, in January, that we had major problems with regard to health care, that the problem was one of not enough doctors, the quality of the doctors, enough hospital beds to take care of the massively increasing demands in this field. We face a massive crisis in this area and unless action is taken, both administratively and legislatively, to meet that crisis within the next two or three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout this country."

I agreed with that alarming assessment by the President a year ago, and I welcomed the commitment to strong executive leadership in the health field that it implied.

But I must say to you that in the past year, constructive progress in the health field has come to a complete halt. We are today closer to the breakdown the President predicted than we were when he made the prediction. Let me recite some of the hard facts that compel me to this conclusion:

LOW BUDGETARY PRIORITY

First, along with the other programs of the Department of Health, Education, and Welfare, our critically important health programs are suffering from the low budgetary priority assigned to them by the present administration.

Let me refer, for example, to the Health Manpower Act, which authorizes Federal expenditure of $57 million in loans to medical students, nurses, and others training in the health professions. In its pending budget request, however, the Administration has asked Congress to appropriate little more than one-third of that amount, $21.6 million. In what the American Medical Association News terms an "austerity health budget," the Administration has requested only about half the authorized amount of $225 million for construction of medical school facilities. Congress has authorized $35 million for construction of nursing school facilities; the Administration has asked for only $8 million, less than a quarter of that. Congress authorized $41 million for building medical libraries and health research facilities; the Administration proposes to spend exactly *nothing* for these crucial programs.

At a time when the very survival of the already inadequate number of existing medical and nursing schools is at stake, the Administration has reduced to slightly more than half the authorization grants to improve the quality of these schools. At least a dozen of our 103 medical schools are thus now approaching bankruptcy, many of them spending precious endowment funds to pay day-to-day expenses.

RESEARCH CUTS

Research into critical health problem areas has also felt the budget-cutting axe. One of Dr. Roger Egeberg's first actions as Assistant Secretary of HEW for Health and Scientific Affairs, was to announce an across-the-board cut of 5 to 10 percent in all research grants under the National Institutes of Health. Not much later, Victor Cohn of the Washington Post revealed that the Administration plans to "phase out" the Chronic Disease Control program in the Department of Health, Education, and Welfare. By eliminating this program, whose purpose is to apply to actual patients the results of research in such chronic diseases as cancer, diabetes, heart disease and lung disease, the Administration hopes to save $9.7 million a year.

These shamefully shortsighted actions threaten to undermine the progress in health research that is this country's greatest distinction among nations in the world that take pride in bettering their health conditions.

ADMINISTRATIVE MORALE SUFFERING

Second, in addition to harsh, almost savage, cutbacks in Federal funds for these various health programs, the operating administrators who are charged with carrying them out are suffering a serious deterioration in morale.

In the months following the withdrawal of the nomination of Dr. John Knowles, the distinguished director of Boston's Massachusetts General Hospital, whose liability was that he promised to be an "activist" Assistant Secretary of HEW for Health and Scientific Affairs, the newspapers have chronicled the resignations of the following top figures in the nation's Federal health team: (1) the Director of the Health Services and Mental Health Administration, (2) the Director of the National Institute of Mental Health, (3) the Director of the Food and Drug Administration, (4) the only black Assistant Surgeon General, and (5) just last week, Secretary Finch himself.

To this list might well be added another first-class man whose responsibilities, while not directly in the health field, bore importantly on them. I refer of course to James E. Allen, Jr., the U.S. Commissioner of Education, who one week ago today delivered the Commencement address at the University of Notre Dame.

And in the past year, inflation of medical costs has shown no sign of abating. Accumulating needs and narrowing bottlenecks have caused hospital daily charges to rise an additional 12 percent, operating room charges 13 percent, and physicians charges over 7 percent—developments which only compound the damage being done our medical care system by the sharp cuts in Federal health funds and the loss of our ablest administrators of health programs.

WHAT CAN BE DONE

What is to be done to reverse this trend, to avert the crisis that President Nixon has predicted and that many knowledgeable people think is already upon us?

It seems to me that our most realistic objective must be to concentrate our efforts on removing some of the bottlenecks that prevent our system from handling the pressing needs that exist, and that we can forecast.

One key bottleneck to which we as a nation should urgently direct our attention is manpower—and woman power. We must take immediate steps to increase radically the flow of talented young men and women into the health professions. As a matter of the highest national priority, we must act to increase the supply of doctors, dentists, nurses, technicians and other health professionals.

It must be clear to everyone that the kinds of drastic budget cuts in every area of health and medical education which I have recited are working directly contrary to this priority objective.

AD HOC COMMITTEE ON NATION'S HEALTH CRISIS

Let me, then, tell you of a significant and potentially highly encouraging development following upon President Nixon's veto, earlier this year, of the bill providing appropriations for the Department of Health, Education, and Welfare. This bill, incidentally, had passed the House with majorities of both political parties. The development to which I refer was the organization of the Ad Hoc Committee on the Nation's Health Crisis. This Committee was composed of leaders of some twenty groups concerned with health legislation, including the American Medical Association, the American Cancer Society, the Catholic Hospital Association, and the Association of American Medical Colleges. Its organization represented a recognition that health problems in the United States has become so severe that the financial crisis in health transcended the special interests of each of these groups. They were agreed that concerted action was essential. Representatives of the Ad Hoc Committee contacted every member of Congress to urge overriding of the veto for health and education. They pointed out the fallacy of fighting inflation by decreasing the supply of critically needed manpower and services in the single most inflationary major sector of the national economy.

While this particular effort was unsuccessful, I think, as I have suggested, that it represented a significant step forward. Direct political action by the members of the medical community with first-hand knowledge of the magnitude of the crisis we face will become more and more important in the months ahead. I seriously hope that you who are graduating today will accept the responsibility of working not only within the medical community on behalf of better care, but also in the larger society of which we are all a part.

MEDICAL EDUCATION BILL OF RIGHTS

I think also that the crisis before us calls for an even greater national commitment than is represented by the laws now on the books to support our health and medical system. Last year, therefore, along with my Republican colleague, Representative Ogden Reid of New York, I introduced legislation in Congress entitled the "Medical Education Bill of Rights". This bill embodies the principal recommendations for medical education of the Carnegie Commission on Higher Education, of which Father Theodore Hesburgh, President of Notre Dame, University, was one distinguished member. The bill provides a radical escalation of the national commitment to medical education. Briefly, the Brademas-Reid "Medical Education Bill of Rights" would provide:

From 8,000 to 11,000 new scholarships for medical students;

Start-up grants for 20 new medical schools with the goal of graduating a total of 2,000 new doctors annually in 1978;

Institutional payments to existing medical schools based on the number of students, residents, and interns; and

100 per cent Federal financing of medical school construction.

INDIANA MEDICAL CENTER

You and I know that there are few states that have a greater need for additional medical education resources than Indiana. Our one medical school in this state is already inadequate to provide the new physicians that Hoosier communities require, and the situation is worsening year by year.

Let me take this opportunity, then, to reassert my strong support for a second Indiana medical center, located near the University of Notre Dame right here in South Bend, but equipped to serve the burgeoning need for highly qualified medical manpower in all of Northern Indiana.

RESEARCH SAVES LIVES

I also think that we are making a serious mistake in cutting back on funds for research in the health-related sciences. The direct relationship between such research and the saving of human lives has been incontrovertibly demonstrated during this century.

I am a co-sponsor in Congress of a resolution that would make the elimination of the scourge of cancer by 1980 a national objective of the highest priority. This resolution calls for the same dedication of national attention and resources to the elimination of cancer that we as a nation willingly devoted to the objective of landing a man on the moon early in the 1960's.

LOCAL SUPPORT ESSENTIAL

I do not wish to leave you with the impression that Federal or State resources, or any purely governmental programs for that matter, are the entire answer to our problems.

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As your Congressman, I feel proud to be able to point out that last year direct Federal grant assistance to St. Joseph County health institutions, including the Holy Cross School of Nursing, amounted to considerably more than two million dollars. (This figure does not include payments for patient care under medicaid, Medicare, or Veterans programs.)

But as in most communities around the country, the principal foundation of support for hospitals and other health-related institutions lies the local community itself. We in St. Joseph County have a proud tradition of providing that local support.

As you all must know, there is presently under way a $10 million local fund-raising drive, the Hospital Expansion Program, to raise vital funds for the three general hospitals in Saint Joseph County. Nearly two-thirds of this goal—$6.3 million at last count—has been raised.

I want to take this opportunity to urge, as strongly as I can, that the community redouble its efforts in order to raise the remaining $3.7 million that is so vitally needed for modernization and expansion of our three cooperating hospitals. HEP needs the help of every family in our area able to make a contribution.

In closing, let me say that there is no need to despair in the face of the critical health problems that we confront. Americans, when aroused to danger and convinced of the need for national action, have never failed to meet any challenge. The crisis in health and medical care demands just such a national commitment.

Your own direct efforts in healing the sick are a traditional and accepted part of the solution to health problems. I wish to leave you today with the thought that you also have a duty, as those in the front lines of the struggle, to bring our needs and your growing problems to the attention of the larger American public. For working alone, you cannot succeed. Working together, with the inspiration of you in the nursing and other health professions, we cannot fail.

INTEREST RATES WILL HAVE TO BE DETERMINED BEFORE THE COUNTRY HAS SAFETY AND SECURITY AND PROPER ECONOMIC CONDITIONS

The SPEAKER pro tempore (Mr. MANN). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN), is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, it is my desire to speak to the Members of the Congress and of the House of Representatives in particular, since this body is closest to the people, because they are elected every 2 years. I have always favored the 2-year election.

Some people claim it is pretty hard on the incumbent, that he has no more than been elected and is getting his seat warm when he has to run again. But I think we should consider this from the point of view of the convenience of the people and not from the point of view of the convenience of those who are elected to serve in the House. As long as the people keep the term to 2 years, they will always be in charge of this Government, because it is only in the House of Representatives that certain bills be introduced, such as revenue and appropriation bills, that determine many things affecting the welfare of the people. As long as the people keep this 2-year term in the House, they are in charge of the pursestrings of the Nation. If something happens that discloses a bad trend in Government, the people can correct it in 2 years by electing a new House of Representatives. So they have control. That is the reason I feel this House should be more influential in the affairs of this Nation.

Mr. Speaker, I want to talk to the Members about a subject which I believe is the most important in the world, and in this Nation today. It involves the cost of money, the interest rate for money and credit. This is a problem I believe will have to be determined before we have safety and security and the proper economic conditions under which people can live decently.

This last year the people of this Nation paid $120 billion interest on their debts, public and private. That is a greal deal of money.

On June 9 of last year, one of the Wall Street bankers went out on the front porch of his bank and said:

> I am raising the prime rate of interest from 7 and one-half percent to 8 and one-half percent.

Of course, all the big bankers, as is customary and traditional, raised their rates immediately to the same rate. That has been going on for 50 years and longer. The rate is raised by some New York bank which is in a position to have its opinion respected, and the other big banks all follow. They followed this time.

Let us see what that 1 percent raise amounted to. At that time our debts, public and private, amounted to one trillion five hundred billion dollars. A 1-percent raise on the interest on those debts amounted to $15 billion a year. That is a great deal of money. That is an addition to what the 55 million families of this country must pay on their existing debts. That is a raise on top of what they have to pay. They did not know anything about it, and it came about anyway by the action of the one banker.

Of course, Congress passed a law in December of last year giving the President the power to go out on the front porch of the White House and say that interest rates are hereby reduced from 8 and one-half percent down to 7 and one-half percent, or down to 6 percent, or even less if he wants to.

It is the law right now.

The other day, when the President delivered his message—and I am somewhat in sympathy with some of the things he said—among the things he said was that interest rates are too high. Of course, I know Mr. Nixon is a truthful man. He believes interest rates are too high. Most everyone believes interest rates are too high. But he is not doing anything about it.

I hope that he will use the law the Congress passed. The House and the Senate passed it, and it went to him as President, and he signed the bill.

I personally do not believe we will have good economic conditions in this country until interest rates are rolled back. If Mr. Nixon does not roll them back in a reasonable length of time I think the Congress should pass a law rolling interest rates back. We certainly have the power to do it.

Interest rates are even affecting the health and welfare of the people of this Nation at a time when it is very difficult for them to pay the cost of medical care.

The Hill-Burton bill, for the construction of hospitals, is one of the finest bills the Congress ever passed. It has been on the statute books many, many years. It has been very effective.

This Congress passed a bill known as H.R. 11102, the medical facilities construction and modernization bill of 1970, and the President vetoed it just yesterday, and he vetoed it because it exceeded his budget limitations.

I have before me the Daily News Digest published by the Republican Congressional Committee Public Relations Office, 312 Congressional Hotel, Washington, D.C. This Digest is for Tuesday, June 23, 1970, and it has this paragraph in it:

> President Nixon vetoed Monday a bill for construction and modernization of medical facilities. He said it restricted Presidential options in managing Federal expenditures and provided $350 million more in grants than his fiscal 1971 budget. Nixon said the bill would be "a long step down the road of fiscal irresponsibility."

Well, he vetoed the bill because it was for $350 million more. Today we are told by the administration—and if the President is not for it I think he ought to speak out—that a bill has been sent to the Congress and referred to the Committee on Interstate and Foreign Commerce that would grant a benefit to the Pennsylvania Central Railroad Co. and other railroads equal to $750 million. That is twice as much as the vetoed bill. I do not see how he can say that $350 million is fiscal irresponsibility and that $750 million is desirable and should be appropriated at this time under the circumstances and conditions.

The fact is that high interest rates was one of the contributing causes to the bankruptcy and the failure of that big $7 billion railroad company. Imagine a railroad company that has properties aggregating $7 billion in all. They have tremendous income from those properties.

Some of them are not even related to the railroad business. They own big corporations all over the Nation. It is not understandable to me, since just 2 years ago this merger was consummated, why they could not look down the road at least 2 years. It has only been actually 16 or 17 months. Why could they not look down the road and determine that everything was safe and sound for them for at least that length of time or else the merger should be executed?

However, they went ahead. They put the two railroads together, which were originally built for the purposes of competition, which is a very wholesome thing, the Pennsylvania and the New York Central. They had these big high-powered officers running each railroad. They consolidated them by a merger of the railroads, and then they put a few officers in charge. I just imagine they fought like cats and dogs, because certainly they did not have the same ideas and theories about running a railroad. Anyway, mismanagement and high interest and things like that caused them to come down to the time on last Satur-

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day—or it was actually last Friday—where even the big bank that was their principal creditors called a halt and demanded payment on their loans.

Well, I believe that under reorganization they will, of course, continue to operate. The 94,000 people working there will continue on their jobs. They will continue to get the same salaries or wages that they received in the past. The transportation part will probably go on.

But it has certainly shaken this country to its roots. It just goes to show what is in store for us. It means if the biggest corporation in the United States comes to the end of the road by reason of the payment of excessive prices for money, exorbitant prices, usurious interest rates, where some of them are paying 11½ percent and even 15 percent for their money, then this shows that they could not pay that rate and continue in business as usual. However, that is what is in store for the people of this country.

I resisted and opposed the Government's attempt to bail out the Penn Central for the reason, No. 1, that the Defense Production Act which was going to furnish the guarantee through the Department of the Navy gave the guarantee to the bankers for the loans. Remember these were loans that had already been made by the banks to the Penn Central and some of them at 8½ percent interest. At the first meeting I asked the person in charge from the Treasury what about those interest rates. I asked him do you expect the Government to guarantee the loan and pay those excessive interest rates, too? He said, "Oh, yes. That is part of it." The theory and the plan was to have the taxpayers guarantee the payment of these loans to the banks for 90 days. And when the president of the company, Mr. Paul Gorman, who seems to be a very fine man, very knowledgeable, fair, and forthright, was in my office a little after 12:30—on Saturday with his board of directors, I asked him this question: "How will the Government get its money back if we put up $200 million and then in 90 days the bill that you expect to get through that will provide several hundred million dollars more does not pass the Congress?" "Oh, well, in that case, the Government just loses the money." He was very frank about it. The $200 million he was talking about. I said why do not the banks—and there are 77 big banks, the biggest banks in the Nation, who have profited from the dealings of the Penn Central over the years and made plenty of money on them—why do they not put up the money to continue the operation of the railroad?

And, the answer was that they just would not do it anymore. They had their loans secured by the income earning assets of the Penn Central holding company, and that was it.

Of course, my conclusion was, after about 5 hours with the directors and the president and the Under Secretary of the Treasury, my opinion was that I was not going to cease and desist my protest against the loan. I expected to do everything I could to stop it and it was stopped. But now then an effort is made to send it to another committee and get $750 million. Well, of course, if the facts justify it and if it is in the public interest to do it, I do not oppose the bill but I hope that the committee to which it is referred will carefully go into it, turn over every rock, turn over every chunk and look under it, and if there is reason to believe or establish a doubt that the bill should not pass, after an investigation of the economic affairs of this big railroad, then it should be turned down. There are a lot of questions that should and must be asked before this bill is considered, and we should not be pressured into hasty action.

Now, I am talking about high interest rates and why they affect the country.

You know, I have been here a long time. I had the privilege of serving here when Mr. Hoover came here. I served the easiest 4 years I have ever served, when I was in the minority. I had no responsibilities. You did not do anything. You just either went along or you did not go along. You did not have much to do.

Mr. Hoover was a good man, but he did not have the knowledge and information about the people of this Nation that I think he should have had.

When I tried to pay 3.5 million veterans of World War I what was due them, about $1,015 each adjusted pay, he resisted it and denounced me in a speech in Indiana for even proposing it. However, I went ahead and I forced the bill through. Three and a half million veterans received their money—bonds—one day, June 16, 1936—through the post office. The post office delivered everyone of them. They could take those bonds and get cash for them at the nearest bank or post office. So, it was all done and it helped the country tremendously. However, Mr. Hoover never did forgive me for advocating that, and neither did Mr. Roosevelt, because he was against the payment of that large sum of money. He said it would cause tremendous inflation. I knew he was serious about it, but the country was so low and that is what the country needed, additional purchasing power. That is the reason the people got that money, through the passage of my bill, a bill which was passed to help out and to increase the purchasing power.

When the Roosevelt administration came in, there was a meeting at the White House to which the congressional leaders were called. I wondered why I was called because I was not a leader. However, we met at the White House and went over an agenda as to what should be done about certain issues. We came to the issue of what they chose to call the "bonus" because they wanted to make it look like something it was not. They looked at me and one of them asked me what my attitude would be on this issue and would I be willing to not push the bill under Mr. Roosevelt's administration. I said, "Oh, no."

During 1932, I was a speaker all over the Nation on this issue. I went to 45 States and made lots of speeches to veterans groups.

I told them that Mr. Roosevelt was against it, but I felt like we could override his veto. We had tremendous crowds all over the Nation. And after the payment was made the veterans used that money for good purposes—most of them used it for homes, education, and other good, worthwhile purposes.

Well, the Roosevelts did not forgive me for that, and they kept me off the Committee on Banking and Currency. They kept me off the committee, and they kept me off the committee for 8 years because they felt like I was working in the wrong direction, I was appealing to the poor folks, the middle-income group, and the small business people, and they felt that they did not want me on the Committee on Banking and Currency.

And during that time other Members got on the committee who had been here a shorter length of time than I, and they became my seniors. And I had to wait until they were either defeated, resigned, or passed on, before I had the privilege of being chairman. I was denied the chairmanship for over 20 years under those circumstances, but I do not feel badly about it. It is all right. It is just part of the rules of the game, and everybody is treated alike. So I am not griping about that.

I have always tried to put in bills and develop laws that would be helpful to our country.

No. 1, I sponsored the Full Employment Act that was before another committee, but as a member of the Committee on Banking and Currency I was interested in it, and my bill, H.R. 2204, the Employment Act of 1946, became the law. It is now recognized as one of the finest laws ever passed, it has the best guidelines for the Nation. It is endorsed and carried out by the Federal Reserve Board, by the Federal Reserve System, by the banks of the country, and the different organizations working in the direction of doing things that are in the interest of the economy of our Nation.

And then the Robinson-Patman bill came on to help small business, and many other laws that are really beneficial. But there is one that I am very proud of.

You know, there was a time when the desperadoes were going around killing people. There was a fellow named Dillinger in Indiana who was killing a lot of people. A friend of mine from my hometown wrote me and said:

> Why do you not offer a reward for these killers? Public enemies, we will call them. And their confederates will do them in.

Well, that sounded pretty good to me, and I drafted a bill that said:

> It is hereby declared to be the policy of the Congress that anyone who is declared by the Attorney General of the United States to be a public enemy, that a reward of $50,000 may be offered for his arrest and apprehension.

I called up the Attorney General at that time and told him about this bill. And he said:

> Let us go over to see the President about this.

So I went with him, to see Mr. Roosevelt. And I read to him that a $50,000 reward could be offered for the arrest or apprehension of any person designated a public enemy.

That bill went through quickly. I did

not get any credit for it, which is all right with me. I was not seeking any credit. But it became a law in a very short time—in 2 or 3 days—and it was signed by the President.

Immediately the Attorney General began offering rewards and then the "Woman in Red" turned in Dillinger at the Chicago theater. She got her part which was $16,500 and others got parts of that $50,000 reward.

Then they caught Karpis down in New Orleans in a very few days in the same way.

Then they caught Pretty Boy Floyd in Minnesota.

The first thing you know we had no public enemies. They are still offering rewards and the law is resulting in doing some very fine work.

Now, I want to tell you something about these interest rates, and how they started.

When the war began in Europe in 1939 and we knew we were going to become involved, we began to figure out what we should do in our economy and what arrangements and what safeguards we should make in the Congress and in Federal laws.

Mr. Roosevelt called in the Federal Reserve Board. Mr. Eccles was chairman of the board. Mr. Eccles was a very conservative man. He was a very powerful and big businessman. He owned banks and construction companies in Utah. He was very rich. But he was very sincere and a conscientious and public spirited and a patriotic kind of person. It appealed to him when Mr. Roosevelt said:

> We cannot fight a war and have anything left if we are going to pay extra high interest rates.
>
> So the first thing we want to do is to have the Federal Reserve Board agree that they will keep interest rates down and we will not have a big burden because of excessive interest rates.

Mr. Eccles was a Republican and Mr. Roosevelt was a Democrat, but Mr. Eccles was a patriotic man and he wanted to do the right thing for his country.

All during that time from the middle of June 1939, until way down in 1953—14 years—the Federal Government never paid in long-term interest rates more than 2½ percent—never more than 2½ percent.

When Mr. Eisenhower went in on January 20, 1953, interest rates were still that way.

The first bonds that were issued by the President under the guidance of Secretary of the Treasury, Mr. Humphrey, had an interest rate of 2⅜ percent.

Then on another big bond issue, they paid 2½ percent.

But after that, Mr. Humphrey was so determined to raise the rates that he asked for the issuance of $1 billion in bonds—at a rate of 3¼ percent that automatically raised the interest rates. That is what started the interest rates going up in this country—that 3¼ percent bond issue.

After all that, during the 8 years of Mr. Eisenhower, the rates went up and up—not swiftly or hastily but gradually.

Then, of course, the Federal Reserve quit supporting the rates. Mr. Roosevelt was out and the Democrats were out. They were gone and so they had no power to halt the increase, and rates started going up and they have been going up ever since.

The interest rates have never been so high as they are now. When Mr. Nixon was elected—on the first Tuesday in November 1968, the prime interest rates were 6 percent and now it is to 8½ percent.

Now 8½ percent is the prime rate, but banks have some additions to that. They will charge more for certain purposes.

They also want a piece of the action. If you are trying to get a $1 million loan for an apartment complex to provide people a place to live, they might look that over and say, "Well, this is a 40-year contract, or a 20-year contract. We notice you are going to get so much a year from now on. That is pretty lucrative. If you want this loan to go through, you had better sweeten it up a little by agreeing to give the bank a part of that, and that will make them want to give you the loan."

Of course, they began to do that and they are doing it right now—taking a part of the action.

Then they would say, "Well, now, you ought to keep your money here in the bank. We will require you to keep so much of what you are going to get each month here in the bank as long as you can, and that will sweeten it up, too, to make the bank more anxious to make the loan."

The first thing you know, they have a large part of what the poor fellow had who had worked up that apartment complex. That is going on today. All kinds of interest rates are being charged—18 percent, 24 percent—and it is absolutely against conscience, expecting poor people to make a living for themselves and their families and to pay such extortionate, exorbitant, usurious interest rates.

But interest rates have gone so high that we cannot get money at a fair and reasonable rate to build homes.

We had starts for 2 million homes a year. Now we have about half that number of starts. Therefore, the affluent people who have lots of money can afford to pay the price for a home. We must have a low-income housing program, and we must have one for the middle-income people. You cannot do that on high interest rates. So the thing we must do is reduce these rates.

The biggest issue before the American people today is something that is not dramatic by any means. But it is the rate of interest that you pay for money and credit. That is the biggest issue before the Congress, the biggest issue before the country.

During the next campaign, the Democrats will say the Republicans caused high interest rates; the Republicans will say that the Democrats caused it—but the one who can make the best case against high interest and in favor of an interest rate that the people can pay I think will have the best chance of being elected, because they will be doing what is best in the interests of all the people of this Nation. So I think every Member should study it.

I think that the Democrats have been right on it.

The Republicans are just as conscientious and honest about their views. The Republicans think they are on the right side. But I think the Democrats can make the best case and provide the best documentation. I believe we have been on the right side, and I believe that issue is the main issue before our country, not because it is a political issue or because the Democrats or because the Republicans are interested, but because it means so much to the entire Nation.

Every time interest rates are raised, every budget in America, from the budget of the housewife to the budget of the Federal Government, may be immediately rebalanced. We cannot continue to live happily and prosperously and have the people benefit as they should unless we roll back the interest rates.

INADEQUACIES IN THE OPERATION OF THE DISTRICT GOVERNMENT AND IN THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 60 minutes.

Mr. HARRINGTON. Mr. Speaker, the way the city of Washington, D.C., is run says a great deal about the structure of the U.S. Congress.

Using one as an example, we mirror the inadequacies of the other.

For instance, in the morning I drive to the House Office Building from Georgetown where I rent a townhouse. After veering off M Street to Pennsylvania Avenue, I am soon within view of what is traditionally known throughout the Nation as Washington, the seat of our national government.

I pass the Executive Office Building, White House, the Treasury Building. All beautifully kept. Strikingly impressive. Another block and I can see the Capitol and I drive by the massive buildings enclosing the Mall.

After parking in the convenient Rayburn garage, I make my way past the cordial greeting of security officers into the elevator and to my office.

My view as I come to work matches the view of thousands of visitors who come to see the Nation's Capital annually. Girl Scouts see the House of Representatives and are told by well-instructed tour guides that here is one of the two legislative bodies of our Government which makes the laws of the land. Tourists inspect the Rotunda and visit their Congressmen, and at every step of the way they are pampered by staff and by security guards who courteously help them on their tour.

The tourists and I move easily amidst marble, amidst quotations from famous figures in American history, amidst manicured greens and spacious halls. We, the tourists and I, see the Washington we all know so well from calendars and picture books.

What we miss is the "other Washington."

The Girl Scouts do not travel the 10 blocks from the Nation's Capitol to see the slums. They miss the hungry children, the frustrated minorities, the documented stories of rat infestation. They do not pass the sign along the Potomac River which reads, "Danger, Health Hazard." And they do not notice that there are not any polling booths in November for the 850,000 residents of the city.

Neither the tourists nor I see the Washington which has been held captive by the House District of Columbia Committee. Neither the tourist nor I see the closed meetings of the congressional committee where the real business of the city takes place. Neither the tourist nor I can readily sense the power exercised over the National Capitol by the chairman of the House committee charged with control of the city.

The gap between what Washington could be and what Washington is describes the gap between what Congress could be and what it is.

Washington suffers from the archaic system of rules and tradition of the House of Representatives which has placed the rule of the Capitol in the hands of one man—a man 32 years in Congress and representing a rural district several hundred miles to the south.

I do not criticize the man. I criticize ourselves. Congress. Because nowhere is our failure to reflect our national constituency more evident than in the way we prescribe the rule of the District of Columbia. Nowhere is the failure of this body to respond to the demands of the 20th century more obvious.

Let me cite details.

All legislation dealing with the District of Columbia must pass the House District Committee. Legislation assigned to the committee is handled either in full committee where the chairman holds control, or is assigned to a subcommittee by the chairman.

The chairman appoints all his subcommittee chairmen.

But under our rules, the subcommittee may operate without any designated area of concern.

District subcommittees have no names, just numbers.

The chairman can assign legislation to any subcommittee he selects. And to the subcommittees, as we all know, is granted the power of life and death over matters which come before them.

Do you remember those eggs within an egg which we played with as children? Remember how you opened one, then another, and still another in descending size?

That's how government is made in Washington, D.C. Inside the Congress, inside the District Committee, inside the subcommittee of the District Committee's choice—that is where legislation is found. Where visibility is minimal, where control is maximum. There the chairman of the District of Columbia Committee appoints his chairmen and assigns legislation to those subcommittees of his choice. His power is conclusive; his constituency—a rural district of the South.

Let us look at how this subcommittee system actually works.

Subcommittee No. 2 of the House District Committee has been stacked with a disproportionate number of members who generally can be considered in opposition to the practices and philosophy of the chairman. Then Subcommittee No. 2 is passed over by the chairman when major legislation is assigned. In fact, after the chairman of Subcommittee No. 2, a black man, was named chairman, no bills were referred to his subcommittee for the remainder of that session.

Thus far in this session, Subcommittee No. 2 has been assigned 19 pieces of legislation. By way of contrast, Subcommittee No. 3, a favorite of the District of Columbia Committee chairman, has been assigned 87 pieces of legislation.

While Subcommittee No. 3 has been responsible for a good part of the District of Columbia crime bill, Subcommittee No. 2 has been assigned such legislation as a bill to create a firefighters' museum and a bill to provide additional congressional tags to members.

Members of Subcommittee No. 2 have consistently asked for more legislation, particularly revenue or crime legislation, but the chairman has not honored their requests.

In fact, after Subcommittee No. 2 had completed preliminary work in an investigation into the problems of education in the District of Columbia, the chairman of the District of Columbia Committee stated that the subcommittee was not prepared to go into any investigation.

At that time the subcommittee had been assigned only three minor bills. But the chairman said he would have to appoint a special select subcommittee to investigate District of Columbia education.

Interestingly enough, despite the fact that his committee was already overburdened, the chairman of Subcommittee No. 3 was asked to head the special select subcommittee. Half of the Democratic members of the committee were busy subcommittee chairmen. In the meantime Subcommittee No. 2 continues to ask for more work.

Committee assignments are not the only controls the chairman holds tightly and arbitrarily.

The chairman of the District Committee, like other chairmen, has the power to call committee meetings. He can, of course, determine not to hold meetings.

The committee rules state that the chairman must call a meeting on the first Monday of each month. But the committee has met only three times at that regularly appointed time.

Or the chairman of the District of Columbia Committee can call meetings under unusual circumstances.

Such was the case in April 1969 when he called a meeting at 11 and adjourned the meeting at 12. In 1 hour the full committee heard subcommittee reports, considered 15 separate bills, and heard testimony from witnesses from the District government discuss a major city problem.

Many members are not notified of meetings until the last minute, making their presence at the meeting nearly impossible. One committee member has reported that on three separate occasions, March 25, April 8, and April 9 of this year he received only 1-day notice, once by phone with no clue as to what was on the agenda.

The same member received notice for full committee consideration of important crime legislation at noon on February 3, the day before the meeting was scheduled.

These are, of course, only some of the ways in which the committee chairman can use the powers we have relinquished to maintain control of the committee, often against the majority will.

Many of us have become so conditioned to these practices that we assume that they must be a part of the legislative process. They need not be. But to demonstrate to the skeptic the effects these practices can have on a major piece of legislation, let us examine the District of Columbia crime bill.

This bill is important because it has received severe criticism and is the major piece of legislation to come from the District of Columbia Committee in the 91st session of Congress. By taking a brief look at the manner in which some of the controversial points were included in the bill, the rules and traditions which we have set to govern the internal operation of this legislation are brought to obvious and serious question.

Let me begin by quoting from the testimony of Congressman BROCK ADAMS, a member of the House District of Columbia Committee, who testified before the Senate Judiciary Committee on June 19. His testimony—supported by other members of the committee—tells us something of the rules under which we operate. I quote:

> First, no hearing was ever scheduled before the D. C. Committee on proposals for preventive detention. A review of my records indicates that on January 29, 1970, a hearing was scheduled and held on a bill to establish a congressionally-appointed Police Commissioner for the District of Columbia. An executive session of Chairman John Dowdy's subcommittee had been scheduled that morning, following the public hearing. Instead, Mr. Donald Santarelli, representing the Justice Department, appeared to testify on pretrial detention in the District of Columbia. None of us had any advance indication of this shift in committee scheduling. None of us had been notified of the Department of Justice's apparent 180-degree reversal of its previous position which was to oppose any pretrial detention for the District because it would be on a non-national, piecemeal basis. None of us were prepared to extensively debate this issue, and, because of the announced schedule, I was unable to even attend the hearing.
>
> No other witnesses were invited to testify on this highly controversial proposal. No judges were asked to appear. No members of Congress appeared, even though at least one member whom I personally know had requested to appear. No representatives of the American Bar Association, the D. C. Bar Association or any other organization appeared. And no official from any appropriate District of Columbia or federal department was invited or appeared, including the Mayor and the Chairman of the D. C. City Council.
>
> The preventive detention proposal, further, had been surreptitiously inserted as Title II in the bill under the general subject "To amend the District of Columbia Bail Agency Act to increase the effectiveness of the District of Columbia Agency. . . ."

That was just part of Mr. ADAMS' critical testimony.

The pretrial detention proposal is one of the most controversial pieces of legislation passed by the House of Representatives this session. I wonder if any of us would be proud to explain its passage through the House District of Columbia Committee to the Cub Scouts touring the Capitol today.

But that is not all.

The proposal to transfer Lorton Prison from the city government to the Department of Justice did not come from any regularly constituted subcommittee but from a special select subcommittee that heard testimony on conditions and problems at Lorton in a series of investigative hearings.

Neither the Department of Justice nor the city government testified on the bill itself. The only testimony regarding the actual provisions of the bill came from the bill's sponsor, Mr. SCOTT of Virginia.

The bill was passed in executive session called on a Friday with only four hours notice over strenuous objections of the gentleman from Minnesota (Mr. FRASER) that a quorum was not present.

This is the kind of system under which the District of Columbia Committee operates.

There was only 1-day advance notice to committee members of the markup of the crime bill which occurred on February 17 and this continued over to February 18 with no advance notice of the hearings on that day except oral notice given at 9:30 a.m. for a 2 p.m. executive session.

Again, only Mr. Santarelli of the Justice Department appeared in any hearing regarding the controversial code revision which abolished jury trial for juveniles.

Only Mr. Santarelli appeared in any hearing regarding the juvenile code revision that sanctioned lowest civil standard of proof.

Only Mr. Santarelli appeared in hearings regarding the provision defining all juveniles over 16 who are accused of a violent crime as adults for purposes of prosecution.

These proposals were submitted at varying times and there was no chance for public questioning of the advocates of the proposal nor the solicitation of testimony by possible opponents of the proposal.

The proposal to abolish the Commission on Revision of Criminal Laws was introduced in the House on January 27, and only 1 day later Subcommittee No. 3 reported it favorably to the full committee. This was done in an unannounced executive subcommittee session held at 5:30 p.m. on January 28 and there were no public hearings.

There were no hearings and no testimony offered on three separately introduced bills which were later incorporated into the District of Columbia omnibus crime bill dealing with a provision to make the breaking into a vending machine burglary in the second degree, making carnal knowledge of a female under the age of 16 a crime punishable from zero to 30 years—later increased to life, and additional penalties for commission of crimes while armed.

Not only can the chairman of the House District of Columbia Committee control important legislation coming to his committee, he has been able to—with absolute authority—deny self-government for the Nation's Capital.

The chairman has served in that capacity since 1948.

In 1949 hearings were held but no further actions was taken in the House District Committee on the Senate-passed council manager bill.

In 1951 the House District Committee failed to approve the Senate-passed home rule bill.

In 1953 the Senate-passed bill providing for a nonvoting delegation to the House was tabled by the committee.

In 1955 the Senate-passed home rule bill died in committee.

In 1958 the bill establishing District of Columbia territorial government was passed by the Senate but received no action in the House District Committee.

In 1959 the committee failed to report the Senate-passed home rule bill.

In 1962 a bill again died in committee.

Again in 1965 attempts to dislodge the administration home rule bill from the grasp of the District of Columbia Committee failed.

On May 11, 1966 the House District Committee under the chairman's lead rejected an effort to set up a conference with the Senate District Committee in order to coordinate some action on a home rule bill.

This is not majority rule. That bills of this type have continuously been defeated in the House District Committee is owed to a system that allows the chairman dictatorial power with no accountability.

The Senate passed the nonvoting Delegate and Commission bill on October 1, 1969. Though a majority of the District of Columbia Committee has introduced legislation to the same effect, the District Committee has been unable to act.

I repeat, a majority of the members of the committee favor the two bills presently before the committee dealing with home rules, yet no bill has been voted on in committee. This is not majority rule.

On a per capita basis, in 11 States which have a lower population than the District of Columbia, there is one Member in Congress for approximately every 143,000 people in those States. There are 850,000 people in the District of Columbia who have no voice at all because one single Congressman, who is 2 years beyond the mandatory retirement age for civil service, a member of a rural district in South Carolina, and a Member of Congress for some 32 years.

District residents pay the same Federal taxes and the usual complement of local taxes that other U.S. citizens pay.

Yet we, by our own rules and traditions, have not allowed them a voice in their government, and instead of dealing with the critical national issue that faces us we must debate property tax exemptions, congressional tags for Members, and park regulations in Washington.

While the Nation's Capital is second only to Mississippi with the highest infant mortality rate, while gonorrhea infection is the highest in the country, while the District of Columbia General Hospital runs out of penicillin and has been out of 100 of the 685 drug items stocked at the hospital, the District of Columbia Committee of the House of Representatives has not passed one major piece of legislation this session dealing with health.

While the city of Washington is the fastest growing urban area in the United States, and while there are still about 120,000 Washington blacks making less than $3,000 annually, the District of Columbia Committee has made no effort in the 91st Congress to deal with poverty among the disenfranchised citizens of the Nation's Capital.

While there are about 300,000 people in the District of Columbia who live in inadequate housing—representing about 40 percent of the District—while half of them pay more than 25 percent of their income for housing and while between 1965 and 1968 there was an 85-percent decline in the number of housing starts from the private sector in the District of Columbia, not one bill has come in this session from the District of Columbia Committee addressing the problems of housing in the Nation's Capital.

While the city becomes more congested and construction of highways steals more land—land which is bound to come from the poor unable to exert political influence—and while the city and concerned people attempt to develop a mass transit system for the Capital of the richest Nation in the world, one Member of the House of Representatives of the Appropriations Committee can by himself withhold funds for a mass transit system until the city agrees—against its wishes—to build yet another bridge for cars.

This is how the system works. It is our system. We, the Congress, have established the system, and we keep it going. It is not the product of the chairman of the District of Columbia Committee, nor the creation of the proponent of the Three Sisters Bridge.

It is our system.

The District of Columbia Committee is typical of the results of seniority.

I cite it as an example of how we have allowed a system to distract us from our chief function, the consideration of national issues and the consideration of matters relevant to current America.

I do not wish to belabor the point. But the District Committee's irrelevance is repeated throughout the committee-seniority system.

Each of the three major committees in the House of Representatives is, for instance, again chaired by southerners from rural districts despite the fact that our country is predominantly urban and serves North, East, and West as well as South.

Nor has the seniority system only discriminated geographically. Since 1913, only one freshman Member has been appointed to the Ways and Means Committee. This powerful committee—the committee that parcels out committee assignments in the House—this committee denies itself the insight of contemporary attitudes by keeping young Members off the committee. And not one black man has served on the Ways and Means Committee since Reconstruction.

The Rules Committee is equally narrow. No freshman has been appointed to that committee since the 1946 Reorganization Act. No blacks serve on the Rules Committee.

Eighty-eight percent of the committee chairmen of the House of Representatives have, over the past two decades, come from virtually one party, rural districts.

Are we representative? Or have our rules deprived urban and contemporary America from representation? My own district—does the Congress give it fair and equal representation in Congress? It does not.

While we observe the dictum of the Supreme Court in terms of one man, one vote, we nonetheless continue by indirection to distort the meaning of equal representation as long as we assign rank to the Congressman longest in office.

Nelson Polsby, political scientist at the University of California, states that as an organization institutionalizes, it stabilizes membership and lengthens time for apprenticeship for leadership within the organization.

This is hardly salutory for our legislative body, which in the structure of Federal Government, was shaped to reflect most the immediacy of current life. Congress, mandated by a 2-year term of office, has managed through seniority to thwart its constitutional design.

We must change if we are to regain a rightful place as a power and constructive influence in the United States and the world.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the distinguished gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, I wish to thank the gentleman from Massachusetts for his very timely remarks, both on the organization of the House of Representatives, and the seniority system. I think that most of us who want to see an up-to-date legislative body that is attuned to the problems of the 1970's, would like to effect some drastic changes. I think that there are several areas of change that are terribly important.

One of them is expanding the base of participation by Members of this Congress. When you find that one senior Member can be chairman of a full committee, chairman of three subcommittees, chairman of a joint committee, and perhaps a select committee, you see that there is too much power concentrated in the hands of older Members.

There should be amendments to the rules of this House that provide that the chairman can only be chairman of our committees, he cannot be chairman also of subcommittees and of joint committees.

There are a great many younger, talented Members of the U.S. House of Representatives who are leaving this body running for any kind of office they can find because they think that after 4 or 6 or 8 years in the House that they are wasting their time. Even if they want to contribute something to this House they are not allowed to do this because all of the power accrues to the very narrow base of older committee chairmen.

There is one good thing that is going to be happening in the month of July, and that is that the Committee on Rules will be coming out with the congressional reform bill.

Now, the reform bill does practically nothing about the seniority system, but there is a group of us who are organized on a bipartisan basis that are planning to offer some amendments on seniority.

One of the amendments, of course, is to spread the action so that the younger Members can more fully participate in the leadership and they can use their energies and their talents to do something about the public policy in this country.

I think there are also one or two other areas that are terribly important to the House of Representatives. One of them is that the public has the right to know. It is so difficult when we have crises facing us today, whether it be the antiballistic missile crisis or whether it be the crisis in Cambodia, where in the Committee of the Whole House we cannot get a record vote on how the Members feel about these issues. We just cannot do it. I have researched the precedents of this House to try to find some way we can get a record vote, and it is virtually impossible. And I am hoping that when the reform bill comes out that the other Members of this House will support an amendment so that we have record votes on teller votes, so that the public knows how we vote on important amendments.

There is an excellent rules change in the present version of the reform bill which I think many of us will appreciate. We are going to start opening up some of the committee hearings in this Congress.

You are aware the Committee on Appropriations does not have any open public meetings. Most of the other committees have closed meetings when they are actually considering amendments to a bill and voting on amendments on the bill. We are going to try to make it House policy that all committees shall be open unless the membership by an actual public vote decide to close a specific meeting.

There are so many things in this House that are done in secret that should not be done in secret. We are engaging in the public business and what we do and what we say and how we vote should be public knowledge.

I congratulate the gentleman from Massachusetts for taking the leadership in bringing out the dilemma that many of us who are in our twenties, thirties, and forties face here in the House of Representatives, and to tell the American people that we serve under a seniority system that is almost Stalinist in its rigid inflexibility.

I appreciate the leadership and the help the gentleman has given us in this whole area of dragging the House into the 20th century.

Mr. HARRINGTON. I am sure the gentleman from California would agree with me also that our foreign policy which has induced such widespread activity should be discussed in a relevant way on the floor and Members should be recorded. We all feel great frustration over the actions taken by the Executive in Southeast Asia. But unless Congress changes, there will be even greater frustration this fall, if after 80 or 90 new Members—defying the statistics of tradition—are elected to this body, present practices are allowed to continue into the 92d Congress. We would be accentuating the frustration of those who have participated in the elective process either as candidates, or working for those who sought election. I fear disillusionment even on a broader basis than presently is occurring if we fail to develop relevance here.

Mr. REES. I agree with the gentleman, but I would say this—the winds of change are starting to blow through this House.

I think there was more consensus today than there has ever been that we have to change the rules and we have to recognize the necessity for some very basic changes.

For the past 6 or 7 months I have been working with like-minded Members—and you have been one of them—and not only do I find some consensus but far more consensus than many believe exist.

I think we might well mark the years 1970 and 1971 as the 2 years that will really develop the changes in this House of Representatives you have so aptly suggested.

Our own Democratic caucus has even gone so far as to appoint a committee to study seniority and the overall concept of seniority.

This is something that would have been unheard of 2 years ago. I think a lot of this is because younger Members are moving, demanding a voice.

I only hope that our party caucus comes out with recommendations well in advance of the next Congress.

I know I would be very reluctant to vote on the organization of this House if there is not adequate time to look at caucus proposals on seniority and to question Members aspiring to leadership positions as to their views concerning the organization and rules of the House.

I would hope that the caucus could come up with recommendations in September or October so that we have an opportunity to look at these recommendations and find out what other members of our caucus think about these recommendations. These attitudes should be very, very important to us on the first day of the next Congress when we elect members to the various committees and the House leadership.

Mr. HARRINGTON. I hope that the optimism of the gentleman from California is not misplaced. I think the point should be made both for his benefit and mine and those who share our feelings that we are not talking of reform for reform's sake or as an academic exercise. We are talking about it in terms of problems of this country, which is 80-percent urban. The feeling that I have, and I think the gentleman from California shares it, is that under the existing structure of leadership in this branch, we should systematically run it from the standpoint of lives being dealt with, and it should be debated in terms which are relevant to the needs of America today.

I think it is most important to deal with these questions on the basis that we are attempting to reach people from the standpoint of improving their existence and helping to solve their social and economic problems.

I think the record of Congress to date in this area, from the standpoint of initiative, is one of failure.

I think this is where a great effort must be made to convince people that we are not conducting an isolated debate among those people who seek change, but that we are people who are concerned. The vast number of people in this country who contribute to what this country is and has become are not being well served by a body governed as this one now is.

California, the State from which the gentleman comes, is a microcosm of many of the problems we face because of the failure of our congressional leadership to lead in these areas.

Mr. REES. Mr. Speaker, will the gentleman yield further?

Mr. HARRINGTON. I yield to the gentleman from California.

Mr. REES. In California the legislature does not have a seniority system. As a result, I felt that the legislature was far more responsive to the needs of the people of California than, say, Congress is responsive to the needs of the people of the United States. Today we are beginning to consider here now what we considered in California 10 or 15 years ago. Without a seniority system a member could go into a field in which he was intensely interested. If he were interested and did his work, he could have substantial impact on the future public policy of the State of California. I like that system, flexible free enterprise in a legislative body.

There was good competition within the system. As a result, we were able to pioneer some nationwide policy in the areas of environment, pollution, regional planning, higher education, the California water plan, and many other crucial areas.

The reform bill is scheduled to come up before Congress, I understand, the week of July 13. I hope that the American public can be made aware of how important this bill is to open up the House and allow the public, the citizens, to see what is happening here. And also to modify the seniority system so we can spread the action base among those younger Members who really want to participate and do a job.

Mr. HARRINGTON. I thank the gentleman from California for his remarks this afternoon in assisting one of the new Members in pointing up the problems that I think have been most upsetting and difficult to justify and to remain silent on. I yield back the remainder of my time.

IMPORTANCE OF EXPANDED AND COORDINATED TRANSPORTATION SYSTEM TO BETTER SERVE PENNSYLVANIA

The SPEAKER pro tempore (Mr. MANN). Under previous order of the House, the gentleman from Pennsylvania (Mr. JOHNSON), is recognized for 10 minutes.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, at a breakfast for the Pennsylvania congressional delegation this morning hosted by the Pennsylvania Highway Information Association, Robert G. Bartlett, Secretary of Highways for the Commonwealth of Pennsylvania, delivered the following interesting remarks on the importance of expanded and coordinated transportation system to better serve Pennsylvania and her citizens:

REMARKS BY SECRETARY ROBERT G. BARTLETT

Recognizing the importance of expanded and coordinated transportation systems to better serve Pennsylvania and her citizens, the Shafer Administration will establish a new Department of Transportation on July 1st. But, it is essential that Federal, State and Local Governments work more closely in the future to ensure properly balanced and wisely integrated transportation programs and investment decisions.

Air, rail, mass transit and highway facilities all require increased attention if we are to provide safe, efficient and economic means of transportation to a progressive and highly mobile nation. Thus, we welcome this opportunity to meet with our national Congressional representatives to outline implications for Pennsylvania's future.

A. AIR

This year the Congress wisely enacted the "Airport and Airway Development Act" which will provide $2.5 billion for airport assistance for the next ten years and not less than $250 million each year for the ten year period for airways and navigational improvements.

Pennsylvania's Federal Air Airport Program (FAAP) for fiscal year 1968-1969 totaled about $5 million; 50% Federal funds, 25% State, 25% Local. Based on provisions of the 1970 Act, we may anticipate an annual Federal-aid program in Pennsylvania of $15 million for airport improvements alone. It may be a while before we see these new Federal funds under the 1970 Act, since U.S. DOT will undoubtedly require time to design the program mandated by the Act.

However, we are now preparing to start planning and programming for improvements so that we may make intelligent use of funds now available and be prepared when the accelerated program is implemented.

Clearly, the need for airport improvements in Pennsylvania is well recognized and we look forward to the opportunities afforded by this Federal Act.

B. RAIL

Most rail carriers are determined to divest their passenger service.

They argue that prevailing patronage, revenues, and expenses prove rail travel is dead. These conclusions are based on unattractive, inconvenient, unreliable and inefficient service, rather than an objective appraisal of their potential role and capabilities.

Transportation planners are virtually unanimous that intercity travel requires the rail mode, since air and highways cannot fulfill the total need. But, we oppose unprofitable or poorly managed rail service when there is a decreasing market and need. We would re-vamp those routes where present or potential needs warrant.

Through a Cabinet-level Task Force, Pennsylvania has protested Penn-Central's proposal to discontinue 34 intercity passenger trains which would eliminate service west of Harrisburg and Buffalo. This is no time to permit any diminution in presently available transportation facilities.

Several months ago the Commonwealth, with notable foresight, committed $2 million to purchase 11 Metroliners for a Philadelphia/Harrisburg demonstration project to determine market potential of improved intercity rail service. The project will give us the expertise to provide future judgments and policies.

Our new Department of Transportation will manage this effort and will develop and coordinate all rail service proposals through a Master Plan for Transportation which will forecast all transportation needs, then relate needs to system in order to expose overlaps and waste, and identify improvements and new technology.

The basic National rail passenger system, envisioned in S-3706, will create close interstate coordination. Pennsylvania and other states have plans underway for best use of their systems.

S-3706 proposes a National rail system be determined by the Secretary of Transportation. We urge the provision that all states have a closer coordinating role in determining the components of the National system, including a decision-making process and a voice in the operation and service of the system.

We understand that the House Committee on Interstate and Foreign Commerce will send S-3706 to the House floor this week. Hopefully, it will be amended to give the States a better voice in shaping the future of essential rail passenger transportation and will be enacted into law early this summer. We urge your support.

C. MASS TRANSIT

The economic and social progress of our cities depend on the mobility of its citizens.

Our problems are apparent when we consider that urban travel has been doubling every 20 to 25 years, which is about twice the rate of urban population growth. Urbanization is continuing. Today, 70 percent of our nation's population lives in urban areas. Today, there are 105 million motor vehicles. By 1985 we expect to have 146 million.

The private automobile provides a significant degree of personal mobility. Presently, about 92 percent of all personal travel (in person miles) in our urban areas of 50,000 or more population is by automobile.

But it is inconceivable that all of the personal mobility needs in our urban areas will ever be met by the private automobile alone, particularly for the poor, young, aged or infirm. It follows, then, that if we are going to cope with urban growth and maintain mobility, public transportation will have to play a significant role.

The Public Transportation Assistance Bill (H.R. 16261 and S. 1154) recognizes that Federal assistance must be sharply increased to aid in improving and expanding urban mass transportation.

The bill will provide $10 billion in Federal assistance for urban mass transportation over the next 12 years; $3.1 billion of this amount is authorized for immediate obligation by contract authority—to be liquidated over the first 5 years of the program. In this manner, the long-term Federal commitment which is necessary for the initiation of new and improved mass transportation facilities will for the first time become a reality.

We endorse H.R. 16261 which looks to all modes; rail transit, bus transit, or others still to be developed. We endorse it and applaud its passage by the Senate and seek its favorable action in the House.

However, we are aware that this vital bill is stalled in the House Committee on Banking and Currency since Congressman Wright Patman, the committee chairman, dislikes long term contractural obligations. If we are to plan and build sensibly, the Federal program must be geared to such long range provisions. It is simply good business management. To do otherwise would inhibit long overdue investments in mass transit facilities for the citizens of our urban areas.

This bill is essential; we urge your support.

D. HIGHWAYS

Over these past several months a great deal of consideration has been given to Federal highway legislation. Individual bills have been introduced in the House of Representatives by Congressman Cramer, Congressman Fallon and Congressman Kluczynski, and more recently a proposal was submitted from the Secretary of Transportation, John A. Volpe. Additionally, the Senate is also holding public hearings on the subject and I understand it is expected they will possibly develop and pass their own particular version. Because of what appears to be a somewhat fluid situation, it would be very difficult to discuss the pros and cons of these individual pieces of legislation at this time nor is it my intent to do so. I would like instead to direct my remarks to the concepts which I believe should be included in any Federal-aid highway program.

We in Pennsylvania are opposed to any action which would divert monies from State or National highway programs. Our opposition is predicated on the fact that adequate funds are not now available to meet the current needs of the highway systems. Continued construction of new facilities, reconstruction and maintenance of existing facilities are essential if we are to safely and efficiently accommodate the present and anticipated traffic volumes on our roads, streets and highways.

Both the number and use of motor vehicles will continue to increase at a rapid rate and will continue to be the *basic mode of transportation* in this nation. The continued increase in vehicular travel is the result of public preference and its transportation needs. Projections recently made by the Federal Highway Administration indicate that by the year 1980, there will be a total of 134.3 million vehicles on the road as contrasted with an estimated 107.7 million vehicles this year—an increase of 26.6 million. This increase without a doubt will create a demand for new facilities and reconstruction of many of our existing facilities.

As I advised you several weeks ago, Pennsylvania supports the recent program submitted by the American Association of State Highway Officials to the Subcommittee on Roads of the House Public Works Committee. We believe the AASHO proposal should be the basic framework for the development of a soundly oriented Federally-aided highway program.

Such a continuing program requires assured financing, beyond the current October 1, 1972 deadline of the Highway Trust Fund. It is essential that the Highway Trust Fund, which as we all know has proven to be extremely successful, be extended to 1985. The extension to this date is not an arbitrary one but, rather is based on needs studies and the period of time required to initiate and complete projects. Moreover, it is equally important that the monies which flow into this fund from highway users taxes not be diverted to other areas, since the need for continuing highway improvements is well recognized.

In addition to a continuing program and the non-diversion of Trust Funds, we have also taken firm positions in support of the following items, which we consider to be important elements of the Federal Highway Act of 1970 now under consideration:

1. *The Interstate Highway Program* to proceed on the basis of present Congressional authorizations through the 1974 F.Y. and beginning in 1975, financing of the Interstate System be limited to 15% of Federal funding while the remaining funds be used for other higher priority items on the Federal System.

2. *The Matching Ratio* of funds at the present level 90/10 for the Interstate System be maintained. Beginning in 1975, a matching ratio for all projects on the Federal-aid System be at a 70/30 which approximates current Federal and State contributions to highway construction.

3. *Strengthening the 3C Planning Process* which provides for the development of a long-range comprehensive highway program coordinated with plans for improvement of other effective forms of transportation and local land use planning.

4. *Clarification of Environmental Considerations* (Section 4f) required in highway construction. Practices vary widely in these considerations, thereby, substantially increasing project expenditures.

5. Added emphasis to provide *Housing* either through private developers, public housing programs, or public housing produced by State highway departments for those persons displaced by highway improvements and where housing is a serious problem.

6. *A Simplification of Federal-aid Procedures*, which are becoming extremely complex, expensive to administer, and time consuming. Red tape must be slashed.

7. *The Establishment of a New Urban Federal-aid System* in metropolitan areas, 50,000 or more. The system would be developed through the 3C Planning process mentioned earlier.

8. An increase of one-half percent in Federal-aid Funds apportioned to the States to be used without matching funds to finance various *Demonstration Projects*, based on new concepts for increasing traffic capacity and flexibility, efficiency and operation, and multiple uses of right of way, etc.

9. Availability of Funds for *Advance Planning*, engineering studies, designs, etc., particularly in view of the recommendation to transfer emphasis in 1975 from the Interstate to other systems of state roads.

10. 10% of the Federal-aid apportionments be made available for financing a *Bridge Replacement Program* without matching funds. Such bridges to qualify under this program for this aid have been identified through Pennsylvania's comprehensive bridge inspection program.

11. *A Major Bridge Program* to replace older bridges across navigable waterways, such as the Delaware and Monongahela Rivers, because such bridges are outdated and to provide new crossings so as to eliminate the physical barriers such waterways pose to people and commerce.

12. The use of a reasonable amount of highway funds to sustain programs for the *Training of Workmen* for the highway program. Such an approach would permit continued and uninterrupted training, particularly minority groups, which currently results because of seasonal shutdowns.

13. Revisions in the *Scenic Highway Program* which would permit the elimination of billboards from all sections of the Interstate System and those sections of other Federal-aid Systems having scenic value or potential scenic value.

14. Cessation of *Trust Fund manipulation* and stop-start Federal financing of essential projects.

These points, which I have reviewed briefly, will permit innovative, yet effective, national highway programs designed to meet the present and anticipated highway transportation needs. We can and must move forward, not backward, in developing an even better road system in the years ahead.

Secretary Volpe has stated that we must double our present-day transportation facilities in the next 20 years. The very fabric of our future is largely dependent upon the adequacy of such facilities to serve our growing population. It must be a balanced approach, but we must be watchful of those "solutions" that are, in the words of H. L. Mencken, "neat, plausible, and wrong."

Air, rail, mass transit and highway systems must be modernized. Your leadership and support of necessary legislation in these areas will best serve Pennsylvania in the challenging decades ahead.

THE 18-YEAR-OLD VOTE IS UNCONSTITUTIONAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, in signing the voting rights bill, the President joins the democracy cult—those who ascribe to the social philosophy that when the Constitution gets in the way of political expediency or fads of popularity—ignore it.

It was disappointing enough to see this body yield to unconstitutional legislation—passing the buck to the President or the judiciary, but terrifying to learn of the self-confessed breach of duty by our President, who publicly acknowledged the law to be unconstitutional yet shirked his sworn obligation—signed the bill and announced he passed his responsibility to defend the Constitution to the Supreme Court.

The oath of office—the vow to preserve and defend the Constitution—long a symbolic acceptance of trust and fidelity to the people is reduced to a sham—reduced to personal discretions, or representative of what the communications people lead the masses to believe they want.

What happens when the appointed Supreme Court judges also dodge their oaths and yield to the populist democracy?

Ultra vires legislation—usurpation by de facto legality—can be made as if law but it can never be right. We have now witnessed two of the three branches of Government shrug their responsibility in favor of an ever-threatening populist dictatorship.

Consider the rationalization advanced for this latest Federal grab of rights expressly reserved to the States and people. The constitutional amendment by statute for teenage franchise is urged justified under the equal protection clause because of some farfetched theory of invidious discrimination by the States.

Yet, the voting rights extension—not intended for nationwide application to all States—but discriminatory to a few States in the South, is said necessary to guarantee equal protection under the same clause in the Constitution.

A new height in repression against our constitutional system—the American people are aware that the crises in our Nation are not from constitutional gov-

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ernment but rather in the refusal of men to allow the constitutional system to operate.

Mr. Speaker, several related newsclippings follow:

[From the Washington Post, June 23, 1970]

NIXON SIGNS BILL FOR VOTE AT AGE 18—TEST ASKED; RIGHTS ACT EXTENDED

(By Carroll Kilpatrick)

President Nixon yesterday signed the bill extending the voting rights law for five years and lowering the voting age to 18 in all federal, state and local elections.

The President signed the double-barreled measure—strongly supported by civil rights forces—although he maintained that the 18-year-old vote section is unconstitutional. He directed the Attorney General to seek a swift court test of its constitutionality.

"Despite my misgivings about the constitutionality of this one provision, I have today signed the bill," Mr. Nixon said in a statement.

"If I were to veto, I would have to veto the entire bill—voting rights and all."

The Voting Rights Act of 1965, under which nearly 1 million blacks have been registered to vote in Southern states, would have expired in August.

Even if the Supreme Court rules that the 18-year-old vote section is unconstitutional, the voting rights provisions, which are extended to 1975, would not be affected.

"Because the basic provisions of this act are of great importance, therefore, I am giving it my approval and leaving the decision on the disputed provision to what I hope will be a swift resolution by the courts," the President said.

The 18-year-old vote section would not affect this year's state and congressional elections since the act provides that it becomes effective after next Jan. 1.

Mr. Nixon long has favored the vote for 18-year-olds, but he has argued that the change could be brought about only by constitutional amendment.

He called upon Congress yesterday to go ahead and pass a constitutional amendment so that if the Supreme Court declares the legislation unconstitutional there will be no serious delay in granting the vote to 18-year-olds.

A White House official said; that Attorney General John N. Mitchell, a governor or a citizen could seek a constitutional test. The suit might be filed directly with the Supreme Court or by way of a special three-judge federal court with direct appeal to the high court.

The White House official predicted that Mitchell would promptly seek a court test, but he said that the bulk of the arguments, pro and con would be made by friends of the court rather than by the government.

A swift court test is necessary, the President and other officials said, because of the cloud which might be thrown over future elections if the constitutional issue is not resolved before 18-year-olds go to the polls.

There will be a number of state and local elections in 1971 as well as votes on bond issues, state constitutional amendments, etc.

The President sent Congress a special letter April 27 declaring that the attempt to extend the vote to 18-year-olds by simple legislation "represents an unconstitutional assertion of congressional authority in an area specifically reserved to the states, and . . . it therefore would not stand the test of challenge in the courts."

An estimated 11 million persons between the ages of 18 and 21 would be eligible to vote if the law is upheld.

The President applauded Congress for extending the Voting Rights Act, which he said opened participation in the political process.

"Although this bill does not include all of the administration's recommendation, it does incorporate improvements which would extend its reach still further, suspending literacy tests nationwide and also putting an end to the present welter of state residency requirements for voting for President and Vice President," he said.

Citing figures on Negro voting and Negro officials elected since the Voting Rights Act was approved five years ago, Mr. Nixon said, "These are more than election statistics; they are statistics of hope, and dramatic evidence that the American system works."

[From the Washington Post, June 19, 1970]

THE 18-YEAR-OLD VOTE: MR. NIXON'S HARD CHOICE

The dilemma which Congress has laid on the President's desk in the form of the voting rights bill, with its 18-year-old vote rider, has to be measured against the views he has expressed in the past. Last April the President argued vehemently, in a letter to Speaker McCormack, that the rider would not expand the vote to young people from 18 through 20 because "it represents an unconstitutional assertion of congressional authority in an area specifically reserved to the states . . ." He assumed that the courts would find this section of the bill unconstitutional and that the results might be to throw the electoral process into turmoil.

It does not necessarily follow, however, that the President will veto the bill now that both houses of Congress have passed it in a form objectionable to him—or even that he is obliged to do so. Last April he was pleading with the House leaders to separate the issues—to pass the voting rights bill without the rider and to grant suffrage to all citizens over 18 by means of a constitutional amendment. Since the House rejected this advice, the President has to accept both parts of the legislative package or nothing.

It seems highly probable that this inseparability of the two distinct parts will be a vital element in the President's decision. His strong feelings about the unconstitutionality of the 18-year-old vote rider have to be weighed against loss of what Congressman McCullough and many others have called "the most effective civil rights law in our nation's history." Undoubtedly the House vote to accept the Senate's version of the bill was also strongly influenced by the same consideration. If the civil rights bill had been sent to conference with the Senate minus the 18-year-old vote rider, it would have been a simple matter for its opponents to filibuster it into oblivion in the seven weeks remaining before its expiration date. Many pragmatic legislators appear to have voted for the package primarily to keep on the books the legislation that has made possible the enfranchisement of nearly a million Negroes in the South.

Frankly, we do not see how the President could eclipse this legislation and at the same time dash all hopes of 11 million young people to be included promptly in the electoral process. The large votes for the bill in both the House and Senate are undoubtedly related to the recent unrest on the campuses and the feeling that alienated youths should be brought within the nation's decision-making processes. The President has indicated his sympathy with this objective, and he will doubtless be loath to throw a veto in the way of its realization even for the purpose of avoiding what he regards as unconstitutional procedure.

The President could, of course, allow the bill to become law without his signature. Or he could sign it reluctantly, for the sake of saving the civil rights act. Either way he would be passing the ultimate verdict on the youth-suffrage rider to the courts. If the Supreme Court should find it an unconstitutional encroachment upon the authority of the states to fix voter qualifications, a separability clause in the bill would save the renewed civil rights section, which has already been upheld by the Supreme Court in somewhat different form.

A constitutional amendment would have been greatly preferable to the procedure Congress has chosen, and if youth suffrage is as popular as women's suffrage was the amendment could be ratified in less than 15 months. The only authority Congress now has to act in this sphere is that acquired under the equal-protection clause of the Fourteenth Amendment. Congress can intervene to protect citizens against state laws that result in invidious discrimination. But can it be said that there is invidious discrimination in placing a voting age at 21, as 46 of the states now do, and not at 18? In our view Congress is not enforcing the equal-protection clause against prejudicial treatment of citizens but is exercising a legislative discretion as to the proper age for voting—a power that the Constitution assigns to the states.

Nevertheless, the issue is controversial. Some constitutional authorities think Congress can legitimately stretch its equal-protection powers to voting-age legislation, and the courts have not spoken directly on this issue. In the circumstances there is much to be said for letting the courts decide, thus avoiding the divisive and disruptive crunch that would likely result from a veto.

NEW SAN FRANCISCO BAY PLANT LEADS THE WAY IN WATER POLLUTION CONTROL

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of California. Mr. Speaker, on a recent visit to my home district in California, I assisted at the dedication of the new water pollution control plant of the Oro Loma Sanitary District in San Lorenzo. This plant, located on the east shore of San Francisco Bay, is the most modern facility of its kind in the Francisco Bay metropolitan area.

The plant, which is designed to serve the projected needs of the service area through 1980, will remove 90 percent of pollutants from waste water before it is discharged into the bay, as compared to 25 percent removed by the older facilities.

The new facilities are designed to serve the needs of the residential, commercial, and industrial community comprising the Oro Loma Sanitary District, the Castro Valley Sanitary District, and a portion of the city of San Leandro.

It is remarkable, I think, that three political subdivisions got together to coordinate their sewage disposal problems. The result is that we now have one system and one plant to serve the overall community. I want to congratulate the public administrators of all three entities, as well as the engineers who planned and managed the construction, on this unified public works accomplishment.

The 23-square mile service area includes a population of more than 160,000 persons, 1,500 commercial establishments, and over 100 industrial plants. Federal funds granted under Public Law 84–660 covered nearly one-third of the $8.1 million cost of the expansion program. Bond issues voted by the property owners of both the Castro Valley and the Oro Loma Sanitary District financed the major portion of the investment.

The administrators of Oro Loma deserve great commendation for their dedication to improving the quality of the water in San Francisco Bay, in cooperation with the Regional Water Pollution Control Board. Mr. Gail H. Stanton is engineer-manager of the Oro Loma plant operation. He is responsible to the board of directors of the two districts.

The present Oro Loma board includes Mr. Laython N. Landis, president; Mr. Whitney P. Clement, vice president; Mr. Culver R. Lewis, secretary; Mr. J. B. Correa and Mr. Colin C. Campbell. The Castro Valley Sanitary District board includes Mr. Anthony F. Taylor, president; Mr. E. T. Peters, secretary; Mr. John C. Gutleben, Mr. Norman Stavert, and Mr. Charles H. Welsh.

I want to add that this new development presents a challenge, both technologically and administratively, to other communities on both sides of San Francisco Bay. The Oro Loma people have led the way. Now, let others follow.

PROBLEM OF PROVIDING ADEQUATE HOUSING FOR MILITARY FAMILIES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am seriously concerned with the problem of providing adequate housing for the families of the men and women in our armed services. This I have stated on many previous occasions. Now I am seeking to enlist the help of the great Committee on Banking and Currency of the House. I feel there is one area in particular where help can properly be forthcoming from that important committee. Now let me give some background information on the problem.

For years, the Military Construction Subcommittee of the Committee on Appropriations of which I am chairman has endeavored to provide adequate on-base housing for military families.

However, because of budget limitations and the necessity to divert a substantial portion of the resources available for military construction to the support of the war in Vietnam, it has not been possible to obtain an adequate annual program of military family housing construction for many years. I intend to continue to do all I can to help correct this situation. In this connection I attach as enclosure 1 a copy of House Report 91–1163 and call your attention to pages 27 through 30.

Based on projected post-Southeast Asia force levels, the outstanding deficit of military family housing is over 200,000 units for career military families. There is also a deficit of approximately 138,000 units for personnel in the lower enlisted pay grades who are not currently considered to be career personnel. It is simply not possible to meet these deficits in any reasonable period of time at the current military family housing construction level of 8,000 a year. Even a program of 12,500 new units a year, which has never been attained but which I have urged the Department of Defense to implement, would not provide the needed housing without substantial improvement in the housing support provided by the civilian economy.

I am confident that more can be done and should be done to aid military families to obtain adequate housing in the civilian community. I am concerned particularly about the plight of families in the lower enlisted pay grades. There is a great hardship among these young people who, regardless of their station in life, are going to fall in love, get married, and have babies. Their plight is serious and in some instances desperate. Even when the wife also is working, they are very often forced to live under extremely bad conditions. This is a very disheartening situation. I feel particularly strongly that something must be done to help these families.

Congress has authorized programs which have been of significant help to civilian families in similar circumstances. It was intended that military families not be denied help to obtain homes through these programs. Nevertheless, despite the steps Congress has taken to help low-income families in need of housing, military families have not benefited from our current housing programs to any significant extent. As housing costs and demand continue to rise, the transient military population finds it increasingly difficult to locate and compete for adequate housing in civilian communities. The military member and his family are placed at a disadvantage by frequent changes of duty station in the interest of national defense. This transiency causes military members to be largely excluded from the benefits of the special Federal assistance programs that are available to other citizens in housing distress. I do not feel it has been the intent of Congress in passing existing housing legislation to discriminate against military families. Unfortunately, the existing housing programs as currently administered have tended to do this.

I have strongly recommended that the Committee on Banking and Currency adopt and send to the floor language which would serve to increase the availablity of public housing for low-income military families. I feel that action of this nature is badly needed and that the Congress could render a most important service in this way. The language could be offered as separate legislation, but in my opinion, it may be preferable to make it a part of any pending legislation on housing. Low-income families in particular should be enabled to derive greater benefit from housing units constructed under existing housing legislation.

By way of suggested legislation, I have offered the following amendments and bills for the consideration of the Committee on Banking and Currency:

H.R. 16643—91ST CONGRESS

AMENDMENTS

On page 37, line 10, change the period to a semicolon and insert the following:

"Or (3) is subject to an agreement between the project owner and the Secretary of Defense, or his designee, which is approved by the Secretary, to provide that during the entire period such agreement shall be in effect the owner shall grant first priority of occupancy with respect to the entire project, or to such portion of the project as shall be specified in the agreement, to military personnel serving on active duty in the Armed Forces of the United States who satisfy such requirements of tenant eligibility as may be prescribed in accordance with subsection (e)."

On page 38, in line 18, change the phrase "as the Secretary may prescribe" to read as follows:

"As may be prescribed by the Secretary or by the agreement between the owner and the Secretary of Defense, or his designee, entered into and approved in accordance with subsection (b) (3)."

On page 98, in line 12, change the period to a comma and insert the following:

"Including the designation of entire projects or specified numbers of units therein for either the exclusive occupancy or preferential occupancy without regard to nonmilitary waiting lists of families of military personnel serving on active duty in the Armed Forces of the United States who satisfy the income requirements for such occupancy established by section 9."

On page 148, following line 18, insert a new section reading as follows:

"TRANSFER OF MILITARY LANDS FOR LEASE OR DISPOSAL FOR PRIVATE AND PUBLIC LOW-INCOME HOUSING PROJECTS FOR EXCLUSIVE OR PREFERRED OCCUPANCY OF MILITARY PERSONNEL

"SEC. 607. If the Secretary of Housing and Urban Development and the Secretary of Defense, or their designees, shall determine that construction of (1) a multifamily low-income housing project subject to an agreement pursuant to section 502 of title I for granting of first priority of occupancy to military personnel serving on active duty, or (2) a low-income housing project under the United States Housing Act of 1937, as amended, for the exclusive or preferential occupancy of such personnel, will require the use of land under the control of a military department, the Secretary of the military department having custody and control over the land in question is authorized to transfer such land to the Department of Housing and Urban Development without reimbursement, subject to the requirements of 10 U.S.C. 2662. Upon such transfer, the Secretary of Housing and Urban Development is authorized to lease or otherwise dispose of such land for purposes of construction and operation of such projects upon such terms and conditions as he determines will be in the public interest."

On page 148, line 20, change section 607 to section 608.

(A bill to authorize the Secretary of Housing and Urban Development to encourage and approve action by public housing agencies and owners of rental housing who participate in special assistance programs of the Department of Housing and Urban Development to accord special treatment to military personnel serving on active duty with the Armed Forces to assure that Government action in the form of periodic reassignment does not deprive them of the benefits of such programs)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Housing and Urban Development is authorized to approve action taken by public housing agencies or owners of rental housing projects participating in any Federal program to increase the availability of housing for lower income families (in-

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cluding but not limited to those authorized by the United States Housing Act of 1937, section 221(d)(3) and section 236 of the National Housing Act, and title I of the Housing and Urban Development Act of 1968) to set aside for any continuing period such portion of the participating housing as it may elect for either the exclusive or preferential occupancy of any military personnel serving on active duty with the Armed Forces of the United States who satisfy the income requirements of tenant eligibility.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest producer of potash. In 1967 the United States produced 2,993,000 metric tons of potash compared to 2,760,000 metric tons produced by the U.S.S.R., the second-leading nation.

TO CREATE A BETTER ENVIRONMENT, THE BLACK & VEATCH STORY

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, it was my privilege on Wednesday evening, May 27, to attend the Greater Kansas City Area meeting of the Newcomen Society in America. It was a dinner meeting at the Top of the Towers. Most of the 276 members living on both sides of the Missouri-Kansas State line were present.

The Newcomen Society in North America is a nonprofit corporation chartered under the laws of Maine for the study of business, industrial, and institutional achievements. The society was founded in 1923 by the then dean of the American Railroad Presidents, L. F. Loree. Through the years it has grown and it is presently comprised of more than 17,000 members. The Society is named after Thomas Newcomen whose invention in 1712 of the first practical atmospheric steam engine brought him lasting fame. The Newcomen engine paved the way for the industrial revolution. They proceeded by more than 50 years the work of the famous James Watt.

The program for the Missouri-Kansas May meeting was to recognize the achievements of, and to honor an outstanding firm of consulting engineers, Black & Veatch, headquartered in Kansas City.

Mr. Speaker, those of us in Congress who represent the Greater Kansas City Area prefer to believe that our area is famous for many things. "Everything's up to date in Kansas City." We are proud of our Kansas City steaks. We are proud of the Kansas City spirit which has surmounted many difficult problems and near disasters over the years.

Today Kansas City is No. 1 in sports. Our Kansas City Chiefs are the champs of all professional football, which is becoming the most popular of all sports. Because Kansas City is in almost the exact geological center of the United States, we are the very heart of America.

But one of the outstanding characteristics of our area is that it contains the highest concentration of fine engineering and architectural talent found anywhere in America. The Kansas City area can boast of a greater number of distinguished engineering and architectural firms than areas twice and triple our size.

It is for the foregoing reasons, Mr. Speaker, that I wanted to preserve for the RECORD the proceedings of the May meeting of the Newcomen Society which honored the great engineering firm of Black & Veatch. I wanted to perpetuate in the RECORD the remarks of the principal speaker, Thomas B. Robinson, assistant managing partner of Black & Veatch.

Mr. Robinson was introduced by State Senator C. Y. Thomas who represents a district in eastern Kansas. The introductory remarks of Mr. Thomas were well chosen as he quoted from the fourth chapter of John that a prophet has no honor in his own country. He went on to point out that while Mr. Robinson's worth is well recognized in his own home town, engineering itself is something one cannot see in a lighted store window, or worn by a pretty girl, or be dressed up in fancy colors with chrome plate. For these reasons the average citizen does not know very much about engineering.

Senator Thomas emphasized that there is nothing very appealing or glamorous about a sewage disposal plant, but engineers have the technical know-how to be applied down deep in the ground, so necessary even if it cannot be seen. The Senator was so eminently right when he suggested the engineering profession has for far too long gone unrecognized, unhonored, and unsung for its magnificent accomplishments.

The Senator recalled the words of Ralph Waldo Emerson in his essay on "Self Reliance" when he said that an institution is but the lengthened shadow of one man. In characteristic fashion, Tom Veatch shunned the spotlight and wanted another to tell the Black & Veatch story. For this he nominated his second in command, Thomas Buleen Robinson. After we all heard his address we knew a better choice could not have been made.

While Mr. Robinson's remarks speak for themselves, the central theme was that this great firm's basic objective has been to create a better environment. Take note that these men were working to clean up our environment long, long before it became so fashionable just in the last year or so for our youth groups and others to talk about ecology and to celebrate Earth Day. Black & Veatch and its predecessor firms have been at work to achieve a better environment for a period of 63 years. The Engineering News-Record in its latest compilation of the largest 500 engineering consulting firms in the United States lists Black & Veatch as 15th in size.

Mr. Speaker, it is with a great measure of pride that I share the remarks of Thomas B. Robinson spoken before the Newcomen Society as he takes a backsight of 63 years of growth by a firm whose basic objective was to improve our environment.

TO CREATE A BETTER ENVIRONMENT, THE BLACK AND VEATCH STORY

(Reworks of Thomas B. Robinson)

My Fellow Members of Newcomen: Thank you, Senator Thomas, for your most kind and flattering introduction. Considering your most successful career in the business world and the name you are now making for yourself in public life and in the Kansas Senate, your comments are doubly meaningful.

It is a great privilege and pleasure to see so many distinguished persons of our great city and surrounding area gathered here tonight to honor us by their presence, and to hear of the formation and progress of Black & Veatch, Consulting Engineers.

It is difficult to cover in much detail, and in the time that is fitting for an occasion such as this, the history of a firm which, together with its predecessor firms, has covered a period of over 63 years. However, the highlights can be covered, and for initial orientation and background, let me start by noting a few measures that can be applied to the firm today:

Thus, Black & Veatch is listed 15th in size among the 500 largest consulting engineering firms in the United States in the latest annual compilation by Engineering News-Record. In January 1970, Black & Veatch personnel totaled 860, most of whom are in Kansas City although the firm has offices also in New York, San Francisco, Denver, Orlando and Dallas. Current engagements are located in 32 states and 12 foreign countries and relate to construction projects that will cost in excess of $700 million.

From the beginning, the firm's basic objective has been to help create a better environment. As a consequence, our efforts have been largely confined to the utilities and other facilities that contribute to healthful, more comfortable living.

The firm of Black & Veatch was formed in 1915, it being the outgrowth of two predecessor firms—the J. S. Worley Company, formed in 1908 and Worley & Black, formed in 1912. The period was one of great growth and development for Kansas City and its trade area. The motto was "Make Kansas City a good place to live", and in addition, many towns in the region were also striving for improvement and growth. To meet the needs, investments would have to be made for electric lights, for water works, and for sewers while the Main Street would, of course, have to be paved and a "white way" installed.

To John S. Worley, who was then employed by an engineering firm in Toledo, Ohio, these needs acted as a magnet. Also, he had attended both the University of Missouri and the University of Kansas, so the activity in Kansas City and its growing trade area had further appeal to him, and so, he founded the J. S. Worley Company in 1908, with offices in Room 317, Reliance Building at 214 East 10th Street. Soon after starting his firm, Mr. Worley was joined by a former associate at Toledo, Ernest B. Black, a graduate of Kansas University.

The initial year of 1908 saw the fledgling firm start handling the following projects: Delphos, Kansas, for electric light and water works; Meade and Dodge City, Kansas, for water works; Cherryvale, Kansas, for sewerage; and Claremore, Oklahoma, for paving. In 1910, the projects increased more than threefold, to 22, and in 1911, a total of 32 communities were served. Business was good—now the firm had 3 rooms in the Reliance Building, and has secured as a client the City of Shreveport, Louisiana, for the valuation of the privately owned water works and sewerage system. Today, nearly 60 years later, Shreveport is still a valued client.

It is believed that the standards of excellence and the strict adherence to highest ethics, both engineering and business, followed by the early firm and its predecessors, has had much to do with the success of Black & Veatch. Most of its business comes from repeat clients.

In 1912 it was announced in a one-third page Professional Card in the City Directory that Worley & Black of Rooms 300–302 Reliance Building announced their service in "Water Works, Water Purification, Lighting, Sewers, Sewage Purification, Paving, Estimates and Appraisals. J. S. Worley, Associate Member, American Society of Civil Engineers, President; and E. B. Black, Associate Member, American Society of Civil Engineers, Vice President."

So progress continued, and in 1914 the firm was listed as Civil, Hydraulic and Sanitary Engineers with 9 rooms in the Reliance Building. N. T. Veatch was listed as Principal Assistant Engineer for the firm. By the end of 1914 the J. S. Worley Company and Worley & Black had served 108 communities and private companies. But business had fallen off, for only 11 communities were served in 1914. Possibly this was due to the start of World War I in Europe and to Mr. Worley's withdrawal from the firm to become a member of a five man engineering board to place a value on the railroads of the United States.

In the Engineering News of August 12, 1915, the following item appeared:

"Mr. E. B. Black, Associate Member of ASCE, formerly of the firm of Worley & Black, Reliance Building, Kansas City, Missouri, announces the reorganization of the firm under the name of Black & Veatch with offices in the Inter-State Building, Kansas City, Missouri. Mr. J. S. Worley, Member, ASCE, resigned from the firm of Worley & Black January 1, 1914 in order to give his entire attention to the Interstate Commerce Commission's railway valuation work. Mr. N. T. Veatch, Associate Member, ASCE, of the new firm was formerly Assistant Engineer of the Kansas State Board of Health and for the past year and a half has been with the American Water Works and Guarantee Company of Pittsburgh, Pennsylvania".

E. B. Black's choice of a partner for the years ahead was not a "spur of the moment" decision. Both he and N. T., or Tom, Veatch were from Illinois; both had grown up in Kansas; and both were graduates of the University of Kansas. Tom Veatch had been resident engineer for the firm on several construction projects. He was on the Hill City, Kansas, water supply job in December 1911. From here, in fact, he had filed daily progress reports on penny postcards, such as "3 teams and 4 men on well all day; 1 man excavating for power house; 1 man excavating for tank and power; 3 teams hauling rock; 2 teams hauling sand. Well is down about 10 feet. N. T. Veatch, Jr."

And so a partnership lasting 34 years, until the death of E. B. Black on July 4, 1949, was instituted. The new offices in the Inter-State Building (now the American Red Cross Building) marked a new era.

The two young men, now partners, pushed ahead, and the 1916 projects showed a healthy improvement over 1915. And then World War 1 crashed upon the American scene. E. B. Black first had charge of engineering during the construction of Camp Pike at Little Rock, Arkansas, then went to Washington with the Air Service on aircraft production as a Captain and then Major. He also served the War Credits Board and the Quartermaster Corps Construction Division. N. T. Veatch soon was also spread quite thin as the firm handled the engineering phase of the construction of Camp Cody at Deming, New Mexico and Camp Doniphan at Fort Sill, Oklahoma.

During this period the "bread and butter" projects of the communities in the firm's service area, while taking second place to defense needs, were not neglected. In spite of difficulties, some 39 construction projects were carried on in 1917, and a good number of electric properties were appraised. However, with the shortages of materials on account of the war, the work fell off sharply in 1918.

Following World War I, the pre-war employees of the firm were welcomed back to pick up the threads they had dropped to "Make the world safe for Democracy". Progress accelerated and 1920 saw the first inclusion of Topeka, Kansas, as a client city on water purification, and it reappears on the firm's client list for many, many years. Through the Twenties, the firm continued to grow at a moderate, but steady pace, and fortunately, it was sufficiently established when the crash and ensuing depression hit, to survive the lean years of the Thirties.

One outstanding engagement during this period, having local interest, was the Blue River and Gooseneck sewer project for Kansas City, Missouri. The project involved many difficult engineering problems, but was most notable for the way it was handled from an administrative standpoint.

A. I. Beach had been elected as a reform Mayor, but his Council was machine controlled. He, therefore, conceived the idea of a bi-partisan management for this much needed improvement, and arranged for a combination of the late Colonel E. M. Stayton, a highly respected engineer, and staunch Democrat, and Black & Veatch. Colonel Stayton had no organization, so the actual design was handled by Black & Veatch. For the first time in many years, there was real competition in the bidding for the construction contracts, and the project was completed for less than the money appropriated for it.

Survival during the depression, however, was not without some trauma. Tom Veatch still recounts the sad day during the Bank Holiday, when it was necessary to tell the employees that there were insufficient funds to meet the payroll. The option, of quitting with salaries due, guaranteed, or going along with salaries to be paid when funds became available, was offered. No employee quit. Tom Veatch remains curious to this day as to what business basis the bank found for making the loans that carried the firm through those troubled times.

Two factors contributed greatly to the firm's ability to weather the economic doldrums. One was the fact that the hard times brought about a transfer of ownership of many utility properties and also a review of utility rates by the state commissions responsible for utility regulations. As a result, one of the firm's main activities in the leanest years was on appraisals and rate studies.

The other saving factor was the Jackson County road program. Harry S. Truman, then Presiding Judge of the County Court, arranged for a conference between Colonel Stayton and Black & Veatch, at which he stated he wanted the engineering of the road program to be handled by a special organization as had been done on the Blue River and Gooseneck sewer project. As a result, Colonel Stayton and N. T. Veatch were employed to take charge, and an organization using Black & Veatch personnel as a nucleus was developed. Again, there was real competition for the construction, not only locally but from all over the country. The resulting road system was considered one of the three finest county systems in the country at that time.

By 1940 the firm's personnel had increased to 150. The effects of the depression were over and the firm's volume of work in its normal utility field was again expanding. E. B. Black was honored as President of the American Society of Civil Engineers, the country's oldest and largest of the founder engineering societies. The firm had truly achieved national recognition and looked forward to a period of steady growth and expansion. And then—World War II!

Numerous army camps, as well as army and navy airbases, were assigned to Black & Veatch for engineering and construction supervision. One of the army camps of particular interest was Camp Hale, constructed near the Continental Divide at Pando, Colorado, where the only U.S. Ski Division was trained.

Toward the end of World War II and in the years immediately following, the firm provided extensive service to the Atomic Energy Commission in the development of their then highly secret activities at Los Alamos, New Mexico. Engineering for site development, all utilities, much of the housing and special service buildings, and for many of the technical laboratories and process buildings was provided by the firm. At one time, over 175 Black & Veatch personnel were engaged on AEC projects, and 85 of these were in residence at Los Alamos for from two to five years.

At the end of World War II, one of the firm's principal engineers, E. L. Filby, subsequently an Executive Partner and now retired, was "loaned" for eight months to the American Water Works Association and the Water Pollution Control Federation, then the Federation of Sewage Works Associations, to develop and present a program of needed construction preparedness. Termed "BLUEPRINT NOW!", its purpose was to promote jobs for returning veterans.

The period following World War II has been one of continuing growth and expansion for the firm—not only in volume of work and increased numbers of personnel, but in expansion geographically and into new fields of practice. Perhaps the most spectacular growth has occurred in the firm's electric power activities. Earlier electric power design projects had been almost entirely for small systems, either publicly or investor-owned, since most of the large electric power companies were captive to holding companies having their own engineering design capabilities. Black & Veatch's work for the large investor-owned utilities was, therefore, limited largely to appraisals, and depreciation and rate studies. Following the enactment of the Holding Company Act which outlawed these combines, the firm began to obtain major design assignments from a number of the investor-owned power companies. Its activities have expanded until today it is recognized as one of the large consulting engineering firms in the power field.

Following E. B. Black's death in 1949, Tom Veatch continued the firm's operation as a sole proprietor during the period of liquidating the Black interests. On January 1, 1956, he created a new partnership taking in 29 additional partners. The new organization established Tom Veatch as Managing Partner, six Executive Partners who serve generally as a Board of Directors would in a corporation, and twenty-three general Partners. The Executive group is responsible for policy setting and major decisions; Tom Veatch and his assistant, T. B. Robinson, also an Executive Partner, are responsible for day to day management decisions. The other general Partners serve either in the role of Principals and Project Managers, with final responsibility for engineering decisions on their respective projects, or as department heads.

Retirement is optional at age 65 and mandatory at 70 for all Partners except N. T. Veatch. This provision assures continuity of the firm, and the younger men of potential openings in the partnership from time to time. Several of the larger consulting firms in the country have deteriorated or even ceased to exist due to failure of the original partners to establish procedures for taking over by younger men. Black & Veatch will not so suffer—due to Tom Veatch's vision

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and generosity in setting up the new partnership.

The firm's growth has not been without its problems. Recruiting large numbers of qualified personnel and finding the office space in which to house them have posed the greatest difficulties. Most of the recruiting efforts have been through engineering schools as the firm's first interest is in young engineers. The firm has established scholarships in a number of schools, which include an offer of summer employment for the recipients prior to graduation.

The firm's policy of development and promotion from within has minimized the need to recruit older and more experienced personnel. Where a need for a specialist is noted, or where some deficiency in a particular discipline or field of endeavor occurs, the firm has obtained experienced older engineers to fill such needs. Meeting personnel requirements has been difficult in the past several years when engineering graduates have been far too few, and competition has been keen. Due to the firm's ability to hold its engineers, however, and through an active recruiting program, it has managed to meet its needs.

Training and supervision to assure the quality work that satisfies the clients' needs and brings repeat assignments has been a constant problem, especially during recent periods of rapid expansion. To meet this challenge, the firm has encouraged continued education of its employees by generously subsidizing the costs of formal course work and by bringing to the employees, training sessions provided by professional educators and specialists in engineering, communication and management. Participation in professional and technical societies particularly where such activity increases the employees' capability is emphatically encouraged.

The office space problems have been equally difficult. The rate of growth in the firm during the past fifteen years, and particularly during the past five years, has exceeded our anticipated goals, and as a result, has necessitated acquiring additional office space on an accelerated schedule. In 1956, the firm left its quarters on the Country Club Plaza, where it had been located for 21 years, and moved into a new office building, of its own design, at 1500 Meadow Lake Parkway. In 1964, it was necessary to expand the building from 37,000 square feet to 53,000 square feet, which was the maximum allowable under existing zoning and deed restrictions.

Since the 1964 addition, the firm has purchased two buildings, one of 12,000 square feet, located within 300 feet of the main office and the other of 50,000 square feet, immediately adjacent to the main building. The latter building was leased to other tenants and the firm has taken over space in the building as fast as leases could be terminated. This take-over, however, was not rapid enough and in January of this year, a lease was signed for the entire space (40,000 square feet) of a three-story building, now under construction south from the present location on State Line Road. The completion schedule was for June of this year, but will be delayed due to strikes. With occupancy of the new building, we will have 134,000 square feet, exclusive of approximately 20,000 square feet in the Meadow Parkway building now occupied by tenants, which will become available over the next four years.

The organization of the firm today includes four major divisions: Civil-Sanitary, Power, Economic and Financial, and Special Projects. The work of the respective divisions is complementary, and many clients have utilized the services of at least three of the divisions on different projects. Each division is basically self-contained although varying work loads and special technical requirements sometimes necessitate a transfer of personnel between divisions.

Staff functions include stenographic services with several magnetic tape selectric typewriters and composers; printing and reproduction in modern printing facilities; library service; completely computerized accounting and financial reporting; IBM 1130 computer and operating staff; public relations and communications staff; and an automobile fleet of 60 cars.

The Civil–Sanitary Division, as the name implies, obviously deals with water and sewerage projects. However, its scope of activities is really much broader, encompassing streets, highways, airports, tunnels, dams, buildings, industrial wastes, and other projects involving basic civil engineering. In addition, this Division handles solid wastes collection and disposal, urban and regional planning projects, and architectural projects.

Water works projects have ranged in size from the Delphos, Kansas, well to large water system improvements for such cities as Cincinnati, Ohio; Washington, D.C.; Milwaukee, Wisconsin; Denver, Colorado; and many others. Treatment design has varied from the very complex requirements for treating highly polluted Ohio River water at Cincinnati and highly turbid Missouri River water at Kansas City to the clear but highly mineralized well waters at Memphis, Tennessee, and Wichita, Kansas, or to the clear but at times organically odorized and taste laden waters of the Great Lakes at Milwaukee, Wisconsin; Holland, Wyoming, and Bad City, Michigan.

Water pumping stations of many millions of gallons per day capacity have been designed for Kansas City, St. Louis, Cincinnati, Washington, D.C., Milwaukee, St. Paul, San Antonio, Memphis, and many other larger cities in the country.

Water distribution system designs have varied from those with one basic pressure zone as in Memphis to systems with multiple pressure planes as at Washington, D.C.; Cincinnati, Ohio; and Denver, Colorado.

There is practically no type of water source, treatment, pumping, distribution, or storage problem in which Black & Veatch does not have considerable experience. The firm today is recognized as one of the foremost consulting firms in the country in the field of water supply. In fact, it was recognized as such as early as 1947 when Tom Veatch was elected President of the American Water Works Association.

Black & Veatch has similar background and experience in the field of sewers and sewage treatment. Most of the municipalities in the State of Kansas of over 2,000 population have been, at least in part, served by Black & Veatch. Sewage treatment facilities in the earlier days, before we all became so concerned with polluting our environment, were relatively simple, and easy and economical to operate. Today's requirements for higher degrees of treatment have resulted in the firm's developing highly qualified experts, who are now recognized throughout the country. Two of the firm's partners have been elected to the Presidency of the Water Pollution Control Federation: Ray Lawrence in 1960 and Paul Haney in 1968.

Early sewerage projects of consequence included a large intercepting sewer constructed in tunnels through water-bearing sand, for Memphis, Tennessee; and a sewage treatment plant for Denver, Colorado. Recent projects have included a $40 million sewage treatment plant at Rochester, New York; two sewage pumping stations for St. Louis (one of the largest in the world); the $40 million Bowery Bay sewage treatment plant addition for New York City; the Potomac interceptor sewer for Washington, D.C.; and the sewers and treatment facilities included in the Kansas City, Missouri, $75 million pollution abatement program.

While solid wastes, more commonly recognized under the terms "garbage" and "trash," have always been with us, the severity of the problem of collecting and disposing of them has been recognized only in recent years. Black & Veatch engaged to a minor degree in collection and disposal studies even in its early years, but in the past fifteen years it has been involved in this work in a large way. Solid waste collection, hauling, and disposal studies have been made for Los Angeles, California; Portland, Oregon; Seattle, Washington; Winnepeg and Toronto, Canada; Baltimore, Maryland; Washington, D.C.; Fairfax County, Virginia; Augusta, Georgia, Oakland County, Michigan; Springfield, Massachusetts; Houston and El Paso, Texas; Minneapolis and St. Paul, Minnesota; Indianapolis, Indiana; and Kansas City. A current project for the Metropolitan Sanitary District of Greater Chicago, on which the firm has been asked to report, is as to the feasibility of constructing a pile of refuse 1000 feet high to serve as a recreational mountain with climbing and skiing facilities. From open dumps to landfill, incineration, hauling to sea or strip mine areas, and now to a man-made mountain—life is no longer simple in America!

The Power Division concerns itself primarily with the generation, transmission, and distribution of electric power. However, it also includes work in the field of natural gas transmission, distribution, and storage; industrial plant engineering; and the design of mechanical and electrical systems for buildings, including heating, cooling, ventilating and plumbing. The Division includes three major departments—structural, mechanical, and electrical; and four subsections—water control and treatment; nuclear engineering; systems engineering; and plant instrumentation and control systems. The water treatment section offers clients a special continuing consultation service for treatment of boiler make-up and circulating water systems. The nuclear engineering group concerns itself with reactor design and other nuclear aspects related to electric power projects. This group is now carrying on a study of the Molten Salt Reactor for a number of investor-owned electric companies. This type of reactor seems to hold real promise as a breeder reactor.

The Division's largest projects are for design and project management during construction of major power generating plants. The firm has designed ten generating units in four separate stations for the Florida Power Corporation. The most recent of these was at the Crystal River plant where two units totaling 959,000 kilowatts were installed. The project including barge docking and the oil handling and storage facilities will cost in excess of $100 million. Also in Florida, the firm has designed the Indian River plant for the Orlando Utilities Commission. This plant consists of two oil fired units of 92,000 and 210,000 kilowatts. A third unit of 345,000 kilowatts is currently under design.

Another large addition the firm has designed is at the Conesville station near Coshocton, Ohio, for the Columbus and Southern Ohio Electric Company. This unit of 860,000 kilowatts, now under construction, will be coal fired and will cost over $100 million. Currently under construction is the two unit Calaveras plant and cooling lake for the City Public Service Board of San Antonio, Texas. Each of the two units is of 445,000 kilowatt capacity and will be oil and gas fired. The lake, completed ahead of the generating units, has 4000 acres of surface and will supply the cooling water required for 4 million kilowatts of electric generating capacity. Cooling lakes are being used to a greater degree in recent years because of the increasing objection to thermal pollution when the large volumes of heated cooling water are discharged into streams or natural lakes. The water for the Calaveras Lake comes in large part from the effluent of the city's sewage treatment plants. A similar cooling water lake has been designed for the plant near La Cygne, Kansas which is being built jointly by the Kansas City Power & Light Company and the Kansas Gas and Electric Company.

Other power company clients for which the firm has provided service on numerous repeat engagements include The Kansas Power and Light Company; Public Service Company of Oklahoma; Iowa Power & Light Co.; The Empire District Electric Company; Western Power & Gas Co.; Central Kansas Power Co., Inc.; St. Joseph Light & Power Company; Iowa Southern Utilities, and more recently, the Northern States Power Company. A list of the larger municipal electrical utility clients would include in addition to those already mentioned Owensboro, Kentucky and a new client, Jacksonville, Florida.

Other electric design work includes transmission and distribution substations. The firm has provided extensive service for this type of work to most of the above-mentioned clients as well as for the Kansas City Power & Light Company, Missouri Public Service Company, and the Iowa Public Service Company, to name a few.

In the field of natural gas, the Power Division has designed gas transmission and distribution systems for numerous companies and municipalities. The firm's most interesting gas project, however, was the liquefied natural gas (LNG) facility designed for the Memphis (Tennessee) Light, Gas, and Water Division. This consisted basically of compressor capability for liquefying 5 million cubic feet of natural gas per day at temperatures down to −260° F, a double walled and insulated storage tank of capacity equivalent to one billion cubic feet, and vaporization capability of 200 million cubic feet per day. The function of this facility is to store gas during periods of low demand, making it available to meet the peaks when they occur, and thereby reduce demand charges. On January 15, 1968, the Memphis "Commercial Appeal" had a news story, the opening paragraph of which said "The Memphis Light, Gas and Water Division's new liquefied natural gas storage plant saved the Division a half million dollars last week and the savings will continue to mount during the present cold spell, LG&W officials said last night". Not bad for an eight million dollar investment.

The industrial plant work for the Power Division has involved such projects as a paint facility for the Maytag Company and steam plants for Dow Chemical Company, Pabst Brewing Company, and the Union Pacific Railroad Company. Mechanical and electrical system design for major office buildings and business centers is an important part of the firm's activities. The Business Men's Assurance building here in Kansas City, is an example where we were retained directly by the Company to work with the architects. Also, we are working directly for Crown Center on the central heating and cooling plant and distribution systems for the giant Hallmark Kansas City building complex. Another of our major commercial projects in this field is for the architectural firm of Skidmore, Owings & Merrill on a five-building business center complex the O'Hare Plaza near the Chicago airport.

The Economic and Financial Division keeps its complement of over 60 engineers, economists, and business administration graduates continually engaged on economic and financial studies. The work of this Division makes it possible for the firm to handle all aspects of a utility improvement project, for example, from preliminary investigations, through design and construction, and including all financial problems involving financial programing utility rate designs and certification for the sale of bonds.

Clients of the Economic and Financial Division have included investor-owned utility companies, municipalities, state utility regulatory bodies, and various state and federal agencies and departments. The utility company engagements are for such purposes as determining value for sale or purchase, appearance before regulatory commissions in connection with rate adjustments or depreciation allowances, or for routine property records.

Work for municipalities has been primarily in the field of water, sewage, electric, garbage and trash, and utility rates. Water and/or sewer rate studies have been made in the past ten years for many of the larger cities in the country, including Kansas City, Denver, and Detroit.

The Economic and Financial Division has had some unusual and interesting projects for state and federal government agencies. One of these was a study for the Office of Saline Water of 180 communities in the United States to determine where desalination of existing sources of water might be economically practical. Another project was a study for the State of Oklahoma as to the need for additional state parks, and means of financing their construction and operation through user charges, concession income, etc.

The Special Projects Division works primarily for federal government agencies including, among others, the Department of Defense, Atomic Energy Commission, National Aeronautics and Space Administration, and the Army, Navy, and Air Force. Much of the work of the Division has been "Classified", and all of the personnel in the Division must have high security clearance. It was this Division that handled the Los Alamos work for the Atomic Energy Commission. Another major project was the design and construction supervision of storage facilities for the atomic bombs at strategic locations throughout the world.

In more recent years, the Division has designed and supervised construction of numerous Atlas, Titan, and Minuteman missile facilities for the Air Force. An interesting NASA project was the communications building at Cape Kennedy which houses the tracking and control equipment for the satellite operations. Another NASA project at Cape Kennedy was the equipping of one of four bays in the vertical assembly building in which the Apollo moon shot Saturn rockets are put together. A shock tube test facility, designed by Black & Veatch for the Department of Defense, and the largest compressed air tube ever constructed, has proven most useful in testing the ability of machines and equipment to resist atomic blast.

Specialists in the Special Projects Division have gained national recognition for their knowledge of the design of "hardened" structures for blast resistance. Currently, the Division is designing a "hardened" power supply system for the controversial ABM program, which will be site adapted to all ABM installations. Another current project is the design and supervision of construction for several Minuteman retaliatory missile facilities.

A recent but increasingly important activity of the firm is its projection into foreign work. In 1961, the decision was made to explore the possibility of work overseas, particularly in the Far East. In 1962, Black & Veatch International was established as a subsidiary corporation, totally owned by the partnership.

The firm's first overseas project was the design of electric distribution system improvements for Dacca and Chittagong in East Pakistan. This project led to additional work including a thermal power plant for the Water and Power Development Authority in East Pakistan, now nearing completion. Another, and the largest power project overseas, is the work being done for the Electricity Generating Authority of Thailand (EGAT).

This work, all in the vicinity of Bangkok, includes a thermal power plant of three units with a combined capacity of 840,000 kilowatts, 8 gas turbine electric generators of 15,000 kilowatts each, a central dispatching center for control and operation of the entire electric system, and high voltage transmission lines. These projects, all currently under design and/or construction, involve an expenditure in excess of 112 million dollars.

Other International Company projects include water and sewer system studies for Seoul, Korea; water and sewer system designs for 12 Costa Rican cities, including San Jose; water system improvements for Bogota, Columbia, Lima, Peru, Sao Paulo, Brazil; water supply studies for three cities in Nigeria; sewerage system studies for Mexico City; gas system design for Guadalajara, Mexico and Piedras Negras, Mexico; and the design of a water treatment plant for Tunis, Tunisia. A study and report recently completed for the World Health Organization covered a master plan for sewerage and sewage disposal in Manila Bay for Metropolitan Manila in the Philippines. The plan developed is for a population of 15 million people by 2010. Since Manila is at present virtually without sewers, the problem involves not only sewers but also protection of water uses in Manila Bay.

The International Company is limited in number of personnel as virtually all of its projects are subcontracted to Black & Veatch for accomplishment. The International Company personnel are therefore primarily supervisory, and most of their efforts are in business promotion, client contact, and in liaison with the Black & Veatch forces working on international projects to assure accomplishment in accordance with client desires.

The growth of the firm can be attributed to the basic policy of quality engineering on which it was founded, to the leadership qualities of its founding partners, and their ability to obtain and hold a group of highly competent, personable, and dedicated men. Many members of the organization have known no other employer since their college graduation—they have grown up with the firm. Personnel turnover has been very light as compared to published averages for consulting firms, and Black & Veatch has never released qualified personnel because of work shortage. Its low turnover rate is due largely to management policies. Employee participation in decisions involving the employee are encouraged; coaching of the young by the mature, practiced generally as an obligation of the professional engineer, is especially promoted by the firm; and motivation is attained principally by integration of objectives of the employee and of the firm. These policies practiced since the start of the firm, are today the management principles of the textbook and classroom and are lately being followed extensively by industry. The dedication of its employees attests to the firm's fair treatment and its establishment of a professional atmosphere for its engineering personnel.

And there you have the story of Black & Veatch—its expansion, growth, problems, and successes! It has been a long road from Room 317 in the Reliance Building in 1908. Black & Veatch has weathered economic storms and built solidly for the future. Its large pool of engineering and other professional talent and the diversification of its fields of practice should provide a greater ability to survive than it had in the past. With the continued demands of a growing population and the associated demands of industry, there will be an increasing need for expansion of all utilities—water, sewer, electric power, and gas. Emphasis on improving the environment and on pollution control will result in enlarged public works programs for many years in the future. Industry will be required to provide treatment for its wastes. The electric industry is doubling its capacity every 10 years. Water supplies will become increasingly inadequate and technically competent engineers will be in ever greater demand to solve the water supply problems.

All of these factors indicate a bright future for Black & Veatch—plenty of work, a knowledgeable group of competent and experienced engineers, and a sound organizational structure. We face the future with confidence.

SALUTE TO WDAF

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I take this time to pay tribute to a radio and television station in the Greater Kansas City area which has for 2 successive years, both last year and this year, sponsored a "Fly your American flag" campaign to remind us of our heritage and to spark our patriotism.

WDAF radio, 610 kilocycles on the dial, and WDAF television, channel 4, located on what is called Signal Hill at 31st and Summit in Kansas City, Mo., has earned and deserves the commendation of all of us from the Greater Kansas City area for its efforts to encourage Missourians and Kansans to fly the American flag at home, at their place of business and on their automobiles. WDAF has made available this year, 200,000 automobile antenna flags to the people of Greater Kansas City through retail stores. The cost of the flags is underwritten by the station and any profit from the sale is contributed to local charitable organizations.

It is noteworthy that WDAF, channel 4 television, has given generously of their time of both radio and television stations to present 10- and 20-second films and audio tape spot announcements over a 6-week period which will be concluded prior to Independence Day, the Fourth of July. These stations started way back on May 25, prior to Memorial Day, with heavy emphasis on the period preceding Flag Day, June 14, and now concentrating in the days just preceeding July 4. Films on television and spot announcements on radio have been carried many times daily.

So far as I know, this is the only instance of radio and television so unselfishly donating valuable time for such a worthwhile cause. The WDAF stations seem to be following the pledge of the Taft organization, of which they are a part, which has as its watchword—"Progress and public trust."

The effectiveness of this campaign was observed on Flag Day, Sunday, June 14, and in the intervening period between Memorial Day and Flag Day. More flags than ever before are being flown from homes, businesses, and motorcar antennas. Our Kansas City Police Department has joined in this promotion by flying these flags on their motorcycles and patrol cars. All civic organizations have joined to promote the campaign through their members. The Boy Scouts of America have given their full cooperation in this community effort to rekindle and maintain at full strength a sense of patriotism in our country.

Last year the campaign was hailed as a persuasive and a successful one. This year even greater enthusiasm has been inspired by these rodeo and television announcements.

In 1969 WDAF radio and television stations were awarded a citation of commendation by the American Legion. I am sure these stations deserve another commendation in 1970. I have discussed this patriotic effort with William F. Little, Jr., commander of the fifth district in the American Legion, as well as Jack O. Sanders, commander of the Americanism Committee o fthe fifth district, American Legion of Missouri. These men and the members of all veterans and patriotic organizations applaud the efforts of the WDAF stations, and particularly Nick Bolton, vice president and general manager, whose announced objections is to promote patriotism and unity within our country. I take this time to make certain that such patriotism should not go unrecognized and unthanked. The WDAF stations deserve a salute from all of us for a great community service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PERKINS, for 30 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCCLURE), to revise and extend their remarks and to include extraneous matter to:)

Mr. JOHNSON of Pennsylvania, today, for 10 minutes.

(The following Members (at the request of Mr. HARRINGTON), to revise and extend their remarks and to include extraneous matter to:)

Mr. FLOOD, today, for 10 minutes.
Mr. GONZALEZ, today, for 10 minutes.
Mr. RARICK, today, for 10 minutes.
Mr. FLOOD, on July 15, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances, and to include extraneous material.

Mr. GRAY in three instances, and to include extraneous matter.

Mr. BROYHILL of North Carolina, to extend his remarks and to include extraneous matter during general debate today on H.R. 11833.

Mr. RANDALL in two instances.

Mr. MADDEN, and to include extraneous matter.

Mr. PHILBIN in five instances, and to include extraneous matter.

(The following Members (at the request of Mr. MCCLURE) and to include extraneous matter:)

Mr. REID of New York in two instances.
Mr. GOLDWATER.
Mr. DUNCAN.
Mr. LANGEN.
Mr. BUSH in four instances.
Mr. BLACKBURN.
Mr. BOB WILSON.
Mr. MICHEL.
Mrs. HECKLER of Massachusetts in four instances.
Mr. GUBSER.
Mr. TALCOTT in three instances.
Mr. DERWINSKI in two instances.
Mr. SCHERLE.
Mr. NELSEN.
Mr. HORTON in seven instances.
Mr. WYMAN in two instances.
Mr. BROYHILL of Virginia.
Mr. KLEPPE.
Mr. POLLOCK in two instances.
Mr. ANDERSON of Illinois.

(The following Members (at the request of Mr. HARRINGTON) and to include extraneous matter:)

Mr. ROSTENKOWSKI in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. GONZALEZ in two instances.
Mr. CORMAN in two instances.
Mr. EDWARDS of California in two instances.
Mr. WOLFF in three instances.
Mr. NICHOLS.
Mr. HARRINGTON in two instances.
Mr. O'NEILL of Massachusetts in two instances.
Mr. ADAMS in two instances.
Mr. PICKLE in five instances.
Mr. FULTON of Tennessee in two instances.
Mr. STEED in three instances.
Mr. OLSEN in three instances.
Mr. RARICK in two instances.
Mr. VANIK in two instances.
Mr. HATHAWAY in two instances.
Mr. STOKES in two instances.
Mr. FOUNTAIN in two instances.
Mr. BINGHAM.
Mr. KLUCZYNSKI.
Mr. MANN in two instances.
Mr. DINGELL in two instances.
Mr. HENDERSON in two instances.
Mr. RODINO in two instances.
Mr. ANDERSON of California in two instances.
Mrs. SULLIVAN in three instances.
Mr. O'HARA.
Mr. FRIEDEL in two instances.
Mr. ABBITT.
Mr. CULVER.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 16516. An act to authorize appropriations to the National Aeronautics and Space Administration for research and de-

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velopment, construction of facilities, and research and program management, and for other purposes.

ADJOURNMENT

Mr. HARRINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 24, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2142. A letter from the chairman and members, Public Land Law Review Commission, transmitting the report of the Commission, pursuant to the provisions of Public Law 88-606; to the Committee on Interior and Insular Affairs.

2143. A letter from the Administrator of General Services, transmitting a prospectus for alterations at the Washington, D.C., Potomac Annex, Building 6, pursuant to the provisions of 73 Stat. 480; to the Committee on Public Works.

Received From the Comptroller

2144. A letter from the Comptroller General of the United States, transmitting a report on the improvement needed in the reliability of the Navy manpower and personnel management information system; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 1110. Resolution for consideration of H.R. 6715, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes (Rept. No. 91-1223). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1111. Resolution for consideration of H.R. 17825, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes. (Rept. No. 91-1224). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS (for himself and Mr. Burleson of Texas):

H.R. 18172. A bill to amend the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 18173. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. FULTON of Pennsylvania:

H.R. 18174. A bill to amend the Internal Revenue Code of 1954 to restore the investment tax credit; to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 18175. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of Pennsylvania:

H.R. 18176. A bill to provide for an equitable sharing of the United States market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 18177. A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967; to the Committee on the Judiciary.

By Mr. KUYKENDALL (for himself, Mr. Hamilton, Mr. Broyhill of North Carolina, and Mr. Brown of Ohio):

H.R. 18178. A bill to direct the Secretary of Commerce to determine whether or not commerical shortages of hardwood logs exist, and to prohibit the export of logs found to be in short supply; to the Committee on Interstate and Foreign Commerce.

By Mr. Reid of New York:

H.R. 18179. A bill to authorize the Secretary of Transportation to guarantee loans to rail carriers to assist them in the performance of transportation services necessary to the maintenance of a national transportation system, and to establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 18180. A bill to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALEN (for himself, Mr. Brown of Ohio, Mr. Clancy, Mr. Lukens, Mr. McCulloch, and Mr. Taft):

H.R. 18181. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for river basin programs; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 18182. A bill to establish the statutory maximum interest rate at 6 percent for VA guaranteed and direct loans and to expand authority to make direct loans to veterans where private capital is unavailable at the statutory interest rate; to the Committee on Veterans' Affairs.

H.R. 18183. A bill to amend section 1811 of title 38, United States Code, to raise the limt on the amount of direct housing loans which may be made by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. HUNGATE:

H.R. 18184. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Gettys, Mr. Annunzio, Mr. Rees, Mr. Brasco, Mr. Harrington, Mr. Widnall, Mrs. Dwyer, Mr. Halpern, Mr. Johnson of Pennsylvania, Mr. Stanton, Mr. Brown of Michigan, Mr. Wylie, Mrs. Heckler of Massachusetts, and Mr. MacGregor):

H.R. 18185. A bill to provide long-term financing for expanded urban mass transportation programs, and for other purposes; to the Committee on Banking and Currency.

By Mr. POLLOCK:

H.R. 18186. A bill to amend sections 781-789 of title 49, United States Code, to prevent the unlawful use of firearms in the hijacking of aircraft and other common carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. KING:

H.J. Res. 1270. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. RODINO:

H.J. Res. 1271. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.J. Res. 1272. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. DADDARIO:

H. Con. Res. 666. Concurrent resolution expressing the sense of the Congress with respect to the development of a national science policy; to the Committee on Science and Astronautics.

By Mr. OLSEN (for himself, Mr. Fraser, Mr. Meeds, and Mr. Riegle):

H. Res. 1112. Resolution to declare the sense of the House of Representatives with respect to the Federal administration of Indian affairs; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McDADE:

H.R. 18187. A bill for the relief of Dah Ni Kim; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 18188. A bill for the relief of Saburo Imura; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

410. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to a Constitutional Convention to deal with sedition and criminal anarchy, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

517. By the SPEAKER: Petition of Jane Greenspan et al., Boston, Mass., relative to the McGovern-Hatfield amendment; to the Committee on Armed Services.

518. Also, petition of Jane Greenspan et al., Boston Mass., relative to the Cooper-Church amendment; to the Committee on Foreign Affairs.

519. Also, petition of Jane Greenspan et al., Boston, Mass., relative to repeal of the Tonkin Gulf resolution; to the Committee on Foreign Affairs.

520. Also, petition of Phil Walters, Ligonier, Pa., et al., relative to the conservation of archeological materials; to the Committee on Interior and Insular Affairs.

SENATE—*Tuesday, June 23, 1970*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Most merciful and gracious God who in Thy Word has taught us to "trust in the Lord with all thine heart; and lean not upon thine own understanding," we would work this day as though everything depended upon us and trust as though everything depended upon Thee.

As we humbly bow in Thy presence make us mindful that the greatest and strongest have their sins and failures, and that the weakest have their virtues and noble moments. In all our strength and weakness unite us with Thee in new ventures for an order of life which has in it a love as inclusive as Thy heart. Spare us from cowardice or neutrality in life's moral and spiritual principles but keep us in companionship with those who do justly, love mercy, and walk humbly with Thee.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 22, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Arizona (Mr. FANNIN) is now recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield to me without losing his right to the floor or any of his time?

Mr. FANNIN. I am happy to yield to the Senator from Montana.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the rule of germaneness not apply to the two bills I am about to call up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 856 and 940.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVEYANCE OF CERTAIN REAL PROPERTY TO WASHAKIE COUNTY., WYO.

The Senate proceeded to consider the bill (S. 2583) to provide for the conveyance to the county of Washakie, State of Wyoming, of certain real property of the United States, which had been reported from the Committee on Government Operations with amendments, on page 2, line 12, after the word "the", strike out "land" and insert "real property"; in line 13, after the word "used", strike out "for public purposes" and insert "for a public museum and for other educational purposes"; and in line 21, after the word "Wyoming", insert "within the period of 30 years from the date of conveyance"; so as to make the bill read:

S. 2583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall, without monetary consideration therefor, convey to the County of Washakie, in the State of Wyoming, all right, title, and interest of the United States in and to the real property described in section 2 of this Act, comprising a lot and building formerly occupied by the United States Post Office Department as a local post office, and which has been declared surplus property to the needs of the United States Post Office Department by the General Services Administration.

SEC. 2. The real property referred to in the first section of this Act is located at the corner of Big Horn Avenue and North Ninth Street, in the city of Worland, County of Washakie, State of Wyoming, comprising a rectangular lot one hundred and forty feet in length and one hundred feet in width, together with a masonry and concrete building, containing five thousand forty-three square feet of floor space, situate thereon.

SEC. 3. Any deed of conveyance made pursuant to this Act shall—

(a) provide that the real property conveyed shall be used for a public museum and for other educational purposes;

(b) contain such additional terms, conditions, reservations, and restrictions as may reasonably be determined by the Administrator of the General Services Administration to protect the interest of the United States;

(c) provide that if the County of Washakie, State of Wyoming, within the period of thirty years from the date of conveyance violates any provision of the deed of conveyance or alienates or attempts to alienate all or any part of the property so conveyed, title, thereto shall revert to the United States; and

(d) provided that in the event of such reversion, all improvements made by the County of Washakie, State of Wyoming, during its occupancy shall vest in the United States without payment of compensation therefor.

Mr. McGEE. Mr. President, this bill, S. 2583, is very important, not only to the community of Worland, Wyo., but also to the general public.

It will authorize and direct the Administrator of the General Services Administration to transfer certain real property to Washakie County, Wyo. The board of county commissioners of Washakie County and the citizens who reside there primarily are interested in obtaining this property for the purpose of establishing a public museum. In addition to this, the community has a need for facilities in which to operate their Headstart program under the Office of Economic Opportunity and their adult education program.

A description of the property which is involved and a description of the local community may be helpful. It is the old Worland Post Office building which has served the community for many years and has now been vacated by the Post Office Department and has been declared surplus property by the General Services Administration. The value of the building and lot upon which it is located has been appraised by GSA at $28,000. It is located in the downtown area of Worland, Wyo., on a corner lot which is 100 feet in width and 140 feet in depth. The building is of masonry and concrete construction, one and a half stories high, containing approximately 5,000 square feet of floor space. The location and design of this building particularly suit it for the purposes for which the county wants to utilize it.

The town of Worland has a population of approximately 5,800 people and is the county seat of Washakie County, Wyo., which has a total population of approximately 8,800 people. This community is very progressive and its citizens are very public spirited, even though they are few in number. Worland, Wyo., is located on U.S. Highways 20 and 16, which are direct east-west routes to Yellowstone National Park and the Grand Teton National Park. Last year there were over two and a half million visitors to both of these national parks from every State in the Nation. The proposed museum, as you can see, would not only serve well the local community but also the general public of this Nation, as it is only a 3- or 4-hour drive to the two national parks which are located to the west of Worland. Also close by Worland the Girl Scouts of America have established a camp on a 15,000-acre site adjacent to the scenic Big Horn National Forest. This camp accommodates 10,000 Girl Scouts annually and provides additional facilities for adult leadership training. It is known as the Girl Scout National Center West and is the largest of its type in the world.

In my judgment, a public museum as planned by this local community is meritorious not only from a public service viewpoint but also as an educational facility.

Although the General Services Administration has reported that the present surplus property law is broad enough to allow transfer of surplus real property for museum purposes, from a practical standpoint this is not true. GSA and the Department of Health, Education, and Welfare have established rules and regulations which practically exclude local communities from taking advantage of surplus real property which becomes available under the law unless the transfer is to a public educational institution or a public health facility. In my judgment, this interpretation of the law is too narrow. Additional latitude should be given to certain smaller communities which are not fortunate enough or affluent enough to have a public educational system which could support and administer a public museum. Worland, Wyo., falls into this category

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The local school board has reported to me that they have a need for the property in question; however, their revenue and current expenses are such that they are prohibited from incurring additional expenses for a physical plant and still maintain quality education in the classroom. For this reason, the local school board is supporting the county commissioners' efforts to obtain the property for the purpose of establishing a museum and other educational purposes. For these reasons, I have introduced S. 2583 which I am certain will make available a valuable facility not only for the local community but also for the large number of visitors who travel in this area from all parts of the country. The value of this property would not be lost to the Federal Government if it were donated to Washakie County. We should not try to measure in mere dollars and cents the value of this property to the public if it were utilized as proposed.

The value to the public would far exceed the appraised value of $28,000. In addition to this, the deed of conveyance from the Federal Government under my bill would contain the necessary restrictions requiring public use of the property. In the event these restrictions were violated by the grantee, the property would revert to the Federal Government. Therefore, the interest of the Federal Government would be protected and the general public would receive worthwhile and educational benefits.

By establishing and supporting our national museums, it is evident that Congress has long recognized the importance of public museums. On the State and local level, public museums play an equally important role by expanding educational opportunities and preserving our historic, artistic, scientific, and cultural heritage.

Mr. President, I urge the passage of this bill.

Mr. HANSEN. Mr. President, I am pleased to urge passage of S. 2583, a bill reported by the Committee on Government Operations to provide for the conveyance to Washakie County, Wyo., of jurisdiction over Federal Government property—the former Worland Post Office building—for use by that county for a public museum and for other educational purposes.

Both the land and the improvements will be conveyed to the jurisdiction of Washakie County officials, without monetary consideration.

This is great news for Worland, for Washakie County, and for the entire Big Horn Basin of Wyoming, because Worland's central location in the basin will make the building usable for a number of worthwile educational undertakings.

The central location of the building—with over 5,000 feet of floor space—makes it a most logical and ideal location for a public museum and for other educational purposes. The county will operate the public museum and the Worland School Board will make use of the basement for adult education programs carried out in cooperation with the University of Wyoming at Laramie.

It is my understanding that space will also be made available in the building for the Headstart program of the Department of Health, Education, and Welfare, to provide help to the young children of disadvantaged families. This is all to the good.

I am pleased to note that the committee report on this bill states that the committee believes that the use of the Worland Post Office property for a public museum and for other educational purposes "will prove," according to the committee, "to be of great benefit not only for the local community but also for the large number of visitors who travel and vacation in that area from all parts of the Nation."

It should be noted, too, that the committee believes the public benefit to be derived from the use of the old Worland Post Office property—now declared surplus to the needs of the Federal Government—will far exceed the appraised value of $28,000. To this, I can wholeheartedly agree.

Mr. President, I am pleased to urge enactment of this legislation and I applaud the citizens of Worland and Washakie County for their initiative concerning this proposal.

The new facility will mean much to future generations throughout the entire Big Horn Basin of Wyoming.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–853), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF AMENDMENTS

S. 2583 as introduced did not expressly set forth the intent of the county of Washakie to use the property for a public museum and other educational purposes. The first amendment is a technical conforming amendment to insure that both the land and improvements thereon are conveyed for use as a public museum and for other educational purposes. The second amendment is to require the property to be used for a public museum and for other educational purposes. The third amendment modifies the right of reversion from perpetuity to a specified period of time, i.e., 30 years, thereby conforming that provision of the bill with current regulations on conveyance of surplus real property for health and educational purposes under section 203(k) of the Federal Property and Administrative Services Act of 1949, which limit the period of restrictions to 30 years. Restrictions in perpetuity can create administrative problems and serve no useful purpose, especially for small parcels of property such as that which is here involved.

PURPOSE

The purpose of S. 2583, as amended, is to provide for the conveyance by the Administrator of General Services to the county of Washakie, State of Wyoming, for a public museum and other educational purposes, and without monetary consideration therefor, of all right, title, and interest of the United States in and to a lot and building formerly occupied by a local post office, which property has been declared excess to the needs of the U.S. Post Office Department and has subsequently been determined to be surplus to Federal requirements by the General Services Administration.

BACKGROUND

The property proposed to be conveyed by S. 2583, to the county of Washakie, Wyo., without monetary consideration therefor, is comprised of a rectangular lot 140 feet in length and 100 feet in width, together with a 1½-story, masonry and concrete building situated thereon, which contains 5,043 square feet of floor space. It is located at the corner of Big Horn Avenue and North Ninth Street in the downtown area of the city of Worland, county of Washakie, State of Wyoming.

The county of Washakie intends to use the property for a public museum and for other educational purposes. The county would operate the public museum and the local school board would utilize the basement area of the building for its adult education program in cooperation with the University of Wyoming. In addition, space would be made available in the building for the Federal Head Start Program.

The location and design of this building particularly suit it for the purposes for which the county and the local school board wish to use it. The city of Worland has a population of approximately 5,800 persons and is the county seat of Washakie County, which has a population of approximately 8,800 people. Worland is located on U.S. Highways 20 and 16, which are direct east-west routes to Yellowstone National Park and the Grand Teton National Park. Last year there were over two and one-half million visitors to these two national parks and they came from every State in the Nation. Thus the proposed public museum would not only serve well the local community but also the general public of this Nation.

Also the proposed museum would have great potential as an educational facility for the Girl Scouts of America who have established a camp on a 15,000-acre site near Worland and adjacent to the Big Horn National Forest. This camp accommodates 10,000 Girl Scouts annually and provides additional facilities for adult leadership training. The camp is known as the Girl Scout National Center West and is the largest of its type in the world.

HEARINGS

Public hearings were held by an Ad Hoc Subcommittee on Surplus Property on October 9, 1969, on S. 2583, and several other related bills. Several witnesses, including Members of Congress, testified.

Testifying on S. 2583, were U.S. Senator Gale McGee, of Wyoming and several representatives of the General Services Administration.

The General Services Administration in its testimony on the bill stated that it is opposed in principle to the enactment of special legislation which has for its purpose the disposition of specific properties to public bodies or to others on terms less favorable to the Federal Government than are provided for under existing laws of general application. GSA also stated that the financial effect of the enactment of S. 2583 would be a loss to the Government of the amount which might be realized if the property were disposed of pursuant to existing law. GSA has estimated the fair market value of the property here involved to be $28,000.

Section 203(e)(3)(H) of the Federal Property Act, as amended (40 U.S.C. 484(e)(3)(H)), authorizes the negotiated disposal of surplus real property, subject to obtaining such competition as is feasible under the circumstances, to a State, territory, possession, political subdivision thereof, or tax supported agency therein, if the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation.

Other provisions of the Federal Property Act and related statutes authorize the conveyance of Federal surplus real property without monetary charge, for use for his-

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toric monuments, wildlife conservation, education, public health, or public airport purposes. Also under that authority, Federal surplus real property may be conveyed at 50 percent of the fair market value for use for park and recreational purposes.

Congress has not enlarged the existing classes and purposes eligible to receive surplus real property since the enactment of the 1949 statute, although, by special legislation, it has authorized donations of specific properties for other public purposes in situations where justification for such action was indicated.

Testimony on behalf of Washakie County and the local school board was to the effect that despite their great need for the Worland post office property for the purposes heretofore stated, their revenue and current expenses are such that they are prohibited from incurring the additional financial obligation which would be involved in its purchase.

From the evidence submitted, the committee believes that the use of the Worland post office property for a public museum and for the other educational purposes as proposed by Washakie County and the local school board will prove to be of great benefit not only for the local community but also for the large number of visitors who travel and vacation in that area from all parts of the Nation. The committee further believes that the public benefit to be derived from the use of this facility in the manner proposed will far exceed the appraised value of $28,000.

The deed of conveyance from the Federal Government, under S. 2583, as amended, would contain the necessary restrictions to insure that the property would be used for the purposes stated in the bill. Therefore, the interests of the Federal Government would be protected and the general public would be assured of receiving the worthwhile benefits contemplated in the bill.

By establishing and supporting our national museums, Congress has demonstrated its recognition of the importance of public museums as educational facilities from which the public can and does derive worthwhile benefits. On the State and local level, public museums play an equally important role by expanding educational opportunities and preserving our historic, artistic, scientific, and cultural heritage.

The interest of the Senate in supporting our public museums was manifested as recently as September 26, 1969, when it passed and sent to the House a bill, S. 2210, which had been reported by this committee, to amend section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, so as to make public museums eligible to receive surplus Federal personal property. That bill is now pending before the House Committee on Government Operations. HEW has advised this committee that if S. 2210 is enacted into law, it will apply section 203(k)(1) of the Federal Property Act so as to make public museums eligible to obtain surplus Federal real property as well as personal property.

AGENCY REPORTS

Reports were received from the General Services Administration, the Department of Health, Education, and Welfare, and the Bureau of the Budget, on S. 2583 as it was introduced, and their opposition to the enactment of the bill was based on the ground that existing law of general application does not authorize the transfer of surplus real property to cities or counties without monetary consideration, for general, unspecified, public purposes.

The Department of Health, Education, and Welfare further stated that under its present interpretation of section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, as amended, conveyance of surplus Federal real property to States, their instrumentalities and other eligible institutions, for use as public museums, is appropriate only where such museums conduct accredited or approved educational courses on a regular and continuing basis.

Subsequent to receipt of the aforementioned reports, S. 2583 was amended to expressly provide that the property conveyed by the bill shall be used for a "public museum and for other educational purposes." As it has already stated earlier in this report, this committee believes, on the basis of all the evidence which has been submitted to it, that use of the Worland post office property as proposed in S. 2583, as amended, will benefit the local community and the general public far in excess of its appraised market value.

LAND CONVEYANCE TO CENTRAL DAKOTA NURSING HOME

The Senate proceeded to consider the bill (S. 2209) to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 4, after the word "convey," strike out "by quitclaim deed and without consideration," and insert "subject to the conditions hereinafter set forth in this Act, by quitclaim deed"; on page 2, line 20, after "Sec. 2.", strike out:

Any conveyance pursuant to this Act shall be made subject to such conditions as the Secretary of the Interior deems necessary and appropriate to protect the interests of the United States. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this Act shall be borne by the Central Dakota Nursing Home.

And, in lieu thereof, insert:

The conveyance authorized by this Act shall be made subject to the conditions that:

(1) The Central Dakota Nursing Home pay to the United States as consideration for the land authorized to be conveyed the amount of $5,500;

(2) All minerals, including oil and gas, in such lands authorized to be conveyed shall be reserved to the United States;

(3) The lands, including buildings and other improvements thereon, authorized to be conveyed shall be used by the Central Dakota Nursing Home solely for health care facilities, and in the event that such lands, including such buildings and improvements, cease to be used for that purpose, title thereto shall immediately revert, without payment of consideration, to the United States;

(4) The Central Dakota Nursing Home (including assignees and successors) agrees to waive any and all claims, arising on or before the date of any conveyance pursuant to this Act, which such home might have against the United States as a result of blown silt or other causes resulting from or in connection with construction, operation, or maintenance of the Jamestown Dam and Reservoir; and

(5) All expenses for surveys and the preparation and execution of legal documents necessary to carry out the provisions of this Act shall be paid by the Central Dakota Nursing Home.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey, subject to the conditions hereinafter set forth in this Act, by quitclaim deed, to the Central Dakota Nursing Home, Jamestown, North Dakota, all right, title, and interest of the United States in and to the following described lands near Jamestown, North Dakota, together with all buildings and other improvements thereon:

A tract of land situated in the southwest quarter northeast quarter and the southeast quarter northwest quarter, section 24, township 140 north, range 64 west, 5th principal meridian more particularly described as follows:

Beginning at the center of section 24, township 140 north, range 64 west, 5th principal meridian;

thence south 89 degrees 50 minutes east 771.5 feet;

thence north 00 degrees 21 minutes west 800.0 feet;

thence north 89 degrees 50 minutes west 1,065.8 feet;

thence south 23 degrees 52 minutes 30 seconds west 456.7 feet;

thence south 00 degrees 40 minutes 30 seconds east 385.6 feet;

thence north 89 degrees 44 minutes east 479.7 feet to the point of beginning and containing 22.1 acres, more or less.

SEC. 2. The conveyance authorized by this Act shall be made subject to the conditions that:

(1) The Central Dakota Nursing Home pay to the United States as consideration for the land authorized to be conveyed the amount of $5,500;

(2) All minerals, including oil and gas, in such lands authorized to be conveyed shall be reserved to the United States;

(3) The lands, including buildings and other improvements thereon, authorized to be conveyed shall be used by the Central Dakota Nursing Home solely for health care facilities, and in the event that such lands including such buildings and improvements, cease to be used for that purpose, title thereto shall immediately revert, without payment of consideration, to the United States;

(4) The Central Dakota Nursing Home (including its assignees and successors) agrees to waive any and all claims, arising on or before the date of any conveyance pursuant to this Act, which such home might have against the United States as a result of blown silt or other causes resulting from or in connection with the construction, operation, or maintenance of the Jamestown Dam and Reservoir; and

(5) All expenses for surveys and the preparation and execution of legal documents necessary to carry out the provisions of this Act shall be paid by the Central Dakota Nursing Home.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–936), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The objective of S. 2209 is to authorize and direct the Secretary of the Interior to convey, for fair market value, a 22.1-acre tract of land in Jamestown, N. Dak., to the Central Dakota Nursing Home, a nonprofit corporation. The corporation is presently operating under a 50-year lease which Interior signed in 1960, but needs to expand its facilities, and title to the property would enhance the possibility of loans and gifts.

AMENDMENTS

As originally written, S. 2209 would have authorized and directed the Secretary of Interior to convey the property to the nursing home without consideration. At the recommendation of the Department of the Interior, the committee amended the bill to provide that the conveyance will be made for fair market value of the estate conveyed, estimated at $5,500 (as of April 1970). The reservations are to be considered part of the fair market value. They provide that the property reverts to the United States if it is used for any other purpose than for health care facilities, that the United States would retain the mineral rights, and that the home could make no claims against the Federal Government for damages resulting from silt blowing or other activities in connection with the Jamestown Dam and Reservoir.

DESCRIPTION

The nursing home is of brick and tile construction, and contains space for 100 beds, including a central heating plant, kitchen, dining area, chapel, office spaces, therapy areas, beauty parlor, barbershop, and other rooms. The resident wings form the shape of the spokes of a wheel with a central nursing station at the hub, so that all corridors can be observed. The home has been operating at maximum capacity for the last 3 years or more.

MINERAL VALUES

The land covered by the bill has slight prospective value for oil and gas. The nearest petroleum production is 50 miles distant. The tract is reported to be without value for other minerals, or for geothermal resource development.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 4001—INTRODUCTION OF A BILL TO AMEND FOUR EXISTING TRADE LAWS

Mr. FANNIN. Mr. President, I am introducing a bill, which I send to the desk for appropriate reference, the primary purpose of which is to amend four of our existing trade laws to insure that they will provide meaningful, effective and prompt relief to domestic industries injured by the unfair trade practices of our trading partners.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received and appropriately referred.

The bill (S. 4001) to transfer to the U.S. Tariff Commission certain functions and duties now vested in the President and Secretary of the Treasury under the Antidumping Act, 1921, the Tariff Act of 1930, and the Trade Expansion Act of 1962 introduced by Mr. FANNIN, was received, read twice by its title, and referred to the Committee on Finance.

Mr. FANNIN. Mr. President, now is the time for a new and more efficient organizational arrangement within the Government to provide proper administration of our foreign trade regulatory laws.

Mr. President, we have built a formidable barrier for our own industries in the administration of our foreign trade policy.

I wish to give an example in a telegram I received yesterday from Mr. George Konkol, vice president of Sylvania Electric Products, Inc., Waltham, Mass., and chairman of the Imports Committee of the Electronic Industries Association.

It illustrates the frustration after more than 2 years in no action by our Government after the industry complained against dumping of foreign products on the American market. Mr. President, allow me to read the telegram:

> HON. PAUL J. FANNIN: The tube division of Electronic Industries Association has been fighting Japanese dumping of black and white and color TV sets for the past two years.
>
> March 22, 1968 we filed with Treasury Dept. a complaint concerning this subject. After more than two years of investigation the Treasury Department is about to make a ruling on this complaint which has at stake the future of home entertainment products and supporting components industries.
>
> Presently the Japanese have captured 47 percent of black and white TV set business and 31 percent of color TV set business. Our complaint alleges and we believe documents that this market penetration has largely been due to violations of our anti-dumping laws.
>
> Without a favorable ruling the future of our industry is in serious jeopardy and thousands of jobs so involved.
>
> We enlist and encourage your attention and support on this matter to assure proper consideration of the facts by the Treasury Department.

Mr. President, my bill would provide an essential time limit upon the governmental investigation and decision, requiring such determination to be made for three of the laws not later than 120 days after the date on which the petition is filed.

In keeping with the best tradition of the common law, my bill provides the right to a fair and open hearing, including the right to counsel, to present evidence, and to confront and cross examine. Moreover, both the importer and the domestic industry would have the right to seek judicial review.

This right of appeal not only is required by the Administrative Procedure Act, but is inherent in our system of government. Yet, at present, such review is available in most instances only to importers.

My bill would require full reports be published on the facts and reasoning of the Tariff Commission, thus judicial review would be facilitated and a body of law would be developed to guide the business decisions of importers as well as domestic industry.

In addition, Congress would have a record from which to review the operation and effectiveness of the acts.

By amending these acts, as I have proposed, Congress will assure domestic industries that the same standards of fair trade will be applied to importers. This should materially reduce the steady parade of domestic industries requesting quota restrictions.

The results of my bill merely forecloses to the foreign supplier any unfair advantage which he might derive from a foreign subsidy, price cutting, dumping, or other activities which have been recognized as unfair trade practices in this country for many years and universally condemned.

In no way would these amendments impede or restrict legitimate imports, nor provide protection to any domestic industry against legitimate competition.

My bill would do no more than impose upon imports the U.S. unfair trade laws that are now applied domestically.

Mr. President, some, because they either do not understand or do not want to understand the concept of our regulatory trade practice laws, have characterized the substance and full implementation of these amendments as "protectionism."

This is clearly erroneous. My amendments are not a barrier to free trade. They simply assure fair competition, and therefore promote free trade. This is unlike protective tariffs designed to restrict competition. My amendments will protect competition.

Mr. President, it is not my desire to bring about any unfairness or to bring about any restrictions on imports that comply with the law. But I do feel that because of the many barriers that have been placed by foreign countries on imports from the United States, and the unfair trade practices of certain of our trading partners, that we must take action.

In many instances their barriers are more effective than tariff barriers. I would give as an illustration the automotive industry where foreign companies are shipping into our country a large volume of imports. Still they have charges on such items as weight of cars, horsepower, wheel base, and other restrictions that we do not place upon the equipment that comes into this country.

What we are trying to do is to open those markets that are now closed to our manufacturers and, at the same time, encourage competition. We feel that this would be beneficial to world trade. And if this is not done, we will soon find that our exports will be declining at an even more accelerated rate than at present.

If we take into consideration what is happening to our balance of trade, I think that it will illustrate the problem. For many years we have had a very favorable balance of trade. Back not so many years ago, it was running about $5 billion or $6 billion a year. In recent years, we have seen this change. And it is changing very rapidly. Figures are being used now which I do not feel are helpful in evaluating our balance of trade.

If we consider the AID program, the Public Law 480 program, and other programs that do not really result in revenue to the United States, we find that, instead of a favorable balance of trade, we have an approximate $4.4 billion unfavorable trade balance.

Mr. President, although I have made reference to the electronics industry and specifically the TV industry and allied

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equipment, this is only a very small part of what is involved. We could go into the shoe industry, the textile industry. We could talk about sewing machines and most any other product that is manufactured in large quantity. And we would find our trade position has been seriously jeopardized.

We realize that free trade is perhaps a misnomer, because many countries in the world would suffer if we had a true free trade policy worldwide. The smaller countries that are not industrialized could not compete with the highly industrialized countries of the world.

Thus, we are not talking about just a free trade policy. We are also talking about a fair trade policy.

I have introduced this bill in the hope that we can assist in bringing about a fair trade relationship with all countries of the world so that we will be in a competitive position and on an equitable basis with the other countries of the world that are now enjoying access to our domestic market.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with a time limitation of 3 minutes on statements.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 15 minutes at the conclusion of the remarks of the distinguished Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, according to the previous order, the Chair recognizes the Senator from Kansas for not to exceed 30 minutes.

S. 4002—INTRODUCTION OF THE NATIONAL INFORMATION AND RESOURCE CENTER FOR THE HANDICAPPED ACT OF 1970

Mr. DOLE. Mr. President, I introduce today the National Information and Resource Center for the Handicapped Act. On several occasions I have called attention to the many areas of life in which the handicapped confront particularly difficult and frequently unique problems. Common to each of these areas of difficulty is the problem of information. It appears that the greater the availability and coordination of knowledge, the more progress the handicapped have made toward achieving meaningful solutions and progress. This is the intent of this bill.

For our Nation's 42 million handicapped persons and their families, yesterday, today, and tomorrow are not filled with "everyday" kinds of problems which can be solved or soothed by "everyday" kinds of answers. Their daily challenge is: accepting and working with a disability so that the handicapped person can become as active and useful, as independent, secure, and dignified as his ability will allow.

Too many handicapped persons lead lives of loneliness and despair; too many feel and too many are cut off from our work-oriented society; too many cannot fill empty hours in a satisfying, constructive manner. The leisure most of us crave can and has become a curse to many of our Nation's handicapped.

Employment is universally recognized as an area in which the handicapped are underutilized and often unjustifiably restricted. Numerous organizations and programs have sought to stimulate employment of handicapped workers and to open greater opportunities for them in the mainstream of life.

The economic problems which a handicap often generates are to a certain degree understood by the general public, but the impact on the lives of the afflicted and their families is frequently unappreciated. Some resources and financial benefits are available both through governmental and private channels, but often they are difficult to obtain or of only token significance.

The availability and access of needed health care facilities and personnel looms large in the lives of the handicapped. This is a matter which usually receives scant attention from the great mass of people, because they have no comparable needs in their lives.

In a similar sense, rehabilitation services can be tremendously significant to the handicapped and disabled, but the public is largely unaware of the critical nature of this need. In rehabilitation, the Department of Health, Education, and Welfare said recently that roughly 25 percent of America's disabled have not received rehabilitation services and do not know where to seek such help. They estimate at least 5 million may be eligible for assistance.

Also, in the field of education, the handicapped pose special difficulties in requirements of methodology, facilities and curricula. Slight attention and publicity have been given these matters outside fairly narrow corridors of concern and involvement.

Architectural, transportation, and housing problems are areas that cause tremendous concern for our handicapped. Again, these problems require special consideration. The many services provided by the Federal Government in conjunction with the State governments in financial assistance, rehabilitation, research, education, and training of the handicapped have helped many disabled Americans live as normal, as full and rich lives as possible.

Much has also been done to aid the handicapped through the great voluntary agencies. It is difficult to properly assess the many effects of the private sector—in health care, education, employment; in research, rehabilitation, by fund-raising drives and through professional groups for the handicapped themselves.

Our private economy and the resources of our people have combined to improve the quality of life in America in ways and for persons the Government could not begin to match.

In the framework of the presently available resources for our handicapped citizens, we must insure our efforts and money are not misplaced or misdirected—that they actively fill the needs. It is the design of this bill to insure that all the knowledge and information regarding services be consolidated and made available to the handicapped person in the form he can use and when he most needs it. Presently, no one source exists. There is a lack of coordination and centrally available information. For example, no one source exists where the handicapped can turn for information on colleges and universities with special programs and facilities for them.

Information on rehabilitation facilities and services is incomplete and often available only through professional channels.

Much the same can be said for information on employment, health care and economic aid. In other words, the knowledge about resources, research findings, technical assistance, reports and information about what other governmental

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units, communities, business and colleges have done to accommodate handicapped people is diffused and completely lacking in centralization or coordination. The National Information and Resource Center for the Handicapped will provide a point of contact for individual citizens, families of the handicapped, the handicapped themselves, as well as private organizations, professional organizations, city and State officials who desire information or direction. The creation of this Center will fill this great void. It is an answer to a specific and well-defined need, and it will meet this need at a reasonable cost.

It is not the intent to duplicate the function of any programs in either the Government or private sectors. Rather, the intent is to coordinate information relating to all programs to the benefit of the handicapped. A small staff will be available to direct inquiries to specialized contacts to universities, individuals, organizations, and agencies which have special knowledge or have successfully worked on aspects of these problems. The 42 million Americans who belong to the handicapped minority will be the immediate and long-term beneficiaries of the center's services. America will be the ultimate beneficiary through increased contribution, well-being, and personal fulfillment of the handicapped.

This field truly knows no partisanship. Working together, we in the Senate as well as all interested individuals and organizations can do much to promote meaningful and productive lives for the handicapped. I urge and solicit the cosponsorship and support of my colleagues for the establishment of the center.

Mr. President, I ask unanimous consent that the National Information and Resource Center Act be printed in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4002) to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped, introduced by Mr. DOLE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "National Information and Resource Center for the Handicapped Act".

SEC. 2. (a) There is hereby established, within the Department of Health, Education, and Welfare, a National Information and Resource Center for the Handicapped (hereinafter referred to as the "Center").

(b) The Center shall have a Director and such other personnel as may be necessary to enable the Center to carry out its duties and functions under this Act.

SEC. 3. (a) It shall be the duty and function of the Center to collect, review, organize, publish, and disseminate (through publications, conferences, workshops or technical consultation) information and data related to the particular problems caused by handicapping conditions, including information describing measures which are or may be employed for meeting or overcoming such problems, with a view to assisting individuals who are handicapped, and organizations and persons interested in the welfare of the handicapped, in meeting problems which are peculiar to, or are made more difficult for, individuals who are handicapped.

(b) The information and data with respect to which the Center shall carry out its duties and functions under subsection (a) shall include (but not be limited to) information and data with respect to the following—

(1) medical and rehabilitation facilities and services;

(2) day care and other programs for young children;

(3) education;

(4) vocational training;

(5) employment;

(6) transportation;

(7) architecture and housing (including household appliances and equipment);

(8) recreation; and

(9) public or private programs established for, or which may be used in, solving problems of the handicapped.

SEC. 4. (a) The Secretary shall make available to the Center all information and data, within the Department of Health, Education, and Welfare, which may be useful in carrying out the duties and functions of the Center.

(b) Each other Department or agency of the Federal Government is authorized to make available to the Secretary, for use by the Center, any information or data which the Secretary may request for such use.

(c) The Secretary of Health, Education, and Welfare shall to the maximum extent feasible enter into arrangements whereby State and other public and private agencies and institutions having information or data which is useful to the Center in carrying out its duties and functions will make such information and data available for use by the Center.

SEC. 5. There is authorized to be appropriated for carrying out the purposes of this Act for the fiscal year ending June 30, 1971, the sum of $300,000, and for each fiscal year thereafter such sums as may be necessary.

TWA CREW HONORED

Mr. DOLE. Mr. President, America's commercial airlines spend millions of dollars annually to insure the maximum possible safety of their passengers. The most modern equipment, navigation facilities, and maintenance procedures are employed to make commercial air travel the comfortable and safe means of transportation which it is today. No resource of the airlines, however, is more valuable or more important than their human investment—the crewmembers.

The entire Nation followed accounts of the June 4 hijacking of a Trans World Airways jet on a flight between Phoenix and Washington. Anxiety for the safety of those on board was matched only by admiration for the courage and daring of the crew in charge of the aircraft.

The members of this crew are heroes in the finest tradition of the term. They faced grave peril with a thoroughly professional attitude and dealt with the situation calmly and decisively. In so doing it is believed they saved the lives of everyone involved and preserved a multi-million-dollar airplane.

Recognition was paid to these crew members and their families on June 18 here in Washington at a congressional luncheon and at a Presidential reception at the White House.

Attending were Capt. and Mrs. Dale C. Hupe and their children, Dennis and Deann, of Perry, Kans. Captain Hupe was the pilot of the aircraft and received a serious gunshot wound when he courageously tackled the hijacker in the struggle to subdue him. Captain Hupe has been recovering from his wound in a Fairfax, Va., hospital and was released only that day.

Other members of the cockpit crew and their wives also attended. They were First Officer and Mrs. D. C. Salmonson of Overland Park, Kans.; and Flight Engineer and Mrs. James A. Hawkins of Kansas City, Mo.

In addition to the regular crew, Capt. and Mrs. Billy Williams of Amityville, L.I. were present. Captain Williams, chief international pilot for TWA, flew to Washington to pilot the aircraft in case it would be ordered to fly out of the country. This was the second hijacking mission for Captain Williams.

The crew members who had the responsibility of calming and reassuring passengers during the flight, the hostesses, were present. They were Miss Robyn Urrea of Mesa, Ariz.; Miss Renee Aulberry of Kansas City, Mo.; and Miss Jeanne Laughlin of Shawness Mission, Kans.

F. C. Wiser, president of TWA, also was present.

In the afternoon the group met with President Nixon at the White House for an informal visit. During the meeting in the oval office, the President saluted their heroism and courage and extended his congratulations. He also presented the crew with mementoes of their visit.

It was a proud day for the crew and the entire industry which they have so admirably represented.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 30 minutes following the disposition of the Journal tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Senator from Mississippi (Mr. STENNIS) is recognized for not to exceed 15 minutes.

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PROGRESS REPORT ON COMMITTEE CONSIDERATION OF H.R. 17123, THE MILITARY AUTHORIZATION BILL

Mr. STENNIS. Mr. President, for the information of other Senators, and for the press and the public and other interested persons, I wish to make the following statement regarding the final action by the Senate Committee on Armed Services on H.R. 17123, the military procurement authorization legislation.

The committee voted unanimously on June 17 to report the bill in an amended form. Since the committee action is on the House bill, all differences in the House and Senate versions will be subject to conference between the House and the Senate.

Mr. President, there is nothing particularly new in this statement, but we have put together here the high points of information with reference to the weapons systems and other items in the bill that we thought ought to be brought to the attention of the Senate.

GENERAL SUMMARY

The Senate committee, in terms of procurement, research and development, reduced the House bill $1.328 billion—from $20.237 billion to $18.909 billion. This is an overall reduction of 6.6 percent, and a 6.7-percent reduction below the Department of Defense request. The committee added to the bill the amount of $334 million which represents the military construction authorization for that portion of the Safeguard antiballistic-missile system recommended by the committee. The total of the bill recommended by the committee, therefore, is $19.243 billion.

The committee was acutely aware of the need for reducing the bill to the lowest possible figure consistent with the minimum requirements of national security. This bill represents an austere procurement authorization. As an example, the number of aircraft approved for the Air Force is 375 of which the number of 213 are earmarked for transfer to other countries. This total figure is the lowest number of aircraft requested for procurement by the Air Force since 1935. The Navy aircraft being procured number 259 and represent the lowest "buy" since 1946.

The committee did approve certain new aircraft—the F-14 Navy fighter and the F-15 Air Force fighter—as essential modernization items. These new systems have been already deferred because of the Vietnam war, and the committee felt that the amounts for fiscal year 1971 should not be reduced.

These are the two new planes, Mr. President, that show the greatest kind of hope. They are going to be expensive, it is true, but they will represent the best in technology in weapons of this kind, and those are the only types that we should have on our production lines.

SAFEGUARD ANTIBALLISTIC-MISSILE SYSTEMS

The committee adopted the position that the Safeguard ABM system should be limited to the mission of protecting our strategic deterrent. The committee, therefore, adopted an amendment which prohibits the use of any funds for the advance preparation of the four area defense sites contained in the budget request and in the House bill. These area sites were designated as Northwest, Michigan/Ohio, Northeast, and National Command Authority. The committee, under the strategic deterrent concept, approved funds regarding four sites, Grand Forks and Malmstrom, both of which have been previously funded; Whiteman Air Force Base; and advance preparation funds only for Warren Air Force Base. The Safeguard funding elements consist of research and development, procurement, and military construction authority. The total request approved by the committee is $1.35 billion.

THE C-5A PROGRAM

Mr. President, there has been a great deal in the press about the C-5A program, and we gave that the utmost examination, and have had the Deputy Secretary of Defense, Mr. Packard, giving it his special attention for more than a year now. The committee approved all the funds, in the final analysis, that were requested for this year. This amount totaled $623 million for this item, which included the relatively small amount of $11.6 million for research. Of this amount, $344 million is owed under the contract, with $200 million being designated as a contingency above the amount legally due under the contract as interpreted by the Department of Defense. Remaining funds are designated as "below the line" items consisting of spares and other elements of the program. The committee approved the $200 million contingency for the reason that the production would cease after December 31, 1970, due to the serious cash position of the company. These aircraft are essential to our national defense. If the $200 million was not approved, the Government would receive only about 30 aircraft. With the $200 million, the total number to be received by June 30, 1971, would be approximately 42 planes.

The committee added two significant language items regarding the C-5A:

First. The $200 million in contingency funds will not be obligated by the Department of Defense until an overall plan for the C-5 program is approved by both the Senate and House Committees on Armed Services.

Second. Strict language was added insuring that the $200 million in funds would be utilized only for the C-5A program and not for any other programs of the contractor.

SIGNIFICANT DIFFERENCES IN THE CHANGES TO THE HOUSE VERSION OF THE BILL

In terms of weapons systems, the Senate committee made the following significant changes in the form of the bill as passed by the House:

First. Reduced the new obligational authority in the bill by a total of $334 million in recognition of previous appropriations which will be available for obligation if needed during fiscal year 1971.

Second. Deleted five ships added by the House, not requested by the Department of Defense, totaling $435 million.

Third. Deleted $152 million for lead items for the third *Nimitz* class carrier, CVAN-70. The executive branch has indicated that the funds, even if approved, would not be obligated until studies for the need of this carrier had been completed by the National Security Council.

Mr. President, the committee did not vote against the carrier. It did not determine that the carrier was not probably needed, or possibly needed, however one might wish to express it. The matter was passed over because there had not been a firm, unconditional, positive request made for this carrier in this particular authorization bill for fiscal 1971, and we thought that, in view of the lack of such a firm request, the matter ought to be deferred, and if there is a firm request later, of course, the committee can make a judgment on that.

Fourth. Deleted procurement funds for the Army and Marine Corps for the improved Hawk missile in the total amount of $51.8 million.

Fifth. Deleted the procurement funds in the Air Force account for the international freedom fighter of $30 million.

Sixth. Eliminated further funding of the Army tank, the M60A1E2, in the amount of $23 million. This tank program, representing an attempt to adapt the Shillelagh missile to the M60A1 has encountered great difficulty as well as lengthy delays. Under the circumstances, the committee felt this program should be canceled. Approximately $55 million can be utilized from the chassis of these tanks and can be used in the procurement of what we call the standby workhorse tank which is now used.

It should be noted that the committee approved, as requested, the funds in the amount of $56.7 million for further procurement of the tank, the M60A1, and the funds in the amount of $77 million for further research and development on the MBT-70. This is the tank of the future. It is in the research and development stage only. The A-1 is what we call the workhorse tank now.

SUMMARY OF RESEARCH AND DEVELOPMENT ACTIONS

The committee reduced the research and development request by $249 million as compared to the House bill—from $7.265 billion to $7.016 billion. In terms of the Department of Defense request, the committee reduction totals $385 million—from $7.401 billion to $7.016 billion.

Highlights of the committee action on specific items are as follows:

First. The $17.6 million requested for further development funds of the Cheyenne helicopter was deleted in view of the committee's approval of $27.9 million for the A-X for the Air Force program, and $17 million for the Army advanced helicopter technology program.

Second. The committee reduced by $50 million—from $100 million to $50 million—the request for development funds for the B-1 advanced bomber for the Air Force. The committee observes that $65 million of funds approved last year remain unobligated.

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Third. The committee reduced research and development by $56 million representing prior year funding which will be available if needed during 1971.

Fourth. The committee transferred $79 million requested for S-3A antisubmarine warfare aircraft from the procurement appropriation to the R.D.T. & E. appropriation.

Fifth. The committee denied the request for $33.6 million for the subsonic cruise armed decoy because the Department of Defense has delayed the start of this program and some $8 million of fiscal year 1970 funds approved for this program have not been used.

The many details of the committee actions on research and development will be set forth in the committee report.

SELECTED RESERVES

The committee approved the recommended strengths for each of the Selected Reserve components as contained in the budget request and in the House bill except for the Selected Reserve of the Coast Guard. The budget request recommended no strength for the Coast Guard Reserve, the House bill a strength of 16,950. The Senate committee recommends a strength for fiscal year 1971 of 10,000.

LANGUAGE CHANGES IN THE SENATE VERSION

The following language provisions in the House version of the bill were deleted:

First. Language which would have precluded the obligation of any ship construction funds until a recommendation has been made by the National Security Council regarding the CVAN-70 program.

Second. Deletion of the requirement that $600 million be expended from fiscal year 1971 funds in naval shipyards.

Third. Language which would have required the DD-963 destroyer program to utilize the facilities of at least two shipyards.

Fourth. The prohibition of the obligation of funds for the M-16 rifle unless the Secretary of the Army maintains at least three active production sources for the weapon.

Fifth. Deletion of language prohibiting the use of research and development funds for new contracts in institutions of higher learning where the Secretary of Defense has determined that the institution is barring recruiting of personnel for the armed services from the institution premises.

LANGUAGE ADDED BY THE SENATE COMMITTEE

The Senate committee added to the House version the following language and other changes to the bill:

First. Limitation of $2.5 billion on the amount of appropriations for defense which can be used for Vietnamese and other free world forces in Southeast Asia. That relates to the military aid that was in the bill last year, and we asked the Senate then to put a ceiling of $2.5 billion on it, and it is the same amount this year.

Second. A clarification that the use of defense funds for non-U.S. free world forces in Southeast Asia can be utilized for supporting operations of the South Vietnamese and other free world forces in the sanctuary areas.

Third. A prohibition on the obligation of the funds for the purchase of the F-111F until the Secretary of Defense has certified to the Committees on Armed Services on the structural soundness of the aircraft and its airworthiness generally. This item may come in for some debate, but we feel that the planes are needed. We feel that this testing will prove the success of the craft, and we did require the personal attention of the Secretary of Defense and a personal certificate by him as to the structural soundness of the aircraft before the money could be spent.

Fourth. With respect to the C-5, the adoption of language previously discussed requiring committee approval of the overall program recommended by Defense, together with strict language insuring that the $200 million being requested is used only for the C-5A program.

Fifth. Requirement that beginning in fiscal year 1972 funds for procurement of naval torpedoes be authorized prior to appropriation in the same manner as other weapon systems contained in the bill. This is a rather expensive torpedo, and we thought it ought to be brought under the surveillance of the authorization legislation.

Sixth, Reenactment of language requiring that research and development funds be utilized only for projects having a direct and apparent relationship to a defense mission.

Seventh. Creation of interdepartmental machinery under which military research projects also may be utilized for civilian domestic purposes. The purpose of this amendment is to insure that the byproducts of defense research be utilized for domestic needs where possible.

Eighth. Language, paralleling existing law with respect to military sales, requiring approval by the U.S. Government in instances where certain Southeast Asian countries donate U.S. equipment to third countries.

Ninth. Language relating to independent research and development which, among other things, establishes a ceiling of $625 million for fiscal year 1971 on this general activity.

Tenth. Language relating to chemical and biological warfare which reinstates last year's provision prohibiting procurement of delivery systems for lethal chemical and all biological warfare agents; adds a provision relating to the safety procedures involving disposal of lethal chemical and all biological warfare agents; and directs a study on ecological and physiological effects of using herbicides.

Eleventh. The committee adopted language authorizing the transfer to Israel of aircraft and supporting equipment by sales, by credit sales, or guarantee as a means of assistance in providing for the security of that nation.

The foregoing statement summarizes the highlights of the actions of the committee. The committee report, which will be filed in a few days, will discuss in detail all of the committee recommendations.

Mr. President, when the report can be finished and the bill filed, the bill will represent the very best effort of the Senate Armed Services Committee over a period of almost a year, in working on the major items, delving deeply into the need, and weighing the comparative values and trying to bring before the Senate a well-considered and exhaustively considered bill, with definite reasons for our recommendations.

We do not know yet when this bill will come up for debate—the majority cannot say definitely—but we hope it can be soon after the July 4 short recess. We are going to file the report and testimony in advance of the commencement of debate. We feel that the Members of the Senate are entitled to it. As a fallout from that, we believe that there will be opportunity for preparation on the part of anyone who wishes to take part in the debate and that we can move with dispatch into the merits of any matter that any Senator wants to take up. We hope that there will be a good debate, but we do not believe it will be necessary this time to have as long a debate as we had last year.

The committee does not represent all these items to be unanimous in recommendation, but I believe every item here was considered by every member of the Armed Services Committee more than just casually, with judgment then passed on it. I believe that the members will close ranks as much as they can and present the items in the bill to the Senate for consideration.

I thank the majority leader for this time.

Mr. MANSFIELD. Mr. President, I have listened to the Senator's remarks with interest.

It would be my hope that sometime next month it would be possible to take up the bill—certainly sometime after the end of the Fourth of July recess. Much will depend upon what happens to the calendar in the meantime. But I am hoping that the same spirit of cooperation among the Members of this body which was displayed last night will be shown in the consideration of the second session of our daily sessions, beginning at approximately 5 p.m. today.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROVAL OF LOAN TO SOUTH TEXAS ELECTRIC COOPERATIVE, INC., VICTORIA, TEX.

A letter from the Administrator, Rural Electrification Administration, transmitting, pursuant to law, a report on the approval of a loan to the South Texas Electric Cooperative, Inc., Victoria, Tex., for the financing of certain new transmission facilities, minor improvements to existing generation facilities, and the completion of previously loaned facilities with an accompanying report); to the Committee on Appropriations.

REPORT ON VALUE OF PROPERTY, SUPPLIES AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin magistrate for the quarter ended March 31, 1970; to the Committee on Appropriations.

FINAL REPORT OF THE NATIONAL COMMISSION ON PRODUCT SAFETY

A letter from the Chairman, National Commission on Product Safety, transmitting, pursuant to law, the final report of the Commission, dated June 1970 (with an accompanying report); to the Committee on Commerce.

PROSPECTUS FOR PROPOSED ALTERATION OF POTOMAC ANNEX, BUILDING 6, WASHINGTON, D.C.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at Washington, D.C., of Potomac Annex, Building 6 (with an accompanying paper); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 201. Joint resolution to extend the reporting date of the National Commission on Consumer Finance (Rept. No. 91–939).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa (Rept. No. 91–940).

TEMPORARY EXTENSIONS OF CLEAN AIR AND SOLID WASTE DISPOSAL ACT—REPORT OF A COMMITTEE (S. REPT. NO. 91–941)

Mr. MUSKIE, from the Committee on Public Works, reported an original bill (S. 4012) to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days, and submitted a report thereon, which bill was placed on the calendar, and the report was ordered to be printed.

BILLS INTRODUCED OR REPORTED

Bills were introduced, or reported, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar as follows:

By Mr. FANNIN:

S. 4001. A bill to transfer to the United States Tariff Commission certain functions and duties now vested in the President and Secretary of the Treasury under the Antidumping Act, 1921, the Tariff Act of 1930, and the Trade Expansion Act of 1962; to the Committee on Finance.

(The remarks of Mr. FANNIN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DOLE:

S. 4002. A bill to provide for the establishment, within the Department of Health, Education, and Welfare, of a National Information and Resource Center for the Handicapped; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MUSKIE (for himself and Mr. EAGLETON):

S. 4003. A bill to amend the Securities and Exchange Act of 1934 to expand the right of American shareholders to participate in corporate decision making; to the Committee on Banking and Currency.

(The remarks of Mr. MUSKIE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BENNETT (for himself and Mr. SPARKMAN):

S. 4004. A bill to limit membership on National Securities Exchanges to the Committee on Banking and Currency.

(The remarks of Mr. BENNETT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DOMINICK (for himself, Mr. BENNETT, Mr. CURTIS, Mr. TOWER, and Mr. THURMOND):

S. 4005. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 so as to prohibit the use for political purposes of certain funds collected by labor organizations from their members, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DOMINICK (for himself, Mr. BENNETT, Mr. PACKWOOD, and Mr. TOWER):

S. 4006. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religion, or national rigin; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DOMINICK (for himself, Mr. BENNETT, Mr. TOWER, and Mr. THURMOND):

S. 4007. A bill to amend the National Labor Relations Act and the Railway Labor Act so as to provide for the certification of representatives only upon vote by secret ballot of fifty per centum of employees entitled to vote in the election, and to require that employees voting in such elections be afforded an opportunity to vote against representation by any individual or organization;

S. 4008. A bill to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment; and

S. 4009. A bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bills appear later in the RECORD under the appropriate headings.)

By Mr. YOUNG of North Dakota:

S. 4010. A bill for the relief of Sarvar Houshyar; to the Committee on the Judiciary.

By Mr. COTTON:

S. 4011. A bill to assure performance by railroads engaged in interstate commerce of transportation services necessary to the maintenance of a national transportation system, and for other purposes; to the Committee on Commerce.

By Mr. MUSKIE:

S. 4012. A bill to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days; placed on the calendar.

(See reference to the bill when reported by Mr. MUSKIE, which appears under the heading "Reports of Committees.")

By Mr. METCALF:

S. 4013. A bill to prohibit certain combinations and control between electric and gas utilities; to the Committee on the Judiciary, by unanimous consent.

(The remarks of Mr. METCALF when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. GOODELL):

S. 4014. A bill to authorize the Secretary of Transportation to guarantee loans to rail carriers to assist them in the performance of transportation services necessary to the maintenance of a national transportation system, and for other purposes and to establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads; to the Committee on Commerce.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MURPHY:

S. 4015. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

(The remarks of Mr. MURPHY when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4003—INTRODUCTION OF THE CORPORATE PARTICIPATION ACT

Mr. MUSKIE. Mr. President, I introduce for myself and the Senator from Missouri (Mr. EAGLETON) a bill to expand the right of American shareholders to participate more effectively in corporate decisionmaking.

Few aspects of American life fail to be influenced by the actions of our major corporations. Decisions made in the board rooms of large corporations have lasting effects on the quality of life of each American. Many American corporations far outstrip in total revenues the production of every nation except our own and the Soviet Union. The financial resources controlled by the giants of industry are greater than most nations.

We rely primarily on the profit motive to guide corporations toward our social purposes. The profit motive often increases public welfare but, on occasion, profit maximization produces results which destroy our countryside or reduce the quality of life in our society.

One way to increase the effectiveness with which corporations serve society is to increase the voice of shareholders on issues which affect them both as owners of corporations and as citizens in their everyday lives. By providing another channel for shareholders to direct their corporations to advance the general welfare, this bill attempts to improve corporate responsiveness to social and environmental issues.

We are a Nation of many stockholders. Some 26 million Americans are direct owners of securities in domestic corporations. Another 100 million participate in the securities markets through investment companies, pension fund, trust funds, and similar types of institutional investing.

Americans are becoming increasingly aware of the need to solve our common problems through available channels. The public is concerned about the environment, housing, mass transportation, consumer protection, and product safety. Expression of these concerns can and should be permitted through corporate democratic processes.

The bill I am introducing grants to the stockholding public the opportunity to participate, in an effective way, in the corporate decision process. However, as was demonstrated recently when General Motors' shareholders defeated shareholder proposals motivated by concern for the general welfare, the likelihood of success for socially motivated proxy proposals is not now very great. Indeed, few shareholder proposals opposed by management are ever accepted by a majority of shareholders. Nonetheless, the value of shareholder proxy proposals rests not alone in their immediate hope for success but also in their ability to apprise management of the intensity of stockholder concern over the manner in which the corporation is conducting business.

Shareholders have three alternatives for expressing their dissatisfaction within the framework of corporate government. They may engage management in a proxy contest by soliciting their own proxies. Or they may request management to include stockholder proposals in management's proxy.

A divesting stockholder has no real effect on corporate policy. By selling, he is only disenfranchising himself.

The second alternative, of soliciting proxies in compensation with management, involves extraordinary expense and therefore is not a practical alternative for stockholders wishing to change corporate policies.

The only viable method available to shareholders to communicate with other shareholders and to challenge management's policies is by the use of the shareholder proposal.

Section 14(a) of the Securities Exchange Act of 1934 authorizes the Securities and Exchange Commission to regulate the solicitation of proxies. That section was enacted because the increasing geographic dispersal of shareholders in the 1920's had made personal attendance at stockholders' meetings impractical for a majority of shareholders, leaving them without an effective voice in corporate affairs. Accordingly, under section 14(a) the SEC has given stockholders the right to include shareholder proposals of certain kinds in management proxy materials. However, the SEC regulations permit management to exclude stockholder proposals which promote "general economic, political, racial, religious, social or similar causes."

It is clear from the early interpretations of this regulatory language that it was intended, quite properly, to prevent shareholders from raising issues of general public concern over which the corporation had no control. Recently, however, the SEC has interpreted this language to prevent inclusion in proxy materials of shareholder proposals for actions which are within the corporation's control—for example, whether or not the corporation should discontinue manufacture of one of its products—on the ground that the purpose of the proposal involved promotion of a social or political cause.

This interpretation by the SEC is contrary to the purpose of section 14(a) which was to promote shareholder suffrage by giving shareholders the right to vote on any issue of major corporate policy regardless of whether or not it might have some relevance to broader questions of social policy. It may well be that a majority of shareholders will vote against proposals for major company actions which have some relevance to improving our environment or bettering race relations. But at least they should have the chance to vote.

Accordingly, the bill which I am introducing would amend section 14(a) of the 1934 act to provide that, as long as the proposed action is one within the control of the corporation, the SEC may not permit corporate management to refuse to include that proposal in its proxy materials simply because the proposal may in some way also relate to an economic, political, racial, religious or social cause. Passage of this bill will assure that the original purpose of section 14(a)—to promote shareholder suffrage—is not eroded.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BURDICK). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4003) to amend the Securities and Exchange Act of 1934 to expand the right of American shareholders to participate in corporate decision making introduced by Mr. MUSKIE (for himself and Mr. EAGLETON), was received, read twice by its title, referred to the Commitee on banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Corporate Participation Act."

SEC. 2. Section 14(a) of the Securities and Exchange Act of 1934 is amended to add after "section 12 of this title" the following sentence:

"Inclusion in such solicitation of a proposal submitted by a security holder shall not be prohibited on the ground that such proposal may involve economic, political, racial, religious or similar issues, unless the matter or action proposed is not within the control of the issuer."

S. 4004—INTRODUCTION OF A BILL TO LIMIT MEMBERSHIP ON NATIONAL SECURITIES EXCHANGES

Mr. BENNETT. Mr. President, on behalf of the Senator from Alabama (Mr. SPARKMAN), the distinguished chairman of the Senate Banking and Currency Committee, and myself, I introduce legislation which would limit membership on securities exchanges.

This legislation deals with a potential problem of major importance to America's business and financial communities and to the welfare of its people.

The problem arises because of the enormous growth of institutions that are managers of other peoples' money—mutual funds, investment companies, banks and insurance companies.

These institutions are vital, important and valuable parts of the American economy. They serve indispensable purposes in marshaling and investing public money in useful and essential enterprises, as well as in the performance of their own primary functions.

But our Nation, our economy, our system of free enterprise and open-door opportunity, depend upon diversity and a multiplicity of the sources of money available to American business, and upon a free and diversified market for securities.

American business enterprises must have available to them the opportunity to appeal to a large number of sources for the capital that they need.

They must be assured that the price tag for their securities, from day to day—the value placed upon the worth and prospects of their business—is arrived at in a free and open market, reflecting the judgment of hundreds and thousands of investors and dealers, and not just the judgment of a handful of vast institutions or money managers, however competent or sincere they may be.

In short, American business enterprises require a wide open, auction market in which public investors as well as owners of huge blocks of their securities participate as buyers and sellers and traders, all operating under rules designed to protect the interests of all.

The dynamic growth of American industry and business has, in large part, been due to the availability of just such a market, principally represented by the New York Stock Exchange and the American Stock Exchange, as well as smaller, regional exchanges.

Under the Securities Exchange Act of 1934, these national securities exchanges have been open, public markets, operating under stringent and effective regulation pursuant to their own rules and the regulations and surveillance by the Securities and Exchange Commission.

The system has worked well. It is not perfect, and in our volatile economy, it is constantly faced with the need for adjustments to meet changing circumstances. The New York Stock Exchange, for example, is certainly the preeminent securities market in the world to which hundreds of thousands of people and thousands of businesses resort with confidence that it is not dominated by any special group or segment and that it is truly a public auction market, registering the views of thousands of investors and independent broker dealers.

This enviable reputation of our securities exchanges is the result of the fact that they have been operated by members who are subject to rigid controls and who are predominantly agents for the investing public.

In 1969, only 7 percent of the trading on the New York Stock Exchange was by members for their own account, excluding, or course, the operations of

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specialists, floor traders and odd-lot brokers.

The members of the exchange are predominantly agents, executing the orders of others, fashioning the rules of the exchange and conducting its operations, responsive to the needs and interests of their clients who are the investing public and broker-dealers throughout the Nation.

There is concern now, however, in some quarters, that this system may be threatened by proposals that institutions, managers of vast funds that they accumulate from the public primarily by means of the sales of mutual fund interests and insurance policies, should be permitted also to be members of the stock exchanges, either directly or through subsidiaries that they will acquire or have acquired.

These institutions, it is estimated, control more than $200 billion of capital funds.

The magnitude of the impact that membership by institutions would have on the securities exchanges can be judged by the fact that during the first half of 1969, a total 54 percent of the share volume of orders executed by members of the New York Stock Exchange, and 60 percent of its total dollar volume, represented trading by institutions, including banks.

If institutions representing a substantial part of this volume were members of the exchange, directly or through subsidiaries, it is not too difficult to foresee the possible consequences.

First. Many independent brokers and dealers throughout the Nation, in large numbers, would be absorbed or would simply go out of business because of the lack of volume.

Second. The thousands of public investors who now rely on the judgment of those broker-dealers would be deprived of that judgment and would be forced to create new relationships with broker-dealers whom they do not know.

Third. To add the power of the broker-dealer to the power of the actual investor would create an enormous concentration of financial power in those institutions, creating units of power which could dominate the markets by their own actions as well as by their potential for influencing the public and others whose business they handled as broker-dealer members of the exchanges.

Fourth. American business enterprises would no longer be able to rely upon thousands of public investors and broker-dealers to make the market in their securities by their independent judgments. Control of prices for their securities and the evalution of their business would be in the hands of relatively few institutions.

Fifth. American business enterprises which need capital for expansion or refunding would be at the mercy of these institutions. They would no longer be able to turn with assurance to the general public and the strong, nationwide network of independent broker-dealers and investment bankers. A few institutions would have the power to decide the fate of all new enterprises that sought to obtain the financing needed to enter business or to expand or to refinance.

Sixth. The public auction aspect of the market represented by the exchanges would largely disappear. Trading would no longer truly reflect the diverse views of thousands of investors and broker-dealers. Liquidity—the essential condition of public participation in the securities market and of financial stability—would be seriously reduced because trading would be in the hands of relatively few institutions. It is by no means inconceivable that the exchanges as we know them today could no longer continue to exist if this happened. We have already seen the virtual disappearance of an exchange market in bonds, and if the volume and number of trades in stocks were to be severely reduced as a result of the dominance of institutions trading in large blocks, the business of the exchanges would necessarily tend to diminish to the point where their continuance would no longer be feasible.

Seventh. The institution members of the exchanges could dominate the operations and control the rules of the exchanges, including the structure of rates charged to execute buy and sell orders; and it is possible that public investors would suffer.

I do not believe that we as a nation desire this type of concentration of financial power.

Many institutions realize this and are opposed to opening the doors of the exchanges to institutional membership. I should like at this point to offer for the record a statement made by Edmund A. Mennis, senior vice president of the Republic National Bank of Dallas, Tex., and of Howard Stein, president of the Dreyfus Fund.

Each of these men, speaking on behalf of the institution with which he is connected, cogently presents reasons why institutional membership should not be permitted.

I also call attention to the statements of John L. Loeb, senior partner of the banking house Loeb, Rhoades & Co., against institutional membership. Mr. Loeb's statements were introduced in the CONGRESSIONAL RECORD by the distinguished junior Senator from New York (Mr. GOODELL) and appear in the RECORD for April 23, 1970, on page 12792.

I would like to mention some of the reasons why the idea of institutional membership on the exchanges should be carefully studied by the Congress before it is permitted.

In the nature of the operations of securities exchanges, the number of members must be limited. Obviously, not all financial institutions can possibly be members. Thus, a mutual fund or an insurance company which achieves membership would have a competitive advantage over a company engaged in the same business which is not a member, or over any company, such as a bank, which is also engaged in money management, but is not able to become a member. The member institution would have the benefit of lower transaction rates which are necessarily accorded to members. It would have the advantage of access to information which comes from representation on the floor of the exchange. It would have and be able to exploit the prestige of exchange membership. It would have the extra power to affect prices that would be incident to its influence with public customers, as a broker-dealer member.

Next, and of the utmost importance, is the fact that institutions cannot be members of an exchange, either directly or through a broker-dealer subsidiary, without raising the question of potential conflicts of interest.

For example, if an institution were a member, it would vote on commission rates for executing transactions. If so, it could naturally be expected to favor substantially reduced rates on large-block trades which are characteristic of institutions. If so, it could be making a choice contrary to the interests of small investors because the total yield from commission rates must cover the expenses of operating the exchanges and the professionals who use its facilities—and the lower the rate for big blocks, the higher must be the rate for little ones.

Perhaps more alarming than this prospect, however, is the conflict of interest that the institution-member would have to face in connection with its dual position when it is both trading for its own account and as a broker-dealer representing the public. If the institution, for example, decided to sell General Motors stock in its own portfolio, would it not have a duty to advise all of the public customers of its broker-dealer-member subsidiary also to sell General Motors? If it did not do so, would it not be subject to criticism of proceeding in bad faith? If, on the other hand, an institution which had membership on the exchange through a broker-dealer subsidiary and also had many public customers, simultaneously sold its own holdings and advised its public-investor customers to sell, it could be greatly accentuating a market swing, and in any event, it would be prejudicing its own position by advising public investors to sell and thereby risk depressing the market upon which it, also, would be selling.

It can also be expected that if the broker-dealer subsidiary became a member of an exchange, it would in time engage in the underwriting of securities of other corporations. Dangerous conflict of interest problems could arise if the institution-member has undertaken an unsuccessful underwriting commitment which its parent is in a position to liquidate by investing money which it is managing for the public. The dangers inherent in this type of conflict was one of the factors which led Congress to separate commercial and investment banking in the Glass-Steagall Banking Act of 1933.

It is for these reasons that I am introducing this bill which would amend the Securities Exchange Act of 1934 to require that national securities exchanges, by their own rules, provide that no person may be a member of the exchange or a parent of a member unless it is primarily engaged in the transaction

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of business as a broker or dealer in securities. This bill is drafted so that the Securities and Exchange Commission and the various exchanges can implement its provisions by specific definitions, adapted to their special needs.

I should point out, Mr. President, that there are some problem areas in this proposal which I would like to call to the attention of the Senate.

First, it is my understanding that there are some institutions such as mutual funds which have membership on one or more of the regional stock exchanges. This bill as introduced would prohibit such membership. This problem, of course, requires careful examination, which I am sure the committee is prepared to give.

Second, there are also some institutions such as mutual funds that are owned by or affiliated with broker-dealers which are members of the New York and other stock exchanges. This bill would permit continuation of that situation. This problem also has to be carefully explored, and again, I feel that the committee will give it careful consideration.

Mr. President, the recent turbulence in the securities exchanges has raised many questions about the whole process of buying and selling in which they are involved. It has also focused attention on the possible permanent effects of the trading in very large blocks of stock by mutual funds and other volume stockholders.

This combination further affected by the need to find new methods of handling the paperwork involved in daily volume often far above 10 million shares suggests that the time has come when Congress should take a new look at the organization and operation of these exchanges. It is against this background that the problem of institutional membership must be studied and evaluated.

To that end this bill is offered not as a solution but as a point of departure to give all factors in the industry a chance to help us work out a new pattern or confirm that the present one is acceptable.

I hope that the Senate Banking and Currency Committee can find time on its program for early hearings and consideration.

The PRESIDING OFFICER (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 4004) to limit membership on national securities exchanges, introduced by Mr. BENNETT (for himself and Mr. SPARKMAN), was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 4005—INTRODUCTION OF A BILL TO PROHIBIT THE USE FOR POLITICAL PURPOSES OF CERTAIN FUNDS COLLECTED BY LABOR ORGANIZATIONS FROM THEIR MEMBERS

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. BENNETT, Mr. CURTIS, Mr. TOWER, and Mr. THURMOND, I introduce, for appropriate reference, a bill to amend the Labor Management Reporting and Disclosure Act of 1959 so as to prohibit the use for political purposes of certain funds collected by labor organizations from their members, and for other purposes.

Direct use of union dues money for supporting presidential, senatorial, or congressional candidates in campaigns is now illegal under title 18, section 619, of the United States Code. However, labor leaders can and do use dues money in State and local elections; and, as we all know, it is quite simple to get around this law by setting up a separate committee to support political candidates. This is frequently accomplished with only the thinnest veil of disguise.

When this happens, the individual union member from whom these funds are obtained has no choice of how the moneys are to be used. The choice of financially supporting particular candidates is that of union leaders, not the individual union members. The individual member is often put in the position of contributing to the support of a candidate with whom he does not agree. The only remedy available to a union member is to bring a law suit to get back part of his dues if he does not agree with the union leader's choice of candidates. This remedy is expensive, inadequate, and, in reality, impractical. The cost of such a law suit, even in the nature of a class action, would be many times that of the dues paid. The remedy is fine in theory; in reality, it is nonexistent.

Mr. President, my bill is of particular importance in today's society where the political funds of a large union coupled with the impact of today's sophisticated communications media could reverse the outcome of an election. My bill would not halt a union from having this amount of political influence if it were accomplished by finances voluntarily paid by union members and collected separately from dues. Nor would my bill prevent unions from using union funds for lobbying or other purposes directly related to legitimate labor ends. It would only preclude a union from using any dues money collected from a member covered by an agreement requiring membership in such labor organization as a condition of employment for political purposes.

The net effect of my bill would be to allow all union members to contribute or not contribute to the political cause of their choosing. This would be accomplished without dilution of legitimate union political influence.

This bill is a fair and equitable solution to the serious problem of abuse of individual political rights. I hope that my colleagues in the Senate will support such necessary legislation.

The PRESIDING OFFICER (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 4005) to amend the Labor-Management Reporting and Disclosure Act of 1959 so as to prohibit the use for political purposes of certain funds collected by labor organizations from their members, and for other purposes, introduced by Mr. DOMINICK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4006—INTRODUCTION OF A BILL TO MAKE IT AN UNFAIR LABOR PRACTICE FOR A LABOR ORGANIZATION TO DISCRIMINATE ON ACCOUNT OF RACE, COLOR, RELIGION, OR NATIONAL ORIGIN

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. BENNETT, Mr. PACKWOOD, and Mr. TOWER, I introduce, for appropriate reference, a bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to discriminate on account of race, color, religion, or national origin.

The past several years have seen an awakening of the American conscience to the realization that discrimination still exists in America and that the American minority groups do not have an equal opportunity in our society.

Following that realization came a flurry of activity in American courts and legislatures seeking to undo almost 200 years of discrimination. The result of all this activity has been significant and beneficial steps toward equal opportunity for all Americans in such areas as voting, housing, and education. But before the flurry subsides and before the American conscience can rest there is much to be done.

The area of equal employment opportunity is one area of civil rights which must be improved. It is particularly offensive to see the backbone of our free enterprise system wracked with employment discrimination. Employment discrimination becomes more offensive as it grows in scale and practice. For this reason my bill is aimed at the largest and strongest factor in the labor field today, the labor unions. Labor unions, through their power as certified exclusive bargaining agents of the employees, are in a perfect position to control hirings, firings, advancements, seniority, and other employment practices which easily lend themselves to abuse.

Certainly my bill is not the first to realize and attempt to attack the problem. Hopefully, mine will prevail where others failed. Various Presidents have seen the gravity of the situation and have acted on a very limited scale to control employment discrimination through the issuance of executive orders. These orders only forbade discrimination as involved in Federal contracts, a minor segment of the labor world. Congress enacted the Civil Rights Act of 1964, which created the Equal Employment Opportunity Commission in title VII. The primary function of the EEOC was to enforce employment equality but it was not delegated enough sanction power to accomplish its function. Attempted Supreme Court enforcement of title VII has proven more effective but legal technicalities have prevented the Court from achieving full implementation of title VII intent.

My bill would remedy the heretofore confused state of the law by placing

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union employment discriminations where they rightfully belong, under the unfair labor practices of the National Labor Relations Act. This would place such acts under the jurisdiction of the National Labor Relations Board; the net result being faster and cheaper enforcement of a national policy by an organization which is more conversant with unions and their hiring practices.

Mr. President, I am sure that all Americans of conscience will support this act. I ask my colleagues to do the same.

The PRESIDING OFFICER (Mr. Burdick). The bill will be received and appropriately referred.

The bill (S. 4006) to amend the National Labor Relations Act so as to make it unfair labor practice for a labor organization to discriminate on account of race, color, religion, or national origin, introduced by Mr. Dominick (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4007—INTRODUCTION OF A BILL TO REQUIRE THAT EMPLOYEES VOTING IN CERTAIN ELECTIONS BE AFFORDED AN OPPORTUNITY TO VOTE AGAINST REPRESENTATION BY ANY INDIVIDUAL OR ORGANIZATION

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. Bennett, Mr. Tower, and Mr. Thurmond, I introduce for appropriate reference a bill to amend the National Labor Relations Act and the Railway Labor Act so as to provide for the certification of representatives only upon vote by secret ballot of 50 percent of employees entitled to vote in the election, and to require that employees voting in such elections be afforded an opportunity to vote against representation by an individual or organization.

During the past 35 years much effective and beneficial labor legislation has been enacted. Original labor legislation curtailed the powers and abuses of management by strengthening labor's position by providing effective labor union machinery. Strengthened labor unions provided sufficient protection from management abuses but created an environment where labor union domination lead to union abuse of the workers. Later legislation, principally the Labor Management Reporting and Disclosure Act of 1959, sought to rectify this imbalance by specifically protecting various individual rights from union abuse. The 1959 act was effective but it failed to protect some inviolable individual rights. One such right left unprotected was the democratic principle of majority rule.

One of the most important factors in the collective bargaining process is the choice of the union which is to be the exclusive bargaining agent for the whole unit. The present status of labor law is such that a minority of the laborers can choose the exclusive bargaining agent. Today, the National Labor Relations Board will recognize a union as the exclusive bargaining agent for a unit if such union presents authorization cards signed or forged by a substantial number of the unit laborers. Certification elections are won by a majority of those voting rather than a majority of the unit.

This bill eliminates such questionable practices by requiring that an election be held in every contest for union representation, thus eliminating the authorization card technique.

It also provides that in any election a majority, as opposed to a plurality, of employees must vote for a specific union before its representation will be certified as valid. In the event that a majority preference for a specific union or nonrepresentation is not evinced, then a runoff election will be held in order to determine the final choice of the employees. Finally, the bill requires that each ballot specifically provide a choice for "no union representation," thus making clear to the employee that he does have a choice.

Mr. President, this bill simply guarantees laborers the same election rights that all the rest of us take for granted.

The PRESIDING OFFICER (Mr. Burdick). The bill will be received and appropriately referred.

The bill (S. 4007) to amend the National Labor Relations Act and the Railway Labor Act so as to provide for the certification of representatives only upon vote by secret ballot of 50 percent of employees entitled to vote in the election, and to require that employees voting in such elections be afforded an opportunity to vote against representation by any individual or organization, introduced by Mr. Dominick (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4008—INTRODUCTION OF A BILL TO MAKE IT AN UNFAIR LABOR PRACTICE TO REQUIRE A PERSON WHO CONSCIENTIOUSLY OBJECTS TO MEMBERSHIP IN A LABOR ORGANIZATION TO BE A MEMBER OF SUCH AN ORGANIZATION AS A CONDITION OF EMPLOYMENT

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. Bennett, Mr. Tower, and Mr. Thurmond, I introduce for appropriate reference, a bill to amend the National Labor Relations Act so as to make it an unfair labor practice to require a person to join a labor organization as a condition of employment where such person's religious beliefs are contrary to labor organization membership.

The first amendment of the Constitution recognizes and protects the free exercise of religious belief in the United States. Just as important as the written first amendment is the unwritten fundamental tradition of religious freedom in America. This tradition was born with our Founding Fathers who colonized America to avoid religious persecution in Europe.

There are people in the United States today who are inadvertently being denied their freedom of religion. These are the people who belong to religious denominations which believe that membership in or support of a labor organization is wrong. Members of these denominations are forced to violate their religious conscience and join labor unions or suffer the obvious economic consequences.

My bill would protect the religious freedom of these people by allowing them to work for an employer without being required to join or financially support a union organization. It protects the religious beliefs of union members without allowing them to avoid dues paying responsibilities, by providing that in lieu of paying dues, the individual contribute a like amount to any nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code. The particular charity would be designated by mutual consent of the individual and the union.

Admittedly the number of persons affected by my bill would be relatively small, although more than many people would suppose. The number affected is not relevant because religious freedom should never be predicated on practical political factors of majorities or votes.

Mr. President, my bill perhaps seems inconsequential to many people, but who are we or they to deny a very important and fundamental right to those people who have different religious views than our own. We must correct this situation as rapidly as possible so that our practices are consistent with our fundamental principles.

The PRESIDING OFFICER (Mr. Burdick). The bill will be received and appropriately referred.

The bill (S. 4008) to make it an unfair labor practice to require a person who conscientiously objects to membership in a labor organization to be a member of such an organization as a condition of employment; introduced by Mr. Dominick (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4009—INTRODUCTION OF A BILL TO MAKE IT AN UNFAIR LABOR PRACTICE FOR A LABOR ORGANIZATION TO IMPOSE SANCTIONS AGAINST ITS MEMBERS FOR EXCEEDING PRODUCTION QUOTAS

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. Bennett, Mr. Tower, and Mr. Thurmond I introduce for appropriate reference a bill to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas.

The foundation of our economic system rests firmly on the principle that a person shall be compensated proportionately to the labor that he expends. Under our system no one is compensated for the labor of others and conversely no one is thwarted or retarded by the accomplishments of his coworkers. Our free enterprise system encourages and rewards individual accomplishments.

Many of the leading citizens of this country rose from humble beginnings. Where would these people be today without the incentive and impetus of the competitive free enterprise system?

A recent decision of the National Labor Relations Board indicates that perhaps the above principles no longer apply in today's labor markets. The Board upheld the right of unions to set production quotas and enforce the quotas by appropriate sanctions. Thus, an efficient employee who produces more than a set quota can be fined or otherwise punished.

This decision discourages and frustrates the efficient employee and encourages and supports the mediocre laborer. My bill would rectify this present status of the law by denying the unions the power to set and enforce production quotas.

The result of my bill would be to once again encourage each employee to work to the best of his abilities and be proportionately compensated for his labors without being restricted by arbitrary union quotas.

Management would benefit by receiving efficient work rather than the previous token labor efforts in return for labor expenses. Unions would surely support this effort to remove quotas and thus remove earning ceilings. The only detractors to my bill would be the previously protected lazy and inefficient employees.

Mr. President, I know that the industrious working men and women of this country will support my bill. I hope that my colleagues in the Senate will do likewise.

The PRESIDING OFFICER (Mr. BURDICK). The bill will be received and appropriately referred.

The bill (S. 4009) to amend the National Labor Relations Act so as to make it an unfair labor practice for a labor organization to impose sanctions against its members for exceeding production quotas, introduced by Mr. DOMINICK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. TOWER. Mr. President, I wish to commend the distinguished Senator from Colorado (Mr. DOMINICK) for reintroducing the five bills to reform existing labor legislation under the National Labor Relations Act and the Railway Labor Act.

I am proud to be a cosponsor of all of these bills. Labor reform is an area to which Congress should be giving a great amount of attention in light of the recent turmoil in labor-management relations. Passage of the bills just introduced by Senator DOMINICK would be a great step toward improving our existing labor laws. The time for reform is long overdue.

I think we can all admit that the amazing growth of collective bargaining has strengthened the negotiating position of blue collar workers, which in turn has contributed to the strengthening of the free-market economy. Union growth has paralleled the growth of business and management to produce a unique balance in labor-management relations: A relationship not found in centrally directed authoritarian systems.

However, it should always be the job of those who write the laws to insure the continuation of this balance in labor-management relations. For the most part, Congress in the past has reacted responsibly to this task. The result of this action has been represented by the passage of such monumental legislation as the Fair Labor Standards Act, the Railway Labor Act, the Taft-Hartley Act, and the Landrum-Griffin Act. The need for this legislation was apparent at the time of its passage. However, the responsibility of Congress is a continuing and updating process, and it must recognize the need for revision of existing laws already on the books.

The Senate's consideration and eventual passage of the bills I now cosponsor with Senator DOMINICK would assist in maintaining this balance. More important, however, it would protect the rights of both union and nonunion workers whose protection should be foremost in the minds of those debating this type of legislation. In many instances, in my opinion, the rights of the individual laborer have been either forgotten or abused for the purpose of promoting the interests of a few who maintain that they speak for the entire American working force. The individual's rights within the working community should and must be protected. Therefore, I urge prompt consideration of the bills just introduced and explained by Senator DOMINICK of Colorado.

S. 4013—INTRODUCTION OF A BILL TO PROHIBIT CERTAIN COMBINATIONS AND CONTROL BETWEEN ELECTRIC AND GAS UTILITIES

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill to require divestiture of combination gas-electric companies, and other interlocking interests between these forms of energy.

There presently are 78 such combination companies. Together they account for 43 percent of the total sales of electric power by private companies.

I offer this legislation because competition between electricity and gas induces lower rates and better service. We need more competition to curb inflation.

The record made during 6 days of hearings by the Senate Antitrust and Monopoly Subcommittee, headed by the distinguished senior Senator from Michigan (Mr. HART), shows that it is time to rein in galloping oligopoly in the energy industries. Oil companies have acquired the major coal companies. Large investor-owned utilities are leasing coal reserves crucially important to municipal electric systems. The traditional source of federally generated electricity—hydropower—is a steadily decreasing component of our total generation. And in a giveaway scheme worse than Dixon-Yates, the administration has proposed the sale of the Federal Government's uranium enrichment plants to private industry.

The right to choose—one of the basic consumer rights enunciated by President Kennedy—is a sharply diminished right for utility consumers. As their options in shopping for utility service dwindles, the control of energy accumulates in fewer and fewer hands, farther and farther removed from the ineffectual regulatory commissions and the public, whose only function is to pay the bills emitting from distant computers.

Mr. President, the legislation today introduced is supported by officials of straight gas companies. They point out that investors in straight gas companies do as well as investors in combination companies, but that straight gas companies provide more service at lower rates, because they have to compete. Later in my remarks I shall include in the record pertinent comments by President Robert H. Willis of the Connecticut Natural Gas Corp. Part IV of the hearings on S. 607, the utility consumers' counsel bill, also includes supporting commentary from William J. Crowley, executive vice president of the American Gas Association.

However, the Edison Electric Institute, which represents combination and straight electric companies, has hedged on the important question of competition through divestiture. I hope that the spirit of the Fourth of July will imbue EEI speakers with the good old American free enterprise competition concept embodied in my bill.

It is my hope, Mr. President, that the industries and agencies affected by this bill and other interested parties will offer their comments on it during the next 6 months. I intend to reintroduce the bill, or a revision incorporating suggested changes, early next year, and to request hearings at that time.

Mr. President, I ask unanimous consent to include at this point in the RECORD the text of the bill, remarks by Robert H. Willis, president of the Connecticut Natural Gas Corp., and the names of the 78 combination companies.

The PRESIDING OFFICER (Mr. SPONG). The bill will be received and, by unanimous consent, referred to the Committee on the Judiciary; and, without objection, the bill, statement, and list of combination companies will be printed in the RECORD.

The bill (S. 4013) to prohibit certain combinations and control between electric and gas utilities, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on the Judiciary by unanimous consent, and ordered to be printed in the RECORD, as follows:

S. 4013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Power Act is amended by inserting at the end thereof a new part as follows:

PART IV—SEPARATION BETWEEN ELECTRIC AND GAS UTILITY FACILITIES, OPERATIONS, AND INTERESTS

SEC. 401. Declaration of Policy. It is declared that the national public interest, the interests of consumers of electrical and gas services, and the interests of the national defense in a strong and competitive energy industry, may be materially affected when the generation, transmission, distribution or sale of electricity and gas are under common ownership or control within, or outside, a general sales area; and that it is in the national interest to promote inter-energy competition between electricity and gas whenever possible, and to ensure that their rates and the quality of their services, shall relate to costs of providing such forms of energy, as well as to the independent management decisions of their respective operations.

SEC. 402. Definitions. As used in this Part, unless the context otherwise requires—

(a) The term "person" means an individual or company.

(b) The term "company" means a corporation, a partnership, an association, a joint stock company, a business trust or an organized group of persons, whether incorporated or not; or any receiver, trustee or other liquidating agent of any of the foregoing in his capacity as such; having an annual gross operating revenue in excess of $1 million; but not including any cooperatively, federally, municipally, or other publicly owned person, company or organization.

(c) The term "electric utility" means any company which owns or operates facilities used for the generation, transmission or distribution of electric energy for sale, other than sale to tenants of the employees of the company operating such facilities for their own use and not for resale.

(d) The term "gas utility" means any company which owns or operates facilities used in the production, generation or distribution of natural or manufactured gas for heat, light and power (other than distribution to tenants or employees of the company operating such facilities for their own use and not for resale.)

(e) The term "control" means actual as well as legal control, whether maintained or exercised through or by reason of the method or circumstance surrounding organizations or operations, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means, and also includes the power to exercise control.

(f) The term "commission" means the Federal Power Commission and a member thereof, respectively.

SEC. 403. Prohibited Conduct. On or after January 1, 1972, it shall be unlawful:

(a) for any electrical utility, directly or indirectly, to own or operate facilities used in the production, generation or distribution of natural or manufactured gas for heat, light and power; and for any gas utility, directly or indirectly, to own or operate facilities used for the generation, transmission or distribution of electric energy for sale;

(b) for any electric utility, or any person controlling, controlled by, or under common control with such a utility, directly or indirectly, to acquire any interest in or control of, or to continue to maintain any interest in or control of, any gas utility;

(c) for any director, officer, or agent of an electric utility or of any person controlling, controlled by, or under common control with such a utility, in his or their own personal pecuniary interest, to own, lease, control, or hold any interest in any gas utility, directly or indirectly;

(d) for any gas utility or any person controlling, controlled by, or under common control with such a utility, directly or indirectly, to acquire any interest in or control of, or to continue to maintain any interest in or control of, any electric utility; or

(e) for any director, officer, or agent of a gas utility or of any person controlling, controlled by, or under common control with such a utility, in his or their own personal pecuniary interest, to own, lease, control, or hold any interest in, any electric utility, directly or indirectly.

SEC. 404. Authority of the Commission: Investigation and Enforcement.

(a) The Commission is hereby authorized, upon complaint, or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating any of the provisions set forth in Section 403 of this part. If the Commission finds after such investigation that any person is violating any of such provisions, it shall by order require such person to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation. The provisions of the subsection shall be in addition to, and not in substitution for, any other enforcement provisions contained in, or applicable for purposes of enforcement of, this Act.

(b) The district court of the United States shall have jurisdiction upon the complaint of the Commission or any other party in interest, alleging a violation of any of the provisions of Section 403, or disobedience of any order issued by the Commission thereunder by any person; and to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain such person from violation of such provision or to compel obedience to such order.

(c) The Commission may from time to time, for good cause shown, make such orders supplemental to any order made under the foregoing provisions of this section as it may deem necessary or appropriate.

SEC. 405. Penalties. Any individual who willfully violates any provisions of this Part or any rule, regulation or order, thereunder, shall upon conviction be fined not more than $100,000 or imprisoned for not more than two years or both, except that in a case of violation by a person which is not an individual the fine imposed upon such person shall be a fine not exceeding $1,000,000.

The material presented by Mr. METCALF is as follows:

ARE COMBINATION UTILITIES IN THE PUBLIC INTEREST?

(By Robert H. Willis, president, Connecticut Natural Gas Corp.)

Honorable moderator O'Connor, fellow panelists and guests. It is an honor and a pleasure to be a panelist in this Second Briefing Conference Toward a Comprehensive National Energy Policy. It so happens that my views on National Energy Policy and on combination utilities are almost identical, namely—that the public interest is served best by policies which stimulate maximum competition amongst energy suppliers.

As the only member of this panel from a non-combination utility operating company, I hope to convince you that a straight gas or electric company, with a marketing strategy dictated by competition, will perform better than a combination company. I am fortunate to represent this position on the panel since it is the one in which I believe deeply. In fact, I hope to prove to you that non-combination companies, which for convenience I will call straight utilities, show *superior* performance.

As would be reasonably expected, my directness in answering the question posed to the panel is based in part on personal prejudice, since I am very much involved in what is referred to in the utility business as a "straight" company. For more than 120 years, Connecticut Natural Gas Corporation, as our name describes, has been serving only one master—gas! More importantly, however, my answer is based on fact and first hand experience.

The superiority of performance of straight utilities lies in the fact that their singularity of energy source carries with it healthy, built-in competition which provides far greater benefits to the public than are possible under two-headed electric/gas, arrangements. Admittedly, a combination company can achieve measurable economies in meter reading, billing and certain administrative expenses, but these fall short of the basic obligation of serving the interests of the public to the fullest. A fair "public interest standard" is the rendering of the highest quality utility service to the greatest possible number of people at the lowest possible costs.

I want to turn shortly to some actual cases from the Connecticut Natural Gas Corporation's service area as the best proof of my thesis that straight utilities serve the public interest better than combination companies, but permit me to succumb for a moment to national statistics. The annual survey of gas appliance use in residential dwellings compiled by the American Gas Association Bureau of Statistics shows:

(1) That 12% more new homes install gas heat in straight gas company service areas than in combination company areas.

(2) That the number of new homes *without* available gas service has increased from 15% in 1963 to 19% in 1966 for combination companies compared with a constant 11% for straight companies.

(3) That competition for the air conditioning market made gas air conditioning available to ten times the number of new multi-family structures using gas in straight gas company areas than in combination company areas.

(4) That average gas use per residential customer is 9% higher in straight gas utility areas than is gas use in combination company areas.

(5) That average residential gas rates are 75% *higher* in combination company areas than in straight gas areas.

(6) That average residential gas rates have been *declining* in straight gas areas over the last three or four years while these rates have not declined in combination company areas.

This past January, a distinguished panel made a straight vs combination company presentation to the New York Society of Security Analysts. One of our panelists today also participated in that presentation, defending combination utilities. In that debate there was rather surprising unanimity that the results *for investors* in straight utility companies had been about the same as for those investing in combination companies.

If the conclusion can be accepted as valid, and if the previously enumerated AGA statistics are also supportable, and I believe they are, then only one logical conclusion can be drawn:

If results for investors are the same, but straight gas companies provide more service at lower rates, the straight gas companies must be forced by competition to conduct more efficient operations; the beneficial effects of competitive forces on economy-of-operation must be *substantially greater* than the savings from single meter reading, billing and administrative costs.

I may appear to be critical of the management of combination utilities. Nothing could be further from my intention. Rather, I believe it is inherent that the manager of a combination company carry water on both shoulders. The combination company system requires this. No, the fault is not with management. It is with the system and its lack of the competitive hormone which, in turn, stunts its economic performance with the public.

To focus more clearly on these forces, permit me to deal briefly with several case histories of some first hand comparisons of straight vs combination utility company operations in and near the franchise area of our company.

In Connecticut, we enjoy *no exclusive* franchise to serve the public. In some territories, the state legislature has granted franchise rights to several companies to serve customers with identical utility services. In other areas within the state, the legal background of franchise rights is controversial. In these situations, several utilities find themselves serving the same territory. For example, in 1964, we inaugurated gas service to the Town of Windsor, one of the fastest growing communities in the area; a town that has been served by a combination utility since 1905. During the past 10 years the number of gas customers served by them has remained virtually static while the number of electric customers has increased rapidly. From a standing start in 1964, CNG is presently supplying one-third the number of gas customers still retained by the combination company.

By 1974, a period of nine years, at the present rate of growth, our company will be serving a far greater number of customers than the number the combination company could retain after seventy years.

Another indication of comparative growth rates in serving the public with gas can be found in the readily available statistics of wholesale gas supply. Algonquin Gas Transmission Company supplies gas at wholesale to the two combination utilities in Connecticut as well as to several straight gas utilities. Our gas requirements have been growing at a rate 17% faster in the last three years than the fastest growing gas operation of the combination companies. In contrast with a 34% growth for Connecticut Natural Gas in requirements from this pipeline supplier, one of the combination companies actually *reduced* its gas requirements ½% in the past three years.

In another case history, one of our large swimming pool dealers built a new sales office, model demonstration area and warehouse in a location served by a combination company. Much of this dealer's business was conducted in our service area. Naturally, he wished to install *operating* swimming pools complete with heaters to keep the water at comfortable temperatures in spring and fall. Unfortunately, in his new location the dealer was 1600 feet from the nearest gas line.

For a contribution of approximately $2,500 from the dealer, the combination utility would install a gas line extension. The same company, however, would run underground electric lines to the dealer's location at no cost whatsoever. When he checked into the shockingly high cost for the electricity required to sufficiently heat his pool water as compared to gas, the dealer came to us for help. Had he located in our service area, the pool dealer's gas requirements would have easily justified our extending a gas line to provide service, but a combination company was unable to find economic justification for anything other than an underground electric extension. Our swimming pool dealer is not alone in his high-priced dilemma. I am aware from conversations with some of our leading builders that this episode is representative of many similar experiences in new home, commercial and industrial construction.

Another interesting point deals with installation of cooking equipment in the home economic kitchens of schools. We believe that it is very important for the future of our business to provide modern equipment for use by future homemakers. Therefore our policy is to install gas ranges in schools within our service area and replace these ranges at least every four years. If natural gas service is not available we still provide the ranges at no cost and arrange for bottled gas service.

Our combination utility neighbors do not provide ranges. Instead, they pressure the large electric appliance manufacturers to provide equipment at no cost to the schools and insist upon replacement every 18 months to two years. As a result in many of the schools in this area, the classrooms are equipped with the most modern electric ranges but the gas ranges are as much as 20 years old and many are inoperative.

Although there are exceptions to the rule, gas operations usually are the minority business in combination gas and electric utilities. It is natural that company managements concentrate their best efforts on the major contributors to their business. Thus, it is not surprising to see and hear the overwhelming preference given to electric advertising in newspapers and on radio and television by combination companies. Gas takes a back seat, if any seat at all, in the advertising scheme.

In many respects, this ability of the combination company to promote and expand one portion of its business while "keeping the lid" on the competing service in the same area, is the best means yet devised for stifling competition which is the life-blood of public utility service. It is both a subtle and effective device but one that cannot be acknowledged by any combination company official.

A series of 1966 hearings before the Connecticut Public Utilities Commission inquiring into utility promotional practices was quite revealing as to the disparity of promotional treatment accorded gas and electric services. A combination company president testified that his company devoted nearly twice as much per unit to the promotion of electric homes as to the promotion of gas homes. Ironically, a second combination utility's cost allocation system showed four to eight times as much promotion is accorded electric units than gas units, while 8% of the electric promotion costs are charged against gas operations and ultimately paid by gas customers.

A word might also be in order on the legal status of combination companies in relation to the Clayton and Sherman Acts. I have the advantage of not being a lawyer and therefore, less constrained with my legal opinions than if I were a member of the profession. However, I have discussed this matter with several specialists in anti-trust law and have been surprised at the degree of unanimity they express.

The Public Utility Holding Company Act contains a presumption in favor of divesture of one of the operations of a combination utility unless the Holding Company could prove serious adverse economic results. This was a statement of Congressional Public policy contained in the Act and seems to imply an antitrust exemption for only one exclusively franchised utility service. Of course, there are no cases directly on the point, and exemptions from the anti-trust laws, if any, seem to have been read into the laws based on the peculiarities of the utility field.

Most franchises are granted by state or local authority, although the Federal Power Commission has the right and duty to award certificates of Public Convenience and Necessity. It seems, possible, therefore, that any governmental authority (Federal, State or Local) which has granted an exclusive franchise to a combination utility to render a second utility service in an area, where one utility service is already rendered, might be engaged in a conspiracy with the combination utility in restraint of trade, if the governmental authority acquiesces in any way in the underdevelopment of one energy source. This may constitute unlawful monopolization in violation of Section 2 of the Sherman Act. The serious injury to competition resulting from the existence of combination utilities is not offset by any substantial benefit to the governmental authority granting a franchise, and no serious governmental interest would be injured by application of antitrust laws by the FTC or Justice Department.

So far, neither the Federal Trade Commission nor the Justice Department has chosen to act under any of the presumptions I have outlined, but time may vindicate my presently "far out" view of the possible legal ramifications of this problem.

In summary, I would like to reiterate that I am strongly in favor of a national energy policy, a policy which to the best of its ability will stimulate competition. In this day of consumerism, A.D. 1968, I am convinced that the free enterprise system is more important than ever, that the consumer wants and is entitled to a choice, and that the *modern* utility is a far different entity than it was just a few years ago when electricity would serve certain markets and gas others. The public charter of a utility is to provide the best possible service to its customers at the most economical cost, realized by the ability to market its services in open competition, with the final choice or decision within the consumer's control.

Total electric operating revenues, 1967

[*In thousands of dollars*]

Arizona Public Service Company, Arizona	78,051
Tuscon Gas, Electric Light & Power Co Arizona	30,570
Ark.-Mo. Power Co., Arkansas, Missouri	11,922
Pacific Gas & Electric Co., California	600,650
San Diego Gas & Electric Co., California	79,976
Public Service Company of Colorado	103,918
Western Power & Gas Company, Colorado, Kansas	28,457
Connecticut Light & Power Company, Connecticut	118,171
Delmarva Power & Light Co., Delaware	46,436
Florida Public Utilities Co., Florida	2,652
Central Illinois Light Co., Illinois	39,243
Central Illinois Public Service Co., Illinois	78,437
Illinois Power Co., Illinois	116,286
Mt. Caramel Public Util. Co., Illinois	1,606
Southern Beloit Water, Gas & Elec. Co., Illinois	1,536
Northern Indiana Public Service, Indiana	102,340
Southern Indiana Gas & Electric Co., Indiana	24,229
Interstate Power Co., Iowa, Illinois, Minnesota, South Dakota	39,850
Iowa Electric Light & Power Co., Iowa	41,519
Iowa-Ill. Gas & Electric Co., Iowa, Illinois	38,316
Iowa Power & Light Co., Iowa	43,422
Iowa Public Service Co., Iowa, South Dakota	34,006
Iowa Southern Utilities Co., Iowa	19,860
Central Kansas Power Co. Inc., Kansas	5,573
Kansas Power & Light Co., Kansas	53,967
Louisville Gas & Electric Co., Kentucky	63,746
Central La. Electric Co., The, Louisiana	27,969
New Orleans Public Service, Inc., Louisiana	55,963
Baltimore Gas & Electric Co., Maryland	177,017
Fitchburg Gas & Electric Light Co., Massachusetts	6,208
New Bedford Gas & Electric Light Co., Massachusetts	20,291
Consumers Power Co., Michigan	270,086
Michigan Gas & Electric Co., Michigan	5,217
Northern States Power Co., Minnesota	198,415
Mo. Power & Light Co., Missouri	20,450
Mo. Public Service Co., Missouri	21,679
Mo. Utilities Co., Missouri	8,967
Montana Power Co., The, Montana	42,843
Sierra Pacific Power Co., Nevada, California	22,973
Public Service Elec. & Gas Co., New Jersey	387,672
Central Hudson Gas & Elec. Corp., New York	45,412
Consolidated Edison, New York	780,379
Long Island Lighting Co., New York	173,178
N.Y. State Electric & Gas Corp., New York	118,812
Niagara-Mohawk Power Corp., New York	312,208
Orange, Rockland Utilities, Inc., York	30,005
Rochester Gas & Electric Corp., New York	65,927
Montana-Dakota Utilities Co., North	

Dakota, South Dakota, Montana, Wyoming	21,138
Cincinnati Gas & Electric Co., The, Ohio	122,408
Dayton Power & Light Co., The, Ohio	89,656
California-Pacific Utilities Co., Oregon	9,616
Philadelphia Electric Co., Pennsylvania	298,013
United Gas Improvement Co., The, Pennsylvania	8,171
South Carolina Electric & Gas Co., South Carolina	72,092
Northwestern Public Service Co., South Dakota	10,491
Community Public Service Co., Texas, New Mexico	26,559
Citizens Utilities Co., Vermont, Arizona, Idaho	6,490
Virginia Electric & Power Co., Virginia	251,110
Washington Water Power Co., The, Washington	46,468
Lake Superior District Power Co., Wisconsin, Michigan	8,875
Madison Gas & Electric Co., Wisconsin	14,472
Northern States Power Co., Wisconsin	31,553
Superior Water-Light & Power Co., Wisconsin	3,861
Wisc.-Mich. Power Co., Wisconsin	26,990
Wisconsin Power & Light Co., Wisconsin	59,475
Wisconsin Public Service Co., Wisconsin	48,882
Cheyenne Light Fuel & Power Co., Wyoming	3,886

The following companies sell both electricity and natural gas but over 90 per cent of their operations are in one or the other.

Southern California Edison Co., California, Nevada	552,240
Hartford Electric and Light, Co., Connecticut	73,977
Commonwealth Edison Co., Illinois	682,412
Boston Gas Co., Massachusetts	1,685
Missouri Edison Co., Missouri	5,397
St. Joseph Light & Power Co., Missouri	10,945
Union Electric Co., Missouri, Iowa, Illinois	213,002
Otter Tail Power Co., North Dakota, South Dakota, Minnesota	28,169
Toledo Edison Co., The, Ohio	68,389
Gulf States Utilities Co., Texas, Louisiana	133,921

Source: Federal Power Commission.

S. 4014—INTRODUCTION OF THE "EMERGENCY TRANSPORTATION ASSISTANCE ACT OF 1970"

Mr. JAVITS. Mr. President, the recently publicized financial troubles of the Penn Central Railroad make it imperative that Congress act swiftly but reasonably to correct what appear to be structural deficiencies in our rail transportation system. When the largest rail carrier in the United States—the sixth largest corporation in the United States—seeks help under the bankruptcy laws, we cannot stand passively by.

I, therefore, introduce a two-part bill, which is being introduced today also in the House of Representatives by my distinguished fellow New Yorker, Representative OGDEN R. REID, to deal with this rail crisis. My New York colleague, Senator GOODELL, is a cosponsor. Specifically, the bill provides emergency loan guarantee authority of $750 million to assist financially distressed railroads in maintaining essential transportation operations. The bill explicitly safeguards the interests of the taxpayer by stipulating that any loan guarantee must be used solely for railroad transportation purposes. In other words, it is the clear intention of this legislation that funds obtained hereunder shall not be used, directly or indirectly, to assist any nonrailroad aspects of the rail carrier's operations.

Title II of the bill establishes a Joint Congressional Committee on Railroads to conduct a comprehensive investigation of the financial and other problems of the Nation's rail carriers and to make recommendations for solutions of these problems before September 30, 1970. Such an investigation is necessary in order to get at the roots of a problem that encompasses not only the financial aspects of the railroad industry but also geographic factors, competing forms of transportation, structural conditions affecting rail carriers, labor conditions and the effect of regulation of their operations. It is our intention that the Joint Committee therefore include key members of the Commerce Committees, the Banking and Currency Committees, and possibly also of the Labor Committees of both Houses.

I realize that I am not alone in submitting legislative proposals or calling for hearings on the rail crisis. I understand that the administration rail loan guarantee bill—which is quite similar to mine—will be introduced this morning. I also understand that Senator HARTKE is holding hearings on the rail situation at this moment. All of our efforts seek solutions to the same problem and are not, in my view, mutually exclusive.

Mr. President, we should not normally let the bankruptcy of one company be the cause for national concern; but Penn Central's condition is a national issue. This railroad affects our economy in the following major ways:

The Penn Central originates about 20 percent of the railroad industry's total carloads. Equally important, 70 percent of the PC tonnage is interline traffic—that is, handled in conjunction with other railroads. The PC is thus like the mainspring in a watch. If it fails, or if its service is substantially impaired, the total national rail system is affected.

Penn Central owns and operates over 20,000 miles of track in the northeastern part of the United States, extending from Massachusetts to the Mississippi River and from the Great Lakes and Canada to the Ohio River and Washington. It serves 16 States and two Canadian provinces.

The Penn Central handles over 90 million passengers annually. This includes 20 million intercity passengers and 70 million commuters. It operates about 1,300 passenger trains daily, of which 1,100 are commuter trains.

The Penn Central is a significant factor in defense transportation serving 203 military installations.

The Penn Central is a major factor in the Nation's sensitive financial system. It has 120,000 stockholders. Its long-term debt is $2.6 billion, with the bulk held by major life insurance companies. Pension funds and mutual funds are also principal holders of its debt and equity securities.

Penn Central has 94,000 employees. Its weekly payroll amounts to $19 million.

The magnitude of these figures suggests not only the economic importance of the Penn Central but also the necessarily complicated nature of any solution to the immediate problems of the rail industry. Immediate help is necessary, but such help unaccompanied by a comprehensive attack on the structural problems of the industry will only be self-defeating.

In this regard, I commend to my colleagues an editorial in yesterday's Wall Street Journal, which I ask unanimous consent to have printed in the RECORD. While I cannot agree with the editorial word for word, I do believe that it explains how great and how complicated are these problems and how they cannot be solved by loan guarantees alone. A comprehensive approach, such as can be supplied by the joint committee described in my bill, should sort out the issues and give a comprehensive approach to our Nation's rail problems.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BAILING OUT THE PENN CENTRAL

No one was entirely happy with the Government's plan to guarantee sizable loans to the Penn Central Transportation Co., and perhaps the Administration was correct in withdrawing from its promise for the time being. In the circumstances, though, some such action now seems inevitable.

Under the bankruptcy petition the company filed yesterday, it will continue to provide vital rail services during the reorganization period. The court-appointed trustees will presumably still need substantial Federal help.

In the current uncertain economic climate, no one can say for sure what the impact of the bankruptcy of so large a corporation will be. The Administration's original aid plan was obviously aimed at preventing damage to Penn Central's suppliers and customers, as well as to its stockholders.

A large part of the company's trouble stemmed from its own mismanagement. There is no guarantee that a new management will be any better, but a change was clearly in order. Even with the best of management, however, the Government will have to take a number of other steps if it wants to keep other railroads from going the way of the Penn Central.

The first step involves the railroads' abysmal labor relations. Earlier this year the Administration proposed a major overhaul of the Railway Labor Act, whose complex provisions in recent years have done little to promote labor peace.

Perhaps some of the provisions of the overhaul are arguable, but Congress has seemed to prefer to try to forget the whole matter. Yet the problem simply will not go away. The many railroad unions are coming in for new contracts all the time, and any disputes carries the real danger of a national rail shutdown.

The Administration also has proposed a corporation to take over vital rail passenger service, most of which is a money-losing proposition for the railroads. For months before the Penn Central crisis came to a head, the company had been trying to discontinue most of its long-haul passenger service.

It's pretty pointless to argue now over who or what should be blamed for the rail pas-

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senger troubles; there's plenty of blame to go around. Rail management deserves a share, along with the growing availability of highway and airline alternatives.

At the moment the fact is that the nation does need some rail passenger trains; they're still the most economical means of transporting large numbers of people from place to place. Someone must do a careful, conscientious job of deciding what service is really essential, giving no weight to such matters as local civic pride and the pleas of rail buffs, some of whom haven't ridden long-distance passenger trains in years.

A Federally sponsored system is an imperfect answer, especially with no more funds than appear to be available. But it's no answer, either, to expect the railroads to go on subsidizing passenger service with other earnings which, as in Penn Central's case, may disappear.

If the Government should do more in the passenger area, it also should do less in freight. Nearly a decade ago President John F. Kennedy proposed a major relaxation of railroad freight rate regulation, but the idea was sidetracked by opposition from barge lines and other rail competitors.

The opponents of greater rate freedom still argue that railroads hold vast monopolistic power that must be curbed by the rate-fixing activities of the Interstate Commerce Commission. That notion seems especially silly in the light of the current troubles of the Penn Central. In any case, the antitrust statutes should suffice to curb any railroad that did manage to act monopolistically.

Emergency financial aid to the Penn Central could, as some of the critics claim, set a precedent for similar help in even more questionable cases. For that reason it's probably desirable to set up more systematic procedures to consider requests for aid, as Senator William Proxmire urged last week.

Helping out the Penn Central or any other large corporation, moreover, fuzzes the line between private and public enterprise. If, in the case of the railroads, the nation wants to avoid obliterating the line altogether, it's going to have to launch a broader attack on the problems than it has up to now.

And the solution to those problems requires much more than loan guarantees.

The PRESIDING OFFICER (Mr. SPONG). Without objection the bill will be received and appropriately referred.

The bill (S. 4014) to authorize the Secretary of Transportation to guarantee loans to rail carriers to assist them in the performance of transportation services necessary to the maintenance of a national transportation system, and for other purposes and to establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads introduced by Mr. JAVITS (for himself and Mr. GOODELL), was received, read twice by its title, and referred to the Committee on Commerce.

S. 4015—INTRODUCTION OF A BILL PROVIDING EQUITY FOR WIDOWS OF CAREER SERVICEMEN

Mr. MURPHY. Mr. President, I am introducing a bill which would create a fair and equitable system for providing economic security to the surviving dependents of career members of the uniformed services. This bill would provide the surviving dependents of the retired members of the uniformed services with the benefits that are now provided for the survivors of civilian employees of the Federal Government.

Many Americans would, I believe, be surprised to learn that the widow of a man who has retired from a career of service to his country does not continue to receive a portion of her husband's pension after his death. In order to qualify for the meager benefits provided by the Veterans' Administration, the surviving dependent must be able to meet a needs test—unless the death of the service member was due to a service-connected disability. This widow's pension—ranging from $17 to $74 per month—is available to the dependents of any veteran, whether he served 20 years or 90 days. No special provision is made for the dependents of our career servicemen.

The bill I have introduced would provide that whenever a retired member of the uniformed services dies, his wife and children, or if he is unmarried, a designated person who has an "insurable interest," would be granted an immediate annuity. This annuity for the surviving wife would be 55 percent of the retired pay the former member had received when he was alive, while each child, under 18, or under 23 and attending school, or over 18 and disabled would receive an additional amount depending on the number of children in the family and the amount of the member's retired pay.

The cost of paying this survivor's annuity would be paid for, like the similar annuity for survivor's of civilian employees, by reducing the retired pay received by the member while he is alive. This reduction would be made under the same formula used for civilian employees; that is, the retired pay of the member would be reduced by 2½ percent of the first $3,600 and by 10 percent of everything above $3,600. This reduction would be automatic in the case of a person who was married at the time he qualified for retired pay, unless he states in writing that he does not wish to provide a survivor annuity for his wife or that he wishes her survivor's annuity to be based on only a part of his retired pay.

There is much discussion, Mr. President, of proposals to eliminate conscription in favor of "all volunteer" Armed Forces. President Nixon has committed his administration to this goal. As a member of the Armed Services Committee, I have carefully studied the matter and have made known my support for this concept. In the past, I have supported the enactment of every measure voted by the Senate to increase the compensation of men and women in uniform. I will continue to do so. This is because I feel that the excellence of the job they do is, in no small way, responsible for the freedom and prosperity our Nation enjoys. Should they not then share fully in the way of life they unswervingly defend?

If the "all volunteer" Armed Forces are to become reality we must take the additional steps necessary to attract and retain sufficient numbers of qualified personnel to meet our defense requirements. Our efforts to achieve "comparability" of remuneration for our military with their civilian counterparts are not yet equal to this task. In fact, in the "Study of Military Compensation of 1964," the Defense Department noted:

> The evidence is conclusive that the military fringe benefits trends are running counter to private industry trends, with the net result that the military man is rapidly losing ground to his civilian counterpart in this significant part of the compensation package.
>
> Reductions in benefits are effectively reductions in pay. The study group is of the opinion that positive measures are necessary to arrest this trend . . .

The U.S. Veterans Advisory Commission in a report dated March 18, 1968, stated:

> The Government now contributes to survivors' benefits programs for Civil Service employees and to railroad workers. In good conscience and equity, the Commission feels the nation cannot deny such support to members of the Armed Services.
>
> Therefore, the Commission recommends that a request be made to the Secretary of Defense to initiate and support the establishment of a federally financed survivors' benefits program as an adjunct of the present servicemen's retirement program.

I am sure that every American man wants to assure that his wife will be provided for after his passing; but if he elects a military career he soon learns that although he endures the reduced income that is his contribution to his retirement pay, his wife cannot collect one penny of his pension after his death.

As we make progress toward correcting the imbalance in actual pay between civilian Federal employees and servicemen, so must we also eliminate the manifestly inequitous arrangement in their respective death benefits. Delay in enacting this measure will not only penalize those noble women who have shared the hardships of their husbands' military career; it will undermine our efforts to build the all-volunteer Armed Forces.

The Congress has not been blind to the military man's need to assure that his family is provided for. In 1953, there was enacted a program which allowed military retirees to contribute to a survivor annuity plan. Seventeen years and seven amendments later, the adequacy of this effort is best described by the fact that only 15 percent of those eligible to participate in it do so.

Because the employer—The U.S. Government—does not contribute a cent to this so-called "Retired Serviceman's Family Protection Plan," it is prohibitively expensive for the employee—the serviceman—to do so.

I ask unanimous consent that two figures illustrating cost data of the RSFPP appear at this point in the RECORD. These charts demonstrate that the military retiree pays 2.5 to 5 times as much as the civil service retiree for the same survivor annuity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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TABLE I.—COMPARISON OF COSTS OF RETIRED PERSONNEL SURVIVOR ANNUITY PLANS—MILITARY VS. CIVIL SERVICE

Grade	Years of service	Age at retirement	Survivors annuity payable (monthly)	Military deductions (options 1 and 4 at ½)	Civil service deduction for the same annuity
Staff Sergeant	20	40	$86.42	$12.71	$3.93
Technical Sergeant	24	44	120.75	20.94	5.49
Master Sergeant	30	50	201.88	43.77	14.21
Do	30	60	195.15	57.24	12.98
Do	30	65	191.46	64.62	12.31
Major	24	46	256.96	48.23	24.22
Lieutenant Colonel	26	48	330.65	66.84	37.62
Colonel	30	52	461.42	107.00	61.40
Do	30	60	449.06	131.72	69.15
Do	30	65	440.56	148.71	57.60
Major General	30	54	600.09	148.03	86.61
General	30	56	749.23	196.25	113.72
Do	30	60	738.98	216.75	112.86

TABLE II.—COMPARATIVE COSTS OF CENTS PER DOLLAR OF COVERAGE

Annual Annuity	Dollars cost per year		Cents per dollars of coverage	
	RSFPP	Civil service	RSFPP	Civil Service
Man 55, wife 53:				
10,000	3,764	1,548	37.6	15.5
8,000	2,521	1,185	37.6	14.8
6,000	1,890	821	37.6	13.7
4,000	1,260	457	37.6	11.4
2,000	630	94	37.6	4.7
1,000	315	45	37.6	4.5
Man 60, wife 58:				
10,000	3,764	1,548	37.6	15.5
8,000	3,011	1,185	37.6	14.8
6,000	2,258	821	37.6	13.7
4,000	1,505	457	37.6	11.4
2,000	753	94	37.6	4.7
1,000	376	45	37.6	4.5

Mr. MURPHY. Mr. President, in addition to the high cost of the RSFPP program—which falls hardest upon the enlisted man—the complexity of its provisions offers another reason that servicemen have rejected it by nearly the same overwhelming margin as their fellow Government employees have accepted their annuity program.

The measure I propose today is essentially identical to the program that governs the survivor annuities for the civil service employee. It is simple, and avoids the complexity that hobbles RSFPP. It is comparable in cost to the participant. It is manifestly needed. I believe it would result in a participation rate equal to that of the civilian annuity program—better than 90 percent.

My friend and fellow Californian, our distinguished colleague of the other body, the Honorable Charles Gubser, has introduced H.R. 6226 and leads this effort in the House. I join him and ask my Senate colleagues to join me, in committee, and on the floor, in working for passage of this bill to provide equal and equitable annuities for widows of career servicemen. Clearly, the time is past to put an end to the injustice of a situation in which the widow of one Federal employee is entitled to an annuity as a matter of right, while another is denied any portion of her husband's retirement pay and must show need for a pittance that could maintain her only at a subsistence level.

The PRESIDING OFFICER (Mr. Spong). The bill will be received and appropriately referred.

The bill (S. 4015) to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services, introduced by Mr. Murphy, was received, read twice by its title, and referred to the Committee on Armed Services.

ADDITIONAL COSPONSORS OF BILLS

S. 864

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from New Hampshire (Mr. Cotton), I ask unanimous consent that at the next printing the name of the Senator from Indiana (Mr. Hartke) be added as a cosponsor of S. 864, to provide for the expansion of trade in manufactured products.

The PRESIDING OFFICER (Mr. Spong). Without objection, is it so ordered.

S. 1812

Mr. MANSFIELD. Mr. President, at the request of the Senator from New Mexico (Mr. Anderson), I ask unanimous consent that at the next printing, the name of the Senator from Mississippi (Mr. Eastland) be added as a cosponsor of S. 1812, to amend title XVIII of the Social Security Act to include chiropractic services among the benefits provided under subpart (B) of this title.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

S. 2705

Mr. FANNIN. Mr. President, I ask unanimous consent that, at the next printing, the name of my colleague from Arizona (Mr. Goldwater) be added as a cosponsor of S. 2705, to provide for medical and hospital care through a system of voluntary health insurance, and for other purposes.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

S. 3388

Mr. SCOTT. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. Murphy) be added as a cosponsor to S. 3388, a bill to establish the environmental Quality Administration.

When the bill was introduced, the name of the Senator from California (Mr. Murphy) was inadvertently omitted from the list of cosponsors.

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

S. 3607

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. Goodell) be added as a cosponsor of S. 3607, to create a Rural Community Development Bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services and for other purposes.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

S. 3942

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. Hansen) be added as a cosponsor of S. 3942, seeking to place appropriate health and sanitary regulations, specifications, and standards on imports of frozen meat, beef, and veal and like products.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

SENATE RESOLUTION 421—SUBMISSION OF A RESOLUTION TO PRINT AS A SENATE DOCUMENT THE REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ENTITLED "AIR POLLUTION ABATEMENT BY FEDERAL FACILITIES"

Mr. BYRD of West Virginia (for Mr. Randolph) submitted the following resolution (S. Res. 421); which was referred to the Committee on Rules and Administration:

S. Res. 421

"*Resolved*, That there be printed, with illustrations, as a Senate document, the report of the Secretary of Health, Education, and Welfare, entitled, "Air Pollution Abatement by Federal Facilities," submit to the Congress in accordance with Section 111(b) of the Clear Air Act, as amended, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

PROPOSED AMENDMENT OF TITLE 18, UNITED STATES CODE, CONCERNING ILLEGAL USE, TRANSPORTATION, OR POSSESSION OF EXPLOSIVES—AMENDMENTS

AMENDMENT NO. 728

Mr. SCHWEIKER. Mr. President, I submit amendments, intended to be proposed by me to S. 3650, a bill designed to strengthen Federal legislation concerning the illegal use, transportation and possession of explosives, and ask that they be appropriately referred.

The PRESIDING OFFICER (Mr. Allen). The amendments will be received and printed and will be appropriately referred.

The amendments (No. 728) were referred to the Committee on the Judiciary.

Mr. SCHWEIKER. I am pleased to have the distinguished senior Senator from Pennsylvania (Mr. Scott) join me as cosponsor of this amendment. Mr.

President, I am in full accord with President Nixon's efforts to crack down on the distressing increase of violence in this country, and am shocked by the use of bombs and explosives which can kill and injure innocent and helpless citizens. We must have effective tools to fight crime and legislation with severe penalties to deter these vicious criminals.

The broad scope of the bill, however, would result in needlessly penalizing law-abiding sportsmen who, because of the expense involved in purchasing ammunition and as a hobby, hand-load their own shells to be used for legitimate sporting purposes. Many Pennsylvania sportsmen, and I am certain many others around the country, engage in this type of activity. Gun control legislation in the past has inhibited legitimate sporting activities and I am interested in seeing that this much needed strengthening of Federal law have the effect of deterring criminals from committing crimes without penalizing our law-abiding sportsmen.

I am sure that the bill was not intended to cover this type of sporting activity and my amendments simply exempt a reasonable amount of smokeless powder and black powder which is used for sport shooting purposes from the provisions for the proposed legislation.

I ask unanimous consent that the amendments be printed in the RECORD.

There being no objection, the text of the amendments was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 728

On page 4, between lines 24 and 25, insert the following new subsection:

"(h) Nothing in this section shall apply to the possession by any person of not to exceed 25 pounds of smokeless powder and not to exceed 6 pounds of black powder for use for lawful sporting purposes."

On page 4, line 25, strike out "(h)" and insert in lieu thereof "(i)"

On page 5, line 10, strike out "(i)" and insert in lieu thereof "(j)".

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TREATMENT OF POW'S IS AMORAL

Mr. GOLDWATER. Mr. President, among the most amoral acts in a long history of unmoral behavior on the part of the Communist world has been the treatment of American prisoners of war by the North Vietnamese. Every standard of decency has been violated in the manner in which 1,400 Americans have been held totally in violation of the Geneva Convention. This is but another demonstration of the utter disregard for humanity on the part of our enemies in Vietnam.

ORDER OF BUSINESS

The **PRESIDING OFFICER** (Mr. EAGLETON). Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. EAGLETON). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to proceed for an additional 5 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

TRIBUTE TO SENATOR MANSFIELD, MAJORITY LEADER

Mr. BYRD of West Virginia. Mr. President, I take the floor today to announce that the able majority leader (Mr. MANSFIELD) has, as of June 18, last week, held the office of majority floor leader of the U.S. Senate longer than has any other individual since the Senate began meeting in 1789.

Up until June 18, 1970, the late great majority leader of the U.S. Senate, Senator Alben Barkley, of Kentucky, held the record, having served in the office for a period of 9 years and 165 days beginning with the date of July 22, 1937, and extending through the date of January 3, 1947.

Senator MANSFIELD was first elected by his Democratic colleagues to the office of majority leader on January 3, 1961. Through the close of business on June 17, 1970, Senator MANSFIELD had acted as majority leader in the U.S. Senate for a period of 9 years and 165 days; so, beginning with the date of June 18, 1970, Mr. MANSFIELD exceeded the record held heretofore by the late Senator from Kentucky, Mr. Barkley.

Several weeks ago—perhaps as much as 2 or 3 months ago—I asked the Senate Parliamentarian to research the matter so that the Senate could be informed at such time as Mr. MANSFIELD's tenure of office as majority leader exceeded that of all other Senate leaders. During these many weeks the Parliamentarian's office has been researching this matter and I have been informed, as I have already stated, that Senator MANSFIELD has now held the office of majority leader longer than any other Senator in either party.

Mr. President, in January of this year a very interesting document, Senate Document 91-53, was prepared and published under the direction of the Secretary of the Senate, Francis R. Valeo, and the Parliamentarian of the Senate, Dr. Floyd M. Riddick, entitled "Majority and Minority Leaders of the Senate."

This document is a history of the development of the offices of majority leader and minority leader of the Senate. I think it would be not only worthwhile but also interesting to extract certain paragraphs from this publication for the CONGRESSIONAL RECORD at this point. I now read from the document:

> The "offices" of the majority and minority leader, as we know them today, are of recent development in the history of the Senate although individual Senators since 1789 have assumed leading roles in the determination of what the Senate would or would not do. Some of these Senators, at one time or another, have stood high in the ranks of their respective political parties. The power or influence of some Senators, in various periods of our history, to guide or lead their respective parties, or even the Senate itself, in the determination of a legislative program, has been particularly noteworthy. Caucuses of Senators of a particular party, of a common interest, of a geographical area, or of some "blocs" have been called from time to time from the beginning of the first Senate for all kinds of purposes, including the determination of the position to be taken on certain proposed legislation, or such things as to determine the names and sizes of committees. These meetings, however, were not invoked to perform as organized political caucuses for the purpose of selecting persons to serve as floor leaders for the parties during the sessions of the Senate until the latter part of the 19th century.
>
> It was not until the latter part of the 19th century that the Senators of each political party organized and assembled separately as a unit for the purpose of electing certain members from among their own to represent each, respectively, as agents in helping to run the legislative machine. According to the best available records, it was not until the 20th century that the posts of majority and minorly leaders became official political positions.
>
> It is difficult, if not impossible, to point to anyone who functioned as the "majority leader of the Senate" until the end of the 19th century. The conferences or caucuses had frequently served as an instrument of party leadership, but "Senators in the 1870's usually performed their tasks without party superintendence. * * * Democratic and Republican organizations rarely attempted to schedule legislation or enforce unity in voting."
>
> Various Senators, at different times, have stood out as legislative leaders but they were not selected by organized political parties in that capacity. Historians cite numerous such Senators in different eras of the American Senate.
>
> To illustrate by a few examples, note the following: Senator Maclay of Pennsylvania left a characteristic account of the proceedings of the Senate on the last day of the first Congress, March 3, 1791. He wrote, "It was patching, piecing, altering and amending, and even originating new business. It was, however, only for Ellsworth, King, or some of Hamilton's people to rise, and the thing was generally done * * *."
>
> It became clear by the beginning of the 20th century who the chairmen of the party caucuses were but it was still not clear who the majority leader of the Senate was since neither party elected "leaders" as such.
>
> Available minutes of the caucuses or conferences of the Democrats and Republicans which go back to 1903 and 1911, respectively, reveal that each party since those dates has elected one of its members to be chairman of its respective caucuses. For example, on December 8, 1905, the Democrats elected Senator Arthur P. Gorman to be chairman of its caucus. On June 9, 1906, Senator Joseph C. S. Blackburn of Kentucky was selected to that position, but not to be its "leader." The caucus then adopted the following resolution:
>
> > The Democratic Senators in selecting as the chairman of this conference Senator Blackburn of Kentucky, congratulate themselves and their several constituencies upon the fact that they have among their number one so well fitted by his marked capacity, his great acquirements, and his large experience in Congressional work, and especially by his power as an orator and as a debator, to render to his party associates the most signal and valuable services as their chosen official leader in the great forum of the Senate of the United States.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be recognized for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I continue to read from the document:

> In these early years of the 20th century each of the parties elected its own chairman for its party conference or caucus, but no Senator was elected to be the majority leader as we know these offices today. As a matter of fact, down into the 1930's it was common practice for the chairmen of the standing committees to move to proceed to the consideration of and then manage the proposed legislation reported by their respective committees. The center aisle seats until that date were not always occupied by the "leaders," nor were the "leaders" always spokesmen for their party on the floor—they were chairmen of the party meetings of their respective parties and they played an important role in the determination of legislation in that capacity.
>
> In the early part of the 20th century, the caucuses or conferences were more frequently called than they are today. These meetings were called to resolve such things as positions on pending proposed legislation and to assure how the members of a party would vote on issues.
>
> On January 15, 1920, a Democratic conference was called by its chairman for the announced purpose "of selecting a leader for the Democrats of the Senate." This was the first time that the caucus minutes showed that the meeting was being called to elect a "leader" for the party and not just a chairman of the party caucus. At the conference on May 21, 1920, it was stated for the first time that the meeting was "called to order by Senator Underwood, minority leader"; * * *.
>
> At the meeting of March 5, 1921, the Democratic conference was called to elect officers of the party, "including the Democratic leader." Thus it had been fully established that the Democratic Party had created the office of party leader to serve as minority or majority leader of the Senate, depending upon whether it was the majority or minority party.

It was a half-century ago that the Democratic Conference first elected a Democratic leader.

> The story of the Republican conference was much the same. According to the minutes of its conference, from 1911 until 1925, the Republicans, just as the Democrats, had elected one of its members to be chairman of its conference. But on March 5, 1925, James E. Watson of Indiana nominated Senator Charles Curtis to be chairman of the conference and floor leader—and he was unanimously elected. From this date until January 4, 1945, the same person was elected to serve both as chairman and floor leader.

And not until 4 years later did the Republican Conference select a floor leader for the Republican Party in the U.S. Senate.

> The term "floor leader" as applied to the party heads of the Democrats and Republicans in the Senate has been one of considerable confusion. Newspapers and magazines used the term before the turn of the century to label these party heads; and the term was commonly used before caucuses of the two parties began actually to elect "floor leaders," who were to serve in such capacity on the floor of the Senate. To sum up, however, the Democrats in conference voted in 1920 for the first time to elect "a leader," and this person has served since that date as ex-officio chairman of the Democratic conference. The Republicans first voted in 1925 to elect its leader, who also served as chairman of the Republican conference down until 1945. Since that date a different person has been elected for each office.

Mr. President, I shall not read further from the document. I would, however, ask unanimous consent to insert in the Record, at the conclusion of my remarks, tables showing the names of Senators, both Democrats and Republicans, who have served as caucus chairmen and floor leaders. These tables are from unofficial sources and data predating the caucus minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of West Virginia. Mr. President, some of the names of the outstanding Senators who have served as leaders of the Democratic Party in the Senate are as follows:

Arthur P. Gorman, of Maryland.

Joseph C. S. Blackburn, of Kentucky.

Charles A. Culberson, of Texas.

Hernando D. Money, of Mississippi.

Thomas S. Martin, of Virginia.

John W. Kern, of Indiana.

Again, Thomas S. Martin, of Virginia.

It appears that Oscar Underwood, of Alabama, was the first man actually to be called a floor leader in the caucus minutes. Oscar Underwood was elected to the office on April 27, 1920.

Then, following Oscar Underwood came Joseph T. Robinson, of Arkansas, who was elected on December 3, 1923.

I am sure that the able Senator from Arkansas who is now on the floor (Mr. Fulbright) takes pride in the fact that a great Senator from his State was elected as the second floor leader since the election of floor leaders actually began in 1920.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes, if I may just state that following Senator Robinson, Senator Barkley served, and then Senator Lyndon Johnson, and then, of course, our own beloved Senator Mansfield.

Mr. FULBRIGHT. Senator Lucas served.

Mr. BYRD of West Virginia. I am just naming the Democrats at the moment.

Mr. FULBRIGHT. Senator Scott Lucas and Senator Ernest McFarland.

Mr. BYRD of West Virginia. Yes, exactly. I am glad the Senator has noted this oversight on my part. Following Senator Robinson, Senator Scott Lucas, of Illinois, and Senator Ernest McFarland, of Arizona, and then Senator Lyndon Johnson served as floor leaders.

Mr. FULBRIGHT. I am glad the Senator called attention to Senator Joseph T. Robinson. I knew him, but only slightly He antedated my time somewhat. When I was in school he was a powerful person. If my memory serves me right, he was leader of the Democrats for 14 years. Was he not?

Mr. BYRD of West Virginia. Probably as chairman of the caucus.

Mr. FULBRIGHT. The Republicans were in the majority during some of those years and then he was minority leader. As I understand it, Senator Mansfield has served as majority leader longer than any other Senator.

Mr. BYRD of West Virginia. Longer than any other Senator.

Mr. FULBRIGHT. I wanted to make clear that Senator Robinson, while he was leader of the Democrats part of that time during those 14 years, was minority leader rather than majority leader.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Senator Robinson was a very powerful leader. He died in office in 1937, I believe.

Mr. BYRD of West Virginia. I am very proud to serve under the able leadership of Senator Mansfield. At all times during my 12 years in the Senate, he has been eminently fair and most, most considerate and never, never heavy-handed in his role as leader. He has always been a just man, an even-minded man, and he has commanded the respect of Members of both sides of the aisle. He has performed in a most excellent way as majority leader.

He is not only an able and dedicated majority leader of the Senate; he is also an outstanding leader of the Democratic party and, more importantly, of the Nation and of the world; and I am proud today to call to the Senate's attention the fact that his great man, Mr. Mansfield of Montana, has now held the office of majority leader of the U.S. Senate longer than any other man since the Senate became the constitutional bedrock of our republican form of government.

Mr. Mansfield, I predict, will set a record that will be very, very difficult to equal in the years to come. The Lord willing, Senator Mansfield will soon enter upon a new 6-year term in the Senate, and I can foresee that, with the guiding hand of a Divine Providence, he will serve as majority leader of the Senate more than any other man will serve for many, many decades to come. I hope so, because the Senate and the Nation will be well served.

EXHIBIT 1

TABLE I.—*Caucus chairmen (floor leaders)*

From Unofficial Sources in the Period Predating the Caucus Minutes.

[The name of the leader is in roman type when his party was in the majority, and in italic type when his party was in the minority]

DEMOCRATS

Arthur P. Gorman (Md.), 1893–95.
Arthur P. Gorman (Md.), 1895–98.

REPUBLICANS

John Sherman (Ohio), 1893–95.
John Sherman (Ohio), 1895–97.
William B. Allison (Iowa), 1897.

* * * * * [1]

DEMOCRATS

John T. Morgan (Ala.), 1901–02.
James K. Jones (Ark.), 1902–03.

REPUBLICANS

Eugene Hale (Maine), 1901–02.
Orville Platt (Conn.), 1902–03.
George F. Hoar (Mass.), 1903.
Eugene Hale (Maine), 1903–04.
William B. Allison (Iowa), 1904–06.
Eugene Hale (Maine), 1906–07.
William B. Allison (Iowa), 1907–08.
Nelson W. Aldrich (R.I.), 1908–09.
Eugene Hale (Maine), 1909–10.
Shelby Cullom (Ill.), 1910–11.

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[1] Data missing for this period.

TABLE II.—*Caucus chairman and floor leaders of the Senate as determined from the caucus minutes of the two major parties*

[The name of the leader is in roman type when his party was in the majority and in italic type when his party was in the minority]

DEMOCRATS

Arthur P. Gorman (Md.) Elected March 16, 1903, Died June 4, 1906.

Joseph C. S. Blackburn (Ky.), Elected June 9, 1906, Term ended March 3, 1907.

Charles A. Culberson (Texas), Elected Dec. 3, 1907.

Hernando D. Money (Miss.), Elected Dec. 9, 1909, Term ended March 3, 1911.

Thomas S. Martin (Va.), Elected April 7, 1911.

John W. Kern (Ind.), Elected March 5, 1913, Term ended March 3, 1917.

Thomas S. Martin (Va.) Elected March 6, 1917.

Thomas S. Martin (Va.),[1] Democrats in minority, March 4, 1919, Died Nov. 12, 1919.

Oscar W. Underwood (Ala.),[2] Elected April 27, 1920.

Joseph T. Robinson (Ark.), Elected Dec. 3, 1923.

Joseph T. Robinson (Ark.), Democrats in majority, March 4, 1933, Died July 14, 1937.

Alben W. Barkley (Ky.), Elected July 22, 1937.

Alben W. Barkley (Ky.), Democrats in minority, Jan. 3, 1947, Resigned Jan. 19, 1949.

Scott W. Lucas (Ill.), Elected Jan. 20, 1949, Term ended Jan. 3, 1951.

Ernest W. McFarland (Ariz.), Elected Feb. 22, 1951, Term ended Jan. 3, 1953.

Lyndon B. Johnson (Texas), Elected Jan. 2, 1953.

Lyndon B. Johnson (Texas), Democrats in majority, Nov. 10, 1953[4], Resigned Jan. 3, 1961.

Mike Mansfield (Mont.), Elected Jan. 3, 1961–

REPUBLICANS

Shelby M. Cullom (Ill.), Elected April 4, 1911.

Jacob H. Gallinger (N.H.) Elected March 5, 1913, Died Aug. 17, 1918.

Henry Cabot Lodge (Mass.), Elected August 24, 1918.

Henry Cabot Lodge (Mass.), Republicans in majority, March 4, 1919, Died Nov. 9, 1924.

Charles Curtis (Kansas),[2] Elected Nov. 28, 1924, Resigned March 3, 1929.

James E. Watson (Ind.), Elected March 5, 1929, Term ended March 3, 1933.

Charles L. McNary (Ore.), Elected March 7, 1933, Died Feb. 25, 1944.

Wallace H. White, Jr. (Maine),[3] Elected Jan. 4, 1945.

Wallace H. White, Jr. (Maine), Republicans in majority, Jan. 3, 1947, Term ended Jan. 3, 1949.

Kenneth S. Wherry (Neb.), Elected Jan. 3, 1949, Died Nov. 29, 1951.

Styles Bridges (N.H.), Elected Jan. 8, 1952.

Robert A. Taft (Ohio), Elected Jan. 2, 1953, Died July 31, 1953.[4]

William F. Knowland (Calif.), Elected Aug. 4, 1953.

William F. Knowland (Calif.), Republicans in minority, Nov. 10, 1953. Term ended Jan. 3, 1959.

Everett McKinley Dirksen (Ill.), Elected Jan. 7, 1959, Died Sept. 7, 1969.

Hugh Scott (Pa.), Elected Sept. 24, 1969.

TABLE III.—SENIORITY OF MAJORITY AND MINORITY LEADERS OF THE SENATE (1911–)

Democrats—Years of service in Senate			Republicans—Years of service in Senate		
	Before becoming leader	As leader		Before becoming leader	As leader
Mansfield	6	(1)	Scott	10	(2)
Johnson	4	8	Dirksen	8	10
McFarland	10	2	Knowland	9	5
Lucas	10	2	Taft	14	1
Barkley	10	11	Bridges	15	1
Robinson	10	14	Wherry	6	2
Underwood	5	3	White	13	3
Martin [3]	16	5	McNary	15	11
Kern	2	4	Watson	13	4
			Curtis	10	4
			Lodge	26	5
			Gallinger	22	5
			Cullom	17	2

[1] Since 1961.
[2] Since 1969.
[3] Broken terms.

TABLE IV.—CHART SHOWING THE OCCUPANTS OF THE TWO FRONT ROW SEATS ON EITHER SIDE OF THE CENTER OF THE U.S. SENATE FROM 1920 TO DATE[1]

Year	Republican side occupant	Democratic side occupant
1920–21	LaFollette	Chamberlain.
1921–23	do	Underwood.[2]
1923–25	do	Do.
1925–26	Cummins	Do.
1926–27	Phipps	Do.
1927–31	do	Robinson.[2]
1931–33	Capper	Do.[2]
1933–36	do	Do.[3]
1937	McNary [2]	Do.[3]
1938–44	do	Barkley.[3]
1945–46	White [2]	Do.[3]
1947–48	do [3]	Do.[2]
1949–50	Wherry [2]	Lucas.[3]
1951	do [2]	McFarland.[3]
1952	Bridges [2]	Do.[3]
1953	Taft [3]	Johnson.[2]
1954	Knowland [3]	Do.[2]
1955–58	do [2]	Do.[3]
1959–60 [4]	Dirksen [2]	Do.[3]
1961	do [2]	Mansfield.[3]
1969	Scott [2]	Do.[3]

[1] Congressional Directory is the source of the above information.
[2] Minority leader.
[3] Majority leader.
[4] On January 6, 1960, the Republican conference confirmed that the front row center aisle seat on the Republican side was to be occupied by the Republican leader.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. I should like to associate myself with the sentiments the Senator has expressed so well. Of course, I have worked closely with MIKE MANSFIELD ever since we have been in the Senate together. He has been a member of the Committee on Foreign Relations. Before that we served in the House together.

I agree with the Senator from West Virginia that there is no man under the pressures he endures in that office who could better maintain his equilibrium and be as fair and as kind as he is. He is just as fair with those who disagree with him as he is with those who agree with him. In fact, sometimes, in his effort to be fair, he may lean over backward to be a little fairer to those who disagree with his views than with those who agree with him. But he has brought great wisdom, calm, justice, and fair play to this body which, after all, is the essence of this institution. If it is to be a constructive force in our democracy, it has to be led in that fashion.

I am glad the Senator from West Virginia has brought these facts out. I had not realized that he had been majority leader longer than anyone else. It is only evidence of how long some of us have been here.

I am glad the Senator from West Virginia has brought this fact to the attention of the Senate.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes, I yield to the able Senator from Alabama.

Mr. ALLEN. I ask unanimous consent that the colloquy be permitted to proceed for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I wish to express my thanks and appreciation to the distinguished Senator from West Virginia for the fine remarks he has made about the service of our distinguished majority leader. I associate myself with the remarks he has made.

I, too, congratulate and salute the distinguished majority leader, the able and dedicated Senator from Montana (Mr. MANSFIELD), on having passed the record of the late Senator Alben Barkley for longevity of service in the position of the majority leader, he now having attained a length of service greater than Senator Barkley's record of 9 years and 165 days.

It was not until I came to the U.S. Senate in January 1969 that I had the pleasure of meeting Senator MANSFIELD, but since then I have been greatly impressed by his ability, sincerity, and dedication. He has been extremely fair and impartial. We have not always voted alike, and I suppose, if a label were to be applied to the majority leader, he would have to be classed as a liberal, whereas if a label were applied to me it would probably be that of conservative.

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[1] Senator Hitchcock served as acting leader for a while until Underwood was elected on April 27, 1920; when the caucus first met to elect a leader following the death of Martin, the vote was a tie between Hitchcock and Underwood.

[2] These were the first men to actually be called "floor leaders" in the caucus minutes.

[3] In 1940 at the request of Senator McNary, Senator Austin served as acting leader and in succeeding years until he became leader, Senator White served as acting leader.

[4] With the death of Robert Taft of Ohio and his replacement by Thomas Burke on November 10, 1953, the division was 48 Democrats, 47 Republicans and 1 Independent. William F. Knowland remained majority leader, however, until the commencement of the 84th Congress in 1955. (See 83 *Cong. Rec.* 2217, Feb. 24, 1954.)

Nevertheless, whether I have agreed with Senator MANSFIELD or not, I have always found him to be most fair, and always willing to give each side of any controversy an opportunity to be heard and to present its case before the Senate.

On at least two occasions the Senator from Montana cast votes with which I agreed wholeheartedly. Very vividly do I recall the first such vote. It occurred in January of 1969. I believe it to have been the most important vote that has been taken in the Senate during the 91st Congress. That was the vote on the appeal by the distinguished senior Senator from Florida (Mr. HOLLAND) from a ruling of Vice President Humphrey.

The then Vice President had ruled that, at the opening session of a Congress, a majority of the Members of the Senate could apply cloture to debate on a motion to amend the rules; and more than a majority did vote to apply cloture to the debate on that motion to amend the rules.

The then Vice President ruled that the cloture motion had carried because more than a majority had voted in its favor. An appeal was taken from the ruling of the Chair and I remember that on that vote, I was impressed very much when Senator MANSFIELD, the Democratic leader of the Senate, voted to overrule a Democratic Vice President on a ruling which, in my opinion, was clearly erroneous. The Senate did overrule the ruling of the Chair on the cloture motion to cut off debate on the motion to amend the rules to provide for cloture on a three-fifths vote of a quorum of the Senators present.

That vote by the distinguished Senator from Montana impressed me very much. Then again on the Stennis amendment, which sought to achieve uniformity in the application of Federal criteria and guidelines for desegregation of public schools throughout the country, a very important amendment, we found the distinguished Senator from Montana voting in favor of the amendment. The distinguished majority leader votes his convictions, and lets the chips fall where they will.

The majority leader of the Senate, as I found when I came here, controls the flow of legislation to be considered by the Senate. That, of course, makes him the most powerful single Senator. But in my observation, that power has not been misused by the majority leader in a single instant, because everyone receives an opportunity to speak, and everyone gets an opportunity to have his bill considered by the Senate if it reaches the calendar.

I also appreciate very much the reference of the distinguished Senator from West Virginia to some of the able Senators of the past who have served as Democratic leaders in the U.S. Senate. He referred to one of my distinguished predecessors as Senator from the State of Alabama, when he mentioned the great and able Senator Oscar W. Underwood, of Alabama, who, I might add, not only served as Democratic leader in the Senate, but prior to that time had served as Democratic leader of the House of Representatives. In the House and Senate he was a recognized authority on tariff laws and taxation and in both 1912 and 1924 was a leading candidate for the Democratic nomination for President. He is remembered as a great statesman. A well-known incident in his political career is the fact that in the 1924 Democratic National Convention—back before the days of amplifying systems as we know them now—the then Governor of Alabama, W. W. Brandon, throughout the 103 ballots cast at that convention, in a thundering voice, cast the votes of the Alabama delegation in that convention as "Alabama casts 24 votes for Oscar W. Underwood."

Senator Underwood, when a Member of the Senate, owned and resided at the estate near Mount Vernon known as Woodlawn. He was one of the great Senators in the history of the Senate, and I am proud to occupy the seat in the class of which Senator Underwood was a Member.

It is indeed appropriate that the distinguished Senator from West Virginia has called attention to the fact that the majority leader now has the record of having served longer in that position than any other Senator in the history of the U.S. Senate, and I predict that he will be reelected as majority leader—and I use this word advisedly—when the 92d Congress meets in January of next year.

So I wish to associate myself with the able remarks made by the distinguished Senator from West Virginia regarding our outstanding majority leader.

Mr. BYRD of West Virginia. I thank the able Senator from Alabama for his very pertinent and incisive observations. I think his comments reflect the attitude, the viewpoint, and the feeling of every Senator in this body, regardless of whether a Senator may be a conservative or a liberal or may like to speak of himself as a centrist or middle-of-the-roader.

MIKE MANSFIELD treats every Senator alike; and with respect to the use of his great power as majority leader, he is very, very careful in exercising that power. I respect him, as every Senator respects him. I admire him as every Senator admires him. In the words of Alexander Pope, I would say to MIKE MANSFIELD:

> Thou wert my guide, philosopher, and friend.

Mr. President, in closing my remarks, I wish to express appreciation to the Parliamentarian's office for the assistance rendered in researching this matter.

Some days ago, Dr. Riddick indicated that he had developed the matter very well but that there was a possibility of some error, and he was reviewing the subject just to make sure that I would have the correct information in calling the attention of Senators to the superior record that has been set by the able majority leader.

Mr. President, I yield the floor.

Mr. METCALF. Mr. President, I, too, wish to join in congratulating Montana's senior Senator on achieving the distinction of having served as majority leader for a longer consecutive term than any of his distinguished predecessors.

Early in 1961 as my first official act as a newly elected Senator, it was my privilege to nominate MIKE for the first time as majority leader. This may have been the most significant nomination I have ever made.

After more than 9 years of Senator MANSFIELD's leadership, we have all come to appreciate the Mansfield technique. We know we have a majority leader who regards every Senator as an equal in a peerage that he respects. He enjoys the profound respect and the deep affection of all who have served—not under him, the majority leader, but with him.

He is fortunate in that he has effectively combined the duties of Senator from Montana with those of the majority leader of the Senate, whose principal job is directing a national legislative program to enactment.

This honest, unassuming, and decent man has demonstrated what Senator Smathers said a few years ago, "Nice guys may finish last in baseball, but in politics nice guys are winners."

Our Nation and the free world are the beneficiaries of 9 years of devoted service by MIKE MANSFIELD, one of the nicest guys I know.

Mr. YOUNG of North Dakota. Mr. President, during my time in the Senate, which has spanned quite a number of years, I have seen many Senators come and go. Many of them able and hard working and most of them very personable. Some, of course, were more effective than others as legislators.

One of the most effective Members during my time is our beloved friend from Montana, the distinguished majority leader, MIKE MANSFIELD. His is an assignment that is far more difficult than most people realize. It requires great ability, good judgment and, above all, understanding and patience in working with all the Members of the Senate on both sides of the aisle.

I oftentimes marvel at the patience of our friend, MIKE MANSFIELD. If he is greatly disturbed—and I know that sometimes he is and has reason to be, there is little outward manifestation. I know that sometimes he has a virtual storm within himself. His patience, understanding, and friendly attitude toward every Member of the Senate are among the major reasons why he has served longer than anyone else as majority leader.

I am amazed at how MIKE has been able to maintain himself in this difficult assignment for so many years. Oftentimes, he has to take issue, and sometimes rather sharply, with powerful and influential Members of the Senate. More often than not they are his best friends.

I cite these examples, Mr. President, because I think they are unique in MIKE MANSFIELD's personality and they speak louder than any words I could utter as the reason for the great record he has established.

No leader of the Senate, Republican or Democrat, has been more considerate and

XUM

understanding of any problems I have had. Mike just does not turn people away if he thinks they have a reasonable cause. There is much more that could be said about our friend but, to sum it up, may I say that he is one of the most honorable and decent men I have ever known.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the fact that the morning hour will have expired within approximately 6 minutes, the period for the transaction of routine morning business be extended beyond 12 o'clock today, after which the unfinished business will be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

NOTICE OF PERIOD TO BE SET ASIDE ON THURSDAY NEXT TO PAY TRIBUTE TO MAJORITY LEADER MANSFIELD

Mr. KENNEDY. Mr. President, as has been pointed out earlier, our distinguished majority leader, Mike Mansfield, last week surpassed, in time served, all previous records of service as majority leader of the U.S. Senate.

On June 18, he had served 9 years and 155 days as majority leader, exceeding the record previously established by Alben W. Barkley of Kentucky.

It is my intention, as assistant majority leader, to exercise such authority as the leader will permit, to set a time, on Thursday of this week, some time shortly after 3 p.m., when Senators will be invited to participate in expressing their esteem and affection for this man, whom many of us acknowledge to be the greatest of living legislators.

I make this statement to give notice to all Senators who wish to take part.

I have mentioned this also to my colleague, the distinguished Republican leader, and he has expressed full support for the idea. I make this without the knowledge of my distinguished leader because I am sure that he would be most reluctant to set aside any of the important business of the Senate which is now before us. But I think it would be appropriate, for a short period of time, to take this opportunity to express our appreciation to our distinguished majority leader.

Mr. SCOTT. Let me say to the distinguished acting majority leader that I concur wholeheartedly in what he has just said.

We are all aware of the modesty of the distinguished majority leader. We may have a little trouble getting him here, but I think we should ask him to listen to his colleagues on this occasion, because we have something to say that we want very much to say.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burdick). Without objection, it is so ordered.

RECESS

Mr. KENNEDY. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, but not later than 1:30 p.m.

The PRESIDING OFFICER (Mr. Burdick). The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to, and at 12:11 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:19 p.m. when called to order by the Presiding Officer (Mr. Hughes).

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. Hughes). The Chair lays before the Senate the unfinished business which will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The Senate resumed consideration of the bill.

A SENATOR WITH AN EYE FOR DETAIL

Mr. MANSFIELD. Mr. President, in the New York Times of today, June 23, there is an article about men in the news entitled "Senator With an Eye for Detail." The Senator referred to is our esteemed colleague, the Senator from West Virginia, Robert Carlyle Byrd. I must admit that this is the first time I knew Senator Byrd's middle name. I am always delighted, as is Senator Byrd, when I pick up details and little bits of information.

I was impressed with the article about Senator Byrd. I was especially impressed in view of the fact that only yesterday he accomplished at least two triumphs of considerable magnitude. First, he succeeded in getting the Byrd amendment to the Cooper-Church amendment passed overwhelmingly. In my opinion his amendment certainly does not detract in any way, shape, or form from the meaning or intent of the Cooper-Church amendment but in effect states what the proponents of that amendment have been saying all along. Second, I commend him for the great job he did in connection with the passage of the supplemental appropriation bill. The latter accomplishment occurred, of course, after the hour of 5 o'clock yesterday afternoon after, I should say, Senator Byrd, had already put in a full and fruitful day.

Senator Byrd is one who knows his bills and his amendments in the greatest detail. He has a remarkable memory. I recall the first year he was chairman of the committee handling the District of Columbia appropriation bill. He never referred to the hearings or to the report for a statement, for a statistic, or a note of any kind, but purely from memory he was able to detail that particularly cumbersome appropriation bill to the Senate in a way which caused me to marvel. I was struck deeply with how good his memory was and with how much he understood the details and implications of the details which were within that bill. The same can be said for other bills in which the distinguished Senator from West Virginia is interested, plays a vital part, or manages outright.

Mr. President, I ask unanimous consent that the article about our distinguished colleague, Senator Robert Carlyle Byrd of West Virginia, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator With an Eye for Detail: Robert Carlyle Byrd

Washington, June 22—As the roll-call moved inexorably forward to overwhelming passage today, Robert Carlyle Byrd rested comfortably in his back-row Senate seat, one hand to his mouth, and savored the dimensions of his victory.

Though he was rebuffed in a vote last week despite the Nixon Administration's backing, he had just won approval for an amendment that he regarded as a significant contribution to the high-pitched Senate debate on Cambodia and the President's authority to make war. Only five of the most tenacious doves had opposed him.

In 24 years as a legislator—six back in West Virginia, six in the House of Representatives and 12 in the Senate—Mr. Byrd has learned to draw discernible satisfaction from such high points in his career, moments of victory painstakingly earned by his willingness to consider no senatorial favor too petty.

PLEASED TO DO THE FAVOR

A dark, dapper man, given to gesticulation, the 52-year-old Byrd is known for his command of floor procedure, his ability to keep the machinery moving with his sometimes-astonishing stamina on the floor. His colleagues credit him with a fast mind, a keen memory

For four years Senator Byrd has been secretary of the Senate Democratic Conference, a precarious perch on the outer reaches of the party leadership that he has built into a bustle of floor activity and a determined attention to detail, however small.

If a staff aide asks Mr. Byrd to insert another Senator's speech in the record, the West Virginian writes the Senator a letter telling him how pleased he was to do the favor. He keeps a copy in his files. When a Senator has a birthday, Mr. Byrd writes his congratulations; if the Senator replies, Mr. Byrd writes back to thank him for his letter.

"Bobby Byrd invests the most trivial act with a sense of selfimportance," a long-time congressional observer said. "With two Senators on the floor, nothing happening and nothing likely to happen, he'll move to rescind a quorum call as though it were a high drama."

ORPHAN ON A DIRT FARM

Mr. Byrd, who is no kin of the prominent Byrd family of Virginia, was born Jan. 15, 1918, in Wilkesboro, N.C., and, he recalls, was raised as an orphan on a dirt farm. He was valedictorian of his high-school class but was too poor to go on to college except for some sporadic attendance while serving in the West Virginia Legislature.

In 1963, at the age of 45, he received a law degree from American University here. He had studied nights and weekends for, as a teetotaler, he has little interest in the social circuit.

Senator Byrd is as painstaking about his political contacts back in West Virginia as he is in the Senate. Nearly every weekend he makes 50 or more telephone calls to constituents, many of them city and county officers or employes, asking about their children and their views on issues. He takes notes and keeps files so subsequent calls have a personal touch.

The West Virginian married Erma Ora James in 1937, and they have two daughters.

In West Virginia the Senator is regarded as all but unbeatable. Earlier this year there was a flurry of anti-Byrd activity but it came to nothing. He was renominated in the primary by a margin of better than seven to one over a more liberal candidate.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 1:31 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:44 p.m. when called to order by the Presiding Officer (Mr. Hughes).

ADDITIONAL STATEMENTS OF SENATORS

THE 100TH ANNIVERSARY, ST. FRANCIS XAVIER CHURCH, PARKERSBURG, W. VA.

Mr. BYRD of West Virginia. Mr. President, in October 1970, the Church of St. Francis Xavier in Parkersburg, W. Va., will celebrate the 100th anniversary of its dedication. This beautiful church, one of the finest of its time west of the Allegheny Mountains, was built in 1869 under the direction of the first resident pastor, the Very Reverend Henry F. Parke, and dedicated in October 1870, by the first Bishop of Wheeling, the Most Reverend Richard V. Whelan.

The parish at St. Francis Xavier antedates the War Between the States, as it dates back to 1847. The present church building, erected on the site of an earlier smaller church, is admired for its handsome French Gothic architecture, magnificient stained glass windows, and exquisitely carved white wooden altar. It is especially noted in artistic circles for the beautiful mural paintings of religious subjects by a painter named Daniel Mueller. This same artist is said to have assisted in executing, in similar style, some of the paintings in the rotunda of this Capitol Building.

Schools have been an important adjunct to the work of St. Francis Xavier Parish. The earlier grammar school was started in 1855 in the back of the earlier church building; it has been in several other, successively larger quarters, and, renamed the Parkersburg Catholic Elementary School, is now in a fine building in downtown Parkersburg, erected in 1950. The parish also contributed to the building, in 1959, of Parkersburg Catholic High School for use by its own students and those of other nearby parishes.

St. Francis Xavier is the parent church of a number of other churches in the area, extending from New Martinsville on the north to Ravenswood on the south.

My distinguished colleague from West Virginia (Mr. Randolph) and I extend our best wishes to the present pastor, the Very Reverend Leo B. Lydon; to his bishop, the Most Reverend Joseph H. Hodges, of the diocese of Wheeling; and to all the parishioners and friends of St. Francis Xavier Church on the occasion of this centennial.

VIETNAM REPRISALS THEORY DISPUTED

Mr. KENNEDY. Mr. President, considerable attention has been given recently to the so-called "bloodbath" argument—the argument which says that American troops cannot be withdrawn from South Vietnam without precipitating a bloodbath of reprisals. This argument, which is speculative at best, has come, nonetheless, to have a kind of truth of its own by its constant repetition.

As I suggested in the Chamber on May 26, I am deeply skeptical of this argument, especially as it is phrased by administration spokesmen. It seems to me that the argument is being used to evade the hard issues involved in reaching a political settlement in Vietnam—a negotiated peace—that will end once and for all the military bloodbath that is going on today. As used by the administration, the bloodbath argument seeks only to win support for the short-term military plans of the President, not long-term efforts for peace.

This conclusion was most recently discussed by Mr. Stephen Rosenfeld in a column written for the Washington Post on June 19. After carefully reading documents used by the administration to support the bloodbath argument—including a recent declassified Rand study—Mr. Rosenfeld concludes that "if Mr. Nixon is truly interested in deterring a bloodbath, then he should be emphasizing those elements of policy—a negotiated solution, pledges and guarantees against reprisals, sanctuaries for especially frightened people, international observers, and so forth—which could be of practical value in limiting repressions against any Vietnamese." To do otherwise, says Rosenfeld, is only to continue the bloodbath that is going on today.

I commend Mr. Rosenfeld's column to all Senators concerned about the bloodbath argument and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

VIETNAM REPRISALS THEORY DISPUTED

(By Stephen S. Rosenfeld)

To the list of expert witnesses who dispute President Nixon's insistent claim that only his own policy will avert a "bloodbath" in South Vietnam, add North Vietnamese Premier Pham Van Dong and—look here—social scientist Stephen T. Hosmer, author of a new Pentagon-commissioned Rand Corp. study of "Vietcong Repression and Its Implications for the Future."

Though they differ predictably in some of their judgments, particularly on how to read Hanoi's past record, they argue on strikingly similar lines that, after an American withdrawal, the political requirements of the Vietcong would tend to dictate a policy of less repression, not more.

Pham Van Dong's views were published, evidently for the first time, in the May 26 Congressional Record in a memo to Senator Kennedy from Richard J. Barnet. Barnet, codirector of the Institute for Policy Studies, visited Hanoi last November and talked with the premier and other officials.

"I had many discussions on the question of reprisals raised by President Nixon in his Nov. 3 speech," Barnet wrote. "Premier Pham Van Dong told me flatly, "there will be no reprisals. He and others then went on to explain that national reconciliation was necessary to avoid the disintegration of South Vietnamese society . . . 'It is imperative' he told me, 'that all Vietnamese in the south be admitted into the national community—with the same status.' "

Summarizing what a number of officials had told him, Barnet said: "Any political forces in South Vietnam that wants to reconstruct the shattered Vietnamese society must work with all other significant religious and political groups. The front is building up its political base because Catholics, Buddhists, Cao Dai and middle-class professionals are becoming increasingly antiwar and anti-American. The destruction and uncontrolled inflation in Saigon are building a nationalist coalition for peace."

"The NLF leadership understands, it appears to me, that these nationalist forces are for the most part anti-Communist as well and that once the Americans leave, the front's only hope of building its power is to promote a political program that will appeal to many diverse interests . . ."

"Some NLF officials indicate that they may well be prepared to accept specific safeguards such as international inspection of elections and an international force to guard against and to report on possible political reprisals. But the very pledges they are prepared to give to other Vietnamese they will resist giving to us. For one thing, they told me, they do not see that the United States is entitled to assurance about the future character of the South Vietnamese government. . . They said they view with considerable skepticism expressions of humanitarian concern for the South Vietnamese from a country that has dropped more than a million tons of bombs on South Vietnam."

Are these arguments mere persiflage? Hosmer, like President Nixon, assumes that Saigon's own million-man armed force will somehow dissolve and that Communists will take full power. He expects a bloodbath "of very large proportions" if they do so in battle, "say, following a withdrawal of all U.S. military forces."

But, he says, "if, on the other hand, the Communists were to win control of a different road—say, through the gradual subversion and eventual capture of a coalition government established under an international arrangement—then the likelihood of widespread violence, at least during the takeover period, might be significantly smaller."

Moreover, he states: (1) Disintegration of the Saigon regime would have removed a major reason for repression. (2) Needing to run the country, a Communist regime "presumably would want to avoid actions that might hamper its major task of political consolidation and mobilization . . . in particular, to eschew the kind of indiscriminate mass reprisals that might permanently alienate much of the population." (3) A Communist regime might fear that excessive repression would breed "adverse reactions in other Communist states or parties and among the uncommitted nations."

Hosmer nonetheless states as his personal belief that the Communists, out of a temptation to consolidate control and out of what he says is a peculiar Vietnamese taste for revenge, would execute upwards of 100,000 people. He does not say why this belief should be given more weight than his argumentation, which goes mostly in the opposite direction and which corresponds in its important aspects with that of Pham Van Dong.

What the North Vietnamese official contends and what the Rand scholar concedes come out quite the same: there would be important political considerations pressing upon the Vietcong to conciliate rather than to kill their erstwhile political foes. Whether these considerations would finally govern the policy of the Vietcong is, of course, necessarily a matter of judgment and conjecture.

This suggests at the least that it is misleading if not downright unfair for the President to pass over the several hundred thousand *actual* deaths of Vietnamese civilians—a great many of them victims of American bombs and shells—and to raise the *prospect* of an enemy massacre of civilians "by the millions," as though it were a certain thing. This is a tactic unworthy of a President whose stated objective is a negotiated settlement to the war.

If Mr. Nixon is truly interested in deterring a bloodbath, then he should be emphasizing those elements of policy—a negotiated solution, pledges of guarantees against reprisals, sanctuaries for especially frightened people, international observers—which could be of practical value in limiting repressions against any Vietnamese. To stay on the military track alone, as Hanoi and the Rand study agree, is to assure the bloodiest outcome of all.

THE "WASHINGTON PLAN" FOR MINORITY HIRING AND THE SEX DISCRIMINATION GUIDELINES

Mr. ERVIN. Mr. President, the Department of Labor recently issued two orders relating to discriminatory hiring on Government contract work. I refer to the so-called "Washington Plan" governing Federal construction work in the Washington metropolitan area, and to the guidelines prohibiting sex discrimination on all Government contract work. The latter of these orders was announced by a distinguished North Carolinian, Mrs. Elizabeth Duncan Koontz, Director of the Women's Bureau.

While the sex discrimination guidelines may not run afoul of the dictates of the Civil Rights Act of 1964, the "Washington Plan" openly and brazenly violates title VII of that same act by granting preferences to minority workers.

Section 703(j) of the act is as clear to me as the crystal waters of a mountain lake:

> Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Mr. President, that statutory provision is the law of the land, and to my mind it means that the Labor Department cannot lawfully require Government contractors to give preference to any person or group of persons because the total number of workers in any skill or trade reflects any imbalance in race, color, religion, sex, or national origin. Yet, that is exactly what the "Washington Plan" does.

Boiled down to its essentials, the plan tells Government contractors in the Washington area that they must employ a certain percentage of minority workers in specified construction trades, beginning next year and culminating in 1974. For example, the plan requires that 10 to 16 percent of all electricians employed must be minority workers by May 31, 1971. By 1974, the percentages for electricians must be from 28 to 34 percent.

The Labor Department refers to these figures as "ranges," just as it did last year when it attempted to defend the "Philadelphia Plan" in hearings before the Senate Subcommittee on Separation of Powers, which I chair. During those hearings the Department contended that the ranges were merely goals which contractors should strive to attain through affirmative-action programs, and that once the goals were met, they would serve as proof that the contractor had done his part under the Civil Rights Act. The subcommittee hearings demonstrated beyond doubt that Labor Department bureaucrats are bent upon forcing contractors to hire workers on the basis of race, whether or not these potential employees are qualified for the job.

Despite these denials to the contrary, Mr. President, I contend that the Labor Department is imposing quotas of minority employment on Federal construction projects in the Washington area. Furthermore, by the terms of the order creating the "Washington Plan," contractors on Federal projects must apply the same quotas to non-Federal building in order to keep their Government contracts. This is coercion by whatever name it is called.

Two aspects of the order clearly indicate that the Labor Department intended to impose quotas. For one thing, the order eliminates from its application several trades which already employ significant percentages of minority workers. Of all the Washington area carpenters, for example, 16.2 percent belong to minority groups. Therefore, carpenters were exempted. Plasterers were excused because 25.4 percent of them belong to minority groups. Other exempted groups employ the following percentages of minority workers: bricklayers, 56.9 percent; cement masons, 71.1 percent; laborers, 90.6 percent; operating engineers, 24.4 percent; reinforce rodmen, 32.4 percent; roofers, 85.3 percent; and teamsters, 87 percent. In other words, the Labor Department is telling these trades that they have already met their quotas.

Second, the order contains an analysis of job openings in different construction trades and states how many minority applicants a contractor should recruit for each job. The "Washington Plan" order is clear in its findings:

> Based upon the fact that the minority population in Washington (a major source of construction manpower) is three times that of the non-minority population, upon the fact that minority unemployment rate in the Washington area is twice that of non-minority unemployment, upon the fact there exists substantial minority underemployment in the area and upon the fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs effective affirmative action efforts should produce at least one minority applicant for each non-minority applicant for effective construction employment.

Here, Mr. President, the Labor Department is saying to Federal construction contractors that in effect you must come up with a 1-to-1 ratio of minority to majority applicants for all new and va-

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cant jobs. Again, we have a quota system designed to attack an imbalance in racial ratios, a quota system designed to give preferential treatment to minorities.

Regardless of what definition the Labor Department may use—ratio, balance, range—a quota by any other name is still a quota. And quotas are being demanded in the "Washington Plan," contrary to the 1964 Civil Rights Act.

In the great American game of football, the rules require the team with possession of the ball to make so many yards in four downs in order to keep the ball. Down in North Carolina, where football is improving year after year, we play the game according to the rules—including the rule which requires the offensive team to make at least 10 yards in four downs. Now, this rule does not say that you must make between 9 and 11 yards. It says 10 yards, and that is a quota. But even if it said between 9 and 11 yards, that still would be a quota.

According to my Webster's dictionary, quota means "the number or amount constituting a proportional share." That definition is clear, and it also is clear that the Labor Department is imposing quotas—by whatever name—on the construction contractors in the Washington area. Clearly the Department is assigning a "proportional share" of all construction jobs to minority workers.

Mr. President, I am by no means a foe of equal opportunity and equal freedom for all Americans, regardless of race, color, sex, religion, or national origin. But I am a foe of the executive bureaucracy's insatiable thirst to press beyond the limits of the authority granted it by Congress. I strongly believe that the "Washington Plan"—like the "Philadelphia Plan" before it—exceeds the authority of the Labor Department because it stands in direct conflict with section 703(j) of title VII of the Civil Rights Act of 1964.

I have long opposed the practice of the executive branch of the Federal Government making law; that is territory reserved by the Constitution to the Congress. Therefore, I shall observe closely the application of the sex discrimination guidelines handed down by the Labor Department through the Women's Bureau. If Congress wanted such guidelines to apply to Federal contractors, then it should have written them into the law in the first place. However, the sex guidelines issued last week pale in comparison to the "Washington Plan." So far as I can tell, they at least remain within the dictates of the Civil Rights Act of 1964 from which they spring.

If I may indulge in facetiousness for just a moment, I would like to pose a question that might boggle the mind and open an interesting discussion about how we treat the fairer—though by no means unequal—sex. The question is this:

If the Labor Department is going to demand that a certain percentage of construction jobs go to minority workers, why does it not demand that a certain percentage of these jobs go to women?

Indeed, that plays with the imagination. The new sex discrimination guidelines indicate that sex can be a bona fide occupational qualification, but they do not attempt to define what these qualifications are. Therefore, we can speculate that women could make excellent electricians, painters and paperhangers, plumbers, ironworkers, sheetmetal workers, elevator constructors, or any number of other construction trades. Well must we remember the job done by women during the Second World War in the defense and other industries of our Nation when the source of manpower was short.

If women can do the job, then why not require quotas of women workers in the construction industry? The Bureau of the Census informs me that women comprise 50.9 percent of our population, so why not require that percentage throughout the construction trades?

Ridiculous? Of course. But I submit, Mr. President, that such whimsical thoughts are not more ridiculous than what the Labor Department has done with its "Washington Plan."

The Civil Rights Act of 1964 treated race, color, religion, sex, and national origin equally and without distinction among them. As far as I can tell, the Labor Department has seen fit to distinguish between sex and race by requiring quotas when it comes to hiring members of a minority race, but not demanding any such thing when it comes to the majority sex. That, I submit, is not appropriately applying our great concept of equal protection of the laws for all persons.

Mr. President, the Labor Department has gone beyond the intent of the Congress by making these unreasonable demands of Government contractors in the Washington area. The so-called "Washington Plan" puts an undue burden on the contractor, who must get his workers through union shop agreements with the construction trade unions. The Labor Department has authority under the Civil Rights Act of 1964 to bring class actions against the unions if it feels that they are discriminating. That should be adequate power to remedy any problem of discrimination in the Washington area. On the other hand, the "Washington Plan" is based on authority which I do not feel the Labor Department has. I call upon the Department to reassess its authority and to administer the Civil Rights Act of 1964 in accordance with the plain language Congress gave to it.

THE GRIFFIN-TYDINGS AMENDMENT TO DIRECT ELECTION PROPOSAL

Mr. GRIFFIN. Mr. President, I ask unanimous consent that an editorial published in the Washington Post of June 23, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ALTERNATIVE TO PRESIDENTIAL RUNOFFS

As the Senate approaches a vote on the proposed constitutional amendment for direct election of the President, all of the lesser reforms designed to abolish the electoral college appear to have been discarded. The votes in the Senate Judiciary Committee two months ago clearly indicated, as did the previous action of the House, that only the direct-election plan has a chance of enactment. But the Bayh resolution adopted by the committee is still open to amendment, and efforts to improve it will continue on the floor.

The most interesting proposal of this sort to come to our attention is sponsored by Senators Griffin and Tydings. It is designed, as were some of the amendments considered by the Judiciary Committee, as a substitute for the runoff election contemplated by the Bayh resolution in case no candidate for President should receive at least 40 per cent of the popular vote. The two senators fear, as do many others, that resort to a runoff would encourage splinter parties and political bargaining. They have tried to give additional underpinning to the two-party system and to remove all incentive for the two front runners in a multiple-candidate contest to bargain with third or fourth parties.

The Griffin-Tydings mechanism would come into operation only if no candidate should win 40 per cent of the vote. In that event, it would declare the front-runner elected if he "received the greatest number of the votes cast in each of several states which in combination are entitled to a number of senators and representatives in the Congress constituting a majority of the whole number of members of both houses of the Congress . . ." This is a technical way of saying that a candidate would win if he had a majority of electoral votes even if he did not have 40 per cent of the popular vote. In effect it is a blow to Abraham Lincoln, as he is the only person who has won the presidency in the past with less than 40 per cent of the popular vote. Lincoln had 39.9 per cent.

If no candidate could qualify under either of these tests, the Griffin-Tydings formula would have the President elected by a joint session of Congress, with each member casting one vote. A special session of the new Congress elected in November would meet on the first Monday in December and make the choice from the two top candidates. No minority party candidate would still be in the running at this point—a provision deliberately intended to discourage third parties and to eliminate bargaining for the presidency.

This contingency election plan is designed to discourage its own use. If it had been in the Constitution from the beginning, no presidential election in our entire history would have been decided by Congress. While electoral votes might still be used to determine the winner in rare cases, the unfaithful elector problem would be eliminated and electoral votes could not be used to put the popular-vote loser in the White House. Congress might, in one of those rare instances in which the choice would fall to it, elect the second man in the popular-vote contest, but sponsors of this proposal feel that, with the country so divided, it would be better for the minority President to start his term with a working majority in Congress.

The fate of this proposal will depend upon whether a majority in the Senate is worried about the uncertainties of possible runoff elections. If a majority is so worried, it is good to have at hand a reasonable alternative. But the differences between Senators Griffin and Tydings on one hand and the Judiciary Committee on the other should not be allowed to imperil the enactment of the direct-election amendment. The American people have indicated in many ways that they want to elect their Presidents by their own direct votes, and we think the Senate and then the state legislatures should lose no time in giving them that right.

SENATOR MUSKIE'S REMARKS ON CORPORATE RESPONSIBILITY FOR THE ENVIRONMENT

Mr. EAGLETON. Mr. President, yesterday the junior Senator from Maine

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(Mr. Muskie) spoke to the Advanced Management Institute in New York City. His speech dealt with corporate responsibility for the environment.

In the speech, Senator Muskie described the legislation that the Subcommittee on Air and Water Pollution is drafting to amend the Clean Air Act. It is expected that this legislation will provide strict standards and deadlines for all areas of the country set on the basis of the strongest possible protection of the public health.

However, as Senator Muskie said in his speech, the leadership in the fight to restore the environment must come not alone from the Government, but "it must also be the business of corporations to become involved in the environmental effort and to eliminate the barriers of distrust which exist" between corporations and many Americans.

Senator Muskie offered the corporate community some good, prudent, and constructive advice on this score. I ask unanimous consent that the text of his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Corporate Responsibility and the Environment

The environmental honeymoon is over. The days of rhetoric are fading, the surge of multi-page advertising supplements is ebbing and the glow of togetherness and cooperation may be on the wane.

We saw an early and welcome spurt of enthusiasm—by students, corporations and public officials. That enthusiasm created great expectations.

Students thought they had at last found an issue that could embrace all Americans in an effort to reclaim and restore the society.

Corporations thought that their expressions of concern and announcements of plans for action could remake images tarnished by years of neglect.

Public officials thought that the time had finally come when the public would support expensive programs to restore the environment—and, not incidentally, support them for their efforts.

Now students have gone back to the war, industries are turning to other advertising themes and public officials are filling fewer pages of the Congressional Record with environmental statements.

And our air, and water and land? They are still waiting for the kind of attention they deserve.

The visibility of the environmental movement may have declined, but the public will not forget the promises that were made during that honeymoon.

So what is in store for those promises?

The Congress has been responding and will continue to respond with new laws.

The Environmental Policy Act of 1969 and the Water Quality Improvement Act of 1969 have been passed and signed into law.

Congress voted four times more money for water pollution control in the last fiscal year than the President requested. And major legislation in three areas—air pollution, water pollution and solid wastes—is under active consideration in the Subcommittee on Air and Water Pollution.

As this legislation takes shape, it is clear that "business as usual" will no longer be good enough—for any of us.

For example, the committee is considering the establishment of national ambient air quality standards.

These standards, under a proposal initiated by Senator Eagleton of Missouri, would require that by a fixed date—three, four or five years in the future—the level of specific pollutants in the ambient air must be reduced below that level which produces adverse effects on health. A second standard would be set—with a longer but still specific deadline—that would require the reduction in the level of those pollutants to virtual background levels.

To achieve this would require the maximum use of available technology on existing and new industrial plants, power plants, municipal and institutional incinerators;

It would require public control over the siting of new plants;

It could require the control of emissions from used as well as new cars;

It could require restrictions on the use of motor vehicles in urban areas and on the kinds of fuels burned by homes and industries.

These are the kinds of restrictions on our activities as individuals, as businesses and as communities which we must consider if pollution is to be brought under control.

These are the kinds of policies which we are considering to impose those restrictions.

They are the price which must be paid if we are to avoid the environmental consequences of unrestrained technological and economic growth.

Congress is responding, but is industry?

In recent years, our rhetoric—your advertising and our speeches—no matter how well-intentioned, has too often exceeded the effectiveness of our efforts to deal with our problems.

To a great extent, the leadership in moving to reclaim our environment must come from Government. It is the business of Government to regulate industries and to inform the public of health hazards—no matter which companies may be hurt.

But it must also be the business of corporations to become involved in the environmental effort and to eliminate the barriers of distrust which exist between your corporations and so many Americans.

And after the honeymoon—what is happening?

Are DDT manufacturers diverting production to less dangerous, non-persistent insecticides?

Is the automobile industry really exerting itself as it should to develop a clean, nonpolluting engine?

Are soft-drink manufacturers discontinuing the use of non-returnable and nondegradable bottles?

To the best of my knowledge, the answers are no.

As long as the answers are no, we can all look forward to spending future tax dollars to develop an artificial environment for our survival and the survival of our children—complete with climate control, air control, gas masks and breathing filters.

As long as the answers are no, American corporations can look forward to more and more movements like campaign GM.

Most supporters of campaign GM—and I supported that effort—did not see it as a blind assault on corporate practices, but rather as a direct appeal to corporate consciences. A corporate response of increased advertising and public relations efforts is not an adequate answer to that appeal. Students and other concerned Americans can tell the difference between an advertising budget and a research budget.

The corporate response must change, but all of us know that corporations—like the government—are institutions, and institutions do not talk or think or respond by themselves. They must be made to respond—by people in and out of the corporate structure.

Campaign GM was an illustration of how people outside the corporation can apply pressure for change. I supported that effort because I felt that the pressure was appropriately applied. General motors and the automotive industry had not met their responsibility to control automotive emissions.

But campaign GM found it difficult to challenge the management of General Motors on behalf of the stockholders. The securities and exchange commission has said that proxies were not the place for social questions. General Motors admitted to a social responsibility, but it felt that social questions were out of place on the stockholders' ballots.

This must change. If the owners of a corporation cannot control the activities of the company, no one can. The credibility of private enterprise will vanish.

Therefore, tomorrow I shall introduce a bill in the Senate to expand the opportunities for shareholders to have a say in the policies of the corporations which they own. The Corporate Participation Act will amend the securities exchange act to allow shareholders to place on the company ballot any proposal which promotes economic, or social causes related to the business of the corporation.

Shareholder democracy will help bring the social and environmental concerns of the public home to the corporation. Pollution—as well as profits—should be an object of corporate concern.

The pressures for more open corporate structures should also come from inside the corporations. The movement for corporate environmental responsibility can and should come from management.

As managers you do not live your whole lives in the corporate structure. Each of you, as an individual, faces problems that all of us share.

You and your families breathe dirty air, you vacation beside dying lakes, and you travel on crowded roads. You feel the effects of uncontrolled technology, you experience the discomforts of contemporary life, and you know that we cannot go on forever in this direction.

And you are not alone. The members of your unions are confronting the same problems, and many of the unions will be coming to the bargaining table with new demands in mind.

A corporation can be no healthier and no happier than the people who work in it. The time has come to put an end to the notion that our corporations live lives of their own, surviving on profits made at the expense of our human and natural environments.

For those of you who may dissent from the present practices of your corporation, for those of you who insist that corporations must do more to protect and enhance the environment, the road will not be easy. The pressure to conform will be great.

I hope that you will remember what E. B. White wrote some years ago:

"People are beginning to suspect that the greatest freedom is not achieved by sheer irresponsibility. The earth is common ground and we are its overlords, whether we hold title or not. Gradually the idea is taking form that the land must be held in safekeeping, that one generation is to some extent responsible for the next; and that it is contrary to the public good to allow an individual to destroy almost beyond repair any part of the soil or the water or even the view."

We are beginning to appreciate that philosophy. It is a philosophy that tells us that survival will not take care of itself. That we owe a future of our children. And that all of us must be guardians of that future.

The time must pass when we relax in the notion that some of us—corporations in particular—can evade that responsibility.

C. I. MOYER, GOVERNMENT'S SMALL BUSINESSMAN

Mr. PEARSON. Mr. President, C. I. Moyer has been doing an exceptional and unsung job for nearly 17 years as the Government's small businessman in Missouri, Kansas, Iowa, and Nebraska. As a fellow Kansan, I wish to pay tribute to a man who has served Kansas and the Nation for 40 years.

I ask unanimous consent that an article written by Bill Moore, of the Kansas City Star, be printed in the RECORD, so as to take note of the man and also to illuminate some changes that have been taking place in the Small Business Administration over the last few years.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, June 10, 1970]

SMALL BUSINESS MAN AN OLD FARM BOY

(By Bill Moore)

One of the things C. I. Moyer likes about his job is that his regular paid staff is augmented by about 200 gung-ho volunteers who stand by, ready to spring into action at a moment's notice and pull off a piece of work for his agency.

Moyer is regional director of the Small Business administration; offices high up in the old Federal Office building at 911 Walnut street, with what would be a wonderful view from his window except that it looks straight into the back side of the big new Commerce Tower.

Mr. Moyer is a most friendly fellow and I have known him or at least known of him since his old political days out in Kansas and if I knew how to spell it I would set down his first name as it is known to all his friends. They pronounce his name as "sigh," which is, of course, a contraction of the initials, "C" and "I," but whether you would write it Ci, Si, Sy, Sigh, or something else has never been determined.

As the federal government's Small Business man in Missouri, Kansas, Iowa and Nebraska, Mr. Moyer deals in money and is a man who is known to all the bankers and lenders, and a man to be consulted.

But money is a shadowy topic to me. All I know about money is that I have got a steady paycheck twice a month for a great many years and that the "deducts" keep getting larger. I am lost in talk of high finance.

I would rather say that almost 40 years ago I worked on a small newspaper in North Central Kansas and that there was a wheat farmer who dropped in once in a while to talk to the boss about politics. He wore blue denim overalls, blue denim shirt, and had a manner as though he was on the way up. I figured he was. His name was Frank Carlson.

And I think it was about that time I began to hear about another young fellow, not a whole lot older than me, who was believed to be on the way up and already making quite a figure in Republican politics. His name was Moyer.

C. I. or CI if your prefer, originated on a farm between Severance and Highland, Kans., and at an early age took to serving on township boards and such. In those days, if my memory serves, a chief function of a township board was to see to it that the dirt roads were kept graded. I did a little grading myself in those days. It was a dusty job, but not too demanding.

I suppose he must have been a Republican precinct committeeman. Anyhow with a law degree from the University of Kansas behind him and a farm and a record of community service as a power base, he got elected to the Kansas Legislature in 1938. Then he got elected to the Kansas Senate in 1940, served four years and made friends with everyone.

He was Ed Arn's campaign manager when Ed was elected governor in 1950 and again in 1952. And in 1952, Ci Moyer was one of the big men in Kansas close to Gen. Dwight Eisenhower. And as state Republican chairman when Ike took over as President, Ci Moyer was indeed on very solid ground.

He was appointed regional director of the SBA in October, 1953. He maintained his home in Kansas (still lives in Fairway) but the step across the state line, for business purposes, was not a hard one. Ci always had a lot of friends on the Missouri side.

Ci Moyer rode out the Democratic years and now that we again have a Republican administration his situation couldn't look better.

The Small Business Administration has changed its complexion somewhat since Moyer took over the Kansas City office nearly 17 years ago. For one thing (and this probably was inevitable) the volume of loans which it has a finger in is more than 10 times that of 1953.

On the other hand the SBA has been getting out of the direct loan business. It is virtually out right now, Moyer says. What it does is tell the guy to go to the bank and borrow the money and the SBA will assure the bank that it will be safe enough just in case—just in the possible case—the guy won't be able to pay off as expeditiously as he hoped.

Of course, the loan client is checked out by the SBA before he is directed to the bank. The SBA tries to make certain that he's a reasonable sort of a risk.

The SBA does a lot of counseling with small business men these days; much more than it used to. If the small business man is having trouble the SBA tries to show him how he can maybe work himself out of it.

And finally those volunteers: They're members of the Service Corps of Retired Executives (SCORE, since the government is eternally searching for acronyms), and they are at the ready when it comes to giving management assistance to small business men in trouble. There's about 100 of these SCORE members in Iowa alone.

They serve pretty much for free, although it's said they are reimbursed for actual out-of-pocket expense.

Ci Moyer's grandfather homesteaded a tract of 80 acres which today is a part of the present 320-acre farm. On weekends you'll find our SBA man up there on the Doniphan County farm poking around among his cattle and looking down the corn rows.

ADDITIONAL DEATHS OF CALIFORNIANS IN SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, between Monday, May 25, 1970, and Thursday, June 11, 1970, the Pentagon has notified 28 more California families of the death of a loved one in Vietnam and Southeast Asia.

Those killed:

Pfc. Stephen R. Barkley, husband of Mrs. Linda S. Barkley, of Norwalk.

Spc. Freddy L. Bratton, son of Mr. and Mrs. John C. Bratton, of Sepulveda.

Pvt. Tommy M. Clayton, husband of Mrs. Glenda Clayton of Los Angeles.

L. Cpl. Albert R. Cortez, son of Mr. and Mrs. Eligio Cortez, of Los Angeles.

Sgt. 1c. Carl W. Crowe, husband of Mrs. Patsy R. Crowe, of Ventura.

Lt. Dennis W. Dotson, son of Mr. and Mrs. Billy M. Dotson, of El Centro.

Maj. Robert M. Fitzgerald, husband of Mrs. Robert M. Fitzgerald, of Point Mugu.

L. Cpl. Dale F. Fleischmann, son of Mr. and Mrs. Dale Fleischmann, of Huntington Beach.

Spc. Gary W. Gear, husband of Mrs. Joann Gear, of Carmichael.

Pfc. Kenneth M. Gray, son of Mrs. Armistice L. Gray, of San Francisco.

Spc. Sammy M. Gullart, son of Mr. and Mrs. Gilbert Martinez, of Los Angeles.

Pfc. John L. Harley, husband of Mrs. M. Harley, of San Jose.

S. Sgt. Will Isaac, husband of Mrs. Eva Isaac, of San Francisco.

Spc. Stanley R. Kimmel, son of Mrs. Martha F. Kimmel, of Summit City.

Pvt. Stephen A. McCauley, husband of Mrs. Joan C. McCauley, of Long Beach.

Pfc. John R. Mariani, son of Mrs. Marie B. Mariani, of Stockton.

Sgt. John Marquez, husband of Mrs. Kathleen A. Marquez, of Pinole.

Spc. Armando Monterrurio, son of Mr. and Mrs. Mario Monterrurio, of Glendale.

Lt. Lester N. Moulton, husband of Mrs. Marcia R. Moulton, of Sacramento.

Lt. John M. Mulcahy, husband of Mrs. Tessianna A. Mulcahy, of San Diego.

Spc. Michael P. Murphy, son of Mr. and Mrs. Charles E. Murphy, of San Diego.

Spc. Kris M. Perdomo, son of Mrs. Helen D. Jouvert, of Newport Beach.

Spc. Joe D. Ramey, son of Mr. and Mrs. Emmett A. Ramey, of Arroyo Grande.

Pfc. Michael A. Rasmusson, husband of Mrs. Judith Rasmusson, of Sacramento.

Lt. William L. Reynolds, husband of Mrs. Mary K. Reynolds, of Marina.

Pfc. Larry A. Salmon, son of Mr. and Mrs. Thomas E. Salmon, of Lakeside.

Spc. Steven R. Stefanski, husband of Mrs. Robin E. Stefanski, of San Diego.

Capt. William J. White, Jr., son of Mr. and Mrs. William J. White, of Orange.

They bring to 4,120 the total number of Californians killed in the war.

THE INTERNATIONAL ASPECTS OF POLLUTION

Mr. MATHIAS. Mr. President, when one nation, through technological progress, human carelessness, or governmental myopia, pollutes the environment, every man suffers.

It would appear that in at least one area—pollution control—the countries of the world need to realize that immediate cooperation is required.

In an article published in the Perspective section of the Sunday Denver Post, Prof. Ved P. Nanda, of the University of Denver School of Law, points out the international nature of the problem as well as several cooperative ventures to alleviate it.

As the writer suggests, three questions must be answered before pollution can be combated successfully.

First. Who is to institute corrective measures?

Second. Who is to pay?

Third. What regulations, controls, and machinery would insure compliance?

I commend Professor Nanda's article, entitled "Does Man Face Self-Destruction?", to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article

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was ordered to be printed in the RECORD, as follows:

DOES MAN FACE SELF-DESTRUCTION?—NEW INTERNATIONAL AGENCY SUGGESTED AS A SOLUTION FOR ENVIRONMENT PROBLEMS

(By Ved P. Nanda)

(EDITOR'S NOTE.—The author is associate professor of law at the University of Denver School of Law.)

"Irked Italians rename town on a polluted river 'Stinkville' "

"Soviets sound pollution alarm"

"Pollution perils a French church"

"Europe's industrial cesspool—the North Sea"

"Salmon: natural death or killed by Danes?"

"Mercury curbs fishing in Ontario"

Are those news items unique? Not any more, for Europe and North America are in the grip of a growing concern about their environment.

This concern was expressed this spring on a variety of issues on campuses and communities across the nation in a host of activities culminating with "Earth Day" teachings on April 22. The focus, though occasionally global, is primarily domestic.

Across the border on the North, the Canadian Parliament has unanimously adopted legislation extending her control to regulate activities over the Northwest Passage. It is setting up shipping safety-control zones as wide as 100 miles.

Despite U.S. objections on the ground that this Canadian move might set a precedent for other similar claims by other countries, thus restricting freedom of the seas, Prime Minister Trudeau declared: "We cannot wait for a disaster to prompt us to act. We need law now to prevent pollution of our Arctic territories."

AIR PROBLEMS

Several European countries are confronting serious problems of air and water pollution. But there the concern is not only national; it is primarily across national boundaries.

A recent warning from a leading Norwegian scientist, Dr. Brynjulf Ottar, director of the Norwegian Institute for Air Research, highlights the issue: "Our fresh-water fish and our forests will be destroyed if these developments continue uncontrolled." He was referring to the rising acidity Norway is experiencing in its rain and snow, the acidity being caused by combustion pollutants which occasionally drift over Norway from England, and Western Europe, notably West Germany.

Similarly, Sweden has complained about a rising sulphur content in its atmosphere, 50 per cent of which is attributed to wastes from industrial Europe.

Both Norway and Sweden fear that high acidity could upset the ecological balance of plant and animal life. Studies to date suggest that high sulphur content could adversely affect soil and water and cause considerable economic damage, though damage would be hard to assess.

France, Germany and Luxembourg, among others, have international air pollution problems.

Scientists can identify the source of pollution by studying the direction of winds and analyzing the content of combustion pollutants. But national boundaries and the resulting jurisdictional problems hamper any effective measures to combat pollution hazards.

What recourses do Norway and Sweden, for example, have? To be workable, the solution has to be international. The Council of Europe in Strasbourg has been confronting the issue, and hopes to suggest specific proposals.

The first step the Council took was to convene a European Conference on Air Pollution in 1964. Since then it has set up a committee of experts on air pollution. Four years later, in March 1968, it adopted a Declaration of Principles to prevent and combat pollution, which calls for cooperation in legislation, administration and information. In several other parleys and study groups Europeans have conferred to draft programs of international cooperation and devise some machinery to accomplish their objective of combating air pollution.

WATER POLLUTION

Pollution of the seas, international waterways and rivers alike is reaching alarming proportions. Recent reports by marine scientists that dumping sludge off New York had created a vast "Dead Sea" that was spreading toward New York and New Jersey beaches have dramatized the growing menace of water pollution.

Cleaning of rivers and lakes, a costly undertaking but certainly a necessary one, is under way or at least under consideration in this country, thanks to the persistent demands and efforts of many concerned citizens who have been warning of the perils of contaminated waterways.

In regulating international waterways, some efforts, including U.S.-Canada International Joint Commission, and U.S.-Mexico International Boundary and Water Commission has suggested useful guidelines for others. Recently the U.S.-Canada Joint Commission has actively sought to prevent further pollution of Lake Erie. The Indus Water Agreement is also partially successful.

In Europe, an international commission for the protection of the Rhine was formed in 1950 by Switzerland, France, Luxenbourg, West Germany and The Netherlands. The group agreed to the joint testing of water quality. Fifteen years later, in 1965, they signed a formal treaty on the subject under which they have undertaken to:

Prepare studies to determine nature, extent and origin of pollution.

Recommended to members appropriate measures to protect the Rhine.

Prepare drafts which may serve as a basis of future international agreements.

Much more needs to be done if the Rhine is to regain its purity of bygone days. At a recent meeting of the Council of Europe, the French agricultural minister has proposed the creation of a European antipollution fund which he said "could be useful in financing large scale measures" in case of pollution disasters as that of the Rhine in the summer of 1969 when millions of fish died.

The World Health Organization has shown considerable interest in setting up a project aimed at preventing pollution in the Danube basin.

Most of these bilateral agreements prescribe for prevention of pollution in general terms without setting specific standards. They generally prohibit polluting affluents or discharges. There are three major questions, none of which can be satisfactorily answered at present, and everyone of which is crucial to combat pollution:

Who is to institute corrective measures?

Who is to pay?

What regulations, controls and machinery would ensure compliance?

THE SEA, TOO

The Torrey Canyon disaster in March 1967 (which occurred off Southwest England, spilled approximately 80,000 tons of crude oil into the sea, fouled both English and French beaches, and caused millions of dollars of damages besides inflicting extensive harmful effects on marine life) had given ample warning to nations of what lay ahead: supertankers, crowded sea lanes and an accelerating demand for petroleum products which would further lead to bigger tankers, increased sea traffic, and perhaps another accidental spill. As a matter of fact, pollution from tanker wrecks and from tankers dumping slops in the oceans has caused serious problems in the last three years.

Coastal waters also face pollution hazards from offshore exploration, and exploitation for oil and gas is growing at an accelerated pace. For example, while in 1967 the oceans supplied about 12 per cent of the oil and 10 per cent of the gas to meet U.S. needs, the percentage is expected to rise substantially over the next decade. Presently, offshore activities are either in progress or are expected to be started soon in over 50 countries.

The 1969 blowout in the Santa Barbara Channel was the first major spill caused by offshore activities. While it incensed people all over the country and raised serious questions about the adequacy of technology on oil spills and about operational problems in handling effectively major oil spills, it also focused attention on equally important noneconomic factors such as natural beauty and esthetic well-being. Above all, it forced policy makers to re-evaluate national priorities, keeping in view the overriding goal of achieving a total ecological balance.

However, the more recent blowouts in the Gulf of Mexico have again demonstrated that there are no guarantees that such disasters can be eliminated, and that it is imperative to undertake preventive regulatory steps and effective restorative steps both on national and international levels. The problem is further accentuated in the control of developing countries, for their need for increased revenues is likely to override the noneconomic, esthetic environmental concerns on which no price tag can be put.

Significant international measures have been recently undertaken to prevent and control oil pollution from tankers. For instance:

In November 1969, the 1954 Convention for the Prevention of Pollution of the Sea by Oil was amended, providing for stricter, higher, tighter arrangements.

In November 1969, an international conference adopted two important conventions: International Convention on Civil Liability for Oil Pollution Damage and International Convention relating to Intervention on the High Seas on the case of Oil Pollution Casualties.

Presently, under the auspices of the International Maritime Consultative Organization (IMCO), a U.N. body, maritime powers are discussing measures to combat pollution of the seas by agents other than oil and are seriously considering the establishment of an international compensation fund for oil pollution damage.

Tanker owners have recently entered into a voluntary agreement concerning liability for oil pollution.

The U.N. has undertaken an extensive study on marine pollution.

For most developing countries which do not presently have adequate legislation on their offshore activities, U.S. legislation and its responses following the Santa Barbara spill (congressional hearings; presidential panels; Interior's studies and promulgation of stricter regulations and providing for enforcement machinery) are useful guidelines.

Besides air and water pollution hazards, growing population and space activities are likely to confront man with environmental challenges. Though at present many environmental pollution problems are primarily the problems of the developed, industrial countries, the rest of the countries are going to be affected and affected soon, for these problems do not respect national boundaries, and the earth is one ecological unit. Thus it seems necessary to devise international regulatory measures now to save man from self-destruction.

"What kind of international machinery?" is certainly a valid question. But the need for one—a special U.N. agency, a new international body, a composite of many regional agencies, or all of them—is so overwhelming that an immediate, urgent and concerted action by all countries seems imperative.

THE VIETNAM WAR—NO END IN SIGHT

Mr. KENNEDY. Mr. President, 3 years ago this month the Saigon correspondent of the Washington Post, Mr. Ward Just, wrote a final dispatch before leaving South Vietnam after 18 months of reporting. In good journalistic fashion, Mr. Just began his last report—on June 4, 1967—by coming directly to the point. He wrote:

> This war is not being won, and by any reasonable estimate, it is not going to be won in the foreseeable future. It may be unwinable. Frustrated at the resiliency and resources of the enemy, the administration revises its rules of engagement and widens the war. South Vietnam, unattainable at best, threatens to become unmoored altogether.

Now, 3 years later, what has really changed, Mr. President? We are still, as Mr. Just wrote, "chasing straws in the wind." Recent articles by Washington Post correspondents Robert Kaiser and Laurence Stern provide the latest documentation that this war is "recycling itself—returning full circle to a low-level, guerrilla-type war, based upon attrition and the political isolation of rural areas by the Vietcong.

Today, after years of war, we are returning to the point where we came in and we call it progress—although political "pacification" remains as illusive as it has always been. Mr. Stern writes:

> The unglamorous war in Vietnam is still waiting to be fought; while it has not been lost by any means, it is still—as ever—far from won.

Mr. President, on how many tombstones must that epitaph appear—"yet to be won"—before we change our priorities and take negotiations seriously?

I ask unanimous consent that the recent articles written by Messrs. Kaiser and Stern and published in the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 31, 1970]

THE VIEW FROM SAIGON: NO END IN SIGHT

(By Robert G. Kaiser)

"O mouse, do you know the way out of this pool? I am very tired of swimming about here, O mouse!"—Alice in Wonderland.

SAIGON.—If the mouse knows, he isn't saying. After a month of foraging in Communist sanctuaries in Cambodia, after a year of Vietnamization and 16 months after Richard Nixon took office promising to end the war, the United States is still swimming about in Indochina. The end may be in sight in presidential speeches, but it isn't in sight from here.

The Cambodian adventure has reopened the breach between the image of the war one gets by looking at it in Vietnam, and the image conveyed by the speeches of high officials in Washington. While President Nixon and Secretary of Defense Laird imply that the Cambodian incursions will accelerate the American withdrawal and ensure the success of Vietnamization, the men most directly responsible for conducting the war in Vietnam refuse adamantly to make any such predictions.

Many American officials here are still shaking their heads at the terms of President Nixon's April 30 speech announcing the Cambodian offensive. "A move that was taken for small tactical reasons got swept up in the big strategic picture," as one senior official put it in a somewhat helpless tone of voice.

To an outsider with no claim to expertise beyond 14 months experience chasing his sense of curiosity around Vietnam and Cambodia, the qualms of these officials seem thoroughly justified. Neither the situation before April 30 nor the situation since then much resembles the descriptions coming from Washington.

From here, the fall of Prince Norodom Sihanouk in Cambodia seems to have changed the Indochina situation radically. Though spokesmen for the administration aren't saying so, the United States' ability to control events on this peninsula—which has never been great—seems less now than ever before.

On April 30, the President said attacks against the sanctuaries were necessary "to guarantee the continued success of our withdrawal and Vietnamization programs." He added that the enemy is "concentrating his main forces in these sanctuaries . . . where they are building up to launch massive attacks on our forces and those of South Vietnam."

As it has turned out, that concentration of enemy troops in the sanctuaries did not exist. Thus U.S. and South Vietnamese troops met almost no opposition when they entered them early this month.

This is one of those small errors of fact that have recurred throughout the war in Vietnam, disturbing but not crucial. Much more important was the President's basic contention that the sanctuaries *had* to be attacked to allow withdrawal and Vietnamization to continue successfully.

On that question, like all the big questions in the history of the Vietnam war, there can be no certain answer. There is only one way to try to predict events in Vietnam: One assembles a portion of the information available (there is too much ever to consider it all), judges it on the basis of experience and intuition and ends up with a guess, more or less educated. For most who have tried it, this system has proven woefully imperfect. But it is all that exists, so we continue to use it.

A NEW DEPARTURE

President Nixon's prognostication came as a surprise in Vietnam. What he said, in effect, was that all the boasts about Vietnamization in the past were hollow: the program couldn't work because of the enemy's sanctuaries in Cambodia. Those sanctuaries existed before Sihanouk was deposed March 18. Nothing that happened after March 18 made them any more dangerous, according to Mr. Nixon's own commanders in Vietnam.

It is difficult to begrudge Mr. Nixon his decision to change his mind about the allegedly rosy future of Vietnamization. The theory that a relatively constant number of Vietnamese soldiers could grow in stature—but not in numbers—to replace half a million Americans has always been questionable. Many of the President's critics had accused him of dreaming on this score, or of deliberately misleading the public.

And yet in Vietnam, Vietnamization has looked like a reasonable bet—not a sure thing, not even a clear favorite, but by Vietnamese standards, a wager with a fair chance of success.

To be sure, it was a risky idea, not least because the North Vietnamese did have large forces in the Cambodia sanctuaries. But one could travel all around this country asking Americans and Vietnamese and outsiders, too, if they thought it would work, and the answer has been a conditional but widespread "yes" for many months.

The question had to be posed carefully: Could the United States withdraw its forces without the last men having to shoot their way to their airplanes? Could the South Vietnamese army and government hold up the tent until the Americans got out from under it? As the geopoliticians sometimes put it, could the Americans withdraw and leave behind a decent interval before fate took its course in South Vietnam?

The question had to be put in those terms because any broader assertion could not be justified. The long-term future of South Vietnam depends on so many variables, so few of them dependent on the outcome of the current shooting war, that any grander prediction would be foolhardy. Americans and Vietnamese here tend to agree about that.

When you asked those who answered a cautious "yes" if they could think of another way to get the United States out of Vietnam in an orderly fashion, you heard two answers. The first, and much the more popular, was "no"; the other was that America might negotiate a settlement with the North Vietnamese that would allow a complete and quick withdrawal.

This idea, so popular among war critics in Washington, is not very popular here. Among Vietnamese and Americans in Vietnam, there is widespread doubt that the North Vietnamese will negotiate a settlement unless they can be sure it is to their advantage. From here, where the Communists appear to be weak on the ground, negotiation does not look like an appealing alternative for Hanoi. A negotiated settlement that accurately reflected the current balance of power in South Vietnam would, in effect, force Hanoi to give up most of its stated objectives. And it is hard to imagine the South Vietnamese or the United States agreeing to a settlement that did not accurately reflect the current balance of power.

BASIS FOR OPTIMISM

The limited optimism that has existed here was due to a few apparent facts about the state of the war that have gained wide acceptance in the last year or so. Briefly stated, these are the principal ones:

The government has established a dominant physical presence in all of the urban areas and in most of the countryside, including the crucial Mekong Delta, the area around Saigon and heavily populated coastal regions in the north. U.S., ARVN and local militia forces have obliterated most of the old Vietcong army, pushing its remnants out of the populated areas. The Communists now must rely on North Vietnamese to do most of their fighting.

Most of the remaining enemy force units, primarily northern, have been forced to stay close to their sanctuaries.

Without its local military forces, the Vietcong's political organization has been weakened, at least ostensibly. People in the countryside are therefore less conscious of the Vietcong's presence while more active government programs have made them more conscious of the Saigon regime.

Apparent rural prosperity has also helped the government. Economists say the prosperity is false, based entirely on props provided by American dollars, but it is real to the farmer who can buy a radio, a motorbike or a tractor.

And President Thieu, with the army, has established an unprecedented degree of political stability in wartime Vietnam. The chaos of the 1963–6 period has been superseded by a remarkable calm, relatively speaking.

If those generally optimistic assertions were widely accepted here, so were a number of doubts and questions that put any optimistic conclusions in jeopardy. The fundamental reservation must be that none of

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these factors can be counted on in the long term. The Vietcong have demonstrated an ability to revive their organization, and all the Saigon government's apparent strengths seem to be based on slender reeds. All could be reversed in one way or another.

The future of Vietnamization has long seemed to depend on the answers to these questions: Could the lamentable ARVN officer corps become effective? Could the local militia, now extremely erratic, assure local security without U.S. and ARVN assistance? Could the army survive without the American props that now support them at every level?

Could official corruption in Vietnam be controlled or regularized? Could the woefully weak civil administration be improved? Could economic collapse and chaos in South Vietnam be avoided? Could the non-Communists ever compete with the political organizing skill of the Vietcong? And finally, could South Vietnam ever cope with enemy forces in the northern half of the country, where the Communists have much more secure sanctuaries and a much better tactical position than in the south?

These were the long-term problems. Despite them, it seemed possible that over a short term of, say, five years, the South Vietnamese might be able to hold their own—not because of their strengths so much as because of the Communists' grave, if temporary weaknesses.

The offensive into Cambodia seems unlikely to help provide any satisfactory answer to the questions about the long-term prospects for Vietnamization. But by further weakening the Communists' tactical position, the new offensive should make the situation on the ground in South Vietnam even more hopeful.

In sum, if the Nixon's administration was pursuing a short-term strategy of getting out of Vietnam as quickly as possible without the tent collapsing in the process, the Cambodian operation might have been very helpful. Might have been, had others remained equal. But of course they have not. For reasons over which the Nixon administration had only slight control, the entire Indochina situation changed dramatically during the past several months.

THE HOPES FADED

Before this change, the United States had what seemed a fair chance of escaping more or less honorably from Indochina if it could cope with the situation in South Vietnam. The war in Laos seemed stalemated, albeit precariously. Cambodia's neutrality under Sihanouk, though benevolent to the Vietnamese Communists, seemed to assure stability in that country for the foreseeable future (in this part of the world, no more than a few years). So in those good old days, the United States just might have escaped from the region, leaving Indochina intact, at least for a reasonable period of time.

The good old days are gone. The situation in Laos looks more precarious than ever. The Communists are in a stronger position, especially after their recent offensive in southern Laos. Souvanna Phouma's neutralist government faces a gloomy future.

More important, the pretense of Cambodian stability is gone. Cambodia has become an active battlefield of the war, a third front for the North Vietnamese. In the first days after the March 18 coup, there might have been a chance for Lou Nol to negotiate a modus vivendi with the North Vietnamese. But instead, he threw down the gauntlet, and the North Vietnamese responded in kind.

The new government in Cambodia is weak, uncertain and apparently ineffectual. The same adjectives would flatter the Cambodian army. The Cambodian economy is in shambles, and will almost certainly get very much worse. The rubber industry, which provides almost all of Cambodia's exports, has already been severely disrupted by the new war.

U.S. intelligence now expects the Lon Nol regime to be challenged by a Cambodian liberation movement, led at least in name by Prince Sihanouk, whose personal popularity is said to remain high in the Cambodian countryside. The new regime's ability to cope with this challenge is, at the very best, problematical. If any prediction in Indochina is justifiable, it is that Cambodia will be in turmol (or in Communist hands) for a long time to come.

Despite these baleful prospects, the United States seems to be tied to the new Cambodian regime almost willy-nilly. President Nixon said it was necessary to attack the Cambodian sanctuaries to assure the success of U.S. policy in Vietnam. If Sihanouk returns to power, all of Cambodia will probably become a sanctuary for the Communists. Must the whole country then be invaded?

Moreover, regardless of presidential rhetoric, it seems impossible not to interpret the offensive into Cambodia as a signal to Hanoi that the United States would not allow Cambodia to fall. Such a signal must have seemed unavoidable in Washington, if 50,000 dead in Vietnam were not to be written off as a bad go.

If one defends the Vietnam war for its stated purpose—to assure self-determination in South Vietnam—or for its cold war purpose—to stop the advance of communism in Asia—the reaction to events in Cambodia must be the same: Cambodia must be saved. But in the long run, barring a re-creation of the American presence in Vietnam, there appears to be no way Americans can prevent Communists (or pro-Communists under Sihanouk) from taking over Cambodia.

As a result of the coup against Sihanouk and events since, Indochina is now a maelstrom of conflicting vital interests: The North and South Vietnamese, the Laotians, the Cambodians and now even the Thais all see their vital interests in jeopardy.

President Nixon apparently sees America's vital interests at stake here too. But these vital interests are not compatible—in several combinations, they are mutually exclusive.

And there is no foreseeable way that the maelstrom can be calmed, unless North Vietnam abandons its Indochina campaign.

That, of course, has always been the dream of American officials, in both the Johnson and Nixon administrations. Someday, the United States always believed or hoped, the men in Hanoi would have to cry uncle. One can hear that talk again: They've overextended themselves, according to the new version of the old line; they can't fight on three fronts in the rainy season after losing their supplies, with hostile forces on all sides.

Perhaps this time it is true, but the small bits of evidence available suggest the contrary. Skeptical Westerners very recently in Hanoi were impressed by the apparent high morale and resiliency of the leadership. According to one of these recent travelers, the morale of the masses has apparently risen lately, because the government has cut prices and ended rationing of many consumer goods.

LONG FIGHT AHEAD

In the field, the Communists show every sign of having the patience to carry on the war. In Cambodia, according to U.S. intelligence and captured documents, they are beginning the long difficult task of building an indigenous revolutionary movement from the hamlets up.

Surely the North Vietnamese have grave supply problems, but they have already secured a new infiltration route via the Sekong and Mekong rivers into southeast Cambodia, which conceivably could be extended to their forces in southern South Vietnam.

And if it is true, as Presidents Johnson and Nixon have both said, that North Vietnam is counting on the American opponents of the war to win their victories, then the men in Hanoi must now be dancing the North Vietnamese version of a jig. Perhaps something resembling the gloomy picture that now seems to face the United States was inevitable even before Sihanouk's fall. Some old Indochina hands have long criticized American policy as shortsighted and self-deluding, because it failed to face up to the entire Indochina problem.

The United States has devoted its attention to South Vietnam, these critics have said, hoping that the Communists would do the same, thus localizing the problem. The criticism is harsh but difficult to dispute, if one assumes the United States has had long-term objectives in this region. Almost certainly there would have been serious instability in Indochina's future even if Vietnamization in the old context had been a smashing success.

Even in the new context, Vietnamization seems certain to continue. In Vietnam it is assumed that the end of the Cambodian operation on June 30 will be quickly followed by a substantial further withdrawal of U.S. troops. These withdrawals should be possible without serious repercussions in South Vietnam. Three months ago, that alone would have been very good news. It is still, on balance, good news; but now one must wonder if the orderly withdrawal of Americans from South Vietnam will be seen, a year or two from now, as a very significant achievement.

[From the Washington Post, June 19, 1970]

REDS MOUNT GUERRILLA DRIVE, DISRUPTING PACIFICATION

(By Laurence Stern)

DANANG, SOUTH VIETNAM, June 18.—While Cambodia has preempted the world headlines, the Communists in South Vietnam have mounted a fierce and determined guerrilla-style military campaign.

The reversion to guerrilla war tactics by the North Vietnamese and Vietcong cadres has been foreshadowed for nearly a year in Communist military proclamations and directives, starting with a much-publicized Vietcong resolution (COSVN nine).

American and Vietnamese military commanders call the new strategy a policy of "desperation" that is being waged by an adversary who knows he is "losing."

Whatever the motive, the current Communist offensive has sent pacification scores—the elaborate accounting system used here for measuring government security—tumbling in numerous South Vietnamese provinces since the onset of spring.

It has also exposed gaping weaknesses in the ability of South Vietnamese territorial forces to defend civilian populations in the so-called pacified areas from Communist attack.

In II corps, the central highland region which contains half of South Vietnam's land mass, the number of "D" and "E" hamlets (lowest on the pacification scoreboard) has doubled from 10 to 20 per cent since February. American military observers expect the trend to continue, partially in response to the Cambodians operations.

Northward in I corps, which extends from the highlands to the Demilitarized Zone, small Communist units have attacked government-controlled villages, government military dependents quarters and American firebases with growing boldness and intensity in recent months.

SCENE OF ATTACKS

During a four-day tour of the central and northern provinces I visited the dependents quarters of Vietnamese ranger units at Pleiku where 31 had been killed and 83 wounded—nearly all the wives and children of rangers—in three successive Communist attacks. The last was on June 3.

This narrow neck of South Vietnam lying

just below the DMZ has been the scene of the fiercest fighting in both Indochina wars, the French and the American.

In both I and II corps there is every evidence that the Communists—following a meticulously formulated game plan—have broken down many elements of their main forces into small assault units whose mission is to strike at American military targets as well as civilian population centers (the Communists still call them "strategic hamlets") then fade back into the forests and jungle.

The objective is not to hold territory against the massive retaliatory firepower of the Americans and South Vietnamese so much as to demonstrate the ability of the Communist guerrillas to strike at will and to terrorize civilian populations living within the military occupation zones of the Americans and the Saigon government.

To the unknowing the word "pacification" may be misleading since there are few areas in Vietnam, no matter how pacified, without guns, sandbags and soldiers.

The Communist strategy is based on patience and attrition, the two staple elements of revolutionary war as it has been practiced in Vietnam over the past two decades. Now, in a climate of American withdrawal, such tactics could have all the more telling effect on the allegiance of Vietnamese villagers and peasants—especially in this hardcore region called the cradle of the Vietminh movement.

Some South Vietnamese commanders, who will inherit greater and greater responsibility as the Americans leave, are frank to voice their anxieties.

YANKEE COME BACK

"Is there anything I can do for you?" an American general recently asked the Vietnamese chief of an important province in II corps. "Yes," the Vietnamese official replied. "Please bring back the Fourth (U.S. infantry) Division."

Since the American unit had left, security in the province, Pleiku, had dropped sharply. Several weeks ago, Communist sappers staged a daring ground offensive into the provincial capital of Pleiku, coming within 200 yards of the headquarters in which the American pacification staff was housed.

"Pacification," sighed an American official in that headquarters, "is like a balloon."

The upsurge in small force, hit-and-run Communist attacks is a reflection, only in part, of the spring-fall offensive pattern that governs the cycles of the war. American military observers familiar with that pattern are almost unanimous in their judgment that something new is afoot.

The successes of the new tactics in the Central Highlands have already cost the chiefs of two important provinces—Tuyenduc and Phuyen—their jobs.

The chief of Tuyenduc doubled as mayor of Dalat, the resort city that is absentee-owned by Saigon's elite. It was effortlessly invaded last month by a small Vietcong force which escaped unscathed. "They let the little bastards get out," fumed one American adviser, "and I want to find out why."

CAMPAIGN SUCCESS

In Phuyen, the Communists had been highly successful in a campaign of kidnapings and assassination directed mainly at village and district officials. In February, the number of abductions reached 300.

The most spectacular act of terrorism in I Corps recently was the strike by North Vietnamese Sapper Battalion 89 against the village of Phuthanh south of Danang. The Sappers killed about 100 civilians and wounded about 170.

Not a single member of the local territorial force impeded the invading force. Today's Quangnam provincial hospital in Danang is still crammed with the burned and disfigured survivors of the attack aimed with deadly precision at the families of the regional and popular force members.

The victims can take little comfort in the statistics recited with utter conviction by American officials here, showing that I Corps regional and popular forces have outperformed all the rest in South Vietnam.

Small Communist units have also waged intense attacks at the string of special forces camps manned by Vietnamese civilian irregular defense groups, who operations are masked in heavy security. The camps, 12 to 15 run along the Laotian border from the tri-border area with Cambodia at Kontum to Quangduc.

NOT WON OR LOST

All this is not to say that the war is being lost in the two northern corps which have always borne the brunt of the bitterest fighting in South Vietnam. It does mean, however, that despite all the widely heralded successes of "pacification," the Communists are still able to wage what the late Bernard Fall called "revolutionary war" across a wide expanse of South Vietnamese terrain.

It means that despite the extra territorial allure of battle in neighboring Cambodia, the unglamourous war in Vietnam is still waiting to be fought. While it has not been lost by any means, it is still—as ever—far from won. The Communist objective, at the moment, is to keep things that way, or so it appears.

HOMEBUILDING IN THE SEVENTIES: PREDICTIONS BY MR. J. WILLIAM BROSIUS

Mr. MATHIAS. Mr. President, an increasingly important segment of the American housing industry is the vacation home and second-home market. Although this market is still relatively small, it is growing rapidly, in spite of the tragic national shortage of basic family housing today. It may not be vain to hope that within a generation, the second home may be the kind of goal for American families that the second car is today.

Recently the prospects for vacation homes and second homes in this decade were surveyed by Mr. J. William Brosius, president of the Linganor Corp. Mr. Brosius is well qualified to review this industry's future, for he is a director of the National Association of Home Builders and past chairman of the Association's Institute of Environmental Design. Currently he is developing the Lake Linganor at Eaglehead Community, a recreational project encompassing about 3,200 acres of woodland in Frederick County, Md.

Mr. Brosius' report is interesting and informative on a little noticed but rapidly expanding aspect of the construction industry. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HOMEBUILDING IN THE SEVENTIES

(By J. William Brosius)

(The Linganore Corporation is currently developing Lake Linganore at Eaglehead, a 3,200 acre recreational community near Frederick. Mr. Brosius is a director of the National Association of Home Builders and past chairman of its Institute of Environmental Design.)

The one to watch in home building in the Seventies is the vacation and second home market.

Secondary homes within a one or two hour drive from the primary home could easily double in number in the next decade—a recent survey shows 1.7 million Americans own second homes, accounting for three per cent of the total 59 million homes in this country.

In the Seventies, second homes could easily number one-fifth of the 200,000 to 250,000 new homes expected to be constructed each year.

These new second homes will reflect a strong interest in design and function according to a family's activities. They will be built in areas focusing on such recreation facilities as lakes, the ocean, or forests.

Environmental design will be of paramount importance. There will be a renewed awareness of the natural setting of the home, and definite attempts to fit the home to the landscape, rather than to level trees and terrain to accommodate the house.

Recognizing this, better builders will take added pains to minimize any effects their communities might have on the ecological balance. Some builders are already consulting with ecologists and water, beach and forestry experts before designing their communities.

Based on past performance, the Washington region should be in for the biggest share of the second home building boom. The number of vacation homes built in the Northeast has doubled since 1950, and now represents 38 per cent of vacation homes in the country. (The North Central area accounts for another 30 per cent, the South for 17 per cent and the West, Hawaii and Alaska share the remaining 15 per cent.)

Cottages account for three-fifths of these, houses for one-third and cabins for the remainder.

Last year alone, 150,000 vacation homes were built. By contrast, 55,000 were built in the early and mid-Sixties; 20,000 during the Forties. We're closing out 1969 with spending for second homes up 67 per cent over 1965.

In that same time period, vacation land and lots spending came up 86 per cent. Industry experts anticipate a record $1.5 million second home market for this past year.

The character of the market buyers has changed, too. No longer are upper and upper middle level income families the only ones buying: a number of people with incomes ranging between $10,000 and $18,000 per year are buying. And more people are shopping. A University of Michigan survey earlier this year found that one of 10 U.S. families are saving for a second home, and that 50 per cent of all American families want a vacation home.

The age level of second home owners is dropping, too, and will continue to lower in the Seventies. By the end of the Sixties, eight per cent of all second home owners were under 35, some 71 per cent were 35–64 years of age, and 21 per cent were 65 or older. These figures should gradually change over the next decade, with the under 35's forging way ahead in the percentage.

As the age level falls, there is less resistance to longer drives between the first and second homes. Three-fifths of all vacation homes today are within 100 miles of the primary home. A full 80 per cent are within 200 miles.

Increased air transportation service, new roads, and even the shorter work week will help to push the range even farther from the metropolitan areas.

Another new phase of the second home market that is just beginning to blossom is rental programs. A number of recreational area developers and vacation home builders offer the prospective buyer rental service, enabling him to rent during periods he isn't using the house.

In New England, for instance, a person buying a home for summer sports can rent from December to April for winter sports and bring in from $1,500 to $2,000 in rent.

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An estimated one-half of all second homes today are used only 30 to 90 days a year. When a second home is available for rent most of the year it qualifies for income tax deduction of business expenses (repairs, maintenance, management fees and depreciation.)

Variations abound, of course. Some developers are finding vacation condominiums an excellent sales packet. Average sales currently run from $15,000 to $50,000, taking in one room studios to four bedroom villas.

Renting is especially attractive to condominium owners. Rates can go as high as $5,000 or $6,000 per year, giving rise to excellent investment opportunities.

The only cloud threatening on the horizon is mortgage rates. But even here the picture in the Washington area is somewhat encouraging. Locally, buyers of second homes and/or vacation land average down payments of $9,000 for a $30,000 purchase with a 10-year payment period. Nationally, the average downpayment is only 25 per cent.

A SON'S AND A FATHER'S LETTERS ON THE WAR IN SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, a fellow Member of Congress recently showed me an astonishing letter he had received from his son, a 23-year-old officer in the Marine Corps. Though the young man had volunteered for military service and has asked to be assigned to duty in Vietnam, he warns eloquently and chillingly of the terrible things he believes the Indochina war is doing to our country.

His letter, along with his father's reply, dramatically point up the conflicting emotions this war has aroused in the so-called younger and older generations. The young, who are troubled by a sense of duty as well as a social conscience, are beginning to despair that the answers to today's problems can be found within the present system; the old, who have a troubled conscience as well as a long-standing sense of duty, are still confident that the answers can be found within the democratic process.

But we who believe in democracy have a lot of work to do and little time left in which to do it if we are going to save democracy. The first, indispensable step is to stop this awful war that sends our boys to die in defense of dictatorships abroad while freedom and diversity are threatened at home and our country is being torn apart.

Mr. President, acting with the permission of my fellow Member of Congress and respecting his request for anonymity, I ask unanimous consent that the young Marine's letter and his father's reply be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEAR DAD: It may seem trite to speak out on what's happening here in the USA and what I say won't be new to you. I'm not trying to be original, just sincere.

Being in the Marines, I feel I have a strange perspective on the confusion here in the country. I'm going to have to risk my life in Southeast Asia within the next year . . . Risking my life in a war that hasn't been declared. Can't be fought and can't be won. What's more, a war that is contrary to everything I've been taught to believe about America. Sure, I'm not unique. Thousands have already gone with their minds doubting the purpose of it all. More than 50,000 have died. It's not that I'm reluctant to go. I'm actually intrigued by the thought of having to do something exciting and dangerous. The problem is that in the past year I've come to the realization that our country has fallen so very short of its ideals—not necessarily through unfortunate, naive blundering, but because of a conscious effort by a large number of stubborn, uncompromising traditionalists who fear any interference with their project mission for the United States. These xenophobes seek to maintain a level of suspicion within our country in order to continue the economic and political status quo not only here but abroad. You know as well as I the old theory of "you're with us or you're against" no longer holds any water in a world of emerging independent nations who seek no formal binding ties or allegiances to the powers that be in either the "Communist" or "Free World." Yet we continue to politically, economically, and militarily intimidate countries who don't toe the line; we encourage and finance counter-insurgency programs in countries whose present governments are farther away from democracy than any liberalizations in these nations that would enhance the local populations at the expense of American interests.

Well, you say, these observations and criticisms are all fairly true—but what do I plan to do about it all, what's my solution? The fact that I can offer no solutions that would satisfy all concerned interests is not important. For the last decade Americans have been electing men who said they had the solutions. You were one of those men. Going through the campaign you and many others promised to go to Washington and see that the war was ended in as long as it would take to get the troops out. President Nixon pledged to put an end to the insanity and the war, fight inflation, promote continued social reform and bring us together. Promises have been compromised, the war has been expanded as it was in 1964 and 1968, the economy has gone to hell, racism has been ignored, and the Government has made a strong effort to polarize the country into two hostile camps with no middle ground. The people who have seen the enormity of the problem and have taken to the streets to protest the duplicity of the Administration's words and actions have been ignored by the man in the White House while his "internal security forces" have been unleashed to beat, maim and kill those who dissent. The people who are demanding the peace they were promised for 10 years are being portrayed as traitors in order to alienate them from the "silent majority." Nixon seems to be employing the same tactic in the United States as he is continuing abroad—strengthening the police and security forces of the Nation rather than diverting funds necessary to alleviate the causes of the ills that beset us.

The old generation gap concept is no joke anymore. The Indochina war is a war your generation started and continued to preserve your generation's concepts of world order and America's role. My generation is being used to fight that war. Old soldiers never die, just the young ones. A large number of people are directing all their energies at resisting the war they regard as unjust and unnecessary. The Nixon administration labels them cowards and traitors. It sends out troops to repress them and even kill them.

There's much talk about the irresponsible revolutionaries. Well, I don't think you'll deny that the National Guard and the police have had much more luck and opportunity to beat, shoot, and kill. I used to think that all the talk of revolution was just romantic speculation on the part of my generation—but no more. I've watched close friends discard the banner of peaceful dissent for the bricks of defense and resistance.

If the war doesn't end soon, I see an underground development that would seek to disrupt the country with arson, sabotage, and assassination. The development is difficult to imagine, but just stop to listen to the words of songs played on current radio programs. No more singing about peace and flowers, but about "tearing down the walls" and killing cops. It's very much for real. If it comes to a civil war it would, of course, be a slaughter, but the movement is being pushed and radicalized to the point of no return. What else can you expect the youth to do when the alternatives are to go to Vietnam and get blown away or stay here and get blown away. "Brother" and "sister" are becoming part of the new language—I'm sure much like "comrade" was somewhere else another time. I'm 23 and my brothers and sisters are my future. I am greatly disturbed by the number of people who come to me for instruction in street warfare and similar actions.

Hopefully, people like you, Dad, will prevail and get the U.S.A. back on the right track. People like you can save America but you'd better get busy, because I think the Administration is rapidly destroying the relative harmony that the schools teach kids always existed in the U.S.A. I love you and Mom very much and hope you can understand what I've tried to say.

Love,

YOUR SON.

JUNE 11, 1970.

DEAR SON: Your well composed letter certainly organized the current case against Congress and the Administration. I recognize that this letter was not a casual expression but represented deep conviction.

I assure you that many in the Senate share your concern and I further assure you that we are determined to do the many things that are on the national agenda. The Administration is slow to respond. The urgency just isn't there but today for the first time a majority of the Senate stuck together for the cause of peace and rationality, however obscured it was in the Cooper-Church amendment fight. If we can but hold this small edge perhaps we can proceed in a manner that will demonstrate to the dismayed and discouraged that our elected officials are responsive and that democracy can and will work toward solving our many problems.

As you perhaps know I have been making Commencement Addresses and have been straining to bring words of assurance. There are still many who believe the system is the best possible arrangement for people to govern themselves. I would hope that your serious examination will further convince you that this is true. But frustration is not sufficient ground for even thinking of violence. Our system is the most open and available to change of any in the world. The safeguards, the machinery for dissent is there and available. We have long stressed and admired the fact that we govern by consent of the governed. This means by consent of the majority. Disgruntled minorities always have the opportunity to become victorious majorities. Our House of Representatives is elected en toto every two years. One third of the Senate on each biennial election. Congress can assume and exercise its policymaking function. Its members can and perhaps should be changed; just remember that the opportunity is there and available. But if the disgruntled take to the barricades and abandon their legal and constitutional role they will assure the election of those they feel unresponsive and perhaps pull the whole structure down on their heads with disastrous results to the whole of mankind.

Violence breeds violence and once unleashed cannot be recaptured or controlled. The real danger is not the take over by

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anarchy but the introduction of repressive measures followed by the use of force that would make our country little different than the totalitarian governments we abhor.

I recognize we must have a new agenda for the nation. The areas are well recognized and identified. What we need is the resolve to embark on new and uncharted courses, for one thing is plain, we cannot solve the problems of war, discrimination, pollution and population by the old methods. Dynamic charismatic leadership is called for and we hope it will emerge. But we must recognize there is no other way at the present but to take one dogged step after another in the pursuit of the goals established. These steps include vigorous campaigning that the true majority view is exposed.

As for me I am convinced that the President does want to end the war. Perhaps he does not feel the urgency that you and I do. I am distressed when he says or intimates that we can both get out of Viet Nam and win the war. I do not believe this possible but I am willing to forego a face-saving sort of victory and I hereby commit myself totally to the effort to achieve a quick and country-saving exodus that will permit us to turn our undivided attention to the desperate domestic problems now demanding our attention.

I'm sure you are correct as you interpret and relay the feeling of frustration that grips your contemporaries. I spent many hours talking to the hordes of students and young adults that descended on Washington after the Kent State tragedy. I appreciate your and their concern but I cannot appreciate their lack of knowledge of our political structure and their unwillingness to become involved as they say, "inside the system." You have had more exposure to this so-called system than most and I am therefor dismayed that you have not expressed more confidence that this so-called system can and will work. I want to assure you that it can and in time will respond.

You are engaged now in what has long been considered the most honorable of callings, a warrior in the service of a just and democratic nation. You are to be admired and respected that you have volunteered in the most honorable but also most dangerous branch of our services. We are proud of you and know that you take your oath of allegiance seriously, that you are a dedicated and responsible officer. Do not let your resolve be undermined by the feeling that there are not men of good will, just as dedicated and loyal as you, and who are determined to continue the battle to end the war, bind up the wounds, and tackle those items you refer to as only campaign rhetoric.

A start has been made and support is needed. I hope you will urge your dissident brothers and sisters not to sulk in their tents or take to the barricades but rather to join those embattled workers in the system who many days feel just as disgusted and forgotten as you and your compatriots.

Your letter is great, your motivation good. Follow up now with a determination to do the best possible job for the Marines, then jump into the struggle to right the wrongs by new and innovative programs that now seem beyond our capacity.

Love, DAD.

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA—ENSLAVEMENT OF THE BALTIC STATES BY THE SOVIETS FOR 30 YEARS

Mr. DOMINICK. Mr. President, some 30 years ago the U.S.S.R. invaded the Baltic States in violation of all rights and took over the Governments of Estonia, Latvia, and Lithuania, which they have illegally retained since that time.

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia, and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic people have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian State when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians, and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupants of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia, and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia, and Estonia, all the Presidents of the United States—Franklin D. Roosevelt, Harry S Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives To Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83d Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation of self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extend freedom and independence to the people of Lithuania, Latvia, and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today, not tomorrow, is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

In 1966 Congress adopted House Concurrent Resolution 416 that calls for freedom for Lithuania, Latvia, and Estonia. We should have a single standard for freedom. Its denial in the whole or in part, anywhere in the world, including the Soviet Union, is surely intolerable—the feeling of Congress and the American people on this subject should be ex-

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pressed strongly not only here but before the U.N.

Mr. President, I ask unanimous consent that House Concurrent Resolution 416 be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all people have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its efforts to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, shockingly, during the first 3 months of 1970, reported crime in the District of Columbia was 2.7 percent over the comparable months in 1969. Since Congress has chosen to retain virtually exclusive governmental authority within the District, the crime problem becomes our direct responsibility.

In light of this, I ask unanimous consent to have printed in the Record a list of crimes committed within the District yesterday, as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the article was ordered to be printed in the Record, as follows:

Intruder Rapes Girl, 16, at Home, Steals $65 Before Escaping

A 16-year-old Cardozo High School student was raped and robbed at knifepoint early yesterday by a young man who awakened her in her bedroom early yesterday, police said.

The victim told police the intruder, who apparently entered through an unlocked front window, awakened her at about 3:45 a.m. She said he placed a knife at her head and threatened, "Keep quiet or I'll kill you."

The man then ordered her to disrobe, covered her face with a pillow and raped her, according to police.

After taking $65 from a dresser in the home, police said, the assailant ran out of the front door. The victim was treated at D.C. General Hospital and released.

In other serious crimes reported by area police up to 6 p.m. yesterday:

STABBED

Denise Davis, of 1058 Wahler Pl. SE, was treated at D.C. General Hospital for stab wounds she suffered when a young woman wielding a knife stabbed her in the arm, apparently without provocation, as she was riding her bicycle in front of her home.

VANDALIZED

The teachers lounge at Charles Young School, 24th Street and Benning Road SE, was ransacked when vandals broke in sometime between 4 and 11 p.m. Thursday.

An undetermined amount of food in the kitchen and a film strip machine and a camera screen in the library were destroyed about 1:30 p.m. Sunday by vandals who broke into Harris Elementary School, 53d and C Streets SE.

ASSAULTED

Mary Lawson, of Washington, was treated at Rogers Memorial Hospital after she was struck in the face by an unseen assailant who attacked her in front of her home about 5:25 p.m. Saturday.

Barbara A. McGhee of Washington, was treated at Rogers Memorial Hospital after she was struck over the head with a brick by an unseen assailant who attacked her at the playground at 13th and E Streets NE, about 5:30 p.m. on June 11.

Milton L. Price, of 605 Condon Ter. SE., was admitted to Cafritz Memorial Hospital in serious conditions after he was shot in the abdomen about 11:10 p.m. Sunday during a fight with a man wielding a gun in his home.

Hayward W. Mease, of Washington, was treated at Veterans Administration Hospital after he was shot in the chest by a man armed with a gun who assaulted him in the 1400 block of Chapin Street NW.

Shawn V. Moragne, of 4556 Quarles St. NE, was treated at Providence Hospital for elbow injuries he suffered during a fight with a youth behind his home about 3 p.m. Sunday. The youth threw a glass bottle at Moragne, cutting him on the arm.

Lingood Graves, of Washington was admitted to Providence Hospital with a gunshot wound in his left knee. Graves told police three men approached him at 4th and Farragut Streets NW and began talking to him. He said one of them then drew a gun and fired a shot at him.

Percy Walters, of Washington, was treated at Rogers Memorial Hospital after he was shot in the leg by a man who fired at him about 3:35 a.m. at the intersection of 12th and D Streets NE.

Durand Ford, of 3867 Alabama Ave. SE, was treated at D.C. General Hospital after he was shot in the foot by one of several persons who had gathered about 4 a.m. in front of his apartment building.

ROBBED

Earl Purcell Gibson, of Washington, an employee of the Metropolitan Detective Agency, was held up about 3:45 a.m. Sunday when he halted his car at a stop sign at 4th Street and Florida NW. Four youths dragged Gibson from the car and struck him over the head with a hard object. The assailants then took his wallet, watch, keys and handcuffs and drove off in Gibson's car, leaving him at the intersection.

Roy F. Harris, of Washington, was beaten and robbed shortly after 1 a.m. Saturday by six men who surrounded him at 5th Street and Rhode Island Avenue NW. After hitting Harris in the face and body the men took a large amount of cash from him and fled on foot into an alleyway.

Harold A. Haswell, of Dallas, was robbed of a large amount of money by three youths who approached him about 4:40 p.m. as he was walking in the 1200 block of M Street NW. "This is a pistol," one of them told Haswell and the trio forced him to surrender his wallet, credit cards and watch.

Paul Capel, of 4954 Just St. NE, was held up about 10.30 p.m. Saturday as he was getting out of his car in front of his home. Ten men, one of them brandishing a gun, confronted Capel and the gunman warned, "I'll blow your brains out if you say anything." The gunman then struck Capel over the head until he fell to the ground. The group removed his watch and wallet.

BP Service Station, 3710 Minnesota Ave. NE, was held up shortly after midnight Saturday by three youths who entered the station as the attendant was closing for the night. The trio, one of whom carried a revolver forced the employee to hand over the money and escaped west on Ames Street.

Thomas Melvin and Louis Williams, both of 772 Kenilworth Ter. NE, were held up about 8:35 p.m. Saturday by two young men who approached them in front of their apartment building. "Okay, this is a stickup," one of them told the men and drew a pistol. "My money is in my pockets," Williams told the men and they took his cash. When Melvin resisted, the pair began hitting him in the face and then fled on foot.

Michael A. Sylvester, of Washington, a cab driver, was held up about 2:05 a.m. Saturday by a man who hailed his taxi at 14th and K Streets NW and asked to be driven to the 900 block of Girard NW. There the passenger drew a revolver, held it at Sylvester's neck and demanded his money. The gunman then told the driver and a female passenger to get out of the cab and drove off, heading south on Georgia Avenue.

Herbert William Craig, of Capitol Heights was held up about 7:35 p.m. Saturday by two young men who approached him at East Capitol Street and Minnesota Avenue SE and asked for a dollar. When Craig replied he did not have it, one of them drew a handgun from under his T-shirt and took cash from Craigs' pocket.

Richard Franklin Ross, a Bethesda student, was beaten and robbed at the National Zoological Park, 3000 Connecticut Ave. NW, by six youths who demanded his money. When he refused, the youths struck him in the face, grabbed him and took his bills and change.

Charles C. Peterson, of Washington, was beaten and robbed about 4:45 p.m. Sunday by three young men who grabbed him by the neck. After one of them forced Peterson to the ground, the other men kicked him in the side and face and removed his wallet. The trio then fled through the Langley Junior High School playground. Petersen was taken to Walter Reed Hospital where he was treated for eye and head injuries.

James Taylor, of Washington, was beaten and robbed about 6:45 p.m. Sunday by three men who attacked him in the 2600 block of University Place NW. After knocking Taylor to the ground and striking him in the face and head with a brake shoe, his assailants took the bills from his pocket and fled on foot.

Janet Howard, of Adelphi, was held up about 2:20 a.m. as she waited for a friend in the 1500 block of 16th Street NW. Two men, one of them wielding a gun, approached her, one demanding, "Give me your purse." The gunman pointed his pistol at her until she surrendered the pocketbook, then fled with his partner.

Daniel David Campbell, of Friendly, Md., was held up by two youths who approached him about 9 a.m. while he was parked in his car at Oxon Run and Branch Avenue. One of them drew a knife and ordered Campbell to drive them to Suitland Parkway and Stanton

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Road, SE where they forced him to hand over his money, then fled on foot.

Helen Estelle Marmoll and Jerrold Waldo Guyn, both of Arlington, were held up about 11:10 p.m. Saturday by six teen-agers who surrounded them in the 1400 block of U Street NW. One of them pulled out a handgun and told the couple, "This is a holdup." The group then took a purse from Miss Marmoll and a wallet from Guyn and escaped into an alleyway. The pocketbook and wallet were later recovered in the alley without the money.

STOLEN

A television set, an AM–FM radio, a lamp, nine Oriental rugs and five boxes of silverware, with a total value of $2,932, were stolen between 1 p.m. Sunday and 1:10 a.m. yesterday from Charles David Stinson, of 4881 Colorado Ave. NW, an employee of Charles I, 2602 Connecticut Ave. NW.

An adding machine and an IBM electric typewriter, worth a total of $550, were stolen sometime between Saturday and 6:30 a.m. yesterday from the Georgetown Maintenance and Repair Co., 1001 Wisconsin Ave. NW.

A $4,600 jeweled ring, a pair of earrings, a gold ring, a jewel watch, a pearl necklace and a silver bracelet, with a total value of more than $7,100 were stolen from a car belonging to Jesus San Luis, of Alexandria. The car was stolen between 9 and 9:45 p.m. Saturday from the 500 block of H Street NW and later recovered in the 400 block of Neal Place NW. The jewelry was missing.

A clock was stolen between 4 p.m. Friday and 9:30 a.m. Sunday from Stanton Elementary School, Alabama Avenue and Naylor Road SE.

A 1,200-pound safe, containing about $2,500, was stolen sometime between 11 p.m. Sunday and 6:30 a.m. yesterday from Scot Gas Station, 4727 Wisconsin Ave. NW. The station manager told police he discovered the theft when he reported for work yesterday and found the front door lock broken and the safe missing.

An electric can opener, a toaster and assorted silverware, a television set, a clock radio, a pearl necklace and bracelet, a diamond ring and two charm bracelets were stolen from the home of Richard J. Whalen, author of "The Founding Father," the story of Joseph P. Kennedy. Whalen told police burglars broke into his home at 3846 Macomb St. NW through a kitchen window sometime between 5 p.m. Thursday and 6:40 p.m. Sunday.

An air-conditioner was stolen between 3 p.m. Friday and 8:30 a.m. yesterday from the George Washington University office at 729 22d St. NW.

Roscoe Arlington Green, of 3815 New Hampshire Ave. NW, was held up about 2:55 p.m. on June 14 by three men who confronted him in front of his home. One of them pulled a revolver and held Green at bay while the other two searched his pockets and took his wallet. The trio then fled north on New Hampshire Avenue.

COMBAT DEATH

Mr. DOLE. Mr. President, when a soldier is killed in combat, his fellow citizens often seek out his last words and ascribe to them either profundity or premonition—sometimes unjustifiably or unfairly. But the last letter of Lt. Charles Hemmingway is above that kind of labeling. It is a clear and simple statement. He has done what few other men do well; he has written his own epitaph. It says something not only about Charles but about the nature of the cause for which he gave his life:

> I'll say one more thing and then I must close. This I say to you as a soldier. Remember there are men fighting and dying every day so you can walk into a free classroom and learn the facts, so you can walk into church and worship, so you can watch that television and laugh. Don't let yourself down and don't let the memory of these men down. Remember these men for what they could have done in peace, whether it be clear a field or write a book. Since they have died for us we are going to have to do that much more. That is the challenge with which I leave you.

Mr. President, the Middletown, N.Y., Times Herald-Record of June 1, 1970, discussed the odyssey of Charles Hemmingway. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

In 1965, a Graduation; in 1970, a Wreath for a Grave

(By Chris Farlekas)

West Point.—Five years ago, Mr. and Mrs. William Hemmingway came to West Point from their home in Dodge City, Kans., to see their son graduate.

Five years later, they made the journey again, but this time it was to place flowers on his grave and to participate in a special ceremony on Memorial Day.

The ceremony also marked the next-to-last step of a 12,000-mile odyssey of a poem about their son, Lt. Charles Hemmingway.

Hemmingway graduated from high school as "the person most likely to succeed." At West Point, he was one of the most popular cadets.

He grew to love the Hudson River Valley. He did volunteer work with migrants and underprivileged children.

He married after graduation and was sent to Vietnam, where he died June 13, 1967. Four months later his son was born.

He is buried in a neat, orderly row with other men from the class of 1965 who were killed in Vietnam.

His parents treasure letters about their son. One, from a fellow officer, reads: "A pall of gloom hangs over the barracks. We all liked him more than we should have liked anyone in a combat theater . . .

"I ran into an old American first sergeant from the Quang Tri area, one of the roughest men in the Army. When he heard about Chuck, he broke down and cried."

The Vietnamese soldiers, to whom Hemmingway was an adviser, also loved him. Once during a monsoon he carried the men across a river, one at a time, on his back. These and other kind acts caused Vietnamese Maj. Tran Quoc-Lich to write his poem: "Memory of a Friend."

The 20-line poem was kept in Vietnamese Army headquarters.

Last summer, Maj. Sava Stepanovitch was in Vietnam on a temporary duty tour. He is a Frenchman and an old Vietnamese hand. He parachuted into Dien Bien Phu for that last climatic battle in 1954 before the French retreated from Indochina.

He joined the American Army five years ago and is currently teaching French at the academy.

He was with Hemmingway in Vietnam.

Last autumn he brought back the scroll with the poem. It was placed in the library foyer.

When he found that the Hemmingways were coming to West Point for Memorial Day, he arranged Saturday's ceremony. Officially, the scroll was presented to them. They are leaving it at the library on display for the summer.

In the autumn, it will be taken to Dodge City.

After the ceremony, the Hemmingways talked of their son. They tried to keep the remembered incidents light and joyous, but pain betrayed their thoughts as they spoke.

Hemmingway's grandmother, who took her first plane ride at 72 to come, kept remembering "a little boy who crawled way underneath the bed so he wouldn't have to leave the farm."

Hemmingway's life will be a feature in the autumn edition of the West Point alumni magazine.

So when the leaves turn, the scroll will complete its journey and be at home in Dodge City.

Part of the poem reads: "You lost your life. Why did it end? I will remember you my friend. I'll write your name in our history; 'A courageous soldier died for liberty.'

"One day, the war will be over in our country. I'll go to the United States to see your grave, on which I'll place flowers with much regret and affection."

MEDICAL CARE FOR VIETNAM VETERANS

Mr. CRANSTON. Mr. President, last November the Labor and Public Welfare Committee's Subcommittee on Veterans' Affairs, of which I am privileged to be chairman, began comprehensive oversight hearings on the quality of medical care provided veterans wounded in Vietnam. The results of these hearings, which concluded on April 28, served as the basis for my testimony on May 27 before Senator Pastore's Appropriations Subcommittee urging the addition of $189 million to the fiscal year 1971 Veterans' Administration appropriation. Of this proposed increase, $174 million would be for the VA medical and hospital care programs, to meet the most urgent needs uncovered during the subcommittee's investigation.

In the course of the hearings, and especially during the past month as a result of reports in the media detailing the deteriorating conditions in many of our veterans' hospitals, I have received over 300 letters and telegrams from every corner of the United States from citizens concerned about the effect of these conditions on our ability to render first-quality, compassionate care to disabled veterans, especially those from the Vietnam war. The writers of these letters and telegrams have impressed me with their eloquent and impassioned concern for the welfare of those who have made great sacrifices for their country. A common thread running through these communications was expressed by a woman who, in a letter dated May 28, wrote as follows:

> Why is it that the wealthiest nation in the world can supply these men equipment to fight and kill with, but can't afford to give them proper medical care? . . . Anyone who is injured in defense of his country deserves the best possible medical treatment.

I intend to place into the Record today, and each day for the rest of the week, two letters representative of the many I have received, some of which describe personal experiences similar to those which the subcommittee's investigation found were all too frequent in veterans' hospitals today. I believe that Senators will find the strong commitment to first-quality medical care for veterans expressed in these letters further compelling evidence in support of the appropriations increases I have rec-

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ommended and which are now pending before the Appropriations Committee.

Mr. President, I ask unanimous consent that two letters regarding VA medical care be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Visalia Medical Clinic,
Visalia, Calif., May 21, 1970.
Senator Alan Cranston,
New Senate Office Building,
Washington, D.C.

Dear Senator Cranston: I have recently become aware of the investigation into the problems of the Wadsworth Veterans Administration Hospital in Los Angeles. As a recent alumnus of the Wadsworth Training Program, I would like to comment on the allegations which have been made by the Wadsworth Residents Association.

First—the shortage in nursing personnel was at the critical level prior to my leaving the hospital on July 1, 1969. It is undeniably true that patients at times did not receive the necessary nursing care, despite the best efforts of the over-worked nursing staff. Because of the excessive work load, when medical emergencies would arise, all regular nursing activities would be interrupted and the patient care temporarily abandoned. This was unavoidable in the existing short staff situation and would often result in inadequate nursing care, omission of needed medication, and other problems. At best, staffing was marginal and not compatible with a standard of care comparable to that of the average Southern California private hospital. I consider the understaffing at Wadsworth Hospital a medically dangerous situation.

Second—there have been numerous complaints regarding the hospital cleanliness. With the exception of the Administrative Wing which houses the offices of the hospital officials, the entire hospital is filthy. The wards, nursing stations, and physicians' offices are extremely dirty, and the bathrooms are a definite public health menace. Last year, I personally observed the bathrooms on Ward A–3 East were filthy and not cleaned for a period of one week. During this time I contacted the Chief of Housekeeping and ultimately the Assistant Hospital Director before the bathrooms were cleaned. During this interval, feces were spattered on the commodes, floors, and walls of the bathroom. The walls were encrusted with many months accumulation of grime and filth, and often even soap and towels were not available for simple hand washing. Ambulatory Veterans were able to use facilities in the Administrative Wing which were somewhat cleaner. Unfortunately, the sicker Veterans had no alternative facilities available. Despite the unsanitary conditions in the hospital, unsupervised housekeeping personnel are often found lounging about the hospital corridors and dining room by the hour.

Third—laboratory and x-ray facilities are totally inadequate for a hospital of Wadsworth's size. The Veterans Administration has often been condemned for its exceptionally long average patient hospital confinement. This in large part is attributable to inadequate laboratory and x-ray facilities, where there is often a wait of days to weeks before essential studies can be completed. Frequently, necessary diagnostic studies cannot be performed when money is not available to obtain necessary laboratory studies from commercial sources. Because of the complexity of modern medicine, no single hospital can provide totally comprehensive laboratory studies. Because of this, all hospitals rely on outside reference laboratories for some procedures.

Fourth—there is ongoing agitation for further increases in the Internship and Residency wage scales. I personally do not believe further increases are necessary, as the present wage is certainly consistent with a decent standard of living for one in a post graduate learning situation.

An unannounced tour of Wadsworth Hospital on any Sunday afternoon with interrogation of the physicians, nurses, and patients in the building would undoubtedly confirm the allegations of the resident staff. An announced inspection would be much less beneficial, as it would inevitably be preceded by a typical Veterans Administration bureaucratic cover-up procedure.

Yours truly,

D. L. Heiges, M.D.

Miami, Fla.,
June 6, 1970.
Hon. Alan Cranston,
Washington, D.C.

Dear Senator: I read with much interest an article where you and Veterans Administrator Donald E. Johnson appeared before a Senate appropriations subcommittee considering the VA's budget for fiscal year starting July 1, 1970. His response that he (Johnson) could not use the $174 million proposed by you is ridiculous. My son was in one of these so-called VA hospitals. Conditions were so lousy, he went AWOL from hospital and was discharged. While visiting here, he spent five hours trying to get a 20¢ catheter at the VA hospital and would be there yet had not a volunteer worker come along and took care of him in less than five minutes. Catheters cannot be purchased at local drug stores, pharmaceutical warehouses or the VA pharmacy without a doctors prescription. This is ridiculous. A VA Hospital should have a qualified Pharmacist who should certainly be aware of the fact that a paraplegic in a wheelchair would need a catheter without a five hour formality filling out papers and waiting for a doctor's prescription. What Johnson needs is one of these paraplegic patients in his home for 24 hours so he can see how much attention just one patient needs for that period of time. This entire administration has destroyed the confidence and hopes of Americans.

We are proud to have an Honorable Senator like yourself in our congress to help fight the problems that face the people of this great country of ours. Keep up the good work and may God bless you.

Sincerely yours,

Mrs. John W. Kuhl.

June 7, 1970.

Letters to the Editor

Veterans Administration Chief Donald E. Johnson insists that he cannot use $174 million additional funds for VA hospitals. Apparently he has never visited one. I hope he received the May 22, 1970 copy of Life magazine. Television recently ran a series on VA hospitals interviewing patients and their grievances. All phases of the news media have been overly criticized. Thank God they have the courage to tell it like it is. Bless them all because without them such bludgeoning antics as this would never be known to the public.

It takes little over one hour after being wounded to be taken by a Medevac helicopter to a medical center or hospital ship. Some are flown to hospitals in Japan or Guam. As soon as able, they are flown to U.S. Army and Navy hospitals where care is excellent. Then disaster strikes! They are transferred to VA hospitals where help and services are not readily available and sanitary conditions are at their worst. My information comes first hand. My son paralyzed for life from the waist down needs therapy but he insists its not worth staying in these prison cells or dungeons for the little service rendered and the contamination you are subjected to. Having known the conditions he was coming home to with no appreciation for what he had done, even as a patriotic American, I believe I would have suggested he evade the draft and pay the penalty.

The penalty could not have been as great as the one he is paying under this mixed up administration and the exquisite irresponsibility of Veterans Administration Chief Donald E. Johnson, who insists he cannot use additional funds.

Mrs. Barbara S. Kuhl.

Miami, Florida.

Note.—I am an annual subscriber to your paper and inasmuch as he was confined in the VA Hospital there in Richmond, I felt my sentiments described the service and conditions there rather than here. True we have a new hospital here so sanitary conditions are reasonably good but we do not have sufficient staff to render necessary services. This is a nationwide problem.

ALCOHOLISM AND ALCOHOL ABUSE IN MARYLAND

Mr. MATHIAS. Mr. President, in the Washington Post of June 14, 1970, Mr. John Hanrahan calls attention to the magnitude of the problem of alcoholism and alcohol abuse in the State of Maryland. Despite the fact that our State laws and programs are among the most progressive in the Nation, a great deal more must be done.

Dr. Roger O. Egeberg, Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, has recently termed alcoholism the No. 1 health problem in the Nation. The latest estimates indicate that about 9 million Americans suffer from the compulsive overuse of alcohol. Alcoholism is rated our fourth major killing illness.

Under these circumstances, I believe that prompt action on the Hughes-Javits bill, S. 3835, is imperative. As a cosponsor of the proposed Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, I am hopeful that the Committee on Labor and Public Welfare, which has so expeditiously conducted hearings, will be able to report the bill to the Senate in the near future. I believe the need for a unit of NIMH to concentrate on prevention and control of the alcohol problem is self-evident, as is the need for Federal assistance to carefully formulated State and local programs in this area. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Alcoholism in Maryland: A Neglected Killer

(By John Hanrahan)

The people who work to treat and rehabilitate alcoholics in Maryland are angry. They are upset over what they consider to be the great local and nationwide hoopla over drug abuse and the general ho-hum attitude toward the problem of alcoholism.

Mention the magic word "drugs," these people say, and the legislators come running to pass new laws, set up new programs, spend more money. Mention alcoholism, they say, and the same legislators say yes, it would be nice but the budget is tight and maybe next year.

They charge that the mass media have helped make the drug problem fashionable but paying scant attention to the deplorable handling of alcoholics.

To buttress their case, representatives of state and private agencies cite these statistics for Maryland which, ironically, they claim, has the best programs for alcoholics in the nation.

There are an estimated 100,000 alcoholics in Maryland, according to state health officials. There are an estimated 2,000 to 10,000 hard-core drug addicts in the state, according to a 1969 study by the governor's Commission on Drug Abuse.

Maryland's state and county governments will spend twice as much on drug abuse programs as on alcoholism programs in the fiscal year beginning July 1.

An estimated 1,400 deaths annually in Maryland can be attributed to alcohol abuse—auto crashes, murders, suicides, cirrhosis of the liver and other physical ailments, according to Dr. Russell Fisher, president of Maryland's Medical and Chirurgical Faculty. An estimated 70 deaths—only one-twentieth as many—can be attributed annually in Maryland to drug abuse, he says.

Dr. Maxwell Weisman, who recently assumed control of alcoholism programs at Springfield State Hospital, Sykesville, says conditions there for alcoholics are "deplorable." Much of the administration and the staff at the hospital regard alcoholic patients as "dirty bums" and "third-class citizens," Dr. Weisman charges.

He said that most doctors, nurses and social workers in Maryland—and across the nation—know little or nothing about alcoholism.

To Riley Regan, an alcoholism social worker who kicked the heroin habit by himself but needed help to turn completely away from drinking, alcohol is "the most dangerous drug of all." Yet, a major part of the problem, he says, is that the public and the legislators don't view alcohol as a drug at all.

"I was a drug addict and I'm a recovered alcoholic," Regan says. "Being an alcoholic is worse."

Weisman, medical director on the Division of Alcoholism Control in the Maryland Department of Health and Mental Hygiene, came to the Sykesvile hospital earlier this spring to assume control of the alcoholic unit.

"There was one doctor who was unqualified to run the program, one rehabilitation counselor and one alcoholism counselor for the unit here," Weisman said in a recent interview at the hospital.

"This was for a hospital that admits 400 patients each month, of whom 240 are alcoholics. The physical condition of the buildings was horribly run down. The pajamas they were wearing were falling apart. The men were in rags.

"Much of the hospital staff and administration regards this alcoholic unit as the lowest rung on the ladder and that the alcoholics are a bunch of drunken skid-row bums and so they don't need new pajamas. That's the kind of attitude that seems to prevail throughout the society."

At Springfield, there are 110 beds for men in the alcoholic unit. A separate unit accomodating 20 women has recently been set up at the hospital. There are no other similar units for women at any other state hospital.

Weisman explained that the Springfield program lasts 28 days and consists of group therapy, individual threapy, Alcoholics Anonymous-type meetings and use of Antabus pills.

The program at the hospital, which serves Montgomery County and six other counties, is believed to be about 40 per cent successful in rehabilitating alcoholics.

Williard O. Foster, a recovered alcoholic who works for Weisman in coordinatnig state programs for alcoholics with the counties, says he is currently conducting a study that he believes will show that an overwhelming number of people in state prisons got in trouble because of alcohol, while very few are there because of drugs.

There is a bright side to the picture, Weisman acknowledges. Recently, when he testified before the subcommittee of Sen. Harold E. Hughes (D-Iowa), himself a recovered alcoholic, Weisman was told that Maryland was far out in front of the rest of the nation in the treatment of alcoholics.

In 1968, the Maryland General Assembly passed a pioneering law that recognized alcoholism as a disease and wiped off the books the crime of public drunkenness. Since then, the District of Columbia and Hawaii have followed suit with similar laws. Maryland's program was first funded in this fiscal year with $200,000. The amount is doubled for fiscal 1971.

Citing progress in the last two years, Weisman says, the fully 50 per cent of the state's general hospitals have agreed to admit alcoholics for diagnosis. Public and private agencies and many industries have appointed alcoholism counselors. Twenty-one counties (including Montgomery with three and Prince Georges with one) have outpatient clinics for alcoholics.

Baltimore City and 15 counties (including Montgomery) have established alcoholism coordinators in the county government within the last two years. (Prince Georges will be authorized to establish the post July 1.)

Three counties (including Montgomery) and Baltimore City have set up halfway houses for alcoholics to help them bridge the gap back into society. Montgomery County and Baltimore City have "quarter-way houses" for those who are not sick enough to remain hospitalized, but who do need medical attention.

Still, as Foster notes, there's a long way to go. There is a need, he says, for more long-term facilities, more halfway houses, better training for those who must care for alcoholics.

"It's a very difficult thing in this society not to drink," says Weisman. "If you can't 'hold your liquor' you're not a man. Some people can do it, but others become alcoholics. It's time we recognized the magnitude of this problem."

SUPPORT FOR THE PRESIDENT ON VIETNAM WAR

Mr. TOWER. Mr. President, a very interesting editorial was published in one of my home State newspapers, the Kilgore News Herald. The editorial hits hard, and I believe it hits the bullseye. The editorialist realizes that President Nixon shares with us all the desire to end the war in Southeast Asia but that some people in our country have, either through frustration or malice, so separated themselves from the President and the goal which he shares with us all that they cannot afford to see him succeed. I believe that this editorial deserves the consideration of all Senators; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Kilgore (Tex.) News Herald, June 5, 1970]

SUPPORT MR. NIXON

From an unexpected source, Harvard University, usually a fount of anti-Administration talk, comes a thoughtful look at the Vietnam war predicament.

The writer is Gottfried Haberler, Harvard professor of international trade, whose letter appeared in the Wall Street Journal. It said:

The war in Vietnam is a national disaster. The Eisenhower and Kennedy Administrations should not have started it and Johnson should not have escalated it, at least not piecemeal. If the war had to go on he should have immediately hit hard. For example, if seaborne supplies to the enemy through Haiphong and Cambodia had been halted, the war would probably have been finished some time ago. But all that cannot be changed any more. The problem now is to get out as fast as possible with a minimum of human and political loss. This is what the present Administration to trying to do, with some success. Troop strength has been substantially reduced and Vietnamization is apparently making good progress.

The foray into Cambodia is no real escalation. On the face of it, it makes excellent sense. There was after all an anti-Communist revolution and the sanctuaries 30 miles from Saigon are right before our noses. This offered a rare opportunity with very little military risk to greatly improve the military situation, to cut down losses and enhance the chances of an eventual disengagement. It would have been gross negligence to miss this unique opportunity. It nevertheless required great courage to act.

The internal reaction has been deplorable and threatens, by encouraging the enemy, to nullify the military benefits and to reduce the chances of an acceptable peace.

That militant students would seize the opportunity to intensify violence and disruptions was to be expected. That they were able to carry along many moderates is most unfortunate, though understandable. But the students' protest would have been less irrational and destructive without the hysterical and irresponsible reaction of many of their elders. The eagerness of many embattled university administrators and professors to make common cause with the student activists is a sorry spectacle. Sure, it deflects student pressure from the universities to Washington, but it also diverts the universities from their tasks and turns them into political battle wagons. Blaming the campus turmoil on "inflammatory" statements on the campus disruptures, their abettors and tolerators, by the President and Vice President is a transparent diversionary maneuver. Throwing fire bombs is evidently not inflammatory, but castigating the bomb throwers is!

That so many professors, journalists, other intellectuals and politicians completely misunderstand or willfully misinterpret the opportunities and limited nature of the Cambodian operation is a real tragedy. It polarizes American society, encourages the enemy, and may well prolong the war and lead to defeat. Victory does, of course, not mean—let it be repeated—military or political subjugation of Hanoi but merely withdrawal of U.S. forces without immediate surrender of South Vietnam to the Communists.

All Americans are sick and tired of the war, but there should be no blinking at the fact that many have acquired a strong vested interest in American defeat and humiliation, especially if the present Administration has to preside over the ordeal. To understand this, it is sufficient to imagine what a tolerable termination of the war would mean in terms of political prestige and elections. Many politicians would lose their elections, innumerable doubters, defeatists and Nixon-haters in the press (from the New York Times down) and elsewhere would stand revealed and embarrassed, and the many professor-politicians who have found shelter in the universities would find their chances of returning to the corridors of power in Washington drastically reduced.

To the ordinary citizens this will look as a small price to pay for extricating the country from its terrible predicament. But the power of intellectual to convince themselves—and others—of the truth and righteousness of a basically absurd and indefensible position should not be underrated.

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PRISONERS OF WAR

Mr. DOLE. Mr. President, apologists for the North Vietnamese, whether they defend the massacre of South Vietnamese civilians, the detention of newsmen, or the barbaric treatment received by American prisoners of war often answer these criticisms by calling for a settlement on Hanoi's terms—as if our policy in South Vietnam somehow justifies the North Vietnamese conduct. They give their own political views on the war primacy over humanitarian considerations.

A reply from the Polish Government to an inquiry from Mrs. Eileen Doyle, concerning the treatment of Americans imprisoned in North Vietnam, is a clear but tragic example of this kind of rationalization. I ask unanimous consent that both letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 9, 1970.

Senator Robert Dole,
U.S. Senate,
Washington, D.C.

Dear Senator Dole: Inasmuch as you have donated much of your time and energy to act in behalf of American POW's I thought the attached letter might be of interest to you. This letter is the most recent response I have received from Poland replying to my letters to them regarding captive servicemen held by the Hanoi regime.

The Polish Government clearly has one point to make—that we Americans get out of Vietnam. I can understand their reasoning, inasmuch as it would be much easier for the Red enemy to enslave Indo-China; misery likes company. I received two replies from Poland their contents were exactly alike—only the writers were different.

In closing I would like to commend you on your efforts in behalf of Americans MIA and POW in Southeast Asia.

Very truly yours,
Mrs. Eileen Doyle.
New Windsor, N.Y.

Warsaw, Poland,
May 30, 1970.

Mrs. Eileen Doyle,
New Windsor, N.Y.

Dear Madam: I have been authorized by the Minister of Foreign Affairs of the Polish People's Republic, Mr. Stefan Jedrychowski, to reply to your letter concerning the American airmen who remain captive in the Democratic Republic of Vietnam.

I should not fail to tell you that the well-known statements by the Government of the Democratic Republic of Vietnam and informations available to us indicate that these men are treated in a humanitarian manner.

The motives of your letter arising your concern for the fate of the American airmen now far away from home, are understandable. May I, however, draw your attention to the fact that they have been captured while on terrorist bombing raids over the Democratic Republic of Vietnam in result of which thousands of Vietnamese men, women and children have been killed or injured and enormous damage has been done to the material and cultural property of Vietnam.

The people of South Vietnam still continue to suffer tremendous losses due to the operations of the military forces of the United States and their allies present there. Particularly heavy losses are inflicted through the use of B–52 bombers, napalm, chemical agents and other devastating weapons.

While carrying out these unjust aggressive operations, the American military forces even commit mass-murder on the Vietnamese population as it is certainly known to you from already published press reports. Vietnamese prisoners of war are being tortured and killed.

I believe that the only way to avoid miseries and sufferings, including those endured by the families of American airmen, is to restore peace in Vietnam.

On May 8, 1969, the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam submitted in Paris their proposals concerning the cessation of hostilities and establishing of a lasting peace in Vietnam. The proposals are concrete, equitable and based upon the principles of respect for the right of Vietnamese people to self-determination. The Government of the United States, unfortunately, refused to respond to these proposals. Military operations are being continued. The people of Vietnam suffer the most but, indeed, so do also the families of American soldiers sent to Vietnam for purposes incompatible with the principles of peaceful coexistence of nations.

I may assure you, Madam, that my country has spared no effort to bring about a speedy peace in Vietnam, so that the people of Vietnam and other nations alike may enjoy the fruits of peace and progress and all the young Americans now risking their lives in that struggle for the wrong cause in Vietnam may join beloved at home.

Yours sincerely,
K. Nowakowski,
Director.

PRESIDENT'S VETO OF FUNDS FOR HOSPITAL CONSTRUCTION

Mr. HARRIS. Mr. President, President Nixon's veto yesterday of the appropriation for hospital construction and modernization under the Hill-Burton Act marks the second time this year his veto has been used to limit funds urgently needed for health.

Since hospital beds are in short supply and the demand is expanding, the President's action is inflationary and will continue to force medical costs up.

The President's veto certainly will not help to solve our ever-growing health crisis. Our health care delivery system is presently inadequate and continues to fall farther behind each year.

Fifteen years ago the United States ranked second among industrial countries in the survival of mothers at childbirth. Now we rank 12th.

The United States ranks 14th among industrial countries in infant mortality, while in 1955 we ranked seventh. We are 18th among nations in life expectancy of males, and 11th for females.

Thousands of persons needing medical attention are daily denied or delayed entrance into America's hospitals because of a lack of hospital beds which the Hospital Construction Act would have improved.

It is a shame, I think, that Russia, Czechoslovakia, Bulgaria, Hungary, Austria, and West Germany all have more physicians per 100,000 population than has the United States. The present shortage of doctors in the United States is now estimated at 50,000, and we greatly need additional thousands of technicians and other health care personnel.

For the past 24 years the Hill-Burton program has been a major factor in providing health facilities in my own State of Oklahoma. However, there remain many unmet needs—needs which will continue unmet as a result of the President's veto. It is estimated that Oklahoma alone has an immediate need for at least $20,891,000 in Federal funds for the construction and modernization of health facilities involving some 200 different medical institutions across the State.

Mr. President, I believe that all Americans have a fundamental right to good health. With that in mind, I plan to do all that I can in order to restore these funds which are so urgently needed for the better health of all of our citizens. I hope that an effort will be made to override the President's veto.

CBW I—THE GENEVA PROTOCOL OF 1925

Mr. PROXMIRE. Mr. President, during the last three sessions of Congress, I have taken the floor daily to remind the Senate that it has not yet ratified the International Conventions on Forced Labor, the Political Rights of Women, and Genocide. For the next few days, rather than speaking of these, I would like to discuss an issue which I feel pertains to guaranteeing universal "human rights"—the issue of CBW, chemical and biological warfare.

My hope in discussing the issue of CBW is that the President will fulfill a promise he made by resubmitting to the Senate the Geneva Protocol of 1925 prohibiting the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

As my colleagues know well, the United States was shocked by the thousands of men who were maimed or killed by the use of gas in World War I. We reacted by proposing the arms limitation conference which drafted the Geneva protocol. We signed the protocol. However the Senate, faced with strong opposition, refused to ratify the document. After the protocol languished in this body for over 20 years President Truman decided to remove it.

Mr. President, U.S. conduct in regard to the Geneva Protocol has been quite similar to our conduct with regard to the U.N. Human Rights Treaties. We were the first Nation to take the initiative on these documents. We argued for them on the basis of some very strong principles. However, when it came time to bring our principles into force as international law we have stalled. In very strong language this Nation from time to time has stated that it will never be the first to use chemical or biological weapons.

President Nixon has taken a giant step by unilaterally cutting U.S. CBW testing, production, and stockpiling and I applaud him for it. It remains now for him to resubmit the Geneva Protocol of 1925 and for this Senate to ratify it.

Mr. President, I ask unanimous consent that the Geneva Protocol of 1925 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

PROTOCOL PROHIBITING THE USE IN WAR OF ASPHYXIATING, POISONOUS OR OTHER GASES, AND OF BACTERIOLOGICAL METHODS OF WARFARE, GENEVA, JUNE 17, 1925

The undersigned plenipotentiaries, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

Declare:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.

The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratification.

In witness whereof the Plenipotentiaries have signed the present Protocol.

Done at Geneva in a single copy, this seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

THE DEFENSE OF LIBERTY

Mr. MOSS. Mr. President, there is no doubt in anyone's mind that we face troubled times throughout our country. The important question we all face is: What must be done to solve these troubled times and reestablish peace and tranquillity throughout the country?

Chief Justice Warren E. Burger has had some things to say about this problem and he warned that we must not meet current public disorder by abridging constitutional guarantees.

In reporting on this speech by the Chief Justice, the Los Angeles Times on May 22 published an editorial entitled "The Defense of Liberty." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DEFENSE OF LIBERTY . . .

Issue: Is not Chief Justice Burger correct in warning that personal liberty must not be sacrificed to repressive social order?

Chief Justice Warren E. Burger had some things to say about order and law the other day which we believe are worth repeating, and worth thinking about, in these violent, passionate times.

The American system of justice, he said, is resilient enough to meet the current crisis of public discipline without abridging our constitutional guarantees of liberty.

"Some say that we must 'crack down,' that we must 'smash' the challengers and restore tight discipline," he said. ". . . In periods of stress there are always some voices raised urging that we suspend some fundamental guarantees and take short cuts as a matter of self-protection."

But he said that "in those few periods of history when we suspended basic guarantees of the individual in times of great national stress, we have found, in retrospect, that we have overreacted."

The chief justice said that "it would be foolhardy not to be concerned about the turmoil and strife and violence," but added, "we must not give way to panic . . .

"A great number of students and, sadly, a great number of parents who ought to know better have missed the relevance of order."

But in the long view, he said, "we can see that we have never been a tightly disciplined people and, reflecting this, our legal structure has perhaps been more relaxed than that of many other societies. If this has negative aspects, it also affords us a resiliency to tide us over and enable us to meet any crisis as it arises."

Note that these words come from a judge, who, while on the federal appeals bench in Washington, D.C., often argued that the courts were bending too far to protect defendants without enough regard for law enforcement and the requirements of the social order. The chief justice's credentials as a judicial conservative are excellent, which was one reason President Nixon chose him.

So when he warns against curtailing personal liberty, he deserves to be taken seriously.

And there are those who would take the "short cuts" toward restoring order, and are taking them. There are legislative proposals, some of them from the Administration, for preventive detention, for the loose use of wire tapping, for "no-knock" laws. There is the unsettling evidence in a recent CBS poll that many Americans do not approve of such Constitutional guarantees as those for peaceable assembly, for freedom of the press, against double jeopardy.

There is, too, the short cut of brutally excessive force by governmental authorities against public disorder, as we saw, appallingly, at Kent State, Jackson, Augusta. (It shouldn't have to be said, but alas does, that such outrages to the national conscience must not recur, that they must be thoroughly investigated, that the perpetrators must be punished.)

Against this background of public anger and public anguish, the chief justice is saying, it seems to us: keep cool, remember our first principles; restore order, but remember in restoring it that the purpose for which we restore it is liberty under the even-handed rule of law.

HOSPITAL CONSTRUCTION VETO IGNORES CRITICAL HEALTH CARE NEEDS

Mr. WILLIAMS of New Jersey. Mr. President, it was with utter disbelief that I learned last night of the President's veto of the hospital construction bill of 1970. For the second time this year the President has forsaken the vital needs of the people of this great Nation in the name of "fiscal irresponsibility."

If there is anything which America needs, clearly it is an all-out effort to provide the means to overcome our crisis in health care. The bill which was before the President would have provided us with part of those means. It authorized $2.79 billion over the next 3 years for construction and modernization of health facilities. Authorized for categorical grants was $1.29 billion and $1.5 billion for federally guaranteed and direct loans. This is hardly too much when we recognize that health officials from all 50 States have shown an immediate need for $16.5 billion to construct new hospitals and to expand and modernize already existing facilities.

In his veto message, the President himself pointed out that the major requirements today are to modernize obsolete hospitals, particularly in the inner cities, and in the face of skyrocketing medical costs, to expand other types of medical facilities which will serve as efficient alternatives to hospital care.

However, we cannot delude ourselves into thinking that such approaches will satisfy the ever-increasing demand for more hospitals and more beds.

In his April message to Congress, the President suggested that the way to rehabilitate hospital facilities and provide more beds where required was not through direct grants in aid but by a program consisting solely of guaranteed private loans. Frankly, I think this is an impossible approach. The President cannot be serious in his belief that the private money market can assume the burden of providing loans for all of our major social needs—the needs of every American citizen. For let us not forget that he has asked the Congress to require the American people to go to the banks for loans for more than just hospital beds. That would be difficult enough. But the President also includes higher education, pollution control, and housing for the elderly, as part of this approach.

Perhaps part of the reason he feels we cannot provide direct grants for these programs is due to his unreserved willingness to spend money on the Cambodian invasion, to pay the salaries of Laotian and Thai soldiers, to deploy the ABM, or to build an SST.

Mr. President, the Congress has worked long and hard to pass a bill which would help bring adequate health services to all our citizens. Health care is not a privilege. It is a basic right. Certainly this is the biggest hospital construction bill in our history. Yet, the President seeks to make us ashamed of the fact that we care.

Finally, I cannot help but remind my colleagues that this bill is not a matter of partisan politics. The House version passed that body by a unanimous vote. The Senate measure was also passed without opposition. After some very hard bargaining in the conference the House again gave the bill its unanimous approval and the Senate cleared it by a voice vote. I do not think, when the leadership of both bodies on both sides of the aisle so clearly commits itself to so important a piece of legislation as this, that we can allow the President to act as he has and accuse us of being irresponsible.

I implore every Senator to consider the impact of this veto for now and the future. We must not sound a retreat from the promise of decent health care for the American people. We must demonstrate that the United States can and will take its place in the world with other nations which have done so much to provide for the health of their people.

DROPOUT PREVENTION PROGRAM

Mr. MURPHY. Mr. President, Senators may recall that I was the author of the dropout prevention program, which is now incorporated as title VIII of the Elementary and Secondary Education Act. This program has attracted a great deal of attention.

One project in particular is being followed by people interested in education all across the country. I am referring to the Texarkana project. Under this project, the local school system has entered into a performance contract with private industry to raise reading and math scores one grade level in 80 hours of instruction for $80. The preliminary results are most encouraging. That is why I am so pleased to hear that on May 14, the Office of Economic Opportunity decided to encourage performance contracting in education.

That agency plans to conduct an experiment in performance education aimed at upgrading the reading and mathematics level of children from poor families. The contracting firms will have programs which include a variety of educational technologies and performance incentives. The former may involve teaching machines, specialized programs, and specialized teachers, while the latter includes incentives directed at the entire school system and individual teachers and students, as well as the contractors themselves. The project will establish the precedent of allocating resources based on the final product of the educational process; that is, the measurable increases in the students' educational achievement.

The experiment will cost between $3.5 million and $5.5 million, and will involve some 12,000 to 17,000 schoolchildren in as many as 24 school districts across the country. The program will be in place by September and run during the next school year.

Mr. President, it is not necessary for me to point out the significance which this experiment can have on public policy. Because I believe that education offers the best long-range solution to our problems of poverty, I am particularly pleased that the OEO has decided to give emphasis and encourage experimentation in this area.

Mr. President, I ask unanimous consent that a copy of the press release issued by OEO and some newspaper accounts of this effort be printed in the RECORD.

Along with the Senator from Minnesota (Mr. MONDALE), I plan to offer an amendment which would add an additional $5 million to the dropout prevention program. I hope the Senate will adopt the amendment, for it will enable the search for solutions to our educational problems that have been taking place under the dropout prevention program to continue.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PERFORMANCE CONTRACTING IN EDUCATION

An experiment in performance education, aimed at upgrading the reading and mathematics level of poor children, will be launched this fall by the Office of Economic Opportunity, it was announced today by Director Donald Rumsfeld at a press conference.

The experiment will involve incentives to learn for students and incentives to teach for teachers. Contracts to educational firms will, in some instances, provide for payment according to the level of achievement reached by the pupils. Teaching machines, specialized programs and specialized teachers will be used in the experiment.

The Office of Economic Opportunity experiment will be conducted by the Agency's Office of Planning Research and Evaluation. The cost of the one-year experiment is expected to be between $3.5 million and $5.5 million. An estimated 12,000 to 17,000 children in as many as 24 school districts will participate.

Contracts will be on a performance basis. Firms will be paid for their success in increasing the capacity of students to benefit from the educational process. The project will establish the precedent of allocating resources based upon the final product of the educational process: i.e., measurable increases in the student's educational achievement.

The Office of Economic Opportunity experiments will concern themselves with upgrading reading and mathematics levels. They are expected to be conducted in two sets of grades: first through third and seventh through ninth. This Agency will provide grants to the school districts to conduct the experiment. The school districts chosen will contract with the private firms.

Proposals from the private sector have been received and are under study.

An independent evaluation will include pre-measurements and post-measurements of both students in the experiment and students in a carefully selected control group. Students in both groups will be tested several months after the experiment has been concluded to determine the instruction's long-range effectiveness.

AN EXPERIMENT IN PERFORMANCE CONTRACTING

INTRODUCTION

Past and present poverty programs have stressed the marginal provision of compensatory educational services. They have been a piecemeal offering of more funds to poor school districts, additional books and tutors, summer study programs, smaller class size, and counseling to improve "attitudes" towards learning. Until recently, it has been assumed that positive results would follow from this provision of traditional educational imputs.

In light of the rapid development by private industry of innovative educational techniques, the Office of Economic Opportunity has decided to mount a major experiment designed to test the effectiveness of performance contracting in education. The purpose of the experiment is to examine a variety of techniques (both technological and incentive based) in order to determine the extent to which such techniques can improve the basic reading and math skills of students whose performance in these areas has been below the general achievement level. Results may provide evidence that the society has at its disposal the means for upgrading the basic learning skills of students whose proficiency levels are well below their peers. If such results accrue, they would permit students to take full advantage of the educational system in the United States, and would enhance their abilities to compete on an equal footing with their contemporaries.

THE EXPERIMENT

Various educational innovations which show great promise are currently being developed by private industry. Therefore, the Office of Economic Opportunity will select approximately six firms whose proposals provide a variety of educational technologies and performance incentives. The former may involve teaching machines, specialized programs, and/or specialized teachers. The latter may involve incentives directed at entire school systems, individual teachers, and/or individual students, as well as the contractors themselves.

The experiment will include approximately 24 different school districts and an estimated 12,000 to 17,000 students in grades 1–3 and 7–9. This means that the experiment will be large enough to test the variety of educational techniques (technology, incentive, and the two combined) in a range of settings; examine their impacts on both younger and older students; and set up control groups of students in math and reading either through the schools' standard curricula or through the reading and math specialists which many schools now provide as part of their standard programs.

Measurement of reading and math skills will be conducted by an independent contractor, not connected with the performance contracting firms or the school districts. The skills of each student will be tested at the beginning of the experiment, periodically throughout the school year, and six months after the experiment has been completed. This last testing will permit assessment of the permanence of the gains which may have been realized during the instructional period itself.

On the basis of these results, the Office of Economic Opportunity will be able to make judgments as to which specific techniques are most effective under various sets of circumstances. Assuming that one or more techniques do prove successful, a variety of policy questions will arise regarding their dissemination and implementation: the role of the public sector at the Federal, state, and local level; the role of the private sector through the contracting of services; cost and universe of need projections; and legislative requirements. OEO is preparing to undertake a separate, systematic investigation of these and other policy implications in order to set forth the various alternatives.

The administrative structure of the experiment, the experimental design, and the size of the performance contracting experiment are set forth in Charts I and III.

CHART I—*Size of the experiment*

Number of school districts, up to 24.

Number of students, 12,000–17,000.

Number of contracting firms, approximately 6.

Cost, $3.5 to $5.5 million.

CHART II.—*Experimental design*

1. Control groups:
a. Regular classroom instruction and
b. Reading and math specialists.
2. Technology.
3. Incentives:
a. Contractor;
b. School;
c. Teacher; and
d. Children.
4. Technology and incentives.

XUM

[From the Washington Post, May 15, 1970]

OEO Education Test Based On Performance Contracts

(By Eric Wentworth)

The Office of Economic Opportunity will launch a multimillion-dollar experiment using performance contracts with private companies to boost reading and mathematics skills of poor children.

The announcement yesterday by Donald Rumsfeld, OEO director, marks the Nixon administration's largest single effort so far to promote accountability in education.

Under typical performance contracts, the companies are paid on a graduated scale based on the students' achievement gains. Thus they are held accountable for producing results.

In broader terms, accountability calls for measuring school and teacher quality by how well their students progress rather than by class size, per-pupil spending and other "inputs."

Rumsfeld said OEO plans to spend as much as $5.5 million for contracts in as many as 24 school districts around the country. From 12,000 to 17,000 youngsters in grades 1–3 and 7–9 will be involved, with up to 10,000 others scrutinized as "control groups."

OEO plans to start the one-year experiment when classes resume next fall. John O. Wilson, OEO's planning, research and evaluation chief, reported that at least 29 companies have submitted proposals.

About six companies offering a variety of teaching techniques and incentive schemes will be picked. While performance contracts will be used in a majority of cases, OEO officials said, companies in some instances will sign more conventional pacts.

OEO officials said a number of school systems are showing interest in taking part. Among them are Prince Georges County, Md., Athens, Ga.; Montclair, N.J.; Jacksonville, Fla; Dallas, Seattle, Minneapolis and San Diego.

The only performance-contract project known to be operating so far is one that began last fall in Texarkana, Ark., involving Dorsett Educational Systems of Norman, Okla. Funded by the U.S. Office of Education, the Texarkana project is designed to curb school dropouts and also ease the stresses of desegregation. First reports show that students' reading and mathematics gains are surpassing Dorsett's guarantee.

San Diego has also approved a performance contract but was reported still looking for funds. The State of Virginia, Dallas, Detroit and some New Jersey school systems are also planning to try this approach.

Officials at both OEO and the Office of Education insisted yesterday that there was no rivalry between the two agencies over who would promote performance contracting. The Office of Education was said to be short of unfettered funds.

OEO views its effort as a highly sophisticated, carefully designed and controlled test of whether performance contracts really work. It wants to explore the relative effectiveness of the companies' teaching machines or learning programs and the special incentives they may offer—such as Dorsett's trading stamps for students who make good progress.

The agency will use independent firms to check out the students' achievements and thus contractors' performance.

On another front in education reform, Rumsfeld said OEO definitely wants to go ahead with a trial of school vouchers. Under this system, parents would receive vouchers representing each child's share of the local public school budget. They could "spend" the vouchers to send the child to a public, parochial or private school—whichever they chose.

[From the Washington Star, May 14, 1970]

OEO To Pay Private Firms for Teaching

(By John Mathews)

The Office of Economic Opportunity today announced a multimillion dollar one-year experiment in education contracts designed to pay private companies according to how well they teach basic reading and mathematics skills to poor children.

The federal antipoverty office's experiment represents the first attempt to introduce the much talked about concept of accountability to education on a large scale.

If successful, an approach that closely measures the effectiveness of educational programs by how well students achieve "could indeed revolutionize education in this country," OEO director Donald Rumsfeld said.

Before the end of June, OEO will choose six educational firms and award them contracts to upgrade the reading and math skills of poor children in 24 school districts around the nation. An estimated 12,000 to 17,000 children will participate in the experiment, which is expected to cost between $3.5 million and $5.5 million.

VARIETY OF APPROACHES

Firms will use a variety of approaches, including new educational technology and programmed instruction, to teach the basic skills to poor children for up to one hour a day in both reading and mathematics. The children will include first through third grade students, and seventh through ninth grade students.

Their performance will be closely measured against the achievement of children in control groups who will be taught by methods currently in use.

Firms will be paid generally on a sliding scale, depending upon the length of time and success they have in bringing low achieving students up to and beyond grade-level performance in the basic subjects.

TUITION OPTION MOVE

The experiment conceivably could have the same significance for public education that an OEO experiment testing the family income maintenance system has had upon the country's welfare system. OEO's income maintenance experiment in New Jersey served as the testing ground for the Nixon administration's legislation, now in Congress, to institute a nationwide guaranteed family income program.

At a news conference today, Rumsfeld said his office also plans to move forward in another experimental area in education, tuition voucher systems. The antipoverty office has received a preliminary report from the Center for the Study of Public Policy in Cambridge, Mass., that recommends a large-scale voucher experiment.

Such a system would give parents in a selected city neighborhood, for instance, vouchers to cover the annual costs of educating their children. Parents could then decide whether they wanted to spend their voucher in public, private or other types of schools.

Rumsfeld said he expected such experiments would be in operation by the fall of 1971.

The performance contracting setup announced today has been attempted on a smaller scale by the U.S. Office of Education in the combined school systems of Texarkana, Tex., and Ark., since last fall.

In that project, about 400 low-achieving students have received special help in reading and mathematics through a system that uses small television-type consoles in an individualized approach. Students are rewarded with incentives, including trading stamps.

The company is paid according to how quickly it raises student achievement.

PERFORMANCE UP

In less than six months, project officials claim that students on the average have improved their reading performance by 2.4 grade levels and their performance in mathematics by 1.9 grade levels. The rate of drop-outs among seventh, eighth, and ninth grade students have decreased and school vandalism is less of a problem, Texarkana officials claim.

Twenty-nine leading educational firms have already submitted bids for the nationwide experiments, Rumsfeld said, and a number of school systems, including Prince Georges County, have already expressed an interest in participating. An OEO official said the District school system probably would be approached as a possible participant.

SYSTEM OF EFFLUENT CHARGES TO CURB WATER POLLUTION GAINS ADDITIONAL SUPPORT

Mr. PROXMIRE. Mr. President, last November, 11 other Senators and myself introduced the Regional Water Quality Act of 1970. Since that time I have received a great many letters supporting the proposed system of national effluent charges to curb water pollution. In late April the Senate Public Works Committee held hearings on the proposal during which a number of top economists and other water pollution experts expressed support for the measure. I have been especially pleased by the attitude of the distinguished chairman of the Subcommittee on Air and Water Pollution (Mr. Muskie) who presided over the hearings. As leader of the fight against water pollution, the Senator from Maine (Mr. Muskie) has consistently maintained an open mind and has always been receptive to new approaches to improve our present efforts. In a recent speech to the National Association of Counties, the Senator from Maine stated that:

> There may be a very useful way in which charges related to waste disposal can be applied, both for the purpose of meeting the costs of pollution control and abatement, and for the purpose of encouraging industries to reduce their output of wastes and to recover and re-use materials.

In recent weeks S. 3181 has gained additional backing from both the General Accounting Office and from various conservation groups. In a special report released May 8 the GAO suggested that Congress consider other alternatives to present practices for the financing and construction of waste treatment facilities. It recommended that industries be required to share in the cost of construction and that these costs should be based not only on the volume of wastes produced, but also on the strength and toxicity of the wastes. This is precisely what S. 3181 uses as the criteria for the establishment of a national system of effluent charges. Thus, the more toxic the waste, the higher the charge placed on it. This insures that industries pay the full costs of treatment of their wastes. In addition, the GAO correctly pointed out that such sharing of costs would encourage industry to make in-plant process changes to reduce its waste load. Once again, this is precisely what we can expect under a system of national effluent charges.

A number of prominent conservation groups have also recently expressed support for S. 3181. Recently the League of Women Voters, which endorsed both the use of effluent and user charges at the hearings on the bill, was joined by two citizens' groups, the Santa Maria Air Pollution Reduction Team and the Princeton Ecology Action Committee. Last week I received petitions from both these groups which urged support for effluent charges and speedy passage of S. 3181. Each petition was signed by over 200 people and stressed the urgent need for a new approach to pollution abatement.

Mr. President, the need for swift action to improve our water pollution abatement efforts is clear. Just recently the Federal Water Quality Administration—FWQA—reported that despite our best efforts Lake Erie is in worse shape today than when the first enforcement conference was held in 1965. The report conceded that most polluters were anywhere from 2 to 3 years behind schedule in cleaning up. Instead of 1972, Federal and State officials now estimate that no significant progress against pollution in the lake can be expected before 1976. Other experts, somewhat less optimistic, have already written off the lake as beyond hope and thus "dead." Unfortunately this is not an isolated case. All across the country we are falling dangerously behind in our efforts to clean up the filth which clogs our waterways.

The reason for the delays and lack of progress are not hard to find. First, we are not spending nearly enough money. Second, and equally important, we are failing in our enforcement efforts to bring reluctant polluters to heel. The cumbersome and drawn-out procedure involving conferences, hearings, and finally court action, creates 2- to 3-year delays during which effective abatement action slows to a virtual standstill.

The need for a new strategy in the face of such a crisis is only too clear. We must make rapid progress within the next few years if we are to have any hope at all of saving Lake Erie and averting similar tragedies in the future. The Regional Water Quality Act provides that new strategy. By imposing a system of national effluent charges we can make rapid progress toward cleaning up our Nation's waterways. Not only will the revenue from such a system guarantee that we will have the necessary funds to build the treatment plants, but the charges themselves will provide the strongest possible incentive for the polluter to cut back on his waste production.

Perhaps most important, we can expect almost immediate improvement following the imposition of effluent charges. The experience of Cincinnati with industrial surcharges is an excellent example. In 1953 the city, faced with an increasing industrial waste load on its municipal treatment plant, decided to impose a charge of 1.3 cents per pound on oxygen demanding waste. In just 1 year the amount of industrial waste had been reduced by 36 percent. Further reductions continued over the next 12 years despite substantial economic growth in the area. The experience of Cincinnati is typical of the many other cities which have imposed similar charges. In every case substantial reductions in waste production were accomplished within the space of 1 or 2 years. In many cases reductions of as much as 40 to 50 percent were achieved with charges between 1 and 2 cents per pound.

One of the most important advantages of a system of effluent charges would be the provision of additional sources of revenue for the construction of municipal and regional treatment plants. The critical shortage of funds for such construction has seriously slowed clean-up efforts. The backlog of Federal funds due to the States has grown tremendously in recent years. Unless new revenue sources are found quickly the success of the entire construction grant program will be in serious jeopardy. S. 3181 will provide these sources of badly needed revenue. It has been estimated that an average charge of just 10 cents per pound would produce over $1½ billion of new revenues for treatment plant construction in the first year of operation. This new money would enable us to turn the corner in the battle against the rising tide of waste. Without it, no one can predict when the problem will be brought under control. The hard truth is that, according to GAO we have made no real progress against water pollution in the last 12 years despite the expenditure of over $5.4 billion. Unfortunately we cannot afford to wait another 12 years. Time is running out for many lakes and rivers. We must take swift, effective action now. S. 3181 provides the new strategy which will guarantee such action.

DOCTOR-PRIEST TEAM ATTACKS CAMDEN AREA'S DRUG PROBLEM

Mr. **WILLIAMS** of New Jersey. Mr. President, last January, the Special Subcommittee on Alcoholism and Narcotics held hearings in New Jersey on one of the most serious problems confronting our society today—the problem of drug abuse. It was my good fortune, in chairing these hearings, to meet two men who have devoted so much of their lives to helping those afflicted with this dreadful illness: Rev. Edward J. Walsh and Dr. Charles E. Brimm. Their testimony at the hearings was of immense help to the subcommittee. More important, their work in the Camden community is an inspiration, not only to the drug abusers they treat, but to the community at large.

I ask unanimous consent that there be printed in the Record a well-written account of their efforts as it appeared in the Catholic Star Herald of May 15, 1970.

There being no objection, the account was ordered to be printed in the Record, as follows:

Doctor-Priest Team Attacks Camden Area's Drug Problem—TV's Stress on Pills Held Major Influence

(By Charles Germain)

Camden.—Fishermen are notorious for talking about the "one that got away" and those involved in more serious ventures often do the same thing.

Take the drug problem. A distraught mother contacts a priest, tells how her son has become addicted and is ruining his life, and asks what she can do to help the boy.

The priest requests that the mother attempt to get the boy to voluntarily visit a drug clinic he has formed with a local physician. The mother agrees, but two days later a newspaper headline reads:

YOUTH DIES OF DRUG OVERDOSE

Fr. Edward J. Walsh, assistant director of the Neighborhood Apostolate of the Camden diocese and active in drug addiction work, related the foregoing story to the Star Herald last week and cited the incident as one of the "stark realities" of the drug problem.

"This happened last year," he said, "but it could happen again tomorrow. Somewhere it is happening today. We are trying to prevent future incidents like this, but a great deal of help is needed."

Just a few days after the interview with Fr. Walsh it was reported that two teenagers in Philadelphia died of overdoses of narcotics.

Fr. Walsh has been working closely for the last two years with Dr. Charles E. Brimm, a general practitioner with offices at 514 Kaighn Ave. in South Camden, and they have treated over 100 addicts in Camden County over that period.

Dr. Brimm said the drug problem has skyrocketed since he opened his private medical practice in Camden in 1956.

"At that time," he said, "I only knew of about three drug addicts in the area, but right now I know of at least two or three hundred. There has been a marked increase in the last two years."

BLAMES TV ADVERTISING

In an interview at his office, Dr. Brimm said there were three reasons he believed to be responsible for the increase in drug abuse in two years.

"First of all," said the physician, "there is an ease in which users are now obtaining drugs. They don't have to travel far for supplies now. Secondly, there is a lack of fear now about drugs. Years ago the youth had a fear and a respect for these things, but that has changed."

"The third reason actually ties in with the second. It's the way television has shown how pills can solve everyone's problems. They have a pill for everything. There is a pill to wake you up in the morning, to relax you in the evening, to prevent pregnancy, to enhance pregnancy, and to put you to sleep at night.

"The young people see their parents going through the 'pill routine' and think if it's good enough for them, it's all right for the kids. The result is that they naturally lack respect for drugs.

"Even aspirin can be a very dangerous drug. I wonder how many people die each year from an overdose of aspirin. You don't see any surveys on this, do you?"

A MEANS TO SHOCK ELDERS

Fr. Walsh brought out another aspect of the teenage inclination toward experimentation with drugs.

"I think everybody should realize that we are living in a drug society," he said. "Drugs have become a cause among teenagers, a crusade, a symbol of rebellion, a new and powerful method to shock their elders.

"Their parents often don't understand. Their parents can understand drinking because this is of their generation, but drugs are puzzling and frightening. Teenagers who turn to drugs want to puzzle and frighten, not realizing the consequences."

Both Fr. Walsh and Dr. Brimm, in addition to operating their private clinic for drug addicts, are on the advisory board of the Camden County Drug Abuse Center. The latter has been in existence since last September when the Camden County Freeholders voted to provide $20,000 to go with the state's $60,000 to get the program started.

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The drug abuse center has yet to treat its first addict. The difficulties in getting a program started have been due to problems in "staffing" to meet the requirements of the freeholders. Therefore, until the center becomes active, Fr. Walsh and Dr. Brimm must continue their two-man crusade against drug addiction, minus state or county financial help.

"We must continue to do whatever we can until the drug abuse center is operative," said Fr. Walsh, "because this problem is not unique to any single segment of our society in New Jersey. Nor is it restricted to any particular locale. There are no boundaries. The problem affects the affluent as well as the disadvantaged youth; the student as well as the dropout.

"To help overcome this, we must have educational and rehabilitation programs, not just one-shot programs, but ongoing ones."

Fr. Walsh and Dr. Brimm are frequent speakers at school assemblies and public meetings in their attempts to inform the public of the extent of the drug problem, its dangers, and what the individuals and groups can do to help alleviate the problem.

"You have to start somewhere," said Fr. Walsh. "The purpose of the Camden County Drug Abuse Center is to establish an induction treatment center for addicts and it's a step in the right direction to prevent drug abuse in Camden County.

"Our goal is to identify, confront, control, prevent, and destroy drug abuse problems, the time schedule for the implementation depending on the wishes of the freeholders."

Fr. Walsh is chairman of the CCDAC advisory board and Dr. Brimm is chairman of its medical committee. Offices have been set up at 834 Broadway, Camden, and in late February Joseph Martin, formerly of the Camden County Parole Office, was named director of the unit.

TO INVOLVE FOUR MAJOR AREAS

The work of CCDAC will involve four major areas of service when the program finally gets rolling. Plans currently call for an induction program, aftercare program, community involvement, and an educational program.

The induction services include: establishing neighborhood contacts; identifying collaterally involved persons and physical environment of addict's neighborhood; evaluation by recruitment team and development of a treatment plan; referral to a residential center; motivational and supportive therapy and counseling; follow-up at the treatment center; and development of resources for a 24-hour crises intervention system.

Included in aftercare services are: counseling services; social services; family membership involvement; vocational training; remedial education; employment aid; referral to social agencies; regular urine monitoring services; emergency services; and methadone maintenance services.

The community involvement phase of the program includes a review of the community's needs, speakers bureau, training programs and a coffee house.

The educational phase would include consultation services for the area schools, plans for teacher education, development of curriculum, and aiding the delinquent or underachieving students.

The Camden County program is modeled after the very successful Hudson County Out-Reach Center, located in Union City, and includes several concepts in use at Day Top Centers in the New York City area.

Many communities are just beginning to realize they have a drug problem and are confused as to what to do about it, according to Fr. Walsh. He feels that through educational programs the many different elements of a community can be brought together in a coordinated action to make an effective start in dealing with the problem.

"Motivation without knowledge results in 'do-gooders' who create needless tensions and who often become, by their actions, part of the problem rather than part of the solution," he said. It is important that knowledgeable, well-motivated leadership be formed to provide the foundation for carefully planned effective action.

STRESS EDUCATIONAL PROGRAM

"I would like to see a major emphasis in the education area, with drug education programs from kindergarten through college. This would act as the 'preventative medicine' for the drug abuse problem.

"Secondly, there is an urgent need for facilities for youths under 18 who have a drug problem, so they can be treated within the state.

"Another important need is for programs to be set up for education of families; mothers and fathers must have an understanding of what drugs will do to the individual, what they should do, and how they should react toward the addict. The family can play a major role in the rehabilitation area, but first they must be trained in the various facets of drug use and drug abuse."

Dr. Brimm, through his many hours spent in treating addicts at his office at 514 Kaighn Ave., has developed a keen insight into the motivations of those addicted to narcotics. He explained his views on the subject before the Special Subcommittee on Alcoholism and Narcotics, headed by Sen. Harrison A. Williams Jr., held Jan. 26 at Kenney's Suburban House, Cherry Hill.

"Concerning the drug addict," he told the committee, "in relation to physical and psychological dependence, one should note that a person may be physically dependent on a substance not considered part of the drug problem. A very good example would be the people who are dependent on alcohol.

"One can also become emotionally dependent in many cases on drugs not listed as habit-forming but these substances may affect one's consciousness, such as substances used to escape from reality, or adjustment toward simple pleasures and these are the tranquilizer drugs."

UNDERSTANDING IS NECESSARY

Dr. Brimm said it is necessary to understand the reasons for a person's use of drugs in order to administer proper treatment which should include rehabilitative measures.

"Withdrawal is most easily carried out in a drug-free environment or specialized ward, an installation for narcotic addicts. Under certain circumstances withdrawal must be carried out in other agencies or institutions. The withdrawal of the drug must be accomplished before rehabilitation phases of the treatment can begin.

"At times it can be considered ethical to administer maintenance doses of the new drug methadone, a synthetic narcotic, to an addict who is awaiting admission to narcotic facilities and to administer limited doses to an addict in the process of withdrawal."

Dr. Brimm said last week that there may be some addicts who will have to be on methadone as the lesser of two evils, but he said the best results he and Fr. Walsh have had was "with those we detoxified cold turkey."

Dr. Brimm's feelings about the methadone program was seconded by Dr. James Cowen of the New Jersey Department of Health in a televised interview on Channel 3 Sunday night.

"The use of methadone," said Dr. Cowen, is being abused and we have no control over it. Some doctors are using the drug for detoxification and this is valid, but others are prescribing for other reasons and this is bad.

"Some addicts just go from one doctor to another to get enough for their addiction to this drug."

METHADONE NOT A CURE

Still, it is only a crutch for the hard-core addict and its effects last only as long as it is administered. The treatment must be regular, and for a lifetime.

Drug experts say the methadone user will revert quickly back to heroin if he does not take methadone even for a day. But, relieved from his craving, he can return to a normal existence. Critics of the methadone program insist that drugs should not be given to addicts because it encourages their habit. They say it should be a last resort treatment.

Dr. Brimm feels methadone maintenance can be avoided except in the case where every other method of getting a patient "unhooked" is unsuccessful.

The physician said the addicts who were "cold turkeyed," which is without any medication at all, are the ones that say you are getting easy when you go toward the methadone program. They know it is replacing one addiction with another.

Dr. Brimm is well aware of the social implications of the narcotics problem. He said one of the favorite expressions of one local group of teenagers is "you're not hip, unless you're on skag."

"Skag," said Dr. Brimm, "is the slang term the kids use for heroin. The sad thing is that many youngsters feel that they have to try this stuff in order to show they are one of the gang. We have to reevaluate our social concepts as far as youth is concerned when we hear some of our teenagers talk like this."

Talk of the legalization of marijuana has been in vogue on many college campuses during the past year, but Dr. Brimm simply asks "what is the benefit?" He said the most important thing about marijuana is the fact that we don't know enough about it.

"It's legal to smoke," he said, "and it's legal to drink. Why add a third unknown like marijuana to the list. They say that it isn't addictive, but I think some people become habituated to marijuana and they must smoke pot.

"What about the driving hazard of pot users? It has definitely been proven that pot affects one's perception. Many of the heroin users I've seen said they started by smoking pot. That is not to say that all marijuana users will go on to harder drugs, but many do.

"Lately I've found that a lot of kids are starting their drugs habits by snorting heroin. It's easier to get than marijuana in some places and there's more money in it for the pusher."

The Camden physician feels strongly that the whole penal system concerning drugs should be reevaluated and revised.

"Pushers should be placed into two categories," he said, "the ones who push for money, and the ones who push to support a habit. The penalties should be less for those supporting a habit, but not lenient. The addict shouldn't get off the hook simply because he is motivated due to his habit. He should be penalized for the damage he contributes to others by his pushing narcotics, but not as severely as the pusher motivated by profit only. I don't think any penalty can be strong enough for this person."

GAMES ADDICTS PLAY

In his work with drug addicts (Fr. Walsh estimates that he averages about two or three hours a day treating them), Dr. Brimm says it is necessary to have a real compassion for them.

"They like to play games with you," he said. "They try to con you as to the reason they come to see you. Most of them fall into one of four categories:

The addict may come to you to beat a rap. This means he is usually under the threat of being sentenced and has been given

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the choice of either receiving treatment or going to jail.

"The second group come to you merely because they want to reduce their habit. It is becoming too expensive for them. They want to reduce intake but don't really want to quit.

"The third group no longer get a thrill from drugs. Often their veins are collapsed so they are no longer "mainliners" and are now giving themselves drugs intramuscularly.

"The fourth group is made up of those who honestly desire to kick the habit and this is the group we find that we have the most success with. They have to have a real commitment.

"In all four of these groups we find three common denominators. There is the element which we call the addictive personality, the situation or proper circumstance for the use of the drug, and there must be the availability of the drug.

"Without any one of these three elements, one can easily see how difficult it would be to become an addict."

FURTHER STUDY NEEDED

Dr. Brimm said that in his experience he finds addiction to be a symptom of personality maladjustment, "although at the present time I've not been able to identify any typical addictive personality."

He said one of the unusual things he has found is that most addicts have a common denominator as far as the "cop out" is concerned. The addicts tend to place the blame on "society," as an example.

"It is extremely valuable," said Dr. Brimm, "to determine the true reason for an addict's turning to drugs in the first place. This information can be an invaluable aid in the rehabilitation process and can also be very helpful in preventing future addiction cases."

A Camden native, Dr. Brimm graduated from Camden High School in 1942, spent three years in the Army, and then attended Rutgers University for one year before earning a scholarship to the University of Ottawa where he studied pre-med. He attended medical school at the University of Ottawa and interned at Ottawa General Hospital for one year before returning to Camden.

Dr. Brimm is married to the former Edith Mapp, a registered nurse, and the couple have two children, Charles, 12, and Linda, 9.

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A SALUTE TO BABE RUTH BASEBALL

Mr. WILLIAMS of New Jersey. Mr. President, it is with particular pride that I take this opportunity to salute the Babe Ruth Baseball program.

Almost a quarter of a million young people today benefit from this program which has become as great as the man for whom it is named.

We in New Jersey are especially gratified with the success of Babe Ruth Baseball because it was founded in our State and currently has its headquarters in Trenton, N.J. This is appropriate since some authorities say that baseball itself is a New Jersey product.

In saluting this program, I think we should most strongly laud the many people who give so generously of their time and effort to make Babe Ruth Baseball possible.

This is an age of great turmoil; a time when we hear much about generation gaps. When it comes to Babe Ruth Baseball, there is no generation gap as father and son, adult and young person, participate together.

Despite this turmoil and change, baseball remains a symbol of the American dream; a chance to "make it big" despite any of the chance factors of skin color or economic status. A high hard fast ball is no respector of social credentials.

Babe Ruth, himself the product of an orphanage, lives on as a symbol of that dream in the program named in his honor.

But, even for the countless majority of young people who will never reap the rewards of professional baseball, the Babe Ruth leagues provide a richly rewarding experience; the thrill and satisfaction of competition.

It is an excellent summer outlet for the boundless energies of our young people. It stills in advance the plea of teenagers who lament, "I've got nothing to do."

I think that everyone should give their full support to this program. We as legislators should do all that we can to insure not only its continuance but its continued growth.

It clearly is a program that our Nation needs and wants.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HUGHES) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which is requested the concurrence of the Senate:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16745. An act to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipments purchased for, United States vessels in foreign countries, and for other purposes;

H.R. 17070. An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes; and

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209 (b) of the Excise Tax Reduction Act of 1965.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and programs management, and for other purposes, and it was signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16745. An act to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipments purchased for, U.S. vessels in foreign countries, and for other purposes; and

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965; to the Committee on Finance.

H.R. 17070. An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes; placed on the calendar.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill, H.R. 15628, to amend the Foreign Military Sales Act.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Kansas (Mr. DOLE).

The Senator from Maryland is recognized.

THE CAMBODIAN EXPEDITION

Mr. MATHIAS. René Dubos expressed in a recent book the fundamental perception of our religious and humanist traditions. He said:

> Each human being is unique, unprecedented, and unrepeatable.

This conviction is a premise of our national belief in the sanctity of human life. And from this faith we draw not only practical guidance in governing ourselves and our affairs, but also spiritual inspiration in sustaining our national purpose and identity as a part of mankind.

As we are all aware, this faith and commitment—which far transcends national boundaries—has been deeply eroded in the stress of battle in Southeast Asia.

The extent of the erosion—and its consequences—were vividly described to me by a young Marine lieutenant in Vietnam. His letter, written in long hand, came in with the flood of mail on Cambodia and impressed me with its eloquence—its ring of truth, earned by hard experience. I would like to read from it now:

> I am writing in support of your continued opposition to the expansion of the war into Cambodia and of your efforts to end the tragic conflict in Vietnam. The death and destruction are horrible . . . But the damage being inflicted goes far beyond the mutilation and death that have become a daily, accepted occurrence. Mr. Daniel Lang, in his book *The Casualties of War*, gives a powerful illustration of the further tragic mutilation that is happening to the minds of those who are not wounded or killed. With so much killing and brutal insensitivity, men are accepting slaughter without thought or question. Death, and with it life, are losing significance and value.
>
> I have heard my men describe with excitement and pleasure the killing of a young woman with a 50-calibre machine gun, detailing how they laughed when the woman was knocked thirty feet by the impact. To many Americans, Vietnamese have long ceased to be people. In this war we are killing our own humanity, and with its death I worry greatly over the future of the United States. As we deaden ourselves, from what source will the solutions come to our crying domestic problems?
>
> The arguments offered by the Administration in support of the Cambodian invasion have an all too haunting ring. Again the United States widens a war to end it, and with the rhetoric of disengagement expands a war accepted as a tragic period in our history. The young, and the nation, were promised a speedy end to this war. A failure on this pledge will further fracture the weakened faith that so many have in our political system. In addressing the House of Lords over the 1832 Reform Act, Lord Melbourne stated ". . . that there must come a time when both the legislative and executive powers must yield to the popular voice or be annihilated."
>
> In the interests of humanity, and for the preservation of America's people and her institutions, I strongly encourage your actions in opposing the Cambodian intervention and in ending this tragic war.
>
> Respectfully,
>
> (Name deleted),
> *1st Lt. USMCR.*

I think I understand the case made by the White House for the dispatch of troops into Cambodia. It is the military osmosis theory. It holds in effect that when a body of troops is potentially imperiled by an apparent threat in adjacent territory, the Commander in Chief may act against the danger as he sees fit. The entry into yet another country in Southeast Asia is said to be based on purely military considerations, which the Senate has no grounds to second guess—and which civilians cannot patriotically protest.

Yet the troops did not march across a topographical map; and the effects of "Operation Total Victory"—for all its classic military aplomb—will not be recorded only in textbooks of military strategy. The American troops crossed the border of Cambodia into the annals of history; and it is not a history which Americans alone will write.

Though the troops may have succeeded in their military purpose—and be celebrated in the American accounts of their undertaking—it should be remembered that they are also moving into a new phase of Asian history. And as the cruel osmosis of war extends destruction from military targets to villages, schools, hospitals and factories, our troops unconsciously take their place in a long saga of American intervention in Asia. To many of us, it may be a saga of brave battles. To Asians—even to Asians sympathetic to our country—it is often seen as a saga of disruption of an age-old cultural tapestry. It is a saga recently marked by bombing in Vietnam and Laos which has ravaged two cultures. And everywhere the military osmosis spreads, there stretches a long, bedraggled wake of refugees, who walk also under a flag of military exigency.

Combatants, particularly when insulated in airplanes far above the lands they attack, may feel a moral exemption. Eluding Asian artillery, they may feel they escape Asian judgment—and nemesis. But all of us—soldier, Senator, and citizen—will be part of this alien history despite ourselves. We will for long years remain part of the cultural consciousness of these realms that contain almost one-half the world's population and that will inevitably claim an increasing role in world politics. In years to come, every American visitor to these lands—whether his mission be business, diplomacy or charity—will suffer a chill judgment for decisions made today in the heat of battle.

This judgment may not apply so remorselessly to the acts of Asians. I condemn unreservedly the Vietcong program of assassinations in South Vietnam. I condemn the rampant atrocities at Hue. I condemn the agrarian programs in the North. I condemn the cruel exploitation of prisoners of war—and believe all should be condemned by the world. All these acts must be remembered so that they will not be repeated. But as abominable as they are, these offenses tend to take their place on a different moral registry in Asian eyes. American actions issue from an immensely powerful country thousands of miles away—with a proud claim of a higher moral concern for human life—and a record that seems to relegate Asians to a lesser human standard. Our escalations, after all, with their myriad Asian victims, are usually justified only by their promise in saving American lives. The acts of Asian Communists, on the other hand, tend to be extenuated by the very presence of an outside military force, whose footsteps echo the unhappy colonial past to the ears of many listeners.

Of course, we contend that our intervention is designed to promote "democracy." But there can be little democracy in the embattled realm of South Vietnam where General Thieu has recently closed three more newspapers. Or we say we are preserving "self-determination"—though its meaning is questionable after the long and massive American presence. Both concepts—democracy and self-determination—become phantom concepts in this distant land.

Together with the ideological illusions, our policies have been beset by strategic chimeras embracing all of Asia. On the left, the United States was said to have great imperial ambitions. Yet no one could say what we could do with our empire when we stopped bombing it. We have little business investment or other national interest. For there is nothing in Southeast Asia that we need—except the brave men who are fighting there. And many of them will never come back.

The phantom of continuing American imperialism has been opposed by the phantom of the domino theory. The Chinese Communists have contended that Communist victory in Vietnam would bring a chain of Communist victories around the world. This claim is preposterous in view of the continuing failures of Communists to make gains anywhere except in Southeast Asia where the United States has intervened. But, ironically, some Americans accept this Chinese Communist view of international reality—this Chinese vision of Communist movements everywhere looking to Vietnam for inspiration and guidance and interconnected by a kind of political telepathy.

The basic flaw of this thesis is that—contrary to the hopes of the Chinese and perhaps the fears of American hawks—Vietnam is not typical of other Asian countries. What happens there will not greatly affect other nations in the region, except to the degree they are embroiled in the war. Vietnam is virtually unique. It is the only country in the world where the Communists led an anticolonial war and won it, and thus won the mantle of national liberation. Thus we have chosen for the exemplary confrontation with the Communists that country where the Communists have greater popular support—and better claim to nationalist legitimacy—than in any other non-Communist country in the world.

Because of our massive intervention and the death of Ho Chi Minh, the situation has changed. President Eisenhower's memoirs report a CIA estimate that in 1956 Ho Chi Minh could have won 80 percent of the vote, North and South—80 percent of the vote in a phantom democratic process, establishing a Communist dictatorship. After years of Communist guerrilla activity, there is no evidence that the Vietcong are still preferred by 80 percent of the population of the South. But the Communists have increased their influence in Laos and Cambodia, and are prepared to resume effective effort in South Vietnam whenever we leave the country. The domino theory, in fact, seems to work in reverse. As we thwart the 30-year resolve of the Communists to unify Vietnam, they shift their forces to other countries in the region to maintain momentum.

This situation does not accord with the rhetoric of either side: "American imperialism," "Vietnamese self-determination," "American military victory," "South Vietnamese democracy" are all phantom concepts in this terrible conflict. The words pursue the realities and never catch them in the jungle of an all-engrossing war. Every ideal proclaimed by either side is dissolved by the cruel logic of combat. For, regardless of the phantom quality of much of our thinking about Vietnam, the bombs and the bullets are all too real. And all too real, also, are the perversions of American democracy and morality to which the war has so heavily contributed.

As part of a phased program of Congressional participation in the process of disengagement from Southeast Asia, I am therefore supporting the Cooper-Church amendment to the Military Sales Act. This amendment would prohibit resumption of military operations in Cambodia without authorization by Congress. It would in no way infringe on the true constitutional prerogatives of the Commander in Chief, which cannot be affected by statute. This amendment would merely exercise the comprehensive war powers of Congress stipulated in article I, section 8 of the Constitution, ranging from raising and regulating the Armed Forces to defining and punishing piracies and other violations of international law. A Constitution that assigns to Congress decisions relating to piracies and other limited 18th century conflict situations clearly requires congressional participation in the far more important matter of engagement of troops in a foreign country. The Senate reaffirmed this requirement in its national commitments resolution of last summer.

The United States, with all its great wealth, cannot buy moral rectitude. We can, however, earn it with sound and humane policy. We can and should mitigate the effects of our military operations by contributing to the relief of war-ravaged areas in Southeast Asia. I think, therefore, that we should take special care to assure that no action taken by the Senate may be interpreted as prohibiting the use of funds for this humane purpose. Although there are as yet no reliable statistics relating to the impact of our Cambodian operations on neutral civilians and noncombatants, it is clear from press reports that Snuol and several other villages have been destroyed and U.S. military officials in South Vietnam report arrival of some 60,000 refugees from Cambodia.

The Department of Defense has advised that specific plans were made in advance of the Cambodian expedition by U.S. troops to provide for the problems of refugees and noncombatant casualties. I was glad to know that the system in use in Vietnam for several years, providing for prompt payments to persons apparently wounded by U.S. action and the families of persons apparently killed by U.S. action, is being followed in the areas in which our troops have been involved in Cambodia. I am told, also, that the process for accepting claims for greater damages or loss is being administered through the usual military and diplomatic channels. No matter how careful any military force may be, the noncombatants who have the misfortune to reside in what suddenly becomes a war zone are always those who suffer most.

After passage of the Cooper-Church amendment, Congress should proceed to develop and enact legislation to assure expeditious withdrawal from Vietnam. We must assist the President to fulfill his expressed determination to remove all American troops from South Vietnam. At present Congress remains on the record in the Tonkin Gulf resolution as supporting an essentially military solution in the area.

Congress should repeal this enactment and all others which implicitly support the claim that the President can commit American troops to military campaigns abroad without specific congressional authorization. Then Congress should extend such specific authorization to the President to conduct military operations in South Vietnam in territory controlled by American troops, as part of a program for their complete withdrawal.

I would hope, incidentally, that such proposals would not include language implicitly suggesting that declaration of war is the chief congressional war power or that the appropriations process is the "only vehicle" available to the Congress to participate in decisions of war and peace. Clearly if Congress is to fulfill the principle espoused in the national commitments resolution, it must be able to act at any time by joint resolution to authorize or curtail military commitments abroad. A joint resolution, moreover, is as binding on the President as any other constitutionally valid enactment.

In fulfilling our constitutional responsibilities at this crucial time, we must act with deliberation as well as decisiveness, choosing the appropriate legislative instruments and employing them as judiciously as we can. We must understand that in acting to end the Vietnam war, we also may act to establish for a long time to come the terms of congressional participation in the great decisions of war and peace in the nuclear age. And we may redeem the American political process—not only in the eyes of Americans but also in the eyes of Asians—and we can fulfill our moral debt to those patriotic young Americans, such as the U.S. marine whose letter I quoted, who are spiritually stranded in a disastrous war.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. Byrd of Virginia). The question is on agreeing to amendment No. 715 proposed by the Senator from Kansas (Mr. Dole) and others to the Foreign Military Sales Act.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. Yes, they have.

Mr. MANSFIELD. I thank the Chair. We are prepared to go forward with the discussion, but before we do, let me say to the distinguished Senator from Maryland, who has just concluded a most exemplary and worthwhile speech that, speaking of the Mathias resolution on Tonkin Gulf which was originally introduced by him, and which is now pending in the name of the distinguished Senator from Kansas (Mr. Dole), it is the intention of the leadership, at the appropriate time, to call up that particular concurrent resolution. It, of course, was reported from the Committee on Foreign Relations, is on the calendar, and, what debate will not be expended at this time, will certainly proceed when the Mathias resolution is formally before the Senate.

Mr. President, I want the Senate to be on notice that with adoption of the Dole amendment—and I expect it to pass and I shall vote for it gladly—the Senate will have the opportunity to vote as well for the Mathias concurrent resolution, which has been on the calendar for over a month now.

With that brief note of explanation, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I must say to the majority leader that I believe he made an historic statement just now.

This is a resolution which I have the honor to have my name on because, indeed, with the Senator from Rhode Island (Mr. Pell), we were the first to offer this particular resolution. The Senator from Maryland (Mr. Mathias) offered an omnibus resolution on all these matters.

I think that one thing more than any other—to wit, termination of the Gulf of Tonkin resolution, even if we do it in this bill and this bill may not become law, it may go out in conference—we have the opportunity, in fairness to the chairman whose heart is in this, to show our views on it now, which is very important, because once we dispel this, and the majority leader has put his finger on the thing which is agitating the country, then we are even.

The President stands where he stands under the Constitution. We stand where we stand under the Constitution. No one has an old piece of paper to wave under anyone else's nose. This could do more to restore balance to this debate than any other single thing we can contribute in Congress.

I express my deep appreciation—and the country will, when it realizes what has been done here—to the distinguished majority leader for his consistency in this particular matter.

Mr. CHURCH. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. CHURCH. I join the Senator from New York in his remarks. I think it is appropriate for the Senate to act on the separate concurrent resolution which has been reported by the Committee on Foreign Relations, just to make certain that if this bill fails to emerge from conference, and if it fails to reach the President's desk, the separate repealer would have a chance to do so.

I do not know how the Senate could give greater emphasis to its desire to repeal the Gulf of Tonkin resolution than to do it twice.

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Mr. MANSFIELD. May I say, especially in view of the fact that the President and the administration, likewise, favor the repeal of the Gulf of Tonkin resolution, that this is one time that we can, without any if's, and's, or but's, work in harmony.

May I say, also, before I yield to the distinguished Senator from Arizona (Mr. GOLDWATER) that the distinguished gentleman from Kansas has every right as a Senator to offer this amendment. But, by the same token, the extensive consideration, the numerous hearings, and the calling and questioning of witnesses on this matter by the Committee on Foreign Relations likewise has every right to be presented and heard. In that connection, the concurrent resolution came out of the committee by an overwhelming vote. I therefore want to assure the Senate that, as a separate proposal, it will be brought up at the appropriate time so that the Senate can work its will on that particular piece of legislation—as we will, hopefully and in the affirmative, on the pending amendment.

Mr. GOLDWATER. Mr. President, I ask this question of the majority leader only as a single Member of this body. But there is so much importance attached to the repeal of the Gulf of Tonkin resolution that I wonder, would it be improper to suggest that the pending business be laid aside and that we take up the Mathias resolution at this time?

Mr. MANSFIELD. It certainly is proper to make that request but, regretfully, I will have to decline because I have stated that it is not the intention of the Senator from Montana to lay aside the pending legislation until it is disposed of in orderly fashion and in harmony with the "5-o'clock shadow" arrangement which has been worked out by the joint leadership.

Mr. GOLDWATER. I asked the question for two reasons. One, it is rather obvious to most Senators here, who want to see the resolution done away with, as does the President, that we have the rather pressing problem of the extension of the debt limit which I think depends a great deal upon the annual calendar for its passage. Am I wrong on that?

Mr. MANSFIELD. That is true. It expires at the end of this month. If something is not done, the debt ceiling reverts from $370 billion or $380 billion down to around $365 billion, as I recall. What the administration is requesting is an $18-billion increase above the ceiling which expires at the end of this month. However, we could always consider the possibility of a continuing resolution on the debt ceiling, to keep it at the present level while we dispose of the arms sales legislation pending before the Senate, which I think is itself long overdue—having already gone 6 weeks. As well as I can determine, there is an amendment to be offered by the Senator from Iowa (Mr. MILLER), an amendment to be offered by the Senator from Washington (Mr. MAGNUSON) dealing with the shipment of gas from Okinawa to the United States. There is an amendment to be offered by the Senator from Indiana (Mr. HARTKE) dealing with the Greek situation, and an amendment to be offered by the distinguished acting minority leader, the Senator from Michigan (Mr. GRIFFIN), on which he is keeping his options open.

Mr. GOLDWATER. Mr. President, I might say that I have an amendment which I might call up. I have not made up my mind as yet. I was trying to figure out a timetable. We have a weekend coming up and long night sessions. The 5 o'clock agreement has pretty well precluded any discussion of the Cooper-Church amendment. It is, I might say, a built-in filibuster in a way. I know that it was not intended that way.

We have to get on with the business of the Senate. And I admire the majority leader for making the suggestion. However, would it be possible, in the opinion of the majority leader, that we might get to a vote on the Dole amendment sometime this afternoon?

Mr. MANSFIELD. I would think so.

Mr. FULBRIGHT. Mr. President, there are not many Senators here. I thought that some debate should develop a little later on.

Mr. MANSFIELD. But is there a possibility of getting a vote this afternoon?

Mr. FULBRIGHT. I do not know. The Senate has been debating the Cooper-Church proposal for 6 weeks now. The pending amendment is perhaps a more important one. I think that it should be discussed. If it were taken up and considered as a concurrent resolution, it would have, of course, a few hours of discussion.

As the Senator from New York has said, this involves an important constitutional question. It has constitutional implications as between the rights and responsibilities of the Senate and of the President.

Mr. MANSFIELD. Mr. President, may I say that I would hope we would be able to vote on the Dole amendment this afternoon and perhaps on one other. Whether we will be able to do so remains to be seen. However, if we do not finish the pending business by the time we adjourn on the second of July, we shall have to come back to this matter after we return from a very brief Independence Day recess.

As far as I am concerned, it really makes no difference. I do hate to see the Senate operate on a 12-hour basis. If we stopped to consider the welfare of this institution and, incidentally, the administration, all Senators would be far better off by cooperating to expedite the business in an orderly way so that we would not have to undergo 12-hour sessions.

My wife is in Montana. I have lots of time. I sleep very well. I do not need too much slumber in fact to be reinvigorated each morning. But I think that the Senate ought to be aware of what confronts it. Only the Senate can change what has occurred by showing a little more sense, by employing fewer dilatory procedures, and by demonstrating a little more consideration.

Mr. GOLDWATER. Mr. President, I might suggest that we went into session at 10 o'clock this morning and have stood in recess, as we did yesterday. It would be my thought that someone could have been on the floor from among those who support the Cooper-Church amendment or oppose the Dole amendment and spent some time discussing those amendments, instead of waiting until 2:30, at which time there is two and a half hours left in which to discuss the matter. And knowing the gentlemen involved in the discussion, two and a half hours go by rather fleetingly.

Mr. MANSFIELD. That is true. And the older one gets, the faster time goes. But I would point out that there have been dilatory tactics used on the Republican side and, I must say incidentally, on the Democratic side as well.

Sometimes I think we act like school boys who have not been instructed by the teacher as to how to conduct ourselves.

Mr. AIKEN. Mr. President, the Senator is referring to 17-year-olds and not 18-year-olds.

Mr. MANSFIELD. 17-year-olds, yes.

Mr. FULBRIGHT. Mr. President, the Senator mentioned a lot of other amendments, possibly one by the Senator from Arizona.

I would be very willing to have a limitation on debate on all other amendments. However, after 6 weeks of filibustering on the Cooper-Church amendment, it seems to be very unfair to have a time limitation on this amendment.

If the Senator wants to ask for unanimous consent on all other amendments so that we can bring the bill to a vote before the 1st of July, I would not object.

I understood generally, without it being in writing, that the Senator from Kansas (Mr. DOLE) and others were engaging in a filibuster until July 1 so that they could then say that the troops are out of Cambodia. That was a sort of tacit understanding. Nothing could be done about it, and I was not about to try.

Mr. MANSFIELD. Mr. President, I cannot understand the argument for prolonging the debate on the legislation until the troops are out of Cambodia by the first of next month. They will be out; I am very sure of that. I believe implicitly what the President has said. But the Cooper-Church amendment does not go into effect until that happens.

The Senator from Arkansas made a very good suggestion. And frankly, let me say before I approach the acting minority leader with a unanimous-consent proposal, that in my opinion the Senator from Kansas (Mr. DOLE) was not delaying the Senate on yesterday. He was prepared to have a vote on his amendment. The delay came from our side of the aisle.

Mr. President, I should like to have the attention of the acting minority leader while I propose a unanimous-consent request that there be 2 hours spent on each amendment hereafter and 6 hours on the bill.

Mr. GRIFFIN. Mr. President, let me respond to the majority leader in this way. As he well knows, there are a number of amendments to be offered on our side. I certainly could not respond without checking with members on our side. And I will be glad to do that and will try

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to give the majority leader some kind of answer later on in the day.

Mr. MANSFIELD. Mr. President, that is fair enough. Would it be possible on the Democratic side for the distinguished Senator from Arkansas to agree to a time limitation on the Dole amendment, so that in that way a good precedent might be set and the other side perhaps could agree?

Mr. FULBRIGHT. Mr. President, if the Senator could cite me a good example of a good precedent in the Senate, I would be glad to do so.

Mr. MANSFIELD. I probably could. But it would probably take a week to do so.

Mr. FULBRIGHT. If the Senator can cite an example, I would be glad to do so.

Mr. MANSFIELD. Then, the answer is no.

Mr. FULBRIGHT. The Senator is correct. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for the Senate to adjourn until 10 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR HANSEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the disposition of the Journal tomorrow the distinguished Senator from Wyoming (Mr. Hansen) be recognized for not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH AND SENATOR FULBRIGHT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the remarks of the Senator from Wyoming (Mr. Hansen) tomorrow the Senator from Idaho (Mr. Church) and the Senator from Arkansas (Mr. Fulbright) be recognized for not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the two distinguished Senators just referred to, there be a period for the transaction of routine morning business tomorrow with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. Byrd of Virginia). The question is on agreeing to the amendment of the Senator from Kansas (Mr. Dole).

Who seeks recognition?

Mr. FULBRIGHT. Mr. President, I had hoped that particularly the Senator from North Carolina (Mr. Ervin) and the Senator from Mississippi (Mr. Stennis) could participate in the consideration of this repeal of the Gulf of Tonkin resolution because it is essentially a constitutional question.

Mr. STENNIS. Mr. President, may we have order down in the well and elsewhere in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. Mr. President, I know the Senator from Mississippi is deeply interested in this question and I know the Senator from North Carolina (Mr. Ervin) is deeply interested in it.

Mr. President, this is a constitutional question which, as I see it, primarily involves the role of the Senate in our constitutional system. This has been the central question, highlighted by the passage of the Gulf of Tonkin resolution. It is far more important than just what it, in itself, may do, and what effect it may have on the war in Vietnam or Cambodia. It is part of the situation to which the commitments resolution last year was directed.

To put it another way, the question involved is: Does the Senate, as part of the Congress, still have, under the Constitution, the responsibility for the declaration of war, the initiation of war? I think it does. This is a matter about which it is difficult to be precise. I do not think that, by the neglect of the exercise of a constitutional power, it is lost, or that my saying it or anyone else saying it changes the Constitution; but we can create a psychology, an attitude on the part of the Senate, so that they simply decline to exercise or use a particular power. That is the point I was making yesterday.

I do not like to proceed simply to give a speech I have already gone over and that has been ready a long time without the participation in the discussion by Senators such as the Senator from North Carolina, who has spent a great deal of time on this matter and who is recognized as a great authority and expert on the Constitution. I have a few remarks to make and I do hope the Senator from North Carolina and the Senator from Mississippi will participate.

Before I start my prepared speech I want to say one word about the comments of the distinguished Senator from New Hampshire last night, which apparently received a great reaction from Members of the Senate. Unfortunately, I did not have any notice that he was going to speak so fully about an incident and the comments I had made, but in the Record which I saw this morning I am bound to say I think the distinguished Senator from New Hampshire misconstrued the whole thrust of my objection to the consideration of the Dole amendment at this time.

He said, as shown on page 20823 of the Record, that I was objecting to the amendment because hearings had not been held on it. He stated:

> I heard him tell the Senator from Kansas that because of the fact that he had not been here long, he had not come to realize the real values and traditions of this noble body which, said the Senator from Arkansas, reposed in the committee, and that the audacity that the distinguished Senator from Kansas in his youthful exuberance had displayed in daring to offer an amendment on the floor that had not been considered in the great Committee on Foreign Relations was something that clearly needed to be rebuked.

Well, of course, I do not think I said that at all. I certainly did not intend to say that. On the contrary, I said the opposite, that this matter had been considered at length by hearings and in executive sessions of the committee. I said a thorough and a good report had been issued on it. The last thing I would say was that it did not have any hearings.

My objection is that, having done it in the regular fashion, having been given adequate and full hearings, having had the proposal reported by the committee, it ought to be considered by the Senate in a regular manner with some notice to the Members involved. We certainly had no notice that it would be brought up in this way. The matter ought to be considered on the basis of the report and the reasoning that had gone into the report, and, if there were disagreement, it might then be contested and argued and debated on the floor in an orderly manner.

As I have already indicated, it strikes me that the most important part of this consideration is the understanding that is generated by a debate on the Senate floor by such colleagues as the Senator from North Carolina (Mr. Ervin), the Senator from Mississippi (Mr. Stennis), the Senator from Kansas (Mr. Dole), the Senator from New Hampshire (Mr. Cotton), who is also a very distinguished legal mind, or other Senators. All I wish to do is correct the Record, that I was not complaining that the Foreign Relations Committee had not heard this amendment. I was complaining that, having heard it at length, its actions should be given some deference here, that is, it should be recognized as a standing committee created by the rules of the Senate, and what it does should be taken seriously enough to be heard in the regular order.

So the criticism or suggestion that I was complaining about its not having been heard was in error, as a matter of fact.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COTTON. The Senator from Arkansas is completely correct. As a matter

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of fact, my recollection is that I did say that in this particular case it had been considered by the Committee on Foreign Relations, but that the Senator from Arkansas, I thought, was unnecessarily rebuking the Senator from Kansas because he presumed to have anticipated that report and offered in advance an amendment dealing with that matter. The Senator is absolutely right about his position, and the Senator from New Hampshire intended to represent it in that manner.

Mr. FULBRIGHT. Well, later, in a different part of his statement, the Senator from New Hampshire does refer to the fact, which appears a little later on down on the same page, and I will read it:

> Then one by one, we have had all of these amendments. And I do not doubt that they are worthy amendments. Like Brutus, they are all honorable, but I do so wish that the distinguished Senator from Arkansas who undertook to rebuke and to look down his nose at the poor young Senator from Kansas who dared to offer an amendment on the floor of this body that had not been offered and considered by the Committee on Foreign Relations, were here. As a matter of fact, it had been considered by the great, sanctified Committee on Foreign Relations.

Well, if I looked down my nose, I was not aware of it, but, anyway, the Senator from Kansas is a very eloquent orator, and I noticed he got a number of laughs, which is most unusual. If anyone has talent enough to generate a laugh in times like this, he deserves a "chromo," as my mother used to say, and the Senator from Kansas has brought a talent to this body unequaled by anybody.

But, to set the record straight, I was not complaining that this matter had not had a hearing. It had had a hearing. What I was complaining about was that the Senator had chosen to ignore this body's own constituted committee. That is not comparable to the situation of offering an amendment on the floor to an appropriations or any other bill that has not had a hearing by anybody at all. That is quite a different matter. At least that I think should be kept straight.

Mr. President, I understand that the distinguished Senator from Missouri (Mr. EAGLETON) had, by prearrangement, an understanding with the Senator from Kansas, to whom he wished to put certain questions. I ask unanimous consent that I may yield to the Senator from Missouri without losing my right to the floor, for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Missouri.

Mr. EAGLETON. I thank the distinguished Senator from Arkansas for his courtesy. I would like to propound certain questions to the Senator from Kansas, the author and principal sponsor of amendment No. 715.

Mr. STENNIS. Mr. President, will the Senator yield to me for a question?

Mr. EAGLETON. I am pleased to yield.

Mr. STENNIS. Mr. President, I do not object to this procedure, but I came here really to hear the Senator from Arkansas. May I ask him when he expects to resume the floor?

Mr. EAGLETON. Mr. President, I hope the Senator from Mississippi will remain for a few minutes to hear some pearls of wisdom from me.

Mr. STENNIS. I had another, mandatory meeting, and I really should be there, but I will remain for now.

Mr. EAGLETON. Mr. President, I think it would be of interest for the Senate to discover what might follow in the wake of the repeal of the Gulf of Tonkin resolution, which is the gravamen of the Dole Amendment No. 715. Perhaps the best way to get at that would be to propound some questions to the principal author of the amendment (Mr. DOLE). If he would be so kind as to respond to these questions, then perhaps we might see a little better down the road where we would be if the amendment were adopted and subsequently enacted by the House and later signed by the President.

First, I would like to ask, in the opinion of the Senator from Kansas, under what authority troops are presently stationed or found in Southeast Asia.

Mr. DOLE. Let me respond with the knowledge gained in the short time I have been in the Senate. The Senator from Missouri and I arrived at the same time.

On July 1, 1964, there were approximately 17,000 troops in Vietnam. At the end of August 1964 there were 18,000 troops in South Vietnam. By June of 1965 there were some 52,000 troops in Vietnam.

It is my understanding that the Johnson administration and the Kennedy administration based their commitment in Vietnam on a number of factors: First, the Southeast Asia Treaty, which was almost unanimously approved by the Senate; second, pledges made of promised support by three successive Presidents of the United States; third, an assistance program that was granted annually beginning in 1965 by a bipartisan majority in both Houses of Congress; fourth, the declaration which we joined our SEATO and ANZUS allied in making; fifth, our ministerial council meetings in 1964 and 1965; and finally, of course, the Gulf of Tonkin resolution itself, which was approved August 10, 1964, by a combined vote of the House of Representatives and the Senate of 514 to 2.

Mr. EAGLETON. I thank the Senator for his recitation of how the Johnson and Kennedy administrations, especially the Johnson administration, may have viewed their authorization to go into Southeast Asia; but my question to the Senator from Kansas, as author of amendment 715, was under what authority is the present President, in the month of June 1970, found in Southeast Asia? What does he consider to be the present authority for the presence of American troops in South Vietnam?

Mr. DOLE. I would suggest that the representation just made would indicate, of course, that they were there in January of 1969, when President Nixon took office. I considered and voted for the Gulf of Tonkin resolution as a Member of the other body and am aware of that resolution. I frankly did not consider it necessary at that time, to become more involved in South Vietnam. It may have been necessary at that time, as the Senator from Arkansas and others pointed out, to give some direction and support to the President of the United States.

That was during a time of escalation, I might say to the Senator from Missouri. The Gulf of Tonkin resolution was an instrument of escalation. It was sort of the "get in" resolution passed by Congress. Now we are in the process of getting out. We are not in the process of escalation at this time, so I do not know quite how to respond to the question of the Senator from Missouri, except to say that now we are now deescalating. We are bringing troops home. The troop level has been reduced by 115,500 men. Another 50,000 reduction has been announced and will be carried out by October 15; and another 100,000 by next May 1. Now we are in a process of disengagement; we are not in a process of escalation. I would point out, the committee report which accompanied the resolution to the Senate floor in August of 1964, contained the following statement:

> Senate Joint Resolution 189 is patterned quite closely upon precedents afforded by similar resolutions: the Formosa resolution of 1955, the Middle East resolution of 1957, and the Cuba resolution of 1962.
>
> The phrasing in section 2, "in accordance with its obligations under the Southeast Asia Collective Defense Treaty," comprehends the understanding in that treaty that the U.S. response in the context of article IV(1) is confined to Communist aggression. It should also be pointed out that U.S. assistance, as comprehended by section 2, will be furnished only on request and only to a signatory or a state covered by the protocol to the SEATO Treaty. The protocol states are Laos, Cambodia, and South Vietnam.

So I say that the Tonkin Gulf resolution was only one in a series of justifications or reasons for commitment in South Vietnam, and that as to its repeal, as stated on March 12, 1970, in a letter from H. D. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, addressed to the Honorable J. WILLIAM FULBRIGHT, chairman of the Committee on Foreign Relations:

> We neither advocate nor oppose congressional action—with reference to the Tonkin Gulf resolution.

The point, I might say, is that this administration has not relied upon the Gulf of Tonkin resolution and does not now rely upon the Gulf of Tonkin resolution. I assume the Senator from Missouri favors repeal of the Gulf of Tonkin resolution, as does the Senator from Kansas. There is no opposition to its repeal from the administration. They are not relying on the Gulf of Tonkin resolution. They have not relied on the Gulf of Tonkin resolution. There has been no escalation by this administration. There has been no escalation in the number of troops nor in the bombing.

That is my response.

Mr. FULBRIGHT. Mr. President, could I interject, just to clarify, this inquiry? The Senator says they do not rely on it. What do they rely on?

Mr. DOLE. I am not certain, but I believe they rely primarily on the fact

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that, on January 20, 1969, there were 550,000 troops in Southeast Asia, and the President is charged with their protection in the exercise of his authority as Commander in Chief.

I believe the President relies on the facts, and the facts have been cited, and the President is in the process of disengagement, not as rapidly as some would like, but I believe he is relying on the fact that we were there, that when he took the oath of office American troops were there, and that he had a duty as Commander in Chief, which we have discussed at some length in the past several weeks, not only to protect American troops but, in accordance with a plan announced last May, to pursue the success of the Vietnamization program and to bring those troops home.

Mr. EAGLETON. Mr. President, I am not quite certain I fathom what the Senator is saying. If I am doing him an injustice, I am sure he will correct me, but I take it he is saying that one item we can definitely eliminate is the Gulf of Tonkin resolution, that the President of the United States under no circumstances and under no set of facts says he is relying on the Gulf of Tonkin resolution at all; is that correct?

Mr. DOLE. From what I understand of the administration's position, I think that is correct.

Mr. EAGLETON. There are 400,000-plus troops now in South Vietnam, in various stages of demobilization, deescalation, or whatever term is applicable, but there are 400,000-plus troops there. I take it they are there under some authority, either constitutional, statutory, or by treaty. Is that correct?

Mr. DOLE. That is right. Basically it is constitutional authority—the same constitutional authority President Kennedy had, President Truman had, President Eisenhower had, and President Johnson had.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOLE. The Senator from Missouri has the floor. Will he yield to the Senator from Arizona?

Mr. EAGLETON. Mr. President, I would like to finish this series of interrogations first, if I may.

May we eliminate, by the process of elimination, some of the others? We have eliminated the Gulf of Tonkin resolution. That is not our authorization for being there.

Mr. DOLE. If I might respond. That may have been used at the time as a justification for having more troops there. At that time, as I recall, we were, of course, threatened. The *Turner Joy*, the *Maddox*, and other ships were threatened on the high seas; at least that was the report many of us had. We believed that report, and some of us still believe it. But the Gulf of Tonkin resolution was important because it did give new impetus; it did provide a rallying point for America; and it gave President Johnson an opportunity, which I supported, to increase the number of troops in South Vietnam, with congressional support.

Let me say that President Johnson did consult with the leaders. He consulted with the leaders of the House of Representatives and the Senate after there had already been retaliation, but there was consultation. The Gulf of Tonkin resolution was used quite broadly. I shared some of the apprehension of the Senator from Arkansas with reference to its interpretation, and perhaps some of the abuses, of the Gulf of Tonkin resolution. But we were there, American military personnel were in South Vietnam prior to the Gulf of Tonkin resolution, this is the point I am making, so we do not rely on it for getting out.

Mr. EAGLETON. Mr. President, I am a bit more confused now. I thought I was on the track of clarification.

At the time of the Gulf of Tonkin resolution, which was passed in August 1964, there were in South Vietnam some 20,000-odd troops

Mr DOLE. I beg the Senator's pardon.

Mr. EAGLETON. At the time of the Gulf of Tonkin resolution, in August 1964, am I correct that there were some 20,000 troops in South Vietnam?

Mr. DOLE. That is right. I mistakenly said earlier 180,000. There were about 18,000

Mr. FULBRIGHT. 16,000 to 18,000.

Mr. EAGLETON. 18,000 or 20,000 at the time of the Gulf of Tonkin resolution; and there are today in excess of 400,000 troops in South Vietnam—which I admit, of course, is a reduction from the high of 550,000 plus.

But my question again is, does President Nixon, insofar as the Senator knows, rely on the Gulf of Tonkin resolution as has authorization for having more than 400,000 troops in South Vietnam?

Mr. DOLE. Of course, I am not certain what the President may have in mind, but it may be well, at this point, to have printed in the Record, if the Senator from Missouri has no objection, a paper entitled "Legality of United States Participation In Defense of Vietnam," prepared by the Department of State, Office of the Legal Adviser, dated March 4, 1966, which covers the very basic questions now being asked. I can recite from that document, but it might be well to have it in the Record in full.

Mr. EAGLETON. Mr. President, I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

The Legality of United States Participation in the Defense of Viet-Nam

(This legal memorandum was prepared by Leonard C. Meeker, Legal Adviser of the Department, and was submitted to the Senate Committee on Foreign Relation on March 8.)

I. THE UNITED STATES AND SOUTH VIET-NAM HAVE THE RIGHT UNDER INTERNATIONAL LAW TO PARTICIPATE IN THE COLLECTIVE DEFENSE OF SOUTH VIET-NAM AGAINST ARMED ATTACK

In response to requests from the Government of South Viet-Nam, the United States has been assisting that country in defending itself against armed attack from the Communist North. This attack has taken the forms of externally supported subversion, clandestine supply of arms, infiltration of armed personnel, and most recently the sending of regular units of the North Vietnamese army into the South.

International law has long recognized the right of individual and collective self-defense against armed attack. South Viet-Nam and the United State are engaging in such collective defense consistently with international law and with United States obligations under the United Nations Charter.

A. South Viet-Nam is being subjected to armed attack by Communist North Viet-Nam

The Geneva accords of 1954 established a demarcation line between North Viet-Nam and South Viet-Nam.[1] They provided for withdrawals of military forces into the respective zones north and south of this line. The accords prohibited the use of either zone for the resumption of hostilities or to "further an aggressive policy."

During the 5 years following the Geneva conference of 1954, the Hanoi regime developed a covert political-military organization in South Viet-Nam based on Communist cadres it had ordered to stay in the South, contrary to the provisions of the Geneva accords. The activities of this covert organization were directed toward the kidnaping and assassination of civilian officials—acts of terrorism that were perpetrated in increasing numbers.

In the 3-year period from 1959 to 1961, the North Viet-Nam regime infiltrated an estimated 10,000 men into the South. It is estimated that 13,000 additional personnel were infiltrated in 1962, and, by the end of 1964, North Viet-Nam may well have moved over 40,000 armed and unarmed guerrillas into South Viet-Nam.

The International Control Commission reported in 1962 the findings of its Legal Committee:

"There is evidence to show that arms, armed and unarmed personnel, munitions and other supplies have been sent from the Zone in the North to the Zone in the South with the objective of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the Armed Forces and Administration of the Zone in the South.

"There is evidence that the PAVN [People's Army of Viet Nam] has allowed the Zone in the North to be used for inciting, encouraging and supporting hostile activities in the Zone in the South, aimed at the overthrow of the Administration in the South."

Beginning in 1964, the Communists apparently exhausted their reservoir of Southerner's who had gone North. Since then the greater number of men infiltrated into the South have been native-born North Vietnamese. Most recently, Hanoi has begun to infiltrate elements of the North Vietnamese army in increasingly larger numbers. Today, there is evidence that nine regiments of regular North Vietnamese forces are fighting in organized units in the South.

In the guerrilla war in Viet-Nam, the external aggression from the North is the critical military element of the insurgency, although it is unacknowledged by North Viet-Nam. In these circumstances, an "armed attack" is not as easily fixed by date and hour as in the case of traditional warfare. However, the infiltration of thousands of armed men clearly constitutes an "armed attack" under any reasonable definition. There may be some question as to the exact date at which North Viet-Nam's aggression grew into an "armed attack," but there can be no doubt that it had occurred before February 1965.

B. International law recognizes the right of individual and collective self-defense against armed attack

International law has traditionally recognized the right of self-defense against armed attack. This proposition has been asserted by writers on international law through the several centuries in which the modern law of nations has developed. The proposition has

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Footnotes at end of article.

been acted on numerous times by governments throughout modern history. Today the principle of self-defense against armed attack is universally recognized and accepted.[2]

The Charter of the United Nations, concluded at the end of World War II, imposed an important limitation on the use of force by United Nations members. Article 2, paragraph 4, provides:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

In addition, the charter embodied a system of international peacekeeping through the organs of the United Nations. Article 24 summarizes these structural arrangements in stating that the United Nations members:

"Confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

However, the charter expressly states in article 51 that the remaining provisions of the charter—including the limitation of article 2, paragraph 4, and the creation of United Nations machinery to keep the peace—in no way diminish the inherent right of self-defense against armed attack. Article 51 provides:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Thus, article 51 restates and preserves, for member states in the situations covered by the article, a long-recognized principle of international law. The article is a "saving clause" designed to make clear that no other provision in the charter shall be interpreted to impair the inherent right of self-defense referred to in article 51.

Three principal objections have been raised against the availability of the right of individual and collective self-defense in the case of Viet-Nam: (1) that this right applies only in the case of an armed attack on a United Nations member; (2) that it does not apply in the case of South Viet-Nam because the latter is not an independent sovereign state; and (3) that collective self-defense may be undertaken only by a regional organization operating under chapter VIII of the United Nations Charter. These objections will now be considered in turn.

C. The right of individual and collective defense applies in the case of South Viet-Nam whether or not that country is a member of the United Nations

1. South Viet-Nam enjoys the right of self-defense.—The argument that the right of self-defense is available only to members of the United Nations mistakes the nature of the right of self-defense and the relationship of the United Nations Charter to international law in this respect. As already shown, the right of self-defense against armed attack is an inherent right under international law. The right is not conferred by the charter, and, indeed, article 51 expressly recognizes that the right is inherent.

The charter nowhere contains any provision designed to deprive nonmembers of the right of self-defense against armed attack.[3] Article 2, paragraph 6, does charge the United Nations with responsibility for insuring that nonmember states act in accordance with United Nations "principles so far as may be necessary for the maintenance of international peace and security." Protection against aggression and self-defense against armed attack are important elements in the whole charter scheme for the maintenance of international peace and security. To deprive nonmembers of their inherent right of self-defense would not accord with the principles of the organization, but would instead be prejudicial to the maintenance of peace. Thus article 2, paragraph 6—and, indeed, the rest of the chapter—should certainly not be construed to nullify or diminish the inherent defensive rights of nonmembers.

2. The United States has the right to assist in the defense of South Viet-Nam although the latter is not a United Nations member.—The cooperation of two or more international entities in the defense of one or both against armed attack is generally referred to as collective self-defense. United States participation in the defense of South Viet-Nam at the latter's request is an example of collective self-defense.

The United States is entitled to exercise the right of individual or collective self-defense against armed attack, as that right exists in international law, subject only to treaty limitations and obligations undertaken by this country.

It has been urged that the United States has no right to participate in the collective defense of South Viet-Nam because article 51 of the United Nations Charter speaks only of the situation "if an armed attack occurs *against a Member of the United Nations.*" This argument is without substance.

In the first place, article 51 does not impose restrictions or cut down the otherwise available rights of United Nations members. By its own terms, the article preserves an inherent right. It is therefore, necessary to look elsewhere in the charter for any obligation of members restricting their participation in collective defense of an entity that is not a United Nations member.

Article 2, paragraph 4, is the principal provision of the charter imposing limitations on the use of force by members. It states that they:

"Shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Action taken in defense against armed attack cannot be characterized as falling within this proscription. The record of the San Francisco conference makes clear that article 2, paragraph 4, was not intended to restrict the right of self-defense against armed attack.[4]

One will search in vain for any other provision in the charter that would preclule United States participation in the collective defense of a nonmember. The fact that article 51 refers only to armed attack "against a Member of the United Nations" implies no intention to preclude members from participating in the defense of nonmembers. Any such result would have seriously detrimental consequences for international peace and security and would be inconsistent with the purposes of the United Nations as they are set forth in article 1 of the charter.[5] The right of members to participate in the defense of nonmembers is upheld by leading authorities on international law.[6]

D. The right of individual and collective self-defense applies whether or not South Vietnam is regarded as an independent sovereign state

1. South Viet-Nam enjoys the right of self-defense.—It has been asserted that the conflict in Viet-Nam is "civil strife" in which foreign intervention is forbidden. Those who make this assertion have gone so far as to compart Ho Chi Minh's actions in Viet-Nam with the efforts of President Lincoln to preserve the Union during the American Civil War. Any such characterization is an entire fiction disregarding the actual situation in Viet-Nam. The Hanoi regime is anything but the legitimate government of a unified country in which the South is rebelling against lawful national authority.

The Geneva accords of 1954 provides for a division of Viet-Nam into two zones at the 17th parallel. Although this line of demarcation was intended to be temporary, it was established by international agreement, which specifically forbade aggression by one zone against the other.

The Republic of Viet-Nam, in the South has been recognized as a separate international entity by approximately 60 governments the world over. It has been admitted as a member of a number of the specialized agencies of the United Nations. The United Nations General Assembly in 1957 voted to recommend South Viet-Nam for membership in the organization, and its admission was frustrated only by the veto of the Soviet Union in the Security Council.

In any event there is no warrant for the suggestion that one zone of a temporarily divided state—whether it be Germany, Korea, or Viet-Nam—can be legally overrun by armed forces from the other zone, crossing the internationally recognized line of demarcation between the two. Any such doctrine would subvert the international agreement establishing the line of demarcation, and would pose grave dangers to international peace.

The action of the United Nations in the Korean conflict of 1950 clearly established the principle that there is no greater license for one zone of a temporarily divided state to attack the other zone than there is for one state to attack another state. South Viet-Nam has the same right that South Korea had to defend itself and to organize collective defense against an armed attack from the North. A resolution of the Security Council dated June 25, 1950, noted "with grave concern the armed attack upon the Republic of Korea by forces from North Korea," and determined "that this action constitutes a breach of the peace."

2. The United States is entitled to participate in the collective defense of South Viet-Nam whether or not the latter is regarded as an independent sovereign state.—As stated earlier, South Viet-Nam has been recognized as a separate international entity by approximately 60 governments. It has been admitted to membership in a number of the United Nations specialized agencies and has been excluded from the United Nations Organization only by the Soviet veto.

There is nothing in the charter to suggest that United Nations members are precluded from participating in the defense of a recognized international entity against armed attack merely because the entity may lack some of the attributes of an independent sovereign state. Any such result would have a destructive effect on the stability of international engagements such as the Geneva accords of 1954 and on internationally agreed lines of demarcation. Such a result, far from being in accord with the charter and the purposes of the United Nations, would undermine them and would create new dangers to international peace and security.

E. The United Nations Charter does not limit the right of self-defense to regional organizations

Some have argued that collective self-defense may be undertaken only by a regional arrangement or agency operating under chapter VIII of the United Nations Charter. Such an assertion ignores the structure of the charter and the practice followed in the more than 20 years since the founding of the United Nations.

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The basic proposition that rights of self-defense are not impaired by the charter—as expressly stated in article 51—is not conditioned by any charter provision limiting the application of this proposition to collective defense by a regional arrangement or agency. The structure of the charter reinforces this conclusion. Article 51 appears in chapter VII of the charter, entitled "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," whereas chapter VIII, entitled "Regional Arrangements," begins with article 52 and embraces the two following articles. The records of the San Francisco conference show that article 51 was deliberately placed in chapter VII rather than chapter VIII, "where it would only have a bearing on the regional system." [7]

Under article 51, the right of self-defense is available against any armed attack, whether or not the country attacked is a member of a regional arrangement and regardless of the source of the attack. Chapter VIII, on the other hand, deals with relations among members of a regional arrangement or agency, and authorizes regional action as appropriate for dealing with "local disputes." This distinction has been recognized ever since the founding of the United Nations in 1945.

For example, the North Atlantic Treaty has operated as a collective security arrangement, designed to take common measures in preparation against the eventuality of an armed attack for which collective defense under article 51 would be required. Similarly, the Southeast Asia Treaty Organization was designed as a collective defense arrangement under article 51. Secretary of State Dulles emphasized this in his testimony before the Senate Foreign Relations Committee in 1954.

By contrast, article 1 of the Charter of Bogotá (1948), establishing the Organization of American States, expressly declares that the organization is a regional agency within the United Nations. Indeed, chapter VIII of the United Nations Charter was included primarily to take account of the functioning of the inter-American system.

In sum, there is no basis in the United Nations Charter for contending that the right of self-defense against armed attack is limited to collective defense by a regional organization.

F. The United States has fulfilled its obligations to the United Nations

A further argument has been made that the members of the United Nations have conferred on United Nations organs—and, in particular, on the Security Council—exclusive power to act against aggression. Again, the express language of article 51 contradicts that assertion. A victim of armed attack is not required to forgo individual or collective defense of its territory until such time as the United Nations organizes collective action and takes appropriate measures. To the contrary, article 51 clearly states that the right of self-defense may be exercised "*until* the Security Council has taken the measures necessary to maintain international peace and security." [8]

As indicated earlier, article 51 is not literally applicable to the Viet-Nam situation since South Viet-Nam is not a member. However, reasoning by analogy from article 51 and adopting its provisions as an appropriate guide for the conduct of members in a case like Viet-Nam, one can only conclude that United States actions are fully in accord with this country's obligations, as a member of the United Nations.

Article 51 requires that:

"Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

The United States has reported to the Security Council on measures it has taken in countering the Communist aggression in Viet-Nam. In August 1964 the United States asked the Council to consider the situation created by North Vietnamese attacks on United States destroyers in the Tonkin Gulf.[9] The Council thereafter met to debate the question, but adopted no resolutions. Twice in February 1965 the United States sent additional reports to the Security Council on the conflict in Viet-Nam and on the additional measures taken by the United States in the collective defense of South Vietnam.[10] In January 1966 the United States formally submitted the Viet-Nam question to the Security Council for its consideration and introduced a draft resolution calling for discussions looking toward a peaceful settlement on the basis of the Geneva accords.[11]

At no time has the Council taken any action to restore peace and security in Southeast Asia. The Council has not expressed criticism of United States actions. Indeed, since the United States submission of January 1966, members of the Council have been notably reluctant to proceed with any consideration of the Viet-Nam question.

The conclusion is clear that the United States has in no way acted to interfere with United Nations consideration of the conflict in Viet-Nam. On the contrary, the United States has requested United Nations consideration, and the Council has not seen fit to act.

G. International law does not require a declaration of war as a condition precedent to taking measures of self-defense against armed attack

The existence or absence of a formal declaration of war is not a factor in determining whether an international use of force is lawful as a matter of international law. The United Nations' Charter's restrictions focus on the manner and purpose of its use and not on any formalities of announcement.

It should also be noted that a formal declaration of war would not place any obligations on either side in the conflict by which that side would not be bound in any event. The rules of international law concerning the conduct of hostilities in an international armed conflict apply regardless of any declaration of war.

H. Summary

The analysis set forth above shows that South Viet-Nam has the right in present circumstances to defend itself against armed attack from the North and to organize a collective self-defense with the participation of others. In response to requests from South Viet-Nam, the United States has been participating in that defense, both through military action within South Viet-Nam and actions taken directly against the aggressor in North Viet-Nam. This participation by the United States is in conformity with international law and is consistent with our obligations under the Charter of the United Nations.

II. THE UNITED STATES HAS UNDERTAKEN COMMITMENTS TO ASSIST SOUTH VIETNAM IN DEFENDING ITSELF AGAINST COMMUNIST AGGRESSION FROM THE NORTH

The United States has made commitments and given assurances, in various forms and at different times, to assist in the defense of South Viet-Nam.

A. The United States gave undertakings at the end of the Geneva Conference in 1954

At the time of the signing of the Geneva accords in 1954, President Eisenhower warned "that any renewal of Communist aggression would be viewed by us as a matter of grave concern," at the same time giving assurance that the United States would "not use force to disturb the settlement." [12] And the formal declaration made by the United States Government at the conclusion of the Geneva conference stated that the United States "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security." [13]

B. The United States undertook an international obligation to defend South Vietnam in the SEATO Treaty

Later in 1954 the United States negotiated with a number of other countries and signed the Southeast Asia Collective Defense Treaty.[14] The treaty contains in the first paragraph of article IV the following provision:

"Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations."

Annexed to the treaty was a protocol stating that:

"The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam."

Thus, the obligations of article IV, paragraph 1, dealing with the eventuality of armed attack, have from the outset covered the territory of South Viet-Nam. The facts as to the North Vietnamese armed attack against the South have been summarized earlier, in the discussion of the right of self-defense under international law and the Charter of the United Nations. The term "armed attack" has the same meaning in the SEATO treaty as in the United Nations Charter.

Article IV, paragraph 1, places an obligation on each party to the SEATO treaty to "act to meet the common danger in accordance with its constitutional processes" in the event of an armed attack. The treaty does not require a collective determination that an armed attack has occurred in order that the obligation of article IV, paragraph 1, become operative. Nor does the provision require collective decision on actions to be taken to meet the common danger. As Secretary Dulles pointed out when transmitting the treaty to the President, the commitment in article IV, paragraph 1, "leaves to the judgment of each country the type of action to be taken in the event an armed attack occurs." [15]

The treaty was intended to deter armed aggression in Southeast Asia. To that end it created not only a multilateral alliance but also a series of bilateral relationships. The obligations are placed squarely on "each Party" in the event of armed attack in the treaty area—not upon "the Parties," a wording that might have implied a necessity for collective decision. The treaty was intended to give the assurance of United States assistance to any party or protocol state that might suffer a Communist armed attack, regardless of the views or actions of other parties. The fact that the obligations are individual, and may even to some extent differ among the parties to the treaty, is demonstrated by the United States understanding, expressed at the time of signature, that its obligations under article IV, paragraph 1, apply only in the event of *Communist* aggression, whereas the other parties to the

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treaty were unwilling so to limit their obligations to each other.

Thus, the United States has a commitment under article IV, paragraph 1, in the event of armed attack, independent of the decision or action of other treaty parties. A joint statement issued by Secretary Rusk and Foreign Minister Thanat Khoman of Thailand on March 6, 1962,[16] reflected this understanding:

"The Secretary of State assured the Foreign Minister that in the event of such aggression, the United States intends to give full effect to its obligations under the Treaty to act to meet the common danger in accordance with its constitutional processes. The Secretary of State reaffirmed that this obligation of the United States does not depend upon the prior agreement of all other parties to the Treaty, since this Treaty obligation is individual as well as collective."

Most of the SEATO countries have stated that they agreed with this interpretation. None has registered objection to it.

When the Senate Committee on Foreign Relations reported on the Southeast Asia Collective Defense Treaty, it noted that the treaty area was further defined so that the "Free Territory of Vietnam" was an area "which, if attacked, would fall under the protection of the instrument." In its conclusion the committee stated:

"The committee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interests."

The Senate gave its advice and consent to the treaty by a vote of 82 to 1.

C. The United States has given additional assurances to the Government of South Viet-Nam

The United States has also given a series of additional assurances to the Government of South Viet-Nam. As early as October 1954 President Eisenhower undertook to provide direct assistance to help make South Viet-Nam "capable of resisting attempted subversion or aggression through military means."[17] On May 11, 1957, President Eisenhower and President Ngo Dinh Diem of the Republic of South Viet-Nam issued a joint statement[18] which called attention to "the large build-up of Vietnamese Communist military forces in North Viet-Nam" and stated:

"Noting that the Republic of Viet-Nam is covered by Article IV of the Southeast Asia Collective Defense Treaty, President Eisenhower and President Ngo Dinh Diem agreed that aggression or subversion threatening the political independence of the Republic of Viet-Nam would be considered as endangering peace and stability."

On August 2, 1961, President Kennedy declared that "the United States is determined that the Republic of Viet-Nam shall not be lost to the Communists for lack of any support which the United States Government can render."[19] On December 7 of that year President Diem appealed for additional support. In his reply of December 14, 1961, President Kennedy recalled the United States declaration made at the end of the Geneva conference in 1954, and reaffirmed that the United States was "prepared to help the Republic of Viet-Nam to protect its people and to preserve its independence."[20] This assurance has been reaffirmed many times since.

III. ACTIONS BY THE UNITED STATES AND SOUTH VIET-NAM ARE JUSTIFIED UNDER THE GENEVA ACCORDS OF 1954

A. Description of the accords

The Geneva accords of 1954[21] established the date and hour for a cease-fire in Viet-Nam, drew a "provisional military demarcation line" with a demilitarized zone on both sides, and required an exchange of prisoners and the phased regroupment of Viet Minh forces from the south to the north and of French Union forces from the north to the south. The introduction into Viet-Nam of troop reinforcements and new military equipment (except for replacement and repair) was prohibited. The armed forces of each party were required to respect the demilitarized zone and the territory of the other zone. The adherence of either zone to any military alliance, and the use of either zone for the resumption of hostilities or to "further an aggressive policy," were prohibited. The International Control Commission was established, composed of India, Canada and Poland, with India as chairman. The task of the Commission was to supervise the proper execution of the provisions of the cease-fire agreement. General elections that would result in reunification were required to be held in July 1956 under the supervision of the ICC.

B. North Viet-Nam violated the accords from the beginning

From the very beginning, the North Vietnamese violated the 1954 Geneva accords. Communist military forces and supplies were left in the South in violation of the accords. Other Communist guerrillas were moved north for further training and then were infiltrated into the South in violation of the accords.

C. The introduction of United States military personnel and equipment was justified

The accords prohibited the reinforcement of foreign military forces in Viet-Nam and the introduction of new military equipment, but they allowed replacement of existing military personnel and equipment. Prior to late 1961 South Viet-Nam had received considerable military equipment and supplies from the United States, and the United States had gradually enlarged its Military Assistance Advisory Group to slightly less than 900 men. These actions were reported to the ICC and were justified as replacements for equipment in Viet-Nam in 1954 and for French training and advisory personnel who had been withdrawn after 1954.

As the Communist aggression intensified during 1961, with increased infiltration and a marked stepping up of Communits terrorism in the South, the United States found it necessary in late 1961 to increase substantially the numbers of our military personnel and the amounts and types of equipment introduced by this country into South Viet-Nam. These increases were justified by the international law principle that a material breach of an agreement by one party entitles the other at least to withhold compliance with an equivalent, corresponding, or related provision until the defaulting party is prepared to honor its obligations.[22]

In accordance with this principle, the systematic violation of the Geneva accords by North Viet-Nam justified South Viet-Nam in suspending compliance with the provision controlling entry of foreign military personnel and military equipment.

D. South Viet-Nam was justified in refusing to implement the election provisions of the Geneva accords

The Geneva accords contemplated the reuification of the two parts of Viet-Nam. They contained a provision for general elections to be held in July 1956 in order to obtain a "free expression of the national will." The accords stated that "consultations will be held on this subject between the competent representative authorities of the two zones from 20 July 1955 onwards."

There may be some question whether South Viet-Nam was bound by these election provisions. As indicated earlier, South Viet-Nam did not sign the cease-fire agreement of 1954, nor did it adhere to the Final Declaration of the Geneva conference. The South Vietnamese Government at that time gave notice of its objection in particular to the election provisions of the accords.

However, even on the premise that these provisions were binding on South Viet-Nam, the South Vietnamese Government's failure to engage in consultations in 1955, with a view to holding elections in 1956, involved no breach of obligation. The conditions in North Viet-Nam during that period were such as to make impossible any free and meaningful expression of popular will.

Some of the facts about conditions in the North were admitted even by the Communist leadership in Hanoi. General Giap, currently Defense Minister of North Viet-Nam, in addressing the Tenth Congress of the North Vietnamese Communist Party in October 1956, publicly acknowledged that the Communist leaders were running a police state where executions, terror, and torture were commonplace. A nationwide election in these circumstances would have been a travesty. No one in the North would have dared to vote except as directed. With a substantial majority of the Vietnamese people living north of the 17th parallel, such an election would have meant turning the country over to the Communists without regard to the will of the people. The South Vietnamese Government realized these facts and quite properly took the position that consultations for elections in 1956 as contemplated by the accords would be a useless formality.[23]

IV. THE PRESIDENT HAS FULL AUTHORITY TO COMMIT UNITED STATES FORCES IN THE COLLECTIVE DEFENSE OF SOUTH VIETNAM

There can be no question in present circumstances of the President's authority to commit United States forces to the defense of South Viet-Nam. The grant of authority to the President in article II of the Constitution extends to the actions of the United States currently undertaken in Viet-Nam. In fact, however, it is unnecessary to determine whether this grant standing alone is sufficient to authorize the actions taken in Viet-Nam. These actions rest not only on the exercise of Presidential powers under article II but on the SEATO treaty—a treaty advised and consented to by the Senate—and on actions of the Congress, particularly the joint resolution of August 10, 1964. When these sources of authority are taken together—article II of the Constitution, the SEATO treaty, and actions by the Congress—there can be no question of the legality under domestic law of United States actions in Viet-Nam.

A. The President's power under Article II of the Constitution extends to the actions currently undertaken in Viet-Nam

Under the Constitution, the President, in addition to being Chief Executive, is Commander in Chief of the Army and Navy. He holds the prime responsibility for the conduct of United States foreign relations. These duties carry very broad powers, including the power to deploy American forces abroad and commit them to military operations when the President deems such action necessary to maintain the security and defense of the United States.

At the Federal Constitutional Convention in 1787, it was originally proposed that Congress have the power "to make war." There were objections that legislative proceedings were too slow for this power to be vested in Congress; it was suggested that the Senate might be a better repository. Madison and Gerry then moved to substitute "to declare war" for "to make war," "leaving to the Executive the power to repel sudden attacks." It was objected that this might make it too easy for the Executive to involve the nation in war, but the motion carried with but one dissenting vote.

Footnotes at end of article.

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In 1787 the world was a far larger place, and the framers probably had in mind attacks upon the United States. In the 20th century, the world has grown much smaller. An attack on a country far from our shores can impinge directly on the nation's security. In the SEATO treaty, for example, it is formally declared that an armed attack against Viet-Nam would endanger the peace and safety of the United States.

Since the Constitution was adopted there have been at least 125 instances in which the President has ordered the armed forces to take action or maintain positions abroad without obtaining prior congressional authorization, starting with the "undeclared war" with France (1798–1800). For example, President Truman ordered 250,000 troops to Korea during the Korean war of the early 1950's. President Eisenhower dispatched 14,000 troops to Lebanon in 1958.

The Constitution leaves to the President the judgment to determine whether the circumstances of a particular armed attack are so urgent and the potential consequences so threatening to the security of the United States that he should act without formally consulting the Congress.

B. The Southeast Asia Collective Defense Treaty Authorizes the President's Actions

Under article VI of the United States Constitution, "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land." Article IV, paragraph 1, of the SEATO treaty establishes as a matter of law that a Communist armed attack against South Viet-Nam endangers the peace and safety of the United States. In this same provision the United States has undertaken a commitment in the SEATO treaty to "act to meet the common danger in accordance with its constitutional processes" in the event of such an attack.

Under our Constitution it is the President who must decide when an armed attack has occurred. He has also the constitutional responsibility for determining what measures of defense are required when the peace and safety of the United States are endangered. If he considers that deployment of U.S. forces to South Viet-Nam is required, and that military measures against the source of Communist aggression in North Viet-Nam are necessary, he is constitutionally empowered to take those measures.

The SEATO treaty specifies that each party will act "in accordance with its constitutional processes."

It has recently been argued that the use of land forces in Asia is not authorized under the treaty because their use to deter armed attack was not contemplated at the time the treaty was considered by the Senate. Secretary Dulles testified at that time that we did not intend to establish (1) a land army in Southeast Asia capable of deterring Communist aggression, or (2) an integrated headquarters and military organization like that of NATO; instead, the United States would rely on "mobile striking power" against the sources of aggression. However, the treaty obligation in article IV, paragraph 1, to meet the common danger in the event of armed aggression, is not limited to particular modes of military action. What constitutes an adequate deterrent or an appropriate response, in terms of military strategy, may change; but the essence of our commitment to act to meet the common danger, as necessary at the time of an armed aggression, remains. In 1954 the forecast of military judgment might have been against the use of substantial United States ground forces in Viet-Nam. But that does not preclude the President from reaching a different military judgment in different circumstances, 12 years later.

C. The joint resolution of Congress of August 10, 1964, authorizes United States participation in the collective defense of South Viet-Nam

As stated earlier, the legality of United States participation in the defense of South Viet-Nam does not rest only on the constitutional power of the President under article II—or indeed on that power taken in conjunction with the SEATO treaty. In addition, the Congress has acted in unmistakable fashion to approve and authorize United States actions in Viet-Nam.

Following the North Vietnamese attacks in the Gulf of Tonkin against United States destroyers, Congress adopted, by a Senate vote of 88–2 and a House vote of 416–0, a joint resolution containing a series of important declarations and provisions of law.[24]

Section 1 resolved that "the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Thus, the Congress gave its sanction to specific actions by the President to repel attacks against United States naval vessels in the Gulf of Tonkin and elsewhere in the western Pacific. Congress further approved the taking of "all necessary measures . . . to prevent further aggression." This authorization extended to those measures the President might consider necessary to ward off further attacks and to prevent further aggression by North Viet-Nam in Southeast Asia.

The joint resolution then went on to provide in section 2:

"The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Section 2 thus constitutes an authorization to the President, in his discretion, to act—using armed force if he determines that is required—to assist South Viet-Nam at its request in defense of its freedom. The identification of South Viet-Nam through the reference to "protocol state" in this section is unmistakable, and the grant of authority "as the President determines" is unequivocal.

It has been suggested that the legislative history of the joint resolution shows an intention to limit United States assistance to South Viet-Nam to aid, advice, and training. This suggestion is based on an amendment offered from the floor by Senator [Gaylord] Nelson which would have added the following to the text:

"The Congress also approves and supports the efforts of the President to bring the problem of peace in Southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is 'limited and fitting.' Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the Southeast Asian conflict." [25]

Senator [J. W.] Fulbright, who had reported the joint resolution from the Foreign Relations Committee, spoke on the amendment as follows:

"It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated. In other words, it states that our response should be appropriate and limited to the provocation, which the Senator states as 'respond to provocation in a manner that is limited and fitting,' and so forth. We do not wish any political or military bases there. We are not seeking to gain a colony. We seek to insure the capacity of these people to develop along the lines of their own desires, independent of domination by communism.

"The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take responsibility for delaying matters.

"I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy." [26]

Senator Nelson's amendment related the degree and kind of U.S. response in Viet-Nam to "provocation" on the other side; the response should be "limited and fitting." The greater the provocation, the stronger are the measures that may be characterized as "limited and fitting." Bombing of North Vietnamese naval bases was a "limited and fitting" response to the attacks on U.S. destroyers in August 1964, and the subsequent actions taken by the United States and South Viet-Nam have been an appropriate response to the increased war of aggression carried on by North Viet-Nam since that date. Moreover, Senator Nelson's proposed amendment did not purport to be a restriction on authority available to the President but merely a statement concerning what should be the continuing policy of the United States.

Congressional realization of the scope of authority being conferred by the joint resolution is shown by the legislative history of the measure as a whole. The following exchange between Senators Cooper and Fulbright is illuminating:

"Mr. COOPER [John Sherman Cooper]. . . . The Senator will remember that the SEATO Treaty, in article IV, provides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

"Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its

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Footnotes at end of article.

defense, or with respect to the defense of any other country included in the treaty?

"Mr. FULBRIGHT. I think that is correct.

"Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?

"Mr. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn it could be withdrawn by concurrent resolution." [27]

The August 1964 joint resolution continues in force today. Section 2 of the resolution provides that it shall expire "when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress." The President has made no such determination, nor has Congress terminated the joint resolution.[28]

Instead, Congress in May 1965 approved an appropriation of $700 million to meet the expense of mounting military requirements in Viet-Nam. (Public Law 89-18, 79 Stat. 109.) The President's message asking for this appropriation stated that this was "not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our efforts to halt Communist aggression in South Vietnam." [29] The appropriation act constitutes a clear congressional endorsement and approval of the actions taken by the President.

On March 1, 1966, the Congress continued to express its support of the President's policy by approving a $4.8 billion supplemental military authorization by votes of 392-4 and 93-2. An amendment that would have limited the President's authority to commit forces to Viet-Nam was rejected in the Senate by a vote of 94-2.

D. No Declaration of War by the Congress is required to authorize United States Participation in the collective defense of South Viet-Nam

No declaration of war is needed to authorize American actions in Viet-Nam. As shown in the preceding sections, the President has ample authority to order the participation of United States armed forces in the defense of South Viet-Nam.

Over a very long period in our history, practice and precedent have confirmed the constitutional authority to engage United States forces in hostilities without a declaration of war. This history extends from the undeclared war with France and the war against the Barbary pirates at the end of the 18th century to the Korean war of 1950-53.

James Madison, one of the leading framers of the Constitution, and Presidents John Adams and Jefferson all construed the Constitution, in their official actions during the early years of the Republic, as authorizing the United States to employ its armed forces abroad in hostilities in the absence of any congressional declaration of war. Their views and actions constitute highly persuasive evidence as to the meaning and effect of the Constitution. History has accepted the interpretation that was placed on the Constitution by the early Presidents and Congresses in regard to the lawfulness of hostilities without a declaration of war. The instances of such action in our history are numerous.

In the Korean conflict, where large-scale hostilities were conducted with an American troop participation of a quarter of a million men, no declaration of war was made by the Congress. The President acted on the basis of his constitutional responsibilities. While the Security Council, under a treaty of this country—the United Nations Charter—recommended assistance to the Republic of Korea against the Communist armed attack, the United States had no treaty commitment at that time obligating us to join in the defense of South Korea. In the case of South Viet-Nam we have the obligation of the SEATO treaty and clear expressions of congressional support. If the President could act in Korea without a declaration of war, *a fortiori* he is empowered to do so now in Viet-Nam.

It may be suggested that a declaration of war is the only available constitutional process by which congressional support can be made effective for the use of United States armed forces in combat abroad. But the Constitution does not insist on any rigid formalism. It gives Congress a choice of ways in which to exercise its powers. In the case of Viet-Nam the Congress has supported the determination of the President by the Senate's approval of the SEATO treaty, the adoption of the joint resolution of August 10, 1964, and the enactment of the necessary authorizations and appropriations.

V. CONCLUSION

South Viet-Nam is being subjected to armed attack by Communist North Viet-Nam, through the infiltration of armed personnel, military equipment, and regular combat units. International law recognizes the right of individual and collective self-defense against armed attack. South Viet-Nam, and the United States upon the request of South Viet-Nam, are engaged in such collective defense of the South. Their actions are in conformity with international law and with the Charter of the United Nations. The fact that South Viet-Nam has been precluded by Soviet veto from becoming a member of the United Nations and the fact that South Viet-Nam is a zone of a temporarily divided state in no way diminish the right of collective defense of South Viet-Nam.

The United States has commitments to assist South Viet-Nam in defending itself against Communist aggression from the North. The United States gave undertakings to this effect at the conclusion of the Geneva conference in 1954. Later that year the United States undertook an international obligation in the SEATO treaty to defend South Viet-Nam against Communist armed aggression. And during the past decade the United States has given additional assurances to the South Vietnamese Government.

The Geneva accords of 1954 provided for a cease-fire and regroupment of contending forces, a division of Viet-Nam into two zones, and a prohibition on the use of either zone for the resumption of hostilities or to "further an aggressive policy." From the beginning, North Viet-Nam violated the Geneva accords through a systematic effort to gain control of South Viet-Nam by force. In the light of these progressive North Vietnamese violations, the introduction into South Viet-Nam beginning in late 1961 of substantial United States military equipment and personnel, to assist in the defense of the South, was fully justified; substantial breach of an international agreement by one side permits the other side to suspend performance of corresponding obligations under the agreement. South Viet-Nam was justified in refusing to implement the provisions of the Geneva accords calling for reunification through free elections throughout Viet-Nam since the Communist regime in North Viet-Nam created conditions in the North that made free elections entirely impossible.

The President of the United States has full authority to commit United States forces in the collective defense of South Viet-Nam. This authority stems from the constitutional powers of the President. However, it is not necessary to rely on the Constitution alone as the source of the President's authority, since the SEATO treaty—advised and consented to by the Senate and forming part of the law of the land—sets forth a United States commitment to defend South Viet-Nam against armed attack, and since the Congress—in the joint resolution of August 10, 1964, and in authorization and appropriations acts for support of the U.S. military effort in Viet-Nam—has given its approval and support to the President's actions. United States actions in Viet-Nam, taken by the President and approved by the Congress, do not require any declaration of war, as shown by a long line of precedents for the use of United States armed forces abroad in the absence of any congressional declaration of war.

FOOTNOTES

[1] For texts, see *American Foreign Policy, 1950-1955; Basic Documents,* vol. I, Department of State publication 6446, p. 750.

[2] See, *e.g.*, Jessup. *A Modern Law of Nations*, 163 ff. (1948); Oppenheim, *International Law,* 297 ff. (8th ed., Lauterpacht, 1955). And see, generally, Bowett, *Self-Defense in International Law* (1958). [Footnote in original.]

[3] While nonmembers, such as South Viet-Nam, have not formally undertaken the obligations of the United Nations Charter as their own treaty obligations, it should be recognized that much of the substantive law of the charter has become part of the general law of nations through a very wide acceptance by nations the world over. This is particularly true of the charter provisions bearing on the use of force. Moreover, in the case of South Viet-Nam, the South Vietnamese Government has expressed its ability and willingness to abide by the charter, in applying for United Nations membership. Thus it seems entirely appropriate to appraise the actions of South Viet-Nam in relation to the legal standards set forth in the United Nations Charter. [Footnote in original.]

[4] See 6 UNCIO Documents 459. [Footnote in original.]

[5] In particular, the statement of the first purpose:

> To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. . . . [Footnote in original.]

[6] Bowett, *Self-Defense in International Law,* 193-195 (1958); Goodhart, "The North Atlantic Treaty of 1949," 79 *Recueil Des Cours,* 183, 202-204 (1951, vol. II), quoted in 5 *Whiteman's Digest of International Law,* 1067-1068 (1965); Kelsen, *The Law of the United Nations,* 793 (1950); see Stone, *Aggression and World Order,* 44 (1958). [Footnote in original.]

[7] 17 UNCIO Documents 288. [Footnote in original.]

[8] An argument has been made by some that the United States, by joining in the collective defense of South Vietnam, has violated the peaceful settlement obligation of article 33 in the charter. This argument overlooks the obvious proposition that a victim of armed aggression is not required to sustain the attack undefended while efforts are made to find a political solution with the aggressor. Article 51 of the charter illustrates this by making perfectly clear that the inherent right of self-defense is impaired by "Nothing in the present Charter," including the provisions of article 33. [Footnote in original.]

[9] For a statement made by U.S. Representative Adlai E. Stevenson in the Security Council on Aug. 5, 1964, see Bulletin of Aug. 24, 1964, p. 272.

[10] For texts, see *ibid.*, Feb. 22, 1965, p. 240, and Mar. 22, 1965, p. 419.

[11] For background and text of draft resolution, see *ibid.*, Feb. 14, 1966, p. 231.

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[12] For a statement made by President Eisenhower on June 21, 1954, see *ibid.*, Aug. 2, 1954, p. 163.

[13] For text, see *ibid.*, p. 162.

[14] For text, see *ibid.*, Sept. 20, 1954, p. 393.

[15] For text, see *ibid.*, Nov. 29, 1954, p. 820.

[16] For text, see *ibid.*, Mar. 26, 1962, p. 498.

[17] For text of a message from President Eisenhower to President Ngo Dinh Diem, see *ibid.*, Nov. 15, 1954, p. 735.

[18] For text, see *ibid.*, May 27, 1957, p. 851.

[19] For text of a joint communique issued by President Kennedy and Vice President Chen Cheng of the Republic of China, see *ibid.*, Aug. 28, 1961, p. 372.

[20] For text of an exchange of messages between President Kennedy and President Diem, see *ibid.*, Jan. 1, 1962, p. 13.

[21] These accords were composed of a bilateral cease-fire agreement between the "Commander-in-Chief of the People's Army of Viet Nam" and the "Commander-in-Chief of the French Union forces in Indo-China," together with a Final Declaration of the Conference, to which France adhered. However, it is to be noted that the South Vietnamese Government was not a signatory of the cease-fire agreement and did not adhere to the Final Declaration. South Viet-Nam entered a series of reservations in a statement to the conference. This statement was noted by the conference, but by decision of the conference chairman it was not included or referred to in the Final Declaration. [Footnote in original.]

[22] This principle of law and the circumstances in which it may be invoked are most fully discussed in the Fourth Report on the Law of Treaties by Sir Gerald Fitzmaurice, articles 18, 20 (U.N. doc. A/CN.4/120(1950)) II. Yearbook of the International Law Commission 37 (U.N. doc. A/CN.4/SER.A/1959/Add.1) and in the later report by Sir Humphrey Waldrock, article 20 (U.N. doc. A/CN.4/156 and Add. 1–3 (1963)) II Yearbook of the International Law Commission 36 (U.N. doc. A/CN.4/ SER.A 1963/Add.1). Among the authorities cited by the fourth report for this proposition are: II Oppenheim, *International Law* 136, 137 (7th ed. Lauterpacht 1955); I Rousseau, *Principes généraux du droit international public* 365 (1944); II Hyde, *International Law* 1660 et seq. (2d ed. 1947); II Guggenheim, *Traité de droit international public* 84, 85 (1935); Spiropoulos, *Traité théorique et pratique de droit international public* 289 (1933); Verdross, *Völkerrecht*, 329 (1950); Hall, *Treatise* 21 (8th ed. Higgins 1924); 3 Accioly, *Tratado de Direito International Publico* 82 (1956–57). See also draft articles 42 and 46 of the Law of Treaties by the International Law Commission, contained in the report on the work of its 15th session (General Assembly, Official Records, 18th Session, Supplement No. 9(A/5809)). [Footnote in original.]

[23] In any event, if North Viet-Nam considered there had been a breach of obligation by the South, its remedies lay in discussion with Saigon, perhaps in an appeal to the cochairmen of the Geneva conference, or in a reconvening of the conference to consider the situation. Under international law, North Viet-Nam had no right to use force outside its own zone in order to secure its political objectives. [Footnote in original.]

[24] For text, see BULLETIN of Aug. 24, 1964, p. 268.

[25] 110 *Cong. Rec.* 18459 (Aug. 7, 1964). [Footnote in original.]

[26] *Ibid.*

[27] 110 *Cong. Rec.* 18409 (Aug. 6, 1964). Senator [Wayne] Morse, who opposed the joint resolution, expressed the following view on August 6, 1964, concerning the scope of the proposed resolution:

> Another Senator thought, in the early part of the debate that this course would not broaden the power of the President to engage in a land war if he decided that he wanted to apply the resolution in that way.
>
> That Senator was taking great consolation in the then held belief that, if he voted for the resolution, it would give no authority to the President to send many troops into Asia. I am sure he was quite disappointed to finally learn, because it took a little time to get the matter cleared, that the resolution places no restriction on the President in that respect. If he is still in doubt, let him read the language on page 2, lines 3 to 6, and page 2, lines 11 to 17. The first reads:
>
> "The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."
>
> It does not say he is limited in regard to the sending of ground forces. It does not limit that authority. That is why I have called it a predated declaration of war, in clear violation of article I, section 8, of the Constitution, which vests the power to declare war in the Congress, and not in the President.
>
> What is proposed is to authorize the President of the United States, without a declaration of war, to commit acts of war.

(110 *Cong. Rec.* 18426–7 (Aug. 6, 1964)). [Footnote in original.]

[28] On March 1, 1966, the Senate voted, 92–5, to table an amendment that would have repealed the joint resolution. [Footnote in original.]

[29] For text, see BULLETIN of May 24, 1965, p. 822.

Mr. EAGLETON. May I readdress my question to the Senator?

Mr. DOLE. I cannot respond as to what may be going on in President Nixon's mind.

Mr. EAGLETON. As the author of the Dole amendment, which would repeal the Gulf of Tonkin resolution, does the Senator, as the principal author of the amendment, view the Gulf of Tonkin resolution as authority for 400,000 troops being in South Vietnam today?

Mr. DOLE. No, and President Nixon has not relied on it.

Mr. EAGLETON. Now, can we go down the list and eliminate further? Does the Senator view the SEATO Treaty as being authority for the presence of 400,000-plus troops in Vietnam?

Mr. DOLE. As I indicated earlier, that is one of the pegs that might have been cited previously.

Mr. EAGLETON. Perhaps it was the peg that might have been used in the past. I am not going to quarrel with the Senator's recitation of history, at least through the Johnson administration. The history through that period has a way of changing even now.

I want to know whether the Senator from Kansas, as the proponent of this amendment, views the SEATO Treaty as authority for the presence of 400,000 plus troops in South Vietnam.

Mr. DOLE. I would guess not, but, again, I do not know whether it can be answered precisely yes or no. There are a number of considerations. I would guess not, if that would satisfy the Senator.

Mr. EAGLETON. The Senator's guess today is that the SEATO Treaty is not authority for troops being in South Vietnam?

Mr. DOLE. I refer to paragraph 1, article 4 of the SEATO Treaty, which provides that each party thereto "recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger" of the other signatories.

Mr. EAGLETON. I wish the Senator would read on.

Mr. President, I ask unanimous consent that article IV of the SEATO Treaty be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARTICLE IV

1. Each party recognizes the aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Senate Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Mr. EAGLETON. The Senator read up to the words "common danger." It goes on to say "in accordance with its constitutional processes."

Mr. DOLE. That is correct.

Mr. EAGLETON. Then it goes on to say:

> Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

The Senator is guessing that the SEATO Treaty really is not any authority for our being there. Is that correct?

Mr. DOLE. I am guessing that it is one of many pegs used by previous administrations to become involved in South Vietnam.

Mr. EAGLETON. I am speaking as of this date, in June 1970. Is it authority for 400,000 troops being there today?

Mr. DOLE. I would guess it may be some authority, but not the sole authority for our presence there today.

Mr. EAGLETON. It is some authority. Is that like being a little bit pregnant? Is it authority upon which a President of the United States or a Congress that appropriates moneys can rely insofar as retention of 400,000-plus troops in South Vietnam is concerned?

Mr. DOLE. Of course, I could not respond to the Senator's first question, but, with reference to the second part of the question, I would point out that the underlying authority that any President has in this area is his rights and powers as Commander in Chief.

Mr. EAGLETON. With respect to the SEATO Treaty, the Senator from Kansas read from article 4. Is it his opinion that under that authority, affirmative action by Congress is necessary?

Mr. DOLE. Affirmative action was necessary to do what?

Mr. EAGLETON. Under the SEATO Treaty, in order to comply with section 4, when each party recognizes that aggression against the one would endanger its own peace and safety and agrees that it will, in that event, act to meet the common danger in accordance with its constitutional processes. Is affirmative action by Congress necessary in order to trigger the application of the SEATO Treaty?

Mr. DOLE. Let me say to the Senator from Missouri that I did not find that statement included in the report from the Committee on Foreign Relations, dated August 6. It might be done under Executive authority. But I do not find that as a requisite in the report of the committee chaired by the Senator from Arkansas when the Gulf of Tonkin resolution was reported to the floor of the Senate.

Mr. EAGLETON. My question related to the SEATO Treaty and especially to the words, "in accordance with its constitutional processes." Is not affirmative action by Congress necessary in order to actuate the SEATO Treaty, and could not that affirmative action be, among other things, a declaration of war or the Gulf of Tonkin resolution?

Mr. DOLE. Or the ratification of the SEATO Treaty.

Mr. EAGLETON. I beg to differ with the Senator from Kansas. There is nothing self-implementing about the SEATO Treaty, by its own language, because, in order for it to be binding and for it to be implemented in an actual situation, it has to be done in accordance with the constitutional processes of each Nation that is a signatory.

Mr. DOLE. That is correct. Of course, the constitutional processes mentioned could include executive action under our Constitution. The President, of course, is the chief maker of foreign policy; he is the Commander in Chief; he does have a right to take executive actions. I assume that is included in the broad phrase "constitutional processes."

Mr. EAGLETON. Then, the Senator takes it that the Gulf of Tonkin resolution, which he deems to be surplusage, is a historical appendage that can be done away with. In the Senator's opinion, it is not construed to be the congressional action that would comply with the phrase "in accordance with its constitutional processes."

Mr. DOLE. Would the Senator please rephrase the first part of that?

Mr. EAGLETON. The Gulf of Tonkin resolution, in the Senator's opinion, is no current authority for the continued maintenance of troops in South Vietnam; hence, it can be done away with.

Mr. DOLE. That is correct.

Mr. EAGLETON. I, therefore, ask, in reading the SEATO Treaty, especially article 4, is not the Gulf of Tonkin resolution congressional authorization of the war in Southeast Asia, and thus would it not be in compliance with the language "in accordance with its constitutional processes"?

Mr. DOLE. I do not share the view just expressed. But I would point out again that, of course, in the Gulf of Tonkin resolution there is a provision—which made possible congressional action by concurrent resolution. I recall this was an effort to placate some of those in Congress concerned about it being used as a declaration of war. In fact, if the Senator will read the House debate on the Gulf of Tonkin resolution, he will find that one of the Members of the House referred to the Gulf of Tonkin resolution as a declaration of war. I never considered it a declaration of war but the congressional processes were carried out.

As I said before, and, so far as the junior Senator from Kansas is concerned, it is not needed now, because we are not in the process of escalation. We are in the process of disengagement.

Mr. EAGLETON. One final question—perhaps I can get at it this way: Standing alone, since the Gulf of Tonkin resolution is no authority for the presence of 400,000 troops today in South Vietnam—standing alone and by itself, in its pristine glory, would the SEATO Treaty, in and of and by itself, be authority for the presence of 400,000 in Southeast Asia today?

Mr. DOLE. Again, the junior Senator from Kansas is not certain he understands the basic nature of the question. But the Senate did ratify the SEATO treaty, as I recall, by a vote of 82 to 1. It took effect on February 19, 1955. It was in effect in 1964 when the Gulf of Tonkin resolution was adopted. It is in effect now.

Again, if I were going to rely on anything—and I am not the President—I would rely on basic powers, as clearly defined under the Constitution as Commander in Chief, rather than on some treaty. Again the basic fact is that President Nixon, when he took office, found *x* number of troops in South Vietnam. I supported President Johnson in that, as I did President Kennedy. But I do not say, today, that the President is relying on the SEATO Treaty for the presence of 400,000 American troops. I do not know why he would rely on that treaty, and do not think the Senator from Missouri does.

Mr. EAGLETON. Let me summarize it this way, to see if I am stating it accurately: That is the Senator's interpretation of it, because he is the principal author of the amendment to strip away the Gulf of Tonkin resolution, but this raises the basic question of the authority for the presence today of 400,000 troops in South Vietnam, notwithstanding past history. You have cleared up the Gulf of Tonkin issue. It is not authority for the presence of 400,000 men there today. The Senator stated he believes it is exclusive of the authority that the President has as Commander in Chief.

I take it the Senator does not think he needs SEATO, but it is a little bit of something extra there, a little bit of frosting on the cake.

Mr. DOLE. He did not get that from SEATO.

Mr. EAGLETON. He gets it in terms of authority under SEATO.

Mr. DOLE. It depends on how one interprets SEATO. The Senator from Missouri has interpreted it as a little bit of frosting. It might be interpreted by the President in some other way. I do not interpret it as being binding whatsoever upon the President. I would rely on the Constitution and the inherent powers of the office of the Presidency.

Mr. EAGLETON. As Commander in Chief.

Mr. DOLE. And as the Chief Executive officer of this country, with authority to carry out the rules promulgated under the Constitution. By being the Chief Executive, he is also the chief foreign policymaker.

Mr. EAGLETON. I should like to strip away a little more of the deadwood. I think the Senator has stripped away the Tonkin Gulf issue and has also stripped away the SEATO issue.

Does the Senator think that the presence of 400,000 American troops in South Vietnam today is in any way authorized by President Eisenhower's letter of October 1, 1954, to President Diem?

Mr. DOLE. Would the Senator please read that letter?

Mr. EAGLETON. It is four paragraphs long. I will read it. It is a letter from President Eisenhower to President Diem dated October 1, 1964:

> DEAR MR. PRESIDENT: I have been following with great interest the course of developments in Vietnam, particularly since the conclusion of the conference at Geneva. The implications of the agreement concerning Vietnam have caused grave concern regarding the future of a country temporarily divided by an artificial military grouping, weakened by a long and exhausting war and faced with enemies without and by their subversive collaborators within.
>
> Your recent requests for aid to assist in the formidable project of the movement of several hundred thousand loyal Vietnamese citizens away from areas which are passing under a *de facto* rule and political ideology which they abhor, are being fulfilled. I am glad that the United States is able to assist in this humanitarian effort.
>
> We have been exploring ways and means to permit our aid to Vietnam to be more effective and to make a greater contribution to the welfare and stability of the Government of Vietnam. I am, accordingly, instructing the American Ambassador to Vietnam to examine with you in your capacity as Chief of Government, how an intelligent program of American aid given directly to your Government can serve to assist Vietnam in its present hour of trial, provided that your Government is prepared to give assurances as to the standards of performance it would be able to maintain in the event such aid were supplied.
>
> The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part

> of the Government of Vietnam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.
>
> Sincerely,
>
> DWIGHT D. EISENHOWER.

Now, that is the letter which President Eisenhower wrote to President Diem.

Does the Senator in any way consider that letter as authority for the presence today of 400,000 American troops——

Mr. DOLE. No.

Mr. EAGLETON. In South Vietnam?

Mr. DOLE. No.

Mr. EAGLETON. Insofar as the right to wage a defensive war, relating back to the debate and the exchange with the Senator from North Carolina (Mr. ERVIN) a day or so ago, insofar as that concept is concerned with the established constitutional concept, that is, the right of a President to wage a defensive war, does the Senator consider the presence of 400,000 American troops in South Vietnam today as being authorized under that constitutional precept—to wit, the right to wage a defensive war?

Mr. DOLE. First of all, of course, we have undertaken steps and commitments. President Eisenhower did so in the letter which the Senator just read. President Kennedy did so in sending troops to South Vietnam. President Johnson did so, and President Nixon has. They have the right under international law to participate in the collective defense of South Vietnam against armed attack. But our country made a commitment to give assistance, back as far as President Truman's time, in various forms and at different times, in the defense of South Vietnam. At the time of the Geneva Accords in 1954, President Eisenhower warned:

> Any renewal of Communist aggression would be viewed by us as a matter of grave concern.

At the same time he gave assurance that the United States would not, with force, disturb the settlement. The formal declaration made by the United States Government at the conclusion of the Geneva Conference stated that the United States would view any renewal of aggression in violation of the aforesaid agreement with grave concern which seriously threatens international peace and security.

Later, in 1954, the United States negotiated with a number of other countries and signed the SEATO treaty. It contains in addition to the paragraph previously quoted, of course, other provisions.

So I would say "No" in answer to the question with reference to President Eisenhower's letter, and "Yes" with reference to the Senator's last question.

Let me add that if the Senator from Missouri is attempting to justify the presence of 400,000 American troops in Southeast Asia today, then I cannot answer that. I do not know precisely why President Johnson sent 550,000 American troops to Southeast Asia——

Mr. EAGLETON. I do not, either.

Mr. DOLE. The Senator from Kansas was not privy to that.

Mr. EAGLETON. I share the Senator's mystery. Let me rephrase the——

Mr. DOLE. If the Senator is trying to charge the presence of 400,000 American troops in South Vietnam today to President Nixon, we may be here for some time, because they were there when he took office.

Mr. EAGLETON. I am not making any charges or countercharges. All I know is that there are 400,000-plus American troops in Southeast Asia today and I want to find out under what authority they are there. But let me phrase my question this way, if I may: Let me read two sections of the Constitution and ask the Senator if either one of those sections is authority for the presence of 400,000 American troops in Southeast Asia today.

Article I, section 10, clause 3 of the Constitution reads, in part:

> No State shall, without consent of Congress, engage in war, unless actually invaded, or in such eminent danger as will not admit of delay.

That is one section.

Let me read Article IV, section 4 of the Constitution:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; . . .

Now my specific question: Are either one of those two constitutional sections authority for the presence today in South Vietnam of 400,000 American troops?

Mr. DOLE. They might be, in part.

Mr. EAGLETON. They might be in part. Could the Senator elaborate on how 400,000 troops in Southeast Asia today could be protecting any one of the 50 sovereign States from invasion?

Mr. DOLE. Mr. President, I am certain the Senator from Missouri has read the excellent law review article that was printed in the RECORD a few weeks ago explaining how this section and other sections of the Constitution referring to the power of the President as Commander in Chief and chief maker of foreign policy have been interpreted through the years by any number of Presidents.

I go back basically to the power of the President as Commander in Chief and as to what he may have gotten out of the SEATO Treaty, out of the aid programs, and our commitments by Presidents Truman, Eisenhower, and Kennedy.

When we add all of these up, there was enough justification for sending troops to Southeast Asia.

I am still at a loss to know what the Senator from Missouri really wants to know.

Mr. EAGLETON. My question, I think, is quite simple. It has been phrased and rephrased in different ways to try to elicit a more precise answer.

I am not quarreling with the Senator from Kansas about what President Johnson thought he ought to do in 1965, or what he thought the Gulf of Tonkin authorized him to do.

I am concerned more about the present and the future. I am concerned about the President today, in the month of June 1970. There are 400,000 troops in Southeast Asia. I want to know under what authority they are there.

The Senator tells me they are not there under the Gulf of Tonkin resolution. He tells me they are not there under the Eisenhower letter.

The Senator tells me they are not there under the SEATO Treaty. The Senator has not told me why they are there under these two sections of the Constitution involving the right of the 50 States to be protected from invasion without.

Mr. DOLE. Mr. President, it has been suggested that they are there by inheritance. But that would not answer the question of the Senator from Missouri.

We have a right to collective self-defense between our Nation and other nations.

Again, I will attempt to respond, but do not know why President Johnson sent all of these American troops to South Vietnam.

Mr. EAGLETON. I do not know either. But I want to know why and under what authority President Nixon is maintaining 400,000 troops in Southeast Asia, under what constitutional or legal justification.

I am mystified by the actions of Lyndon Johnson, too. We can be in agreement on that. But as of today in relation to the amendment of the Senator from Kansas, what is the opinion of the Senator as to the authority for the 400,000 troops being in Southeast Asia today?

Mr. DOLE. Mr. President, I do not know the justification used by President Johnson. However, President Nixon is now engaged in the process of bringing American boys home. He is not in the process of retaining troops in Southeast Asia for any longer than it might require to have the Vietnamization program become effective.

If I were President, I would rely on my power as Commander in Chief and on any of the allied agreements we might have, and on commitments made by other presidents.

We can not isolate it and say that this is the reason they are there, that this is the reason that they were sent, or that this is the reason they are still there.

There are a number of reasons and justifications.

As I view the action of President Nixon, it is one of disengagement. Perhaps the Senator from Missouri does not recognize we are disengaging in Vietnam.

Mr. EAGLETON. Mr. President, I am not certain. But perhaps that can be the subject of a future discussion.

Mr. DOLE. Will the Senator yield?

Mr. EAGLETON. I have the floor at the sufferance of the Senator from Arkansas. I was about to elaborate, but the Senator may go ahead.

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Mr. DOLE. Mr. President, I have said many times that another justification for the action was the action taken by the great Missourian, President Truman, when he ordered troops into Korea. The justification for that was never made clear.

He came to Congress after it was done. Congress had 4 months of debate on that, as I recall. There was no declaration of war. There was no Gulf of Tonkin type resolution passed by Congress.

Mr. EAGLETON. Mr. President, I think this has been a very useful debate. The Senator says that there is no justification. He says that he finds no justification and no authority for the presence of 400,000 troops in Southeast Asia today.

Mr. DOLE. No. You see, Congress does play a role. We do not do it always by declaring war. We appropriate money in Congress from time to time. We cannot maintain an army without money.

Congress wanted to go further with respect to the Korean war. There was, if I might say so, a rather "hawkish" Congress then. Many Members of Congress were ready to do more than Truman wanted. But they did appropriate money. And that fact, in and of itself, amounts to tacit approval and tacit endorsement by the Congress.

So, that was justification. This Congress, the last Congress, and the previous Congresses have appropriated money for the war in South Vietnam.

That may be another justification for the presence of troops. We are still appropriating money. Congress is a partner in this matter.

As the Senator knows, it is proposed in the Cooper-Church proposal, and perhaps will be later in the Hatfield-McGovern proposal, that funds be cut off. We have that constitutional power.

The debate has been helpful. It might not have been helpful to the Senator from Missouri, but it has been helpful to the Senator from Kansas.

Mr. EAGLETON. Mr. President, it is becoming more helpful, because I think it is now becoming clear to me—and I ask the Senator if this is his position—that the authority for the presence of troops in Southeast Asia today is one involving the authority of the President of the United States coupled with the appropriations process. Is that in the opinion of the Senator the authority for having troops there today?

Mr. DOLE. That is part of it.

Mr. EAGLETON. What are the other parts of it?

Mr. DOLE. Mr. President, a quiz program like this is a new experience for the Senator from Kansas. It takes a little while to think. However, yes, it was the SEATO Treaty; yes, it was the pledges made by President Truman—who was a great President—by President Kennedy, and President Johnson; yes, it was by appropriations of Congress; and yes, it was by the Gulf of Tonkin resolution. So we have to consider all of these.

And we will probably appropriate some more money this year. That would be justification for the action. But let me point out a very basic difference, and not to discredit President Johnson, because as a Member of the House, I supported President Johnson and voted for the Tonkin Gulf resolution.

The Senator from Missouri did not have that opportunity, but the Senator from Kansas voted for the Gulf of Tonkin resolution.

Congress has participated very actively. We have appropriated over $100 billion for South Vietnam. But the basic difference now is that we are in the process of disengagement. We can disengage. Any President can disengage from any conflict with the kind of power he has under the Constitution.

Mr. EAGLETON. Where there was light, there is now darkness.

Mr. DOLE. It is getting later.

Mr. EAGLETON. I thought we had established that insofar as the presence of troops in Southeast Asia today is concerned, the Gulf of Tonkin resolution was no authority or authorization for them being there.

I had already checked that point off, because that was the answer the Senator had given me earlier.

Do I understand that, after a few minutes have expired, the Senator contends that the presence of troops in Southeast Asia today is in some way buttressed on the Gulf of Tonkin resolution in part, a little bit?

Mr. DOLE. The Senator is talking about numbers and I am discussing Vietnamization and disengagement.

Mr. EAGLETON. I am just talking about American bodies in Vietnam, soldiers, airmen, and so forth—400,000-plus. I want to know under what authority they are there. I thought we had gotten it down to authority under the Commander in Chief plus the continuing appropriation process. I thought we had eliminated the Gulf of Tonkin resolution, that we had eliminated SEATO, and Eisenhower was never in the picture.

Mr. DOLE. In fairness we must share the burden in this matter. There was a commitment by President Eisenhower with respect to material aid. When he left office in 1961 there were 600 or 700 Americans in Vietnam. None of them had been killed but they were there.

The aid programs go back to President Truman's time. This is not the fault of one party as opposed to the righteousness of the other.

But to be candid with the Senator from Missouri, the presence of American troops there now is justified in large part by the constitutional power of the President and the acts of Congress in appropriating money; but underlying and underscoring those points has been the Gulf of Tonkin resolution. President Johnson did not send 545,000 men there until after the Gulf of Tonkin resolution was approved on August 10, 1964.

Mr. EAGLETON. Again, I was with the Senator from Kansas until he threw in the phrase "underlying and underscoring" in reference to the Gulf of Tonkin resolution. If the Gulf of Tonkin resolution is repealed, and it is eliminated by being repealed, then, is there still remaining some authority for the presence of troops in South Vietnam?

Mr. DOLE. Oh, yes.

Mr. EAGLETON. And that authority is the power of the Commander in Chief coupled with the appropriation process?

Mr. DOLE. There are a number of bases. The SEATO Treaty, the pledges made by three or four Presidents, now, the appropriations made by Congress, plus the constitutional power which any President has and that President still has.

Mr. EAGLETON. If I may, I would like to ask a few final questions on the Gulf of Tonkin resolution. Is there any basic difference between what the Senator from Kansas seeks to do by amendment 715, and that which is sought to be accomplished by Concurrent Resolution 42?

Mr. DOLE. No. The intent is the same.

Mr. EAGLETON. The Senator earlier in this exchange referred to a letter from Mr. H. G. Torbert, Jr., Acting Assistant Secretary for Congressional Relations, in March 1970.

Mr. DOLE. Yes, March 12.

Mr. EAGLETON. March 12. I would like to call the attention of the Senator to a letter dated December 4, 1969, by the same Mr. Torbert.

Mr. DOLE. That would be prior to March 12.

Mr. EAGLETON. That would be an earlier letter, yes. In that letter he said, speaking for the State Department on the Gulf of Tonkin resolution:

> The existence of the Tonkin Gulf Resolution also has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

He states:

> We would oppose passage of this resolution.

My first question is, Why did Mr. Torbert and the State Department change their minds, in the Senator's judgment, between December 4, 1969, and March 12, 1970?

Mr. DOLE. I have been around 10 years, and have never been able to fully understand why the State Department changes its mind.

Mr. EAGLETON. But it goes without saying they had a change of heart insofar as the utilitarian value is concerned, as expressed in these two letters.

Mr. DOLE. Basically there was a recognition when the Vietnamization program was implemented by President Nixon that it was successful and that we were on our way out of Vietnam. It is generally believed that we have passed the road of no return insofar as further escalation is concerned. I cannot, however, answer the question as to why someone in the State Department changed his mind.

Mr. EAGLETON. Could the Senator speculate on what Mr. Torbert meant by this sentence in his December 4 letter, the first letter that opposed repeal of the Gulf of Tonkin resolution?

> The existence of the Gulf of Tonkin Resolution also has consequences for Southeast Asia which go beyond the war in Vietnam.

Can the Senator interpret that for

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me? Does that convey any message to the Senator?

Mr. DOLE. Yes.

Mr. EAGLETON. Would the Senator care to elucidate for my benefit what message that conveys?

Mr. DOLE. I do not speak for anyone in the Department of State—not that I do not have great respect for the Department of State and the person who may have written that letter——

Mr. EAGLETON. Mr. H. G. Torbert, Jr., the same man who wrote the letter of March 12.

Mr. DOLE. I believe he was accurately stating a real fear that if the Gulf of Tonkin resolution were repealed then it might create some apprehension or fear on the part of other free countries in Southeast Asia that we were pulling out prematurely, pulling the rug out from under our friends and allies. But again, I cannot answer the question. I do not know why that particular language was used but would guess there was a feeling in some way it would undermine our policy in Southeast Asia.

Mr. EAGLETON. Mr. President, I am about finished, to the delight of the Senator from Arkansas.

Mr. FULBRIGHT. It is very interesting but I did not realize the Senator was going to be quite so long. I do have a speech to make.

Mr. EAGLETON. I thank the Senator.

When this exchange is boiled down to its distilled essence, what may have occurred in the past insofar as what previous Presidents, previous Senates, and previous Secretaries of State used as their authority for going into and staying in Vietnam, the fact remains that today, President Nixon, our President on this date, who is the Commander in Chief of 400,000 troops in Southeast Asia, does not rely on the Gulf of Tonkin resolution. The State Department said it can be repealed without its objection; and at least the Senator from Kansas does not take much solace in either SEATO or other provisions. It boils down to the power as Commander in Chief coupled with the appropriation process in this matter.

Mr. DOLE. The Senator is talking about the presence there now?

Mr. EAGLETON. Yes; the presence there today.

Mr. DOLE. Yes.

Mr EAGLETON. Would that Commander in Chief authority, followed up on an annual basis by appropriations, be enough for him to send additional troops to South Vietnam?

Mr. DOLE. Perhaps as we have discussed in the Senate, it would depend on the purpose for which they might be sent. If it is to expand the war it might be questionable. Perhaps he can do it, as President Truman did in Korea.

Mr. EAGLETON. My question is now, predicated on the repeal of the Gulf of Tonkin resolution.

Mr. DOLE. Yes. We have established the fact that the President does have rather broad powers as Commander in Chief. It has been the subject of debate for several days on the floor of the Senate. It has been argued by the proponents of the Cooper-Church amendment that the President can go back into Cambodia, order air strikes in Cambodia send troops into Cambodia, and clean out sanctuaries in Cambodia; so if it were necessary, God forbid, that we send more troops to South Vietnam that it could be done. We are not talking about President Nixon, but rather the office of the President and the occupant of the office of the President.

Mr. EAGLETON. And this would be done under his authority as Commander in Chief?

Mr. DOLE. Yes; that and other related items the Senator from Kansas has mentioned two or three times.

Mr. EAGLETON. But not the Gulf of Tonkin resolution; we are repealing that.

Mr. DOLE. Is the Senator from Missouri for repeal?

Mr. EAGLETON. I am going to vote for repeal.

Mr. DOLE. That resolves one question I had.

Mr. EAGLETON. Would that authority be broad enough for the Commander in Chief, without the Gulf of Tonkin resolution, to initiate bombing raids against China?

Mr. DOLE. Under what circumstances?

Mr. EAGLETON. Under circumstances wherein the President thought it would be propitious to strike out certain productive areas of Red China wherein they were making war machinery, armaments, et cetera, that were finding themselves in the hands of the North Vietnamese or the Vietcong.

Mr. DOLE. Perhaps the question is a little speculative. Unless there were some imminent danger to American forces or some imminent danger to American nationals or some imminent danger to American property, then I certainly would think any President would first consult with the Congress and obtain some congressional approval. But, again, the junior Senator from Kansas, having been in this body only 17 months, does not have the precise answer to that very difficult question.

Mr. EAGLETON. But the Senator predicates his answer on the assumption that the President would consult with Congress before he made that decision.

Mr. DOLE. Yes; contrary to what President Nixon did in Cambodia or what President Truman did in Korea, it would be my suggestion, at least, that they call someone.

Mr. EAGLETON. Would this be a suggestion or would it be required under the Commander in Chief authority that they consult with Congress?

Mr. DOLE. It is not required.

Mr. EAGLETON. It is not required. So it is the thought of the Senator that as Commander in Chief, with no Gulf of Tonkin resolution, the President could have an air strike in Red China?

Mr. DOLE. That is right. I assume so. I am not advocating it, as the Senator from Missouri knows.

Mr. EAGLETON. But the Commander in Chief authority is, in its phraseology and in its historical implications, broad enough to embrace that of action unilaterally by the President without consultation with Congress, even though consultation might be had if he had time?

Mr. DOLE. That is right. Before World War II we sent troops into Greenland and Iceland and committed other warlike acts before becoming involved directly in World War II and before Congress declared war.

Again I would refer, and surely the learned Senator from Missouri has read it, to the Harvard Law Review article, 81 Howard Law Review 1771, previously referred to with reference to the powers and rights of the President from the time of George Washington down to the present time. There have been actions taken by the Commander in Chief—yes, without consultation with the Congress. In some cases the President reported to Congress afterward. In some cases he notified Congress in advance.

But there have been cases, and they are recited in great detail, whether it was Polk who went into Mexico, or Jefferson who got involved in the Bay of Tripoli. There are numerous examples of where the President of the United States exercised his right as Commander in Chief. These acts were generally followed by some voice of dissent from Congress. In fact, George Washington had the first confrontation with Congress when he obtained the treaty or proclamation of neutrality with France and England. As I understand it, some Members of Congress did not agree with it and thought it went beyond his constitutional powers.

So, if we want to speculate, we can assume the Commander in Chief's powers are quite broad; but the junior Senator from Kansas does not want to state on the floor that any President should bomb any place without consulting Congress.

Mr. EAGLETON. But the Senator does state that the powers are broad enough to permit him to act, and that such consultation with Congress comes after the fact, by courtesy of the President, after the decision has been made or after the die has been cast?

Mr. DOLE. The invasion of Korea is an historical precedent, to answer the Senator from Missouri, but I that action taken by the President marked a clear departure from precedent in exercising the powers of Commander in Chief. Commanders in Chief had been rather timid up to that time, but President Truman was not a timid man. He acted when an emergency required him to act. He acted properly. And since that time, more and more power has been vested in the Commander in Chief.

Mr. EAGLETON. Well, then, the Commander in Chief power for the President to act by himself is broad enough to permit the bombing of China, the invasion of Korea, or any unilateral military decision the President sees fit to make, being the Commander in Chief?

Mr. DOLE. Will the Senator repeat the first part of the question?

Mr. EAGLETON. The Commander in Chief power, as the Senator views it, is broad enough to support what President Truman did in Korea, and a unilateral decision to invade or move into South

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Korea, his premise being assistance of Syngman Rhee, or is broad enough to have deployed troops to South Vietnam, bomb North Vietnam, or bomb anyplace in the world, if he is premising it on his authority as Commander in Chief?

Mr. DOLE. I would, in a general sense, agree, but that is the view only of a junior Member of this body. It is not the President's view, probably. It may not be another President's view. It may not be the view of the Senator from Arkansas. But it depends on circumstances. Are Americans in danger? I would assume that any President who failed to act if Americans were in danger would be subject to impeachment by the Congress.

Mr. EAGLETON. I thank the Senator from Arkansas and the Senator from Kansas.

I would like to make a 1-minute comment, if I may, by way of a wrap-up of this rather prolonged exchange. I think it has served one purpose. It has pointed out that, at least in the view of the principal author of the Gulf of Tonkin repealer, the Commander in Chief authority of the President of the United States is so broad, so all-encompassing, as to permit any unilateral military act by the President, almost anywhere in the world, with no previous consultation with the Congress.

I point out to the Senate the danger of that assumption, the danger of that interpretation of the Constitution, because when and if we repeal the Gulf of Tonkin resolution, as I presume the Senate is about to do, to be concurred in by the House, and when that legislative authorization of the war has been removed from the statute books—and it was an authorization for this war and it was relied on by President Johnson, and its phraseology is broad enough to permit a war, even to permit an expanded war, as I read it—we then find the war being conducted, under the theory of the Senator from Kansas, solely and exclusively under the Commander in Chief authority, buttressed on occasion by the appropriations process. I consider this to be a very dangerous constitutional precedent.

I thank the Senator from Arkansas for yielding to me.

Mr. DOLE. Mr. President, will the Senator from Arkansas yield to me briefly?

Mr. FULBRIGHT. I will yield to the Senator from Kansas for a comment; yes.

Mr. DOLE. First of all, I appreciate the opportunity to discuss what is a very vital area of this debate with the junior Senator from Missouri. His wrap-up does not reflect the views of the junior Senator from Kansas completely. It does occur to the junior Senator from Kansas that, of course, the President has rather vast powers as Commander in Chief, and I could read the Senator the statement made by the junior Senator from Arkansas when the Gulf of Tonkin resolution was being considered by this body on August 7, 1964. But we are not in Vietnam just because of the appropriation process and the authority of the President as Commander in Chief. As the Senator intimated, there are certain other factors involved. So when the Senator characterizes my assessment, it is only the assessment of the junior Senator from Missouri and it is only the assessment of the junior Senator from Kansas, and not the assessment of anyone in the administration or of any President or of anyone in the State Department.

I thank the Senator from Arkansas for yielding.

Mr. GOLDWATER. Mr. President, will the Senator from Arkansas yield for an observation? I tried to get the Senator to yield, and he did not feel he could.

Mr. FULBRIGHT. Of course, I am going to make some remarks and then I shall be delighted to yield to the Senator from Arizona, if he wishes me to.

Mr. GOLDWATER. I think it would be more appropriate at this time.

Mr. FULBRIGHT. How long does the Senator wish?

Mr. GOLDWATER. Maybe 2 minutes.

Mr. FULBRIGHT. Mr. President I yield for that purpose.

Mr. GOLDWATER. Mr. President, I have been more and more impressed, throughout this lengthy debate, with the need for a different approach to the two problems we face than we are making here.

I do not think there is any question about the power of the President as Commander in Chief. I agree with the language of Prof. Edgar E. Robinson, of Stanford University, that:

> The President's power as Commander-in-Chief of the Armed Forces are of greater significance than all the other powers prescribed in the Constitution.

I have detected, during the course of this debate, in the mail I have received, and at talks I have made around this country, that the American people really do not understand the limited action that we as Congress can take in the area of war, or the extreme action the President can take in the area of war.

I have come to the conclusion, Mr. President, particularly after having listened to this very interesting discussion today, that we would be better off discussing two constitutional amendments: one to better describe and prescribe the powers of Congress in the area of warmaking, and a second to describe and prescribe, if we have to, the powers of the President; because until we do either, I think we are going to go on with a very misunderstood idea of what the Constitution gives to both Congress and the President as powers. I would hope, Mr. President, that when we have finished voting on the Cooper-Church amendment and the McGovern-Hatfield amendment, this body can get down to the serious business of discussing—I do not say writing, but discussing—the need for a constitutional amendment.

Personally, I think we have to have one or two, if we are going to better understand what we were trying to understand today and what we have been trying to understand through 6 weeks of discussion on the Cooper-Church amendment.

With those words, Mr. President, I thank my distinguished friend from Arkansas for yielding.

Mr. GURNEY. Mr. President, will the Senator yield very briefly for an observation?

Mr. FULBRIGHT. I yield.

Mr. GURNEY. I, too, was present during the colloquy between the junior Senator from Missouri and the junior Senator from Kansas—a very interesting and, I thought, very illuminating discussion of the whole subject of the powers of the Commander in Chief.

My own impression, though, was that the last statement by the junior Senator from Missouri of his impression of the position of the junior Senator from Kansas was not accurate, and I take exception to it.

I did not gain any impression from the colloquy that the President of the United States at any time, any place, anywhere has the power or the right to inject American troops or to launch this country into war. It is my impression from what the Senator from Kansas said that the powers of the Commander in Chief are very broad, and that under certain facts and circumstances, when, indeed, American lives and the national security are in danger, the President does have broad powers to react, and I would go back to just one example—perhaps one of the very latest examples—which I think bears out what the Senator from Kansas is talking about. That was during the Cuban missile crisis, when President Kennedy declared a quarantine around Cuba and against the Russians, and mobilized the Air Force, the Army, and the Navy—as a matter of fact, my State of Florida was like an armed camp, with airplanes flying over day and night and troops moving in. We were actually on the threshold of war.

I think what President Kennedy did was exactly right. In this day and time, when we have to move quickly, he had to move quickly, too, in that instance, to protect the national security of this country.

That is what I think the Senator from Kansas was talking about, that the Commander in Chief does have broad powers in matters of emergency such this to do the things that are necessary for the national security of this country.

I thank the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, before I make my comments, I think, for the record, in view of this colloquy, it would be useful to put in one or two excerpts from the committee report on the national commitments resolution.

Much has been said about Korea by the Senator from Kansas and the Senator from Missouri. On page 18 of the committee report there appears the following passage:

> Senator Watkins of Utah questioned the authority of the President to commit the country to war without consulting Congress, even in compliance with a recommendation of the United Nations Security Council, and said that, if he were President, he "* * * would have sent a message to the Congress of the United States setting forth the situation and asking for authority to go ahead and do whatever was necessary to protect the situation." In January 1951 Senator Taft said that President Truman had no authority whatever to commit American troops to Korea without consulting Congress and without congressional approval. "The President," he said, "simply usurped authority, in violation of the laws and the Constitution, when he sent troops to Korea to carry out the resolu-

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tion of the United Nations in an undeclared war."

I submit that Senator Taft was no mean authority on matters legal and constitutional. My own view is that he stated it correctly.

Of course, in many cases, the Korean action has been cited as a precedent. In my view, it was an unconstitutional precedent; and I have never been reconciled to the principle that, because some President, or anyone else, has done an unconstitutional or illegal act, that is a good precedent for now saying it is constitutional or legal.

But, I think, in many cases that has happened, and I believe the Korean case to be a very good example of it. There is further discussion on that particular aspect of it.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. TOWER. If that is the view held by the Senator from Arkansas in concurring with the distinguished Republicans who commented on it, it is no doubt also the view of the Senator from Missouri; and I suggest that it might be well for him to write a letter to a distinguished constituent of his and scold him for getting involved in that unconstitutional act.

Mr. FULBRIGHT. Mr. President, I do not wish to involve myself in matters between citizens of Missouri.

Mr. President, as I have said, we have considered the Gulf of Tonkin resolution at great length in the committee. We had hearings on the background of it, and an investigation, I might say, that went on over a period of many months prior to our consideration of the idea of repealing it.

REPEAL OF THE GULF OF TONKIN RESOLUTION

There has been talk in recent weeks of a constitutional crisis over the power to commit our country to war. Whether it amounts to that or not, there is certainly a disagreement between the Executive and Congress as to where that authority properly lies. It is the Executive's view, manifested in both words and action, that the President, in his capacity as Commander in Chief, is properly empowered to commit the Armed Forces to hostilities in foreign countries. It is the view of many of us in the Senate—conviction may be the better word—that the authority to initiate war, as distinguished from acting to repel a sudden attack, is vested by the Constitution in the Congress and in the Congress alone.

That view, I believe, was expressed pretty forcefully by the Senator from North Carolina last night. That conviction was recorded last year when, by a vote of 70 to 16, the Senate adopted the national commitments resolution expressing the sense of the Senate that:

> A national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

Quite obviously, repeal of the Gulf of Tonkin resolution will not resolve the constitutional issue with respect to the Indochina war. From the Executive's standpoint, repeal of the Tonkin resolution will in no way impair what it believes to be its authority to conduct the present war. The executive branch has already, in its letter to the Foreign Relations Committee of March 12, 1970, disavowed reliance on the Gulf of Tonkin resolution as authority or support for its conduct of the war in Indochina. From the standpoint of Congress, on the other hand—and, I would add, the Constitution—repeal of the Tonkin resolution will leave the Executive in the legal position of continuing to conduct an unauthorized war. For reasons which I will discuss—although I believe they are well known—I do not think the Tonkin resolution can be regarded as a valid legal authorization for the war in Indochina. This being the case, repeal of the resolution will not create but simply confirm and clarify the existence of a legal vacuum. In the words of the Senator from Maryland (Mr. MATHIAS), who initiated this proposed repealer, the action contemplated will serve principally as a means of clearing the congressional ledger of the debris of briefly considered and broadly permissive cold war postures.

I. THE CONGRESSIONAL WAR POWER

The notion that the authority to commit the United States to war is an Executive prerogative, or even a divided or uncertain one, is one which has grown up only in recent decades. It is the result, primarily, of a series of emergencies alleged emergencies which have enhanced Executive power, fostered attitudes of urgency and anxiety, and given rise to a general disregard for constitutional procedure.

In fact, there was neither uncertainty nor ambiguity on the part of the framers of the Constitution as to their determination to vest the war power exclusively in Congress. As Thomas Jefferson wrote in a letter to Madison in 1789:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

As to the powers of the President as Commander in Chief, Alexander Hamilton, an advocate of strong Executive power, wrote in Federalist No. 69:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

I do not know how one could get a more clear description of this matter than by one of the architects of the Constitution.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. TOWER. Will the Senator enumerate again the powers that the King of Great Britain at that time possessed, as outlined by Hamilton in the Federalist Papers?

Mr. FULBRIGHT. I think this is a very pertinent passage, myself.

Mr. TOWER. I think that included in that was the royal power to declare war, which has never existed in the hands of the President of this country, and I do not think anybody has contended that it has. That alone would make the power enjoyed by the President vastly inferior to that enjoyed by George III.

Mr. FULBRIGHT. It depends upon what the Senator means by "declare war." I think it means to initiate, to start, a war of an offensive nature, as distinguished from a defensive war, one which is a reaction to an attack. I think this is exactly what is involved here.

Mr. TOWER. But in 1787, did the British Constitution require that the Parliament ratify an act of declaration of war by the King?

Mr. FULBRIGHT. I would judge from this that the British king had the right to declare a war and to initiate a war against whomever he chose.

Mr. TOWER. That is correct.

Mr. FULBRIGHT. But this is, in effect, what I understand the reasoning of some Senators to be about the power of the President as Commander in Chief, that he has this power. Alexander Hamilton says he does not have the power.

Mr. TOWER. All Hamilton said was that the power enjoyed by the President is inferior to that enjoyed by the king of Great Britain at that time, and that certainly was true. It is no longer true, because the President of the United States has vastly more power than the queen does in these matters, in reality.

Mr. FULBRIGHT. There has been quite a change between the present queen and the king at that time.

Mr. TOWER. That is why the Senator's reference is not relevant at the present time.

Mr. FULBRIGHT. I find myself quite unable to follow the logic of the Senator from Texas. I think it is utterly irrelevant to this.

Mr. ERVIN. Mr. President, will the Senator yield to me, with the understanding that he will not lose his right to the floor?

Mr. FULBRIGHT. I yield.

Mr. ERVIN. I think that the quotation from Alexander Hamilton, to which the Senator from Arkansas has called attention, points out the difference between the power of the King and the power of the President as Commander in Chief. He says both of them, as I construe his statement, have virtually the same power as Commander in Chief of the Armed Forces of their Nations, but that the King has the power to declare war, whereas the President of the United States does not.

Mr. FULBRIGHT. That is correct. He said: "while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature."

This is very specific. It fortifies—reenforces, I would say—the power to declare war; because the Congress also has

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to raise the armies and to regulate them, and it has that authority. The King had all his power, which the framers of our Constitution deliberately gave to Congress, leaving the President as the first general—as Hamilton says, "as first general and admiral of the Confederacy." In other words, he is the primary general, and he has the power pertinent to the general.

Hamilton was no less positive in his understanding of the Senate's treaty powers and in his opposition to the contention that the President might have the authority on his own to make significant foreign commitments. In Federalist No. 75, Hamilton wrote:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be the President of the United States.

This language used by Hamilton might be taken as an 18th century equivalent of the National Commitments Resolution.

I think that language is exactly within the spirit of the National Commitments Resolution.

The Supreme Court has also declared. in unequivocal language, that the power to initiate war is an exclusively congressional one. In the "Prize Cases" of 1862 the Supreme Court said:

> By the Constitution, Congress alone has the power to declare a national or foreign war. . . . The Constitution confers on the President the whole executive power. . . . He is Commander-in-Chief of the Army and Navy of the United States. . . . He has no power to initiate or declare a war either against a foreign nation or a domestic state.

From the standpoint of the Presidency, there has been a striking change of attitude toward the war power, especially in recent years. Presidents of recent decades have not only committed the country to war without congressional authorization but openly asserted their right to do so. A number of their predecessors, especially in the late 19th and 20th centuries, usurped the war powers of the Congress on certain occasions, but on a small scale and without openly asserting the right to do so. Earlier Presidents explicitly acknowledged the exclusive war powers of Congress. President Madison, for example, who had been one of the principal framers of the Constitution, sent a message to Congress on June 1, 1812, in which, after recounting the depredations of British ships on American commerce on the Atlantic, he referred the matter to Congress in these words:

> Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty disposer of events, avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honorable reestablishment of peace and friendship, is a solemn question which the Constitution wisely confides to the legislative department of the Government.

President Buchanan, to cite another example, was even more explicit. In his annual message to Congress of December 6, 1858, he said:

> The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.

I submit, Mr. President, that is a classic and succinct drawing of the distinction between the powers of the President as Commander in Chief and the war powers of Congress.

Daniel Webster, who served as Secretary of State in the early 1850's, was also one of our greatest constitutional lawyers. On July 14, 1851, during his tenure as Secretary of State, he wrote as follows:

> In the first place, I have to say that the warmaking power in this Government rests entirely in Congress; and that the President can authorize belligerent operations only in the cases expressly provided for the Constitution and the laws.

One final, modern example is noteworthy. In his concurring opinion in the case of Youngstown against Sawyer, Justice Jackson, replying to the assertion of Solicitor General Perlman that the American troops in Korea "were sent into the field by an exercise of the President's constitutional powers," said:

> I cannot foresee all that it might entail if the Court should endorse the argument. Nothing in our Constitution is plainer than that declaration of war is entrusted to Congress.

The passing of the actual means—as distinguished from the legal authority—to initiate war out of the hands of the Congress into the hands of the Executive has been one of the most remarkable, and unnoticed, developments in the constitutional history of the United States. As Prof. Ruhl J. Bartlett of the Fletcher School of Law and Diplomacy, commented in his testimony before the Foreign Relations Committee on the National Commitments Resolution:

> The positions of the executive and legislative branches of the Federal Government in the area of foreign affairs have come very close to reversal since 1789, a change that has been gradual in some degree but with acceleration during the past half century and breakneck speed during the last twenty years. The President virtually determines foreign policy and decides on war and peace and the Congress has acquiesced in or ignored, or approved and encouraged this development.[1]

The contrast between present practice and constitutional tradition could hardly be greater. On the one hand, the Executive both asserts and practices its power to wage war. Arrayed against these claims and practices are the explicit language of the Constitution, the interpretation of the Constitution provided in the Federalist Papers, a number of Supreme Court rulings, the writings of leading constitutional lawyers, and even the recorded attitudes of Presidents and their Secretaries of State. It is hardly a matter of "strict construction." Even the most liberal and emancipated of constitutional thinkers are bound to recognize the congressional war power. The alternative is to decline to think about the Constitution at all.

II. THE EXECUTIVE ATTITUDE

Brutally but effectively, the attitude of modern executives toward the authority to commit the Armed Forces abroad was expressed by Secretary of State Dean Acheson in a statement before the Senate Armed Services and Foreign Relations Committee in 1951 regarding President Truman's plan for sending six divisions of American soldiers to Europe. Secretary Acheson's comment was as follows:

> Not only has the President the authority to use the Armed forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.[2]

Even more strikingly indicative of the Executive attitude since World War II has been the conduct of two full-scale wars without valid congressional authorization. Indeed, the Korean war was conducted without even the pretense of congressional authorization. President Truman himself offered no explanation of his use of the war power, but an article published in the Department of State Bulletin in the summer of 1950 asserted that:

> The President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof.

And further asserted that there was a "traditional power of the President to use the Armed Forces of the United States without consulting Congress."[3]

More recent assertions of this expanded concept of Executive authority are found in the various statements of the Johnson and Nixon administrations regarding their conduct of the war in Indochina.

In March 1966, for example, the legal adviser to the Department of State wrote:

> There can be no question in present circumstances of the President's authority to commit U.S. forces to the defense of South Vietnam. The grant of authority to the President in article II of the Constitution extends to the actions of the United States currently undertaken in Vietnam.

Speaking of the Gulf of Tonkin Resolution in his news conference on August 18, 1967, President Johnson said:

> . . . We stated then, and we repeat now, we did not think the resolution was neces-

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[1] "U.S. Commitments to Foreign Powers," Hearings before the Committee on Foreign Relations, U.S. Senate, 90th Cong., 1st Sess. (Washington: U.S. Government Printing Office, 1967), pp. 19–20.

[2] "Assignment of Ground Forces of the United States to Duty in the European Area," Hearing by Committee on Foreign Relations and Armed Services, U.S. Senate, 82d Cong., 1st Sess., on S. Con. Res. 8, Feb. 1–28, 1951 (Washington: U.S. Government Printing Office, 1951), pp. 92–93.

[3] Department of State Bulletin, vol. 23, No. 578, July 31, 1950, pp. 173–177.

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> sary to do what we did and what we're doing. But we thought it was desirable and we thought if we were going to ask them [Congress] to stay the whole route and if we expected them to be there on the landing we ought to ask them to be there on the take-off.

The Nixon administration has apparently taken a similar view. In its comments of March 10, 1969, on the then pending National Commitments Resolution, the Department of State made the following assertion:

> As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

The same assumption of Executive war-making authority is expressed in the Department of State's comments of March 12, 1970, on the original Mathias proposal calling for repeal of the Formosa, Cuba, Middle East, and Tonkin resolutions. Declining either to advocate or to oppose such action, the State Department took the position that:

> The Administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans.

More specifically, as to the war in Indochina, the State Department asserted that:

> This Administration has not relied on or referred to the Tonkin Gulf Resolution of August 10, 1964 as support for its Vietnam policy.

Since the executive branch explicitly disavows the Tonkin resolution and the other resolutions as authorizations for its policy, a question remains as to where, in its view, the executive does get its authority to conduct war. Unfortunately, the administration has not seen fit to address itself to this question. On the basis of its own previous statements, however, as well as its explicit disavowal of those legislative enactments which might provide even some semblance of congressional authorization, it seems evident that the present administration, like a number of its predecessors, is basing its claim to war powers on either a greatly inflated concept of the President's authority as Commander in Chief, or on some vague doctrine of inherent powers of the Presidency, or both. Another possibility is that the matter simply has not been given much thought.

There has grown up in recent decades a notion that great Presidents are those who act effectively to strengthen the Office of the Presidency as distinguished from strengthening the constitutional system as a whole. This attitude, in the view of the committee, is an unfortunate one. As the historian Thomas Bailey has written:

> The bare fact that a President was a strong one, or a domineering one, does not necessarily mean that he was a great one or even a good one. The crucial questions arise: Was he strong in the right direction? Was he a dignified, fair, constitutional ruler, serving the ends of democracy in a democratic and ethical manner? [4]

III. THE GULF OF TONKIN RESOLUTION

Often referred to loosely as an act of congressional authorization for the President to commit the United States to full scale war in Vietnam if he saw fit, the Gulf of Tonkin Resolution is in fact not an authorization at all. The resolution says nothing about authorizing or empowering anybody to do anything. The critical language, from a legal and constitutional viewpoint, is the statement that Congress "approves and supports the determination of the President, as Commander in Chief," to take military measures to repel attack and "prevent further aggression." Being already determined to take the action referred to, the President could not have regarded the resolution as a necessary conferral of authority; and, as I have already noted, the Johnson administration did not in fact regard the resolution as a necessary grant of authority. In the administration's view, it was more in the nature of a courtesy extended to Congress, permitting it, as President Johnson explained on August 18, 1967, to "be there on the takeoff" as well as on the "landing."

In retrospect, it appears to me that the major significance of the wording of the Tonkin resolution was not the Executive's claim of authority to initiate hostilities, but rather Congress' acknowledgment and approval of that claim. There being not the slightest doubt as to the intent of the framers of the Constitution that, except for the obligation of the President to repel an attack on the United States, the war power would be exercised by Congress alone, resolutions such as the Gulf of Tonkin resolution amount to congressional acquiescence in the exercise by the Executive of a power which the Constitution vested in Congress and which the Congress has no authority to give away. In this respect, the distinction between an expression of approval and a grant of authority would seem to be of critical importance.

The reasons for the Congress' hasty enactment of the Tonkin resolution have been recounted many times. I review them here only very briefly:

First, Congress was confronted in August 1964 with a situation that was described to it as urgent, requiring prompt acquiescence in an expedient that seemed likely to meet the needs of the moment, of which the foremost need —or so we allowed ourselves to be persuaded—was a resounding expression of national unity at a moment when it was believed that the country had been attacked.

Second, in the course of two decades of cold war and chronic foreign policy crisis, we had grown so preoccupied with threats to our national security and with measures for dealing wit heach such threat that arose, that we had become neglectful of legal and constitutional matters. Owing to the newness of America's role as a world power, historical guidelines for the exercise of Congressional authority in a real or seeming emergency were lacking, and Congress felt itself at a loss to do anything but acquiesce in measures urged upon it by the Executive.

This was all the more the case because of what might be called the tyranny of the experts. Armed with computers and an opaque jargon, a veritable army of foreign policy experts, employed by the Executive, have successfully perpetrated the myth in recent years that foreign policy is an exact science which only they can truly understand. A rather uncritical acceptance of this myth added to Congress' willingness to submit to Executive direction, but, as the gap between the promise and performance of a computerized foreign policy grows ever wider, one suspects that the "tyranny of the experts" will soon enough be overthrown.

Still another factor, brought to light in early 1968, is the strong possibility that the Gulf of Tonkin Resolution was enacted on the basis of what may be described charitably as incomplete information. Adoption of the Resolution was based on the firm conviction of Congress—spelled out in the first two "whereas" clauses—that the naval units of North Vietnam had deliberately and repeatedly attacked U.S. vessels in international waters in violation of international law and that these attacks were, in the words of the Resolution itself, "part of a deliberate and systematic campaign of aggression" on the part of North Vietnam. It has since been established that the *Maddox* and the *Turner Joy* were engaged in intelligence activities in the Gulf of Tonkin, a fact that was not vouchsafed to Congress when it considered the Resolution. In addition, considerable doubt has been raised as to the exact circumstances of the alleged second attack on the two vessels, most particularly as to whether this attack occurred at all, whether the administration had proof of it at the time that it ordered its retaliatory air strike on August 4, 1964.

A final and extremely important factor in the concession of sweeping powers to the Executive was the existence of a major discrepancy between the language of the resolution and the intentions and expectations of Congress. The resolution said in effect that the President could use force as he saw fit in Southeast Asia; the nonpartisan expectation of Congress, clearly expressed even in the attenuated Senate debate of August 6 and 7, 1964, was that the President had no intention of engaging in large-scale war in Asia, that, indeed, by adopting the resolution, Congress was helping to prevent a large-scale war.

During debate I was asked, in my capacity as floor manager of the resolution, whether the resolution would authorize or approve the landing of large American armies in Vietnam or China. I replied that "there is nothing in the resolution, as I read it, that contemplates it," although, I conceded:

> The language of the resolution would not prevent it. Speaking for my own Committee,

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[4] Thomas A. Bailey, "Presidential Greatness" (New York; Appleton-Century, 1966), p. 227.

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> everyone I have heard has said that the last thing we want to do is to become involved in a land war in Asia; that our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated.[5]

In an exchange with the Senator from Wisconsin (Mr. NELSON) I said:

> I personally feel it would be very unwise under any circumstances to put a large land army on the Asian continent.

I said also that I would deplore the landing of a large army on the Asian mainland.[6] A little later in the debate I added:

> I have no doubt that the President will consult with Congress in case a major change in present policy becomes necessary.[7]

I may say that that assurance was given by the President, as well as by his representative.

Other Senators also expressed the general expectation that the resolution would help to prevent a large-scale war. The Senator from Georgia (Mr. RUSSELL) said:

> I am sure that all of us who intend to vote for the Joint Resolution pray that the adoption of the Resolution, and the action that may be taken pursuant to it, will achieve the same purpose and avoid any broadening of war, or any escalation of danger.[8]

The Senator from Idaho (Mr CHURCH) expressed his general understanding that it was not the President's purpose to expand the war.[9] Senator KEATING of New York expressed his understanding that the resolution was not a "blank check" for expanded hostilities to be undertaken without the consent of Congress.[10]

The Senator from Wisconsin (Mr. NELSON) offered an amendment to the Gulf of Tonkin resolution which would have expressed the sense of Congress that the United States sought no extension of the war and would continue to attempt to avoid a direct military involvement. In my capacity as floor manager—and to my regret, as I have often acknowledged—I said that I could not accept the amendment but only because it would necessitate a conference with the House of Representatives, which would have delayed final adoption. I made it clear, however, that I thought that Senator NELSON's amendment was not contrary to the resolution, but an "enlargement" of it. I also expressed my belief that Senator NELSON's amendment was "an accurate reflection of what I believe is the President's policy, judging from his own statements."[11]

What the foregoing illustrates is that, in adopting the Gulf of Tonkin resolution, Congress, and certainly the Senate, had no intention whatever of authorizing the commitment of the Armed Forces to full-scale war in Asia. The language of the resolution, it is true, lends itself to that interpretation, but, as the Executive well knew, that unfortunate language was accepted only in response to its urgent pleadings and assurances that the administration had no intention whatever of plunging into an Asian land war.

Those expectations were by no means without foundation. The country, it will be recalled, was engaged in an election campaign in which President Johnson repeatedly expressed his determination not to involve the United States in a large-scale war in Asia. To cite just a few of the many presidential statements to that effect.

On August 12, 1964, the President said in New York:

> Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do. They ask us to take reckless action which might risk the lives of millions and engulf much of Asia and certainly threaten the peace of the entire world. Moreover, such action would offer no solution at all to the real problem of Vietnam.

I call attention to the fact that this was only approximately 6 days after the resolution had been presented, discussed, and passed by the Senate.

In a speech in Texas on August 29, the President said:

> I have had advice to load our planes with bombs and to drop them on certain areas that I think would enlarge the war and escalate the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land. And for that reason, I haven't chosen to enlarge the war.

And in Akron, Ohio, on October 21, he declared:

> We are not about to send American boys 9,000 to 10,000 miles away from home to do what Asian boys ought to be doing for themselves.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. NELSON. What was the date of the last quotation?

Mr. FULBRIGHT. October 21, 1964.

Mr. NELSON. That was a month after the adoption of the resolution?

Mr. FULBRIGHT. About 2 months.

Mr. NELSON. Two months after the adoption of the resolution. Would that not be a good indication of the intention of the President with respect to the resolution?

Mr. FULBRIGHT. Of course. The first one is 6 days after the Gulf of Tonkin resolution, or almost simultaneously. It was on August 12. Our debate was on August 6 and 7. Did the Senator hear the other quotation I read, dated August 12? That was just 6 days afterward, or almost simultaneous with the resolution.

This is the type thing he told us. He said we were consulted. We were brought to the White House and consulted. But the purpose of the consultation was to deceive us, in light of what happened, and not to tell the truth. It was not to consult. Usually, when the President consults with us, he tells us the truth and advises us; he does not usually use the consultation to deceive us.

In reliance on what President Johnson said to me, and what his Secretary of State and his Secretary of Defense said in committee, and what the President said at the White House, I responded on the floor of the Senate. It is in the RECORD. I responded with respect to the President's policy. The premise on which we acted was not that the resolution might get us into war on the mainland, but that, since our power was on the sea and in the air, at most the resolution would be useful in causing the North Vietnamese to desist. It was not to authorize what the President actually did.

Mr. NELSON. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. NELSON. Perhaps the Senator has this quotation to which I am about to refer. In interpreting any kind of resolution, the legislative history revolves around what spokesmen for the resolution—in this case the chairman of the Committee on Foreign Relations—state the President himself said about it, and determined what the language of the resolution means.

Mr. FULBRIGHT. That is the generally accepted consensus.

Mr. NELSON. I know the Senator has read extensively in this field, and I am sure he has read this quotation before, but I would like to place it in the RECORD, if the Senator will yield for that purpose.

Mr. FULBRIGHT. I yield for that purpose.

Mr. NELSON. As late as March 1965, which is 7 months after the passage of the Gulf of Tonkin resolution, the President said on March 20 about his policy, which seems to me with real finality to settle the question of what his intent was in asking for the Gulf of Tonkin resolution, as follows:

> Our policy in Vietnam is the same as it was one year ago. And to those of you who have inquiries on the subject, it is the same as it was ten years ago.

Is it not correct that 10 years ago our policy precisely was to give only aid and technical assistance?

Mr. FULBRIGHT. The Senator is correct. That is about the time of the letter referred to from President Eisenhower to President Diem. It related only to material aid and technical assistance. It had not contemplated in any respect any kind of troops whatever. President Eisenhower did not send any troops. As the Senator knows, he had declined to send troops. The Senator is quite correct.

In making any contract, and in the interpretation of the resolution, the intent of the contracting party in this case, the Senate—is a most pertinent element in considering what it means.

Mr. NELSON. May I interrupt the Senator at this point?

Mr. FULBRIGHT. I yield.

Mr. NELSON. On March 7, 1968, in a colloquy on the floor of the Senate the distinguished chairman of the Committee on Foreign Relations made a statement, which was a terrific statement of what I thought the Gulf of Tonkin resolution was all about. I wish to quote the words of the chairman:

> In fact, I was persuaded that the purpose of the resolution was to show the unity of

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[5] CONGRESSIONAL RECORD, 88th Cong., 2d Sess., Vol. 110, Pt. 14, Senate, Aug. 6, 1964, pp. 18403–4.

[6] *Ibid.*, pp. 18406–7.

[7] *Ibid.*, p. 18420.

[8] *Ibid.*, pp. 18410–11.

[9] *Ibid.*, pp. 18415–16.

[10] *Ibid.*, p. 18456.

[11] *Ibid.*, p. 18459. See also p. 18462.

> this body, and that this would deter the North Vietnamese from any further attacks. That was the entire theory. I repeated it on the floor of the Senate. The RECORD will show it.

Mr. FULBRIGHT. That is correct. That is what I was told.

The psychology of the Johnson administration's approach was that, to be persuasive, it must be done immediately. They had alleged this attack that occurred on the 4th of August. The retaliation took place before they submitted the resolution. As I recall it, planes had flown some 64 times, bombing near a town called Vinh. That took place in immediate reaction to what they thought was an attack, which turned out later not to be an attack. No one will ever know if the President believed it to be based on false information or whether it had gone so far he thought it should be done anyway.

I have a letter I will refer to later from one of his secretaries. But in any case the President and his Secretary of State emphasized that to get any value out of this there must be the unity of everyone acting immediately; that such a display of determination would deter the North Vietnamese.

I think the Administration's psychology was one calling for this entire country to show unity that would be overwhelming. They completely misjudged the capacity or attitude of the North Vietnamese. Instead of being overwhelmed, they were grossly offended by what they considered and still consider to be unprovoked attacks on them. They thought it was an outrageous attack on them by our planes. So you have this different point of view. But I was the hapless victim of misinformation. I did not recognize it until later when we had a long investigation by the committee. We got the documents and worked on it for many months. Subsequent to that Mr. Goulden followed up in interviews of practically all the members of the crew of the *Maddox*, and maybe the *Turner Joy*, and wrote a book about it.

The committee obtained most of the pertinent documents, that is, the official communications from the *Maddox* and *Turner Joy*, through the Pentagon and they are set out in a committee report. I think it makes very clear what actually took place. I think further that the record of what actually happened in the Gulf of Tonkin bears upon the validity of the resolution and its binding quality upon the Senate. It presents a very difficult and, to me, a rather unprecedented situation.

On the face of it, the Gulf of Tonkin resolution is an action by the Congress which the Johnson administration took to be the equivalent of a declaration of war. It was not a formal declaration of war, but it was considered and relied upon in that fashion. Many times, both I and others had the experience, when we criticized it, that President Johnson pulled it out and said:

> Look, you passed this resolution by a vote of 88 to 2 in the Senate and it was unanimously passed in the House.

This was supposed to, and it did, muzzle anybody who sought to criticize the administration's policy. So in that sense it served the President well, because it muzzled Members of Congress. It removed the freedom of action and freedom of judgment through which Congress is supposed to exercise its constitutional responsibility.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. NELSON. The Senator stated the administration interpreted the Gulf of Tonkin resolution as equivalent to a declaration of war, but in view of what happened, it was a long-time-after-the-fact interpretation.

Mr. FULBRIGHT. Subsequently, yes.

Mr. NELSON. Because, in view of what the President said 6 days after the passage of the Tonkin Gulf resolution and before the election and in March of 1965, if somebody had said that is what it means and had said, "We are changing our role in Vietnam," would not the President have repudiated it?

Mr. FULBRIGHT. It was to alter the whole course of the war. The significance of it was to show unity in the face of an ostensibly unprovoked attack upon us. Had those assertions been true, if there actually had been an unprovoked attack on our ships on the high seas, where they had a right to be, the President, as Commander in Chief, had a right to repel the attack. He had that authority. It did not happen to be so. What we actually did was to initiate an offensive war across the seas, not in defense of our own ships and our own country.

Mr. NELSON. I would like to make this observation to the Senator. I do not think the Senator need apologize to anybody if his interpretation of that resolution was as it was—and it was the same as mine, and the fact that it was later——

Mr. FULBRIGHT. The same as the President's at that time.

Mr. NELSON. The same as the President's. The fact that it was later pulled out to support action that the Tonkin Gulf resolution had not authorized in the first place was not the fault of the manager of the resolution.

Mr. FULBRIGHT. The fault was that I was not as skeptical as I now am of official pronouncements. As Senators we have a duty and responsibility to look at these matters very closely. That is what we are attempting to do in the case of the Cambodian affair. It is our duty to look into just what the significance of it is.

People take offense at the idea that we question the word of the President. I do not mean anything personal about him, but if he has said he is going to get out of Cambodia and not go back in, we ought to put it in the law. People may be Presidents, but in many cases they are just former Senators. His predecessor was a former Senator. We cannot operate a constitutional system on any such basis as that which allows the President a kind of immunity from questions and scrutiny and still preserve a democracy.

The Senate debate of August 6 and 7, 1964, shows clearly that, in adopting the Gulf of Tonkin resolution, the Senate thought that it was acting to prevent a large-scale war, not to authorize one.

Though obviously and profoundly related to the war in Indochina, repeal of the Gulf of Tonkin resolution goes beyond the present war and differing attitudes toward it. It goes to the question of whether the Executive is to be permitted to take over a power which the Constitution clearly vests in the Congress and which Congress itself has no constitutional authority to give away. It goes to the question of our regard for our own institutions, of the firmness of our determination to maintain, even in this nuclear age, that separation of governmental powers whose major purpose, as Justice Brandeis pointed out, was "not to promote efficiency but to preclude the exercise of arbitrary power."[12]

IV. THE UNRESOLVED ISSUE

Repeal of the Gulf of Tonkin resolution, I emphasize again, will not resolve the great issues related either to the war in Indochina or to the constitutional division of foreign policy powers between the President and Congress. On the contrary, this proposed repealer can be no more than a significant first step toward the resolution of these issues.

The war in Indochina has been conducted from its outset without constitutional authorization.

I might say that is quite similar to Senator Taft's opinion about the Korean war. They were both without constitutional authorization.

The Gulf of Tonkin resolution, as I have tried to show, is not a valid authorization for that war, providing as it does only a frayed facade of constitutional legitimacy. Its removal would serve at least to clear the air of a legacy of confusion and illegitimacy. It would remain then for Congress to determine how the constitutional vacuum should be filled.

Repeal of the Tonkin resolution will in no way affect existing treaty commitments; nor would repeal of the resolution prejudge American policy for the future. The major purpose of repeal, as the Senator from Maryland (Mr. MATHIAS) suggested in proposing it, is that it would "symbolically remove the mortmain of the past from the present posture of the Congress, and would signal a new determination by Congress to exercise fully its powers on the vital questions of war and peace." In so doing, Congress would reaffirm in a decisive way its commitment to the principle set forth in the National Commitments Resolution of 1969. It would reaffirm the constitutional principle that, in the absence of specific congressional authorization, the President may use the Armed Forces only to repel a sudden attack upon the United States or to meet some foreign obligation previously and explicitly authorized by treaty or other legislative enactment. Repeal of the Tonkin resolution, in short, will serve to reaffirm—though not yet to reestablish—the constitutional war power of Congress.

Mr. President, with regard to the very intriguing question about the origin of the resolution, a former assistant to both

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[12] *Myers* v. *United States*, 1926, 272 U.S. 293, Mr. Justice Brandeis dissenting.

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President Kennedy and President Johnson, who was in the White House at the time of the Tonkin resolution, wrote me a memorandum relative to this matter. It was very interesting, and I requested his permission to use it as historical background to the issue now under discussion. I want to read it now. He gave me authority to. He said it was perfectly all right to use it anywhere I liked. It is a very interesting document. It was obtained from Mr. Kenneth O'Donnell. Many people know him. He was in the White House and was one of the aides of the President at that time.

The memorandum is dated February 11, 1970. It reads as follows:

> Apropos of our conversation, I am sending in this form my recollections as to the conversations and my part relative to the Tonkin Gulf Resolution.
>
> In order to clarify my role, I would like to point out that my relationship with President Kennedy and my relationship with President Johnson was considerably different. My role under John F. Kennedy was, as you know, mainly, administering the problems of the White House and as liaison with the President to all of the Departments. Obviously, I had to be current and aware of the President's concerns in the area of foreign policy, but naturally, this was principally the problem of Mac Bundy.
>
> My personal and peculiar relationship with President Kennedy involved me more deeply than perhaps people are publicly aware. Naturally, being with him almost all of the time, we discussed almost every facet of our policy and what his views were.
>
> With President Johnson, my role was almost exclusively political. His interest in foreign policy, frankly, through the first months of his administration were extremely limited. His almost total effort was to prove to the people his leadership which he considered vital in seeking his own election to the Presidency. His own staff was obviously not adequate to handle the political chores and so he placed almost this entire burden on me. I continued to be Appointment Secretary, but I also became Executive Director of the National Committee responsible for the direction of the whole campaign.
>
> In early August, I was present at the normal Tuesday Congressional Leadership meeting and the President and the leadership began their discussions of the alleged attack upon the American Destroyers in the Tonkin Gulf.
>
> Now in my own personal opinion, there was not the slightest question in the President's mind that the attack had occurred and that some American response was necessary. He felt, and everyone agreed, both for our posture abroad and at home, he must act swiftly. After the leadership left, the President and I walked back to the White House and he was wondering aloud as to the political repercussions and questioned me rather closely as to my political reaction as to his making a military retaliation. We agreed as politicians that the President's leadership was being tested under these circumstances and that he must respond decisively. His opponent was Senator Goldwater and the attack upon Lyndon Johnson was going to come from the right and the hawks, and he must not allow them to accuse him of vacillating or being an indecisive leader.
>
> The emergence of the resolution itself was nothing but political coloration for a decision already taken. Knowing Lyndon Johnson, as both you and I know, he was, and perhaps rightfully, making certain that he would involve the Republicans and, in case of unfavorable repercussions, everyone was to blame.
>
> I was never aware that, in fact, the resolution had already been fleshed out by the State Department prior to the alleged attack and my impression is that—neither did Johnson.
>
> We discussed the whole matter at length—and there was never one single mention—inferred in any fashion that it would ever involve the use of American troops. Quite to the contrary, my very strong impression was that the Mr. Johnson of 1964 was the same Lyndon Johnson who was so horrified at the thought of American intervention in 1954.
>
> In August I went to the National Committee on a full-time basis as Executive Director. In the process of our campaign, we held staff meetings every Monday morning in Chairman Bailey's office to formulate the schedule, speech content, television and the available resources. I was Chairman of these meetings and present at all of them was Fred Dutton who was in charge of overall policy as far as content, Dick Goodwin, who was doing most of the writing with Bill Moyer, who attended quite often, Robert Short, who represented the candidate for Vice President, Mr. Richard Maguire and, quite often, John Bailey.
>
> The contents of the speeches that the President gave were quite clearly our views and views which he totally accepted and agreed with. Mr. Goodwin was obviously the chief architect and, if one is to read them quite closely, they clearly indicate that we were the candidates of peace and of no involvement in Southeast Asia in any military fashion. The entire staff was committed to this approach and all of us were totally confident that that was the view of the President of the United States.
>
> There is only one possible conclusion after last week's Television Broadcast.

I point out that this was precipitated by the broadcast by the President on this subject—

> that either the President was being less than truthful with the American people and his own staff when he campaigned or, he is being less than truthful now. The facts to me are quite clear.

Mr. President, I think that is a very interesting historical document relating to the Tonkin Gulf resolution and its original adoption.

Lastly, there is another matter, which developed yesterday, that is of great concern to me.

It is with the utmost concern that I view our action yesterday in adopting the Byrd amendment, and our action today in moving toward possible adoption of the Dole amendment repealing the Tonkin resolution, if that is the will of the Senate.

We are in the process of making legislative history of the kind which, I predict, we will regret as much as many of us have regretted our precipitate approval of the Tonkin resolution in 1964.

By adopting the Byrd amendment to the Cooper-Church amendment yesterday, the language and the bulk of the legislative record supports the proposition that, "wherever deployed," the President has the power, without any congressional action whatsoever, to do whatever may be necessary to protect the lives of U.S. Armed Forces. That may seem a reasonable proposition on superficial examination. But the fact is that American Armed Forces are "deployed" in practically every country in the world.

Thus, the President can cite the Byrd amendment for starting a shooting war whenever he finds the lives of American forces threatened, wherever they are—indeed, wherever the President as Commander in Chief may have ordered them to be.

As for the legislative history of the repeal of the Tonkin Gulf resolution, every Member of this body should be aware that two contradictory constitutional theories underly its interpretation. I have described these, but I shall summarize them briefly again.

One theory—the one to which I subscribe—as do most members of the Committee on Foreign Relations—is that the Tonkin resolution when passed had meaning, although, as I said earlier, it could not be regarded as a valid authorization for the war in Indochina. And now when we repeal that resolution, the act of repeal has meaning. In 1964, we gave the President, mistakenly, I believe, under dubious circumstances, what the President interpreted as a blank check for waging war in Southeast Asia. The point is that, whatever we gave, we can take away.

The second theory is the one accepted and promoted by this President, the past President, and most supporters of the principle that the Commander in Chief operates virtually without congressional limitation. According to this theory, when the President, acting as Commander in Chief, involves this Nation in war, all the Congress can do is to accept that fact. The only way Congress can limit the power of the President as Commander in Chief is, in effect, to deny funds to the troops.

The Cooper-Church amendment, as amended by Senator Byrd, limits the President's use of funds for certain purposes in Cambodia, but seems to confirm his blank check authority everywhere else.

In short, what we have done the last 2 days, by adoption of the Byrd amendment and by action on the Dole amendment repealing the Tonkin resolution, is to give the President a clear legislative history that Tonkin meant nothing when it was passed and means nothing by its repeal—thus confirming the President's claim to the power to do what he pleases as Commander in Chief.

This action, read in parallel with the Byrd amendment, constitutes a legislative surrender of power to the President was precedented, I believe in our history. It is a precedent to which I do not wish to subscribe.

But, Mr. President, having taken the position that I have with regard to the Tonkin Gulf resolution, and in opposing and voting against the Byrd resolution, I still think it will remain the responsibility of the Senate and of Congress to step into the breach after the repeal of the Tonkin Gulf resolution.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, on September 1, 1967, I made some comments about my interpretation of the Gulf of Tonkin resolution. I ask unanimous consent to have those comments printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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STATEMENT BY SENATOR GAYLORD NELSON ON VIETNAM, SEPTEMBER 1, 1967

In recent weeks there have been renewed and vigorous discussions about the meaning and intent of the Tonkin Bay Resolution. It has lately been repeatedly asserted by Administration spokesmen, writers and others that the overwhelming vote for the resolution in 1964 expressed Congressional approval of whatever future military action the Administration deemed necessary to thwart aggression in Vietnam including a total change in the character of our mission there from one of technical aid and assistance to a full scale ground war with our troops.

This, of course, is pure nonsense. If such a proposition had been put to the Senate in August, 1964, a substantial number of Senators, if not a majority, would have opposed the resolution. What we are now witnessing is a frantic attempt by the Hawks to spread the blame and responsibility for Vietnam on a broader base. They should not be allowed to get away with it. It is not accurate history and it is not healthy for the political system. The future welfare of our country depends upon an understanding of how and why we get involved in a war that does not serve our national self interest. If we don't understand the mistakes that got us into this one we won't be able to avoid blundering into the next.

The intent and meaning of any proposition before the Congress is determined by the plain language of the act itself, the interpretation of that language by the official spokesman for the measure and the context of the time in which it is considered.

Because of my concern about the broad implications of some of the language I offered a clarifying amendment. The official Amendment was unnecessary because the intent of the resolution was really the same as my more specific amendment. In short, according to Mr. Fulbright, the resolution did not intend to authorize a fundamental change in our role in Vietnam.

Three President had made it clear what that limited role was, and this resolution did not aim or claim to change it.

If the official Administration spokesman for a measure on the floor is to be subsequently repudiated at the convenience of the Administration, why bother about such matters as "legislative intent?" In fact, why bother about Administration spokesmen at all? At the conclusion of these remarks I will reprint from the Congressional Record my colloquy with Mr. Fulbright which formed the basis for my vote on the Tonkin Bay Resolution. Had he told me that the resolution meant what the Administration now claims it means I would have opposed it and so would have Mr. Fulbright.

However, an even more important factor in determining the intent of that resolution is the political context of the times when it was considered by the Congress. It was before the Senate for consideration on August 6 and 7, 1964. We were in the middle of a Presidential campaign. Goldwater was under heavy attack for his advocacy of escalation. The Administration clearly and repeatedly insisted during that period that we should not fight a ground war with our troops. No one in the Administration was suggesting any change in our very limited participation in the Vietnam affair.

The whole mood of the country was against Goldwater and escalation and particularly against the idea that "American boys" should fight a war that "Asian boys" should fight for themselves, as the President put it in September of that year.

For the Administration now to say that the Tonkin Resolution considered during this period had as part of its purpose the intent to secure Congressional approval for fundamentally altering our role in Vietnam to our present ground war commitment is political nonsense if not in fact pure hypocrisy.

If Mr. Fulbright, speaking for the Administration, had in fact asserted that this was one of the objectives of the resolution the Administration would have repudiated him out of hand. They would have told him and the Congress this resolution had nothing to do with the idea of changing our long established role in Vietnam. They would have told Congress as they were then telling the country that we oppose Goldwater's irresponsible proposals for bombing the North and we oppose getting involved in a land war there with out troops. That was the Administration position when the Tonkin Resolution was before us. They can't change it now. It is rather ironic now to see how many otherwise responsible and thoughtful people have been "taken in" by the line that Congress did in fact by its Tonkin vote authorize this whole vast involvement in Vietnam. The fact is neither Congress nor the Administration thought that was the meaning of Tonkin—and both would have denied it if the issue had been raised.

The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections signal a new phase of the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material than they ever dreamed would be necessary. How many men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation. They have been caught and exposed in the very brief period of 24 months since we foolishly undertook a land war commitment.

They did not then nor do they now understand the nature, character and vigor of the political revolution in Vietnam. But in order to save face they are now demanding an expansion of the war. If they prevail we will then see another fruitless expansion which will not bring the war to a conclusion but will extend our risk of a confrontation with China.

Unfortunately the Administration continues its policy of so called controlled expansion of pressure on the North which really is nothing more nor less than endless escalation which will likely lead to a vast expansion of the war. It ought to be understood once and for all that no amount of pressure on the North will settle the war in the South. A complete incineration of the North will not end the capacity of the guerrilla to continue the fight in the South.

Though we committed a grave blunder in putting ground troops into Vietnam in the first place, it does not make sense to compound the blunder by pouring in additional troops. The Administration proposal for 45,000 additional troops with tens of thousands more demanded by the military is simply a blind and foolish move in the wrong direction.

What the military really needs is a million or two million ground troops for the war they want to fight. Furthermore, no one can explain what possible proportional benefit this country or the free world will get for this kind of massive allocation of resources—even assuming this would win the military-political war which I think is highly doubtful.

There is no easy solution to our involvement, but now, before it is too late, is the time to decide what direction from here we are going to go in Vietnam.

There is, it seems to me, only one sensible direction to go and that is toward de-escalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war. As soon as the elections are over this Sunday we should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the military candidate for President, favors a bombing pause but our military oppose it. Whose war is this?

Next we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military war in the South. If they do not have the morale, the interest, the determination to win under these circumstances then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other Southeast Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

Mr. TOWER. Mr. President, I have listened with great interest to this constitutional discussion, and I am somewhat delighted to see that some Members of this body are now taking an interest in the intent of the framers of the Constitution. I wish that this concern had manifested itself much earlier on some other matters that vitally concern the American people. It seems that some Members of the Senate are turning into strict constructionists, and I hope that this attitude will prevail on some other matters.

In discussing the intent of the framers of the Constitution, I do think we have to consider the context of the time in which the Constitution was framed and was adopted. I think that a better case could have been made in those days for more heavy reliance on congressional action as a predicate to the use of military power. The fact was in those days that our lines of communication were not what they are today. It took a great deal of time to communicate from one part of the world to another.

The distinguished Senator from Arkansas has mentioned the recommendation from President Madison for a declaration of war against Great Britain, with the stipulations about the offenses that the British had committed against our ships. The fact was that the very issue over which we went to war with Great Britain in 1812 had already been resolved in London, but the message had not reached these shores. It is probable that if they had waited 30 days, that war could have been avoided.

I think that a good case could have been made in those days for not taking precipitate action by virtue of the fact that it took a great deal of time to communicate across the ocean. I think, too, that from the standpoint of telegraphing the punch to the enemy, from the standpoint of preserving the element of surprise, in a military operation, we had a far different situation then than we have now. Indeed, precipitate action was really virtually impossible in those days. .

I think we must look at our current situation in the context of the time in which we have rapid, instant communication with all parts of the globe, in which our ships can move across the Atlantic Ocean within 5 days, a time in which we can reach any point of the globe by air in 24 hours, when our military forces are highly mobile, and when we must view everything that happens in the international arena in its world context. We must view it in the context of the fact that there is currently a polarization of power in the world between the Soviet bloc on the one hand and the United States on the other. I think we must think of it in the context that the Soviet Union is an aggressor power, as is Red China; that they do have designs on the rest of the world; that we must be prepared to react quickly.

We, in Congress, have already recognized that. To say that we are surprised when, perhaps, our troops are engaged in some act of belligerence would be to say that, actually, we do not really understand what we have been doing all these years since World War II. When it became apparent that the Soviets had designs on other parts of the world, we felt it necessary in our own interest to maintain our defense perimeter as far from our own shores as possible and as close to the enemy's shores as possible. We in this body must have understood, when we authorized the prepositioning of American troops, the deployment of American forces, in a state of combat readiness all over the world, that the chance was very good that at some point in time they might be committed to some kind of belligerent act. Therefore, I do not think we can say that Congress had not concerned itself with this, that Congress had not already deliberated on it.

We have two divisions and an artillery brigade in Korea now. They are authorized to be there. And from time to time some of our boys die in Korea because of incursions across the border by the North Koreans. We know that is going to happen.

We have troops stationed in Western Europe. Do we say to all the world that those troops are there, but we are not going to employ those troops, in the event of some Soviet military adventure into Western Europe, until we have had a chance to debate it thoroughly in Congress?

We currently have the 6th Fleet deployed in the Mediterranean, and there is a real tinder box. If we are going to avoid any contact that might result in some kind of belligerent activity, some kind of hostile action, we had better get the 6th Fleet out of there, because it is a tinder box. If this thing blows up and if the President is called on to make some kind of quick response, are we going to say, "No, you must wait until we can debate this thoroughly in the Congress of the United States?" I say that the Congress of the United States has acquiesced to what we are doing in Southeast Asia, because for years we have authorized and we have appropriated the money that has gone into one of the most massive military construction programs in Southeast Asia. We have authorized the procurement and the deployment of weapons of war and troops. Therefore, I submit that we have performed our constitutional functions and that we have, in effect, authorized what the President is now doing.

If we are to proceed on the basis that the President has no power to respond immediately to a critical situation, then we are rendering ourselves impotent in the eyes of the rest of the world, and I do not see how we can purport to be a credible deterrent to potential aggression.

I believe that the power the President possesses is broad. We have had the opportunity to constrict that power in the past, and we have not done so. There are no less than 130 precedents for Presidents deploying military forces—indeed, engaging them in some instances in combat—without consulting Congress. Many of these have been cited here today. And we have not acted to prevent that kind of activity on the part of the President.

Therefore, I think that custom and usage would suggest and dictate—our constitutional system has a very strong element of custom and usage—that the President was acting within the purview of his constitutional power as we understand it and as we allow it to be practiced in this country. I do not think that in critical international situations, in which quick responses are required, we could give the President any less power.

I am dismayed that, although in the Koren war, President Truman acted on his own initiative, without consultation with Congress, that President Kennedy acted on his own initiative, that President Johnson acted on his own in placing the Hawk Battalion in the I Corps area, sending the 3d Marines in, and subsequently sending in the 1st Cavalry, through all this we did not get into this constitutional discussion to any appreciable extent; that we did not attempt to tie the hands of the President. But now, when we have a President of the United States who is trying to extricate us from Southeast Asia, who is trying to reduce the level of our involvement, who is trying to disengage us, and who is doing it by promoting the Vietnamization of the war, we do it by reducing the capacity of the enemy to wage main force engagement against us, we decide that now is the time to stay the President's hand. It suggests to me that there are those who prefer that we do not achieve any of our objectives in Southeast Asia.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC OPINION ON BANKING

Mr. JAVITS. Mr. President, the banking industry has had its share of abuse, because high-interest rates have been such an obvious symptom of our economic difficulties. On the other hand, rising interest rates on bank loans may have been a response to market forces of inflation rather than a conscious attempt by banks to lend money at unnaturally high rates.

Therefore, I believe that a recent speech by Louis Harris, of the public opinion survey firm, should be given careful attention. Mr. Harris makes the point that in a national cross-section of 3,000 households, only 6 percent of those interviewed singled out banks as a major cause of inflation. Sixty percent of those interviewed believed that banks cannot be held responsible for high-interest rates; 55 percent said that banks are doing all they can to control inflation and high-interest rates.

Mr. Harris had some other things to say about banks as well. Forty-nine percent of the households interviewed viewed the banks as making a lot of profits; this coming at a time when individuals and corporations are facing cash squeezes does not sit very well in the public eye.

Harris also pointed out that public opinion no longer expects bankers merely to do well at the business of banking but also to perform new roles to solve some of our social problems. In this regard, the banks have apparently not done especially well in communicating to the public the banking contribution to solving social issues.

The same communications gap exists, according to Mr. Harris, with regard to the one-bank holding company issue.

Mr. President, there has been a good deal of emotion about the various issues covered by Mr. Harris, and it is, therefor, instructive to read a dispassionate examination of the public's opinion on them.

I ask unanimous consent that Mr. Harris' speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF LOUIS HARRIS, PRESIDENT, LOUIS HARRIS & ASSOCIATES, INC.

We have just finished probably the most comprehensive survey of public and leadership opinion ever conducted in this country

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to find out what the state of public opinion is about banks and banking. We were commissioned by the Foundation for Full Service Banks to survey a national cross-section of 3,000 households, along with a design that allowed us to break out 10 separate states for separate scrutiny. In addition, we surveyed 809 leaders, including top businessmen, educators, communicators, local, state and Federal officials and legislators, plus voluntary organization leaders. We asked them what they think of banks and banking today in rather considerable depth.

Make no mistake about it, there is truly a spring of economic discontent across the land today. By 5 to 1, the public reports having more trouble making ends meet today than a year ago. Three out of four believe the prices of most things they buy are still rising rapidly, no matter what economists or government leaders may say to reassure people that inflation is coming under control. By 3 to 1, the public says it is saving less today than a year ago.

Among the leaders, many of whom are businessmen, 46 percent report that economic conditions in their own home area are negative. A clear majority of 58 percent say that the health of the economy has declined over the past 12 months. By 45–42 percent, the leadership group in this country thinks we are headed straight toward a recession.

Against this bleak backdrop, it might well seem to require a miracle for any financial institution to escape with anything short of its life in terms of its credibility and reputation. Yet, when we asked both the public and the leaders who was most to blame for inflation, only 6 percent of the public and 12 percent of the leaders—and we asked about it directly; we did not ask for them to volunteer it—singled out banks as a major cause. In sharp contrast, 64 percent of the public and 86 percent of the leaders put the blame on the Federal Government; 57 percent of the public and 60 percent of the leaders blame big business; and 55 percent of the public and 69 percent of the leaders hold labor unions responsible for inflation.

Put in different terms, by 55 to 26 percent, people say that banks are doing all they can to control inflation and high interest rates. An even higher 60 to 21 percent of the public believe banks can't be held responsible for high interest rates, since these are mainly set by governmental action. On responsibility directly for high interest rates, 41 percent of both the public and the leaders lay the blame at the doorstep of the Federal Government; 26 percent of the public and much higher 43 percent of the leaders blame the Federal Reserve Board; and no more than 4 percent of the leaders and 2 percent of the public blame banks for high interest rates.

The fact is that with certain pinpointed exceptions, the American people give banks, bankers, and banking almost uniformly high marks on the performance of the retail banking function. The great challenge to banks in the 1960's was whether they could expand their retail function to penetrate the widest segment of the public with their services and at the same time initiate new services which would meet growing and more sophisticated financial needs.

The record on usage of banks from this latest survey is impressive:

On a household basis, regular checking accounts have increased 12 points since 1966 from 56 to 68 percent of all families.

Savings accounts have risen even more, 15 points, from 52 to 67 percent of all households.

Cashing personal checks up 24 points from 29 to 53 percent.

Cashing pay checks up 13 points from 39 to 52 percent.

Use of drive-in banking, up 16 points from 23 to 39 percent.

Banking by mail, up 10 points from 11 to 21 percent.

Personal loans up 6 points, from 11 to 17 percent of all households.

Use of travelers checks, up 8 points from 11 to 19 percent.

Use of certified checks, up 6 points, almost doubled from 7 to 13 percent.

Ownership of savings certificates, more than doubled from 3 to 8 percent.

At the same time, competition to banks from the lower strata of society, use of money orders is down two points from 28 to 26 percent. And competition to banks from the upper strata, stocks and bonds, down 2 points from 13 to 11 percent.

The rises reported in retail bank usage are dramatic evidence in their own right of changing and increasingly affluent money market. They also document the revolution in retail banking which you gentlemen are leading in this country today. By any measure, retail banking has been successful in performing its function in America over the past four or five years.

In addition, banks have come up with the major innovation in the credit business to hit this country in many years: the bank-affiliated credit card. The survey shows that over half the households in the country, 54 percent, now have either charge or credit card accounts. Other than gasoline credit cards, bank cards now lead the way. The results show that 28 percent of the public owns Bank Americard and 26 percent Master Charge cards. Another 7 percent have other bank-affiliated cards. This contrasts with only 6 percent who use American Express and three percent who use Diners Club. What is more by four to one, bank credit cards are rated positively by a majority of the public. No more than 37 per cent give positive marks to the travel and entertainment cards.

In a direct test, bank credit cards are believed by a seven to one margin to be easier to sign up with than other cards, by six to one are more accurate in their record-keeping of accounts, by five to one are more convenient to use, by three to one are believed to be more widely accepted, and by four to one are preferred to the cards. A big advantage to bank credit cards is that annual dues are not required to own one.

Given this kind of public satisfaction with bank services and bank innovations, it is little wonder that by 65 to 21 per cent, the American people agree that "banks and banking are more important than nearly any other institution because they help individuals handle their money and help local businessmen when they need it." By six to one, people say they feel banks welcome their business and by five to one deny the allegation that banks want to take their deposits but then tend to forget them once they are customers.

The key to the record of success is the concept of the Full Service Bank. By 54 to 26 per cent, the public believes that "without Full Services Banks, it would be impossible for people to pay bills by check, borrow money, or have a savings account in the same place."

The power of the Full Service concept should not be underestimated. It is a central concept which has probably done more to sell banking to the American public than any other innovation in the last 50 years.

Given this generally glowing public reaction to how bankers are handling the banking function in this country today, how can one account for the serious trouble banks are in in Washington?

Four serious problem areas emerge from the surveys we conducted for the Foundation for Full Service Banks. The first is in the profits area. By 49 to 30 per cent among the public and by 51 to 41 per cent among the leaders, banks are viewed as "making a lot of profits with the high interest rates they have been charging." This claim of profiteering at a time when the public feels the pinch of less money in its pockets and the crunch of ever higher prices is a serious one. It is a glaring flaw in an almost cloudless sky in the specific banking areas.

A second major problem area is not so much a criticism of banks and banking as much as it is a reflection of the explosion that is taking place in the financial condition of the country. Probably the most decisive financial fact for the '60's and even more in the 1970's is the growth of discretionary income; that is, money left over for saving and investment after essentials have been paid for.

In 1955, an estimated $56 billion were generated in discretionary income. This had risen to $60 billion in 1960 and then really took off. By 1965, it had risen to $120 billion, or doubled in five years. By 1970, today, it has gone up 50 per cent again to $180 billion, by 1975 will likely be at $250 billion and by 1980, the end of this decade, will be an estimated $350 billion in discretionary or optional income.

The long-term thrust for discretionary income is up, and sharply so. This means that people have financial options beyond anything the world has ever seen on a mass basis. For the first time, on a mass basis, people are learning that one can earn money not only by the sweat of his brow, but also that money can earn money. This surely is the most explosive fact facing banks and every financial institution as we head into the 1970's.

For banks, this means that the revolution that has taken place in retail banking up to this point in time simply is only a small, modest beginning. The past is truly prologue.

The future of banking in terms of range of services to be offered is just at a starting point. Among the public, 47 per cent would like to see banks go to a single monthly statement for all business transacted with the bank. A substantial 37 per cent would like help from their banker in preparing their taxes. Fully 33 per cent of the public would like to see their bank offer mutual fund shares for sale. A significant 35 per cent say they would like to be able to obtain all financial services under one roof—and that should be the retail bank.

Among the leaders, 58 per cent favor banks—favor banks—going into the data processing service business, 53 per cent favor banks going into mutual funds, 44 per cent into travel services, and 36 per cent into life insurance selling. These are major and significant areas for future bank expansion for which there is a substantial mandate from both the public and the leadership of this country.

As if to underscore their determination to see banking expand the Full Service concept well beyond where it is today, by 58 to 30 per cent the American people say they are willing to pay for help from banks in providing them with this integrated financial service. And this comes at a time when people don't want to pay more for anything.

The marketplace is ripe for banks to take on these added functions. The mandate, the demand is there. There is also a threat to banks implicit in deciding or not deciding to embark on these new areas of expansion. When asked which of various alternatives were better, short-run institutions for savings and investment, Full Service Banks won handily over the competition. But when the focus was shifted and the time horizon was made the long-term, then stocks and mutual funds finished on top by a substantial margin, double the number who singled out Full Service Banks.

The message is right there: if the banks don't take up the mandate to expand into complete and full financial institutions, handling a full roster of financial needs, then the public will turn elsewhere.

So, a second major problem arises whether banks will move rapidly enough in the other areas of financial services to take advantage of the enormous opportunity afforded by the burgeoning growth of discretionary income in this country.

The third serious problem closely relates to the second. Many bankers see the one-bank holding company concept as the umbrella under which banks can expand into broader financial services. You all know the trouble you are having in Washington on this one. You heard about it this morning. Well, in the survey of leaders, we found only 34 per cent familiar with the one-bank holding company concept. Among those familiar with it, by 44–40 per cent, a very slim margin, they favored the one-bank holding company concept. But the other two-thirds who are unfamiliar, when it was described to them, came down on the negative side by a 34 to 42 per cent margin.

It is obvious that the banking industry—and let's face it—has done a dismal job in explaining the one-bank holding company idea. The big fear of the leaders is that one-bank holding companies might lead to monopoly and will concentrate too much economic power in one place, one institution. Thus, we found on projective testing that by 47–43 per cent, the leaders are worried that one-bank holding companies will allow banks to enter fields they have no business in, by 51 to 40 percent that banks will turn into powerful conglomerates with too much influence on the economy, and by a thumping 70 to 19 percent that big banks will get bigger and more powerful.

On the other hand, the survey also proved beyond a shadow of a doubt that a winning story could be told about the one-bank holding company: by 61 to 31 percent, they agree that allowing banks to broaden and expand their services is good because it will permit maximum use of bank assets through diversification; by 67 to 24 percent, they believe that the concept of expansion and diversification will attract more top talent to banking as a profession; and by 65 to 22 percent that the concept will allow banks to have a full and positive impact on the community.

The evidence suggests that bankers in this country have hidden their positive reputation with the public under a bushel. Although healthy majorities ranging from 59 to 74 percent expressed the view that banks are well regarded by local public officials, local businessmen, the Republicans, the Nixon Administration, and the people of the community in which they operate, only 53 percent feel the Governor of their State has a positive view of banks; only 51 percent believe their Congressman is positive, less than a majority—48 percent—believe that their State's U.S. Senator has a positive outlook toward banks, only 47 percent that their state legislature sees banks favorably, and only 40 percent that the Democrats look with favor on banking. Obviously, the governmental area is believed to be the soft underbelly of banking in the United States. This was borne out further when the leaders were asked to rate the effectiveness of bankers. Only 47 percent thought bankers were very effective with local public officials, 44 percent with the Nixon Administration, 39 percent with Congress, and the same number with the Democrats. Leaders themselves are puzzled at a situation—and this is a message beamed straight to you gentlemen here today—in which men who have moved to new heights in banking service could be so ineffectual in communicating their point of view in the state legislatures and in the Nation's capital. Your center of focus has been your own home town, as though the rest of the states and country will take care of itself. As a result, the real questions being asked across this country today is who is really speaking for banking?

In some ways, this all leads to the last major problem area to emerge from the study: the role banks and bankers play in the local community. By sizable majorities, bankers are looked on as leaders in the community. By 57–23 percent among the public and 73 to 16 percent among the leaders, bankers receive a mandate that they *should* take leadership in community problems. The leaders go even further. By 80 to 18 percent, they reject the traditional notion that bankers should stick to banking and not get involved in community problems. By 68 to 29 percent, they say that banks have a responsibility in helping solve community social problems—it is their duty. By 62 to 32 percent, they say that banks are in a financial position to take the leadership to solve social problems. An almost unanimous 87 percent of the leaders say it is to banks' best interest to take leadership to be able to operate in a stable community.

Yet, when asked how well banks operate in the community area, only 40 percent of the leaders said bankers were very effective in helping build the local economy, a smaller 26 percent very effective in helping young people go to college, 18 percent in helping maintain law and order, 18 percent in helping to improve the calibre of local government, 15 percent effective in improving public education, 10 percent in helping ease racial tensions, 6 percent in helping the needy, and 4 percent in helping to control air and water pollution.

With the public, bank reputations in the community area are scarcely better: 3 to 2 negative on helping rebuild American cities and in helping the needy and nearly 3 to 1 negative in helping find solutions to racial problems. Only 38 percent of the public believes bankers have a "high concern" in helping the community.

The fact is that the public is not content to allow bankers simply to perform well in their own area. The public and leadership now demand that bankers take on a new role of leading the way toward the solution of the larger problems of society. They will judge bankers in the future every bit as much by how they conduct themselves in this broader area of society as in the banking field itself. To be sure, they want expanded, first-rate service in banking. But that is no longer enough.

The irony is that the big gap in bank communications on matters such as one-bank holding companies and in relations with government are clearly related to the lagging reputation of banks and bankers in the community and social areas. If banks, banking, and bankers were known for their good works in the community, were believed to be forces working conscientiously for the benefit of the whole community in a public-spirited way, then the job in the state capitols and in Washington would be infinitely easier, indeed.

What really is happening is this: You are well regarded in your narrow role as bankers, but this is no longer enough. You are expected to take over community leadership, along with banking leadership. This would be a flattering mandate, for not many industries are offered this mantle.

But if the positive attractions are not enough to command your attentions, in the broader social sphere, then the threat of being seriously emasculated in Washington and in dozens of state legislatures should be a powerful negative motivation for you to do the job. It is my judgment that traditional lobbying, pleading of special interests or even narrow self-interests simply will no longer work for bankers, or for that matter very many special interests. To the contrary, only be a positive and total identification with the well-being of the community and the Nation itself can banks, banking, and bankers extricate themselves in the crisis which now faces them and take full advantage of the future opportunities for truly Full Service Banking.

Now, gentlemen, you are entering a period where the thrust of new leadership is upon you. You will surely fail if your response is reactive rather than active. It is a time to initiate boldly, with confidence. You cannot fight today's battles with yesterday's narrow weapons. You are either going into a new, flowering period of banking—the era of broad financial and community leadership—or you will end up in tight, restrictive straitjacket. For generations to come bankers—and, indeed, the American people themselves—will ask: Where were you in that great turning point in the early 1970's? The promise is yours to take—but now, not later. Take it firmly, boldly, now, before it is too late.

Thank you very much.

SENATE ACTION ON NEIGHBORHOOD YOUTH CORPS SUMMER PROGRAM

Mr. JAVITS. Mr. President, the Senate's action last night by a 51-to-29 vote approving a supplemental appropriation totaling $100 million for the neighborhood youth summer program represents an historic commitment to tackle one of the most critical problems facing our troubled cities today—teenage joblessness. The additional funding provides the full amount recommended by the U.S. Conference of Mayors as required to meet the minimum needs of the Nation's cities—large and small—to take disadvantaged youths off the streets and to put them into meaningful summer employment. It also comes to grips with the growing national unemployment problem. These summer jobs offer teenagers from ghetto areas the opportunity to earn enough money to allow them to remain in school during the rest of the year and, in some cases, to acquire skills that will be useful in the years to come.

When I appeared last month before the Supplemental Appropriations Subcommittee to testify in behalf of my amendment for the additional funding of $100 million, I noted that the situation was particularly critical this summer in view of the special impact of high national unemployment in poverty areas. Since I testified on May 27, the national unemployment level has increased from 4.8 to 5 percent—a jump that will be felt especially in the ghettos and slums where the teenage jobless rate was already close to 16 percent back in March. The unemployment rate among black teenagers during the first quarter of this year was 32.7 percent compared with 20.9 percent in the first quarter of 1969.

The subcommittee, under the chairmanship of the Senator from West Virginia (Mr. Byrd), is to be highly commended for its response to the problem in reporting out a supplemental for the summer jobs program of $50 million—a figure which also won the support of the administration. The Senate, in agreeing to a total supplemental of $100 million, has shown a keen awareness of the mammoth proportions of the teenage unemployment problem. If the Labor Department follows the need figures of the Conference of Mayors—as I hope very

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much it will—the addition $100 million could provide 165,298 additional summer job slots for the Nation's 50 largest cities and 61,875 additional slots for the smaller cities above the total of 333,000 slots provided under the current appropriation of $147.9 million. For my own city of New York, an additional 37,081 summer jobs are needed according to the Mayors Conference above the 125,419 jobs covered by the current appropriation, and could be provided under the $100 million supplemental.

It is vital that the House of Representatives sees fit to concur in the additional $100 million funding for the summer program so that the Nation can keep the summer cool and the future promising for the disadvantaged youth in our cities.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President again, with the indulgence of the Senate, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. SPONG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RESTORATION OF THE GOLDEN EAGLE PROGRAM TO THE LAND AND WATER CONSERVATION FUND ACT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2315. The title of this measure as it was passed by the Senate on September 24 last year was "To restore the Golden Eagle program to the Land and Water Conservation Fund Act." The other body amended the title to read—"To amend the Land and Water Conservation Fund Act of 1965, as amended."

The **PRESIDING OFFICER** (Mr. SPONG) laid before the Senate the amendments of the House of Representatives to the bill (S. 2315) to restore the Golden Eagle program to the Land and Water Conservation Fund Act which was to strike out all after the enacting clause, and insert:

That subsection 1(d) of the Act of July 15, 1968 (Public Law 90–401, 82 Stat. 354), is amended by deleting "March 31, 1970." and inserting in lieu thereof "December 31, 1971."

SEC. 2. Section 2(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5(a)(1)) is amended by deleting "not more than $7" and inserting in lieu thereof "not more than $10".

SEC. 3. Section 8 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–10a), is amended by deleting "of fiscal years 1969 and 1970" and inserting "fiscal year".

SEC. 4. On or before February 1, 1971, the Secretary of the Interior shall complete a survey as to the policy to be implemented with regard to entrance and user fees and report his findings to the Senate and House Committees on Interior and Insular Affairs.

And amend the title so as to read: "An Act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement by the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), be printed in the RECORD.

There being no objection, the statement of Senator JACKSON was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JACKSON

Mr. President, as the author of the bill and the Chairman of the Interior Committee which considered the measure, I move, on behalf of the Committee, that the Senate concur in the House amendments to S. 2315.

I make this motion with no little reluctance, Mr. President. The heart of the bill as considered and passed by the Senate was the restoration, on a continuing basis for the life of the Land and Water Conservation Fund program, of the provision under which an entire family was entitled to admission to several thousand Federal outdoor recreation areas during a full year for the payment of a single fee, which was established in the bill at $10. This provision had been drafted in response to literally thousands of requests we had had from all parts of the nation requesting restoration of the program after its deletion in the 90th Congress as a result of House action. The program was particularly beneficial to retired persons and to large families.

The House amendment, however, extends the restoration only to December 31, 1971. Happily, it does direct the Secretary of the Interior to complete by February 1, 1971, a survey as to the policy to be implemented with regard to entrance and user fees. I am hopeful that this period of time will give us opportunity to work out a program meaningful to the Land and Water Conservation Fund and equitable to the millions of our citizens who need and use the splendid outdoor recreation opportunities provided at so many Federal facilities.

While I am deeply disappointed at the limitation on the Golden Eagle program, I am pleased that the House did accept the extension of my "anti-inflation" provision which enables Federal agencies to acquire real property for outdoor recreation under advance contract authorization. This provision enables the Secretary of the Interior to enter into land purchase contracts immediately after authorization of a project without waiting for the actual appropriation. Experience showed that during the interval between the authorization and the appropriation land prices tended to skyrocket. Such inflation seriously curtailed expansion of the outdoor recreation program. The total advance contract authority continues to be limited to $30 million a year, and can be used only for authorized projects, but it is extended to the life of the Land and Water Conservation Fund program.

Mr. President, in bringing these brief remarks to an end on the House amendments to S. 2315, I want again to express my deep regret that the other body saw fit to restore the Golden Eagle only until the end of 1971. Granted the program did not, in its initial stages, bring as much money into the Land and Water Conservation Fund as had been anticipated. However, the program had been seriously hampered by a prohibition written into the basic law against any use of funds for educational, advertising, or public information purposes. Far too few groups and individuals were aware of what a truly great bargain it was, and how to go about taking advantage of it.

Attention is directed to the findings in the study conducted for the Bureau of Outdoor Recreation, which administers the Land and Water Conservation Fund, by Arthur D. Little, Inc., a prestigious private fact-finding and engineering organization, that is quoted in our Committee Report on S. 2315, filed on September 9, 1969. That is Senate Report 91–395.

Also, of course, the immediate revenues are not the sum total of the benefits derived from an entrance and user fee system. Both the Park Service and the Forest Service testified to us that there was substantially less vandalism and far greater regard for the facilities when the very reasonable entrance and user fees were charged.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER** (Mr. SPONG). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of June 16, 1970, p. 19835, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement by the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), be printed in the RECORD.

There being no objection, the statement of Senator JACKSON was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JACKSON

Mr. President, the Solicitor of the Department of the Interior has ruled that lands on a reclamation project owned by a State or State agency which may receive water must be limited to 160 acres, as are lands of a private owner. The purpose of S. 2062 is to clarify the intent of the acreage limitation provisions of Reclamation Law by exempting State lands in certain instances.

S. 2062 as passed by the Senate provides for three kinds of exemptions from the acreage limitation as it is presently being administered: *Section 1* would exempt from the acreage limitation State lands which are operated for non-profit, public purposes. Examples are hospital and prison farms and university agricultural stations.

Section 2 would permit a State to sign recordable contracts to sell excess lands within ten years, but at appreciated values (such as at auction, which is common state practice) and to receive project water in the interim.

Section 3 would permit a State to retain ownership of excess lands and lease them for revenue purposes to farmers. Each lessee, however, would be subject to the same acreage limitation as a private landowner.

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The House amended the measure in two respects. (1) It added language to Section 1 to broaden the provision to include instances (such as the Small Reclamation Loan program and the Rehabilitation and Betterment program) in which excess landowners are permitted to retain their holdings through the payment of interest. The States would then no longer need to pay such interest.

(2) The other House amendment is the deletion of Sec. 3 in its entirety.

The conferees recommend that the Senate recede from its disagreement to the first amendment. The intention of the amendment is in conformance with the intent of the bill as a whole.

The conferees recommend that the Senate recede from its disagreement with the second amendment but agree with an amendment. The new language would retain the provisions of Sec. 3 as contained in the Senate version but limit their duration to 25 years. This compromise would give the States time to consider and carry out an orderly process of divestiture of lands which will assist in the management of such lands for revenue purposes.

Mr. MANSFIELD. Mr. President, I move that the Senate agree to the conference report on S. 2062.

The motion was agreed to.

TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Spong). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of June 16, 1970, p. 19834, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement by the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. Jackson), be printed in the Record.

There being no objection, the statement of Senator Jackson was ordered to be printed in the Record, as follows:

Statement of Senator Jackson

Mr. President, the Touchet division would be located in southeastern Washington. It would develop the flows of the Touchet River for irrigation, municipal, and industrial water supply and would provide flood control, fish and wildlife enhancement, and recreation. The project works would include the Dayton dam and reservoir on the Touchet River, fish passage facilities, and recreation facilities.

The House amended the bill in two respects:

(1) A technical amendment to correct a misspelled word was made in Sec. 2.

(2) Sec. 6, authorizing appropriation, was stricken and a new section was inserted which requires the part of the appropriation associated with the anadromous fisheries to be appropriated to the Bureau of Sport Fisheries and Wildlife for transfer to the Bureau of Reclamation.

The Committee of conference recommends that the Senate recede from its disagreement to the first amendment and recede from its disagreement to the second amendment with an amendment.

The result of the compromise would be that the appropriation provisions of the House bill would remain but the anadromous fishery appropriations would be made to the Fish and Wildlife Service rather than to the Bureau of Sport Fisheries and Wildlife. This will provide some additional latitude for the inclusion of the funds in budget requests.

Although this amendment is not in accord with the general trend of Congressional action to recognize the multiple purpose utility of water resource development, and although it will make the appropriation of funds for construction unnecessarily complex, in view of the important values of the Touchet Division and the long delay we have already had in its authorization, the Senate conferees agreed to the language.

Mr. MANSFIELD. Mr. President, I move adoption of the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE OF THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mahon, Mr. Whitten, Mr. Evins of Tennessee, Mr. Natcher, Mr. Flood, Mr. Steed, Mrs. Hansen of Washington, Mr. Jonas, Mr. Cederberg, Mr. Michel, and Mr. Langen were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States; and

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States; and

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample as specifications shall, in certain instances, be entered free of duty upon such reimportation.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

UNANIMOUS-CONSENT AGREEMENT ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, before I ask unanimous consent to set aside temporarily, the pending business, I would like to propound a unanimous-consent request having to do with the pending amendment, the Dole amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

The Senator may proceed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at 1 o'clock tomorrow afternoon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding—and I would like to have the attention of the distinguished Senator from North Carolina—that the distinguished Senator from Iowa (Mr. Miller) will offer an amendment next and that he is prepared to agree to a 4-hour limitation with the time to be equally divided between the Senator from Idaho (Mr. Church) and the sponsor of the amendment. Would that be satisfactory?

Mr. ERVIN. Yes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the amendment to be offered by the distinguished Senator from Iowa (Mr. Miller), there be a time limitation of 4 hours, the time to be equally divided between the Senator from Idaho (Mr. Church) and the sponsor of the amendment.

The PRESIDING OFFICER. The Chair asks the Senator from Montana if, as part of his unanimous-consent request on the Dole amendment he wishes the time to be equally divided prior to 1 o'clock.

XUM

Mr. MANSFIELD. Yes. I was coming to that after this last one is agreed to.

The PRESIDING OFFICER (Mr. Spong). Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with apologies to the Senator from Wyoming (Mr. Hansen), that when the Senate adjourns tonight, it stand in adjournment until 10 o'clock tomorrow morning; and that the Senator from Wyoming (Mr. Hansen) be recognized for a half hour immediately after the disposition of the Journal.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Unanimous-Consent Agreement

Ordered, That the Senate proceed to vote at 1 p.m. on Wednesday, June 24, 1970, on the amendment of the Senator from Kansas (Mr. Dole), numbered 715, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, with the time for debate from 11:30 a.m. until 1 p.m. on that date to be equally divided and controlled by the Senator from Kansas (Mr. Dole) and the Senator from Arkansas (Mr. Fulbright).

Ordered further, That following the above vote, debate on an amendment to be offered by the Senator from Iowa (Mr. Miller) be limited not to exceed 4 hours to be equally divided and controlled by the Senator from Iowa (Mr. Miller) and the majority leader, or his designee.

ORDER FOR RECOGNITION OF SENATORS CHURCH AND FULBRIGHT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 10:30 tomorrow morning the distinguished Senator from Idaho (Mr. Church) and the distinguished Senator from Arkansas (Mr. Fulbright) be recognized for not to exceed one-half hour; that there be a brief morning hour following that; and that for the last hour and a half the time is to be equally divided between the distinguished Senator from Kansas (Mr. Dole) and the distinguished Senator from Idaho (Mr. Church) or the distinguished Senator from Arkansas (Mr. Fulbright).

The PRESIDING OFFICER (Mr. Spong). Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Spong). The Senator will state it.

Mr. MANSFIELD. Mr. President, have I made a request to divide the time on the Miller amendment?

The PRESIDING OFFICER (Mr. Spong). The Senator from Montana has named in his request the length of time, which is 4 hours, and has divided the time. However, he has not stated when it was to begin.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the Miller amendment begin immediately after the vote on the Dole amendment, the time to be equally divided between the distinguished Senator from Iowa (Mr. Miller) and the majority leader or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

FINANCE COMMITTEE MEETING DURING THE SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with the concurrence of the joint leadership, that the Finance Committee be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, under the terms of the unanimous-consent agreement to conduct other business after 5 p.m., I call up Calendar No. 875, H.R. 16916, the education appropriations measure, and ask that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. Spong). The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, reported with amendments.

The PRESIDING OFFICER (Mr. Spong). Without objection, the Senate will proceed to the consideration of the bill.

Mr. MAGNUSON. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. Spong). The Senate will be in order. Attachés will retire to the rear of the Senate Chamber. Senators will please take their seats.

Mr. PELL. Mr. President, I ask unanimous consent that the staff of the Committee on Labor and Public Welfare be permitted to be on the floor of the Senate without the usual limitation.

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—I hope that the Senator will ask the staff to remain seated and remain quiet, so that we can hear the debate. We have much business to attend to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

Mr. ERVIN. Mr. President, reserving the right to object——

Mr. STENNIS. Mr. President, would the Chair see that we have order?

The PRESIDING OFFICER (Mr. Spong). The Chair will repeat that if the attachés cannot be in order, they will be removed from the Chamber. Senators are asked to take their seats.

Is there objection?

Mr. ERVIN. Mr. President, I object to the unanimous-consent request if it applies to what are known as the Whitten amendments or the Jonas amendments.

Mr. MAGNUSON. Mr. President, I will say to the Senator from North Carolina, the Senator from Mississippi, who is also interested, the Senator from Alabama, and the Senator from Pennsylvania that the motion does not apply to the so-called Whitten and Jonas amendments, because that is House language. They are not committee amendments, and we just retained the House language. They are in the bill.

Mr. ERVIN. I was raising the point because I was under the impression that the House bill carried the Jonas amendment, but that the Senate committee had eliminated the Jonas amendment.

Mr. MAGNUSON. No; no change at all.

Mr. ERVIN. With the assurance of the distinguished Senator from Washington I do not object.

Mr. MAGNUSON. There is no change at all.

I must say we expect there will be a motion by some Senator to strike these amendments, and then we can debate that, at the proper time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 1, line 11, after "(20 U.S.C., ch. 19)", strike out "$440,000,000" and insert "$673,800,000"; on page 2, line 1, after the word "which", strike out "$425,000,000" and insert "$658,800,000"; and, in line 7, after the word *"Provided,"*, strike out "That this appropriation shall not be available to pay local educational agencies pursuant to the provisions of any other section of said title I until payment has been made of 90 per centum of the amounts to which such agencies are entitled pursuant to section 3(a) of said title and 100 per centum of the amounts payable under section 6 of said title." and insert "That $8,800,000 of this appropriation shall be available to pay full entitlement under section 3(a) of said title to a local educational agency where the number of children eligible under said section 3(a) represent 25 per centum or more of the total number of children attending school at such local educational agency.".

On page 2, line 21, after "title I", strike out "A"; in line 22, after "title III", strike out "($137,393,000)" and insert "($140,393,000)"; on page 3, at the beginning of line 2, strike out "($20,000,000)" and insert "($79,200,000)"; in the same line, after the amendment just above stated, strike out "$1,808,968,000" and insert "$1,873,168,000"; in line 3, after the word "to", strike out "State and" and insert "States on behalf of; and, in line 4, after the word "under", strike out "said".

On page 3, line 11, after "$105,000,000", insert a comma and "including $1,000,000 for special programs under part G of the Education of the Handicapped Act".

On page 3, line 16, after "($20,000,000)", insert "section 151 ($4,000,000),"; in line 17, after "B", insert "and C"; in the same line, after the amendment just above stated, strike out "($350,336,000)" and insert "($346,336,000)"; in the same line, after "F", strike out "($17,500,000)" and insert "($25,000,000)"; in line 18, after "($18,500,000)" strike out "and";

in line 19, after "($5,500,000)", insert "and I"; in line 23, after "1967", strike out "$490,446,000" and insert "$497,946,000"; and, in the same line, after the word "including", strike out "$20,000,000" and insert "$16,000,000".

On page 4, line 5, after "(except part F)", strike out "and"; in the same line, after "title V", insert "and part A of title VI"; in line 7, after "section 306", strike out "and title" and insert a comma and "titles I and"; at the beginning of line 16, strike out "$899,880,000" and insert "$970,720,000"; in the same line, after the word "which", insert "$14,500,000 shall be for instructional equipment under part A of title VI of the Higher Education Act of which amounts reallotted shall remain available until June 30, 1972, and"; and, at the beginning of line 21, insert "$43,000,000 for grants for construction of public community colleges and technical institutes under title I of the Higher Education Facilities Act of 1963,".

One page 5, line 9, after the word "and", strike out "parts" and insert "subpart 2 of parts"; in the same line, after "($15,000,000)", strike out "for subpart 2"; and, in line 13, after "1967", strike out "$135,800,000" and insert "$105,000,000".

On page 5, after line 13, insert:

"TEACHERS CORPS

"For carrying out subpart 1 of part B of title V of the Higher Education Act of 1965, as amended, $30,800,000: *Provided*, That none of these funds may be used to pay in excess of 90 per centum of the salary and other emoluments in the Teacher Corps: *Provided further*, That none of these funds may be spent on behalf of any Teacher Corps program in any; local school system prior to approval of such program by the State educational agency of the State in which the school system is located."

On page 6, line 9, after "(47 U.S.C. 390–395)", strike out "$71,636,000" and insert "$101,794,000"; in line 10, after the word "which", strike out "$5,000,000" and insert "$9,185,000"; and, in line 13, after the word "and", where it appears the second time, strike out "$6,000,000" and insert "$15,000,000".

On page 6, line 20, strike out "$105,325,000" and insert "$90,077,000".

On page 7, line 8, after "District of Columbia", strike out "$46,107,000" and insert "$45,164,000".

Mr. MAGNUSON. Mr. President, this is a very important bill and I wish to make a statement, as the chairman of the subcommittee, and the Senator from New Hampshire may want to make his statement later—on the bill.

Mr. President, the Senate bill, as reported, provides a total amount of $4,517,421,000. This is $703,643,350 greater than the comparable appropriations for 1970, taking into consideration the 2-percent reduction of the total amount of last year's education appropriation.

This bill is $638,453,000 less than the amended budget estimates for 1971, but in all fairness, I must say that in arriving at that figure we are including the request for advanced funding for ESEA, title I, of $1,339,040,000 which the committee rejected. If advance funding were excluded—and I do not know why it should be, since the Department appealed for restoration of the House reduction of this item—the present bill is $700,597,000 over the budget estimate.

The Senate committee bill is $390,307,000 more than the House-passed bill. Most of this increase is for impacted aid—to which I will allude in a moment—but I think the Senate basically understands this program.

Mr. President, perhaps a $4.5 billion Federal contribution sounds like a lot of money to meet the needs of the American educational system. It is. I remind the Senate, however, that the programs considered by the committee in making this recommendation have authorization levels in excess of $11.5 billion already signed into public law. I would further remind the Senate that the Congress recently passed, and the President recently signed, an authorization bill—Public Law 91–230—that extends existing programs and provides new programs in education at an authorization level of $24 billion over the next 3 years. When these factors are taken into account, it is obvious that the appropriation provided in this bill is reasonable and hardly excessive. We are still nowhere near what is called full funding.

The total Federal contribution is still in the neighborhood of 6½ percent to 7 percent of the total expenditures for education in the country.

Before the question is asked, let me emphasize that every program provided for in this bill has already been authorized, so there will be no delay in early passage of this bill on account of pending authorizations.

EARLY FUNDING OF EDUCATION PROGRAMS

It is the hope of the chairman and the members of the committee that this bill before us now will be on the President's desk, ready for his signature, before the July 4 recess. This bill was reported on May 15, in an effort to secure early passage. I need not go into the reason for the delay here in the Senate over the last 40 days. Our May 15 reporting date was made possible by considering the Office of Education appropriation separately, and in advance of, the remainder of the HEW appropriation. This "innovative" reform will help to provide greater leadtime to State and local authorities in preparing for the next school year. It is the opinion of the committee, however, that even greater reforms of the appropriations process are needed to allow Federal funds in all areas to achieve optimum results. Specifically, on page 2 of the report accompanying this bill, the committee has urged the passage of pending legislation that would change the Federal fiscal year to coincide with the calendar year.

This legislation (S. 3113), which the Senator from Washington has continually introduced for at least 10 Congresses, now has well over 40 sponsors in the Senate and companion legislation has been introduced in the House. The committee feels that the streamlining of the appropriations/authorization process which this legislation represents is crucial if Federal funds are to mesh successfully with State and local planning-funding cycles.

THE COMMITTEE RECOMMENDATIONS

Mr. President, in order to facilitate the study of the committee recommendations by Members of the Senate, their staffs, and others, I ask unanimous consent to have inserted in the RECORD at this point a table showing the amount of major increases and decreases in the Senate bill compared with the House-passed bill, together with an all-purpose table showing the program and activities breakdown as contained in the Senate report and the comparisons to last year's appropriation, the budget estimate and House action.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 16916—Office of Education appropriations—Fiscal 1971 major increases and decreases compared to the House allowances.

Impaced aid—P.L.–874 (allows 90 percent payment of entitlements for both "A" and "B" students—House 90 percent "A" and 45 percent "B"), plus $233,800,000.

Elementary and secondary education, plus $64,200,000:

Guidance and Counseling Services, plus $3,000,000.

Equipment: Audio-Visual, Teaching Aids (all matching funds), plus $59,200,000.[1]

Dropout Prevention Program (project grants), plus $2,000,000.

Education for the handicapped, no increase, but a special earmark of $1,000,000 allows the initiation of programs for specific learning disabilities.

Vocational and adult education, Consumer and Homemaking Education, plus $7,500,000.

Higher education, plus $70,840,000:

Land-Grant College aid, Bankhead-Jones Act, plus $4,040,000.

Foreign Language Training (NDEA Title 6), plus $9,300,000.

Instructional Equipment: Audio-Visual, Teaching aids, plus $14,500,000.[1]

Construction: grants for academic facilities community colleges, matching funds, plus $43,000,000.[1]

Community education, plus $30,158,000.

Public Libraries, construction matching grants, plus $4,185,000.[1]

College Library Resources—matching grants, plus $10,850,000.[1]

Librarian Training programs: pre-service & inservice, plus $4,350,000.

Library of Congress cataloging services, plus $1,773,000.

Educational Broadcasting, equipment matching grants, plus $9,000,000.[1]

Research and training, minus $15,248,000.

Regional Educational Laboratories, plus $700,000.

General Education, research and development, minus $4,208,000.

Evaluations, research and training, minus $250,000.

Experimental Schools (Report language approves use of ESEA, Supplementary Services funds for this program), minus $5,000,000.

Dissemination of Research, minus $1,740,000.

Training Programs, minus $4,250,000.

Statistics, minus $500,000.

Salaries and expenses (holding to 1970 funding levels), minus $943,000.

Total committee recommendation, $4,517,421,000.

Over House Allowances, plus $390,307,000.

Under Budget Requests, minus $638,453,000.

Over fiscal year, plus $703,643,350.

Fiscal 1971 authorizations, $11,502,516,000.

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[1] Matching Grant Programs.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

OFFICE OF EDUCATION—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Note: All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1]	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate committee bill	Senate bill compared with— New budget (obligational) authority fiscal year 1970 (enacted to date)	Senate bill compared with— Budget estimates of new budget (obligational) authority fiscal year 1971	Senate bill compared with— New budget (obligational) authority in House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
School assistance in federally affected areas:								
1. Maintenance and operations (874)	$505,400,000	$505,400,000	[2] $425,000,000	$425,000,000	$658,800,000	+$153,400,000	+$233,800,000	+$233,800,000
2. Construction (815)	15,181,000	15,181,000		15,000,000	15,000,000	−181,000	+15,000,000	
(Obligations)	(15,167,000)	(14,416,000)	(21,049,000)	(36,049,000)	(36,049,000)	(+21,633,000)	(+15,000,000)	
Total	520,581,000	520,581,000	425,000,000	440,000,000	673,800,000	+153,219,000	+248,800,000	+233,800,000
Elementary and secondary education:								
1. Aid to school districts:								
(a) Educationally deprived children (ESEA I)	[3] 1,396,975,000	1,339,050,900	[5] 1,339,050,000	1,500,000,000	1,500,000,000	+160,949,100	+160,950,000	
(b) Supplementary services (ESEA III)	133,393,000	130,843,000	[6] 120,393,000	137,393,000	140,393,000	+9,550,000	+20,000,000	+3,000,000
(c) Library resources (ESEA II)	50,000,000	42,500,000	[7] 80,000,000	80,000,000	80,000,000	+37,500,000		
(d) Equipment and minor remodeling (NDEA III)	[4] 43,740,000	[4] 37,179,000		20,000,000	79,200,000	+42,021,000	+77,200,000	+59,200,000
Subtotal	1,624,108,000	1,549,572,900	1,539,443,000	1,737,393,000	1,799,593,000	+250,020,100	+260,150,000	+62,200,000
2. Dropout prevention (ESEA VIII)	5,000,000	5,000,000	15,000,000	8,000,000	10,000,000	+5,000,000	−5,000,000	+2,000,000
3. Bilingual education (ESEA VII)	25,000,000	21,250,000	[8] 21,250,000	25,000,000	25,000,000	+3,750,000	+3,750,000	
4. Strengthening State departments of education (ESEA V)	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000			
5. Planning and evaluation (ESEA 1967, sec. 402)	9,250,000	8,825,000	9,250,000	8,825,000	8,825,000		−425,000	
Total	1,693,108,000	1,614,397,900	1,614,693,000	1,808,968,000	1,873,168,000	+258,770,100	+258,475,000	+64,200,000
Education for the handicapped:								
1. State grant programs (ESEA VI)	29,190,000	29,190,000	31,900,000	35,000,000	34,000,000	+4,810,000	+2,100,000	−1,000,000
2. Early childhood projects (Public Law 90-538)	4,000,000	3,000,000	4,000,000	7,000,000	7,000,000	+4,000,000	+3,000,000	
3. Teacher education and recruitment:								
(a) Teacher education (Public Law 85-926)	36,000,000	30,000,000	31,600,000	32,600,000	32,600,000	+2,600,000	+1,000,000	
(b) Recruitment and information (ESEA VI-D)	610,000	475,000	500,000	500,000	500,000	+25,000		
Subtotal	36,610,000	30,475,000	32,100,000	33,100,000	33,100,000	+2,625,000	+1,000,000	
4. Research and innovation:								
(a) Research and demonstration (Public Law 88-164, sec. 302)	16,375,000	13,360,000	14,450,000	15,300,000	15,300,000	+1,940,000	+850,000	
(b) Regional resource centers (ESEA VI-B)	2,900,000	1,800,000	3,550,000	3,550,000	3,550,000	+1,750,000		
(c) Deaf-blind centers (ESEA VI-C)	4,000,000	2,000,000	2,500,000	4,500,000	4,500,000	+2,500,000	+2,000,000	
(d) Media services and captioned films (Public Law 85-905)	6,500,000	4,750,000	6,000,000	6,000,000	6,000,000	+1,250,000		
Subtotal	29,775,000	21,910,000	26,500,000	29,350,000	29,350,000	+7,440,000	+2,850,000	
5. Specific learning disabilities					1,000,000	+1,000,000	+1,000,000	+1,000,000
6. Planning and evaluation (ESEA, 1967, sec. 402)	425,000	425,000	500,000	550,000	550,000	+125,000	+50,000	
Total	100,000,000	85,000,000	95,000,000	[9] 105,000,000	105,000,000	+20,000,000	+10,000.000	
Vocational and adult education:								
1. Basic vocational education grants:								
(a) Grants to States (VEA, part B)	300,336,000	300,336,000	[10] 300,336,000	350,336,000	346,336,000	+46,000,000	+46,000,000	−4,000,000
(b) Consumer and homemaking education (VEA, part F)	17,500,000	15,000,000	15,000,000	17,500,000	25,000,000	+10,000,000	+10,000,000	+7,500,000
(c) State advisory councils (VEA, part B)	2,800,000	2,380,000	[11] 2,380,000	2,380,000	2,380,000			
(d) National advisory council (VEA, part B)	200,000	200,000	330,000	330,000	330,000	+130,000		
Subtotal	320,836,000	317,916,000	318,046,000	370,546,000	374,046,000	+56,130,000	+56,000,000	+3,500,000
2. Work-study (VEA, part H)	5,000,000	4,250,000		5,500,000	5,500,000	+1,250,000	+5,500,000	
3. Cooperative education (VEA, part G)	14,000,000	14,000,000	24,000,000	18,500,000	18,500,000	+4,500,000	−5,500,000	
4. Research and innovation (VEA, parts C and D)	[12] 31,980,000	[12] 14,980,000	25,000,000	20,000,000	20,000,000	+5,020,000	−5,000,000	
5. Adult basic education (Adult Education Act)	[13] 49,900,000	[13] 49,900,000	55,000,000	55,000,000	55,000,000	+5,100,000		
6. Planning and evaluation (ESEA, 1967, sec. 402)	1,100,000	1,000,000	1,000,000	900,000	900,000	−100,000	−100,000	
7. Students with special needs (VEA, sec. 102(B)	20,000,000	17,000,000	[14] 17,000,000	20,000,000	20,000,000	+3,000,000	+3,000,000	
8. Residential vocational schools					4,000,000	+4,000,000	+4,000,000	+4,000,000
Total	442,816,000	419,046,000	440,046,000	490,446,000	497,946,000	+78,900,000	+57,900,000	+7,500,000
Higher education:								
1. Student assistance:								
(a) Educational opportunity grants (HEA IV-A)	164,000,000	164,600,000	185,600,000	167,700,000	167,700,000	+3,100,000	−17,900,000	
(b) Work-study and cooperative education (HEA-IV C, D)	154,000,000	154,000,000	160,000,000	160,000,000	160,000,000	+6,000,000		
(c) Loans:								
(1) Direct (NDEA-II)	229,000,000	195,685,000	[15] 176,925,000	229,000,000	229,000,000	+33,315,000	+52,075,000	
(Teacher cancellations)	(4,900,000)	(4,900,000)	(4,500,000)	(4,500,000)	(4,500,000)	(−400,000)		
(2) Insured: HEA IV-B):								
(A) Advances for reserve funds								
(Obligations)	(2,800,000)	(2,800,000)	(4,441,022)	(4,441,022)	(4,441,022)	(1,641,022)		
(B) Interest payments	62,400,000	62,400,000	143,200,000	143,200,000	143,200,000	+80,800,000		
(Accrued costs)	(109,454,000)	(109,454,000)	(143,200,000)	(143,200,000)	(143,200,000)	(+33,746,000)		
(New loans subsidized)	(794,241 000)	(794,241,000)	(940,428,000)	(940,428,000)	(940,428,000)	(+146,187,000)		

Footnotes at end of table.

XUM

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

OFFICE OF EDUCATION—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note: All amounts are in the form of definite appropriations unless otherwise indicated]

						Senate bill compared with—		
Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2 percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate committee bill (6)	New budget (obligational) authority fiscal year 1970 (enacted to date) (7)	Budget estimates of new budget (obligational) authority fiscal year 1971 (8)	New budget (obligational) authority in House bill (9)
(A) (C) Computer services	$1,500,000	$1,500,000	$2,200,000	$2,200,000	$2,200,000)	+$700,000		
(Obligation)	(1,697,990)	(1,697,990)	(2,200,000)	(2,200,000)	(2,200,000)	(+502,010)		
Subtotal	63,900,000	63,900,000	145,400,000	145,400,000	145,400,000	+81,500,000		
(d) Special programs for the disadvantaged: (HEA—sec. 408):								
(1) Talent search	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000			
(2) Upward Bound	29,683,000	29,637,000	30,000,000	30,000,000	30,000,000	+333,000		
(3) Special services in college	10,000,000	10,000,000	15,000,000	15,000,000	15,000,000	+5,000,000		
Subtotal	44,683,000	44,637,000	50,000,000	50,000,000	50,000,000	+5,363,000		
Subtotal, student assstance	656,183,000	622,822,000	717,925,000	752,100,000	752,100,000	+129,278,000	+$34,175,000	
2. Institutional assistance:								
(a) Aid to land-grant colleges (Bankhead-Jones Act)	19,361,000	19,361,000		8,080,000	12,120,000	−7,241,000	+12,120,000	+$4,040,000
(b) Strengthening developing institutions (HEA III)	30,000,000	30,000,000	33,850,000	33,850,000	33,850,000	+3,850,000		
(c) University community services (HEA I)	[16] 9,500,000	[16] 9,500,000		9,500,000	9,500,000		+9,500,000	
(d) Foreign language training and area studies (NDEA VI)	[17] 18,000,000	[17] 15,300,000	15,300,000	6,000,000	15,300,000			+9,300,000
(e) Title VI—HEA instructional equipment					14,500,000	+14,500,000	+14,500,000	+14,500,000
(f) Construction:								
(1) Grants (HEFA I and II)	76,000,000	71,050,000			43,000,000	−28,050,000	+43,000,000	+43,000,000
(Obligations)	(76,000,000)	(72,650,000)			(43,000,000)	[1](−29,650,000)	(+43,000,000)	(+43,000,000)
(2) Subsidized loans (HEFA III)	11,750,000	11,750,000	21,000,000	21,000,000	21,000,000	+9,250,000		
(Obligations)	(11,750,000)	(10,920,000)	(25,250,000)	(25,250,000)	(25,250,000)	(+14,330,000)		
Loans subsidized	(435,000,000)	(393,000,000)	(520,000,000)	(520,000,000)	(520,000,000)	(+127,000,000)		
(3) State administration and planning (HEFA I)	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000			
(4) Technical services (HEFA I, sec 105)	5,417,000	5,417,000	5,100,000	5,100,000	5,100,000	−317,000		
Subtotal, construction	99,167,000	94,217,000	32,100,000	32,100,000	75,100,000	−19,117,000	+43,000,000	+43,300,000
Subtotal, institutional assistance	176,028,000	168,378,000	81,250,000	89,530,000	160,370,000	−8,008,000	+79,120,000	+70,840,000
3. College personnel development:								
(a) College teacher fellowships (NDEA IV)	56,163,000	48,813,000	47,350,000	47,350,000	47,350,000	−1,463,000		
(b) Training programs (EPDA, part E)	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000			
Subtotal	66,163,000	58,813,000	57,350,000	57,350,000	57,350,000	−1,463,000		
4. Planning and evaluation (ESEA, 1967, sec. 402)	1,000,000	900,000	1,000,000	900,000	900,000		−100,000	
Total	899,374,000	850,913,000	857,525,000	899,880,000	970,720,000	+119,807,000	+113,195,000	+70,840,000
Education professions development:								
1. State grants (EPDA-part B-2)	18,250,000	15,512,500	15,000,000	15,000,000	15,000,000	−512,000		
2. Personnel development programs (EPDA-parts C, D and F)	88,348,000	79,098,000	88,500,000	88,500,000	88,500,000	+9,402,000		
3. Planning and evaluation (ESEA 1967, sec. 402)	477,000	477,000	1,300,000	1,000,000	1,000,000	+523,000	−300,000	
4. Encouragement of educational careers (EPDA—Sec. 504)	425,000	425,000	500,000	500,000	500,000	+75,000		
Total	107,500,000	95,512,500	105,300,000	105,000,000	105,000,000	+9,487,500	−300,000	
Teacher Corps: (EPDA-part B-1)	[19] 21,737,000	21,737,000	30,800,000	30,800,000	30,800,000	+9,063,000		
Community education:								
1. Public libraries:								
(a) Services (LSCA I, III, IV A)	40,709,000	35,459,000	[20] 35,459,000	40,709,000	40,709,000	+5,250,000	+5,250,000	
(b) Construction (LSCA II)	9,185,000	7,807,250		5,000,000	9,185,000	+1,377,750	+9,185,000	+4,185,000
(Obligations)	(10,911,034)	(9,533,284)		(5,000,000)	(9,185,000)	(−348,284)	(+9,185,000)	(+4,185,000)
Subtotal	49,894,000	43,266,250	35,459,000	45,709,000	49,894,000	+6,627,750	+14,435,000	+4,185,000
2. College library resources (HEA II-A)	20,750,000	9,816,000	9,900,000	9,900,000	20,750,000	+10,934,000	+10,850,000	+10,850,000
3. Librarian training (HEA II-B)	6,833,000	4,000,000	3,900,000	3,900,000	8,250,000	+4,250,000	+4,350,000	+4,350,000
4. Cataloging by the Library of Congress (HEA II-C)	6,732,000	5,721,450	[21] 5,727,000	5,727,000	7,500,000	+1,778,550	+1,773,000	+1,773,000
5. Educational broadcasting facilities (title II, Communications Act of 1934)	5,083,000	4,320,550	4,000,000	6,000,000	15,000,000	+10,679,450	+11,000,000	+9,000,000
(Obligations)	(5,396,639)	(5,396,634)	(4,000,000)	(6,000,000)	(15,000,000)	(+9,603,366)	(+11,000,000)	(+9,000,000)
6. Planning and evaluation (ESEA 1967, Sec. 402)	89,000	89,000	460,000	400,000	400,000	+311,000	−60,000	
Total	[22] 89,381,000	[22] 67,213,250	[22] 59,446,000	71,636,000	101,794,000	+34,580,750	+42,348,000	+30,158,000
Research and training:								
1. Research and development (Cooperative Research Act):								
(a) Educational laboratories	25,125,000	25,106,000	25,106,000	24,406,000	25,106,000			+700,000
(b) Research and development centers	10,000,000	9,800,000	9,500,000	9,300,000	9,300,000	−500,000	−200,000	
(c) General education	22,862,000	22,562,000	22,562,000	19,208,000	15,000,000	−7,562,000	−7,562,000	−4,208,000
(d) Evaluations	3,000,000	2,796,000	5,000,000	4,250,000	4,000,000	+1,204,000	−1,000,000	−250,000
(e) National achievement study	2,000,000	1,900,000	4,500,000	4,500,000	4,500,000	+2,600,000		
(f) Special library research	2,171,000	2,171,000	2,171,000	2,171,000	2,171,000			
(g) Nutrition and health			2,500,000	2,000,000	2,000,000	+2,000,000	−500,000	
Subtotal	65,158,000	64,335,000	71,339,000	65,835,000	62,077,000	−2,258,000	−9,262,000	−3,758,000

Footnotes at end of table.

XUM

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1]	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate committee bill	Senate bill compared with— New budget (obligational) authority fiscal year 1970 (enacted to date)	Senate bill compared with— Budget estimates of new budget (obligational) authority fiscal year 1971	Senate bill compared with— New budget (obligational) authority in House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Research and training—Continued								
2. Major demonstration (Cooperative Research Act)	$1,000,000	$1,000,000	$5,000,000	$3,000,000	$3,000,000	+$2,000,000	−$2,000,000	
D.C. Model School	(1,000,000)	(1,000,000)	(4,750,000)	(2,750,000)	(2,750,000)	(+1,750,000)	(−2,000,000)	
3. Experimental schools (Cooperative Research Act)			25,000,000	20,000,000	15,000,000	+15,000,000	−10,000,000	−$5,000,000
4. Dissemination (Cooperative Research Act and sec. 303 VEA)	7,200,000	6,740,000	6,740,000	6,740,000	5,000,000	−1,740,000	−1,740,000	−1,740,000
5. Training	6,750,000	6,350,000	6,250,000	6,250,000	2,000,000	−4,350,000	−4,250,000	−4,250,000
6. Statistics	2,000,000	1,900,000	4,000,000	3,500,000	3,000,000	+1,100,000	−1,000,000	−500,000
7. Construction								
(Obligations)	(11,291,202)	(11,291,202)				(−11,291,202)		
Total	[24] 82,108,000	[24] 80,325,000	118,329,000	[18] 105,325,000	90,077,000	+9,752,000	−28,252,000	−15,248,000
Educational activities overseas (special foreign currency program) (Public Law 480)	1,000,000	1,000,000	3,000,000	3,000,000	3,000,000	+2,000,000		
(Obligations)	(1,029,405)	(1,029,405)	(3,000,000)	(3,000,000)	(3,000,000)	(+1,970,595)		
Salaries and expenses	[25] 44,308,000	[25] 44,308,000	46,733,000	46,107,000	45,164,000	+856,000	−1,569,000	−943,000
Student loan insurance fund (HEA IV-B)	10,826,000	10,826,000	18,000,000	18,000,000	18,000,000	+7,174,000		
(Obligations)	(16,388,000)	(16,388,000)	(18,182,000)	(18,182,000)	(18,182,000)	(+1,794,000)		
Higher education facilities loan fund, (HEFA III):								
1. Loans to higher education institutions								
(Obligations)	(25,000,000)	(15,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(−5,000,000)		
2. Participation sales insufficiencies	2,918,000	2,918,000	2,952,000	2,952,000	2,952,000	+34,000		
(Obligations)	(31,651,000)	(31,651,000)	(25,293,000)	(25,293,000)	(25,293,000)	(−6,358,000)		
Total	2,918,000	2,918,000	2,952,000	2,952,000	2,952,000	+34,000		
Total, OE	4,015,657,000	3,813,777,650	3,816,824,000	4,127,114,000	4,517,421,000	+703,643,350	+700,597,000	+390,307,000
Title I advance funding:								
1970 advance (in 1969 bill)	−1,010,814,300	−1,010,814,300						
1972 advance (in 1971 bill)			[26] 1,339,050,000					
Total, education appropriation bill	3,004,842,700	2,802,963,350	5,155,874,000	4,127,114,000	4,517,421,000	+1,714,457,650	−638,453,000	+390,307,000

[1] 1970 appropriations are adjusted to be comparable to the 1971 estimates and to reflect the limitation contained in section 410 of public Law 91-204.

[2] To implement proposed reform legislation, proposed for separate transmittal.

[3] Includes $1,010,814,300 appropriated in the 1969 bill.

[4] Carried under "Instructional equipment" in 1970.

[5] Includes a budget amendment of $39,050,000 submitted in H. Doc. 91-285.

[6] Includes a budget amendment of $4,000,000 submitted in H. Doc. 91-285.

[7] Includes a budget amendment of $80,000,000 submitted in H. Doc. 91-285.

[8] Includes a budget amendment of $11,250,000 submitted in H. Doc. 91-285.

[9] Department distribution among activities.

[10] Includes a budget amendment of $70,000,000 submitted in H. Doc. 91-285.

[11] Includes a budget amendment of $700,000 submitted in H. Doc. 91-285.

[12] Includes $1,100,000 carried under "Research and training" in 1970.

[13] Carried under "Libraries and community services" in 1970.

[14] Includes a budget amendment of $17,000,000 submitted in House Document 91-285.

[15] Includes a budget amendment of $35,025,000 submitted in House Document 91-285.

[16] Carried under "Libraries and community services" in 1970.

[17] Carried under "education in foreign languages and world affairs" in 1970.

[18] Includes a budget amendment of $9,300,000 not considered by the House.

[19] Carried as a separate appropriation in 1970.

[20] Includes a budget amendment of $12,510,000 submitted in House Document 91-285.

[21] Includes a budget amendment of $924,000 submitted in House Document 91-285.

[22] Included under "Libraries and community services" in 1970.

[23] Department distribution among activities.

[24] Excludes $1,100,000 carried under "Vocational and adult education" in 1971 and $2,528,000 proposed transfer to "Salaries and expenses" for increased pay costs.

[25] Includes $2,528,000 proposed transfer from "Research and training" for increased pay costs.

[26] Includes a budget amendment of $39,050,000 submitted in House Document 91-285.

Note: Key to abbreviations of Legislative authorities: ESEA (Elementary and Secondary Education Act); ESEA 1967 (Elementary and Secondary Education Act Amendments of 1967); NDEA (National Defense Education Act); VEA (Vocational Education Act of 1963); HEA (Higher Education Act); HEFA (Higher Education Facilities Act); EPDA (Education Professions Development Act); and LSCA (Library Services and Construction Act).

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND THE BUDGET ESTIMATES FOR 1971
PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are not included in the accompanying bill]

Agency and item	New budget (obligational) authority, 1970	Budget estimate of new (obligational) authority, 1971	Increase (+) or decrease (−)
(1)	(2)	(3)	(4)
Office of Education:			
Payment to States and territories for colleges of agriculture and mechanical arts (act. of Mar. 4, 1907)	$2,600,000	$2,600,000	
Payments to States for promotion of vocational education (act of Feb. 23, 1917)	7,161,455	7,162,455	
Payment of participation sales insufficiencies, indefinite (Independent Offices Appropriation Act 1967)	1,591,000	1,743,000	+$142,000
Total, permanent new budget (obligational) authority, Federal funds	11,352,455	11,494,455	+142,000

GENERAL VIEWS OF THE COMMITTEE

Mr. MAGNUSON. Mr. President, I think every Member of the Senate realizes the significance of this appropriations bill. Only 5 months ago, the President vetoed the HEW appropriation for fiscal year 1970. In so doing, he called particular attention to the appropriation for the Office of Education and asked specifically that the appropriation be reduced. Now we have recommended an appropriation that once again exceeds his request, yet we must hope that he will sign this bill after it emerges from conference and not regard last year's veto as a precedent.

Mr. President, the committee has not exceeded the President's request out of any arbitrary desire to force a confrontation with him; on the contrary, another confrontation on this issue could be disastrous for the very system of education we are trying to preserve and enhance. Neither has the committee sought to challenge the authority and responsibility of the President to curb Federal expenditures and to control inflation. The recommendations that we have made in excess of the President's requests are based solely on our best judgment—after an exhaustive program-by-program review—of the acceptable minimum response to the educational needs this country faces.

Throughout the remainder of my remarks, and in the report accompanying this bill, an attempt has been made to explain why we felt compelled to appropriate at least this level of funding for these programs. Much of these remarks, and much of the report, is technical in nature, dealing with marginal adjustments and "dollars and cents" considerations. But the central issue—the issue to which the committee has sought to respond—is much more clear. That issue is the future course of education in the United States.

Today, there is a dual crisis in education. It is a crisis, first, of the quality of education—a crisis whose origins are intimately connected with an inadequate level of funding for educational programs, training facilities, and institutions. This crisis engulfs the entire spectrum of education—rural and urban school districts, kindergartens and colleges, vocational institutes and secondary school systems. The issue today is whether the threat to the quality of education inherent in this crisis can be reversed, or whether Americans must look forward to a progressive deterioration of education as we know it.

The second facet of the crisis in education today transcends the crisis in quality. This second facet is a crisis in confidence; confidence in the true extent of this Nation's commitment to excellence in education; confidence in our willingness to deliver needed funds instead of airy promises; confidence in the rationality of the priorities within the Federal budget. If this crisis is not met today, it is highly likely that the disillusionment and defection of educational personnel will reach proportions that will make the crisis in quality infinitely more difficult to resolve in the future.

Mr. President, the committee is under no illusion that the amount of our recommendations here is sufficient to relieve the crisis in quality at all levels of our educational system. This appropriation, after all, represents far less than the amount authorized to be appropriated under existing education legislation. It is an appropriation far too modest to reverse the trend toward lower quality education. It is an appropriation that can only be termed a stop-gap response in this era of stringent fiscal policy. Even if the House agrees to the Senate recommendations, and even if the President refrains from vetoing this appropriation again, the contribution of the Federal Government to the total educational outlays of this Nation will remain considerably below 10 percent—as I pointed out, somewhere around 7 percent.

By approving these recommendations, however, the Senate can take an important first step toward resolving the crisis in confidence in education—a confidence that can only be shaken further if these recommendations are compromised. By approving these recommendations, we can demonstrate to educational personnel, to parents, and to students that the Federal Government is fully committed to the twin concepts of quality education and equal educational opportunity for everyone, and that we in the Senate are willing to take some risks and make some sacrifices in order to see that commitment met.

We can demonstrate further that we are unwilling to condone policies that sacrifice educational quality in order to achieve budgetary constraints of dubious value. We can demonstrate that we in the Senate will not preside over the destruction of American education at a time when countless millions are being wasted on programs that clearly rate a lower priority

The committee and the chairman support the administration in its efforts to plan and evaluate our educational process. I would remind the administration, however, that students cannot wait to be educated until the completion of studies by task forces, commissions, and so forth. The students are in the classrooms now. Upon completion of major efforts to revamp the process of education, these studies and one that have been made should not be allowed to gather dust in some warehouse. In the meantime, we cannot permit our students to gather dust in warehouses we refer to as educational facilities. We must move ahead on two fronts—the development of new teaching and learning techniques and the pursuit of educational quality through techniques available today.

In sum, Mr. President, we know full well that the present recommendations are insufficient to meet the many and varied needs in education today. But we know, too, that these recommendations represent the most we can hope for, without provoking another administration confrontation, and that these recommendations are the absolute minimum necessary to maintain the confidence of those millions of Americans who look to the Federal Government for a meaningful commitment to educational quality and opportunity.

More than this we cannot expect to provide in the present bill; less than this we cannot and must not accept. At stake is the future of education—and the future of youth—in this country.

IMPACTED AID

Mr. President, perhaps no section of this bill has provoked greater discussion and controversy than the impacted area aid funds under Public Laws 874 and 815. This was probably the most difficult single program which the committee had to deal with and this is the program in which the Congress and the administration seem the furthest apart on—not only this administration but others.

The impacted aid program relies on formulas and categories that cannot help but be confusing to the layman. But these technicalities must not obscure the true purpose of the impacted aid program—to guarantee an education to every eligible child of a Federal employee, and to guarantee that school districts forced to accommodate such children will not have the quality of their educational program compromised by the added burden that these children represent.

The President has offered a proposal to change the basic impacted aid legislation, yet the law has not been changed. Neither House of Congress has approved a change in the basic formula for allocating these funds.

If we pass this bill, and if the President signs it into law, we will have appropriated education funds for fiscal year 1971 at an earlier date than at any time in recent history. Yet the school districts will have long since made their plans for next fall—contracts will have been signed with teachers and books will have been ordered. The whole budget of most school districts, in fact, will have been settled. The binding contracts into which these school districts have entered were based on expectations of the impacted aid law as it was—and as it is today—not on what that law might be if Congress had changed it.

We have recommended, therefore, that $658.8 million be appropriated for the Public Law 874 program—and the Senator from New Hampshire and I underline this, because we were taken to task about it last year—which is an amount sufficient to provide 90 percent of entitlements for class "A" students—those whose parents both work and live on Federal property. Where such class "A" students exceed 25 percent of total enrollment in the district, the committee has provided funds sufficient to pay a full 100 percent of entitlement.

For class "B" students—those whose parents work at a Federal installation but live within the community—we will also be able to pay 90 percent of entitlements. According to the distribution formula, of course, it takes about two class "B" category students to equal one class "A" category student, so the advantage that this presents to school districts is more apparent than real. Accommodating either category of student is still a burden to the school district, especially where Federal property is exempt from local property taxes. If 100 percent of entitlements for both "A" and "B" category students were appropriated, however, the total cost of this program would be increased $66.2 million to a total of $725 million. The formula the House suggested provided entitlement at 90 percent for "A" students and 45 percent for "B" students.

Nonetheless, our recommendation for "B" category students provides a much-needed increase from the 77 percent of entitlements covered by the 1970 budget, and from the 45 percent provided in the House allowance. An even smaller amount for "B" category students was provided in the promise to submit a budget request following passage of reform legislation.

So much for impacted aid. I understand there will be an amendment to this bill from the floor that would also include—in impacted aid—students whose parents reside in public housing projects. We will discuss that when the amendment is actually presented.

ELEMENTARY AND SECONDARY SCHOOL EDUCATION

Title I of the Elementary and Secondary Education Act provides formula grants for educationally deprived children. The appropriation for this title recommended by the committee will serve nearly 8 million disadvantaged children next year.

I repeat, 8 million, and we still have not covered them all; but this is very substantial coverage, we hope. A review of title 1 within the Office of Education is still underway, and the committee looks forward to seeing the results of this review. In the meantime, needed funds have been recommended, and the committee hopes that local school districts will exercise their best professional judgment in allocating these funds to meet their individual needs, and the needs of the particular disadvantaged children involved.

Funds have also been provided for parts B and C of title I, which include special incentive grants and special grants to urban and rural schools. The new authorization of these parts in the recently enacted ESEA legislation has made funding of these parts possible this year for the first time.

The committee has also increased by $3 million the funds available for guidance and counseling—an activity, the committee feels, that has been underfunded previously. With $20 million now earmarked for these services, the committee is hopeful that the national ratio of counselors to students—now higher than 1 to 1,000—can be improved. This, combined with a doubling of last year's funds for dropout prevention, should help more students to remain in school and to realize their educational potential more fully.

The committee has also taken a special interest in the physical resources of elementary and secondary schools. Library programs, for example, were increased to $80 million—an amount suggested by both the House, and somewhat belatedly, the administration.

We also have recommended that funding of equipment and remodeling, for which no provision was made in the budget requests, be maintained at the level of previous years. This will provide a minimal but urgently needed amount of audio-visual equipment, closed circuit television, teaching machines and materials. These latter funds, incidentally, matching funds, and the success of this program, in terms of response by school districts, is well documented, and these funds are allocated State-by-State and applied for. This is one of the most popular programs we have, as far as the school authorities are concerned, throughout the Nation, and includes a great deal of local and State funds.

The committee, as well as the House of Representatives, has increased funds for bilingual education. I think all of us on the committee, Mr. President, were somewhat surprised to learn that there were a great number of children in this country who needed bilingual education. I could not even come near to guessing the total number in need.

We find that more than 5 million children with limited ability in English and from homes where English is not spoken need this assistance, since most of them attend schools where all classes are currently conducted in English. I have been told that 5 million is a conservative figure, but at least that is the best figure we have. The expansion of pilot and demonstration projects in bilingual education is imperative, and the Office of Education should interpret the committee and House action as a directive to expand these programs as rapidly as possible.

Funds for planning and evaluation are scattered throughout this budget, and, consequently, the committee has agreed with the House action in reducing the planning and evaluation request under ESEA by $425,000. There is no indication that this amount will in any way be inadequate to meet the needs of the Office of Education.

EDUCATION FOR THE HANDICAPPED

Now, by "handicapped" we mean people who are physically or mentally handicapped, but not necessarily disadvantaged. I think we ought to make this distinction. Much of title I funds are for disadvantaged and deprived children, but there are a great many handicapped children as well, and no Federal program has a more dedicated group of supporters or potential recipients than the education for the handicapped. The increase recommended over 1970 by the House and Senate committee is over 10 percent. This is the least we should do. I personally would wish we could do more. The total effort falls short of meeting the needs. In 1966 over 72 percent of handicapped children in our Nation were not receiving special educational programs.

Even today, less than two out of every five handicapped children are receiving appropriate special educational services. I was probably not as much aware of this need as some other Senators, because it happens that in the State of Washington, we have had a program in which we are somewhat ahead in this field. The citizens of my State have supported these programs with very substantial amounts of public funds. Even there, we do not do the whole job, but we take care of at least three out of every five handicapped children with these programs. Other States may be doing the same, but the national average is only two out of five. It should be five out of five, and I only wish we could approve more funds. That is difficult for many reasons.

But at least this is a step forward, and these programs have been supported continuously by very substantial commitments of local public funds. So we ought to do our part.

Within the increase provided by the House, and recommended by the Senate committee, we provided $1 million for start up costs of special programs for children with specific learning disabilities. These are children with perceptual handicaps. Some progress has been made in assisting these handicapped children, but a greater effort needs to be made.

The million dollars is to make the initial start, and then we are going to take a look at it and see if we can do much more in the next appropriation bill.

VOCATIONAL EDUCATION

The importance of vocational educational programs was recognized by our colleagues in the House when they increased the budget requests by over $50 million. We approved those increases and added $7.5 million especially for consumer and homemaking education.

The increase in consumer and homemaking education will help meet the needs of today's youth and adults who require this knowledge—especially those coming from economically depressed areas—and those entering into marriage and family life. These small classes, which are so important, are usually found in the community colleges along with other vocational education programs, as well as in secondary schools.

Problems will not be resolved by half-hearted efforts. These programs must be improved and expanded.

Every student in any of these vocational education programs is seeking a course of study that will give him a marketable skill. This is a goal we all endorse.

We earmarked $4 million as initial funding—I emphasize "initial"—of the residential vocational schools program—an activity first authorized in 1963—which we feel deserves a start, if only on a demonstration basis. By "residential programs" we mean bringing the student to the program, particularly in those States in which there are long distances, and low density of population.

The total increase for vocational education amounts to $57,900,000—which is 13 percent more than the budget requests, and a 19-percent increase over 1970. Considering not only the needs within this area of education, but the much larger dollar contribution the States make toward vocational education, we all feel these increases are merited and justified within any restraints placed upon the Federal budget.

HIGHER EDUCATION

Higher education is just barely under the $1 billion mark and includes programs vital to private and public institutions, hundreds of thousands of students, and millions of parents.

The total increases for higher education over the 1970 amount is almost $120 million. Out of the total increase we provided $43 million earmarked for community colleges.

According to reliable estimates, total outlays during the 1970–71 academic year for higher education will amount to over $23 billion, and the total Federal portion is about $5 billion, or approximately 22 percent.

This includes all kinds of other programs—defense programs, National Science Foundation research, National Institutes of Health, and so forth. But, again, I think it bears repeating that the total outlay for higher education in this country will amount to over $23 billion. We have almost $1 billion here, and $4 billion more in other appropriations as the Federal portion, or share.

We did not agree with administration proposals that would have instituted major changes in existing programs through the appropriation process.

Some of the budget request would have eliminated programs existing over decades of time, and drastically changed others—without benefit of clergy, if you will. Because authorizations still exist on the books, the laws have not been changed, and proposed changes either have not been acted upon by Congress, or they have not even been introduced by the President.

Except in the most emergent of circumstances, sufficient leadtime must be given to institutions, administrators, and students before longstanding programs are abandoned or sharply curtailed.

Equally important, the buildup of new

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programs must be orderly, and staged to avoid the waste which so often occurs with massive infusions of new funds.

Both extremes have been avoided by my colleagues in the recommendations we have made.

Student financial assistance received the greatest increase, almost 21 percent over 1970.

With some reluctance, we have agreed with the House to keep the educational opportunity grants at relatively the same level as the current academic year. The grants go to the most needy students attending an academic institution full time, and averaged $550 per grant in 1970.

The participating institution making the grant must also match the amount of each award with a loan, work-study, or other funds which, in essence, double the amount of financial aid given these students most in need of assistance. Our recommendation will allow for such EOG grants to almost 280,000 students.

Student loan programs involve some of the most important decisions we make.

Budget requests would phase out and curtail the national defense student loans—shifting the emphasis over to the guaranteed, or federally insured loans made by private financial institutions and the banks.

The national defense student loans, often called direct loans—because participating schools make the loan directly to the student—is the oldest student aid program—established in 1958.

Almost 3 million students or former students held outstanding direct loans in June, 2 years ago, and current repayments are running over 99 percent.

The most popular, with students and parents, undoubtedly because of the 3-percent interest, and availability at the schools, they are equally popular with institutions, even though they must put up 10 percent matching, and administer the program at their own expense.

The federally insured, or guaranteed loan program was first authorized in 1965. Although these loans, being made by private financial institutions, appear—I use the word "appear"—to be assisting a substantial number of students, the availability of these loans is not universal either on a geographic basis, or on the basis of individual need and other personal factors.

Considerable evidence was presented to the committee that such loans—remember now, this is what the administration is apparently trying to shift to—are not being made to first and second year students, thus precluding those in community colleges, or vocational/technical schools.

Restriction of loans to established customers or depositors appears to be fairly common practice—instances where applicants were required to purchase life insurance were even reported in a very questionable study paid for by the Department. So we can see the problem involved if we switch it all to bank loans. I know that some banks have required that the parents or the cosigners of the note be customers or depositors in the bank. This is not right.

Conflicting evidence indicates this program requires far more accurate review. The fact that these loans averaged $860 per student, or 36 percent more on the average than national defense student loans, raises questions, and the long term costs of the interest subsidy involved was even raised by the administration budget director and chairman of the Council of Economic Advisors.

Both the House and Senate approved the budget request for support of these guaranteed loans, because they must contribute, even though we think there should be more of the so-called institutional loans.

The combination of financial aid programs—EOG, college work study, and direct loans—made available to participating schools have proven most successful. All of these programs require certain degrees of institutional matching funds, and in addition, every institution expends considerable funds for skilled personnel, guidance counselors, and financial aid officers.

So it seems to me that these are so much better than the guaranteed loans or bank loans, because the institution puts up 10 percent and pays for the cost of administration. The officials of the institution are available to counsel and advise the students. The students feel better dealing with the school administration than they would by going to a bank, which is a somewhat cold type of institution to begin with, and not qualified to judge the educational abilities of applicants.

The personal attention to the individual needs of students is only possible at the school such students are attending. The acceptability of these programs by students, parents, and educators is proof such personal decisions have been made most fairly over the years. The high rate of repayments now is proof that those decisions on loan applicants in the past have been made most wisely. The record is well over 90 percent, better than the record of many financial institutions that make the guaranteed loans.

Institutional assistance for higher education is actually $8 million less than we appropriated for 1970—and that is after considering the $70.8 million additions our committee has recommended.

The budget proposals eliminated the annual appropriation for land grant colleges under the Bankhead-Jones Act. We recommended complete restoration to last year's level of funding.

If someone downtown does not want to carry out the land-grant college program, he ought to come up here and suggest out in the open the repeal of the Bankhead-Jones Act, and not act through financial manipulations, as the Budget did in recommending no funds at all.

The committee was unanimous in feeling that the proposal to eliminate this program was made precipitously, without any consultation or warning to those land-grant institutions who have depended upon these funds for so long, or even consultation with the Congress. We recognize this is one of the oldest Federal programs of assistance—and a good one—to higher education, and recipients are among the most prestigious institutions of higher learning but these funds we also counted as an important source for our black universities.

In most instances, these funds support in whole or in part teaching faculties within undergraduate programs. They have already been budgeted by recipient schools and they could not be easily replaced.

Each of these land-grant institutions is State supported. The long history of both congressional and Presidential support of these programs was relied upon by colleges and State fiscal authorities alike. This literally revolutionary proposal to eliminate this formula-grant program could not have been predicted by anyone.

To adopt this method of repeal of existing law by lack of appropriations is unconscionable to me. If the President, or anyone else downtown, wants to repeal the Bankhead-Jones Act, then suitable legislation should be introduced and acted upon by the appropriate legislative committee.

University Community Services is another program which the budget requests eliminated—repealed by malnutrition as it were.

Somewhat similar to the Agricultural Extension Service which has done so much to aid American agriculture, this program was intended to focus the capabilities of colleges and universities on solving the problems of the communities where they are located, especially those of urban and suburban America.

This again, is a matching program—participating institutions must furnish at least one-third from non-Federal sources.

More important, perhaps, these funds helped to reform, revitalize, and enable higher education itself to provide relevant participation in community problem-solving services for faculty members and students. Departmental witnesses told us these same goals would be incorporated in new legislative proposals—not yet submitted to Congress—and we feel this program should be continued until a new one is enacted.

Here is another way in which a program can be killed. Foreign Language Training and Area Studies is yet another program initially proposed for phaseout by the budget requests. Only one-third of last year's appropriation was recommended. Of course, this would abolish about two-thirds of the special programs at the various universities, and a hint was made to drop the program the following year.

Such a storm of valid protest arose from this action that we finally received a budget amendment which would continue this program at last year's funding levels.

Again, this is a program which generates far more at the State and local level. My own University of Washington is a typical example. With a total of $385,000 from the Office of Education, the State of Washington places $1,400,-

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000 annually, exclusive of operational overhead, into academic administration, instructional staff, library and language laboratory personnel and staff. Over $225,000 more came from private foundations, Ford, Rockefeller and Mellon, or a total of $2,010,000—of which only 19 percent was Federal funds.

These programs are a most important national resource. The students most directly involved have become the teachers of more than 70 foreign languages and cultures in our elementary/secondary schools, as well as higher educational institutions. Many foreign service officers and business executives come out of these programs.

The presence of these special resources upon the geographically dispersed campuses make possible a more sophisticated introduction to foreign languages and cultures to hundreds of thousands of students not specializing in these fields, and through summer institute programs, the improvement of teaching skills of thousands of teachers of foreign language in elementary and secondary education.

I applaud the good judgment of the administration in reversing its initial recommendation for these foreign language training and area studies programs. I personally hope their enthusiasm grows, and their recommendations for next year reflect that approval.

Yet another program, entirely eliminated in the budget requests—was that of undergraduate instructional equipment. Of course, this again is a matching program, and there is no other Federal program under which eligible institutions can secure funds for these needs.

Like its counterpart for elementary-secondary, this program helps institutions to acquire expensive audiovisual equipment, teaching machines and materials, and closed-circuit TV.

The requirements of matching from institutional resources insure that these funds do go for intended purposes, and that the equipment purchased is utilized to the fullest. The House did not provide for this program, either, but our recommendation of $14.5 million would restore this program to the 1969 level. Nothing was provided in the final appropriations signed by the President for fiscal 1970.

Construction funds for academic facilities in higher education presented our committee with another bundle of thorny issues.

According to budget documents and departmental witnesses, just to keep pace with projected enrollments, approximately $2.8 billion in construction funds will have to be committed annually over the next 5 years by private and public institutions of higher learning. Unless very substantial new construction is undertaken immediately, we were told that there will be a deficiency of almost 90 million assignable square feet of academic space by the fall of 1974.

As in the past, most of those funds must come from non-Federal sources. Yet considering all the building that is now going on across the campuses of our Nation, we will be 20 million assignable square feet of academic area short this fall at the start of the new academic year.

There is existing legislation that provides for another interest subsidy program—that of subsidized loans under the Higher Education Facilities Act, title III. Authorized in 1968, first funded in the Second Supplemental Appropriations Act in the spring of 1969, additional funds were contained in the regular appropriation act now available. At least $435 million of these loans could be made immediately—according to testimony in the House.

In the fact of these obvious needs and impressive statistics, the Commissioner of Education informed our committee, on April 23, that not one loan or project had yet been approved under this program.

Perhaps we will just be perpetuating inactivity, but our recommendation does approve the budget request for additional funds for this highly touted program.

As a small hedge against this avalanche of needs for academic facilities, we have recommended $43 millions over the budget and House allowance—which was zero—in construction grants for community colleges and technical institutions. This is the same level as appropriated for 1970. It, of course, does not adequately meet all the needs.

These new funds will support an additional 100 projects to help States and local communities meet these tremendous demands for additional classroom space, and this is another program that requires matching.

Frankly, I hesitate to comment upon the situation that is being created in this area—the truly critical situation we could face just a few years hence—if we continue to delay new starts on badly needed academic facilities.

If institutions do not build the needed facilities, then students will not be admitted.

If they do build them, footing the entire bill themselves, at existing inflated prices, and high interest rates, then their only recourse is to raise tuition and fees. Increased student costs at the same time Federal student aid programs are proposed for curtailment will be pricing out those very students who need in so badly.

In this instance, I do not wish to be a prophet. I would hope my colleagues in the Congress would join us in approving this recommendation, and that the administration would support our efforts to meet these needs—and in the future, challenge our dedication by recommendations more in line with meeting those needs realistically.

EDUCATION PROFESSIONS DEVELOPMENT

For education professions development, we agree with the House allowances, which approved all of the budget requests except for $300,000 in planning and evaluation.

We have also recommended that the Teacher Corps be retained as a separate line item, and not consolidated with this title and lose its visibility.

I must say that we were a little confused in this because actually the budget gave them more money than they had last year as a separate line item and the House agreed to this increase for the first time in my memory. But this is what they wanted. And so we adhered to their wishes in committee.

These programs deal with the professional staff needs of elementary and secondary education, preschool and vocational-technical education.

In granting the Teacher Corps continued visibility and viability—by approving a 42-percent increase over last year—we applaud the administration and the House for their support of this program.

COMMUNITY EDUCATION

Community education is a new budget heading this year. It combines those programs formerly under "Libraries and Community Services." Two other programs under that old heading—university community services and adult education—have been shifted into higher education and vocational education, respectively.

So, when Senators look at the report, they might be better able to understand this. Community education now includes assistance programs for public libraries, college library resources, librarian training programs, educational television, and special cataloging services of the Library of Congress.

The programs that comprise community education have experienced a more or less constant reduction of funds in recent years. The committee's recommendations would check that trend. Not only do these programs generate a high level of local financial support, but they are all intimately connected with the so-called right to read program. The price of books has risen more rapidly than most other inflation indexes, and action must be taken to maintain and expand library collections—particularly when the number of check-outs in most libraries continues to rise dramatically.

The budget request contained no funds for library construction, a pattern that the request followed for all construction programs. The committee recommended restoring last year's level of funding for library construction, an increase of $4,185,000 over the House. The amount of this appropriation should help provide some 80 library construction or expansion projects, with local matching funds dramatically increasing the impact of this program.

The basic grants for college library resources require dollar-for-dollar matching. Certain supplemental grants are also available under this program in cases of special need. The unique needs of community colleges have also been provided for within this recommendation.

Librarian training programs have been drastically curtailed in the budget request, and the committee has moved to restore these programs to funding at the 1969 level. Without these programs, and the extension of new techniques they represent, little real progress on the highly-touted "right to read" program can be expected. The administration has expressed such enthusiasm for the "right to read" program that we are confident the merit of our recommendation will be recognized.

The committee was unanimous in its decision to increase the funds available for the cataloging service of the Library of Congress, although the committee hopes that this program will be carried

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under a consolidated Library of Congress budget in the future. The program is vital to libraries of all types around the Nation, since it consists of providing catalog cards compiled by the Library. The libraries pay for this service, but the total savings to all libraries through this program is roughly $34 million annually, and hence well justified.

Educational broadcasting facilities—a special concern of mine—are to be funded at a level of $15 million under the committee recommendation. These matching grants, for educational television, and noncommercial radio, can be made only for equipment—not for construction or repair of facilities. Under the budget requests, only 19 television grants and 13 radio grants would have been possible. With 650 educational television channels reserved, and with only 204 in operation, a higher level of funding was obviously necessary.

This is quite an increase from the time when we started with this worthwhile program which the Senator from New Hampshire (Mr. COTTON) and the Commerce Committee and I helped to enact, So, we are making progress. This program provides substantial educational benefits not only for the classroom, but for the adult community as well.

RESEARCH AND TRAINING

Research and training budget requests reflected large increases over last year increases for programs whose success is unproved. At the very least, increases in research and training at a time when no funds at all were requested for proven and popular programs of important priority seem to have been unjustified.

We recommended, for example, a reduction of $5 million in the proposed experimental schools programs. Considerable experimental work proposed under this program can be carried out under Title III of the Elementary and Secondary Education Act, instead of under this wholly Federal program.

Our total recommendation for all of research and training would be a reduction of more than $15 million from the House allowances, and $28 million from the budget requests. Our recommendation, however, would still exceed available funds for 1970 by nearly $10 million. This should be sufficient to allow the most important research and training to continue, while at the same time emphasizing the hard choices the committee had to make in setting its priorities within this limited budget.

In conclusion, once again, Mr. President, our recommendation that is now before you provides appropriations of $4,517,421,000. This is $390 million over the House, and $638 million under the budget requests.

If approved the support for these programs would be $703.6 million more in fiscal 1971 than during fiscal 1970.

I would like to stress again, that of our increases—or add-ons over the House, a very significant portion is in matching grants to States and local governmental agencies.

A very significant portion of our recommended increase is in matching grants, programs that have matching funds from State and local governmental agencies. We know they will be administered better when there is State and local governmental participation and fiscal commitment. They are going to see that the money is used the best way it can be used. Outside of that $233.8 million for impacted aid, over 81 percent is in matching grants, 11 percent is for programs with very high multiplier factors where these funds stimulate local activities, and only 8 percent is for programs where the support is totally Federal.

The total amount recommended is only 18 percent above fiscal 1970. I say only, because that is the gross increase—18 percent—and does not take into account inflation. The latest figures we have show that the consumer price index rose 6 percent this year—and there is every indication that it will continue to rise. Most of the factors that influence the costs of education have risen faster and higher than the average. The cost of books is up almost 20 percent over 1 year ago.

Therefore, any of the comparisons that I make, or anyone else makes about this bill and the programs supported by these recommendations must consider the inflationary factor.

The budget requests reflected an increase over fiscal 1970 of only eight-tenths of 1 percent.

Considering inflation, our increase at best will net out to about 10 percent—and I do not believe anyone concerned about the children and young adults who are dependent upon these programs can justly call this bill inflationary.

I am still old fashioned enough to believe that by increasing learning capacity, we are increasing earning capacity—so that a person becomes a taxpayer instead of a welfare recipient—and that just to stay even—in educating over 52 million students, the Federal contribution to education must be increased.

We must encourage meaningful change in the systems of education. A national system which provides 50 cents of the tax dollar to help our young people to grow up right—and makes them healthy, well-educated, and provides for their welfare—while it continues to spend the other 50 cents to kill them—is unreasonable. We must, as a minimum, provide the funds recommended in this bill.

Mr. COTTON. Mr. President, I commend the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of our subcommittee, not only on this very comprehensive, clear-cut, and meaningful explanation of the rather complicated bill that is now before the Senate, but also I want to express to him and to the Senate the admiration that I feel and that I am sure is shared by other members of our subcommittee for the leadership which he has again displayed this year, as he has in the past, in consideration of this very complex, and in many respects, difficult bill.

We met with the first problem this year when we realized and remembered what happened last year when, after reporting on the entire Health, Education, and Welfare appropriation, the report had come in so late, then was delayed by a presidential veto, that education especially, the school districts, the school officials and administrators of this country were left until practically the end of November or the 1st of December before they even knew what they could depend upon. Health and Welfare also were affected.

Facing that situation, as the Senate knows, the House separated education appropriations from health and welfare, held hearings, marked up the bill, sent it over to the Senate, and the distinguished Senator from Washington, the chairman of the subcommittee, immediately went to work on it. In some cases, working literally night and day, the subcommittee heard the evidence, marked up the bill, took it to the full committee, and the full committee sent it to the Senate so that it was on the calendar on the 15th of May.

Since that time we have been held up by the debate that has been taking place concerning Southeast Asia. I am appreciative of the action of the distinguished majority leader and the distinguished minority leader, along with the distinguished Senator from Washington, in arranging matters so that we could get this bill finally before the Senate, schools having closed and the zero hour having arrived when it is necessary for the school authorities to know what they can depend upon.

Now, I wish to comment on one statement made by the distinguished Senator from Washington, the chairman of my subcommittee. I obtained a copy of this paragraph. I wish that all Senators were in the Chamber because I think this one paragraph should be impressed in the mind of every Senator. The Senator from Washington stated as follows:

> In sum, Mr. President, we know full well that the present recommendations are insufficient to meet the many and varied needs in education today. But we know, too, that these recommendations represent the most we can hope for, without provoking another administration confrontation, and that these recommendations are the absolute minimum necessary to maintain the confidence of those millions of Americans who look to the Federal government for a meaningful commitment to educational quality and opportunity.

Mr. President, those words express the exact situation that confronts us.

Your subcommittee and your committee, Democrats and Republicans alike, have tried to provide a bill that went as far as it is possible to do to meet the demands upon the Federal Treasury for education in this country this coming year. We hope that in future years the situation will be different.

On the other hand, it should be remembered what happened last year; that when the bill which finally went to the White House was larger than the President felt the burden would bear, we had a veto. The loss of time in using the appropriations cost the cause of education in this country far more than it would have cost if we had received a lesser amount in the districts and in the States sooner.

Mr. President, numerous amendments will be offered to increase the bill in various details. Different Senators are keenly interested in different programs. Your committee—at least my side of the committee—tried to go just as far as it could go, still agreeing with the distin-

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guished Senator from Washington and the other side of the committee, to reach a figure that would, if it did exceed the budget, not exceed it to the point where we would run into the kind of roadblock we ran into last year. It does exceed the budget.

I sincerely hope each Senator will bear in mind the practicalities of the situation. It is easy to load up this bill as we consider it and easy to increase the appropriation. Then we may get it to the President's desk and have another go-round such as we had last year. I hope that will not take place.

So I trust there will be some restraint. We tried to do our part by going further than the administration or the Bureau of the Budget wanted us to go. We tried to go as far as we felt we could safely go and not imperil the bill.

I hope, as we proceed to the consideration of various amendments, many of which will substantially increase the appropriations, Senators will bear in mind that the adoption of too many of those amendments may well defeat their own purpose.

I again compliment my chairman on his statement and on the work he has done on this measure.

Mr. MAGNUSON. I thank the Senator.

Mr. JAVITS. Mr. President, I wish to announce, for the information of the Senate, that on tomorrow, or whenever it can be reached, I will offer an amendment to the appropriation bill to add $150 million to implement the desegregation of public school systems along the lines of the debate of yesterday which failed and was aborted by a point of order in respect of the same measure. I have consulted upon this amendment with various interested parties, including the administration. However, the amendment will not be printed and available to Senators tonight. I serve this notice for the RECORD.

AMENDMENT NO. 729

Mr. SCOTT. Mr. President, I offer an amendment on page 11, line 8, beginning with section 211, to strike out all through the period on line 12. I send the amendment to the desk and ask that the clerk read it.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania will be read.

The bill clerk read the amendment, as follows:

> On page 11, line 8, beginning with Sec. 211 strike out all through the period on line 12.

The language proposed to be stricken is as follows:

> SEC. 211. No part of the funds provided in this Act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice as selected by his parent or guardian.

Mr. MAGNUSON. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. MAGNUSON. There has been a suggestion that the Senator from New Hampshire and I take up the money items first, if we could dispose of those, or possibly that there be some kind of time limitation on the Whitten-Jonas amendment, or perhaps we could go back to that and take it up at a later time.

Mr. SCOTT. Mr. President, if the Senator does not mind, I have certain time problems of my own, but I would be glad to agree to a time limitation on the Jonas amendment. I am sure the Senator from Maryland would agree to a time limitation on the Whitten amendment that is coming up. However, I have some commitments.

Mr. MAGNUSON. The Senators from Alabama, North Carolina, and Mississippi inquired about this. I do not think it will take too much time, but perhaps we could suggest the absence of a quorum so we could discuss this with them.

Mr. SCOTT. Mr. President, I shall have to stand on the position in which I find myself, that this be the pending business, because I have certain compelling problems which force me to do it.

First of all, Mr. President, the distinguished chairman of the subcommittee——

Mr. MAGNUSON. The Senator from Mississippi is here.

Mr. SCOTT. The distinguished chairman of the subcommittee has, as usual, evidenced his great knowledge of this subject and his desire to secure a good and an acceptable bill, and the distinguished senior Senator from New Hampshire has been heard to make some points which are not only extremely valid but most important for all of us to remember, because the plain and simple fact is that the President of the United States simply cannot allow his budget to be busted beyond the opportunity for repair.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber? Will the Chair insist on people in the Chamber taking seats?

The PRESIDING OFFICER. Senators will please take their seats. The Senate will be in order.

Mr. SCOTT. I want to congratulate myself on having finished a complete sentence.

The difficulty with mandatory spending requirements in this or any other bill is that it puts the Congress in the position of saying to the President, "Your budget is thus and so. We know best how much to cut this budget. We saved the country a lot of money. But we are also going to impose a lot of mandatory spending provisions and if you sign the bill and do not spend it, we will go forth through the country and say, 'He signed the bill and did not spend the money.' On the other hand, if you spend the money and bust the budget, who is to blame for that?"

Mr. President, I know who is to blame, but that is another matter.

Therefore, I think it is appropriate to warn the Senate in the most fair and amiable terms I know that if such mandatory spending requirements continue in such rates as to cause excessive expenditures beyond the budget, it is my expectation—and I speak with some authority on this—that you may find a succession of vetoes, and therefore we will have to do the job all over again.

Therefore, I think it is in our common interest—executive and legislative—to try to keep as reasonably as we can within the budget.

I might add, "Let him that is without sin cast the first stone," and I must admit that my own hurling arm has been in condition at times in that regard, so I am not without sin, but I am obligated to issue this caveat because it is going to happen. It has already happened with one veto, and I would hate to see it with others.

We are not against the South; we are not against education. We are spending more on those items than we have ever spent before in the history of the Nation.

We will continue to do it. We will continue to meet the needs of the disadvantaged, the retarded, the left behind, and the underprivileged. We will spend more and more money. But we can only spend it within the limitations of the ability of the people, the taxpayers, to meet it; and if, due to excess of generosity or through a highly laudable desire to be reelected which I am sure most of us share, we go beyond the reasonable boundaries which the Executive has placed, we shall only have lengthened our duties here in the Senate, we shall have postponed the adjournment, and we shall not have succeeded in our expectation of having distributed more largesse than the revenues permit.

Having said that, I return to section 211.

SECTION 211

Mr. President, section 211 of the pending bill is identical to a provision which was rejected by the Senate last February 28.

Known as the Jonas amendment, section 211 directly conflicts with the constitutional obligation to end discrimination.

The amendment provides that no funds may be used in connection with a desegregation plan which is contrary to freedom of choice.

That is, school districts may not use Federal education funds to "formulate or implement" a plan for desegregation which has the effect of denying to parents the right of free choice.

The crux of the matter is that most school desegregation plans call for more than freedom of choice, in line with judicial developments.

The courts have ruled that in most instances, affirmative measures other than freedom of choice are required in order to eliminate unconstitutional segregation.

In essence, where racial discrimination is shown to prevail, school districts have implemented desegregation plans which involve the reassignment of pupils on the basis of race in order to effectively disestablish the dual school system. Such measures as the pairing of schools and grade reorganization within a school system are affirmative steps, designed to reassign students in such a manner as to break up the historic pattern of separate schools for minorities.

Ever since the Green case decided by the Supreme Court in 1968, the courts have ruled that school districts must take affirmative pupil assignment meas-

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ures in order to end the discriminatory effects of the dual school system.

But it is precisely such affirmative measures which section 211 would disallow.

For the purpose of receiving Federal education aid, section 211 would return to an obsolete and unconstitutional standard—the standard of freedom of choice, which in practice is nothing but a euphemism for segregation forever.

Section 211 removes the test of effectiveness and provides every noncomplying school district with the means—freedom of choice—to defy the requirements of the law.

Freedom of choice soi-disant, which section 211 would make mandatory for the purpose of receiving Federal funds, is not the standard followed by the courts and by the Department of Justice.

Therefore the result would be the imposition of contradictory legal requirements which can only serve to confuse school officials as to their responsibilities under the law.

Most former dual school systems are obligated to implement districtwide desegregation plans. Federal education funds are therefore directly implicated in the desegregation process. If a school district implemented an effective court-ordered desegregation plan which in effect denied freedom of choice to parents, the school district would lose Federal funds under section 211.

The provision therefore would tempt school districts to defy court orders in order to remain safely eligible for Federal assistance.

But there is still more to this mischief.

For, in defying the courts in order to comply with section 211, school districts will inevitably run afoul of title VI of the Civil Rights Act of 1964. Title VI provides for the termination of all Federal aid to any school district which practices racial discrimination or fails to eliminate de jure segregation. The funds provided under freedom of choice in section 211 will be taken away under title VI because freedom of choice may not be constitutional.

In the words of Health, Education, and Welfare Secretary Finch, enactment of section 211 would produce "administrative chaos" at all levels. He said so in a letter to the Senate Labor-HEW Appropriations Subcommittee last February in regard to the earlier, identical provision.

The administration remains opposed to section 211. In testimony before the subcommittee on April 21, Secretary Finch stated:

> Section 211 would sabbotage the efforts of the Federal Government and local school officials to carry out the requirements of the Constitution . . . What this provision does is to impose a penalty on a school district for carrying out its legal obligation to desegregate.

As I indicated, school districts across the country have been adopting and implementing desegregation plans either in response to Federal court orders, in conformity with State or local law, or in accordance with title VI of the Civil Rights Act.

In the event such plans conflict with freedom of choice—and by and large they do—Federal education aid could be cut off to the school system.

In a different context, this provision also violates the traditional right of States and local communities to determine educational policy. So, as Senators will see, Mr. President, I am advocating a "States Rights" provision.

Section 422 of the Elementary and Secondary Education Amendments of 1970 prohibits Federal control of public education. Specifically, Federal agencies are barred from exercising direction over the administration of local school systems.

It occurs to me that section 211 transgresses the spirit, if not the letter, of section 422 of ESEA, which reflects the longstanding intent of Congress to preserve local authority.

Section 211 conflicts with the right of school boards voluntarily to implement school desegregation plans. If such plans, designed to overcome racial isolation, remove freedom of choice, then the school districts would lose eligibility for Federal aid.

It is clear that at this stage Congress should encourage local authorities to try to resolve the problems of racial isolation in the schools. But section 211 would discourage school districts from doing so.

Indeed, for those who are urging that all segregation be ruled illegal, and that the law be made applicable to de facto segregation, section 211 affords no remedy. In fact, it would have the opposite effect, by threatening a cutoff of Federal aid to districts which move affirmatively to reduce or eliminate racial segregation in the schools.

Section 211 also runs contrary to the thrust of President Nixon's comprehensive message on school desegregation.

The President committed this administration to enforcement of Supreme Court decisions, to the effect that—

> The obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools. (Alexander v. Holmes, (396 U.S. 19, 1969).)

Section 211 would undermine Supreme Court rulings by forcing school districts to do less than the law requires.

The President, recognizing the need to give every possible assistance to school districts in this situation, intends to make financial resources available. I might add, with regard to the President's intention to make financial resources available, that if it had not been for a point or order, which of course was quite properly made, those resources, in part, would be available now. At the same time, his message was not an invitation to defy the law, but a commitment to school districts to help them meet their responsibilities.

Section 211 would not give needed support to desegregating school districts. It would only complicate their task and penalize them for carrying out court orders.

Mr. President, 15 years after the Supreme Court threw out the separate-but-equal doctrine, the Congress should not now turn its back on millions of children who have yet to realize their constitutional rights.

I urge Senators to support the motion to strike section 211 from the bill, as indeed they have before, and in no uncertain terms, viewing the measure of their decision by their votes cast.

Mr. President, on May 26, 1970, I received a letter from the Secretary of Health, Education, and Welfare, Mr. Finch, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 26, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, for fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Labor-HEW Appropriations Committee. I am pleased to respond.

As you know, on April 21, I testified on this matter before the Committee on Appropriations. At the time, I expressed the Administration's opposition to these sections, which we regard as unnecessary and undesirable. An excerpt from my testimony is enclosed.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

As the President indicated in his comprehensive message on school desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210 and 211 would not serve that purpose. Your assistance in urging deletion of these sections when the Senate considers the Bill would be appreciated.

With kind regards, I am
Sincerely,

BOB FINCH,
Secretary.

Mr. SCOTT. That letter includes an excerpt from a statement of the Secretary of Health, Education, and Welfare which I also ask unanimous consent to have printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE ROBERT H. FINCH, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, BEFORE THE SENATE COMMITTEE ON APPROPRIATIONS, APRIL 21, 1970

GENERAL PROVISIONS

The bill as passed by the House also includes three general provisions which were not requested by the Administration. These are Sections 209 and 210 which pertain to busing, and Section 211 which pertains to "Freedom-of-choice" desegregation plans.

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> Section 211 should be stricken from the bill for several reasons. First, it would sabotage the efforts of the Federal government and local school officials to carry out the requirements of the Constitution—requirements which this section does not and cannot remove. What this provision does is to impose a penalty on a school district for carrying out its legal obligation to desegregate. The Department would be put in the position of having to prohibit many school districts from using Federal funds to draw up and implement desegregation plans pursuant to court order.
>
> Section 211 would also jeopardize the substantial progress made to date in school desegregation, and make more difficult the application of uniform standards in accordance with the Constitution. Furthermore, the amendment directly contravenes the President's March 24 statement on school desegregation in which he pledges to support the recent Supreme Court decisions mandating immediate desegregation. Freedom-of-choice plans, the courts have said, would not be an effective method of doing this. Court decisions are unequivocal on this point. Because section 211 is not consistent with court rulings on "freedom-of-choice plans," it could only produce an administrative nightmare for the Department. I strongly urge the Senate to remove it from the bill.
>
> I am also concerned about sections 209 and 210 which pertain to school busing although I am convinced that these provisions would change neither basic law nor HEW regulations. A school district which has not completed its Constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed Sections 209 and 210. Such a district, therefore, would be unaffected by these Sections. My concern, rather, is that the enactment of these two provisions would encourage some people to believe that, in fact, there has been a change in basic law and thus the provisions would give rise to much confusion. Further, it is my belief that language which pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. Therefore, I am asking that these two provisions be stricken from the bill.

Mr. SCOTT. The Secretary expresses the administration's opposition to section 211, the Jonas amendment, and to sections 209 and 210, the so-called Whitten amendments, which they state clearly are in conflict with title VI of the Civil Rights Act of 1964. On the Jonas amendment, Secretary Finch says it would "deny vital Federal education aid to many school districts which implement desegregation plans contrary to freedom of choice."

He goes on to say:

> The effect of enacting section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

He reminds us that the President indicated that the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area, and sections 209, 210, and 211 would not serve that purpose. He concludes by stating:

> Your assistance in urging deletion of these sections when the Senate considers (the bill) would be appreciated.

Of course, some may say, "But Secretary Finch is no longer Secretary of Health, Education, and Welfare." So, today, June 23, I have a letter from the Secretary-designate of the Department of Health, Education, and Welfare, Elliot Richardson, and I ask unanimous consent to have his letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
> *Washington, D.C., June 23, 1970.*
>
> Hon. HUGH SCOTT,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR SCOTT: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, the fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Appropriations Committee. I am pleased to respond.
>
> On April 21, my predecessor in this office, former Secretary Robert H. Finch, testified on this matter before the Committee on Appropriations. At the time, he expressed the Administration's opposition to these sections, which are unnecessary and undesirable.
>
> I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.
>
> Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.
>
> As the President indicated in his comprehensive message on school desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210 and 211 would not serve that purpose. I know that you have been a leading opponent of similar amendments in the past. Your assistance in urging deletion of these sections when the Senate considers H.R. 16916 would be appreciated.
>
> For your information I am enclosing an excerpt from Secretary Finch's testimony of April 21 in reference to the aforementioned sections.
>
> With kind regards, I am
> Sincerely,
> ELLIOT RICHARDSON,
> *Secretary-designate.*

Mr. SCOTT. In responding to my letter, he notes the letter of his predecessor, Mr. Finch, expressing the administration's opposition to these sections, which are unnecessary and undesirable. He goes on:

> I wish to reaffirm that opposition.

He states the same reasons and the same objections as before, in very much the same language as in the letter from Secretary Finch. Therefore, the outgoing and the incoming Secretaries are of the same mind.

Mr. President, I realize that we must have adequate debate on any amendment. I have no objection to any limitation of time. I want to make it clear that I am doing nothing to hold up action on this important bill. I have tried to confine myself to the bare essentials of a presentation. I hope we can reach soon a prompt and just conclusion of this matter.

At this time, I yield the floor.

Mr. BOGGS. Mr. President, I would like to commend the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from New Hampshire (Mr. COTTON) for the work they have done on this bill and for the expeditious way in which it has been handled.

The other members of the subcommittee and the full committee also have worked hard on the bill and deserve congratulations.

It is most important, I believe, that the Congress act with dispatch on this measure. In the past, our school districts have been left wondering until well into the fiscal year what appropriations might be available to them and when. The timetable this year represents a great improvement; and I am hopeful we will be even more expeditious in the future.

Mr. President, I would like to address myself to one small section of this bill, but one in which I have a keen interest.

I am speaking of the appropriations for various library programs under the heading of "Community Education."

This measure would appropriate $45,685,000 to stock our college libraries, to train able librarians and to assist in the construction of public library facilities.

This, I would point out, does not even restore these programs to the level they enjoyed 2 years ago. In fiscal year 1969 we supported these programs to the tune of $50,935,000. During fiscal year 1970, funding support for these important programs slipped all the way to $29,433,450.

This legislation would appropriate $9,185,000 for public library construction and renovation. The need for this money is demonstrated by an eligible backlog of 271 construction projects representing a total need for more than $51 million. Thus, this appropriation would meet less than one-fifth of the demonstrated need.

The rest of this money would be appropriated under title II of the Higher Education Act of 1965, college library assistance and library training and research.

A total of $20,750,000 would be appropriated for college library resources under part A of title II. This money would go far toward establishing the "instant libraries" needed by the 50 or 60 new junior colleges created each year. It also would help stock existing college libraries, many of which fall far short of accepted national minimums.

Part B of the act would provide $8,250,000 for library training. Library schools now graduate about 6,000 new professionals each year to meet the requirements of nearly 18,000 school districts, 7,000 public library systems, and 2,500 institutions of higher education. All these institutions need skilled professional librarians, and we have not been providing them in the quantity needed.

Finally, part C of the act would provide $7.5 million for the Library of Congress shared cataloging program. This pro-

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gram, established in 1966, eliminates the costly and illogical practice by which each library cataloged each book it acquired. It has increased the efficiency and speed with which the cataloging has been completed, printed, and made available.

Mr. President, I would like to emphasize that these expenditures do not represent a step forward in the funding of these library programs. They do not even represent a maintenance of the status quo.

The current economic situation dictates against a dramatic increase in these programs. But I believe we can do no less than support them at the level proposed in this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I am astounded that the Republican leader should move to strike out a provision of the bill which is in perfect harmony with the 14th amendment, the Civil Rights Act of 1964, the first school desegregation decision—Brown against Board of Education of Topeka—and the latest decisions of the Supreme Court on this subject—namely, the decisions with respect to which Chief Justice Burger recently announced that the definition of a unitary school is a school from which no pupil is effectively excluded on account of his race.

I wish to read the words of section 211:

> No part of the funds provided in this act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice as selected by his parents or guardian.

Mr. SCOTT. Mr. President, will the Senator yield to permit me to ask for the yeas and nays?

Mr. ERVIN. I yield.

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SCOTT. I thank the distinguished Senator.

Mr. ERVIN. I am likewise astounded to hear read a letter from the Secretary of Health, Education, and Welfare in which he says that this provision has no place——

Mr. STENNIS. Mr. President, may we have order, so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. I would like to ask this question of the Secretary of Health, Education, and Welfare: Does he want to use the funds appropriated by this bill to deny any child, black or white, the right to attend the school chosen by his parent or his guardian? That is exactly what section 211 forbids.

Mr. SCOTT. Mr. President, will the Senator yield so that I may answer?

Mr. ERVIN. Yes. I would like to hear the Senator from Pennsylvania answer that question.

Mr. SCOTT. Mr. President, on behalf of the outgoing Secretary of Health, Education, and Welfare and the incoming Secretary of Health, Education, and Welfare, let me say that all they are seeking to accomplish is that every child in America shall be entitled to an education in consonance with the Constitution of the United States and the statutes and interpretations of the Supreme Court of the United States.

That means a freedom of democracy's choice in America.

Mr. ERVIN. I would say to the Senator from Pennsylvania that if the retiring Secretary of Health, Education, and Welfare Finch and the incoming Secretary of Health, Education, and Welfare Richardson had that purpose in mind, they would be here now urging adoption of this provision of the bill, because that is exactly what the provision of the bill says. It says to Mr. Richardson, "You cannot use any of the money appropriated by this bill to deny to any child in the United States the right to attend any school in the United States on account of his race."

That is what this section says. It merely undertakes to insure that all school children of all races shall enjoy the right to attend the schools chosen for them by their parents or guardians. That is freedom as well as democracy.

Mr. SCOTT. Of course that is not what it means.

Mr. ERVIN. No, it means that we have to be honest about this thing, that we have to have the same law in Pennsylvania as in North Carolina. That is what it says.

Mr. SCOTT. And I would add or vice versa.

Mr. ERVIN. It is "vice" in Pennsylvania and "versa" in North Carolina.

Mr. SCOTT. And "versa"—I agree.

Mr. ERVIN. The object of the motion to strike section 211 is to perpetuate a disgraceful practice under which a law of the United States applies in one manner to one section of this country and in another manner to another section of this country.

I say further, Mr. President, that the reason the Department of HEW is opposed to this provision of the bill, which is known as the Jonas amendment and which was introduced by a Representative from my State, is that the Department of HEW wants to be permitted to continue to pervert, to distort, and to prostitute the meaning of the equal protection clause of the 14th amendment, as it has been doing for some years. Moreover, the Department wishes to persevere in the tyrannies which it has been practicing on the South in complete disregard of the Civil Rights Act of 1964.

All of these things are being done under the pretense that they are justified by the equal-protection clause of the 14th amendment.

Notwithstanding all of the jargon of the Department of HEW, and those who wish to preserve its power to practice tyranny on the people of the South, the equal-protection clause of the 14th amendment is one of the simplest clauses in the Constitution.

It says this:

> ". . . No state shall . . . deny to any person within its jurisdiction the equal protection of the laws."

That is a simple sentence. It has a simple meaning. It has been interpreted by the Supreme Court of the United States hundreds of times. What it means is this: It forbids a State to treat differently persons similarly situated.

Putting this limitation upon the States in a positive rather than a negative form, it means that the State must treat all persons in its jurisdiction in like circumstances in like manner.

That is all that the Jonas amendment says. The Jonas amendment says that the schoolchildren of Pennsylvania, the schoolchildren of Minnesota, and the schoolchildren of Rhode Island shall be treated in like manner as the schoolchildren of North Carolina, Kentucky, Alabama, Arkansas, and Texas. That is all the Jonas amendment undertakes to do. And it forbids HEW to withhold any of the funds appropriated by the bill from any school district which is treating all schoolchildren of all races in like manner in compliance with the equal-protection clause. How can anyone who believes in fair and square dealing object to this?

It says that none of this money shall be used by Mr. Richardson, as Secretary of Health, Education, and Welfare to deny to any student because of his race the right or privilege of attending any public school of his choice selected by his parent or guardian. That is a nationwide provision. It says in effect, just as the 14th amendment says, that one State north of the Mason-Dixon Line and another State south of the Mason-Dixon Line shall be covered by the same law, and that as long as they treat all children, black or white, alike, and allow them to attend the schools of their choice as selected by their parents or guardians, Mr. Richardson shall not spend any of the money appropriated by this bill to deny them that right. That is all it says.

Mr. President, not only is this provision in harmony with the equal protection clause of the 14th amendment, it is likewise in complete harmony with the declaration of Congress upon the subject as set forth in the Civil Rights Act of 1964.

I invite the attention of the Senate to section 401 of title IV of the Civil Rights Act of 1964—Public Law 88-352. The section says that, as used in this title, desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin.

That is just exactly what the Jonas amendment, as set forth in section 211 of this bill, says to the Department of HEW, "No child shall be denied the right to attend any school selected by his parent or guardian on account of his race."

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That is what the equal protection clause of the 14th amendment was interpreted to mean in Brown against Board of Education of Topeka, Kans.

That is exactly what Congress said in the Civil Rights Act of 1964.

That is exactly what the Jonas amendment says.

Congress was not content in 1964 merely to say what desegregation means. It says what desegregation does not mean. It says:

> Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That is precisely what the Jonas amendment provides. It says that the Department of HEW shall not use any of the funds appropriated by this act to compel any child, black or white, to attend any school against his will as manifested by this parent or his guaridan because of his race.

What could be fairer than that? We are supposed to be a free society. This Nation is supposed to have been founded upon the principle that the most precious value afforded by civilization is the right of individual freedom.

There is not a word in the equal protection clause of the 14th amendment that undertakes to deprive any person or any child of his freedom in any respect.

Yet that is exactly what HEW has been doing to schoolchildren in the South.

The equal protection clause of the 14th amendment, applies only to State action. And all that the Jonas amendment does to the Department of Health, Education, and Welfare is to say that the Department of Health, Education, and Welfare shall honor the equal protection clause as interpreted by the Supreme Court in the Brown case and not use its funds to deny to any student, because of his race or color, the right or privilege of attending the public school selected by his parent or guardian.

There is another provision in the Civil Rights Act of 1964, section 407, subsection (a), subsection (2) which declares:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve * * * racial balance, or otherwise enlarge the existing power of the court to assure compliance with constitutional standards.

That is an act of Congress which, according to its language, covers every State in the Union and every schoolchild in the Union. Although the Constitution applies in like manner to all 50 of the States and although the Civil Rights Act of 1964 applies in like manner to all 50 of the States, HEW acts as if we have one Constitution and one law in the States lying south of the Potomac River and another Constitution and another law in the States which lie north of the Potomac River.

The Department of Health, Education, and Welfare does not want to have the Constitution and the law applied equally to this Nation because it is not politically profitable in this particular area to apply the same law to the North that is applied to the South.

So, what do we have? In 1954, de jure segregation in the public schools of this Nation was outlawed by the Supreme Court under a decision which held this, and nothing else, that the equal protection clause of the 14th amendment prohibits a State from segregating children in the public schools on the basis of race.

Congress enacted the Civil Rights Act of 1964 to implement this decision. And as I suggested in my opening remarks, this decision is still in harmony with the latest utterances of the Supreme Court of the United States which declare that the 14th amendment forbids a State effectively to exclude any child from any school solely upon the basis of the race of that child.

Yet we have in the southern States the Department of Health, Education, and Welfare telling the school districts of the South:

> You will be denied Federal funds if you do not bus little children hither and yon and mix them up in such proportions as is pleasing to us.

If that is good for the South, why is it not good for the North? I do not believe it is good for either section. I regret that the distinguished minority leader had to leave the floor. If the distinguished minority leader believes that all States are parts of the same country, he should support the Jonas amendment and thus enable us to have the same law in Pennsylvania as we have in North Carolina.

Is that the kind of country we want? Do we want a country where, although the Constitution reads the same and the statutes of Congress read the same, as though they are applicable in all sections of the Nation, they actually mean one thing in one section of the country and another thing in another section of the country as they are administered by HEW.

Under threats or deprivation of Federal funds by HEW, southern school districts are being coerced to transport children miles and miles from their homes and their neighborhood schools to district schools. In thousands and thousands of cases young children, both black and white, are denied the right to attend their neighborhood schools because someone in HEW, a nameless and faceless person, a person who has never been elected to any office of responsibility, a person who cannot be made answerable to anyone—concludes that they should be denied that right so that they can be mixed racially in district schools to his satisfaction.

I know instances in North Carolina where children have to ride on buses for as long as 2 hours or 2½ hours each schoolday merely to satisfy some bureaucrat's notion that the children should be denied the right to attend neighborhood schools directly across the streets from their homes in order that they might be racially mixed at some distant schools in proportions pleasing to him. It is time Congress takes southern schoolchildren away from HEW and give them back to those to whom God gave them—their parents.

Mr. President, all that the South is asking for in the Jonas amendment is that the Constitution as interpreted in the Brown case, the Constitution as interpreted in the latest decisions of the Supreme Court, and the Constitution as interpreted by all those who believe in equality of right for all persons regardless of their race, be applied to this situation. In other words, we ask that the words be retained in the bill:

> No part of the funds provided in this Act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice as selected by his parent or guardian.

Mr. President, one of the saddest episodes of our history arises out of the fact that from 1861 until 1865 we had a bloody fratricidal war. The Southern States attempted to secede from the Union. They were told they could not secede from the Union. That was in 1861. There then occurred the bloody and fratricidal war to which I have referred. That unfortunate struggle came to an end in 1865.

Now we are told, in substance, by the motion of the distinguished minority leader that we should not expect to be in the Union on the same basis as the State of Pennsylvania and other States north of the Potomac River—that we should continue to have HEW apply the Constitution and the Civil Rights Act of 1964 in a manner which no northern State would tolerate for itself.

All the South is asking is that the funds appropriated by this bill be required to be expended in compliance with the 14th amendment as interpreted by the Supreme Court in the Brown case, and as interpreted by Congress in the Civil Rights Act of 1964.

I mean no criticism of any of my brethren. I notice, however, that some of my brethren are like the doctor who prescribed medicine for his patients he was not willing to take himself. So they vote to prescribe medicine for North Carolina and other Southern States which they are unwilling to have their States take.

It has been a long time since this unfortunate episode which my geology professor called the "uncivil" war occurred. Since that time people from my State have served and died in the Spanish-American War, people from my State have served and died in the First World War, people from my State have served and died in the Second World War, people from my State have served and died in the Korean conflict, and people from my State are now serving and dying in South Vietnam.

I hope that before I shuffle off this mortal coil I will see North Carolina admitted back into the Union as a full-fledged member and have the laws applied to it just as they are applied to Pennsylvania and other States of the North.

Mr. President, I do not like to make a sectional talk like this. But we have a Constitution that is supposed to be the

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same all over the Nation. We have an act of Congress that is supposed to be the same all over the Nation. Yet we see them both being perverted, distorted, and prostituted by HEW in order to impose one thing upon the South which the North will not have. I confess that some of the bureaucrats are sincere but somewhat misguided men. I charge, however, that some of them are actuated purely and simply by political motives.

I sincerely hope that the Senate will reject the proposal to strike this section from the bill. The Jonas amendment is in perfect harmony with our organic law and it is in perfect harmony with fairness and justice and it treats all children of this Nation exactly alike whether they be black or whether they be white. And that is as it should be.

The PRESIDING OFFICER (Mr. JACKSON). The question recurs on the motion of the Senator from Pennsylvania to strike section 211.

Mr. KENNEDY. Mr. President, I have submitted amendment No. 645 to increase Federal student financial aid by $47.9 million for the coming year.

The amendment would increase the educational opportunity grant program to disadvantage students by $17.9 million; the direct loan program by $14 million; and the college work-study program by $16 million. It would aid an additional 65,300 students who might not otherwise be able to attend college or vocational school.

If the amendment passes, total Federal funds for the three programs would be $604.6 million. The Department of Health, Education, and Welfare estimates that the total amount of requests which it has already approved, or expects to approve, is $796 million.

Especially during this time of economic pressure, Federal student assistance is critically needed. Inflation means family budgets are more tight than usual. Rising deficits and growing enrollments leave colleges with less money available for scholarships. It is becoming more difficult to receive guaranteed student loans, and the current shortage of jobs is cutting students out of outside work to help finance their studies.

Passage of the amendment would bring badly needed assistance to students from middle-income families through the direct loan program and through freeing up resources which would otherwise be necessary for low-income students.

It would also be a solid step toward achieving equal educational opportunity. For at present, only 7 percent of undergraduates come from families in the lowest quarter of the income bracket, compared to 48 percent from the top income quartile.

When we consider that the return in Federal taxes is an estimated 14 times greater than the Federal cost of helping to send a youth through 4 years of college, this is a sound investment indeed.

JONAS AMENDMENT

Mr. MONDALE. Mr. President, I rise to support the amendment offered by the distinguished minority leader to strike section 211 of the education appropriations bill.

Section 211, the so-called Jonas amendment, attempts to establish in Federal law a statutory right of "freedom of choice" for all parents and students. It seeks to prohibit funds in this appropriation bill from being used to formulate or implement any school desegregation plan other than a freedom of choice plan.

As such, it directly contravenes the Supreme Court decision in Green against New Kent County Board of Education that freedom of choice plans are not constitutionally acceptable unless they eliminate de jure segregation in the schools. It ignores court decisions and seeks to impose a financial penalty on a school district that is carrying out its constitutional obligations to desegregate. In short, it would require HEW to terminate funds in many school districts which are implementing school desegregation plans pursuant to court order.

In addition, this provision appears to deny the use of Federal funds to school districts which are voluntarily desegregating their schools under any plan other than freedom of choice.

This provision cannot and does not remove the constitutional obligation to eliminate official discrimination in the schools. It does, however, threaten to penalize school districts which are seeking to desegregate either voluntarily or pursuant to court order. It does attempt to deny funds to those school districts that are trying to abide by the Constitution.

Mr. President, this provision contradicts recent decisions reached by each branch of Government. As I mentioned already, it contravenes Supreme Court rulings in the Green case and others. In addition, it stands in direct opposition to the President's statement on school desegregation in which he pledged to support recent Supreme Court decisions requiring immediate desegregation, and in which called for the elimination of official discrimination "root and branch," and "at once." Finally, it runs counter to congressional action only a few months ago in which an identical provision was dropped from the Labor-HEW appropriation bill for fiscal year 1970.

Mr. President, this anti-civil right provision is opposed by the leadership conference on civil rights. It is opposed by the administration. It was defeated less than 3 months in the Senate by a 43 to 32 vote. It should be defeated again today.

This dangerous provision, which Secretary Finch has said would "tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate," is no stranger to any of us. I urge my colleagues to support the amendment offered by the Senator from Pennsylvania (Mr. SCOTT) and strike this provision from this bill.

THE WHITTEN AND JONAS AMENDMENTS

Mr. CASE. Mr. President, sections 209, 210, and 211 are not strangers to the Senate. In slightly modified form, we have seen them repeatedly over the past several years.

All three sections attempt—either through direct legal impact or through confusion—to hamstring efforts to carry out school desegregation required under the Constitution.

Sections 209 and 210, the so-called Whitten amendments, have been revised this year so that they would not alter school desegregation requirements under title VI of the Civil Rights Act of 1964. This title forbids discrimination in the use of Federal funds.

The change made in these amendments this year is that they would prohibit busing of students, abolishment of schools, or assignment of pupils at any school which is desegregated as that term is defined in title IV of the Civil Rights Act. This title excludes racial imbalance from the definition of segregation.

In this connection, it should be noted that the Fourth Circuit Court of Appeals, in a decision in Swann against Charlotte-Mecklenburg Board of Education on May 26, 1970, held that the definition of desegregation in title IV does not limit the power of school boards or courts to remedy unconstitutional segregation.

In other words, the incorporation of the definition included in title IV into sections 209 and 210 does not limit the power of school districts or courts to remedy unconstitutional segregation.

Despite their lack of legal effect, however, sections 209 and 210 could encourage some people, particularly those who have resisted desegregation in the past, to believe that, in fact, there has been a change in the basic law. These sections could serve to confuse local authorities as to their constitutional responsibilities.

I can see no reason to encourage confusion over the constitutional obligations of schools to desegregate and I support the effort to eliminate these provisions from the bill.

Section 211, the so-called Jonas amendment, is of even greater concern to me.

Unlike the Whitten amendments, the Jonas amendment would have a definite legal effect, although I cannot imagine how anyone could consider it to be a desirable effect. The Jonas amendment would deny vital Federal education aid to any school district which goes beyond "freedom of choice" in seeking to carry out its constitutional obligation to desegregate.

In this sense, the Jonas amendment would deny to school boards their freedom of choice as to the best and most effective way to desegregate schools.

The Supreme Court has ruled that these so-called "freedom of choice" plans to desegregate schools are acceptable only if they actually result in desegregating those which were, in fact, previously segregated.

The Department of Health, Education, and Welfare has found that "freedom of choice" plans are not effective in desegregating these districts in the vast majority of cases. These plans often fail to be effective because of fear of reprisals and intimidation and because of social custom which has grown up during centuries of discrimination.

This means that most previously segregated school districts are required by

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law and by the Constitution to adopt some desegregation plan other than "freedom of choice."

The Jonas amendment would not change that.

Most school districts still would be required to go beyond "freedom of choice." The difference would be that the Federal Government would not be able to provide any assistance to help them work out their problems.

This would be directly contrary to the effort to provide additional Federal assistance to help our local schools overcome desegregation problems.

I hope that all Members of the Senate will seek to help our schools work out their problems rather than to put additional obstacles in the path of a good education for all children in this country.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INADEQUACY OF OVERALL EDUCATION FUNDING

Mr. PELL. Mr. President, as chairman of the Subcommittee on Education, I would like to comment on the level of appropriations recommended to the Senate by the Appropriations Committee.

While congratulating Senator MAGNUSON on the way he has handled the bill and the great heart he has shown when human needs are at stake, even that great heart is not great enough. Then I recall his words when the authorization bill was passed.

I am pleased with this bill for the following reasons:

The education appropriations bill represents a significant increase over the merger sums expended for education in fiscal year 1970; indeed, there is an increment of nearly $1.7 billion.

If enacted into law, this would probably be the largest sum the Federal Government has ever had available to spend on education.

The $4.5 billion which the Appropriations Committee recommends is $700 million more than the Nixon administration requested and $300 million more than the House of Representatives approved.

Nevertheless, I am afraid the gap between what should be spent in education and what is being spent in education remains far too wide. The $4.5 billion recommended represents not more than a third of Federal expenditures authorized for education, which have been adopted by the Congress as a realistic indication of the amount of Federal support.

For example, the Congress has approved an authorization of $4.2 billion for compensatory education for disadvantaged children under title I of ESEA. The appropriation is only 35 percent of the total, that is $1.5 billion, leaving a gap of $2.7 billion.

The Congress has authorized $980 million for a combination of grants, loans, and work-study programs for students who lack the funds for a college education. The present recommended appropriation is $556.7 million, a gap of $473 million, representing only 53 percent of the authorization.

The Congress has authorized $603 million for basic vocational educational grants, and $346 million has been recommended. At 55 percent of the authorization, this represents a gap of $257 million.

The Congress has authorized $30 million for a meager dropout prevention program. Only $10 million has been recommended, a third of the authorized level, a gap of $20 million.

Appropriations only meeting a small percentage of the authorizations level would not be so distressing to me if it were not for the fact that there are some authorizations which are not being funded this year and there are other authorizations which have never been funded.

The Congress has authorized $90 million for the International Education Act, which has been on the books since 1966. This act has never been funded.

Title VIII of the Higher Education Act which authorized $15 million for cooperative arrangements for shared facilities among colleges, title IX of the Higher Education Act which authorizes $13 million for a needed program of fellowship grants and institutional grants for public service education programs, title X of that same act which authorized $10 million for the improvement of graduate programs, and title XI which authorizes $7.5 million for a law school clinical experience program are all higher education programs which have been on the books since 1968 and have never been funded.

Earlier this year the Congress passed a hard-fought bill to extend and expand programs to aid elementary and secondary education programs. This law extended the impacted aid program to school systems burdened by low-income children from federally supported public housing. New authorizations were also added to aid local education agencies and to promote comprehensive educational planning and evaluation on the State and local level. These authorizations have also been left unfunded. A nutrition and health program for schools was authorized. This needed program was left unfunded, although minimal funds for a similar program are perhaps provided for under the vague authorities of the Cooperative Research Act.

Mr. President, I must say I am very concerned about the failure to fund so many programs. It is one thing to limit the funding of an education program to a small percentage of the authorization, but it is practically an annulment of the law not to fund, at all, legislation which the Congress has enacted.

The authorization levels set in the education legislation were not casually adopted. They were set as an indication of the real need on the basis of long hours of hearings held by the Education Subcommittee.

Our failure to fully fund our education programs are mistakes, I am afraid, which will be more costly for the country in the long run than the inflationary impact that increased funding might have.

Without an adequate compensatory education program, the poverty cycle will not be broken. Poor children will continue to fall back in the education process and this will result, in the long run, in further burdens on the welfare rolls.

Without adequate scholarship and loan aid, hundreds of thousands of young people will be denied a college education, and the country will be denied the extra productivity and increased taxes which would be derived from their added education and their resulting increased incomes.

Mr. President, pending before the Senate is a series of amendments to increase funding for different programs by a total estimate of $154 million. These amendments represent a very small percentage of the extra fundings that is needed. While I would like to believe I could offer a successful amendment to fully fund all of the education programs, I realize that possibility can only be a dream. Thus, I would hope and I would urge that the amendments to be offered this evening, or tomorrow, or whenever the opportunity arises, to increase funding be passed and supported in conference. These amendments are the least we can do.

I shall also offer, for myself, an amendment to the fund certain programs which have been authorized but have not been funded.

In conclusion, I would remind the Senator from Washington of the very correct words with which he warned me, when we have had a large and generous, but I think much needed, authorization bill: There is a great difference in amount between an authorization and an appropriation. It is this great difference I would like to see diminished.

Mr. MAGNUSON. Mr. President, the Senator from Rhode Island has an amendment that I am sure both the Senator from New Hampshire and I want to take a look at. If he would refrain from having a vote on it tonight and keep the amendment on the desk for further action, we would be very appreciative.

Mr. PELL. I would, however, ask unanimous consent that the amendment could be printed for the convenience of our colleagues tomorrow.

AMENDMENT NO. 730

The PRESIDING OFFICER (Mr. JACKSON). The Chair wishes to propound an inquiry of the Senator from Rhode Island. Has the amendment been offered or submitted, or was it submitted for printing?

Mr. PELL. I send it to the desk to be printed and lie at the desk.

Mr. COTTON. Mr. President, my understanding is that the amendment is simply laid on the table to be offered later. It is not offered at this time.

The PRESIDING OFFICER. That is correct. The amendment will be received and printed, and will lie at the desk.

Mr. MAGNUSON. However, it will be offered sometime during the debate on the bill.

Mr. PELL. That is correct.

JOHNNIE T. DENNIS, TEACHER OF THE YEAR FOR 1970

Mr. MAGNUSON. Mr. President, on May 19, I was especially honored in being asked to preside over a ceremony in recognition of the Teacher of the Year for 1970. Mr. Johnnie T. Dennis, a high school teacher in the public schools of Walla Walla, Wash., was selected from among thousands of teacher nominees for this signal honor.

A reception and press conference was held over in the New Senate Office Building, it was attended by the Commissioner of Education, other Members of the Congress, educators representing national associations concerned about educational affairs, and through the cooperation of the National Education Association we have a transcript of what took place that day.

I think it is most appropriate that we include these remarks in the Record today as we consider the funding for the Office of Education for fiscal 1971. The main thrust of all of these programs under discussion and consideration now is to bring the benefits of educational opportunity to a greater number of recipients, and to raise the quality of educational programs in our Nation.

The remarks of the Teacher of the Year, Johnnie Dennis, are more than appropriate at this time and worthy of our special attention. I would hope that his comments about his own philosophy as a teacher and his responsibilities toward his profession, his students, his community, and our Nation would also be brought to the attention of all who share our concerns about education in America.

Mr. President, I ask unanimous consent that a transcript of this ceremony be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Reception and Press Conference for the 1970 National Teacher of the Year

Senator Magnuson. This is a very happy occasion, particularly for me, because the recipient of this award, Johnnie T. Dennis, happens to come from not only my state of Washington, but a favorite part of my state: Walla Walla. We have with us today Dr. James Allen, Commissioner of Education, and he and I are a little bit weary. We have just finished the Education appropriation, and we hope to take it up in the Senate this week if we can get in between the filibuster that's going on. He and I thought we did mark up a pretty good bill; it's one that everybody can live with, but the main thing is we are going to get it down to the White House before the first of June so that you people will know what you're going to have to work with in the coming year, and not get involved like we did last year when it went on and on and on for months.

Now, Dr. Don Dafoe, Executive Secretary of the Council of Chief State School Officers, is here also to honor the recipient, and Mr. Jack Squires—where is he? Oh, there you are—who represents Look magazine and also represents Mr. Attwood their Editor-in-Chief who is sponsoring a part of this program. Also from the State of Washington, Dr. Chester Babcock who represents State Superintendent Louis Bruno. I understand Dr. Babcock nominated Johnnie for this award, is that correct?

Dr. Barcock. State Superintendent Louis Bruno made the nomination.

Senator Magnuson. And then we have, of course, Mrs. Johnnie Dennis. Will you stand up so everybody can see you? There she is.

And her daughters, Deanna and Maureen. They are both here. And two sons Charles and Kevin. There are two of them that look like Title I students to me. And then Johnnie's brother and his wife, Warrant Officer Joseph Dennis and Mrs. Dennis from Fort Meade. You're stationed over there, aren't you?

Joseph Dennis. Yes, sir.

Senator Magnuson. All right. And then, as you know, the members of the Selection Committee who screened the 53 state teachers of the year who were candidates for the 1970 award. They selected 5 finalists from those, and they then picked our recipient here today. Johnnie T. Dennis. Now, are they here? The Selection Committee—stand up, those that are on the Selection Committee.

Thank you very much.

Now, we have many other members representing the educational field. I am going to ask Dr. Allen, if he will, to come up. We've a little biography of Johnnie Dennis, and I think people would be glad if you would read that for us.

Congressman Meeds of my state, who just came in, does very able work over in the House in the education field. He's a member of the committee.

Dr. Allen. Thank you very much, Senator, Congressman Meeds. I am pleased that you have included me and given me the honor to be included in these ceremonies. I want to say to the Senator that I never get weary of coming up and meeting with him and his committee when we are talking about more money for education; and as long as that can be possible I'll keep on coming, and I am always very pleased and very proud to have the opportunity to appear before him and his committee because of the deep interest he takes in the field of education.

I certainly want to extend my congratulations to Mr. Dennis on this recognition and high honor, of being the teacher of the year. And I congratulate the committee that selected him and the school system of Walla Walla where he has served so well. I am delighted to see his family here, and I just assume that the children have good excuses to be out of school today, but we welcome them here to Washington. And I extend also to you the welcome and congratulations of the Administration.

When we honor a teacher in this country, in any country, we honor the best among us. And we don't do enough, it seems to me, to recognize the great teaching force we have in this country, and the many, many fine teachers that daily serve millions of young people in our schools, in our colleges. So that I am delighted that the Council of Chief State School Officers and Look magazine jointly sponsor each year this selection of Teacher of the Year, one whom we can honor, and in honoring him, honor the great profession of teaching and the wonderful school system that we have in this country.

The man we honor today is a man who not only teaches the disciplines of the academic world, which prepare our students to meet the challenges of making their livelihood, but also help to equip them with the ability to grapple with the social environment in which they may exist in order to apply the formal knowledge they take with them from the classroom.

The son of a Mississippi sharecropper, Johnnie first moved to Walla Walla, the home of his wife Shirley, to attend Whitman College, receiving his B.A. degree in 1960. This was followed in 1965 by his M.S. degree in combined sciences which he earned at the University of Mississippi. For the past six summers, Johnnie has won National Science Foundation grants, being one of twelve high school science teachers in the nation chosen to participate in high energy physics research at the University of California Lawrence Radiation Laboratory during the past two years.

Johnnie's free time is spent narrowing the student-teacher gap, holing up with his children and with family projects in improving the quality of education in Washington state. This year, as we have indicated, he was also selected as the Washington Teacher of the Year. And, as I am sure the Senator would like for me to say, the Washington Congressional Delegation are proud to honor Johnnie.

Senator Magnuson. I was going to say that, but you can say it.

Dr. Allen. Well, I'll let you say it, and I'll let you carry on from here. I will just close by saying that it is an honor indeed for me to be here and to congratulate Johnnie and to congratulate all who had a part in his selection, and to wish you a good four days here in Washington. I look forward to seeing you at the White House later on this afternoon.

Thank you.

Senator Magnuson. Dr. Babcock was supposed to introduce Johnnie Dennis' family, but I took advantage of him and did it ahead of you. But we also have here Mrs. Dorothy Ann Dennis Wright, Johnnie's sister, and her husband, Dan Wright. We would like to see you.

Congressman Meeds, who plays an important part in the field of education, is a member of the House Committee on Education, is here, and I want to ask him if he would like to not only honor our recipient here today but say a few words about education.

Congressman Meeds. Thank you, Senator Magnuson. Mr. Commissioner, Johnnie Dennis, other people involved in the selection, ladies and gentlemen. It is a pleasure for me to be here today and to participate in honoring Johnnie Dennis who has brought great prestige and honor to our state by winning this award.

We sometimes think that we in politics, Senators and Congressmen, that we greatly influence what happens in the world and in America (and I am sure we do), but I think there is no one that influences what happens in America and the world more than a good teacher. Because of the depth of the relationship, the time the teacher can spend with a student, it seems to me that a teacher has, next to a parent, the best opportunity to enrich the life and enhance the livelihood of a student

And so, in the final analysis, I am sure that good teachers are the ones that really make impressions upon young people's lives and we're greatly indebted to you, Johnnie, for not only winning this award but mostly for being a good teacher.

Senator Magnuson. Johnnie, as long as you come from the state, I am going to ask Dr. Babcock to say something here.

Dr. Babcock. Thank you, Senator Magnuson, Congressman Meeds, Mr. Commissioner. I think I need not say that we are extremely proud, Johnnie; we are also extremely proud, as I am sure the gentlemen are from our state, that this is the second occasion on which the nation's Teacher of the Year has come from the State of Washington.

I was glad to hear Senator Magnuson mention the children. Kevin, the older one, is a straight-A student from kindergarten, and he is now in junior high school, and he is here with a very guilty conscience because he was not just quite sure he should miss a week's school. But after conferences with his teachers, it was decided it would be all right. Kevin, we hope you have conquered that guilt complex which you brought with you.

We're very proud of this young teacher, this young man, because he represents, I think, the kind of leaders that our young people need today. And so I join all the rest of you in extending congratulations to

Johnnie Dennis as Teacher of the Year. Congratulations, Johnnie.

Johnnie Dennis. Thank you.

Senator Magnuson. Now, Dr. Dafoe, do you want to make some introductions of people in the national organizations who are here to honor Johnnie?

Dr. Dafoe. Well, I think, Senator, we will just let you proceed with the press conference pretty soon, and then at the end we will bring those people up. I would just like to make a comment. We have Jack Squires from LOOK—representing William Attwood as you mentioned. We are proud to be associated with Look magazine in this program which emphasizes teaching excellence. This is the nineteenth year; this is the tenth year that we have been associated with Look.

We think what it honors is the superior ability to inspire love of learning in children regardless of backgrounds or abilities. Johnnie Dennis possesses that attribute, and we honor him today as the symbol of what is right with American education.

Senator, we will let you proceed with the press conference; at the end we will call on these people representing the national organizations.

Senator Magnuson. Thank you. Now if we have forgotten anyone we will get to you later, but I think we all want to hear from the man we honor today. Again, we're all proud of your work; and I needn't emphasize, as Dr. Allen mentioned, the importance in this country in these times for the kind of teacher that you typify. It is so important your story will be widely told, but I am sure you have a few remarks to share with us today.

He says that he is a little nervous, but I doubt that.

Let us know how you feel about receiving this award, number one; and how happy we all are to have your family here and those who have worked with you and your own people from the state that have worked with you. And after that, some one may ask you a few questions, and I am sure you can field those.

So, Johnnie, we're proud to have you here, and we want to welcome you.

(Applause.)

Johnnie T. Dennis. Thank you, Senator. And it isn't every day, I think, that a fellow from what the magazines say is from Owl Hollow, Mississippi gets a chance to talk to such distinguished gentlemen and guests.

I am thankful for this opportunity to share with you some of my ideas, but first I want to express my personal appreciation to the Council of Chief State School Officers and to Look magazine for their concerted efforts in perpetuating this recognition program which focuses the attention of the nation on the policy side of education once each year by this symbolic award, the National Teacher of the Year.

I am sure the finalists in the awards program this year, Mrs. Roberta Alward from Alaska; Mr. James Braboy from South Carolina; Mrs. Trudy Plummer of Ohio; and Mr. Theodore Molitor of Minnesota, as well as the teachers of the year for 1970 from the other states and U.S. possessions, join me in saying thank you.

You might wonder what it is that labels a person to be given such an award. Well, I'm not quite sure. I'm just thrilled to death with it, but I can say that in my case it's not the result of pulling one's self up by his bootstraps. It is a combination of many things. I'd like to mention a few.

One is a concern for my relationship with my God. Two, a beautiful wife who is truly a helpmate and four lovely children who have been very patient with a father who finds himself working many evenings away from the family. Three, good teachers everywhere who have helped me during conferences throughout the United States through participation with them in National Science Foundation institutes, and then our local and state organization. Four, local and state administrators who have helped us develop a good working relationship, teachers with administrators. And five, a very important part: the interested citizens of the state and local community who provide suggestions and the funds to make the educational program a reality.

As we respond to all of these positive factors, all teachers can share in this award as teachers of the year. I think the primary concern here, however, is that of the students in our classrooms and in particular mine. I will attempt to outline some of the general ideas that I use and try to reveal to you some of my philosophy and hope that it will stimulate specific questions from you so that I can be at my best when I am fielding questions as opposed to lecturing. This is just not my cup of tea.

Believe it or not, kids in high school today are just like those we knew when you and I were in school. They are human and need to know that someone cares; not only by provision of funds, nice classrooms and good programs, but by individual attention each day and the reassurance that all is not lost if he fails. As a physics teacher, I use my subject matter as a vehicle to determine the needs of my students to the best of my ability, and to attempt to provide for those needs, and I do not treat the subject matter as an end of itself.

As teachers we attempt to do a twelve-month job in nine months as we work to help the students identify their strengths—God knows they are made well aware of their weaknesses from many other areas. We try to help the individual realize as much success as possible each day by continuing to impress upon him the importance of his solutions as a result of his own physical and mental activity.

The student is encouraged to outdo himself in mastering a skill or completing a task, as composed to competing with the brightest student in the classroom. The students are challenged to consider statements like "They are perpetuating the problems," and "They could end hunger in the United States." We ask the student if he is not a part of that nebulous "they" who always receives the blame.

We encourage the students to consider the power of individual action and discourage the lip service offered by many people concerning, one, the needs of the poor; two, the needs of those who are hungry; and three, the needs of those who do not have sufficient medical attention. We challenge the student to demonstrate his concern through positive action, whether he is given credit for his action or not.

Recently a group of our students took part in a controversial "hunger walk." This was sponsored by the local Lutheran churches in our community. The students took a hike for money for the hungry people, both in the United States and elsewhere. I don't think I've ever heard as much talk about the number of people in our country that are hungry as I did after the hunger walk. But there was a great deal of criticism, because some people can't see why in the world a person takes the time just to walk for the hungry; something positive should be done; something should be gained. But I think these students made a tremendous contribution.

Another example of this positive action that I mentioned is that by a group of Walla Walla college students who worked repairing and painting a structure in the city park while receiving a lecture and a barrage of hand bills from a group which yelled at them as they worked about the ills of the country. There are those who talk and those who act. I encourage my students, as much as I possibly can, that it is the individual action that is important.

This is the kind of action—the kind that I have just related—that I interpret as the result of responsible educational programs, not indoctrination but education.

Well, you might wonder what all this has to do with teaching science and mathematics. My students tell me that this is what it's all about. If they can associate basic concepts of physics and mathematics with the awesome unknown life that they face daily, they begin to feel the urgency to master needed concepts today. Sure, they are interested in tomorrow, but their primary interest is today, and building on the successes of yesterday and refraining from destroying all tomorrows.

Thank you.

(Applause.)

Senator Magnuson. Now, if any of you have any questions you would like to ask our recipient today, he'd be glad to answer them.

Mr. Dennis. Attempt to answer them, yes, sir.

Question. I have a rather personal, profound question. You are a native of Owl Hollow, Mississippi. Whatever prompted a man to move from a place like Owl Hollow to Walla Walla?

Mr. Dennis. Well, first of all, I might clear something up. This statement Owl Hollow came from a biographical sketch I made myself, and I was really born in a near little town called Reinzi, Mississippi. That's about fourteen miles south of Corinth, and there were a couple of houses up in a little canyon and my parents fondly refer to this little canyon as Owl Hollow or Owl Holler, so suddenly there is a place in Mississippi called Owl Hollow and I am sure the Mississippi people are going out of their minds trying to find it.

But as far as what prompted me to leave that country, I really love the South but when I graduated from high school I wasn't able to get a job so I joined the Navy. And I found in the Navy that people felt a little differently about individuals. They encouraged us to develop our own abilities and to use them to the best of our ability and I kind of liked this. This is in the educational program of the Navy. And I met a lot of high school students who were coming into the Navy who needed training in the skills that are offered in the Navy. I liked to work with these people, and I felt that I would like to make teaching my life work.

As a young man, by the way, I grew up in Florence, Alabama. This is where I went to grade school and high school. As a young man, I didn't feel that I had much of a chance to go to college because of the lack of funds, and fortunately the Navy provided me with this opportunity to go to college and to become a teacher. And I try every day to show how grateful I am by doing the best darn job I can do each day.

(Applause.)

Senator Magnuson. Anything further? Yes.

Question. In your own words, sir, what one attribute would you say distinguishes the really good teacher from the mediocre teacher?

Mr. Dennis. Well, first of all, I have never met too many mediocre teachers. I think our teachers in the United States are very good teachers. My students tell me that the thing that makes them want to take my class—I'll put it that way—is that I have a concern for the individual and am truly interested in their problems and try to deal with those problems over my lunch hour, in the evenings, whenever I can get together with them.

Senator Magnuson. The lady in the first row there.

XUM

Question. The newspapers are filled with stories of student unrest and teen-age riots and so on. Do you have these problems in your school, and also how do you feel educators in your school should deal with these?

Mr. Dennis. That's a pretty big order. I think that these problems are in evidence everywhere, not only in the big city but in the small school; and I think administrators and teachers can deal with this problem best if they make every attempt to understand what got the problem started. And I think there are a lot of programs—there are at our local level—that are being tried to occupy the student with something that he is interested in—to make education more relevant as a partial answer to the demands of the riots.

But I think that we also have to be very careful about the very small percentage of people who are making what some people might call outrageous demands. We have a responsibility to all the children of all the people, and this is the thing that administrators as well as teachers have to keep in mind at all times.

Senator Magnuson. The lady in the back.

Question. I think you partly implied an answer to my question. But after Sputnik there was a tremendous upsurge toward science and the study of science in our schools. Now there seems to be a veering away from space and science, and I was wondering whether you think there are going to be fewer students who select science now rather than humanities, and how do you, as a science teacher, balance these out?

Mr. Dennis. Well, we have a humanities course in our school, just initiated a couple of years ago, and we are making every effort to show the students that science is going to play a big part in the humanities program of our society in the future. And, as I mentioned in some of my comments, I think the students have to be aware of the development of some of the scientific attitudes as the result of development of society; and that maybe if we are creative enough we can use our knowledge of science to help solve some of the problems I mentioned here earlier. Our science students are very much concerned in the humanities also.

Senator Magnuson. Any further questions? Well, again, we all congratulate you, Johnnie. He is to be honored this afternoon by the President of the United States at 3 o'clock. I can't invite you all down there, but I imagine some of you will be down there when he receives this honor from the President of the United States.

Correction—Mrs. Nixon is going to be there and give the honor.

So I want to thank you on behalf of the Washington delegation for coming here today, Dr. Allen and Dr. Babcock; particularly my congratulations to Look magazine for what you are doing in this field. I think it's a stimulating thing. And surely the example that Johnnie Dennis gives to the other people in this profession is well worth all the effort . . .

Jack Squires. I would like to announce that our editor-in-chief, William Attwood is en route here now. He is at White Sulphur Springs at an important convention. We expect him momentarily and if anybody is present at the later ceremony we would love to have you meet him and talk to him.

Senator Magnuson. You go right ahead, Doctor, with the other awards.

Dr. Dafoe. We have some special awards for Johnnie, and while people are getting up here, Senator, if I may add a note, I was cheered to hear your remark that you hope things will all be cleared by the first of June. That's going to make a much easier summer for some of us . . .

The first special recognition to Johnnie Dennis will be made by Dr. John Mayor, Director of Education, American Association for the Advancement of Science.

Dr. Mayor. Senator Magnuson, Dr. Dafoe, and Johnnie Dennis, I am proud to have the privilege of presenting you a membership in the American Association for the Advancement of Science. And this certificate, a part of which I would like to read has a heading American Association for the Advancement of Science:

"This is to certify that Johnnie T. Dennis was elected a fellow of the American Association for the Advancement of Science. In testimony whereof, the President and the Executive Officer have hereunto set their hand and the seal of the Association the 19th day of May, 1970."

From the evidence we have, Johnnie, you represent the best of America and the best of education. You are very young, you have only started your career, may this be a beginning, and the best of luck. We need you in science education.

(Applause.)

Senator Magnuson. Dr. Dafoe said I could interrupt here just a moment. Two distinguished members of the Washington state delegation just came in, and I want to introduce first Congressman Tom Foley from the eastern part of Washington. And then I am going to ask Catherine May to pay her respects to her honoree today because she represents his district and she is quite familiar with the school system in Walla Walla. Catherine May.

Congresswoman May. Thank you. I am very honored naturally to be able to claim in my district your wonderful young gentleman here that we have known about in my district for some time: Johnnie Dennis has been famous here. And to have him made National Teacher of the Year of course brings honor to all the people of our district. But much more important, Johnnie, to all the people of our state and to all the teachers in the United States. That's all I wanted to say; I didn't want to take a lot of time within the ceremonies but I appreciate the chance to congratulate you personally on behalf of all the people of our state. Thank you.

Senator Magnuson. Tom, do you want to join here a minute and pay your respects to the Teacher of the Year?

Congressman Foley. Well, I am sorry that I can't claim the privilege that Mrs. May has of representing Mr. Dennis and having him as a constituent, but I am going to expand it a little bit and claim you from eastern Washington, not only from the state but from the half of the state that both Mrs. May and I represent.

The importance of the teacher as the key and central professional in our society, I think, is clear to everyone. What sort of society are we going to have in the coming decade will largely depend on the quality of our education, and nothing is more central to that than the performance of our teachers.

We are delighted from the Washington State Delegation to have the signal honor of having the Teacher of the Year come from our state. We know that he represents the best in educational performance, and we know that he is repeated many hundreds of thousands of times around the United States by teachers in all of the state; so I add to Mrs. May's congratulations my own very warm congratulations on this very happy occasion.

Dr. Dafoe. I am going to lay a little of that claim too. I went to school at the University of Idaho just across the border a few years back. We're proud, too.

Next I'd like to call on Mrs. Joe Ann Stenstrom, Assistant Executive Secretary, American Association of School Librarians. Mrs. Stenstrom:

Mrs. Stenstrom. Senator Magnuson, members of the Washington delegation, Dr. Dafoe and Mr. Dennis. I too am very personally pleased to be able to present you an award, because I am also from Washington state. I would like to present to Mr. Dennis on behalf of the American Association of School Librarians this book published by the American Library Association entitled "Books by Junior College Libraries." We highly recommended this for use with high school students in program such as those in which Mr. Dennis in involved; and we hope that he will find it a useful guide to selecting sources of information for both he and his students. It is inscribed to you, Mr. Dennis, as Teacher of the Year. Our sincere congratulations.

Senator Magnuson. Dr. Dafoe is going to get a little bit weary of me interrupting here, but we have two other distinguished members of our delegation here, Johnnie, and I am sure they want to add their congratulations to your honor which you are going to receive today; and so I want to call on my distinguished colleague, Senator Jackson.

Senator Jackson. Well thank you, Senator Magnuson. I regret we've got a hearing on that I am chairing down below. I was unable to get here until just now. From a personal point of view, I, of course, have nothing but the highest and greatest respect for the teaching profession. My oldest sister who passed away recently taught in the third grade in the Garfield School in the same classroom without interruption for 43 years. I think that's sort of a record, and I grew up in the tradition and therefore have a tremendous respect for those who follow this important profession.

I am reminded of just one example of the obvious importance of the role played by the teacher. In Budapest, Hungary, prior to World War II, there was a distinguished teacher of mathematics. This teacher had a profound influence on his pupils. This teacher was dedicated to excellence, and out of that classroom came five of the world's most famous scientists who have played an invaluable role in the security of our country and the free nations.

Out of that classroom was Dr. Theodore Von Neumann, the world's most famous mathematician; Dr. Theodore Van Karman, the world's most famous aeronautical engineer; Dr. Leo Szilard who played such an important role in the Manhattan Project; Dr. Eugene Wigner who is now at Princeton who played, and is playing, such an important role in the development of nuclear power plants. I don't know whether I named four or five—four?—there is one missing, but obviously he is famous.

I mentioned Theodore von Neumann—John von Neumann, Theodore von Karman, Leo Salard—well, Edward Teller, the father of the hydrogen bomb. This can of course be repeated in other areas of human endeavor, but I think in all of our concern about priorities, all of our concern about making a better society, we still it seems to me have a long way to go in providing for proper recognition for our teachers.

In Europe the most important person in the community is the professor. We have yet to reach that point of recognition, and I think that if America is going to play its proper role in the world we need to do more than what we have already done in giving to our teachers and the profession the recognition they deserve. So I want to express my congratulations to Mr. Dennis and his family for what he has done and what he is doing. More than that, I want to commend him for his good judgment, after having been exposed to Whitman College in making the northwest his residence.

Senator Magnuson. I might suggest, Johnnie, just wait till they start coming out of Walla Walla. Congressman Hicks is here and I am sure, Johnnie, he wants to also congratulate you on this high honor.

Congressman Hicks. Thank you, Senator.

XUM

It's a little difficult following Senator Jackson, but I am sure Mrs. May when she spoke told you that she spent some time teaching school. I spent a little longer; I spent seven years; and the reason that I left the classroom was that I didn't think that I was doing the job that should have been done for these youngsters. I have seen some very excellent teachers in the junior high schools and grade schools of our state and I have seen some very mediocre ones.

While I agree with Senator Jackson that in education, school teachers have not always received the recognition that they should, on the other hand you can't take mediocrity and freeze it into the system either. There are some wonderful things that can be done by really good teachers; I have seen them done. And there is some real harm that can be done by those who are there who meet the old adage of "those who can do, and those who cannot, teach;" and that's just wrong, but it's been true enough so that it gave such an adage currency.

I am more than pleased to do honor to a really fine teacher. Thank you very much.

Dr. DAFOE. Dr. Wallace A. Brode, Past President, American Chemical Society.

Dr. BRODE. Senator Magnuson, Senator Jackson . . . Johnnie, I take great pleasure in representing the Chemical Society here to present to you subscriptions to two of our magazines on chemical education, one which is designed for the high school student and the other for the high school teacher. I present this to you with my great congratulations. I can't help but add, however, that but by pure laws of chance and coincidence I was born in Walla Walla. I was selected to do this, representing the American Chemical Society, without knowing—they didn't know this—that I was to talk to a man from Walla Walla. I graduated from Walla Walla High School 53 years ago, and I graduated from Whitman College, so I think I truly represent the community and our Congresswoman in extending our congratulations.

May I add one other point which was brought up in the discussion here asking about whether people were turning away from science. There are more young people turning away from science, more young people, than ever before. And there are more young people turning toward science than ever before, just because there are more young people.

Dr. DAFOE. Dr. Howard Hitchens, Executive Director, Department of Audio-visual Instruction, NEA.

Dr. HITCHENS. Senator Magnuson, members of the Washington delegation. I am very pleased to represent the Department of Audio-visual Instruction, Mr. Dennis, in doing honor to you upon your selection as teacher of the year. I represent about 10,000 people who are out of the field of educational technology, and as a small token of the honor which we do you, we would like you to accept a year's subscription to our magazine, "Audio-Visual Instruction." Congratulations.

Dr. DAFOE. James D. Gates, Executive Secretary, National Council of Teachers of Mathematics. Jim.

Dr. GATES. Senator Magnuson, members of the Washington delegation, Dr. Dafoe. It gives me great pleasure to be here representing the National Council of Teachers of Mathematics to express my congratulations to you, Johnnie, as a science teacher and also a teacher of mathematics. It's extremely meaningful to us that a teacher of mathematics was selected during this year, the year 1970, because this is the year we are celebrating as our Golden Jubilee Year. Our theme this year has been "Excellence in mathematics education for all." So it is very gratifying, Johnnie, to hear you remark earlier that you would express great concern that we take into account the individual differences, the concerns of every student.

I'd like to read our Certificate of Merit: "The National Council of Teachers of Mathematics: This certificate is presented to Johnnie T. Dennis in recognition of exemplary contributions to the improvement of mathematics education, Teacher of the Year, 1970."

Congratulations, Johnnie.

Dr. DAFOE. Ralph Gray of the School Service Division of the National Geographic Society. Mr. Gray.

Mr. GRAY. Johnnie, the popular song says that what the world needs now is love, sweet love; but I believe that even as much as that is true, what the world needs now is teachers, good teachers. It's a great honor to share this stage with one of the best teachers, a teacher who has been accorded the accolade of being the Teacher of the Year; and as a token of the esteem of the National Geographic Society we want to present you with an honorary subscription to the magazine for the future, beginning with the May issue, which has a couple of science articles in it. Maybe not exactly your mathematical end of science, but there is one artcle about archeology and anthropology in Africa; and another one on natural history in this country.

We hope you will enjoy this through the year, as I know you will enjoy all the other honors that have been bestowed upon you today. And I would like to say that our editorial hats at National Geographic are off to Look magazine for maintaining this fine project of honoring a Teacher of the Year for each year. Johnnie, congratulations.

Dr. DAFOE. Dr. Thomas D. Fontaine, Deputy Assistant Director for Education, National Science Foundation.

Dr. FONTAINE. Senator Magnuson, members of the Washington delegation, Dr. Dafoe. It is a special pleasure for me to be here. I think I will try to rival to some extent our good friend Dr. Brode here. I welcome you, Fellow Mississippian. I am very appreciative of the fact that you explained where Owl Hollow was, because I had placed it in certain low hills where I was born.

In addition to this, of course, I think this is very nice on the 20th anniversary of the National Science Foundation that we have such a distinguished recipient this year for the teacher who represents the best, I am sure, in science and in mathematics. I would also at this moment too like to pay tribute to Senator Magnuson, who I am sure many of you know has really been the father of the National Science Foundation. So I think Senator Magnuson should take a special pride in the fact that his wisdom and the shepherding the National Science Foundation through many of its trial periods has paid off in such a significant way.

It was in 1954, Senator Magnuson, that the first summer institute for high school teachers was held in the state of Washington at the University of Washington. So it is with special pleasure I present to you, Johnnie, an investment in knowledge, which is the History of the Summer Institute Program of the National Science Foundation. Congratulations.

Senator MAGNUSON. I want to, before we adjourn, remind everyone that there are refreshments and coffee . . . I am sure that all of you want to meet Johnnie's fine family over here. We thank you all for coming. It's an event I am sure you wouldn't want to miss. So we stand adjourned. Thank you.

Mr. MAGNUSON. May I inquire from the Senator from Alabama if he has an amendment pending?

Mr. ALLEN. No. The amendment pending is the amendment of the Senator from Pennsylvania and, at the proper time, I wanted to address a few remarks to that amendment.

Mr. MAGNUSON. Mr. President, may I make an inquiry? I am doing this for many other Senators who have asked me, and I have not been able to answer. Will we have a vote tonight on either the Whitten amendment or the Jonas amendment?

Mr. COTTON. Mr. President, the Jonas amendment is the amendment pending.

Mr. ALLEN. The amendment to strike the Jonas amendment.

Mr. MAGNUSON. Perhaps the Senator from Alabama could help me determine if there could be any votes tonight.

Mr. ALLEN. I would not know. I had planned to address a few remarks to the amendment. I do not have a prepared address. It would be flexible, depending on the situation.

Mr. MAGNUSON. Would it be flexible short or flexible long?

Mr. ALLEN. That would depend.

Mr. MAGNUSON. That would depend. Then I cannot give my colleagues any definite answer right now.

Mr. ALLEN. Not at this time.

Mr. MAGNUSON. I thank the Senator.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, if it meets with the agreement of the manager of the bill and the ranking minority member, I suggest that they consider adjournment, with the proviso that when the measure under consideration becomes the pending business again tomorrow night at approximately 5 o'clock, the distinguished Senator from Alabama (Mr. ALLEN) be recognized.

Mr. MAGNUSON. That is agreeable to me. Is it agreeable to the distinguished Senator from New Hampshire?

Mr. COTTON. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL COSPONSORS OF BILLS

S. 3311 AND 3312

Mr. KENNEDY. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS) I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. HART) be

XUM

added as a cosponsor of S. 3311 and S. 3312, providing crime insurance to inner city businesses and homeowners.

The PRESIDING OFFICER (Mr. JACKSON). Without objection it is so ordered.

OFFICE OF EDUCATION APPROPRIATION ACT, 1971—AMENDMENTS

AMENDMENT NO. 729

Mr. SCOTT proposed an amendment to the bill (H.R. 16916), making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

(The remarks of Mr. SCOTT when he proposed the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 730

Mr. PELL submitted an amendment, intended to be proposed by him to the bill (H.R. 16916), supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 731

Mr. KENNEDY submitted an amendment, intended to be proposed by him, to the bill (H.R. 16916), supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 645

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Oregon (Mr. HATFIELD), and the Senator from Michigan (Mr. HART) be added as cosponsors of amendment No. 645, to H.R. 16916, making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER (Mr. JACKSON). Without objection, it is so ordered.

AMENDMENT NO. 700

Mr. KENNEDY. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of amendment No. 700 to S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER (Mr. JACKSON). Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order, until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 49 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 24, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 23, 1970:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald G. MacDonald, of Vermont, to be an Assistant Administrator of the Agency for International Development, vice Maurice J. Williams.

DEPARTMENT OF DEFENSE

Louis M. Rousselot, of New Jersey, to be an Assistant Secretary of Defense, new position.

EXTENSIONS OF REMARKS

VISIT TO WASHINGTON BY SIXTH GRADE STUDENTS OF CANTON SCHOOL INSPIRATION FOR PLAY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. GARMATZ. Mr. Speaker, many Members of the House and Senate make arrangements for the various school groups from their districts, which come to Washington usually during the spring session. It has been my belief for some time that a visit to Washington and an opportunity to see Congress in action is well worth a day's absence from school, when the students are old enough to understand what they are seeing and hearing.

Proof of the advantages of such a visit was furnished in a letter I received from Mr. Donald M. MacLean, the teacher of a sixth grade class at Canton Elementary School in my district. Their visit furnished the inspiration for a play, written by them, and presented at their graduation exercises.

The letter and the play are included herewith and I am sure they will help the Members to realize how much knowledge is gained on these visits.

CANTON SCHOOL,
Baltimore, Md., June 16, 1970.

EDWARD A. GARMATZ,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR SIR: It has been a most rewarding pleasure and experience to have taken a class from Canton Elementary School 230 to visit Congress and your own office. The booklets and the tour were most appreciated by all students as well as the adults who supervised the trip. My class wrote a play after they returned (June 2) and we did include you in it. Today my class had their graduation exercises and the play was a great success. We feel that you contributed a great deal to their thought and program. Most every child had one parent and many children had two parents present. You will see in reading the play that you were influential . . . many parents will remember you and the good that only you have done for these children. I do wish you could have been here today to see the results; they were magnificent. If possible, I shall return next year with the hope of educating more children in the fine way that you offered . . . one that is most exceptional and rewarding. All children have received the pictures and they are delighted. Michael Gapa has received his picture this morning, via my address since it was remailed by you.

Read the play. Give a copy to each of those fine gentlemen who assisted us on the tour. They were marvelous. The boys and girls will never forget this wonderful trip and the literature and pictures they received. I must say that I am grateful, too. My wife and I both thank you most heartily. May you have many more years of service, as long as you desire, in Congress. God bless you. A real big, BIG "thank you" to Miss Tracey.

Respectfully,

DONALD R. MACLEAN.

PLAY BY SIXTH GRADE OF CANTON ELEMENTARY SCHOOL

JANICE. Mr. MacLean's Class presents some facts and skits on the importance of Canton and its activities in the community.

CHORUS

(Margaret, Janice, Kathy, Carmella, and Linda) All verses sung to the tune of "He's Got the Whole World in His Hands"; original lyrics by Margaret, Janice, and Kathy.

VERSE 1

"We've got sun and rain on our land,
We've got sun and rain on our land,
We've got sun and rain on our land,
To raise our crops on Canton's land."

VERSE 2

"The Canton Railroad is the best,
The Canton Railroad is the best,
The Canton Railroad is the best,
Bringing products from East to West."

VERSE 3

"We've got the world's trade in our port,
We've got the world's trade in our port,
We've got the world's trade in our port,
Bananas, cans, steel, and sugar in our port."

DANIEL J. One hundred eighty-five years ago this August Captain John O'Donnell sailed into Baltimore Town with a cargo of silks, satins, tea, china, and other Oriental goods. The crew was mostly Chinese, Malaysian, Japanese, and Moors, natively dressed. This was the beginning of trade with the Far East which became so valuable to Baltimore. From the profits, Captain O'Donnell purchased a large plantation of two thousand acres with three miles of waterfront. He named this estate "Canton" since his cargo had come from Canton, China. The land was bounded on the west by Alice Anne Street, on the east by Haven Street, on the North by Fait Avenue, and by the waterfront on the south. The name of Canton has stuck with this community ever since. The fame of Baltimore as a world port has never diminished.

(Skit.)

DANNY K. Sugar is imported through the port of Baltimore in great quantities from the cane fields of Cuba, Puerto Rico, and Central America. It is refined in Canton and shipped out by rail.

GARY. Canton is famous for shipping goods to all parts of the world. Ocean steamers carry many things such as steel products, bananas, canned goods, tea and spices, and cars from Japan.

CHARLES. Our merchant marine does a great job and Canton has a great responsibility both in sending and receiving goods.

DANNY K. Look at all those cans made here in Canton! They will be used as containers for beer, corn, tomatoes, crab meat, and other products made here.

CHARLES. Our can companies will always be in business.

GARY. We'll keep business at the highest record ever.

DANNY K. Lunch is over! Let's get back to work. We must get these cans shipped today. That sure was good coffee for lunch.

XUM

CHORUS, VERSE 4

"We've got stores and banks on the avenue,
We've got stores and banks on the avenue,
We've got stores and banks on the avenue,
We spend our money and save some, too."

(Skit.)

Margaret. There's a sale at Epstein's on sweaters today. Want to go with me?

Kathy. Yes, maybe I'll see something I want.

(At the store.)

Cathy C. May I help you?

Margaret. Yes, do you have sweaters on sale, size 34?

Cathy C. I have some under the counter. There, will these be all right?

Margaret. Aren't they lovely? I'll take these two for $6.99, please.

Kathy. I'll take this one. (to Margaret) Can we stop at the bank on the way back?

Margaret. Certainly.

Cathy C. Thank you (handing purchases to the ladies).

Margaret.

Kathy. You're welcome.

(At the bank.)

Janice. Is this a deposit or a withdrawal?

Kathy. I am depositing $45.00 today. Has the quarterly interest gone up yet?

Janice. No, it begins July 1st and will be 5%.

Kathy. Thank you.

Margaret. I paid my phone bill . . . saved some money, too.

Kathy. We both spent some money and saved some, too.

CHORUS, VERSE 5

"We've got white marble steps, row houses, too,
We've got white marble steps, row houses, too,
We've got white marble steps, row houses, too,
They're neat, clean, spotless—just for you."

(Skit.)

Kathy S. (mother) Kim, wash the steps. Those white marble steps get dirty so quickly.

Kim (Joanne). All right, Mother. They will be white and shiny when I get done.

Kathy S. Kelly, get the bucket and clean the windows. We have a lot of work to do before father comes home.

Kelly (Cathy C.). Yes, Mother. But I got a ball game this afternoon. We are going to beat the Fantastics.

Kathy S. You will be done in time, I'm sure.

CHORUS, VERSE 6

(Later.)

"We've got the world famous beer, National,
We've got the world famous beer, National,
We've got the world famous beer, National,
We've got the world's most famous beer."

Thomas (father). Whew! It was hot in the brewery today! I've got some good, cold National beer. I'm going to watch the Orioles slaughter the Indians on television tonight. How was your game today?

Kelly. We won, dad. Mother, May Kim and I watch the little league? We already had supper.

Kathy S. Yes, but remember to be back home before dark.

Kim and **Kelly.** O.K. Mom, bye!

CHORUS, VERSE 7

(Next day.)

"We've got the best churches in our land.
We've got the best churches in our land,
We've got the best churches in our land,
We've got the best churches and their grand."

(William and others.)

(Same family indicates their devotion silently in their church.)

CHORUS, VERSE 8

"There's the little league baseball, we're proud of it,
There's the little league baseball, we're proud of it,
There's the little league baseball, we're proud of it,
World famous Orioles—Watch us hit!

(Skit.)

William. Let's go boys. It's time for practice. Vince, get the bats from my car.

Vince. O.K. Bill. James, come with me and get the balls and gloves.

James. Hurry up. Let's go.

William. Mike, Get the catcher's equipment out of the car.

Mike. Right! Mr. Nickel is here to umpire the game.

Robert. Come on. Bring all those bats over here.

John. Here comes the coach for our little league team.

James. Hi, Mr. Jim. How are you?

Jim. (Dave B.). Well, boys, is everyone ready for the game?

Vince. Joe, our bat boy is missing.

Mike. Here he comes now. He has the bat we make home runs with.

Dave B. O.K. Let's start the game. Batter up.

(Two hours later.)

Bill. It is the bottom of the ninth. The score is tied. Vince is at bat. He hits a homer and . . . . two runs score. We win by a score of 5 to 3.

Mike. Look! he is here! Jim Palmer, Oriole's pitcher.

Bill. Let's ask him to autograph our ball.

Howard. That was a great game, boys.

Mike. Would you autograph our ball?

Howard. You bet . . some day you may be an Oriole player.

William. And so the American little league players go home with their seventh win in a row.

CHORUS, VERSE 9

"We've got lots of crabs from Chesapeake Bay,
We've got lots of crabs from Chesapeake Bay,
We've got lots of crabs from Chesapeake Bay,
They're the best, now, wouldn't you say?"

VERSE 10

"We've got Haussner's restaurant up the street,
We've got Haussner's restaurant up the street,
We've got Haussner's restaurant up the street,
It has art to enjoy, and food to eat."

(Skit.)

Linda. Oh, my, the art is so beautiful.

Margaret. I wonder where these lovely paintings came from.

Darlene. Many of them are from Belgium, Holland, and other European countries.

Linda. Haussner's art collection makes this a fine restaurant.

Kathy. The food is delicious, they say. Let's try some.

(Sit down at tables.)

Janice. May I have your order?

Margaret. Sour beef and dumplings, please.

Kathy. I'll have two delicious crabcakes, and a salad.

Linda. There is nothing like a steak, medium rare.

Janice. I'll have your order ready soon. Yes, Miss? (to Darlene) What would you like?

Darlene. I'll take an order of beef stroganoff.

Kathy. We'll all have a cocktail, no . . . a mint julep, and strawberry pie.

(Orders are served.)

Kathy. This was a very nice evening. We should come here often, the food is delicious, especially the crab cakes.

Margaret. I love the sour beef and dumplings . . . superb.

Darlene. I just love the art work. I'll never forget this evening.

Linda. That strawberry pie is so good. I'll be back for more.

All. We must tell our friends.

Janice. Thank you for coming, and come again. I'm glad you enjoyed your meal.

CHORUS, VERSE 11

"We all work the hardest in our school.
We all work the hardest in our school.
We all work the hardest in our school.
Our marks are the highest, yet they're cool."

VERSE 12

"We are known as the smartest, don't you know?
We are known as the smartest, don't you know?
We are known as the smartest, don't you know?
Cause we come from Canton School 2-3-0."

(Skit.)

Teacher (Stephen). In 1789 the first ten amendments to the Constitution were formally proposed. They became effective two years later. We call these amendments the . . . Missy, do you know?

Missy. They are called the "Bill of Rights."

Teacher. What does the first amendment do for us?

Ronnie. The First Amendment to the Constitution states that the Federal Government guarantees freedom of religion, freedom of speech, freedom of the press, the right to peaceful assembly, and the right to petition the government if wrongfully treated. Without it we would lose these personal freedoms.

Stephen. That is correct. Which amendment states that no officer of the Federal government may search a person's home without a warrant?

Nancy C. That would be the Fourth Amendment. It protects us from false arrest and search and seizure.

Stephen. To safeguard our freedom, no one may be deprived of life, liberty, or property without due process of law. What does this, the Fifth Amendment, mean to us?

Missy. A man's life can not be taken unless he has been legally found guilty, and an innocent person can only be tried once for a crime, and not a second time.

Stephen. How important are the "Bill of Rights"?

Nancy. The Bill of Rights guarantee our freedoms and liberties so that each individual will be protected. These rights are being discussed today in the civil rights movement.

(Bell rings.)

Stephen. Your homework is to bring some problems we can discuss that deal with our community and our rights. Perhaps we can tell Congressman Garmatz of the Third District our problems. He represents Canton in Washington, D.C. Class dismissed.

CHORUS, VERSE 13

"We've got Edward A. Garmatz in Congress for you,
We've got Edward A. Garmatz in Congress for you,
We've got Edward A. Garmatz in Congress for you,
To express the needs of Canton too."

(Skit.)

Darlene. Mr. Garmatz, there is a class from Canton School 230 here to see you.

Howard. Show them into my office. (Children enter). Gather around. Boys and girls. This is my office. I conduct so much business here. What can I do for you?

Raymond. We have been studying about the Constitution. We would like to see both houses of Congress in action.

Howard. I shall see that all of you have a seat in the Senate and in the House. Mr. Barnes will take you by subway.

Mike. What is that award?

Howard. This award was presented to me by the American Legion. I have many awards. How do you like the Seal of Maryland?

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Mike. That's neat! It is all made of colored stones.

Darlene. Boys and girls, be sure to come back and get your booklets after the tour of the Capitol.

Mr. Barnes (John). This way boys and girls.

(Statuary Hall).

Mr. Oberman (Mike G.). Gather around me, boys and girls. This is Statuary Hall. Every state in the Union has sent two statues of important people placed here in Congress. This is a statue of Charles Carroll of Carrolton. He was a signer of the Declaration of Independence.

John. Stand here. Be very quiet.

Mike G. Andrew Jackson stood in this spot when he was President. He heard a group of men discussing his assassination but they were standing way over there. Listen and you can hear me. (Words are spoken at a distance.)

Children. I heard it. Wow!!! (all leave)

Mike G. Be very quiet in the Senate.

(The Senate).

Raymond. Senator Fulbright of Arkansas is speaking.

Gary (Sen. Fulbright). And so I urge you to vote that we send planes to Israel to keep the balance of power in the Middle East. Another resolution is . . .

(Children leave).

Howard. Well, children. Here are your booklets . . . Our Flag, Our American Government . . . The Constitution of the U.S. . . . How Our Laws Are Made . . . A pictorial story of "The Capitol, and a booklet about places to visit." I shall always be happy to represent Canton in Congress. Come again. Good bye. Goodbye and thank you.

CHORUS, VERSE 14

"We've got Patterson Park just for you,
We've got Patterson Park just for you,
We've got Patterson Park just for you,
It has sports, parades, and concerts, too."

(Skit).

Eva. After the Revolutionary War, William Patterson came to Baltimore from Philadelphia. The post-war business boom made him the richest man in Maryland except for Charles Carroll of Carrollton. His fleet of clipper ships went over the whole world to connect Canton with the world ports and commerce. His property in Baltimore was considerable. He gave one of his estates to Baltimore, and more was added to make our Patterson Park of today. Patterson Park High School, to which many children from Canton graduate, was named after him.

Pat. This Chinese Tower is different than any I ever saw before.

Joanne. My mother and father come to the concerts in the summer to hear the old favorite songs they used to sing.

Pat. I think I will go swimming.

Carmella. (She arrives). Wait for me. I want to go swimming, too. Let's watch the ball game after we cool off a bit.

Joanne. I'll treat you at the White Coffee Pot Junior afterwards.

Joyce. (Just arrives). Hey! There is a parade here tomorrow. It is Defender's Day and everyone in Canton will be here.

Pat. Defender's Day is remembered because we stopped the British from capturing Baltimore.

Carmella. And Francis Scott Key wrote the Star Spangled Banner.

Joyce. It is also an "I Am An American Day" parade, too, to honor those who are the new citizens of our country. I must do an errand. I'll see you at the parade tomorrow.

Carmella. Rowan and Martin will lead the procession at one o'clock.

CHORUS: VERSE 15

"We've got Defender's Day, I'm An American, too!
"We've got Defender's Day, I'm An American, too!
"We've got Defender's Day, I'm An American, too!
"We all join in and parade for you."

Pat. Look at those floats!

Joanne. That drill team is grand!

Carmella. There is the best band in the land!

Joyce. I love a parade. Patterson has the best.

(All children, spectators, etc. leave the stage with their small American flags flying.)

Song: You're a Grand Old Flag . . . sung as children take their seats. Finale.

TIME FOR DECISION IN THE MIDDLE EAST

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HALPERN. Mr. Speaker, faced with the present Mideast crisis I feel that it behooves all Members to pause and think about our present policies and programs with regard to this part of the world. At a recent meeting of the American Jewish Committee, Prof. Nadav Safran, professor of government and associate of the Center for Middle East Studies at Harvard University, made a very significant statement on this question, one that has caused much discussion. I commend his statement of May 14, 1970, which I thought was particularly topical and meaningful to the attention of my colleagues:

TIME FOR DECISION IN THE MIDDLE EAST

(By Nadav Safran)

The commitment of Soviet pilots and air defense personnel to the ongoing limited war between Egypt and Israel has given a new, possibly fateful, twist to the Middle East crisis, and has once more imposed on the United States the necessity to make new, critical decisions.

I do not know what these decisions will be. But I know of one current of advice being offered to the Administration which, if adopted, would have disastrous consequences for the cause of peace in the Middle East, for American interests in the area, and for Israel and American-Israeli relations. This advice does not spring from any malevolent intention. Worse than that, it springs from a very poor and simplistic understanding of the situation.

I would like to use this erroneous view as a take-off point for my own alternative analysis and conclusions. Now the erroneous view I am speaking of starts with four simple premises:

1. That the Soviet Union has gained and is gaining greatly from the persisting Middle East crisis, and is therefore not interested in a settlement;

2. That Egypt, the key Arab counrty, will never agree to make peace with Israel, and that pressure on it to do so would only cause it to turn in upon itself and produce chaos which would bring great danger to the entire area;

3. That Israel has been getting more and more extremist in its aspirations and inflexible in its posture as a result of its military strength and its immunity to outside pressure, made possible in a decisive measure by the diplomatic and material support of the United States;

4. And that the United States has been losing greatly and steadily from the persistence of the conflict and from its support of Israel.

From these premises, the upholders of the view under discussion draw the general conclusion that the United States should do its utmost to terminate the conflict, which they allege, so benefits the Russians and so harms the United States, by applying every possible pressure on Israel to accept a settlement that does not include the formal peace which Israel insists upon, and which the Arab countries will not grant. With regard to the particular issue raised by the commitment of Soviet pilots and personnel, these people caution the United States against providing arms to Israel in response for a variety of reasons derived from their premises: Giving arms to Israel, they say, would further antagonize the Arabs and drive them further into the arms of the Soviet Union; it would encourage Israel to continue in its intransigence; and it would prolong the conflict uselessly. What the United States should do, they add, is to take advantage of the present situation in which Israel is in a relatively weak and therefore presumably more amenable position in order to press it to accept a settlement that does not include peace.

When faced with such an analysis, one is very tempted to respond immediately with *ad hominem* attacks, with criticisms of particular points, or with bold counterassertions. This temptation must be resisted because it sidetracks attention from the fundamental weakness of the argument, which is in its basic approach. This approach is linear and simplistic; whereas the facts to which it addresses itself are dialectical and complex. In simple words, there is an "on the other hand" to each one of its basic premises, which if properly weighed, in the end produces a totally different picture. Let us go back over these premises and note those "other hands."

1. That the Soviet Union has been making gains in the Middle East as a result of the crisis—This is true. It has entrenched itself more deeply in Egypt, Syria and Iraq since 1967, and it has gained an entry into the Sudan as a result of a coup d'état that took place there a year ago.

On the other hand, the Soviet position has also suffered a great deal as a result of the crisis:

First of all, the Suez Canal has been closed since 1967, just when the Soviet Union was getting ready to assert itself as a global power with the help of a very substantial merchant marine and navy developed for that specific purpose in recent years. The closure of the Canal has frustrated Soviet plans by barring to them the main access route from their bases in the Black Sea to the Third World through the Indian Ocean, the Red Sea and the Suez Canal.

Secondly and by the same token, the footholds which the Soviets had gained in Yemen, South Yemen and in Somalia at the southern gateway of the Red Sea became useless and had to be abandoned because the northern gateway was closed.

Thirdly, Nasser's militant pan-Arab drive which had served as a vehicle for the extension of Soviet influence in the area, was checked, and in the case of Yemen reversed, as a result of Nasser's defeat in the 1967 war and his inability to recover his lost territories.

Fourthly, Soviet credibility and reliability as an ally suffered considerable damage in Arab eyes as a result of the failure to save the Arabs from defeat and failure to save them from some of the consequences of defeat. This is particularly true of Algeria, whose relations with the Soviet Union have cooled a great deal since 1967.

Fifthly, the assumption of the burden of rearming the Arab countries and supporting

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their economies has cost the Soviet Union several billion rubles since the end of the war, in addition to forfeiting much of the pre-war investment. This cost constitutes a substantial drain of resources even for the Soviet Union, especially since it has not been doing so well economically in recent years. At the very least, the absorption of these resources in the Middle East pre-empted their use to extend Soviet influence elsewhere.

Last but far from least, the 1967 defeat shook the foundations of the Arab regimes on which the Soviet position in the Middle East rests, and left them more vulnerable than ever to sudden collapse as a result of the kind of pressures that are inherent in a continuing confrontation with Israel. To anticipate a little, it was precisely the fear that Nasser might collapse as a result of the Israeli response to his war of attrition that impelled the Russians to come in with their missiles and pilots.

If all this is true—if it is true that the position in which the Soviets have found themselves since the war involves important advantages but even more important disadvantages, it would be wrong to conclude that in principle the Soviets have absolutely no interest in a settlement. The contrary conclusion is more appropriate and finds confirmation in the fact that the Soviets had actually engaged for over a year before their recent move in negotiations with the United States aimed at reaching a settlement. The problem has been that the Soviets have not dared to move ahead of the Egyptian position, or to persuade Nasser himself to move forward and accept the principle of peace, which is the key to an agreement with the United States.

This leads us to the second assumption, that no Egyptian leader could afford to make peace with Israel. I cannot help but observe here the attempts to explain the Arab attitude in terms of "the Arab mentality" is the refuge of people who will not or cannot examine the facts. It is true that Nasser has been obdurate in his rejection of the principle of formal peace; but it is no less true, on the other hand, that he has come a long way in his position vis-a-vis Israel—from insisting on its destruction as the only goal and on belligerency as the only interim relationship, to renouncing that goal publicly, being willing to accept Israel's existence de facto, to terminate belligerence, recognize its frontiers, agree to free navigation through the Suez Canal as well as the Gulf of Aquaba and so on. I mention all this not in order to suggest that it is enough and not to make the points that Nasser is reasonable, but in order to point out that Nasser is rational and has acted rationally in the sense of matching ends and means and responding to the realities of the situation. If he has not so far taken the extra step of being ready to contemplate firm and binding peace, it is evidently, in view of this record, not because of emotional obsession but because the pressures working on him have not been sufficient to compel him to take that additional step. This does not, however, preclude that they might do so in the future. Much will depend on the position of the United States.

The third assumption concerning Israel's getting tougher is in part correct. However, like the other assumptions it tells only half the story and tells it too simply. The toughness of Israel and its relative inflexibility are products of the national consensus that has peace as its lowest common denominator. But on top of this denominator, there is a wide variety of views and forces which have been prevented from asserting themselves by the fact that the denominator itself has never been met. Let a concrete prospect of peace be presented to Israel, and the national consensus would certainly break up, bringing down, in my judgment, the national coalition government based on it, and opening up the entire political system. The so-called "Goldmann Affair" and the agitation it caused in Israel when nothing more than the shadow of a shadow of a prospect for peace was involved is very significant in this respect. Now, whether a break-up of the national coalition and the reformation of the political parties would produce a simple majority that would favor peace without significant territorial changes from the pre-war lines is difficult to be certain about. My own judgment is that such a majority would emerge.

The fourth and final assumption to the effect that the United States has been losing a great deal as a result of the present situation is true also to some extent. But there is also an impressive ledger on the credit side and this produces quite a different net balance. On the debit side, there is undoubtedly a general loss of American popularity throughout the Arab world; but popularity is an extremely soft and unstable currency in international relations and should not be confused, as is often done, with influence. Moreover, influence and popularity are not necessarily always directly correlated: In fact, a power may be unpopular because it can exercise a great deal of influence. In the strict sense of the term, influence can be defined as a heightened probability that others should act as we wish them to. I submit that this indeed has been the case with Egypt since 1967. There has been a loss of popularity but a gain in influence. With Syria and Iraq, the United States has had no influence to begin with and therefore has lost nothing since 1967.

Continuing on the debit side, there is undoubtedly a loss to the United States in the weakening of the stability of Jordan and Lebanon as a result of the present situation, which, if it continues, may well bring about the collapse of the regime in either or both of these countries.

People who hold the view I am debating would add the Sudan and Libya to the debit list. I would not dispute that the United States position was somewhat weakened by the coups that took place in these countries, but I would doubt that the damage should be attributed to the Arab-Israeli confrontation.

In any case, let us note that the American interest in the Sudan had been very slight to begin with and that the loss for the United States in Libya was restricted and did not amount to any automatic gain for the Soviets. There was no attack on the position of the American oil companies in Libya and the United States was eased out of Wheelus air base rather than being thrown out by fiat, a mere few months before the lease on the base was to have expired anyway. At the same time, the new Libyan government did not turn to the Soviets for arms and advisers, according to the pattern of radical coups, but turned instead to France for help. This was done at the behest of Nasser himself for a very interesting reason:

By refraining from using the club against the United States that fell into his hands when the young Libyan officers solicited his advice, Nasser hoped to dissuade this country from responding favorably to Israel's then outstanding request for arms. Here is a dramatic illustration of the point I made a moment ago about the difference between popularity and influence. Here the Egyptian fear that the United States might respond by giving arms to Israel compelled Nasser to act in a way desired by the United States, even though giving arms to Israel has been a thing which had made the United States unpopular. You see loss of popularity, on the one hand, accompanied by increase in influence on a crucial issue on the other, Nasser realizing that it was dangerous for him to interfere with vital American interests.

On the credit side, there is a list of gains which is none the less impressive for being mostly the obverse of the Soviet and Egyptian losses. There is the frustration of the Soviet global strategy based on the Suez-Indian Ocean route; there is the pinning down of large Soviet resources in the effort to support shaky allies; there is the removal of the Nasserite anti-American pressure on regimes friendly to the United States. People forget, for example, that for five years before 1967 Egyptian troops had been fighting in Yemen with the explicitly proclaimed aim of overthrowing the so called "reactionary" regimes of the Arabian peninsula and the Persian Gulf, including the oil-rich Saudi Arabia and Kuwait; and that for five years the United States had used largesse and pressure to persuade Nasser to desist, without success. Today, as a result of the post-1967 situation, the proud revolutionary of yore, who would overthrow all the reactionary regimes, is now eating from the hands of these regimes.

Altogether, then, our examination of the four premises about the position and attitudes of the four principal actors in the present situation gives us a picture of a multiple tug of war in which the United States is relatively better placed to accomplish its aims than its opponents are to accomplish theirs. Our analysis, therefore, leads us to reject the panicky view that peace cannot be achieved, without, however, carrying us to the equally fallacious suggestion that peace is easily attainable or is around the corner.

There is a situation in which there is a set of opposing forces at work. The task of the United States is to try to manipulate these forces in such a way as to enhance those that tend to favor peace and to check those that tend to oppose it. The guiding strategy should be to maintain a situation in which the Soviet Union and Egypt can find no relief from the pressures under which they are and no outlet from the crisis except by taking the extra step of agreeing to peace. Once they do that, the United States can use this agreement to prod the Israel leaders to break up the national coalition government in Israel and bring about a political reshuffle that would hopefully produce a simple majority in favor of a peace of reconciliation.

The specific application of this approach to the particular issue of the commitment of Soviet pilots to the Arab-Israeli confrontation requires a few preliminary remarks: In the latter part of 1969, Nasser had declared the cease-fire dead and launched a war attrition against Israel with a view to forcing it to accept a settlement of the crisis on Egyptian terms—that is to say on terms that rejected peace, negotiations, and recognition. Nasser's strategy in that war consisted of taking advantage of the immense Egyptian numerical superiority in manpower and artillery on the Canal front to launch continuous massive artillery bombardments and frequent commando raids. The idea was to inflict heavy losses of personnel on Israel which would sap its will to fight, and force it to mobilize larger and larger segments of its reserves, which would undermine its economy and its capacity to continue the war.

After suffering considerable damage, Israel devised an effective response by using its superiority in air power to foil Nasser's superiority in manpower and artillery. It started by systematically destroying Egypt's air defense system with air attacks and radar-jamming devices; proceeded with surprise airborne and seaborne commando attacks everywhere behind the Egyptian front, thus forcing Nasser to disperse his forces all

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over Egypt to meet possible Israeli attacks; finally it went on to attack his exposed and dispersed forces to inflict maximum damage and force Nasser to agree to the restoration of the cease-fire. The operation succeeded so well that it turned the tables over on Nasser completely; it was Egypt, which was subjected to a war of attrition—saw treasures of equipment go up in smoke, suffered a hemorrhage of casualties, and had the morale of its forces shaken.

Unable to react himself, Nasser turned to the Russians and asked them to repair the situation or else face the risk of a collapse of his regime on which their position in Egypt and in the whole region rests. The Russians responded by rushing, by air, men and equipment to meet the situation. They quickly emplaced at strategic points in mainland Egypt SAM-3 missiles and committed Russian pilots to provide a first line of defense for the missiles from the air and Russian troops to protect them against Israeli airborne commando attack. So far, the Russian pilots have not intervened against Israeli planes operating in the immediate vicinity of the Canal front; but the Israelis had to give up almost entirely their penetrations into the mainland.

As soon as Nasser felt his mainland to be secure under Russian protection, he concentrated once again all his own air power and most of his ground forces on the Canal front and resumed the war of attrition, with already visible effect. This fact makes nonsense of the simple argument that the Russian move is defensive and therefore should not call for an American response. It may be defensive in intent but it has offensive consequences—and both of these aspects should be kept in mind in thinking of the proper response.

Taking these facts against the background of the position of the Soviets and their relations with Egypt, we get the following overall picture, which we may present in the form of a scenario: After nearly a year of vain effort to reach an agreement with the United States on a settlement that avoided peace, the Soviets, mindful of their interest beyond the Middle East as well as of the difficulties of their positions in the area, suggest to Nasser that perhaps the time has come for him to take the next step and agree to peace, although without territorial changes. Nasser, concerned only with his own more limited aims in the region and mindful that the Russians have no alternative to him, balks at the suggestion and wants to keep on trying to change the situation by continued military pressure and diplomatic maneuvers.

The Soviets, unable to apply pressures on Nasser for fear of breaking the branch on which they are sitting, let him go on. Nasser launches the war of attrition, gets himself into trouble and turns to the Soviets for help. The Soviets, fearing his collapse, are compelled to take a critical step of committing their personnel to the defense of Egypt's mainland. Nasser, having succeeded in using his weakness to suck the Soviets in, now takes advantage of the accrued strength in order to resume his war of attrition. The Soviets, having accomplished the essential purpose of saving Nasser from collapse, now stand at the crossroads and watch: If Nasser's pressure appears to be successful, they might throw their whole weight behind a continuation of his campaign of military pressure and diplomatic maneuver. If Nasser's pressures appear to fail, they might be in a better position to convince him that after having tried everything to no avail, there is no escape from taking the next step and agreeing to genuine peace.

Whether Nasser's pressure appears to be successful or not will depend in a decisive measure on how the United States responds. If the United States responds to the present situation by providing arms to Israel and reiterating its commitment to preserve the balance of power in the area—which in effect means its opposition to any attempt to alter the situation by force and to insist that the only way to alter the situation is through peace—then 1) Nasser's offensive would be effectively checked, 2) his pressure will be seen to have failed, 3) the Russian intervention will be kept within the present limits, 4) and the Soviets will be able to reassert their argument to Nasser that peace is the only outlet for him. If, on the other hand, the United States equivocates on the supply of arms or, much worse, if it should choose this time to urge upon Israel a settlement that does not meet the minimal demand of peace, then even if the Israelis should respond successfully with the arms they already have, this will be a sign that Nasser's strategy is succeeding, that it is detaching the United States from Israel, and that the Soviets could therefore contemplate further steps to intensify the pressures to overcome Israel's predictable resistance.

One alternative would frankly envisage the continuation of a struggle in which the odds are favorable to the United States and which keeps the prospects of an eventual peace open. The other would immediately foreclose such prospects indefinitely and would set things on a turbulent course whose outcome God only knows.

PRETRIAL DETENTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HOGAN. Mr. Speaker, since pretrial detention was first proposed for the District of Columbia, we in the Congress who have supported the reasonable and judicious application of that principle have heard much debate on the subject.

In passing on any law, a legislator must realize that no matter how well conceived any measure is, it can be abused after it becomes law.

In considering proposals for pretrial detention, much of the debate has been helpful in providing necessary safeguards against possible abuse.

Overriding the reasonable debate is the consideration for providing protections and for the common welfare of the citizens and residents of the District of Columbia.

Someone once defined fanaticism as "redoubling your efforts when you have lost sight of your goals."

In the case of some who argue against pretrial detention, that definition surely applies. They have lost sight of the goal of this legislation—the welfare of the law-abiding citizens of the Nation's Capital.

We are committed to the protection of the rights of the innocent. Pretrial detention as proposed does just that. It gives the people of the Capital City the right to pursue their lives without fear of violence from a relative few already charged with perpetrating crimes against the public.

Last week, much of the rhetoric was cut short by a tragic event—a shoot-out between a District policeman and an armed robbery suspect.

The violence, which left the suspect dead and the young police officer seriously wounded, in the most vivid terms imaginable, those of life and death, has illustrated the need for pretrial preventive detention.

The robbery suspect had been permitted to remain on the streets under bail for a successive series of offenses involving violence.

The details of the dead man's record and a plea for sensible use of preventive detention are spelled out in a Washington Post editorial appearing in the Sunday, June 21, edition. I commend the editorial to the attention of my colleagues in the House and the other body. It follows:

CRIME CONTROL: A CASE HISTORY OF WHAT IS WRONG

"A Washington policeman shot and killed a fleeing robbery suspect at New Jersey Avenue and K Street NW," the story on Friday's front page began, adding that the officer had himself been shot twice by the suspect, according to the police. That was all that could be said in one paragraph, in a straightforward news account, and it is not until you examine the background of the dead man that the event becomes something more than a shoot-out between a policeman and a suspect—bcomes, in fact, almost a model of what is wrong about our system of crime control. For the fact is that Franklin E. Moyler was more than a "suspect"; he was, from all the evidence, a hardened criminal, at liberty on a very small bond and awaiting trial for two previous offenses involving use of a dangerous weapon. In 1965 he was found guilty of robbery and assault on an officer and was imprisoned for nearly two years. After his release, he was charged with assault on several occasions. Last January he was accused of four offenses including assault with a dangerous weapon, but succeeded in regaining freedom when he put up one-tenth of a $1,500 bond in cash. On June 1 he was arrested again on charges of robbery and carrying a dangerous weapon, and this time a bonding company put up the $2,000 required for his release.

This is a record which calls into question almost every aspect of our approach to crime and criminals and criminal suspects—the efficacy of correctional institutions and of rehabilitation programs for convicted criminals; the speed, or shocking lack of it, with which accused persons are brought to justice; and, finally, the hard question of how to protect the public from people with demonstrably dangerous criminal tendencies who are set free for prolonged periods while awaiting trial. It is impossible to say precisely what might have been done to rehabilitate Moyler over the past five years even if the most advanced techniques had been available—except that it would have been worth a try. It is also impossible to know what would have been the judgment if he had been brought speedily to trial; he might well had been found innocent of the several crimes of which he stood accused, and released each time.

What seems inescapable, however, is that he would not have been at New Jersey Avenue and K Street NW last Thursday with gun at hand, as the police say he was, if he had been detained or even subjected to close and continuing supervision after his arrest on June 1 and until he could be tried—under a greatly accelerated and reformed judicial process. And some such precaution for the sake of public security would have been justified by the known facts in this case, in our view. The record suggested a pattern of criminal activity involving acute dangers to the community. The bail agency was apparently concerned about that risk. It recommended that he be required to get a job in January, and that he be placed in someone else's custody in June, but the judge ignored both conditions of release.

The chief difficulty with the present law is that it makes no allowance for restraints designed to protect the community, except in capital cases. The conditions of release specified in the act are supposed to be used only for the purpose of assuring the appearance of the defendant at the time of his trial. We think judges should also have discretion to use conditional release and monetary bail where necessary to protect the community and that in some cases, involving extraordinary risks, preventive detention for a limited period would be the lesser of two evils. If preventive detention had been used in this case, it might have saved the life of the accused and prevented suffering and danger of death for a conscientious policeman.

Unfortunately, the Department of Justice has sought to cast too broad a net. In some wide categories of cases it would allow preventive detention to become the rule rather than the exception carefully tailored to defendants with records of violence, bail-jumping or other conduct that may menace the public. The District crime bill now in conference between the Senate and House ought to be revised so that it would give the courts new resources in dealing with known criminals of Moyler's type, without making detention before trial almost a general rule in serious cases.

In light of that tragic shooting and the reaction in the wake of the event, testimony given last Thursday before a Senate Constitutional Rights Subcommittee hearing by U.S. District Court Judge George L. Hart, Jr., has even greater impact.

Judge Hart, who chaired a special committee appointed by the Judicial Council of the District of Columbia to study the operation of the Bail Reform Act of 1966, cites 14 specific examples of instances where persons charged with serious crimes committed subsequent crimes while on bail awaiting trial.

Judge Hart's statement deserves the greatest attention since it adds considerable weight to the point of view that pretrial detention is in the interests of orderly administration of justice in the District of Columbia and is in the interest of the common welfare of the community.

The judge, who has been sitting on the Federal bench in the District for 10 years is certainly well qualified to draw conclusions about the need for pretrial detention.

I insert Judge Hart's testimony in the RECORD at this point in its entirety and I commend it to the attention of my colleagues in the House, but most especially to Members in the other body.

STATEMENT OF GEORGE L. HART, JR.

On January 21, 1969, I had the privilege of appearing before this Subcommittee and testifying concerning the operation in the District of Columbia of the Bail Reform Act of 1966. I wish to thank the Chairman and the Members of the Subcommittee for the privilege of again appearing before your Subcommittee, by invitation, to testify with regard to certain proposed changes in the Bail Reform Act of 1966.

In November, 1967, the Chief Judge of the Judicial Council of the District of Columbia appointed a committee of 11 to study the operation of the Bail Reform Act of 1966 in the District of Columbia. I had the honor to be the Chairman of that Committee.

The first Report of the above-named Committee was made to the Judicial Council of the District of Columbia in May, 1968. In my appearance before you on January 21, 1969, I reported at some length on the findings of the Committee as to the operation of the Bail Reform Act through May, 1969, and of numerous recommendations and actions taken by the Committee designed to improve the operation of the Act in the District of Columbia. In view of the fact that the testimony which I gave in January, 1969, has been printed in full for use by the Committee of the Judiciary, I shall not attempt to cover the matters testified to in January, 1969, but will limit my remarks to findings of the Committee since that time and, in particular, to its findings relating to matters covered in S. 2600.

One of the amendments to the Bail Reform Act proposed in S. 2600 provides that a judicial officer in determining conditions of release may consider and take into account "the safety of any other person or the community." At the present time a judicial officer may not consider the dangerousness of a person to the community in fixing conditions of release. Under the present law the judicial officer can only fix conditions of release designed to assure the appearance at court proceedings of the person charged with the crime. The Judicial Conference Committee, in its first Report in May, 1968, unanimously recommended that a judicial officer be permitted to consider danger to the community in fixing terms of release. (See: Report of the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia, May, 1968, pages 27 and 30).

The May, 1969, Report of the Committee again unanimously recommended an amendment to permit consideration of dangerousness to the community in fixing conditions of release. (See: page 16 of the May, 1969, Report)

S. 2600 would further amend the Bail Reform Act by providing for pre-trial detention in certain non-capital cases where a judicial officer determines that no conditions or combination of conditions of release will reasonably assure the safety of any other person or the community.

The Judicial Council Committee in its May, 1969, Report, by a vote of 6 to 5, recommended pre-trial detention in certain cases. I will quote to you that part of our May, 1969, Report which covers the majority view on preventive detention.

"MAJORITY VIEWS: JUDGE HART, JUDGE MURPHY, MISS BACON, JUDGE NEBEKER, MR. WEBSTER, AND MR. WORK

"There are compelling reasons for enactment of a statute which sanctions preventive detention in some cases. A proper balance between the rights and interests of the individual and those of society requires such a statute. The statute, however, must contain appropriate standards, must include adequate due process safeguards to protect the rights of the individual and must be coupled with the rights to an expedited trial.

"In the view of the majority there are a significant number of persons who are charged with serious crimes of violence and whose repetition of crime while on bail poses a danger to the community. Accordingly, although absolute predictability of future criminal conduct is not possible, a court should be permitted, in its discretion, to deny bail (a) in a case in which a crime of violence was allegedly committed while on bail, whether the alleged crime was committed prior to indictment, after indictment but prior to trial, or after trial but prior to completion of the appellate process; (b) in the event that a crime of violence is committed either while the defendant is on probation or parole, or within a reasonable time following the completion of a sentence; (c) where the court finds that a defendant is charged with certain high risk crimes of violence and will pose a danger to the community if released; (d) when a defendant is a narcotic addict with a habit so costly that it can only be supported by crime; and (e) where individuals whose alleged crimes, when committed in the context of a civil disorder, pose a grave danger to the community.

"Preventive detention is an historically recognized principle and is not a novel method of protecting the interests of society. The Judiciary Act of 1789, for example, provided for discretionary pretrial detention in capital cases. The Bail Reform Act of 1966 also recognized preventive detention as a method of protecting society's interests in pre-trial capital cases as well as in appropriate cases after conviction.

"Recidivist statutes serve as some precedent for the principle of preventive detention under the circumstances described above. These statutes, which impose a mandatory life imprisonment sentence upon one convicted of a number of distinct felonies, reflect, in essence, the judgment of society that such an individual is too dangerous to ever be permitted his freedom. These statutes contain an element of an attempt to predict future conduct: namely, that the individual, if released, will probably commit another crime. These statutes also embody a judgment that balances the rights of the individual to be free against the rights of society to be protected from probable criminal activity, and, under specified circumstances, permit deprivation of freedom based upon the individual's likelihood to commit criminal activity of some nature.

"The recidivist statutes may serve as a deterrent to those whose freedom is permanently threatened. On a smaller scale, a preventive detention statute which authorizes the deprivation of freedom for a limited time prior to trial may also be a deterrent.

"There is a large body of opinion among those who have studied the Bail Reform Act which supports the view that if sufficient judicial manpower, with the necessary supporting personnel, were provided so that every felony case could be tried within six weeks to two months, the problem of recidivism under the Bail Reform Act would be greatly reduced. With this we wholeheartedly agree, and we give our complete backing to efforts to provide speedier trials. However, such a result does not seem to lie in the foreseeable future. Furthermore, if such speedy trials were provided, there would still remain persuasive reasons to apply preventive detention to certain persons who are either (a) recidivists, (b) narcotics addicts with a habit so costly that it can only be supported by crime, and (c) individuals whose alleged crimes, when committed in the context of civil disorders, pose a grave danger to the community.

"To the extent that the prosecutorial system works efficiently, the balancing process, which permits minor pre-trial incursions on the freedom of certain defendants, works less hardship on these individuals. To the extent that the prosecutorial system does not work efficiently, the balancing process, which accommodates society's vital interests, permits an increased incursion on the right to freedom of the individual. It is unrealistic to assume that in the near future we are going to control crime on bail by improving conditions which lead to speedier trials. Currently we do not have a

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system which functions with great rapidity, particularly in the large cities. New facilities, new plans and new processes will be slow in coming as they must be carefully evaluated and, if possible, tested in the context of protecting an individual's constitutional rights. Furthermore, our present system encourages delay, which generally works to the advantage of the defendant, and it may be anticipated that notwithstanding efforts to speed up the trial process individual defendants will utilize whatever methods are available to slow the process down.

"In summary, we believe that a preventive detention statute which protects both the rights of the individual and the rights of society should be adopted. Such a statute should, of course, only be invoked when lesser forms of incarceration, such as supervised or part-time release, cannot be said to adequately protect the interests of the community. Dangerous individuals who have a propensity to commit crime, who are narcotics addicts with a habit so costly that it can only be supported by crime, or who constitute a grave danger to the community in times of civil disturbance, can be identified by the same judges to whom we regularly entrust the determination of what defendants are too dangerous to be released upon appeal bond or to be given probation after conviction. A similar responsibility is thrust upon lay boards of parole.

"Judges must have the necessary discretion to protect the community; they should, within the framework of an appropriate statute, be permitted to exercise discretion to grant or deny freedom in pretrial cases."

As to the alternatives to preventive detention, such as speedy trial concerning which the Chairman was kind enough to ask my views, the majority report above referred to also treats with this matter.

If all serious criminal cases, or practically all, could be tried within 6 weeks to 2 months, the problem of recidivism by persons released under the Bail Reform Act prior to trial would, in my opinion, be greatly reduced. I believe that this view is borne out by statistics which have been gathered from various sources concerning this matter. While statistics on recidivism by persons on bail vary widely in their general conclusions as to the total number involved, the various statistics do seem to bear out that where such incidents occur, they usually occur at a period of time greater than 2 months from the date of release. It seems certain that the more delayed the trial, the longer a person is on release before trial, the more likely that person is to be involved in a subsequent crime. Thus, speedy trials, that is within from 6 weeks to 2 months, would eliminate much of the present problem. At the present time, the trial of the great bulk of felony cases in the District of Columbia within a period of 6 weeks to 2 months is not possible. To accomplish this result would require a doubling of the present judgepower available for such cases with supporting clerks, probation officers, U.S. Attorneys, U.S. Marshals and the buildings to house the increased personnel.

The doubling of judicial power available to handle felonies in the District of Columbia does not appear to be imminent. In the meantime, while we may argue over the extent of recidivism of persons released under the Bail Reform Act, it is certainly true that a significant number of persons who are released under the Act are charged with further serious crimes alleged to have been committed while the persons were on release. It appeared to be a majority of the Bail Reform Committee that a proper balance between the rights and interests of the individual and the rights and interest of society required an amendment to the Bail Reform Act to permit preventive detention in certain types of crime involving certain types of individuals.

Surely, it is not an easy thing to balance the interests of an individual charged with a serious crime to be free pending trial against the rights of a law-abiding citizen not to be robbed, raped or murdered in his or her home or on the streets. There are powerful and compelling arguments as to why the rights of both should be protected. I suggest a balancing is desirable which considers the rights of both, insofar as it is possible to do so. It is desirable to weigh one right against the other right and to devise a plan which to the greatest extent possible will protect both. Preventive detention for a reasonable period for certain types of people charged with certain types of crime might well be thought to achieve this balance.

I sometimes think that when we talk of preventive detention we put too much stress on statistics and the rights of the person charged with a crime and wholly ignore the human elements as they apply to the victim. In other words, we talk of the accused as a deeply concerned human being and citizen, which he is, but consider the victim only as a cold, inhuman statistic, which he is not. He, too, is a human being and a citizen deserving of consideration.

In an effort to bring into focus the flesh and blood problems of individuals who are the victims of crimes committed by defendants released under the Bail Reform Act, I am attaching to this statement as Exhibit A the histories of 14 defendants and their victims which illustrates my point. In each of the cases cited the defendant was found guilty or pleaded guilty to the original and subsequent crimes.

Consider for one moment just the first case that I have cited in the Exhibit. The Bail Reform Act considered the rights of Kenneth H. Jackson but it certainly gave no consideration to the rights of Jane Doe (which is not her true name), a 16-year-old girl who was beaten and gang raped by among others, a defendant who had previously been caught in the act of attempted armed robbery and released under the Bail Reform Act. Should we not consider the rights of the Jane Does, too?

NO. 1—KENNETH H. JACKSON

Criminal No. 190–68

At about 8:00 A.M. on December 26, 1967, John Myers was sitting in his car in front of the Wholesale Auto Parts Store at 1821 14th St., N.W., waiting for the store to open, when he was approached by a man subsequently identified as Kenneth H. Jackson, Jackson pulled a knife, held it to Myers' throat, and demanded his money. When Jackson attempted to search Myers' pockets, the two men struggled and they were observed by Officers Glen Hilton and Burtell Jefferson who were on routine patrol in the area. The officers arrested Jackson and he was released on personal bond the same day in the Court of General Sessions.

Criminal No. 514–68

Less than three weeks later at about 7:45 P.M., on January 13, 1968, Jane Doe, a sixteen year-old girl, was walking in the 2400 block of Nichols Avenue, S.E., when she was grabbed off the street by three men, dragged onto the Birney School playground near the corner of Nichols Avenue and Sumner Road, S.E., beaten about the face and head with the fists of her assailants, and raped several times. Miss Doe subsequently identified Kenneth H. Jackson from photographs as one of her attackers. Jackson was rearrested and was again released on personal recognizance on March 1, 1968.

Juries returned verdicts of guilty as to both the rape and robbery charges on November 8, 1968 and December 9, 1968, respectively.

NO. 2—MICHAEL WHORTON

Criminal No. 624–67

On March 20, 1967, Michael Whorton attempted to rob DeeBo's ESSO Gasoline Station at 12th and Otis Streets, N.E., at approximately 1:15 in the afternoon, using a gun to threaten the proprietor of the station, John DeeBo. DeeBo struggled with Whorton, who fled from the scene and was arrested in the course of his flight by Officer Foy of the Metropolitan Police. Whorton was returned to the scene and positively identified by the complainant after Officer Foy recovered a pistol from him. Four days later Whorton was released on personal recognizance.

Criminal No. 107–68

Two weeks later at approximately 8:45 P.M., on April 7, 1967, two men entered a Safeway at 1731 Seventh Street, N.W. One of the men, subsequently identified as Whorton brandished a .45 calibre automatic pistol and demanded "all the money." The two men escaped with over $1,000. Whorton was identified from photos the following day by a witness to the robbery, but was not apprehended until eight months later on December 12, 1967.

Whorton was subsequently tried for the first robbery on March 15, 1968, and found guilty. A guilty verdict as to the second robbery was returned on May 2, 1968.

NO. 3—DANIEL BETHEL

Criminal No. 1087–67

At approximately 1:00 A.M., on June 19, 1967, Ellen von Nardroff, 38 years old, was awakened in her home at 1852 Irving Street, N.W., by unknown sounds downstairs. She put on a robe and began to leave her bedroom to ascertain their source when she observed the stairwell light go on and heard the breaking of glass. She stayed in the bedroom and shut the door, placing a chair against it as she heard footsteps ascend the stairs. She was unable to hold the door closed as a man, subsequently identified as Daniel Bethel, forced his way into her room, pushed her down on the bed, unzipped his pants and climbed on top of her, trying to force her legs apart. He was unable to make penetration solely because his victim was using sanitary napkins. He then got off her, asked for her money, and took a black purse containing $40.00. He then escaped.

Three weeks later at approximately 4:25 in the morning on July 10, 1967, Ellen von Nardroff's home was again broken into. Following the first break-in, however, she had purchased a twenty-gauge shotgun for her protection, and this time she and a friend held the intruder, again identified as Bethel, at bay until the arrival of the police. Bethel was subsequently released on his personal recognizance for both offenses on October 26, 1967.

Criminal No. 423–68

At 10:35 in the morning on February 5, 1968, two men entered Karl's Dry Cleaners at 6228 Third Street, N.W. One of the men brandished a .45 calibre revolver and told the store's owner, Norman Gray, to "give me your money," while the other man, subsequently identified as Bethel, went through Gray's pockets, removing some money and a watch. The two men then escaped in Bethel's car.

Bethel subsequently pleaded guilty to housebreaking and robbery on January 22, 1968, in connection with the two entries into the von Nardroff home. He pleaded guilty to the dry cleaning store robbery on October 4, 1968.

NO. 4—NATHANIEL LEE, JR.

Criminal No. 125–68

At 6:25 P.M. on November 20, 1967, three men entered and held-up a McDonald's Drive-in at 1603 Good Hope Road, S.E. One man was armed with a .22 calibre pistol, another with a .38 calibre pistol and the third with a sawed-off shotgun. After taking an undetermined amount of money the men escaped. Nathaniel Lee, Jr., was subsequently identified by two eye-witnesses from photographs as the subject with the .22 calibre pistol. Lee was arrested on November 28, 1967, and was subsequently released on Personal Recognizance on January 30, 1968.

Criminal No. 462–68

Less than one month later at 2:05 A.M., on February 24, 1968, Larry Wise, a D.C. Transit Driver, was operating his bus in the vicinity of 15th Street and Stanton Road, S.E., when he felt a hard object in his back and was told: "Close the door and drive on straight, or I will kill you." Wise complied and upon, a further demand, turned over his money, his change carrier and his watch to the assailant, who was subsequently identified as Nathaniel Lee, Jr. Lee left the bus at 14th Place and Stanton Road, S.E., and was apprehended and held by a citizen who observed him running from the bus with the change carrier in his hand.

On November 4, 1968, Lee pleaded guilty to both the McDonald's and the bus robberies.

NO. 5—JOHNNY L. PETERSON

Criminal No. 1520–67

Early in the afternoon of November 6, 1967, Hubert Madison, returning from a lunch break while serving as a juror in the Court of General Sessions, was standing in an elevator in the courthouse when Johnny L. Peterson, a defendant in a criminal case in which Madison was sitting, told Madison that the jurors "had better be right on the inside or they will right on the outside." Peterson was charged with obstructing justice and was released on personal recognizance on January 26, 1968.

Criminal No. 651–68

Six weeks later at 5:05 A.M., Leon Hladchuk was removing newspapers from his panel truck in front of 3058 Mount Pleasant Street, N.W., when he was approached by three men, struck in the back of the neck by an unknown object, beaten about the head and face by his assailants, and searched for money. Hladchuck fought off his attackers and called the police. Officers Kenneth Brown and Wendell Huffstutler arrested the three men near the scene of the crime and Hladchuk identified one of them as Johnny L. Peterson.

Peterson was found not guilty solely by reason of insanity on the obstructing justice in a non-jury trial on October 7, 1968. He subsequently pleaded guilty to a lesser included offense of Attempted Robbery in the other case on January 9, 1969.

NO. 6—JEROME OLNEY

Criminal No. 533–68

At 3:10 in the morning on March 2, 1968, Hugo Barlow, a D.C. Transit driver, was operating his bus in the vicinity of 14th Street and Independence Avenue, S.W., when he was approached by a subject subsequently identified as Jerome Olney who threatened Barlow with a knife and demanded his money. Barlow and Olney fought, and Olney was arrested a short distance from the scene after leaving the bus. He was released on personal recognizance later the same morning of his arrest.

Criminal No. 735–68

Ten days later at approximately 10:45 in the evening of March 12, 1968, James Sullivan, another D.C. Transit driver, was operating his bus in the vicinity of 9th Street and New York Avenue, N.W., when a man pulled a knife and placed it against Sullivan's neck with his right hand while holding his left arm around the victim's neck and demanding his money. Sullivan complied and his assailant, subsequently identified from photographs as Jerome Olney, escaped. Olney was arrested on a warrant two days later.

On August 7, 1968, Olney pleaded guilty to the lesser included offense of assault with a dangerous weapon in the Barlow robbery, and to robbery in the attack on and theft from James Sullivan.

NO. 7—PAUL E. HAWES

Criminal No. 1042–68

On April 5, 1968, Paul E. Hawes was arrested near 1150 12th Street, NW., when a car in which he was a passenger was found to contain large amounts of merchandise identified as having been stolen from Todd's, Inc., at 1102 F Street, NW., earlier in the day. Hawes was charged with second degree burglary and released on personal recognizance on April 19, 1968, *despite the fact that he was already on bond for a robbery that had been committed on January 26, 1968.* (Cr. 646–68)

Criminal No. 1131–68

Five weeks after Hawes' release, on May 24, 1968, at approximately 5:00 P.M., five men entered the offices of Versis Food Distributors, Inc., at 2800 10th St., N.E. One of them, subsequently identified as Hawes, carried a sawed-off shotgun and demanded money from the employees while Hawes' confederates searched them. The five men then escaped with over $1,200, but were apprehended a short distance from the scene by police officers in the vicinity.

Hawes pleaded guilty to both the January 26th robbery and the Versis Food Distributors robbery on October 15, 1968. Sixteen days later he pleaded guilty to the lesser included offense of attempted burglary in the second degree in the case involving Todd's Inc.

NO. 8—JOSEPH GANTT

Criminal No. 1390–66

At about 10:15 P.M. on August 29, 1966, two men entered Sparkie's Market at 3819 Georgia Avenue, N.W. One of the men, subsequently identified as Joseph Gantt, threatened employee Frederick Cooke with a pistol and advised him, "Play it cool, this is a hold-up." Cooke handed Gantt approximately $150 in currency and the two subjects then escaped. Gantt was subsequently arrested on a warrant on September 4, 1966, after he had been identified in photographs. He was released on personal recognizance on February 6, 1967, pleaded guilty to the robbery on March 9, 1967, and was permitted to remain on personal recognizance pending sentence. When he failed to appear for sentencing on May 7, 1967, a bench warrant was issued.

Criminal No. 1062–68

Gantt was not apprehended and was not heard from until a year later when, on May 11, 1968, at about 8:35 P.M. he and a confederate entered the Safeway Store at 6101 Georgia Avenue, N.W. Gantt, with a double-barrelled sawed-off shotgun, and his partner with two automatic .32 calibre pistols, held up two employees, John Decker and Gary Swenson, and exited the store into the arms of waiting police officers who had observed the robbery. A jury returned a guilty verdict on the charge of armed robbery on January 10, 1969.

NO. 9—CLIFTON BULLOCK

Criminal No. 356–68

At 10:00 A.M. on January 16, 1968, two men entered the Safeway Store at 6101 Georgia Avenue, N.W. and approached Dennis Bailey, the store's manager. One of the men asked for a pack of cigarettes while the second, subsequently identified as Clifton Bullock, displayed a dark colored pistol and told Bailey to let him have "all the money." Bailey turned over approximately $143 and both men ran from the store. Bullock was subsequently arrested on a warrant the following day, admitted his complicity in the robbery, and was released on personal recognizance on February 1, 1968.

Criminal No. 1133–68

About two months later on May 4, 1968, a man and woman entered the Public National Bank at 7824 Eastern Avenue, N.W. After pretending to desire to open a new account the male subject, subsequently identified as Clifton Bullock, pulled a gun from his pocket and advised Mrs. Sacks, the new accounts clerk, "If you move, you white son of a bitch, I'll kill you." Bullock and his accomplice then accompanied Mrs. Sacks to teller Earl Dawson's window, where Dawson was directed to give them a sack of bills. After obtaining more money from another teller, Shari Rettig, the two subjects escaped from the bank into a yellow Cadillac, and then led police officer Kermit Hooper on a short high-speed chase until the Cadillac collided with another automobile and a bus, knocking all three persons in the car unconscious and eventually leading to the death of Bullock's female accomplice. After his release from the hospital, Bullock was *again* released on personal bond on October 21, 1968.

On January 28, 1969, Bullock pleaded guilty to armed robbery in the Safeway case and manslaughter and armed robbery in the Public National Bank case.

NO. 10—JAMES B. FIELDS

Criminal No. 92–68

At 4:20 in the afternoon on November 14, 1967, Florence Clarke, 75 years old, was jostled by a subject subsequently identified as James B. Fields, when she boarded a D.C. Transit bus in the 700 block of Pennsylvania Avenue, N.W. After she was on the bus Mrs. Clarke observed that her wallet had been stolen when another passenger, Virginia Hayes, pointed out Fields as the culprit who had done it. Police officer James Bragg was also on the bus at the time and arrested Fields when they both alighted at the next stop. Fields was released on a $3,000 surety bond on December 13, 1968, failed to appear for arraignment in February, 1969 due to his having been jailed in Pittsburgh for another offense, and was finally returned to this jurisdiction in March, 1969. Fields was subsequently released again in June, 1969, this time with permission to post 10% of a $3,000 bond pursuant to the Bail Reform Act.

Criminal No. 1267–68

Two weeks after Fields' release an elderly nurse, Margaret G. Dutton, was standing near Garfinckel's on 14th Street, N.W., at about 3:00 P.M. in the afternoon of July 8, 1968, waiting for a cab. As she flagged one down, she was jostled by a group of men, and she noticed after entering the cab that her pocketbook had been opened and her wallet taken. The cab driver, Edward Nance, had observed the men who jostled Mrs. Dutton and stopped a passing police officer, Keith Matthews, to report the robbery. Officer Matthews tracked the three men and subsequently arrested one of them, Fields, a short distance from the scene.

On January 10, 1969, a jury returned a guilty verdict as to the robbery of Mrs. Clarke. Thirteen days later Fields pleaded guilty to the robbery of Mrs. Dutton.

NO. 11—GEORGE E. MCDAVID

Criminal No. 880–68

At 8 p.m. on March 21, 1968, Leo Falks was standing at a coat rack in David's Men's Shop at 3182 Mt. Pleasant Street, N.W. when he was approached by two men, one of whom produced a pistol and told Falks, "this is a holdup, get in the back room and lay on the floor." The other subject, subsequently identified as George E. McDavid, emptied the cash register in the front of the store, and both men then left the scene. McDavid was subsequently apprehended shortly after the robbery in an apartment house less than 100 yards from the store. He was arrested and was subsequently released on Personal Recognizance on May 3, 1968.

Criminal No. 1271–68

On May 23, 1968, a man, subsequently identified as McDavid, entered Aristo Cleaners at 2819 14th Street, N.W., pointed a dark colored automatic pistol at Thelma Frederick, an employee, and stated, "give me the money." Miss Frederick complied and McDavid escaped with $65. He was arrested on June 2, 1968, after Miss Frederick had identified him from photographs shown her by the police.

On October 21, 1968, a jury returned a verdict of quilty against McDavid in the David's Men's Store robbery. He subsequently pleaded guilty to the lesser included offense of attempted robbery on February 4, 1969, in connection with the Aristo robbery.

NO. 12—JOHN C. SWANN

Criminal No. 1224–68

At about 2:15 P.M. on June 11, 1968, Pauline Hawkins of 4201 4th Street, SE., was asleep in her apartment when she was awakened by a knock at her door. She answered it and a subject identifying himself as a janitor entered. After pretending to replace a fuse, he grabbed Miss Hawkins by the neck, choking her with one hand and holding a knife in the other. He dragged her into a bedroom, raped her and then tied her hands with a scarf and escaped. Miss Hawkins' assailant was subsequently identified by a photograph and by fingerprints as John C. Swann. Swann was arrested and released on personal recognizance on June 14, 1968.

Criminal No. 1380–68

On July 6, 1968, at about 3:45 A.M., Swann visited the Jiffy Carry-out Shop, 5017 Indian Head Highway in Prince Georges County, Maryland, where Miss Hawkins worked. As she stepped outside to leave for home, Swann stepped out from behind the door and fired four shots at her, one taking effect in her left shoulder. Miss Hawkins escaped from Swann and was able to obtain assistance. Swann was subsequently rearrested and charged with intimidation of a witness in this jurisdiction.

On March 19, 1969, a jury returned a verdict of guilty against Swann in the rape case. A verdict of guilty as to the intimidation of a witness charge was returned on May 13, 1969.

NO. 13—THOMAS A. WILLIAMS

Criminal No. 488–68

At 7:45 A.M., on February 13, 1968, two men entered Dickey's Cleaners at 84 Rhode Island Avenue, N.W. One man pulled a small handgun and told the employee in charge, Ann Rodgers, not to get nervous, while the other man jumped over the counter and took Miss Rodgers to the rear of the store where he obtained over $900 in cash receipts. Both men then left the store. Thomas A. Williams was subsequently identified from photographs as one of the two robbers. He was arrested on a warrant on February 17, 1968, and was released on personal recognizance on March 11, 1968.

Criminal No. 1413–68

On May 27, 1968, two men entered the Old Colony Laundry at 6820 Blair Road, N.W., at approximately 10:30 A.M. One of the men, subsequently identified as Thomas A. Williams, took a silver colored revolver from his pocket and forced the clerk, Margaret Furgaison, into a back room. The two subjects then emptied the cash register of $75.00 and escaped.

A verdict of guilty as to the Dickey's robbery was returned by a jury on July 5, 1968. Williams pleaded guilty to the lesser included offense of attempted robbery on May 7, 1969 in connection with the robbery of Old Colony.

NO. 14—BOBBY L. COLEY

Criminal No. 20–68

At about 11:30 A.M. on December 4, 1967, the residence of Alice White at 5402 Call Place, S.E., was burglarized. Detectives Karl Mattis and S. M. Kuntz responded to the premises and arrested Bobby L. Coley just outside the premises. Coley had served as a lookout. He was released on a daytime work release the following day under the Bail Reform Act.

Criminal No. 1513–68

On March 20, 1968, at 5:05 P.M., four men entered the Hospitality House Community Federal Credit Union at 516 "H" Street, N.E. and robbed the Credit Union of over $700 at gunpoint. Bobby L. Coley subsequently admitted his participation in the robbery after being identified from photographs as a participant and arrested on April 4, 1968. He was again released on personal recognizance on May 23, 1968.

Criminal No. 1616–68

On August 13, 1968, at 11:20 A.M., three men entered the Columbia Heights Station Post Office at 1423 Irving Street, N.W. One, subsequently identified as Bobby L. Coley, carried a double-barrelled sawed-off shotgun and yelled, "all you M. F. down on the floor, this is a hold-up." A witness in the post office escaped through a side door and summoned police help. When Officers Michael Hartford and Ronald Wilkins responded, Coley pressed the shotgun against the head of postal employee Clarence Smith and told the police if they came any closer he would "blow (Smith's) head off." After a tense period of minutes, Coley finally surrendered.

A verdict of guilty as to the White burglary was returned against Coley on September 27, 1968. He subsequently pleaded guilty to robbery in the Credit Union case and armed robbery in the Post Office cases on January 8, 1968.

VIOLATION OF VALID LAWS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. BRAY. Mr. Speaker, eight draft board vandals were recently convicted in Indianapolis in Federal court. The following editorial from the May 28, 1970, Indianapolis Star carries part of Federal Judge Cale S. Holder's instructions to the jury. As the editorial states, Judge Holder's points cannot be repeated too often.

The editorial follows:

VIOLATION OF VALID LAWS

Conviction of the eight originally self-proclaimed draft board vandals who call themselves "Beaver 55" reaffirms a principle of ever-growing significance in our time of widespread anarchy—that a political obsession, however strong, does not convey upon those who are possessed with it the right to break law.

As Federal Judge Cale J. Holder told the jury in court here in his final instructions, "The motives of the defendants are not controlling in the case which is before you for decision." He continued:

"Individuals who believe that the Vietnam War is illegal or immoral have the right under our system of government to express their views or to protest these events by any lawful means, such as peaceful picketing or parading.

"But the Constitution of the United States does not protect as a form of symbolic speech the destruction of public property and the hindering of the executive branches administering the Selective Service law and violation of valid laws designed to protect society."

These points cannot be stressed too often. Today's least restrained protestors have gone far beyond the scope of crime committed by the Marion County Selective Service Board vandals. In the name of political dissent, the most rabid revolutionaries have bombed, burned, wrecked, injured and slain. Many have called their acts of violence "symbolic speech." This is a corruption of language and logic.

By thus twisting language and logic, those who commit acts of illegal destruction and violence seek to gain immunity from the law. In fact, their attitude of considering themselves beyond the law encourages them to break the law.

If this attitude were universal there would be no law. Society would be reduced to the raw anarchy of fang and claw, sword, stone, club, fire and gun.

Those who pried the keystone from the structure would be as likely to perish when it crumbled as would those whose purposes they sought to foil in the process.

Civilization is founded upon the law, and so long as the law is maintained, civilization will endure.

L. B. J. SCHOOL OF PUBLIC AFFAIRS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. PICKLE. Mr. Speaker, yet another, but singularly outstanding, example of the close and fruitful relation between the governments of our land and its top academic minds is coming to fruition in central Texas. This government-academic interplay of ideas and programs is a characteristic of this country almost unique in the world in its intenisty, and the L. B. J. School of Public Affairs at the University of Texas at Austin promises to carry this relationship to a new level of prestige and competence. There, professors, students, and people actively engaged in local, State, and national governments will meet to tackle issues ranging from sewers to disarmament. They will gather in what the school's vibrant Dean John Gronowski, former college professor, Postmaster General, and Ambassador to Poland, calls interdisciplinary, problem-oriented seminars. Leslie Carpenter who represents the Austin American Statesman in Washington recently compiled an evaluation of this experiment in education and government fostered by one of our greatest statesman, Lyndon Baines Johnson.

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Mr. Speaker, I would like to take this opportunity to reprint in the Record a portion of Mr. Carpenter's remarks:

UNIVERSITY OF TEXAS' LBJ SCHOOL STIRRING INTEREST

(By Leslie Carpenter)

Come September, the Lyndon B. Johnson School of Public Affairs will enroll its first 200 graduate-level students at the University of Texas. With it will develop the freshest and most educationally stimulating concept of advanced college study to come along in decades, if not centuries. At any rate, those in higher education think so and are paying close attention.

Consider some highlights:

Study there will range from the world at large to city hall, a far stretch but hardly impossible for the public-minded student.

A former President of the U.S., LBJ, in person, will be among the lecturers, another number one.

Students accepted at the LBJ school can forget about money. Their tuition and normal living expenses have been paid through a special fund, largely endowed by LBJ himself with others fascinated by the experiment in graduate-level education.

The most exciting of the new ideas to the professionals of the academic cult is the international concept of the LBJ school.

This plan, fresh as a daisy in its virgin field, concerns making meaningful use within the U.S. of the experience of foreign students who studied in American colleges and went back home to be successful in business or perhaps to become head of their own nation.

That particular "old grads" didn't have to hold diplomas from the University of Texas, seat of the vitally interested LBJ school. It might have been Harvard or Brown. Perhaps it was the University of South Carolina or Northwestern.

One interest figures alone. How good, to foreign students, are American universities? What does the family hear when he gets home? How well is he educationally prepared to contribute importantly to his own country? Are international relations served—and if so, how? What about those teachings of Christ which came before all these colleges—that message about peace and good will?

The plan is to bring in the non-American graduate of a U.S. college who has made it big back home for a series of lectures.

Much more is in store for the novel LBJ school.

For instance, almost everybody was surprised when the first announcement hit the papers that the LBJ school would give heavy emphasis to training students to go into state, county and city governmental work.

After all, the LBJ school, with its especially selected pre-paid students, would be in classrooms immediately next door to the LBJ Library, jammed full of the most important Washington papers ever collected in one place, spanning the 31 years Johnson spent in the House and Senate, as Vice President and President.

First impression protests from Washington died a quick death.

The Johnson concept has rich merit. Gifted young people are needed much more at the state level and below than in the federal. All those who howled so loudly about states' rights while Johnson was in the White House might take notice he is now trying to do something about that particularly thorny and difficult problem—by professionally training the next generation to come to grips with the machinery of the lower levels of public service. For too long, the public-minded young have thought only in terms of the higher salaries, retirement plans, prestige and other benefits of Washington.

Interestingly, the selection of dean of the LBJ school is John A. Gronouski. He has a Ph. D. and a college teaching background. Also, he has important state, federal and international service behind him. He was commissioner of taxation in Wisconsin, a member of the Cabinet as Postmaster General and the U.S. ambassador to Poland.

One novel plan of the LBJ school has been announced. Students will be required to work with government officials at some level on a tough problem. They must participate in the solution, and their grade will be measured on how well that remedy works.

Much has been made in all the media on LBJ's "fee" for his CBS TV interviews. Involved only is an in-house bookkeeping situation, presumably for tax reasons. Johnson sold his memoirs for publication to Holt, Rhinehart & Winston, a wholly-owned subsidiary of CBS, for $1.5 million, agreeing to do the three TV interviews as part of the deal. How much of the total was charged to which company is beside the point—especially when every dollar of the total has already gone to scholarships for the LBJ school.

DICKEY-LINCOLN PROJECT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. CONTE. The Dickey-Lincoln hydroelectric project has received a great deal of attention recently in this body. The environmental questions being raised about this project deserve our most serious attention.

The Massachusetts Audubon Society testified before the Public Works Appropriations Subcommittee last month. Its testimony raises many of these questions, and for that reason I would like to include it in the Record at this time:

STATEMENT OF THE MASSACHUSETTS AUDUBON SOCIETY

Gentlemen, my name is Richard Mailey and I am employed by the Massachusetts Audubon Society with headquarters in Lincoln, Massachusetts. I am substituting for Mr. Allen H. Morgan, the Society's Executive Vice President, who greatly regrets that he could not be present. The Society represents 16,500 members located primarily in Massachusetts, but also with members in every state of the Union.

I would like to take this opportunity to thank the distinguished members of the House Appropriations Subcommittee on Public Works for allowing me to speak to you this morning in the Society's behalf.

My appearance here today parallels my appearance before this same committee almost exactly two years ago. What I have to say today will not vary greatly from what I said on the previous occasion. The basic issue is the same. In the two years, however, there has been a growth of public awareness to environmental issues. I shall not dwell upon that new facet, since I am certain that members of the Subcommittee are as aware of these developments as I am—perhaps even more so.

Yes, gentlemen, I come from Massachusetts, representing a Massachusetts conservation organization. Yet, I come to speak about a problem in another state. Does this seem strange? It shouldn't really, for the world today has become too small for provincial interest alone. The Massachusetts Audubon Society is as concerned with the redwood parks, the Grand Canyon, the Everglades of our country—even the world—as it is with the pollution of the rivers and other conservation problems within our own state.

For this reason, we wish to testify with regard to the Dickey-Lincoln School hydroelectric project that is proposed for northern Maine. And at this point, I would like to make it clear that as conservation organization, the Massachusetts Audubon Society is not alone in questioning this project. The Natural Resources Council of Maine; Maine Audubon; The State Biologists Association of Maine; the Appalachian Mountain Club; The Wilderness Society; The National Wildlife Federation and the Sierra Club all have made official comment or taken a stand on Dickey-Lincoln School. Actually, I suppose that you could boil down all our feelings to the one simple question—Why? Why, if our technology has progressed to such a remarkable degree, do we continue to propose the despoilation of vast chunks of land, and for really so small a return?

And why do we push blindly ahead on so-called "water resource development projects" like Dickey-Lincoln School, if the Supreme Court's decision on the High Mountain Sheep Dam (in June 1967) held any meaning? The court's opinion stated: "The test is whether the project will be in the public interest, and *that determination can be made only after an exploration of all issues relevant to the 'public interest,'* including future power demand and supply, alternate sources of power, the public interest in preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes and the protection of wildlife."

Is this really wise budgeting of our tax dollars? Does not the taxpayer of Massachusetts, of New Hampshire, of the entire country—even Maine itself—deserve a "better shake for his buck?" If Maine needs the economic boost, we don't argue with providing such a sum—but we do believe it can be spent more wisely—to provide far greater economic benefit to Maine and at the same time spare this very great recreational asset.

I understand from people experienced in the electric power field that there are several alternative methods of meeting power needs. I also am aware, as I am certain that members of the Subcommittee are aware, that the idea of doubling electrical power production every ten years is under challenge. The proposition that anything that demands so much from the environment can be doubled each ten years without basic improvements in the efficiency of operation—and that, Gentlemen, is what the electrical power industry is proposing—only can be considered absurd. An industry that spends seven times as much stimulating a consumer market as it spends on research and development certainly strains public credulity when it speaks of demand forcing it to act!

But, Gentlemen, beyond the marring of our natural beauty, there is something that carries a very subtle importance here. The people of Maine, and we ourselves, are being tricked by the supposed vastness of space. If you look at a map of the State of Maine you will find that it approaches two-thirds forestland. Plenty of room for development you say. Well, maybe. But I submit that the greatest single asset that the State of Maine has is its forest. Not just for pulp and other wood products, but for the thousands upon thousands of hunters, fishermen, campers and general tourists that stream through our state each year on their way to "the Maine woods"!

Is this space important? I am sure that many of you esteemed gentlemen have heard of the famed Allagash wilderness. Many of you were probably responsible for helping to create that first Federal-State cooperative wilderness venture—The Allagash Wilderness Waterway. Well, gentlemen, I ask you please to talk with some of the people who are presently involved in that project. Investigate their concern! I guarantee that you will find that the question of how to handle the many

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people—not the projected flow—but the present numbers that visit that area, and still retain a measure of peace and pristine beauty, this is already their major problem.

And yet, but a few miles to the west lies the wild and beautiful St. John River—still clean and uncluttered, still quiet, still true wilderness. And now we want to dam it! Put 90,000 acres, 150 square miles under water. We want to build a huge, ugly basin where the regular rise and fall of water will be 40 feet. Picture it, gentlemen! I can, and it is not a pretty sight. Besides, one thing that the State of Maine does not need is another lake—especially one in which the warm stagnant pool will replace one of the best trout streams in the northeast.

But space is what I am talking about here—Space and a very great Responsibility. You and I may never run out of it in our lifetime, but we all know that space—or the lack of it—is a growing national problem. Therefore, it behooves us—even more, it is our obligation to future generations to direct our progress with a complete awareness and adherence to good resource conservation practices. We must study our course so carefully, scrutinize all the possible alternatives, then, in the end, approve the plan that will give us the most and the best for a reasonable price—and with a minimum wastage of the resources concerned.

Have you studied the Dickey-Lincoln School project from a full resource point of view, gentlemen? We have asked this question before, as have several of our sister organizations, and there still has not been a satisfactory reply.

To my knowledge, the only balanced resource investigation that has been made on the St. John River's development was done by the Federal Inter-Agency Committee in 1955. At that time it was recommended that due to the "unique upland wilderness character, its outstanding scenic and geological features, mountain peaks, lakes, forests and marshlands," The Upper St. John River Basin beginning at Deboullie Mountain be set aside in order to forever preserve the unique wilderness character of these Great Maine Woods.

Gentlemen, the value of wilderness resources established in 1955 has far more than doubled in 1970! Maine wildlands have become an increasingly more valuable commodity with the passage of 15 years, just as the problems involved in destruction of such rare areas have come more into public focus.

It has become patently obvious that the power as well as the duty of setting yardsticks for power rates is a governmental responsibility that no longer can be shrugged off onto destruction of the environment. Indeed, such a practice of the past has become quite obviously the worst possible means of establishing yardsticks, since it fails to take into consideration a prime cost of power production—that is, it fails to measure the cost extracted from the environment. The past disregard of such costs accounts for the rapid growth of the new conservation movement in America today.

Gentlemen, I thank you for the opportunity of appearing before you today. Your desire to hear and willingness to listen to a conservationist's views are most hopeful.

HOW ABOUT MY SIDE?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. DERWINSKI. Mr. Speaker, the Polish American, of Chicago, Ill., is a weekly publication serving the Americans of Polish descent in the Greater Chicago area and it has acquired a well-deserved reputation for its wide-ranging editorial commentary. The June 20, 1970, editorial comment discussing behavior on the campus I believe merits throughtful reading:

How About My Side?

Professor K. Ross Toole of the University of Montana is one member of the teaching profession in an institution of higher learning who minces no words in expressing his opinion of the disorderly behavior of a minority of young people. He says ". . . I am a 'liberal,' square and I am a professor. I am sick of the 'younger generation,' hippies, Yippies, militants . . . (it's) time to put these people in their places. . . .

"Every generation makes mistakes, always has and always will. We have made our share. But my generation has made America the most affluent country on earth. It has tackled, head-on, a racial problem which no nation on earth in the history of mankind had dared to do. It has publicly declared war on poverty and it has gone to the moon; it has desegregated schools and abolished polio; it has presided over the beginning of what is probably the great social and economic revolution in man's history. It has begun these things, not finished them. It has declared itself, and committed itself, and taxed itself, and damn near run itself into the ground in the cause of social justice and reform.

"Common courtesy and a regard for the opinions of others is not merely a decoration on the pie crust of society—it is the heart of the pie. Too many 'youngsters' are egocentric boors. They will not listen; they will only shout down. They will not discuss but, like 4-year-olds, they thrown rocks and shout." Professor Toole declares it is time to call a halt, and a great many people will say Amen to that.

HELPFUL YOUNGSTER: INDIANAPOLIS CITIZENS' FORUM SHOWS THE WAY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. BRAY. Mr. Speaker, the following editorial from the Indianapolis News for Wednesday, June 17, 1970, describes the further good works done by Mrs. Mattie Coney, of Indianapolis, and her justly famous Citizens' Forum:

Helpful Youngsters

Not long ago Mrs. Mattie M. Coney received dual honors for her work in helping make Indianapolis a better place to live.

This energetic and imaginative woman is founder and executive director of the Citizens' Forum which enlists and focuses the energies of citizens in improving their neighborhoods. The Forum has now come up with a new safety project for youngsters.

Sponsored in co-operation with the Police Department, the program will provide an incentive for youngsters to clean up their yards and premises. The reward will be a tour of police headquarters which has a double benefit of repaying children for their work and showing them policemen are their friends and their benefactors.

The boys and girls not only will be out of the streets and away from the dangers of automobile traffic while cleaning up their yards but in fact may decide to stay in their yards after they become clean and attractive.

As a matter of fact, the task of cleaning the yard and keeping the premises in shape ought to be a responsibility of the youngsters in a family. In other days, before the development of modern homes, household chores did a great deal to prevent the younger generation from getting into mischief by keeping it occupied.

The safety plan of the Citizens' Forum is a revival of this old and worthwhile custom.

UNFOUNDED CLAIM OF RACIAL DISCRIMINATION CHARGED AGAINST SONORA, TEX., SCHOOL DISTRICT

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. FISHER. Mr. Speaker, the May 27, 1970, issue of the Washington Evening Star contained the following article:

United States Charges Texas School With Mexican-American Bias

The Government has accused a school district in southwest Texas of violating the 1964 Civil Rights Act by discriminating against schoolchildren of Mexican-American descent.

The action yesterday was the first taken under the 1964 statute by the Justice Department involving Mexican-American—so-called Chicano—school problems. The department filed a complaint and a request to intervene in a private suit previously filed by the parents of eight Mexican-American children.

The suit accused officials of the Sonora independence school district in Sutton County with racial discrimination.

The Government said the district has no Mexican-American or black teachers and provides unequal educational opportunities for Chicano children by failing to offer bilingual and other programs to help Spanish-speaking children overcome language and cultural barriers.

The Government also said pupil assignment zones had resulted in one elementary school with a 100 percent minority enrollment and a lower percentage of Mexican-Americans in other schools in the district.

The Government asked the court to order the district to prepare a desegregation plan at the earliest practicable date.

The Associated Press carried the story throughout the Nation, with this lead sentence:

> The U.S. Justice Department has intervened for the first time in a school integration suit involving Mexican-American pupils.

To the peaceful, law-abiding and tolerant-minded citizens of the town of Sonora, Tex., in the heart of the ranch country, this spotlight in the news was both a shock and a puzzle. Why, of all places, they wondered, would the powerful Department of Justice pick out their town as a sort of horrible example of racial discrimination in the public schools? A local lady wrote me:

> What on earth have we done to cause the Attorney General to attack us?

My answer had to be:

> I simply do not know.

Mr. Speaker, I am convinced beyond any doubt that this Federal intervention was highly unjustified. Allegations have been exaggerated far out of proportion

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to reality. If the Attorney General is to throw the weight of the Department of Justice into situations such as exist at Sonora, Tex., then, I dare say, to be consistent the Attorney General should file a thousand similar lawsuits tomorrow.

ATTORNEY GENERAL'S ALLEGATIONS

What are the allegations against Sonora? The Attorney General charged the school's two elementary districts were zoned in such a way that Elliott Elementary School had a 100-percent enrollment of Mexican Americans. So what? If that is true, then why make a big Federal case out of it? Why not allow affected complainants, if any, to file a simple rezoning suit in local courts?

Let us examine this issue very briefly. It happens that I am personally familiar with the situation. As is true of hundreds of towns and villages throughout the Southwest, Mexican-American communities have through the years sprung up, kept close together by family ties and ethnic and cultural preferences. This community of interest is understandable. It has followed a common pattern for years, preferred that way by the Mexican Americans themselves. As a general rule these ethnic settlements are a bit isolated, usually found on the outskirts of the main town.

As these communities developed, schools were built to accommodate the children of school age.

That happened at Sonora, a town of 2,500, where Mexican Americans chose to have their settlement about a mile from the main town. That was the way they wanted it. In due course of time an elementary school was built there, known as the Elliott School. In the city was another elementary school, a junior high school, and one senior high school—making four schools for the entire county.

It should be understood that so far as attendance was concerned the Sonora schools were devoid of any form of racial discrimination. Any student of any race was free to attend either of the two elementary schools, if the student lived in the district he sought to attend. The county has but one junior high school, and for years any student of any race, from any place in the county, was free to attend it. Likewise, the county has but one senior high school, which accommodates students of all races.

The Elliott School is essentially a neighborhood school, accommodating children of parents who choose to live in that immediate community. What sort of zoning does the Attorney General want? Does he want the Mexican-American community split in two, with half of the children permitted to attend their local neighborhood school and the other half forced to walk through rain and sleet, on occasions, for a mile to the other elementary school? And this along a big highway with constant traffic hazards?

Is that the way the Attornel General of the United States wants to treat those Mexican-American children? To me it is incredible. And I feel certain that is the way most of the Mexican Americans down there would feel about it. I want them to know I have spoken up in their behalf before it is too late.

OTHER ALLEGATIONS

There are other allegations. The Attorney General says there are no Mexican-American teachers. That is true. The same can be said of scores of other schools throughout the Southwest. Until recently, when it became stylish to complain, no concern was expressed by local people because they were quite aware of the scarcity of qualified teachers of that ethnic origin. Efforts to recruit qualified Mexican-American teachers at Elliott have been in vain.

Any qualified Mexican-American teacher who is looking for a job would do well to apply at Sonora. If the applicant does not like what is offered there I can suggest another half dozen schools in the area which have been searching in vain for such teachers.

In addition, the Attorney General harps about lack of bilingual programs at Sonora. I am not aware of any Federal or State law which requires bilingual courses or teachers. I think there is something to be said for the bilingual approach where it can be made useful, but that is a matter for each school to decide. It might be desirable at one school but not feasible at another.

Ordinarily Mexican-American students learn English readily, and that is, of course, the important thing because this is an English-speaking country. I personally know a Mexican family, comprised of a father, a mother, and four children, who immigrated to Texas in 1960. Not one of those children could speak a word of English. Within a year every one of them could read, write, and speak English fairly fluently. And there was no bilingual program at the school they attended.

Mr. Speaker, I have listed the allegations—and the only allegations—of racial discrimination, charged against the Sonora school authorites in pleadings filed by the Attorney General. I can only say that surely in these troubled times the Attorney General and the great Department of Justice can find more important things to do, and find better ways in which to use that aggregation of legal talent.

CHARGES IN FIRST LAWSUIT

The Attorney General intervened in a lawsuit which was filed last December by and on behalf of eight local Mexican Americans. In addition to the allegations made by the Attorney General, the original suit raised two or three other claims of discrimination. One of these was that "the Elliott physical plant is isolated and in poorer condition than the Central plant."

Why isolated? If the community may be so described, any fool would know it happened simply because Mexican Americans chose to live there, in a so-called isolated neighborhood.

The petition then cited the fact that "the Elliott School lacks a cafeteria on the premises where students may be fed while the students at Central do have use of a cafeteria within walking distance."

What the petitioner overlooked was that only one cafeteria is maintained for the four schools. Operating a cafeteria is expensive business, and few school systems of this size could afford more than one. With respect to the students at Elliott, for years a schoolbus has been used each day during the lunch hour to transport any of the students at Elliott who desire, to and from the cafeteria in town. It requires but a few minutes, and until this lawsuit was filed no one ever heard the slightest complaint.

As further proof of racial discrimination, the petitioner alleged:

> The auditorium in the Elliott School contains folding metal chair and has no stage lights while the auditorium at Central has cushioned theater-type seats and a modern stage with stage lights.

This, too, is obviously a trivial charge—completely unrelated to the racial extraction on those who attend the schools. The Elliott School is a modern red brick structure, well furnished, well kept, and well equipped. The seats were installed some time ago and perhaps one of these days the school board will be able to afford replacements. They can hardly be expected to do everything overnight. Until this suit was filed no one ever thought of complaining about seats not being comfortable when infrequently used in the auditorium, or stage lights not being adequate.

I would defy any fairminded person to visit that school and not come away favorably impressed with the plant, the teachers, and the spirit and morale of the students. It is that kind of a school.

The real truth is that the Elliott School could be properly pointed to as something of a model for efficiently serving the educational needs of a local community. No claim is made the teachers are not well qualified and motivated. They are in fact dedicated and devoted to the well-being and improvement of every student they teach.

One other point might be mentioned. The school board provides free kindergarten for the accommodation of parents at the Elliott School community. There is no such preschool service in the main town. This special treatment was evidently due to the solicitude for the working parents who needed to be away from home frequently.

WHY WAS THE LAWSUIT FILED?

Mr. Speaker, I have examined both petitions, and I have listed all of the allegations of discrimination. One would then ask: In view of these flimsy charges, so lacking in substance, why was the lawsuit filed in the first place? Why should local people be subjected to such expense and harassment? It is manifestly unfair to the school authorities, to the taxpayers, and to the Mexican-American citizens who live there. The latter are hard working and law abiding, and they deserve better treatment than this.

What do these complainants want? They ask for a desegregation order. That would, I assume, force a portion of the

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students at the Elliott School to walk a mile to and from school each day, through good or bad weather, away from their own neighborhood. One thing is certain: If and when that happens, there will be many Mexican American parents who will be understandably irate and unhappy.

IS FORD FOUNDATION MONEY INVOLVED?

I have said no one seems to know why this litigation was filed. The suit was filed by Pete Tijerina, executive director of the Mexican-American legal defense and educational fund, known as MALDEF. Both Tijerina and MALDEF are located in San Antonio, 200 miles from Sonora. MALDEF began its operations on May 1, 1968, backed by a $2.2 million Ford Foundation grant. And soon Attorney Tijerina took over. The fund became deeply involved with some extreme and militant causes, including Mexican-American youth organization MAYO, which in some instances openly advocated violence and revolution. This was traceable to highly questionable leadership in the movement.

It follows that when that kind of money is available, every effort may be expected to be used by the unscrupulous to stir up racial unrest and litigation. When suits are filed, lawyers are paid, and when Ford Foundation money is available they may be paid well. In that case, what difference is it whether the lawsuit was well founded or what the ultimate outcome of it might be?

The very fact that the charges are so ridiculous and so lacking in substance lends credance to the suspicion that the well-being of Mexican-American citizens was not the real motivation behind the litigation.

In fact it was not long after MALDEF came into existence, with $2.2 million in the till, that from Texas to California it was financing 155 cases involving alleged discrimination against Mexican Americans. Lawyers have been having a field day.

There remains one unanswered question: How did the Attorney General of the United States allow himself to be sucked in on a case which bears the trappings of a trumped up lawsuit?

FREEDOM OF CHOICE AT OCEANSIDE HIGH SCHOOL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mrs. MINK. Mr. Speaker, freedom of speech is the essence of democracy. It is appalling, therefore, to note the action of the board of education and principal of Oceanside High School in New York to bar a graduation speech by the elected representative of the people of the area served by the school.

The decision not to allow U.S. Representative ALLARD K. LOWENSTEIN, my distinguished colleague, to speak at the graduation ceremonies is certainly out of keeping with the democratic tradition and principles of our country.

To attempt to stifle the voice of Congressman LOWENSTEIN's is contrary to academic freedom. The students of the Oceanside school voted to hear their Congressman. This decision should be honored.

We wonder why our youth are so disenchanted with their lot. This incident at Oceanside High School explains much that is wrong with our adult-run institutions. We teach the meaning of the democratic process and the orderliness of majority rule and yet fail to practice it.

This incident should not have happened. More than an affront to Congressman LOWENSTEIN it is a sad day for freedom.

SOLID WASTE, AMERICA'S NEGLECTED POLLUTANT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. MINISH. Mr. Speaker, I was impressed by an article that appeared in the June issue of Nation's Cities. The article is the first of a four-part series concerning solid waste. Its author, Patricia Conway George, has done a fine job.

I know that the Congress has become more and more aware of the problems facing our affluent society, which produces more and disposes of more goods than ever before. If a program of recycling and reuse of refuse can be worked out, it would be a vast improvement over the current methods of use and disposal.

The article follows:

AMERICA'S NEGLECTED POLLUTANT SOLID WASTE

(By Patricia Conway George)

Although there has been a growing concern with the problems of environmental pollution over the last several years, it is only recently that one of the major causes of pollution—the mountains of garbage and refuse which Americans generate every year—has been brought to the attention of the public.

The first federal statutes aimed at combating water pollution went on the books 22 years ago; those attempting to control air pollution were enacted 14 years ago. But it was not until 1965 that Congress passed the Solid Waste Disposal Act, recognizing for the first time that much of the air and water pollution blighting this country has its origin as solid waste. (Trash burned in incinerators or open dumps is a major air pollutant; refuse dumps pollute ground waters and solid wastes dumped in streams pollute waterways.)

Each year Americans generate some 3.5 billion tons of refuse. That's nearly 100 pounds per person per day, including agricultural, mining, and industrial wastes. Little more than 5 per cent of this solid waste is ever collected. Most of the waste that is collected is picked up from households, deposited in crude, open dumps, and burned in the open without any form of air pollution control.

The bill for this minimal service comes to $4.5 billion a year, and it is estimated that merely to upgrade present facilities to acceptable sanitary levels would cost an additional $4.2 billion over the next five years. This puts the cost of solid waste handling third highest among public services, exceeded only by expenditures for schools and roads.

These figures, however, tell only a small part of the story. Even more impressive is the rate at which our solid wastes are increasing—conservatively estimated at 4 per cent a year. This means that by 2000 we will be generating at least three-and-a-half times as much refuse as we are now, or 12.3 billion tons a year. Underlying this increase are some basic economic factors: rising population, increasing affluence, concentration of people in urban areas, the trend to disposable products, built-in obsolescence of even supposedly "durable" goods, self-service merchandising, the proliferation of packaging, and the increasing use of materials like aluminum and some plastics that are virtually indestructible. Since neither manufacturers nor retailers assume the responsibility for disposing of the goods they market, consumers simply use what they buy—and in many cases use it only once—then throw it away.

Until recently, Americans reveled in this economy of disposability without giving it a second thought. Now, however, people are suddenly becoming conscious of environmental pollution, the limitations of our natural resources, and the rising costs of disposal. Most major cities are running out of land for dumping and find that they cannot burn their refuse without badly polluting the air or investing in enormously expensive incineration equipment.

In New York State it costs 30 cents to pick up a bottle that was originally produced for about 4 cents. In New York City it costs more to dispose of the Sunday *Times* than to buy it, and more to handle a ton of refuse ($30) than to mine and ship in a ton of Kentucky coal ($23). As the costs and difficulties of disposal increase, there is a gradual awakening to the need for more rational solid waste management: this country, blessed with what once seemed inexhaustible resources, is at long last considering the possibility of recovering raw materials from its wastes and reusing them.

Our solid waste problems are indeed urgent, but it will take more than public awareness to solve them. First there will have to be strong legislation; then there will have to be substantial investment in developing modern systems and techniques. At the moment, not one of *Fortune's* "top 100" companies is significantly involved in solid waste management; and the refuse disposal industry, made up of numerous small contractors, ranks as possibly the most primitive major industry in the country.

Despite the lack of development and organization, refuse disposal is already quite profitable to people like scrap metal dealers and secondary material handlers whose annual volume of business totals nearly $8 billion. Moreover, solid waste management promises, within the next 10 or 20 years, to become a larger industry than many of those now producing the goods which wind up in our disgraceful city dumps.

THE SOLID WASTE PROBLEM

Each year more than 190 million tons of refuse are collected in the United States, most of it from households and commercial establishments. This figure, however, represents only a fraction of the total of 3.5 billion tons of solid waste actually generated, including such uncollected refuse as agricultural wastes, mine tailings, etc. Spread out over the entire population, this means that every American generates about 98 pounds of refuse per day.

XUM

Staggering as this may seem, even more significant is the rate at which solid wastes are increasing. In 1930, the amount of refuse collected per capita was about 2.2 pounds per day; today it is 5.3 pounds. With our population growing at a rate of 2 per cent per year and consumption also rising at 2 per cent per year, solid wastes are presently increasing at a rate of 4 per cent per year. By 1980, the amount of refuse collected per capita is expected to be 8 pounds per day which, with an estimated population of 235 million, will mean that 340 million tons of solid wastes will be collected annually. By the year 2000, per capita refuse collection will reach 10 pounds per day. At this rate, we will be generating a total of 5.25 billion tons of solid waste annually by 1980, and 12.3 billion tons by the year 2000.

Where is all this refuse coming from? One source estimates that every year each person in the United States discards 188 pounds of paper, 250 metal cans, 135 bottles and jars, 338 caps and crowns, and $2.30 worth of miscellaneous packaging. On a national basis, this adds up to 18.8 million tons of paper, 4 million tons of plastics, 50 billion metal cans, 27 billion glass containers, 67.7 billion caps and crowns, and $500 million worth of miscellaneous packaging annually. Not to mention the 7 million automobiles that are junked each year, 110 million tons of industrial waste, 550 million tons of agricultural residues, 1.5 billion tons of animal manures (a good-size steer produces 50 pounds of manure a day), 1.1 billion tons of mineral wastes, and mounds of building and demolition rubble for which there are no total estimates.

PACKAGING

Although packaging accounts for only about 13 per cent of the total 360 million tons of household, commercial, municipal, and industrial wastes generated each year, its contribution to the refuse problem is significant because it constitutes as much as 70 per cent of the household wastes that are collected and most of the litter.

Packaging is currently a $10-billion-a-year industry and production is rising rapidly. As a result, per capita consumption, which was 525 pounds per year in 1966, is expected to increase to 661 pounds per person by 1976.

Paper packaging alone is expected to double between 1960 and 1980, then double again between 1980 and 2000. (Interestingly enough, the supply of pulp wood is uncertain beyond 1980). Another large increase is expected in the consumption of non-returnable containers (cans and bottles): from 28 billion units in 1966 to 61.1 billion units in 1976. However, the biggest rate of increase of all is expected in the use of plastics: from 2.2 billion pounds in 1966 to 6.3 billion pounds in 1976. This factor alone has important implications for solid waste management because plastics don't incinerate well (if burned at temperature less than 2,000°F the melted residues clog grates) and they tend to emit toxic substances, such as fluorine and isocyanates, or corrosive acids which ruin incinerator walls. Moreover, plastics don't deteriorate easily, don't compact well enough to be used in landfills, and can't be used for composting because they are not biodegradable.

These and other trends in packaging production and consumption imply several serious waste management problems. First of all, refuse collection may become more difficult because packaging materials particularly plastics, are increasingly less compactable, and the growing number of non-returnable containers is intensifying the litter problem. Secondly, disposal may become more difficult as incineration and sanitary landfill are more widely practiced because packaging is generally not susceptible to these measures. Thirdly, the recycling of packaging materials (now about 10 per cent of production) may decline unless there is outside intervention because the salvage industry is not equipped to separate increasingly heterogeneous packaging materials. Furthermore, raw materials are usually cheaper to process than those recovered from packaging, and the price of secondary packaging materials is often too low for profitable salvage operations.

The Midwest Research Institute, in a study prepared for the Department of Health, Education, and Welfare's Bureau of Solid Waste Management, has recommended that an effort be made to reduce the quantity of packaging materials used, solve the technical difficulties of processing packaging wastes, and prevent the destruction of valuable natural resources from which many packages are made. The institute proposes the following strategies to achieve these ends.

Research and development on materials and containers, improved salvage and reuse, and improved disposal technology.

Educational programs involving the packaging industry, consumers, and government agencies.

Incentives to reduce the technical difficulties of processing wastes, and subsidies to improve salvage operations.

A use tax on all packages, or a deterrent tax selectively imposed on specific materials.

The regulation of packaging.

This last proposal—the regulation of packaging—is a potentially effective but costly measure that has been receiving an increasing amount of attention lately. In 1967, the legislatures of some 19 states proposed laws banning non-returnable beverage containers. Although none of these bills was passed, the fact that they were being seriously considered indicates the growing concern with litter and other problems resulting from the proliferation of packaging.

DIGGING OUT: WHAT IT COSTS

Current expenditures for solid waste handling total $4.5 billion annually. It is estimated that 80 per cent is spent on collection and 20 per cent on disposal. Approximately half of all collection services are provided by public haulers and half by private haulers.

Like the mounds of refuse being generated, the costs of handling it are rising rapidly. In Boston, the cost of municipal waste removal recently rose 50 per cent (from $2.6 million in 1968 to $3.9 million in 1969) as a result of payroll hikes. New York City spends $150 million per year and employs 14,000 sanitation workers to collect and dispose of its solid wastes. In Milwaukee the average household now spends $35.25 per year for waste removal, up to 34 per cent from $26.40 a decade ago. Last year, costs in Albuquerque rose 20 per cent (from $30 to $36 per household); in Portland, Ore., they were up 13 per cent (from $24 to $27 per household). San Francisco spends $22 per household per year for waste removal, and in Washington, D.C., household costs run as high as $46.20 per year.

Despite these impressive expenditures, present refuse collection and disposal systems in this country are woefully inadequate; 94 per cent of all land disposal operations and 75 per cent of all incinerators have been rated "inadequate" by the Bureau of Solid Waste Management. The Bureau estimates that an additional $835 million per year for the next five years—or a total of $4.2 billion—is required to upgrade existing collection and disposal facilities to an acceptable level of performance. This figure is based on the use of current technology, current environmental quality standards, and constant (uninflated) dollars; it does not allow for population growth, an increase in consumption and waste generation, a change in the current ratio of land disposal to incineration, or inflation. (The impact of inflation could be significant; for example, estimates for an incinerator proposed for New York City 10 years ago and still on the drawing boards were recently revised from an original $20 million to $80 million.)

REFUSE COLLECTION

It has already been noted in this report that half of all refuse collection services are provided by public agencies and the other half by private haulers. These private haulers operate either by contracting directly with customers or under franchises; the profits of franchised haulers may or may not be subject to regular public scrutiny. Where collection services are provided by public agencies, households are usually billed directly; in other cases, the service is financed out of general tax revenues. Public collection service can be provided at cost, for profit, or below cost with the difference being made up from tax revenues. In addition to public and private collection, a substantial percentage of solid wastes are transported by individual householders, commercial establishments, and industrial facilities.

Of the total population, 64 per cent (77 per cent in the urban areas and 22 per cent in the rural areas) live in communities that operate public collection services. However, the majority of cities providing public collection also use private services, which accounts for the 50–50 split between public and private operations. Some 337,000 workers are engaged in refuse collection, or one worker for every 590 people. Of these, 53 per cent are employed by public agencies and 47 per cent by private services.

There are 93,000 collector trucks equipped with compacting equipment, or one truck for every 2,100 people. Of these, 47 per cent are operated by public agencies and 53 per cent by private haulers. The great majority of these trucks in both the public and private sectors is employed in the collection of household wastes. In addition, there are about 179,000 other types of vehicles in use, or one for every 1,100 people. About 20 per cent are operated by public agencies and 80 per cent by private haulers. In the public sector, employment of these vehicles is about evenly distributed between household and commercial waste collection and street cleaning; two-thirds of those in the private sector are used to collect industrial wastes.

REFUSE DISPOSAL

Currently, about 90 per cent of all collected refuse is disposed of on land (85 per cent in open dumps and 5 percent in sanitary landfills), 8 per cent is burned in incinerators, and the remaining 2 per cent composted, dumped at sea, or discarded in some other manner.

Land disposal. There are more than 12,000 land disposal sites in the United States, not including so called "promiscuous" or unauthorized dumps alongside roads, etc. Of the total, 79 per cent are operated publicly and 21 per cent privately. Ownership of 63 per cent is public (the remainder of the publicly-operated sites are leased from private owners) and 37 per cent is private.

The Bureau of Solid Waste Management defines a sanitary landfill as a site where refuse is covered daily, where there is no open burning, and no pollution of ground water. Judged by these standards, only 6 per cent of all land disposal sites qualify as sanitary landfills; the remaining 94 per cent are really just crude, open dumps or, in a few instances, inadequate attempts at landfill. At many dumps, refuse is burned in the open with no form of air pollution control.

The 6 per cent of all land disposal sites which qualify as sanitary landfills handle an average of 27,000 tons of refuse per year at a cost of $1.05 per ton. For open dumps of the same size, the cost is 70 cents per ton. However, the average open dump accepts only 11,000 tons of wastes per year. Cost for this handling is 96 cents per ton, compared with $1.27 per ton for sanitary landfills of the same size.

Transfer stations. Transfer stations are those sites at which refuse is transferred from collection to hauling vehicles. There is no estimate available on the number of transfer stations in the U.S., but a Bureau of Solid Waste Management survey of 43 of these facilities indicates that 76 per cent are publicly owned and 24 per cent are privately owned. It is likely that transfer stations will become increasingly important as waste handling techniques are improved. For one thing, these installations are essential in long-distance landfill operations where wastes must be transferred from expensively equipped collection trucks to larger hauling trucks or railroad cars. Also, it is at transfer stations that raw refuse would be compacted to medium or high densities for deposit in sanitary landfills, or sorted for salvaging and composting.

Municipal incinerators. There are 300 incinerators in the U.S., 96 per cent of them publicly owned and 4 per cent privately owned. One-fourth are located in residential areas; three-fourths do not meet the Bureau of Solid Waste Management's standards for refuse reduction (75 per cent or greater) or air pollution control. The average load is 188 tons of refuse per day, although those facilities built after 1950 can handle between 230 and 400 tons per day. Operating costs, which average $4.50 per ton, vary widely depending on the type and condition of equipment. A fairly new incinerator in Atlanta, operating at temperatures between 1,800 and 2,000°F with 90 per cent reduction by weight, is yielding costs of $6.69 per ton. In Detroit, the cost of incineration is $10 per ton vs. $6 per ton for sanitary landfill.

On-site incinerators. A small percentage of all refuse is burned in individual incinerators located in homes, apartment buildings, small businesses, and commercial establishments. However, most of these facilities are presently inadequate and produce significant amounts of air pollution.

Conical burners. Conical burners are metal teepees used to control open burning at dump sites. This type of facility is considered to be basically unsatisfactory in so far as all open burning is undesirable. Again, the total number of conical burners in use is not known, but of the 23 surveyed by the Bureau of Solid Waste Management two-thirds were considered unacceptable in appearance.

Hog feeding. About 4 per cent of all garbage collected is fed to hogs, but this practice has been steadily declining over the last several decades because there are laws requiring that the garbage be sterilized by boiling to prevent the spread of vesicular exanthema in hogs and trichinosis in humans. Moreover, the advent of kitchen disposal units has reduced the amount of raw garbage available, and it is generally inconvenient to separate garbage from other refuse prior to collection.

Ocean dumping. The practice of dumping raw refuse into the sea is declining because in many instances remnants drift back to shore. On the other hand, ocean dumping of chemicals and oil refinery wastes is increasing, despite the protests of conservationists and ecologists.

MARYLAND SOLDIER KILLED IN CAMBODIA

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. LONG of Maryland. Mr. Speaker, Sp. Richard S. Cunningham, a courageous young man from Maryland, was recently killed in Vietnam. I should like to honor his memory by including the following article in the Record:

Maryland Soldier Killed in Cambodia Tank Action

A Maryland soldier who was with the first tank unit to enter Cambodia has been killed in action, the Defense Department announced yesterday.

Spec. 4 Richard S. Cunningham, 22, son of Mr. and Mrs. Joseph Cunningham, 16616 Batson road, Spencerville, was killed May 14 when his tank came under hostile fire in Khmer territory.

Specialist Cunningham was a tank driver with H Company, 11th Armored Cavalry.

"PROUD OF HIS UNIFORM"

He enlisted in the Army in mid-1969 and won honors as the top recruit in his training battalion at Fort Bragg, N.C. In Vietnam he had three armored vehicles shot out from under him.

Specialist Cunningham "was proud of his uniform and realized he had obligations to his country," Mr. Cunningham said yesterday. "He wouldn't have been bitter about it, if he had come back. He knew somebody had to do it."

The young cavalryman was a native of Washington and attended Montgomery county schools. He graduated from Staunton Military Academy in 1966 and attended Montgomery College for a year and a half.

SURVIVORS NAMED

In 1968 he and a friend formed Cunningham & Smith, a company which operates a gas station and truck rental agency in Silver Spring.

Specialist Cunningham is survived by his parents; a brother, Alan; a sister, Elizabeth; three step-brothers, Peter, Mark and Robert Cunningham; a step-sister, Miki Cunningham, and his maternal grandparents, Mr. and Mrs. John T. Slater, Sr.

GRADUATION

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. LOWENSTEIN. Mr. Speaker, the Bellmore Life, a fine weekly newspaper in my district, carried a thoughtful editorial message to this year's graduating high school seniors that I want to share with the Members:

Graduation

The time has come for the Class of 1970 to go out into the world. Their years of school have given them an outline of knowledge of society, which they will fill in from their experiences in the years ahead. They have received the trade or professional experience and skill necessary to get a job or the academic experience necessary for continuing into higher education. Hopefully school has instilled in them an eager desire to continue their search for knowledge. Now they must apply their accumulated knowledge in schools of higher education or in their new occupations.

In the last decade, as part of their learning experience, they have witnessed war in the Mideast, Biafra, Central America, and Indochina. And they have seen the work of VISTA, the Peace Corps, civil rights work, and urban renewal work. Their education has taught them that every man must take responsibility for the progress of his country. He must choose which course he wants for his country. And many have worked for constructive goals. They have seen what violence can cause in Chicago, and what a peaceful demonstration can cause in Washington. Perhaps the greatness of the Class of 1970 is its recognition of problems from pollution to poverty, and its willingness to take responsibility and work to solve them.

Every member of the Class of 1970 must continue to work to build America. They will soon have the responsibility of directing our country, and will need all the experience they can get in working for government of the people, by the people, and for the people. Judging from their record—their scholastic achievements, their sportsmanship, their conscientious involvement in the changing reality of politics and community service—the Class of 1970 will make us proud of them as they apply their knowledge in the coming years.

JOE McCAFFREY SUPPORTS DICKEY-LINCOLN

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. UDALL. Mr. Speaker, Joseph McCaffrey is without question one of the most listened to and influential commentators on the Washington scene.

I submit for the Record his comments of June 17, 1970, with respect to the merits of the Dickey-Lincoln School hydroelectric power project.

As Joe has said, there is a crying need for additional power in this country, and especially along the east coast.

We will be given an opportunity to take a step in meeting this need on Wednesday, June 24, when the House takes up the public works appropriations bill.

At that time our colleague, Bill Hathaway, will offer an amendment to include $807,000 for the Dickey project. I urge all my colleagues to support Bill and the Dickey project at that time.

Commentary of Joseph McCaffrey, June 17, 1970

Next week the House of Representatives will have a chance to help fight the promised brown outs along the East Coast. There is, and there will continue to be, a power shortage along the coast, and other areas of the nation.

The shortage will get worse instead of better as the demand for power continually increases.

Yet the House of Representatives continues to vote against a project which would do something about it: the Dickey Lincoln School Power Project in Maine. It was authorized by the Congress in 1965. To date two point one million dollars has been appropriated for pre-construction planning. An additional one point four million is needed to complete the pre-construction planning stage. The current budget recommendation is $807,000.

Despite the crying need for additional power in this country, and especially along the East Coast, the continuing appropriations for the project have been defeated in both the 90th and the first session of this current 91st Congress.

Maine's Congressman William Hathaway has been leading the fight in the House and has won many converts, but not enough. He finds that the private investor owned utilities—which cannot meet the current needs—are proving to be a powerful foe. There is no federally financed power project East of the Mississippi and North of the Mason Dixon Line, and the private utilities are determined to keep it that way.

XUM

Yet today there is a desperate need for more power, power which could be generated at Dickey Lincoln. The brown outs are coming, all the experts warn us about them. The House of Representatives can cast a vote to help ease those brown outs by supporting the effort to increase the power potential of New England.

INDOCHINA: SOME SPOOKY QUESTIONS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ROBISON. Mr. Speaker, this Nation's involvement in Indochina—first in Vietnam and now in Cambodia—is requiring that we in Congress rethink some of the basic tenets of that involvement. We have all wrestled with this problem on numerous occasions, and, as men acting in good faith often do, we have come to conclusions which place us in disagreement with one another. Many of us, Mr. Speaker, have in fact arrived at conclusions which differ from those which we originally had on the subject—such is one of the "risks" of reevaluation.

This concern of the Congress and the American public with our military engagement in Vietnam and Cambodia shall soon be put to further test in this Chamber as various antiwar bills and amendments are offered. In considering these proposals, I suggest that we shift our attention from those reasons which originally propelled us into Indochina and, rather, concentrate on the viability of the reasons which presently are advanced for the prolongation of this war.

I am aware of course of the seemingly ultimate intention of the President to withdraw from Vietnam and until Cambodia, I was convinced that his plan would allow us to withdraw rather quickly and without excessive additional loss of human life. But the decision to send American troops into Cambodia—apart from the military achievements flowing from that decision—could put the United States one step closer to additional forays into that country and one step closer to a possible commitment of troops to Cambodia if perhaps Phnom Penh should fall to Communist forces.

I believe that we must now consider our role in Indochina not in terms of our original reasons for involvement, but rather in terms of what is presently our objective—considering the huge internal costs this war has visited on us during the last 7 years. In helping us try to do so, I offer the following editorial from the June 8 Wall Street Journal for the consideration of all Members prior to the time that we must take a position on further legislative efforts to establish our military picture in Southeast Asia:

INDOCHINA: SOME SPOOKY QUESTIONS

After a number of Presidential addresses on Indochina, many listeners must be left with highly ambivalent feelings: While Mr. Nixon is talking, what he says seems to make a lot of sense. Yet, later, mulling over our whole involvement in Southeast Asia, one can uneasily conclude that present American policy leaves more questions than answers.

Let us assume that the Cambodian intervention is already the great military success the Administration claims. Assume further that failure to intervene would have cost many additional American lives. That the U.S. forces will be withdrawn from Cambodia on schedule by the end of this month. That troop withdrawals from Vietnam—the Vietnamization program—will proceed as promised. (We ourselves have long thought that Vietnamization was probably the best of the available alternatives.)

When all that is granted, the questions still nag.

One concerns the President's insistence on putting the Cambodian action in the context of U.S. credibility in the world. Mr. Nixon expressed it this way the other night: "If an American President had failed to meet this threat (from the Cambodian sanctuaries) . . . would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Mideast, other parts in Asia—retain any confidence in the United States?"

Now it is true that a precipitate withdrawal from Vietnam most likely would have serious international repercussions, perhaps encouraging the Soviets or the Chinese Reds to new adventures, among other things. But Cambodia? The initial reaction at home and abroad, when it was not revulsion, was stunned disbelief. In general, it would seem that if the U.S. could achieve an acceptable disengagement from Southeast Asia, its image in the world would measurably improve.

Can it achieve that disengagement, though? For despite all the delineation of withdrawal timetables, there lingers the spooky question whether America is actually getting in deeper rather than getting out.

Thus the Administration correctly argues that it will take the enemy months to rebuild the shattered Cambodian installations and replace the equipment captured or destroyed. Unquestionably the enemy has been dealt a stiff blow, but what happens after those months have elapsed? The enemy can rebuild the installations, or their equivalent deeper in Cambodia, and replace the equipment—so long as Hanoi is willing to expend the manpower and Moscow is willing to supply the equipment. There is no evidence of unwillingness either place.

So the U.S. could quite possibly face another Cambodian threat (not to mention the continuing threat in Laos) some months hence. By the current logic would it not have to go in again? And after that? The unhappy fact seems to be that the Communists, especially the Soviets, can make it exceedingly difficult for the U.S. to extricate itself from Southeast Asia. And it might suit their purposes very well to keep us stewing.

Meantime the U.S. has inevitably to a certain extent become involved in the maintenance of the present fragile government of Cambodia; to that extent it is more, not less, mired in Indochina. Washington is trying to foster the cooperation of other Southeast Asian nations to help on the Cambodian problem, and this development is one of the more hopeful elements in the entire picture, but it is by no means certain much will come of the effort. Yesterday's reports of spreading warfare in Cambodia are hardly reassuring. The U.S. might still find itself holding the bag.

All this is the more bothersome in view of the widespread impression that participating in a land war in Asia was a mistake in the first place. How wildly American foreign policy has been distorted since the Johnson Administration Americanized the war five years ago. (What the war has done at home hardly needs elaboration.)

Nowadays the President makes speech after speech about Indochina, it dominates the headlines, TV and the public discussion; you would think the U.S. had few other major interests in the world. The truth of course is that its other interests—in Europe, in trying to avoid a big-power war in the Mideast—outweigh its interests on the periphery of Asia.

Conceivably these misgivings are exaggerated, and gradual disengagement will succeed. President Nixon is right when he says he is determined to end the war in a way that will bring an era of reconciliation to our people, not an era of furious recrimination. Yet the implications of wider war, the specter indeed of perpetual war, cannot be dispelled by brave talk of military gains in Cambodia.

INDIANA DEMOCRATS SPEAK: 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HAMILTON. Mr. Speaker, I bring to the attention of my colleagues two speeches heard by Indiana Democrats at their State convention held June 15 and 16.

My Indiana colleague, the Honorable ANDREW JACOBS, JR., noted the changing season in the fight against crime in America.

His remarks, as well as mine, follow:

REMARKS OF ANDY JACOBS

The national administration has now passed from the promising season into the alibing season.

Back in the promising season, the administration was saying that it would change things in this country. It would enforce the law.

Well, it has changed things—mostly for the worse, but it clearly has not enforced the law. It has not brought the crime rate down. The crime rate has gone up. And the administration knows the public is fed up.

Would you like to know why the administration has not kept its promise to curb crime? Ready for their first alibi?

Well, according to the administration, it would like to enforce the criminal laws, but it says Congress won't let it.

The administration says it can't fight crime until Congress passes some criminal laws.

Well, I hope this doesn't surprise anybody, but—

Bulletin. There is already a law against murder.

Bulletin. There is already a law against rape.

Bulletin. There is already a law against robbery.

Bulletin. There is already a law against mugging.

Bulletin. There is already a law against riots.

Bulletin. There is already a law against vandalism.

Bulletin. There is already a law against arson.

All these laws were on the books when the city, state, and national administrations came into office.

Do we need more laws? Or do we need administrations that will enforce the criminal laws we already have? And all the alibis in the world won't answer this question.

XUM

Surely you remember the glowing promises made to the American people by these administrations. But they have only succeeded in proving the political adage that, "while it is true that you cannot fool all the people all the time, if you can do it once you're good for four years."

Remarks of Lee Hamilton

1968 was a difficult year for Democrats. If we did not always know, after 1968 we know that:

When we bicker among ourselves, we can not win.

When we let the one thing that divides us captivate our attention, instead of the many things that unite us, we cannot win.

When we try to shortcut fair procedures in party matters, we cannot win.

When we lose sight of the larger goals which are the reason for this Democratic Party to be, we cannot win.

When there is factionalism over Vietnam or Chicago or party procedures or personalities, we cannot win. But 1968 is behind us, and 1970 is before us. And in 1970 all of us are beginning to feel better about being Democrats.

We observe ancient truths once again—the Republicans can win elections from time to time, but they cannot effectively govern the state or the nation.

The Democrats can lose elections from time to time, but when they are not in power, the economy goes haywire, the country drifts and does not meet its problems, and the people call the Democrats back to power to set the state and nation on a steady course.

You and I have a message to tell to the people—a message of promises unkept, promises undelivered, and promises unexecuted.

The President promised unemployment would go down—but it has gone up.

He promised an imaginative farm program—but he has delivered no farm message and no farm program.

He promised efficient government by Cabinet officers with an extra dimension, but he has given us resignations, reshuffling and disarray in high places.

He promised more housing, but he has delivered less.

He promised major improvements in rural life, but he has delivered nothing.

He promised us no student protests, but he has delivered the greatest student protests of the decade.

He promised not to shortchange education, but he delivered drastic cuts in the education budget.

He promised us research and development but he delivered a sharp cutback in heart and cancer research.

He promised no inflation, but he has delivered the sharpest inflation in recent years.

He promised to bring us together, but he has delivered polarization and discord.

He promised us a sharp reduction in the rate of crime, but he has not delivered as the crime rate soars—and now he blames the Congress for his own failure.

He promised peace, but there is no peace.

Let us, then, be relentless in our struggle back to power.

Let us debate public policy among ourselves, agree as a party when we can, differ when we must, but put aside our minor differences and unite behind our major agreements, and go on to victory.

Let us listen to our friends and neighbors, and take their hopes and frustrations and desires and mold them into state and national policy.

Let us serve in the state and nation as loyal opposition, not hesitating to support action in the best interest of Indiana and the nation, and not hesitating to condemn when it is not.

Let us do all we can as a party to make the winds of adversity blow more gently upon the people of this state and nation.

Let us stand as a symbol of hope, reaching out to all in this state who need a champion.

Let us serve to soften the rough edges of America's fabulous diversity, and remember that above political party is country and the unity of free men in a free land.

Let us take pride in our party and the handiwork of our labors, because without political parties, there is no politics, without politics there is no democracy and without democracy there is no America.

A rare opportunity comes to us in Indiana this year. We can elect two, 3, 4 or more new Democratic Congressmen from Indiana and they will help supply the necessary and critical margin in voting power to put this Party and nation on a steadier course.

We have an exceptionally able group of Congressional candidates, and if you and I do our part and get them elected, Indiana and the nation will benefit.

ACHIEVEMENT AWARDS FOR COLLEGE SCIENTISTS FOUNDATION, INC.

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. BUSH. Mr. Speaker, on May 2, 1970, George M. Low, Deputy Administrator, National Aeronautics and Space Administration, spoke at the annual scholarship awards dinner of the Houston Chapter of the Achievement Rewards for College Scientists Foundation, Inc. Mr. Low's speech put the space program in perspective and I include it in the CONGRESSIONAL RECORD at this time so that all Members of the Congress can read it:

Remarks by George M. Low

It is a great pleasure to be back in Houston again this evening, to be with you on the occasion of the Annual Awards Banquet of ARCS. I am particularly pleased to be able to participate with you in tonight's events and to be able to honor the young men and women who have just received their awards.

I well remember last year's Awards Banquet, when Frank Borman gave the address and spoke of his adventures on Apollo 8, man's first expedition to lunar orbit. At that time, we had not yet landed on the moon. In fact, we were to make another flight around the moon before Apollo 11 was to land in July of 1969.

Perhaps this seems like a long time ago now, and it is if you think in terms of the achievements of 1969. Since last year's Awards Banquet, we have not only been to the moon once, but we have been there four times—once around the moon on Apollo 10, then two highly successful landings, and finally in Apollo 13, just a few short weeks ago, we made another attempt at a lunar landing but were unsuccessful. Nevertheless, astronauts Lovell, Swigert and Haise circled around the moon in their damaged spacecraft on their way back home to earth.

But let us look back even further, to the beginning of the space age. The first Sputnik was launched in October 1957 when those of you who are freshmen were entering kindergarten, and the seniors among you were in third grade. This may seem like a long time to you, in your young lives. But it is a very short time in the span of history. Let us look this evening at how our world has changed since the dawn of the space age—since that year when you entered kindergarten.

THE FIRST TWELVE YEARS IN SPACE

America's first satellite, Explorer I, was launched in January of 1958. It discovered the earth's Van Allen Radiation Belts. And less than two months ago, it returned to earth, after circling the globe 58,000 times.

Explorer I weighed 30.8 pounds. Apollo 13 placed nearly 300,000 pounds, 10,000 times the weight of Explorer I, in earth orbit on the way to the moon.

Let us look at a few other statistics of America's first twelve years in space.

The speed of manned flight has increased from 1900 miles per hour to 25,000 miles per hour. The altitude that man has reached has increased from 25 miles to 250,000 miles. Our astronauts have logged more than 6,000 hours in space and have flown more than 72,000,000 miles.

Twenty-six astronauts have flown in space. One of them has flown four times; 4, three times; and 10 have flown twice. Fifteen Americans have flown around the moon, and four have walked on the moon's surface. In the same period of time, 154 unmanned satellites have been launched by NASA to explore the universe around us and to help us to predict our weather and aid in communications from one continent to another.

While we were doing all these things in space, our world changed also. And, in a large measure, the expansion of human knowledge was brought about by the challenge that our space program has given our nation.

Arthur Clarke, the noted British science fiction writer, said a short time ago, "The road to the stars has been discovered none too soon. Civilization cannot exist without new frontiers. It needs them both physically and spiritually."

Many historians have pointed out that the energy and the exuberance, the inquisitiveness and the daring, the inventiveness, initiative and drive toward wider fields of enterprise were essentially pioneering responses to the opening of new frontiers that marked our history. And the consensus of many of these same historians had been that the beginning of our last geographical frontier marked the end of the nation's youth, and that the fresh, confident outlook of youth would never come to us again.

But these historians did not foresee, nor did anyone else, that we were on the threshold of a new pioneering age—that we were about to open a new and endless frontier, the frontier of space.

The opening of new frontiers has not been the only stimulus to our people. Another catalyst, another forming function, has been global war, and a national dedication to win that war.

During the 1960s, without a new land frontier, and without the anguish of global war, the American space program combined the forcing functions of both and did it with noble motivation: exploration of the unknown, the expansion of knowledge, unselfish sharing of the new for the betterment of all, and reduction of international tension.

The endless physical, psychological, technical, and scientific frontiers of space have stimulated development of entirely new transportation, communication, and management systems: manned and automated spacecraft, launch vehicles, cryogenics, tracking systems, computer networks, data links, ground support facilities, and global institutions to manage them.

A STIMULUS TO TECHNOLOGY

An excellent example of space-stimulated technical progress is the impact of new space requirements on the computer industry. The exploration of space demands very large com-

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puter systems of great complexity, size and speed. More importantly, space needs demand new flexibility in the use of computers, ranging from automated check-out functions to real-time monitoring of space missions; from inventory management to aircraft and spacecraft simulated controls; from computing planetary trajectories to modeling global weather patterns. NASA has to receive advanced hardware, meeting rigid specifications, on schedule to meet unyielding planetary launch window dates. We need new kinds of computer programs, and we know that complex software programs require lead-times as long as the hardware. NASA does get advanced computer hardward and software on schedule. Without them, Mariner, OAO, Apollo and other missions would not have flown successfully.

The need for rapid progress has been relentless. In Project Mercury, ground-based computers were only required to determine quickly and accurately booster cut-off conditions. In Apollo, however, computers are used throughout the mission in real time, to calculate the trajectory to the moon and back, to compare three separate solutions for the lunar descent, to record and analyze thousands of bits of telemetered spacecraft information, to compare these to predicted values to detect trouble, and, at the same time, to monitor the well-being of the crew. For Mercury, the computer program contained 40,000 computer words; for Apollo, a 1,500,000-word program was needed, while, at the same time, the speed of the computers has increased sevenfold.

Challenging the best talents of our nation in this way, to produce both hardware and the programing that makes it useful, has helped the U.S. computer industry to attain its present dominant world position. The industry engineers who developed our Mission Control Center computer system for Apollo tell us that without the forcing function of NASA's requirements, they would not have been able to exploit fully the inherent capabilities of their own machines to meet other requirements. Today, virtually every on-line, direct access, commercial computer system in the world is American and reflects the space guidance and check-out requirements of some years ago.

Today, the U.S. computer industry does about 8 billion dollars worth of business each year. It pays the highest average wages of any U.S. industry and is one of the most rapidly growing, and contributes a large, positive international balance of trade. Let us look at a few statistics: In 1960, the U.S. exported 48 million dollars worth of computers. In 1969, this had reached a value of 728 million dollars. In other words, U.S. computer exports have increased by over 1400 percent in the first decade of the space age. This impressive record was built on excellence of performance through continuing technological superiority. In a large measure it was the stimulus of NASA's requirements that brought about these technological advances in the computer industry.

I could cite other examples where space technology perhaps more directly affects our daily lives. Take, for instance, one from the automotive industry. In order to meet the new Clean Air Act, the Chrysler Corporation reworked their automobile ignition systems, designing distributors to operate within much closer limits. To assist in this, they called in their own people who had developed the automated check-out and launch sequence equipment for the Saturn launch vehicle. Today, at Chrysler's Indianapolis plant, every distributor is dynamically tested for final acceptance, through its entire range, on computer controlled equipment derived directly from the Apollo Program check-out equipment.

Another example is an automotive safety device which originated in the shock absorber that is used today on the couches in the Apollo spacecraft. The device consists of essentially an inner tube with "O" rings around it, fitting tightly into an outer tube. When compressed or extended, the rolling "O" rings absorb considerable energy. The device is rugged, cheap, resettable, and reusable. The Bureau of Public Roads has tested it in connection with highway guard rails and found that it cuts down a 60-mile-per-hour impact to the equivalent of a 5-mile-per-hour impact. Perhaps the most impressive testimonial to its utility is the Ford Motor Company's intensive development effort aimed at incorporating this device into an automobile bumper that can safely withstand a 5-mile-per-hour direct impact, and will of course minimize damage at higher speeds. Ford hopes to offer this bumper as soon as possible, perhaps even on its 1972 models. The economic significance of this becomes apparent when you relate it to the Allstate Insurance Company's announced collision premium reduction of 20 percent for cars so equipped.

PRACTICAL APPLICATIONS FROM SPACE

But, there are even more direct benefits and impacts of our space program. Take, for example, the field of meteorology. It is rare for a new field of technology to produce practical application in its first few years, but this is just what happened in the early 1960s when the space program developed and put into operation revolutionary new tools and information systems for weather forecasting. These included satellites to track storms, measure wind, record the temperature at different heights, and report on the moisture content of the atmosphere. They included, also, solar observation satellites to monitor the Sun's cycle of activity, and computer systems, mathematical models and software programs that can receive and analyze vast amounts of global data from many sources to make possible more accurate forecasting.

The first weather satellite was launched April 1, 1960. Since then, progress has been rapid. The first satellite merely took pictures of the clouds. Now, satellites take pictures not only in the visible light, but also in the infra-red, and show clouds during the daylight as well as at night. Last year a satellite was launched that could take the vertical temperature profile through the atmosphere. This year, less than a month ago, the second satellite of this type was launched, with even more sophisticated instruments. With it, our weather forecasters can tell the temperature at given heights in the atmosphere any place around the globe. Previously it had taken tens of thousands of balloon soundings to get the same information—information that is vital in long range forecasts.

But, forecasting is only one part of the weather picture in our daily lives. Probably the most dramatic impact of weather satellites is their ability to detect and track major storms, hurricanes, and threatening weather patterns, early enough and precisely enough to permit timely warning and decision. Examples include routing of air traffic, marine navigation, agricultural warnings, water management, and protection or evacuation of threatened flood or storm areas.

Hurricane Camille, last August, was first observed and then tracked by satellite. The hurricane's path, force, and extent were predicted early and accurately enough to permit authorities to evacuate some 70,000 from the Mississippi and Lousiana Gulf Coast. Camille was one of the worst storms in our nation's history. Without early warning, without tracking, without the credibility provided by actual satellite pictures and data, ESSA estimates that 50,000 people might have perished in this devastating storm.

This is not an isolated case. Many other instances could be cited. In November of 1969, Hurricane Laurie also threatened the Gulf Coast. Observation and tracking by satellite provided the basis for safely predicting that Laurie would not strike the coast. The savings here from the decision not to evacuate and not to protect property are estimated to have exceeded $3 million.

Since 1966, U.S. weather satellites have watched every major storm threatening the nation. In 1969 alone, 12 Atlantic hurricanes, 10 Eastern Pacific hurricanes, and 17 Western Pacific typhoons were identified and tracked by satellites. We now have the first atlas of Pacific cloud and weather patterns covering the period of 1962–1969, assembled from data available only by satellite. Color TV cloud pictures from NASA's experimental Applications Technology Satellite are now being used in near real time. The Navy uses weather satellite pictures for ice patrols and to schedule Antarctic resupply, and airline pilots at Kennedy Airport routinely receive a weather photo of their trans-Atlantic route. The weather satellite today virtually affects every aspect of our daily lives.

Next, let us look at the area of communications. Before discussing communication satellites, let me cite a few telecommunications statistics to put this important development into perspective. In 1960, there were less than 75 million phones in America; we now have about 120 million. In 1960, Americans made 18 billion calls; last year we made nearly 200 billion. Before the end of this day about 485 million phone calls will have been made in this country. The value of the U.S. telecommunications business, including service equipment, grew from $22 billion per year in 1960 to over $47 billion now. This industry has doubled its circuit mileage every ten years since 1935.

New uses for continually being found for telecommunications. Banks, stocks exchanges, hotel reservations, cable TV, hospitals, computer centers and other new customers are appearing at an increasing rate. We are literally in the midst of a global communications explosion.

The newest development that can help meet this demand and increase service is, of course, the communications satellite. It can supplement cable, radio, or microwave links where they exist, can provide their equivalent where they do not, and can, literally, interconnect every part of the world.

This new benefit from the space program is obvious to TV viewers. The Olympics were first televised internationally in 1968 from Tokyo and made available in real time to U.S. audiences. The largest audience in world history—over half a billion people, one-sixth of the world's population—saw man's first steps on the moon. In 1960, you could not send live TV across the Atlantic; by 1965 it was possible but expensive; by 1969 the quality had been improved and the cost reduced to 19% of the 1965 rate.

At present, communication satellites are largely used for transoceanic traffic, providing economical links across the Atlantic, Pacific, and Indian Oceans. They are having a major impact. Before satellites, a West Coast-to-Japan cable circuit cost $15,000 per month; Comsat today offers this service at a charge of $4,000. The recent decision by the FCC to entertain suggestions for a U.S. domestic satellite system opens a whole range of potential new services, including low cost message, data, and television transmissions coast-to-coast—and anywhere in between. The feasibility of domestic service has been well demonstrated—and the response from industry to the FCC invitation indicates that the potential for the application of satellite technology to U.S. internal communications is very high.

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The benefits to society of NASA's communication satellite work are widespread. Communications are the nervous system of organized society. Good global communications are not a luxury today—they are a basic building block for economic and social progress. From our first experiments in the early 1960s to today, we have come far. Even the 240-circuit Syncom of 1964 already looks antique beside its 1971 descendant, the 5,000-circuit Intelsat-4. NASA has led the already dynamic electronics and telecommunications industry into a new age and provided them with a major new technology. All of this has been accomplished and the 70-nation Intelsat organization created within 10 years. That fact, of itself, may be unique. The application of new technology has usually required far longer—it took a century for the electric motor to graduate from a scientific curiosity to a utilitarian device. The NASA contribution has been to challenge and stimulate technical advance, forcing new inventions into the marketplace and making them work. This has a national value without a price tag. In my opinion, it is worth, simply, the difference between continuing national progress and falling behind into a position of "second-best," never again to catch up.

I have talked about some of the practical applications and results from our efforts in space. I have purposely not talked about manned flight, even though it is a subject near and dear to my heart, because I am sure that here in Houston, there is little that I can tell you about it. I also have not talked about the many scientific results and discoveries that have come about from our exploration in space. But it is certainly true that we learned more about the moon in a few hours after we were able to examine the lunar samples brought back by the crew of Apollo 11 than we had previously learned in our entire history. And we learned more about Mars from the pictures sent back by Mariner last summer than we had previously learned since the invention of the telescope. I could go on and on, but perhaps it is time now to turn toward the future, to look at what lies ahead in space in the decades to come.

OUR FUTURE IN SPACE

Our space program might be thought of in terms of three general purposes. One purpose is exploration. Man has always insisted on venturing into the unknown despite his inability to predict precisely the value of any given exploration. He has been willing to take risks, willing to be surprised, willing to adapt to new experiences. A great nation will always be an exploring nation if it wishes to remain great.

The second purpose of our space program is scientific knowledge, a greater systematic understanding about ourselves and our universe.

And the third purpose of the United States space effort is that of practical applications, turning the lessons we learned in space to the early benefits of life on earth. I have already given many examples of these applications.

These purposes were expressed in a recent statement by President Nixon in terms of six specific objectives. These objectives are:

1. We will continue to explore the moon. We have learned a great deal about our satellite from Apollo 8 and 10 and from our lunar landings in Apollo 11 and 12, but we have also raised as many new questions as we have found answers. We will therefore continue to send Apollo flights to the moon, to exciting new sites, with new equipment, to gain a better understanding of the moon and, through it, perhaps a better understanding of our earth itself.

2. The second objective is the continued and extended exploration of the planets of the universe. In 1971, we will send two orbiting spacecraft around Mars, and in 1975 we will launch an unmanned Mars landing mission. We will send a probe to Venus and Mercury and another to the planet Jupiter. At the end of the decade, we will have a special opportunity to visit all of the outer planets on a flight called the Grand Tour. In the period between 1978 and 1980, the geometry of the planets will be such that we can send a spacecraft from one to the next with far less energy than is normally required. This opportunity will not arise again for 179 years. We will explore the mysterious outer planets—Jupiter, Saturn, Uranus, Neptune, and Pluto. The flight time to Pluto will be nine years, and it will take nine hours for a signal to go from earth to our spacecraft and back to earth again!

3. As a third objective, we will make the use of space more economical. We will develop a space transportation system to bring men and equipment and supplies to and from space on a routine basis. This system will include the space shuttle—a vehicle that takes off like a rocket, but looks more like an airplane. It will be able to glide back into the atmosphere, and land at an airport.

4. We will seek to extend man's capability to live and work in space. In the 1972 and 1973 period of time, we will have our first experimental space station, using Apollo hardware, in our Skylab program. Men will work in space, in Skylab, for nearly 2 months. Toward the end of the decade, we hope to launch a giant permanent space station in which men will live and work for many months at a time.

5. We will also expand the practical applications of space technology. An exciting new development with high potential here is the Earth Resources Satellite, a satellite which can help in such varied tasks, as surveying crops, locating mineral deposits, and measuring water resources; a satellite that will enable us to assess our environment and use our resources more effectively. And, of course, we will continue to pursue our other applications, such as weather satellites, communications satellites, and we will see also navigation satellites, air traffic control satellites, and satellites for other purposes.

6. The last of the six objectives enumerated by the President, is that we should encourage greater international cooperation in space, including the participation by foreign astronauts in our space flight programs when we have the space shuttle and the space station.

These goals are not overly optimistic. History too often has shown us that our predictions fall far short of what actually happens. In less than a generation we may have progressed well beyond these forecasts.

We have discussed some of the results of the space age—of America's first 12 years in space. We have seen how the world of 1970 is a vastly different world from that of 1960—and that many of those changes that represent improvements stem directly from our efforts in space.

We now come to the inevitable question: how much does it cost? Or: can we afford to do all these things in space while we have so many problems here at home?

Last week the House of Representatives passed a bill authorizing $3.6 billion for NASA in the next fiscal year. This is $267 million more than we requested! It represents a tremendous vote of confidence. But how much is $3.6 billion dollars?

In terms of the federal budget, it represents 1.7 percent of the total—roughly $17 per person in one year.

Compare this with $400 per person we spend on social actions—like federal expenditures for education, health, housing, social security, and veterans benefits. (In Fiscal Year 1971, we will be spending slightly less for national defense than for the human resources programs.)

Or, compare this with the $35 we spend per person, on alcoholic beverages, $17 on tobacco, or $16 on cosmetics.

When you consider that each of us is spending nearly 25 times as much each year on the human resources programs than on space, it becomes quite clear that even if we had no space program—even if every dollar spent on space were spent instead on health or housing or education—the difference on those programs would hardly be noticeable.

But, can you imagine where America, and the Western world, would be today had we not undertaken to meet the challenge of space?

And perhaps there is a lesson to be learned from NASA's way of doing business, from Apollo, that applies in the solution of our social problems as well:

In Apollo, we established a goal: land on the moon. We set a timetable: before the end of the decade. We said how much it would cost, at the outset. And, then we carried out our goal, in the open, with the world to see, to measure our performance.

Perhaps we should tackle our social problems the same way: Specify what the national problem is; state before the public what we propose to do; tell the public how much it is going to cost; and then with the public and the press looking over the shoulder, demonstrate that it is being done.

Certainly NASA has demonstrated to the American public that they can greatly increase the standards of their demands for performance by the Government, and that they can expect to see results.

This may indeed be the most significant spinoff from our space program!

THE LATE CLIFFORD R. HOPE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. FISHER. Mr. Speaker, the recent death of former Representative Clifford R. Hope came as a shock to his many friends, in and out the Congress. It brought sadness and renewed appreciation for a truly great American and a valuable friend of agriculture in this country.

The virtues of Cliff Hope and the contributions he made are becoming legend. Few if any men in this century have excelled this Kansas lawmaker in terms of understanding and knowledge of problems related to the producers of livestock and farm products. As ranking member and as chairman of the Committee on Agriculture Mr. Hope commanded solid, continuous respect from practically every Member of this body. In presenting his views and his own ideas of how problems could best be solved, he was always honest, sincere, and completely devoid of demagoguery.

Above all, Cliff Hope was devoted to his country. He was a patriot in every sense of the word. In the Congress he could always be counted upon to rise above partisanship when the well-being

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of the Nation was involved. He was a true statesman and a valuable, enlightened, and influential lawmaker. The country has suffered a great loss in the passing of Clifford Hope.

CRISIS IN AMERICAN EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, Roger A. Freeman, Special Assistant to the President, spoke last Friday to the Washington State Research Council. His address was most provocative and upon careful review should stimulate some rethinking of some of our traditional concepts of education and the role of the Federal Government.

I have included the complete text below:

CRISIS IN AMERICAN EDUCATION

(By Hon. Roger A. Freeman)

I cannot adequately tell you how thrilled I was when I received your invitation to serve as your speaker at this luncheon. I left the State of Washington nearly fifteen years ago and thought that I had long been forgotten here. While David Swenson's letter was still on my desk, bathing my face in its reflected glow, I began getting telephone calls from Herb Miller, Ben Ehrlichman and others, urging me to accept the invitation. So here I am.

Having spent some of the most precious and most exciting years of my life in the Pacific Northwest, I am humbly grateful to you for letting me know that I made some lasting friends during the decade I lived and worked here.

If I were at liberty to do what I feel like doing, then I would now recognize my old friends in the audience, reminiscing about our common exploits in the legislative wars of the 1950's and tell the new generation tales of battle scars that have long since healed.

But you did not come here for that. You came to hear me speak about the "Crisis in American Education." So, in fairness to you, my hosts, and to make sure that you don't make me pay for my own lunch, I shall address myself to the assigned subject.

But before I do so, I want to pay tribute to the man who brought me into public life here over twenty years ago, to whom I owe most of what I know about public affairs, and whom I served as an assistant for more than five years. I mean, of course, Governor Arthur B. Langlie whose untimely death was a severe blow and grievous loss to all of us. I am most happy to hear that a biography of this great man, the only man ever to be elected Governor of Washington three times, is now in preparation and will soon be published.

For as long as anyone of us can remember there has always been talk about a "crisis in education." Those within the educational establishment usually saw the crisis in financial terms, denounced the existing support level as lamentably inadequate and predicted dire consequences and disaster if available funds were not promptly multiplied. That no such crisis ever developed does not necessarily mean that our educational spokesmen had only been crying "wolf." It may well be that because their warning came early enough and their appeal for remedial action was sufficiently forceful and effective, their crisis predictions never came true.

That experience caused me in past years to place a question mark behind the phrase "crisis in education" whenever I used it. Somehow I felt certain that our schools and colleges would turn the corner in fine shape before they reached the critical stage.

I no longer feel as confident as I once did, and I no longer place a question mark behind the term "crisis in education." For the first time in history it appears that the profound faith of the American people in their educational institutions has been shaken and their belief in the wisdom of our educational leaders and in the soundness of their goals or practices has turned to doubt and even to outright disapproval. If a vote of confidence were asked for today from the people across this nation in the management and policies of their educational institutions, it would in most states no longer be as favorable as it would have been twenty, ten or even five years ago.

This is true above all in regard to some of our most prominent universities and colleges, but also of many high schools and elementary schools. This is evident not only from the growing number of failures of school tax and bond elections—which in most areas offer the people the only organized way in which they can vote their displeasure—but also from numerous independent polls, letters and many other sources. How are schools and colleges to weather the onslaught to which they are now subjected, how are they to cope with their current and future problems, to progress and prosper in the years ahead, if they can no longer count on the affection and trust of the great majority of the American people upon whom their very existence depends?

So far, the flow of funds into education has not declined and continues to show a healthy rate of growth. Yet there are many voices heard, mostly from inside the establishment, which assert that inadequate financial support is at the root of their trouble and that lack of money is the most urgent problem in education which could be solved by the addition of several billion dollars in federal funds. Congress is being criticized for not appropriating enough money for education and the President is attacked for having vetoed an education appropriation earlier this year and for not having proposed the new and expanded programs which his critics urge upon him.

The President stated his reasons clearly in the Veto Message of January 27, the Message on School Reform of March 3 and the Message on Higher Education of March 19. Let me summarize them briefly:

1. Inflationary pressures, generated largely by eight years of deficit spending to the tune of $57 billion, ar still so intense that demands for federal funds for *all* purposes must be restrained and their total kept approximately within the frame of prospective revenues. To pursue an expansionary fiscal policy at this time would add fuel to the fires of inflation and could wreck serious harm, none the least on education.

2. Certain costly school programs introduced with great expectations a few years ago are not yielding the promised results. In fact, the entire concept of a clear-cut positive cost-quality relationship in education has been called into question by recent research.

3. The label "education" is not enough to justify claims for federal funds. There must be evidence that a proposed program offers the most effective solution available and a tangible return to the taxpayers.

The President criticized that "we are not getting as much as we should of the dollars we spend," recommended several programs to correct existing shortcomings and promised:

"As we get more education for the dollar, we will ask Congress for more dollars for education."

Some of our critics claim that the budget is tight only because military outlays have been tremendously increased and that arms swallow most of the federal tax revenue which otherwise could be allocated to education and other social purposes. The facts are to the contrary:

In the current three-year period—FY 1968 to FY 1971—defense spending is being cut 9 percent, outlays for education and other social purposes boosted 47 percent, all other federal expenditures increased 21 percent. But the record of defense costs should probably be reviewed in a broader historical perspective:

Immediately after World War II, the military establishment was largely dismantled and outlays fell precipitously from $80 billion in 1945 to between $12 and $13 billion annually from 1948–1950. This unilateral disarmament was one of the causes of the Korean action which shot defense costs up to $50 billion in 1953. Since that time—that is between 1953 and FY 1971 as proposed by the President—defense expenditures increased 49 percent—approximately equal to the simultaneous rate of price rise. Spending for health, education, welfare and labor increased 944 percent, for all other functions 182 percent (see table).

More than half of the $129 billion increase in Federal expenditures between 1953 and 1971 was applied to social purposes, less than one-fifth to defense. Defense meanwhile shrank from 64 percent of the Federal budget to 36 percent, from 13.6 percent of Gross National Product to about 7.2 percent.

In other words, the share of Federal revenues and of the Gross National Product allocated to national defense has been cut almost in half since 1953. Most of the huge savings were applied to social purposes, with education one of the main gainers. To slash our badly depleted defense establishment even faster or further in this troubled and hostile world would risk the nation's very existence in an irresponsible manner and be an invitation rather than a deterrent to war.

With only 6 percent of the world's population and between one-fourth and one-third of its developed resources, the American people now invest in educational institutions annually almost as much as all other nations combined. Nothing testifies more eloquently to the American faith in education than the priority which the people have granted it in financial terms. Over the past twenty years the support of schools and colleges from all sources has multiplied about eight times while personal consumption expenditures or business or personal investment multiplied only slightly more than three times. Expressed in dollars of constant value, personal consumption doubled while educational spending expanded five-fold.

Over the same period, the number of employees in private industry increased 38 percent while it tripled (+203 percent) in public education. In the rest of government, manpower grew 87 percent. These are impressive facts which make charges of neglect or starvation of education look plain silly.

FEDERAL EXPENDITURES 1953 AND 1971

[Dollars in billions]

	National Defense	HEW–Labor	All other	Total
1953	$49.4	$7.1	$20.4	$77.0
1971*	73.6	74.3	57.6	205.6
Increase in percent	+49.0	+944.0	+182.0	+167.0

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INCREASE IN FEDERAL EXPENDITURES, 1953-71

[Dollars in billions]

	Amount	Percent
National Defense	$24.2	19
Health, Education, Welfare, Labor	67.2	52
All other	37.2	29
Total	128.6	100

*President's proposals as revised May 19, 1970

To be sure: school enrollment grew faster than the population as a whole. Twenty years ago the impending "tidal wave" of post-war babies faced the schools with a grave challenge. Would schools be able to obtain the resources required to expand their staffs and facilities in proportion to students? Would the American people be willing to provide the huge funds by traditional methods? Few observers thought at the time that the job could be done without a massive intervention of the federal government.

The task was truly stupendous: Between 1950 and 1970 public school enrollment nearly doubled, jumping from 25 million to 47 million pupils (=+88 percent). Nobody expected in 1950 that school support would multiply seven-fold in the succeeding 20 years, from $5.4 billion to $38.5 billion; but it did. Expressed in constant dollars, the increase equalled 350 percent—while enrollment, as mentioned, went up 88 percent, national income or product 125 percent.

What did this accomplish? While enrollment grew 88 percent, the instructional staff expanded 131 percent: classroom teachers +119 percent, non-teaching professional staff such as administrators, counselors, psychologists, nurses, librarians, etc. +358 percent. The ratio of the instructional staff to pupils was reduced from 1:26.1 to 1:21.3, which means that there are now 4.8 fewer pupils per teacher in the public schools than there were in 1950.

In his first education message in 1961 President Kennedy, in proposing federal school construction aid, suggested that 600,000 classrooms ought to be built during the 1960s to take care of all needs and that state and local governments would be unable to meet that goal unaided. Actually, about 700,000 new classrooms were constructed in the 1960s—*without a federal construction aid program*. There are now about five children fewer per classroom than there were in the early 1950s. The most amazing fact is not that these reductions in class size took place in a short number of years but that this was accomplished during the time of the sharpest enrollment expansion that America's public schools ever experienced, and that it was done largely by action of the people themselves, in thousands of tax and bond elections.

Of the $33 billion that were added to the support of the public schools over the past twenty years, 93 percent came from state and local governments which were then as now alleged to be "hanging on their financial ropes." No program of general federal aid for school operations or construction was enacted, in spite of truly heroic efforts of its protagonists, in a campaign begun well over a century ago. Nothing testifies more clearly to the continued effectiveness of the traditional American way of government by the consent of the governed. In the current school year, 1969/70, the federal government supplied only 6.4 percent of the public school support, according to the National Education Association,[1] with most of it closely earmarked for special programs and little available for general support.

The time of enrollment growth in the public schools is over. Current projections suggest little or no increase in the 1970s—unless mass closings are forced on the private schools which still accommodate almost 6 million children. Barring such a development, the task of providing adequate support for the public schools should be far easier in the 1970s than it has been for several decades. There is one big IF in this expectation: IF the public schools can retain—or, in many cases, regain—the confidence and goodwill of the communities they serve.

So far we have recorded only the "input" into the schools: dollars, teachers, classrooms. It has always been customary to measure educational progress and quality by "input" factors—such as dollars expenditure per pupil or teacher-pupil ratio—not by "output" factors, that is improved skills and knowledge of the students.

Unfortunately, we have no record of "output" because school administrators have always strenuously resisted demands to introduce qualitative yardsticks into the schools by which the progress of students in essential skills and knowledge could be measured, recorded and compared.

In his School Reform Message, the President stressed the need for objective measurement of educational results. He added:

For years the fear of "national standards" has been one of the bugaboos of education. . . . The problem is that in opposing some mythical threat of "national standards" what we have too often being doing is avoiding accountability for our own local performance. We have, as a nation, too long avoided thinking of the productivity of the schools.

Many years ago we had at least a tentative gauge in the percentage of pupils held back. But the practice of having lagging pupils repeat a grade was largely abandoned when the schools discovered the secret of perpetual promotion.

Achievement test data on pupil skills in the 3Rs are now available only from research projects and from a few cities. James S. Coleman of Johns Hopkins University, who in 1965/66 headed the largest and most thorough examination of American public schools ever undertaken, was amazed to find: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievement coming out of it." He concluded that "if it were otherwise we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

Reviewing the ensuing national debate in the New York Times Magazine of August 10, 1969, Christopher Jencks of the Harvard School of Education, summarized his conclusions: "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied."

The most detailed report now available on any city school system (New York City School Fact Book, City University of New York 1969) found:

"The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance . . ." Statistical data in that report show that reading and arithmetic achievements in the highest expenditures schools ($1100 per pupil and up, median $1330) average between 5 and 7 months behind those in the schools with the lowest expenditures (below $600 per pupil, median $551). The teacher-pupil ratio was 1:25.9 in the high-achievement schools, 1:12.3 in the low-achievement schools.

But the belief in the educational magic of the dollar dies hard. Five years ago Congress enacted a $1¼ billion-a-year program to raise the achievement level of millions of children from low-income backgrounds who were reported to lag one or several years behind national norms (averages) in basic skills. Title I of the Elementary and Secondary Education Act of 1965 for "compensatory education" and a few related programs now account for about half of all federal school funds.

Two years ago the Associated Press found in a nationwide survey: "Title I, the federal project on which $3 billion has been spent in the hope of answering the educational needs of deprived children, is not working out. On this point, critics and supporters alike are agreed."

After reviewing the major "compensatory education" programs since 1957 the U.S. Civil Rights Commission found that "none of the programs seems to have raised significantly the achievements of participating pupils."

In his Message on School Reform, the President reported that:

The best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up . . . Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggested that only 19 percent of the children in such programs improve their reading significantly; 13 percent appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart Program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similar poor backgrounds.

The records of thousands of projects from "Higher Horizons" and "More Effective Schools" in New York to "Banneker" in St. Louis, from "Madison" in Syracuse to the Berkeley schools—all of them started with great enthusiasm—tells a story of consistent failure to produce the educational improvement among so-called "deprived children" which their sponsors hoped for and promised.

What this adds up to is, of course, not that we should quit increasing school resources every year. The President made that abundantly clear—he recommended, in fact, several programs to bolster school support in certain critical areas besides proposing a system of federal revenue-sharing which will aid state and local governments generally.

The basic approach of the School Reform Message is: let us pursue methods, through research, that will accomplish what we are aiming at. But let us not go overboard until we know how what will work with children from slum backgrounds. Just spending billions of taxpayers money is no adequate substitute for tangible achievements.

The New York City Master Plan (1969) declared: "The plain fact is that no one yet knows how to make a ghetto school work."[2]

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[1] According to other sources, 6%.

[2] My colleague, Daniel P. Moynihan, commented on this a few months ago: "The plain fact is that nobody knows how to make a real ghetto school—that is one made up of European Jewish students—*not* work."

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This has not kept New York City from multiplying its outlays generally, but particularly in schools in poverty areas, to the point where it now spends on the average about twice as much per pupil as other large cities. But students in New York City schools lag, on the average, far behind national norms—and they slipped back another two months in reading last year. What was the Board of Education's response? It demanded a 30 percent increase in operating funds—$380 million—for next year (1970/71) besides a $600 million appropriation for new construction. Not surprisingly, New York City authorities expect this to be paid by the rest of the country.

Most compensatory and similar programs for educational improvement place their main emphasis on reducing class size, although it has long been known from hundreds of research studies that there is no correlation between class size and pupil achievement. The Encyclopedia of Educational Research reported twenty years ago that:

> On the whole, the statistical findings definitely favor large classes at every level of instruction except the kindergarten . . . the general trend of evidence places the burden of proof squarely upon the proponents of small classes.

Three years ago the Coleman report found that the teacher-pupil ratio "showed a consistent lack of relation to achievements among all groups under all conditions". But the myth that pupils learn more in smaller classes still flourishes and the demand for cutting class sizes continues while resistance to technological progress such as programmed learning with the help of machines or television and films grows. Could the explanation lie in a fact brought out by the Bureau of Labor Statistics last year? Commissioner Geoffrey H. Moore reported at a Congressional hearing last December that "the aggregate supply of trained teachers is expected to significantly exceed demand, if recent entry patterns in the occupation continue." He projected job openings between 1968 and 1980 at 2.4 million, the new supply of teachers at 4.2 million.

Youth unemployment has long been severe—one out of seven people between 16 and 21 is out of a job, and one out of four among non-white youths. In no other industrial country in the world is there a comparable problem of youth unemployment. But we have so far failed to study why we do so badly. Since the belief that education is the best answer to poverty has virtually become part of the American Creed, we might well look to the schools for a remedy.

Among the country's worst school systems by any yardstick save expenditures per pupil are the District of Columbia schools. But, there are exceptions. For example, Bell Vocational High School, 60 years old and almost all black, has little if any of the troubles that beset most other Washington schools and its graduates have no difficulty in landing jobs. So what does the Board of Education plan to do about it? You guessed it—it intends to abolish Bell and the other four vocational high schools.

There used to be an excellent academic high school in Washington, Dunbar. Some twenty years ago eighty percent of its graduates, almost all black, went to college. Reorganized under more recent rules, Dunbar is now as bad as Washington's other high schools. I should mention that my son has been attending a Washington public high school this past year.

Amidon was among the country's best schools—and many D.C. schools maintained at least a semblance of good education under the four-track system. The four-track system was abolished, Amidon was equalized with other D.C. schools—equal, that is, to the lowest schools in the country measured by pupil achievements.

It has widely been suggested that schooling should be started earlier so that disadvantaged children do not lag behind others when they reach first grade. Results of the massive Headstart program have so far not been convincing and efforts have been started to begin schooling even earlier, e.g., at three years. The number of 3 to 4 year olds in school has risen from 800,000 five years ago to 1.2 million—with the attendance among whites 15% and among non-whites 21%.

This may be all to the good. Would it help the educational process to begin at birth, as some have suggested? Nobody knows. Available studies have shown that the I.Q.'s of adopted children correlate with their natural parents from whom they have been separated since birth and bear little relationship to the foster home. Also, the I.Q.'s of identical twins reared apart are almost as closely correlated as the I.Q. of identical twins reared together. This seems to suggest that intervention at birth may come about nine months late.

Several research projects are now being sponsored by the Office of Economic Opportunity and the Department of Health, Education, and Welfare which aim to find and identify methods of teaching "disadvantaged children" effectively. One project farms out the teaching of reading and other core subjects to independent contractors whose compensation varies according to the measurable progress of the students. Another project provides parents with vouchers, giving them a freedom of choice among schools, public or private, which they wish their children to attend.

Ventures of this type aim to stimulate imagination and, above all, competition among schools, which has so sadly been lacking under a system of virtual monopoly that left parents and students no practicable choice. How would you like to shop if there existed just one grocery store for your neighborhood and your only recourse were a complaint to a distant and quite independent board of grocery store supervisors? How good would service and values be under such a system?

To expand, intensify and systematize educational research, the President recommended to Congress the formation of a National Institute of Education. It will sponsor projects at schools, colleges and research centers as well as of individual scholars and also have some studies conducted by its resident staff. Ideas about improved education, no matter how attractive, must be tested before they are translated into huge undertakings. Some ventures in recent years did more harm than merely waste money. They were like the psychoanalyst who blamed his patient's appendicitis on early life experiences and tried to cure it on the couch.

Lavish promises to parents and taxpayers about improvement in educational achievements which went unredeemed have aroused widespread disappointment and deep unhappiness. Bitterness and recriminations have in many locations led to violence and senseless mob action whose consequences will plague us—and the affected children—for years. In numerous cities, well-intentioned men and women have raised demands or taken steps which not only split communities and multiplied civic strife and hatred but permanently damaged the education of millions of youngsters. Such action was often encouraged, sponsored or carried out by governmental authorities. I am reminded of a warning that Mr. Justice Brandeis gave more than four decades ago:

> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding. (*Olmstead* v. *United States*, 277 U.S. 478.)

In many locations, action intended to improve the education of large numbers of children has actually worked to retard their progress, to create conflict and chaos and to alienate large numbers of residents from the public schools. Some schools have been virtually ruined and some cities could be destroyed in the process if it continues much longer.

There is dynamite all over the place and if we do not "cool it," if we permit it to heat up more, it may blow up in a major conflagration. The main losers then might be the schools but the victims will be the children whose hope for the future depends on getting an education in schools that can operate only if there is no disruption or turmoil.

I have always been a great believer in community control in education and in other public services. This is why I regret that neighborhood control of schools was never given a fair chance in the sections of New York City where it was intended to be tried out. Intensified scientific research for finding more effective methods combined with greater influence of the parents on school policies might well offer the most promising solution. Actions and policies strongly opposed by the parents or lending to a diminished role of the parents in school affairs are unlikely to help the children. By pursuing a course that alienates their communities, some public schools may well be sawing off the branch on which they are sitting.

Grave problems loom ahead for the schools, public and private, and some of those problems are of a financial nature. This is why the President established by Executive Order a Commission on School Finance, which will report to him within two years. But the financial problems of the public schools don't amount to a crisis—unless the schools themselves, by their actions further weaken the affection and confidence of the parents and taxpayers upon whom their support inescapably depends. At this time, the danger of a deep and lasting split between the American public and its school system is present, but not immediately threatening. It is imminent and grave in the case of universities and colleges. I will therefore devote my remaining time to the ominous developments on campuses from coast to coast, which jeopardize the future of higher education in the United States.

The administrators of colleges and universities no less than those of elementary and high schools tend to view finances as their most pressing problem. "The most critical question facing higher education today is how to find sufficient resources", declared the Association of American Universities in April 1968. Considering the growing wave of campus revolts in recent years, some of us may doubt that finding sufficient resources truly is "the most critical question facing higher education today". Finding leaders capable of coping with the violent uprising could be more crucial.

Enrollment at Institutions of Higher Learning (IHL) multiplied about three times over the past twenty years, revenues ten times. With the rate of enrollment growth certain to diminish in the years ahead, the task of obtaining sufficient income should also turn easier. In all likelihood, though, it will not.

While enrollment was about evenly divided between public and private institutions until about 1950, there has since been a decided shift evident toward public IHL; seventy to seventy-five percent of the new students now enroll at state and city colleges, largely because of the ever-widening tuition gap. State institutions now charge less than one-fourth of the tuitions of private colleges. The latter depend on private donations to make up the difference between

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instructional costs and charges. But their gift receipts have not been rising as rapidly as the state taxes which support public IHL.

If present trends continue, most of the 1500 private colleges—about two-thirds of all IHL in the country—may within the next two decades have to close their doors or turn public. This would, to all appearances, not break the heart of those who set the tuition policy of public colleges.

General operational support of all IHL, from Federal or state sources is unlikely to materialize because two-thirds of all private IHL are church-connected. This raises constitutional questions that have so far proven insuperable. To provide federal funds only for the operation of public IHL would, of course, sound the death knell for the private colleges which Congress most assuredly does not want to do.

This is one major reason why the President in his Higher Education Message of March 19th stressed aid to students rather than to institutions. In his presidential campaign and in earlier years, Mr. Nixon has strongly advocated tax credits, for donations and for tuitions, as a means of aiding higher education. The Senate adopted such proposals on several occasions and a bill of that type could pass Congress any time with broad bipartisan support. The President has not changed his views on educational tax credits but has not pushed the proposal because higher education associations, with some exceptions, have taken an equivocal, and in some cases a negative attitude. Heads of institutions prefer direct grants which enable them to spend the sums according to their own judgment; they dislike indirect aid such as tax credits which would confer on parents and other college supporters greater powers in the decision-making process. Sponsors of educational tax credit plans, though they constitute a commanding majority, according to several polls, have so far not effectively organized to get their program adopted.

In recent years the urgency of pleas for the grant of direct federal funds to institutions has sharply intensified. This expresses the fear of the heads of institutions that their established supporters have become increasingly disillusioned and alienated and can no longer be depended upon to increase the funds as rapidly and as unquestioningly in future years, as they have in the past.

Mass riots, violence and wanton destruction that have taken place on about 500 campuses over the past six years—the most serious ones within the past two years—the forcible disruption of studies and abject surrender of orderly administration that have occurred and been permitted to continue, have seriously eroded the respect, affection and genuine pride which the American people have traditionally accorded higher education and its leaders. Outright hostility shown by faculty and students on many major campuses toward all efforts that would tend to strengthen the defense capacity of the United States, and violent action against defense research and ROTC activities, have widened the chasm between town and gown and turned admiration into suspicion, antagonism and scorn.

I can obviously not, in this context, adequately discuss the record and far-reaching implications of the campus revolt that started in Berkeley six years ago. But, neither can I avoid talking about the impact these events are likely to have on the future support of colleges and universities.

Several polls within the past few months suggest that the American public disapproves, with a ratio of between 3:1 and 5:1, of the student disruptions or closing down of colleges and universities by mobs of students, faculty and outsiders, that it favors the calling of law enforcement agencies and the National Guard on campus where college and administrators are unable to maintain orderly operations.

According to a Gallup Poll in March 1969, 84% of the public wants Federal aid withdrawn from campus lawbreakers. Administrators were not listening.

Possibly the most significant indicator of the public's resentment was expressed in a Gallup Poll on May 13–14 for *Newsweek* (May 25) in which respondents were asked who was primarily responsible for the deaths of four students at Kent State University: 11% blamed the National Guard, 58% the demostrating students, 31% gave no opinion. Since the facts at Kent State are not yet fully known—the President has appointed a commission to investigate the tragedy—the vote expresses the "gut reaction" or basic attitude of the public more than its judgment in the particular case.

The public sentiment is along being reflected in adverse votes on education issues on state and local ballots and is beginning to show in a diminished flow of incoming gifts. Sooner or later it may also be reflected in the treatment that colleges and universities can expect at the hands of state legislators who, after all, must shape their votes to conform with the wishes of their constituents, if they want to continue in public office.

This is why administrators look increasingly to the federal government for funds. But the prevailing sentiment in Congress bodes no good. According to latest reports, the President's recommendations and other proposals to aid higher education may not be acted upon by the 91st Congress—except for the establishment of a secondary market in guaranteed student loans—largely because of the campus revolt.

The public's ire is directed at the militants who have engaged in orgies of vandalism and destruction, but also at trustees, administrators and faculty members who have permitted them to do so with impunity. Those campus authorities have defaulted on their duty to protect the civil rights of other students and faculty, an overwhelming majority, to pursue their education, teaching and research without being subjected to coercion, intimidation, and physical assault.

It is difficult to recall now that the campus revolution started as a movement purportedly for free speech. Before long it manifested itself in preventing all who would disagree with the militants—faculty, students or public officials—from speaking. High officials of the U.S. government, such as then Vice President Humphrey and Secretaries Rusk and McNamara, were physically attacked when they tried to speak. Neither the President nor his top advisers would now be able to speak on most major U.S. campuses. Is this an example of dialogue or free speech?

Does anybody really believe that the student revolt would end or abate if the war in Vietnam and Cambodia ended tomorrow? The leaders of the action would invent some other cause. They do not want reform—they seek bigger ends.

The President of Stanford University and the president of its student body have recently acknowledged that behind most action is a small hard-core of revolutionaries who are "bent on nothing less than the destruction of the university, primarily as a way of bringing down the society itself."

Acts of arson, burglary and vandalism were committed on the Stanford campus in recent months. 45 policemen were injured in just two nights. The beautiful building in which my office is located—completed less than three years ago—was and still is partially wrecked. But it is in a better shape than the nearby Center for Advanced Studies in the Behavioral Sciences which was firebombed. An Indian scholar's life work there was destroyed. More than 30 ROTC buildings were fire-bombed and many other structures burnt on various campuses. Nonconforming faculty and staff were beaten up.

There are laws against such acts on the books of every state, imposing long prison sentences. Are the criminals who committed these acts now serving time in penitentiaries? How many of the faculty and students who participated have been expelled? Blackmail and violence have often been rewarded by college administrators with concessions and surrender. Most of the time, little effort was exerted to apprehend offenders and if identified they were usually granted amnesty. Small wonder that a reign of terror continues on campuses. Nor will it end until either the presidents and trustees of colleges and universities live up to their responsibilities—or somebody else does the job for them, which would, of course, be far less desirable.

Nobody questions the rights of students, faculty or administrators to make their individual disagreements known with any action of the U.S. government, foreign or domestic. But a university which takes a stand on a political issue—and a violent stand at that—destroys its value and forfeits its claim to be a center for impartial study and teaching. It transgresses upon the rights of the members of the academic community with different views.

It is too often forgotten that most parents send their children to college to learn, not to decide public policy. If students were mature enough to exercise such judgments, they would not need to go to college. But even if all seven million students on U.S. campuses disagreed with official U.S. policy—which, of course, they do not—what makes anybody think that they would have the right to force the hand of the lawful government and the duly-elected representatives of 205 million Americans? What makes the dissidents think that they can run the country—without subjecting themselves to the inconveniences of having to run for elective office to gain the consent of the governed before they try to usurp the right to govern? What the leaders of this movement really want is, of course, not to run the country but to ruin it. Shall we let them do it?

A society that does not defend itself is bound to destroy itself. To yield to mob rule is to end government by the people.

Less than two months ago I spent a week of discussions in Moscow. Soviet officials were quite frank in saying that they expect American foreign policy to be influenced and largely governed by domestic events, including violent mob action on our campuses. The Soviets expect that they can sit back and wait until we give in. They are, I believe, mistaken. But I am not surprised that they feel this way.

There are now signs that the patience of the American people is wearing thin. If aroused groups resorted to vigilante action as their last resort, as some did in New York a few weeks ago, the results could be tragic for our colleges and for the free institutions we cherish. A "backlash" could gravely harm our system of higher education, built up by the dedicated efforts of generations of Americans in more than three hundred years. Let us not forget that Rome was built in seven centuries, destroyed in a few days. There is still time to keep our higher educational institutions from going down. I hope and trust that it will be used well.

CONGRESSMAN FRANK HORTON COMMENDS SLOVAK ORGANIZATIONS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HORTON. Mr. Speaker, as representatives from Slovak organizations across the country gather in New York this week, I am pleased to call my col-

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leagues' attention to the Slovak World Congress.

Freedom-loving people of all countries take pride in the struggle of the Slovak nation toward national self-determination. The history of the Slovak independence movement is long and troubled. In many respects it reflects the democratic traditions of the United States.

I applaud the goal of the Slovak World Congress to work for the right of the Slovak nation for self-determination and to continue to struggle against the Communist threat.

The American people, who often take the privilege of a democratic society for granted, certainly respect the Slovak national experience and support their goals.

Another goal of the Slovak World Congress is to promote among the Slovaks throughout the free world a concentrated effort in taking a greater part in the public life and contribute in every way possible to the countries of which they have become citizens.

Because of the upheavals of the Slovak nation, the Slovak people are now scattered throughout the world. Yet they endeavor to preserve their collective identity as Slovaks. At the same time, they have made invaluable contributions to the world and have become part of the community they have chosen as their second home.

Mr. Speaker, the goals of the Slovak World Congress are indeed commendable. The experience of the Slovak nation for independence and unity can serve as an example for all of us.

PHILIPPINE WEEK IN CHICAGO

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. MURPHY of Illinois. Mr. Speaker, during the week of June 12 to 19, the Filipino Community in Chicago celebrated Philippine Week in that city. The dates for this celebration were chosen to coincide with memorable dates in the history of the Philippines. June 12 marked the 72d anniversary of Philippine independence from Spain and June 19 was the birthdate of one of the Philippine's national heroes, Dr. Jose Rizal.

Throughout the week, there were many exhibits at Chicago's Museum of Science and Industry featuring Philippine art, antiques, handicrafts, and various commercial and industrial products of the country. The day of June 13 was devoted to a highlighting of the cultural aspects of Philippine society. Folk dancers demonstrated native dances from several periods of Philippine history, a fashion show presented models wearing traditional and regional costumes, and typical Filipino music was performed. The highlight of the week was the State Street Parade on June 20 in which decorated floats depicted historical events and geographical features of the Philippines.

Today I want to congratulate the Filipino citizens of Chicago for their successful observance of Philippine Week. As chairman of the House Subcommittee on Asian and Pacific Affairs, I have long been deeply interested in the Philippines and have valued my friendship with the Philippine Ambassador in Washington. Festivities such as Philippine Week should be praised and encouraged not only for helping to preserve traditions and customs of one nationality group but also for helping to promote a greater sense of international understanding among all peoples.

SMUGGLING NARCOTICS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. ROBISON. Mr. Speaker, article 5 in the Christian Science Monitor series dealing with drugs gives a great deal of insight into how drugs get from the growing fields to the markets. Apparently much of these processed narcotics are carried by young drug users who are amateurs in the area of smuggling. This article serves as warning to those who might feel compelled to try his hand at the illicit drug traffic that the penalties are most severe in a number of nations—nations where parole and commutation of sentences are relatively rare.

The article follows:

YOUNG PEOPLE ON POT TRAIL GRADUATE TO NARCOTICS SMUGGLING

(By John Hughes)

KABUL, AFGHANISTAN.—All along the "pot trail" the story is the same.

From Instanbul an American girl mails her friends a few hashish-plant leaves "for a joke." Turkish authorities do not find it so funny. They jail her for three years for narcotics possession, with another 10 years for exporting.

A Peace Corps worker saves a Norwegian hippie's life. The Norwegian tried to jump off a building while on a "trip."

An American dope addict goes on a shooting spree, killing three Turkish policemen and wounding seven other people before he is himself shot and killed.

In Thailand a young American, already jailed on a narcotics offense, seriously mutilates himself with a razor blade while on a "trip." Thai authorities gave him medical treatment, but resist American Embassy pleas for his release.

Into the American Embassy in Afghanistan staggers a young girl. Her mind is "blown" by drugs. She is pregnant. She has been used as a prostitute for months. In response to the embassy's cabled appeal for help, her parents disown her.

STORY GROWS COMPLICATED

The length of the "pot trail" is littered with tragedies such as these. They are by no means unrepresentative. All are traceable to narcotics.

Drug usage by these youthful wanderers through Asia and the Middle East is often tragic enough. But the story does not end there. A new and more serious factor is the extent to which many are trafficking in narcotics across international borders.

Some have been recruited by big-time narcotics merchants to smuggle drugs into the United States on a professional basis. One such team of couriers is working for a narcotics ring on the American West Coast. They carry round-the-world tickets. They stay at luxury hotels like the Intercontinental in Karachi. If caught, bail and legal defense are quickly forthcoming. They keep quiet. They do not tell the name of their employer.

At present, hashish is the main merchandise they carry. Derived from the resin of the cannabis plant and with much more "kick" than marijuana, it fetches hefty prices on the American market.

Earlier this year, American customs agents made one of their biggest hashish hauls ever at Boston's Logan Airport. Ripping into wooden crates of musical instruments airfreighted from India, they found false bottoms filled with 600 pounds of hashish. Smart follow-up work by Indian customs officials and police uncovered another 745 pounds in New Delhi, ready for shipment.

The focus of this series is mainly on "hard" drugs like heroin. But the booming hashish trade is ominous. Hashish users are formerly marijuana smokers seeking a stronger "kick." When hashish begins to pall, it is to the "hard" drugs that the confirmed user must next look.

BIG-TIME PROSPECTS LOOM

If the demand for opium increases, or traditional sources are pinched off, experts foresee Afghanistan leaping into the big-time illicit narcotics business.

Technically illegal in Afghanistan, opium production is rife, particularly in such provinces as Badakhshan, Herat, and Nanghar. Already, perhaps 150 tons a year is smuggled over the border into Iran. Across Afghanistan's border with Pakistan, wild Pathan tribesmen roam with contemptuous disregard for authority, running opium, guns, gold, transistor radios, and whatever else makes money.

If the demand for Afghan opium (and its end product, heroin) grows in the West, the channels for smuggling already are being established. The hippie hashish couriers are paving the way.

The International Narcotics Control Board of the United Nations says it is "much disquieted" by the opium situation in Afghanistan. The Afghan Government admits that illicit production is beyond its control. But, says Foreign Ministry spokesman Amanulah Hasrat, "We don't have the equipment for detection and control. We need help, and we've appealed to the United Nations."

If opium production is to be wiped out in Afghanistan, the whole economy needs a sharp uplift. So far, there is no sign of the kind of broad, foreign-aided program that would make that possible.

The "pot trail" begins in Europe and winds down through the lands where drugs are cheap and easy to come by: Turkey, Lebanon, Iran, Afghanistan. Kabul, the Afghan capital and a haven for drug users, is known as the "Big K."

The trail continues through the Khyber Pass to Pakistan and on through India to Nepal, another pothead paradise. For some the trail goes even farther, to Thailand and Laos.

EASY PROFITS TEMPTING

Surging back and forth along this trail, on foot, hitchhiking, or by train or rickety bus, are thousands of young people from Europe and the United States. Some are students, seeing the world during vacation time. Others are hippies, beaded flower children, and dropouts from society, with no plans to go home. Not all are potheads.

But users and nonusers alike are tempted by the quick profits to be made from smuggling a kilo or two of drugs from a country where the supply is great to one where demand is high.

They move through countries where, despite official tut-tutting, the atitude toward narcotics is largely permissive. Drugs come easier than chewing gum.

Outside the Afghan capital of Kabul, the opium poppy sprouts in valleys almost within eyesight of government ministries. In adjacent Pakistan, children buy opium both from government-licensed dealers and illegal merchants.

Government spokesmen argue that drug taking is alien to local culture and has been stimulated by the inflow of Western hippies. Says one Pakistani official: "We are still modernizing ourselves. Alcohol and narcotics are equally taboo in our society."

Nevertheless some government officials in Pakistan themselves smoke hashish. So do Army generals in Afghanistan. Technically illegal, hashish is nevertheless readily available. At one party in the Pakistani capital of Islamabad, the host sent out for a kilo. The price: $15.

Hashish (known as "charas" in India and Pakistan) is the more potent product of the cannabis plant, derived from the resin. But the milder cannabis leaf ("bhang") is not controlled. Ground up with almond and pistachio, and diluted with milk, it is guzzled by the gallon.

TRUCK DRIVERS INVOLVED

Pakistani truck drivers are usually good for a couple of lumps of hashish. Their transport network makes it easy for them to move it from one end of the country to the other. They also use it themselves. One explained:

"The only way we can make any money is by driving round the clock. We use hashish to stay awake at night."

Hospitable policemen in both Afghanistan and Pakistan sometimes offer hippies a joint of "hash."

With this lax approach to drug use, some hippies have scented easy money for little risk. A couple of kilos of hashish, bought cheaply in Pakistan or Afghanistan, may fetch enough in the United States to support them for a couple of years. Some students have sought to finance their college studies with the profits from hashish smuggling.

GROUND RULES VARY

In many cases, the risk is greater than they imagined. Some countries are easy-going on drug users but throw the book at traffickers. Some countries still give a wrist slap for narcotics offenses. But others like Iran have introduced capital punishment—and apply it.

Some governments are particularly rough on foreigners. They go looking for them to show that foreigners, and not local citizens, are responsible for their narcotics problem. Often the pusher who sells drugs to the foreigner tips off the police.

In Pakistan—a good source of hashish—penalties for trafficking are still light. Karachi's police chief, Deputy Inspector General Mahommed Yusuf Orakzai, says he thinks they should be tougher. But at present, an offender spends only a few months in jail.

In Afghanistan, the foreigner caught trafficking by customs officers may simply be given a scare, then get sent on his way. Some hippies found with drugs at Kabul Airport have got off with a night at the police station, seizure of their baggage, and expulsion on the next plane.

The story is much different in Turkey, Lebanon and other countries where a foreigner may get 10 years to life imprisonment for trafficking in narcotics.

More than 400 Americans are currently in foreign jails for narcotics offenses. The conditions are often indescribable. Cells are overcrowded, filthy, ridden with rats. Food is foul. Homosexual assault is common. Parole and remission of sentence are rare. Says one observer in Lebanon:

"In this country they don't give prisoners time off for good behavior. They give them more time for bad behavior."

Foreign embassies can do little when their citizens fall foul of the narcotics laws in such countries. Though harassed by influential parents, congressmen, and senators, American consular officials explain that there is little alternative but for American youths to serve their sentences.

SPREADING THE WORD

What some governments are trying to do is drive home in advance to young travelers the ominous consequence of drug smuggling. In British and American embassies, notices warn visitors of the penalties. Visitors collecting mail are given similar information slips. In some countries there now are warning boards at the borders.

Last year the American consul general in Istanbul devised a plan to warn American hippies that Istanbul was not a "friendly and congenial place" for drug users and traffickers.

A retired Peace Corps worker circulated in hippie haunts explaining legal risks and penalties. He probably saved a number of Americans from being arrested. The American embassy in Spain sent one of its officers on a similar educational tour of hippie-frequented areas.

With many hippies, the narcotics smuggling is relatively small-scale stuff.

In Pakistan, hashish comes in a sole-shaped pack about half an inch thick. The hippie tries to get through customs hiding a kilo for himself, and perhaps a kilo or two to sell.

Methods are amateur. Many hide hashish in their portable transistor radios. But the word has gone out to customs officers. Now that is often the first place they look.

Many hippies travel barefoot, or in sandals. One with boots may have his heels full of hashish.

Others roll hashish in their prayer beads. Or stuff it in the back of picture frames.

One Dutch hippie in Afghanistan was even caught with a plaster cast on his foot full of hashish.

PROS ENLARGE SHIPMENTS

As the professionals take over, the shipments get bigger. Recently Pakistani police found 160 pounds of hashish stuffed in a leather Oriental cushion, consigned as part of a furniture shipment. Other shipments range up to 60 or 70 kilos.

A bomb scare at Beirut Airport cost one syndicate two suitcases full of hashish. Carried by a girl courier en route to Geneva from Kabul, the bags were held by Lebanese airport officials for additional excess baggage charges.

Then a bomb scare triggered a luggage search. Police found no bombs—but did get the hashish.

Here and there, the professionals lose a shipment. But there are loopholes and contradictions enough in the narcotics laws of different countries for them to weave their way through. Professional traffickers are usually better able to exploit these than the amateur, hippie smuggler caught with a kilo or two of hash.

India, for example, has been complimented on its opium-control system. Some 170,000 Indian farmers grow opium legally, according to D. P. Anand, chairman of the Central Board of Excise. They sell it to the state, which makes $10 million a year shipping it abroad for legitimate, medical purposes. For higher yields per acre, the farmers get more money. This incentive system has apparently done much to curb illicit diversion.

Foreign law-enforcement officers are enthusiastic about the thoroughness of Indian police on major antinarcotic investigations.

Yet hashish flows like a tidal race through India from neighboring Nepal. From the seaport of Calcutta it is shipped clandestinely to destinations all over the world. The Indian Government makes representations to Nepal.

But these are muted because India's relations with Nepal are delicate nurtured. Just the other side of Nepal lies Communist China. It too is wooing the border-straddling country.

SUNFLOWERS SUBSTITUTED

In Lebanon, authorities have cut back heroin production. In hopes of eradicating cannabis production for hashish, the government has substituted sunflowers. Their seeds, for vegetable oil, fetch good prices. Lebanon has won international plaudits for its enterprise.

Mahmoud el-Banna, director general of the internal-security force, says he hopes cannabis will be completely wiped out by next year. But influential Lebanese politicians are substantial landowners in the cannabis-growing area around Baalbek.

Sunflowers are certainly being grown—but in between them are rows of cannabis. Some experts say this year's cannabis crop is a bumper one.

In countries like Pakistan and Afghanistan the narcotics trafficker who gets caught serves only a short sentence, perhaps only pays a fine, before he is back in illegal business. One American found smuggling out two kilos of hashish in his shoes was told by Pakistani customs officers: "Next time, don't carry so much."

Without tighter laws and stiffer sentences, the narcotics flow out of this part of the world seems destined to continue and probably grow.

THE CASE FOR CONGRESSIONAL REFORMS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. WALDIE. Mr. Speaker, within the next few weeks this House will be considering legislation of historic importance. The subject will be congressional reforms and the issue may well determine the fate of our present system of representational government. If strong reforms are not adopted to make the House of Representatives more responsive to the needs of the people, I fear that its power to affect policy may be eroded beyond redemption.

The subject of congressional reform was recently explored by the Washington correspondent for the McClatchy Newspapers of California, Michael Green.

Mr. Speaker, Mr. Green's series on reforms is excellent journalism and I would encourage all the Members of the House to give it a careful reading.

The series follows:

FRUSTRATION OF HOUSE OF REPRESENTATIVES' YOUNG TURKS—I

"The House of Representatives is absurd and aloof in its insistence that it need make no dramatic changes at all in procedures and machinery developed to understand and solve problems of an agricultural, rural America of the 18th Century."

—Rep. Jerome R. Waldie, D-Calif.

(By Michael Green)

WASHINGTON.—Plato used his famous allegory of shadows on the wall of a cave to prove divine existence.

Proof that most members of Congress actually exist also rests on a resort to analogy.

For until congressmen are well into their fifth, sixth or seventh terms and beyond, they are invisible to the naked eye, their existence confirmed only by the quiet shadows they throw across the floor and walls of the congressional cave and occasionally across a TV screen in cities in their home districts.

The discovery made by the larger world that these congressmen actually exist, made whenever one of them bursts into the ebbing twilight of congressional seniority, recalls the moment of recognition that so delighted the early thinkers like Plato.

"Behold! human beings housed in an underground cave . . .; here they have been from childhood, and have their legs and necks chained so that they cannot move and can only see before them."

Members of Congress express it in more modern terms today.

"Being elected to Congress is like going into retirement," said one junior, four-term member recently. "I consider myself retired."

SOME ADVANTAGES

Looking forward to campaigning hard for his fifth term, he was candid about the job's numerous advantages.

"I make about $25,000 from my law practice, but I don't have to practice law anymore. And I make $42,500 from being a member of Congress, but I don't have to practice Congress much, either."

He smiled and shook his head as if in disbelief that all the idealistic hopes and dreams he had had when he first entered Congress had come to thus. "It's a great life."

Agreed another young member: "As some guy said, it beats heavy lifting."

He, too, plans to run for re-election. But the time when he may decide to shuck it all and get out draws closer. The thought, he confides, becomes increasingly attractive.

Both young congressmen share a number of common traits. Each, despite his portrayals of soft indulgent congressional living, is a hard-working, conscientious member, more than earning his pay and wishing only that he had been able to do and accomplish more.

Each is frustrated by a system he believes is hopelessly outdated in its procedures and unresponsive to the times. It is a system in which power in the House has become fragmented and scattered into the hands of aging committee chairmen who administer their committees like so many medieval baronies, each with its own special interests, domestic policies and sometimes, foreign policies, as well.

The result is that the House resembles a sort of drunken centipede, all legs going in opposite directions at the same time.

The two hard-working congressmen who picture themselves in "retirement" were really using shock terms to portray what they felt was the obscurity and irrelevance to which members are assigned who have not yet neared seniority.

A congressman from Los Angeles, Rep. Thomas Rees, put it this way in a recent statement to his constitutents:

"When we refer to ourselves as the 'younger' members, I should explain that most of us are in our 40s, and that, while we are not considered young by those outside the environs of Capitol Hill, in the House we are considered to be in diapers when the Speaker is 78 years old and the chairman of the Rules Committee is 80.

"In fact, if there was ever a lost generation, we are it. The kids don't trust anyone over 30, and the old bull elephants of the House don't trust anyone under 60. Those of us in between are the limbo generation."

Rees tried to explain to his constituents that the House of Representatives was "not like the outside world":

"Nothing changes. A congressman has his set place in the fixed galaxy which is ruled by the all-high-holy principle of 'seniority'. The only changes of position in this medieval paradise occurs when: 1. A member dies. 2. A member is defeated for reelection. 3. A member actually decides to retire voluntarily—a rare occurrence. Other than these terminal contingencies, the system remains the same."

While seniority and experience are important factors, he says, the system at present denies "ability, competence, knowledge, ambition, vigor, youth, awareness and education."

Recalling his experience as a freshman when he first met the seniority system headon, he compares it with "taking a dip in the Arctic Ocean in December." Seniority, he noted, determines a member's committee assignment, his seat at the committee table, when he is allowed to ask a question of a committee witness, the size and location of his office, the location of his parking space, and when he is given recognition to debate a bill or offer an amendment on the floor.

"We all knew when we ran for Congress that a seniority system existed, but we didn't know that it was completely, 200 per cent inflexible and covered everything on Capitol Hill except the use of the public restrooms. There at least we have equal rights."

The inflexibility of the seniority system, the young congressmen believe, is only one of the basic ills which slowly erodes the energy, idealism and hopes of dedicated men who enter Congress and strive thereafter, sometimes for years, to try and solve urgent national problems before succumbing, at last, to either the system or to their own frustrations.

WALDIE'S CONCERN

Rep. Jerome Waldie, the two-term Democratic congressman from Contra Costa County who recently challenged Speaker John W. McCormack in the House Democratic caucus, is more concerned over the diffusion of power and the absence of any effective central leadership.

Though other reformers like Rees and Rep. Allard K. Lowenstein, D-NY, disagree with him, Waldie would give the Speaker full power to appoint and remove committee chairmen on any basis he saw fit. Party caucuses would pick the rest of the membership of the committees.

"When you know who exercises power, you can fix responsibility and remedy abuses," Waldie argues. "But when power is so diffused that nobody knows who exercises it or fails to exercise it, there is no remedy."

Nor, he continues, can Congress function truly as a separate branch of government and in balance with the executive. Though Democrats overwhelmingly control the House, nonexistent leadership and the diffusion of power among the committee chairmen has made the fact of a Democratic majority as irrelevant as Waldie feels Congress itself has become in confronting national problems.

"Insofar as anyone now exercises leadership in the House, I would say it is exercised by the President and Jerry Ford, the Republican minority leader."

Formerly the majority leader of the California Assembly, Waldie would model the House after the body he knew under the tenure of Jess Unruh as Speaker, with all the modern, up-to-date research facilities and other devices Unruh introduced to strengthen the Assembly as an independent branch and with the kind of party discipline and cohesion necessary to produce effective legislative programs.

For at least a few California congressmen, the contrast between their earlier service in the Assembly under Unruh and the system they have encountered in Congress is a basis for much of their present disillusion and zeal for House reform.

"In the Assembly, you really felt you could get something done if you had a good idea, and you didn't have to wait forever to do it," says Rep. Robert L. Leggett, D-Vallejo, one of the "Fearless Five" on the House Armed Services Committee who has futilely but consistently challenged the autocratic rule of Chairman Mendel Rivers, D-SC.

Rep. Rees was another who found his talents and energies quickly put to good use in the California Assembly and who, like Leggett, Waldie and others, is determined to modernize procedures in the House.

"I've had it with House customs," he declared after three years of working behind-the-scenes to change the system. "I see no other way than by direct challenge of changing the House to become the vital and responsive body that it must be."

Lowenstein, the young reformer who launched the "dump Johnson" movement in 1968 and was elected to Congress that fall, quickly learned that the possibility of leadership—or even a voice—in national affairs, was even more remote in the House than it had seemed when the poltical pros had first told him he had no chance of dislodging an incumbent president.

NO RECOGNITION

He was appalled upon reaching the House to find that issues were seldom debated, votes often not recorded, little seemed being done to confront urgent problems, and that militants such as himself were not even defeated by the Establishment—they were merely ignored.

"All the tests people use to decide whether you are a good congressman have almost nothing to do with whether you are a good congressman," he said. Attending roll calls, co-sponsoring bills, putting speeches in the Congressional Record furnished a way to appear busy while avoiding quieter, more substantive accomplishment.

He quickly identified himself with the young reform congressmen like Rees, whom he admired for trying to bring about basic reform, becoming one of a dozen or so leaderless members who meet regularly with each other on reform issues.

"I want the power in the caucus," Lowenstein argues. "Let the members decide who the committee chairmen should be."

Leggett agrees, fearing that putting too much power in the hands of the Speaker could produce a dictatorial leadership which would be even more autocratic than the present committee chairmen.

Though Waldie's fellow reformers prefer "participatory democracy" in choosing committee chairmen, his own remedy of strengthening the House leadership finds apparent support in the view of at least one historian.

In his book "Power in Washington," Douglass Cater traced the present diffusion of power and resultant weakening of Congress as the product of earlier reforms which produced consequences opposite those intended.

Thus, the revolt against the tyranny of Speaker Joe Cannon and the House Rules Committee early in this century resulted not in eliminating the abuses of power but rather in dividing the power among equally autocratic but more invulnerable committee chairmen.

Later, the Legislative Reorganization Act of 1946, which reduced the number of committees over which the autocrats held sway, did little more than concentrate the power of remaining committee chairmen. Additional weakening of the rules committee made the Speaker no less weak and the committee chairmen no less invincible.

The result, Cater recounts, is that even so strong a personality as the late Speaker Sam Rayburn never dared challenge the chairmen openly, and McCormack has lacked even Rayburn's capacity to get his way at least some of the time on major issues through sheer force of presence and legislative skill.

Thus, the young reformers find the House in the 1970s to be irrelevant and impotent in the face of the revolutionary changes taking place in the country at large and the urgent problems they create. Says Waldie:

"Crime is increasing astronomically; our cities are literally decaying; our environment is being lost; our people are losing confidence in themselves and in their institutions and are being overtaken by fear of many things—

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all symptoms of a deterioration in America and its institutions of stability."

HOUSE REACTION

In the face of this, he notes despairingly, the House "too often does not seem to even note the existence of those problems, let alone appear to be seeking means of responding."

Some, like Rees, Lowenstein, Leggett, Waldie, and others, are trying. But grounds for optimism seem remote when young congressmen can confront the kind of everyday experience one member did.

After serving actively for several years on one committee, the congressman was startled the other day to learn that when the clerk called his name at a committee session, the aged chairman leaned forward and inquired, puzzled: "Who is he?"

YOUNG CONGRESSMAN INTRUDES UPON CUSTOM—II

"The timing is bad."

—Rep. Morris K. Udall, D-Ariz.

"The timing is always bad if you have to stand up."

—Rep. Jerome R. Waldie, D-Calif.

(By Michael Green)

WASHINGTON.—They all work within yards of each other in one of the three busy House office buildings that stand in a row across the street from the Capitol building: The quasi-respectable, traditional reformers of the House, like Rep. Richard Bolling, D-Mo., and Rep. Morris K. Udall, D-Ariz.; the new young reformers—more impatient and less respectable, and the senior members of the congressional establishment who understand neither group and are the most respectable of all.

Within the work-a-day world of Congress, members of the three groups mix continually in more or less good-natured fellowship and rivalry. Mortal disagreements over legislation and policy on the floor quickly fade in the personal, face-to-face socializing that attends congressional existence in hundreds of daily, commonplace encounters.

But when members retire to the privacy of their offices, the differences that separate them in political philosophy and the jockeying for position and power surface.

On a given morning, a tour of the offices provides a bird's eye view of the unsettled state of Congress early in 1970 and of the competing groups of men who make it so.

The anxious talk and quiet struggles taking place on the particular day center around a resolution that 45-year-old Rep. Jerome R. Waldie, a two-term Democrat congressman from Contra Costa County, has just announced he plans to introduce at the next House Democratic caucus.

The resolution is brief and simple. It calls for a vote of no confidence in the House Democratic leadership headed by 78-year-old Speaker John W. McCormack.

A symbolic gesture of defiance everyone knows is doomed at the outset, nevertheless it touches exposed nerves everywhere and quickly becomes the chief topic of conversation in the privacy of the inner offices, in the corridors, at breakfast in the members' dining room, on the miniature subway car that shuttles back and forth between the House office buildings and the Capitol.

There are few people the resolution does not worry, from the loyalists who hover around McCormack to his traditional enemies who fought for reform in past years.

It is disturbing in its unexpectedness. Waldie is virtually unknown. There has been no particular plan or scheme by the traditional reformers of which this was to be a part. The leadership, too, is taken by surprise. The motives behind the resolution are unclear and its capacity for mischief uncertain. Older reform leaders and House establishment leaders alike are on the spot.

Of no one is this more true, perhaps, than Mo Udall, the tall, lean, high cheek-boned younger brother of former Interior Secretary Stewart L. Udall. More clean-cut than his brother and lacking his five o'clock shadow, he speaks with the same Western twang and timbre, but each syllable and vowel is perfectly pronounced, as would befit any graduate of elocution classes at a Boston finishing school. In addition to his intellect he is highly regarded for his flashes of formidable wit by House colleagues. Today, his mood is all business.

He sits forward on the edge of the big, brown, high-backed leather chair in his office, laces his fingers together on the desk and gazes with clear, steady eyes.

At 48, re-elected to Congress five times, he wants to be Speaker when McCormack retires or is forced out next January. Last year he tried and failed, getting only 58 votes. It was a futile, last-minute effort. He found colleagues already had given pledges to McCormack because they thought he would be unopposed.

This time Udall thinks he can piece together the fragile coalition of North, South, East and West. Few share his belief. But now he has time to plan it right and try to put it together.

What haunts him is the possibility of a replay of the events and forces that humiliated him last time. He has become more cautious, doing nothing to antagonize potential supporters. Making waves now could dash the whole thing.

"The timing of Waldie's resolution is bad," he says. "I just think it's going to do more harm in the long run that any good that might result in the short run. Ordinarily, members wouldn't make any commitments to the Speaker this early. But I'm afraid they might be forced into committing themselves to him now. If they have to choose sides in the middle of a session, they'll choose the sitting Speaker."

He is asked if he is aware a group of new, young, reform-minded congressmen is coming up in the House, playing the militant role he once played and playing it without him at their Tuesday morning breakfast club.

Udall replies with controlled impatience and a hint of suppressed anger behind the hard smile. "Yes, I know."

CLUB MEETS

It is Tuesday morning. Across the streeet from Udall's office building, the young members of what is unofficially and unsubversively called "the Tuesday morning revolutionary group" gather in the office of Rep. Abner Mikva, D–Ill., elected to Congress only two years ago but already active in the effort to reform House procedures.

The weekly meetings rotate between the offices of the six or seven congressmen who make up the steady membership: Rep. Thomas M. Rees, D–Calif., Rep. Andrew Jacobs, D–Ind., Rep. Patsy Mink, D–Ha., Rep Allard Lowenstein, D–NY, Rep. Lee Hamilton, D–Ind., and occasionally others. There is no leader.

Militants on the Republican side have a counterpart group.

The breakfasts are light. The conversations range from light to earnest.

Today, Waldie attends. Normally, he does not belong to the group. For one thing, the regular breakfast of California's Democratic congressmen, which he always attends, meets on the same morning. Secondly, until now Waldie has not thought of himself as a revolutionary. Having always considered himself a part of the Establishment, his new role seems to surprise him only slightly less than it does his colleagues.

If there was an exact turning point, it came after long months or even years of sitting quietly on the floor of the House, absorbing it all, taking it in, watching the Vietnam war drag on and on and listening to the excuses and justifications pour in; then, watching the steady decay of cities while Congress did little, and finally, feeling that nothing was happening in general in response to the problems confronting the country, and that the failure of the House Democratic leadership to lead and the unheeded cries for House reform were responsible.

The explosion came spontaneously at the closed Democratic caucus in December when Waldie listened to the sycophants and hangers-on parade before the leadership with paens of praise for its few small accomplishments, until, he recalls, he could listen no longer.

Rising, he denounced "the dismal lack of leadership" that resulted in putting House Democrats on record as seemingly in favor of President Nixon's Vietnam policy which, Waldie believed, only served to drag out the war.

"It was scary," he said afterward, remembering the way colleagues turned to stare at him.

But he had crossed a mental bridge after four years in Congress. Now he sat with the Tuesday morning revolutionary group. He already had stopped by the breakfast of California Democrats and read to them the text of his resolution and a letter he had sent to Speaker McCormack. More blank stares. Some tried to explain that his timing was wrong.

LITTLE ENTHUSIASM

The reaction elsewhere around the Capitol varied from avoidance to studied nonchalance. Behind his back, he was denounced as a publicity-hound and trouble-maker. Older colleagues who had been gaining in seniority and were waiting to come into their own were outraged by his attack on the seniority system.

The revolutionary group listens quietly as Waldie reads the same resolution and letter. Some are ready to cross the same mental bridge. Tom Rees looks back over three years of quiet, behind-the-scenes efforts to achieve reform that produced nothing. Now, he agrees, only public opinion and pressure from the outside can ever force the House to reform itself. Others agree something has to be done now but are fond of McCormack and indebted to him for small personal kindnesses. The meeting is inconclusive. Someone, it is felt, should do something to put the case to the public in a dramatic way. But no one volunteers.

Waldie buttons his suit coat and walks out with only moral support for his own resolve. Later, some of the group will join him actively, as will a few not of the group, like Rep. Robert L. Leggett, D-Vallejo.

MC FALL IS ANGERED

In a third office building, another Californian, Rep. John J. McFall, D-Manteca, with 14 years' seniority and a post as zone whip for the leadership, is angry.

"Waldie couldn't do a better job to help Republicans get control of Congress next fall if the White House had sent Lynn Nofziger down here to introduce that resolution."

What, he wants to know, are the young reformers complaining about, anyway?

A stronger Speaker, similar to what Jess Unruh had been in the California Assembly, is one demand.

"Does he want a dictatorship?" cries McFall, who is helping McCormack put together his rebuttal to Waldie's attack. "Is that what Waldie wants—a dictatorship?"

Waldie also feels oppressed by what he feels are autocratic committee chairmen.

"Why, this is the most democratically-run parliamentary body in the world!"

There is the Vietnam resolution that, Waldie believes, forced House Democrats either to vote for a policy many of them did not trust or, by opposing it, appear unpatriotic, and offering no opportunity for amendment.

"What was wrong with that resolution? Almost every member of Congress and almost every Democrat voted in favor if it. They must have agreed with it."

McFall admits he doesn't understand the young reformers.

"I really don't know what they're talking about. I really don't."

House Reform Measure Is Under Consideration—III

(By Michael Green)

"It looks as if we'll finally get a reform bill out of the Rules Committee soon . . ."
—Rep. Allard K. Lowenstein, D-N.Y.

Washington.—There is beginning to be a gradual awareness among some senior Establishment congressmen that the American people no longer go to Congress to be saved, that the rhetoric of past legislative glories no longer addresses itself to current problems, and that some change is required. But the awareness is not widespread.

Thus, the words of the New Deal spirituals still are sung lustily by the House Democratic establishment and Speaker John McCormack, like a Chautauqua rider, still rocks and rolls with the fervor of the old faith. Indeed, the new Democratic "populism" on which many candidates will campaign this fall goes back even further, to William Jennings Byran.

But young, reform-minded congressmen know, if their senior colleagues do not seem to, that the days of the political faith healers are done and that the old catechisms have lost their magic. The past has not delivered to the present. Sick cities have not responded to a touch and a sigh. The poor have not shaken off their hunger in response to the summons to deliverance, and the young still are enraged by the spectres of injustice and war.

A recognition of the need for modernization and reform has been acknowledged by the House establishment and, as a result, talk of reform is in the air. When the reform deals specifically with reorganizing the House of Representatives, however, the air is likely to be similar to the stale, dim variety found in the cocktail lounge of the Congressional Hotel and the talk little more than talk.

The officially appointed Establishment reformers also are apt to seem a bit pale in contrast to the young non-Establishment militants whose quixotic charges more readily capture public attention.

A slightly overweight, middle-aged staff man who works with a subcommittee of the House Rules Committee studying the thought of reform, leaned back in a chair in the darkened bar of the Congressional at lunchtime the other day.

Conservative in politics, religion, dress, temperament and drinking habits, he was not the kind of man likely to be mistaken among reformers as a zealot.

Hands folded in his lap, he reviewed the work of the subcommittee on reform to date, including its consideration of seniority, of which his chairman has amassed 16 years.

"We decided," he said, frowning thoughtfully, "not to get into the question of seniority.

"We decided that seniority was a function of party and that our subject was the reorganization of the House rules, and these have absolutely nothing to do with the question of seniority."

The decision to appoint committee chairmen and members on the basis of seniority, he explained, is made independently by each party in its respective caucus, and either party is absolutely free to change the system any time it wishes under the existing rules.

This was only one of the important decisions reached by the official reformers, however, he said.

For months he has been working on the intricacies of the various reform proposals being considered by the subcommittee, winnowing and sifting through scores of ideas submitted by reform-minded congressmen over the last several years.

Out of them will come a single reform bill which the House is expected to take up this month or early in April.

It must be approved first by the House Rules Committee, headed by 80-year-old Chairman William Colmer, D-Miss. More militant reformers do not envision sweeping recommendations or serious challenges to the present system.

AGREEMENT

The staff aide, still frowning thoughtfully, acknowledged that this was so. Maintaining an expressionless face, he scanned the menu.

What about new legislation to require members to disclose fully their financial interests and clamp down on conflict of interest?

"No, we didn't get into that."

What about tougher laws dealing with lobbyists?

"Well, now," he said, leaning back in the chair again, "we decided that our subject was legislative reorganization and therefore we didn't get into the question of lobbyists. We decided we would report out a bill under an open rule (allowing any amendments members wish to offer from the floor) and let the House work its will. If it wants to deal with some of these other questions, it's completely free to do so."

Any chance of outlawing secret committee sessions from which the public is barred?

It was decided, he said, not to eliminate closed committee sessions but give the authority to do so to a majority of committee members instead of just to the chairman.

He could be no more encouraging on another basic demand made by younger and more militant reformers—that votes of members be recorded in meetings of the House acting as a committee of the whole. At present, a member may pass up the aisle and be counted bodily for or against a measure on a teller vote, but his constituents need never know how he voted.

"The subcommittee had denied that it would only come out with a bill that all its members could agree on," he explained. Because some members opposed recorded votes, the subject was dropped.

The requirement that the subcommittee be unanimous on all items included in the reform bill applied to all its provisions. There were, in addition, two other ground rules: Only reform proposals considered to be constructive would be considered, and the reform had to have "a reasonable chance of being politically attainable."

Between these three considerations, most of the reforms demanded by militant young members, as well as by some of the older non-Establishment warriors of reform like Rep. Richard Bolling, D-Mo., were dispensed with before the serious work of the subcommittee even began.

It would be a mistake, however, to conclude that the official reform bill that finally emerges will not contain any serious proposals.

As outlined by the staff aide, the subcommittee draft offers two significant and potentially far-reaching reforms which, though they do not begin to meet the minimum needs for reform seen by the young militants, might eventually alter procedures in the House to some extent.

For this reason, the most controversial of the two—a proposal that would, on paper, anyway, weaken the power of a committee chairman, probably faces a doubtful future.

The subcommittee voted to place control of the committees into the hands of the members instead of the chairman and ranking minority members in determining the conduct of committee business.

This would mean, theoretically, that a chairman no longer would have absolute power to decide when and if to hold hearings or conduct an investigation, whom to hire, what legislation to consider, or when and whether to report out a bill.

In addition, a majority of the committee members belonging to the minority party would speak for the minority instead of, as at present, having the ranking minority member do so.

Recommendations also are included that would make it impossible for a chairman to stymie committee business by being absent. The new rules would allow any three committee members to request a special meeting in a chairman's absence, subject to approval of a majority of the committee. The ranking majority member would preside.

BASIC RIGHTS

Practically, such rules might mean little actual change in committee operations if chairmen can still stack the committee membership in their favor and if the tendency of members still will be to go along in order to get along. It would, however, establish basic rights of committee members which they could assert in extreme circumstances.

The other major reform proposal is less controversial but potentially more important and far-reaching.

For years Congress has suffered vis a vis the executive branch in not having the type of staff and research facilities that would enable it to make independent judgments on executive proposals or to understand and cope with the mass of information involved in running the federal government.

Individual congressmen, similarly, have had little in the way of research and services to help them cope with the tide of complex information that sweeps in on them.

To help remedy this, the new rules would establish a modern congressional research service in the Library of Congress with a network of legislative analysts assigned to congresssional committees in close working relationship.

A computer operation would be placed under the complete control of a joint House-Senate committee and would help furnish the kinds of information on, for example, the federal budget, that the average congressman cannot now get.

In addition, closer liaison would be established with the General Accounting Office, the congressional watchdog on government spending, which has special expertise in such areas as defense expenditures and contracts.

The model for much of the proposed operation has been the type of research services and modern equipment introduced into the California Assembly when Jess Unruh was Speaker.

The House reform subcommittee had the benefit of the advice and recommendations of the Assembly's legislative analyst, Alan Post, in trying to adapt portions of the California system to meet the needs and problems of Congress and its myriad committees and subcommittees.

THIRD PROPOSAL

Still a third major proposal—to open the House and its committees to live TV coverage—was outvoted in subcommittee. In this instance, an attempt will be made to reverse the decision in full committee and send the recommendation to the floor even though members of the subcommittee are not agreed on it.

Worthwhile and sensible as these modest reforms might sound to casual and approving observers, the handiwork of the subcommittee cannot be considered outside the political context in which it will be presented.

Thus, for a subcommittee supposedly intent on honest reform, even in the limited area it dealt with, the proposed bill is curious in two ways:

It is striking for its absence of sweeteners—the kind of sugar-coated inducements normally added to reform bills to make the palatable to those congressmen only lukewarm to the idea of reform. Without such sweeteners, there will be little reason for many congressman to take the bad medicine.

The subcommittee aimed a direct slap in the face at the Senate, which also must approve the bill as drawn.

For years, the House has fumed because the Senate amends House bills that would not have been germane if offered under House rules. Much of the most progressive legislation to come out of Congress in recent years only emerged because of this method.

The new rules would bar the House from considering such nongermane Senate amendments unless two-thirds of the House members agreed, a number impossible to muster on virtually all major legislation.

There is at least some suspicion the official reformers have placed a self-destruct button in their modest reform bill.

When the full committee acts on the subcommittee report, it will be behind closed doors. Anyway, the more militant reformers are not holding their breath in anticipation of the result.

McCormack Sees Trouble on Right, Left as House's Young Rebels Grow Restless—IV

(By Michael Green)

"I believe there is a weakness of the Democrats which we should now exploit, and which would materially assist us in attaining majority status in November. This is the seniority system."

Rep. Paul N. McCloskey, Jr., R-Calif.

Washington.—The House is a place of waiting. Young members wait for their colleagues to die, retire or be defeated at the polls. Older but still junior members wait to move up the ladder on their committees. Even older members, some who have waited for decades, wait longer for the few, cherished top jobs finally to open up. And the most senior members of all wait out the remaining years in hopes of prolonging the moments of power and influence they waited so long to attain.

Many now wait on Speaker John W. McCormack, 78; Rules Committee chairman William Colmer, D-Miss., 80; Judiciary Committee chairman Emanuel Cellar, D-N.Y., 81; Interior Committee chairman Wayne N. Aspinall, D-Colo., 74, and on others.

When McCormack looks to his right from the speaker's chair, toward the Democratic side of the House chamber, he sees a smattering of Young Turks who have proclaimed themselves tired of waiting. But he has become accustomed to their fervent, frustrated outbursts. In the past, the danger they have posed has been minimal, he knows.

When he glances to his left, toward the Republican side of the chamber, he might find cause for more alarm. The faces there, on the average, seem somewhat younger. House Republicans proclaim themselves the vigorous, modern-type leaders Congress and the country so badly need.

Seated at the desk reserved for the Republican minrity leader is Rep. Gerald R. Ford of Michigan. He is 57 and looks 10 years younger. He, too, McCormack knows, is waiting. He would like to be sitting in the speaker's chair next January.

The prerequisite is that voters this fall send more Republicans than Democrats to the House. Ford believes he has found a plan which may persuade them to do just that. It is to convince the electorate that Democratic leaders and committee chairmen in the House simply have become too old and tired to respond to current problems.

If McCormack and other powers in the Democratic hierarchy have not yet perceived the scope and seriousness of the challenge, reform-minded younger party members have. They successfully prodded the leadership to undertake at least a study of the seniority system which keeps so many waiting.

But the party leaders quashed an effort to come up with recommendations before the fall elections. McCormack, in the meantime, busily began lining up votes to re-elect him to the speakership for still another term well in advance of the choice to be made next January. He would be 80 at the completion of it.

For the first time in his benign non-reign, there now may be cause for him to sense danger when he looks to the right at his own party ranks.

POSTPONEMENT

The move to postpone a report from the seniority study group until next January proved too much for 19 reform-minded Democrats. The chance for public awareness of the issue and pressure for reform would be lost and with it, they feared, all chance for reform.

Led by two Californians, Reps. Thomas M. Rees, D-Los Angeles, and Jerome R. Waldie, D-Contra Costa County, and by Rep. Allard Lowenstein, D-NY and Rep. Brock Adams, D-Wash., the rebel group called a press conference to announce its intentions.

They no longer could be counted on, the reformers said, to vote automatically for the Democratic caucus choice for speaker next year. They would keep their options open. Some, like Waldie and Rees, went as far as threatening to vote for a Republican if a reform program failed to emerge from the Democratic side.

They asked others to join them. A switch of only 30 Democratic votes, given the present party division in the House, would be enough to elect a Republican speaker.

It had become, in the words of one congressional aide, a game of "guts ball."

M'CLOSKEY NAMED

Ford was not, Waldie noted, his idea of "the nation's most ardent reformer." He suggested the Republicans put up a candidate for speaker like Rep. Paul N. McCloskey Jr., R-Calif, instead.

But there was at least the calculation that Ford could be counted on to act as a political animal. Observed one rebel.

"Jerry Ford would agree to reform the House clear down to the subway system if he thought it would get him the votes to make him speaker."

The calculation became quickly confused, however, with published reports that a number of Southern Democrats have been negotiating privately with Ford to see what they might get if they, too, were to bolt their party and vote for a Republican speaker.

Clearly, reform-minded House Democrats would find little solace in being part of that arrangement. But it could make their own votes more precious to the Democratic leadership.

Ford is aware of the discontent at both ends of the Democratic spectrum in the House. He sat in one of the deep leather chairs off the House floor last week and studied with obvious fascination a newspaper clipping handed him about the threat of Democratic reformers to vote for a Republican speaker.

He did not want to make any public comment on it yet.

"I want to think about it,"he said.

Laying the clipping aside, he began praising the work of a new House Republican task force also studying ways to change the seniority system. Unlike the Democrats, he observed, the Republicans will be coming up with their recommendations before the fall elections.

He looked at the newspaper clipping again, frowning. "Can I keep this?" he asked before strolling thoughtfully back onto the House floor.

There will be time and opportunity later to maneuver for the speakership, he knows. The fall elections come first and he already has charted that course.

The idea came not from him but from young "Pete" McCloskey, the freshman congressman from San Mateo. It was to exploit the aged appearance offered by the House Democratic leadership.

Like many of the junior members on the Democratic side who banded together to work for reform, Republicans like McCloskey also have a reform group.

In the waning days of the last session of Congress, they conducted what came to be known as "The Children's Hour," keeping the House up all one night with lengthy quorum calls and other parliamentary devices to try to force Democratic leaders to call up a pending reform bill. They failed then, but this session Democratic leaders grudgingly agreed to write their own version of a legislative reorganization measure. A weak effort—even its drafter, Rep. B. F. Sisk, D-Fresno County, agrees it does not merit the label of "reform"—it still has not emerged from the Rules Committee.

PLAN IS BORN

The idea of gaining a Republican advantage by pointing to the weakness of the Democrats on the issues of reform and seniority occurred to McCloskey early last winter. In a letter to GOP national chairman Rogers C. B. Morton, he noted that the average age of Democratic committee chairmen under the seniority system was well over 70 and that three chairmen would be in their 80s this year.

"I would propose that the Republican members of the House and Senate agree that in the event the Republicans achieve a majority in either house, we will adopt a rule whereby committee chairmen are selected on the basis of administrative and management skill, rather than on seniority alone."

The average age of the presidents of the 25 largest corporations in America, he observed, is 57.

Encouraged by Morton to take the idea to Ford, McCloskey wrote again. He proposed specifically that the Republicans promise to elect chairmen on a merit basis. It could be done by picking from among committee members under the age of 70 but with five years experience on the committee, he suggested. All members who had served on the committee the previous session would vote to pick the chairman.

"It seems to me that a firm Republican declaration of this position, properly timed, and coordinated with the processing of the congressional reform bill, would capture the enthusiasm of the younger generation, and would enable us to capitalize on the serious vulnerability of the Democratic leadership's age and unresponsiveness to the problems of the 70s.

TV TELLS ALL

"A few more nationally televised joint meetings of Congress, with the President backstopped by the speaker, will get the point across better than any written argument."

In replying, Ford was careful not to commit himself to any specific proposal for changing the system, or even to any change at all.

But he obviously was delighted by the tactic suggested.

There automatically would be a substantial switch to a younger generation, aside from any changes in the seniority system, if Republicans won control of the House, Ford noted.

"I have not figured out the precise age differential but it would be an over-all improvement both in age and quality. In my opinion," he wrote, underlining the passage, "Republicans should use this in the 1970 campaign, particularly among our youth and

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in the academic community. It is a legitimate campaign issue."

As for the seniority system, Ford promptly agreed to the appointment of a GOP task force to study the issue. It is headed by Rep. Barber Conable, R–NY, one of the leaders of the Republican reform group in the House. He will work under the GOP House research and planning committee headed by Rep. Robert Taft, R–Ohio, one of the leaders of the "Children's Hour."

The two task-force groups studying reform—one Republican, one Democratic—have set about their work.

There are no guarantees either will produce recommendations for meaningful change, nor whether one of them will make recommendations before the elections. Nor will they study other areas of reform badly and equally needed, in the view of reformers, in order to make the House a modern institution.

All there is so far is the agreement to take a look at the seniority system and to do so at a time when the voters are watching and the winds of change are blowing elsewhere in the country.

The reformers are still waiting.

HOUSE REFORMERS LACK PUBLIC'S AID

"If we can build a national awareness of what's at stake in something that sounds as dull as 'reforming Congress' we may really get somewhere eventually."

—Rep. Allard K. Lowenstein, D-NY.

(By Michael Green)

WASHINGTON.—The small band of young reformers who agree among themselves that bringing the House of Representatives into the 20th century not only is a good idea but an absolute necessity are not holding their breath.

Few in number and almost totally ineffective in the face of the indifferent congressional system, they know the only real hope for reform rests in public pressure from the outside.

Indeed, the 58 votes garnered by Rep. Morris K. Udall, D-Ariz., when he challenged John W. McCormack for the speakership last year represented a sort of high point in the meager fortunes of congressional reformers.

Since then those who have kept up the daily battle for reform probably number no more than a dozen or so members of both parties.

Their condition was very nearly described by Prof. Bergen Evans in the "Natural History of Nonsense" when he wrote in general that until very recently "rational men lived like spies in an enemy country. They never walked abroad unless disguised in irony or allegory. To have revealed their true selves would have been fatal.

"Today, their status is more that of guerrillas. They snipe from cover, ambush stragglers, harass retreating rear guards, cut communications and now and then execute swift forays against detached units of the enemy. But they dare not risk an open engagement with the main force; they would be massacred."

AN EARLIER VOICE

The analogy bears striking resemblance to language used by the late Rep. Clem Miller, D-Calif., to describe his own disillusionment with House procedures shortly before he died in a plane crash in 1962.

"The committees with their chairmen are like a string of forts," he wrote to friends back home. "The attackers are spread out, with poor communications and hence poor coordination. They have no base of power from which to menace the chairmen.

Nor do the reformers have the leverage of informed and active support by the public. It does not occur to constituents who make their voices heard with their congressmen on a myriad of public issues, from crime to taxes, that they have the power to influence the House to move toward basic reforms in its own procedures.

Somehow it has escaped public notice that the way the House conducts its affairs is as much the public's business as any other issue and may have more long-range impact on their lives and on the health and well-being of the country with its over 200-million Americans than any other.

In great measure, the difficulty lies in adequately communicating complex and often seemingly dull issues to the public. There is a general awareness, due to the repetitions of the reformers over the years, that a seniority system that places aging, Southern autocrats in charge of powerful committees somehow works to the disadvantage of the country as a whole.

Equally, the public can grasp the issue involved in the continued rule of Speaker McCormack, who, at 78, is third in line for succession to the presidency.

But the deeper failures created by the ills of the present system are more complex. And though there may be a general public understanding that the seniority system needs overhauling, exactly how a committee chairman uses or misuses his power in dozens of quiet ways, and the impact this may have on the daily lives of millions, escapes public attention.

Yet these abuses are customarily more outrageous and do more harm to the country than the mere fact McCormack continues to preside over debates in the House.

OTHER OUTRAGE

Nor are the evils limited to the committee chairmen or the seniority system. Parliamentary procedures make it convenient for the average congressman, as well, to avoid recording his vote on an issue of concern to his constituents, or to seem to have voted in favor of a bill when actually he may have tried to kill it.

On some of the most crucial votes cast—those in closed sessions of committees where legislation is "marked up" and billions of dollars allocated—no one need ever know whether he acted for or against the public interest.

House procedures can stack a floor debate so that time for argument is equally divided between those who favor a bill and others who also favor it, with opponents given the right to speak only by the whim and generosity of the bill's supporters.

These few examples serve to illustrate a longer list of legislative evils, all of which lie in the murky realm where it is difficult or impossible for the public to understand and follow what goes on.

This mystery which shrouds the process by which the House arrives at a final decision on a given bill can only contribute to the public's feeling of impotence in influencing its elected representatives.

The impotence is more than a feeling. It is a fact. At crucial waystations along a bill's course, public awareness and thus a public voice simply does not exist.

Nor can responsibility for a bill's fate be fixed later by the public. A citizen's best direct link, his own congressman, is only one man in a crowd of 435 elected representatives. The citizen may always hold his own congressman accountable. But perhaps he supported the legislation they favored, and perhaps most congressmen did, and still it failed in the murkiness of some secret committee room or through some parliamentary device. So, in the end, for all practical purposes, no one was really responsible and the public can find none to hold accountable.

LITTLE UNDERSTANDING

As a result of this lack of public awareness of the detailed extent, range, nature and importance of abuses resulting from the way the House conducts its business, the potential for strong public support for basic reforms also is removed, since the need for it is only vaguely and uncertainly understood.

It is here the the press bears a great measure of the blame for congressmen and their activities are essentially uncovered by the press except in gross form. The great gaps in coverage of personalities, procedures and events lie in the heart of the congressional process and its impact on American life.

It is more than the absence of reportorial digging, which is also serious, but at least recognized by the journalistic profession itself. More importantly, it is the absence of reporting and writing that humanizes the legislative mechanism and its people so the public might have reason to be interested. This lack is not recognized.

Thus, the real news may not be "news" at all, at least not the kind editors will recognize as such and devote space to. The quiet, scarcely noticed crucial turning point in the growth or death of legislation may escape notice entirely. Yet this may be the very point when public awareness and action is most called for.

NO SHARING

In a broader sense, the human maneuverings of congressmen and their aides, with all the day-to-day expressions of small and petty human foibles, or small hidden triumphs, mirror the forces at work in the population as a whole. They color the story and reveal it. But the public will not be allowed to know it and share in it. Readers will be told only in dry, clipped accounts, the numerical fate of legislation. They will be told only the score, never shown the faces of the players. In the ordinary course of events, the daily weather report is more interesting and revealing.

There are many reasons for this. In part, it arises from journalistic tradition which holds that certain kinds of writing and a certain style are appropriate only to certain categories of coverage. Thus, there is business writing and sports writing, political writing and garden columns, and one shall never be confused with another. Everyone knows Red Smith belongs on the sports pages. No one wonders what might emerge in terms of newfound public interest in Congress if he directed his attention to it, suddenly, and appeared in the first section of the paper. Or if Damon Runyon had covered Capitol Hill and given nicknames to all the committee chairmen.

By the same token, if the present style of government reporting were extended to the coverage of sports events and personalities, the American public would lose interest in the sports pages overnight.

ONE HOPE

What is offered is a general hope that the more open Congress becomes and the more accessible to public view, the more interested and concerned the public will become, increasing the pressure for broader reform it alone can exert.

Thus, two proposals pushed by the young reformers are key. One is to open the House and its committees to TV coverage. The other is to ban closed committee sessions unless national security is involved.

The reformers, however, are not optimistic. Dismally, they find little reason to suppose that they can prevail against the House establishment in pushing even these two basic reforms.

Asked what the average citizen can do to help, they can only give the reply most citizens' groups in the country give their numbers on other legislation:

"Tell them to write their congressmen."

MALCOLM EPLEY HITS THE NAIL ON THE HEAD

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. HOSMER. Mr. Speaker, Malcolm Epley is a venerable editor and columnist for the Long Beach, Calif., Independent-Press-Telegram newspaper. His perceptive barbs are usually squarely on target. Such is the case with the following which appeared in his Beach Combing column June 18:

BEACH COMBING

(By Malcolm Epley)

If war can be called fun, it must be fun fighting the United States the way Hanoi has been doing it in recent years. And it has to be getting merrier all the time.

For example, the commander-in-chief of the U.S. forces is badgered and harassed by other Americans into announcing timetables for such strategic actions as troop withdrawals from certain areas and from the entire theater of action. That's the sort of information, in another war, that would be sought through elaborate spy services.

If the President tried, as is done in other wars, to bamboozle the enemy by withholding information or other devices, he is accused of causing a credibility gap. The cry goes up he's not being frank with the people, the people evidently including the enemy.

What more could anyone hope for from the opposition? Well, Hanoi has gotten a lot more than that, with numerous Americans, including some well-known public figures, acting as if they were allies of Hanoi rather than supporters of their own country.

What a lovely spectacle it must be for Hanoi to watch while some Americans spew venom—not at Hanoi—but at their own commander in chief, ridiculing and insulting him and threatening, through Congress, to cut off financial support for the military effort beyond arbitrarily chosen deadlines.

From Hanoi's standpoint, it has to be regarded as a perfect war. From some other points of view, it may be rated a perfect crime.

Just 2 days earlier, June 16, Mr. Epley also rang the bell with the following column:

Even a casual observer of the so-called opinion polls knows that answers can be heavily pre-influenced by the way questions are worded.

Hence both the proponents and opponents of almost any public issue can manage, by cleverly wording questions, to get the results they want from a sampling of the citizenry.

Or a pollster, by careless use of terminology, can prejudice the answers, even though unintentionally.

Let's turn now to the Cambodia issue, which has the pollsters at work.

But first let's take a look at Webster, and the definition of the word "invasion":

"A hostile entrance or armed attack on the property or territory of another for conquest or plunder."

Now let's suppose the question a pollster asks goes like this:

"Does the President have the right to invade another country without first consulting Congress?"

Answers to such questions have been overwhelmingly negative.

But word it like this:

"If the President finds it necessary to send troops into another country, which has a friendly govrenment and which has already been invaded and is being used by hostile forces that are threatening American troops and lives, should he have the right to do that without consulting Congress?"

It's a good guess the answers would be sharply different.

As the Webster definition above indicates, the term "invasion" in reference to the American action in Cambodia is of questionable validity.

Cambodia had already been invaded by outside forces. They were using its territory as a sanctuary and a staging ground in military operations. They had already constituted it a part of a theater of military action in which American forces were involved.

Moreover, the Cambodia action by Americans was not against Cambodians or the Cambodian government, facts which clearly deny it is an invasion in the normal understanding of the term. It is not an "armed attack" against Cambodia for purposes of conquest or plunder."

Critics of the Cambodia move know that Americans inherently dislike the thought of our "invading" another country. Their continued misuse of the term is a shrewd, though unconscious, tactic in the battle for public opinion.

And to avoid bias, pollsters should delete the term from their questions about the Cambodian issue. They're supposed to be testing public opinion, not influencing it. Sometimes one wonders.

As a conclusion on this general subject, I have at hand an excerpt from a letter written by Lt. Col. Harold J. Shea, brother-in-law of Mrs. Leonard Shea, 1000 El Mirador Ave., L.B.

"As you know from TV and the papers, we have all been pretty busy with the new push into Cambodia. It is the first smart thing that has been done since this conflict started. I'm behind President Nixon 100 per cent on this decision and so is every other member of the military over here."

This, I think you'll agree, is informed opinion. It is from Col. Shea's last letter home. It was dated on May 30. On May 31 he was killed in action, his letter arriving after the notice of his death.

IMPROVEMENT IN THE INFLATION PROBLEM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. MICHEL. Mr. Speaker, informed observers of the Nation's economy are noting significant signs of improvement in the inflationary problem and are praising President Nixon's efforts at alleviating it wtihout causing a major recession.

At this point I insert in the RECORD two editorials discussing the President's economic policies, as spelled out in his recent address to the Nation on the economy. The first one, from the Philadelphia Inquirer, talks about the "responsible road" to a sound economy, and emphasizes the important fact that this road must be traveled by all Americans—business and labor leaders, private citizens, and Members of Congress—if success is to be achieved.

The second editorial, from the Wall Street Journal, discusses the gradual progress being made in the fight against inflation, noting that in this kind of effort, gradual progress with a "minimum of risk" is the safest course to follow. The signs of encouragement noted by this leader of financial newspapers throughout the country should be good news to us all. I commend both of these editorials to the attention of my colleagues:

[From the Philadelphia Inquirer, June 18, 1970]

THE RESPONSIBLE ROAD

President Nixon, in his address to the American people Wednesday on economic policy, went to the heart of the matter when he said: "The fight against inflation is everybody's business."

Inflation can, indeed, be checked—without plunging the nation into a major recession—if there is cooperative effort by government and business and labor.

Whether that cooperation will be forthcoming is the key question.

The President referred to his anti-inflation policy as "the responsible road" to a sound economy.

It will be the responsible road only if all segments of the economy, both public and private, act responsibly.

In essence, Mr. Nixon's speech was an appeal for responsible economic behavior by all concerned.

It is an appeal that should be heeded.

Congress should respond by taking early action on bills listed by the President, some of which have been languishing in Capitol Hill pigeonholes for many months, that would strengthen unemployment compensation, manpower training and other programs.

Most of all, as President Nixon emphasized, Congress should make a constructive contribution to the fight against inflation by holding federal spending to reasonable limits and reducing or eliminating budget deficits.

A prolonged period of big spending and big borrowing at all levels of government has been a primary cause of the present inflationary crisis.

Business and labor need to cooperate by holding the line on prices and wages in relation to quality and productivity.

The National Commission on Productivity to be created by President Nixon focuses attention in an appropriate direction. When labor and other production costs rise, without a corresponding improvement in the quantity or quality of output, prices spiral and inflation soars.

Mr. Nixon has conceded that all is not well with the present economy, especially the unemployment rate, and hopes to make fine-tuning adjustments with delicate manipulation of the money and credit supply.

He has wisely rejected government-imposed wage and price controls or guidelines—courses of action that, in the past, have been largely ineffective or have merely postponed economic adjustments and made them more painful in the end.

The responsible road to economic stability will not be an easy road. The potholes left by years of fiscal irresponsibility will not be repaired overnight.

[From the Wall Street Journal, June 17, 1970]

FOUR YARDS AND A CLOUD OF DUST

Wayne Woodrow Hayes, football coach at Ohio State University, long has held that the idea is to get there with a minimum of risk. It's better to be slow and sure than merely swift.

It's just possible that football fan Richard Nixon, who addresses the nation on the economy today, has been taking a cue from Woody Hayes. The Administration's economic program, at any rate, does have elements of the "four yards and a cloud of dust" philosophy.

It's slow, there's no doubt about that. Progress against inflation up to now has

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disappointed the Administration and angered some of its critics. Yet there are indications the situation is improving.

Earlier this week Paul W. McCracken, chairman of President Nixon's Council of Economic Advisers, told the economic policy committee of the Organization for Economic Cooperation and Development that evidence of improvement includes a slowing of the rise of wholesale food and commodity prices and a lower rate of wage increases.

As a story in this newspaper reported yesterday, a growing number of private economists, though still probably a minority, believe the worst of the inflation is over. That alone would be encouraging.

Mr. Nixon's go-slow approach clearly was the result of careful calculation. There were several ways to cool the overheated economy that the Administration inherited, and many things to be considered in choosing a course.

First, there was the matter of monetary policy. Super-easy money had done a lot to get the economy into its inflated state, so obviously more restraint was in order. But how much more?

As recently as 1966 the Federal Reserve System had tightened up, abruptly and briefly, and had caused something approaching a money panic. So the Federal Reserve this time moved much more gradually. In fiscal policy the Administration also opted for the gentle approach—budget surpluses, but not very big ones.

Now the execution of the plan has left something to be desired. The Fed probably tightened money too much and for too long in 1969. And the Administration, together with Congress, has managed to convert those small budget surpluses into deficits.

Yet progress is surely being made. The economy is cooling, and before many more months pass the trend will show clearly in the price indexes. Those who looked for price declines earlier forgot that such developments are usually the last signs of an ebbing inflation, not the first.

Some companies, institutions and individuals are being hurt; no one has invented a painless way to restore a shaky economy to stability. Many more would have suffered much more, though, if the inflated economy had been allowed to roar on into eventual disaster—or had been halted suddenly by slamming on the fiscal and monetary brakes.

Everyone may wish that the Government's plans were producing results more swiftly and smoothly, but most of the public appears to be adjusting to a changing situation with considerable aplomb. One of the more interesting features of the sharp plunge of the stock market in April and May was the scarcity of anything resembling panic selling.

Volume on the New York Stock Exchange in recent weeks has usually tended to rise when prices rally and to subside as prices decline. The mood of investors and traders certainly is not overwhelmingly optimistic, but it does appear to be hopeful. When prices turn downward there generally is a reduction in orders to buy—but no evidence of deep pessimism.

Thus gradualism does seem to be working, even if it isn't delighting everybody. Businessmen should realize now that to make plans on the basis of never-ending inflation is only to invite serious trouble.

The Administration fortunately seems to realize that wage-price controls or other crash programs against inflation would not only accomplish nothing constructive. They would also undo much that has been done—by persuading the public that monetary-fiscal restraint is a failure, that inflation will indeed persist.

In the circumstances the Government's course still should be to move slowly, steadily, avoid shocks. Federal Reserve Chairman Arthur Burns indicates that is what he has in mind—providing enough money for the nation's needs, not enough to fuel more inflation.

There may be more spectacular ways to play the game, but somehow we feel safer with four yards and a cloud of dust.

ROTC PROGRAM AT FURMAN UNIVERSITY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 23, 1970

Mr. THURMOND. Mr. President, in recent years ROTC programs all over the Nation have come under a great deal of unjust criticism and abuse. In the main, this criticism has come from misguided students and campus radicals. A few colleges in the country which have bowed to this criticism have abolished the ROTC programs from their campus curriculum.

Mr. President, on June 19, the Greenville News, a leading newspaper published in Greenville, S.C., published a very fine editorial assessing the ROTC program at Furman University, one of the outstanding institutions of higher learning in the Nation. Furman University has met this criticism headon and has revamped its ROTC curriculum to make this experience more meaningful to the individual cadet. This, of course, means that the ROTC graduate at Furman will be better qualified to serve as an officer and leader in the service of his country.

Mr. President, I wish to commend Furman University for the fine work that it is doing.

I ask unanimous consent that the editorial, entitled "A New Look for ROTC," from the Greenville News be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NEW LOOK FOR ROTC

An experimental ROTC program at Furman University appears to have bridged the military-civilian gap that has plagued the program in other institutions. It is worth close examination as an example of constructive compromise.

The key to the program, which is ending a two-year trial at Furman and 10 other colleges and universities, is integration, rather than segregation, of civilian and military elements. Proof of the program's success, at least locally, is Furman's decision to continue it past the trial period.

The program is the Army's answer to longstanding complaints from students that ROTC courses are boring, non-academic and a waste of time. Under the experimental plan, freshmen are allowed to take military history courses for four hours credit and sophomores take political science and national security courses instead of the traditional military courses which come in the junior and senior years.

Civilian professors are utilized through appropriations from the Army. The new program underlines the fact that strictly military subjects are taught better outside the Furman classrooms. Students go to summer camp to learn about the "nuts and bolts of the Army," according to officials.

Other changes at Furman include complete revamping of the curriculum from the two-semester system and the shift from mandatory ROTC to optional. Previously a student who signed up for ROTC had to complete two years. Now he can enroll and then drop the program if he finds it not to his liking.

The new system is a compromise in the sense that it is a break with the old ROTC traditions of march and drill and a leaning toward allowing students more individualization.

But at the same time it still operates on the theory that the military is an integral part of society and—whether it is good or bad—this is a fact. The new program continues to offer the college man who is faced with meeting a military obligation the best way to utilize his talents, rather than be drafted and serve as a private.

HEROIN IN SOUTHEAST ASIA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ROBISON. Mr. Speaker, the sixth article in the Christian Science Monitor series on narcotics traffic traces the route of narcotics through Southeast Asia. One of the difficulties in stopping the flow of narcotics from this area is that some of the producers are mountain fighters who are friendly to the U.S. efforts against the North Vietnamese and who in turn are keeping the Communists out of Laos.

Additionally, in this geographic area there seems to be significant involvement by high government officials in the opium trade and, therefore, a firm governmental policy to stop the illegal production of that narcotic is difficult to achieve. Nevertheless, it is an area at which we must direct our attention because as European sources of supply are dried up, these sources in Southeast Asia may pick up the slack. In view of the American presence in these nations, we ought to be able to exert pressure to curb the production of these illegal narcotics.

The article follows:

THAILAND: FOUR-LANE DRUG HIGHWAY

(By John Hughes)

BANGKOK, THAILAND.—For the junk merchants of Southeast Asia, Thailand is the corridor through which their illegal merchandise must pass to Hong Kong and the lucrative markets of America.

But to many, Thailand seems less a corridor than a four-lane highway down which narcotics shipments roll with ease.

Of course, there are tolls. The police must be paid off. Experts in the business say the going price is $5 per kilo of opium at each of five checkpoints between the opium-growing borderlands of the north and the capital city of Bangkok. But $25 a kilo in payoffs is small enough overhead in a business where the profit rolls in by hundreds of thousands of dollars.

Some Thai officials are clearly in this business up to their elbows. One recent incident illustrates the point.

Thai residents of a Bangkok suburb noted suspicious activity at a godown (warehouse) in their neighborhood. A helicopter kept fluttering down. There was furtive unloading. They told the police and the police, suspecting an illegal liquor racket, raided

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the warehouse. Instead of liquor, they found it stocked with fresh opium.

The embarrassing point of the story is that in Thailand only the border police and the Army operate helicopters.

In earlier years, the opium traffic in Thailand was practically a monopoly of the police. Involvement in the trade extended into the Cabinet. Just where it stops today is difficult to state. Says one Thai official warningly: "There's a line above which you cannot investigate the business."

Publicly the government has set itself against the opium traffic. Thailand has 200,000 drug addicts of its own. Heroin addiction is increasing sharply, particularly among young Thais. The government is, as a United Nations report puts it, "alive to the problem."

It has cut back imports of acetic anhydride, a necessary agent for processing heroin. An Anti-Narcotic Drugs Association has been set up to combat addiction. There are drug seizures by the Thai police. But the UN report concludes gloomily that the "situation has not materially improved" in recent years and has ever been "exacerbated."

THAI OUTPUT RATED LOW

The Thais argue that their country is a transit route for illicit narcotics and that their neighbors are much bigger opium producers than they are.

The argument is valid. Of the 400 to 600 tons of opium which comes out of Southeast Asia each year, Burma and Laos grow the bulk. Thailand produces only between 15 and 50 tons. In Burma the government is incapable of halting production, while in Laos the Army is engaged in the opium traffic and the Air Force helps transport the crop.

For much of this production, Thailand is the conduit. Some Thais are profiting handsomely from the passage of opium through their country. Law-enforcement officers elsewhere in Asia are divided as to how much more the Thai Government could do to pinch off the traffic. Some credit Thai authorities with increased effort.

Others are harsher in their judgments. Says the narcotics chief of one Southeast Asian country:

"There are only three main routes running down Thailand. If they really wanted to, the Thais could stop a lot more narcotics."

So far as the United States is concerned, Southeast Asia till now has been a minor producer for the American heroin market. Eighty percent of American heroin originates in Turkey. Perhaps another 15 percent comes from Mexico. Experts calculate that the remaining 5 percent comes from Southeast Asia.

Now some think they may have underestimated the Southeast Asian figure.

One obvious danger: as American pressure cuts back production in countries like Turkey and Mexico, the demand for opium and heroin out of Thailand will grow. The morphine content of Southeast Asian opium is lower than that of Turkish. But the price is competitive with the European product.

International narcotics rings are already buying export-quality heroin in Bangkok at $2,250 a kilo for shipment to the United States. Once there, its wholesale value jumps to more than $10,000 a kilo. By the time it is "cut," or diluted, with milk, sugar, and quinine, it will fetch $225,000 in individual shots.

The opium road in Southeast Asia begins in rugged hill country where four countries converge: Thailand, Laos, Burma, and Communist China. Borders are ill defined. Across them roam the Meos and the Yaos in Laos and Thailand, the Karens and the Shans from Burma.

They practice primitive slash-and-burn agriculture. They know little about the glittering world of Bangkok, let alone the junkie's way of life in New York City.

What they do know is that for growing opium poppies they can get the old Burmese silver coins which represent affluence in their society.

The opium seeds are planted in August. They need little weeding or care. By December or January the plant has grown to about 4 feet. The poppy flowers. The pink, white, and mauve petals fall.

BURMA IS TOP PRODUCER

Then the remaining pods are slit, not horizontally as in Turkey, but vertically with a three-pronged knife. The resin which oozes out is allowed to harden overnight. Next morning it is scraped off.

Most of the crop comes from Burma. The Burmese Government talks bravely of stamping out the production. The problem is that the opium grows in tribal areas over which the Rangoon government has little control. Tribesmen in northeast Burma move their opium crop out over jungle trails directly into Laos and Thailand.

If their government in Rangoon poses no threat, there are nevertheless other hazards along the route.

This is wild and lawless country. The opium moves in caravans of 50 to a 100 ponies and is worth a great deal. There is the danger of attack and hijacking by rival groups. Thus the caravans go heavily armed and protected, with escorts carrying machine guns and sometimes mortars.

Dominating the protection business are Chinese Nationalist soldiers left over from the war with the Communists.

They hire out units 100- to 200-strong to guard the opium caravans winding their way into Thailand. They bring forceful persuasion to bear on opium runners who try to do without their services.

A few years ago small-scale warfare broke out between the Chinese and tribesmen over opium dues. Casualties were heavy. Fighting spilled into Laos and ended only after air strikes by T–28's of the Lao Air Force.

The Laotians are not entirely disinterested parties. They, too, are deeply engaged in the opium business. Their hill tribes have long grown the opium poppy and continue to do so. At about 180 tons a year, it is the poverty-stricken country's best export.

One problem is that the tribesmen who grow it in the non-Communist part of Laos are some of the most effective resistance fighters against North Vietnamese and Pathet Lao troops in the Communist-held areas. These tribesmen are the special allies of the United States Central Intelligence Agency. Clearly the CIA is not eager to alienate them demanding they stop growing the opium, which has become part of their tribal culture and livelihood.

MOVEMENTS BY MILITARY

The Lao Army is deep in the money-spinning opium business, and Lao Air Force planes transport opium. Some private pilots say the Air Force's opium runs are made with CIA "protection."

During this year's Communist offensive, the military cut back on its opium activities. The main reason was not, according to one well-placed source, because they were preoccupied with the Communists. It was concern lest a wave of newspaper correspondents, in town for the crisis, got wind of the opium operations.

The Communists in Laos must be beset by a similar situation. Tribesmen in their areas are of the same culture and inclination as those in the non-Communist regions. It is difficult to imagine the Communists have persuaded them to abandon the opium poppy.

The same problem presumably challenges the Chinese Communists in their province of Yunnan.

In Peking, the Communist regime has imposed stiff penalties for drug usage and illegal production. But that Peking can effectively police the opium growers of Yunnan seems doubtful. There must also be substantial authorized production for the medicinal needs of more than 700 million Chinese. This affords the opportunity for diversion to illegal use. Thus China undoubtedly makes its contribution to the illegal narcotics traffic.

But there is no evidence of a massive and calculated campaign by Peking to flood non-Communist countries with debilitating narcotics. Some Westerners have charged the Chinese with just such a plan. But interviews with hundreds of narcotics experts in the past five months have failed to produce the proof.

Says one non-American expert: "With their U-2's, their satellites, the Americans would soon have evidence of any large-scale opium production in China. Presumably they would be happy to make it public. Certainly, drugs come out of China. But there's no proof the Peking regime is organizing it all."

Thus the opium comes down the trails through Burma and Laos. Some bypasses Thailand. It is flown out of Laos by pilots of fortune of various nationalities operating a fictitious airline called "Air Opium." Some cargoes are dropped in watertight bags in the Gulf of Siam and picked up by rendezvousing ships. Others are flown into Vietnam. Opium worth $100 a kilo in Bangkok sells for three times the price in Saigon.

But the bulk of the opium heads on into Thailand. The town of Tak is a main collection center. Other shipments funnel into Chiang Rai and Chiang Mai. After that the destination is Bangkok, or sometimes on down the Malaysian Peninsula. Small boats operating from islands off Malaysia move the cargoes from there.

Some opium is packaged specifically for smoking. Addicts in Southeast Asia have favorite brands, like Lucky and OK. A packet of Lucky brand I handled was colorfully labeled, with its own promotional advertising in Chinese.

CONVERSION INTO MORPHINE

Part of the opium crop is converted into morphine base at crude laboratories in northern Thailand. Then, about a tenth the weight of the original opium, it moves on in yellow block form bearing the "999" stamp distinctive to morphine from the Southeast Asian region.

In Bangkok's twin city of Thonburi is hidden a clandestine laboratory which converts morphine to heroin. Local addicts buy red or purple, or No. 3, heroin about 60 to 70 percent pure. White, or No. 4, heroin is purer and of export grade. This is destined for the American market.

White heroin is smuggled to the United States by couriers on commercial or military flights. Purple heroin, morphine, and opium destined for such local markets as Hong Kong travels by sea. Usually it goes on deep-sea trawlers from a fishing port near Bangkok.

How to reduce the traffic?

A decision by Lao authorities to get out of the opium business would help. More vigorous action by the Thai Government against traffickers would contribute.

A United Nations survey recommends upgrading the living standards of the hill tribes and substituting cash crops like peas, tobacco, tea, and coffee for opium. But this is a long-term program and would cost millions. With present uncertainties in Indo-China, great areas of opium-growing country would remain unreachable.

For the moment, eradication seems unattainable. Hope must be placed on seizures by Asian narcotics officers and on American narcotics agents assigned to such cities as Bangkok, Singapore, Saigon, and Hong Kong to gather and coordinate intelligence on traffickers. The other part of the solution lies in the education and reform of drug-users themselves.

But that is another story.

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STUDENT ON COLLEGE DISSENT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 23, 1970

Mr. THURMOND. Mr. President, on June 5, 1970, an article entitled "To Learn or To Burn," was published in the Aiken Standard & Review, of Aiken, S.C.

This article was written by Cheryl McNair, daughter of Mr. and Mrs. James M. McNair, of Aiken. Cheryl is a student at Aiken Junior High and first published her remarks in the student newspaper called The Buzz.

It is obvious from her comments that Cheryl feels a sense of responsibility to her community and fellow students. It is encouraging to read the views of this young lady for they reflect teaching which inspires responsibility and discipline.

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

To Learn or To Burn

(By Cheryl McNair)

To learn or to burn? That seems to be the popular question among college students today. For a pitiful minority, the latter choice evidently looks the brighter one.

I always feel a surge of anger when I see one of these campus dissenters. They aren't hard to spot, for their dress and appearance bring them the attention they need. The most common ones are long haired (preferably shoulder length and stringy) bearded, sideburned (the classiest meet under the chin) and-or mustached.

And as far as their way of individual clothing, it all looks alike to me: dirty, stinky, and unkempt. Because their appearances spell out nothing but the need for a bath, this group should be delved into deeper.

The demonstrators preach love, peace, brotherhood, and unity. The Constitution gives them the right to demonstrate their views peacefully. And yet, what do they do? They yell dirty words at policemen and throw stones at the Establishment. They burn the place that educates them and hurt the home that instilled the very beliefs in them. They protest the war in Vietnam and yet they wage a war at home with the law. They simply don't practice what they preach. I believe that the dissidents weren't sincere in the first place.

They argue that the world should be cleaned up and changed. One probably couldn't find a single radical not in some way connected with the free sex revolution and the abuse of drugs.

I think that those kids aren't fighting for a cause. This is just a facade. The real game is their trying to gain attention by throwing away morals, supposedly in a legitimate way. After years of morals that separate civilization from barbarism, students have decided it's time for a change.

My big question is: "Who do they think they are?"

A majority of this minority are spoiled brats who have always gotten what they wanted from their parents.

Naturally, they are sent to college by their parents' desire, not especially their own. They think they are on top of everything, even that which is right.

I say, the minute they start their destruction of things, cut off all their money and send 'em home. This is justifiable, since they are hurting the unheard-from campus majority: the workers, the thinkers, the doers. They are our future leaders. They should be the ones to get the advantages, not cancelled classes because the building is being taken over. To insure a good future for America, we must clean out the shallow, immature, disquieted few.

The rioters explain that they want to change the country by solving the problems. The only thing they've accomplished is the adding of one more problem: campus unrest.

The whole crisis stems from students' disrespect. They don't respect other people, property, or laws. I think that, no matter how, student radicals must be taught respect.

We, as students, can fight campus rebels by maintaining high standards of morals and respect and by working hard in school.

Campus demonstrators are biting the hand that feeds them, but hopefully, in the near future, they will get bitten back.

EFFECTS OF WATERSHED TREATMENT ON STREAMFLOW

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. STEED. Mr. Speaker, an article in a recent issue of Soil Conservation magazine describes the progress being attained at the Washita River project under the direction of the Southern Great Plains Watershed Research Center in Chickasha, Okla.

Written by Windell R. Shockey, Monroe A. Hartman, and Dolly R. Hunt of the Agricultural Research Service, the article, entitled "Effects of Watershed Treatment on Streamflow" explains how land use changes and conservation treatment have greatly altered the watershed in the past 30 years. I believe that the following article deserves attention because of its timely comments on ecology:

Effects of Watershed Treatment on Streamflow

(By Windell R. Shockey, Monroe A. Hartman, and Dolly R. Hunt)

How does upstream flood control affect streamflow in water-short areas?

Such facts become more important each year to farmers, communities, and industries alike.

Finding the answer, by observing the flow of a river through varied land-resource and climatic regions within its basins, poses a complicated research problem.

The problem is further complicated by river water moving underground to the surrounding aquifer, or from the aquifer to the riverbed. This research resembles the problem of a man trying to determine how much water he can carry downhill in a leaky bucket if—

. . . he started with the bucket partly filled;

. . . more water was dumped in at several points en route;

. . . and water occasionally sloshed over the side.

The man needs an accurate measurement of the water he has at the end of the trip. In addition, he must know the total amount of water that was in the bucket at any time during the trip, where it came from, and what happened to it.

Studies on the Washita River basin in Oklahoma and Texas seek to answer the question. The Washita River basin, one of 11 watersheds authorized by the Flood Control Act of 1944 for USDA sponsored watershed protection, is particularly well suited for research of this nature.

The authorized program, consisting primarily of land-treatment measures, such as pasture and range reseeding and improvement, crop rotation, land terracing, stream-channel improvement, and floodwater-retarding reservoirs, initiated in 1946 is now a continuing program by the Soil Conservation Service in cooperation with local landowners and operators.

Land use changes and conservation treatment have greatly altered the watershed in 30 years.

In 1930, 55 percent of the drainage area was in poor pasture; in 1960, 76 percent was in pasture, of which 70 percent was classified as "good." By 1965, 800 of the 1,200 planned flood-retarding structures had been built. In addition, Chickasha Lake, Fort Cobb Lake, and Foss Reservoir provide a combined conservation-storage capacity of 364,000 acre-feet.

The Agricultural Research Service started hydrologic research in 1961 on a 1,130-square-mile segment of the Washita River basin, with headquarters at the Southern Great Plains Watershed Research Center in Chickasha, Okla. The Soil Conservation Service Oklahoma State University, University of Oklahoma Research Institute, Oklahoma Water Resources Board, Environmental Science Services Administration, and other federal, state, and local agencies cooperated in the research.

At the beginning, only nominal soil conservation practices had been applied in the study area, thus enabling researchers to record streamflow and channel behavior before and after application of intensive watershed protection and land-treatment measures.

Research planners recognized that watershed-improvement measures could affect more than just the waterflow in the river. Further, the Washita River research would need to yield methods for predicting the flow behavior of other rivers whose basins had been treated similarly. Comprehensive research objectives were adopted, therefore, to include:

(1) Determine how regulated flow resulting from combined land treatment and structural measures in tributary watersheds affect flood flows, annual and seasonal water yields, ground-water levels, stream-channel stability, and sediment movement along the main channel of the river.

(2) Analyze and interpret available data to determine what might have been the effect along the main stem with alternative treatment programs in the tributary watersheds.

(3) Develop hydrologic procedures for making similar estimates in other river basins.

(4) Develop conservation practices for better overall watershed performance.

An extensive hydrologic data-gathering system established in the study area includes: A network of 225 recording rain gages, 30 stream-gaging and sediment-load stations operating continuously, 250 ground-water wells, six reservoir study areas, weather stations, and stations to observe soil moisture accretion and depletion.

Numerous stream channel cross sections and reaches have been surveyed and marked for observation and future reference. Geologic and soil maps have been prepared. Records of land use and locations of applied soil conservation practices are maintained. Records are also kept of water levels in stock ponds, floodwater-retarding structures, and other reservoirs. Results are still incomplete because the studies in the Washita basin

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are necessarily long-term, but some significant and interesting things have already been found.

For instance, studies in Sugar Creek watershed, a 203-square-mile tributary within the study area, indicated that flood peaks declined by 25 to 70 percent, depending upon storm size and patterns and number of floodwater-retarding reservoirs in operation.

One impressive finding thus far is the large volume of streamflow absorbed by the streambed and adjacent flood plains. About 28,000 acre-feet of water was absorbed in the 80-mile reach of river channel between Anadarko and Alex during the 10-day period in late September 1965. Information about such abstractions of streamflow are basic to an understanding of the downstream effects of treatment measures in upstream tributaries.

Thus, it does not follow automatically that water held on the land to increase crop production or to aid in stabilizing critical sediment-source areas reduces downstream water supplies. Under many climatic and geologic conditions, much of this water would have been absorbed in stream channels and added to ground water or dissipated by evaporation and phreatophytes. Elsewhere, of course, the reverse is true and water infiltrated upstream returns to sustain or increase tributary and riverflow downstream.

Land-treatment and flood-control measures in the Washita River watershed above Durwood, Okla., have reduced the volume of flow occurring at rates above 1,900 cubic feet per second (c.f.s.) and below 300 c.f.s. The volume of flow in the intermediate range (300 to 1,900 c.f.s.) has increased and offsets the reduction to the extent that the total volume of flow remains unaffected by land treatment.

Flow rates below 300 c.f.s. persist for 30 percent of the time for both the treated and untreated conditions of the watershed. Yet, the flow rates for the treated condition are much less during this time than for the untreated condition. Use of water for irrigation and increased use of water by industry probably have been a factor in reducing the flow rates in this 30-percent time period. These uses amount to 30 to 100 c.f.s. daily.

Flood frequency has also decreased at Durwood with change in land use and treatment. During this same period there has been no change in flood frequency on the nearby Kiamichi River where few land use changes have been made. Although large floods still occur after treatment, they occur less frequently. Instead of a 100,000-c.f.s. flood every 20 years, indications are that this size flood will occur only once in more than 100 years.

TWO MONUMENTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. DINGELL. Mr. Speaker, during the course of ceremonies held on June 20 and 21, 1970, in the cities of Lagarde and Dampheres, France, two monuments will be unveiled. The monuments will commemorate the 30th anniversary of the beginning of activities by the Polish Army in France during World War II. The valiant soldiers of the Polish Army fought for the freedom of France and Europe. Hundreds of these veterans now make their homes in the United States and have become productive citizens of our country.

The two monuments which have been unveiled in France will serve as a tribute and constant reminder to the heroic men who made the supreme sacrifice on behalf of the freedom of their fellow men.

I am happy to join in paying a tribute to the valiant members of the Polish Army in France during World War II.

UNEMPLOYMENT COMPILATIONS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 23, 1970

Mr. THURMOND. Mr. President, the current rate of unemployment in this country is a matter of concern to all Members of Congress.

However, in making judgments on this issue it is important that the facts surrounding unemployment be accurate.

In the June 8, 1970, issue of the News and Courier newspaper, in Charleston, S.C., the editors have drawn attention to a new concept for measuring unemployment in an editorial titled "Labor Market Gauge."

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The News and Courier, June 8, 1970]

LABOR MARKET GAUGE

Since the nation's rate of unemployment has important implications to every area of the economy, it is essential that the measure of the labor market be as accurate as possible. For a long time the monthly jobless figures supplied by the Commerce Department's Bureau of Labor Statistics have been questioned by some economists and observers of the economic scene, including The News and Courier.

The government's figures on unemployment from time to time have shown month-to-month variations that cannot be explained by seasonal factors in the labor market or by any other yardstick. Although the Bureau of Labor Statistics has sought to refine its research techniques, the accuracy of its monthly unemployment reports have remained open to question.

A new concept for measuring unemployment has been developed by Alfred J. Tella, formerly an economist for the Federal Reserve Board who later headed labor market research for the President's Commission on Income Maintenance. Mr. Tella is seeking to solve the problem of unpredictable and volatile ups and downs in the nation's monthly labor force as now reported.

Mr. Tella assumes that there is a large group of "hidden unemployed," mostly women and teen-agers, who move in and out of the labor force according to the availability of work. This "labor reserve" is not actively looking for work and, generally, its members are not "hardship" unemployed.

The nation's potential labor force is calculated by Mr. Tella by including these persons, many of whom never have been recorded as unemployed. This he calls the "true" labor force. When reported total employment is subtracted from this force, the nation's unemployment rate can be determined.

This is, of necessity, a somewhat simplified explanation of Mr. Tella's theory. His labor market gauge, however, results in a smooth labor force curve in contrast to the government's somewhat erratic figures issued monthly. It is, he contends, also a more accurate measure of unemployment levels. He estimates, for instance, that the second quarter of this year will see adjusted unemployment at about 4.2 per cent, up from 3.8 per cent in the first quarter. This would be a higher jobless figure than any quarter of 1969, but lower than any quarter of 1968. It indicates that by normal standards the labor market will still be relatively tight.

Since business gears many of its operations to the reported rate of unemployment, and government adjusts many of its relief and public works projects to it, plainly any improvement in the reporting of the unemployment rate would be welcome. Mr. Tella's system is being studied at the White House, at government agencies and has the support of many economists in the academic community. There is hope, then, that one day economic planners will see an end to the government's confusing zig-zag reports on unemployment.

ARTICLES RELATING TO OUR PRISONERS OF WAR IN SOUTHEAST ASIA

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. NICHOLS. Mr. Speaker, the June issue of Air Force and Space Digest contains a number of excellent articles on the plight of our prisoners of war in Southeast Asia. These articles are very enlightening and I hope that each Member of the Congress will take time to read them. The articles follow:

THE PLIGHT OF THE PRISONERS—WE HAVE NOT FORGOTTEN

(By Maurice L. Lien)

Mayday! Mayday!

This call, an appeal for help known to airmen the world over, was sounded in the nation's capital the evening of May 1, the traditional May Day.

The plea, uttered from the podium by Mrs. James A. Mulligan, wife of a US prisoner of war in Southeast Asia, was echoed in the hearts of nearly 1,000 other wives, parents, and children at a rally that filled Constitution Hall. They met, along with more than 2,500 others—including Vice President Spiro T. Agnew—to appeal for justice for their husbands, fathers, and sons held prisoner of war or missing in action.

Scores of senior Air Force officers, headed by the Vice Chief of Staff, Gen. John C. Meyer, were present.

The Vice President told the audience that North Vietnam was guilty of "an unforgivable breach of the elementary rules of conduct among civilized people" in its mistreatment of American prisoners of war.

"We shall never forget these men, and we shall never forget how they have been treated," the Vice President pledged.

The purpose of the rally, supported by the Air Force Association's national headquarters and attended by hundreds of AFA members from the District of Columbia, Maryland, and Virginia, was twofold: to demonstrate to the wives and families of the prisoners and the missing that Americans care; and to show the North Vietnamese and Viet Cong that their conduct is not condoned by the American public.

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May 1 is also "Law Day." It was for this reason that the rally sponsors—a bipartisan congressional group headed by Sen. Robert Dole of Kansas—selected that date for the appeal. Senator Dole said that May first was "an especially appropriate day to pay this tribute" because the joint resolution passed by Congress designating Law Day specifically referred to international justice.

Other rally sponsors included Sen. Peter H. Dominick (R-Colo.); Sen. Barry Goldwater (R-Ariz.); Sen. Mike Mansfield (D-Mont.); Sen. George Murphy (R-Calif.); Sen. Edmund S. Muskie (D-Me.); and Sen. John Stennis (D-Miss.). Others were Representatives W. C. Daniel (D-Va.); Martin B. McKneally (R-N.Y.); Catherine May (R-Wash.); Richard L. Roudebush (R-Ind.); Robert L. F. Sikes (D-Fla.); and Olin E. Teague (D-Tex.).

Speakers included ten members of Congress, six wives of prisoners or missing servicemen, and Capt. James A. Lovell, Jr., USN, who recalled the world's concern over the fate of his Apollo-13 crew on its ill-fated trip to the moon. Captain Lovell asked that "now, again, people of the world unite with prayer and with pressure to bring these brave men home."

Another speaker was H. Ross Perot, the Dallas, Tex., multimillionaire who has devoted much of his time and fortune to arousing world opinion against Hanoi in its treatment of POW's. Mr. Perot, who testified on the issue before a House Foreign Affairs subcommittee earlier in the day, stressed that Hanoi "will not be moved by sentiment" or by "human emotion," but only by the pressure of 200,000,000 Americans.

Also present for the rally were four of the nine US prisoners released so far by Hanoi. Among them were Air Force Majs. Fred N. Thompson and Joe V. Carpenter, both from Maxwell AFB, Ala. They were introduced to the audience, as was AFA National President George D. Hardy.

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According to rally officials, relatives of the missing men were present from every state except Hawaii. Many next of kin were flown to Washington in Air Force, Navy, or National Guard transport aircraft. Other relatives came by bus and car, some from far-away states. The morning following the rally, they filled to overflowing the Department of Interior auditorium for the first national meeting called to discuss ways to help their loved ones.

The meeting was organized by the League of Families of American Prisoners of War in Southeast Asia, an organization formed in the spring of 1969 to foster exchanges of information between families. All next of kin who attended the rally were invited to participate in the discussions.

During the meeting, a team of DoD officials, headed by Air Force Brig. Gen. Daniel "Chappie" James, Jr., Deputy Assistant Secretary of Defense for Public Affairs, stood by to answer questions.

That a major rally for MIA/POWs or a national meeting of their next of kin would be held in the nation's capital was undreamed of by most families just a year ago. Before May 18, 1969, Administration policy for the families had been, "Don't do anything to jeopardize either the delicate negotiations being conducted or the lives of your loved ones." Mrs. James B. Stockdale of Coronado, Calif., wife of a senior Naval officer held in North Vietnam, was not content just to sit and wait. Almost singlehandedly she set out to form a national organization of families. She wanted a better communications net, greater exchange of information among POW families, and more positive action from government officials.

Informal local and regional groups of POW and MIA wives had been formed in many localities where families of men who are overseas tend to wait it out: near large air bases, Army installations, and Naval facilities, close to friends, medical facilities, and other services. They exchanged information about prisoners, discussed actions being taken by government officials or international organizations; and, most important, acted as morale boosters for each other in what they knew would be many, many months of heartbreaking loneliness and frustration.

In 1968 Mrs. Stockdale began contacting wives in cities across the country, asking them to serve as area coordinators in a new, national organization, and to seek out others to affiliate with them. Her perseverance led to the formation, in early 1969, of the League.

During the League's formative stage, Administration policy had been cautious to the point that neighbors, in some cases children, did not know fathers, husbands, or sons were missing. At that time, many families would not participate—for fear of jeopardizing the lives of loved ones. Since the reversal of Administration policy in the spring of 1969, League membership has grown to approximately 1,000 families and is active across the entire country.

Funds to support activities of the League, and of the many local and regional groups, come primarily from the families themselves. Many have spent thousands of dollars seeking information about their husbands or sons, or in trying to gain public support that might persuade the Communists to release the names of men held prisoner and to abide by the Geneva Conventions.

News coverage of the prisoner-of-war situation in the first few months following the change of Administration policy was localized and spotty. Not enough factual information on the shocking treatment of prisoners, and the doubts and burdens their families had to bear, was published in any single article to enable the American public and the world to comprehend the extent of North Vietnam's inhumanity. This changed in October 1969, when AIR FORCE/SPACE DIGEST published what the editors referred to as "one of the most important articles ever published in this magazine." Even today, DoD officials call it the "most helpful, single article" on MAP/POWs published to date.

The article was "The Forgotten Americans of the Vietnam War," by Louis R. Stockstill.

Response to "The Forgotten Americans" was immediate and dramatic, beginning with a reading of the complete article on the floor of the US House of Representatives by Rep. Roman C. Pucinski of Illinois. In his preamble, Congressman Pucinski said, "I call this article to the House because I consider it one of the most important documents of journalism in recent years. . . . It should shake the conscience of the whole free world." The article has been entered in the *Congressional Record* five times, most recently on March 6 at a hearing before the House Armed Services Committee, headed by Rep. L. Mendel Rivers.

The Reader's Digest ran a condensation of "the Forgotten Americans" as the lead article in its November 1969 edition. Circulation of the *Digest's* US edition alone is 17,400,000. More than two-thirds of a million reprints have been requests by *Digest* readers. AFA distributed 50,000 reprints of the original AF/SD article, including copies to every Ambassador to the United Nations and to the foreign press corps in New York and Washington.

In November 11, 1969, the United States urged the UN to exert its moral influence on Hanoi to ensure humane treatment of prisoners of war. The presentation was made by Mrs. Rita Hauser, US Representative to the UN Human Rights Commission. In her presentation, Mrs. Hauser drew heavily on material in "The Forgotten Americans."

THE UPWARD TREND IN LETTER WRITING

	1964	1965	1966	1967	1968	1969[1]
Number of men classified as POW's or as missing in action	22	173	472	878	1,243	1,428
Number of men writing letters during the year[2]	1	19	47	73	94	208
Number of men writing letters for the first time		18	28	33	23	114
Total number of letters received by families	8	35	156	165	256	699

[1] Figures for 1969 are still incomplete, since letters written by POW's late in the year are still being received by families.

[2] This tabulation does not necessarily derive from the row below it, as a cumulative total, since some families received mail on a 1-time only basis.

Requests for reprints of the AF/SD version of Mr. Stockstill's article had begun pouring into AFA headquarters literally before distribution of the magazine was completed. Telephone calls from families of men missing or held prisoner came in from all parts of the country. It was immediately obvious that families were organized and geared for action. They were ready to tell the world what was happening to their loved ones. "The Forgotten Americans" gave them, for the first time, something they could use to arouse public opinion. Some 13,500 reprints of the article were sent by AFA directly to next of kin, at their request and at no charge.

AFA National President George D. Hardy first spoke on the plight of American prisoners in Southeast Asia in Spokane, Wash., in early October, just as the article was beginning to reach AFA members. Within a week, AFA's Washington office had received requests for copies of his remarks and the article from POW families in neighboring cities and distant states—an indication that their communications net is effective.

In his travels, Mr. Hardy meets with families whenever he can, to learn of ways in which AFA can be of help. Of these meetings, he says, "I am continually amazed that [POW/MIA families] can keep a positive attitude through all this. They know the Communists and some peace groups are trying to use them as pawns, yet they sustain each other and keep up their activities. Every time I meet with such a group, I am impressed by their patience and courage, and I leave more determined to keep up my efforts and those of AFA in behalf of these men and their wonderful families."

AFA efforts in support of MIA/POWs have generally taken two forms: first, to spark a nationwide letter-writing campaign to foreign governments, especially to those that recognize or do business with the government in North Vietnam, and to foreign publications; and, second, to directly support the families of the missing or imprisoned men and assist them in telling their stories to the world.

AFA Chapters and individual members first joined in the campaign by distributing reprints of "The Forgotten Americans" to news media, to other organizations, and to civic leaders in their communities. Many AFA Chapters invited the families to join in their meetings. This gave family spokesmen an opportunity to emphasize that the POW situation was not a remote problem but rather one of direct concern to every citizen.

An outstanding example was the campaign, led by Georgia's State AFA President William H. Kelly, who is a colonel in the Georgia Air National Guard. Colonel Kelly and his State and Chapter officers developed a plan to distribute reprints through individuals and through regional and statewide groups. Colonel Kelly sent messages and reprints to all members of Georgia's Press and Broadcasting Associations; to 550 top Jaycee members; to 100 key members of the Retired Officers Association living in the state; to religious and youth groups; and to many others. Chapters, meanwhile, concentrated on local media, organizations, and civic leaders.

Other AFA units throughout the country took up the POW cause. In Michigan, for example, State AFA President Marjorie O. Hunt sent out some 600 news releases to all newspapers and radio and TV stations in the state. She included a letter explaining AFA, and a list of Chapter presidents who could be contacted for local information. She also appeared on an hour-long broadcast on radio station WMUZ in Detroit, and made a tape for another station.

Dallas, Tex., Chapter President Brig. Gen. Herbert G. Bench, USAF (Ret.), sent a reprint of the Stockstill article to each Chapter member urging them to write letters to foreign governments and to selected publications, and to keep the reprints available in their offices. In neighboring Fort Worth, Gordon Brownlee distributed 1,500 reprints and got excellent coverage in that city's news media.

In early March, George J. Burrus, III, President of the Cape Canaveral Chapter and Chairman of AFA's Florida State POW Letter Committee, reported that a community-wide project in his area had succeeded in obtaining nearly 25,000 signatures on petitions, and that local school children were writing letters. Chapters across the state are actively supporting this program.

Ten wives of men listed as missing in action or prisoners of war live in the Tucson, Ariz. area. AFA's Tucson Chapter has invited these wives to all its functions. The Chapter has helped raise funds so four of the wives could visit the capitals of the free world to tell their stories.

The Spokane, Wash., Chapter, under the leadership of Vernon L. Gomes, Chairman of their POW committee, and in cooperation with the Armed Services Committee of the Spokane Chamber of Commerce, conducted a successful fund-raising drive to help pay expenses for other wives and a mother of a prisoner of war to make a similar trip.

These are only representative examples of nationwide AFA programs to publicize the plight of American prisoners of war in Southeast Asia and to assist their families. This report would be incomplete, however, without mention of the outstanding program of the Eglin, Fla., Chapter of AFA.

Col. Harry G. Howton, USAF (Ret.), with the help of Chuck Widaman, Eglin Chapter President, and Herbert "Bud" West, Florida State AFA immediate Past President, helped develop a model program of action, and published a twenty-four-page brochure describing in detail what concerned citizens can do to help. The program involves the League of Families, the Eglin AFB and Hurlburt Field Officers' Wives Clubs and NCO Wives Clubs, religious groups, the news media, and many other organizations. Colonel Howton serves as Area Coordinator for the program.

The brochure, which has been widely distributed, includes information on MIA/POWs, sample letters and resolutions with suggested addresses, and much other valuable information. The Eglin group also printed bumper stickers to help keep this problem always in the public's mind. Details on the program can be had by writing: Eglin Chapter, AFA, P.O. Box 176, Shalimar, Fla. 32579.

Many other organizations are now involved in the campaign on behalf of the POWs. Included in these are veterans and other patriotic groups, such as United We Stand, the national Jaycees, and chambers of commerce and local groups in communities across the nation. On April 8, Maj. Gen. Winston P. Wilson, Chief of the National Guard Bureau, in a letter to the Adjutants General of all states, announced a "Show Your Concern" campaign, to be conducted on a voluntary basis by Guard personnel within their local communities.

Have we accomplished our mission? The answer, obviously, is no.

Have we been of any help? Yes, but it should be borne in mind that we still have a long way to go.

There has been what DoD officials term a "significant increase" in letters received by families of men held prisoner, starting in November 1969, after publication of "The Forgotten Americans," but this is considered only a start. In testimony before the House Committee on Armed Services on March 6, Richard G. Capen, Jr., Special Assistant to the Secretary of Defense for Legislative Affairs, testified:

"It must be pointed out that the Geneva Convention clearly specifies that a prisoner of war should be allowed to write not less than six letters and cards per month. In the five years our men have been held captive, only about 175 individuals have been allowed to write. Their families have received about 1,100 letters. Usually the frequency for those few letters has been around one or two letters per year.

"If the men we believe to be prisoners were allowed to write as dictated by the Geneva Convention," he continued, "their families should receive some 6,000 to 8,000 letters per month. But there have been only 1,100 in a total of five years."

The provision for treatment of prisoners of war as prescribed in the Geneva Conventions of 1949, which have been signed by more than 120 nations, including the US and North Vietnam, calls for the immediate release of sick and injured, impartial inspection of prisoner facilities, the complete identification of men held, and affirms the right of prisoners to correspond with their families.

According to DoD figures released on May 8 (as of May 2), the total number of US servicemen classified as prisoners or missing in action was 1,546. More than half—783—are Air Force (*see list, next page*).

Of the 450 servicemen DoD believes to be prisoners, 228 are Air Force. Of the remainder, 144 are Navy, fifty-five are Army, and twenty-three are Marines.

A total of 1,096 servicemen are missing and thought to be captive—555 from the Air Force, 337 Army, 112 Navy, and ninety-two Marines.

In March, an Army sergeant passed his sixth year in captivity. Twenty-one others have been prisoners or missing for more than five years.

A total of thirty-one Americans have been released by hostile forces to date—nine were released by Hanoi and twenty-two by the Viet Cong in South Vietnam.

At the May 1 rally, H. Ross Perot put forth his analysis of North Vietnam's leaders. They are not concerned with prisoners—theirs or ours, he said. They refuse to acknowledge the some 33,000 North Vietnamese and Viet Cong held by the South Vietnamese, and cannot comprehend that the American public, or our government, would be concerned about "just 1,500" servicemen. Prisoners are useful to the Communists only for propaganda purposes or as pawns.

Mr. Perot emphasized, as did all rally speakers, that the leaders in Hanoi must be convinced that the American people and their leaders are truly concerned over "just 1,500" men. He declared that elected leaders must speak out, and the public must write letters, so that the message will be unmistakable. Permanent alienation of all Americans by the government in Hanoi is "a risk they cannot take, over 'just 1,500' men," Mr. Perot said. "They're counting on us to protect them from the Chinese over the long haul."

In a recent review of AFA's efforts in support of this campaign, AFA President Hardy said, 'We've got to continue to encourage our members, to publicize this problem in their communities, and to get everyone to write to Hanoi and to other governments. I know it takes time, but as we were reminded at the rally, the prisoners have lots of time, just sitting in their cells."

The mission for the future, then, is clear. More Americans must get involved and express their concern. According to the Air Force Judge Advocate General's Office, "There is no public-affairs objection to a military person, as an individual citizen and even using his military rank and/or title, expressing his opinion to a foreign government on the POW issue." It did caution, however, that "actual content of the letters must be restricted to the subject of humane treatment of POWs by North Vietnam and must not invade the political arena."

The government in North Vietnam must be made to believe that 200,000,000 Americans are concerned about "just 1,500" of their countrymen. That is a goal to which AFA is dedicated.

SPEAKING OF POW'S: SERVING THOSE WHO SIT AT HOME AND WAIT

(By John L. Frisbee)

In May 1967, the air campaign against targets in North Vietnam's Red River Valley was going full bore. By that time, the Valley—particularly the part known as Route Packages VI and VI–A, which included Hanoi and Haiphong—had become the most heavily defended area in the history of air warfare.

Almost daily, Air Force F–105s, F–4s, and RF–4s flew north against military targets in RP VI. It probably was the most dangerous—certainly the most complex—sustained campaign ever conducted by the Air Force. And it was teamwork all the way.

Col. Howard "Scrappy" Johnson, then Deputy Commander for Operations of the 388th Tactical Fighter Wing at Korat Air Base, Thailand, thought the aircrews of the wings that were working together in the Red River Valley should get to know each other. So on May 22, 1967, the 388th hosted a meeting at Korat for that purpose, and also to exchange ideas on tactics. And also to indulge in some of the kinds of relaxation that fighter crews most enjoy.

Out of that meeting grew the Red River Valley Fighter Pilots Association. Today it's a worldwide organization with more than forty local chapters—or Forces, as they are called. Its membership has been expanded to include Navy and Marine airways who flew missions in the Red River Valley, the crews of the Jolly Green Giant choppers that picked up a lot of downed airmen in the Valley, their A–1 escort pilots, and other airmen who were in combat over the Valley. The members, now some 1,400 strong, call themselves the Red River Rats—or just River Rats for short.

The River Rats held their first Stateside reunion at Wichita, Kan., in April 1969. Colonel Johnson (now stationed at Nellis AFB, Nev.), was elected Head Rat, with several Navy and Marine fighter pilots and other Air Force types filling out the roster of Association officers.

One very important group was absent from Wichita and from the Association's second annual reunion at San Antonio, Tex., last month. That group is the Red River Valley veterans who now are POWs or are missing in action. All have been named life members, and it is to them—directly and indirectly—that the work of the River Rats is largely dedicated.

During the Korean War, an enemy pilot,

complete with MIG-15, surrendered to the USAF. His reason: He had noticed that whenever an American fighter pilot was in trouble, all other aircraft in the area came to the assistance of the stricken pilot. That, he said, wasn't true in his air force. The USAF looked like a pretty good team to him.

Well, things haven't changed in that respect for the USAF or for the air arm of any other US service. River Rats proved it in combat all over Southeast Asia—perhaps most dramatically over the Red River Valley. Now they are proving it in a different way through their support of efforts to get our POWs back. The day that happens, a bronze bell, which has become symbolic of the River Rats' continuing mission, will be rung for the first time, and the name of every returning Rat is to be engraved on its surface.

At Wichita, the River Rats decided there was something else—tangible, immediate, and important—to be done for their missing comrades. Working through Personal Services offices of the Air Force, Navy, and Marine Corps, each local Force of the Red River Valley Fighter Pilots Association has contacted families of POWs and MIAs in its area to offer assistance that is beyond the capability or authority of the military services.

Some of the wives and families of aircrew members who are "still out" live with relatives or, for other reasons, need no assistance. But to many families, the River Rats have become a very present help in time of need. To each of those families, a River Rat and his wife are assigned as sponsors. The sponsors—for that matter, the entire local Force—are always there, day or night, to lend a helping hand in domestic emergencies. They have fixed cars, repaired washing machines, driven sick children to the hospital, escorted POW/MIA wives to social events, taken the kids to ball games, and generally helped buck up morale on the home front. Sometimes just being an understanding listener is the greatest of all services.

The River Rats have worked quietly, without publicity. But word gets around. Several aerospace companies have volunteered support, in efforts to speed the repatriation of POW members, and in the work the Rats do with families of missing airmen. The Aerospace Optical Division of International Tel and Tel, for example, has established a scholarship fund, to be administered by the River Rats, for children of Red River Valley veterans who are prisoners, missing, or who were killed in action. Part of the annual dues of each member goes to the fund, which, it is hoped, will be built up by additional contributions from other individuals and groups.

The Air Force Association joins the Red River Rats and the families of missing members in their hope that the bronze bell soon will ring out for the first time. Like the River Rats, AFA is dedicated to that goal—the return of our imprisoned airmen.

The River Rats can be proud of the campaign they conducted in the Red River Valley. That is behind them now, and probably most would as soon forget the MIGs and the ground fire. But they haven't forgotten, and they won't forget, the teammates who were left behind or the families that wait at home alone. The helping hand that River Rats have extended to these families is typical of the loyalty, courage, and compassion of American airmen.

There is a lesson here for all Americans.

WAR PRISONERS HAVE HUMAN RIGHTS TOO

(By John F. Loosbrock)

One can make a very good case, in purely military terms, for the missions into the Parrot's Beak and the Fishhook in Cambodia. It is sound military doctrine to strike, and strike hard, at an enemy's supply caches and his command and control centers. One has only to recall the immense contribution to the ending of our own Civil War, made by Sherman's March to the Sea. The history of war is studded with other examples.

The box score on weapons, ammunition, and food supplies already netted in the Cambodian raids is impressive (see page 14), and it is good to know that a significant though incalculable, number of young Americans now serving in South Vietnam will have their fair chance of living to a ripe old age as a result of these operations.

The political side effects of the Cambodian raids are another matter. However, one may feel about the necessity for the action there, its divisive impact on the American body politic is as much a fact of life as are the obvious military pluses involved in limiting the enemy's ability to hurt our own troops and those of our allies.

One of the most distressing side effects we have noted is the increasing tendency to substitute knee-jerk reflexes for the rule of reason, to replace honest debate with the parroting of *ersatz* slogans. It is impossible, we feel, to be moved to sorrow and anger at the unnecessary and tragic deaths of the four Kent State students without betraying in any way one's belief that a Communist-dominated Asia would be a deadly peril, not only to the United States, but to free men everywhere. But the polarization of our society is making it ever more difficult to discuss almost any issue from more than one point of view.

A friend of ours warned us years ago: "When you walk down the middle of the road, you can get hit from either side." He was right, and it saddens us to have to admit it. But because he was right, important issues, on which all Americans, regardless of color, creed, or political persuasion, should be able to unite, get lost in the shuffle.

A case in point is the plight of the Americans who are known to be either prisoners of the North Vietnamese and the Viet Cong or who are missing and believed to be prisoners. Only one week before the massive gathering on the Ellipse protested the Cambodian operations to the President, the nation, and the world, a much smaller, less vocal, and less photographed crowd gathered only a block away in Constitution Hall.

Families of the war prisoners and of the men missing in action were there, from all parts of the land. There were speeches, requests for help, calls to action, and promises of support. But media coverage was sparse and, we suspect, the Hanoi government was much more impressed and hardened in its intransigence by what happened on the Ellipse seven days later.

The Air Force Association and this magazine took the lead in the matter of the prisoners of war last fall when we published in our October issue Lou Stockstill's magnificent article portraying their plight. Much has happened since in a positive way, as is outlined in detail beginning on page 32. But what remains to be done shows clearly in the statistics—thirty-one men have been released (nine by Hanoi and twenty-two others by the Viet Cong in South Vietnam); 450 are still in prison to our certain knowledge; and 1,096 more still languish in the shadowy land of "missing in action," leaving behind women who know not whether they are wives or widows.

There is much talk of human rights among those who protest the war. But there also is a basic human right involved in the matter of the war prisoners. Any prisoner, no matter how heinous his crime—whether he is imprisoned for criminal, civil, or political reasons, or whether he is a legitimate prisoner of war—deserves the basic human rights guaranteed by domestic and international law. In the case of a prisoner of war, his family is entitled by the Geneva Convention to know where he is held, and to communicate with him.

The North Vietnamese say our men are not prisoners of war but war criminals, and hence not protected by the Geneva Convention. That is pure hogwash. The Geneva Convention does not go into the matter of the legitimacy or illegitimacy of a war. If a man is in the military service, is wearing his country's uniform, and is captured, he is a prisoner of war and entitled to humane treatment under the Convention, which North Vietnam has signed.

Surely here is a cause in which all Americans can come together. We can appreciate the purity of motive with which more and more Americans are opposing the war in Southeast Asia. This is their right and their privilege. But we can also hope that the protestors, who say they are so concerned and who say they care so much, will direct at least a portion of that concern and that care toward their own countrymen whose basic human rights are being trodden upon by the country whose flag flew last month on the Ellipse.

If it is all well and good, when one disgrees with the President of the United States, to march on Washington and "tell it to Nixon," is it not even more pertinent and even more constructive to take up the cause of the American war prisoners and "tell it to Hanoi"?

CLEVELAND, OHIO, GREENHOUSE VEGETABLES ON HOUSE RESTAURANT FARE FOR WEDNESDAY, JUNE 24, 1970

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. VANIK. Mr. Speaker, I am proud to call to the attention of the House that fresh, delicious vegetable produce from the "Greenhouse Capital of the Nation" will be made available to diners in the House of Representatives Restaurant tomorrow, Wednesday, June 24.

This remarkable center of the greenhouse industry, located in northeast Ohio, has now under cultivation about 400 acres of land, with 2.4 million square feet of glass, which produce from 75 to 100 tons of fresh vegetables per acre.

This Cleveland area industry employs over 1,000 workers with an annual production of vegetables worth over $15 million.

The vegetables which will be served in the fresh salads in the House Restaurant tomorrow are being provided through the courtesy of the Cleveland Greenhouse Vegetable Growers Association and the sponsorship of their Congressmen, the Honorable JACKSON BETTS, MICHAEL FEIGHAN, WILLIAM MINSHALL, CHARLES MOSHER, LOUIS STOKES, and myself.

The members of the Cleveland Greenhouse Vegetable Growers Association are now cultivating over 235 acres of land under glass. The vegetables which are produced from their hard labor are demonstrative of the careful attention given to this immense greenhouse farming activity so close to the center of one of the Nation's great urban areas.

This Cleveland industry is primarily a small business operation operating without the benefit of any Federal crop subsidies, loans, or insurance.

The entire Greater Cleveland community is proud of the accomplishments of this industry.

We know you will enjoy this delicious salad from the greenhouses of northeast Ohio.

A BILL TO DETER AIRCRAFT HIJACKERS

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. POLLOCK. Mr. Speaker, since May 1, 1961, there have been 85 attempts to hijack American commercial aircraft. Most regrettably, 66 of these attempts have been successful.

All of us agree that something must be done to prevent further acts of air piracy. The question is one of method. Because almost all of the hijacking attempts involved the use or threatened use of a firearm, some people have concluded that new and more stringent gun controls are necessary. I do not believe that this is the answer. Since many of the hijacked airliners began their ill-fated journeys from jurisdictions having very restrictive firearms laws, it would seem that, as a purely practical matter, Government controls on the sale and ownership of firearms have not achieved any worthwhile purpose. Moreover, stringent gun control statutes, such as those which require the registration and licensing of rifles, pistols, and shotguns, are, in my opinion, a great and unwarranted infringement on the right of law-abiding citizens to buy and own firearms. Thus, the challenge is to enact legislation which will deter the illegal use of guns by would-be hijackers without denying the law-abiding citizen the right to travel in interstate commerce with an unloaded, properly cased firearm.

I believe that the bill which I am introducing today will punish those who demonstrate a callous disregard for the lives and safety of others by hijacking interstate carriers. Yet, at the same time, the right of American citizens to use firearms for self-defense and for legitimate sporting purposes would be guaranteed.

Specifically, my bill would make it unlawful for any person, except authorized military, law enforcement, and certain other specified personnel, to carry a concealed firearm or destructive device while traveling aboard an interstate common carrier. Violations would be punishable by imprisonment not to exceed 5 years and/or a fine not to exceed $5,000. However, with certain exceptions relating to uncured mental incompetents, unlawful narcotics users, fugitives from justice, and certain other categories of persons, the right of law abiding citizens to carry unloaded, properly encased firearms in interstate commerce would be protected. The benefits under this section would extend to any person over the age of 18 years who carries a rifle or shotgun in interstate commerce, to any person over the age of 21 with respect to the interstate transportation of a handgun, and to any other juvenile provided that he is accompanied by an adult who is entitled to the protections of this measure and who is willing to supervise the interstate carriage of a firearm. This section is subject to the limitation that firearms transported aboard a common carrier must be unloaded, encased, and deposited with an authorized agent. Moreover, the entire bill is qualified by the further proviso that Federal laws respecting the ownership, possession, and transportation of machineguns, sawed-off shotguns, certain other weapons and destructive devices would not be altered. A person who meets the criteria established in my bill would be permitted to carry a firearm through States with contrary laws relating to the licensing and registration of firearms as long as he remains in interstate commerce. However, this immunity would not apply to State and local hunting laws, to laws governing the carriage of concealed weapons, or to restrictions on the ownership and/or possession of firearms by local residents.

Thus, the bill which I am introducing today will give the Federal Government a valuable tool for deterring and punishing those who would hijack commercial aircraft and other common carriers, while, at the same time, protecting the right of law abiding citizens to carry firearms for legitimate purposes in interstate commerce. I believe that both of these considerations are important and should be incorporated as amendments to the appropriate sections of the United States Code. Accordingly, I urge very careful study of the measure which I am now introducing.

MR. ALFRED V. "AL" ATKINSON

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. FULTON of Tennessee. Mr. Speaker, it was with great sadness that I received the news of the death of Mr. Al Atkinson, a legislative representative for the Communications Workers of America.

Mr. Atkinson succumbed to a heart attack Saturday evening while preparing to return to Washington from Cincinnati where he had been attending the CWA convention with his son, Alfred, Jr.

Mr. Atkinson had served as a CWA legislative representative since 1960 and it was my privilege to meet him soon after coming to the Congress in January of 1963. He was a dedicated trade unionist and very proficient in his duties for the Communications Workers.

But more than this Al Atkinson was a very warm human being. He spent a great deal of time helping others, particularly friends or aquaintances who had suffered some personal misfortune and were in need. He had a warm personality and that rare ability to give and take kidding in a pleasant and inoffensive manner.

Mr. Speaker, Al Atkinson was an individual whom I counted as a personal friend and I will miss him. My full sympathy is extended to his widow, Delphia; his daughter, Mrs. Ann Carolyn Winstead, and his son, Alfred, Jr.

SLEEPING BEAR DUNES: COOPERATIVE ACHIEVEMENT ENDORSED BY THE NEW YORK TIMES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. O'HARA. Mr. Speaker, this Congress has a real opportunity to bring to fruition a vital conservation project which will serve the whole public, now and in the future. We can enact the Sleeping Bear Dunes National Lakeshore to preserve a rare and endangered shoreline environment along Lake Michigan.

We have this opportunity now, after 11 years of effort. Four national administrations have worked for this goal, and I am happy to note that it has the backing of the current administration. Governors of Michigan, of both political parties, have endorsed the lakeshore.

The Michigan Legislature, in pledging to fully cooperate with the project, has made a highly significant contribution, again on a wholly bipartisan basis. Members of Congress of all persuasions are working together to save this superb shoreline resource. And, of course, thousands of citizens in Michigan and nationwide have urged prompt enactment.

It is this kind of cooperative effort, built on an overriding recognition of the danger threatening this significant landscape and the urgency for bringing it under balanced protection, that gives me confidence that the lakeshore will win approval in this Congress. We have now a proposal that incorporates the best ideas from everyone. We have legislation which enjoys the strong, urgent, and bipartisan cosponsorship and advocacy of every Member of our Michigan delegation in the House of Representatives.

The Sleeping Bear Dunes National Lakeshore legislation has been refined and tempered. Out of the genius of the legislative process, we have evolved an approach that can simultaneously maximize two objectives not easily resolved: To preserve a magnificent, endangered landscape for all the public for all time, but in doing so to protect also the interests of local communities and the rights of established property owners. It is to this achievement that we may credit the wide support the proposal now enjoys in the local area. The tide of local opinion is shifting from either opposition or indifference to advocacy of the national lakeshore. For example, the Board of Commissioners of Benzie County, once on record in opposition, just a week ago approved a resolution urging establishment of the lakeshore.

Mr. Speaker, this is encouraging news, another reflection of the resolution of this matter which has been achieved by cooperative efforts. When this area is added to the national park system—as I am confident it will be this year—it will be a victory of which we may all be proud, a victory to which all have contributed and in which all will share, a victory for the people and for the future.

Mr. Speaker, the New York Times in its Sunday, June 21, edition, again expressed its editorial support for the

Sleeping Bear Dunes National Lakeshore. I include this excellent, concise editorial in the RECORD at this point:

[From the New York Times, June 21, 1970]

SLEEPING BEAR DUNES

More than eleven years have elapsed since the Sleeping Bear Dunes of northern Michigan were first suggested to Congress as a national lakeshore proposal. Since then, Congressional hearings have repeatedly emphasized the importance of adequately preserving this spectacular shore. Compromises have been made to assure protection of private landowners in the vicinity. Now the Administration has announced its support of the bill to establish this 71,000-acre park.

The Sleeping Bear Dunes, which are perched on glacial moraine bluffs, rise boldly 460 feet above Lake Michigan. Associated with the great white dunes are miles of sandy beaches, inland lakes, winding streams, and wild forested hills. Additional lakeshore acreage would include the forest-covered Empire Dunes several miles to the south and parts of the Manitou Islands.

There is no question that this wild lakeshore is one of the most inspiring scenic areas of the Great Lakes region and, as the Interior Department has stated, that it ranks as "one of the most important remaining shoreline opportunities in the entire country."

Further to postpone establishment of this priceless area can only increase the risk of impairment by commercial interests. It is time to add this unique natural treasure to the national shoreline system.

STILES FARM FOUNDATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. PICKLE. Mr. Speaker, I would like to take this opportunity to honor the Stiles Farm Foundation. This 3,200-acre demonstration farm, under the able direction of Calvin A. Rinn, farm manager, and John E. Hutchinson, director of the Texas A. & M. University extension service, has accomplished untold good both in improving farm income and in fostering the high-quality production which enables the people of this Nation to spend a mere 16.5 percent of their income on food—the lowest in the history of man. Since its founding in 1962, the Stiles Farm Foundation has truly represented the best attitudes and promoted the finest techniques available in this most important industry, the industry upon which this great Nation was built.

On June 16, 1970, the Stiles Farm Foundation held its eighth annual field day at the farm, attended by close to a thousand surrounding farmers and their families. I would like to commend Mr. Ethan C. Holt, Mr. John Chapin, Mr. R. J. Hodges, Mr. Luther Bird, Mr. O. D. Butler, Mr. T. D. Tanksley, Jr., and the other representatives of the farm for their enlightening presentation of the latest advances in farm research being demonstrated there. I would also like to commend Mr. Rinn and Mr. Hutchison, Mr. L. S. Pope, Mr. H. O. Kunkle, and Gen. A. R. Luedecke of Texas A. & M. University, Mr. Calvin Janak and the other members of the Taylor Chamber of Commerce, and all the businesses and individuals who organized and presented the program for the day and saw to it that no one returned home hungry.

I would like to extend with them a special thank you to Mr. Andrew J. Mair, Deputy Assistant Secretary of Agriculture, Washington, D.C., who took time from his busy schedule to deliver the keynote address. The Stiles Farm Foundation considers it a high honor to have had this distinguished agricultural expert as its guest for this occasion. Mr. Mair's remarks are timely and significant, even though his comments on "set aside" might be controversial. We can all agree that the biggest thing going for the American farmer is his continuing efficiency.

THE COAST GUARD ACADEMY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. GAYDOS. Mr. Speaker, graduation from any of the U.S. service academies is an honor aspired to by many of America's young men. Not only do the men attending these academies receive a fine scholastic education with a college degree, but they also have instilled in them the discipline and training which enables them to be the leaders of our Nation tomorrow.

We, here in the Congress, can, to some extent, help a young man enter most of the academies by a congressional appointment. However, we have no such jurisdiction over admittance and acceptance to the U.S. Coast Guard Academy at New Haven, Conn. Acceptance there is based solely upon the physical and scholastic abilities of the individual candidate.

It is for that reason I am singularly proud of one of my constituents from the 20th Congressional District in Pennsylvania. I salute Thomas B. Rodino, who graduated earlier this month as an ensign in the Coast Guard and with a bachelor of science degree.

Ensign Rodino is a son of Mr. and Mrs. Lawrence P. Rodino of 110 Constitution Circle in Clairton, Pa. He graduated from Clairton High School in 1966 and immediately entered into competition with more than 3,900 other young men across the Nation to secure his appointment to the Academy.

The Coast Guard Academy, Mr. Speaker, seems to be especially appealing to young men from the Clairton steel community. There have been several who won their appointments on merit alone. Two of them, I know, Ensign Rodino and Ensign William G. Pavlik of 23-D Lincoln Avenue, Clairton, marched in the inaugural parade for President Nixon in January 1969. Ensign Pavlik graduated from the Academy in June of last year and now is on duty in Alaska.

Mr. Speaker, I know these two young men have brought pride to their parents, but I would like them to know, too, they have brought pride to the city of Clairton and to me, their congressional representative. They are men of great potential whose qualities of leadership, determination, and courage may be greatly needed in the world of tomorrow.

FLAG DAY

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ABBITT. Mr. Speaker, in these days when there is so much disrespect for our American flag and so many occasions when we have cause for embarrassment at the actions of some elements of our society, it is always good to be reminded of the lofty principles which our flag represents.

We were reminded very forcefully of this in the Flag Day ceremonies here last week and I have recently read a very fine article which appeared in the June edition of the Elks magazine. This article, written by Mr. Frank Hise, Grand Exalted Ruler of the Elks, is entitled "Fly It Proudly" and I feel is worthy of the attention of every Member of the House.

In the same edition of the Elks magazine there appears an article, also written by Grand Exalted Ruler Hise, entitled "Membership Requirement of Benevolent and Protective Order of Elks of the United States of America" which is, I believe, worthy of our attention. This is a splendid organization, of which I am proud to be a member, and I would like to include herein with my remarks the two articles to which I make reference.

The articles follow:

A MESSAGE FROM THE GRAND EXALTED RULER

This is the month when we pay honor and respect to our country's Flag. Down through history no nation has achieved the greatness of our own America whose Flag has flown proudly and grandly these many years as a symbol of a free people.

Even though we are going through a period of great change, a period of turmoil and internal strife we are still a great nation and, God willing, shall continue to be for many years to come.

There are those few in our United States who claim that our Flag is the symbol of oppression, that it is no longer the symbol of our people. Nothing could be further from the truth. It is the same Flag that has carried us through periods of war and depression, the same symbol that guarantees us our rights under our Constitution, the same symbol that supports the Bill of Rights and the rights of the individual to seek his own destiny. It is a constant reminder of the price that we have paid for freedom and the prosperity that we enjoy today.

Let every Elk and every Elks lodge display Old Glory on our national holidays over our lodges, our homes and our businesses. Let us make our Flag Day ceremony, established in 1911, not simply a gesture on this one day but a reminder of our duty throughout the year.

There are too few of us speaking out in defense of our country and if our American heritage is to be preserved we must be involved in its preservation. We are not opposed to change, but the change must come in an orderly manner based on common sense with emphasis upon the rights of the

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individuals to the point where they do not conflict with the rights of others.

It is vitally important that we understand the thinking of this very intelligent generation of young people. It would be a tragic mistake to condemn a whole generation because of the militant minority. We want our young people to express themselves for most of them are sincere and hold deep and honest convictions. From our Order's experience we can be confident that our young people will come forth with new ideals, with sound, new concepts, proving themselves better Americans for having been subjected to the pressures at this point in time.

Common sense and love of country will prevail. There are no hopeless situations. Today's problems result in large degree from apathy on our part. We must carry our message of love and respect for our nation to all citizens. We must take a closer interest in our government. We must dedicate ourselves to the teaching of our young people . . . working with them for a better America. Fly our Flag and be proud of it. Be good Elks—proud Americans.

MEMBERSHIP REQUIREMENTS OF BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA

The Order of Elks is increasingly concerned over the failure of public officials on all levels, and and even some of our own members, to recognize that the First Amendment to the Constitution of the United States of America guarantees the citizens of our Country the right of freedom of assembly.

In 1968 at the Centennial Convention in New York City, the Benevolent and Protective Order of Elks overwhelmingly voted down a proposal to change its membership qualifications by eliminating the word "white." Of the more than 2500 delegates, only about 20 voted in favor of this Constitutional change. Those who made the decision, after debate, represented the more than 2000 subordinate Lodges. No small group settled the issue and obviously, no one section of the Nation was dominant in the rejection.

Within Elkdom itself, there are only a few members who conscientiously believe that a change would be desirable. There have been rare instances when members, skirting their obligation as Elks not to use their membership for business or commercial purposes, have shamefully expressed views on the subject intended only to enhance their own political fortunes.

The fact is that most of the pressure for change in this membership qualification is coming in tiresome frequency not from within the Elks but from outsiders who seem to believe that we, as individuals, and as Elks, do not have a legal right of choice regarding those with whom we associate. They choose to ignore the fact that membership in the Elks is a personal social privilege. It cannot be purchased on the market; it is not a property right; nor does it involve such civil rights as voting, education, housing, or employment. The Elks is not a public conveyance that anybody can hop aboard. One has to be proposed—invited—to become a member!

For 23 consecutive years, the Order of Elks has enjoyed an annual membership increase and the total has now exceeded the million and a half mark. This in itself indicates that our fraternity has a meritorious membership format which attracts American gentlemen to our fellowship.

The crux of the entire matter of membership qualifications can be summarized in a single word, freedom—specifically, the freedom of a man to associate with whom he pleases, where he pleases, when he pleases—the right, in simplest form, to exercise the Constitutional guarantee of freedom of assembly. This right of private association is interwoven throughout the entire social framework of our land.

The right of private oganizations such as the Elks, and most of the other fraternal orders, to set their own membership rules has been affirmed by the U.S. Supreme Court. Justice Harlan said in "Civil Rights Cases" (1883) 109 U.S. 3:

"... Government has nothing to do with social, as distinguished from technically legal rights of individuals. No government ever has brought, or ever can bring, its people into social intercourse against their wishes . . . no legal right of a citizen is violated by the refusal of others to maintain merely social relations with him, even upon the grounds of race."

This landmark case emphasizes that there is a vast difference between "civil" rights and "personal" or "private" rights, in spite of the attempts these days to confuse the two.

In Bell v. Maryland (1964) 378 U.S. 226, Justice Goldberg held that

". . . it is the Constitutional right of every person to close his home or club to any person or to choose his social intimates and business partners solely on the basis of personal prejudices, including race. These and other rights pertaining to private association are themselves constitutionally protected liberties."

There are other important court decisions pertaining to this and to related subjects. Reference is also made to U.S. v. Cruikshank, 92 U.S. 542 and Evans v. Newton (1966) 382 U.S. 296.

In applying and exercising this right of freedom to choose one's associates, various organizations in our society set up membership qualifications or rules to join or associate. There is nothing illegal or even objectionable in this. There appear to be rules for joining or belonging to almost everything that is organized—even to becoming a citizen of the United States.

The Order of Elks has membership rules or requirements for those accepted to associate with it. There is nothing unconstitutional, unusual, or un-American in this.

The rules of the Order require that members be citizens, adults, and male; of sound mind and body; and of good character. No offense is intended toward noncitizens, minors, women, or the unfortunate who are not of sound mind, body, or character.

When the Elks require belief in God, no quarrel is made with those who do not believe. When the founders of our Order preferred to associate with members of their own race, their intent was not to condemn nor downgrade persons of other races. There is no intent by today's membership to condemn or downgrade other races when it votes to uphold the existing requirements.

When Elks choose not to associate with Communists or subversives, they are exercising the right of free men to associate with whom they please.

The Elks are doing with regard to adherence to selective membership rules exactly what many other good and patriotic organizations, including military, church, union, and racial groups, are also doing—and have a perfect right to do! The right of free choice of association is an important part of our American heritage. We seek to preserve and protect this right for everyone and ask only that others respect and honor that right for our fraternity.

Despite the basic issue involved, there have been attempts to strip lawful rights from fraternal orders by denying beverage licenses, the use of public buildings, and other privileges. Forgotten, or purposely ignored, in this ill-founded approach is the fact that members of the Elks pay their just share of taxes in order to provide for and benefit from public facilities available to all. The exercise of the right of free men to choose their associates is no legal reason to deny any organization the rights granted to other citizens or organizations. There are a number of cases in point which have been decided by the courts.

We refer particularly to the cases of Herbert A. Jones v. Richland (Washington) School District No. 411, Superior Court case for Benton County, Cause No. 21803; Civil Liberties Union of Southern California v. Board of Education of Los Angeles, 359 Pac. 2d 45; and Danskin v. San Diego Unified School District, 171 Pac. 2d 885.

Within the limits of Elkdom's means and talents the Order has always stood ready to help any human being in need. The Benevolent and Protective Order of Elks has a long history of aid to those in need, without regard to the race, color, creed, or national origin of the recipients.

Throughout the land, Elks aid crippled children; support Scouting, Little League, camping, and other youth activities; build playgrounds and hospitals; provide therapy for cerebral palsied and other physically handicapped children; bring comfort and aid to maimed and wounded veterans in hospitals; provide funds for needed medical research; and grant many thousands of dollars in scholarships and other assistance to deserving young people.

In their philanthropic work, the Elks through their subordinate Lodges, and not including the huge sums distributed by the Elks National Foundation, expend nearly nine million dollars annually; and again we say that this is done completely without regard to race, color, creed, or national origin. And we will continue to do so!

The Order of Elks has vigorously supported our government, its laws, and principles. We strongly resent slurs cast upon our Order or references to our membership qualifications as being un-American. Our patriotic record is beyond reproach and might well be emulated by some of those now criticizing our Order because we continue to believe in our Constitutional right of freedom to choose our associates as one of the important principles underlying our American heritage.

The Order of Elks makes valuable contributions to the American way of life. The reason for the long history of success of our fraternal Order lies in the fact that we practice and live by our Charitable and patriotic principles. The existence of our Order has never adversely affected the livelihood or ability of a nonmember to strive for and reach whatever goal he or she may seek—whether it be educational, moral, spiritual, or economic.

The Elks are a strong force for good in hundreds of communities throughout our Nation. We will continue to support our government, aid law enforcement, and carry out our charitable and youth activities as we have in the past with increasing strength and vigor.

In return, we demand the right to work out our destiny without outside interference.

The Elks alone will make the decision on proposals to change our membership rules. We will not be pressured or coerced by civil or human rights groups, politicians or political opportunists, racists, troublemakers, or do-gooders who are not members of the Order.

This statement is made to clarify our position with regard to our "white" membership qualification. It is made for the information of all our members so that they will not be misled by those who challenge it. As long as no one outside our membership is legally injured, our membership rules are the business of the Elks, and it is the business of no one else how we choose to pick our fraternal associates.

As Grand Exalted Ruler, I am committed to uphold the decision of the Grand Lodge and the laws of our Order, and this I do.

OUR OWN UNITED STATES

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. PHILBIN. Mr. Speaker, friends have brought to my attention an excellent composition, "Our Own United States," by Esther Gilman Moore, the gracious, talented wife of a dedicated leader of the Massachusetts bar, an outstanding judge and great American, my able, distinguished friend, the Honorable M. Alan Moore of Gardner, Mass.

These sparkling lyrics were composed by Mrs. Moore to signify her patriotic spirit, not to take the place of any national hymn or song, but to supplement the list of patriotic songs.

In making this inspiring, creative work available to the country, it was her hope that this would be another vehicle by which the American people could sing about our wonderful country, that is composed of 50 States, united together, comprising every race, class, and creed, with freedom, liberty, and justice for all.

This song was sung for the first time at the Memorial Day exercises in all the Gardner, Mass., public schools on Friday, May 22, and again in the First Congregational Church in Gardner on Memorial Day Sunday.

Since July 4, Independence Day, is coming soon, I have been asked to present this very thrilling song to the Congress, as a contribution from the Third District of Massachusetts, that I am so honored to represent here in the House, and am pleased, Mr. Speaker, to include this song in the CONGRESSIONAL RECORD, so that it can be circulated throughout the country to thrill and inspire the American people, young and old alike, as it has done in the composer's home city.

This very beautiful, impressive composition has a distinctive spiritual tone, and will be deeply appreciated by the people of America as a valuable addition to the patriotic, musical literature of the Nation.

I am proud to send Mrs. Moore, and her distinguished husband and family, my heartiest congratulations upon this fine, new song, which I know will be deeply appreciated and sung wherever it is known. The song follows:

OUR OWN UNITED STATES

(By Esther Gilman Moore)

America—the country filled with folk from every land.
They came to find a freedom everyone could understand,
Where man could work and prosper and could give a helping hand—
Our own United States.

Chorus:

Land of fifty states together
Land of every race together
Land of liberty forever—
Our own United States.

We pray for God to guide us so we all may live in peace,
For better understanding, and for good will to increase.
And may our love for freedom and our courage never cease
For our United States.

Chorus:

Land of fifty states together
Land of every race together
Land of liberty forever—
Our own United States.

(To be sung to the music of "John Brown's Body," or "Glory, Glory Hallelujah."

COMMONSENSE AND THE BILL OF RIGHTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. COLLIER. Mr. Speaker, a letter written by the son of one of my constituents is so full of sound commonsense that I want to share it with my colleagues. The writer is understandably disturbed by the manner in which irresponsible members of society are abusing the Bill of Rights and attempting to undermine our judicial system.

The letter follows:

This is my first experience in writing to a Congressman. As I think about this now, I feel a certain sense of dereliction in never having done so before. You, as my elected representative, certainly have a need to know how I feel about certain issues pertaining to government.

In retrospect, I must accuse myself of being a "lethargic American." Recent events have indicated to me, however, that if I continue in this lethargy, I will awake one day to find my country either in anarchy or in the hands of a governmental system entirely alien to our present one. Neither of these alternatives is palatable to me.

The trial of the so-called "Chicago 7" has been the catalyst to break the lethargy referred to above. I view the almost unbelievable actions of these defendants and their lawyers during the trial as a deliberate and calculated attempt to break down the judicial system in this country. Every fibre of the way of life we have learned to cherish is threatened in like manner—authority in every form is being attacked by the "New Left"; our moral codes are being undermined by a seemingly endless profusion of filth which is purveyed, unchecked, throughout the country; our once proud colleges and universities have become easy prey for the harassive and disruptive antics of radicals; the majority of the news media is controlled by people who, while decrying "repression," are guilty of a news bias which is blatantly repressive in its own right.

In short, Mr. Congressman, I fear for my country. And my greatest fear is that we don't seem to be doing anything about these threats. How, for example, can a person such as this William Kunstler be allowed to go about the country preaching sedition and fomenting riots which take a heavy toll in personal injuries and property damage? We can anticipate that any "repression" of Mr. Kunstler's activities will be viewed in the press as a violation of his civil rights. But, what of *my* civil rights? What of the civil rights of millions of citizens who find Mr. Kunstler's activities downright rebellious?

The convicted defendants in the Chicago trial are now free on bail. They have been admonished against any misbehavior. How many inflammatory speeches will it take, how many more riots must the nation's taxpayers endure (and Pay for) before we recognize this activity for what it is—Insurrection—and then deal with it accordingly?

I, for one, am getting fed up with protecting the civil rights of people who advocate the overthrow of my government. I believe it high time we interjected some of our God-given faculty for common sense into the Bill of Rights. Freedom of speech, freedom of the press, the rights to assemble and petition, etc., imply a *responsible* citizenry. Messrs. Kunstler, Hoffman, Dellinger, Hayden, et al have shown themselves to be highly *irresponsible*. They make a mockery of the Bills of Rights as they spew out their invective into the ever-present TV camera. How much longer must the American public put up with this?

America has many ills and you people in the Congress have a tremendous responsibility in these trying times. There are many issues—the Viet Nam situation, equality for Negroes, pollution, etc. I submit that one issue overrides them all—civil disobedience. Unless we have a *sane* and *responsible* approach to dissent, we stand the chance of losing our America.

I consider myself to be an average citizen, a part of the middle America which the "liberal" press chooses to ignore. I don't presume to speak for all of middle America but I'll wager my feelings on this subject are representative of the majority of Americans. The last time I looked, our system of government was still aimed at the *common* good. None of us can afford to lose sight of this precept.

Thank you for your attention to this letter.

Yours truly,

—— ——.

THE CIVIL AIR PATROL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. WOLFF. Mr. Speaker, as commander of the congressional squadron of the Civil Air Patrol, I would like to make known to the Members the great work of this fine body of dedicated volunteers. The National Commander, Brig. Gen. Richard N. Ellis, has just released the annual report for 1969, which records the services rendered by the fine men and women of the Civil Air Patrol. The following statistics demonstrate dramatically the extent to which this all important organization is providing essential humanitarian services for our Nation and all of the 50 States.

During 1969 these dedicated men and women broke all existing records. They flew over 27,626 hours in search and rescue missions, maintaining an average of three aircraft in air every hour of every day. The Civil Air Patrol came to the aid of local, State, and Federal agencies in more than 16 States which were in need of aid due to hurricanes, floods, blizzards, and tornadoes. More than 70 percent of all flying hours in support of the national search and rescue mission were flown by the Civil Air Patrol. This great effort resulted in the saving of 38 human lives, the location of 136 objectives, 149 evacuations were accomplished, and 1,529 other persons in distress were assisted. The 31,828 cadets and the 31,772 seniors have worked very hard to increase their operations so that since 1966 they have raised their number of missions, sorties, and hours flown by 60 percent. This increase has enabled the Civil

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Air Patrol to provide such services as 3,963 man-days, 224 aircraft, 1,066 communications sets, and 595 vehicles to such national disasters as Hurricane Camille. By the end of 1969 there were 17,764 licensed Civil Air Patrol radio stations, and 5,446 aircraft to assist the untiring efforts of the hard-working volunteers of the Civil Air Patrol.

It is impossible to measure the extent to which this organization of dedicated humanitarians has aided this country in terms of human lives saved and anguish and anxities relieved. I think I speak for all of my colleagues when I express my wholehearted appreciation for the splendid and invaluable service rendered to this Nation by the Civil Air Patrol.

WHITE HOUSE CHARLIE McCARTHY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. CLAY. Mr. Speaker, there is much speculation that Vice President SPIRO AGNEW speaks only with prior clearance from President Nixon. Many citizens contend that SPIRO AGNEW opens his mouth and Richard Nixon's voice comes out—much like the act of Edgar Bergen and Charlie McCarthy. At least another very responsible newspaper—not one of the eastern establishment—has suggested that this is indeed the case. I, therefore, commend the following article from the St. Louis Post Dispatch which appeared on June 21, 1970, to the attention of my colleagues:

UNDAUNTED BY AGNEW

Vice President Agnew's latest caper is a curious one indeed. Immediately after making a speech in which he took a less caustic tone than he has been accustomed to using, Mr. Agnew in a towering rage roared for the head of Joseph Rhodes Jr., the Harvard graduate student appointed last week by President Nixon as a member of the Scranton commission to investigate campus unrest. What was it all about?

The Vice President was exercised by a statement of Mr. Rhodes, in an interview, which he said showed immaturity and bad judgment. Mr. Rhodes's offense was to suggest that one thing to be investigated by the Scranton commission was whether extremist attitudes in government have contributed to campus violence; specifically, he cited President Nixon's famous words about "campus bums."

Mr. Rhodes did not say that the President's phrase or any of Mr. Agnew's phrases had incited campus violence; he said the commission ought to investigate this as well as other aspects of the problem. He is quite right, and we are glad he is sticking to his guns. If the Scranton commission is to command any respect it must enjoy complete freedom to dig into all facets of campus unrest. There is no reason why police and government attitudes toward students should be granted a special immunity.

Because Mr. Agnew rarely speaks without White House authorization the strong probability is that here as in other instances he was being used to express Mr. Nixon's views and not only his own. We imagine that the President was outraged by Mr. Rhodes's interview and hoped to force him to resign. Fortunately Mr. Rhodes seems to be a man of some mettle. If Mr. Nixon wants him off the Scranton commission he will have to fire him, and that is as it should be.

BARGE MIXING RULES

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ADAMS. Mr. Speaker, the House will soon consider the matter of degree to which barges will be allowed to mix exempt and nonexempt commodities in tows throughout the United States.

I have been quite surprised at the desire of many individuals to maintain the nonregulated, nonpublished rates. I recently read an article in the New York City Journal of Commerce which expresses this problem very well, and I hope the Members will have an opportunity to read it before voting on this bill. I am therefore inserting the editorial of Friday, May 22, 1970, which is entitled "Secrecy in Ratemaking," at the close of my remarks:

SECRECY IN RATEMAKING

Certain relationships are well-recognized by our society as being confidential: those between doctor and patient, lawyer and client, priest and parishioner and even (up to a point) between newsman and his sources. But there has developed a counter-trend in recent years.

More and more is being heard of late of what is described as "the public's right to know." From this, expressions like truth in lending and truth in packaging have developed and gained legislative status. The government has not been spared entirely. A lot of questions are being raised concerning the difference between what it says it is doing in Southeast Asia and what some people feel it seems to be doing. But for the most part it is private industry and commerce that is being asked to bare its secrets, sometimes with one result, sometimes with another.

One little-publicized sector in which this is becoming a factor is in the field of what is known as "exempt barging", which is to say in the negotiation of freight rates governing barge movements of dry bulk commodities which are treated as exempt from regulation. In this field the normal roles are reversed. The carriers selling the service are willing to have the rates made public; the shippers buying these services don't much like the idea. Which raises a problem.

The problem extends back to the Transportation Act of 1940, which granted certain exemptions from economic regulation to water interstate carriers (just then being taken into ICC's fold) but not to railroads. The theory was that water carrier rates were so low they did not compete with rail rates; therefore, there was no point to bringing them under regulation.

The argument was probably valid at the time, and it was probably for that reason that the barge lines were allowed to ignore another section of the law prohibiting them from "mixing" movements of regulated and unregulated commodities in a single tow. But during the middle 1950s the barge carriers hit on some improvements that changed the picture. These made possible larger towboats, bigger barge fleets and lower unit costs. They also brought barge lines into sharper competition with the railroads. In consequence, ICC decided to invoke the "mixing rule" and to deny, after a specified cutoff date, the barge carriers the right to mix regulated commodities (steel, paper, sugar, etc.) in the same tow with such unregulated dry bulk commodities as coal, grain, salt and the like.

After a lengthy court detour the issue went to Congress. It has been there since 1967. In the interim a group of legislators headed by Rep. Samuel F. Friedel has produced a compromise measure under which barge lines would (1) be allowed to get out from under the "no-mixing rule" but would (2) be compelled to publish their negotiated rates. This would not give the rails all they have been seeking, but it would enable them to know what their competition is doing and thereby satisfy one of their chief complaints.

While neither carrier group is especially pleased with this solution, neither has much cause for displeasure, either. But mysteriously enough, the measure is making very little headway.

Peter Fanchi, president of Federal Barge Lines, quoted a leading member of the House Interstate Commerce Committee last week as saying the bill had "no chance in its present form" though it was one of the cleanest pieces of legislation he had seen in years.

The reason seems to be that some large shippers are unhappy about the measure. Even though they ship large volumes of the commodities involved by rail and at published rates, they rather cherish their present right to negotiate secretly the rates governing that portion of their traffic that goes by barge and free of regulation.

We cannot begrudge anyone the temptation to keep a tight grip on something that seems advantageous to him now and to resist any legislative efforts to pry his fingers loose. But in this case it is not merely a matter of surrendering an advantage for a disadvantage. If the mixing rule is finally applied to the inland waterways, barge operations will suffer. Some of today's big tows will have to be fragmented. Others will require longer to accumulate. The result is that some proportion of the technological advances made by the barge industry will be lost and that rates will go up in consequence.

As against this, how important is the element of secrecy in the making of unregulated dry bulk rates? Perhaps the answer was given by the 19th Century English poet, George Crabbe, who remarked: "Secrets with girls, like loaded guns with boys/ Are never valued till they make a noise."

WMIX SALUTES THE POLICE

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. GRAY. Mr. Speaker, I recently saw a bumper sticker on a car that read:

> If you have an emergency and do not want to call the police, try calling a hippie.

I think this portrays how essential and dedicated police are to the preservation of law and order in a society necessarily governed by laws.

Mr. Speaker, I am proud to tell you that Mr. John R. Mitchell, president of the Mount Vernon Radio & Television Co., whose call letters are WMIX in Mount Vernon, Ill., has launched a public service campaign to rally support behind our dedicated police officers. Every hour on the hour, WMIX is broadcasting a 30-second promotional support an-

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nouncement similar to the one I am having printed in the RECORD as follows:

WMIX salutes the police officers of America. These respectable men deserve and command the respect of each one. They are men of integrity, honor and responsibility. Our very protection rests on their strong shoulders, their courage, their ability, their fearlessness, their devotion to duty. Your police officer—a stalwart man of uncommon valor!

Mr. Speaker, I hope all of us can have greater respect and support for the people who are "watching out for all of us."

CRISIS IN AMERICAN EDUCATION

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. GUBSER. Mr. Speaker, one of my most distinguished constituents, the Honorable Roger A. Freeman, formerly with the Hoover Institution on War, Revolution, and Peace at Stanford University, and now a special assistant to President Nixon, recently delivered an address before the annual meeting of the Washington State Research Council in Seattle, Wash. Mr. Freeman's speech on the "Crisis in American Education" contains a timely and most important message which I heartily commend to the attention of my colleagues. I am, therefore, submitting Mr. Freeman's remarks for inclusion in the RECORD:

CRISIS IN AMERICAN EDUCATION

(By Roger A. Freeman)

I cannot adequately tell you how thrilled I was when I received your invitation to serve as your speaker at this luncheon. I left the State of Washington nearly fifteen years ago and thought that I had long been forgotten here. While David Swenson's letter was still on my desk, bathing my face in its reflected glow, I began getting telephone calls from Herb Miller, Ben Ehrlichman and others, urging me to accept the invitation. So here I am.

Having spent some of the most precious and most exciting years of my life in the Pacific Northwest, I am humbly grateful to you for letting me know that I made some lasting friends during the decade I lived and worked here.

If I were at liberty to do what I feel like doing, then I would now recognize my old friends in the audience, reminiscing about our common exploits in the legislative wars of the 1950's and tell the new generation tales of battle scars that have long since healed.

But you did not come here for that. You came to hear me speak about the "Crisis in American Education." So, in fairness to you, my hosts, and to make sure that you don't make me pay for my own lunch, I shall address myself to the assigned subject.

But before I do so, I want to pay tribute to the man who brought me into public life here over twenty years ago, to whom I owe most of what I know about public affairs, and whom I served as an assistant for more than five years. I mean, of course, Governor Arthur B. Langlie whose untimely death was a severe blow and grievous loss to all of us. I am most happy to hear that a biography of this great man, the only man ever to be elected Governor of Washington three times, is now in preparation and will soon be published.

For as long as anyone of us can remember there has always been talk about a "crisis in education." Those within the educational establishment usually saw the crisis in financial terms; denounced the existing support level as lamentably inadequate and predicted dire consequences and disaster if available funds were not promptly multiplied. That no such crisis ever developed does not necessarily mean that our educational spokesmen had only been crying "wolf." It may well be that because their warning came early enough and their appeal for remedial action was sufficiently forceful and effective, their crisis predictions never came true.

That experience caused me in past years to place a question mark behind the phrase "crisis in education" whenever I used it. Somehow I felt certain that our schools and colleges would turn the corner in fine shape before they reached the critical stage.

I no longer feel as confident as I once did, and I no longer place a question mark behind the term "crisis in education." For the first time in history it appears that the profound faith of the American people in their educational institutions has been shaken and their belief in the wisdom of our educational leaders and in the soundness of their goals or practices has turned to doubt and even to outright disapproval. If a vote of confidence were asked for today from the people across this nation in the management and policies of their educational institutions, it would in most states no longer be as favorable as it would have been twenty, ten or even five years ago. This is true above all in regard to some of our most prominent universities and colleges, but also of many high schools and elementary schools. This is evident not only from the growing number of failures of school tax and bond elections—which in most areas offer the people the only organized way in which they can vote their displeasure—but also from numerous independent polls, letters and many other sources. How are schools and colleges to weather the onslaught to which they are now subjected, how are they to cope with their current and future problems, to progress and prosper in the years ahead, if they can no longer count on the affection and trust of the great majority of the American people upon whom their very existence depends?

So far, the flow of funds into education has not declined and continues to show a healthy rate of growth. Yet there are many voices heard, mostly from inside the establishment, which assert that inadequate financial support is at the root of their trouble and that lack of money is the most urgent problem in education which could be solved by the addition of several billion dollars in federal funds. Congress is being criticized for not appropriating enough money for education and the President is attacked for having vetoed an education appropriation earlier this year and for not having proposed the new and expanded programs which his critics urge upon him.

The President stated his reasons clearly in the Veto Message of January 27, the Message on School Reform of March 3 and the Message on Higher Education of March 19. Let me summarize them briefly:

1. Inflationary pressures, generated largely by eight years of deficit spending to the tune of $57 billion, are still so intense that demands for federal funds for *all* purposes must be restrained and their total kept approximately within the frame of prospective revenues. To pursue an expansionary fiscal policy at this time would add fuel to the fires of inflation and could wreck serious harm, none the least on education.

2. Certain costly school programs introduced with great expectations a few years ago are not yielding the promised results. In fact, the entire concept of a clear-cut positive cost-quality relationship in education has been called into question by recent research.

3. The label "education" is not enough to justify claims for federal funds. There must be evidence that a proposed program offers the most effective solution available and a tangible return to the taxpayers.

The President criticized that "we are not getting as much as we should of the dollars we spend," recommended several programs to correct existing shortcomings and promised:

"As we get more education for the dollar, we will ask Congress for more dollars for education."

Some of our critics claim that the budget is tight only because military outlays have been tremendously increased and that arms swallow most of the federal tax revenue which otherwise could be allocated to education and other social purposes. The facts are to the contrary:

In the current three-year period—FY 1968 to FY 1971—defense spending is being cut 9 percent, outlays for education and other social purposes boosted 47 percent, all other federal expenditures increased 21 percent. But the record of defense costs should probably be reviewed in a broader historical perspective:

Immediately after World War II, the military establishment was largely dismantled and outlays fell precipitiously from $80 billion in 1945 to between $12 and $13 billion annually from 1948–1950. This unilateral disarmament was one of the causes of the Korean action which shot defense costs up to $50 billion in 1953. Since that time—that is between 1953 and FY 1971 as proposed by the President—defense expenditures increased 49 percent—approximately equal to the simultaneous rate of price rise. Spending for health, education, welfare and labor increased 944 percent, for all other functions 182 percent (see Table—Page 5).

More than half of the $129 billion increase in Federal expenditures between 1953 and 1971 was applied to social purposes, less than one-fifth to defense. Defense meanwhile shrank from 64 percent of the Federal budget to 36 percent, from 13.6 percent of Gross National Product to about 7.2 percent.

In other words, the share of Federal revenues and of the Gross National Product allocated to national defense has been cut almost in half since 1953. Most of the huge savings were applied to social purposes, with education one of the main gainers. To slash our badly depleted defense establishment even faster or further in this troubled and hostile world would risk the nation's very existence in an irresponsible manner and be an invitation rather than a deterrent to war.

With only 6 percent of the world's population and between one-fourth and one-third of its developed resources, the American people now invest in educational institutions annually almost as much as all other nations combined. Nothing testifies more eloquently to the American faith in education than the priority which the people have granted it in financial terms. Over the past twenty years the support of schools and colleges from all sources has multipled about eight times while personal consumption expenditures or business or personal investment multiplied only slightly more than three times. Expressed in dollars of constant value, personal consumption doubled while educational spending expanded five-fold.

Over the same period, the number of employees in private industry increased 38 percent while it tripled (+203 percent) in public education. In the rest of government, manpower grew 87 percent. These are impressive facts which make charges of neglect or starvation of education look plain silly.

To be sure: school enrollment grew faster than the population as a whole. Twenty years ago the impending "tidal wave" of postwar babies faced the schools with a grave challenge. Would schools be able to obtain the resources required to expand their staffs and facilities in proportion to students? Would the American people be willing to provide the huge funds by traditional methods? Few observers thought at the time that the job could be done without a massive intervention of the federal government.

The task was truly stupendous: Between 1950 and 1970 public school enrollment nearly doubled, jumping from 25 million to 47 million pupils (= +88 percent). Nobody expected in 1950 that school support would multiply seven-fold in the succeeding 20 years, from $5.4 billion to $38.5 billion; but it did. Expressed in constant dollars, the increase equalled 350 percent—while enrollment, as mentioned, went up 88 percent, national income or product 125 percent.

What did this accomplish? While enrollment grew 88 percent, the instructional staff expanded 131 percent: classroom teachers +119 percent, non-teaching professional staff such as administrators, counselors, psychologists, nurses, librarians, etc. +358 percent. The ratio of the instructional staff to pupils was reduced from 1:25 to 1:21.3, which means that there are now 4.8 fewer pupils per teacher in the public schools than there were in 1950.

In his first education message in 1961 President Kennedy, in proposing federal school construction aid, suggested that 600,000 classrooms ought to be built during the 1960s to take care of all needs and that state local governments would be unable to meet that goal unaided. Actually, about 700,000 new classrooms were constructed in the 1960s—without a federal construction aid program. There are now about five children fewer per classroom than there were in the early 1950s. The most amazing fact is not that these reductions in class size took place in a short number of years but that this was accomplished during the time of the sharpest enrollment expansion that America's public schools ever experienced, and that it was done largely by action of the people themselves, in thousands of tax and bond elections.

Of the $33 billion that were added to the support of the public schools over the past twenty years, 93 percent came from state and local governments which were then as now alleged to be "hanging on their financial ropes." No program of general federal aid for school operations or construction was enacted in spite of truly heroic efforts of its protagonists, in a campaign begun well over a century ago. Nothing testifies more clearly to the continued effectiveness of the traditional American way of government by the consent of the governed. In the current school year, 1969/70, the federal government supplied only 6.4 percent of the public school support, according to the National Education Association*, with most of it closely earmarked for special programs and little available for general support.

The time of enrollment growth in the public schools is over. Current projections suggest little or no increase in the 1970s—unless mass closing are forced on the private schools which still accommodate almost 6 million children. Barring such a development, the task of providing adequate support for the public schools should be far easier in the 1970s than it has been for several decades. There is one big IF in this expectation: IF the public schools can retain—or, in many cases, regain—the confidence and goodwill of the communities they serve.

So far we have recorded only the "input" into the schools: dollars, teachers, classrooms. It has always been customary to meaure educational progress and quality by "input" factors—such as dollars expenditure per pupil or teacher-pupil ratio—not by "output" factors, that is improved skills and knowledge of the students.

Unfortunately, we have no record of "output" because school administrators have always strenuously resisted demands to introduce qualitative yardsticks into the schools by which the progress of students in essential skills and knowledge could be measured, recorded and compared.

In his School Reform Message, the President stressed the need for objective measurement of educational results. He added:

"For years the fear of 'national standards' has been one of the bugaboos of education . . . The problem is that in opposing some mythical threat of 'national standards' what we have too often been doing is avoiding accountability for our own local performance. We have, as a nation, too long avoided thinking of the productivity of the schools."

Many years ago we had at least a tentative gauge in the percentage of pupils held back. But the practice of having lagging pupils repeat a grade was largely abandoned when the schools discovered the secret of perpetual promotion.

Achievement test data on pupil skills in the 3Rs are now available only from research projects and from a few cities. James S. Coleman of Johns Hopkins University, who in 1965/66 headed the largest and most thorough examination of American public schools ever undertaken, was amazed to find: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out of it." He concluded that "if it were otherwise we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

Reviewing the ensuing national debate in the New York Times Magazine of August 10, 1969, Christopher Jencks of the Harvard School of Education, summarized his conclusions: "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied."

The most detailed report now available on any city school system (*New York City School Fact Book*, City University of New York 1969) found:

"The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . . " Statistical data in that report show that reading and arithmetic achievements in the highest expenditures schools ($1100 per pupil and up, median $1330) average between 5 and 7 months *behind* those in the schools with the lowest expenditures (below $600 per pupil, median $551). The teacher-pupil ratio was 1:25.9 in the high-achievement schools, 1:12.3 in the low-achievement schools.

But the belief in the educational magic of the dollar dies hard. Five years ago Congress enacted a $1¼ billion-a-year program to raise the achievement level of millions of children from low-income backgrounds who were reported to lag one or several years behind national norms (averages) in basic skills. Title I of the Elementary and Secondary Education Act of 1965 for "compensatory education" and a few related programs now account for about half of all federal school funds.

Two years ago the *Associated Press* found in a nationwide survey: "Title I, the federal project on which $3 billion has been spent in the hope of answering the educational needs of deprived children, is not working out. On this point, critics and supporters alike are agreed."

After reviewing the major "compensatory education" programs since 1957 the U.S. Civil Rights Commission found that "none of the programs seems to have raised significantly the achievement of participating pupils."

In his Message on School Reform, the President reported that:

"*The best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up* . . . Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19 percent of the children in such programs improve their reading significantly; 13 percent appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart Program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similar poor backgrounds."

The record of thousands of projects from "Higher Horizons" and "More Effective Schools" in New York to "Banneker" in St. Louis, from "Madison" in Syracuse to the Berkeley schools—all of them started with great enthusiasm—tells a story of consistent failure to produce the educational improvement among so-called "deprived children" which their sponsors hoped for and promised.

What this adds up to is, of course, not that we should quit increasing school resources every year. The President made that abundantly clear—he recommended, in fact, several programs to bolster school support in certain critical areas besides proposing a system of federal revenue-sharing which will aid state and local governments generally.

The basic approach of the School Reform Message is: let us pursue methods, through research, that will accomplish what we are aiming at. But let us not go overboard until we know how what will work with children from slum backgrounds. Just spending billions of taxpayers money is no adequate substitute for tangible achievements.

The New York City Master Plan (1969) declared: "The plain fact is that no one yet knows how to make a ghetto school work."[1] This has not kept New York City from multiplying its outlays generally, but particularly in schools in poverty areas, to the point where it now spends on the average about twice as much per pupil as other large cities. But students in New York City schools lag, on the average, far behind national norms—and they slipped back another two months in reading last year. What was the Board of Education's response? It demanded a 30 percent increase in operating funds—$380 million—for next year (1970–71) besides a $600 million appropriation for new construction. Not surprisingly, New York City authorities expect this to be paid by the rest of the country.

Most compensatory and similar programs for educational improvement place their main emphasis on reducing class size, although it has long been known from hundreds of research studies that there is no correlation between class size and pupil achievement. The *Encyclopedia of Educa-*

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*According to other sources, 80%.

[1] My colleague, Daniel P. Moynihan, commented on this a few months ago: "The plain fact is that nobody knows how to make a real ghetto school—that is one made up of European Jewish students—*not* work."

tional Research reported twenty years ago that:

"On the whole, the statistical findings definitely favor large classes at every level of instruction except the kindergarten . . . the general trend of evidence places the burden of proof squarely upon the proponents of small classes."

Three years ago the Coleman report found that the teacher-pupil ratio "showed a consistent lack of relation to achievements among all groups under all conditions." But the myth that pupils learn more in smaller classes still flourishes and the demand for cutting class sizes continues while resistance to technological progress, such as programed learning with the help of machines or television and films grows. Could the explanation lie in a fact brought out by the Bureau of Labor Statistics last year? Commissioner Geoffrey H. Moore reported at a Congressional hearing last December that "the aggregate supply of trained teachers is expected to significantly exceed demand, if recent entry patterns in the occupation continue." He projected job openings between 1968 and 1980 at 2.4 million, the new supply of teachers at 4.2 million.

Youth unemployment has long been severe—one out of seven people between 16 and 21 is out of a job, and one out of four among non-white youths. In no other industrial country in the world is there a comparable problem of youth unemployment. But we have so far failed to study why we do so badly. Since the belief that education is the best answer to poverty has virtually become part of the American Creed, we might well look to the schools for a remedy.

Among the country's worst school systems by any yardstick save expenditures per pupil are the District of Columbia schools. But, there are exceptions. For example, Bell Vocational High School, 60 years old and almost all black, has little if any of the troubles that beset most other Washington schools and its graduates have no difficulty in landing jobs. So what does the Board of Education plan to do about it? You guessed it—it intends to abolish Bell and the other four vocational high schools.

There used to be an excellent academic high school in Washington, Dunbar. Some twenty years ago eighty per cent of its graduates, almost all black, went to college. Reorganized under more recent rules, Dunbar is now as bad as Washington's other high schools. I should mention that my son has been attending a Washington public high school this past year.

Amidon was among the country's best schools—and many D.C. schools maintained at least a semblance of good education under the four-track system. The four-track system was abolished, Amidon was equalized with other D.C. schools—equal, that is, to the lowest schools in the country measured by pupil achievements.

It has widely been suggested that schooling should be started earlier so that disadvantaged children do not lag behind others when they reach first grade. Results of the massive Headstart program have so far not been convincing and efforts have been started to begin schooling even earlier, e.g., at three years. The number of 3 to 4 year olds in schools has risen from 800,000 five years ago to 1.2 million—with the attendance among whites 15% and among non-whites 21%. This may be all to the good. Would it help the educational process to begin at birth, as some have suggested? Nobody knows. Available studies have shown that the I.Q.'s of adopted children correlate with their natural parents from whom they have been separated since birth and bear little relationship to the foster home. Also, the I.Q.'s of identical twins reared apart are almost as closely correlated as the I.Q.'s of identical twins reared together. This seems to suggest that intervention at birth may come about nine months late.

Several research projects are now being sponsored by the Office of Economic Opportunity and the Department of Health, Education, and Welfare which aim to find and identify methods of teaching "disadvantaged children" effectively. One project farms out the teaching of reading and other core subjects to independent contractors whose compensation varies according to the measurable progress of the students. Another project provides parents with vouchers, giving them a freedom of choice among schools, public or private, which they wish their children to attend.

Ventures of this type aim to stimulate imagination and, above all, competition among schools, which has so sadly been lacking under a system of virtual monopoly that left parents and students no practicable choice. How would you like to shop if there existed just one grocery store for your neighborhood and your only recourse were a complaint to a distant and quite independent board of grocery store supervisors? How good would service and values be under such a system?

To expand, intensify and systematize educational research, the President recommended to Congress the formation of a National Institute of Education. It will sponsor projects at schools, colleges and research centers as well as of individual scholars and also have some studies conducted by its resident staff. Ideas about improved education, no matter how attractive, must be tested before they are translated into huge undertakings. Some ventures in recent years did more harm than merely waste money. They were like the psychoanalyst who blamed his patient's appendicitis on early life experiences and tried to cure it on the couch.

Lavish promises to parents and taxpayers about improvement in educational achievements which went unredeemed have aroused widespread disappointment and deep unhappiness. Bitterness and recriminations have in many locations led to violence and senseless mob action whose consequences will plague us—and the affected children—for years. In numerous cities, well-intentioned men and women have raised demands or taken steps which not only split communities and multiplied civic strife and hatred but permanently damaged the education of millions of youngsters. Such action was often encouraged, sponsored or carried out by governmental authorities. I am reminded of a warning that Mr. Justice Brandeis gave more than four decades ago:

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding. (*Olmstead* v. *United States*, 277 U.S. 478)"

In many locations, action intended to improve the education of large numbers of children has actually worked to retard their progress, to create conflict and chaos and to alienate large numbers of residents from the public schools. Some schools have been virtually ruined and some cities could be destroyed in the process if it continues much longer.

There is dynamite all over the place and if we do not "cool it", if we permit it to heat up more, it may blow up in a major conflagration. The main losers then might be the schools but the victims will be the children whose hope for the future depends on getting an education in schools that can operate only if there is no disruption or turmoil.

I have always been a great believer in community control in education and in other public services. This is why I regret that neighborhood control of schools was never given a fair chance in the sections of New York City where it was intended to be tried out. Intensified research for finding more effective methods combined with greater influence of the parents on school policies might well offer the most promising solution. Actions and policies strongly opposed by the parents or leading to a diminished role of the parents in school affairs are unlikely to help the childen. By pursuing a course that alienates their communites, some public schools may well be sawing off the branch on which they are sitting.

Grave problems loom ahead for the schools, public and private, and some of those problems are of a financial nature. This is why the President established by Executive Order a Commission on School Finance, which will report to him within two years. But the financial problems of the public schools don't amount to a crisis—unless the schools themselves, by their actions further weaken the affection and confidence of the parents and taxpayers upon whom their support inescapably depends. At this time, the danger of a deep and lasting split between the American public and its school system is present, but not immediately threatening. It is imminent and grave in the case of universities and colleges. I will therefore devote my remaining time to the ominous developments on campuses from coast to coast, which jeopardize the future of higher education in the United States.

The administrators of colleges and universities no less than those of elementary and high schools tend to view finances as their most pressing problem. "The most critical question facing higher education today is how to find sufficient resources," declared the Association of American Universities in April 1968. Considering the growing wave of campus revolts in recent years, some of us may doubt that finding sufficient resources truly is "the most critical question facing higher education today". Finding leaders capable of coping with the violent uprising could be more crucial.

Enrollment at Institutions of Higher Learning (IHL) multiplied about three times over the past twenty years, revenues ten times. With the rate of enrollment growth certain to diminish in the years ahead, the task of obtaining sufficient income should also turn easier. In all likelihood, though, it will not.

While enrollment was about evenly divided between public and private institutions until about 1950, there has since been a decided shift evident toward public IHL; seventy to seventy-five percent of the new students now enroll at state and city colleges, largely because of the ever-widening tuition gap. State institutions now charge less than one-fourth of the tuitions of private colleges. The latter depend on private donations to make up the difference between instructional costs and charges. But their gift receipts have not been rising as rapidly as the state taxes which support public IHL. If present trends continue, most of the 1500 private colleges—about two-thirds of all IHL in the country—may within the next two decades have to close their doors or turn public. This would, to all appearances, not break the heart of those who set the tuition policy of public colleges.

General operational support of all IHL, from Federal or state sources is unlikely to materialize because two-thirds of all private IHL are church-connected. This raises constitutional questions that have so far proven insuperable. To provide federal funds only for the operations of public IHL would, of course, sound the death knell for the private colleges which Congress most assuredly does not want to do.

This is one major reason why the President in his Higher Education Message of March 19th stressed aid to students rather than to institutions. In his presidential campaign and in earlier years, Mr. Nixon has strongly advocated tax credits, for dona-

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tions and for tuitions, as a means of aiding higher education. The Senate adopted such proposals on several occasions and a bill of that type could pass Congress any time with broad bipartisan support. The President has not changed his views on educational tax credits but has not pushed the proposal because higher education associations, with some exceptions, have taken an equivocal, and in some cases a negative attitude. Heads of institutions prefer direct grants which enable them to spend the sums according to their own judgment; they dislike indirect aid such as tax credits which would confer on parents and other college supporters greater powers in the decision-making process. Sponsors of educational tax credit plans, though they constitute a commanding majority, according to several polls, have so far not effectively organized to get their program adopted.

In recent years the urgency of pleas for the grant of direct federal funds to institutions has sharply intensified. This expresses the fear of the heads of institutions that their established supporters have become increasingly disillusioned and alienated and can no longer be depended upon to increase the funds as rapidly and as unquestioningly in future years, as they have in the past. Mass riots, violence and wanton destruction that have taken place on about 500 campuses over the past six years—the most serious ones within the past two years—the forcible disruption of studies and abject surrender of orderly administration that have occurred and been permitted to continue, have seriously eroded the respect, affection and genuine pride which the American people have traditionally accorded higher education and its leaders. Outright hostility shown by faculty and students on many major campuses toward all efforts that would tend to strengthen the defense capacity of the United States, and violent action against defense research and ROTC activities, have widened the chasm between town and gown and turned admiration into suspicion, antagonism and scorn.

I can obviously not, in this context, adequately discuss the record and far-reaching implications of the campus revolt that started in Berkeley six years ago. But, neither can I avoid talking about the impact these events are likely to have on the future support of colleges and universities.

Several polls within the past few months suggest that the American public disapproves, with a ratio of between 3:1 to 5:1, of the student disruptions or closing down of colleges and universities by mobs of students, faculty and outsiders, that it favors the calling of law enforcement agencies and the National Guard on campus where college and administrators are unable to maintain orderly operations.

According to a Gallup Poll in March 1969, 84% of the public wants Federal aid withdrawn from campus lawbreakers. Administrators were not listening.

Possibly the most significant indicator of the public's resentment was expressed in a Gallup Poll on May 13–14 for *Newsweek* (May 25) in which respondents were asked who was primarily responsible for the deaths of four students at Kent State University; 11% blamed the National Guard, 58% the demonstrating students, 31% gave no opinion. Since the facts at Kent State are not yet fully known—the President has appointed a commission to investigate the tragedy—the vote expresses the "gut reaction" or basic attitude of the public more than its judgment in the particular case.

The public sentiment is also being reflected in adverse votes on education issues on state and local ballots and is beginning to show in a diminished flow of incoming gifts. Sooner or later it may also be reflected in the treatment that colleges and universities can expect at the hands of state legislators who, after all, must shape their votes to conform with the wishes of their constituents, if they want to continue in public office.

This is why administrators look increasingly to the federal government for funds. But the prevailing sentiment in Congress bodes no good. According to latest reports, the President's recommendations and other proposals to aid higher education may not be acted upon by the 91st Congress—except for the establishment of a secondary market in guaranteed student loans—largely because of the campus revolt.

The public's ire is directed at the militants who have engaged in orgies of vandalism and destruction, but also at trustees, administrators and faculty members who have permitted them to do so with impunity. Those campus authorities have defaulted on their duty to protect the civil rights of other students and faculty, an overwhelming majority, to pursue their education, teaching and research without being subjected to coercion, intimidation, and physical assault.

It is difficult to recall now that the campus revolution started as a movement purportedly for free speech. Before long it manifested itself in preventing all who would disagree with the militants—faculty, students or public officials from speaking. High officials of the U.S. government, such as then Vice President Humphrey and Secretaries Rusk and McNamara, were physically attacked when they tried to speak. Neither the President nor his top advisers would now be able to speak on most major U.S. campuses. Is this an example of dialogue or free speech?

Does anybody really believe that the student revolt would end or abate if the war in Vietnam and Cambodia ended tomorrow? The leaders of the action would invent some other cause. They do not want reform—they seek bigger ends.

The President of Stanford University and the president of its student body have recently acknowledged that behind most action is a small hard-core of revolutionaries who are "bent on nothing less than the destruction of the university, primarily as a way of bringing down the society itself."

Acts of arson, burglary and vandalism were committed on the Stanford campus in recent months. 45 policemen were injured in just two nights. The beautiful building in which my office is located—completed less than three years ago—was and still is partially wrecked. But it is in a better shape than the nearby Center for Advanced Studies in the Behavioral Sciences which was fire-bombed. An Indian scholar's life work there was destroyed. More than 30 ROTC buildings were fire-bombed and many other structures burnt on various campuses. Non-conforming faculty and staff were beaten up.

There are laws against such acts on the books of every state, imposing long prison sentences. Are the criminals who committed these acts now serving time in penitentiaries? How many of the faculty and students who participated have been expelled? Blackmail and violence have often been rewarded by college administrators with concessions and surrender. Most of the time, little effort was exerted to apprehend offenders and if identified they were usually granted amnesty. Small wonder that a reign of terror continues on campuses. Nor will it end until either the presidents and trustees of colleges and universities live up to their responsibilities—or somebody else does the job for them, which would, of course, be far less desirable.

Nobody questions the right of students, faculty or administrators to make their individual disagreements known with any action of the U.S. government, foreign or domestic. But a university which takes a stand on a political issue—and a violent stand at that—destroys its value and forfeits its claim to be a center for impartial study and teaching. It transgresses upon the rights of the members of the academic community with different views. It is too often forgotten that most parents send their children to college to learn, not to decide public policy. If students were mature enough to exercise such judgments, they would not need to go to college. But even if all seven million students on U.S. campuses disagreed with official U.S. policy—which, of course, they do not—what makes anybody think that they would have the right to force the hand of the lawful government and the duly-elected representatives of 205 million Americans? What makes the dissidents think that they can run the country—without subjecting themselves to the inconveniences of having to run for elective office to gain the consent of the governed before they try to usurp the right to govern? What the leaders of this movement really want is, of course, not to run the country but to ruin it. Shall we let them do it?

A society that does not defend itself is bound to destroy itself. To yield to mob rule is to end government by the people.

Less than two months ago I spent a week of discussions in Moscow. Soviet officials were quite frank in saying that they expect American foreign policy to be influenced and largely governed by domestic events, including violent mob action on our campuses. The Soviets expect that they can sit back and wait until we give in. They are, I believe, mistaken. But I am not surprised that they feel this way.

There are now signs that the patience of the American people is wearing thin. If aroused groups resorted to vigilante action as their last resort, as some did in New York a few weeks ago, the results could be tragic for our colleges and for the free institutions we cherish. A "backlash" could gravely harm our system of higher education, built up by the dedicated efforts of generations of Americans in more than three hundred years. Let us not forget that Rome was built in seven centuries, destroyed in a few days. There is still time to keep our higher educational institutions from going down. I hope and trust that it will be used well.

FEDERAL EXPENDITURES, 1953 AND 1971

[Dollar amounts in billions]

	National defense	HEW-Labor	All other	Total
1953	$49.4	$7.1	$20.4	$77.0
1971[1]	$73.6	$74.3	$57.6	$205.6
Increase (in percent)	+49	+944	+182	+167

INCREASE IN FEDERAL EXPENDITURES, 1953-71

	Amount (in billions)	Percent
National defense	$24.2	19
Health, Education, and Welfare; Labor	67.2	52
All other	37.2	29
Total	128.6	100

[1] President's proposals as revised May 19, 1970.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

NO NONSENSE IN LAW ENFORCEMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ASHBROOK. Mr. Speaker, in a recent appearance on the nationally televised news show, "Meet the Press," former Attorney General Ramsey Clark was asked why, when he was in office, he refused to use wiretapping as a tool in the fight against crime. Clark replied:

> Because crime can't be controlled by wiretapping. It undermines the confidence of the people in their Government. It demeans human dignity in the long run. It escalates the levels of violence in America. . . .

To which, I am sure, the overwhelming majority of citizens concerned with the urgent crime problem would answer with a resounding: "Nonsense."

Let us take a contrasting approach as demonstrated this past weekend by the nationwide narcotics raids which smashed an operation that directed most of the cocaine and nearly one-third of all heroin sales in the United States. Carried out in 10 cities, the raids netted 127 arrests and grabbed narcotics worth about $2.6 million on the retail market, along with $19,875 in cash, 23 automobiles, and 14 weapons. In a 6-month investigation leading up to the arrests, another $5.1 million worth of narcotics had previously been seized.

As reported by the press, Attorney General John Mitchell stated that without the use of court-approved wiretaps the raids would have been impossible.

Contrast these results with the pathetic inaction justified by hazy cliches and generalities which was the hallmark of Ramsey Clark's tenure as head of the Justice Department. No wonder Candidate Nixon singled him out for retirement during the campaign.

On May 4 of this year the Republican congressional committee newsletter carried an exclusive by Will Wilson, Assistant Attorney General, Criminal Division, on the use of wiretaps in this administration.

For necessary background on the this vital weapon of law enforcement, I include at this point the statement by Mr. Wilson mentioned above:

PUTTING LAW TO USE—WHAT WIRETAPS ARE DOING FOR U.S. TODAY

(By Will Wilson)

The decision of Attorney General John N. Mitchell to use the wiretap provisions of the Omnibus Crime Control and Safe Streets Act of 1968 marked the turning point in mounting what will be a successful assault against organized crime. Wiretapping and immunity are the two best weapons against the illegal gambling syndicates whose cash-flow revenues is the life blood of organized crime.

In 1969, the Department of Justice requested authorization for electronic surveillance in 33 cases under investigation. The results: 173 arrests in 12 of the cases; continuing investigation in which indictments are anticipated in 11 of the cases; only seven cases in which results were nonproductive. In all of the cases, indications are clear that the evidence secured from the wiretapping was essential to the investigation and could have been uncovered in no other way.

Since none of the cases has been completed, being presently at either the trial or appellate stage, no specific statements can be made about them or about the extent to which the retrieval of overheard conversations contributed to the success of the investigations.

Why is it necessary to resort to wiretapping? To answer this requires an understanding of the nature of the type of crime in which electronic eaves-dropping is principally used—organized crime.

Today, the core of organized crime in the United States consists of 24 groups operating as criminal cartels across the nation. Estimated overall member strength of these core groups, called "families," is put at 5,000. Like any large corporation, but unlike the criminal gangs of the past, the organization functions regardless of individual personnel changes.

Each family is headed by a "boss," whose primary functions are the maintenance of order, through the family "enforcer," and the maximization of profit. Beneath each boss is an "underboss." He collects information, relaying messages to the "boss" and passing his instructions to his underlings. The lieutenants—"caporegime" or "capodecima"—are the chiefs of the operating units. Below them are the "soldati" or "button men" who actually operate the illicit enterprise, using as personnel the professional criminals who directly confront the public.

Rarely are the leaders touched by police investigation. They maintain insulation within the organization through the underboss and the "caporegime," avoiding direct communication with the "soldati."

Until recently, no information was available about the structure of organized crime. Senate investigations were the first to uncover credible evidence of the existence of syndicated crime. But the general reaction was disbelief that large, highly structured, criminal conspiracies could operate continuously without being directly observable. Even the testimony of Joseph Valachi, a soldier in the family of Vito Genovese, a New York Boss, was received skeptically.

Today, much more is known about organized crime. Much information has resulted from electronic surveillance of figures involved in organized criminal activity. For example, in 1967, the "Patriarca tapes" were released in Providence, R.I. Raymond Patriarca's involvement as head of a New England "family" was discovered when the FBI placed a microphone in his operating office located in a vending-machine company (the National Cigarette Service). At about the same time, another electronic surveillance of the office of a Kenilworth, N.J., plumbing company, established Simone Rizzo de Calvalcante as boss of the New Jersey family and linked him to "legitimate" businessmen, lawyers, and even police officials. These are only two examples of the utility and need for electronic surveillances.

But knowing of the existence of such organizations and of the identity of those who comprise membership is not sufficient. The organization must be destroyed and in order to destroy such an organization with criminal prosecutions it is necessary to attack it at all levels. Because the leaders are insulated, rarely can their criminal activity be proved by conventional processes. Instructions to the caporegime, and, in turn, to the soldati, flow through buffers. Rarely are there witnesses to any overt criminal act. Even more rarely are there any who are willing to talk about it.

Between 1961 and 1966, only 185 indictments were returned against members of La Cosa Nostra, as the criminal empire is known. Convictions were obtained against 102, only 2 percent of the hard core. And, without electronic surveillance techniques, prospects for improvement were not high. A significant proportion of the convictions were obtained through tax-evasion prosecutions. But because of the increased attention paid to tax returns of racketeers, they have been declaring larger incomes, listed as "miscellaneous income." Thus, the prime figures remain free of the law.

The result of all of this was summed up by the President's Commission on Law Enforcement and Administration of Justice in these terms:

"In many ways, organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few.

"In a very real sense, it is dedicated by subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. . . ."

In 1963, Attorney General Robert F. Kennedy observed that, to make major inroads against organized crime, new weapons, including electronic surveillance techniques, would have to be obtained, and that, until then, the job would not get done.

In 1968, Congress passed into law the Omnibus Crime Control and Safe Streets Act of 1968, which gave the Government the needed new weapon, authorizing the use of electronic surveillance in cases involving racketeering. Philosophical opposition to this weapon, however, by LBJ's Attorney General, Ramsey Clark, prevented its use until the Administration of President Nixon when it was ordered to be used by Attorney General Mitchell.

Today, as the files of cases will eventually show, the use of electronic surveillance has changed the balance. An increasingly higher proportion of investigations are resulting in indictments and convictions of organized-crime figures.

THE CASE FOR LAW AND ORDER—WITH JUSTICE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. EDWARDS of California. Mr. Speaker, San Jose Local 11 of the ILWU through the years has been a good friend of the black and brown people, the minorities, and the ethnic underdog. Those who shout for law and order should think what those words mean to these groups when the word "justice" is forgotten. Law and order without justice is, simply, continued repression. Hitler shouted for

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law and order, forgetting justice, and the world is still paying the consequences. In a spirited editorial in its May-June bulletin, local 11 spells it out in clear and simple terms. Without justice, law and order is a hoax. But the editorial speaks for itself, so without further comment, I would like to enter it in the Record at this point:

A Controversial Editorial

Law and order means different things to different people. To most packinghouse workers it means being able to relax in your home after a hard week's work without being mugged, robbed or otherwise molested.

But to some people—especially those in high places—it seems to mean something different. To the race-haters who want to keep down the black and brown people "law and order" means clubbing, shooting or jailing those who militantly demand their rights. To the hawks "law and order" means a free hand to expand their war violence as they see fit without "interference" from peace demonstrators. To the big corporations it means—more and more—the use of police to attack strikers to enforce Mr. Nixon's policy of holding back desperately needed wage increases.

These days many people are demonstrating, marching, protesting, throwing rocks, shouting. There is also shooting and killing—but the shooting and killing is being done by the forces of "law and order". The S. J. Mercury recently printed a quotation by a law-and-order man. Here it is:

"The streets of our country are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger. Yes, danger from within and without. We need law and order. Yes, without law and order our nation cannot survive. Elect us and we shall restore law and order."

Who said that? Spiro Agnew? Ronald Reagan? They *could* have said it. But the quotation is from Adolf Hitler, in Germany in 1932.

What is causing the turmoil in our country? Injustices. And the protests against injustice go largely unheeded. The injustices are the disease—the war, racism, poverty, unequal taxes, etc. The protests are only symptoms of the disease. A pot of water will produce a head of steam if heat is applied. But the people who shout "law and order" don't seem to want to cure the disease by ending injustice. They only want to suppress the symptom—the protests. They seem to cut off democratic expression just like Hitler did in Germany. Beware those who shout "law and order" without even mentioning justice!

But there is hypocrisy involved here too. Adolf Hitler, the "law and order" man plunged Europe into a blood bath and killed 35 million people. *That* is law and order? Today too some of the most prominent "law and order" men appear to have little respect for the law themselves. Pres. Nixon is sworn to uphold the U.S. Constitution. Yet he has torn it to shreds by widening the war in Indochina. Forty thousand boys have died in an illegal war.

Again, in 1954 the U.S. Supreme Court ruled against segregated schools. Yet the southern ruling class thumbs its nose at the court and the law while segregation continues.

They flaunt the law, yet preach "law and order". But the police and national guard don't shoot down these law violators do they?

Let's keep our eye on the ball and struggle to end injustice. Let's not be misled by the "law and order" hoax.

THE SOMERSWORTH, N.H., FREE PRESS SPEAKS ON CHALLENGE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. WYMAN. Mr. Speaker, a recent editorial in the Somersworth, N.H. Free Press reaffirms some of the moral virtues and commitments that seem to have gone out of style in recent years. It expresses the kind of commonsense and dedication to timeless ideals that have made the small weekly newspapers of New Hampshire and the Nation the durable institutions they are.

The editorial written by Free Press Editor Patricia Perro follows:

A Challenge

This past week I received a notice of the graduation of one of our local young women from a prominent woman's college.

The principal speaker at the commencement exercises, a doctor of medicine whose name is well known, gave as his address to these young women, a talk entitled "Fertility control . . . a gift and a challenge."

Think about that one for a moment! What kind of a nutty, mixed up world is this when the most challenging and inspiring message one can think of to present to a graduating class is that of "Fertility control?"

The problems of over-population I am quite familiar with, having read and listened to dozens, maybe hundreds of talks and writings on this subject over the past year. Concern over the problem is certainly justifiable. I'm aware of it, and so, by this time, is almost every American girl in college or in high school today.

In spite of that, it would seem that commencement time might more appropriately be a time to speak to college women about the constructive good that they can bring to the world just by being women. Is it honoring them or is it degrading them to suggest that the best that we can ask of them is to not produce tomorrow's children, to ask them only that they stifle the creation and caring that is their own separate and special talent to give?

The peculiar quality of being a woman has, since the beginning of time enabled them to be a calming and stabilizing force in a beehive of humanity that sometimes seems bent on annihilating itself with its opposing forces of aggression, greed, and destructiveness.

A stabilizer, a sedating, a quieting influence has never been more needed than it is right now.

Why then do we not put THAT challenge before our graduating women today? The challenge to do "their own thing" more seriously and earnestly than ever before . . . to apply their special skills to the job of creating and regaining the happy, tension-free, stable type of home atmosphere that is being belittled and even deliberately undermined from so many corners today.

A stable, happy family unit, has always been the cornerstone for a stable and healthy larger society. It's a simple truth, and one that's being sadly neglected by all except those who knowingly and for their own ends, seek to tear it down.

A world with too many people inhabiting it, is indeed a problem, but an even greater problem exists in a world (populated in any numbers) by a tense, greedy, restless people; rootless, directionless, and lacking in moral conviction, purpose or even the most elementary form of religious belief or faith.

It's a little scary to realize that today's colleges, with all they have to offer in the way of technical knowledge and skill, seem to be grinding out an intellectual group of beings incapable of wisdom; oblivious to, or even acting in direct opposition to the basic truths of humanity.

In many of our colleges today, the students are seeking, but are not finding the truth. The question comes constantly . . . "What can we do in the world?" . . . "How can we improve on what is here?"

Sitting in a park chanting peace songs, may be a heck of a nice way to spend an afternoon, but it isn't going to do it.

Carrying placards and shouting curses at "the establishment" isn't going to do it.

And cutting down on the number of births isn't going to do it either. Not all by itself . . . not without some attention to the quality of the life that is being preserved.

It's the old, old story of not being able to see the forest for the trees.

TEN MAJOR APPROPRIATIONS BILLS PASS HOUSE—NOW PENDING IN SENATE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, according to a press report the other body is conducting night sessions in an effort to speed up and expedite action on appropriations bills pending in the Senate.

The distinguished chairman of the Committee on Appropriations of the House, the gentleman from Texas (Mr. Mahon), recently reported on the status of all major appropriations bills.

This year the Committee on Appropriations has done an excellent job. We have a splendid record—as the distinguished majority leader, the gentleman from Oklahoma (Mr. Albert), said—in moving, reporting, and passing appropriations bills in the House.

Of the 12 major appropriations bills, 10 have passed the House, including the second supplemental appropriations bill.

The status of these bills is as follows:

Treasury-Post Office, passed House, pending in the Senate.

Independent offices-HUD, passed House, pending in the Senate.

State, Justice, Commerce, judiciary, passed House, pending in the Senate.

Interior, passed House, pending in the Senate.

Transportation, passed House, pending in the Senate.

District of Columbia, passed House, pending in the Senate.

Foreign assistance, passed House, pending in the Senate.

Agriculture, passed House, pending in the Senate.

Military construction, passed House, pending in the Senate.

Public works, reported, on floor this week.

Defense, in committee.

Labor-HEW, in committee.

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The House Committee on Appropriations has virtually cleared its agenda—deadlines have been met—bills have been reported out promptly and passed on schedule. The work of the Committee on Appropriations and the House has proceeded with dispatch and should be commended.

I trust that the other body will act with dispatch and diligence in acting on the annual departmental appropriations bills now pending in the Senate.

A TRIBUTE TO ALEX ELIGH, THROUGH WHOSE EFFORTS THOUSANDS OF NEWARK, N.Y., YOUTH HAVE DEVELOPED INTO PRODUCTIVE CITIZENS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. HORTON. Mr. Speaker, a community center can be one of the most important buildings in the life of any town or village. The success of such a center always hinges on the enthusiasm and personality of the center director.

The people of Newark, N.Y., in my 36th Congressional District are taking time tomorrow night to pay tribute to a man who has served as director of its community center for the past 22 years. Alexander George Eligh came to Newark in 1948 and joined the staff af the Newark Community Center. A few months later Alex took over as director of the center and has served in that capacity ever since.

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Thousands of young people have benefited from his advice, counsel, and wisdom. He has dedicated his life to the youth of this community and hopefully will continue for many more years. It is through such unselfish dedication that young people today can be guided toward a productive future.

I am sure that my colleagues join me in praising the 22 years of dedication Alex Eligh has given to the youth of his community and wish him many more successful years.

Mr. Speaker, the Newark, N.Y., Courier Gazette on June 18, 1970, carried a brief editorial describing the local sentiment toward Alex Eligh. I share that editorial with my colleagues:

ALEX ELIGH TESTIMONIAL

They're throwing a little party for a nice guy next Wednesday night at Beckens Park.

It's a testimonial dinner for Alex Eligh, veteran director of the Newark Community Center, who deservingly will be recognized for his outstanding services to the youth of the community.

A little party? The men behind the scenes hope it will be merely a figure of speech because they are looking forward to a smashing turnout on the night of June 24. They want to present Alex with a big purse and the more tickets are sold the heavier the purse will get.

A nice guy? You can bet on it. They wouldn't be putting on this party if Alex wasn't deserving of it.

The testimonial tribute and dinner is the community's way of showing Alex how much he has been appreciated in the community. We think it's the nicest thing that the committee could do for such a grand person.

We hope the committee sells over 1,000 tickets for the dinner.

It couldn't happen to a nicer guy.

HOUSE RESOLUTION 914

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. GOLDWATER. Mr. Speaker, I am dismayed by the speedy passage on Wednesday of House Resolution 914, which allowed the House to adopt, without debate or amendment, the Senate amendments to the Voting Rights Act extension.

This was an unfortunate move by the House for two major reasons. First of all, it is simply bad legislative policy to lump together two such important issues as voting rights and the enfranchisement of 18- to 21-year-olds. Each of the provisions of the Senate and House bills on voting rights should have been considered on its own merits, rather than adopted en bloc.

Legislatively speaking, the vote did not reflect the desires of the American people. Over the past 5 years, 20 States have rejected enfranchisement of 18- to 21-year-olds. Only four States have lowered the voting age, and of these two did not reduce it to 18. Thus, Representatives of the 20 States which have rejected the 18-year-old vote could not represent the views of their constituents by voting for the resolution.

Even more important, there are grave doubts as to the constitutionality of Congress legislating in this area. Section 2 of article I of the Constitution clearly states that the power to name the qualifications of voters resides with the States. The 10th amendment further strengthens this section by declaring that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. As I noted previously, the people of 20 States have indicated that they do not want the 18-year-old vote.

It is crystal clear to even the most casual student of the Constitution that Congress does not possess the right to legislate the qualifications of voters. The procedures for changing the Constitution in this regard are spelled out in article V, and three amendments affecting voter qualifications have been added to the Constitution by means of these procedures: First, the 17th amendment, providing for direct election of Senators; second, the 19th amendment, guaranteeing right to vote for women; and third, the 24th amendment, eliminating the poll tax as a requirement for voting.

Once Congress is allowed to embark upon this method of amending the Constitution, by statute, there is no limit beyond which the reformers cannot go. We might just as well discard the Constitution entirely as to disregard its clear specifications and procedures for change.

Let us also look at the social implications of this new provision. There is no denying that the 18- to 21-year-olds of this generation are bettetr educated than past generations. But does this academic education serve as adequate qualification for the franchise? I think not.

There is another form of education which, I feel, serves as the foundation for responsible and intelligent voting. This education is a pragmatic one, and comes from earning one's own way, settling in one place and participation in community affairs, paying taxes, and caring about where the tax dollar goes, and, in general, interacting with society as a responsible adult.

One or two generations ago, many persons in the 18 to 21 age bracket might have fallen into this category. But this situation has changed dramatically with the tremendous growth in higher education facilities and the number of young people attending college today. A parallel growth in the so-called youth market sector of our economy has indicated tremendous expenditures on leisure-time activities and appurtenances. Here is evidence that the youth of today, while undeniably educated and informed, are not yet the mature and productive citizens who have truly "earned" their franchise.

Let us also look at the figures for States which have lowered the voting age. The turnout for 18- to 21-year-olds runs about half of the normal voting turnout. The right to vote is one which is exercised by every conscientious American citizen, and yet even when given this right, half to two-thirds of the youth eligible choose not to exercise it.

In conclusion, it is clear that there are strong reasons for deploring the action of the House in adopting the Senate amendments to the Voting Rights Act without adequate debate. On a question of such grave constitutional and social import, it is an avoidance of responsibility to the people of the United States to have taken such hasty action.

PREFERRED POSTAL RATES FOR AGRICULTURAL MAGAZINES

SPEECH OF

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 18, 1970

Mr. OLSEN. Mr. Chairman, under permission granted by the House of Representatives on June 18, permitting all Members to have 5 legislative days in which to extend their remarks during the debate on H.R. 17070, I wish to correct my answer to a question put by my distinguished colleague, Congressman SCHERLE on June 18, 1970, page 20456.

In response to a question concerning the intent of this legislation that agricultural magazines mailed for delivery in zones 1 and 2 under conditions prescribed in former section 4358 be considered preferred rate publications for rate consideration, my answer should have been in the affirmative. As the record will show, with the help of my distinguished colleague, Congressman UDALL, this affirmative answer was properly developed on the record.

Nevertheless, my immediate response, when Congressman SCHERLE posed the question, should have been:

> It is still the intent of this legislation that agricultural magazines mailed for delivery in zones 1 and 2 under conditions prescribed in former section 4358 are to be considered preferred rate publications for rate considerations.

GOLDEN EAGLE PASSPORT

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. CORMAN. Mr. Speaker, I am more than pleased that the House acted yesterday to restore the Golden Eagle passport for entrance to our national parks.

Very early in 1969, I introduced—as did many of my colleagues—a bill to reinstate the passport program, which was due to expire March 31, 1970. The Senate had approved an extension of the passport in September, last year. We are now returning the House-passed version with a few technical amendments to the Senate for approval, and I feel certain that within a very short time, the bill will be fully enacted and the many users of our parks can continue to enjoy the passport privilege.

As the matter now stands, the passport will be restored until December 31, 1971, with the annual fee cost increased from $7 to $10. Also, a complete study has been ordered by the Department of the Interior with a report and recommendations to the Congress by that date as to how the program can be made more productive.

The financial results of the Golden Eagle passport, since its inception in 1965, have not come up to expectations. The increase of $3 in fees will give the Congress an opportunity to see if the original financial objective can be achieved, and the recommended study will give us a chance to see if the program can be made more effective for all concerned.

Because of the long delay in congressional action, the Department of the Interior has permitted free entrance into the national parks so far this summer and apparently will continue to do so until final action is taken on the passport program. I am pleased that the Department has done this, for the many Americans who enjoy the beauty of our parks and participate in the recreational activities they offer should not be the victims of our procrastination.

During the past year, I have received a great deal of mail in support of the Golden Eagle passport. These letters have come mainly from senior citizens and members of large families who have willingly purchased the passport each year. The increase of $3, as provided for in my own bill, brought no objections from my constituents.

The Golden Eagle passport has allowed our citizens to visit Federal recreational areas as often as they wish without additional cost. Retired persons especially, living on fixed incomes, can spend much of their leisure time in these beautiful forests with an insignificant expenditure of funds. The program has encouraged family outings, for only one fee is charged for a passenger vehicle, no matter how many persons occupy a car. The parks attract all sorts of people without regard to age or economic status. And, they should be assured of only a minimal entrance charge to them.

Mr. Speaker, we can well serve our countrymen with the restoration of the Golden Eagle passport, and I am delighted that the House and the Senate have seen fit to do so. When the recommendations of the proposed study are before us, we then can take a hard look at them with the hope that they will give us even a greater opportunity to serve.

ROMAN CATHOLIC CLERGY SPEAK OUT ON BEHALF OF PEACE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. WOLFF. Mr. Speaker, on July 12, 1966 I entered into the RECORD comments made by his Holiness Pope Paul VI reflecting the Pope's untiring commitment toward bringing about peace in Vietnam. It is now almost 4 years later and we are still involved in that conflict. Some religious leaders have not been as outspoken as the Pope has been. However, many feel they can no longer remain silent. It is significant and important that many of the Roman Catholic clergy in this country, a significant part of the moral voice of the land, have written and signed the following document, on behalf of peace, which I would like to enter into the RECORD for the benefit of all of our colleagues:

> We, priests, seminarians and religious of the Roman Catholic Church are convinced that American society is in a state of profound crisis and that in the face of this crisis silence is no longer tolerable.
>
> The crisis is widespread—poverty, the disintegration of our cities, the destruction of our environment, inflation. But it is most pressing and in the last few weeks most visible in the escalation of war, the repression of political dissent, and in a growing failure of confidence in the good will and sensitivity of American governmental institutions.
>
> Not all have been silent. Thousands, mostly but not only students, have tried to make their anguish heard, and often in apparent despair of the possibilities for dialogue have resorted to confrontation.
>
> But there has been silence—most notably a silence from many of us who claim roles of moral leadership. This silence must end.
>
> A government committed to "bringing us together" has polarized the nation into sometimes silent, but increasingly openly hostile and fear-ridden camps.
>
> In the name of God and our own survival we must insist that this same government and the moral leaders of the nation begin to listen with openness to the troubled voices that are trying to be heard in every corner of the nation.
>
> These are not the voices of a few, dismissible malcontents, but those of thousands who plead for the great questions of our time to be seen and met in a moral light.
>
> This war must end. Repression of political dissent must end. Confidence in our form of government must be restored.

To these ends, we, in this statement, plead for good will and dialogue while there is still time.

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DECISION NEEDED ON TEXTILE QUOTA

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. RUTH. Mr. Speaker, at this time of decision on the problem of textile exports from Japan, I take the opportunity to share with members of Commerce my respect for the work that has been done by Commerce Secretary Maurice Stans. His long, untiring effort to reach an agreement for a voluntary reduction in textile exports should not go unnoticed.

It is also the time to compliment President Nixon who, as an advocate of free trade, has recognized a crucial threat to our American textile industries. The President and Secretary Stans have faced a desperate situation and earn our further encouragement.

However, the American textile industry and its working men and women want a clearly understood, precise decision made on textile exports that endanger their livelihoods. In other words, they are asking for a showdown on an international problem that has become their personal problem.

More than half the Members of Congress have now supported the textile and footwear quota legislation before the House Ways and Means Committee. This is good legislation and will remove the serious threat to our American textile and footwear industries.

I feel that the Ways and Means Committee has, under the condition of so many cosponsors, the obligation to release the quota legislation and let Congress make its final decision on the problem.

NATION'S RAILROADS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. REID of New York. Mr. Speaker, I am introducing today, along with my colleague from New York in the other body, Mr. JAVITS, legislation authorizing the Secretary of Transportation to guarantee loans to rail carriers to assist them in the performance of transportation services necessary to the maintenance of a national transportation system, and to establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads.

The bankruptcy of the Penn Central Railroad is a clear indication that we cannot delay any longer in enacting a coherent plan for the operation of the Nation's rail passenger system. Such a system must be free of the financial uncertainties which have been continually cited as excuses for poor if not unsafe, service, rundown equipment, and low employee morale.

Service must continue while the Penn Central is in reorganization under the bankruptcy laws. The Penn Central has some 94,000 employees; 69,000 daily commuters in New York State alone depend on the line's services; and countless shippers and industries rely on the Penn Central in the conduct of their businesses. These interests demand that the railroad be kept running. However, bankruptcy is not the way to run a railroad. Nor is the hand-to-mouth public-be-damned attitude that has characterized much of Penn Central's service, especially on the New Haven and Harlem-Hudson commutation divisions.

Title I of the bill we are introducing today would provide emergency assistance to the Penn Central and other distressed railroads in the form of loan guarantees up to $750 million to assist in maintaining essential transportation operations. The bill explicitly safeguards the interests of the taxpayer by stipulating that any loan so guaranteed must be used solely for railroad transportation purposes. In other words, it is the clear intention of this legislation that funds obtained hereunder shall not be used, directly or indirectly, to assist any other nonrailroad aspect of a rail carrier's operation.

At the same time, it is incumbent upon the new management of the Penn Central to act aggressively in dealing with the financial and organization problems of the company. In seeking aid from the Government, it is essential that the responsibilities of private enterprise be upheld as well. The Penn Central and its subsidiaries must be prepared to take certain actions on their own behalf, such as disposing of some of their real estate interests in order to pay due bills.

The emergency loan guarantee authority will not by itself solve the problem of the Penn Central or any other railroad. This is a situation of great complexity, reaching far beyond the financial difficulties of a single company. Indeed, the dimensions of the problem are evident in the national rail passenger corporation bill, S. 3706, and the Urban Mass Transit Assistance Act, S. 3154, which are both pending in the House.

Because of the magnitude of this problem, title II of our bill would establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads. In order to enact appropriate legislation this session, the committee is directed to report to the Congress by September 30.

While a number of standing committees in the House and Senate have already announced their intentions of looking into the Penn Central situation, we believe that a joint congressional committee, consisting of key members of the appropriate House and Senate legislative committees, can recommend a comprehensive solution to the problems of the entire railroad industry. Such a joint group would bring together the best minds and the best proposals to deal with the structural bottlenecks in our Nation's transportation system, which together with the financial stringency has brought the Penn Central into bankruptcy.

Our aim must be to keep the railroads operating and I hope that the House will act promptly on this legislation.

FEDERAL BLUE CROSS CONTRACT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I wish to submit a letter I received from Frank R. Karson, administrator, Glenside Hospital, for consideration by my colleagues. This letter depicts important shortcomings in the Federal Blue Cross contract which affects all Federal employees under this coverage.

Although the contract provides full coverage for 365 days in a general hospital for mental illness, the contract is misleading because the Federal employee must pay the first $100 plus 20 percent of all other charges if he were to stay at a licensed mental hospital. We all well know that the mental wards in general hospitals are usually filled to capacity—their facilities are not available. The waiting lists are long, and it is extraordinarily difficult to be admitted. The Federal employees have to turn to a licensed mental hospital where they have to pay a substantial part of the expense. Most Federal employees cannot afford this.

If one could walk into the mental ward of a general hospital and get treatment, I would have no reservations about the present coverage. Unfortunately, this is clearly not the case.

It seems inequitable that State employees, Massachusetts included, have contracts which provide full benefits in licensed mental hospitals as well as in general hospitals, and Federal employees do not. Furthermore, most industry and business firms have more complete benefits because the coverage is extended to licensed mental hospitals as well as to general hospitals.

If we are willing to give Federal employees coverage for mental illness in a general hospital where facilities are not available, then we should be sure that he has the same coverage in a licensed mental hospital like most of his fellow Americans. Although the Federal employee has been assured that he has the best coverage available, he obviously does not. This deficiency in coverage in the area of mental health can and should be corrected. If it is not, then surely the Federal employee should be informed of the present inadequacy of his coverage. I recommend Mr. Karson's well-written and informative letter to my colleagues. It describes a serious situation that should be corrected.

The letter follows:

GLENSIDE HOSPITAL,
Jamaica Plain, Mass., June 5, 1970.
Hon. THOMAS P. O'NEILL, JR.,
J. F. Kennedy Memorial Building,
Boston, Mass.

DEAR CONGRESSMAN O'NEILL: This letter is forwarded to you with hopes that some good will result from it in attaining improved benefits for Federal Employees under their health plan with Blue Cross.

I am and have been the Administrator of Glenside Hospital for ten years. Glenside is a 121 bed private psychiatric hospital in Boston, Massachusetts. It is licensed by the Department of Mental Health, Commonwealth of Massachusetts. Glenside received a three year accreditation in 1969 by the Joint Commission on Accreditation of Hospitals and is a member of the American Hospital Association. We have over 80 psychiatrists on our Medical Staff and treat approximately 1400 cases a year. To my knowledge, we have more referrals to our hospital and help more people in the field of mental illness than any other hospital on the whole East Coast except for one or two large 5000 bed State Hospitals. Our average in-hospital stay is three to four weeks.

About three or four years ago the Federal Blue Cross contract allowed 30 days coverage for mental illness but, hidden behind the definition of Hospital, limited the 30 allowed days to a general hospital only. In Boston, there are only four or five general hospitals with psychiatric in-hospital services with a combined total of less than 110 beds. These beds are forever full and the overflow is generally referred to us or other similar licensed mental hospitals. When a Federal employee or his dependent was unable to get help in a general hospital and was referred to us, he lost the benefit of full coverage for 30 days but was covered at Glenside under the Supplemental Benefits part of his contract. He now had to pay the first $100 under High Option and was further liable for 20% of all other charges. It was at this time that I spoke with a Government Union representative from Washington at a Union meeting held at the V.A. Hospital in Brockton, Massachusetts. I explained to him the short-comings of the Federal Blue Cross Plan in regard to mental illness. That since it was almost impossible to get a bed in a general hospital for an acute mental illness, the 30 day allowance by Blue Cross was, in my opinion, worthless. That the Union should strive to get the 30 days or more if possible, to be allowed in a licensed mental hospital. I cited that this type of contract was being sold by Blue Cross. That the state employees of Massachusetts had such contracts which provided full benefits in a licensed mental hospital as well as in a general hospital. When the Federal Blue Cross contract came out the following year, I was shocked to see the coverage for mental illness extended to 365 days but still limited to general hospitals. Federal employees were buying a small zero before but now were purchasing a great big zero.

The Federal Employee who was told and who thought he had the best health plan in the world was outraged when we told him that he had full coverage in a general hospital for 365 days for mental illness but that he would have to pay the first $100 plus 20% of all other charges if he were to stay on at Glenside for treatment. What could he do? Where could he go? There were no beds available in general hospitals. The Federal employee and his family have been led to believe they have the best health plan available but they have been misinformed. Most industry and business firms today have far better plans because they cover mental illness in a licensed mental hospital as well as providing full benefits in a general hospital.

Commonwealth of Massachusetts employees and municipal employees of Massachusetts cities and towns get 120 days of full coverage at Glenside for mental illness under a Blue Cross contract. State employees recently switched to Aetna and still get the 120 days of full coverage at Glenside. General Motors has a Blue Cross contract which gives their employees 45 days of full coverage in a licensed mental hospital. Harvard, M.I.T., Polaroid Corporation, and hundreds of others have Blue Cross contracts allowing 60 days of full coverage in a licensed mental hospital. The I.B.M. Corporation has a Blue Cross contract which allows 365 days of full coverage at Glenside.

Almost all the commercial insurance carriers pay benefits in a licensed mental hospital the same as they would in a general hospital. General Dynamics uses Prudential and their employees get 120 days of full coverage at Glenside. Sears, Roebuck and Company operate their own plan and allow 120 days of full coverage at Glenside. The Aetna Government Wide Indemnity Plan allows the same full benefits at Glenside as they do in a general hospital. The Military Champus Contract with Blue Cross provides the same benefits to Glenside as they do in a general hospital. Our own contract at Glenside Hospital with Blue Cross allows our employees 60 days of full coverage in a licensed mental hospital in addition to 365 days of coverage for medical-surgical illnesses in a general hospital. I could go on and on with examples. Suffice to say it appears that the Federal employee is surely being short-changed if he is being told he has the best plan available. His plan is sadly lacking when it comes to coverage for mental illness. If he could walk into a general hospital and get treatment, I would have no quarrel. However, he is unable to do this because of the limited facilities in general hospitals for treatment of mental illness. Therefore, he may come to Glenside where with his Supplemental Benefits paying 80% of the hospital bill after he pays the first $100, it could cost him $300 to $400 for a three to four week stay. Too many Federal employees cannot afford this. What is even more important, is the fact that they are unaware of the inadequacy of their Blue Cross contract. I have had the unfortunate and unpleasant task of spelling it out for hundreds of Federal employees and their families.

I firmly believe the inadequate coverage for mental illness in the Federal Blue Cross contract is an oversight and not intentional. A few years ago a similar situation was found with the New England Telephone Company. They had a Blue Cross contract which covered in full in a general hospital but would pay nothing in a licensed mental hospital. Fortunately I met an executive of the Insurance Planning Committee for New England Telephone who found it unbelievable when I pointed out the inadequacy in his contract regarding coverage for mental illness in a licensed mental hospital. The following year, the New England Telephone contract with Blue Cross was changed to provide proper mental health coverage and now telephone employees have full benefits at Glenside.

It is my hope that this letter will in some way help you to better determine the type of Blue Cross contract which should be offered to the Federal employee. Mental illness should not be overlooked. If you are willing to give the Federal employee coverage for mental illness in a general hospital where facilities are not available, then you should be sure he has the same coverage in a licensed mental hospital so that he can turn to us for help as do most of his fellow Americans. The Aetna Government Wide Indemnity Plan is okay since it provides the same benefits in a licensed mental hospital as it does in a general hospital.

Glenside and other similar licensed mental hospitals are designated by Massachusetts Blue Cross as cooperating hospitals and payment is made to us on that basis through their Master Medical contracts and/or their special Basic contracts.

I have been in the mental health field for twenty-two years and have seen the tremendous strides taken by insurance companies in offering coverage for mental illness. I have been in contact with thousands of families and I know the comfort and relief it gives to them when they know they have proper insurance coverage. However, the Federal employee is unaware that his insurance contract is inadequate. This deficiency in the area of mental health coverage can be and should be corrected. If it is not, then surely the Federal employee should be made aware of the short-comings of his contract. It should be clearly spelled out in his brochure. As it stands now, he can read his brochure and cannot find where he is disallowed benefits in a licensed mental hospital.

The Federal Blue Cross contract has long concerned me and I have been promising myself this letter for some time. I am most pleased to be conveying my thoughts on this subject to you today. I submit the above for your information and consideration and further request that you do not hesitate to call on me if you have any questions regarding this matter.

Very truly yours,
FRANK R. KARSON,
Administrator.

HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental

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genocide on over 1,500 American prisoners of war and their families.

How long?

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ULLMAN. Mr. Speaker, an article in yesterday's Wall Street Journal reminds us again that economic appearances can be very deceiving. On the face of international economic statistics, the United States would appear to be no worse off than most other industrialized nations in its current bout with inflation. But, as the Journal's reporter, Alfred L. Malabre, Jr., points out, this is not the case.

Because U.S. price and wage levels are already much higher than other nations, an increase in these levels that equals or nearly equals the rate in every major industrial nation means that we are rapidly pricing ourselves out of world competition. As Malabre notes, unless U.S. prices and wages increase at a noticeably slower pace than other countries, our competitive edge is quickly eroded.

The article adds that the demand for higher wages in the United States has been accompanied by lower productivity among its workers, while operations abroad have become increasingly more efficient.

This growing absolute disadvantage cannot be dismissed any longer. As Malabre puts it:

> The picture is gloomy, and there is nothing very comforting in the fact that exports amount to only some 4% of America's gross national product, as some analysts like to point out.

All this adds up to only one more reason why the administration must grab the reins of the economy more tightly than it so far has shown a willingness to do, and press down hard on rising prices and wages.

The article follows:

APPRAISALS OF CURRENT TRENDS IN BUSINESS AND FINANCE

Efforts to play down the seriousness of the inflation that continues to overhang the U.S. economy often stress the fact that prices are increasing no faster than in most major industrial nations. Inflation in the U.S. shouldn't be viewed with excessive concern, this argument runs, so long as the price climb here doesn't get too far out of line with the price climb elsewhere.

It's perfectly correct that inflation in the U.S. hasn't been far out of line with the rates at which prices have been raising recently in other key countries. A comparison of consumer price trends by the International Monetary Fund bears this out. In a recent 12-month period, the IMF reports, consumer prices rose 8% in Japan, 6% in the U.S., France and the United Kingdom, 5% in Canada, and 4% in West Germany and Italy.

Such comparisons, however, overlook several considerations that leave a much less sanguine impression of the U.S. position.

For one thing, they overlook the fact that U.S. price levels generally are considerably higher than price levels abroad. Accordingly, unless U.S. prices increase at a slower rate than prices elsewhere, the absolute spread between U.S. levels and those abroad will widen.

Suppose, for instance, that a particular U.S. automobile sells for $6,000 and a particular Japanese car sells for $3,000. The price spread between the two cars is $3,000. Now suppose that the price of the U.S. car increases 6% and the price of the Japanese car increases 8%. The percentages suggest at first glance that the U.S. position has improved. But actually the spread has widened to $3,120. The U.S. car now sells for $6,360 and the Japanese car for $3,240.

The same situation pertains in the area of labor costs. Recently, wage rates in key countries abroad have been climbing about as rapidly as in the U.S., where the average annual increase nowadays is roughly 8%.

A study by Towers, Perrin, Forster & Crosby, a Philadelphia-based management consultant, compares average hourly wage rates in major countries. The comparisons are based on 1968 data and are expressed in dollars, using 1968 currency exchange rates.

Average hourly wage

United States	$3.01
Canada	2.37
West Germany	1.30
United Kingdom	1.22
France	.99
Italy	.79

Simple arithmetic shows that an increase of 8% brings the U.S. wage level to about $3.25 and the French level, for example, to $1.07. This increases the spread between the two levels by approximately 16 cents, from $2.02 to $2.18.

It is only recently that U.S. wage rates have risen at anything close to the speed of wage rates in most other places. The U.S. level, however, has been so high for so long that the spread widened even in years when U.S. wages rose relatively slowly.

Between 1960 and 1968, the Towers, Perrin, Forster & Crosby study shows, the U.S. wage level climbed 33%. This compares with increases of 142% in France, 114% in Italy, 110% in West Germany, and 36% in the United Kingdom. Only the Canadian increase of 28% was smaller than the U.S. wage rise.

Nevertheless, in absolute terms the difference between U.S. and foreign wage levels widened in every instance during the period. The spread increased by 43 cents in the case of the United Kingdom, 33 cents in Italy, 17 cents in France and 7 cents in West Germany. The difference between U.S. and Canadian wage levels obviously grew also, but not as greatly as might be expected because the Canadian wage level was already relatively high in 1960. The spread grew by 23 cents.

It is worth seeing how the picture would look if U.S. wages had risen as rapidly in 1960–68 as wages, say, in France. Instead of increasing by 17 cents, the spread between the U.S. and French wage levels would have increased by $2.63.

High wage rates can be offset by high worker productivity. Suppose a worker for Company A earns $3 per hour and produces 30 widgets per hour, while a worker for Company B earns $1 per hour and produces 10 widgets per hour. Company A's wage rate is higher than Company B's, but not its per widget labor costs.

On an international scale, U.S. workers have been more productive than workers elsewhere for most of the post-World War II era, in part because they have had access to more efficient equipment. Recently, however, facilities abroad have become far more efficient, often through the application of techniques first tried in the U.S. The upshot has been a sharp reduction in the productivity lead of U.S. workers.

It is not surprising, in view of what has been happening on the international wage-price front, that Uncle Sam's stance in the highly competitive world marketplace has begun to sag. In 1964, U.S. merchandise exports exceeded merchandise imports by nearly $7 billion. Last year's surplus was only about $600 million. Uncle Sam's share of world exports of manufactured products—the goods that the U.S. traditionally has been so adept at supplying—stands at about 22%, lower than at any time in the postwar era. In 1958, the U.S. share amounted to 28%.

The picture is gloomy, and there is nothing very comforting in the fact that exports amount to only some 4% of America's gross national product, as some analysts like to point out.

It is true that foreign trade represents a small slice of the U.S. economy, which happens to be highly self-sufficient. But it is also a fact that America's role as a world leader—in everything from encouraging the expansion of international commerce to supplying assistance to developing nations—depends on its ability to compete effectively in world markets.

If the U.S. should no longer be able to compete, the scenario becomes dismally predictable: Surging imports, disappearing jobs, rampant protectionism, an unraveling of the international monetary system, whose stability requires a competitive U.S.

REDS' WORLD GOAL MEANS BLOOD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. DERWINSKI. Mr. Speaker, we must not forget that the Soviet Union is an imperial power holding captive within its boundaries non-Russian nations, the victims of Communist aggression which is historically consistent with Czarist imperialistic power. This fact was effectively emphasized by the distinguished Walter Trohan, the world-renowned bureau chief of the Chicago Tribune in his Wednesday, June 17, column, as follows:

REDS' WORLD GOAL MEANS BLOOD

(By Walter Trohan)

WASHINGTON, June 16—Thirty years ago this week one of the most shameful chapters in all history was written by Russia in the seizure of Lithuania, Latvia, and Estonia. It is vitally important that every American be familiar with this story and its implications today.

Freedom was outraged with the occupation of the Baltic states on June 15, 1940. A week later Russia invaded Romania, occupying Bessarabia and part of Bukovina. The United States did nothing and stood largely mute, because the Roosevelt administration expected Russia to clash with Germany.

"The occupation of the Baltic states and the Romanian territory had straightened out the curve in her western border," F.D.R.'s secretary of state, Cordell Hull, wrote callously and briefly in his memoirs.

The occupation of the Baltic states was written in blood. In 30 years of slavery hundreds of thousands of once free peoples have been put to death and hundreds of thousands of others have been imprisoned in slave labor camps. The communist brutality and cruelty taxes the imagination.

It must be remembered that the seizure of the Baltic states came after Russia divided Poland with Germany and after Russia invaded and occupied substantial areas of Finland.

All of these acts demonstrated what many refused to believe, that the imperialism of the czars, which the Communists professed to abhor, was only the beginning. All in all, Russia has made captives of 21 nations, including such captives of the czarist imperialism as the Ukraine and Byelorussia.

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Most recently the imperialism has been demonstrated in Korea, Cuba, and Viet Nam. Furthermore, this imperialism has been raising its ugly head in the middle east, where it has been reported that Russian pilots are flying Russian jets for Egypt.

More than 75 of our 100 senators have fixed their names to a resolution calling for shipment of American made jets to Israel because of the communist threat in the middle east. Many of these signers refuse to recognize this same communism is a threat in Viet Nam, where it is killing American boys and would enslave the people of South Viet Nam because the Communists want the rich coastal rice fields.

Thirty years ago this week the United States, under F.D.R., was silent because it was becoming pro-Russian where it had been pro-Italian in Mussolini's dream of an African empire. Now some Americans are pro-Communist, in effect if not by intent, in southeast Asia and anti-Communist in the middle east.

Russia hasn't changed its attitudes as we have changed ours. The Communists have made no secret of their goal of world domination. We have seen this as good at some times and bad at others in curious compromises with what was, is, and always will be evil, if it survives.

It must be remembered that Russia is not one vast monolithic bloc of dedicated Communists. There are some 21 different peoples hoping some day they will achieve freedom, to say nothing of millions of Russians who would be free of their reign of terror.

All who love freedom should support the Baltic states in their quest for freedom, as exemplified in the congressional resolution of June 28, 1966, which called for bringing the force of world opinion behind the restoration of Lithuania, Latvia, and Estonia. This applied to the other captive nations as well.

No country, even one as great as our own, can be truly free while any nation is in slavery or is denied the right of self-determination.

THANKS TO CHARLEY BRAITHWAIT

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. RANDALL. Mr. Speaker, reams have been written and spoken by our colleagues in support of the reasons that they have, over the years, either approved or disapproved of the work of the Office of Economic Opportunity, better known as the poverty program.

For my part I have repeatedly stated that there are many worthwhile and beneficial segments within the overall program. I have also charged that some parts of the program are not only unworkable, the results have been nil and the administration wasteful.

My paramount reason for opposition to the authorization and appropriations for O.E.O. has been the imbalance between programs for the urban and rural areas. Always it seems more and more money must be appropriated to cool the strife in the ghettos. More and more funds must be somehow allocated to cool the long hot summers. All the while the rural areas, where the need is just as great, continue to be neglected and forgotten.

Mr. Speaker, it was my privilege recently to read a copy of the testimony submitted by Mr. Charles Braithwait, the executive director of the West Central Missouri Rural Development Corp., before the Senate Subcommittee on Labor, Health, and Welfare appropriations chaired by the senior Senator from Washington. Mr. Braithwait recently appeared in company with Mr. Maurice R. Vincent, who is in charge of planning for the West Central Missouri Corp.

While Mr. Braithwait's testimony speaks for itself, it is noteworthy that he presents some statistics that apply to these nine rural counties in west-central Missouri, eight of which are in the Fourth Congressional District.

The testimony of Director Braithwait emphasizes a position that my office has long stood for, and that is that there is a pronounced imbalance in the appropriation of OEO funds between the rural and the urban areas. We all know that there was a time when the Office of Economic Opportunity funds were regarded simply as a sort of fire extinguisher, to cool off racial unrest. Thank goodness that concept was abandoned and today at least some attention has been focused on areas other than the inner, inner city to the neglect and omission of what could be described as outlying or quasi-agricultural, small-town communities.

As Mr. Braithwait so eloquently sets forth in his statement, when a person is poor, geography makes no difference. His statistical data points up the need for a more careful look by both Appropriations Committees, in both bodies of the Congress, toward a more equitable distribution of funds between the urban and the so-called rural areas.

Mr. Speaker, if there is one possible solution to our urban problems, it is that our cities do not become larger and larger and more and more unmanageable, and that what some of us prefer to describe as rural revitalization must go forward. We mean, of course, to turn around by every means available the continued migration from the rural areas to the big cities, and hopefully keep the population stable and constant in our rural areas. Then we can look forward to the day we can attract some light industry to provide the income which can revitalize our rural areas.

The West Central Rural Development Corp., in my opinion, is an excellent example of a well-managed human resources agency. Mr. Braithwait and Mr. Vincent presented testimony which was very informative. Their agency is helping not only with the administration of OEO funds but they are lending a helping hand to anyone who desires to apply to various Federal agencies for loans and grants such as HUD, the Farmers Home Administration, the Department of the Interior, and the Department of Agriculture.

The fact that these two able men made their appearance before the Senate Subcommittee on Labor, Health, and Welfare appropriations and have come such a great distance is deserving of commendation. By their testimony which has put into perspective the needs of rural areas, they have performed a service not only for the other body of the Congress but for the House as well.

I am privileged to have the opportunity to share with my colleagues the remarks of Mr. Charles Braithwait, executive director of West Central Missouri Rural Development Corp. of Appleton City, Mo., as he testified in the other body:

TESTIMONY OF MR. CHARLES BRAITHWAIT

I asked to appear before this committee, I asked to be here to speak for some 50,000 people who have few other voices. These people are predominately white, generally elderly and stunned by what has happened to them. They didn't become poor quickly but have seen their area, their economy and their personal incomes dwindle. They do not seek a blank check on the national treasury—they only need help to understand and deal with an unfriendly and changing world.

I stand here in two capacities. First—I stand here as the director of a community action agency. I have directed this agency for more than 4 years and feel that I speak for other rural agencies as well.

I have come to the Capital to seek money for health and housing projects that are badly needed in my rural area. I am also here in a second capacity—that of private citizen.

Few leaders remain in our area; most have left for greener pastures. Our organization must fill this void in leadership. Most of the employees of our community action agency are homegrown. With our staff living in 33 different communities, we furnish a great deal of the leadership in this area. We belong to local churches, civic and social clubs, and a great deal of the work we do to change attitudes and create awareness of the impact of poverty is done as citizens of the community rather than as professionals.

Our area consists of nine rural counties in West Central Missouri. It covers 6400 square miles. The area is essentially rural. Only three communities are in the 10,000 population bracket and three more are in the 5,000 bracket. The remainder of our 149 towns range from small towns in the 2500 population range, to hamlets of less than 100. Forty-six percent (46%) of our people are poor. Nearly half earn only a few dollars above poverty guidelines. There is virtually no middle-class in the area. We have a small but deeply entrenched and powerful upper-middle-class. The attitudes and life styles of the population are functionally rural. About ⅓ of our geographic area is in the Ozark Mountains. The remaining ⅔ is rolling plains characterized by scrub oak and cedar thickets growing on land that is not worth clearing for farm land. There are only three major highways in our area, and two of these run along the edge rather than through the center.

Only 12 communities in the area are served by motor bus and there is no rail or air transportation available. Some 45% of the western third of the area is underlaid by coal which is being mined by open-pit mining methods. There are no public health facilities in the area. Over 29,000 housing units in the area are unsound or lacking in facilities.

The mission of a community action agency is to mobilize new and existing resources and bring them to bear on the root causes of poverty. In trying to accomplish this mission we face two problems:

The first is in developing local resources. Due to the low tax base and depressed economy of the area, there are few local resources. The control of the local resources that do exist is divided among 149 city governments, 553 churches, 908 civic and fraternal organizations, 9 county courts, and 9 each of nearly every kind of state and federal government local office that exists in the area. The resources controlled by any one of these organizations are so limited and the number of organizations so great that the development of resources frequently costs more than the resources are worth.

In 1966 the median family income in this area was $3,362 compared to a median income in the state of Missouri of $5,127. This creates a situation in which the most competent members of our communities move away and those who remain tend to be less talented and aggressive and less likely or able to deal with increasingly complicated problems.

Our organization is the only organization in the area able to pull together the remaining talent and resources and forge them into a weapon to be used to cure the ailments of the area.

Let me repeat, we are the only organization in the area with the skills or knowledge needed to bring together the talent and resources available in this area in order to solve our problems.

The second problem that we face is in mobilizing state and federal resources. Our community action agency is funded to provide outreach and recruitment and to bring together a net of state and federal programs to try to cure the basic causes of poverty. We have been successful in doing this. We currently administer programs from the departments of labor, agriculture, and health, education, and welfare, co-administer a program with the University of Missouri, as well as our O.E.O. programs. There are more programs available than we can administer with our current O.E.O. budget. We have only $363,075 versatile funds The limited money available to us makes it nearly impossible for us to continue to provide administration, organization and outreach for added programs without expanding both our administrative and operational staff, all of which must be paid from our O.E.O. versatile funds. We are in danger of being killed with kindness!!

Our O.E.O. versatile funds serve as the foundation upon which we have built a structure of programs and projects designed to meet the needs and solve the problems of the poor in this rural area. The problem we face is that many of the programs available to us must rely for administration, outreach, recruiting and field support on the already overburdened foundation of the community action agency.

New OEO programs become available to us from time to time, but do not bring with them sufficient money to enlarge the field and administrative staffs that they must have in order to operate.

We are seeking housing and health assistance as well as manpower assistance from the Department of Health, Education and Welfare, Department of Agriculture, Department of Labor, and Department of Housing and Urban Development. Each time we receive assistance the burden on our central and field staffs gets larger. Funding levels do not increase while costs go up, and the size of the staff stays the same while the burden grows greater. We have a good community action agency. It has been rated as one of the best in the Nation. One of the best ways to measure the effectiveness of a community action agency is to examine the amount of personal income that it helps its participants to obtain. For each dollar this CAA spends the earning power of an individual is increased by 50¢ a year, thus in two years individual earnings power, created by the activities sponsored and administered by this CAA, repays the money spent to assist those individuals. From that time on the added earnings of those individuals represent net gains in the national and local economies. This means that in 4 years people helped by this CAA will have earned twice as much as the agency spent helping them.

Another problem we face is that unemployment benefits and welfare benefits available in our area are not sufficient to support those residents who cannot participate effectively in the area economy. Those who cannot effectively participate in the economy and who cannot find other sources of income leave the area for the cities, they are lost to us in this area as potential economic factors and, in turn, become the problems of the cities.

That we are spending our money well is reflected in the annual report attached to the printed copies of this speech. Our area is not competitive for the national tax dollar. We need more money. Of the some 50,000 low-income people in our area, we have reached only 16,000. Many of these we are unable to help because we do not have programs that fit their specific needs. We need to strengthen the base of our agency which is provided by OEO versatile dollars. With this base stronger, we can mobilize more resources, administer more programs and effectively deal with the problems that we face.

A SUMMER FOR CANDLELIGHT

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. HARRINGTON. Mr. Speaker, the electric power shortage becomes more critical each year. We now accept the terms "brownout" and "blackout" as part of our normal vocabulary. Clearly, there is a need for greater responsibility on the part of the Government and the private utilities to redress this imbalance. An article entitled, "A Summer for Candlelight," by Martin F. Nolan in the Boston Globe discusses the present problems and places the major portion of the blame squarely where it belongs—on the heads of the electric power companies. He calls for greater Government regulation of the utilities to assure that enough power will be available.

Mr. Nolan points specifically to the Dickey-Lincoln hydroelectric project in Maine as a case in point. This Federal project would provide the "peaking power" in the Northeast at times when other electrical supplies have neared exhaustion. The private utilities have fought against Dickey-Lincoln for years because, says Mr. Nolan—

> If Dickey-Lincoln is built, then the Northeast will have a "yardstick" of federally produced power against which to measure the astronomically high rates charged people in the Northeast.

Such a yardstick would show the discrepancy between cost and service which the New England consumer must endure. Mr. Nolan's article follows:

[From the Boston Globe, June 21, 1970]

A SUMMER FOR CANDLELIGHT

(By Martin F. Nolan)

WASHINGTON.—The Elizabethans had a simple explanation for the environment problem long before Edmund Muskie looked at his first dirty river.

In the late 15th century England, Shakespeare and others wrote in the context of the Platonic division of the four basic elements of life: earth, water, fire and air.

The imbalance of these elements in nature or in man created spiritual trouble and meant dramatic tales.

So it is with today's drama: earth, water and air are defiled because of man's overdependency on fire, otherwise known as technology.

If anyone today subscribes to that theory of life and literature, it is the electric power companies of America.

Accompanying the latest monthly bill to clients of the Potomac Electric Power Co. is "An important message to Pepco customers."

After hemming and hawing a bit, the message says that if it gets too hot this summer in Washington—not a rare occasion—don't turn on your air conditioner. Thank you and that'll be $23 for the nifty service last month.

Pleading with their paying customers "to keep their usage of electricity at a conservative level," the gentlemen of Pepco admit that "some of the electric utilities in the East may be unable to meet the need from their own resources." Translation: Buy candles and get set for the next blackout and a series of lesser "brown-outs" or "grey-outs."

Since customers can't go to another electric company in town, Congress has decided to investigate. In hearings on electric power reliability last month, a subcommittee headed by Rep. Torbert H. Macdonald (D-Mass.) quizzed the spokesmen for the electric companies on the need for tougher standards of reliability from the Federal Power Commission.

To a man, the moguls were against it. "We prefer establishing voluntary compacts between utilities," said one. Another said, "State public utilities commissions can make the best judgment."

True, that's why stray mongrels prefer the judgment of a blind and deaf dogcatcher. With the possible—and recent—exceptions of Massachusetts and New York, most state regulators end up being regulated by the private power lobby.

That the private power lobby commands many kilowatts of pressure is evidenced every year in Congress.

Every year, legislators from Maine push for the Dickey-Lincoln hydroelectric project on the St. John River, a dam designed to provide "peaking power" in the Northeast at the busiest electrical time.

Every year, the utilities lobby against it and succeed. If Dickey-Lincoln is built, then the Northeast will have a "yardstick" of federally-produced power against which to measure the astronomically high rates charged people in the Northeast. Another vote is scheduled in the House next week.

While the utilities crowd is lobbying Congress and apologizing to the customers its aggrandizement policies march forward.

At the reliability hearings, Macdonald asked why the electric companies "advertise the advantages of air conditioning . . . The two things don't seem to jibe. If the utility companies are really concerned about the brownout and the blackouts, why do they entice people to use more electric power?"

T. J. Nagel, with the title of chairman of the coordination review committee of the East Central Area Reliability Coordination Agreement replied, "Either you advertise or the competitor will take your business."

The competition in this case is gas, coal or candle, all of which means that there's no easy solution. The current outcries against the power companies for blackouts are in conjunction with the environment with new plants and overhead wires.

Consolidated Edison in New York, for instance, has been trying to build a power plant on the Hudson at Storm King since 1963. It will be finished, if ever in 1978 because of litigation.

The imbalance of fire's dominance over earth, water and air will be righted not by less government regulation but more.

If not, then the great blackout of 1965 may become an annual event, like Halloween, Christmas and other candlelight ceremonies.

BABE RUTH BASEBALL

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1970

Mr. BELCHER. Mr. Speaker, I want to take this opportunity to join in the recent tribute to Babe Ruth Baseball. The

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Babe Ruth Baseball League is the world's largest regulation teenage baseball program. Through this program thousands of young men each year are given an opportunity to become better citizens through the discipline and training in sportsmanship and team play and the physical and mental conditioning they receive as participants.

There are five Babe Ruth Leagues in Oklahoma, and representatives from Tulsa, in my First Congressional District, have won the world's series twice in the last dozen years and have been represented in the series on several other occasions. I am proud of these young men and prouder still of the great contribution this program has made to the development of the youth of my district and of this Nation. It is, indeed, a fitting tribute and memorial to the "Babe"—the greatest ballplayer in baseball history and one of the towering athletes and citizens of all time.

I commend the leaders of this program, both in Oklahoma and throughout the Nation, for their unselfish contributions to this wholesome and character-building recreational endeavor of our youth.

NIXON SHOULD HAVE SUPPORT OF NATION ON HARD TROOPS-TO-CAMBODIA DECISION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. BUSH. Mr. Speaker, Dr. Ray Coward has written one of the best columns I have ever seen on the President's decision to send American troops into Cambodia. It appeared in the May 6, 1970, Fort Worth Star-Telegram. At this time, Mr. Speaker, I would like this column printed in the RECORD so that all may read it.

The column follows:

(From the Fort Worth Star-Telegram, May 6, 1970)

NIXON SHOULD HAVE SUPPORT OF NATION ON HARD TROOPS-TO-CAMBODIA DECISION

(By Dr. Ray Coward)

President Richard M. Nixon has made the biggest, most difficult, and the most far-reaching decision since he entered the White House on Jan. 20, 1969.

In a nationwide telecast on April 30 the President announced to the American people, and to the world, that he had ordered American armed forces, accompanied by South Vietnamese forces, into Cambodia. The joint attack was against the headquarters controlling all Communist military operations in South Vietnam. These forces have the mission to search out and destroy Viet Cong and North Vietnamese communications and supplies as well as the sanctuaries from which they operate against the allied forces in South Vietnam.

Early reports indicate initial successes in these attacks, which are being supported by B52, eight-engined jet bombers, but it is too early to assess the ultimate results of this bold action. However, it has the distinct possibility of saving American and Allied lives, in the long run, and of shortening the war and allowing American troops to be returned to the United States.

It may also pressure the Communists toward becoming more seriously involved; in negotiations for a settlement of the war in Southeast Asia. The President could still attain his goal, announced 10 days earlier, to bring another 150,000 American troops home within the next year, since he has not coupled this goal with any specific timetable.

One advantage which the President made maximum use of was the element of surprise. This is a most important element in attaining success in any military operation of any sizable dimension. This gives psychological advantage to the attacking forces and can be expected to cause disruption and confusion in the Communist forces being attacked.

One thing about this operation is certain. It has not only surprised the Communist forces, but it has caused consternation in the political arena inside the United States and abroad.

Political figures in both the Democratic and Republican parties were as surprised and shocked as were the Communists.

Some of Mr. Nixon's critics may interpret this action as the beginning of the downfall of the President's political career. However, the exact opposite may be the result.

This decision took great courage and demonstrated great strength of character, and if the operation is successful and the war is shortened, which may very well be the case, then Mr. Nixon is well on his way toward taking his place among the great Presidents of the United States. It will also enhance his role as a world leader. Further, there is nothing that the Communists respect any more than power.

The Presidents who stand out in history as great leaders, such as Lincoln, Wilson, Roosevelt, Eisenhower, and others, were men who had to make difficult decisions about complex and frequently unpopular causes. They were also well known and highly regarded as world leaders. Such a President has to rise above partisan political considerations and make a decision as to what he thinks is best for our country.

The person making such an important decision travels a lonely road and spends restless days and nights in arriving at his conclusion. Once the decision is made he assumes full responsibility for all its unforeseeable consequences.

This heavy responsibility is too great for many men. One of lesser strength and character would shudder, falter, and shy away from such an awesome decision.

The U.S. Constitution places the responsibility for conducting American foreign policy on the President. Under the Constitution the President is also commander-in-chief of the armed forces. In the latter capacity he is responsible for the security of our armed forces abroad. Therefore he has wide latitude in making these decisions.

In some instances there may not be sufficient time to consult with and to obtain the approval of Congress. Also, at times, secrecy about such an important decision may better insure the safety of American forces.

President Nixon had highly competent advice on the political aspects of the Cambodia problem from his political advisers, and from his military advisers on the military operation. He carefully weighed the conflicting elements of the complex situation and alone reached the decision to order the military operation irrespective of the political consequences.

He appealed for American support of his action and frankly stated: "I have rejected all political considerations in making this decision. Whether my party gains in November is nothing compared to the lives of 400,000 brave Americans fighting for our country and for the cause of peace and freedom in Vietnam."

Several Presidents have made decisions which helped to involve the United States in the Vietnam problem. President Nixon inherited this problem when he assumed office only a little over a year ago.

Regardless of how distasteful our involvement there may be, we all should be objective enough to understand that this is not Nixon's war. It is not a Democratic party war. It is not a Republican party war nor an American party war. It should not be a partisan political issue. Where is the blame to be placed when Presidents from both major parties have been involved in these decisions?

No useful purpose will be served by arguing whether or not the United States should have become involved in a land warfare in Asia, which General Douglas MacArthur warned against. This is no time for Monday morning quarterbacking about last Saturday's game. Such fuzzy thinking evades the problem and is irrelevant to finding a proper solution.

The President, having been duly elected, carries the responsibility for decision-making on Vietnam and he deserves the understanding and support of all citizens.

A united America may influence the Communists to enter into serious negotiations and shorten the war. A divided America will cause them to stall and prolong the war. As for Americans and as a nation we should stand for something, lest we stand for nothing. Let's stand behind and give our full support to our President.

IN DEFENSE OF THE AMERICAN FARMER

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. CULVER. Mr. Speaker, I am rising in this House today to speak on a matter of great concern to me and of great importance to every American. I refer to what I believe is a widespread misunderstanding of the contribution made by our farming population to our national economy.

In recent months the Nation has become increasingly alarmed about rising prices. The cost of food, in particular, has naturally drawn much attention. Many of the solutions I have heard proposed, however, do not reflect a knowledge of the real causes behind the increases in the price of food to the consumer.

For example, the House Government Operations Committee, of which I am a member, recently considered a draft report on the price of beef submitted by a special studies subcommittee. I opposed the report because it did not contain a balanced analysis of the problems faced by the beef industry. It did not reveal the kind of understanding of our national agricultural situation which is absolutely essential if we are to maintain a healthy farm industry. I am happy that the committee did not approve the report.

This basic lack of appreciation for farm problems is particularly distressing, since in the next few months the Congress will be reviewing national farm policy and will take legislative action deeply affecting every farmer in the Nation. It is of crucial importance for the well-being of the farming community, and of our national economy, that this review be undertaken with a clear knowledge of the situation facing the farmer today and of the forces contributing to the rise in food prices.

FARMERS DO NOT CAUSE INFLATION

It is not the farmer who is to blame for the recent inflation spiral.

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On the contrary, the most recent USDA figures show that the increases in retail prices go to the middlemen. Virtually none of it accrues to the farmer. In 1969 the prices paid by the American consumer were 48 percent greater than in the years 1947–49, but the net income of the farmers was only 2 percent greater. The farmers' share of the retail food dollar has dropped from 47 cents in 1950 to 41 cents in 1969.

A corn farmer gets the same 2.6 cents from a box of corn flakes costing 31 cents today, as he got 20 years ago when the retail price was 17 cents.

On the other hand, the retail establishments have been recording greater profits, at rates up to 28 percent over the past year.

The parity ratio, which describes the relationship between the prices paid by farmers and the prices received by them, averaged 74 percent last year. This was the lowest level since 1933. In what other area would people work for less than three-quarters of what they are worth?

FARMERS CAUGHT IN PRICE SQUEEZE

The American consumer is very concerned about the rising cost of products he brings hime from the supermarket. I share this concern. I believe, however, that we must maintain our sense of perspective and attack the problem at its roots. We must not single out the farmer as a scapegoat, because we do so only at the risk of seriously damaging the health of the industry upon which we depend for our prosperity.

Let us take a close look at the facts.

The American consumer, despite the high prices he is paying, is actually getting the best food bargain of any country on this earth. He spends only 16.5 percent of his take-home pay on food, compared with 20 percent in 1960. In Western Europe he would be paying from 25 percent to 30 percent, and in the Soviet Union from 45 to 50 percent. In Asian countries the consumer pays close to 80 percent of his disposable income for food. It is the American farmer who enables the American citizen to spend so little of his income on food and so much of it on other things.

While the consumers are getting an increasingly better deal, farmers are being put in a terrific price squeeze. Producing more and better food products than ever before, they are actually getting lower prices than they did 20 years ago, while their costs have been steadily rising.

They too, must pay higher prices for everything they need. The cost of consumer items has risen 28 percent in the last 10 years, and is still rising at an annual rate of over 6 percent. In the past 10 years, interest rates have gone up 300 percent and taxes about 200 percent.

Income has not kept pace. Farmers participating in the support program received $1.32 for a bushel of corn last year; 20 years ago the price was $1.88. In 1969, the farmer earned an average of $1.57 per hour. This compares with $2.83 for employees in food marketing industries, and with $3.19 for employees in all other forms of manufacturing.

Because his income is so low and his expenses are rising so rapidly, the farmer gets very little net return for his labor. Far from being the cause of inflation, he is actually subsidizing the prosperity of our nonfarm population.

It is time that the entire Nation pay respect to the farmer for the tremendous job he is doing in supplying food and fiber for the Nation and a hungry world.

Does the consumer realize how high prices would rise if family farmers decided to sell out, leaving food production in the hands of a few giant growers?

Do our businessmen realize what a large contribution farmers make to the American balance of payments by the exportation of food?

Do city officials realize how much more difficult their already serious problems would be if larger portions of our rural population moved to the cities in search of high-paying jobs?

Americans should think seriously about facts such as these.

Mr. Speaker, in the next several months, the Congress will make a complete review of Federal policies toward the farming community. It is my sincere hope that the debate will be informed on the conditions facing the farmer today. In the past I have worked to establish the necessary kind of understanding between the farmers and Members of Congress who are not as familiar with farming problems. I instituted a series of farm visits for Congressmen representing urban districts. These visits contributed to mutual understanding by giving those unfamiliar with farm life a firsthand view of the needs of our farmers, and a greater awareness of the interdependency of our national economy. There cannot be prosperity in the factory and not on the farm.

I sincerely hope that as the debate on the farm program nears, all Members of Congress and the Nation as a whole, will consider what a large stake each of us has in maintaining a healthy farm industry. Without it urban dwellers, in particular, would not be able to spend such a large portion of their income on the material goods which represent their prosperity, or sell those goods which they produce and farmers buy.

The farmer needs stability in his business and a decent return for his efforts if he is to continue to provide the consumer with an adequate supply of quality food. The well-being of our entire country, urban and rural areas alike, will depend upon Congress exercising its responsibilities in an intelligent and informed manner.

SATISFACTION IN DEALING WITH THE PRESIDENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. BOB WILSON. Mr. Speaker, a continuous canard runs around this city and through the columns of the opinion molders that White House relations with the Congress are bad.

It is fostered by an occasional gripe by an occasional Republican which is seized upon by those seeking controversy and blown all out of proportion.

Mr. Speaker, it is absolutely true that the President does not consult with all the 435 Members of the House and 100 Members of the Senate as often as each would like. Nor can he do all that each would like done. There is no way.

Neither is it logical to expect that the President will consult with Members of the Congress before he makes each decision, as some seem to think he should.

But these situations are not unique to President Nixon, nor are they a source of continual misunderstanding or contention between the President and the Congress.

Those who seek to imply this should know better. If they do not know better, a quick check of Members of both the House and Senate would show a high rate of satisfaction in dealing with the President and his congressional relations staff.

COMPULSORY UNIONISM STILL A THREAT TO PASSAGE OF BADLY NEEDED POSTAL REFORM BILL

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. HENDERSON. Mr. Speaker, I think we had full and relevant debate last week on both sides of the issue of compulsory unionism in the postal reform bill and I do not seek to rehash the point. However, since the matter is still pending before the other body, I should like to place in the RECORD two very excellent articles which appeared last week in the Wall Street Journal, one of the most responsible newspapers in the Nation—especially on matters which involve the business world. The articles follow:

[From the Wall Street Journal, June 17, 1970]

UNION SHOP COULD LICK POSTAL REFORM

(By Byron E. Calame)

WASHINGTON.—The Nixon Administration's desire to reorganize the Post Office along business-like lines is putting it in an embarrassing spot with solid Republican businessmen. That's because the Administration is finding it necessary to defend the right of mailmen to demand a union shop.

How did a Republican Administration wind up allied with organized labor on such a touchy issue?

A good measure of the Administration's predicament stems from its appraisal last year of the need to win the support of organized labor for the postal reorganization plan now being debated in the House. The union shop aspects of the House bill were agreed to by Post Office and labor officials in the negotiations that followed last spring's postal strike. Both sides are thus committed to support them. Like President Nixon's original postal reform proposal sent to Congress last year, the current plan gives mailmen the same right to bargain for a union shop agreement that private workers have under the Taft-Hartley act. A union shop is one in which all employes must join the union within a specified time after they are hired.

"If the postal system is to be run on a sound, business-like basis," contends Deputy Postmaster General E. T. Klassen, "its employes must work under the same general rules that are applicable to the private sector of the economy."

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THE 1968 REPUBLICAN PLATFORM

But the strongly conservative National Right to Work Committee and other foes of the union shop have managed to arouse the ire of significant numbers of Republican businessmen by contrasting the Administration's present stand with the GOP's past positions on compulsory union membership. The committee, for example, has widely reprinted and distributed this excerpt from the 1968 Republican platform:

"We pledge to protect Federal employes in the exercise of their right freely and without fear of penalty or reprisal to form, join or assist any employe organization or to refrain from any such activities."

And the Right to Work Committee fired off letters to every Republican in Congress last week to remind them of this statement Postmaster General Blount (a former president of the U.S. Chamber of Commerce) made before the GOP platform committee two years ago: "No free individual should ever be forced to join, or give financial support to, a union . . . in order to get or hold a job. There should be no qualification of the fundamental right to join or not to join a labor organization."

The opponents of the union shop claim they have convinced "a growing number" of GOP Congressmen to abandon the Administration on the issue. The test will come today or tomorrow, when the House votes on an amendment to be offered by Rep. Henderson (D., N.C.). It would add language to the bill specifically affirming that every postal worker has the right to join or not to join a union.

The charges that Mr. Blount and other Administration officials have departed from traditional Republican principles have apparently been effective. At the moment, Administration allies in the House are gloomy about beating the Henderson amendment. Even if the Administration loses in the House, it will have another chance to push for the union shop provision when the Senate takes up the postal reorganization plan.

"If they can make the argument on the floor that a citizen shouldn't have to join a union to work for his own government, they'll win," predicts a Congressman backing the Administration's bill. "But if they argue it on the basis of unionism versus non-unionism, they'll lose."

Rep. Udall (D., Ariz.), who has played a major role in the push for postal reform, has warned that it would be "tragic" and "a mistake of the greatest proportions" for either side of the long-standing right-to-work controversy to try to make the legislation a vehicle for their cause. Nevertheless, Rep. Derwinski (R., Ill.), who also supports postal reorganization, complains "we're almost at the point where nobody's discussing postal reform."

Representatives Udall and Derwinski, with the support of the Administration and organized labor, hope to win approval for a substitute version of the reorganization bill that would replace the much-amended measure cleared by the House Post Office Committee. The substitute, however, takes the same approach toward the union shop issue. Both versions would specifically remove postal employes from the jurisdiction of an Executive order of President Nixon and put them under the Taft-Hartley Act that covers all workers in private sector. The act makes the union shop a bargainable issue in all but the 19 states that have passed their own right-to-work laws.

The basic idea of postal reorganization doesn't appear to be in great danger, though it still isn't completely clear how organized labor might react to approval of the Henderson amendment.

AFL–CIO officials aren't saying publicly what they might do if the right-to-work clause should be added. But some backers of the bill on the Hill claim that they have been informed privately by labor men that the AFL–CIO won't accept the measure with the right-to-work clause in it. And in a rare personal letter to all House members last week, AFL–CIO President George Meany warned that the amendment "would place employes in the postal service under a seriously unfair and discriminatory disability."

Mr. Meany has made it clear that he's firmly committed to winning the collective bargaining beachhead contained in the bill and expanding the principle eventually to all Federal workers. And he is said to see the right to bargain for a "union security" agreement as a key part of the beachhead. Similarly, most postal union officials call this right a "gut issue."

Still, some union leaders admit privately that the immediate impact of the Henderson amendment wouldn't be terribly significant. One major reason: 87% of all post office employes already are union members through the present Executive order governing Federal labor-management relations. The order gives workers complete freedom to join or not to join a union.

Moreover, it would be difficult for postal union chieftans to reverse course and fight the reform proposal just because the right-to-work clause was added to it. Abandoning the provisions in the bill for an 8% pay raise and the right to go to the bargaining table this fall to negotiate additional wage increases for 1971 and 1972 could be extremely hard to explain to some rank-and-filers.

TWO OPPOSING ARGUMENTS

The general outlook for postal reorganization in the Senate appears to be favorable. But the union shop aspect of reform is already evoking threats of a filibuster by such Republicans as Paul Fanin, who warned in a recent Senate speech:

"This U.S. Senator, for one, does not plan to sit idly by and watch the U.S. Congress pass legislation which can require an American citizen to join a union before he can work for his own Government."

Rep. Udall and Post Office officials argue that the union shop provision of the bill would simply bring postal workers up to equal footing with workers in private sector. But as the right-to-work people see it, this is precisely the danger.

Reed Larson, executive vice president of the Right to Work Committee, argues that this "would set a precedent that would have enormous ramifications—and all of them bad. Unquestionably, it would sweep rapidly through the rest of the Federal Government and down to the state and local levels."

Some ardent right-to-work advocates have even predicted that if the Administration bill is passed in its present form, "control of our postal service is bound to pass from the hands of Congress into the hands of the AFL–CIO."

Mr. Blount and other Post Office officials complain that the Right to Work Committee is seeking to make "the public and the Congress believe that the Administration advocates, and the Postal Reorganization Bill proposes, that there be a union shop in the postal service." Declares Mr. Blount: "Utter nonsense."

The rationale of giving postal unions full collective bargaining rights—except for striking—has been spelled out this way by the Post Office's Mr. Klassen: "Postal employes would no longer have to depend on the political climate in Congress for wages and other benefits, but would instead bargain for their rights through the same procedures as the private sector." Under present laws, the wages of mailmen and most other Federal employes are set by Congress; their unions can bargain only about working conditions and other non-pay issues.

Mr. Klassen continues: "Since the thrust of postal reform is toward a complete reorganization along efficient and economical business lines, labor-management relations must come under the jurisdiction of the nation's major labor laws. . . . To do otherwise would be to take the heart out of the reform effort."

Despite this business-oriented pitch, both the Chamber of Commerce and the National Association of Manufacturers have lined up in opposition to the union shop provisions.

"Instead of postal reform," the Chamber of Commerce said in a June 12 letter to all Congressmen, "we can anticipate that the bill's main effect would be to turn over postal management to the postal unions, and thus erect a permanent obstacle to the modernization and improved use of manpower necessary to provide better postal service. Under such a situation, we could expect nothing more than ever increasing costs and deteriorating services."

A CLEAR-CUT ISSUE

For the National Association of Manufacturers, however, it's a "clear-cut issue of compulsory unionism." The trade group advised its members earlier this month that "The NAM believes the Postal Reform Bill has merit . . . but NAM also believes that no Federal employe should be required to pay union dues or to join a union as a condition of employment."

Backers of the Administration's postal reorganization scheme ruefully credit the persevering efforts of the Right to Work Committee with arousing the wrath of such GOP strongholds as the Chamber of Commerce and NAM. But some question why the committee chose to wage its massive drive in the first place.

Rep. Udall told his House colleagues recently that he found himself "wondering" about that. "I don't know the answer, but I suspect it may have something to do with fund-raising," he said. "After all, if businessmen are frightened into believing 'compulsory unionism' is on the march, they're more likely to contribute generously to the organization that is leading the fight against it."

Mr. Larsen denies the suggestion of opportunism on the committee's part. "We've been hammering away on it for a year," he claims. His assessment: "Blount was naive. He thought he had to have it (the right to bargain for a union shop) to get union support, but he misjudged the situation."

All of which is perhaps a back-handed tribute to the bargaining ability of organized labor and AFL–CIO boss Meany.

[From the Wall Street Journal, June 18, 1970]

POSTAL-REFORM BILL GETS "RIGHT-TO-WORK" CLAUSE ATTACHED IN HOUSE VOTE—AMENDMENT VIOLATES A BARGAIN REACHED WITH ADMINISTRATION FOR UNION-SHOP ARRANGEMENT

WASHINGTON.—The House attached a "right-to-work" amendment to a pending postal reform bill, giving mailmen the privilege of declining to join unions that would bargain with a proposed new postal service.

The nonrecord 179–95 vote theoretically is subject to reversal on a later roll call, but the heavy margin indicates it almost certainly will be included in the bill the House finally sends the Senate.

The House action would torpedo a key part of the bargain reached by the Nixon Administration and AFL–CIO postal unions after the postal strike last March. That agreement resulted in vital union support for the Administration's plan to reorganize the Post Office into a semi-Independent service within the Executive Branch.

The section the House struck from the bill would allow unions to bargain with the new postal service for a union-shop arrangement. A union shop requires employees to join a union after they're hired.

Despite strong Administration backing for the union-shop clause, almost all House Republicans voted for the "right-to-work" amendment offered by Rep. Henderson (D., N.C.). Proponents argued that the amendment was necessary to avoid opening the way for "compulsory unionism" for postal employees.

The National Right to Work Committee was instrumental in mustering House support for the Henderson amendment. In letters to Congressmen, the committee pointedly noted past Republican pledges for "right-to-work" arrangements for Government employees.

Opponents of the "right-to-work" plan argued futilely that approval of the Henderson amendment would jeopardize union support for the overall postal-reform plan. They maintained that postal unions were giving up their access to Congress for pay raises by supporting the reorganization plan and thus should have the right to bargain with the postal service for union-shop arrangements like unions in private industry.

The House didn't complete action yesterday on the complex postal reorganization bill, but will resume work today. One amendment that would have gutted the entire reform plan was defeated 105-to-57.

CHIEF M. SGT. FRANCIS COLLIER RETIRES

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, Chief M. Sgt. Francis W. Collier, of Foxboro, Mass., in my district, has retired from the Air Force after 28 years of service. He has been called "Foxboro's famous career soldier." His long and very distinguished career deserves recognition, and I wish him success in what should be a promising second career.

Chief Master Sergeant Collier, at the time of his retirement earlier this year, was one of the senior enlisted men in the Air Force. He was the sixth ranking noncommissioned officer.

Immediately prior to his retirement, he served as message control officer at the National Military Command Center, Organization of the Joint Chiefs of Staff, in Washington, D.C. Upon his retirement he was awarded the Joint Service Commendation Medal, one of many awards and honors he received in a career which took him from Europe to the Far East and to assignments in many of the 50 States. He entered service as a private, earning promotion to the highest enlisted grade in 1959.

The Foxboro Reporter story, which I am pleased to put into the RECORD, notes that Chief Master Sergeant Collier prepared for a possible second career by utilizing his service time to earn a B.S. degree in business administration. I am certain that he will succeed in his future endeavors, as he did in such a remarkable fashion in his notable service career.

The text of the story is as follows:

FOXBORO'S FAMOUS CAREER SOLDIER: CHIEF M. SGT. FRANCIS COLLIER RETIRING—WITH B.S.—AFTER 28 YEARS

Chief Master Sergeant Francis W. Collier, was one of the senior enlisted men in the Air Force before retiring with 28 years of service earlier this year.

A native of Foxboro, Sergeant Collier entered the military service in May 1942 at Ft. Devens, Mass., as a private and was promoted to the highest enlisted grade in 1959. During his career he served primarily as a first sergeant, sergeant major and personnel and administrative inspector. At the time of his retirement he was the sixth ranking noncommissioned officer in the Air Force.

His assignments were at all levels of command while serving in Europe, the Far East as well as many of the 50 states. Some of Sergeant Collier's more important assignments were that of the command sergeant major, Headquarters Air Force Systems Command (then Research and Development Command); base sergeant major, Oberpfaffenhofen Air Depot, Germany; and the dual role of sergeant major, Headquarters, Fifth Air Force and Headquarters, United States Forces, Japan.

He served in the Washington, D.C., area from May 1961 until his retirement, first in the Pentagon as message control officer, USAF Message Branch and later as message control officer at the National Military Command Center, Organization of the Joint Chiefs of Staff.

During his tour in Japan, he entered the off-campus program, University of Maryland and received a B.S. degree in business administration in 1967 from the University of Maryland.

Sergeant Collier completed 30 semester hours in graduate work at George Washington University before retiring. While assigned to the Washington area he lectured at the University of Maryland and Georgetown University on "The Role of Noncommissioned Officers in the Air Force."

He has been active in scouting for over 30 years serving on troop, district and council committees around the world.

The sergeant received numerous awards, commendations and letters of appreciation within the military and civilian community. He was awarded the Joint Service Commendation Medal upon his retirement for his performance of duty as message control officer at the National Military Command Center, Organization of the Joint Chiefs of Staff.

He also was decorated with the Air Force Commendation Medal and two awards of the Army Commendation Medal.

The sergeant's wife, Lillian, is the daughter of Mr. and Mrs. Clarence W. Evans of Norfolk, Mass. Sergeant and Mrs. Collier have a son, George, an architect major at Virginia Polytechnic Institute and two daughters, Jane, a political science major at Northeastern University in Mass. and Betsy, a high school student.

The Colliers presently reside at 7222 Reservoir Road, Springfield, Va.

U.S. EXIT FROM ASIA LEADS ASIANS TO WONDER AS TO WHAT COMES NEXT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. DULSKI. Mr. Speaker, what next for the Asians after the United States withdraws? That is the base question for Asians these days as the departure of U.S. troops proceeds.

Millard C. Browne, editor of the editorial page of the Buffalo, N.Y., Evening News, has just returned from a tour of the Far East and this question is the basis of the final article in his perceptive series.

Following are the last two articles, the first dealing with his observations in Japan and the second being his wrapup discussion on the Far East:

FAST-GROWING JAPAN FACES U.S. PROBLEMS: POLLUTION, RIOTS, INFLATION, INDUSTRIAL SPRAWL

(By Millard C. Browne)

TOKYO.—From Osaka Airport by expressway downtown into Japan's second largest city, you drive on the left and the signs are all in Japanese. Other than that, the scene could be Buffalo, Cleveland or Chicago.

The city is overcast with the same pall of smog, and you pass some of the same sort of ugly industrial sprawl punctuated with a skyline of modern buildings and a network of modern roads. One difference is that many houses along the way, even if surrounded by industrial slums, have neat Japanese gardens closed in behind cozy fences.

Osaka, flattened in World War II and rebuilt almost from scratch, is a city for making money, and never mind the scenery. It is a good introduction to today's Japan, and so is the 130-mph "bullet train" ride from there through cultural Kyoto and industrial Nagoya, past tidy rice paddies and tea fields into booming Tokyo.

FAST GROWING ECONOMY

This complex is the economic heartland of the world's most dynamic indsutrial nation. Ten years ago it ranked sixth among world economies; today it is third; within 15 years, at the growth rate it expects to maintain, Japan will pass Soviet Russia and become No. 2. It has already outdistanced the U.S. in output of some kinds of goods and is pushing hard in others. And it is in the sprawling, smoggy, booming cities like Osaka, Nagoya and Tokyo where it is happening.

The "other Japan" of tourist fame—the old Japan of Buddhist temples and Shinto shrines, of Noh plays and silken kimonos—is still much in evidence. But you have to seek it out on the old tourist routes, in Nikko, Nara, Kyoto and the Mt. Fuji area.

"Progress and harmony" are the twinned themes of Japan's Expo 70, but new-style industrial progress is plainly leaving the harmony of the old ways behind in today's Japan—just as miniskirts are leaving kimonos behind and as Japanese youth are leaving the quiet family rice paddies for the action-packed cities.

CAMPUS CONFRONTATIONS

And some of that "action" takes the form of student upheavals and left-wing rioting that make recent disruptions at the State University of Buffalo seem mild by comparison. One high-ranking UB faculty member in a position to do the comparing—Prof. Lyle B. Borst, head of the UB physics department and prospective master of scholar-oriented "College D"—has spent all year at Kyoto University on a sabbatical.

When he arrived last September, Kyoto U. was in a shambles. Student dissidents led by ultraradical Maoists had waged a six-month campaign of such wanton destruction that half of all classrooms and offices were, says Dr. Borst, unusable. "It went much beyond anything at UB or other American universities."

The tide was only turned, he recalled, after a three-day pitched battle in which 3000 police mobilized by the Kyoto prefect governor (elected, ironically, as an avowed Communist) moved on campus, systematically cleared "unfortified" buildings and finally laid military-style siege to the heavily-barricaded, student-held administration building.

That broke the strike and Kyoto is now, says Prof. Borst, "rapidly becoming a university again." But he doubted if the trouble would have ended until the ultraradicals were decisively confronted and defeated, with some of their leaders jailed and others sent packing.

PROMILITARY

The Kyoto confrontation is not just an isolated incident in this modern Japan. Student militancy, with hard-core, Peking-oriented Communists often in the lead, is an old story in Tokyo and other university communities. In fact, there is far greater Marxist influence throughout Japanese politics than is evident in America.

The issues seized upon by student leftists are as wide-ranging as in American colleges, but anti-Americanism is generally in the forefront. Ironically, while U.S. student radicals denounce all things military, many of

Japan's ultraradicals favor Japanese rearmament—if only as a way to punctuate denunciation of U.S. bases and demands for abrogation of the Japan-U.S. security treaty.

This whole issue of Japan's future foreign policy has been described by a leading U.S. authority, former Ambassador Edwin O. Reischauer, as one of the most crucial decisions to be made on the world stage in the next two or three years.

TO ARM OR NOT

Having "made it" economically, Japan is now agonizing over how much to try to play the great power role in other ways. To arm or not to arm is one big question on the horizon, and Japanese public opinion is badly torn between a deep seated pacifism and a bursting national pride highly sensitive to the nation's continued dependence on U.S. military protection.

Even more worrisome to many Japanese is any little hint of a hardening of U.S. trade policies which threaten to become increasingly protectionist under the continued competitive hammering of Japan's steel, textile, pottery and electronics producers in their drive for ever-widening shares of the U.S. domestic market. This truth quickly emerges as the No. 1 preoccupation of most Japanese businessmen or newsmen in serious conversation with any American visitor.

INFLATION TOO

Japan's record annual economic growth rate is threatened by other familiar problems, including a growing skilled-labor shortage and an inflation rate slightly higher than ours (if you think prices are high in Buffalo, don't expect many bargains in downtown Tokyo—least of all in any first-lass restaurant).

But the main story here is the one that Expo 70 advertises—that Japan has come of age industrially and now ranks securely among the world's top three economic powers. Where it will go from here is anybody's guess. One very reasonable and realistic guess, however, is that offered our press assembly in Hong Kong by the shrewd foreign minister of Singapore, S. Rajaratnam: "I do not for one moment believe that the new Japan will be satisfied with exporting Hondas and tape-recorders to the world. It cannot be merely the workshop of Asia. It must also generate gravitational pulls of its own."

ASIAN ALLIES PONDER WHETHER U.S. PULLOUT MEANS POWER VACUUM

(By Millard C. Browne)

For 25 years, all the free nations of the Far East bordering Communist China have lived and some have thrived under the umbrella of U.S. military power. Twice, in Korea and Vietnam, that power has been committed in huge doses to long, bloody, frustrating wars, and always it has been a very visible presence to the new generation of Asians grown to maturity since World War II.

Now the U.S. is urgently working to extricate itself from the war, and much of Asia is wondering: What next?

Is America beginning to withdraw its umbrella of power from all of Asia, or only from the Indo-China peninsula? Does pulling out of Vietnam portend a pullout from Korea, too? Does returning Okinawa to Japan foreshadow a later shutdown of U.S. bases in Japan?

A lot of Koreans, Japanese and Chinese—not to mention Filipinos, Indonesians, Malaysians and Thais—are pondering such questions with some foreboding as each GI contingent heads for home and each neo-isolationist speech in America is reported overseas.

LAST HAND OF ONE GAME

It's not that the Asians are trying to tell the Americans what to do. It's rather that they're trying to figure out what they should do to fill whatever power vacuum the Americans will leave behind.

The foreign minister of Singapore, S. Rajaratnam, summed it up in a speech to the International Press Institute in Hong Kong. "We are witnessing in Southeast Asia the last hand of one game being played out before the pack is reshuffled and a new game is begun."

The U.S., he noted, may be right in opting out of Vietnam. But can it "really opt out of Asia?" For in this new Pacific age—where all the superpowers and most of mankind and all the great civilizations, religions and cultures are gathered—for America to "opt out of Asia is to opt out of world history."

In every place we visited, a similar concern was voiced—not over our Vietnam withdrawal, which generally seems to be regarded as settled policy, but over the manner in which the withdrawal is accomplished and how much more "opting out" of Asian history it foreshadows.

JAPAN CANNOT FILL GAP

In Tokyo, for example, Hake I Ogihara, the former editor of the financial newspaper Nihon Keizai Shimbun, thought Americans should be reminded that if we withdraw from Southeast Asia just as Britain is withdrawing from east of Suez, there are no other free nations to fill the power vacuum.

"Japan," he reminded me, "is barred by its constitution from sending any troops abroad."

In future years that could change, he concluded, but in the immediate future there is no way Japan could help fill a power gap. Both from Japan's viewpoint and in the interest of basic Far Eastern stability, he hoped the U.S. would not pull out of Vietnam at least not too abruptly.

"If you do withdraw," he said, "it's important that you do it very carefully."

CAREFUL PULLOUT NECESSARY

This last echoed views we had heard newsmen traveling with us in Korea and Taiwan, from some experienced "China watchers" in Hong Kong, and even from a panel of Asian experts in San Francisco before we departed.

One of the latter, former Ambassador to Japan Edwin O. Reischauer, had bluntly declared that what's at stake in Vietnam for us is simply how we get out and how we readjust our whole pattern of relationships with the Asian nations.

Another, the Los Angeles Times' Hong Kong correspondent, Robert Elegant, thought our greatest possible mistake would be to leave Vietnam in such a way as to convince Red China that the U.S. is a "paper tiger" and that future "wars of liberation" can succeed.

The word we got in Seoul was further punctuation of the same concern: that South Korea is enjoying both an increased sense of military security and a booming economic prosperity and will keep moving forward beautifully—if the U.S. doesn't rock the boat by pulling out the 50,000 troops and other supporting forces it maintains there.

KOREA AND VIETNAM DIFFER

As one Southeast Asian put it, the big difference between the Korean and Vietnam wars is that, in Korea, the U.S. backed a winner. South Koreans, he noted are tough, energetic and determined to keep their freedom, and their army is now an even match for the North Koreans who ran through them so easily in 1950.

But most Asians we talked to doubted that South Korea, if deprived of American backing, could cope alone with a North Korean invasion supported by Peking, Moscow or both.

While some Americans may argue that Japan, South Korea, Taiwan and other free nations of Asia have grown strong enough to stand on their own feet even if the umbrella of U.S. power is withdrawn, not many non-Communist Asians talked that way.

PEKING PLAYS TO THE HILT

The latter—at least those I met—were acutely conscious of the menacing, nuclear-armed presence of Communist China. None had any doubt that Peking meant to stay in the superpower game and play it to the hilt, whether or not the United States opted out.

So for America, beyond the debate on Vietnam, there lurks a bigger debate: How determined are we to play a great power role in the Far East after Vietnam?

An American retreat from Asia, as Singapore's Mr. Rajaratnam reminded us, "will not prevent world history from being written" there. It will just be written differently. And "once America has opted out . . . it may not be all that easy for it to re-enter the arena"—for the cards by then will have been so reshuffled that "the chances of the returning player getting a good hand are likely to be depressingly slim."

INERT ATMOSPHERE IN MINES COULD ABATE ACID DRAINAGE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD an article from Chemical and Engineering News concerning the atmospheric conditions of mines. The new technology now being developed involved oxygen-free coal mining that would prevent fires and explosions and would protect miners from black lung; J. K. Rice, president of NUS Corp.'s Cyrus Wm. Rice Division, described the system at the American Mining Congress' 1970 coal convention and exposition. We must always be alert to provide for the safety of miners and the conservation of our natural resources.

The article referred to, follows:

INERT ATMOSPHERE IN MINES COULD ABATE ACID DRAINAGE—OXYGEN-FREE COAL MINING WOULD ALSO PREVENT FIRES AND EXPLOSIONS, PROTECT MINERS FROM BLACK LUNG

Coal miners will look like astronauts if the coal industry adopts technology now being developed jointly by NUS Corp. and Island Creek Coal Co. Their system, which involves replacing the air in mines with an oxygen-free atmosphere, would put tomorrow's miners in life-support suits resembling those worn by today's space travelers.

J. K. Rice, president of NUS Corp.'s Cyrus Wm. Rice division, described the system last week in Cleveland at the American Mining Congress' 1970 Coal Convention and Exposition. He disclosed that the two firms have just about completed the first phase of a four-phase development program. In this first phase, funded by the Federal Water Quality Administration, the Rice division was responsible for designing the inert gas and life support subsystems. The engineering staff of Island Creek Coal Co., Holden, W.Va., directed by R. C. Taliaferro, was responsible for design of the mine and the coal handling equipment.

Why go to the bother and expense of eliminating oxygen from coal mines? Perhaps the most important reason is to prevent acid drainage—from either active or abandoned mines. In active mines, there are added benefits: Absence of oxygen will prevent fires and explosions caused by suspended coal dust or by the methane which accumulates in many mines. Since the miner must be supplied with air from some source other than the mine

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atmosphere, he can be protected from black lung disease and other health hazards caused by inhalation of coal dust.

Although the costs of converting to oxygen-free operation would be high—especially for active mines—there are some partially offsetting economic advantages, over and above the environmental benefits. Massive ventilation systems, now required to provide fresh air and flush out dangerous gases, would not be needed. Electrical equipment need not be explosion-proof. Rock dusting could be eliminated. It might even be possible to capture and sell the natural gas released by gassy mines. A single large, gassy, deep coal mine can produce more than 15 million cu. ft. of methane per day, Mr. Rice points out. Currently, this valuable, increasingly scarce natural resource is vented to the atmosphere and wasted.

Impetus. It was acid mine drainage, not possible advantage, that provided the initial impetus for the program. Acid mine drainage occurs when pyrites—iron sulfides usually found in coal deposits—are exposed to air and water. The pyrites are oxidized to sulfuric acid and ferrous sulfate that, leached by natural drainage waters, trickle into streams and create a major pollution problem. U.S. coal mines, active and abandoned, emit the equivalent of 8 million tons of sulfuric acid per year. About half is neutralized by the natural alkalinity of the receiving streams; the rest destroys vegetation, kills fish, and renders streams useless for recreation or as water supplies. In Appalachia alone, some 10,000 miles of streams have been degraded by acid mine drainage. The deadly flow can continue for decades, even from mines long abandoned if nothing is done to check it.

At present, the most-used method of abating acid mine drainage is to neutralize it with lime or limestone. The method is effective, but the reaction produces a messy sludge which is itself a difficult solid waste disposal problem. Besides, even though limestone is cheap, costs for just one mine can add up to several thousand dollars a year. FWQA estimates that total costs might run as high as $7 billion to achieve an operating cleanup program based on 95% treatment of effluent.

Expensive or not, federal and state governments are becoming increasingly insistent that the mess be cleaned up. So a lot of research aimed at finding a simple, inexpensive way to stem the flow of acid is going on. In fact, a symposium on coal mine drainage research, sponsored by the Coal Advisory Committee to the Ohio River Valley Water Sanitation Commission, takes place this week at Mellon Institute in Pittsburgh. The program touches just about every aspect of the subject, from improved methods of sludge handling to such techniques as reverse osmosis, ion exchange, even the use of "friendly" bacteria to inhibit the iron-metabolizing bacteria thought to catalyze the acid-forming reaction. And Mr. Rice will again state the case for inert-atmosphere mining.

Basic. After all, what could be more basic? If acid is formed by oxidation of pyrites, when the oxygen is removed the reaction can't take place. An elegantly simple concept, and not new: In the 1930's the Works Progress Administration installed some 20,000 seals on abandoned deep coal mines. Today, backfilling and replanting is done to prevent acid drainage from abandoned strip mines, and abandoned deep mines are still being sealed and, where possible, flooded.

But if the concept is simple, its application is not, especially in deep mines. Continuous, complete exclusion of oxygen is essential to success. Mines "breathe," however, with changes in atmospheric pressure. Even if all main openings are found and sealed, there will almost always be fissures in the overburden. Rising barometric pressure forces air through the fissures into the mine—enough air to support the acid-forming oxidation process.

One solution to the problem, Mr. Rice says, is to seal the mine—whether active or abandoned—and then to pump in enough of some inert gas to maintain a slight positive pressure in the mine even when barometric pressure is rising outside. From the standpoint of effectiveness, it doesn't matter which of several gases is used—nitrogen, methane, or the mixture produced by passing air and natural gas through an inert gas generator (C&EN, Dec. 22, 1969, page 66).

Economically, however, it matters a great deal. Even a small 100-acre mine would need about 400,000 cu. ft. of gas to maintain positive pressure during one 48-hour period of rising pressure. At 60 cents per 1,000 cu. ft., nitrogen is too expensive. Pure natural gas at 50 cents per 1,000 cu. ft. is no bargain, either—at least, not in context. However, if the natural gas is used to fuel an inert gas generator, the cost drops to 7 cents per 1,000 cu. ft.

POWER CREDIT

For even better economics, Mr. Rice says, use the inert exhaust gases produced by an internal combustion engine driving an electric generator. The resulting power credit can reduce operating and amortization costs by 50 to 100%, depending on circumstances.

For abandoned mines, sealing openings and pumping in inert gas is all there is to it. Applying the system to operating mines is a lot more complicated. Miners need air. Miners and equipment must go in and out of the mine and coal has to be taken out, all without letting oxygen in. Operating equipment produces more heat than mine walls can dissipate. In the sealed mine, relative humidity is a steady 100%.

Just designing the miners' life-support system has been a complex undertaking. Because of the temperature and humidity in the sealed mine, the Rice division early decided to use full suits and helmets instead of simple face masks. Because of the often cramped operating conditions, the suit could not have back or chest packs of the size necessary to handle normal breathing and cooling requirements. Maximum allowable oxygen leakage was set at 1 cu. ft. per hour per suit. This meant that continuous-purge breathing apparatus could not be used.

Space technology. What has finally emerged owes a lot to space technology. The miner would wear a helmet and face mask, supported so as to swivel with head movements; a three-piece suit consisting of a porous undergarment, a lightweight gas barrier of rubberized cloth, and an outside heavy-duty coverall; boots; and gloves. A rebreather system, mounted on a piece of mining equipment, would be connected to the suit by an umbilical hose. The system would consist of a mechanical refrigeration unit, followed by an oxygen makeup unit, followed by a blower to recirculate the refreshed air (at 72° F. and 40% relative humidity) to the miner. The oxygen source could be either a replaceable canister of potassium superoxide, which, when activated by moisture exhaled by the miner, releases oxygen and absorbs carbon dioxide. Or it could be a cylinder of compressed oxygen, in which case a carbon dioxide absorber and a pressure regulator are also needed. A small backup unit mounted on the suit would provide oxygen during travel and in emergencies.

Gas locks. Island Greek notes that the mine, too, poses some special design problems. All openings must be tightly sealed. But equipment must be taken in and out on occasion and miners will frequently be entering or leaving, so gas locks must be provided—one big enough to accommodate the largest piece of equipment, and a smaller one for personnel (the big lock would waste too much purge gas if it were routinely used for personnel access). In gassy mines, where one aim would be to collect methane for resale, the inert gas subsystem and the gas locks would be modified to prevent dilution of the methane.

Way stations in the mine would contain sanitary facilities and emergency supplies. The way stations, ventilated with fresh air from the surface, would also be equipped with gas locks.

At another entry, the coal conveyor, surrounded by an airtight duct, would carry coal to a two-section storage bin—in effect, another gas lock—from which it would be loaded onto trucks.

The mine would also have a fan (much smaller than the ones used in "normal" mines) to recirculate the oxygen-free atmosphere. Cooling coils in the fan duct would remove some of the heat that the circulating gas picked up from mining equipment.

NUS and Island Creek have now almost finished their engineering feasibility studies. The system is feasible, they say, and, at least in the case of gassy mines, it should be economically advantageous. Now they're ready—if they get the funds—to go on to the remaining phases of the program: component shakedown in a ventilated mine, construction and operation of a demonstration mine with an oxygen-free atmosphere, and, finally, evaluation of the results and projection to actual mining conditions.

A WMAL EDITORIAL FOLLOWING THE PRESIDENT'S MESSAGE OF LAST WEDNESDAY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, as most of us are regretfully aware, the President's message of last Wednesday shed very little new light on an increasingly dark economic situation. Although remarkably quick to criticize attempts by past administrations to curb inflation, his elimination of other alternatives, leaves him with no positive solution of his own. The time for a genuine commitment has come. A beginning must be made. In the wake of the President's message, I would like to make available to my colleagues, the following editorial, broadcast by WMAL radio. I found it most relevant and to the point:

> "Jawboning" can be defined as the President's use of his office to urge business and labor to hold down inflation. President Nixon reluctantly tried a variety of the jawbone approach in his speech on the economy, but it was too little and too late. His previous silence had been a signal for anything-goes price and wage increases . . . now complicated by an economic downturn and a flaky stock market. We agree with the President that wage and price controls or guidelines are not the answer, but his solutions fell short. The proposed "Inflation Alert" is hardly needed. Housewives feel it every time they go to the supermarket. The Commission on Productivity is a good idea. But it needs teeth to fight inflation. The proposal with the most promise may be the Federal Purchasing Review Board. Its success will be measured to the extent that it can save money in defense spending in this "transition to a peacetime economy." It fits the President's idea that government should set its own house in order before lecturing others. The Administration must understand that business and labor look to Washington for leadership. Now that the President has discovered the jawbone, he should use it.

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RICHARD J. ELROD

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. PUCINSKI. Mr. Speaker, last fall Chicago experienced some serious civil disturbances. In the shouting and the tumult and the attacks on people and property, many innocent Americans suffered. One of them who was most seriously injured was Richard Elrod, assistant corporation counsel for the city of Chicago.

He was at the scene of one of the disturbances in his official capacity as representative of the city government. In the wake of the violence, he was struck from behind by a demonstrator. The attack was so severe that he became paralyzed and learned long weeks later that his recovery, if it was to occur at all, would be laboriously slow and painful.

Dick Elrod faced those awful moments with his family and, as he says, "prayed with them for the strength to overcome this calamity." As the days became weeks and the weeks became months, he felt his strength coming back. No one who has not had to endure the agony of prolonged physical therapy can know what it costs in terms of mental effort, as well as sheer will to succeed.

Dick Elrod's will has been so phenomenal that he is today running for sheriff of Cook County, one of the most important public offices in our State of Illinois. His recovery is virtually a miracle. He has asked no quarter or favor and claims he will wage a tough campaign for this high office. And his recovery continues so rapidly as virtually to astonish his doctors and those who at first thought he might never recover.

Mr. Speaker, this special man has vigorously sought to bring his record as a distinguished lawyer before the public. Recently he made a speech that gives his definition of law and order. I believe it speaks eloquently for his compassion and his sense of our time in history. I call it to the attention of my colleagues in the Congress today with the hope that they will find it as eloquent as we in the city of Chicago, and they will share in the inspiration this brilliant young man has brought all of us.

Mr. Speaker, Mr. Elrod's speech follows:

I'm happy to be standing here tonight—for more reasons than one. You know, my friends used to accuse me of always being in a hurry—of working at breakneck speed. Little did I realize how perceptive they were.

Seriously, I am touched and honored to see so many of my good friends and supporters here tonight. Seven months ago, as I lie paralyzed in my hospital bed, I prayed that someday I would be able to move and walk once again. It was beyond my most optimistic hopes that I would be before you as a candidate, on the verge of launching a vigorous campaign as the Democratic candidate for the office of Sheriff of Cook County. And a vigorous campaign it will be. Every day I am regaining more strength, needless to say. In this county and in this day and age it is not necessary to be a Wyatt Earp or two-gun type sheriff. But I darn sure will make an active one.

I'll never forget last October while wondering what would happen to me and my family that my wife said, "Dick, don't despair. Think only of getting well. Don't worry about me or the children. We are praying for you."

When Mayor Daley came to see me during those first uncertain days at the hospital he said, "You're going to get well. Everyone is praying for you."

What amazed me was the thousands of letters that came to the hospital, my office and my home. Practically everyone of them said, "We are praying for you." And some people claim that religion is dead and that prayers are past. Well, I can tell you that it isn't so.

I put my faith in God, and my trust in the knowledge of Dr. Oldberg and all those wonderful people associated with him at the University of Illinois Hospital. With continued faith, prayers, and the tremendous help I am now receiving at the Rehabilitation Institute of Chicago I am confident, and my doctors assure me, that I soon will be living a full and functional life.

It is difficult for me to describe to you my feelings and emotions during the past months. I cannot tell you the terror of commanding a muscle to move and the frustration when the command is not obeyed.

Or the loneliness of being hospitalized, or the physical exhaustion of the days, weeks, and months of round the clock physical therapy. If it were not for the prayers and understanding of my family, friends and the thousands of others it would have been an ordeal much more difficult to bear.

No, it hasn't been easy nor will the days ahead be easy. But I do not want or need any sympathy for the battle has been won. Let there be no misunderstanding. Richard J. Elrod will be a full time, on the job, Sheriff of Cook County.

But enough about me.

Let us discuss an issue more pertinent to to my campaign for the Office of Sheriff of Cook County.

The Sheriff by State Constitution and Statutes is the Chief Law Enforcement Officer in the County. One of his chief functions is the maintenance of law and order.

Thus, the citizens of Cook County are entitled to know—in fact it is essential that they know—precisely what law and order means to me.

Law and order is a frequently used and often distorted phrase.

Let me make it clear that by law and order I do not mean the repression of lawful protest and dissent in the form of free speech and assembly, and the peaceful redress of grievances. Law and order means the right for citizens to express their dissent in an orderly and constitutional fashion. Without this right, our nation would not be the great Democracy that it is today. This does not mean that those who disagree with the status quo have the right to violently overthrow it. There is an established legal procedure for changing those policies with which we differ.

We must, however, distinguish between legitimate dissent and revolution; between free speech and incitement to riot; between free assembly and an abortion of that freedom by a militant few who try to force their will upon others. It is not an easy path to follow, but with the proper leadership and guidance this nation will do it.

We in the Democratic Party when elected to public office do not shirk our responsibilities in manifesting leadership when such leadership is needed. We believe in serving the people at all times and under all circumstances no matter how trying. We believe in working together and mediating problems so that people can live together in a better society.

What does law and order mean to me? It means many things. It means the control and prosecution of crime. It means safety on the streets. It means a fair and just judicial process, and professionalism in the field of law enforcement and criminal prosecution.

It means enforcement of the law uniformly as to all—rich and poor, black and white, long-haired and short-haired, young and old. It means a progressive jail system, where inmates are not subject to physical and verbal abuse from their keepers or atrocities from the stronger prisoners—and where suicide is not a tragic alternative to an archaic and oppressive system.

Yes, law and order goes far beyond the issue of dissent and civil rights. It means protection of the poor and uneducated from unscrupulous and fraudulent business practices. It means protection of the city dweller from the slum landlord. It means the protection of the citizen from the robber, mugger, rapist, and extortionist. It means a community secure from the havoc of these evils.

Law and order means the eradication of the organized crime syndicate, which, like a cancer, silently and slowly undermines our society.

It means the enforcement of laws to guarantee the rights of citizens to clean and fresh air and water. These are rights that have been too long ignored, rights that we should have demanded and received long before environmental control became the popular issue that it is now.

Law and order means strict enforcement of our laws dealing with the sale of dangerous drugs. It's tragic, but much of this traffic is among our youth. Those who are still impressionable and willing to try anything for a "Kick."

Recently there was a survey among students of a suburban High School asking who had tried drugs. More than 26 per cent admitted that they had. Just think. Twenty-six per cent.

The latest figures show that in the state of Illinois there are an estimated 6,000 addicted drug users. I'm not talking about some kid getting high on pot. I'm referring to hard core, compulsive drug users. And a good number of these are in our High Schools or under the age of 21.

What's being done to prevent this wholesale abuse of our youthful resources? There are many governmental agencies that are responsible for enforcement of drug laws but their efforts, although in the main laudable, are not being properly co-ordinated. There is too much duplication of effort and little central planning.

Through proper leadership, which will be instilled when I am Sheriff, I will solicit the help of Volunteer Citizen Groups to work with these governmental agencies.

Yes, law and order should mean peace of mind for parents that their children are not being tempted by dope pushers out to make a fast buck at the expense of our youth.

One of my first undertakings as sheriff will be to coordinate the efforts of local police departments in Cook County and these Volunteer Citizen Groups to plan a combined and efficient program to attack this problem.

This department in the Sheriff's office will be known as the Youth and Drug Division.

Law and order means that police should be given the effective legal tools to do their jobs. I do feel as some do that giving the police the proper legal tools will lead to harassment of law abiding citizens. A policeman is too busy to look for unnecessary things to do, and in my opinion few are so deviously motivated.

I do not condone police brutality or excessive use of force in any sense, but at the same time, I do condemn those who try to tempt the police into violent responses by physical or verbal taunts.

As both a prosecutor and a legislator I have fought to give police the tools to do their job effectively. As a prosecutor I won the conviction in the Meyer case recently affirmed by the United States Supreme Court.

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This case allows law enforcement officers to take effective action against those individuals who interfere with the police during a riot or demonstration. It also sets forth guidelines for the police and the citizen in balancing the need for free speech and assembly with the necessary and reasonable governmental functions—such as the control of traffic on our streets and sidewalks.

In order to provide law and order your law enforcement officers must have the adequate training, especially in the field of human relations and crowd control.

An untrained, improperly supervised policeman is just as much a threat to law and order as the demonstrator who hurls bricks and stones. He is just not equipped to preserve the peace, and often will cause violence rather than prevent it.

It has been said that the police are the "Thin Blue Line" that separates an organized society from becoming an anarchy. This is why these guardians must be the best, the most thoroughly trained.

The Sheriff's police force represents just a fraction of his staff. There are scores of additional bailiffs and deputies who are in effect a reserve in case of an emergency.

For this reason, when I am Sheriff I will insist that all of these employees be given the same comprehensive training in crowd control and demonstration duty as those on the regular police force.

Then, if there is an urgent need in any county town or unincorporated area there would be a trained, ready reserve to move in to help keep the peace. This will not be a bunch of pot-bellied, poorly trained, so-called possé, such as one Sheriff attempted to form.

To some, law and order is the assurance that a wife, daughter or gril friend can walk down the street unmolested.

To others, it means the right to "Do their thing."

To freely speak their minds, to peaceably demonstrate their displeasure with the status quo.

Law and order means all of these things, and much more.

It means an end to the spiraling crime rate that is contributing to the mass exodus from our urban areas. It means a clean up of our parks and recreational areas so that we can once again enjoy these facilities without fear of being mugged or robbed.

This concept of law and order is something upon which we all—despite our philosophical differences—can agree.

Too long we have been living in a society of fear. The man in the streets fears the criminal. The so-called left fears the motives of the so-called right and vice versa.

A society built upon fear is not a healthy society. Thus, we need law and order applied equally and with justice for all to provide safety and protection for all factions.

In order to have a free society, we must have law and order. Freedom is not something that comes easily. It is something that must be protected and preserved.

Freedom is not a legacy that we can pass on to our children unless we have law and order to guarantee its preservation. I think we are going to continue to have a free society because we are going to insist upon a lawful, not upon a lawless society.

I could go on discussing what law and order means to me. But I think I've made myself pretty clear.

I am not trying to label myself as a law and order candidate. There are many other issues in this campaign for Sheriff of Cook County. However, I would be remiss if I failed to emphasize its importance.

Law and order is not something that affects one segment of our society. It concerns us all. It is directly involved in the office I seek—Sheriff of Cook County.

Law and order. Simple words for a complex subject. No, there is no simple solution for insuring law and order. It will take professional administration and the best police talent available. It also will take a dedicated effort between our elected officers and all segments of our society to establish and maintain the communication that is necessary to resolve the problems that exist today. And these are what I will institute if elected Sheriff.

But first I must be elected. The fact that all of you have come here tonight is a big step toward that goal. There are months of hard work and planning ahead.

I pledge to each of you that I will vigorously campaign in every part of this county: that I will preach the principles, policies, philosophy and progress of the Democratic Party to every voter in this County, so that on November 3, 1970 the entire slate of fine, outstanding public servants of the party will be elected to office.

Thank you again for being here tonight and thank you also for your continued prayers that helped enable me to be here tonight.

SENSE ON THE BARGELINES SORELY NEEDED

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mrs. SULLIVAN. Mr. Speaker, as one who has been extremely interested in the continuation and growth of water transportation, both as to the safety of operation and the efficient improvement of barges, I am wholeheartedly in favor of prompt action on the mixing rule bill, H.R. 8298, which has long been debated in the Committee on Interstate and Foreign Commerce. This bill will be before the House for action this week and I look forward to its passage.

I believe an editorial in the St. Louis Post-Dispatch of May 19, 1970, on this legislation will be of interest to the Members of the House:

SENSE ON THE BARGELINES

Legislation to preserve the economies of large-scale water freight transportation is up again in Congress for the third year—on such reasonable terms, with such overwhelming support from those involved and with such minute and meretricious opposition that it would be all but preposterous not to enact it.

The measure is endorsed by the regulated barge lines, the railroads, mairtime and railroad labor, the Senate and House Commerce Committees, and the Departments of Transportation, Agriculture and Justice. Its only opposition comes from some large shippers who want secret rates and are willing to go to destructive lengths to keep them.

The trouble started in 1967 when the Interstate Commerce Commission reversed a position of a quarter-century's standing and ruled that barge lines could not carry more than three dry bulk commodities, which are exempt from rate regulation, in a single tow without losing the exemption. Realizing that this would mean splitting up single economical large tows into several uneconomical small ones, the Commission has since postponed the effective date of the new ruling four times, waiting on Congress to straighten out the mess the ICC had precipitated.

The barge lines promptly sought legislation which would permit their regulated and unregulated traffic to be freely combined in single tows but not until last year were they able to reach a compromise agreement with the railroads, which had a good case for some *quid pro quo*. Then the railroads very reasonably agreed to what the barge lines wanted provided the legislation also required publication of the unregulated dry-bulk rates.

As Peter Fanchi Jr., president of Federal Barge Lines, says, "We have truth in lending, truth in packaging and I expect we will soon have truth in barging." Congress can ill afford to put itself on record in favor of secret rates, the only issue remaining in the way of this remedial legislation.

WHOSE AX IS BEING GROUND?

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. HATHAWAY. Mr. Speaker, in my efforts to advance the Dickey-Lincoln School project, I have been motivated and guided by the needs and wishes of the people of Maine and New England.

I have regarded as most urgent and accepted as a matter of great personal responsibility the need to devote all possible energy and effort in order to realize the construction of the Dickey project.

I am disappointed that my colleague from Pennsylvania (Mr. SAYLOR) should disparage my honest commitment and efforts, dismissing them with the curt statement that I have a personal ax to grind.

If I have been honing an ax, it has been to serve the people I represent, to cut through and clear away the thorny brush of misleading and false statements, of half-truths and juggled figures which have been thrown up to obscure the truth about the Dickey project.

Today, as in 1965, when it was authorized by Congress, the Dickey project remains sound, sane, and valid, deserving to be completed. Today, as in 1965, the people of Maine and New England pay usurious electic rates as compared to national averages. And today more than ever evidence of power shortages, predictable brownouts, and the threat of blackouts argue persuasively for construction of the project without further delay.

The ax of Dickey's opponents, the private power interests has not gone unattended, finding willing hands to whet it to a razor-sharp edge and use it to delay—and hopefully destroy—the chance that the project may make its significant contribution in serving consumers of electric energy on the east coast.

Willingly or unwittingly, some of my colleagues have allied themselves with its enemies of the Dickey project and so, it would seem, have some respected conservation groups.

I have great respect for and subscribe to the general goal of the Audubon Society, the Wilderness Society, the National Wildlife Federation, and other similar organizations devoted to the maintenance and improvement of our natural environment. But in the case of the Dickey issue, I believe them to be dead wrong.

They plead for maintaining the status quo, forgetting that human interests come into play. The status quo means not only a continuation of high consumer charges for electricity, and shortages of energy. It also means a lack of industrial development, joblessness, poverty and lack of hope for many people, the people for whom I have been grinding and wielding the ax.

In an effort to prevent change, the conservation groups have been guilty of dramatizing and grossly overstating the impact of the Dickey project on the areas in which it will be constructed, and a number of my colleagues, doubtless influenced by the excellent reputations of the organizations, have been taken in.

The fact is that construction of the Dickey project is not incompatible with environmental interests and promises very limited change in the area except for the creation of a huge manmade lake which will provide diverse new recreational opportunities.

Only six of Maine's 3,600 streams would be flooded; only 2,000 of Maine's 180,000 deer would be displaced and most would survive and establish deer-yards in other areas; and only one-half of 1 percent of the State's vast timberlands would be flooded to create the needed reservoir. This can hardly be viewed as an environmental disaster.

Tomorrow, I shall seek your support for the Dickey project when I move to include $807,000 for preconstruction planning and design during fiscal 1971.

I urge that you consider the facts and only the facts germane to this issue. I shall rely upon your good judgment and sense of fairness and hope that you will see fit to support the cause for which I have worked and the people for whom I have undertaken this difficult task.

XUM

LOW-COST SPACE SHUTTLE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the future of our national space program has been examined by a special task force established by the President to determine the decisions this country must make to provide a strong and productive program in the 1970's. The cornerstone of this program is the development of a low-cost earth orbital shuttle which can be flown much like an airplane and used over and over again. Because of the importance of the shuttle to our national space effort in the 1970's, I addressed a number of questions on this subject to Dr. Thomas O. Paine, Administrator of NASA. I am including his letter and reply to a number of questions in the RECORD:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington D.C., May 28, 1970.

Hon. OLIN E. TEAGUE,
Chairman, Subcommittee on Manned Space Flight, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your significant and timely inquiries regarding the design, operations, and cost of the space shuttle and related booster system. Attached are specific answers to each of your questions. However, I would like to set forth some general comments on our space planning to establish a framework for the answers to your specific questions.

First, I would like to review briefly the NASA policy of phased project planning. Under this policy, major research and development programs are conducted in four sequential phases. The first phase (Phase A) consists primarily of an in-house analysis and preliminary study effort to determine whether the proposed technical approach is feasible. Phase B consists of detailed studies and definition, comparative analyses, and preliminary design directed toward facilitating the choice of a single approach from among the alternate approaches selected through the first phase. Phase C involves detailed systems design with mockups and test articles to assure the hardware is within the state-of-the-art and that the technical milestone schedules and resource estimates for the next phase are realistic. The final phase (Phase D) covers final hardware design development and project operations.

The phased project planning process provides that the work content of each of the first three phases is directed toward developing information needed to support the decision to proceed into the next phase.

NASA and the DOD have been working for more than three years on the preliminary analysis of alternate approaches and concepts, and on the research and technology effort needed to determine whether it is appropriate to develop reusable vehicles that will substantially reduce the cost of operating in space. We have concluded that this is an achievable objective. We are convinced that availability of these vehicles will lead to significant changes in our concepts of operation in the space environment as well as reductions in costs.

Accordingly, we selected contractors on May 12 to proceed into the second or definition phase of detailed study, comparative analysis, and preliminary design directed *toward facilitating the choice of a single program approach*. These contractor efforts will take place over the next eleven months. However, to assure high flexibility as we proceed, we are continuing with first-phase studies of several alternative approaches.

The steps we are taking now will provide us with more complete information on the very significant questions you and others are asking. We will decide at the conclusion of this phase whether it is appropriate to settle on a single design or continue competitive approaches. We will be able then to take into account technical assessments and opinions throughout NASA, as well as those of other experts in industry, universities, and other government agencies. We can determine then whether the criteria described in the RFP comprise the most feasible and realistic system, all factors considered.

Similarly, these detailed definition studies will permit us to gain a thorough understanding of service life, frequently of utilization, and what is involved when we consider such matters as Air Force requirements. These detailed results will in turn supply the Department of Defense with the information it will need to determine how it will utilize the shuttle and what organizational, logistics, and financial support it should provide.

One objective of the space shuttle is economy based on broad and flexible utilization of this transportation system. The system will have the capability for a wide variety of future missions including logistic support of manned orbiting systems, delivery of unmanned payloads to orbit, recovery and return or on-orbit repair of satellites, and performance of independent short duration manned missions. We believe that the vehicle design will provide an inherent capability to meet additional applications which will materialize as we acquire experience in this type of space operation. Therefore, the problem of early "dead-ending" should not be experienced in the shuttle program.

This brings us to your third group of questions. Again I wish to emphasize that all of these matters are being pursued vigorously as we enter the definition phase. Alternate approaches are being considered. Formal reviews will be conducted every two or three months. Use of existing hardware and facilities will be fully considered along with the cost and impact of additional facilities, should they be required. Integrated plans were developed in support of the Space Task Group activity during 1969. These plans are being re-examined and updated with consideration of alternatives in the phasing of major program elements consistent with realistic consideration of the budget aspects of the transition from current systems to the space shuttle, space station, and other advanced systems in future years.

Finally, the plan to move toward reusability is based on studies that show the resulting savings will more than repay the cost of development. The economies of reusability will occur in both the vehicle and payload areas. Necessarily, these studies are based in part on assumptions. No one can predict all of the variable factors with certainty for a time period eight to ten years from now. But my associates and I are convinced we are at the very beginning of the utilization of space and space technology for the benefit of men on earth. We believe that these estimates are quite conservative, and that when the shuttle becomes available the traffic to and from earth orbit will increase rapidly. We expect that presently contemplated applications will expand sharply and that others not even foreseen at present will be introduced.

The benefits of the space shuttle are not limited to cost reduction. It is my expectation that this new capability will provide a significant contribution to our national security. It will also provide the capability to do things such as space rescue, which cannot now be done. Furthermore, there is reason to expect that the ability to retrieve, repair, and refurbish objects in space will provide additional improvements in the economy and effectiveness of space operations.

Thus I believe it is clear that the responsible course to be taken is to invest now in the study efforts and proceed at an efficient pace in the future toward bringing into operation a system that will permit us to end the practice of discarding vehicles after a single flight. We will continue this work through the Phase B studies currently being initiated. Then at the conclusion of this phase we will reach another checkpoint at which we will be able to review the situation thoroughly.

Therefore, in light of all these considerations, we believe that it was a sound decision to move ahead at this time with Phase B of the space shuttle.

Please call on me if I can be of further assistance.

Sincerely,

T. O. PAINE,
Administrator.

DESIGN

Question 1—Is it appropriate at this point in time to settle on a single design or concept when the risks and costs of the primary or alternate schemes are not clearly known?

Answer—NASA has not settled on a single design. The Phase B study proposals provide a point of departure for defining a reusable shuttle system. They encompass a range of configurations and design approaches. Technical risks and costs implicit in any of these design alternatives will be prime considerations of the study. Concurrent with Phase B, NASA will continue to study alternate approaches.

Question 2—Have divergencies of opinion within NASA as to basic concepts been taken fully into account?

Answer—Yes, NASA has considered many opinions and taken them into account in evolving the Phase B approach. Extensive inhouse evaluation of configurations developed in earlier studies were made prior to release of the RFP. Positions from many sources including the NASA MSF centers and research centers and appropriate Air Force agencies have been melded together to establish the approach taken in our Phase B studies wherein these positions will be the subject of continued investigations and definition.

Question 3—Can the RFP be challenged as to its genuine substance, depth, and ultimate acceptance as the most feasible and realistic system, all factors considered?

Answer—The RFP was designed to define baseline requirements and a study plan whereby the contractors will consider alternate approaches and conduct extensive tradeoffs to define a feasible and realistic system.

NASA conducted extensive Design Reference Reviews and configuration studies and these together with the Phase A feasibility studies served as the basis for the RFP. The RFP including the Statement of Work was prepared and reviewed in depth through successive stages by NASA and the Air Force. Consequently, a wide range of expertise was utilized in the preparation and approval of the shuttle RFP.

OPERATIONS

Question 1—Has full consideration been given to Air Force requirements especially to the cross-range capability?

Answer—Yes, Air Force requirements are being given full consideration and especially as regards cross-range.

Under "Study Objectives and Approach" of Phase B Space Shuttle System Statement of Work in-depth study of the cross-range requirement is stipulated as a fundamental objective. The study effort will yield data to evaluate designs of the space shuttle system with the orbiter optimized for a high aerodynamic cross-range of 1500 n.m. and a low aerodynamic cross-range of 200 n.m. NASA will completely evaluate the results of the contractor's two design studies to explore in depth the overall influence of the cross-range performance requirement on the cost, schedule and capability of the space shuttle.

NASA and the Air Force have jointly developed the requirements for a national space transportation system and have developed a policy of mutual participation in such activities as design reviews, technology programs, preparation of work statements and Source Evaluation Boards.

Question 2—What is the service life of the shuttle and what is the frequency of utilization?

Answer—Based on previous systems and technology studies, a design goal of one hundred reuses of each vehicle has been established. When the shuttle becomes operational, each flight system will be capable of being readied for another mission within a turn-around time of two weeks. Requirements for these design goals will be evaluated during the Phase B studies.

Question 3—What potential military uses exist for the shuttle and at what point in time and under what circumstances will the Air Force assert its role, specify its missions, and provide organizational logistics and financial support?

Answer—John S. Foster, Jr., Director of Defense Research and Engineering, for DOD stated to the Senate in March of this year that DOD fully supports the Space Shuttle studies in the following testimony.

"Once an economical and operationally effective STS is developed, we would expect to use it to launch essentially all DOD payloads into earth orbit. We hope thereby to reduce DOD launch costs by an order of magnitude. Not only will we economize from the point of view of a reusable launch vehicle, but significant savings can accrue because repair and reuse of payloads will be possible and payloads design criteria could become less stringent. In addition to all of this, we would expect to benefit from the STS technology resulting from NASA's development efforts."

The Air Force and NASA have worked very closely during the past several months to identify their respective missions and associated design requirements. This close working relationship is continuing and the requirements of both agencies are reflected in the Phase B study plan. The National Aeronautics and Space Administration and the Department of the Air Force have signed an agreement which establishes a Space Transportation Policy Board. It is the function of the Policy Board to assure that the Space Transportation System will fulfill the objectives of both agencies by establishing program objectives including operational aspects, technology status and needs, fiscal considerations and interagency relationship.

COST

Question 1—Have all possible approaches been fully considered to minimize cost and risk?

Answer—Preliminary cost analyses of the space shuttle system have been underway for a number of months, but a more comprehensive study must await the time when the data from the Phase B definition studies is available. Under the Phase B studies, cost, performance, and schedule and their associated technical risk will be prime tradeoff factors in all design decisions. This is consistent with the stated program objective: to provide a low-cost, economical space transportation system based on both minimized development and operational costs.

Question 2—What bench marks can be established in the program to assure that the lowest risk design has been chosen and is being developed at optimum cost?

Answer—During the period of performance of Phase B studies for the engines and systems, large scale formal reviews at the end of the third, sixth, eighth and eleventh months will be conducted by NASA to insure that the studies are proceeding in the desired manner. NASA will conduct in-house analyses of the contractors' efforts and will perform an in-depth examination of the Phase B results and a continuing appraisal of potential alternate approaches. In addition, design certification and operational program experience such as that gained in Apollo will enable NASA to insure that the proper system consistent with optimum cost, performance and low risk is carried forward for detailed design and development in later phases.

Question 3—Is existing hardware and facilities directly applicable and usable for the new shuttle being utilized to the maximum extent?

Answer—Several study activities are being initiated which will provide insight as to the capabilities of existing facilities to support the shuttle and to define possible additional facility requirements. The Phase B studies will identify major facility requirements for the shuttle. An independent assessment of all facility requirements will also be made.

Consideration is being given to the possible use of existing facilities for engine evaluations, wind tunnel tests, structural investigations, vacuum chamber simulations and operational planning. Also included is the consideration of existing launch and support facilities at KSC and WTR and the flight test facilities of NASA and the Air Force. At this time, only a limited effort has been initiated on the space shuttle that would require the use of facilities. Since the shuttle configurations are in an evolutionary state at this time it is not possible to make a final commitment on facility requirements.

Question 4—Has NASA prepared integrated plans for various systems with realistic consideration given to reasonable budget aspects during the period?

Answer—Yes. Integrated plans were developed in support of the Space Task Group activity during 1969. During the past year NASA has conducted continuous planning activities to further develop these integrated plans. Several alternative levels of funding were included in the Space Task Group studies. These integrated plans are being reassessed and updated with consideration of alternatives in the phasing of major program elements and development efforts to conform to realistic expectations with respect to annual budget levels.

Question 5—Has consideration been given fully to the cost and impact of additional facilities in new programs and proposals?

Answer—Consideration is being given to the cost and impact of additional facilities should any be necessary.

Space Shuttle facilities requirements will be examined during the Phase B system studies. In addition, NASA has established a Facilities Task Group whose function will be to prepare an overall Space Shuttle facilities plan. This plan will reflect recommendations as to the facilities necessary to support activities identified by the Phase B contractors and by NASA and DOD. Each proposed facility requirement will be evaluated against several factors including the possible utilization of existing facilities. New facilities requirements will be identified where the use of existing resources is not justified. Economic analysis and cost tradeoffs will be carefully weighed in each case.

ADDRESS OF CONGRESSWOMAN MAY

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. KLEPPE. Mr. Speaker, this afternoon our colleague from the State of Washington (Mrs. MAY) addressed a luncheon meeting of the American Agricultural Editors Association, and I know the subject of her remarks—the farmer-consumer relationship—is of very real interest to everyone in this body.

Because I serve with Mrs. MAY on the House Agricultural Committee, I am especially aware of her deep and genuine concern over the many problems facing U.S. farmers today, and I would like to call to the attention of my colleagues in the House her excellent presentation of the farmers' position with regard to consumer food prices.

Mrs. MAY's remarks follow:

'THE AMERICAN FARMER: THE CONSUMERS' REAL PROTECTOR

(A speech by the Honorable CATHERINE MAY)

Ladies and gentlemen, I'm pleased and honored to have this opportunity to share some thoughts with you on the farmer-consumer relationship. But, first, I would like to digress just a little and read you a very timely and relevant article from the Boston *Herald Traveler* which was brought to the attention of our House Agriculture Committee by none other than the Secretary of Agriculture in one of our sessions a few weeks ago.

Even though many of you may be familiar with it by now, I'm going to read it anyway because it wears so well.

"Harvard's main administration building, University Hall, often the target of student radicals, was once again the site of a student protest last week.

"This time, however, the protestors were from neither Afro or SDS, but from AGRO, the Harvard agrarian society.

"About a dozen student farmers staged the demonstration to present a list of 10 demands to the Harvard administration.

"Dressed in overalls, and chanting 'Hoe, Hoe, Hoe that row—drop them books, there's hay to mow,' a parody of an SDS slogan, the AGRO's marched around Harvard Yard distributing carrots to passersby.

"Some of the students carried signs reading: 'Have you thanked a farmer today?'—

'We're all soil brothers under the skin,' and 'Iowa is bigger than all new England.'

"Addressing an enthusiastic crowd of about 100 from the steps of Widener Library, the leaders called on Harvard to establish an agricultural studies program for 'them students which feel a kinship with the soil."

"Represent AGRO fairly by placing a chicken on the student-faculty disciplinary committee; establish a scholarship fund for 'poor peasants' to be paid for by planting Harvard Yard to cactus in the fall and rice in the spring.

"Sever all official relations with the U.S. Department of Agriculture because of that agency's role in 'suppression and persecution' of U.S. farmers.

"Appoint as its next president Dewey Burchak, Mayor of Big Sag, Montana.

"A spokesman said that the demands were 'unnegotiable mostly, except for a couple, which are unnegotiable, a little," and warned of a possible 'peasant revolt' if the demands were not met by sundown.

"After the demonstration, the crowd dispersed peacefully. Only one injury was reported. Jim Trott, of Ft. Benton, Montana, and a leader of AGRO, bit himself on the lip while reading the demands to the crowd in the Yard."

I don't know that there is any profound significance in this parody of student protest, but I find it quite refreshing that, despite all our problems, some of us—especially our young people—are able to retain that one personal characteristic so essential to maintaining perspective—a sense of humor.

I want to talk with you today, though, about another kind of protest—the protest over rising food prices. This serious and continuing phenomenon of our times is, in large part, a reflection of bewilderment and confusion on the part of the consumer—a bewilderment and confusion which all too often seems to result in a finger of blame being pointed to the producer of our food supply.

Farmers too, are concerned about that widening spread between the basic price at the farm and what it becomes when the consumer fills her shopping cart many miles and many processing steps away. But, the farmer still has not been able to get his story across—the message that he is, indeed, the consumers' *real* protector.

And, it is crucial to the farmer that this message be understood, for he is more vulnerable today to the outrage of this Nation's consumers than he ever has been in the past. In this age of growing interdependence, in this country where east and west coast are neighbors, he is more susceptible to their whims and fancies, to their demands for specific quality and variety, to their boycotts, and to the legislation enacted by their representatives in Congress. In this time of diminishing political strength for agriculture, it is vital that farmers inform their customers as to just who they are, what they are, and what their contribution to our society actually amounts to. And, just as it is important for all segments of our society to listen to each other, it is incumbent upon consumers—housewives—that they listen, objectively and responsibly, to what their suppliers of food and fiber are trying to tell them.

So, what are farmers really trying to say? They are saying, for one thing that they have done more than any other group to keep consumer food prices down—to keep food a bargain! They are saying that they have, over the years, dramatically increased their efficiency and productivity in the face of spiraling production costs and static prices. They are saying that the two indisputable, primary forces behind mounting food costs are inflation and consumer demand for convenience foods. Let's take a look at some of the factors which have combined to create these forces.

Marketing costs have skyrocketed in the last few years at every step in the process from raw material on the farm to the finished product in the kitchen. They have been accentuated greatly by a switch of buying habits. The lesser priced items needing preparation at home are largely being replaced by the "instant" convenience products which reflect pyramiding labor input.

Disregarding for the moment the fact that more than 25 percent of the market basket contains items other than food, let's examine some of the valid examples for the upward surge of retail prices.

The facts show that our fondness for highly processed snacks has increased by 68 percent over a decade ago. Although this may seem to be a minor item in the family food budget, it actually has taken on more than a minor role.

Potatoes can be cited as an example of this trend, although by no means is this item unusual. For whole potatoes, farmers receive from one and one-half cents a pound up to three cents—depending upon area and supply situation. At the supermarket, potato chips sell for well over one dollar a pound, and instant mashed potatoes would run seventy-four cents per pound.

Of course, the comparison between three cents for potatoes at the farm and seventy-four cents for instant potatoes at the supermarket must be qualified, for dehydration saves on retail weight. But, labor and machinery required to peel, cut, cook, package and deliver the lightweight containers unavoidably drives prices upward immensely.

According to current USDA figure, an average of sixty percent of retail food costs come from marketing expenses.

The spread between the farm value and retail continues to widen, increasing 1.2 percent more in the first quarter of this year than in the same three months of 1969. In the past 10 years it has increased more than twenty percent.

While the price spread between farm and consumer does not tell all of the inflation story, it does reveal that farm prices have remained relatively static while the costs of operating a farm and farmer living costs have skyrocketed. Operation input is well over 100 percent more than fifteen years ago.

Food price increases are actually far down the list of contributors to the rising cost of living. A recent survey in 39 metropolitan areas across the country for the 1967–69 period showed taxes to be the fastest growing cost factor in the family budget—and the survey measured only *direct* taxes, not those added on indirectly to the cost of every item or service purchased. Next to taxes, the big increases included: Social Security taxes, insurance and contributions—13 to 15 percent; medical care—14 percent; clothing and personal care—11 percent. Higher food prices came along with an 8 to 9 percent boost; transportation added 8 percent; and housing costs moved up 5 to 6 percent.

Now, let's look again at food costs and the reasons for their increases.

Milk is a commodity which has fewer add-on costs at the processing level than most others. Pasteurizing and packaging are the major steps connecting producer with consumer. It is not changed in structure when sold as fresh milk, and therefore should be more of a bargain than where many labor steps are required—for example, to change cereals from a kernel of grain to a breakfast food or to snacks. Final price of the cereal or snack could be 49 cents or more, for which the farmer might receive two or three cents.

In the Federal Trade Commission study and economic report made in 1966 on bread and milk prices, it was shown that the hourly return in five dairy areas for the farmers themselves ran from 84 cents an hour down to 30 cents. At the same time, dairy plant employees were receiving $2.20 to $3.84. This explains why, for a long period of time, thousands of dairy owners were forced to quit business. Fortunately for consumers, the rapid decline of dairies has now halted as dairymen are establishing a more solid economic footing for themselves in most sections.

Bringing the milk situation up to date from the 1966 study, we can explore recent developments in New York. Employees of the milk processing plants and the truck drivers negotiated a $35 weekly wage boost last November, and office workers in those plants were raised $25 per week.

Milk is selling in New York City supermarkets for between 58 and 60 cents per half gallon—a rise of 2 cents to 4 cents. Producers of the milk obtained about one-half cent more for that half gallon.

It would appear from this price spread that the retailer obtained a lion's share of the increase, but this is not so. The many costs in between gobbled up most of that difference.

I do not want to belabor all the various costs involved, but, as an example, transportation cost increases are having a significant impact on the price of milk as well as other food items. Wages, maintenance, taxes, licenses and scores of other items are forcing railroads and trucking companies to increase charges from 6 to 10 percent yearly.

Looking further into labor costs on the food bill, the USDA reports that employees of food marketing establishments earned an average of $2.82 per hour in August of last year. That's six percent more than in August, 1968, and nearly double the hourly earnings in 1965.

The same trend can be seen in the food manufacturing industry. These wage earners received an average of $2.93 in August last year—nearly 6 percent higher than the year before.

And, in the wholesale food trade, hourly earnings averaged $3.10 per hour in that same month—again, 6 percent more than a year earlier.

Employees of retail food stores averaged $2.54 in the same period, or 6.7 percent more than in August, 1968. And, in some areas, further increase since that time have raised food store wages even higher.

The USDA has also compared rising costs of food in relationship to labor, and has found that direct labor costs *per unit of food* at the market has moved up some 26 percent in the past ten years, although overall labor costs rose some 58 percent. This means that considerable efficiency has been gained at all producer, marketing, wholesale and retail levels. Had this not been the case, food prices would probably have risen considerably more.

Turning to the farm itself, production per man-hour in agriculture since 1950 has increased at a rate more than double that of all non-farm industry. Between 1957–59 and 1969, per man-hour output on the farm increased some 83 percent.

It's worthwhile, I think, to pursue this point of efficiency just a bit further. In a recent article in the *Wall Street Journal*, which I'm sure many of you saw, Norman Fischer outlined the major role played by genetics in increasing production efficiency and holding down the cost of food. In the last quarter century, he pointed out, U.S. farmers have used new genetic technology to double the average milk production of each dairy cow; halve the time and the amount of feed needed to produce a broiler chicken; reduced by three months the time needed to produce a market-weight turkey; sharply boosted a layer hen's egg output, and shortened the time need to bring beef cattle and hogs to market, with less feed and more red meat per carcass. In just the last dozen years, he noted, livestock scientists have increased the amount of ham and loin in hogs by more than 20 percent, the equivalent of adding an extra ham to every porker.

However, the new genetics, like every other field of human endeavor, has its failures as well as its successes. On the same day the *Journal* article appeared, a small item in the *National Observer* reported that an ex-

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periment to develop featherless chickens didn't come off so well.

The theory was that such chickens would save the energy normally used to grow feathers, and therefore the chickens would be bigger and would lay larger eggs. It didn't work, the *Observer* noted, the featherless chickens ate more than their feathered friends, laid fewer eggs, were susceptible to ulcers, and used a lot of energy trying to keep warm. And, when fried, they taste just like regular chickens.

Well, featherless chickens notwithstanding, it is this kind of research and applied technology which, among many other factors, has helped to provide consumers with food which has risen in cost much less than other consumer goods.

One farmworker now produces food and fiber for himself and *forty four* other people. Only ten years ago that figure was twenty four, and in 1949 is was just fourteen. In other words, one hour of farm labor now produces nearly seven times as much food and other crops as it did in 1919–21.

This is a record of which we can all be proud—and thankful, for the direct result is that the average American family currently is spending only 16.5 percent of its income after taxes for food. A year ago this figure was 17 percent, and 20 years ago it was 22 percent. In Western Europe, incidentally, the average family has to put out approximately 25 percent of their disposable income for food, while in the Soviet Union the portion is almost 50 percent, and in Asia it is estimated at 75 percent.

And yet, while the American consumer reaps the benefit of this efficiency, the farmer faces higher costs and lower profit margins. Since 1949, the national income has shown an increase of 255 percent. But farm income, while up, is only up 18 percent.

The ability of American agriculture to feed and clothe the 300 million or more people who will inhabit the United States by the year 2000 can be assured only if the farmer receives a return sufficient to use efficient modern equipment, meet his labor costs, and use necessary fertilizers and other aids. In other words, we have to pay 1970 prices for what he needs in 1970 to go on farming. And few people realize that a minimum investment of $100,000 is necessary just to aquire the land and machinery and other items to farm efficiently, and almost $200,000 is necessary to provide an income to house, feed and clothe a family of four and provide an education for two children.

Turning again to food prices, it really is difficult to see where costs affecting the price of foods at the retail stores could be eliminated or reduced in any appreciable degree. Built-in escalators seem to exist, either by virtue of the inflation spiral or by demand of the housewife. Even packaging, which may seem a candidate for such cost cutting, is often determined in considerable degree by housewife preference.

The huge shopping centers are another factor, representing multimillion dollar investments, but which are demanded by shoppers because of their convenience. Regular store rentals based upon today's soaring construction and maintenance costs, and upon land values, plus perhaps a 5 percent assessment on gross sales by the shopping center owners for promotion and other purposes represents an additional cost burden which must be reckoned in the ultimate consumer prices.

I mentioned taxes as a direct major item for our families, running well ahead of food increases. That is just part of the story. Taxes and interest rates are heavy contributors to the costs of food marketing, but are often overlooked as a factor. Farmers, of course, have generally been forced to absorb the constantly burgeoning taxes on each phase of their operation. Unlike other businesses, they cannot pass on these extra costs since they have little or no control over the price they receive at the market place.

Some time ago, I saw an estimate that over 50 percent of the retail price of a loaf of bread is actually fixed by taxes of one kind or another. This was based on taxes in fractions of pennies added on at every stage of production, from the equipment used in planting and harvesting of the wheat to the final taxes on packages and trucks delivering the bread to the shelves of the retail store and the final destination—the consumer's table.

Trading stamps and other "give away" gimmicks have proven to be no small items in food costs. These often add two percent or more to the retail selling price, yet many stores have learned they must offer them or lose out in the battle for the consumer dollar.

Looking at the "big picture" of America's food bill, the facts show that of the $60.6 billion difference between the amount farmers received for food products in 1968 and the amount consumers paid, labor costs accounted for $27.3 billion. Other major components were packaging—$7 billion; transportation—$4.6 billion; and corporate profits *before* taxes—$3.6 billion.

Although profits are often blamed for rising prices and expenditures for food, they obviously are a relatively small percentage of total marketing costs. Net profits of leading retail food chains average a little over one percent of sales, declining generally during the past few years. Net profits for food manufacturers in 1969 averaged about 2.5 percent of sales.

The trend in profits throughout the food industry has been downward at nearly all levels. The 1966 Federal Trade Commission report set up initial data, as did the report that same year of the National Commission on Food Marketing, of which I was a member, and subsequent follow-ups reveal little change in the profit pattern.

As we move into this new decade, we are all hopeful, of course, that inflation as a factor in rising food costs eliminated, or at least brought into some reasonable kind of control. Even if this is accomplished, however, it doesn't mean that food prices will be stabilized, for as housewives demand more and more of the convenience foods, more fancy packaging, more extras, it is simply going to mean more cost.

So, even without inflation, food prices will continue to be an issue—an issue with which farmers and the food industry in general is going to have to come to grips.

We cannot solve our problems by making any one sector of our economy a scapegoat, but I am becoming increasingly concerned over the developing conditions which lend themselves to making a scapegoat of the farmer. As I said earlier, farmers are more vulnerable now than ever before, both politically and economically. Out of 435 members of the House, only 31 are from districts which have 25 percent or more of their people on farms. Only 83 have as much as 15 percent of their people living on farms. And, 21 states don't have a single district in which as many as 15 percent of the people are farm people.

It is obvious that agriculture must have the help and understanding of urban America, not only to obtain passage—and funding—of needed legislation, but also to keep from becoming the object of punitive "food price" politics.

It's going to take, among other things, an increased awareness among farmers and their organizations of urban needs and problems—an increased realization that the problems of the cities and urban areas are also theirs, and that they must cooperate to find solutions.

Farmers also need to understand better the value of positive public relations—and I don't mean that in the "Madison Avenue" sense. I mean that farmers must make use of every available opportunity to let his city cousin know exactly what he is doing for him—that food is a bargain, and that farmers are making every effort to keep it that way.

And, as I also mentioned earlier, consumers are going to have to face up more to their responsibilities to the farmer—the responsibility of looking beyond the price tag to understand a little better where their food actually came from before it got into the can, and the how and why of its cost and availability.

And, you as agricultural editors, play a major role in this communication process between agricultural and urban America. You have a very heavy responsibility here of which I know you are keenly aware. But it doesn't lie just on your shoulders, either. Every form of news media must share this responsibility, as well as those of us in Congress, in government and in other areas where thoughts may be expressed and facts presented which may influence the opinions of others. It is up to all of us to understand our responsibilities here, and to fulfill them as objectively and as effectively as we can.

Thank you.

SCENIC BEAUTY IN EAST TENNESSEE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. QUILLEN. Mr. Speaker, I feel fortunate that the Great Smoky Mountains, with their majestic ridges, gentle slopes, and mysterious ravines, are partially located within beautiful east Tennessee and my congressional district.

To me, nothing is more relaxing than a trip to the "mountains" to enjoy the benefits of mother nature in all her splendor—fresh mountain air, cool, meandering streams, acres and acres of trees, rocks, and other forms of God's work which combine to make the whole area so magnificent.

At a social party given to the members of the bench and bar at Jackson, Tenn., during a session of the Tennessee Supreme Court, Col. Landon Haynes uttered the following gem of oratory in answer to a charge from a member of the group that east Tennessee was sometimes called a God-forsaken country.

> "Mr. Chairman and Gentlemen.—I plead guilty to the 'soft impeachment.' I was born in East Tennessee, on the banks of the Watauga, which, in the Indian vernacular, means 'beautiful river,' and beautiful river it is. I have stood upon its banks in my childhood and looked down through its glassy waters and have seen a heaven below, and then looked up and beheld a heaven above reflecting, like two mirrors, each in the other, its moons and planets and trembling stars. Away from its banks of rock and cliff, hemlock and laurel, pine and cedar, stretches a vale back to the distant mountains as beautiful and exquisite as any in Italy or Switzerland. There stand the great Unaka, the great Roan, the great Black, and the great Smoky Mountains, among the loftiest in America, on whose summits the clouds gather of their own accord even on the brightest day.
>
> "There I have seen the great spirit of the storm, after noontide, go and take his evening nap in his pavilion of darkness and of clouds. I have then seen him aroused at midnight as a giant, refreshed by slumber, and cover the heavens with gloom and darkness; have seen him awake the tempest, let loose the red lightnings that ran along the mountain tops for a thousand miles, swifter than an eagle's flight in heaven. Then I have

seen them stand up and dance like angels of light in the clouds, to the music of that grand organ of nature, whose keys seemed to have been touched by the fingers of the Divinity in the hall of eternity, that responded in notes of thunder, that resounded through the universe. Then I have seen the darkness drift away beyond the horizon, and the moon get up from her saffron bed like a queen, put on her robes of light, come forth from her palace in the sun, and stand tiptoe on the misty mountain top, and while night fled from before, her glorious face to his bed chamber at the pole, she lighted the green vale and beautiful river, where I was born and played in childhood, with a smile of sunshine.

"O! beautiful land of mountains, with thy sun-painted cliffs, how can I ever forget thee?"

Gen. Forrest stood stupefied while Col. Haynes pronounced these marvelous sentences, and said he would not have been more amazed if he had been struck by the lightning flash from the summit of Smokey Mountain.

IN SUPPORT OF GOLDEN EAGLE PASSPORT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. ANDERSON of California. Mr. Speaker, as a sponsor of a bill to continue the golden eagle program, I am, of course, extremely pleased that the House has passed the necessary legislation to extend this fine program.

The bill, as passed by the House, will authorize the Secretary of the Interior to increase the price of the golden eagle passport from $7 to $10. The administration, in advocating this 43-percent increase of price, states that "most visitors to Federal recreation areas who have purchased the passport at $7 will continue to buy it at the increased price."

I agree that those who love the outdoors will probably purchase the passport at the added cost. However, it seems to me that the administration is neglecting an ideal that I share with many of my constituents—the availability of our parks and recreation areas should not be limited by the price of admission.

As originally envisioned, the golden eagle passport was established to produce revenue to help provide expanded local, State, and Federal outdoor recreation opportunities. Passport sales have been between 600,000 and 700,000 annually—resulting in approximately $4 million per year. It was originally estimated that 36 million permits would be sold during the first 5 years after its establishment. Thus, by the sole criteria of revenue produced, the golden eagle was deemed a failure.

In my opinion, Mr. Speaker, we should, in addition, judge the golden eagle by the pleasure it brings those who love the outdoors. The retired citizen, who lives on a fixed income, finds he is able to spend more leisure hours enjoying the beauty of our forests and participating in recreational activities than he could before the golden eagle. Also, the large family has been encouraged by the program to take family outings and family vacations.

We should consider the benefits this program brings to the millions who own the passport. We cannot term the program a failure simply because it does not provide as much revenue as anticipated. I believe that we in America still treasure the outdoors and by placing a price tag on our heritage, our forests, and our lakes and waterways, we are placing an added burden on those who own our recreation areas—the people who have paid taxes that financed their acquisition.

In conclusion, Mr. Speaker, I wholeheartedly support the golden eagle passport, but want to emphasize to those who condemn this program as a financial failure that our 3,000 national parks, forests, and refuges belong to the people and the right of free access to these areas should be preserved. Thus, I am opposed to increasing the fee from $7 to $10.

ELECTRIC POWER SHORTAGES AND THE DICKEY-LINCOLN PROJECT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. BRADEMAS. Mr. Speaker, electric power shortages and brownouts are being predicted for this summer. It appears certain that businesses and homeowners will be inconvenienced due to the inability of the private electric utilities of the eastern half of the United States to meet consumer demand for energy.

This crisis for consumers of electric energy was reported in an article published on June 7, 1970, in the New York Times, which I now submit for inclusion in the RECORD.

WIDE POWER "BROWNOUTS" LIKELY IN EAST IN SUMMER

(By Ben A. Franklin)

WASHINGTON, June 6.—Much of the Eastern half of the nation is almost certain to have some dislocation of electrical service this summer.

Government and utility industry officials say that in large areas of this "land of electrical living," as the advertising men put it, there is simply not enough power to go around during the sultry periods when air conditioner use is at its peak.

Pressed to meet air conditioning power demands, a number of utilities have already resorted to a systemwide voltage reduction to spread the available electricity around.

The situation differs from that of 1965 and 1967, when blackouts darkened huge areas of the populous Northeast for hours and then were repaired. The problems now are chronic and systematic. They are apt to have nagging widespread effects for months and perhaps for years.

The new worry in the electrical industry, accordingly, is the "brownout," a disruption of less than total proportions. But along the way, there may be scattered blackouts as well—some of them unavoidable but deliberate.

In most areas—if major equipment failures do not bring more total outrages—the public evidence of overtaxed generating capacity may be picture shrinkage and loss of intensity in color television sets. Utilities usually do not announce that brownouts are in progress, and in many jurisdictions they need not report them later.

A brownout is the signal of an energy-rationing decision by power companies to reduce line voltage. A voltage drop leaves more power to spread around.

According to engineers at even small voltage reductions the Federal Power Commission, cut the efficiency of such devices as electric ranges and toasters, shorten the life of fluorescent tubes and raise the operating temperatures of electric motors.

The engineers say a temporary drop of no more than 5 per cent should not damage "significantly" refrigerator or air conditioner motors. But overheating may trigger automatic cut-off switches.

Some electrical motors will restart automatically after cooling off. On others, a "reset" or "overload" button, often difficult for the unpracticed to find, must be pushed to restart when the protective device turns them off.

When the hot weather arrives, millions of consumers, who may already have unwittingly experienced voltage cuts, will be asked to make voluntary reductions in air conditioner use. And they will experience "cycling" —the intermittent shutdown of overheated air conditioner motors starved for voltage.

In their first joint action on any such matter, the Public Service Boards of Pennsylvania, New Jersey, Delaware, Maryland and the District of Columbia—agencies that monitor utilities in so-called P-J-M Pool—last week ordered the 100 power systems they regulate to send cautionary letters to all their customers by July 1.

WARNING TO CONSUMERS

P-J-M consumers will be warned that some of the region's companies "will be unable to meet the need [for power] from their own resources" and requested to conserve power by setting air conditioners at "no less than 75 degrees."

Government officials say that isolated blackouts may occur even without equipment failures when power companies decide to "shed" portions of their system overloads at peak hours. In such cases, a power company simply pulls switches to cut off certain substations from overtaxed generating plants in the hope of preserving service on the rest of its system.

There may be economic repercussions as well. Some factory shifts may have to be rescheduled by large industrial consumers of electricity. The installation of electrical machinery may have to be postponed. Some home appliances—particularly air conditioners—may not be sold.

Many utility companies have already suspended their institutional air conditioning promotions and are concentrating on electrical heating advertisements instead. Winter power loads are smaller. So are summer sales of heaters.

But if summer brownouts come—and such a generating giant as the 19-million megawatt Tennessee Valley Authority is calling the present situation "an emergency"—a winter of serious disruptions may not be far behind. According to anxious Government and industry officials, the trend of sharply rising power consumption and a long-term lag in generating capacity is casting long brownout shadows for months ahead.

The reasons for the situation are as complex as the country's vast, interconnecting power grid itself.

Experts endlessly debate the causes. But nearly all agree that there is blame enough to go around to all concerned—the Federal Power Commission; other top Government energy and fuel planners, particularly the Atomic Energy Commission; the private and public electric utility industries, the coal industry and the railroads.

S. David Freeman, the top Federal energy policy planner, says they have all been "living in a dream world."

Based on interviews with spokesmen for each of these interests, the explanations and excuses are as follows:

EXPLANATIONS FOR BROWNOUTS

The coal industry is unable to deliver enough of the basic fuel of steam-electric power—more than half the total electrical energy is generated by burning coal—and it attributes the situation to the Atomic Energy Commission. In the late fifties and early sixties, its critics say, the commission persuaded the country—and therefore most coal executives and most investors in coal—that cheap, nonpolluting atomic electric power was just around the corner. It was not. Most atomic plants have experienced unexpected, recurring technical delays. At the same time, coal apologists say, the mining industry was being mechanized, but it suffered from a shortage of capital, and not enough new mines were developed. Hundreds of mines are being opened now, but it takes two to three years to begin significant production. And there is a shortage of trained miners and mechanics.

The coal railroads, also in a slump, failed to order enough coal hopper cars and, on some lines, even enough locomotives to transport the coal to markets. The rapid rise in coal exports, particularly to Japan, further disrupted the rail transportation system. Hundreds of 100-ton coal cars have stood full—and idle—for days and weeks at Hampton Roads, Va., docksides, awaiting off-loading to ships still on the high seas. And the inter-line competition for hoppers—they can also carry beets, wheat, gravel and other bulk cargoes—has left some major coal hauling lines, like the Louisville & Nashville, with thousands of its coal cars "off line," tied up elsewhere in the service of other railroads.

Government officials say the utility industry, by consistently underestimating its own annual sales growth and assuming a 7.5 percent yearly increase in power consumption when the average advance has been 9 percent or more, has laid itself open to the extreme difficulties it now confronts. Federal power economists believe the utilities also have been too cautious in adding new high-voltage transmission lines that could help meet surge demands in one region with excess power from another.

The utilities assert that they have been blocked in expansion efforts at nearly every turn by the activists and lawsuits of the new "ecological revolution." There is aggressive resistance now even by state and local governments to the air, water and radioactive pollution threats of both conventional and nuclear power plant construction proposals. Esthetic protests have blocked or delayed transmission lines. The trend of environmental opposition is up.

But the Federal Power Commission has never advised the industry that it would need the 25 percent margin of generator capacity that many now agree is essential to withstand sudden air conditioning loads. And while the coal industry has been publicly advertising its failures, the railroads and . . ? . . utility spokesmen have been minimizing theirs.

Six months ago, A. H. Aymond, president of the biggest utility trade association, the Edison Electric Institute, described as "sheer nonsense" warnings by top coal executives that brownouts and blackouts lay ahead.

Mr. Speaker, the Dickey-Lincoln School hydroelectric power project would help close the gap between electrical supply and demand in the East, would reduce the need for voltage reductions and would provide needed insurance against blackouts.

When the House takes up the Public Works appropriations bill on Wednesday, June 24, our distinguished colleague, the gentleman from Maine (Mr. HATHAWAY) will move to include $870,000 for the Dickey project.

The project merits our support, and I urge all Members of the House to vote for the money required to move the Dickey project toward construction.

LET'S STOP CONTEMPT FOR THE LAW

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. LANGEN. Mr. Speaker, it is rare that society's enemies tell us plainly and clearly what they are going to do to tear down society. We may not listen but this time we have been told. And we have already seen the first phase of their plan in operation.

I refer to the plans of those "organized anarchists"—there is no other way to describe them—of SDS, Weathermen, Yippies, and other assorted malcontents, radicals, and revolutionaries who have told us they intend to do everything possible to bring down our society in all respects. I refer most directly to that portion of the plan put into effect at the trial of the Chicago Eight or Seven. These people clearly intend to make it impossible to proceed against them under law, clearly intend to make a mockery of our legal system.

Judge Hoffman, acting under the greatest of provocation, may have made some mistakes. He may have imposed sentences which under applicable law may not be allowed to stand by the appellate courts.

But, instead of "tsk-tsk-ing" all over the place or strongly criticizing or defending Judge Hoffman, we should be doing something to meet the challenge. The immediate problem is what can be done when defendants so disrupt the course of the trial that in all practical effect it cannot continue.

There are two things which can be done and they come together nicely. The first has been clearly authorized by the Supreme Court and it will take an act of Congress to do the other.

In the recent case of Illinois against Allen, the Supreme Court had to decide what to do with an obstreperous defendant who continually shouted obscenities at the judge and even once threw a chair at him. The Court noted that binding and gagging the defendant was permissible but that the action led to a number of problems. The Court further noted that the defendant could be cited for contempt but although this might operate to deter disruptive courtroom conduct a determined defendant might well still engage in such conduct because his trial would be postponed and he might benefit from the postponement. The answer, said the Court, was to put the defendant out of the courtroom and continue the trial without him. He has a constitutional right to be present and to observe his accusers but he can waive that right like any other and he can be deemed to waive it by his conduct.

Thus, trials can now continue. Disruption will gain no postponement.

But I think we still need the second step. We must make very clear to the "mod revolutionaries" that we will tolerate them little. In the context of the courtroom we can do this by enacting a statute which punishes courtroom disruption. Presumably, a trial judge will suffer for a time a course of disruption before he will put the defendants out of the courtroom, out of a sense of fairplay, a sense entirely lacking in these people. Even the prospects of being taken out of the courtroom will probably not deter their conduct since the purpose of the disruption is to show contempt for legal process and make necessary the imposition of stern measures.

Thus, although the trial will go on, disruptions may continue. Accordingly, yesterday I introduced a bill, H.R. 18156, dealing with such matters, and wish to underline again the need for its enactment. My bill will place a stiff jail sentence and/or a substantial fine on such people. This will necessitate a new trial on these charges which could be disrupted in the same way, but it can be completed in the same way as well and the law would be there with new charges as well.

In other words, a new law would operate both to deter disruption by making the price high and to punish disruption in a substantial, severe fashion.

No constitutional problem exists. Congress can provide for punishing contempt of Federal courts. The procedures used would be identical to Federal criminal procedure in all other trials. Each charge would be on a new and different offense.

Let us act now. The proposal is a modest one to meet a substantial problem. Modest but entirely sufficient. Now is the time to put a stop to the nonsense we saw at Chicago.

THE FOURTH DISTRICT SCHOLARSHIP TRIP

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. MANN. Mr. Speaker, this week I had the privilege of hosting the second annual Fourth District scholarship trip to Washington. Initiated last year with the help of civic clubs, service organizations, and businessmen in my congressional district, the scholarship program has, on a cumulative basis, enabled 30 high school junior scholars to make a 4-day pilgrimage to their Nation's Capital.

Since their arrival last Sunday morning this year's scholars have visited Mount Vernon, the Iwo Jima Memorial, the National Archives, the Library of Congress, and the Supreme Court. They have attended Peace Corps, State Department, and FBI briefings, and have been oriented on the workings of the congressional committee system.

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This afternoon they are attending House and Senate sessions and are meeting with our distinguished majority leader, CARL ALBERT and their equally distinguished Senators from South Carolina, FRITZ HOLLINGS and STROM THURMOND.

Tomorrow, they will have a special tour of the White House, following which they will visit the British Embassy, the Wax Museum, the Smithsonian Institution, and Arlington National Cemetery. In summary, they are getting a firsthand look at our legislative, executive, and judicial branches of Government as they exist and in historical perspective.

Mr. Speaker, we hear a great deal today about the alienation of our young people by the so-called establishment. To many of our young people, the establishment is a cold, unapproachable, and unresponsive monster lurking somewhere in the marble jungle of Washington. It is something they read about in the textbooks within the clinical surroundings of a classroom. Otherwise, what they hear tends to substantiate the perverted image of a monster which has unleashed its venom in the form of war, pollution, unemployment, inflation, taxes, repression, and a score of other equally offensive scourges on an undeserving and unsuspecting society.

The purpose of the Fourth District scholarship trip is to slay the monster image, and show our young people that their Government is in fact made up of warmblooded human beings, most of whom are dedicated to solving the problems which we inherited from our forebears.

I am persuaded that this type of exposure to the realities of representative government is essential to the development of an informed, responsible, and viable leadership within our student community.

Before closing my remarks, Mr. Speaker, I would like to pay tribute to the civic clubs, service organizations, and businessmen in my congressional district who made this second annual scholarship trip possible. They are as follows:

J. P. Stevens & Co., Inc., sponsor of Diane Phillips of Berea High School and Danny Harris of Ford High School; Rotary Club of Greenville, sponsor of Donald Duncan of Blue Ridge High School and Rickey Moore of Hillcrest High School; Greer Chamber of Commerce, sponsor of Nancy Cox of Greer High School; James F. Daniel, Jr. Post 3, the American Legion, sponsor of Billy Spink, Jr., of Wade Hampton High School; Greer Kiwanis and Greer Exchange Club, cosponsors of Mary Elizabeth Mullinax of James F. Byrnes High School; Hillcrest Optimist Club, sponsor of Rayfield T. Harrison of Carver High School and John "Bubba" Wolfe, Jr., of Spartanburg High School; Monterary Corp., sponsor of Debbie Branch of Cowpens High School; Roebuck Buildings Co., Inc., and Pierce Tractor Co., cosponsors of Phillip K. Sinclair of Paul M. Dorman High School; Clinton Lions Club, sponsor of Timothy G. Prater of Clinton High School; and the Laurens Exchange Club, sponsor of Janice Reynolds of Laurens High School.

POSTAL REFORM ACT

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. BLACKBURN. Mr. Speaker, on June 17 and 18, the Wall Street Journal carried two excellent articles regarding the union shop provisions of the Postal Reform Act. I found the Journal's reporting on these issues to be very well done and consider it the clearest analysis of the problem that has been presented in the public press.

For the information of my colleagues, I would like to insert the Journal's articles into the RECORD:

UNION SHOP COULD LICK POSTAL REFORM

(By Byron E. Calame)

WASHINGTON.—The Nixon Administration's desire to reorganize the Post Office along business-like lines is putting it in an embarrassing spot with solid Republican businessmen. That's because the Administration is finding it necessary to defend the right of mailmen to demand a union shop.

How did a Republican Administration wind up allied with organized labor on such a touchy issue?

A good measure of the Administration's predicament stems from its appraisal last year of the need to win the support of organized labor for the postal reorganization plan now being debated in the House. The union shop aspects of the House bill were agreed to by Post Office and labor officials in the negotiations that followed last spring's postal strike. Both sides are thus committed to support them. Like President Nixon's original postal reform proposal sent to Congress last year, the current plan gives mailmen the same right to bargain for a union shop agreement that private workers have under the Taft-Hartley act. A union shop is one in which all employes must join the union within a specified time after they are hired.

"If the postal system is to be run on a sound, business-like basis," contends Deputy Postmaster General E. T. Klassen, "its employes must work under the same general rules that are applicable to the private sector of the economy."

THE 1968 REPUBLICAN PLATFORM

But the strongly conservative National Right to Work Committee and other foes of the union shop have managed to arouse the ire of significant numbers of Republican businessmen by contrasting the Administration's present stand with the GOP's past positions on compulsory union membership. The committee, for example, has widely reprinted and distributed this excerpt from the 1968 Republican platform:

"We pledge to protect Federal employes in the exercise of their right freely and without fear of penalty or reprisal to form, join or assist any employe organization or to refrain from any such activities."

And the Right to Work Committee fired off letters to every Republican in Congress last week to remind them of this statement Postmaster General Blount (a former president of the U.S. Chamber of Commerce) made before the GOP platform committee two years ago: "No free individual should ever be forced to join, or give financial support to, a union . . . in order to get or hold a job. There should be no qualification of the fundamental right to join or not to join a labor organization."

The opponents of the union shop claim they have convinced "a growing number" of GOP Congressmen to abandon the Administration on the issue. The test will come today or tomorrow, when the House votes on an amendment to be offered by Rep. Henderson (D., N.C.). It would add language to the bill specifically affirming that every postal worker has the right to join or not to join a union.

The charges that Mr. Blount and other Administration officials have departed from traditional Republican principles have apparently been effective. At the moment, Administration allies in the House are gloomy about beating the Henderson amendment. Even if the Administration loses in the House, it will have another chance to push for the union shop provision when the Senate takes up the postal reorganization plan.

"If they can make the argument on the floor that a citizen shouldn't have to join a union to work for his own government, they'll win," predicted a Congressman backing the Administration's bill. "But if they argue it on the basis of unionism versus nonunionism they'll lose."

Rep. Udall (D., Ariz.), who has played a major role in the push for postal reform, has warned that it would be "tragic" and "a mistake of the greatest proportion" for either side of the long-standing right-to-work controversy to try to make the legislation a vehicle for their cause. Nevertheless, Rep. Derwinski (R., Ill.), who also supports postal reorganization, complains "we're almost at the point where nobody's discussing postal reform."

Represenatives Udall and Derwinski, with the support of the Administration and organized labor, hope to win approval for a substitute version of the reorganization bill that would replace the much-amended measure cleared by the House Post Office Committee. The substitute, however, takes the same approach toward the union shop issue. Both versions would specifically remove postal employes from the jurisdiction of an Executive order by President Nixon and put them under the Taft-Hartley Act that covers all workers in private sector. The act makes the union shop a bargainable issue in all but the 19 states that have passed their own right-to-work laws.

The basic idea of postal reorganization doesn't appear to be in great danger, though it still isn't completely clear how organized labor might react to approval of the Henderson amendment.

AFL–CIO officials aren't saying publicly what they might do if the right-to-work clause should be added. But some backers of the bill on the Hill claim that they have been informed privately by labor men that the AFL–CIO won't accept the measure with the right-to-work clause in it. And in a rare personal letter to all House members last week, AFL–CIO President George Meany warned that the amendment "would place employes in the postal service under a seriously unfair and discriminatory disability."

Mr. Meany has made it clear that he's firmly committed to winning the collective bargaining beachhead contained in the bill and expanding the principle eventually to all Federal workers. And he is said to see the right to bargain for a "union security" agreement as a key part of the beachhead. Similarly, most postal union officials call this right a "gut issue."

Still, some union leaders admit privately that the immediate impact of the Henderson amendment wouldn't be terribly significant. One major reason: 87% of all post office employes already are union members through the present Executive order governing Federal labor-management relations. The order gives workers complete freedom to join or not to join a union.

Moreover, it would be difficult for postal union chieftains to reverse course and fight the reform proposal just because the right-to-work clause was added to it. Abandoning the provisions in the bill for an 8% pay raise and the right to go to the bargaining table this fall to negotiate additional wage increases for 1971 and 1972 could be extremely hard to explain to some rank-and-filers.

TWO OPPOSING ARGUMENTS

The general outlook for postal reorganization in the Senate appears to be favorable. But the union shop aspect of reform is already evoking threats of a filibuster by such Republicans as Paul Fannin, who warned in a recent Senate speech:

"This U.S. Senator, for one, does not plan to sit idly by and watch the U.S. Congress pass legislation which can require an American citizen to join a union before he can work for his own Government."

Rep. Udall and Post Office officials argue that the union ship provision of the bill would simply bring postal workers up to equal footing with workers in private sector. But as the right-to-work people see it, this is precisely the danger.

Reed Larson, executive vice president of the Right to Work Committee, argues that this "would set a precedent that would have enormous ramifications—and all of them bad. Unquestionably, it would sweep rapidly through the rest of the Federal Government and down to the state and local levels."

Some ardent right-to-work advocates have even predicted that if the Administration bill is passed in its present form, "control of our postal service is bound to pass from the hands of Congress into the hands of the AFL-CIO."

Mr. Blount and other Post Office officials complain that the Right to Work Committee is seeking to make "the public and the Congress believe that the Administration advocates, and the Postal Reorganization Bill proposes, that there be a union shop in the postal service." Declares Mr. Blount: "Utter nonsense."

The rationale for giving postal unions full collective bargaining rights—except for striking—has been spelled out this way by the Post Office's Mr. Klassen: "Postal employes would no longer have to depend on the political climate in Congress for wages and other benefits, but would instead bargain for their rights through the same procedures as the private sector." Under present laws, the wages of mailmen and most other Federal employes are set by Congress; their unions can bargain only about working conditions and other non-pay issues.

Mr. Klassen continues: "Since the thrust of postal reform is toward a complete reorganization along efficient and economical business lines, labor-management relations must come under the jurisdiction of the nation's major labor laws. . . . To do otherwise would be to take the heart out of the reform effort."

Despite this business-oriented pitch, both the Chamber of Commerce and the National Association of Manufacturers have lined up in opposition to the union shop provisions.

"Instead of postal reform," the Chamber of Commerce said in a June 12 letter to all Congressmen, "we can anticipate that the bill's main effect would be to turn over postal management to the postal unions, and thus erect a permanent obstacle to the modernization and improved use of manpower necessary to provide better postal service. Under such a situation, we could expect nothing more than ever increasing costs and deteriorating service."

A CLEAR-CUT ISSUE

For the National Association of Manufacturers, however, it's a "clear-cut issue of compulsory unionism." The trade group advised its members earlier this month that "The NAM believes the Postal Reform Bill has merit . . . but NAM also believes that no Federal employe should be required to pay union dues or to join a union as a condition of employment."

Backers of the Administration's postal reorganization scheme ruefully credit the persevering efforts of the Right-to-Work Committee with arousing the wrath of such GOP strongholds as the Chamber of Commerce and NAM. But some question why the committee chose to wage its massive drive in the first place.

Rep. Udall told his House colleagues recently that he found himself "wondering" about that. "I don't know the answer, but I suspect it may have something to do with fund-raising," he said. "After all, if businessmen are frightened into believing 'compulsory unionism' is on the march, they're more likely to contribute generously to the organization that is leading the fight against it."

Mr. Larson denies the suggestion of opportunism on the committee's part. "We've been hammering away on it for a year," he claims. His assessment: "Blount was naive. He thought he had to have it (the right to bargain for a union shop) to get union support, but he misjudged the situation."

All of which is perhaps a back-handed tribute to the bargaining ability of organized labor and AFL–CIO boss Meany.

Postal-Reform Bill Gets Right-to-Work Clause Attached in House Vote

Washington.—The House attached a "right-to-work" amendment to a pending postal reform bill, giving mailmen the privilege of declining to join unions that would bargain with a proposed new postal service.

The nonrecord 179–95 vote theoretically is subject to reversal on a later roll call, but the heavy margin indicates it almost certainly will be included in the bill the House finally sends the Senate.

The House action would torpedo a key part of the bargain reached by the Nixon Administration and AFL–CIO postal unions after the postal strike last March. That agreement resulted in vital union support for the Administration's plan to reorganize the Post Office into a semi-independent service within the Executive Branch.

The section the House struck from the bill would allow unions to bargain with the new postal service for a union-shop arrangement. A union shop requires employes to join a union after they're hired.

Despite strong Administration backing for the union-shop clause, almost all House Republicans voted for the "right-to-work" amendment offered by Rep. Henderson (D., N.C.). Proponents argued that the amendment was necessary to avoid opening the way for "compulsory unionism" for postal employes.

The National Right to Work Committee was instrumental in mustering House support for the Henderson amendment. In letters to Congressmen, the committee pointedly noted past Republican pledges for "right-to-work" arrangements for Government employes.

Opponents of the "right-to-work" plan argued futilely that approval of the Henderson amendment would jeopardize union support for the overall postal-reform plan. They maintained that postal unions were giving up their access to Congress for pay raises by supporting the reorganization plan and thus should have the right to bargain with the postal service for union-shop arrangements like unions in private industry.

The House didn't complete action yesterday on the complex postal reorganization bill, but will resume work today. One amendment that would have gutted the entire reform plan was defeated 105-to-57.

THE CRISIS IN HEALTH CARE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. FRIEDEL. Mr. Speaker, the burgeoning crisis in the Nation's health care programs will not be helped by the President's action yesterday in vetoing the measure passed by the Congress to provide $2.7 billion for new and improved hospital construction which is so badly needed.

Just how the White House sense of priority works these days is an ever-increasing mystery to me. The $2.7 billion authorized in the measure Mr. Nixon vetoed will, I am sure, ultimately cost us $5 billion when we do finally get around to building these absolutely essential facilities. All of us in this House know that postponement of essential construction of this nature is just bound to cost more money when we ultimately start to break ground. We are going to have to have these new and improved facilities and so, the sooner we begin the better. Unfortunately, the President's action yesterday will delay this badly needed program and in my judgment will ultimately cost the taxpayers of the country more money.

Another equally important aspect of the Nation's health care crisis is in the field of medical education and manpower training. Some weeks ago one of the major networks featured in a news documentary program a profile of this particular mounting problem. I had the good fortune to watch that show and it frankly crystallized for me the nature and scope of the crisis we face. I probably need not tell Members of this House that the education process for physicians is indeed long, complex, and an expensive process. A surprising statistic that was made available to me was that in the academic year of 1968–69, the total enrollment of students in American medical schools was only 35,000. This figure, of course, did not include M.D.'s currently in the process of improving their medical knowledge in specialized areas. We simply have to have more physicians and more health-related professionals.

Medical education is, of course, not conducted at a medical school alone. Rather, it occurs in a hospital or medical center. The hospital and medical centers are responding by shouldering greater costs and responsibilities in educating and turning out those needed professionals. The number of medical students admitted to the first year in 1969 was 1,000 greater than that just 3 years ago. This is expansion, but it is not fast enough. Increases in interns, residents and clinical postgraduates will also occur in the immediate future. But the burden will fall on the same hospitals and medical centers that have been trying to cope with these rising demands for years and at the same time provide increased community health care service. However, in the meantime, the income to support these absolutely vital facilities has not risen. It has actually declined. In these centers, there is often no income for the support of the training of interns and residents. Endowment income, student fees, and private contributions have appeared to be drying up in recent years and the proportion of these sources of revenue has dropped precipitously.

This brings me to the real point, support for increased medical education and manpower training will simply have to be borne by the Federal Government. I stress this since Mr. Nixon's statement with regard to his veto specifically stated that new construction and improved facilities could be accomplished by some system of Government-guar-

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anteed loans from private sources rather than from direct Federal grant programs. I categorically disagreed. In my view, the progress that we have made over the last 10 or 15 years has been due, primarily, to the awareness within the Congress and past administrations that what was needed in this area of health care, was a massive Federal commitment backed up by appropriations.

The hospitals and medical centers in this country today simply cannot make it with a system of guaranteed loans. They need direct help and they need it now. In support of this point, I will include at the conclusion of my remarks a recent article which appeared in the Batimore Sun commenting on the situation at the famous Johns Hopkins School of Medicine in my fair city of Baltimore. According to the reports that I have received from Hopkins, they are currently facing the worst financial crisis in the history of this renowned institution.

I submit, Mr. Speaker, that our badly strained medical education system in this country has already reached the bottom of the barrel in trying to find ways of meeting this mounting financial crisis. What is needed now are not more vetoes and pious sayings about the availability of financing in the private sector but a turning back to the proven ways of the past. I, of course, mean a massive recommitment on the part of this Congress to provide the funds required now for our medical education system and a gearing up for those future needs that we all know are just around the corner. I shall have more to say on this subject in the days that lie ahead.

The Baltimore Sun article referred to follows:

Crisis In Health—III: Hopkins In Worst Shape Ever

(By Frederick P. McGehan)

The Johns Hopkins School of Medicine is in the worst financial shape in its 77-year history.

For the current fiscal year it faces a deficit of $910,000. A $2,233,980 deficit has been predicted for the fiscal year beginning July 1.

One of the nation's leading medical and research centers, the Hopkins lost $1.5 million in federal support during the past year for projects that were either not renewed or severely cut back. The school also lost about $440,000 in grants supporting the postdoctoral education of medical students.

LION'S SHARE

About $20 million of the Hopkins $32 million annual budget comes from the federal sector.

The University of Maryland School of Medicine is termed in "bad" financial shape but, because of continuing state support, it has not been put under as severe a strain as the Hopkins.

In the biggest single cut, the University of Maryland lost $440,000 in federal support for a 10-bed clinical research center. School officials are now deciding whether to proceed with a scaled-down project.

The state school has also experienced cuts up to 20 per cent in federally supported research projects; although a precise total is not available, fiscal officials estimate these cuts will total more than $200,000.

In the past school year, the University of Maryland had student requests for $500,000 in loan and scholarship aid; the school was able to fund only $317,000 of this. A similar picture looms next year.

Similarly, the Hopkins had scholarship and loan requests this past year totaling $750,000; because of decreased federal support it could fill only $350,000 of these requests.

In a recent interview, Dr. David E. Rogers, dean of the Hopkins medical school, clearly indicated that the school cannot continue to sustain sharp financial losses without drastic consequences.

USES ENDOWMENT

Noting that the Hopkins has been offsetting its losses by using endowment funds, Dr. Rogers said the school's board of trustees "won't stand for this very long."

"We are going to have to retrench at a time when retrenchment is a disaster on the national health scene," he said.

Some retrenchment has already begun. Dr. Rogers said about six faculty members have been laid off and another 12 positions will remain unfilled when the faculty members leave. "There are a number of areas where we would like to initiate new programs, and we can't," the dean said. He mentioned a medical scientist training program and curriculum reforms designed to reduce class sizes and offer more electives as examples of programs that are "sitting dead in the water."

HOSPITAL DEFICIT

The impact on the medical school is also being felt in the Johns Hopkins Hospital, which is currently running a $1.5 million deficit.

The hospital, Dr. Rogers noted, "desperately needs" a new emergency room and new ambulatory care and obstetrical units. "Here," he said, "the crunch is the inadequate payment for services rendered."

Dr. Rogers also expressed deep concern about the Hopkins' research programs, many of which have brought the institution international fame.

"It takes 15 to 20 years to build up a biomedical team, we can disassemble it very fast if we can't support it," he said.

Dr. Rogers expressed fear that "we might wipe out a whole generation of biomedical researchers." If this happens, he said, "we could really be in for the Dark Ages."

He said the school is "trying desperately" to get outside sources of funding.

One of the school's main thrusts is to obtain support from the state, as have schools in six other states recently.

In a recent letter to Blair Lee 3d, the Maryland secretary of state who handles education matters for the Mandel administration, Dr. Rogers said "this possibility of state aid at this medical school is exploring the time because it is facing a financial crisis, caught between static or diminishing support and sharp increases in cost."

DOCTORS WHO STAYED

To offset contentions that Hopkins doctors do not stay in the state after their educations, Dr. Rogers said 2,284 physicians residing in the state have received part or all of their training at the Hopkins.

He noted that the state of Ohio recently granted support to Case Western Reserve Medical School in the form of $4,000 per capita grants to students over two years.

"Our situation is very similar to that of Western Reserve. We are the only private medical school in a state which has only two schools of medicine. Thus, we represent a major medical resource in our ability to attract and supply a continuous source of physicians to the state of Maryland," he told Mr. Lee.

FEDERAL ATTENTION

In a recent interview, Dr. Rogers expressed concern that the Hopkins and other medical schools will receive little attention from the Nixon administration.

"From what I've been able to see, support of the medical school base has a pretty low priority in the current administration," he said, adding: "It may take the closing of several medical schools to get the national administration to take notice."

This pessimistic outlook is shared by Dr. Rogers's West Baltimore counterpart, Dr. John H. Moxley 3d, dean of the University of Maryland Medical School.

Dr. Moxley, in a separate interview, noted that, on one hand, the Nixon administration is pressuring the nation's medical schools to turn out more doctors and to offer more opportunities to minority groups.

"At the same time, on the other hand, it is slowly turning off the flow from funds to medical centers," Dr. Moxley said. "It is this dichotomy that is putting an awful, awful squeeze on medical schools in this country," he added.

Dr. Moxley also expressed fears that one or more medical schools may have to close down before the situation is taken seriously. If this happens, he predicted that society will demand reforms in the methods of financing schools.

"It is a pity that you have to go that route to come up with a rational solution," he said.

THE MILITARY DRAFT—THE ROOT OF STUDENT DISSENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. BINGHAM. Mr. Speaker, the need for comprehensive draft reform was well documented this past Sunday in the Washington Post in an article entitled, "Draft Sired Youth Revolt," by Samuel Lubell. Mr. Lubell cites a 35-percent jump from 1,401,000 18-year-olds in 1964 to 1,897,000 the following year as the greatest single factor which has made today's youth a truly revolutionary generation.

Mr. Lubell points out that the population explosion occurred in the same year that President Johnson plunged America deeper into the Vietnam quagmire, bringing to the forefront each young man's personal confrontation with the draft and the possibility that he might be told by his country that he must travel halfway around the world to kill people in a war he does not understand or support.

Mr. Speaker, whether or not one accepts Mr. Lubell's thesis that this population explosion and the resulting confrontation with the draft is the root of student dissent today, one cannot deny the fact that the military draft is a major issue and one that has caused much confusion and disillusionment in this country. Complete reform of the draft is urgently needed.

I have introduced the National Service Act of 1970—H.R. 18025—with a bipartisan support. This bill will completely replace the Selective Service System with a new plan which will give a young man of 18 three choices:

One, to volunteer for military service; or

Two, to volunteer for civilian service as an alternative; or

Three, to volunteer for a draft lottery.

This plan would enable any young man who feels strongly about military service to serve in a useful civilian capacity for a period of up to 4 years. Not only does this plan meet many of the objec-

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tions to an all-volunteer army by retaining a lottery but it assures a much needed pool of manpower to perform work in areas where manpower is now short or unavailable.

Mr. Speaker, I would like to reiterate my hope and expectation that the chairman of the Armed Services Committee will meet his commitment to hold comprehensive hearings on the draft in this session of Congress. It is essential that we not let this opportunity to enact meaningful reforms pass.

The text of Mr. Lubell's article follows:

DRAFT SIRED YOUTH REVOLT

(By Samuel Lubell)

(Lubell is an author and journalist who has covered every presidential campaign since 1952 by interviewing people. The following is excerpted by permission from his new book, "The Hidden Crisis in American Politics," to be published this month by W. W. Norton & Co., Inc.)

When the story of the Johnson Administration comes to be written, at least the more kindly disposed historians may marvel at his incredibly bad luck in deciding in 1965, of all years, to plunge the nation into a deeper Vietnam conflict.

No worse year could have been selected for such an action. For 1965 was destined to mark the emergence of a new political force, one which in the three years that followed was to disrupt hundreds of colleges and university campuses, undercut support for the war, split the Democratic Party and contribute to Mr. Johnson's decision not to seek re-election.

Homer would have blamed the behavior of his Greek gods for this preordained rigging of history. Actually, what was responsible was the intimate behavior of earthlings—specifically, of those millions of GIs who returned home from World War II in 1946 and promptly married, and whose wives almost as promptly—in 1947—begat babies in record numbers.

Exactly 18 years later, the number of males reaching draft age leaped spectacularly. The 1964 count of 18-year-old males stood at roughly 1,401,000. Just one year later, the figure had jumped 35 per cent, to 1,897,000, continuing at roughly that level in the years after.

More than any other single factor, it is this spectacular increase in sheer numbers that has given this generation its distinctive stamp, making it the human carrier of so many diverse unrests and giving it an almost instinctive predisposition: if in doubt, change.

Because of their numbers, almost everything that happened to them was to have a chain reaction effect. The Vietnam war was to agitate them into a unifying grievance against society; their numbers were to render tragically obsolete the form of draft that was in operation; with 34 per cent of all 18- to 21-year-olds attending college, our institutions of higher education had to expand and change. These youths were also to constitute a sufficiently large commercial market so that it was profitable to sensationalize them as a self-conscious subculture.

For some years to come, these numbers will continue to generate pressures for entry into society, for new types of careers, new standards—or lack of standards—of personal behavior, new concepts of politics.

A CLEAR WARNING

With the draft, if ever a crisis could have been averted, this was it. The births after World War II warned unmistakably of the approach of a profusion of males far beyond any foreseeable military needs. In 1962, in fact, Secretary of Defense Robert McNamara ordered a study of how the draft should be changed.

But the Pentagon manpower planners, reasoning that the situation was "not expected to become acute for two to three years," contented themselves with requesting mere renewal of the Selective Service Act unchanged.

This failure to adjust the draft in 1963 can be said to mark the beginning of our youth crisis. The absence of draft reform would mean that when our involvement in Vietnam deepened, for every young man taken into the service, three to four times as many would feel they had to find ways of evading the draft, postponing career decisions and building up resentments against society.

These grievances would enable tiny minorities of student agitators, often fewer than a hundred on a campus, to radicalize a sizable part of all college students across the country. Antidraft sit-ins and other "peace" demonstrations were to bare the critical weaknesses of our universities—from the lack of authority of college presidents to faculty desires to be considered as "the university" but not to bear the responsibility of running it—inviting further student onslaughts and even armed upheaval at Cornell and San Francisco State.

Curiously, through all these happenings, the same unchanging label of "generation gap" was usually employed to caption what was going on. From the beginning, it has been a misleading concept that blocked understanding of the nature of the youth crisis. For one thing, the term implied that the basic trouble was a clash between two generations, of young people differing so much from their elders that they could not communicate with one another.

But the crisis has never been one of communication or "alienation." The real gap has been a "fitting into society" gap; of how a particularly populous generation, while resisting an unpopular war, was to mature and find entry into society.

By 1968, most of the public saw the campus disorders as a defiance of reason. Some persons said sympathetically, "I can understand why students protest against the war" or "They seem to want better teachers." But generally the tactics of disruptive dissent had shouted down whatever sympathy people might have felt or any merit they might have seen in these demonstrations.

THREE DISTINCT GROUPS

Why should a politics of physical violence—seemingly the very antithesis of rational behavior—take hold at, of all places, our leading intellectual centers? Much of the mystery evaporates if one examines who these campus rebels were and how they were brought together.

From interviews spread over four years with more than 1,100 students at 37 college campuses, one can identify at least three distinct streams of protest among the students who described themselves as part of the "New Left."

1. Easily the most important single stream was the sons and daughters of onetime socialists, Communists and other leftists. These students comprised the organizing core for the Students for a Democratic Society; they also supplied the "revolutionary" ideology and tactics.

2. Sizable numbers of "draft insurgents" arose, concerned primarily with protesting against the war. Their interviews reveal no evidence of politicalism until our involvement in Vietnam.

3. Lastly, there were the "career rebels" who rejected moneymaking pursuits in favor of "working with people and ideas"; quite often they had businessmen fathers.

The hippies, overpublicized because their long hair and masquerade clothing make such good TV copy, have not been especially important politically.

The real drama of campus rebellion has revolved around the fusing of the old Marxist addiction for playing at revolution with the current grievances of the draft insurgents and career rebels.

The offspring of the old-time leftists—Staughton Lynd and Bettina Aptheker come to mind as two much-publicized examples—can hardly be pointed to as evidence of a "generation gap." Far from being in family revolt, these students were projecting the radicalism of their parents.

The sense of grievance that animated these radicals did not originate in any current performance of our society, nor was it caused by the war, nor could any possible restructuring of the universities satisfy them. For them, the specific issue of agitation was less vital than to be "agin" something.

This "agin something" desire would probably have remained a minor nuisance if the war and draft had not developed as "the cause" to agitate the students generally. I recall how gloomy the head of the SDS chapter at the University of Texas was during the winter of 1965.

He talked sadly of the small SDS membership and said, "We protest against anything that comes up, hoping to find some issue that will arouse the students." He was particularly depressed because an SDS effort to organize draft card burnings and a "strike" against the draft had fizzled that October not only in Texas but across the nation.

At that time, our Vietnam policy was supported by two of every three students interviewed, which was no different from the sentiment of the public generally.

The first draft demonstrations were regarded by most students as more of an emotional outburst than a political revolt. In response to the question, "What kind of students take part in these demonstrations?," nearly everyone distinguished three types of participants:

Some demonstrators were pictured as "sincere" or even "rampant idealists." Others were dismissed becaue "they're trying to avoid the draft, that's all." Still others were termed "just hangers-on out for kicks."

At New York University, a 20-year old coed had been invited by a classmate to a demonstration. She recalled: "I asked him, 'What are you demonstrating against?'

"He said: 'You name it. We'll march for a couple of hours, then get a six-pack and go over to so-and-so's and talk about truth.'

" 'Oh,' I replied. 'You mean you want a cheap date.' "

The first of the draftcard burnings were denounced by college presidents and prominent public officials, including former President Eisenhower. Some students were fearful that the demonstrations might bring a draft crackdown on students generally, and others were so angered that they donated blood or marched in parades in support of President Johnson's policy.

Still, even though there was little open opposition to the war in 1965, as I went from campus to campus I was struck by how demoralizing an impact the draft was having. At every college, students talked openly of how "Im here to avoid the draft." To hang on in school, many were taking courses they disliked or in which they had little interest.

Since only a small proportion of the available males could be taken, Selective Service had been extremely liberal in granting deferments to anyone going to college. One effect, though, was that many of the students felt themselves draft evaders. This often stirred a sense of guilt or exaggerated attacks on society beyond the campus, as if the students were seeking to justify their own withdrawal.

At Berkeley, one group of activists was expounding on how "cold, cruel and impersonal" business was. One Iowan said, "I worked for business for two years. All I found was that it was boring."

The antisociety phobias stirred by the draft were also being fed by widespread political restiveness and a groping search for new careers. At every campus, two conflicting trends of political change were going on.

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One in every 11 students from Democratic families was becoming more conservative and switching to the Republicans. Generally these converts came from poorer families—they were sons or daughters of an Akron rubber worker, of a bookbinder in New York, a policeman in Providence, a shoemaker in Chicago, a tenant farmer near Memphis, a steelworker in Pittsburgh, a union organizer in Richmond.

All were targeted toward professional or business careers and believed that "a man ought to make his own way without government help." These Republican converts were particularly numerous in the South, where backgrounds of family hardship generated a philosophy of competitive individualism.

Among students with Republican parents, in contrast, one in seven had turned Democrat, socialist or anarchist. This leftist trend centered almost entirely around the offspring of middle-class and well-to-do families. Among them were the son of a real estate developer in Los Angeles, a geological consultant in Oklahoma, a wholesale druggist in Baltimore and a purchasing agent in Battle Creek.

Generally they talked of wanting careers in public employment, college teaching or university research, or of "working with people." Often these students resented bitterly their fathers' business occupations, protesting, "I don't want to just make money like my father" or "I couldn't stand dog-eat-dog competition."

There they were, three outpourings of protest waiting to be brought together—those rebelling against the careers of their fathers, the draft protesters and the SDS radicals looking for some cause to agitate. The catalyst that united them was the intensified opposition to the war in the whole country.

DRAFT BECOMES TARGET

By the winter of 1966, in my second round of interviewing, faculty members and college administrators were protesting publicly against the war and were often encouraging the SDS in its demonstrations. Possibly because the Selective Service Act was coming up for renewal in 1967, the draft had become the main target of protest, with students and faculty pushing a well-organized campaign to kill the draft and replace it with a volunteer army.

Student comments were also more ideological than a year earlier. The war and the draft were being attacked not simply as "immoral" but as evidence of "a sick society" and of "a system that has to be changed."

Capitalizing on these antiwar sentiments, the SDS pressed demonstrations against Dow Chemical, Army and Navy recruiting, ROTC, defense research and anything else that could be made to stink of "war." When students were asked if the demonstrations were Communist-led, the common response was, "Maybe some Communists are involved," but that didn't trouble the students, since fighting the draft was their own personal battle.

Each succeeding year, as war resistance intensified, the radicalizing process cut deeper. Each year also brought some students closer to the end of their education—and closer, perhaps, to the war they hated.

Early in 1966, a Columbia College freshman had urged escalating the Vietnam bombing because "it's to our national interest to stay in Southeast Asia." He talked of becoming a business economist and a Republican even though "my parents vote for any Democrat."

A year later he had changed sufficiently so that he thought, "We should get out of Vietnam." At that time it seemed that student deferments were to be ended and a lottery taking 19-year-olds put into effect instead.

"Being at the most draftable age," he said, "I'd rather the draft stay as it is." He also revealed he had begun smoking marijuana for the first time.

By April, 1968, he was one of the militants who seized the Columbia University buildings. He no longer wanted to become a business economist, saying, "I'm completely undecided about my career."

FOCUS ON SENIORS

At campus after campus, the forests were dry and ready for burning and the hard-core radicals were playing with matches. Throughout the 1967–68 school year, my interviewing caught this tightening of emotional tensions.

The draft law that had been passed July 2, 1967, had aggravated the situation. Congress had changed the law so that on graduation, seniors would be drafted first along with graduate students, whose deferments had been cut off.

By shifting the immediate burden of being drafted to seniors, the law solidified the anger of whole graduating classes. Moreover, these were the older students, including much of the non-radical leadership, who normally should have exerted a stabilizing influence on the younger collegians. Instead, they became among the more impatient and belligerent of the student leaders.

The 1967–8 school year had also brought an abrupt upsurge in Negro miltancy, adding a new dimension to the crisis in the universities. In the early war years, Negro students had been much less opposed to the war than white students, stronger for the draft, and twice as many felt the patriotism was important.

But the rioting in the summer of 1967 swung many of them to black militancy. Also, the debate on draft reform had given considerable publicity to the fact that more Negroes—in proportion to their share of the population—were fighting in Vietnam than whites. And the new draft law, in granting all college students a four-year deferment, actually sharpened the discrimination against Negroes who couldn't get to college.

During the spring of 1967, two-thirds of the Negroes interviewed answered yes to the question, "Is it right for the government to draft young men?" That fall, only half of them replied yes.

A welder's son, a 20-year-old sophomore at CCNY, had urged a step-up in the Vietnam fighting when first interviewed. On the draft he had said, "Everyone should serve at one time or the other."

In September, 1967, though, he wanted to pull out of Vietnam and bitterly denounced the draft as "a system where the majority of white youths are deferred because they're in school, but blacks are excluded from the system and get drafted."

Earlier he had talked of becoming a teacher. When reinterviewed he said, "I want to go into law." Asked the reason for the change, he replied: "As a lawyer, I'll know what I can get away with. I want a gun. A lawyer will know how to get around it."

This militancy of the black college students marked an agonizing new turn in the crisis of the universities. Many college administrators had consoled themselves that the war would end sometime. With peace, they daydreamed, student radicalism would die out. But after 1968, these administrators faced the more forbidding prospect of the universities being turned into a battleground for the nation's racial conflict.

One question naturally arises: Why did this steady process of student radicalization go unchecked for so long? What SDS was up to was always clear; so was the urgent need for draft reform. Yet every inaction and action of the university administrators only aggravated the difficulties, as did the changes made in the 1967 draft law.

Let us look at the draft first, and then at how the crisis at the universities changed.

On May 13, 1969, President Nixon requested Congress to revise the draft law to limit a youth's exposure to just one year. On reaching his 19th birthday, a young man could let his name go into the lottery pool and, if not selected, would be clear of draft vulnerability unless a major war broke out. Or, at 19, he could take a college deferment for four years and then have his name dropped into the lottery pool for a year.

Had the proposal been enacted into law in 1967, much of the campus turmoil, including the seizure of the buildings at Columbia, might never have happened.

What has been happening to our universities provides some insights into how dangerous leaving a crisis unresolved can be to a democratic society. During the early Vietnam years, much was written about how the student generation had become "alienated" by the size to which universities had grown, by professors preoccupied with research leaving the teaching to youthful assistants and by students being treated as IBM cards instead of warm, loving bodies.

These and other practices probably needed reforming and later were to become active issues. But at first, my interviewing was damaging to student psyches or that they were a significant cause of campus turmoil. What was rocking the campus lay beyond the university walls and out of reach, in the war and the draft.

Still, at some point in a crisis that remains unresolved, frustrations apparently build up to a point where something has to give, and the crisis takes a new form. This seems to have happened at Columbia in 1968 with the SDS seizure of the university buildings and the administration's decision to bring the issue to a showdown. When the use of the police to clear the buildings split the faculty, student unrest turned into a double crisis, going beyond resistance to the war and the draft to envelop the university as well.

THE "RESTRUCTURING" THEME

The immediate issue in the new crisis which spread across the country centered around the university's ability to keep order on its campus, with or without the police, with a united or divided faculty. At Columbia, the commission headed by Archibald Cox which investigated the campus disorders picked up the thought of "restructuring the university" that had been advanced while the students were on strike. This became a common theme at other campuses as student pressures intensified.

Across the country, schools began yielding up some rule or ritual: a relaxation of curfew hours, wider student participation in faculty meetings, new courses, even the resignation of a university president.

These actions bought time for some schools but could hardly cool student impatience with the war and the draft. Nor have the "restructurings" been directed toward the deeper crisis that lies ahead of our colleges and universities.

At stake, of course, is what kind of intellectual legacy our universities will be able to pass on to future generations. On that score, it is intriguing to note that the professional schools, such as those in medicine and engineering, have remained quiet through nearly all of the campus disorders, while the agitations and uproar have been most intense among students in the liberal arts and social sciences.

What needs restructuring is the fragmented manner in which the knowledge and teaching of the arts of self-government are organized. Unfortunately, the individual faculties—government, sociology, psychology, etc.—are the equivalent of craft unions and aren't structured to present a comprehensive, unified approach to governing ourselves.

Black studies agitation will be bringing onto the campuses the pressures of another unresolved conflict that divides the nation. The black cause will probably prove a positive attraction for many white students. At Harvard Law School, nearly a third of the students do some kind of legal assistance work in the slums of Cambridge and Boston. Similar involvements are found at most schools in or near a major city.

Politically, we are likely to see some merging of black militancy and university radicalism. Any such alliance or coalition will also be markedly antiwar and antisociety, embracing faculty members as well as students.

Many faculties are ideologically split between those professors who believe a university should stick to education and research and the more "activist" professors who think the university has a positive mission to remake society. The activists are unlikely to accept a quiet role for the university without a fight which could polarize much of academia.

UPBRINGING IMPORTANT

The antiwar feelings of many of the students have been converted into a general hostility toward society. How long these antagonisms endure will hinge, I suspect, on two main influences: what kind of family upbringing they have had, and what happens to them when they leave school and go into "the world outside."

My interviews reveal that resistance to radical action largely reflects the strength of the self-restraints that have been lodged within a student by his family upbringing. Often in discussions of the so-called "generation gap," parents have been pictured as being virtually obsolete. Actually, almost no restraint they planted in their children was without some continuing effect.

Among the "quiet majority" of students at every campus visited I found fewer nonreligious students, less of a tendency to smoke pot and more of a feeling that self-discipline is a virtue on its own. The nonactivists were also more definite in their career choices than the radicals, many of whom had no idea of what vocations they wanted to follow.

But even among the nonactivists, the generational trend is toward greater permissiveness. Of the students interviewed, only a fifth said their parents were "not religious," but half of the same students described themselves as "not religious." This suggests that within one generation, the proportion of "not religious" has almost doubled.

Nor is a strict childhood upbringing any longer the norm among college-going families. Only a fifth of the students interviewed reported having had a strict upbringing. Of these, a third would raise their own children more freely, which suggests that further liberalization is likely.

Such changes underscore the importance of what will happen when these students leave school. Will the outside world stabilize them? Will they change society?

Perhaps the most revealing single question to ask any young person is, "What career or occupation do you intend to follow, and how does that compare with what your father does?" The responses leave little doubt that the choice of vocation operates as both the carrier of a young person's sense of economic self-interest and as a major force shaping the way he identifies with the future, both economically and politically.

The predictable consistency with which career change links up with political change largely reflects the economic imagery attached to our political parties by students generally.

Whatever their political learnings—whether they are Democrats, Republicans or shifters—the students agree in viewing the Republicans as "the party of business" and the "advantaged class," as cool to government spending and welfare, conservative and slow to accept change. The Democrats are seen primarily as the party of welfare and government spending, as "liberal" and eager to push for social change.

When a student breaks from his parents' party allegiance, it is almost always in terms of this party symbolism. To many older voters, the main conflict between the major parties is that of labor against business. But with college students, the crucial political divider seems to have become whether one identifies with the public or the private sector of the economy, a division which was evident in interviewing I did as early as 1962.

At every college visited, the sons and daughters of Democrats turning Republican were motivated by an upward economic drive and a bent toward conservatism. In contrast, the offspring of Republican fathers who were swinging Democratic were aiming for careers in government service, teaching at the university level or varied forms of research, social welfare and psychology.

The importance of career selection in determining party choice is underscored by those students who say they are "undecided" politically. Most of them turn out to be either undecided about the vocation they intend to follow or unclear about whether they will be working for private industry or in the public sector.

It is not surprising to find so high a degree of career uncertainty among the student political activists. A career is the door through which a student walks out into the adult world, and many campus radicals have not wanted to open that door.

Of every 10 New Left students interviewed, four wanted to stay on in college teaching, three talked of careers such as psychology, art or journalism while three more were undecided about what they wanted to do.

THE 22D ANNUAL STATE CONVENTION OF POLISH AMERICAN VETERANS OF MASSACHUSETTS HELD AT WILBRAHAM: JOHN J. MASTALERZ OF SPRINGFIELD ELECTED STATE COMMANDER

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. BOLAND. Mr. Speaker, the 22d annual State convention of the Polish American Veterans of Massachusetts was held at Wilbraham in my Second Congressional District during the weekend of June 5, 6, 7.

Two of my good friends from the host Wilbraham post were elected to State office. They were John J. Mastalerz of Springfield, who was elected State commander, and Frank J. Morawiec of Ludlow who was elected junior vice commander—west.

The Polish American Veterans, brought together in 1948, now have more than 10,000 members throughout the State of Massachusetts alone.

The convention adopted several resolutions, including requests that the President and Members of the U.S. Congress take more positive and firm action against those who desecrate the flag, and more vigorous prosecution of those who purposely evade military service.

It was an honor for me to be the principal speaker at the Saturday night banquet held June 6 at the host post of the Polish-American Veterans and Auxiliary of Wilbraham, Mass. I was also pleased to have bestowed upon me the position of honorary State commander.

It is with great pride that the Polish American Veterans of Massachusetts serve their respective communities in the Commonwealth.

Mr. Speaker, I have included with my remarks the Springfield Sunday Republican story of June 7, 1970, concerning the 22d annual convention of the Polish American Veterans of Massachusetts, the convention program, the officers of the host Wilbraham Post and its auxiliary, a short history of the Polish American Veterans of Massachusetts, and my address to the convention:

POLISH AMERICAN VETERANS ELECT MASTALERZ AS STATE COMMANDER

Two Wilbraham Post men were elected to state office at the 22d annual state convention of the Polish American Veterans this weekend at the Wilbraham post.

John J. Mastalerz of Springfield was elected state commander and Frank J. Morawiec of Ludlow was elected junior vice-commander—west. The organization has 10,000 members throughout the state.

The convention adopted several resolutions, including requests that the President, and the members of the U.S. Congress take "more positive and firm action" against those who desecrate the flag, and "more vigorous prosecution of those who purposely evade military service."

The convention also lauded the Wilbraham Post Commander, and former state commander, Michael Rostkowski, and his committee for their successful effort in establishing the Kosciuszko Garden at the U.S. Military Academy, West Point, N.Y.

U.S. Rep. Edward P. Boland was main speaker at the banquet Saturday night. He was named honorary state commander. Other speakers were Mayor Frank Freedman, State Sens. Stanley Zarod and Philip Quinn, and State Reps. David Vigneault, Steven Chmura and Rudy Chmura.

Today, the delegates will attend memorial Masses at Christ the King Church, Ludlow and at Immaculate Conception Church, Indian Orchard. There will be a parade and a picnic at the Wilbraham Post to wind up the convention.

CONVENTION PROGRAM

FRIDAY, JUNE 5

Registration, 12:00 noon.

Open House, 7:00 p.m. to 8:15 p.m.

Dancing, 7:00 p.m. to 1:00 a.m.—Music by Melody Minors.

SATURDAY, JUNE 6

Registration, 9:00 a.m.

Business Meeting, 9:30 a.m.—Main Ballroom.

Auxiliary Meeting, 9:30 a.m.—Lower Hall.

Delegates Luncheon, 1:00 p.m.

Banquet, 6:00 p.m.—Main Ballroom.

Banquet Speaker, Honorable Edward P. Boland, U.S. Congressman.

Convention Ball, to 1:00 a.m.—Main Ballroom.

SUNDAY, JUNE 7

Memorial Mass for Father Radzik, 6:00 a.m.—Christ the King Church, Ludlow, Mass.

Convention Memorial Mass, 10:00 a.m.—Immaculate Conception Church, Indian Orchard, Mass.

Assemble at P.A.V. Club at 9:15 a.m. Convention assembly time: 12:00 noon. Convention Parade: 1:00 p.m. sharp. Polish Style Picnic at the P.A.V. grounds next to Home Post Headquarters (after parade).

BANQUET PROGRAM

Posting of Colors: Edward Moninski State Commander.

National Anthem: Hedwiga S. Kochanowski.

Installation of Officers: Edward Moninski, State Commander.

Installation of Auxiliary Officers: Nellie Lisak, State President.

Invocation: Rev. Edward S. Nicewicz, State Chaplain.

DINNER

Address of Welcome: Michael Rostkowski, Post Commander.

Introduction of General Chairman and Master of Ceremonies: Theodore Piwowarczyk.

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Presentation of Awards and Citation: Ed. Moninski, State Commander.

Presentation of Citation: By Incoming State Commander.

INTRODUCTION OF GUESTS

Rt. Rev. Msgr. John Wieloch of Indian Orchard: State Senator Stanley Zarod.

Rev. Xavier Baranowski of Ludlow: State Senator Phil Quinn.

Selectman William Sullivan, Jr. of Wilbraham: State Representative Dave Vigneault.

Selectman William Avezzie of Ludlow: State Representative Steve Chmura.

Mayor Frank H. Freedman of Springfield: State Rep. Rudy Chmura.

GUEST SPEAKERS

Remarks: Maurice Donahue, President of Massachusetts Senate.

Remarks: Thaddeus Buczko, State Auditor.

Principal Address: The Honorable Edward P. Boland, Member of the United States House of Representatives.

Benediction: Right Rev. Msgr. John Wieloch.

Polish National Anthem: Hedwiga S. Kochanowski.

OFFICERS FOR 1970

President: Michael Rostkowski.
First Vice-President: Frank Ostrowski.
Second Vice-President: John Pluta.
Recording Secretary: Walter J. Midura.
Financial Secretary: John Mastalerz.
Treasurer: John Chmura.
Service Officer: Edward A. Neils.
Board of Directors: Stanley Bernatowcz, Ted Hudyka, Ed Sidur, Longin Jachym.
Historian: Stanley Strycharz.
Custodian: Henry Sidor.
Sergeant-at-Arms: Adam Labaj, Stanley Chwalek.

AUXILIARY OFFICERS FOR 1970

President: Mildred Kielbania.
Vice-President: Ursula Jashym.
Treasurer: Rita Chmura.
Financial Secretary: Henen Mastalerz.
Recording Secretary: Betty Hudyka.
Sergeant-at-Arms: Lillian Piwowarczyk.

BOARD OF DIRECTORS

Barbara Motyl, Chairman; Adelle Barden, Barbara Bator, Ann Frydryk, Helen Jacek, Connie Kszepka, Jane Ostrowski.

STATE CHAPLAIN'S MESSAGE

To all Officers and Members of the Polish American Veterans of Massachusetts, to all Delegates, Alternates, who are presently participating in the functions of this 1970 State Convention, I send forth my warmest and sincere greetings and felicitations.

We all look forward toward better things, to the future and in a future the hope that all may be for the best. Yet, it is good and indeed necessary, to look back into the past from time to time, in order to examine and to weigh those contributions that have been made by the Polish Americans, toward Peace, Progress, Prosperity in our land, and to the assistance toward our fellow-man. We must not forget, and should remember, that it is our solemn responsibility, to respect the good that has been accomplished, especially by our forefathers in America. We, of this generation, through the Polish American Veterans of Massachusetts, have made much, in the way of progress. Our respect by others has increased immensely by the good work established in making the memory of one of our Great Polish Patriots alive, by the Restoration of the Kosciuszko Gardens. Thus, we are, indeed, keeping alive the past and with God's help, we shall build for a better tomorrow, not only for ourselves and our children, but for those who will be members of our Community, the State and the Nation of tomorrow.

May you continue to prosper, you the Polish American Veterans because only through united effort will we achieve the purpose for which we find in our existence and which will continue to motivate us to greater achievements through our intelligent deliberations and decisions, as we have in all our past Conventions.

To the Officers of the State Department, the Officers of all Posts and all those affiliated with the State Department. I wish God's blessing follow you one and all.

REV. EDWARD S. NICEWICZ,
State Department Chaplain.

SHORT HISTORY OF THE STATE DEPARTMENT OF THE POLISH AMERICAN VETERANS OF MASSACHUSETTS, INC.

To make our Country all that for which the Founders of our Nation so earnestly labored, it became incumbent upon each and every American of Polish descent to join in a bond of understanding of the principles set forth in Our Constitution and its Amendments.

It was thus, that the organizers of the State Department proceeded, making it cognizant to all Peoples of this land, that all the Freedoms exemplified in services and those paid for in blood, were eternally perpetuated.

These men of prospective vision, joined in fellowship in 1948, calling forth Americans of Polish ancestry from Lawrence, Lowell, Springfield, New Bedford, Woodrow Wilson of New Bedford and Worcester, in order to formally commemorate these sacrifices and eternally promulgate the services of the one-half million of Americans of Polish descent who gave their lives for these United States.

The continued devotion to duty and to obtain the benefits as guaranteed by the Constitution and its Amendments brought forth the unification of these men in the creation of a sympathetic and intelligent organization, which now exists, not for what has transpired in the past, but to engender these sacrifices for the betterment of all citizens.

At the Convention in 1949 the Honorable Paul A. Dever, then the Governor of this Great Commonwealth, formally and officially presented to this organization its CHARTER at the New Bedford Convention. It was truly a happy and momentous occasion, because it bestowed a stamp of approval upon the ideals for which this organization was organized.

However, it was necessary that we acquire the same prerogatives as other veteran organizations enjoyed in the Commonwealth. Much work, time, money and sacrifice on part of many, had necessitated the Great and General Court of this Commonwealth to pass sixty-four Bills in the Legislature for the performance of our business and its proper functioning. This to the benefit of the Department and each affiliated Post. For this we are extremely grateful and pay our respect and homage to the many and sincere devoted public servants of this Great Body in the Legislature, for permitting us to be of service, not only to our respective communities, but to the State and the Nation.

In 1967 an ideal was set forth in the acquisition of a purposeful endeavor in the restoration of the Kosciuszko Gardens at West Point, where stands the United States Military Academy. The State Department undertook a project in the amount of not less that $12,000.00, which project nears completion. It fostered much State and National publicity to the organization. People of all races and ethnic backgrounds complemented the organization and many people from every State in these United States became aware that the Polish American Veterans of Massachusetts exist.

The members of our State Department and of the various Posts throughout the Commonwealth have served and are serving their respective communities and this Commonwealth, whether the service be civic, the youth or the handicapped. Many function in the various branches of our Town, City, County or State Governments, holding offices of great responsibility and evidencing pride to their respective communities. Several have occupied high places in the Command of the Armed Forces, and are still in the conduct of service, with honorable distinction. Thus, this sincerity of purpose and devotion to government, constitute the basis for which mitigates the very existence of our Posts and the State Department. For each in their own way infuse much to the performance of duty owed to its Country.

It is with great pride that the number of Posts has increased, so that now we number Posts in Cambridge, Chelsea, Chicopee, Clinton, Fall River, Gardner, Uxbridge, Southbridge, Turners Falls, Webster-Dudley, Wilbraham and Boston, in addition to the original group established in 1948.

Each Post is guided by the principle of devotion to fellow-man, to enable our communities to establish a better place in which to live, and an ardent and zealous energetic cooperation for the establishment of all, regardless of race, creed or color.

The Wilbraham Post should be complimented on its desire to serve and project the ideals of the State Department. It has thus far, accepted its responsibility twice in its short affiliation with the State Department. Yet, it has already produced one State Commander and we are sure, in the very near future, will produce another. It is agreed that all who have participated in this Convention will agree, that Wilbraham Post made each participant, a second home by providing comfortable environment and sincere hospitality. Its endeavors necessitated much time and effort on part of all of its members and the community to enable all delegates, alternates and visiting guests as comfortable and at ease as in his own community.

The Post congratulates its sister Post, Wilbraham, in the making of another milestone of achievement in the history of this great organization, so that those who have preceded us, and those who will follow, will find that all effort on part of this Post and its sister Posts have not been in vain.

CHARLES S. SAMBORSKI, P.S.C.,
State Judge Advocate.

ADDRESS OF CONGRESSMAN BOLAND, JUNE 6, 1970, WILBRAHAM, MASS.

I am grateful for the invitation that brings me to this 22nd Annual State Convention of the Polish American Veterans of Massachusetts.

I am proud that the Wilbraham Post, in this Tri-Town area, hosts this conventtion. For this organization, as well as other PAV posts, in this community, have contributed, and are contributing, much to the betterment of this locality and to the assistance of its members.

My congratulations are offered, too, to this convention and its delegates, for honoring Monsignor Wieloch, and Bolac and Sophie Midura.

For 46 years, Msgr. Wieloch has been administering to the spiritual and material needs of all who have had the privilege of being a part of the parishes where he had served. For what he has done for his church, his parishioners, for the Polish people and his God—this honor is richly deserved.

Bolac and Sophie Midura need no praise from me. Their service to the community, and their devotion to this country and to the Polish Community, are written large—for all to see and acknowledge. For years they have enriched this area by their dedication to Polish culture, language, music and Polish History. The Polish American Veterans does itself honor as it singles them out, at this conventon, for their years of effort in behalf of their countrymen, this Nation and Veterans generally.

I bring, too, my own congratulations to this great organization—the Polish American Veterans—for the magnificent service it renders—to its own members and the deed concern it has for the young and the old. Your athletic and educational programs, in which all of your posts engage, help build a better community and give magnificent opportunities for youth to better themselves.

So it has always been with the Polish American Veterans and its auxiliary.

You are contributing to the preservation of your ancestral heritage—and generously sharing that culture with your fellow Americans.

You are heeding the command of the Bible to assist the sick, and the injured—to care for the widow and the orphan.

The Polish American Veterans and the auxiliary can be truly proud of the thousands of dollars which its members have raised, over the years, to make life a little bit brighter—a little bit better—for thousands of sick and wounded veterans in our VA hospitals.

You have used your concern, your interest, and your influence in all of these programs—and, together, with other veterans organizations, you have succeeded.

I carry some credentials to testify to this. There are many programs and legislative proposals that the PAV has supported since its birth and most of them have been enacted by the Congress . . . more recently, "the Veterans Education and Training Assistance Act" of the last session of Congress. Again, you interested yourself in the *Veterans Outreach Service program*—seeking out eligible veteras to advise them of benefits to which they are entitled.

And most importantly, the PAV expressed its deep concern and dismay with the serious deficiencies in the Veterans Administration hospital system. This hospital system—with 166 separate institutions—all over the nation—is the biggest hospital system in the world. It treats more than 800,000 patients a year!

The cooperation of veterans organizations in seeking to rectify the shortage of funds and medical personnel has paid off. I sit, as a member of the committee, that funds the Veterans Administration. I am pleased to tell you that this committee is providing $15 million supplemental appropriation in this year's budget to correct the problems of understaffing and better facilities. In the next year, fiscal 1971, we have provided for $122 million more than fiscal year 1970, for a total of some one billion, 700 million dollars for the Veterans Administration hospital system.

The concern of the Polish American Veterans for the security and strength of the United States has many times been expressed and proclaimed.

More than a half century ago, the United States entered a war, then described, as "the war to end all wars." Thousands of young Americans sacrificed their lives in the conviction that victory would bring enduring peace to the world.

Yet, little more than two decades later, the United States was again at war—a war more harrowing than any in the nation's history.

Many—perhaps, most of you—were a part of that conflict.

And on this day, we mark the 26th anniversary of "D" day. For on June 6, 1944, the fate of Western Europe hung, for 7 thunderous hours, on the outcome of the battle on Normandy Beach!

Many here, tonight, can relive that period! You can recall the command, "Now the die is cast" as elements of the 1st, the 4th, 29th infantry divisions, together with the 101st and 82nd airborne divisions swarmed ashore on the "Omaha" and "Utah" Beaches.

In the early 1950's came the Korean conflict, and we were thrust into our third war of the century.

And now Vietnam!

It is never easy to go to war. It is harder, today, than ever before!

The strategic and political issues in the Vietnam war are muddled by dissension and doubt. It is asking an enormous price to sacrifice your life and the damage caused at home and abroad, for a cause that eludes your understanding.

No matter what you think of the Vietnam war—whether you are a hawk, a dove or something in between—you can agree that our Armed Forces in Vietnam are among the most courageous in the history of human conflict.

This frustrating, complex, painful war has given rise to the doubts of our generation—yours and mine!

But, don't let anyone sell you the idea that ours is a sick society.

It's far from perfect, but it is also far and away the most enlightened, most unselfish, most compassionate in the history of the world.

There are still challenges to be met, hopes to be realized and goals to be attained.

They will be attained by the men and women who believe in a better and brighter tomorrow, and are willing to work to that end.

They will be attained by the combined interest and influence of organizations like the Polish American Veterans.

For what you have done, are doing and will do—not alone for your own members, but for mankind, for your community, state and nation, I express the gratitude of the United States of America.

ENVIRONMENTAL AGENCY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. DERWINSKI. Mr. Speaker, I have reemphasized on numerous occasions the belief that we must give priority attention to programs combating water and air pollution. This is the concept behind the proposed new agency, the Environmental Protection Agency, recommended by the President. It was with great interest and pleasure that I noted the editorial carried June 20 on WBBM News Radio 78, Chicago, a division of CBS, commenting on the proposed agency.

The article follows:

ENVIRONMENTAL AGENCY

President Nixon's proposed new federal agency to combat pollution seems to us to be a good idea. It is what is needed to start to clean up our environment.

The President will submit to Congress a new agency plan tentatively called the Environmental Protection Agency. It would take over the direction of clean water programs from the Interior Department; from the Health, Education and Welfare Agency it would take over the duties of cleaning up the air and disposal of solid wastes; research and standards on pesticides would be taken from the Food and Drug Administration; and monitoring of radioactivity would be taken from the Atomic Energy Commission.

We recognize that this concept is one of a so-called super agency. But the idea may be worth following. For one thing, the federal government's efforts at fighting pollution is now split up among many agencies. Too often this leads to wasted efforts. By placing all the functions under control of a single agency, it might be possible to fix the blame for failures in any particular program.

Whether this program will work, depends upon the kind of people who are picked to run it, the powers which they are given to carry out the job, and the amount of money appropriated for the job at hand.

In any event, it is an encouraging sign that the President recognizes the grave nature of our environmental problems.

FAITH GIVES PAROLED CONVICT A CHANCE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. STOKES. Mr. Speaker, a story in the June 18 Cleveland Press should serve as a poignant lesson to those in the White House and on Capitol Hill who have opted for simplistic and atavistic solutions to crime in America.

The autobiographical tale relates how a paroled convict with three recorded convictions was offered, accepted, and flourished at a job with the Press. Not only has the author performed admirably in the newsroom, but he has also become an active member of civic organizations and has begun work on his college degree.

Mr. Speaker, 70 percent of those arrested for major crime in this country are "ex-cons." Time and again they return to their previous patterns of antisocial conduct because they have been given no hope by our society for anything better. Mr. Wargo, the writer of the column was given a chance. To the lasting credit of both himself and the Cleveland Press, that chance has paid off. Mr. Wargo will never again be a crime statistic. And it was all accomplished without the addition of a single policeman, prosecutor or judge.

I include the column in the RECORD at this point:

FAITH OF FEW GIVES PAROLED CONVICT CHANCE TO REGAIN A PLACE IN SOCIETY

(By Douglas A. Wargo)

While I worked in The Press editorial department as a copy boy for one year, only Press Editor Tom Boardman; Dick Campbell, Press Managing Editor; Ed Stankiewicz, my supervisor, and a few other Press staffers knew that I was a paroled convict who served a one-year prison term for the crime of forgery.

If I were to violate any of the conditions of my parole—especially the rule which required me to maintain stable employment—I could have been returned to the Ohio State Reformatory, Mansfield, to serve the remainder of my sentence as a parole violator.

However, my story with The Press does not begin at the employment office where the average person might expect one to apply for a job; because I wasn't an average person.

I was a "tax-burden." A ward of the State of Ohio, who before my imprisonment, couldn't "make it" honestly on "the streets."

I wasn't proud of myself and where I had to make my job applications. When I applied for jobs it was from my prison cell at the Ohio State Reformatory, and in my letters I would include my present status and criminal record:

Inmate of Ohio Reformatory with one conviction of forgery; two convictions of petty larceny and one probation violation.

In addition to this information, I stated that if given a job, I would need a letter of employment verification from the employer, which would have to be submitted to the parole officials prior to my hearing.

As half-expected, I received no response—except for a job application from The Cleveland Press, where I mailed a letter inquiring about employment two weeks before.

I filled out this application as honestly as possible. I stated that I never held a job longer than six months; and on one occasion, was fired from a job for tampering with the firms office equipment.

The only things that I could offer that were favorable was a high school diploma—earned at the reformatory—and promises of coming to work every day on time; and being dependable, responsible and a productive employee for The Press.

Two months later, Howard Dye, Ohio Reformatory institutional parole officer, smiling, told me that he had received a letter from The Cleveland Press.

The letter was from Editor Tom Boardman, and it read:

Dear Mr. Dye: This will inform you and the board that the Cleveland Press will hire Douglas A. Wargo, No. 75192, if and when the board acts favorably on his parole application.

His initial employment would be in the editorial department, doing general clerical duties, at a salary of about $84 a week. The hours of the job would make it possible for him to continue his education.

Cordially,

Thomas L. Boardman.

Then in May, 1969, after I was notified I was granted a parole, I wrote Mr. Boardman a letter notifying him of my release date: June 19, 1969.

Shortly after, Mr. Boardman mailed me a personal reply at the reformatory—he wrote:

Dear Douglas: We were pleased to receive your letter of May 20, and impressed by your desire to join us here, and to make a career in journalism.

We will look forward to seeing you here on June 20, and will try to work out a schedule of hours which will best fit your continuing education at community college.

I will be gone on the afternoon of June 20, but if I am not in the office, see Mr. Richard Campbell, who knows all about your job here, and he will discuss hours, etc., with you.

Cordially,

Tom Boardman.

On June 20, I came to the Press and met Mr. Campbell and my supervisor, Mr. Stankiewicz, for the first time. Four days later, I met Mr. Boardman; also for the first time.

Being a copy boy may be trivial work for some individuals. But for me it generated enough hope that my criminal record did not forfeit my right to make an honest living and a chance to make a place in the community.

Even though many convicted felons are willing to work, facts in recent surveys reveal that many convicted felons will never have the opportunity to do so, and as a result, will be returned to prison for committing more crimes.

What happens to those labled as "ex-convicts" is often a crime in itself.

Deserving men, who have paid their legal debts to society are often shrugged off by employers and are denied employment. Perhaps for some reason, they fear having their firms name associated with "ex-convicts," and public reprisal may result.

In addition to being on parole and working at The Press, I have attended Cuyahoga Community College part-time, and have been an active member of the Cleveland Junior Chamber of Commerce.

I have visited a dozen Greater Cleveland area high schools and have warned thousands of students about the pitfalls of crime and prison life in the Ohio Adult Parole program: "Operation Prevention."

Next fall, I plan to attend college full-time and will strive to earn a degree in journalism.

But it was a parole, a job and a little understanding from Tom Boardman, Dick Campbell, Ed Stankiewicz and several other unselfish individuals—including parole officers Tim Walker and Dominick Lijoi—that helped make this story possible.

Without their help, I wonder if I would now be languishing somewhere in a world of hate, insanity and overcrowding at Mansfield Reformatory—bitter, frustrated, defeated and confused?

But instead, it's only the beginning.

HARD-HITTING WORDS BY ICHORD OF MISSOURI

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. RANDALL. Mr. Speaker, in so many instances remarks made outside this Chamber by our colleagues go unrecognized and even unknown because of the failure of some of us to preserve such good things in the Record.

One such instance is the address of my fellow Missourian, Richard H. Ichord, whose congressional district is to the East and who delivered the principal address on Memorial Day, May 30, 1970, at Jefferson Barracks National Cemetery in St. Louis.

This service was under the auspices of the Inter-Veterans Memorial Day Service Committee and sponsored by the 11th, 12th, and 13th Districts, Department of Missouri, Veterans of Foreign Wars of the United States. The general chairman of this year's Memorial Day service was Primus F. Majda who was a past commander of the Department of Missouri VFW. "Prim," as he is known to his friends and associates, is a sincere man. The fact is, the Jefferson Barracks National Cemetery is dear to his heart. Unless he is out of the city because of his duties with the Immigration and Naturalization Service, he visits the cemetery once each week to pay his silent tribute to those who are interred there.

Representative Ichord in his address detailed the history of Jefferson Barracks National Cemetery pointing out that the barracks is a landmark of the western expansion, established as a military command shortly after the Louisiana Purchase in 1803, and subsequently established as the national cemetery in 1863.

After reading the remarks of my colleague, Dick Ichord, I commend him for his appraisal of the wrong way to conduct the struggle in Vietnam. I hail his analysis of the absence of any real cause and effect relationship between an unpopular war and the prevailing demagoguery of young extremists who would seek to destroy America's institutions.

Mr. Ichord's discussion of the best method of disengagement is straightforward and factual. While it was only by a teller vote, I can vouch that he was one of only 32 Members who on the final vote supported the Findley amendment after the hawks and doves turned against it. I know because I was one of those 32 who walked through the teller count with him. His action entitles him to be referred to neither as a hawk nor a dove but as an eagle. Representative Ichord's address contains many thoughts we all need to keep in mind.

For all of us, Memorial Day this year, and next year, and in the years to come is a reminder that it is the responsibility of Congress to provide the needed authorization and the necessary funding for not only Jefferson Barracks but all of our national cemeteries. By providing a last resting place for those who have served their country, we can say: "We knew them in life. Let us not forget them in death. May they rest in peace."

The speech follows:

Address of Congressman Richard H. Ichord at the Inter-Veterans Memorial Day Service, Jefferson Barracks National Cemetery, May 30, 1970

I thank you, my friends, for the honor you have bestowed upon me by inviting me to join in this Memorial Day service to pay tribute to America's fallen sons.

This, indeed, is hallowed ground. It is not only the fourth largest national cemetery in our country containing the mortal remains of some 48,000 American servicemen, it is also the last resting place for men who died in service to their country over a span of history that stretches back to the early 1800's. The first burial is said to have taken place here in 1827.

This Barracks is a landmark of the westward expansion of these United States. In 1803, President Thomas Jefferson negotiated the Louisiana Purchase and not many years later, Jefferson Barracks was established as a military command on the eastern boundary of that vast territory.

In a day and age when our American heritage is so often misrepresented by the propaganda of our external enemies and by the mindless distortions put forth by the militant extremists of revolutionary fervor here at home, it is helpful to remind ourselves that most of our nation's land growth resulted from peaceful real estate transactions, rather than by military conquest.

There were some exceptions, admittedly. But from the acquisition of Manhattan, the Louisiana and Gadsden purchases and the buying of Alaska, together with numerous but lesser known agreements, we may fairly assert that the territory of the United States—in the main—was acquired by treaty and diplomacy.

The Louisiana Purchase, of course, was the largest and most important single addition to our territorial enlargement. It gave America its heartland—the richly productive Middle West coursed by those mighty arteries of commerce, the Ohio, Missouri and the nearby Mississippi rivers.

And in the heart of this mid-America lies this National Cemetery, a final resting place for those willing to pay the supreme sacrifice to secure our future and keep alive the torch of liberty.

It is about that future and that liberty that I would like to speak today.

America is not doing a very good job of seeing to it that those who are buried here did not die in vain.

We are a nation divided by a very unpopular war, by the demagoguery of extremists who seek to destroy America and its institutions, and by a real or imagined gap in generations wider, perhaps, than any we have ever known.

Campus radicalism this spring has reached such extremes that the entire system of higher education is in jeopardy. Among those most militant student elements who find

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virtue in violence, reason has been replaced by riots, common sense has been scuttled in favor of four-letter rhetoric, and book burning has been substituted for book learning.

Though many of our young people are sincerely motivated by concerns for the inequities in our social, economic and political life, as well as the bitter taste of a long and costly war in South Vietnam, many are not.

Some of those who are not are the products of upper middle-class affluence—part of Dr. Spock's spoiled generation—who received so much and gave so little that life became a terrible bore and riotous behavior provides considerably more excitement than hard work and self-discipline.

Then, at the very core of today's militancy is a highly disciplined band of revolutionaries at the extreme Left of the political spectrum whose avowed objective is simply the destruction of the United States of America.

These dedicated cadres are the exploiters of unrest. Many are Communists, either in thinking, in political affiliations, or both. A few are just plain anarchists. Others are nihilists, neo-Nazis clothed in the modern trappings of the New Left. They brand this nation as a hated imperialistic regime, a corrupt capitalistic society which must be destroyed.

These hard-core exploiters employ established Communist revolutionary techniques for raising the tenor of dissent to the level of violent confrontation by such methods as giving perfectly acceptable words like peace, democracy and free speech contradictory meanings. When they speak of "peace" they actually mean "surrender." When they speak of "democracy," they actually mean "totalitarian control." For example, "free speech" at Berkeley campus in California was the banner issue used to deny freedom of speech to those who disagreed with that militant minority bent on using the facilities of the University of California as a base for prompting revolution.

Many of the New Left exploiters are in key positions on the faculties of our schools of higher learning. They are effectively feeding the impressionable young minds of today's youth with Marxist concepts while tearing down the American heritage.

Is it any wonder that young people who are subjected to such instruction and then attend a campus rally to hear the harangues of radical leaders like Abbie Hoffman, Rennie Davis, David Dellenger and Jerry Rubin, then turn to mob violence on the slightest pretext?

Just two weeks before the tragedy at Kent State University, Rubin told 1,500 students at that institution (and I quote):

"We've all got to become criminals. We've got to break every law—disrupt every institution—we have to invent new laws to break."

In that same speech he repeated what he has been saying in his lectures of hate all across America in recent weeks—that to be a real revolutionary one must be prepared to kill his or her parents and destroy our schools.

By the same token, others convicted in the recent Chicago conspiracy trial—thanks to the benefits of our judicial system which allows bail bond freedom to defendants appealing the decision of the court—are traveling up and down our land preaching a message of hate for the United States and receiving generous honorariums and enthusiastic receptions for the privilege. It is easy to play the part of a daring Che Guevara when one is guaranteed all the constitutional protections in time of peace. But these men make a mockery of the very freedoms that the men buried here at Jefferson Barracks fought so hard to win and preserve for all of us.

I stand before you today as one ashamed to think that this great land of ours has become so permissive and tolerant of the excesses of its radicals that some of its foremost spokesmen and some of the most influential news media frequently generate more sympathy for advocates of student violence than for the tortured American servicemen imprisoned in North Vietnam.

I deeply resent an attitude of intellectual arrogance that prevails in some quarters today which tramples over the rights, manners and morals of hard-working, sincerely religious and deeply devoted middle class workers in our society while extolling the virtues of drug users, "hippie" cultists and Black Panthers.

Vietnam is a frustrating problem that has seriously divided this country. We became involved, and then we started to debate our involvement. We began to brand one another as "hawks" or "doves." As many of you know, I have disagreed with the way the war in Vietnam has been fought from the very beginning. I am opposed to war as strongly as any one in this audience. I cannot justify war on a moral basis. War is horrible as well as expensive. One salient truth has emerged from Vietnam; namely, "wars must be fought to win or not fought at all." This has always been my criticism.

How many are prepared to give their lives for limited war, with limited means, for limited objectives?

President Eisenhower, President Kennedy, and President Johnson apparently thought that our interests and the interests of world peace necessitated our involvement, but political conditions were considered to be such that we could not fight to win. This was the fatal error. If political conditions were such that we could not fight to win, we should never have become involved.

But all the mistakes of Vietnam are now history. We became involved and we are still involved! There is no need to cry over spilled "milk"!

If I were in the President's position, my approach to Vietnam would vary in many respects, but I am not in the President's position, and this is true of all the critics of the plan of Vietnamization and the orderly withdrawal of troops from the war.

The President's plan of Vietnamization, in my opinion, outlines a reasonable course of action under the circumstances.

There is no guarantee that it will work, but its chances of success, I think, are reasonably good. Whether it works or not must be left to the future. There is, however, one certainty. It will not work if we listen to the carping voices that offer no responsible alternatives.

Americans do not have to agree with the policies of this or that national administration. We do not have to agree with the administration's foreign policy or specifically the policy in Vietnam.

I applaud our freedom to disagree.

But I will never accept the proposition that American fighting men committed by higher authority, many no doubt committed against their wishes in the furtherance of our national policy, deserve any less than our unswerving support until such time as they are brought safely home and the policies or requirements make their further contribution unnecessary.

This is why I have not criticized the action in Cambodia to destroy the enemy sanctuaries that should have been destroyed from the military standpoint years ago. I am concerned about the spread of the war, but I cannot bring myself to criticize the destruction of bases which have been used as a springboard from which to kill my fellow Americans.

115,500 troops have already been withdrawn. We should not compel those who remain to stand and fight with one hand tied behind their backs.

Despite all the confusion, the principal area of disagreement, in most cases, appears to center around the method of disengagement and this confusion apparently extends to us members of Congress if the deliberations of May 6, by the House of Representatives are any criteria. After rejecting amendments that would have prohibited American combat troops in Cambodia, Laos, Thailand and North Vietnam by votes of 215 to 70 and 215 to 132, the House adopted the Findley substitute by a vote of 171 to 144. The Findley amendment would have forbidden combat troops to be deployed to Cambodia or Laos without the prior consent of Congress except for an emergency to be determined by the President. But, on the final vote on the Findley amendment, both the "hawks" and "doves" turned against the amendment, and only 32 Members voted for it even though the President had stated he would accept it. I was one of those 32 people who voted in favor, and as long as some people insist on discussing the war in terms of "birds," I would hope that my action entitles me to be referred to as an "eagle."

But all of this goes to show that peace is not served by emotion and hysteria, carping and demagoguery, or even flamboyancy and chauvenism. This nation cannot shout its way out of the war in Southeast Asia. It is a hard and difficult problem.

One of the headstones on a grave in this cemetery names Private Richard Gentry of Virginia. His remains were transferred to this site less than thirty years ago by his great-grandson, Mr. William R. Gentry of St. Louis. The grave bears this inscription regarding Private Gentry—"Present at the capture of Cornwallis at Yorktown."

The others buried here were defenders of this nation in the War of 1812, the Mexican War, the Civil War, the Spanish-American War, two World Wars, Korea and Vietnam.

I would be quite willing to guess that many of those buried here did not always agree with the policies of their government. This certainly applies to the 1,140 members of the armies of the Confederacy whose bodies lie buried here alongside the more than 12,000 Unions whose last resting place is on this site.

But the fact remains that those we honor this Memorial Day, 1970, died in service to their country whether they came from North, South, East or West. And out of the blood they shed and the lives they gave has been built the greatest nation under God ever consecreated beneath freedom's banner.

They fought in the American heritage to preserve our future. You and I must fight to see that these men cradled now in the arms of their Maker, did not die in vain.

OUTDOOR WRITERS ASSOCIATION OF AMERICA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. DINGELL. Mr. Speaker, the Outdoor Writers Association of America, at its annual conference at Coeur D'Alene, Idaho, on June 22, 1970, unanimously adopted a resolution supporting efforts in the House to secure full funding of $1.25 billion for the construction grant program authorized by the Clean Water Restoration Act of 1966.

Since the House will be considering this appropriation on Wednesday, June 24, I include the text of the OWAA's resolution at this point in the CONGRESSIONAL RECORD:

RESOLUTION

Whereas the OWAA has played an active role for many years in the conservationist's fight for clean water and air, and

Whereas the OWAA has continually brought to the attention of the public through the writings of its members the dangers of air and water pollution, and

Whereas air and water pollution have reached a critical stage in many areas of this country, and

Whereas the U.S. House of Representatives is currently considering the public works appropriation bill for fiscal year 1971,

Therefore be it resolved that the OWAA go on record as supporting the efforts of conservationists to obtain full funding in the amount of $1.25 billion in appropriations for the construction grant program of the Clean Water Restoration Act of 1966.

RAILWAY SAFETY LEGISLATION A MUST

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. FULTON of Tennessee. Mr. Speaker, a major holocaust was somehow averted this past weekend when a freight train carrying tank cars of compressed propane gas derailed at Crescent City, Ill.

Some 70 persons were injured, seven of them requiring hospitalization. Thanks to good fortune, however, there were no lives lost.

A detailed account of this accident appeared in the June 22 edition of the Washington Post and I request permission to have that news item placed in the RECORD at this point.

WRECK, FIRE RAVAGE ILLINOIS TOWN

CRESCENT CITY, ILL., June 21.—A freight train carrying tank cars of compressed propane gas derailed today, setting off explosions and fire that raged across one-third of the town and destroyed half its business district.

Officials said about 70 persons, most of them firemen, were injured. Most of the injured were treated and released from area hospitals, but seven were hospitalized.

Residents of the community of 700 persons, about 100 miles south of Chicago near the Indiana border, were evacuated and the town was sealed off.

State police said at least 10 homes and a block-and-a-half section of the town's business district, near the railroad tracks, were destroyed and other buildings were damaged.

CAUSE UNKNOWN

Authorities said the cause of the derailment was unknown.

Chemical foam was brought in to fight the explosions but heat from the blasts kept firemen from getting close enough to use the foam effectively.

The explosions ruptured mains at the water pumping station near the tracks and water was trucked in by fire departments from 15 surrounding communities.

Telephone and electrical service was knocked out.

Witnesses said metal fragments from the exploding tankers were shot as far as three blocks away from the derailment and gouged holes in the ground. One resident said half of a tank car landed in a yard two blocks from the tracks.

State police said the derailment occurred as an eastbound Toledo, Peoria and Western Railroad freight train moved through the center of town. They said 11 cars containing compressed propane gas and one car containing acid left the tracks. The freight-only feeder railroad operates in Illinois, Indiana and Iowa.

CARS BACK OFF

Railroad officials said the derailment occurred near the front of the 113-car train. The cars behind the gas tankers were backed off out of town and the crew went on with the first 25 cars to Effner, Ind.

Police said the tanker explosions shot flames to nearby buildings and that fires spread rapidly throughout town because there was no water.

Fire departments from surrounding communities were called in but their pumping trucks were running low on gasoline, he said, and additional fuel was being driven in.

A wave of heat followed one of the explosions, which shot "a massive ball of orange flame and black smoke into the air" said one newsman. Another said the heat of the blast could be felt three miles away.

Mr. Speaker, the cause of this accident is not known at this time and probably will not be documented for some days or even weeks. However, the seriousness of this accident and the potential for disaster that existed at Crescent City illustrates the urgent need for railway safety legislation which has far too long been unfulfilled.

Fortunately it is reassuring to note that just recently the gentleman from West Virginia ordered reported from the House Interstate and Commerce Committee a new railway safety bill along the lines of legislation which I have cosponsored for several years. The committee bill has been termed by one member of the Washington office of the United Transportation Union as "the most progressive legislation in this field in years."

This bill is now before the Committee on Rules and should be before the House in the very near future. Passage by the Congress cannot come too quickly. The provisions in the new bill may just prevent a reoccurrence of another Crescent City accident or disaster of greater magnitude.

SIXTY-FIVE YEARS OF DEVOTED PUBLIC SERVICE OF MISS EMILIE LIMBERG

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. PICKLE. Mr. Speaker, it is not every day that one is privileged to pay tribute to a person who has devoted 65 years of her life to working for the people of one county, but that is the record held by Miss Emilie Limberg, who has reigned over the Travis County clerk's office since 1933, and before that serving as a deputy clerk since 1905. "Miss Emilie," as she is fondly known by all the legions of people who have come in contact with her, celebrated her 86th birthday recently, and at the end of her term in January, she will retire after a job more than well done.

On April 1, the Austin American Statesman ran the article which follows about "Miss Emilie." With it was a photograph showing her, as aptly described in the article, at an "Oliver" typewriter like the one she learned to type on 65 years ago. Mention of this machine alone brings back many fond memories to some of the longtime citizens of Travis County, especially to the countless who secured their marriage licenses from her.

It has been my personal privilege to know Miss Emilie Limberg through many years, and along with her host of friends, I wish to publicly wish her much happiness when she leaves her office next January. She will never leave the hearts of her fellow citizens in Travis County.

Mr. Speaker, I include the following article from the Austin American Statesman:

COURTHOUSE PARTY TODAY TO HONOR MISS EMILIE

(By Bill Cryer)

The old Westinghouse refrigerator still chugs away in the store room in the Travis County Clerk's office like it has for the past four decades, making ice in "less than an hour" for Miss Emilie's daily ration of sipping water.

Miss Emilie Limberg, the state's first woman deputy clerk and by all accounts the elder governess of the Travis County Courthouse, is 86 Wednesday—All Fool's Day.

This will be her last birthday as county clerk. At the end of her term of office in January she retires after 65 years of working for the county.

Miss Emilie, the picture of what a county clerk ought to look like—rimless glasses, sweater and reddish hair, which is remarkably less grey than persons decades her junior, sits in the center of her realm.

To one side of her desk is the stemmed beer mug which is constantly refreshed with ice water from the old Westinghouse refrigerator, to the other side is usually a flower.

In the middle sits Miss Emilie watching her 33 deputies go about their duties recording volumes and volumes of deeds, abstracts, marriage licenses and mortgages.

She is, as she has been since 1963, master of all she surveys.

In 1933, Miss Emilie became county clerk after serving as a deputy clerk since '05.

In that year, fresh from graduating from Griffith Business College and a job "just for the experience" with an attorney, Miss Emilie joined the clerk's office as one of five deputies.

Mrs. Bertha Zuch remembers those early days when Miss Emilie was a deputy for Fred C. Malone, the county clerk.

"She was the one who softened things," recalled Mrs. Zuch who is a deputy clerk for Miss Emilie.

Mrs. Zuch was always late for work and each morning as she sneaked into the office, then at 11th and Congress, she would invariably step on a loose stone in the old courthouse causing a rattle which caused Malone to notice her tardiness.

Miss Emilie, however, sometimes would aid her tardy friend by saying something to Malone to distract his attention from the tattle-tale noise of that loose stone.

Mrs. Zuch, who gave Miss Emilie her famous beer mug 15 years ago, recalls that Miss Emilie can eat almost anything and, in fact, has a fondness for hamburgers—all the way with onions.

Above all, Mrs. Zuch tells visitors, Miss Emilie has been good to her employes—"She's been too good to us. Somebody else would have kicked us out," she said.

As for Miss Emilie herself, her 86th birthday will be marked as the last of a court-

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house tradition—an afternoon of coffee, cakes and punch.

"I'll be 86 years old tomorrow, it's about time I retire," she said adding quickly, "not that I want to."

She will, of course, miss the people most of all.

("We love ya," an old gentleman told Miss Emilie Tuesday afternoon. "We're going to miss you.")

"I like the office, I was in the office so long and it was part of me," Miss Emilie said. When she leaves she doesn't know what she will do, "I haven't made up my mind yet."

She undoubtedly will do a lot of resting in her home at 2000 University Ave.—where she has lived for 76 years of her life.

She will also undoubtedly listen to music and watch television—two of her favorite pastimes.

She will also undoubtedly go to bed before 9 p.m. and get up before 4 a.m. to watch the sun come up, as she has always done.

Her time will be spent with Buddy, her dog, (all her many dogs carried the name Buddy after a favorite nephew) and a niece who lives with her.

Her time, she said, will not however include "making Freida (Whacker, a long-time deputy clerk) behave" and it will not include a beer mug full of ice water.

"To tell you the truth," Miss Emilie confided, "I'm not particularly crazy about ice water."

VOICE OF DEMOCRACY CONTEST WINNER

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. POLLOCK. Mr. Speaker, today I have the distinct privilege of sharing with this distinguished body an essay written by a young man from my State, Mr. Stacy Taniguchi. Mr. Taniguchi is 17 years old and the author of the award-winning speech that won the Alaskan portion of the Veterans of Foreign Wars Voice of Democracy contest.

Mr. Speaker, I was very impressed with Mr. Taniguchi when I met with him in Washington a few months ago. I found him to be a thoughtful young man of intelligence and character. My talk with Mr. Taniguchi convinced me once more that the vast majority of American youth is better educated and better informed about the affairs of the world than we were at their age. I sincerely believe that we can indeed be proud of Mr. Taniguchi and the majority of young Americans whom he so excitingly epitomizes.

In order that I may share Mr. Taniguchi's thoughtful ideas with all of you, I include his essay in the CONGRESSIONAL RECORD:

As I stand in front of a huge marble sculpture, I see what is freedom's challenge. I visualize in that sculpture all the contentions that man had to face in order to keep his liberty.

There is a touch of his ambition and spirit that made freedom as we experience it today possible. The scars of war and fear that made him suffer and die for what he so faithfully believed in are clearly marked in the marble stone. The long hard struggle to organize a democratic government out of the turmoil and spoils of a bloody war is symbolized in the unique formation of this piece of art. The threats toward the destruction of their freedom that was established are molded distinctly for each experience. And the doubts and confusion that plagued the minds of men are crudely stained on the sculpture, indicating the doubts and confusion that still exist today.

I feel a sensation of helplessness as I gaze upon this symbolic masterpiece. Seeing what is the challenge that my generation must face is terrifying and makes me wonder if I have the same ambition and spirit to battle this challenge. Then I think of the men that live today and their spirit and ambition to conquer our defyers. Those who fight the enemy in foreign lands and who suffer and die to keep the ways of life free and peaceful here for us. I think of the men who remember the hard and grueling pains that were suffered to bring us that freedom and peacefulness and how they keep that memory alive in our books and schools. I think of the men who give of themselves to serve their constituents and to work towards the betterment of our country and society.

The world today seems to be filled with the challenge, even though everyone desires that same freedom and peacefulness. It's hard to believe that even with the same longing, man must stil combat the greed and deceit of this need.

As I reflect on these thoughts, I begin to note the sculpture again and the part I play to face freedom's challenge. I gaze on its dare and the defiance that gives me an inspiration to prepare myself. The preparation is no easy task. It requires hard work and study to understand the challenge. I must be willing to pay any price, bear any burden, confront any hardship, help any friend, and oppose any foe to assure the survival and success of liberty. I must believe in the freedom and the essence of life. To give of myself in order to gain this victory and most of all to understand man himself.

For the sculpture that I stare at is a statue of man. His body stands as a Greek god with all the hate, greed, and desires inscribed in his facial features. He makes no gestures except that of his hand reaching out to take something away. And the horror of it all is that I can see myself in this statue. My inequities are visable and the nature of my existence is portrayed in its work. We are the challenge to freedom. You and I must realize that we are a part of this sculpture. For centuries man has desired liberty, and everytime there was an opposition. Who stood in his way? What was the course of our early Americans coming to a new world? Why was the American Revolutionary War fought? Man wanted freedom but man was also the obstacle. He confronted his own species, fought his own kind, and died because his brother had different ideals. This statue represents freedom's challenge, for only man can destroy freedom, only man can take away liberty. Man will be the everlasting challenge.

But as I look over the staute once again, I see that the statue is still unfinished. This symbolizes the future; and maybe someday, somewhere, someone will carve man's destiny.

A TANGLED TEXTILE WEB

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. MANN. Mr. Speaker, there is much concern among the textile employees of this country over the failure of the Nixon administration to support the Mills bill or to use its full clout in bringing about a favorable agreement with Japan. The dismissal of Assistant Secretary of Commerce Kenneth N. Davis, Jr., has revealed that Mr. Nixon is being strongly influenced by the free traders and internationalists on his staff. It is my hope and the hope of millions of Americans whose livelihood is threatened that Mr. Nixon will recognize the threat to our domestic economy and act accordingly. The Greenville News has analyzed recent developments very astutely. I include their editorial of June 21, 1970, at this point in the RECORD.

A TANGLED TEXTILE WEB

This is a weekend of suspense for 2.5 million American textile workers, their families and countless others whose economic well-being depends upon the health of the textile industry.

The past week saw another in a long, dismal series of postponements of positive action to control foreign imports which threaten to wreck the domestic industry. Ahead is a period of uncertainty while American officials negotiate once again with hard-nosed Japanese in an effort to get a voluntary agreement on controls.

Although Commerce Department officials express hope for a "breakthrough" in negotiations, requesting postponement of a hearing on control legislation pending in Congress there are ominous signs of division within the administration on the subject.

The abrupt dismissal of Assistant Commerce Secretary Kenneth N. Davis, Jr. on Friday is disheartening. His ouster came shortly after Secretary Davis said high-level White House staff members were misleading President Nixon on the imports question and were trying to undercut efforts to get reasonable controls. The assistant secretary named the powerful Harry Kissinger, Peter Flanigan and Paul McCracken, all regarded as internationalists who put overseas development ahead of domestic economic considerations.

The timing of the Davis dismissal is most alarming. It came on the brink of textile talks between Secretary of State Rogers and Commerce Secretary Stans, representing the United States, and Foreign Minister Aichi and Trade Minister Miyazawa, representing Japan. The meeting is scheduled for Monday.

Although Secretary Davis courted dismissal by criticizing other high government officials, the fact that he exposed the antitextile element in the administration would indicate he and others felt they had failed to win a firm administration commitment for textile imports quotas. This is underscored by Secretary Davis' dismissal before rather than after the American-Japanese talks.

By announcing the Davis ouster before the high-level negotiators sit down, the administration exposes to the Japanese the weakness of its pro-quota position. No doubt the Japanese will exploit that division and weakness to the fullest.

Even should the Japanese accept any trade terms, the agreement will be less favorable to the American textile industry and its workers because of the Davis episode and the way it was handled.

So another dreary development comes atop the many delays of the relief promised by President Nixon those many months ago. All of last year dragged by with fruitless negotiations. Relief was promised for February. Then for April or May. Now June is waning and an obvious split within the administration is exposed.

Perhaps something positive will develop next week. If not, so far as 2.5 million textile employees, including about 160,000 in South Carolina, are concerned, the time has come for President Nixon to take personal charge, and straighten this thing out once and for all.

PRESERVATION OF THE REPUBLIC

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. STEED. Mr. Speaker, early in June an old friend of mine who has made his mark both as a lawyer and a banker delivered a speech he titled: "The Business of Banking in the Preservation of This Republic." His thoughts are so attuned to the problems on this present hour, I was so impressed as to say that I have heard or read no words that appeal to me more for their weight and their articulate zeroing in on the target.

The speaker was Mr. Jack T. Conn, chairman of the board of the Fidelity National Bank and Trust Co. of Oklahoma City, and former President of the American Bankers Association. He has also held national office in the American Bar Association. I share this excellent speech with you. It follows:

THE BUSINESS OF BANKING IS THE PRESERVATION OF THIS REPUBLIC

The classic story of indifference in time of peril is that of Nero fiddling while Rome burned. Under like circumstances, there is little difference between fiddling and silence. Were I to take these minutes to discuss with you the limited area of present danger to the commercial banking system and to omit the ominous portents of the destruction of this Republic and this society, that omission would indict me as apathetic, insensitive and unmindful of the "signs of the times." Commercial banking is identified with the establishment as an integral part of the capitalistic system and as the strong bastion of this democratic form of government. We are the number one enemies of anarchists and revolutionaries committed to supplanting this government and this economic system with some form of communism.

Were a stranger to this world to objectively assess the accomplishments of this nation and to weigh them against purported errors, he would be amazed and incredulous at the attacks made upon it by its own citizens.

What has this nation accomplished? Lest it be said that I refer to ancient glories, let's examine the past seventy years. In that time:

We have fought and won two world wars. In 1917–1918, we helped turn back the armies of Kaiser Wilhelm bent upon conquering France and England, and in 1940–1945, stamped out Hilter, whose hate-filled, paranoiac mind encompassed the utter destruction of Western civilization and the resolution of the Jewish question by the simple and ungodly process of utter and complete extermination of every Jew, and we brought to a halt the aspirations of conquest of the Japanese Empire.

Those who endorse peace at any price and who refer to government officials from the President of the United States to police officers and the R.O.T.C. as "pigs" have forgotten their right to dissent has been vouchsafed to them by the blood of those who gave their lives for this country. They have forgotten:

"In Flanders fields the poppies blow between the crosses, row on row—"

Following World War II, we engaged in a program of rehabilitation and reconstruction worldwide in scope and never approached in cost and depth in all the long history of mankind.

Through the Marshall Plan this nation rebuilt the economies of Turkey, Greece, Austria, Italy, France, West Germany, Belgium, Holland and England, and we committed substantial aid to our fallen foe, the Japanese. Never had man witnessed such an outpouring of monies in aid of world neighbors. The Marshall Plan, the Point Four Program and other projects, including the Peace Corps, stopped the advance of communism and since 1946, not one single major power has succumbed to the Russia orbit. The Iron Curtain, as epitomized by the Berlin Wall, has literally justified its appellation.

What has this nation, this democracy, this capitalistic system, this establishment, done for its own people?

At the turn of the century, the average life expectancy was fifty years. Today, it is seventy-two years. Contagious diseases, like small-pox, diphtheria, scarlet fever have almost become extinct. Poliomyelitis is no longer an unconquered disease. No one in this nation need want for medical care or requisite hospitalization. Through Medicare, those of 65 years of age are assured of medical treatment and hospitalization without cost to them.

Unemployed are paid unemployment insurance; our aged receive pensions, and social security grants are ever widening with increasing benefits. This country aids its blind and provides support to dependent children.

No nation boasts of a better public school system and there is no young man or woman who is now prevented from attending a college or university through lack of funds.

The average per capita income is the envy of lesser lands and Americans enjoy the highest standard of living in history.

In the past twenty years significant advances have been made in the fair and equal treatment of ethnic minorities. Like the walls of Jericho, the bars of discrimination are beginning to come tumbling down. Nowhere is the right to vote denied because of race. Our public schools are open to children and youth of all races. There are no longer restrictions prohibiting where one may live because of his race. Equal opportunity in jobs and advancement is becoming more of a reality and less a cliche.

This country's tremendous achievements in heeding the admonition, "love thy neighbor" have been attained through democratic processes and fueled by the free enterprise system. We have had no dictatorships and there has been no responsible suggestion that the liberties of freedom of speech and of the press be inhibited or constrained. We have been and still remain the land of opportunity. As testimony to the absence of an economic, hereditary oligarchy, one may point to the salient fact that a substantial majority of this nation's businesses and its banks are run by those whose origins were middle class families.

While in these times one is almost persuaded to refrain from measuring national success in terms of the material wealth of its citizens, on that basis the future of the United States glows with economic brightness. J. J. Servan-Schreiber in his book, "The American Challenge," predicts that within thirty years from 1968, the annual per capita income in America will be $7,500; that a working year will be comprised of 39 work weeks and 13 weeks of vacation and with weekends and holidays, there will be 147 work days a year and 218 free days.

What I have said should not be construed as a claim that this country has done in the past all that it should have done, nor should my remarks be interpreted as assurance that the problems which now beset us can be or will be solved with alacrity. The elimination of pollution, the clearing of slums and ghettoes and the rebuilding of our cities cannot be effected in weeks or months or a few years. The prejudice toward racial minorities cannot in finality, be exterminated save through the passage of time, and true equality shall come to minority groups only through education. Some day prejudice shall be eradicated and we shall accord to men their right and due of human dignity and some day I hope we will all become color blind—to see a man as a man and not the color of his skin.

We have not succeeded in removing the threat of total nuclear annihilation, an annihilation so complete as to make this planet as devoid of human life as the barren and lifeless moon.

American democracy claims no easy panaceas. It does claim that its efforts, sometimes halting, sometimes mistaken, to achieve peace in this world and to better the life of every man, woman and child who inhabit it, shall never cease. It does claim that no nation has done so much for so many.

Many of our citizens do not agree with this appraisal of our accomplishments and vehemently disagree in the prediction that the vast problems confronting us can be or will be solved within the framework of this government and its capitalistic system. They say America will not seek world peace, for the military-industrial complex cannot afford peace. They assert that pollution will not be eradicated so long as pollution is profitable. They believe the managers of the free enterprise system will continue to successfully oppose a better and more equitable distribution of wealth. They contend that equality of economic opportunity for minority groups shall never be realized. In summary, they say that those exercising governmental and economic power have no real concern save the maintenance of the status quo; that reform within this government and within this system is impossible of attainment, and, therefore, both must be extirpated root and branch. They subscribe to the slogan, "a bas l' etat".

It is not clear what they would substitute for this democratic form of government and for this economy predicated on free enterprise. They offer no proposals beyond destruction. They appear to promise nothing save the hope that out of the ruins there will emerge some form of government, some type of economic system which will speedily effect their aspirations and ideologies. From their words and actions the sole decipherable certainties are that some of them are indoctrinated with Marxism and most of them are convinced their goals can only be achieved by anarchy and revolution.

Although the characterization of an alarmist is not a pleasant one, I risk it to say that what we see today, if the past be prologue, is the evolution of revolution.

The undergirding of every stable government and of every great civilization has been respect for law and in democracies it has been the willingness to abide by the laws established by the majority. Today, the phrase "law and order" is treated with opprobrium as witnessed in the scandalous conduct of defendants and counsel in the celebrated Chicago Seven Trial. Those who burn down buildings on college campuses justify their acts by the appeal to what they characterize as the higher law of conscience—that if conscience dictates universities be closed and destroyed, the state should not interfere. After burning down a bank in California the arsonists felt they were exculpated by saying they had forewarned banking officers of thier intentions. Some disidents believe if acts of violence are motivated by political considerations the actors should be exempt from punishment since imprisonment for political crimes is contrary to the guarantee of liberty.

The asserted right to flout the law, to insult courts and to escape punishment by intimidation and threats is not limited to acts of violence allegedly dictated by conscience or political tenets. Some would set at naught the entire judicial process. In a recent paper published by the Center for the study of Democratic Institutions the author asserts

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that juries should be informed that they are not bound by the instructions of courts—that is that juries are not bound by law. This concept would transform the nation from a government of law to a government of men.

Lewis F. Powell, Jr., Past President of the American Bar Association made this correct evaluation:

"An ordered society cannot exist if every man may determine which laws he will obey—that only just laws need be obeyed and that every man is free to determine for himself the question of justness."

In increasing degree, we are confronted with what Brinton in his book, "The Anatomy of Revolution" refers to as "the transfer of allegiance of the intellectuals." We can view with disdain the actions of college students who take over college buildings, occupy the administrative offices and generally interrupt the orderly life of the colleges and universities. We can find some consolation by iterating and reiterating that student protesters represent only a small minority of student bodies. While that may be poultice for our pain, there is no room for discounting the fact that in many instances members of the faculty have joined in and, indeed, led the student demonstrations and riots. We are naive if we do not realize the presidents of some of our colleges and universities agree with the ideologies of their student dissidents and that they, too, decry reform and tacitly embrace revolution as the sole realistic answer.

There are signs that a few in the higher echelons of both the executive and legislative branches of the government are beginning to distrust their own abilities to meet the present challenge and the multitudinous problems that face us in the future. They see the weakness of reliance on centralized power yet fear its relinquishment. They find themselves vacillating from support of the chief executive to control of executive authority through legislative restraint. They are beginning to wonder if democracy is equal to its task.

Thus far the forces of revolution have been contained through the prosperity of the American economy. We have not had a financial breakdown. Are we headed for one? The hope of a sound fiscal policy and a balanced budget have "gone a glimmerin'." Inflation has not been stopped and if prices and wages be the criteria it has not even been curtailed. Monetary policy, designed to reduce inflation to a sustainable rate, has moved toward the objective of slowing down price and wage advances by precipitating a reduction in the gross national product, an increase in unemployment, and a recession and it has inadvertently contributed to the fears of a depression, as reflected by the appraisal of the stock market. Inflation can be stifled by monetary policy but the price of a pronounced recession at this time is too high. We cannot afford an economic debacle.

Unless there is a return to respect for law and the judicial processes of our courts; if the movement of our intellectuals to the cause of revolution be not abated; if distrust in our own ability to rule ourselves shall mount and if we permit a significant recession accompanied by a financial breakdown, then we shall be confronted with the classic elements on which revolutions have heretofore been fomented.

If this analysis be not grim enough, we must consider the frightening impact of the Vietnam War and its extension into Cambodia. That the Vietnam War has contributed to and, perhaps fathered the elements of revolution about which we have commented, cannot be denied. The argument involves only the issue or degree. While history may bear out the wisdom of the nation's intervention in Vietnam, one must question whether the gaining of every objective in the prosecution of that war counter-balances the divisiveness which it has created.

Most of us have neither the will to win the war nor the heart to accept defeat with its sure, swift and brutal punishment of our allies, the South Vietnamese. The more we vacillate, the deeper our troubles become. As John Gardner, an eminent Republican who heads the Urban Coalition, observes:

"While each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates. I use the phrase soberly, the nation disintegrates . . ."

The sharp and divergent polarization of the flanks with vacillation in the center contain little hope of an immediate, acceptable, honorable peace. The longer the war continues the more it strikes at the heart of this nation—the will to fight. When the people of a republic lose that quality the nation becomes prey to those who would conquer it as so clearly noted in Shirer's, "Collapse of the Third Republic."

Are we nearing the fulfillment of MacAulay's somber prophecy? One hundred thirteen years ago the great English historian said in a letter to his American friend, Henry S. Randall:

"Either some Caesar or Napoleon will seize the reins of government with a strong hand; or your republic will be as fearfully plundered and laid waste by barbarians in the Twentieth Century as the Roman Empire was in the Fifth—with this difference . . . that your Huns and Vandals will have been engendered within your own country by your own institutions."

What then is the business of banking? The business of banking, my friends, is the preservation of this republic.

As a Republic the affairs of government are controlled by officials whom we elect by democratic process. This Republic shall survive and shall live to confound its critics and silence its enemies if the executive and legislative branches of the federal government be occupied by men capable, desirous and committed to meeting the problems that beset us. We should choose those who believe in this Republic and in democracy and who hold that no other system offers or can offer so much for its citizens. We should elect those who in matters critical to the nation will rise above partisanship. We should send to the Congress members who recognize that if the President, whoever he may be, shall be made their vassal, then the nation will want for direction and be bereft of its one clear voice. We must defeat those whose sole answer to dissent is incarceration of the dissenters for they would, in finality, proscribe the liberty of all and substitute for this Republic, founded on the guarantees of freedom of speech and freedom of the press, a police state as evil as that of any dictatorship. Finally, we must choose those who are dedicated to uniting the people of this nation, whose armament is the power of reason and suasion rather than the spear and arrows of diatribes and pejoratives which when employed do little but drive us apart.

How may we elect those meeting these criteria? We must divest ourselves of the comfortable role of spectators and become political activists. We must campaign for and financially support candidates of either party whom we judge best able to serve this Republic. The day of apathy has expired.

The business of banking is the preservation of this Republic. The challenge is here, our duty is patent, the time is now. What is your answer?

AGAINST CONTINUATION OF THIS WAR

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 23, 1970

Mr. WOLFF. Mr. Speaker, the war in Indochina has raised indignation from many sources. Recently, I received a letter from the Locust Valley Religious Society of Friends, which I include in the RECORD as evidence of another important group calling out against the continuation of this war.

The letter follows:

JUNE 16, 1970.

Hon. LESTER L. WOLFF,
Cannon House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN WOLFF: At its regular Meeting held Sixth Month 14th, 1970, Matinecock Monthly Meeting for the Religious Society of Friends approved the form and substance of the following minute which was approved by the Representative Meeting of New York Yearly Meeting and directed me, as Clerk, to forward a copy to you and to our Senators:

"The Representative Meeting of New York Yearly Meeting of the Religious Society of Friends expresses its opposition to continuing American participation of any kind in war in Indo-China. It encourages a general reordering of national priorities away from military goals and methods to give first emphasis to programs which contribute to the dignity and growth of the individual, both in this country and throughout the world. Consequences of this should include a sharp reduction in expenditures for armaments, their elimination in the near future, and the elimination of the draft."

Faithfully yours,
FREDERICK E. WILLITS,
Clerk.

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